

**TOWN OF ATLANTIC BEACH
PLANNING COMMISSION MEETING
AND PUBLIC HEARING**

Thursday, August 19, 2021

1:00 p.m.

The Town of Atlantic Beach Planning Commission meeting and public hearing was held and recorded at Atlantic Beach Community Center, 1010 32nd Avenue South, Atlantic Beach, South Carolina, on the 19th day of August, 2021.



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1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / (800) 822-0896

APPEARANCES

COMMISSION MEMBERS:

Derrick Stevens, Vice-Chair
Commissioner Timothy L. Vereen
Commissioner Esco McFadden
Commissioner S. Kathryn Allen

ADMINISTRATION:

Benjamin Quattlebaum Jr., Town Manager
Cheryl Pereira, Town Clerk

GUESTS:

Carol Coleman, Waccamaw Regional Council of Governments

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1 Call to Order:

2 **VICE-CHAIR STEVENS:** Call to order. This is the
3 Atlantic Beach Planning Commission meeting and
4 public hearing for the first reading of
5 Ordinance 7-2021. Cheryl, you wanna do roll
6 call?

7 **CLERK:** Yeah, that's fine.

8 **COMMISSIONER VEREEN:** Commissioner Vereen.

9 **COMMISSIONER McFADDEN:** McFadden.

10 **VICE-CHAIR STEVENS:** Derrick Stevens.

11 **COMMISSIONER ALLEN:** S. Kathryn Allen.

12 **VICE-CHAIR STEVENS:** Okay. I'd like to welcome
13 everybody here today. Can we have a moment of
14 silence please?

15 **(Moment of Silence.)**

16 **VICE-CHAIR STEVENS:** Approval of the agenda.

17 **COMMISSIONER ALLEN:** So moved ---

18 **VICE-CHAIR STEVENS:** Seek a motion.

19 **COMMISSIONER ALLEN:** So moved.

20 **VICE-CHAIR STEVENS:** Okay. Approval of the minutes
21 for the Planning Commission meeting on
22 9/30/2020 ---

23 **MR. QUATTLEBAUM:** And make a motion and second.

24 **COMMISSIONER VEREEN:** I make a motion to approve the
25 minutes on the Planning Commission meeting



1 9/30/2020.

2 **MR. QUATTLEBAUM:** Somebody want to second it.

3 **COMMISSIONER McFADDEN:** Second.

4 **Public Hearing:**

5 **VICE-CHAIR STEVENS:** Public Hearing 7-2021. Proposed
6 amendment to the Town of Atlantic Beach Land
7 Management Ordinance, Title V, Chapter 3,
8 Article IV Zoning Districts, Division 2 Bulk,
9 Dimensional and Density Standards to allow for
10 the subdivision of duplexes in the R2
11 Residential Zoning District.

12 **MS. COLEMAN:** Mr. Chairman, do you want me to go
13 ahead and go into the ---

14 **VICE-CHAIR STEVENS:** Yes.

15 **MS. COLEMAN:** --- explanation of this?

16 **VICE-CHAIR STEVENS:** Yes.

17 **MS. COLEMAN:** Okay, for those of you -- can you hear
18 me all right?

19 **(Inaudible background noise.)**

20 **MS. COLEMAN:** Just let me know. A property owner
21 approached staff a few months ago about the
22 possibility of building duplexes in the R2
23 District. When we started looking at the
24 zoning ordinance -- and I did a handout for you
25 if you want to refer to it -- I've got all the



1 definitions straight out of the Land Management
2 Ordinance as well as the tables. And I have a
3 couple of packets up here if you want one of
4 these. The definition of the R2 District -- or
5 the description of it -- Residential R2: the
6 intent of this district is to preserve and
7 protect the character of Atlantic Beach
8 neighborhoods. Residential uses range from
9 single-family detached to multi-family at
10 densities that are compatible with existing
11 housing. This district may provide for
12 innovative design including, but not limited
13 to, zero-lot-line development. Select
14 nonresidential uses may be allowed in this
15 district provided such uses are complementary
16 and do not create nuisances to residential
17 enjoyment. So that's the title block of the
18 zoning district. Below that I've got some of
19 the definitions with the arrows that are color-
20 coded for you. A duplex is considered two-
21 family dwelling. So the definition of a duplex
22 is a building, located on a single lot,
23 designed or occupied exclusively by two
24 families living independent of each other in
25 separate dwelling units. So the question is



1 whether or not they could subdivide out a
2 duplex in the R2 District. Well, you go over
3 to page 2 on the handout that I made for you,
4 Table 5.3.420A, and you can see I've kind of
5 highlighted R2 -- the minimum lot size in R2
6 District is 6,000 square feet. You go down
7 below -- I highlighted a couple of different
8 sections because it kept going back and forth,
9 whether this was single-family attached or
10 single -- or two-family dwelling. Basically,
11 over to the right you can see -- I color-coded
12 it -- a single-family attached is usually
13 considered a townhome development, and they're
14 usually a minimum of three units and each unit
15 shares a wall with another one. A two-family
16 dwelling is a duplex. It may be side by side,
17 it may be up and down, depending on where
18 you're building it. But if you go over to the
19 table of uses on the right-hand side where the
20 red arrows are, you can see single-family
21 attached are conditional uses in the R
22 District, and that refers back to the
23 description that I gave you to begin with. And
24 a two-family -- or a duplex dwelling is a key
25 permitted use. So by right, currently, you can



1 have a duplex in the single-family R2 District.
2 So we've established that. I added some more
3 definitions to kind of give you more
4 descriptions of -- so you'd have more
5 information of what's in the ordinance. So on
6 page 3 of your handout, I've got single-family
7 attached -- all the information about that.
8 Again, I've already determined that single-
9 family attached is different than a duplex
10 because typically there's more than three of
11 those involved, but I did want to include the
12 definition for zero-lot-line development. The
13 location of a building on a lot in such a
14 manner that one of the building's sides rests
15 directly on the common lot line of an adjacent
16 lot. So, we go back to the description of the
17 R2 District where it says that zero-lot-line
18 developments are allowed in the R2 District.
19 On the next page, one of the problems that I
20 saw in terms of allowing a duplex to be
21 subdivided with the current language in the
22 code listed Section 5.3.1023 and the title is
23 Frontage. This is on the bottom of page 4 of
24 the handout. Lots created hereafter shall have
25 frontage on and access to a public street. And



