

State of South Carolina  
County of Horry

Location: 10595 North Kings Highway  
Myrtle Beach, South Carolina

Date/Time: Thursday, June 1st, 2023  
6:32 p.m. - 7:51 p.m.

This hearing was taken before Roger Williamson,  
Court Reporter and Notary Public for the State  
of South Carolina.

A P P E A R A N C E S

For Briarcliffe Acres:  
Battle Law Firm  
1200 Main Street  
Conway, S.C. 29526  
By: Michael Warner Battle, Esq.  
mbattle@battlelawsc.com

For Mr. Harrar:  
Corbett Law, P.A.  
405 79th Avenue North  
By: Kenneth S. Corbett, Esq.  
ken@kcorbettlaw.com  
405 79th Avenue  
North Myrtle Beach, S.C. 29572

Q & A Court Reporting Services  
Post Office Box 4563 (29502)  
181 East Evans St. Suite 203 (29506)  
Florence, South Carolina  
telephone: (843) 673-9845  
e-mail: Info@qacourtreportingonline.com  
visit: Www.qacourtreportingonline.com

1                   MR. CUNNINGHAM: It's going to be a  
2 public hearing, an appeal of a denial by the  
3 zoning administrator. We are your -- I guess we  
4 are the board of zoning appeals. We have a  
5 forum. My name is Joe Cunningham. I'm a  
6 resident of Briarcliffe Acres.

7                   MS. MCIVER: I'm Jackie McIver and  
8 I'm a resident of Briarcliffe Acres also.

9                   MR. SHORTRIDGE: I'm Jack  
10 Shortridge, another resident of Briarcliffe.

11                   MR. BATTLE: And my name is Mike  
12 Battle. I am an attorney from Conway and it's  
13 my job to try to make sure that this hearing is  
14 conducted fairly and openly and that the rules  
15 -- decorum for hearings are -- are -- I'll say,  
16 complied with.

17                   MR. CUNNINGHAM: And we've also got  
18 Ken Corbett here, who can introduce himself.

19                   MR. CORBETT: Thank you. First of  
20 all, I want to thank the board. They're  
21 volunteers, so that's a big part of what makes  
22 this town so great. And I'm sure with all the  
23 new faces in town, I would expect that a lot of  
24 y'all would be joining these planning  
25 commissions and zoning boards. Because without

1 your involvement, this town won't survive, so I  
2 wanted to thank the board. I think -- were you  
3 going to introduce the --

4 MR. CUNNINGHAM: We -- we gon---  
5 we've got a procedure.

6 MR. CORBETT: Okay. I'm sorry.

7 MR. CUNNINGHAM: Go ahead. We're --

8 MR. CORBETT: So I just wanted to  
9 introduce my client, Daniel Harrar. He's the  
10 owner of the property in question and we look  
11 forward to a very informative meeting. Thank  
12 you very much.

13 MR. CUNNINGHAM: We also have the  
14 town code enforcement officer here. Will you  
15 please introduce yourself?

16 MS. BARNHILL: Hey, I'm Tammie  
17 Barnhill and I'm the zoning code enforcement  
18 officer for Briarcliffe. It's nice to meet all  
19 of y'all.

20 MR. CUNNINGHAM: Okay. And just as  
21 a matter of order, if we could get everyone that  
22 plans on speaking tonight to sign in with your  
23 name and address please, here at the beginning.  
24 In fact, we'll just go ahead and swear everybody  
25 in before you come and -- and sign.

1                   So if you -- you plan on speaking,  
2 please stand up for me. So yeah, if everybody  
3 that's gonna -- that's gonna speak tonight,  
4 who's gonna sign this thing as it goes around,  
5 can -- can go ahead and -- and stand up. We'll  
6 just swear everybody in all at once.

7                   UNIDENTIFIED SPEAKER: Is it the --  
8 he wants to go last.

9                   MR. BATTLE: It doesn't matter when  
10 you go. We just need your name and a record of  
11 you -- of who you are.

12                  MR. CUNNINGHAM: Would you also put  
13 that you're a resident of Briarcliffe? If you  
14 are going to speak, please raise your hand.  
15 Okay. So basically, I have two members of the  
16 audience -- or the group that's gonna be  
17 speaking. Is there anyone else?

18                  UNIDENTIFIED SPEAKER: If we didn't  
19 sign up, can we still this.

20                  MR. CUNNINGHAM: I'm sorry. What?

21                  UNIDENTIFIED SPEAKER: If we didn't  
22 sign up and we want to say something, do we sign  
23 that or -- or has that time passed?

24                  MR. CUNNINGHAM: You -- you should  
25 sign up if you want to say something. So

1 anybody else that hasn't signed up, please go  
2 ahead and do that -- that plans on speaking.

3 UNIDENTIFIED SPEAKER: Is there  
4 going to be a question-and-answer session at --

5 MR. CUNNINGHAM: This is -- this a  
6 hearing. The only people that should be asking  
7 questions are the board members, the members of  
8 the -- I guess, you might say the audience or  
9 whatever. This is not -- this is not that  
10 occasion. You can speak to the board and give  
11 them your opinion, but you're not allowed to ask  
12 questions or to do those sorts of things because  
13 they're the ones trying to get the information  
14 to make the decision. Okay? Okay. It looks  
15 like I've got Mr. Harrar -- sorry, John Wyley.

16 MR. BATTLE: Please stand as you're  
17 named.

18 MR. CUNNINGHAM: Dani Buonviri, Ted  
19 -- I'm sorry, I can't read your handwriting.  
20 Kevin Bolak, Gary Pell and Tammie Barnhill.  
21 Will you all please stand or stand if you signed  
22 this? We're all gonna raise our right hand and  
23 we're gonna swear to tell the truth. I do?

24 ALL SPEAKING: I do.

25 MR. CUNNINGHAM: Okay. You are

1 under oath to the extent that speak here  
2 tonight. All right. We're gonna recognize  
3 Tammie Barnhill to get us started.

4 MS. BARNHILL: Is there supposed to  
5 be a mic?

6 MR. CUNNINGHAM: There is.

7 MS. BARNHILL: Okay. I'm Tammie  
8 Barnhill. I'm the one who -- I do a zoning  
9 compliance saying whether you can get a permit  
10 or not. Mr. Corbett or his -- the gentleman  
11 that owns the home, had submitted for a permit  
12 and I denied it based on the fact that they had  
13 advertised the unit as an accessory dwelling  
14 unit. And accessory dwelling units aren't  
15 allowed in Briarcliffe unless they're attached  
16 to the house, so I denied it on those -- on that  
17 premise and that's why we're here tonight.

18 MR. CUNNINGHAM: Do -- do you  
19 believe that what -- you know, what you saw or  
20 what you saw being discussed -- planned for the  
21 property what would be a change in use were it  
22 allowed to be completed?

23 MS. BARNHILL: It would not. It  
24 doesn't meet the setbacks. I came out and  
25 measured that myself on an occasion from a

1 complaint. It -- it does not meet the setbacks.  
2 I did notice that there was some work going on  
3 that had not been permitted and after that, we  
4 asked Mr. Corbett to give us a survey of the  
5 property. And I really can't remember if I -- I  
6 don't think I've seen that survey, but I -- I  
7 know we've asked him for it.

8 MR. CUNNINGHAM: We have a couple of  
9 the letters from you. Let's see here. Letter  
10 from you -- let's see. Sorry. March 9th to  
11 Mr. Ken Corbett and a letter from you to Harrar  
12 Holdings One, L.L.C. c/o Corbett Law. That  
13 one's dated April 3rd.

14 MS. BARNHILL: Yes, sir.

15 MR. CUNNINGHAM: Okay. Do you want  
16 to introduce those into evidence?

17 MS. BARNHILL: That's fine. You can  
18 introduce them into evidence.

19 MR. CUNNINGHAM: Okay.

20 MS. BARNHILL: Also I met on the  
21 property with him -- Mr. Corbett one night and  
22 the mayor and Kyle and Mr. David, our other  
23 lawyer that we had at one time.

