

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting
October 25, 2023 – 1:00 PM



Town Hall, Council Chambers
2001 Seabrook Island Road
Seabrook Island, SC 29455

[Watch Live Stream \(YouTube\)](#)

Virtual Participation: Individuals who wish to participate in the meeting via Zoom may call (843) 768-9121 or email kwatkins@townofseabrookisland.org for log-in information prior to the meeting.

Submit a Written Comment: Individuals who wish to submit a comment in advance of the Public Hearing may do so in writing by 12:00 pm on the day prior to the meeting using one of the following options:

- **Online:** [Variance 182](#) & [Variance 183](#)
- **Email:** tnewman@townofseabrookisland.org
- **Mail or Hand Deliver:** 2001 Seabrook Island Road, Seabrook Island, SC 29455

AGENDA

CALL TO ORDER

ELECTION OF ACTING CHAIR FOR OCTOBER 25TH BZA MEETING

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: March 22, 2023

[Pages 3–5]

PUBLIC HEARING ITEMS

1. Variance # 182

[Pages 6–37]

APPLICANTS:	Noel Kade (Applicant) Robert & Tara Patton (Owners)
ADDRESS:	1172 Oyster Catcher Court
TAX MAP NUMBER:	149-13-00-017
ZONING DISTRICT:	R-SF1 (Large Lot Single-Family)
CODE SECTION:	§ 10.5.A.1, Critical Area Setback § 10.5.B.1, Waterbody Setback

- VARIANCE REQUEST:**
- 1) To allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of approximately 118' into the required 25' critical area setback.
 - 2) To allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of approximately 118' into the required 25' waterbody setback.

2. Variance #183

[Pages 38-74]

APPLICANTS: Garris Killingsworth (Applicant)
Emily Hemsath (Owner)
ADDRESS: 3764 Seabrook Island Road
TAX MAP NUMBER: 149-13-00-001
ZONING DISTRICT: R-SF2 (Residential Single-Family)
CODE SECTION: § 10.4.B.3, Oceanfront & North Edisto River Setbacks
§ 5.3.B, Residential Setbacks

VARIANCE REQUEST:

- 1) To allow 626 square feet of permeable walkway to encroach 16'-8" into the required 30' Oceanfront Setback.
- 2) To allow 37 square feet of plantation mix walkway to encroach 10'-3" into the required 30' Front Yard Setback.
- 3) To allow 121 square feet of permeable herringbone paver walkway to encroach 12'-6" into the required 30' Front Yard Setback.

ITEMS FOR INFORMATION / DISCUSSION

1. There are no items for information/discussion.

ADJOURN

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

March 22, 2023



MINUTES

CALL TO ORDER

Present: Leggett, Palmer (Virtual), Pinckney, Williams

Absent: Fox

Staff Present: Zoning Administrator Newman

The meeting was called to order at 1:00PM and Zoning Administrator Newman confirmed notice of this meeting was posted as described by the SC Freedom of Information Act.

ELECTION OF CHAIR AND VICE CHAIR

Mr. Pinckney moved to nominate John Fox as Chair; Ms. Palmer seconded. All voted in favor.

Mr. Fox was appointed as the Chair.

Mr. Pinckney moved to nominate Bob Leggett as Vice Chair; Ms. Palmer seconded. All voted in favor.

Mr. Leggett was appointed as the Vice Chair.

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: February 22, 2023

Ms. Palmer moved to approve the previous meeting minutes of February 22; Mr. Leggett seconded. All voted in favor.

The previous meeting minutes of February 22 were approved.

PUBLIC HEARING ITEMS

1. Variance #181

APPLICANT:	Malcom Brennan (Applicant) Michael Martin (Owner)
ADDRESS:	2919 Deer Point Drive
TAX MAP NUMBER:	149-14-00-027
ZONING DISTRICT:	R-SF2 (Residential Single-Family)
CODE SECTION:	§ 10.5.A.1, Critical Area Setbacks
VARIANCE REQUEST:	1) To allow 444 square feet of proposed open deck to encroach 8'-9" into the required critical area setback.

- 2) To allow 42 square feet of proposed exterior stair to encroach 4'-1" into the required critical area setback.
- 3) To allow 19 square feet of proposed permeable paving to encroach 4'-1" into the required critical area setback.

Zoning Administrator Newman presented the request made by the Applicant Malcom Brennan at 2919 Deer Point Drive for the following:

- To allow 444 square feet of proposed open deck to encroach 8'-9" into the required critical area setback
- To allow 42 square feet of proposed exterior stair to encroach 4'-1" into the required critical area setback.
- To allow 19 square feet of proposed permeable paving to encroach 4'-1" into the required critical area setback.

Zoning Administrator Newman noted that if the variance is approved, staff recommends adding the following:

- The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the Applicants and reviewed by the Board on March 22, 2023. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town's DSO, shall require further review and approval by the Board of Zoning Appeals.
- The Applicants shall prepare and submit to the Zoning Administrator an as-built survey prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final inspection if no Certificate of Occupancy is required). The as-built survey shall be prepared and stamped by a professional land surveyor who is qualified to perform such services in the State of South Carolina.
- The variance shall become null and void if the Applicants (or subsequent property owner) fail to obtain a building permit prior to the effective date of any changes to the SCDHEC-OCRM beachfront jurisdictional line and/or beachfront setback line affecting the subject property.

The Board inquired if any comments were received by neighboring property owners and if any other properties are smaller than the minimum lot size on Seabrook Island.

Malcom Brennan, M. Brennan Architects, presented the variance request at 2919 Deer Point Drive.

The Board clarified how the applicant was not penalized with the changes in the Development Standards Ordinance (DSO).

The Board inquired to the applicant tried to change the design to reduce the encroachment into the critical area setback.

Michael Martin, the owner, thanked the board for their time with the request.

Ms. Palmer noted the variance meets the criteria as follows:

- A) The size and shape of the subject property are unique conditions.

- B) The unique size and shape of the property does not appear to apply to other properties in the vicinity.
- C) Strict application of the DSO to this piece of property in combination with the unique size and shape of the lot restricts the utilization of the property.
- D) The requested variance has no impact on the existing zoning/character of the surrounding area.
- E) The use of the subject property is not changed by the granting of the requested variance.
- F) The variance request is not for profitability.
- G) The necessity for the variance is not the owner's fault.

The Board noted there are other non-conforming properties on the island and the applicant request protects the frontal dune on the property.

Ms. Palmer noted to approve variance 181 as she outlined and with staff's recommendations; Mr. Williams seconded. All voted in favor.

Variance #181 was approved with staff's recommendations.

ITEMS FOR INFORMATION / DISCUSSION

None.

ADJOURN

The Board unanimously voted to adjourn the meeting.

The meeting adjourned at 1:34PM

Date: March 10, 2023

Prepared by: *Katharine E. Watkins*
Town Clerk/Treasurer



MEMORANDUM

TO: Town of Seabrook Island Board of Zoning Appeals Members
FROM: Tyler Newman, Zoning Administrator
SUBJECT: Variance Application # 182 – 1172 Oyster Catcher Court
MEETING DATE: October 25, 2023

Variance Application #178	
Applicants:	Noel Kade (Applicant) Robert & Tara Patton (Owners)
Location:	1172 Oyster Catcher Court
Tax Map Number:	149-13-00-017
Zoning District:	R-SF1 (Large Lot Single-Family)
Code Section:	§ 10.5.A.1, Critical Area Setback § 10.5.B.1, Waterbody Setback
Purpose:	1) To allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of approximately 118' into the required 25' critical area setback and 2) to allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of approximately 118' into the required 25' waterbody setback.

Overview

The town has received a variance application from Noel Kade of Dolphin Architects & Builders on behalf of Robert and Tara Patton (collectively, the "Applicants"). The Applicants are requesting an encroachment into the required 25' critical area setback and 25' waterbody setback in association with the construction of a plantation mix driveway that will serve a proposed new residence at 1172 Oyster Catcher Court (Block 53, Lot 08).

In January 2023 the town's Zoning Administrator received a request for a temporary rock entrance that was required to perform erosion control at 1172 Oyster Catcher Court. Upon reviewing the proposed site plan associated with the temporary entrance, the town's Zoning Administrator advised the Applicants that he was unable to sign off on the request as proposed as the site plan showed the rock entrance encroaching into the required 25' critical area setback and 25' waterbody setback. At that time, based on his review of the temporary entrance, the Zoning Administrator raised the point that in the future if the driveway associated with a proposed new single-family residence on the property was going to encroach into the 25' critical area setback or 25' waterbody setback then it would require approval from the Board of Zoning Appeals.

Development Standards Ordinance (DSO) § 10.5.A.1, Critical Area Setback, states, "except as otherwise provided in this ordinance, **no structure** shall be placed above or below ground within 25 feet of any critical area". Additionally, DSO § 10.5.B.1 states, "**no structure** shall be located within 25 feet of any waterbody". It should be noted that a driveway is included in the DSO definition of a structure.

The subject property is currently zoned R-SF1, Large Lot Single-Family, and a single-family residence is a permitted use by-right.

The property is 137,155 square feet in area, which is much larger than the minimum lot size in the R-SF1 district of 32,670 square feet. A total of 90,110 square feet (or 65.70% of the lot) is designated as “highland.” (See Attachment 5, Survey of Existing Conditions).

Based on the site plan submitted with the variance application, the proposed new single-family residence and associated deck and pool will comply with all other applicable setback requirements. The proposed improvements do not cause the subject property to exceed the 35% maximum lot coverage requirement in the R-SF1 District (See Attachment 6, Proposed Site Plan).

To allow for construction of the proposed pervious plantation mix driveway the Applicants are requesting the following variances from the requirements of the DSO:

TYPE	REQUIRED PER DSO	VARIANCE (REQUESTED)
Critical Area Setback	25 feet (§ 10.5.A.1)	To allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of approximately 118' into the required setback
Waterbody Setback	25 feet (§ 10.5.B.1)	To allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of approximately 118' into the required setback

In their application, the Applicants are requesting relief from the critical area setback and waterbody setback requirements for the following reasons (See Attachment 4, Applicant's Narrative):

- a) The subject property is shaped as a "finger peninsula" and is surrounded by water and as a result, access and configuration of the lot is unique and uncharacteristic of most of the lots in the Town of Seabrook Island. Due to the configuration of the property the only means of access into the property from Oyster Catcher Court is via the DSO required 12' driveway that encroaches into the required 25' critical area and waterbody setbacks (See Attachment 6, Proposed Site Plan).
- b) There are no other lots within the general vicinity of the subject property that have the same or even similar shape as the subject property.
- c) The DSO required 6' setback for driveways combined with the presence of existing trees on site limit where the driveway can be located. A strict enforcement of the 25' critical area and waterbody setbacks does not leave space for the required 12' driveway. If the variance is not granted, the property will not have access from Oyster Catcher Court and could not be developed. The inability to develop the lot unreasonably restricts and prohibits the utilization of the property.
- d) The section of the driveway that requires a variance is hidden from view from the public right-of-way therefore no one will see or be affected by the proposed driveway configuration. Furthermore, views from the water side of the driveway will be obscured by landscaping and will not be seen from the adjacent waterways.
- e) The hardship is not self-created. The property was platted in the current configuration and the waterbody adjacent to the lot occurs naturally.
- f) The granting of the variance will provide the necessary vehicular access to the lot. Access to the lot is paramount.

Staff Comments

As a matter of practice, the Town's Zoning Administrator does not typically provide a recommendation in favor of, or in opposition to, a variance application. In our opinion, these requests are best left to the Board of Zoning Appeals following a thorough review of the relevant facts, including the receipt of testimony from interested parties during the required public hearing.

In granting a variance, state law permits the Board of Zoning Appeals to attach such conditions as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Should the Board vote to approve the variance request, staff would recommend in favor of attaching the following conditions:

- The approved variance shall apply to the driveway layout as shown on the site-specific plan prepared by the Applicants and reviewed by the Board on October 25, 2023. Any modification to this site-specific plan prior to the issuance of a zoning

permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town's DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.

- The Applicants shall prepare and submit to the Zoning Administrator an as-built survey prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final inspection if no Certificate of Occupancy is required). The as-built survey shall be prepared and stamped by a professional land surveyor who is qualified to perform such services in the State of South Carolina.
- The variance shall become null and void if the Applicants (or a subsequent property owner) fail to obtain a building permit prior to the effective date of any changes to the SCDHEC-OCRM beachfront jurisdictional line and/or beachfront setback line affecting the subject property.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TN', is written over a horizontal line.

Tyler Newman
Zoning Administrator

Criteria for Review

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) there are **extraordinary and exceptional conditions** pertaining to the particular piece of property;
- (b) these **conditions do not generally apply to other property** in the vicinity;
- (c) because of these conditions, the application of the ordinance to the particular piece of property would **effectively prohibit or unreasonably restrict** the utilization of the property; and
- (d) the authorization of a variance **will not be of substantial detriment** to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Attachments

The following supplemental items have been attached for review:

1	Variance Application	p. 12 - 14
2	Aerial Image	p. 15
3	Property Zoning Report	p. 16
4	Applicant's Narrative	p. 17 - 18
5	Survey of Existing Conditions	p. 19
6	Proposed Site Plan	p. 20
7	Landscape Plan	p. 22
8	ARC Approval Letter	p. 23 - 24
9	Property Deed	p. 25 - 27
10	Site Photos	p. 28 - 33
11	Public Hearing Notice – Letter to Neighboring Property Owners	p. 34
12	Public Hearing Notice – Post & Courier Legal Ad	p. 35
13	Public Hearing Notice – List of Neighboring Properties	p. 36
14	Public Hearing Notice – Property Posting	p. 37



TOWN OF SEABROOK ISLAND

2001 Seabrook Island Road
 Seabrook Island, SC 29455
 (843) 768-9121

APPLICATION FOR VARIANCE

Board of Zoning Appeals

Any applicant seeking a variance from the zoning requirements of the Town of Seabrook Island’s Development Standards Ordinance (hereafter, the “DSO”) must submit a written application, along with a \$500.00 application fee and all required supplemental information. Applications must be typed or written legibly in ink. Please attach an additional sheet of paper if more space is needed. If you need assistance filling out this application form, please contact the Zoning Administrator by phone at (843) 768-9121 or by email at tnewman@townofseabrookisland.org.

1. PROPERTY INFORMATION

Please provide information regarding the property which is subject to the variance request.

