



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

August 14, 2023

- I. Call to Order – 5:30 p.m.

- II. Invocation/Pledge of Allegiance

- III. Communications
 - 1. Election of ZBA Officers for 2023-2024 Year

 - 2. 2023-06-002 – David Alderman, agent for CWB Consulting and Management, Inc. **WITHDRAWN** 1-4
311 Bonnie Bay Rd., Loris (Council Member Hardee)

- IV. Minutes
 - July 10, 2023– Regular Meeting Minutes 5-21

- V. Old Business
 - 1. 2023-05-007 – Robert Turner, agent for Conway Atlantic Land Development ... 22-34
Long Ave. Extension, Conway (Council Member Allen)

 - 2. 2023-06-003 – David Alderman, agent for CWB Consulting and Management, Inc 35-45
311 Bonnie Bay Rd., Loris (Council Member Hardee)

 - 3. 2023-06-016 – Craig and Gaybrielle Buis 46-56
331 Dunbarton Ln, Conway (Council Member Hardee)



- 4. **2023-06-019 – Austin Graham/DRG, agent for Creek Associates, LLC** 57-66
2161 Oakheart Road, Myrtle Beach (Council Member DiSabato)

VI. New Business

Variances

- 5. **2023-07-001– Diamond Shores, agent for Woodle Investment Company LLC;
Elissa Woodle** 67-78
121 & 131 Gateway Rd., Myrtle Beach (Council Member DiSabato)
- 6. **2023-07-003 – Johnny Cooper II, agent for Sandra Lynn Bond TR ...Deferred.** ...79-81
149 Seabreeze Dr., Murrells Inlet (Council Member Servant)
- 7. **2023-07-004 – David Deitz/ D3G Architects LLC, agent for Antioch Baptist
Church** **Deferred**..... 82-84
2080 Hwy. 129, Galivants Ferry (Council Member Allen)
- 8. **2023-07-005 – Franklin Daniels, agent for Stor Mursc Hwy 707, LLC** 85-100
11088 SC-707, Murrells Inlet (Council Member Servant)
- 9. **2023-07-006 – Dan Park/ Earthworks Group, agent for Myrtle Beach
Self-Storage Owner, LLC** 101-112
121 Loyola Drive, Myrtle Beach (Council Member Loftus)
- 10. **2023-07-008 – Jack W. Huggins, agent for Richard and Renee Mitchell** 113-122
1114 Osprey Ct., Garden City (Council Member Hardee)
- 11. **2023-07-009 – Nicholas Peters, agent for Jason and Stephanie Nash** 123-132
483 Old Field Road, Murrells Inlet (Council Member Servant)
- 12. **2023-07-010 – Tom Miller/Miller Design Services, agent for Labash LLC** 133-144
182 Dobros Road, Conway (Council Member Hardee)



- 13. **2023-07-011 – Michael Cummissky, agent for Horry Furniture Co. Inc.**
 **Deferred**145-146
 862 E. Hwy. 501, Conway (Council Member Anderson) Deferred

- 14. **2023-07-012 – Ken Marlowe, agent for Christopher and Debra Borst** 147-156
 Located at the corner of Carolina Oaks Drive and Hwy. 17 Bypass, Myrtle Beach
 (Council Member Servant)

- 15. **2023-07-013 – Jeff Gore/ Flagpatch Missionary Baptist Church** 157-166
 759 N. Flag Patch Road, Loris (Council Member Causey)

- 16. **2023-07-014 – Common Oak Engineering, LLC agent for
 Selah Seawinds LLC**.....167-177
 NEC of Hwy. 544 & Lake Park Drive, Socastee (Council Member Crawford)

- 17. **2023-07-015 – Christopher Wall, agent for First Scotland Financial, LLC** 178-191
 1381 Hwy. 17, Little River (Council Member Dukes)

- 18. **2023-07-016 – Felix Pitts, agent for Two Eleven Properties, LLC** 192-200
 1511 E. Hwy. 90, Little River (Council Member Causey)

Special Exceptions

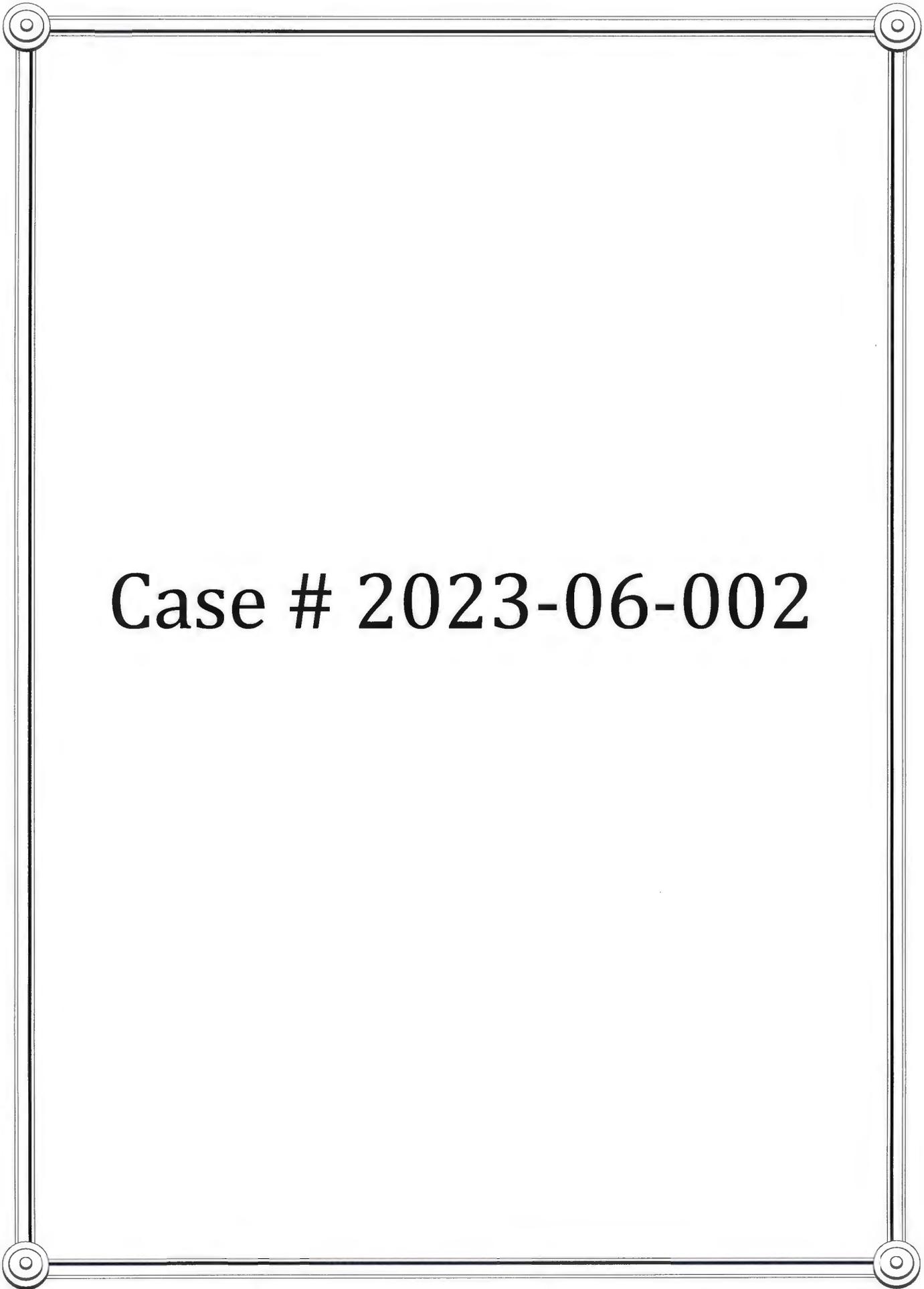
- 19. **2023-07-002 – Weihui Zheng, agent for GB Mill LLC C/O The Sembler Co**
 201-211
 154 Sapwood Rd., Unit 105 Myrtle Beach (Council Member DiSabato)

- 20. **2023-07-007 – The Earthworks Group, agent for Le Petit Fox Farm, LLC** 212-226
 Old Clearpond Road, Conway (Council Member Hardee)

VII. Adjourn



Communications



Case # 2023-06-002

SPECIAL EXCEPTION REVIEW SHEET
ON-SITE CONSUMPTION OF ALCOHOL

Property Information

Zoning Information

Special Exception Request #	2023-06-002		
Applicant	David Alderman, agent	Zoning District	FA
Parcel Identification (PIN) #	187-00-00-0034	Parcel Size	45.18
Site Location	311 Bonnie Bay Road, Loris	Proposed Use	Rural Tourism
Property Owner	CWB Consulting and Management Inc.		
County Council District #	Hardee		

Case has been withdrawn by the applicant.

Thompkins, Pam

From: Leonard, Marnie
Sent: Monday, July 24, 2023 8:55 AM
To: david@seasidedigs.com
Cc: Thompkins, Pam
Subject: RE: Remaining items for Bonnie Bay Blueberry Farm Rural Tourism Permit Application

Thank you, I will withdraw you application.

Thank you,

Marnie Leonard

Assistant Zoning Administrator

Horry County Government / Planning & Zoning

Tel 843-915-7910 / Fax 843-915-6340 / LeonardM@HorryCountySC.gov

All Zoning Ordinance requirements can be accessed with the hyperlink below

www.horrycountysc.gov/documents/zoning-ordinance

From: david@seasidedigs.com <david@seasidedigs.com>
Sent: Monday, July 24, 2023 8:44 AM
To: Leonard, Marnie <Leonard.Marnie@horrycountysc.gov>
Subject: RE: Remaining items for Bonnie Bay Blueberry Farm Rural Tourism Permit Application

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.

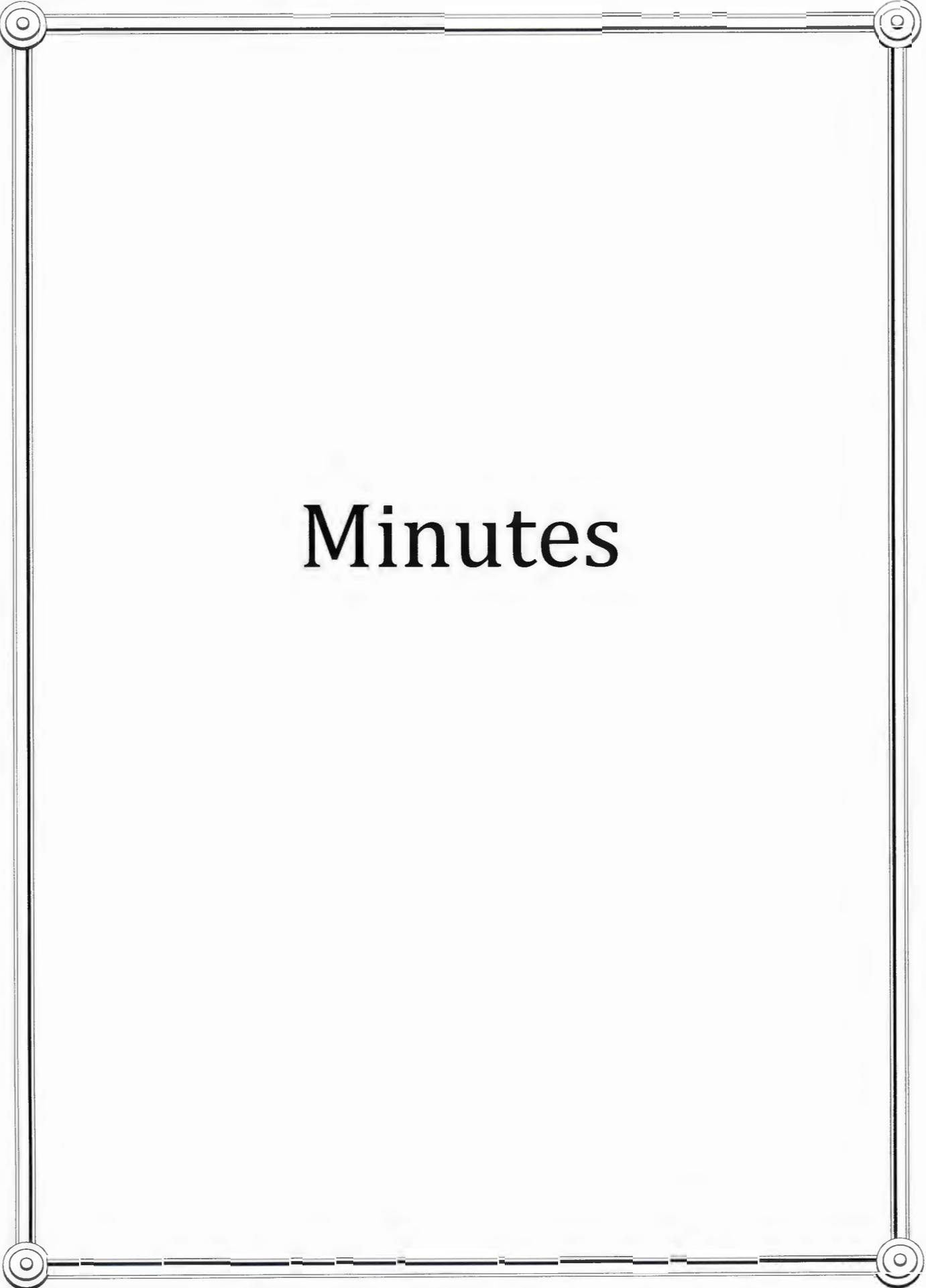
Marnie,

We are going to remove the request for the special exception to apply for the alcohol license for the farm We are going to proceed with just the rural tourism permit.

Thanks,

David Alderman | Realtor





Minutes

STATE OF SOUTH CAROLINA) Horry County Zoning Board of Appeals
)
COUNTY OF HORRY) MINUTES – July 10, 2023

The Horry County Zoning Board of Appeals held its scheduled meeting on Monday, July 10, 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: Robert Page, Kirk Truslow, Brantley Green, Neal Hendrick, Marshall Biddle, Jeffrey Miller and Blake Arp

Board Members Absent: Drew Parks and Jody Nyers

Staff present: Pam Thompkins, Marnie Leonard, Elise Crosby, Jordan Todd, Brandon Gray and Taylor Jones

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

Vice Chairman, J. Marshall Biddle called the meeting to order at 5:30 p.m. There was a valid quorum for voting purposes. Robert Page delivered the invocation and Blake Arp led in the Pledge of Allegiance.

Vice Chairman J. Marshall Biddle swore in staff.

COMMUNICATIONS

2023-05-010 – Tucker Davis – Withdrawn

2023-06-016 – Craig and Gaybrielle Buis – Deferred to August 14, 2023

2023-06-019 – Austin Graham/DRG LLC, agent for Creek Associates, LLC – Deferred to August 14, 2023

Neal Hendrick made a motion to reconsider Case 2023-05-007 Robert Turner agent for Conway Atlantic Land Development, LLC. Brantley Green seconded the motion. Case 2023-05-007 would be reconsidered at the August 14, 2023 meeting.

It was determined that the Vote of Officers would be done at the August 14th, 2023 meeting.

REGULAR MEETING MINUTES - June 12, 2023

Vice Chairman J. Marshall Biddle asked if there were any additions, deletions or changes to the minutes. Jeffrey Miller made a motion to accept the minutes as written. Kirk Truslow seconded. The motion carried unanimously. *The minutes for June 12, 2023 were approved.*

OLD BUSINESS

The first case number was 2023-05-013 Kenneth McShea. Pam Thompkins presented the case to the Board. PIN 311-08-03-0037 identified the parcel located at 1629 Edgewood Dr., Little River. The applicant requested a variance from Article II, Section 205 regarding setback requirements in the Single Family (SF10) zoning district. A permit (120343) was issued on Dec. 4, 2020 for a 24'x24' carport. On Oct. 12, 2022 a foundation survey indicated the carport encroached into the 25' front setback and there were two unpermitted storage buildings/sheds on the parcel. The applicant purchased the property in 2018 with the two (2) existing unpermitted sheds. The carport was located 21' from the front property line instead of the required 25' for a variance of 4'. The 8'x14' shed had been on the property since 1984 and the 14'x16' shed was placed sometime between 2017-2020 GIS aerials were taken. The 8'x14' shed was located 2' from the right-side property line instead of the required 5' for a variance of 3'. The 14'x16' shed was located 3' from the right-side property line instead of the required 10' for a variance of 7'. **(Please refer to the July 10, 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.

Vice Chairman J. Marshall Biddle asked if the applicant was present. The applicant was not present at that time.

There were no board or staff comments.

There was no public input.

Brantley Green made a motion to grant the variance with the conditions as stated by staff. Blake Arp seconded the motion. The motion carried with a 6-1 vote, with Kirk Truslow voting in opposition. ***The variance was approved with conditions.***

NEW BUSINESS

The second case number was 2023-06-001 Myeshia Moss, agent for Frankie Moss. Pam Thompkins presented the case to the Board. PIN 305-07-02-0025 identified the parcel located at 1706 Shelly Place, Little River. The applicants requested a variance from Article II Section 205 regarding setback requirements in the proposed Manufactured Single Family (MSF10) zoning district. The applicants proposed to subdivide the 0.5-acre parcel into two lots. The CFA zoning district would only allow one home on the 0.5-acre parcel. The applicants requested to rezone this parcel from CFA to Residential MSF10 which would allow a home on a 10,000 sq. ft. lot. If Council approved the rezoning the proposed site plan indicated the existing 12' x 61' mobile home encroaching into the required 10' right side setback. The applicants requested a right-side

setback of 9.8' instead of the required 10' for a variance of .2'. **(Please refer to the July 10, 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.
4. Variance is based on the applicant receiving approval to rezone this parcel to Residential (MSF10).

Vice Chairman J. Marshall Biddle swore in Frankie Moss who stated she was trying to get the property rezoned so she could subdivide the property. Mrs. Moss explained she needed the property subdivided so her granddaughter would have a place to stay.

There were no board or staff comments.

There was no public input.

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

The third case number was 2023-06-004 Anthony Netta. Pam Thompkins presented the case to the Board. PIN 414-07-04-0028 identified the parcel located at 5904 Old Bucksville Road, Conway. The applicant requested a variance from Art. II Section 205 regarding setback requirements in the Forest Agriculture (FA) zoning district. The applicant purchased this property in October 2020. The single-family home was permitted in 1997 and the detached garage in 2004. A 12' x 37' storage building was placed on the parcel by the previous owners who did not obtain a building permit. The current property owner needed to correct this, however the building was located 5' from the rear property line instead of the required 15' for a variance of 10'. The other (2) storage buildings and a carport were existing on the site since the 2005 aeriels; Mike Farria, Deputy Director of Code Enforcement, stated he would not require the new owner to permit these buildings. **(Please refer to the July 10, 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.

Vice Chairman J. Marshall Biddle swore in Anthony Netta who explained that he purchased the property like it was, he only found out about the issues when he went to code enforcement to obtain a permit for the proposed pool.

There were no board or staff comments.

There was no public input.

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

The forth case number was 2023-06-006 Ryan Harvey, agent for Beazer Homes, LLC. Pam Thompkins presented the case to the Board. PIN 447-16-03-0050, 447-15-04-0019, 447-15-04-0020, 447-15-04-0021, 447-15-04-0022 identified the parcel located at 440, 444 Mikita Drive & 784, 788, 792 Bickell Court Myrtle Beach. The applicants requested a variance from Article V Section 504 C regarding landscaping requirements in the Multi-Residential (MRD2) zoning district. The five lots (73, 74, 76, 77 & 78) were located within Belle Mer North Ph. 2B subdivision. The lots backed up to an Open Space/ pond which was adjacent to commercial properties. Camping World and Fun Warehouse) Art. V, Section 504 C required a Type A Opaque buffer with a minimum 5' landscape easement containing a 6 ft. privacy fence when adjacent to the non-residential properties (PINs 447-15-04-0014 & 0017). The applicants requested 100% relief from this requirement. **(Please refer to the July 10, 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.

Vice Chairman J. Marshall Biddle swore in Ashley Baldes who explained the homeowners wanted a view of the pond and if they had to install the landscaping buffers, it would restrict that view. Mrs. Baldes also stated, not installing a fence or buffer would let the homeowner install their own fence if they wished.

There were no board or staff comments.

There was no public input.

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

The fifth case number was 2023-06-007 Jo A. Hudson. Pam Thompkins presented the case to the Board. PIN 316-14-04-0009 identified the parcel located at 2506 Ladil Drive, Longs. The applicant requested a variance from Article II Section 205 regarding setback requirements in the Manufactured Single Family (MSF10) zoning district. The applicant proposed to construct a 24' x 40' (960 SF) personal use carport on the existing concrete pad. The carport would be located 3.7' from the left side property line instead of the required 10' for a variance of 6.3'. **(Please refer to the July 10, 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.

Vice Chairman J. Marshall Biddle swore in Jo Hudson who stated she needed somewhere to park her car and motorcycle and wanted to place a building on the existing concrete slab.

Jeffrey Miller asked how the neighbors felt about the request. Mrs. Hudson stated that she had woods on three side of her an only on neighbor in front of her home.

There was no public input.

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

The sixth case number was 2023-06-008 Jerry & Dana Wilson. Pam Thompkins presented the case to the Board. PIN 393-02-04-0008 identified the parcel located at 309 S. Lake Trail, Myrtle Beach. The applicants requested a variance from Article II Section 205 regarding setback requirements in the Single Family (SF10) zoning district. The applicants proposed to build a 23' x 33' (759 SF) detached garage on their property within Arcadian Shores subdivision. The single-family home was built in 1982. The garage would be located 10' from the rear property line instead of the required 15' for a variance of 5'. The Arcadian Shores HOA provided a letter of approval for the variance. **(Please refer to the July 10, 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.

Vice Chairman J. Marshall Biddle swore in Jerry Wilson, who stated he wished to add a detached garage in the setback, and he asked for a 5' variance. Mr. Wilson said that he had spoke to his adjacent neighbors and they approved of his request.

There were no board or staff comments.

There was no public input.

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

The seventh case number was 2023-06-009 James and Gale Lowery. Pam Thompkins presented the case to the Board. PIN 456-12-01-0013 identified the parcel located at 613 Sabel Palmetto Court, Myrtle Beach. The applicants requested a variance from Art. II Sect. 205 regarding setback requirements in the Single Family (SF10) zoning district. This was lot 3 in Carolina Woods subdivision. The applicants received a zoning only permit on Feb. 13, 2023 for a 10' x 20' personal use shed. On May 8, 2023 Code Enforcement inspected the property and found that an unpermitted addition had been added on the side of the shed and a stop work order was issued. The shed addition would be located 3.8' from the right-side property line instead of the required 10' for a variance of 6.2'. The addition also encroached into the 10' drainage easement which required approval from the Horry County Stormwater Department. Letters of approval were provided from The TLC HOA and the adjacent property owner on the right side. **(Please refer to the July 10, 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 requirement shall be met.

Vice Chairman J. Marshall Biddle swore in James Lowery who explained he had built an addition to the existing building, and when Code Enforcement went out to inspect he was informed that the addition was in the setbacks. Mr. Lowery said that he immediately stopped working and had not touched it since. Mr. Lowery asked for a 6.2' variance on the right side of the property.

Brantley Green asked if Mr. Lowery was building the addition himself, or did he have a builder doing the work for him. Mr. Lowery stated that he was building it himself.

There was no public input.

Kirk Truslow 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 2023-06-010 Trisha Howe, Ernie Gutierrez and Lori Gutierrez. Pam Thompkins presented the case to the Board. PIN 307-14-03-0008 identified the parcel located at 2168 Marion Circle, Little River. The applicants requested a variance from Article II Section 205 regarding setback requirements in the Single Family (SF6) zoning district. The applicants proposed to build an attached 25' x 16' (400 SF) garage on the existing single-family home. The home was constructed in 1982. The garage would be located 11.4' from the rear property line instead of the required 15' for a variance of 3.6'. The Windjammer Village POA issued a letter of approval for the rear variance. **(Please refer to the July 10, 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.

Vice Chairman J. Marshall Biddle swore in Lori Guitierrez who stated she planned to add a garage to the side of the home, but the garage would need to be pushed further back due to existing doors and windows on the home.

J. Marshall Biddle asked who owned the adjacent lot. Mrs. Guitierrez replied that the site plan represented the two lots she owned, that had since then been combined.

There was no public input.

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

The ninth case number was 2023-06-011 Sandra Walker. Pam Thompkins presented the case to the Board. PIN 304-12-01-0034 identified the parcel located at 333 Lake Mist Court, Longs. The applicant requested a variance from Article II Section 205 regarding setback requirements in the Palmetto Greens PDD zoning district. This parcel was lot 69 in Palmetto Greens located within Augusta Villas @ Colonial Charters PDD. The single-family home was permitted in 2016. This was an exterior lot within the PDD and required a rear setback of 25' instead of the normal 20' rear setback for the PDD. The Zoning Board issued a variance on April 10, 2023 to allow the 8'x23' porch to be 24' from the rear property line and a variance for the storage building to be 5' from the rear property instead of 25'. The applicant received a survey which indicated the porch was 22' from the rear property line instead of 24' granted with the variance. The applicant would need a variance of 3' to be able to permit porch addition. **(Please refer to the July 10, 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.

Vice Chairman J. Marshall Biddle swore in Sandra Walker who stated that she intended on covering the entire 8' existing patio, instead of a portion of it.

There were no board or staff comments.

There was no public input.

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

The tenth case number was 2023-06-012 Ocean Lakes Family Campground. Pam Thompkins presented the case to the Board. PIN 459-11-04-0137 identified the parcel located at 6001 S. Kings Hwy., Ste. 1869, Myrtle Beach. The applicants requested a variance from Article II Section 205 regarding setback requirements in the Destination Park (DP) zoning district. This was site 1869 within Ocean Lakes Campground. The applicants proposed to build a raised single-family home on this site to replace a camper with addition, that was demolished in 2022. Ocean Lakes Campground was grandfathered because it existed before the zoning of this area in 1987. The setbacks that have been enforced by Zoning since 2004 were the external boundaries of the campground. The setbacks were 30' front where the park abutted Hwy. 17 and the Frontage Rd and 20' side and rear where the property line abutted adjoining properties not located within the campground. This lot was an exterior lot located on the south side of the park boundary. The new home would be located 5' from the side exterior property line instead of the required 20' for a variance of 15'. **(Please refer to the July 10, 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 permit obtained.
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

Vice Chairman J. Marshall Biddle swore in Tracy Wright, who stated that they needed the variance to be able to replace the camper with a raised single-family home. Mrs. Wright explained that the lots were shallow compared to the other lots in the campground and both adjacent properties had 5' setbacks.

There were no board or staff comments.

There was no public input.

Jeffrey Miller made a motion to grant the variance with the conditions as stated by staff. Kirk Truslow seconded the motion. The motion failed with 5 – 2 votes with Kirk Truslow and Jeffrey Miller voting in favor. ***The variance was denied.***

The eleventh case number was 2023-06-013 David Schwerd/Diamond Shores, agent for Howell Homes, Inc. Pam Thompkins presented the case to the Board. PIN 245-09-01-0015 identified the parcel located at 334 WM Nobles Road, Aynor. The applicants requested a variance from Article V Section 504 C regarding landscaping and buffer requirements in the Forest Agriculture (FA) zoning district. The applicants proposed 10 new single-family lots along William Nobles Rd. The parent parcel had been subdivided to create 7 single-family lots in April of 2021 (PB 299-7) and an additional 5 single family lots in June 2021 (PB 299-152). The establishment of the 10 proposed lots would make the project a major subdivision which required a 25' Type C streetscape buffer. The applicants requested 100% relief from this requirement. The site was reviewed as a sketch plan in Mar. 2022. **(Please refer to the July 10, 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.

Vice Chairman J. Marshall Biddle swore in David Schwerd, who explained this project was one that was in a rural area and installing the streetscape buffer would require the creation of an HOA. Mr. Schwerd stated creating an HOA to maintain a 10' buffer would be excessive and would more than likely, end up sold at the delinquent tax sale.

Blake Arp asked Mr. Schwerd if the same developer owned any of the adjacent properties. Mr. Schwerd said all properties had been sold and these were the last of the lots to be developed.

Vice Chairman, J. Marshall Biddle swore in Carolyn Tilton, who expressed she was fine with the development, as long as the homes faced William Nobles. Mrs. Tilton did not want to look out her front door and see the sides and backyards of the new homes.

David Schwerd stepped back up to state that the homes were intended to be placed facing William Nobles Rd., and was fine if the board wanted to add that as a condition to granting the variance.

Jeffrey Miller 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 twelfth case number was 2023-06-014 David Schwerd/ Diamond Shores, agent for Mildred Nell Cannon LE. Pam Thompkins presented the case to the Board. PIN 330-00-00-

0044 identified the parcel located on Middleton Road, Conway. The applicants requested a variance from Article II Section 205 regarding setback requirements in the Forest Agriculture (FA) zoning district. The applicants submitted a survey to subdivide a two (2) acre parcel from this 18-acre parcel. This subdivision required a 30' shared private drive to access the 2-acre parcel. The existing barn would be located 10.5' from the left side, abutting the shared private drive, instead of the required 25' for a variance of 14.5'. **(Please refer to the July 10, 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.

Vice Chairman J. Marshall Biddle swore in David Schwerd, who explained this was an old family farm and the owner was subdividing the property for her grandson to build a home. Mr. Schwerd explained, when the property lines were drawn, the existing barn did not meet the required setbacks from the shared private drive.

There were no board or staff comments.

There was no public input.

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

The thirteenth case number was 2023-06-015 Cynthia Ammons-Holland, agent for Perry Enterprises. Pam Thompkins presented the case to the Board. PIN 446-00-00-0016 identified the parcel located at 1712 Clubhouse Dr., Myrtle Beach. The applicants requested a variance from Article II, Section 209 regarding setbacks and frontage requirements in the proposed Mobile Home Park (MHP) zoning district. This was Beachwood @ the Heritage MHP that had been in existence before zoning of the area in 1987 with a total of 68 mobile home sites. The Residential SF6 zoning did not allow mobile homes. Zoning had not been able to determine why the parcel was zoned SF6 in 1987. Planning & Zoning recommended rezoning of the site to bring it into compliance. This would clear up issues with setbacks and allow placement of MH's on the 11 vacant lots. The survey would subdivide the MHP from the commercial portion of the parcel. The site could meet all the MHP requirements except the following: 1) The minimum lot width at bldg. line (lot frontage on Hwy. 17) was required to be 150', the applicants provided 97.95' for a variance of 52.05'. 2) Front setback for each mobile home was required to be 20' measured from the front property line. The applicants requested a variance to allow the 20' front setback to be measured from the centerline of the private roads within the park. 3) A 25' exterior rear setback was required; the applicants requested a 15' setback for a variance of 10'. **(Please refer to the July 10, 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.
4. Variances are based on County Council approval of the rezoning to MHP.

Vice Chairman J. Marshall Biddle swore in Cindy Ammons, who stated she was the General Manager of the Mobile Home Park, and they needed the variance as a requirement for the rezoning.

There were no board or staff comments.

There was no public input.

Jeffrey Miller made a motion to grant the variance with the conditions as stated by staff. Brantley Green seconded the motion. The motion carried with a 6 – 1 vote, with Neal Hendrick voting in opposition. ***The variance was approved with conditions.***

The fourteenth case number was 2023-06-017 David Schwerd/Diamond Shores, agent for Turtle Land LLC. Pam Thompkins presented the case to the Board. PIN 440-15-02-0014 identified the parcel located at 6189 Socastee Blvd., Myrtle Beach. The applicants requested a variance from Article V, Section 504 C and Article VIII, Sections 801 D 1 B and 804 B 1 regarding landscaping and overlay requirements. This was the proposed location of Turtle Market Storage located within the Hwy. 707 Overlay. The storage facility would consist of 56 storage cubicles and 47 covered RV/Boat storage units. A 10' Type A opaque buffer was required along the right (south) side property line. The applicants requested to reduce a 100' section to 5' in width for a variance of 5'. Section 801 D 1 b did not allow steel panels to be used in the overlay. The applicants requested 100% relief the Overlay Sections 801 D 1 b on building materials and Section 804 B 1 for roof and facade and garage door requirements. **(Please refer to the July 10, 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 requirement shall be met.

Vice Chairman J. Marshall Biddle swore in David Schwerd, who explained the buffer they requested a variance for, only affected the portion of the property near the radius of the turn-in, and installing this buffer would make it difficult to maintain the ditch. Mr. Schwerd also stated the façade they requested a variance for, was only for the internal façade of the buildings and could not be seen from the road.

Jeffrey Miller clarified that it was the building in the middle of the project not one of the outer buildings. David Schwerd verified.

Brantley Green clarified that there was no variance needed for the other buildings. David Schwerd verified.

There was no public input.

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

The fifteenth case number was 2023-06-018 Winyah Woods, LLC. Pam Thompkins presented the case to the Board. PIN 221-00-00-0013 identified the parcel located on Hwy. 9 W. in between Coney Dr., and G.P. Smith Ave., Longs. The applicants requested a variance from Article II Section 205 regarding setback requirements in the General Residential (GR-6) zoning district. This was the proposed location of Winyah Woods subdivision. This was a patio home development with 43 lots. There were 10 lots that would not meet the patio home requirement for setbacks due to drainage easements. Section 921.2 - Patio Home Development stated, the dwelling unit should be placed on one interior side property line with a zero (0') setback, and the dwelling unit setback on the other interior side property line should be a minimum of ten (10) feet. The applicants requested an increase in the setback on one side of the lots to be 10' instead of 0' for a 10' variance. There were drainage easements on these 10 lots that are preventing them from meeting the patio home setback requirements. **(Please refer to the July 10, 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.

Vice Chairman J. Marshall Biddle swore in Shawn Becker who explained these would be normal single-family homes and due to the drainage easement, the homes would have to be set further from the property line that normal.

There were no board or staff comments.

There was no public input.

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

Bobby Page recused himself from the meeting.

The sixteenth case number was 2023-06-002 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 4 regarding on site consumption of alcohol for a Restaurant/Bar in the Forest Agriculture (FA) zoning district. This was the proposed location of Bonnie Bay Blueberry Farm. They applied for a Rural Tourism permit to allow farming activities and a special event venue on the 45-acre parcel. The applicants requested special exception to allow on premise consumption of alcohol for the sale of beer and wine. The proposed hours of operation are Monday thru Sundays between the hours of 9:00 AM until 11:00 PM. **(Please refer to the July 10, 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. 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. Hours of on-site consumption of alcohol allowed are Monday thru Sunday from 9 AM until 12 Midnight;
5. Applicant will comply with all State and local laws;
6. All future buildings and building additions must conform to Horry County regulations;
7. 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.

Vice Chairman J. Marshall Biddle swore in David Alderman who stated the owner planned a “you-pick” blueberry farm, haunted hayrides and a potential blueberry festival.

Vice Chairman J. Marshall Biddle swore in John Brain who expressed concerns about increased traffic, noise and crime.

David Alderman stepped back up to state that they would not have concerts; the intention was focused on live acoustic music for entertainment. Mr. Alderman also stated he was okay with any and all buffers required to be installed.

Vice Chairman J. Marshall Biddle swore in David Kennedy who expressed concerns about noise and traffic in the area.

Brantley Green verified the Horry County Noise Ordinance was still in effect, and if noise was ever an issue Horry County Police would be able to assist.

