
1 **RESOLUTION R2022-2: TO ALLOW THE PLACEMENT OF A 104 SQUARE FOOT**
 2 **AWNING TO ENCROACH FOUR FEET INTO THE CITY’S PUBLIC RIGHT-OF-**
 3 **WAY AT 529 BROADWAY STREET (PORTION OF PIN# 44304030085) IN THE**
 4 **DOWNTOWN COMMERCIAL (C7) ZONING DISTRICT.**

5 **Applicant/Purpose:** Mr. John Newman, Newman Brothers General Contractors (applicant) / to
 6 upgrade building appearance.

7
 8 **Brief:**

- 9 • City Code 19.3 (h) Encroachments other than landscaping, allows for an awning with a
 10 recommendation by the Planning Commission to the City Council.
- 11 • The Downtown Myrtle Beach Design Guidelines, adopted Sept. 1999 is specific to
 12 Broadway Street and provides design solutions and suggestions for rehabilitating the
 13 exterior facades of buildings with the use of awnings and other features.
- 14 • Once an encroachment is granted, the applicant is required to apply to the Community
 15 Appearance Board, prior to the issuance of a building permit for the construction and
 16 placement of an awning on to an existing building.
- 17 • Planning Commission Recommendation (12.7.21): Recommends approval (4-0, 1
 18 recusal) with the condition, “that the deposit of water as a concentrated flow, from the
 19 awning, not be deposited on to the sidewalk.”

20
 21 **Issues:**

- 22 • Possibility of awning structure failing, and falling on a pedestrian(s) below if not
 23 constructed and secured to the existing building, per the current adopted building code
 24 for the City of Myrtle Beach.

25
 26 **Public Notification:** Sign posted at project address. Notice placed in newspaper.

27
 28 **Alternatives:** Modify, or deny the proposed request.

29
 30 **Financial Impact:**

- 31 • N/A

32
 33 **Manager’s Recommendation:**

- 34 • I recommend approval

35
 36 **Attachment(s):**

- 37 • Resolution
- 38 • Detailed staff report

RESOLUTION R2022-2

**CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA**

**TO ALLOW THE PLACEMENT OF A 104
SQUARE FOOT AWNING TO ENCROACH
FOUR FEET INTO THE CITY'S PUBLIC
RIGHT-OF-WAY AT 529 BROADWAY
STREET (PORTION OF PIN# 44304030085) IN
THE DOWNTOWN COMMERCIAL (C7)
ZONING DISTRICT.**

WHEREAS, Mr. John Newman of Newman Brothers General Contractors has requested permission to install an awning on the front of the building he is renovating at 529 Broadway Street, and

WHEREAS, The Downtown Myrtle Beach Design Guidelines, adopted Sept. 1999 is specific to Broadway Street and provides design solutions and suggestions for rehabilitating the exterior facades of buildings with the use of awnings and other features; and

WHEREAS, the Community Appearance Board approved the exterior renovations to 529 Broadway Street, including the awning; and

WHEREAS, the applicant has signed an agreement holding harmless the City for any damages arising out of, from or in connection with the exercise of the privilege granted by the issuance of the permit sought and assuming sole responsibility for any liability which may result from the existence of the encroachment; and

WHEREAS, the applicant acknowledges that they must carry liability insurance in the amount of \$500,000.00 per occurrence for as long as they encroach and has provided a Certificate of Insurance naming the City as an additional insured, with notice of cancellation; and

WHEREAS, City Code 19.3 (h) Encroachments allows for an awning with a recommendation by the Planning Commission to the City Council; and

WHEREAS, The Planning Commission recommends approval with the condition "that the deposit of water as a concentrated flow, from the awning, not be deposited onto the sidewalk."

NOW THEREFORE the City of Myrtle Beach resolves to allow a 104 square foot awning to encroach four (4) feet into the city's public right-of-way at 529 Broadway Street.

SIGNED, SEALED and DATED this 11th day of January, 2022.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER ADKINS, CITY CLERK

DETAILED REPORT

Property Information:

Location: The subject site is located on the northwest side of Broadway Street, at 529 Broadway Street, Myrtle Beach, South Carolina.

Size: The building is approximately 3,589 square feet in area for both floors.

