

IN THE STATE OF SOUTH CAROLINA

VOLUME 2

IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY

Court of Common Pleas

The Honorable Larry B. Hyman, Jr.
The Honorable Benjamin H. Culbertson

Appellate Case No.: 2018-001221
Civil Action No.: 2016-CP-26-02377

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SC Court of Appeals

In Re: Venture Engineering, agent for DT LLC Respondent

vs.

Horry County Zoning Board of Appeals Appellant

RECORD ON APPEAL

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Transcript of Zoning Board of Appeals March 14, 2016 Meeting

ZONING BOARD OF APPEALS

MARCH 14, 2016

PRESENT WERE THE FOLLOWING BOARD MEMBERS

BO IVEY - CHAIRMAN
ACE PARKER
MIKE FOWLER
ALAN SIFE
ANITA MORAN
JOHN BROWN
PAUL BENIK
PAM TOMPKINS
WES COVINGTON
JERRY MABRY
RENNIE MINCEY
ALICIA SHELLEY
DAVID SCHWED

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MABRY COURT REPORTING
Verbatim Reporters

Jerry S. Mabry
1607 Magnolia Drive
N Myrtle Beach, SC 29582
(843) 249-2831

Testimony of Rennie Mincey

MS. MINCEY: THE NEXT CASE IS 2016-02-015. THE
APPLICANT IS VENTURE ENGINEERING INC., AGENT
FOR THOMPSONS AND ASSOCIATES INC. CONSTRUCTION
AND HEAVY EQUIPMENT BUSINESS. THE ADDRESS IS
310 PILING ROAD, MYRTLE BEACH. THE OWNER IS
DT, LLC. THERE'S A LETTER IN A HANDOUT NUMBER
2 OPPOSING THE CASE. THOMPSONS AND ASSOCIATES
CONSTRUCTION AND HEAVY EQUIPMENT BUSINESS WAS
APPROVED TO OPERATE ON THIS PROPERTY PRIOR TO
ZONING. IN 2007 A CERTIFICATE OF NON-COMPLI-
ANCE WAS ISSUED FOR C & D RECYCLING AND
TRANSFER AS AN ACCESSORY USE TO THE EXISTING
CONSTRUCTION AND HEAVY EQUIPMENT BUSINESS
THEREFORE, THE SITE IS NOT PERMITTED TO
RECEIVE AND PROCESS MATERIAL FROM OTHER
CONTRACTORS. THE PROPERTY OWNERS ARE
PROPOSING TO UTILIZE THE SITE FOR CONCRETE
RECYCLING/AGGREGATE PROCESSING AND TO RECEIVE
AND PROCESS MATERIALS FROM OTHER CONTRACTORS.
A RE-ZONING OF THE PROPERTY TO M33
(HEAVY/INTENSE MANUFACTURING AND INDUSTRIAL
DISTRICT) IS REQUIRED TO ALLOW THE PROPOSED
USE OF THE PROPERTY. A RE-ZONING OF THE
PROPERTY TO M33 IS REQUIRED TO ALLOW THE
PROPOSED USE OF THE PROPERTY. SHOULD THE

MABRY COURT REPORTING
Verbatim Reporters

Jerry S. Mabry
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(843) 249-2831

Testimony of Rennie Mincey

ZONING OF THE PROPERTY BE AMENDED TO M33 ON
THE OFFICIAL ZONING MAPS, THE PROPOSED USE IS
ALSO SUBJECT TO SECTION 1202. ARTICLE XII,
SECT. 1202(A)(2) STATES, "ALL PROPOSED PLANT
SITES SHALL BE LOCATED A MINIMUM OF 500 FEET
FROM ANY RESIDENTIALLY USED OR ZONED LOT.
WHETHER SAID LOT IS LOCATED WITHIN THE
UNINCORPORATED COUNTY OR MUNICIPAL JURISDIC-
TION. THE SITE ADJACENT RESIDENTIALLY ZONED AND
USED PROPERTY TO THE SOUTH." THE APPLICANT IS
SEEKING A VARIANCE FROM THE 500 FOOT SPACING
REQUIREMENT ALONG THIS PROPERTY LINE. ARTICLE
XII, SECT. 1202(A)(5) STATES THAT ALL
PROCESSING PLANTS UNDER THIS SECTION SHALL BE
LOCATED IN FULLY ENCLOSED STRUCTURES. THE
APPLICANT IS SEEKING A VARIANCE FROM THIS
REQUIREMENT. ARTICLE XII, SECTION (A)(7)(c&d)
REQUIRES THE SITE TO BE SCREENED THROUGH
ENHANCED BUFFERS IF THE SITE IS LOCATED WITHIN
1,000 FEET OF A RESIDENTIALLY USED OR ZONED
PROPERTY. THE ENHANCED BUFFER IS REQUIRED TO
BE AROUND THE ENTIRE WORK AREA WITH OPENINGS
PROVIDED FOR APPROVED ENTRANCES. THE ENHANCED
BUFFER SHALL CONSIST OF EITHER A 100 FOOT WIDE
BUFFER WITH TWICE THE LANDSCAPING MATERIALS AS

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N Myrtle Beach, SC 29582
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Testimony of Rennie Mincey

REQUIRED BY THE SUPPLEMENTAL PLANTING IN
BUFFER AREAS OR A 10 FOOT WALL, BERM OR
COMBINATION IN ADDITION TO LANDSCAPE BUFFER
REQUIREMENTS OF SECTION 527. THE APPLICANT IS
SEEKING A VARIANCE FROM THIS REQUIREMENTS. AS
FOR AS ANY EXTRAORDINARY AND EXCEPTIONAL
CIRCUMSTANCES TO THIS PROPERTY, THE PREVIOUS
STRUCTURES IN USE DON'T COMPLY WITH THE
CURRENT ORDINANCE STANDARDS. THE PROPERTY IS
CURRENTLY LIMITED TO PROCESSING MATERIAL FROM
THOMPSONS & ASSOCIATES INC. CONSTRUCTION AND
HEAVY EQUIPMENT BUSINESS. THE USE OF THE SITE
IS NOT OUT OF CHARACTER WITH THE BUSINESS.
HOWEVER, REDUCTION IN ADDITIONAL REQUIREMENTS
WILL IMPACT THE ADJACENT RESIDENTIAL PROPERTY
OWNERS. SHOULD THE BOARD GRANT THIS VARIANCE
REQUEST AND SATISFY ALL REQUIREMENTS BY
FACTORS AND GRANTS APPROVAL REQUEST VARIANCE,
STAFF RECOMMENDS THE FOLLOWING CONDITIONS:
THAT ALL REGARDING DOCUMENTS SHALL BE
SUBMITTED TO THE HORRY COUNTY CODE ENFORCEMENT
DEPARTMENT FOR REVIEW AND APPROVAL AND
REQUIRED PERMITS OBTAINED. ALL FUTURE
BUILDINGS AND BUILDING LOCATIONS ARE TO BE
REPORTED TO THE HORRY COUNTY REGULATIONS AND

Transcript of Zoning Board of Appeals March 14, 2016 Meeting

**Rennie Mincey-Examination by Board
Chairman Mr. Ives**

1 ALL OTHER APPLICABLE COUNTY REQUIREMENTS SHALL
2 BE MET.
3 MR. IVES: NOT THE LEAST OF WHICH THEY'LL NEED
4 TO SEEK A RE-ZONING OF THIS PROPERTY, IS THAT
5 RIGHT?
6 MS. MINCEY: YES, A RE-ZONING. THIS WILL BE
7 SUBJECT UNDER THESE CONDITIONS IF THE RE-
8 ZONING IS APPROVED.
9 MR. IVES: DO YOU KNOW THE EXACT DISTANCE
10 BETWEEN THE PROJECT SITE AND THE FIRST
11 RESIDENCE?
12 MS. MINCEY: THERE IS A REQUIREMENT OF 600 TO
13 650 FOOT PROPERTY LINE THAT ABUTS RESIDENTIAL
14 PROPERTY.
15 MR. IVES: SO, BASICALLY, THE 1,000 FOOT
16 REQUIREMENT COMES INTO PLAY THAT THE SCREENING
17 NEEDS TO BE PUT IN PLACE UNDER THE ORDINANCE
18 AND THE 500 FEET FROM ANY RESIDENTIALLY ZONED
19 PROPERTY REQUIRES THAT THEY HAVE THE ENCLOSURE
20 OR THE ENCLOSURES REQUIRED FOR PARKING.
21 MS. MINCEY: OKAY. AS FAR AS THE BUFFER GOES
22 ALONG THE PROPERTY BOUNDARIES WHERE IT ABUTS
23 RESIDENTIAL HOMES, THAT'S WHERE THE ENHANCED
24 BUFFERS ARE REQUIRED. THE OTHER TWO VARIANCES
25 ONE IS JUST REGARDING THE FACT THAT THE

**Rennie Mincey-Examination by Board
Members**

1 PROPERTY IS CLOSER THAN 500 FEET FROM THE
2 RESIDENTIAL PROPERTY.
3 MR. IVES: OKAY.
4 MS. MINCEY: AND SO THAT'S THE FIRST VARIANCE
5 BECAUSE THE ORDINANCE SPECIFICALLY STATES
6 THAT. THE SECOND ONE WOULD BE THE ENHANCED
7 BUFFER.
8 MR. IVES: THEN THEY'RE SEPARATELY REQUESTING
9 THAT THEY BE RELIEVED FROM HAVING TO BUILD
10 CLOSER
11 MS. MINCEY: THEN THE OTHER WOULD BE, THE THIRD
12 WOULD BE TO HAVE THE STRUCTURE NOT BE REQUIRED
13 TO BE FULLY ENCLOSED.
14 MR. IVES: OKAY. ARE THERE ANY QUESTIONS FOR
15 MS. MINCEY FROM MEMBERS OF THE BOARD?
16 MR. PARKER: THE ENCLOSED STRUCTURE, YOU WERE
17 TALKING ABOUT A METAL BUILDING. IS THAT WHAT
18 WE ARE TALKING ABOUT? IT HAS TO BE SOMETHING
19 LIKE THAT?
20 MS. MINCEY: WELL, OF COURSE, THE STRUCTURE
21 WOULD HAVE TO MEET BUILDING CODE REQUIREMENTS.
22 WITH WHATEVER MATERIALS AND WHATEVER TYPE OF
23 BUILDING CODES THAT'S WHAT IT IS SAYING IS
24 THAT ANY OF YOUR BASIC PROCESSING WOULD HAVE
25 TO BE DONE IN A FULLY ENCLOSED BUILDING THAT

**Steve Powell-Examination by Board
Chairman Mr. Ives**

1 WOULD MEET BUILDING CODE REQUIREMENTS.
2 MR. IVES: THANK YOU, MS. MINCEY. IS THE
3 APPLICANT PRESENT? STEVE, YOU'RE PRESENTING
4 FOR MR. THOMPSON?
5 MR. POWELL: YES SIR.
6 MR. IVES: GIVE US YOUR NAME AND ADDRESS FOR
7 THE RECORD.
8 STEVE POWELL: HAVING BEEN DULY SWORN, TESTIFIED AS
9 FOLLOWS:
10 MR. POWELL: STEVE S. POWELL OF VENTURE
11 ENGINEERING. OUR ADDRESS IS 209 HIGHWAY 544,
12 CONWAY, SC 29526.
13 MR. IVES: THANK YOU, STEVE. MY FIRST
14 QUESTION IS WHAT ARE YOUR CONDITIONS FOR
15 HARDSHIP AT THIS POINT?
16 MR. POWELL: WELL, I PROBABLY COULD GO THROUGH
17 A LITANY OF CONDITIONS FOR HARDSHIPS BUT WHAT
18 I REALLY WOULD LIKE TO PRESENT THAT IS THE
19 MOST PRESSING IS THE TIME CONSUMING BUSINESS
20 AT THIS LOCATION FOR MORE THAN THIRTY-FIVE
21 YEARS. THE HARDSHIP IS GOING TO BE IF WE
22 DON'T GET THIS VARIANCE, THERE WILL BE NO
23 CONTINUED BUSINESS. I THINK MOST OF YOUR
24 RESIDENTIAL DISPUTE FROM HORRY COUNTY AND THIS
25 HAS BEEN APPEALED PREVIOUSLY AND THAT WOULD GO

**Steve Powell-Examination by Board
Chairman Mr. Ives**

1 OF ...
2 MR. IVES: BEFORE YOU?
3 MR. POWELL: I COULD GO ON FOR A LONG, LONG
4 TIME POTENTIALLY AND PEOPLE THAT WORK HERE ARE
5 GONNA BE OUT OF A JOB CONTINUALLY UNTIL THAT
6 IS RESOLVED OR IF WE GET THE VARIANCE, WE CAN
7 PUT PEOPLE BACK TO WORK AND GET THOMPSONS BACK
8 IN BUSINESS. SO, THAT IS THE HARDSHIP.
9 MR. IVES: WHAT WOULD YOU LIKE US TO KNOW ABOUT
10 YOUR APPLICATION?
11 MR. POWELL: THE SHUTTLE THING. WE WOULD ASK
12 FOR A VARIANCE FROM THREE CONDITIONS IN THE
13 ORDINANCE AND OF COURSE, THE FIRST OF THOSE IS
14 A 500 FOOT SEPARATION FROM RESIDENTIAL. IF
15 YOU LOOK AT THE SITE ... WOULD YOU SHOW THE
16 SITE PLAN PLEASE, STEVE? THAT ONE IS GOOD
17 RIGHT THERE. THIS PROPERTY HERE INVOLVES THE
18 TWO-TEN INVESTORS, WHICH IS ONLY TALKING ABOUT
19 AMERICAN MATERIALS. SO, IT'S VERY SIMILAR
20 ISSUES AT MARTIN-MARLETTA, WHICH AGAIN IS
21 MATERIALS. MR. THOMPSON HAS BEEN ON THE SITE
22 SINCE MY FIRST CONSTRUCTION PROJECT. IN 1985
23 WE HAD SOME DEMOLITION MATERIALS TAKEN TO THIS
24 LOCATION AND THOMPSON WAS NOT THE CONTRACTOR.
25 SO, I CAN STATE FROM PERSONAL EXPERIENCE THAT

Transcript of Zoning Board of Appeals March 14, 2016 Meeting
Testimony of Steve Powell

1 MATERIALS HAVE BEEN GOING TO THIS SITE SINCE
2 WELL BEFORE THE ZONING WAS ADOPTED IN 1987.
3 BUT, IN THIS AREA RIGHT THROUGH HERE IS 650
4 FEET OF RESIDENTIAL AND BORDERS THE SITE. YOU
5 HAVE TWO PIECES OF PROPERTY. ONE PARCEL HERE
6 IS ROUGHLY FIVE ACRES AND THAT IS WHERE YOU'VE
7 GOT YOUR OFFICE BUILDING. THERE IS A MAINTEN-
8 ANCE BUILDING AND BACK HERE IS WHERE
9 PREVIOUSLY MR. THOMPSON ALSO HAD PILING
10 OPERATIONS NEXT DOOR. PILING THERE, PARKING
11 THEIR EQUIPMENT THERE. AS YOU CAN SEE, AT
12 THIS LOCATION, WE ENVISION IT WOULD STILL BE
13 USED FOR THAT USE. THE BACK PART IS WHERE THE
14 CRUSHING OPERATIONS ALWAYS HAVE BEEN. YOU
15 HAVE CONVEYORS AND YOUR CRUSHERS BACK THERE.
16 YOU CAN SEE THE STOCK PILES AND I'M NOT SURE
17 WHERE THIS PHOTOGRAPH IS FROM, BUT OBVIOUSLY
18 THE SITE HAS BEEN IDLE SINCE 2015 WHEN THIS
19 DISPUTE FIRST AROSE. SO, IT HAS REALLY NOT BE
20 IN OPERATION FOR ALMOST A LITTLE MORE THAN A
21 YEAR NOW. SO, THE MATERIALS WERE BROUGHT IN
22 BY TRUCKS AND DOWN THEIR DRIVEWAY BACK IN HERE
23 WHERE THEY WERE STOCKPILED LOOSE. THIS NUMBER
24 THING, I THINK, IS SIGNIFICANT TO RECOGNIZE
25 HERE. THIS ONE WAS HERE, UP UNTIL THE FIRST

Steve Powell-Examination by Board
Chairman Mr. Ives

1 OF LAST YEAR. IT WAS THE ONLY SITE THAT
2 ALMOST ANY CONTRACTOR IN BUILDING DEMOLITIONS
3 COULD TAKE MATERIAL TO FOR RECYCLING. IT'S
4 VERY SIGNIFICANT FOR THE CURRENT PERMITTING
5 REQUIREMENTS FROM THE STATE. ALMOST EVERY
6 PROJECT I DO, ALMOST EVERY SINGLE FAMILY HOME
7 THAT'S BUILT IN MORRIS COUNTY, HAS TO HAVE A
8 DE-MUDDING PAD DOWN. ANY BUILDER UNDERSTANDS
9 THIS AND THE DE-MUDDING PADS, MOST OF THE
10 TIME, ARE MADE OF RECYCLED CONCRETE BECAUSE
11 IT'S A LITTLE BIT MORE AFFORDABLE. RECYCLABLE
12 CONCRETE IS ALREADY HERE. WE HAVE TO TRUCK IT
13 IN FROM ...
14 MR. IVES: PRESSURE MINED WOULD BE USED
15 INSTEAD?
16 MR. POWELL: WELL, ANY KIND OF AGGREGATE THAT'S
17 A NATURAL AGGREGATE OR BY-PRODUCT HAS TO BE
18 TRUCKED IN OR BRING IT IN ON THE RAILROAD. IN
19 FACT, THAT'S WHAT MARTIN/MARIETTA DID ON THEIR
20 SITES ON OCCASION. SO, RECYCLING CONCRETE
21 JUST MAKES A LOT OF SENSE. WE USE RECYCLED
22 CONCRETE ON A NUMBER OF OTHER ENGINEERED
23 PRODUCTS. WE HAVE FOUND THEY HAVE HIGHER VOID
24 RATIOS. WHEN WE DO IN-GROUND STORAGE SYSTEMS
25 FOR STORM WATER, WE LIKE TO SPECIFY RECYCLED

1 CONCRETE PLUS AGGREGATE, WHICH HAS A THIRTY
2 PERCENT VOID RATIO AND RECYCLED CONCRETE HAS A
3 FORTY-TWO TO FORTY-FOUR PERCENT RATIO. THERE
4 ARE SO MANY THINGS YOU CAN USE FOR RECYCLED
5 CONCRETE. IT'S MORE AFFORDABLE AND IT KEEPS
6 US FROM HAVING TO FILL UP A LANDFILL. THERE'S
7 A LOT OF THINGS THAT WE CAN USE IT FOR. SO,
8 I'M TALKING ABOUT THE OPERATION ITSELF AND NOT
9 THE VARIANCES. BUT I WANT TO MAKE SURE EVERY-
10 ONE UNDERSTANDS THAT THEY'VE BEEN DOING THAT
11 HERE CONTINUOUSLY SINCE 1981.
12 MR. IVES: DOES THE AGGREGATE TEND TO STAY IN
13 AGGREGATE FORM OR DOES IT START TO PULVERIZE?
14 MR. POWELL: RECYCLED CONCRETE PRETTY MUCH
15 STAYS IN ITS NATURAL FORM. IT'LL BE SOME
16 PIECES BREAKING OFF BECAUSE IT TENDS TO GET
17 FRACTURED SLIGHTLY WHEN THE BIGGER PIECES ARE
18 GOING THROUGH THE CRUSHER. THEY SEPARATE IT
19 AND CLASSIFY IT SO THAT THE COURSER PIECES ARE
20 USED FOR SOME OF THE DE-MUDDING PADS. SOME OF
21 THE AGGREGATE I USE IN THE DRAINING SYSTEMS
22 AND THEN THE BALANCE CAN STILL BE USED IN SOME
23 CASES. THE MORRIS COUNTY EXAMPLE ALLOWS
24 RECYCLED CONCRETE TO BE USED WITH EIGHTY
25 PERCENT GREATER DEPTH AS A BASE REINFORCEMENT

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1 OR SOMETIMES AS A BASE. I DON'T LIKE TO USE
2 IT ON ASPHALT, BUT IF YOU JUST HAVE A GRAVEL
3 BASE, RECYCLED CONCRETE CAN BE USED FOR AN
4 UNPAVED ROAD AND WORKS PERFECTLY WELL.
5 MR. IVES: SO THEY SEPARATE THE MATERIAL BY
6 MR. POWELL: THEY SEPARATE THE MATERIAL AND
7 THEY DIVIDE IT INTO SIZE CLASSES, (INAUDIBLE).
8 SO, THE USE OF THE MATERIAL IS VERY IMPORTANT.
9 IF THE BOARD RECOGNIZES THAT THEY'VE BEEN
10 DOING THIS PRETTY MUCH CONTINUOUSLY SINCE 1981
11 AND IN ALL OF THAT TIME WAS PRETTY MUCH A MIX
12 OF THEIR OWN USE AND OTHERS. I THINK IN 2007
13 AND I MENTION THIS, WHEN THEY GOT THEIR FIRST
14 ZONING ... WHAT DO YOU CALL THAT THING? FIRST
15 ZONING COMPLIANCE STATEMENT, I DON'T KNOW THAT
16 ANYONE RECOGNIZED THE SIGNIFICANCE OF IT AT
17 THAT TIME THAT IT WAS AN ACCESSORY USE AND
18 UNTIL THIS 2015 INTERPRETATION AND THAT WAS
19 ONLY FOR THOMPSON WAS COMPLETELY DIFFERENT
20 FROM WHAT THEY'D DONE. SO, WHAT WE'RE DOING
21 TODAY IS HOPEFULLY RESOLVING THAT LONG-
22 STANDING DISPUTE THAT'S BEEN GOING ON FOR THE
23 LAST YEAR. YOU TALK SPECIFICALLY ABOUT THE
24 THREE VARIANCES THIS EVENING. IF I WENT FOR
25 SEPARATION, OBVIOUSLY OUR EXTRAORDINARY CONDI-

Transcript of Zoning Board of Appeals March 14, 2016 Meeting
Testimony of Steve Powell

13

1 TION HERE IS, WE'VE BEEN IN OPERATION ALL THIS
2 TIME AND THE RESIDENTS THROUGH THERE ARE
3 ASKING FOR SEPARATION. THAT'S THE CLOSEST
4 RESIDENTIAL CORNER RIGHT THERE. 500 FEET IS
5 ALL WE EVER GIVE, WHICH THE ENTIRE SITE WOULD
6 BE OUT OF COMPLIANCE WITH THAT. SO, IS THERE
7 ANY WAY WE CAN KEEP THAT SITE IN BUSINESS WITH
8 THAT 500 FOOT SEPARATION? OUR SEPARATION IS
9 WITH THE BUILDING. THIS IS SOMETHING THAT THE
10 AGGREGATE ORDINANCE CAME INTO EXISTENCE, OH, I
11 DON'T KNOW, FIFTEEN, TWENTY YEARS AFTER
12 THOMPSON OR MAYBE MORE THAN THAT, DEVELOPED.
13 AND IT REQUIRED A BUILDING. IF THERE'S A
14 CONCRETE PLANT OR ASPHALT PLANT OR AGGREGATE
15 PROCESSING FACILITY WITHIN ANY BUILDING IN
16 Horry County, Yeah, I don't know where it's
17 AT. THE BUILDING THAT WOULD BE REQUIRED, IF
18 WE WERE TO DO THAT, WOULD HAVE TO BE THE
19 HEIGHT LIMIT IN THE M33 ZONE THAT WE COULD BE
20 ASKING FOR NEXT IS A HUNDRED FEET AND THE
21 BUILDING THAT WE WOULD NEED FOR THIS WOULD BE
22 125 FEET. SO, I'LL BE BACK IN FRONT OF YOU TO
23 GET A VARIANCE FOR THAT. IT'D HAVE TO BE A
24 BUILDING OF AT LEAST, YOU KNOW, THREE AND
25 PROBABLY FOUR ACRES TOTAL. SO, OUR FOUR ACRE

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Chairman Mr. Ives

14

1 BUILDING WOULD BE, I GUESS, IT COULD BE AS
2 MUCH AS FOUR HUNDRED BY FOUR HUNDRED OR TWO
3 HUNDRED BY EIGHT HUNDRED. IT WOULD BE A HUGE
4 BUILDING AND UNLIKE MOST STEEL BUILDINGS, WE
5 COULDN'T HAVE INTERIOR COLUMNS. WE WOULD BE
6 PUSHING THINGS AROUND AND WHATNOT SO YOU WOULD
7 HAVE TO HAVE ROOM FOR YOUR CONVEYOR BELTS TO
8 MOVE AROUND TO DIFFERENT STOCKPILES AND THIS
9 WOULD BE COMPLETELY INFEASIBLE, NOT JUST FROM
10 A COST STANDPOINT BUT IT WOULD PROBABLY COST
11 EIGHT TO TEN MILLION DOLLARS TO BUILD THAT
12 BUILDING AND IT WOULD BE COMPLETELY INFEASIBLE
13 FROM AN OPERATIONAL STANDPOINT TO PUT THAT
14 BUILDING IN AND ENCLOSE THIS IN HERE. IT
15 REALLY WOULD NOT BE PRACTICAL IN OPERATING AT
16 THIS LOCATION.
17 MR. IVES: I TEND TO VOTE THE WORK SESSIONS IN
18 CASE COUNSEL WITH THIS ORDER WOULD ESTABLISH.
19 THE CONCERNS WERE NUISANCE AND NOISE AND DUST.
20 AND THE IDEA OF THE STRUCTURE WAS TO KEEP BOTH
21 FROM ... BECAUSE OF THE DISTANCE FROM
22 RESIDENTS AND TRY TO MINIMIZE NUISANCE BY
23 SOUND AND THE PARTICULATES WHICH WHEN YOU'RE
24 PULVERIZING MATERIALS YOU DON'T KNOW WHAT IT'S
25 COMPOSED OF. SO, THEREFORE, WE DON'T KNOW THE

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Chairman Mr. Ives

15

1 HARMFUL EFFECTS. SO, HOW DO YOU MINIMIZE THE
2 NUISANCE POTENTIAL AND THE AIRBORNE PARTICU-
3 LATES?
4 MR. POWELL: THERE ARE TWO WAYS TO DO THAT HERE
5 AND ONE IS ... AND I THINK WE CAN COME TO
6 TERMS, BUT ONE IS THE CRUSHING OPERATION IS
7 FREQUENTLY ACCOMPANIED BY A MISTING OPERATION
8 SO THAT THEY WATER DOWN THE LOOSER AGGREGATES
9 AND SO THAT'S REALLY WHERE WE'RE TAKING
10 CONTROL BACK IS TO WET IT WHILE THEY'RE
11 CRUSHING IT. ON WINDIER DAYS, YOU DON'T GET
12 THE FINER PARTICULATES FLOATING OFF ON THE
13 NEIGHBORS. THE NOISE, YOU KNOW, NOISES WE'VE
14 ALWAYS HAD THESE. WE'VE GOT A RAILROAD HERE
15 AND THIS IS AN AGGREGATE STORING FACILITY AND
16 THAT'S AN AGGREGATE STORING FACILITY. SO,
17 REALLY, YOU JUST HAVE NOISE FROM THE
18 RESIDENTS. I THINK, YOU KNOW, OUR THIRD THING
19 IS ABOUT THE ENHANCED BUFFER. ONE OF THE
20 THINGS AS FAR AS VARIANCE UNDER THE ENHANCED
21 BUFFER IS EITHER A TEN FOOT EARTH BERM OR A
22 TEN FOOT WALL. EVEN THOUGH WE'VE REQUESTED A
23 VARIANCE OF THAT 'CAUSE WE HAVE ALWAYS HAD
24 THIS SITUATION WITH THE EXTREME FENCE THERE
25 AND A SCREEN FENCE THERE, BUT IT WOULDN'T BE

Testimony of Steve Powell

16

1 OUT OF THE REALM OF POSSIBILITY TO PUT AN
2 EARTH BERM, WHICH WOULD PROBABLY DO MORE GOOD
3 THAN ANYTHING ELSE IN DEAFENING THE NOISE FROM
4 THE APPLICATION. SO, WE WOULDN'T BE OPPOSED
5 TO THAT, AND IN FACT, PORTIONS OF THOSE EARTH
6 BERMS ARE THERE ALREADY. I THINK IT'S
7 SOMETHING THAT ANYBODY DOWN HERE WILL LET BE A
8 CONCESSION AND THAT PROBABLY WOULD BE THE
9 FIRST ONE I'D LIKE TO OFFER JUST SIMPLY
10 BECAUSE WE DO THINK THAT IF WE GROW THIS
11 OPERATION AND WE HOPE TO GROW THIS OPERATION
12 AND GET YOUR HELP, THEN WE'D LIKE TO MAKE SURE
13 WE HAVE IT FROM THE BOARD (INAUDIBLE) AND IN
14 THIS OPERATION WE ALMOST HAVE THIS SIDE RIGHT
15 HERE THAT'S NOT OUR PROPERTY. ANYTHING WE PUT
16 UP THERE IT'S GONNA BE DIFFICULT TO PULL THE
17 (INAUDIBLE) AWAY FROM THE RESIDENTS AND JUST
18 THROUGH THE INVESTORS (INAUDIBLE). A WALL
19 HERE IS REALLY NOT GONNA DO MUCH TO BUFFER OUR
20 NOISE, WHICH REALLY IS THE NOISE SOURCE. WE
21 NEED SOMETHING ALONG THIS SIDE. SO, I GUESS,
22 THAT'S PART OF REASON WE PUT THAT THERE.
23 (INAUDIBLE) WE REALLY DON'T HAVE THE LATITUDE
24 TO PUT A NOISE BUFFER THAT'S GOING TO BE
25 EFFECTIVE ON THE ACTUAL AREA OF OPERATION FROM

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Chairman Mr. Ives**

17

1 THIS POINT.
2 MR. IVES: THAT'S MY CONCERN. TO CREATE A
3 BUFFER PROPOSED WOULD BE MORE PSYCHOLOGICAL
4 THAN BENEFICIAL. PUTTING SOMETHING THERE THAT
5 LOOKS LIKE YOU'RE TRYING TO MITIGATE WHEN IT
6 REALLY DOESN'T.
7 MR. POWELL: WE MAY BE ABLE TO TALK TO HIM AND
8 PUT SOMETHING UP THERE AND IF YOU APPROVE THIS
9 WITH A CONDITION, YOU KNOW, TWO-TEN INVESTORS
10 ISN'T A CLIENT OF MINE. THEY WOULD HAVE SOME
11 OF THE SAME CONCERNS DOWN THE ROAD IF THEY
12 CAME BACK IN HERE TO OPERATE ON THIS SITE,
13 RIGHT OR WRONG, WHICH MAY BE SOMETHING WE
14 COULD BUILD AN EARTH BERM ALONG 150 FEET THERE
15 AND WE HAVE TO COME DOWN ON AT LEAST PORTIONS
16 OF THIS. I DON'T KNOW THAT WE NEED A BUFFER
17 WHERE THE MAINTENANCE BUILDING IS BY PUTTING
18 THE EARTH BERM ALONG THERE. I THINK WE COULD
19 DO THAT AND I DON'T THINK IT WOULD BE
20 IMPOSSIBLE TO GET SOME COOPERATION FROM TEN-
21 TEN ON THE ADJACENT PROPERTY TO CREATE A MORE
22 EFFECTIVE EARTH BERM.
23 MR. IVES: WE HAVE ONE CONCERN HERE AND THAT IS
24 THAT THE ZONING ADMINISTRATOR HAS MADE A
25 DETERMINATION THAT THE MATERIALS THAT CAN BE

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Chairman Mr. Ives**

18

1 PROCESSED ON THIS SITE IS ONLY THAT MATERIAL
2 THAT COMES FROM THOMPSONS AND ITS SOURCES.
3 MR. POWELL: WELL, THAT CAN BE ADDRESSED BY RE-
4 ZONING. EVEN THOUGH HISTORICALLY IT'S COME
5 FROM ALL SOURCES, WE KIND OF GOT CAUGHT WITH
6 OUR PANTS DOWN AROUND OUR ANKLES WITH THAT ONE
7 BECAUSE WE AGREED TO THE ACCESSORY USE IN
8 ORDER TO TRY TO BE COOPERATIVE AND REMAIN
9 COMPLIANT AND WE GOT OUR BUSINESS LICENSE BACK
10 IN 2007 AND IT TURNS OUT THAT THE INTERPRETA-
11 TION OF THAT ACCESSORY USE IS NOT FEASIBLE TO
12 DO THAT. WE ALL KNOW, ANYONE THAT'S WORKED IN
13 CONSTRUCTION IN THIS AREA, THOMPSONS HAS BEEN
14 MAKING CONCRETE FOR EVERYBODY THAT NEEDED TO
15 DO IT AND EXPOSED TO CONCRETE AND PROVIDED
16 REALLY A SERVICE TO Horry COUNTY CONSTRUCTION,
17 BUT NOW THAT WE HAVE THIS ORDINANCE, THE WAY
18 WE DEAL WITH IT, WE GOT FROM ALL SOURCES IS
19 SIMPLY RE-ZONING MA3. SO, IF YOU GRANT THE
20 VARIANCE UNDER WHATEVER CONDITIONS WE HAVE TO-
21 NIGHT, OUR NEXT STEP WOULD BE A CONDITIONAL
22 APPROVAL CONDITIONED ON THE MA3 RE-ZONING,
23 WHICH IS STILL ...
24 TWO PEOPLE TALKING AT ONCE.
25 MR. POWELL: TO COME IN AND APPLY FOR AND

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Chairman Mr. Ives**

19

1 PROCESS THAT AND GO THROUGH PLANNING COMMIS-
2 SION AND THROUGH COUNTY COUNCIL.
3 MR. IVES: WE'VE GOT A LETTER HERE AND IT
4 SOUNDS VERY SIMILAR TO THE ONE WE HAD PRIOR.
5 THE APPLICANT CAME FORWARD AND WANTED TO DO
6 RECYCLING HERE AND IT'S THE NOISE, THE DUST,
7 THE HEAVY TRUCKS VIBRATING THE HOUSES, SUN UP
8 TO SUNDOWN. THERE ALWAYS SEEMS TO BE A STATE-
9 MENT AGAINST COMPLYING WITH CERTAIN HOURS OF
10 OPERATION AND THE RESIDENTS ALLEGE THAT IT
11 GOES BEYOND ANY GRIEVANCE THEY MADE. WHAT CAN
12 WE DO TO ADDRESS HOURS OF OPERATION AND THE
13 NUISANCE THAT GOES BEYOND REASONABLE HOURS?
14 MR. POWELL: I THINK ONE THING WE CAN DO,
15 OBVIOUSLY, IF YOU APPROVE THE VARIANCE, THEIR
16 BUSINESS LICENSE CAN BE CONDITIONED ON
17 OPERATING WITHIN THE TERMS OF THAT VARIANCE
18 AND FUTURE COMPLAINTS COULD JEOPARDIZE THEIR
19 BUSINESS LICENSE. AND I THINK IF WE BUFFER
20 THIS WITH THE EARTH BERM, TO SOME EXTENT TO
21 THE DUST, BUT TO A GREAT EXTENT THE NOISE FROM
22 THE ACTUAL OPERATION FROM TRUCKING, IT WOULD
23 BE SIGNIFICANTLY REDUCED AND WE DO A GOOD BIT
24 OF WORK WITH DOT RELATED PROJECTS. THESE ARE
25 WITH SOME LANDOWNERS ON HOW TO BUFFER NOISE

