HORRY COUNTY
ZONING BOARD OF APPEALS

Meeting Dates
January 14, 2019
February 11, 2019
March 11, 2019
April 8, 2019
May 13, 2019
June 10, 2019
July 8, 2019
August 12, 2019
September 9, 2019
October 14, 2019
November 4, 2019
December 9, 2019

Members
Marion Shaw, Chairman
Mike Fowler, Vice Chairman
Mark Gouhin
William Livingston
Robert Page
Drew Parks
John Brown
Johnny Brown
Kevin Doolittle

Staff
Pam Thompkins, Zoning Administrator
David Schwerd, Director of Planning
Steve Gosnell, County Administrator
Desiree Jackson, Asst. Zoning Admin.
Stevie Brown, Chief Zoning Inspector
John Danford, Principal Planner
David Jordan, Deputy County Attorney
Jerry Mabry, Court Reporter
Marnie Leonard, Planning Zoning Tech
HORRY COUNTY ZONING BOARD OF APPEALS

Agenda

November 4th, 2019

I. Call to Order – 5:30 p.m.

II. Invocation/Pledge of Allegiance

III. Communications ................................................................. 1

IV. Minutes

A. October 14th, 2019 – Regular Meeting Minutes................................. 3-6

V. Old Business ........................................................................... 7

VI. New Business ........................................................................ 8

Variances

1. 2019-10-001 – Felix H. Pitts, agent for Southpointe, LLC ..................... 9-20
   Lake Pointe Dr. Garden City, SC (Council Member Servant)

2. 2019-10-002 – Ronald Moore............................................................. 21-33
   3289 Bakersfield Rd. Loris, SC (Council Member Hardee)

3. 2019-10-003 – David R. Summerfield and Kathy L. Clark ..................... 31-42
   1227 Kingswood Dr. Conway, SC (Council Member Vaught)

VII. Discussion Item ...................................................................... 43

1. Special Exceptions for Rural Tourism Permits ..................................... 44-45

VIII. Adjourn
Communications
Minutes
The Horry County Zoning Board of Appeals held its scheduled meeting on Monday, October 14th, 2019 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: Johnny Brown, Drew Parks, Mark Gouhin, Marion Shaw, Bobby Page, John Brown, and William Livingston.

Board Members Absent: Michael Fowler and Kevin Doolittle.

Staff present: Pam Thompkins, Mamie Leonard, John Danford, Jordan Todd, Attorney David Jordan, and Court Reporter Jerry Mabry.

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.

Marion Shaw, Chairman called the meeting to order at 6:00 p.m. There was a valid quorum for voting purposes. Bobby Page delivered the invocation and John Brown led in the Pledge of Allegiance.

Marion Shaw swore in staff.

COMMUNICATIONS

Approval of the 2020 Calendar dates for the ZBA meeting. John Brown made a motion for the approval of the Calendar and Mark Gouhin seconded, the motion carried unanimously.

REGULAR MEETING MINUTES – September 9th, 2019

Marion Shaw asked if there were any additions, deletions or changes to the minutes. Mark Gouhin made a motion to accept the minutes as written. Bobby Page seconded the motion carried unanimously. The minutes for September 9th, 2019 were approved.

OLD BUSINESS

The case number was 2019-07-004 Norm Johnston, agent 207 S Waccamaw LLC. Pam Thompkins presented the case to the board. PIN number 470-06-04-0065 identifies the parcel located at 207 S Waccamaw Drive, Murrells Inlet, SC 29576. The applicant is requesting a variance from Article VII, Section 723.2 and Article VIII regarding height requirements in the Garden City Height Overlay and Residential (SF6) zoning district.
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.

Marion Shaw swore in Norman Johnson who explained why the variance was needed. Marion Shaw swore in William Joy who spoke against the request and how it would block his view from his property.

Mark Gouhin made a motion to grant the variance with the conditions as stated by staff. William Livingston seconded the motion. The vote was 6 no’s and 1 yes with the yes vote being William Livingston. The case was denied.

NEW BUSINESS

Public Hearings

Variance

The second case number was 2019-09-001 Geraldine Squires, agent for Flory Louise Boone. Pam Thompkins presented the case to the board. PIN number 279-11-02-0004 identifies the parcel located at 376 Rabon Rd, Aynor. The applicant is requesting a variance from Article V, Section 512 and Article VII, Section 702 and Article VIII regarding setback requirements in the Forest Agricultural (FA) zoning district. To avoid any future variances Staff would also like a variance to allow all accessory structures to be forward of the principal structure due to the mobile home being placed to the rear of the lot.