24 MR. CUNNINGHAM: Gotcha. Okay. It  
25 looks like Ken Corbett --

1                   MR. CORBETT: Thank you. Thank you,  
2 members of the board. I want to just put on the  
3 record that the notice of zoning appeal form  
4 that has been completed by my client is of  
5 record in the town hall. And all the  
6 documentation that we're going to be pretty much  
7 relying on tonight is in the public record, but  
8 most people here are not lawyers. And most  
9 people here don't want to get too tied up in the  
10 technicalities of it, but as a courtesy, we've  
11 made copies of the appeal. It's about a 17 or  
12 18-page thing, not a lot of fine print, a lot of  
13 diagrams and pictures, but this is for you guys,  
14 so that after the meeting, when you start  
15 thinking well, what was that or what did he say  
16 or what did they say, you'll be able to sort it  
17 out in your packet. Because that's the same  
18 thing that this board is going to be using when  
19 they make their final decision.

20                   Now, very shortly, I'm gonna go  
21 ahead and make a PowerPoint presentation that  
22 will hopefully, for the purposes of the board  
23 and everyone here, will try to take the legalese  
24 out of it and simplify it and make it  
25 understandable for you, but more importantly for



1 the decision makers.

2           And this PowerPoint that I'm going  
3 to present, I've made copies of every slide, if  
4 you will, that's on here. And I'm making that  
5 available to everyone as well. Because again,  
6 there's a lot of information that's gonna come  
7 out. And it might make more good bedtime  
8 reading. Just kidding. But in any event, these  
9 copies will be here as well.

10           There are also some other copies for  
11 your documentation and your review. And let me  
12 pass these out first, I guess, to our board  
13 members. Okay.

14           MR. CORBETT: Well, it -- you're the  
15 attorney. You probably want to see it. But in  
16 any event -- so while this appears to be really  
17 formal, it is very important. We want to make  
18 it as understandable for everyone, especially  
19 for the board making the decision. I would  
20 rather not hand them to you to review them as we  
21 go through it because I think it's important for  
22 everybody to hear what's going to be presented.  
23 So if you can at least be aware of where we're  
24 heading, I think, in the town as we continue to  
25 evolve into a much bigger and more vibrant

1 community, especially since we're tearing down  
2 old the houses and putting up new houses right  
3 and left. So I'm going to cut this light down  
4 just one notch to see if that makes it easier  
5 for you to -- to see the presentation up front.

6 MR. BATTLE: Mr. Corbett?

7 MR. CORBETT: Yes?

8 MR. BATTLE: Are you introducing  
9 this into evidence?

10 MR. CORBETT: I will introduce the  
11 presentation into evidence as, I guess, my  
12 exhibit D.

13 MR. CUNNINGHAM: Exhibit 1.

14 MR. CORBETT: Exhibit 1? I thought  
15 -- is this the one I handed you for exhibit 1?

16 MR. CUNNINGHAM: Correct, yes.

17 (Exhibit number 1  
18 marked for identification.)

19 MR. CORBETT: And for the record, I  
20 guess I am asking the board to recognize my  
21 appeal for the record as a document to be made  
22 part of the -- of the -- of the hearing.

23 So the first picture here, guys, you  
24 can all see -- and I don't know how many of you  
25 guys lived here when -- when this house was in

1 total disrepair. If you recall, there was a  
2 camper with some people living out front in the  
3 camper. There were a bunch of people living in  
4 the back unit, that's been approved. And it was  
5 just a very huge eyesore and was not very  
6 appealing to anyone that lives in Briarcliffe.  
7 My client bought the property and ended up  
8 making a lot of repairs, but this is the  
9 question in place for the board to consider  
10 tonight. This is an accessory building that  
11 currently exists on the property.

12                   Now, as members of Briarcliffe, I  
13 think it's important for us to recognize that  
14 there's a little confusion in town hall when it  
15 comes time to making repairs and alterations on  
16 our buildings. Because as in the packet and as  
17 this document will show -- you can't really see  
18 it -- it says, the building permit is not  
19 required for painting, wallpaper, tile,  
20 carpeting, cabinets and countertops. I repeat,  
21 a building permit is not required for painting,  
22 wallpaper, tile, carpeting, cabinets and  
23 countertops. This is the document that is in  
24 place in town hall for people who want to make  
25 alterations and changes.

1                   It's inconsistent in my view because  
2 the prior paragraph says, it shall be unlawful  
3 for any person to construct or improve any  
4 building at a cost in excess of 500 dollars  
5 unless an application has been filed with and a  
6 permit granted.

7                   So right out of the shoot, my client  
8 was confused about whether he needed a permit or  
9 not because his initial -- his initial  
10 construction and stuff on this little back  
11 building was tile, cabinetry, painting. Now, in  
12 the middle of all that, he decided that he was  
13 going to pull the garage doors off and close  
14 that building in as an accessory building.

15                   Now, I want to publish this letter  
16 from the town to my client and me, dated April  
17 3rd, 2023. It says Dear Mr. Harrar and  
18 Mr. Corbett -- and this is from Ms. Barnhill. I  
19 received the survey of 240 Center Drive and the  
20 scope of work completed on the 2004 permitted  
21 garage converted to an accessory building. It  
22 says the accessory building does not meet the  
23 minimum requirements set forth in Section 32 for  
24 accessory buildings larger than 200 square feet.  
25 See the chart for setbacks. Your permit

1 application is denied.

2           So we at that point, did what any  
3 good owner would do and that was to file an  
4 appeal and ask this board to reconsider the  
5 zoning administrator's denial of our  
6 after-the-fact permit for the changes that  
7 occurred in the accessory building. In this  
8 notice of public hearing that was posted several  
9 places in the town, I thought was a little bit  
10 ambiguous and a little bit unfair, but it said  
11 that the -- this is an appeal of a denial for a  
12 building permit application to convert an  
13 existing permitted garage to non-conforming  
14 accessory building, not meeting the setbacks.  
15 And I'll show you why I thought it was a little  
16 misleading.

17           This happens to be the nine -- the  
18 2004 application by Mr. George Peterson,  
19 applying for a permit to construct the building  
20 in question. And it said he was obtaining a  
21 building permit to perform the following work,  
22 detached garage with workshop and full bath.  
23 This is to be a one-story building. So from the  
24 very beginning, this was a multi-use accessory  
25 building permitted by the town in 2004.

1                   Now, we also have the plat that was  
2 submitted at the time with that and that's in  
3 the package as well and that shows that the  
4 building as proposed, it was going to be -- not  
5 going to be in violation of the setback.

6                   Now, I think it's really important  
7 just to briefly share with you a little bit of  
8 history at -- and I'll make it quick. But I was  
9 -- it was in 1969, it was my first trip into  
10 Briarcliffe and I was amazed, but not to the  
11 point to really get too crazy about it, but then  
12 several years later, I came back in to pick up  
13 my date for the prom and again, I was going this  
14 is a unique place, all these big houses, but it  
15 still has coquina and dirt roads. That seemed a  
16 little strange. I'd think you'd have dirt roads  
17 out in the country, not right here in this, you  
18 know, fancy neighborhood. But in any event, I  
19 -- I think my next exposure to Briarcliffe was  
20 around 2004, when a client of mine came and  
21 asked me to assist him. He was going to sell  
22 his house and he wanted me to advise him.

23                   So I came in here and probably just  
24 like all of you, I got the Briarcliffe bug. I  
25 fell in love with Briarcliffe at that point and

1 I couldn't help but say I gotta live here. By  
2 the grace of God and some good planning by my  
3 wife, we ended up in here and everything seemed  
4 to be going pretty well.