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Chairman Mr. Ives**

20

1 FROM NEW ROAD PROJECTS AND DOT, BECAUSE THEY
2 HAVE A RELATIVELY THIN FOOTPRINT AND A BIG FAT
3 WALLET AND THEY LIKE TO PUT UP VERTICAL WALLS,
4 SOUND WALLS. YOU'VE ALL SEEN THE SOUND WALLS
5 THEY'VE PUT UP FROM TIME TO TIME. LANDOWNERS
6 ON THE OTHER HAND DON'T REALLY HAVE A BIG
7 BUDGET AND WE FOUND THAT THE EARTH BERMS ARE
8 PROBABLY ONE OF THE MOST EFFECTIVE THINGS TO
9 BUFFER NOISE. SO, THE BERM ... YOU KNOW, THE
10 ONLY REASON WE WERE NOT SUPPORTIVE OF THE BERM
11 IN OUR APPLICATION WAS REALLY IT FELT LIKE IT
12 WOULD HAVE BEEN AN EMPIRIC GESTURE TO GO ALONG
13 WITH 650 FEET NEXT TO THE STORAGE YARD.
14 THAT'S NOT REALLY THE SOURCE OF THE NOISE. WE
15 CAN'T WRAP IT AROUND THE END WHERE TWO-TEN
16 INVESTORS TRIED TO (INAUDIBLE) AND WE'RE NOT
17 GONNA TRY TO BUFFER THE NOISE THERE. BUT IF
18 THE BOARD WOULD APPROVE THAT WITH CONDITION
19 THAT WE GET SOMETHING FROM TWO-TEN INVESTORS,
20 I FEEL VERY CONFIDENT THAT WE CAN MAKE THAT
21 HAPPEN.
22 MR. IVES: WE HAVE A REAL PROBLEM HERE AT Horry
23 BECAUSE WE HAVE THE ABILITY TO ENFORCE AGREE-
24 MENTS BEFORE THE ACTIVITY BEGINS, BUT WE HAVE
25 NO ONGOING INSPECTION POTENTIAL HERE TO MAKE

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Chairman Mr. Ives**

21

1 SURE THAT IT'S HONORED. DREC IS THE ONLY
2 INSPECTOR OUT THERE AND THEIR INTEREST AREN'T
3 IN LINE WITH WHAT THE COUNTY'S INTEREST ARE.
4 SO, WE FEEL VERY CONSTRAINED HERE BECAUSE WE
5 HAVE TO MAKE SURE ... NO ONE HERE HAS THE
6 KNOWLEDGE REQUIRED TO MAKE SURE THAT WE HAVE
7 AN AGREEMENT UP FRONT BECAUSE WE JUST CAN'T
8 SEE ALL THE POTENTIAL PROBLEMS WE'RE GONNA
9 HAVE DOWN THE ROAD. BUT WE CAN RELATE TO THE
10 RESIDENTS WHO ARE LIVING THERE AND WHO HAVE
11 HAD TO LIVE WITH MARTIN-MARIETTA'S DISTUR-
12 BANCES AS WELL AS THOMPSON'S DISTURBANCES AND
13 ALL WE CAN DO IS REACT TO WHAT WE'VE HEARD
14 FROM THE RESIDENTS OF WHAT THEY HAVE HAD TO
15 ENDURE.
16 MR. POWELL: AND THAT PART, I WOULDN'T DISPUTE
17 AT ALL. I HAVE HEARD ENOUGH THAT WAS GOING ON
18 AND I KNOW FOR THE GOOD OF THIS ISSUE, IF YOU
19 WILL, EVEN THOUGH I'M WORKING WITH THOMPSON
20 SINCE I FIRST ARRIVED HERE IN 1964. BUT I
21 THINK ONE OF THE THINGS THAT WE CAN DO TO
22 PERHAPS CREATE A MORE WORKABLE ENVIRONMENT,
23 EVEN ON THE CURRENT L1 ZONING, THERE COULD BE
24 A LOT OF THINGS THAT WOULD CONTINUE ON HERE
25 THAT COULD BE PROBLEMATIC FOR THE NEIGHBORS

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Chairman Mr. Ives**

22

1 PERHAPS THE BEST THING WE CAN GET OUT OF THIS
2 IS IF WE CAN WORK THIS OUT WITH TWO-TEN AND WE
3 CAN GET A NICE LANDSCAPE BERM AND THEY WON'T
4 HAVE TO LOOK AT IT AND IT'LL ISOLATE THEM FROM
5 NEIGHBORS. ...
6 THINK IT WILL HELP REDUCE NOISE, IF NOT ALL,
7 THE NOISE ...
8 OVER THE YEARS.
9 MR. IVES: ...
10 PUT THEM ...
11 BEING ...
12 LANDING ON THE ADJOINING PROPERTY. ...
13 WE DONE TO MAKE SURE THAT WE'RE NOT GONNA SEE
14 AGGREGATES FLYING OUT OF THIS AREA?
15 MR. POWELL: WELL, THEY USE GRINDERS THAT ARE
16 ENCLOSED GRINDERS SO YOU DON'T REALLY HAVE
17 AGGREGATES SHOOTING OUT ALL OVER THE PLACE.
18 MR. IVES: GRINDERS ARE ENCLOSED?
19 MR. POWELL: IT'S LIKE A GIANT WASHING MACHINE
20 TO PICTURE IT AND WHEN THEY FEET IT IN THAT,
21 IT COMES CRUSHED OUT AT THE BOTTOM.
22 MR. IVES: SO, THEY'RE PULVERIZING IT WITH ...
23 MR. POWELL: THEY'RE NOT HAMMERING THIS. SO,
24 THE NOISE THAT YOU HEAR FROM THIS IS REALLY
25 THE CRUNCHING NOISE DUE TO THE GRINDERS THEM-

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Chairman Mr. Ives**

23

1 SELVES. I CAN'T TELL YOU THAT'S IT'S QUIET.
2 YOU WOULDN'T WANT TO STAND THE DISTANCE FROM
3 ME TO YOU AND TRY TO HOLD A CONVERSATION. THE
4 NOISE LEVEL IS PROBABLY COMPARABLE WITH MOST
5 HEAVY EQUIPMENT OPERATION AND MAYBE EVEN
6 SLIGHTLY HIGHER THAN THAT. SO, AGAIN, THE
7 BEST WAY I CAN THINK OF TO DEAL WITH THAT IS
8 SOMETHING TO BUFFER THAT NOISE AND THE EARTH
9 BERM WOULD BE EFFECTIVE WITH THAT, WITH THE
10 CONDITION THAT WE GET SOMETHING FROM TWO-TEN.
11 YOU'RE REALLY LOOKING AT GRINDING OPERATION
12 OVER ON THIS END HERE. THAT'S ABOUT 300 FEET
13 FROM THE NEAREST RESIDENCE WITH THE GRINDING
14 OPERATION TO DIMINISH YOUR NOISE SOMEWHAT AND
15 ELIMINATE ALMOST ALL RISK OF DUST COMING THAT
16 WAY.
17 MR. IVES: (INAUDIBLE).
18 MR. POWELL: THE GRINDING OPERATION I REFER TO
19 IT OVER HERE. THEY STOCKPILE IT RIGHT THERE
20 AND START THE GRINDER AND IT'S LOCATED IN THIS
21 AREA. WHAT YOU SEE HERE IS THE OLD CONVEYOR
22 BELT AND IT SWINGS AROUND SO YOU CAN FEACH
23 HERE, TO HERE, TO HERE FROM THAT CONVEYOR BELT
24 SO THE CONVEYOR CAN TAKE DIFFERENT SIZE
25 PARTICLES AND STACK 'EM UP.

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Chairman Mr. Ives**

24

1 MR. IVES: WHO OWNS THE PROPERTY ON THIS SIDE
2 OF THE BUILDING?
3 MR. POWELL: PARDON ME?
4 MR. IVES: WHO OWNS THE ... THIS SIDE
5 OF THE BUILDING?
6 MR. POWELL: ON THIS SIDE?
7 MR. IVES: YES.
8 MR. POWELL: I THINK THAT MYRTLE BEACH FARMS,
9 ...
10 AND OWN ...
11 MR. IVES: WE HAVE TO BE CONCERNED ABOUT THE
12 FUTURE POTENTIAL OF THAT AREA AND WHAT THEY
13 HAVE PLANS FOR.
14 MR. POWELL: I THINK WHAT YOU'RE LOOKING AT IS
15 A STRIP OF PROPERTY THROUGH HERE. THERE'S A
16 ROAD RIGHT THERE THAT I THINK IS B&C ROAD AND
17 THIS PROPERTY THERE IS A RAILROAD. THE ONLY
18 REASON I MENTION THE RAILROAD IS THAT IT MAY
19 GET BACK IN BUSINESS BECAUSE I DON'T THINK
20 EITHER WAY ON THE B&C PROPERTY IS GONNA BE ANY
21 MORE SEVERE THAN THE RAILROAD COMPANY
22 (INAUDIBLE). WE'LL HAVE HOUSES OF OPERATIONS.
23 MR. IVES: (INAUDIBLE).
24 MR. POWELL: CERTAINLY. BUT THE RAILROAD MIGHT
25 ALSO SHOW UP AND BLOW IT'S HORN AT FOUR

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Chairman Mr. Ives**

25

1 O'CLOCK IN THE MORNING. WE DON'T DO ANYTHING
2 LIKE THAT AT FOUR O'CLOCK IN THE MORNING.
3 WHEN IT CAME RIGHT DOWN TO IT, I THINK THAT'S
4 SOMETHING THAT WOULD HAVE TO BE DEALT WITH
5 DOWN THE ROAD. I JUST DON'T SEE A NEED ...
6 PART OF THE APPEAL OF THIS SITE IS THAT
7 THOMPSONS NEEDS A RAILROAD. I CAN SEE AN
8 OPPORTUNITY WHEN THE RAILROAD STARTS MOVING
9 AGAIN WHERE WE COULD EITHER RECEIVE MATERIALS
10 FROM RAILROADS AND PROJECTS FROM OTHER LOCA-
11 TIONS TO CRUSH HERE TO WHAT WE ... OR WE CAN
12 EXPORT RECYCLED MATERIAL. SO, I THINK THAT IS
13 SOMETHING THAT WE COULD, AT LEAST KNOW, THAT
14 WE COULD TAKE ADVANTAGE OF.
15 MR. IVES: WHAT'S THE GREATEST SOURCE OF
16 MATERIAL THAT YOU WOULD SAY WOULD BE
17 PULVERIZED HERE?
18 MR. POWELL: MOST OF IT IS FROM DEMOLISHED
19 BUILDINGS, YOU KNOW, BUILDINGS WITH BLOCK AND
20 REINFORCED CONCRETE THAT'S DEMOLISHED AND THEN
21 THEY HAVE TO BREAK IT APART AND SOMETIMES IT
22 HAS TO BE ... I TOLD YOU THEY GRIND IT IN THE
23 TUBS AND SOMETIMES THEY HAVE TO FRACTURE IT A
24 LITTLE BIT TO GET THE STEEL OUT OF IT BEFORE
25 THEY CAN GRIND IT UP IN SMALL PIECES.

**Steve Powell-Examination by Board
Chairman Mr. Ives**

26

1 MR. IVES: ARE THEY WORKING FOR CONCRETE
2 COMPANIES FROM NORTH CAROLINA?
3 MR. POWELL: IT'S PROBABLY NOT FEASIBLE TO
4 TRY TO HAUL CONCRETE FROM MUCH MORE THAN AN
5 HOUR, HOUR AND A HALF AWAY 'CAUSE THERE ARE A
6 LOT OF OTHER LOCATIONS. THE ADVANTAGE OF THE
7 RECYCLING FACILITY IS ITS PROXIMITY TO THE
8 SOURCE. I DON'T THINK WE'D BE HAVING MATERIAL
9 COMING IN THREE STATES AWAY BUT YOU MAY HAVE
10 SOMEBODY WHO HAD A PARTICULAR JOB WHERE THEY
11 NEEDED TO TRUCK IT IN OR BY RAIL ON A CONTRACT
12 BASIS. THERE MIGHT BE ENOUGH VOLUME WHERE YOU
13 MIGHT BRING SOME IN FROM FLORENCE, FOR
14 EXAMPLE. BUT THERE'S A NUMBER OF OTHER ONES,
15 BUT WE'RE ABOUT THE ONLY TOWN IN THE STATE
16 THAT HAS 'EM. A LIMITATION ON WHAT WE'RE
17 TALKING ABOUT TODAY. MOST OF THE OTHER LOCA-
18 TIONS, THEY CAN HAUL AND SELL AND EVERYTHING
19 ELSE. SO, IT'S A LITTLE UNUSUAL AND I DON'T
20 SEE SOMEONE NEEDING TO BRING IT IN FROM, YOU
21 KNOW, (INAUDIBLE). THE FREIGHT WOULD NOT
22 JUSTIFY THE COST OF WHERE THEY COULD TAKE IT
23 TO LOCATIONS THAT ARE CLOSER TO THEM.
24 MR. IVES: THE ORDINANCE WAS DRAFTED WITH THE
25 IDEA TO ISOLATE IT TO AREAS THAT WERE AS CLOSE

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Chairman Mr. Ives**

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1 AS POSSIBLE. SO, THERE ARE ONLY A HANDFUL OF
2 SITES WHERE THEY'RE GOING TO HAVE THIS POTEN-
3 TIAL. THIS ONE IS PROBABLY BECAUSE OF ITS
4 PROXIMITY TO US. SO, WE DO NEED TO THINK
5 ABOUT HOW TO MINIMIZE THAT. IF WE'RE NOT
6 GOING TO BUILD STRUCTURAL SO THAT YOU MAKE
7 THEM FEEL JUST AS COMFORTABLE AS TO HOW IT
8 WILL BE MAINTAINED AND THE HOURS OF OPERATION
9 THAT WILL BE REASONABLE FOR RESIDENTS AS TO
10 WHERE THEY ARE.
11 MR. POWELL: WE CAN TALK ABOUT THAT IN TWO
12 WAYS. ONE, AS FAR AS HOURS OF OPERATION, I
13 THINK WE ARE COMPLETELY HERE TO TALK ABOUT
14 HOURS OF OPERATION ARE GOING TO BE AS ACCEPT-
15 ABLE AS POSSIBLE. Horry County HAS A SEVEN TO
16 NINE ORDINANCE FOR NOISE AND I DON'T THINK WE
17 WOULD EVER OPERATE BEFORE SEVEN OR OPERATE AS
18 LATE AS NINE. SO, SEVEN TO SEVEN WOULD
19 PROBABLY BE THE TIME FRAME WE WOULD USE.
20 MR. IVES: BUT THIS KIND OF NOISE YOU WOULDN'T
21 WANT EVEN AFTER FIVE P.M. THEY SHOULD BE ABLE
22 TO REASONABLY COME HOME FROM THEIR WORK AND
23 NOT FEEL LIKE THEY'RE COMING (TWO PEOPLE
24 TALKING AT ONCE.)
25 MR. POWELL: I DON'T THINK WE WOULD BE VERY

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Chairman Mr. Ives**

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1 WILLING TO CONSIDER THAT IF WE COME TO, LET'S
2 SAY, SOME KIND OF RESOLUTION TO ALL OF THIS.
3 BUT AT THE SAME TIME, IT'S NOT UNUSUAL FOR
4 CONSTRUCTION SITES OR WORK RELATED ITEMS TO GO
5 ON DURING THE HOURS OF DAYLIGHT. SO, SEVEN TO
6 NINE NOISE ORDINANCE OF THE COUNTY SEEMS TO BE
7 ...
8 MR. IVES: THAT'S THE STARTING POINT.
9 MR. POWELL: I DON'T WANT TO PUT ANY LIMITA-
10 TIONS ON MY CLIENT THAT HE DOESN'T NECESSARILY
11 NEED (INAUDIBLE). SO, WE'RE THINKING MORE
12 ABOUT HOURS THAT PEOPLE ARE SLEEPING AND
13 MAKING SURE WE WON'T HAVE THAT NOISE.
14 MR. IVES: WHAT DO YOU THINK ABOUT A SCHOOL
15 STUDENT HAVING TO CONCENTRATE AND RAISE THE
16 EXPECTATIONS BEFORE YOU'RE ENTERING PEACEFUL
17 SURROUNDINGS? SOMEHOW WE NEED TO BE ABLE TO
18 ADDRESS THAT BECAUSE RESIDENTS ARE THERE TOO.
19 PEOPLE (INAUDIBLE). AND THIS IS THEIR
20 COMMUNITY. WE DON'T HAVE CRYSTAL BALLS SO
21 SOMEHOW WE NEED TO COME UP WITH PROCEDURES AND
22 RECOMMENDATIONS THAT WORK AND ACHIEVE THE ENDS
23 THAT THEY'RE LOOKING FOR AS WELL, NOT JUST
24 YOUR CLIENTS.
25 MR. POWELL: IN THIS CASE, I THINK PROBABLY THE

Testimony of Steve Powell

29

1 BIGGEST THINGS THAT WE NEED TO GET OUT OF THIS
2 IS THE BUFFER ISSUES. I THINK EVERYBODY
3 RECOGNIZES THAT THE USE HAS BEEN ONGOING FOR
4 MANY, MANY, MANY YEARS AND RESIDENTS HAVE BEEN
5 THERE FOR ALMOST AS LONG, IF NOT LONGER, THAN
6 ... I'M NOT SURE HOW MUCH CRUSHING THEY DID IN
7 THE EARLY YEARS AS OPPOSED TO JUST RECYCLING.
8 AT ANY RATE, ONE THING THAT I THINK WE HAVE TO
9 RECOGNIZE IS THAT THEY HAVE BEEN NEIGHBORS FOR
10 THIRTY-FIVE YEARS OR SOMETHING CLOSE TO IT.
11 WE HAVE THE OPPORTUNITY TO MAKE IT A LITTLE
12 BIT BETTER AS NEIGHBORS (INAUDIBLE), A LITTLE
13 BIT BETTER FENCE AND PUT UP EARTH BERMS. I
14 THINK THAT PROBABLY IS THE BEST WAY TO DEAL
15 WITH THIS AND SEE IF WE CAN MAKE THIS WORK A
16 LITTLE BETTER. I DON'T KNOW SITTING HERE
17 TODAY IF THAT'S GONNA CREATE ... THE PROBLEM
18 WITH AN EARTH BERM SOMETIMES IS YOU PUT IT UP
19 ONE WEEK AND IT RAINS THE NEXT WEEK AND YOU'VE
20 GOT WATER PONDING IN SOMEBODY'S BACK YARD.
21 YOU'LL HAVE TO GET SOME FEEL ABOUT IT AND MAKE
22 SURE WE DON'T CREATE ANY ISSUE WITH THE EARTH
23 BERMS AS FAR AS THE DRAINAGE TO THE
24 RESIDENTIAL LOTS. I THINK THAT WE CAN DEAL
25 WITH. AND I FEEL VERY CONFIDENT THAT WE CAN

Steve Powell-Examination by Board
Chairman Mr. Ives

30

1 PROBABLY GET THEM TO LET US WRAP THAT BERM
2 AROUND THE INNER PROPERTY SO WE CAN TALK ABOUT
3 THIS MORE EFFECTIVELY.
4 MR. IVES: WHAT DO WE HAVE TO DO TO DO THAT?
5 MR. POWELL: WELL, THE NUMBER TWO THING IS THE
6 OWNER OF TWO-TEN USED TO OWN A CONCRETE AND
7 THEY STILL OWN AN AGGREGATE BUSINESS AND STILL
8 OPERATE CONCRETE PLANTS AND SO IF HE CAME IN,
9 HIS MORE LIKELY USE FOR THAT MIGHT BE SOME-
10 THING VERY SIMILAR TO WHAT WE'RE PROPOSING
11 HERE. AGGREGATES OR SOMETHING. SO, HE MIGHT
12 VERY WELL BE SITTING IN FRONT OF YOU NEXT YEAR
13 OR THE YEAR THEREAFTER SAYING, "CAN I BRING
14 AGGREGATES IN?" THIS, I DON'T KNOW. SO,
15 EITHER WAY, YOU CAN SEE THAT HE'S HAD
16 MATERIALS ... I THINK HE'S HAD CONCRETE RE-
17 CYCLING MATERIALS THERE IN THE PAST ON THAT
18 SITE AS WELL.
19 MR. IVES: WE NEED THE SOURCE.
20 MR. POWELL: WHY IS THAT? BECAUSE THEY'RE IN
21 THE RECYCLING BUSINESS I THINK THEY WOULD
22 RECOGNIZE THE BENEFIT IN PROVIDING BUFFER
23 ALONG THERE, PARTICULARLY SINCE THEY'RE DOING
24 IT AT MY CLIENT'S EXPENSE.
25 MR. IVES: WHAT YOU'RE PROPOSING IS TOUGH

Steve Powell-Examination by Board
Chairman Mr. Ives

31

1 BECAUSE WE'RE JUST THE ZONING BOARD OF
2 APPEALS. YOU'D HAVE TO GO BEFORE PLANNING TO
3 GET THE CHANGE IN ZONING AND BEFORE COUNCIL
4 FOR FINAL APPROVAL. THAT'S A LOT OF STEPS AND
5 THERE ARE A LOT OF AGENCIES INVOLVED TO GET
6 THEIR APPROVAL. NONE OF US HAVE WORKED TO-
7 GETHER IN THE PAST, BASICALLY WORKING
8 SEPARATELY. I DON'T KNOW HOW BEST TO GO ABOUT
9 THIS PROCESS. I THINK SUBMITTING YOUR
10 APPLICATION, OF COURSE, MAKES SENSE FROM YOUR
11 SIDE. MY SIDE, WE DON'T EVEN HAVE THE
12 EXPERTISE TO REVIEW THE TECHNICAL ASPECTS OF
13 THIS. ALL WE KNOW IS WHAT WE HEAR FROM RESI-
14 DENTS AND WHAT WE'RE TRYING TO DO IS MINIMIZE
15 THAT IMPACT. BUT WE SEE THE BUSINESS POTEN-
16 TIAL OF NEEDING TO PROVIDE THIS SERVICE SOME-
17 WHERE IN THE COUNTY. WHERE THAT SOMEWHERE IS,
18 NONE OF US KNOW.
19 MR. POWELL: WELL, THEY RECOGNIZE IT'S BEEN IN
20 THEIR BACKYARD FOR THIRTY YEARS.
21 MR. IVES: (INAUDIBLE).
22 MR. POWELL: WE'VE GOT THREE VARIANCES THAT
23 WE'VE GOT BEFORE YOU. I THINK THE 500 FOOT
24 SEPARATION FROM A RESIDENCE, IT'S OBVIOUS THAT
25 THIS USE HAS BEEN HERE FOR A LONG, LONG TIME

Steve Powell-Examination by Board
Chairman Mr. Ives

32

1 AND THERE'S NEVER BEEN A 500 FOOT SEPARATION
2 BEFORE. I'M HOPING THAT ONE IS FAIRLY EASY
3 FOR YOU. THE METAL BUILDING, I UNDERSTAND THE
4 RATIONALE THERE VERY WELL. IT'S A NOISE ISSUE
5 AND IT'S A DUST ISSUE. I THINK WITH THE EARTH
6 BERM, WE CAN ELIMINATE ALMOST ANY NOISE AND
7 I'D BE WILLING TO STIPULATE THAT WE'VE GOT A
8 TEN FOOT EARTH BERM AND WE'D STILL HAVE
9 VEGETATION ON TOP OF THAT. SO, THAT WOULD
10 PROVIDE SOME ADDITIONAL, LET'S SAY, SCREENING
11 AND PERHAPS SOME ADDITIONAL PROTECTION FROM
12 DUST AND NOISE. AND, OF COURSE, THE OTHER
13 PART OF THAT IS THE ENCLOSED BUILDING WOULD
14 OSTENSIBLY PROTECT YOU FROM THE DUST OF THE
15 CRUSHING OPERATION. I THINK YOU CAN USUALLY
16 AGREE TO A STIPULATION THAT WOULD HAVE THE
17 MISTING, WHICH HAS BEEN DONE HISTORICALLY OUT
18 THERE TO TRY TO KEEP THE DUST DOWN. THIS IS
19 NO DIFFERENT THAT WHAT YOU SEE ON MINING
20 OPERATIONS WHERE YOU HAVE TRUCKS RUNNING ON
21 DIRT ROADS AND YOU HAVE TO KEEP IT WET SO THAT
22 ... ANYONE IN THIS TYPE OF OPERATION UNDER-
23 STANDS THAT'S A CONSIDERATION TO AVOID
24 BECOMING A NUISANCE IF THEY HAVE A PROBLEM
25

Steve Powell-Examination by Board

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Chairman Mr. Ives

1 WITH THAT.
2 MR. IVES: WE DON'T HAVE A MECHANISM ... THE
3 COUNTY IS ORGANIZED TO OBSERVE (INAUDIBLE) WE
4 HAVE HERE. (INAUDIBLE) MY THING.
5 MR. POWELL: THE COUNTY DOES A SUPERB JOB OF I
6 THINK IN REACTING TO (INAUDIBLE). I'VE SEEN
7 THIS ANY NUMBER OF TIMES AND MORE OFTEN THAN
8 NOT THEY GO TO SEE STEVE OR SOMEONE FROM HIS
9 DEPARTMENT WHEN THEY GET THAT COMPLAINT. WE
10 DON'T WANT TO WASTE HIS TIME AND SO ONE OF THE
11 REASONS THIS ALL BEGAN, AS I UNDERSTAND FROM
12 LAST YEAR, IS THAT THOMPSON IS TRYING TO SLOW
13 DOWN A BIT AND HE AGREED TO A NEW OPERATOR
14 COMING IN THAT'S GONNA OPERATE THE CONCRETE
15 RECYCLING AND SO THE NEW OPERATOR WENT TO GET
16 HIS BUSINESS LICENSE AND THAT'S WHAT PARTICI-
17 TATED ALL OF THIS. SO, THAT BEING THE CASE, I
18 THINK YOU'RE TRYING TO DO WHAT'S RIGHT AND NOW
19 THEY'RE WILLING TO DO A GREAT DEAL MORE TO TRY
20 TO BECOME BETTER NEIGHBORS. I DON'T THINK
21 THEY WANT TO INVITE THE COUNTY TO COME OUT AND
22 SAY, "HEY, YOU GOT A DUST PROBLEM HERE." I'M
23 NOT SURE THAT I WOULD BLAME YOU IF YOU SAID,
24 "HOW DO WE KNOW THAT YOU'RE GONNA DO IT?"
25

Steve Powell-Examination by Board
Chairman Mr. Ives

34

1 IT'S LIKE EVERY TIME YOU APPROVE A MINE OR
2 ANYTHING ELSE, HOW DO YOU KNOW THEY'RE GONNA
3 DO IT? BECAUSE IF THEY DON'T THERE WILL BE
4 COMPLAINTS AND SOMEBODY WILL COME AND SHUT IT
5 DOWN.
6 MR. IVES: WE HAVE CONTROL OVER THE INITIAL
7 PLANNING, DESIGNING AND CONSTRUCTION. ONCE
8 THEY HAVE A (INAUDIBLE).
9 MR. POWELL: WELL, YOU HAVE A BUSINESS LICENSE
10 THAT BUSINESS LICENSE IS BASED ON THIS
11 VARIANCE AND IF WE VIOLATE THIS VARIANCE, THEY
12 CAN PULL THAT BUSINESS LICENSE ANY DAY. OF
13 COURSE, THE FINAL THING IS THE HUNDRED FOOT OR
14 THE ENHANCED BUFFER IS SOMETHING THAT THEY ...
15 IF THEY PUT THE EARTH BERM IN, WE CAN ADDRESS.
16 I MEAN, WE'RE ESSENTIALLY PROVIDING AN
17 ENHANCED BUFFER. IF YOU AGREE TO THE BUFFER
18 TO SATISFY, LET'S SAY, VARIANCE NUMBER TWO,
19 AND IT, AS A SUBSTITUTE FOR POTENTIAL NOISE,
20 AND TO SOME EXTENT DUST FROM THE ENCLOSED
21 BUILDING DOESN'T MEAN THAT WOULD ALSO SATISFY
22 THE ENHANCED BUFFER REQUIREMENT.
23 MR. IVES: THAT'S WHAT WE'RE LOOKING FOR. THE
24 SAME SORT OF RELIABILITY OR FEELING THAT IT
25

Steve Powell-Examination by Board;

35

Discussion by Board and Rennie Mincey

1 WOULD BE CONTAINED. I UNDERSTAND THE BUILDING
2 IS COVERED BY WHAT YOU SAY ARE STRUCTURAL
3 SUPPORTS ON THE SIDES. THOSE ARE TWO
4 CHALLENGES. A METAL BUILDING IS THE BEST
5 MATERIAL BECAUSE IT ONLY HELPS ECHO THE SOUND.
6 IT DOESN'T DIMINISH THE SOUND. YOU ALMOST
7 HAVE TO HAVE IT MADE OUT OF CONCRETE.
8 MR. PARKER: NOT NECESSARILY. A QUESTION I
9 HAVE IS, HAVE YOU ENTERTAINED THESE CLEAR CUT
10 SYSTEMS WITH THE FABRIC TYPE BUILDINGS? OUT
11 WEST, I SEE THEM WHERE THEY HAVE ... THEY'RE
12 HUGE. THE 757'S ARE INSIDE OF 'EM AND YOU CAN
13 DRIVE IN. I DON'T KNOW IF THAT'S SOMETHING
14 Y'ALL NEED TO CONSIDER IN THE COUNTY, BUT THE
15 CLEAR CUT SYSTEMS ARE HUGE. THEY HAVE THESE
16 TYPES OF SYSTEMS OUT WEST WHERE THEY ACTUALLY
17 USE 'EM. THAT MIGHT BE SOMETHING YOU WANT TO
18 LOOK AT. IT'S NOT GONNA COST FIVE MILLION TO
19 BUILD 'EM.
20 MS. MINCEY: ACTUAL CONSTRUCTION OF THE
21 BUILDING WOULD BE SOMETHING THAT Horry COUNTY
22 BUILDING WOULD LOOK AT AND SEE IF THEY MET OUR
23 BUILDING CODES.
24 MR. PARKER: HAVE YOU EVER SEEN ANYTHING LIKE
25

Steve Powell-Examination by Board
Member

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1 THAT, STEVE? YOU KNOW, THE CLEAR CUT TRUSS
2 SYSTEMS?
3 MR. POWELL: I'M NOT FAMILIAR ENOUGH THAT THEY
4 WOULD MEET THE HUNDRED AND FORTY-EIGHT MILE AN
5 HOUR WIND SPEEDS LIKE THEY HAVE HERE, BUT I
6 THINK ...
7 MR. PARKER: WE HAVE TORNADOES OUT WEST AND I'M
8 SURE THEY'RE TAKING SOME OF THAT INTO CONSID-
9 ERATION (INAUDIBLE), BUT IT MIGHT BE SOMETHING
10 TO LOOK AT OR THE COUNTY MAY WANT TO LOOK AT.
11 MR. POWELL: I WOULD BE HARD PRESSED TO CONCEDE
12 THAT THE BUILDING IS SOMETHING THAT WE WOULD
13 OFFER BECAUSE IT IS JUST SOMETHING THAT IS AN
14 EXORBITANT COST. I'VE BEEN HERE FOR THIRTY-
15 FIVE YEARS, WHICH YOU'RE BASICALLY SUGGESTING
16 THAT NEIGHBORS CAN BE BETTER OFF WITH A
17 HUNDRED FOOT TALL BUILDING IN THEIR BACKYARD
18 AS OPPOSED TO HAVE A NICE LANDSCAPED BERM AND
19 I THINK THAT IS WRONG. IN MY BACKYARD, I
20 WOULD HATE TO SEE A GIA-NORMOUS BUILDING IN MY
21 BACKYARD. I'M SURE THE RESIDENTS HERE CAN
22 SPEAK BUT I JUST DON'T THINK CONSIDERING THE
23 COST AND THE AESTHETIC LOOK ...
24 MR. IVES: HOW MANY STORIES IS A HUNDRED
25

Transcript of Zoning Board of Appeals March 14, 2016 Meeting
Steve Powell-Examination by Board
Chairman Mr. Ives

37

1 TWENTY-FIVE FEET?
2 MR. POWELL: TWELVE STORIES.
3 MR. IVES: A TWELVE STORY BUILDING IS NOT ...
4 MR. POWELL: SO, OTHER THAN THE OCEANFRONT,
5 WHERE ARE ANY STRUCTURES, ANY ENCLOSED
6 STRUCTURES, TWELVE STORIES IN HORRY COUNTY?
7 IT'S JUST NOT APPEALING TO ME. AGAIN, IT'S
8 NOT JUST THE NEIGHBORS THAT'S GONNA SEE THAT,
9 YOU CAN SEE THAT FROM FORESTBROOK ROAD SITTING
10 UP THERE.
11 MR. IVES: YOU CAN SEE IT FOR THREE MILES.
12 MR. POWELL: SO, AT THIS LOCATION THAT'S JUST A
13 BAD IDEA. IT'S AN EXPENSIVE IDEA. IT'S NOT
14 TO THE BENEFIT TO ANYONE, INCLUDING THE NEIGH-
15 BORS. I WOULD ARGUE AND THOSE ARE MY SUB-
16 MISSIONS TO THE COUNTY THAT IT WOULD MORE
17 NEGATIVELY AFFECT THE NEIGHBORS THAN POSITIVE.
18 I'M NOT GONNA TELL YOU IT'S NOT FEASIBLE TO
19 FIND A UNIQUE TYPE OF BUILDING TO PUT IN THERE
20 BUT IT'S STILL GONNA BE A ...
21 MR. IVES: WHAT ELSE WOULD YOU LIKE US TO KNOW
22 ABOUT THIS?
23 MR. POWELL: I THINK I'VE COVERED EVERYTHING.
24 I WANT TO MAKE SURE THAT YOU UNDERSTOOD THAT
25