Vice Chairman J. Marshall Biddle swore in Michael Stevens who said that no one cared more than him, and he was in complete opposition of this project. Mr. Stevens concerns were traffic,

safety, infrastructure, disruption of neighborhood harmony, alcohol, concerts and added violence/crime in the area.

Vice Chairman J. Marshall Biddle swore in Renee Kratzer who expressed extreme opposition with concerns of public health and safety, noise and traffic. Mrs. Kratzer explained this did not fit in the area, was not needed, and she was worried about the safety of her teenage daughters.

Vice Chairman J. Marshall Biddle swore in Weldon Boyd who clarified there would be no open bar, no restaurant, and no extreme concerts or parties. Mr. Boyd said the purpose of this project was to create an environment for the community to come out and pick blueberries as a family and enjoy a drink or two, while listening to a simple 1 or 2 person band with acoustic music.

With discussion between the applicant and the public, the applicant stated that he would like to defer this case and case number 2023-06-003 Bonnie Bay – Rural Tourism, to the August 14th meeting, to give them time to meet with the public and address the concerns they have.

Jeffrey Miller made a motion to defer the special exception to the August 14th 2023 meeting. Kirk Truslow seconded the motion. The motion carried unanimously. *The special exception was deferred.*

Bobby Page rejoined the meeting.

The seventeenth case number was 2023-06-005 Bob Barenburg, agent for Kingston Resort Owners LLC. Pam Thompkins presented the case to the Board. PIN 393-00-00-0670 identified the parcel located at 9750 Queensway Blvd. Myrtle Beach. Black Drum Brewing is a new restaurant/bar establishment located at the Embassy Suites Hotel within the Kingston Plantation Resort. A Certificate of occupancy was issued on Nov. 15, 2022. When the applicants filed for their business license in April we discovered they needed a special exception. The applicants are requesting special exception approval for on-site consumption of alcohol. The closest residential zoning district (RC) and use is directly across Queensway Blvd. This is a multi-family project within Kingston Plantation Resort known as Windermere by the Sea. The proposed hours of operation are 11 AM until 2 AM Monday thru Sunday. The applicant has received a Preclearance Letter from the Horry County Police Dept. They are also requesting outdoor dining in the beer garden and outdoor terrace area. **(Please refer to the July 10, 2023 packet for further information.)**

Should the Board find that the special exception request for **Black Drum Brewing** 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. No outdoor entertainment or amplified outdoor speakers unless a special event permit has been obtained from public safety;**
- 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. **Outdoor dining or beverage services allowed in the beer garden and outdoor terrace area;**
8. **Applicant will comply with all state and local laws;**
9. **All future buildings and building additions must conform to Horry County regulations;**
10. **Any changes in character or hours shall result in the suspension of this approval and a rehearing of the Zoning Board of Appeals shall be required.**

Hamlin O'Kelley stated he was the attorney of the property owners. He explained that in 1988 his parents bought the property and this variance was needed to have onsite consumption of alcohol. Mr. O'Kelley explained that the site was not changing and this was only required due to an addressing issue. He stated the Black Drum already had a liquor license, and thought that was the only thing the needed.

Vice Chairman J. Marshall Biddle swore in Bob Barenburg, who explained they were not changing anything, and operations would continue as they had been.

Pam Thompkins clarified the addressing issues had nothing to do with the special exception, this was a new business that wanted to have onsite consumption within 500 feet of a residentially zoned parcel.

Brantley Green asked the applicant if this was the same building. Mr. Barenburg answered yes.

Vice Chairman swore in Don Leonard who explained that he had resided in Kingston Plantation since 1985 and he was in favor of the variance. Mr. Leonard said that Kingston Plantation employed over 900 citizens of Horry County and the variance requested would continue to support the cause.

Vice Chairman swore in Walker Green who was also in favor of the variance requested. Mr. Green was the president of the security company, and gave statistics that resulted in lesser medical assist calls, traffic issues, complaints and police calls than that of previous years.

Vice Chairman swore in Joseph Malark who said that he was in favor of the variance. Mr. Marlark explained he had been the managing agent for over 11 years and had seen no issues or problems on the seemingly great property.

Vice Chairman swore in Debra Helton who was in complete opposition, she stated that she had lived there from 1991 to 2016. Mrs. Helton said that the Black Drum was a brand-new restaurant that replaced a small pool side bar, that closed at roughly 5pm. Mrs. Helton expressed concerns about traffic, increase of crime in the area and the owners taking away the golf cart parking close to the beach. Mrs. Helton's biggest concern was the restaurant allowing the public into their gated community and allowing the public to gain access to their amenities.

Vice Chairman swore in Lizette Cabrera who expressed concerns about the bar being open to tourists, renters and owners. Mrs. Cabrera also stated the bars in the surrounding area closed at 10pm and if the variance was granted, the Black Drum should close earlier as well.

Kirk Truslow stated that he had visited the Black Drum and the public was correct, anyone could tell the person at the gate that they were there for the Black Drum and they would be let in. Mr. Kirk Truslow explained that those issues would have to be taken up with the private security company and worked out with the board members of the Kingston Plantation HOA.

Vice Chairman swore in Judy Vamotto who explained the public was allowed to use the pool that the members of the community paid \$600.00 a year to use. Mrs. Vamotto said by allowing the Black Drum to allow the public, it was giving the public access to their private amenities.

Pam Thompkins stated that staff also received 14 letters in favor of the variance and 23 in opposition.

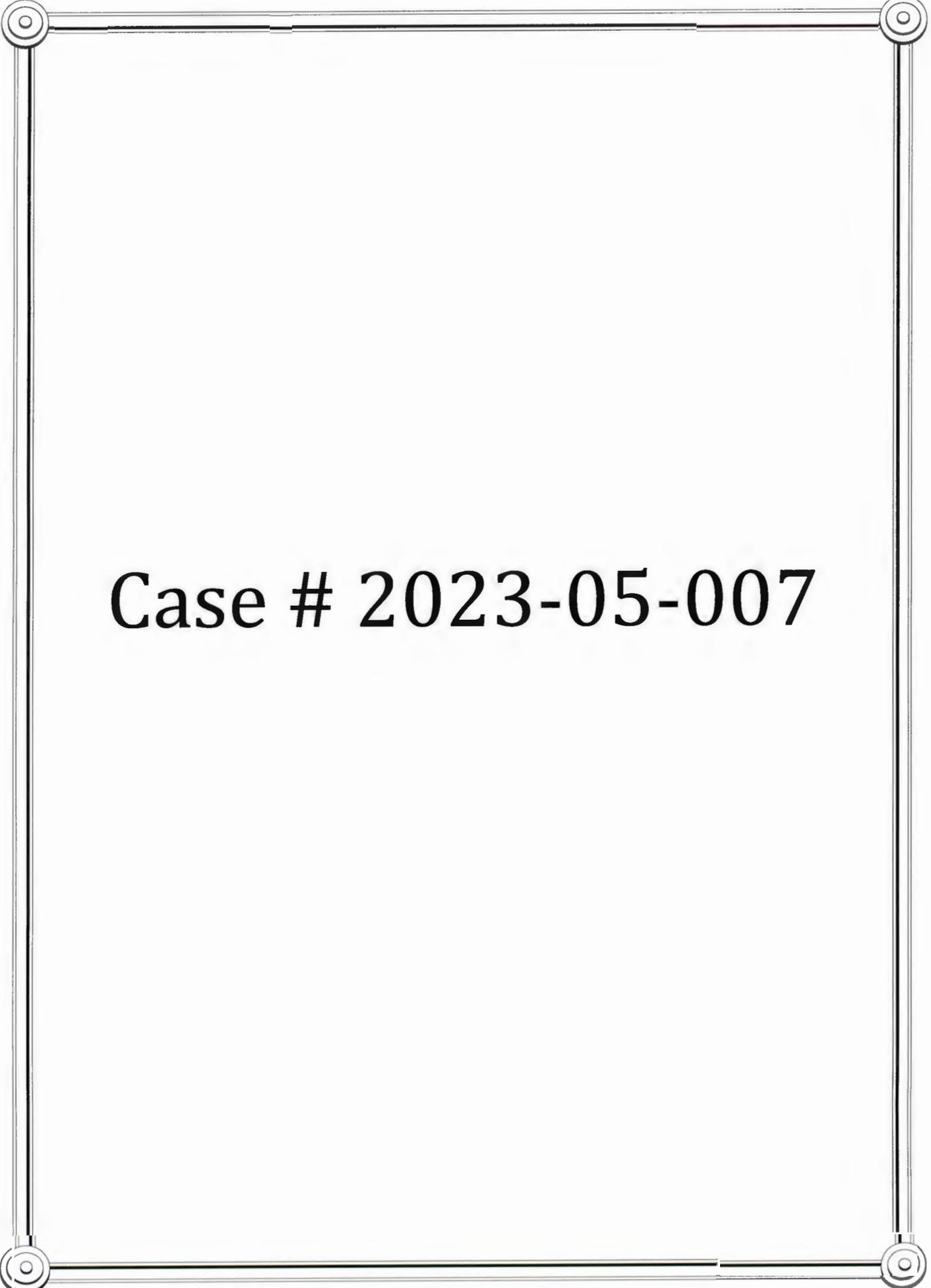
Bob Barenburg stated the Coastal Grill was also open to the public, additional golf cart parking had been added closer to the ocean, the pool was exclusive to the members of Kingston Plantation and they were doing the best they could.

Brantley Green made a motion to grant the special exception with the conditions as stated by staff. Robert Page seconded the motion. The motion carried unanimously. ***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 7:33pm.



Old Business



Case # 2023-05-007

Property Information

Variance Request #	2023-05-007	Zoning Information	
Applicant	Robert Turner, agent	Zoning District	MRD2
Parcel Identification (PIN) #	275-00-00-0037	Parcel Size	16.6 Acres
Site Location	Long Ave. Extension, Conway SC 29526	Proposed Use	Ravenloft Subdivision
Property Owner	Conway Atlantic Land Development, LLC		
County Council District #	11 - Allen		

Requested Variance(s)

The applicants are requesting a variance from Article V Section 504 C regarding landscaping buffer requirements in the Multi Residential (MRD2) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Type C- Streetscape Buffer Width & Plantings				
Long Avenue Ext.	25'	10'	15'	60%
Type A- Opaque Buffer Width & Plantings				
Right side adjoining RE4 zoning	5'	0'	5'	100%

Background/Site Conditions

This is 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 requires a 25' streetscape buffer for all major residential developments. The applicants are requesting to provide a 10' streetscape buffer with a 6 ft. fence along the three residential lots on Long Avenue Ext. A 5' opaque buffer is required between non-residential and residential property abutting PINs 275-10-04-0001 & 0002 for 650 ft. on the right side. The applicants are requesting 100% relief from this buffer.

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 major residential subdivisions.

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

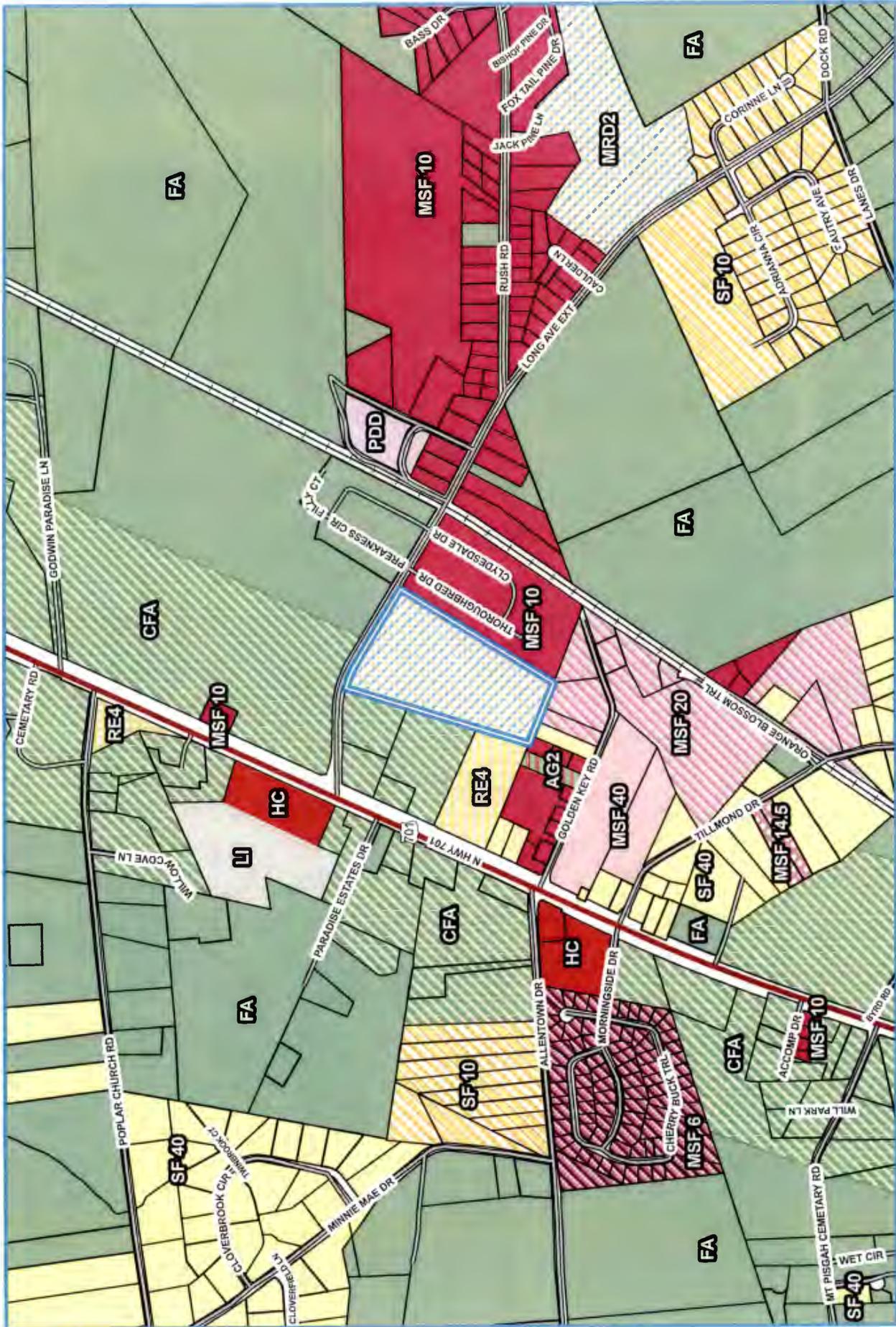
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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
 2023-05-007
 Robert Turner agent for
 Conway Atlantic Land Development, LLC
 PIN: 275-00-00-0037

Parcel for Consideration Road
 Parcel Boundary Railroad
 Major Road

HC Government
 0 500 1000 Feet
 N



-  Parcel for Consideration
-  Major Road
-  Road
-  Railroad

Aerial Map
 Variance Case Number
 2023-05-007
 Robert Turner agent for
 Conway Atlantic Land Development, LLC
 PIN: 275-00-00-0037

 **HC Government**

0 250 500 Feet

 N



Going towards Hwy. 701 N



Across Long Ave. Ext.



Front on Long Ave. Ext.



View of left side

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
In re: Robert Turner, agent for Conway)
Atlantic Land Development, LLC)
_____)

**BEFORE THE BOARD OF
ZONING APPEALS**
Case No.: 2023-05-007

ORDER OF THE BOARD

Hearing was held before this Board on June 12, 2023, pursuant to the request of the applicant for a variance from Article V Section 504 C regarding landscaping buffer requirements in the Multi Residential (MRD2) zoning district. The property is identified by PIN 275-00-00-0037 and is located on Long Ave. Extension in the Conway area of Horry County. The applicant has requested the following variances from the requirements:

	Requirement	Requested	Variance Needed	Percentage
Type C- Streetscape Buffer Width & Plantings				
Long Avenue Ext.	25'	0'	25'	100%
Type A- Opaque Buffer Width & Plantings				
Right side adjoining RE4 zoning	5'	0'	5'	100%

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

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

FINDINGS OF FACT

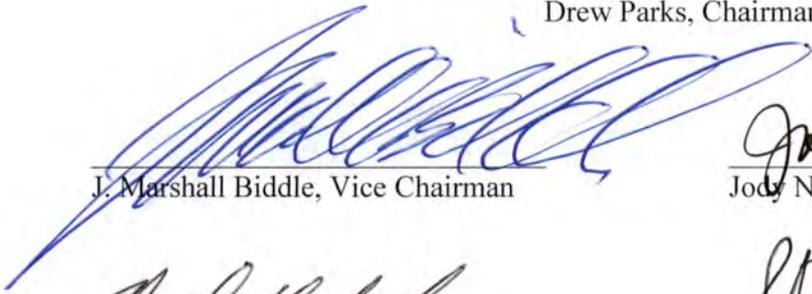
1. The property is identified by PIN 275-00-00-0037.
2. It is zoned 275-00-00-0037 and is located on Long Avenue in the Conway area of Horry County.
3. The applicants are requesting a variance from Article V Section 504 C regarding landscaping buffer requirements in the Multi Residential (MRD2) zoning district.
4. This is the proposed Ravenloft Subdivision.
5. 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.
6. On Jan. 4, 2022 Council passed Ord #154-2021 which requires a 25' streetscape buffer for all major residential developments.
7. The applicants are requesting 100% relief from this buffer.
8. A 5' opaque buffer is required between non-residential and residential property abutting PINs 275-10-04-0001 & 0002 for 650 ft. on the right side.
9. The applicants are requesting 100% relief from this buffer.

CONCLUSIONS OF LAW

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

AND IT IS SO ORDERED, this 12th day of June, 2023

Drew Parks, Chairman



J. Marshall Biddle, Vice Chairman



Jody Nyers



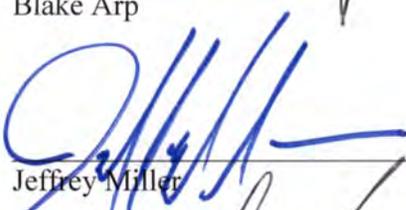
Neal Hendrick



Blake Arp



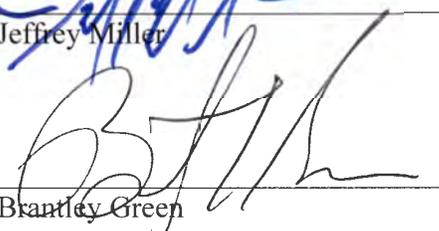
Robert Page



Jeffrey Miller

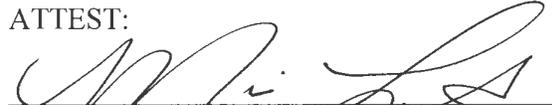


Kirk Truslow



Brantley Green

ATTEST:



Marne Leonard, Assistant Zoning Administrator

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



Applicant Submittal

VARIANCE REQUEST

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

Article(s): Article V - Landscape, Buffer and Tree Preservation Section(s): Section 501 & Section 504

2. Description of Request:

Request to amend requirements in Section 501 to provide Streetscape Buffer of 10' adjacent to Lots and eliminate Streetscape Buffer in Stormwater Area.

Request to eliminate Perimeter Buffer requirement per Section 504.

Required	Requested
Front Setback: 25	Front Setback: NA
Side Setback: 10	Side Setback: NA
Rear Setback: 15	Rear Setback: NA
Minimum Lot Width: 70	Minimum Lot Width: NA
Min Lot Width @ Bldg. Site: 70	Min. Lot Width @ Bldg. Site: NA
Max Height of Structure: 35	Max Height of Structure: NA

Other Variances: None

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

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

In 2008 rezoning, 50' landscape buffer established by agreement with Horry County and Owner as part of MRD2 designation before existence of landscape ordinance. Agreement was made in good faith. Ordinance 140-08

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

This is the only property in the area with the zoning Designation of MRD2, and the only property in the area with an agreed upon landscape buffer as part of a rezoning agreement.

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?

Whereas the owner has already established a buffer in exchange for the zoning, this additional buffer now required should be minimized.

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

The authorization of the variance will not cause a detriment to adjacent property or public good, nor will it 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?

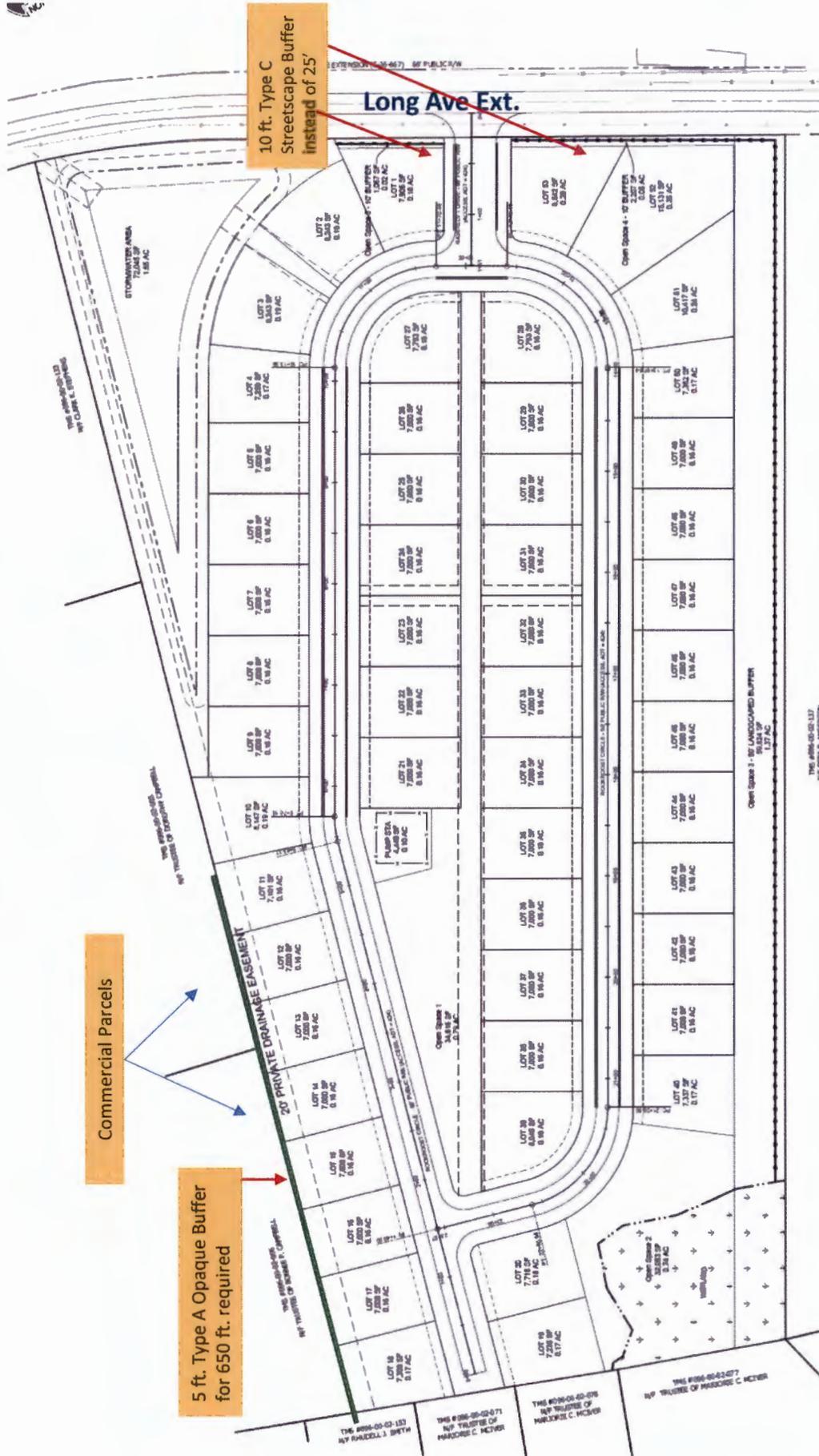
YES [] NO [x]

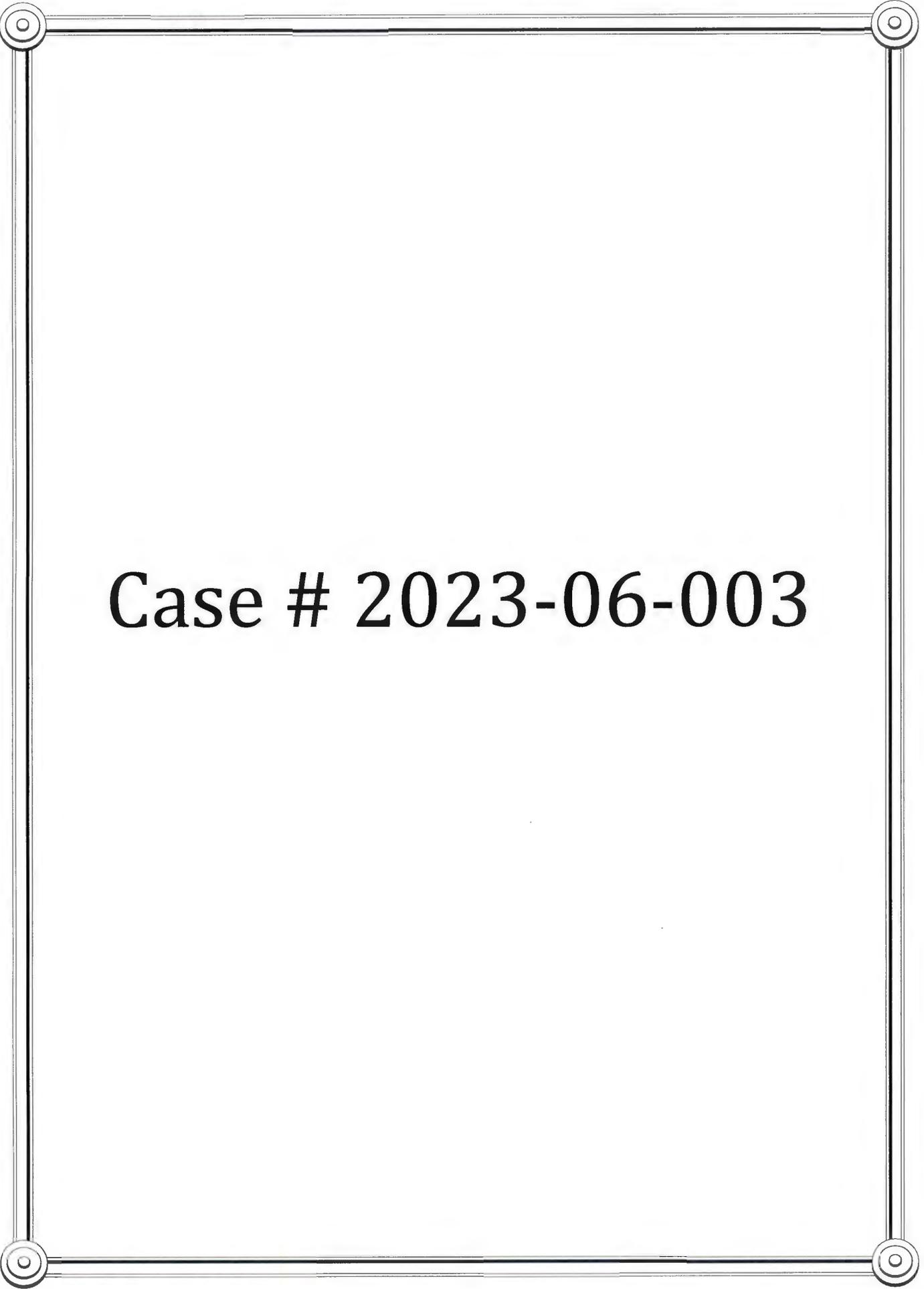
5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

[Signature] Applicant's Signature

7/25/2023 Date

Site Plan





Case # 2023-06-003

**SPECIAL EXCEPTION REVIEW SHEET
RURAL TOURISM**

Property Information

Zoning Information

Special Exception Request #	2023-06-003		
Applicant	David Alderman, agent	Zoning District	FA
Parcel Identification (PIN) #	187-00-00-0034	Parcel Size	45.18 Acres
Site Location	311 Bonnie Bay Road, Loris	Proposed Use	Rural Tourism
Property Owner	CWB Consulting and Management Inc.	Future Land Use Area	Rural
County Council District #	10 - Hardee		

Distance from Residential

This property abuts residentially used property on all sides in the FA and MSF20 zoning districts.

Requested Special Exception

The applicants are requesting special exception approval from Article XI, Section 1106 C 7 regarding rural tourism in the Forest Agriculture (FA) zoning district.

Background/Site Conditions

This is the proposed location of Bonnie Bay Blueberry Farm which is a USDA registered Blueberry Farm. The applicants are requesting a special exception to allow rural tourism on this 45 acre parcel. The proposed hours of operation are 9:00 am - 11:00 PM. The Operation Plan lists farming activities where customers can 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 will be constructing an event venue to host private events such as weddings. The restroom facilities will be within the event venue when it is constructed. If any events are held before the building is constructed Code Enforcement will require the use of port-o-johns. The site will also include a fire pit and a small stage for local musicians to perform. Any outdoor amplified sound in this rural area of the county must be in compliance with the County Noise Ordinance.

Ordinance and Analysis

In granting a special exception for a rural tourism permit, the Board of Zoning Appeals shall consider the following factors as set forth in Art. XI, Section 1106 C 7 of the Zoning Ordinance, determine the allowed activities of the venue and set hours of operation. The Board may also attach such conditions as it may deem advisable to protect the surrounding properties and the public health, safety and welfare.

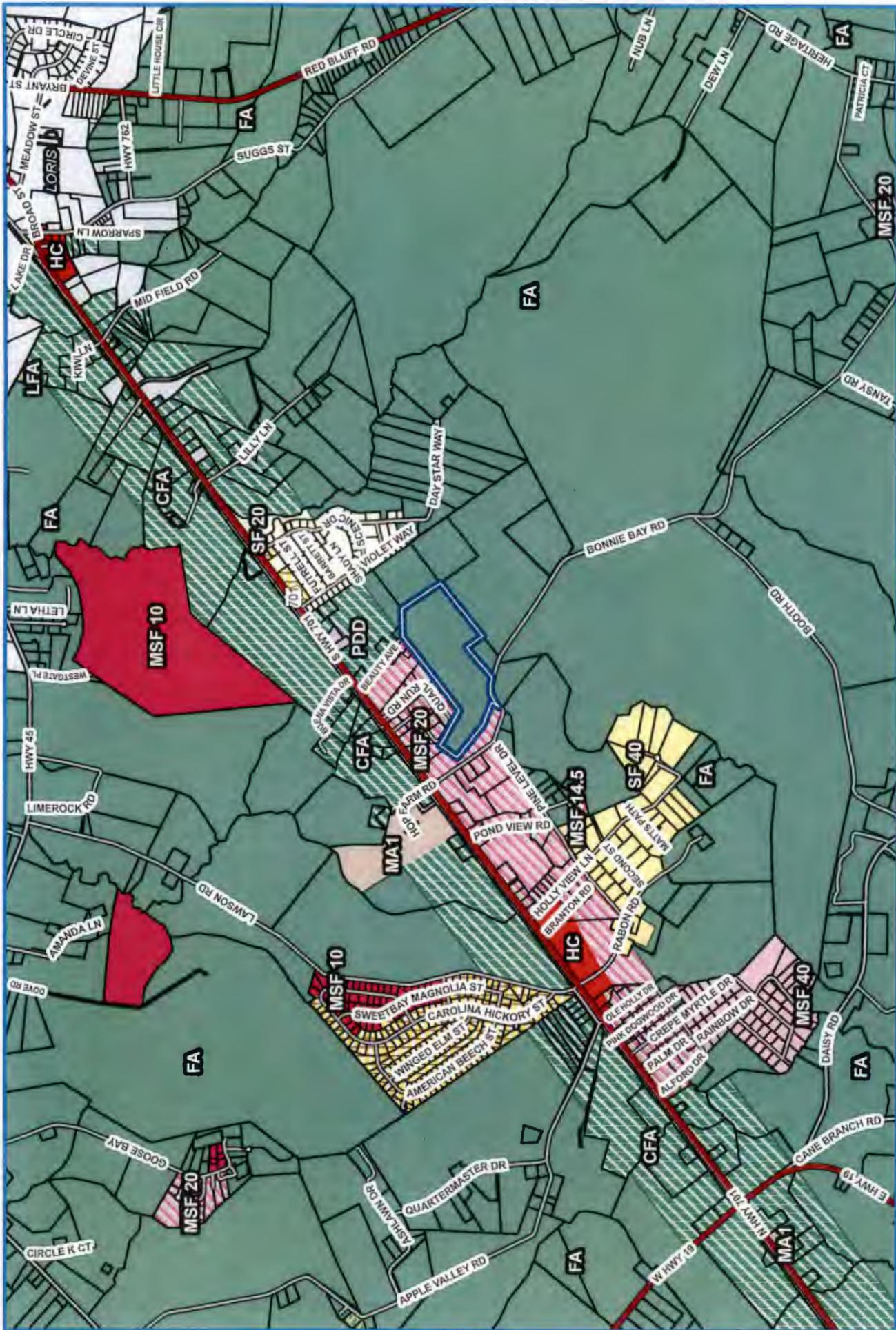
- | |
|---------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Traffic impact; |
| 2. Vehicle and pedestrian safety; |
| 3. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property;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

SPECIAL EXCEPTION REVIEW SHEET
RURAL TOURISM

Proposed Order/Conditions

Should the Board find that the special exception request for **Bonnie Bay Blueberry Farm** meets the required conditions of Art. XI, Section 1106 C 7 for rural tourism, 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 - 9:00 am 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. Exemption 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, 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.



HC Government

Zoning Map
 Variance Case Number
 2023-06-003

David Alderman agent for
 CWB Consulting and Management Inc.
 PIN: 187-00-00-0034

Parcel for Consideration (Red outline)
Parcel Boundary (Thin black line)
Municipality (Grey outline)

Major Road (Thick red line)
Road (Thin black line)
Railroad (Line with cross-ticks)

Scale: 0 1000 2000 Feet



Parcel for Consideration
 [Blue outline symbol] Parcel for Consideration
 [Red line symbol] Major Road
 [Grey line symbol] Road
 [Black line symbol] Railroad

Aerial Map
 Variance Case Number
 2023-06-003
 David Alderman agent for
 CWB Consulting and Management Inc.
 PIN: 187-00-00-0034

HC Government

0 250 500 Feet

N



Bonnie Bay Rd



Farm building & Blueberry crop



Front on Bonnie Bay Rd



Entrance - Venue area



Applicant Submittal

**RURAL TOURISM PERMIT
SPECIAL EXCEPTION REQUEST**

8. Check all planned activities below. For all uses indicated below, please identify their locations on the Master Plan.

Activities	Definitions	✓
Agricultural Activities	These activities can include, but are not limited to: rent-a-row, you-pick operations, harvest market.	<input checked="" type="checkbox"/>
Education Classes/ Tours	Classes/ tours focused on rural or agricultural education. (i.e. bird watching, flora and fauna identification, farm / rural tours, farm / rural museum, fishing instruction, kayak or paddle board instruction).	<input checked="" type="checkbox"/>
Food Service, including, Food Trucks	On-site consumption of food, to include Farm to Table events	<input checked="" type="checkbox"/>
Rural Activities	These activities can include, but are not limited to: zip lines, motorized and non-motorized trail rides (does not include racing activities), horseback riding, kayaking, fishing and petting zoos.	<input checked="" type="checkbox"/>
Rural Retail	Nurseries and the sale of agricultural products, produce and value-added products.	<input checked="" type="checkbox"/>
Seasonal Activities	These activities can include, but are not limited to: corn mazes, haunted houses/ forests, egg hunts, and holiday light displays.	<input checked="" type="checkbox"/>
Events	These events can include, but are not limited to: weddings, birthdays, and corporate events.	<input checked="" type="checkbox"/>

Please answer the following questions and address on Operation Plan:

9. Will alcoholic beverages be served at any of these events?

YES NO

If so, will your venue be applying for a S.C. Liquor License?
(If yes, a special exception may be required)

YES NO **WB**

10. Will Vendors or food trucks be on site during any of these events?

YES NO

* Temporary vendors are required to obtain a vendor permit from the Code Enforcement Department and pay any fees associated with the permit.