1 no subdivision shall be approved unless the
2 lot(s) to be subdivided shall have a minimum of
3 50 feet of frontage on a public street. This
4 requirement may be reduced to 35 feet on a
5 cul-de-sac -- and that's a design issue from an
6 engineering standpoint -- and to 20 feet for a
7 lot in an approved zero-lot-line development
8 if, in the opinion of administrator, such
9 reduction would not hinder access and all other
10 requirements of this chapter can be met. So,
11 I've gone from a minimum of 6,000 square feet
12 for a duplex that's unsubdivided and normally
13 you have to have a minimum frontage of 50 feet,
14 now there's a place in the ordinance that
15 allows you to reduce that minimum frontage if
16 the zero-lot-line development is approved. So
17 then the problem became what -- how do we
18 handle it if they still have to have 6,000
19 square feet? Well, on page 6, the proposed
20 amendment in the R2 District, we'd have to
21 amend the minimum lot size for duplexes. So if
22 you look at the table there -- 5.3.420A --
23 under R2, you still have a minimum lot area of
24 6,000 square feet but, when you follow it down
25 to two-family dwellings, two-family dwellings



1 have a minimum of 3,000 square feet each. So
2 the amendment to the ordinance would have to be
3 to reduce the minimum lot area required for a
4 duplex, but that goes back to both sides. So
5 only duplex lots could be less than 6,000
6 square feet and they must have at least 3,000
7 square feet per duplex. So that's what you're
8 looking at now. Do you want to make a change
9 to the text of the ordinance to allow that to
10 happen? And if you go back to page 5, I did
11 include an aerial photograph and an aerial
12 parcel layer. But the proposed language would
13 not change the built environment in that
14 duplexes are already allowed in the district.
15 So you're not creating a new use, you're not
16 changing what can go on the property, what
17 you're changing is whether or not that property
18 can be split out into separate ownership. And
19 basically, from everything we've looked at up
20 and down the coast, this is more of an
21 ownership matter. It -- but again, it doesn't
22 change what can go on the property. Now, the
23 one worry I had when I first started looking at
24 this is if we create 3,000 square foot lot
25 minimums on either side of a duplex, then what



1 happens 15 years from now? What happens if a
2 building burns? What can be built back? Well,
3 after looking at it and analyzing it from a lot
4 of different angles and talking to other
5 communities, the only thing that could go back
6 on a lot of 3,000 square feet would be half of
7 the duplex. So, like I said, my concern was --
8 playing the devil's advocate -- if something
9 were to happen to the structure, could someone
10 go in and build a small house on a lot that may
11 only be 25 feet wide. Realistically, no,
12 because you can stop that at the permitting
13 stage. Now, could they go back and build a
14 house on the whole lot if they want to
15 recombine the two parcels into one piece of
16 property again? You can always combine parcels
17 but you couldn't further subdivide it. So,
18 this -- did that make sense? Do you have any
19 questions? I mean the long and the short of it
20 is the duplexes and permitted use has been a
21 permitted use. The question is are you okay
22 with putting up a hypothetical property line
23 through the middle of the -- through the
24 firewall in the duplex?

25 **VICE-CHAIR STEVENS:** Right. That's what we're here



1 for. Are we good with that?

2 **COMMISSIONER VEREEN:** Yeah -- yeah.

3 **COMMISSIONER McFADDEN:** Yes.

4 **MR. QUATTLEBAUM:** Well, I didn't ---

5 **VICE-CHAIR STEVENS:** You got a ---

6 **MS. COLEMAN:** Okay.

7 **MR. QUATTLEBAUM:** You lost me on the 6,000 -- it's
8 gonna remain the -- the requirement for the
9 building of the duplex is still 6,000 ---

10 **MS. COLEMAN:** Right.

11 **MR. QUATTLEBAUM:** --- square feet?

12 **VICE-CHAIR STEVENS:** Well ---

13 **COMMISSIONER VEREEN:** No, no ---

14 **MR. QUATTLEBAUM:** (Inaudible) ---

15 **MS. COLEMAN:** Well, no. No, it's still -- the
16 minimum lot size for the district is still
17 6,000 square feet but if it's a duplex ---

18 **MR. QUATTLEBAUM:** You'll divide it ---

19 **VICE-CHAIR STEVENS:** You can subdivide.

20 **MS. COLEMAN:** --- then you can still -- you can
21 subdivide it out.

22 **VICE-CHAIR STEVENS:** But it has to be a duplex.

23 **MS. COLEMAN:** But you're gonna -- yeah, it -- so you
24 could only split it out if they come in to
25 permit the duplex ---



1 **COMMISSIONER VEREEN:** That's right.

2 **VICE-CHAIR STEVENS:** They have to have a common

3 wall, right?

4 **MS. COLEMAN:** Right. And it has to be a firewall.

5 **VICE-CHAIR STEVENS:** Okay. Okay.

6 **COMMISSIONER VEREEN:** And the only (inaudible) so

7 they can commit it and deed it and then ---

8 **VICE-CHAIR STEVENS:** Right, and deed it ---

9 **(Inaudible background noise.)**

10 **MR. QUATTLEBAUM:** The minimum lot size doesn't

11 change. The 6,000 ---

12 **VICE-CHAIR STEVENS:** Does it?

13 **MR. QUATTLEBAUM:** --- it still has to be 6,000 ---

14 **MS. COLEMAN:** It's still 6,000 square feet but ---

15 **MR. QUATTLEBAUM:** But only 3,000 ...

16 **MS. COLEMAN:** Per duplex.

17 **MR. QUATTLEBAUM:** Per duplex.

18 **MS. COLEMAN:** And the reason -- the reason I did it

19 that way is 'cause if you look over just to the

20 right of it, you see the MS1 -- or let me --

21 no, MS1R.