Property Address	1172 Oyster Catcher Court				
Tax Map Number	149-13-00017	Block	Ocean Pte	Lot	8
Lot Size (Square Feet)	137,155 SF or 3.15 AC				
Is this property subject to an OCRM critical line? (eg. Marsh or Beachfront Lots)	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	
Is this property subject to private restrictions or covenants? (eg. SIPOA or regime)	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	

2. APPLICANT(S)

Please provide information regarding the individual(s) who is (are) submitting the variance request.

Applicant Name(s)	Robert + Tara Patton	
Applicant Address	10805 Gleneagles Rd., Boynton Beach, FL 33436	
Applicant Phone Number	561-337-0878	
Applicant Email Address	pattontnt@bellsouth.net	
If the Applicant is <u>NOT</u> an owner of the property, what is the relationship to the Property Owner(s)?		

3. PROPERTY OWNER(S)

If the Applicant(s) is (are) NOT the property owner(s), please provide information for the property owner(s).

Owner Name(s)	Robert + Tara Patton		
Owner Mailing Address	10805 Gleneagles Rd., Boynton Beach, FL 33436		
Owner Phone Number	561-337-0878		
Owner Email Address	pattontnt@bellsouth.net		
Designation of Agent (Required if the Applicant(s) is(are) NOT a Property Owner): I (we) hereby designate and appoint the above named Applicant(s) as my (our) agent(s) to represent me (us) in this application.			
Owner Signature(s)		Date	5-19-2023
		Date	

4. CERTIFICATION

Under penalty of perjury, I (we) hereby certify that the information contained in this application, including all supplemental materials, is true and accurate to the best of my (our) knowledge.

Applicant Signature(s)		Date	5-19-2023
		Date	

OFFICE USE ONLY		
Date Filed:	Variance Application #:	Hearing Date:

5. VARIANCE REQUEST

A. Please provide a brief description of the proposed scope of work:

This is a request for a variance in order to allow a portion of the required driveway to be located within the 25 FT Critical Area and Waterbody setback. The proposed driveway is 12 FT wide.

B. In order to complete the proposed scope of work, the Applicant(s) is (are) requesting a variance from the following requirement(s) of the town's DSO:

1) DSO Section Reference(s):

10.5.A.1 Critical Area Setback & 10.5.B.1 Waterbodies Setback

2) DSO Requirement(s):

10.5.A.1: No structure shall be placed above or below ground within 25 feet of any critical area
10.5.B.1: No structure shall be located within 25 feet of any waterbody

C. The application of the zoning requirements of the town's DSO will result in unnecessary hardship, and the standards for a variance set by State Law and the DSO are met by the following facts:

1) There are extraordinary and exceptional conditions pertaining to this particular piece of property as follows:

See Attached

2) These conditions do not generally apply to other property in the vicinity as shown by:

See Attached

3) Because of these conditions, the application of the zoning requirements to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

See Attached

4) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:

See Attached

6. APPLICATION MATERIALS

In addition to the completed Variance Application Form, all requests for variance must be accompanied by the supplemental materials listed below. An application is not considered “complete” until all required documentation has been received by the Zoning Administrator. Below is a checklist of the required materials:

- Completed & Signed Variance Application Form (Paper Required; PDF Optional)**
 - Please submit one *completed* paper application. All signatures must be original.
- \$500.00 Application Fee**
 - The application fee may be paid by cash or check only.
- As-Built Survey / Survey of Existing Conditions (Paper Required; PDF Optional)**
 - All applications must be accompanied by an as-built survey which accurately illustrates the existing conditions on the property, including setback measurements for all structures.
- Proposed Site Plan (Paper & PDF Required)**
 - Required for all new structures and/or exterior modifications which will change the footprint of one or more existing structures.
 - For lots abutting a marsh or beachfront jurisdictional line, the location of the critical line must be certified by OCRM within the previous five (5) years.
- Scaled Architectural Drawings: (Paper & PDF Required)**
 - Required for all new structures and/or exterior modifications to existing structures.
 - Architectural drawings must show, at a minimum:
 - A detailed floor plan or plan view; and
 - Front, side and rear elevations, as appropriate.
- Letter of Approval from Property Owners Association and/or Regime: (Paper Required; PDF Optional)**
 - Required for all properties which are subject to private restrictions and/or covenants.
 - If approval is pending, please attach a Letter of Acknowledgement from the POA and/or Regime.
- Letters of support, petitions, photographs, and any other documentation which an Applicant feels may support his or her request may be attached but are not required. (Paper & Digital Files Optional)**

CRITERIA FOR REVIEW

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in **unnecessary hardship**. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) there are **extraordinary and exceptional conditions** pertaining to the particular piece of property;
- (b) these conditions **do not generally apply to other property** in the vicinity;
- (c) because of these conditions, the application of the ordinance to the particular piece of property would **effectively prohibit or unreasonably restrict** the utilization of the property; and
- (d) the authorization of a variance will **not be of substantial detriment** to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.



1491300021
BICKETT JOSEPH E
1184 OYSTER CATCHER CT

1491300017
PATTON ROBERT K III
1172 OYSTER CATCHER CT

1491300021
BICKETT JOSEPH E
1184 OYSTER CATCHER CT

1491300019
WHITEHEAD SCOTT
0 OYSTER CATCHER CT

1491300017
PATTON ROBERT K III
1172 OYSTER CATCHER CT

1491300022
FERLAND ERNEST JAMES JR
1188 OYSTER CATCHER CT

1491300015
JULIA JAMES LLC
1169 OYSTER CATCHER CT

1491300011
ROMANO DONALD G
1101 OCEAN FOREST LN

1491300014
HARRISON LAURIE SANDS
1161 OYSTER CATCHER CT

1491300024
SEABROOK ISLAND POA
0 OYSTER CATCHER CT

1491300012
MCAFFEE JAMES T JR
0 OCEAN FOREST LANE

OYSTER CATCHER CT

1491300013
DALTON MARK F
1111 OCEAN FOREST LN

OCEAN FOREST LN

SEA TR

Town of Seabrook Island

Property Zoning Report

5 Oct 2023



Parcels

Parcel ID: 1491300017
Owner: PATTON ROBERT K III PATTON TARA LYNN
Owner Street Address: 10805 GLENEAGLES RD
Owner City State ZIP Code: BOYNTON BEACH, FL 33436
Parcel Street Address: 1172 OYSTER CATCHER CT

Zoning

Count	Zoning Code and Description	Overlapping Quantities
1.	1 R-SF1 - Residential - Single-Family (Large Lot)	142,816.05sf (3.28acres)

Request for a Variance from the Town of Seabrook Island Development Standards Ordinance (DSO)-Section 10.5.A.1-Critical Area Setback and 10.5.B.1-Waterbody Setback for the property located at 1172 Oyster Catcher Court

This is a request for a variance for of a portion of a driveway that encroaches approximately 7 FT 2 IN in width, at its widest point, for a length of approximately 118 FT into the 25 FT Critical Area and Waterbody setback(s) located at 1172 Oyster Catcher Court. This lot is vacant and pending Final review and approval by Seabrook Island Property Owner's Association (SIPOA). The lot has never been developed and was sold to the current property owners, Robert and Tara Patton, in 2021. The property was originally platted in 1996 and subsequently replatted in 2005. The property is surrounded by water on both the east and west sides and, the lot is shaped as such that the throat to the property is unusually narrow. Without approval of the requested variance, the lot, at this location has only 5.6 FT of actual driveway width that does not encroach into the 25 FT Critical Area and Waterbody setback(s) and makes this lot undevelopable.

This narrowed throat condition is originally reflected in the 1996 plat and again in the 2005 replat. In the area of the encroachment, the driveway is approximately 36 FT 6 IN wide. When the 25 FT Critical Area setback, the Waterbody setback and the 6 FT driveway side setback are applied to this lot, there is only 5 FT 6 IN of unencumbered driveway width. The Development Standards Ordinance (DSO) requires a residential driveway to be 12 FT in width and without encroachment into the 25 FT Critical Area and Waterbody setback(s); the lot does not have access to the buildable area of the property and cannot be developed for its intended purpose. The proposed driveway will consist of a pervious, plantation mix within the encroachment area.

Section 5C: The application of the zoning requirements of the town's DSO will result in unnecessary hardship, and the standards for a variance set by State Law and the DSO are met by the following facts:

- 1) There are extraordinary and exceptional conditions pertaining to this particular piece of property as follows:

First, this lot is one of the largest lots within the Town of Seabrook Island. The lot totals 3.15 acres, shaped as a finger peninsula and is surrounded by water. As a result, access and configuration of the lot is unique and uncharacteristic of a majority the lots in the Town of Seabrook Island. Second, this lot is a platted lot recorded in Plat Book DE Page 581 recorded on May 13, 2005. This plat was reviewed and approved by the Town of Seabrook Island. The shape and configuration of the lot has not changed since the plat's 2005 recordation and approval by the Town. Third, due to the platted configuration of the property, the only means of access into the property from Oyster Catcher Court is via the required 12 FT driveway that would either 1) encroach on the right (east) side driveway setback or 2) the Critical Area and Waterbody 25 FT setback(s) (located on the left [west]). Reconfiguring the driveway to encroach entirely on the right (east) side setback would also require a variance and disturb significant vegetation that is intended to be preserved. Fourth, the Critical Area setback is determined by Department of Health and Environmental Control (DHEC). The property owner has no control or ability to negotiate the location of the Critical Area line or location of the adjacent waterbodies. Therefore, given the platted configuration of the lot, reviewed and approved by the Town of Seabrook Island, and the location of the Critical Area line and location of the adjacent waterbodies, this lot contains extraordinary and exceptional conditions.

- 2) These conditions do not generally apply to other properties in the vicinity as shown by:

There is NO other lot within the vicinity that has the same or even similar shape or size as the subject property. This lot is extremely unique, totals 3.15 acres and was platted based upon its current and existing configuration. This lot has been a lot of record for close to 30 years. And, given the side setback requirements, the DHEC

designation of the Critical Area line and location of the adjacent waterbodies, there are no development standards that address this condition.

- 3)** Because of these conditions, the application of the zoning requirements to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

As stated, the DSO requires that a driveway side setback of 6 FT be maintained on the right (east) side of the property. If relief were to be requested from this requirement, this would require the removal of significant vegetation in this location. The driveway was designed to comply with the 6 FT driveway side setback requirement and avoid existing trees; therefore, the placement of the driveway is aligned further to the west, with only a small portion of the driveway, 704 SF, encroaching within the 25 FT Critical Area and Waterbody setback(s). The portion of the driveway that encroaches within the Critical Area and Waterbody setback(s) is pervious and proposed to consist of a natural ground covering (plantation mix). The portion of the driveway that encroaches into the Critical Area and Waterbody setback(s) is a minimal portion (11.5%) of the entire driveway. If the variance is not granted, the property will not have access from the Oyster Catcher Court right-of-way and could not be developed. The inability to develop the lot unreasonably restricts and prohibits the utilization of the property.

- 4)** The authorization of the variance will not be of substantial detriment to adjacent properties or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:

This lot is uniquely shaped and one-of-a-kind. The proposed variance will not be detrimental to adjacent properties, the public good or character of the zoning district. On the left (west) side of the driveway, which is the area of the encroachment, the neighboring residence is set back and is not adjacent to the subject driveway. On the right (east) side of the driveway, the adjacent residence is separated by a large side setback and extensive vegetation. Additionally, the proposed driveway is located 142 FT from the adjacent residence to the east and is naturally occurring at a much lower elevation than the adjacent lot; and, as a result, the driveway is hidden from view. The encroachment into the Critical Area and Waterbody setback(s) will not impact the public good or adjacent property owners. Likewise, the character of the zoning district will not be harmed nor impacted as a result of the granting of the variance. This section of the driveway is entirely hidden from view from the public right-of-way; therefore, no one will see or will be effected by the proposed the driveway configuration. Furthermore, views from the water side of the driveway will be obscured by landscaping and will not be seen from the adjacent waterways.

- 5)** Self-Created Hardship

This is not a self-created hardship. The property was platted in the current configuration and the waterbody adjacent to the lot occurs naturally.

- 6)** Granting a variance will not make this property more profitable.

The granting of the variance will provide the necessary vehicular access to the lot. Access to the lot is paramount and a right entitled to all other lots within the community.



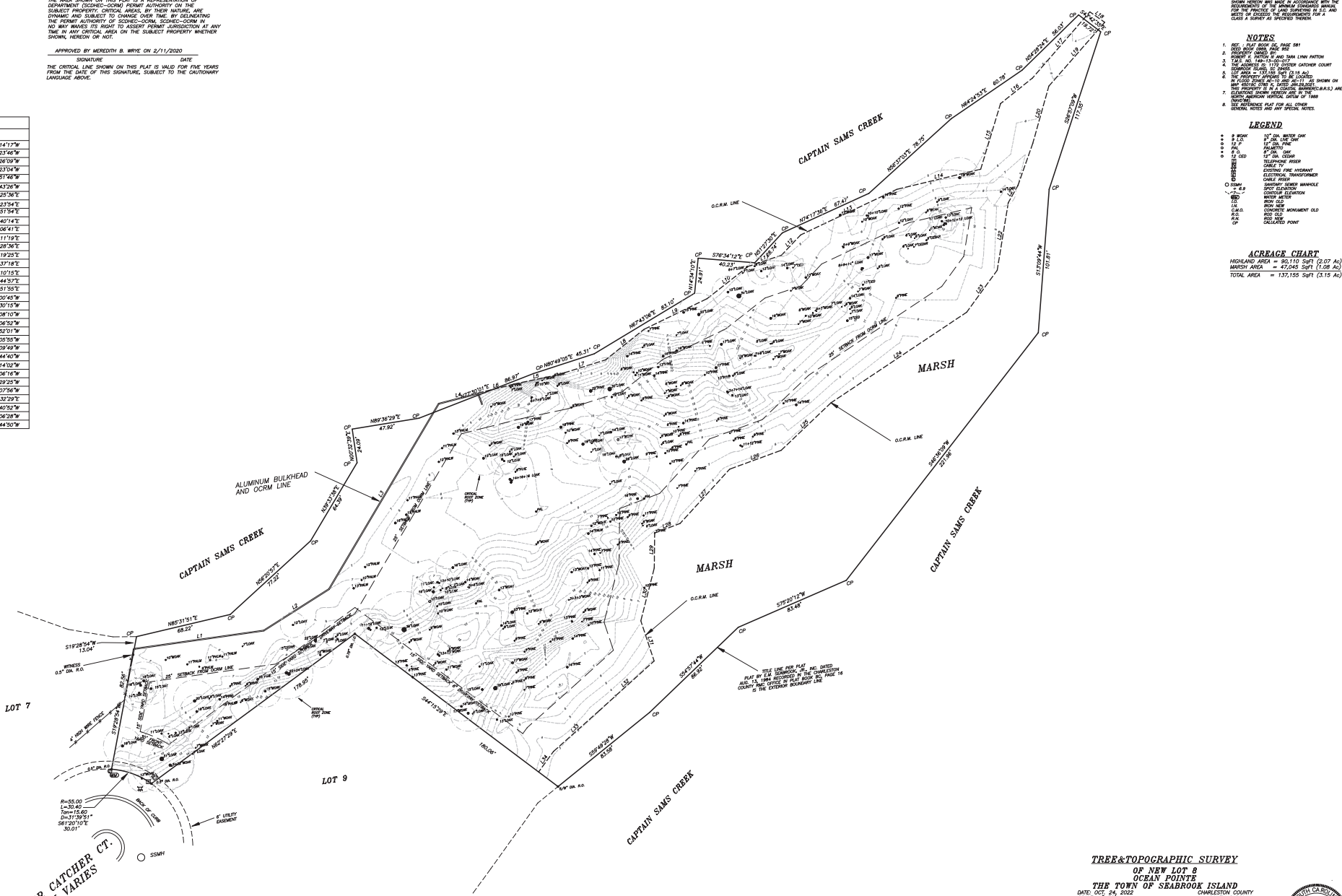
O.C.R.M. STATEMENT

THE AREA SHOWN ON THIS PLAN IS A REPRESENTATION OF DEPARTMENT (SCDHEM-OCRM) PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF SCHEM-OCRM SCHEM-OCRM IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY WHETHER SHOWN, HEREON OR NOT.

