
1 **2018-3 (2ND READING): ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE**
2 **CITY OF MYRTLE BEACH BY ANNEXING 0.53 ACRES LOCATED AT 9327 COVE DRIVE**
3 **(HORRY COUNTY PIN # 394-06-01-0006), AND REZONE SAID PROPERTY FROM**
4 **HORRY COUNTY SF 10 (SINGLE FAMILY RESIDENTIAL) TO CITY OF MYRTLE BEACH**
5 **R15 (SINGLE FAMILY RESIDENTIAL).**

6 **Applicant/Purpose: Stephen Duffy (owner) / to annex 0.53 acres at 9327 Cove Drive & zone R-15.**
7

8 **Brief:**

- 9 • Applicant owns property at the corner of Marsh Ct & Cove Dr
- 10 • Property is currently w/in the County & zoned SF 10 (Single Family, 10,000 sf/lot).
- 11 • The applicant has submitted the proper annexation paperwork.
- 12 • 1/16/16: Planning Commission recommends approval & zoning to R-15 (Single Family
- 13 Residential) (9-0).
- 14 • No changes since 1st reading.

15
16 **Issues:**

- 17 • Annexation is consistent w/ the goal of closing “donut holes.”
- 18 • The City requires contiguous properties to annex into the City to receive services.
- 19 • The zoning conforms to surrounding properties.

20
21 **Public Notification:**

- 22 • PC Public hearing notice: 22 letters sent. Signs placed. Legal ad ran.
- 23 • Normal City Council meeting notification.

24
25 **Alternatives:**

- 26 • Amend the zoning.
- 27 • Deny the proposal.

28
29 **Financial Impact:**

- 30 • Small increase in property tax (minus the residential homeowner rebate).
- 31 • Reduction in water/sewer fees.
- 32 • Nominal impact on municipal service costs.

33
34 **Manager’s Recommendation:**

- 35 • I recommend 1st reading (1/23/18).
- 36 • I recommend approval (2/13/18).

37
38 **Attachment(s): Proposed ordinance, exhibits.**

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF MYRTLE BEACH BY ANNEXING 0.53 ACRES LOCATED AT 9327 COVE DR (HORRY COUNTY PIN # 394-06-01-0006), AND REZONE SAID PROPERTY FROM HORRY COUNTY SF 10 (SINGLE FAMILY RESIDENTIAL) TO CITY OF MYRTLE BEACH R15 (SINGLE FAMILY RESIDENTIAL).

PIN # 394-06-01-0006

WHEREAS, the property in question abuts the corporate limits of the City of Myrtle Beach; and

WHEREAS, the owner of the property has petitioned to be annexed into the City of Myrtle Beach; and,

WHEREAS, it appears to Council that annexation would be in the best interest of the city;

NOW, THEREFORE, IT IS ORDAINED that the property KNOWN AS Lot 14, Block E, Dunes Cove, Dogwood Neck Township, and shown in Exhibit A, attached hereto, are hereby annexed to and become a part of the City of Myrtle Beach immediately upon adoption of this ordinance.

AND IT IS FURTHER ORDAINED that the official zoning map of the City of Myrtle Beach be amended to zone the newly annexed property shown in Exhibit A as R15 (Single Family Residential).

