

Matt Hines - Deposition AI Summary Long

Tidewater Plantation Community Association v. Norton • June 13, 2025

What This Document Is

This is a legal deposition of Matt Hines, a licensed civil engineer, taken on June 13, 2025, at the Bellamy Law Firm in Myrtle Beach. He is testifying as an expert witness for the Nortons in the same lawsuit against the Tidewater Plantation HOA. His role is narrowly focused: he was brought in specifically to give an engineering opinion on how building height should be measured for the Nortons' proposed home in light of potentially conflicting rules from multiple sources.

Who Is Matt Hines?

Hines holds two undergraduate degrees — chemistry from Presbyterian College and civil/environmental engineering from the University of South Carolina. He is a licensed professional engineer in South Carolina (licensed since 2015, currently active, no complaints). He spent his career at Dennis Corporation, a Columbia-based engineering firm, working his way up from intern to company president before the firm was acquired in 2023 by Bowman Consulting Group, where he now serves as branch manager overseeing about 35 employees. He has been qualified as a court-recognized expert witness three times, all in civil engineering, in Beaufort, Richland, and Charleston counties. He has worked with the Bellamy Law Firm roughly six to eight times professionally. He has no legal training and does not claim to be an attorney.

Why Was He Brought Into This Case?

Hines was retained to give an expert engineering opinion on one central question: how should building height be measured for the Nortons' proposed home, given that the PUD agreement and the City of North Myrtle Beach's zoning ordinance appear to point in different directions? He reviewed the FEMA flood maps, the Nortons' home design plans, the PUD agreement, and city ordinances, and submitted a formal affidavit in January 2023. He had no involvement in designing the plans themselves.

His Core Engineering Opinion: The Floodplain Governs

Hines' expert opinion aligns with the other Norton experts: because the Nortons' property is in a floodplain, the city's floodplain ordinance (Section 23-106) controls how height is measured — not the PUD's general language measuring from 'finished grade.' His reasoning is grounded in engineering practice: in his experience, PUD agreements almost never address

flood zone height measurement because flood rules change frequently and are administered by the governing municipality. When a PUD is silent on floodplain construction, you default to the city's ordinance. Section 23-106 sets the starting point for height measurement at the certified floor elevation (which is the base flood elevation plus 1 foot of required 'freeboard'). From that starting point, height is then measured to the midpoint between the eave and the highest point of the roof — not to the peak.

The Cupola Issue

Hines' affidavit originally stated that the proposed structure complies with the 42-foot maximum building height and also argued the cupola was a 'necessary mechanical feature' exempt from height limits. However, during the deposition two important concessions emerged. First, Hines admitted he was not aware that the City of North Myrtle Beach's Board of Zoning Appeals had already ruled — before he even signed his affidavit — that the cupola is NOT a necessary mechanical feature. Second, he acknowledged that with the cupola included in the height measurement, the structure as designed does exceed 42 feet. He maintained that if the cupola is removed, the rest of the roofline does meet the height requirement.

A Key Fact in the Nortons' Favor

Hines confirmed an important point brought out by the Nortons' attorney, Howell Bellamy: the City of North Myrtle Beach's own zoning administrator (Ben Caldwell) approved the Nortons' building permit and approved architect Felix Ayres' plans — which use Section 23-106 and measure height starting from the certified floor elevation (base flood level + 1 foot), not from grade. Hines agreed that Caldwell's interpretation of the starting point for height measurement matches his own. This means the City itself sided with the Nortons on how height should be calculated — making the HOA's denial a dispute with their own city's position.

The HOA's Counter-Arguments

HOA attorney Taylor Cary challenged Hines on several fronts. First, she questioned whether a civil engineer is qualified to give legal interpretations of PUD agreements and governing documents — Hines defended this by saying that reading, interpreting, and reconciling codes and ordinances is a daily part of civil engineering practice. Second, she pressed the key legal tension: the PUD agreement explicitly states 'all building heights are measured from the uppermost point of the structure to the average finished grade' — if that standard is written into the PUD, why would the city ordinance override it? Hines' answer was that when a property is in a floodplain, the floodplain-specific ordinance takes precedence over the general height standard, the same way a more specific rule supersedes a general one. Third, she noted that Hines never directly contacted the City of North Myrtle Beach to ask for

clarification — he said he didn't need to because the documents were clear and the city's own permit approval confirmed his interpretation.

Bottom Line

Hines brings a practical engineering perspective: flood zone height measurement is a well-established field practice, PUDs routinely leave it to the city ordinance, and the City's own approval of the Nortons' permit validates the Nortons' approach. His credibility is somewhat affected by the cupola admission — he was unaware of the Board of Zoning Appeals ruling when he filed his affidavit, and he concedes the plans as drawn exceed 42 feet. His value to the Nortons' case is mainly in confirming that, cupola aside, the method of measuring height from the certified flood elevation (not from grade) is standard engineering and city-approved practice.