

# TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

August 15, 2019 – 2:30 PM

Town Hall, Council Chambers

2001 Seabrook Island Road



## AGENDA

### CALL TO ORDER

### APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: July 17, 2019 *[Pages 2–8]*

### PUBLIC HEARING ITEMS

1. Appeal #39 *[Pages 9–406]*

**APPELLANT:** Cathy Patterson, 4064 Bridle Trail Drive, Seabrook Island, SC

**ADDRESSES:** 2211 Seabrook Island Road (Lot A-06)

2279 Seabrook Island Road (Lot B-01)

3049 Seabrook Village Drive (Lot B-23)

3061 Seabrook Village Drive (Lot B-26)

**TAX MAP NUMBERS:** 147-00-00-042 (Lot A-06), 147-00-00-059 (Lot B-01),

147-00-00-093 (Lot B-23) & 147-00-00-096 (Lot B-26)

**ZONING DISTRICT:** PUD / Multi-Family Residential

**PURPOSE:** An appeal of the Zoning Administrator's determination of the setback requirements for lots A-06, B-01, B-23 and B-26 in the Village at Seabrook Subdivision

### ITEMS FOR INFORMATION / DISCUSSION

*There are no Items for Information / Discussion*

### ADJOURN

# TOWN OF SEABROOK ISLAND

## Board of Zoning Appeals Meeting

July 17, 2019 – 2:30 PM

Town Hall, Council Chambers  
2001 Seabrook Island Road



## MINUTES

Present: Walter Sewell (Chair), Ava Kleinman, Bob Leggett, John Fox, Joe Cronin (Zoning Administrator)

Absent: Dick Finkelstein

Guests: Catherine Johnson (3606 Beachcomber Run), Malcolm Brennan (M. Brennan Architects), Katrina Burrell (SIPOA), Bob Nitkewicz (3049 Seabrook Village Drive), Lawrence and Rebecca LaRoche (3061 Seabrook Village Drive)

Chairman Sewell called the meeting of the Board of Zoning Appeals to order at 2:37 PM. Zoning Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting was properly posted. Chairman Sewell introduced himself and members of the Board to those in the audience and confirmed that a quorum was present.

### APPROVAL OF MINUTES

1. **Board of Zoning Appeals Meeting: July 2, 2019:** Mr. Leggett made a motion to approve the minutes from the July 2, 2019 meeting, as submitted. Mr. Fox seconded the motion. The motion was approved by a vote of 4-0.

### PUBLIC HEARING ITEMS

1. **Variance #162: 3606 Beachcomber Run (Tax Map # 147-14-00-067):** Chairman Sewell introduced the pending variance request, which was submitted by Catherine Johnson, the owner of 3606 Beachcomber Run, as well as her architect, Malcolm Brennan of M. Brennan Architects. Chairman Sewell disclosed for the record that the Board had conducted a site visit to 3606 Beachcomber Run on July 2, 2019, at which time the Board viewed the subject property, as well as neighboring properties. He added that no testimony was received during the site visit. He asked if any Board members had subsequently visited the property, to which none responded in the affirmative.

Chairman Sewell then called on Zoning Administrator Cronin to provide a brief overview of Variance Application #162. Chairman Sewell administered an oath to Zoning Administrator Cronin.

Zoning Administrator Cronin stated that the applicants were seeking approval to undertake a major renovation to an existing residence located at 3606 Beachcomber Run. Pursuant to §3.30.40 of the town’s Development Standards Ordinance (DSO): “If a nonconforming structure is modified to... (b) increase its current appraised value of the existing structure by more than fifty percent (50%) as determined by the Town, the entire structure shall become subject to this ordinance and shall be brought up to the standards and shall comply with the requirements contained therein.” Zoning Administrator Cronin noted that the value of the proposed work would exceed the 50% threshold and, therefore, the code requires that the existing encroachments into the side and rear setback areas – nearly one third of the home’s existing square footage – be removed. He stated that the applicants are not seeking to expand or modify the footprint of the structure in any way, other than removing an existing HVAC stand and constructing a new stand in a conforming location. Aside from the existing encroachments into the side and rear setback area, he stated that the residence meets all other requirements of the town’s DSO.

In order to allow the existing non-conforming residence to be renovated with a total renovation value in excess of 50% of the existing structure’s fair market value, the applicants sought approval from the Board of Zoning Appeals to grant relief from the following requirement, as provided by the town’s DSO:

Type	DSO Reference / Requirement	Variance Requested
<b>Modification to Non-Conforming Structure</b>	<b>§3.30.40:</b> If a nonconforming structure is modified to... (b) increase its current appraised value of the existing structure by more than fifty percent (50%) as determined by the Town, the entire structure shall become subject to this ordinance and shall be brought up to the standards and shall comply with the requirements contained therein.	<b>To waive the requirement of §3.30.40</b>

As part of their variance request, the applicants stated that strict application of §3.30.40 would result in an unnecessary hardship. The applicants further argued:

- (a) The existing home pre-dates the town’s incorporation and was constructed to the previous zoning standards of Charleston County;
- (b) The existing areas of encroachment are adjacent to permanent open space (golf course);
- (c) Compliance with the ordinance would require demolition and removal of significant portions of the existing home to comply with current setback requirements;
- (d) The proposed improvements will actually decrease the degree of non-conformity, as a non-conforming HVAC stand and equipment will be moved to a conforming location; and

- (e) The modifications will not be of substantial detriment to neighboring properties, the public good or the character of the district, because adjacent properties have similar orientation and are also adjacent to open space.

Prior to opening the public hearing, members of the Board asked questions of Zoning Administrator Cronin.

Mr. Fox asked whether the only issue at hand is whether the town's current setback requirements should be applied to this property as a result of the renovation exceeding 50% of the fair market value. Zoning Administrator Cronin responded in the affirmative.

Hearing no further questions, Chairman Sewell then called on the applicants to provide additional information related to their variance request. Chairman Sewell administered an oath to each individual prior to receiving his or her testimony.

- Malcolm Brennan: Mr. Malcolm Brennan of M. Brennan Architects spoke on behalf of the property owner. Mr. Brennan outlined several goals of the renovation project, including: converting a 1970's weekend home into a primary residence; bringing all of the existing systems (electrical, mechanical, plumbing, etc.) up to current code; and improving the value, resiliency and appearance of the home. He stated that these improvements will benefit not only the homeowner, but also the neighborhood and community at large. He stated that compliance with §3.30.40 of the DSO would result in a substantial hardship. He noted that the existing encroachment was primarily along the shared property line with the golf course and that, other than relocating the existing HVAC stand to a conforming location, they were not seeking to change or expand the building's existing footprint. He stated the existing home pre-dates the DSO, and that requiring full compliance with the current provisions of the DSO would render this home unsuitable as a primary residence since demolition or relocation of the structure would not be feasible. He added that if the structure was relocated on the lot, it would also be out of character with neighboring homes. Regarding the 50% threshold, he stated that the cost of replacing the existing windows with impact resistant windows alone would be nearly 50% of the existing home's value. He encouraged the Board to approve the variance and allow the owner to improve the safety, quality, value and aesthetic of the home.
- Catherine Johnson: Ms. Catherine Johnson stated that this process was a great way for her to be introduced to her new neighbors. She stated that she sent a letter to all of the neighboring property owners with information about her variance request and heard back from four of them, all of whom were in support of the request. She noted that the Seabrook Island Club also supported her request. She added that she currently lives in Minnesota, but that the residence at 3606 Beachcomber Run will soon become her permanent home.

Chairman Sewell asked if members of the Board had any other questions for the applicants. There were no additional questions.

Chairman Sewell opened the public hearing to individuals who wished to speak in favor of the variance request. No one spoke in favor of the request.

Chairman Sewell then opened the public hearing to individuals who wished to speak in opposition to the variance request. No one spoke in opposition to the request.

Zoning Administrator Cronin noted that one written comment was received in advance of the meeting from the Seabrook Island Club, which owns the golf course property behind 3606 Beachcomber Run. He stated that the letter was in support of the variance request.

There being no further comments, Chairman Sewell closed the public hearing.

Chairman Sewell asked the applicants if they wished to make any additional comments. The applicants did not have any additional comments.

Chairman Sewell then called on Zoning Administrator Cronin to review the four criteria under state law which must be used by the Board when hearing and deciding variance requests.

Zoning Administrator Cronin stated that the Board 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:

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- 2) These conditions do not generally apply to other property in the vicinity;
- 3) 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
- 4) 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.

Chairman Sewell noted that, in granting a variance, the Board has the authority 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. Referencing the staff write up contained within the agenda packet, Chairman Sewell stated that the Zoning Administrator had recommended attaching two conditions, should the Board vote to approve the variance request.

Chairman Sewell asked if members of the Board had any additional questions or comments prior to voting.

Ms. Kleinman stated that she appreciated the applicants addressing the four criteria necessary for a variance. She noted that while neighboring property owners may have expressed support for the request, the Board could only consider correspondence and testimony which was entered into evidence; although she also noted that no comments were received in opposition to the request. She recommended that if the variance is approved, the Board should include specific findings as to why a variance would be appropriate in this instance but may not be appropriate in all situations.

Mr. Fox noted that this request was unique in that the applicants were not proposing to expand the footprint and, in fact, would be making the existing home more conforming by relocating the non-conforming HVAC stand.

There being no further discussion, Chairman Sewell called for a motion.

Following a thorough review of the application, including all supporting materials received in advance of the meeting, and all testimony received during the public hearing, Ms. Kleinman made the following motion, which was seconded by Mr. Fox:

- 1) **The Board finds that strict application of the Town's DSO would result in an unnecessary hardship;**
- 2) **For the reasons referenced in the applicants' request for variance, the Board finds that the property meets the criteria for approval of a variance, as outlined in §6-29-800(A)(2) of the SC Code of Laws;**
- 3) **The Board finds that relief is warranted in this limited situation as a result of the following factors:**
  - a. **The proposed renovation will not result in the expansion or re-establishment of any existing non-conformity;**
  - b. **The existing non-conformity does not abut a sensitive environmental area, such as a marsh or oceanfront critical line; and**
  - c. **There was no opposition from neighboring property owners or the public at-large; therefore**
- 4) **The requested variance is hereby approved, as follows: The requirements of §3.30.40 of the DSO are hereby waived for the proposed renovation to 3606 Beachcomber Run.**

To protect established property values in the surrounding area, and to promote the public health, safety, and general welfare, the following conditions were attached to motion

granting the variance, as allowed by §6-29-800(A)(2)(d)(i) of the South Carolina Code of Laws:

- 1) **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 July 17, 2019. 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.**
- 2) **Consistent with the state’s Vested Rights Act, the variance shall expire on July 17, 2021 (two years from the date of approval) if no zoning permit has been issued by the town on or before that date.**

There being no further discussion on the motion, Chairman Sewell called for a vote. Chairman Sewell reminded members that a “yes” vote was in favor of approving the variance with conditions, while a “no” vote was opposed to approving the variance with the conditions.

**IN FAVOR (YES)**

Chairman Sewell  
Ms. Kleinman  
Mr. Leggett  
Mr. Fox

**OPPOSED (NO)**

The motion to approve the variance with the conditions was **APPROVED** by a vote of 4-0.

**ITEMS FOR INFORMATION / DISCUSSION**

*There were no Items for Information / Discussion*

**SITE VISITS**

Zoning Administrator Cronin provided a brief overview of the following appeal and distributed maps related to the subject properties to members of the Board. He also read a copy of a draft letter which will be sent to property owners within the Village at Seabrook:

- **Appeal #39**: Appeal of the Zoning Administrator’s determination of the setback requirements for Lots A-06, B-01, B-23 and B-26 in the Village at Seabrook Subdivision.

Prior to departing for the site visits, Zoning Administrator Cronin stated that public notice of the site visits had been provided, pursuant to the Freedom of Information Act. He stated that the agenda for today’s meeting contained the following provision: *“These site visits will take place behind the Seabrook Island Property Owners Association security gate. Any individual wishing to observe the site visit who does not have access behind the security gate should contact (843) 768-5321 for assistance prior to the meeting.”* He added that no individuals had contacted the town to request access behind the security gate in advance of the meeting. Zoning Administrator

Cronin noted that the purpose of the site visit was for observational purposes only, and no testimony would be heard pertaining to the variance application.

The meeting was recessed at approximately 3:36 PM. Board members then traveled individually to Lots A-06, B-01, B-23 and B-26 in the Village at Seabrook. Staff members at Town Hall were notified that the Board was traveling to the sites, and anyone coming to Town Hall to observe the site visits should be directed to those locations.

1. **Village at Seabrook Lot A-06 (Tax Map # 147-00-00-042)**: The Board reconvened at approximately 3:46 PM at Lot A-06. Board members and the Zoning Administrator observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions; however, no testimony was received. No other individuals were present to observe the site visit. The meeting was recessed at 3:53 PM as Board members traveled to Lot B-01.
2. **Village at Seabrook Lot B-01 (Tax Map # 147-00-00-059)**: The Board reconvened at approximately 3:55 PM at Lot B-01. Board members and the Zoning Administrator observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions; however, no testimony was received. No other individuals were present to observe the site visit. The meeting was recessed at 4:00 PM as Board members traveled to Lot B-23.
3. **Village at Seabrook Lot B-23 (Tax Map # 147-00-00-093)**: The Board reconvened at approximately 4:01 PM at Lot B-23. Board members and the Zoning Administrator observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions; however, no testimony was received. Bob Nitkewicz of NV Realty was present on behalf of the property owner. The meeting was recessed at 4:07 PM as Board members traveled to Lot B-26.
4. **Village at Seabrook Lot B-26 (Tax Map # 147-00-00-096)**: The Board reconvened at approximately 4:08 PM at Lot B-26. Board members and the Zoning Administrator observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions; however, no testimony was received. Property owners Lawrence and Rebecca LaRoche were present to observe the site visit.

There being no further business, the meeting was adjourned at 4:13 PM.

Minutes Approved:

  
Joseph M. Cronin  
Zoning Administrator





# MEMORANDUM

**TO:** Town of Seabrook Island Board of Zoning Appeals Members  
**FROM:** Joseph M. Cronin, Town Administrator/Zoning Administrator  
**SUBJECT:** Appeal #39 – Appeal of Setback Requirements in the Village at Seabrook  
**MEETING DATE:** August 15, 2019

Appeal #39	
<b>Appellant:</b>	Cathy Patterson, 4064 Bridle Trail Drive, Seabrook Island, SC 29455
<b>Location:</b>	2211 Seabrook Island Road (Lot A-06) 2279 Seabrook Island Road (Lot B-01) 3049 Seabrook Village Drive (Lot B-23) 3061 Seabrook Village Drive (Lot B-26)
<b>Tax Map Number:</b>	147-00-00-042 (Lot A-06), 147-00-00-059 (Lot B-01), 147-00-00-093 (Lot B-23) & 147-00-00-096 (Lot B-26)
<b>Zoning District:</b>	PUD/Multi-Family Residential
<b>Purpose:</b>	An appeal of the Zoning Administrator’s determination of the setback requirements for lots A-06, B-01, B-23 and B-26 in the Village at Seabrook Subdivision

## Overview

The Town has received an appeal of an administrative determination made by the Zoning Administrator regarding the minimum setback requirements within the Village at Seabrook subdivision. The appeal has been submitted by Cathy Patterson of 4064 Bridle Trail Drive (Lot C-17), a resident and property owner in the Village at Seabrook.

On February 11, 2019, the Zoning Administrator received an email from Bob Nitkewicz of NV Realty. Mr. Nitkewicz is a real estate agent who represents the owners of Lot B-23. Mr. Nitkewicz requested clarification of the setback requirements for Lot B-23, which is a pie-shaped lot in the Village at Seabrook. Mr. Nitkewicz noted that the setback line illustrated on the plat from the shared property line with Lot B-24 was significantly different than what required along the shared property line with Lot B-22. While the Zoning Administrator was researching this question, a second request was received by email from architect Kevan Hoertdoerfer on April 8, 2019. Mr. Hoertdoerfer requested similar information for Lots A-06 and B-01, and questioned specifically why a corner lot would be required to have two front yards, one side yard and one rear yard, as was shown on the plat. The Zoning Administrator received a third request (by phone) from architect Kenneth C. Miller. Mr. Miller was working with the owners of Lot B-26 which, similar to Lot B-23, was a pie-shaped lot.

Over a period of nearly 4 months, the Zoning Administrator conducted a thorough review and analysis of dozens of relevant documents. Following a consultation with the Town Attorney, the Zoning Administrator prepared Letters of Determination regarding the setback requirements for all four lots. These letters were sent to the respective parties on June 3-4, 2019. Copies of these letters were also sent to Ms. Patterson, in her role as president of the Village at Seabrook regime, as well as to representatives from the Seabrook Island Property Owners Association (SIPOA).

Copies of the following letters are included in the agenda packet for the Board's review:

- **Letter of Determination – Village at Seabrook Lot B-23 Setback Requirements**
  - Bob Nitkewicz, NV Realty, 1900 Seabrook Island Road, Seabrook Island, SC 29455
  - Dated June 3, 2019
  
- **Letter of Determination – Village at Seabrook Lot B-26 Setback Requirements**
  - K.C. Miller, Kenneth Miller Architecture, 1912 Planters Drive, Charleston, SC 29414
  - Dated June 3, 2019
  
- **Letter of Determination – Village at Seabrook Lots A-06 & B-01 Setback Requirements**
  - Kevan Hoertdoerfer, Kevan Hoertdoerfer Architects, 538 King St, Charleston, SC 29403
  - Dated June 4, 2019

In each of the above referenced letters, the Zoning Administrator noted that the setback requirements shown on the recorded subdivision plat for the Village at Seabrook, which was approved by the town's Planning Commission and recorded in the Charleston County Register of Deeds Office (Plat Book EF, Pages 245-246), were inconsistent with the setback requirements referenced in the Planned Unit Development Ordinance for the Village at Seabrook (Ord. 2000-08) and the town's Development Standards Ordinance (DSO). Following a lengthy review, the Zoning Administrator determined that the following setback requirements would apply in the Village at Seabrook:

- Front Yard Setbacks: The Zoning Administrator determined that the minimum front yard setback requirement shall be 30 feet from the street right-of-way for all lots within the Village at Seabrook; provided, however:
  - For corner lots wherein one street frontage is a cul-de-sac street, the minimum setback shall be 30 feet from the cul-de-sac street and 20 feet from the intersecting street; and
  - Uncovered front steps may extend into the front setback but may not be less than twenty 20' from the property's front lot line.
  
- Side Yard Setbacks: The Zoning Administrator determined that there is no minimum side yard setback requirement for lots within the Village at Seabrook; provided, however:

- In instances where a side yard is required, the total of both side yard setbacks shall be at least 15 feet, and no detached structure may be situated closer than 15 feet to another structure; and
- For the sake of consistency among neighboring lot owners, a minimum side yard setback of 7.5 feet is recommended, though not required by the PUD or DSO.
- Rear Yard Setbacks: The Zoning Administrator determined that the minimum rear yard setback requirement shall be 25 feet from the rear property line; provided, however:
  - For lots abutting an open space area (lake, lagoon, golf course, etc.), an open deck may encroach no more than 10 feet into the required rear yard setback;
  - For pie-shaped lots that do not have a defined rear property line from which to apply a rear yard setback (Lots B-22, B-23, B-26 and C-24), the Zoning Administrator has interpreted that the rear yard setback shall be measured from the point where the two side property lines intersect at the rear of the property. This will ensure that the rear setback line is roughly parallel to the (curvilinear) front setback line, consistent with non-pie-shaped lots; and
  - Corner lots are defined by ordinance to have two front yards and two side yards. Therefore, a rear yard setback shall not be required for any corner lot within the Village at Seabrook. The requirements for front and side yard setbacks were further outlined elsewhere in the Letters of Determination.

On July 1, 2019, Ms. Patterson (as an individual and not in her role as President of the Village at Seabrook Regime) submitted a Notice of Appeal to the Town. In her appeal, the appellant has argued that:

- The Zoning Administrator's determination is inconsistent with the Master Plan for the Village at Seabrook;
- The Zoning Administrator's determination may make some lots unbuildable, may decrease the value of some lots and homes, and changes the uniform appearance of the Village at Seabrook;
- The setback requirements illustrated on the final plat are what should be applied to lots in the Village at Seabrook; and
- The master plan and original intent of the Village at Seabrook, as shown on the plat map, should be followed and all existing non-conformities should be grandfathered.

Pursuant to Sec. 6-29-800(c) of the South Carolina Code of Laws, the town has issued a stay on all zoning actions (including zoning permit approvals) and/or legal proceedings within the Village at Seabrook until the matters which are subject to this appeal have been acted upon by the Board of Zoning Appeals. This stay will apply to all permit applications for which zoning review will be

required to determine conformity with the Town's setback requirements. Such examples will include, but are not limited to: **new construction; additions; exterior modifications, excluding ordinary maintenance and repair; reconstruction; construction or modification of accessory structures, including fences, walls and driveways; and major renovations to existing buildings where the value of the work exceeds 50% of the structure's fair market value.**

This issue now goes before the Board of Zoning Appeals to determine whether the Zoning Administrator erred in the application and enforcement of the town's zoning requirements. In deciding this Appeal, the Board is asked to decide the following questions, specifically:

- Whether the setback requirements for the Village at Seabrook shall be as established in "Exhibit B" to Ordinance No. 2000-08, entitled "An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract (Developed as the Village at Seabrook)," which specifies the following minimum setback requirements for the Village at Seabrook:
  - Front Yard – 30 feet;
  - Side Yard – 15-foot separation between structures;
  - Rear Yard – 25 feet;
- Whether a corner lot shall be deemed to have two front yards, two side yards and no rear yard, as specified by Sec. § 7.60.10.10 of the Development Standards Ordinance;
- Whether the provisions of Ordinance No. 2001-03, which allows a reduction of the secondary front yard setback from 30 feet to 20 feet for corner lots wherein one intersecting street is a cul-de-sac, and which allows uncovered front steps to encroach into a front yard setback as long as they are no less than 20 feet from the front property line, applies to lots within the Village at Seabrook;
- Whether the rear yard setback for pie-shaped lots which do not have a defined rear property line shall be measured from the point of intersection between the two side property lines; and
- Whether the setback lines illustrated on the Subdivision Plat for the Village at Seabrook, which was approved by the Seabrook Island Planning Commission on December 12, 2001, and recorded in the Charleston County Register of Deeds Office on in Plat Book EF, Pages 245-246, on December 19, 2001, supersede or otherwise amend the minimum requirements contained within Ordinance No. 2000-08 or the Development Standards Ordinance.

Pursuant to § 19.40.20 of the DSO, the Board of Zoning Appeals may, in conformity with the provision of state and local law, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Cronin". The signature is fluid and cursive, with a large initial "J" and "C".

Joseph M. Cronin

Town Administrator/Zoning Administrator

## Criteria for Review

Pursuant to Section 19.30.10 of the Town's DSO, the Board of Zoning Appeals shall have the power to **"hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination by the Zoning Administrator in the enforcement of this Ordinance, pursuant to § 19.40."**

### **Sec. 19.40. - Appeals Heard by the Board of Zoning Appeals.**

Appeals of final zoning decisions made by the Zoning Administrator pursuant to this Ordinance shall be made to the Town of Seabrook Island Board of Zoning Appeals.

§ 19.40.10. *Appeals, Hearings and Notice.* Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the Town.

§ 19.40.10.10. Such appeal shall be taken within thirty (30) days from the date the appealing party has received actual notice of the action from which the appeal is taken, by filing with the officer/department from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

§ 19.40.10.20. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

§ 19.40.10.30. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

**§ 19.40.20. In exercising the previously referenced powers, the Board of Zoning Appeals may in conformity with the provision of this act, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court having jurisdiction.**

***NOTE: When deciding an administrative appeal from a decision of the zoning administrator, the Board is not bound by the conclusion or reasoning of the zoning administrator and may consider and apply the appropriate provisions of the zoning***

*ordinance as dictated by the facts before it. Clear Channel Outdoor v. City of Myrtle Beach, 360 S.C. 459, 602 S.E.2d 76 (Ct. App. 2004)*

*Municipal Association of South Carolina Comprehensive Planning Handbook, (2018) -- Available Online at:*

<https://www.masc.sc/SiteCollectionDocuments/Land%20Use%20Planning/Comp%20Planning%20Guide.pdf>

§ 19.40.30. *Appeals from Decisions of Board of Zoning Appeals.* Any person who may have a substantial interest in any decision of the Board of Zoning Appeals may appeal from any decision of the Board to the circuit court in and for Charleston County, filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is rendered.

## Attachments

The following supplemental items have been attached for review:

Letters of Determination		
1	Zoning Administrator's Letter of Determination for Lot B-23 in the Village at Seabrook (June 3, 2019)	p. 18-34
2	Zoning Administrator's Letter of Determination for Lot B-26 in the Village at Seabrook (June 3, 2019)	p. 35-50
3	Zoning Administrator's Letter of Determination for Lots A-06 & B-01 in the Village at Seabrook (June 4, 2019)	p. 51-70

Relevant Ordinances & Statutes		
4	Ordinance 2000-01: Adopting the Village at Seabrook PUD (February 22, 2000)	p. 71-74
5	Ordinance 2000-08: Amending the Village at Seabrook PUD (June 5, 2000)	p. 75-132
6	Ordinance 2001-03: Amending the secondary front yard setback from 30 feet to 20 feet for corner lots wherein one intersecting street is a cul-de-sac, and allowing uncovered front steps to encroach into a front yard setback as long as they are no less than 20 feet from the front property line (June 26, 2001)	p. 133-135
7	DSO §7.60: Setback Requirements	p. 136-140
8	SC Code of Laws: <ul style="list-style-type: none"> <li>• §6-29-730: Nonconformities</li> <li>• §6-29-730: Planned Development Districts</li> <li>• §6-29-1110: Definitions ("Subdivision")</li> </ul>	p. 141-143
9	2018 MASC Comprehensive Planning Guide: <ul style="list-style-type: none"> <li>• Zoning Functions of the Planning Commission</li> <li>• Planned Development Districts</li> </ul>	p. 144-149

Subdivision Plats		
10	Village at Seabrook: Preliminary Plat (May 26, 2000)	p. 150-152
11	Village at Seabrook: Final Record Plat (December 19, 2001)	p. 153-155

Meeting Minutes		
12	Planning Commission Meeting Minutes	p. 156-172
13	Town Council Meeting Minutes	p. 173-189

Previous Variance Applications in the Village at Seabrook		
14	Variance #121 – Approved (August 28, 2000)	p. 190-208
15	Variance #122 – Approved (August 28, 2000)	p. 209-218
16	Variance #143 – Denied (April 12, 2007)	p. 219-228
17	Variance #148 – Denied (December 10, 2013)	p. 229-243



<b>Appeal</b>		
18	Notice of Appeal – Cathy Patterson (July 1, 2019)	p. 243-247
19	Appellant’s Supporting Materials	p. 248-311

<b>Public Notice of Appeal</b>		
20	Letter to Village at Seabrook Regime (July 1, 2019)	p. 312-314
21	Email to Requestors of Setback Determinations (July 1, 2019)	p. 315-316
22	Letter to Village at Seabrook Property Owners (July 23, 2019)	p. 317-320
23	Public Hearing Notice – Post and Courier Legal Ad (July 25, 2019)	p. 321-322

<b>Impact of the Appeal on the Conformity Status of Existing Residences</b>		
24	Zoning Conformity Maps for Existing Homes in the Village at Seabrook (Zoning Administrator Upheld v. Overturned)	p. 323-325
25	Zoning Conformity Table for Existing Homes in the Village at Seabrook (Zoning Administrator Upheld v. Overturned)	p. 326-328
26	Zoning Conformity Impact for Existing Homes in the Village at Seabrook (Zoning Administrator Upheld v. Overturned)	p. 329-330
27	As-Built Surveys of Existing Homes in the Village at Seabrook	p. 331-387

<b>Written Correspondence</b>		
28	Request for Zoning Determination for Lot B-23 from Bob Nitkewicz (February 11, 2019)	p. 388-390
29	Request for Zoning Determination for Lot B-26 from Kevan Hoertdoerfer (April 8, 2019)	p. 391-392
30	Email Correspondence between Zoning Administrator and Carmine DeGennaro Re: Pending Appeal (July 21, 2019)	p. 393-397
31	Email from Chris Bensonhaver Re Pending Appeal (July 31, 2019)	p. 398-399
32	Email Correspondence between Zoning Administrator and Tony Brown Re: Pending Appeal (August 6, 2019)	p. 400-402
33	Email Correspondence between Zoning Administrator and the Board of Zoning Appeals Re: Pending Appeal (August 7, 2019)	p. 403-406



## **ATTACHMENT #1**

Zoning Administrator's Letter of Determination for Lot  
B-23 in the Village at Seabrook (June 3, 2019)



## LETTER OF DETERMINATION

**TO:** Bob Nitkewicz, NV Realty, 1900 Seabrook Island Road, Seabrook Island, SC 29455  
**FROM:** Joseph M. Cronin, Town Administrator  
**SUBJECT:** Letter of Determination for Setback Requirements – Village at Seabrook Lot B-23  
**DATE:** June 3, 2019

Dear Mr. Nitkewicz:

I have received your request for confirmation of the setback requirements for Lot B-23 in the Village at Seabrook subdivision (Charleston County Tax Map # 147-00-00-093). It is my understanding that the current property owners, Edward D. and Kimberly A. Palmieri, are seeking to design and construct a new residence on the above referenced lot.

In preparing this Letter of Determination, I have completed a review of the following documents:

- The Development Standards Ordinance for the Town of Seabrook Island (the “DSO”);
- The Planned Unit Development for the Village at Seabrook (formerly referred to as the “Lake Entry Tract”), which was approved by Seabrook Island Town Council on February 22, 2000 (Ordinance No. 2000-01) and subsequently amended by Seabrook Island Town Council on June 5, 2000 (Ordinance No. 2000-08) (the “PUD”); and
- The Subdivision Plat for the Village at Seabrook, which was recorded in the Charleston County Register of Deeds Office in Plat Book EF, Pages 245-246 (the “Plat”).

Based on my review of the above-referenced documents, I have determined that the following setback requirements will apply to Lot B-23 in the Village at Seabrook subdivision:

Setback Requirements (Lot B-23)	
<b>Front Yard Setback</b>	<b>30 feet</b> measured parallel to the road right-of-way from Seabrook Village Drive. <ul style="list-style-type: none"><li>• <i>Note: Uncovered front steps may encroach up to 10 feet into the required front yard setback.</i></li></ul>
<b>Side Yard Setback</b>	<b>0 feet</b> from both side property lines; provided, however, the minimum separation between structures must be at least 15 feet. For the sake of consistency, a minimum side yard setback of 7.5 feet is recommended.
<b>Rear Yard Setback</b>	<b>25 feet</b> measured from the point of intersection between the two side property lines at the rear of the property.

An illustration of the setback requirements for Lot B-23 is enclosed for reference. Please note that the setback lines are approximate and shown for illustration purposes only. In addition, the 0-foot side setback lines are based on the fact that Lots B-22 and B-24 are currently undeveloped. Future development on Lots B-22 and/or B-24 may impact the location of the side setback requirements for Lot B-23 in order to ensure a 15-foot minimum separation between structures.

For reference, I have attached the following exhibits to this Letter of Determination:

- **Exhibit A:** Illustration of Setback Requirements for Village at Seabrook Lot B-23
- **Exhibit B:** Summary of Key Findings & Basis for Determination
- **Exhibit C:** Development Standards Ordinance §7.60 (Minimum Setbacks)
- **Exhibit D:** Ordinance No. 2000-08 – An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract (Developed as the Village at Seabrook)
- **Exhibit E:** Recorded Plat for the Village at Seabrook
- **Exhibit F:** Ordinance No. 2001-03 – An ordinance to amend DSO Section 2.10.420 (Setback)

*Please note that the information contained within this Letter of Determination is current as of the above-referenced date. The setback requirements specified within this Letter of Determination are subject to change as a result of future amendments to the DSO and/or PUD, as well as any appeal(s) of the Zoning Administrator's determination.*

#### **Right to Appeal**

Please be advised that the Zoning Administrator's determination may be appealed, in whole or in part, by any party in interest, including the property owner. Pursuant to §19.40 of the DSO and §6-29-800 of the South Carolina Code of Laws, all appeals must be made to the town's Board of Zoning Appeals by filing a written appeal **within 30 days of receipt** of this Letter of Determination.