Marion Shaw swore in Geraldine Squires who explained the request that there are several existing storage buildings located on this site. There are 2 accessory structures encroaching over the property lines. The 10' x 12' (120 SF) storage building encroaching over the proposed front property line will need to be moved to meet the required setbacks. The 16' x 30' (480 SF) shed with lean to is encroaching over the rear property line. The existing 37.3' x 20.3' (757 SF) storage building on this parcel is located 3.3' from the front property line instead of the required 25' for a variance of 21.7'.

Mark Gouhin made a motion to grant the variance with the conditions as stated by staff. William Livingston seconded the motion. The motion carried unanimously. The variance was approved with conditions.

The third case number was 2019-09-003 Dervon Dennis. Pam Thompkins presented the case to the board. PIN number 448-07-01-0059 identifies the parcel located at 7179 Hwy 707, Myrtle Beach. Applicant is requesting a variance from the Access to public pedestrian facilities requirements in Article VII, Section 723.5 (E) (1) of the Highway 707 Overlay District. The applicant is proposing to construct an office for his landscape business with storage of equipment.
on this parcel that is located within the Hwy. 707 overlay zone. The overlay requires a 5 ft. sidewalk to be provided from the primary building entrance to the public sidewalk system to provide a reasonable direct path from entrance/exit. The applicant is asking for a variance to not have to install the sidewalk.

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.

Marion Shaw swore in Dervon Dennis who explained the request.

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

The forth case number was 2019-09-004 Michael Leviner. Pam Thompkins presented the case to the board. PIN number 470-07-04-0031 identifies the parcel located at 207 S Waccamaw Drive, Murrells Inlet, SC 29576. The parcel is located 3138 First Avenue, Murrells Inlet. The applicant is requesting a variance from Article VII, Section 706 and Article VIII regarding building height requirements in the Residential (SF10) zoning district. The applicants are proposing to construct an elevated 2-story single family home on this parcel. The home is located in the AE13 flood zone which requires a base flood level elevation of 14'. The home will be 36' 11" in height instead of the required 35' for a variance of 1' 11". The home will have 4' 6" of freeboard.

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.

Marion Shaw swore in Michael Leviner who explained the request.
Marion Shaw swore in Mr. Griggs who was against the variance due to flood issues it may cause on his property.

Bobby Brown made a motion to grant the variance with the conditions as stated by staff. Johnny Brown seconded the motion. The motion carried unanimously. The variance was approved with conditions.

The fifth case number was 2019-09-006 Mike Kensey, agent for Joyce & David Madison. Pam Thompkins presented the case to the board. PIN number 462-01-04-0034 identifies the parcel located at 178 Heron Lake Court, Murrells Inlet, SC 29576. The applicant is requesting a
variance from Article VII, Section 702 and Article VIII regarding setback requirements in the Multi Residential (MRD3) zoning district. The applicants are requesting to construct a 9' x 13' (117 SF) sunroom on the rear of their single family home. The sunroom will be located 1' from the rear property line instead of the required 10' for a variance of 9'.

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.

Marion Shaw swore in Mike Kensey who explained the need for the setbacks requested.

John Brown made a motion to grant the variance with the conditions as stated by staff. William Livingston seconded the motion. With a unanimous no vote the variance was denied.

The sixth case number was 2019-09-005 Kris Venditto, agent for Inlet Crossing Management, LLC. Pam Thompkins presented the case to the board. PIN number 469-05-04-0005 identifies the parcel located at 3340 Highway 17 S. Murrells Inlet, SC 29576. The applicants are requesting to amend the special exception approval from Article V, Section 534 regarding on site consumption of alcohol for a Restaurant/ Bar in the Highway Commercial (HC) zoning district. The applicants are requesting to amend the existing special exception for on-site consumption of alcohol at the Acme Bar & Grill. The previous special exception was approved under Case# 2012-12-010 at the January 14, 2013 Zoning Board meeting with hours of operation being 11:00 am until 12:00 Midnight. The applicants are requesting to amend the hours of operation to 11:00 am until 2:00 am. They have received a Preclearance letter from the Horry County Police Dept.

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.

Marion Shaw swore in Ms. Kris Venditto who explained the request.