11. Please initial that you have read and understand the item below:

WB

Applicant acknowledges that any event with more than 499 people at one time will require a Special Event Permit from Horry County Public Safety. Submittal is required 45 days prior to the event. They can be reached at 843-915-5150 and at this website <https://www.horrycountysc.gov/departments/emergency-management/>

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

YES NO

13. 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/ Agent's Signature

Date

4/8/23

Bonnie Bay Blueberry Farm Operations Plan

Bonnie Bay Blueberry Farm will operate on a three day schedule during the picking season.

Hours of Operation:

Monday – Sunday 9am – 11PM

Guests will pick up their blueberry baskets in the retail barn where they will get general directions on picking the berries and the location of the fields. After picking they will bring the berries back to the retail barn where they will be washed, weighed and paid for. In addition to blueberries the retail barn will offer an assortment of other goods and merchandise for guests. Blueberry picking will be offered during the picking season from Friday – Sunday from 9 am – 3pm. Other hours of operation are to accommodate events when they are held.

The farm plans to host events such as haunted hayrides and private events such weddings at some point in the future.

Ingress and egress to the farm will be from Bonnie Bay Road with parking on the front section of the farm property close to the existing foundation that once served as the processing center when the farm was producing blueberries under previous ownership. This area will have a gravel lot and paths leading to the blueberry fields.

Catering for events when requested will be provided by offsite caterers

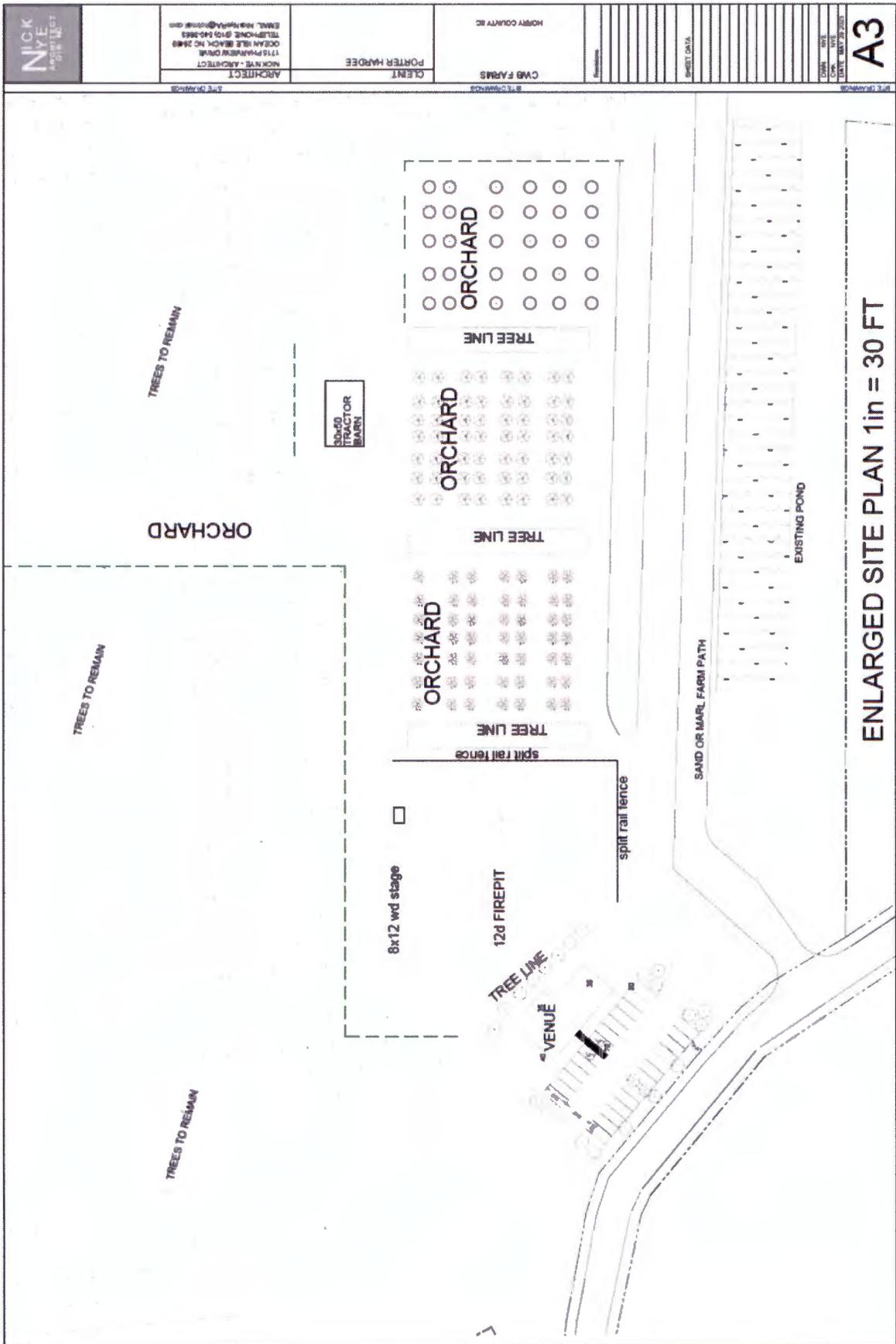
Restroom facilities will be provided in retail barn when constructed.

Site will include a fire pit and a small stage for local musicians to perform

The site plan outlines the areas where buildings are planned for the future. There are no structures on the property currently but plans have been submitted for a tractor barn which will not be accessed by the public and a location has been determined for a barn that will be accessed by the public and used for events. This building will be submitted to permitting at a later date and may include additional restroom facilities. The foundation from the previous processing center will be utilized for the retail barn.

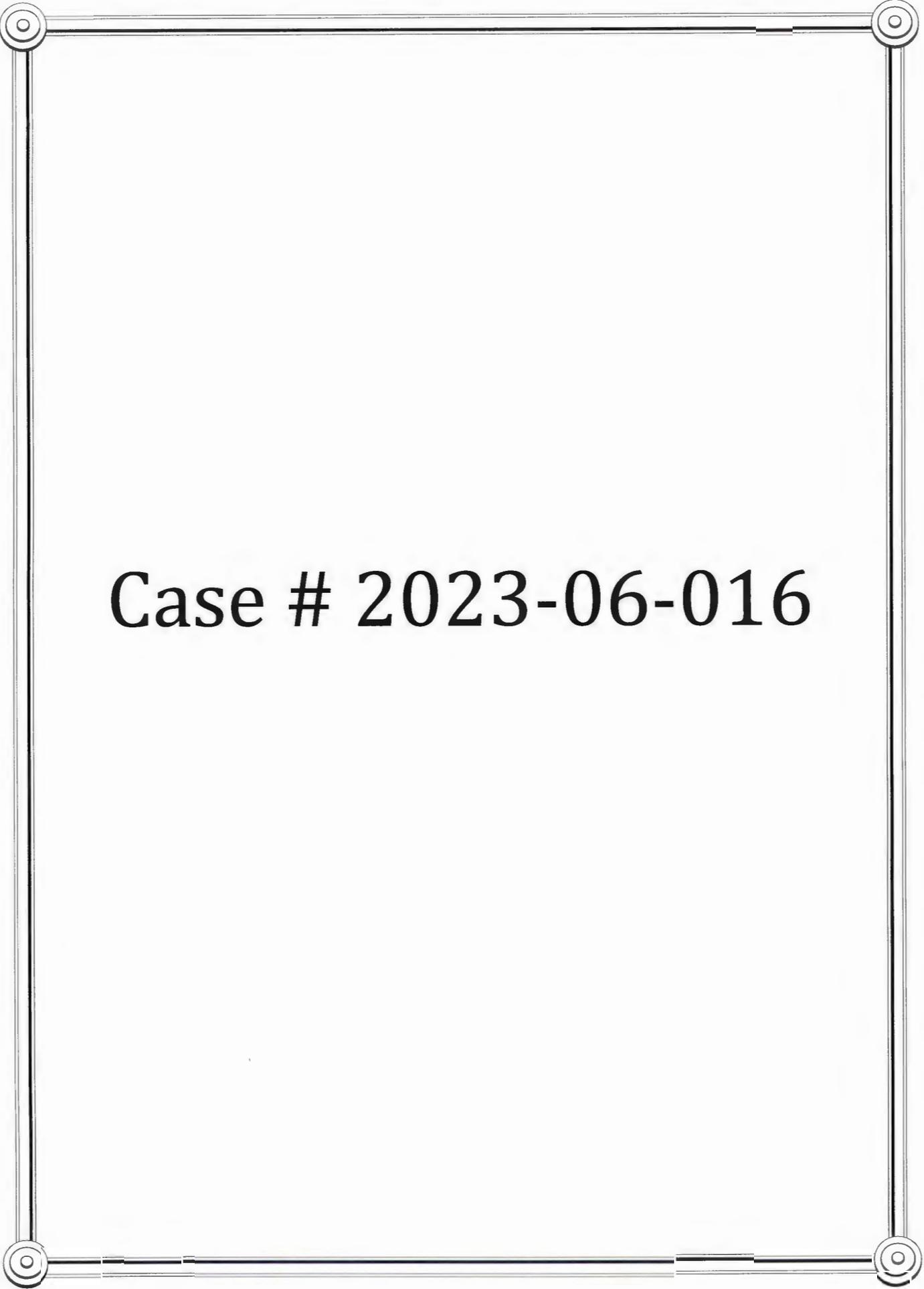
Site Plan

DESIGN DRAWINGS



A3

NICK NYE ARCHITECT 516 N. W. 10th St. Ft. Lauderdale, FL 33304 TEL: 954.575.1111 FAX: 954.575.1112 WWW.NICKNYEARCHITECT.COM	ARCHITECT NICK NYE ARCHITECT 1115 PARKWAY DRIVE OCEAN HILL BEACH, FL 33460 TEL: 561.944.2883 EMAIL: NICKNYEARCHITECT@GMAIL.COM	CLIENT PORTER HARDEE	COUNTY HENRY COUNTY, NC
	SHEET DATA SHEET NO. 1 DATE: 08/17/2010	PROJECT NO. 1000000000	DRAWN BY: [blank] CHECKED BY: [blank]

A rectangular frame with a double-line border. At each of the four corners, there is a decorative circular element consisting of three concentric circles. The text "Case # 2023-06-016" is centered within the frame.

Case # 2023-06-016

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-06-016
Applicant	Craig and Gaybrielle Buis
Parcel Identification (PIN) #	298-08-03-0004
Site Location	331 Dunbarton Lane, Conway
Property Owner	Craig and Gaybrielle Buis
County Council District #	10 - Hardee

Zoning Information

Zoning District	SF10
Parcel Size	30,448 sq ft
Proposed Use	Residential

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
Garage - 20'x25'				
Right Side setback	10'	9.3'	.7'	7%

Background/Site Conditions

The applicants received a permit to constructed a 20' x 25' garage in June 2021. A post foundation survey indicates the garage is located 9.3' from the side property line instead of the required 10' for a variance of .7'. The applicants state they do not have an 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 residential parcels 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

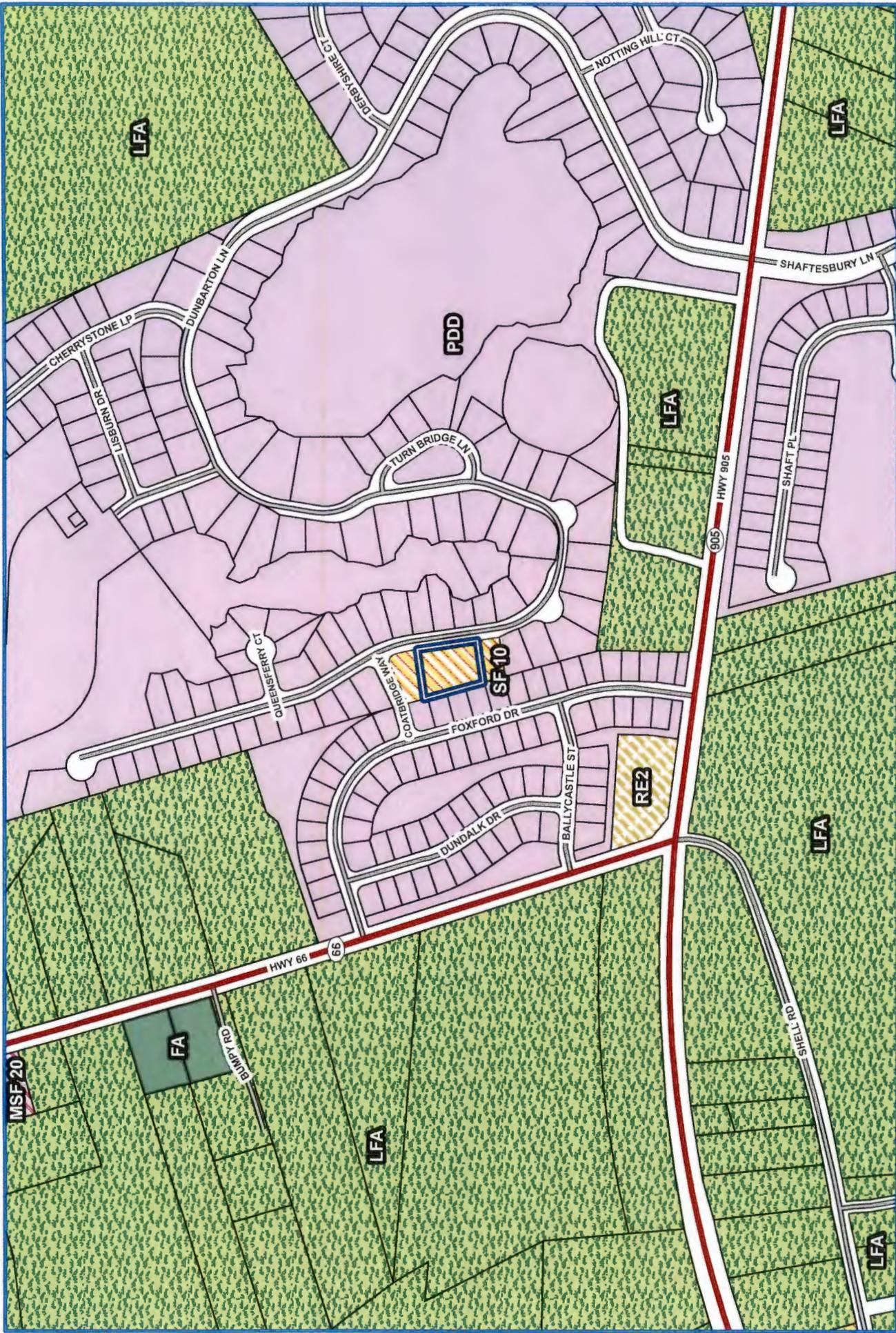
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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
2023-06-016
Craig & Gaybrielle Buis
PIN: 298-08-03-0004

0 250 500 Feet

Parcel for Consideration
Parcel Boundary
Major Road
Road



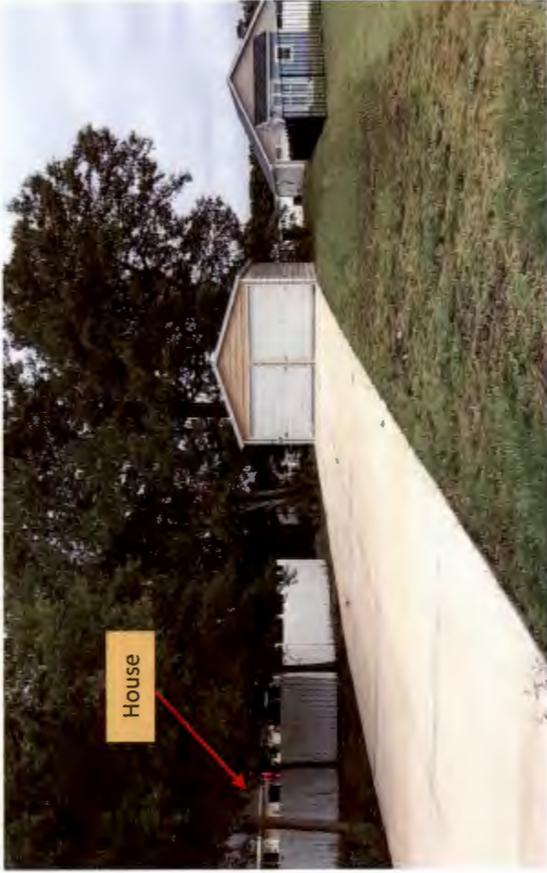
Aerial Map

Variance Case Number
2023-06-016

Craig & Gaybrielle Buis
PIN: 298-08-03-0004

Parcel for Consideration

Road



House

House & garage



Adjacent parcel on right



Front



Garage

INSPECTION WORKSHEET (INSP-7177097-2023)

Horry County Government

Case Number:	RES-06-21-129760	Case Module:	Permit
Inspection Date:	Thu Mar 2, 2023	Inspection Status:	Incomplete
Inspector:	Holden, Joseph	Inspection Type:	CE-Final Building Inspection

Job Address:	331 DUNBARTON LN Conway, SC, 29526	Parcel Number:	29808030004
---------------------	---------------------------------------	-----------------------	-------------

Contact Type	Company Name	Name
Owner		BUIS, CRAIG & GAYBRIELLE

Checklist Item	Status
Power Meter # - Power Meter #	Failed
Inspector Comments - Inspector Comments	Failed
Need post foundation survey performed before building before final can pass.	



 Holden, Joseph



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: GARAGE WAS BUILT 9'3" FROM
THE PROPERTY ON THE REAR RIGHT CORNER
SHOULD BE 10'

Required	Requested
Front Setback: <u>25</u>	Front Setback: _____
Side Setback: <u>10</u> ✓	Side Setback: <u>10' [9'3"]</u>
Rear Setback: <u>15</u>	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?
NOTE RIGHT REAR SET TO CLOSE
- b. Why do these conditions not apply to other properties in the vicinity?
NOTE THIS WAS A 2 GARAGE CARPORT ADDED
- 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?
NOTE NO -
- 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 ITS STILL 9' FROM THE FENCE
12'

**** 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]

4-1-23

Applicant's Signature

Date

124760 permit#



James Brewer <jim.brewer@vineswaterexperts.com>

Fwd: we were just discussing this

3 messages

Paul Himmelsbach <pjlin@vineswaterexperts.com> Thu, Jun 1, 2023 at 12:41 PM
To: jim.brewer@vineswaterexperts.com
Cc: [redacted], Richard Hitzel <RHITZEL@outlook.com>, [redacted],
James Burke <[redacted]@gmail.com>

Mr Brewer,
Yes the property preceded the Shaftesbury Green Development and is not part of the POA.
Paul Himmelsbach
Developer & POA board member.

Sent from my iPhone

Begin forwarded message:

From: Pete Johnson <[redacted]@vineswaterexperts.com>
Date: June 1, 2023 at 12:17:06 PM EDT
To: Richard Hitzel <RHITZEL@outlook.com>
Cc: Paul Himmelsbach <pjlin@vineswaterexperts.com>, Job Allin <[redacted]@vineswaterexperts.com>, James Burke <[redacted]@gmail.com>
Subject: Re: we were just discussing this

It is correct that Craigs property (331 Dunbarton) is not in the POA. Pete John Shaftesbury Green POA Management Company

Sent from my iPhone

On Jun 1, 2023, at 12:10 PM, Richard Hitzel <RHITZEL@outlook.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: James Brewer <jim.brewer@vineswaterexperts.com>
Date: June 1, 2023 at 11:17:37 AM EDT
To: RHITZEL@outlook.com

Mr. Hitzel, My name is Jim Brewer im with Vines Reconstruction. We are currently working on the Buis Families home at 331 Dunbarton Ln to repair some damage from a small fire they had. There is an outstanding building permit on the property that we are trying to help them resolve that involves a building they had built on the property 2 years ago. The building is over the set back by 9 inches. The county wants a letter from the HOA stating that its not an issue and Mr Buis is telling us that his property is not part of the HOA any thing you could do to help us resolve this issue would be greatly appreciated You reach me at 843-503-1730

Site Plan

WITH THE COUNTY'S AUTHORITY

LOT 135
N/F MICHAEL S. STANGEL
PIN: 298-08-03-0020
DB: 4404 PG. 79

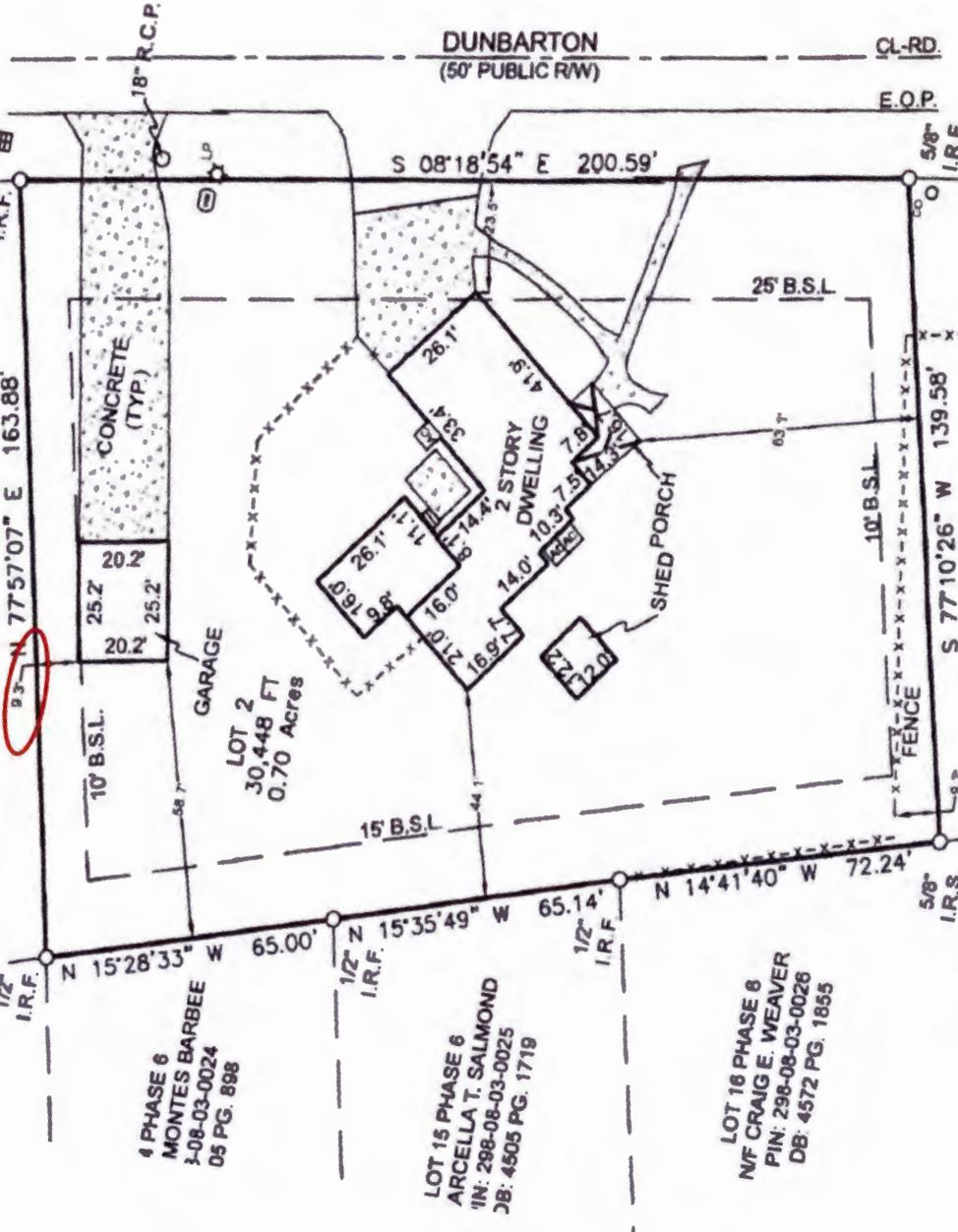
ASE 6
LEVERE
ED II
03-0023
3.2800

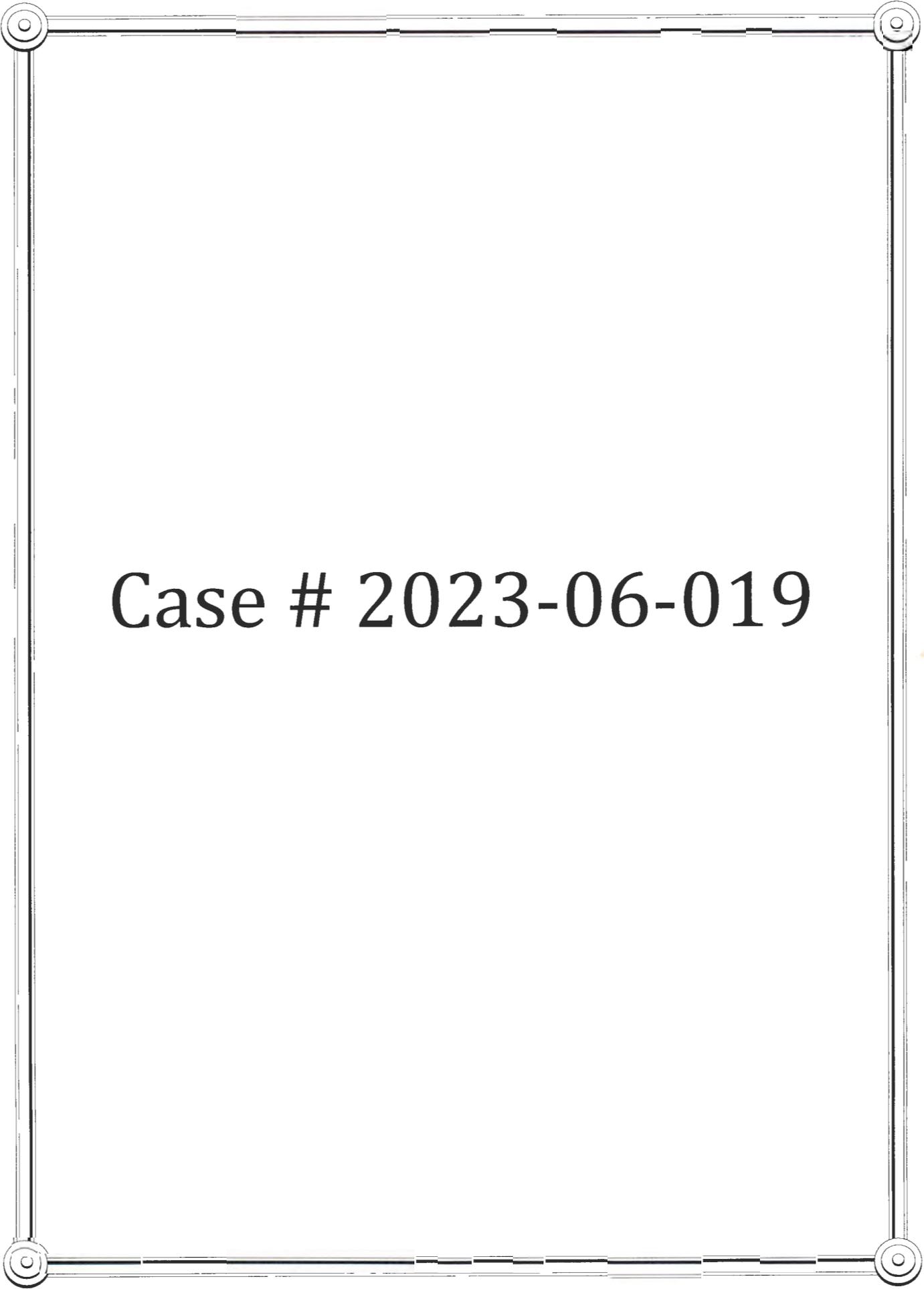
4 PHASE 6
MONTES BARBEE
3-08-03-0024
05 PG. 898

LOT 15 PHASE 6
ARCELLA T. SALMOND
PIN: 298-08-03-0025
DB: 4505 PG. 1719

LOT 16 PHASE 6
N/F CRAIG E. WEAVER
PIN: 298-08-03-0026
DB: 4572 PG. 1855

LOT 134 LOT B
N/F MICHAEL S. STANGEL





Case # 2023-06-019

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-06-019
Applicant	Austin Graham, DRG, LLC
Parcel Identification (PIN) #	399-11-03-0004
Site Location	2161 Oakheart Rd., Myrtle Beach
Property Owner	Creek Associates, LLC
County Council District #	3 - DiSabato

Zoning Information

Zoning District	HC
Parcel Size	1.14 acre
Proposed Use	Dental Office

Requested Variance(s)

The applicants are requesting a variance from Article V Section 504 and Article VII Section 704 regarding landscaping and parking requirements in the Highway Commercial (HC) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Left side (West) - Type B Spatial Buffer				
Buffer width	5'	2.5'	2.5'	50% *
Landscaping	5 Canopy 5 Understory 45 shrubs	0 Canopy 0 Understory 45 shrubs	5 Canopy 5 Understory	100% * 100% *
Medical Office Parking Spaces	60	33	27	45%
* These variances will require a 2/3 vote				

Background/Site Conditions

This is the proposed site of Heartland Dental office. Section 704 of the Parking Ordinance requires 5 parking spaces per treatment room for medical offices. The proposed medical office has 12 treatment rooms requiring a total of 60 parking spaces, applicant is proposing 33 for a variance of 27 parking spaces. The left side property line requires a 5' Type B spatial buffer, the applicants are proposing a 2.5' buffer with requesting a 100% variance from the 5 canopy and 5 understory trees, they will plant the 45 shrubs within the 2.5' buffer.

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 medical offices.

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.

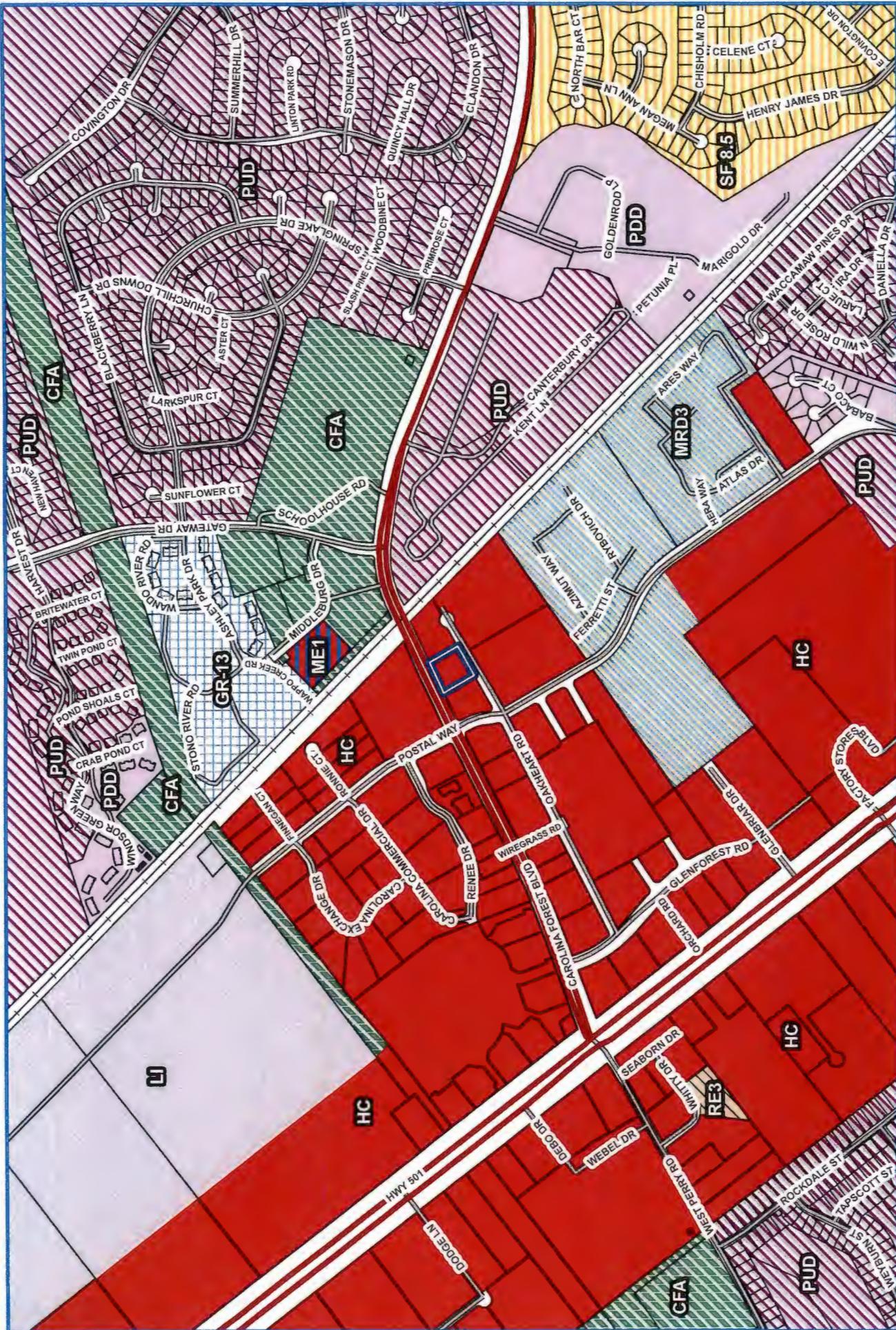
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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
2023-06-019
DRG LLC agent for
Creek Associates LLC
PIN: 399-11-03-0004

Parcel for Consideration Road
Parcel Boundary Railroad
Major Road

0 500 1000 Feet

N



Aerial Map
Variance Case Number
2023-06-019
DRG LLC agent for
Creek Associates LLC
PIN: 399-11-03-0004

- Parcel for Consideration
- Major Road
- Road
- Railroad



Front View from Carolina Forest Blvd.



Left side - Gas station



Existing buffer on gas station property



Street View on Carolina Forest Blvd.



Applicant Submittal

VARIANCE REQUEST

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

Article(s): _____ Section(s): 704, 504

2. Description of Request: Request exemption to section 704 parking standards of 5 parks per exam room to 2.75 parks per exam room. This is to facilitate the new facility within the parcel boundaries with new proposed roadway connection. This reduction in required parking will allow for reconstruction of a new connection, reducing traffic through existing intersections, as well as orient the building consistently with adjacent buildings. Request exemption to 504 landscape buffer widths for street scape buffers along proposed access easement. We propose to plant all required plant material in streetscape buffer within the 5' allotted inside the 50' commercial access easement. Also propose reduction

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: Request variance on 5' spatial buffer to west to reduce to 2.5' and remove canopy/understory trees. Request to plant shrubbery only in the 2.5' allotted.