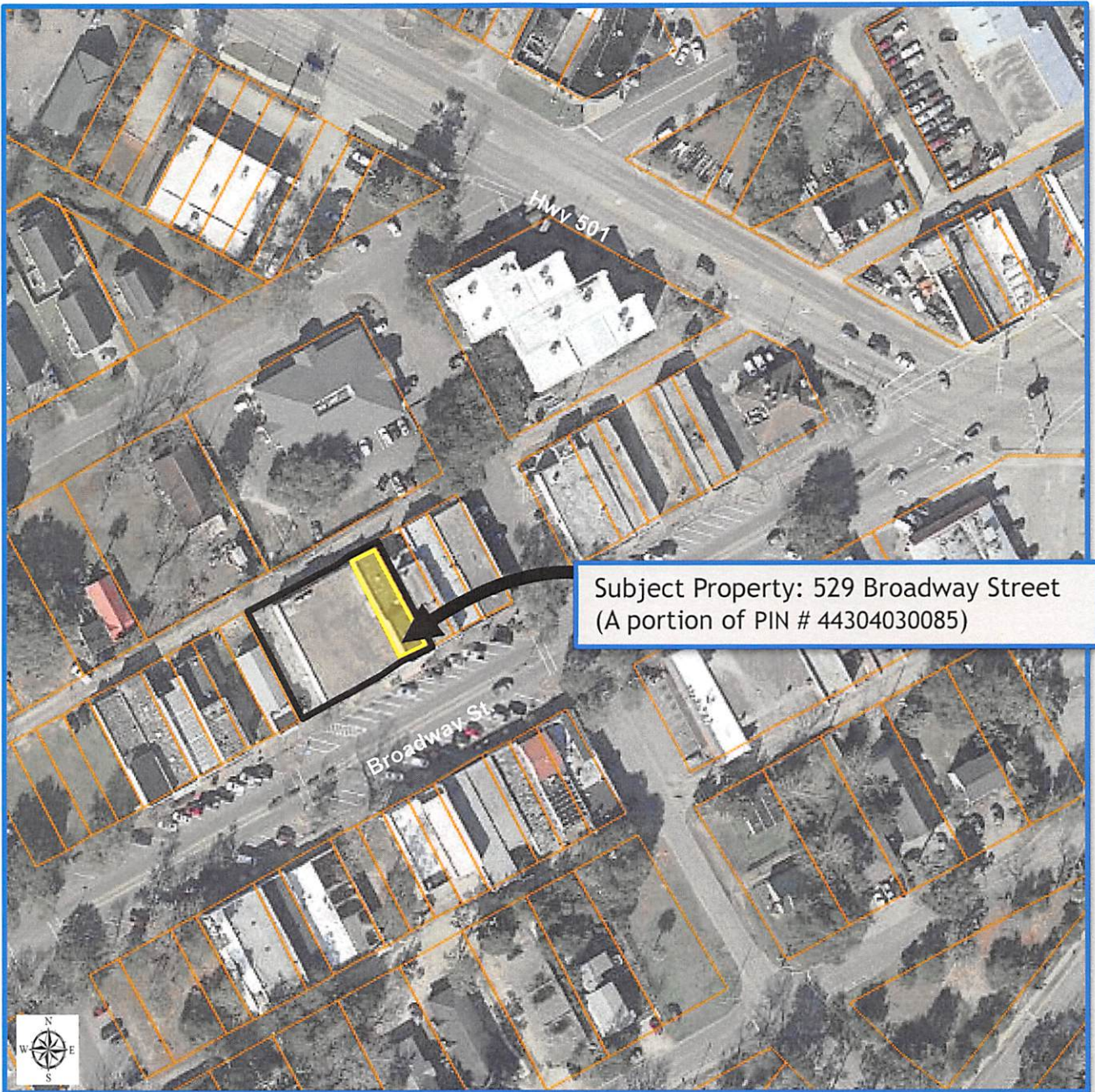
Access: Access in to the building is located off of Broadway Street, with also an alley access at the rear of the building.

Current Use: General office.