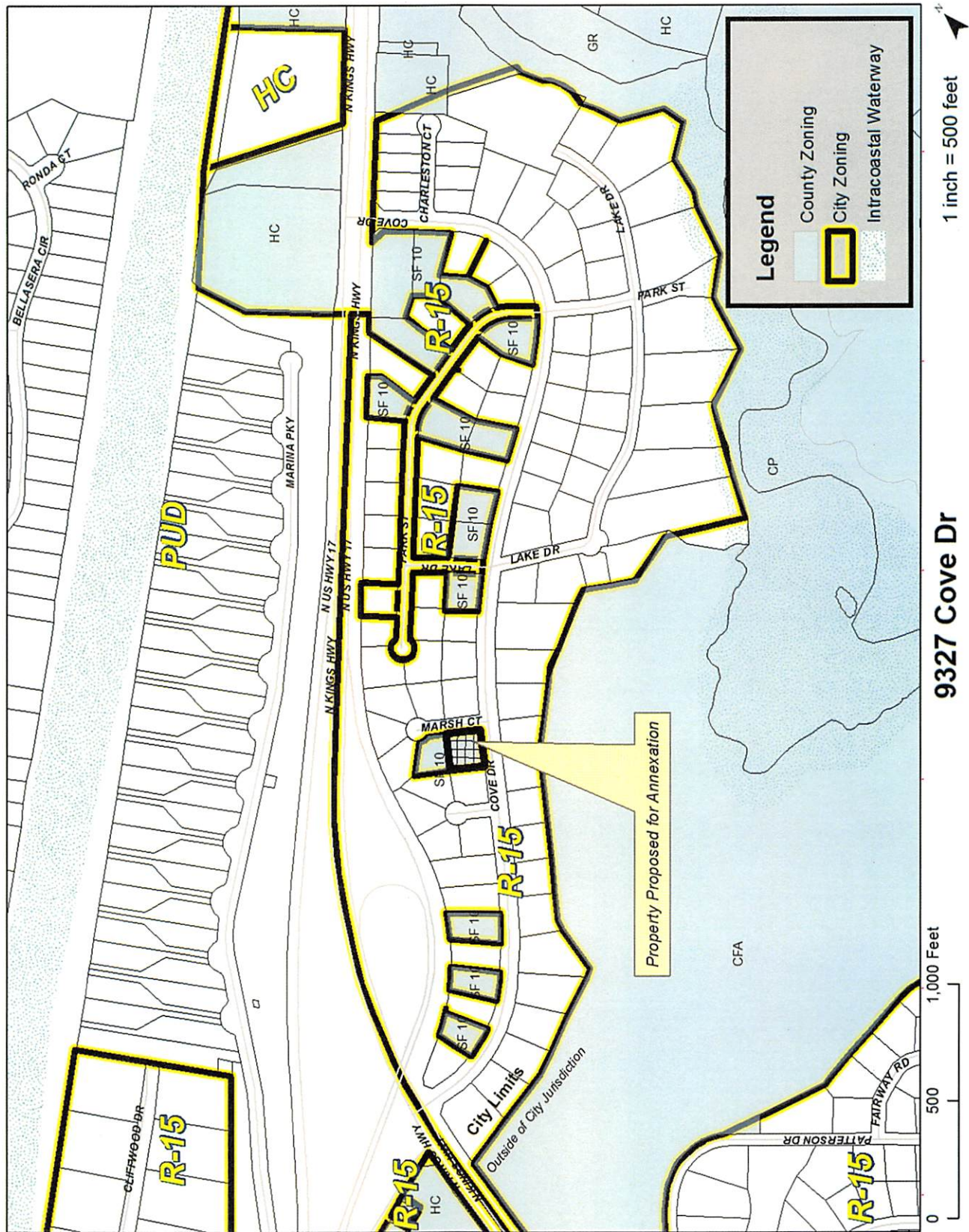
ATTEST:

BRENDA BETHUNE,
MAYOR

JOAN GROVE, CITY CLERK

1st Reading:
2nd Reading:

EXHIBIT A



1 **APPLICANT** Stephen Duffy
 2
 3 **REQUESTED ACTION** Annex residence at 9327 Cove Dr and zone single family
 4
 5 **EXPLANATION FOR ZONING** Requested zoning is consistent with surrounding uses "within
 6 Myrtle Beach City Limits."
 7
 8 **EXISTING COUNTY ZONING** Horry County SF 10 (Single Family)
 9
 10 **SITE LOCATION** 9327 Dove Dr
 11
 12 **SIZE** 0.53 acres
 13
 14 **EXISTING LAND USE** Single family residence
 15
 16 **COMPREHENSIVE PLAN** Identifies the property as low density residential
 17



18
 19
 20
 21
 22
 23

SURROUNDING LAND USES:

NE = Directional keys

NW	Residential Myrtle Beach R-15	Offices/Medical Clinic Horry County SF 10	Residential Myrtle Beach R-15	NE
	Residential Myrtle Beach R-15	Subject Property Horry County SF 10	Residential Myrtle Beach R-15	
SW	Residential Myrtle Beach R-15	Cove Dr/Residential Myrtle Beach R-15	Residential Myrtle Beach R-15	SE

24
 25
 26
 27
 28
 29
 30
 31

PUBLIC NOTICE
 Letters sent to property owners within 300 feet of the proposal: **22**
 Signs posted for ten (10) days prior to public hearing: **1**
 Legal ad ran in the Sun News: **Yes**

STAFF COMMENTS – No Concerns from any staff.