APPROVED BY MEREDITH B. WYSE ON 2/11/2022

SIGNATURE DATE
 THE CRITICAL LINE SHOWN ON THIS PLAN IS VALID FOR FIVE YEARS FROM THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTIONARY LANGUAGE ABOVE.

LINE	LENGTH	BEARING
L1	91.93	N89°14'17"W
L2	54.65	S66°23'46"W
L3	152.62	S38°26'59"W
L4	28.20	S84°23'04"W
L5	32.32	S86°51'46"W
L6	25.82	S84°43'26"W
L7	35.01	N87°25'38"E
L8	34.76	N62°23'54"E
L9	49.78	N72°51'54"E
L10	36.85	N60°40'14"E
L11	25.03	N60°06'01"E
L12	19.73	N52°11'19"E
L13	75.45	N73°28'36"E
L14	61.07	N89°19'25"E
L15	45.54	N62°37'18"E
L16	28.98	N60°10'15"E
L17	62.06	N49°44'31"E
L18	12.86	S45°31'35"E
L19	60.05	S20°01'45"W
L20	42.02	S24°30'15"W
L21	13.86	S38°08'10"W
L22	46.46	S18°06'52"W
L23	36.81	S46°52'01"W
L24	115.54	S65°05'55"W
L25	48.74	S55°09'49"W
L26	36.85	S78°44'30"W
L27	52.09	S51°14'52"W
L28	19.22	S78°06'16"W
L29	24.78	S09°29'25"W
L30	36.60	S33°07'56"W
L31	29.95	S09°32'29"E
L32	52.19	S56°40'52"W
L33	43.63	S57°06'28"W
L34	12.96	S44°44'30"W



CERTIFICATION
 I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, BELIEF AND FAITH, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF A LICENSED SURVEYOR IN THE STATE OF SOUTH CAROLINA. I AM NOT PROVIDING ANY GUARANTEE OF ACCURACY OR WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE.

- NOTES**
- SEE PLAN BOOK NO. PAGE 081
 - SEE SCHEMATIC PLAN FOR THIS SURVEY
 - PROPERTY OF NEW POINT OCEAN POINT
 - THIS SURVEY IS IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF A LICENSED SURVEYOR IN THE STATE OF SOUTH CAROLINA.
 - THIS SURVEY IS IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF A LICENSED SURVEYOR IN THE STATE OF SOUTH CAROLINA.
 - THIS SURVEY IS IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF A LICENSED SURVEYOR IN THE STATE OF SOUTH CAROLINA.
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 - THIS SURVEY IS IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF A LICENSED SURVEYOR IN THE STATE OF SOUTH CAROLINA.

- LEGEND**
- 2' BENCH MARK
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 - 89' BENCH MARK
 - 90' BENCH MARK

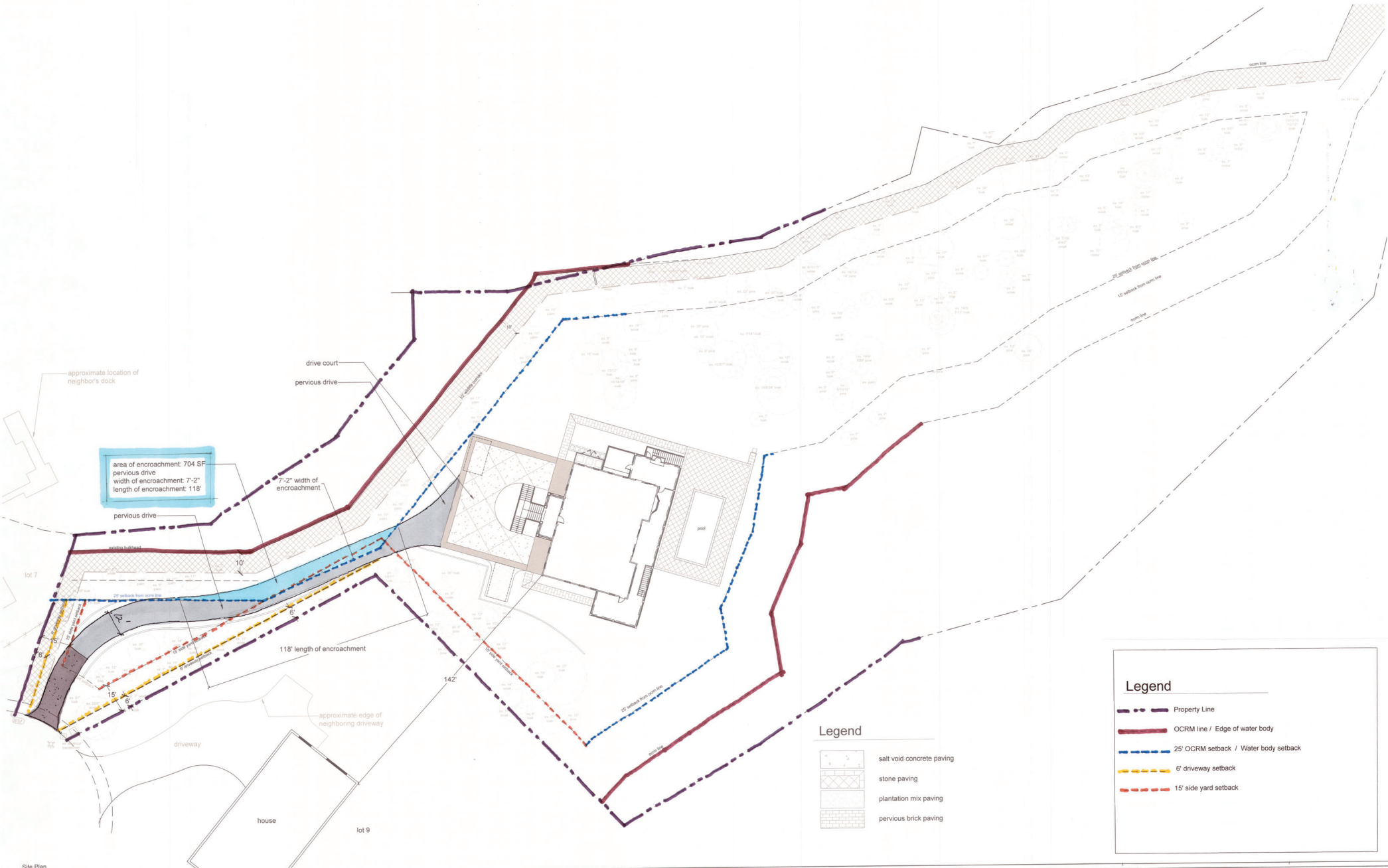
ACCREAGE CHART
 HIGHLAND AREA = 92,110 SFT (2.07 AC)
 MARSH AREA = 47,045 SFT (1.08 AC)
 TOTAL AREA = 139,155 SFT (3.15 AC)

OYSTER CATCHER CT.
 R/W VARIES



TREE & TOPOGRAPHIC SURVEY
OF NEW LOT 8
OCEAN POINT
THE TOWN OF SEABROOK ISLAND
 DATE: OCT. 24, 2022 CHARLESTON COUNTY SOUTH CAROLINA
JIM COBB L.L.C.
LAND SURVEYING
 420 PINEHURST CHURCH RD. #2912
 SEABROOK ISLAND, SC 29912
 PHONE: (843) 353-8878
 30' 60' 90'
 1172 Oyster Catcher New Bound.jpg





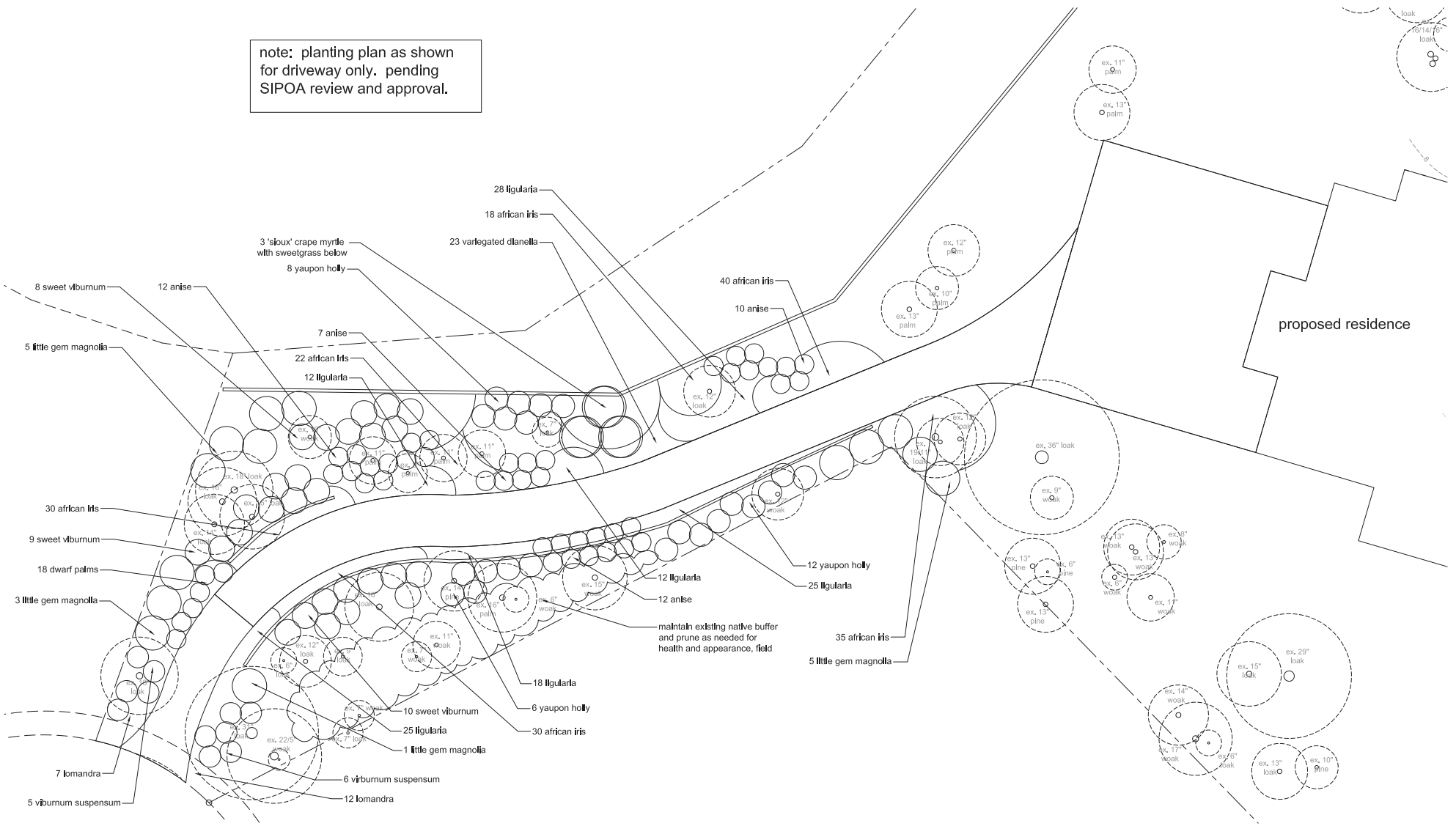
Legend

- Property Line
- OCRM line / Edge of water body
- 25' OCRM setback / Water body setback
- 6' driveway setback
- 15' side yard setback

Legend

- salt void concrete paving
- stone paving
- plantation mix paving
- pervious brick paving

note: planting plan as shown for driveway only. pending SIPOA review and approval.

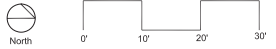


Preliminary Planting Plan: Driveway

L-2
 1175 Oyster Catcher Court
 Seabrook Island, SC 29455
 # 2102



Date: 05-09-23 cc
 Rev:



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 email: wcl@wertimer.com

WERTIMER + CLINE
 LANDSCAPE ARCHITECTS
 171 Church Street, Suite 350
 Charleston, SC 29401
 Tel: 843.577.3340



S E A B R O O K I S L A N D
P r o p e r t y O w n e r s A s s o c i a t i o n

*1202 Landfall Way * Johns Island, SC 29455 * 843-725-1560 * kburrell@sipoa.org*

June 12, 2023

Tyler Newman
Zoning Administrator
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC 29455

VIA email: tnewman@townofseabrookisland.org

Re: B53 L08 - 1172 Oyster Catcher Court / New Construction / Driveway Encroachment

Dear Mr. Newman:

It is my understanding that a variance request has been submitted to the Town of Seabrook Island Board of Zoning Appeals relating to the proposed encroachment into 25' Critical Area Setback to allow for installation of a driveway which will provide the only means of ingress and egress for the new home proposed on this property. The ARC has reviewed several Design Plan Submissions with the Final Design Plan Review being the only Review Phase not completed at this time. The ARC understands and supports this encroachment as it is the only means of access to the property. The ARC will require that all plants within this Critical Area buffer zone will be native plants per the SIPOA Policies and Procedures for Residential Development. As stated, the ARC has reviewed Preliminary Design Plans for this project and advised the owners and design team that additional submittals would not be accepted by the ARC until a variance application was reviewed by the Town of Seabrook Island Board of Zoning Appeals in relation to the driveway location.