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? Site constraints brought on by alignment of adjacent roadways.
b. Why do these conditions not apply to other properties in the vicinity? Specific to adjacent roadway alignments.
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? Restricts property width and build able area.
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 [checkbox] [checkbox with checkmark]

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 _____



Horry County Zoning Board of Appeals



Variance Application

Date Filed _____

Request # _____

Energov # _____

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: 2161 Oakheart Road

PIN: 39911030004

Acreage: 1.14

Zoning District: HC

Project: Forest Square Lot 13

Subdivision: _____

Gate Code: _____

Property Owner(s) Name (s): Creek Associates, LLC

Address: 621 Meadow Street, Columbia, SC 29205

Telephone: 1-803-603-9340

Email: csmith@insitelandgroup.com

Cameron W. Smith

dotloop verified
06/06/23 4:16 PM EDT
2PCD-YKB9-PC6R-ESWS

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: DRG, LLC (Austin Graham)

Address: 4703 Oleander Drive, Myrtle Beach SC 29579

Telephone: 843-839-3350

Email: austin@drgpllc.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

Cameron W. Smith

dotloop verified
06/06/23 4:16 PM EDT
SN8G-EDUC-TWOL-XPQM

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: _____

Commercial Review Sheet (If Applicable): Yes No

Signature of Zoning Representative

Date



New Business

Case # 2023-07-001

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-001
Applicant	Diamond Shores, agent
Parcel Identification (PIN) #	399-12-01-0099
Site Location	121 & 131 Gateway Rd., Myrtle Beach
Property Owner	Woodle Investment Company, LLC- Elissa Woodle
County Council District #	3 - DiSabato

Zoning Information

Zoning District	CFA
Parcel Size	3.32 acres
Proposed Use	Daycare & Commercial Center

Requested Variance(s)

The applicants are requesting 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.

	Requirement	Requested	Variance Needed	Percentage
Art. V, Section 504 - Type B Spatial Buffer & Plantings				
Lot 7-B proposed right side property line - Commercial Center	5'	3'	2'	40%
Lot 8-B proposed left side property line - Daycare	5'	1.9'	3.1'	62% *
Art. VII, Section 704 - Daycare - 1 space per employee & 1 per 6 children				
Parking spaces for Lot 8-B - Daycare (1 per employee & 1 per 6 children)	65	61	4	7%
Right side setback Lot 7-B- HVAC encroachments	25'	1.9'	23.1'	93% *

*** These variances will require a 2/3 vote**

Background/Site Conditions

This is 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 these two parcels were combined into one parcel (PB 306-272). The applicants are requesting to subdivide this parcel back into two parcels (Lots 7-B & 8-B). This subdivision will require landscaping between the two parcels. The applicants are requesting 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 are required to meet setbacks on commercially developed parcels. Lot 7-B has several HVAC units that are 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 has 210 children and 30 employees which requires 65 parking spaces, the applicant is providing 61 for a variance of 4 parking spaces. The Zoning Board of Appeals approved an 8 park variance (Case 2020-03-005) for this daycare on April 13, 2020 when they had 12 employees and 204 children. The variance is not valid since employees and children numbers have increased and parks have been added to the site.

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 commercially developed parcels.

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

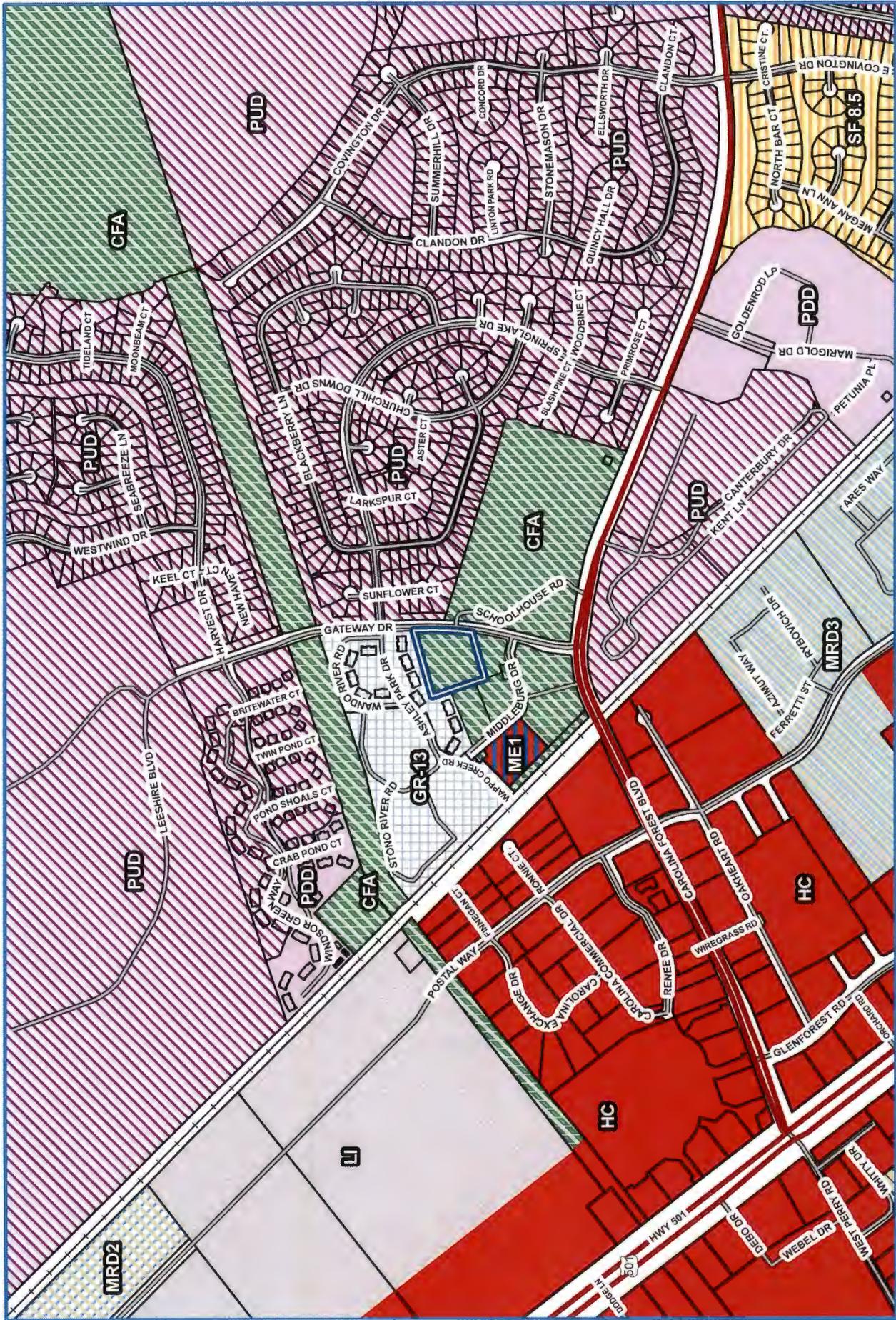
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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

Proposed Order/Conditions

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

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



Zoning Map
 Variance Case Number
 2023-07-001
 Diamond Shores agent for
 Woodle Investment Company LLC
 PIN: 399-12-01-0099

HC Government

0 500 1000 Feet

Parcel for Consideration — Road
 Parcel Boundary — Railroad
 Major Road



0 75 150 Feet



Aerial Map
Variance Case Number
2023-07-001
Diamond Shares agent for
Woodle Investment Company LLC
PIN: 399-12-01-0099

Parcel for Consideration





Front on Gateway Dr.



Commercial center parking



Commercial center parking





Daycare on right side



Daycare Parking between bldgs.



Daycare Parking in front





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: Subject site is being split due to financial requirements and therefore this request is for relief for additional landscaping between the two new proposed parcels. We are asking to use the existing landscaping in lieu of dual side landscaping for both parcels. We are also asking for parking relief on the southern parcel for the total of 4 spots.

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 also asking for setback relief from the existing HVACs.

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.

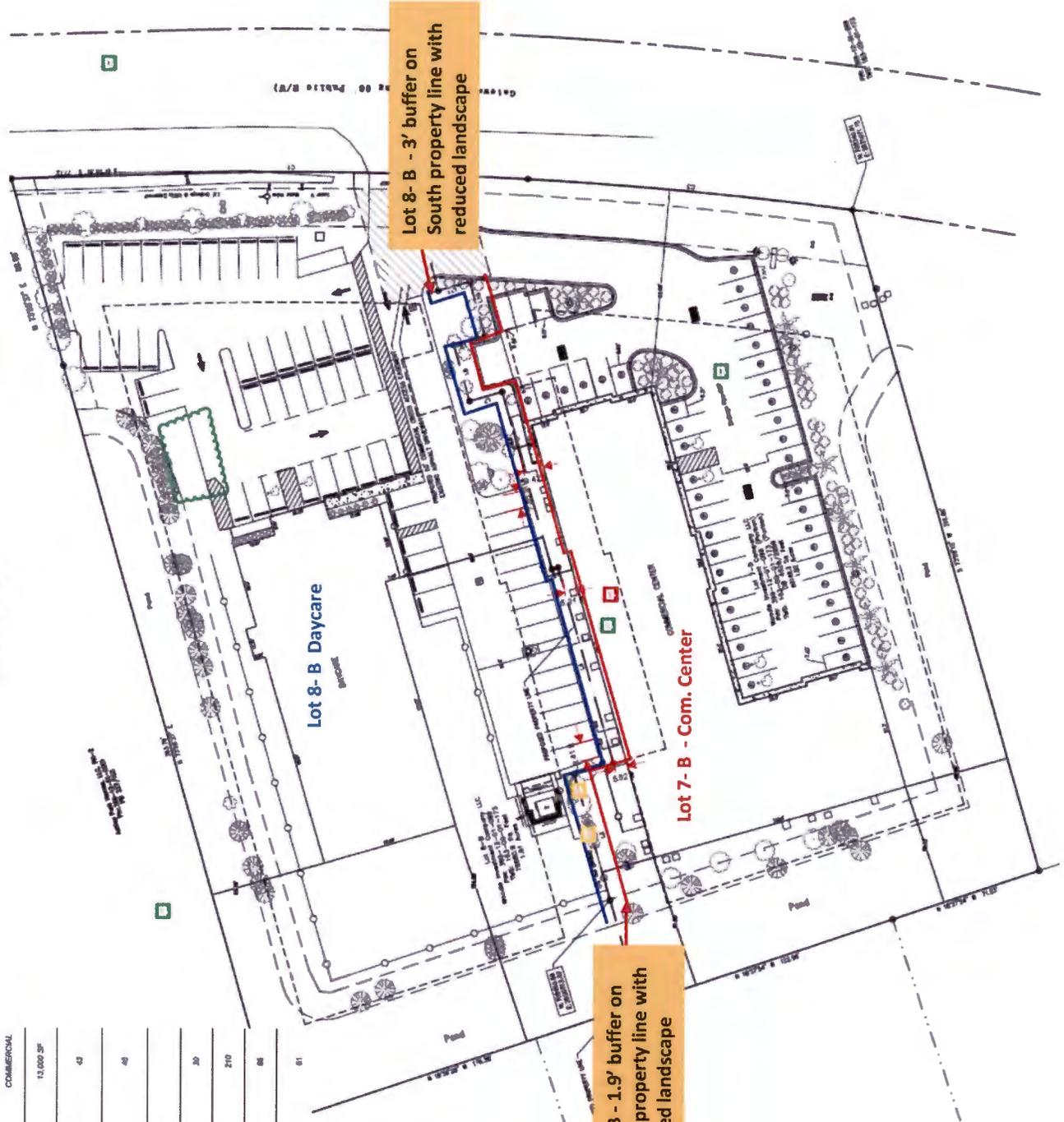
4. Are there Restrictive Covenants on this property that prohibit or conflict with this request? YES NO

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

6/1/23 Date

Site Plan



Lot 8- B - 3' buffer on South property line with reduced landscape

Lot 7-B - 1.9' buffer on North property line with reduced landscape

COMMERCIAL CENTER

PROPOSED USE	COMMERCIAL
BUILDING SIZE	13,000 SF
REQUIRED PARKING (SOUTH PARCEL)	45
PROVIDED PARKING (SOUTH PARCEL)	49
DAYCARE	
# OF EMPLOYEES	20
# OF CHILDREN	210
REQUIRED PARKING (NORTH PARCEL)	86
PROVIDED PARKING (NORTH PARCEL)	81

Case # 2023-07-003

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-003	Zoning Information	
Applicant	Johnny Cooper II, agent	Zoning District	MSF 6
Parcel Identification (PIN) #	470-04-01-0089	Parcel Size	8,486 sq ft
Site Location	149 Seabreeze Drive., Murrells Inlet	Proposed Use	Residential
Property Owner	Sandra Lynn Bond TR		
County Council District #	5 - Servant		

Case has been deferred to the Oct. 9, 2023 meeting.

Thompkins, Pam

From: SANDY BOND <sandybond@outlook.com>
Sent: Tuesday, July 25, 2023 7:29 PM
To: Thompkins, Pam
Cc: Leonard, Marnie; Jones, Taylor; Floyd, Rodney
Subject: Re: Variance

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

Thank you, Pam,

Due to multiple conflicts in our schedules I would like to defer to October 9th. Please let me know if this email will suffice as notice or let me know the preferred notice.

Thank you,
Sandy

Sandy Bond RN MBA MHA/Hospice
13 Bontwell Circle
Bluffton SC 29910
843-304-7007
Sandybond@outlook.com

From: Thompkins, Pam <Thompkp@horrycountysc.gov>
Sent: Tuesday, July 25, 2023 3:00:34 PM
To: sandybond@outlook.com <sandybond@outlook.com>
Cc: Leonard, Marnie <Leonard.Marnie@horrycountysc.gov>; Jones, Taylor <Jones.Taylor@horrycountysc.gov>; Floyd, Rodney <FloydR@horrycountysc.gov>
Subject: Variance

I spoke to Mr. Cooper and he asked me to send this email pertaining to my research.

1. The pool house/storage bldg. was not permitted by the previous owner and will need a variance because it does not meet the 10' side setback.
2. The fence located on N. Dogwood Dr. is required to meet a 10' setback from the property line. The survey shows the fence is on the property line so you will need a variance to leave the fence where it is.

I have attached your application and I will need you to add these variances. Also, I will need the surveyor to indicated the setbacks of the pool house at it's closest point to the left side property line and the setback for the deck and stairway to the right side property line.

Mr. Cooper did state that you may want to defer this case. The next few meetings dates are Sept. 11th and Oct. 9th. If you do want to defer your case please send me that in writing.

If you have further questions please let me know.

Case # 2023-07-004

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-004	Zoning Information	
Applicant	David Deitz/D3G Architects, LLC agent	Zoning District	FA
Parcel Identification (PIN) #	203-07-02-0001	Parcel Size	6.84 Acres
Site Location	2080 Hwy 129, Galivants Ferry	Proposed Use	Church
Property Owner	Antioch Baptist Church		
County Council District #	11 - Allen		

This case has been deferred to the Sept. 11, 2023 meeting.

August 7, 2023

Pam Thompkins
Zoning Administrator

Re: Antioch Baptist Church Renovations and Addition
15763 Pee Dee Road South
Galivants Ferry, SC

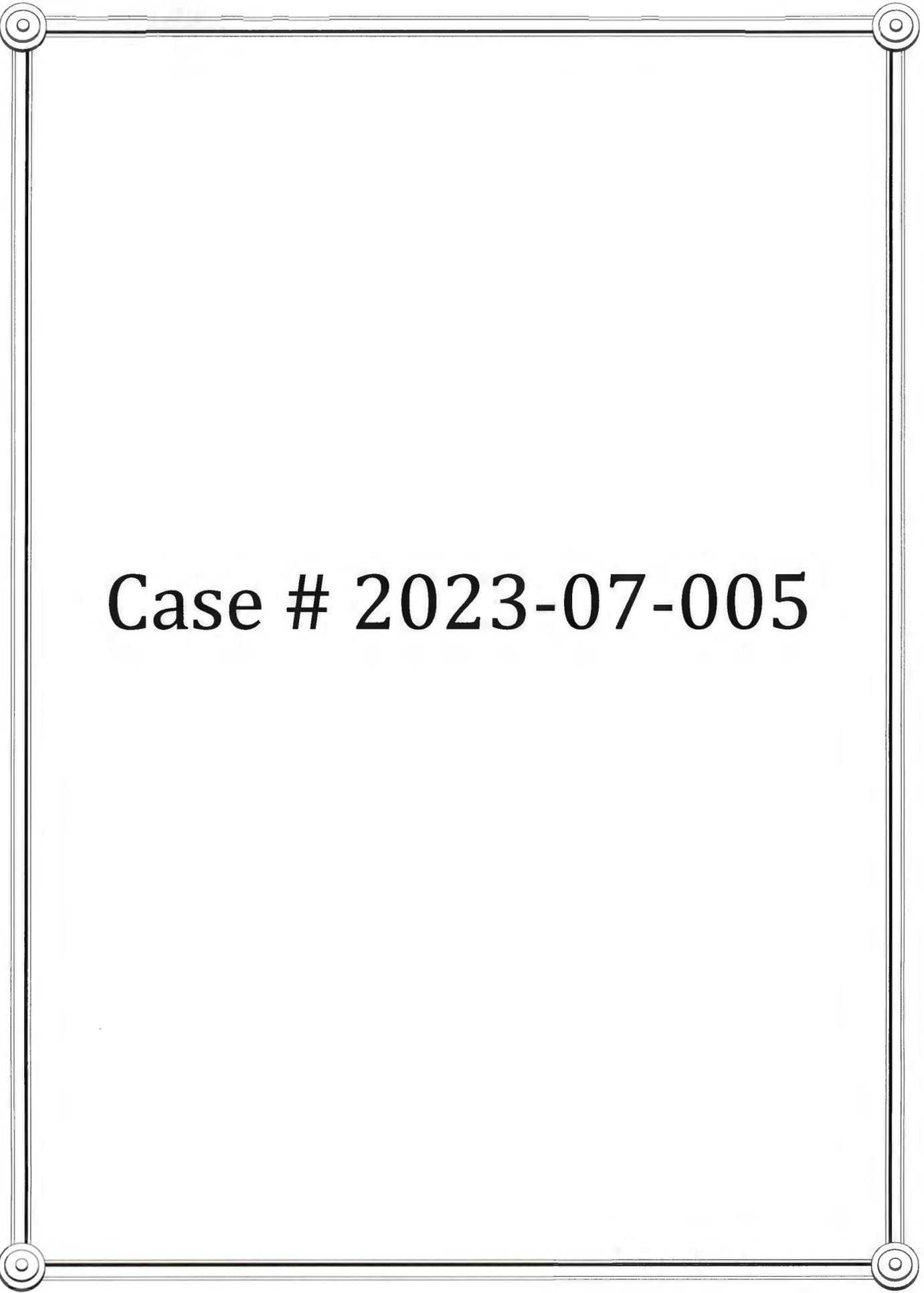
Dear Mrs. Thompkins

We would like to defer to the September 11, 2023 meeting for the variance for the Antioch Baptist Church. If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Deitz'.

D3G Architects, LLC
David C. Deitz, A.I.A.

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 # 2023-07-005

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
Art. V, Section 504 Landscape Buffer ordinance				
Landscape Fencing	Required to be internal to landscaping buffers			100% *
Sect. 504.A.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 Trees 16 Understory Trees 103 shrubs	11 Canopy Trees 11 Understory Trees 103 Shrubs	5 Canopy Trees 5 Understory Trees 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%
Art. VII - Parking for Mini-warehouse				
Parking Spaces	12	7	5	42%
Art. VIII, Section 801 & 804 - Hwy 707 Overlay				
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			
* 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 - 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

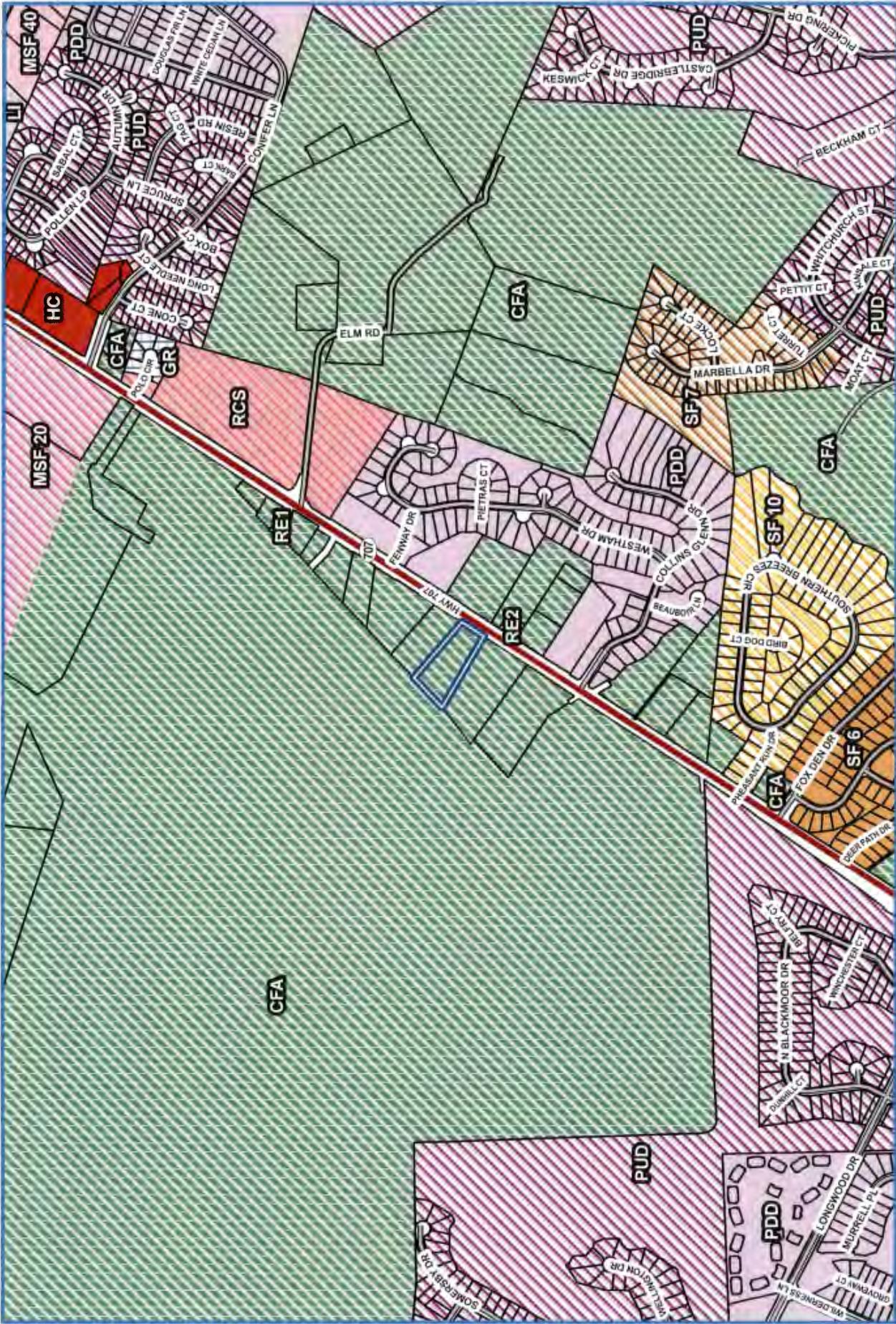
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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.



Parcel for Consideration
Parcel Boundary
Major Road
Road

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

HC Government
 0 500 1000 Feet
 N



Parcel for Consideration

- Parcel for Consideration (Blue outline)
- Major Road (Red line)
- Road (Grey line)

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



Existing Sign



Adjoining parcel to the right – Storage facility



Front on Hwy. 707



Front of Office building



Left side outdoor storage area



Rear



Storage buildings



Fencing on left side



Applicant Submittal

REVISED
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.

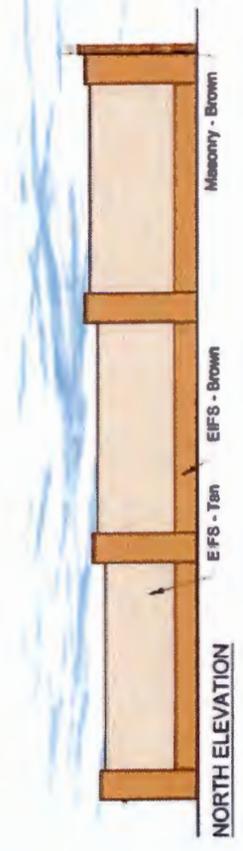
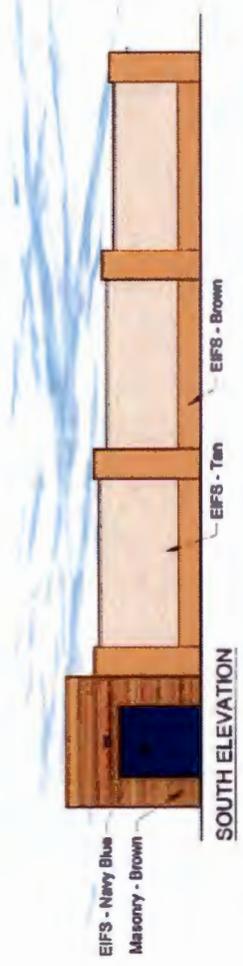
- c) Why do the conditions listed in 3a and 3b along with the zoning ordinance sections cited in 1 prohibit or reasonably restrict the utilization of the property?

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?

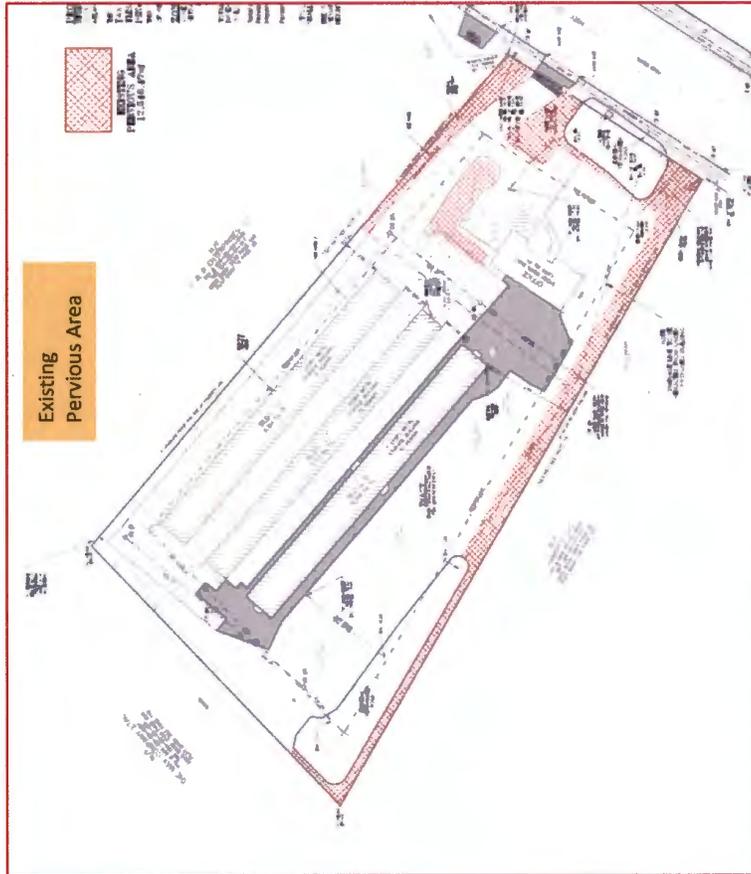
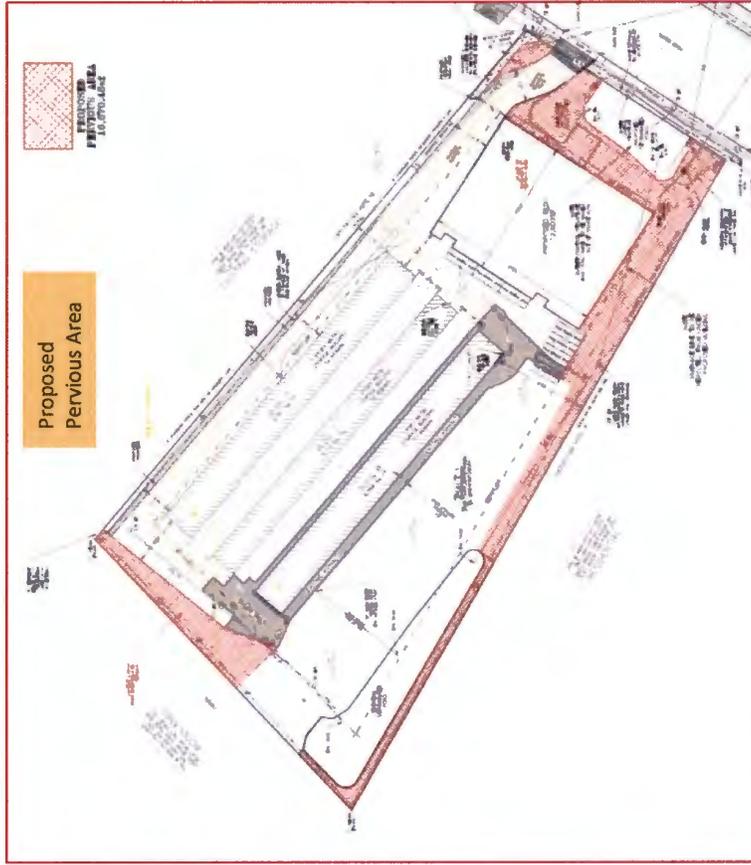
Response: No, authorization of the above variances will not alter the essential character of the district, nor substantially or permanently impair the appropriate use or development of adjacent properties, nor be detrimental to the public welfare. In fact, the proposed design would be considered an improvement 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

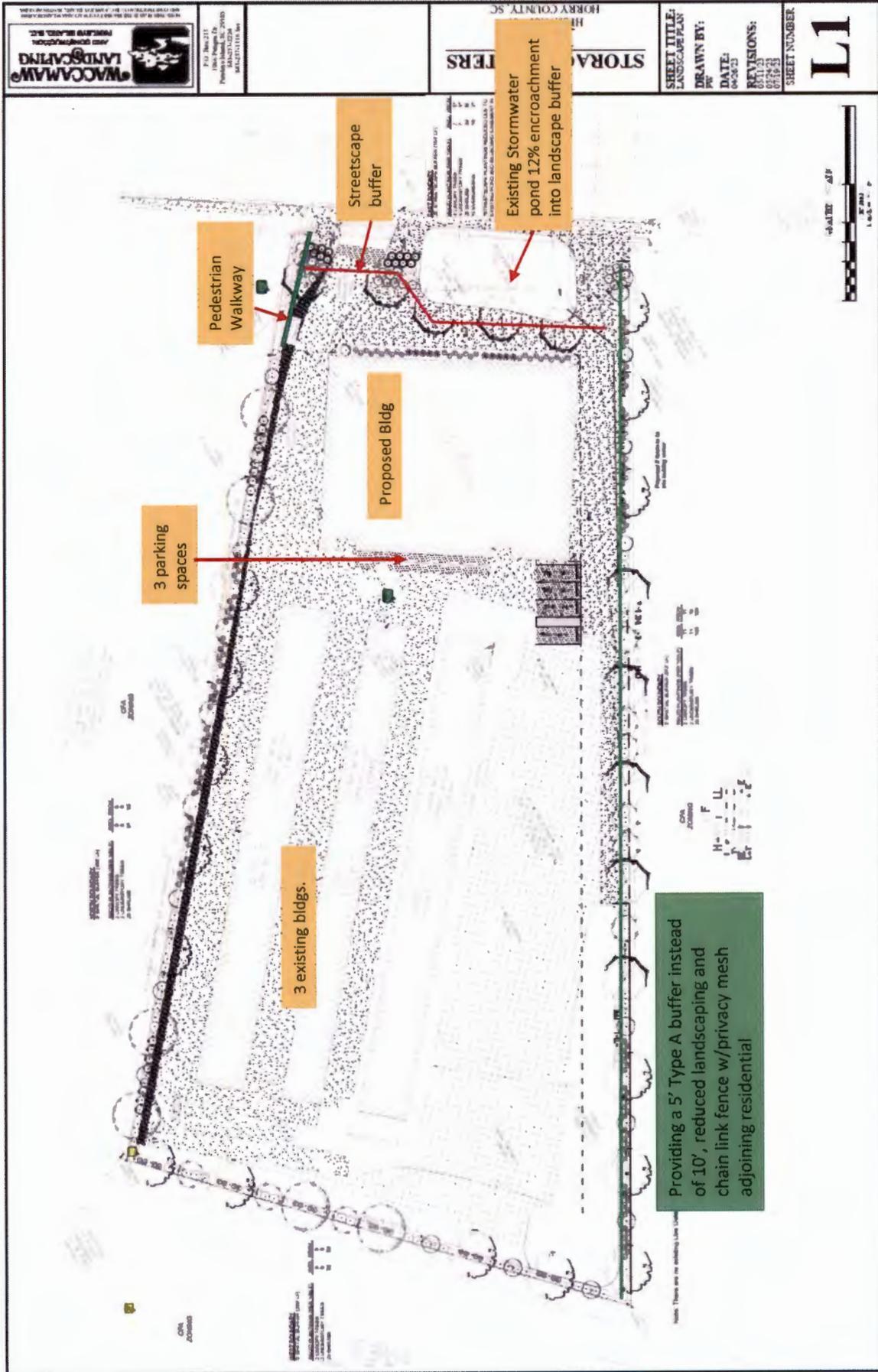


0 4' 8' 16'
 Groundwork, Ltd.
 Architects / Planners
 Ph: (847) 941-1151 © 2023
 www.groundworkllc.com

Pervious Surface Area



Site Plan



Case # 2023-07-006

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-006	Zoning Information	
Applicant	Dan Park - Earthworks Group, agent	Zoning District	PUD
Parcel Identification (PIN) #	458-04-01-0274	Parcel Size	3.09 Acres
Site Location	121 Loyola Drive Myrtle Beach	Proposed Use	Commercial Center
Property Owner	Myrtle Beach Self Storage Owner LLC		
County Council District #	4 - Loftus		

Requested Variance(s)

The applicants are requesting a variance regarding parking requirements in the Queens Harbor PUD.

	Requirement	Requested	Variance Needed	Percentage
Art. VII, Section 704 Commercial Center Parking				
Parking Spaces	139	62	77	56% *
* This variance will require a 2/3 vote				

Background/Site Conditions

This is the proposed location of Monstore Garage commercial center located within Tract 5 of the Queens Harbor PUD. These units will be sold to individuals instead of being leased as a mini-warehouse requires. The closest allowed use within the PUD that staff could connect this use with is Service Related Retail. The PUD requires parking of 1 space per 400 sq. ft. and 1 space per employee on largest shift. They are proposing four (4) buildings totally 54,660 sq. ft. in size containing 58 units and a management office. There will be two (2) employees on site. Total parking required is 139 spaces, the applicants will 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.

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 within Tract 5 of the Queens Harbor PUD.

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.

