



TOWN OF
Atlantic Beach
"The Black Pearl" south carolina

Board of Zoning Appeals

July 11, 2024
at 5:00 PM

Atlantic Beach Community Center
1010 32nd Avenue South, Atlantic Beach, SC 29582

Board of Zoning Appeals

Upcoming Meeting Schedule

July 25, 2024 @ 5PM

August 22, 2024 @ 5PM

September 26, 2024 @ 5PM

October 24, 2024 @ 5PM

November 21, 2024 @ 5PM

December 19, 2024 @ 5PM

All meetings will take place at the Atlantic Beach Community Center

Board Members

Name	Term
Knowledge Divine, Chairperson	5/02/22-5/02/25
Daniel Vincent Gore, Vice Chairperson	5/02/22-5/02/25
Leon Bailey	5/02/22-5/02/25
Lynda Booker	5/02/22-5/02/25
Wilbert Thomas	5/02/22-5/02/25



TOWN OF ATLANTIC BEACH BOARD OF ZONING APPEALS MEETING

July 11, 2024 at 5 pm
Atlantic Beach Community Center
1010 32nd Avenue South, Atlantic Beach, SC 29582

- I. Call to Order and Determination of Quorum
- II. Invocation/ Moment of Silence
- III. Pledge of Allegiance
- IV. New Business
 - a. Election of Officers for the fiscal year starting July 1st **Action Item**
 - b. Approval of December 28, 2023 Minutes **Action Item** Page 3
 - c. Approval of the Board of Zoning Appeals Rules of Procedures **Action Item** Page 85
 - d. **VARIANCE CASE 1-2024** **Action Item** Page 99

Michael and Michele Brown, request a variance from the Land Management Ordinance for PIN 35716040006, located at 611 30th Avenue South, Atlantic Beach, SC 29582. The variance requested is to reduce the minimum drive aisle width for 90-degree parking as defined within Section 5.3.635, Table 5.3.635F.

Public Hearing – Individuals wishing to speak during the public hearing must sign up with the Town Clerk before the meeting is called to order at 5:00 PM. Any additional members of the public that did not sign up in advance but wish to speak may only be called upon at the discretion of the Chairperson. **Time Limit: Three (3) minutes per person.**
- V. Adjournment

Minutes

TOWN OF ATLANTIC BEACH BOARD OF ZONING APPEALS MEETING AND PUBLIC HEARING

Monday, December 28, 2023

5:00 p.m.

The Town of Atlantic Beach Board of Zoning Appeals meeting was held and recorded at Atlantic Beach Community Center, 1010 32nd Avenue South, Atlantic Beach, South Carolina, on the 28th day of December, 2023, and transcribed by Amanda Godfrey, Court Reporter and Notary Public in and for the State of South Carolina.



CREEL COURT REPORTING, INC.
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APPEARANCES

BOARD OF ZONING APPEALS MEMBERS:

Knowledge Divine, Chair
Daniel Gore
Lynda Booker

ADMINISTRATION:

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

GUESTS:

Leigh Kane, Local Planning Services Director
Waccamaw Regional Council of Governments
Owen and Angela Metts
Robin Roberts, Palmetto Architecture, LLC

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1 **CALL TO ORDER:**

2 **CHAIRMAN DIVINE:** Good evening.

3 **IN UNISON:** Good evening.

4 **CHAIRMAN DIVINE:** Would everyone please stand, we're
5 gonna open up our meeting with a moment of
6 silence for whatever way you want to have your
7 relationship with God, ask for our blessings
8 and then, right behind that, we're gonna do the
9 Pledge of Allegiance.

10 **(Inaudible background noise.)**

11 **CHAIRMAN DIVINE:** So, with the call to order, I do
12 have to recognize that we do have a quorum
13 today with three out of five of our members
14 here. So, everyone please stand. And a moment
15 of silence.

16 **(Moment of Silence.)**

17 **CHAIRMAN DIVINE:** And now we'll do the Pledge of
18 Allegiance.

19 **(Pledge of Allegiance recited in unison.)**

20 **CHAIRMAN DIVINE:** Thank you.

21 **MR. QUATTLEBAUM:** Mr. Chairman, as a point of order,
22 I'm gonna suggest do a roll call even though
23 you verified everybody's here. For the record
24 ---

25 **CHAIRMAN DIVINE:** Okay, roll call.



1 **MR. QUATTLEBAUM:** Yeah.

2 **CLERK:** Daniel Gore?

3 **MR. GORE:** Yea.

4 **CLERK:** Lynda Booker?

5 **MS. BOOKER:** Here.

6 **CLERK:** Leon Bailey? Knowledge Divine?

7 **CHAIRMAN DIVINE:** Here.

8 **CLERK:** Wilbert Thomas?

9 **MR. QUATTLEBAUM:** Mr. Chairman, for the record, Mr.
10 Bailey indicated that he would not be able to
11 make the -- attend the meeting, prior conflict.

12 **CHAIRMAN DIVINE:** Okay.

13 **MR. QUATTLEBAUM:** For the record.

14 **CHAIRMAN DIVINE:** Okay. At this time, we'd like to
15 take the time for the Board to review the
16 minutes from last meeting, from the September
17 '23 meeting and if there are no questions,
18 comments or revisions or additions, at that
19 time I'd entertain a motion to adopt those
20 minutes.

21 **MR. GORE:** I second your motion to adopt the minutes
22 from September 28th, 2023.

23 **CHAIRMAN DIVINE:** Roll call.

24 **CLERK:** Daniel Gore?

25 **MR. GORE:** Here.



1 **CLERK:** Lynda Booker?

2 **MS. BOOKER:** Here.

3 **CLERK:** Knowledge Divine?

4 **CHAIRMAN DIVINE:** Here. And with that, those
5 minutes have been approved. We, at this time,
6 need to look over the 2024 -- oh, excuse me.

7 **(Inaudible background discussion.)**

8 **CHAIRMAN DIVINE:** At this time, the Board, would you
9 look over your 2024 meeting calendar and if
10 there are no questions, revisions or additions,
11 I will entertain a motion to approve the 2024
12 meeting calendar.

13 **MS. KANE:** Just wanted to know, after I -- I talked
14 to Cheryl, and she and I were both looking at
15 the schedule and realized that two of the dates
16 are actually holidays so we need to revise the
17 schedule. One was scheduled for Thanksgiving
18 ---

19 **CHAIRMAN DIVINE:** Okay ---

20 **MS. KANE:** --- Thanksgiving I think on record. And
21 so, what she and I talked about was proposing
22 that we move those to the Thursday prior so
23 instead of November 28th, having it on November
24 21st at 1:00 p.m. instead because that's also
25 the same day as Planning Commission.



1 **CHAIRMAN DIVINE:** Okay.

2 **MS. KANE:** And the same with the 26th, moving it a
3 week prior and then also at 1:00 p.m. so that
4 way it doesn't conflict with Planning
5 Commission.

6 **CHAIRMAN DIVINE:** Okay. With that, entertain a
7 motion to approve those revisions for 2024 ---

8 **MS. BOOKER:** I make a motion that ---

9 **CHAIRMAN DIVINE:** Need a second.

10 **MS. BOOKER:** Yeah ---

11 **MR. GORE:** Second.

12 **CHAIRMAN DIVINE:** Okay. Roll call.

13 **CLERK:** Daniel Gore?

14 **MR. GORE:** Here.

15 **CLERK:** Lynda Booker?

16 **MS. BOOKER:** Yes.

17 **CLERK:** Knowledge Divine?

18 **CHAIRMAN DIVINE:** Yeah. Now, with that being done,
19 as the Chair, I would like to quickly go over
20 the standards that -- and guidelines that are
21 set for us as a board to grant any variance,
22 and one is extraordinary conditions and they
23 are extraordinary conditions pertaining to the
24 particular piece of property. Number two,
25 these conditions do not generally apply to



1 other property in the vicinity. Number three,
2 because of these conditions, the application of
3 the ordinance to the particular piece of
4 property would effectively prohibit or
5 unreasonably restrict the utilization of the
6 property. Number four, authorization of a
7 variance will not be of substantial detriment
8 to adjacent property or to the public good, and
9 the character of the district will not be
10 harmed by granting the variance. And just to
11 mention, there are a couple things that --
12 grounds that we do not grant variances. One is
13 profitability. The fact that the property may
14 be used more profitably if a variance is
15 granted may not be considered as grounds for a
16 variance. Use variance. Generally the Board
17 may not grant a variance that would allow the
18 establishment of use not otherwise permitted in
19 the zoning district, physically extend a non-
20 conforming use of land or change the zoning
21 district boundaries shown on the official
22 zoning map. Thank you.

23 **Public Hearing:**

24 **CHAIRMAN DIVINE:** Okay, now we're gonna open the
25 meeting for our public -- for the actual case,



1 and we only have the one case today in the
2 Variance Case 3-2023.

3 **(Inaudible background discussion.)**

4 **CHAIRMAN DIVINE:** With that, I will ask for a motion
5 to open the meeting up for public hearing.

6 **MR. GORE:** I second the motion for opening the
7 meeting for public ---

8 **(Inaudible background discussion.)**

9 **MS. BOOKER:** I would like to make a motion that we
10 open the floor for the public hearing.

11 **MR. GORE:** I second that.

12 **CHAIRMAN DIVINE:** Roll call.

13 **CLERK:** Daniel Gore?

14 **MR. GORE:** Here.

15 **CLERK:** Lynda Booker?

16 **MS. BOOKER:** Yes.

17 **CLERK:** Knowledge Divine?

18 **CHAIRMAN DIVINE:** Yes. And just a point of interest
19 -- of information, anyone getting up -- I
20 wouldn't -- to expound on whatever you have to
21 say, we're gonna ask that you give your name,
22 address and you'll have to be sworn in.

23 **MS. KANE:** I don't know if you want me to present
24 and cover the basics of the case before you get
25 into taking comments?



1 **CHAIRMAN DIVINE:** Okay, yes.

2 **MS. KANE:** Okay. So this particular case is -- so
3 Palmetto Architecture is representing Owen and
4 Angela Metts with a request for three variances
5 for PIN Number 39201010078 which is located off
6 of 30th Avenue South at the address of 407.
7 This particular variance request is very
8 similar to one that we had a couple of months
9 ago back in September. However, there is one
10 less request within their submission. The
11 property, you can see, is located in a DAC area
12 on the zoning map on the 30th Avenue South.
13 And you can see from this aerial imagery that
14 there is currently a structure on the property,
15 and this is the structure here that you can
16 see. This project is looking to remove that
17 structure and develop the site with a five-
18 story building with eight dwelling units in it
19 and an office space. The rendering -- this is
20 a side rendering of the structure with parking
21 underneath. It will have four three bedrooms
22 and four two bedrooms. This is a front
23 elevation from the street side so in case you
24 wanted to know what the proposal is and what
25 that would look like. And in regards to just



1 looking at the site development, this is the
2 ground floor. You can see from the street
3 side, which is over here -- this is 30th Avenue
4 -- you can see that the entrance way into the
5 parking of the building is -- it's all
6 underneath. There are six parking spaces that
7 are being provided, one of those being
8 handicapped. The office space is a small space
9 towards the front that's facing the street.
10 And then there is an elevator shaft that goes
11 through the building to be able to ensure just
12 code and access in relationship to the building
13 height. And there's a pool planned in the
14 back. All landscape requirements are proposed
15 to be met. The project is proposing to be able
16 to put two 30-yard dumpsters underneath the
17 building, and that's just to make sure that the
18 dumpsters are not facing the street or on the
19 street side and can easily be rolled out. If
20 the variances are approved, one of the staff's
21 recommendations is to ensure that those
22 dumpsters are kept underneath the building as
23 a condition of the variance. And then just to
24 see the layout, there's two bedrooms on each
25 floor, the second, third, fourth and fifth



1 floor and, you know, just in relationship to
2 what the Zoning Ordinance says for this Main
3 Street District. It's the intent of this
4 district to provide and encourage a mixture of
5 uses. Single uses are allowed to promote and
6 ease infill development, and permitted uses
7 include neighborhood scale retail and office
8 uses as well as multifamily and transient
9 residential uses. When mixed-use development
10 is utilized in the same building or lot,
11 residential uses shall be located to the rear
12 or upper levels. And in regards to what the
13 Main Street District just kind of -- just some
14 basic standards, multifamily is allowed and
15 this particular lot, the minimum lot size for
16 the zoning district is 7,000 square feet. This
17 lot is actually a little bit larger than that.
18 And for multifamily, in order to develop
19 multifamily, the minimum square footage per lot
20 required is 2,500 square feet and with this
21 particular lot as designed, it really could
22 only currently meet two units, two dwelling
23 units, with that standard in place. The
24 building height is 55 feet or no more than five
25 stories. This project does meet that building



1 height maximum, meaning it stays within that.
2 In regards to setbacks, for a building of this
3 height, anything that's over 35 feet tall
4 requires a 20 foot front setback, a 5 foot side
5 and a 15 foot rear, and this project is asking
6 for a 15 foot front. And then in regards to
7 minimum parking, one-and-a-half unit -- parking
8 spaces are required per dwelling unit, plus an
9 additional quarter space, .25 spaces, for each
10 additional bedroom above one so with this
11 development, if developed as proposed, would
12 need 15 parking spaces. So the variances that
13 are being requested are to reduce the minimum
14 lot area for multifamily development from 2,500
15 square feet to 850 square feet so it's a
16 reduction in that minimum lot area to actually
17 allow for density on the site. And then the
18 other one was that setback reduction from 20
19 feet to 15 feet. And then to reduce the
20 required parking from 15 spaces to five total
21 onsite spaces. The difference between this
22 request and the previous request from the
23 September meeting is simply that this request
24 is no longer asking for an impervious surface
25 maximum reduction. So, they wanted an increase



1 in impervious surface with the previous
2 request, this is -- they were able to work out
3 the design that that request is no longer
4 needed. I wanted to be able to point out how
5 this project aligns with the Master Plan and
6 also the Comprehensive Plan. The corridor that
7 you see here down the middle is the 30th
8 Avenue, and from just -- this is just from the
9 graphic stand point, it shows that there will
10 -- there could be up to four floors. However,
11 the recommendations within this plan actually
12 indicate you could go to the five stories or 55
13 feet, whichever is less, and that's what ended
14 up getting adopted within the Land Management
15 Ordinance so it did allow for both -- both the
16 Master Plan and the Land Management Ordinance
17 did allow for a development of that scale.
18 From a street-side view, you can see -- well,
19 it -- there's actually -- you can -- can't
20 really see all the lines here but in terms of
21 scale, if you were on 30th Avenue, that these
22 were just a -- kind of a street scale of what
23 the elevations could look like along this
24 corridor. And again, this is in the Master
25 Plan, it's also in the Comprehensive Plan. And



1 I wish the lighting was a little bit better but
2 with the -- Master Plan does show some example
3 infill development for this particular roadway
4 and it shows a scale of about three stories
5 with parking underneath for an individual lot.
6 If you went up to two lots, it shows that the
7 parking would actually go to the rear of the
8 buildings with ingress and egress along the
9 sides. And if you go up even larger than that,
10 the parking, again, would still be to the rear
11 and underneath. So some of this stuff was
12 looked at when the Master Plan was developed,
13 but the Master Plan did not really get a lot
14 into how the parking and density standards
15 would truly translate into regulation. So I
16 just wanted to be able to bring that into play,
17 that was determined when the Land Management
18 Ordinance was developed, an interpretation of
19 what scale that the plan was recommending. And
20 the Land Management Ordinance did incorporate a
21 little bit of parking recommendations of the
22 Master Plan so I just wanted to let you know
23 that those things were addressed when the Land
24 Management Ordinance was created. In
25 relationship to the Comprehensive Plan and



1 specifically to the -- to its implementation,
2 it says in general, implement the vision in
3 land use recommendations contained within the
4 Master Plan, and then one of the -- objectives
5 in here was to coordinate setback, orientation,
6 design and public improvement standards with
7 the street design recommendations of the Master
8 Plan and Transportation Plan. There's also a
9 lot of other things in here regarding just
10 revising the Land Management Ordinance over
11 time to be able to meet the implementation of
12 this Master Plan. And then also in regards to
13 density, it says implement density standards
14 which consider the demands for infrastructure
15 of public safety, parking and traffic
16 generation and the need for privacy, nuisance
17 abatement and the enjoyment of residential
18 occupancies. So there are some recommendations
19 in here. Objective (B) indicates provide for
20 medium and high density to high and high
21 density residential development in the main
22 areas along 30th and 31st Avenue should permit
23 medium to high density development, and then it
24 says select areas along the oceanfront. So
25 there's some stuff there related to oceanfront



1 development. So I just wanted to be able to
2 convey that the Comprehensive Plan does support
3 the implementation of that 2007 Master Plan.
4 And so, I don't know if you all want to have
5 the applicant come and speak ---

6 **CHAIRMAN DIVINE:** Yes.

