



# 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  
Ciro Sebasco  
Neal Hendrick  
Blake Arp  
Brantley Green

## Staff

Pam Thompkins, Zoning Administrator  
Marnie Leonard, Asst. Zoning Admin.  
David P. Jordan, Planning Director  
Elise Crosby, 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**

*September 11, 2023*

- I. Call to Order – 5:30 p.m.**
  
- II. Invocation/Pledge of Allegiance**
  
- III. Communications**
  - 1. 2024 Meeting Schedule ..... 1-2
  
- IV. Minutes**
  - August 14, 2023– Regular Meeting Minutes..... 3-19
  
- V. Old Business**
  - Reconsideration**
    - 1. **2023-06-012 – Ocean Lakes Family Campground** ..... 20-35  
6001 S. Kings Hwy., Site 1869, Myrtle Beach (Council Member Loftus)
  
  - Variances**
    - 2. **2023-07-004 – David Deitz/ D3G Architects LLC, agent for Antioch Baptist Church** ..... 36-45  
2080 Hwy. 129, Galivants Ferry (Council Member Allen)
  
    - 3. **2023-07-005 – Franklin Daniels, agent for Stor Mursc Hwy 707, LLC**..... 46-64  
11088 SC-707, Murrells Inlet (Council Member Servant)
  
    - 4. **2023-07-011 – Michael Cummissky, agent for Horry Furniture Co. Inc.**..... 65-75  
862 E. Hwy. 501, Conway (Council Member Anderson)



- 5. **2023-07-015 – Christopher Wall, agent for First Scotland Financial, LLC**..... 76-91  
1381 Hwy. 17, Little River (Council Member Dukes)

**VI. New Business**

**Variances**

- 6. **2023-08-001 – Venture Engineering, agent for Shaftesbury Glen Phase 6**..... 92-142  
Ballycastle St., Foxford Dr. and Dundalk Drive, Conway  
(Council Member Hardee)
- 7. **2023-08-002 – Mike Kinsey/Carolina Home Exteriors, agent for Diane Lawson** ..... 143-151  
4044 Comfort Valley Dr., Longs (Council Member Dukes)
- 8. **2023-08-003 – Felix Pitts-G3 Engineering agent for Padgett Investment Group LLC** ..... 152-160  
Located on Hwy. 544 near Meadowbrook Road, Conway  
(Council Member Masciarelli)
- 9. **2023-08-005 – Russell & Carol Harrell** ..... 161-170  
706 Oliver Dr., Murrells Inlet (Council Member Servant)
- 10. **2023-08-006 – Jason Mills, agent for James and Alicia Ross** ..... 171-180  
477 Old Field Road, Murrells Inlet (Council Member Servant)
- 11. **2023-08-007 – Venture Engineering, agent for Hooks Holding LLC**..... 181-191  
Located on Old Sanders Dr., near Robert Edge Parkway in Little River (Council Member Causey)
- 12. **2023-08-008 – Robert Guyton, agent for Founders Development, LLC**..... 192-203  
Located at Buck Creek Drive & W. Hwy. 9 in Longs (Council Member Causey)
- 13. **2023-08-009 – Venture Engineering, agent for PS Southeast Two LLC**..... 204-218  
1140 W. Hwy 9, Longs (Council Member Causey)



- 14. **2023-08-010 – Fausto Medes- Fox Homes and Investments, Inc, agent for Jack and Darlene Wilson** ..... 219-230  
3096 Kings Court, Little River (Council Member Dukes)
  
- 15. **2023-08-011 – David Alderman, agent for Purnama Sushi** ..... 231-242  
10207 N. Kings Hwy., Myrtle Beach (Council Member Howard)
  
- 16. **2023-08-012 – William Oram, agent for Carolina Real Estate Holdings, LLC**..... 243-255  
3164, 3158, 3146 Waccamaw Blvd., Myrtle Beach (Council Member DiSabato)
  
- 17. **2023-08-013 – Sean Kinsella, agent for Vine Investments** ..... 256-269  
Located on Myrtle Ridge near Lakeside Crossing Dr., Conway (Council Member Masciarelli)

**Special Exceptions**

- 18. **2023-08-004 –Donella Williams Patrick, D&D Sports Grill** ..... 270-284  
608 Freemont Road, Longs (Council Member Causey)

**VII. Adjourn**



# Communications

**HORRY COUNTY  
ZONING BOARD OF APPEALS**

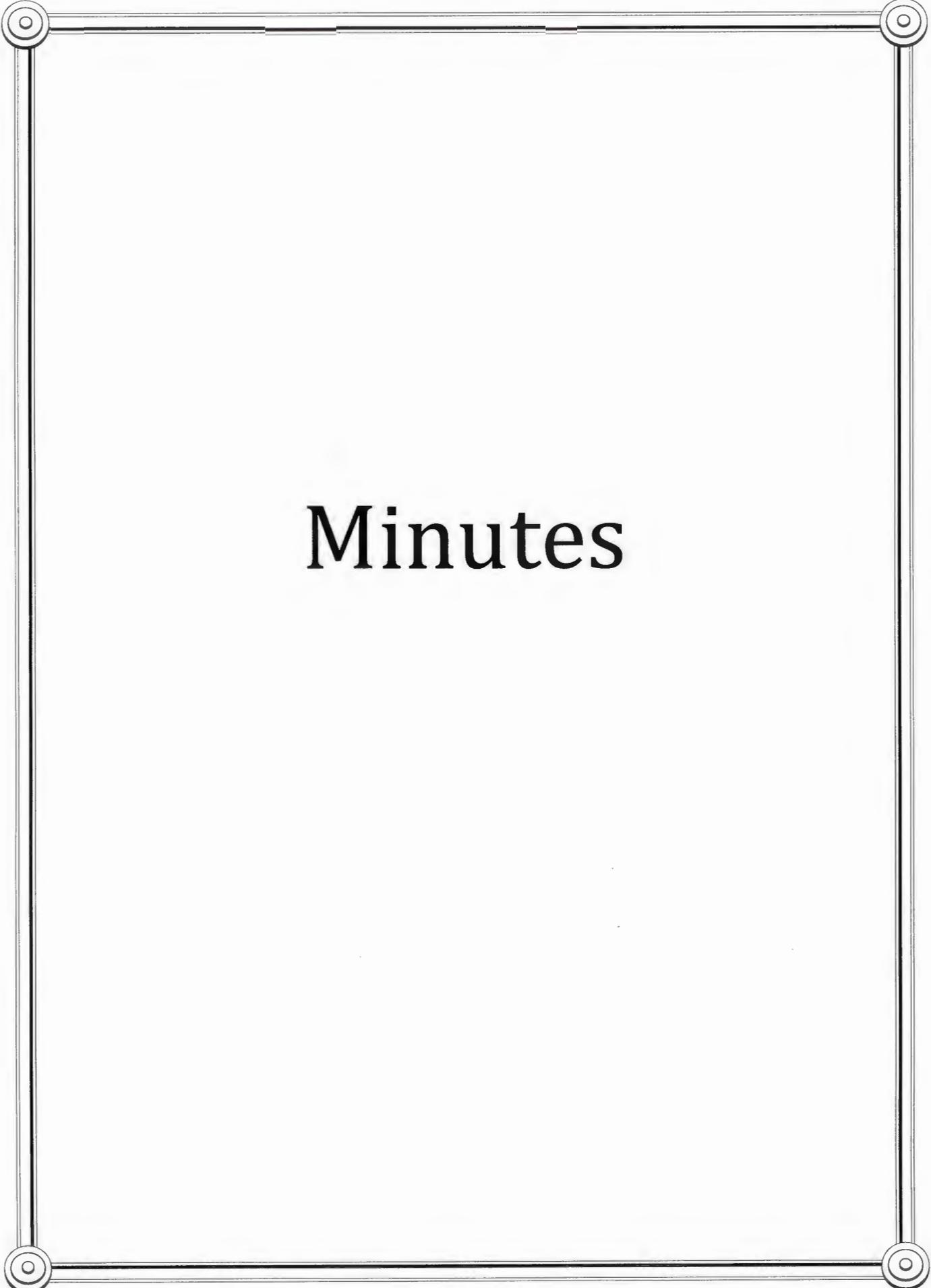


**2024 MEETING SCHEDULE**

<u>APPLICATION DEADLINE</u>	<u>MEETING DATE</u>
NOVEMBER 30, 2023.....	JANUARY 8, 2024
DECEMBER 28, 2023.....	FEBRUARY 12, 2024
FEBRUARY 1, 2024.....	MARCH 11, 2024
FEBRUARY 29, 2024.....	APRIL 8, 2024
MARCH 28, 2024.....	MAY 13, 2024
MAY 2, 2024.....	JUNE 10, 2024
MAY 30, 2024.....	JULY 8, 2024
JUNE 27, 2024.....	AUGUST 12, 2024
AUGUST 1, 2024.....	SEPTEMBER 9, 2024
AUGUST 29, 2024.....	OCTOBER 14, 2024
OCTOBER 3, 2024.....	NOVEMBER 4, 2024
OCTOBER 31, 2024.....	DECEMBER 9, 2024
NOVEMBER 27, 2024.....	JANUARY 13, 2025

*Meetings are held at 5:30 p.m. at the Horry County Government Center, Conference Room B, located at 1301 Second Avenue in Conway, South Carolina*

*\*Meeting changed due to holiday schedule*



# Minutes

The Horry County Zoning Board of Appeals held its scheduled meeting on Monday, August 14, 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: Bobby Page, Neal Hendrick, Marshall Biddle, Brantley Green, Drew Parks, Ciro Sebasco, Jody Nyers

Board Members Absent: Jeffrey Miller, Blake Arp

Staff present: Elise Crosby, David Jordan, Pam Thompkins, Marnie Leonard, Taylor Jones, Brandon Gray, Rachel Fullwood, TJ Fox, Rodney Floyd

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.

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

Chairman Drew Parks swore in staff.

### **Election of Officers**

Chairman Drew Parks asked for a nomination for Chairman. Jody Nyers nominated J. Marshall Biddle for Chairman. Drew Parks asked if there were any other nominations, there were none. Drew Parks stated that J. Marshall Biddle would be chairman. Drew Parks asked if there were any nominations for Vice Chairman, Jody Nyers nominated Drew Parks for Vice Chairman. Drew Parks asked if there were any other nominations, there were none. Drew Parks stated that Drew Parks was now Vice Chairman.

### **COMMUNICATIONS**

2023-06-002 – David Alderman, agent for CWB Consulting and Management, Inc. – Withdrawn

2023-06-019 – Austin Graham/DRG, LLC, agent for Creek Associates, LLC – Withdrawn by Applicant

2023-07-003 – Johnny Cooper II, agent for Sandra Lynn Bond TR – Deferred to Oct. 9, 2023 meeting

2023-07-004 – David Deitz/D3G Architects, LLC agent for Antioch Baptist Church – Deferred to the Sept. 11, 2023 meeting

2023-07-005 – Franklin Daniels/Maynard Nexsen, agent for USA Storage Centers – Murrells Inlet – Deferred to the Sept. 11, 2023 meeting

2023-07-011 – Michael Cummiskey, agent for Horry Furniture Co. Inc. – Deferred to the Sept. 11, 2023 meeting

### **Executive Session**

Vice Chairman Drew Parks made a motion to amend the agenda to add Executive Session to the agenda. Jody Nyers seconded the motion. Executive Session was added to the agenda.

Vice Chairman Drew Parks made a motion to enter into executive session, Brantley Green seconded the motion. Motion was carried unanimously. Executive session was entered at 5:38 pm.

Board members exited executive session at 6:09 pm.

### **Reconsiderations**

Bobby Page made a motion to reconsider case number 2023-06-012 Ocean Lakes Family Campground. Jody Nyers seconded the motion. Motion carried unanimously, and would be heard at the September 11, 2023 meeting.

### **REGULAR MEETING MINUTES - July 10, 2023**

Chairman J. Marshall Biddle asked if there were any additions, deletions or changes to the minutes. Brantley Green made a motion to accept the minutes as written. Vice Chairman Drew Parks seconded. The motion carried unanimously. *The minutes for July 10, 2023 were approved.*

### **OLD BUSINESS**

**The first case number was 2023-05-007 Robert Turner, agent for Conway Atlantic Land Development.** Pam Thompkins presented the case to the Board. PIN 275-00-00-0037 identified the parcel located at Long Ave. Ext., Conway. The applicants requested a variance from Article V Section 504 C regarding landscaping buffer requirements in the Multi Residential (MRD2) zoning district. This was the proposed Ravenloft Subdivision. The parcel was rezoned on Dec. 16, 2008 to MRD2 (Ord 140-08) to allow for 37 duplex lots which was amended in 2021 to have 54 single family lots instead. On Jan. 4, 2022 Council passed Ord #154-2021 which required a 25' streetscape buffer for all major residential developments. The applicants requested to provide a 10' streetscape buffer with a 6 ft. fence along the three residential lots on Long Avenue Ext. A 5' opaque buffer was required between non-residential and residential property abutting PINs 275-10-04-0001 & 0002 for 650 ft. on the right side. The applicants requested 100% relief from the buffer. **(Please refer to the August 14, 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 Marshall Biddle swore in Nick Godwin, who explained in 2008, they gave a 50' portion to the County, and the issue with the buffer requirement, was created when the ordinance changed in December of 2022.

Bobby Page asked the applicant if any of the commercial parcels surrounding this parcel were developed, which Nick Godwin stated they were not developed at that time.

Vice Chairman Drew Parks stated the applicants originally asked for a variance of 100% relief and the applicants now requested a 60% variance, and were willing to install a 10' front buffer.

There was no public input.

Vice Chairman Drew Parks made a motion to grant the variance with the conditions as stated by staff. Bobby Page seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

**Bobby Page recused himself at this time.**

**The second case number was 2023-06-003 David Alderman, agent for CWB Consulting and Management, Inc.** Pam Thompkins presented the case to the Board. PIN 187-00-00-0034 identified the parcel located at 311 Bonnie Bay Road, Loris. The applicants requested special exception approval from Article XI, Section 1106 C 7 regarding rural tourism in the Forest Agriculture (FA) zoning district. This was the proposed location of Bonnie Bay Blueberry Farm which was a USDA registered Blueberry Farm. The applicants requested a special exception to allow rural tourism on the 45-acre parcel. The proposed hours of operation were 9:00 am - 11:00 PM. The Operation Plan listed farming activities where customers could pick blueberries and purchase them at the retail barn. They would like to host haunted hayrides and allow food trucks at events. In the future, they would be constructing an event venue to host private events such as weddings. The restroom facilities would be within the event venue when it was constructed. If any events were held before the building is constructed, Code Enforcement would require the use of port-o-johns. The site would also include a fire pit and a small stage for local musicians to perform. Any outdoor amplified sound in the rural area of the county must be compliant with the County Noise Ordinance. **(Please refer to the August 14, 2023 packet for further information.)**

Should the Board find that the special exception request for **Bonnie Bay Blueberry Farm** meets the required conditions of Section 534, the standard conditions imposed by the Board are:

1. The applicant will comply with the Master Plan and Operational Plan submitted with this application;
2. Hours of Operation 9:00am until 11:00 PM, Monday thru Sunday;
3. This parcel is located within a rural area as identified on the active future land use map;
4. Temporary vendors are required to obtain a vendor permit from the Code Enforcement Department and pay any fees associated with the permit'
5. No event is to exceed 499 persons in attendance unless a special event permit is obtained from Horry County Public Safety;

6. Any outdoor amplified sound must be in compliance with the County Noise Ordinance;
7. No event will be allowed in any building until a certificate of occupancy has been issued by Code Enforcement;
8. If acreage of the parcel or parcels is reduced to less than 20 acres this permit shall be revoked;
9. Exception from landscaping and buffering requirements of Article V, Section 527 and from parking requirements of Article XI of the Horry County Zoning Ordinance;
10. The business is not considered a bar/restaurant under Section 534 and will not have a SC Liquor License; therefore they will not need a special exception to allow on-site consumption of alcohol;
11. Rural tourism does not allow certain amusement activities as specified in the AM1 & AM2 zoning districts (see application);
12. Applicant will comply with all state and local laws;
13. All other applicable County requirements shall be met;
14. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained;
15. Any change in activities, event and hours of operation shall result in the suspension of this approval and rehearing of the Zoning Board of Appeals shall be required.

Chairman J. Marshall Biddle swore in David Alderman, who explained the property had been a blueberry farm for the last 40 or 50 years. Mr. Alderman stated the owners wanted to add a small store and the entire property would remain surrounded by woods.

Chairman J. Marshall Biddle swore in James Kratzer, who explained he was not against the Blueberry Farm, he was more concerned about the hours of operation, noise, local's safety, and increased traffic.

Jody Nyers asked if anyone at the meeting lived on Quail Run Road. There was no response.

Chairman J. Marshall Biddle swore in Renee Kratzer, who stated she had spoken to multiple people who lived on Quail Run Road, and they had the same concerns as her and her husband. Mrs. Kratzer explained, the area was a rural and residential area and she did not agree with being forced to deal with a venue there.

Mrs. Pam Thompkins and Mr. David Jordan clarified that the noise ordinance went into effect at 9:00pm, and this venue's hours of operation would be until 11:00pm.

David Alderman stated that he was okay with the noise ordinance going into effect at 9:00pm. Renee Kratzer stated that seasonal events like egg hunts and hay rides would be fine, but weddings, birthdays, and corporate events would have this event center open, at minimum, every weekend.

Vice Chairman Drew Parks made a motion to grant the special exception with the conditions as stated by staff. Brantley Green seconded the motion. The motion carried with a 5 - 1 vote with Jody Nyers voting in opposition. ***The special exception was approved with conditions.***

**Bobby Page rejoined the meeting at this time.**

**The third case number was 2023-06-016 Craig and Gaybrielle Buis.** Pam Thompkins presented the case to the Board. PIN 298-08-03-0004 identified the parcel located at 331 Dunbarton Lane, Conway. The applicants requested a variance from Article II Section 205 regarding setback requirements in the Single Family (SF10) zoning district. The applicants received a permit to construct a 20' x 25' garage in June 2021. A post foundation survey indicated the garage was located 9.3' from the side property line instead of the required 10' for a variance of .7'. The applicants stated they did not have an HOA. **(Please refer to the August 14, 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 buildings additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman J. Marshall Biddle swore in Gaybrielle Buis, who stated her ex-husband and his boss constructed the garage and she didn't find out it was too close to the property line, until she obtained a permit to repair her home from fire damage.

There were 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. Brantley Green seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

## **NEW BUSINESS**

**The fourth case number was 2023-07-001 Diamond Shores, agent for Woodle Investment Company, LLC/Elissa Woodle.** Pam Thompkins presented the case to the Board. PIN 399-12-01-0099 identified the parcel located at 121 & 131 Gateway Road, Myrtle Beach. The applicants requested a variance from Article II, Article V Section 504 and Article VII, Section 704 regarding setbacks, parking and landscaping requirements in the Commercial Forest Agriculture (CFA) zoning district. This was the location of Creative Beginnings daycare (Lot 8-B) constructed in 2020 and a commercial center (Lot 7-B) constructed in 2007. In August 2022 the two parcels were combined into one parcel (PB 306-272). The applicants requested to subdivide this parcel back into two parcels (Lots 7-B & 8-B). This subdivision would require landscaping between the two parcels. The applicants requested the following variances: Lot 7-B Commercial Center 1) Reduce Type B spatial buffer width to 3' instead of 5' for a variance of 2' with reduced plantings of 2 canopy trees, 7 understory trees and 8 shrubs (use existing vegetation). 2) HVAC units were required to meet setbacks on commercially developed parcels. Lot 7-B had several HVAC units that were located 1.9' from the proposed right-side property line instead of the required 25' for a variance of 23.1'. Lot 8-B Daycare 1) Reduce Type B spatial buffer to 1.9' instead of 5' for a variance of 3.1'. 2) The daycare had 210 children and 30 employees which required 65 parking spaces, the applicant provided 61 for a variance of 4 parking spaces. The Zoning Board of Appeals approved an 8-park variance (Case 2020-03-005) for the daycare on

April 13, 2020 when they had 12 employees and 204 children. The variance was not valid since employees and children numbers have increased and parks have been added to the site. **(Please refer to the August 14, 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 J. Marshall Biddle swore in David Schwerd, who explained they were no longer requesting a parking variance, and they were currently working with an architect on issues regarding code enforcement requirements.

Brantley Green asked about fire separation. Mrs. Pam Thompkins stated that fire separation would fall under the code requirements.

There was no public input.

Vice Chairman Drew Parks 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 fifth case number was 2023-07-006 Dan Park/Earthworks Group, agent for Myrtle Beach Self Storage Owner LLC.** Pam Thompkins presented the case to the Board. PIN 458-04-01-0274 identified the parcel located at 121 Loyola Drive, Myrtle Beach. The applicants requested a variance regarding parking requirements in the Queens Harbor PUD. This was the proposed location of Monstore Garage commercial center located within Tract 5 of the Queens Harbor PUD. The units would be sold to individuals instead of being leased as a mini-warehouse required. The closest allowed use within the PUD that staff could connect this use to was Service Related Retail. The PUD required parking of 1 space per 400 sq. ft. and 1 space per employee on largest shift. They proposed four (4) buildings totally 54,660 sq. ft. in size containing 58 units and a management office. There would be two (2) employees on site. Total parking required was 139 spaces, the applicants would provide one parking space within each of the units for a total of 58 and 4 spaces for the office totaling 62 parking spaces for a variance of 77 spaces. **(Please refer to the August 14, 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 buildings additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman J. Marshall Biddle swore in Dan Park, who explained the project would offer a personal garage for those that wish to purchase them. These units would not allow commercial

uses, only personal use. Mr. Park explained that he had spoken with the adjacent residents about the project and addressed their concerns.

Chairman J. Marshall Biddle asked, where would the parking spaces be. Mr. Dan Park stated the parking would be in each unit.

Brantley Green asked about the mechanical aspect of each unit, including water, electrical and heating and air. Dan Park said that each unit would be available for the owner to upfit the space as they wished. Each unit would house a restroom, but no shower/tub.

Chairman J. Marshall Biddle swore in Lynn Edwards, who stated she spoke for Queens Harbor and Queens Court. Mrs. Edwards believed that this project was an acceptable neighboring project considering the options.

Chairman J. Marshall Biddle swore in Bryan Dowdall, who just wanted clarification on the setbacks of this project, and the distance from his home to the proposed building.

Chairman J. Marshall Biddle swore in Veronica Scanlon, who had concerns about the landscaping buffer, including, what kind of trees were considered canopy trees, would the trees block her view, and would the trees cause any damage to their balconies and porches.

Dan Park stepped back up to address some of the earlier concerns. Mr. Park stated there were multiple options for canopy trees, listing maple, oak, poplar to name a few, the minimum height would be roughly 40 feet. Mr. Parks also explained that understory trees would resemble more of the dogwood type trees measuring in about 25 feet. Mr. Parks said that there would be roughly 30 feet between the buildings.

Chairman J. Marshall Biddle swore in David Pizzino, who stated that he attended the meeting the community had with the applicant and the townhomes that he resided in, were all in agreeance and supported the applicant.

Drew Parks made a motion to grant the variance with the conditions as stated by staff. Brantley Green seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

**The sixth case number was 2023-07-008 Jack W. Huggins, agent for Richard and Renee Mitchell.** Pam Thompkins presented the case to the Board. PIN 470-04-01-0021 identified the parcel located at 1114 Osprey Ct., Garden City. The applicants requested a variance from Article II Section 205 regarding setback requirements in the Manufactured Single Family (MSF6) zoning district. This parcel was located in the Marsh Residential Development located within the Garden City Overlay. This development was established in 1985 which was before zoning in the county. The lot was 2,482 SF in size which was substandard in lot area. The substandard lot allowed Zoning to reduce the required setbacks by 25% reduction. The applicant proposed to build a raised 8' x 34' (272 SF) deck on the rear of the property. The deck would be located 1.2' from the rear instead of 11.25' for a variance of 10.05'. **(Please refer to the August 14, 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 J. Marshall Biddle swore in Jack Wayne Huggins, who explained that the porch did not go across the property line, was no harm to anyone and the owners had been there for 20 years.

There were 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. Brantley Green seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

**The seventh case number was 2023-07-009 Nicholas Peters, agent for Jason and Stephanie Nash.** Pam Thompkins presented the case to the Board. PIN 470-09-01-0027 identified the parcel located at 483 Old Field Road, Murrells Inlet. The applicants requested a variance from Article II Section 205 regarding setback requirements in the Single Family (SF10) zoning district. The parcel was located in the Mt. Gilead subdivision. The applicants were in the process of constructing a single- family home on this site and proposed a 10.3' x 15.2' open air pavilion/pool shelter. There was a 32" protected live oak tree located on the rear of the property. The applicants requested the variance to be able to protect the live oak tree. The proposed structure would be located 5' from the right-side setback instead of the required 10' for a variance of 5'. The applicants provided a letter from a certified arborist stating the proposed location of the pool shelter would not compromise the health or structural integrity of the tree. **(Please refer to the August 14, 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 buildings additions must conform to Horry County regulations
3. All other applicable county requirements shall be met.

Chairman J. Marshall Biddle swore in Nicholas Peters, who explained the owners wished to have a pool and did not want to damage or remove the existing oak tree.

There were 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. Brantley Green seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

**The eighth case number was 2023-07-010 Tom Miller/Miller Design Services, agent for Labash LLC.** Pam Thompkins presented the case to the Board. PIN 367-12-02-0007 identified the parcel located at 182 Dobros Road, Conway. The applicants requested a variance from Article II and Article V, Section 504 B & C regarding setback and landscape requirements in the Highway Commercial (HC) zoning district. The applicants proposed to remove the current building and construct a new hair salon on the parcel. The parcel had double frontage on Hwy. 90 and Dobros Rd which required two front setbacks. On Dec. 12, 2022 the Zoning Board (Case 2022-11-004) approved variances to allow a front setback of 35' and rear setback of 10' and allow a 5' streetscape buffer on the Hwy. 90. The applicants requested further variances. The adjacent parcel on the left side (PIN 367-12-01-0001) was residential which required a 10' Type A buffer, they were providing a 5' buffer for a variance of 2.5'. They proposed an awning on the front of the building along Hwy. 90. The awning would be located 34' instead of the required 35' for a variance of 1'. There was also a patio awning on the rear of the property on Dobros Rd. The patio would encroach into the required 10' landscape buffer on the rear (Dobros Rd). The patio would encroach 3' into the required 10' buffer for a variance of 3'. **(Please refer to the August 14, 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 J. Marshall Biddle swore in Tom Miller, who stated there was a previous variance granted for this location, they later realized that the awnings, that encroached 18 inches into the buffer requirements, would need a variance as well.

There were no board or staff comments.

There was no public input.

Vice Chairman Drew Parks made a motion to grant the variance with the conditions as stated by staff. Brantley Green seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

**The ninth case number was 2023-07-012 Ken Marlowe, agent for Christopher and Debra Borst.** Pam Thompkins presented the case to the Board. PIN 463-12-02-0019 identified the parcel located at the Corner of Carolina Oaks Drive and Hwy. 17 Bypass, Murrells Inlet. The applicants requested a variance from Article II Section 205 regarding setback requirements in the Highway Commercial (HC) zoning district. This was Lot 9 of 17 commercial lots that were created in 1983 (PB 77-23). This lot had double frontage since it was located on a commercial corridor. The applicants requested a variance to allow a 15' corner side setback on Carolina Oaks Dr. instead of the required 50' for a variance of 35'. Carolina Oaks Dr. was a 66' public road. Andy Markunas, County Engineer, stated that Carolina Oaks Dr. was a 66 ft right of way with a three-lane entrance road, he did not foresee any need for the widening of this subdivision entrance road. **(Please refer to the August 14, 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 buildings additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Chairman J. Marshall Biddle swore in Ken Marlowe, who explained, selling this property with the existing setbacks was extremely difficult. Mr. Marlowe asked for a standard side setback of 15' instead of the existing 50' corner-side setback.

Marshall Biddle asked if they planned to have any ingress or egress onto the Carolina Oaks Dr. Mr. Marlowe stated they did not have any plans of development, they were only trying to sell the property.

There was no public input.

Brantley Green 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 tenth case number was 2023-07-013 Jeff Gore/Flagpatch Missionary Baptist Church.**

Pam Thompkins presented the case to the Board. PIN 184-06-02-0003 identified the parcel located at 759 N. Flag Patch Road, Loris. The applicants requested a variance from Article II Section 205 and Article V Section 504 regarding setback requirements and landscaping requirements in the Forest Agriculture (FA) zoning district. Flagpatch Missionary Baptist Church proposed restroom additions on the front porch of the building and a church expansion of 4,408 SF on the sides and rear of the existing church. The church had been on the site since 1966. The required front setback was 60', the proposed restroom additions would be located 10' from the front property line for a variance of 50'. The church expansion was located 57' from the front property line instead of the required 60' for a variance of 3'. A 10' Type C streetscape buffer was required along the front property line (Flag Patch Rd) which was 254 ft. in length. The applicants requested a variance for a 60' in length area, in front of the new additions, to not be required to install the streetscape buffer. A 25' Type A opaque buffer was required along the sides and rear property lines adjoining the FA zoning district, they requested 100% relief from that requirement. Andy Markunas, County Engineer, stated since they were not changing the footprint of the building to extend closer to the road by replacing the existing porch with bathrooms he did not see an issue. **(Please refer to the August 14, 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 J. Marshall Biddle swore in Freddy Bostick, who explained they were closing in the front porch of the church and converting the porch to restrooms.

Chairman J. Marshall Biddle swore in Doris Hickman, who informed the board of the historical aspect of the property. Mrs. Hickman said the church had been located on this parcel for 163 years, and was the oldest church in Loris.

There were no board or staff comments.

Ciro Sebasco 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 2023-07-014 Common Oak Engineering, LLC agent for Selah Seawinds.** Pam Thompkins presented the case to the Board. PIN 448-03-02-0086 identified the parcel located at NE Corner of Hwy. 544 & Lake Park Drive, Myrtle Beach. The applicants requested a variance from Article V Section 504.A.4.a regarding landscape requirements in the Convenience and Auto Related Services (RE3) zoning district. The commercially zoned parcel was the proposed location of two restaurants; Popeye's and Freddy's. Section 504 A.4.a stated that stormwater management devices (such as swales and ponds) may not encroach into the required landscape buffers by more than 10%. The 25' stormwater easement would encroach 100% into the required 10' landscape buffer. The applicants requested a variance for 100% encroachment. The Stormwater department emailed stating they have no issues with the encroachment. **(Please refer to the August 14, 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 J. Marshall Biddle swore in Jeremy Anderson, who explained an easement restricted the already narrow property. Mr. Anderson also stated, they were not asking for any additional variances and they were using the property for its intended purpose.

There were no board or staff comments.

There was no public input.

Vice Chairman Drew Parks made a motion to grant the variance with the conditions as stated by staff. Ciro Sebasco seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

**The twelfth case number was 2023-07-015 Christopher Wall, agent for First Scotland Financial, LLC.** Pam Thompkins 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 II Section 205 regarding setbacks and Article VIII Section 806 regarding the Hwy. 17 Overlay Requirements in the Highway Commercial (HC) zoning district. This was the proposed location of Parker's Kitchen convenience store. This parcel was located on the corner of Hwy. 17 which required a front setback on both roads. The proposed building would be located 23' from the front/left corner side setback instead of the required 50' for a variance of 27'; and located 19' from the rear property line instead of the required 30' (abutting residential) for a variance of 11'. Variance from the following overlay requirements: 1) 100% variance on hip roof requirements for the principle building and relief from attaching the canopy to the principle structure. 2) 100% variance on the 2' high contrasting base that extended along the entire front of the building and down the sides at least 10'. 3) Variance to only provide 50% of window glazing along the front of the building that faced Hwy. 17. On Jan. 9, 2023 the Zoning Board approved a variance to allow the removal of 2 specimen live oaks on this site. The \$7,050 fee in lieu had not been paid. **(Please refer to the August 14, 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 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.
4. The \$7050 fee in lieu must be paid prior to approval of any plans/permits on this property.

Chairman J. Marshall Biddle swore in Christopher Wall, who explained they were limited by a 15' sewer easement on the site, since they were using the existing drive on Pinehurst and the existing rock wall abutting the residential property. Mr. Wall also stated, they requested a variance to rotate the gas pumps, due to not wanting to diminish the curb appeal of the site.

Board and Staff had a brief discussion about the definition and requirements of the contrasting base portion of the ordinance. As well as, discussing the explanation of gable, pitch roof window, and window glazing requirements of the overlay.

Chairman J. Marshall Biddle swore in Tiffany Jackson, with Parkers Kitchen, and offered to answer any additional questions the board had.

There was discussion that any variance over 50%, for a commercial use, would require a 2/3 vote in order to pass. Chairman J. Marshall Biddle asked if the applicant would like to defer and see what requirements they could work to meet. The applicants agreed to defer the case to the September 11<sup>th</sup> 2023 meeting.

Vice Chairman Drew Parks made a motion to defer the variance to the September 11, 2023 meeting. Brantley Green seconded the motion. The motion carried unanimously. ***The variance was deferred to the September 11, 2023 meeting.***

**The thirteenth case number was 2023-07-016 Felix Pitts, agent for Two Eleven Properties, LLC.** Pam Thompkins presented the case to the Board. PIN 313-13-04-0011, 313-13-04-0012 & 313-13-04-0013 identified the parcel located at 1511 E. Hwy. 90, Little River. The applicants

requested a variance from Article V Section 504 C regarding landscaping buffers in the Highway Commercial (HC) zoning district. The applicants proposed to develop the three (3) properties as a commercial trailer sales lot. The owners were unable to combine the parcels at the time and wanted to construct the sales lot across all three parcels. Sect. 504 C required a 5' Type B spatial buffer along the south and west property lines of PIN#'s 313-13-04-0012 & 0013 and along the east and north property line of PIN# 313-13-04-0011 adjacent to PIN#'s 313-13-04-0012 & 0013. The applicants requested 100% variance on this buffer between the three parcels. **(Please refer to the August 14, 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 J. Marshall Biddle swore in Brandon Truesdale who explained the applicant could not combine the parcels at the time, they would be doing that at a later date, and they were not interfering with the existing live oaks on the property.

Chairman J. Marshall Biddle verified if the properties were combined, they would not have been required to request a variance.

There was no public input.

Vice Chairman Drew Parks 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.***

**Vice Chairman Drew Parks recused himself at this time.**

**The fourteenth case number was 2023-07-002 Weihui Zheng, agent for GB Mill LLC.** Pam Thompkins presented the case to the Board. PIN 396-15-03-0021 identified the parcel located at 154 Sapwood Road., Unit 105, Myrtle Beach. The applicants requested special exception approval from Article XI, Section 1106 C 7 regarding on site consumption of alcohol for a Restaurant/ Bar in the Commercial Forest Agriculture (CFA) zoning district. This was the proposed location of the Flaming Fin Asian Bistro located within The Marketplace at the Mill commercial center. The applicants requested special exception approval for on-site consumption of alcohol. The closest residential zoning district was located 280 ft. across Carolina Bays Pkwy at the Bluffs on the Waterway PDD. **(Please refer to the August 14, 2023 packet for further information.)**

Should the Board find that the special exception request for **Flaming Fin Asian Bistro** meets the required conditions of Section 534, the standard conditions imposed by the Board are:

1. No event is to exceed 499 persons in attendance unless a Special event permit is obtained from Horry County Public Safety;
2. Any outdoor amplified sound is subject to the County Noise Ordinance;

3. No hosting of vendors during spring and fall bike rallies;
4. No outdoor displays or tents on the property;
5. No temporary banners or signs on the property;
6. No spotlight advertising;
7. No outdoor dining is allowed;
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 use or character shall result in the suspension of this approval and a rehearing of the Zoning Board of Appeals shall be required.

Chairman J. Marshall Biddle swore in Weihui Zheng, who stated Flaming Fin was an Asian restaurant that wanted to serve alcohol.

There was a discussion between board members, staff and the applicant, regarding the applicant having outdoor dining, resulting in the applicant requesting in 4 tables to be approved for outdoor dining.

There was no public input.

Jody Nyers made a motion to grant the special exception with the conditions as stated by staff, adding the approval for 4 tables to be used for outdoor dining. Neal Hendrick seconded the motion. The motion carried unanimously. *The special exception was approved with conditions.*

**Vice Chairman Drew Parks rejoined the meeting at this time.**

**The fifteenth case number was 2023-07-007 The Earthworks Group, agent for Le Petit Fox Farm, LLC.** Pam Thompkins presented the case to the Board. PIN 385-00-00-0002 identified the parcel located on Old Clearpond Road, Conway. The applicants requested special exception approval from Article XI, Section 1106 C 7 regarding rural tourism in the Commercial Forest Agriculture (CFA) zoning district. This was the proposed location of Le Petit Fox Farm, LLC. The applicants requested a special exception to allow rural tourism on the 21-acre parcel. The proposed hours of operation were 7:00 am - 11:00 PM, Monday thru Sunday. The Operation Plan listed events including weddings, baby showers, parties for birthdays, retirement, family reunions and business meetings. They would provide a bridal suite and groom room for the wedding party. Catering and food trucks would be provided upon request. Any vendors would need to be issued a temporary vendor permit from the Code Enforcement Department. The restroom facilities would be within the event venue when it was constructed. If any events were held before the building was constructed, Code Enforcement would require the use of port-o-johns. Any outdoor amplified sound in the rural area of the county would be required to comply with the County Noise Ordinance. **(Please refer to the August 14, 2023 packet for further information.)**

Should the Board find that the special exception request for **Le Petit Fox Farm, LLC** meets the required conditions of Section 534, the standard conditions imposed by the Board are:

1. The applicant will comply with the Master Plan and Operational Plan submitted with the application;
2. Hours of Operation – Monday thru Sunday; 7am – 11pm;

3. This parcel is located within a Scenic & Conservation area as identified on the active future land use map;
4. Temporary vendors are required to obtain a vendor permit from the Code Enforcement Department and pay any fees associated with the permit;
5. No event is to exceed 499 persons in attendance unless a Special event permit is obtained from Horry County Public Safety;
6. Any outdoor amplified sound must be in compliance with the County Noise Ordinance;
7. No event will be allowed in any buildings until a certificate of occupancy has been issued by Code Enforcement;
8. If acreage of parcel or parcels is reduced to less than 20 acres this permit shall be revoked;
9. Exemption from landscaping and buffering requirements of Article V, Section 527 and from parking requirements of Article XI of the Horry County Ordinance;
10. Onsite consumption of alcohol is not allowed unless a special exception is granted by the Zoning Board of Appeals;
11. Rural tourism does not allow certain amusement activities as specified in the AM1 & AM2 zoning districts (see application);
12. Applicant will comply with all state and local laws;
13. All other applicable County requirements shall be met;
14. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained;
15. Any change in activities, events and hours of operation shall result in the suspension of this approval and a rehearing of the Zoning Board of Appeals shall be required.

Chairman J. Marshall Biddle swore in Dan Park who stated they planned to keep the existing natural buffers. Mr. Park explained they would be on their own septic system, ample parking area, and all landscaping would meet the county requirements.

Jody Nyers asked the applicant about “other activities” listed on their application. Mr Park explained they didn’t want to rule out other events at this time; however, their main focus at the time were weddings.

Bobby Page asked if there was standing water on this parcel. Mr. Park stated that it wasn’t too wet, but it was delineated wetlands.

Chairman J. Marshall Biddle swore in James Williams, who expressed concerns about the traffic, and who was going to maintain the existing private road. Mr. Williams also stated that he would like to sit down with the property owner to discuss this project.

There was a brief conversation between Mr. Dan Park, Mr. Williams and Chairman J. Marshall Biddle regarding a meeting to discuss the project between owner and adjacent property owners, traffic and the maintenance of the private road.

Chairman J. Marshall Biddle swore in Tom Kuemmer, who stated his biggest concern was the road. Mr. Kuemmer said that it was already a problem keeping his cars and home clean from the dust of cars riding up and down the dirt road, adding this event center would add more traffic, causing more dust. Mr Kuemmer also said that paving this road would cause the additional traffic to speed down the road, resulting in safety issues. Mr. Kuemmer was upset that he was not made aware of the meeting and could not see the sign from his home.

Chairman J. Marshall Biddle swore in Jennifer Cooper, who expressed concerns about traffic, safety, and narrowness of the existing road. She also stated that she heard about this from a neighbor and would not have known about the meeting otherwise.

Pam Thompkins stated, the letters that were mailed out, were a courtesy, and the sign was posted on the property. Planning and Zoning could not post the sign anywhere else other than the property requesting the variance.

Chairman J. Marshall Biddle swore in Joanna Fox, who stated the property went on the market in November of 2022, she spoke with a neighbor about the property when she first went to look at the property and was welcomed to the area and shown the property. Mrs. Fox explained she was unaware of the other neighbors in opposition to this request, but would love to speak to them about the project, to address some concerns.

Dan Park explained that this was less impact than other possible uses of the property that did not require a variance. Mr. Park stated they could develop this property with a house on 1/2-acre lots without any additional approval other than normal permitting procedures.

Chairman J. Marshall Biddle swore in William Singleton who stated the parcel was extremely wet, and they would have to build this site up, causing his property to flood worse than it already did.

Dan Park said that the site would have retention ponds, to retain all water runoff, and the site would meet DHEC and Stormwater requirements.

Chairman J. Marshall Biddle swore in Denise Falcone who stated that she had lived on this road forever and had no previous issues, but to add this venue would create problems with increased traffic and road maintenance.

Jody Nyers stated that it was the property owners right to develop the property how they wished, and she just wanted what was best for the community.

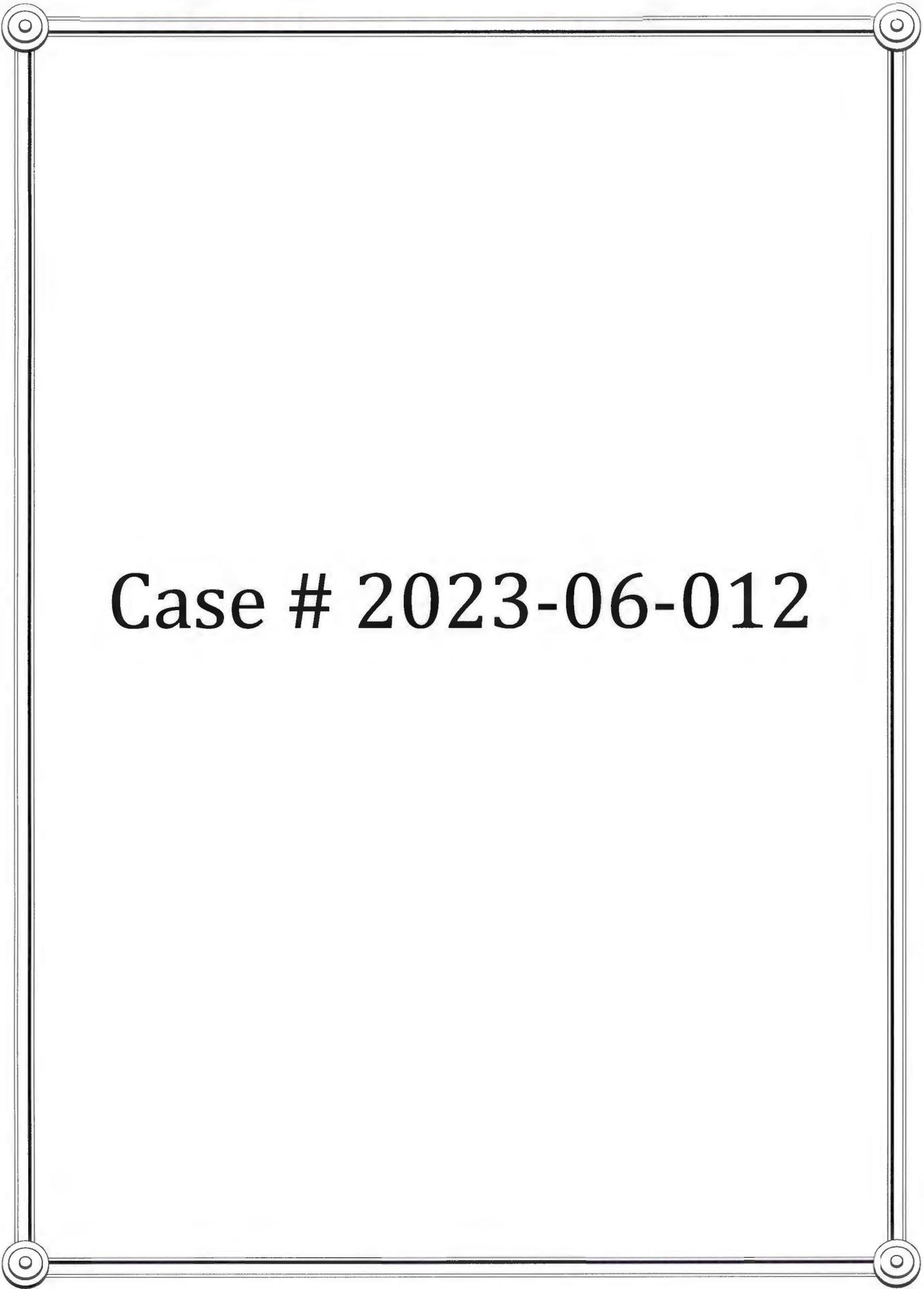
Chairman J. Marshall Biddle swore in Larry Perritt who informed the board there was a creek that ran through this property and when it rains, the water came roughly 25 feet, into his yard. Mr. Perritt said that he didn't mind the venue, he was extremely concerned about providing alcohol and the safety issues it would create.

Vice Chairman Drew Parks made a motion to grant the special exception with the conditions as stated by staff. Robert Page seconded the motion. The motion carried with a 5 – 2 vote with Neal Hendrick and Jody Nyers voting in opposition. ***The special exception was approved with conditions.***

With no further business, a motion to adjourn was made and seconded. The meeting was adjourned at approximately 9:00 p.m.



# Old Business



**Case # 2023-06-012**

**Property Information**

Variance Request #	2023-06-012	<b>Zoning Information</b>	
Applicant	Ocean Lakes Family Campground	Zoning District	DP
Parcel Identification (PIN) #	459-11-04-0137	Parcel Size	1,812 sq ft
Site Location	6001 S. Kings Hwy, Site. 1869, Myrtle Beach	Proposed Use	Single family
Property Owner	Ocean Lakes Family Campground		
County Council District #	4 - Loftus		

**Requested Variance(s)**

The applicants are requesting a variance from Article II Section 205 regarding setback requirements in the Destination Park (DP) zoning district.

	Requirement	Requested	Variance Needed	Percentage
<b>Single Family Home</b>				
Side exterior setback of the campground	20'	5'	15'	75% *

\* This variance will require a 2/3 vote

**Background/Site Conditions**

The Zoning Board denied this variance at the July 10, 2023 meeting. At the Aug. 14, 2023 the Zoning Board granted a reconsideration of this case. This is site 1869 within Ocean Lakes Campground. The applicants are proposing to build a raised single family home on this site to replace a camper with addition that was demolished in 2022. Ocean Lakes Campground is grandfathered because it existed before the zoning of this area in 1987. The setbacks that have been enforced by Zoning since 2004 are the external boundaries of the campground. The setbacks are 30' front where the park abuts Hwy. 17 and the Frontage Rd and 20' side and rear where the property line abuts adjoining properties not located within the campground. This lot is an exterior lot located on the south side of the park boundary. The new home will be located 5' from the side exterior property line instead of the required 20' for a variance of 15'.

**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 campground has been here since the 1970s.

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

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.

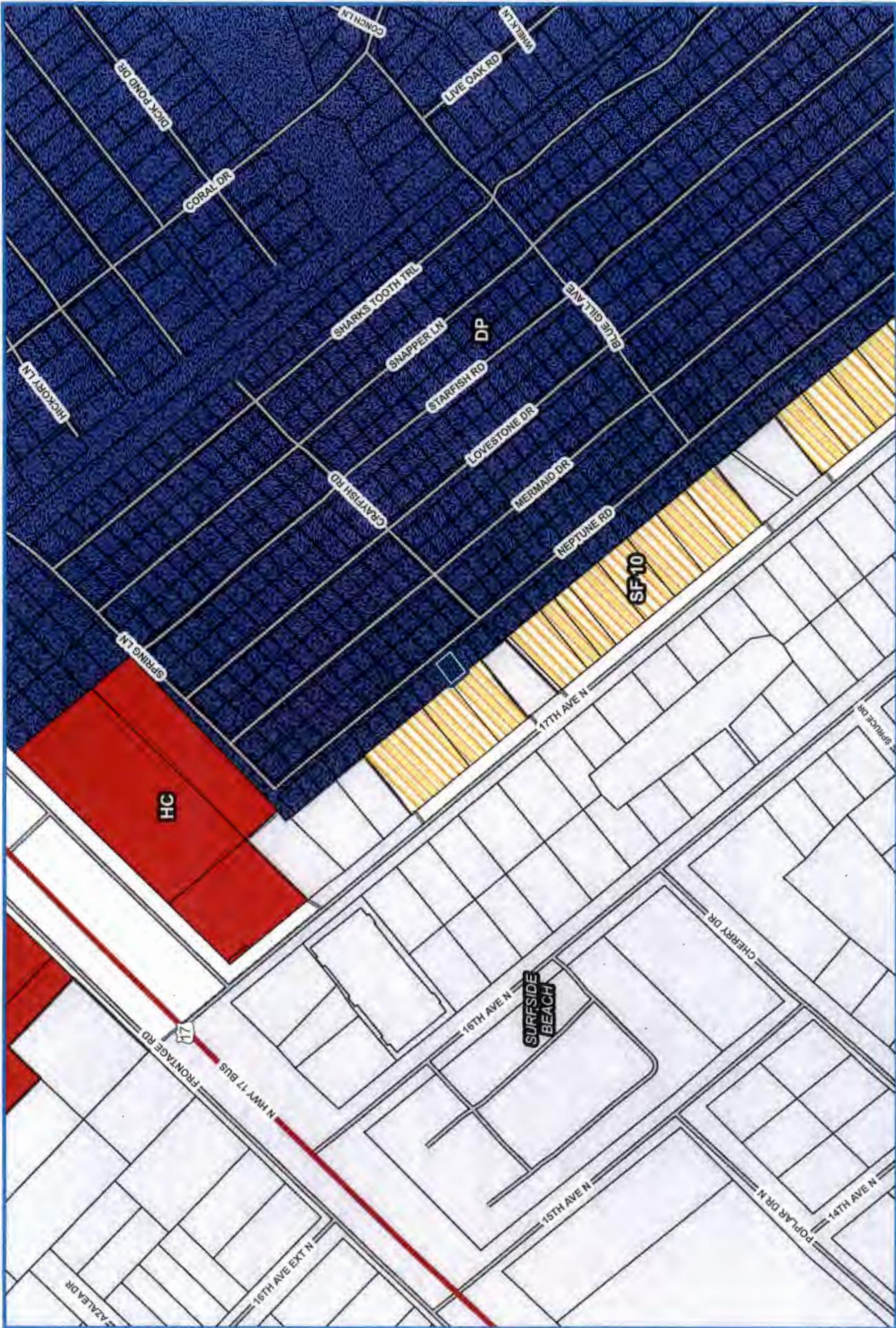
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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.