1 **ANALYSIS OF REQUEST**

2
3 *Section 403 of the Zoning Ordinance lists the following factors, which should be part of the*
4 *information considered when evaluating requests to change the Zoning Ordinance Text or Map.*

5
6 **Section 403 .A. Whether or not the requested zoning change is [1] consistent with the**
7 **Comprehensive Plan or [2] is justified by an error in the original ordinance.**

8
9 [1] Yes. The property is located in Planning Area I. The 2011 Comprehensive Plan Future Land
10 Use map shows this property as a low density residential use. The single family residential unit on
11 the subject property is a fit with the Comprehensive Plan. Existing land use conditions for the lot
12 has not changed since the 2011 Comprehensive Plan.

13
14 [2] There are no known errors in the ordinance.

15
16 **Section 403 .B. – The precedents, and the possible effects of such precedents, which might**
17 **result from approval or denial of the petition.**

18
19 The petition is in keeping with the City’s policy to annex properties adjacent to the city limits to
20 enclose “donut holes” of city jurisdictional lines.

21
22 **Section 403 .C. – The capability of the city or other government agencies to provide any**
23 **services, facilities or programs that might be required if the petition were approved.**

- 24 **Water:** Currently serving to this site.
25 **Sewer:** Currently serving to this site.
26 **Streets:** Access via Cove Dr or Marsh Ct
27 **Sidewalks:** None in the area.

28
29 **Section 403 .D. Effect of approval of the petition on the condition or value of property in the**
30 **city.**

31
32 Annexing and zoning this parcel to R15 would allow for the current use to continue as is, and to be
33 serviced by City solid waste, emergency services, and recreation.

34
35 **Section 403 .E. Effect of approval of the petition on adopted development plans and policies**
36 **of the City of Myrtle Beach.**

37
38 The annexation continues the city’s practice of annexing properties where possible, and is in line
39 with the recommended future land uses as stated in the Comprehensive Plan.

40
41 **Comprehensive Plan Citations:**

42
43 **Neighborhoods**

44
45 Continue to enhance neighborhoods by appropriate expansion and intensification.

46 *Action: The Planning Commission, with assistance from Planning and other appropriate City*
47 *Departments including the Zoning Administrator, works with neighborhood organizations,*
48 *property owners, and developers to review regulations. The Planning Commission*
49 *recommends the plans to City Council for adoption.*

50 *Time frame: Immediate.*

51 *Potential funding source: No funding needed.*

1
2 Continue to support neighborhoods with appropriate facilities and connections.
3 *Action: The Planning Commission, with assistance from Planning and other appropriate City*
4 *Departments including the Zoning Administrator, works with neighborhood organizations,*
5 *property owners, and developers to review regulations. The Planning Commission*
6 *recommends any necessary revisions to City Council for adoption.*
7 *Time frame: Ongoing.*
8 *Potential funding source: No funding needed.*
9

10 **Land Use**

11
12 As properties are annexed into the City of Myrtle Beach, great care will be given to ensure that
13 appropriate zoning designations are placed on all properties within Planning Area I.
14

15 **Population**

16
17 Eliminate unincorporated areas (properties) within the city limits, referred to as “doughnut holes”,
18 that are not legally a part of the city limits.
19 *Action: City Council, with the assistance of the City Manager’s Office, will contact the SC*
20 *legislative*
21 *delegation and request a change in the annexation laws while continuing efforts to evaluate*
22 *the feasibility of annexing all areas within city limit boundaries that are not presently a part of*
23 *the city and work with property owners to petition for annexation into the city.*
24 *Time frame: Ongoing.*
25 *Potential funding source: General fund.*



PLANNING DEPARTMENT | CITY HALL
 937 Broadway St
 Myrtle Beach, SC 29577

(843) 918 - 1050
 www.cityofmyrtlebeach.com

File # ANEX 18-01
 Date received

100% Petition for Annexation and Zoning

This is an application to request the annexation of single or multiple parcels of land into the corporate limits of the City of Myrtle Beach, South Carolina. All information contained in this application is subject to public disclosure under the South Carolina Freedom of Information Act (FOIA).

Type or print all answers on this application. Attach any additional information requested to complete this application. There is no fee for this application. The following items are required to process a request for annexation:

- Completion of this annexation application and zoning request form.
- Annexation petition signed by all owners of the property to be annexed or authorized agent representing property owner. If property owner(s) is/are represented by an agent, please attach an original letter or other document authorizing the agent to act on behalf of the current owner.
- Written legal description (metes and bounds) of the property.
- A boundary survey (or equivalent) dated within the past 12 months in a paper hardcopy and a digital copy (.pdf or .jpg) format.
- Copy of recorded deed(s) proving ownership of property.