7 **MS. KANE:** --- on some of this but also just to
8 ensure that they also get sworn in.

9 **CHAIRMAN DIVINE:** Yes. Would you state your name,
10 address?

11 **MR. METTS:** My name is Owen Metts, Senior, and I
12 reside at 2 Gate 2 in Carolina Shores, North
13 Carolina.

14 **CHAIRMAN DIVINE:** Yes. Would you raise your right
15 hand? Mr. Metts?

16 **MR. METTS:** Sure.

17 **CHAIRMAN DIVINE:** Do you swear to tell the truth?

18 **MR. METTS:** Sure -- yes. The whole truth and
19 nothing but the truth, so help me God.

20 **CHAIRMAN DIVINE:** Okay.

21 **MR. METTS:** Okay. Mr. Chairman and to other members
22 of the Zoning Board and to Mr. Quattlebaum,
23 good afternoon.

24 **IN UNISON:** Good afternoon.

25 **MR. METTS:** Firstly, I would like to thank you all



1 for taking your valuable holiday time to meet
2 with us to consider our request for a variance
3 on this small structure. Before I yield to my
4 other two team members to speak, I would like
5 to share with you all that we did talk with Mr.
6 Robert Cox who is the Building Inspector for
7 the Town of Atlantic Beach about two years ago
8 and, of course, this is whenever we started
9 kind of thinking about this. So, we did do our
10 due diligence and -- before we began the design
11 of this beautiful building that is before you.
12 So, we don't -- we also talked with a
13 structural engineer about potentially building
14 on the existing building that's on the lot.
15 However, after -- after the structure
16 evaluation, we quickly concluded that the
17 existing building does not have the capacity or
18 the foundation to carry the load of the new --
19 proposed new structure. So at this time, I'm
20 going to ask Mr. Robin Roberts, who is the
21 architect that we retained to design this
22 historic, revolutionary and beautiful building
23 that's before you, to explain the changes that
24 he's made and the variance that we are asking
25 this Board to consider approving here tonight.



1 So after Robin is finished, my partner, better
2 half, Angela Metts, will share with you some
3 information and data about the parking variance
4 that we're also requesting. And after she's
5 finished, then I will come back and very
6 briefly talk about some of the financial
7 benefits to the Town as a residual of your
8 approval of this project here tonight. So at
9 this time, I want to ask Robin to come and
10 proceed accordingly.

11 **MR. ROBERTS:** Brought these for you guys, I know
12 it's kind of hard to see up there.

13 **CHAIRMAN DIVINE:** At this time, would you state your
14 name, company.

15 **MR. ROBERTS:** Yep, Robin Roberts and Palmetto
16 Architecture.

17 **CHAIRMAN DIVINE:** Raise your right hand. You swear
18 to tell the truth?

19 **MR. ROBERTS:** As far as I know it to be true, yes,
20 sir.

21 **CHAIRMAN DIVINE:** Okay.

22 **MR. ROBERTS:** So, you -- from -- we were here last
23 time for the very first meeting that you guys
24 had and we took your comments to heart and went
25 back and worked on the plans, and what I have



1 handed you just now, if you look at the gray
2 areas on the plan, that shows the areas where
3 we've converted everything to impervious pavers
4 to -- to get rid of one of the variance
5 requests that we had previously for lot
6 coverage so we're in compliance there. We have
7 jazzed up the landscaping a little bit that you
8 can kind of see in the rendering. That wasn't
9 a requirement, but something that the Metts
10 wanted to do. And we've now provided you with
11 a full color rendering which was also a request
12 you had at our last meeting to get -- better
13 understand what the building was gonna look
14 like in the Town.

15 **CHAIRMAN DIVINE:** Uh-huh.

16 **MR. ROBERTS:** So, those are the changes we've made
17 and we're here to answer any other questions
18 you may have. We still need the other three
19 requests that were already presented to you
20 earlier, and that's what we're here for today,
21 so if you have any questions of the architect,
22 or me, I'm here.

23 **(Inaudible background discussion.)**

24 **MS. BOOKER:** I do have a question.

25 **MR. ROBERTS:** Yes, ma'am.



1 **MS. BOOKER:** On the 2,500 square feet and you're
2 asking that we reduce that to 850 square feet.

3 **MR. ROBERTS:** Yes, ma'am.

4 **MS. BOOKER:** You want to talk to me a little bit
5 about that.

6 **MR. ROBERTS:** Yeah, under the current zoning, it
7 doesn't really match the Comprehensive Plan.

8 **MS. BOOKER:** Uh-huh.

9 **MR. ROBERTS:** The Comprehensive Plan is asking for
10 density and the current zoning is restrictive
11 of density. Under your current zoning, this
12 lot would only be allowed to have two dwelling
13 units.

14 **MS. BOOKER:** Two what?

15 **MR. ROBERTS:** Two -- two dwelling units.

16 **MS. BOOKER:** Two dwellings.

17 **MR. ROBERTS:** Total.

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

19 **MR. ROBERTS:** In the current zoning, even though the
20 Comprehensive Plan is asking for four and five-
21 story buildings with higher density.

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

23 **MR. ROBERTS:** So we've asked that the square footage
24 per dwelling unit currently of 2,500 square
25 feet be reduced to 850 square feet, which will



1 allow us to have the eight dwelling units ---

2 **MS. BOOKER:** Uh-huh, okay.

3 **MR. ROBERTS:** --- for this lot.

4 **MS. BOOKER:** All right. And the only thing that I
5 have a question about is I know we started off
6 with 15 -- request for 15 parking spaces so we
7 -- I think the Town Ordinance is allowing 11,
8 is that correct?

9 **MR. ROBERTS:** I believe the current zoning would
10 require 20 parking spaces.

11 **MS. BOOKER:** Did we not reduce that?

12 **MS. KANE:** I can give point of order.

13 **MS. BOOKER:** Okay.

14 **MS. KANE:** So, the current zoning requires 15
15 parking spaces ---

16 **MR. ROBERTS:** Fifteen spaces.

17 **MS. BOOKER:** Oh, it -- but we didn't change that ---

18 **MS. KANE:** And so they are providing five.

19 **MS. BOOKER:** Okay.

20 **MS. KANE:** Yeah. So that was -- a reduction in
21 parking was provided within the recent text
22 amendment, but it was only for non-residential
23 and non-health (ph) uses.

24 **MS. BOOKER:** Okay.

25 **MS. KANE:** So, if this was a restaurant, they



1 could've gotten a reduction, and the restaurant
2 (inaudible) parking requirements ---

3 **MS. BOOKER:** Okay, I knew we talked about reductions
4 ---

5 **MS. KANE:** Yeah.

6 **MS. BOOKER:** --- in something.

7 **MR. ROBERTS:** Yeah, so we only have space for five.

8 **MS. BOOKER:** For five?

9 **MR. ROBERTS:** And we squeezed them in.

10 **MS. BOOKER:** So where do you want to park the other
11 cars? I mean, I -- I'm -- I just want to ask
12 -- I'm just asking?

13 **MR. METTS:** Actually, Robert, if you don't ---

14 **MR. ROBERTS:** No. No, go ahead ---

15 **MR. METTS:** --- if you don't mind, then we'll just
16 yield to Angela because basically she's gonna
17 talk more about parking ---

18 **MS. BOOKER:** Okay.

19 **MR. METTS:** --- so hopefully that will kind of
20 answer some of your questions as it relates to
21 parking.

22 **MS. BOOKER:** Okay.

23 **MS. METTS:** My name is Angela Metts. My address is
24 2 Gate 2, Carolina Shores, North Carolina.

25 **CHAIRMAN DIVINE:** Raise your right hand. You swear



1 to tell the truth?

2 **MS. METTS:** Yes, sir.

3 **CHAIRMAN DIVINE:** Sworn in.

4 **MS. METTS:** Okay. As you see on the screen, this is
5 the color rendition, and I'm going to talk
6 about parking which is what you were asking
7 about.

8 **MS. BOOKER:** Uh-huh.

9 **MS. METTS:** We need to review the options that we
10 obviously would have had with Robin, talk about
11 the permanent paving. Now, we -- the last
12 meeting, it was mentioned about eliminating an
13 entire floor but with that particular option,
14 that would reduce the market value of this
15 project ---

16 **MS. BOOKER:** Uh-huh.

17 **MS. METTS:** --- and ironically, with the number
18 being at 15, eliminating an entire floor --
19 thank you -- would not -- we still would need
20 a variance. Secondly, if we eliminated the
21 front office, we still would need a variance
22 because that would not offer us enough parking
23 spaces and ironically, because it's on 30th
24 Avenue, a part of the zoning requires
25 commercial development. If we eliminated a



1 pool -- excuse me -- we also would need a
2 variance. I swear, I'm sorry.

3 (Inaudible background discussion.)

4 **MS. METTS:** I mean I'll ask for the parking, we're
5 asking that you consider the on-street parking,
6 the -- if you look -- if you'll show them
7 slides. We have photos that I personally took
8 because even though we reside in North
9 Carolina, we also spend quite a bit of time
10 here on Atlantic Beach. We -- do you have
11 those? The presentation I gave you. Excuse
12 me. Thank you.

13 **MS. KANE:** What in particular part -- is this what
14 you're looking for?

15 **MS. METTS:** Yes, that would work ---

16 **MS. KANE:** Okay.

17 **MS. METTS:** The picture that you see on the screen -
18 --

19 **MS. BOOKER:** Uh-huh.

20 **MS. METTS:** --- was taken from August of this year
21 through October, and there is plenty of parking
22 on 30th Avenue.

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

24 **MS. METTS:** If you'll look on the right, that's also
25 on 30th Avenue, and that property's actually



1 owned by the City so there's not a problem with
2 parking on 30th Avenue because there's really
3 not any development on 30th Avenue, only one
4 building stands between us and the Atlantic
5 Ocean so the on-street parking we're asking is
6 that you consider -- if you'll show the next
7 one -- because I have lots of documentation
8 showing that no matter the time of day, no
9 matter the time of year, parking is readily
10 available along 30th Avenue because there's
11 currently not any development. As mentioned,
12 concerning the Master Plan, in the Master Plan
13 the streetscape shows on-street parking along
14 30th Avenue, and that was a reference by Leigh.
15 The other thing I want to mention is that on
16 page 83 -- so if you'll go to the next picture
17 please -- on page 83 of the Master Plan, again,
18 pedestrian-friendly, on-street parking is shown
19 throughout the Master Plan. And if you look at
20 the -- if you look on the right, the larger
21 photograph is the proposed rendition of 407,
22 what it will eventually look like, but to the
23 immediate right is the overview, which Leigh
24 mentioned earlier, as far as the Atlantic Beach
25 plan overview. On the bottom left, is also the



1 Atlantic Beach Master Plan that's on page 83
2 and, on the bottom right, is the Master Plan
3 for Atlantic Beach. On page 87 of the Atlantic
4 Beach Master Plan, it clearly states that with
5 public parking, it's anticipating that will be
6 a collaborative effort between development and
7 the Town of Atlantic Beach -- and I'm quoting
8 -- if successful redevelopment and heightened
9 level of activity in the Town merits additional
10 parking, the Master Plan recommends
11 construction of a centralized surface parking
12 lot, probably along 30th and 31st Avenues to
13 better service commercial activities. Page 133
14 of the Atlantic Beach Master Plan states,
15 because the Master Plan is focused on creating
16 a pedestrian-oriented environment and provides
17 for ample on-street parking, the development of
18 an excessive parking inventory is discouraged.
19 Parking requirements should provide for the
20 potential of shared parking concepts that
21 account for a mix of uses at different hours of
22 operation. Page 133 of the Master Plan goes on
23 to talk about utilizing shared parking and even
24 gives specific directives on bump outs and how
25 inner sections should be designed so that



1 pedestrians are safe from leaving vehicles.
2 The Master Plan is filled with examples of on-
3 street parking and how that is to be a
4 collaborative effort between the businesses
5 along 30th Avenue and the City. I want to
6 mention that the photographs, again, clearly
7 show that parking is readily available -- not
8 only today, but some of those photographs are
9 many, many years old. Now, I want to mention
10 that this project is important to us, it really
11 is. It's important for us to not only develop
12 the Town but do so in a very reasonable manner,
13 you know, we don't have any other options as
14 far as parking. The architect will tell you
15 we've utilized all of the options that we have
16 and since parking is readily available, we're
17 simply asking that in -- consideration just
18 like stated in the Master Plan that on-street
19 parking be a part of the decision that is
20 actually made, and I have individual
21 photographs which I could show to you that
22 demonstrate that parking is not a problem along
23 30th Avenue. I do have a picture on
24 Thanksgiving, parking was available.
25 Christmas, parking was available. So whether



1 it's 4:00 o'clock in the morning or 4:00
2 o'clock in the afternoon, asking that the Board
3 please consider on-street parking as referenced
4 in the Master Plan. Thank you.

5 **(Inaudible background discussion.)**

6 **MR. METTS:** Does the Board have any questions for
7 Angela related to parking?

8 **MS. BOOKER:** I don't. I do not ---

9 **MR. METTS:** Okay. All right, good. If you would
10 turn the lights back on now because basically
11 what I'm talking about, you really don't need
12 to see. All right. So, what I'm gonna talk
13 about just a little bit is the financial
14 benefits to the Town and this -- the estimated
15 cost of the proposed structure likely will be
16 about 3 million dollars, more or less, and I'm
17 inclined to say probably more, Mr. Quattlebaum,
18 than less. And of course, just information
19 that I'm sharing with you now was obtained from
20 the Town Manager's office as it relates to the
21 estimated building costs far as the permit is
22 concerned, the plan review fee by the Town of
23 Atlantic Beach officials and, of course, other
24 Horry County officials is \$8,359. The
25 estimated cost for the building permit to the



1 Town of Atlantic Beach is \$16,718. So the
2 total initial fee, you know, just for the Town
3 which is a little bit more than \$25,000. And
4 assuming that the estimated tax value of each
5 one of the eight units has an average tax value
6 of about \$300,000 then if you do that times the
7 number of units then that's roughly 2.4 million
8 dollars and then if you add in probably about
9 \$600,000 for other land and improvements then
10 basically that's about 3 million dollars as it
11 relates to the cost basis, or the tax basis,
12 for the property. The estimated tax income
13 from this project will be determined by the
14 Horry County Tax Assessor's Office for District
15 590 and will also be based on if the units are
16 occupied by permanent residents or if they are
17 occupied or considered as a second home. So in
18 conclusion, Mr. Chairman and other Board
19 members, this concludes our presentation and we
20 respectfully request that you all vote to
21 approve this beautiful Atlantic Beach landmark
22 and request the variances that we have asked
23 this evening. Thank you very kindly.