A copy of this Letter of Determination will be provided to the Village at Seabrook Regime, as well as the Seabrook Island Property Owners Association.

*An appeal will stay all zoning actions (including zoning permit approvals) and/or legal proceedings until the matter which is subject to the appeal has been acted upon by the town's Board of Zoning Appeals.*

#### **Contact Information**

If you have any questions about the contents of this letter, please feel free to contact me by phone at (843) 768-5321 or by email at [jcronin@townofseabrookisland.org](mailto:jcronin@townofseabrookisland.org).

Respectfully submitted,

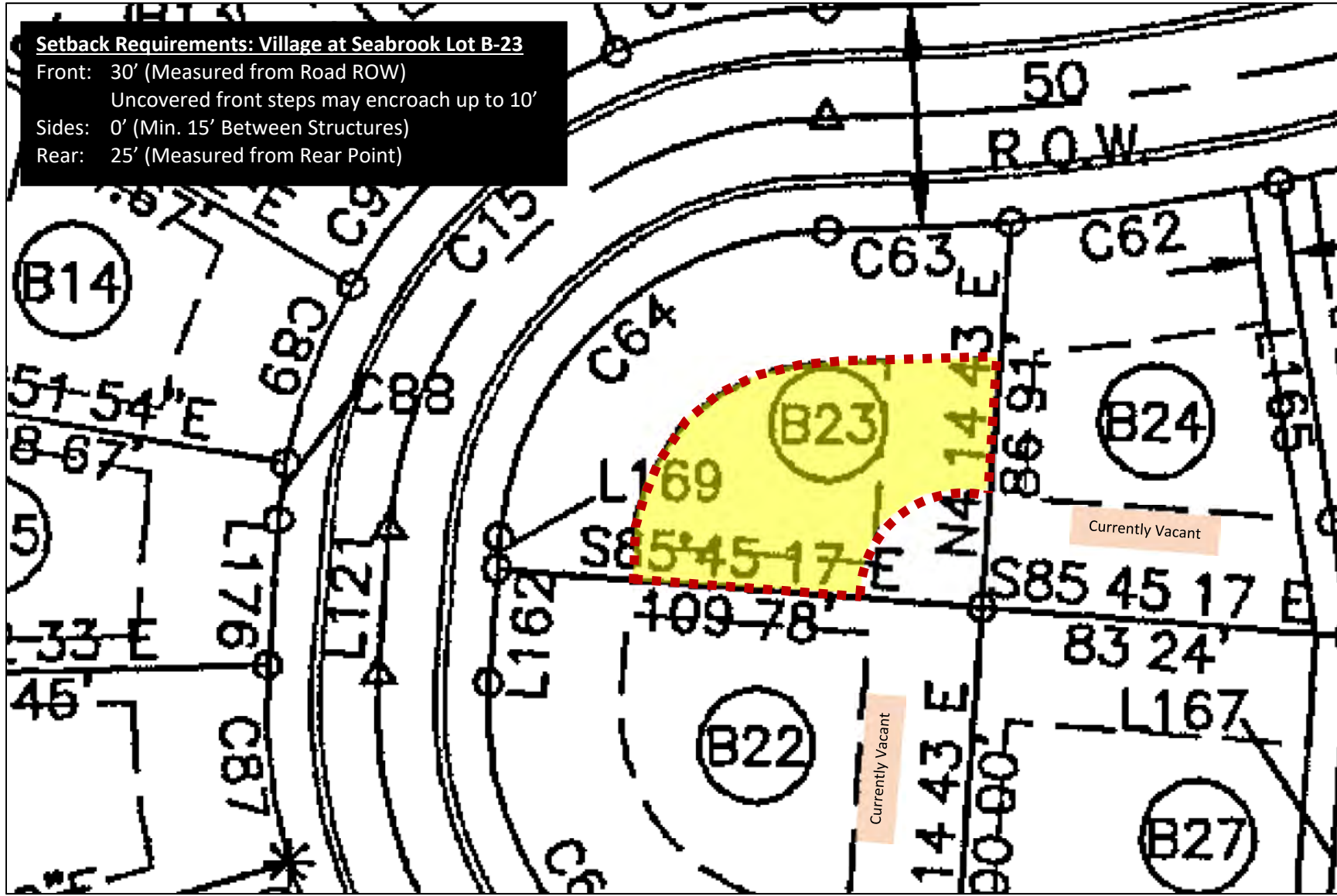


Joseph M. Cronin  
Town Administrator/Zoning Administrator

**Exhibit A**

Illustration of Setback Requirements for Village at Seabrook Lot B-23

### Illustration of Setback Requirements for Village at Seabrook Lot B-23



Setback Lines are approximate and shown for illustration purposes only.  
Future development on Lots B-22 & B-24 may impact location of side setback requirements in order to meet 15' minimum separation between structures.

**Exhibit B**

Summary of Key Findings & Basis for Determination

**Village at Seabrook  
Front Yard Setback Requirements**

The minimum front yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

Front Yard Setback Requirements		
<b>PUD</b>	Standard Lots	30 feet ( <i>PUD Exhibit B</i> )
	Corner Lots	No differentiation between standard lots and corner lots in the PUD; therefore, 30 feet ( <i>PUD Exhibit B</i> )
<b>DSO</b>	Standard Lots	30 feet ( <i>DSO §7.60.40.10</i> )
	Corner Lots	If one street frontage is a cul-de-sac street: <ul style="list-style-type: none"> <li>• 30 feet from the cul-de-sac street</li> <li>• 20 feet from the intersecting street</li> </ul> All other corner lots: 30 feet from both streets ( <i>DSO §7.60.40.10</i> )
	Front Steps	Uncovered front steps may extend into the front setback but may not be less than twenty 20 feet from the property's front lot line. ( <i>DSO §7.60.40.10</i> )
<b>Plat</b>	Standard Lots	30 feet
	Corner Lots	If one street frontage is a cul-de-sac street: <ul style="list-style-type: none"> <li>• 30 feet from the cul-de-sac street</li> <li>• 20 feet from the intersecting street</li> </ul> All other corner lots: 30 feet from both streets

**Key Findings**

- The front yard setback requirements illustrated on the Plat are **inconsistent** with the PUD.
- The front yard setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.
- On its face, the **more restrictive** requirement is contained within the PUD, which requires a minimum front yard setback of 30 feet. The PUD does **not** contain any other requirement, allowance or provision for corner lots, including those fronting a cul-de-sac street. The PUD also does **not** contain any provision allowing front steps to encroach into a required front yard setback.
- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have **two front yards and two side yards**. (*DSO §7.60.10.10*) The PUD does **not** contain any provision which would supersede this definition.
- The DSO currently allows a reduced front yard setback for corner lots wherein one abutting street is a cul-de-sac. (*DSO §7.60.40.10*) The DSO also allows uncovered front steps to encroach up to 10



feet into a required front yard setback. (DSO §7.60.40.10) These provisions were added to the DSO by Ordinance No. 2001-03, which was adopted by Town Council on June 26, 2001. However, Ordinance No. 2001-03 did **not** contain any provision which amended or repealed conflicting ordinances. In addition, the PUD was never amended by Town Council to incorporate the amendments contained within Ordinance No. 2001-03. Under the strictest interpretation, it would appear that the provisions of Ordinance 2001-03 would **not** apply to the Village at Seabrook; however:

- In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been permitted and constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:
  - Of the 2 homes built on corner lots wherein one abutting street is a cul-de-sac, both (100.0%) observed a secondary street setback of 20 feet rather than 30 feet; and
  - Of the 55 homes completed to date, 39 (70.9%) have uncovered front steps which encroach into the 30-foot front yard setback.
- In reviewing the case file for Ordinance No. 2001-03, the Zoning Administrator found that the text amendment was requested by the original developer of the Village at Seabrook, and discussion of the proposed amendment was specific to the Village at Seabrook.
- Therefore, while Ordinance No. 2001-03 may not have been properly applied to the Village at Seabrook, the Zoning Administrator has found that there is clear evidence that the requirements of Ordinance No. 2001-03 were **intended** to apply to the Village at Seabrook and, subsequently, **have been** consistently applied in the Village for nearly 20 years.
- In general terms, whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply** (DSO §1.70); however:
  - In this case, the failure to apply the provisions of Ordinance No. 2001-03, which were clearly intended to apply (and have been applied) to the Village at Seabrook, would result in an unnecessary hardship, as nearly 75% of all existing homes within the Village would be rendered non-conforming with the front yard setback requirement.

### **Determination**

**The Zoning Administrator has determined that the minimum front yard setback requirement shall be 30 feet from the street right-of-way for all lots within the Village at Seabrook provided, however:**

- **For corner lots wherein one street frontage is a cul-de-sac street, the minimum setback shall be 30 feet from the cul-de-sac street and 20 feet from the intersecting street; and**
- **Uncovered front steps may extend into the front setback but may not be less than twenty 20' from the property's front lot line.**

**Village at Seabrook  
Side Yard Setback Requirements**

The minimum side yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

Side Yard Setback Requirements		
<b>PUD</b>	Standard Lots	No minimum side yard setback specified; 15-foot separation between structures required <i>(PUD Exhibit B)</i>
	Zero Lot Line Lots	The following lots were listed as “Lots Requiring Zero Lot Line Setbacks” and contained no minimum side yard setback: Lots 19 (C-19), 30 (C-26), 47 (B-38), 56 (B-20), 75 (B-23), 76 (B-22), 79 (B-26), 84 (B-01), 87 (A-20), 93 (A-14), 101 (A-06), 106 (A-01) <i>(PUD Exhibit B)</i>
<b>DSO</b>	All Lots	No minimum side yard setback specified; Zero lot line construction may be permitted provided all other setbacks of the district and criteria for zoning as a PDD are met. However, the total of both side yard setbacks shall be at least 15 feet; provided that no two detached patio homes may be situated closer than 15 feet. <i>(DSO §7.60.40.20)</i>
<b>Plat</b>	Standard Lots	7.5 feet
	Zero Lot Line Lots	The following lots were listed as “Lots Requiring Zero Lot Line Setbacks” and contained a 0-foot side yard setback requirement: Lots A-01, A-06, A-14, B-38, C-19, C-26
	Lots abutting Zero Lot Line Lots	The following lots were adjacent to “Lots Requiring Zero Lot Line Setbacks” and were shown to contain a minimum side yard setback of 15 feet: Lots A-02, A-05, A-13, B-37, C-18, C-25 adjacent to the ZLL Lot.

**Key Findings**

- The **more restrictive** requirement is contained within the Plat, which illustrates a minimum side yard setback of 7.5 feet for standard lots, 0 feet for “Lots Requiring Zero Lot Line Setbacks” and 15 feet for lots abutting a “Lot Requiring Zero Lot Line Setbacks;” however:
  - The side yard setback requirements illustrated on the Plat are **inconsistent** with the requirements of the PUD and the DSO; and
  - The setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.

- As allowed by *DSO §7.60.40.20*, the PUD (specifically Exhibit B to the ordinance adopting the PUD) does **not** specify a minimum side yard setback requirement for individual lots.
- While certain lots are listed in the PUD as “Lots Requiring Zero Lot Line Setbacks,” the PUD only requires a **15-foot separation** between structures on all lots. For example, if two neighboring lots observed side yard setbacks of 0/15, 3/12, 5/10, 7.5/7.5, etc., this would be acceptable as all lots would satisfy the minimum separation requirements outlined in the PUD and the DSO.
- Therefore, it is the Zoning Administrator’s determination that there is **no basis** in the PUD or DSO for applying a 7.5-foot or 15-foot side yard setback, as illustrated on the plat. Based on this determination, the Zoning Administrator finds that the PUD allows **all** lots within the Village at Seabrook to be classified as “Lots Requiring Zero Lot Line Setbacks” (ie. no specific side yard setback required) as long as the total of both side yard setbacks is at least 15 feet, and there is a minimum separation of at least 15 feet between structures. This interpretation is consistent with the practice of previous Zoning Administrators, as evidenced by the following:
  - In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:
    - Of the 55 homes completed, 14 (25.5%) do not comply with one or more of the side yard setbacks, as illustrated on the Plat; however, all lots (100.0%) meet or exceed the 15-foot separation requirement, as required by the PUD and DSO.
- The Plat reduces the total number of “Lots Requiring Zero Lot Line Setbacks” from the 12 (PUD) to 6 (Plat). While the requirements of the PUD would generally supersede those of the Plat, it is the Zoning Administrator’s interpretation that this is a moot point, as both the PUD and DSO do **not** specify a minimum side yard setback requirement, and only require a minimum separation requirement of 15 feet between structures.
- Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply.** (*DSO §1.70*) In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, the requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

### **Determination**

**The Zoning Administrator has determined that there is no minimum side yard setback requirement for lots within the Village at Seabrook; provided, however:**

- **In instances where a side yard is required, the total of both side yard setbacks shall be at least 15 feet, and no detached structure may be situated closer than 15 feet to another structure.**
- **For the sake of consistency among neighboring lot owners, a minimum side yard setback of 7.5 feet is recommended, though not required by the PUD or DSO.**

**Village at Seabrook  
Rear Yard Setback Requirements**

The minimum rear yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

Rear Yard Setback Requirements		
<b>PUD</b>	All Lots	25 feet ( <i>PUD Exhibit B</i> )
<b>DSO</b>	Standard Lots	25 feet ( <i>DSO §7.60.40.30</i> )
	Open Space Lots	25 feet; provided, open decks may encroach up to 10 feet into the rear yard setback area ( <i>DSO § 7.60.60</i> )
<b>Plat</b>	All Lots	25 feet (including corner lots)

**Key Findings**

- The rear yard setback requirements are **generally consistent** between the PUD, the DSO and the Plat, each of which specify a 25-foot rear yard setback. However, the Plat also applies a 25-foot rear yard setback to corner lots.
- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have **two front yards and two side yards**. (*DSO §7.60.10.10*)
- The PUD does **not** contain any provision that would supersede (either by strengthening or relaxing) the requirements of *DSO §7.60.10.10* as it relates to corner lots having two front yards and two side yards.
- The application of a 25-foot rear yard setback to corner lots, as shown on the Plat, is **inconsistent** with the requirements of the PUD and the DSO.
- Some lots within the Village at Seabrook – including Lots B-22, B-23, B-26 and C-24 – are “pie-shaped” lots. While pie-shaped lots have defined front and side property lines, they do **not** have a defined rear property line from which to apply a rear yard setback. However, by definition, a pie-shaped lot is **not** a corner lot; therefore, a rear yard setback must still be applied. The Plat indicates that pie-shaped lots shall have one side yard and one rear yard. In the Zoning Administrator’s determination, there is **no basis** in the PUD or DSO for classifying one of the side yards as a rear yard. Therefore, it is the Zoning Administrator’s opinion that the Plat is **inconsistent** with the requirements of the PUD and the DSO.
- The rear yard setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.
- Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply**. (*DSO §1.70*) In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, **the**

requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

### Determination

The Zoning Administrator has determined that the minimum rear yard setback requirement shall be 25 feet from the rear property line; provided, however:

- For lots abutting an open space area (lake, lagoon, golf course, etc.), an open deck may encroach no more than 10 feet into the required rear yard setback.
- For pie-shaped lots that do not have a defined rear property line from which to apply a rear yard setback (Lots B-22, B-23, B-26 and C-24), the Zoning Administrator has interpreted that the rear yard setback shall be measured from the point where the two side property lines intersect at the rear of the property. This will ensure that the rear setback line is roughly parallel to the (curvilinear) front setback line, consistent with non-pie-shaped lots.
- Corner lots are defined by ordinance to have two front yards and two side yards. Therefore, a rear yard setback shall not be required for any corner lot within the Village at Seabrook. The requirements for front and side yard setbacks are further outlined elsewhere in this Letter of Determination.

**Village at Seabrook  
Lot Conversion Schedule**

It should be noted that the lot numbering system used in the Village at Seabrook PUD was not the same as that used in the recorded Plat for the Village at Seabrook. The total number of lots was reduced from 106 in the PUD to 101 in the recorded Plat. In addition, the total area of some lots increased in size in the recorded Plat. However, the lot configuration is generally consistent between the two documents. In addition, two platted lots were later combined by subsequent property owners, bringing the total number of lots to 99. For the sake of consistency between the two documents, the Zoning Administrator would apply the following conversion schedule between the lot numbers shown within Exhibit B to the PUD and those shown on the recorded Plat:

Village at Seabrook: Lot Conversion Schedule (PUD to Recorded Plat)									
PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #
1	C-01 <sup>1</sup>	23	C-29	45	B-40	67	B-10	89	A-18
2		24	C-22	46	B-39	68	B-09	90	A-17
3	C-03	25	C-28	47*	B-38**	69	B-08	91	A-16
4	C-04	26	C-23	48	B-37	70	B-07	92	A-15
5	C-05	27	C-27	49	B-36	71	B-06	93*	A-14** <sup>7</sup>
6	C-06	28	C-24	50	B-35	72	B-25 <sup>4</sup>	94	
7	C-07	29	C-25	51	B-34	73		95	A-12
8	C-08	30*	C-26**	52	B-33	74	B-24	96	A-11
9	C-09	31	C-31	53	B-32	75*	B-23	97	A-10
10	C-10	32	C-32	54	B-31	76*	B-22 <sup>5</sup>	98	A-09
11	C-11	33	C-33	55	B-30	77		99	A-08
12	C-12	34	C-34	56*	B-20 <sup>3</sup>	78	B-27 <sup>5</sup>	100	A-07
12	C-13	35	C-35	57		79*		B-26	101*
14	C-14	36	B-48 <sup>2</sup>	58	B-19	80	B-05	102	A-05
15	C-15	37		59	B-18	81	B-04	103	A-04
16	C-16	38	B-47	60	B-17	82	B-02 /	104	A-03
17	C-17	39	B-46	61	B-16	83	B-03 <sup>6</sup>	105	A-02
18	C-18	40	B-45	62	B-15	84*	B-01	106*	A-01**
19*	C-19**	41	B-44	63	B-14	85	A-22		
20	C-20	42	B-43	64	B-13	86	A-21		
21	C-30	43	B-42	65	B-12	87*	A-20		
22	C-21	44	B-41	66	B-11	88	A-19		

\*Indicates a lot listed as a "Lot Requiring Zero Lot Line Setbacks" in the PUD

\*\* Indicates a lot listed as a "Lot Requiring Zero Lot Line Setbacks" in the recorded Plat

<sup>1</sup> PUD Lots 1 & 2 were combined as Lot C-01 in the recorded Plat

<sup>2</sup> PUD Lots 36 & 37 were combined as Lot B-48 in the recorded Plat

<sup>3</sup> PUD Lots 56 & 57 were combined as Lot B-20 in the recorded Plat

<sup>4</sup> PUD Lots 72 & 73 were combined as Lot B-25 in the recorded Plat

<sup>5</sup> PUD Lot 77 was split in the recorded Plat, with a portion being attached to Lot B-22 and the remainder to Lot B-27

<sup>6</sup> Lot B-02 was subsequently combined with Lot B-03 to form Lot B-02/03 in 2015 (Book S15, Page 0294)

<sup>7</sup> Lot A-13 was subsequently combined with Lot A-14 to form a new Lot A-14 in 2013 (Book S13, Page 0264)

**Exhibit C**

Development Standards Ordinance  
§7.60 (Minimum Setbacks)

**See Attachment #7 in Agenda Packet (pages 136-140) for Exhibit C**

**Exhibit D**

Ordinance 2000-08

An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract  
(Developed as the Village at Seabrook)

**See Attachment #5 in Agenda Packet (pages 75-132) for Exhibit D**



**Exhibit E**

Recorded Plat for the Village at Seabrook

**See Attachment #11 in Agenda Packet (pages 153-155) for Exhibit E**

**Exhibit F**

Ordinance 2001-03

An ordinance to amend DSO Section 2.10.420 (Setback)

**See Attachment #6 in Agenda Packet (pages 133-135) for Exhibit F**



## ATTACHMENT #2

Zoning Administrator's Letter of Determination for Lot  
B-26 in the Village at Seabrook (June 3, 2019)



## LETTER OF DETERMINATION

**TO:** K.C. Miller, Kenneth Miller Architecture, 1912 Planters Drive, Charleston, SC 29414  
**FROM:** Joseph M. Cronin, Town Administrator  
**SUBJECT:** Letter of Determination for Setback Requirements – Village at Seabrook Lot B-26  
**DATE:** June 3, 2019

Dear Mr. Miller:

I have received your request for confirmation of the setback requirements for Lot B-26 in the Village at Seabrook subdivision (Charleston County Tax Map # 147-00-00-096). It is my understanding that the current property owners, Lawrence and Rebecca LaRoche, are seeking to design and construct a new residence on the above referenced lot.

In preparing this Letter of Determination, I have completed a review of the following documents:

- The Development Standards Ordinance for the Town of Seabrook Island (the “DSO”);
- The Planned Unit Development for the Village at Seabrook (formerly referred to as the “Lake Entry Tract”), which was approved by Seabrook Island Town Council on February 22, 2000 (Ordinance No. 2000-01) and subsequently amended by Seabrook Island Town Council on June 5, 2000 (Ordinance No. 2000-08) (the “PUD”); and
- The Subdivision Plat for the Village at Seabrook, which was recorded in the Charleston County Register of Deeds Office in Plat Book EF, Pages 245-246 (the “Plat”).

Based on my review of the above-referenced documents, I have determined that the following setback requirements will apply to Lot B-26 in the Village at Seabrook subdivision:

Setback Requirements (Lot B-26)	
<b>Front Yard Setback</b>	<b>30 feet</b> measured parallel to the road right-of-way from Seabrook Village Drive. <ul style="list-style-type: none"><li>• <i>Note: Uncovered front steps may encroach up to 10 feet into the required front yard setback.</i></li></ul>
<b>Side Yard Setback</b>	<b>0 feet</b> from both side property lines; provided, however, the minimum separation between structures must be at least 15 feet. For the sake of consistency, a minimum side yard setback of 7.5 feet is recommended.
<b>Rear Yard Setback</b>	<b>25 feet</b> measured from the point of intersection between the two side property lines at the rear of the property.

For reference, I have attached the following exhibits to this Letter of Determination:

- **Exhibit A:** Illustration of Setback Requirements for Village at Seabrook Lot B-26. Please note that the setback lines are approximate and shown for illustration purposes only.
- **Exhibit B:** Summary of Key Findings & Basis for Determination
- **Exhibit C:** Development Standards Ordinance §7.60 (Minimum Setbacks)
- **Exhibit D:** Ordinance No. 2000-08 – An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract (Developed as the Village at Seabrook)
- **Exhibit E:** Recorded Plat for the Village at Seabrook
- **Exhibit F:** Ordinance No. 2001-03 – An ordinance to amend DSO Section 2.10.420 (Setback)

*Please note that the information contained within this Letter of Determination is current as of the above-referenced date. The setback requirements specified within this Letter of Determination are subject to change as a result of future amendments to the DSO and/or PUD, as well as any appeal(s) of the Zoning Administrator's determination.*

#### **Right to Appeal**

Please be advised that the Zoning Administrator's determination may be appealed, in whole or in part, by any party in interest, including the property owner. Pursuant to §19.40 of the DSO and §6-29-800 of the South Carolina Code of Laws, all appeals must be made to the town's Board of Zoning Appeals by filing a written appeal **within 30 days of receipt** of this Letter of Determination.

A copy of this Letter of Determination will be provided to the Village at Seabrook Regime, as well as the Seabrook Island Property Owners Association.

*An appeal will stay all zoning actions (including zoning permit approvals) and/or legal proceedings until the matter which is subject to the appeal has been acted upon by the town's Board of Zoning Appeals.*

#### **Contact Information**

If you have any questions about the contents of this letter, please feel free to contact me by phone at (843) 768-5321 or by email at [jcronin@townofseabrookisland.org](mailto:jcronin@townofseabrookisland.org).

Respectfully submitted,

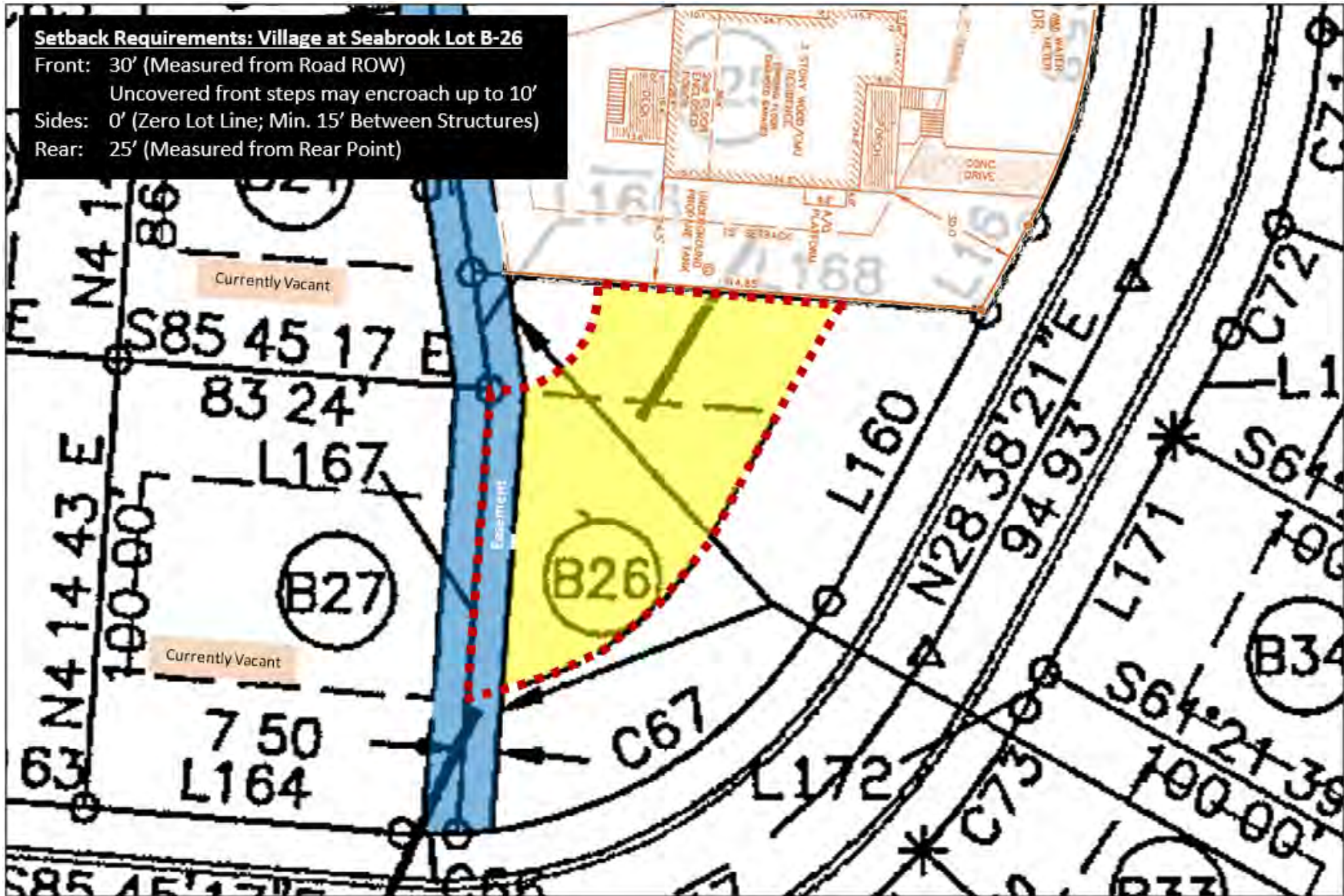


Joseph M. Cronin  
Town Administrator/Zoning Administrator

**Exhibit A**

Illustration of Setback Requirements for Village at Seabrook Lot B-26

## Illustration of Setback Requirements for Village at Seabrook Lot B-26



Setback Lines are approximate and shown for illustration purposes only. 15' easement will ensure future structures on Lots B-26 & B-27 are at least 15' apart.

**Exhibit B**

Summary of Key Findings & Basis for Determination



**Village at Seabrook  
Front Yard Setback Requirements**

The minimum front yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

Front Yard Setback Requirements		
<b>PUD</b>	Standard Lots	30 feet ( <i>PUD Exhibit B</i> )
	Corner Lots	No differentiation between standard lots and corner lots in the PUD; therefore, 30 feet ( <i>PUD Exhibit B</i> )
<b>DSO</b>	Standard Lots	30 feet ( <i>DSO §7.60.40.10</i> )
	Corner Lots	If one street frontage is a cul-de-sac street: <ul style="list-style-type: none"> <li>• 30 feet from the cul-de-sac street</li> <li>• 20 feet from the intersecting street</li> </ul> All other corner lots: 30 feet from both streets ( <i>DSO §7.60.40.10</i> )
	Front Steps	Uncovered front steps may extend into the front setback but may not be less than twenty 20 feet from the property's front lot line. ( <i>DSO §7.60.40.10</i> )
<b>Plat</b>	Standard Lots	30 feet
	Corner Lots	If one street frontage is a cul-de-sac street: <ul style="list-style-type: none"> <li>• 30 feet from the cul-de-sac street</li> <li>• 20 feet from the intersecting street</li> </ul> All other corner lots: 30 feet from both streets

**Key Findings**

- The front yard setback requirements illustrated on the Plat are **inconsistent** with the PUD.
- The front yard setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.
- On its face, the **more restrictive** requirement is contained within the PUD, which requires a minimum front yard setback of 30 feet. The PUD does **not** contain any other requirement, allowance or provision for corner lots, including those fronting a cul-de-sac street. The PUD also does **not** contain any provision allowing front steps to encroach into a required front yard setback.
- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have **two front yards and two side yards**. (*DSO §7.60.10.10*) The PUD does **not** contain any provision which would supersede this definition.
- The DSO currently allows a reduced front yard setback for corner lots wherein one abutting street is a cul-de-sac. (*DSO §7.60.40.10*) The DSO also allows uncovered front steps to encroach up to 10

feet into a required front yard setback. (DSO §7.60.40.10) These provisions were added to the DSO by Ordinance No. 2001-03, which was adopted by Town Council on June 26, 2001. However, Ordinance No. 2001-03 did **not** contain any provision which amended or repealed conflicting ordinances. In addition, the PUD was never amended by Town Council to incorporate the amendments contained within Ordinance No. 2001-03. Under the strictest interpretation, it would appear that the provisions of Ordinance 2001-03 would **not** apply to the Village at Seabrook; however:

- In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been permitted and constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:
  - Of the 2 homes built on corner lots wherein one abutting street is a cul-de-sac, both (100.0%) observed a secondary street setback of 20 feet rather than 30 feet; and
  - Of the 55 homes completed to date, 39 (70.9%) have uncovered front steps which encroach into the 30-foot front yard setback.
- In reviewing the case file for Ordinance No. 2001-03, the Zoning Administrator found that the text amendment was requested by the original developer of the Village at Seabrook, and discussion of the proposed amendment was specific to the Village at Seabrook.
- Therefore, while Ordinance No. 2001-03 may not have been properly applied to the Village at Seabrook, the Zoning Administrator has found that there is clear evidence that the requirements of Ordinance No. 2001-03 were **intended** to apply to the Village at Seabrook and, subsequently, **have been** consistently applied in the Village for nearly 20 years.
- In general terms, whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply** (DSO §1.70); however:
  - In this case, the failure to apply the provisions of Ordinance No. 2001-03, which were clearly intended to apply (and have been applied) to the Village at Seabrook, would result in an unnecessary hardship, as nearly 75% of all existing homes within the Village would be rendered non-conforming with the front yard setback requirement.