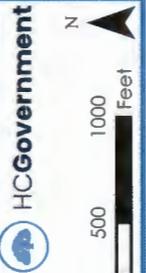
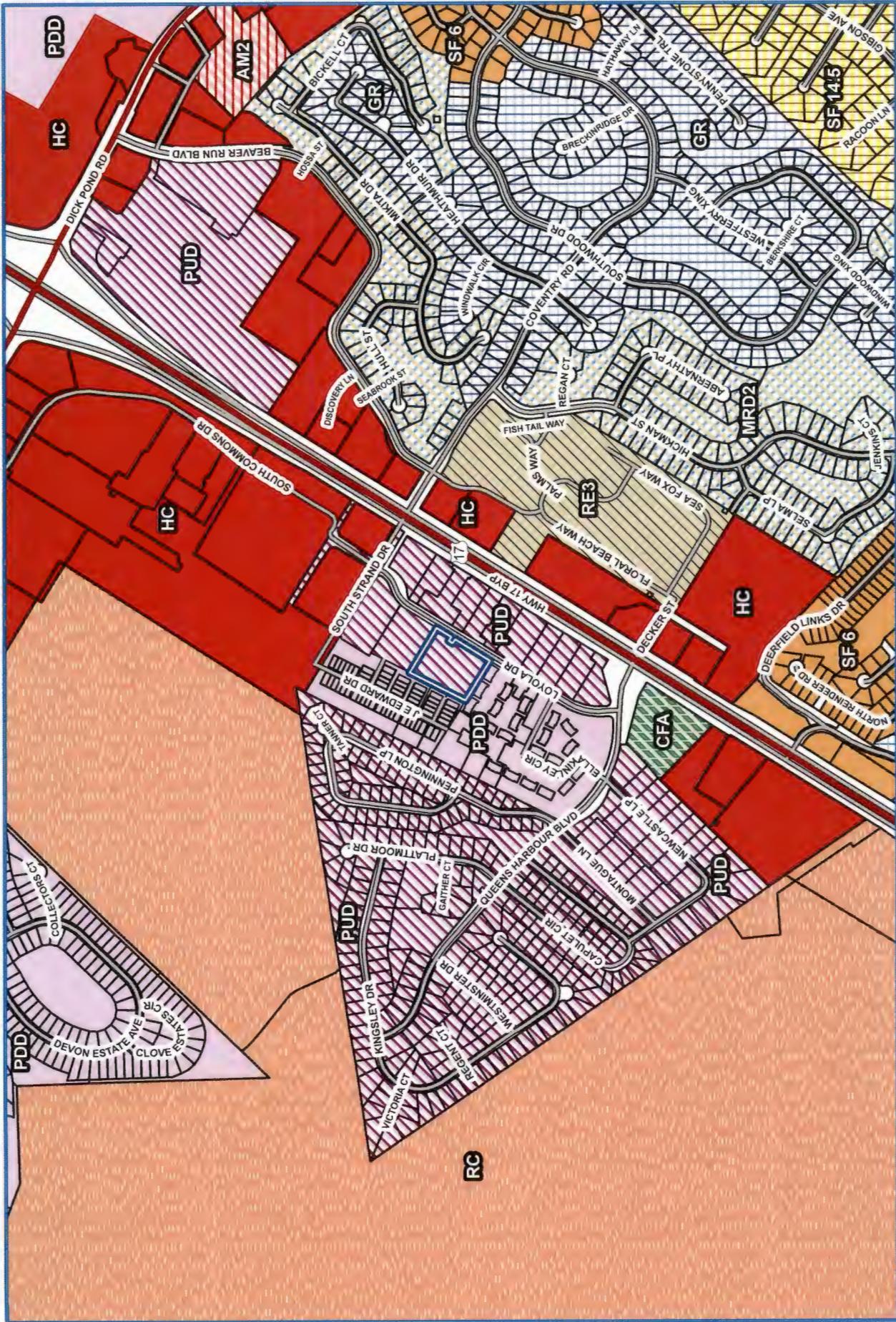
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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

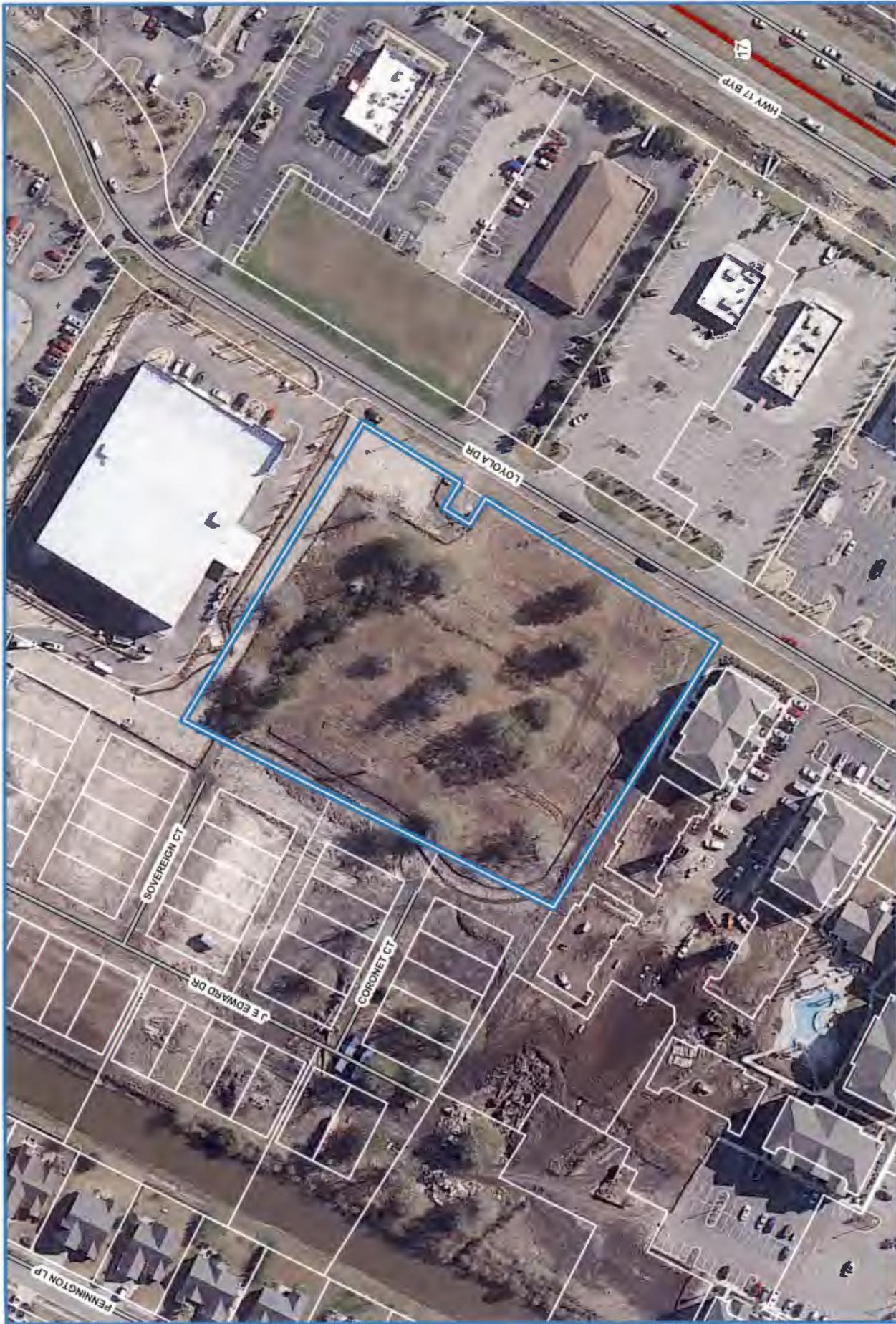
Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

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.



Zoning Map
 Variance Case Number
 2023-07-006
 Earthworks Group agent for
 Myrtle Beach Self Storage Owner LLC
 PIN: 458-04-01-0274

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



-  Parcel for Consideration
-  Major Road
-  Road

Aerial Map
Variance Case Number
2023-07-006
Earthworks Group agent for
Myrtle Beach Self Storage Owner LLC
PIN: 458-04-01-0274

 **HC Government**

 N

 0 75 150 Feet



Left side - Condos



Commercial uses across Loyola Dr.



Site on Loyola Dr.



Right side - Storage Facility

QUEENS HARBOUR

HC / OPI / GR

PUD DESIGN CRITERIA

- TMS # 191-00-01-043 CORNER OF BYPASS 17 SOUTH & PLATTMOOR DRIVE (ACROSS FROM BLUECROSS/BLUESHIELD COMPLEX)
- TOTAL COMBINED ACREAGE: 163.69
- CONSTRUCTION TIME SCHEDULE (BEGIN – SPRING 1997)(COMPLETION – FALL 2008)
- SEE SITE PLAN FOR SPECIFIC ZONING LOCATIONS

TRACT 1 & TRACT 4 (FUTURE DEVELOPMENT)

REQUESTING OPI PUD

APPROXIMATELY 34.45 ACRES IN TRACT 1 & 22.96 ACRES IN TRACT 4

MAXIMUM DENSITY: 5 UNITS/ACRE

TRACT 1 MAX DENSITY: 173 UNITS

TRACT 4 MAX DENSITY: 115 UNITS

- ALLOWED USES:

SURGERY CENTER

RECOVERY/ADMITTANCE FACILITY

PHYSICIANS OFFICES

SUPPLY CENTER

PHYSICAL THERAPY CENTER

PHARMACY WITH DRIVE THRU FACILITY

HOME HEALTH FACILITY

CAFETERIA/RESTAURANT FACILITY

LAUNDRY FACILITY

ADULT DAYCARE FACILITIES – PRINCIPLE OF ACCESSORY USE

SKILLED NURSING FACILITIES – PATIENT CARE FACILITIES ETC

INDEPENDENT LIVING FACILITIES – GROUP HOUSING FACILITIES

ASSISTED LIVING FACILITIES – GROUP HOUSING FACILITIES

GENERAL BUSINESS OFFICES

EVENT CENTERS

CHILD DAYCARE FACILITIES

*ALSO TO INCLUDE ANY OTHER TRADITIONAL ACCESSORY SUPPORT RETAIL OR INDUSTRY RELATED FACILITY WHICH MIGHT HAVE BEEN OMITTED.

- SETBACKS:

FRONT: 20'

SIDE: 10'

REAR: 15'

CORNER LOT: 15'

PUD EXTERIOR SETBACK: 25'

- PHASE DISTRICT LINE BUFFERS – 10' NATURAL OR PLANTED VEGETATIVE BUFFER
- LANDSCAPING REQUIREMENTS LISTED WITHIN PUD GENERAL NOTES SECTION.
- ~~SIGNAGE REQUIREMENTS LISTED WITHIN PUD GENERAL NOTES SECTION~~
- PARKING:
 - PROFESSIONAL FACILITIES: 1 SPACE PER EMPLOYEE ON LARGEST SHIFT, 2 SPACES PER OFFICE
 - ADMINISTRATIVE FACILITIES: 1 SPACE PER EMPLOYEE ON LARGEST SHIFT, 1 SPACE PER OFFICE
 - LAUNDRY FACILITY: 1 SPACE PER EMPLOYEE ON LARGEST SHIFT
 - RETAIL FOOD SERVICES/RESTAURANT/LOUNGE FACILITIES: 1 SPACE PER EMPLOYEE ON LARGEST SHIFT, SPACES FOR 30% OF MAXIMUM SEATING CAPACITY
 - COMMERCIAL RETAIL: 1 SPACE PER EMPLOYEE ON LARGEST SHIFT, 1 SPACE PER 400 SQ FT OF RETAIL SALES AREA EXCLUSIVE OF STORAGE AREAS
 - RECREATIONAL FACILITIES/HEALTH CLUBS: 1 SPACE PER 300 SQ FT OF GROSS RECREATIONAL FLOOR AREA
 - GUEST LODGING FACILITIES: 1 SPACE PER ROOM, 1 ADDITIONAL SPACE FOR EVERY 10 ROOMS OR FRACTION THEREOF, 50% OF SPACES OTHERWISE REQUIRED FOR RESTAURANTS AND LOUNGES
 - SERVICE RELATED RETAIL: 1 SPACE PER EMPLOYEE ON LARGEST SHIFT, 1 SPACE PER 400 SQ FT
 - FACILITY STORAGE: 1 SPACE PER EMPLOYEE ON LARGEST SHIFT

GENERAL PUD NOTES

ROW MAINTENANCE

- ALL ROADS AND RIGHTS OF WAY SHALL BE DESIGNED AND BUILT BY THE DEVELOPER AND INSPECTED BY Horry COUNTY ENGINEERING FOR THE PURPOSES OF DEDICATION/MAINTENANCE TO Horry COUNTY GOVERNMENT

PONDS

- POND FEATURES SHALL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION

BUFFER/SCREENING

- SHALL BE A MINIMUM OF 10' NATURAL OR PLANTED VEGETATION ON ALL SIDES THAT ABUT DIFFERENT USE PROJECTS OR EXTERIOR PROPERTY LINES AND SHALL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION.

COMBINED USE PARKING

- WHEN USES ARE COMBINED INTO A SINGLE FACILITY 30% OF THE NORMALLY REQUIRED INDIVIDUAL STANDARDS SHALL APPLY.

PARKING LOT LANDSCAPING STANDARDS

- OFF STREET PARKING AREAS THAT CONTAIN FIVE (5) OR MORE PARKING SPACES MUST INCLUDE A FIVE (5) FOOT BUFFER STRIP ALONG EXTERIOR PROPERTY LINES. A THREE (3) FOOT HIGH SCREEN OF DENSE PLANT OR LIGHT IMPERVIOUS MATERIAL SHALL BE PLACED WITHIN THIS BUFFER AREA.
- PARKING AREAS OF MORE THAN THIRTY (30) SPACES WILL BE REQUIRED TO SET ASIDE AN ADDITIONAL 5% OF THE INTERIOR PARKING SPACE FOR LANDSCAPING. INTERIOR PLANTING



Applicant Submittal

REVISED 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): VII Section(s): 704

2. Description of Request: We are requesting a reduction in the required parking for a commercial center.

The required parking is 137 spaces. We are proposing 62 spaces for a total reduction of 75 spaces. The parking for the Commercial Center is calculated by the service related retail within the Queens Harbor PUD. The service related retail parking is 1 space per 400 sq. ft. and 1 space per employee on largest shift. This site is being constructed as a storage center and will have covenants and restrictions in place to prevent commercial operations within the units. The units will be sold and maintained by a management company.

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

Other Variances:

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

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

This use does not exist within the current zoning regulations

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

No one else is proposing to sell storage

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?

When the zoning ordinance was written no one foresaw this type of use.

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.

Applicant's Signature

Date

Pictures of a location in California



Site Plan

PARKING REQUIREMENTS

SERVICE RELATED RETAIL PER QUEENS HARBOR POD:
 1 SPACE PER 400 GROSS FLOOR SF
 137 PARKING SPACES REQUIRED

PROVIDED:
 8 SPACES INSIDE ROLLUP DOORS
 4 SPACES OUTSIDE UNITS

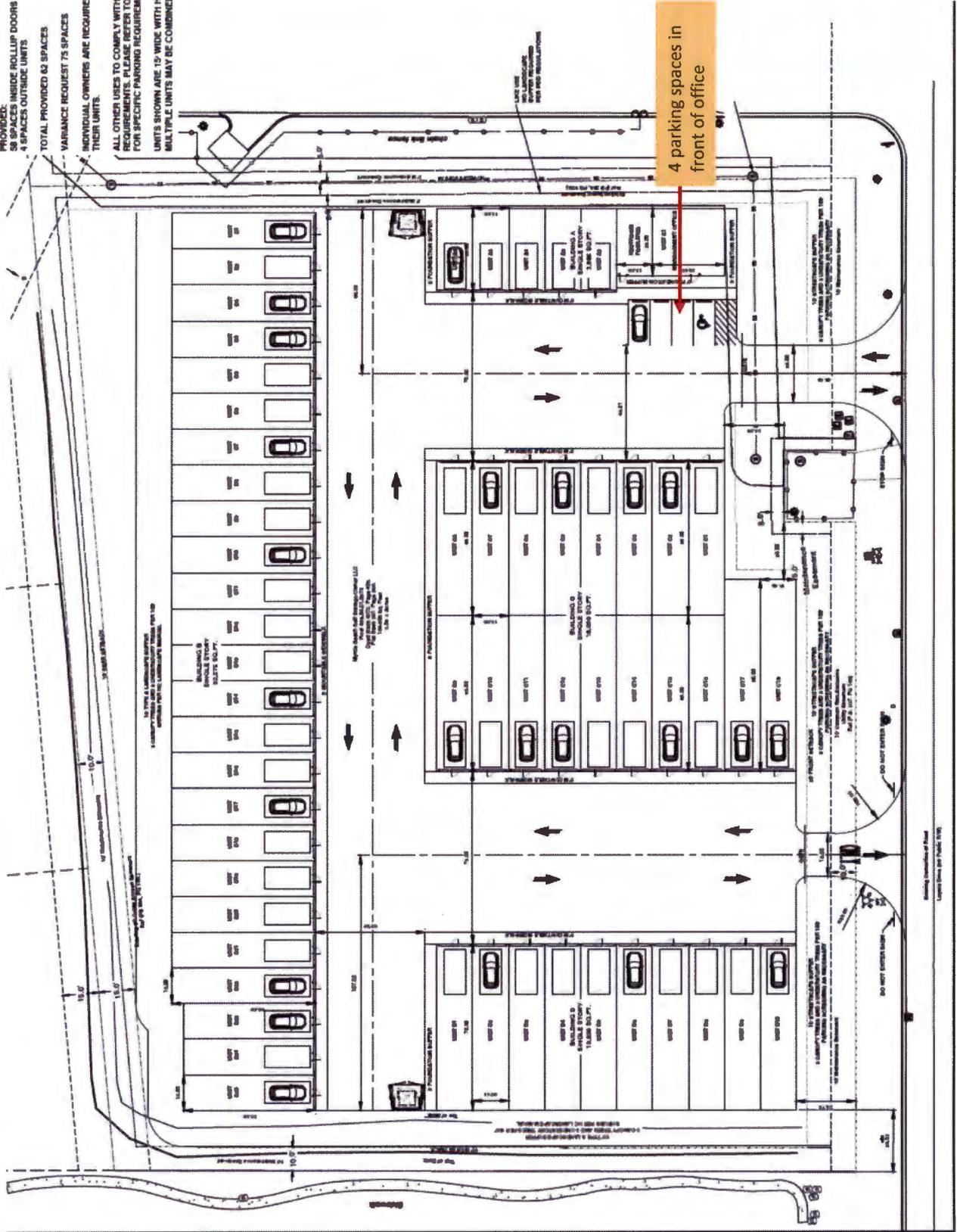
TOTAL PROVIDED 82 SPACES

VARIANCE REQUEST 75 SPACES

INDIVIDUAL OWNERS ARE REQUIRED TO PARK INSIDE OF THEIR UNITS.

ALL OTHER USES TO COMPLY WITH POD PARKING REQUIREMENTS. PLEASE REFER TO QUEENS HARBOR POD FOR SPECIFIC PARKING REQUIREMENTS.

UNITS SHOWN ARE 15' WIDE WITH HANGER STYLE DOORS. MULTIPLE UNITS MAY BE COMBINED.



4 parking spaces in front of office

Case # 2023-07-008

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-008	Zoning Information	
Applicant	Jack W. Huggins, agent	Zoning District	MSF 6
Parcel Identification (PIN) #	470-04-01-0021	Parcel Size	2,482 sq ft
Site Location	1114 Osprey Ct., Garden City	Proposed Use	Residential
Property Owner	Richard & Renee Mitchell		
County Council District #	5 - Servant		

Requested Variance(s)

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

	Requirement	Requested	Variance Needed	Percentage
Deck 8' x 34'				
Rear setback (25% reduction)	11.25'	1.2'	10.05'	90%

Background/Site Conditions

This parcel is 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 is 2,482 SF in size which is substandard in lot area. The substandard lot allows Zoning to reduce the required setbacks by 25% reduction. The applicant is proposing to build a raised 8' x 34' (272 SF) deck on the rear of the property. The deck will be located 1.2' from the rear instead of 11.25' for a variance of 10.05'.

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?)

This is a non-conforming substandard lot of record that was created in 1985.

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

These setbacks apply to all substandard MSF6 zoned lots in the Garden City overlay zone.

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

VARIANCE REVIEW SHEET

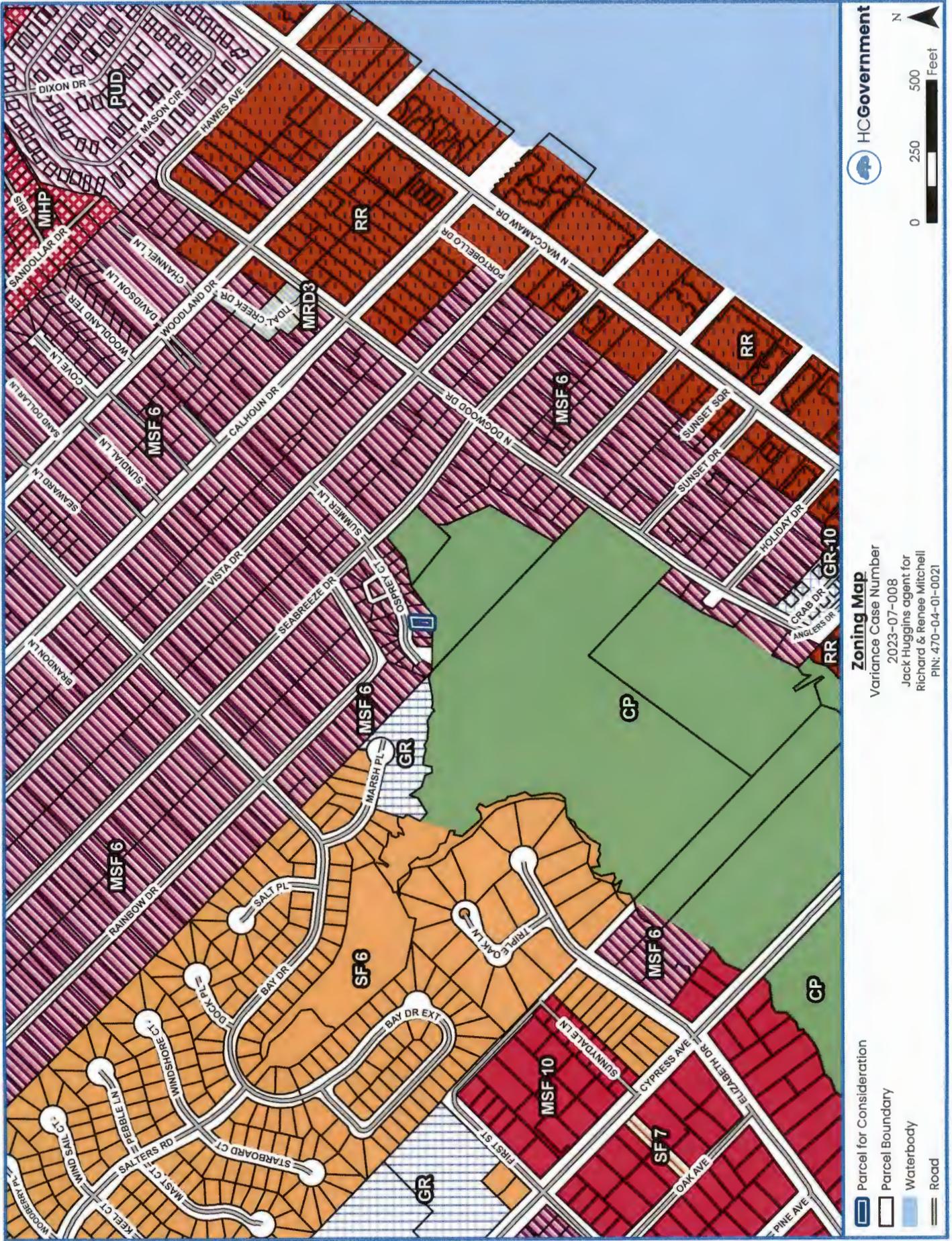
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

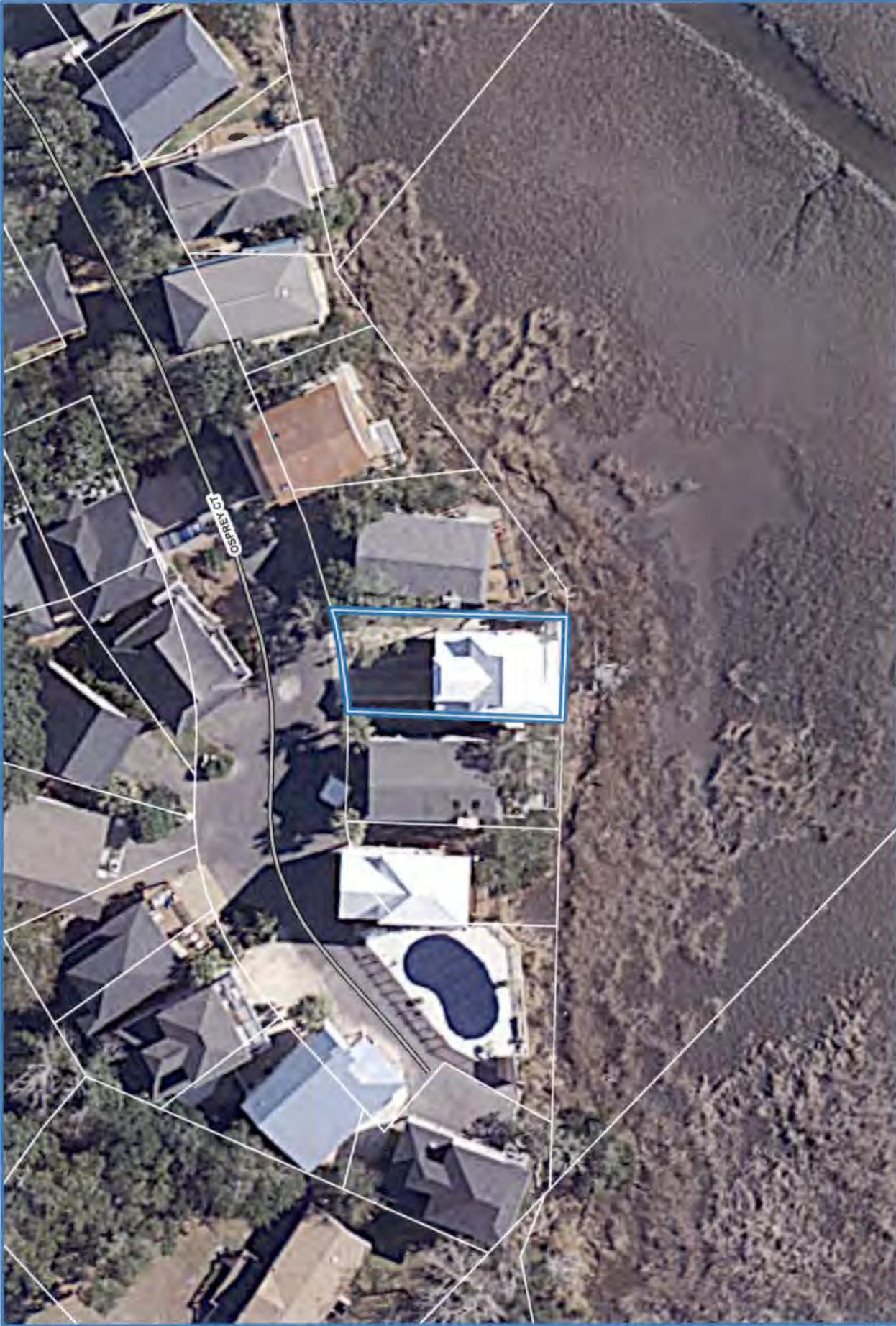
5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may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

Proposed Order/Conditions

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

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



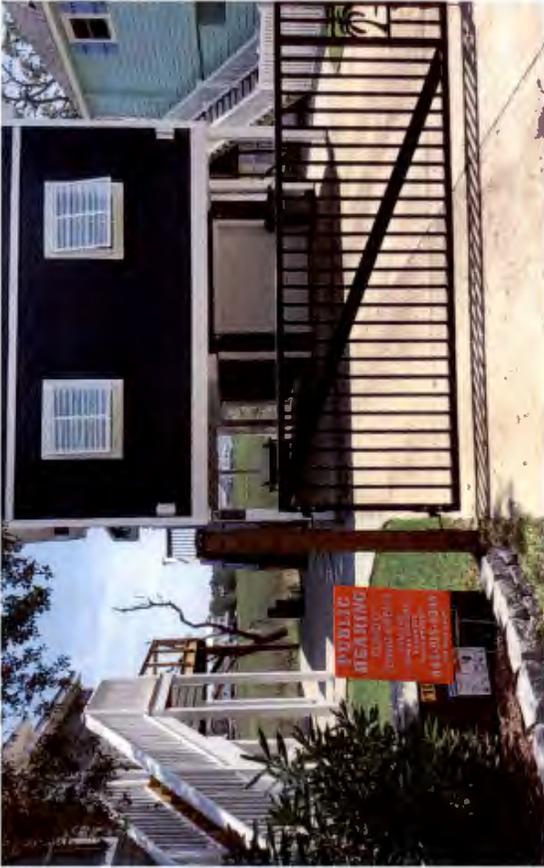


 Parcel for Consideration

 Road

Aerial Map
Variance Case Number
2023-07-008
Jack Huggins agent for
Richard & Renee Mitchell
PIN: 470-04-01-0021





Front on Osprey Ct.



Osprey Ct.



Left side



Rear location of proposed deck



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: *Due to the unusual size and shape of lot, not able to add a small (8'x28') open rear deck to the rear of the house. House is encroaching side and rear at construction. No rear neighbors.*

<u>Required</u>	<i>25% red.</i>	<u>Requested</u>
Front Setback: <u>20'</u> (min)		Front Setback: _____
Side Setback: <u>10'</u> 5.65 existing		Side Setback: <u>4.9'</u> <i>stairs are existing</i>
Rear Setback: <u>15'</u> 11.25 existing		Rear Setback: <u>3'</u> 1.2'
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?

The lot is unusual in shape and size that prevent any improvement.

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

Very awkward shape that is pushed into setbacks.

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 property is not allowed any improvements that would not affect any neighbors present or future.

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 variance will cause no detriment to any property or public. No impact 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

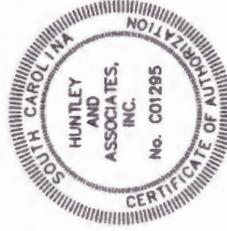
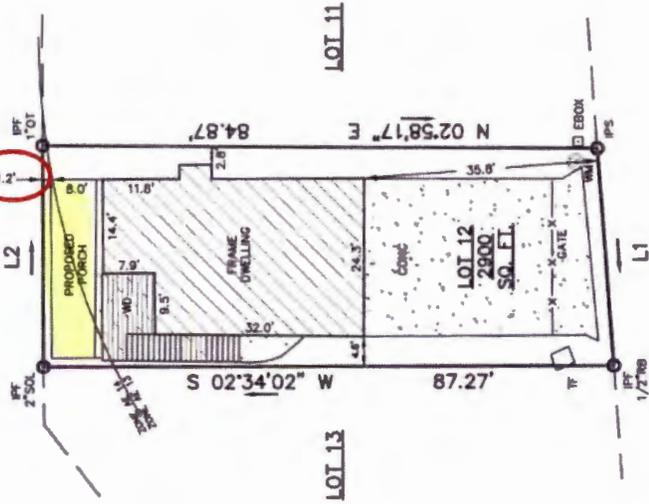
5. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.

[Signature]
 Applicant's Signature

3/8/23
 Date

Site Plan

- ELECTRIC BOX
- OPEN TOP PIPE
- IRON PIN FOUND
- IRON SET 1/2" RB



LOCATION M.

DOWNWOOD DRIVE

- NOTES:**
1. SETBACKS ARE 0.0' PER HOA REQUIREMENTS. SETBACKS MAY BE VARYING FROM TO ANY ACT ON THIS PROPERTY.
 2. THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA.
 3. THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA.

FIRM MAP #: 450
 DATED: 12-16-2012
 ELEVATION: 13.0'
 NOTE: FLOOD ZONE LOCATIONS
 CURRENT FEMA RATE MA



I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN THE PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. THIS SURVEY WAS MADE FOR THE BENEFIT OF A TITLE REPORT. NO CERTIFICATION IS MADE TO THE EXISTENCE OR NONEXISTENCE OF A TITLE REPORT. THIS IS A RESURVEY OF A PIECE, PARCEL OR LOT OF LAND PREVIOUSLY RECORDED IN BOOK 133 ALL DIMENSIONS RELATING TO STRUCTURES ARE TO OUTSIDE WALLS. THIS PLAT IS THE PROPERTY OF HUNTLEY AND ASSOCIATES, INC., IS CERTIFIED ONLY TO THE PERSONS OR ENTITY NAMED HEREIN, AND MUST HAVE A SIGNATURE AND RAISED SEAL TO BE VALID.



R/S: W.B. HUNTLEY III
 INC: 8808

STATE OF SOUTH CAROLINA
 HORRY COUNTY

THE MARSH
 SURVEY FOR
 LOT 12 - BLOCK H

RICHARD J. MITCHELL
 RENEE K. MITCHELL

LINE	LENGTH	BEARING
L1	33.49'	N 88°26'37" E
L2	34.00'	N 87°26'28" W

Case # 2023-07-009

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-009	Zoning Information	
Applicant	Nicholas Peters, agent	Zoning District	SF10
Parcel Identification (PIN) #	470-09-01-0027	Parcel Size	11,676 sq ft
Site Location	483 Old Field Road, Murrells Inlet	Proposed Use	Residential
Property Owner	Jason and Stephanie Nash		
County Council District #	5 - Servant		

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
Open Air Pavilion/pool shelter 10.3' x 15.2'				
Right Side setback	10'	5'	5'	50%

Background/Site Conditions

This parcel is located in the Mt. Gilead subdivision. The applicants are in the process of constructing a single-family home on this site and are proposing a 10.3' x 15.2' open air pavilion/pool shelter. There is a 32" protected live oak tree located on the rear of this property. The applicants requested the variance to be able to protect the live oak tree. The proposed structure will be located 5' from the right side setback instead of the required 10' for a variance of 5'. The applicants have provided a letter from a certified arborist stating the proposed location of the pool shelter will not compromise the health or structural integrity of the tree.

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?)

A 32" protected live oak tree is located on this parcel.

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.

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?)