Please contact me if you need any additional information.

Very truly yours,

Katrina Burrell, CMCA, AMS
Director of Administration and Architectural Review

cc: Robert and Tara Patton via email
Dolphin Architects & Builders via email
Wertimer + Cline Landscape Architects via email
B53 L08 - 1172 Oyster Catcher Court (Master File)

PREPARED BY:
Buist, Byars & Taylor, LLC
130 Gardener's Circle
PMB# 138
Johns Island, SC 29455
File No. 7542.0001



BP0989952

PGS:

6

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF CHARLESTON)
) TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that **Barbara L. Reynolds and Theodore Price, Co-Personal Representatives of Estate of William Bradford Reynolds** ("Grantor"), in the State aforesaid, for/and in consideration of the sum of ONE MILLION FIVE HUNDRED TWENTY FIVE THOUSAND AND 00/100 DOLLARS (\$1,525,000.00), to it in hand paid at and before the sealing of these Presents by **Robert K. Patton, III and Tara Lynn Patton**, 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 **Robert K. Patton, III and Tara Lynn Patton, as joint tenants with rights of survivorship, and not as tenants in common**, the following described property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE FOR LEGAL DESCRIPTION.

TMS Number: 149-13-00-017

Address of Grantee(s):

10805 Gleneagles Road, Boynton Beach, FL 33436

This is the same property conveyed to William Bradford Reynolds by deed from Mary Jane Burns recorded March 1, 2004 in Book O485, Page 430, Charleston County Recording Office; and thereafter as referenced in Charleston County Probate of William Bradford Reynolds Case No. 2019ES10-1638,

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 said Premises before mentioned unto the said **Robert K. Patton, III and Tara Lynn Patton, as joint tenants with rights of survivorship, and not as tenants in common**, their heirs and assigns, forever.

AND subject to the exceptions set forth above, Grantor does hereby bind myself and my heirs, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said **Robert K. Patton, III and Tara Lynn Patton**, their heirs and assigns, against me and my heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my hand and seal this 12 day of February, 2021.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Estate of William Bradford Reynolds

[Signature]
Witness #1

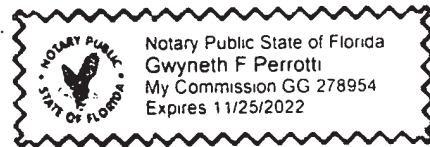
By: [Signature]
Theodore Price,
Co-Personal Representative

[Signature]
Witness #2

STATE OF Florida
COUNTY OF Indian River

The foregoing instrument was acknowledged before me by Theodore Price, Co-Personal Representative of Estate of William Bradford Reynolds, this 12 day of February, 2021.

Gwyneth F. Perrotti (SEAL)
Notary Public for Florida
My commission expires: 11/25/2022



WITNESS my hand and seal this 18th day of February, 2021.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness #1

Witness #2

Estate of William Bradford Reynolds
By: Barbara L. Reynolds
Barbara L. Reynolds,
Co-Personal Representative

STATE OF South Carolina)
COUNTY OF Charleston)

The foregoing instrument was acknowledged before me by Barbara L. Reynolds, Co-Personal Representative of Estate of William Bradford Reynolds, this 18th day of February, 2021.

(SEAL)
Notary Public for _____
My commission expires: _____

KRISTIN M. BRADSHAW
Notary Public, South Carolina
My Commission Expires
August 19, 2024

EXHIBIT A

ALL that certain lot, piece, parcel or tract of land situate, lying and being on Seabrook Island, Charleston County, South Carolina, shown as LOT 8, on a plat by ARC Surveying Company, Inc., entitled " FINAL PLAT OF OCEAN POINTE, TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA," dated October 15, 1996, and recorded in Plat Book EB at pages 457-458, in the RMC Office for Charleston County, South Carolina, said property having such location, shape, size, metes, bounds, courses and distances as will by reference to said plat more fully appear.

Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

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 located at 1172 Oyster Catcher Court, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 149-13-00-017, was transferred by **Barbara L. Reynolds and Theodore Price, Co-Personal Representatives of Estate of William Bradford Reynolds** to **Robert K. Patton, III and Tara Lynn Patton** on February 19, 2021.

3. Check one of the following: The deed is
 - (a) X 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 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.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes or No

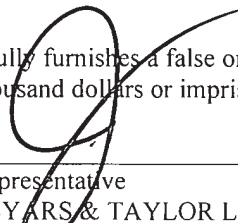
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):
 - (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$1,525,000.00
 - (b) _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____

5. Check YES or NO X 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. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

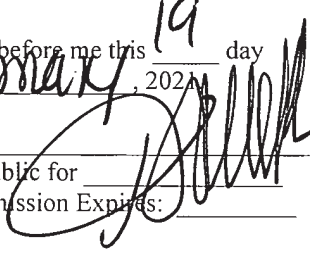
6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: 1,525,000.00
 - (b) Place the amount listed in item 5 above here: \$0
(If no amount is listed, place zero here.)
 - (c) Subtract line 6(b) from Line 6(a) and place result here: 1,525,000.00

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

8. 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.



Legal Representative
BUIST BYARS & TAYLOR LLC

Sworn to before me this 19 day
of February, 2021


Notary Public for
My Commission Expires: _____

KRISTIN M. BRADSHAW
Notary Public, South Carolina
My Commission Expires
August 19, 2024



POSTED
KEEP OUT













PUBLIC HEARING NOTICE

TO: Neighboring Property Owners
FROM: Tyler Newman, Zoning Administrator
SUBJECT: Variance Request for 1172 Oyster Catcher Court (Variance #182)
DATE: September 18, 2023

Dear Property Owner:

The purpose of this letter is to notify you that the owners of **1172 OYSTER CATCHER COURT** have requested a **VARIANCE** from the zoning requirements of the Town's Development Standards Ordinance (DSO). The purpose of the variance request is to:

- **1) A VARIANCE FROM DSO SECTION 10.5.A.1, CRITICAL AREA SETBACK, TO ALLOW APPROXIMATELY 7'-2" OF PERVIOUS PLANTATION MIX DRIVEWAY TO ENCROACH FOR A LENGTH OF APPROXIMATELY 118' INTO THE REQUIRED 25' CRITICAL AREA SETBACK AND 2) A VARIANCE FROM DSO SECTION 10.5.B.1, WATERBODY SETBACK, TO ALLOW APPROXIMATELY 7'-2" OF PERVIOUS PLANTATION MIX DRIVEWAY TO ENCROACH FOR A LENGTH OF APPROXIMATELY 118' INTO THE REQUIRED 25' WATERBODY SETBACK.**

A copy of the variance application is enclosed for your information.

The Seabrook Island Board of Zoning Appeals will hold a **PUBLIC HEARING** on the variance request at the date and time listed below. This notification is being provided to you pursuant to Section § 20.2.B.2 of the DSO.

PUBLIC HEARING DATE: Wednesday October 25, 2023
PUBLIC HEARING TIME: 1:00 PM
PUBLIC HEARING LOCATION: TOWN HALL (2001 SEABROOK ISLAND ROAD)

For information on how to submit a public comment during (or prior to) the Public Hearing, please refer to the attached Public Hearing Notice.

The Public Hearing will be live streamed on the town's YouTube channel beginning at 1:00 PM at the following address: <https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg>.

If you have any questions about the contents of this letter, please feel free to contact me by phone at (843) 768-9121 or by email at tnewman@townofseabrookisland.org.

Sincerely,

Tyler Newman
Zoning Administrator

TOWN OF SEABROOK ISLAND
2001 SEABROOK ISLAND RD
JOHNS ISLAND SC 29455

RECEIVED
SEP 29 2023
BY:

call (843) 768-9121.
AD# 2053542

AFFIDAVIT OF PUBLICATION


The Post and Courier

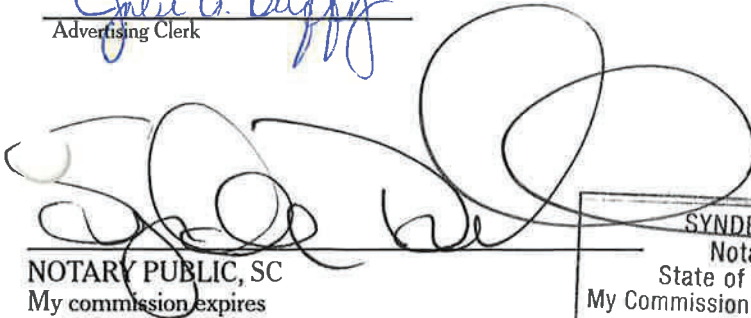
State of South Carolina
County of Charleston

Personally appeared before me the undersigned advertising _____ of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of appeared in the issues of said newspaper Post and Courier on the following day(s):
09/22/23

SEP 22 2023

Subscribed and sworn to before me this:
22nd day of September, 2023


Advertising Clerk


NOTARY PUBLIC, SC
My commission expires

SYNDEE DUTTON
Notary Public
State of South Carolina
My Commission Expires Aug 25, 2027

TOWN OF SEABROOK ISLAND, SC NOTICE OF PUBLIC HEARING

The Town of Seabrook Island Board of Zoning Appeals will conduct a Public Hearing at 1:00 p.m. on October 25, 2023, at Seabrook Island Town Hall (2001 Seabrook Island Road). During the meeting, the Board will consider the following request for variance from the Development Standards Ordinance for the Town of Seabrook Island:

APPLICATION # 182
APPLICANT: Noel Kade (Applicant) Robert & Tara Patton (Property Owners)
ADDRESS: 1172 Oyster Catcher Court
TAX MAP NUMBER:

149-13-00-017
ZONING DISTRICT: R-SF1 (Large Lot Single-Family)
CODE SECTION: §10.5.A.1 (Critical Area Setback) §10.5.B.1 (Waterbody Setback)

VARIANCE REQUEST: 1) A variance from DSO § 10.5.A.1, Critical Area Setback, to allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of approximately 118' into the required 25' critical area setback and 2) A variance from § 10.5.B.1, Waterbody Setback, to allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of approximately 118' into the required 25' waterbody setback.

The meeting will be open to the public. Documents relating to the variance request may be viewed at Town Hall during regular business hours or on the town's website at www.townofseabrookisland.org.

Submit a Written Comment: Individuals who wish to submit a comment in advance of the Public Hearing may do so in writing by 12:00 pm on the day of the meeting using one of the following options:

- **ONLINE:** <https://www.townofseabrookisland.org>
- **EMAIL:** inewman@townofseabrookisland.org
- **MAIL:** Town of Seabrook Island, 2001 Seabrook Island Road, Seabrook Island, SC 29455

Watch Live Stream Video: The meeting will be live streamed on the town's YouTube channel beginning at 1:00 p.m. at <https://www.youtube.com/channel/UCIKF87kNEAPHD1q0kGlaGZg>.

More Information: For more information, please

ADDISON JIMMY E TRUST ADDISON PATTI H
TRUST
1174 OYSTER CATCHER CT
JOHNS ISLAND, SC 29455

PATTON ROBERT K III PATTON TARA LYNN
10805 GLENEAGLES RD
BOYNTON BEACH, FL 33436

KATZENBACH JON DOUGLAS TRUST
KATZENBACH DANIEL GILBERT TRUST
115 CHURCH ST
CHARLESTON, SC 29401

SEABROOK ISLAND PROPERTY OWNERS
ASSOCIATION
1202 LANDFALL WAY
JOHNS ISLAND, SC 29455-6335

BICKETT JOSEPH E BICKETT EDNA J
1184 OYSTER CATCHER CT
JOHNS ISLAND, SC 29455

ROMANO DONALD G ROMANO PATRICIA
1101 OCEAN FOREST LN
SEABROOK ISL, SC 29455-6074

HARRISON LAURIE SANDS
2101 CEDAR SPRINGS ROAD UNIT 1600
DALLAS, TX 75201

JULIA JAMES LLC
4403 IVY HALL DR
COLUMBIA, SC 29206

KRAMER RANDY S KRAMER RITA K
1180 OYSTER CATCHER CT
JOHNS ISLAND, SC 29455-6069

WHITEHEAD SCOTT WHITEHEAD JULIE
36 MUNNINGS DR
SUDBURY, MA 01776

PUBLIC HEARING

- Rezoning Request
- Variance Request

From: _____ To: _____

DSO Section: M.S.A.1 + M.S.B.1

Purpose: To allow approximately 7'-2" of pervious plantation mix driveway to encroach for a length of 118' into the required 25' critical area setback and 25' waterbody setback.

Hearing Date: Wednesday October 25, 2023 Time: 1:00 ^{AM} _{PM}

Location: Town Hall - 2001 Seabrook Island Road

Case #
182



More Information
townofseabrookisland.org
(843) 768-9121



MEMORANDUM

TO: Town of Seabrook Island Board of Zoning Appeals Members

FROM: Tyler Newman, Zoning Administrator

SUBJECT: Variance Application # 183 – 3764 Seabrook Island Road

MEETING DATE: October 25, 2023

Variance Application #178	
Applicants:	Garris Killingsworth (Applicant) Emily Hemsath (Owner)
Location:	3764 Seabrook Island Road
Tax Map Number:	149-13-00-001
Zoning District:	R-SF2 (Medium Lot Single-Family)
Code Section:	§ 10.4.B.3, Oceanfront & North Edisto River Setbacks § 5.3.B, Residential Setbacks
Purpose:	1) To allow 626 square feet of permeable walkway to encroach 16'-8" into the required 30' setback, 2) To allow 37 square feet of plantation mix walkway to encroach 10'-3" into the required 30' front yard setback, and 3) To allow 121 square feet of permeable herringbone paver walkway to encroach 12'-6" into the required 30' front yard setback.

Overview

The town has received a variance application from Garris Killingsworth of Outdoor Spatial Design, LLC on behalf of Emily Hemsath (collectively, the "Applicants"). The Applicants are requesting an encroachment into the required 30' primary dune setback and two encroachments into the required 30' front yard setback in association with the construction of several walkways that will serve a proposed new single-family residence at 3764 Seabrook Island Road (Block 16, Lot 01).