22 **COMMISSIONER ALLEN:** Which page are you on?

23 **MS. COLEMAN:** It's on page 2 on the table. So look

24 at MS1R and the minimum lot size is still 7,500

25 square feet. But then you toggle down and you



1 see for single-family attached is 3,750. For
2 multi-family, it's 3,000 square feet. So that
3 way -- and so you can still split it out, but
4 to have a project in -- of that sort, you have
5 to have a minimum of 7,500 square feet. So to
6 have a duplex, you have to have 6,000 square
7 feet ---

8 **VICE-CHAIR STEVENS:** At least.

9 **MS. COLEMAN:** --- but you can still split out each
10 side of it. So, what they're looking at is
11 when you start with it. So, we're not -- I
12 would recommend -- and this is the way I would
13 enforce this anywhere else -- if somebody came
14 to me with a subdivision plat, unless they --
15 unless they've already got building plans
16 approved and they're moving forward with
17 construction of a duplex, I wouldn't split it
18 out until we knew that they were ---

19 **VICE-CHAIR STEVENS:** In building.

20 **MS. COLEMAN:** --- all the way to building it.

21 **VICE-CHAIR STEVENS:** Okay.

22 **MS. COLEMAN:** Sometimes they go ahead and build
23 them. For example, Surfside Beach -- great
24 example -- they're building them but they don't
25 split them out until they sell them. So a



1 build -- a developer'll come in and build the
2 unit and then split 'em out and each one'll go
3 to someone else.

4 **COMMISSIONER ALLEN:** So -- but why would you say you
5 wouldn't recommend that they split it prior?
6 I mean, what -- why would you wait ---

7 **VICE-CHAIR STEVENS:** 'Cause they might not build ---

8 **MS. COLEMAN:** Well, I mean, I -- just -- it's just a
9 little level of control. I mean I still would
10 say nothing else could go on a lot that's less
11 6,000 square feet in that district.

12 **COMMISSIONER ALLEN:** (Inaudible) ---

13 **MS. COLEMAN:** If they're creating -- if they're
14 creating the smaller lots, then the only thing
15 they're gonna build on those smaller lots is a
16 -- half of a duplex.

17 **VICE-CHAIR STEVENS:** Right.

18 **MS. COLEMAN:** So -- and that was the worries, that
19 you didn't want to create a mechanism by which
20 people could come in and create these small
21 lots and then come build -- not -- I wouldn't
22 say a tiny home, but a really reduced ---

23 **VICE-CHAIR STEVENS:** Right.

24 **MS. COLEMAN:** --- a very small footprint home. And
25 the duplex lots, you know, when you think about



1 a 6,000 square foot lot for two dwelling units,
2 that's pretty small. Typ -- nine times out of
3 ten, you're gonna do a raised-type beach house
4 because you want to be able to park under it,
5 you know, you want to have -- you want to have
6 access to be able to use the property, maybe
7 even put in a swimming pool.

8 **COMMISSIONER ALLEN:** But from -- when we were
9 talking earlier about the financing, somebody
10 brought that up.

11 **COMMISSIONER VEREEN:** Yeah, I did.

12 **COMMISSIONER ALLEN:** Timothy. So -- I mean if
13 you're getting ready to build the duplex -- I'm
14 just trying to think through from a -- just a
15 practical standpoint -- and you go for
16 financing ---

17 **MS. COLEMAN:** We could do a letter.

18 **COMMISSIONER VEREEN:** So you do a letter to bank?
19 But the bank ---

20 **MS. COLEMAN:** Yeah.

21 **COMMISSIONER VEREEN:** --- has the -- we have to
22 assure the bank -- you have to assure the bank
23 and everything that actually the Town ---

24 **MS. COLEMAN:** They'll be independently owned.

25 **COMMISSIONER VEREEN:** Yeah, that ---



1 **MS. COLEMAN:** Individually owned.

2 **COMMISSIONER VEREEN:** --- own everything. And when
3 you go to the bank, you actually -- both
4 parties actually apply to get it built.

5 **MS. COLEMAN:** And they could probably -- they'd
6 probably do it with just the zoning ordinance.

7 **COMMISSIONER McFADDEN:** That's right.

8 **MS. COLEMAN:** Because that's how they do it in other
9 places.

10 **COMMISSIONER VEREEN:** Yeah, like if you go to like
11 Carol Ford (inaudible), it's not nothing new,
12 it's been going on ---

13 **MS. COLEMAN:** And honestly, I don't -- like I said,
14 I haven't seen anybody subdivide out a lot
15 before they built on it anyway.

16 **COMMISSIONER VEREEN:** Okay.

17 **MS. COLEMAN:** To date. I don't know that that would
18 necessarily -- that it would be necessary. I
19 think for financing side of it, they don't want
20 to finance it for a long-term loan. They might
21 finance for a construction loan.

22 **COMMISSIONER McFADDEN:** Yeah.

23 **MS. COLEMAN:** And that's probably what's gonna
24 happen.

25 **COMMISSIONER VEREEN:** Yeah.



1 **MS. COLEMAN:** Which is very different from a
2 mortgage.

3 **COMMISSIONER VEREEN:** Right ---

4 **MS. COLEMAN:** Like when I built my house, I took out
5 a construction loan.

6 **COMMISSIONER McFADDEN:** That's right.

7 **MS. COLEMAN:** And it was much, much better terms
8 than even I got on my mortgage, but that was
9 just to get the house on the lot. And then
10 before I took ownership of it, before I closed
11 on it, we converted it to a mortgage. For the
12 purposes of this, if they -- if someone -- if
13 they're family members or not, whatever, they
14 can go to the bank and say, okay, you know,
15 we're gonna do a construction loan for the
16 construction side of this, but the long-term
17 plan is that I'm financing this side, I'm
18 financing this side, which they couldn't do
19 unless there's a property line there.

20 **COMMISSIONER McFADDEN:** That's right.

21 **VICE-CHAIR STEVENS:** Right.