**Aerial Map**

Variance Case Number  
2023-06-012

Ocean Lakes Family Campground  
PIN: 459-11-04-0137

Parcel for Consideration

Road



*Rear View of Property*



*Adjacent Property on Right*



*Front View of Property off Neptune Road*



*Street View off Neptune Road*

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF HORRY )  
 In re: Ocean Lakes Family Campground )  
 \_\_\_\_\_ )

**BEFORE THE BOARD OF  
 ZONING APPEALS**  
 Case No.: 2023-06-012  
**ORDER OF THE BOARD**

Hearing was held before this Board on July 10, 2023, pursuant to the request of the applicant for a variance from Article II, Section 205 regarding the setback requirements in the Destination Park (DP) zoning district. The property is identified by PIN 459-11-04-0137 and is located at 6001 S. Kings Hwy, Site. 1869 in the Myrtle Beach area of Horry County. The applicant has requested the following variances from the requirements:

	Requirement	Requested	Variance Needed	Percentage
<b>Single Family Home</b>				
Side exterior setback of the campground	20'	5'	15'	<b>75% *</b>

**\* This variance will require a 2/3 vote\***

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.

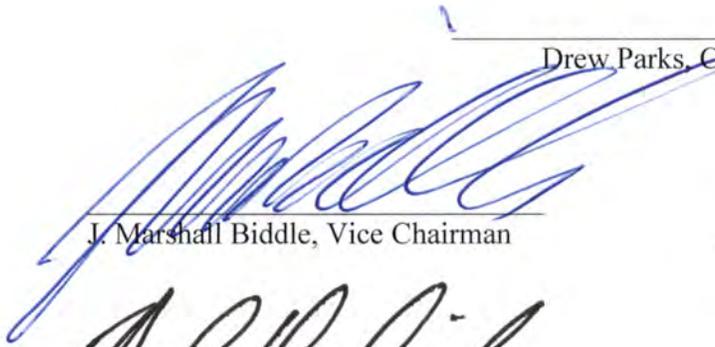
## FINDINGS OF FACT

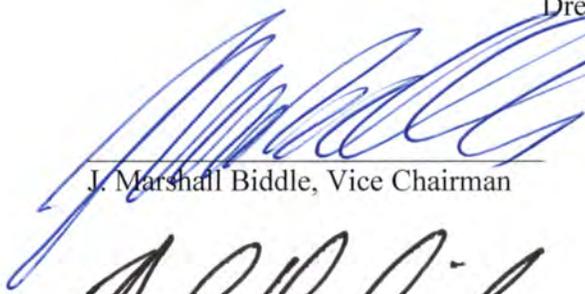
1. The property is identified by PIN 459-11-04-0137.
2. It is zoned Destination Park (DP) and is located at 6001 S. Kings Hwy, Site. 1869 in the Myrtle Beach area of Horry County.
3. The applicants are requesting a variance from Article II Section 205 regarding setback requirements in the Destination Park (DP) zoning district.
4. This is site 1869 within Ocean Lakes Campground.
5. The applicants are proposing to build a raised single-family home on this site to replace a camper with addition that was demolished in 2022.
6. Ocean Lakes Campground is grandfathered because it existed before the zoning of this area in 1987.
7. The setbacks that have been enforced by Zoning since 2004 are the external boundaries of the campground.
8. The setbacks are 30' front where the park abuts Hwy. 17 and the Frontage Rd and 20' side and rear where the property line abuts adjoining properties not located within the campground.
9. This lot is an exterior lot located on the south side of the park boundary.
10. The new home will be located 5' from the side exterior property line instead of the required 20' for a variance of 15'.

## 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 10<sup>th</sup> day of July, 2023

  
\_\_\_\_\_  
Drew Parks, Chairman

  
\_\_\_\_\_  
J. Marshall Biddle, Vice Chairman

\_\_\_\_\_  
Jody Nyers

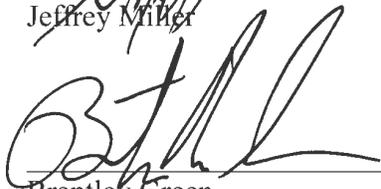
  
\_\_\_\_\_  
Neal Hendrick

  
\_\_\_\_\_  
Blake Arp

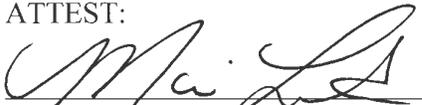
  
\_\_\_\_\_  
Robert Page

  
\_\_\_\_\_  
Jeffrey Miller

  
\_\_\_\_\_  
Kirk Truslow

  
\_\_\_\_\_  
Brantley Green

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: Requesting a 15' variance from the required 20' to 5' for construction of a home on stilts on site 1869

Required	Requested
Front Setback: _____	Front Setback: _____
Side Setback: _____	Side Setback: _____
Rear Setback: <u>20'</u>	Rear Setback: <u>5'</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?  
Lot 1869 is very shallow in nature, is only 0.04 ac in size, and is located on the perimeter of the property which requires a 20' rear yard setback.

b. Why do these conditions not apply to other properties in the vicinity?  
Except for other lots located along the perimeter, these shallow lot conditions do not generally apply to other parcels within Ocean Lakes. Variances to 5' setback granted to 1868 + 1870.

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?  
Because of these shallow lot conditions, the application of the ordinance to Lot 1869 would effectively prohibit and unreasonably restrict the utilization of the parcel.

d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district?  
There are 84 Annual Lease Sites on Southern border and permits have been approved over the years with a 5' rear setback, which have not been a detriment to community. We do not believe lot 1869 variance would have any negative impact.

\*\* 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

05-31-2023  
 Date

Please See Attachments

Description of Request for OLFC Lot 1869:

Ocean Lakes Family Campground began development in 1970. It is made up of two large land tracts (+/- 240 ac. & +/- 60 ac.) that compromise the entire +/-300 ac. development. The property is made up of annual lease sites and transient camping sites along with extensive amenities for our guests. When the annual lease sites were developed, individual lots were never subdivided. The annual lease sites were simply made into parcels which individuals leased from Ocean Lakes and constructed vacation homes on. The average annual lease parcel, whether an interior, ocean front, or lot on the perimeter of the property, are roughly 50' X 60'. This lot size allows for a standard annual lease vacation home of 827 sf. per floor on a standard lot within Ocean Lakes. However, over time some annual lease parcels became either smaller, less deep, wider or deeper depending on how adjacent parcels were defined & delineated.

Lot 1869 is very shallow in nature, is only .04 ac. in size, and is located on the perimeter of the property which requires a 20' rear yard setback. Due to these extraordinary and exceptional conditions, it will not allow for the standard size vacation home of 827 sq. ft. per floor. Except for other lots located along the perimeter of Ocean Lakes, these shallow lot conditions do not generally apply to other parcels within Ocean Lakes. Because of these shallow lot conditions, the application of the ordinance to Lot 1869 would effectively prohibit and unreasonably restrict the utilization of the parcel.

Ocean Lakes would like to request a 15 ft. variance for the rear set back of Lot 1869 in order to construct a modified vacation home within Ocean Lakes. There are 84 annual lease sites along the southern perimeter of the campground and permits for these sites have been approved over the years with a 5' rear yard setback which has not been a detriment to the community. Because of this, we do not believe the authorization of this variance for Lot 1869 will be a substantial detriment to other adjacent like-type properties or to the public good and the character of Ocean Lakes district will be harmed.

We respectfully request the Boards approval of this variance.

ADAM JOHAN  
 ARCHITECTURAL DESIGN, LLC  
 1000 S. 10th Street  
 Myrtle Beach, SC 29577  
 (843) 661-1111

Nolan Scarborough  
 Greedy Properties, LLC  
 Myrtle Beach, South Carolina

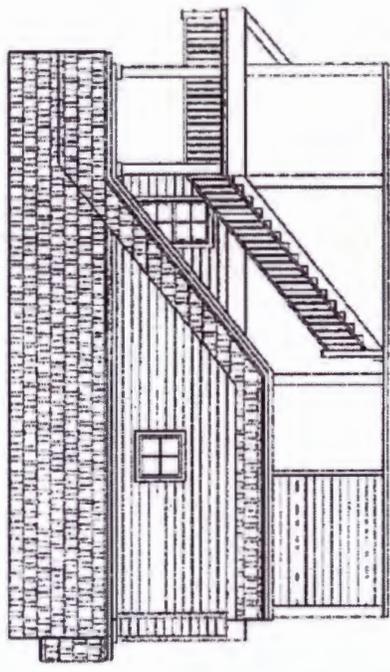
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SHEET  
 1 of 3

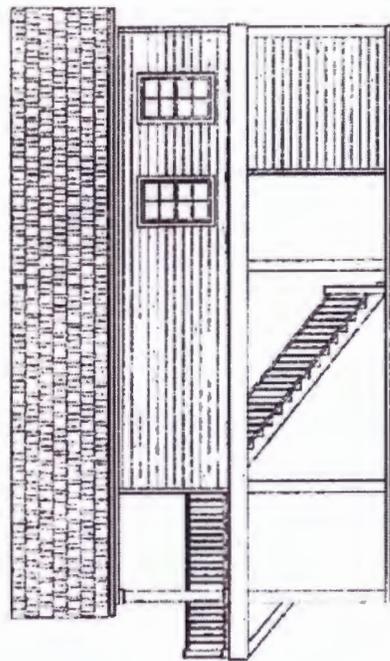
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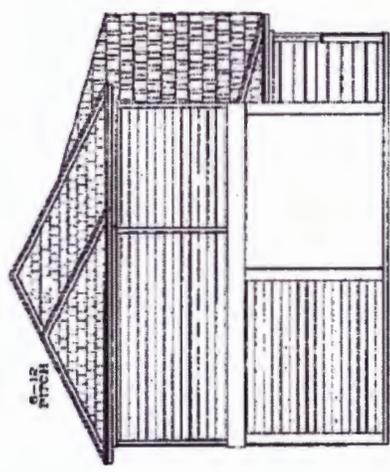
PLAN ORIGINATED FOR:  
 ADAM JOHAN ARCHITECTURAL DESIGN, LLC  
 1000 S. 10th Street  
 Myrtle Beach, SC 29577  
 (843) 661-1111



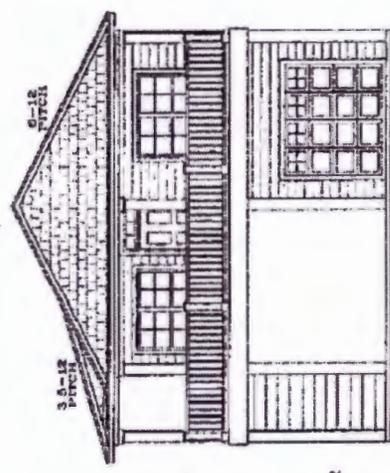
Left



Right



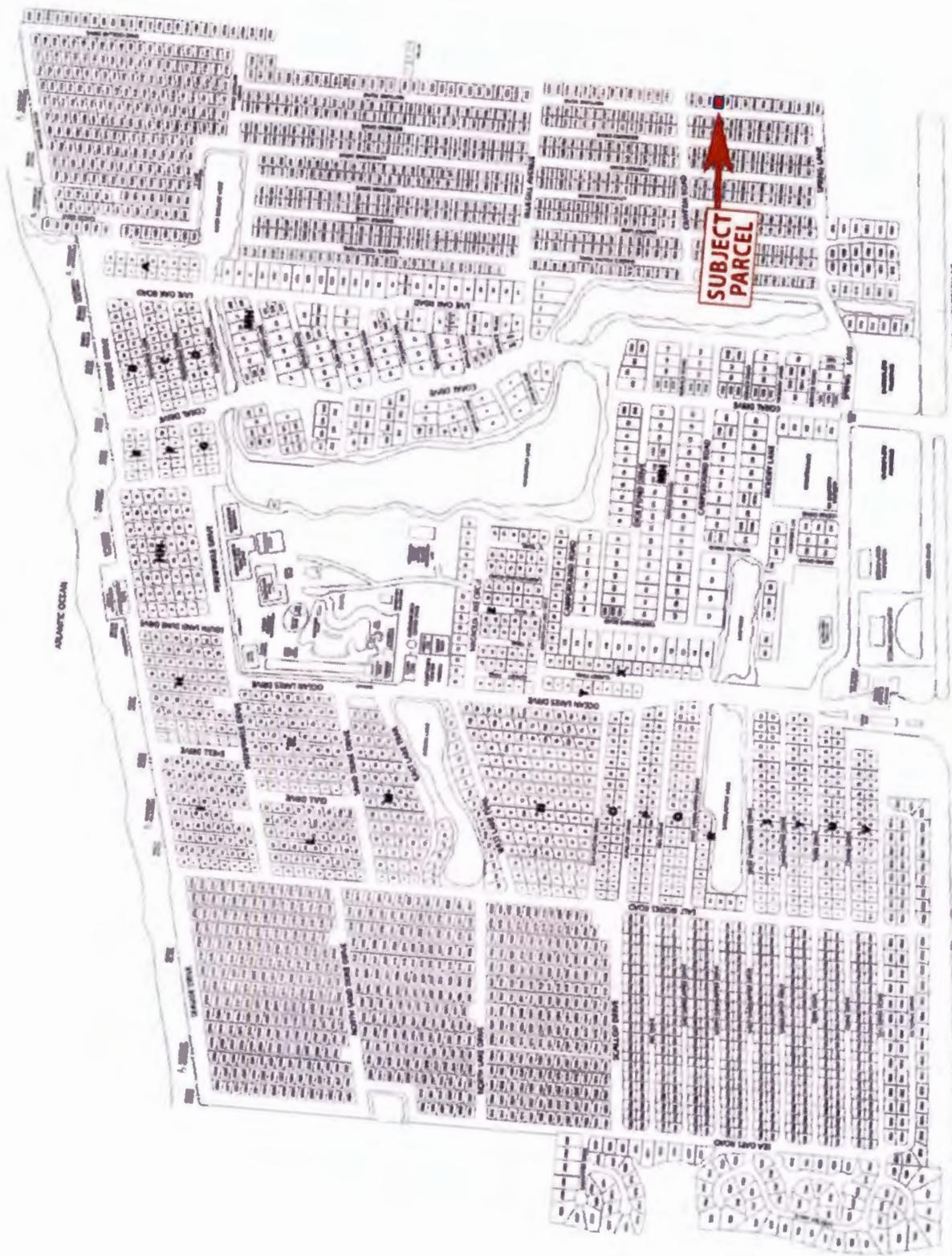
Rear



Front

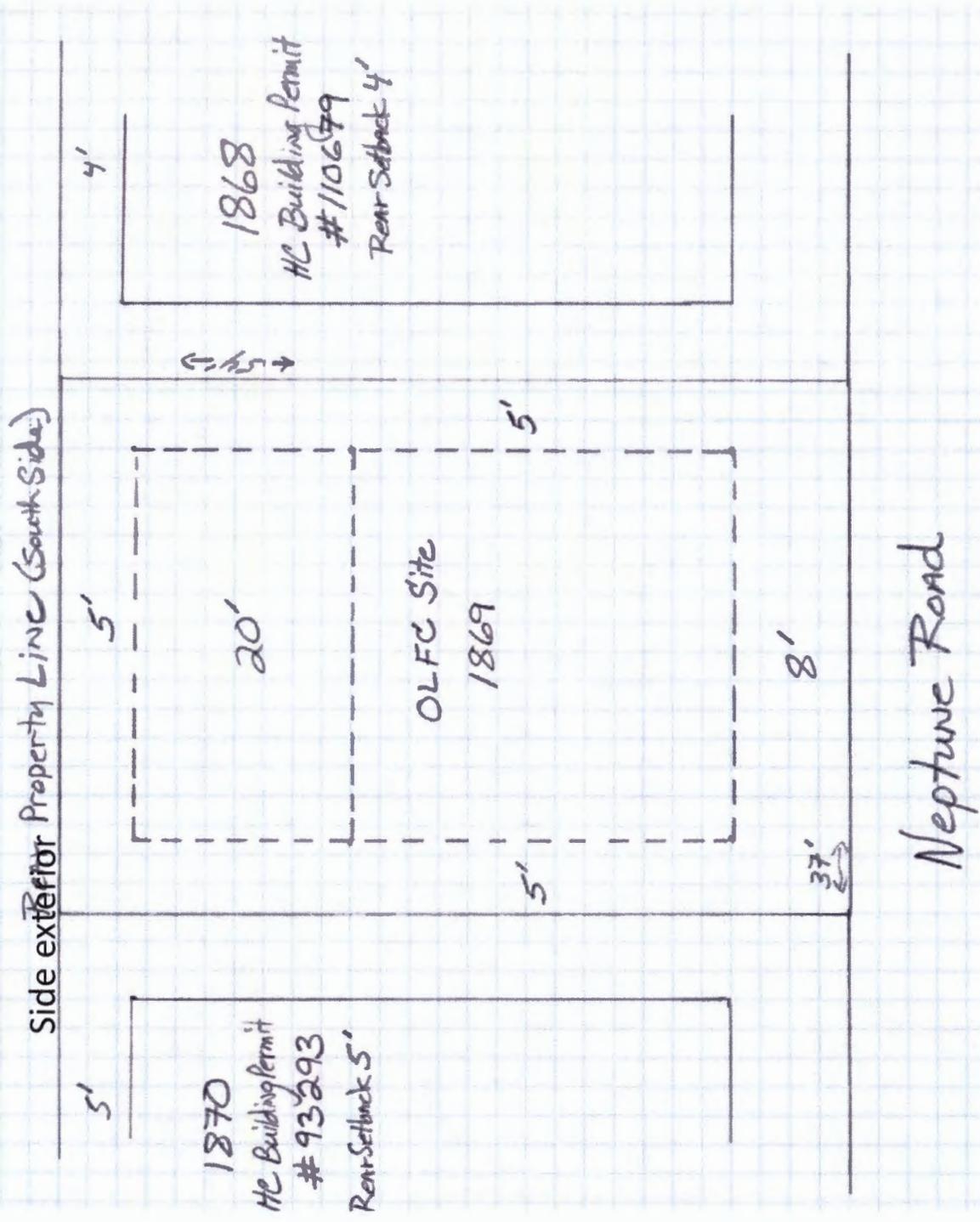
FIRST FLOOR

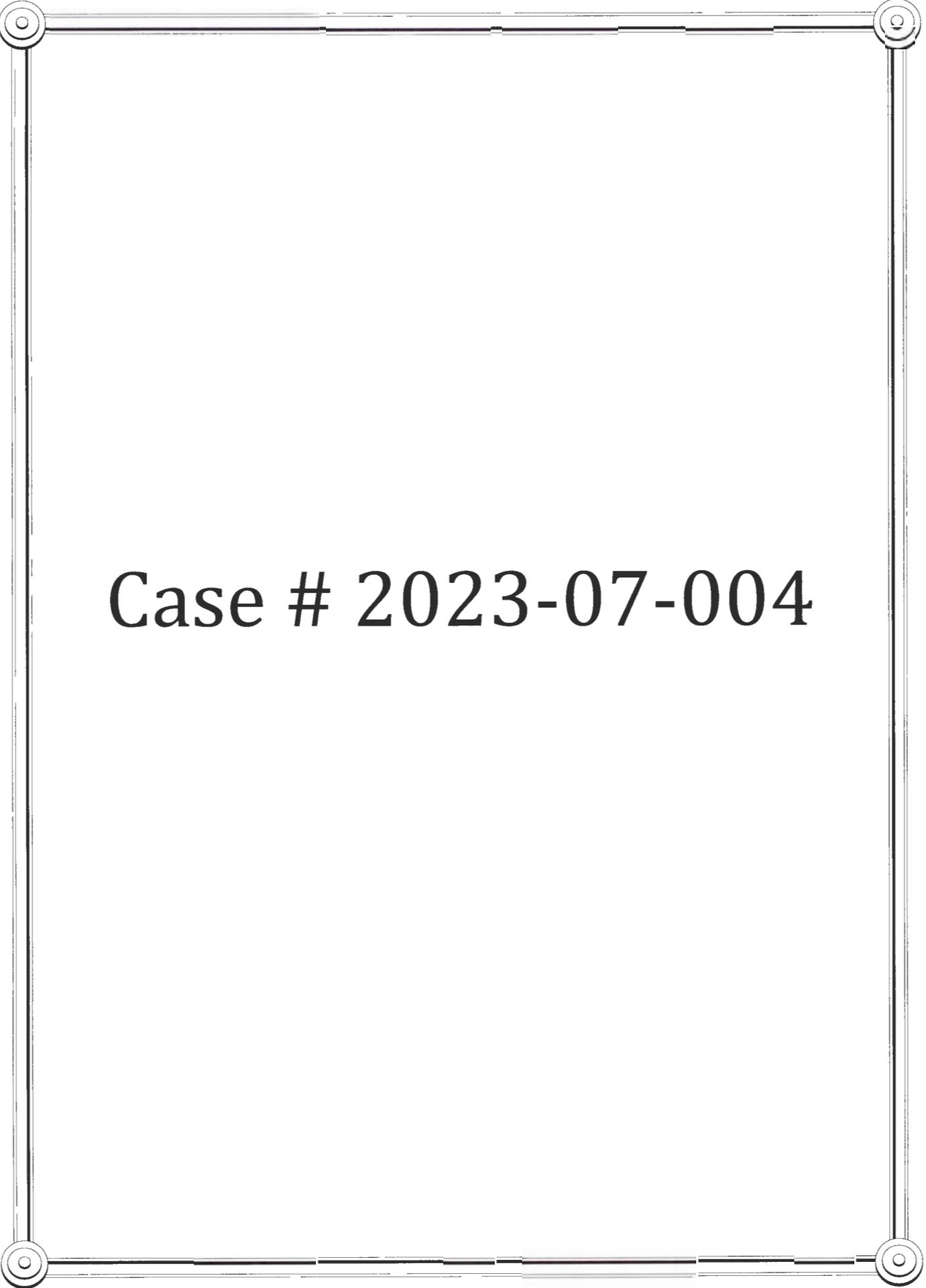
10' GRND FLOOR



Ocean Lakes Family Campground  
Key Map

SITE PLAN





**Case # 2023-07-004**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-07-004
Applicant	David Deitz/D3G Architects, LLC agent
Parcel Identification (PIN) #	203-07-02-0001
Site Location	2080 Hwy 129, Galivants Ferry
Property Owner	Antioch Baptist Church
County Council District #	11 - Allen

### Zoning Information

Zoning District	FA
Parcel Size	6.84 Acres
Proposed Use	Church

### Requested Variance(s)

The applicants are requesting a variance from Article II Section 205 and Article V, Section 504 regarding setbacks and parking requirements in the Forest Agriculture (FA) zoning district.

	Requirement	Requested	Variance Needed	Percentage
<b>New Sanctuary</b>				
Front setback	60'	45'	15'	25%
<b>Art. V, Section 504 E - Foundation Buffer</b>				
Foundation landscape	5'	0'	5'	100% *

**\* This variance will require a 2/3 vote**

### Background/Site Conditions

This is the Antioch Baptist Church which has been at this location since 1974. The applicants are proposing to demolish the existing sanctuary with a 4,950 sq. ft. sanctuary. The existing church is located 49.5' from the front property line. The new addition will be 57' from the front property line and the new HVAC units will be located 50' from the front property line. The applicants are requesting a front setback of 45' instead of the required 60' for a variance of 15'. The new addition will require a 5' landscape buffer, the applicants are proposing a 0' buffer 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 commercial properties in the FA zoning district.

## VARIANCE REVIEW SHEET

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?)

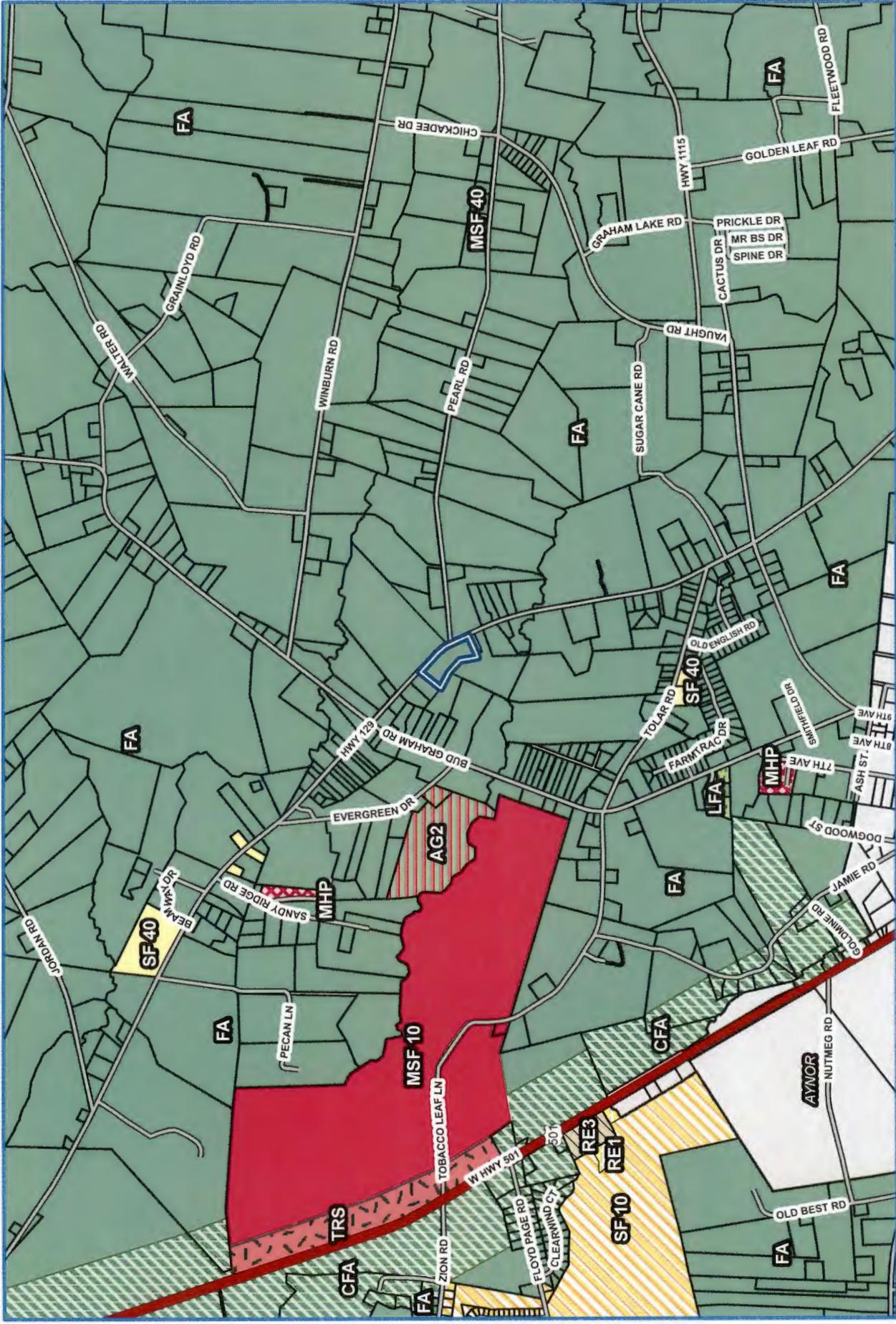
The church has been in existence since 1974.

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.



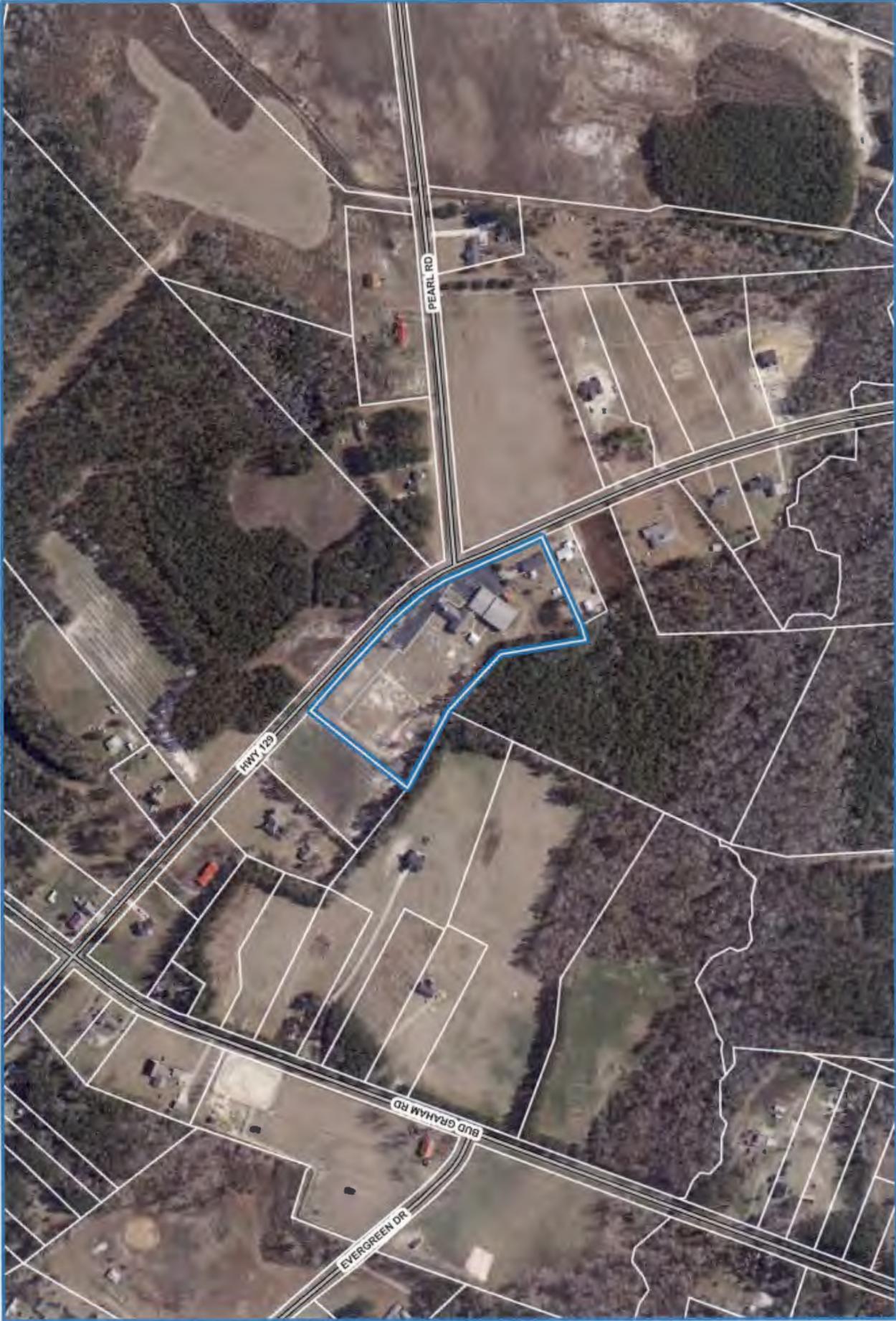
**Zoning Map**  
 Variance Case Number  
 2023-07-004  
 D3G Architects LLC agent for  
 Antioch Baptist Church  
 PIN: 203-07-02-0001

Parcel for Consideration Major Road   
 Parcel Boundary Road   
 Municipality

HC Government

0 1000 2000 Feet

N



Parcel for Consideration

Road



HC Government



**Aerial Map**  
Variance Case Number  
2023-07-004  
D3G Architects LLC agent for  
Antioch Baptist Church  
PIN: 203-07-02-0001



Adjacent Properties



Front View off Hwy 129



Left Side View of 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): VIII Section(s): 800 Table 8-1

2. Description of Request:

The Church needs a larger Sanctuary, but the only place to build it is where the existing Sanctuary sits. The existing Sanctuary encroaches approximately ten feet into the front yard setback. The Church seeks permission for the new Sanctuary to encroach by this same amount.

Table with 2 columns: Required and Requested. Rows include Front Setback (60' vs 50'), Side Setback, Rear Setback, Minimum Lot Width, Min Lot Width @ Bldg. Site, and Max Height of Structure.

Other Variances: foundation landscaping requirements.

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? Not enough room exists between the classroom building and the front setback line for a larger Sanctuary.

b. Why do these conditions not apply to other properties in the vicinity? Other properties are not similarly boxed in to prevent the construction of needed larger facilities.

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 area suitable for a Sanctuary is limited by the adjacent cemetery and a 2-story classroom building. The front yard setback of 60 feet is thus prohibiting the desired 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? Authorization will in no way be detrimental to adjacent properties, the public good or character of the district. The proposed structure will encroach no further into the setback than the existing building.

\*\* 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

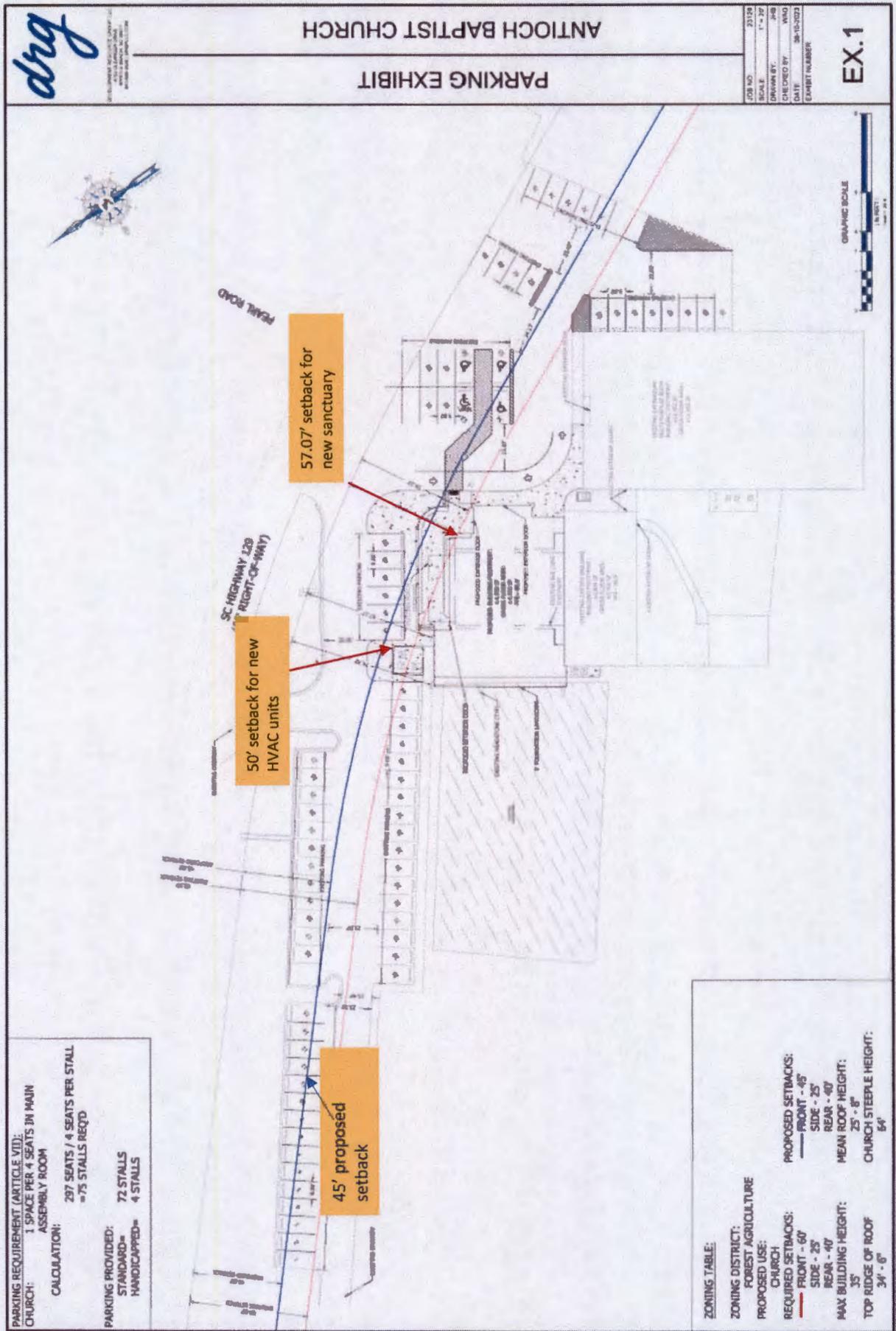
5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

Applicant's Signature: [Handwritten Signature]

Date: 4-25-2023



# SITE PLAN



**Case # 2023-07-005**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-07-005
Applicant	Franklin Daniels, agent
Parcel Identification (PIN) #	464-05-02-0001
Site Location	11088 SC-707, Murrells Inlet
Property Owner	STOR MURSC HWY 707, LLC
County Council District #	5 - Servant

### Zoning Information

Zoning District	CFA
Parcel Size	2.59 Acres
Proposed Use	Storage Facility

### Requested Variance(s)

The applicants are requesting variances from Article V, Section 504, Art. VII, Section 704 and Art. VIII, Sections 801 and 804 regarding landscaping, parking and Hwy. 707 overlay requirements in the Commercial Forest Agriculture (CFA) zoning district.

	Requirement	Requested	Variance Needed	Percentage
<b>Art. V, Section 504 Landscape Buffer ordinance</b>				
Landscape Fencing	Required to be internal to landscaping buffers			100% *
Sect. 504.B.4.a - Stormwater Management devices encroachment into landscape buffers	10%	12%	2%	20%
Sect. 504 C - Left side Type A Opaque buffer width abutting residential	10'	5'	5'	50% *
Left side Type A Opaque Buffer	16 Canopy 16 Understory 103 shrubs	11 Canopy 11 Understory 103 Shrubs	5 Canopy 5 Understory 0 Shrubs	32% 32%
Left side Type A Opaque Buffer fence	Wood, vinyl or masonry	Chain link with privacy mesh	Chain link with privacy mesh	100% *
Right side 5' Type B Spatial buffer for pedestrian walkway	501'	441'	60'	12%
Sect. 504.D.c	Every parking space must be within 50 ft. from a planted tree			3%
<b>Art. VII - Parking for Mini-warehouse</b>				
Parking Spaces	12	7	5	42%
<b>Art. VIII , Section 801 &amp; 804 - Hwy 707 Overlay</b>				
Sect. 804.B.9 - Sign type	Ground	Not ground	Not ground	100% *
Sect. 804.B.3 - Impervious Area coverage	65%	84%	19%	30%

## VARIANCE REVIEW SHEET

Sect. 804.B.5 - Streetscape Buffer	7 Canopy Trees 7 Understory Trees 39 shrubs	5 Canopy Trees 5 Understory Trees 39 Shrubs	2 Canopy Trees 2 Understory Trees 0 Shrubs	29% 29%
Sect. 801.D.3.a - Pedestrian Pathway	A 5' pedestrian walkway must be constructed from the main entrance of the building to the public sidewalk system			50% *
* These variances will require a 2/3 vote				

### Background/Site Conditions

This is the location of USA Storage Center which was constructed in 2005. This parcel is located within the Hwy. 707 overlay which was established in 2002. The value of construction is considered a "major" level of modification to the site, requiring the whole site to come into compliance. The applicants are proposing to construct a 12,800 SF building on the front of this parcel. The applicants are requesting the following variances: The proposed addition will require 12 parking spaces they are providing 7 for a variance of 5. **Hwy. 707 overlay variances.** 1) Section 801 D 3 a - 50% variance to connect the 5' pedestrian pathway to the pedestrian gate entering the storage area vs. connection to the main entrance of the building. 2) Section 801 & 804 - 100% relief from all design standards on the 3 existing storage buildings. 3) Section 804.B.3 - Variance to allow the impervious area coverage to exceed the 65%; requesting 84% coverage. 4) Section 804.B.9 limits all signage to a ground type sign, applicant is requesting 100% relief from this requirement to be able to keep the existing sign. 5) Section 804 B 5 streetscape buffer along Hwy. 707 variance of 2 canopy trees and 2 understory trees. **Landscape Buffer variances:** 1) Landscape fencing is required to be internal to the buffer, they are requesting to place the fence on the external side of the landscaping along the property line. 2) Sect. 504.B.4.a - the existing pond along Hwy. 707 will remain which will encroach into the landscape buffer by 3' vs. the allowed 2.5' which is a 12% encroachment vs. the allowed 10%. 3) Sect. 504 C - a 10' Type A opaque buffer is required on the left side adjoining the residential use. The applicants are requesting to put a 5' buffer with reduced plantings variance of 5 canopy and 5 understory trees and provide chain link fence with privacy mesh instead of the required wood, vinyl or masonry fence. 4) Sect. 504 C requires a 5' Type B spatial buffer along the right side property line. The applicants are requesting relief from a 60' portion of the 501' property line to install the pedestrian walkway. 5) Sect. 504.D.c requires that every parking space to be within 50' from a planted tree; a variance is requested for 3 parallel parking spaces on the west side of the proposed building.

### 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 within the Hwy. 707 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

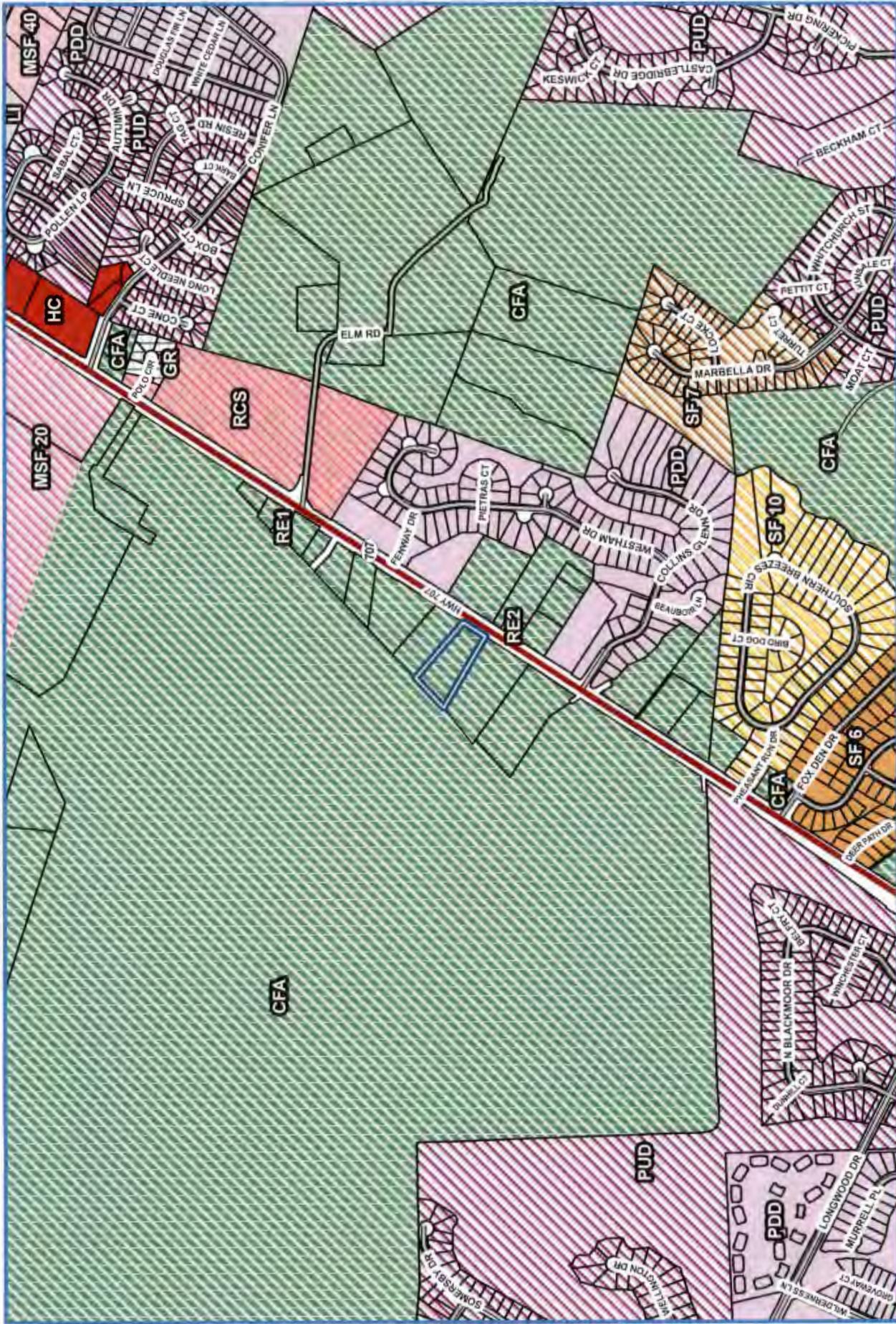
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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. All other applicable County requirements shall be met.



HC Government

0 500 1000 Feet

N

**Zoning Map**  
 Variance Case Number  
 2023-07-005  
 Franklin Daniels agent for  
 STOR MURSC HWY 707, LLC  
 PIN: 464-05-02-0001

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



**Parcel for Consideration**

**Aerial Map**

Variance Case Number  
2023-07-005  
Franklin Daniels agent for  
STOR MURSC HWY 707, LLC  
PIN: 464-05-02-0001

HC Government

0 100 200 Feet

N

Parcel for Consideration  
Major Road  
Road



*Front on Hwy. 707*



*Existing Sign*



*Front of Office building*



*Adjoining parcel to the right - Storage facility*



*Left side outdoor storage area*



*Rear*



*Storage buildings*



*Fencing on left side*



August 11, 2023

Mr. Drew Parks, Chairman  
Zoning Board of Appeals  
c/o  
Horry County Planning Department  
1301 Second Avenue Ste. 1D09  
Conway, SC 29526

RE: Rezoning Case #2023-07-005

Dear Mr. Parks:

The board of directors of the Greater Burgess Community Association **opposes** the granting of the variance in case #2023-07-005. We see no justification to allow the requested variances.

Al Jordan  
President  
Greater Burgess Community Association  
843.215.1473  
<http://greaterburgesscommunity.org>  
[facebook.com/greaterburgesscommunityassociation](https://www.facebook.com/greaterburgesscommunityassociation)

**Thompkins, Pam**

---

**From:** Renee Muller <rm0136@sccoast.net>  
**Sent:** Monday, August 14, 2023 11:14 AM  
**To:** Thompkins, Pam  
**Subject:** Fwd: REZONING CASE #2023-07-005/11088 SC Hwy. 707, Murrells Inlet, SC

**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.

Begin forwarded message:

**From:** Renee Muller <rm0136@sccoast.net>  
**Subject:** REZONING CASE #2023-07-005/11088 SC Hwy. 707, Murrells Inlet, SC  
**Date:** August 14, 2023 at 12:27:08 AM EDT  
**To:** [marnieleonard@horrycountysc.gov](mailto:marnieleonard@horrycountysc.gov)  
**Cc:** [drewparks@chicora.net](mailto:drewparks@chicora.net), [Jordan.David@horrycountysc.gov](mailto:Jordan.David@horrycountysc.gov), [Thompk@horrycountysc.gov](mailto:Thompk@horrycountysc.gov)

To: The Horry County Zoning Board of Appeals

From: Renee' H. Muller, 11091 Hwy. 707, Murrells Inlet, SC 29576

Date: August 14, 2023

Please accept this letter as formal notification that I **OPPOSE** the granting of the variances regarding landscaping, parking and Hwy 707 Overlay Requirements on the above-referenced case/property.

Pursuant to Article XI, Section 1105, I see **NO UNNECESSARY HARDSHIP** upon the new owners of said property.

See Section 1104, Powers and Duties of the Zoning Board of Appeals, below:

**A VARIANCE MAY BE GRANTED IN AN INDIVIDUAL CASE OF UNNECESSARY HARDSHIP IF THE BOARD MAKES AND EXPLAINS IN WRITING THE FOLLOWING FINDINGS:**

There are extraordinary and exceptional conditions pertaining to the particular piece of property;  
These conditions do not generally apply to other property in the vicinity;  
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; and  
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.

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.

**Although, I do believe there would be substantial detriment to adjacent property and public by granting of the variance. The purpose of the new zoning requirements and the Hwy. 707 overlay requirements is to CLEAN UP AND ENHANCE the Burgess Community. New Owner/New Regulations should be following!**

See Section 1105, Variances:

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.

**Lastly, The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance. This is pre the main objective, therefore, should not be considered grounds for variance!**

\*\*\*\*

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# Applicant Submittal

Reviewed  
7/17/23

VARIANCE REQUEST

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

Article(s): See attached Section(s): See attached

2. Description of Request: See attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<u>Required</u>	<u>Requested</u>
Front Setback: <u>60</u>	Front Setback: <u>60</u>
Side Setback: <u>25</u>	Side Setback: <u>25</u>
Rear Setback: <u>40</u>	Rear Setback: <u>40</u>
Minimum Lot Width: _____	Minimum Lot Width: _____
Min Lot Width @ Bldg. Site: _____	Min. Lot Width @ Bldg. Site: _____
Max Height of Structure: <u>35'</u>	Max Height of Structure: <u>35'</u>

Other Variances: See attached.

\_\_\_\_\_  
\_\_\_\_\_

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.

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

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?  
See attached.

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.

**\*\* 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.

James A Berry  
Applicant's Signature

05-25-2023  
Date

Exhibit A

- 1) Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:
  - a) Article(s): II – Established Districts; IV – General Provisions; VII – Parking Regulations and VIII – Overlay Zones.
  - b) Section(s): 801(D)(1)(b); 801(D)(3); 804 (Level of Modification Table); 804(B)(1)(b)(iv); 804(B)(3); Table 2-1; 804(B)(4); 704 and 412.
  