5 We then got wind of really some  
6 serious controversy that existed among several  
7 of our town members and our town meetings were  
8 very disruptive. They were very -- it was just  
9 a rude environment. Everyone was rude to each  
10 other. It was just a lot of yelling and  
11 screaming and -- and I got concerned that  
12 possibly our charter could be in question and we  
13 could be absorbed into Myrtle Beach or North  
14 Myrtle Beach. And I said we've got to do  
15 something about it, someone approached and said,  
16 will you run for mayor. I said, sure. I ran  
17 for mayor, enjoyed my term in office and then  
18 all of the sudden, we got faced with a  
19 tremendous problem with a gentleman who wanted  
20 to start building his house on the corner of  
21 Center at the empty lot right there at the stop  
22 light. He built this humongous, what appeared  
23 to be sort of like a mosque. He was doing his  
24 repairs and his concrete building in the -- in  
25 the dark of night. He had his crews in there in

1 the middle of the night pouring concrete and  
2 doing all these things that were not permitted.  
3 Well, we started figuring, okay. What are we  
4 gonna do? How are we gonna stop this? And we  
5 started reviewing our code and it was so  
6 inadequately drafted, that any good lawyer could  
7 drive a Mac truck through them and we recognized  
8 then and there that the codes had to be changed.  
9 They had to be written by professionals.  
10 Because prior to that, just like we had always  
11 done, most of the codes in zoning amendments, et  
12 cetera, were done by lay people. Because again,  
13 it was a small little town. There wasn't a lot  
14 of controversy and things seemed to be okay.

15 So in 2014, we spent weeks and weeks  
16 and weeks redrafting all of the current codes  
17 that the town operates under. And they're not  
18 perfect, but they're a lot better than they were  
19 originally. And the point is that when that was  
20 redrafted, the major thing that occurred was a  
21 change in setbacks. So the setbacks then became  
22 -- and by the way, this is the picture that  
23 shows the building that was permitted and  
24 approved by the owner, Mr. Peterson and as it is  
25 today. It's the same building, the same



1 building.

2                   Now, the setbacks were changed from  
3 side 20 and rear 30. And when we changed those  
4 setbacks, we said you know what, we're gonna  
5 have some problems because there are a lot of  
6 buildings in the town that are -- now gonna be  
7 non-conforming because we've changed the rules.  
8 When Mr. Peterson built his, the rules were  
9 okay. When we changed the zoning, the rules  
10 made it non-conforming.

11                   Now, we figured well, what do we do  
12 about a non-conforming use. We certainly can't  
13 expect that we can tell these people to remove  
14 these non-conforming uses, so we came up with  
15 the language in the code that deals with  
16 non-conforming uses. And clearly, as you have  
17 seen in the prior survey, our building was  
18 compliant, but now it's non-conforming.

19                   So what do you do? You have to look  
20 in a code that controls what happens in a town  
21 or a municipality or a city or a court of law,  
22 you have to look at the rules. And the rules  
23 are written parts of the code. And it's  
24 important because the two definitions that apply  
25 to this case tonight deal with the definition of

1 a non-conforming use. And that's what this  
2 building is. It says a non-conforming use means  
3 any structure or land lawfully occupied by a use  
4 that does not conform to the use regulations of  
5 the district in which it is situated. In other  
6 words, when they changed the setbacks, we became  
7 a non-conforming use and there are a lot of them  
8 in town as we speak.

9           Number two, it talked about an  
10 accessory building. And accessory building in  
11 the code is defined as a building or use  
12 customarily incidental and subordinate to the  
13 principle building or use located. In other  
14 words, an accessory to the main house. So this  
15 is what this building is.

16           Now, there's been a lot of  
17 discussion. And part of the issue here is the  
18 fact that everyone says, well, you're converting  
19 a garage to another use. Well, folks, the  
20 garage is not defined in the code. There's no  
21 reference at all in what a garage is in the set  
22 of laws that control the town. And as a result  
23 of that, this building is not a garage. It is  
24 an accessory building and that's a really  
25 important piece of information, that the

1 building is an accessory building and it's a  
2 non-conforming building.

3           Now, I'm sure you're like me, we  
4 ride around streets and admire all the new  
5 construction and all the yard work and all the  
6 beautiful things that are happening in  
7 Briarcliffe and we're happy to see it, but it  
8 raises the question, what is this building. And  
9 again, if your picture of your house shows up on  
10 here, it's not personal. It's just trying to  
11 get the point across that we need to maybe do a  
12 little bit of work in our defining. But this is  
13 a accessory building that includes a garage. As  
14 you see, it's two garages at the bottom. And  
15 then at the top -- you can't see it very well,  
16 but there are dormers there. And there's an  
17 upstairs area that's used by the owners of the  
18 property for whatever. I don't know what they  
19 could use it for. They could use it for a poker  
20 party. They could use it for an art museum or  
21 an art gathering. They could use it for, you  
22 know, a kid's sleepover. They could use it  
23 for -- probably guests when they come in from  
24 out of town, whether it's a family member or  
25 not. Who knows what goes on in these accessory

1 buildings. And I don't think it's necessarily  
2 our job as the town to try to become the Gestapo  
3 or dictate who can sleep where, et cetera. But  
4 it is important for the town going forward, that  
5 we address these things and define them, so that  
6 everyone knows what to expect and that we don't  
7 find ourselves in the situation that we're in  
8 tonight with this denial of our permit  
9 application.

10           So here's another example of this  
11 garage. Now, this is a garage, but it also has  
12 a huge building on top, but it happens to be  
13 connected by some sort of cart to the main  
14 house. And there's a lot of that going on right  
15 now. So the question in my mind is, is that  
16 something that we need to discuss because you've  
17 got these large structures. And then you've got  
18 these buildings, accessory buildings, that are  
19 now being occupied by people and it's okay  
20 because they're connected by some type of  
21 walkway, grid way, et cetera. So I'm just  
22 pointing this out just to show that there is a  
23 lot of -- here's another. It's an accessory  
24 building with a garage underneath. And here's  
25 another structure that has apparently a garage

1 underneath, but to me, it appears to be a rather  
2 nice accessory building right on the ocean and  
3 connected to the main house with a walkway and  
4 again, very nicely done.

5           Now, the -- the reason we're really  
6 here tonight is to ask this board to determine  
7 that their -- that the zoning administrator has  
8 erred in her denial of the permit. And I know  
9 there was some reference that she made in the  
10 very beginning about -- I think I wrote it down.  
11 Let me see if I can find where I wrote it down  
12 -- something about a dwelling, but in reality,  
13 we're not here to discuss a dwelling. We're  
14 here to discuss an accessory building. And  
15 what's really important about that is that the  
16 zoning denial letter, it says that we're in  
17 violation of the setback, which we agree.  
18 Everyone agrees we're in violation of the  
19 setback and that violation then created the  
20 non-comforting use, but there is a way to deal  
21 with a non-conforming use.

22           And I want to quote Section 3227.  
23 It says, with the exception of existing  
24 non-conforming uses, determined in accordance  
25 with Section 3226, no building or land shall

1 hereafter be used and no building or a part  
2 there of shall be erected, moved or altered,  
3 unless for a use expressly permitted by and  
4 conforming with the regulations.

5 In other words, that means any new  
6 buildings have to comply with this ordinance  
7 that says it has to be permitted, it has to be  
8 within the setback and it has to comply with all  
9 the building permits et cetera. But there's an  
10 exception for those non-conforming uses because  
11 you remember I said a few minutes ago that when  
12 we changed the rules, we wanted to make sure  
13 that the people impacted by the change of the  
14 rules, weren't gonna be damaged or hurt by that.

15 So there's a -- there's a exception  
16 to what can happen when you're in non-conforming  
17 use. And this is what it says, a non-conforming  
18 -- it says any lawful use of any building or  
19 land existing at the time of the enactment of  
20 the ordinance and any lawful use of any building  
21 or land existing within a zoning district, which  
22 has changed by subsequent amendment, i.e. the  
23 setbacks, may be continued although such use  
24 does not conform with the provision.