24 **CHAIRMAN DIVINE:** I have a question for you, Mr.
25 Metts.



1 **MR. METTS:** Okay.

2 **CHAIRMAN DIVINE:** Have you at all entertained what
3 that, you know, okay, you're going to be 10 --
4 you need 10 more spots basically to meet the --
5 to meet the Ordinance. Now, as the development
6 occurs -- more development occurs along 30th
7 Avenue, have you thought about how the next
8 person needing 15 -- or 10 spots, what and how
9 we might deal with that problem?

10 **MR. METTS:** Yes, sir. Quite frankly, I would -- of
11 course, I think what's needed in the Town is a
12 parking dock -- a parking deck or a parking
13 garage or something. We will likely be coming
14 back before you all again probably sooner
15 rather than later and part of that proposal
16 will be to probably lease at least three
17 properties that the Town has that is close to
18 where this property is to utilize for parking
19 in the future. So that's a good question, I'm
20 glad you asked that question, and we do have a
21 Plan B for that as well. But I think for right
22 now, from what I see and, of course, most of
23 you live here and you can drive down the street
24 and see all the vacant parking spaces on the
25 street. I understand your concern as it



1 relates to the future but, as for right now, I
2 don't really see parking for this facility to
3 be a problem as it relates to the available --
4 spots free right now.

5 **CHAIRMAN DIVINE:** Thank you.

6 **MR. METTS:** Any other questions? Thank you very
7 much for your time.

8 **CHAIRMAN DIVINE:** You're welcome, sir.

9 **(Inaudible background discussion.)**

10 **CHAIRMAN DIVINE:** At this time, I'd like to open up
11 the floor for any public comments for or
12 against this variance. Anyone?

13 **MR. MONTGOMERY:** Come to the mic?

14 **MR. QUATTLEBAUM:** Yes.

15 **MR. MONTGOMERY:** I just have a simple question for
16 the project. You didn't mention the cost of
17 tapping into North Myrtle Beach for ---

18 **CHAIRMAN DIVINE:** Oh ---

19 **MR. METTS:** Actually, that's a good question. The
20 cost to do that is \$7,159 per unit.

21 **CHAIRMAN DIVINE:** What was the -- I didn't hear the
22 question.

23 **MR. METTS:** He asked about the cost to tap into the
24 water and the sewer for North Myrtle Beach.

25 **CHAIRMAN DIVINE:** Okay.



1 **MR. METTS:** So the cost to do that is \$7,159 per
2 unit.

3 **CHAIRMAN DIVINE:** Okay.

4 **MS. FINNEY:** Elaine Finney, 3106 Seaview Street,
5 Atlantic Beach. And my concern is -- I like
6 the building, I like the construction for the
7 area, but it didn't show a picture of a Buick
8 that is parked outside their unit most days
9 which houses -- or is owned by a daughter and
10 her handicapped father who at one of the
11 previous meetings had talked about having a
12 hard time finding a parking space dedicated to
13 having handicapped people and having
14 accessibility for her father to live in that
15 building next door to get ease of going to that
16 car. So my concern is while we are looking at
17 -- entertaining having this unit utilize public
18 parking, we're not taking care of residents
19 that are already here that would require close
20 parking because of handicapped issues to be
21 able to get to their unit. So as we consider
22 this variance, we should also be considering
23 parking for our residents, full-time residents,
24 and having handicapped parking on 30th Avenue
25 close by because that one car parks there most



1 of the time because of getting ease to her
2 apartment for her handicapped father. Thank
3 you.

4 (Inaudible background discussion.)

5 **CHAIRMAN DIVINE:** She stood up first, I saw her.

6 **COUNCILWOMAN GORE:** Hi, my name is Jacqui Gore, a
7 resident of Atlantic Beach, and I would just
8 want to chime in on the parking spaces issue.
9 I'm from here and I've been in Atlantic Beach
10 whenever there were buildings all up and down
11 the Town of Atlantic Beach, there was no
12 parking nowhere but on the streets of Atlantic
13 Beach. You had a couple of places in here that
14 may have had parking but for the most, there
15 wasn't any parking in Atlantic Beach other than
16 what there is on the streets and stuff and so
17 therefore, I don't see why there would be a
18 problem nor an issue with parking whenever
19 they're saying clearly that they're coming back
20 to make a proposal to put a parking garage
21 that's gonna benefit the whole town. Then the
22 handicapped lady, it said that she's
23 handicapped and we all feel for the handicapped
24 but at the same time, this lady is living in a
25 building that should have parking for their own



1 self if that's the case 'cause that parking is
2 the same as what you're saying so what makes
3 them so different than the folks that's already
4 there that's using the public parking. I don't
5 see an issue with the parking, and it's not my
6 decision to make, but I'm just saying that I
7 don't see why that lady -- and I hear her very
8 clearly stating that that's where she parks at.
9 You are handicapped, you can still get around,
10 just like you made your way from the park to
11 that spot there, there's a spot behind there
12 that they can utilize as well so why stop these
13 people from doing something that our town
14 needs. We are in desperate need of something
15 in our town, it don't have to be nothing that
16 you all came up with or we all came up with,
17 it's just an idea -- they came up with it, let
18 these folks do.

19 **CHAIRMAN DIVINE:** Excuse me, Councilwoman Gore?

20 **COUNCILWOMAN GORE:** Yes, sir.

21 **CHAIRMAN DIVINE:** Have a question. Now, with that
22 being said ---

23 **COUNCILWOMAN GORE:** Uh-huh.

24 **CHAIRMAN DIVINE:** --- you, as a Council person ---

25 **COUNCILWOMAN GORE:** Uh-huh.



1 **CHAIRMAN DIVINE:** --- would you take it into
2 consideration far as legislation and ordinances
3 are concerned, to actually correct that?
4 Because we're not a govern- -- we're not a
5 legislative body here ---

6 **COUNCILWOMAN GORE:** Right.

7 **CHAIRMAN DIVINE:** --- I'm supposed to protect what's
8 on that Board, you know that.

9 **COUNCILWOMAN GORE:** That -- you're right.

10 **CHAIRMAN DIVINE:** That's my job.

11 **COUNCILWOMAN GORE:** You're exactly right and I
12 respect that ---

13 **CHAIRMAN DIVINE:** So I ---

14 **COUNCILWOMAN GORE:** --- that needs to be corrected.
15 You're exactly right ---

16 **CHAIRMAN DIVINE:** It's something that needs to be
17 corrected.

18 **COUNCILWOMAN GORE:** You're -- and you're right. I'm
19 not saying that you are doing anything wrong.
20 I'm really not -- I chimed in on what you all
21 said, what you all (inaudible) but when it
22 comes down to little things like far as the
23 lady, the handicapped -- yeah, I understand
24 that. I feel that. But just as good as she
25 got there to that spot -- she chose that spot



1 there, you know, there are many more spots he
2 can put in the building, that car isn't parking
3 in front of the lady's building that she lives
4 in.

5 **MALE SPEAKER:** That's right.

6 **COUNCILWOMAN GORE:** It's parked in front of their
7 property and -- so how can that even be an
8 issue? That's what I'm saying.

9 **MALE SPEAKER:** Thank you.

10 **MR. ROBERTS:** If you don't mind, I can address that.

11 **MS. BOOKER:** And we have another ---

12 **MR. ROBERTS:** Then please come on up.

13 **FEMALE SPEAKER:** No.

14 **MR. ROBERTS:** Uh ---

15 **MS. BOOKER:** We have another -- she stood up to make
16 a public -- a comment so she needs to talk.

17 **MR. ROBERTS:** Sure.

18 **MS. BOOKER:** Ms. Cheatham ---

19 **MR. ROBERTS:** Well, I'll be here.

20 **MS. BOOKER:** You can speak after the public
21 comments.

22 **MS. CHEATHAM:** Good evening.

23 **IN UNISON:** Good evening.

24 **MS. CHEATHAM:** My name is Linda Cheatham. I live at
25 512 29th Avenue South. I agree that it's a



1 lovely building. I think it would be an asset
2 to the community. The reason that I think
3 there are no cars parked on 30th Avenue is
4 because they are all parked on someone's
5 property at the oceanfront, that's where people
6 park. And I think as Councilwoman said that,
7 you know, we face a conundrum, and perhaps the
8 Town needs to begin to buy some property and
9 take care of the parking issues that are
10 coming, especially when North Myrtle Beach and
11 Myrtle Beach charge for parking, and so we're
12 getting more cars here and I think we need, you
13 know, to face the elephant in the room that we
14 want development but with development comes
15 some headaches and some issues. And I don't
16 know how to tell you what to do but I think the
17 reason that I see that there's parking at the
18 moment is because people are parking on private
19 property, which is where I park when I go to
20 the beach, I drive up on somebody's lot like
21 everybody else when I don't walk. So, I think
22 it's here now but as we begin to entertain all
23 the proposals that are being developed, I think
24 we're gonna have an issue and I think that
25 needs to be a part of the conversation and a



1 part of the decision. Thank you.

2 **CHAIRMAN DIVINE:** Thank you.

3 **MR. GORE:** Thank you ---

4 **MS. BOOKER:** Thank you, Ms. Cheatham.

5 **MR. ROBERTS:** I just wanted to address two things.

6 One, about the handicapped parking on the
7 public street. The zoning does require an
8 apartment project to have a handicapped parking
9 space, you can see our plan provides one. The
10 apartment building next door should have one
11 for a tenant who may be disabled. If not, you
12 should probably check with them, see if that's
13 something they could correct. I believe that
14 particular issue was just more a matter of
15 convenience, they preferred to park there
16 because it was easier to get to where they
17 wanted to go.

18 **FEMALE SPEAKER:** They also said that the parking ---

19 **CHAIRMAN DIVINE:** Hold -- excuse me. All comments
20 have to be directed towards the Board ---

21 **MR. ROBERTS:** Sure, I was just listening.

22 **CHAIRMAN DIVINE:** Right.

23 **MR. ROBERTS:** Yes. So anyway, that particular
24 individual request should be addressed with the
25 neighboring property to see if they can provide



1 a handicapped parking space for their tenant.
2 And then, of course, in public parking, you
3 also provide some handicapped parking spaces on
4 the street as well, that's -- that shouldn't be
5 a problem either. I don't think the Metts
6 would have any opposition to any of the on-
7 street parking spaces, for a couple of those to
8 be designated for disabled people, that's fine.
9 I don't think that conflicts with the request
10 that we're making for a variance in the number
11 of required parking on the private property
12 side. The second comment is just in general,
13 the -- your Zoning Officer is the defender of
14 the ordinances and the Appeals Board get to
15 hear those cases that don't fit and decide if
16 that's a good thing for this -- for the Town or
17 not so I -- I heard you say you're here to
18 defend it and I'm -- far be it from me to tell
19 you how -- what to do, but in my experience as
20 an architect in 30 years, your -- you guys have
21 a unique position to be able to hear those
22 things that the Zoning Officer says doesn't fit
23 and you can decide if it's good or bad for the
24 Town for those hedge cases that may or may not
25 fit the zoning. But ultimately, I believe for



1 the Town of Atlantic Beach, if you want this
2 Comprehensive Master Plan to move forward, they
3 will in fact have to change the zoning
4 ordinances to be more compatible with
5 development but otherwise, I would imagine
6 every lot that wants to get developed is gonna
7 have to come before you to ask for variances
8 because those two things just don't match up
9 right now, the ordinances and the Comprehensive
10 Master Plan still have a little work to do.

11 **CHAIRMAN DIVINE:** Well, we understand that and
12 that's what I -- that's why I made my comment
13 to Councilwoman Gore.

14 **MR. ROBERTS:** (Inaudible.)

15 **CHAIRMAN DIVINE:** Because that's where the power
16 lies for that.

17 **MR. ROBERTS:** Yep, I agree. Thank you.

18 **CHAIRMAN DIVINE:** Uh-huh.

19 **MR. ROBERTS:** Any more questions?

20 **CHAIRMAN DIVINE:** I'm good.

21 **MR. ROBERTS:** All right. Thank you very much.

22 **MS. MULDROW:** Good evening, everyone ---

23 **IN UNISON:** Good evening.

24 **MS. MULDROW:** --- I'm Theresa Val Muldrow (ph) and I
25 have lot on 32nd. I just happened to be in



1 town today so I came in at the right time. The
2 only problem I have with the variances is the
3 request to reduce the parking. I believe that
4 the setback reduction is fine, I -- but what
5 they do have to consider is when you grant that
6 setback reduction to one then is it okay for
7 the next person to get a reduction in setback,
8 which is fine, but it should be fair across the
9 board. But the parking is the biggest issue
10 because if you have a two bedroom unit, you
11 have to consider it could be a possibility that
12 there may be four drivers in the house so --
13 and if it's three bedroom unit, you have to
14 consider the possibility that there may be five
15 or six drivers in the house so the parking is
16 the only thing that I really feel wouldn't be
17 a good idea. I believe the parking should not
18 be reduced to -- what is it, 10?

19 **FEMALE SPEAKER:** Five.

20 **MS. MULDROW:** Five. I don't think it should be
21 reduced. That's all I have to say.

22 **CHAIRMAN DIVINE:** Thank you.

23 **MR. GORE:** Thank you.

24 **(Inaudible background discussion.)**

25 **COUNCILWOMAN GORE:** And I'm just saying this



1 because, like I said, and I keep saying it
2 because -- for where we are, we are from here,
3 he's from here. We know how this works. When
4 it comes down to the parking, yes, there's a
5 problem, but we're talking about commercial
6 property, those lots that was brought in there.
7 Of course, you see how they were built. Well,
8 if you wasn't here, you wouldn't really know
9 how they were built, but those buildings were
10 built in Atlantic Beach, they weren't just --
11 you see these lines and -- these older people
12 here know what I'm talking about, there was no
13 room for alleys here hardly, you had places
14 where some of them may have joined together,
15 there was no (inaudible) around the bank to
16 park nowhere, there was just parking there, we
17 understood that. And I understand what you're
18 saying, you're going by what's on the books is
19 the -- but that needs to be changed, but far as
20 the setbacks on commercial streets on a -- the
21 rest of it up there, if you setback so far,
22 you'll be on the next street. We really don't
23 have that, we need to work in where you can
24 figure -- make the setbacks be 15 instead of
25 20, or whatever they are. I don't know what



1 they, but whatever they are, they should be
2 what is gonna be where we can freely develop it
3 in here. And then you have the concern of
4 people, which is so great, but the -- it's --
5 it needs to be done, it really does need to be
6 ---

7 **CHAIRMAN DIVINE:** I have a question for you in that
8 line, Councilwoman Gore.