In June 2023 the town's Zoning Administrator received a message from the Applicants stating that they had received approval from the Seabrook Island Property Owner's Association (SIPOA) Architectural Review Committee (ARC) for the construction of a new single-family residence at 3764 Seabrook Island Road. In that same message, the Applicants indicated that they were directed by SIPOA ARC staff to inquire whether a proposed pervious pathway would be an allowable setback encroachment into the rear beachfront baseline setback on the property. Upon reviewing the proposed site plan associated with the new single-family residence and associated walkways the Zoning Administrator advised the applicants that a walkway is not an allowable setback encroachment into the beachfront setback. Furthermore, the Zoning Administrator pointed out that the plantation mix walkway and permeable herringbone paver walkway that were shown encroaching into the required 30' front yard setback were not allowable setback encroachments either. At that time, based on his review of the proposed site plan, the Zoning Administrator advised the Applicants that if they wish for the walkways to remain in the proposed locations, they will each require approval from the Board of Zoning Appeals.

Development Standards Ordinance (DSO) § 10.4.B, Minimum Setbacks: Oceanfront & North Edisto River,

states, “for properties which are subject to any Beachfront Jurisdictional Line established by SCDHEC-OCRM, the minimum required setback for **any structure** shall be the greater (most landward) of 1) the setback line established by SCDHEC-OCRM, 2) A line drawn parallel to the front property line and extending from the front property line the distance equal to 75% of the platted, average lot depth, or 3) thirty feet from the landward edge of the primary dune or the dune formed by any existing revetment”. In this case the most landward setback is thirty feet from the landward edge of the primary dune.

DSO § 5.3.B, Residential Setbacks, states, “**all structures** and their placement on a lot recorded prior to the adoption of this ordinance shall conform to the minimum dimensional requirements listed in Table 5-3a”.

While a pervious walkway is not explicitly listed in the DSO definition of a structure, similar features such as driveways, sidewalks, and patios are included in the definition. The DSO definition of structure notes that these features are included by way of example and are not all that the definition of a structure is limited to.

The subject property is currently zoned R-SF2, Medium Lot Single-Family, and a single-family residence is a permitted use by-right.

The property is 21,069.25 square feet in terms of total lot area. A total of 10,377.65 square feet (or 49.25% of the lot) is designated as “highland” making the lot nonconforming in size. Of those 10,377.65 square feet, only 1,323.46 square feet (or 12.75%) is buildable area once all required setbacks have been applied to the property (See Attachment 5, Survey of Existing Conditions).

Based on the site plan submitted with the variance application, the proposed new single-family residence and associated driveway will comply with all other applicable setback requirements. The proposed improvements do not cause the subject property to exceed the 40% maximum lot coverage requirement in the R-SF2 District (See Attachment 6, Proposed Site Plan).

To allow for construction of the proposed permeable walkway, plantation mix walkway, and permeable herringbone paver walkway the Applicants are requesting the following variances from the requirements of the DSO:

TYPE	REQUIRED PER DSO	VARIANCE (REQUESTED)
Oceanfront & North Edisto River Setback	30' from the landward edge of the primary dune or dune formed by any existing revetment (§ 10.4.B.3)	To allow 626 square feet of permeable walkway to encroach 16'-8" into the required 30' setback
Residential Setback	30' front yard setback (§ 5.3.B)	To allow 37 square feet of plantation mix walkway to encroach 10'-3" into the required 30' front yard setback
Residential Setback	30' front yard setback (§ 5.3.B)	To allow 121 square feet of permeable herringbone paver walkway to encroach 12'-6" into the required 30' front yard setback

In their application, the Applicants are requesting relief from these setback requirements for the following reasons (See Attachment 4, Applicant's Narrative):

- a) The current 30' minimum oceanfront setback, 10' side yard setback, and 30' front yard setback creates a limited buildable area of just 1,323.46 square feet. The 30' oceanfront setback overlaps the front yard setback creating a buildable area that is only three sided. Additionally, the total lot area is 21,069.25 square feet but the total high ground is only 10,377.65 square feet therefore only 12.75% of the high ground is considered buildable area. (See Attachment 6, Proposed Site Plan).
- b) There are no other residences within the vicinity that are limited to a three-sided buildable area or similar total buildable area square footage at just 1,323.46 square feet. The proposed residence already has a unique architectural shape and smaller square footage to accommodate the setback constraints.
- c) Due to the limited buildable area and location of the setbacks, the homeowners will only be able to access their yard by walking through the landscape beds, native landscape, or driveway. DSO § 10.4.B.3 and § 5.3.B prevent structures (including walkways) from being constructed outside of the minimum setback lines which have been designated for the proposed building footprint due to the significant limitations presented by the setbacks.
- d) The permeable walkways will not cause detriment or harm as they will be at-grade and will not be visible from the public right-of-way due to screening from the proposed large evergreen vegetation on site. The walkways will also be pervious to allow stormwater to penetrate through the landscape as it currently does and will not increase stormwater runoff. The use of earth toned materials will blend and complement the walkway with the surrounding natural landscape as well.
- e) There is no self-created hardship on the property as the setback and revetment locations were already in place when the tree and topographic survey was completed on June 9, 2021, and prior to the owner's purchasing the lot on October 22, 2021.
- f) The desire for the walkways around the home is not due to financial reasons or goals of increasing property value. Rather, it is a request for the property owners to be able to adequately walk around their proposed new home. The walkways that are subject to these variance requests are simple, minimalistic, and do not include materials or features that will make the property more profitable.

Staff Comments

As a matter of practice, the Town's Zoning Administrator does not typically provide a recommendation in favor of, or in opposition to, a variance application. In our opinion, these requests are best left to the Board of Zoning Appeals following a thorough review of the relevant facts, including the receipt of testimony from interested parties during the required public hearing.

In granting a variance, state law permits the Board of Zoning Appeals to attach such conditions as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Should the Board vote to approve the variance request, staff would recommend in favor of attaching the following conditions:

- The approved variance shall apply to the walkway layout(s) as shown on the site-specific plan prepared by the Applicants and reviewed by the Board on October 25, 2023. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town's DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.
- The Applicants shall prepare and submit to the Zoning Administrator an as-built survey prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final inspection if no Certificate of Occupancy is required). The as-built survey shall be prepared and stamped by a professional land surveyor who is qualified to perform such services in the State of South Carolina.
- The variance shall become null and void if the Applicants (or a subsequent property owner) fail to obtain a building permit prior to the effective date of any changes to the SCDHEC-OCRM beachfront jurisdictional line and/or beachfront setback line affecting the subject property.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tyler Newman', written in a cursive style.

Tyler Newman
Zoning Administrator

Criteria for Review

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) there are **extraordinary and exceptional conditions** pertaining to the particular piece of property;
- (b) these **conditions do not generally apply to other property** in the vicinity;
- (c) because of these conditions, the application of the ordinance to the particular piece of property would **effectively prohibit or unreasonably restrict** the utilization of the property; and
- (d) the authorization of a variance **will not be of substantial detriment** to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Attachments

The following supplemental items have been attached for review:

1	Variance Application	p. 44 - 46
2	Aerial Image	p. 47
3	Property Zoning Report	p. 48
4	Applicant's Narrative	p. 49 - 50
5	Survey of Existing Conditions	p. 51
6	Proposed Site Plan	p. 52
7	ARC Approval Letter	p. 53 - 56
8	Property Deed	p. 57 - 60
9	Site Photos	p. 61 - 69
10	Public Hearing Notice – Letter to Neighboring Property Owners	p. 70
11	Public Hearing Notice – Post & Courier Legal Ad	p. 71
12	Public Hearing Notice – List of Neighboring Properties	p. 72 - 73
13	Public Hearing Notice – Property Posting	p. 74



TOWN OF SEABROOK ISLAND

2001 Seabrook Island Road
Seabrook Island, SC 29455
(843) 768-9121

APPLICATION FOR VARIANCE


Board of Zoning Appeals

Any applicant seeking a variance from the zoning requirements of the Town of Seabrook Island’s Development Standards Ordinance (hereafter, the “DSO”) must submit a written application, along with a \$500.00 application fee and all required supplemental information. Applications must be typed or written legibly in ink. Please attach an additional sheet of paper if more space is needed. If you need assistance filling out this application form, please contact the Zoning Administrator by phone at (843) 768-9121 or by email at tnewman@townofseabrookisland.org.

1. PROPERTY INFORMATION				
Please provide information regarding the property which is subject to the variance request.				
Property Address	3764 Seabrook Island Road, Seabrook Island, SC 29455			
Tax Map Number	147-13-00-001	Block	16	Lot 1
Lot Size (Square Feet)	21,069.25			
Is this property subject to an OCRM critical line? (eg. Marsh or Beachfront Lots)	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Is this property subject to private restrictions or covenants? (eg. SIPOA or regime)	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No

2. APPLICANT(S)	
Please provide information regarding the individual(s) who is (are) submitting the variance request.	
Applicant Name(s)	Garris Killingsworth
Applicant Address	1349 Ashley River Rd, Charleston, SC 29407
Applicant Phone Number	843-733-3325
Applicant Email Address	garris@osdla.com
If the Applicant is <u>NOT</u> an owner of the property, what is the relationship to the Property Owner(s)?	Landscape Architect

3. PROPERTY OWNER(S)	
If the Applicant(s) is (are) <u>NOT</u> the property owner(s), please provide information for the property owner(s).	
Owner Name(s)	Emily Hemsath
Owner Mailing Address	4018 Hathaway St. Franklin, TN 37064
Owner Phone Number	917-574-1617
Owner Email Address	mlydog1@yahoo.com
Designation of Agent (Required if the Applicant(s) is(are) NOT a Property Owner): I (we) hereby designate and appoint the above named Applicant(s) as my (our) agent(s) to represent me (us) in this application.	
Owner Signature(s)	 Date 8-21-2023
	Date

4. CERTIFICATION	
Under penalty of perjury, I (we) hereby certify that the information contained in this application, including all supplemental materials, is true and accurate to the best of my (our) knowledge.	
Applicant Signature(s)	 Date 08-21-2023
	Date

OFFICE USE ONLY		
Date Filed:	Variance Application #:	Hearing Date:

5. VARIANCE REQUEST

A. Please provide a brief description of the proposed scope of work:

Please see attachment.

B. In order to complete the proposed scope of work, the Applicant(s) is (are) requesting a variance from the following requirement(s) of the town's DSO:

1) DSO Section Reference(s):

2) DSO Requirement(s):

C. The application of the zoning requirements of the town's DSO will result in unnecessary hardship, and the standards for a variance set by State Law and the DSO are met by the following facts:

1) There are extraordinary and exceptional conditions pertaining to this particular piece of property as follows:

2) These conditions do not generally apply to other property in the vicinity as shown by:

3) Because of these conditions, the application of the zoning requirements to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

4) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:

6. APPLICATION MATERIALS

In addition to the completed Variance Application Form, all requests for variance must be accompanied by the supplemental materials listed below. An application is not considered “complete” until all required documentation has been received by the Zoning Administrator. Below is a checklist of the required materials:



Completed & Signed Variance Application Form (Paper Required; PDF Optional)

- Please submit one *completed* paper application. All signatures must be original.

\$500.00 Application Fee

- The application fee may be paid by cash or check only.

As-Built Survey / Survey of Existing Conditions (Paper Required; PDF Optional)

- All applications must be accompanied by an as-built survey which accurately illustrates the existing conditions on the property, including setback measurements for all structures.

Proposed Site Plan (Paper & PDF Required)

- Required for all new structures and/or exterior modifications which will change the footprint of one or more existing structures.
- For lots abutting a marsh or beachfront jurisdictional line, the location of the critical line must be certified by OCRM within the previous five (5) years.

Scaled Architectural Drawings: (Paper & PDF Required)

- Required for all new structures and/or exterior modifications to existing structures.
- Architectural drawings must show, at a minimum:
 - A detailed floor plan or plan view; and
 - Front, side and rear elevations, as appropriate.

Letter of Approval from Property Owners Association and/or Regime: (Paper Required; PDF Optional)

- Required for all properties which are subject to private restrictions and/or covenants.
- If approval is pending, please attach a Letter of Acknowledgement from the POA and/or Regime.

Letters of support, petitions, photographs, and any other documentation which an Applicant feels may support his or her request may be attached but are not required. (Paper & Digital Files Optional)

CRITERIA FOR REVIEW

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in **unnecessary hardship**. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) there are **extraordinary and exceptional conditions** pertaining to the particular piece of property;
- (b) these conditions **do not generally apply to other property** in the vicinity;
- (c) because of these conditions, the application of the ordinance to the particular piece of property would **effectively prohibit or unreasonably restrict** the utilization of the property; and
- (d) the authorization of a variance will **not be of substantial detriment** to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.



1470500139
JVA PROPERTIES LLC
2901 ATRIUM VILLA DR

Y OWNERS
RD

1471300028
ROBERTSON IAN C
3757 SEABROOK ISLAND RD

1471300029
BROWN JAMES A
3761 SEABROOK ISLAND RD

1471300030
DEVEAUX JAMES M
3765 SEABROOK ISLAND RD

1471300006
BAKKER ANTH
3742 SEABROOK IS

1471300004
CHALOS MICHAEL G
3752 SEABROOK ISLAND RD

1471300003
SBK LLC
3756 SEABROOK ISLAND RD

1471300002
OWENS BRENT COLE
3760 SEABROOK ISLAND RD

SEABROOK ISLAND RD

1470500085
THE CLUB AT SEABROOK ISLAND
3772 SEABROOK ISLAND RD

Town of Seabrook Island

Property Zoning Report

5 Oct 2023



Parcels

Parcel ID: 1471300001
Owner: HEMSATH DIRK HEMSATH EMILY
Owner Street Address: 5043 DONOVAN ST
Owner City State ZIP Code: FRANKLIN, TN 37064
Parcel Street Address: 3764 SEABROOK ISLAND RD

Zoning

Count	Zoning Code and Description	Overlapping Quantities
1.	1 R-SF2 - Residential - Single-Family (Medium Lot)	21,163.98sf (0.49acres)

Date: August, 21 2023

Property Address: 3764 Seabrook Island Rd. Seabrook Island, SC 29455 (Block 16, lot 01)

**Request for Variances from the Town of Seabrook Island
Development Standards Ordinance:**

DSO Section 10.4.B.3 - Oceanfront & North Edisto River Setbacks

DSO Section 5.3.B - Residential Setbacks

Section 5A: Description of Work:

This is a request for variances from:

1. DSO Section 10.4.B.3 to allow 626 SF of a permeable walkway to encroach 16'-8" within the required 30' Revetment Setback.
2. DSO Section 5.3.B to allow 37 SF of a plantation mix walkway to encroach 10'-3" within the required 30' Front Yard Setback
3. DSO Section 5.3.B to allow 121 SF of a permeable herringbone paver walkway to encroach 12'-6" within the required 30' Front Yard Setback

The lot is currently vacant but, has already received final ARC approval. This lot is ocean front with an existing residence to the left and open lawn and walkway to the Seabrook Island Beach Club to the right. The current lot size, along with the setbacks creates a three sided and extremely limited building area with no space for walkways around the front, side and back of house. Without approval of these requested variances the home owners will not be able to adequately walk around and access the perimeter of their house.