Steve Powell-Examination by Board
Chairman Mr. Ives

38

1 WE'RE NOT BRINGING ANYTHING IN OTHER THAN
2 CONCRETE AND MASONRY FOR RECYCLING. IT'S NOT
3 A LANDFILL. IT'S NOT GONNA BE A (INAUDIBLE)
4 OUT HERE. I WANTED TO MAKE SURE THAT WAS
5 CLEAR. WE'RE NOT GONNA HAVE AS MUCH TRUCK
6 TRAFFIC AS MARTIN-MARIETTA HAD WHEN THEY WERE
7 HAULING AGGREGATES OUT THERE. THAT'S, YOU
8 KNOW, COMPARED TO SPEAKING OUR TRUCK LOADS
9 ALONE ON MCNAIR BOULEVARD WILL BE MUCH, MUCH
10 LOWER.
11 MR. IVES: THE KNOWLEDGE AND ABILITY FORECAST
12 SO THAT YOU WOULD HAVE A PICTURE OF WHAT TO
13 EXPECT?
14 MR. POWELL: SOMETIMES IF YOU'RE AT A DEMOLI-
15 TION OF A OLD HOTEL, YOU MAY HAVE THIRTY OR
16 FORTY TRUCK LOADS UP CLOSE TO TWO WEEKS AND
17 THEN YOU MAY NOT HAVE ANYTHING FOR, YOU KNOW,
18 THREE OR FOUR WEEKS. SO, IT'S NOT AN ONGOING
19 THING. ALMOST EVERY DAY YOU'RE GOING TO HAVE
20 A FEW TRUCKS YOU KNOW AND OF COURSE, ONCE YOU
21 PROCESS AND HAVE AGGREGATES, YOU'LL HAVE SOME
22 TRUCKS LEAVING ON A DAILY BASIS AND TAKING
23 AGGREGATES TO DIFFERENT PROJECT SITES. I
24 DON'T THINK WE'RE LOOKING AT FIFTY TRUCKS A
25

Testimony of Steve Powell
Testimony of Janice Dowe

39

1 DAY. THERE ARE SEVEN AGGREGATES BY THE TRUCK
2 LOAD THAT COME IN ON A TRAIN AND WE'LL DO
3 FIFTY, EIGHTY, A HUNDRED TRUCK LOADS A DAY.
4 SO, IT'S DIFFERENT BETWEEN WHAT MARTIN-
5 MARIETTA IS DOING ON THEIR SITE AND WHAT WE'RE
6 DOING. WE PROBABLY HAVE ABOUT MAYBE TEN PER-
7 CENT OF THE TRUCK TRAFFIC.
8 MR. IVES: ANYONE FROM THE BOARD HAVE ANY ADDI-
9 TIONAL QUESTIONS? THANK YOU, MR. POWELL.
10 ANYONE ELSE LIKE TO SPEAK FOR OR AGAINST THIS
11 PROJECT? COME FORWARD PLEASE. GIVE US YOUR
12 NAME AND ADDRESS FOR THE RECORD.
13 JANICE DOWE HAVING BEEN DULY SWORN, TESTIFIED AS
14 FOLLOWS:
15 MY NAME IS JANICE DOWE AND I LIVE AT 421 RON
16 MCNAIR BOULEVARD AND IT'S REALLY SORT OF LIKE
17 DIAGONAL FROM THE ENTRANCE TO THOMPSON. I
18 WAS JUST TAKING NOTES BECAUSE I WAS NOT CLEAR
19 WHEN THE NOTICES WERE SENT OUT WHICH WAS
20 EXACTLY WHAT WAS GOING ON OR WHAT WAS PROPOSED
21 TO GO ON. BUT I HAVE SEVERAL POINTS I WANT TO
22 INTERATE. NUMBER ONE, I FEEL, FIRST OF ALL,
23 THAT THERE HAS BEEN FALSE ABOUT THIRTY-FIVE
24 YEARS OF THIS GOING ON 'CAUSE WE'VE LIVED OUT
25

Testimony of Janice Dowe

40

1 THERE THAT LONG AND WE DIDN'T HAVE THIS
2 CRUSHING WHEN WE ORIGINALLY CAME OUT THERE.
3 THERE WASN'T CRUSHING OR ANY KIND OF THING.
4 THEN, ACCORDING TO THIS RE-ZONING, I HAVE A
5 PROBLEM WITH, YOU KNOW, THINGS CHANGE, CONDI-
6 TIONS CHANGE SURROUNDING THIS CHANGE. WHEN
7 THOMPSONS ORIGINALLY CAME UP THERE MANY YEARS
8 AGO, THERE WAS PROBABLY ABOUT THIRTEEN
9 FAMILIES. NOW, WE HAVE A HUGE COMMUNITY OF
10 FAMILIES WITH YOUNG CHILDREN, OLDER PEOPLE AND
11 TO HAVE THIS CRUSHING. MY BACKGROUND IS
12 CHEMISTRY. I HAVE A PROBLEM WITH THE 500 FEET
13 NOT BEING SOMETHING THAT IS GOING TO BE
14 REQUIRED, NOT HAVING AN ENCLOSURE FOR THESE
15 PARTICLES TO BE CRUSHED. I HAVE A PROBLEM
16 WITH THAT. I HAVE A PROBLEM WITH THE PARTI-
17 CULATES AND THE DUST AND THE FACT THAT WE
18 DON'T KNOW WHAT'S IN THIS STUFF. WE DON'T
19 KNOW WHAT'S IN IT. WE DON'T KNOW IF IT'S BEEN
20 SOAKED IN GASOLINE OR WHATEVER. WE DON'T KNOW
21 WHERE IT'S COMING FROM AND WE DON'T KNOW WHAT
22 IT CONTAINS AND THAT'S NOT GOOD MEDICALLY,
23 ESPECIALLY FOR THE ELDERLY AND THE CHILDREN.
24 WE HAVE THE CHRISTIAN ACADEMY OUT THERE THAT
25 HAS OVER THREE HUNDRED CHILDREN THAT THESE

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Testimony of Janice Dowe

41

1 CHILDREN NEED TO BE CONSIDERED. AND SO, I
2 THINK, YOU KNOW, DISREGARDING THE FACT THAT
3 THE 500 FOOT IS ... HE'S BEEN THERE SO IT
4 SHOULD BE GRAND FATHERED IN OR NOT HAVING SOME
5 KIND OF ENCLOSURE FOR THIS CRUSHING TO GO ON.
6 THEN, WE WON'T TALK ABOUT TRAFFIC. YES, I
7 KNOW THE TRUCKS WON'T BE CONSTANT, BUT I
8 ASSURE YOU I'VE LIVED THROUGH THIS WITH
9 MARTIN-MARIETTA AND THEIR TRUCKS AND ALL THE
10 REST, THAT'S A PROBLEM. THE OPERATION TIME IS
11 GONNA BE A PROBLEM BECAUSE THERE'S ALWAYS
12 GONNA BE SOMETHING SPECIAL COMING UP WHERE
13 THEY NEED TO HAUL THIS IN IN THE MIDDLE OF THE
14 NIGHT OR HAUL THAT OUT IN THE MIDDLE OF THE
15 NIGHT. WE'VE LIVED THROUGH IT AND SO WE KNOW
16 THAT HAPPENS. EVEN WITH A LITTLE BIT OF TRUCK
17 TRAFFIC COMING IN, I BROUGHT THESE AND I APOLO-
18 GIZE THAT I DIDN'T BRING ENOUGH FOR EVERYBODY
19 TO HAVE THEIR INDIVIDUAL. BUT IF I COULD GIVE
20 THIS TO YOU. THIS ONE HERE IS THE SCHOOL
21 TRAFFIC AND IN THE AFTERNOON WHEN THE BUSES
22 ARE COMING IN, YOU CAN SEE THE ROAD WHERE
23 THERE IS NO ROAD. THAT'S JUST FROM MY YARD TO
24 THE ENTRANCE. AND THE ONLY OTHER THING, MY
25 OTHER PROBLEM IS THAT THERE IS NO WAY TO

Testimony of Janice Dowe

42

1 GOVERN THIS ONCE IT GETS STARTED. THIS THING
2 COULD BOMBARD ALL OUT OF EVERYTHING. WE HAVE
3 NO WAY TO GOVERN THIS. WE ALL SIT HERE TODAY
4 AND WE SAY, "OK, WE'RE GONNA OPERATE BETWEEN
5 SEVEN AND NINE. WELL, YOU KNOW, WE'LL TRY TO
6 QUIETEN IT DOWN." I SPENT THIRTY-FIVE YEARS
7 TEACHING IN HARRY COUNTY TO PAY FOR MY HOME
8 AND I WANT TO BE ABLE TO SIT DOWN AND ENJOY IT
9 NOW THAT I'M RETIRED. I DON'T WANT TO HEAR
10 THIS MESS ALL DAY LONG AND I'M NOT THE ONLY
11 ONE. WE HAVE A LOT OF RETIRED PEOPLE OUT
12 THERE. HABITAT FOR HUMANITY AND OLDER PEOPLE
13 LIVE THERE. WE DON'T WANT TO HEAR THIS ALL
14 DAY LONG. THEY ALL LIKE ME, DEVELOPED ASTHMA
15 IN MY OLD AGE. I DON'T WANT THIS DUST AND IN
16 CLOSING, I CERTAINLY ... I BELIEVE AS A COM-
17 MUNITY, WE WOULD APPRECIATE THAT YOU THINK
18 ABOUT THE MANY LIVES THAT ARE AT RISK BECAUSE
19 THE GUIDELINES ARE NOT A FEET. YOU DON'T HAVE
20 FEET FOR GUIDELINES. FIVE HUNDRED FEET IS NOT
21 A LONG DISTANCE AWAY FROM NOISE ALL DAY LONG.
22 IT'S NOT A LONG WAYS AWAY FROM DUST PARTICLES.
23 THAT GET INTO THE WIND THAT WE HAVE NO CONTROL
24 OVER. WE JUST WANT TO BE TREATED WITH
25 RESPECT. MAYBE THOMPSONS HAS OUTGROWN THIS

Testimony of Wesley Finley

43

1 SPOT AND NEEDS TO MOVE DOWN TO INDUSTRIAL
2 PARK. THANK YOU.
3 ~~MR. IYER:~~ THANK YOU. ANYONE ELSE LIKE TO
4 SPEAK FOR OR AGAINST THIS APPLICATION? COME
5 DOWN. GIVE US YOUR NAME AND ADDRESS FOR THE
6 RECORD.
7 WESLEY FINLEY HAVING BEEN DULY SWORN TESTIFIED AS
8 FOLLOW:
9 WESLEY FINLEY, 734 EVANS COURT, MYRTLE BEACH,
10 SOUTH CAROLINA, 29579.
11 MR. IYER: YOU HAVE THE FLOOR. WHAT WOULD YOU
12 LIKE US TO KNOW?
13 I WANT TO. FIRST OF ALL, THANK GOD FOR
14 ALLOWING ME TO BE HERE. THIS COMMUNITY THAT
15 WE'RE TALKING ABOUT IS MORE THAN A COMMUNITY
16 TO ME. YOU TALK ABOUT BEING A NEIGHBOR. I
17 KNOW MY NEIGHBORS. I GO VISIT MY NEIGHBORS.
18 I SEE THEM AT CHURCH. I SEE 'EM IN THE HOS-
19 PITAL. I HAVE A RELATIONSHIP WITH THEM.
20 THAT'S WHAT NEIGHBORS ARE. THIS COMMUNITY IS
21 LIKE WHAT YOU'D SEE ON TEN, LIKE MAYBERRY TO
22 ME OR WALNUT GROVE. MY FAMILY GREW UP IN THE
23 PINE ISLAND COMMUNITY. MY DAD WAS BORN THERE
24 AND RAISED THERE AND I GREW UP IN NOW WHAT IS
25 CARWELL PARK IN THE HEART OF MYRTLE BEACH. AT

Testimony of Wesley Finley

44

1 5:30 MY GRANDDADDY WOULD DRIVE FROM HIS COM-
2 MUNITY INTO THE CITY OF MYRTLE BEACH EVERY DAY
3 TO CHECK ON ME AND MY BROTHERS AND SISTERS.
4 EVERY WEEKEND WE WOULD GO OUT TO THIS
5 COMMUNITY AND WE WOULD BE ABLE TO PLAY IN THE
6 ROADS AND BE ABLE TO RIDE OUR MOTORCYCLES AND
7 GO-CARTS IN THE ROAD AND WE DIDN'T HAVE TO
8 WORRY ABOUT A TRUCK OR A DUMP TRUCK OR ANY-
9 THING DURING THAT TIME. WE KNOW AS TIME GOES,
10 PROGRESSION GOES AND HEALTH GROWS, AND WE'RE
11 CERTAINLY NOT AGAINST ANY OF THOSE THINGS
12 BECAUSE HERE IN THIS COMMUNITY. MISS DOWE
13 TALKED ABOUT THE CHRISTIAN SCHOOL. THAT'S
14 GOOD FOR US. THERE'S ALSO A CEMETERY THERE
15 WHERE PEOPLE BURY THEIR LOVED ONES. THAT'S
16 THE COMMUNITY CEMETERY AND OUR COMMUNITY IS
17 GETTING MORE AND MORE DIVERSE. WHAT IT USED
18 TO BE IS THE OLDEST AFRICAN AMERICAN COMMUNITY
19 IN MYRTLE BEACH OR ONE OF THEM. NOW, THE
20 DIVERSITY THERE IS BEYOND AFRICAN AMERICAN.
21 NOW, CAUCASIAN FAMILIES AND AFRICAN AMERICAN
22 FAMILIES, SPANISH FAMILIES AND THAT'S THE
23 BEAUTY OF GROWTH. THERE IS A NEW SUBDIVISION
24 THAT'S COMING INTO THAT AREA, BEAZER HOMES.
25 THOSE HOMES ARE STARTING AT \$190,000.00 AND

1 \$200,000.00. SO, THERE'S ECONOMIC DEVELOPMENT
2 GOING THERE AND THERE'S HOMES GOING THERE, BUT
3 WHEN I GO UP THERE, I LOVE THAT COMMUNITY SO
4 MUCH I MOVED THERE AND I WAS IN MIDDLE SCHOOL.
5 THAT'S HOW MUCH I LOVE MY GRANDPARENTS AND
6 THAT'S HOW MUCH I LOVE THIS COMMUNITY BECAUSE
7 THERE'S A SERENITY ABOUT THAT COMMUNITY. IT
8 WASN'T IN THE HUSTLE AND BUSTLE OF MYRTLE
9 BEACH. AND I GRADUATED FROM MYRTLE BEACH HIGH
10 SCHOOL IN 1986 AND I'M COMING UP ON MY
11 THIRTIETH ANNIVERSARY AND I CAN GUARANTEE YOU
12 THERE WAS NO PLANT THERE THIRTY YEARS AGO
13 'CAUSE I STOOD ON THE ROAD WHEN I PASSED THAT
14 GUY AND CAUGHT THE BUS. THERE WAS NO PLANT
15 THERE. THERE WAS NO NOISE THERE. IT WAS JUST
16 A SERENITY AND PEACE ABOUT WHAT WE CALLED
17 'FINE HOLLAR' THEN. THAT WASN'T IN THE CITY
18 PART OF MYRTLE BEACH. THERE IS SOMETHING THAT
19 YOU CANNOT TAKE AWAY FROM US AND THAT'S OUR
20 HERITAGE AND THAT'S THE HERITAGE OF THIS
21 COMMUNITY. WHEN I LOOKED UP THIS COMMUNITY ON
22 WICKAPEDIA, IT TOLD ME THAT IT WAS STARTED IN
23 THE 1800'S AND WHEN I DID MORE RESEARCH, I
24 KNEW THAT TO BE FALSE BECAUSE RIGHT BESIDE THE
25 ST. MARY MISSIONARY BAPTIST CHURCH, BEHIND

Testimony of Wesley Finley

1 THERE'S A CEMETERY WITH GRAVES DATING BACK TO
2 1700. I CALLED THE COUNTY AND ASKED IF WE
3 COULD GO BACK THERE AND CLEAN THAT ALL OUT TO
4 SEE WHO WAS ACTUALLY BACK THERE, BUT WE KNOW
5 THERE WERE ALSO CAUCASIANS THAT LIVED BACK
6 THERE IN THE 1700'S AND THE EARLY 1800'S. SO,
7 THERE'S A GREAT HERITAGE ABOUT THAT COMMUNITY
8 THAT I'M TALKING ABOUT. ALL I HEARD WAS
9 ECONOMICS THAT WE WERE TALKING ABOUT EARLIER.
10 I JUST PRAY THAT THE SERENITY THAT I FOUND OUT
11 THERE WITH MY GRANDPARENTS AND WITH MY FAMILY
12 WOULD BE THE SAME SERENITY THAT THESE KIDS
13 THAT ARE OUT THERE NOW WILL FIND. IF YOU
14 DON'T THINK THEY NEED SERENITY THEN GO INTO
15 THE CITY ON CARVER STREET AND DUNBAR STREET.
16 THAT'S WHERE I GREW UP AT AND TO GET AWAY FROM
17 THAT AND TO BE RAISED BY A LOVING GRANDFATHER
18 IN A COMMUNITY LIKE THIS, YOU CAN'T TAKE THAT
19 AWAY. THERE IS NOT A DOLLAR THAT YOU CAN PUT
20 ON THAT. I LOVE MY COMMUNITY AND I WILL
21 ALWAYS STAND WITH MY COMMUNITY. I'M SO GLAD
22 THAT WHAT I SAID EARLIER ABOUT THE NOISE. WE
23 DON'T KNOW THE LEVEL OF NOISE. WE DON'T KNOW
24 THE HEALTH CONCERNS, BUT WE DO KNOW THAT THERE
25 ARE HEALTH CONCERNS THAT COME WITH THESE

Testimony of Wesley Finley
Testimony of Fred Grisset

1 PLANTS. IF YOU DON'T BELIEVE IT, GOOGLE.
2 THERE ARE SAFETY CONCERNS. GOOGLE IT. NOT
3 ONLY FOR THE CITIZENS BUT FOR THE PEOPLE THAT
4 WORK THERE. SO, WE'RE NOT AGAINST PEOPLE
5 MAKING MONEY. WE'RE NOT AGAINST PEOPLE WORK.
6 WE JUST DON'T THINK IT'S THE RIGHT PLACE FOR
7 IT. I THANK YOU FOR YOUR TIME AND I JUST PRAY
8 THAT YOU WILL TAKE HEED TO THE FACT THAT THERE
9 ARE KIDS THERE AND THAT CHRISTIAN SCHOOL THERE
10 WITH THREE HUNDRED KIDS GOING THERE, IT MEANS
11 A LOT TO THE COMMUNITY. IT MEANS A LOT TO THE
12 TOWN AND I'M JUST THANKFUL FOR THE TIME YOU'VE
13 ALLOWED ME TO SPEAK FOR OUR COMMUNITY. THANK
14 YOU.
15 MR. IVES: ANYONE ELSE? YOUR NAME AND ADDRESS
16 FOR OUR RECORDS.
17 FRED GRISSET, HAVING BEEN DULY SWORN, TESTIFIED AS
18 FOLLOWS:
19 I'M FRED GRISSET, 337 GRISSET STREET, MYRTLE
20 BEACH, SOUTH CAROLINA 29579. WHAT I'M
21 CONCERNED ABOUT ... I FOUND OUT ABOUT AND
22 PEOPLE TALKING ABOUT, HOW LONG THEY BEEN OUT
23 THERE. I WAS BORN SEPTEMBER 18, 1935. EVERY-
24 BODY HERE IN TOWN BACK FROM THAT YEAR KNOW I
25 WAS BORN AND RAISED HERE. MY MOTHER THERE.

Testimony of Fred Grisset

1 SHE NINETY-NINE YEARS OLD. SHE'S STILL
2 LIVING, BUT BEFORE I COME OVER HERE, I JUST
3 WENT AND SET WITH HER A LITTLE WHILE. I GO
4 SET WITH HER BECAUSE I AM KNOWN. PEOPLE WILL
5 STAND UP HERE AND TELL YOU THAT YOU CAN GRIND
6 CEMENT AND DON'T GET NO DUST. IT'S NOT TRUE.
7 I BEEN WORKING FOR C. L. BENTON & SONS FOR
8 TWELVE YEARS. WHEN THEY RUN ACROSS THE
9 GROUND, IT VIBRATES YOUR HOUSE. YOU GENTLE-
10 EN SET HERE THIS AFTERNOON AND YOU NEED A
11 CRACKER BOX IF YOU HAD ONE OF THEM PLANTS BACK
12 BEHIND YOUR HOUSE. JUST THINK ABOUT IT. I
13 HAVE NOTHING AGAINST MR. THOMPSONS OR NONE OF
14 HIS FAMILY. WE DON'T NEED THAT THERE. WE GOT
15 ENOUGH OF PROBLEMS NOW BECAUSE WE GOT THINGS
16 GOING ON ABOUT THE ECONOMY (INAUDIBLE). WE
17 GOT TO GET SOMETHING RIGHT NOW WHERE WE CAN DO
18 FINAL CLEAN UP AND STAND BY AND CLEAN UP THEM
19 DITCHES. PEOPLE COMING IN THERE AND DUMP
20 TRASH AND DUMP SOFAS OVERNIGHT. I CALLED THE
21 COUNTY ONCE WHEN SOMEBODY HAD DUMPED A TRUCK
22 LOAD OF ASPHALT IN THERE AND THEY DIDN'T DO
23 NOTHING 'BOUT IT. I HAVE ABOUT NINE CATS COME
24 UP TO MY HOUSE AND IF I WASN'T A CHRISTIAN I'D
25 HAVE GONE AHEAD AND KILLED 'EM. I CALLED ON

Testimony of Fred Grissett

Testimony of Ken Finkley

1 THE COUNTY AND I AIN'T SEEN 'EM YET. IT'S
2 ABOUT FIVE OR SIX AROUND 'BOUT THERE RIGHT
3 NOW. I WANT SOMEBODY TO GET 'EM AND GET 'EM
4 OUT OF THERE. I DON'T KNOW WHAT THEY DO WITH
5 'EM. WHAT WE NEED IS HELP IN THE COUNTY AND
6 IN THE AFTERNOONS WHEN THAT CHRISTIAN SCHOOL
7 GET TURNED OUT, WE CAN'T REALLY GET HOME. BUT
8 THANK GOD YOU GOT SOMEBODY GOING IN THERE AND
9 LEARN SOME EDUCATION AND BE SOMEBODY IN THIS
10 WORLD. SO, I REALLY WORRY ABOUT THEM KIDS.
11 LET THEM GO GET THE KNOWLEDGE THAT THEY NEED.
12 GET THE KNOWLEDGE THAT I COULDN'T GET. I WANT
13 TO ASK YOU ALL ... ASK YOU ALL (INAUDIBLE) TO
14 LOOK OUT FOR US. WE NEED YOU. WE NEED YOU
15 AND THEY NEED YOU AND THAT'S WHAT WE PAY TAX
16 FOR. WE NEED YOUR HELP PLEASE. THANK YOU.
17 MR. IVES: THANK YOU, SIR. ANYONE ELSE. GIVE
18 YOUR NAME AND ADDRESS FOR THE RECORD.
19 KEN FINKLEY, HAVING BEEN DULY SWORN, TESTIFIED AS
20 FOLLOWS:
21 KEN FINKLEY, 327 CHRIS MCCULLOUGH BOULEVARD,
22 MYRTLE BEACH, SOUTH CAROLINA 29579. I BEEN
23 OUT THERE SIXTY FIVE YEARS AND I POURED CON-
24 CRETE FOR FIFTY YEARS 'CEPT WHEN I WAS IN THE
25 ARMY FOR FOUR YEARS. ALL KINDS OF CHEMICALS

Testimony of Ken Finkley

1 BE PUT IN CONCRETE WHEN YOU FIXING TO POUR IT
2 BUT ALL KINDS OF CHEMICALS IN THERE. SOME OF
3 THAT STUFF WOULD GET IN THE SOIL AND IN THE
4 AIR. I REMEMBER WE HAD A POND OUT THERE RIGHT
5 AFTER THE ...
6 POND. YOU KNOW WHAT HE DID? HE FILL IT UP
7 ...
8 IT UP. DON'T REMEMBER ...
9 ...
10 UP. YOU GOT TWO CHURCHES OUT THERE I THINK
11 AND THE CEMETERY AND THEY BUILDING THAT NEW
12 PROJECT AND MYRTLE BEACH FARMS GOT THAT LAND
13 ...
14 AND BOUGHT SOME MORE LAND AND COME ACROSS
15 (INAUDIBLE). I KNOW THAT. THAT PLACE GONNA
16 BE BUILT UP AND WE DON'T NEED ALL THAT TRAFFIC
17 IN AND OUT OF THERE AND DUST AND STUFF. TRUCKS
18 ON THE ROAD AND STUFF. PEOPLE ARE SAFE
19 (INAUDIBLE) IS TWO DIFFERENT THINGS. YOU GOT
20 TO MAKE SURE THAT THEY DOING THE RIGHT THING
21 AND THE RIGHT THING WOULD BE NOT TO LET 'EM IN
22 THERE. THEY NEED TO JUST MOVE THAT PLANT OUT
23 OF THERE. WHO WANTS A BIG BURN LOOK LIKE A
24 (INAUDIBLE). THEY JUST NEED TO MOVE THE WHOLE
25 THING, MOVE IT SOMEWHERE ELSE. YOU TALK ABOUT

Testimony of Ken Finkley

Testimony of Robert Shelton, Esquire

1 THIS COMING IN ON A TRAIN OR SOMETHING AND YOU
2 DON'T KNOW HOW MANY TRUCKS COME FROM OTHER
3 COUNTIES AND HAUL STUFF AND IN AND OUT. YOU
4 JUST DON'T NEED IT IN THERE AT ALL. THANK
5 YOU.
6 MR. IVES: ANYONE ELSE LIKE TO SPEAK FOR OR
7 AGAINST THE APPLICATION? MR. ...
8 YOU LIKE A FEW MINUTES?
9 ROB SHELTON:
10 I'M ROB SHELTON AND I'M AN ATTORNEY WITH THE
11 BELLAMY LAW FIRM IN MYRTLE BEACH AND I
12 REPRESENT THOMPSON AND ASSOCIATES. I THINK
13 MR. POWELL HAS PRETTY SUCCINCTLY STATED OUR
14 POSITION ON THIS AND I APOLOGIZE IF THERE HAVE
15 BEEN A LOT OF REPETITIVENESS HERE, BUT THERE
16 ARE A COUPLE THINGS THAT MR. POWELL STATED
17 FROM HIS LACK OF PERSONAL KNOWLEDGE THAT I
18 WOULD LIKE TO TELL YOU ABOUT. I'D LIKE TO
19 CLARIFY IT AT LEAST. ONE OF THEM IS THAT
20 WE'VE NEVER TAKEN MATERIALS FROM OUTSIDE HOBBS
21 COUNTY. IT'S NOT IN THE BUSINESS PLAN AND
22 WE'VE NEVER NEED TO. IT DOESN'T MAKE ANY
23 SENSE AT ALL. THE WHOLE REASON THIS SITE HAS
24 SUCCEEDED AS LONG AS IT HAS IS THAT HE'S TAKEN
25 MATERIAL FROM WHEN THEY KNOCKED DOWN MOM AND

Testimony of Robert Shelton, Esquire

1 FOR MOTELS IN MYRTLE BEACH AND IT SEEMS LIKE
2 THERE'S ALWAYS A COUPLE OF THEM IN THE PROCESS
3 OF BEING KNOCKED DOWN. YOU BRING IT RIGHT
4 HERE, RE-PROCESS IT AND TAKE IT RIGHT BACK
5 WHEN ...
6 SO, THE FACT THAT IT'S VERY, VERY CONVENIENT
7 ...
8 MODEL WORK, LARGE ...
9 MATERIAL ...
10 ...
11 IDLE FOR MORE THAN A YEAR. THAT'S NOT
12 ENTIRELY TRUE. WHAT HE'S REFERRING TO WHEN HE
13 SAID THAT WAS THAT NO RE-PROCESSING HAS TAKEN
14 PLACE IN MORE THAN A YEAR AND THAT'S THE
15 RESULT OF THE DECISION OF THIS BOARD UNTIL
16 THAT, WHICH THAT IS ALL STAYED AS OF THE TIME
17 BEING. UNTIL THAT IS RESOLVED, THE THOMPSONS
18 DON'T INTEND TO INVEST THE HALF MILLION
19 DOLLARS IN NEW EQUIPMENT THAT THEY WERE GOING
20 TO INVEST UNTIL THEY GOT A DECISION FROM THIS
21 BOARD AND RUN AFOUL OF MR. MINCEY BY
22 CONTINUING TO ACCEPT OUTSIDE MATERIAL LIKE
23 THEY HAD SINCE 1981. BUT THEY HAVE A
24 STOCKPILE OF MATERIAL THEY CONTINUE TO SELL.
25 I CAN PERSONALLY ATTEST TO IT BECAUSE MY WIFE

Testimony of Robert Shelton, Esquire

53

1 GOT MATERIALS FROM THEM TO RETURN ACCESS TO
2 THE BARN WHERE WE KEEP OUR HORSES. I KNOW
3 THEY'RE STILL SELLING MATERIAL. I PERSONALLY
4 HAVE BEEN PART OF THAT PROCESS FOR MY OWN
5 NEED. SO, THOSE ARE TWO THINGS THAT MR.
6 POWELL DIDN'T HAVE CORRECT. BUT AS FAR AS THE
7 OPERATION THAT'S CONCERNED HERE, IN THE ...
8 FROM 1981, WHICH MS. MINCEY AND THE COUNTY
9 RECORDS PROVE IS WHEN THIS SITE BEGAN, IN
10 1981, ALL THE WAY UNTIL WE STARTED HAVING
11 PUBLIC HEARINGS NECESSITATED BY THE OPINION OF
12 THE ZONING ADMINISTRATOR, WHO WE'RE NO LONGER
13 ALLOWED TO (INAUDIBLE). THERE WAS NEVER ONE
14 COMPLAINT AGAINST THOMPSON & ASSOCIATES. NOT
15 BY ANY NEIGHBOR, NOT BY ANY PASTOR, NOT BY ANY
16 TEACHER, NOT BY ANYBODY. MARTIN-MARIETTA HAS
17 ITS OWN FILE DOWNSTAIRS FROM THE COMPLAINTS
18 THEY GOT. AND MR. THOMPSON, YOU'VE HEARD
19 PEOPLE AND YOU'VE HEARD YOURSELF, COME IN HERE
20 UNDER OATH AND EXPLAIN THAT MR. THOMPSON HAS
21 HELPED HIS NEIGHBORS, HAS FILLED IN POTHOLES
22 AND HAS DONE WHAT HE COULD TO BE A GOOD
23 NEIGHBOR ALL THESE YEARS WITH NEVER ONE
24 COMPLAINT AND NO ONE EVER PICKED UP THE PHONE
25 AND CALLED HOKRY COUNTY COMPLAINING OF

Testimony of Robert Shelton, Esquire

54

1 THOMPSON & ASSOCIATES. NEVER SINCE 1981
2 ACCORDING TO THE COUNTY'S OWN RECORDS. SO,
3 WE'RE ASKING FOR A VARIANCE. TO BE HONEST
4 WITH YOU, THE IDEA WAS GENERATED BY MR. IVES
5 IN AN OPEN MEETING LAST YEAR. "ISN'T THERE
6 SOME OTHER WAY YOU CAN SKIN THIS CAT?" I
7 BELIEVE WAS HIS QUOTE. "CAN YOU GET A
8 VARIANCE AND A RE-ZONING?" WELL, IT'S TAKEN
9 US A LONG TIME TO WORK WITH THE COUNTY TO
10 EDUCATE THE COUNTY STAFF AND COUNTY BOARD TO
11 THE POINT WHERE WE'VE GOTTEN THE OPPORTUNITY
12 TO SEE IF THAT ROUTE WORKS. AND HERE WE ARE.
13 THEN IF IT WORKS THEN WE DON'T HAVE TO
14 CONTINUE WITH THE APPEAL AT ALL. IT WON'T
15 MATTER. BUT WE'RE WILLING TO ALLOW THIS BOARD
16 TO PUT THE NECESSARY CONDITIONS IN DOCUMENTS,
17 WHICH A VARIANCE GIVES YOU THAT AUTHORIZATION,
18 WHICH I KNOW WAS IMPORTANT TO THIS BOARD WHEN
19 WE WERE IN THE POSTURE OF THE ZONING ADMINIS-
20 TRATOR APPEAL. AND WE'LL NEED TO COMMIT THIS
21 BOARD TO DO THAT AND ACCOMMODATE THE CONCERNS
22 THAT THIS BOARD TO THE GREATEST EXTENT THAT WE
23 CAN IN ORDER TO PUT THIS WHOLE MATTER BEHIND
24 US AND BE ABLE TO CONTINUE THE OPERATION THAT
25 WE HAVE HAD THERE SINCE 1981. NOTHING NEW, NO

**Robert Shelton, Esquire-Examination by
Board Chairman Mr. Ives**

1 GRAND EXTENSION. THE ONLY THING NEW WOULD BE
2 THE NOISE CANCELING BERMS TO TRY AND MAKE IT
3 EVEN BETTER. BUT SINCE 1981, A COMPLAINT HAS
4 NEVER BEEN GENERATED. I'LL BE HAPPY TO ANSWER
5 ANY QUESTIONS THAT YOU HAVE OF ME.
6 MR. IVES: (INAUDIBLE) WOULD HELP.
7 MR. SHELTON: IF YOU WERE TO CALL, AND I NOTICE
8 A SEPARATE ... THE CHALLENGE HERE IS I SIT
9 HERE AND DO THIS BOOK OF THE APPEAL THAT WE
10 HAD IN PLACE WITH ALL OF ITS EXHIBITS AND JUST
11 MAKE THIS AN EXHIBIT BECAUSE YOU'VE ALREADY
12 HEARD MUCH OF WHAT I HAVE TO SAY. THERE'S A
13 SEPARATE CASE NUMBER, BUT THE WHOLE SEPARATE
14 THING. WITH YOUR PERMISSION, WHO SHOULD I
15 GIVE THAT TO, RENNIE MINCEY OR YOUR COUNTY
16 ATTORNEY HERE?
17 MR. IVES: TO MS. MINCEY.
18 MR. SHELTON: SHE ALREADY HAS THAT EXHIBIT
19 BECAUSE EMMA RUTH BRITTAIN HAS ALL THOSE DOCU-
20 MENTS ALREADY. RATHER THAN GO THROUGH THEM
21 ONE BY ONE, THAT IS THE ... IT'S CASE NUMBER
22 ... CIVIL ACTION NUMBER, HOKRY COUNTY, 2015-
23 CP-26-3791 AND THAT'S AN ONGOING APPEAL. THAT
24 DOCUMENT I JUST HANDED RENNIE IS OUR NOTICE OF
25 APPEAL WITH ALL THE EXHIBITS. SO, THOSE ARE

**Testimony of Robert Shelton, Esquire
Testimony of Steve Powell**

56

1 ALL IN THERE ALREADY. IN THIS DOCUMENT BOOK
2 THAT I GAVE RENNIE ARE THE TRANSCRIPTS OF THE
3 MEETINGS IN FRONT OF THIS BOARD AND YOU WILL
4 RECALL, AND IT IS STATED IN HERE, WE EXPLAINED
5 THAT WHEN WE INSTALL THIS NEW EQUIPMENT, WHICH
6 WE HAD TO DO BACK THEN, IT HAD BEEN ... IT HAD
7 THE WATERING ON THE EXISTING EQUIPMENT. THE
8 OLD EQUIPMENT HAD THE WATERING. THE NEW
9 EQUIPMENT IS MUCH, MUCH BETTER. MR. GILCREST,
10 THE EXPERT THAT WE HAD WITH US LAST YEAR
11 EXPLAINED HOW IT WORKED AND IT DOESN'T ALLOW
12 DUST TO ESCAPE. IT'S VERY ADVANCED TECHNOLOGY
13 AND THAT'S WHAT WE'RE TRYING TO BRING IN.
14 IT'S QUIETER WITH A BERM, ADVANCED THE
15 WATERING TECHNOLOGY. IT'S AN IMPROVED SITU-
16 ATION FROM 1981 AND GENERATED NO COMPLAINTS AT
17 ALL. DO YOU HAVE ANY OTHER QUESTIONS?
18 MR. IVES: ANY QUESTIONS? THANK YOU, MR.
19 SHELTON. ANYTHING ELSE YOU'D LIKE US TO KNOW?
20 MR. POWELL: ONE THING I'D LIKE YOU TO KNOW IS
21 I WANT TO MAKE SURE THAT IT'S CLEAR TO THE
22 BOARD THAT WHAT WE'RE TALKING ABOUT IN
23 VARIANCES IS STRICTLY TO ALLOW US TO GET PAST
24 THE ZONING ADMINISTRATOR'S INTERPRETATION THAT
25 WE CAN'T TAKE MATERIALS FROM OUTSIDE SOURCES.