### **Determination**

**The Zoning Administrator has determined that the minimum front yard setback requirement shall be 30 feet from the street right-of-way for all lots within the Village at Seabrook provided, however:**

- **For corner lots wherein one street frontage is a cul-de-sac street, the minimum setback shall be 30 feet from the cul-de-sac street and 20 feet from the intersecting street; and**
- **Uncovered front steps may extend into the front setback but may not be less than twenty 20' from the property's front lot line.**

**Village at Seabrook  
Side Yard Setback Requirements**

The minimum side yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

Side Yard Setback Requirements		
<b>PUD</b>	Standard Lots	No minimum side yard setback specified; 15-foot separation between structures required <i>(PUD Exhibit B)</i>
	Zero Lot Line Lots	The following lots were listed as “Lots Requiring Zero Lot Line Setbacks” and contained no minimum side yard setback: Lots 19 (C-19), 30 (C-26), 47 (B-38), 56 (B-20), 75 (B-23), 76 (B-22), 79 (B-26), 84 (B-01), 87 (A-20), 93 (A-14), 101 (A-06), 106 (A-01) <i>(PUD Exhibit B)</i>
<b>DSO</b>	All Lots	No minimum side yard setback specified; Zero lot line construction may be permitted provided all other setbacks of the district and criteria for zoning as a PDD are met. However, the total of both side yard setbacks shall be at least 15 feet; provided that no two detached patio homes may be situated closer than 15 feet. <i>(DSO §7.60.40.20)</i>
<b>Plat</b>	Standard Lots	7.5 feet
	Zero Lot Line Lots	The following lots were listed as “Lots Requiring Zero Lot Line Setbacks” and contained a 0-foot side yard setback requirement: Lots A-01, A-06, A-14, B-38, C-19, C-26
	Lots abutting Zero Lot Line Lots	The following lots were adjacent to “Lots Requiring Zero Lot Line Setbacks” and were shown to contain a minimum side yard setback of 15 feet: Lots A-02, A-05, A-13, B-37, C-18, C-25 adjacent to the ZLL Lot.

**Key Findings**

- The **more restrictive** requirement is contained within the Plat, which illustrates a minimum side yard setback of 7.5 feet for standard lots, 0 feet for “Lots Requiring Zero Lot Line Setbacks” and 15 feet for lots abutting a “Lot Requiring Zero Lot Line Setbacks;” however:
  - The side yard setback requirements illustrated on the Plat are **inconsistent** with the requirements of the PUD and the DSO; and
  - The setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.

- As allowed by *DSO §7.60.40.20*, the PUD (specifically Exhibit B to the ordinance adopting the PUD) does **not** specify a minimum side yard setback requirement for individual lots.
- While certain lots are listed in the PUD as “Lots Requiring Zero Lot Line Setbacks,” the PUD only requires a **15-foot separation** between structures on all lots. For example, if two neighboring lots observed side yard setbacks of 0/15, 3/12, 5/10, 7.5/7.5, etc., this would be acceptable as all lots would satisfy the minimum separation requirements outlined in the PUD and the DSO.
- Therefore, it is the Zoning Administrator’s determination that there is **no basis** in the PUD or DSO for applying a 7.5-foot or 15-foot side yard setback, as illustrated on the plat. Based on this determination, the Zoning Administrator finds that the PUD allows **all** lots within the Village at Seabrook to be classified as “Lots Requiring Zero Lot Line Setbacks” (ie. no specific side yard setback required) as long as the total of both side yard setbacks is at least 15 feet, and there is a minimum separation of at least 15 feet between structures. This interpretation is consistent with the practice of previous Zoning Administrators, as evidenced by the following:
  - In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:
    - Of the 55 homes completed, 14 (25.5%) do not comply with one or more of the side yard setbacks, as illustrated on the Plat; however, all lots (100.0%) meet or exceed the 15-foot separation requirement, as required by the PUD and DSO.
- The Plat reduces the total number of “Lots Requiring Zero Lot Line Setbacks” from the 12 (PUD) to 6 (Plat). While the requirements of the PUD would generally supersede those of the Plat, it is the Zoning Administrator’s interpretation that this is a moot point, as both the PUD and DSO do **not** specify a minimum side yard setback requirement, and only require a minimum separation requirement of 15 feet between structures.
- Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply.** (*DSO §1.70*) In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, the requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

**Determination**

**The Zoning Administrator has determined that there is no minimum side yard setback requirement for lots within the Village at Seabrook; provided, however:**

- **In instances where a side yard is required, the total of both side yard setbacks shall be at least 15 feet, and no detached structure may be situated closer than 15 feet to another structure.**
- **For the sake of consistency among neighboring lot owners, a minimum side yard setback of 7.5 feet is recommended, though not required by the PUD or DSO.**

**Village at Seabrook  
Rear Yard Setback Requirements**

The minimum rear yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

Rear Yard Setback Requirements		
<b>PUD</b>	All Lots	25 feet ( <i>PUD Exhibit B</i> )
<b>DSO</b>	Standard Lots	25 feet ( <i>DSO §7.60.40.30</i> )
	Open Space Lots	25 feet; provided, open decks may encroach up to 10 feet into the rear yard setback area ( <i>DSO § 7.60.60</i> )
<b>Plat</b>	All Lots	25 feet (including corner lots)

**Key Findings**

- The rear yard setback requirements are **generally consistent** between the PUD, the DSO and the Plat, each of which specify a 25-foot rear yard setback. However, the Plat also applies a 25-foot rear yard setback to corner lots.
- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have **two front yards and two side yards**. (*DSO §7.60.10.10*)
- The PUD does **not** contain any provision that would supersede (either by strengthening or relaxing) the requirements of *DSO §7.60.10.10* as it relates to corner lots having two front yards and two side yards.
- The application of a 25-foot rear yard setback to corner lots, as shown on the Plat, is **inconsistent** with the requirements of the PUD and the DSO.
- Some lots within the Village at Seabrook – including Lots B-22, B-23, B-26 and C-24 – are “pie-shaped” lots. While pie-shaped lots have defined front and side property lines, they do **not** have a defined rear property line from which to apply a rear yard setback. However, by definition, a pie-shaped lot is **not** a corner lot; therefore, a rear yard setback must still be applied. The Plat indicates that pie-shaped lots shall have one side yard and one rear yard. In the Zoning Administrator’s determination, there is **no basis** in the PUD or DSO for classifying one of the side yards as a rear yard. Therefore, it is the Zoning Administrator’s opinion that the Plat is **inconsistent** with the requirements of the PUD and the DSO.
- The rear yard setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.
- Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply**. (*DSO §1.70*) In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, **the**

requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

### Determination

The Zoning Administrator has determined that the minimum rear yard setback requirement shall be 25 feet from the rear property line; provided, however:

- For lots abutting an open space area (lake, lagoon, golf course, etc.), an open deck may encroach no more than 10 feet into the required rear yard setback.
- For pie-shaped lots that do not have a defined rear property line from which to apply a rear yard setback (Lots B-22, B-23, B-26 and C-24), the Zoning Administrator has interpreted that the rear yard setback shall be measured from the point where the two side property lines intersect at the rear of the property. This will ensure that the rear setback line is roughly parallel to the (curvilinear) front setback line, consistent with non-pie-shaped lots.
- Corner lots are defined by ordinance to have two front yards and two side yards. Therefore, a rear yard setback shall not be required for any corner lot within the Village at Seabrook. The requirements for front and side yard setbacks are further outlined elsewhere in this Letter of Determination.

**Village at Seabrook  
Lot Conversion Schedule**

It should be noted that the lot numbering system used in the Village at Seabrook PUD was not the same as that used in the recorded Plat for the Village at Seabrook. The total number of lots was reduced from 106 in the PUD to 101 in the recorded Plat. In addition, the total area of some lots increased in size in the recorded Plat. However, the lot configuration is generally consistent between the two documents. In addition, two platted lots were later combined by subsequent property owners, bringing the total number of lots to 99. For the sake of consistency between the two documents, the Zoning Administrator would apply the following conversion schedule between the lot numbers shown within Exhibit B to the PUD and those shown on the recorded Plat:

Village at Seabrook: Lot Conversion Schedule (PUD to Recorded Plat)									
PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #
1	C-01 <sup>1</sup>	23	C-29	45	B-40	67	B-10	89	A-18
2		24	C-22	46	B-39	68	B-09	90	A-17
3	C-03	25	C-28	47*	B-38**	69	B-08	91	A-16
4	C-04	26	C-23	48	B-37	70	B-07	92	A-15
5	C-05	27	C-27	49	B-36	71	B-06	93*	A-14** <sup>7</sup>
6	C-06	28	C-24	50	B-35	72	B-25 <sup>4</sup>	94	
7	C-07	29	C-25	51	B-34	73		95	A-12
8	C-08	30*	C-26**	52	B-33	74	B-24	96	A-11
9	C-09	31	C-31	53	B-32	75*	B-23	97	A-10
10	C-10	32	C-32	54	B-31	76*	B-22 <sup>5</sup>	98	A-09
11	C-11	33	C-33	55	B-30	77		99	A-08
12	C-12	34	C-34	56*	B-20 <sup>3</sup>	78	B-27 <sup>5</sup>	100	A-07
12	C-13	35	C-35	57		79*		B-26	101*
14	C-14	36	B-48 <sup>2</sup>	58	B-19	80	B-05	102	A-05
15	C-15	37		59	B-18	81	B-04	103	A-04
16	C-16	38	B-47	60	B-17	82	B-02 / B-03 <sup>6</sup>	104	A-03
17	C-17	39	B-46	61	B-16	83		105	A-02
18	C-18	40	B-45	62	B-15	84*	B-01	106*	A-01**
19*	C-19**	41	B-44	63	B-14	85	A-22		
20	C-20	42	B-43	64	B-13	86	A-21		
21	C-30	43	B-42	65	B-12	87*	A-20		
22	C-21	44	B-41	66	B-11	88	A-19		

\*Indicates a lot listed as a "Lot Requiring Zero Lot Line Setbacks" in the PUD

\*\* Indicates a lot listed as a "Lot Requiring Zero Lot Line Setbacks" in the recorded Plat

<sup>1</sup> PUD Lots 1 & 2 were combined as Lot C-01 in the recorded Plat

<sup>2</sup> PUD Lots 36 & 37 were combined as Lot B-48 in the recorded Plat

<sup>3</sup> PUD Lots 56 & 57 were combined as Lot B-20 in the recorded Plat

<sup>4</sup> PUD Lots 72 & 73 were combined as Lot B-25 in the recorded Plat

<sup>5</sup> PUD Lot 77 was split in the recorded Plat, with a portion being attached to Lot B-22 and the remainder to Lot B-27

<sup>6</sup> Lot B-02 was subsequently combined with Lot B-03 to form Lot B-02/03 in 2015 (Book S15, Page 0294)

<sup>7</sup> Lot A-13 was subsequently combined with Lot A-14 to form a new Lot A-14 in 2013 (Book S13, Page 0264)

**Exhibit C**

Development Standards Ordinance  
§7.60 (Minimum Setbacks)

**See Attachment #7 in Agenda Packet (pages 136-140) for Exhibit C**



**Exhibit D**

Ordinance 2000-08

An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract  
(Developed as the Village at Seabrook)

**See Attachment #5 in Agenda Packet (pages 75-132) for Exhibit D**

Exhibit E

Recorded Plat for the Village at Seabrook

**See Attachment #11 in Agenda Packet (pages 153-155) for Exhibit E**



## ATTACHMENT #3

Zoning Administrator's Letter of Determination for Lots  
A-06 & B-01 in the Village at Seabrook (June 4, 2019)



## LETTER OF DETERMINATION

**TO:** Kevan Hoertdoerfer, Kevan Hoertdoerfer Architects, 538 King St, Charleston, SC 29403  
**FROM:** Joseph M. Cronin, Town Administrator  
**SUBJECT:** Letter of Determination for Setback Requirements – Village at Seabrook Lots A-06 & B-01  
**DATE:** June 4, 2019

Dear Mr. Hoertdoerfer:

I have received your request for confirmation of the setback requirements for Lot A-06 (Charleston County Tax Map # 147-00-00-042) and Lot B-01 (Charleston County Tax Map # 147-00-00-059) in the Village at Seabrook subdivision. It is my understanding that your client, Trey Seabrook, is seeking to design and construct a new residence on one of the above-referenced lots.

In preparing this Letter of Determination, I have completed a review of the following documents:

- The Development Standards Ordinance for the Town of Seabrook Island (the “DSO”);
- The Planned Unit Development for the Village at Seabrook (formerly referred to as the “Lake Entry Tract”), which was approved by Seabrook Island Town Council on February 22, 2000 (Ordinance No. 2000-01) and subsequently amended by Seabrook Island Town Council on June 5, 2000 (Ordinance No. 2000-08) (the “PUD”); and
- The Subdivision Plat for the Village at Seabrook, which was recorded in the Charleston County Register of Deeds Office in Plat Book EF, Pages 245-246 (the “Plat”).

Based on my review of the above-referenced documents, I have determined that the following setback requirements will apply to **Lot A-06** in the Village at Seabrook subdivision:

Setback Requirements (Lot A-06): Corner Lot with 2 Front Yards & 2 Side Yards	
<b>Front Yard Setback (Primary)</b>	<b>30 feet</b> measured parallel to the cul-de-sac right-of-way. <ul style="list-style-type: none"> <li>• <i>Note: Uncovered front steps may encroach up to 10 feet into the required front yard setback.</i></li> </ul>
<b>Front Yard Setback (Secondary)</b>	<b>20 feet</b> measured parallel to the secondary road right-of-way (Seabrook Island Road).
<b>Side Yard Setback</b>	<b>0 feet</b> from both side property lines; provided, however, the minimum separation between structures must be at least 15 feet. For the sake of consistency, a minimum side yard setback of at least 7.5 feet is <i>recommended</i> .
<b>Rear Yard Setback</b>	<b>Not Applicable</b> (Corner Lot)

In addition, the following setback requirements will apply to **Lot B-01** in the Village at Seabrook subdivision:

<b>Setback Requirements (Lot B-01): Corner Lot with 2 Front Yards &amp; 2 Side Yards</b>	
<b>Front Yard Setback</b>	<b>30 feet</b> measured parallel to the road right-of-way from <b>both</b> Seabrook Island Road & Seabrook Village Drive. <ul style="list-style-type: none"> <li><i>Note: Uncovered front steps may encroach up to 10 feet into the required front yard setbacks.</i></li> </ul>
<b>Side Yard Setback</b>	<b>0 feet</b> from both side property lines; provided, however, the minimum separation between structures must be at least 15 feet. For the sake of consistency, a minimum side yard setback of at least 7.5 feet is <i>recommended</i> .
<b>Rear Yard Setback</b>	<b>Not Applicable</b> (Corner Lot)

For reference, I have attached the following exhibits to this Letter of Determination:

- **Exhibit A:** Illustration of Setback Requirements for Village at Seabrook Lot A-06. Please note that the setback lines are approximate and shown for illustration purposes only.
- **Exhibit B:** Illustration of Setback Requirements for Village at Seabrook Lot B-01. Please note that the setback lines are approximate and shown for illustration purposes only.
- **Exhibit C:** Summary of Key Findings & Basis for Determination
- **Exhibit D:** Development Standards Ordinance §7.60 (Minimum Setbacks)
- **Exhibit E:** Ordinance No. 2000-08 – An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract (Developed as the Village at Seabrook)
- **Exhibit F:** Recorded Plat for the Village at Seabrook
- **Exhibit G:** Ordinance No. 2001-03 – An ordinance to amend DSO Section 2.10.420 (Setback)

*Please note that the information contained within this Letter of Determination is current as of the above-referenced date. The setback requirements specified within this Letter of Determination are subject to change as a result of future amendments to the DSO and/or PUD, as well as any appeal(s) of the Zoning Administrator’s determination.*

**Right to Appeal**

Please be advised that the Zoning Administrator’s determination may be appealed, in whole or in part, by any party in interest, including the property owner. Pursuant to §19.40 of the DSO and §6-29-800 of the South Carolina Code of Laws, all appeals must be made to the town’s Board of Zoning Appeals by filing a written appeal **within 30 days of receipt** of this Letter of Determination.

A copy of this Letter of Determination will be provided to the Village at Seabrook Regime, as well as the Seabrook Island Property Owners Association.

*An appeal will stay all zoning actions (including zoning permit approvals) and/or legal proceedings until the matter which is subject to the appeal has been acted upon by the town’s Board of Zoning Appeals.*

**Contact Information**

If you have any questions about the contents of this letter, please feel free to contact me by phone at (843) 768-5321 or by email at [jcronin@townofseabrookisland.org](mailto:jcronin@townofseabrookisland.org).

Respectfully submitted,



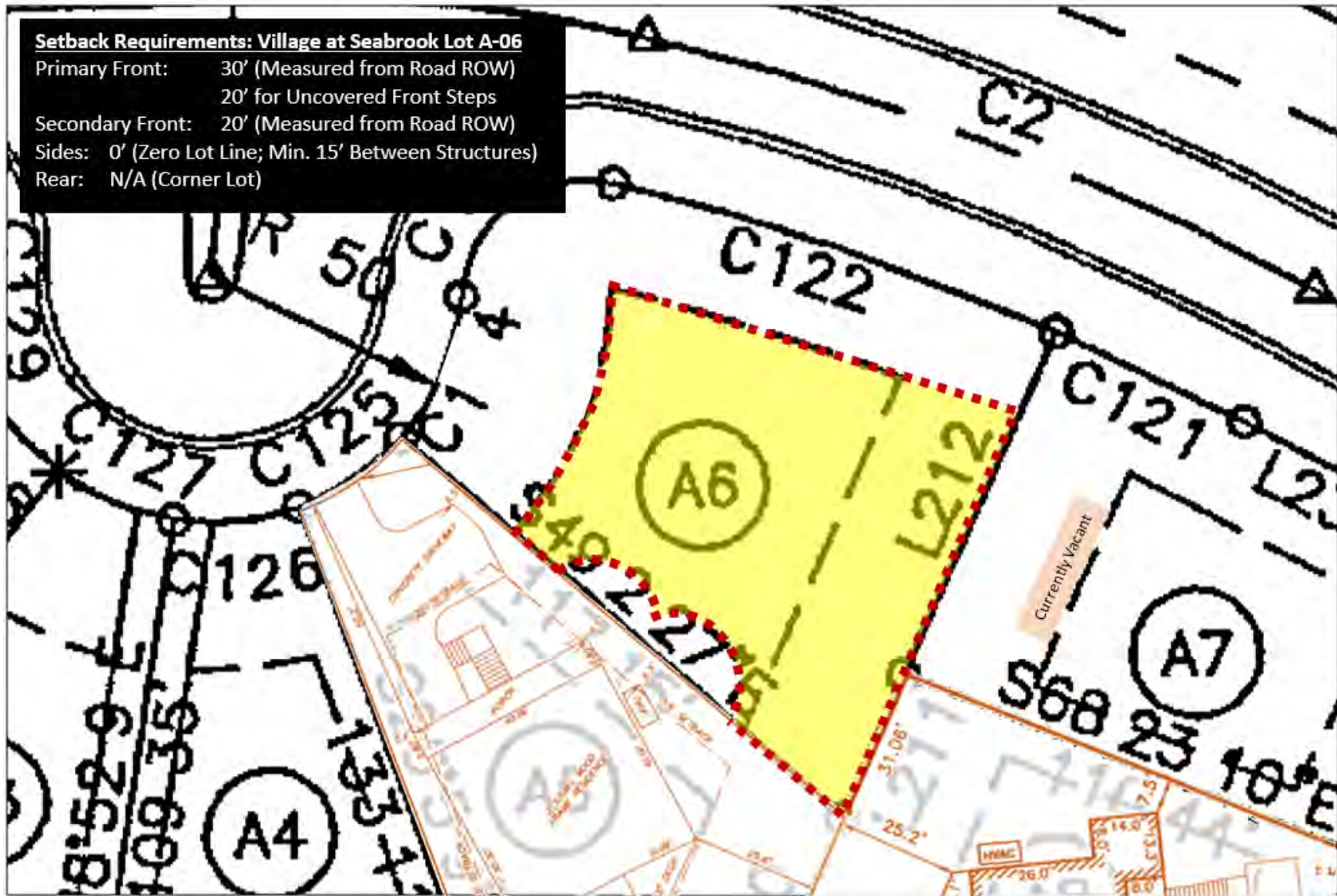
Joseph M. Cronin

Town Administrator/Zoning Administrator

**Exhibit A**

Illustration of Setback Requirements for Village at Seabrook Lot A-06

## Illustration of Setback Requirements for Village at Seabrook Lot A-06



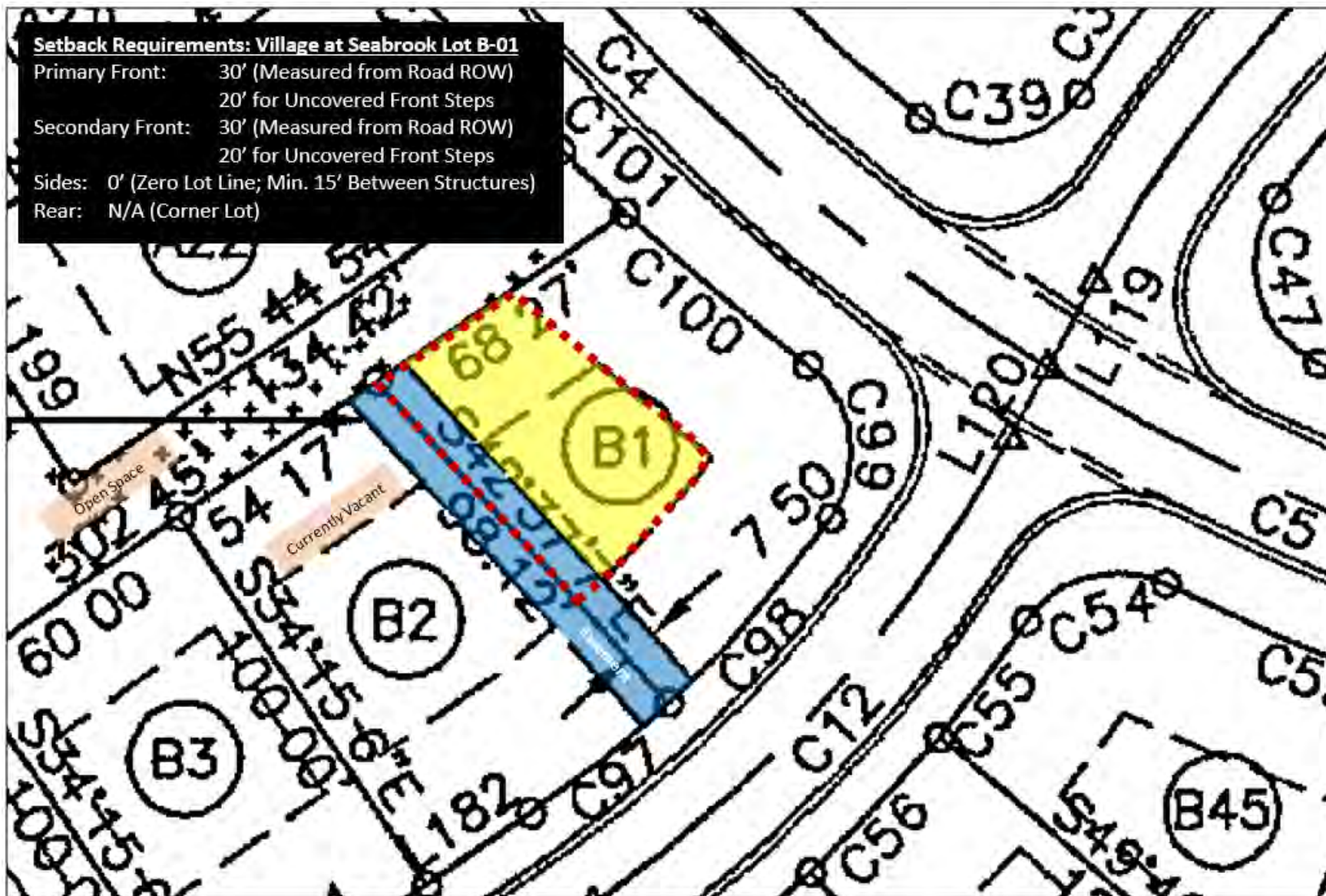
Setback Lines are approximate and shown for illustration purposes only. Side setback along shared property line with Lot A-05 is 8.5' (to meet 15' separation). Future development on Lot A-07 may impact side setback requirement.



**Exhibit B**

Illustration of Setback Requirements for Village at Seabrook Lot B-01

### Illustration of Setback Requirements for Village at Seabrook Lot B-01



Setback Lines are approximate and shown for illustration purposes only.  
 15' easement will ensure future structures on Lots B-01 & B-01 are at least 15' apart. No side yard setback required along open space lot (>15' in width).

**Exhibit C**

Summary of Key Findings & Basis for Determination

**Village at Seabrook  
Front Yard Setback Requirements**

The minimum front yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

Front Yard Setback Requirements		
<b>PUD</b>	Standard Lots	30 feet ( <i>PUD Exhibit B</i> )
	Corner Lots	No differentiation between standard lots and corner lots in the PUD; therefore, 30 feet ( <i>PUD Exhibit B</i> )
<b>DSO</b>	Standard Lots	30 feet ( <i>DSO §7.60.40.10</i> )
	Corner Lots	If one street frontage is a cul-de-sac street: <ul style="list-style-type: none"> <li>• 30 feet from the cul-de-sac street</li> <li>• 20 feet from the intersecting street</li> </ul> All other corner lots: 30 feet from both streets ( <i>DSO §7.60.40.10</i> )
	Front Steps	Uncovered front steps may extend into the front setback but may not be less than twenty 20 feet from the property's front lot line. ( <i>DSO §7.60.40.10</i> )
<b>Plat</b>	Standard Lots	30 feet
	Corner Lots	If one street frontage is a cul-de-sac street: <ul style="list-style-type: none"> <li>• 30 feet from the cul-de-sac street</li> <li>• 20 feet from the intersecting street</li> </ul> All other corner lots: 30 feet from both streets

**Key Findings**

- The front yard setback requirements illustrated on the Plat are **inconsistent** with the PUD.
- The front yard setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.
- On its face, the **more restrictive** requirement is contained within the PUD, which requires a minimum front yard setback of 30 feet. The PUD does **not** contain any other requirement, allowance or provision for corner lots, including those fronting a cul-de-sac street. The PUD also does **not** contain any provision allowing front steps to encroach into a required front yard setback.
- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have **two front yards and two side yards**. (*DSO §7.60.10.10*) The PUD does **not** contain any provision which would supersede this definition.
- The DSO currently allows a reduced front yard setback for corner lots wherein one abutting street is a cul-de-sac. (*DSO §7.60.40.10*) The DSO also allows uncovered front steps to encroach up to 10

feet into a required front yard setback. (DSO §7.60.40.10) These provisions were added to the DSO by Ordinance No. 2001-03, which was adopted by Town Council on June 26, 2001. However, Ordinance No. 2001-03 did **not** contain any provision which amended or repealed conflicting ordinances. In addition, the PUD was never amended by Town Council to incorporate the amendments contained within Ordinance No. 2001-03. Under the strictest interpretation, it would appear that the provisions of Ordinance 2001-03 would **not** apply to the Village at Seabrook; however:

- In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been permitted and constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:
  - Of the 2 homes built on corner lots wherein one abutting street is a cul-de-sac, both (100.0%) observed a secondary street setback of 20 feet rather than 30 feet; and
  - Of the 55 homes completed to date, 39 (70.9%) have uncovered front steps which encroach into the 30-foot front yard setback.
- In reviewing the case file for Ordinance No. 2001-03, the Zoning Administrator found that the text amendment was requested by the original developer of the Village at Seabrook, and discussion of the proposed amendment was specific to the Village at Seabrook.
- Therefore, while Ordinance No. 2001-03 may not have been properly applied to the Village at Seabrook, the Zoning Administrator has found that there is clear evidence that the requirements of Ordinance No. 2001-03 were **intended** to apply to the Village at Seabrook and, subsequently, **have been** consistently applied in the Village for nearly 20 years.
- In general terms, whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply** (DSO §1.70); however:
  - In this case, the failure to apply the provisions of Ordinance No. 2001-03, which were clearly intended to apply (and have been applied) to the Village at Seabrook, would result in an unnecessary hardship, as nearly 75% of all existing homes within the Village would be rendered non-conforming with the front yard setback requirement.

### **Determination**

**The Zoning Administrator has determined that the minimum front yard setback requirement shall be 30 feet from the street right-of-way for all lots within the Village at Seabrook provided, however:**

- **For corner lots wherein one street frontage is a cul-de-sac street, the minimum setback shall be 30 feet from the cul-de-sac street and 20 feet from the intersecting street; and**
- **Uncovered front steps may extend into the front setback but may not be less than twenty 20' from the property's front lot line.**

**Village at Seabrook  
Side Yard Setback Requirements**

The minimum side yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

Side Yard Setback Requirements		
<b>PUD</b>	Standard Lots	No minimum side yard setback specified; 15-foot separation between structures required <i>(PUD Exhibit B)</i>
	Zero Lot Line Lots	The following lots were listed as “Lots Requiring Zero Lot Line Setbacks” and contained no minimum side yard setback: Lots 19 (C-19), 30 (C-26), 47 (B-38), 56 (B-20), 75 (B-23), 76 (B-22), 79 (B-26), 84 (B-01), 87 (A-20), 93 (A-14), 101 (A-06), 106 (A-01) <i>(PUD Exhibit B)</i>
<b>DSO</b>	All Lots	No minimum side yard setback specified; Zero lot line construction may be permitted provided all other setbacks of the district and criteria for zoning as a PDD are met. However, the total of both side yard setbacks shall be at least 15 feet; provided that no two detached patio homes may be situated closer than 15 feet. <i>(DSO §7.60.40.20)</i>
<b>Plat</b>	Standard Lots	7.5 feet
	Zero Lot Line Lots	The following lots were listed as “Lots Requiring Zero Lot Line Setbacks” and contained a 0-foot side yard setback requirement: Lots A-01, A-06, A-14, B-38, C-19, C-26
	Lots abutting Zero Lot Line Lots	The following lots were adjacent to “Lots Requiring Zero Lot Line Setbacks” and were shown to contain a minimum side yard setback of 15 feet: Lots A-02, A-05, A-13, B-37, C-18, C-25 adjacent to the ZLL Lot.

**Key Findings**

- The **more restrictive** requirement is contained within the Plat, which illustrates a minimum side yard setback of 7.5 feet for standard lots, 0 feet for “Lots Requiring Zero Lot Line Setbacks” and 15 feet for lots abutting a “Lot Requiring Zero Lot Line Setbacks;” however:
  - The side yard setback requirements illustrated on the Plat are **inconsistent** with the requirements of the PUD and the DSO; and
  - The setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.