Section 5C: The applicant of the zoning requirements of the town's DSO will result in unnecessary hardship, and the standards for a variance set by State Law and the DSO are met by the following facts:

1) There are extraordinary and exceptional conditions pertaining to this particular piece of property as follows:

There are extraordinary and exceptional conditions to this property: The current 30' Minimum Oceanfront Setback, 10' Side Setback, and 30' Front Setback creates a limited buildable area at 1,323.46 SF. The 30' Min. Oceanfront Setback overlaps the front setback creating a buildable area that is three sided. Second, The total lot area is 21,069.25 SF, the total Highland Area is 10,377.65 SF. Therefore, only 12.75% of the Highland Area is considered buildable area.

2) These conditions do not generally apply to other properties in the vicinity as shown by:

There are no other residences within the vicinity that are limited to a 3 sided buildable area or similar total buildable area square footage at 1,323.46 SF. The proposed residence already has a unique architectural shape and smaller square footage size to accommodate the already has a unique architectural shape and smaller square footage size to accommodate the

unique setbacks. Below are recent Seabrook Island residential properties that Outdoor Spatial Design, LLC has worked on and the associated buildable areas for each lot. You'll see the square footages listed are significantly greater than the subject lot of 1,323.46 SF.

- 2621 High Hammock Road (7,945 SF.)
- 3557 Seaview Drive (9,207 SF.)
- 3627 Loggerhead Court (9,791 SF.) *Oceanfront lot*
- 3640 Pompano Court (11,463 SF.) *Oceanfront lot*
- 3560 Seaview Drive (9,553 SF.)

3) Because of these conditions, the application of the zoning requirements to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows.

Due to the limited buildable area and location of the setbacks the home owners will only be able to access their yard by walking through the landscape beds, native landscape or driveway. DSO Sections 10.4.B.3 and 5.3.B prevent any structure or walkway from being installed outside of the minimum setback lines, which has been designated for the proposed building footprint due to the significant limitations presented by the setbacks.

4) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance for the following reasons:

The permeable walkways will not cause detriment or harm as it will be at-grade and will not be visible from the public right of way from the help of proposed large evergreen vegetation. The walkways will also be pervious to allow stormwater to penetrate through the landscape as it currently does and will not increase or create stormwater runoff. The use of earth toned materials will blend and complement the walkway with the surrounding natural landscape as well.

5) Self-Created Hardship

There is no self created hardship on this property as the setbacks and revetment locations were already in place when the Tree & Topographic survey was performed on June 9, 2021 and prior to the owner's purchasing the lot on October 22, 2021.

6) Granting a variance will not make this property more profitable.

The desire for the walkways around the home is not due to financial reasons or goals of increasing property value and is instead a request for owners to be able to adequately walk around their house. The walkways are simple, minimalistic, and does not included materials or features that will make the property more profitable.

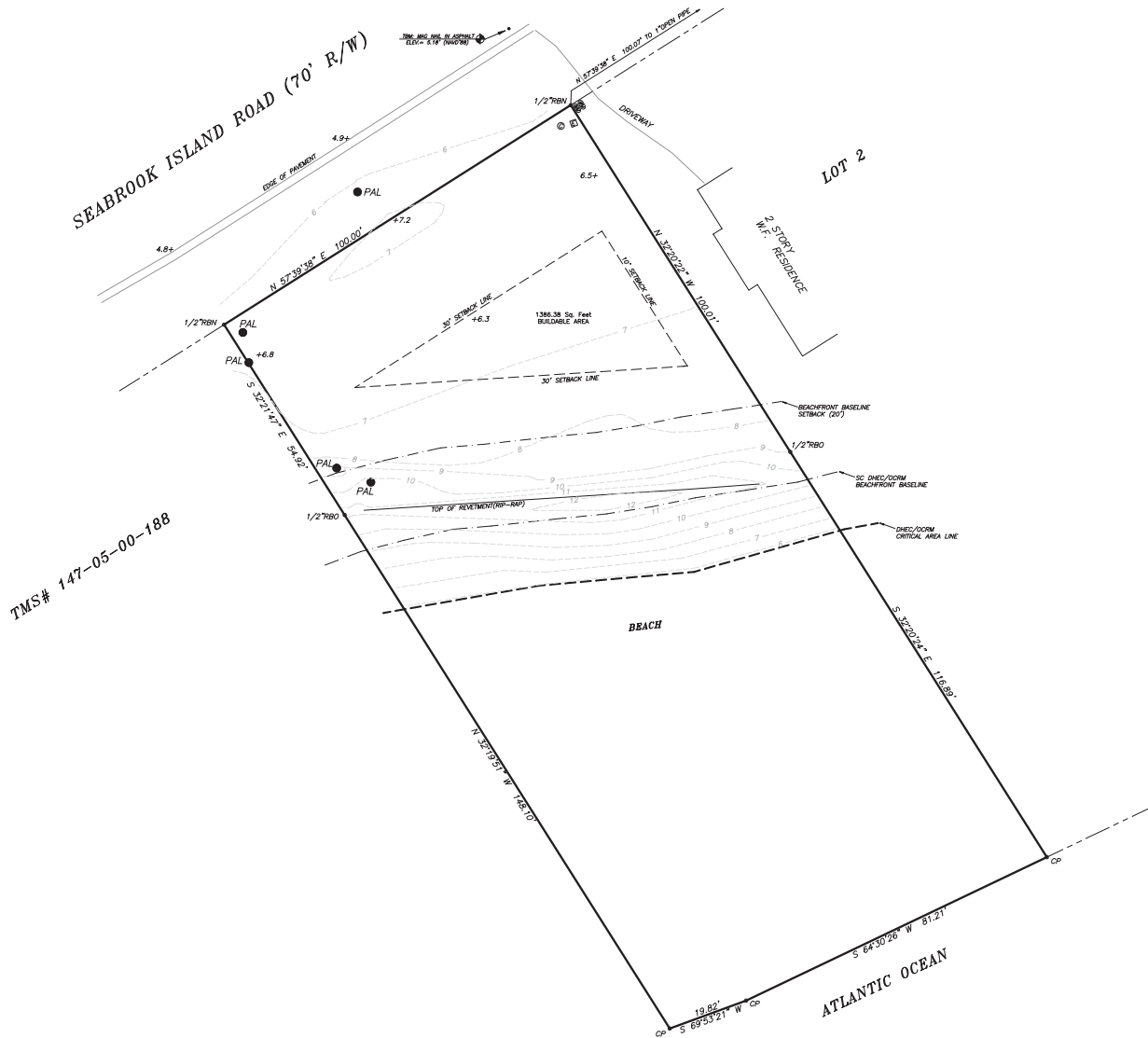


CERTIFICATION

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARD MANUAL FOR THE PRACTICE OF LAND SURVEYING IN S.C. AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.

LEGEND

- PAL = PALMETTO TREE
- RBO = REBAR (OLD)
- RBN = REBAR (NEW)
- ◆ MAGN = MAG NAIL (NEW)
- OPEN = OPEN TOP PIPE (OLD)
- CP = CALCULATED POINT
- ⊠ = ELECTRIC TRANSFORMER
- ⊙ = WATER METER
- ⊕ = CABLE TV
- +6.5 = SPOT ELEVATION
- 7--- = CONTOUR ELEVATION



LOT AREA

HIGHLAND AREA = 10,377.65 sq.ft.(0.24Ac)
TOTAL LOT AREA = 21,069.25 sq.ft.(0.48Ac)

NOTES

1. REF. : PLAT BOOK AD, PAGE 78
2. DEED BOOK 0459, PAGE 282
3. PROPERTY TO BE CONVEYED TO: KIRK BOONE
4. T.M.S. NO. 147-13-00-001
5. THE ADDRESS IS: 3764 SEABROOK ISLAND ROAD SEABROOK ISLAND, SC 29455.
6. LOT AREA = 21,069.25 sq.ft. (0.48Ac)
7. THE PROPERTY APPEARS TO BE LOCATED IN "COASTAL A" FLOOD ZONE AE EL 11 (NAVD'88) SHOWN ON MAP 45019C 0795 K, DATED JAN. 29, 2021.
8. ELEVATIONS SHOWN HEREON ARE IN THE NORTH AMERICAN VERTICAL DATUM OF 1988(NAVD'88).

TREE & TOPOGRAPHIC SURVEY

LOT 1, BLOCK 16
SEABROOK ISLAND

DATE: JUNE 9, 2021
SCALE: 1"=20'

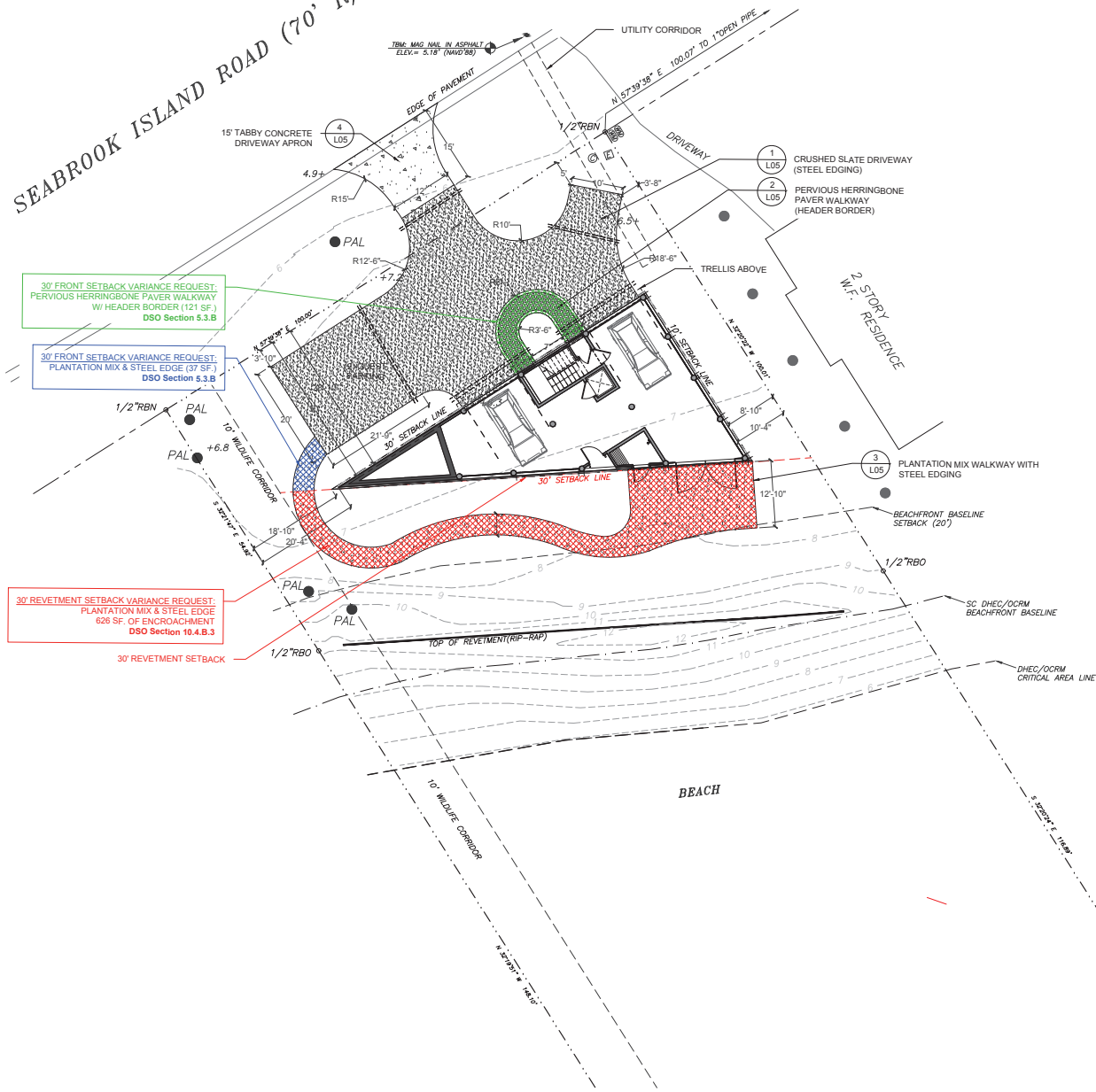
CHARLESTON COUNTY
SOUTH CAROLINA

JIM COBB L.L.C.
LAND SURVEYING
420 PRIESTLY ST. CHARLESTON, SC 29412
PHONE (843) 303-6678



These drawings are the property of Outdoor Spatial Design, LLC and are not to be used for making any reproductions thereof or for any construction without first obtaining written authorization from the copyright owner, Outdoor Spatial Design, LLC.

SEABROOK ISLAND ROAD (70' R/W)



30' FRONT SETBACK VARIANCE REQUEST:
PERVIOUS HERRINGBONE PAVER WALKWAY
W/ HEADER BORDER (121 SF)
DSO Section 5.3.B

30' FRONT SETBACK VARIANCE REQUEST:
PLANTATION MIX & STEEL EDGE (37 SF)
DSO Section 5.3.B

30' REVETMENT SETBACK VARIANCE REQUEST:
PLANTATION MIX & STEEL EDGE
626 SF OF ENCRICHMENT
DSO Section 10.4.B.3

- EXISTING LEGEND:**
- — — — — PROPERTY LINE
 - — — — — SETBACKS
 - — — — — 10' DRAINAGE EASEMENT
 - — — — — 10' WILDLIFE CORRIDOR

- GENERAL NOTES:**
- CONTRACTOR TO STAKE SITE ELEMENTS IN THE FIELD FOR LANDSCAPE ARCHITECTS' APPROVAL PRIOR TO CONSTRUCTION.
 - WORKMANSHIP SHALL BE GUARANTEED BY CONTRACTOR FOR A MINIMUM OF ONE YEAR FROM DATE OF FINAL AND OWNERS ACCEPTANCE.
 - CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD AND NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.

HARDSCAPE LEGEND:

— — — — — (2) 4" SCHEDULE 40 PVC CONDUIT
INSTALLED SIDE BY SIDE AT A MAX.
OF 12" BELOW GRADE OR BELOW
WALL FOOTERS.