Testimony of Steve Powell

57

Testimony of Wesley Covington, Esquire

1 WE CAN GO BACK TOMORROW AND DO EVERYTHING
2 WE'RE TALKING ABOUT WITH NO BERMS AND NONE OF
3 THIS WITH THOMPSONS COLLECTING THE MATERIAL.
4 I THINK THAT'S AN IMPORTANT DISTINCTION. WE
5 DID GET SOME SUBSTANTIAL BENEFIT OUT OF THE
6 VARIOUS CONDITIONS WE'VE AGREED TO FOR THE
7 NEIGHBORS. I HOPE YOU'LL CONSIDER THAT AS YOU
8 DELIBERATE.
9 MR. IVES: THANK YOU. IS THERE ANYONE ELSE WHO
10 WOULD LIKE TO GIVE ANY TESTIMONY BEFORE WE
11 CLOSE PARTICIPATION ON THIS APPLICATION? WE
12 CLOSE THE PUBLIC PARTICIPATION. COMMENTS FROM
13 THE BOARD? IS THERE A MOTION FROM THE BOARD?
14 SECOND REQUEST FOR A MOTION. DOES ANYONE SEE
15 A PATHWAY WHERE WE MIGHT BE ABLE TO FIND SOME
16 WAY TO PROCEED WITH THIS PROJECT BEFORE THIS
17 WOULD DIE FOR LACK OF A MOTION? DO YOU SEE
18 ANY NEED FOR A CONTINUANCE FOR MORE INFORMA-
19 TION OR IS THERE ANY INFORMATION THAT WOULD BE
20 HELPFUL TO YOU IN MAKING THIS DECISION?
21 MR. COVINGTON: YES, SIR, MR. CHAIRMAN. JUST
22 FOR THE RECORD'S SAKE, I WOULD COUNSEL THE
23 BOARD TO ACTUALLY MAKE A MOTION IN THE
24 NEGATIVE OR THE AFFIRMATIVE AND HAVE IT BE
25 ADOPTED OR FAIL ONE WAY OR THE OTHER. IN

Discussion by the Board

58

1 OTHER WORDS, HAVE A VOTE
2 MR. IVES: THANK YOU, MR. COVINGTON. HEARING
3 THAT, IS THERE ANYONE WHO WOULD PROPOSE A
4 MOTION.
5 MR. BROWN: I WOULD MAKE THE MOTION THAT WE
6 APPROVE WITH CONDITIONS MADE BY THE COUNTY.
7 MR. IVES: MOTION HAS BEEN MADE TO APPROVE. I
8 UNDERSTAND THAT MAKING THE MOTION AND A SECOND
9 DOESN'T REQUIRE YOU TO VOTE THAT WAY. IT JUST
10 PLACES A MOTION ON THE FLOOR SO THAT WE CAN
11 TAKE A VOTE. WE'RE STILL REQUIRED (INAUDIBLE)
12 THAT PREDETERMINES YOUR VOTE.
13 MR. BENIK: MR. CHAIRMAN, CAN I ASK COUNSEL A
14 QUESTION?
15 MR. IVES: YOU MAY, MR. BENIK.
16 MR. BENIK: YOU WANT US TO ... FOR THE RECORD,
17 WE SHOULD MAKE THE MOTION AND SECOND AND VOTE
18 ON IT?
19 MR. COVINGTON: BY COUNSEL TO THE BOARD STATED
20 ANOTHER WAY IS TO SIMPLY HAVE A VOTE ON THE
21 RECORD ONE WAY OR ANOTHER TO DISPOSE OF THE
22 MATTER. IT'S AT THE BOARD'S PLEASURE AS TO
23 WHAT THE MOTION WOULD ACTUALLY ENTAIL, WHETHER
24 OR NOT IT WOULD BE SECONDED. YOU CAN
25 PROCEDURALLY HAVE A MOTION NOT THE ADOPTED OR

Discussion by the Board

59

1 DIE FROM LACK OF A SECOND BUT YOU CANNOT TECH-
2 NICALLY HAVE A MATTER FAIL FOR LACK OF A
3 MOTION ALTOGETHER. THERE MUST BE SOMETHING TO
4 DISPENSE WITH THE MATTER FROM YOUR AGENDA OR
5 ELSE IT WILL REMAIN ON YOUR AGENDA PROCEDURE-
6 ALLY. I KNOW THAT'S GETTING VERY TECHNICAL.
7 MR. BENIK: WE SHOULD VOTE IS WHAT YOU'RE
8 BASICALLY TELLING US?
9 MR. COVINGTON: CORRECT.
10 MR. BENIK: I'LL SECOND THE MOTION.
11 MR. IVES: THE MOTION HAS BEEN MADE AND
12 SECONDED. WE'LL BEGIN WITH MR. BENIK. A YES
13 VOTE WILL TO ..
14 MR. BENIK: NO.
15 MR. BROWN: NO.
16 MS. MORANT: NO.
17 MR. IVES: NO.
18 MR. SIPE: NO.
19 MR. FOWLER: NO.
20 MR. PARKER: NO.
21 MR. IVES: I'M SORRY THE APPLICATION HAS
22 FAILED. GOOD LUCK, GENTLEMEN.
23
24
25

1 SOUTH CAROLINA CERTIFICATE
2 COUNTY OF HORRY. CERTIFICATION
3
4 I, JERRY S. HARRY, A NOTARY PUBLIC AND
5 VERBATIM REPORTER, IN AND FOR THE STATE OF SOUTH
6 CAROLINA, DO HEREBY CERTIFY THAT THE WITNESSES IN
7 THIS ZONING BOARD OF APPEALS HEARING PRIOR TO THE
8 TAKING OF THIS AND THAT THE FOREGOING FIFTY-NINE
9 (59) PAGES CONSTITUTE A TRUE AND ACCURATE
10 TRANSCRIPT OF THE EVIDENCE AS GIVEN BY SAID
11 WITNESSES AND AS TAKEN DOWN AND TRANSCRIBED BY ME.
12 I FURTHER CERTIFY THAT THE PERSONS WERE PRESENT AS
13 STATED IN THE CAPTION.
14 I FURTHER CERTIFY THAT I AM NOT OF COUNSEL
15 FOR, NOR IN THE EMPLOY OF ANY OF THE PARTIES TO
16 THIS ACTION, NOR AM I INTERESTED EITHER DIRECTLY OR
17 INDIRECTLY IN THE RESULTS THEREOF.
18 I FURTHER CERTIFY THAT I AM NOT RELATED BY
19 BLOOD OR MARRIAGE TO ANY OF THE PARTIES TO THIS
20 ACTION.
21 THIS THE 5TH DAY OF MAY, 2016.
22
23 JERRY S. HARRY, NOTARY PUBLIC
24 AND VERBATIM REPORTER
25 MY COMMISSION EXPIRES:
DECEMBER 3, 2022.

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF HORRY

) CIVIL ACTION NO.: 2016-CP-26-02377

DT, LLC

) TRANSMITTAL OF CERTIFIED
) RECORD ON APPEAL

) Plaintiffs,

) vs.

) Horry County Zoning Board of Appeals

) Defendant.
)

2016 MAY 20 PM 2:32
LANIE HUGGINS-W/
CLERK OF COURT

F E D

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

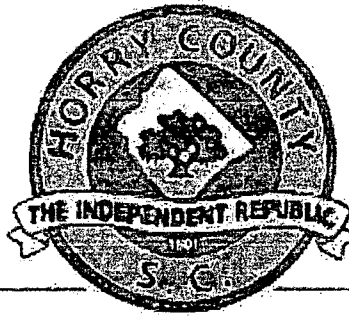
Sworn to before me this 20
day of May, 2016

Jonnie Lewis
Notary Public for South Carolina

My Commission Expires: 07/28/18

Horry County Government

PLANNING AND ZONING
www.horrycounty.org



Horry County Government & Justice Center
1301 Second Avenue
Conway, South Carolina 29526
Phone 843.915.5340 || Fax 843.915.6340

March 15, 2016

Mr. Steve Powell
Venture Engineering, Inc.
209 Highway 544
Conway, SC 29526

Re: 2016-02-015

Dear Steve:

This is to confirm that the Horry County Zoning Board of Appeals, at its regularly scheduled meeting on March 14, 2016 denied your request for a variance. The Board order pertaining to the request is attached.

Should you choose to appeal the Board's decision at the circuit court level, you have thirty (30) days from the date of this letter to file the appeal.

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,

A handwritten signature in cursive script that reads "Alicia Shelley".

Alicia Shelley
Board Secretary

Attachment

cc: DT, LLC
301 Piling Road
Myrtle Beach, SC 29579

FILED
2016 MAY 20 PM 2:32
JANIE HUGGINS-WALKER
CLERK OF COURT

91 7199 9991 7033 3536 3993

91 7199 9991 7033 3536 3986

00001

Ms. Margaret A. Williams
371 Christie McAuliffe St.
Myrtle Beach SC 29579
(843) 236-1253
(Lot 14)

Handout 2

Harry County
Zoning Board of Appeals
Exhibit # 2016-02-015
Received 3/14/16

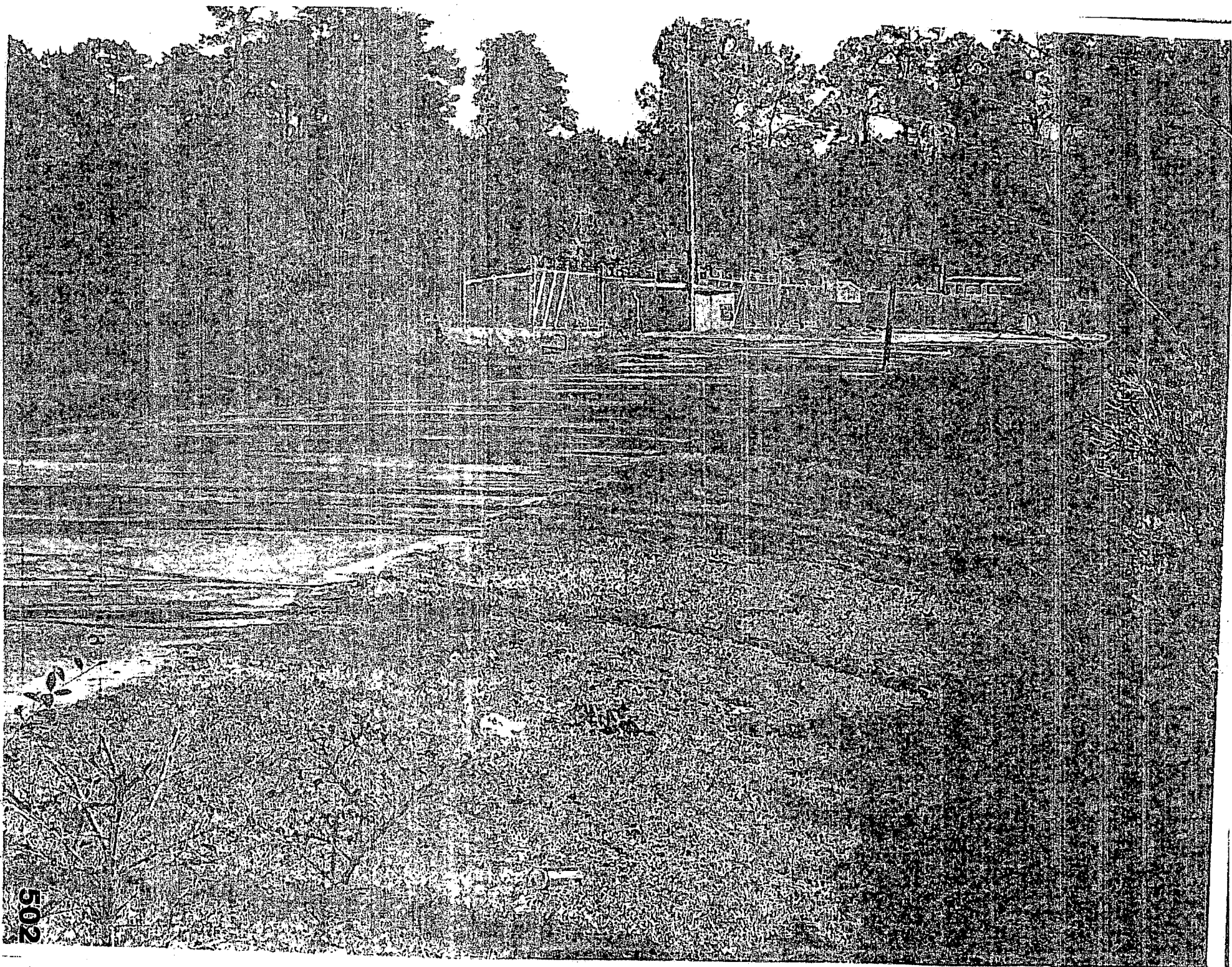
to whom it may Concern
As I have written about this Concrete and
Recycling before being haul' as I can say
Just Steps from my Home where I live
Putting up with the noise, dust, house Shaking,
from heavy Trucks and Tractors, from
Sun up to Sundown never no Peace, I Can't
Afford to Relocate and I shouldn't have
to. this Concrete should be some place
els, not in Between our homes where
we live, do anybody care about our
Health and well being? its got to be
a better way or some place els.

thanks for ~~Receiving~~ this
FILED
CLERK OF COURT
HARRIS-WALKER
2016 MAY 26 PM 2:32

Mrs Margaret A. Williams

00006







STATE OF SOUTH CAROLINA) Horry County Zoning Board of Appeals
COUNTY OF Horry) MINUTES – MARCH 14, 2016

The Horry County Zoning Board of Appeals held its scheduled meeting on Monday, March 14, 2016 at 5:30 p.m. in the Horry County Government Center, Multi-purpose Room B, located at 1301 Second Avenue in Conway, South Carolina.

Board Members present: Paul Benik, John Brown, Anita Moran, Bo Ives, Alan Sipe, Michael Fowler, Ace Parker.

Board Members absent: William Livingston, Marion Shaw

Staff present: Rennie Mincey, Pam Thompkins, Alicia Shelley, Stevie Brown, Wes Covington, and Court Reporter Jerry Mabry

In accordance with the SCFOIA, notices of the meeting were sent to the press (and other interested persons and organizations requesting notification) providing the agenda, date, time and place of the meeting.

Bo Ives, Chairman called the meeting to order at 5:30 p.m. There was a valid quorum for voting purposes. Alan Sipe delivered the invocation and led in the Pledge of Allegiance.

COMMUNICATIONS

None

Bo Ives swore in staff at this time.

MINUTES – February 8, 2016

Bo Ives asked if there were any additions, deletions or changes to the minutes. Anita Moran made a motion to accept the minutes as written. Ace Parker seconded. The motion carried unanimously. *The minutes for February 8, 2016 were approved.*

Bo Ives announced to everyone that South Carolina code requires that the applicant has the burden of establishing a hardship. He read the five findings as follows: 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. 2. These conditions do not generally apply to other property in the vicinity. 3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property. 4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. He stated that each applicant would be asked what their hardship is before hearing each case.

FILED
CLERK OF COURT
ANNE HUGGINS-WA
2016 MAY 20 PM 2:33

NEW BUSINESS

Public Hearings

Variances

The first case number was 2016-02-002 David Wellons, Riverbanks Storage LLC. Rennie Mincey presented the case to the board. PIN number 440-10-02-0008 identifies the parcel located at 5506 Hwy 707, Myrtle Beach. The applicant requested a variance from Article VII, Section 723.5 (k) 3 and (k) 8 regarding the lighting requirements in the Hwy 707 Overlay zoning district. The required lighting height is 16.' The requested lighting height is 27' for a variance of 11.' The required lighting type is full cutoff luminary and the requested is standard lighting. (Please refer to the March 14, 2016 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met.

Bo Ives swore in David Wellons, applicant who explained the case.

There was no public input.

John Brown made a motion to grant the variance with the conditions as stated by staff. Michael Fowler seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The second case number was 2016-02-003 David Doolittle, agent for Evan & Ellen Doolittle, Jr. Rennie Mincey presented the case to the board. PIN number 448-09-01-0005 identifies the parcel located at 4017 Brock Street, Myrtle Beach. The applicant requested a variance from Article V, Section 523 and Article VII, Section 705 regarding the fencing and setback requirements in the Residential (SF20) zoning district. The required side setback is 15.' The requested side setback is 0' for a variance of 15.' The required residential fence/wall height is 8.' The requested fence/wall height is 10' for a variance of 2.' (Please refer to the March 14, 2016 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met.

Bo Ives swore in David Doolittle, agent who explained the request.

The board discussed the zero lot line setback.

There was no public input.

00011

Ace Parker made a motion to grant the variance to approve the fence/wall height and not the 0' setback variance with the conditions as stated by staff. Paul Benik seconded the motion. The motion carried with Alan Sipe voting no. *The fence/wall height variance was approved with conditions.*

The third case number was 2016-02-004 Russell Cooper, agent for Calvin Donaldson et al. Rennie Mincey presented the case to the board. PIN number 427-15-03-0004 identifies the parcel located at 928 Folly Road, Myrtle Beach. The applicants requested a variance from Article VII, Section 706 and Article VIII regarding the setback requirements in the Residential (SF10) zoning district. The required rear setback is 15.' The requested rear setback is 3.97' for a variance of 11.03.' (Please refer to the March 14, 2016 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to construction. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met.

Bo Ives swore in Russell Cooper, agent who explained the request.

Bo Ives swore in Jeremiah Kellcher, neighbor who stated that he didn't oppose the variance but did say that if the porch is enclosed it will obstruct his view.

Bo Ives swore in Logan Donaldson, family member who supported the request.

Alan Sipe questioned if they could do away with the porch and possibly make the room 30' x 24.'

Russell Cooper stated that the addition included a living room, bedroom, bathroom and closet.

John Brown made a motion to grant the variance without the porch with the conditions as stated by staff. Michael Fowler seconded the motion. The motion failed with Alan Sipe, Bo Ives, Anita Moran and Paul Benik voting no. *The variance was denied.*

The fourth case number was 2016-02-005 Steve Saxon, Regional Construction, agent for DG&L Real Estate. Rennie Mincey presented the case to the board. PIN number 311-08-03-0049 identifies the parcel located at 4495 Mineola Avenue, Little River. The applicants requested a variance from Article V, Section 527.4 A regarding the removal of a live oak specimen tree greater than 24." (Please refer to the March 14, 2016 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) The removed tree shall be replaced according to the mitigation and planting requirements as outlined in the Zoning Ordinance or pay a fee in lieu of. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met.

Bo Ives swore in Steve Saxon, agent who explained the request.

There was no public input.

0012

Stevie Brown stated that he felt the tree was a hazard and would not survive no matter what they did. He stated that mitigation is recommended but only put what can survive and pay a fee in lieu of for the remainder.

Alan Sipe made a motion to grant the variance with the conditions as stated by staff. Paul Benik seconded the motion. The motion carried with Anita Moran voting no. *The variance was approved with conditions.*

The fifth case number was 2016-02-006 Lisa Foster Cloer and Willy Samuel Laird. Rennie Mincey presented the case to the board. PIN number 470-09-02-0005 identifies the parcel located at 527 Mt. Gilead Road, Murrells Inlet. The applicants requested a variance from Article VII, Section 706 and Article VIII regarding the setback requirements in the Residential (SF10) zoning district. The required right side setback is 10.' The requested right side setback is 7' for a variance of 3.' The required left side setback is 10.' The requested left side setback is 7.6' for a variance of 2.4.' **(Please refer to the March 14, 2016 packet for further info).**

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met.

Bo Ives swore in Lisa Cloer, applicant who explained the request.

There was no public input.

The board had some concerns with building without a permit.

Paul Benik made a motion to grant the variance with the conditions as stated by staff. Michael Fowler seconded the motion. The motion carried with Alan Sipe, Bo Ives and Anita Moran voting no. *The variance was approved with conditions.*

The sixth case number was 2016-02-007 Clinton D. & Donna M. Johnson, Sr. Rennie Mincey presented the case to the board. PIN number 369-01-01-0007 identifies the parcel located at 1964 Dirty Branch Road, Conway. The applicants requested a variance from Article VII, Section 705A and Article VIII regarding minimum lot size and setback requirements in the Residential (MSF20) zoning district. The required left side setback for the brick house is 15.' The requested left side setback is 13.22' for a variance of 1.78.' The minimum lot size in MSF 20 is 20,000 sq. ft. The requested lot size is 16,848 sq. ft. for a variance of 3,152 sq. ft. **(Please refer to the March 14, 2016 packet for further info).**

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Planning and Zoning Department for review and approval. (2) All future buildings and building additions must conform to Horry County regulations including the building setback requirement. (3) All other applicable county requirements shall be met.

Bo Ives swore in Donna Johnson, applicant who explained the request.

Bo Ives swore in Norman Bryant, family member who supported the request.

Paul Benik made a motion to grant the variance with the conditions as stated by staff. Michael Fowler seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The seventh case number was 2016-02-007 Ian & Susan Newton. Rennie Mincey presented the case to the board and stated that Handout 1 was a revised staff sheet for this case. PIN number 270-02-04-0002 identifies the parcel located at 1250 Cleveland Drive, Conway. The applicants requested a variance from Article VII, Section 701 and Article VIII regarding building setback requirements in the Limited Forest Agriculture (LFA) zoning district. The required front setback is 60.' The requested front setback is 55.5' for a variance of 4.5.' (Please refer to the March 14, 2016 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to construction. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met.

Bo Ives swore in Susan Newton, applicant who explained the request.

After some discussion, the applicant agreed to meet the front setback by building a 9.5' x 20' porch.

There was no public input.

Bo Ives made a motion to grant the variance with the conditions as stated by staff and a fourth condition that states the porch shall remain open and not be enclosed. Anita Moran seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The eighth case number was 2016-02-009 Richard Bryant, agent for Carolina Financial Corp. Rennie Mincey presented the case to the board. PIN number 383-14-01-0013 identifies the parcel located at 2462 Hwy 501, Conway. The applicants requested a variance from Article VII, Section 723.3 (3) b and (8) (6) 1 regarding the landscaping/buffer and sign requirements in the Highway 501 Overlay Zoning district. The required left and right side landscape buffer width is 10.' The requested side landscape buffer widths are 5' for a variance of 5.' The required rear landscape buffer width is 15.' The requested rear landscape buffer width is 0' for a variance of 15.' The requirement monument sign height is 8.' The requested monument sign height is 10.5' for a variance of 2.5.' The on premise freestanding pole sign is not allowed due to corridor frontage is less than 200.' (Please refer to the March 14, 2016 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met. (4) The required landscaping material will be provided within the 5' buffer area.

Rennie Mincey presented a letter from Burroughs Brothers Properties giving authorization to Mr. Bryant to proceed with planting a landscaping buffer. Attorney Wes Covington determined that the letter was ineffective legally and that we needed an easement or similar.

Bo Ives swore in Richard Bryant, agent who explained the request.

There was much discussion among the board regarding the pole sign.

There was no public input.

Alan Sipe made a motion to grant all variances except the 40' pole sign would need to be removed. Bo Ives amended the motion stating that the letter presented was ineffective and that an easement agreement between parties is required on the rear of the property. Paul Benik seconded the motion. The motion carried unanimously. *The variances with the exception of the pole sign were approved with conditions.*

Bo Ives called the meeting back to order after a 10 minute break.

The ninth case number was 2016-02-010 Jack Huggins, agent for The Kubbard Inc. Rennie Mincey presented the case to the board. PIN Number 417-04-04-0002 identifies the parcel located at 413 Hospitality Lane, Myrtle Beach. The applicant requested a variance from Article XI, Section 1004 regarding the parking requirements for a commercial business. The required number of on-site parking spaces is 79. The requested number of on-site parking spaces is 35 for a variance of 44 parking spaces. **(Please refer to the March 14, 2016 packet for further info).**

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met. (4) A change in use will require a parking review and compliance with the parking standards for the new use.

Bo Ives swore in Jack Huggins, agent who explained the request.

There was no public input.

Bo Ives made a motion to grant the variance with the conditions as stated by staff. John Brown seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The tenth case number was 2016-02-012 Castles Engineering, agent for SM Capital, LLC. Rennie Mincey presented the case to the board. PIN Number 395-09-01-0002 identifies the parcel located at Town Centre Commons Lot 25B on Hinson Drive, Myrtle Beach. The applicants requested a variance from Article VII, Section 711.4, 709.3 and Article VIII regarding setback requirements in the Resort Commercial (RC) zoning district. The required rear setback is 20'. The requested rear setback is 14' for a variance of 6'. **(Please refer to the March 14, 2016 packet for further info).**

Should the Board decide that this variance request satisfies all five required factors and grants

approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met.

Bo Ives swore in Robert Castles, agent who explained the request.

Bo Ives swore in Mike Marino, contractor who further explained the request.

Bo Ives made a motion to grant the variance with the conditions as stated by staff and a 4th condition that states Leyland cypress trees 6 foot on center on the north side common property line will be planted. Anita Moran seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The eleventh case number was 2016-02-013 Roger Norton, agent for Kim Tracy et al. Rennie Mincey presented the case to the board. PIN number 457-06-04-0010 identifies the parcel located at 9506 Highway 707, Myrtle Beach. The applicants requested a variance from Article VII, Sections 721 and 723.5(L)(4) regarding the setbacks for the signage requirements. The required side setback is 10'. The requested side setback is 5' for a variance of 5'. **(Please refer to the March 14, 2016 packet for further info).**

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met.

Bo Ives swore in Roger Norton, agent who explained the request.

There was no public input.

Alan Sipe made a motion to grant the variance with the conditions as stated by staff. John Brown seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The twelfth case number was 2016-02-014 Frankie B. Smith, agent for James E. Todd (LE). Rennie Mincey presented the case to the board. PIN number 371-06-03-0006 identifies the parcel located at 4422 Liberty Lane, Conway. The applicants requested a variance from Article IV, Section 417, Article V, Section 513 and Article VII, Section 702 regarding building setback requirements. The required left side setback measured from the shared private drive is 15'. The requested left side setback is 0' for a variance of 15'. **(Please refer to the March 14, 2016 packet for further info).**

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met.

Bo Ives swore in Frankie Smith, agent who explained the request.

There was no public input.

Paul Benik made a motion to grant the variance with the conditions as stated by staff. Michael Fowler seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The thirteenth case number was 2016-02-015 Venture Engineering, agent for DT, LLC. Rennie Mincey presented the case to the board. Handout 2 was a letter in opposition. PIN number 418-10-02-0022 & 418-11-01-0002 identifies the parcel located at 310 Piling Road, Myrtle Beach. The applicant requested variances from Article XII, Section 1202(A) regarding the requirements for a concrete recycling/aggregate processing business. The requirement for Section 1202 (A) (2) separation from residential is 500' (min). The requested separation is 0' for a variance of 500.' Section 1202 9 (A) (7) (c&d) requires an enhanced buffer. The requested buffer is to use the existing one. Section 1202 (A) (5) states that aggregate processing plants must be in fully enclosed structures. The applicant is seeking a variance from this requirement. **(Please refer to the March 14, 2016 packet for further info).**

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met.

Bo Ives swore in Steve Powell, agent who explained the request.

Bo Ives stated that the board had concerns with the nuisance, airborne particulates and the traffic from the heavy trucks.

Steve Powell stated that they would use the misting procedure which waters down the particulates. He stated that the noise had always been there as they have operated at that location for 35 years but would talk to the neighboring property owner about placing an earth berm to eliminate the noise.

Bo Ives swore in Janice Dowe, Wesley Finkley, Fred Grisset and Ken Finkley who all opposed the request due to traffic, dust, children in neighborhood and within 500' and operation time.

Rob Shelton, attorney for the applicant further explained the request. He stated that the Thompkins has been operating since 1981 and have had no complaints but that Martin Marietta had some. He made part of the record the Notice of Appeal and Exhibits from 2015-CP-26-3791.

Wes Covington told the board that they should make a motion to adopt or fail, one way or the other so to dispose of the case.

John Brown made a motion to grant the variances with the conditions as stated by staff. Paul Benik seconded the motion. The motion failed with Ace Parker, Michael Fowler, Alan Sipe, Bo Ives, Anita Moran, John Brown and Paul Benik voting no. *The variances were denied.*

Bo Ives called for a break.

Bo Ives called the meeting back to order after a 10 minute break.

The fourteenth case number was 2016-02-016 Samuel Rivera, agent for Christobal Rafael. Rennie Mincey presented the case to the board. PIN number 449-13-03-0046 identifies the parcel located at 8127 Shady Grove Road, Myrtle Beach. The applicants requested a variance from Article VII, Section 721 and Article VIII regarding the setback requirements in the Laurel Woods Planned Unit Development (PUD) zoning district. The required front setback is 20.' The requested front setback is 11' for a variance of 9.' **(Please refer to the March 14, 2016 packet for further info).**

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All future buildings and building additions must conform to Horry County regulations. (3) All other applicable county requirements shall be met.

Bo Ives swore in Samuel Rivera, agent who explained the request.

There was no public input.

Paul Benik made a motion to grant the variance with the conditions as stated by staff. Alan Sipe seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The fifteenth case number was 2016-02-001 Weihui Zheng, agent for BCHR Murrells Inlet LLC. Rennie Mincey presented the case to the board. PIN number 468-04-02-0005 identifies the parcel located at 11907 Highway 707, Murrells Inlet. The applicants requested special exception approval from Article V, Section 534 for on premise consumption of alcohol for a restaurant in the Convenience & Auto related Services (RE3) zoning district. This parcel abuts CFA property on the north corner side. **(Please refer to the March 14, 2016 packet for further info).**

Should the Board find that the special exception request for **Shiki Sushi Restaurant** meets the required conditions of Section 534, the standard conditions imposed by the board are: (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: 11:00 a.m. until 9:30 p.m., Sunday thru Saturday *(proposed by applicant)*; (9) Any changes in character or hours shall result in the suspension of this approval and a rehearing by 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; (12) No outdoor dining; and (13) No sweepstakes and/or internet gaming permitted at any time.

Bo Ives swore in Weihui Zhen, agent who explained the request.

There was some discussion regarding the hours of operation.

There was no public input.

Paul Benik made a motion to grant special exception approval with the conditions as stated by staff and amending the hours of operation to 11:00 a.m. thru 11:00 p.m. Sunday thru Saturday, 7

days a week. Anita Moran seconded the motion. The motion carried unanimously. *The special exception was approved with conditions.*

The sixteenth case number was 2016-02-011 John Zilinsky, agent for Brian & Karen Dabrowski. Rennie Mincey presented the case to the board. PIN number 228-00-00-0022 identifies the parcel located at 830 Antrim Oake Court, Loris. The applicant appealed the Zoning Administrator's determination that the proposed internet firearm broker business is prohibited as a home occupation in the Residential (SF40) zoning district.

On January 7, 2016, Brian Dabrowski submitted an application for a certificate of zoning compliance for a residential/home occupation business to be located at 830 Antrim Oake Ct. Loris, SC. The application states the business name as Brian Dabrowski DBA MatSu Firearms and the business type as an internet-only, web-based firearm broker business with all sales online or at trade shows. The application also states that a 200 sq. ft. portion of an 1800 sq. ft. enclosed detached structure will be used as office space to maintain computer and servers for the proposed home occupation business.

On January 15, 2016, a letter was issued by the Zoning Administrator denying Mr. Dabrowski's request for a certificate of zoning compliance for the above referenced use based on Article V, Section 529.15 of the Horry County Zoning Ordinance.

The purpose of the home occupation ordinance is to: (a) Recognize the home as a viable location for certain types of occupations. (b) To ensure the compatibility of home occupations with the principal residential uses in order to protect the integrity and character of property. (c) Minimize noise, traffic, nuisances, hazardous material usage, and other possible impact to residential areas. (d) Prohibit certain types of businesses that would ordinarily be a use (permitted or conditional) in a commercial or industrial zoning district.

Pursuant to Section 1402 of the Zoning Ordinance "{t}he concurring vote of a majority of the members present at a meeting of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator..." Therefore, the Chairman should ask the Board if there is a motion to reverse the determination of the Zoning Administrator in this case. Unless such a motion is made, seconded and concurred upon by a majority of the members present, the determination will stand.

John Zilinsky explained the appeal to the board. He stated that he needed to make an amendment to the application which stated Section 531.13 of the Zoning Ordinance and it should be Section 529.15. He stated that Mr. Dabrowski intended to get his Federal Firearms License and in order to do that he had to get his local business license. He stated that this was an online sales business, where customers would order the firearms online and the order would be shipped to Mr. Dabrowski's home and he would then deliver to the location of the customer. He then stated that this business was pre-empted by Sections 23-31-510 and 23-31-520 of the South Carolina Code of Laws.

The board had concerns with the sale of goods, UPS in and out daily, and the use in general.

Bo Ives swore in Brian Dabrowski, applicant who further explained the request. He stated that he had a 2,000 square foot shop and was just trying to use it as an office instead of renting a commercial place to do the business.

Bo Ives swore in Jennifer Sellers, Arnold Hutchinson and Linda Hutchinson all who opposed the request.

John Zilinsky informed the board that due to the neighbor's opposition and concerns the applicant had withdrawn his appeal request.