- As allowed by *DSO §7.60.40.20*, the PUD (specifically Exhibit B to the ordinance adopting the PUD) does **not** specify a minimum side yard setback requirement for individual lots.
- While certain lots are listed in the PUD as “Lots Requiring Zero Lot Line Setbacks,” the PUD only requires a **15-foot separation** between structures on all lots. For example, if two neighboring lots observed side yard setbacks of 0/15, 3/12, 5/10, 7.5/7.5, etc., this would be acceptable as all lots would satisfy the minimum separation requirements outlined in the PUD and the DSO.
- Therefore, it is the Zoning Administrator’s determination that there is **no basis** in the PUD or DSO for applying a 7.5-foot or 15-foot side yard setback, as illustrated on the plat. Based on this determination, the Zoning Administrator finds that the PUD allows **all** lots within the Village at Seabrook to be classified as “Lots Requiring Zero Lot Line Setbacks” (ie. no specific side yard setback required) as long as the total of both side yard setbacks is at least 15 feet, and there is a minimum separation of at least 15 feet between structures. This interpretation is consistent with the practice of previous Zoning Administrators, as evidenced by the following:
  - In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:
    - Of the 55 homes completed, 14 (25.5%) do not comply with one or more of the side yard setbacks, as illustrated on the Plat; however, all lots (100.0%) meet or exceed the 15-foot separation requirement, as required by the PUD and DSO.
- The Plat reduces the total number of “Lots Requiring Zero Lot Line Setbacks” from the 12 (PUD) to 6 (Plat). While the requirements of the PUD would generally supersede those of the Plat, it is the Zoning Administrator’s interpretation that this is a moot point, as both the PUD and DSO do **not** specify a minimum side yard setback requirement, and only require a minimum separation requirement of 15 feet between structures.
- Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply.** (*DSO §1.70*) In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, the requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

### **Determination**

**The Zoning Administrator has determined that there is no minimum side yard setback requirement for lots within the Village at Seabrook; provided, however:**

- **In instances where a side yard is required, the total of both side yard setbacks shall be at least 15 feet, and no detached structure may be situated closer than 15 feet to another structure.**
- **For the sake of consistency among neighboring lot owners, a minimum side yard setback of 7.5 feet is recommended, though not required by the PUD or DSO.**

**Village at Seabrook  
Rear Yard Setback Requirements**

The minimum rear yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

Rear Yard Setback Requirements		
<b>PUD</b>	All Lots	25 feet ( <i>PUD Exhibit B</i> )
<b>DSO</b>	Standard Lots	25 feet ( <i>DSO §7.60.40.30</i> )
	Open Space Lots	25 feet; provided, open decks may encroach up to 10 feet into the rear yard setback area ( <i>DSO § 7.60.60</i> )
<b>Plat</b>	All Lots	25 feet (including corner lots)

**Key Findings**

- The rear yard setback requirements are **generally consistent** between the PUD, the DSO and the Plat, each of which specify a 25-foot rear yard setback. However, the Plat also applies a 25-foot rear yard setback to corner lots.
- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have **two front yards and two side yards**. (*DSO §7.60.10.10*)
- The PUD does **not** contain any provision that would supersede (either by strengthening or relaxing) the requirements of *DSO §7.60.10.10* as it relates to corner lots having two front yards and two side yards.
- The application of a 25-foot rear yard setback to corner lots, as shown on the Plat, is **inconsistent** with the requirements of the PUD and the DSO.
- Some lots within the Village at Seabrook – including Lots B-22, B-23, B-26 and C-24 – are “pie-shaped” lots. While pie-shaped lots have defined front and side property lines, they do **not** have a defined rear property line from which to apply a rear yard setback. However, by definition, a pie-shaped lot is **not** a corner lot; therefore, a rear yard setback must still be applied. The Plat indicates that pie-shaped lots shall have one side yard and one rear yard. In the Zoning Administrator’s determination, there is **no basis** in the PUD or DSO for classifying one of the side yards as a rear yard. Therefore, it is the Zoning Administrator’s opinion that the Plat is **inconsistent** with the requirements of the PUD and the DSO.
- The rear yard setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.
- Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply**. (*DSO §1.70*) In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, **the**



requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

### Determination

The Zoning Administrator has determined that the minimum rear yard setback requirement shall be 25 feet from the rear property line; provided, however:

- For lots abutting an open space area (lake, lagoon, golf course, etc.), an open deck may encroach no more than 10 feet into the required rear yard setback.
- For pie-shaped lots that do not have a defined rear property line from which to apply a rear yard setback (Lots B-22, B-23, B-26 and C-24), the Zoning Administrator has interpreted that the rear yard setback shall be measured from the point where the two side property lines intersect at the rear of the property. This will ensure that the rear setback line is roughly parallel to the (curvilinear) front setback line, consistent with non-pie-shaped lots.
- Corner lots are defined by ordinance to have two front yards and two side yards. Therefore, a rear yard setback shall not be required for any corner lot within the Village at Seabrook. The requirements for front and side yard setbacks are further outlined elsewhere in this Letter of Determination.

**Village at Seabrook  
Lot Conversion Schedule**

It should be noted that the lot numbering system used in the Village at Seabrook PUD was not the same as that used in the recorded Plat for the Village at Seabrook. The total number of lots was reduced from 106 in the PUD to 101 in the recorded Plat. In addition, the total area of some lots increased in size in the recorded Plat. However, the lot configuration is generally consistent between the two documents. In addition, two platted lots were later combined by subsequent property owners, bringing the total number of lots to 99. For the sake of consistency between the two documents, the Zoning Administrator would apply the following conversion schedule between the lot numbers shown within Exhibit B to the PUD and those shown on the recorded Plat:

Village at Seabrook: Lot Conversion Schedule (PUD to Recorded Plat)									
PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #	PUD Lot #	Plat Lot #
1	C-01 <sup>1</sup>	23	C-29	45	B-40	67	B-10	89	A-18
2		24	C-22	46	B-39	68	B-09	90	A-17
3	C-03	25	C-28	47*	B-38**	69	B-08	91	A-16
4	C-04	26	C-23	48	B-37	70	B-07	92	A-15
5	C-05	27	C-27	49	B-36	71	B-06	93*	A-14** <sup>7</sup>
6	C-06	28	C-24	50	B-35	72	B-25 <sup>4</sup>	94	
7	C-07	29	C-25	51	B-34	73		95	A-12
8	C-08	30*	C-26**	52	B-33	74	B-24	96	A-11
9	C-09	31	C-31	53	B-32	75*	B-23	97	A-10
10	C-10	32	C-32	54	B-31	76*	B-22 <sup>5</sup>	98	A-09
11	C-11	33	C-33	55	B-30	77		99	A-08
12	C-12	34	C-34	56*	B-20 <sup>3</sup>	78	B-27 <sup>5</sup>	100	A-07
12	C-13	35	C-35	57		79*		B-26	101*
14	C-14	36	B-48 <sup>2</sup>	58	B-19	80	B-05	102	A-05
15	C-15	37		59	B-18	81	B-04	103	A-04
16	C-16	38	B-47	60	B-17	82	B-02 /	104	A-03
17	C-17	39	B-46	61	B-16	83	B-03 <sup>6</sup>	105	A-02
18	C-18	40	B-45	62	B-15	84*	B-01	106*	A-01**
19*	C-19**	41	B-44	63	B-14	85	A-22		
20	C-20	42	B-43	64	B-13	86	A-21		
21	C-30	43	B-42	65	B-12	87*	A-20		
22	C-21	44	B-41	66	B-11	88	A-19		

\*Indicates a lot listed as a "Lot Requiring Zero Lot Line Setbacks" in the PUD

\*\* Indicates a lot listed as a "Lot Requiring Zero Lot Line Setbacks" in the recorded Plat

<sup>1</sup> PUD Lots 1 & 2 were combined as Lot C-01 in the recorded Plat

<sup>2</sup> PUD Lots 36 & 37 were combined as Lot B-48 in the recorded Plat

<sup>3</sup> PUD Lots 56 & 57 were combined as Lot B-20 in the recorded Plat

<sup>4</sup> PUD Lots 72 & 73 were combined as Lot B-25 in the recorded Plat

<sup>5</sup> PUD Lot 77 was split in the recorded Plat, with a portion being attached to Lot B-22 and the remainder to Lot B-27

<sup>6</sup> Lot B-02 was subsequently combined with Lot B-03 to form Lot B-02/03 in 2015 (Book S15, Page 0294)

<sup>7</sup> Lot A-13 was subsequently combined with Lot A-14 to form a new Lot A-14 in 2013 (Book S13, Page 0264)

**Exhibit D**

Development Standards Ordinance  
§7.60 (Minimum Setbacks)

**See Attachment #7 in Agenda Packet (pages 136-140) for Exhibit C**

**Exhibit E**

Ordinance 2000-08

An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract  
(Developed as the Village at Seabrook)

**See Attachment #5 in Agenda Packet (pages 75-132) for Exhibit D**

**Exhibit F**

Recorded Plat for the Village at Seabrook

**See Attachment #11 in Agenda Packet (pages 153-155) for Exhibit E**

**Exhibit G**

Ordinance 2001-03

An ordinance to amend DSO Section 2.10.420 (Setback)

**See Attachment #6 in Agenda Packet (pages 133-135) for Exhibit F**



## ATTACHMENT #4

Ordinance 2000-01:  
Adopting the Village at Seabrook PUD  
(February 22, 2000)

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2000-01

ADOPTED FEBRUARY 22, 2000

AN ORDINANCE TO ADOPT A PLANNED UNIT  
DEVELOPMENT WITHIN AREA SIX  
(LAKE ENTRY TRACT)

WHEREAS, Seabrook Island I L.L.C. submitted a zoning application to the Town of Seabrook Island for the Lake Entry Tract Planned Unit Development ("PUD"), the application for which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, Seabrook Island I L.L.C. proposes that the Lake Entry Tract be developed as 106 multi-family residential lots provided such development complies with all applicable provisions of the Town's Code and DSO; and

WHEREAS, pursuant to Section 5.50.30 of the Development Standards Ordinance, this property must be developed as a planned unit development and approved by the Town Council; and

WHEREAS, the approval of this PUD will constitute the zoning for this property; and

WHEREAS, Town Council is authorized to amend its zoning ordinance; and

WHEREAS, a properly noticed public hearing was held on this ordinance as proposed on February 22, 2000; and

WHEREAS, Seabrook Island I L.L.C.'s application for a PUD has been reviewed by the Planning Commission and recommended to Town Council for approval.

NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:

SECTION 1. Purpose

This Ordinance is adopted to approve the Lake Entry Tract PUD (Application # 1739 as amended).

SECTION 2. PUD Adopted

The Lake Entry Tract PUD (Application # 1739 as amended) (Exhibit A) is hereby approved and adopted. The approved amendments to the application which shall constitute the PUD for this property are shown on the map attached as Exhibit B and incorporated herein by reference. The Lake Entry Tract PUD is

*Copy*  
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subject to all of the requirements of the Town Code and DSO including but not limited to DSO Sections (7) and (8). The applicant further agrees all roads within the PUD as well as the six-acre lake shall be deeded to the Seabrook Island Property Owner's Association.

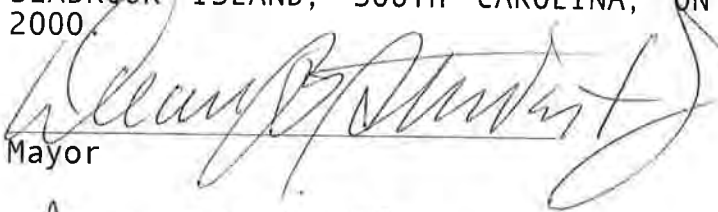
SECTION 3. Severability

If any part of this ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 4. Effective Date

This Ordinance shall be effective upon its enactment by the Town Council of the Town of Seabrook Island.

PASSED, APPROVED AND ADOPTED BY THE COUNCIL FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA, ON THIS 22<sup>nd</sup> DAY OF February, 2000.

  
Mayor

  
Town Clerk

First Reading: January 25, 2000  
Public Hearing: February 22, 2000  
Second Reading: February 22, 2000

Town of Seabrook Island - Zoning Permit

Permit Date: 03/27/1997      Permit #, Town: 1739      License #: 0  
 TMS Number: 147-00-00-009      Thru:      And:      Paid Date: 03/27/1997  
    App Fee: \$820.00      Cash: No      Check #: 1008

Applicant Name: Seabrook Island I.L.C.      Phone:  
 Contact Name: Hank Hoffard or Dave Savitz  
 App Address1: 17 Lockwood Dr. The Rice Mill  
 App Address2:  
 App City: Charleston      St: SC      Zip: 29402

Property Owner: Seabrook Island I.L.C.      Phone: 722-8200  
 Owner Address1: P.O. Box 1707  
 Owner Address2:  
 Owner City: Charleston      St: SC      Zip: 29455

Property Location: Lot:      Block:  
 Property Address: 56 acre lake entry tract

Purpose: *Submittal of a Planned Unit Development for property presently known as the Lake Entry Site. This property is just past the gate on the left leading into the Island.*

Work Value: \$0.00      Const Cost: \$0.00      Flood Elev: 13      Zone: A8

Architectural Review Board:

Comments: *Requires Recommendation of Planning Commission and approval of Town Council  
 The Town Council voted on June 24, 1997 to accept the Planning Commission recommendation that this application be denied because it did not meet sec 9.10.0*

Amendment: *2/4/2000 To amend this application for a planned development of a health care facility to a planned multi-family development of 106 units.*

This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.  
 If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code.  
 Any extentions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.

I hereby certify that the above information and any plan or drawing submitted herewith are true and accurate indications of existing or proposed improvements to the above identified property.

Owner/Applicant's Signature  
 Wednesday, January 12, 2000

*Dagla M. Smith*  
 Zoning Administrator  
 Wednesday, January 12, 2000

*Dave Savitz*



## **ATTACHMENT #5**

Ordinance 2000-08:  
Amending the Village at Seabrook PUD  
(June 5, 2000)

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2000-08

ADOPTED June 5, 2000

AN ORDINANCE TO AMEND THE PLANNED UNIT  
DEVELOPMENT WITHIN AREA SIX FOR THE LAKE ENTRY TRACT  
(DEVELOPED AS THE VILLAGE AT SEABROOK)

WHEREAS, Seabrook Island I, LLC, submitted a zoning application to the Town of Seabrook Island for the Lake Entry Tract Planned Unit Development ("PUD"); and

WHEREAS, Seabrook Island I, LLC, proposed that the Lake Entry Tract be developed as 106 multi-family residential lots provided such development complies with all applicable provisions of the Town's Code and DS0; and

WHEREAS, pursuant to Section 5.50.30 of the Development Standards Ordinance, this property must be developed as a planned unit development and approved by the Town Council; and

WHEREAS, by Ordinance 2000-01, the Town of Seabrook Island approved the proposed PUD for this development; and

WHEREAS, the Planning Commission has reviewed the "Declaration of Covenants and Restrictions for the Village at Seabrook and provisions for and bylaws of the Seabrook Island Property Owners' Association, Inc.," (the "Declarations") and has made recommendations for revisions to the same which have been adopted by the applicant and submitted for inclusion in the terms and conditions of the PUD for this development; and

WHEREAS, Town Council is authorized to amend its zoning ordinance; and

WHEREAS, a properly noticed public hearing was held on this ordinance as proposed on June 5th, 2000.

NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:

SECTION 1. Purpose

This Ordinance is adopted to amend the Lake Entry Tract PUD established by Ordinance 2000-01 so as to include the Declarations as part and parcel of the PUD requirements and restrictions.

SECTION 2. PUD Amended

The Lake Entry Tract PUD (Application # 1739 as amended)(Exhibit A) is hereby approved and adopted. The approved amendments to the application which shall constitute the PUD for this property are shown on the map attached as Exhibit B and

incorporated herein by reference. The Lake Entry Tract PUD is subject to all of the requirements of the Town Code and DSO including but not limited to DSO Sections (7) and (8). The applicant further agrees all roads within the PUD as well as the six-acre lake shall be deeded to the Seabrook Island Property Owner's Association. In addition, subject to the provisions set forth above, the terms and conditions of the Declarations as approved and modified by the Planning Commission, a copy of which is attached as Exhibit C and incorporated herein by reference, are hereby adopted as additional terms and restrictions of this PUD and the zoning granted therein. In the event of any conflict between the terms of the Declarations and the DSO or Town Code, the more restrictive shall apply.

SECTION 3. Severability

If any part of this ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

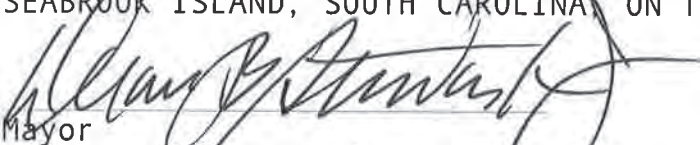
SECTION 4. Effective Date

This Ordinance shall be effective upon its enactment by the Town Council of the Town of Seabrook Island.

SECTION 5. Codification

<sup>S.93.0</sup>  
The provisions of this Ordinance shall be codified at DSO Sections ~~5.92.0~~ (The Village at Seabrook a/k/a Lake Entry Tract) and ~~5.92.10~~ (Master Plan and Requirements).  
<sup>S.93.10</sup>

PASSED, APPROVED AND ADOPTED BY THE COUNCIL FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA, ON THIS 5th DAY OF June, 2000.

  
Mayor

  
Town Clerk

First Reading: May 23, 2000  
Public Hearing: June 5, 2000  
Second Reading: June 5, 2000

Town of Seabrook Island - Zoning Permit

Permit Date: 03/27/1997 Permit #, Town: 1739 License #: 0  
TMS Number: 147-00-00-009 Thru: And: Paid Date: 03/27/1997  
App Fee: \$820.00 Cash: No Check #: 1008

Applicant Name: Seabrook Island I.L.C. Phone:  
Contact Name: Hank Hofford or Dave Savitz  
App Address1: 17 Lockwood Dr. The Rice Hill  
App Address2:  
App City: Charleston St: SC Zip: 29402

Property Owner: Seabrook Island I.L.C. Phone: 722-8200  
Owner Address1: P.O. Box 1707  
Owner Address2:  
Owner City: Charleston St: SC Zip: 29455

Property Location: Lot: Block:  
Property Address: 56 acre lake entry tract

Purpose: Submittal of a Planned Unit Development for property presently known as the Lake Entry Site. This property is just past the gate on the left leading into the Island.

Work Value: \$0.00 Const Cost: \$0.00 Flood Elev: 13 Zone: A8

Architectural Review Board:

Comments: Requires Recommendation of Planning Commission and approval of Town Council

The Town Council voted on June 24, 1997 to accept the Planning Commission recommendation that this application be denied because it did not meet sec 8.10.0 \*\*\*\* March 22, 2000, The Town Council voted to approve the amended PUD which changes the development from a Health Care Facility to a development of 106 Multi-Family lots. \*\*\*\*  
Amendment: 2/4/2000 to amend this application for a planned development of a health care facility to a planned multi-family development of 106 units.

This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.  
If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code.  
Any extentions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.

I hereby certify that the above information and any plan or drawing submitted herewith are true and accurate indications of existing or proposed improvements to the above identified property.

Owner/Applicant's Signature  
Wednesday, January 12, 2000

*Joseph M. Smith*  
Zoning Administrator  
Wednesday, January 12, 2000

*[Signature]*  
Printed Name

APPROVED BY TOWN COUNCIL  
OK ~~JAN 25, 2000~~  
MARCH 22, 2000  
P.M.A.

Exhibit B



LOCATION MAP NOT TO SCALE

CURV	RADIUS	LENGTH	DELTA	TANGENT	BEARING	CHORD
C1	428.87	355.86	47°31'40"	188.69	N24°55'06"E	345.74
C2	29.89	27.89	28°42'27"	16.72	S48°10'32"W	23.71
C3	398.97	112.04	22°12'51"	59.75	S02°42'22"W	111.34
C4	20.09	28.12	80°11'48"	16.62	S01°57'47"E	25.60
C5	597.62	317.02	307°33'51"	162.26	N78°51'02"W	313.36
C6	584.14	32.72	63°38'28"	18.12	S48°10'36"W	32.22
C7	720.00	325.74	31°29'32"	203.01	N83°52'18"E	380.18

LINE	BEARING	LENGTH
L1	N 32°24'41" W	21.84
L2	N 68°24'33" W	25.47
L3	N 12°10'28" W	33.55
L4	N 36°29'40" W	80.90
L5	N 22°06'30" W	39.80
L6	N 32°24'30" W	36.58
L7	N 31°14'07" W	66.76
L8	N 30°10'53" W	45.81
L9	N 34°48'30" W	53.30
L10	N 32°24'41" W	72.61
L11	N 28°41'53" W	31.76
L12	S 87°57'01" W	129.99
L13	S 61°10'16" W	82.44
L14	N 64°10'56" W	118.67
L15	S 75°50'04" W	115.77
L16	S 48°30'19" W	119.58

OWNER:  
SEABROOK ISLAND I, L.L.C.  
P.O. BOX 1707  
CHARLESTON, SC 29402

DEVELOPER:  
BENNETT HOFFMAN CONSTRUCTION CO.  
1000 W. 10TH ST.  
CHARLESTON, SC

LAND PLANNER/LANDSCAPE ARCHITECT:  
HLA, INC.  
CHARLESTON, SC

CIVIL ENGINEER/SURVEYOR:  
C. J. PARR & ASSOCIATES  
CHARLESTON, SC



**LAND USE SUMMARY:**

TMS# 147-00-00-009

TOTAL AREA: 42.219 AC.

(INCLUDING LAKE)

COMMON AREA AND LAKE: 8.33 AC.

SEABROOK ISLAND ROAD: 2.1 AC.

RESIDENTIAL: 22.84 AC.

BUFFERS: 3.0 AC.

RESIDUAL TRACT (GROUND LEASE): 5.54 AC.

PROPOSED LAND USE: DETACHED MULTIFAMILY RESIDENTIAL

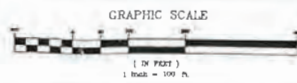
MINIMUM LOT SIZE: 6,000 S.F.

MAXIMUM LOT COVERAGE: 40%

SETBACKS:  
30' FRONT  
15' SIDE (TO TOTAL 15')  
25' REAR

LOT WITH ZERO  
OUTLINE SETBACKS:  
18, 30, 47, 56,  
25, 76, 79, 84, 87  
87, 175 & 106

TOPOGRAPHIC AND TREE SURVEY INFORMATION  
PROVIDED BY G. ROBERT GEORGE AND  
ASSOCIATES, INC. MARCH 1997  
(UPDATED OCTOBER 1999)



**HLA** HOFFMAN LESTER ASSOCIATES, INC.  
Land Planning • Civil Engineering • Landscape Architecture  
Vertical Consulting • Joint Venturing  
29 LEINBACH DRIVE • CHARLESTON, S.C. • 29407 • (843) 783-1166

AMENDMENT TO P.U.D.  
AND LAND USE PLAN  
VILLAGE AT SEABROOK  
(LACE ENTRY TRACT)  
SEABROOK ISLAND, SOUTH CAROLINA

PROJECT: 97050.00

DATE: 12-22-99

SCALE: 1"=100'

DESIGN: DJL

DRAWN: HMC/AMH

CHECK:

REVISIONS:

SHEET: 1 of 1

**DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR  
THE VILLAGE AT SEABROOK  
AND  
PROVISIONS FOR AND BY-LAWS OF  
THE VILLAGE AT SEABROOK PROPERTY OWNER'S ASSOCIATION, INC.**

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

THIS DECLARATION is made this 15<sup>th</sup> day of November, 2000, by Seabrook Island I, LLC, (a South Carolina limited liability company), hereinafter referred to as the "Declarant,".

WITNESSETH:

WHEREAS, Declarant is the record owner of certain real property located in the Town of Seabrook Island, Charleston County, South Carolina, more particularly described on Exhibit "A" attached hereto and incorporated herein by reference (the "Property") and Declarant is creating thereon a planned development neighborhood known generally as "The Village at Seabrook" (the "Subdivision"); and

WHEREAS, Declarant desires, *inter alia*, to establish certain guidelines and development standards to assist in the preservation of values in the Subdivision; and

WHEREAS, Declarant further desires to create a vehicle for ownership and the maintenance of certain (though not necessarily all) common properties within the Subdivision, including streets, street lighting, signage, a lake, etc. and to provide for the installation, maintenance, improvement and replacement of unique landscaping within the Subdivision, and is causing to be incorporated under the laws of the State of South Carolina a non-profit corporation, The Village at Seabrook Property Owners' Association, Inc. for the purposes and functions more fully set forth herein and in its corporate charter,

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that SEABROOK ISLAND I, LLC (a South Carolina limited liability company) hereby declare that the Property described in Exhibit "A," is and shall be held, transferred, sold, conveyed, given, mortgaged, donated, leased, occupied, and used subject, among others, to the covenants and conditions hereinafter set forth.



I.

DEFINITIONS

The following words and terms, when used in this Declaration or any supplemental declaration (unless the context shall clearly indicate otherwise), shall have meanings set forth below. Other definitions may appear throughout this instrument and the By-Laws attached hereto, and shall have the meanings more particularly set forth therein.

- a. "Additional Property" shall mean and refer to such additional lands as may become subject to this Declaration pursuant to Paragraph 2(b) hereof.
- b. "Assessment" shall mean and refer to any Property Owner's share of the Common Expenses or any other charges from time to time assessed against an Owner by the Association in the manner herein provided. The term "Assessments" may also sometimes mean and refer to, collectively, the "Annual Assessment," and "Special Assessments," as the context herein shall so indicate.
- c. "Association" shall mean and refer to The Village at Seabrook Property Owners' Association, Inc., a non-profit corporation organized under the laws of the State of South Carolina, its successors and assigns.
- d. "Board of Directors" and/or "Board" shall mean and refer to the Board of Directors of The Village at Seabrook Property Owners' Association, Inc., as more fully set forth in Paragraph 5 of the By-Laws.
- e. "By-Laws" shall mean and refer to the By-Laws of the Association which govern the administration and operation of the Association, as may be amended from time to time, which said ByLaws are attached hereto and incorporated herein by reference.
- f. "Cause" for removal of an Officer or Director of the Association shall mean and refer to either (i) fraudulent or dishonest acts or (ii) gross abuse of authority in the discharge of duties for or on behalf of the Association by an Officer or Director, and which cause must be established by the Board after written notice to such Officer or Director of specific charges. and opportunity of such Officer or Director to meet with the Board and refute such charges.
- g. "Common Driveway" shall mean and refer to a driveway located in any part on two (2) Lots for the purpose of providing vehicular access from the street to the residences to be constructed on each Lot.
- h. "Common Expense (s)" shall mean and refer to all expenditures lawfully made or incurred by or on behalf of the Association in connection with the administration of the Subdivision, or in the implementation and enforcement of the terms, provisions, and intent of this Declaration and the By-Laws.

- i. "Covenants" shall mean and refer to the covenants, restrictions, conditions and limitations set forth in this Declaration and any supplements and amendments thereto recorded hereinafter in the R.M.C. Office.
- j. "Declaration" shall mean and refer to this Declaration and any supplements and amendments thereto recorded hereinafter in the R.M.C. Office.
- k. "Declarant" shall mean and refer to Seabrook Island I, LLC (a South Carolina limited liability company), its successors and assigns.
- l. "Director" shall mean and refer to members, or any one member, of the Board of Directors of the Association.
- m. "Seabrook Island Property Owner's Architectural Review Board" shall mean and refer to the architectural authority established under the Recorded Covenants.
- n. "SIPOA" shall mean and refer to the Seabrook Island Property Owners Association, (a South Carolina non-profit corporation), its successors and assigns.
- o. "Lot" shall mean and refer to any lot shown on a recorded plat of the Property designated for use as a building area site for the construction of a single family dwelling.
- p. "Lot Owner" and "Owner" shall mean and refer to the record owner (whether one or more persons, firms, associations, corporations, partnerships, trusts, trustees, or other legal entities) of the fee simple title to any Lot; notwithstanding any applicable theory of a mortgage, such terms shall not mean or refer to the mortgagee unless and until such mortgagee has acquired title pursuant to foreclosure proceedings or any proceeding or instrument in lieu of foreclosure; nor shall the term "Lot Owner" mean or refer to any lessee or tenant of a Lot Owner. When reference is made herein to Owner(s)' voting rights, all Owners of one Lot, when more than one Owner holds record title shall have, collectively, but one vote per Lot.
- q. "Member" shall mean and refer to all those Lot Owners who are Members of the Association as provided in Paragraph 3(a) of the By-Laws.
- r. "Membership" shall mean and refer to membership by an Owner and/or Declarant in The Village at Seabrook Property Owners' Association, Inc.
- s. "The Village at Seabrook Common Properties" shall mean and refer to those parcels of land within the Property, together with any improvements thereon, which are deeded or leased to the Association and designated in such deed or lease or recorded

plat as "The Village at Seabrook Common Properties". Any property that is leased to the Association and designated in such lease as "The Village at Seabrook Common Property" shall be a common property of The Village at Seabrook and therefore shall be "The Village at Seabrook Common Property" but shall lose its designation and character as "The Village at Seabrook Common Property" upon the expiration of such lease, if not renewed or extended. Also, Declarant may designate The Village at Seabrook Common Properties pursuant to Paragraph 6(b) hereof.

- t. "Plat" shall mean and refer to the conditional plat of the Subdivision prepared by G. Robert George, P.L.S., P.E.S.C. Reg. No. 6517 entitled "Preliminary Plat Showing The Subdivision of The Village At Seabrook Containing 42.328 Acre Tract Located In The Town of Seabrook Island, Charleston County, South Carolina Prepared For Hank Hofford", dated May 25, 2000, and recorded on May 26, 2000, in Plat Book EE at Pages 41 and 42, in the R.M.C. Office. The term "Plat" shall also refer to any subsequent conditional or preliminary plats and/or final subdivision plats of the Subdivision when approved by the Town of Seabrook Island and/or the County of Charleston and recorded in the R.M.C. Office.
- u. The "Property" shall mean and refer to the property described on Exhibit "A" attached hereto and incorporated herein by reference which is hereby subjected to this Declaration.
- v. "Recorded Covenants" shall mean and refer to certain general restrictive covenants guiding the overall development of Seabrook Island, which said covenants are set forth in Restrictions, Covenants and Conditions recorded in Book N100 at Page 296, amended in Book Y110 at Page 143, Book J144 at Page 67, Book J164 at Page 487, Book L186 at Page 697, Book K215 at Page 23; Restrictions, Covenants and Conditions recorded in Book M105 at Page 194, amended in Book Y110 at page 145, Book B145 at page 246, Book E164 at Page 340, Book L186 at Page 697, Book R221 at Page 197; Restrictions, Covenants and Conditions recorded in Book B141 at page 267, amended in Book J144 at Page 59 and Book L186 at page 718; Conservation Easement and Declaration of Restrictions and Covenants recorded in Book V263 at page 44 in the Charleston County R.M.C. Office.
- w. "R.M.C. Office" shall mean and refer to the Office of the Register of Mesne Conveyances for Charleston County, South Carolina and the office of the Register of Deeds of Charleston County, South Carolina as said office may from time to time be designated.
- x. "Subdivision " shall mean and refer to, collectively the lots, road right-of-ways and other community facilities and areas located within the Property.

2.

## PROPERTY

- a. The Property. The real property which is and shall be held, transferred, sold, conveyed, leased, mortgaged, and occupied subject to these Covenants is known generally as "The Village at Seabrook" together with any pedestrian access areas, any community park area, any swimming pool(s), any crabbing decks, any other amenities as may be provided by Declarant, and any easement rights enjoyed over Lots in the Subdivision as reserved herein, on the Plat or in deeds to the Lots, as the same may be located in the Town of Seabrook Island, Charleston County, South Carolina; The Village at Seabrook is more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.
- b. Additions to Existing Property. Declarant, its successors and assigns., shall have the right, without further consent of the Association, to bring within the plan and operation of this Declaration in future stages of the development, additional properties on Seabrook Island, S.C. owned by Declarant, which are in the general vicinity of the Subdivision (the "Additional Properties.") The additions authorized under this and the succeeding subsection shall be made by filing of record one or more Supplementary Declaration of Covenants or an Agreement Impressing the Covenants of this Declaration, with respect to the additional properties which shall extend the operation and effect of the Covenants of this Declaration to such additional properties.
- A Supplementary Declaration may contain such complementary additions and/or modifications of the Covenants contained in this Declaration as may be necessary or convenient, in the judgment of Declarant, to reflect the different character, if any, of the added properties and as are not inconsistent with the plan of this Declaration.
- c. Merger. Upon a merger or consolidation of the Association with another association as provided for in the By-Laws, its properties, rights and obligations may, by operation of law, be transferred to another surviving or consolidated association or, in the alternative, the properties, rights and obligations of another association may, by operation of law, be added to the properties of the Association as a surviving corporation pursuant to a merger. The surviving or unconsolidated association may administer the Covenants and Restrictions established by this Declaration, within the Properties, as herein provided.

3. COVENANTS, RESTRICTIONS, AND AFFIRMATIVE OBLIGATIONS APPLICABLE  
TO ALL PROPERTIES IN The Village at Seabrook

The Property is and shall be conveyed subject to the Recorded Covenants, and nothing contained herein shall be construed to reduce or limit the effectiveness or applicability thereof.

In addition thereto, Declarant has established the following additional Covenants and Restrictions:

- a. Miscellaneous Covenants, Conditions, Restrictions and General Dwelling Specifications.
- i. Setback and other building standards shall be determined by the Seabrook Island Property Owner's Architectural Review Board (the "ARB"), from time to time, subject to approval of Declarant. All Lots and Property developed shall also comply with all applicable requirements of the Town Code and Development Standards Ordinance of the Town of Seabrook Island.
  - ii. Multi family dwellings constructed on the Lots shall be constructed in accordance with several basic home design plans heretofore given preliminary approval by Declarant. Any material variation from such plans shall require the prior written approval of Declarant and the ARB. All multi-family dwellings and commercial buildings constructed on the Property must apply for and receive architectural review approval by the Town of Seabrook Island Planning Commission as set forth in the Town Code and Development Standards Ordinance of the Town of Seabrook Island.
  - iii. The exterior colors of such dwellings shall be limited, and subject to approval by Declarant, the ARB, and the Planning Commission of the Town of Seabrook Island.
  - iv. No residence or dwelling shall be constructed on any Lot with less than 1,500 square feet of total heated enclosed dwelling area.
  - v. The Property is in excess of five (5) acres, therefore the PUD process set forth in the Town Code and Development Standards Ordinance of the Town of Seabrook Island must be followed.
- b. Easements.