- 2) Description of Request(s):
  - a) Applicant is requesting that the three (3) existing Storage Buildings be permitted to remain in their existing condition and configuration including but not limited to the existing exterior materials (metal), design and function.
  - b) Applicant is requesting that the 5' pedestrian pathway from the main entrance of the building to the public sidewalk system not be required. Applicant is proposing a sidewalk connection on the northwest corner of the site from the right-of-way to the pedestrian gate entering the storage area.
  - c) Applicant is requesting the Impervious Surface Area remain over 65% of total lot area. Specifically, the site already exists at 87.93% and Applicants final plan will lower the impervious coverage to 84%.
  - d) Applicant is requesting that the existing conditions be permitted to remain in setbacks, including stormwater ponds, drainage pipe, drainage structures, other utilities underground and overhead, and drive aisles. No additional volume will be added within the ROW.
  - e) Applicant is requesting to reduce the required landscape buffer in areas impacted by the current stormwater pond location and existing pavement locations. Applicant has accommodated the landscape buffer requirements in all areas except for the existing stormwater ponds, existing fence locations, and proposed sidewalk connection to the right-of-way.
  - f) Applicant is requesting existing utilities be permitted to remain within the landscape buffer and asks for the ability to adjust the stormwater line and structures in the southeast corner connecting the existing stormwater ponds.
  - g) Applicant is requesting to reduce parking requirements to include 7 parking spaces. This will include 2 ADA parking spaces. Applicant is also requesting that certain parking spaces not be required to be within 50' of the trunk of a tree.
  - h) Applicant is requesting a sliding gate and fence adjacent to the front of the new building. Applicant will provide the required privacy fence to screen outdoor storage areas as applicable. Applicant is also requesting the fence locations are not required to be located behind the 5ft spatial buffer on the sides and rear of the site.

- i) Applicant is generally requesting that, although the level of modification is considered “major,” it not be required to adhere to all sections of the overlay for reasons set forth herein.
- 3) South Carolina Law 6-29-800(A)(2) requires the following findings in order for the ZBA to grant a variance.
- a) What extraordinary and exceptional conditions pertain to this particular piece of property?

Response: First and foremost, the use of the subject property is going to stay exactly the same as it is. Applicant is simply refurbishing the property to better meet the intent of the overlay requirements. For example, the new proposed building—which will be conforming to the overlay elevation and facade requirements—will act as a visual barrier from the ROW to the rear existing buildings. Also, pedestrian traffic will be minimal because there will not be an office remaining on site (the facility will be remotely managed) and the only entrance will be on the side or back of buildings for storage. Accordingly, the 5’ pedestrian pathway from the main entrance of the building to the public sidewalk system is not necessary. Additionally, Applicant will be lowering the impervious coverage from its current level. However, Applicant is requesting that the stormwater ponds, stormwater structures, stormwater pipes (including required adjustments), other utilities and drive aisles existing within the setbacks remain because any other location would render the improvements to the property impracticable. Moreover, with regard to parking, the existing three storage buildings contain drive-up units and therefore do not require any parking and should not be counted. Again, there will not be an office remaining on the site, which further decreases the required parking by another 4 spaces. Also, the proposed new building is not anticipated to have a unit count of more than 150 units, therefore not requiring more than 3 parking spaces. It is also important to note that Applicant is providing the same amount of parking spots that currently exist on site. Accordingly, Applicant is providing more than enough parking for this low traffic volume self-storage facility.

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

Response: These conditions are peculiar to the subject property, as the request for the variance stems from the need to refurbish and visually improve the property coupled with the unique preexisting characteristics of the property’s topography that must remain in order to complete such improvements.

- 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?

Response: Strict application of the above mentioned zoning requirements would create unnecessary hardship by significantly limiting Applicant's ability to efficiently and effectively incorporate the proposed improvements, which, upon completion, will actually cause the subject property to better meet the intent of the overlay requirements. By improving the subject property, Applicant will help enhance and modernize the area in keeping with the general development that has occurred within the district.

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

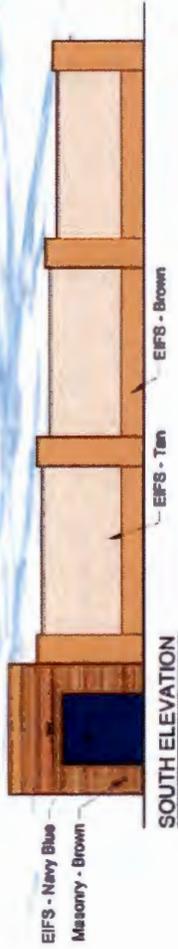
Response: No, authorization of the above variances will not alter the essential character of the district, nor substantially or permanently impair the appropriate use or development of adjacent properties, nor be detrimental to the public welfare. In fact, the proposed design would be considered an improvement upon the existing conditions of the site and would not result in a change of the current use. As mentioned throughout this request, the proposed improvements would visually upgrade and modernize the subject property and surrounding area.

**PRELIMINARY BUILDING  
ELEVATIONS**

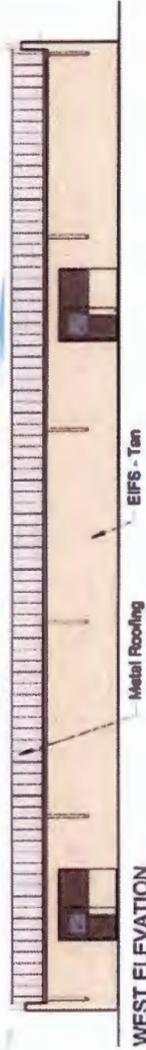
SELF-STORAGE FACILITY  
11088 SC-707  
MURRELLS INLET, SC  
APRIL, 25, 2023



**EAST ELEVATION**



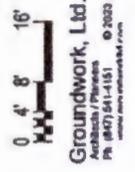
**SOUTH ELEVATION**



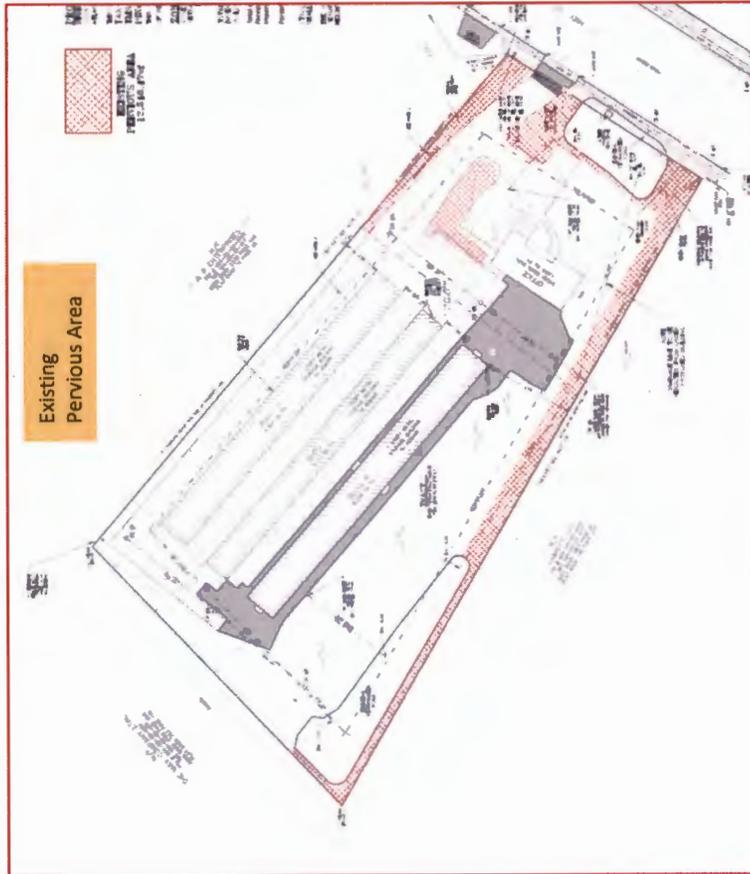
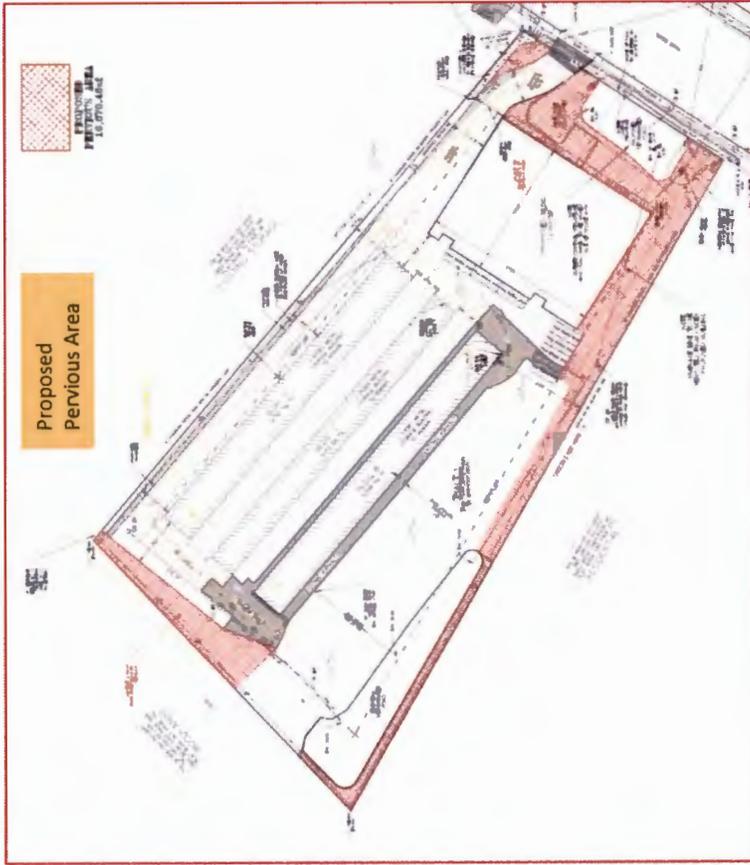
**WEST ELEVATION**



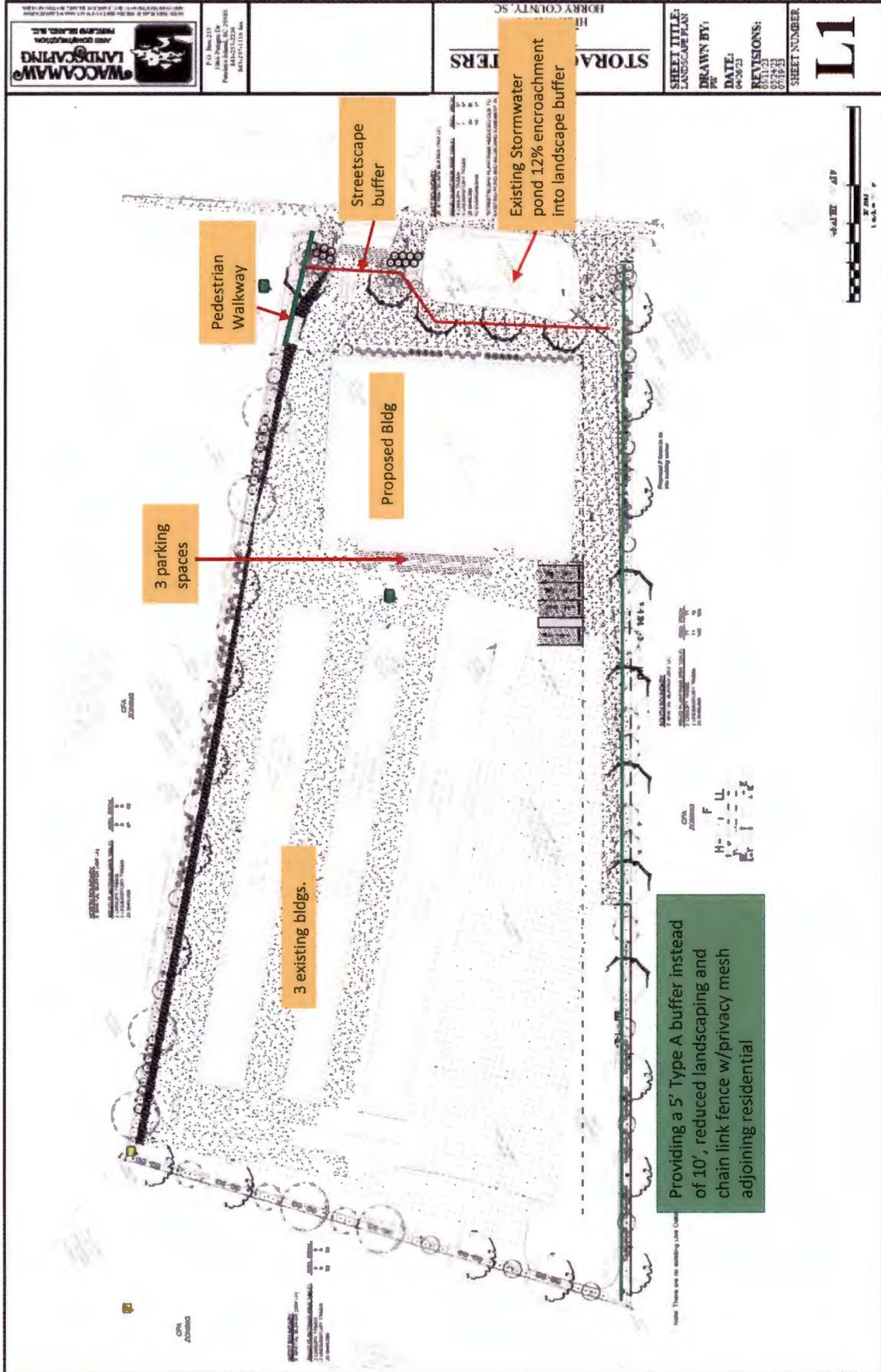
**NORTH ELEVATION**

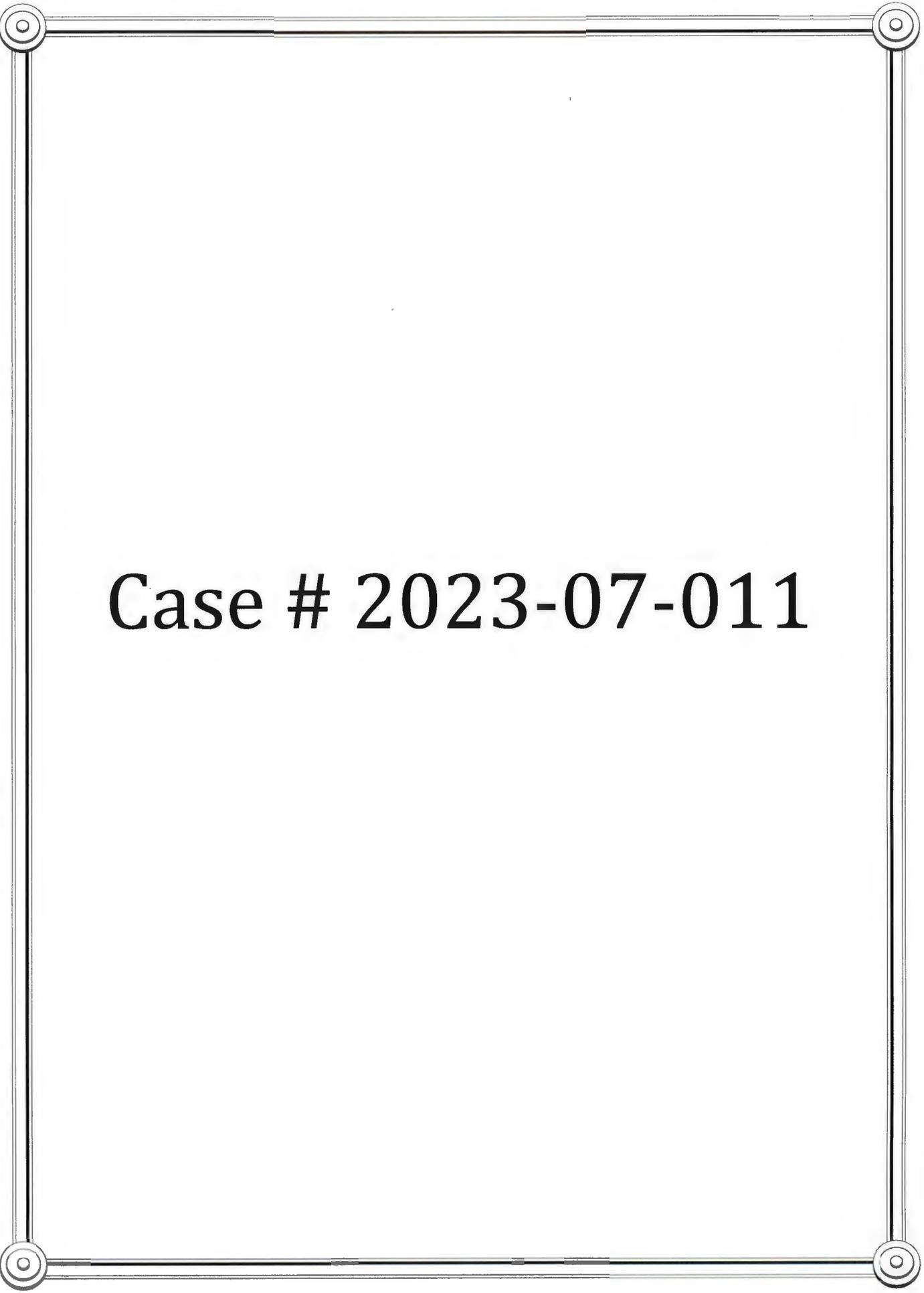


# Pervious Surface Area



# Site Plan





**Case # 2023-07-011**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-07-011	<b>Zoning Information</b>	
Applicant	Michael Cummiskey, agent	Zoning District	HC
Parcel Identification (PIN) #	367-15-02-0002	Parcel Size	2.69 acres
Site Location	862 E. Hwy. 501, Conway	Proposed Use	Commercial
Property Owner	Horry Furniture Co. Inc.		
County Council District #	7 - Anderson		

### Requested Variance(s)

The applicants are requesting a variance from Article II Section 205 regarding setback requirements and Article VIII Section 802 regarding the 501 Overlay requirements in the Highway Commercial (HC) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Front/right corner side setback	50'	9.8'	40.2'	81% *
*This variance requires a 2/3 vote				

### Background/Site Conditions

In Jan. 2023 the applicants placed a 30' x 45' metal storage building on this site without obtaining a building permit. This parcel is considered a double frontage lot because it is located on a major arterial road. There was a previous storage building in this location but was removed around 2016. The survey indicates the building is located 9.8' from the front/right corner side setback instead of the required 50' for a variance of 40.2'. Engineering states Brown Drive is only 30' in width and is a low volume road.

### 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?)**

All corner lot parcels located on a major arterial road require double frontage setbacks.

**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.**

There is sufficient area on this parcel to move the building and meet the required setbacks.

## 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**  
**Major Road**  
**Road**

**Aerial Map**  
 Variance Case Number  
 2023-07-011  
 Michael Cummiskey agent for  
 Horry Furniture Co Inc.  
 PIN: 367-15-02-0002

**HCGovernment**

0 50 100 Feet

N



*Storage Bldg. on Brown Dr.*



*Hwy. 501 & Brown Dr.*



*Other buildings on site*

INSPECTION WORKSHEET (INSP-7161671-2023)

Horry County Government

Case Number: CASE-011673-2023

Case Module: Code Case

Inspection Date: Mon Jan 30, 2023

Inspection Status: Incomplete

Inspector: Wright, Brian

Inspection Type: CE-BWOP Inspection

Job Address: 866 E HWY 501  
Conway, SC, 29526

Parcel Number: 36715020002

Contact Type

Company Name

Name

Owner

HORRY FURNITURE CO INC

Checklist Item

Status

Inspector Comments - Inspector Comments

Failed

45 x 30 Storage building without a permit.

No power.

See attached pictures.

Please contact Horry County Code Enforcement within five business days to obtain a permit.

Follow up Inspection rescheduled 2/7/23.



Wright, Brian



# Applicant Submittal

VARIANCE REQUEST

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

Article(s): \_\_\_\_\_ Section(s): \_\_\_\_\_

2. Description of Request: The County is requiring a 60' setback from Brown Drive and we are asking for a 12' setback using the existing cement pad for a replacement storage shed. We already have a 50' x 40' cement pad with a 3' wall that is 7' from Brown Drive. If we cannot get the variance, we will be taking out 2 trees and adding a 30' x 45' cement pad to the backyard. Also the storage shed is made of metal siding that matches the storefront metal facad. The storage shed sits behind the storefront building, setback 169' from US 501.

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: We are submitting to the board a variance request to use a metal constructed storage shed that matches our showroom storefront metal facad.

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 had an old storage shed that was removed and we want to utilize the existing cement pad.

b. Why do these conditions not apply to other properties in the vicinity? The surrounding properties already have storage sheds. We need extra storage to hold customer's appliances because new home builders are not providing appliances to buyers.

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? We would have to pour an additional 45' x 30' cement pad to the backyard, take out two trees, and would end up with a 100' wide cement pad utilizing only 45' of the pad.

d. Will the authorization of the variance cause a substantial detriment to the adjacent property, public good or harm the character of the district? We are next to Hometown Sheds who sells sheds and AutoWorld who sells antique automobiles. No detriment to any surrounding properties is known.

\*\* 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 herby 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 June 29, 2023

Appliances 4 less



Horry County Zoning Board of Appeals

Variance Application



Date Filed 6/30/23 Request # 2023-07-011 Energov # U3022  
INV-00582554

1. Complete the application in its entirety (incomplete applications will not be processed);
2. If this is a commercial project a signed review sheet by the plans reviewer must be included with this application.
3. If a setback or dimensional variance is requested, an accurate, legible plot plan prepared by a registered architect, engineer, or surveyor, showing property dimensions and locations of all existing and proposed structures must be provided;
4. The property owner(s) as listed on the current tax records at the time of submittal must sign this application. In addition, if the property is located within a subdivision with a legal and active Home Owners Association (HOA), approval of the HOA must be provided with the application.

Property Address: 862 E HWY 501, CONWAY, SC 29528  
 PIN: 36715020002 Acreage: 2.69 2 ACRES-  
 Zoning District: 100 - CONWAY HC Project: \_\_\_\_\_  
 Subdivision: \_\_\_\_\_ Gate Code: \_\_\_\_\_

Property Owner(s) Name (s): HORRY FURNITURE CO INC  
 Address: P.O. BOX 416, CONWAY, SC 29528-0416  
 Telephone: 843-248-6363 Email: CHARLEYR@RAY-REALTY.COM

[Signature] \_\_\_\_\_ 6-22-23  
 Property Owner (s) Signature (If LLC or Corp Please Provide Authorization) Date

Designation of Agent (If property owner wishes to appoint an agent to Represent Him or Herself)  
 Agents Name: MICHAEL CUMMISKEY  
 Address: 862 E HWY 501, CONWAY, SC 29528  
 Telephone: 843-543-4603 Email: MSCUMMISKEY@GMAIL.COM

I hereby appoint the person(s) listed above as agent to act on my behalf for the purposes of filing such application for a variance as he/she shall deem necessary and proper  
[Signature] \_\_\_\_\_ 6-22-23  
 Property Owner (s) Signature (If LLC or Corp Please Provide Authorization) Date

PLANNING AND ZONING DEPARTMENT USE ONLY

Have Survey: Yes  No  Property Owner(s) Have Signed: Yes  No   
 Have Business License (If Applicable): Yes  No  Have HOA Approval (If Applicable): Yes  No   
 County Council District: 7-Anderson Commercial Review Sheet (If Applicable): Yes  No  Brandn

[Signature] \_\_\_\_\_ 6/30/23  
 Signature of Zoning Representative Date



**Case # 2023-07-015**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-07-015	<b>Zoning Information</b>	
Applicant	Christopher Wall, agent	Zoning District	HC
Parcel Identification (PIN) #	312-05-02-0063	Parcel Size	1.70 Acres
Site Location	1381 Hwy 17, Little River	Proposed Use	Convenience Store/Gas station
Property Owner	First Scotland Financial, LLC		
County Council District #	1 - Dukes		

### Requested Variance(s)

The applicants are requesting a variance from Article II Section 205 regarding setbacks and Article VIII Section 806 regarding the Hwy. 17 Overlay Requirements in the Highway Commercial (HC) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Front/left corner side setback on Pinehurst Cir.	50'	23'	27'	54% *
Rear setback	30'	19'	11'	37%
<b>Art. VIII, Section 806 - Little River Overlay</b>				
<b>Sect. 806.B.2</b>	Gas stations and commercial convenience stores shall utilize either gable or hip roof structures. The canopies over the gas pumps shall be attached to the main building and integrated into the architectural roof design			
Gas Station - Hip roof	4,396 SF	1,040 SF	3,356 SF	77% *
Gas Canopy - Roof	Hip Roof	Mansard Roof	Mansard Roof	100% *
Gas Canopy	The canopies over the gas pumps shall be attached to the main building			100% *
<b>Sect. 806.B.1.b.ii</b>	Building walls facing the front and side yard shall have windows and doors. Such facades shall have display windows a minimum of 6' in height along no less than 60% of their horizontal length			
Front on Hwy. 17	60%	50%	10%	17%
Left side facing Pinehurst Circle	60%	0%	60%	100% *
<b>* These variances require a 2/3 vote</b>				

### Background/Site Conditions

This is the proposed location of Parker's Kitchen convenience store. This parcel is located on the corner of Hwy. 17 and Pinehurst Circle which requires a front setback on both roads. The proposed building will be located 23' from the front/left corner side setback instead of the required 50' for a variance of 27'; and located 19' from the rear property line instead of the required 30' (abutting residential) for a variance of 11'. The applicants are requesting the following variances from the LR overlay requirements: 1) 77% variance on hip roof requirements for the principle building. 2) 100% variance to allow gas canopy to be a mansard roof instead of a hip roof. 3) 100% variance to allow gas canopy to not be attached to the principle structure. 4) A 17% variance to provide 50% of window glazing along the front of the building that faces Hwy. 17 instead of the required 60% and 100% variance on the left side facing Pinehurst Circle. On Jan. 9, 2023 the Zoning Board approved a variance to allow the removal of 2 specimen live oaks on this site. The \$7,050 fee in lieu has not been paid.

# 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?)**

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 convenience stores located within the Little River 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.**

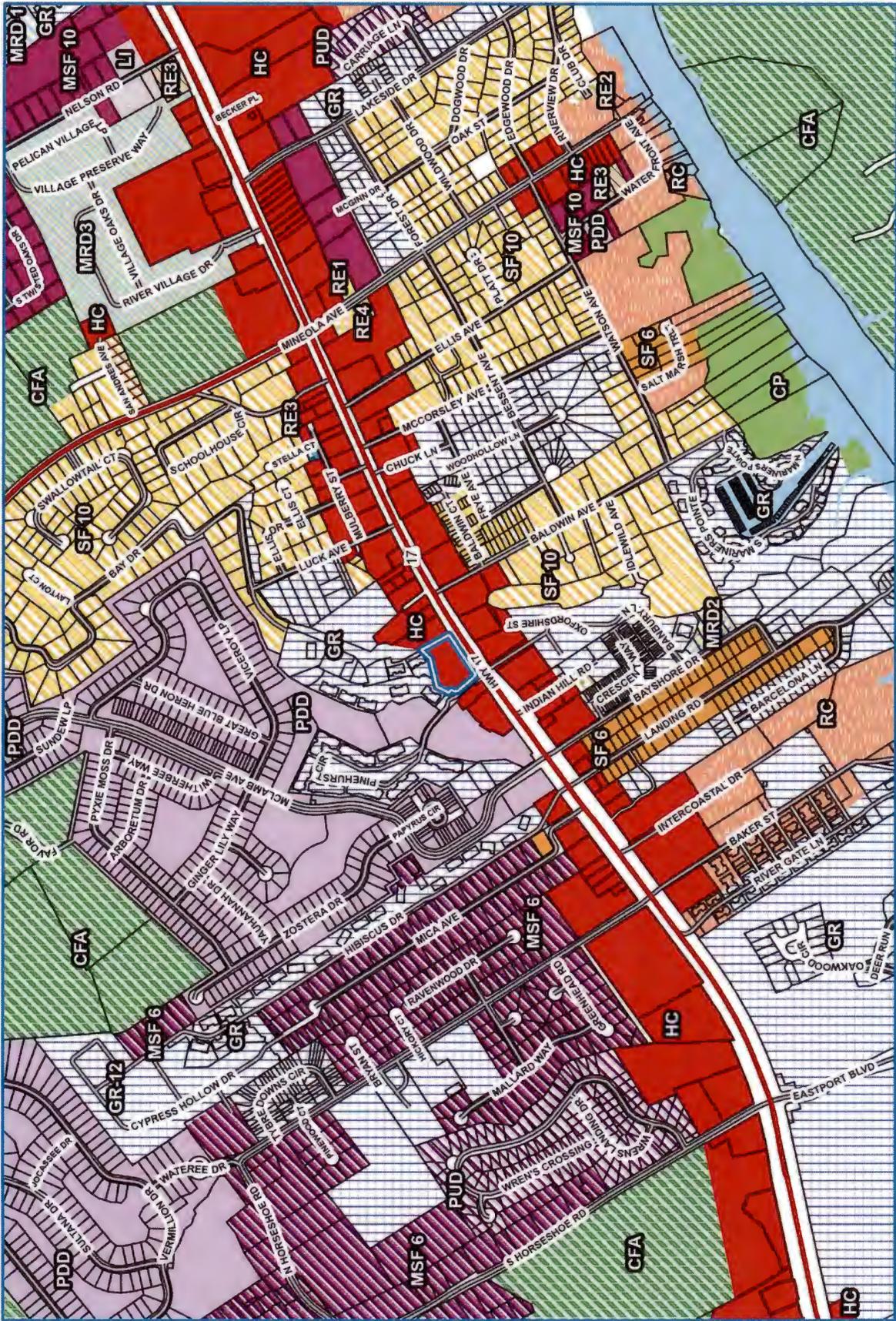
**4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)**

**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.
4. The \$7050 fee in lieu must be paid prior to approval of any plans/permits on this property.



**Zoning Map**  
 Variance Case Number  
 2023-07-015  
 Christopher Wall Agent for  
 First Scotland Financial, LLC  
 PIN: 312-05-02-0063

- Road
- Waterbody
- Major Road
- Parcel for Consideration



 **HC Government**

0 50 100 Feet

N 

**Aerial Map**  
 Variance Case Number  
 2023-07-015  
 Christopher Wall agent for  
 First Scotland Financial, LLC  
 PIN: 312-05-02-0063

 Major Road

 Road

 Parcel for Consideration



*Front on Hwy. 17*



*Intersection of Hwy. 17 & Pinehurst Cir*



*Existing SF home*



*Left corner side on Pinehurst Cir*



*Rear adjoining Cypress Bay Condos*



*Rear adjoining Cypress Bay Condos*



*View from the rear*



*Rear of home*

STATE OF SOUTH CAROLINA	)	<b>BEFORE THE BOARD OF</b>
	)	<b>ZONING APPEALS</b>
COUNTY OF HORRY	)	Case No.: 2022-11-009
In re: Robert S. Guyton, P.C., agent	)	
BCWW Partnership	)	
_____	)	<b>ORDER OF THE BOARD</b>
	)	

Hearing was held before this Board on January 9, 2023, pursuant to the request of the applicant for a variance from Article V, Section 505 C to allow the removal of specimen live oak tree(s). The property is identified by PIN 312-05-02-0063 and is located at 1381 Hwy 17 in the Little River area of Horry County. The applicant has requested a variance to allow two (2) live oak specimen trees to be removed.

**Article V, Section 527.3 C** states: “It shall be unlawful to injure, participate in, authorize or cause the removal of any specimen live oaks (twenty-four (24) inches or greater). Authorization to do so shall require a variance from the Horry County Zoning Board of Appeals...”

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.

Pursuant to Section 505.C the Board shall consider the following criteria:

- 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 two (2) Live Oak specimen tree(s) 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.

## FINDINGS OF FACT

1. The property is identified by PIN 312-05-02-0063.
2. It is zoned Highway Commercial (HC) and is located at 1381 Hwy in the Little River area of Horry County.
3. The applicants are requesting a variance from Article V, Section 505 C regarding the removal of a live oak specimen tree in the HC zoning district.
4. The applicants are requesting a variance to remove two (2) specimen live oak trees from this parcel.
5. The existing structure was constructed in 1948 according to the Tax Assessor's records.
6. The applicants are proposing to remove the existing structure and construct a new commercial use on the site.
7. The live oak trees were inspected by the Zoning Department on November 10th.
8. Our inspection shows Tree 1 is a 45" DBH and Tree 2 is a 32.3" DBH for a total of 78" DBH which will require 47 replacement trees at 2.5" caliper or \$7,050 fee in lieu. The fee in lieu could increase after the County Council meeting on January 24th.
9. The applicant has provided a Tree Risk Assessment from a Certified Arborist.

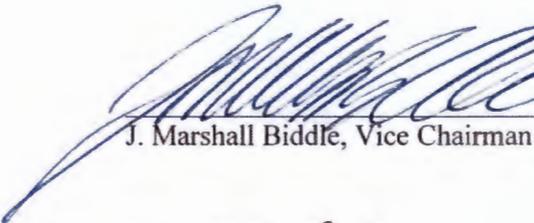
## CONCLUSIONS OF LAW

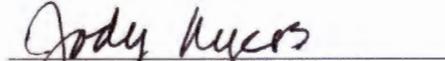
The Board finds that the request **meets** the criteria set forth in Horry County Code §527.3  
C. Therefore, the **variance is granted, provided that the following conditions are met:**

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.

AND IT IS SO ORDERED, this 9<sup>th</sup> day of January, 2023.

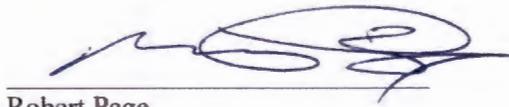
  
\_\_\_\_\_  
Drew Parks, Chairman

  
\_\_\_\_\_  
J. Marshall Biddle, Vice Chairman

  
\_\_\_\_\_  
Jody Nyers

  
\_\_\_\_\_  
Neal Hendrick

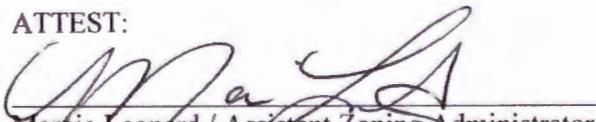
  
\_\_\_\_\_  
Blake Arp

  
\_\_\_\_\_  
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.



# Applicant Submittal

VARIANCE REQUEST

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

Article(s): IX & VIII Section(s): 800 & 905

2. Description of Request:

Parker's Kitchen requests the following variances for 1381 Hwy 17. 1. A variance to allow the principal building to encroach upon the 30' rear and 50' side setback (IX, 800). 2. A 44% variance from the hip roof requirement of the Little River Overlay District (VIII, 905). 3. A variance for the gas canopy detached from primary structure (IX, 905). 4. A variance for the 60% window glazing (IX, 905) to be reduced to 50%. 5. A variance for the gas bay location facing the corridor (IX, 905). 6. A variance from the 2' contrasting base (IX, 905).

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?

There is an existing sewer easement that runs through the property. The location of this easement provides limited space to locate the proposed structures. This structure has a hip roof at the entry tower and fuel canopy. Due to site constraints, the gas bays are currently placed to best provide adequate response times, stacking and turning movements.

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

Other properties in the vicinity do not have the combined restrictions of abutting residential and being bisected by a sewer easement. The nearest gas station along Hwy 17 does not provide a hip roof, 2' contrasting base, 60% window glazing, and their bays face the corridor.

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 combination of the 30' rear setback and the sewer easement limit the amount of build-able area. Locating the bays in a different location and parallel to the corridor would provide vehicle safety concerns. The detached canopy, 100% hip roof, 2' contrasting base, and window glazing would cause a structural re-design and harm the curb appeal.

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

There would be no substantial detriment to the adjacent property, or public good. There would be no harm to the character of the district.

\*\* 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]

08/24/2023

Date

Site Renderings











# New Business

**Case # 2023-08-001**

## VARIANCE REVIEW SHEET

### Property Information

<b>Variance Request #</b>	2023-08-001	<b>Zoning Information</b>	
<b>Applicant</b>	Venture Engineering, agent	<b>Zoning District</b>	PDD
<b>Parcel Identification (PIN)#</b>	298-08-02-0049, 298-08-02-0036, 298-08-02-0038, 298-08-02-0040, 298-08-02-0042, 298-08-02-0044, 298-08-03-0022, 298-08-03-0024, 298-08-03-0026, 298-08-03-0028, 298-08-03-0030, 298-08-03-0032, 298-08-03-0034, 298-08-03-0036, 298-08-03-0082, 298-08-03-0038, 298-08-03-0040, 298-08-03-0064, 298-08-03-0066, 298-08-03-0068, 298-08-03-0042, 298-08-03-0044, 298-08-03-0046, 298-08-03-0048, 298-08-03-0050, 298-08-03-0052, 298-08-02-0047, 298-08-03-0053, 298-08-03-0055, 298-08-03-0057, 298-08-03-0059, 298-08-03-0061, 298-08-03-0063, 298-08-03-0070, 298-08-03-0072, 298-08-03-0074, 298-08-03-0076, 298-08-03-0078, 298-08-02-0035, 298-08-02-0037, 298-08-02-0039, 298-08-02-0041, 298-08-02-0043, 298-08-02-0045, 298-08-03-0023, 298-08-03-0025, 298-08-03-0027, 298-08-03-0029, 298-08-03-0031, 298-08-03-0033, 298-08-03-0035, 298-08-03-0083, 298-08-03-0037, 298-08-03-0039, 298-08-03-0041, 298-08-03-0065, 298-08-03-0067, 298-08-03-0080, 298-08-03-0043, 298-08-03-0045, 298-08-03-0047, 298-08-03-0049, 298-08-03-0051, 298-08-02-0046, 298-08-02-0048, 298-08-03-0054, 298-08-03-0056, 298-08-03-0058, 298-08-03-0060, 298-08-03-0062, 298-08-03-0069, 298-08-03-0071, 298-08-03-0073, 298-08-03-0075, 298-08-03-0077, 298-08-03-0079, 298-08-03-0081		
<b>Site Location</b>	Ballycastle Street, Foxford Drive and Dundalk Drive, Conway	<b>Parcel Size</b>	31.12 acres
<b>Property Owner(s)</b>	All property owners for Shaftesbury Glen Ph. 6	<b>Proposed Use</b>	Residential subdivision
<b>County Council District #</b>	10 - Hardee		

### Requested Variance(s)

The applicants are requesting a variance from the requirements Art. II Section 206 B and the Shaftesbury Glen PDD zoning district.

	Requirement	Percentage
<b>Art. II, Sect. 206 B and Ord. 12-2021 Shaftesbury Glenn PDD- Sidewalks</b>	Sidewalks/paths shall be provided throughout the development to promote walking/biking as an alternative to automobiles. There shall be sidewalks located on at least one side of the street. The developer may determine to have sidewalks on both sides of the street.	100%

### Background/Site Conditions

This parcel is the proposed Shaftesbury Green, Ph. 6 which has 72 single family lots. Section 206 B PDD district requires internal sidewalks as a means to connect amenity areas and open space areas to main pods of development. The Shaftesbury Glen PDD states, "sidewalks/paths shall be provided throughout the development to promote walking and biking as an alternative to automobiles. There shall be sidewalks located on at least one side of the street and the developer may determine to have sidewalks on both sides of the street". The applicants are requesting 100% relief to remove the sidewalk requirement from Ph. 6. The Shaftesbury Green Board of Directors have issued a letter of approval and a petition/letter of approval from each property owner within Ph. 6.

### 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?)

The Shaftesbury Glen PDD and the County ordinance requires sidewalks through the entire project.

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.

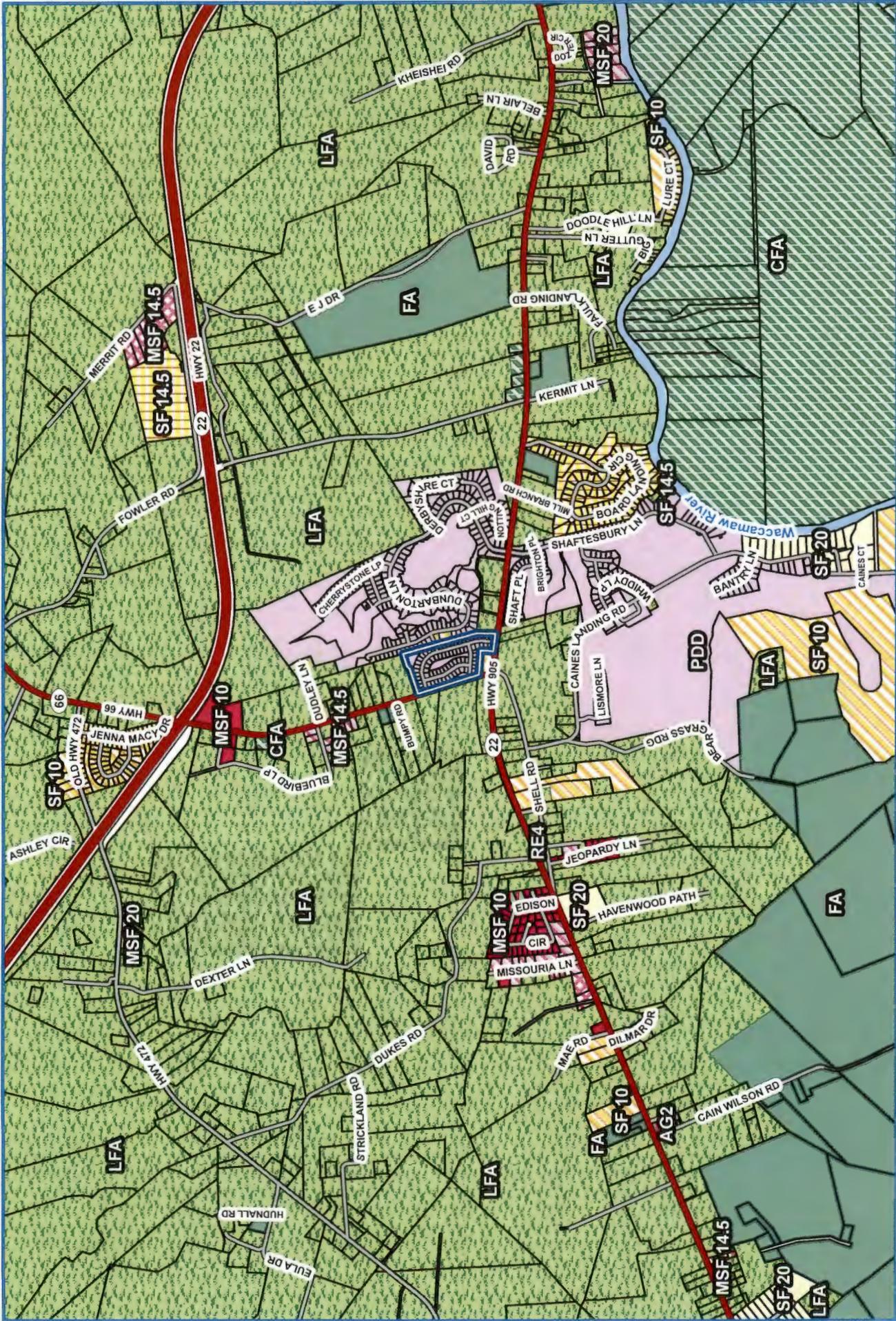
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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  
 2023-08-001  
 Venture Engineering agent for  
 Lots within Shaftesbury Phase 6  
 PIN: See Variance Documents

Parcel for Consideration   Major Road  
 Parcel Boundary   Road  
 Waterbody

0 1000 2000 Feet

N

HC Government



**Aerial Map**

Variance Case Number  
2023-08-001  
Venture Engineering agent for  
Lots within Shaftesbury Phase 6  
PIN: See Variance Documents

**Parcel for Consideration**  
**Major Road**  
**Road**

**HC Government**

0 250 500 Feet

N



*Hwy. 90 & Foxford Dr.*



*Hwy. 66 & Foxford Dr.*





*Coatbridge Way & Foxford Dr.*

**ATTACHMENT A**

**Summary of the Shaftsbury Glen Planned Development District (PDD) Amendment  
ORDINANCE # 12-2021**

HCPD Case # 2020-09-005

PIN # 298-00-00-0019 & 298-00-00-0022

The Planned Development District (PDD) for "Shaftsbury Glen" is amended to include the development of an additional 38 in-common units and is within the existing Shaftsbury Glen PDD at the intersection of Hwy 905 and Hwy 66.

**GENERAL PROVISIONS**

**1. Permitted Uses (In Accordance With Attachment A)**

- i) Single-Family
  - a) Detached
  - b) Duplex (SF6)
- ii) Multi-Family
  - a) Townhouse
  - b) Apartment
  - c) Condo
- iii) Commercial
- iv) Golf Course

Proposed Use District	# of units	Acreage	Gross Density	Percentage of Project
Single-Family (10)	369	117.59	3.1	24.7
Single Family (8)	161	36.10	4.46	7.6
Single Family (6)	343	57.28	5.99	12
Multi-Family	24	1.60	15	0.3
In-Common (Ph. 12)	38	4.72	8.05	1
Golf Course	0	207.81	0	43.6
Open Space	0	51.10	0	10.8
<b>Total</b>	<b>935 du</b>	<b>476.2 ac</b>	<b>1.96</b>	<b>100 %</b>

**2. Dimensional Standards**

Proposed Use	Lot Area	Min Lot Width	Max. Lot Coverage	Min. Bldg. Separation	Setbacks				Height**
					Front	Side	Rear	Corner Side	
Single-Family 10	10,000 sq. ft.	70'	35%	20'	20'	10'	15'	15'	35'
Single Family 8	8,000 sq. ft.	70'	35%	20'	20'	10'	20'	10'	35'
Single-Family 6***	6,000 sq. ft.	60'	35%	20'	20'	15'*	15'	15'	35'
In-common	NA	10'	NA	NA	20'	10'	20'	10'	35'
Multi-Family									
Townhouse	1 ac			20'	30'	20'	20'	25'	35'
Apartment/Condo	1 ac			20'	30'	20'	20'	25'	120'
Commercial (Golf-Course)	10,000 sq. ft.	NA	NA	20'	50'	10'	15'	15'	120'

\* Two story structures require a 15ft side setback

\*\* PDD exterior height is limited to 25ft

\*\*\* Duplex units require a minimum lot area of 8,000 sf.

**Residential Accessory Structures\*\***

Minimum Separation	Setbacks				Height
	Front	Side	Rear	Corner Side	
6'	20'	5*	5'	7.5'	15'

\* Single-Family (8) section allows a 3' side setback for accessory garages.

\*\* Accessory uses shall include covered or uncovered, enclosed or open accessory structures (i.e. garages, gazebos, elevated porches or decks, and shall be allowed in front, side and rear yards. Accessory structures do not have to be connected to the principal structure by means of a breezeway or load bearing wall. Spas, pools and storage buildings will be permitted in side and rear yards only

**SPECIAL PROVISIONS**

**1. Open Space Requirements**

Open Space Description	Type of Open Space			Acreage Required	Acreage Provided	Public	Private
	Common	Active	Passive				
Golf Course	X	X		32.58	51.10	X	
<b>Total</b>				32.58	51.10		

\*[a] Minimum required upland Open Space required for the project is as follows:  
 $935 \text{ SF dwelling units} * 2.3 \text{ persons per unit} * 0.01 \text{ acres} = 21.51 \text{ acres}$

\*[b] Minimum required common open space for the project is as follows:  
 $929 \text{ SF dwelling units} * 2.3 \text{ persons per unit} * 0.01 \text{ acres}/2 = 10.75 \text{ acres}$

\*[c] Multi-family Open Space required for the project is as follows:  
 $1.60 \text{ acres} * 20\% \text{ gross acreage} = 0.32 \text{ acres}$

**Total open space required for the project is 21.51 acres + 10.75 acres + 0.32 acres = 32.58 acres.**

**2. Parking**

Shall comply with Horry County Land Development Regulations

**3. Access**

An emergency access may be permitted at the connection with Bear Grass Ridge Road, not to be used for regular ingress/egress.

**4. Buffering**

The existing Shaftsbury Glen PDD buffer may be shifted to surround PIN 298-00-00-0005. The required twenty-five foot (25') natural buffer shall then be located around the entire PDD perimeter, including the proposed PDD. The buffer shall remain undisturbed and at a minimum it shall meet the standards for landscaping in Section 527 of the zoning ordinance.

**5. Sidewalks**

Sidewalks/paths shall be provided throughout the development to promote walking/biking as an alternative to automobiles. There shall be sidewalks located on at least one side of the street. The developer may determine to have sidewalks on both sides of the street.



# Applicant Submittal

VARIANCE REQUEST

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

Article(s): II - Established Districts Section(s): 206 - Planned Development District Requirements

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 3a and 3b 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

7/17/2023  
Date

**Horry County Variance Application  
June 21<sup>st</sup>, 2023**

**Prepared For:**

**Shaftesbury Glen Golf & Fish Club**

**Prepared By:**

**VENTURE ENGINEERING, INC.  
209 HIGHWAY 544  
Conway, SC 29526**

**PINs To Be Included:**

✓ 29808020049	✓ 29808020035
✓ 29808020036	✓ 29808020037
✓ 29808020038	✓ 29808020039
✓ 29808020040	✓ 29808020041
✓ 29808020042	✓ 29808020043
✓ 29808020044	✓ 29808020045
✓ 29808030022	✓ 29808030023
✓ 29808030024	✓ 29808030025
✓ 29808030026	✓ 29808030027
✓ 29808030028	✓ 29808030029
✓ 29808030030	✓ 29808030031
✓ 29808030032	✓ 29808030033
✓ 29808030034	✓ 29808030035
✓ 29808030036	✓ 29808030083
✓ 29808030082	✓ 29808030037
✓ 29808030038	✓ 29808030039
✓ 29808030040	✓ 29808030041
✓ 29808030064	✓ 29808030065
✓ 29808030066	✓ 29808030067
✓ 29808030068	✓ 29808030080
✓ 29808030042	✓ 29808030043
✓ 29808030044	✓ 29808030045
✓ 29808030046	✓ 29808030047
✓ 29808030048	✓ 29808030049
✓ 29808030050	✓ 29808030051
✓ 29808030052	✓ 29808020046
✓ 29808020047	✓ 29808020048
✓ 29808030053	✓ 29808030054
✓ 29808030055	✓ 29808030056
✓ 29808030057	✓ 29808030058
✓ 29808030059	✓ 29808030060
✓ 29808030061	✓ 29808030062
✓ 29808030063	✓ 29808030069
✓ 29808030070	✓ 29808030071
✓ 29808030072	✓ 29808030073
✓ 29808030074	✓ 29808030075
✓ 29808030076	✓ 29808030077
✓ 29808030078	✓ 29808030079

✓ + 298 08 03 0081 →

## **Background**

The Shaftesbury community consists of numerous parcels of land located off of Highway 66, Highway 905, and Caines Landing Road in Conway, South Carolina. This particular variance focuses Shaftesbury Green Phase 6, in regards to the sidewalks that are being required by Horry County. There has been numerous phases of Shaftesbury that have been approved and constructed with no sidewalks on the engineering plans. The residents within this phase have signed petitions to the Zoning Board of Appeals in response to hearing about sidewalks being required. In this variance, we are asking for relief from implanting sidewalks within the Shaftesbury Green Phase 6.