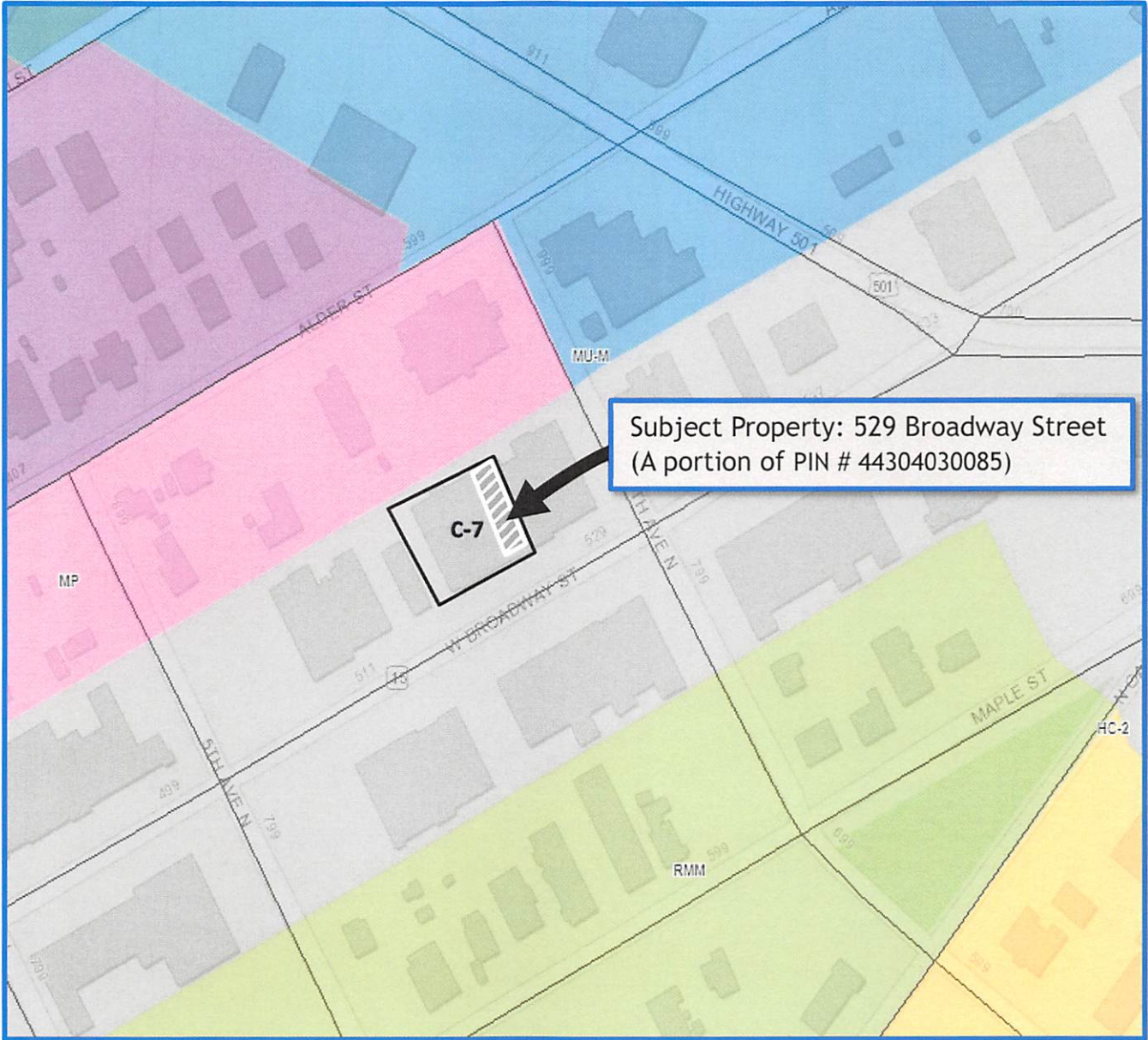
Vicinity Map



Aerial Map



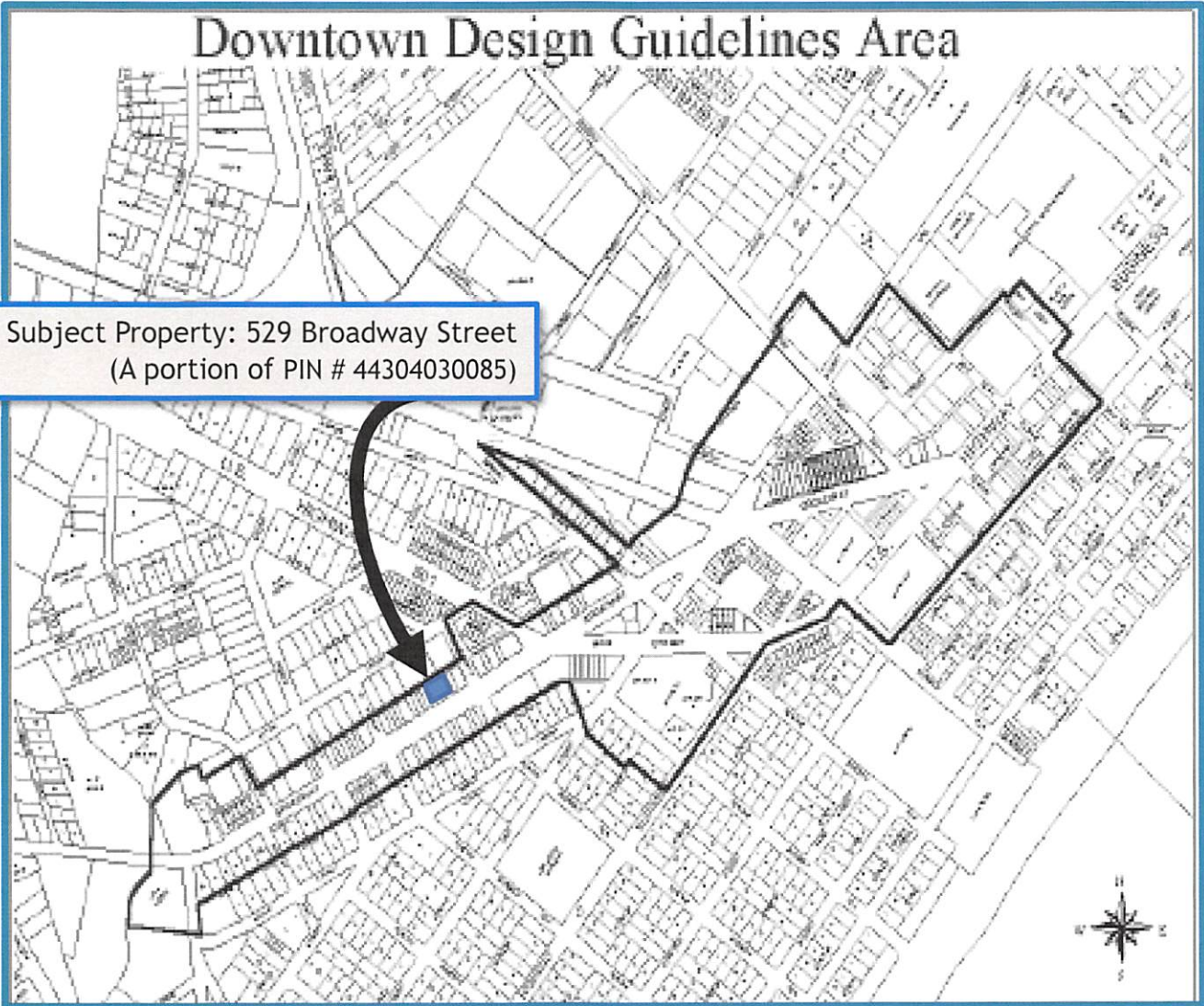
Zoning Map



Legend:

	C-7	(Downtown Commercial)
	MP	(Medical/Professional District)
	RMH	(Multi-family Residential District - High Density)
	MU-M	(Mixed Use - Medium Density)
	RMM	(Multi-family Residential District - Medium Density)
	HC-2	(Highway Commercial District)

Downtown Design Guidelines Area Map



Staff Review and Code Information:

Sec. 19-3. - Obstructions and surface and air encroachments on public property.

(d) *Application and statement.* The application shall set forth the name and address of the applicant, the nature and description of the proposed encroachment including layout, plant choice, etc., the location and description of city-owned property proposed to be encroached upon, the nature of the applicant's interest in and the location and the legal description of the property in connection with which the permit is sought to be obtained, the reasons for the application, such other information, including plats, as may be required by the planning office, and the following statement, attested to and witnessed under oath:

The applicant has provided the signed and dated statement of liability insurance and provided a copy of insurance with the application.

(h) *Encroachments other than landscaping.*

a. Any application involving any object or structure, timber, stone or other material affixed onto or into the ground, or the paving or placement or maintenance of any material, other than exceptions listed in [subsection] [19-3\(a\)](#) or landscaping vegetation approved by the planning commission above, so as to create a visual impression upon the public of a demarcation between public and private ownership or to accommodate or discourage parking; or any application involving the placement or suspension of any object or structure so as to project over a public right-of-way, except as authorized by other law, must be the subject of a review and recommendation by the Planning Commission, before action by city council or the manager as provided herein; provided however that no permit is required for the exceptions listed in [subsection] [19-3\(a\)](#). The manager is designated to approve non-breakaway mailbox placement with a base area not exceeding two feet by two feet with appropriate insurance provided, without further planning commission or council action. Any action by the city council shall be in the exercise of legislative discretion.

As required per this code section, the applicant has submitted a completed application, with a boundary survey, and an EXAMPLE exterior building elevation drawing, indicating the encroachment over the city's right-of-way. Specific to this application, area of encroachment being the sidewalk located on the northwest side of Broadway Street, on the exterior wall of the office building portion located at 529 Broadway Street.

(i) *Planning commission consideration.* The encroachment location shall be posted with a sign indicating notice of the public hearing ten days prior to the public hearing. In considering its recommendation to council, the planning commission shall make findings of facts on the following:

1. The proposed encroachment, by layout or materials choice, presents no physical threat of safety to pedestrians, motor vehicle drivers and passengers, or others in lawful use of the right-of-way or public space, or to their property;
2. the proposed encroachment is compatible in use and design with the right-of-way or public space;
3. and the constructed extension or encroachment will increase the assessed value of the building to which it is attached and will not decrease the value of any building in the immediate vicinity;
4. Restrictions and conditions may be imposed as to height, weight and dimensions of the encroachment, aesthetics, or the time period of the permit, as may be appropriate to achieve the purposes of this section;
5. The city manager may make such additional requirements as may be appropriate under customary business and legal practices.

Downtown Myrtle Beach Design Guidelines adopted by the Myrtle Beach City Council, September 21, 1999

The project site is located within the Downtown Myrtle Beach Design Guidelines area that were adopted by City Council on September 21, 1999. These guidelines are specific to Broadway Street, the Entry and Civic Districts.

The guidelines provide design solutions and suggested direction for the individual building owner to address the exterior façade of their building, thus impacting the look and character of the Downtown area. Specifically stating that “Storefronts, window displays, signs, color, awnings and architectural details all play an integral part in the successful design of rehabilitating these buildings.”

Excerpts from the Downtown Myrtle Beach Design Guidelines -

Awnings & Canopies

A standard street level awning should be mounted so that the lowest point, including any valance, is a minimum of nine (9) feet above grade and projects no further than eight (8) feet into the right-of-way and no closer than twelve (12) inches from the curb.

Remember that our area is prone to high winds (100 miles per hour is not unusual). Awning materials should be chosen carefully and should be strong enough to withstand extreme weather conditions. Metal frames are recommended.

Proportions of the Openings

Detailing of street walls with awnings and a variation of building materials adds to this interest.

B. Definitions

Awning / Canopy: A framework covered with fabric or metal, located on a storefront or individual window openings, projecting from the façade of a building. Its primary purpose is to shade the interior of the building and provide protection to pedestrians.

Other staff comments:

- Zoning: No comments received to date.
- Public Works: No comments received to date.
- Police: No comments received to date.
- Fire: No comments received to date.

Public Comment: No public comment received to date.