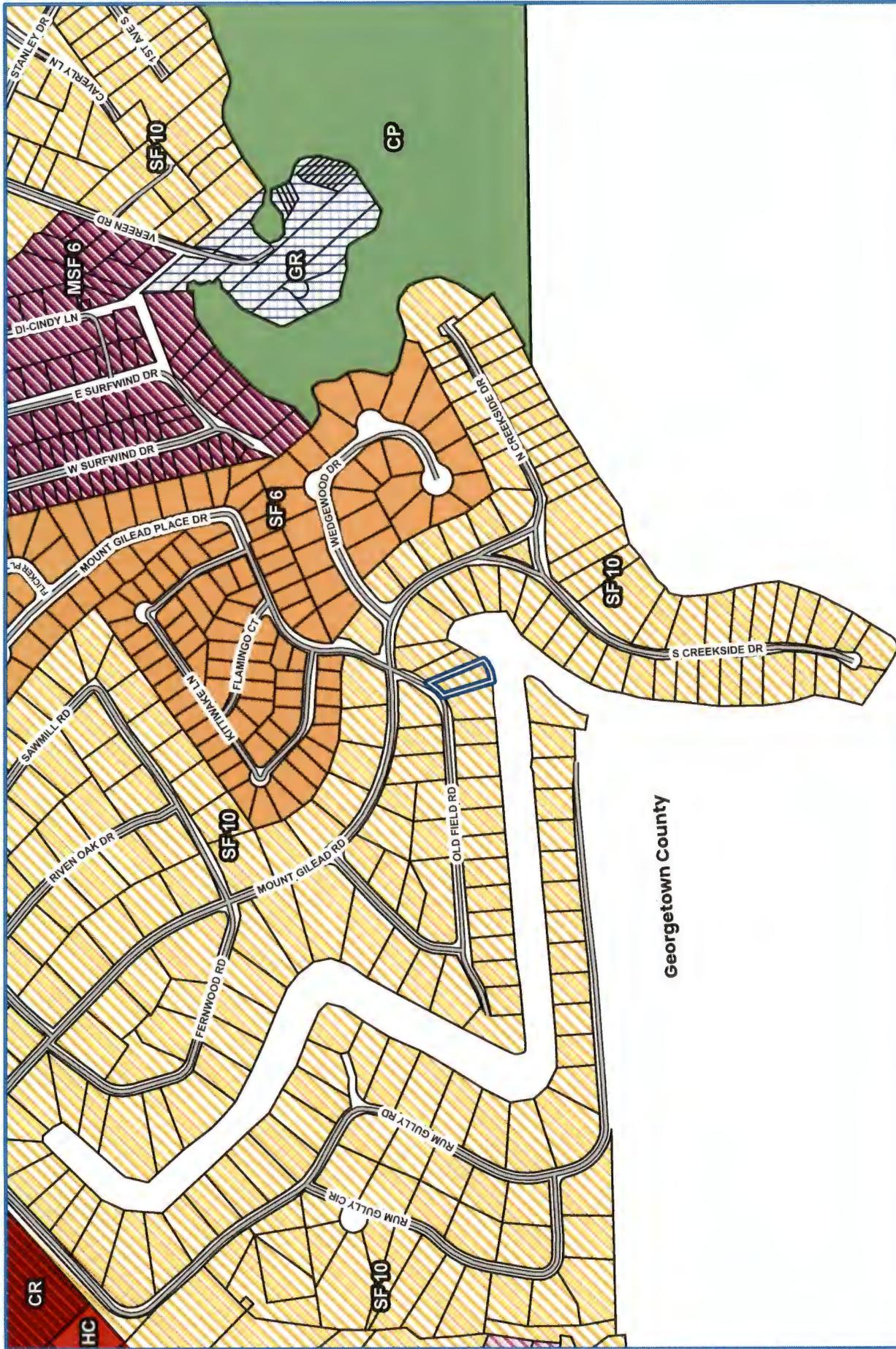
Staff encourages the protection of protected live oak trees and does not believe the granting of this variance would have any detriment on the adjacent properties.

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
 2023-07-009
 Nicholas Peters agent for
 Jason Nash
 PIN: 470-09-01-0027

HC Government

0 250 500 Feet

Parcel for Consideration
 Parcel Boundary
 Road



 Parcel for Consideration
 Road

Aerial Map
Variance Case Number
2023-07-009
Nicholas Peters agent for
Jason Nash
PIN: 470-09-01-0027

 **HC Government**
0 50 100 Feet
N 



Front



32" protected live oak



Proposed area of pavilion/pool shelter





Applicant Submittal

VARIANCE REQUEST

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

Article(s): Article VIII Section(s): 800

2. Description of Request: We are looking to get a variance on the pool shelter in relationship to the 10' side setback. We are asking to allow the pool shelter to be located 5' from the property line in lieu of the 10' setback.

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? None
b. Why do these conditions not apply to other properties in the vicinity? Proper spacing of main residences in the 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? This 5' relief would allow for more usable space...
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. There is an existing fence...

** 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 6.28.23



Saw-Rite Tree & Landscaping Services LLC

901 Inlet Square Drive – Murrells Inlet SC 29576
843-421-9222

July 14, 2023

Mr. Nick Peters
TruDesign Studio
PO Box 3252
Murrells Inlet, SC 29576

Dear Mr. Peters:

I am writing in regard to a *Quercus virginiana*, or live oak, that is at 483 Old Field Road in Murrells Inlet. This tree is shown as 32 inches in diameter at breast height on the plans.

This tree is shown on the plans to be approximately ten feet from the corner of the proposed pool structure. From speaking with you and the builder, Robin Loud, there will be one 6" x 6" post located within the critical root zone of the tree. In my professional opinion, this will not in any way compromise the health or structural integrity of the tree.

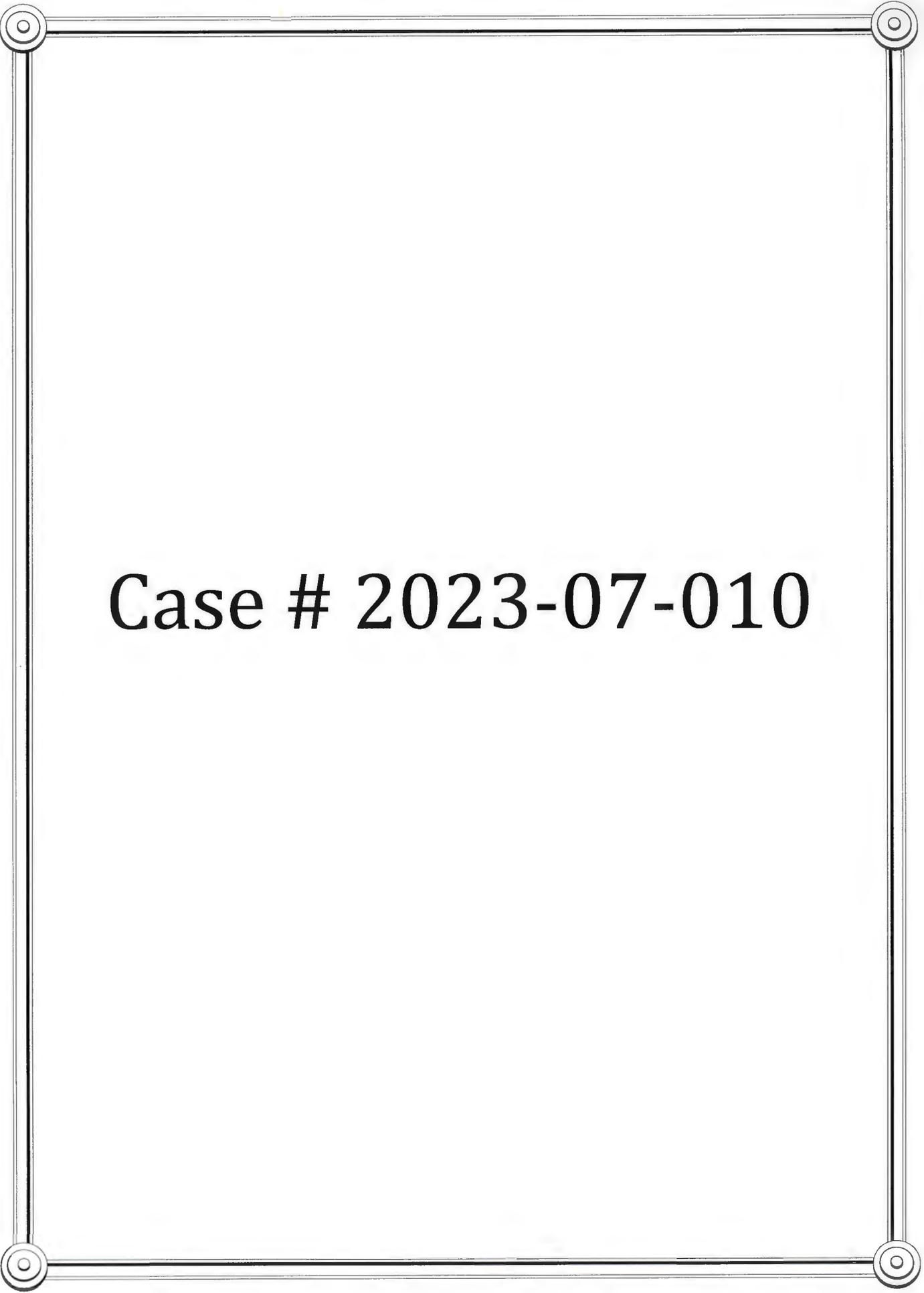
If you have any questions, I may be reached at 843-516-4264 or graham@sawritetree.com.

Best regards,

A handwritten signature in cursive script that reads "Graham McElveen".

Graham McElveen
ISA Certified Arborist SO-5694A



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 # 2023-07-010

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-010
Applicant	Tom Miller/Miller Design Services, agent
Parcel Identification (PIN) #	367-12-02-0007
Site Location	182 Dobros Road, Conway
Property Owner	Labash LLC
County Council District #	10 - Hardee

Zoning Information

Zoning District	HC
Parcel Size	11,850 sq. ft.
Proposed Use	Hair salon

Requested Variance(s)

The applicants are requesting a variance from Article II and Article V, Section 504 B & C regarding setback and landscape requirements in the Highway Commercial (HC) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Type A Opaque buffer along left side (adjoining residential)				
Buffer width	10'	5'	5'	34%
Awning over front door (Hwy. 90)				
Front setback	35'	34'	1'	3%
Landscape Buffer encroachment on the rear landscape buffer (Dobros Rd.)				
Patio	10'	7'	3'	30%

Background/Site Conditions

The applicants are proposing to remove the current building and construct a new hair salon on this parcel. The parcel has double frontage on Hwy. 90 and Dobros Rd which requires 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 are requesting further variances. The adjacent parcel on the left side (PIN 367-12-01-0001) is residential which requires a 10' Type A buffer, they are providing a 5' buffer for a variance of 2.5'. They are proposing an awning on the front of the building along Hwy. 90. The awning will be located 34' instead of the required 35' for a variance of 1'. There is also a patio awning on the rear of the property on Dobros Rd. The patio will encroach into the required 10' landscape buffer on the rear (Dobros Rd). The patio will encroach 3' into the required 10' buffer for a variance of 3'.

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 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.

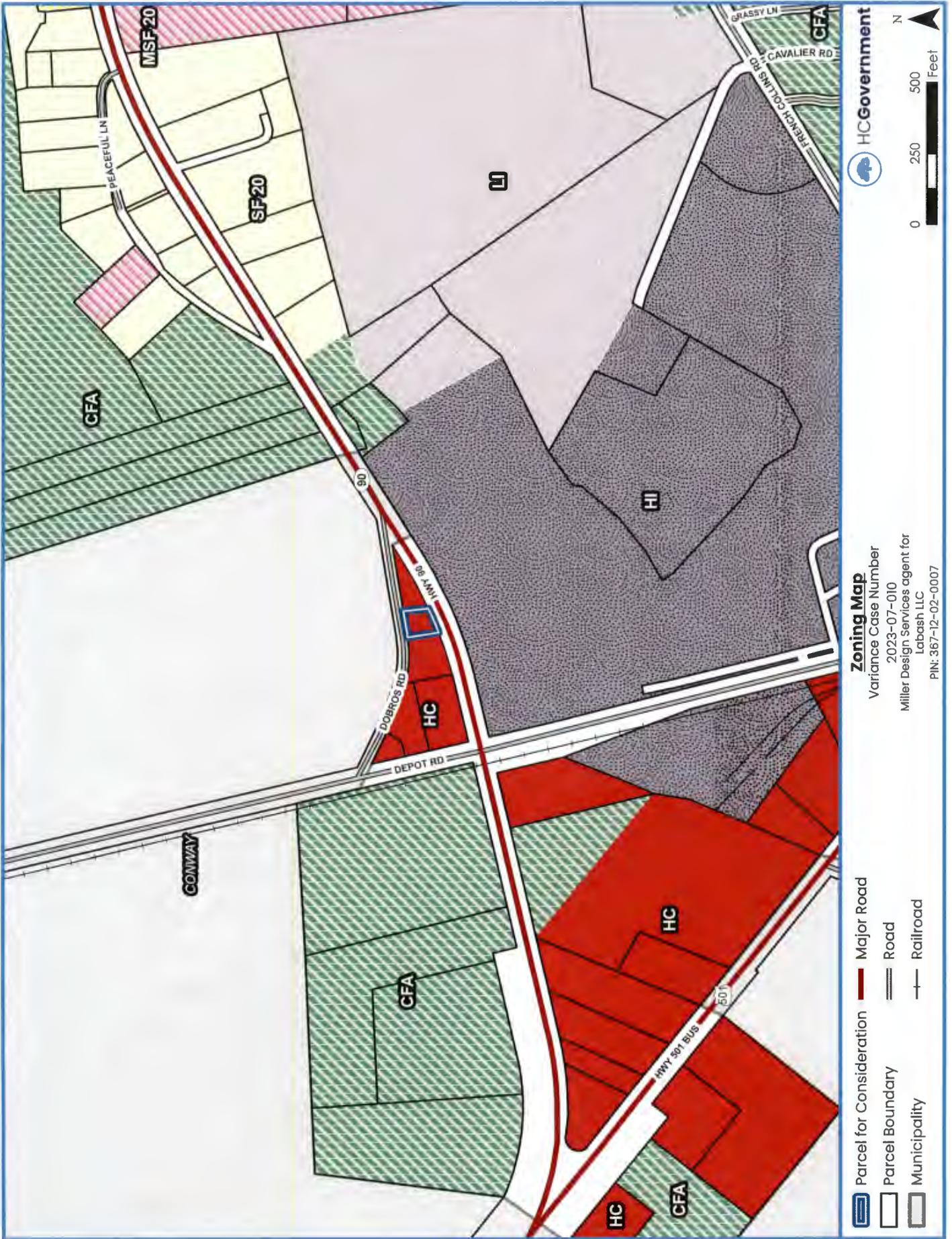
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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.





Parcel for Consideration
Major Road
Road

Aerial Map
Variance Case Number
2023-07-010
Miller Design Services agent for
Labash LLC
PIN: 367-12-02-0007

HC Government

0 50 100 Feet

N



Existing building



Rear - Dobros Rd.



Front - Hwy. 90



Adjacent residential home

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
 In re: Miller Design Services, agent for)
 Labash, LLC)

**BEFORE THE BOARD OF
 ZONING APPEALS**
 Case No.: 2022-11-004
ORDER OF THE BOARD

Hearing was held before this Board on December 12, 2022, pursuant to the request of the applicant for a variance from Article II regarding the setback requirements in the Highway Commercial (HC) zoning district. The property is identified by PIN 367-12-02-0007 and is located at 182 Dobros Road in the Conway area of Horry County. The applicant has requested the following variances from the requirements:

	Requirement	Requested	Variance Needed	Percentage
Front setback - Hwy. 90	60'	35'	25'	42%
Rear setback - Dobros Rd.	50'	10'	40'	80%
Type C Streetscape buffer along Hwy. 90				
Buffer width	10'	5'	5'	50%

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 367-12-02-0007.
2. It is zoned Highway Commercial (HC) and is located at 182 Dobros Road in the Conway area of Horry County.
3. The applicants are requesting a variance from Article II regarding setback requirements in the Highway Commercial (HC) zoning district.
4. The applicants are proposing to remove the current building and construct a new hair salon on this parcel.
5. The parcel has double frontage on Hwy. 90 and Dobros Rd. which requires two front setbacks.
6. The building is located 35' from the front property line on Hwy. 90 instead of the required 60' for a variance of 25'.
7. The building is located 10' from the rear property line on Dobros Rd. instead of the required 50' for a variance of 40'.
8. A 10' type C Streetscape buffer is required along Hwy. 90, the applicants are proposing a 5' buffer for a variance of 5'.

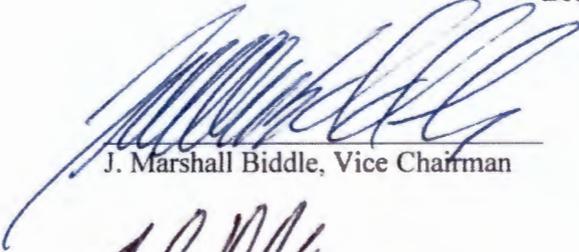
CONCLUSIONS OF LAW

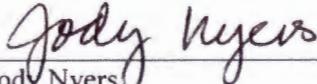
The Board finds that the request **meets** the criteria set forth in Horry County Code § 1404 (B) and S.C. Code Ann. §6-29-800. Therefore, the **variance is granted, provided that the following conditions are met:**

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

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


Drew Parks, Chairman


J. Marshall Biddle, Vice Chairman


Jody Nyers


Neal Hendrick

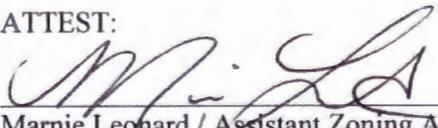

Blake Arrington


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: V

Article(s): VIII Section(s): 327 809 A

2. Description of Request: 5' LANDSCAPE BUFFER ALONG SIDE PROPERTY LINE IN LIEU OF 10' BUFFER. 18" PROJECTION OF AWNING INTO SETBACK

	<u>Required</u>		<u>Requested</u>
VIA PREVIOUS VARIANCE {	Front Setback: <u>35.9' and 12.7'</u>	Front Setback:	<u>N/A</u>
	Side Setback: <u>13.0'</u>	Side Setback:	
	Rear Setback: <u>NA</u>	Rear Setback:	
	Minimum Lot Width: <u>60'</u>	Minimum Lot Width:	
	Min Lot Width @ Bldg. Site: <u>109'</u>	Min. Lot Width @ Bldg. Site:	
	Max Height of Structure: <u>150'</u>	Max Height of Structure:	

Other Variances: _____

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

- a. What extraordinary and exceptional conditions pertain to this particular piece of property?
THE ADJACENT PROPERTY IS A SINGLE FAMILY RESIDENCE IN AN HC ZONE
- b. Why do these conditions not apply to other properties in the vicinity?
ALL OTHER PROPERTIES IN THE IMMEDIATE AREA ARE COMMERCIAL USES
- 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?
THIS APPLICATION OF THE ORDINANCE RESTRICTS POTENTIAL PARKING AREA IN A VERY SMALL COMMERCIAL 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 COMMERCIAL IMPROVEMENT OF SUBJECT PROPERTY IS MORE AESTHETICALLY APPEALING THAN THE EXISTING LOT CONDITION

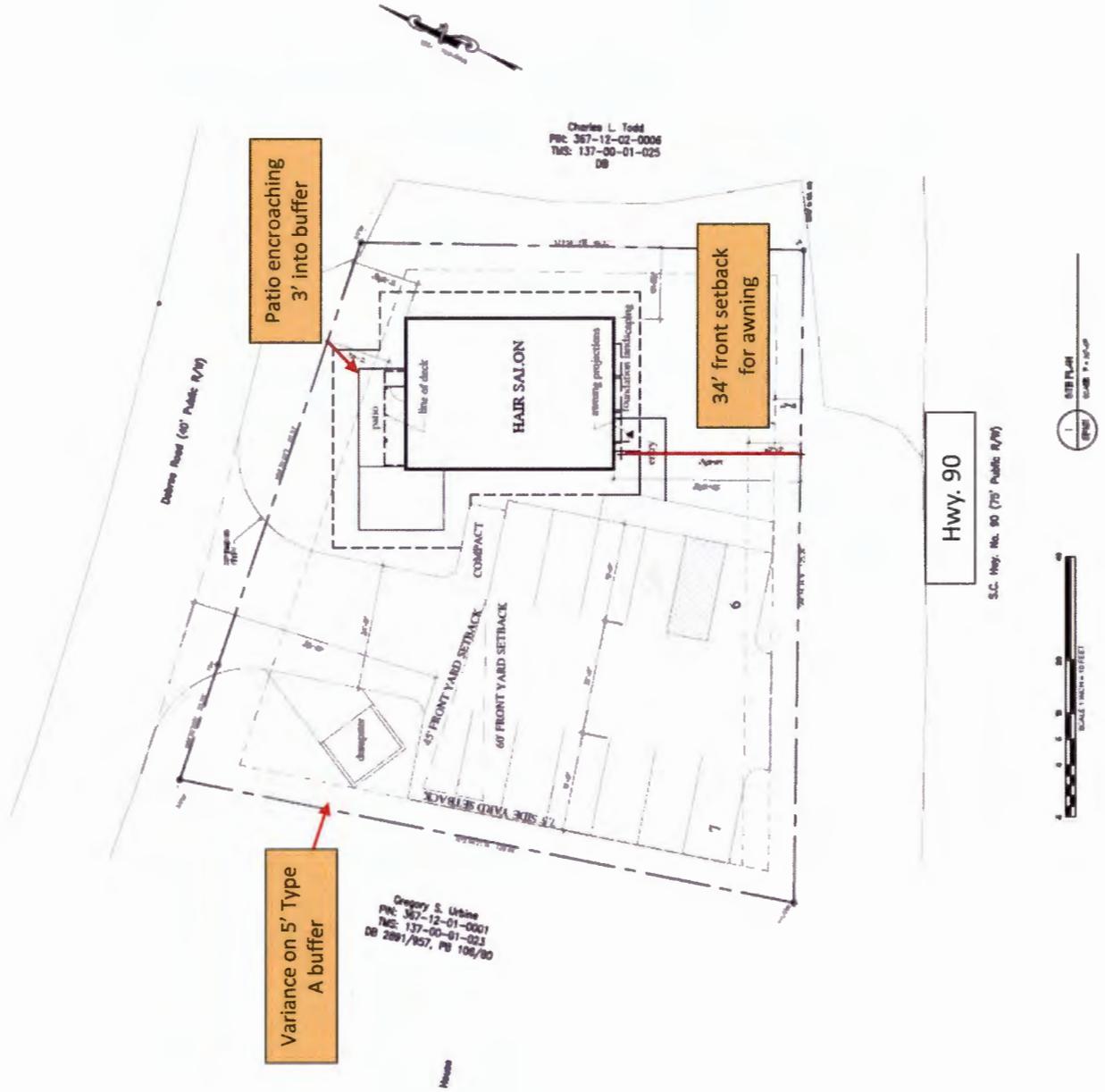
**** The fact that property may be utilized more profitably may not be considered grounds for a variance.**

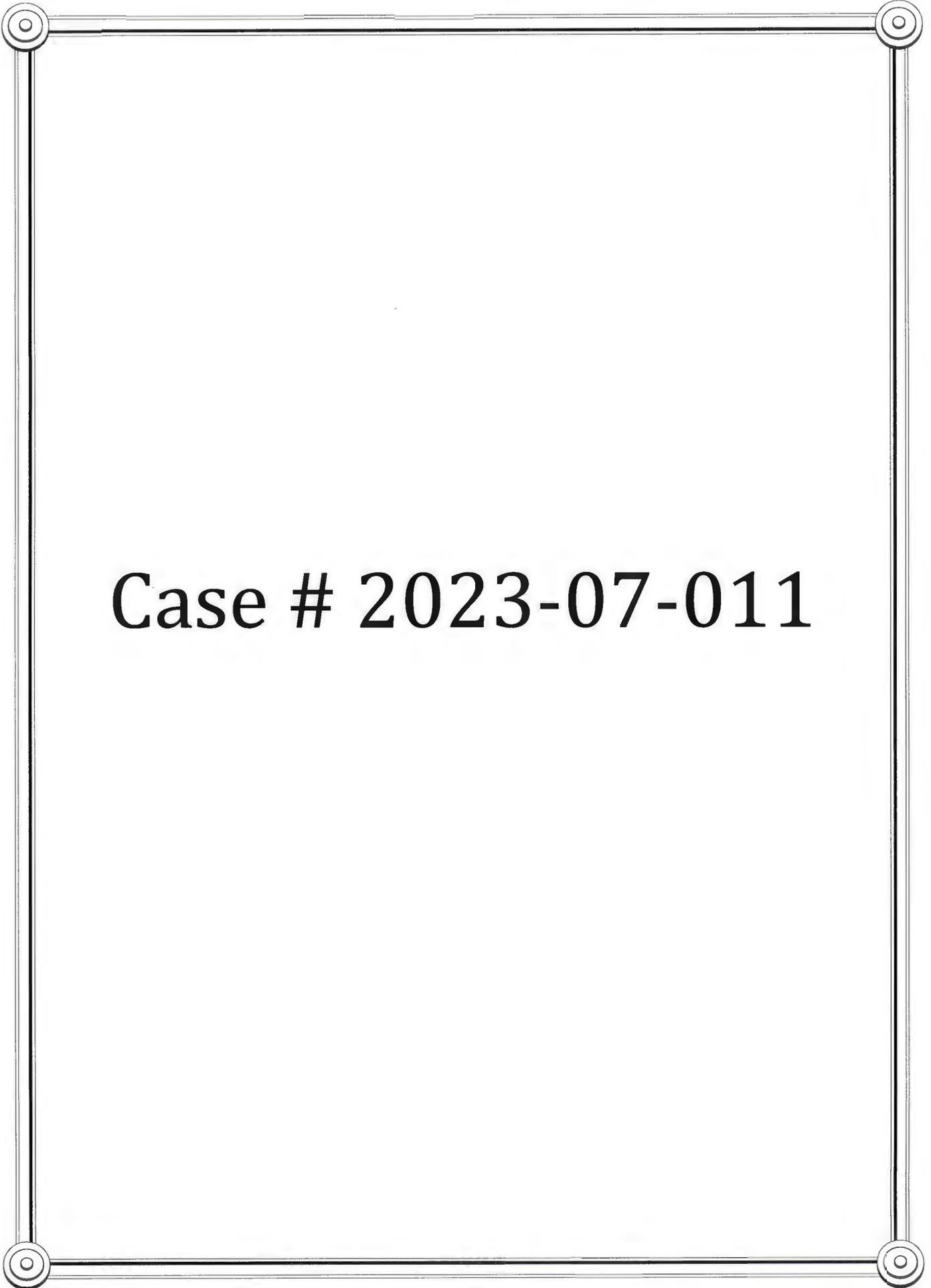
4. Are there Restrictive Covenants on this property that prohibit or conflict with this request? YES NO

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 6/20/23 Date

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.

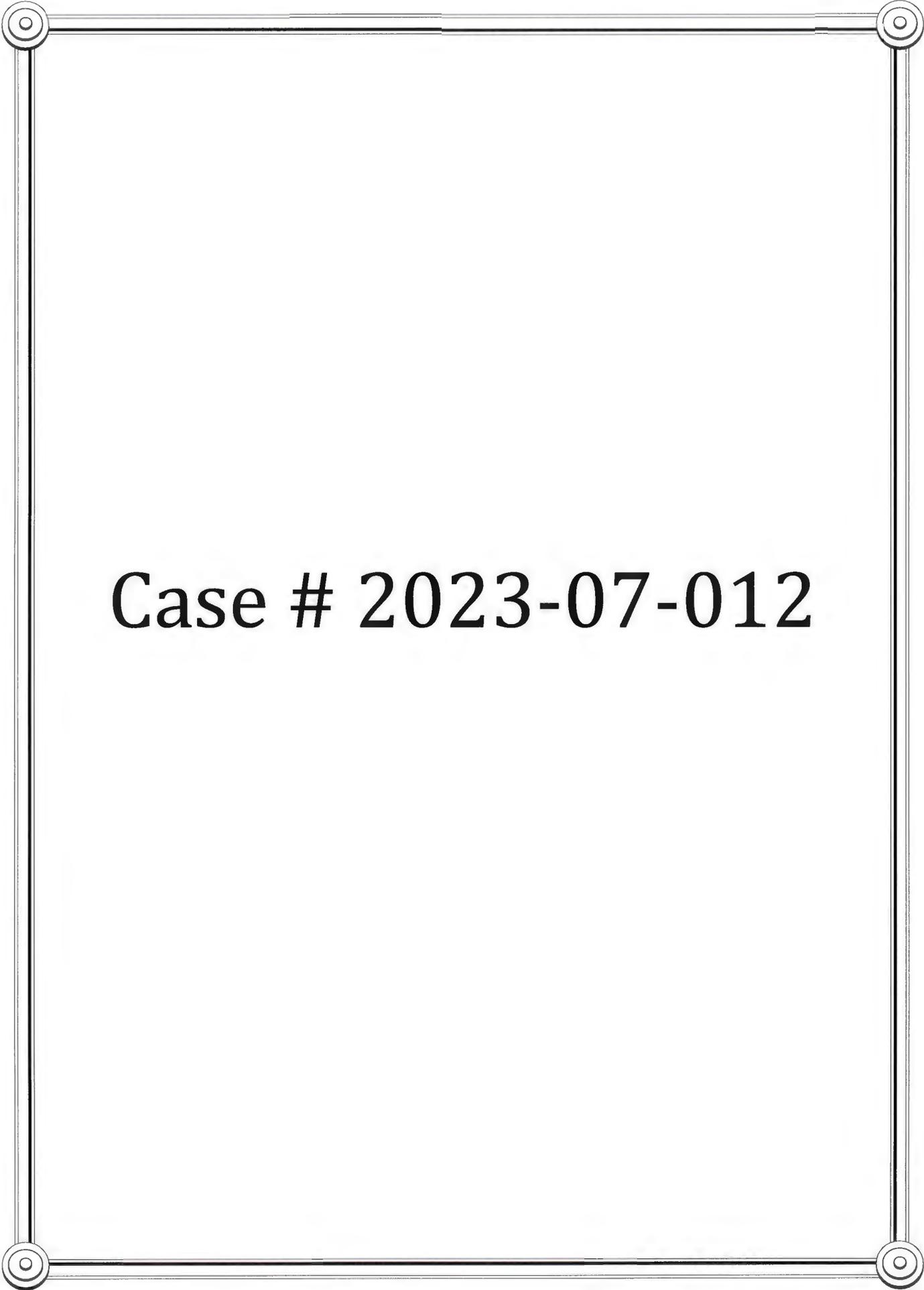
Case # 2023-07-011

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-011	Zoning Information	
Applicant	Michael Cummisky, 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 storage building
Property Owner	Horry Furniture Co. Inc.		
County Council District #	7 - Anderson		

This case has been deferred to the Sept. 11, 2023 meeting

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 # 2023-07-012

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-012	Zoning Information	
Applicant	Ken Marlowe, agent	Zoning District	HC
Parcel Identification (PIN) #	463-12-02-0019	Parcel Size	.77 Acres
Site Location	Corner of Carolina Oaks Drive and Hwy. 17 Bypass, Murrells Inlet	Proposed Use	Commercial
Property Owner	Christopher and Debra Borst		
County Council District #	5 - Servant		

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
Front/corner side setback on Carolina Oaks Dr.	50'	15'	35'	70% *
* This variance will require a 2/3 vote				

Background/Site Conditions

This is Lot 9 of 17 commercial lots that were created in 1983 (PB 77-23). This lot has double frontage since it is located on a commercial corridor. The applicants are requesting 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. is a 66' public road. Andy Markunas, County Engineer, states that Carolina Oaks Dr. is a 66 ft right of way with a three lane entrance road, he does not foresee any need for the widening of this subdivision entrance 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?)

This lot is located on a major corridor.
2. These conditions do not generally apply to other property in the vicinity; (Is this request unique?)

The double frontage setback apply to all parcels on a major corridor.
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

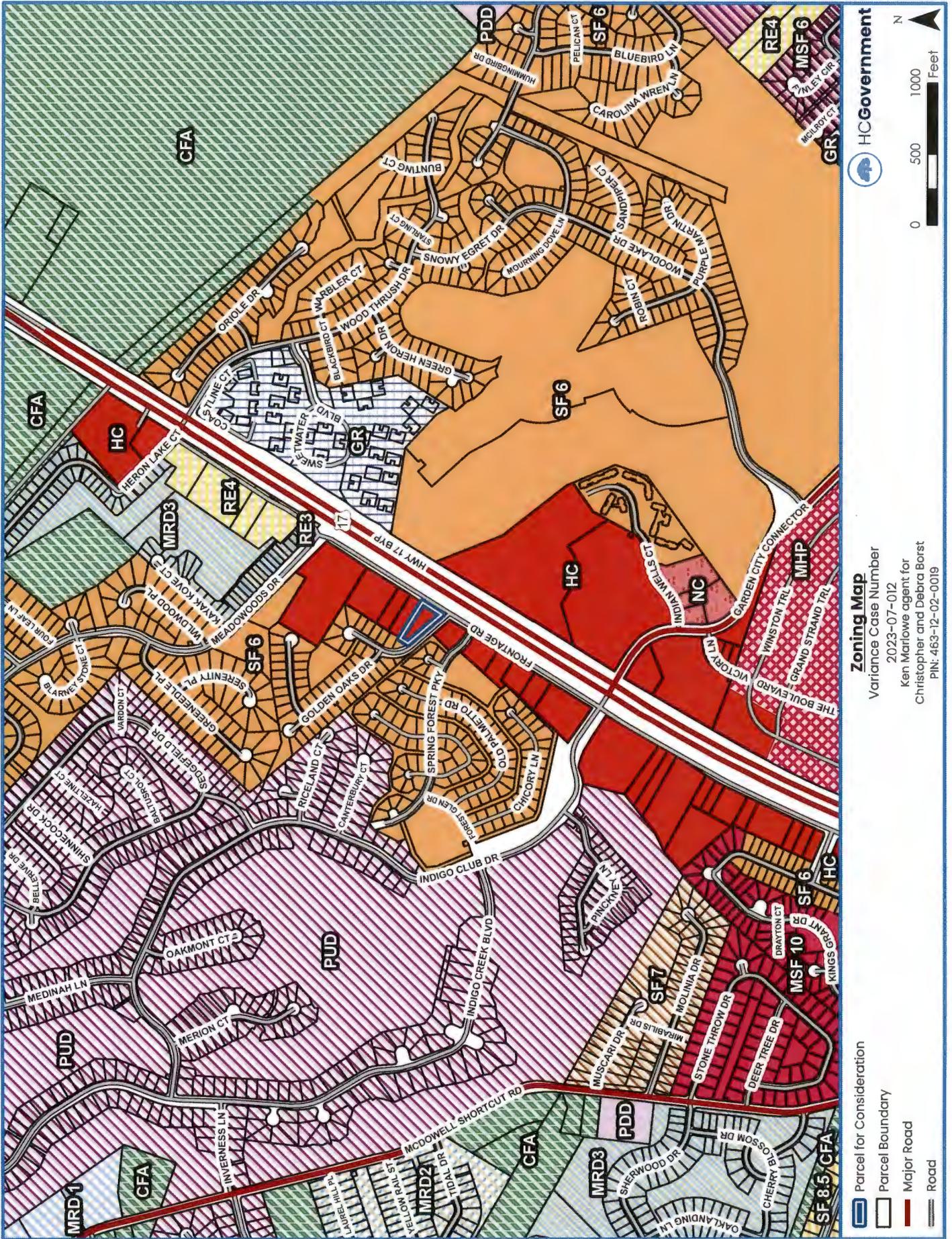
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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.





Aerial Map
 Variance Case Number
 2023-07-012
 Ken Marlowe agent for
 Christopher and Debra Borst
 PIN: 463-12-02-0019

Parcel for Consideration
 Major Road
 Road



Front on Frontage Rd.