25 In other words, even though it

1 doesn't conform with the setbacks -- with  
2 limitations. And these are two very, very  
3 important elements of this. One, it says no  
4 building containing a non-conforming use shall  
5 hereafter be extended unless such extensions  
6 shall conform to the provisions.

7           Now, in simple language, that means  
8 you can't take this accessory building that he's  
9 got and add on to it unless you're adding on to  
10 it within the setback. So an accessory building  
11 that's non-conforming, according to the zone  
12 ordinance, says you can -- you can change your  
13 building, but it has to be within the setback.

14           Now, remember I pointed out twice  
15 this building has not changed. It's been  
16 exactly the way that it was in 2004 and in 2023.  
17 The second part -- and this is our main case --  
18 this is our main issue, the second part of the  
19 non-conforming use states provided however that  
20 a non-conforming use may be extended throughout  
21 those parts of the building, which were  
22 manifestly arranged or designed for such use.

23           Now, remember I pointed out and I  
24 thought it was very critical that when  
25 Mr. Peterson made his application, that the

1 building was three-prong. It had a bathroom, it  
2 had a workshop and it had a garage area. It  
3 wasn't simply a garage. And we believe by that  
4 language that was created and included in the  
5 town's ordinance, that my client had the legal  
6 right to manifestly arrange the interior of this  
7 building and remove the garage doors. Because  
8 the overall use of the building did not change.  
9 It was always either a workshop, which it still  
10 has an open area and it has a bathroom in it.  
11 It just now doesn't act as a garage. A garage  
12 is not defined remember. It's talking about an  
13 accessory building.

14 Now, as you look through the  
15 paperwork, there are no definitions of what you  
16 can do in an accessory building. Remember we  
17 just talked about you can have a poker party in  
18 there, you can turn it into your art studio, you  
19 can have a sleepover, you could put a movie  
20 theater in there, you could do pretty much  
21 anything in an accessory building because  
22 there's nothing in the code that says you can or  
23 can't do something.

24 So my client contends that the  
25 zoning administrator made a serious error when



1 she determined that we could not change that  
2 building by removing garage doors. And that the  
3 -- and that the setbacks, the fact that we were  
4 violating the setbacks was, I think, her  
5 two-prong attack on why we could not get a  
6 permit.

7           So I think we've shown the board the  
8 non-conforming use that arose out of the change  
9 of the setback allowed us to continue the use of  
10 that building. And that the second providing --  
11 provides over here, allowed the non-conforming  
12 use to be extended throughout those parts of the  
13 building, which were manifestly arranged or  
14 designed for such use. And because we were a  
15 multi-use building and we continue to be a  
16 multi-use building, we contend that the zoning  
17 administration has made a significant error.

18           Now, the other difficult issue to  
19 point out is there were communications between  
20 the County -- so as many of you know, the first  
21 firewall to do anything in the town is through  
22 the town office. And they have a duty to double  
23 check everything and make sure everything's in  
24 order and if that's in order and they give you  
25 that green light, then you go to the County and

1 get the permit. So the -- the County was  
2 working with Ms. Barnhill and working -- well,  
3 mostly we were working -- Daniel and I, we met  
4 with the major, we met with the chief, we met  
5 with the zoning administrator to try to resolve  
6 this issue and -- and -- and took some steps to  
7 do that and really feel like that we've complied  
8 with what was required, but for some reason,  
9 we're here tonight because the zoning  
10 administrator has decided that we're not allowed  
11 to do what we're doing.

12 Now, at one point there was a  
13 notation in the file from Darrell Johnson, who  
14 works for the county, that stated per  
15 Ms. Barnhill of Briarcliffe Acres, the structure  
16 may have to be removed. Now, that's sort of  
17 scary because to me that makes it sound like  
18 that we really don't have a good grasp for the  
19 code and the ordinances under which she's  
20 empowered to act. And I only bring that to  
21 attention not to embarrass or demean anyone  
22 because she's a fine lady, I've known her a  
23 long, long time, but to me it just shows that  
24 there might be a breakdown somewhere in the  
25 communication about what's allowed and what's

1 not allowed. I'd like to introduce this exhibit  
2 number 2. Thanks.

3 (Exhibit number 2  
4 marked for identification.)

5 MR. CORBETT: And a copy of  
6 everything I'm introducing is in these packets.

7 Now, the last thing that sort of  
8 brings it to mind with me is, while all this was  
9 going on, I kept noticing the neighbor's house  
10 across the street and I said, gosh, that looks  
11 just like Mr. Harrar's house. It has a nice  
12 ranch on it and it has a non-conforming  
13 building. So I'm going, well, that seems sort  
14 of strange because now -- well, now that's what  
15 it looks like and it's a beautiful structure.  
16 They've done a very nice job, but the problem  
17 with it is that someone approved a  
18 non-conforming use to be extended into the  
19 setback, which is absolutely not allowed in the  
20 code.

21 So this exists right across the  
22 street from my client's property. He didn't  
23 expand his building. All he did was remove some  
24 garage doors, put some new tile in, put some new  
25 cabinets in, but right across from his house is

1 an extension by a -- huh, I can't even imagine,  
2 four or five-hundred square feet into the  
3 setback, which is absolutely not allowed.

4 Now, that's not the case before the  
5 town tonight. The point I'm making is to allow  
6 this and disagree with my client's application,  
7 is a total injustice and we're here asking the  
8 board to cure that and make that correct and  
9 allow my client to continue with his intended  
10 use of his property. Thank you very much.

11 MR. SHORTRIDGE: Mr. Corbett, I have  
12 a question. One time you indicated that a bunch  
13 of people lived in that accessory building. How  
14 many do you think that was and when did that  
15 take place?

16 MR. CORBETT: That took place after  
17 Mr. Peterson died. He -- his wife had died.  
18 Not long after that, he had a -- a serious  
19 incident. He passed away rather abruptly and  
20 his heirs and the personal representative of his  
21 estate, who was in charge of the property,  
22 either leased it out or let people live in it,  
23 but I recall on many occasions trucks -- and for  
24 at least three or four weeks, there was a  
25 dilapidated camper in the front yard of the

1 property. Now, obviously it was not a very nice  
2 site. And -- and honestly, if you come to the  
3 picture where we are today, I mean, it's -- it's  
4 a huge improvement over what was there then, so  
5 that's sort of where we are right now. And I  
6 lost that picture. But does that help?

7 MR. SHORTRIDGE: It -- it helps.  
8 You also mentioned something --

9 UNIDENTIFIED SPEAKER: I think we  
10 need a little clarity on that -- I think we need  
11 a little clarity on that.

12 MR. CORBETT: Okay.

13 UNIDENTIFIED SPEAKER: The woman who  
14 moved in --

15 ALL SPEAKING: Wait -- wait sir --  
16 sir, hang on -- hang on.

17 MR. BATTLE: That's not -- that's  
18 not -- okay. This is -- he's talking to the  
19 board and if you wanted to make a speech or  
20 talk, you can make your presentation at a later  
21 time. You can sign in and do that, but each  
22 person has their own individual time not to be  
23 interrupted and we're not going to turn this  
24 into a situation where people from the audience  
25 can question anybody else. This is an appeal.

1 It's not a hearing.

2 MR. SHORTRIDGE: You mentioned  
3 filing an after-the-fact permit.

4 MR. CORBETT: Yes, sir.

5 MR. SHORTRIDGE: I'm fairly ignorant  
6 about the law, but I find nowhere that I can  
7 find that there's such a thing in South  
8 Carolina.

9 MR. CORBETT: Yes, sir.

10 MR. SHORTRIDGE: Can you explain it  
11 to me?

12 MR. CORBETT: I -- I could explain  
13 it to you and I can also defer to the code of  
14 ordinances that allows an after-the-fact permit.  
15 We complied with the town clerk's instructions.  
16 She presented us with the paperwork. It is a  
17 procedure and it's allowed in our town. And  
18 probably in most communities where someone has  
19 acted imprudently or under misinformation or --  
20 or -- or some situation like that, but clearly,  
21 the after-the-fact permit is a procedure in the  
22 town of Briarcliffe for correcting an error in  
23 either judgment or mistake or whatever regarding  
24 a property.