DESCRIPTION OF PROPERTY

Street Address of Property To Be Annexed and Rezoned: <i>9327 Cove Drive Myrtle Beach, SC 29572</i>	Horry County PIN #(s): 1) <i>39406010006</i> 2) _____ 3) _____ 4) _____ 5) _____
Current Horry County Zoning Designation: 	
Exact Size of Subject Property In Acres and Square Feet Acres: <i>0.53</i> Square Feet: <i>23,252</i>	(attach additional pages as needed)

ZONING REQUESTED

What Type of Zoning District is Requested? <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Institutional <input type="checkbox"/> Industrial <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other	What City Zoning District is Requested? <div style="font-size: 2em; text-align: center;"><i>R-15</i></div>
Specify Proposed Land Use (i.e. retail store, single family homes, restaurant, etc.): <div style="font-size: 1.5em; text-align: center;"><i>Primary Residence</i></div>	
Explain Why This Property Should Be Zoned as Requested: <div style="font-size: 1.5em; text-align: center;"><i>Within Myrtle Beach City Limits</i></div>	

APPLICANT INFORMATION (if more than 3 property owners, copy this page for additional listings and signatures)

Property Owner # 1: Stephen D. Duff	Mailing Address: 9327 Cove Dr Myrtle Beach, SC
Phone: 843-424-8719	
Email: Sdpdully@gmail.com	

Authorized Agent # 1:	Mailing Address:
Phone:	
Email:	

Property Owner # 2:	Mailing Address:
Phone:	
Email:	

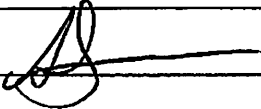
Authorized Agent # 2:	Mailing Address:
Phone:	
Email:	

Property Owner # 3:	Mailing Address:
Phone:	
Email:	

Authorized Agent # 3:	Mailing Address:
Phone:	
Email:	

SIGNATURE AND CERTIFICATION

The undersigned hereby respectfully request that the City of Myrtle Beach Planning Commission review this annexation and rezoning application for the above-described property. All of the above statements and information, whether written on this application or attached, are true and correct to the best of my knowledge and belief. Signatures of all property owners and/or authorized agents must be obtained before application can be accepted for processing.

Signature of Property Owner # 1: 	Date: 12-8-2017
Signature of Authorized Agent #1:	Date:
Signature of Property Owner # 2:	Date:
Signature of Authorized Agent # 2:	Date:
Signature of Property Owner # 3:	Date:
Signature of Authorized Agent # 3:	Date:

100% PETITION FOR ANNEXATION

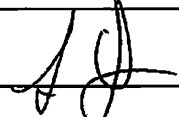
TO THE MAYOR AND COUNCIL OF THE CITY OF MYRTLE BEACH:

We, the undersigned, being 100% of the freeholders owning 100% of the assessed value of the property in the contiguous territory described below and shown on the attached plat, hereby petition for annexation of said property by ordinance effective as soon hereafter as possible, pursuant to South Carolina Code 5-4-150.

Legal description of property (attach additional sheets if necessary):

Dogwood Neck Township
School District Eight
Horry County
Lot 14, Block E, Dunes Cove

The undersigned acknowledge that this petition is irrevocable:

Signature of Property Owner # 1:		Address: 9327 Cove Dr Myrtle Beach, SC 29572
Date:	12-8-2017	

Signature of Property Owner # 2:		Address:
Date:		

Signature of Property Owner # 3:		Address:
Date:		

(attach additional pages as needed)



39406010006

CLERK OF COURTS
Horry County, South Carolina

Prepared by:
Frank H. DuRant, P.A.
2107 Farlow Street
Myrtle Beach, SC 29577

No title exam performed by preparing attorney

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **JAN MICHAEL GUNTER** and **TRACY H. GUNTER**, in the State aforesaid, for and in consideration of the sum of Four Hundred Sixty Thousand and 00/100 Dollars (\$460,000.00), unto us paid by **STEPHEN DAVID DUFFY**, in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, bargain, sell, and release unto the said **STEPHEN DAVID DUFFY**, his heirs and assigns, forever, in fee simple, together with every contingent remainder and right of reversion, the following described property, to wit:

ALL AND SINGULAR, that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in Dogwood Neck Township, School District Eight, County of Horry State of South Carolina, and being more particularly described as Lot 14, Block "E", Dunes Cove Revised, as shown on map of Lots 1 through 13, Block "D" and Lots 1 through 41, Block "E", Dunes Cove Revised, made by Robert L. Bellamy and Associates, Engineers and Surveyors, dated June 15, 1989, and recorded in Plat Book 105 at Page 193, on August 7, 1989, office of the Register of Deeds for Horry County, reference to which is craved as forming a part of these presents.