## **Variations Requested**

- Article II – Established Districts, Section 206 – Planned Development District Requirements – B. Specific Requirements – Item Number 4.
  - *Sidewalks Required - Sidewalks shall be provided within PDDs along roadways. A Pedestrian Flow Plan is highly recommended at the Conceptual Plan stage as is alternative surfaces and designs. Pedestrian sidewalks/pathways shall be provided in the development to connect amenity areas and open space areas to main pods of the development. Sidewalks may be platted as easements or as parcels. Sidewalks shall be constructed to ADA requirements.*
  - This article of the municode states that sidewalks must be provided within all Planned Development Districts in Horry County. This variance is asking for relief from this requirement.
- This particular piece of property has extraordinary and exceptional conditions directly related to the request of this variance. Homeowners within Shaftesbury are already aware of their significantly smaller yards compared to other homes in the area. The addition of sidewalks throughout the neighborhood will not only increase their HOA fees, but also glaringly further decrease the size of their yards and destroy existing irrigation systems. Additionally, there are numerous phases of Shaftesbury that have been constructed without sidewalks. The homeowners and overall property owners would like to continue this trend through future phases.
- These conditions do not generally apply to other properties in the area. The other Shaftesbury Planned Development Districts did not construct sidewalks in the neighborhoods. Furthermore, if the sidewalks were placed within the neighborhood, they would essentially connect to nothing since Caines Landing Road, Highway 66, and Highway 905 do not have sidewalks.
- Not allowing the property owner to indefinitely omit the implementation of sidewalks in this Shaftesbury neighborhood would unreasonably restrict the utilization of the property and significantly impact the residents currently residing in the homes. Many of the current residents have gone years without sidewalks in their yards, and currently see no use for them. Please refer to the signed petition attached with this application from the residents of Shaftesbury Phase 6.

- 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 none of the surrounding Shaftesbury communities have sidewalks.
- Due to these reasons surrounding this property, we appeal for a variance to omit the sidewalk requirement within Shaftesbury Green Phase 6 Planned Development District.



On behalf of the homeowners residing in Shaftesbury Green, Phase 6:

We have been advised that Horry County is going to require sidewalks to be installed in this previously completed development. This would seriously reduce the area/size of their already miniscule front lawns, not to mention having to destroy the irrigation systems which many owners have installed. No other Shaftesbury development (Glen, Green or Estates) has sidewalks. Why, suddenly has this become a requirement? The Shaftesbury Green Board of Directors kindly requests the planning commission to withdraw this intrusive plan of having sidewalks installed within this completely developed area. Thanking you in advance for your consideration on this important matter.

Sincerely,  
Richard Hitzel, President  
Shaftesbury Green Board of Directors

# A PETITION

## TO THE HORRY COUNTY ZONING BOARD

WE, THE UNDERSIGNED RESIDENTS OF SHAFTESBURY OAKS WISH TO EXPRESS OUR TOTAL DISSATISFACTION AND COMPLETE DISSAPONTMENT WITH THE HORRY COUNTY ZONING BOARD AND ITS DECISION TO HAVE UNDESIRED MANDATORY SIDEWALKS INSTALLED WITHIN OUR COMMUNITY. WE ASK THAT THIS INTRUSIVE OVERREACH BE REINDED PERMANENTLY AS IT SERVES NO USEFUL PURPOSE AND DOES NOT BENEFIT OUR NEIGHBORHOOD ONE IOTA.

<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
BRIAN MONAHAN	<i>Brian Monahan</i>	149 FOXFORD DR.
Michael McConnell	<i>Michael McConnell</i>	137 Foxford DR. a
George Swerble	<i>George Swerble</i>	115 Foxford DR.
Mary / Frank Maine	<i>Mary / Frank Maine</i>	120 Foxford Drive
Jesse Cochran	<i>Jesse Cochran</i>	420 Ballycastle ST
DAVINA BOWMAN	<i>Davina Bowman</i>	408 Ballycastle ST
Gabrielle Favate	<i>Gabrielle Favate</i>	132 Foxford Drive
Valerie Carpenter	<i>Valerie Carpenter</i>	125 Foxford or Lot # 31

PRINTED NAME

SIGNATURE

ADDRESS

Jo Ann Hager	John Hager	527 Dundalk Dr.
Donald Coleman	[Signature]	412 Ballycastle St
Deb & John Withrow	[Signature]	112 Foxford Dr
Jim Withrow	[Signature]	112 Foxford Dr.
Chris Whipple	[Signature]	108 Foxford Dr
Kristy Whipple	[Signature]	
Alexander Pauline SR	Alexander Pauline SR	104 Foxford Dr
Arlene Paulino	Arlene Paulino	104 Foxford Dr
Lindsay Cordelli	[Signature]	133 Foxford drive
Christopher Cordelli	[Signature]	133 foxford drive
Nicole Chsenza	Nicole Chsenza	157 Foxford Dr.
Ashleynne Beard	[Signature]	168 Foxford
Sue Sawyer	Sue Sawyer	206 Foxford
Amber Somers	Amber Somers	137 Foxford Drive
Joyce Neir	Joyce Neir	174 Foxford Dr.
Gregory Weir	[Signature]	174 Foxford Dr.
Julie Sleight	Julie G. Sleight	178 Foxford Dr.

# A PETITION

## TO THE HORRY COUNTY ZONING BOARD

WE, THE UNDERSIGNED RESIDENTS OF SHAFTESBURY OAKS WISH TO EXPRESS OUR TOTAL DISSATISFACTION AND COMPLETE DISSAPONTMENT WITH THE HORRY COUNTY ZONING BOARD AND ITS DECISION TO HAVE UNDESIRED MANDITORY SIDEWALKS INSTALLED WITHIN OUR COMMUNITY. WE ASK THAT THIS INTRUSIVE OVERREACH BE REINDED PERMANENTLY AS IT SERVES NO USEFUL PURPOSE AND DOES NOT BENEFIT OUR NEIGHBORHOOD ONE IOTA.

<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
Richard L Townsend II	Richard L. Townsend II	156 Foxford Dr
Richard Barber	Richard Barber	152 Foxford Dr
Sebrena Barber	Sebrena Barber	152 Foxford Dr
Cratie E. Weaver	[Signature]	174 Foxford Dr.
Jamie L Weaver	[Signature]	144 Foxford Dr.
Rocky Wells	[Signature]	140 Foxford Dr
Sissie Wells	[Signature]	140 Foxford Dr
Andrew Hager	[Signature]	527 Oundalk Dr.

# A PETITION

## TO THE HORRY COUNTY ZONING BOARD

WE, THE UNDERSIGNED RESIDENTS OF SHAFTESBURY OAKS WISH TO EXPRESS OUR TOTAL DISSATISFACTION AND COMPLETE DISSAPONTMENT WITH THE HORRY COUNTY ZONING BOARD AND ITS DECISION TO HAVE UNDESIRED MANDATORY SIDEWALKS INSTALLED WITHIN OUR COMMUNITY. WE ASK THAT THIS INTRUSIVE OVERREACH BE REINDED PERMANENTLY AS IT SERVES NO USEFUL PURPOSE AND DOES NOT BENEFIT OUR NEIGHBORHOOD ONE IOTA.

<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
RICHARD DUNHOLTER	R. Dunholter	167 Foxford DR.
Joseph Keister	[Signature]	171 Foxford Dr
Carolee Vermeesch	[Signature]	179 Foxford Dr
Brandon Morrow	[Signature]	544 Dundalk Dr
Misty Munnaw	[Signature]	544 Dundalk Dr
George Bell	[Signature]	540 Dundalk Dr
Deborah Bell	[Signature]	540 Dundalk Dr
Chuck Reese	[Signature]	522 Dundalk Dr

# SIDEWALK PETITION

PRINTED NAME

SIGNATURE

ADDRESS

Larry Fields	<i>[Signature]</i>	170 FOXFORD DR
Laurie Bealman	<i>[Signature]</i>	186 Foxford DR
Donald Bigler	<i>[Signature]</i>	186 Foxford Dr.
PATRY DONATO	<i>[Signature]</i>	194 FOXFORD DR
ANTHONY DONATO	<i>[Signature]</i>	194 Fox Ford Dr
Michelle Wilson	<i>[Signature]</i>	198 Fox Ford Dr
Robert Laureano	<i>[Signature]</i>	202 Foxford dr.
RICHARD HARRINGTON	<i>[Signature]</i>	206 FOXFORD DR.
Remigio Del Rio	<i>[Signature]</i>	545 DUNDALK
KILLU DEL RIO	<i>[Signature]</i>	545 DUNDALK
Thomas Houele	<i>[Signature]</i>	541 Dundalk Dr
Stacey Warren	<i>[Signature]</i>	541 Dundalk Dr
KEVIN LACEY	<i>[Signature]</i>	539 DUNDALK DE
CHRISTINE LACEY	<i>[Signature]</i>	539 DUNDALK DR
Angel Martinez	<i>[Signature]</i>	535 Dundalk D.R.
Carmen Martinez	<i>[Signature]</i>	almartinez1045@gmail.com
Robert A Walker	<i>[Signature]</i>	501 DUNDALK DR
Patricia M Bealman	<i>[Signature]</i>	501 DUNDALK DR CONWAY, SC 29526

6

PRINTED NAME

SIGNATURE

ADDRESS

ROBIN F  
FESE

*Robin Fese*

532 Dundalk

~~ALEXANDER~~

Alexander Mathias

512 Dundalk Dr.

ROSEDA CRUZ

~~ROSEDA~~  
Antonette Corrente

500 Dundalk Dr

ANTINETTE CORRENTE

516 DUNDALK

MARISA IRIZARRY

Manuel Irizarry

520 Dundalk

JOSEPH HATONEN

~~Joseph Hatonen~~

528 Dundalk

Max Schreiber

Max Schreiber

536 Dundalk

Renee Rodan

Renee Rodan

536 Dundalk

Gerald Wirtz

Gerald Wirtz

141 Foxford Dr

Richard Nadeau

Richard Nadeau

515 DUNDALK DR

CAROL NADEAU

Carol Nadeau

515 DUNDALK DR

Davis Misuruk

Davis Misuruk

509 Dundalk Dr

ROBERT ALLIN

Robert Allin

165 DUNBARTON LN

RICHARD J. HITZEL

Richard J. Hitzel

185 DUNBARTON LN

JAMES P. BURKE

James P. Burke

505 TURN BRIDGE LN

GEORGE JENKINS

George Jenkins

404 BERRY CREST SE

JUANITA JENKINS

Juanita Jenkins

404 BERRY CREST SE

## Horry County zoning Board petition

Jordan,

Enclosed are the remaining homeowners signatures to forgo the sidewalks in the Shaftesbury Green (Oaks.) All the homeowners, renters as well as the Shaftesbury Oaks & Green Board of Directors are asking the County to please resend the Horry County edict that sidewalk be installed thus ripping up already small lawns & irrigated.

Paul



**THE BOARD OF DIRECTORS SHAFTESBURY GREEN  
PROPERTY OWNERS ASSOCIATION INC  
951 Shaftesbury Ln Conway**

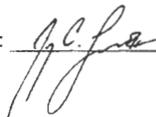
H&H Homes  
3709 Raeford Rd  
Fayetteville NC 28304

We have 98% of the Shaftesbury Green Oak homeowners that do not want their already small front yards and irrigation ripped up due to the Horry County mandate to install driveways. If you are not in favor of this sidewalk mandate, please sign below and return this letter in the enclosed stamped envelope. The time is of the essence as we must have this information added to the zoning commission agenda prior to their next meeting.

Respectfully,  
Board Members:  
Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of Property Owner/Registered Agent: \_\_\_\_\_

Date: 17 July 2023



15

**THE BOARD OF DIRECTORS**  
**SHAFTESBURY GREEN**  
**PROPERTY OWNERS' ASSOCIATION, INC.**  
**951 SHAFTESBURY LN**  
**CONWAY, SC 29526-7195**

May 18, 2023

Shaftesbury Green, LLC  
951 Shaftesbury Ln  
Conway, SC 29526

**RE: 105 Foxford Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner:

*Paul Himmelsbach*  
*Paul Himmelsbach OWNER*

Date: \_\_\_\_\_

THE BOARD OF DIRECTORS  
SHAFTESBURY GREEN  
PROPERTY OWNERS' ASSOCIATION, INC.  
951 SHAFTESBURY LN  
CONWAY, SC 29526-7195

May 18, 2023

Chris & Lora Malboeuf  
107 Loxwood St  
Worcester, MA 01604

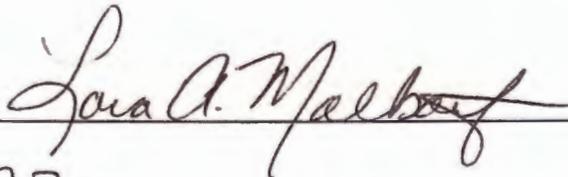
**RE: 193 Foxford Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner: \_\_\_\_\_



Date: \_\_\_\_\_

5/30/23

THE BOARD OF DIRECTORS SHAFTESBURY GREEN  
PROPERTY OWNERS ASSOCIATION INC.  
951 Shaftesbury Ln Conway SC

Meagan Dials  
153 Foxford Dr  
Conway SC 29526

We have 98% of the the Shaftesbury Green Oaks homeowners that do not want their already small front yards & irrigation ripped up due to the Horry Co mandate to install driveways. If you are not in favor of this sidewalk mandate please sign below and return this letter in the enclosed stamped envelope. The time is of the essence as we must have this information added to the zoning commission agenda prior to their next meeting.

Respectfully  
Board members  
Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner *Meagan Dials*

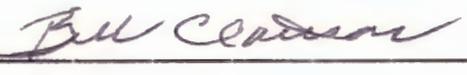
Date *6/2/23*

THE BOARD OF DIRECTORS SHAFTESBURY GREEN  
PROPERTY OWNERS ASSOCIATION INC.  
951 Shaftesbury Ln Conway SC 29526

BSFR LP  
Morrison Drive  
Charleston SC 29403  
Rentals  
108 Foxford Dr  
157 Foxford Dr  
179 Foxford Dr

We have 98% of the the Shaftesbury Green Oaks homeowners that do not want their already small front yards & irrigation ripped up due to the Horry Co mandate to install driveways. If you are not in favor of this sidewalk mandate please sign below and return this letter in the enclosed stamped envelope. The time is of the essence as we must have this information added to the zoning commission agenda prior to their next meeting.

Respectfully  
Board members  
Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner 

Date 5/26/13

**THE BOARD OF DIRECTORS**  
**SHAFTESBURY GREEN**  
**PROPERTY OWNERS' ASSOCIATION, INC.**  
**951 SHAFTESBURY LN**  
**CONWAY, SC 29526-7195**

May 18, 2023

Lisa Michelle Ray  
116 Foxford Dr  
Conway, SC 29526

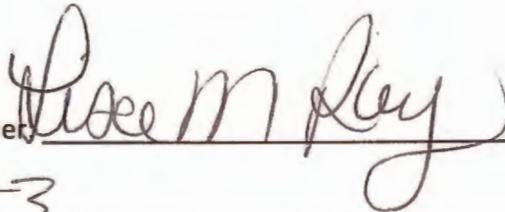
**RE: 116 Foxford Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner



Date:

5/29/23

**THE BOARD OF DIRECTORS**  
**SHAFTESBURY GREEN**  
**PROPERTY OWNERS' ASSOCIATION, INC.**  
**951 SHAFTESBURY LN**  
**CONWAY, SC 29526-7195**

May 18, 2023

Dorothy S. Kingsley  
8885 Los Lagos Cir S  
Granite Bay, CA 95646

**RE: 168 Foxford Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner: \_\_\_\_\_

Date: \_\_\_\_\_

*Dorothy S. Kingsley*

*June 5, 2023*

**THE BOARD OF DIRECTORS**  
**SHAFTESBURY GREEN**  
**PROPERTY OWNERS' ASSOCIATION, INC.**  
**951 SHAFTESBURY LN**  
**CONWAY, SC 29526-7195**

May 18, 2023

Paul & Kathleen Marino  
145 Foxford Dr  
Conway, SC 29526

**RE: 145 Foxford Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner: \_\_\_\_\_



Date: \_\_\_\_\_

5/23/23

THE BOARD OF DIRECTORS SHAFTESBURY GREEN  
PROPERTY OWNERS ASSOCIATION INC.  
951 Shaftesbury Ln Conway SC

Albert Matlosz  
416 Ballycastle St  
Conway SC 29526

We have 98% of the the Shaftesbury Green Oaks homeowners that do not want their already small front yards & irrigation ripped up due to the Horry Co mandate to install driveways. If you are not in favor of this sidewalk mandate please sign below and return this letter in the enclosed stamped envelope. The time is of the essence as we must have this information added to the zoning commission agenda prior to their next meeting.

Respectfully  
Board members  
Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner *Albert Matlosz*

Date *5/28/23*

**THE BOARD OF DIRECTORS**  
**SHAFTESBURY GREEN**  
**PROPERTY OWNERS' ASSOCIATION, INC.**  
**951 SHAFTESBURY LN**  
**CONWAY, SC 29526-7195**

May 18, 2023

Troy & Carol Pugh  
37 Liberty Knoll Dr  
Stafford, VA 22554

**RE: 182 Foxford Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner: \_\_\_\_\_

Date: \_\_\_\_\_

  
22 May 2023

THE BOARD OF DIRECTORS SHAFTESBURY GREEN  
PROPERTY OWNERS ASSOCIATION INC.  
951 Shaftesbury Ln Conway

Joshua Pulley  
119 Foxford Dr  
Conway SC 29526

We have 98% of the the Shaftesbury Green Oaks homeowners that do not want their already small front yards & irrigation ripped up due to the Horry Co mandate to install driveways. If you are not in favor of this sidewalk mandate please sign below and return this letter in the enclosed stamped envelope. The time is of the essence as we must have this information added to the zoning commission agenda prior to their next meeting.

Respectfully  
Board members  
Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner Joshua Pulley

Date 6/1/23

THE BOARD OF DIRECTORS SHAFTESBURY GREEN  
PROPERTY OWNERS ASSOCIATION INC.  
951 Shaftesbury Ln Conway SC

Michael Clayton  
519 Dundalk Dr  
Conway SC 29526

We have 98% of the the Shaftesbury Green Oaks homeowners that do not want their already small front yards & irrigation ripped up due to the Horry Co mandate to install driveways. If you are not in favor of this sidewalk mandate please sign below and return this letter in the enclosed stamped envelope. The time is of the essence as we must have this information added to the zoning commission agenda prior to their next meeting.

Respectfully  
Board members  
Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner 

Date 6/12/23

**THE BOARD OF DIRECTORS**  
**SHAFTESBURY GREEN**  
**PROPERTY OWNERS' ASSOCIATION, INC.**  
**951 SHAFTESBURY LN**  
**CONWAY, SC 29526-7195**

May 18, 2023

Martha T. Gamboa  
4068 McKinney Dr  
Murrells Inlet, SC 29576

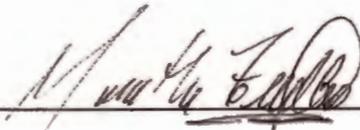
**RE: 500 Dundalk Drive & 508 Dundalk Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner:



Date:

5 / 23 / 2023

THE BOARD OF DIRECTORS  
SHAFTESBURY GREEN  
PROPERTY OWNERS' ASSOCIATION, INC.  
951 SHAFTESBURY LN  
CONWAY, SC 29526-7195

May 18, 2023

Dean S. Roughton  
185 Foxford Dr  
Conway, SC 29526

**RE: 185 Foxford Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner: \_\_\_\_\_



Date: \_\_\_\_\_

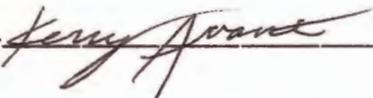
5/23/2023

THE BOARD OF DIRECTORS SHAFTESBURY GREEN  
PROPERTY OWNERS ASSOCIATION INC.  
951 Shaftesbury Ln Conway

H&H Homes  
3709 Raeford Rd  
Fayetteville NC 28304

We have 98% of the the Shaftesbury Green Oaks homeowners that do not want their already small front yards & irrigation ripped up due to the Horry Co mandate to install driveways. If you are not in favor of this sidewalk mandate please sign below and return this letter in the enclosed stamped envelope. The time is of the essence as we must have this information added to the zoning commission agenda prior to their next meeting.

Respectfully  
Board members  
Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner  \_\_\_\_\_

Date 5/30/23 \_\_\_\_\_

**THE BOARD OF DIRECTORS**  
**SHAFTESBURY GREEN**  
**PROPERTY OWNERS' ASSOCIATION, INC.**  
**951 SHAFTESBURY LN**  
**CONWAY, SC 29526-7195**

May 18, 2023

Scott & Dolores Smith  
817 10<sup>th</sup> Street #1D  
Union City, NJ 07087

**RE: 531 Dundalk Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner: \_\_\_\_\_



Date: \_\_\_\_\_

5/22/23

THE BOARD OF DIRECTORS  
SHAFTESBURY GREEN  
PROPERTY OWNERS' ASSOCIATION, INC.  
951 SHAFTESBURY LN  
CONWAY, SC 29526-7195

May 18, 2023

Jody G. McDaniel  
523 Dundalk Dr  
Conway, SC 29526

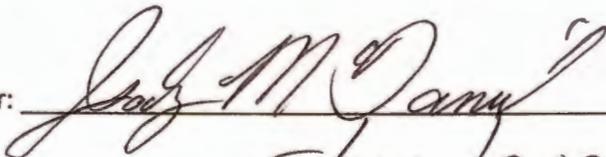
**RE: 523 Dundalk Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner:

  
\_\_\_\_\_

Date: \_\_\_\_\_

5/23/2023

THE BOARD OF DIRECTORS  
SHAFTESBURY GREEN  
PROPERTY OWNERS' ASSOCIATION, INC.  
951 SHAFTESBURY LN  
CONWAY, SC 29526-7195

May 18, 2023

Paul H. Beaudoin  
163 Foxford Dr  
Conway, SC 29526

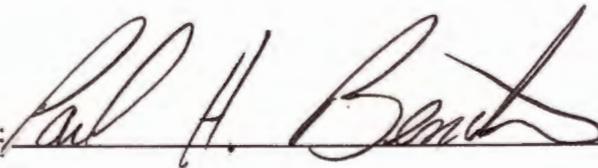
**RE: 163 Foxford Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner:



Date:

5-22-23

Sorry Paul, the county would not accept your email. Must be an original signature.

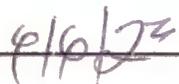
THE BOARD OF DIRECTORS SHAFTESBURY GREEN  
PROPERTY OWNERS ASSOCIATION INC.  
951 Shaftesbury Ln Conway SC

Brian Band  
504 Dundalk Dr  
Conway SC 29526

We have 98% of the the Shaftesbury Green Oaks homeowners that do not want their already small front yards & irrigation ripped up due to the Horry Co mandate to install driveways. If you are not in favor of this sidewalk mandate please sign below and return this letter in the enclosed stamped envelope. The time is of the essence as we must have this information added to the zoning commission agenda prior to their next meeting.

Respectfully  
Board members  
Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner  \_\_\_\_\_

Date  \_\_\_\_\_

THE BOARD OF DIRECTORS  
SHAFTESBURY GREEN  
PROPERTY OWNERS' ASSOCIATION, INC.  
951 SHAFTESBURY LN  
CONWAY, SC 29526-7195

May 18, 2023

Taniqua B. Washington  
524 Dundalk Dr  
Conway, SC 29526

**RE: 524 Dundalk Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner: \_\_\_\_\_



Date: \_\_\_\_\_

05-23-23

**THE BOARD OF DIRECTORS**  
**SHAFTESBURY GREEN**  
**PROPERTY OWNERS' ASSOCIATION, INC.**  
**951 SHAFTESBURY LN**  
**CONWAY, SC 29526-7195**

May 18, 2023

Donna D. & David L. Cook  
3851 East Lantana Drive  
Chandler, AZ 85286

**RE: 124 Foxford Drive**  
**140 Foxford Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner:

*Paul Cook, Frustrated Homeowner*

Date:

5/27/23

THE BOARD OF DIRECTORS  
SHAFTESBURY GREEN  
PROPERTY OWNERS' ASSOCIATION, INC.  
951 SHAFTESBURY LN  
CONWAY, SC 29526-7195

May 18, 2023

Daniel A. Nunez  
128 Foxford Drive  
Conway, SC 29526

**RE: 128 Foxford Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner: 

Date: 5/25/23

THE BOARD OF DIRECTORS SHAFTESBURY GREEN  
PROPERTY OWNERS ASSOCIATION INC.  
951 Shaftesbury Ln Conway SC 29526

Stephen Stiller Properties  
23 Knapp St  
Staten Island NY

We have 98% of the the Shaftesbury Green Oaks homeowners that do not want their already small front yards & irrigation ripped up due to the Horry Co mandate to install driveways. If you are not in favor of this sidewalk mandate please sign below and return this letter in the enclosed stamped envelope. The time is of the essence as we must have this information added to the zoning commission agenda prior to their next meeting.

Respectfully  
Board members  
Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner 

Date 5/24/23

**THE BOARD OF DIRECTORS**  
**SHAFTESBURY GREEN**  
**PROPERTY OWNERS' ASSOCIATION, INC.**  
**951 SHAFTESBURY LN**  
**CONWAY, SC 29526-7195**

May 18, 2023

James & Mary Loiselle  
190 Foxford Dr  
Conway, SC 29526

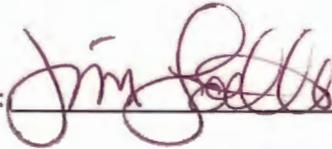
**RE: 190 Foxford Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner: \_\_\_\_\_



Date: \_\_\_\_\_

5/26/23



**THE BOARD OF DIRECTORS**  
**SHAFTESBURY GREEN**  
**PROPERTY OWNERS' ASSOCIATION, INC.**  
**951 SHAFTESBURY LN**  
**CONWAY, SC 29526-7195**

May 18, 2023

Marcella T. Salmond  
148 Foxford Dr  
Conway, SC 29526

**RE: 148 Foxford Drive**

We already have 98% of the Oaks homeowners that do not want their already small front yards, and irrigation ripped out leaving a mess due to the recent Horry County mandate to install sidewalks in the Oaks development. If you are not in favor of this intrusive sidewalk fiasco, please sign below and return this letter in the enclosed stamped envelope. Time is of the essence as we must have this information added to the Zoning Commission Agenda prior to their next meeting.

Respectfully,

Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner: \_\_\_\_\_

Date: \_\_\_\_\_

5/29/23

THE BOARD OF DIRECTORS SHAFTESBURY GREEN  
PROPERTY OWNERS ASSOCIATION INC.  
951 Shaftesbury Ln Conway

Kiran Polasani  
5695 Dorrington St  
Lewis Center OH 43035

We have 98% of the the Shaftesbury Green Oaks homeowners that do not want their already small front yards & irrigation ripped up due to the Horry Co mandate to install driveways. If you are not in favor of this sidewalk mandate please sign below and return this letter in the enclosed stamped envelope. The time is of the essence as we must have this information added to the zoning commission agenda prior to their next meeting.

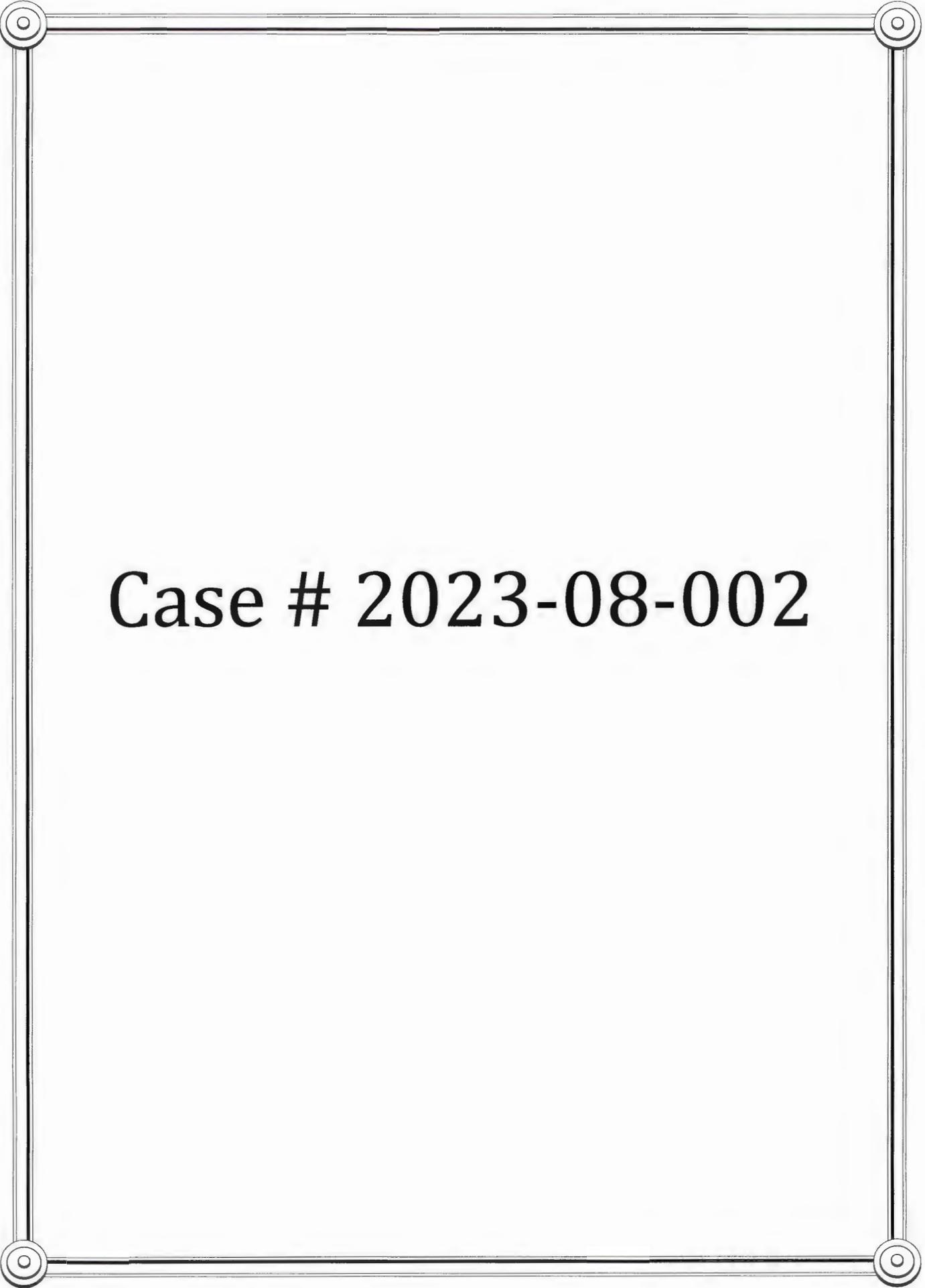
Respectfully  
Board members  
Rick Hitzel  
Bob Allin  
Jim Burke  
Paul Himmelsbach

Signature of property owner Kiran Polasani

Date 5/22/09

# Shaftesbury Green Ph 6 – 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, resembling a rivet or a corner fastener.

**Case # 2023-08-002**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-08-002
Applicant	Mike Kinsey-Carolina Home Exteriors, agent
Parcel Identification (PIN) #	304-12-03-0059
Site Location	4044 Comfort Valley Drive, Longs
Property Owner	Diane Lawson
County Council District #	1 - Dukes

### Zoning Information

Zoning District	PDD
Parcel Size	6,250 sq ft
Proposed Use	Residential

### Requested Variance(s)

The applicants are requesting a variance from Article II Section 205 regarding setback requirements in the Village at Palmetto Greens PDD.

	Requirement	Requested	Variance Needed	Percentage
<b>8'x13' Screen room addition</b>				
Rear setback	20'	15'	5'	25%

### Background/Site Conditions

This parcel is located within Augusta Villas @ Colonial Charters PDD. The single-family home was permitted in 2019. The applicants are requesting a rear setback variance for a proposed 8' x 13' screen room. The Screen room will be located 15' from the rear property line instead of the required 20' for a variance of 5'. The applicant has provided a letter of approval from the Villages at Palmetto Greens HOA.

### 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 properties within this phase of the 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?)

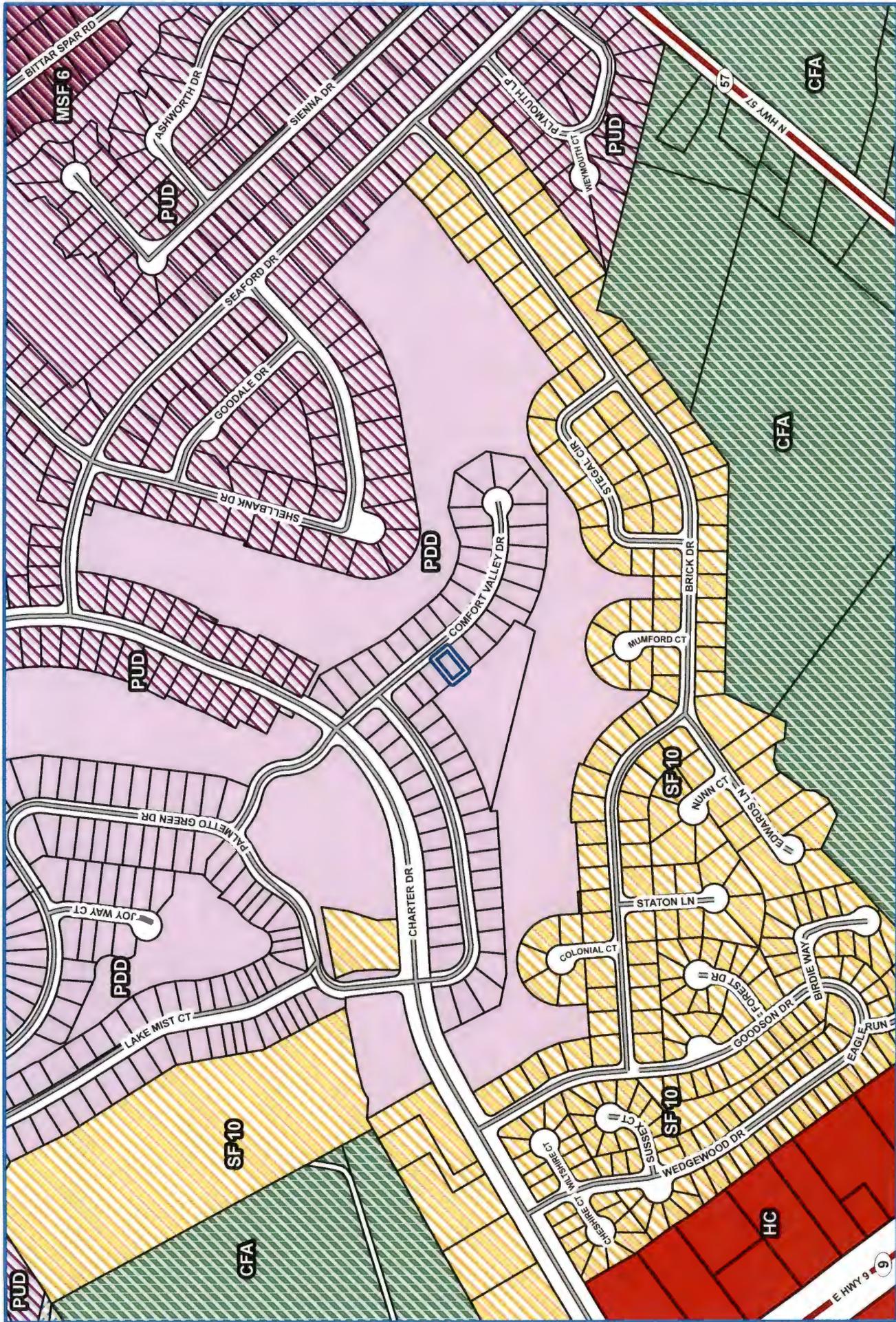
The applicant has provided a letter of approval from the Villages at Palmetto Greens HOA.

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  
 2023-08-002  
 Carolina Home Exteriors agent for  
 Diane Lawson  
 PIN: 304-12-03-0059

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



**Aerial Map**

Variance Case Number  
2023-08-002  
Carolina Home Exteriors agent for  
Diane Lawson  
PIN: 304-12-03-0059

Parcel for Consideration

Road



*Front on Comfort Valley Dr.*



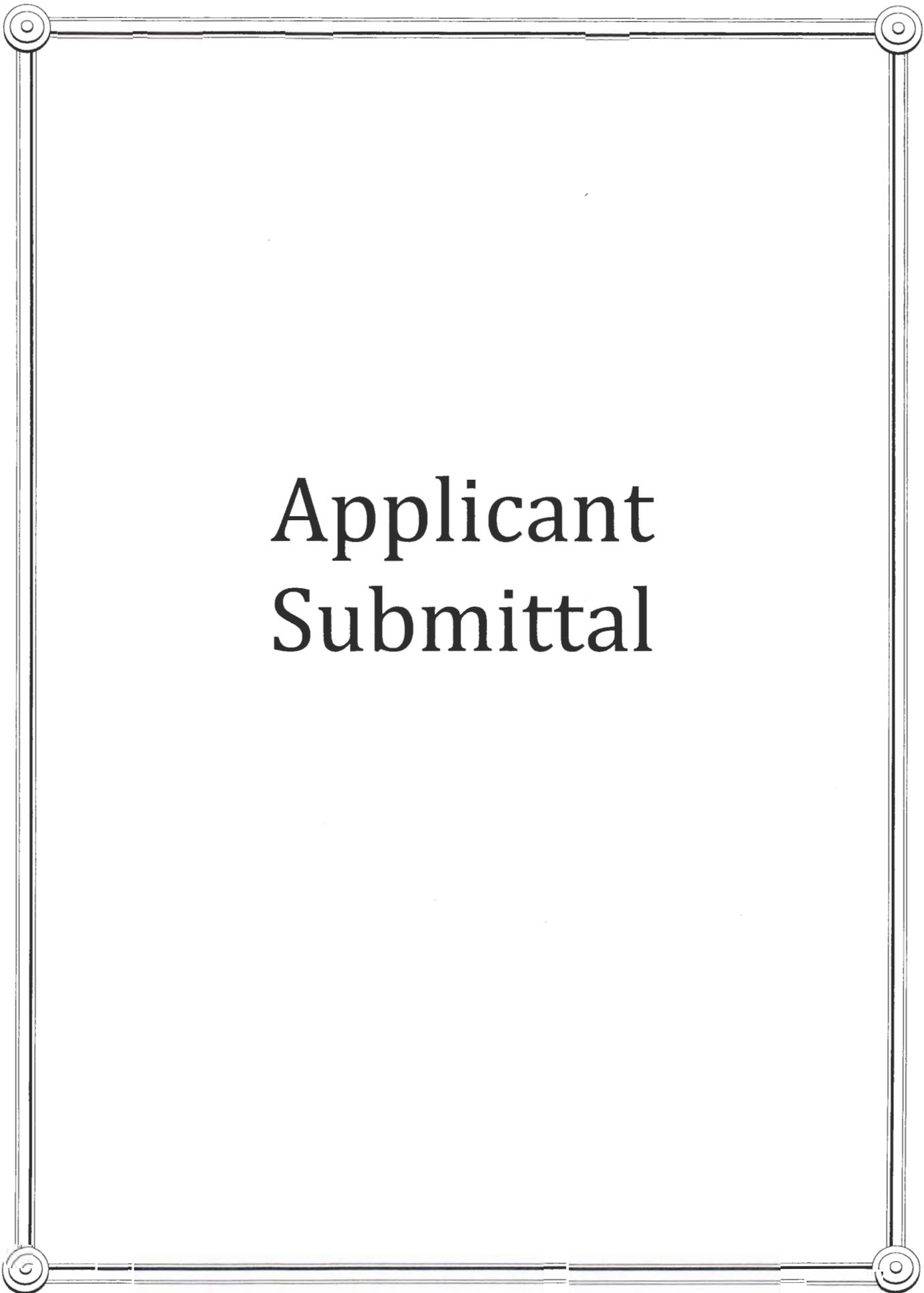
*Existing porch & patio*



*View from rear*



*Pond on rear*



# 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 20'. We are requesting a 15' rear setback so we can extend the existing screen room. Village at Palmetto Greens HOA/ARB has approved the installation.

Table with 2 columns: Required and Requested. Rows include Front Setback, Side Setback, Rear Setback (20 vs 15), 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?
b. Why do these conditions not apply to other properties in the vicinity?
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?

\*\* 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

Date

**Villages At Palmetto Greens Homeowners Association, Inc.**

PO Box 395

Little River, SC 29566

Phone: 843-399-6116

Fax: 843-399-0972

E-mail: [pam@sepamine.com](mailto:pam@sepamine.com)

Notice of Approval

July 12, 2023

Diane Lawson  
4044 Comfort Valley Drive  
Longs, SC 29568

RE: Screened Porch Extension

Dear Mrs. Lawson,

The Design Approval Request per your submission on 7/10/23 to extend the existing screen porch by 8 feet is approved with the following conditions: You must receive and provide a copy of the approved variance from Horry County.

The ARC reserves the right to make a final inspection to make sure that the request matches what you submitted for approval. Please follow the plan you submitted or submit an additional Request form if you cannot follow the original plan. You must follow all local building codes and setback requirements when making these changes and obtaining a building permit from Horry County. Please submit a copy of the building permit before work begins.

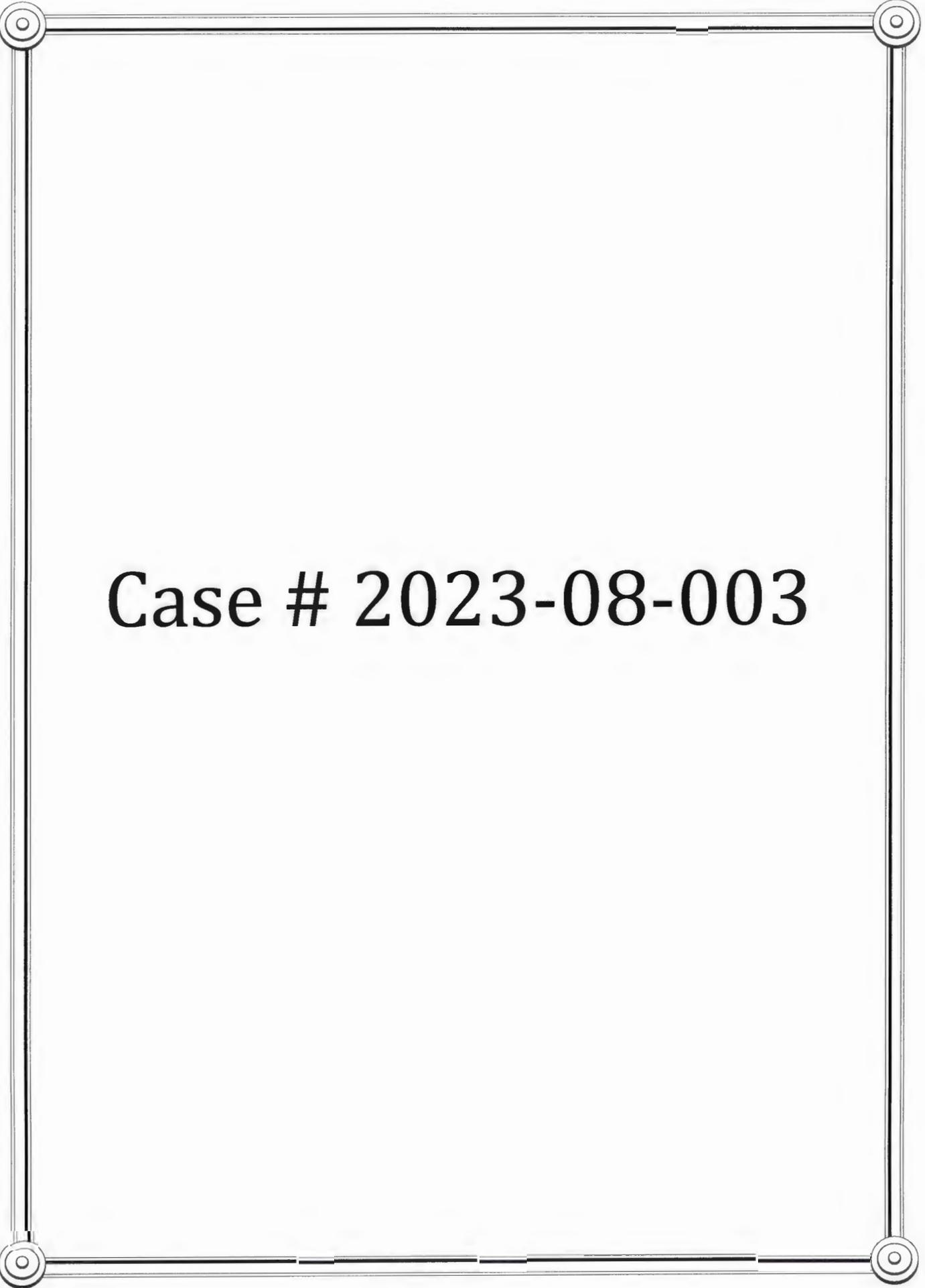
We appreciate your cooperation in submitting the Request for Approval. Improving property values benefits the entire community.

Sincerely,



Pam Bane, Managing Agent  
Property & Association Management Company Inc.

Enclosure



**Case # 2023-08-003**

# VARIANCE REVIEW SHEET

## Property Information

Variance Request #	2023-08-003	<b>Zoning Information</b>	
Applicant	Felix Pitts-G3 Engineering, agent	Zoning District	HC, MSF10
Parcel Identification (PIN) #	415-04-01-0041	Parcel Size	4.67 acres
Site Location	Intersection of Hwy. 544, Meadowbrook Dr. and Kingswood Dr.	Proposed Use	Commercial
Property Owner	Padgett Investment Group LLC		
County Council District #	8 - Masciarelli		

## Requested Variance(s)

The applicants are requesting a variance from Article II Section 205 regarding setback requirements in the Highway Commercial (HC) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Right corner side on Kingswood Dr (Bldg. 1)	50'	25'	25'	50% *
Left corner side on Meadowbrook Dr (Bldg. 3)	50'	25'	25'	50% *

\* These variances will require a 2/3 vote

## Background/Site Conditions

The applicants are proposing to build a commercial center with three (3) separate buildings on this site. Since this property is located on Hwy. 544 zoning considers this a triple frontage lot which is required to meet a 50' setback from the front and both corner sides. The proposed building will meet the 50' setback from Hwy 544. Building 1 will be located 25' from the right side on Kingswood Dr instead of the required 50' for a variance of 25'. Building 3 will be located 25' from the left side on Meadowbrook Dr instead of the required 50' for a variance of 25'. The property is also split zoned HC and Residential (MSF10) which will require the residential portion to be subdivided from the commercial portion. Engineering states that Meadowbrook Dr. is a private 66' right of way and Kingswood Drive is a county maintained 60' right of way.

## 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 parcel is split zoned which will require the residential portion to be subdivided out of the commercial.

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

These setbacks apply to all HC parcels located on a collector or arterial roadway.

## VARIANCE REVIEW SHEET

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.

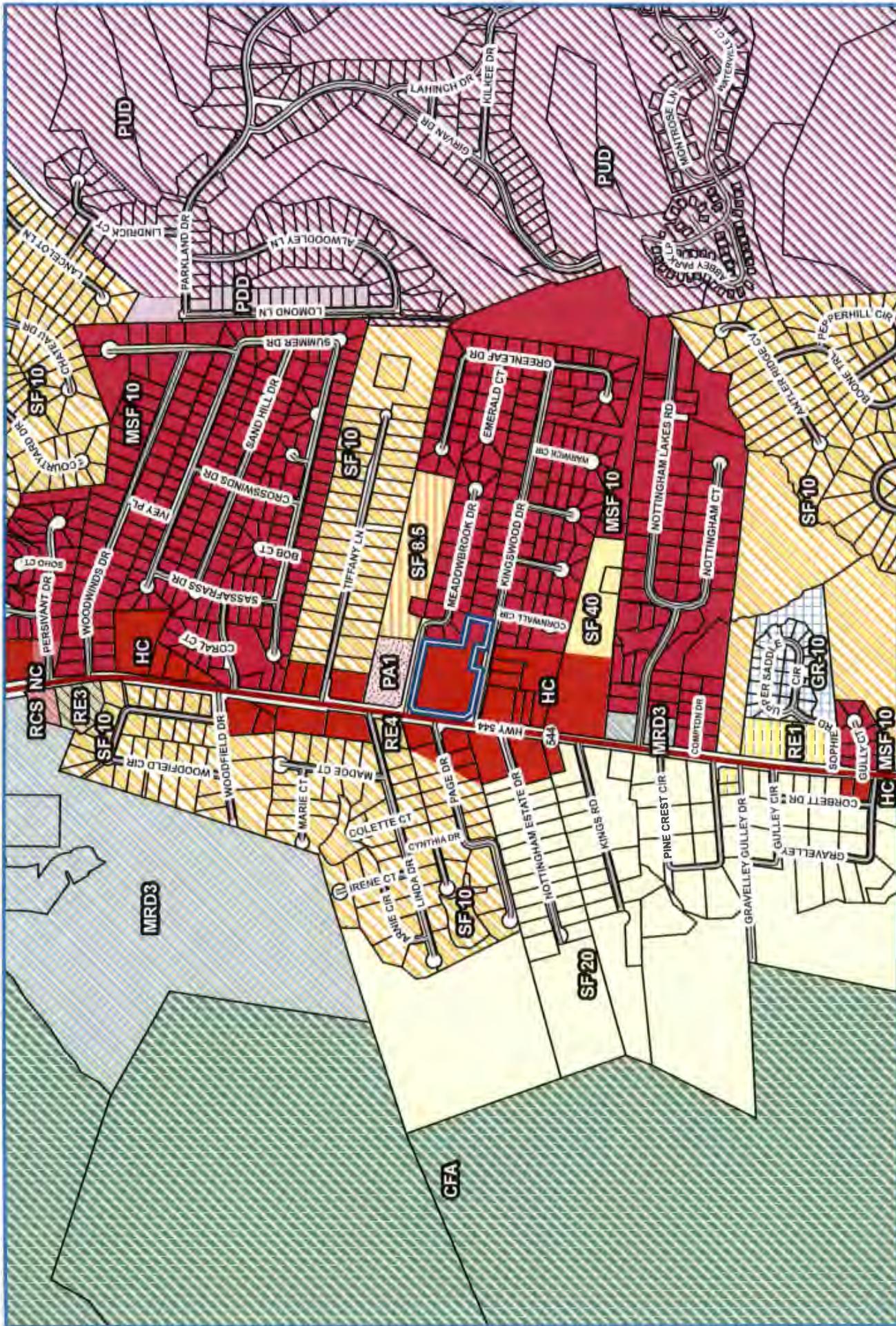
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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.