With no further business the meeting was adjourned at approximately 10:25 p.m.

Case # 2016-02-015

00021

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VARIANCE REVIEW SHEET

Property Information

Variance Request #	2016-02-015
Applicant	Venture Engineering, Inc., agent
Parcel Identification (PIN) #	418-10-02-0022 & 418-11-01-0002
Site Location	310 Piling Rd, Myrtle Beach
Property Owner	DT, LLC
County Council District #	3 - Washington

Zoning Information

Zoning District	LI
Parcel Size (In acres)	12.7
Proposed Use	Concrete Recycling/Aggregate

Requested Variance(s)

The applicants are requesting variances from Article XII, Section 1202 (A) regarding the requirements for a concrete recycling/aggregate processing business.

	Requirement	Requested	Variance Needed	Percentage
Sect. 1202 (A) (2) Separation from Residential	500' (min)	0'	500'	100%
Sect. 1202 9 (A)(7) (c&d)	Enhanced Buffer	Use Existing		
Sect. 1202 (A)(5)	Aggregate processing plants must be in fully enclosed structures			

Background/Site Conditions

Thompkins & Associates Inc. construction and heavy equipment business was approved to operate on this property prior to zoning. In 2007 a certificate of zoning compliance was issued for C & D recycling and transfer as an accessory use to the existing construction and heavy equipment business. Therefore, the site is not permitted to receive and process material from other contractors. The property owners are proposing to utilize the site for concrete recycling/aggregate processing and to receive and process material from other contractors. A rezoning of the property to MA3 (Heavy/Intense Manufacturing and Industrial District) is required to allow the proposed use of the property. Should the zoning of the property be amended to MA3 on the official zoning maps, the proposed use is also subject to section 1202. Article XII, Sect. 1202(A)(2) states all proposed plant sites shall be located a minimum of 500 feet from any residentially used or zoned lot, whether said lot is located within the unincorporated county or a municipal jurisdiction. The site abuts residentially zoned and used property to the south. The applicant is seeking a variance from the 500' spacing requirement. Article XII, Sect. 1202(A)(5) states all processing plants under this section shall be located in fully enclosed structures. The applicant is seeking a variance from this requirement. Article XII, Section 1202(A)(7)(c&d) requires the site to be screened through enhanced buffers if the site is located within 1,000' of a residentially used or zoned property. The enhanced buffer is required to be around the entire work area with opening provided for approved entrances. The enhanced buffer shall consist of either a 100' wide buffer with twice the landscaping material as required by the supplemental planting in buffer areas or a 10' wall, berm or combination in addition to the landscape buffer requirements of section 527. The applicant is seeking a variance from this requirement.

Ordinance and Analysis

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

VARIANCE REVIEW SHEET

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

The property was developed prior to zoning.

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

The previous structures and use did not comply with the current ordinance standards.

3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

The property is currently limited to processing of materials from Thompkins & Associates Inc. construction and heavy equipment business.

4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (Does this request serve the public good, or harm neighbors?)

The use of the site is not out of character with the area. However, a reduction in the conditional requirements will impact the adjacent residential property owners.

5. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance.

Proposed Order/Conditions

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions:

1. All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained
2. All future buildings and building additions must conform to Horry County regulations.
3. All other applicable County requirements shall be met.

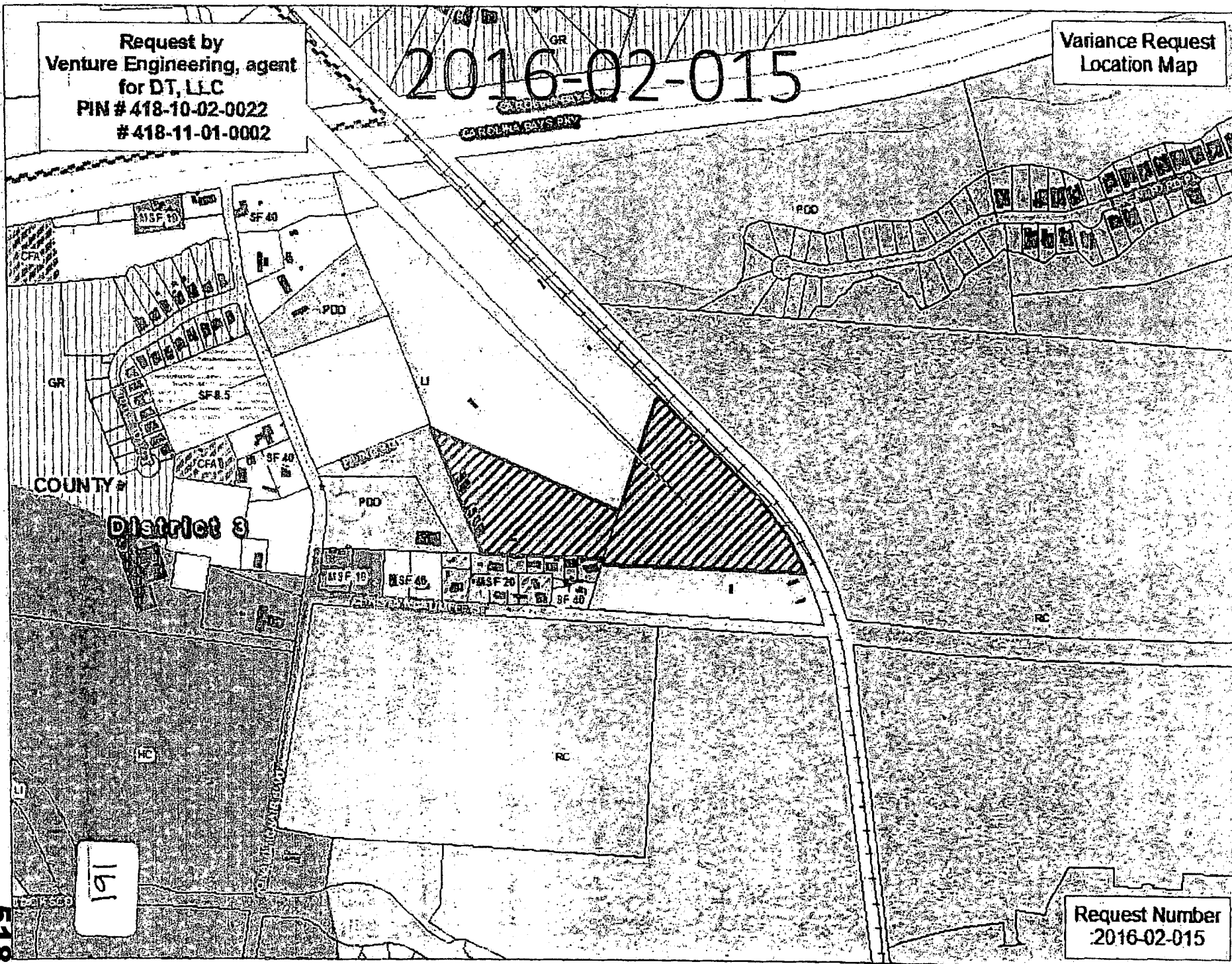
160

00023
517

Request by
Venture Engineering, agent
for DT, LLC
PIN # 418-10-02-0022
418-11-01-0002

2016-02-015

Variance Request
Location Map

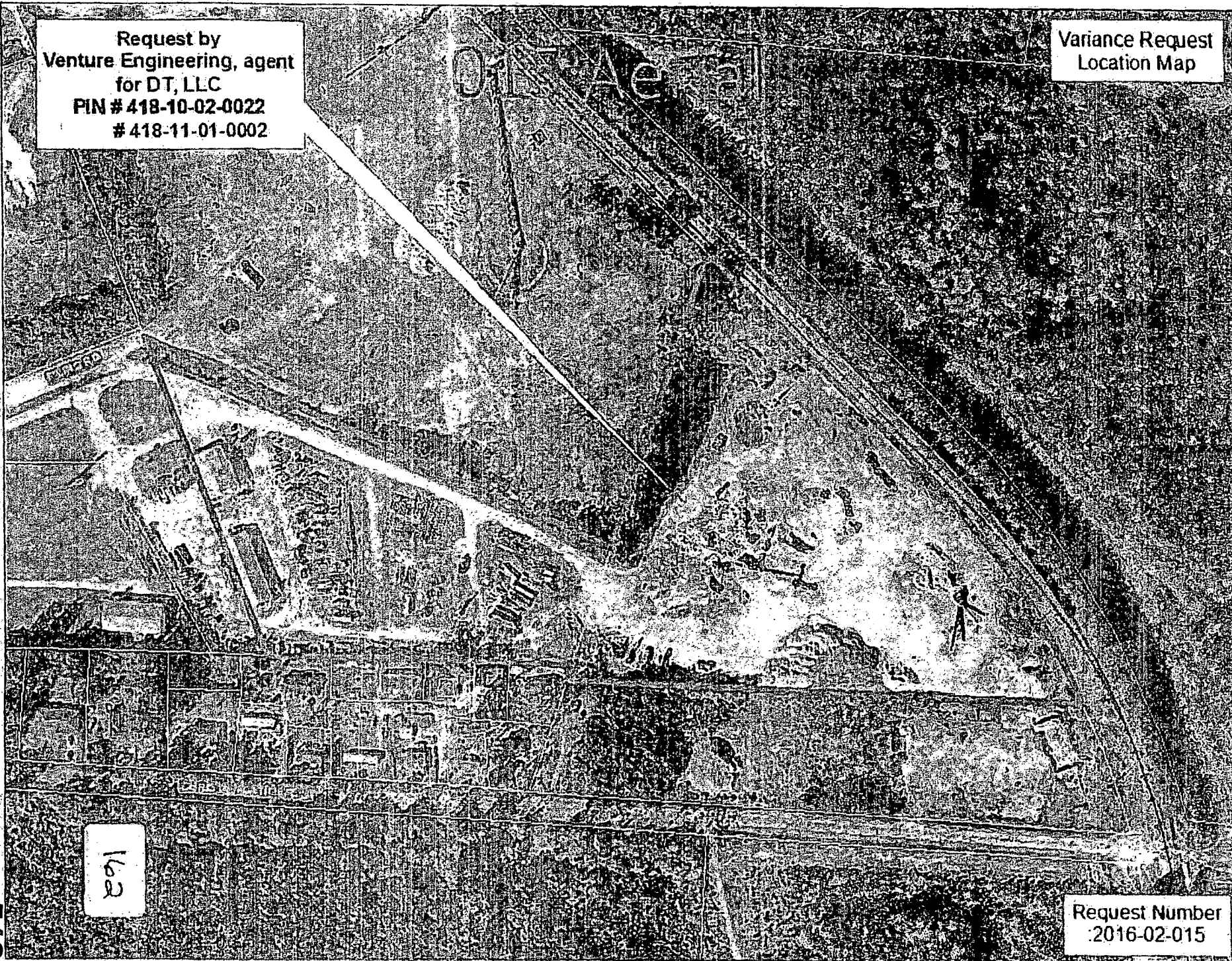


Request Number
2016-02-015

518

Request by
Venture Engineering, agent
for DT, LLC
PIN # 418-10-02-0022
418-11-01-0002

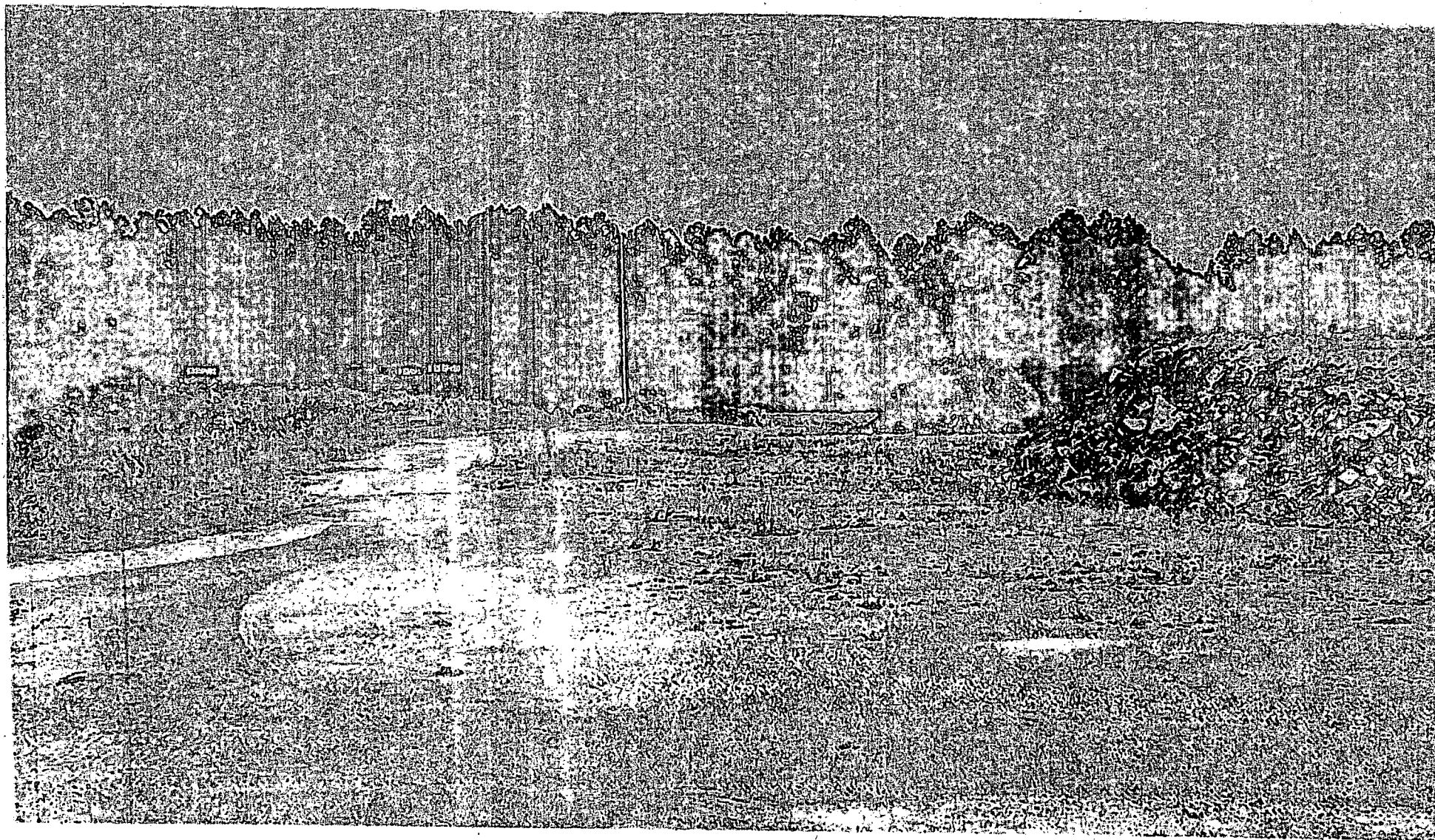
Variance Request
Location Map



Request Number
2016-02-015

162

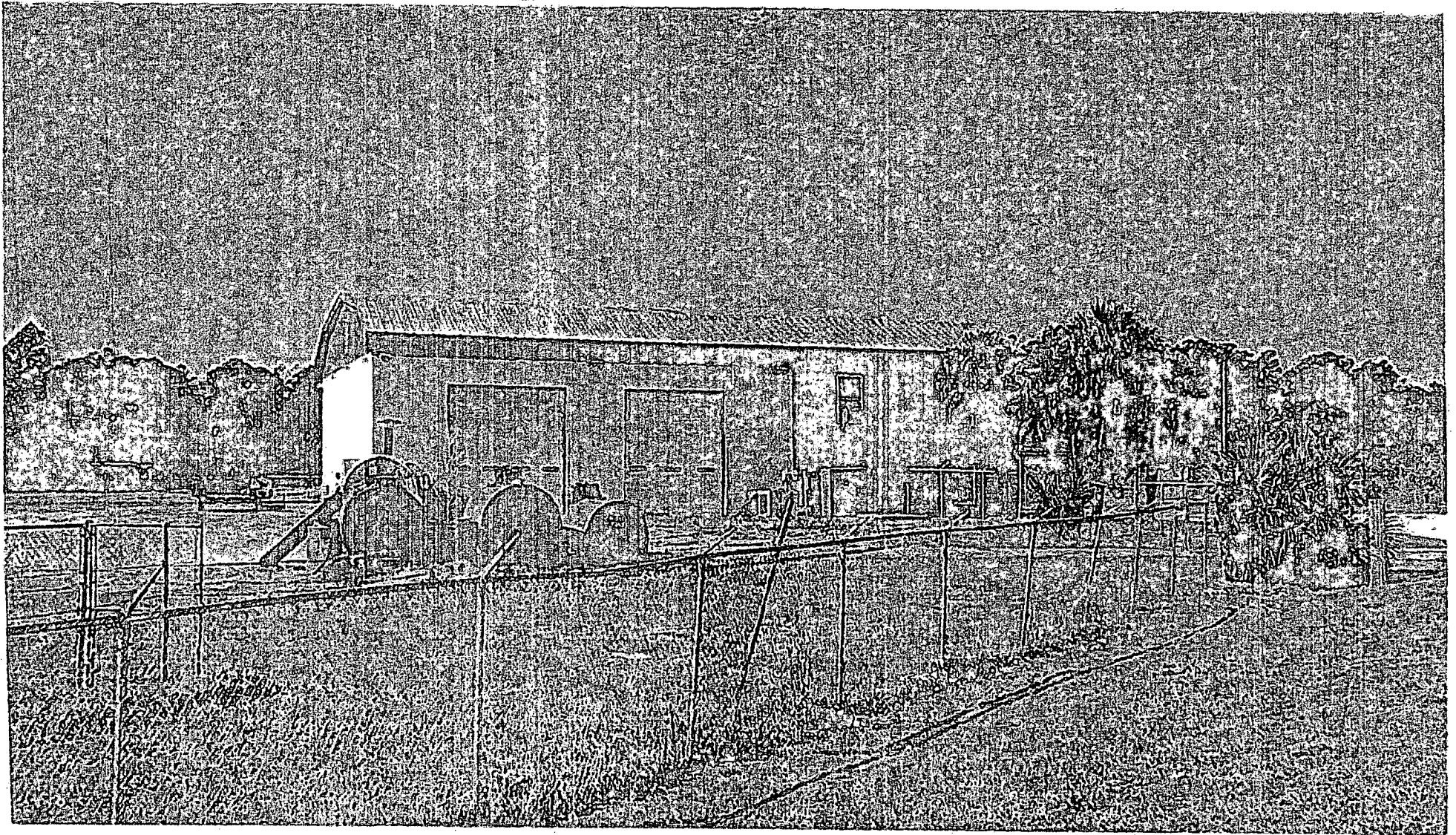
015 Site



163

520

015 Building on site

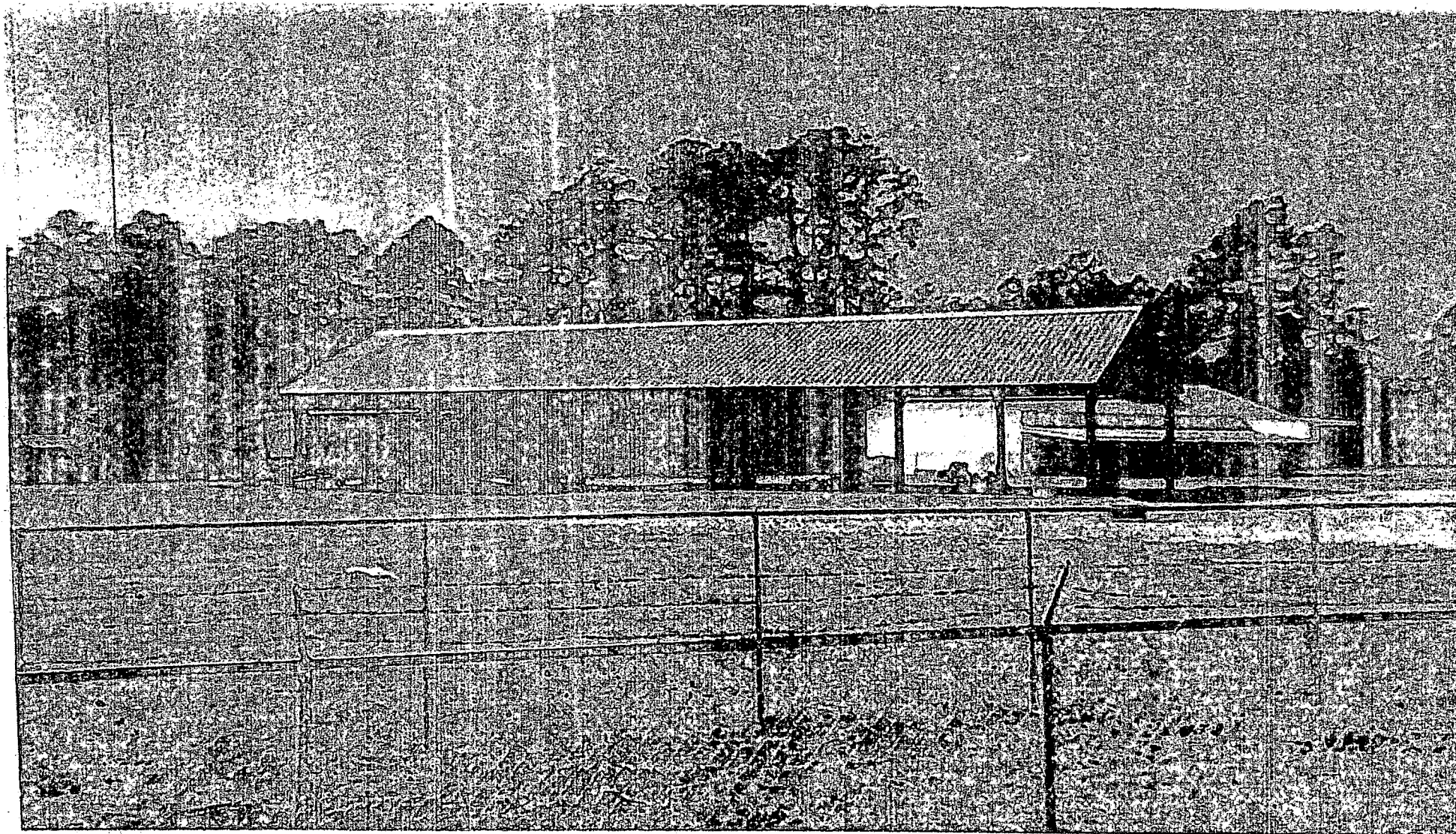


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015 Building on site



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522

Applicant Submittal

166

0.29

ZONING BOARD OF APPEALS APPLICATION

Date Filed 2/4/16

Request # 2016-02-015 Energov # VAR-2-16-3234

1. Complete the application in its entirety (incomplete applications will not be processed);
2. If this is a commercial project a signed review sheet by the plans reviewer must be included with this application.
3. If a setback or dimensional variance is requested, an accurate, legible plot plan prepared by a registered architect, engineer, or surveyor, showing property dimensions and locations of all existing and proposed structures must be provided;
4. The property owner(s) as listed on the current tax records at the time of submittal must sign this application. In addition, if the property is located within a subdivision with a legal and active Home Owners Association (HOA), approval of the HOA must be provided with the application.

APPLICANT: (Property Owner or Designated Agent) Venture Engineering, Inc.

PROPERTY ADDRESS: 310 Piling Road, Myrtle Beach, SC 29579

TAX MAP NO. 172 - 00 - 03 - 033 & 044 ZONING DISTRICT: L1

PIN NO. 418 - 10 - 02 - 0022 SUBDIVISION: 418-10-01-002

PROJECT: Thompkins & Associates Concrete Recycling ACREAGE: 12.7

PROPERTY OWNER(S) NAME (S) DT, LLC

Address: 301 Piling Road

Telephone: (H) _____ (W) (843) 236-3060 (E-MAIL) _____

☒ _____

☒ _____

PROPERTY OWNER(S) SIGNATURE (If LLC or Corp Please Provide Authorization)

DATE

DESIGNATION OF AGENT (If the Property Owner Wishes To Appoint an Agent to Represent Him or Herself)

Agents Name: Venture Engineering, Inc.

Address: 209 Highway 544, Conway, SC 29526

Telephone: (H) _____ (W) 843-347-5851 (E-MAIL) spowell@sccoast.net

I hereby appoint the person(s) listed above as agent to act on my behalf for the purpose of filing such application for a variance as he/she shall deem necessary and proper.

☒ _____

PROPERTY OWNER(S) SIGNATURE

DATE

PLANNING AND ZONING DEPARTMENT USE ONLY

Have Survey: ☒ Y ☐ N

Have Business License (If Applicable) ☒ Y ☐ N

County Council District 3

Property Owner (s) Have Signed: ☒ Y ☐ N

Have HOA Approval (if Applicable) ☒ Y ☐ N

Commercial Review sheet (if applicable) ☒ Y ☐ N

Signature of Zoning Administrator/Asst. Z.A./Deputy Planning Director

Date

2-9-16

167

VARIANCE REQUEST

Applicant hereby appeals for a variance from the requirements of the following provisions of the Zoning Ordinance:
Article(s) Art. XII. Section(s) Section 1202 et. seq.

Description of Request: See Attached Description

Required Front Setback: _____

Requested Front Setback: _____

Required Side Setback: _____

Requested Side Setback: _____

Required Rear Setback: _____

Requested Rear Setback: _____

Required Bldg. Separation: _____

Requested Bldg. Separation: _____

Required Minimum Lot Width: _____

Requested Min Lot Width: _____

Required Min Lot Width/Bldg Site: _____

Requested Min lot Width/Bldg Site: _____

Required Max Height of Structure: _____

Requested Max Height of Structure: _____

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

A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the finding as stated below:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
5. The Board may not grant a variance the effect of which would be to allow the establishment of a use not otherwise pennitted in a zoning district, to extend physically a nonconforming use of land, or change the zoning district boundaries shown on the official zoning inap. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

To the best of your ability please explain in detail how the aforementioned findings apply to your request: (may include attachments)

See Attached Hardship description.

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

See Site Plan attached.

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


Applicants Signature

Date 1/68

VENTURE ENGINEERING

February 5, 2016

Ms. Rennie Mincey
Horry County Zoning Administrator
1302 2nd Avenue, Room 1-D 09
Conway S.C. 29526

Re: **Thompkins & Associates Concrete Recycling Facility**
301 Piling Road & Ronald McNair Road
Horry County

Dear Rennie,

Venture Engineering has been retained by Dennis Thompkins, through the Bellamy Law Firm, to assist them with submission and processing of the attached Variance for the Concrete Recycling / Aggregate Processing business at this location, as well as the Rezoning of the two parcels there from Limited Industrial to Heavy Manufacturing (MA3). This Variance, along with the rezoning, is being pursued to attempt settlement of the zoning issues that have arisen in the past year. To summarize briefly the need for the Variance and rezoning, this is because Horry County have determined recently that the ongoing activities at this site, which presently and has always included aggregate recycling from all public sources, is not allowed in the LI zone. The County has concluded that only recycling from Thompkins construction operations is permitted, and Thompkins does not concur, since they have always received demolition debris from numerous public sources. The Variance and rezoning, if approved, would resolve this matter and bring Aggregate Processing & Recycling at this site into compliance with the Zoning Ordinance (Art. XII, Section 1202 et Seq.)

The Thompkins Concrete Recycling business has been in continuous operation since 1981 at this location, and processes demolition debris from concrete, brick and block into aggregate products. Their product is used as aggregate for drainage systems, for bank stabilization for ditches, outfalls and other areas, and for Construction Entrance / De-mudding pads at many construction sites. The current zoning at this site is Limited Industrial, although the Concrete Recycling business was in operation 6 years before Zoning was first adopted by Horry County.

There are two parcels in the Variance and rezoning request, although we can scale this back to only the larger parcel at the back of the site, if that does not create any issues for Zoning. The back parcel (PIN 418-11-01-0002) is 7.73 Acres, and this is the location where all aggregate processing has historically taken place. This tract is bounded on the north, east and south by other lands zoned LI, and should not require any buffering. One small corner, at the southwest of this tract, borders an existing residential lot, and both have been in place for more than 25 years. The front parcel (PIN 418-10-02-0022, 5.04 Acres) includes the equipment staging area, where mechanized equipment used for loading, movement and processing is parked and maintained. The office and maintenance buildings for the facility are also located on this parcel. We have submitted

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a variance and rezoning request for this parcel also, since some portion of the Aggregate Processing operations will take place on this tract.

The Variance request will include several concurrent requests, although we ask that you review Art. XII, Section 1202..., and advise us if any other sections need to be addressed in our request:

1. Sect. 1202 (A)(2). The existing Recycling Plant abuts existing homes to the south of the plant, and these six homes are zoned MSF20. The Variance request at this location must include that we cannot meet the 500 foot separation requirement;
2. Sect. 1202 (A)(5). We request a variance from the condition that aggregate processing plants must be located in fully enclosed structures;
3. Sect. 1202 (A)(7)(c & d). We request a variance from the requirements for an enhanced buffer or berm, along the southern property boundary abutting the MSF20 parcels;
4. If needed, we request a variance to Art. 739, under the MA3 zoning, suggesting 1,000 feet of separation between this use and residentially zoned property.

I have attached a separate Addendum providing our rationale for each of these requests, and the associated hardship the application of the Ordinance will create for the property owner.

Please contact me if you have any questions.

Very Truly Yours,

Venture Engineering Inc.



Steve S. Powell, P.E.
President

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Addendum A

Hardship Narrative

1. Sect. 1202 (A)(2). The existing Recycling Plant abuts existing homes to the south of the plant, and these six homes are zoned MSF20 (a 500-foot separation is required under this Section):
 - a. There are extraordinary & exceptional conditions for this requirement, since the Thompkins Plant was operational before the construction of the adjacent homes, before the adoption of Zoning by Horry County in 1987, and before the passage of the ordinance addressing Aggregate processing facilities.
 - b. These conditions do not apply to other property in the vicinity, since other sites in the vicinity have not had a continuously operating Aggregate Processing facility since 1981.
 - c. Because of this condition, which requires 500 feet of separation from residential uses, application of the ordinance would effectively prohibit and unreasonably restrict continued utilization of the site as it has been used since 1981.
 - d. The variance will not be detrimental to adjacent property, since most of the adjacent property is zoned LI, and only a small section is MSF20, all of which was constructed after the Thompkins Plant was opened up in 1981.
2. Sect. 1202 (A)(5). We request a variance from the condition that aggregate processing plants must be located in fully enclosed structures:
 - a. There are extraordinary & exceptional conditions that apply. First, the Plant was operational more than 20 years before the adoption of the ordinance requiring Aggregate processing facilities to be located indoors. Second, the equipment required to crush, separate & classify, and move classified aggregates (separated by specific gradations) cannot be enclosed in a building that could be placed in the MA3 zone, with a height limit of 100 feet. In essence, this would require a building covering more than 4 acres of land area, with an interior eave height of no less than 80', and with no interior columns. Third, the cost of such a building would be entirely prohibitive for the existing Plant operations, and offers no benefit to the neighboring properties, except for a 120' tall steel building in their back yard.
 - b. These conditions do not apply to other property in the vicinity, since other sites in the vicinity have not had a continuously operating Aggregate Processing facility since 1981. Since there are no other Aggregate Processing plants that have been in continuous operation in the area for 35 years, this would not apply to any other site.
 - c. Application of the ordinance would effectively prohibit and unreasonably restrict continued utilization of the site as it has been used since 1981, since the building required would cost in excess of \$10 Million, just to permit the plant to remain in business as it has always operated.
 - d. The variance will not be detrimental to adjacent property, since most of the adjacent property is zoned LI, and only a small section is MSF20, all of which was constructed after the Thompkins Plant was opened up in 1981. 171

In fact, application of the ordinance, creating a 125' tall steel building, in excess of 4 acres in building area, would be far more detrimental to the neighboring properties.

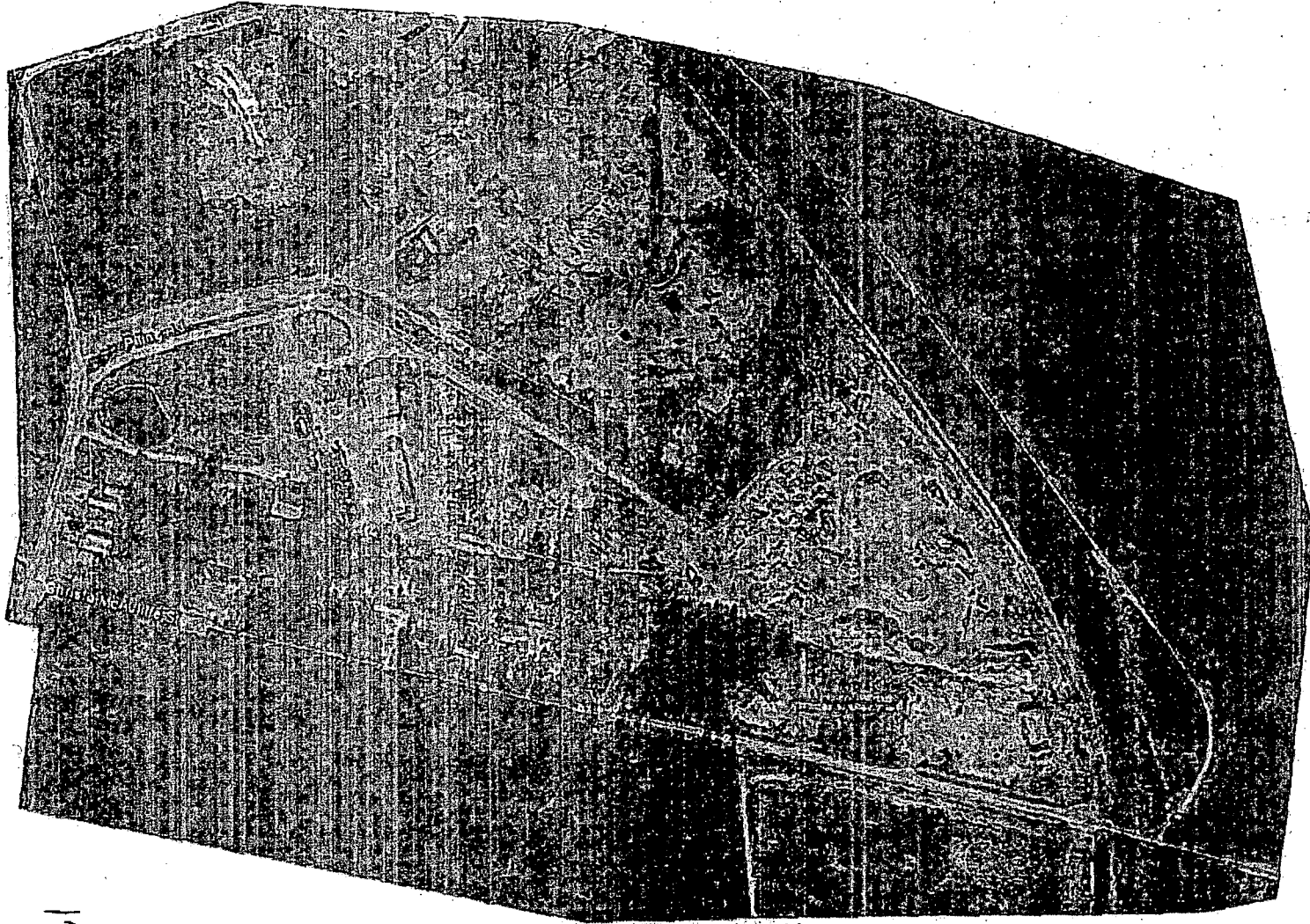
3. Sect. 1202 (A)(7)(c & d). We request a variance from the requirements for an enhanced buffer or berm, along the southern property boundary abutting the MSF20 parcels:
 - a. There are extraordinary & exceptional conditions for this requirement, since the Thompkins Plant was operational before the construction of the adjacent homes, before the adoption of Zoning by Horry County in 1987, and before the passage of the ordinance addressing Aggregate processing facilities.
 - b. These conditions do not apply to other property in the vicinity, since other sites in the vicinity have not had a continuously operating Aggregate Processing facility since 1981.
 - c. Because of this condition, which requires a 100 foot enhanced buffer or a 10' high wall or berm separating the site from residential uses, application of the ordinance would effectively prohibit and unreasonably restrict continued utilization of the site as it has been used since 1981. The portion of the Site bordering the residential, along the southern boundary, is roughly 650 LF. All of the site operations along this area are for equipment and material storage; as well as maintenance. The buffer, if required, would reduce this area by almost 40%, which is not reasonable considering that the Concrete Recycling plant has been in place since well before the homes were constructed, and before Zoning was adopted, and this reduction in Plant area would unreasonably restrict continued Site Operations.
 - d. The variance will not be detrimental to adjacent property, since most of the adjacent property is zoned LI, and only a small section is MSF20, all of which was constructed after the Thompkins Plant was opened up in 1981.
4. If needed, we request a variance to Art. 739, under the MA3 zoning, suggesting 1,000 feet of separation between this use and residentially zoned property. Same hardship as Part 1 above.

