

HORRY COUNTY ZONING BOARD IF APPEALS

MONDAY, SEPTEMBER 10, 2012

THE FOLLOWING MEMBERS WERE PRESENT:

CHRISTOPHER HANNA

PAM CREECH

ALLEN BEVERLY

PAT KEELAN

PAT LEBIEDZ

ACE PARKER

RENNIE MINCEY

JANET CARTER

STEVE GOSNELL

CAROL COLEMAN

DAVID SCHWERD

PAM TOMPKINS

ALICIA SHELLEY

ESQUIRE, SANFORD GRAVES

PEPPER MCCARTHY

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EXHIBIT'S

EXHIBIT
1
Blumberg No. 5208

MABRY COURT REPORTING

PEPPER M. MCCARTHY (843) 957-7653

PEPPERMCCARTHY@SC.RR.COM

EXHIBIT A

HORRY COUNTY ZONING BOARD IF APPEALS

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CAROL COLEMAN

DAVID SCHWERD

PAM TOMPKINS

ALICIA SHELLEY

ESQUIRE, SANFORD GRAVES

PEPPER MCCARTHY

FILED
HORRY COUNTY
2012 OCT 18 AM 10:48
MELANIE HARRIS WARD
CLERK OF COURT

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Honorable Larry B. Hyman, Circuit Court Judge

Case No. 2012-CP-26-06987

Appellate Case No. 2013-000971

Helicopter Solutions, Inc.
d/b/a Helicopter Adventures *Respondent,*

v.

Richard Hinde and Horry County Zoning Administrator, *Defendants,*
of whom Richard Hinde is *Appellant.*

AFFIDAVIT OF KENNETH R. MOSS

PERSONALLY APPEARED BEFORE ME, Kenneth R. Moss, Esquire,
who being duly sworn, does hereby state and affirm as follows, having actual
knowledge of all matters set forth herein:

1. I am the attorney of record in this Appeal, appearing on behalf of the
Appellant Richard Hinde. I am over 21 years of age and competent to make this
Affidavit.



2. Those matters stated herein as being made upon information and belief are matters into which I have made inquiry and am satisfied that they are complete and truthful, based upon my inquiries.

3. Those other matters stated herein are matters of which I have personal knowledge.

4. The Certified Record on Appeal in this matter transmitted from the Horry County Board of Zoning Appeals to the Circuit Court for Horry County consists of some one thousand one hundred twenty-seven (1,127) bates-numbered pages.

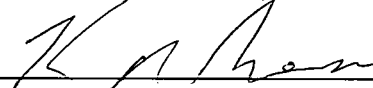
5. A CD-ROM containing a copy of the documents that comprise the Certified Record on Appeal consisting of some one thousand one hundred twenty-seven (1,127) bates-numbered pages, along with the Affidavit of Alicia Shelley, was mailed to me on October 19, 2012. **(Exhibit A)**

6. The Affidavit of Ms. Shelley states “the documents attached hereto constitute the complete record of the Board in the above captioned case.” (emphasis added). The CD-ROM I received did not contain a copy of the Transcript of Hearing dated September 10, 2012, nor was a copy of the Transcript contained within the one thousand one hundred twenty-seven (1,127) bates-numbered pages that comprise the Certified Record on Appeal. **(Exhibit B)**

FURTHER AFFIANT SAYETH NAUGHT.

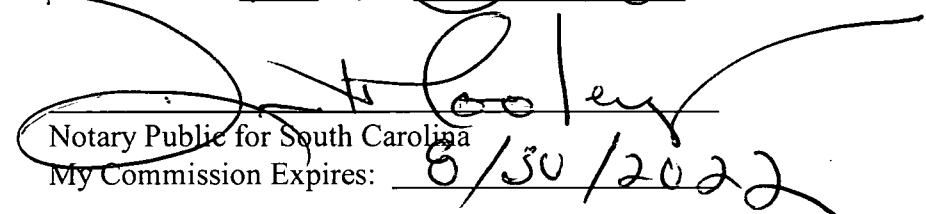
Respectfully submitted,

**WRIGHT, WORLEY, POPE,
EKSTER & MOSS, PLLC**

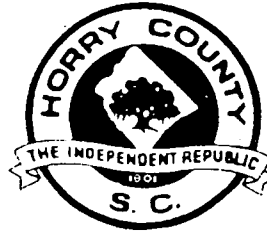

Kenneth R. Moss, SC Bar # 15520
628A Sea Mountain Highway
North Myrtle Beach, SC 29582
Tel: (843) 281-9901, ext. 103
Email: kennethmoss@wwpemplaw.com

North Myrtle Beach, South Carolina
October 14, 2013

SWORN TO AND SUBSCRIBED
before me this 14th day of OCTOBER, 2013.