22 **MS. COLEMAN:** That's why they -- that's why they
23 want to be able to subdivide. And I've -- I
24 told them earlier that after the bottom fell
25 out of the market a few years ago, we started



1 seeing up and down the coast a lot fewer
2 condos/townhomes/apartments being built because
3 they had to be fully financed before they could
4 go with, you know, to do them, they had to sell
5 an entire project out of townhomes before a
6 contractor would come in and do it. Things are
7 a little bit friendlier now but ...

8 **VICE-CHAIR STEVENS:** You had a question, Jay?

9 **MS. DIVINE:** So I had some examples for the Planning
10 Commission of duplexes on lots that are 50 foot
11 wide or larger ---

12 **MS. COLEMAN:** Uh-huh.

13 **MS. DIVINE:** --- two units. So I brought some
14 examples of that. And I did have some
15 conversations, of course, with the lenders,
16 which is why I put in the request to have the
17 ordinance reviewed.

18 **MS. COLEMAN:** Uh-huh.

19 **MS. DIVINE:** Because the lenders will finance the
20 construction because the building has to be
21 erected at one time ---

22 **VICE-CHAIR STEVENS:** Right.

23 **MS. DIVINE:** --- even if it's two units.

24 **VICE-CHAIR STEVENS:** Right.

25 **MS. DIVINE:** So the two parties -- Party A and Party



1 B ---

2 **COMMISSIONER McFADDEN:** Agreed.

3 **MS. DIVINE:** --- can be on the construction loan
4 together. At the end, when you go to refinance
5 into your long-term 30-year mortgage, you
6 cannot have the two parties with one ownership
7 of the unit. It has to have -- it has to be
8 split. So, you could split it at that time ---

9 **MS. COLEMAN:** Uh-huh.

10 **MS. DIVINE:** --- or you could split it before. The
11 bank didn't care when it was split, but by the
12 time you go to get your permanent loan, it has
13 to be split 'cause they can't have two owners
14 across the land and separate owners on the
15 buildings. So that's -- that was what brought
16 up the request to begin with because the long-
17 term problem will be a title issue. If I own
18 Unit A and my friend owned Unit B, and I want
19 to leave and bequeath my unit to someone ---

20 **COMMISSIONER VEREEN:** Couldn't do it.

21 **MS. DIVINE:** --- I would not be able to if we both
22 were owners ---

23 **COMMISSIONER McFADDEN:** That's right.

24 **MS. DIVINE:** --- on the land so that's why the land
25 had to be subdivided and Ms. Coleman saw the



1 issue if -- the problem was solved with the
2 property line ---

3 **VICE-CHAIR STEVENS:** Right.

4 **MS. DIVINE:** --- the firewall being the property
5 line.

6 **MS. COLEMAN:** And you're gonna build -- in all
7 honesty, you're gonna build a firewall on a
8 duplex anyway ---

9 **VICE-CHAIR STEVENS:** Got to. You've got to ---

10 **MS. COLEMAN:** --- for protection purposes.

11 **COMMISSIONER VEREEN:** You've got to.

12 **MS. COLEMAN:** But again, we saw this coming. I've
13 been here 28 years, and we saw this coming
14 years ago in different areas like in
15 unincorporated Horry County where people were
16 building -- starting to -- building duplexes,
17 that they could -- they could maximize what
18 they could have on the property in terms of
19 being able to build a decent size unit but
20 still maintain individual ownerships. And so,
21 to start with, we saw them coming in and
22 requesting variances. And to be honest, under
23 state law, they didn't meet any hardships
24 because you can use financing, or any financial
25 thing, for a hardship under state law for



1 variances. So, we went back and looked at it
2 and again, it -- if you didn't already allow
3 duplexes in that district, I may have had some
4 heartburn by saying, oh, well, we're
5 introducing something different but again, I
6 read you the intent statement for the R2. R2
7 even allows multi-family. So again, you're not
8 increasing the potential density, you're not
9 increasing the potential number of units,
10 you're just allowing those duplexes to be split
11 out and owned fee simple.

12 **(Inaudible background noise.)**

13 **MS. COLEMAN:** And if you have any questions, I'll be
14 glad to answer them.

15 **MR. QUATTLEBAUM:** Do you have any more of these?

16 **MS. COLEMAN:** No, but I can send some more out if
17 you have ---

18 **(Inaudible background noise.)**

19 **MS. COLEMAN:** --- somebody can have this one.

20 **(Inaudible background noise.)**

21 **MS. COLEMAN:** I can get you one too.

22 **MR. QUATTLEBAUM:** Thank you.

23 **MS. COLEMAN:** I will. I apologize. I printed a few
24 ---

25 **MS. DIVINE:** This isn't my plan, everybody. This is



1 just a plan ---

2 **VICE-CHAIR STEVENS:** Okay, that's ---

3 **MS. DIVINE:** --- yeah, any duplex plan ---

4 **MS. COLEMAN:** I just tried to make it a little bit
5 easier to see ---

6 **MS. DIVINE:** --- and then I put some examples to
7 show ---

8 **MS. COLEMAN:** And the other thing is your active --
9 I did include your zoning map because -- just
10 as a reminder that you do have a lot of R2 here
11 but, again, if they don't meet the minimum
12 standards to qualify for a duplex anyway ---

13 **VICE-CHAIR STEVENS:** You can't do it.

14 **MS. COLEMAN:** --- then they wouldn't be able to
15 split it out necessarily, or they might not be
16 able to build a duplex on it. But this -- the
17 use is already permitted.

18 **VICE-CHAIR STEVENS:** Okay.

19 **MS. COLEMAN:** It's just whether or not you can split
20 it and have single ownership.

21 **(Inaudible background noise.)**

22 **MR. QUATTLEBAUM:** So now, if one part of the duplex
23 burned down hypothetically, the replacement has
24 to be a 3,000 square foot attached unit ---

25 **MS. COLEMAN:** Well, I mean on the 3,000 square foot



1 lot but, yeah, it would be an attached unit but
2 ---

3 **MR. QUATTLEBAUM:** Well, my question is ---

4 **MS. COLEMAN:** Uh-huh.

5 **MR. QUATTLEBAUM:** --- if part of the building burned
6 ---

7 **MS. COLEMAN:** Uh-huh.