25 MR. CUNNINGHAM: Just a follow up

1 for something that he asked. The -- the -- your  
2 question about when the people were living  
3 there, can you just approximately what year and  
4 month?

5 MR. CORBITT: Well, I -- you know,  
6 again, I -- I -- I present that because I walk a  
7 lot and I -- you know, I walk a lot around this  
8 town and I saw, for at least a two or  
9 three-month period, maybe longer -- I -- I can't  
10 really give you dates and times, but it  
11 certainly proceeded the time that Mr. Harrar  
12 bought the property. In fact, he bought it and  
13 they were still there and I believe he had to  
14 pay some of them to -- to leave. So it was a  
15 situation where two people inherited the  
16 property, one was involved in the process and  
17 the other heir was in a different state and in a  
18 different mental state apparently. And there  
19 was a lot of disagreement and consternation  
20 between the two heirs as to what to do with the  
21 property.

22 MR. CUNNINGHAM: When did Mr. Harrar  
23 buy the property, ballpark?

24 MR. CORBETT: I don't have that  
25 exact date, but I would imagine it was sometime

1 in early '22.

2 MR. CUNNINGHAM: Okay. So sometime  
3 in early '22 and then within a number of months,  
4 these people left?

5 MR. CORBETT: Well, probably within  
6 30 to 60 days after Mr. Harrar purchased the  
7 property, they left. And again, I do recall him  
8 having to maybe pay them some money to move out.

9 MR. CUNNINGHAM: Okay.

10 MS. BARNHILL: In fact, does this  
11 building, this accessory building, have the  
12 components in it now that make it a dwelling?

13 MR. CORBETT: It has a bathroom,  
14 which was approved in '04 and it has a bathroom  
15 today. That's correct, yes.

16 MS. BARNHILL: But other components?

17 MR. CORBETT: It does not have --  
18 according -- according to the county zoning  
19 inspector, who went to the property with  
20 Mr. Harrar, he -- not this one. I'm sorry.

21 MS. BARNHILL: Code enforcement.

22 MR. CORBETT: The county code  
23 enforcement. I'm sorry. I misspoke. Is that  
24 Mr. Harrar, the -- is that who you report to in  
25 the county or --



1 MS. BARNHILL: I do not report to  
2 him. And he's not even in my department.

3 MR. CORBETT: No, I don't mean in  
4 your position in the county, but in your  
5 position with the town.

6 MS. BARNHILL: No. I -- all I do is  
7 say whether a permit can be issued or not and  
8 then you go to code enforcement. None of the --  
9 I mean, the --

10 MR. CUNNINGHAM: Mister --  
11 Mr. Corbett address your things to the --

12 MR. CORBETT: Okay.

13 MR. CUNNINGHAM: I mean, this --  
14 this meeting could go on forever and so what we  
15 want to do is to get them the information to  
16 make a decision.

17 MR. CORBETT: Mr. Farria met with  
18 Mr. Harrar and told him he had to remove a stove  
19 from the accessory building, which he did. And  
20 my understanding is once he said you remove  
21 that, that I'm okay with everything else.

22 MR. SHORTRIDGE: As I recall reading  
23 in the building inspector's letter or one of his  
24 correspondence with y'all, he clearly defined  
25 this building as a dwelling. Is that accurate?

1 MR. CORBETT: No, sir. I don't  
2 think there's any documentation in the record --  
3 maybe you can prove -- maybe I can see it if you  
4 do --

5 MR. SHORTRIDGE: Yeah, you've got  
6 that.

7 MR. CORBETT: And this is from --  
8 the building had a full kitchen, a finished bath  
9 and two separate habitable rooms. That's  
10 correct. Yes.

11 MR. SHORTRIDGE: Yes.

12 MR. CORBETT: And that's what was in  
13 the there when it was approved in '06 -- '04.  
14 It had a bathroom --

15 MR. SHORTRIDGE: It had a bathroom  
16 and a work area.

17 MR. CORBITT: -- a kitchen --

18 MS. BARNHILL: A workshop --

19 MR. CORBETT: A workshop, uh-huh.

20 MS. BARNHILL: No kitchen.

21 MR. CORBETT: Well, there's no  
22 kitchen there now, but a kitchen's not defined  
23 as an element of an accessory building either.  
24 There's nothing in the town code that would  
25 prevent you from having a refrigerator in an

1 accessory building.

2 MS. BARNHILL: What's the intent of  
3 the use of the accessory building?

4 MR. CORBETT: That depends on the  
5 owner. We've lost two contracts for the sale of  
6 property. Now, with full disclosure, apparently  
7 the real estate agent that represented  
8 Mr. Harrar the first time the property was  
9 listed for sale, listed that as a dwelling,  
10 which was an error. It was an error. She was  
11 mistaken. She didn't know the facts. We  
12 pointed it out to Mr. Harrar and he immediately  
13 notified the lady and they removed it. That --  
14 that particular agent was then -- her listing  
15 expired. A new listing agent came on and she  
16 copied the same information. One day it was in  
17 there, the next day it was out because it came  
18 to my attention. Look, what -- why are  
19 repeating this. And we're going, we're not  
20 repeating it intentionally, this is an error of  
21 a real estate agent. So it was immediately  
22 withdrawn.

23 Now, we had a pending contract that  
24 just fell through because the potential owner of  
25 the property was worried about the town

1 objecting to the fact that his girls wanted to  
2 have a sleepover in that building or that they  
3 wanted to have a birthday party or that they  
4 wanted to have a gathering. And he was worried  
5 based on what he was reading, that that was not  
6 allowed in the town and therefore he didn't want  
7 to -- to get involved in a situation where the  
8 town was dictating what he could or couldn't do  
9 in an accessory building.

10           So the accessory building -- we  
11 showed you what the definition was of the  
12 accessory building and it's not defined of what  
13 you can or cannot do in an accessory building.  
14 And I would just ask the board to please  
15 consider the reality of what's going on in the  
16 town right now.

17           There are plenty of units in their  
18 town of Briarcliffe where there are people  
19 dwelling in attached buildings that are  
20 connected by a corridor and that may be  
21 approved. That may be allowed, but that's not  
22 what's before you today.

23           What's before you today is the pure  
24 definition of an accessory building that does  
25 not preclude a refrigerator. Specially, in this

1 case because it was a pre-existing bathroom and  
2 a workshop area, then it should only continue in  
3 that vein.

4 MR. CUNNINGHAM: Thank you,  
5 Mr. Corbett.

6 MR. CORBETT: Yes, sir.

7 MR. CUNNINGHAM: I'm sorry. I've  
8 got -- a -- just making sure. So in your  
9 opinion, is what your client is trying to do,  
10 would that be a change in use as to how the  
11 building was approved when it was built in 2004?

12 MR. CORBETT: No. Because of the  
13 simple truth of the matter, the building was  
14 approved and designed as a multi-purpose room  
15 when it was approved in '04. It had a full  
16 bath. I would imagine that it has a full bath  
17 because people want to take a shower in there  
18 for some reason or use the restroom for some  
19 reason. It had a workshop area, which if it's a  
20 workshop area in 2004, could it be changed to a  
21 art studio in 2023? Could it become a poker  
22 room for the owner and his buddies and ladies to  
23 have a poker game or any type of gaming in  
24 there? Could it be used as a out building for  
25 movies and entertainment? Could you have a

1     cookout out there and set it up right outside of  
2     the accessory building and have enjoyment  
3     associated with the accessory building in that  
4     regard?

5                     So I don't believe it's a change of  
6     use. I think it's a -- according to the  
7     statute, it's a -- it's an allowed under that  
8     sub-section B, it allows for a non-conforming  
9     use -- let's see right here. And that's the  
10    critical language. Provided however, that a  
11    non-conforming use may be extended throughout  
12    those parts of the building, which were  
13    manifestly arranged or designed for such use  
14    prior to time of the enactment of the ordinance.  
15    So it existed prior to the time of the change of  
16    the zoning setbacks, but there's no definition  
17    in the town code about what you can and cannot  
18    do in an accessory building.