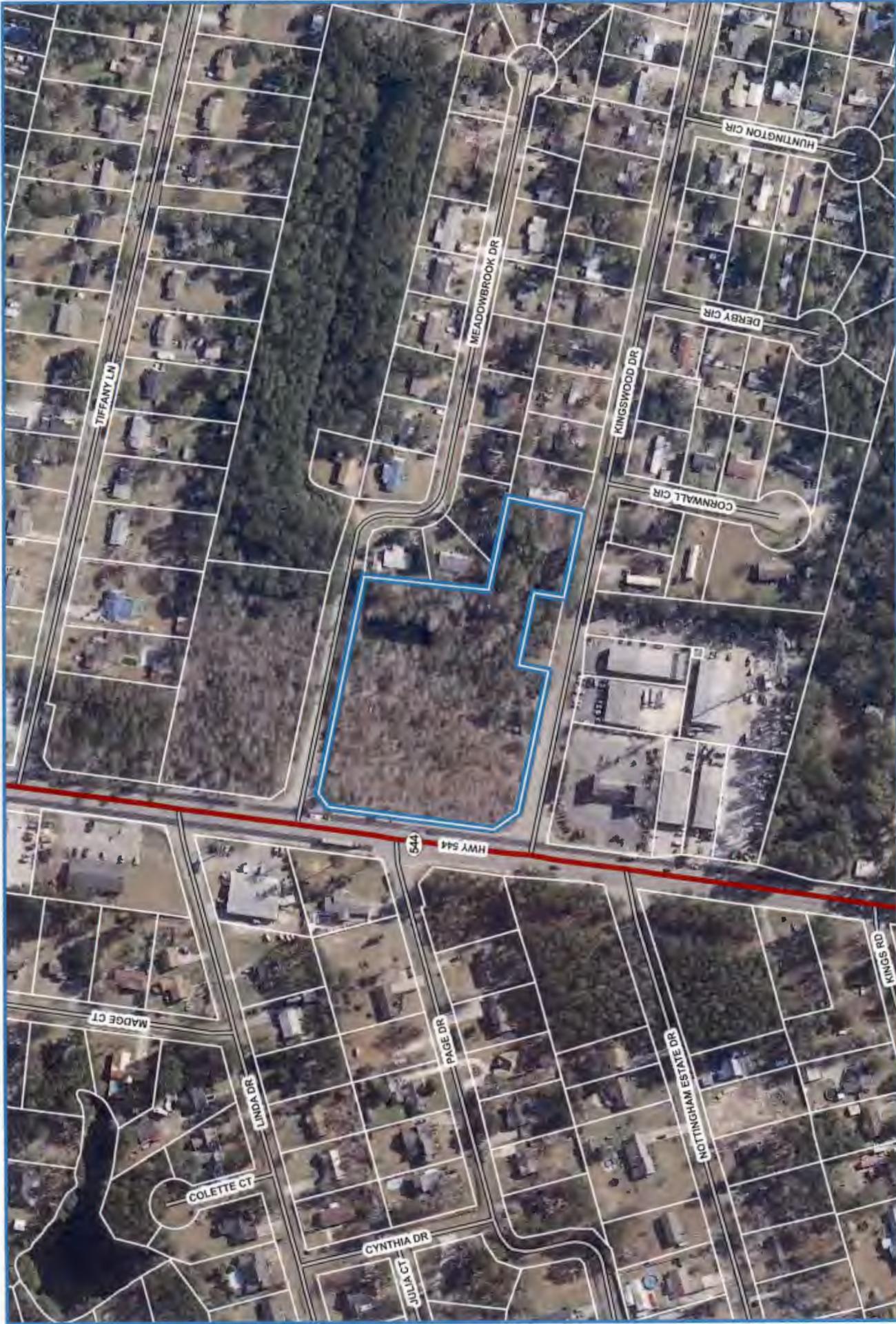
**Parcel for Consideration**  
**Parcel Boundary**  
**Major Road**  
**Road**

**Zoning Map**  
 Variance Case Number  
 2023-08-003  
 G3 Engineering agent for  
 Padgett Investment Group LLC.  
 PIN: 415-04-01-0041

**HC Government**

0 500 1000 Feet

N



-  Parcel for Consideration
-  Major Road
-  Road

**Aerial Map**  
 Variance Case Number  
 2023-08-003  
 G3 Engineering agent for  
 Padgett Investment Group LLC.  
 PIN: 415-04-01-0041

 **HC Government**

0 150 300 Feet

N 



Front on Hwy. 544



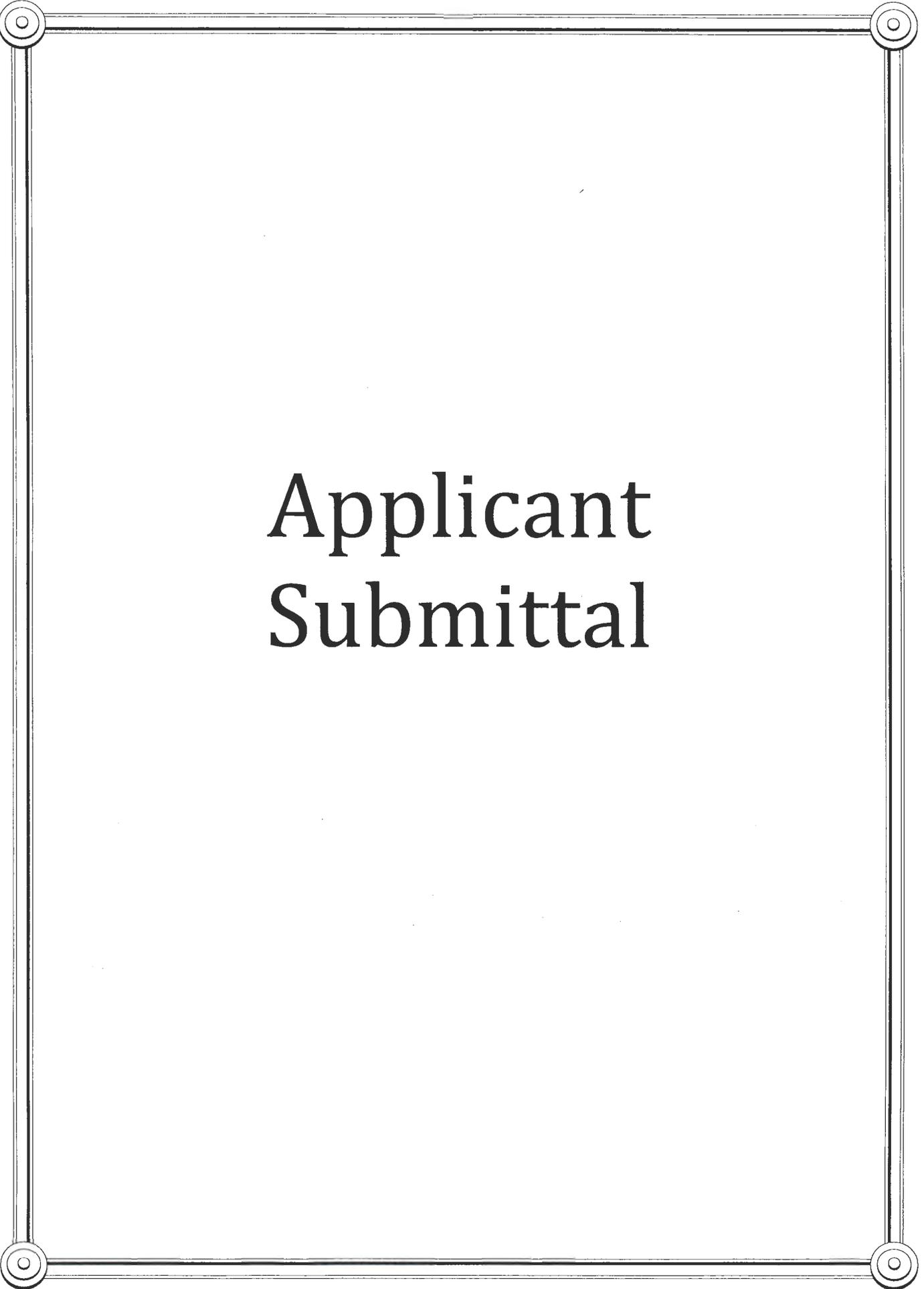
Hwy. 544 & Meadowbrook Dr.



Meadowbrook Dr.



Hwy. 544 & Kingswood Dr.



# Applicant Submittal

VARIANCE REQUEST

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

Article(s): II Section(s): 205.4

2. Description of Request: Request for reduction to setback along Meadowbrook Drive and Kingswood Drive from 50 ft to 25 ft due to triple frontage restrictions on site combined with the primary arterial road. Hwy 544 overlay

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

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

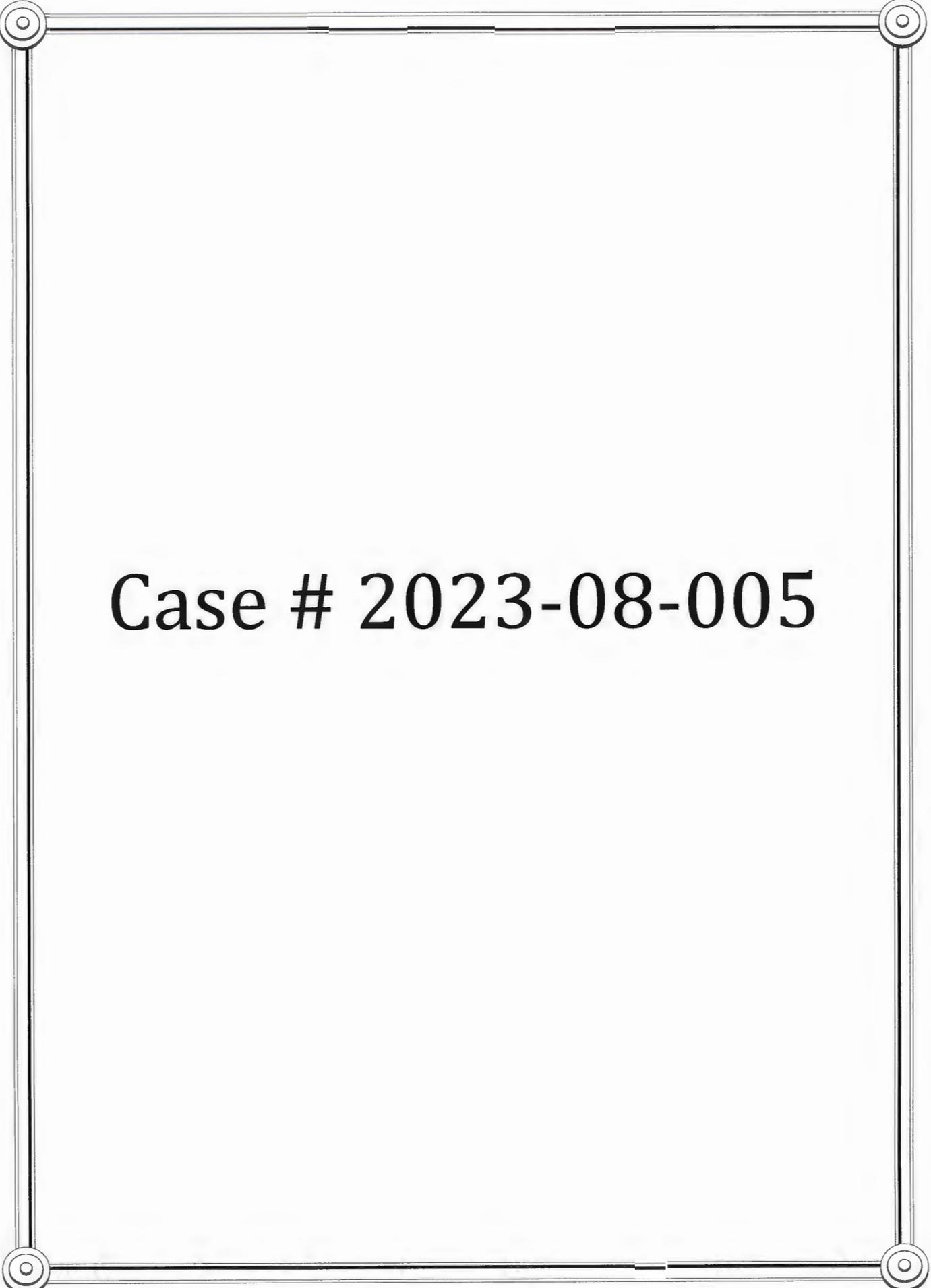
4. Are there Restrictive Covenants on this property that prohibit or conflict with this request? YES NO

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.

Roman Perez
Applicant's Signature

7/17/2023
Date





**Case # 2023-08-005**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-08-005
Applicant	Russell & Carol Harrell
Parcel Identification (PIN) #	462-10-03-0030
Site Location	706 Oliver Dr., Murrells Inlet
Property Owner	Russell & Carol Harrell
County Council District #	5 - Servant

### Zoning Information

Zoning District	MSF6
Parcel Size	6,150 Sq Ft
Proposed Use	Personal Use Storage Building

### Requested Variance(s)

The applicants are requesting a variance from Art. II Section 205 regarding setbacks in the Manufactured Single Family (MSF6) zoning district.

	Requirement	Requested	Variance Needed	Percentage
<b>12'x20' (240 SF) Personal use storage bldg.</b>				
Right Side setback	7.5'	5.4'	2.1'	28%

### Background/Site Conditions

This parcel is located in Ocean Breeze Plantation. The mobile home was permitted in 2003 and a 8'x10' storage building was permitted in 2018. The applicants have placed a 12' x 20' storage building on the property without obtaining a building permit. The building is located 5.4' from the left side setback instead of the required 7.5' for a variance of 2.1'. There is a 25' drainage easement on the rear of this property that restricts where an accessory building can be placed. The proposed building will not encroach into this easement. The applicants have provided a letter of approval from the Ocean Breeze HOA.

### 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 residential properties in the MSF6 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.**

The 25' drainage easement on the rear of this lot does restrict where an accessory building can be placed.

## 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?)

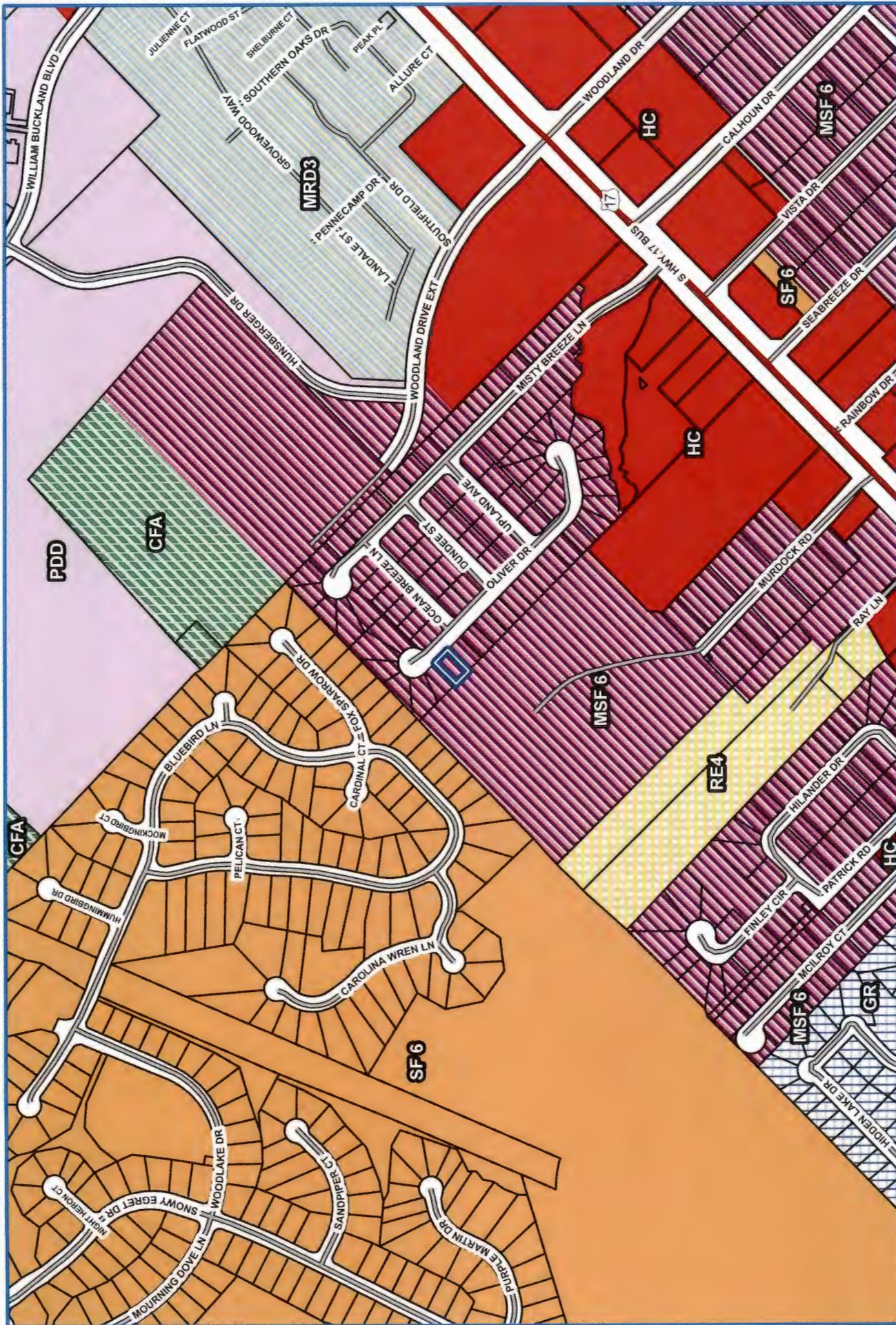
The applicants have provided a letter of approval from the Ocean Breeze HOA.

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.

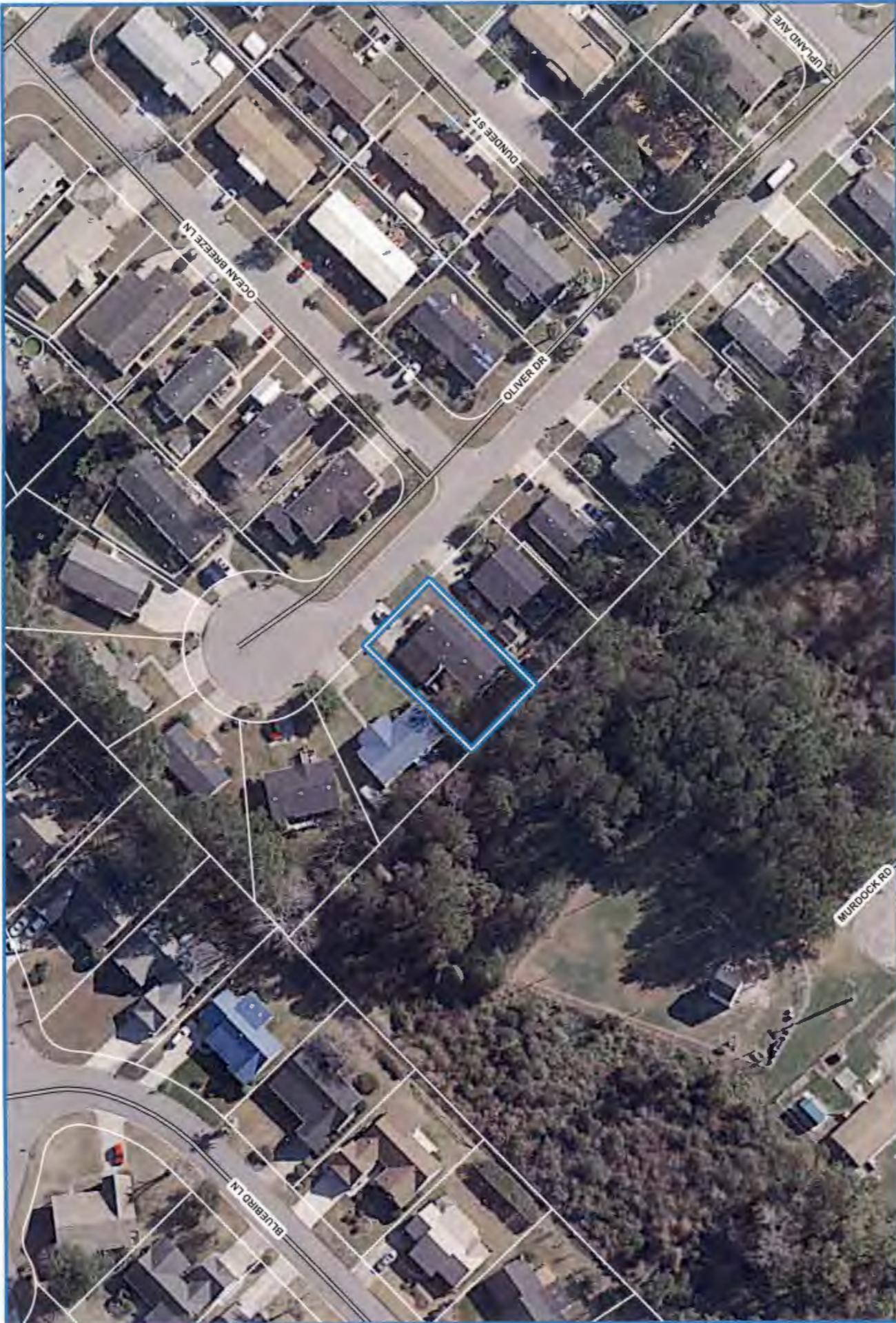


**HC Government**

**Zoning Map**  
 Variance Case Number  
 2023-08-005  
 Russell & Carol Harrell  
 PIN: 462-10-03-0030

0 250 500 Feet

Parcel for Consideration  
 Parcel Boundary  
 Major Road  
 Road



**Aerial Map**  
Variance Case Number  
2023-08-005  
Russell & Carol Harrell  
PIN: 462-10-03-0030

Parcel for Consideration  
Road



*Front on Oliver Dr.*



*Adjacent parcel to the right*



*Storage Bldg.*



*Storage Bldg.*



# 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: Variance Request for Side Setback Storage Building is already built.

<u>Required</u>		<u>Requested</u>	
Front Setback:	<u>20'</u>	Front Setback:	<u>20'</u>
Side Setback:	<u>7.5'</u>	*Side Setback:	<del>15'</del> <u>5.4'</u>
Rear Setback:	<del>15'</del> <u>15'</u>	Rear Setback:	<u>15'</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?

We needed extra storage space

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

Other properties have storage buildings/garages

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?

Does not restrict utilization. Built over setback limits. Neighbor has no issue with this.

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

\*\* 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.

Carol Howell  
Applicant's Signature  
Russ A. [Signature]

8-2-23  
Date  
8-2-23

# Ocean Breeze

---

## HOMEOWNERS ASSOCIATION

MYRTLE BEACH REALTY, LLC - PROPERTY MANAGEMENT  
POST OFFICE BOX 14753 SURFSIDE BEACH, SC 29587  
TELEPHONE (843) 238-5185 / FACSIMILIE (843) 238-1357  
DFR1@FRONTIER.COM

Property Manager: **Mike Couture**

July 28, 2023

RE: 706 Oliver Drive Variance Request

Dear Mr. and Mrs. Harrell and/or Whom It May Concern,

Please be advised the Board of Directors have reviewed your request for a variance on the side setbacks for a garage/shed on your property located at 706 Oliver Drive and have approved your request pending County or any other Government approvals that may be needed. We understand and agree to allow for you to have a 5'4" side setback variance and ask the County to approve this as well on your behalf.

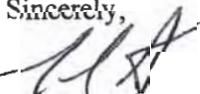
This decision was made by notifying your neighbors whom indicated they did not have any opposition as well as in accordance of the Governing Documents of the HOA to assist the Board in making this determination of approval.

Therefore, with no objections, the HOA is validating your request has been approved as far as the HOA is concerned as well as asking you be approved by any other Government Body that may be required to provide such.

Should you or any other entity have any questions or require confirmation, please feel free to contact me at the above address or contact information.

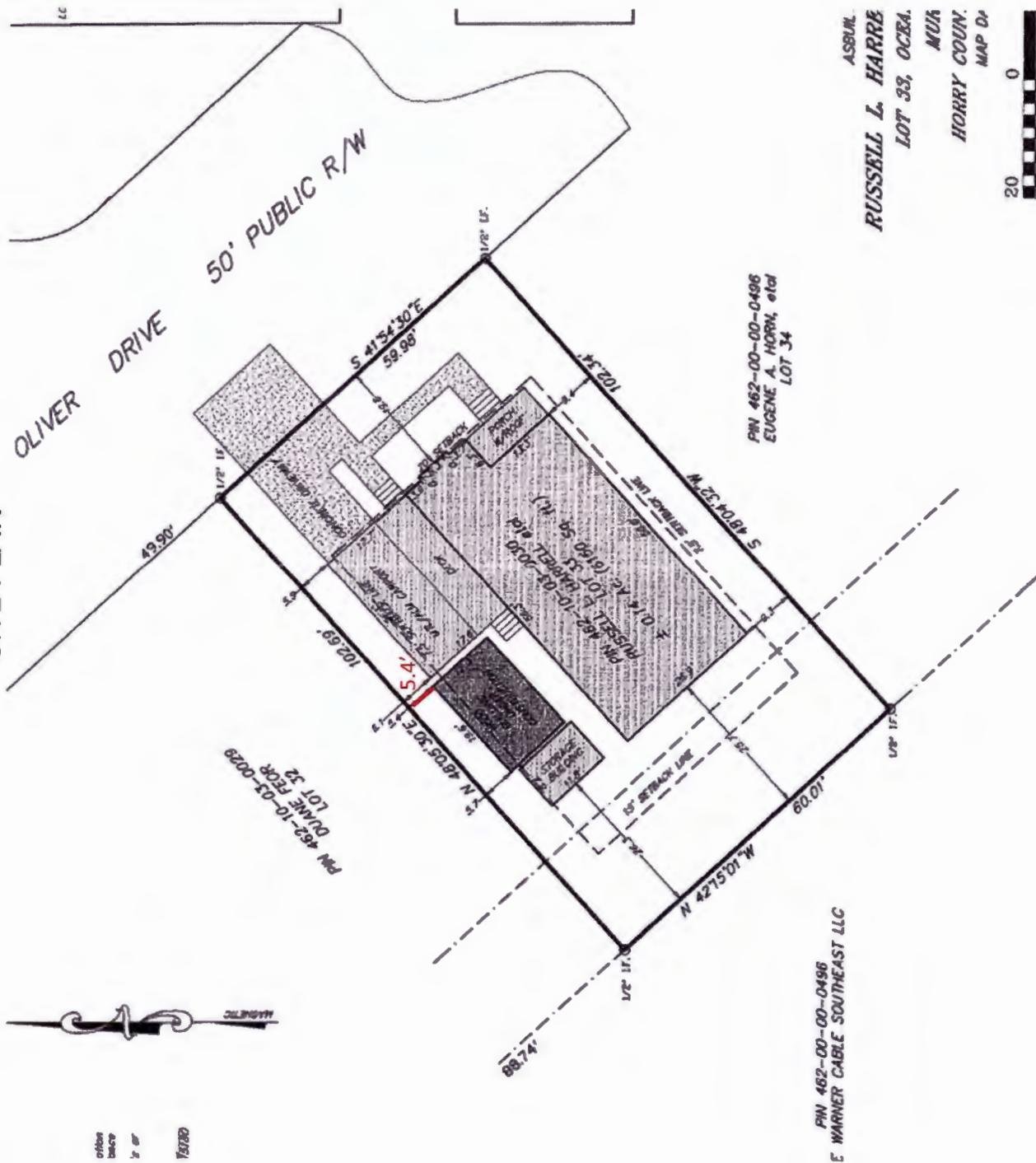
Thank you and hopefully this letter will suffice in your endeavors to be given a variance as the HOA is given said variance to you with no objections.

Sincerely,



Mike Couture  
Property Manager  
Ocean Breeze HOA

SITE PLAN

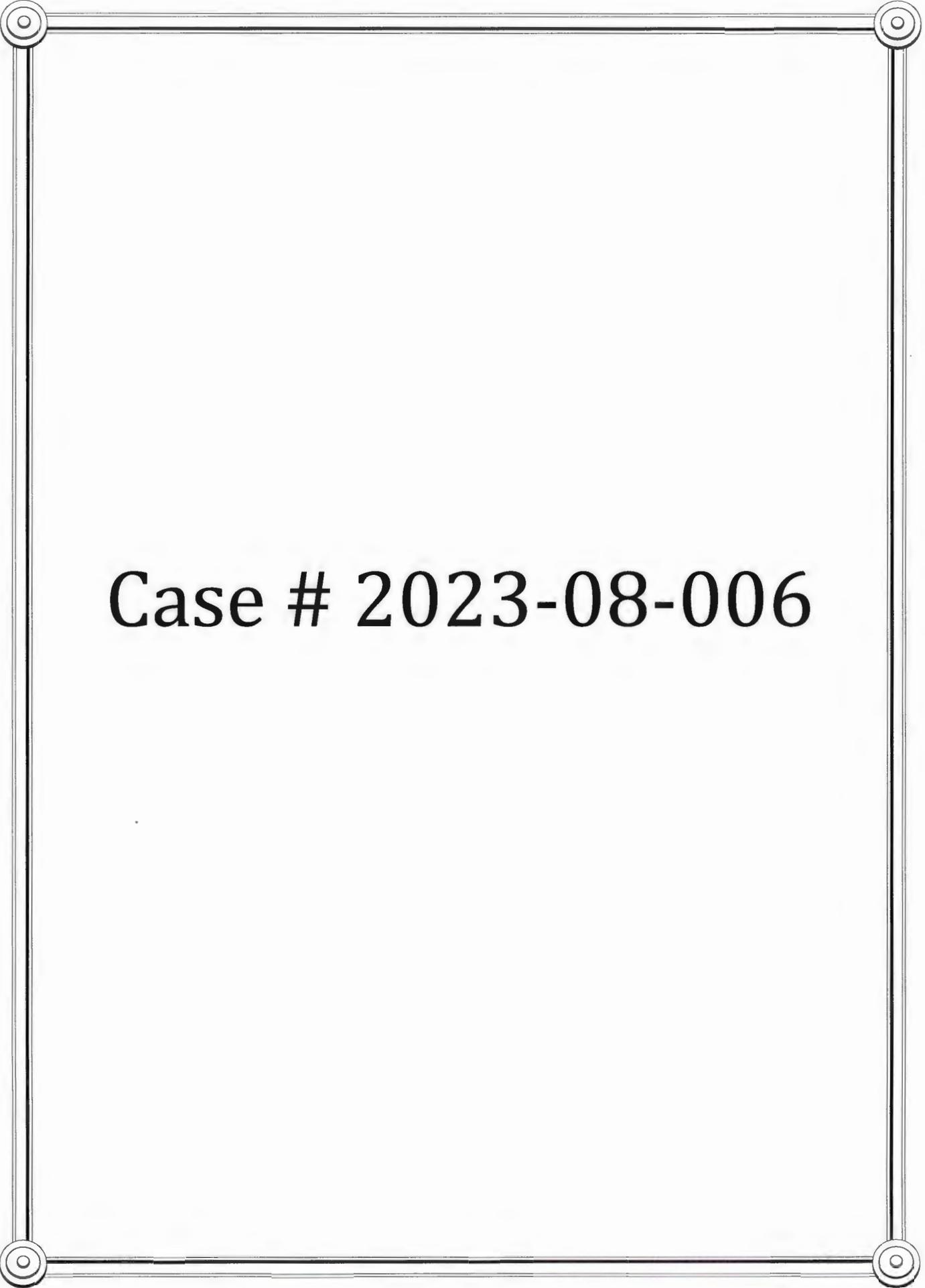


offices  
 1/2" = 10'  
 1/8" = 1'

ASBVL  
**RUSSELL L. HARRE**  
 LOT 33, OCCA.  
 MUA  
 Horry Coun.  
 MAP 01

PIN 462-00-00-0496  
 EUGENE A. HORN, et al  
 LOT 34

PIN 462-00-00-0498  
 E WARNER CABLE SOUTHEAST LLC



**Case # 2023-08-006**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-08-006
Applicant	Jason Mills, agent
Parcel Identification (PIN) #	470-09-01-0028
Site Location	477 Old Field Road, Murrells Inlet
Property Owner	James Franklin Ross & Alicia Marie Ross
County Council District #	5 - Servant

### Zoning Information

Zoning District	SF10
Parcel Size	10,458 sq ft
Proposed Use	Single family

### Requested Variance(s)

The applicants are requesting a variance from Article II Section 205 regarding setback requirements in the Single Family (SF10) zoning district.

	Requirement	Requested	Variance Needed	Percentage
<b>Deck replacement</b>				
Right Side setback	10'	6'	4'	40%

### Background/Site Conditions

This parcel is located in Mount Gilead subdivision. The existing single family home was constructed in 1979. The applicants purchased the home in November of 2021 and are requesting a right side setback variance to replace an existing wood deck with a raised concrete deck on the rear of the home. The new deck will be located 6' from the side property line instead of the required 10' for a variance of 4'.

### 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 setback apply to all properties in the SF10 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?)

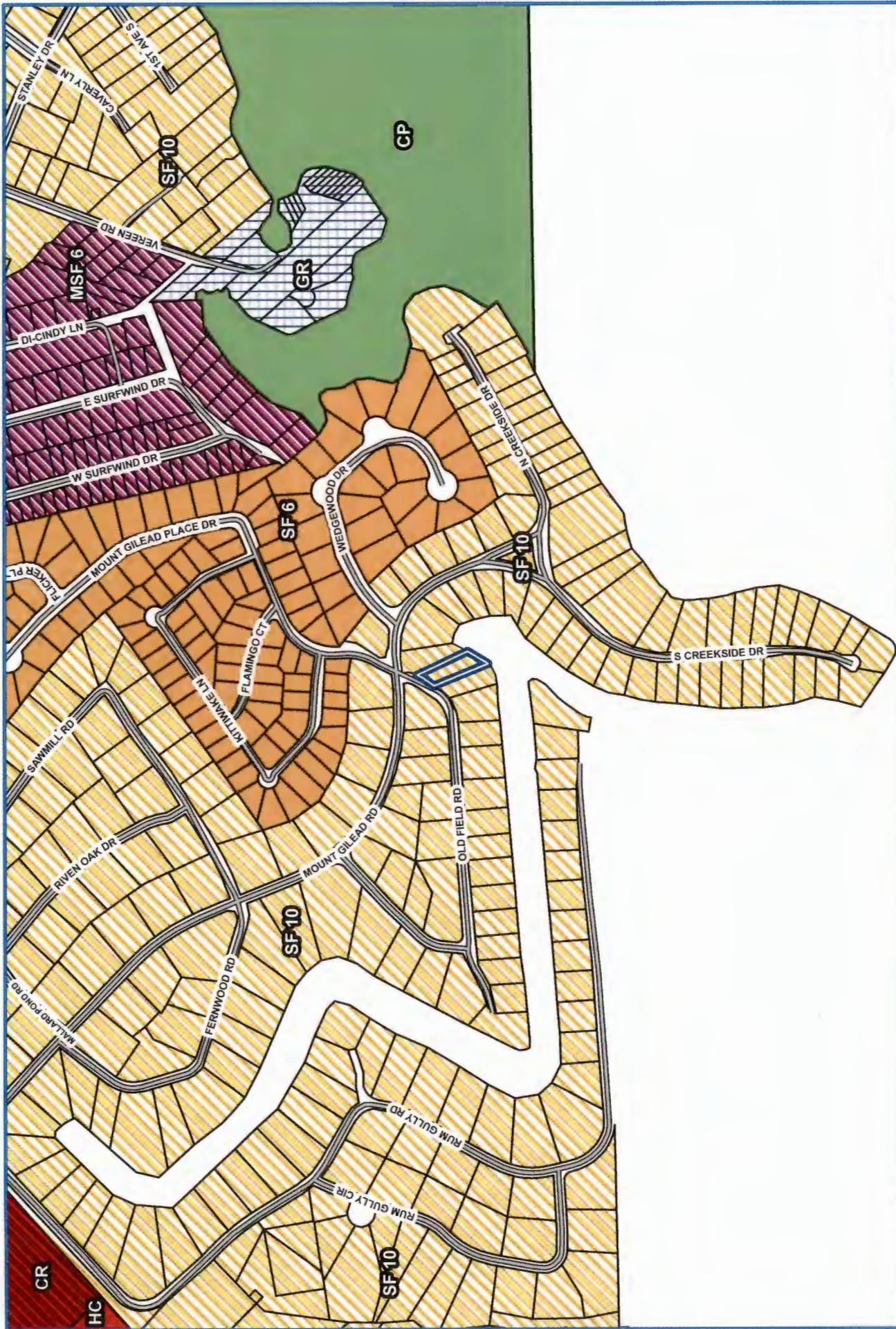
The deck was existing and the owners are wanting to replace it with a newer one which should not be a detriment to adjoining property owners.

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  
 2023-08-006  
 Jason Mills agent for  
 James & Alicia Ross  
 PIN: 470-09-01-0028

-  Parcel for Consideration
-  Parcel Boundary
-  Road





 Parcel for Consideration

 Road

**Aerial Map**

Variance Case Number

2023-08-006

Jason Mills agent for

James & Alicia Ross

PIN: 470-09-01-0028



HC Government

0 50 100

Feet

N





*Front on Old Field Rd*



*Right side variance*



*Rear located on the creek*



*Existing decks*



# 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:

allow replacement of current wood deck with concrete patio per provided drawing/pictures

<u>Required</u>		<u>Requested</u>	
Front Setback:	<u>25</u>	Front Setback:	<u>25</u>
Side Setback:	<u>10</u>	Side Setback:	<u>6'</u>
Rear Setback:	<u>15</u>	Rear Setback:	<u>15</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?

Structure built prior to setback, home deck inside setback, deck moved to setback will create safety hazard / exterior door above grade

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

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?

Exterior door would be above grade

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

**\*\* 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

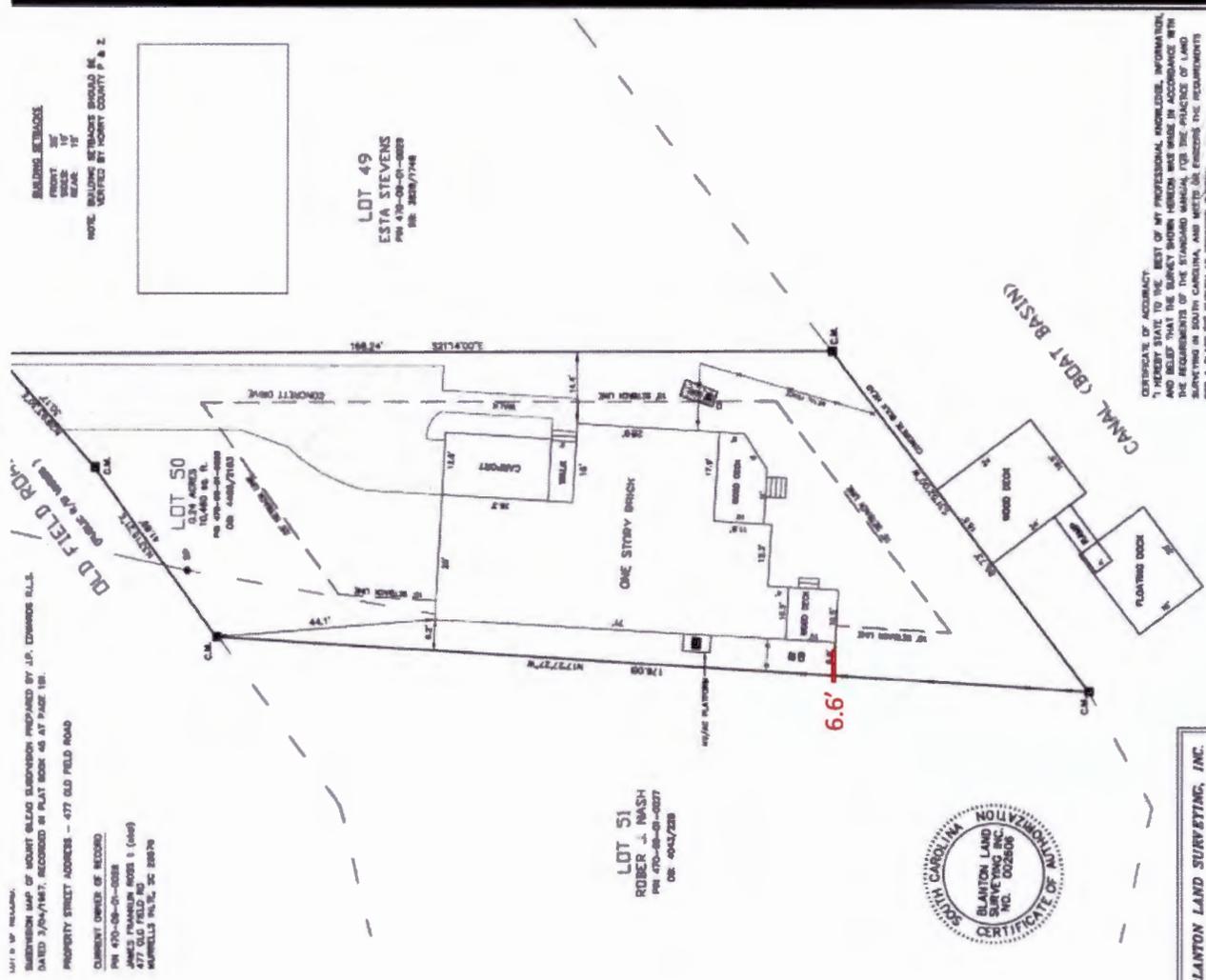
*[Handwritten Signature]*

Date

5-30-2023



# SITE PLAN



**BUILDING SETBACKS**  
 FRONT 30'  
 REAR 10'  
 SIDE 10'

NOTE: BUILDING SETBACKS SHOULD BE NOTICED BY TOWN COUNTY P & Z

**LOT 49**  
 ESTA STEVENS  
 PH 410-08-01-0009  
 BR 3026/7748

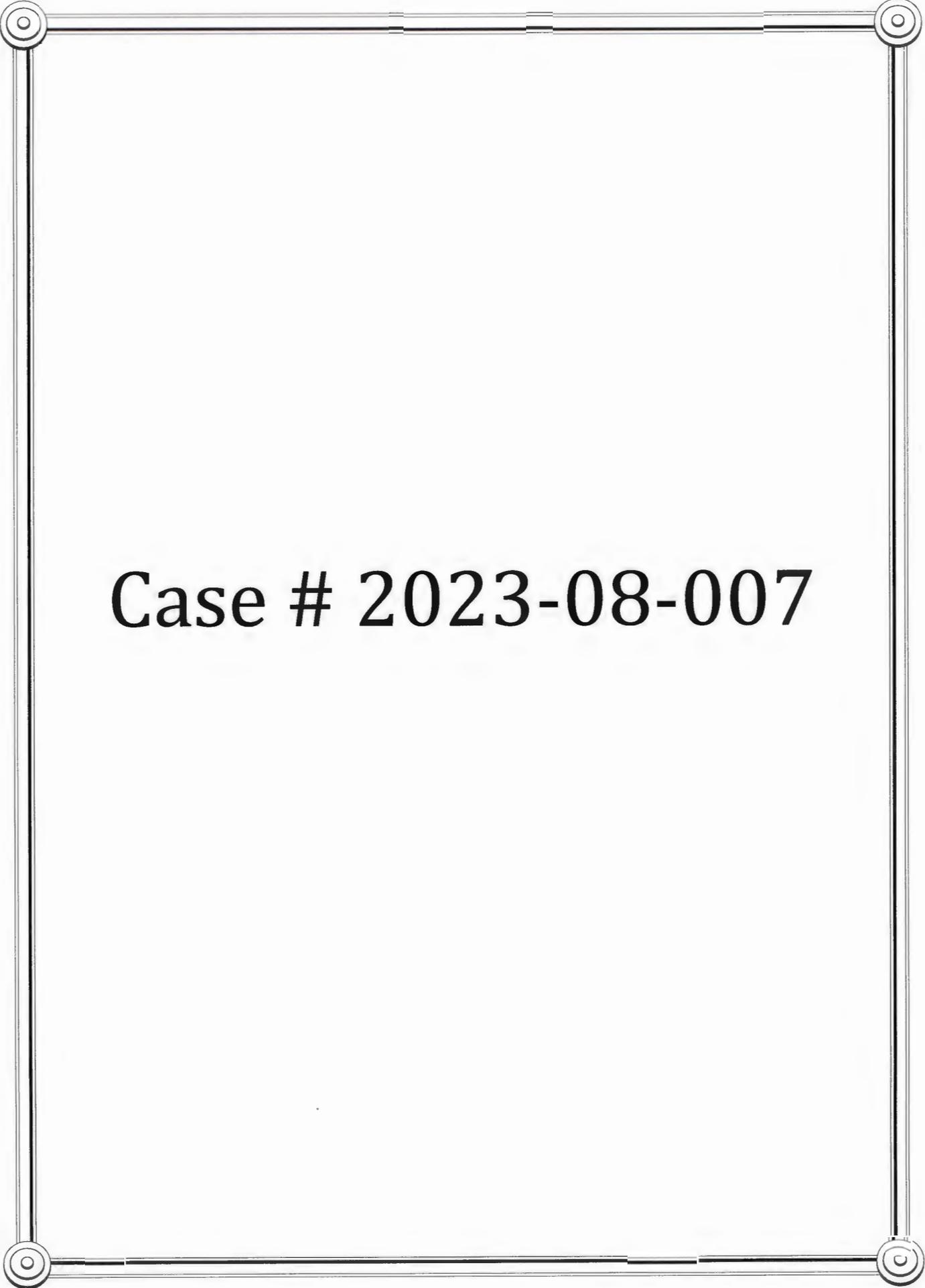
**LOT 50**  
 C.M. ANDERSON  
 PH 410-08-01-0008  
 BR 3026/7748

**LOT 51**  
 ROBER J. NASH  
 PH 410-08-01-0077  
 BR 4043/7208



**BLANTON LAND SURVEYING, INC.**

CERTIFICATE OF ACCURACY:  
 I, HEREBY STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARD MANUAL FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MET TO THE REQUIREMENTS AND STANDARDS OF THE SOUTH CAROLINA BOARD OF SURVEYING ENGINEERS.

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 # 2023-08-007**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-08-007	<b>Zoning Information</b>	
Applicant	Venture Engineering, agent	Zoning District	RE4
Parcel Identification (PIN) #	349-13-01-0003	Parcel Size	3.41 Acres
Site Location	Located on Old Sanders Dr., Near Robert Edge Pkwy	Proposed Use	Commercial
Property Owner	Hooks Holding, LLC		
County Council District #	9 - Causey		

### Requested Variance(s)

The applicants are requesting a variance from Article II section 205 regarding setback requirements in the Retail with Accessory Outdoor Storage (RE4) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Front setback on Robert Edge Pkwy	50'	20'	30'	60% *

\* This variance requires a 2/3 vote

### Background/Site Conditions

The applicants are proposing to build a commercial center on this site. In May of 2022 this parcel was rezoned from MSF20 to Retail with accessory outdoor storage (RE4) for a restaurant supply business. This property has double frontage which requires a front setbacks of 50' on Old Sanders Drive and Robert Edge Pkwy. Robert Edge Pkwy is a major arterial road. The proposed building will be located 20' from Robert Edge Pkwy instead of the required 50' for a variance of 30'. The County Engineer states no are no planned widening projects for this section of Robert Edge Pkwy. in the foreseeable future (15-20 years). However, there is always a risk at increasing future right of way costs when there are encroachments on major roads such as this.

### 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?)**

The double frontage setback applies to all lots located on a major collector or arterial roadway.