9 **COUNCILWOMAN GORE:** Uh-huh.

10 **CHAIRMAN DIVINE:** How long -- approximately how long
11 does it -- would it take to legislatively
12 change those ordinances to meet our needs?

13 **COUNCILWOMAN GORE:** You'd have to check with them
14 but, yeah, I don't have a clue ---

15 **CHAIRMAN DIVINE:** No, I mean ---

16 **COUNCILWOMAN GORE:** --- but I'm willing to -- I
17 don't know if there is a part for us. If there
18 is a part for us to try, you know, to help the
19 Town, whatever's gonna move it along, we need
20 to do that. If it takes Council or if it takes
21 Waccamaw or whomever, I don't know what it
22 takes but we need to be able to do -- so we can
23 move it along because I do know how important
24 it is that folks are paying taxes on this
25 property and they're wanting to see something



1 done with it, and it's time to move on but if
2 we keep throwing a wrench in everything with
3 every wheel that turns, we're never gonna get
4 nowhere, you know?

5 **CHAIRMAN DIVINE:** Well, listen -- we're not throwing
6 a wrench.

7 **COUNCILWOMAN GORE:** No, not you. I'm just saying --
8 -

9 **CHAIRMAN DIVINE:** No, I'm just holding -- let me say
10 -- because if you -- once you brought that up,
11 we're not throwing a wrench in anything. We're
12 here to grant a variance because of a hardship,
13 okay ---

14 **COUNCILWOMAN GORE:** And I understand. And that's --
15 -

16 **CHAIRMAN DIVINE:** Now ---

17 **COUNCILWOMAN GORE:** --- you all are doing your all's
18 job ---

19 **CHAIRMAN DIVINE:** --- legislatively, the Council and
20 our government, if you see these problems, take
21 care of them so that we can develop and open it
22 up. It's not our problem to judge. We're
23 supposed to be here -- if you make a law, which
24 is what the Ordinance is.

25 **COUNCILWOMAN GORE:** Uh-huh.



1 **CHAIRMAN DIVINE:** We're supposed to be upholding it
2 and look for exceptions.

3 **COUNCILWOMAN GORE:** True. And you have the ability,
4 you're like a rubber band. You have the
5 ability to bend, you have that.

6 **CHAIRMAN DIVINE:** Oh, we understand what we have ---

7 **COUNCILWOMAN GORE:** Okay.

8 **CHAIRMAN DIVINE:** --- but you -- you're getting ---

9 **COUNCILWOMAN GORE:** I'll get (inaudible) ---

10 **CHAIRMAN DIVINE:** --- so I'm looking for -- I'm
11 looking -- I'll be looking forward to that.

12 **(Inaudible background discussion.)**

13 **MS. ALLEN:** Good evening. I'm F. Katherine Allen.
14 We have a home at 3104 South Ocean Boulevard.
15 Been a member of this community since the 1950s
16 when my parents built the original house. I
17 have the privilege of being on the Planning
18 Commission. We have asked multiple times for
19 the Planning Commission to review the Master
20 Plan so that some of these issues that are
21 coming up and the references that are made to
22 the Plan can be addressed. We have not had a
23 meeting this year. After asking multiple times
24 -- there is a requirement for the Master Plan
25 to be reviewed in five years -- every five



1 years. It has not been reviewed, and I would
2 ask that as part of the legislation, part of
3 the how we want our beach to look, to have
4 building, to have construction on it, that that
5 is an -- a critical and essential thing that
6 has to happen is the review of our Master Plan
7 and to have the changes that need to happen.
8 That's all I've got to say.

9 **CHAIRMAN DIVINE:** Thank you.

10 **(Inaudible background discussion.)**

11 **MS. BROWN:** My name is Michelle Brown, and my
12 husband Michael Brown and I, we own a lot at
13 611 30th Avenue South. We purchased the lot
14 about two years ago and we've probably spent,
15 you know, probably \$30,000 trying to find a
16 plan that will make -- that will fit in the
17 geography of our lot. As I read the
18 requirement for a variance, it says are there
19 extraordinary and exceptional conditions
20 pertaining to this particular piece of
21 property? Do the above-stated conditions only
22 apply to the subject property and do not
23 generally apply to other properties in the
24 vicinity? And I say yes to both. I mean if
25 you Google Atlantic Beach, South Carolina,



1 you'll find hundreds of articles locally and
2 dozens nationally about what is the strategy
3 for this town. If we don't let business come
4 here and have business, the Town will cease to
5 exist. This is a crisis of leadership, right?
6 We all know the Ordinance isn't perfect so we
7 have one option, which is this Commission, to
8 do the -- which is this Board -- to apply some
9 subjectivity. The reason you have a variance
10 committee is because you allow for
11 subjectivity. It was totally objective, this
12 team wouldn't need to be here. If you wanted
13 (inaudible) make some (inaudible) and figure it
14 out and we could not have this meeting. I just
15 think it's a crisis of do we as a group agree
16 the Town needs to exist? What is the special
17 condition? The condition is there's been no
18 development for decades and if we don't do
19 something, this could -- this conversation will
20 continue for decades. So, I would suggest that
21 we say the first person who's gonna put
22 millions of dollars of their own money,
23 hundreds of hours of their own time over their
24 families, their jobs, the rest they do to try
25 to invest in the story of the Town is --



1 deserves some grace from this Commission to use
2 its authority to be subjective to say the
3 condition is, number one, exerting leadership,
4 exerting some love to the Town, understanding
5 that the -- that all of us are just here to
6 rebuild the Town, and we can do it. And the
7 truth is, is 10 parking spaces enough to say
8 no, right? I live in Charlotte, we drive --
9 we've driven back and forth for the past two
10 years probably at least 20 times to --
11 measuring with a tape measure, trying to figure
12 out how do you fit 20 apartment spaces in 50
13 feet. It's an unsolvable problem. So, I just
14 want to say, I feel like it's a crisis of
15 leadership, a crisis of bravery, because the
16 truth is, of course, everybody else is gonna
17 ask for a variance but if you don't build the
18 first one, everybody else like me, we're gonna
19 go away, we're gonna sell our lots, we're not
20 gonna build, and so continue to be in disrepair
21 and we're going to fail. So I just ask that
22 just thinking of the founding of the Town,
23 thinking of the people who have properties for
24 decades through all the economic downturns,
25 through storms, through own personal hardships,



1 have paid their taxes, have made the properties
2 -- or property, have maintained ownership, they
3 didn't lose the space and for that, can we give
4 grace to the first one. Because after the
5 first one, there's 20 of us in line ---

6 **FEMALE SPEAKER:** Thank you.

7 **MS. BROWN:** --- right? And we can't get started
8 until you pass this first one. I don't
9 understand the technicalities of ordinances,
10 variances and all of that stuff, I just know we
11 did our best, we've invested thousands and
12 thousands and thousands of dollars to fit a big
13 pie into a little old piece of pie, and it
14 doesn't fit. So I just think it's unfair to
15 shift the burden of building the Town to one
16 owner. The owner needs grace to build, that
17 will give the Town the inspiration to figure
18 out what needs to change and then the Town can
19 change. But putting the burden on the owner in
20 the meantime is a lack of leadership, it's a
21 lack of love for the Town and, to me, it's
22 almost dereliction of duty at this point
23 because we can't go to '24 -- go 12 more months
24 and end 2024 and still have nothing, I think
25 that's sort of unconscionable.



1 **CHAIRMAN DIVINE:** Thank you.

2 **FEMALE SPEAKER:** Thank you so much.

3 **(Applause.)**

4 **MR. BROWN:** My name is Michael Brown. That was my
5 wonderful wife, Michelle. As she said, we live
6 in Charlotte. We own the lot on 30th and we
7 have been trying this process for two years.
8 I think that this Board is in the unenviable
9 position ---

10 **(Inaudible background discussion.)**

11 **MALE SPEAKER:** It's not working. Just speak a
12 little louder.

13 **MR. BROWN:** Okay. I think this Board is in the
14 unenviable position of trying to figure out how
15 to get projects moving in Atlantic Beach. The
16 ordinances obviously don't match the Land
17 Management -- the overall plan for the Town.
18 I would love for some development to begin,
19 that would make Atlantic Beach better, that
20 would make everyone's lives better, that would
21 help revitalize this town. Is the plan --
22 proposed plan perfect? No, but don't let
23 perfect be the enemy of the good. We should
24 move forward with this project, and there is
25 just a lack of leadership from the Town to help



1 start projects. Here we are, individual
2 people, trying to push things forward and there
3 is no help from the Town, and that puts you in
4 the unenviable position to try to balance what
5 your responsibilities are versus what the goals
6 of the Town are. The Town needs leadership.
7 The Ordinance needs to be rewritten. They need
8 to listen to the people who want to help
9 rebuild this town and understand the vision of
10 it and want to see it fulfilled, and not
11 sitting here in a meeting arguing over parking.
12 This is ridiculous.

13 **CHAIRMAN DIVINE:** Thank you.

14 **MR. GORE:** Thank you, sir. Can I say something?

15 **MS. BOOKER:** Yes ---

16 **CHAIRMAN DIVINE:** Yes.

17 **MR. GORE:** I'm hearing that the Town needs
18 leadership. I'm on this Board because of the
19 Town trying to do some leadership, okay?
20 That's why I'm here. Lived here all my life
21 and I've seen the parking issues. I was denied
22 at one point parking -- because of parking to
23 open a business in this beach -- on this beach
24 by a previous administration. Here's what I'm
25 gonna tell you about what I see as the parking.



1 I have a problem, a fundamental problem, taking
2 public and using it for private. I've got --
3 I just have a problem with that. It's a
4 beautiful building, and I agree there's plenty
5 of parking today. What happens -- here's what
6 I want to ask -- and I don't have a crystal
7 ball -- what happens 10, five years down the
8 road when a lot of buildings are being built
9 and we need extra parking? Now, the gentleman
10 said he's looking at doing a parking garage,
11 and that's commendable. What I would love to
12 see is the plans for the parking garage then I
13 can say, hey, let's roll. The ordinances and
14 the planning say 15, and they have five, and
15 the only place they can get their other is on
16 the street. Me, personally, I have a little
17 bit of a problem with that, and it's not
18 because I don't love Atlantic Beach, trust --
19 I'm getting ready to pay some taxes this week
20 and, if any of all want to come help and show
21 me that you love more than me, you come on and
22 help me pay them \$5,000. So, it ain't about
23 love, it's about what's on the paper and the
24 book, and us attempting to make things right.
25 We might get it right, may get it wrong, but



1 that -- that's why I'm here. There's other --
2 places I could be than sitting here, okay? So,
3 don't bash the Town because the Town is the one
4 who got me here to listen. Every town in
5 America that is a town has planning and zoning
6 -- Conway, Myrtle Beach, North Myrtle Beach,
7 all of them -- and there are growing pains, I
8 understand that. But -- so the comments about
9 the Town is whatever, that doesn't help none.
10 If you come with a plan to show me where we're
11 gonna grow and use your private parking, I'm
12 more so with that. Again, there's parking from
13 17 all the way to the beach today. Planning
14 means to me what are we gonna have tomorrow,
15 down the road, it's not all about today. So,
16 that's all I have to say.

17 **FEMALE SPEAKER:** Divine.

18 **MS. DIVINE:** Hi, I'm Jay Divine, we're -- thank you
19 for giving me the opportunity to have some
20 comments. You know, part of what I'm hearing
21 you say, Mr. Gore, and I've heard the architect
22 say and I've heard several people say, is that
23 this is a leadership issue and so we are in the
24 process of trying to reconstruct things in our
25 town so that they're done properly. This issue



1 about variances I think is unfair to push -- to
2 kick the can to the Variance Committee, or the
3 Zoning Board, that is a Planning Commission
4 issue. If we're gonna operate like a
5 municipality and there is a planning
6 commission, then this leadership failure that
7 we're talking about is there. Plans for
8 revising ordinances are supposed to go to the
9 Planning Commission. If we know we have an
10 out-of-date Master Plan then we sit here with
11 a consultant showing us all kind of references
12 to an out-of-date Master Plan that is a
13 visionary document that doesn't have any merit,
14 that's silly. So why would we continue to
15 point to that as a reference when it doesn't
16 make sense. And then you have a beautiful plan
17 that you want to execute that isn't supported
18 by the Master Plan because we all know it's out
19 of date. So, if we have a planning commission
20 and there's no meeting scheduled, and they
21 don't get to review it and revise the Ordinance
22 so that you can get things done, then you kick
23 the can to the Zoning Commission who is only
24 supposed to look at exceptions, we're not
25 operating like we're supposed to. It's an



1 unfair place to put our Zoning Commission in,
2 fix the problem. If it's a hemorrhage, don't
3 put a Band-Aid on it, like fix the problem at
4 its source. Let's take our issues to Planning,
5 let Planning review them, let them create plans
6 that make sense, let's revise our ordinances
7 that they're attainable and then let's keep
8 moving. And as a real estate agent who's come
9 here with a vision to retire here, I've been
10 selling the beach since I got here, I've been
11 encouraging people to go to the 30th Street
12 corridor because that's really all that was
13 available for sale. The residential parts will
14 sell themselves, the commercial parcels, you
15 could give them away a couple of years ago, but
16 now people are coming to the 30th Street
17 corridor because they really want beach houses
18 but they're willing to put a commercial
19 something or other on their ground levels to be
20 here. So then create the ordinances that say
21 that. If I hear another person tell me about
22 Market Commons, then create an ordinance that
23 allows you to get a market commons done. Our
24 ordinances don't allow it. So, we keep having
25 these conversations, now we're gonna kick the



1 can -- and I think it's unfair to put the
2 Zoning Commission in the Planning Commission
3 role, that's not their responsibility. The
4 Planning Commission is supposed to review
5 plans, put things in place. Michelle and I
6 were sitting here debating, like it takes too
7 long to get the plan -- but how can you say it
8 takes too long when you haven't even called a
9 meeting for the Planning Commission to review
10 anything? The time spent with two zoning
11 approvals -- zoning variance requests for the
12 Zoning Board could have possibly been resolved
13 -- I don't know -- by the Planning Commission.
14 Ms. Leigh Kane rewrites the ordinances when the
15 Planning Commission comes and makes proposals,
16 rewrite them and make them make sense so that
17 people can get things done so we can all see
18 the 30th Street walkable eateries and coffee
19 shops and all the things that we're all saying
20 we want to see, make it make sense. That's my
21 comment.

22 **CHAIRMAN DIVINE:** Thank you.