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VENTURE ENGINEERING, INC. / 809 N. HIGHWAY 444 / COMLEY, S.C. 29536 / (843) 347-0851 / CIVIL ENGINEERING / LAND PLANNING

THOMPSONS CONCRETE RECYCLING
HOBBS COUNTY, SOUTH CAROLINA
PREPARED FOR



PROJECT # 173

DATE

BY

FOR

Horry County Government

Planning and Zoning
www.horrycounty.org



Horry County Government & Justice Center
1301 Second Avenue
Conway, South Carolina 29526
Phone 843.915.5340 || Fax 843.915.6340

February 19, 2016

Mr. Steve Powell
Venture Engineering, Inc.
209 Highway 544
Conway, SC 29526

91 7199 9991 7033 3536 3917

re: 2016-02-015

Dear Mr. Powell:

The Horry County Zoning Board of Appeals will hold a public hearing **on Monday, March 14, 2016 at 5:30 p.m.** in the Horry County Government Complex, located at 1301 2nd Avenue, Multi-Purpose Room B, Conway, South Carolina. Please enter through the external doors into the atrium area on the flagpole/parking lot side of the building as the doors accessing the building from Second Avenue are locked at 5:30 p.m.

The purpose of the meeting is to consider your variance, special exception or appeal request.

It is recommended that either the property owner(s) or authorized agent(s) representing the property owner(s) attend this meeting to explain the request and answer any questions from the Board. If you cannot attend the meeting, contact our office to make arrangements to defer or withdraw your request.

If you have any questions or concerns regarding the meeting, please contact me at 915-5340.

Sincerely,

Alicia Shelley
Board Secretary

cc: DT, LLC
301 Piling Road
Myrtle Beach, SC 29579

91 7199 9991 7033 3536 3900

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



Phone: (843) 915-5340
Fax: (843) 915-6341

HORRY COUNTY BOARD OF ZONING APPEALS

February 19, 2016

TO THE PROPERTY OWNERS:

The Board of Appeals is acting upon variations or modifications of the Zoning Ordinance, or appeals from action taken by the Zoning Administrator, hears all such cases at public hearings at which neighboring property owners and other interested persons have a right to be heard.

If the appeal as stated below is thought by you to be objectionable, you will have an opportunity to fully express your objection.

If it is inconvenient to appear at the hearing, file your objection by letter to the address below:

Horry County Planning & Zoning Department
Attention: Zoning Administrator
P. O. Box 1236
Conway, SC 29526
(843) 915-5340

YOU ARE BY THIS LETTER NOTIFIED THAT THE MATTER STATED BELOW WILL BE HEARD AT A PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

DATE OF HEARING: March 14, 2016
TIME: 5:30 p.m.
CASE NUMBER: 2016-02-015
APPELLANT: Venture Engineering, agent for DT, LLC
PROPERTY AFFECTED: 301 Piling Road, Myrtle Beach
SUBJECT OF APPEAL: The applicants are requesting the necessary variances for the allowance of commercial loads of concrete materials from other contractors in the Limited Industrial (LI) zoning district.
LOCATION OF HEARING: Horry County Government Complex located at 1301 2nd Avenue, Conference Room 2C08-B, Conway, South Carolina

Please enter through the external doors into the Atrium area on the flagpole/parking lot side of the building as the doors accessing the building from Second Avenue are locked at 5:30 p.m.

2016-02-015

41810020021 DT LLC 246 GREENLEAF CIR MYRTLE BEACH SC 29579
41810020006 GARDNER PHYLLIS GR 349 CHRISTIE MCAULIFFE BL MYRTLE BEACH SC 29579
41810020008 GRISSETT BETTY 333 CHRISTIE MCAULIFFE BL MYRTLE BEACH SC 29579
41810020005 GRISSETT CARROLL 355 CHRISTIE MCAULIFFE BL MYRTLE BEACH SC 29579
41810020011 GRISSETT JOE 333 CHRISTIE MCAULIFFE BL MYRTLE BEACH SC 29579
41810020009 KING MARY G 333 CHRISTIE MCAULIFFE BL MYRTLE BEACH SC 29579
41800000008 MARTIN MARIETTA MATERIALS INC PO BOX 8040 FORT WAYNE IN 46898
41811010001 TWO-TEN INVESTORS INC PO BOX 1108 CLINTON NC 28329
41810020001 WILLIAMS MARGARET 371 CHRISTIE MCAULIFFE BL MYRTLE BEACH SC 29579

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Applicant presented the attached Notice of Appeal and Exhibits from 2015-CP-26-3791 at the March 14, 2016 Zoning Board of Appeals meeting to be made part of the record.

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STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2015-CP-26-3791

In re: Dennis Thompkins-Bellamy Law)
Firm, agent for DT, LLC,)

Appellant,)

v.)

Horry County Zoning Board of Appeals,)

Respondent.)

NOTICE OF APPEAL AND EXHIBITS

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copy

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF HORRY

) CIVIL ACTION NO.: 2015-CP-26-03791

DT, LLC

Dennis Thompkins, Bellamy Law Firm

TRANSMITTAL OF CERTIFIED
RECORD ON APPEAL

Plaintiffs,

vs.

Horry County Zoning Board of Appeals

Defendant.

FILED
CLERK OF COURT
2015 JUN 11 PM 3:12
MELANIE HUGGINS-WARD

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 11
day of June, 2015

Janett
Notary Public for South Carolina

My Commission Expires: 9-12-18

Horry County Government

PLANNING AND ZONING
www.horrycounty.org



Horry County Government & Justice Center
1301 Second Avenue
Conway, South Carolina 29526
Phone 843.915.5340 || Fax 843.915.6340

May 12, 2015

Rob Shelton
Bellamy Law Firm
1000 29th Avenue North
Myrtle Beach, SC 29577

91 7199 9991 7032 0064 3113

re: Case #2015-01-008

Dear Applicant(s):

This is to confirm that the Horry County Zoning Board of Appeals, at its regularly scheduled meeting on May 11, 2015 denied your request for a variance, special exception, reconsideration or appeal. The Board order pertaining to the request is attached.

Should you choose to appeal the Board's decision at the circuit court level, you have thirty (30) days from the date of this letter to file the appeal.

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

Alicia Shelley
Board Secretary

Attachment

cc: Dennis Thompkins
246 Greenleaf Circle
Myrtle Beach, SC 29579

91 7199 9991 7032 0064 3120

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STATE OF SOUTH CAROLINA) Horry County Zoning Board of Appeals
COUNTY OF HORRY) MINUTES - MAY 11, 2015

The Horry County Zoning Board of Appeals held its scheduled meeting on Monday, May 11, 2015 at 5:30 p.m. in the Horry County Government Center, Multi-purpose Room B, located at 1301 Second Avenue in Conway, South Carolina.

Board Members present: Paul Benik, John Brown, Anita Moran, Bo Ives, Alan Sipe, Michael Fowler, and Marion Shaw. Absent: William Livingston and Ace Parker

Staff present: Rennie Mincey, Janet Carter, Wes Covington, Carol Coleman, Alicia Shelley, David Schwerd, Steve Gosnell and Court Reporter Jerry Mabry.

In accordance with the SCFOIA, notices of the meeting were sent to the press (and other interested persons and organizations requesting notification) providing the agenda, date, time and place of the meeting.

Bo Ives, Chairman called the meeting to order at 5:30 p.m. There was a valid quorum for voting purposes. Alan Sipe delivered the invocation and Bo Ives led in the Pledge of Allegiance.

Bo Ives swore in staff at this time.

COMMUNICATIONS

Rennie Mincey stated that 2015-03-010 Brent Harmon, Nova Lighting, agent for Dell Chestnut and 2015-04-007 Markello Dotson, agent for Foundations Forever International withdrew their applications. She then stated that 2015-03-012 Arcadian Shores Commons, LLC, 2015-04-001 Salwan Sawa, JJG LLC and 2015-04-008 Gus Sawa, LLC are requesting deferral. Paul Benik made a motion to grant the deferrals for 30 days. Anita Moran seconded the motion. The motion carried unanimously. These cases were deferred for 30 days.

EXECUTIVE SESSION

Paul Benik made a motion to go into Executive Session and Anita Moran seconded. The motion carried unanimously.

Paul Benik made a motion to come back from Executive Session at 6:05 p.m. Alan Sipe seconded the motion. The motion carried unanimously.

Wes Covington stated that the board went into Executive Session for the purpose of receiving legal advice and rendered no decision.

John Brown made a motion to reconsider Case 2015-01-008 Bellamy Law Firm, agent for Dennis Thompkins. Paul Benik seconded the motion and the motion carried unanimously.

Rob Shelton asked if they were going to schedule and do public notice for next meeting.

Bo Ives stated that we would discuss that with you and those in attendance before we make that determination.

Rob Shelton stated that they have been before this board for the fourth time and have provided the board everything that they have asked for.

Bo Ives gave a summary to everyone in attendance. He stated that the applicant is appealing the Zoning Administrator's decision that the C&D Waste & Concrete Transfer business on this site is not approved to accept commercial loads of C&D concrete materials for processing from other contractors.

Bo Ives stated that at the last meeting the approved motion reads: The Board finds an acceptable accessory use of the applicant's property may be the acceptance of outside commercial loads of 'Recovered Materials' as a 'Recovered Materials Processing Facility,' as defined, respectively, by S.C. Code Subsections 44-96-40 (34) and (35).

Bo Ives then asked what if that motion was modified to include a demonstration of compliance by submitting a report to the zoning administrator at least annually of satisfaction of that code.

Rob Shelton stated that he would recommend that to his client but hasn't discussed it with him.

Rob Shelton, attorney for the applicant stated that former Zoning Administrator had submitted an affidavit stating that at that time he would not have an objection to outside loads under that permit that he issued.

Bo Ives swore in Debra Beachum, opposed the request for a trash facility.

John Brown asked how long has there been in lapse in business at this facility.

Debra Beachum stated probably 2-3 years.

Bo Ives swore in Linda Dennison, opposed the request.

Marion Shaw asked how did you know to come to this meeting.

Linda Dennison stated that someone called her at 5:00 p.m.

Alan Sipe stated that you said that trash is coming out of this facility. Can you please tell what you think is coming here?

Linda Dennison stated that she did not know but would like to know. She stated that they don't need a landfill out there.

Alan Sipe asked when the business closed down.

Linda Dennison stated maybe 3-4 years ago.

Bo Ives swore in Fred Grissett, opposed to trash facility.

Marion Shaw asked how did you know to come to this meeting.

Fred Grissett stated that a friend told him to come.

Bo Ives swore in John Feaster, opposed the request.

Alan Sipe asked here he lived in relation to this parcel and if trucks were still in and out daily.

John stated that he lives less than a mile from the property and nothing has been going on for 4-5 years.

Bo Ives swore in Sybil Anderson, opposed to landfill.

Alan Sipe asked if there has been any activity on the property.

Sybil Anderson said nothing has been going on in the past couple of years.

Marion Shaw asked how did you know to come tonight.

Sybil Anderson stated that Cousin Debra came by her house Sunday.

Bo Ives swore in Harold Bline, who asked what this discussion is about.

Bo Ives stated that the applicant would like to restore the operation to what they were doing prior to 2007, which is basically they work as a demolition contractor. The issue is whether or not they should be allowed to bring other contractors other than themselves to pulverize and ship the materials off or should it be just limited to loads that they bring in for their own contract.

Harold Bline asked are we talking about trash.

Bo Ives stated that C&D is construction demolition debris such as concrete, materials coming off of a construction sites where they are demolishing structures. 75% of it would be recyclable and taken off site. This is not common trash.

Bo Ives asked about the hours of operation.

Rob Shelton stated that they would be consistent with the Zoning Ordinance and that they do not operate at night.

Rob Shelton stated that they have been selling the stockpile of recyclable materials but have not been pulverizing in recent months due to the sale of the equipment

Bo Ives also asked did you want the board to decide tonight or wait 30 more days.

Rob Shelton stated that they would like resolution to this and said that the condition that was mentioned earlier that his client was fine with it.

Bo Ives asked for a motion to defer, amend or to accept up or down the determination of the Zoning Administrator.

There was not a motion to defer.

Bo Ives made a motion to amend the motion to include that the Board finds an acceptable accessory use of the applicant's property may be the acceptance of outside commercial loads of 'Recovered Materials' as a 'Recovered Materials Processing Facility,' as defined, respectively, by S.C. Code Subsections 44-96-40 (34) and (35) and by submitting a report demonstrating compliance to the Zoning Administrator at least annually. John Brown seconded the motion. The motion failed with Marion Shaw, Alan Sipe, Anita Moran and Paul Benik voting no.

Bo Ives asked for their vote to leave the wording the same without the amendment. A yes vote would allow outside loads and a no vote would uphold the Zoning Administrator's decision. *The Zoning Administrator's decision was upheld unanimously.*

Bo Ives called for a 3 minute recess.

Bo Ives called the meeting back to order at 6:40 p.m.

Bo Ives announced to everyone that South Carolina code requires that the applicant has the burden of establishing a hardship. The five findings are as follows: 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. 2. These conditions do not generally apply to other property in the vicinity. 3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property. 4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. He stated that each applicant would be asked what their hardship is before hearing each case.

MINUTES –April 13, 2015

Bo Ives asked if there were any additions, deletions or changes to the Minutes. Anita Moran made a motion to accept the minutes as written. Marion Shaw seconded. The motion carried unanimously. *The minutes for April 13, 2015 were approved.*

OLD BUSINESS

The first case number was 2015-03-005 Jerry and Brenda Vickory. Rennie Mincey presented the case to the board. Tax map number 179-21-04-002 (PIN 440-12-04-0064) identifies the parcel located at 73 Plantation Road, Myrtle Beach. The applicants are requesting a variance from Article VII, Section 706 and Article VIII regarding setback requirements in the Residential (SF10) zoning district. The required left side setback is 10 feet. The requested left side setback is 7 feet for a variance of 3 feet. (Please refer to the May 11, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to construction. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Jerry Vickory, applicant who explained the request.

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There was some discussion regarding the HOA.

Bo Ives swore in Brenda Vickory, applicant who further explained the request.

Bo Ives swore in David Curry, who stated that he was speaking for the board of directors. He stated that the association did have deed restrictions and the dues were voluntary. He also stated that the board voted against this request.

Bo Ives swore in Nelly Looton, neighbor who opposed the request.

The variance was denied due to lack of a motion.

NEW BUSINESS

Public Hearings

Variances

The second case number was 2015-04-002 Eric Wilson, agent for Victor and Jane Toth. Rennie Mincey presented the case to the board. Tax map number 162-28-01-031 (PIN 416-02-02-0028) identifies the parcel located at 4105 Westchester Court, Myrtle Beach. The applicants requested a variance from Article VII, Section 721 regarding setback requirements in the Legends Planned Unit Development (PUD) zoning district. The required front setback is 30 feet. The requested front setback is 25 feet for a variance of 5 feet. **(Please refer to the May 11, 2015 packet for further info).**

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to construction. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Eric Wilson, agent who explained the request. He stated that the rear lot line is irregular in shape.

There was no public input.

John Brown made a motion to grant the variance with the conditions as stated by staff. Michael Fowler seconded the motion. The motion carried unanimously. ***The variance was approved with conditions.***

The third case number was 2015-04-003 Annie Goodson, etal. Rennie Mincey presented the case to the board. Tax map number 074-00-01-016 (PIN 216-16-03-0005) identifies the parcel located at 667 Paddock Road, Loris. The applicant requested a variance from Article VII, Section 702.2 (L) 1 regarding lot size requirements for an accessory living quarter in the Forest Agriculture (FA) zoning district. The required minimum lot size for accessory living quarters in FA zoning is 43,560 sq ft. The requested minimum lot size for accessory living quarters is 35,719 sq ft for a variance of 7,841 sq ft. **(Please refer to the May 11, 2015 packet for further**

info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations. (4) All conditional requirements applicable to accessory living quarters shall be met prior to issuance of a permit.

Bo Ives swore in Annie Goodson, applicant who explained the request.

Bo Ives swore in Patrinna Jackson, applicants daughter who further explained the request.

Alan Sipe made a motion to grant the variance with the conditions as stated by staff. Marion Shaw seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The fourth case number was 2015-04-004 Carol Milligan, agent for Margaret Pigg. Rennie Mincey presented the case to the board. Tax map number 112-00-02-007 (PIN 296-12-03-0001) identifies the parcel located at 257 Highway 471, Conway. The applicants requested a variance from Article VII, Section 701 and Article VIII regarding setback requirements in the Limited Forest Agriculture (LFA) zoning district. The required front setback for the porch is 45 feet. The requested front setback for the porch is 10 feet for a variance of 35 feet. The required front setback for the ramp is 45 feet. The requested front setback for the ramp is 20 feet for a variance of 25 feet. (Please refer to the May 11, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Carol Milligan, agent who explained the request.

Bo Ives swore in Boise Pigg, brother of the agent who further explained the request.

There was some discussion regarding the rezoning.

Mike Fowler made a motion to grant the variance with the conditions as stated by staff. Marion Shaw seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The fifth case number was 2015-04-005 Thomas & Rosemary Stasiak. Rennie Mincey presented the case to the board. Tax map number 184-17-02-127 (Pin 457-01-01-0018) identifies the parcel located at 6541 Royal Pine Drive, Myrtle Beach. The applicants requested a variance from Article VII, Section 709 and Article VIII regarding the rear yard building setback requirement for a lot within the Gardens at Heron Point. The required rear setback is 10 feet. The requested rear setback is 6 feet for a variance of 4 feet. (Please refer to the May 11, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to construction. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Thomas Stasiak, applicant who explained the request.

There was no public input.

Marion Shaw made a motion to grant the variance with the conditions as stated by staff. Alan Sipe seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The sixth case number was 2015-04-006 WI Jones, Jr, agent for Cool Springs Methodist Church. Rennie Mincey presented the case to the board. Tax map number 067-00-02-047 (PIN 233-16-04-0006) identifies the parcel located at 3024 Highway 319, Aynor. The applicants requested variances from Article V Section 527, Article VIII and Article XII Section 1203 A3 regarding the requirements for a cemetery in the Forest Agriculture (FA) zoning district. The required rear setback is 40 feet. The requested rear setback is 32 feet for a variance of 8 feet. The required front setback is 60 feet. The requested front setback is 16 feet for a variance of 44 feet. The required left side setback is 25 feet. The requested left side setback is 5 feet for a variance of 20 feet. 100% variances are requested and needed from the landscape buffer for front property line, rear property line and sides and also the front, rear and side landscape trees and shrubs. (Please refer to the May 11, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Planning and Zoning Department for review and approval. (2) All other applicable county requirements shall be met. (3) All future uses must conform to Horry County regulations.

Bo Ives swore in WI Jones Jr, applicant who explained the request.

There was no public input.

Paul Benik made a motion to grant the variance with the conditions as stated by staff. Alan Sipe seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The seventh case number was 2015-04-009 Melissa J. and Michael Robert Trotta. Rennie Mincey presented the case to the board. Tax map number 151-21-03-011 (PIN 382-13-03-0027) identifies the parcel located at 110 East Coker Lane, Conway. The applicants requested a variance from Article VII Section 706 and Article VIII regarding setback requirements in the Residential (SF10) zoning district. The required rear setback is 15 feet. The requested rear setback is 10.7 feet for a variance of 4.3 feet. (Please refer to the May 11, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants

approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to construction. (2) All other applicable county requirements shall be met. (3) All future uses must conform to Horry County regulations.

Bo Ives swore in Mike Trotta, applicant who explained the request.

Anita Moran had some concerns about the applicant renting the property out to college students.

Bo Ives swore in Rein Mungo of Coastal Carolina University, who stated that they were not opposed to the request.

Alan Sipe made a motion to grant the variance with the conditions as stated by staff. Mike Fowler seconded the motion. The motion carried with Anita Moran and Paul Benik voting no. *The variance was approved with conditions.*

With no further business the meeting was adjourned at approximately 8:00 p.m.

Horry County Government

PLANNING AND ZONING
www.horrycounty.org



Horry County Government & Justice Center
1301 Second Avenue
Conway, South Carolina 29526
Phone 843.915.5340 || Fax 843.915.6340

April 14, 2015

Rob Shelton
Bellamy Law Firm
1000 29th Avenue North
Myrtle Beach, SC 29577

91 7199 9991 7032 0064 3410

re: Case #2015-01-008

Dear Applicant(s):

This is to confirm that the Horry County Zoning Board of Appeals, at its regularly scheduled meeting on April 13, 2015 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

Alicia Shelley
Board Secretary

Attachment

cc: Dennis Thompkins
246 Greenleaf Circle
Myrtle Beach, SC 29579

91 7199 9991 7032 0064 3403

00013

STATE OF SOUTH CAROLINA) Horry County Zoning Board of Appeals
COUNTY OF HORRY) MINUTES – April 13, 2015

The Horry County Zoning Board of Appeals held its scheduled meeting on Monday, April 13, 2015 at 5:30 p.m. in the Horry County Government Center, Multi-purpose Room B, located at 1301 Second Avenue in Conway, South Carolina.

Board Members present: Paul Benik, William Livingston, John Brown, Anita Moran, Bo Ives, Michael Fowler, Ace Parker and Marion Shaw. Absent: Alan Sipe

Staff present: Rennie Mincey, Janet Carter, Wes Covington, Carol Coleman, Alicia Shelley, David Schwerd and Court Reporter Jerry Mabry.

In accordance with the SCFOIA, notices of the meeting were sent to the press (and other interested persons and organizations requesting notification) providing the agenda, date, time and place of the meeting.

Bo Ives, Chairman called the meeting to order at 5:30 p.m. There was a valid quorum for voting purposes. Bo Ives delivered the invocation and led in the Pledge of Allegiance.

Bo Ives swore in staff at this time.

COMMUNICATIONS

Rennie Mincey stated that 2015-03-005 Jerry and Brenda Vickory has asked for a 30 day deferral. Paul Benik made a motion to defer the case for 30 days. Marion Shaw seconded the motion. The motion carried unanimously. *This case was deferred for 30 days.*

MINUTES – March 9, 2015

Bo Ives asked if there were any additions, deletions or changes to the Minutes. Marion Shaw made a motion to accept the minutes as written. Anita Moran seconded. The motion carried unanimously. *The minutes for March 9, 2015 were approved.*

OLD BUSINESS

The first case number was 2015-01-008 Bellamy Law Firm, agent for Dennis Thompkins, DT, LLC. Rennie Mincey stated that this case was deferred at the last meeting. The applicant is appealing the Zoning Administrator's decision that the C&D Waste & Concrete Transfer business on this site is not approved to accept commercial loads of C&D concrete materials for processing from other contractors.

Rob Shelton, attorney for the applicant stated that he had suggested a consent order with that Wes Covington would like to relay to the board members. He stated that Roland Meyer, former

Zoning Administrator had submitted an affidavit stating that at that time he would not have an objection to the Thompkins receive C&D materials outside contractors to recycle at their site. He stated that his client also has documentation from 1997 as well as 2003 that shows they have been receiving these materials and processing for many years.

Bo Ives asked for a motion to go into Executive Session at 5:40 p.m. Paul Benik made a motion to go into Executive Session. Ace Parker seconded the motion. The motion carried unanimously.

Paul Benik made a motion to bring the meeting back to order at 5:52 p.m. William Livingston seconded the motion. The motion carried unanimously.

Bo Ives stated that the motion reads: The Board finds an acceptable accessory use of the applicant's property may be the acceptance of outside commercial loads of 'Recovered Materials' as a 'Recovered Materials Processing Facility,' as defined, respectively, by S.C. Code Subsections 44-96-40 (34) and (35). John Brown seconded the motion. The motion carried with Bo Ives, Anita Moran and Paul Benik voting no. *The board overturned the Zoning Administrators decision and the appeal was granted.*

Bo Ives announced to everyone that South Carolina code requires that the applicant has the burden of establishing a hardship. The five findings are as follows: 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. 2. These conditions do not generally apply to other property in the vicinity. 3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property. 4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. He stated that each applicant would be asked what their hardship is before hearing each case.

NEW BUSINESS

Public Hearings

Variances

The second case number was 2015-03-001 Chris and Glenda Saylor. Rennie Mincey presented the case to the board. Tax map number 194-00-02-122 identifies the parcel located at 11109 Hwy 707, Murrells Inlet. The applicants are requesting a variance from Article VII, Section 703 and Article VIII regarding the setback requirements in the Commercial Forest Agriculture (CFA) zoning district. The required right side setback is 15 feet. The requested right side setback is 1.6 feet for a variance of 13.4 feet. (Please refer to the April 13, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

The applicant was not present.

There was no public input.

Bo Ives made a motion to deny the request. Anita Moran seconded the motion. The motion carried with Ace Parker voting no. *The variance was denied.*

The third case number was 2015-03-002 N. David Durant, Sr. Rennie Mincey presented the case to the board. Tax map number 191-10-01-005 identifies the parcel located at 1801 Glenns Bay Road, Surfside Beach. The applicants requested a variance from Article X, Section 1009 (d) d 3 regarding the right side setback requirements for an on premise free-standing sign. (Please refer to the April 13, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All other applicable county requirements shall be met. (3) All future signage, buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Woody DuRant, applicant who explained the request.

There was no public input.

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

The fourth case number was 2015-03-003 Timothy Davis, agent for Grand Strand Christian Church. Rennie Mincey presented the case to the board. She stated that handout 1 was a revised staff review sheet. Tax map number 172-00-06-048 identifies the parcel located at 1226 Burcale Road, Myrtle Beach. The applicants requested a variance from Article VII, Section 706, Article VIII, Article XI Section 1004 and Article XII, Section 1201 A 4 regarding parking and fence/landscaping requirements for a church in the Residential (SF10) zoning district. (Please refer to the April 13, 2015 packet for further info).

Should the Board decide that this variance satisfies all five require factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Planning Department for review and approval. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations. (4) The Family Life Center/Gymnasium must be reviewed and approved for a change of use to a primary use prior to approval of the subdivision plat.

Bo Ives swore in Timothy Davis, agent who explained the request.

Bo Ives asked would he allow an additional condition that states that the fence is not required as long as the applicant holds title to the adjoining parcel.

Timothy Davis said that would be fine.

5

There was some discussion regarding the parking.

There was no public input.

Bo Ives made a motion to grant the variances with the conditions as stated by staff with an additional condition that states the fencing will not be required so long as the church retains ownership of the parcel in question. William Livingston seconded the motion. The motion carried unanimously. *The variances were approved with conditions.*

The fifth case number was 2015-03-006 Neil Johnson, agent for Michael Sheridan et al. Rennie Mincey presented the case to the board. Tax map number 179-22-01-062 identifies the parcel located at 54 Smith Blvd, Myrtle Beach. The applicants are requesting a variance from Article VII, Section 706 and Article VIII regarding setback requirements in the Residential (SF10) zoning district. The required left side setback is 10 feet. The requested left side setback is 5 feet for a variance of 5 feet. The rear setback requirement is 15 feet. The requested rear setback is 7 feet for a variance of 8 feet. (Please refer to the April 13, 2015 packet for further info).

Should the Board decide that this variance satisfies all five require factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Neil Johnson, agent who explained the request.

There was no public input.

The variance was denied due to lack of a motion.

The sixth case number was 2015-03-007 Steve Alger, Ocean Lakes Family Campground. Rennie Mincey presented the case to the board. Tax map numbers 192-00-01-015 and 025 identifies the parcel located at 6001 South Kings Hwy, Myrtle Beach. The applicants are requesting a variance from Article V Section 527.4 regarding the removal of 5 specimen live oaks 24" or greater. (Please refer to the April 13, 2015 packet for further info).

Should the Board approve removal of the Live Oak specimen trees, Staff recommends the following conditions: (1) Any mitigation and landscaping needs to be in place, inspected and approved by Planning & Zoning Department by completion of Phase 1. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

David Schwerd stated that they are requesting a variance to use palmetto trees as part of their mitigation.

Bo Ives swore in Steve Alger, agent and Jessica Brown, engineer. Steve Alger explained the Master Plan.

There was no public input.

Bo Ives made a motion to grant the variances with the conditions as stated by staff and an additional condition that mitigation of removed specimen trees may be achieved by an approved mix of 2.5" replacements and/or palmetto trees. William Livingston seconded the motion. The motion carried unanimously. *The variances were approved with conditions.*

The seventh case number was 2015-03-008 Hafida and James Osborn. Rennie Mincey presented the case to the board. Tax map number 172-20-03-006 identifies the parcel located at 4070 Halyard Way, Myrtle Beach. The applicants are requesting a variance from Article VII, Section 706 and Article VIII regarding setback requirements in the Residential (SF10) zoning district. The required left side setback is 10 feet. The requested left side setback is 0.5 feet for a variance of 9.5 feet. (Please refer to the April 13, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Hafida Osborn, applicant who explained the request.

There was much discussion regarding the buildings that are encroaching into the left side yard building setback area.

Bo Ives swore in Edward J. Carpenter, neighbor who had no objections to the request.

The variance was denied due to lack of a motion.

The eighth case number was 2015-03-009 Cynthia Branton and Thomas A. Johnson. Rennie Mincey presented the case to the board. Tax map number 112-00-02-033 identifies the parcel located at 3665 Hwy 905, Conway. The applicants are requesting a variance from Article VII, Section 721 regarding the buffer requirement in the Branton Minor Planned Development District (PDD). Lot #1 Office space and increase warehouse space not to exceed an addition of 3,600 sq. ft in a second structure as proposed future use. Lot #1 currently has a natural buffer to the rear and rear sides of this parcel which shall remain in place. (Please refer to the April 13, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All other applicable county requirements shall be met. (3) All future buildings, building additions and landscaping requirements must conform to Horry County regulations.

Carol Coleman explained the PDD

Bo Ives swore in Thomas Johnson, applicant who further explained the request.

David Schwerd stated that the right side buffer is normally 12 feet. The other side is their own property. He stated that reducing the buffer to 7 feet should be enough.

There was no public input.

Bo Ives made a motion to grant the variance with the conditions stated by staff and additional conditions that state the required 25' undisturbed buffer on the exterior property line which has been removed shall be mitigated with a fence and a 10' landscaped buffer and the 25' required undisturbed rear buffer shall remain. William Livingston seconded the motion. The motion carried unanimously. *The variances were approved with conditions.*

The ninth case number was 2015-03-010 Brent Harmon/Nova Lighting. Rennie Mincey presented the case to the board. Tax map number 155-14-02-051 identifies the parcel located at 9696 Hwy 17, Myrtle Beach. The applicants requested a variance from Article VII, Section 723 (O) regarding the height requirements for a sign in the Restaurant Row Overlay district. The required on premise freestanding sign height is 30 feet. The requested on premise freestanding sign height is 36 feet for a variance of 6 feet. (Please refer to the April 13, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All other applicable county requirements shall be met. (3) All future buildings, building additions and signage must conform to Horry County regulations.

Bo Ives swore in Brent Harmon, agent who explained the request.

Paul Benik had some concerns with the power line.

After some discussion regarding the moving of the power line, Bo Ives suggested that we defer this case for 30 days to give the applicant time to talk to the installer and possibly DOT.

There was no public input.

Bo Ives made a motion to defer this case for 30 days. John Brown seconded the motion. The motion carried unanimously. *The case was deferred for 30 days.*

The tenth case number was 2015-03-011 Norton Geddie, agent for Margaret Lucas. Rennie Mincey presented the case to the board. Tax map number 116-17-01-012 identifies the parcel located at 127 Pickerel Blvd, Longs. The applicants requested a variance from Article VII, Section 721 and Article VIII regarding setback requirements in the Planned Unit Development (PUD) zoning district. The required front setback is 20 feet. The requested front setback is 19 feet for a variance of 1 foot. The required rear setback is 15 feet. The requested rear setback is 11 feet for a variance of 4 feet. . (Please refer to the April 13, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All other applicable county requirements shall be met. (2) All future buildings, building additions and signage must conform to Horry County regulations.

Norton Geddie, attorney for the applicant explained the request.

There was no public input.

John Brown made a motion to grant the variance with the conditions as stated by staff. Marion Shaw seconded the motion. The motion carried unanimously. *The variance were approved with conditions.*

The eleventh case number was 2015-03-012 Arcadian Shores Commons LLC. Rennie Mincey presented the case to the board. Tax map number 155-00-01-111 identifies the parcel located at 10600 Kings Road, Myrtle Beach. The applicants requested a variance from Article VII, Section 723.12 (O) (9) a. and d.5 and Article X, Section 1010 (B) 5. regarding digital billboard requirements in the Restaurant Row Overlay zoning district. *(Please refer to the April 13, 2015 packet for further info).*

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All other applicable county requirements shall be met. (2) All future buildings, building additions and signage must conform to Horry County regulations. (3) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.

Bo Ives swore in Pudge Roberts, who explained the request.