**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?)

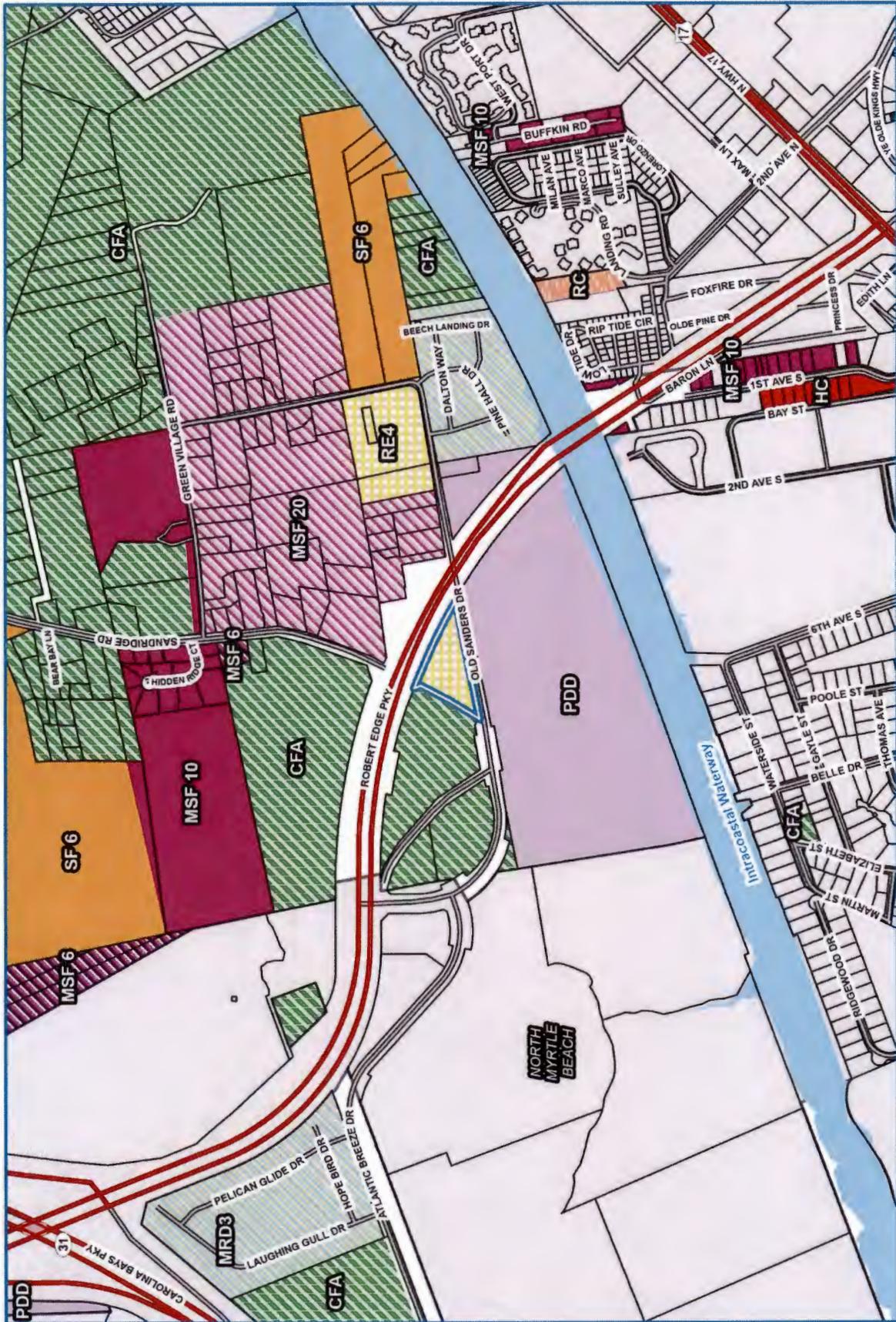
The County has required larger setbacks for double frontage lots since 2008.

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  
2023-08-007  
Venture Engineering agent for  
Hooks Holding LLC  
PIN: 349-13-01-0003

HC Government

0 500 1000 Feet

N

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



**Parcel for Consideration**

- Parcel for Consideration
- Major Road
- Road

**Aerial Map**

Variance Case Number  
2023-08-007  
Venture Engineering agent for  
Hooks Holding LLC  
PIN# 349-12-01-0003

**HC Government**

0 100 200 Feet

N



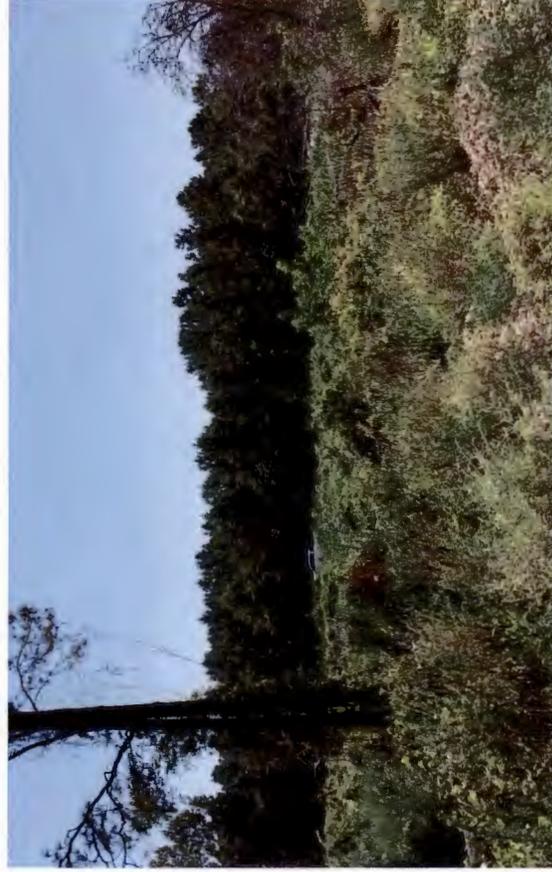
*Front on Old Sanders Dr*



*Adjacent parcel on the left*



*Front on Robert Edge Pkwy*



*View from Robert Edge Pkwy*



# Applicant Submittal

VARIANCE REQUEST

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

Article(s): II (Established Districts) Section(s): 205 (Dimensional & Density Standards)

2. Description of Request: Please see attached narrative.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<u>Required</u>	<u>Requested</u>
Front Setback: 50'	Front Setback: 20'
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

8/3/2023  
Date

**Horry County Variance Application  
August 3<sup>rd</sup>, 2023**

**Prepared For:**

**Hooks Holding, LLC  
1514 Absco Drive Building G  
Longs, South Carolina 29568**

**Prepared By:**

**Venture Engineering  
209 Highway 544  
Conway, South Carolina 29526**

## **Background**

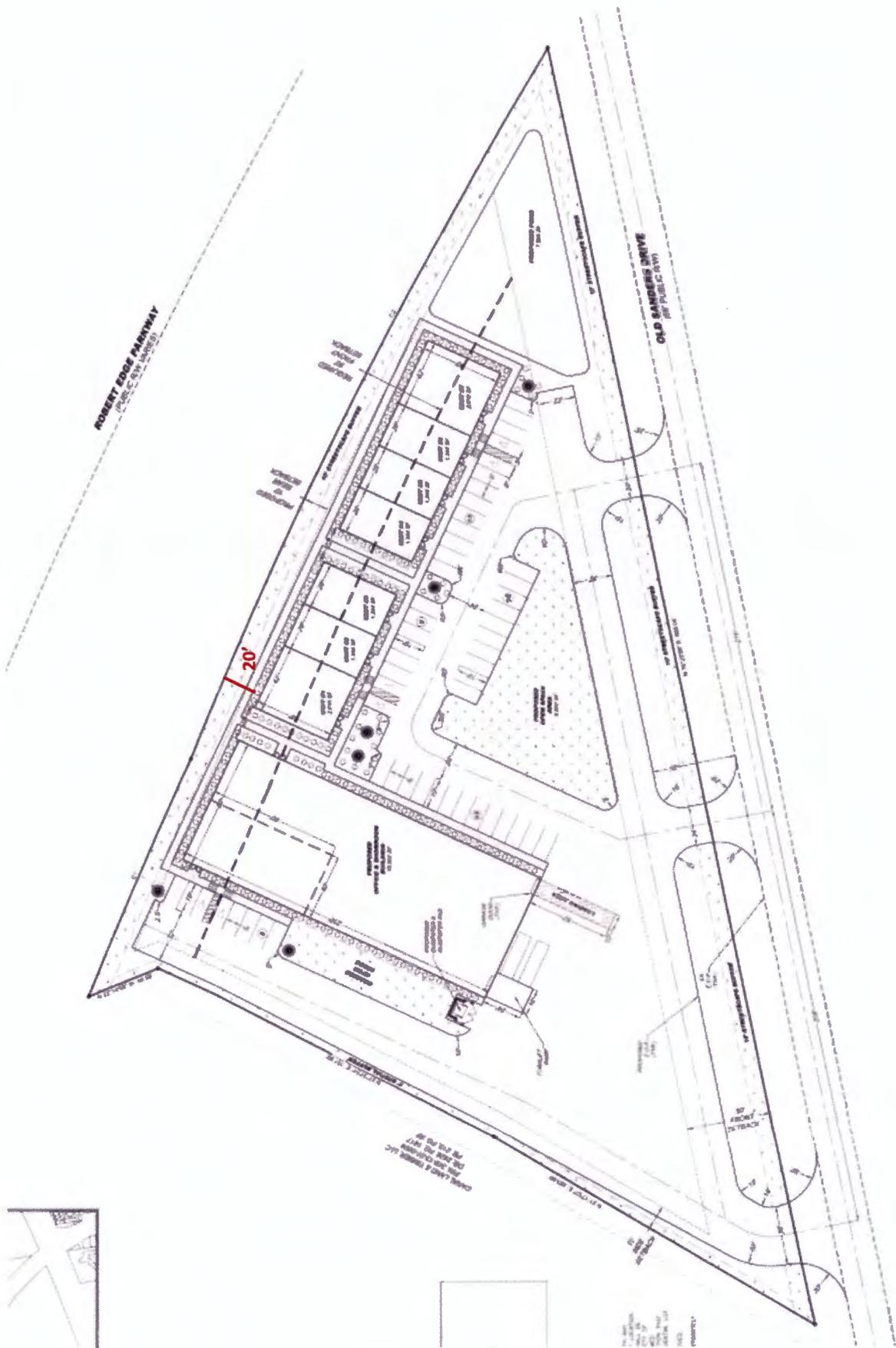
Hooks Consulting and Food Service Supply is a local Horry County business that aids clients in designing and supplying restaurants and kitchens of all sizes. This new location located off of Old Sanders Road and Robert Edge Parkway features a 16,000 square foot showroom and two (2) plazas with 7 rentable units.

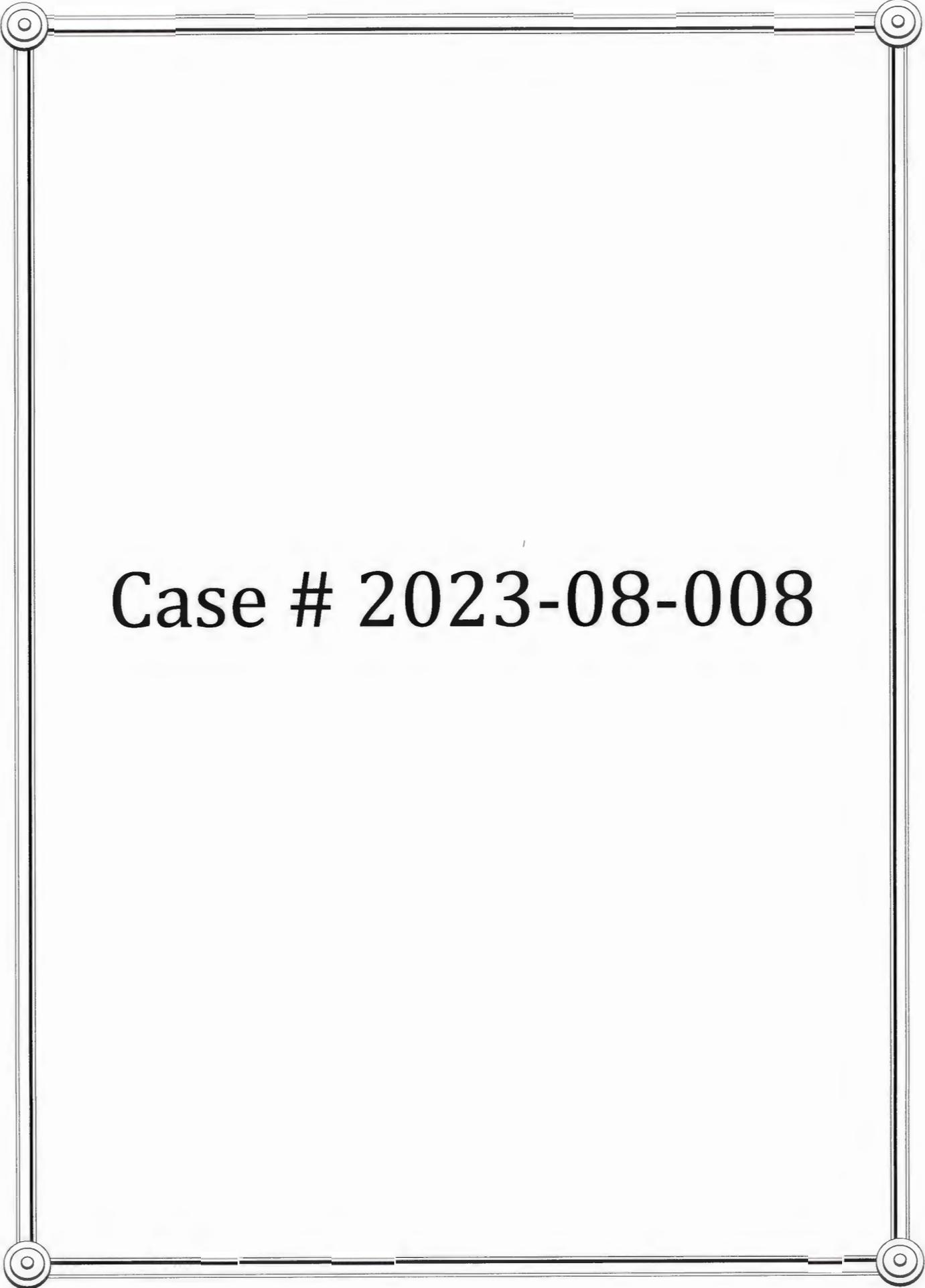
The triangular geometry of this site makes it difficult to design, especially when two 50' front setbacks are required off of Old Sanders Drive and Robert Edge Parkway, despite there being no access off of the latter. Due to this large setback off of Robert Edge, we are requesting a decrease in the 50' front setback to 20', for a variance of 30'. The setback off of Old Sanders is to remain at 50'.

## **VariANCES Requested**

- Article II – Established Districts, Section 205 – Dimensional & Density Standards – Table 2-1: Dimensional and Density Standards Continued (Page 51 of the Horry County Zoning Ordinance)
  - This article of the municode states that if the zoning district is Retail with Accessory Outdoor Storage (RE4), then the setbacks are as followed: 50' Front, 10' Side, 15' Rear, 15' Corner Side. For this particular variance, we are requested the front setback off of Robert Edge Parkway to be reduced to 20', for a variance of 30'.
  - This particular piece of property has extraordinary and exceptional conditions directly related to the request of this variance. Some of these conditions include, but are not limited to, the unique site geometry and implementation of two 50' setbacks.
  - These conditions do not generally apply to other properties in the area. The triangular site geometry significantly inhibits how the site can be designed. When two 50' setbacks are taken into consideration, the site becomes immensely restricted. Additionally, adjacent properties are much larger in size, therefore they are able to accommodate for larger setbacks while still developing the property as needed.
  - Not allowing the property owner to reduce the size of the 50' setback would unreasonably restrict the utilization of the property and significantly impact the use. If the two 50' setbacks are implemented as is, a significant portion of the property would become unable to be developed. The rentable units on property provide other local businesses spaces to flourish, and the 50' setback prevents that from happening.
  - 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. The adjacent properties are either vacant or owned by a timber company from Florence, South Carolina. Reducing the setback off of one property line/right of way will not impact adjacent properties.
  - Due to these reasons surrounding this property, we appeal for a variance to reduce the required 50' front setback off of Robert Edge Parkway to 20', for a variance of 30'.

# SITE PLAN



A rectangular frame with decorative corner pieces. The frame consists of two parallel lines forming the sides, with circular corner pieces at each of the four corners. The text "Case # 2023-08-008" is centered within the frame.

**Case # 2023-08-008**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-08-008
Applicant	Robert Guyton, agent
Parcel Identification (PIN) #	258-00-00-0016
Site Location	Buck Creek Dr. and W. Hwy 9, Longs
Property Owner	Founders Development LLC
County Council District #	9 - Causey

### Zoning Information

Zoning District	GR-5
Parcel Size	11.34 Acres
Proposed Use	Multi-family

### Requested Variance(s)

The applicants are requesting a variance from Article V Section 503, and Article VII Section 701, regarding parking, landscaping and buffer requirements in the General Residential (GR-5) zoning district.

	Requirement	Requested	Variance Needed	Percentage
<b>Art. V, Section 504 C</b>				
<b>Type C Streetscape Buffers</b>				
Hwy. 9	55 Canopy 55 Understory 276 Shrubs	27 Canopy 55 Understory 159 Shrubs	28 Canopy 117 Shrubs	<b>51% *</b> 43%
Buck Creek Rd.	25' width 40 Canopy 40 Understory 198 Shrubs	7' width 9 Canopy 40 Understory 85 Shrubs	18' width 31 Canopy 113 Shrubs	<b>72% *</b> <b>78% *</b> <b>57% *</b>
<b>Type A Opaque Buffer</b>				
Rear adjoining PIN 258-00-0017	18 Canopy 18 Understory 118 Shrubs	6 Canopy 26 Understory 88 Shrubs	12 Canopy 30 Shrubs	<b>67% *</b> 26%
<b>Type B Spatial Buffer</b>				
Right side adjoining PIN 258-00-00-0015	13 Canopy 13 Understory 128 Shrubs	6 Canopy 13 Understory 101 Shrubs	7 Canopy 27 Shrubs	<b>54% *</b> 21%
<b>Art. V, Section 504 A 5 - Plant species</b>	10 tree species 8 shrub species	5 tree species 2 shrub species	5 tree species 6 shrub species	<b>50% *</b> <b>75% *</b>
<b>* These variances will require a 2/3 vote</b>				

## VARIANCE REVIEW SHEET

### Background/Site Conditions

This is the Stonewall Villas project that was rezoned Residential (GR-5) in 2006 under Ord. 57-05 to allow 88 quadruplex and duplex units. The project was never completed and lost their vested rights. There are eleven (11) quadruplex units remaining to be built. There is currently existing landscaping on the site that does not meet the current landscape requirements. Type C streetscape buffers are required on both roads. The applicants are requesting a variance on the Hwy. 9 streetscape buffer of 28 canopy trees and 117 shrubs. The applicants are proposing a 7' wide streetscape buffer on Buck Creek Rd instead of the required 25' for a variance of 18' including a variance of 31 canopy trees and 113 shrubs. A 25' Type A opaque buffer is required on the rear parcel adjacent to PIN 258-00-00-0017 which is an undeveloped FA parcel. The applicants are requesting a variance of 6 canopy trees and 30 shrubs, they will be providing 8 additional understory trees. The right side property line (adjoining PIN 258-00-00-0015) requires a 5' Type B spatial buffer. The applicants are requesting a variance of 7 canopy trees and 27 shrubs. This site requires 10 different tree species and 8 shrub species to be used in their landscaping. The applicants are requesting a variance of 5 tree species and 6 shrub species.

### 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 buffer requirement apply to all newly developed multi-family/townhome projects within the County.

**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?)**

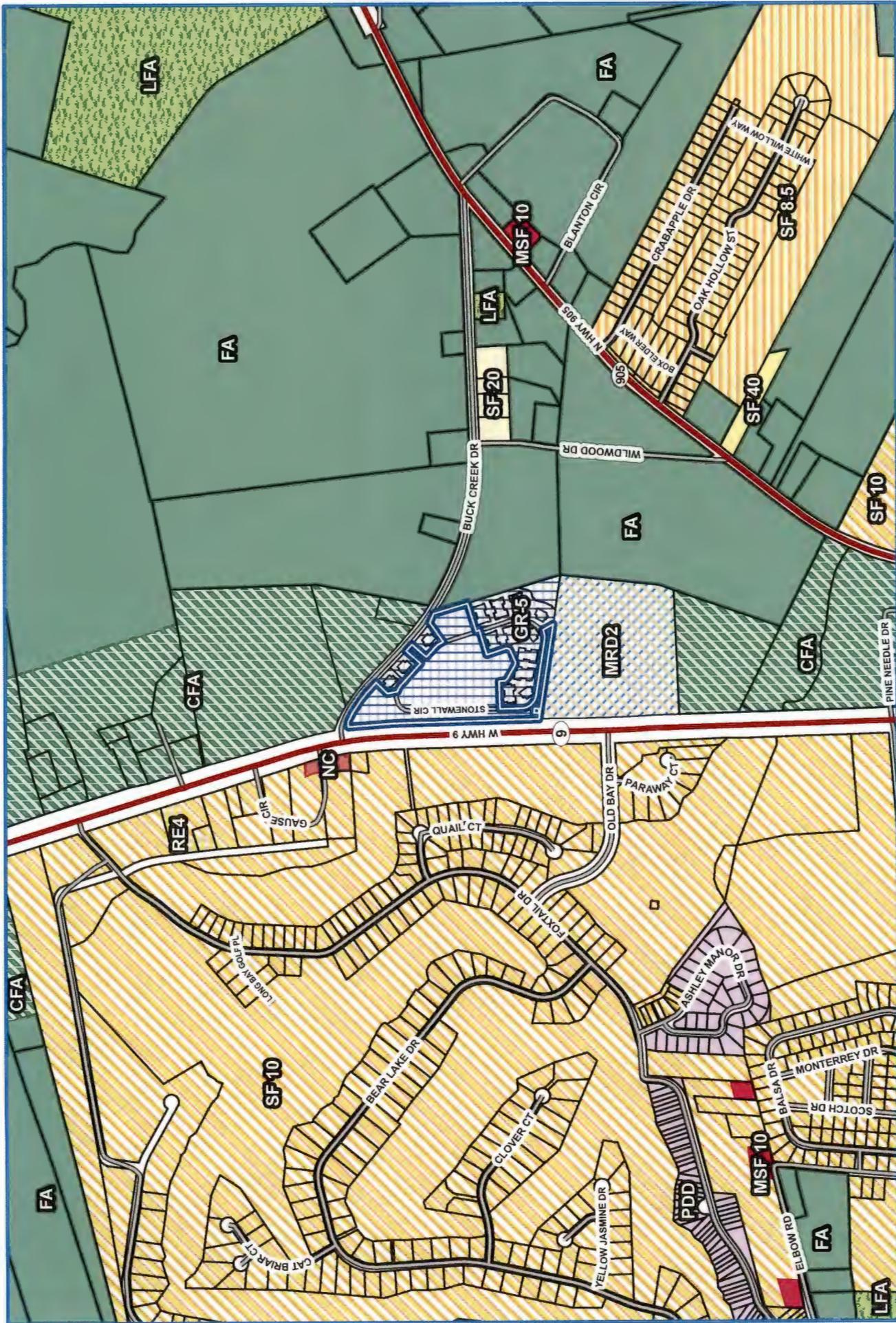
**5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property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

## VARIANCE REVIEW SHEET

### Proposed Order/Conditions

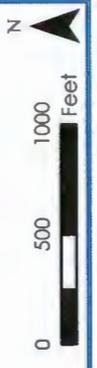
Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

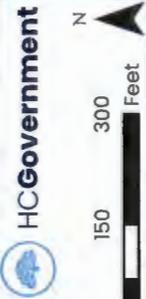
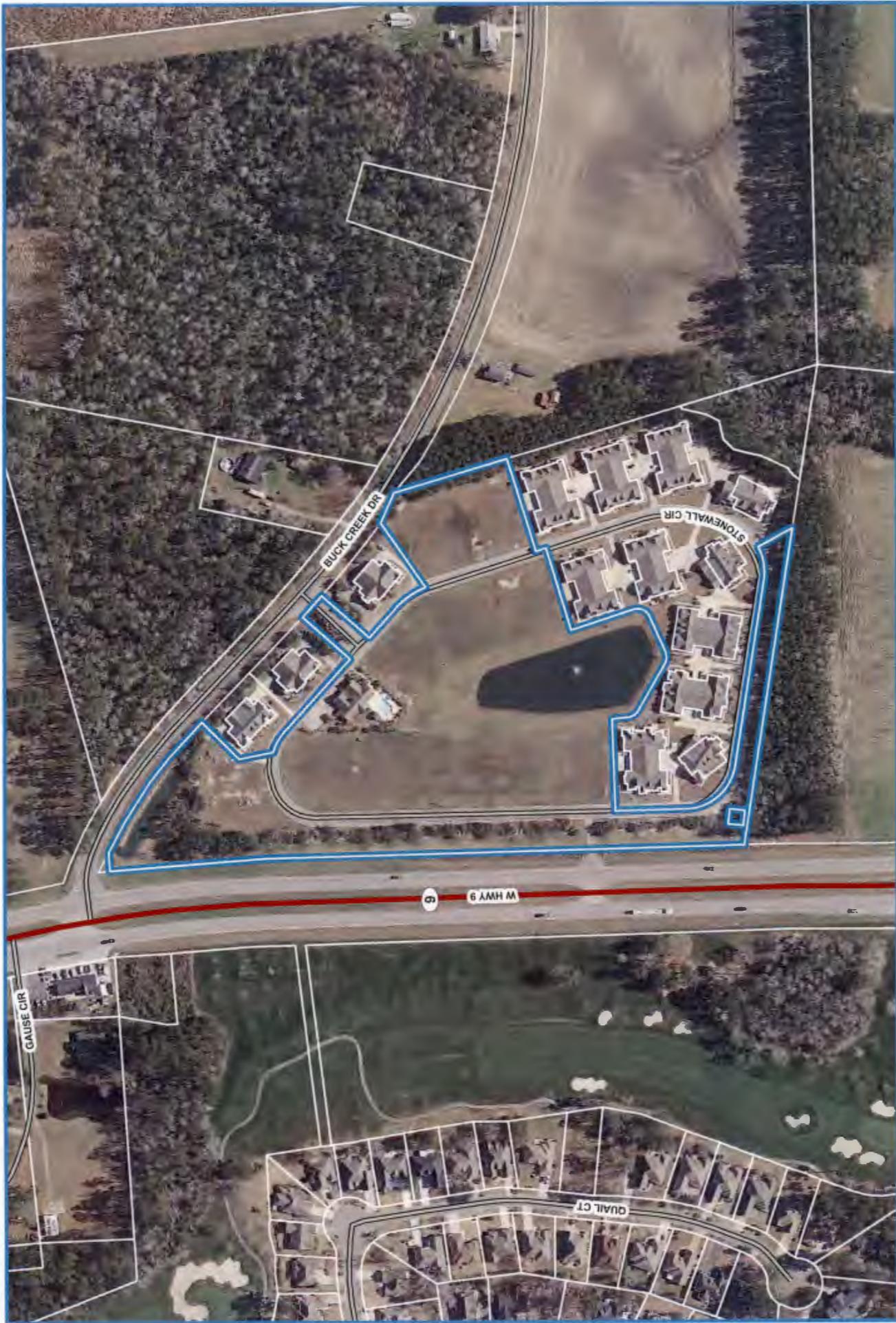
1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.



**Zoning Map**  
 Variance Case Number  
 2023-08-008  
 Robert Guyton agent for  
 Founders Development LLC  
 PIN: 258-00-00-0016

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





**Aerial Map**  
 Variance Case Number  
 2023-08-008  
 Robert Guyton agent for  
 Founders Development LLC  
 PIN: 258-00-00-0016

-  Parcel for Consideration
-  Major Road
-  Road



*Front buffers on Buck Creek Rd*



*Existing quadraplex units*



*Club house*



*Interior lots*



*Landscape buffer along Hwy. 9*



*Existing buffer on right side*



*Existing buffer on right side*



*Existing buffer along rear*



*Existing buffer along rear*



# Applicant Submittal

VARIANCE REQUEST

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

Article(s): Landscaping, Parking and Open Space Section(s):

2. Description of Request: Previously approved multi-phase community, vested rights expired prior to completion of approximately 40% of buildings within the project. Application of current standards for landscaping, parking and open space would render the remaining buildings within the project unbuildable. Applicant request the application of standards applicable to Phase 1 to the remaining building pads.

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: No dimensional variances requested, variances applicable include landscaping, parking and open space.

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

\*\* 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 NO checked

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.

Handwritten signature of the applicant

Applicant's Signature

8/3/23 Date



**Case # 2023-08-009**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-08-009
Applicant	Venture Engineering, agent
Parcel Identification (PIN) #	258-02-04-0002
Site Location	1140 W. Hwy. 9, Longs
Property Owner	PS Southeast Two LLC
County Council District #	9 - Causey

### Zoning Information

Zoning District	CFA
Parcel Size	9.23 Acres
Proposed Use	Mini-warehouses

### Requested Variance(s)

The applicants are requesting a variance from Article V Section 504 regarding landscaping and buffer requirements in the Commercial Forest Agriculture (CFA) zoning district.

	Requirement	Requested	Variance Needed	Percentage
<b>Art. V, Section 504 C - Type A Opaque Landscape Buffer</b>				
Right Side	25'	5'	20'	<b>80% *</b>
Rear	25'	7'	18'	<b>72% *</b>
Privacy Fence 6 ft in height on right side & rear	6' privacy fence	Chain link w/privacy mesh	Chain link w/privacy mesh	<b>100% *</b>
<b>*These variances require a 2/3 vote</b>				

### Background/Site Conditions

The applicants are proposing four (4) new buildings at the Pinnacle Storage facility. This facility was initially constructed in 2008. A variance was granted in 2022 (Case #2022-09-006) to allow a left side setback of 10'. The CFA zoning district requires a 25' side setback for commercial uses. With the new proposed additions being more than 50% of the total project value the entire site is required to be brought into full compliance. A 25' Type A landscape buffer with a 6 ft privacy fence (vinyl or wood) is required where the property abuts a residential use. The applicants are proposing a 5' Type A Buffer on the right side instead of 25' for a variance of 20'; and a 7' Type A buffer on the rear instead of the required 25' for a variance of 18'. The applicants are proposing a 6 ft. chain link fence with privacy mesh instead of a 6 ft. wood or vinyl privacy fence.

### 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 properties in CFA.

## VARIANCE REVIEW SHEET

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.

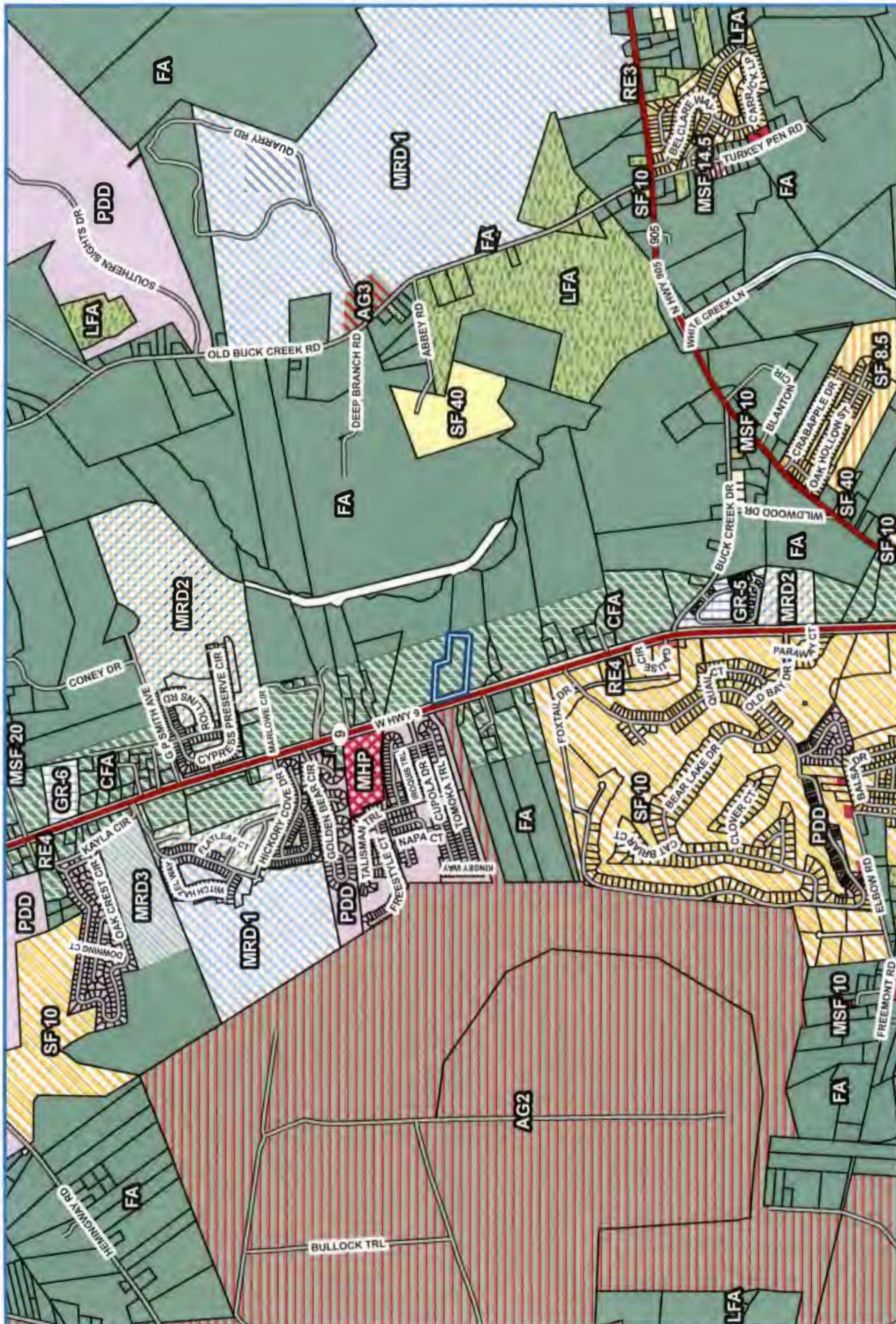
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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.



**Parcel for Consideration** Major Road  
**Parcel Boundary** Road  
**Waterbody**

**Zoning Map**  
 Variance Case Number  
 2023-08-009  
 Venture Engineering agent for  
 PS Southeast Two LLC  
 PIN: 258-02-04-0002

HC Government

0 1000 2000 Feet

N



**Aerial Map**  
Variance Case Number  
2023-08-009  
Venture Engineering agent for  
PS Southeast Two LLC  
PIN: 258-02-04-0002

Parcel for Consideration  
Major Road  
Road





*Site*



*Front on Hwy. 9*



*Rear*



*Right side*

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF HORRY )  
 In re: Venture Engineering, agent for )  
 Coastal Mini Storage of Longs, LLC )  
 \_\_\_\_\_ )

**BEFORE THE BOARD OF  
 ZONING APPEALS**  
 Case No.: 2022-09-006  
**ORDER OF THE BOARD**

Hearing was held before this Board on October 10, 2022, pursuant to the request of the applicant for a variance regarding setback and landscaping requirements in the Commercial Forest Agriculture (CFA) zoning district. The property is identified by PIN 258-02-04-0002 and is located at 1140 Hwy 9 W. in the Longs area of Horry County. The applicant has requested the following variances from the requirements:

	Requirement	Requested	Variance Needed	Percentage
<b>Building #2</b>				
Left side setback	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 258-02-04-0002.
2. It is zoned Commercial Forest Agriculture (CFA) and is located at 1140 Hwy 9 W. in the Longs area of Horry County.
3. The applicants are requesting a variance regarding setback and landscaping requirements in the Commercial Forest Agriculture (CFA) zoning district.
4. The applicants are proposing four (4) new buildings at the Pinnacle Storage Facility.
5. This facility was initially constructed in 2008.
6. The CFA zoning district requires a 25' side setback for commercial uses.
7. Building #2 will be located 10' from the left side property line instead of the required 25' for a variance of 15'.

## CONCLUSIONS OF LAW

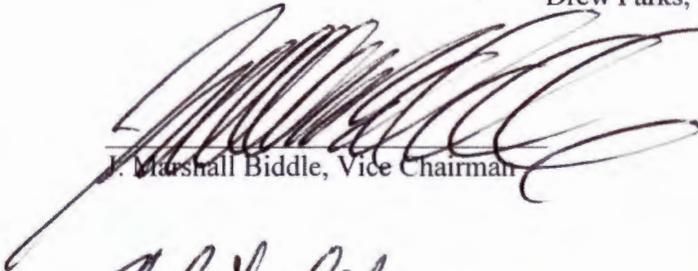
The Board finds that the request **meets** the criteria set forth in Horry County Code § 1404 (B) and S.C. Code Ann. §6-29-800. Therefore, the **variance is granted, provided that the following conditions are met:**

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.

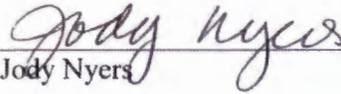
AND IT IS SO ORDERED, this 10<sup>th</sup> day of October, 2022.



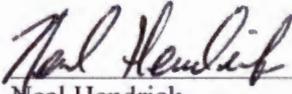
Drew Parks, Chairman



J. Marshall Biddle, Vice Chairman



Jody Nyers



Neal Hendrick



Blake Arp

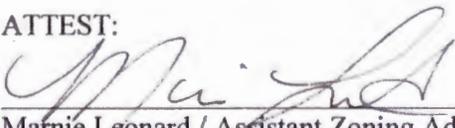


Robert Page

Jeffrey Miller

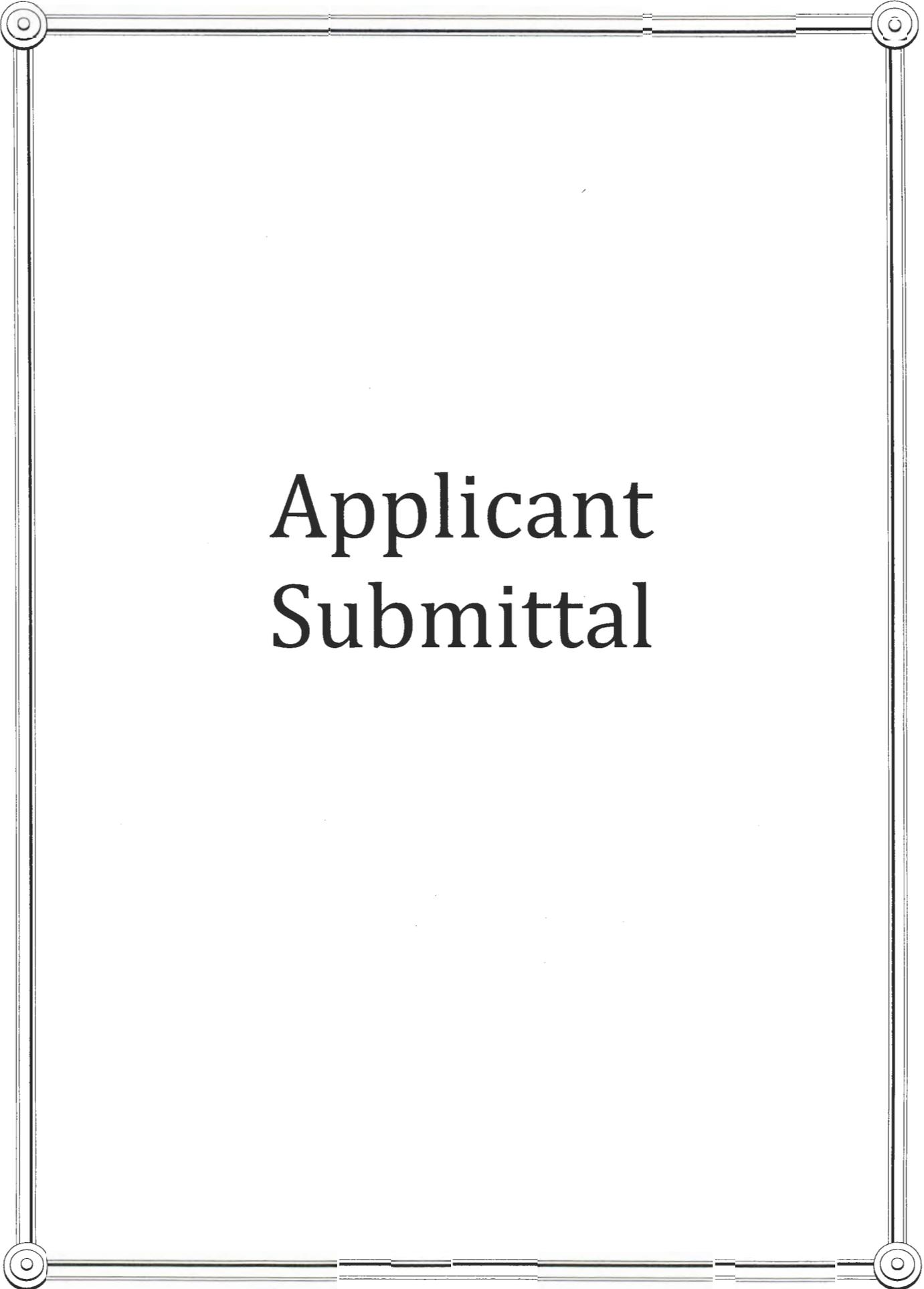
Kirk Truslow

ATTEST:



Marnie Leonard / Assistant Zoning Administrator

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



# 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 (Landscape, Buffer, and Tree Preservation Standards) Section(s): 504 (Landscape Design Standards)

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?

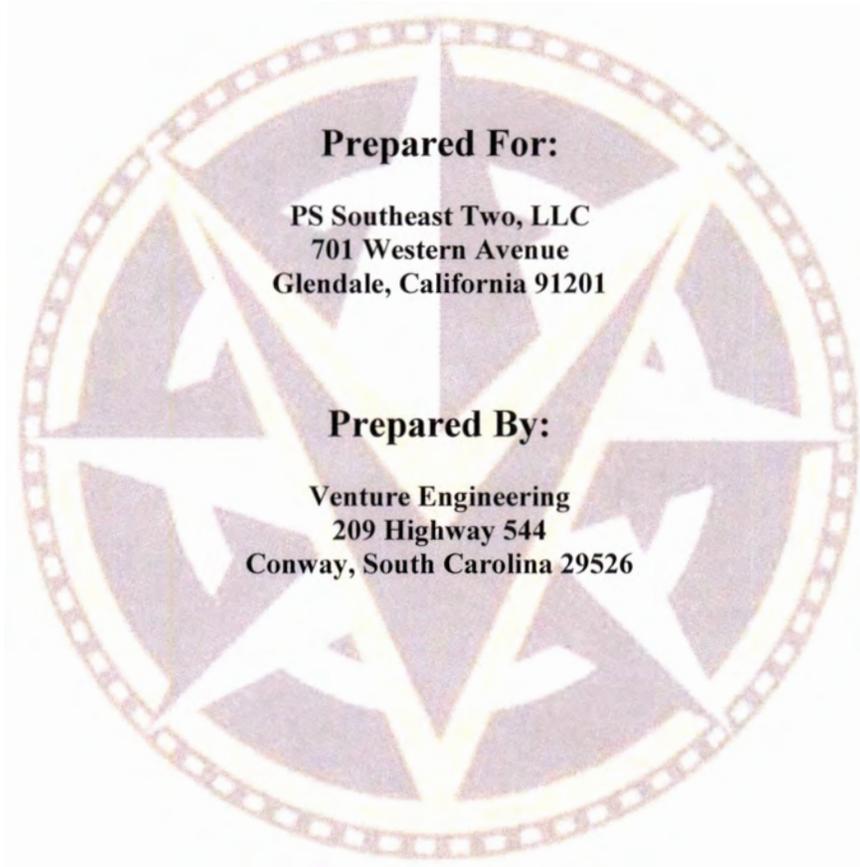
Form with YES and NO checkboxes. YES is unchecked, NO is checked.

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

8/2/2023
Date

**Horry County Variance Application  
August 2<sup>nd</sup>, 2023**



## **Background**

Public Storage, formally known as Pinnacle Storage, located at 1140 Highway 9 W in Longs, South Carolina is currently undergoing commercial review through Horry County Planning and Zoning. The Planning Department has concluded that due to additions constructed on site, the entire parcel must be brought into compliance with new regulations, including landscaping within the already existing portion of the site.

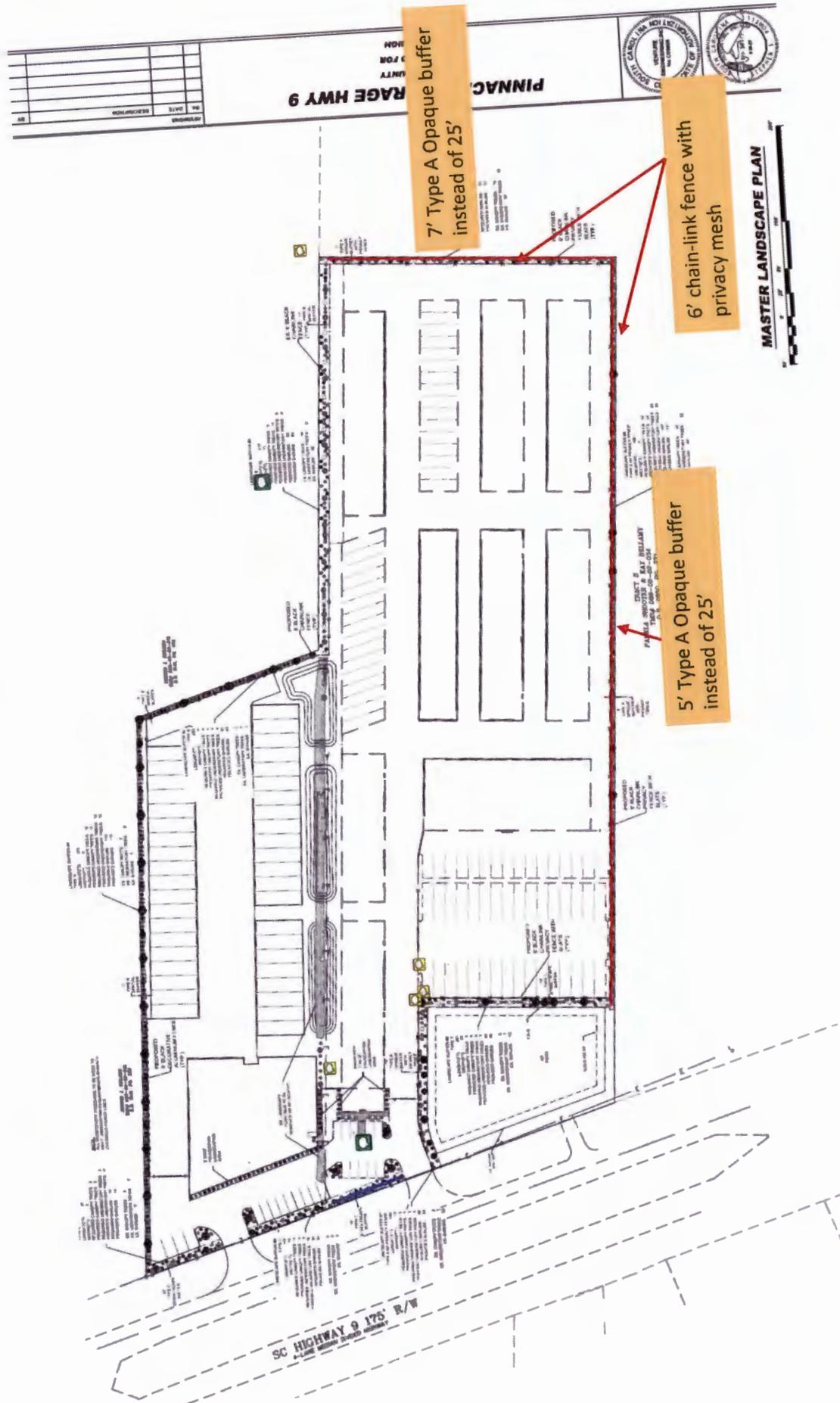
Although the adjacent parcels share alike zonings (CFA), the uses are residential, which requires a 25' landscape buffer. Instead of this buffer, we are requesting a 7' Type A Buffer with a privacy fence, for a variance of 18' (Landscape Buffer #4) and a 5' Type A Buffer with a privacy fence, for a variance of 20' (Landscape Buffer #5). Each buffer will still have ample trees, shrubs, and a fence to provide seclusion from adjacent properties.

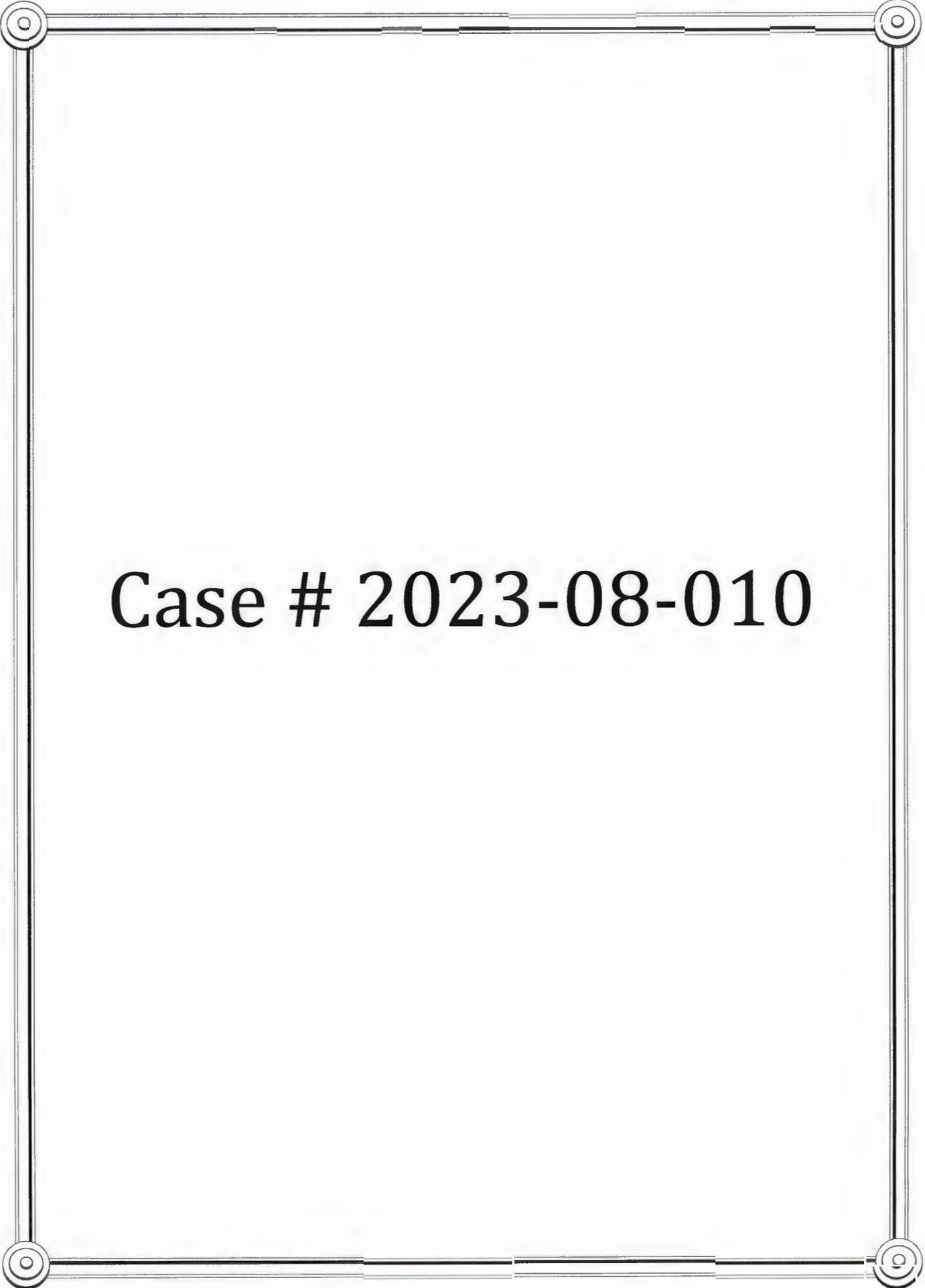
## **Variations Requested**

- Article V – Landscape, Buffer, and Tree Preservation Standards, Section 504 – Landscape Design Standards – Table 3: Perimeter Buffer Type Applicable & Table 4: Perimeter Buffer Type Requirements
  - This article of the municode states that if the proposed land use is non-residential, multifamily, quadraplex, townhomes, or in-common residential and the adjacent land use/zoning district is residential, the applicable buffer will need to be Type A. Table 4 states that the Type A buffer must be “equal to setback requirement of zoning district or 25 feet, whichever is less”. In this case, the 25 foot buffer is equal to the setback of the zoning district. This variance is asking for relief from the 25' buffer requirement.
  - This particular piece of property has extraordinary and exceptional conditions directly related to the request of this variance. The site is currently developed with 11 storage buildings and areas for outdoor storage. According to the Planning Department, the proposed 4 buildings is more than 50% of the total project value, meaning the entire site is to be brought into compliance and the 25' buffer to be implemented.
  - These conditions do not generally apply to other properties in the area. Adjacent properties are not yet developed and other properties along Highway 9 are residential subdivisions. This property is different because of how it was previously constructed.
  - Not allowing the property owner to reduce the size of the buffers would unreasonable restrict the utilization of the property and significantly impact the use. If the 25' buffer is implemented, roughly 20' of pavement/concrete would have to torn up and removed from the site. The driveways behind the buildings where the buffer is required to be serve important purposes for firetrucks and customers. If the concrete is removed, firetrucks would not be able to access the back side of buildings. Furthermore, customers would be forced to turn around and drive in awkward configurations.
  - 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. Since the majority of the storage center is constructed, the adjacent property owners are already used to the current buffers in place. Nothing is being changed or built on the side where the buffers are required to be changed.