23 **MR. BOOKER:** I'm William Booker, 29th Avenue, and
24 I'm gonna be a little bit redundant but I just
25 want to say that we have a problem. It's not



1 a bad problem, it's a good problem, but it
2 needs to be addressed. We're not -- we
3 shouldn't be surprised. I knew back in '09 --
4 2009 when I was the Town Manager here that we
5 were going to have this problem, and now we're
6 here. And it's just gonna get worse. We've
7 made -- as property owners, we've made several
8 overtures to the Town, to the Town Manager,
9 about let's sit down and look at our
10 Comprehensive Plan, let's look at our Master
11 Plan, it's out of date, it's not gonna get us
12 where we need to be. And so we're there now.
13 And as Ms. Divine just said, the fix isn't to
14 ask the Zoning Commission to make -- to approve
15 a variance that's gonna go against the
16 Ordinance, and then you're gonna get another
17 developer -- we have another young lady and her
18 husband who want to develop, they don't have
19 all the parking they need so you let them go
20 and next thing you know, we're not 10 short --
21 parking spaces short, we're 50 parking places
22 short, then we're 100 parking places short so
23 the fix is the Ordinance. The Ordinance needed
24 to -- needs to be addressed to suit the kind of
25 development that we want to see. And so I just



1 -- I remember at a meeting, one of the property
2 owners came up talking to the Council and they
3 said, look, we have a big issue with parking,
4 and that property owner was told buy another
5 lot. Well, that's not the right answer. The
6 right answer is for us to come up with a way to
7 help people to be able to develop with the
8 property that they have, and we know that
9 parking is short but if we don't look at it and
10 come up with a workable plan, this plan doesn't
11 work. We're not gonna be able to meet those
12 requirements of that plan. We may not be able
13 to come up with one, but we can certainly come
14 up with one better than this one. So, I
15 encourage us to go to the source where this
16 thing needs to be fixed and let's just get it
17 fixed because it's holding us up, holding these
18 people up. They've spent a lot of time and
19 money, the Browns have spent a lot of time and
20 money, and there are other property owners who
21 want to move forward, but this Ordinance is a
22 barrier to that so we need to remove the
23 barrier and let people do what they need to do
24 so we can continue to develop the plan. So,
25 thank you. Don't put these people ---



(Applause.)

MS. BOOKER: Can I make a comment?

CHAIRMAN DIVINE: Yes.

MS. BOOKER: Can I make a comment? It's about ---

CHAIRMAN DIVINE: The Chair recognizes Linda Booker.

MS. BOOKER: All right. I know, I was gonna -- it was gonna go to him though. Good evening, everybody. The Town has some lots that were given to them by HUD and we can't ever sell those lots, am I correct?

MR. QUATTLEBAUM: That's correct.

MS. BOOKER: We can never sell them but we have lifetime rights to them. In going down to Market Commons, I took a look at the design of a parking deck, and it's not high, it's -- you know what I'm talking about, it's a low-level parking deck, very attractive. There can be a parking deck constructed on one of those lots and some parking that's -- have commercial building, commercial shops, at the bottom, which will still bring revenue to the Town. I'm not Planning, I'm not on Planning, I'm just throwing out that a parking deck doesn't have to be a big ostentatious building, it can be designed very nicely and fit into what we're



1 trying to do. I'm not on Planning, I'm on
2 Zoning, but I -- I've seen that and I like that
3 and I'm thinking since the Town has -- maybe we
4 can just take one of the lots and we can
5 resolve some of the parking issues with a
6 design like that but -- but that's gonna be for
7 your Planning Board, that's not for me. Just
8 a suggestion. And I think it's -- and I think
9 as long as we can blend it in and make it look
10 like every -- like that building, you can
11 actually make it look like that building, and
12 have shops on the -- on the lower level. So I
13 just wanted to say that there are wonderful
14 things that we can do. Okay, I'm done. I just
15 had to say that.

16 **CHAIRMAN DIVINE:** Okay ---

17 **MR. ROBERTS:** Just one thing real quick. Because
18 you brought up Market Common and how beautiful
19 it was.

20 **MS. BOOKER:** It is beautiful.

21 **MR. ROBERTS:** That was my Masters thesis project.

22 **MS. BOOKER:** Okay. When, then you -- then you
23 should've come in here with that idea. Why did
24 I have to say ---

25 **(Inaudible background discussion.)**



1 **CHAIRMAN DIVINE:** Oh, he did that project?

2 **MS. BOOKER:** He said that was his Master thesis
3 project.

4 **CHAIRMAN DIVINE:** Okay, okay.

5 **MS. BOOKER:** So ---

6 **CHAIRMAN DIVINE:** We're gonna make this the last
7 comment.

8 **MS. VAUGHN:** It's actually just a question ---

9 **CHAIRMAN DIVINE:** Oh, okay.

10 **MS. VAUGHN:** --- I'm Erica Vaughn, 2812 South Ocean.
11 And just understanding that it sounds like from
12 everything I heard, this Board cannot fix this
13 issue long term -- I'm sorry, long term, I mean
14 the long-term issue can't be fixed by this
15 Board, has to be fixed it sounds like by
16 Planning. Can somebody explain what the
17 recourse is, how do we get to that, how do we
18 get to a solution? And -- in short term
19 because we have people spending a lot of money
20 ---

21 **MS. BOOKER:** You need to ask Ms. Kane.

22 **MS. KANE:** I -- there's a lot of different ways that
23 the Town could go about -- if you -- I cannot
24 speak for you all, if you think that this is an
25 appropriate project, you know, then you go



1 through the motions of -- you don't necessarily
2 need to delay ---

3 **MS. BOOKER:** Oh, no, she's asking -- you're talking
4 about for future?

5 **MS. VAUGHN:** Long term. So we need a sustainable --
6 -

7 **MS. KANE:** But -- but you can do two things
8 simultaneously.

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

10 **MS. KANE:** If you think this project is appropriate
11 ---

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

13 **MS. KANE:** --- and we can get into that during your
14 discussion once you've determined it but ---

15 **MS. BOOKER:** Uh-huh.

16 **MS. KANE:** --- once you start the voting process,
17 but you could also request that Planning
18 Commission amend the parking ordinance for
19 mainly just, I would assume, the Main Street
20 corridors and then also looking at setbacks.
21 So you can make requests that staff work with
22 Planning Commission to revise ordinances. It
23 is not atypical for a project to come for a ZBA
24 that identifies that there may be issues within
25 an ordinance, that's typically when you see



1 that there's an issue with your ordinance. So,
2 you know, you could go forward with this and
3 then also make the request for Planning
4 Commission to jump into those reviews.

5 **MS. BOOKER:** Uh-huh.

6 **MS. KANE:** And ask that Town Management coordinate
7 for those revisions to happen. I can't tell
8 you what step you -- needs to happen first, if
9 they -- if you think it's appropriate for them
10 to act simultaneously, that's for you all to
11 debate, to figure out procedurally, but a text
12 amendment can easily change -- occur per the
13 direction of you all, the Planning Commission
14 or Town Council.

15 **CHAIRMAN DIVINE:** You said text -- a text amendment?

16 **MS. KANE:** A Land Management text amendment, you ---

17 **CHAIRMAN DIVINE:** Okay.

18 **MS. KANE:** --- you can -- I mean, I'm right here so,
19 you know, your Town Manager is right here, so
20 that's something that you could make a
21 recommendation on once you go through this
22 process. Um ---

23 **MS. VAUGHN:** So then my follow-up question is would
24 you please consider that recommendation
25 posthaste.



1 **CHAIRMAN DIVINE:** Thank you ---

2 **MR. QUATTLEBAUM:** Mr. Chairman, may I speak?

3 **CHAIRMAN DIVINE:** Yes.

4 **MR. QUATTLEBAUM:** And Ms. Kane ---

5 **CHAIRMAN DIVINE:** The Chair recognizes Mr.
6 Quattlebaum.

7 **MR. QUATTLEBAUM:** --- stop me if I'm out of order,
8 but let me just put some facts on the table.
9 I'm speaking as the Town Administrator. I've
10 been working to support all of the existing
11 proposed requests for development along 30th
12 Avenue with all the individuals here. I've
13 already directed staff, our Planning Director
14 and Building Official, to do and modify what we
15 can to make adjustments under the law and under
16 the current Ordinance of what we can do to
17 assist developers, investors, along 30th Avenue
18 to complete their projects within our
19 administrative capability to do. That's
20 already been done. And there was an amendment
21 already for modifications to the parking
22 requirement to the extent that we could make
23 modifications. In addition, if you recall, I
24 talked about -- those of you who were there at
25 any of the public meetings -- a recommendation



1 to Council to develop parking on, Ms. Booker,
2 the Town properties in Atlantic Beach, the
3 Housing Authority properties ---

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

5 **MR. QUATTLEBAUM:** --- there and from that -- from an
6 administrative standpoint, looking at on an
7 immediate basis doing -- if we don't have -- we
8 obviously don't have the resources to build a
9 parking deck at this particular time, but at
10 the first phase as development proposals are
11 coming in ---

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

13 **MR. QUATTLEBAUM:** --- looking at assisting developers
14 in building by -- at least surface parking on
15 the Housing -- on former Housing Authority
16 property ---

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

18 **MR. QUATTLEBAUM:** --- public property. Okay?
19 That's an administrative aspect.

20 **MS. BOOKER:** Uh-huh.

21 **MR. QUATTLEBAUM:** It has to be something formally
22 approved by Council and, as already indicated,
23 through the Planning Commission. But
24 administratively, those are the things that I'm
25 looking at immediately to assist with the



1 current projects on the board and future
2 projects ---

3 **MS. BOOKER:** Uh-huh.

4 **MR. QUATTLEBAUM:** --- of recommending to the Council
5 to adopt that we can address some of these
6 parking needs not in the long term, not years
7 out, but almost in the immediate future.

8 **MS. BOOKER:** Good.

9 **MR. QUATTLEBAUM:** Okay? So ---

10 **CHAIRMAN DIVINE:** So you're saying that ---

11 **MS. BOOKER:** That's good.

12 **CHAIRMAN DIVINE:** --- it's very likely and highly
13 possible that that project could be completed
14 by the time Mr. and Mrs. Metts' project is ---

15 **MR. QUATTLEBAUM:** That's a little tough to speculate
16 ---

17 **CHAIRMAN DIVINE:** That's a little -- okay.

18 **MR. QUATTLEBAUM:** --- because you'll have me
19 speaking for Council. What I'm saying that ---

20 **CHAIRMAN DIVINE:** Okay.

21 **MR. QUATTLEBAUM:** --- administratively, my
22 recommendation, and I've already mentioned it
23 at public meeting, would be for the Town to
24 utilize one of the options utilizing those
25 public spaces that the Town owns as parking,



1 okay?

2 **CHAIRMAN DIVINE:** Uh-huh.

3 **MR. QUATTLEBAUM:** For surface parking ---

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

5 **MR. QUATTLEBAUM:** --- as developing comes online and
6 then, hopefully ---

7 **CHAIRMAN DIVINE:** Go up.

8 **MR. QUATTLEBAUM:** --- build to ---

9 **MS. BOOKER:** Go up, uh-huh ---

10 **MR. QUATTLEBAUM:** --- a parking garage for public
11 parking.

12 **(Applause.)**

13 **MS. BOOKER:** A pretty one. A pretty one, please.

14 **MR. QUATTLEBAUM:** A facility. Parking facility.

15 **MS. BOOKER:** Okay.

16 **MR. QUATTLEBAUM:** All right? So I just wanted all
17 of you to know the information -- that
18 information that's being considered
19 administratively ---

20 **MS. BOOKER:** One more thing I just want to throw out
21 there. There was a mention of the young lady
22 -- someone who parks on 30th Avenue who needs
23 a special needs. The towns and big cities
24 usually put a couple of special needs signs up
25 in front of where they need to be and maybe we



1 -- they're gonna have one in the garage, so
2 maybe we can just put one up for that. I don't
3 assume that because a person doesn't look
4 handicapped that they're not.

5 **MR. GORE:** Uh-huh.

6 **MS. BOOKER:** That doesn't mean they're hurt --
7 they're not having a problem walking or moving
8 around so that's the only thing that I would
9 think ---

10 **MR. QUATTLEBAUM:** I will get with Planning Director
11 and see what we can do ---

12 **MS. BOOKER:** Okay, what we can do about that.

13 **MR. QUATTLEBAUM:** --- because remember also, another
14 entity is involved in this, DOT ---

15 **MS. BOOKER:** Uh-huh.

16 **MR. QUATTLEBAUM:** --- and they own the road ---

17 **MS. BOOKER:** I understand.

18 **MR. QUATTLEBAUM:** --- and all of that so ---

19 **MS. BOOKER:** I understand.

20 **MR. QUATTLEBAUM:** --- it -- it's not just saying
21 make it happen.

22 **MS. BOOKER:** I -- well, I -- I'm just saying make it
23 happen. Now, you all do ---

24 **MR. QUATTLEBAUM:** No -- I hear you. I hear you. I
25 hear you clearly.



1 MS. BOOKER: Yeah, okay.

2 MR. QUATTLEBAUM: And we will.

3 MS. BOOKER: Okay.

4 MR. QUATTLEBAUM: I'll look into that.

5 MS. BOOKER: All right.

6 CHAIRMAN DIVINE: All right. With that being said,
7 I'd like to call a motion for discussion ---

8 (Inaudible background discussion.)

9 CHAIRMAN DIVINE: Motion -- excuse me -- make a
10 motion to close -- entertain a motion to close
11 the public input.

12 MS. BOOKER: I so move that we make a motion to come
13 out of public hearing.

14 MR. GORE: I second.

15 CHAIRMAN DIVINE: Roll call.

16 CLERK: Daniel Gore?

17 MR. GORE: Here.

18 CLERK: Lynda Booker?

19 MS. BOOKER: Yes.

20 CLERK: Knowledge Divine?

21 CHAIRMAN DIVINE: Here, yes.

22 MS. KANE: Then to go into discussion, you just need
23 to make a motion -- whether for or against,
24 typically it's in favor and then you open up
25 discussion once the motion -- a motion has been



1 made on it.

2 **CHAIRMAN DIVINE:** Okay. And with that advice, I
3 make a motion to open up discussion.

4 **MS. BOOKER:** I move that we do such -- we open up
5 discussion to either vote for or against their
6 proposal.

7 **MR. GORE:** I second.

8 **CHAIRMAN DIVINE:** Roll call.

9 **CLERK:** Daniel Gore?

10 **MR. GORE:** Here.

11 **CLERK:** Lynda Booker?

12 **MS. BOOKER:** Here.

13 **CLERK:** Knowledge Divine?

14 **CHAIRMAN DIVINE:** Here. Okay. Now, all this has to
15 be done in the public, correct?

16 **MS. KANE:** Yes.

17 **CHAIRMAN DIVINE:** Our discussion?

18 **MS. KANE:** It is.

19 **CHAIRMAN DIVINE:** Okay.

20 **MS. KANE:** And I will note, if you all do decide to
21 move forward, please consider staff's
22 recommendation about ensuring that those
23 dumpsters end up ---

24 **MS. BOOKER:** We got it.

25 **MS. KANE:** --- on the bottom floor.



1 **CHAIRMAN DIVINE:** Yeah, because the dumpsters are no
2 longer on the front, they're inside.

3 **MS. KANE:** They're (inaudible) on the street side --
4 -

5 **CHAIRMAN DIVINE:** Okay. Now, what about the -- the
6 ability for the truck to get in and ---

7 **MS. KANE:** The dumpsters will -- are small enough
8 they'll ---

9 **CHAIRMAN DIVINE:** Oh, they're roll-out dumpsters,
10 okay ---

11 **MS. KANE:** --- they have to be ---

12 **CHAIRMAN DIVINE:** Okay. Okay. All right, so ...

13 **MS. BOOKER:** I'm in favor.

14 **CHAIRMAN DIVINE:** In favor?

15 **MS. BOOKER:** I'm in favor, we've got to start
16 somewhere, I'm in favor. And we've had our
17 discussion with Mr. Quattlebaum about future
18 parking ---

19 **CHAIRMAN DIVINE:** About future parking, that's --
20 that was our ---

21 **MS. BOOKER:** That was the biggest issue.

22 **CHAIRMAN DIVINE:** Right. Okay. I'm -- I've had a
23 couple things satisfy me also in the ---

24 **MS. BOOKER:** Uh-huh.