Attachment(s):

Applicant's application and submittal materials.

December 2007

APPLICATION FOR NON-EXCLUSIVE USE OF PUBLIC PROPERTY ENCROACHMENT

PRINT OR TYPE ALL ANSWERS (EXEMPT SIGNATURE)

GENERAL SCOPE AND TYPE OF NON-EXCLUSIVE USE ENCROACHMENT: (Check All Applicable)

Permanent New Construction Staging Area
 Temporary Public Improvements Crane Location
 Landscaping Other (Please specify): Addition

Expected duration of non-exclusive use encroachment: permanently

Total square footage occupied by non-exclusive use encroachment: 104 SF

Nature and description of the proposed encroachment including layout, plant choice, etc, (attach additional pages, if necessary):

Bronze aluminum awning with overhead rods

Location and description of city-owned property proposed to be encroached upon:

Awning will project over the sidewalk at
529 Broadway Street

Is the applicant the contiguous property owner? No If not, what is the nature of the applicant's interest in the encroachment location? General Contractor

Justification of request (attach additional pages, if necessary):

To upgrade building appearance

Street address of site where non-exclusive use encroachment will be located:

529 Broadway Street

Horry County Tax Map (TMS) Number: 181-06-27-009

APPLICATION FOR NON-EXCLUSIVE USE OF PUBLIC PROPERTY ENCROACHMENT

PRINT OR TYPE ALL ANSWERS (EXCEPT SIGNATURE)

APPLICANT INFORMATION:

Primary Contact: John Newman (Newman Brothers)
 Mailing Address: PO Box 6938
MB, SC 29572
 Day Phone: (843) 903-5600 Fax: _____
 Email: info@2newmans.com

Property Owner # 1: Bivd Group II
 Mailing Address: 1341 44th Ave. N #203
Myrtle Beach, SC 29577
 Day Phone: (843) 267-2197 Fax: _____

Authorized Agent # 1 (if applicable): _____
 Mailing Address: _____
 Day Phone: _____ Fax: _____

Property Owner # 2: _____
 Mailing Address: _____
 Day Phone: _____ Fax: _____

Authorized Agent # 2 (if applicable): _____
 Mailing Address: _____
 Day Phone: _____ Fax: _____

Property Owner # 3: _____
 Mailing Address: _____
 Day Phone: _____ Fax: _____

Authorized Agent # 3 (if applicable): _____
 Mailing Address: _____
 Day Phone: _____ Fax: _____

PRINT OR TYPE ALL ANSWERS (EXCEPT SIGNATURE)

CERTIFICATION AND SIGNATURE:

State of South Carolina, County of Horry
ENCROACHMENT PERMIT RELATING TO PRIVATE PROPERTY
TMS# 181-06-27-009

That, I am the owner of property located at 529 Broadway St.,
designated on the tax map roles of Horry County as TMS# 181-06-27-009
and that I, the undersigned have authority to bind and covenant on behalf of myself or the entity represented that I
understand and agree that any permit issued hereon regarding an encroachment on abutting public property shall
be issued pursuant and subject to the provisions of law;

that such permit may be revoked by the City, acting by and through its City Council or Manager, at any time and
that the encroachment must be removed within 30 days thereafter;

that the City shall have the absolute right to remove the encroachment for any purpose at any time and shall not be
required to replace or repair any encroachment so removed and shall be held harmless for any result from such
removal;

that no right, title or interest in any property owned by the City or expectation of continuation of encroachment
shall vest or accrue to me by any reason of the issuance of such permit or exercise of the privilege given thereby;

that I will not suffer or permit any dangerous or defective condition of property to exist in connection with the
exercise of the privilege;

that I am solely responsible for any maintenance or upkeep of the encroachment,

and that I, either individually or on behalf of the entity I represent, am solely responsible for any liability which
may result from the existence of the encroachment and that I will hold harmless the City for any damages arising
out of, from or in connection with the exercise of the privilege granted by the issuance of the permit sought;

and that I acknowledge that I must carry liability insurance in the amount of \$500,000.00 per occurrence for as
long as I encroach, naming the City as an additional insured, with notice of cancellation, and proof of insurance by
way of certificate.

Notice of a change in ownership shall be provided within 30 days of the change.

This form bearing my signature may be filed by the City of Myrtle Beach at the Horry County Register of Deeds in
relation to my property to establish a public record that such encroachment shall not be considered as an interest
in land.

The undersigned hereby certifies that all information and attachments are true and correct to the best of my
knowledge and belief. Signature(s) of all property owners(s) or authorized agent(s) must be obtained before
application can be accepted for processing.