Site from Hwy. 17 Bypass



Carolina Oaks 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): VIII

Section(s): 800, Table 8-1

2. Description of Request: This request is for a 15' corner side setback. This will not be a double frontage commercial lot. The frontage will be the existing frontage road along US Hwy 17 Bypass. THE 50' CORNER SIDE SETBACK IS HINDERING THE SALE OF THIS PROPERTY.

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: n/a

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

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

Ken Marbone
Applicant's Signature

06-29-2023
Date

Case # 2023-07-013

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-013
Applicant	Jeff Gore/ Flagpatch Missionary Baptist Church
Parcel Identification (PIN) #	184-06-02-0003
Site Location	759 N. Flag Patch Road, Loris
Property Owner	Flagpatch Missionary Baptist Church
County Council District #	9 - Causey

Zoning Information

Zoning District	FA
Parcel Size	1.53 Acres
Proposed Use	Church

Requested Variance(s)

The applicants are requesting 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.

	Requirement	Requested	Variance Needed	Percentage
Restroom additions				
Front setback	60'	10'	50'	84% *
Church Expansion				
Front setback	60'	57'	3'	5%
Type C Streetscape buffer on Flag Patch Rd.				
Buffer Width 60' area in front of additions	10'	0'	10'	23%
Type A Opaque buffer along sides & rear (adjoining FA)				
Buffer Width	25'	0'	25'	100% *

Background/Site Conditions

Flagpatch Missionary Baptist Church is proposing 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 has been on this site since 1966. The required front setback is 60', the proposed restroom additions will be located 10' from the front property line for a variance of 50'. The church expansion is located 57' from the front property line instead of the required 60' for a variance of 3'. A 10' Type C streetscape buffer is required along the front property line (Flag Patch Rd) which is 254 ft. in length. The applicants are requesting a variance for a 60' in length area, in front of the new additions, to not install the streetscape buffer. A 25' Type A opaque buffer is required along the sides and rear property lines adjoining the FA zoning district, they are requesting 100% relief from this requirement. Andy Markunas, County Engineer, states that since they are not changing the footprint of the building to extend closer to the road by replacing the existing porch with bathrooms he does not see an issue.

Ordinance and Analysis

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

VARIANCE REVIEW SHEET

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

There are none.

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

These regulations apply to all commercial properties 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?)

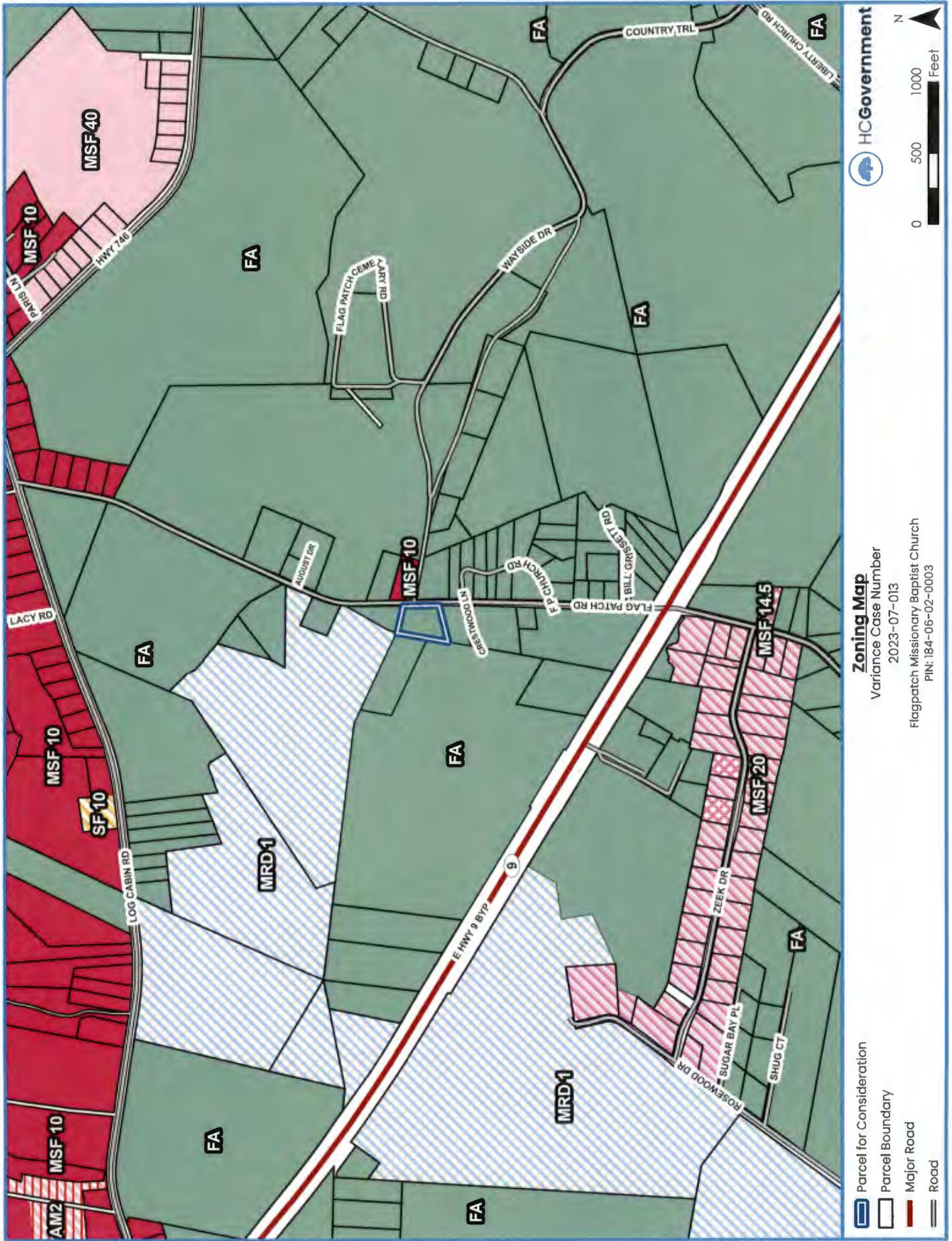
The church has been in this location since 1966; the expansion on the front of the church will not extend any closer to the road than its current location.

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

Proposed Order/Conditions

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

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





 Parcel for Consideration

 Road



Aerial Map
Variance Case Number
2023-07-013

Flagpatch Missionary Baptist Church
PIN: 184-06-02-0003





Across Flag Patch Rd (Wayside Dr)



Right side



Front on Flag Patch Rd



Left side



Applicant Submittal

VARIANCE REQUEST

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

Article(s): Article II Section(s): Section 205

2. Description of Request: The church is requesting a variance from the front setback, 60.0' per FA zoning. This variance is to allow for the addition of restrooms along the front of the existing structure to allow church members access to restrooms during service. The variance will also allow for connection to the proposed fellowship hall located at the rear of the existing church building.

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

Other Variances: The church is also requesting a variance from Article V, Section 504 for relief from the required supplemental landscaping located along the sides and rear of the parcel.

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 proposed structures are to be connected to the existing sanctuary that currently is located within the front setback

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

The existing sanctuary was built in 1966 before zoning regulations

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?

Will not allow for the proposed bathrooms to be located in the front of the existing sanctuary as well as conflict with the connection to the proposed fellowship hall at the rear of the existing sanctuary

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

The authorization of the variances will not cause any 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?

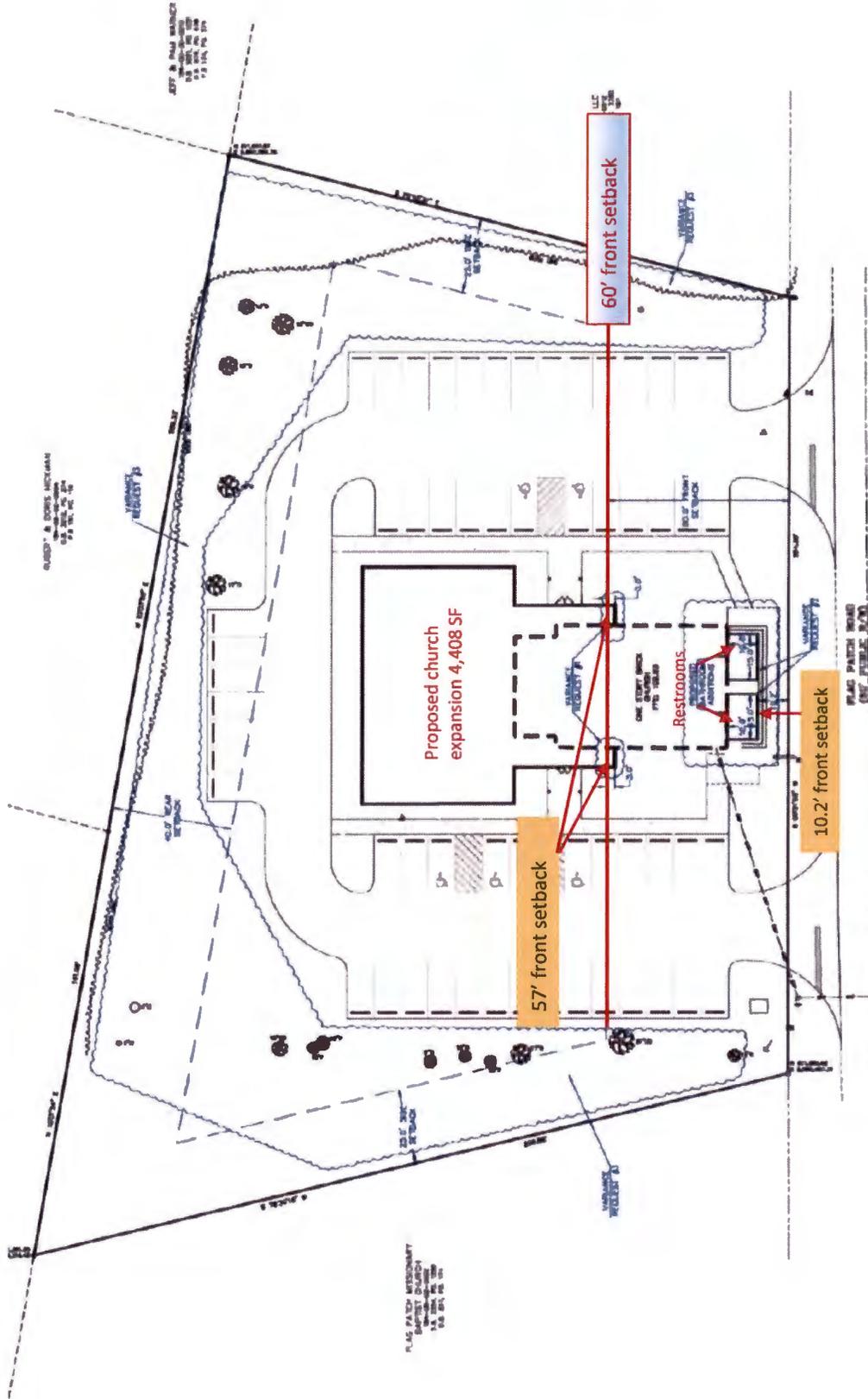
YES NO checkboxes with YES box empty and NO box checked

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.

Applicant's Signature: [Handwritten Signature]

Date: 28 Jun 23

Site Plan



- VARIANCES REQUESTED:**
1. 3.0 FT ENCROACHMENT INTO 80.0' FRONT SETBACK FOR FELLOWSHIP BUILDING EXPANSION.
 2. 10.0' FRONT SETBACK TO ALLOW FOR PROPOSED BATHROOM EXPANSION AT FRONT OF EXISTING BUILDING.
 3. VARIANCE TO ELIMINATE THE LANDSCAPING REQUIREMENTS ALONG BOTH SIDES AND REAR OF THE PARCEL.

DN ENGIN
4664 DOC

VARIANCE PLAN
FLAG PATCH MISSIONARY BAPTIST CHURCH

SCALE:	
DATE:	
DESIGNED BY:	
CHECKED BY:	
APPROVED BY:	



Case # 2023-07-014

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-014
Applicant	Common Oak Engineering, LLC agent
Parcel Identification (PIN) #	448-03-02-0086
Site Location	NE Corner of Hwy 544 & Lake Park Drive, Myrtle Beach
Property Owner	Selah Seawinds, LLC
County Council District #	6 - Crawford

Zoning Information

Zoning District	RE3
Parcel Size	3.8 acres
Proposed Use	Commercial

Requested Variance(s)

The applicants are requesting a variance from Article V Section 504.A.4.a regarding landscape requirements in the Convenience and Auto Related Services (RE3) zoning district.

Requirement	Percentage
Art. V, Sect. 504.A.4.a - Stormwater management devices may not encroach into the required landscape buffers by more than 10%	100%
* This variance requires a 2/3 vote	

Background/Site Conditions

This commercially zoned parcel is the proposed location of two restaurants; Popeye's and Freddy's. Section 504 A.4.a states stormwater management devices (such as swales and ponds) may not encroach into the required landscape buffers by more than 10%. The 25' stormwater easement will be encroaching 100% into the required 10' landscape buffer. The applicants are requesting a variance for 100% encroachment. The Stormwater department emailed stating they have no issues with this encroachment.

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 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.**

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?)

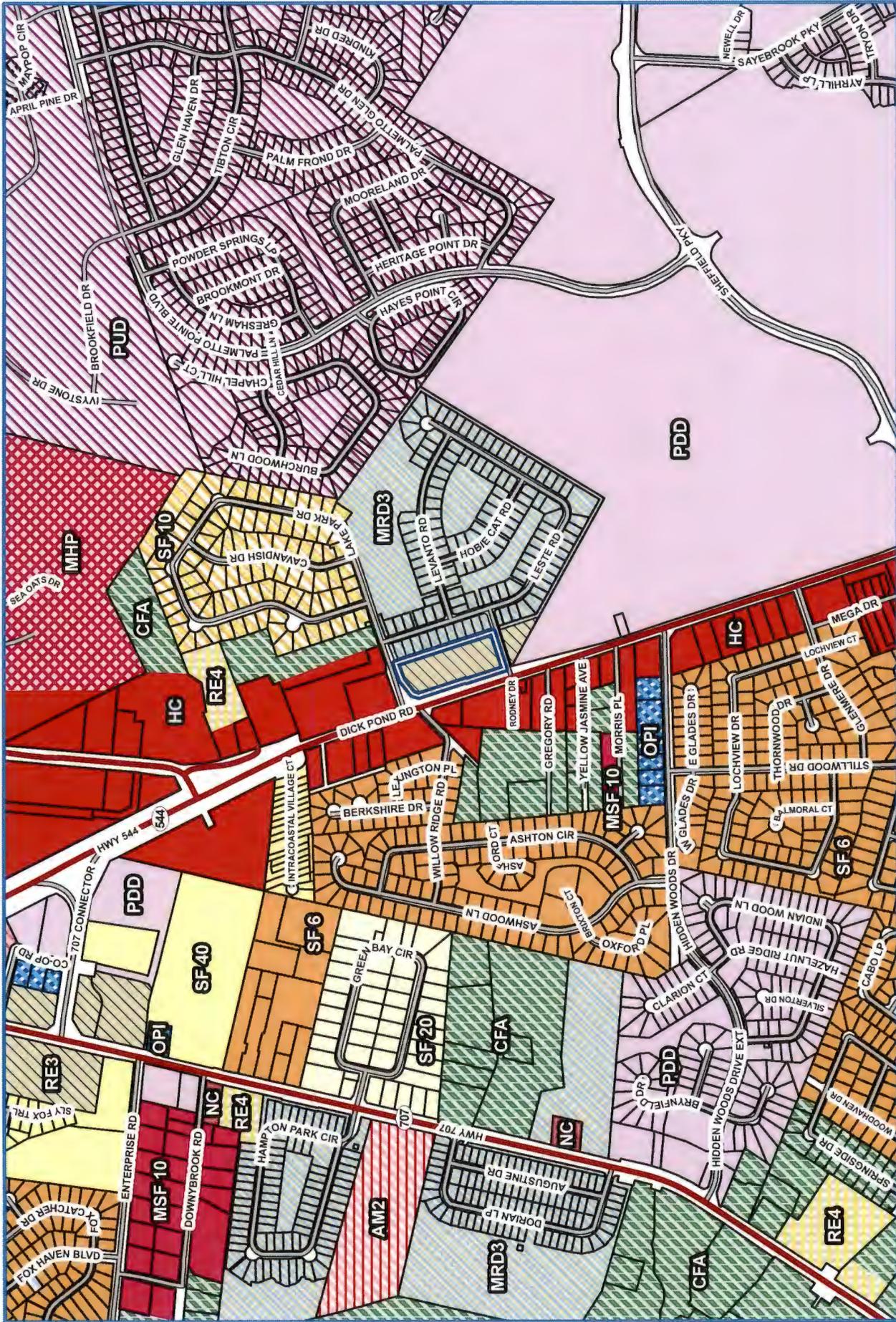
The Stormwater Department states they have no issues with this encroachment.

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
 2023-07-014
 Common Oak Engineering, LLC agent for
 Selah Seawinds LLC
 PIN: 448-03-02-0086

HC Government

0 500 1000 Feet

N



HC Government

Aerial Map
 Variance Case Number
 2023-07-014
 Common Oak Engineering, LLC agent for
 Selah Seawinds LLC
 PIN: 448-03-0086

Parcel for Consideration
 Major Road
 Road



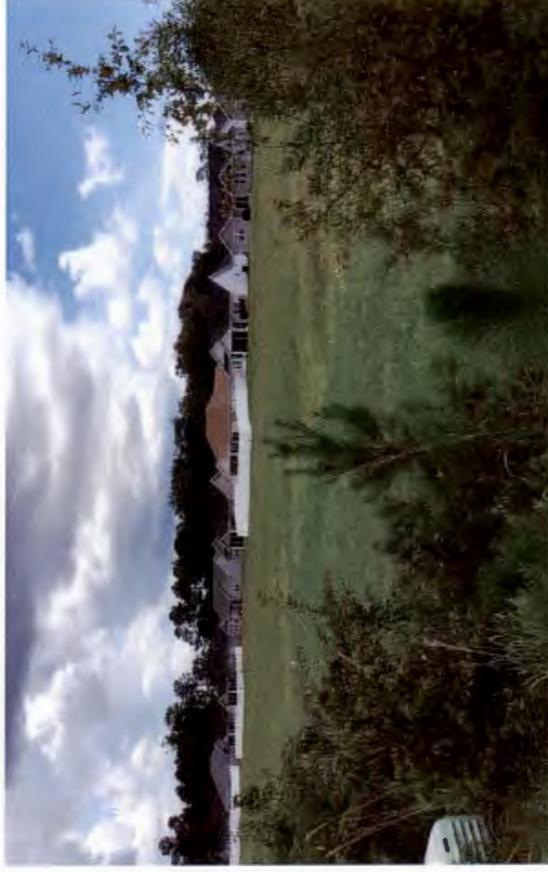
Front on Hwy. 544



Right side of Brisa Rd.



Left side of Lake Park Dr.



Rear adjoining Seawinds Estates Subd



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 Section(s): 527.2 Landscape Design Standards

2. Description of Request: We are requesting a variance for the encroachment into the drainage easement and understand that the variance will need to be approved prior to construction plan approval. We have spoke to Horry County stormwater in regards to the encroachment and they explained the easement was put in place to service the stormwater outfall for the commercial parcels, therefore the encroachment will not interfere with the use of the easement.

<u>Required</u>		<u>Requested</u>	
Front Setback:	<u> 50' </u>	Front Setback:	<u> 50' </u>
Side Setback:	<u> 10' </u>	Side Setback:	<u> 10' </u>
Rear Setback:	<u> 15' </u>	Rear Setback:	<u> 15' </u>
Minimum Lot Width:	<u> </u>	Minimum Lot Width:	<u> </u>
Min Lot Width @ Bldg. Site:	<u> </u>	Min. Lot Width @ Bldg. Site:	<u> </u>
Max Height of Structure:	<u> </u>	Max Height of Structure:	<u> </u>

Other Variances: Encroachment into Drainage Easement

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 subject stormwater easement and associated drainage structures were designed specifically for the use by the commercial outparcels associated with this request. Therefore, the proposed use of and encroachment into the easement were anticipated during the design which is an exceptional condition specific to this property.

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

This easement was put in place to service the stormwater outfall for the commercial outparcels.

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?

Encroachment will not interfere with the use of the easement, because the easement was put into place to service the commercial outparcels. Additionally, the subject easement takes up approximately 10% of the depth 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 subject easement was specifically put into place to service the commercial outparcels associated with this request, and the requested encroachment will not affect the performance or use of the easement; therefore, the variance will not cause any detriment to the adjacent property, public good or 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
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

Morgan Hampton
Applicant's Signature

6/29/23
Date



Morgan Hampton <morgan@commonoakengineering.com>

RE: Popeye's & Freddy's Hwy 544 & Brisa Re: FW: Common Oak Engineering, LLC

1 message

Gervais, Brandon <[redacted]> Mon, Jul 10, 2023 at 7:23 AM
To: Jeremy Anderson <jeremy@commonoakengineering.com>, Morgan Hampton <[redacted]>

As previously discussed I don't have an issue with this encroachment.

Brandon Gervais | Project Manager

Horry County Government

Stormwater Department

4401 Privetts Road, Conway, South Carolina 29526

Tel 843-915-6945 | Fax 843-365-2208 | Gervais.Brandon@horrycountysc.gov

www.horrycounty.org



2023-07-014

****NOTE – My primary email address has changed. Please update your records. *****

From: Jeremy Anderson <[redacted]>
Sent: Friday, July 7, 2023 6:13 PM
To: Morgan Hampton <[redacted]>
Cc: Gervais, Brandon <[redacted]>
Subject: Re: Popeye's & Freddy's Hwy 544 & Brisa Re: FW: Common Oak Engineering, LLC

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.

Hello Brandon,

Good afternoon. This is the condition that we spoke about for the attached site. We are showing a 10' encroachment into the storm inlet, but there is not impact to the functionality of the easement as the purpose of it was to serve as the stormwater infrastructure outfall for the subject property.

Would you like for me to set up a call next week to go over this request?

Thank you,
Jeremy

Jeremy R. Anderson, P.E.

Common Oak Engineering, LLC

4016 Edgewater Drive

Orlando, FL 32804

C: (407) 505-8374

O: (407) 951-5915

www.commonoakengineering.com

On Fri, Jul 7, 2023 at 4:41 PM Morgan Hampton <morgan@commonoakengineering.com> wrote:

Hi Brandon,

Hope you're doing well. We recently submitted for a variance for the above referenced project for the encroachment into the drainage easement. Pam let us know that before the board hearing we need a letter of approval from the HC Stormwater Dept. Are you able to assist with this? Please let me know if you need anything from us in order to issue the letter.

Thank you,

Morgan Hampton

Common Oak Engineering, LLC

4016 Edgewater Drive

Orlando, FL 32804

C: (407) 446-3001

O: (407) 951-5915

www.commonoakengineering.com

----- Forwarded message -----

From: **Thompkins, Pam** <Thompkp@horrycountysc.gov>

Date: Fri, Jul 7, 2023 at 4:44 PM

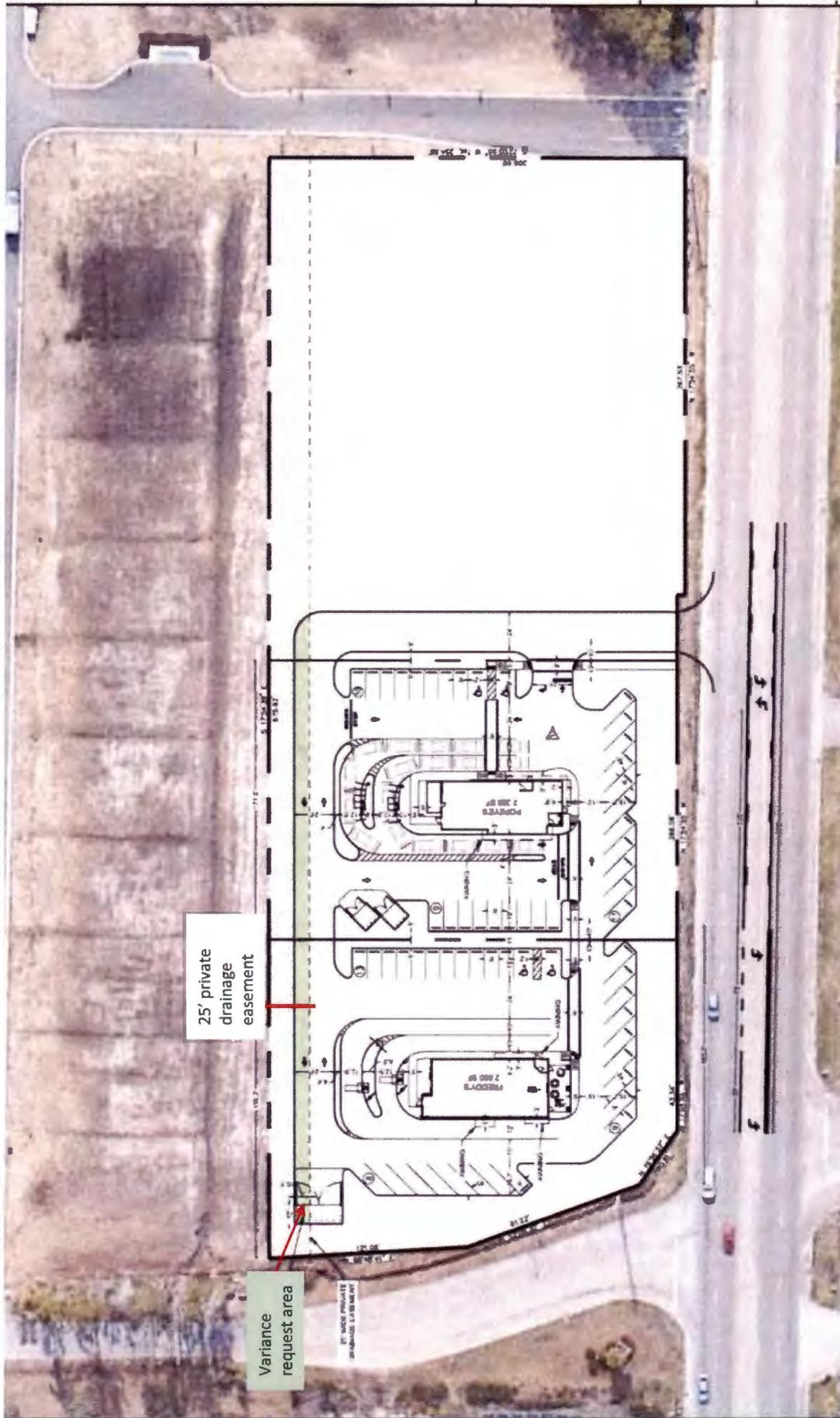
Subject: RE: Popeye's & Freddy's Hwy 544 & Brisa Re: FW: Common Oak Engineering, LLC

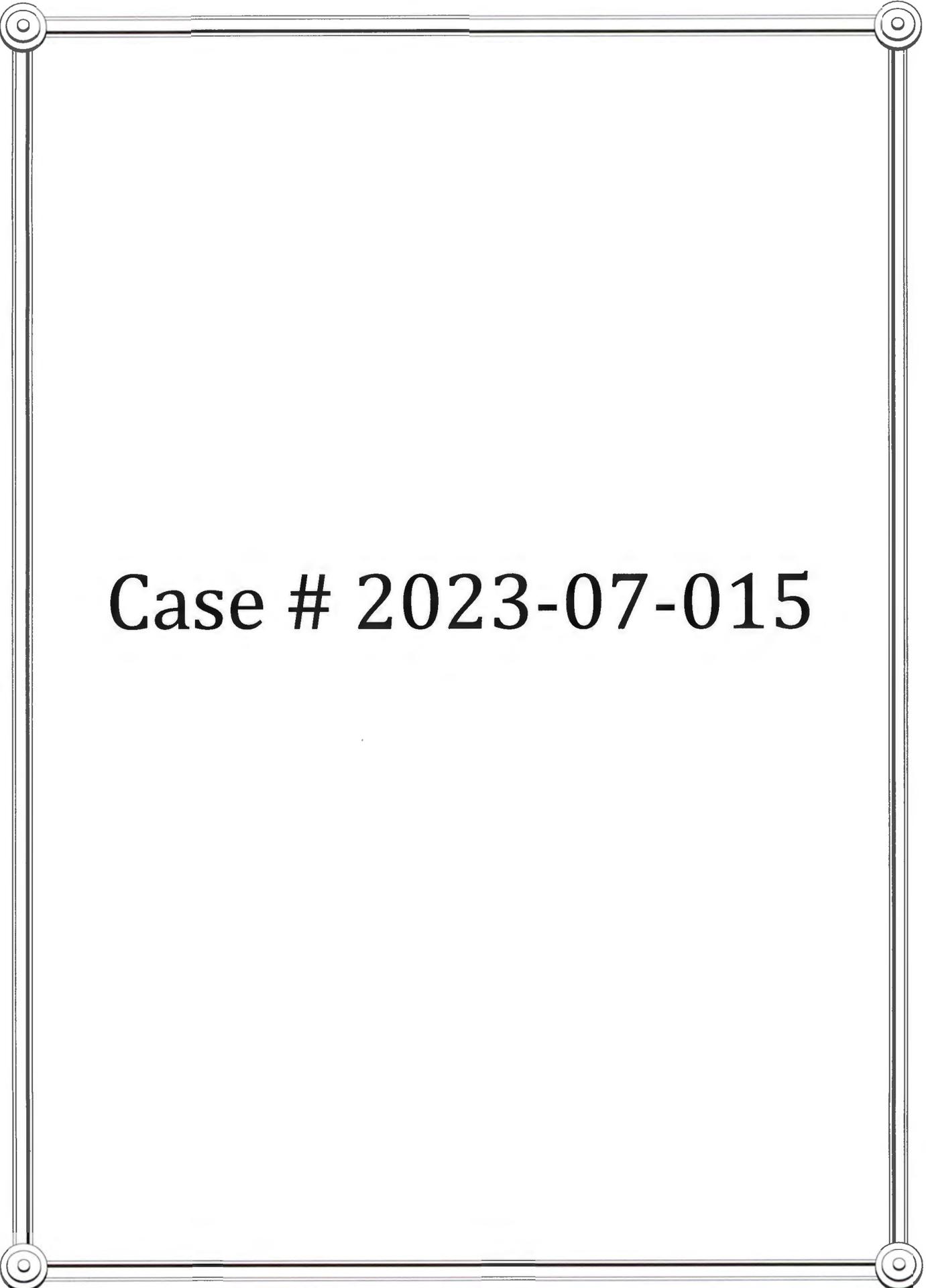
To: Morgan Hampton <morgan@commonoakengineering.com>

Cc: Jeremy Anderson <jeremy@commonoakengineering.com> Leonard, Marnie <Leonard.Marnie@horrycountysc.gov>, Brown, Stevie <BrownSt@horrycountysc.gov>, Gervais, Brandon <Gervais.Brandon@horrycountysc.gov>, Jones, Taylor <Jones.Taylor@horrycountysc.gov>

Hey Mogan,

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 # 2023-07-015

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-015
Applicant	Christopher Wall, agent
Parcel Identification (PIN) #	312-05-02-0063
Site Location	1381 Hwy 17, Little River
Property Owner	First Scoland Financial, LLC
County Council District #	1 - Dukes

Zoning Information

Zoning District	HC
Parcel Size	1.70 Acres
Proposed Use	Convenience Store/Gas station

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%
Art. VIII, Section 806 - Little River Overlay				
Sect. 806.B.2.a	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			100% *
Sect. 806.B.1.b.v	Building required to have a minimum 2' high contrasting base that extends along the entire front of the building and down the sides at least 10'			100% *
Sect. 806.B.1.b.ii	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			100% *
50% window glazing along the front of the bldg. facing	60%	50%	10%	10%

* These variances require a 2/3 vote

Background/Site Conditions

This is the proposed location of Parker's Kitchen convenience store. This parcel is located on the corner of Hwy. 17 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'. **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 extends 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 faces 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 has not been paid.

Ordinance and Analysis

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

VARIANCE REVIEW SHEET

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

There are none.

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

These 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.

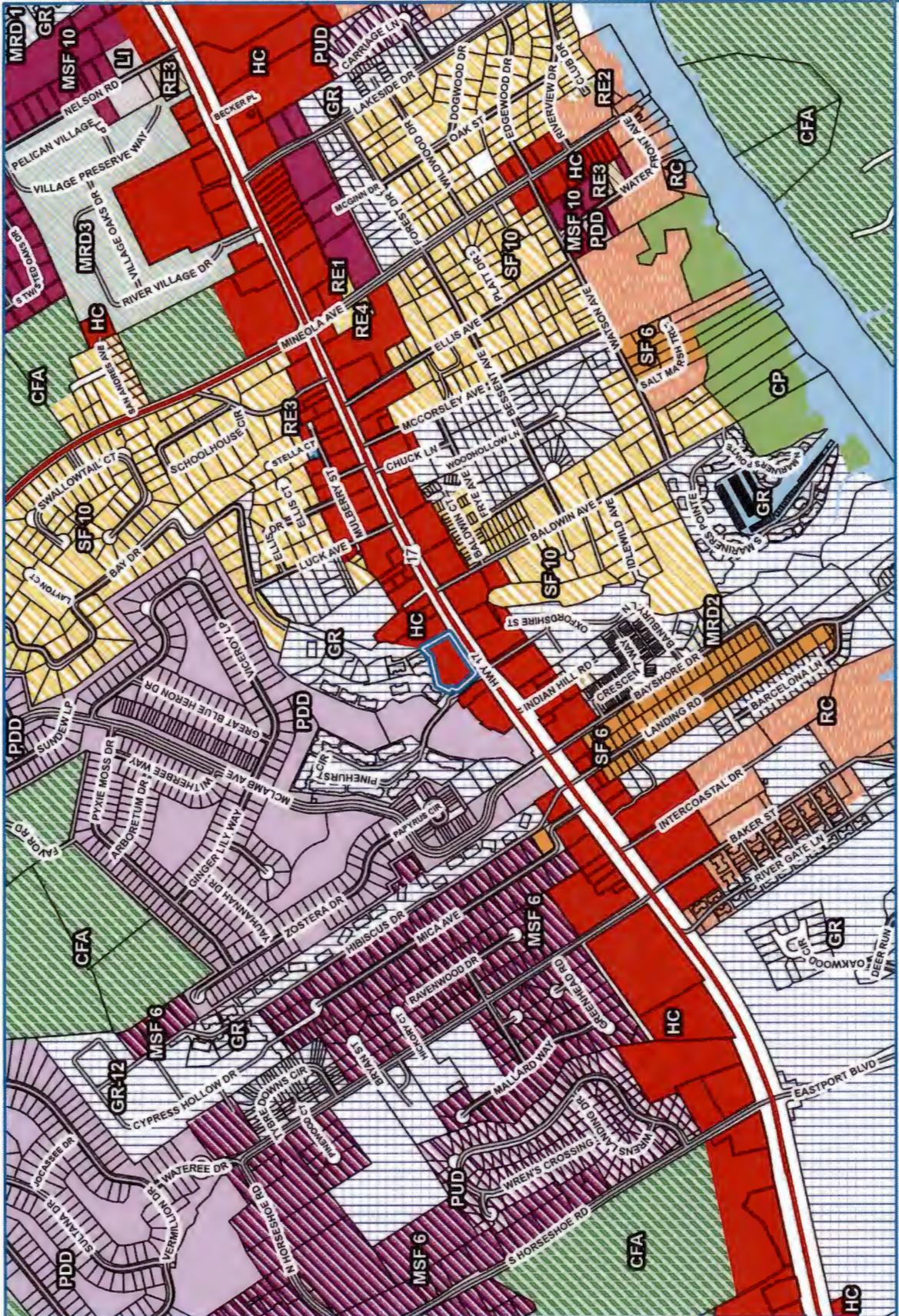
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

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.