25 **CHAIRMAN DIVINE:** --- with Mr. Quattlebaum saying



1 that he's gonna provide (inaudible) parking ---

2 **MR. QUATTLEBAUM:** Mr. Chairman, need to speak so
3 they can -- the public can hear you.

4 **MS. BOOKER:** Oh?

5 **MR. QUATTLEBAUM:** Your comments.

6 **MS. KANE:** It's just gonna have to be on the minutes
7 ---

8 **MR. QUATTLEBAUM:** On the minutes.

9 **MS. BOOKER:** I -- in our discussion, I just said to
10 the Chair that I -- I am in favor of you moving
11 forward with the project, particularly after
12 Mr. Quattlebaum has addressed future parking,
13 because it's not just about you, it's about the
14 others out there that want to develop 30th
15 Avenue and I don't -- they shouldn't have to
16 keep coming back to us about parking. If
17 there's something else they need to come to us
18 about, that's different, but I want to just get
19 the parking issue resolved. So that's where I
20 am.

21 **MR. GORE:** I'm favorable now because of Mr.
22 Quattlebaum's parking solution. Again, that
23 was my hangup, to take public and use it for
24 private. Again, when the next developer comes,
25 where he's gonna -- where is his parking gonna



1 exist? And prayerfully, hopefully, we can get
2 something done in the City by the time yours --
3 your unit is built ---

4 **MR. METTS:** Yes.

5 **MR. GORE:** They don't get built overnight so ---

6 **MR. METTS:** That's right.

7 **MR. GORE:** --- hopefully we can get something put in
8 place.

9 **MR. METTS:** Yes, sir.

10 **CHAIRMAN DIVINE:** And likewise -- first, I'd like to
11 say that parking was the issue, Mr. and Mrs.
12 Metts, with your project the whole time, it was
13 never the issue with what you were trying to do
14 and what we -- and what we need here in
15 Atlantic Beach and, you know, we were looking
16 as the Board not only to try to satisfy your
17 needs but to also protect the needs of
18 surrounding lot owners also.

19 **MR. METTS:** Yes, sir.

20 **CHAIRMAN DIVINE:** So likewise, with Mr. Quattlebaum
21 stepping forward and saying from an
22 administrative point and position that there is
23 plans in the works to take the lots that's
24 available that the City owns and turn those
25 into parking lots which would really alleviate



1 the problem that we have right now. And as the
2 lots -- as these -- 30th Avenue grows,
3 hopefully with all of the lot owners coming
4 together and helping the Administration put
5 together a plan to build a parking lot there,
6 several parking lots. So that's another issue
7 where it's gonna draw the Town together, and I
8 want to see everybody come with that, you know,
9 so that the next man coming up probably won't
10 -- shouldn't have to sit before us. And now
11 that we've been told by our consultant -- is
12 that the correct response for Ms. Leigh Kane?
13 That as the Board, we can make those type of
14 recommendations to our government and Planning
15 Commission to get this stuff started. And I
16 want to find out exactly because I'm -- thank
17 you for bearing with me, this is my second time
18 doing this.

19 (Applause.)

20 **CHAIRMAN DIVINE:** And, you know, we're learning as
21 we go, okay? So ...

22 **MR. GORE:** I'd like to say one thing. If it's okay.
23 First of all, I want to thank you all for
24 coming. It's a beautiful building.

25 **MS. BOOKER:** It is beautiful.



1 **MR. GORE:** Is -- does it -- if -- does anyone know
2 if Ms. Gore, our Council lady has left?

3 **FEMALE SPEAKER:** Yes.

4 **MR. GORE:** Okay ---

5 **FEMALE SPEAKER:** --- here any more.

6 **MR. GORE:** --- 'cause see, I want to put it on their
7 plate tonight -- is the -- the young kids say
8 tonight -- to start the process to get this
9 straight tonight so maybe I'm gonna have to
10 drag myself from on the other side of the
11 waterway and come in on Council meetings to get
12 them and push them to what they need to do to
13 facilitate what Mr. Quattlebaum's talking
14 about. And if you want to seek a non-paved, a
15 gravel parking lot that's nice, go down by --
16 29th Avenue, just before the big Baywatch
17 parking deck, the City has built a parking lot
18 right there on right and -- oh, it's paved?
19 They had to ---

20 **MS. BOOKER:** That's right behind my house.

21 **MR. GORE:** But it is a gravel parking space with a
22 lot -- quite a few lots, I mean, parking. So,
23 if the Planning wants to see one, they're here.
24 That's all I have to say. Thank you. I
25 appreciate you all coming too.



1 **MS. KANE:** Ready to make a motion?

2 **CHAIRMAN DIVINE:** Yeah, make -- ready to make a
3 motion.

4 **MS. KANE:** Motion to approve with conditions for
5 (inaudible) dumpsters.

6 **CHAIRMAN DIVINE:** Okay. For that, I'll entertain a
7 motion to approve this variance of having the
8 -- oh, that's one part?

9 **MS. KANE:** Yeah, so that would just be part of it.

10 **MR. QUATTLEBAUM:** Yeah.

11 **CHAIRMAN DIVINE:** Okay, of having the dumpsters.

12 **MS. KANE:** With conditions the dumpsters be stored
13 below the building.

14 **CHAIRMAN DIVINE:** Okay, with the conditions that the
15 dumpsters will be stored below the deck.

16 **MR. METTS:** Yes, sir.

17 **MR. GORE:** I make a motion that the dumpsters be
18 approved for storage under the deck.

19 **MS. BOOKER:** I second.

20 **CHAIRMAN DIVINE:** Roll call.

21 **CLERK:** Daniel Gore?

22 **MR. GORE:** Here.

23 **CLERK:** Lynda Booker?

24 **MS. BOOKER:** Yea.

25 **CLERK:** Knowledge Divine?



1 **CHAIRMAN DIVINE:** Yes. That motion has been
2 approved.

3 **MS. BOOKER:** We have a variance on the 2,500 going
4 to the 850. Is that ...

5 **MS. KANE:** Yes, that motion I'm assuming you want
6 all three conditions.

7 **MS. BOOKER:** Oh, we did ---

8 **CHAIRMAN DIVINE:** They satisfied all three
9 conditions?

10 **MS. KANE:** That I -- you tell me if that was
11 collectively ---

12 **MS. BOOKER:** It wasn't. We didn't put that into the
13 minutes. So we need to make a motion that the
14 2,500 feet.

15 **MS. KANE:** So it'd be all three of these, all three
16 of the requested variances ---

17 **CHAIRMAN DIVINE:** Okay, we can ---

18 **MS. KANE:** --- if you're approving all three.

19 **CHAIRMAN DIVINE:** Okay. I make a motion to ---

20 **MS. BOOKER:** Adopt all three.

21 **CHAIRMAN DIVINE:** --- adopt all three on the -- in
22 this one motion.

23 **MS. BOOKER:** I move that we make a -- take a vote to
24 adopt all three variances.

25 **MR. GORE:** I second.



1 MS. KANE: With the conditions.

2 MS. BOOKER: With the conditions.

3 MR. GORE: I second.

4 MS. BOOKER: We're still in training.

5 CHAIRMAN DIVINE: Roll call.

6 CLERK: Daniel Gore?

7 MR. GORE: Yea.

8 CLERK: Lynda Booker?

9 MS. BOOKER: Yea -- yea ---

10 CLERK: Knowledge Divine?

11 CHAIRMAN DIVINE: Yes. Yes.

12 MS. BOOKER: So we're finished?

13 CHAIRMAN DIVINE: Was that ---

14 (Inaudible background discussion.)

15 CHAIRMAN DIVINE: Okay, I make a motion to adjourn.

16 MR. GORE: I make a motion to adjourn this meeting.

17 MS. BOOKER: I second.

18 CHAIRMAN DIVINE: Roll call.

19 CLERK: Daniel Gore?

20 MR. GORE: Yea.

21 CLERK: Lynda Booker?

22 MS. BOOKER: Yea.

23 CLERK: Knowledge Divine?

24 CHAIRMAN DIVINE: Yes.

25 MS. BOOKER: Congratulations.



1 **CHAIRMAN DIVINE:** Congratulations.

2 **MS. BOOKER:** Good luck with your project.

3 (There being nothing further, the meeting was
4 adjourned.)

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CERTIFICATE

This is to certify the transcript of the Atlantic Beach Town Meeting consists of seventy-nine (79) pages. This transcript was prepared by me without the benefit of my being present during the meeting. Additionally, this transcript was prepared from a audio recording provided to me.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this June 28, 2024.



Amanda J. Creel Godfrey
Court Reporter

Notary Public for South Carolina
My Commission Expires: May 27, 2031



CREEL COURT REPORTING, INC.
1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / contact@creelreporting.com

New Business



TOWN OF ATLANTIC BEACH, SC
BOARD OF ZONING APPEALS DECISION MEMORANDUM
RE: Adoption of Rules of Procedure
Date: June 27, 2024

ISSUE

Should the Board of Zoning Appeals adopt Rules of Procedures?

RECOMMENDATION

Staff recommends approval.

BACKGROUND

State Law requires that the Board of Zoning Appeals adopt rules of organizational procedure. The Town of Atlantic Beach Board of Zoning Appeals has not yet adopted Rules of Procedure.

ANALYSIS

The proposed Rules of Procedure establish standards on membership, attendance, officers, meetings, public hearings and other matters related to the Board of Zoning Appeals. The proposed document outlines proper procedures, in accordance with State Law, for record keeping, findings of the board, continuing education requirements and conflict of interest.

Town of Atlantic Beach, South Carolina
Board of Zoning Appeals
Rules of Procedure

**Article I
Organization**

Section 1. Rules.

These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the Town of Atlantic Beach Board of Zoning Appeals which consists of five (5) members appointed by Council.

Section 2. Membership

Members shall be appointed by the Town Council and shall serve without compensation. Members are expected to serve for the entire term of appointment and attend scheduled meetings. Members should notify the Secretary in advance if they expect to be tardy or absent. Attendance of each meeting will be recorded and maintained.

Section 3. Officers.

At the first meeting subsequent to July first of each year, the Board shall elect from their membership a Chairperson and Vice Chairperson elected for one-year terms. The Board shall appoint a member of the staff as Secretary of the Board.

A. Chairperson.

The Chairperson shall be a voting member of the Board and shall:

1. Call meetings of the Board;
2. Preside over meetings and hearings; and swear in witnesses;
3. Accept evidence provided at meetings and hearings;
4. Act as spokesperson for the Board;
5. Sign documents and orders of the Board;
6. Have orders of the Board served on parties; and
7. Perform other duties approved by the Board.

B. Vice Chairperson.

The Vice Chairperson shall exercise the duties of the Chairperson in the absence, disability, or disqualification of the Chairperson.

In the absence of the Chairperson and Vice Chairperson, an acting Chairperson shall be elected by the members present.

C. Secretary

The Secretary shall:

1. Provide notice of meetings and hearings;
2. Prepare the agenda and meeting materials;
3. Properly post property involved in appeals for variances or special exceptions;
4. Keep recordings and minutes of meetings and hearings;
5. Maintain Board records as public records;
6. Serve Board decisions on parties;
7. Attend to Board correspondence; and
8. Perform other duties normally carried out by a secretary.

Section 4. Education Requirements

Each appointed official must comply with the educational requirements as outlined in S.C. Code of Laws, Title 6, Chapter 29, Article 9 and annually report proof of satisfaction to the Town Clerk.

Section 5. Conflict of Interest

The Ethics Act, SC Code Title 8, Chapter 13, Section 700, provides that no public official may knowingly use their office to obtain an economic interest for themselves, a family member of their immediate family, an individual with whom they are associated, or a business with which they are associated. No public official may make, participate in making, or influence a governmental decision in which they or any such person or business has an economic interest. The conflict of interest shall be decided by the member affected.

If a member decides that a decision held before the Board affects an economic interest, the following steps must be taken:

- A. The Board member prepares a written statement describing the matter requiring action or decision and the nature of the potential conflict. A Recusal Form is available from Town Staff at the Board member's request.
- B. The Board member furnishes a copy of the statement to the Chairperson.
- C. The Chairperson excuses the official from any votes, deliberations, and other actions on the matter.
- D. The Chairperson causes the statement and reasons for disqualification to be noted in the minutes.

The disqualified member is not required to leave the meeting room during the discussion and voting on the conflicting matter, but they shall remove themselves from the dais. It does not prohibit the member with the conflict of interest from attending the meeting. For voting purposes, a member recusing themselves is not an abstention.

Section 7. Attendance

Members are expected to attend meetings of the Board to which they have been appointed. An attendance roster, including the names of members who attended and who did not attend, shall be included in the minutes of each meeting. Absence by any member from three (3) consecutive meetings without a valid reason, such as illness or pressing personal commitments, shall be considered voluntary resignation by a member.

The Secretary of the Board shall notify the Town Manager of resignations due to absence from meetings and other resignations within seven (7) days of the effective date thereof (such as the third consecutive absented meeting or receipt of a letter of resignation).

Section 8. Removal

Any member of the Board may be recommended for removal for cause by a two-thirds (2/3) majority vote of the entire membership.

Written notice of the recommendation shall be given to the Town Manager within five (5) days of the meeting in which the recommendation is officially made.

Removal will be by a majority vote of the Town Council after written notice to the member concerned.

In addition to the removal process stated above, members may also be removed for cause at any time by a majority vote of the Town Council.

Article II Meetings

Section 1. Time and Place

The Board must provide written public notice of regular meetings at the beginning of each calendar year.

Special meetings may be called by the Chairperson upon 24 hours' notice, posted, and delivered to all members and local news media. Meetings shall be held at the place stated in the notices and shall be open to the public.

Section 2. Agenda

An agenda shall be furnished by the Secretary to each member of the Board and posted publicly in accordance with the [S.C. Freedom of Information Act](#). Once an agenda for a meeting is posted, no items may be added to the agenda less than 24 hours prior to the meeting. Items may be removed from the agenda or postponed at a meeting by majority vote.

Section 3. Quorum

A majority of the members of the Board shall constitute a quorum. A quorum shall be present, in person, before any business is conducted other than rescheduling the meeting. Members attending remotely cannot count towards a quorum, unless the Town is under a state of emergency and provided approval by Town Council for the Board to conduct business virtually.

Section 4. Rules of Order

Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

Section 5. Voting

A. Voting Procedures

All eligible Board members physically present are expected to vote. Each member shall vote on every question unless disqualified by law. A Board member absent from a previous review of a request is eligible to vote on subsequent review of the same request. Voting shall be by voice. Recusals are only allowed pursuant to the S.C. Code of Laws and as outlined in Article I, Section 5 of these rules of procedure. A roll call vote can be requested by any member of the Board. Board members must be physically present to vote.

B. Voting Majorities

A majority vote of the members present and qualified to vote shall be required for all voting items, except as otherwise provided by the Town of Atlantic Beach Code of Ordinances or S.C. Code of Laws.

C. Failed Motions

If a motion to approve a matter fails, it has the effect of disapproving the matter in question, and a subsequent motion to disapprove is not necessary. If a motion to disapprove a matter fails, it has the effect of approving the matter in question, and a subsequent motion to approve is not necessary.

