

CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
BOARD OF ZONING APPEALS MEETING
Thursday, June 11, 2020
5:00 PM

MINUTES

Dan Moore, Chairman
Cynthia Lover
Ricky Martin, Absent
William McGonigal
Roger Quinn
Trey Skidmore
Andy Thomas, Absent

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

- 1. CALL TO ORDER & ROLL CALL:** Chairman Moore called the meeting to order at 5:02 PM.
- 2. SWEAR IN THOSE PERSONS TO SPEAK:** Mrs. Galbreath swore in persons to speak at the beginning of the meeting.
- 3. APPROVAL OF MEETING MINUTES:** Chairman Moore called for a motion to approve the minutes of the March 12, 2020 meeting. The motion was made by Ms. Lover and seconded by Mr. Skidmore. The motion passed 5-0. Chairman Moore called for a motion to approve the minutes of the April 9, 2020 meeting. The motion was made by Mr. McGonigal and seconded by Ms. Lover. The motion passed 5-0. Chairman Moore called for a motion to approve the minutes of the May 14, 2020 meeting. The motion was made by Mr. Skidmore and seconded by Mr. Quinn. The motion passed 5-0.
- 4. COMMUNICATIONS:** None
- 5. OLD BUSINESS:**
 - A. VARIANCE #V07-20:** Mr. Tim Dunkin had made an application for a variance to remove a tree in excess of the 24-inch caliper measurement that was protected by the ordinance at 225 1st Avenue North. Mr. Dunkin stated he provided the design and layout of the building with the outline of the tree to the Board. He requested a mitigation for the tree to be removed in order for a new structure to be placed on the property. Chairman Moore asked if the existing structure would be torn down. Mr. Dunkin confirmed the structure would be demolished. Ms. Lover inquired if there was more than one tree. Mr. Dunkin clarified there was more than one on the property, however, in the provided layout the additional trees were not included because they would be left on the property with one being trimmed. Mr. Dunkin did not know the exact number of trees that existed on the property. Chairman Moore inquired if Mr. Dunkin was familiar with the requirements of tree mitigation removal. Mr. Dunkin stated he was aware.

Ben Caldwell, Interim Zoning Administrator, read the description of the request and stated the tree was 26-in caliper. Mr. Dunkin explained he should close on the property on July 31, 2020 and had put a significant amount down in escrow. He had written authorization

from the current owner to come before the Board to request a variance, but did not have it with him at the meeting. Chairman Moore asked Chris Noury, City Attorney, how to proceed. Mr. Noury stated if the applicant had written authorization from the property owner to seek the variance, the Board could conditionally approve the variance provided the authorization was received by the Staff. Ms. Lover inquired if the land transaction did not close, could the variance be withdrawn. Mr. Caldwell stated he could keep the tree on the property until he received the building permit and then the tree removal permit would not be necessary. Mr. Noury stated it would be necessary for both permits to be obtained.

Chairman Moore called for a motion. Ms. Lover motioned to approve Variance #V07-20 based on the fact that the tree to be removed was in the footprint of the house. The variance was approved with the condition that all other trees must remain on the property, the applicant must replace trees with 13 inches of oak trees, not palm trees, and submit proof the owner of the property had authorized the seeking of a variance. The tree in question must not be removed until the building permit was granted. If the property did not close, the variance would be receded. Mr. McGonigal seconded the motion. Having no further discussion, the motion to approve passed 5-0.

6. NEW BUSINESS:

A. VARIANCE #V18-20: Ms. Jennifer Wolfe had made application for a variance to allow additional signage above the maximum allowed in the HC (Highway Commercial) District at 801 Highway 17 North. Jamie Burns, from It's Permittable, spoke as a representative for Jennifer Wolfe and Discount Tire. Ms. Burns stated her company asked for a variance after viewing the site conditions and other factors. Signage was extremely important and the corporate brand was passionate about their image, which uniquely identified their brand. Ms. Burns cited the City ordinance related to property zoned HC District. She stated the property was 2.21 acres and the building was 8,192 square feet with two points of ingress and egress off Highway 17 North. The additional signage would allow a customer to see the building sign traveling north on Highway 17. The proposed 27 inch letters were the smallest letters in the company's branding package, which was not typically used. The applicant was requesting a zoning relief to add an additional 58 square foot sign with 27 inch size letters to be installed on the south elevation of the building. Chairman Moore inquired what the square footage of the sign on the opposite side of the building was. Ms. Burns stated it was 58 square feet. Ms. Lover asked for clarification of where the signage would be placed and what the hardship was to the property. Ms. Burns stated it would allow people better visibility and reaction time. Ms. Lover stated the front free standing sign was how she found the location and she did not believe the evidence put forward proved hardship. It was a hardship created by the company and their restrictive branding packages.

Mr. Caldwell read the description of the request and ordinance related to the request. Mr. Quinn stated there were twelve letters in the name Discount Tires, not eleven. He asked if another variance had been granted with similar circumstances. Ms. Lover stated there were other businesses with a greater number of letters within their name and made the signage work within the parameters of the ordinance. Basically, the sign had to be larger because the letters could not be less than 27 inches, due to the branding package requirements. Ms. Burns stated the company received production discounts when they stuck to their standard branding package requirements. 27 inch letters were not normally used. Mr. Quinn asked if the company could make the letters visually smaller. Ms. Lover stated a variance would still be needed, because they already had the maximum amount of signage allowed. Chairman Moore stated the store had a lot of existing signage.

Ms. Lover stated the City had limits on signs and visual clutter on roads for a purpose. Chairman Moore stated the free standing sign would be more important to a customer turning into the store, because they could see it further away. Ms. Burns stated there was a generous amount of trees and the signage on the building could not be seen until closer to turning in the parking lot. If there was additional signage on the building, customers would be able to make the determination to turn into the area quicker and safer. Chairman Moore asked if the signage from the front could be moved to the side of the building. Ms. Burns stated the customer preferred the front elevation first and wanted to go the variance route to gain the additional signage. Chairman Moore stated it would be a tradeoff. Ms. Burns stated she had no contact with the customer to make a decision at the meeting. Mr. McGonigal suggested putting the frontage sign on the inside of the window within the store. Ms. Burns stated she would take the suggestion back to the customer.

Chairman Moore called for a motion. Mr. McGonigal motioned to deny Variance #V18-20 on the grounds that there was not a proven hardship and was seconded by Ms. Lover. Having no further discussion, the motion to deny passed 5-0.

The Board thanked Paul Blust, former Zoning Administrator, for his years of service and welcomed Ben Caldwell as the Interim Zoning Administrator. Having no further business, Chairman Moore asked for a motion to adjourn. Mr. McGonigal motioned to adjourn and was seconded by Ms. Lover. The motion passed 5-0. The meeting adjourned at 5:45 PM.

Respectfully submitted,

Allison K. Galbreath
City Clerk

NOTE: BE ADVISED THAT THESE MINUTES REPRESENT A SUMMARY OF THE BOARD OF ZONING APPEALS MEETING AND ARE NOT INTENDED TO REPRESENT A FULL TRANSCRIPT OF THE MEETING.