Signature of Property Owner # 1: BLVD GROUP II, LLC
by: Rickie Amy Menden Date: 10/27/2021

Authorized Agent # 1 _____ Date: _____

Signature of Property Owner # 2: _____ Date: _____

Authorized Agent # 2: _____ Date: _____

Signature of Property Owner # 3: _____ Date: _____

Authorized Agent # 3: _____ Date: _____



BLVDG-1

OP ID: JB

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/23/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER H.S. Springs Insurance Co. 2511 N Oak Street P.O. Box 246 Myrtle Beach, SC 29578 Judy C. Burroughs	843-448-8551	CONTACT Judy C. Burroughs PHONE (Cell No. Ext.) 843-448-8551 FAX (Cell No.) 843-828-9551 E-MAIL ADDRESS: judy@hbspringsinsurance.com
INSURED Blvd Group II, LLC 1341-44th Ave North Ste 203 Myrtle Beach, SC 29577		INSURER(S) AFFORDING COVERAGE INSURER A: Great Lakes Insurance SE INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURER	TYPE OF INSURANCE	AGGREGATE LIMIT	POLICY NUMBER	POLICY EFF. DATE (MM/DD/YYYY)	POLICY EXP. DATE (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PER SUBJECT <input type="checkbox"/> LOC OTHER:	X	JTA5003038	04/16/2021	04/15/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Per occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADJ. INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ Included
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Per accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per person) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> COE <input type="checkbox"/> RETENTIONS					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - IS EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Building located 623-527 Broadway, Myrtle Beach, SC 29577

CERTIFICATE HOLDER City of Myrtle Beach P.O. Box 2468 Myrtle Beach, SC 29578	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Judy C. Burroughs
--	---

ACORD 25 (2016/03)

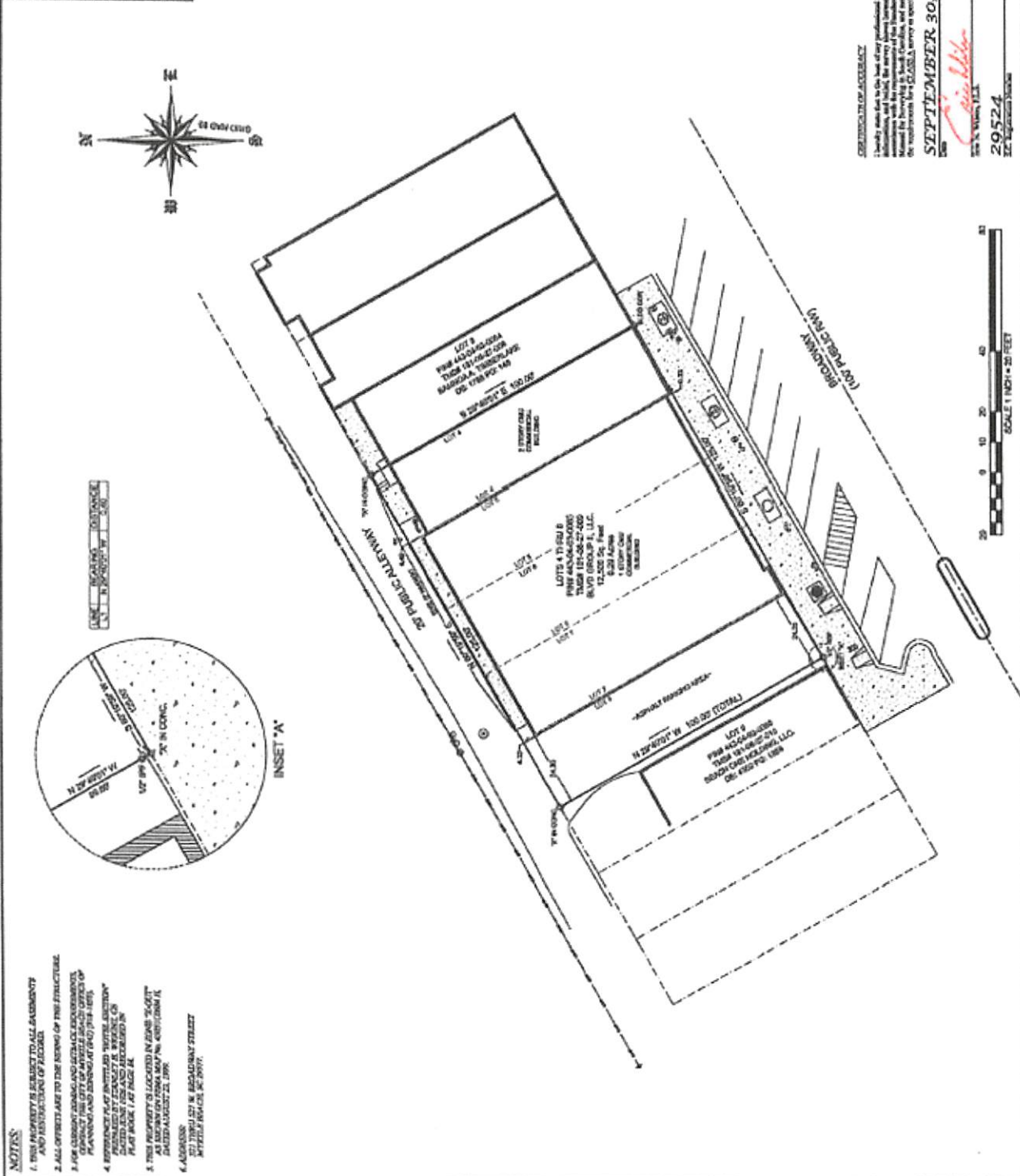
The ACORD name and logo are registered marks of ACORD

© 1986-2015 ACORD CORPORATION. All rights reserved.