Section 6. Conduct

A. Conduct of Members

1. It is the responsibility of a Board member to render a fair and impartial judgment and remain objective. All reasonable efforts shall be made to avoid individual communications with applicants or those with a vested interest.
2. A Board member shall avoid the appearance of influence from applicants or those with a vested interest in a request before the Board.
3. A Board member should help to maintain the dignity and integrity of the meeting and all who participate.
4. Abuse of any meeting participant of any kind will not be tolerated and could be grounds from dismissal by the governing body.
5. A Board member, upon recognition by the Chairperson, shall have the floor until he/she relinquishes it.
6. Each Board member who wishes to speak will be afforded the utmost opportunity.
7. No Board member shall interrupt while another is speaking, except where otherwise provided in the rules.
8. No Board member should speak twice in a matter until all members have been afforded the opportunity to speak once.
9. Individual Board members may express their views or request information without limitation on any subject provided that no member of the Board shall speak for the Board except as may be directed by the Board. In all circumstances, members should exercise care to ensure that their statements and opinions are understood to be solely those of the members.
10. The Board members shall refrain from initiating or responding to private communications (including but not limited to emails, instant messages, text messages, etc.) during the meeting. All electronic devices shall be silenced or turned off during the meeting.
11. The Board members shall refrain from initiating, commenting, or responding on social media on any matter before the Board as such communication creates an appearance of an inability to render an impartial and objective decision on an agenda item.

B. Conduct of Public

Except for public hearings and designated public input times, no person shall speak at a Board meeting unless invited to do so by the Board.

Article III Public Hearings

Section 1. Required Hearings

Items requiring a public hearing at the Board of Zoning Appeals are identified within the Land Management Ordinance Section 5.3.304.

Section 2. Notice

The Secretary shall give the required notice in accordance with the Land Management Ordinance Section 5.3.303 for all public hearings conducted by the Board.

Section 3. Correspondence

Written correspondence related to public hearing items for the Board shall be submitted to the Town at least one (1) business day prior to the meeting day. Correspondence received after that time may not be forwarded to the Board.

Section 4. Appearances

The applicant or any party in interest may appear in person or by agent or attorney. The Board may postpone or proceed to dispose of a matter on the records before it in the absence of an appearance on behalf of the applicant.

Section 5. Procedure of the Hearing

In matters brought before the Board for public hearing, the following process shall be followed:

A. Chairperson or designee opens the hearing.

No vote of the Board is necessary to open the hearing.

B. Applicant presentation

The applicant, their agent or attorney will present their case to the Board and answer any questions the Board may have.

C. Staff presentation

The Town Manager or designee shall summarize the request brought before the Board.

D. Public Comment

Members of the public shall be required to sign up with the Town Clerk prior to the meeting to be called upon by the Board to provide public comment. Any additional members of the public that did not sign up in advance but wish to speak may only be called upon at the discretion of the Chairperson.

Members of the public will be allowed to speak for or against the request. Repetition is discouraged.

Public comment shall be no more than three (3) minutes per person unless there is consent of the Board.

All inquiries or questions from the public during the meeting shall be posed to the Board and not the applicant or other members of the public.

Board members shall refrain from making comments, answering questions of the public, and/or asking questions of the applicant, staff or their designee(s) until the public comment session has closed.

E. Applicant Rebuttal

The applicant shall be provided with five (5) minutes to address the comments made to the Board by Town staff and the public.

F. Chairperson or designee closes public comment

Upon the close of the hearing, no further testimony or comments will be heard from the public. The Board is not required to vote to close public comment.

Section 6. Administration of Oath

At the start of the meeting, the Chairperson shall administer the oath to Staff.

Prior to each applicant's presentation, the applicant will be asked to state their name and address for the record and then the Chairperson shall administer the oath before the start of their presentation.

Any member of the public speaking before the Board will be asked to state their name and address for the record and then the Chairperson shall place them under oath prior to speaking.

The oath shall be read as follows: "Do you swear to tell the truth, the whole truth and nothing but the truth?" Those being sworn in shall answer in the affirmative prior to proceeding.

Attorneys who are representing a client before the Board do not need to be placed under oath.

Section 7. Witnesses

Each agent or attorney presenting evidence will identify themselves and the parties they represent upon addressing the Board. Each member of the public who is recognized by the Chairperson for comments will identify themselves prior to making comments. Any witnesses testifying before the Board who are not an attorney representing a client before the Board shall be placed under oath prior to testifying.

Witnesses may be compelled to attend by subpoena requested at least ten (10) days prior to a hearing and signed by the Chairperson. The Board may call its own witnesses when deemed appropriate.

Section 8. Cross Examination

Upon request by an interested party or his or her attorney or at such other time as the Chairperson in their discretion may allow, cross-examination of any witness may be conducted regarding evidence which is relevant to the issues before the Board.

Section 9. Evidence

Relevant documents, photographs, maps, plans, drawings, etc. will be received in the record without authentication in the form of legible copies. Relevant testimony which is not cumulative, or hearsay will be received. The Chairperson or designee will rule on all evidentiary matters. Evidence may be placed in the record with any objection noted.

Section 10. Board Deliberation and Disposition

Upon the conclusion of the presentation(s), public comments, and any rebuttal or cross examination, the Chairperson will call for a motion and a second.

A motion shall describe the proposed decision with findings to support the motion. Findings shall address the Standards for Review outlined in Article IV of these Rules of Procedure.

When the Board authorizes any variation from the original submitted request or imposes any condition with respect to a variance or special exception, such variation or condition shall be specifically stated in the motion.

After a motion has been made and seconded, the Chairperson will restate the motion and then deliberation can begin. The Board member who made the motion will be the first person allowed to speak.

All members shall be given the opportunity to speak. No member may speak more than twice on the same motion nor longer than five (5) minutes at one time. Members may speak twice on a matter only after all other members have an opportunity to speak. Interruption of a speaker can be done only with consent or for permitted reasons (e.g., point of order, question of privilege).

The Board may make final disposition of a matter by majority vote of the members present and qualified to vote. Deliberating and voting shall be done in public. When voting, each member must do so clearly and without explanation.

After all members have voted, the Chairperson will clearly state the result of the vote for the record.

Section 11. Board Order

An order shall be issued disposing of a matter by granting or denying relief with any conditions that the Board deemed necessary; or affirming, modifying, or reversing an administrative decision. A matter may be dismissed for lack of jurisdiction or prosecution. Findings of fact and conclusions of law shall be separately stated in an order.

The Secretary shall deliver a copy of the order to each party in interest by certified mail upon execution of the order by the chairperson.

Article IV Standards for Review

Section 1. Standards for Granting a Variance

A variance may be granted if the Board concludes that strict application of the zoning provisions of the Town of Atlantic Beach Land Management Ordinance would result in unnecessary hardship. Per Section 6-29-800 of the SC Code of Laws, a variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing all the following findings.

A. Extraordinary Conditions.

There are extraordinary and exceptional conditions pertaining to the particular piece of property. Extraordinary conditions, for example, could exist due to size, shape, topography, drainage, street widening, beachfront setback lines or other conditions that make it difficult or impossible to make an economically feasible use of the property.

B. Other Property.

These conditions do not generally apply to other property in the vicinity.

C. Utilization.

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.

D. Detriment.

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.

E. Other Factors applicable to a variance:

- 1. Profitability.** The fact that the property may be used more profitably, if a variance is granted, may not be considered as grounds for a variance.

2. **Conditions.** In granting a variance, the Board may attach conditions to it. These conditions may affect the location, character or other features of the proposed building, structure or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety or general welfare.
3. **Use Variance.** The Board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to physically extend a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map.

Section 2. Standards for Granting a Special Exceptions

A special exception may be granted if the Board determines and expresses in writing that it meets the following requirements:

- A. Consistency with the Town's Comprehensive Plan, as well as the character, purposes, and requirements of the applicable district;
- B. Compatibility with the existing uses and pedestrian/ vehicular circulation adjacent to and near the property;
- C. Will not be hazardous, detrimental, or disturbing to surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution, or general nuisance;
- D. Will not otherwise adversely affect the development of the general neighborhood or of the district in which the use is proposed;
- E. Adequate water and sewer supply, stormwater facilities, waste disposal, and other public services are available; and
- F. Important natural features on site will be preserved and incorporated into the development's design.
- G. Other factors applicable to a Special Exception:
 1. In granting a Special Exception, the Board may attach such conditions regarding the location, character, or other features of the proposed building, structure, or use to protect surrounding property values and promote the public health, safety, or general welfare.

Section 3. Appeals from Decisions of an Administrative Official

The Board must hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning provisions of the Town of Atlantic Beach Land Management Ordinance.

The Board may reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

As part of the decision, the Board should determine and express in writing if the zoning provisions of the Land Management Ordinance referenced in the appeal are or are not applicable to the case and determine, if applicable, if a permit is to be issued or not.

**Article V
Records**

Section 1. Minutes

Recordings have to be preserved and minutes shall be preserved and maintained as public records according to the S.C. Code of Laws, Title 30, Chapter 1 and the Town of Atlantic Beach document retention schedule.

Section 2. Orders and Documents.

The Secretary shall prepare and serve all orders of the Board. Copies of all notices, correspondence, documentary evidence, orders, and forms shall be maintained as public records.

**Article VI
Adoption and Amendment**

Section 1. Amendment.

These rules may be amended at any regular meeting of the Board by majority vote of the members of the Board at least seven (7) days after the written amendment is delivered to all members.

Section 2. Adoption.

These rules were adopted by vote of a majority of the members of the Board at a regular public meeting on

Attest _____
Secretary

Chairperson, Board of Zoning Appeals

Adoption Date _____

Member Name:	
Meeting Date:	
Agenda Item:	
Topic:	

Reason for Recusal:

Date: _____

Member Signature:

Variance Case

No.: 1-2024



VARIANCE REVIEW SHEET

Property Information

Applicant	Michael and Michele Brown
Property Owner	Michael and Michele Brown
(PIN) Parcel ID #'s	35716040006
Site Location	611 30th Avenue South, Atlantic Beach, SC 29582 (LOTS 71 & 73)

Zoning District/Use Information

Zoning District	Main Street District 1 (MS1)		
Proposed Use(s)	Multifamily Bldg. with 3 units	Use(s) Allowed	Yes
Minimum Lot Size	7,000 sq ft	Actual Lot Size	14,135 sq ft
Min. Lot Area for Per Dwelling Unit (Density)	2,500 sq ft per multi-family unit	Maximum Bldg. Height	55 ft and no more than 5 stories
Minimum Setbacks	10' front, 10' side, 30' rear (based on lot size 8,000 to 15,999 sq ft)		
Minimum Drive Aisle Width	24 feet minimum driving aisle width for 90-degree parking		

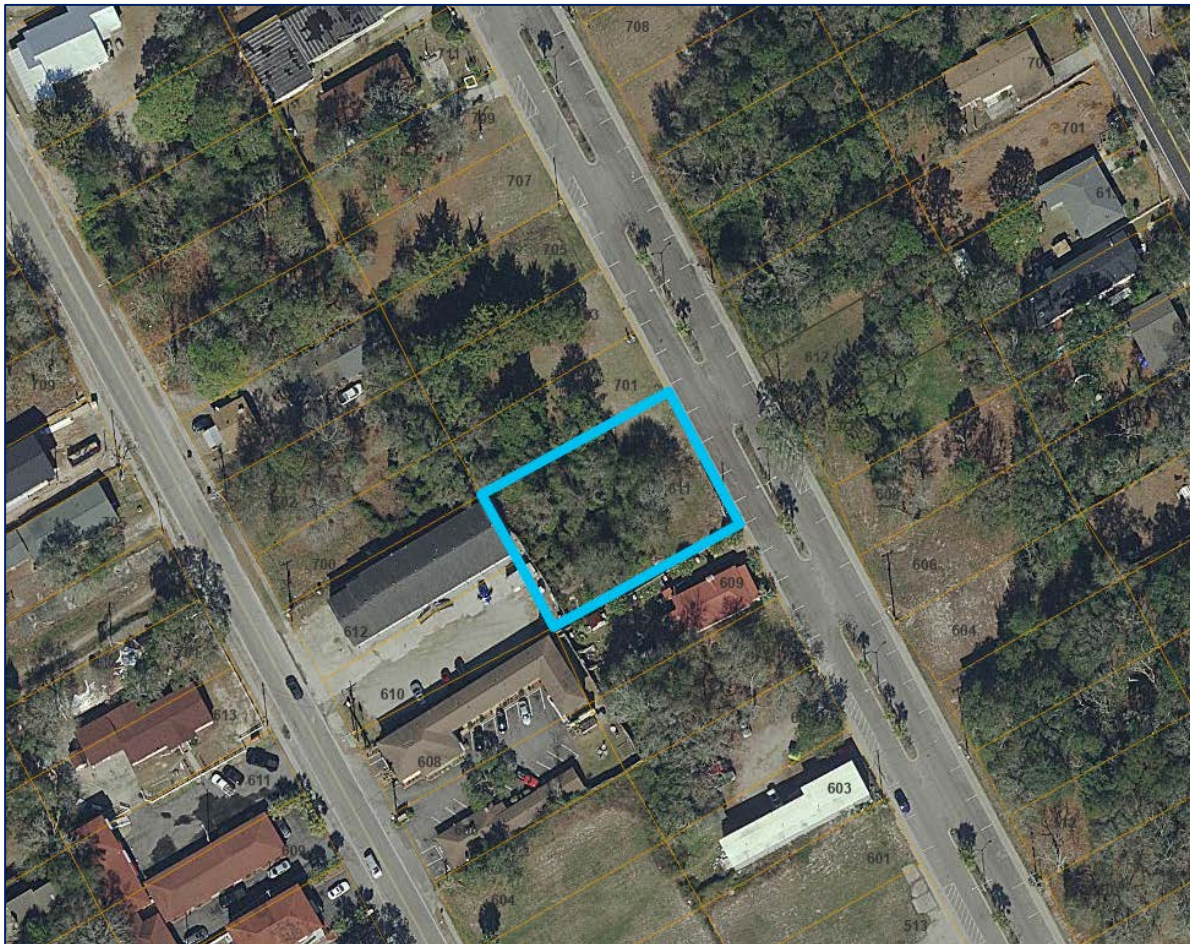
Variance Description

Section of LMO	Variance Request(s)
Section 5.3.635 Min Drive Aisle Width	Reduce the minimum drive aisle width for 90-degree parking from 24 feet to 20 feet

Background/Site Description

The applicant proposes to build a multi-family 2- story building with a gathering space and terrace along the Town's main street corridor. The applicant is proposing 3 dwelling units, including 2 – four bedroom and 1 – one bedroom units. The site plan proposes to have 7 90-degree onsite parking spaces. 30th Avenue does have public, on-street parking available. The site plan indicates removal of 2 on-street parking spaces for a proposed driveway. The site plan also proposes a small swimming pool to the rear of the building. The property is double the standard lot width and is the standard lot depth for 30th Avenue, which meets the minimum lot size requirements of the zoning district. The applicant is requesting a 20' wide drive aisle to provide access to its 90-degree parking, instead of the required 24' wide drive aisle. There is an existing shed on the property which belongs to the adjacent property. The applicant has granted an easement, which varies in width from 7.5' to 12.2' along the southern most property line to provide for the shed and a dirt driveway being utilized adjacent property.