David Schwerd explained the Development Agreement.

After much discussion, the applicant asked for a deferral.

There was no public input.

Bo Ives made a motion to defer this case for 30 days. Anita Moran seconded the motion. The motion carried unanimously. *The case was deferred for 30 days.*

The twelfth case number was 2015-03-013 McLeod Regional Medical Center. Rennie Mincey presented the case to the board. Tax map number 165-00-01-499 identifies the parcel located at International and Startek Drive, Myrtle Beach. The applicant requested a variance from Article X, Section 1005 (f) regarding the requirements for a construction sign. The required maximum allowed square footage for a temporary construction sign is 40 sq. ft. The requested maximum allowed square footage for a temporary construction sign is 280 sq. ft. for a variance of 240 sq. ft. *(Please refer to the April 13, 2015 packet for further info).*

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All other applicable county requirements shall be met. (2) All future buildings, building additions and signage must conform to Horry County regulations. (3) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained.

Bo Ives swore in Jenna Cox and Debbie Jenkins who explained the request.

Bo Ives asked when they propose to take this temporary sign down.

Debbie Jenkins stated that when the permanent sign is applied for that they will take down the construction sign. 9

Bo Ives swore in Dargan Grigg, who further explained the request.

Paul Benik made a motion to grant the variance with the conditions as stated by staff. John Brown seconded the motion. The motion carried unanimously. *The variance were approved with conditions.*

Special Exceptions

The thirteenth case number was 2015-03-004 Susan Diane Moore, agent for GSWSA. Rennie Mincey presented the case to the board. Tax map number 183-00-03-042 identifies the parcel at 135 Bucksport Rd, Conway. The applicants requested a special exception approval from Article V, Section 534 to allow on premise consumption of alcohol for a restaurant/bar in the Marine Industrial (MI) zoning district. (Please refer to the April 13, 2015 packet for further info).

Should the Board find that the special exception request for Captain Seaweeds Restaurant/Bar meets the required conditions of Section 534, the standard conditions imposed by the board are:

- 1) ~~No outdoor entertainment or amplified outdoor speakers;~~ (the applicant is requesting to allow outdoor entertainment)
- 2) ~~No hosting of vendors during spring and fall bike rallies;~~ (the site hosted vendors during the spring rally and would like to host vendors in the future)
- 3) No burnout pits;
- 4) ~~No outdoor displays or tents on the property;~~ (the applicant would like to have outdoor displays and/or tents)
- 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 - 11:00 AM until 12:00 Midnight, Tuesday through Sunday; (as requested by the applicant)
- 9) Any changes in business ownership, character, or hours, shall result in the suspension of this approval and a rehearing by 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;
- 12) ~~No outdoor dining;~~ (Outdoor dining is requested) and,
- 13) No sweepstakes and/or internet gaming permitted at any time.

Bo Ives swore in James Moore, agent who explained the request.

There was no public input.

Paul Benik made a motion to grant the special exception with the conditions as stated by staff. Anita Moran seconded the motion. The motion carried unanimously. *The special exception was approved with conditions.*

With no further business the meeting was adjourned at approximately 8:17 p.m.

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STATE OF SOUTH CAROLINA) Horry County Zoning Board of Appeals
COUNTY OF HORRY) MINUTES – MARCH 9, 2015

The Horry County Zoning Board of Appeals held its scheduled meeting on Monday, March 9, 2015 at 5:30 p.m. in the Horry County Government Center, Multi-purpose Room B, located at 1301 Second Avenue in Conway, South Carolina.

Board Members present: Paul Benik, William Livingston, John Brown, Anita Moran, Bo Ives, Alan Sipe and Marion Shaw. Absent: Michael Fowler and Ace Parker

Staff present: Rennie Mincey, Janet Carter, Wes Covington, Alicia Shelley, Stevie Brown and Court Reporter Jerry Mabry.

In accordance with the SCFOIA, notices of the meeting were sent to the press (and other interested persons and organizations requesting notification) providing the agenda, date, time and place of the meeting.

Bo Ives, Chairman called the meeting to order at 5:30 p.m. There was a valid quorum for voting purposes. Anita Moran delivered the invocation and William Livingston led in the Pledge of Allegiance.

Bo Ives swore in staff at this time.

COMMUNICATIONS

Rennie Mincey stated that 2014-12-007 Trey and Bryan Boggs for Palmetto Moonshine has been resolved and the applicant asked to be removed from the agenda.

Bo Ives announced to everyone that South Carolina code requires that the applicant has the burden of establishing a hardship. The five findings are as follows: 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. 2. These conditions do not generally apply to other property in the vicinity. 3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property. 4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. He stated that each applicant would be asked what their hardship is before hearing each case.

MINUTES – January 12, 2015

Bo Ives asked if there were any additions, deletions or changes to the Minutes. He stated that a scrivener's error had been changed. Anita Moran made a motion to accept the minutes as written. William Livingston seconded. The motion carried unanimously. *The minutes for February 9, 2015 were approved.*

3

OLD BUSINESS

The first case number was 2015-01-008 Bellamy Law Firm, agent for Dennis Thompkins, DT, LLC. Rennie Mincey stated that this case was deferred for 30 days to have time to bring some additional information to the board. The applicant is appealing the Zoning Administrator's decision that the C&D Waste & Concrete Transfer business on this site is not approved to accept commercial loads of C&D concrete materials for processing from other contractors.

Bo Ives asked if the Zoning Administrator had revised her stance.

Rennie Mincey stated no.

Rob Shelton, attorney for Thompkins and Associates stated that they went through the records of the company and have provided what the board asked. He stated that the current interpretation from the permit that was issued in 2007 by a different zoning administrator is that outside loads of C&D is not allowed to be brought to the Thompkins property to be recycled. We are trying to explain to this board is that in 2007 when they applied for this permit they were already and had always been accepting outside loads. They then told the Zoning Administrator what they were doing. Horry County Zoning Administrator issued the permit. We have produced load tickets from 2006 and the first quarter of 2007 and a ledger of 2006 from the bookkeeper. We are asking this board to affirm that what they have always been doing is still permissible. Either the Zoning Administrator today is interpreting differently or the county issued it incorrectly. He states that the Zoning Administrator's disagree.

There was some discussion regarding the 3 DHEC letters that were submitted, selling of the equipment and the current requirements which states that crushing should be inside a facility.

There was some discussion regarding the fence along Ms. William's property. Rob Shelton stated that the would be investors are more than willing to put the fence back up.

Bo Ives swore in Janice Dowell, neighbor who had some concerns about the new partnership and is not comfortable with a blank recycling word. She is concerned about the welfare of the citizens in her community.

Rennie Mincey stated that there is no disagreement between herself and the prior Zoning Administrator. This has nothing to do with this request. The Zoning compliance that was issued for the building permit for C&D Recycling which specifically says this is an accessory use to an existing business. An accessory use by our definition is a use that is incidental and subordinate to the principal use of the land or building to be located along with the primary use. At that time the use was a heavy equipment business that was operated by Thompkins and Associates. Without it being an accessory use to that business it could not have even been permitted as the zoning district would not have allowed it as a stand-alone use.

Bo Ives swore in Ron Gilkerson, representative for John Taylor and Mr. Thompkins. The rock and concrete crushers has water misters on it to keep the dust suppressed. He also touched on the DHEC letter about their business plan. He briefly talked about the new enclosure requirement.

Bo Ives swore in Rivers Dowell, Jr. He had some concerns about the trucks coming up and down the road by the school.

Alan Sipe inquired about the verbiage of the business license.

Rennie Mincey stated that she did not have a copy of the business license but they go by SIC codes. She stated that she is talking about the Zoning Compliance that was issued by the Zoning Department when she read earlier. She stated that Business License does have to have zoning approval before the issuance of a business license.

William Livingston inquired about the business being grandfathered.

Rennie Mincey stated that based on the records she has to look at, that on March 20, 2007 not sure what made them come in to get a compliance for the business license, I cannot say what happened before 2007, this does not say it was grandfathered.

Wes Covington stated that Horry County Business License Ordinance requires that each class of activity conducted at a business have an individual type of license and they would have gone by SIC codes. Mrs. Mincey goes by land use approvals.

Paul Benik stated that if we don't overrule the Zoning Administrators decision the applicant can still come back for a variance but that would require a rezoning and that would be something Council and planning would take up and not this board.

Bo Ives stated that the question before us is to uphold or deny.

William Livingston asked if it would be grandfathered because they were doing it 1 year before the license were issued.

Wes Covington stated that he did not believe so. He stated that there seems to be some confusion as to whether we are dealing with a C&D Waste Transfer business or a recovered materials processing facility so if the board does reach a point some time tonight where a motion is made I would suggest clarification within its motion which one we are talking about.

Rob Gilkerson stated that a transfer business does require a permit by DHEC. Transfer by definition means that you bring in the solid waste material and put it on the ground, you basically do no separation, load it back on a truck and send it to a landfill. This is not permitted because it is a C&D Recycling Center. The materials are separated and then the processing starts, such as clean concrete gets crushed and can be used for a road base.

There was much discussion regarding DHEC inspections and land use jurisdictions.

Ron Gilkerson stated that they were only after construction and demolition jobs and didn't mind it being specified.

Paul Benik stated that Thompkins & Associates is hauling in his and someone else's.

Ron Gilkerson said yes.

Ron Gilkerson stated that heavy equipment business is needed every day and that is why we have bought all new equipment that will be brought in.

There was more discussion regarding the DHEC letters.

Paul Benik stated that he is concerned about the gentleman's business. Would you allow us to defer or table so you can come back and seek a rezoning and get a variance from the building.

Ron Gilkerson said he would have to talk to Mr. Thompkins and Mr. Taylor.

Bo Ives asked Mrs. Carter if she sees a way to administratively codify what activities occur out there so there is clarity on the operator and the county.

Janet Carter stated that we would have to work on the board order. If the board determines that the Zoning Administrator should be overturned then the board could specify in its order its own decision as to what this property is allowed to do as a legal nonconforming use. Not sure that she can do that all tonight as it might take some time.

Rob Shelton suggested the letter to DHEC as a template to be used. He stated that they would rebuild the fence and continue to suppress the dust with misters and water.

Janet Carter stated that she is trying to figure out legally, if the board says Mrs. Mincey is wrong, that this is not an accessory use and that no third party haulers may bring materials to site. What the boards finding would be. I'm just debating myself would it be a type of business, accessory use defined differently, would we call it a legal nonconforming use. I'm just not sure what we would call it. I think I need more time than sitting here tonight to put that order together. I need to confer with Mr. Covington as he may have legal concerns that need to be addressed in the order.

Wes Covington stated that he prefer this be discussed in Executive Session if the board is seeking legal advice.

Paul Benik made a motion to go into Executive Session at 6:55 p.m. Alan Sipe seconded the motion and it carried unanimously.

Paul Benik made a motion to come out of Executive Session at 7:15 p.m. Alan Sipe seconded the motion and it carried unanimously.

Wes Covington stated that the board went into Executive Session for the purpose of receiving legal advice and no decisions were made.

Bo Ives stated that there are two avenues and one is to allow another 30 days to allow the applicant to consider more avenues, whether they want to apply for a variance in lieu of asking us to overturn the Zoning Administrator. If we looked at a variance we could construct conditions. The other alternative would be to have us deliberate tonight.

Rob Shelton stated that there has been sworn testimony presented, no shred of complaints and he has been doing what he said he was doing prior to zoning. He stated that we could stipulate in the board order the letter to DHEC as to what we are doing.

Janet Carter stated that she does not see how we can draft an order when we are talking about a decision that was made in 2007 and not talking about what these folks are going to be doing going forward. I cannot rewrite history sitting here.

Rob Shelton stated we could put several whereas clauses in the beginning and set forth what can be received at this site.

Janet Carter said she is left to look at two parts of the Zoning Administrator's decision which is that this is an accessory use to the heavy equipment construction business and that by accessory use that means that no third party loads can be brought in to the site. That is what it meant in 2007 according to the Zoning Administrator's determination and do not know how I can go back and rewrite what was meant and what was happening in 2007, is my concern. I will do what this board chooses and write the best order that I can write and get input from Mr. Covington if the board goes that way.

Rob Shelton stated that they have done everything that this board asked of them and they have been doing this long before zoning.

Bo Ives recessed this case to give the attorney time to talk to his clients. (See page 6 for motion)

NEW BUSINESS

Public Hearings

Variances

The second case number was 2015-01-006 Roger Norton, agent for C&M Investments of Lancaster LLC. Rennie Mincey presented the case to the board. Tax map number 195-14-13-087 identifies the parcel located at 130 N. Waccamaw Drive, Garden City. The applicants are requesting a variance from Article VII, Section 721 and Article VIII regarding the setback requirements in the Planned Development District (PDD). The required rear setback is 10 feet. The requested rear setback is 0 feet for a variance of 10 feet. (Please refer to the March 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to construction of the proposed boardwalk extension. (2) All other applicable county and other regulatory agency requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Roger Norton, applicant who explained the request.

The board had some concerns with the dunes.

Roger Norton stated that DHEC's requirement is that the boardwalk had to be 2 feet about the dunes.

There was no public input.

Paul Benik made a motion to grant the variance with the conditions as stated by staff. John Brown seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

Rob Shelton stated that he would like to request a 30 day deferral for case 2015-01-008.

John Brown made a motion to defer for 30 days. William Livingston seconded the motion. The motion carried unanimously. *This case was deferred for 30 days.*

The third case number was 2015-02-001 John J. Coyle et al. Rennie Mincey presented the case to the board. Tax map number 155-08-24-015 identifies the parcel located at 991 Oakwood Lane, Myrtle Beach. The applicants requested a variance from Article VII, Section 707 and Article VIII regarding setback requirements in the Residential (SF6) zoning district. (Please refer to the March 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to construction. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in John Coyle, applicant who explained the request.

Bo Ives swore in Patrick Payne, neighbor who opposed the request. He informed the board that the plat presented is not current.

Bo Ives swore in Evelyn Coyle, applicant who stated that not having the current plat was her fault. She didn't think it mattered since the back area was not where the variance was needed.

There was some discussion about the plat.

Bo Ives asked for a motion. The *request was denied* due to lack of a motion.

The fourth case number was 2015-02-002 Howard and Sharon Stiller. Rennie Mincey presented the case to the board. Tax map number 195-10-09-016 identifies the parcel located at 409 Seabreeze Drive, Murrells Inlet. The applicants requesting a variance from Article VII, Section 707A and Article VIII regarding the setback requirements in the Residential (MSF6) zoning district. (Please refer to the March 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to construction. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Sharon Stiller, applicant who explained the request.

There was no public input.

Paul Benik made a motion to grant the variance with the conditions as stated by staff. Alan Sipe seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The fifth case number was 2015-02-003 Randy Durant, agent for Henry & Donna Miller. Rennie Mincey presented the case to the board. Tax map number 179-38-01-037 identifies the parcel located 136 Harbor Oaks Drive, Myrtle Beach. The applicants requested a variance from Article VII, Section 721 and Article IX, Section 907 (C) regarding the setback requirement for unenclosed steps and landings in the Harbor Oaks PDD. (Please refer to the March 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to a change in construction of the steps and landing as approved on the current permit. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Randy Durant, applicant who explained the request.

There was no public input.

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

The sixth case number was 2015-02-004 The Pantry, Inc. Rennie Mincey presented the case to the board. She informed the board that Handout 1 was a revised sheet for this case. Tax map number 163-00-01-058 identifies the parcel located at 4408 Highway 501, Myrtle Beach. The applicants requested a variance from Article VII, Section 723.E (3) regarding the landscape and buffer requirements in the Highway 501 Overlay district. The following variances are requested: The required front buffer width is 25 feet, requested front buffer width is 5 feet for a variance of 20 feet. The required front landscape shrubs is 56, requested front landscape shrubs is 24 for a variance of 32. The required left side buffer width is 15 feet, requested left side buffer width is 5 feet for a variance of 10 feet. The required left side landscape shrubs is 35, requested left side landscape shrubs is 30 for a variance of 5. The required rear buffer width is 15 feet, requested rear buffer width is 4 feet for a variance of 11 feet. The required right side buffer width is 10 feet, requested right side buffer width is 4.5 feet for a variance of 5.5 feet. The required right side canopy trees is 3, requested right side canopy trees is 0 for a variance of 3. The required right side understory trees is 3, requested right side understory trees is 0 for a variance of 3. The required right side landscape shrubs is 28, requested right side landscape shrubs is 13 for a variance of 15. The required foundation landscape shrubs is 48, requested foundation landscape shrubs is 16 for a variance of 32. (Please refer to the March 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to renovations/construction. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in David Whittington, applicant who explained the request.

Bo Ives swore in Wes Bolin, who further explained the site plan.

Paul Benik has some concerns about placing more landscaping in other areas on the parcel.

Bo Ives commended them for trying to fit all the green they could on the parcel.

There was no public input.

Bo Ives made a motion to grant the variance with the conditions as stated by staff. Alan Sipe seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The seventh case number was 2015-02-007 Robert and Teresa Johnson. Rennie Mincey presented the case to the board. Tax map number 136-11-04-004 identifies the parcel located at 3306 Betty Street, Conway. The applicants requested a variance from Article VII, Section 705 and Article VIII regarding the setback requirements in the Residential (SF20) zoning district. The required rear setback is 25 feet. The requested rear setback is 20 feet for a variance of 5 feet. (Please refer to the March 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to construction. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Robert Johnson, applicant who explained the request.

There was much discussion between the board and the applicant about moving the storage building 5 feet to meet the setbacks.

There was no public input.

Bo Ives asked for a motion. The *request was denied* due to lack of a motion.

The eighth case number was 2015-02-008 Martin Durham, agent for 3W LLC. Rennie Mincey presented the case to the board. Tax map number 172-00-05-036 identifies the parcel located at 3001 Waccamaw Blvd, Myrtle Beach. The applicants requested a variance from Article VII, Section 723.3 E (8) (6) and Article X, Section 1004 (a) regarding the sign requirements in the Highway 501 Overlay district. (Please refer to the March 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to erection of signage. (2) All other applicable county requirements shall be met. (3) All future buildings, building additions and signage must conform to Horry County regulations.

Bo Ives swore in Matt Hydik, agent who explained the request.

Bo Ives swore in Michael Helvie, sign company rep who explained the signs.

Bo Ives swore in Martin Durham, representative for the property owner who requested approval.

Bo Ives made a motion to grant the variance with the conditions as stated by staff. Marion Shaw seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The ninth case number was 2015-02-009 Ron Heine, Carolina Home Exteriors, agent for Perry Ent. Rennie Mincey presented the case to the board. Tax map number 186-00-01-012 identifies the parcel located at 1676 Perry Circle, Myrtle Beach. The applicants requested a variance from Article VII, Section 707 and Article VIII regarding the setback requirements in the Residential (SF6) zoning district. (Please refer to the March 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to construction. (2) All other applicable county requirements shall be met. (3) All future buildings, building additions and signage must conform to Horry County regulations.

Bo Ives swore in Ron Heine, agent who explained the request.

Bo Ives asked if he would allow a fourth condition that states that the porch shall remain screened and not be enclosed.

Ron Heine said yes.

There was no public input.

Bo Ives made a motion to grant the variance with the conditions as stated by staff and a fourth condition that states the porch shall remain screened and shall not be enclosed. Alan Sipe seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The tenth case number was 2015-02-010 Walter W. Smith. Rennie Mincey presented the case to the board. Tax map number 195-09-03-012 identifies the parcel located at 2591 Highway 17, Garden City. The applicant requested a variance from Article VI, Section 513 and Article VIII regarding the setback requirements for a corner lot adjacent to a collector or arterial street. The required right side setback is 50 feet. The requested right side setback is 16 feet for a variance of 34 feet. (Please refer to the March 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained prior to construction. (2) All other applicable county requirements shall be met. (3) All future buildings, building additions and signage must conform to Horry County regulations.

Bo Ives swore in Walter W. Smith, applicant who explained the request.

There was no public input.

John Brown made a motion to grant the variance with the conditions as stated by staff. Paul Benik seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

Special Exceptions

The eleventh case number was 2015-02-005 Patrick J. Chapman, agent for Baker Holding Co. LLC. Rennie Mincey presented the case to the board. Tax map number 195-09-02-009 identifies the parcel located at 2796 Highway 17 S, Garden City. The applicants requested special exception approval from Article V, Section 534 to allow on premise consumption of alcohol for a bar/grill in the Highway Commercial (HC) zoning district. (Please refer to the March 9, 2015 packet for further info).

Should the Board find that the special exception request for Garden City Country Club Bar & Grill meets the required conditions of Section 534, the standard conditions imposed by the board are: (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: 10:00 a.m. until 2:00 a.m., Monday thru Sunday (*as requested by applicant*); (9) Any changes in business ownership, character, or hours shall result in the suspension of this approval and a rehearing by 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; (13) No sweepstakes and/or internet gaming permitted at any time.

Bo Ives swore in Patrick Chapman, agent who explained the request.

There was some discussion regarding the hours.

There was no public input.

Paul Benik made a motion to grant the special exception with the conditions as stated by staff and the hours of operation to be 11:00 a.m. until 2:00 a.m. Monday thru Sunday. William Livingston seconded the motion. The motion carried unanimously. *The special exception was approved with conditions.*

The twelfth case number was 2015-02-006 Ron Duncan, agent for Gary Douglas Enterprises, LLC. Rennie Mincey presented the case to the board. Tax map number 195-09-19-030 identifies the parcel located at 614 Atlantic Avenue Unit D, Garden City. The applicants requested special exception approval from Article V, Section 534 to allow on premise consumption of alcohol for a restaurant/bar in the Highway Commercial (HC) zoning district. The applicants are also requesting a variance from Article XI, Section 1101 (F) 3 regarding parking requirements for a restaurant/bar expansion. The required additional off street parking spaces is 10. The provided off street parking spaces is 0 for a variance of 10 spaces. (Please refer to the March 9, 2015 packet for further info).

Should the Board find that the special exception request for Willie's Bar & Deli meets the required conditions of Section 534, the standard conditions imposed by the board are: (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: 9:00 a.m. until 2:00 a.m., Monday thru Sunday *(as requested by applicant)*; (9) Any changes in business ownership, character, or hours shall result in the suspension of this approval and a rehearing by 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 sweepstakes and/or internet gaming permitted at any time.

Bo Ives swore in Ron Duncan, agent who explained the request.

There was some discussion regarding the hours.

Bo Ives made a motion to grant the special exception with the conditions as stated by staff, the hours of operation to be 11:00 a.m. until 2:00 a.m. Monday thru Sunday and no outdoor dining after 10:00 p.m. Anita Moran seconded the motion. The motion carried unanimously. *The special exception was approved with conditions.*

Paul Benik made a motion to grant the variance with the conditions as stated by staff. Anita Moran seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

With no further business the meeting was adjourned at approximately 9:45 p.m.

STATE OF SOUTH CAROLINA) Horry County Zoning Board of Appeals
COUNTY OF Horry) MINUTES - FEBRUARY 9, 2015

The Horry County Zoning Board of Appeals held its scheduled meeting on Monday, February 9, 2015 at 5:30 p.m. in the Horry County Government Center, Multi-purpose Room B, located at 1301 Second Avenue in Conway, South Carolina.

Board Members present: Paul Benik, William Livingston, John Brown, Anita Moran, Bo Ives, Alan Sipe, Michael Fowler and Ace Parker. Absent: Marion Shaw

Staff present: Rennie Mincey, Janet Carter, Wes Covington, Alicia Shelley, Stevie Brown, Court Reporter Jerry Mabry and Tom Roth.

In accordance with the SCFOIA, notices of the meeting were sent to the press (and other interested persons and organizations requesting notification) providing the agenda, date, time and place of the meeting.

Bo Ives, Chairman called the meeting to order at 5:30 p.m. There was a valid quorum for voting purposes. Bo Ives delivered the invocation and led in the Pledge of Allegiance.

Bo Ives swore in staff at this time.

COMMUNICATIONS

None

MINUTES - January 12, 2015

Bo Ives asked if there were any additions, deletions or changes to the Minutes. Anita Moran made a motion to accept the minutes as written. Alan Sipe seconded. The motion carried unanimously. *The minutes for January 12, 2015 were approved.*

OLD BUSINESS

Rennie Mincey stated that 2014—12-007 Trey and Bryan Boggs, agent for Rodney K. Bell has requested deferral to work on the sign that they already have. Paul Benik made a motion to grant the deferral for 30 days. John Brown seconded. The motion carried unanimously. *The deferral was granted for 30 days.*

Bo Ives announced to everyone that South Carolina code requires that the applicant has burden of establishing a hardship. The five findings are as follows: 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. 2. These conditions do not generally apply to other property in the vicinity. 3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable

restrict the utilization of the property. 4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. He stated that each applicant would be asked what their hardship is before hearing each case.

NEW BUSINESS

Public Hearings

Variances

The first case number was 2015-01-001 Paul F. Steinbach, etal. Rennie Mincey presented the case to the board. Tax map number 194-32-01-126 identifies the parcel located at 7968 Leeward Lane, Murrells Inlet. The applicant requested a variance from Article VII Section 721 and Article VIII regarding the setback requirements in the Planned Unit Development (PUD) zoning district. The required rear setback is 25 feet. The requested rear setback is 20 feet for a variance of 5 feet. (Please refer to the February 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Janet Steinbach, applicant who explained the request.

Bo Ives asked if she would allow a fourth condition that states the screened lanai shall not be enclosed.

Janet said that was fine.

There was no public input.

John Brown made a motion to grant the variance with the conditions as stated by staff and an additional condition that states the screened lanai shall not be enclosed. William Livingston seconded the motion. The motion carried with Alan Sipe voting no. *The variance was approved with conditions.*

The second case number was 2015-01-002 Nicholas B. Clem. Rennie Mincey presented the case to the board. Tax map number 128-19-01-084 identifies the parcel located at 1718 Holly Ridge Drive, Longs. The applicant requested a variance from Article V Section 512 to allow an accessory storage building to be forward of the primary structure in the Residential (SF10) zoning district. (Please refer to the February 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Nicholas Clem, applicant who explained the request.

Bo Ives swore in Jeff Marstiller, neighbor who supports the request.

Bo Ives asked the applicant if he had a problem with putting a fourth condition that states that the use be restricted to storage only.

Nicholas Clem said no problem.

Bo Ives made a motion to grant the variance with the conditions as stated by staff and an additional condition that states the use of the accessory building shall be limited to storage only. Paul Benik seconded the motion. The motion carried with Alan Sipe voting no. *The variance was approved with conditions.*

The third case number was 2015-01-003 Todd Fisher, agent for Dunes Lake Plantation POA. Rennie Mincey presented the case to the board. Tax map number 166-01-05-143 identifies the parcel located at 511 Maison Drive, Myrtle Beach. The applicants requested a variance from Article V, Section 512 (a) and Article VIII regarding dumpster pad/compactor location requirements. Site 1 front setback requirement is 30 feet, requested is 22 feet for a variance of 8 feet. Site 1 left side setback requirement is 7 feet, requested is 6 feet for a variance of 1 foot. Site 2 right side setback is 7 feet, requested is 6 feet for a variance of 1 foot. Sites 1 and 2 would also require a variance to allow the accessory structures to be forward of the principal structure. (Please refer to the February 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Todd Fisher, applicant who explained the request and said Site 1 was the preferred location.

There was much discussion regarding the boards concerns of the location of the proposed sites.

Bo Ives asked what the residents are saying.

Todd Fisher said that there have been no complaints.

Bo Ives swore in Carol Trosey and Jo Derrick who both supported the Site 1 location.

Alan Sipe made a motion to grant the variances for Site 1 with the conditions as stated by staff and an additional condition that says they shall use an aesthetically pleasing screening that meets the Horry County screening regulations. Mike Fowler seconded the motion. The motion carried unanimously. *The variances for Site 1 were approved with conditions.*

The fourth case number was 2015-01-004 Venture Engineering, agent for Jam'n LLC. Rennie Mincey presented the case to the board. Tax map number 184-00-02-129 identifies the parcel located at 8390 Highway 707, Myrtle Beach. The applicants are requested variances

from: (1) Section 723.5 (E) Access to public pedestrian facilities to omit the requirement to construct a sidewalk from Hwy 707 right-of-way to building entrance. (2) Section 723.5 (D) (5) Landscaping and buffer requirements to allow for a 3' wide perimeter landscape buffer along both side property lines instead of the required 10 feet. (3) Section 723.5 (L) Sign regulations to use the existing freestanding on premise pole sign. (4) Section 723.5 (D) (5) b. 7. Berm construction requirements to allow for a 2 to 1 slope. (Please refer to the February 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Code Enforcement Department for review and approval and required permits obtained. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations. (4) Must conform to all requirements of the approved Stormwater permit.

Bo Ives swore in Tom Roth, Deputy Stormwater Manager who stated that there is an approved plan and they have not submitted any changes to the plan to allow for a 2 to 1 slope.

Bo Ives swore in Steve Powell, agent who explained the request. He stated that they had withdrawn the slope variance.

There was much discussion concerning the landscape buffer.

Bo Ives swore in Michael Forsala, applicant who further explained the request.

Stevie Brown stated that there was a 3' shelf on the swell and he recommended the landscape buffer be a minimum of 6'.

The board had some concerns with the existing sign and wishes to comply with the 707 Overlay requirement.

Bo Ives made a motion to *grant the request to omit the requirement to construct a sidewalk from Hwy 707 right-of-way to building entrance, grant the variance for a 6' wide perimeter landscape buffer along both side property lines to the extent of the Phase 1 lines shown on the site plan included on page 79 of the Board's packet and deny the request to use the existing freestanding on premise pole sign.* John Brown seconded the motion. The motion carried unanimously.

The fifth case number was 2014-01-005 Firefall Ministries, Inc. Rennie Mincey presented the case to the board. Tax map number 020-00-01-317 identifies the parcel located at 6221 Highway 9, Nichols. The applicants requested a variance from Article XII, Section 1201 (A) 4 regarding the fencing requirements for a church in the Forest Agriculture (FA) zoning district. The requirement states that a fence or wall at least 6' in height above finished grade is installed along all residential property lines. (Please refer to the February 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Planning and Zoning Department for any revisions to the existing approved plans. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Rev. Ricky Hardee, applicant who explained the request.

Bo Ives swore in Carlisle Mincey, adjoining neighbor who supports the request.

Bo Ives made a motion to grant the variance with the conditions as stated by staff and an additional condition that states a six (6) ft. wide area of the existing trees along the side and the rear of the property must be maintained as a buffer. Mike Fowler seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

The sixth case number was 2015-01-007 Jason White, agent for Buck Creek Investors LLA and William and Cynthia Bellamy. Rennie Mincey presented the case to the board. Tax map number 089-00-05-022 & 023 identifies the parcel located at 110 White Creek Lane, Longs. The applicants requested a variance from Article VII Sections 702 and 704 and Article VIII regarding the minimum lot size requirements in the Forest Agriculture and Residential (SF40) zoning districts. The minimum lot size requirement for Lot 1 is 21,780 sq. ft. The requested lot size is 16,124 sq. ft. for a variance of 5,656 sq. ft. The minimum lot size requirement for Lot 2 is 40,000 sq. ft. The requested lot size is 18,563 sq. ft. for a variance of 21,437 sq. ft. (Please refer to the February 9, 2015 packet for further info).

Should the Board decide that this variance request satisfies all five required factors and grants approval of the requested variance, Staff recommends the following conditions: (1) All required documents shall be submitted to the Horry County Planning and Zoning Department for review prior to plat approval. (2) All other applicable county requirements shall be met. (3) All future buildings and building additions must conform to Horry County regulations.

Bo Ives swore in Jason White, applicant who explained the request.

Bo Ives swore in James Bellamy, neighbor who supported the request.

Paul Benik made a motion to grant the variance with the conditions as stated by staff. Alan Sipe seconded the motion. The motion carried unanimously. *The variance was approved with conditions.*

Appeals

The seventh case number was 2015-01-008 Bellamy Law Firm, agent for Dennis Thompkins, DT, LLC. Rennie Mincey presented the case to the board. Tax map number 172-00-03-033 identifies the parcel located at 310 Piling Road, Myrtle Beach. The applicant appealed the Zoning Administrator's decision that the C&D Waste & Concrete Transfer business on this site is not approved to accept commercial loads of C&D Concrete materials for processing from other contractors. (Please refer to the February 9, 2015 packet for further info).

According to the Horry County Business License records, business license ID # 23387 described as Recycle C & D Waste & Concrete Transfer is in the business name of Thompkins & Associates, Inc. and located on the property identified by TMS# 172-00-03-033. This business was approved in 2007 as an accessory use to the existing construction heavy equipment business that was located on the site in 1981. According to the Horry County Business License records,

the business described as Construction Heavy Equipment and identified by ID # 2576 is also in the business name of Thompkins & Associates Inc.

The approved C & D Waste & Concrete Transfer business may continue as an accessory use to the Construction Heavy Equipment business approved on the site. Should the approved Construction Heavy Equipment business use cease operation at this location, the recycling use will no longer be allowed on this site.

The Zoning Administrator has determined that the C & D waste & concrete transfer use on this site is approved as an accessory use to a construction and heavy equipment business that was approved on the site prior to zoning of the property and is not permitted to receive and process materials from other contractors.

Pursuant to Section 1402 of the Zoning Ordinance "the concurring vote of a majority of the members present at a meeting of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator...." Therefore, the Chairman should ask the Board if there is a motion to reverse the determination of the Zoning Administrator in this case. Unless such a motion is made, seconded and concurred by a majority of the members present, the determination will stand.

Bo Ives asked if this came about by the property being for sale.

Rennie Mincey stated that staff was approached by someone wanting to buy.

Bo Ives swore in Dennis Thompkins, applicant who explained the appeal. He stated that the property is not for sale but that he had sold the equipment. He is not sure how this got inserted but he has been taking in from C&D past 2007.

Bo Ives asked if he had all DHEC permits and could he provide those copies.

Dennis Thompkins stated that he had all permits but did not bring them with him.

Bo asked if staff had been in contact with DHEC.

Rennie Mincey stated that she had no DHEC information.

Wes Covington stated that if this activity was taking place and no outside loads were being taken then they would not need permits but that if outside loads were being taken in as a solid waste facility then they would need DHEC permits.

Bo Ives recommended that this case be deferred for 30 days to provide evidence that you have been doing this as it would help your application tremendously.

Rob Shelton, attorney stated that there have been no complaints on this facility and that it has always been a clean operation. He stated that they only asked about the Zoning Compliance was because Mr. Thompkins is thinking of taking on a partner with new equipment and he would be comfortable with that expenditure. If this isn't allowed a 34 year old business would be shut down. He states that this is a non-issue to not allow him to do what he has always done. He thinks it would be a mistake to defer this case. He states that he doesn't need a DHEC permit for running a clean operation and that all you need is a concurrent for an operational plan. He states that DHEC or no one has ever cited Thompkins. He states that the current Zoning Administrator

disagrees with the past Zoning Administrator. If Thompkins would have been told in 2007 that he could not take in outside loads then we would have been before this board then.