Mark Gouhin made a motion to grant the variance with the conditions as stated by staff. Bobby Brown seconded the motion. The motion carried unanimously. The variance was approved with conditions.

With no further business, a motion to adjourn was made and seconded. The meeting was adjourned at approximately 6:50 p.m.
Old Business
New Business
Case # 2019-10-001
VARIANCE REVIEW SHEET

Property Information

<table>
<thead>
<tr>
<th>Variance Request #</th>
<th>2019-10-001</th>
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<table>
<thead>
<tr>
<th>Applicant</th>
<th>Felix H. Pitts</th>
</tr>
</thead>
</table>

|-------------------------------|-------------------------------------------------------------|

<table>
<thead>
<tr>
<th>Site Location</th>
<th>Lake Pointe Dr. Garden City, SC</th>
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<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Southpointe, LLC</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>County Council District #</th>
<th>5 - Servant</th>
</tr>
</thead>
</table>

Requested Variance(s)

The applicant is requesting a variance from Article VII, Section 716 and Article VIII regarding the minimum lot width at building site.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requested</th>
<th>Variance Needed</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot #8 - Min. lot width at bldg. site</td>
<td>60'</td>
<td>45.2'</td>
<td>14.8'</td>
</tr>
<tr>
<td>Lot #9 - Min. lot width at bldg. site</td>
<td>60'</td>
<td>42.9'</td>
<td>17.1'</td>
</tr>
<tr>
<td>Lot #15 - Min. lot width at bldg. site</td>
<td>60'</td>
<td>43.4'</td>
<td>16.6'</td>
</tr>
<tr>
<td>Lot #23 - Min. lot width at bldg. site</td>
<td>60'</td>
<td>58.4'</td>
<td>1.6'</td>
</tr>
</tbody>
</table>

Background/Site Conditions

These four (4) lots are located within Reflection Pointe subdivision. Article VIII requires the minimum lot width at building site to be 60' within this zoning district. The single family homes would have to meet a larger setback to meet this requirement thereby reducing the buildable area of the lot. The applicants are proposing to meet the 20' required setback but will need the following variances for minimum lot width at building site. Lot #8 is requesting to be 45.2' for a variance of 14.8', Lot #9 is requesting to be 42.9' for a variance of 17.1', Lot #15 is requesting to be 43.4' for a variance of 16.6' and Lot #23 is requesting to be 58.4' for a variance of 1.6'.

Ordinance and Analysis

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

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

There is a 20' drainage easement on the rear of lots 8 and 9 and a 25' power line easement on the rear of lot 15 which would require a larger rear setback for these homes.

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

These conditions apply to all properties within this 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.

Application of the ordinance prohibits staff from approving the single family homes not meeting the required min. lot width at building site.

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.
Applicant Submittal
VARIANCE REQUEST

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

<table>
<thead>
<tr>
<th>Article(s)</th>
<th>Section(s)</th>
<th>OR Lot Width</th>
</tr>
</thead>
</table>

Description of Request: Lot width variance to allow 20' front building setbacks and 20' building separation on lots 8,9,15, ... , and 23.

<table>
<thead>
<tr>
<th>Required Front Setback:</th>
<th></th>
<th>Requested Front Setback:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required Side Setback:</td>
<td>N/A</td>
<td>Requested Side Setback: N/A</td>
</tr>
<tr>
<td>Required Rear Setback:</td>
<td>N/A</td>
<td>Requested Rear Setback: N/A</td>
</tr>
<tr>
<td>Required Bldg. Separation:</td>
<td>N/A</td>
<td>Requested Bldg. Separation: N/A</td>
</tr>
<tr>
<td>Required Minimum Lot Width:</td>
<td>60'</td>
<td>Requested Min Lot Width:</td>
</tr>
<tr>
<td>Required Min Lot Width/Bldg Site:</td>
<td>N/A</td>
<td>Requested Min Lot Width/Bldg Site: N/A</td>
</tr>
<tr>
<td>Required Max Height of Structure:</td>
<td>N/A</td>
<td>Requested Max Height of Structure: N/A</td>
</tr>
</tbody>
</table>

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)

(1.) Irregular front setbacks do not apply to a majority of the existing lots in Reflection Point.

(2.) Current setbacks on the affected lots unreasonably restrict comparable lot development.