Specific easements in favor of Declarant for the installation and maintenance of utilities, landscaping, pest control, and environmental control and protection are set forth in the Recorded Covenants. In addition to such easements, there are hereby reserved for the benefit of the Declarant and the Association, their respective successors and assigns, over, under, upon and across each Lot in the Subdivision, the following non-exclusive rights and easements:

- i. Declarant hereby reserves for itself, its agents, employees, invitees successors and assigns, for and during the period that it owns any of The Village at Seabrook Common Property or any Lot primarily for the purpose of sale or

has the option to add the Additional Property or any portion thereof to the Subdivision, the alienable and transferable right and easement on, over, through, under, and across The Village at Seabrook or improving the Lots, The Village at Seabrook Common Properties for the purpose of constructing, Properties, and/or the Additional Property, and for installing, maintaining, repairing and replacing such other improvements to the Subdivision (including portions of The Village at Seabrook Common Properties) as are contemplated by this Declaration or as Declarant, in its sole discretion, deems necessary. Notwithstanding any other provision of this Declaration to the contrary, nothing, contained in this paragraph shall be construed as an obligation on behalf of Declarant to do or use any of the foregoing.

- ii. Declarant also reserves for itself, its agents, employees, invitees successors and assigns, and the Association, their successors and assigns, a non-exclusive, perpetual, permanent, assignable, transmissible, and commercial easement over each Lot shown on the Plat, over, under, upon and across strips of land six (6') feet in width running adjacent to and parallel with the right-of-way line of any streets as shown on the Plat, which said easement shall be for the installation, maintenance, improvement, and replacement of landscaping along the right-of-way of any streets as shown on the Plat.
- iii. Declarant further reserves for itself, its agents employees, invitees successors and assigns, and the Association, their successors and assigns, a non-exclusive, perpetual, permanent, assignable, transmissible, and commercial easement over, under, upon and across each Lot within the Subdivision, to enter upon such Lot in the performance of their respective duties hereunder, and entrance upon a Lot pursuant to the provisions of this paragraph shall not be deemed a trespass.

c. Water Service Availability Fee.

Upon the installation of a water main adjacent to each Lot in the Subdivision and upon water being available in the main to the Property, the Owner of each Lot shall pay to the Town of Seabrook Island, or its designated representative, a minimum of Three and 33/100ths (\$3.33) Dollars per month for each Lot, payable annually in advance. Payment thereof for the first year or part thereof shall be due on the first day of the month immediately following the availability of water service for the prorata period beginning with said month and ending on March 31 subsequent thereto, and thereafter shall be due and payable in the annual amount of a minimum of \$40.00, payable in advance on the first day of April of each year. The foregoing charges for the availability of water service are not a contribution in aid of construction. The availability fee set forth above is subject to change. Normal charges for water consumed are subject to change by the Public Service Commission of South Carolina or other public body which shall, pursuant to agreement or other

lawful means, exercise control over the water system. Once connected, water main shall remain available unless temporarily disconnected by reason of non-payment of any of the charges mentioned in this Section 3 c.

d. Sewer Service Availability Fee.

Upon the installation of the sewerage disposal system adjacent to each Lot in the Subdivision, the Owner of each Lot shall pay to the Town of Seabrook Island, or its designated representative, a minimum of Three and 33/100ths (\$3.33) Dollars per month for each Lot, payable annually in advance. Payment thereof for the first year or part thereof shall be due on the first day of the month immediately following the availability of sewerage service for the prorata period beginning with said month and ending on March 31 subsequent thereto, and thereafter shall be due and payable in a minimum annual amount of \$40.00, payable in advance on the first day of April of each year. The foregoing charge is for the availability of the sewerage system and is not a contribution in aid of construction. The above sewerage disposal system availability charge, any charge or charges for a tap in fee to the sewer main, and any monthly service charge for such sewer service shall be in accordance with such rates as are approved by the appropriate governmental agency of the Town of Seabrook Island, the County of Charleston, or the State of South Carolina.

e. Easements for Common Driveways.

The Declarant may provide for a Common Driveway to be shared by two (2) contiguous Lots when the Declarant determines that the safety and aesthetics of the Subdivision will be better served by the use of a Common Driveway shared by two (2) contiguous Lots. At such time as Declarant shall convey any Lot(s) determined by Declarant to be required to have a Common Driveway Declarant shall record a Common Driveway Use Agreement, Covenants and Easements in the form attached hereto as Exhibit "B" which shall set forth the rights, duties and obligations of the Lot Owners, their heirs, successors and assigns as to the Common Driveway and as to the Easement Area as defined in the Common Driveway Use Agreement, Covenants and Easements attached hereto as Exhibit "B".

4. THE VILLAGE AT SEABROOK PROPERTY OWNERS' ASSOCIATION

- a. Establishment and Purpose of The Association. Declarant has established the Association for the purpose of exercising powers of owning, maintaining, repairing, reconstructing, improving, and administering The Village at Seabrook Common Properties, providing common services, administering and enforcing the within Covenants and the conditions and restrictions set forth herein, levying, collecting, and disbursing the Assessments and charges herein imposed, holding, owning, and utilizing the easements it may enjoy, and for other purposes.

It is Declarant's intention to convey to the Association, and the Association hereby agrees to accept, The Village at Seabrook Common Properties and any and all improvements, personal property, and easements associated therewith, which are to be held and administered in accordance with this Declaration. Declarant further reserves the right to convey or transfer to the Association any and all rights and obligations of Declarant set forth herein. The legal costs and expenses of such conveyances shall be borne by Declarant. Declarant reserves the right to impose additional covenants and restrictions on such The Village at Seabrook Common Properties as Declarant, in its sole discretion, deems beneficial to the Subdivision. Notwithstanding the above, Declarant reserves the right, in its sole discretion, to convey all or any portion of The Village at Seabrook Common Properties to the SIPOA, or to any appropriate governmental authority, as set forth in Paragraph 6(b) below.

- b. Powers and Functions of the Association. The Association shall be and is hereby authorized and empowered, but not obligated, to perform any and all of the following acts and services, the costs of which shall be a Common Expense.
- i. Clean-up, maintenance, landscaping, improvement, and replacement of The Village at Seabrook Common Properties and improvements thereon, therein and thereunder, pedestrian access easements, boardwalks, fences, community park area, swimming pool(s), crabbing decks, residual tracts, streets, roads and rights-of-way, and the lagoon within the Subdivision such that their deterioration would affect the appearance of the Subdivision as a whole.
  - ii. Clean-up, maintenance, improvement, and replacement of landscaping on each Lot within the Subdivision as otherwise provided in this Declaration or if deterioration of the landscaping on any Lot would affect the appearance of the Subdivision as a whole.
  - iii. Installation, clean-up, maintenance, improvement, and replacement of landscaping within the six (6) foot easement reserved by Declarant and the Association, over each Lot in the Subdivision as set forth in Paragraph 3(b) hereof.
  - iv. Take any and all actions necessary to enforce this Declaration, and to perform any of the functions or services required or delegated to the Association under this Declaration and any amendments or supplements thereto.
  - v. Provide or contract for landscaping and managerial services and other administrative services including, but not limited to legal, accounting, and financial services, communication services informing Members of activities, notice of meetings, referendums, etc.



- vi. Provide liability, hazard, or other insurance covering improvements and activities on The Village at Seabrook Common Properties and providing liability and errors and omission or similar insurance for the Directors and Officers of the Association as the Board may deem appropriate.
- vii. Purchase and acquire personal property and equipment as necessary for the proper maintenance of the Subdivision and The Village at Seabrook Common Properties.
- viii. Contract for insect and pest control to the extent that measures 'in addition 'or supplemental to those services provided by the SIPOA and applicable governmental authorities are deemed necessary or desirable in the discretion of the Board of Directors.
- ix. Construct improvements on residual areas, The Village at Seabrook Common Properties, and such other areas within the Property and/or over contiguous marsh or lowland areas as the Board of Directors deems appropriate, necessary, or essential for the Subdivision.
- x. Maintain, repair, and replace any drainage easements, improvements, and/or facilities, and erosion and flood control improvements located within or adjacent to the Subdivision to the extent that such services are not performed by the SIPOA.
- xi. In the event the Board of Directors determines that any Owner has failed or refused to comply properly with Owner's obligations with regard to the maintenance, cleaning, repair, and replacement of improvements and/or Lot or landscaped areas as set forth herein, then the Association, except in the event of an emergency situation, may give such Owner written notice of the Association's intent to provide such necessary maintenance, cleaning, repair, or replacement, at the sole cost and expense of such Owner, and setting forth in reasonable detail the extent of such maintenance, cleaning, repair, or replacement deemed necessary, and such Owner shall have fifteen (15) days therefrom within which to complete the same in a good and workmanlike manner.

In the event of emergency situations or the failure of any Owner to comply with the provisions hereof after such notice, the Association may provide (but shall not have the obligation to so provide) any such maintenance, cleaning, repair, or replacement at the sole cost and expense of such Owner, and said cost shall be added to and become a part of the Assessment to which such

Owner and Owner's Lot is subject, and shall become a lien against such Lot in favor of the Association.

The Association is further authorized and empowered to perform or provide any and all other services necessary or desirable in the judgement of the Board of Directors to carry out the Association's obligations and duties under the terms and intent of this Declaration and the By-Laws.

- c. Rules and Regulations. The Association, by and through its Board of Directors, may adopt from time to time, additional rules, regulations, and fee schedules governing the use of The Village at Seabrook Common Properties and Lots within the Subdivision which such rules, regulations, and fee schedules shall be binding upon the Lot Owners.

5. COVENANTS FOR ASSESSMENTS

- a. Creation of the Lien and Personal Obligations of Assessments. Declarant covenants, and each Owner of any Lot whether or not it shall be so expressed in Owner's deed or other conveyance, shall be deemed to covenant and agree to all other terms and provisions of this Declaration and pay to the Association (i) Annual Assessments or charges; and (ii) Special Assessments or charges for capital improvements or for maintenance expenses and other Common Expenses, emergencies and other purposes; such Assessments to be established and collected as hereinafter provided. The Assessments, together with any penalty (to be set by the Board), interest, costs, and reasonable attorneys' fees shall be a charge upon the Lot and shall be a continuing lien on the Lot against which each such Assessment is made. Each such Assessment, together with interest, any penalty, costs, and reasonable Attorney's fees, shall also be the personal obligation of the person(s) or entity who was the Owner of such Lot at the time the Assessment became due. The obligation for delinquent Assessments shall run with such Lot and shall pass to the Owner's successors in title. Upon written request, the Association shall provide or cause to be provided an accounting of an Owner's Assessments and any delinquency in the payment thereof. All reports of delinquency must be given subject to any state and federal laws regarding disclosure of a debtor's financial information.
- b. Purpose of Assessments. The Assessments levied by the Association shall be used exclusively in connection with the operation and administration of the Subdivision. Such use shall include, but is not limited to, the payment of all Common Expenses: to promote and maintain the health, safety, welfare, and convenience of the Owners and their guests for the acquisition, construction, landscaping, repair, replacement, improvement, maintenance, and use of The Village at Seabrook Common Properties; for the installation, maintenance, improvement and replacement of special landscaping within the Subdivision; labor, equipment, materials, services,

management, supervision, security, garbage service, water, sewer and utility service in connection with The Village at Seabrook Common Properties; insurance premiums and deductibles; emergency repairs, reconstruction after casualty loss, and such other needs, without limitation, as may arise or as may be required in the sole discretion of the Board of Directors. Such Assessments shall be in addition to assessments levied by SIPOA. Until and unless otherwise approved by the Board of Directors, all Assessments shall be levied in equal, uniform amounts per Lot.

- c. Annual Assessment. The Declarant initially and thereafter the Board of Directors shall determine the amount of the Annual Assessment based on the annual budget of the Association as provided herein. When the Board of Directors determines the Annual Assessment for the ensuing fiscal year, it shall cause to be prepared in connection therewith an annual budget showing the services provided by or on behalf of the Association and the costs thereof per Lot.

At least thirty (30) days prior to the end of the calendar year, the Board of Directors shall determine the amount of the Annual Assessment for the following calendar year, and shall notify every Owner subject thereto.

d. Special Assessments

- i. In addition to the Annual Assessments authorized above, the Association may levy, in any fiscal year, a Special Assessment applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of any capital improvement upon The Village at Seabrook Common Properties, including, but not limited to, fixtures, personal property related thereto and for any other purposes not prohibited by this Declaration, provided, however, that such Special Assessment shall have the assent of two thirds (2/3rds) of the votes of each class of Members voting in person or by proxy at a meeting called for such purpose. Such Special Assessments shall be set at a uniform amount for all Lots and may be collected by the Association on a monthly, quarterly, or annual basis.
- ii. In addition to the Annual and Special Assessments authorized above, the Board of Directors may levy, in any fiscal year, an amount not to exceed one hundred (100%) percent of the Annual Assessment for such fiscal year (without a 2/3rds affirmative vote of the Membership,) a Special Assessment applicable to that year only for the purpose of maintenance or repairs of The Village at Seabrook Common Properties, including, fixtures, landscaping, and personal property related thereto; for the costs of the taxes for and the utilities supplied to The Village at Seabrook Common Properties; for any repairs, restoration, reconstruction, maintenance, or improvements made

necessary by any emergencies including but not limited to damages resulting from storm, wind, earthquake, and flood as determined in the sole discretion of the Board of Directors, and for any other purpose not prohibited by this Declaration.

- e. Effect of Non-Payment of Assessments. Any Assessment (whether Annual, Special, or otherwise) not paid within thirty (30) days after the due date shall bear interest from the due date at a rate equal to the lesser of (a) eighteen (18%) percent per annum; or (b) the maximum rate provided by applicable law. The Association may bring an action at law or in equity against the Owner personally obligated to pay the same or foreclose the lien against such Owner's Lot in like manner as a mortgage of real property, or both. Upon exercise of its right to foreclose, the Association may elect to declare the entire remaining amount of the outstanding Assessment(s) due and payable and collect the same through foreclosure. Penalties (as determined by the Board), interest, costs, and reasonable attorneys' fees of such action or foreclosure shall be added to the amount of such Assessment, and collectable as such Assessment.
- f. Subordination of Lien. The lien of Assessments provided for herein shall be subordinate to the lien of any first mortgage upon any Lot, and subordinate to any lien for assessments due the SIPOA. Sale or transfer of any Lot shall not affect the Assessment lien. However, the sale or transfer of any Lot pursuant to a mortgage foreclosure shall extinguish the lien of such Assessments as to the payment of the portion thereof which became due prior to such sale or transfer. No such sale or transfer shall relieve any subsequent Owner of such Lot from liability for any Assessments thereafter becoming due or from the lien thereof.

#### 6. THE VILLAGE AT SEABROOK COMMON PROPERTIES

All The Village at Seabrook Common Properties are ultimately intended for the common use and enjoyment of the Association, the Owners, and their respective guests, invitees tenants, permittees heirs, successors and assigns, subject to any operating rules promulgated by the Association, its successors and assigns, and nothing contained herein or set forth on the Subdivision Plat shall in any way or manner be construed as a dedication to the public of any of The Village at Seabrook Common Properties and other such areas and amenities associated therewith.

- a. Members' Easements of Enjoyment. Subject to the provisions of this Declaration and the rules and regulations of the Association, every Owner shall have a non-exclusive easement of enjoyment in and to The Village at Seabrook Common Properties, and such easement shall benefit and be appurtenant to and shall run with the title to each and every Lot. It is the intention of Declarant that such rights of enjoyment shall be and are hereby deemed for the use and benefit of the Property Owners, and their

respective guests, invitees, tenants, permittees, heirs, successors and assigns, and successors-in-title.

- b. Title to The Village at Seabrook Common Properties. Declarant agrees, for itself and its successors and assigns, to convey or cause to be conveyed to the Association (and the Association agrees to accept) as The Village at Seabrook Common Properties, on or before December 31, 2008, for a nominal consideration, by quit-claim deed, bill of sale, or other wise, in their discretion, any properties in the Subdivision intended for the common use and enjoyment of the Owners, and designated by Declarant as The Village at Seabrook Common Properties either by deed of conveyance or other instrument or approved plat recorded in the R.M.C. Office for Charleston County, S.C. Such conveyance shall be made together with all structures, improvements, appurtenances, landscaping, and infrastructure located thereon and/or thereunder now or at the time of such conveyance.

The Association shall be responsible for the maintenance, repair, and replacement of any areas intended for the common use and enjoyment of the Owners once such areas have been conveyed or otherwise assigned to the Association as The Village at Seabrook Common Properties; provided, however, that Declarant first provides the Association with written notice of its intention to convey such areas to the Association for use as The Village at Seabrook Common Property.

Notwithstanding any other provision of this Declaration or the By-Laws to the contrary, Declarant and the Association shall have the right (but are not obligated to convey all or any portion of The Village at Seabrook Common Properties to the SIPOA or any other non-profit organization or governmental authority; provided, however, that such conveyance first shall be approved by a vote of the Owners of not less than two-thirds (2/3rds) of the Lots pursuant to the notice, meeting, and voting requirements set forth in the By-Laws; and provided further that so long as Declarant remains a Class B or Class A Member of the Association, such conveyance shall be invalid unless approved in writing by Declarant.

Notwithstanding the foregoing, Declarant reserves the right, in its sole discretion, to convey the Lagoon and the right-of-way of any streets shown on the Plat to the Seabrook Island Property Owners' Association, as SIPOA "Common Properties",

- c. Extent of Members' Easements. The Owners' non-exclusive rights and easements for enjoyment of The Village at Seabrook Common Properties shall be subject to the following:
  - i. The rights of Declarant to convey and/or lease The Village at Seabrook Common Properties to either the Association or the Seabrook Island Property Owners Association, or part thereof to each, or to any other non-profit agency

or governmental authority, subject to Owner's approval rights if required hereunder.

- ii. Non-exclusive, appurtenant, perpetual, permanent, assignable, transmissible, commercial easements in favor of Declarant and the Association for access, ingress egress, and for the installation, maintenance, inspection, repair, and replacement of all utilities and services, irrigation systems, landscaping, and for all other lawful purposes deemed necessary, useful, or beneficial, in the discretion of Declarant and the Association, for the orderly development of the Subdivision; and the right of Declarant and of the Association, their successors and assigns, to grant, reserve, and accept such easements and rights-of-way through, under, over, and across The Village at Seabrook Common Properties.
- iii. The right of the Association, as provided in its By-Laws, to suspend the voting and enjoyment rights of any Owner for any period during which any Assessment remains unpaid, and for a period not to exceed thirty (30) days for any infraction of its published rules and regulations.
- iv. The right of the Declarant and the Association, as the case may be, to establish rules and regulations for the Subdivision, to charge Common Expenses and to prescribe fees and charges from time to time for use of any amenities which may now or hereafter be constructed on or near The Village at Seabrook Common Properties.
- v. All applicable covenants, conditions, restrictions and easements record without limitation, the Recorded Covenants, and all applicable regulations and ordinances adopted or as may be adopted in the future by any governmental agency or entity having jurisdiction over the Property. This Declaration is intended as a supplement to the Recorded Covenants and any such governmental regulations or ordinances, and shall be interpreted to be consistent therewith wherever possible.
- vi. The right of the Association, in accordance with its By-Laws to borrow money from the Declarant or any lender for the purpose of improving and/or maintaining The Village at Seabrook Common Properties and providing services authorized herein, and in connection therewith, to mortgage all or part of The Village at Seabrook Common Properties to secure any such loan.

7.

INSURANCE AND CASUALTY LOSSES

- a. Insurance.

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- f. Property Insurance. The Board of Directors or its duly authorized agents shall have the authority to and shall obtain and continue in effect casualty insurance at replacement value, in such form and with such coverage and deductibles as the Board deems appropriate for the benefit of the Association, insuring all insurable improvements in and to The Village at Seabrook Common Properties against loss or damage by fire or other hazards, including, without limitation, extended coverage, flood, vandalism, and malicious mischief; such coverage, if available at reasonable costs, to be in an amount sufficient to cover the full replacement cost (without depreciation, to include anticipated costs of demolition and clearing prior to building, but subject to such deductible amounts as are deemed reasonable by the Board), of any repair or reconstruction in the event of damage or destruction from any such hazard.
- ii. Liability Insurance. The Board or its duly authorized agents shall have the authority to and shall obtain and continue in effect a public liability policy in the amount of \$1,000,000 covering all The Village at Seabrook Common Properties owned or leased by the Association as to all damage or injury caused by the negligence of the Association, their Members, Directors, and Officers, or any of their agents. Such public liability policy shall provide such coverages as are deemed necessary by the Board.
- iii. Other Insurance. The Board or its duly authorized agents shall have the authority to and may obtain: (i) worker's compensation insurance to the extent necessary to comply with any applicable law; and (ii) any such other types and amounts of insurance as may be determined by the Board to be necessary or desirable.
- All such insurance coverage obtained by the Board shall be written in the name of the Association as trustee for each of the Owners, and the cost thereof shall be a Common Expense. The Association shall have exclusive authority to adjust losses under such insurance policies with respect to the Subdivision; provided, however, that no mortgagee or other security holder of The Village at Seabrook Common Properties having any interest in such losses may be prohibited from participating in the settlement negotiations, if any, relating thereto.
- iv. Each Owner shall be solely responsible for obtaining, at each such Owner's sole expense, public liability, property damage or casualty coverage, flood, title, and any other insurance coverage in connection with such Owner's individual Lot(s) and all improvements thereon, as each such Owner deems necessary or appropriate.

- b. Damage to or Destruction of The Village at Seabrook Common Properties. Should any of The Village at Seabrook Common Properties or other property owned by and/or covered by insurance written in the name of the Association as such trustee for the Lot Owners, be damaged or destroyed by fire, windstorm, flood, or any other casualty, the Board of Directors, or its agent shall be responsible for timely filing all claims and adjustments arising under such insurance. In such event, the Board shall be further responsible for obtaining detailed estimates for repairing or restoring and/or reconstructing such damaged Property to substantially the same condition as existed prior to such casualty, and such estimates must be obtained by the Board from reputable, reliable, licensed individuals or companies. The Association shall restore, repair, or replace such damaged improvements, including structures, trees, shrubbery, fences, lawns, landscaping, signage personal property, and natural vegetation as soon after such damage or destruction as is reasonably possible under the circumstances. In the event insurance proceeds, if any, are insufficient to repair, restore, and/or replace such damaged or destroyed property and reserve funds as may have been appropriated or established for such purpose are, in the sole discretion of the Board, insufficient or inadequate to defray the costs thereof, or would unreasonably deplete such reserve funds, the Board may levy a Special Assessment against all Owners, without the necessity of a vote of the Members, in an amount sufficient to provide adequate funds to pay such excess costs of repair, reconstruction, or replacement. Such a Special Assessment shall be levied against the Owners equally in the same manner as Annual Assessments are levied, and additional Assessments may be made at any time during or following the completion of any repair, reconstruction, or replacement. Any and all sums paid to the Association under and by virtue of such Special Assessments shall be held by and for the benefit of the Association together with the insurance proceeds, if any, for such damage or destruction. Such insurance proceeds, if any, and Assessments shall be disbursed by the Association in payment of such repair, reconstruction, or replacement pursuant to and in accordance with such method of distribution as is established by the Board of Directors. Any funds remaining after defraying such costs shall be retained by and for the benefit of the Association. Special Assessments levied according to this Paragraph 7(b) may include but are not limited to Special Assessments for insurance deductibles, temporary emergency repairs and uninsured losses as well as the legal or other costs of collection.
- c. Damage to or Destruction of Improvements to Lots. In the event of damage or destruction by fire or other casualty to any improvements to any of the Lots, the Owner thereof, at his sole expense, shall be responsible for clearing away the ruins and debris of any damaged improvements or vegetation within thirty (30) days of such damage or destruction, so that the Lot is promptly restored to a clean, orderly, safe, and sightly condition. In the event such Owner shall fail or refuse to clear away the ruins and debris of any damaged improvements within said thirty (30) day period,



or such extended period as the Board may allow, in its sole discretion, the Association may enter the Lot, and its agents may undertake (but are not obligated to do so), any such clearing and charge the costs thereof to the responsible Owner, which costs shall be a lien upon the Lot until paid.

8.

## GENERAL PROVISIONS

- a. Duration. The Covenants and restrictions of this Declaration shall run with and bind the Property, and shall inure to the benefit of and be enforceable by the Declarant, the Association, or any Lot Owner, their respective, heirs, personal representatives, successors, successors-in-title and assigns, for a period of twenty-five (25) years from the date of recordation of this Declaration in the R.M.C. Office. Upon the expiration of said twenty-five (25) year period, this Declaration shall be automatically renewed and extended for additional successive ten (10) year periods, unless otherwise agreed to in writing by the then Owners of at least two-thirds (2/3rds) of the Lots.
- b. Amendment. Declarant specifically reserves for itself and its successors and assigns, the exclusive right and privilege to amend this Declaration at any time to correct typographical, clerical, or scrivener's errors, by written instrument duly recorded in the R.M.C. Office, with or without the prior consent or approval of either any Owner or mortgagee holding a lien on any Lot.

In addition, so long as Declarant retains its Class B Membership in the Association, Declarant shall further have the right and privilege to amend this Declaration in other respects without the written consent or approval of the Owners of the Lots and without the written consent of the respective mortgagees. Any amendment made pursuant to this Paragraph 8(b) shall be effective only upon the date of recordation of such instrument in the R.M.C. Office or such other later date as may be specified in such amendment; and each Owner, by the acceptance and recordation of a deed of conveyance to a Lot, agrees for himself, and his successors in title, to be bound by such amendments as are permitted under this Paragraph 8(b).

In addition to the Declarant's rights to amend set forth above, this Declaration may be amended at any time by an instrument signed by the Owners of not less than two-thirds (2/3rds) of the Lots; provided, however, that so long as Declarant remains a Class B or Class A Member of the Association, no amendment shall be valid unless approved in writing by Declarant. Such amendment prior to its execution shall first be subject to the notice, voting, and meeting requirements set forth in the By-Laws, and must be approved by at least two-thirds (2/3rds) of the total votes held by the Lot Owners. The agreement of the required percentage of Owners and, when required, the Declarant, to any amendment of this Declaration shall be evidenced by their execution of such amendment, or, in the alternative, the sworn statement of the

President of the Association attached to or incorporated in the amendment executed by the Owners, stating that the agreement of the required parties was lawfully obtained in accordance with this Declaration and the By-Laws of the Association. For purposes of execution of any such amendment, all Owners of a Lot, if more than one, must sign such instrument for such Lot to be included in the determination of the aforesaid two-thirds (2/3rds) of the total Lots. except in such instance as set forth;

- c. Enforcement and Waiver. Declarant, the Association, or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, covenants, conditions, easements, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration. Failure by Declarant, the Association, or by any Owner to enforce in whole or in part any covenant, or restriction herein contained, regardless of the number or kind of violations or breaches which may have occurred, shall in no event be deemed a waiver of the right to do so thereafter. This Declaration shall be governed by, construed, and is enforceable under the laws of the State of South Carolina.
- d. Interpretation. The Board of Directors shall have the right to determine all questions arising in connection with this Declaration and the By-Laws and to construe and interpret its provisions, and its determination, construction, or interpretation shall be final and binding upon the Owners. In all cases, the provisions of this Declaration and the By-Laws shall be given the interpretation or construction, in the opinion of the Board, that will best preserve, protect, maintain, and benefit the properties within the Subdivision.
- e. Severability. Should any covenant or restriction herein contained, or any paragraph, subparagraph, sentence, clause, phrase, or term of this Declaration be declared or rendered void, invalid, illegal, or unenforceable, for any reason, by the adjudication of any court or other tribunal having Jurisdiction over the parties hereto or the subject matter hereof, such shall in no wise affect the other provisions hereof which are hereby declared to be severable, and which shall remain in full force and effect.
- f. Assignment. Declarant reserves the right to assign to the Association or any one or more persons, firms, corporations, partnerships, or associations, any and all rights, powers, duties, easements and estates reserved or given to the Declarant in this Declaration, including, without limitation, the right to grant and assign utility easements from time to time over, under, and within The Village at Seabrook Common Properties.
- g. Notice. Any notice, demand, or other instrument or written communication required or permitted to be given, served, made or delivered to Declarant hereunder may be given, served, made or delivered by service in person or by mailing the same by

certified mail, return receipt requested, postage prepaid, or by overnight courier (e.g., Federal Express), addressed as follows:

Seabrook Island I, LLC  
Attn: John H. Hofford  
Rice Mill Building  
17 Lockwood Drive  
Charleston, SC 29401

With Copies to: David H. Crawford, Esquire  
Buist, Moore, Smythe & McGee, P.A.  
5 Exchange Street  
Charleston, SC 29401

or to such other addresses as Declarant may request by written notice to the Owners. Any such notice, demand or other instrument or written communication mailed as above provided shall be deemed to have been given served, made or delivered at the time that it was personally served or with sufficient postage placed in the mail, certified return receipt requested, or delivered to the overnight courier. Delivery of any notice, demand or communication to a Lot Owner shall be made in accordance with Paragraph 4 of the By-Laws.

- h. Limited Liability. Neither Declarant, nor the Association shall be liable for injury or damage to any person or property (a) caused by the elements or by any Owner or any other person; (b) caused in whole or in part from rain or other surface water or any tidal waters which may leak or flow from and/or on or along any portion of The Village at Seabrook Common Properties or easement areas; or (c) caused by the malfunction or failure of any pipe, plumbing, drain, conduit, pump, road, appliance, structure, dock, pier, equipment, security system, utility line, or facility which the Association is responsible for maintaining.

The Declarant and the Association shall not be liable to any Owner for loss or damage, by theft or otherwise, of any property of such Owner which may be stored or left in or upon any portion of The Village at Seabrook Common Properties or any other portion of the Subdivision, nor any alleged trespass or damage resulting from entering upon any Lot under any authority provided herein and taking actions thereon as are allowable hereunder.

Further, no diminution abatement or deferral of Assessments or any dues or charges shall be claimed or allowed by reason of any alleged failure of Declarant or the Association to take action or perform a function required to be taken or performed by Declarant or the Association under this Declaration, or for inconvenience or discomfort arising from the making of improvements or repairs which are the

responsibility of Declarant or the Association, or from any action taken by them to comply with any law, ordinance, or with any order or directive of any municipal or other governmental authority, the obligation to pay any such Assessment authorized herein being separate and dependent obligations on the part of each Owner.

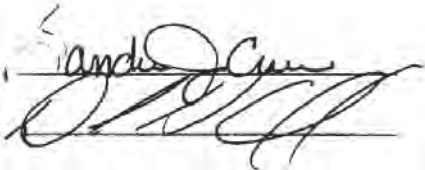
- i. Gender and Number. All pronouns used herein shall be deemed to include the masculine, the feminine and non-personal entities, as well as the singular and plural wherever the context requires or permits.
- j. Construction. The language in all of the parts of this Declaration and the By-Laws shall be construed as a whole according to its fair meaning, and not strictly for or against either Declarant, the Association, or the Lot Owners. By the acceptance and the recordation of a deed of conveyance to any Lot Owner in the R.M.C. Office, such Owner acknowledges that such Owner and/or his counsel have reviewed this Declaration, and that any rule of construction to the effect of ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Declaration, the By-Laws, or any amendments thereto.
- k. Termination of Association. In the event this Declaration is declared void, invalid, illegal, or unenforceable in its entirety, or in such a significant manner that the Association is not able to function substantially as contemplated by the terms hereof, for any reason, by the adjudication of any court or other tribunal having jurisdiction over the parties hereto or the subject matter hereof, and such adjudication occurs within ten (10) years of the date of recording of this Declaration, all The Village at Seabrook Common Properties and other properties belonging to the Association at the time of such adjudication shall revert to the Declarant, its successors and assigns, and the Declarant, its successors and assigns, shall own and operate said The Village at Seabrook Common Properties and other properties as trustee for the use and benefit of the Owners as set forth herein. If said adjudication shall occur on a date more than ten (10) years after the date of recording of this Declaration, or if the Owners should vote not to renew and extend this Declaration as provided for in Paragraph 8(a) hereof, all The Village at Seabrook Common Properties and other properties owned by the Association at such time shall be transferred by the Association to a trustee appointed by the Court of Common Pleas of Charleston County, South Carolina, which trustee shall own and operate said The Village at Seabrook Common Properties and other properties for the use and benefit of Owners within the Subdivision as set forth herein.
  - i. In any of the foregoing events, each Lot shall continue to be subject to the Assessments which shall be paid by the Owner to the Declarant or trustee, whichever becomes successor in title to the Association. The amount of the Assessments which may be charged by the Declarant or trustee shall be

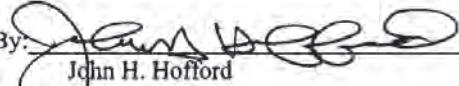
established in accordance with the provisions therefor set forth in Paragraph 5 hereof.

