

Felix Ayres - Deposition AI Summary Long

Tidewater Plantation Community Association v. Norton • June 9, 2025

What This Document Is

This is a legal deposition — a formal, recorded interview under oath — of Felix Ayres, an architect. It took place on June 9, 2025, in Myrtle Beach, SC, as part of a lawsuit between Tidewater Plantation Community Association (the HOA) and Suzanne and Kenneth Norton (homeowners).

What the Lawsuit Is About

The Nortons hired Felix Ayres to design a custom home on their lot in Tidewater Plantation, a gated community in North Myrtle Beach. The HOA's Design Review Board (DRB) rejected the Nortons' home plans, primarily over the height of the proposed house. The Nortons are fighting back, arguing the rejection was improper.

Who Is Felix Ayres?

A licensed architect since 1983, based in the Myrtle Beach area. He has consulted for over 40 HOA architectural review boards since 1993. He designed the Nortons' home plans starting around 2018-2019 and is serving as the Nortons' expert witness in this case — his first time as an expert witness. He also briefly served as a consultant to Tidewater's DRB, but resigned because he disagreed with how they were handling the Nortons' plans.

The Core Dispute: Building Height

The whole fight boils down to how building height is measured. Tidewater's rules (PUD Agreement) say height is measured from the ground (finished grade) to the top of the structure, with a limit of 42 feet (though the HOA guidelines mistakenly said 41 feet). Ayres argues that because the Nortons' lot is in a flood zone, the 42-foot height limit should be measured starting from the flood elevation — not from the ground — giving the house significantly more room. He believes Tidewater has been ignoring flood regulations entirely.

The Cupola Issue

The Nortons' design included a cupola (a small dome/tower on the roof), which Ayres claimed was a 'necessary mechanical feature' to access the roof. The City of North Myrtle Beach ruled the cupola is NOT a necessary mechanical feature — meaning it counts toward the building's height. With the cupola included, the house exceeds the height limit even by Ayres' own measurement standard. Ayres acknowledges the plans as drawn would not be approvable

with the cupola, but says if the house were ever built, the cupola would simply be removed.

Ayres' Expert Opinions

1. The Nortons' plans complied with federal, state, and local flood laws. 2. The HOA's rejection of the plans based on height was inappropriate. 3. The correct way to measure height in a flood zone is from the flood elevation, not the ground. 4. Rejecting the plans could cause the Nortons financial harm — reduced property value, inadequate flood protection, and potential insurance issues.

The HOA's Counter-Argument

The PUD Agreement clearly says height is measured from the ground up, limit 42 feet. The city's flood ordinance (Section 23-106) isn't mentioned in the PUD Agreement as overriding that measurement. The cupola ruling means the plans don't meet even the city's standards. Other homes in Tidewater were built elevated above flood level and still measured height from grade — and were permitted without issue.