- Due to these reasons surrounding this property, we appeal for a variance to reduce the required 25' Type A buffer to a 7' Type A with a privacy fence (Landscape Buffer #4) and a 5' Type A buffer with a privacy fence (Landscape Buffer #5) for variances of 18' and 20' respectfully.

# SITE PLAN





**Case # 2023-08-010**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-08-010
Applicant	Fausto Mendes/Fox Homes and Investments, Inc., agent
Parcel Identification (PIN) #	312-01-04-0013
Site Location	3096 Kings Ct., Little River
Property Owner	Jack and Darlene Wilson
County Council District #	1 - Dukes

### Zoning Information

Zoning District	CFA
Parcel Size	13,283 sq ft
Proposed Use	Residential

### Requested Variance(s)

The applicants are requesting a variance from Article II Section 205 regarding setback requirements in the Commercial Forest Agriculture (CFA) zoning district.

	Requirement	Requested	Variance Needed	Percentage
<b>12'x22' Garage addition</b>				
Right Side setback	10'	8.5'	1.5'	15%

### Background/Site Conditions

This parcel is located in the River Hills subdivision. The applicant completed the construction of their single-family home in February of 2018. The applicants are proposing to build a 12' x 22' garage addition on the right side of the house. The proposed garage will be located 8.5' from the right side property line instead of the required 10' for a variance of 1.5'. The applicants have provided a letter of approval from the River Hills POA and from the adjacent property owner (Lot 6) on the right.

### 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 properties 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?)

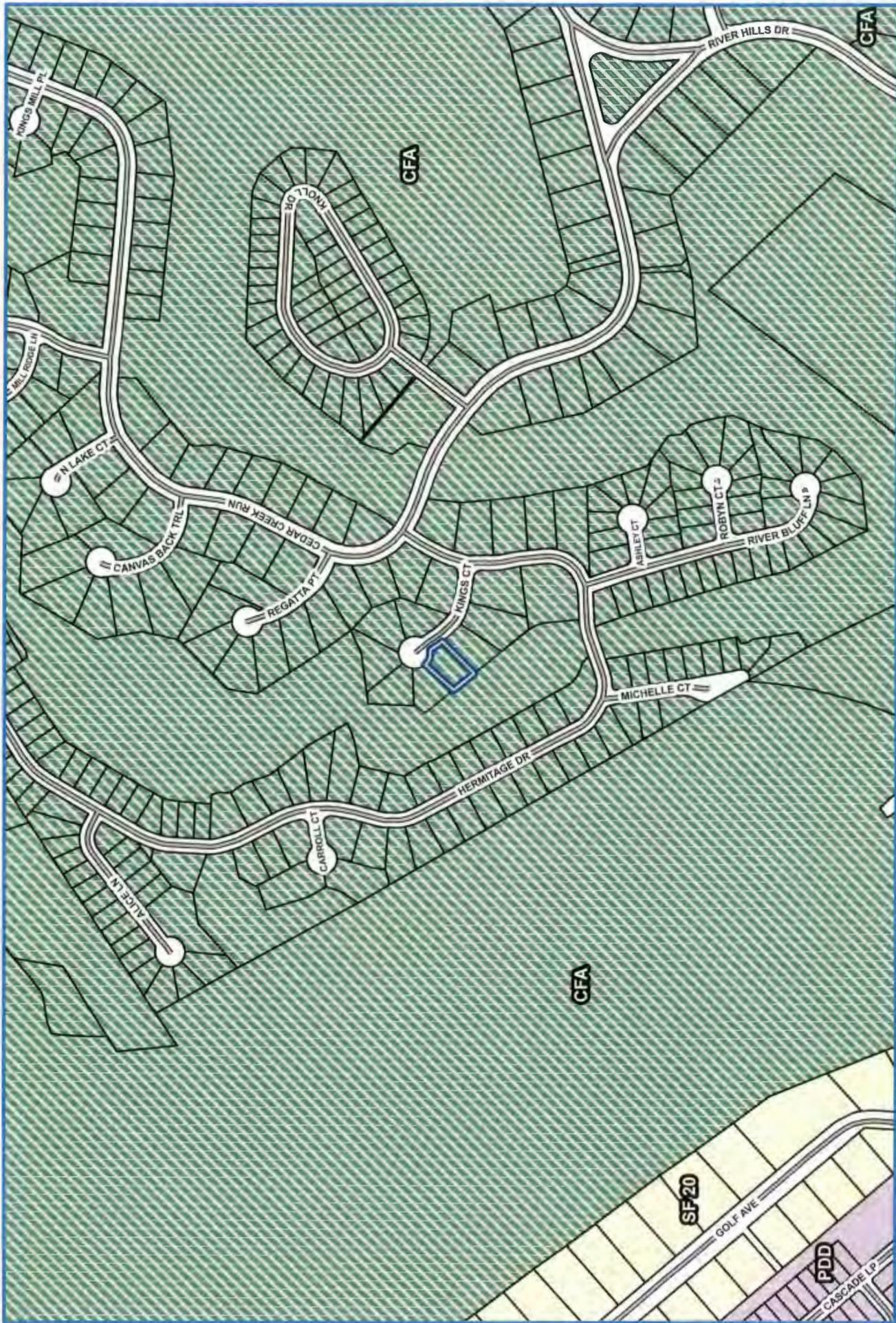
The applicants have provided a letter of approval from the River Hills HOA and the adjacent property owner (Lot 6) on the right.

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  
2023-08-010  
Fox Homes and Investments agent for  
Jack Wilson  
PIN: 312-01-04-0013

HC Government

Parcel for Consideration  
Parcel Boundary  
Road

0 250 500 Feet

N



Parcel for Consideration

Road

**Aerial Map**

Variance Case Number

2023-08-010

Fox Homes and Investments agent for

Jack Wilson

PIN: 312-01-04-0013





*Front on Kings Ct.*



*Are of proposed garage*



*Adjoining property to the right*

THOMAS AND CYNTHIA MASTANDREA  
3098 KINGS COURT  
LITTLE RIVER SC 29566



HORRY COUNTY PLANNING AND ZONING DEPARTMENT  
ATTN: ZONING ADMINISTRATOR  
PO BOX 1236  
CONWAY, SC 29526

RE: CASE NUMBER 2023-08-010  
PREMISES: 3096 KINGS COURT, LITTLE RIVER, SC  
OWNER: WILSON

TO WHOM IT MAY CONCERN:

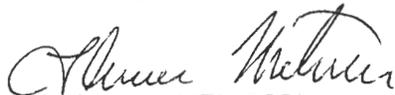
WE ARE THE HOMEOWNERS OF THE PROPERTY LOCATED AT 3098 KINGS COURT. WE ARE UNABLE TO ATTEND THE HEARING ON 9/11/23 BUT WOULD LIKE TO EXPRESS OUR OBJECTION TO THE VARIANCE APPLICATION REGARDING A SET BACK.

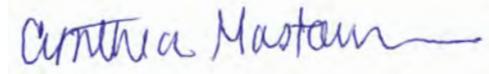
ANY ALTERATIONS TO THE EXISTING STUCTURE WILL NEGATIVELY IMPACT THE AESTHETIC APPEARANCE OF OUR HOME AND POTENTIALLY NEGATIVELY IMPACT THE VALUE OF OUR HOME.

THE VARIANCE WILL ADVERSELY AFFECT OUR YARD AND THE BEAUTIFUL GOLF COURSE THAT HAS BEEN THERE FOR MANY YEARS.

WE REQUEST THAT THE CURRENT ZONING BE KEPT IN PLACE WITHOUT APPROVAL OF THE VARIANCE.

VERY TRULY YOURS

  
THOMAS MASTANDREA

  
CYNTHIA MASTANDREA



# 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: Addition garage right side setback to be 8 ft 7, over on Right side 1.5 in.

Required		Requested	
Front Setback:	<u>25</u> <u>40</u>	Front Setback:	<u>25</u>
Side Setback:	<u>10</u> <u>10</u>	Side Setback:	<u>8 ft 7</u>
Rear Setback:	<u>25</u> <u>15</u>	Rear Setback:	<u>25</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: NA

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?  
Setback over 1.5 on the right side

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

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?  
NA

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

**\*\* 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

7/31/23  
Date

# River Hills Property Owners Association

P.O. Box 339

Little River, SC 29566

Phone: 843-399-1599

August 2, 2023

Horry County Planning and Zoning

1301 Second Ave., Ste. 1 D09

Conway, SC 29526

RE: 3096 Kings Court, Little River, SC

To whom it may concern,

The River Hills POA approves the variance request for 1.5 on the right side for the garage addition. This approval is for Jack and Darlene Wilson at 3096 Kings Court, Little River, SC 29566.

*1 1/2 ft. All*

Sincerely,

*Robert V. Lind / All*

Robert Lind - ARB Chairman River Hill POA

Dorothy A Ambrose  
3094 Kings Court  
Little River, SC 29566

July 31, 2023

To whom it may concern,

I, Dorothy Ambrose regarding my neighbor on the right Jack Wilson 3096 Kings Court, where the garage will be, I give Jack Wilson permission for the garage to be on the setback.

Sincerely,



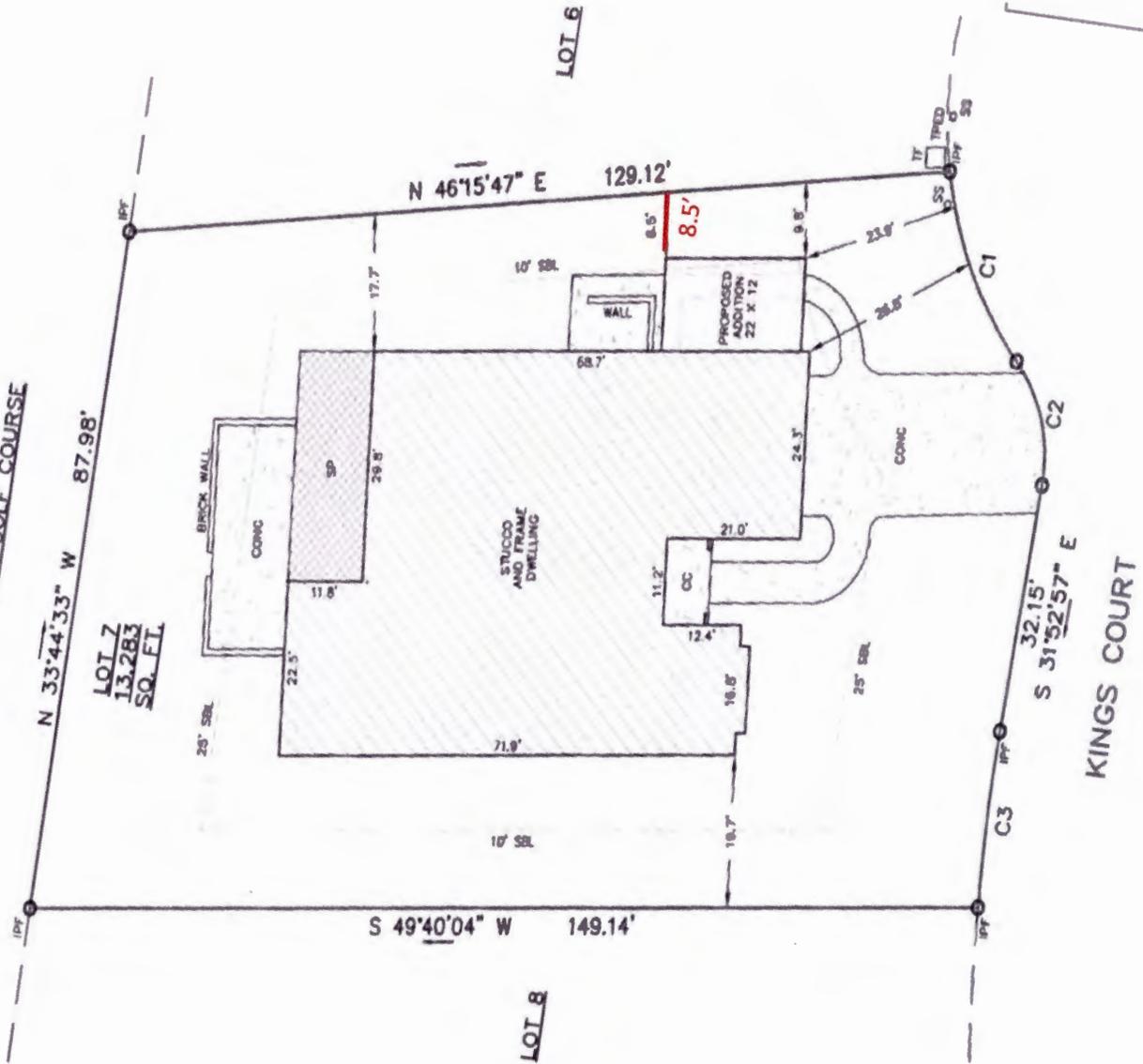
Dorothy Ambrose

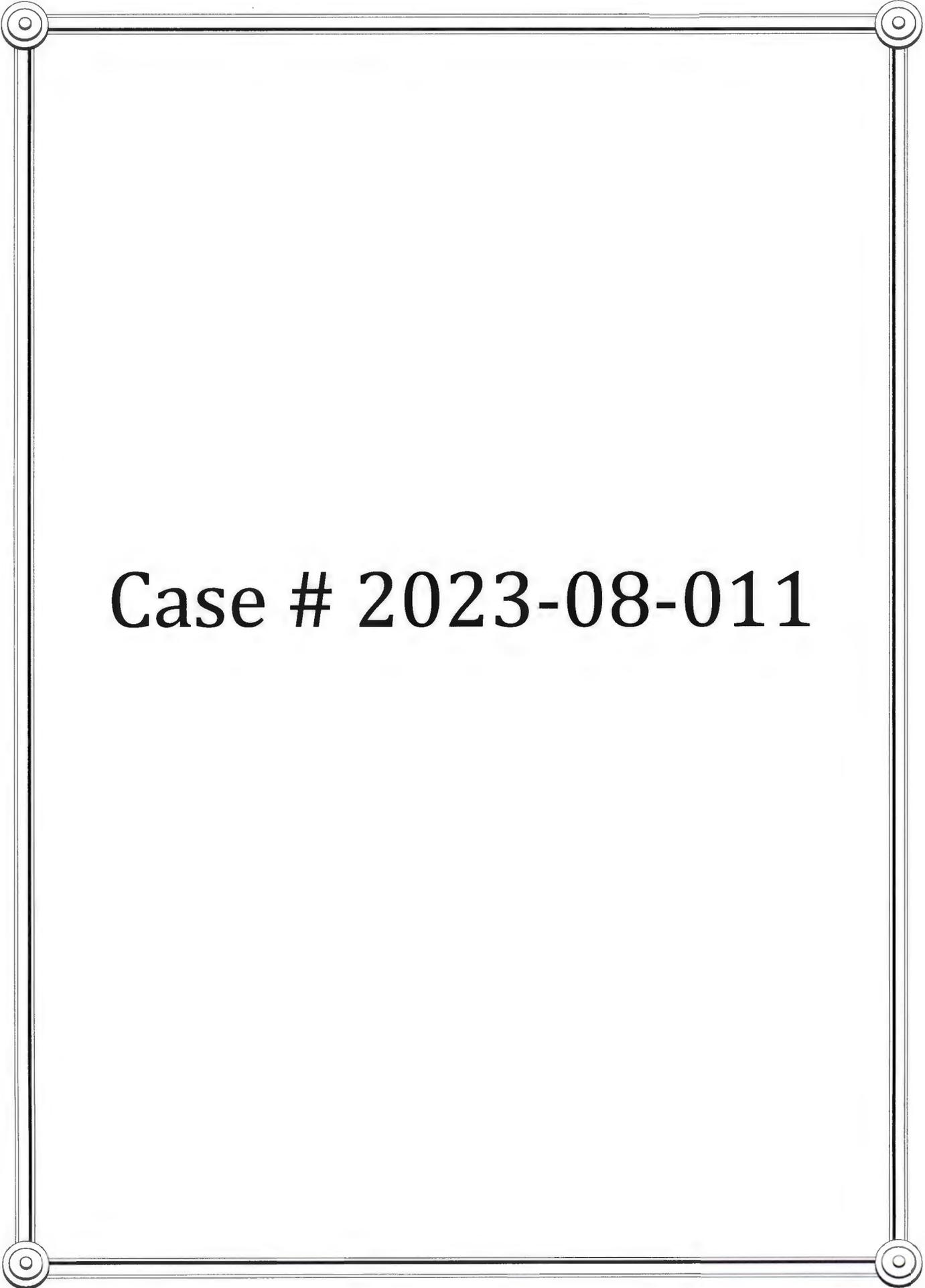
Subscribed and sworn to before the undersigned  
a Notary Public for the State of South Carolina  
at Large, this 31st day of July, in the year 2023.  
My Commission Expires: February 26, 2031  
Notary Public: Janice Combs



# SITE PLAN

RIVER HILLS GOLF COURSE





**Case # 2023-08-011**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-08-011
Applicant	David Alderman, agent
Parcel Identification (PIN) #	390-06-03-0023
Site Location	10207 N. Kings Hwy., Myrtle Beach
Property Owner	Purnama Sushi
County Council District #	2 - Howard

### Zoning Information

Zoning District	HC
Parcel Size	27,277 sq. ft.
Proposed Use	Restaurant

### Requested Variance(s)

The applicants are requesting a variance from Article V Section 503 regarding landscaping requirements in the Highway Commercial (HC) zoning district.

	Requirement	Requested	Variance Needed	Percentage
<b>Art. V, Section 504 C Perimeter Buffer &amp; Landscaping</b>				
<b>Type C Streetscape Buffer</b>				
Front on N. Kings Hwy. (188 lf)	7'	0'	7'	100% *
<b>Type B Spatial buffer</b>				
Right Side (106 lf)	5'	0'	5'	100% *
<b>* These variances will require a 2/3 vote</b>				

### Background/Site Conditions

The applicants are proposing a restaurant at this former site of First Palmetto Bank. The parcel is located within the Restaurant Row overlay. North Kings Hwy requires a 10' streetscape buffer and 25% of the understory trees to be evergreen species and deciduous trees within the buffer. Along N. Kings Hwy. and the rear property lines, the applicants are requesting 100% relief from all landscape and buffer requirements. The Zoning Board granted variances on Oct. 10, 2022 (Case# 2022-09-007) to allow a 7' Type C streetscape buffer on N. Kings Hwy. with reduced plantings, a 5' Type B spatial buffer with reduced plantings, maneuvering room and 3 parking space variance. The applicants are now requesting 100% relief from the buffers on N. Kings Hwy (188 lf) and the 106 lf on right side as indicated on site plan.

### 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 conditions apply to all commercially developed properties.

**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.**

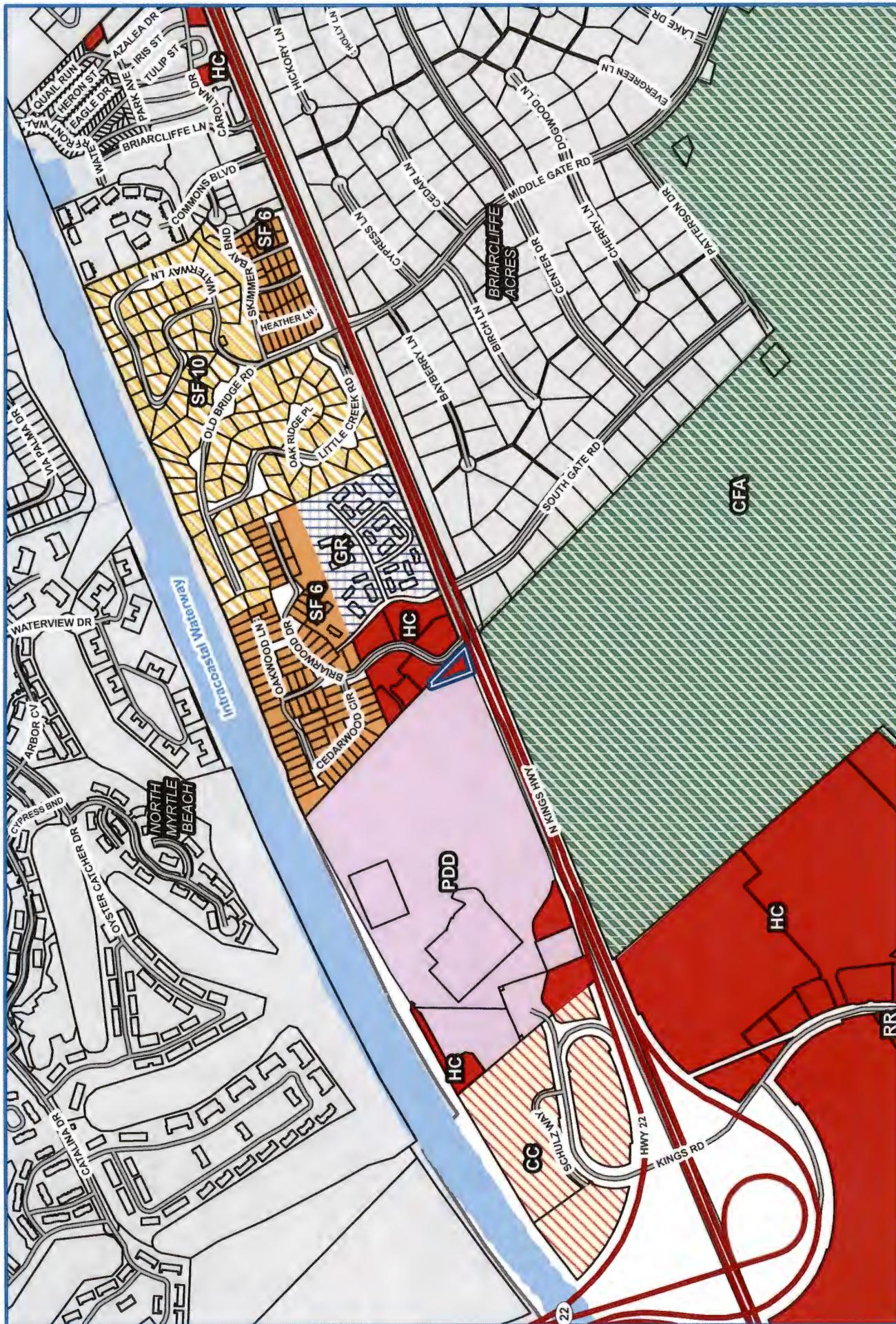
**4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)**

**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  
 2023-08-011  
 David Alderman agent for  
 Purnama Sushi  
 PIN: 390-06-03-0023

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





-  Parcel for Consideration
-  Major Road
-  Road

**Aerial Map**  
 Variance Case Number  
 2023-08-011  
 David Alderman agent for  
 Purnama Sushi  
 PIN: 390-06-03-0023

 HC Government

0 50 100 Feet

N 



Site



Right side variance on buffer



Front buffer on N. Kings Hwy.



Right side variance on buffer

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF HORRY )  
 In re: David Alderman, agent )  
 Purnama Sushi, LLC )  
 \_\_\_\_\_ )

**BEFORE THE BOARD OF  
 ZONING APPEALS**  
 Case No.: 2022-09-007  
**ORDER OF THE BOARD**

Hearing was held before this Board on October 10, 2022, pursuant to the request of the applicant for a variance from Article V, Section 527 and Article XI regarding parking and landscape requirements in the Highway Commercial (HC) zoning district. The property is identified by PIN 390-06-03-0023 and is located at 10207 Hwy 17 in the Myrtle Beach area of Horry County. The applicant has requested the following variances from the requirements:

	Requirement	Requested	Variance Needed	Percentage
<b>Art. V, Section 527.2 Perimeter Buffer widths &amp; landscaping</b>				
<b>Type C Streetscape Buffer N. Kings Hwy.</b>				
Buffer width	10'	7'	3'	30%
Landscape	Requires a 25% of the understory trees within the buffer to be of evergreen species			
<b>Type B Spatial buffer</b>				
Right Side	5'	0'	5'	100%
Left & rear sides Landscape	Requires that 50% of the understory trees within the spatial buffer to be of evergreen species			
<b>Art. XI Section 1102 - Maneuvering room</b>	22'	20'	2'	9%
<b>Parking Spaces</b>	43	40	3	6%

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 390-06-03-0023.
2. It is zoned Highway Commercial (HC) and is located at 10207 Hwy 17 in the Myrtle Beach area of Horry County.
3. The applicants are requesting a variance from Article V, Section 527 and Article XI regarding parking and landscape requirements in the Highway Commercial (HC) zoning district.
4. The applicants are proposing a restaurant at this former site of First Palmetto Bank.
5. The parcel is located within the Restaurant Row overlay.
6. N. Kings Hwy. requires a 10' streetscape buffer, they are proposing a 7' buffer for a variance of 3'.
7. Also, within the buffer they are required 25% of the understory trees to be evergreen species, the applicants providing only deciduous trees.
8. The right-side property line, adjacent to Briarwood Dr., there is a sliver of property that is not included in this parcel.
9. The applicants are in the process of researching this to see if there has been a platting error.
10. Since the landscaping on this side is not located on their property they would like to request a variance for a 0' buffer and 100% of the plantings.
11. Along the left and rear side property lines the applicant is requesting 100% relief from the understory evergreen tree requirement and will provide only deciduous understory trees.
12. The applicant will preserve the 3 parking spaces eliminated as green space.

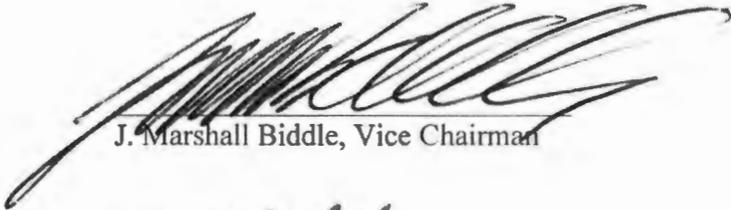
#### CONCLUSIONS OF LAW

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.

IT IS SO ORDERED, this 10<sup>th</sup> day of October, 2022.

  
\_\_\_\_\_  
Drew Parks, Chairman

  
\_\_\_\_\_  
J. Marshall Biddle, Vice Chairman

  
\_\_\_\_\_  
Jody Nyers

  
\_\_\_\_\_  
Neal Hendrick

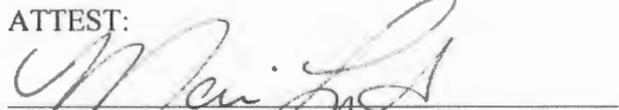
  
\_\_\_\_\_  
Blake Arr

  
\_\_\_\_\_  
Robert Page

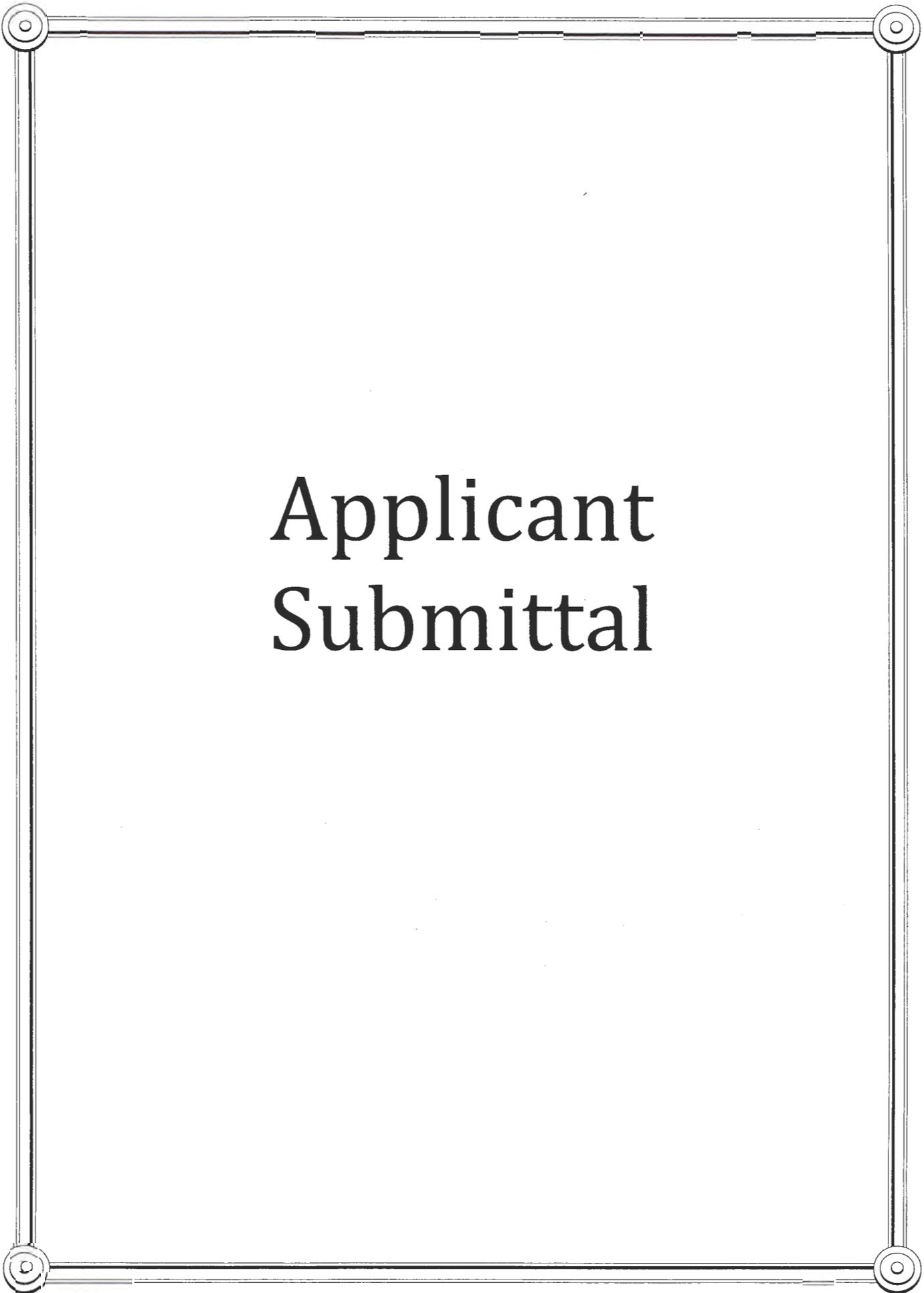
\_\_\_\_\_  
Jeffrey Miller

\_\_\_\_\_  
Kirk Truslow

\_\_\_\_\_

ATTEST:  
  
\_\_\_\_\_  
Marnie Leonard / Assistant Zoning Administrator

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



# 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: Variance from planting trees or shrubs in two areas. The first area is a strip along Kings Highway where an important fibre optic cable is. This cable connects the airports and all service. The second area is the bank of the pond which will not support trees.

Required	Requested
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: 100% Relief from landscaping in highlighted areas

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? We can't dig in this area safely

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

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?

We can't find any one who will dig in this area to plant trees. The trees may damage the line

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

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

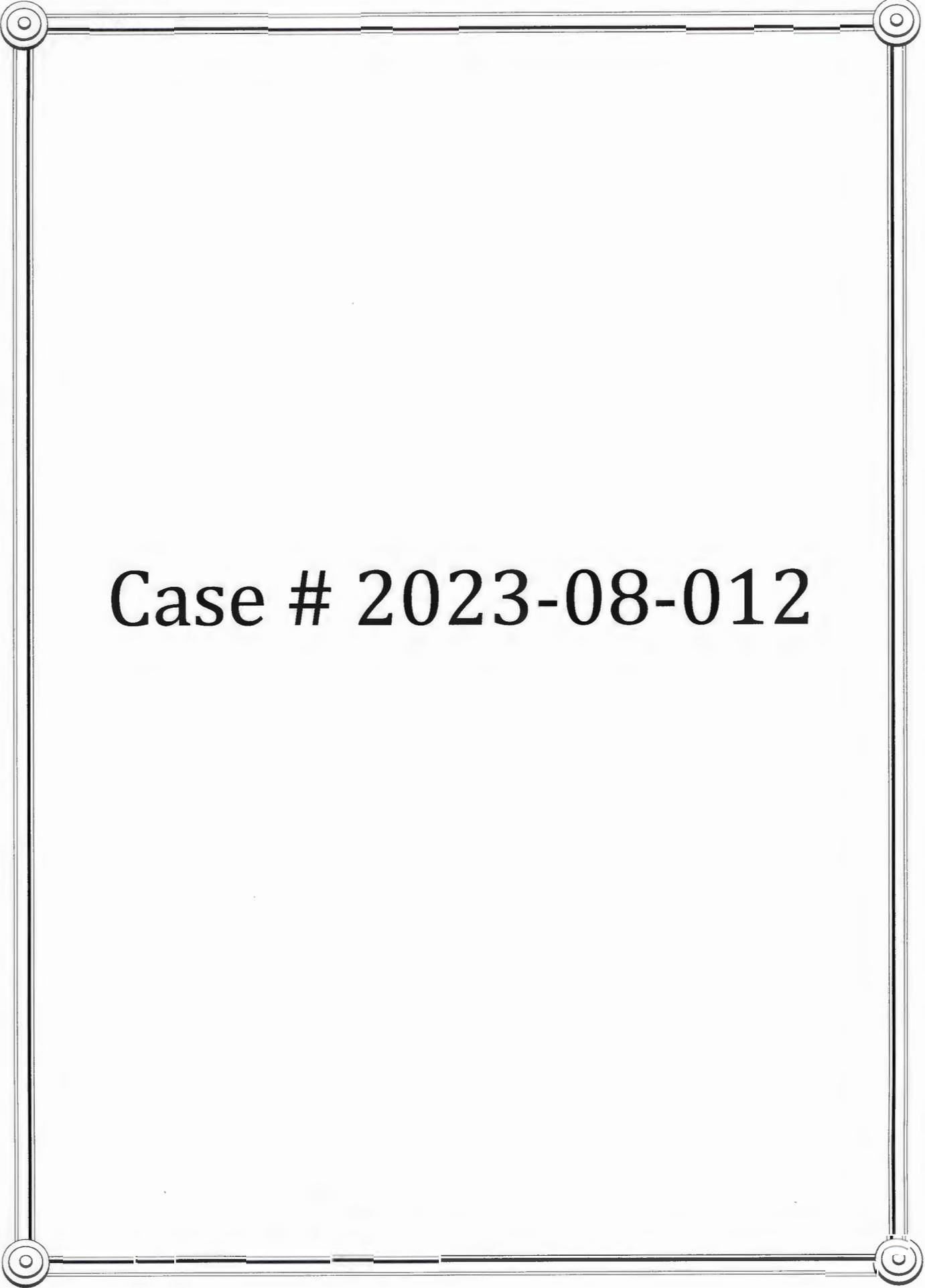
4. Are there Restrictive Covenants on this property that prohibit or conflict with this request? YES [ ] NO [X]

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.

[Signature] Applicant's Signature

8/2/23 Date



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, resembling a rivet or a corner fastener.

**Case # 2023-08-012**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-08-012	<b>Zoning Information</b>	
Applicant	William Oram, agent	Zoning District	HC
Parcel Identification (PIN) #	426-04-04-0003	Parcel Size	33,987 sq ft
Site Location	3164, 3158, 3146 Waccamaw Blvd., Myrtle Beach	Proposed Use	Retail & Church
Property Owner	Carolina Real Estate Holdings LLC (Brad Decker)		
County Council District #	2 - Howard		

### Requested Variance(s)

The applicants are requesting a variance from Article VII Section 701 regarding parking requirements in the Highway Commercial (HC) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Parking spaces	117	36	81	70% *
*This variance requires a 2/3 vote				

### Background/Site Conditions

These two buildings were originally constructed in 1983 according to the Tax Assessor's file. The applicants are in the process of converting Bldg. A into two church sanctuaries and Bldg. B into a retail space. The applicant states that SCDOT took part of the street and parking in front of these buildings about 25 years ago. The 8,450 SF retail store in Bldg. B will require 29 parking spaces, one parking spaces per 300 SF. The two churches require 1 parking space per 4 seats in main assembly room. The churches have a total of 352 seats in the main assembly rooms which will require 88 parking spaces. Total parking spaces required for both buildings is 117, the applicants are providing 36 for a variance of 81 parking spaces. The property owner has obtained a lease agreement form Waccamaw Coastline Railroad Co. to lease a 33' strip of land behind these buildings for a parking area. Since this parking is located within a railroad easement it can not count towards their on-site parking requirement.

### 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?)**  
  
 SCDOT required part of the parking for these buildings for road expansion about 25 years ago.
- 2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)**  
  
 These parking requirements apply to all retail and church uses within the County.

## VARIANCE REVIEW SHEET

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?)

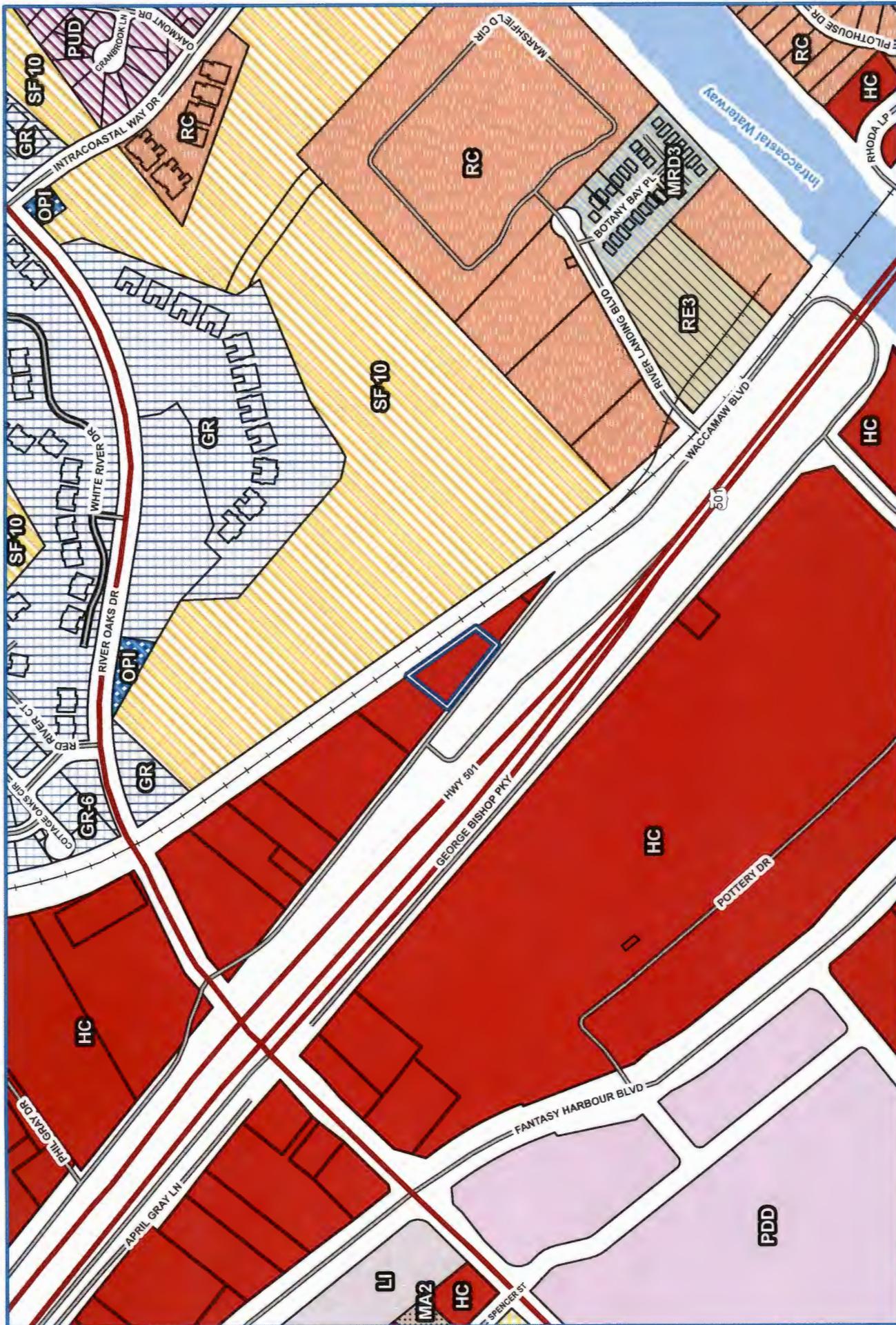
There should be no harm to the character of the district since these buildings existed before zoning in 1987.

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  
2023-08-012  
William Oram agent for  
Carolina Real Estate Holding  
PIN: 426-04-04-0003

Parcel for Consideration Major Road  
Parcel Boundary Road  
Waterbody Railroad

0 250 500 Feet

N



-  Parcel for Consideration
-  Major Road
-  Road
-  Railroad

**Aerial Map**  
 Variance Case Number  
 2023-08-012  
 William Oram agent for  
 Carolina Real Estate Holding  
 PIN: 426-04-04-0003

 **HC Government**

0 50 100 Feet

 N



*Front on Waccamaw Blvd*



*Bldgs. A & B from Hwy. 501*



*Intersection of Waccamaw Blvd & Hwy. 501*



*Parking between buildings*



*Parking Bldg. B - Retail Bldg.*



*Rear - 33' strip leased from Railroad*



*Parking Bldg. A - Church*





# 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: Requesting a parking Variance for 52 spaces

<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?  
We have offsite parking. 25 years ago the state took the street and front parking away by 60' the property has been retail in the past.
- b. Why do these conditions not apply to other properties in the vicinity?  
the other businesses in the area did not lose all the front of building parking (we did) we also have leased the railroad parking area
- 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?  
because they <sup>SCDOT</sup> reduced and limited our parking for future uses
- 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"

\*\* 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

8/3/23  
Date

### LAND LEASE AGREEMENT

THIS LEASE, made this 26<sup>th</sup> day of May 2023, (Effective Date), by and between **Horry County, SC d.b.a. Waccamaw Coastline Railroad Company**, whose mailing address is **1301 2nd Avenue, Conway, SC 29526**, hereinafter called "**Railroad**", and **Carolina Real Estate Holdings, LLC**, whose mailing address is, **5355 N Kings Hwy. Suite 126, Myrtle Beach, SC 29577**, hereinafter called "**Lessee**". WITNESSETH:

That, for and in consideration hereinafter agreed by Lessee, and of the covenants and agreements herein to be kept and performed by Lessee, Railroad hereby demises and leases unto Lessee, solely for the purpose herein expressed, certain vacant and/or unimproved land, owned by Railroad, referred to hereinafter as the "**Premises**", in **Myrtle Beach, Horry County, State of South Carolina** located near railroad **Milepost 347.19** as indicated on map depictions marked **Exhibit A**, attached hereto and hereby made part hereof.

1. USE:

- 1.1 Lessee shall use and maintain approximately approximately 1,082 square feet of land used for parking facilities, hereinafter called "Premises", as identified on Exhibit A.

2. FEES:

- 2.1 Lessee shall pay to Railroad an Annual License Fee of **Two Thousand Three Hundred US Dollars (\$2,300)** on or before the anniversary of the Effective Date. Such rental shall be subject to periodic review and adjustment by Railroad.
- 2.2 In addition to the above fee, Lessee will also pay a one-time contract preparation and administration fee of **One Thousand Two Hundred Fifty US Dollars (\$1,250)**.

3. TAXES ON LESSEE'S PROPERTY:

- 3.1 Lessee shall pay the full amount of any and all taxes – Federal, State, County, Municipal and Special – levied or assessed on the Premises. All necessary payment, listing and other duties in connection with the taxation of said Premises shall be performed by Lessee.
- 3.2 If taxes on said Premises are levied against and paid by Railroad, Lessee shall reimburse Railroad for the full amount thereof as additional rental within thirty (30) days after presentation of bills from Railroad therefor.

4. TERM:

- 4.1 This Lease shall become effective as of the date above and shall continue in effect thereafter from year to year unless and until terminated by thirty (30) days written notice by registered or certified mail from either party to the other. This Lease will also be revocable upon Lessee's failure to comply with the terms and conditions of this agreement.

5. APPROVAL OF PLANS, MAINTENANCE, REPAIRS:

- 5.1 Lessee shall not make, or permit to be made, any building, structure, signage, advertisement, improvements or alterations on or to the Premises without the prior written approval and consent of Railroad. Lessee shall provide Railroad with detailed plans and specifications for any such structures, etc., for approval and consent.

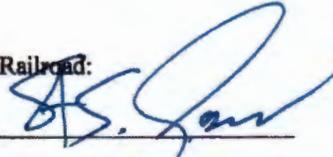
- 5.2 All work by Lessee or Lessee's contractors pursuant to this Lease shall be performed in good and workmanlike manner and in compliance with all applicable code provisions.
  - 5.3 All consents or approvals of Railroad as to construction, alteration or clearance plans, or standards of satisfaction of Railroad required hereunder, shall be secured from Railroad at the address above, or Railroad's designated representative, unless otherwise provided herein or by separate notice.
  - 5.4 All other notices or written proofs, advice, etc. required hereunder to be given to Railroad shall be addressed to Railroad at the address above, unless otherwise provided herein or by separate notice.
  - 5.5 Neither the approval by Railroad of any improvements or installations made by Lessee or Lessee's contractor, nor the failure of Railroad to object to any work done, any material used, or the method of construction installation, shall be construed as an admission of responsibility by Railroad or as a waiver of any of Lessee's obligations under this Lease.
6. TRACK CLEARANCE:
- 6.1 Lessee shall not erect or place or allow to be erected or placed any structures, fixtures or obstructions of any kind (including parked vehicles), either temporary or permanent, on or over the Premises, within twenty-two feet (22') horizontally of the centerline of the nearest track over which Railroad operates, unless a lesser clearance is provided for on said attached plan or the written consent of Railroad that shall hereafter be obtained. Nothing herein shall be construed to permit any clearance less than the minimum required by any applicable law or regulation.
  - 6.2 This Lease does not grant ingress and egress access or temporary and/ or permanent installations, either by person, structure or vehicle, over Lessee's railroad tracks, ties or operating roadbed within 22' from centerline, except at existing private road crossing.
  - 6.3 All under track installations shall be permitted as provided in Article 9 and constructed and maintained in a manner satisfactory to Railroad. All wires suspended over any tracks shall be placed and maintained only at the elevations and in accordance with the standards prescribed by the National Electric Safety Code (NESC). Any revenues arising from any such installations shall be solely for the benefit of Railroad.
7. PERMITS, ORDINANCES, REGULATIONS, ETC.:
- 7.1 Lessee, at Lessee's sole cost and expense, shall secure all necessary permits, including but not limited to zoning, building, construction, health, safety or environmental matters, letters or certificates of approval. Lessee expressly agrees and warrants that it shall conform and limit its activities to the terms of such permits, approvals and authorizations, and shall comply with all applicable ordinances, rules, regulations, requirements and laws of any Federal, State, County, or Local governmental authority having jurisdiction over the Premises or Lessee's use thereof.
  - 7.2 Lessee assumes all liability for failure to so comply or to secure necessary permits and shall further defend, indemnify and hold Railroad harmless from any violation, penalty, levy, fine, assessment or charge, however denominated, and all costs of defense of compliance with any citation, summons, order or violation notices, including any such

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed, in duplicate, as of the day and year first above written.