- ii. Any past due Assessments together with any delinquent payment fees thereon, and all costs of collection, interest and reasonable attorneys' fees, shall continue to be the personal obligation of the Owner and a continuing lien on the Lot and all improvements thereon against which the Assessment was made.
- iii. The Declarant or trustee, as the case may be, shall be required to use the funds collected as Assessments for the operation, maintenance, repair, and preservation of the Subdivision in accordance with this Declaration, and the Declarant or trustee may charge as a part of the costs of such services and functions a reasonable fee for its services in carrying out the duties herein provided. Neither the Declarant nor the trustee shall have the obligation to provide for the operation, maintenance, repair, and upkeep of The Village at Seabrook Common Properties once the funds provided by the Assessments may have become exhausted.
- iv. The Declarant or trustee shall have the right and power to convey title to The Village at Seabrook Common Properties and to assign the rights of Declarant and the Association hereunder, provided that such conveyance is first approved in writing by the Owners of not less than fifty-one percent (51 %) of the Lots, with each Lot, if more than one Owner, having one collective vote, and provided further, that the transferee accepts title to The Village at Seabrook Common Properties subject to the limitations and uses imposed hereby, and affirmatively acknowledges in writing its acceptance of the duties imposed hereby. The agreement of the required percentage of Owners to such a conveyance and/or assignment of rights shall be evidenced by the sworn statement executed by the proper authorized officer(s) of Declarant, or the trustee, attached to or incorporated in such instrument executed by the Declarant or trustee, stating that the agreement of the required parties was lawfully obtained in accordance with this Declaration.

IN WITNESS WHEREOF, SEABROOK ISLAND I, LLC, a South Carolina limited liability company, has caused these presents to be executed in its name by John H. Hofford its Managing Member and by HBT Healthcare Partners, its Managing Member by Savitz, Wallace and Associates, Inc. General Partner of HBT Healthcare Partners by David M. Savitz, Sr. as President of Savitz, Wallace and Associates, Inc. thereunto duly authorized, and its seal to be hereunto affixed, this 15<sup>th</sup> day of November, 2000.

SEABROOK ISLAND I, LLC, a South Carolina limited liability company



By:   
John H. Hofford  
Its: Managing Member

SEABROOK ISLAND I, LLC, a South Carolina Limited Liability Company

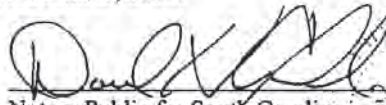


By: HBT Healthcare Partners  
Managing Member  
  
By: Savitz Wallace and  
Associates, Inc.  
Its: General Partner  
By:   
David M. Savitz, Sr.  
Its: President

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON ) ACKNOWLEDGMENT

I, David C. Crawford, (Notary Public) do hereby certify that Seabrook Island I, LLC, a South Carolina limited liability company, by John H. Hofford its Managing Member, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 15<sup>th</sup> day of November, 2000.

  
Notary Public for South Carolina  
My Commission Expires 9-21-2004

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON ) ACKNOWLEDGMENT

I, David C. Crawford (Notary Public) do hereby certify that Seabrook Island I, LLC, a South Carolina limited liability company, by HBT Healthcare Partners its Managing Member by Savitz Wallace and Associates, Inc. its General Partner by David M. Savitz, Sr. its President, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 15<sup>th</sup> day of November, 2000.

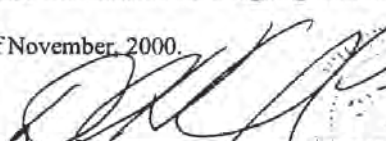
  
Notary Public for South Carolina  
My Commission Expires 9-21-2004

EXHIBIT "A"  
PROPERTY DESCRIPTION FOR RESTRICTIVE COVENANTS

ALL those certain pieces, parcels and tracts of land, situate, lying and being in the Town of Seabrook Island, Charleston County, South Carolina, known generally as "The Village at Seabrook" and shown and designated as Lots A-1 through A-22, inclusive, Lots B-1 through B-49, inclusive, Lots C-1 through C-35, inclusive, "LAGOON PERIMETER COMMON AREA 2.334 acre", "Common Area A", "Common Area B", "25' Buffer Perimeter", "20' Perimeter Buffer", and "50' Perimeter Buffer and Drainage/General Utility Easement", all within the Village at Seabrook Subdivision as shown on a plat entitled "CONDITIONAL PLAT SHOWING THE SUBDIVISION OF THE VILLAGE AT SEABROOK, CONTAINING 42.328 ACRE TRACT, LOCATED IN THE TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA, PREPARED FOR HANK HOFFORD" made by G. Robert George and Associates, Inc dated August 14, 2000 and recorded on October 6, 2000 in Plat Book EE at Pages 344 and 345 in the RMC Office for Charleston County (the "Plat"), which Plat is incorporated herein by reference thereto. Said parcels having such size shape, dimensions, buttings and boundings as will by reference to the Plat more fully and at large appear.



EXHIBIT "B"

STATE OF SOUTH CAROLINA    )  
   )  
 COUNTY OF CHARLESTON        )

COMMON DRIVEWAY USE AGREEMENT  
 COVENANTS AND EASEMENTS

This Common Driveway Use Agreement Covenants and Easements (the "Agreement") is made and executed this \_\_\_\_ day of \_\_\_\_\_, 2000, by Seabrook Island I, LLC, a South Carolina limited liability company (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of Lot \_\_\_\_\_ and Lot \_\_\_\_\_ as shown on that Plat of the Village at Seabrook prepared by G. Robert George, P.L.S., P.E.S.C. Reg. No. 6517 entitled "Conditional Plat Showing the Subdivision of the Village at Seabrook Containing 42.328 Acre Tract Located in the Town of Seabrook Island, Charleston County, South Carolina, Prepared for Hank Hofford", dated August 14, 2000, and recorded on October 6, 2000, in Plat Book EE at Pages 344 and 345, in the R.M.C. Office (hereinafter the "Plat"); and

WHEREAS, Declarant desires to designate an easement area upon portions of Lot \_\_\_\_\_ and Lot \_\_\_\_\_ as shown on the Plat for the purpose of the construction and thereafter the maintenance by the subsequent owners of Lot \_\_\_\_\_ and of Lot \_\_\_\_\_, their heirs, successors and assigns of a common driveway (the "Common Driveway") leading from the street bordering Lot \_\_\_\_\_ and Lot \_\_\_\_\_ to the residences located or to be located on Lot \_\_\_\_\_ and Lot \_\_\_\_\_; and

WHEREAS, Declarant desires to create an easement for the Common Driveway and to evidence the rights, duties and obligations of both Lot Owners their respective heirs, successors and assigns by means of this Agreement.

KNOW ALL MEN BY THESE PRESENTS that Lot \_\_\_\_\_ and Lot \_\_\_\_\_ as more particularly described on Exhibit "A" attached hereto and as shown on the Plat shall be subject to the following terms, covenants, conditions, and easements which shall be binding upon the Owner(s) of Lot \_\_\_\_\_ and the Owner(s) of Lot \_\_\_\_\_, and their respective heirs, successors and assigns, and shall therefore run with the land as to Lot \_\_\_\_\_ and as to Lot \_\_\_\_\_.

1. Location of Common Driveway. The Common Driveway shall be located within that area designated as "Common Driveway Easement" as shown on that plat of Lot \_\_\_\_\_ and of Lot \_\_\_\_\_ prepared by \_\_\_\_\_, S.C.R.L.S. No. \_\_\_\_\_ attached hereto as Exhibit "\_\_\_\_\_" and incorporated herein by referenced (the "Easement Area").

2. Grant of Easement by Declarant. Seabrook Island I, LLC, a South Carolina limited liability company hereby grants and conveys to the Owner(s) of Lot \_\_\_\_\_, their heirs, successors, and assigns forever, a permanent, assignable, perpetual, non-exclusive, appurtenant and transmissible commercial easement, subject to the terms and conditions herein set forth, for the use as a Common Driveway in favor of Lot \_\_\_\_\_ over, upon and across that portion of Lot \_\_\_\_\_ lying within the Easement Area.

To have and to hold all and singular the said Easement aforementioned, subject to the terms and conditions herein set forth, to the said Owner(s) of Lot \_\_\_\_\_, their heirs, successors and assigns, forever.

Seabrook Island I, LLC, a South Carolina limited liability company hereby grants and conveys to the Owner(s) of Lot \_\_\_\_\_, their heirs, successors, and assigns forever, a permanent, assignable, perpetual, non-exclusive, appurtenant and transmissible commercial easement, subject to the terms and conditions herein set forth, for the use as a Common Driveway in favor of Lot \_\_\_\_\_ over, upon and across that portion of Lot \_\_\_\_\_ lying within the Easement Area.

To have and to hold all and singular the said Easement aforementioned, subject to the terms and conditions herein set forth, to the said Owner(s) of Lot \_\_\_\_\_, their heirs, successors and assigns, forever.

It is the express intention of Seabrook Island I, LLC, a South Carolina limited liability company that Lot \_\_\_\_\_ and that Lot \_\_\_\_\_ shall both be perpetually burdened with the within granted Easement and that each Lot be deemed to be the servient estate for the use and benefit of the other Lot as to that portion of the Easement Area as shall benefit the other Lot, and that each Lot be deemed to be the dominant estate as to that portion of the Easement Area located on the other Lot used for the benefit of that Lot.

3. Construction of the Common Driveway. The Common Driveway shall be constructed within the Easement Area at such time as a dwelling is constructed on either Lot \_\_\_\_\_ or Lot \_\_\_\_\_, whichever occurs first. The Lot Owner who shall construct the Common Driveway pursuant to the preceding sentence shall be deemed to be the constructing party (hereinafter the "Constructing Party"). The Constructing Party shall act in good faith and shall use best efforts to construct and cause the use of the Common Driveway in such a way as to maximize the aesthetic appearance of the Lots affected thereby and to minimize any disruption to the existing topography and vegetation. The Common Driveway shall be constructed of 4 ½ inch thick shell concrete paving over a 4 inch crushed rock foundation atop well-tamped earth. The Common Driveway shall be 16 feet in width. It is the intent of the Declarant that the Common Driveway shall run along the common boundary line between Lot \_\_\_\_\_ and Lot \_\_\_\_\_ located within the Easement Area. Provided, however, the construction of the Common Driveway shall conform to all requirements for architectural approval reserved unto the Declarant and of the Town of Seabrook Island

Planning Commission, and of the Seabrook Island Property Owner's Architectural Review Board, their successors and assigns, by restrictions of record in the R.M.C. Office for Charleston County, South Carolina, and therefore the location of the Common Driveway may not run along the common boundary line between the Lots.

It is agreed that the costs and expenses of constructing the Common Driveway by the Constructing Party as aforesaid, together with appropriate landscaping, shall be the joint responsibility of the Owner(s) of Lot \_\_\_\_\_ and the Owner(s) of Lot \_\_\_\_\_, their heirs, successors and assigns. Upon completion of construction of the Common Driveway the Constructing Party shall file an affidavit with the Declarant stating the total costs of the construction, ½ of which shall be reimbursed to the Constructing Party by the Owner(s) of the other Lot.

4. Use of the Common Driveway. The Common Driveway shall be utilized in common jointly by the Owner(s) of Lot \_\_\_\_\_ and the Owner(s) of Lot \_\_\_\_\_, their respective heirs, assigns, devisees, personal representatives, guests, invitees, servants, tenants, agents, permittees, and successors in title to the respective lots. The Owner(s) of Lot \_\_\_\_\_ and the Owner(s) of Lot \_\_\_\_\_ shall keep the Common Driveway and the Easement Area free and clear at all times of fences, structures or debris, and no parking, standing or stopping of cars shall be allowed on the Common Driveway or any other portion of the Easement Area at any time. No buildings or structures of any kind shall be erected or permitted to remain on the Easement Area except for the Common Driveway constructed as set forth in Paragraph 3 hereof. This Paragraph 4 shall not be construed as a limitation on landscaping by the Owner(s) of Lot \_\_\_\_\_ or the Owner(s) of Lot \_\_\_\_\_ of that portion of the Easement Area encumbering either Lot provided that such landscaping shall not create a safety hazard by interfering with reasonably necessary lines of sight of approaching vehicles.
5. Maintenance and Repair of the Common Driveway. The Common Driveway shall be maintained generally as constructed aforesaid in respect to its location, design, condition, material and workmanship, upkeep, repair and replacement of the Common Driveway, including the trimming of the immediately adjacent vegetation, shall be the joint responsibility of the Owner(s) of Lot \_\_\_\_\_ and of the Owner(s) of Lot \_\_\_\_\_, their respective heirs, successors and assigns who shall bear the expenses thereof equally. The Owner(s) of Lot \_\_\_\_\_, their heirs, successors and assigns and the Owner(s) of Lot \_\_\_\_\_, their heirs, successors and assigns shall consult with one another prior to initiating any substantial maintenance, upkeep, repair or replacement of the Common Driveway. However, maintenance, upkeep, repair or replacement may be initiated by either Lot Owner(s), their heirs, successors or assigns, so long as such undertaking is reasonable and does not exceed the aggregate amount of \$250.00 per year. Payment thereof may be made in full by the Lot Owner(s) initiating such improvement whereupon the other Lot Owner(s) shall reimburse ½ thereof promptly upon receipt of an accounting of such costs and request therefor. If either Lot Owner(s) personally with his, her, its own labor makes any repairs, the other Lot Owner(s) shall reimburse the repairing Lot Owner(s) for ½ of the costs of the materials used in making the repairs upon receipt of an accounting of such costs and request therefor.

6. Insurance and Damage. Notwithstanding anything contained in this Agreement to the contrary, the underlying ownership as to that portion of the Common Driveway lying upon each Lot shall remain with the Owner(s) of the particular Lot upon which that portion of the Common Driveway is located, their respective heirs, successors and assigns and except for the easement granted herein for the Common Driveway and the Easement Area neither Lot Owner(s) shall have any claim of ownership as to the other Lot. Each Lot Owner(s) shall keep his, her, its share of such Common Driveway insured in reasonable amounts with reasonable deductibles against liability for property damage, personal injury, or death suffered by persons using the Common Driveway. In the event of such calamity, resulting repair, replacement, or liability expenses shall be paid for as fully as possible by the proceeds of such insurance. To the extent that insurance does not cover all such expenses, the Lot Owners shall share the remaining expenses equally; provided, however, in the event the Common Driveway is damaged by one or the other of the Lot Owners, or by their respective heirs, successors, assigns, devisees, personal representatives, guests, invitees, servants, tenants, agents, permittees, and successors in title as a result of unusual or improper use, such Lot Owner is responsible for such damage and shall pay the entire cost of restoring the Common Driveway, any portion of the Easement Area, or any landscaping so damaged to its previous condition. The cost of repairing damage occasioned by an Act of God shall be borne and apportioned as a normal maintenance expense.
7. Private Driveways. It is contemplated and agreed that the Lot Owner(s) hereto shall have the right to connect private driveways (the "Private Driveways") to the Common Driveway to provide for ingress and egress to their respective Lots. Such Private Driveways shall be for the exclusive use and enjoyment of the Owner(s) of the Lot to which it provides access, their heirs, successors, assigns, devisees, personal representatives, guests, invitees, servants, tenants, agents, permittees, and successors in title.

Each Lot Owner(s) shall be obligated to construct such Private Driveway at such time as a dwelling is constructed on their Lot. Any cost and expense incurred in the construction, maintenance, upkeep, improvement, repair and replacement of such Private Driveway shall be the sole responsibility of the Lot Owner(s) to which the Private Driveway provides access. Provided, however, that any portions of said Private Driveway constructed upon the Easement Area shall be deemed part of the Common Driveway and shall be constructed and maintained to the same standards set forth herein above for the Common Driveway. Any portions of a Private Driveway constructed upon the Easement Area shall not exceed 16 feet in width, except only where it is necessary to form the Private Driveway connection to the Common Driveway.

8. Easements and Restrictions to Run With Land. The within grants of easement shall run with the land as will the restrictions and obligations contained herein, and shall be binding on and shall inure to the benefit of the Lot Owner(s) of Lot \_\_\_\_\_, and the Lot Owner(s) of Lot \_\_\_\_\_ and their respective heirs, successors and assigns, forever. It is the express intention of the Declarant to create easements appurtenant to the subject Lots, freely alienable and

transferrable as an incident of the ownership of each of the respective Lots. The Lot Owner(s) of Lot \_\_\_\_\_ and the Lot Owner(s) of Lot \_\_\_\_\_ acknowledge and agree that any assignment of their right, title or interest as granted by this Agreement to subsequent purchasers of the subject Lots may be effected without the consent of the non-transferring party, provided that the subsequent purchaser of any interest in the subject Lot acknowledges their agreement to abide by all the terms, covenants and conditions of this Agreement.

9. Subordinate to Other Matters. The rights and easements herein created and granted are subordinate to any easements, restrictions and conditions defined as Recorded Covenants in the Declaration of Covenants and Restrictions for the Village at Seabrook and provisions for and Bylaws of the Village at Seabrook Property Owner's Association, Inc., recorded in the R.M.C. Office for Charleston County, South Carolina, in Book \_\_\_\_\_ at Page \_\_\_\_\_. Any repairs or reconstructions made necessary by exercise of the said preexisting rights shall be borne in the same manner as are costs of Initial Constructions, maintenance and repair of the Common Driveway.
10. Utilities. The paved surface of the Common Driveway, or any Private Driveway constructed on the Easement Area may be breached for the installation or maintenance of any underground utilities which may be placed in the Easement Area, but the same shall be promptly restored to its previous conditions by and at the sole expense of the Lot Owner(s) of which the utility serves. In the event the utility service is for the benefit of both Lot Owners the restoration shall be borne in the same manner as are costs of Initial Constructions and maintenance of the Common Driveway.
11. Default and Remedy. If either Lot Owner(s) should fail or refuse to pay his, her, its share of the costs of the Initial Construction of the Common Driveway, or the maintenance and repair of the Common Driveway or breaches any of the covenants, duties and obligations under this Agreement, the non-defaulting party may pursue any remedy available at law or in equity. The defaulting party shall pay and indemnify the non-defaulting party against all legal costs, fees and charges, including attorney's fees, lawfully and reasonably incurred and enforcing any of the defaulting party's covenants and obligations under this Agreement.
12. Amendment. Subject to the matters to which this Agreement is subordinate as set forth in Paragraph 9 above, this Agreement may be amended at any time by mutual consent of both Lot Owners, their respective heirs, successors and assigns, with any such amendment to be invalid unless in writing, signed by both of the Lot Owners or their respective heirs, successors or assigns.
13. References to Gender and Number Terms. In construing this Agreement, feminine and neuter pronouns shall be substituted for those masculine in form and vice versa, the plural term shall be substituted for singular and singular for plural in any place in which the context so requires.

14. Headings. The various headings in this Agreement are inserted for convenience only and are not part of the Agreement.
15. Governing Law. This Agreement shall be governed by the laws of the State of South Carolina.

*The Remainder Of This Page Was Intentionally Left Blank*

IN WITNESS WHEREOF, Seabrook Island I, LLC, a South Carolina limited liability company, has caused these presents to be executed in its name by \_\_\_\_\_ its \_\_\_\_\_ and by \_\_\_\_\_ its \_\_\_\_\_ there unto duly authorized, and its seal to be hereunto affixed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

SEABROOK ISLAND I, LLC, a South Carolina limited liability company

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF \_\_\_\_\_ )

ACKNOWLEDGMENT

I, \_\_\_\_\_ (Notary Public) do hereby certify that Seabrook Island I, LLC, by \_\_\_\_\_, its \_\_\_\_\_, and by \_\_\_\_\_ its \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires \_\_\_\_\_

BY-LAWS  
OF  
THE VILLAGE AT SEABROOK PROPERTY OWNERS ASSOCIATION, INC.

1. NAME AND LOCATION

The name of the Association is The Village at Seabrook Property Owners' Association, Inc. The initial principal office of the Association shall be located at 17 Lockwood Drive, Rice Mill Building, Charleston, South Carolina, 29401, but meetings of Members and Directors may be held at such places within the State of South Carolina as may be designated by the Board of Directors.

2. DEFINITIONS

The words and terms used in the within By-Laws or any supplemental or amended set of By-Laws, unless the context shall clearly indicate otherwise, shall have the same meanings as set forth in the Declaration of Covenants and Restrictions for The Village at Seabrook about to be recorded in the R.M.C. Office, (the "Declaration"), which said Declaration is incorporated herein by reference. Other definitions may appear throughout this instrument and shall have the meanings more particularly set forth herein.

3. MEMBERSHIP AND VOTING RIGHTS

- a. Association Membership. Declarant and every person or entity who is a record Owner of a fee simple or undivided fee simple interest in any Lot which is subjected by the Declaration to Assessment by the Association shall be a Member of the Association; provided that any such person or entity holding record title or interest merely as a security for the performance of an obligation shall not be a Member of the Association. Membership shall be appurtenant to and shall not be separated from ownership of any Lot which is subject to Assessments.
- b. Membership Rights. The rights of Membership are subject to the payment of Assessments levied by the Association, from time to time, the obligation of which Assessments is imposed against each Owner of and becomes a lien upon the Lot against which such Assessments are made, as provided by Paragraph 5 of the Declaration. Subject to the terms of the South Carolina Nonprofit Corporation Act ("Act"), a Member may be suspended if not less than fifteen (15) days prior written notice sent by first class or certified mail of the proposed suspension of a Member and the reason therefor has been delivered to such Member in accordance with the procedures set forth in Paragraph 4(f) hereof. Such notice shall set forth the date, place, and time such Member shall be given the opportunity to be heard orally by the Board of Directors, which shall be not less than five (5) days before the effective date



of the suspension. Such written notice shall also set forth the address of the Board of Directors to which and by which such Member may be heard. Upon the affirmative vote of two-thirds of the Board of Directors of the Association, acting fairly and reasonably taking into consideration all of the relevant facts and circumstances, the Board of Directors may suspend a Member; however, if the Member is suspended for failure to pay Assessments, upon the Member's payment in full of such Assessments, such rights and privileges shall be automatically restored. A Member who has been expelled or suspended shall remain liable to the Association for dues, assessments, or fees as a result of obligations incurred or commitments made before such suspension.

c. Voting Rights. The Association shall have two classes of voting membership:

- i. Class A. Class A Members shall be every Owner, including Declarant, and shall be entitled to one vote for each Lot owned. Declarant's Class A Membership shall continue for so long as it owns at least one Lot. When more than one person, other than Declarant, holds title to a Lot, all such persons shall be Members, but shall collectively have only one vote, and in no event shall more than one vote be cast with respect to any one Lot.

In the event joint Owners of a Lot fail to determine the manner in which their vote is to be cast, such vote shall nevertheless be counted and considered as an affirmative vote for the measure. In addition, when such a vote is considered as affirmative for the measure and (i) is the "deciding" vote necessary to carry the measure, and (ii) all joint Owners of each Lot casting an affirmative vote are required to execute an instrument in connection with the passage of the measure (such as in the case of an Amendment in accordance with Paragraph 8(b) of the Declaration), and (iii) one or more of the joint Owners of such Lot failing to determine the manner in which their vote is to be cast refuses to execute such required instrument, the President of the Association may attach a sworn affidavit to such instrument reciting the circumstances of the vote (including a statement that the joint Owners of such Lot received proper notice in accordance with these By-Laws, failed to determine the manner in which their vote should be cast and as a consequence their vote was considered as affirmative in the voting on the measure in accordance with these By-Laws) and thereupon the validity and enforceability of such instrument shall not be affected or be subject to question by reason of the lack of the execution thereof by any one or more of the joint Owners of such Lot.

When one joint Owner signs a proxy or purports to vote for his or her co-Owners, such vote shall be counted and bind all, unless the other joint Owners object in writing.

- ii. Class B. Declarant, its successors and assigns, shall be the only Class B Member. The Class B Member shall be entitled to ten (10) votes for each of the Lots in which it holds an interest. The Class B Membership of Declarant shall cease on the happening of any of the following events, whichever first occurs:
  - (1) when the Declarant executes and records in the R.M.C. Office an instrument forfeiting its Class B Membership; or
  - (2) when the Declarant, its successors and assigns no longer owns a Lot.
  
- d. Proxies. Each Member entitled to vote may vote in person or by proxy at all meetings of the Association. All proxies shall be executed in writing by the Member or his duly authorized attorney-in-fact, and filed with the Secretary of the Association or such other officer or agent of the Association authorized to tabulate votes before or at the time of the meeting; provided, however, that proxies shall not be required for any action which is subject to a referendum. Unless a proxy states otherwise, it shall be deemed to confer the authority to execute consents and waivers and to exercise the right to examine the books and records of the Association. A proxy may be revocable or irrevocable but shall be deemed revocable at will unless it states otherwise. An appointment of a proxy is revoked by the person appointing the proxy (i) attending any meeting and voting in person, or (ii) signing and delivering to the Secretary or other officer or agent of the Association authorized to tabulate votes for the Association either a written statement that the appointment of the proxy is revoked or a subsequent appointment form. If at least ten (10) days (thirty (30) days if notice is mailed by other than first class or registered mail) prior to a duly called meeting a Member is informed pursuant to the provisions of Paragraphs 4(e) and 4(f) herein of (a) the time and place of the meeting, (b) the agenda for the meeting, and (c) such data as is then available relative to the issues on which there will be a vote, and a proxy form is included in such mailing, and the Member neither attends the meeting nor returns an executed proxy, then such Member shall be deemed present for purposes of determining a quorum and shall be deemed to have given his proxy to and for the majority present and voting. No proxy shall extend beyond the date of the meeting for which it is given unless such meeting is adjourned to a subsequent date; and no proxy shall be valid for more than three (3) years from the date of execution. Any proxy shall automatically cease upon sale by the Member of his Lot.

#### 4. MEETINGS

- a. Initial Meeting. The initial meeting of the Association shall be held upon notice by the Declarant as soon as the Declarant deems practicable and convenient. The

following, matters and such other business as Declarant deems appropriate, shall be the subject of the initial meeting:

- i. adoption of a fiscal year;
  - ii. approval of a budget for a fiscal year;
  - iii. determination of the date for commencement of the Annual Assessment, the billing cycle therefor, and the date upon which such installments shall be due and payable;
  - iv. determination of the date of the first and subsequent annual meetings; and
  - v. election of the initial three person Board of Directors in accordance with Paragraph 5(b) of these By-Laws.
- b. Annual Meetings. The annual meetings of the Association shall be held on a date determined by the Board. Any business which is appropriate for action of the Members may be transacted at an annual meeting.
- c. Special Meetings. Special meetings of the Association's Members may be demanded and called for any one or more lawful purposes by the Association's President, two (2) Directors, or the holders of record of five (5%) percent of the Association's voting power entitled to vote at such meeting , provided such holders comply with such demand provisions set forth in the Act and these By-Laws. Upon the written, signed, and dated demand, which states the purpose of the meeting, being delivered in accordance with the foregoing to an officer of the Association personally or by registered or certified mail, the President or Secretary on or before the thirtieth (30th) day after the date of such demand shall fix the date and time of the meeting and provide notice thereof to the Members in accordance with Paragraph 4(e) hereof. If the notice of the meeting is not given within thirty (30) days after the demand is made to the officer of the Association, a person signing the demand may set the time and place of the meeting and give notice thereof in accordance with Paragraph 4(e) hereof. Special meetings of the Members shall be held at a time and location designated by the person calling the meeting in the notice of the meeting; provided, however, that if the notice does not designate a time and location, such meetings shall be held at the Association's principal office at the hour of ten o'clock in the morning on the date designated in the notice of the meeting. In the event that the President and Directors timely designate different times or locations, then the designations of the Directors shall control; provided, however, any notice changing the time or place of the meeting shall be effective only if timely received by the Members in accordance with Paragraph 4(e) hereof.
- d. Place of Meetings. All meetings of the Association shall be held at such convenient place as the Board of Directors may determine.

- e. Notice of Meetings, Waiver of Notice. Oral or written notice of all meetings of Members shall be given no fewer than ten (10) days, or if notice is mailed by other than first class or registered mail, thirty (30) days, nor more than sixty (60) days before the meeting date by any method permitted under the Act, to all Members of record entitled to vote at such meeting; provided, however, the date upon which such notice shall be deemed effective shall be determined in accordance with Paragraph 4(f) hereof. Such notice shall state the date, time, and place of the meeting, and if required by the Act or these By-Laws the purpose or purposes for which such meetings was called. Notice of a meeting of Members need not be given to any Member who, in person or by proxy, signs a waiver of notice either before or after the meeting, and such waiver is delivered to the Association for inclusion in the Association's records. To be effective such waiver shall contain statements or recitals sufficient to identify beyond reasonable doubt the meeting to which it applies. Such statements or recitals in such waiver of notice may, but need not necessarily, include the reference to the date and purpose of the meeting and the business transacted thereat. Statement or recital of the proper date of a meeting shall be conclusive identification of the meeting to which a waiver of notice applies unless the waiver contains additional statements or recitals creating a patent ambiguity as to its proper application. A Member's attendance at a meeting waives objection to lack of notice or defective notice of the meeting, unless the Members at the beginning of the meeting objects to holding the meeting or transacting business at the meeting.
- f. Effective Date of Member Notices. An oral notice is permissible if reasonable under the circumstances and is effective when communicated in a comprehensive manner. Written notice, if in comprehensive form, is effective at the earliest of the following:
- i. When received;
  - ii. Five (5) days after its deposit in the United States mail, if mailed correctly addressed with first class postage affixed;
  - iii. On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee; or
  - iv. Fifteen (15) days after its deposit in the United States mail, if mailed correctly addressed and with other than first class, registered or certified postage affixed.

Written notice is correctly addressed to a Member if addressed to the Member's address shown on the Association's current list of Members (the "List"). A written notice or report delivered as part of a newsletter, magazine or other publication regularly sent to Members constitute a written notice or report if addressed or delivered to the Member's address shown on the List, or in the case of Members who are resident of the same household and who have the same address on the List, if addressed or delivered to one of such Members, at the address appearing on the List.

- g. Quorum Requirements. The presence at any meeting of Members entitled to cast, or of proxies entitled to cast, fifty-one (51%) percent of the total votes of the Association shall constitute a quorum for any action governed by these By-Laws. Any Owner who does not execute and return the proxy form sent to such Owner in the required mailing shall be deemed to be present for the purposes of determining the presence of a quorum. Any action governed by the Declaration applicable to the Property shall require a quorum as therein provided.
- h. Action Without Meeting. To the fullest extent permitted by the Act, Members may take action without a meeting by written consent as to such matters and in accordance with such requirements and procedures authorized by the Act. Unless otherwise permitted by the Act, such written consent must be signed by at least fifty-one (51%) percent of the Members and delivered to the Association for inclusion in the corporate records. Written notice of Member approval pursuant to this Paragraph must be given to all Members who have not signed such written consent. If written notice is required, Member approval pursuant to this Paragraph shall be effective ten (10) days after written notice is given and effective in accordance with Paragraph 4(e) and Paragraph 4(f) hereof.
- i. Power of Referendum. The Members of the Association shall have the power, by referendum, to approve or reject certain actions proposed to be taken by the Association. In the event fifty-one (51%) percent or more, of the total votes actually returned to the Association within the specified time shall be in favor of such action, the referendum shall be deemed to "pass" and the action voted upon will be deemed to have been authorized by the Members; provided, however, that if a higher percentage vote required to "pass" is specifically expressed herein or in any amendment or supplements hereto or in the Declaration, that higher percentage shall control in that instance.
- j. List of Owners and Member of Record. For the purpose of determining Members entitled to vote at any meeting of Members, or in connection with any other proper purpose requiring a determination of Members, the Board of Directors shall by resolution fix a record date for such determination. Unless otherwise provided for in advance by resolution of the Board of Directors, the record date set by the Board of Directors shall be no more than seventy (70) days, and not less than the last day for timely giving notice, before the meeting or action requiring a determination of Members is to occur. If the Board of Directors fails to set a record date, the Members at the close of business on the business day on which notice is given or, if notice is waived, at the close of business on the business day preceding the day on which the meeting is held are entitled to notice of the meeting and to vote thereat. The Members of record appearing in the books of the Association at the close of business on the record date so fixed shall constitute the Members in respect of the activity in question. A determination of Members of record entitled to notice of or to vote at a

meeting of Members is effective for any adjournment of the meeting unless the Board of Directors fixes a new date for determining the right to notice or the right to vote, which it must do if the meeting is adjourned to a date more than one hundred twenty (120) days after the record date for determining Members entitled to notice of the original meeting. After fixing a record date for notice of a meeting, the Association shall prepare a list of names of Members who are entitled to notice of the meeting and shall list the Members by classification of membership, if any. The list shall show the address and number of votes each Member is entitled to vote at the meeting. The Association shall prepare on a current basis through the time of the membership meeting a list of Members, if any, who are entitled to vote at the meeting but not entitled to notice of the meeting. This list must be prepared on the same basis and be part of the list of Members. Such list of Members shall be available for inspection by any Members for purposes of communication with other Members concerning the meeting, beginning the date after notice is given of the meeting for which the list was prepared and continuing through the meeting, at the Association's principal office. Subject to the limitations of Sections 33-31-720, 33-31-1602(c) and 33-31-1605 of the Act, as amended, a Member, Member's agents, or Member's attorney shall be entitled on written demand, at the Member's expense, to inspect and copy the list at a reasonable time during the period it is available for inspection. The Association shall make the list of Members available at the meeting, and any Member, a Member's agent, or Member's attorney shall be entitled to inspect the list at any time during the meeting or any adjournment. Notwithstanding the foregoing, a Member may inspect and copy the membership list only if (i) his demand is made in good faith and for a proper purpose; (ii) he describes with reasonable particularity his purpose; and (iii) the list is directly connected with his purpose.