19                    MR. CUNNINGHAM: Okay. So your  
20    position is that removing the garage doors, does  
21    not change the use of the building?

22                    MR. CORBETT: It changed one of  
23    three uses of it.

24                    MR. CUNNINGHAM: Okay.

25                    MR. SHORTRIDGE: Can the building be

1 used as an independent living quarters for one  
2 or more people?

3 MR. CORBETT: Not under the code.  
4 It would be a violation of the code if that  
5 occurred.

6 MS. BARNHILL: But does the building  
7 present --

8 MR. SHORTRIDGE: But -- but can --  
9 does it look like it can be used by one or more  
10 persons as a single independent living  
11 structure?

12 MR. CORBETT: You know, I -- I don't  
13 know that I would live in it. You may live in  
14 it. Who knows, people have different needs. I  
15 can't answer that question. I do tell you this,  
16 it has a bathroom in it. It has a refrigerator  
17 in it and it has cabinetry in it and those  
18 buildings exist all over this town. There are  
19 various and sundry buildings in this town, not  
20 to justify it, not to say that that's what's  
21 going to happen, but there's nothing in the code  
22 that would prevent an owner from allowing, in my  
23 view, his parents or his guests or anyone else  
24 to go into that building and pop a cot up and  
25 sleep for the night. I mean, I showed you four

1 or five buildings that have been built above  
2 garages that have bathrooms, that probably have  
3 full kitchens and they probably have people  
4 living in it and paying rent to the owners.

5 And again, that's the truth of the  
6 matter of the town, but when we made these  
7 ordinances and changes when I was the mayor, I  
8 think we had that discussion and I'm pretty  
9 confident that we made the decision that we  
10 didn't want to become the Gestapo and entertain  
11 every person's use of their property, whether it  
12 was an accessory building or their main  
13 dwelling, to determine whether they were in  
14 compliance with the code.

15 MR. CUNNINGHAM: Thank you,  
16 Mr. Corbett. Okay. Yeah. Let's -- let's do  
17 that. I can't read that. Mr. Harrar, I'm  
18 sorry. Dani Buonviri.

19 MS. BUNVIRI: And it's Dani  
20 Buonviri.

21 COURT REPORTER: Sorry, ma'am --

22 MR. CUNNINGHAM: Ma'am, would you  
23 come to the podium where we can get your --  
24 please state your name.

25 MS. BUNVIRI: My name is Dani



1 Buonviri and I live at 243 Dogwood Lane. Our  
2 property is directly behind 240 Center Drive.  
3 We share an easement. I have spoken to Gail and  
4 Dale Givler several times in person and on the  
5 phone. They are the former residents at 240  
6 Center Drive, who with her two brothers, were  
7 willed the property by George Peterson, the  
8 deceased property owner. Gail and her family  
9 moved into the property and began updating the  
10 interior, which did not require any -- any  
11 permits. They replaced flooring, painted and  
12 added baseboard trim. While they were living  
13 there, their family members, who were also  
14 willed the property, decided to sell the  
15 property and split the proceeds.

16 An attorney and a buyer came forth  
17 and the Givler's, along with Gabe Givler's  
18 brothers, accepted the offer and went to  
19 closing. It was agreed that the Givler's would  
20 be given 30 days to move. Yes, there was a  
21 trailer put in the yard. After the closing, the  
22 new owner started demolition even though the  
23 Givler family still occupied the property.  
24 Dave -- Dale Givler repeatedly asked the crew to  
25 stop demolition. One of his sons had asthma,

1 but eventually decided to get Chief Kyle  
2 Lampartner involved. The crew wanted to work at  
3 night. Dale said, in order to avoid Chief  
4 Lampartner. Dale Givler did not feel  
5 comfortable occupying the property as no permits  
6 had been acquired as walls came down, bathtubs  
7 were removed and the interior fireplace masonry  
8 started to be removed.

9 Dale acquired a trailer for his  
10 family and started to remove his belongings.  
11 When the detached -- detached garage interior  
12 renovation began, the doors came off and Dale  
13 informed the new owner there was an existing  
14 diesel fuel tank under the existing garage.  
15 When in fact there -- there was also an existing  
16 bathroom, a diesel generator pump for that tank,  
17 a car and their motorcycle. I feel -- excuse  
18 me. I feel -- sorry, hold on a second. I feel  
19 there would not be a hearing today if the new  
20 owner would have made an attempt to acquire  
21 permits. They would have realized they were not  
22 allowed to make the changes to the detached  
23 garage. We should deny the appeal and the  
24 ordinances should stand. We have a very unique  
25 community that many residents would like to

1 preserve. It is unfortunate that someone can  
2 come into our town and think that they can  
3 ignore the town ordinances.

4 The owner is known as a flipper,  
5 someone who buys a property low to renovate it  
6 and then sell it for a profit in a short amount  
7 of time. That's fine. Just leave our community  
8 with a home better than you found it.

9 UNIDENTIFIED SPEAKER: I'd like to  
10 say something, if I can.

11 MR. CUNNINGHAM: No, no. You've had  
12 your chance. This is not a rebuttal type of  
13 thing. You may be -- the Court may give you an  
14 opportunity to stand up at the end to say  
15 something, but we're gonna let everybody speak,  
16 say their peace, uninterrupted, unquestioned and  
17 then at the end of the case, the board's gonna  
18 do that. That's the way an appeal is done.

19 MR. GONGWER: Good evening. My name  
20 is Todd Gongwer, I live at 113 Hickory Lane --  
21 my wife and I. We purchased our home in this  
22 neighborhood approximately two years ago. It's  
23 a very special place. It has very special  
24 rules. It has very unique things. My wife and  
25 I are also property flippers. We flipped

1 probably 75 homes in our lifetime. It's a great  
2 way to make a living, but I guarantee at some  
3 point in time over the last several months, the  
4 phrase easier to ask for forgiveness than  
5 permission has come into somebody's mind. We  
6 have built a -- whatever additional dwelling  
7 unit, whatever you're calling, we just finished  
8 it a month ago.

9 I came to South Carolina, had never  
10 done anything here before, so I was very  
11 confused. I have a very tough time listening to  
12 that -- this -- that we were so confused, we  
13 didn't know what to do. I'm just a crazy  
14 hillbilly from the north. I knew exactly what  
15 to do. I started to ask. I went to my  
16 neighbor. I went to the other neighbor. I went  
17 to Ms. Barnhill. I went to Horry County to  
18 figure out exactly what I could build and not  
19 build.

20 I don't want to build something that  
21 would put myself in this position and I feel bad  
22 that you're in this position. I do thank you  
23 for what you've done for that home. It's  
24 beautiful. That being said, there's a way to do  
25 things correctly. I think if you would have

1 done them correctly, you wouldn't be here. I  
2 don't know how it would have turned out. It's  
3 not my position to decide that. That's these  
4 people's position to decide that, but I can tell  
5 you that that whole permission for forgiveness  
6 thing cost my wife and I 275,000 dollars on a  
7 property in Florida. You learn once. You do  
8 things correctly and you never have problems.

9 I'm not gonna say my wife and I are  
10 perfect. God knows we're not even close, but we  
11 try to do what's correct. I ask that this be  
12 done. Thank you. And again, thank you for the  
13 work you've done.

14 MR. CUNNINGHAM: Thank you. Kevin  
15 Bolak -- Bolak, sorry.

16 MR. BOLAK: Good evening. My name  
17 is Kevin Bolak. I live across the street from  
18 240 Center and 87 Center, where there's a garage  
19 just identical to what's being deemed an  
20 accessory building now. I spoke with George  
21 Peterson several times a few years before he  
22 passed and he had told me he keeps 200 gallons  
23 of diesel in an underground tank in that garage  
24 for his generator and for his diesel truck, as  
25 he was a survivalist. I just wanted that stated

1 for the record, so that's really all I have.