8 **MR. QUATTLEBAUM:** --- hypothetical situation -- and
9 the separate -- you've got separate ownerships,
10 can the new owner, purchaser of the property,
11 build a separate, individual unit?

12 **MS. COLEMAN:** I would say no.

13 **VICE-CHAIR STEVENS:** No ---

14 **MS. COLEMAN:** Because the minimum lot area for
15 single-family is 6,000 square feet ---

16 **MR. QUATTLEBAUM:** Okay.

17 **MS. COLEMAN:** --- the only exception is for a
18 duplex.

19 **MR. QUATTLEBAUM:** So, it would have to be ---

20 **MS. COLEMAN:** Yes ---

21 **MR. QUATTLEBAUM:** --- back to being a duplex.

22 **MS. COLEMAN:** Right. And the two-family is, by
23 definition, a shared wall or -- again, I threw
24 in there that you can have an up and down
25 duplex too. I lived in one of those before.



1 But there's a fire separation floor-ceiling in
2 those though.

3 **MR. BOOKER:** I've got a question.

4 **MS. COLEMAN:** Yes, sir?

5 **MR. BOOKER:** I'm sorry. It's a little late
6 (inaudible) but -- so if I have a lot ---

7 **MS. COLEMAN:** Uh-huh.

8 **MR. BOOKER:** --- the only way I could get 3,000
9 square feet per property is to build a duplex
10 when I subdivide. How can I subdivide and
11 build ---

12 **VICE-CHAIR STEVENS:** No.

13 **MR. BOOKER:** --- part of a duplex? I've gotta build
14 the whole thing to start ---

15 **MS. COLEMAN:** Well, I mean, you wouldn't need to
16 subdivide it if you're not building a duplex --
17 -

18 **MR. BOOKER:** Right. I understand ---

19 **MS. COLEMAN:** --- so that -- yeah, if you build a
20 duplex, you can subdivide it.

21 **MR. BOOKER:** I can?

22 **MS. COLEMAN:** Yeah.

23 **MR. BOOKER:** But the only way that it can be
24 subdivided is that I'm building a duplex on it?

25 **COMMISSIONER McFADDEN:** That's right.



1 **MS. COLEMAN:** Unless you're -- unless you've got
2 more than 6,000 square feet and you want to --
3 you're doing a multi-family unit like
4 townhomes, but the same thing applies, that has
5 to go through review and be improved in that
6 area. That's a conditional use.

7 **MR. BOOKER:** Right.

8 **MS. COLEMAN:** The duplex is a by-right use, meaning
9 anybody that has an R2 lot that meets the
10 minimums ---

11 **MR. BOOKER:** Uh-huh.

12 **MS. COLEMAN:** --- can have a duplex. The change now
13 is that if they have a -- if they're building
14 a duplex, then they can split it out fee
15 simple.

16 **MR. BOOKER:** Right.

17 **MS. COLEMAN:** But if you -- you wouldn't -- you
18 wouldn't be able to just subdivide the lot ---

19 **(Inaudible background noise.)**

20 **MS. COLEMAN:** --- and that was my first concern.
21 When I started looking at this, I said oh, am
22 I opening a ---

23 **(Inaudible background noise.)**

24 **MS. COLEMAN:** And you can -- I showed them that
25 little -- the little handout I gave you. I



1 think it was on page 5. There's a map, aerial
2 map and a parcel map, that -- that on the
3 bottom of those slides, there are numbers on
4 there that ---

5 (Inaudible background noise.)

6 **MS. COLEMAN:** --- that shows -- and keep in mind on
7 that map, the lines are a little bit off
8 because when they made those maps, they don't
9 look down directly, perfectly perpendicular 90
10 degrees so they're kind of at an angle so some
11 of those lines are a little bit off. But you
12 can see that some of the duplexes are on a
13 single lot, some of the duplexes have been
14 split. So, some people build a duplex for an
15 investment and rent it out at the beach. Some
16 people build a duplex, split it out and sell
17 each half, they may live in one, you know. But
18 anyway, you can see there's a variation on it.
19 It's not ---

20 (Inaudible background noise.)

21 **MR. BOOKER:** Can I ask one final question ---

22 (Inaudible background noise.)

23 **MS. COLEMAN:** Uh-huh.

24 **MR. BOOKER:** What's the rules against ---

25 (Inaudible background noise.)



1 **MS. COLEMAN:** There are existing lots ---

2 **(Inaudible background noise.)**

3 **MS. COLEMAN:** --- so if they're in R2 District, you
4 still -- there are some allowances in the
5 ordinance so if you're -- are they substandard,
6 are they less than 6,000 square feet?

7 **(Inaudible background noise.)**

8 **MS. COLEMAN:** Well, that's -- that one has a
9 different -- has different requirements. So,
10 anything that is a legal lot of record to a
11 certain extent should be able to handle almost
12 anything that the zoning ordinance allows, but
13 you still have to meet the requirements for
14 setbacks, although we may be able to reduce
15 those slightly because it's a substandard lot.
16 You can't really impose the same setbacks on
17 those lots. Usually, you can ---

18 **(Inaudible background noise.)**

19 **MS. COLEMAN:** --- but if it's commercial, you still
20 have parking requirements, you still have
21 landscaping requirements but, if you've got a
22 legal lot of record, the Town's not gonna say
23 you can use that lot 'cause some of these lots
24 that are on here, there are a very few that are
25 -- there's a couple of tiny, tiny lots that are



1 between 31st and 32nd that look to be
2 landlocked. Not sure what could happen with
3 those, those probably need to be recombined but
4 they may be in separate ownership, they may be
5 heir properties where the properties were split
6 out between different family members but -- but
7 they're a tiny little square ---

8 **(Inaudible background noise.)**

9 **MS. COLEMAN:** --- but as it happens, if you think,
10 you know, if you've got an (inaudible) lot and
11 you want to build a single-family, we can work
12 with you. If you want to build duplex, then we
13 would look at it and see -- make sure that we
14 can meet the minimum standards. And the big
15 worry was -- the first thing was, how are you
16 gonna deal with the minimum frontage
17 requirements because I've watched that happen.
18 Horry County, the Board of Zoning Appeals was
19 rarely granting variances to allow the property
20 lines to be put in, and then we'd get the plat
21 in and they didn't meet the minimum frontage
22 for a lot so they had to go back to Board of
23 Zoning Appeals and ask for forgiveness. In
24 this case, you've already got something in the
25 ordinance that allows you to reduce it to 25



1 feet.