- k. Minutes of Meetings. The Secretary of the Association shall prepare and keep, or cause to be prepared and kept, accurate minutes of every meeting of the Association. The minutes shall be made available for examination by an Member at the office of the Association during normal business hours.

#### 5. BOARD OF DIRECTORS

- a. Power and Duties. The Association shall be governed and its business affairs managed by and through a Board of Directors. The powers herein granted to the Association may be exercised by such Board of Directors acting through the Officers of the Association without any further consent of the Owner and Members, except as may be limited or otherwise required by provisions of the act, the Declaration, the within By-Laws, or the Articles of Incorporation of the Association.

The Board of Directors shall have the authority to carry out the powers and functions of the Association set forth in the Declaration and in addition thereto, the following powers and duties:

- i. to adopt and publish rules and regulations governing the use of The Village at Seabrook Common Properties, rights, amenities, personal property, and facilities, and the personal conduct of the Members and their guests and invitees thereon, and to establish penalties for the infraction thereof;
- ii. to suspend the voting rights and right to use The Village at Seabrook Common Properties, amenities and facilities, if any, of a Member during any period in which such Member shall be in default in the payment of any Assessment levied by the Association, subject to the requirements set forth in Paragraph 3(b) hereof.
- iii. to exercise for and on behalf of the Association all powers, duties, and authority vested in or delegated to the Association and not reserved to the Membership by other provisions of these By-Laws or the Declaration;
- iv. to employ a Property manager, independent contractors, or such other employees as the Board may deem necessary, to prescribe their duties and enter into contracts in connection therewith;
- v. to grant utility, ingress/egress and other easements on, over, and across The Village at Seabrook Common Properties as provided in the Declaration and/or deed or other instrument of conveyance from Declarant;
- vi. to sell, transfer, or convey portions of The Village at Seabrook Common Properties without a vote of the Members of the Association in order to (i) divest the Association of properties which are not necessary for the functions and services which the Association is authorized to carry out and deliver; or (ii) correct errors or mistakes in deeds or easements to or from the Association;
- vii. to exercise for the Association all powers and authority necessary to carry out the intent of the Declaration and the By-Laws;
- viii. to cause to be kept a complete record of all acts and affairs of the Association and to present a statement thereof to the Members at any annual or special meetings of the Association when such statement is requested in writing, by a one-third (1/3rd) vote of the Class A Members.
- ix. to supervise all Officers, agents, and employees of the Association and to see that their respective duties are properly performed;

- x. to perform or cause to be performed such action(s) and services as are set forth in the Declaration and/or prescribed by the Association including, but not limited to:
  - (1) determining the amount of the annual budgets and fixing and levying the amounts of all Assessments;
  - (2) sending written notice of all Assessments to every Owner subject thereto; and
  - (3) in the discretion of the Board, foreclosing the lien against any Lot for which Assessments are not paid within thirty (30) days after the due date or to bring an action at law against any Owner personally obligated to pay the same.
- xi. to enforce by legal means the provisions of the Articles of Incorporation, the Declaration, these By-Laws, and the rules and regulations promulgated by the Board.
- xii. to pay all costs associated with The Village at Seabrook Common Properties, including taxes, assessments, power, water, sewer, and other utility services and all other charges in connection with the operation and maintenance of The Village at Seabrook Common Properties and/or the operation and affairs of the Association, rendered to the Association and not billed to the Owners of Lots.
- xiii. to the extent provided by law, the Board shall have the power and authority to pledge or mortgage the properties of the Association and to pledge the revenues of the Association as security for loans made to the Association which loans shall be used by the Association in performing its authorized functions. Notwithstanding anything in the Declaration to the contrary, the Association shall not be allowed to reduce the limits of the minimum regular assessments at any time there are outstanding any amounts in repayment of any such loans.
- xiv. to implement erosion control steps and/or devices and to levy Assessments therefor, should the Board of Directors determine that such steps and/or devices are necessary.
- xv. to exercise for the Association all powers, duties and authority vested in or delegated to the Association by the Declaration and not reserved to the Members by other provisions of these By-Laws, the Declaration, or the Articles of Incorporation.



- b. Number, Tenure, Qualifications, and Compensation. The initial Board of Directors shall consist of three (3) members initially appointed by Declarant. Such initial Board of Directors shall serve until the expiration or earlier termination of Declarant's Class B Membership. Thereafter, the Board of Directors shall consist of three (3) members elected by the Members of the Association, and shall serve for a term of three (3) consecutive years. The Declarant shall have the right to appoint or remove any member or members of the Board of Directors with or without Cause until the expiration or earlier termination of Declarant's Class B Membership. No cumulative voting is allowed, and Directors need not be Owners or Members of the Association. Directors shall not receive any salaries for their services, but by resolution of the Board, any Director may be reimbursed for his actual expenses incurred in the performance of his duties as a Director. Nothing herein contained shall be construed to preclude any Director from serving the Association in any other capacity and receiving compensation therefor.
- c. Removal and Vacancies. Subject to the provisions of the Declaration, any Director may be removed from the Board, with or without Cause, by the Declarant while retaining its Class B Membership. In the event Declarant is no longer a Class B Member, then any Director may be removed with or without Cause by majority vote of the Members. A Director elected by the Members may be removed by the Members only at a meeting called for the purpose of removing the Director and the meeting notice states that the purpose, or one of the purposes, is the removal of the Director.
- Vacancies in the Board of Directors shall be filled by Declarant so long as Declarant retains its Class B Membership, and thereafter by a majority of the remaining Directors. The term of such newly appointed Director shall expire simultaneously with the term of the remaining Directors.
- d. Quorum and Manner of Acting. A majority of the Board of Directors actually holding office shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. If a quorum is not present at any meeting of the Board of Directors, the Directors present thereat may adjourn the meeting from time to time without notice other than announcement at the meeting, until a quorum is present. The act of a majority of Directors present at a meeting at which a quorum is present shall be the act of and binding upon the Board of Directors.
- e. Meetings.
- i. Initial Meeting. The initial meeting of the Association shall be held upon notice by the Declarant as soon as the Declarant deems practicable and convenient.

- ii. Annual Meetings. An annual meeting of the Board of Directors shall be called and held for the purpose of annual organization, changes in the established number of Directors, if any, appointment of Officers and committees, and the transaction of any other business. If such meeting is held promptly after and at the place specified for the annual meeting of Members, no notice of the Annual meeting of the Board of Directors need be given. Otherwise, such annual meeting of the Board of Directors shall be held at such time (at any time prior to and not more than thirty (30) days after the annual meeting of the Members), and place as may be specified in the notice of the meeting. The Board of Directors may by resolution provide for the holding of additional regular meetings without notice other than such resolution; provided, however, the resolution shall fix the dates, times and places (which may be anywhere within or without the State of the Association's principal office) for these regular meetings. Except as otherwise provided by law, any business may be transacted at any annual or regular meeting of the Board of Directors.
- iii. Special Meetings. Special meetings of the Board of Directors may be called for any lawful purpose or purposes by the President or any two (2) Directors by giving notice thereof to the Board members as provided herein. The person calling a special meeting shall give, or cause to be given, to each Director at his business address, notice of the date, time and place of the meeting by any means of communication acceptable under the Act not less than two (2) days prior thereto. An oral notice is permissible if reasonable under the circumstances and is effective when communicated in a comprehensible manner.

Written notice is correctly addressed to a Director if addressed to the Director's business address shown on the Corporation's current records. If notice is given by telegram, the notice shall be deemed delivered when the facsimile of the notice is transmitted to a telecopier facsimile receipt number designated by the receiving Director, if any, so long as Director transmits to the sender an acknowledgment or receipt. The notice of a special meeting shall describe the purpose of such special meeting. Any time or place fixed for a special meeting must permit participation in the meeting by means of telecommunications as authorized below.

- iv. Notice of Meetings and Waiver of Notice. When notice of any meeting of the Board is required, such notice shall be given one day (or at least two days' notice to each Director of the date, time, and place, of the meeting in the case of a special meeting of the Board) prior to such meeting by notice either personally to a Director or by sending a copy of the notice by first class U.S. Mail, postage thereon fully prepaid, or by overnight courier to such address as shown on the records of the Association for its Director. Any Director

may waive notice of any meeting at or before the time of the meeting stated herein, and attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, or the purpose of, any regular or special meeting of the Board need be specified in the notice or waiver of notice at such meeting, unless specifically provided by law, the Articles of Incorporation, these By-Laws or the Declaration.

- v. Place of Meetings. All meetings of the Directors shall be held at such convenient place as the board may determine.
  - vi. Minutes of Meetings. The Secretary of the Association shall prepare and keep, or cause to be prepared and kept, accurate minutes of every meeting of the Board of Directors. A copy of the minutes shall be made available for examination by any Member at the office of the Association during normal business hours.
- f. Voting. Each Director shall have one vote on all matters acted upon by the Board of Directors. The affirmative vote of two Directors shall be sufficient for any action unless otherwise specified in these By-Laws.
- g. Informal Action by Directors. Any action required or permitted by law to be taken at a meeting of the Board of Directors may be taken without a meeting if a consent or consents, in writing setting forth the action so taken shall be signed by all of the Directors, which consent(s) shall be filed with the Secretary of the Association as part of the Association's records. Telephone conference meetings which are duly called pursuant to the provisions of these Bylaws and where the action of the Board is subsequently reduced to a written memorandum and signed by all the Directors within seven (7) days after the telephone conference shall be effective as if occurring at a duly called meeting. Actions under this Paragraph 5(g) are effective when the last Director executes a consent.

## 6. OFFICERS OF THE ASSOCIATION

- a. Designation of Officers. The Officers of the Association shall be a President, Vice President, Secretary and Treasurer, or as otherwise determined by the Board of Directors, in their sole discretion. The Board of Directors may further elect such other Officers as they deem necessary or desirable and such Officers shall have the authority to perform the duties prescribed by the Board of Directors, from time to time. Any two or more offices may be held by the same person. The President shall

be a Director of the Association. and other Officers may be, but need not be Directors of the Association.

- b. Election, Term of Office, Vacancies and Removal. The Officers of the Association shall be appointed and removed by the Declarant until the expiration or earlier termination of Declarant's Class B Membership. Thereafter, the Officers shall be elected annually by the Board of Directors following each annual meeting of the Members. A vacancy in any office arising because of death, resignation, removal or otherwise may be filled by Declarant so long as Declarant retains its Class B Membership, and thereafter, by the Board of Directors for the unexpired portion of the term. Any Officer may be removed with or without Cause by the Declarant or the Board of Directors whenever, in their sole, discretion, such removal is in the best interest of the Association.
- c. Powers and Duties. The Officers of the Association shall have such powers and duties as generally pertain to their respective offices, and such other powers and duties as may be prescribed or imposed by the Board of Directors. from time to time.
- d. President. The President shall be the chief executive officer of the Association and shall be a member of the Board of Directors. The President shall execute on behalf of the Association all instruments requiring such execution except to the extent the signing and execution thereof shall be expressly delegated by the Board to another Officer or agent. The President shall preside at all meetings of the Association and the Board of Directors and shall have all general powers and duties which are customarily vested in the office of President of a property owners' association, including the power to appoint committees.
- e. Vice-President. The Vice President shall act under the direction of the President and shall perform such duties as may be imposed by the Board. In the absence or disability of the President, the Vice President shall perform the duties and exercise the powers of the President.
- f. Secretary. The Secretary shall act under the direction of the President and subject to the direction of the President shall attend all meetings of the Board and the Association, and record the proceedings thereof. The Secretary shall give or cause to be given, notice of all meetings of the Association and the Board as required hereunder, and shall perform such other duties as may be prescribed by the President and the Board of Directors.
- g. Treasurer. The Treasurer shall act under the direction of the President and shall keep or be responsible for keeping the accounts of the Association. The Treasurer shall disburse the funds of the Association as may be ordered by the President or the Board of Directors and shall render upon request or at the regular meetings of the Board of

Directors an account of all transactions of the Association and its financial condition. The Treasurer shall be further responsible for mailing or having mailed all Assessment, meeting, and proxy notices and shall keep current the list of all Owners and Members required under Paragraph 4(j) hereof.

## 7. COMMITTEES

- a. Committees of Directors. Subject to the Act, the Board may designate one or more committees, each of which shall consist of two or more Directors and such other Members as the Board shall determine, which committees to the extent authorized by the Board, shall have and exercise the authority of the Board in the management of the affairs of the Association; provided, however, that no such committee shall have the authority of the Board as to the following matters: (a) the dissolution, merger, or consolidation of the Association; the amendment of the Articles of Incorporation of the Association, or the sale, lease or exchange of all or substantially all of the Property of the Association; (b) the designation of any such committee or the filling of vacancies in the Board of Directors or in any such committee; (c) the amendment or repeal of these By-Laws or the Declaration, or the adoption of new By-Laws; (d) the amendment or repeal of any resolution of the Board or (e) any other matter expressly prohibited by the South Carolina Code of Laws.
- b. Other Committees. Other committees not having and exercising the authority of the Board of Directors in the management of the affairs of the Association may be designated by a resolution adopted by a majority of Directors present at a duly called meeting. Such committees shall perform such duties and have such powers as may be provided in the resolution.
- c. Rules. Each committee may adopt rules for its own government not inconsistent with the terms of the resolution of the Board of Directors designating the committee or with rules adopted by the Board.

## 8. CONTROL

- a. Control by Declarant. NOTWITHSTANDING ANY OTHER PROVISION IN THE DECLARATION, THE ARTICLES OF INCORPORATION, OR BY-LAWS OF THE ASSOCIATION TO THE CONTRARY, Declarant hereby specifically retains the right, from time to time, to appoint and/or remove any member or members of the Board of Directors and any Officer or Officers of the Association with or without Cause so long as Declarant retains its Class B Membership. Every grantee of interest in the Subdivision, by acceptance of a deed or other conveyance of such interest, agrees that Declarant shall have the authority to appoint and/or remove Directors and Officers of the Association in accordance with the foregoing provisions. Upon the expiration or earlier termination of Declarant's Class B Membership as hereinafter

set forth, the Declarant's right to appoint and/or remove Directors and Officers of the Association pursuant to the provisions of this Article shall pass to the Owners, including Declarant if Declarant is then a Class A Member.

- b. Termination or Assignment of Declarant's Control of the Association. As soon as reasonably possible (but in no event more than sixty (60) days) after the expiration or earlier termination of Declarant's Class B Membership, the Board of Directors shall call a special meeting of the Association wherein the Owners shall elect a new Board of Directors which shall undertake the responsibilities of the previous Board, and Declarant shall deliver all books, accounts, and records, if any, which Declarant has kept on behalf of the Association and any agreements or contracts executed by or on behalf of the Association during such period which Declarant has had the same in its possession.

9. FINANCES AND MANAGEMENT

- a. Fiscal Year. The fiscal year of the Association shall be determined by the Board of Directors.
- b. Corporate Records. The Association shall keep as permanent written records a copy of the minutes of all meetings of its Members and Board of Directors, a record of all actions taken by the Members or Directors without a meeting, and a record of all actions taken by committees of the Board of Directors. The Association shall maintain appropriate accounting records. The Association or its agent shall maintain a record of the name and address of each Member. The Association shall keep a copy of the following records at its principal office:
  - i. its articles or restated articles of incorporation and all amendments thereto currently in effect;
  - ii. its by-laws or restated by-laws and all amendments thereto currently in effect;
  - iii. resolutions adopted by its Board of Directors relating to the characteristics, qualifications, rights, limitations, and obligations of the Members or any class or category of Members;
  - iv. the minutes of all meetings of Members and records of all actions approved by the Members for the past three (3) years;
  - v. all written communications to Members generally within the past three (3) years, including financial statements furnished for the past three (3) years;
  - vi. a list of the names and business or home address of its current Directors and Officers; and
  - vii. The Association's most recent report of each type required to be filed by the Association with the South Carolina Secretary of State.

- c. Budget. The Board of Directors shall prepare and submit, or cause to be prepared and submitted to the Members at each annual meeting, a proposed budget for the Association for the fiscal year. The proposed budget shall set forth with particularity the anticipated Common Expenses for the fiscal year and the amount of money needed to establish reasonable reserves for the payment of Common Expenses and contingencies.
- d. Approval of Budget. The proposed budget, as it may be amended from time to time, shall be submitted to a vote of the Members, and when approved shall become the budget of the Association for the fiscal year. The terms of the budget shall be binding upon the Board of Directors unless and until such budget is amended by action of the Members.
- e. Financial Statements. The Association upon written demand from a Member shall furnish to the demanding party the Association's latest annual financial statements, which may be consolidated or combined statements of the Association and one or more of its subsidiaries or affiliates, if applicable. Such statements shall include a balance sheet as of the end of the fiscal year and statement of operations for that year. If financial statements are prepared for the Association on the basis of generally accepted accounting principles, the annual financial statements also must be prepared on that basis. If the annual financial statements are reported upon by a public accountant, the accountant's statement must accompany them. If not, the statements must be accompanied by the statement of the President or person responsible for the Association's financial accounting records (1) stating whether or not to the President's or such person's reasonable belief the financial statements were prepared on the basis of generally accepted accounting principles, and if not, describing the basis of preparation, and (2) describing any respects in which the statements were not prepared on a basis of accounting consistent with the statements prepared for the preceding year.
- f. Management of the Association
  - i. Property Manager (the "Manager"). The Board of Directors shall have the right and authority to employ a property manager to assist in the management of the Subdivision and administration of the Association in accordance with the terms and provisions of the Declaration, the By-Laws and the Articles of Incorporation. The Manager shall provide such services and perform such duties as the Board of Directors shall determine and the Manager shall confer fully and freely with the Board of Directors and shall attend meetings of the Board and the Association when so requested by the Board.
  - ii. Collection of Assessments. Members shall be personally liable for all Assessments and shall pay same promptly when due. The Board of Directors

shall take prompt action to collect by suit, foreclosure, or other lawful method any past due Assessment. If any overdue Assessment is collected by an attorney or by action at law, the Member owing the same shall be required to pay all reasonable costs of collection, including attorney's fees.

- iii. Delinquent Payment Fee. In addition to the interest set forth in Paragraph 5 of the Declaration, an Assessment not paid within thirty (30) days following the date when due shall be subject to a delinquent fee of one and one-half (1.5 %) percent of the unpaid balance per month from the due date and each month or part thereof thereafter so long as the Assessment or any part thereof remains delinquent. The Delinquent Payment Fee shall be added to and collected in the same manner as the Assessment. The Board of Directors may, in its sole discretion, waive all or any portion of a Delinquent Payment Fee imposed pursuant to this Paragraph 9(f) if it affirmatively appears that the failure to pay the Assessment when due was caused by circumstances beyond the control of the Member.
- iv. Payments. The Board of Directors shall provide for payment of all debts of the Association from the funds collected by the Association. Expenditures for Common Expenses or other expenditures specifically approved in the budget may be paid without further approval unless shall otherwise determine. All other expenditures in excess of One Thousand and No/100 (\$1,000.00) Dollars shall be reviewed and approved by the President or a minimum of two (2) members of the Board of Directors before cost is incurred or payment is made unless other provision for the payment thereof has been set forth herein or in the Declaration. All checks and requests for withdrawals drawn upon any account of the Association shall be signed by the President and the Treasurer or by any two Officers of the Association designated by the Board of Directors. The Board may authorize the Manager to draw checks from any account of the Association and the Board may also authorize the Manager to make disbursements from the petty cash fund, if any.
- v. Bonding. The Board of Directors shall procure a fidelity bond in an amount to be determined by the Board, covering each and every individual authorized to withdraw funds from any account maintained by the Association. The cost of such bond shall be a Common Expense.
- vi. Inspection Rights. The Members shall have only such rights to inspect records of the Association to the extent, and according to the procedures and limitations prescribed by the Act.

## 10. LIABILITY AND INDEMNIFICATION



- a. Liability of Directors. No Director or Officer of the Association shall be liable to any Owner for any decision, action, or omission made or performed by such Director or Officer in the course of his duties unless such Director or Officer acted in bad faith or in reckless disregard of the rights of any person or of the terms of the Declaration or these By-Laws.
- b. Indemnification of Director. The Association shall indemnify and hold harmless each Officer and Director to the extent and in the manner permitted by law, from any liability claimed or imposed upon him by reason of his position or decision, action or omission as an Officer of Director if all of the following conditions are satisfied:
- i. Such Officer or Director has not acted in bad faith or reckless disregard of the rights of any person or of the terms of the Declaration or these By-Laws,
  - ii. Such Officer or Director reasonably believed:
    - (1) In the case of conduct in his official capacity with the Association, that his conduct was in the best interest of the Association;
    - (2) In other cases, that his conduct at least was not contrary to the best interests of the Association;
    - (3) In the case of criminal proceedings, that he had no reasonable cause to believe his conduct was unlawful.
  - iii. Such Director or Officer gives the Association adequate notice of the claim, assertion or imposition of liability to permit the Association and/or its insurer reasonable opportunity to defend against the same.
  - iv. Such Director or Officer cooperates with the Association in its defense against such liability.

The expense of indemnifying or defending such Director or Officer as provided herein shall be a Common Expense of the Association, and shall be borne by all Members, including such Director or Officer.

## 11. AMENDMENTS

These By-Laws may be altered, amended or repealed and new By-Laws may be adopted by the Board of Directors, at a regular or special meeting of the Board by a vote of a majority of all Directors, provided notice of such pending action with a copy or summary of the proposal is given in the notice for said meeting, and provided, further, that Declarant consents to such amendment so long as Declarant retains its Class B Membership.

These By-Laws may further be altered, amended or repealed and new By-Laws may be adopted by the Declarant, in its sole discretion, so long as Declarant retains its Class B Membership.

These By-Laws may also be amended by a two-thirds (2/3rds) vote of the Members at a duly called meeting of the Association provided notice of such proposed amendment is given in the notice for such meeting, and provided further that Declarant consents in writing to such amendment so long as Declarant retains its Class B Membership.

## 12. MISCELLANEOUS PROVISIONS

- a. Merger. To the extent and in the manner provided by law, the Association may participate in mergers and consolidation with other non-profit associations organized for the same or similar purposes, provided, however, that any such merger or consolidation shall require approval by a vote of two-thirds (2/3rds) of the total votes cast at a meeting duly called for such purpose.

Upon merger or consolidation of the Association with another association or associations, its property rights and obligations may, by operation of law, be transferred to the surviving or consolidated association. However, the properties, rights, and obligations of another association which may, by operation of law, be added to the obligations of this Association as a surviving corporation pursuant to such merger, shall be maintained separately from the property rights and obligations hereunder. The surviving or consolidated association may administer The Village at Scabrook Common Properties, however, no merger or consolidation shall affect any revocation, change or addition to the Declaration.

- b. Dissolution. If the Members determine that it is in the best interest of the Association and/or its Members to completely dissolve the Association, such action may be taken by an affirmative vote of not less than three-fourths (3/4ths) of the Members in person or by proxy, at a meeting duly called and held for such purpose; provided that Declarant consents in writing so long as Declarant retains its Class B Membership.
- c. Seal. The seal of the Association shall be circular in form and shall have inscribed thereon the name of the Association, the year of its organization, and the words "Corporate Seal, State of South Carolina".
- d. Conflicts. The Articles of Incorporation and the Act (as either may be amended from time to time) are incorporated herein by reference. Any conflict between the terms of these By-Laws, the Articles of Incorporation, the Declaration or the Act shall be resolved in the following order (i) the Act; (ii) the Declaration; (iii) the Articles; and (iv) the By-Laws. In the case of any conflict between these ByLaws and any regulation promulgated by the Board of Directors, these By-Laws shall control.

- e. Waiver. No provision of these By-Laws or any regulation promulgated by the Board pursuant thereto shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, regardless of the number of violations or breaches which may have occurred.
- f. Severability. The provisions of these By-Laws are severable, and the invalidity of one or more provision hereof sh not be deemed to impair or affect in any manner the enforceability or effect of the remaining provisions.
- g. Captions. Captions are inserted herein only as a matter of convenience and for reference and in no way define, limit, or describe the scope of these By-Laws or the intent of any provision.
- h. Gender and Number. All pronouns used herein shall be deemed to include the masculine, the feminine, and non-personal entities, as well as the singular and plural wherever the context requires or permits.
- i. Roberts Rules. All meetings of the Members and of the Board of Directors shall be conducted in accordance with Roberts Rules of Order Revised.

RETURN TO BUIST, MOORE, SMYTHE  
& MCGEE ( DH )  
ATTORNEY'S INITIALS

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CHARLIE LYBRAND  
REGISTER  
CHARLESTON COUNTY SC



## ATTACHMENT #6

Ordinance 2001-03:

Amending the secondary front yard setback from 30 feet to 20 feet for corner lots wherein one intersecting street is a cul-de-sac, and allowing uncovered front steps to encroach into a front yard setback as long as they are no less than 20 feet from the front property line (June 26, 2001)

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2001-03

ADOPTED June 26, 2001

**AN ORDINANCE TO AMEND DSO SECTION 2.10.420 (Setback)**

WHEREAS, the Planning Commission has recommended the adoption of an amendment to the Town's Development Standard Ordinance ("DSO"); and

WHEREAS Town Council is authorized to amend the Town's DSO by ordinance, and

WHEREAS, a properly noticed public hearing has been held on this ordinance as proposed

NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:

SECTION I. Purpose

The purpose of this ordinance is to amend the provisions of the Town's DSO relating to setback requirements for property zoned multi-family.

SECTION II. DSO Amended

DSO Section 2.10.420 is amended to read in their entirety as follows:

2.10.420      Setback

An area measured inward from a specified line or set of lines defining the limits within which no structure or obstruction, not otherwise authorized in this Ordinance, shall be located. For the purposes of this Ordinance, the setback shall be measured from the platted lot lines. The setback requirement shall apply to all structures on the lot. Where a lot abuts two non-intersecting streets both front setbacks shall be observed. Where a lot fronts on two intersecting streets, both streets shall be considered as front setbacks. However, where a lot zoned multi-family fronts two intersecting streets wherein one street is a cul-de-sac the setback requirements from the intersecting street on the side of the building is hereby reduced to twenty feet. The front setback of the building which faces the cul-de-sac shall remain thirty feet. Uncovered front steps may extend into a front setback on properties zoned multi-family, but may not be less than twenty feet from the property's front lot line.

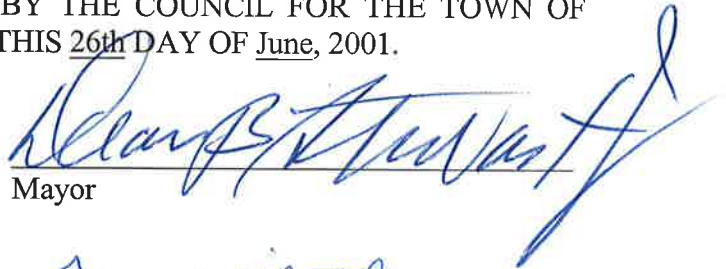
SECTION III. Severability

If any part of this ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

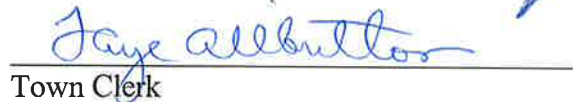
SECTION IV. Effective Date

This ordinance shall be effective upon passage by the Town.

PASSED, APPROVED AND ADOPTED BY THE COUNCIL FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA, ON THIS 26th DAY OF June, 2001.

A handwritten signature in blue ink, appearing to read "Alan Stewart", written over a horizontal line.

Mayor

A handwritten signature in blue ink, appearing to read "Jaye Albuter", written over a horizontal line.

Town Clerk

First Reading: May 22, 2001  
Second Reading: June 26, 2001  
Public Hearing: June 19, 2001



## ATTACHMENT #7

### DSO §7.60: Setback Requirements



Sec. 7.60. Minimum Setbacks.

Setback requirements shall apply to all structures on a lot.

§ 7.60.10. Measurements.

§ 7.60.10.10. Corner Lots. Where a lot abuts two intersecting streets (corner lot) both front setbacks shall be observed. In applying these measurements to a corner lot, the lot shall be deemed to have two (2) front yards and two (2) side yards.

§ 7.60.10.20. Double Frontage Lots. Where a lot fronts on two non-intersecting streets double frontage lot front setbacks shall be required along both streets.

§ 7.60.10.30. Lots subject to the OCRM Critical Line. Whenever any portion of any Town ordinance requires some measurement be taken from, or established based on, the South Carolina Ocean and Coastal Resource Management critical line, such critical line shall have been reviewed and certified by the South Carolina Ocean and Coastal Resource Management within the previous five years.

§ 7.60.10.31. Notwithstanding this requirement, critical areas by their nature are dynamic and subject to change over time. As such, in the event the Town has reason to believe a critical area has been changed since its last review by the South Carolina Ocean and Coastal Resource Management (even if such review has taken place within the past five years), it may require the property owner to have the critical line reviewed again and relocated, if such a change has occurred, before making any determinations which require some measurement be taken from or established based on such critical line.

§ 7.60.20. Single-Family Front and Rear Setbacks. Except as specified in Article 5 and Sections 7.60.20.40, 7.60.50 and 9.30 herein, the minimum setback requirements on any single-family lot within the Town shall be:

§ 7.60.20.10. Front: Thirty (30) feet.

§ 7.60.20.20. Side: Fifteen (15) feet, except as provided in § 7.60.20.40 below.

§ 7.60.20.30. Rear: Twenty-five (25) feet.

§ 7.60.20.40. Nonconforming Lots—Side Setback. All single-family residential lots in the Town of Seabrook Island platted prior to the adoption of the Town's Development Standards Ordinance in 1987, which are less than seventeen thousand five hundred (17,500) square feet in area shall have side yard setbacks as follows:

§ 7.60.20.41. Lots less than thirteen thousand five hundred (13,500) square feet in area must provide side yard setbacks of ten (10) feet in each side yard.

§ 7.60.20.42. Lots greater than thirteen thousand five hundred (13,500) square feet but less than seventeen thousand five hundred (17,500) square feet in area must provide side yard setbacks of twelve and one-half (12½) feet in each side yard.

§ 7.60.20.50. Exceptions to Setbacks.