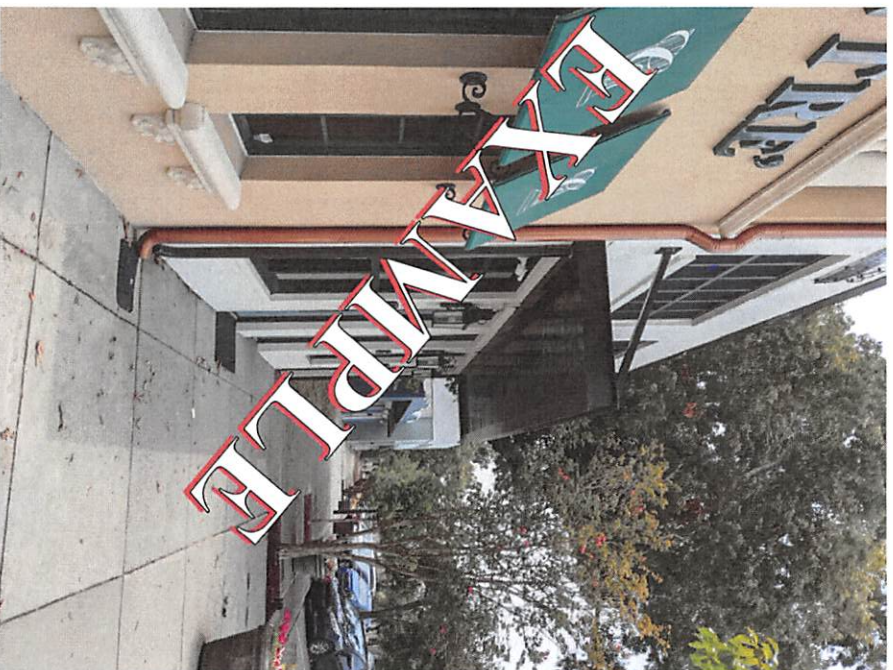
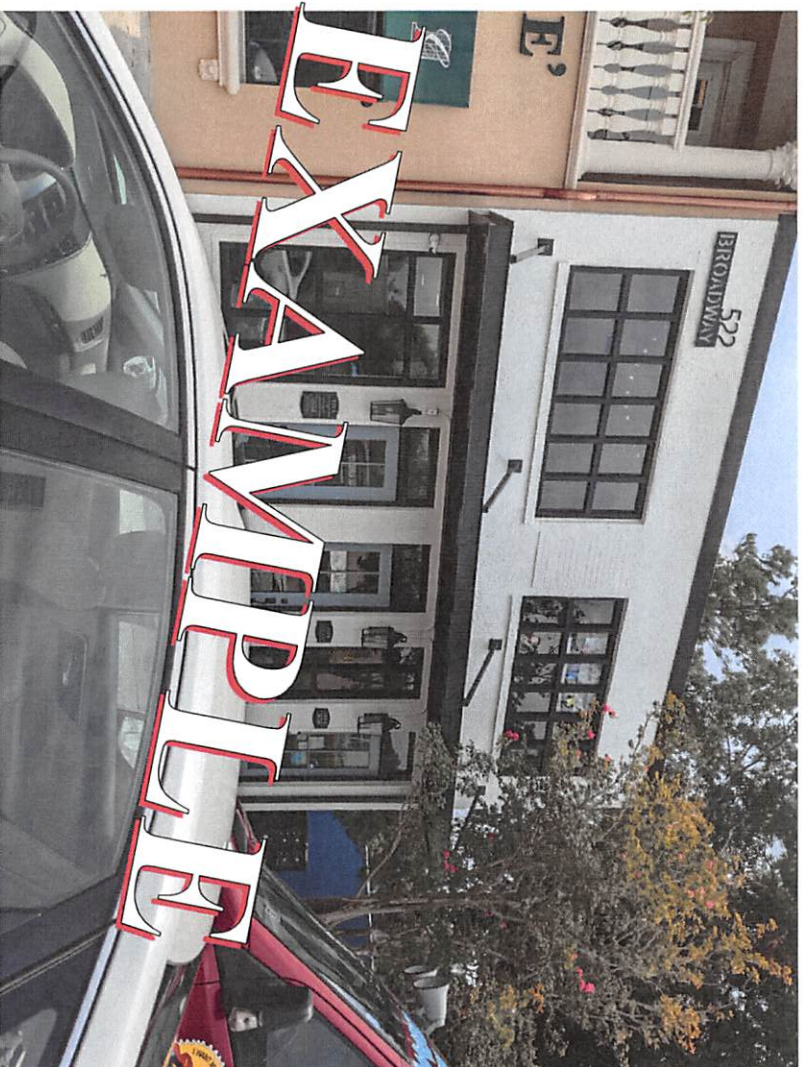