(3.) In other words, the same square footage building cannot be built on these lots and would require a change of product, shallow building depth, or in some instances an undeveloped lot.

(4.) Lots to be developed are of similar character of surrounding lots. Staff has considered abandoning this regulation.

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: ____________________________ Date: 09-10-2019
Case # 2019-10-002
VARIANCE REVIEW SHEET

Property Information

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<thead>
<tr>
<th>Variance Request #</th>
<th>2019-10-002</th>
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<tbody>
<tr>
<td>Applicant</td>
<td>Ronald Moore</td>
</tr>
<tr>
<td>Parcel Identification (PIN) #</td>
<td>252-07-02-0001</td>
</tr>
<tr>
<td>Site Location</td>
<td>3289 Bakersfield Rd, Loris</td>
</tr>
<tr>
<td>Property Owner</td>
<td>Ronald Moore</td>
</tr>
<tr>
<td>County Council District #</td>
<td>10 - Hardee</td>
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</table>

Zoning Information

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>LFA</th>
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<tbody>
<tr>
<td>Parcel Size (in acres)</td>
<td>3</td>
</tr>
<tr>
<td>Proposed Use</td>
<td>Residential</td>
</tr>
</tbody>
</table>

Requested Variance(s)

The applicants are requesting a variance from Article VII, Section 701 and Article VIII regarding setback requirements in the Limited Forest Agriculture (LFA) zoning district.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requested</th>
<th>Variance Needed</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>Front Setbacks</td>
<td>60'</td>
<td>53.7'</td>
<td>6.3'</td>
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</table>

Background/Site Conditions

The applicants received a building permit in April 2019 to place a 24' x 30' (720 SF) metal garage with a 12' x 30' lean-to on two sides of the building. Upon resurvey of the parcel it was determined that the garage did not meet the 60' front setback. The garage is located 53.7' from the front property line instead of the required 60' for a variance of 6.3'.

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.

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

   These conditions apply to all parcels within the LFA 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.

   Application of the ordinance prohibits staff from approving the garage not meeting the required front setback.
### VARIANCE REVIEW SHEET

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<tr>
<td>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?)</td>
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<tr>
<td>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.</td>
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### 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.
002 Site front
002 Site garage left side and rear
Applicant Submittal
VARIANCE REQUEST

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

Article(s)  Section(s)  

Description of Request:  6' 1/2" feet from the front  

Required Front Setback:  60'  
Requested Front Setback:  53.7'  

Required Side Setback:  25'  
Requested Side Setback:  

Required Rear Setback:  40'  
Requested Rear Setback:  

Required Bldg. Separation:  
Requested Bldg. Separation:  

Required Minimum Lot Width:  
Requested Min Lot Width:  

Required Min Lot Width/Bldg Site:  
Requested Min Lot Width/Bldg Site:  

Required Max Height of Structure:  
Requested Max Height of Structure:  

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

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:  

The following documents are submitted in support of this application:  

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

Applicants Signature  

Date  

29
Case # 2019-10-003
VARIANCE REVIEW SHEET
TREE PRESERVATION

Property Information

<table>
<thead>
<tr>
<th>Variance Request #</th>
<th>Zoning Information</th>
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<td>2019-10-003</td>
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Applicant

<table>
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<tr>
<th>David R. Summerfield and Kathy L. Clark</th>
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Parcel Identification (PIN) #

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<th>416-01-01-0039</th>
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Site Location

<table>
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<tr>
<th>1227 Kingswood Dr. Conway, SC</th>
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Property Owner

<table>
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<tr>
<th>David R. Summerfield and Kathy L. Clark</th>
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County Council District #

<table>
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<th>8 - Vaught</th>
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Zoning Information

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<tr>
<th>Zoning District</th>
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<tr>
<td>MSF10</td>
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Parcel Size

<table>
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<th>14,398 sq. ft.</th>
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Proposed Use

<table>
<thead>
<tr>
<th>Residential</th>
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Requested Variance(s)

The applicants are requesting a variance from Article V, Section 527.4 regarding the removal of a live oak specimen tree in the Single Family (MSF10) zoning district.

Background/Site Conditions

The applicants are requesting to remove a live oak tree from their property. The live oak tree is 27" in diameter, which requires 16 replacement trees at 2.5" caliper or $2,400 fee in lieu. The applicant states the tree is leaning over their home and they are afraid it may fall on their home or a neighbor's home during a bad storm.