LOT COVERAGE CHART:

TOTAL LOT AREA:	21,069.25 SF
HIGHLAND AREA:	10,377.65 SF
PROPOSED BUILDING FOOTPRINT:	1,323.46 SF
PROPOSED DRIVE AND WALKWAY:	0 SF (PERVIOUS)
TOTAL HARDSCAPE COVERAGE:	1,323.46 SF
TOTAL LOT COVERAGE PERCENTAGE:	6.28%
TOTAL HIGHLAND AREA COVERAGE PERCENTAGE:	12.75%



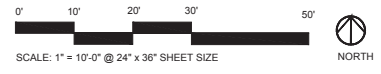
1349 Ashley River Rd.
Charleston SC, 29407
843.733.3325



**HEMSATH
RESIDENCE**
3764 SEABROOK ISLAND ROAD
SEABROOK ISLAND, SC 29455

SUBMITTALS	DATE
PRELIMINARY	05.27.22
PRELIMINARY ARC	09.28.22
CLIENT REVIEW	02.16.23
ARC SUBMITTAL	05.30.23
ARC REV.	06.30.23
VARIANCE	08.14.23

DRAWN BY: GCS
REVISED BY: JGK
CHECKED BY: GCS



THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS SIGNED AND SEALED BY THE LANDSCAPE ARCHITECT OF RECORD AND STAMPED "APPROVED FOR CONSTRUCTION." USE OF THIS DRAWING FOR QUANTITY TAKE-OFFS AND PRICING IS PRELIMINARY UNTIL ALL APPLICABLE PERMITS HAVE BEEN OBTAINED.

**L02
HARDSCAPE
PLAN**
SHEET 02 OF 06



S E A B R O O K I S L A N D
P r o p e r t y O w n e r s A s s o c i a t i o n

June 22, 2023

Dirk and Emily Hemsath
4018 Hathaway Street
Franklin, TN 37064

and VIA email: dirkdog@me.com
and: mlydog1@yahoo.com

Re: Block 16 Lot 01 – 3764 Seabrook Island Road #202101054

On May 16, 2023, the Architectural Review Committee (ARC) approved the following motion and notes regarding the Final Design Review Plans for Block 16 Lot 01, commonly referred to as 3764 Seabrook Island Road:

Architect, Christopher Rose, and General Contractor, Anthony Wiedemuth, presented plans for a new home to be constructed on Seabrook Island Road. Discussed were the modifications made to incorporate the comments from the October 18, 2023, ARC meeting. The ARC expressed their appreciation for re-staking of the building footprint, driveway, walkways, etc. for this design plans review. Discussed were the comments from the Town of Seabrook Island’s preliminary review of the zoning requirements for the pool. The exterior color and materials palette, the use of turtle glass for the rear windows, the final landscape plan, as well as the proposed exterior lighting fixtures were also discussed.

Veronica L’Allier moved to approve the Final Design Plans for Block 16 Lot 01 - 3764 Seabrook Island Road with the following requirements:

- 1. Consider allowing for a construction tolerance to avoid exceeding the height restriction during construction;**
- 2. Evergreen plants four to five feet (4’-0” to 5’-0”) tall when planted shall be used to screen guest parking areas;**
- 3. Driveway and landscape lights shall not be located within the side and rear setbacks of the lot but will be permitted to extend into the front setback only if they do not encroach on the road right-of-way;**
- 4. Uplighting on palm trees is not permitted. Uplighting is reserved for trees that are evergreen, specimen trees and have a canopy that would shield the night sky from light intrusion;**
- 5. “Wall washing” (lighting of exterior vertical surfaces of the structure) with exterior lighting is not permitted. However, at points of egress, lighting installed under soffits may be approved at the discretion of the ARC;**
- 6. Up-lights are not allowed in the rear of beach front properties unless it takes the place of other exterior lighting fixtures such as stair or deck post lights, wall mounted fixtures, and those needed for safety purposes for ingress/egress;**
- 7. Floodlights are not permitted;**
- 8. On the elevations, the label “Parapet” should say “Actual Ridge Height”; and**
- 9. While not discussed at the meeting, windscreen caps shall be used on all chimneys. Exposed metal chimney flues are not permitted;**

The motion was seconded by Denise Hix and passed unanimously.'

The approved plans per the stipulations above are:

“Hemsath Residence” prepared and sealed by Christopher Rose, Architect

- Sheet T-100 dated 05/30/2023
- Sheets A-000 and A-001 dated 05/30/2023
- Sheets A-101 - A-103 dated 05/30/2023
- Sheet A-151 dated 05/30/2023
- Sheets A-201 and A-202 dated 05/30/2023
- Sheet A-254 dated 05/30/2023
- Sheets A-301 and A-302 dated 05/30/2023
- Sheets A-351 and A-354 dated 05/30/2023
- Sheets A-511 and A-513 dated 05/30/2023
- Sheet A-521 dated 05/30/2023
- Sheet A-601 dated 05/30/2023
- Sheets A-901 and A-902 dated 05/30/2023
- Sheets S200 and S201 dated 05/30/2023
- Sheet S210 dated 05/30/2023
- Sheet S220 dated 05/30/2023
- Sheet S230 dated 05/30/2023
- Sheet S240 dated 05/30/2023
- Sheets S250 and S251 dated 05/30/2023

and “Hemsath Residence” prepared by George Schneidmuller, Landscape Architect, and sealed by Evan Brandon, Landscape Architect

- Sheet L01 dated 05/30/2023
- Sheet L02 dated 05/30/2023
- Sheet L03 dated 05/30/2023
- Sheet L04 dated 05/30/2023
- Sheet L05 dated 05/30/2023
- Sheet L06 dated 05/30/2023

The approved materials/colors per the stipulations above are:

Bandboard: Cast in place concrete, natural color

Decking and Stairs: IPE wood decking, natural color

Driveway and Walkways: Crushed slate

Front Door: Mahogany, clear stain

Garage Door: Painted, Sherwin Williams “Intellectual Grey” SW7045

Louvers: Painted, Sherwin Williams “Intellectual Grey” SW7045

Other Door(s): Painted, Sherwin Williams “Intellectual Grey” SW7045

Railing: Glass railings

Roof: Aluminum standing seam metal “Pewter”

Siding & Battens: NuCedar® Rough Sawn tongue and groove shiplap “Basket Beige”

Secondary Siding: NuCedar® Rough Sawn tongue and groove shiplap “Quiver Tan”

Trim: NuCedar® Rough Sawn “Basket Beige”

Door Trim: Eurowall doors, bronze

Windows: Andersen, dark bronze

Colors are conditionally approved with the stipulation that final color approval is not granted until a 6' square sample (with trim colors(s) if applicable) is painted on the house and approved

by the ARC. Colors are conditionally approved with the stipulation that final color approval is not granted until a 6' square sample (with trim colors(s) if applicable) is painted on the house and approved by the ARC.

The approved exterior lighting fixtures per the stipulations above are:

Deck/Stairs: Hinkley Lighting - HIN100639, bronze
 Foundation Level Doors: Visual Comfort Modern - TLG0750322, bronze
 Front Door(s): Hinkley Lighting - HIN100639, bronze
 Garage Door: Visual Comfort Modern - TLG0750322, bronze
 Landscape Lighting - Uplights: NiteLites - Nite-004, aged brass
 Rear Door: Visual Comfort Modern - TLG0750322, bronze

No other exterior house, stair or landscape lighting is approved at this time.

1 In addition to the requirements detailed in this motion, all improvements must also comply with the applicable version of the SIPOA ARC Policies and Procedures. The omission of any stipulation or requirement of the Policies and Procedures is not a waiver of said requirement.

Per ARC Policies & Procedures, this Final Approval is valid for *one year* from the approval date. Enclosed is a **Construction Commitment Form** and **Project Initiation Checklist** to be completed, signed by you and your contractor, and returned to the ARC Office. Please provide a **flash drive with a PDF formatted set of house plans, lighting, landscaping and colors and a printed set of plans to remain at the SIPOA ARC office.** In addition, you may be required to provide a **printed set of plans for each of the following: Charleston County, the Town of Seabrook Island, and your general contractor.** Please submit a **\$12,000.00 construction deposit** (\$6,000.00 each from the owner and the contractor). Upon receipt of these items and **approval of the onsite tree protection**, the plans will be stamped as approved. Lastly, a copy of the Building Permit is to be delivered to the ARC Office prior to beginning construction.

Additionally, the Construction Phase must meet the following requirements:

- A. The site protection is to be installed per the approved plan, prior to plan approval and lot clearing. The site protection defines the limits of construction activity (per §IV.A.1.c. & IV.A.3.d);**
- B. An six-inch (6") deep base material of anti-tracking material, such as crushed aggregate, is to be placed in the approved driveway or construction access location from the street to the property line or for a distance of twenty-five feet (25'), whichever is greater. This material shall be maintained and replenished as necessary until the driveway is installed;**
- C. Sediment and/or sediment-laden water shall not be discharged outside of the approved limits of construction and/or limits of disturbance;**
- D. Any increase of stormwater runoff into neighboring property(ies) during construction will require implementation of measures to redirect water flow;**
- E. The ARC is to be notified with specific proposed pruning details prior to any pruning/trimming of trees during the site-clearing process and during construction of the house. Additional pruning of any trees, vegetation and natural buffers on the lot is not permitted until after the home is framed. Once the home is framed and/or built, pruning requests may be submitted for review;**

- F. Colors are conditionally approved with the stipulation that final color approval is not granted until a 6' square sample (with trim colors(s) if applicable) is painted on the house and approved by the ARC;
- G. The landscape plan that is approved by the ARC prior to construction is not final until the plantings are reviewed by the ARC on-site. Additional plantings may be required after field evaluation;

Enclosed are the ARC Policies & Procedures for Residential Development (via email only) and a copy of ARC Policies & Procedures §IV – “Construction Site Guidelines.” The property owner is responsible for submitting an Exterior Alterations Request form if, at any step of the process, his/her plan deviates in any way from the approved plans. If it is found that deviations have been made for which the ARC has not issued written approval, the property owner shall be subject to the sanctions set forth in ARC Policies & Procedures Appendix B.

Documents that must be provided to the ARC office during the construction phase are: **an as-built foundation survey, an as-built final survey and a copy of the Certificate of Occupancy.** Finally, all construction must be completed within fifteen months of the date the Building Permit is issued by Charleston County.

Please contact me if you need any additional information.

Very truly yours,



Katrina Burrell
Director of Administration and Architectural Review

cc. Christopher Rose
Anthony Wiedemuth



STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

BP1046438

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS that **WE, BRIAN DAVID CONNELLY, TRUSTEE OR THE SUCCESSOR TRUSTEE OF THE BRIAN DAVID COLLELLY, TRUST DATED APRIL 23, 2012 and SABINA JULIANE PREUSS, TRUSTEE OR SUCCESSOR TRUSTEE OF THE SABINA JULIANE PREUSS TRUST DATED APRIL 23, 2012** (hereinafter referred to as "Grantors"), in the State aforesaid, for and in consideration of the sum of ONE MILLION ONE HUNDRED THOUSAND AND NO/100 (\$1,100,000.00) DOLLARS, to us in hand paid at and before the sealing of these presents by **DIRK HEMSATH AND EMILY HEMSATH** (hereinafter referred to as "Grantees"), in the State aforesaid, the receipt whereof is hereby acknowledged, and subject to the easement, restrictions, reservations and conditions set forth on the attached Exhibit "A" ("Exceptions"), have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto **DIRK HEMSATH AND EMILY HEMSATH**, as joint tenants with right of survival and not as tenants in common, the following real property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
BY EXPRESS REFERENCE.

BEING the same property conveyed to Grantors herein by Deed of Brian D. Connelly and Sabina J. Preuss, dated January 28, 2015 in the ROD Office for Charleston County in Book 0459, Page 282.

The property described herein may be subject to taxation during the next tax year at a value that reflects its fair market value.

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 said Premises before mentioned, subject to the Exceptions, unto the said Grantees, as joint tenants with right of survivorship and not as tenants in common, their Heirs and Assigns forever.

GRANTEES' ADDRESS: 5043 DONOVAN STREET
FRANKLIN, TN 37064

SUBJECT to the Exceptions, we do hereby bind ourselves, our Successors and Assigns, to warrant and forever defend, all and singular, the said Premises unto the said Grantees, as joint tenants with right of survivorship and not as tenants in common, their Heirs and Assigns forever, against ourselves and our Successors and Assigns, and against every person whomsoever lawfully claiming, or to claim the same or any part hereof.

WITNESS my Hand and Seal this 22 day of October, in the year of our Lord, two thousand twenty-one and in the two hundred and forty-sixth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
Witness # 1

[Signature]
Witness #2

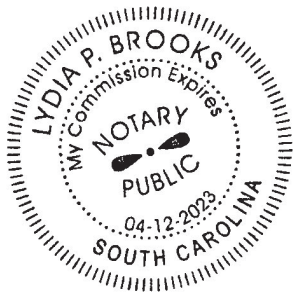
Brian David Connelly, Trustee
[Signature] (SEAL)
BRIAN DAVID CONNELLY, TRUSTEE
OR THE SUCCESSOR TRUSTEE OF
THE BRIAN DAVID CONNELLY
TRUST DATED APRIL 23, 2012, by
Leonard Krawcheck, his Agent

Sabina Juliane Preuss, Trustee
[Signature] (SEAL)
SABINA JULIANE PREUSS, TRUSTEE
OR THE SUCCESSOR TRUSTEE OF
THE SABINA JULIANE PREUSS
TRUST DATED APRIL 23, 2012, by
Leonard Krawcheck, her Agent

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

I, the undersigned Notary Public, do certify that the within named **Leonard Krawcheck**, as Agent for **Brian D. Connelly, Trustee or Successor Trustee of the Brian D. Connelly Trust dated April 23, 2012** and as Agent for **Sabina Juliane Preuss, Trustee or Successor Trustee of the Sabina Juliane Preuss Trust Dated April 23, 2012** personally appeared before me, and having satisfactorily proven to be the persons whose names are subscribed above, have acknowledged the due execution of the within Deed.

Witness my official seal this 22 day of October, 2021.



[Signature] (SEAL)
NOTARY PUBLIC FOR SC
MY COMMISSION EXPIRES: 4/12/23

EXHIBIT "A"

ALL that certain lot, piece, parcel, or tract of land, situate, lying and being on Seabrook Island, Charleston County, South Carolina, and being shown and designated at Lot 1, Block 16, as shown on a plat by E.M. Seabrook, Jr. CE & LS, dated June 10, 1974 recorded July 22, 1974 at Plot Book AD, Page 78, of the Charleston County ROD Office.