Approved and made effective as of this  
\_\_\_\_ day of \_\_\_\_\_ ~~2020~~: 2023

**Horry County, SC d.b.a. Waccamaw Coastline  
Railroad Company  
Randolph Haldi  
Deputy County Attorney**

Witness for Railroad:

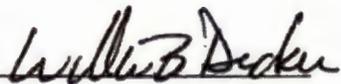
Signature   
Printed Name STEVEN S. CORNELL, ADMINISTRATOR

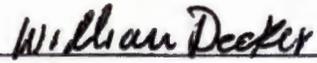
WITNESS:

By: 

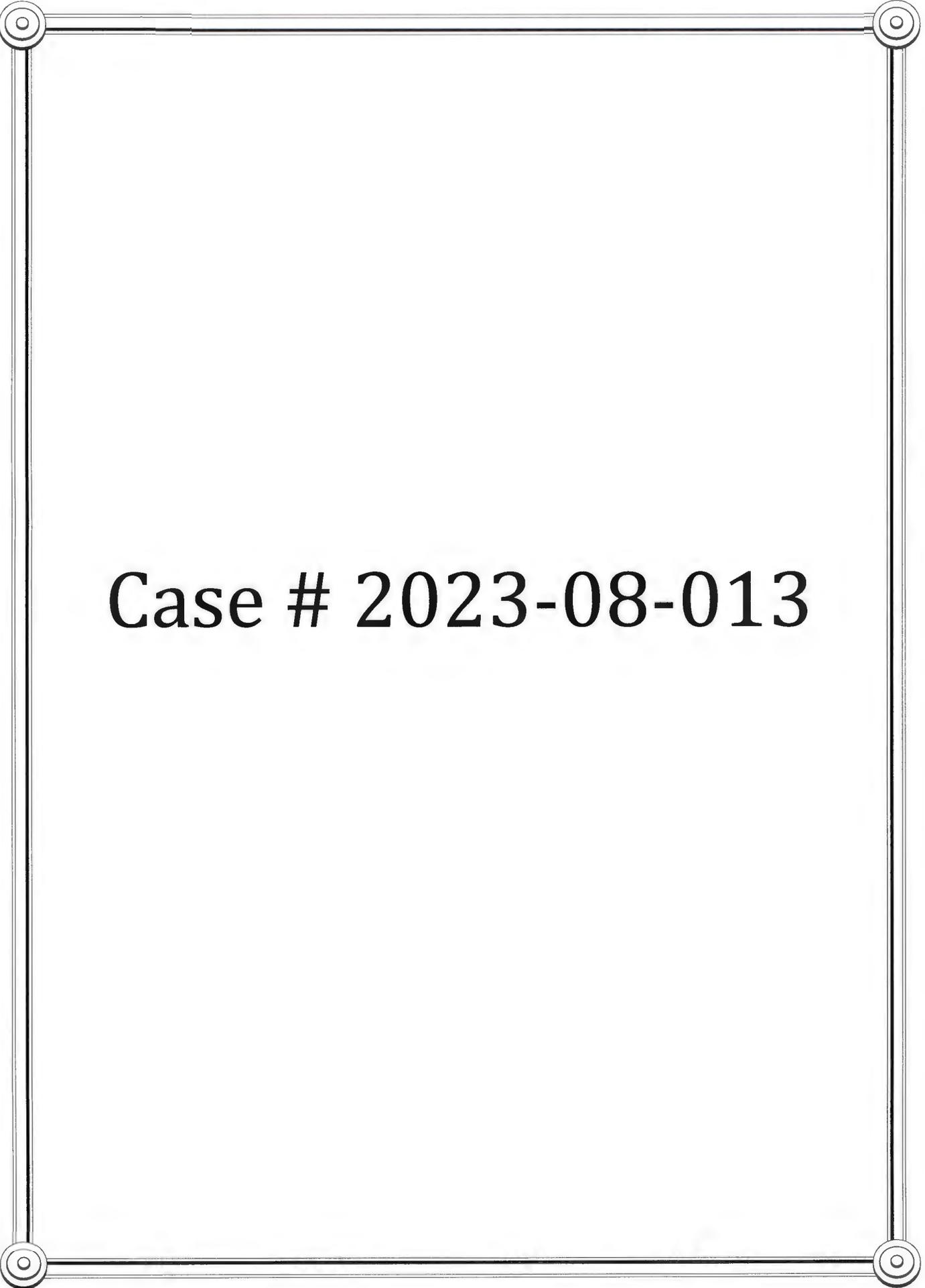
Witness for Lessee:

**Carolina Real Estate Holdings, LLC**

Signature   
Printed Name WILLIAM DECKER

By:   
President



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, resembling a corner fastener or a rivet.

**Case # 2023-08-013**

## VARIANCE REVIEW SHEET

### Property Information

Variance Request #	2023-08-013	<b>Zoning Information</b>	
Applicant	Sean Kinsella, Agent	Zoning District	PUD
Parcel Identification (PIN) #	400-06-02-0009	Parcel Size	7.5 acres
Site Location	439 Myrtle Ridge Dr., Conway	Proposed Use	Commercial
Property Owner	Vines Investment LLC		
County Council District #	8 - Masciarelli		

### Requested Variance(s)

The applicants are requesting a variance from Article V Section 504 regarding landscaping and buffer requirements in the (PUD) zoning district.

	Requirement	Requested	Variance Needed	Percentage
<b>Art. V, Section 504 C - Landscape Buffer requirements including plantings</b>				
Right Side - Type C Streetscape Buffer	10'	0'	10'	<b>100% *</b>
Rear - Type A Opaque Buffer	25'	0'	25'	<b>100% *</b>
<b>* These variances will require a 2/3 vote</b>				

### Background/Site Conditions

This parcel is part of the Lakeside Crossing PUD (Ord. 83-99) which was rezoned by County Council on July 27, 1999. The PUD requires a vegetative buffer to remain between the commercial and residential uses; which Lakeside Crossing has maintained. The PUD does not exempt the commercial uses from the required landscape buffers. The parcel is being developed as Myrtle Ridge Business Park consisting of 8 commercial buildings. The applicants are requesting a 100% variances on landscaping buffer requirements on the right side and rear of this parcel. The right side property line requires a 10' streetscape buffer, the applicants are proposing a 0' buffer and a variance of 10'. The rear property line, which adjoining a residential development, requires a 25' opaque buffer, the applicants are proposing a 0' buffer for a variance of 25'.

### 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:

<b>1. There are extraordinary and exceptional conditions pertaining to the particular piece of property; (Is this request special?)</b>
There are none.

## VARIANCE REVIEW SHEET

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

These buffers are required for 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.**

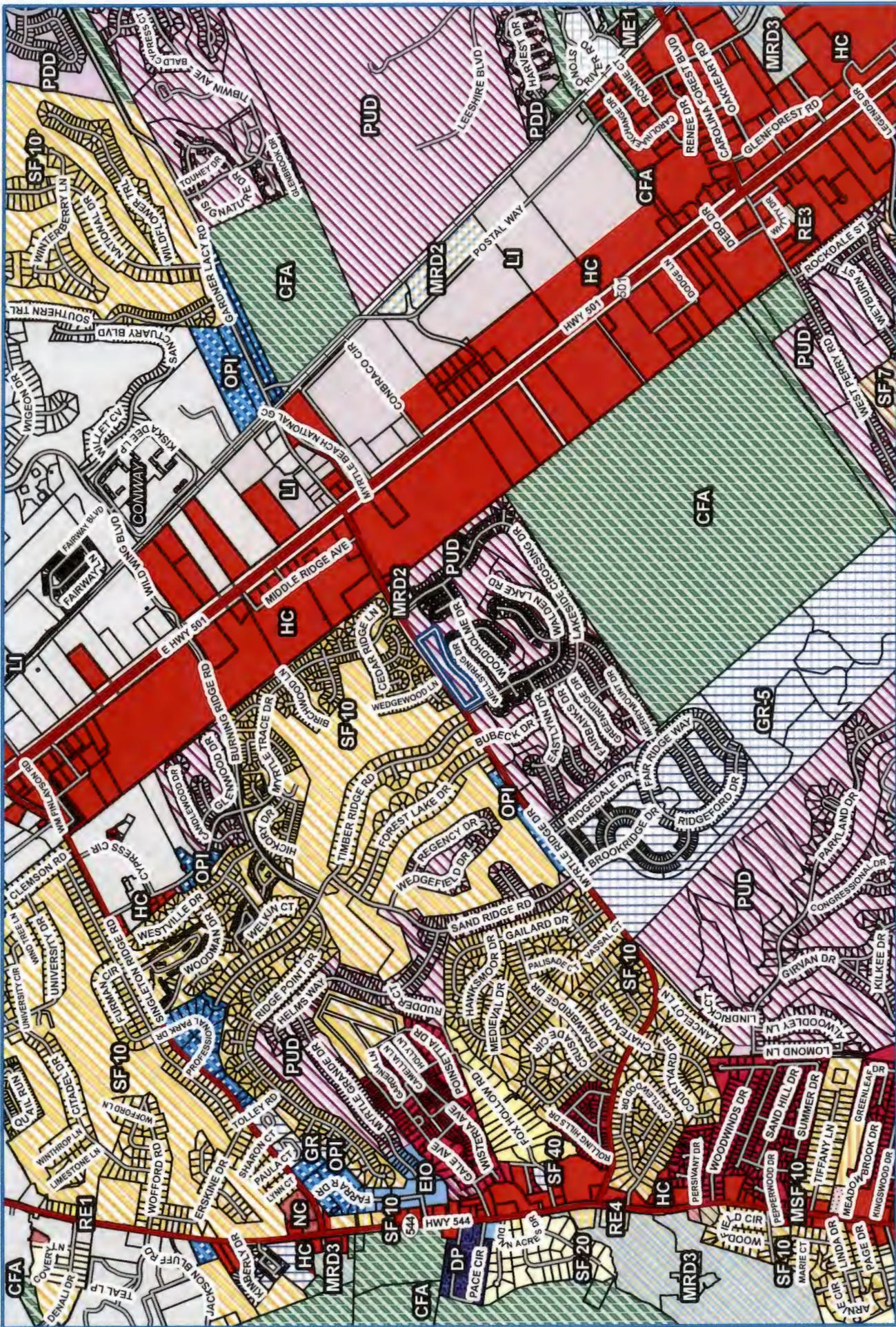
**4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)**

**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.



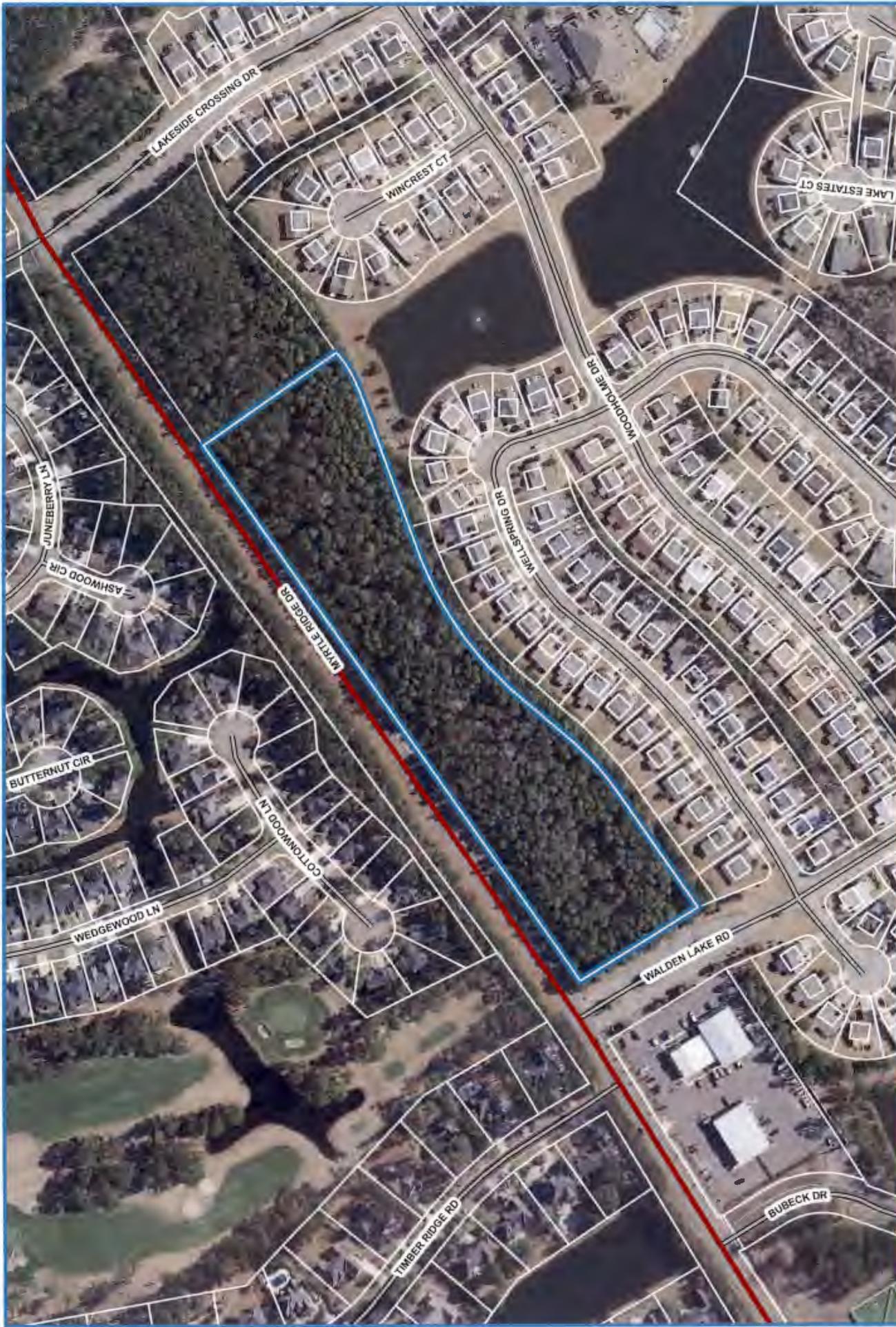
**HC Government**

**Zoning Map**  
 Variance Case Number  
 2023-08-013  
 Sean Kinsella agent for  
 Vines Investments  
 PIN: 400-06-02-0009

Parcel for Consideration  
 Parcel Boundary  
 Municipality  
 Major Road  
 Road  
 Railroad

0 1000 2000 Feet

N



**Aerial Map**  
 Variance Case Number  
 2023-08-013  
 Sean Kinsella agent for  
 Vines Investments  
 PIN: 400-06-02-0009

**Parcel for Consideration**  
**Major Road**  
**Road**





*Front on Myrtle Ridge Dr.*



*Entrance to Lakeside Crossing*



*Right side adjoining entrance to Lakeside Crossing*



*Across Walden Lake Rd.*



*Rear abutting Lakeside Crossing*



*PUD Vegetative buffer*

FILED  
HORRY COUNTY, S.C.  
99 JUL 29 AM 9:23  
REGISTER OF DEEDS

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

Ordinance Number 83-99

AN ORDINANCE TO APPROVE THE REQUEST TO AMEND THE OFFICIAL ZONING MAPS FOR HORRY COUNTY, SOUTH CAROLINA, SO AS TO REZONE TMS#162-00-01-112 & 114 FROM FOREST AGRICULTURAL (FA) TO FOREST AGRICULTURAL (FA) & PLANNED UNIT DEVELOPMENT (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 Agricultural (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 Agricultural (FA) to Forest Agricultural (FA) Planned Unit Development (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 162-00-01-112 & 114 is hereby rezoned from Forest Agricultural (FA) to Forest Agricultural (FA) Planned Unit Development (PUD) on the Official Zoning Maps for Horry County, South Carolina.

FIRST READING: 5-18-99  
SECOND READING: 6-1-99  
THIRD READING: 7-27-99

Roger Grigg, Agent for Switch Road Land Development Group  
(99-03-004)

BOOK 2172 PAGE 144

144

**ZONING MAP AMENDMENT (99-03-004)**

**Switch Road Land Development Group – Switch Road across from Burning Ridge  
Lakeshore PUD**

**GENERAL INFORMATION**

Applicant: Roger Grigg, agent for Switch Road Development Group	Council District: 8 (Liz Gilland)
Case Number: 99-03-004	Purpose of Request (according to applicant): Residential development.
Site Location: Switch Road approximately 1300 feet south of Hwy 501.	
Tax Map Number (TMS): 162-00-01-112	Requested Site Zoning: FA/NC PUD
Present Site Zoning: (FA) Forest Agriculture	

**SITE CONSIDERATIONS**

Surrounding Zoning, Land Uses & Buffer Types if Rezoned	Lot Size: 249.88 acres
North: R-4, Residential (Type C)	Future Land Use Plan: Wedge character district
South: FA, Undeveloped (no buffer)	Current County Land (in acres) Within the Requested Zoning Classification: 11,359 (PUD)
East: HC, Undeveloped/industrial (no buffer)	
West: FA PUD, Undeveloped/ residential (no buffer)	Open Space: 146 ac. (30 ac. uplands & 116 ac. lakes/wetlands)
Type "C" buffer requires a min. 5' buffer width	

**TRANSPORTATION INFORMATION**

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

Closest Traffic Station: 161 (Between SC 544 & Gardner Lacy Road)	Estimated Daily Trips Generated If Rezoning Were Approved: 6,931 trips
Average Annual Daily Traffic: 1995: 37,400 1996: 44,400 1997: 47,400	Potential Trips Generated If Current Zoning Remains: 500 to 144,006 trips
Volume to Capacity Ratio: 1.58 (Roadway is at 158% capacity)	Traffic Analysis Zone (TAZ): 56
Five-Year Roadway Improvement Plan: Funding has been provided through the RIDE program to improve U.S. 501. Improvements include eliminating median breaks and adding acceleration and deceleration lanes. Improvements are scheduled to be completed by the end of 2000.	
Transit Availability: CRPTA operates a Conway to Myrtle Beach line along U.S. Highway 501. The line operates eleven (11) times daily on weekdays only.	

**COMMENTS & RECOMMENDATION**

<p><b>Staff Comments:</b></p> <ol style="list-style-type: none"> <li>The adjacent area is developed for stick-built residential homes at approximately 4 units per acre and golf courses.</li> <li>The proposed development will potentially generate 5,327 trips onto a dirt road (Switch Road) and potentially increase the population by 1,711 persons. Approval of this request will increase loads on the public facilities and exceed available capacity on Switch Road.</li> <li>The current FA zoning will allow the property to be used for commercial and residential uses. Commercial use are allowed on 1 acre sites. Residential uses are allowed at 2 du/ac.(single-family and mobile homes) and 3 du/ac (multi-family)</li> <li>The Future Land Use Plan calls for the site to be developed as a Wedge character district. Land uses in such districts should be limited to low intensity residential development.</li> </ol> <p><b>PUD review comments:</b></p> <ol style="list-style-type: none"> <li>Nothing has been provided on the plan that shows the project meets the intent of a PUD. (Sec. 721- Horry County Zoning Ordinance) by using "new techniques" of development.</li> <li>The PUD proposes three points of ingress/egress to the development that access a private dirt road (Switch Road). The potential 5,327 trips will likely exceed the carrying capacity of the roadway.</li> <li>Switch Road has only one access to another roadway (Hwy. 501) which is operating at 158% of its design capacity.</li> <li>A note has been placed on the plan that indicates paving of the Switch Road will occur to service this project as each phase is brought on line.</li> <li>The PUD plan does notes that sidewalks will be provided along all spine roads that have over 200 ADT's and that such sidewalks will connect all active open areas.</li> </ol>
---

BOOK 2172 PAGE 145

**ZONING MAP AMENDMENT (99-03-004)**  
**Switch Road Land Development Group – Switch Road across from Burning Ridge**  
**Lakeshore PUD**

**COMMENTS & RECOMMENDATION**

**PUD review comments (continued)**

6. The PUD proposes 18.06 acres of upland open space within two community parks and a network of buffers and open spaces. Access to such open spaces will be provided by 20' access easements. Such access easements have not been shown.
7. The PUD proposes residential uses on lots as small as 6,000 sq. ft with an average lot size of 6,900 sq. ft. This proposed lot size is approximately 900 to 13,800 sq. ft smaller than the surrounding development that is on lots ranging from 7,800 to 19,800 sq. ft. in size.
8. The PUD proposes three "blocks" of FA development along Switch Road. Uses in these blocks may consist of commercial or residential uses.
9. The PUD proposes 3.67 acres of commercial development in an area primarily developed as residential. Approval of the commercial zoning in this location will result in the potential for establishing a linear commercial corridor that is inconsistent with the future land use plan of the Comprehensive Plans.
10. The PUD proposes setbacks of 20-ft. front, 5-ft. side and 10-ft. rear for all development within the project.
11. The gross density of the PUD is 2.95 units/acre. The net density (less wetlands/lakes & open space) of the PUD is 3.82 units/acre.

**Staff approval requirements:**

1. Incorporate the proposed FA "blocks" and neighborhood commercial parcel into the remaining residential development and indicate that such parcels will be developed for residential uses that are access internally to the development and not via Switch Road.

or

Add note to the plan indicating that access to the FA "blocks" will be restricted to the internal roadways and such access will occur no closer than 245' to Switch Road. Also, add a note that states access to any subdivided lots within the FA "blocks" will need to occur via a reverse frontage roadway and shall not be obtained from Switch Road.

2. Revise the proposed lot sizes so they are consistent with the surrounding development's lot sizes.

**Staff Recommendation:** Disapproval. Project does not propose to minimize access points onto Switch Road from the FA parcels in Phase VI and does not meet the staff approval requirements. Additionally, the neighborhood commercial and potential commercial uses in Phase VI are not consistent with the future land uses for the area as recommended by the Comprehensive Plan.

**Planning Commission Recommendation (5/6/99):** Approval (4-3).

Approval was recommended since the development plan was a joint effort between the Developer and the adjacent property owners. The development plan addressed three primary concerns of the adjacent property owners which included: (1) buffer between Switch Road and adjacent development, (2) closure of road connections from Forest Lake and Myrtle Trace subdivision to Switch Road, and (3) reduction of potential commercial uses within Phase VI of the development.

**Public Input:** Three property owners spoke in favor of the development due to agreements reached with the developer; however, desired that the commercial uses in Phase VI be restricted to office professional (OPI).

One property owner spoke in opposition to the closure of the roads from the Forest Lake and Myrtle Trace subdivision to Switch Road.

**Public Notification Information:**

Date Advertised: 4/19/99

Date Property Posted: 3/8/99

Number of Surrounding Property Owners Notified: 42

Staff Contact: Patrick R. Zenner

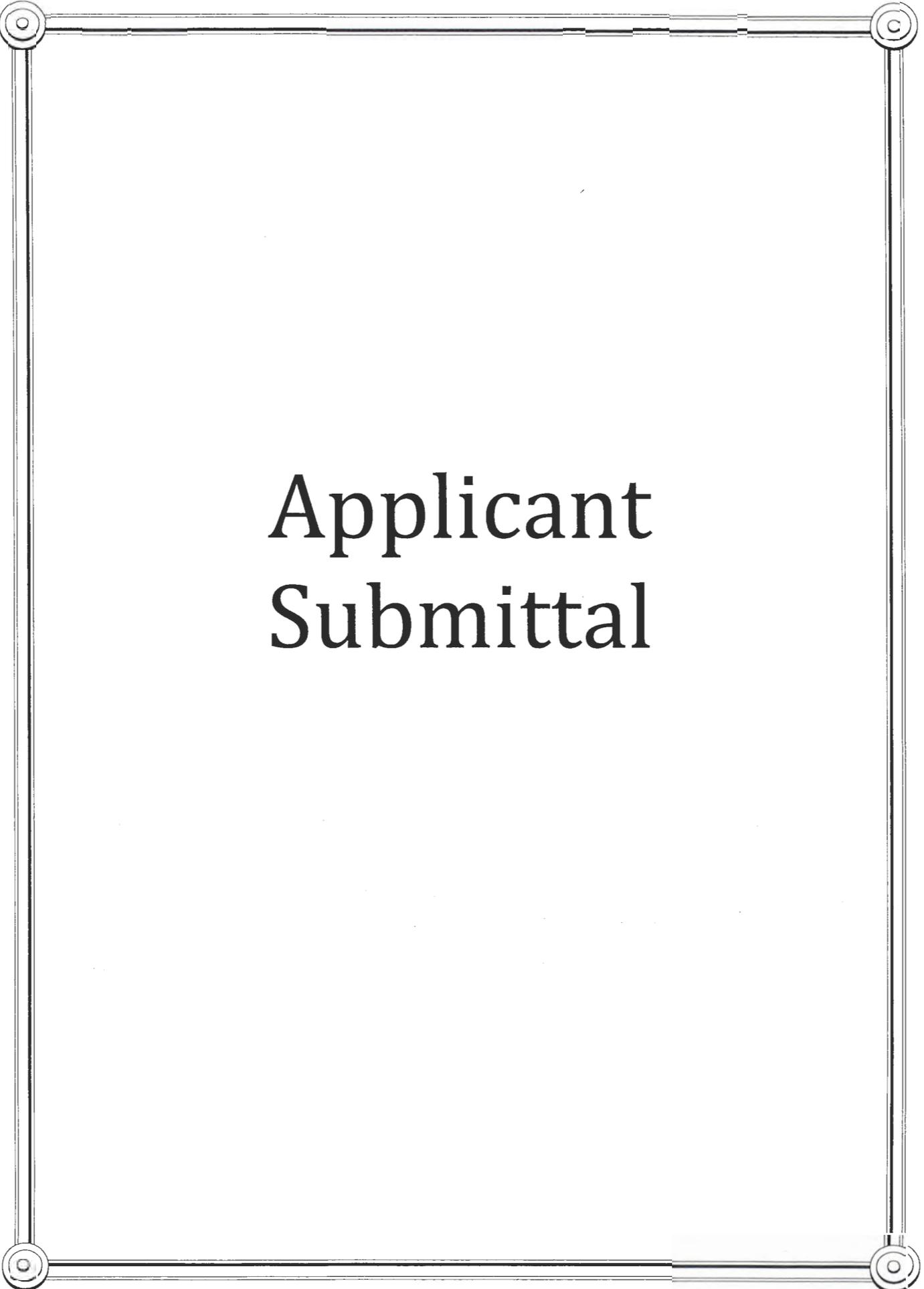
Report Completion Date: 4/27/99

By: Joe Feest

Date Notification Mailed: 4/9/99

Revision Date: 5/10/99

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# Applicant Submittal

VARIANCE REQUEST

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

Article(s):

I

Section(s):

504

2. Description of Request:

We are requesting to not have to add an additional landscaping buffer. There is currently an existing natural buffer and we believe there is not a need for an additional landscaping buffer.

Required

Front Setback: \_\_\_\_\_  
Side Setback: \_\_\_\_\_  
Rear Setback: \_\_\_\_\_  
Minimum Lot Width: \_\_\_\_\_  
Min Lot Width @ Bldg. Site: \_\_\_\_\_  
Max Height of Structure: \_\_\_\_\_

Requested

Front Setback: \_\_\_\_\_  
Side Setback: \_\_\_\_\_  
Rear Setback: \_\_\_\_\_  
Minimum Lot Width: \_\_\_\_\_  
Min. Lot Width @ Bldg. Site: \_\_\_\_\_  
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?

There is already an existing natural buffer on the back and landscaping on the side from Lakeside Crossing. Also leaves no room for fencing.

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

It did not apply to Vines Property located nextdoor when lot was cleared and built on.

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?

It restricts our ability to install fencing and would be difficult to maintain and be appealing.

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 it will not, we are currently negotiating with the neighborhood behind us for future fencing.

**\*\* 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.

Ruel V...  
Applicant's Signature

7/31/23  
Date



# SITE PLAN



**Case # 2023-08-004**

**SPECIAL EXCEPTION REVIEW SHEET**  
**ON-SITE CONSUMPTION OF ALCOHOL**

**Property Information**

Special Exception Request #	2023-08-004
Applicant	Donella Williams Patrick
Parcel Identification (PIN) #	267-04-02-0003
Site Location	608 Freemont Road, Longs
Property Owner	Donella Williams Patrick
County Council District #	9 - Causey

**Zoning Information**

Zoning District	NC
Parcel Size	35,454 sq ft
Proposed Use	Restaurant/Bar

**Distance from Residential**

This property abuts residentially zoned MSF10 and MSF20 properties.

**Requested Special Exception**

The applicants are requesting special exception approval from Article XI, Section 1106 C 4 regarding on site consumption of alcohol for a Restaurant/bar in the Neighborhood Commercial (NC) zoning district.

**Background/Site Conditions**

This building was constructed in 1991 and in the county wide zoning of 2001 Council zoned this parcel Neighborhood Commercial (NC). The NC zoning district allows for restaurants with a bar as an accessory use not a primary use. This building was original used as an arcade and a restaurant (Williams Sports Grill restaurant) from 2008 to 2013. The applicant is requesting special exception to allow on premise consumption of alcohol within 500 ft of a residential zoning district or use. The proposed hours of operation are Monday thru Sunday between the hours of 7:00 AM until 12:00 PM. The closest residential zoning districts are MSF10 and MSF20 and are located directly adjacent to this parcel. Any outdoor amplified sound in this residential area must be in compliance with the County Noise Ordinance as of 9:00 pm. On Aug. 13, 2007 and Sep. 8, 2008 the Zoning Board denied a previous special exception for on site consumption of alcohol for Williams Sports Grill (Case 2007-07-007) for the following reasons: 1) The proximity of one or more establishments nearby which already serve alcohol. 2) The number of police calls generated by businesses and residences in the nearby area. 3) The unsuitability of the requested use to the properties immediately adjacent to the subject property.

**Ordinance and Analysis**

Article XI, Section 1106 C 7 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 parcel does not comply the current parking and landscaping requirements since it has been in existence since 1991.

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

Staff does not think a bar would be in harmony with the residential neighborhood.

## SPECIAL EXCEPTION REVIEW SHEET

### ON-SITE CONSUMPTION OF ALCOHOL

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

The use would be injurious by additional noise, traffic and safety issues related to such an establishment.

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

A bar being opened until midnight does not 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.**

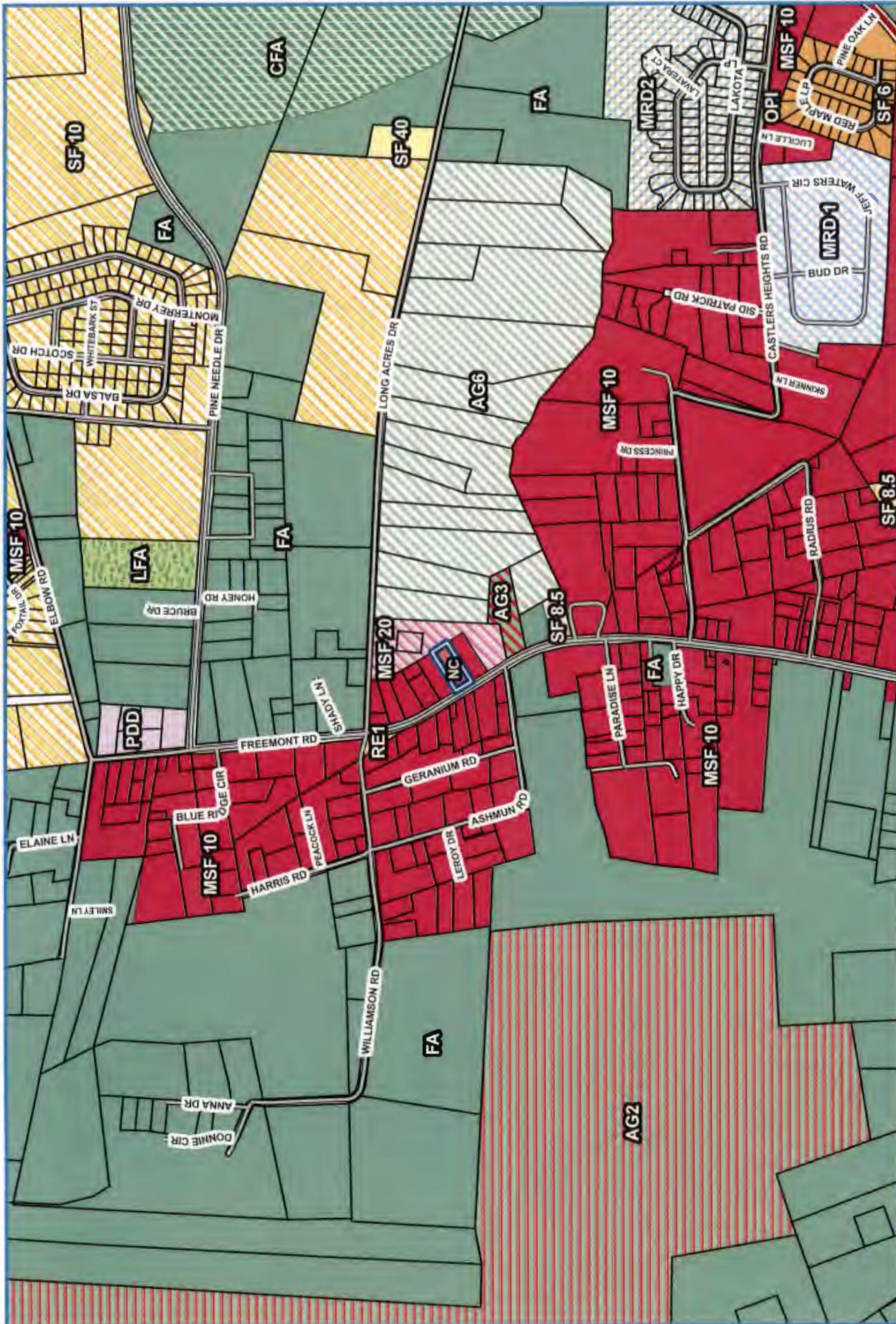
The restaurant/bar would negate the peaceful enjoyment of the surrounding residential property owners.

**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**

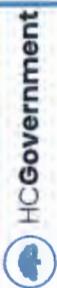
Should the Board find that the special exception request for **D & D Sports Bar & Grill** meets the required conditions of Section 1106 C 4, the standard conditions imposed by the Board are:

1. No event is to exceed 499 persons in attendance unless a Special Event permit is obtained from Horry County Public Safety;
2. Any outdoor amplified sound is subject to the County Noise Ordinance;
3. No hosting of vendors during spring and fall bike rallies;
4. No outdoor displays or tents on the property;
5. No temporary banners or signs on the property;
6. No spotlight advertising;
7. No outdoor dining and/or beverage services allowed;
8. Applicant will comply with all State and local laws;
9. All future buildings and building additions must conform to Horry County regulations;
10. Late night establishments (open after midnight) will require a Pre-clearance letter from the Horry County Police Dept.
11. Any changes in use or character shall result in the suspension of this approval and a rehearing of the Zoning Board of Appeals shall be required.



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

**Zoning Map**  
 Variance Case Number  
 2023-08-004  
 Danella Williams Patrick  
 PIN: 267-04-02-0003





 Parcel for Consideration

 Road

**Aerial Map**

Variance Case Number  
2023-08-004

Danella Williams Patrick  
PIN: 267-04-02-0003



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

**BEFORE THE BOARD OF  
ZONING APPEALS**  
Case Nos.: 2007-07-007

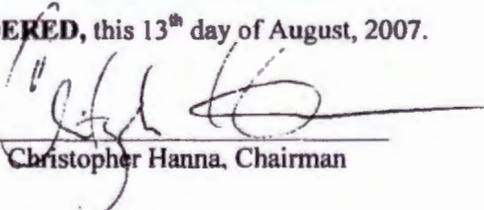
In re: Glennie Marie Williams, )  
 )  
Property Owner. )  
\_\_\_\_\_ )

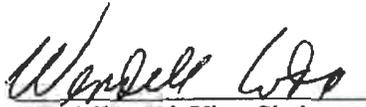
**ORDER OF THE BOARD**

Hearing was held before this Board on August 13, 2007, pursuant to the request of Adrian L. Williams, authorized agent for the above-captioned property owner, for a special exception pursuant to Article V, §534 and Article XIV, §1404(D) of the Horry County Zoning Ordinance, so as to allow alcohol to be served at a restaurant on property zoned Neighborhood Commercial (NC), located in the unincorporated portion of Horry County at 608 Freemont Road, Longs; TMS # 102-00-01-022.

The property owner, her 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 **deny** the **special exception** requested, because the requirements of S.C. Code Ann. §6-29-800(3) and Horry County Code of Ordinances, Appendix B, §703, and §1404(D) were not met by the facts of this case. Motion passed, and the **special exception** was **denied**, due to the following findings of fact: (1) the proximity of one or more establishments nearby which already serve alcohol, (2) the number of police calls generated by businesses and residences in the nearby area, (3) the unsuitability of the requested use to the properties immediately adjacent to the subject property.

**AND IT IS SO ORDERED**, this 13<sup>th</sup> day of August, 2007.

  
\_\_\_\_\_  
Christopher Hanna, Chairman



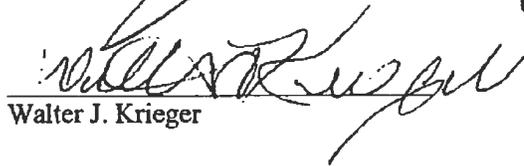
Wendell Todd, Vice-Chairman

\_\_\_\_\_  
Allen Beverly

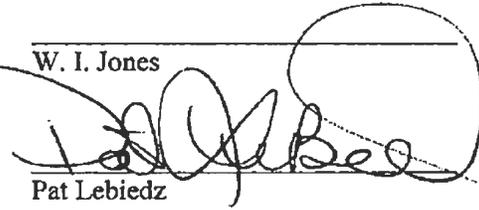


Pam Creech

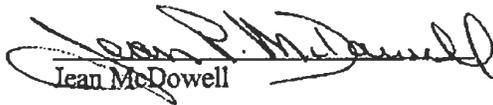
\_\_\_\_\_  
W. I. Jones



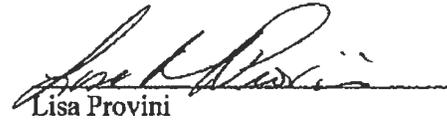
Walter J. Krieger



Pat Lebiecz

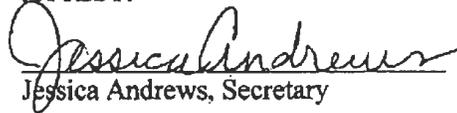


Jean McDowell



Lisa Provini

ATTEST:



Jessica Andrews, Secretary

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )  
  
In re: Glennie Williams, )  
 )  
Property Owner. )  
\_\_\_\_\_ )

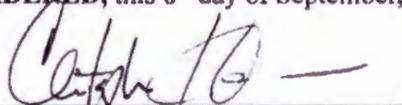
**BEFORE THE BOARD OF  
ZONING APPEALS**  
Case Nos.: 2007-07-007

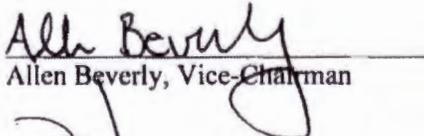
**ORDER OF THE BOARD**

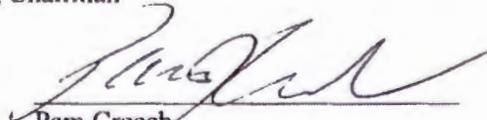
Hearing was held before this Board on September 8, 2008, pursuant to the request of Adrian Williams, authorized agent for the above-captioned property owner, for a special exception pursuant to Article V, §534 and Article XIV, §1404(D) of the Horry County Zoning Ordinance, so as to allow alcohol to be served at a restaurant on property zoned Neighborhood Commercial (NC), located in the unincorporated portion of Horry County at 608 Freemont Road, Longs; TMS # 102-00-01-022.

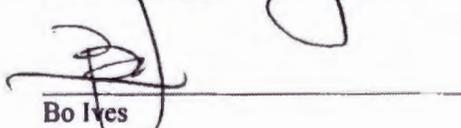
The property owner, her agent, and the zoning administrator were given the opportunity to offer witnesses and exhibits and to make argument for the record. A public hearing was held and all interested parties were invited to comment before the Board. After due consideration of all relevant evidence, motion was made and seconded to deny the special exception requested, because the requirements of S.C. Code Ann. §6-29-800(3) and Horry County Code of Ordinances, Appendix B, §703, and §1404(D) were not met by the facts of this case. Motion passed, and the special exception was denied.

**AND IT IS SO ORDERED**, this 8<sup>th</sup> day of September, 2008.

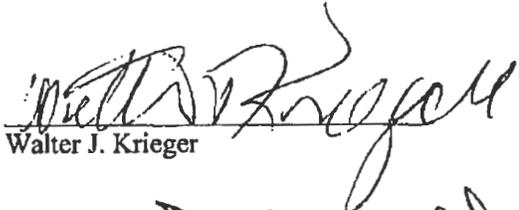
  
\_\_\_\_\_  
Christopher Hanna, Chairman

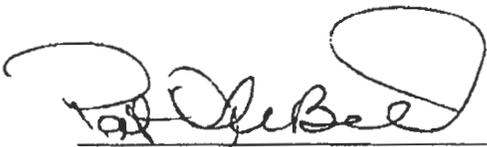
  
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Allen Beverly, Vice-Chairman

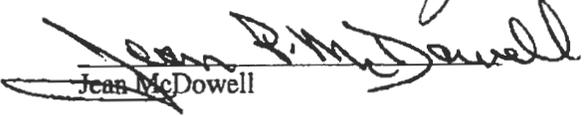
  
\_\_\_\_\_  
Pam Creech

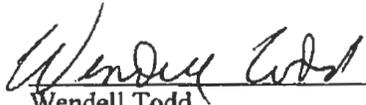
  
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W.I. Jones

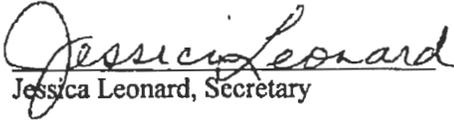
  
Walter J. Krieger

  
Pat Lebiecz

  
Jean McDowell

  
Wendell Todd

ATTEST:

  
Jessica Leonard, Secretary



*Site on Freemont Rd.*



*Adjacent parcel to the right - Davis Seafood*



*Across Freemont Rd*



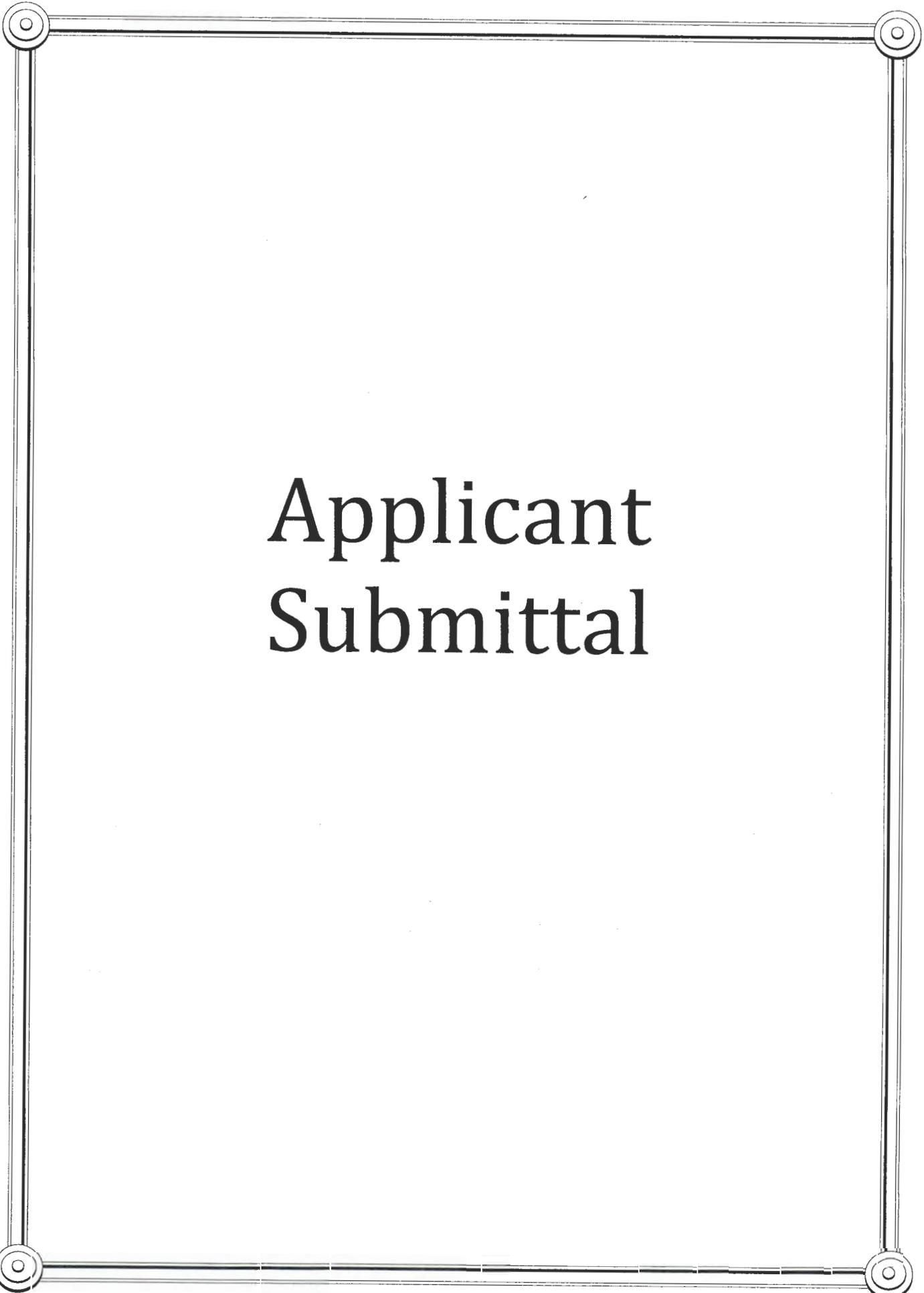
*Storage bldg.*



*Rear of the bldg.*



*Rear*



# 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: D+D Sports Bar and Grill

4. Type of Business: Sports bar and grill

5. Hours of Operation: 7 (AM/PM) until 12 (AM/PM)

6. Days of The Week: 7

- 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.

Donelle Williams Patrick  
Applicant/ Agent's Signature

7.11.2023  
Date

**D&D Sports Bar and Grill Menu**

**608 Freemont Road**

**Longs, S.C. 29568**



**Appetizers**

Onion Rings

Fried Mozzarella Sticks (6)

CHILI CHEESE FRIES

NACHOS AND CHEESE

**BURGERS SERVED WITH FRIES OR CHIPS**

Hamburger

Bacon cheeseburger

Cheeseburger

Double Cheeseburger

**SANDWICHES SERVED WITH CHIPS OR FRIES**

ITALIAN SUB

GRILL CHICKEN SANDWICH

HAM AND CHEESE SUB

PHILLY CHEESE STEAK

TURKEY AND CHEESE SUB

PORK CHOP SANDWICH

BLT SANDWICH

CHICKEN SANDWICH

**WINGS**

MILD WINGS

HOT WINGS

BUFFALO WINGS

CHICKEN TENDERS AND FRIES

HOT DOG AND FRIES OR CHIPS

SUSAGE DOG

Bacon and egg

susage and egg

bacon egg, cheese

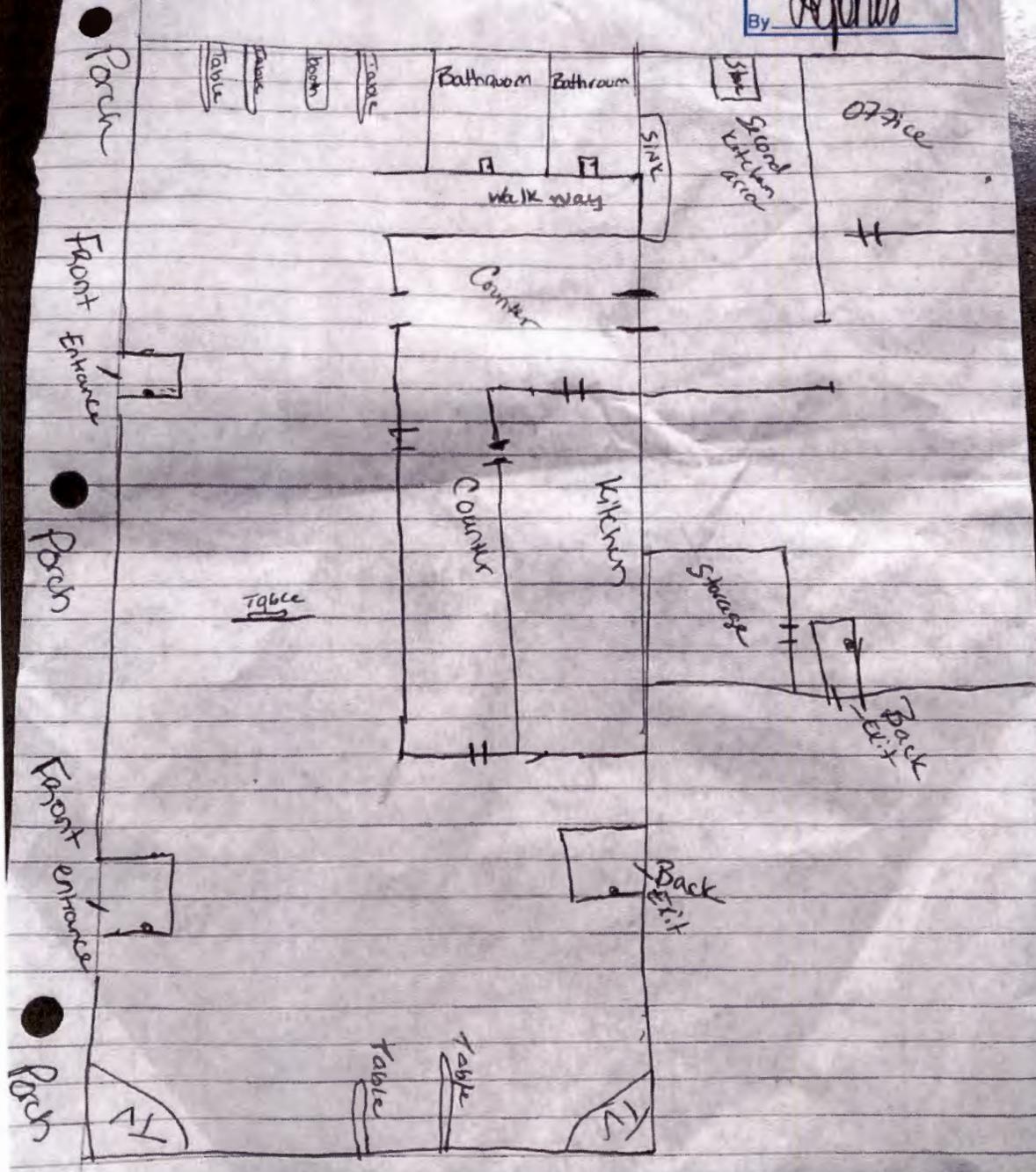
**DRINKS**

BOTTLE WATER SODAS COFFEE ORANGE JUICE

APPLE JUICE FRUIT PUNCH TEA LEMONADE

D+D Sports Bar and Grill  
Floor Plan

RECEIVED  
JUL 10 2023  
By *[Signature]*



FLOOR PLAN