2 MR. SHORTRIDGE: I have a question.  
3 I've heard an awful lot of rumors about this  
4 diesel tank. Does anybody have evidence that  
5 this really exists?

6 MR. BOLAK: Well, he was very  
7 insistent. He was a -- was a survivalist. He  
8 had a diesel truck and all the generator, it was  
9 there. I had never seen it.

10 MR. CUNNINGHAM: Thank you. The  
11 next on the list is Gary Pell.

12 MR. PELL: I'm not sure I really  
13 need to say anything at this point, but it is  
14 true that accessory buildings are not defined  
15 and that they have different uses. As I  
16 understand it, that building was grandfathered  
17 in, in 2004 for a specific use. And if we  
18 change that use, then you are back to square one  
19 as it relates to the approval for that building  
20 to be in compliance given the setbacks are no  
21 longer where they need to be. So it seems to me  
22 pretty commonsense the use of that structure is  
23 being changed.

24 MR. CUNNINGHAM: All right. John  
25 Wyley?

1                   MR. WYLIE: I think I had a lot more  
2 in here than --

3                   MR. CUNNINGHAM: Your name for the  
4 record.

5                   MR. WYLIE: John Wyley, 223 Live Oak  
6 Lane. And these are a lot of generalities here,  
7 but this is just my opinions. As a resident of  
8 Briarcliffe Acres, which I've been for 20 years,  
9 I have a great love for this town and its  
10 residents. I'd like to thank the board of  
11 zoning appeals and Tammie Barnhill -- and Mike  
12 didn't make it -- for being here and their  
13 attendance in contributing tonight. I'd like to  
14 briefly summarize my thoughts on the limited  
15 information that I'm aware of concerning the  
16 events on 240 Center Drive that has led us here  
17 tonight.

18                   A long time resident built -- I knew  
19 they built the garage and it was identical to  
20 the one across the street that belonged to  
21 Mr. Graham. They both built them at the same  
22 time. They're always in competition of one  
23 another, as well as being friends and if one had  
24 to have one, the other had to have one. They  
25 built them both about the same time, so if you

1 wanted to find out what the building they were  
2 discussing tonight looked like, you could walk  
3 across the street and yes, there's modifications  
4 that have been made to that building, but that's  
5 been approved by -- they got a permit for that  
6 and what was done, didn't change the setbacks.  
7 But -- all that did was open up an outside area  
8 that had no doors on it, only added a wing on to  
9 it, with an overhead and it was approved as it  
10 was, not changing the primary purpose of that  
11 building.

12 I believe there's some issue with  
13 the compliance with setbacks in place at the  
14 time of the buildings, which would not be in  
15 compliance with the zoning laws today. That is  
16 not the issue we are here for today. The issue  
17 is what modifications have taken place since the  
18 purchase.

19 My understanding is that there were  
20 not one, but two stop work orders on that  
21 property from the time early on after it was  
22 closed on. And I'm going to get into something  
23 there in a minute. My understanding was that  
24 there were the two stop work orders and the work  
25 continued on without any response to those two



1 stop work orders.

2 I believe one on the -- one on the  
3 house and one on the building in question. My  
4 understanding is they were never responded to.  
5 They were ignored -- they were totally ignored  
6 from that day on and I don't know if they've  
7 been responded to. Yet I did hear some  
8 conversation about that tonight that the -- our  
9 ex-mayor brought up. My understanding is that  
10 they -- they have not been responded to. And I  
11 wish Mike were here, so he could answer that  
12 question. Evidently, the modifications, to the  
13 best I can see, to the garage were done to  
14 create living quarters.

15 There were other extensive  
16 modifications to the interior of the house,  
17 which my understanding was that -- and I talked  
18 to the lady was living there with her family and  
19 the -- I believe that the dates don't really  
20 correspond is what you were talking about. You  
21 handled the probate on that building, right? On  
22 that --

23 MR. CORBETT: Sure.

24 MR. WYLIE: -- on that -- I believe  
25 that the major -- ex-major may have handled the

1 probate for that. And when in talking to the  
2 previous resident that had to move out of there,  
3 that she was given -- I thought it was 60 days,  
4 but maybe it was 30 days once the closing was  
5 done, which was done about the time -- same time  
6 as the completion of the probate. But that  
7 wasn't something that she could have done  
8 because of everything that was going on inside  
9 the house and they actually -- and I don't know  
10 how they did it, but the work being done inside  
11 forced them to move out of that house and out on  
12 the front lawn into a trailer that sat there for  
13 a month -- three weeks to a month, which was  
14 kind of the joke of the neighborhood there. Got  
15 a 45-foot trailer out there and clothes and  
16 boxes and everything laying out on the yard  
17 while they were technically still living there  
18 or trying to. So I question the dates and the  
19 timeframe of that being done.

20           The question is -- I have -- one of  
21 the questions I have is that the -- what kind of  
22 people are we dealing with that feel they're  
23 above the laws of the town and the County with  
24 totally egregious and arrogant disregard for the  
25 laws. It's a slap in the face. It was to me as

1 a resident.

2 I further understand they have been  
3 offered two avenues to rectify the situation,  
4 but those two avenues have been dismissed by  
5 them. One of them was to go back and restore  
6 the garage to its original purpose. And that  
7 was one of the ones that was discarded, which  
8 brings to question why somebody who is -- and  
9 I'm sorry. I -- I'm sorry. We don't have --  
10 we're not dealing with a resident. We're  
11 dealing with somebody who is flipping houses and  
12 why would they go to the extent of going through  
13 and changing the nature of that building and for  
14 what -- to what purpose is that being done.

15 And I know that, here in  
16 Briarcliffe, we do have -- we have some  
17 buildings that are either not attached that have  
18 been grandfathered in over a number of years.  
19 We've been around for 70 years as Briarcliffe  
20 Acres. And some of those may or may not be used  
21 for purposes other than a garage with upstairs  
22 that may be there. Anything that other -- it  
23 has a purpose other than that or has an  
24 upstairs, it is to be connected to the main  
25 house. I have a problem because I'm on a corner

1 lot and I wanted to build a garage, a two-car  
2 garage over on the side of my house and that  
3 couldn't be done because that's on the street  
4 side.

5 In other words, you've got a --  
6 you've got a house here sitting on a lot and  
7 you've got two house frontages. So by law, that  
8 house has to be connected or you have to build  
9 it with inside the setbacks around the other two  
10 sides of the house. So you're limited as to  
11 what you can do.

12 Well, the same thing here, if that's  
13 going to be something other than a garage and  
14 they've changed the nature of it to something  
15 else, then that needs to be connected to the  
16 house. I'm not sure what the plans are for the  
17 board here. It's my understanding that that has  
18 changed the nature of the building and they have  
19 limited options. One may lead to the very  
20 letter that he had given us from somebody over  
21 there at -- over at Mike Ferrari's office. If  
22 you're gonna go through and change anything on  
23 there now, you're gonna have to reapply for  
24 another work permit. And that work permit is  
25 gonna require you to -- is going to be --

1 require you to work within the existing laws for  
2 setbacks as they are now not as they were back  
3 in 2004 or whenever they were. They would have  
4 to go -- they would have to be applied for now  
5 with the existing laws. And it may be that if  
6 zoning says that they are not, they may either  
7 have to move it or tear it down, could be an  
8 option and it may come to that. I hate to see  
9 that done.

10 That was a great garage. I wish I  
11 had it. Yeah, I don't -- I wish I had a little  
12 more information on the dates and things there  
13 that I don't have, but that's my thoughts on  
14 this and thank you very much for the time to be  
15 here.