Notary Public for South Carolina
My Commission Expires: 8/30/2022

PLANNING & ZONING DEPT
1301 2nd Avenue Room 1D 09
Conway, SC 29526



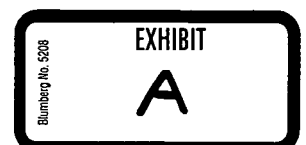
Phone: (843) 915-5340
Fax: (843) 915-6340

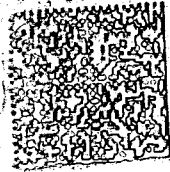
Memorandum

To: Richard Hinde, Kenneth Moss, Benjamin Baroody and Emma Ruth Brittain
From: Alicia Shelley, Secretary
Date: October 18, 2012
Re: Civil Action No: 2012-CP-26-06987
Helicopter Adventures, Helicopter Solutions, Inc. vs. Richard Hinde,
Zoning Administrator Horry County

The Certified Record on Appeal was filed this morning. However due to the large size of it, please find enclosed a CD that contains the documents.

If you have any questions please give me a call at 915-8731.





UNITED STATES

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HORRY COUNTY PLANNING DEPARTMENT

1301 2nd Avenue
Conway, South Carolina 29526



FROM

Kenneth R. Moss
Attorney At Law

1180 Highway 17 N., Suite 2
P. O. Box 250
Little River, SC 29566

TO

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF HORRY) CIVIL ACTION NO.: 2012-CP-26-06987

Helicopter Adventures,)
Helicopter Solutions, Inc.,)

Plaintiffs,)

vs.)

Richard Hinde,)
Zoning Administrator Horry County,)

Defendants.)

TRANSMITTAL OF CERTIFIED
RECORD ON APPEAL

FILED
HORRY COUNTY
2012 OCT 18 AM 10:48
HELANIE HUGGINS-WARD
CLERK OF COURT

AFFIDAVIT OF ALICIA SHELLEY

PERSONALLY APPEARED BEFORE ME, Alicia Shelley, who being duly sworn deposes and states as follows:

I serve as Secretary to the Horry County Board of Zoning Appeals (Board). I keep and maintain all records of the Board. I hereby certify that the documents attached hereto constitute the complete record of the Board in the above captioned case. I further certify that the attached copies are true and correct copies of those records.

FURTHER THE DEPONENT SAITH NOT.

Alicia Shelley
Alicia Shelley

Sworn to before me this 17
day of October, 2012.

Janet L. Carter
Notary Public for South Carolina

My Commission Expires: 1/15/2013

**HORRY COUNTY
PLANNING & ZONING DEPARTMENT**

1301 Second Avenue
Conway, South Carolina 29526



(843) 915-5340
(843) 205-5340
FAX (843) 915-6340

September 11, 2012

Richard Hinde
1541 Brookgreen Drive
Myrtle Beach, SC 29577

91 7199 9991 7030 7668 4012

Re: Case # 2012-07-008

Dear Applicant(s):

This is to confirm that the Horry County Zoning Board of Appeals, at its regularly scheduled meeting September 10, 2012 approved your request(s) for a variance, special exception, reconsideration or appeal.

Attached you will find the board order pertaining to your request.

I hope the information provided is sufficient for your needs. If you need further assistance, please do not hesitate to call me at (843) 915-5340.

Sincerely,

Alicia Shelley
Board Secretary

Attachment

91 7199 9991 7032 0123 0374

00001

ZBA12-07-008

required. (10) Applicant will comply with all State and Local laws; (11) All future buildings and building additions must conform to Horry County regulations; and (12) No outdoor dining.

Chris Hanna swore in Susan Sarlo, new owner and Deanna Lewis, landlord who explained the request.