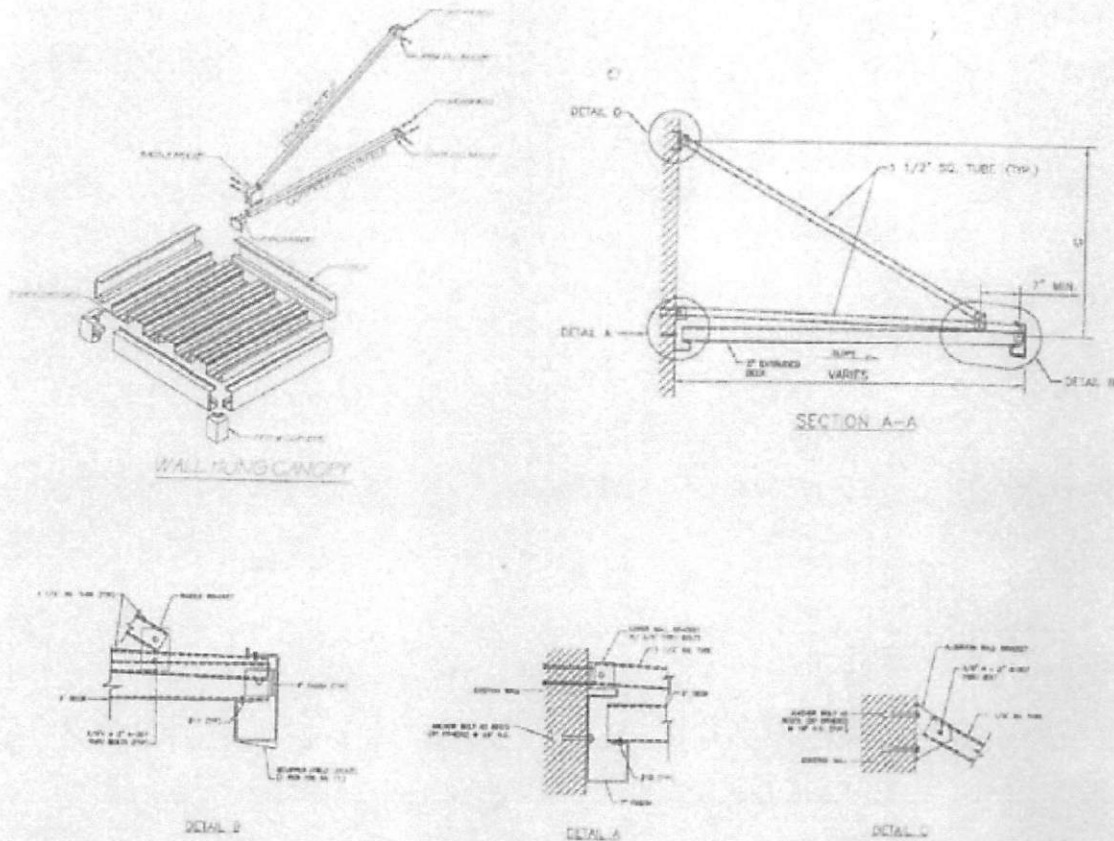
ABSOLUTE SURVEY OF LOTS 4 THIRD & BLOCK 32, HOTEL SECTION PREPARED FOR BLVD GROUP II, LLC		STATE OF SOUTH CAROLINA HORRY	
DATE	SEPT 30, 2021	DATE	181-05-27-009
PLAT	DA 4196 @ Pg 10	CD	210463
OWNER	DA 4196 @ Pg 10	CD	210463
Robert A. Horry and Associates, Inc. 1015 Park Road, Suite 100 Columbia, SC 29201 803-733-8888 www.robertahorry.com			

REGISTERED PROFESSIONAL SURVEYOR
 STATE OF SOUTH CAROLINA
 20524
 SEPTEMBER 30, 2021
 20524
 20524
 20524



Applicant's EXAMPLE of the type of proposed awning.





2.2 MATERIALS

- A. Smooth aluminum: Extrusions: Meet requirements of ASTM B221, alloy 6061-T6, 6063-T5, 6063-T6.
- B. Anchorage Devices, Clips and Fasteners: Manufacturer's standard type, compatible with materials being secured, of size and spacing sufficient to resist indicated loads.
- C. Sealants: Single component silicone, in color to match sheets and extrusions.
- D. Accessories: Flashings, brackets, and other items as necessary for complete system.

2.4 FINISHES

- A. Factory Applied Polyester Paint Finish: Comply with AAMA, 603.8, chemically cleaned, conversion coated primer, followed by factory applied baked polyester enamel coating. Color: [As selected from manufacturer's standard colors] [Custom color to match Architect's sample.]
- B. [High-Performance Organic Coating Finish: AA-C12C42R1x (Chemical Finish: Cleaned with inhibited chemicals; Chemical Finish: Acid chromate-fluoride-phosphate conversion coating; Organic Coating: as specified below). Prepare, pretreat, and apply coating to exposed metal surfaces to comply with coating and resin manufacturer's instructions.
 - 1. Fluoropolymer 2-Coat Coating System: Manufacturer's standard 2-coat, thermocured system composed of specially formulated inhibitive primer and fluoropolymer color topcoat containing not less than 70 percent polyvinylidene fluoride resin by weight; complying with AAMA 605.2.
 - 2. Color: [As selected from manufacturer's standard colors] Custom color to match Architect's sample.]