HC Government

Zoning Map
 Variance Case Number
 2023-07-015
 Christopher Wall agent for
 First Scotland Financial, LLC
 PHN: 312-05-02-0083

0 500 1000 Feet

Parcel Boundary
 Waterbody
 Major Road
 Road
 Parcel for Consideration



 **HC Government**

Aerial Map
Variance Case Number
2023-07-015
Christopher Wall agent for
First Scotland Financial, LLC
File: 312-05-02-0053

 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 of home



View from the rear



Rear adjoining Cypress Bay Condos

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

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.

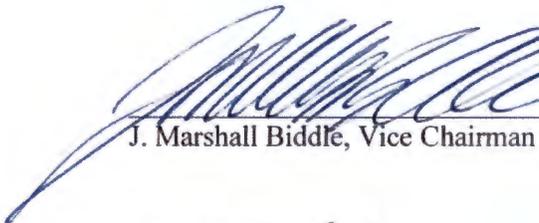
CONCLUSIONS OF LAW

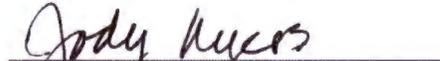
The Board finds that the request **meets** the criteria set forth in Horry County Code §527.3
C. Therefore, the **variance is granted, provided that the following conditions are met:**

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 9th day of January, 2023.

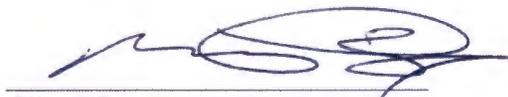

Drew Parks, Chairman

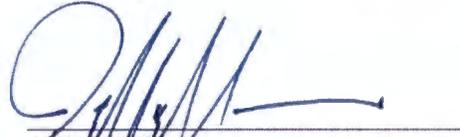

J. Marshall Biddle, Vice Chairman


Jody Myers


Neal Hendrick

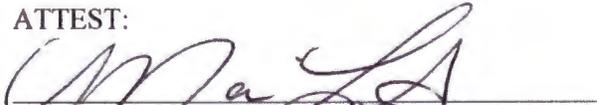

Blake Arp


Robert Page


Jeffrey Miller


Kirk Truslow

ATTEST:


Marjie 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 variance for 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?
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 [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 08/08/2023

Site Renderings



Case # 2023-07-016

VARIANCE REVIEW SHEET

Property Information

Variance Request #	2023-07-016
Applicant	Felix Pitts, agent
Parcel Identification (PIN) #	313-13-04-0011, 313-13-04-0012 & 313-13-04-0013
Site Location	1511 E. Hwy. 90, Little River
Property Owner	Two Eleven Properties, LLC
County Council District #	9 - Causey

Zoning Information

Zoning District	HC
Parcel Size	4 acres
Proposed Use	Commercial sales lot

Requested Variance(s)

The applicants are requesting a variance from Article V Section 504 C regarding landscaping buffers in the Highway Commercial (HC) zoning district.

	Requirement	Requested	Variance Needed	Percentage
Art. V, Section 504 C - Type B spatial buffer & plantings				
Buffer width along PIN#'s 313-13-04-0012 & 0013	5'	0'	5'	100% *
Type B spatial buffer & plantings along shared property of PIN 313-13-04-0012 &				
Buffer width along PIN#'s 313-13-04-0011, 0012 & 0013	5'	0'	5'	100% *
* This variance will require a 2/3 vote				

Background/Site Conditions

The applicants are proposing to develop these three (3) properties as a commercial trailer sales lot. The owners are unable to combine the parcels at this time and would like to construct the sales lot across all three parcels. Sect. 504 C requires 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 are requesting 100% variance on this buffer between these three parcels.

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?)

Landscape buffers are required on all commercial properties.

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
Road

Aerial Map
 Variance Case Number
 2023-07-016
 G3 Engineering agent for
 Two Eleven Properties
 PIN: 313-13-04-0012, 0013

HC Government

0 50 100 Feet

N



Front on Hwy. 90



Across Hwy. 90



Looking South on Hwy. 90



Intersection of Hwy. 90 & N. Hwy. 17



Applicant Submittal

Revised 8/8/23

VARIANCE REQUEST

Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance: Article(s) 17.005 Section(s) 50.1 to 52.2 C

Description of Request: request for removal of landscape buffers around parcels 313-13-04-0012 & -0013 due to both properties being utilized in the proposed development

Table with 2 columns: Required and Requested. Rows include Front Setback (60' vs N/A), Side Setback (60' Hwy 171 & 10' vs N/A), Rear Setback (15' vs N/A), Bldg. Separation (60' vs N/A), Minimum Lot Width, Min Lot Width/Bldg Site (10,000 SF vs N/A), and Max Height of Structure (120' vs N/A).

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

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

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

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

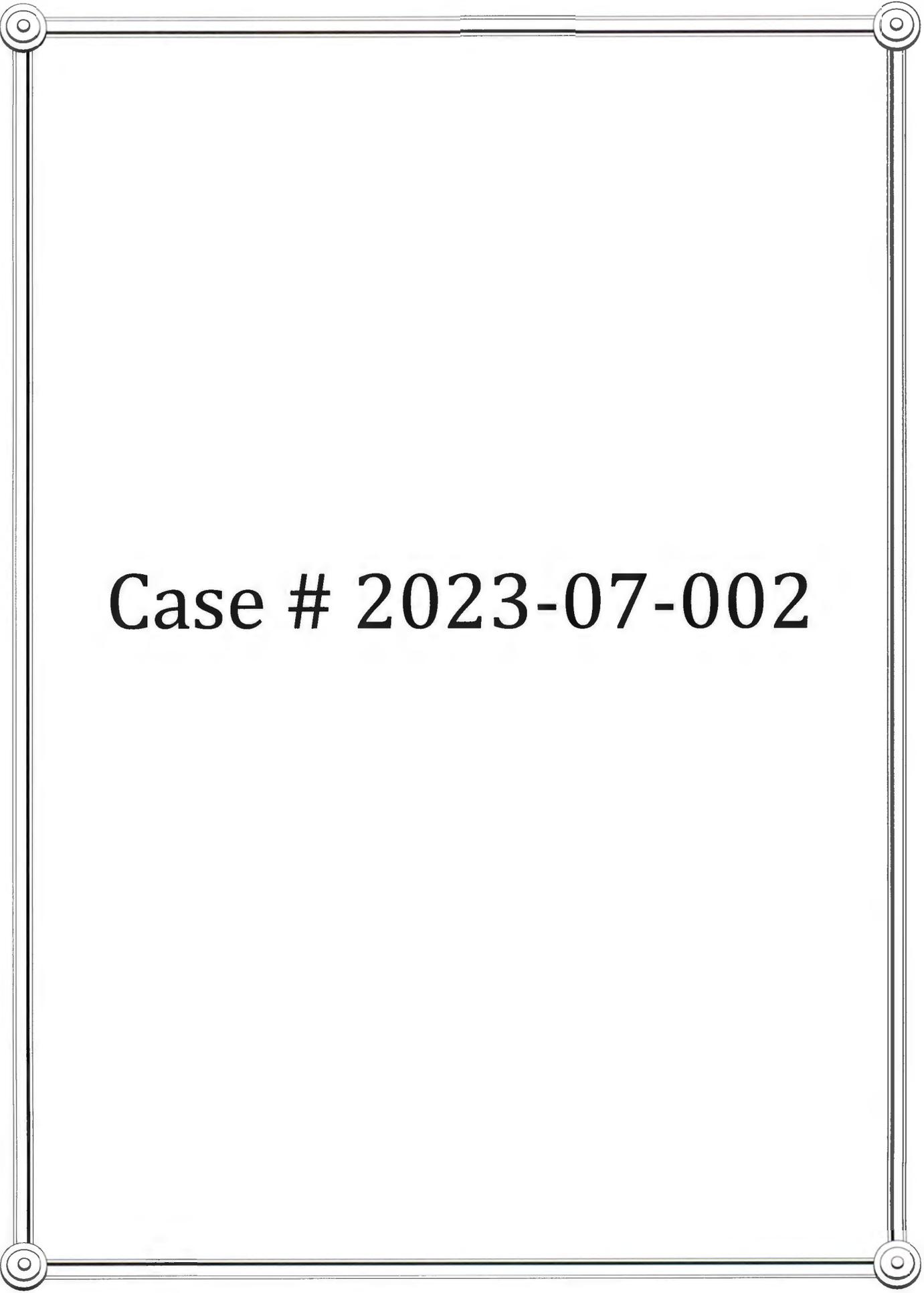
The variance requested is to remove the landscaping buffers required around parcels 31313040012 & 0013. With the proposed site layout we are intend to have landscaping around the perimeter of the site as whole, as shown on the planting plan.

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

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

Applicant's Signature: [Handwritten Signature]

Date: 8-10-23

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 # 2023-07-002

SPECIAL EXCEPTION REVIEW SHEET
ON-SITE CONSUMPTION OF ALCOHOL

Property Information

Special Exception Request #	2023-07-002
Applicant	Weihui Zheng, agent
Parcel Identification (PIN) #	396-15-03-0021
Site Location	154 Sapwood Rd., Unit 105, Myrtle Beach
Property Owner	GB Mill LLC
County Council District #	3 - DiSabato

Zoning Information

Zoning District	CFA
Parcel Size	5.24 acres
Proposed Use	Restaurant/Bar

Distance from Residential

The closest residential zoning district is located 280 ft. across Carolina Bays Pkwy at the Bluffs on the Waterway PDD

Requested Special Exception

The applicants are requesting 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.

Background/Site Conditions

This is the proposed location of the Flaming Fin Asian Bistro located within The Marketplace at the Mill commercial center. The applicants are requesting special exception approval for on-site consumption of alcohol. The closest residential zoning district is located 280 ft. across Carolina Bays Pkwy at the Bluffs on the Waterway PDD.

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.

This site was developed in 2021 and complies with all required development standards.

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

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

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

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

SPECIAL EXCEPTION REVIEW SHEET
ON-SITE CONSUMPTION OF ALCOHOL

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

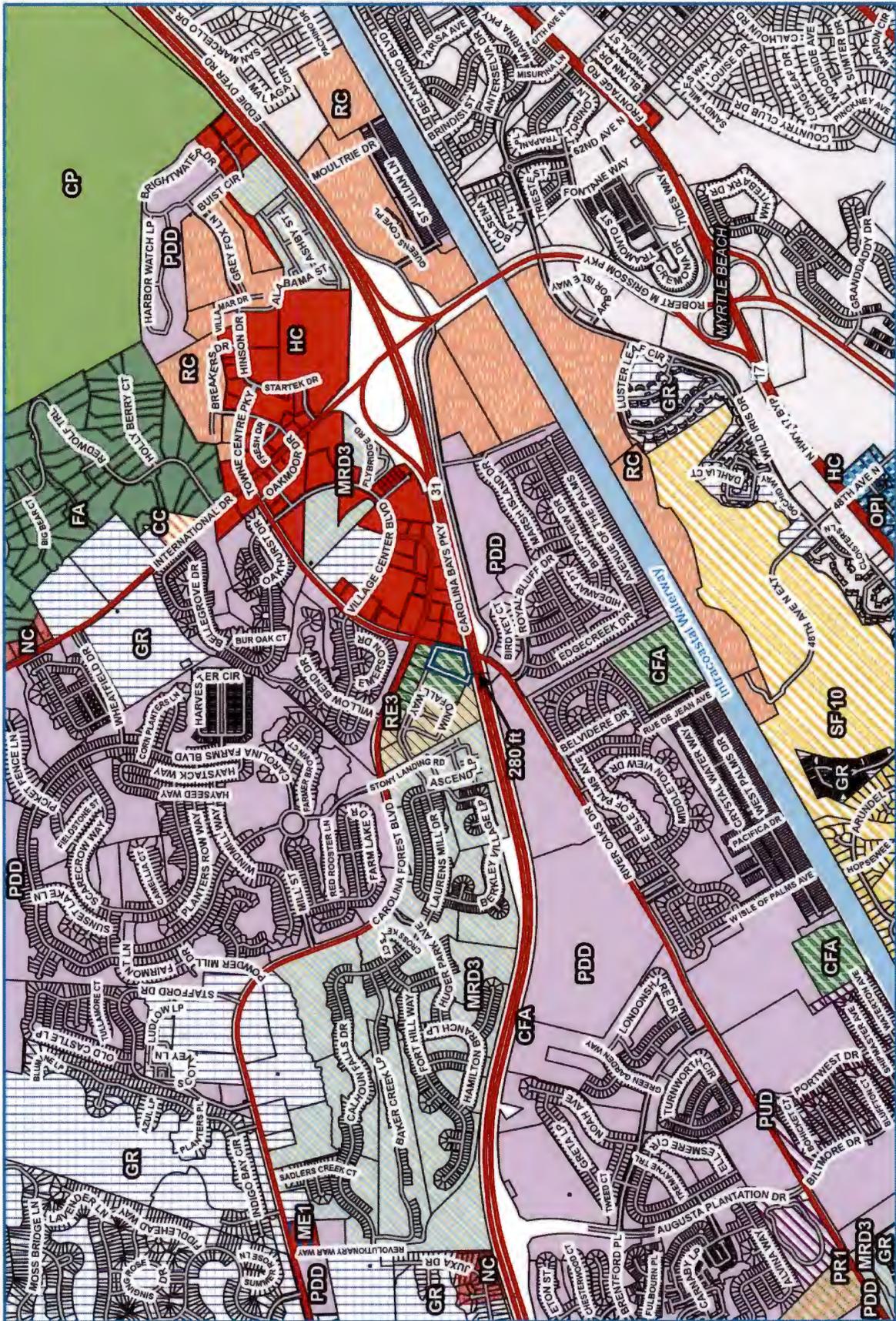
A restaurant/bar use is allowed in the CFA zoning district.

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

Proposed Order/Conditions

Should the Board find that the special exception request for **Flaming Fin Asian Bistro** 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 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.



HC Government

Zoning Map
 Variance Case Number
 2023-07-002
 Weihui Zheng agent for
 GB Mill LLC
 PIN: 396-15-03-0021

Parcel for Consideration (Red outline)
Waterbody (Blue area)
Parcel Boundary (Thin black outline)
Major Road (Thick red line)
Road (Thin black line)
Municipality (Grey outline)

0 1000 2000 Feet

N



Parcel for Consideration
Major Road
Road

Aerial Map
Variance Case Number
2023-07-002
Weiwei Zheng agent for
GB Mill LLC
PIN: 398-15-03-0021

HC Government

0 100 200 Feet

N



Location of Bistro - Unit 105



Market Place at the Mill com. center



Parking



Other Building in Com. Center



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:** Flaming Fin Asian Bistro
4. Type of Business: restaurant
5. Hours of Operation: 11 (AM/PM) until 9 (AM/PM)
6. Days of The Week: 6 days Tues. - Sunday
• If this is a Restaurant/Bar please include a copy of your menu and a floor plan

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

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

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

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

- 8. Are there Restrictive Covenants on this property that prohibit or conflict with this request?** YES NO
- 9. Applicant hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.**

[Signature]
Applicant/ Agent's Signature

6/5/2023
Date

On-site Consumption of Alcohol

Article XI, Section 1106.C.4

If you are applying for a special exception to serve alcohol for on-site consumption within 500 feet of a residential zoning district use, the standard conditions are as follows:

1. No outdoor entertainment or amplified outdoor speakers unless a special event permit has been obtained from Public Safety;
2. No hosting of vendors during spring and fall bike rallies;
3. No burnout pits;
4. No outdoor displays or tents on the property;
5. No temporary banners or signs on the property;
6. No spotlight advertising;
7. No adult entertainment or temporary adult entertainment permits;
8. Hours of operation;
9. Any changes in business ownership, character, or hours, shall result in the suspension of this approval and a rehearing of the ZBA shall be required.
10. Applicant will comply with all State and Local laws;
11. All future buildings and building additions must conform to Horry County regulations;
12. No outdoor dining or beverage services;
13. No sweepstakes and/or internet gaming permitted at any time.

Outpatient Treatment Facilities for Alcoholism and Drug addiction

Article XI, Section 1106.C.5

Outpatient treatment facilities for alcoholism and drug addiction, subject to the following conditions:

1. That the special exception shall not be located closer than two thousand (2000) feet (measured from property line) from any house of worship, day care center, public or private elementary or secondary education school, public park, public library, or the following residential zoning districts: SF-40, SF-20, SF-10 and SF-6, as well as their corresponding MSF classifications; GR, RR, RC and MHP, except in unusual circumstances where mitigating conditions can be imposed to minimize adverse effects to residential uses;
2. That the special exception will be in substantial harmony with the area in which it is to be located;
3. That the special exception will not be injurious to adjoining property;
4. That the special exception will contribute to the economic vitality and promote the general welfare of the community;
5. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right;
6. In granting the 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.

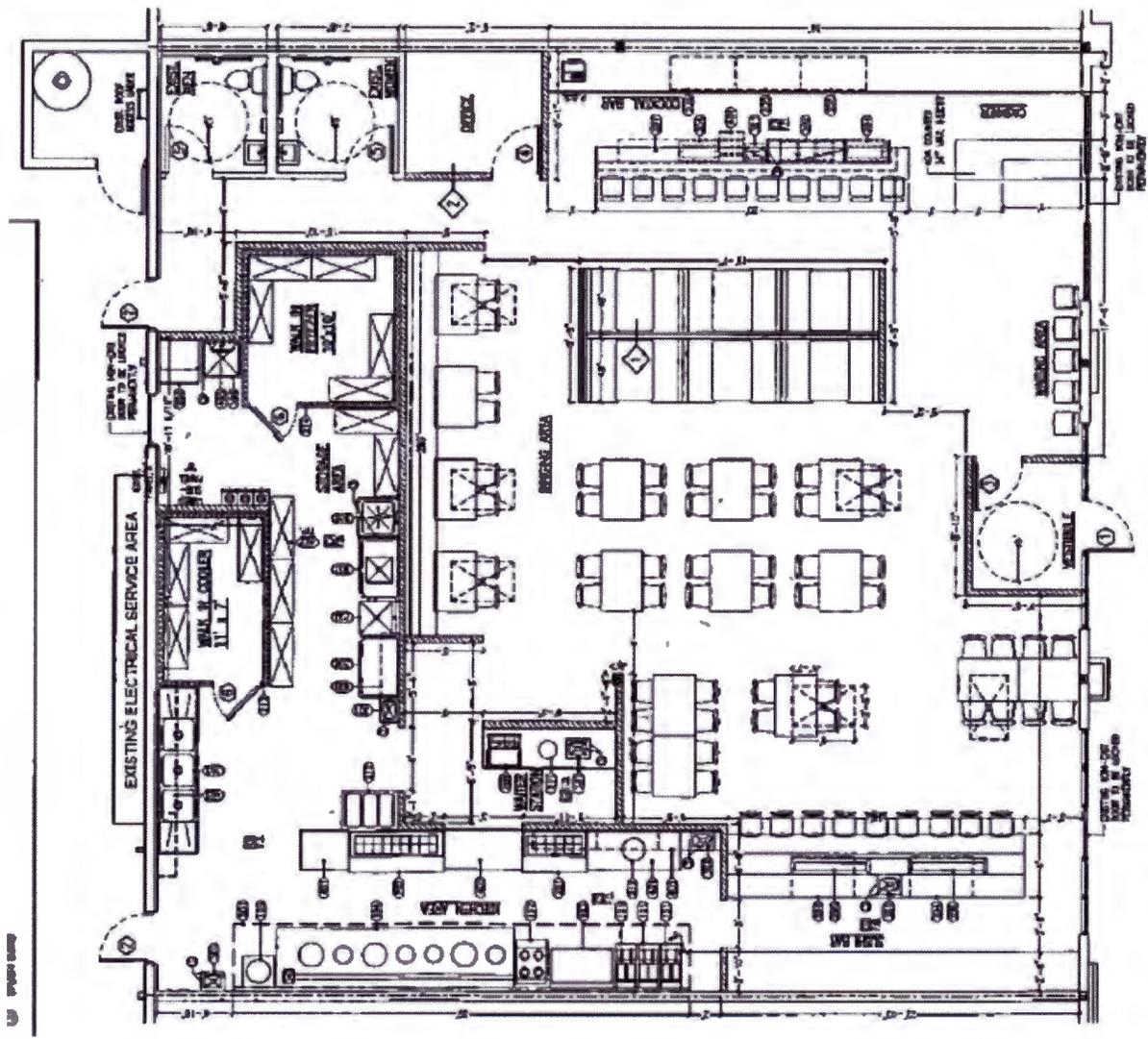
Bed & Breakfast (B & B) Establishments

Article XI, Section 1106

B & B's are subject to the following conditions:

1. That the special exception complies with all applicable development standards.
2. That the special exception will be in substantial harmony with the area in which it is to be located.
3. That the special exception will not be injurious to adjoining property.
4. That the special exception will contribute to the economic vitality and promote the general welfare of the community.
5. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.
6. In granting the special exception, the board of zoning appeals may impose such reasonable and additional stipulations, conditions, or safeguards as, in its judgment, will enhance the siting of the proposed special exception.

Floor Plan



PROPOSED FLOOR PLAN SCALE 1/4" = 1'-0"

Case # 2023-07-007

**SPECIAL EXCEPTION REVIEW SHEET
RURAL TOURISM**

Property Information

Zoning Information

Special Exception Request #	2023-07-007		
Applicant	The Earthworks Group, agent	Zoning District	CFA
Parcel Identification (PIN) #	385-00-00-0002	Parcel Size	21 Acres
Site Location	Old Clearpond Rd., Conway	Proposed Use	Rural Tourism Wedding Venue
Property Owner	Le Petit Fox Farm, LLC	Future Land Use Area	SCENIC & CONSERVATION
County Council District #	10 - Hardee		

Distance from Residential

This property abuts residential/Commercial use on all sides in the CFA zoning districts.

Requested Special Exception

The applicants are requesting special exception approval from Article XI, Section 1106 C 7 regarding rural tourism in the Commercial Forest Agriculture (CFA) zoning district.

Background/Site Conditions

This is the proposed location of Le Petit Fox Farm, LLC. The applicants are requesting a special exception to allow rural tourism on this 21 acre parcel. The proposed hours of operation are 7:00 am - 11:00 PM, Monday thru Sunday. The Operation Plan lists events as weddings, baby showers, parties for birthdays, retirement, family reunions and business meetings. They will provide a bridal suite and groom room for the wedding party. Catering and food trucks will be provided upon request. Any vendors will need to be issued a temporary vendor permit from the Code Enforcement Dept. The restroom facilities will be within the event venue when it is constructed. If any events are held before the building is constructed Code Enforcement will require the use of port-o-johns. Any outdoor amplified sound in this rural area of the county must be in compliance with the County Noise Ordinance.

Ordinance and Analysis

In granting a special exception for a rural tourism permit, the Board of Zoning Appeals shall consider the following factors as set forth in Art. XI, Section 1106 C 7 of the Zoning Ordinance, determine the allowed activities of the venue and set hours of operation. The Board may also attach such conditions as it may deem advisable to protect the surrounding properties and the public health, safety and welfare.

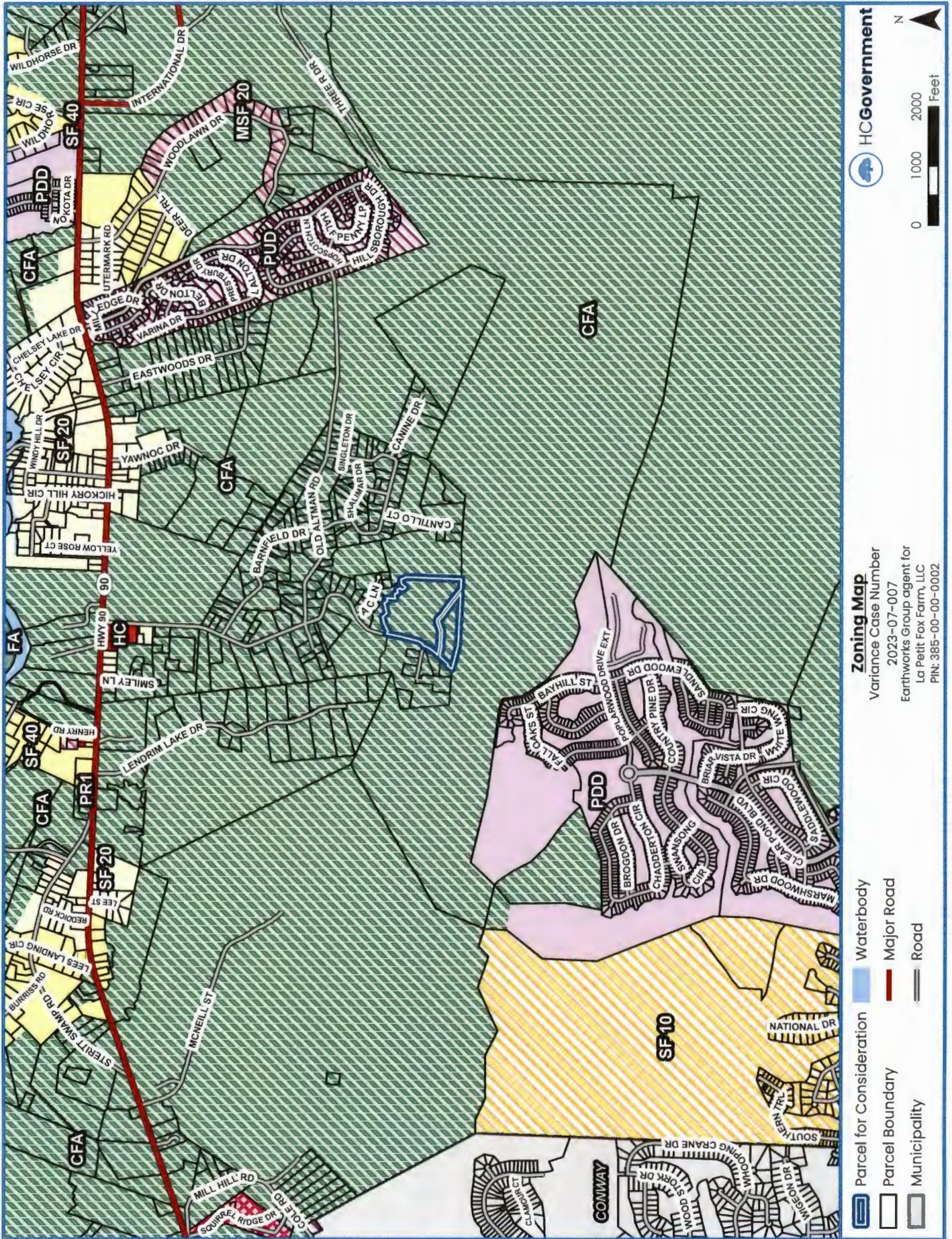
- | |
|---------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Traffic impact; |
| 2. Vehicle and pedestrian safety; |
| 3. Potential impact of noise, lights, fumes, or obstruction of air flow on adjoining property;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

SPECIAL EXCEPTION REVIEW SHEET
RURAL TOURISM

Proposed Order/Conditions

Should the Board find that the special exception request for Le Petit Fox Farm, LLC meets the required conditions of Art. XI, Section 1106 C 7 for rural tourism, 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 - Monday thru Sunday; 7 am - 11 pm;
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 building 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 Zoning Ordinance;
10. On-site 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;





HC Government

Aerial Map
 Variance Case Number
 2023-07-007
 Earthworks Group agent for
 La Petit Fox Farm, LLC
 PIN: 385-00-00-0002

Parcel for Consideration
 Road



Site on Old Clearpond Rd.



Near by Residential homes



Applicant Submittal

**RURAL TOURISM PERMIT
SPECIAL EXCEPTION REQUEST**

Article XIII, Section 1304.1

1. Rural tourism activities are permitted provided:
 - a. The parcel is a minimum of 20 acres or 20 total contiguous acres and within a Rural Area, Rural Corridors, Rural Community, Rural Activity Center, Transitional Growth Area, Scenic Conservation, or Preserved Open Space as identified on the active future land use map.
 - b. The parcel is not zoned Residential (SF, MSF, PUD, PDD, GR, GRn or MRD).
 - c. Rural Tourism Activities shall comply with Table 1, Operation Designations. Rural Tourism does not include amusement activities specified in the AM1 & AM2 zoning districts unless expressly stated in the table below. (see attached sheet for uses not allowed).
2. The requirements of Chapter 13, Article III Noise Control of the County Code shall be met.
3. If plans include use of a building onsite, a courtesy inspection will be made by Horry County Code Enforcement to ensure the building complies with accepted safety standards (see attached requirements).
4. Upon approval, the rural tourism activity may be exempt from Landscaping and Buffering requirements of Article V, Section 527 and Parking requirements of Article XI of the Horry County Zoning Ordinance.
5. No event shall exceed 499 attendees at one time, unless a Special Event Permit has been approved by the Public Safety Department.

Name of Venue: Le Petit Fox Farm

Type of Events/Uses: Rural Event Center

Total Acres: 20.43 Zoning: CFA

Hours of Operation: 7AM - 11PM (AM/PM) until _____ (AM/PM)

Days of the Week: Sun - Sat

Please submit information below:

1. **Master plan identifying all existing and proposed structures, parking areas, ingress and egress, restroom facilities and uses.**
2. **Operation plan that includes planned event days, types of activity and hours of operation.**

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

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

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

The proposed venue will have a minimal impact on the average daily trips on Clear Pond Road which is an existing 50' public access easement which allows room for future road improvements. By having all of our operations held onsite we will not add any pedestrian traffic to the road system and our existing vegetative buffers will protect the view shed of both our event spaces and adjoining property owners. This site is being developed as a rural wedding venue, we plan to do minimal tree clearing and protect all the large trees that are on the site. It is our goal to continue to keep the same quiet atmosphere in place that makes Clear Pond Road such a pristine location.

**RURAL TOURISM PERMIT
SPECIAL EXCEPTION REQUEST**

Table 1

Check all planned activities below. For all uses indicated below, please identify their locations on the Master Plan.

<i>Activities</i>	<i>Definition</i>	✓
Agricultural Activities	These activities can include, but are not limited to: rent-a-row, you-pick operations, harvest market	✓
Education Classes/ Tours	Classes/ tours focused on rural or agricultural education. (i.e. bird watching, flora and fauna identification, farm / rural tours, farm / rural museum, fishing instruction, kayak or paddle board instruction)	
Food Service, including, Food Trucks	On-site consumption of food, to include Farm to Table events	✓
Rural Activities	These activities can include, but are not limited to: zip lines, motorized and non-motorized trail rides (does not include racing activities), horseback riding, kayaking, fishing and petting zoos.	✓
Rural Retail	Nurseries and the sale of agricultural products, produce and value added products.	
Seasonal Activities	These activities can include, but are not limited to: corn mazes, haunted houses/ forests, egg hunts, and holiday light displays	✓
Events	These events can include, but are not limited to: weddings, birthdays, and corporate events	✓

Please answer the following questions and address on Operation plan:

- Will alcoholic beverages be served at any of these events? Yes No
If so, will your venue be applying for a S.C. Liquor License? Yes No (If yes a special exception may also be required)
- Will vendors or food trucks be on site during any of these events? Yes No
Temporary vendors are required to obtain a vendor permit from the Code Enforcement Dept. and pay any fees associated with the permit

Please initial that you have read and understand the item below:

JF Applicant acknowledges that any event with more than 499 people at one time will require a Special Event Permit from Horry County Public Safety. Submittal is required 45 days prior to the event. They can be reached at 843-915-5150 and at this website <https://www.horrycounty.org/Departments/Emergency-Management/Special-Events>

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

Joanna Fox
Applicant/Agent's Signature Le-Petit Fox Farm, LLC/Joanna Fox
(If in LLC or Corp. name please provide authorization to sign)

6/27/23
Date

Operation Plan: Le Petit Fox Farm

1. Introduction:

Le Petit Fox Farm is a versatile venue space located in Conway, SC, offering a picturesque setting for weddings, receptions, and various special events. Providing guests with the opportunity to experience the beautiful outdoors and nature during their event.

2. Schedule and Hours of Operation:

Le Petit Fox Farm will operate on a Sunday to Saturday schedule, starting at 7:00 AM and closing at 11:00 PM daily. The extended hours allow for hosting a wide range of events and accommodate clients' preferences for morning, afternoon, and evening functions.

3. Target Market:

The target market for Le Petit Fox Farm includes:

- Couples seeking an enchanting and romantic venue for their weddings and receptions.
- Families and individuals planning special events like baby showers, wedding showers, birthdays, retirement parties, and family reunions.
- Local business leaders in need of an elegant and serene space for business meetings and retreats.
Experience the natural beauty of Conway, SC.

4. Venue Facilities and Amenities:

Le Petit Fox Farm offers the following facilities and amenities for its clients and guests:

- Event Spaces: Indoor and outdoor event spaces to accommodate different event sizes and preferences.

- **Bridal Suite/Green Room:** A private space for the wedding couple or VIP guests to prepare for their special occasion.
- **Catering and Beverage Services:** The venue can provide catering services upon request or allow clients to bring in their preferred vendors.
- **Audio-Visual Equipment:** Equipped with audio-visual facilities for presentations, entertainment, and audio equipment for ceremonies and speeches.

5. Event Booking Process:

Clients interested in reserving the venue or cottages will follow a straightforward booking process:

- **Inquiries:** Potential clients can inquire about availability, pricing, and services through the Le Petit Fox Farm website, phone, or email.
- **Detailed Information:** The management team will promptly respond with detailed information about available packages and dates.
- **Reservation:** Once the client chooses a date, they will sign a contract and pay a deposit to secure the reservation.

6. Marketing and Promotion:

To reach its target market and attract a diverse clientele, Le Petit Fox Farm will implement various marketing strategies:

- **Website and Social Media:** The business will maintain an engaging website and actively promote events through social media platforms.
- **Partnerships:** Collaborate with local event planners, photographers, caterers, and businesses to establish partnerships and gain referrals.
- **Open House Events:** Regularly host open house events to showcase the venue's facilities and services.
- **Targeted Advertising:** Utilize targeted online advertising and local publications to reach potential clients.

7. Staffing and Training:

Le Petit Fox Farm will employ a skilled and friendly staff to ensure smooth operations and excellent customer service. Staff members will undergo training in event coordination, customer relations, and cottage management.

8. Safety and Compliance:

The safety and well-being of guests will be of utmost importance. The venue will adhere to all local regulations, safety standards, and cleanliness protocols for the venue.

9. Community Engagement:

Le Petit Fox Farm will actively engage with the local community by participating in events, supporting local businesses, and being environmentally conscious in its operations.

10. Financial Planning:

The business will maintain a robust financial plan that includes revenue projections, expense management, and contingency plans to ensure sustainability and growth.

By following this Operation Plan, Le Petit Fox Farm will establish itself as a premier venue in Conway, SC, attracting a wide range of clients for events and offering guests a memorable and delightful stay in the quaint and natural surroundings.

Proposed Event Center