Bo Ives swore in Danny Allen, who supports this request. He stated that he has been hauling into Thompkins facility for years.

Rob Shelton stated that a DHEC permit is not needed if you recycle 75% of what you take in, which we always stay in that percentage.

Bo Ives swore in Ray Grissette, who supports the facility as long as they keep the dust down.

Dennis Thompkins stated that he would keep water there to keep the dust down and that water is hooked to the new crushers.

Bo Ives swore in Harold Bline.

Paul Benik asked for a 5 minute break.

Bo Ives said he would after Mr. Bline testified.

Harold Bline stated that he has no complaints on this facility.

Bo Ives called for a 5 minutes break.

Bo Ives called the meeting back to order at approximately 8:00 p.m.

Rob Shelton stated that in researching this partnership that they wrote to DHEC and he just gave to Mrs. Mincey a copy of a letter from DHEC that states what we are doing at this facility is ok as long as we are complying with the 75/25 statute that is outlined in that letter.

Bo Ives asked what he had from DHEC since 2007.

Rob Shelton stated that he did not bring any DHEC approvals as he didn't need that to get his business license.

Bo Ives stated that that would help the board to accept the assertion that they were doing this prior to zoning and to make them comfortable in overturning the Zoning Administrator as they do not like to do that unless there is a sound reason for doing so. I have reviewed the letter that you presented and I need more time as it is more complicated than I can make a testament right now. So, I ask that you defer for 30 days so that you can provide us with record and that there has been rapport with DHEC since 2007 and they are aware of your operations.

Paul Benik asked that we go into Executive Session and made a motion. John Brown seconded the motion. The motion carried unanimously.

Bo Ives asked for a motion to call the meeting back to order at 8:15 p.m. Ace Parker made the motion and Alan Sipe seconded.

Wes Covington stated that the Zoning Board of Appeals went into Executive Session for the purposes of receiving legal advice and made no decision.

Rob Shelton asked that the board go ahead and approve their request and they will produce the field tickets confirming compliance with DHEC's 75% requirement within a reasonable time set as a condition.

Bo Ives stated that the board needs additional time. He stated that he is not opposed but that they need assurance that this has been going on.

Paul Benik made a motion to defer this request for 30 days. Anita Moran seconded the motion. The motion carried unanimously. *The appeal was deferred until the March 9, 2015 meeting.*

With no further business the meeting was adjourned at approximately 8:22 p.m.

Case # 2015-01-008

00044

15

APPEAL REVIEW SHEET

Property Information			
Appeal Request #	2015-01-008	Zoning Information	
Applicant	Dennis Thompkins - Bellamy Law Firm, agent	Zoning District	LI
Tax Map (TMS) #	172-00-03-033 (PIN 41810020022)	Parcel Size (in acres)	5.04
Site Location	310 Piling Rd, Myrtle Beach		
Property Owner	DT LLC		
County Council District #	3 - Foxworth		

Requested Appeal

The applicant is appealing the Zoning Administrator's decision that the C & D Waste & Concrete Transfer business on this site is not approved to accept commercial loads of C & D concrete materials for processing from other contractors.

Background/Site Conditions

According to the Horry County Business License records, business license ID # 23387 described as Recycle C & D Waste & Concrete Transfer is in the business name of Thompkins & Associates, Inc. and located on the property identified by TMS# 172-00-03-D33. This business was approved in 2007 as an accessory use to the existing construction heavy equipment business that was located on the site in 1981. According to the Horry County Business License records, the business described as Construction Heavy Equipment and Identified by ID # 2576 is also in the business name of Thompkins & Associates Inc.

The approved C & D Waste & Concrete Transfer business may continue as an accessory use to the Construction Heavy Equipment business approved on the site. Should the approved Construction Heavy Equipment business use cease operation at this location, the recycling use will no longer be allowed on this site.

The Zoning Administrator has determined that the C & D waste & concrete transfer use on this site is approved as an accessory use to a construction and heavy equipment business that was approved on the site prior to zoning of the property and is not permitted to receive and process materials from other contractors.

Proposed Order/Conditions

Pursuant to Section 1402 of the Zoning Ordinance "(t)he concurring vote of a majority of the members present at a meeting of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator..." Therefore, the Chairman should ask the Board if there is a motion to reverse the determination of the Zoning Administrator in this case. Unless such a motion is made, seconded and concurred upon by a majority of the members present, the determination will stand.

00045

16

COMP405
1/26/15
10:16:56

HORRY COUNTY ZONING APP/COMP CERTIFICATION INQUIRY

THOMPKP

PROJECT #: 00000000

PROJECT NAME:

DATE: 3/20/2007

TMS: 172 00 03 033 SEQ: 001

ZONE: L1

SET BACKS: F: 05000 B: 02500 R: 02000 L: 02000

MIN. LOT SIZE: 0000

RESIDENT BLDGS: 0000 BUSINESS BLDGS: 0000

TYPE: 177 TYPE DESCRIPTION: BUS LIC TOT ACRE:

BUILDINGS: 000 DISTANCE BETWEEN: 000 STORIES: 000 HGHT: 000 UNITS: 000

ROOMING UNITS: 000 PARKING: 0000 STREET FRONTAGE:

SQUARE FOOTAGE:

ZONING ADMIN: VICKI STONE

LAST NAME: THOMPkins

FIRST NAME: ARTHUR

APPL TYPE: OWNER

APPL PHONE: 843)236-3060

ADDR: 310 PILING DR

NH STICKER# 000000

CTY: MYRTLE BEACH

ST: SC ZIP: 29579

NH LOCATION ADDR:

ST: ZIP: 00000

IF DIFFERENT: CTY:

COMP405
1/26/15
10:16:42

HORRY COUNTY ZONING APP/COMP CERTIFICATION INQUIRY

THOMPKP

PROJECT NA

DATE: 3/2

CMD/7 to Exit

ZONE: L1

MIN. LOT S

TYPE: 177

BUILDINGS:

ROOMING UN

SQUARE FOO

LAST NAME

APPL TYPE

ADDR: 310

CTY: MYRT

NH LOCATI

IF DIFFER

BUS NAME: THOMPkins & ASSOC. INC. BUS OWNER: ARTHUR THOMPkins
TYPE OF BUS: C&D RECYCLING AND TRANSFER. THIS IS AN ACCESSORY
USE TO AN EXISTING BUS. THIS IS A PERMITTED USE PER ROLAND
MEYER AND CAROL COLEMAN.

CONDITIONS

CMD5: TH
CMD6 NAM

00046

Request by
Dennis Thompson, DT LLC
TAS #172-00-03-033
Pin #418-10-02-0022

Variance Request Location Map

201501-008

Marten Fairworth &
COUNTY

Request Number
2015-01-008

Request by
Dennis Thompkins, DT LLC
TMS #172-00-03-033
Pin #418-10-02-0022

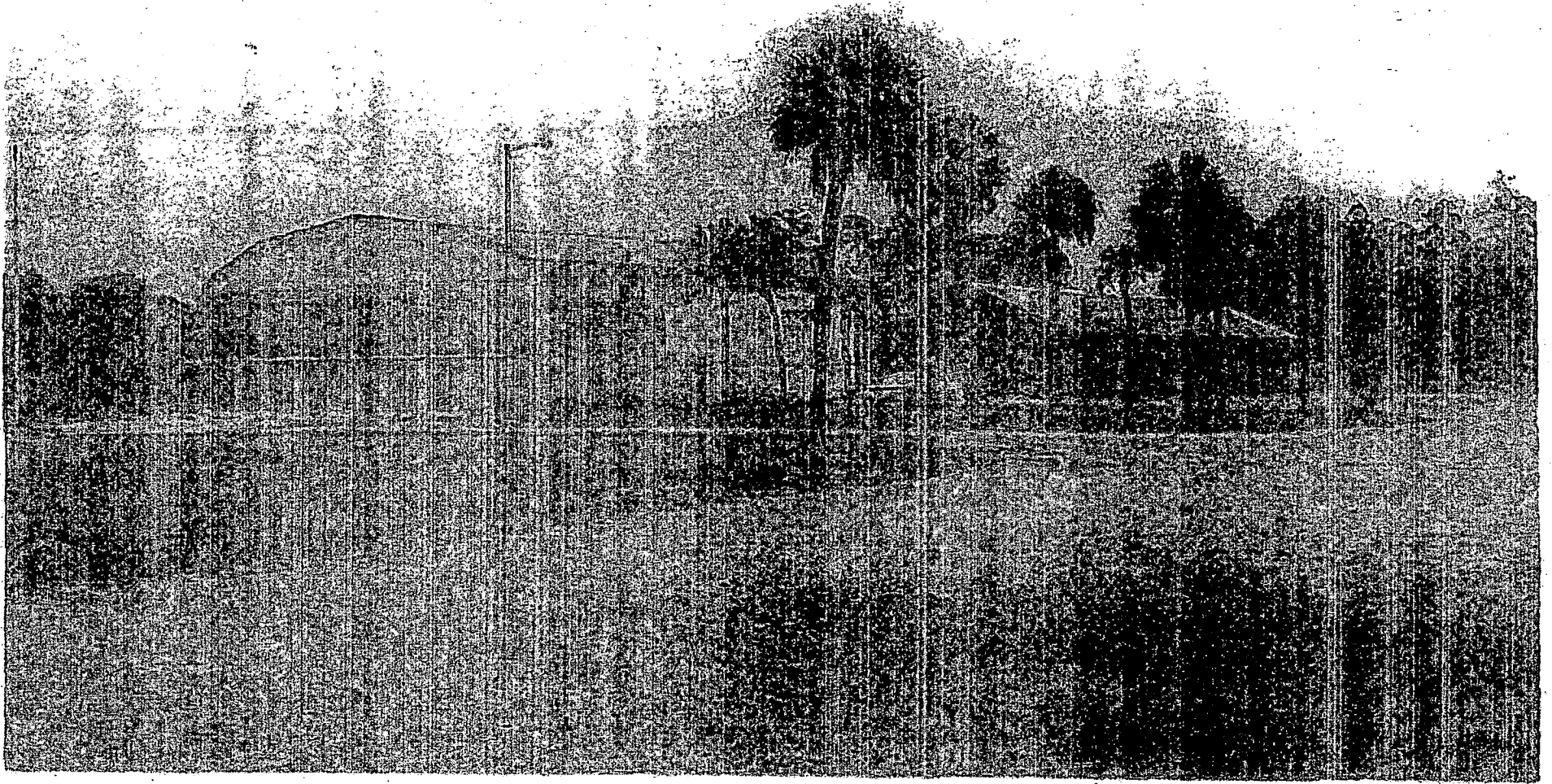
Variance Request
Location Map

Request Number
2015-01-008

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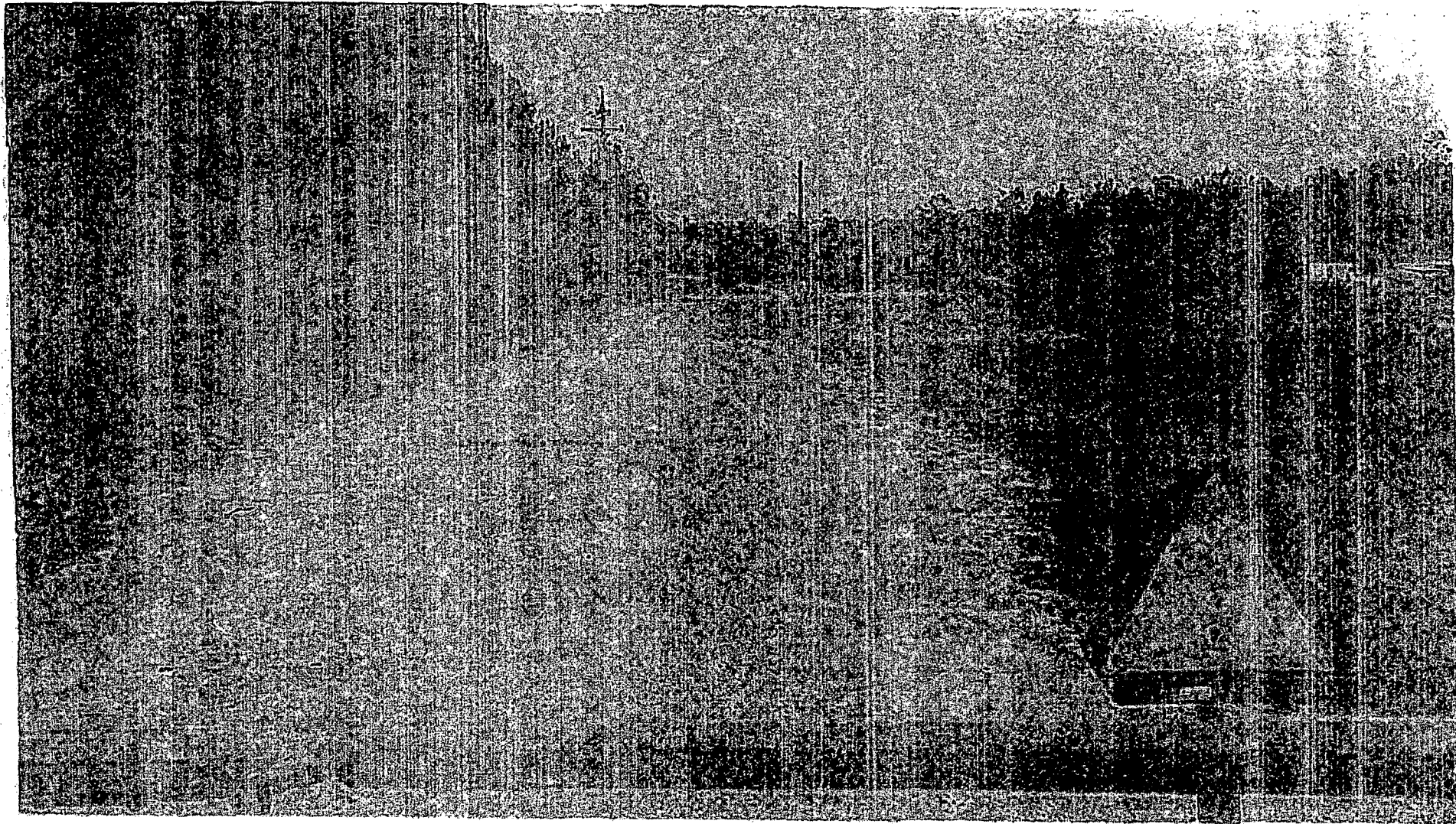
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008 Site front



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008 Site



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008 Site



21

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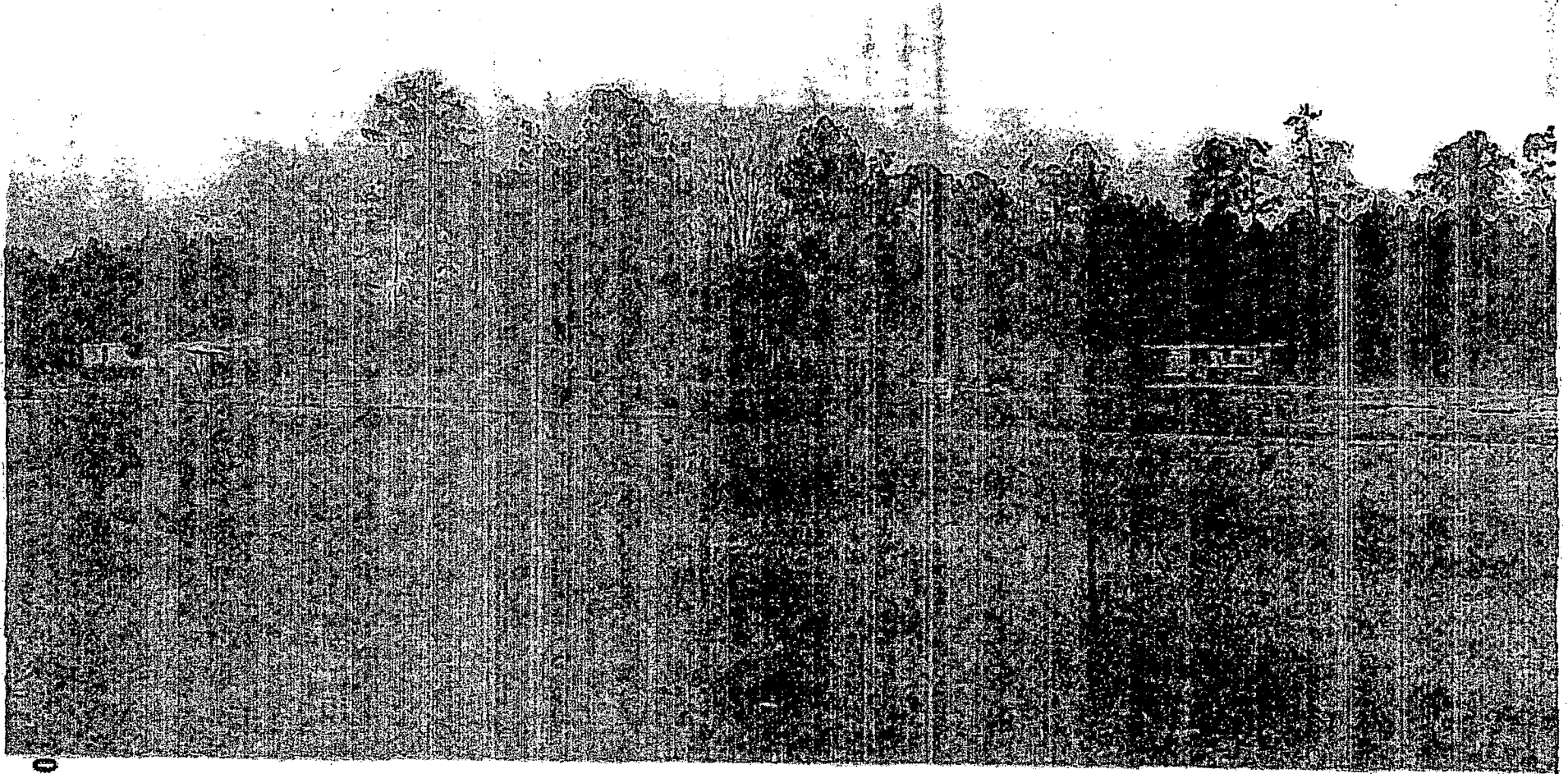


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008 Site



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to whom it may concern
this letter is from Mrs Margaret A. Williams
Concerning the Recycling Project Just
a few steps from my yard on
Mr. Thompson land

I think this Project would be better
in a rather location

I have been through to many years of
putting up with bringing dust, heavy
Trucks and Tractor and so much
more my house shaking from
heavy Trucks and Machines all day
long, I am so sorry I didn't
make it to the meeting. my Health
isn't so good.

I don't know what is gonna be
Recycle maybe Bad Smells and
God knows what else. I don't have
and against Mr. Thompson. if it
passes for him at least put up
a Board fence so we don't have
to see all this mess. it's enough
to induce the smell and dust.

thank you

Mrs Margaret A. Williams (my Property
371 Christie McAniff St. lot Number
myrtle Beach SC 29579 14 24
Phone# 843-236-1253

00054

Applicant Submittal

25
00055

ZONING BOARD OF APPEALS APPLICATION

Date Filed 1-8-15 Request # 2015-01-008 Energov # AP-1-15-24969

1. Complete the application in its entirety (incomplete applications will not be processed);
2. If a setback or dimensional variance is requested, an accurate, legible plot plan prepared by a registered architect, engineer, or surveyor, showing property dimensions and locations of all existing and proposed structures must be provided;
3. The property owner(s) as listed on the current tax records at the time of submittal must sign this application. In addition, if the property is located within a subdivision with a legal and active Home Owners Association (HOA), approval of the HOA must be provided with the application.

APPLICANT: (Property Owner or Designated Agent) DENNIS THOMPSON
PROPERTY ADDRESS: 310 PILING DRIVE
Tax Map No. 172 - 00 - 03 - 033 Zoning District: LF
PIN No. 418-10020022
Subdivision: _____ Acreage: 5.04 ACRES

PROPERTY OWNER(S) NAME (S) Dennis Thompson DT LLC
Address: 246 Greenleaf Circle, MB SC 29579
Telephone: (H) 236-3060 (W) _____ (E-MAIL) dennis@dtllc.net

Dennis Thompson

PROPERTY OWNER(S) SIGNATURE(S) (If LLC or Corp Please Provide Authorization)

DATE

DESIGNATION OF AGENT (If the Property Owner wishes to Appoint an Agent to Represent Him or Herself)

Agents Name: Bellamy Law Firm
Address: 1000 29TH AVE NORTH MYRTLE BEACH, SC 29577
Telephone: (H) _____ (W) 843-448-2400 (E-MAIL) _____

I hereby appoint the person(s) listed above as agent to act on my behalf for the purpose of filing such application for a variance as he/she shall deem necessary and proper.

Dennis Thompson

PROPERTY OWNER(S) SIGNATURE

DATE

1/8/14

PLANNING AND ZONING DEPARTMENT USE ONLY

Have Survey: Y N
Have Business License (If Applicable) Y N
County Council District 3

Property Owner (s) Have Signed: Y N
Have HOA Approval (If Applicable) Y N

Bennie Mincey
Signature of Zoning Administrator/Asst. Z.A./Deputy Planning Director

1-8-15
Date

26

00056

APPEAL REQUEST

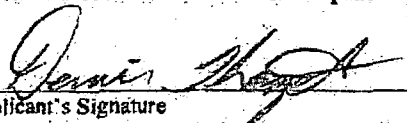
The Board of Zoning Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the Zoning Administrator.

Article(s) _____ Section(s) _____

To the best of your ability explain how the aforementioned applies to your request (may include attachments):

IN FOLLOWING WITH OUR ACTIVE BUSINESS LICENSE (ID. # 23387)
DESCRIBED AS C&D RECYCLING AND TRANSFER, CONCRETE
RECYCLING AND PROCESSING, I AM REQUESTING
CONTINUED APPROVAL TO ACCEPT COMMERCIAL LOADS
OF C&D AND CONCRETE MATERIALS FOR RECOVERED
MATERIALS PROCESSING AND SALES OF FINISHED PRODUCTS
TO OTHER COMMERCIAL CONTRACTORS. WE WOULD LIKE
TO CONTINUE TO ACCEPT C&D AND CONCRETE MATERIALS
FOR PROCESSING FROM OTHER GENERATORS OF
THESE WASTE MATERIALS AS WE HAVE BEEN DOING
SINCE OUR ZONING APPROVAL IN 2007.

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.

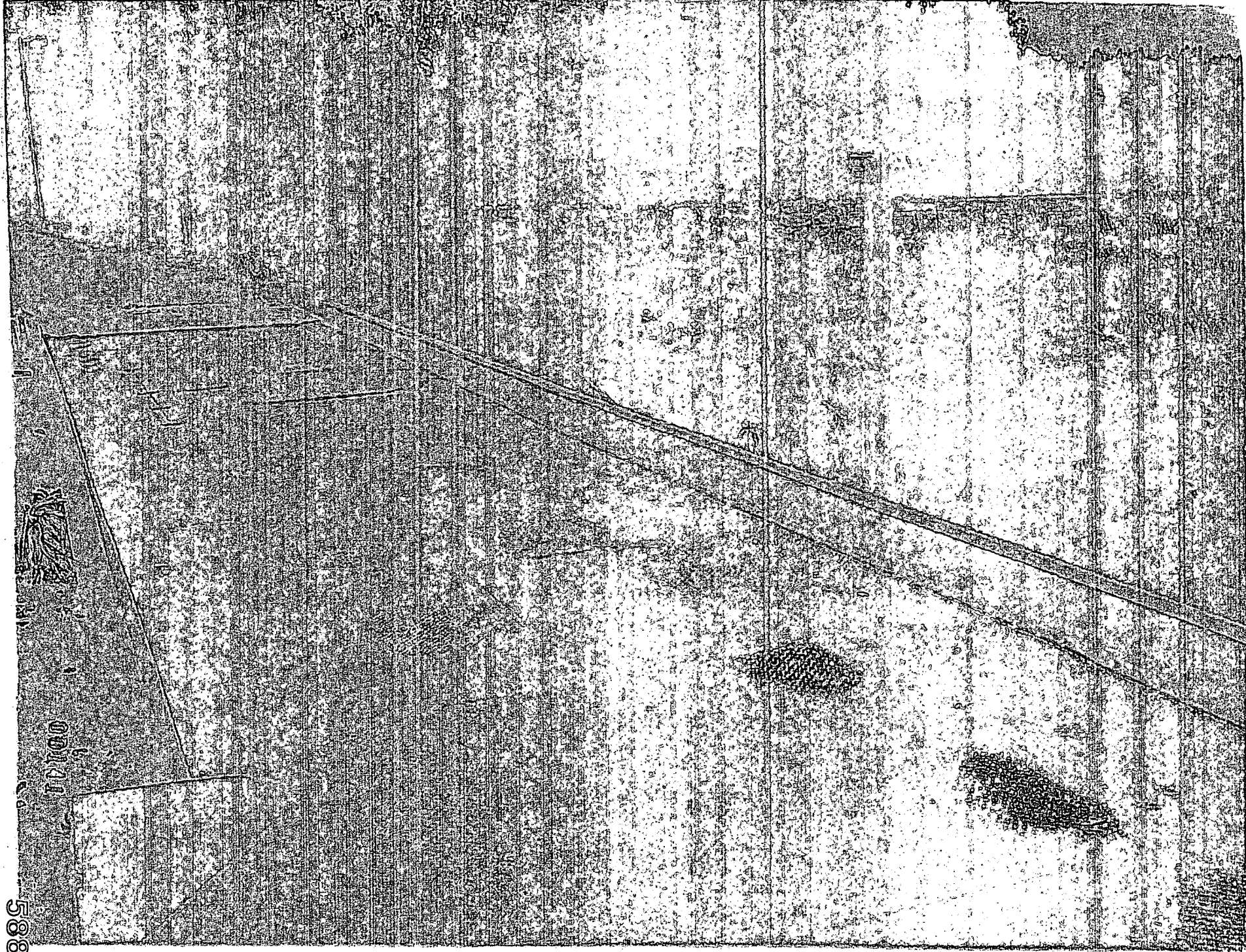

Applicant's Signature
(If in LLC or Corp. name please provide authorization to sign)

12-15
Date

27

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587



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CLC 7000

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

00142

1 SOUTH CAROLINA
2 Department of Agriculture
3 Consumer Services Division
4 803-737-9690

5 HUGH WEATHERS
6 Commissioner
7 INSPECTED & APPROVED
8 2013
9
10
11
12

Horry County Government

PLANNING AND ZONING
www.horrycounty.org



Horry County Government & Justice Center
1301 Second Avenue
Conway, South Carolina 29526
Phone 843.915.5340 || Fax 843.915.6340

February 18, 2015

Bellamy Law Firm
1000 29th Avenue North
Myrtle Beach, SC 29577

91 7199 9991 7032 0123 1203

re: Case #2015-01-008

To Whom It May Concern:

The Horry County Zoning Board of Appeals will hold a public hearing on **Monday, March 9, 2015 at 5:30 p.m.** in the Horry County Government Complex, located at 1301 2nd Avenue, Multi-Purpose Room B, Conway, South Carolina. Please enter through the external doors into the atrium area on the flagpole/parking lot side of the building as the doors accessing the building from Second Avenue are locked at 5:30 p.m.

The purpose of the meeting is to consider your variance, special exception, reconsideration, or appeal request.

It is recommended that either the property owner(s) or authorized agent(s) representing the property owner(s) attend this meeting to explain the request and answer any questions from the Board. If you cannot attend the meeting, contact our office to make arrangements to defer or withdraw your request.

If you have any questions or concerns regarding the meeting, please contact me at 915-5340.

Sincerely,

Alicia Shelley

Alicia Shelley
Board Secretary

cc: Dennis Thompkins
246 Greenleaf Circle
Myrtle Beach, SC 29579

91 7199 9991 7032 0123 1197

00145

Horry County Government

PLANNING AND ZONING
www.horrycounty.org



Horry County Government & Justice Center
1301 Second Avenue
Conway, South Carolina 29526
Phone 843.915.5340 || Fax 843.915.6340

January 16, 2015

Bellamy Law Firm
1000 29th Avenue North
Myrtle Beach, SC 29577

91 7199 9991 7032 0123 1333

re: Case #2015-01-008

To Whom It May Concern:

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If you have any questions or concerns regarding the meeting, please contact me at 915-5340.

Sincerely,

Alicia Shelley

Alicia Shelley
Board Secretary

cc: Dennis Thompkins
246 Greenleaf Circle
Myrtle Beach, SC 29579

91 7199 9991 7032 0123 1326

00146

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



Phone: (843) 915-5340
Fax: (843) 915-6341

HORRY COUNTY BOARD OF ZONING APPEALS

January 16, 2015

TO THE PROPERTY OWNERS:

The Board of Appeals is acting upon variations or modifications of the Zoning Ordinance, or appeals from action taken by the Zoning Administrator, hears all such cases at public hearings at which neighboring property owners and other interested persons have a right to be heard.

If the appeal as stated below is thought by you to be objectionable, you will have an opportunity to fully express your objection.

If it is inconvenient to appear at the hearing, file your objection by letter to the address below:

Horry County Planning & Zoning Department
Attention: Zoning Administrator
P. O. Box 1236
Conway, SC 29526
(843) 915-5340

YOU ARE BY THIS LETTER NOTIFIED THAT THE MATTER STATED BELOW WILL BE HEARD AT A PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

DATE OF HEARING: February 9, 2015

TIME: 5:30 PM

CASE NUMBER: 2015-01-008

APPELLANT: DT LLC, Dennis Thompkins

PROPERTY AFFECTED: 310 Piling Drive, Myrtle Beach

SUBJECT OF APPEAL: The applicant is appealing the Zoning Administrators decision regarding the approved requirements of the C & D recycling and transfer business in the Limited Industrial zoning district.

LOCATION OF HEARING: Horry County Government Complex located at 1301 2nd Avenue, Conference Room 2C08-B, Conway, South Carolina

Please enter through the external doors into the Atrium area on the flagpole/parking lot side of the building as the doors accessing the building from Second Avenue are locked at 5:30 p.m.

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Horry County Ordinances:

401.5. - Accessory use.

A use of land or of a building, or portion thereof, which is customarily incidental and subordinate to the principal use of the land or building. Accessory uses must be located on the same lot with the principal use.

(Ord. No. 67-88, 4-18-89)

Editor's note— Provisions added by Ord. No. 67-88, adopted April 18, 1989, as § 402 hereof have been redesignated by the editor as § 401.5 in order to avoid duplication of section numbers.

717. - Limited Industrial District (LI).

modified

Intent. The intent of the Limited Industrial District is to provide areas for limited industrial purposes which are not significantly objectionable in terms of noise, odor, fumes, etc., to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment of uses generally classified to be light industrial in nature; protect and reserve undeveloped areas in Horry County which are suitable for such industries; and discourage encroachment by those residential, commercial, or other uses capable of adversely affecting the basic industrial character of the district.

717.1 Permitted Use

- (A) Scientific laboratories.
- (B) Transportation terminal facilities and incidental operations, but excluding truck terminals.
- (C) Reserved.
- (D) Horticultural farms and nurseries.
- (E) Office buildings and/or offices for government, business, professional or general purposes.
- (F) Commercial trade or vocational schools.
- (G) Radio and/or television stations and/or transmission towers, except where prohibited by the Airport Safety Ordinance [see Chapter 3].
- (H) Heavy equipment sales and rental.

(I) Trade shops of all kinds, including cabinet, carpentry, electrical, plumbing, heating and air conditioning, welding, sheet metal and machine shops, and extermination shops.

(J) Soft drink bottling plants, cleaning and dyeing plants, bakeries, furniture refinishing, fuel plants, ice plants, and pools service companies.

(K) Lumber yards and other heavy commercial uses which requires storage for large or heavy merchandise, or for which commercial transportation facilities are necessary and usual to the business.

(L) Manufacture of precision instruments and equipment.

(M) Wholesale business outlets, warehouses and mini-warehouses.

(N) Railroad depots.

(O) Retail commercial and service uses, including restaurants, financial institutions, and convenience stores with or without gas pumps.

(P) Any other light manufacturing or assembly use which is of similar and compatible nature to the above uses. Such use shall not produce noise, vibration, smoke, gas, fumes, odor, dust, fire hazards, dangerous radiation or any other conditions which constitute a nuisance beyond the premises. DHEC, EPA, or other accepted national standards shall be used to determine nuisance thresholds.

(Q) Accessory uses and buildings.

(R) Churches, synagogues, temples, and other places of worship subject to the provisions of Article 12.

(Ord. No. 45-95, § 3, 7-18-95; Ord. No. 31-01, § 1, 6-19-01; Ord. No. 114-01, § 1, 9-4-01; Ord. No. 70-12, § 1, 9-18-12; Ord. No. 52-13, § 8, 10-1-13; Ord. No. 88-16, § 8, 11-1-16; Ord. No. 116-17, § 4, 11-14-17)

717.2 Conditional Uses:

(A) Truck terminal provided that paved acceleration/deceleration lanes ten (10) feet wide and two hundred (200) feet in length are constructed at the entrance points to major highways; that no safety hazard or impediment to regular traffic movement is produced; and no open storage of any type is conducted in connection with the operation.

(B) Publicly owned buildings, facilities, or lands, provided the review as required by Section 6-29-540 of South Carolina State Law is complete.

(C) Publicly or privately owned utility substations, sub-installations, and combination office and maintenance/storage facilities, including water towers, provided that:

1. The requirements of section 516 of the zoning ordinance and Chapter 13, Article 3 (Noise Control) of the County Code are met;

2. The facility is reviewed and approved as required by Section 6-29-540 of the South Carolina State Law;

3. A site plan of the proposed facilities approved by the Planning Commission in accordance with the provisions of the Horry County Land Development Regulations.

(D) Animal hospitals and/or boarding facilities provided all animals are housed within a building at night.

(E) Auto/boat/motorcycle/recreation vehicle/truck/construction and farm equipment service and repair subject to section 1207.

(F) Mixed Industrial Use - Multiple industrial, retail, commercial and service uses and/or buildings shall be allowed provided that:

1) All uses must be either a permitted or conditional use within the district;

2) All other requirements of Article XI must be met.

(G) Automobile storage including stand alone tow yards.

(Ord. No. 137-97, §§ 8, 10, 12-2-97; Ord. No. 51-99, § 15, 12-7-99; Ord. No. 114-01, § 1, 9-4-01; Ord. No. 70-12, § 1, 9-18-12; Ord. No. 52-13, § 8, 10-1-13)

717.3 Other Requirements:

(A) Uses shall meet the area, yard, and height requirements in Article VIII.

(B) Signs permitted in Limited Industrial Districts including the condition under which they may be located are set forth in Article X.

Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

April 11, 2019



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