16 MR. CUNNINGHAM: All right. I'm  
17 gonna read into the record. This is an email  
18 from Michael Baria. I don't know if I'm saying  
19 that correctly. From -- this is May 23rd, 2023.  
20 He is the residential chief inspector of Horry  
21 County Code Enforcement. It says, in regard to  
22 my on site inspection on the accessory structure  
23 performed in December 2022 at 240 Center Drive,  
24 I met the owner of the property on site and was  
25 allowed entrance to the accessory structure.

1 Once I entered, I found all the requirements for  
2 a dwelling inside of the building. The building  
3 had a full kitchen, finished bath and two  
4 separate habitable rooms.

5 I immediately told the owner the  
6 countertop was to be removed and a new  
7 countertop without the holes for the cooktop was  
8 to be installed. The owner, at that time,  
9 removed the countertop and then further notified  
10 me that the new countertop had been installed.  
11 Please, see attached pictures of what I found at  
12 my site inspection. Will send further pictures  
13 with my next email. I'll wait for the guidance  
14 of Briarcliffe on how this situation is to be  
15 resolved. Mr. Baria did send some pictures.

16 And I believe the last thing I have  
17 to read is the -- this is just somebody that  
18 sent in a letter. This is Abby Stewart, who is  
19 a resident -- is that correct, of Briarcliffe  
20 Acres. This is dated -- sorry, dated May 25th,  
21 2023. To the zoning appeals board, we have  
22 reviewed the documentation provided by the town  
23 concerning 240 Center Drive. Of greatest  
24 importance to the town is that approval of this  
25 request for a waiver would damage the town's

1 efforts to maintain an R-1 single family lot use  
2 for residents. The R-1 zoning has been key to  
3 the character of the town.

4 On the permit application dated  
5 March 3rd, 2023, the building has a full bath  
6 and heated space and hence would enable multiple  
7 families on one lot including rentals. Code  
8 enforcement officials in the past have stated  
9 that stopping multiple family rentals on one lot  
10 is a difficult task. Allowing this waiver would  
11 encourage the multiple family rental practice.

12 The town's ordinance defines an  
13 accessory building as subordinate to the main  
14 building. This structure does not comply since  
15 it can serve as stand-alone living quarters.  
16 Upon inspection of the plot diagram, the  
17 building prior approved as a garage and now  
18 being asked to be an accessory building, does  
19 not even come close to the town's required  
20 setback. It looks like about a third of the  
21 building is over the rear setback. On this  
22 basis alone, the appeal should be denied. Thank  
23 you for your careful deliberations --  
24 deliberations on this topic. Abby and Don  
25 Stewart.

1                   MR. BATTLE:  If you want to allow  
2     some rebuttal, you can do that.  It's up to you.

3                   MR. CUNNINGHAM:  Mr. Harrar, did you  
4     wish to speak?

5                   MR. HARRAR:  Sure.  My name is  
6     Daniel Harrar.  I want to touch base first with  
7     the -- with Dale.  Dale was working -- you know,  
8     the previous owner of the home, he was working  
9     with me on one of my businesses at the time.  I  
10    never kicked Dale out of his home.  He was  
11    living there.  It was agreed to stay for 90  
12    days, plus he had some family issues that I had  
13    given him 10,000 dollars on the side as well to  
14    help him out.  I'm being put -- you know, as  
15    some bad guy, which is not the case.  I helped  
16    him out with whatever I could do.  I let him  
17    stay as long as I could and there was never work  
18    being done while they were living there.  We had  
19    an agreed time that they were supposed to stay.  
20    He needed a little more time and they ended up  
21    going their own separate ways.

22                   As far as the garage in the back,  
23    the bathroom was there.  From what the -- from  
24    what the code says for flooring, for paint, for  
25    -- you know, tile, a permit is not required.  I



1 do understand that the garage doors were taken  
2 out. I did offer to put the garage doors back.  
3 It's not that I was offered to -- to do that and  
4 I said, no. I did offer to put the garage doors  
5 back the way it was. Take the list -- you know,  
6 I'm not going against you guys. Whatever I did  
7 to that house, was to help it. When I got it,  
8 it was horrendous. From the outside to the  
9 inside, there was -- you know, dumpsters and  
10 dumpsters of garbage and trees. And I mean, it  
11 looked like it was for years and years never  
12 touched.

13 So I'm not trying to work against  
14 you guys in anyway. I do understand that the  
15 garage doors, a permit should have been pulled  
16 to take those out. I tried to pull a permit to  
17 put them back in, it was denied and I'm not  
18 trying to work against you guys at all. What --  
19 you know, I'm trying to do whatever I can to  
20 satisfy the situation.

21 MR. CUNNINGHAM: Thank you.

22 MR. CORBETT: There needs to be a  
23 serious clarification and that is regarding the  
24 permit that he has filed to put the garage doors  
25 back. That permit apparently has been held in

1 abeyance until the board makes their decision.  
2 So I just want to clarify that it has not been  
3 denied and it's not been rejected, but it is  
4 pending the resolution of this matter before the  
5 board tonight.

6 MR. CUNNINGHAM: They're aware of  
7 that fact. This is solely about the issue of  
8 the zoning administrator's decision. Permits  
9 are something else.

10 MR. CORBETT: Correct.

11 MR. CUNNINGHAM: So I guess we're  
12 going to bring the evidence portion of this to a  
13 close and begin deliberations.

14 UNIDENTIFIED SPEAKER: Are we  
15 adjourned?

16 MR. BATTLE: We are adjourned.  
17 You -- you can leave. Well, I just -- it's my  
18 feeling that the board can deliberate in an open  
19 public. If you want to stay here when the  
20 deliberations are fine, if you don't, you can  
21 leave. It's -- it's not a situation where this  
22 is gonna be done in private.

23 MR. CORBETT: And please take these  
24 copies of everything that was presented, so  
25 you'll --

1 MR. CUNNINGHAM: We're entertaining  
2 a motion here. If anybody wants to -- wants to  
3 simmer down. Jackie?

4 MS. BARNHILLE: I make the motion  
5 that we affirm the zoning administrator's --

6 UNIDENTIFIED SPEAKER: We can't.

7 MS. BARNHILL: I make a motion that  
8 we affirm the zoning administrator's findings.

9 MR. CUNNINGHAM: Is there a second?

10 MR. SHORTRIDGE: I second the  
11 motion.

12 MR. CUNNINGHAM: So all in favor?

13 ALL SPEAKING: I.

14 MR. CUNNINGHAM: All right. Will  
15 you please draft an order to that extent?

16 UNIDENTIFIED SPEAKER: Yes. And I  
17 have some questions about what should go into  
18 the order. Part of the package dealt with the  
19 original permit, which was for work to do -- a  
20 detached garage with a workshop and a full bath,  
21 but it was for a detached garage. Do you want  
22 me to include that in the order? Is that part  
23 of your decision making?

24 MR. CUNNINGHAM: : I believe we  
25 discussed that -- that formerly a garage --

1 removing the garage door was a change to --

2 MS. BARNHILL: It's changed the  
3 purpose of the -- of the building -- of the  
4 accessory building.

5 MR. SHORTRIDGE: We find that the  
6 structure is dwelling.

7 MS. BARNHILL: Is dwelling.

8 MR. SHORTRIDGE: And not a garage.

9 MR. CUNNINGHAM: Very good. Thank  
10 you so much. We're adjourned.

11

12 (Whereupon, at 7:51 p.m.,  
13 the taking of the foregoing  
14 hearing was concluded.)

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CERTIFICATE OF REPORTER

State of South Carolina  
County of Florence

I, Roger Williamson, Court Reporter and  
Notary Public for the State of South Carolina,  
do hereby certify that the foregoing hearing;  
that said hearing transcript contains a true  
record of the hearing.

I further certify that I am neither  
attorney nor Counsel for, nor related to or  
employed by any of the parties connected to the  
hearing, nor am I financially interested in the  
action.

Witness my hand at Florence, South  
Carolina, this the 27th day of June, 2023.

\_\_\_\_\_

Roger Williamson  
MY COMMISSION EXPIRES:  
February 4, 2032