There was no public input.

Pat Lebiecz made a motion to grant the special exception request with the conditions presented by staff and changing the alcohol hours to 11:00 a.m. until 12:00 midnight Monday through Sunday. Pam Creech seconded the motion. The motion carried unanimously. *The special exception was approved with conditions.*

The thirteenth case number 2012-08-010 Lewis Bower, agent for Sam Baker, Baker Holdings, LLC. Rennie Mincey presented the case to the Board. Tax map number 194-00-04-091 identifies the parcel located at 804 Inlet Square Drive, Unit D, Murrells Inlet. The applicant is requesting to obtain special exception approval to allow on premise consumption of alcohol as per Article V, Section 534 for Paint and Unwined Paint Party Studio. The distance from residential is 308'. **(Please refer to the September 10, 2012 packet for further info.)**

If the Board finds that the special exception request for the restaurant/bar meets the required conditions of Section 534, the standard conditions are as follows: (1) No outdoor entertainment or amplified outdoor speakers; (2) No hosting of vendors during spring and fall bike rallies; (3) No burnout pits; (4) No outdoor displays or tents on the property; (5) No temporary banners or signs on the property; (6) No spotlight advertising; (7) No adult entertainment or temporary adult entertainment permits; (8) Hours of operation: The proposed hours of operation are from 12:00 noon until 10:00 p.m. Monday thru Saturday. **The requested hours to serve alcohol are from 4:00 p.m. until 10:00 p.m. Monday thru Saturday (as requested by applicant);** (9) Any changes in business ownership, character, or hours, shall result in the suspension of this approval and a rehearing of the ZBA shall be required. (10) Applicant will comply with all State and Local laws; (11) All future buildings and building additions must conform to Horry County regulations; and (12) No outdoor dining.

Chris Hanna swore in Lewis Bower, agent who explained the request.

There was no public input.

Allen Beverly made a motion to grant the special exception with the conditions presented by staff. Pam Creech seconded the motion. The motion carried unanimously. *The special exception was approved with conditions.*


With no further business; Pam Creech made a motion to adjourn and Pat Lebiecz seconded the motion. The meeting was adjourned at approximately 10:40 p.m.

01127

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Blumberg No. 5208
EXHIBIT
B

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Honorable Larry B. Hyman, Circuit Court Judge

Case No. 2012-CP-26-06987

Appellate Case No. 2013-000971

Helicopter Solutions, Inc.
d/b/a Helicopter Adventures *Respondent,*

v.

Richard Hinde and Horry County Zoning Administrator, *Defendants,*
of whom Richard Hinde is *Appellant.*

AFFIDAVIT OF RICHARD HINDE

PERSONALLY APPEARED BEFORE ME, Richard Hinde, who being duly sworn, does hereby state and affirm as follows, having actual knowledge of all matters set forth herein:

1. I am the Appellant in this Appeal. I am over 21 years of age and competent to make this Affidavit.



2. The matters stated herein are matters of which I have personal knowledge.

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FURTHER AFFIANT SAYETH NAUGHT.

**** signature page follows ****

Respectfully submitted,

Richard Hinde

Richard Hinde
1541 Brookgreen Drive
Myrtle Beach, SC 29577
Office: (843) 448-4874
Mobile: (843) 421-5554
Email: rick.hinde@gmail.com

North Myrtle Beach, South Carolina
October 17, 2013

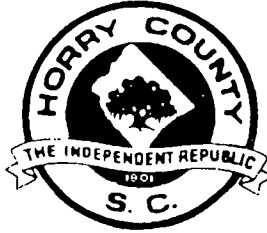
SWORN TO AND SUBSCRIBED

before me this 17 day of October, 2013.

Russa McCrady

Notary Public for South Carolina

My Commission Expires: 6-14-2015

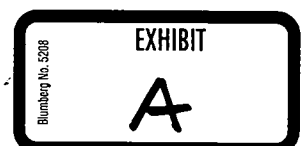


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COUNTY OF HORRY) CIVIL ACTION NO.: 2012-CP-26-06987

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Plaintiffs,)
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TRANSMITTAL OF CERTIFIED
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Board Secretary

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ZBA12-07-008

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EXHIBIT
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