Said lot having the size, shape, dimensions, butting and bounding more or less as are shown on said plat, which is specifically incorporated herein by reference.

SUBJECT to any and all restrictions, covenants, conditions, easements, rights of way and all other matters affecting subject property of record in the Office of the ROD for Charleston County, South Carolina.

TMS#: 147-13-00-001

STATE OF SOUTH CAROLINA }
COUNTY OF CHARLESTON } AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

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.
Sabina Juliane Preuss, Trustee or the Successor Trustee of the Sabina Juliane Preuss Trust dated April 23, 2012
2. The property was transferred by Brian David Connelly, Trustee or the Successor Trustee of the Brian David Connelly Trust dated April 23, 2012
to Dirk Hemsath and Emily Hemsath on October 25, 2021.

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 distribution to a trust beneficiary.
- (C) exempt from the deed recording fee because (See Information section of affidavit): _____ (Explanation required)
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?
Check Yes or No

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 \$1,100,000.00
- (B) The fee is computed on the fair market value of the realty which is _____
- (C) The fee is computed on the fair market value of the realty as established for property tax purposes which is _____

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: \$1,100,000.00
- (B) Place the amount listed in item 5 above here: \$0.00
(If no amount is listed, place zero here.)
- (C) Subtract Line 6(b) from Line 6(a) and place the result here: \$1,100,000.00

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is:
\$4,070.00

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

9. I understand that a person required to furnish this affidavit who wilfully 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.


Responsible Person Connected with the Transaction

Eric J. Bradshaw - Closing Attorney
Print or Type Name Here


Sworn this 25th day of OCTOBER 2021
Notary Public for SOUTH CAROLINA
My Commission Expires: May 19, 2025























PUBLIC HEARING NOTICE

TO: Neighboring Property Owners
FROM: Tyler Newman, Zoning Administrator
SUBJECT: Variance Request for 3764 Seabrook Island Road(Variance #183)
DATE: September 18, 2023

Dear Property Owner:

The purpose of this letter is to notify you that the owners of **3764 SEABROOK ISLAND ROAD** have requested a **VARIANCE** from the zoning requirements of the Town's Development Standards Ordinance (DSO). The purpose of the variance request is to:

- **1) A VARIANCE FROM DSO SECTION 10.4.B.3, OCEANFRONT & NORTH EDISTO RIVER SETBACKS, TO ALLOW 626 SQUARE FEET OF PERMEABLE WALKWAY TO ENCROACH 16'-8" INTO THE REQUIRED 30' SETBACK, 2) A VARIANCE FROM DSO SECTION 5.3.B, RESIDENTIAL SETBACKS, TO ALLOW 37 SQUARE FEET OF PLANTATION MIX WALKWAY TO ENCROACH 10'-3" INTO THE REQUIRED 30' FRONT YARD SETBACK, AND 3) A VARIANCE FROM DSO SECTION 5.3.B, RESIDENTIAL SETBACKS, TO ALLOW 121 SQUARE FEET OF PERMEABLE HERRINGBONE PAVER WALKWAY TO ENCROACH 12'-6" INTO THE REQUIRED 30' FRONT YARD SETBACK**

A copy of the variance application is enclosed for your information.

The Seabrook Island Board of Zoning Appeals will hold a **PUBLIC HEARING** on the variance request at the date and time listed below. This notification is being provided to you pursuant to Section § 20.2.B.2 of the DSO.

PUBLIC HEARING DATE: Wednesday October 25, 2023
PUBLIC HEARING TIME: 1:00 PM
PUBLIC HEARING LOCATION: TOWN HALL (2001 SEABROOK ISLAND ROAD)

For information on how to submit a public comment during (or prior to) the Public Hearing, please refer to the attached Public Hearing Notice.

The Public Hearing will be live streamed on the town's YouTube channel beginning at 1:00 PM at the following address: <https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg> .

If you have any questions about the contents of this letter, please feel free to contact me by phone at (843) 768-9121 or by email at tnewman@townofseabrookisland.org.

Sincerely,

Tyler Newman
Zoning Administrator

TOWN OF SEABROOK ISLAND
2001 SEABROOK ISLAND RD
JOHNS ISLAND SC 29455

RECEIVED
SEP 29 2023
BY: _____

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

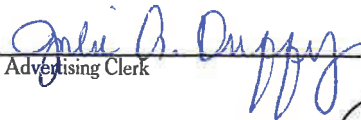
County of Charleston

Personally appeared before me the undersigned advertising _____ of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of appeared in the issues of said newspaper Post and Courier on the following day(s):
09/22/23

SEP 22 2023

Subscribed and sworn to before me this:

22nd day of September, 2023


Advertising Clerk

NOTARY PUBLIC, SC
My commission expires _____

SYNDEE DUTTON
Notary Public
State of South Carolina
My Commission Expires Aug 25, 2027

TOWN OF SEABROOK ISLAND, SC NOTICE OF PUBLIC HEARING

The Town of Seabrook Island Board of Zoning Appeals will conduct a Public Hearing at 1:00 p.m. on October 25, 2023, at Seabrook Island Town Hall (2001 Seabrook Island Road). During the meeting, the Board will consider the following request for variance from the _____ Development Standards Ordinance for the Town of Seabrook Island:

APPLICATION # 183
APPLICANT: Garris KIMMSWORTH (Applicant)
Emily Hemsath (Property Owner)
ADDRESS: 3764 Seabrook Island Road
TAX MAP NUMBER: 149-13-00-001

ZONING DISTRICT: R-SF2 (Medium Lot Single-Family)
CODE SECTION: §10.4.B.3 (Oceanfront & North Edisto River Setbacks), § 5.3.B (Residential Setbacks)

VARIANCE REQUEST: 1) A variance from DSO § 10.4.B.3, Oceanfront & North Edisto River Setbacks, to allow 626 square feet of permeable walkway to encroach 16'-8" into the required 30' setback, 2) A variance from DSO § 5.3.B, residential setbacks, to allow 37 square feet of plantation mix walkway to encroach 10'-3" into the required 30' front yard setback, and 3) a variance from DSO § 5.3.B, residential setbacks, to allow 121 square feet of permeable herringbone paver walkway to encroach 12'-6" into the required 30' front yard setback.

The meeting will be open to the public. Documents relating to the variance request may be viewed at Town Hall during regular business hours or on the town's website at www.townofseabrookisland.org.

Submit a Written Comment: Individuals who wish to submit a comment in advance of the Public Hearing may do so in writing by 12:00 pm on the day of the meeting using one of the following options:

- **ONLINE:** <https://www.townofseabrookisland.org>
 - **EMAIL:** Inewman@townofseabrookisland.org
 - **MAIL:** Town of Seabrook Island, 2001 Seabrook Island Road, Seabrook Island, SC 29455
- Watch Live Stream Video:** The meeting will be live streamed on the town's

YouTube channel beginning at 1:00 p.m. at <https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg>.
More information: For more information, please call (843) 768-9121.
AD# 2053543

SEAS PHYLLIS KAUPP TRUST
2937 ATRIUM VILLA
JOHNS ISLAND, SC 29455

2938 ATRIUM VILLA LLC
40653 SHADY CREEK CT
LEESBURG, VA 20175

HANKINS PAUL HANKINS DONNA
8384 LONGNEEDLE DRIVE
MONTGOMERY, AL 36117

BENNETT RUSSELL G
6 CONCOURSE PKWY STE 1900
ATLANTA, GA 30328

LONG GLENN AND KRISTI JOINT TRUST
118 FARM TERRACE CT
EASLEY, SC 29642

KENNEDY STEPHANIE COLAPINTO JOHN
725 OAKWOOD DR
RED LION, PA 17356

CBK ENTERPRISES LLC
799 NAVIGATORS RUN
MOUNT PLEASANT, SC 29464

DEVEAUX JAMES M
1491 S EDGEWATER DR
CHARLESTON, SC 29407-7618

OSZUSTOWICZ JOHN C OSZUSTOWICZ
COLLEEN C
905 WEST SOUTH STREET
CARLISLE, PA 17013

ALDRIDGE DIANE J REVOCABLE TRUST
3748 SEABROOK ISLAND RD
JOHNS ISLAND, SC 29455

MACIK SHERRI
3080 BRIGHTINGTON DR
DUBLIN, OH 43017

WINSTON LLOYD H WINSTON SHERI L
1240 BRIDGEWATER WALK
SNELLVILLE, GA 30078

ASTRAUSKAS RIMANTAS T
407 ASCOT LN
OAK BROOK, IL 60523

SCHUSTER STUART SCHUSTER JUNE
2928 ATRIUM VILLA DR
JOHNS ISLAND, SC 29455

HEMSATH DIRK HEMSATH EMILY
5043 DONOVAN ST
FRANKLIN, TN 37064

BELISLE MARCELLE ANNETTE TRUST
6028 TROUPE MANOR
AIKEN, SC 29803

2908 ATRIUM VILLAS LLC
38 CEDARCREST CT
DOYLESTOWN, PA 18901

SITLINGER LEROY EDWARD SITLINGER
DEBORAH DEE
2611 EVERGREEN ST
LOUISVILLE, KY 40223

HAMILTON RYAN ENG BRIAN
2925 RIVER VISTA WAY
MOUNT PLEASANT, SC 29466

MORROW SUE STOWERS ETAL
900 COTTON HOUSE RD
CHARLESTON, SC 29412

THE CLUB AT SEABROOK ISLAND
1002 LANDFALL WAY
JOHNS ISLAND, SC 29455

SEABROOK ISLAND PROPERTY OWNERS
ASSOCIATION
1202 LANDFALL WAY
JOHNS ISLAND, SC 29455-6335

SBK LLC
204 DEVON RD
CHARLOTTESVILLE, VA 22903

SPURLOCK JOHN R SPURLOCK CHRISTINE M
126 BONNIE LEE DR
NORTHFIELD, NJ 08225

BUESCHER ILA A TRUST
7524 DEER VALLEY CROSSING ROAD
POWELL, OH 43065

THE CLUB AT SEABROOK ISLAND
1002 LANDFALL WAY
JOHNS ISLAND, SC 29455

PROVIDENCE REAL ESTATE GROUP LLC
2917 ATRIUM VILLA DR
JOHNS ISLAND, SC 29455

DLSEABROOK LLC
119 BELL TOWER CT
CHAGRIN FALLS, OH 44022

SEABROOK ISLAND PROPERTY OWNERS
ASSOCIATION
1202 LANDFALL WAY
JOHNS ISLAND, SC 29455-6335

ROSENBERY LOIS M TRUST
44 PINE VALLEY RD
HOLLAND, OH 43528

LAMBACHER BARBARA S
10675 KELLER PINES CT
GALENA, OH 43021

CONVERSION CONVERSION
101 MEETING ST
CHARLESTON, SC 29401

HOWELL MARILYN A TRUST
26880 N COUNTRYSIDE LAKE DR
MUNDELEIN, IL 60060

BURKE HENRY L BURKE JENNIFER W
4679 SNOW DRIVE
HARRISBURG, NC 28075

VASUDEVA BHAVNA MAKER ETAL
4 ENCLAVE CT
COLUMBIA, SC 29223

NAPLES T GREGORY AND KATHLEEN A TRUST
2064 ABNER LN
HUDSON, OH 44236

OWENS MARIA M OWENS BRYANT H
2217 RED FOX TRAIL
CHARLOTTE, NC 28211

RIPLEY R GRAYDON III LIVING TRUST RIPLEY
ANGELA L KOKOSKO LIVING TRUST
509 HARLEQUIN LN
SEVERNA PARK, MD 21146

DOOLITTLE THOMAS FRANCIS
1738 O STREET NW
WASHINGTON, DC 20009

NUGENT THOMAS E NUGENT DIANE V
57 TRADD ST
CHARLESTON, SC 29401

KIEFER ROGER KIEFER PAT
1809 NORTHSHORE HILLS BLVD
KNOXVILLE, TN 37922-6347

JVA PROPERTIES LLC
211 RAINBOW DR #11105
LIVINGSTON, TX 77399

2915 ATRIUM VILLA LLC
2180 MCMILLAN AVE #71672
NORTH CHARLESTON, SC 29405

HELMS ASHLEY SHOWE TRUST
3834 FIFLE ST
MOUNT PLEASANT, SC 29466

BROWN JAMES A LEE PENNY
67 JOGGING ST
MOUNT PLEASANT, SC 29464

OWENS BRENT COLE OWENS THERESA ANN
3760 SEABROOK ISLAND RD
JOHNS ISLAND, SC 29455

DUCE GRETCHEN T
2930 ATRIUM VILLA DR
SEABROOK ISLAND, SC 29455

WOODY ELIZABETH LYNN TRUST
2933 ATRIUM VILLA
SEABROOK ISLAND, SC 29455

SAVINELL ROBERT F SAVINELL COLETTA A
34504 BRAMBLE LN
SOLON, OH 44139

SCHULZ MARIE FAMILY TRUST
2727 PROVIDENCE PINE LN
CHARLOTTE, NC 28270

2929 ATRIUM VILLA LLC
2929 ATRIUM VILLA
SEABROOK ISLAND, SC 29455

CHALOS MICHAEL G CHALOS MAUREEN A
102 CENTRE ISLAND RD
OYSTER BAY, NY 11771-4905

MAZINDA INVESTMENT PROP 01-020 LLC
6487
COLUMBIA, SC 29260

BOUCHARD MARLEAH J MACHOSE MICHAEL P
988 COVE POINT LN
TEGA CAY, SC 29708

MURPHY MARY GRACE MURPHY PATRICK
ROBERT
2063 BELMONT CIR
FRANKLIN, TN 37069

MOORE PROPERTY ASSOCIATES LLC
7 SUMMITT PLACE
COLUMBIA, SC 29204

MCGUIRE MICHELE MARTINO PAIGE
1140 SWISHER ST
IOWA CITY, IA 52245

SB CONDO LLC
1917 LONE OAK PLACE
MOUNT PLEASANT, SC 29466

PUBLIC HEARING

Rezoning Request From: _____ To: _____

Variance Request DSO Section: 10.4.B.3 + 5.3.B

Purpose: 1) To allow 626 square feet of permeable walkway to encroach 16'-8" into 30' front yard setback.
2) To allow 37 SF of plantation mix walkway to encroach 10'-3" into 30' front yard setback.
3) To allow 121 SF of permeable herringbone paver walkway to encroach 12'-6" into 30' front yard setback.

Hearing Date: Wednesday October 25, 2023 **Time:** 1:00 ^{AM} **PM**

Location: Town Hall - 2001 Seabrook Island Road



More Information
townofseabrookisland.org
(843) 768-9121

Case #

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