166-01-06-014 PIN 39406010006

This being the identical property conveyed to the Grantors herein, Jan Michael Gunter and Tracy H. Gunter, by Deed of Steve Smith dated and recorded January 28, 2015 in Deed Book 3795 at Page 937, records of Horry County, South Carolina. The conveyance is made subject, however, to the restrictive covenants imposed thereof appearing of record.

Grantee's Address: 8208-A Devon Court, Myrtle Beach, SC 29572

TOGETHER WITH all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said **Stephen David Duffy**, his heirs and assigns, forever, in fee simple, together with every contingent remainder and right of reversion.



FRANK H. DURANT
HORRY COUNTY REGISTRAR OF DEEDS

AND Grantors do hereby bind their heirs and assigns, to warrant and forever defend all and singular the said premises unto the said Stephen David Duffy, his/her heirs/successors and assigns, forever, in fee simple, together with every contingent remainder and right of reversion against us and our heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS our Hands and Seals this 25th day of October, 2017.

Signed, Sealed And Delivered
In The Presence Of:

Lisa A. Donato
• Witness Lisa A. Donato

Jan Michael Gunter (L.S.)
• Jan Michael Gunter

Frank H. DuRant
• Notary

Tracy H. Gunter (L.S.)
• Tracy H. Gunter

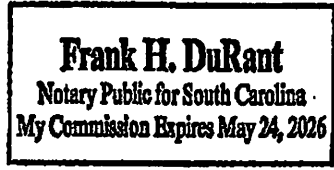
STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF HORRY)

I, the undersigned Notary Public, do certify that the within named Grantors, personally appeared before me, and having satisfactorily proven to be the persons whose names are subscribed above, has acknowledged the due execution of the foregoing instrument. The witness and Notary are not beneficiaries of nor parties to this transaction.

WITNESS my hand and official seal this 25th day of October, 2017.

Frank H. DuRant
• Frank H. DuRant, Notary Public for South Carolina
My Commission Expires: May 24, 2026

File: 2017-0105





STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

AFFIDAVIT
S.C. Code Ann. §12-24-20 et. seq.

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located at 9327 Cove Drive, Myrtle Beach, SC 29572 (Tax Map No.: 166-01-06-014 PIN 39406010006), was transferred by Jan Michael Gunter and Tracy H. Gunter to Stephen David Duffy.
3. Check one of the following: The deed is
 - (a) Subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) Subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) Exempt from the deed recording fee because (See Information section of affidavit):

(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
 - (a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ 460,000.00.
 - (b) The fee is computed on the fair market value of the realty, which is _____ Dollars (\$ _____).
 - (c) The fee is computed on the fair market value of the realty as established for property tax purposes, which is _____ Dollars (\$ _____).

5. Check Yes or No to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: \$ _____.

6. The deed recording fee is computed as follows:

(a) Place the amount listed in Item 4 above here:	\$ 460,000.00
(b) Place the amount listed in Item 5 above here: (If no amount is listed, place zero here.)	<u> 0.00</u>
(c) Subtract Line 6(b) from Line 6(a):	\$ 460,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ 1,702.00.

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: SELLER.



HORRY COUNTY, SOUTH CAROLINA
MARION FOXWORTH III, REGISTRAR OF DEEDS

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Jan Michael Gunter

SWORN to before me this 25th
day of October, 2017.

Notary Public for SC
My commission expires: 5-24-26 (L.S.)

Frank H. DuRant
Notary Public for South Carolina
My Commission Expires May 24, 2026

INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty". Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement or realty after the transfer. Taxpayer may elect the use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

- (1) Transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) Transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) That are otherwise exempted under the laws and Constitution of the United States or the laws or Constitution of South Carolina;
- (4) Transferring realty whereby no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (5) Transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interest in the realty that are being exchanged in order to partition the realty;
- (6) Transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39 of the South Carolina Code of Laws;
- (7) That constitute a contract for the sale of timber to be cut;
- (8) Transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership or trust;
- (9) Transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "Family Partnership" is a partnership whose partners are all members of the same family. A "Family Trust" is a trust in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren and the spouses and lineal descendants of any of the above. A "Charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A).
- (10) Transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) Transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and
- (12) That constitute a corrective deed or a quitclaim deed used to confirm title already vested in the Grantee, provided no consideration of any kind is paid or to be paid for the corrective or quitclaim deed.
- (13) Transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagor or deed pursuant to foreclosure proceedings.
- (14) Transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty.
- (15) Transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.