2 **VICE-CHAIR STEVENS:** All right.

3 **(Inaudible background noise.)**

4 **MS. COLEMAN:** I'm not sure what those tiny, little
5 lots are. Again, they might be the same
6 family. They -- you don't know. It'd be hard
7 to ---

8 **(Inaudible background noise.)**

9 **MS. COLEMAN:** Does that answer most of your
10 questions or ... I tried to keep it as simple
11 as I could.

12 **COMMISSIONER ALLEN:** We appreciate ---

13 **VICE-CHAIR STEVENS:** I understand.

14 **COMMISSIONER ALLEN:** I was just concerned about the
15 limit to the split, like that there would not
16 be a chance that you could build a duplex ---

17 **MS. COLEMAN:** Uh-huh.

18 **COMMISSIONER ALLEN:** --- as a one-person and then
19 want to go -- separate it and it could be
20 stopped. That's we said maybe ---

21 **MS. COLEMAN:** Well, you still have the building code
22 requirements so, you know, somebody -- you
23 can't just come in and build on it, you've
24 gotta get permits and everything else. So you
25 still have -- there's a whole 'nother layer.



1 I'm talking from a zoning standpoint, although
2 I did bring up the building code and the fire
3 code when I talked about the firewall, but I
4 always bring that up because that's
5 exceptionally important. You know, that was
6 one thing, when we had -- people started first
7 subdividing these out in different parts of the
8 county, the first thing they had to do was
9 prove that it was built with a firewall because
10 otherwise they couldn't split it so that's an
11 important part of it, but this is the first
12 layer of trying to do this. If they meet the
13 zoning, then they go forward and, you know,
14 they have to submit plans and all those have to
15 be approved. But meeting zoning is the hurdle
16 ---

17 **VICE-CHAIR STEVENS:** That's right.

18 **MS. COLEMAN:** --- because you can always make the
19 building plans work.

20 **COMMISSIONER ALLEN:** Okay.

21 **New Business:**

22 **VICE-CHAIR STEVENS:** We're on New Business, Ordinance
23 7-2021, Text Amendment to the Town of Atlantic
24 Beach LMO, Title V, Article IV, Zoning
25 Districts, Division 2 Bulk, Dimensional and



1 Density Standards to allow for the subdivision
2 of duplexes in the R2 zoning district. Seek a
3 motion to ...

4 **COMMISSIONER ALLEN:** Motion to approve.

5 **MR. QUATTLEBAUM:** Yes.

6 **VICE-CHAIR STEVENS:** Yeah. Motion to ---

7 **COMMISSIONER McFADDEN:** Second the motion?

8 **VICE-CHAIR STEVENS:** Yeah.

9 **COMMISSIONER McFADDEN:** I'll second it.

10 **VICE-CHAIR STEVENS:** It's been seconded. Public
11 Comments - General. Any comments?

12 **MS. DIVINE:** Yes.

13 **MR. QUATTLEBAUM:** Did you all take a vote? You
14 gotta take a vote.

15 **VICE-CHAIR STEVENS:** Oh. Do the vote, Cheryl.

16 **(Inaudible background noise.)**

17 **CLERK:** Roll call. Commissioner Derrick Stevens?

18 **VICE-CHAIR STEVENS:** Yes.

19 **CLERK:** Commissioner Timothy Vereen?

20 **COMMISSIONER VEREEN:** I agree.

21 **CLERK:** Commissioner Esco McFadden?

22 **COMMISSIONER McFADDEN:** Yes.

23 **CLERK:** Commissioner Kathryn Allen?

24 **COMMISSIONER ALLEN:** I do, yes.

25 **Public Comments:**



1 **VICE-CHAIR STEVENS:** That's it. You've got a
2 comment?

3 **MS. DIVINE:** I do. I just wanted to share just a
4 minute or two with the public and the
5 Commission on some of the examples that
6 (inaudible). Thanks for giving me a moment.
7 So when we checked -- my husband and I --
8 around the town and we were looking to create
9 opportunities for other family and friends,
10 this opportunity on the west side near the
11 highway and 32nd Avenue presented itself, and
12 we saw that there weren't duplexes in the town
13 which would give more family members an
14 opportunity to own property. And the only
15 limitation was the ownership of each duplex
16 having to remain encumbered by two people. And
17 so none of us wanted to create a tangled title
18 issue, which I understand is a problem already
19 in Atlantic Beach with many of the properties
20 not being able to -- errors and things of that
21 -- they have difficulties sometimes in title
22 when you go to convey property. So I just
23 wanted to point out that the only impact to
24 this ordinance is the ownership. And as Ms.
25 Coleman pointed, it already allows for duplexes



1 to be built and the size -- 'cause I hear Mr.
2 Quattlebaum asking and I think I've heard some
3 other concerns in the town about the building
4 structure is not what's in question ---

5 **VICE-CHAIR STEVENS:** Right.

6 **MS. DIVINE:** --- the building structure is going to
7 be based on what the ordinance already allows.
8 The height restrictions are what the ordinance
9 allows. The only change is gonna be the
10 ownership of the land, and that will allow
11 everyone to own their house and the land
12 beneath it. And that's only to -- I wanted to
13 show you that there were different types of
14 duplexes that -- these are all Horry County
15 duplexes that I took pictures of or found on
16 the Internet and downloaded so you could see
17 they're different sizes. There's no real
18 limitation on the size of the duplex, but all
19 of them are not gonna be more than 20 feet wide
20 ---

21 **VICE-CHAIR STEVENS:** Right.

22 **MS. DIVINE:** --- because you have the ---

23 **VICE-CHAIR STEVENS:** Setbacks.