Ordinance Requirements

Article V, Section 527.4 states that it shall be unlawful to injure, participate in, authorize or cause the removal of any specimen live oaks 24" or greater. Authorization to do so shall require a variance from the HC Zoning Board of Appeals based on findings including, but not limited to:

a) Presentation of a safety hazard to pedestrian and/or vehicular traffic;
b) Presentation of a safety hazard to buildings, structures or utility infrastructures;
c) Removal being the only reasonable means by which to comply with certain governmental requirements;
d) Justification according to good urban forestry practices (i.e., to reduce competition among trees or to remove invasive exotic species);
e) Any tree confirmed in writing by a Certified Arborist as being structurally unsound, hazardous diseased, dead, or in a state of irreversible decline:
f) If tree retention and/or tree protection zone(s) prevents the minimum number of required parking spaces;
g) If the ingress/egress approved by the governing agency cannot reasonably be located to adequately accommodate the required root area of the Protected tree(s);
h) Other required utility infrastructures cannot reasonably be located to accommodate the Protected tree(s) (i.e., storm water systems, detention ponds, etc.);
i) The introduction of fill twelve (12) inches or greater to elevate the parcel above the required flood protection elevation;
j) A planned grade cut that would place the tree protection zone above four (4) feet above final grade;
k) Reasonable use of the property will be significantly impaired;

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

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

1. The removed tree shall be replaced according to the mitigation and planting requirements or a fee in lieu as outlined in the Zoning Ordinance.

2. All future buildings and building additions must conform to Horry County regulations.

3. All other applicable County requirements shall be met.
Applicant Submittal
VARIANCE REQUEST

Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:
Article(s) __________________ Section(s) __________________

Description of Request: We want to put down a tree that is leaning over our house and our neighbors.

<table>
<thead>
<tr>
<th>Required Front Setback:</th>
<th>Requested Front Setback:</th>
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<tbody>
<tr>
<td>Required Side Setback:</td>
<td>Requested Side Setback:</td>
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<tr>
<td>Required Rear Setback:</td>
<td>Requested Rear Setback:</td>
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<tr>
<td>Required Bldg. Separation:</td>
<td>Requested Bldg. Separation:</td>
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<tr>
<td>Required Minimum Lot Width:</td>
<td>Requested Min Lot Width:</td>
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<tr>
<td>Required Min Lot Width/Bldg Site:</td>
<td>Requested Min Lot Width/Bldg Site:</td>
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<tr>
<td>Required Max Height of Structure:</td>
<td>Requested Max Height of Structure:</td>
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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 tree is leaning over our house to the point that we are afraid that the root system comes the tree will fall on our house and destroy it. And it could take out our neighbors house. We have pictures attached.

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

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 Signature ____________________________ Date ____________

Oct. 7, 2019
Discussion Item
468.3 Value Added Product Processing

Value-added agricultural product means the enhancement or improvement of the overall value of an agricultural commodity to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging, and educational presentation activities and tours that relate to agriculture or agricultural products.

1304.1. - Rural Tourism permit.

All owners and operators seeking the establishment of Rural tourism activities as defined herein shall be required to obtain a Special Exception from the Zoning Board of Appeals.

(A) Intent.
To support economic growth in rural areas while simultaneously preserving open space and farm land. The permit may provide relief from certain commercial standards that are inconsistent with the surrounding rural character.

(B) Permitted activities.
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; and
   b. The parcel is not zoned Residential; and
   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.

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.

4. Upon approval, the Rural Tourism Activity may be exempt from Landscaping and Buffering requirements and 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.

(C) Application procedures.

1. A completed Rural Tourism Special Exception application shall be made to the Planning and Zoning Department. Applications shall include the following:
   a. A master plan identifying all existing and proposed structures, parking areas, ingress and egress, restroom facilities and uses.
   b. An operation plan that includes planned event days, type of activity and hours of operation.

<table>
<thead>
<tr>
<th>TABLE 1</th>
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<tbody>
<tr>
<td><strong>Activities</strong></td>
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<tr>
<td>Agricultural Activities</td>
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<tr>
<td>Education Classes/ Tours</td>
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<tr>
<td>Food Service, including, Food Trucks</td>
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<tr>
<td>Rural Activities</td>
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<tr>
<td>Rural Retail</td>
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<tr>
<td>Seasonal Activities</td>
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<tr>
<td>Events</td>
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