Site Location



Source: Horry County GIS Application



Source: Google Streetview

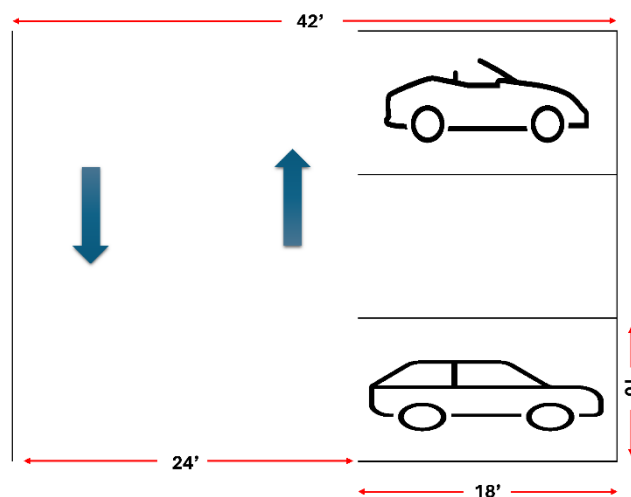
Site Design – See Page 108 of this packet

Ordinance and Analysis

From the Land Management Ordinance

“5.2.401.3 Main Street 1. The intent of this district is to provide and encourage a mixture of uses. Single uses are allowed to promote and ease infill development. Permitted uses include neighborhood scale (less than 20,000 [sq ft]) retail and offices uses as well as multi-family and transient residential uses. When mixed-use development is utilized in the same building or lot, residential uses shall be located to the rear or upper levels.”

Drive Aisle Width: A drive aisle typically means a vehicle passageway or maneuvering space by which vehicles enter and depart parking stalls. The amount of space necessary to back up from a 90-degree parking space varies based on vehicle size. The Land Management Ordinance requires a 24' wide drive aisle for 90-degree parking, as illustrated in the graphic below. The applicant has requested a 20' wide drive aisle. The applicant has proposed one row of parking spaces with a two-way flow of traffic. The LMO requirement for 90-degree parking requires a 24' wide drive aisle for both one-way and two-way traffic flow.



90 - Degree Parking Graphic

VARIANCE REVIEW CRITERIA

The Board of Zoning Appeals shall utilize the following criteria to evaluate if strict application of the provisions of the Land Management Ordinance would result in an unnecessary hardship for applicant in accordance with Sec 6-29-800 of the SC Code of Laws. There may be multiple variance requests submitted per application. Each request shall be evaluated using these criteria.

(a) there are extraordinary and exceptional conditions pertaining to the particular piece of property.
(b) these conditions do not generally apply to other property in the vicinity.
(c) 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.
(d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or 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 Motions

Approval: "I motion for approval based on the findings that there are extraordinary conditions, <give explanation of the extraordinary conditions here>; it is different from other properties in the vicinity <give a brief statement on what is different here> ; application of the ordinance would unreasonably restrict the property <you can state what is unreasonable here>; and granting this variance will not be a detriment to the surrounding properties <provide short explanation on why here>."

OR

Denial: "I motion for denial based on the findings that there are no extraordinary or exceptional conditions, the conditions are not unique to the property, and denial would not prohibit utilization of the property. "



VARIANCE APPLICATION

(PIN) Parcel ID #'s	35716040006		
Zoning District	MS1		
Area (sq. ft. or acres)	.32		
Property Address or Description	None - raw lot		
Current Use of Property			
Brief description of the Variance requested	Variance for drive width - Required: 24 feet - Requested: 20 to 21 feet Section 5.3.635 / Table 5.3.635F		

Ownership Information: (include all owners. If necessary, add additional pages)

Name: Michael + Michele Brown		
Address: 9304 Briarwick Lane		
City: Charlotte	State: NC	Zip: 28277
Phone: [REDACTED]	Email address: [REDACTED]	

Agent Information: (if applicable)

Name:		
Address:		
City:	State:	Zip:
Phone:	Email address:	

Office Use Only:

Date Submitted	Site Plan	Application Fee
Received By	Advertisement Date	Advertisement Cost
Adj Addresses Provided	Mailout Date	Mailout Cost
Signs Needed	Property Posted Date	Sign Cost
PINS Verified	Check-In Mtg Date	Total Fees
Ownership Verified	BZA Mtg Date	Date fees paid
Request(s) Verified		Receipt No.

VARIANCE REVIEW CRITERIA

A variance may be granted if the Board of Zoning Appeals concludes that strict application of the provisions of the Land Management Ordinance would result in an unnecessary hardship. The following review criteria are defined by Sec 6-29-800 of the SC Code of Laws.

Answer **AND** explain the following questions: (Use a separate piece of paper if needed)

Are there extraordinary and exceptional conditions pertaining to this particular piece of property?

Yes - We had boundary conflicts on all sides of our property; after 9 months of surveys and negotiations, we agreed to an easement with our neighbor on the Eastern side of the lot, decreasing our lot utilization by 8-12 feet (more narrow in some places)

Do the above stated conditions only apply to the subject property and do not generally apply to other properties in the vicinity?

Yes; as far as I know there is no other property owners with 3-sided boundary conflicts with a build contract

Because of these conditions, would the application of the ordinance to the subject property effectively prohibit or unreasonably restrict the utilization of the property?

Yes - it would unjustly require the entire project to be reengineered and likely eliminated

Would the approval of the variance cause a substantial detriment to adjacent properties or the public good, and will the character of the district not be harmed by the granting of the variance?

No - it would not impact any other property in the community

CERTIFICATION AND SIGNATURE PAGE

- ☒ Applicant/Agent hereby certifies that the information provided in this application is correct and there are no covenants or deed restrictions in place that would prohibit this request.
- ☒ Applicant/Agent hereby certifies that they understand that variance may only be granted for requested relief from Articles IV-IX of the Land Management Ordinance and that all other development requirements must be met.
- ☒ Applicant/Agent hereby certifies that they understand that future subdivision or plat combination may render any variance granted null and void.
- ☒ Applicant/Agent hereby certifies that it understands that if the Board of Zoning Appeals grants a variance that it may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Signature Blocks:**Owners** *(include all owners. If necessary, add additional pages)***Michael Brown**

Print Name

Michael Brown

Signature

05-05-2024

Date

Michele Brown

Print Name

Michele Brown

Signature

05-05-2024

Date

Corporation / Partnership *(if applicable)***n/a**Print Corporation/Partnership Name *(If in LLC or Corp. name, provide authorization to sign)*

By

n/a

Print Name

Signature

Designation of Agent (if applicable):

I hereby appoint the person listed below as agent to act on my behalf for the purpose of filing such application for rezoning, as he/she shall deem necessary and proper.

Agent's Name (Print)

Signature of agent

Date

Owner's Name (Print)

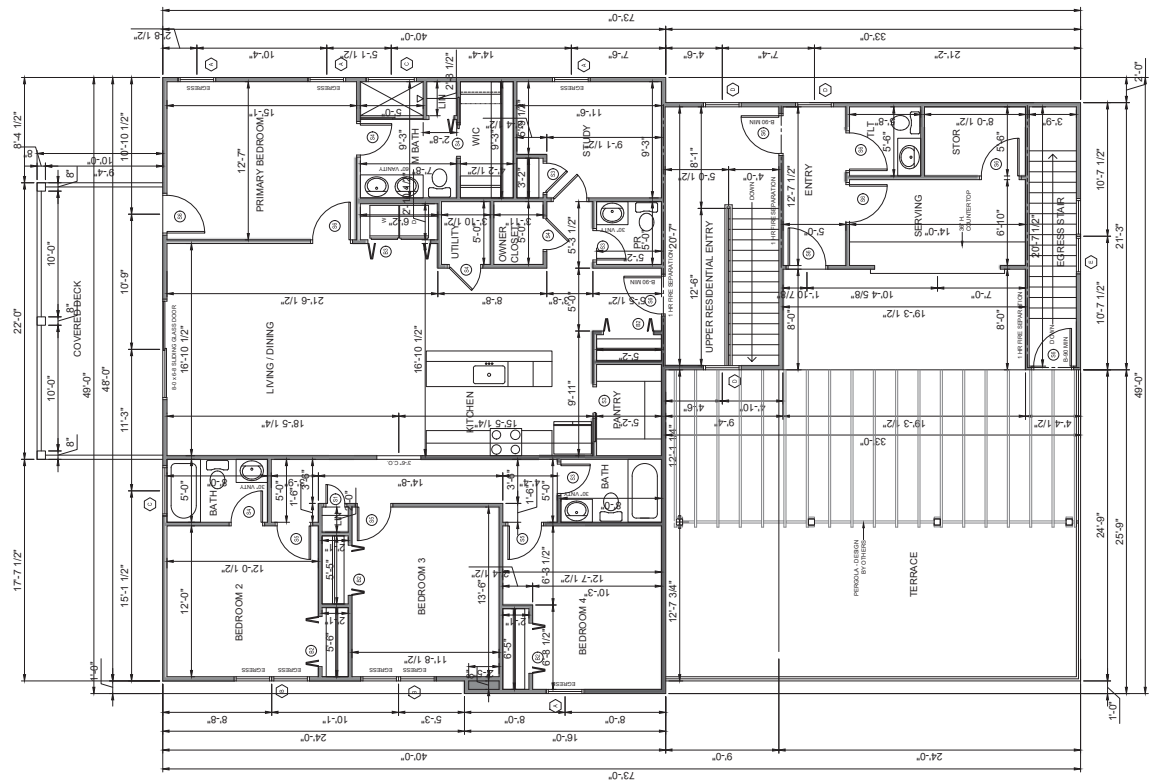
Signature of owner

Date

(include signatures of all owners. If necessary, add additional pages)

Witness Signature

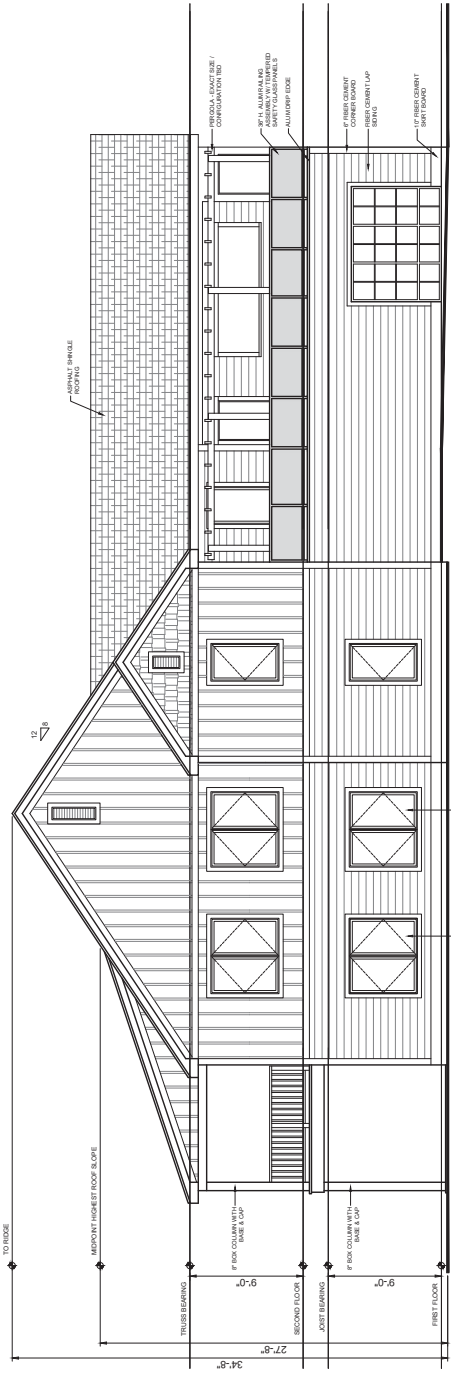
Date



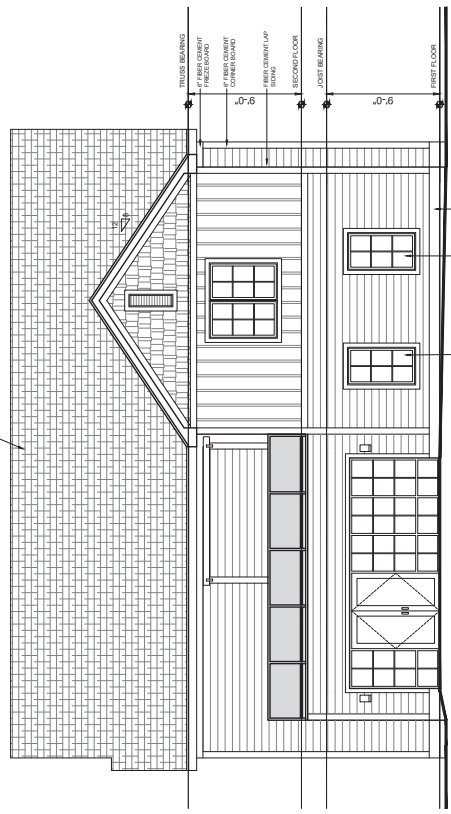
KHAFRA
233 PEACHTREE ST., N.E.
SUITE 2575
ATLANTA, GA 30303
(404)525-2120 FAX (404)522-7941

<p>FIRST FLOOR:</p> <p>RESIDENTIAL HEATED AREA = 2,096 SQ. FT.</p> <p>TERRACE UNDER HEATED AREA = 500 SQ. FT.</p> <p>TOTAL HEATED AREA = 2,596 SQ. FT.</p> <p>COVERED PATIO = 228 SQ. FT.</p>	<p>SECOND FLOOR:</p> <p>RESIDENTIAL HEATED AREA = 2,066 SQ. FT.</p> <p>COVERED PATIO = 228 SQ. FT.</p> <p>TERRACE UNDER TERRACE = 500 SQ. FT.</p> <p>BUILDING TOTAL HEATED AREA = 4,662 SQ. FT.</p> <p>TOTAL UNDER TERRACE = 6,482 SQ. FT.</p>	<p>CONCRETE TYPE: 8"</p> <p>CONSTRUCTION TYPE: TYPE V</p> <p>ALLOWABLE AREA PER IRC CHAPTER 18:</p> <p>7,000 SF.</p> <p>FIRE SPRINKLED PER 903.3.1.2 NFPA 13</p> <p>UNIT FRIERAL SEPARATION: 1 HOUR</p> <p>FLOORING: 1/2" CMU DESIGN L570</p> <p>(FLOOR-JOINT & UNIT COMMING)</p> <p>ALL FIREWALL PENETRATIONS & OPENINGS TO BE PROTECTED</p>
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SHEET TITLE	PROJECT No. 24ATL02	A1.00	SHEET No.	XX	OF
	DRAWING No.				



SOUTHEAST ELEVATION
1/4"=1'-0"



NORTHEAST ELEVATION
1/4"=1'-0"

KHAFRA
ARCHITECTURAL, P.C.
1000 W. 10TH AVE., SUITE 100
ATLANTA, GA 30309
PHONE: 404.525.1111 FAX: 404.525.1112

SEAL

PROJECT

A BEACH HOUSE FOR
MICHAEL & MICHELE
BROWN
611 30TH AVENUE SOUTH
ATLANTIC BEACH, SOUTH CAROLINA

DATE

APRIL 17, 2024

DRAWN BY

JAY

CHECKED BY

JAY

APPROVED BY

JAY

SCALE

AS SHOWN

ARCHITECTURAL

SHEET TITLE

PROJECT No.

241102

DRAWING No.

A2.00

SHEET No.

XX

OF XX

REUSE OF DOCUMENTS

THIS DOCUMENT IS NOT TO BE REUSED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF KHAFRA ARCHITECTURAL, P.C.