24 **MS. DIVINE:** --- setback on the side and you had
25 that (inaudible) wall and the 20 foot width is



1 the restriction, and you do go up I think 45
2 feet or ---

3 **VICE-CHAIR STEVENS:** Right.

4 **MS. DIVINE:** --- 35 feet. So I just wanted you to
5 see there were some two-story ones and some
6 one-story ones, they're probably 3,000 square
7 feet or less, some of them, so there wasn't a
8 size restriction of the building. I just
9 wanted to make sure that everybody was clear on
10 that. And that was it. We did do our
11 diligence and we checked with financing, and
12 the challenge was the Town allowed us to do
13 something that the banks wouldn't support which
14 you're stifled and you can't move forward. So
15 that was it. Thank you, all.

16 **VICE-CHAIR STEVENS:** All right ---

17 **COMMISSIONER ALLEN:** Thank you.

18 **VICE-CHAIR STEVENS:** Mr. Booker?

19 **MR. BOOKER:** Do I have to come up? Do I have to ---

20 (Inaudible background noise.)

21 **VICE-CHAIR STEVENS:** Come on.

22 **MR. QUATTLEBAUM:** Need in front of the recorder so
23 they can pick you up ---

24 **MR. BOOKER:** Okay. Do I have to limit my comments
25 to this ---



1 **CLERK:** No, go ahead.

2 **VICE-CHAIR STEVENS:** Well ---

3 **(Inaudible background noise.)**

4 **MR. BOOKER:** Okay. Well, good afternoon,
5 Commissioners, Town Manager and Cheryl,
6 citizens and Waccamaw. I'd like to talk about
7 in this resolution or ordinance that was passed
8 out, it says in this ordinance -- it says
9 whereas the Town Council provides and
10 encourages more residential development within
11 the Town including duplexes. So I think we all
12 support that whereas. I'm bringing this up
13 because there is a parcel, a section of the
14 town, that's zoned that doesn't necessarily
15 support that requirement but it already has
16 residential in it. I'm speaking about the ---

17 **(Inaudible background noise.)**

18 **MR. BOOKER:** --- land that's zoned WF2 between 30th
19 and 31st Avenues and Ocean Boulevard and
20 Seaview. Now, in that block, there are six --
21 well, actually there are four lots, four pieces
22 of property. One on the corner that's vacant
23 at 31st and -- between Ocean and Seaview, the
24 vacant lot. And then there's Gibson's
25 property. There's all that property, all



1 (inaudible). And there's Pierce's property and
2 the late Fox Gore's property. And then there's
3 a big parcel on the end. It's a -- it's
4 actually a three-lot parcel but it's really one
5 parcel now because they've all been combined.
6 And there is -- and those -- that property --
7 particularly that three-lot parcel was -- in
8 the prior zoning, prior to -- you all were just
9 passing this most recent land management
10 ordinance, that property at that time only
11 permitted commercial development, and it sat
12 there without any development from whenever
13 that ordinance was put in place -- 2003 or '04
14 or something like that -- all the way up until
15 you all modified this land management
16 ordinance, and it's still sitting there. And
17 so, there is a potential to get some
18 residential development in that area. I happen
19 to know the lady who owns the lot on the end at
20 31st Street end, and she desires to build a
21 residential property there but the zoning
22 doesn't permit it. I happen to know that
23 there's some people interested in getting that
24 property that's owned by the Coopers who would
25 like to make residential units there,



1 recognizing that there are already residential
2 units in that block. And so, what we're
3 talking about doing with the current zoning is
4 bringing in some commercial developments and
5 putting it beside the long-term Atlantic Beach
6 property owners who have residential units
7 there and from my experience of dealing with
8 them and others, they have no intention of
9 going anywhere. And so, I'm just bringing this
10 up because I would like for you all to consider
11 the potential of allowing residential
12 development in that block. I'm not saying that
13 we ought to rezone it 'cause I don't really
14 know what the options are or if there are any
15 options at all, but I think when we have the
16 opportunity to bring in four residential
17 developments similar to the ones that we have
18 recently had in the town, as opposed to waiting
19 for someone to come along who wants to develop
20 it commercially, recognizing it's been sitting
21 there uncommercially developed for more than 20
22 years and we have people who really want to
23 develop residentially. And I know that our
24 vision for the town is to have commercial
25 development but when you've got residential



1 developers who are gonna build half a million
2 dollar homes or better, so you've got two
3 million dollars worth of development waiting on
4 a bigger development, that's like drawing to an
5 inside straight to me. So I'm just bringing
6 this up as a concern and an opportunity for us
7 to ---

8 (Inaudible background noise.)

9 **MR. BOOKER:** --- town desires to encourage more
10 residential development. We may be able to get
11 that development with some level of flexibility
12 in that particular block. And I'm not asking
13 about all of that WF2 zone, but I'm speaking
14 about that on in particular which is already
15 half developed residential.

16 **COMMISSIONER VEREEN:** You said WF1 or WF2?

17 **MR. BOOKER:** It's WF2 ---

18 **MS. COLEMAN:** It's two.

19 **COMMISSIONER VEREEN:** Two, okay.

20 **MR. BOOKER:** Yes ---

21 **VICE-CHAIR STEVENS:** WF2 ---

22 (Inaudible background noise.)

23 **MR. BOOKER:** And so, half of the block is already --

24 -

25 (Inaudible background noise.)



1 **MS. COLEMAN:** And just to clarify, it does allow
2 residential, but the condition is (inaudible)
3 be above a commercial ---

4 **COMMISSIONER VEREEN:** That's one of those places ---

5 **VICE-CHAIR STEVENS:** Two people have built houses
6 that way already ---

7 **MS. COLEMAN:** --- something we can look at is look
8 at the existing development that, if there is
9 existing residential development, that you may
10 be able to have some consideration because if
11 you look at it under the zoning ordinance that
12 I gave you with the table of uses so -- the one
13 that's 5.3.502 I think it is -- in the WF1 and
14 WF2, you see Ss down the -- down that column.
15 That means special exception. So that could be
16 something you could add to say, you've got to
17 get a special exception to do residential
18 development, then you're gonna have to go in
19 front of a Board of Zoning Appeals anyway ---

20 **COMMISSIONER VEREEN:** So if they bring it to us,
21 they actually could get ---

22 **MS. COLEMAN:** Uh-huh.

23 **MR. BOOKER:** Right. And so, the thing is, I just
24 want to -- and I don't want to belabor this,
25 but the thing is the people who want to develop



1 are not necessarily interested in putting in
2 commercial on the ground floor because the
3 current requirement is that 50 percent of the
4 ground floor has to be some resort-focused or
5 commercial-type use, and so I don't, I mean,
6 from what I know, that's not their interest.
7 They want to build a nice home, a nice place
8 that -- at least a half a million dollars,
9 probably more ---

10 (Inaudible background noise.)

11 **MR. BOOKER:** --- houses for half a million dollars,
12 now, we might talking about three million
13 dollars worth of investment that we're holding
14 off waiting on a big commercial investment, and
15 I just want to put that on the table for
16 (inaudible), okay ---

17 **MS. COLEMAN:** Uh-huh ---

18 **COMMISSIONER VEREEN:** Okay, sir.

19 **MR. BOOKER:** --- I don't -- I'm not looking for an
20 answer. It's just I think there's an
21 opportunity for us to come -- to bring this
22 statement of where we encourage residential
23 development more to life and it's beneficial to
24 everybody because I know there's a bunch in the
25 town, I mean, we like this residential



1 development and I think many of us would be
2 happy with all residential, but I know there's
3 a desire to have commercial. I'd like to have
4 that too, but -- and that's all. That's my
5 point.

6 **COMMISSIONER VEREEN:** Yes, sir. Thank you for the -
7 --

8 **COMMISSIONER McFADDEN:** Thank you.

9 **MS. COLEMAN:** I understand that. Just from a zoning
10 standpoint, what he's saying is completely
11 reasonable. And again, I told Mr. Quattlebaum
12 this, I know that the Waccamaw Regional Council
13 of Governments wrote -- created this document.
14 This is your document. This belongs to the
15 Town. So any time you want to make changes or
16 amend it or ... I'm, you know, I'll do what I
17 can to help you research it and find out, you
18 know, what works and what doesn't. I can tell
19 you from looking at it that whoever did this --
20 and I'm thinking it was -- Mr. Britton probably
21 wrote it. But the highest and best use of the
22 property, the most valuable use of the
23 property, would be for it developed
24 commercially. That may not be what the
25 property owner thinks though so I can



1 understand if somebody wants to do something
2 different -- no problem.

3 **VICE-CHAIR STEVENS:** All right.

4 **MR. QUATTLEBAUM:** Mr. Chairman, and I just want to
5 add to the conversation I'm in support of
6 development in the town. The only concern I
7 raise -- and I shared with Mr. Booker when he
8 raised the question with me -- is in terms of
9 the cost, administrative cost, for the Town in
10 any modifications to zoning for changes. And
11 going through the process that we did of -- I
12 don't know how many months it took to get the
13 LMO updated -- we had legal opinions on top
14 that, costs. We did a modification to Zone R2
15 on 29th and 32nd. All of that is creating
16 administrative costs for the Town. That's all.
17 I just want to caution the Commission. But I
18 am in support and in favor of development in
19 the Town, but we have to be cognizant of those
20 costs and -- in our deliberation and decisions
21 around these items.

22 **COMMISSIONER ALLEN:** So, Mr. Quattlebaum ---

23 **COMMISSIONER VEREEN:** Mr. Quattlebaum.

24 **COMMISSIONER ALLEN:** I'm sorry.

25 **COMMISSIONER VEREEN:** No, go ahead.



1 **COMMISSIONER ALLEN:** So I just want to make sure I
2 understand what you're saying. So if the cost
3 that you're talking about would apply if we
4 actually rezoned that space versus like if
5 someone applied for a special exception, that
6 that would not have the same cost to it, right?

7 **MR. QUATTLEBAUM:** The special exception I don't
8 think would have the same process ---

9 **MS. COLEMAN:** It'd be similar. Yeah, this -- in
10 terms of state law---

11 **MR. QUATTLEBAUM:** --- the process.

12 **MS. COLEMAN:** State law still requires you to notify
13 property owners and have a public hearing, and
14 some of the costs are that you post properties,
15 that you have to put an ad in the paper, you
16 know, bringing staff in -- although we're on a
17 retainer right now. But state law does allow
18 you to charge fees for administrative changes
19 ---

20 **COMMISSIONER VEREEN:** That's what I was going to
21 say.

22 **MS. COLEMAN:** --- and those fees should be somewhat
23 commensurate with what you're putting into it
24 to allow that to happen.

25 **COMMISSIONER VEREEN:** And that's what I was gonna



1 ask, like, do you -- if you know how much the
2 costs are, I know you know the City of North
3 Myrtle or Myrtle Beach, if you go to get
4 something rezoned, it's a fee for it. So that
5 -- but the owner actually, when they go to
6 apply, they pay for that. So if we do come up
7 with a fee and then you just charge the owner
8 that fee for a rezoning fee ---

9 **MR. QUATTLEBAUM:** Yeah ---

10 **COMMISSIONER VEREEN:** --- and it pays for the signs,
11 it pays for ---

12 **VICE-CHAIR STEVENS:** Everything.

13 **COMMISSIONER VEREEN:** --- administrative costs,
14 everything. So it takes it off the Town's ---

15 **MS. COLEMAN:** And the Council can establish the fee
16 schedule ---

17 **COMMISSIONER McFADDEN:** That's right.

18 **COMMISSIONER VEREEN:** So, if you get us some numbers
19 on what you think it costs for administrative
20 fees, we can vote on that and come up with a
21 fee.

22 **VICE-CHAIR STEVENS:** Let's end the meeting. Can we
23 do it?

24 **(Inaudible background noise.)**

25 **VICE-CHAIR STEVENS:** Meeting adjourned.



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(There being nothing further, the commission meeting
and public hearing was adjourned.)