- (a) In all zoning districts heating, ventilation and air conditioning (HVAC) equipment and associated HVAC stands may extend up to five (5) feet into the required side or rear setbacks only when all of the following conditions are met:
1. The HVAC equipment is replacing existing HVAC equipment which was originally placed below an existing structure, and the HVAC equipment being replaced is now required to be elevated to meet the requirements of the Federal Emergency Management Agency (FEMA) and the Town of Seabrook Island Building and Zoning Codes;
  2. Such HVAC equipment cannot reasonably be accommodated in the Town's determination within the setback required by otherwise applicable zoning requirements;
  3. All such HVAC equipment and stand are screened from public view and screened and buffered to minimize noise, and the adequacy and appropriateness of such screening and buffering has been approved by the Town of Seabrook Island Planning Commission and/or its designee;
  4. All such HVAC equipment is so placed that it will have the least adverse impact on affected property owners in the area, and the Town of Seabrook Island Planning Commission or its designee has so determined; and
  5. A Zoning Permit is approved by the Town of Seabrook Island Zoning Administrator.

§ 7.60.30. Attached Multi-Family Building Setbacks.

§ 7.60.30.10. Front: Thirty (30) feet; provided however, where a lot zoned multi-family fronts two intersecting streets wherein one street is a cul-de-sac, the setback requirements from the intersecting street on the side of the building is hereby reduced to twenty (20) feet, while the front setback of the building which faces the cul-de-sac shall remain thirty (30) feet.

§ 7.60.30.20. Side: Zero lot line construction may be permitted, but no building shall be closer to another building than fifteen (15) feet.

§ 7.60.30.30. Rear: Twenty-five (25) feet.

§ 7.60.40. Detached Multi-Family Building and Combination Attached and Detached Construction Setbacks.

§ 7.60.40.10. Front: Thirty (30) feet; provided however, where a lot zoned multi-family fronts two intersecting streets wherein one street is a cul-de-sac, the setback requirements from the

intersecting street on the side of the building is hereby reduced to twenty (20) feet, while the front setback of the building which faces the cul-de-sac shall remain thirty (30) feet.

§ 7.60.40.20. Side: Zero lot line construction may be permitted provided all other setbacks of the district and criteria for zoning as a PDD are met. However, the total of both side yard setbacks shall be at least 15 feet; provided that no two detached patio homes may be situated closer than 15 feet.

§ 7.60.40.30. Rear: Twenty-five (25) feet.

§ 7.60.50. Marsh Setbacks. The minimum setback for a structure, exclusive of open decks, on a lot abutting the marsh shall be twenty-five (25) feet from the South Carolina Ocean and Coastal Resource Management critical area or the lot line, whichever is landward. No part of an open deck shall be closer than fifteen (15) feet from the critical area.

Marsh—Hardship. Deleted.

§ 7.60.60. Open Space Lots—Rear Setback. On lake, lagoon, or golf course lots the minimum rear lot setback of the residential structure must be twenty-five (25) feet. Open decks may extend into the setback, but may not be less than fifteen (15) feet from the rear lot line.

§ 7.60.70. Driveway Setbacks.

§ 7.60.70.10. No part of a driveway for a single-family residence shall be closer than three (3) feet to the side property lines on nonconforming lots and six (6) feet on all other lots.

§ 7.60.70.20. No driveway shall be constructed within fifty (50) feet of an adjacent street right-of-way.

§ 7.60.70.30. Exceptions. A shared driveway for multi-family lots or developments is permitted to cross property lines for those properties which it will service.

- (a) All driveways for multi-family units or developments will be engineered on site plans and presented to the Zoning Administrator at the time of application. With the approval of the Planning Commission, shared driveways for multi-family developments may be permitted.
- (b) In such instances, the driveway must be a minimum of sixteen (16) feet wide.
- (c) The Zoning Administrator must further certify that the proposed shared driveway does not in any manner affect proper ingress or egress to the properties sharing such driveway or other adjoining properties.
- (d) Where shared driveways are approved, Regime Covenants must clearly define ownership and maintenance responsibilities of the owners sharing the driveway.

§ 7.60.80. Encroachments.

§ 7.60.80.10. Cornices and windowsills may not project into any required setback. Decks, covered decks or porches shall not project into any required setback except as allowed in this Article. In the case of lots having less than seventeen thousand five hundred (17,500) square feet of total area, the eave of the roofline may extend up to eighteen (18) inches into the required setback.

§ 7.60.80.20. Uncovered front steps may extend into a front setback on properties zoned multi-family, but may not be less than twenty (20) feet from the property's front lot line.

§ 7.60.80.30. In the event that a front entry garage is adjacent to the zero-setback property line of a multi-family dwelling, the driveway may be located to provide access to the garage, with the approval of the Zoning Administrator, provided such placement does not affect proper ingress or egress to said property or adjoining properties.

*(Ord. No. 1989-01, 4-13-1989; Ord. No. 1993-03, 6-10-1993; Ord. No. 1995-13, 9-14-1995; Ord. No. 1995-06, 6-8-1996; Ord. No. 1998-18, 7-28-1998; Ord. No. 2000-09, 7-25-2000; Ord. No. 2001-03, 6-26-2001; Ord. No. 2001-07, 10-23-2001; Ord. No. 2003-11, 1-27-2004; Ord. No. 2004-04, 8-24-2004; Ord. No. 2012-03, § II, 11-13-2012; Ord. No. 2018-13, §§ 1, 2, 12-18-2018)*



## ATTACHMENT #8

SC Code of Laws:

- §6-29-730: Nonconformities
- §6-29-730: Planned Development Districts
- §6-29-1110: Definitions (“Subdivision”)

South Carolina Code of Laws

Title 6

Local Government – Provisions Applicable to Special Purpose Districts and Other Political Subdivisions

Chapter 29

South Carolina Local Government Comprehensive Planning Enabling Act of 1994

Article 5

Local Planning – Zoning

**SECTION 6-29-730. Nonconformities.**

**The regulations may provide that land, buildings, and structures and the uses of them which are lawful at the time of the enactment or amendment of zoning regulations may be continued although not in conformity with the regulations or amendments, which is called a nonconformity.**

The governing authority of a municipality or county may provide in the zoning ordinance or resolution for the continuance, restoration, reconstruction, extension, or substitution of nonconformities. The governing authority also may provide for the termination of a nonconformity by specifying the period or periods in which the nonconformity is required to cease or be brought into conformance, or by providing a formula where the compulsory termination of nonconformities may be so fixed as to allow for the recovery or amortization of the investment in the nonconformity.

**Section 6-29-740. Planned development districts.**

In order to achieve the objectives of the comprehensive plan of the locality and to allow flexibility in development that will result in improved design, character, and quality of new mixed use developments and preserve natural and scenic features of open spaces, **the local governing authority may provide for the establishment of planned development districts as amendments to a locally adopted zoning ordinance and official zoning map. The adopted planned development map is the zoning district map for the property.** The planned development provisions must encourage innovative site planning for residential, commercial, institutional, and industrial developments within planned development districts. Planned development districts may provide for variations from other ordinances and the regulations of other established zoning districts concerning use, setbacks, lot size, density, bulk, and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare. **Amendments to a planned development district may be authorized by ordinance of the governing authority after recommendation from the planning commission. These amendments constitute zoning ordinance amendments and must follow prescribed procedures for the amendments.** The adopted plan may include a method for minor modifications to the site plan or development provisions.

South Carolina Code of Laws

Title 6

Local Government – Provisions Applicable to Special Purpose Districts and Other Political Subdivisions

Chapter 29

South Carolina Local Government Comprehensive Planning Enabling Act of 1994

Article 7

Local Planning – Land Development Regulation

**SECTION 6-29-1110. Definitions.**

As used in this chapter:

...

- (4) "Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions:
- (a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;
  - (b) the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the planning agency which shall indicate that fact on the plats; and
  - (c) the combination or recombination of entire lots of record where no new street or change in existing streets is involved.



## ATTACHMENT #9

- 2018 MASC Comprehensive Planning Guide:
- Zoning Functions of the Planning Commission
  - Planned Development Districts





# 2018 Comprehensive Planning Guide for Local Governments

### \*\*\* Zoning Functions

In the past, some local governments allowed their planning commission to perform zoning functions delegated by law to the board of zoning appeals. The 1994 Act makes it clear the planning commission does not have authority to administer the zoning ordinance. It cannot grant variances, use variances or special exceptions. The Act does not allow the planning commission or the governing body to grant “special uses,” “conditional uses” or “uses upon review.” Appeals, variances and special exceptions all come within the exclusive jurisdiction of the board of zoning appeals. Conditional uses require no review because they must be described in the text of the zoning ordinance.

Planning commission functions related to zoning

1. **Comprehensive plan.** Adopt, recommend, review and update at least the land use element of the comprehensive plan. S.C. Code §§ 6-29-510 -- 530, § 6-29-720. All zoning ordinances and amendments must conform to the comprehensive plan.
2. **Zoning ordinance.** After adopting the land use element of the comprehensive plan, prepare and recommend to the governing body a zoning ordinance text and maps. S.C. Code § 6-29-340, § 6-29-720. Review and make recommendations concerning amendments. Hold public hearings on amendments when authorized by the governing body. S.C. Code § 6-29-760. See Chapter 2.

There are no provisions for zoning appeals to or from the planning commission. The commission makes no final decisions regarding zoning.

### Land Development Functions

The planning commission administers land development regulations. See Chapter 5. The board of zoning appeals is not involved. In some jurisdictions, the zoning administrator serves as planning commission secretary and provides staff support for administering land development regulations.

### Landscaping and Aesthetics

Landscaping regulations, which can be included in the zoning ordinance, are important in protecting aesthetics of the community. Landscaping regulations can apply to particular sections, zoning districts or entrance corridors instead of the entire planning jurisdiction. Regulations might limit curb cuts, require parallel frontage drives, require landscaping plans for strips of property adjacent to street rights of way, and requirements for landscaping areas within off-street parking slots.

In addition, the landscaping ordinance can be used to prevent the cutting of specimen trees on private property within a specified distance of the street rights of way. A landscaping ordinance imposing requirements on private developments is much easier to promote in communities that have made tangible commitments to landscaping of public sites and street rights of way. S.C. Code § 6-29-340(B)(2)(d).

or classified as “wetland.” Cluster zoning gives flexibility to design a variety of neighborhoods with consideration of aesthetics, economy in construction of streets and utilities, parks and recreational uses, and a pattern which does not comply with lot area, setback or yard restrictions in traditional zoning regulations. Town houses are often allowed through this technique. Cluster zoning may be allowed either by zoning ordinance provisions for a permit process or by use of a floating zone.

2. **Floating zone** is described in the text of a zoning ordinance, but it is unmapped. A property owner may petition for the zone to be applied to a particular parcel meeting the minimum zoning district area requirements as a floating zone. A floating zone could be used for a planned shopping center commercial district in an area where development has not proceeded to the point where a specific tract can be singled out for commercial zoning. This technique makes land use regulations more flexible. It is commonly used to create cluster and planned developments. A floating zone is established by zoning map amendment for a particular piece of property. Standards for a floating zone must be set either in the zoning ordinance or in the development plan approved when the map amendment ordinance is adopted.
3. **Performance zoning** specifies a minimum requirement or maximum limit on the effects of a land use. This is done instead of, or in addition to, specifying the use itself. It assures compatibility with surrounding development and increases a developer’s flexibility. Detailed standards for the various land uses should be set forth in the text of the zoning ordinance. Performance zoning usually applies to commercial, industrial or manufacturing uses; however, some jurisdictions have used performance standards for residential districts. Performance standards can prescribe permitted levels of smoke, dust, odor, noise, glare, radiation, vibration, fire, heat, explosive hazard, toxic effect, etc. The limits should be stated in measurable quantities and qualities.
- \*\*\* 4. **Planned development district** mixes different types of compatible residential use and commercial uses, or shopping centers, office parks and other mixed use developments. A planned development district is established by rezoning prior to development. It is characterized by a unified site design for a mixed use development. Historically, these districts have been called “planned unit developments.” The planned development district technique is discussed further in the next section.
5. **Overlay zone** places a set of requirements or relaxes a set of requirements imposed by the underlying zoning district. An overlay zone is useful when there is a special public interest in an area that does not coincide with the underlying zone boundaries. An overlay designation is not a separate district classification. It is attached to an existing district designation to identify an area which is subject to supplemental regulations. This technique is used to further regulate areas needing special consideration (e.g., flood plains, design preservation or conservation areas, and airport height restriction areas). Sign regulation is sometimes accomplished through an overlay designation.
6. **Conditional use** must meet stated conditions, restrictions or limitations in addition to the restrictions applicable to all land in the zoning district. This technique is used to

give some flexibility in allowing uses compatible with the district but which may have an adverse impact on an adjacent district unless conditions are imposed for protection of the adjacent district. The term “conditional use” has been applied to a variety of techniques in existing ordinances. However, the term as defined in the 1994 Act applies to uses specified in the text of the zoning ordinance which may be permitted only when those specified conditions or standards are met. S.C. Code § 6-29-720(C)(6). If the ordinance conditions or standards are met, the zoning administrator may issue a permit for the use without review by the board of zoning appeals. If review by the board is desired so that additional conditions may be imposed, the use should be listed as a permitted special exception, not a conditional use. Only the board of zoning appeals is authorized to grant special exceptions after a public hearing. District regulations must contain a list of permitted uses and may contain a list of uses permitted by special exception and conditional uses.

7. **Priority investment zone** is defined as a zone in which the governing authority adopts market-based incentives or relaxes or eliminates nonessential housing regulatory requirements, as defined in the Act, to encourage private development. The governing authority also may provide that traditional neighborhood design and affordable housing, as defined in the Act, must be permitted within a priority investment zone.

### \*\*\* Planned Development District

The 1994 Act provides specific procedures and explanations for using the “planned development district” technique. S.C. Code § 6-29-740. Traditionally, this technique is called “PUD” or Planned Unit Development. Planned development districts allow flexibility to improve the design, character and quality of new mixed use developments and preserve natural and scenic features of open spaces. The S.C. courts have approved the planned unit development concept. See *Smith v. Georgetown County Council*, 292 S.C. 235, 355 S.E.2d 864 (Ct. App. 1987); *Turner v. Barber*, 298 S.C. 321, 380 S.E.2d 811 (1989); *Petersen v. City of Clemson*, 312 S.C. 162, 439 S.E.2d 317 (Ct. App. 1993).

In 2010, two court rulings, *Sinkler v. County of Charleston*, 387 S.C. 67, 690 S.E.2d 777 (2010) and *Mikell v. County of Charleston*, 386 S.C. 153, 687 S.E.2d 326 (2010), clarified use of the planned development district technique. The court ruled that development carried out using the planned development district technique or any of the other techniques enumerated in state law is authorized only if the techniques used are applied in a manner consistent with their definitions and descriptions as contained in state law. These rulings do not preclude using locally developed planning techniques not enumerated in state law as long as the local technique is consistent with the general language of the local government’s comprehensive plan and zoning ordinance. To avoid confusion and application of the court’s ruling, ensure the name used to describe a local technique is not the same or similar to the name or term enumerated as a technique in state law.

The following specific requirements and features of planned development districts appear in the 1994 Act.

1. **Text amendment.** The governing body must amend the text of the zoning ordinance and the zoning district map to establish a planned development district.
2. **Map.** The planned development map for the project becomes the zoning district map for the property.
3. **Uses.** The text of the plan provides the specific uses, densities, setbacks and other requirements for the planned development. It becomes the text of the zoning ordinance describing the permitted uses and other details of the planned development. These provisions are tailored to the specific development and may vary from the regulations for other zoning districts concerning use, setbacks, lot size, density, bulk and other requirements. This allows flexibility in arranging different uses.

\*\*\* 4. **Plan amendment.** Amendments to the original planned development district are zoning ordinance amendments. Only the governing body may authorize amendments after receiving recommendations from the planning commission. The governing body must follow all prescribed procedures for zoning ordinance amendments.

4. **Minor modification.** The zoning ordinance may include a method for making minor modifications to the site plan or development provisions which would not require an amendment to the zoning ordinance. The zoning administrator makes the initial determination of whether a proposed modification is major or minor. The zoning ordinance may authorize the zoning administrator to approve minor changes. The zoning ordinance should contain standards on which the zoning administrator can base decisions. For example, driveway relocation, revision of structure floor plans, modification of design of facilities for amenities such as parks, gardens or open spaces could be specifically defined as minor changes. Changes which materially affect the plan's basic concept or the designated general use of parcels of land within the development should be considered major changes.

### **Cash or Dedication in Lieu of Parking**

The 1994 Act allows waiving or reducing parking requirements in return for cash payments or dedication of land earmarked for public parking or public transit. S.C. Code § 6-29-750. These payments or dedications may not be used for any other purpose. To exercise this provision, the zoning ordinance must designate a special development district showing a parking facility plan and program. The plan and program must include guidelines for preferred parking locations and designate prohibited parking areas. To use this provision, the planning commission must recommend and the local government must adopt an additional comprehensive plan element relating to parking in special development districts.

The cash contributions or the dedicated land value may not exceed the approximate cost to build the required spaces or provide the public transit service that would have been incurred had the reduction or waiver not been granted.



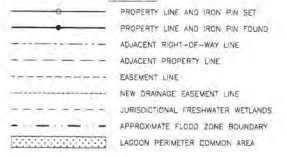
## ATTACHMENT #10

Village at Seabrook: Preliminary Plat  
(May 26, 2000)

**REFERENCES:**

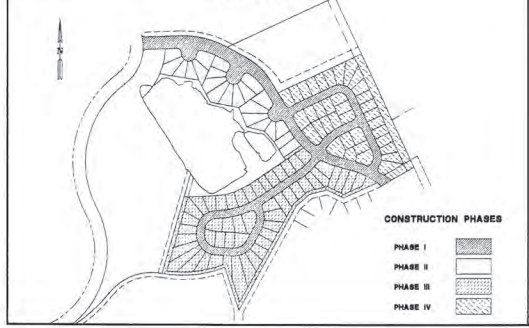
1. PLAT SHOWING SUBDIVISION OF A 16.424 ACRE TRACT, OWNED BY SEABROOK ISLAND DEVELOPMENT GROUP, BY DANIEL G. FORRESTER, DATED APRIL 8, 1987 RECORDED IN PLAT BOOK BN PAGE 30.
2. PLAT OF A 56.150 ACRE TRACT AND A 1.452 ACRE BUFFER ZONE OWNED BY SEABROOK ISLAND COMPANY, BY JOSHUA W. WILLIAMS, DATED AUGUST 27, 1988 RECORDED IN PLAT BOOK BF PAGE 52.
3. FRESHWATER WETLAND CERTIFICATION N/R SAC-81-92-0949, DATED JANUARY 7, 1983 BY THE REGULATORY BRANCH OF THE U.S. ARMY CORPS OF ENGINEERS AND REFERENCE SURVEY PLAT DATED SEPTEMBER 10, 1992 AND REVISED OCTOBER 6, 1992 ENTITLED "PALMETTO LAKE TITLE SURVEY SHOWING 58.414 ACRES, BY ENGINEERING, SURVEYING AND PLANNING, INC."
4. PRELIMINARY LOT LAYOUT & EXISTING WETLANDS OF THE ROCKEY AT SEABROOK ISLAND DATED JANUARY 27, 1995 BY A.H. SCHWABE & ASSOCIATES, INC. DRAWING IS UNRECORDED.
5. PLAT SHOWING THE RESUBDIVISION OF A 56.150 ACRE TRACT LOCATED IN THE TOWN OF SEABROOK ISLAND, DATED MARCH 29, 1991 BY S. ROBERT GEORGE & ASSOCIATES, INC. RECORDED ON SEPTEMBER 17, 1991 IN THE REC OFFICE OF CHARLESTON COUNTY IN PLAT BOOK ES. AT PAGE 327.
6. CHARLESTON COUNTY TAX MAP 147-00-00

**LEGEND**



Charleston, South Carolina  
 Office of Register-Means Conveyance  
 Plat received this 26 day of May, 2000 at  
 2:39 o'clock in PM Book EE Page 41 and facing cloth  
 copy filed in the Office of the Register-Means Conveyance  
 Original plat in Volume Form delivered to the Office of the Register-Means Conveyance  
*Chris Ford*  
 Register-Means Conveyance

**THE VILLAGE AT SEABROOK**



**LAND USE SUMMARY:**

**TMS# 147-00-00-009**

<b>TOTAL AREA (INCLUDING LAKE)</b>	42.328 ACRE	1,843,783.74 S.F.
GROUND LEASE AREA	5.886 ACRE	254,377.72 S.F.
TOTAL PERIMETER BUFFER AREA	2.880 ACRE	118,756.80 S.F.
COMMON AREA	0.218 ACRE	9,216.47 S.F.
TOTAL RESIDENTIAL	18.133 ACRE	789,956.84 S.F.
ROADWAY RIGHT-OF-WAY AREA	6.480 ACRE	281,394.24 S.F.
LAGOON PERIMETER COMMON AREA	2.334 ACRE	101,850.69 S.F.
LAGOON AREA	6.615 ACRE	288,140.97 S.F.
<b>PHASE I</b>		
ROADWAY R/W AREA	6.480 ACRE	281,394.24 S.F.
PERIMETER BUFFER AREA	0.373 ACRE	16,256.04 S.F.
<b>PHASE II</b>		
RESIDENTIAL AREA	4.131 ACRE	178,951.09 S.F.
<b>PHASE III</b>		
RESIDENTIAL AREA	8.388 ACRE	365,399.23 S.F.
PERIMETER BUFFER AREA	1.246 ACRE	54,292.28 S.F.
COMMON AREA	0.159 ACRE	6,838.96 S.F.
<b>PHASE IV</b>		
RESIDENTIAL AREA	5.616 ACRE	244,608.52 S.F.
PERIMETER BUFFER AREA	1.070 ACRE	48,278.44 S.F.
COMMON AREA	0.122 ACRE	5,305.97 S.F.

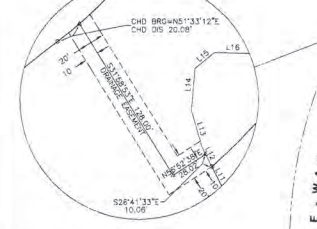
**PROPOSED LAND USE:** DETACHED MULTIFAMILY RESIDENTIAL

**MINIMUM LOT SIZE:** 6,000 S.F.

**MAXIMUM LOT COVERAGE:** 40%

**SETBACKS:**  
 30' FRONT  
 15' SIDE (TO TOTAL 15')  
 25' REAR

**LOT REQUIRING ZERO LOTLINE SETBACKS:**  
 A1, A6, A7, A14, A16, A19, A20, B1, B21, B22, B41, B27, B36, B45, B49, C1, C14, C24 & C26



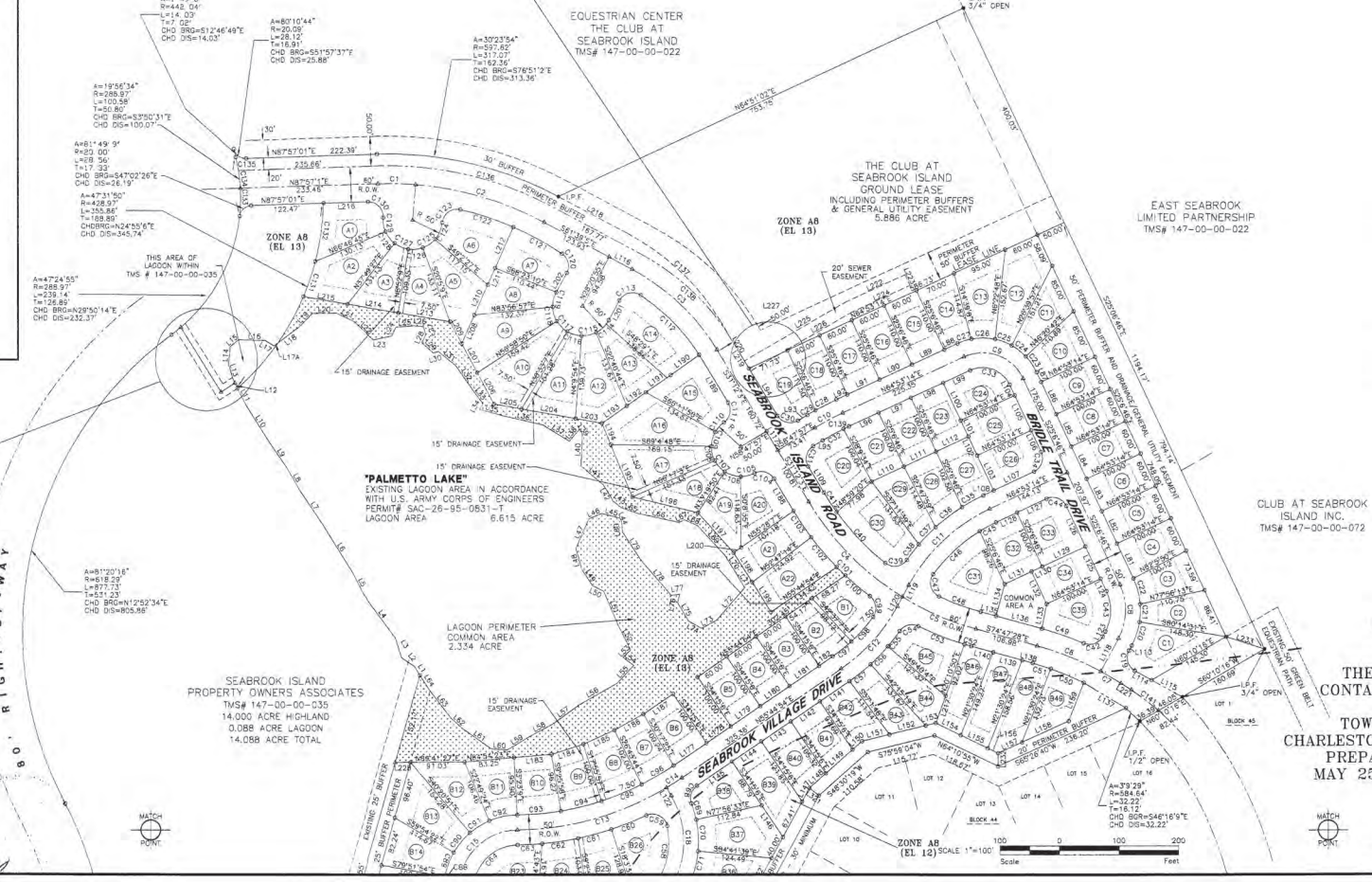
**FLOOD ZONE DATA**

THIS PROPERTY IS IN FLOOD ZONE AB (ELEV. 13) AND AB (ELEV. 12) AS INDICATED ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 450413 C44C FOR UNINCORPORATED AREAS OF CHARLESTON COUNTY, SOUTH CAROLINA, BEARING THE EFFECTIVE DATE OF SEPTEMBER 2, 1992. ZONE LIMITS ARE ESTABLISHED BY GRAPHIC INTERPRETATION FROM SAID FLOOD INSURANCE RATE MAP AND WERE NOT LOCATED BY FIELD SURVEY OR COORDINATE GEOMETRY.

I DO HEREBY CERTIFY THAT THE METHOD OF AREA DETERMINATION HAS BEEN COMPLETED USING THE PRINCIPLES OF COORDINATE GEOMETRY. I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL AND PRACTICES OF LAND SURVEYING IN SOUTH CAROLINA, AND DOES NOT EXCEED THE REQUIREMENTS FOR A CLASS B SURVEY AS DEFINED THEREIN. ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

SURVEY PRECISION IS  $\pm 1/100$  INCHES PER FOOT

*Robert George*  
 S. ROBERT GEORGE & ASSOCIATES, INC.  
 2117 33RD AVENUE, CHARLESTON, S.C. 29404



WWW.SEABROOKISLAND.COM  
 May 26, 2000  
 Prepared by *David M. Smith*  
 ZONING ADMINISTRATOR  
 TOWN OF SEABROOK ISLAND

CLUB AT SEABROOK ISLAND INC.  
 TMS# 147-00-00-072

**PRELIMINARY PLAT**  
 SHOWING THE  
 SUBDIVISION OF  
 THE VILLAGE AT SEABROOK  
 CONTAINING 42.328 ACRE TRACT  
 LOCATED IN THE  
 TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA  
 PREPARED FOR HANK HOFFORD  
 MAY 25, 2000 SCALE: 1"=100'  
 SHEET 1 OF 2

G. ROBERT GEORGE AND ASSOCIATES, INC.  
 CONSULTING ENGINEERS, LANDSCAPE ARCHITECTS,  
 PLANNERS AND LAND SURVEYORS  
 P.O. BOX 32156 (803) 556-4261  
 CHARLESTON, SOUTH CAROLINA 29417-2158







## ATTACHMENT #11

Village at Seabrook: Final Record Plat  
(December 19, 2001)

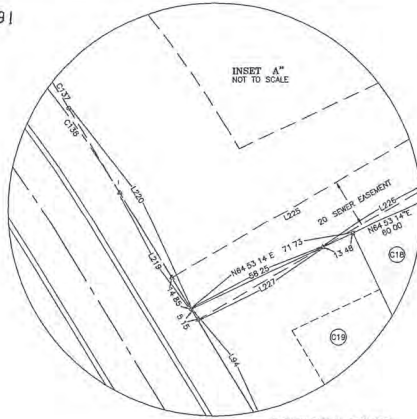
**REFERENCES**

1. PLAT SHOWING SUBDIVISION OF A 16.424 ACRE TRACT OWNED BY SEABROOK ISLAND DEVELOPMENT GROUP BY DANIEL C. FORSBERG DATED APRIL 8 1997 RECORDED IN PLAT BOOK 581 PAGE 55
2. PLAT OF A 56.150 ACRE TRACT AND A 1.452 ACRE BUFFER ZONE OWNED BY SEABROOK ISLAND COMPANY BY JOSEPH W. WILLIAMS III DATED AUGUST 21 1985 RECORDED IN PLAT BOOK 67 PAGE 32
3. FRESHWATER WETLANDS CERTIFICATION N/R SAC-811-92-0949 DATED JANUARY 7 1993 BY THE REGULATORY BRANCH OF THE U.S. ARMY CORPS OF ENGINEERS AND ENGINEERS SURVEY PLAT DATED SEPTEMBER 30 1992 AND REVISED OCTOBER 8 1992 ENTITLED "ACTUAL LAND TITLE SURVEY SHOWING 56.414 ACRES BY ENGINEERING SURVEYING AND PLANNING INC"
4. PRELIMINARY LOT LAYOUT & EXISTING WETLANDS THE ROOKERY AT SEABROOK ISLAND DATED JANUARY 27 1995 BY A.H. SCHWABKE & ASSOCIATES INC DRAWING IS UNRECORDED
5. PLAT SHOWING THE RESUBDIVISION OF A 56.150 ACRE TRACT LOCATED IN THE TOWN OF SEABROOK ISLAND DATED MARCH 28 1993 BY G. ROBERT GEORGE & ASSOCIATES INC RECORDED ON SEPTEMBER 17 1995 IN THE REC. OFFICE OF CHARLESTON COUNTY IN PLAT BOOK 68 AT PAGE 327
6. CHARLESTON COUNTY TAX MAP 147-00-00
7. PRELIMINARY PLAT SHOWING THE SUBDIVISION OF THE VILLAGE AT SEABROOK CONTAINING 42.328 ACRE TRACT LOCATED IN THE TOWN OF SEABROOK ISLAND DATED MAY 25 2000 BY G. ROBERT GEORGE & ASSOCIATES INC RECORDED ON IN THE REC. OFFICE OF CHARLESTON COUNTY IN PLAT BOOK 117 PAGE 41

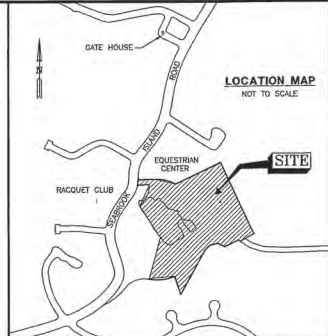
**LEGEND**

- PROPERTY LINE AND IRON PIN SET
- PROPERTY LINE PMI NOT SET DUE TO SENSOR O.D.
- PROPERTY LINE AND IRON PIN FOUND
- TRAVERSE POINT ON LINE
- ADJACENT RIGHT-OF-WAY LINE
- ADJACENT PROPERTY LINE
- EASEMENT LINE
- NEW DRAINAGE EASEMENT LINE
- JURISDICTIONAL FRESHWATER WETLANDS
- APPROXIMATE FLOOD ZONE BOUNDARY
- LAGOON PERIMETER COMMON AREA

PL L 391 PG 591



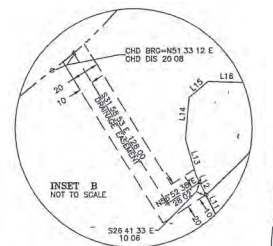
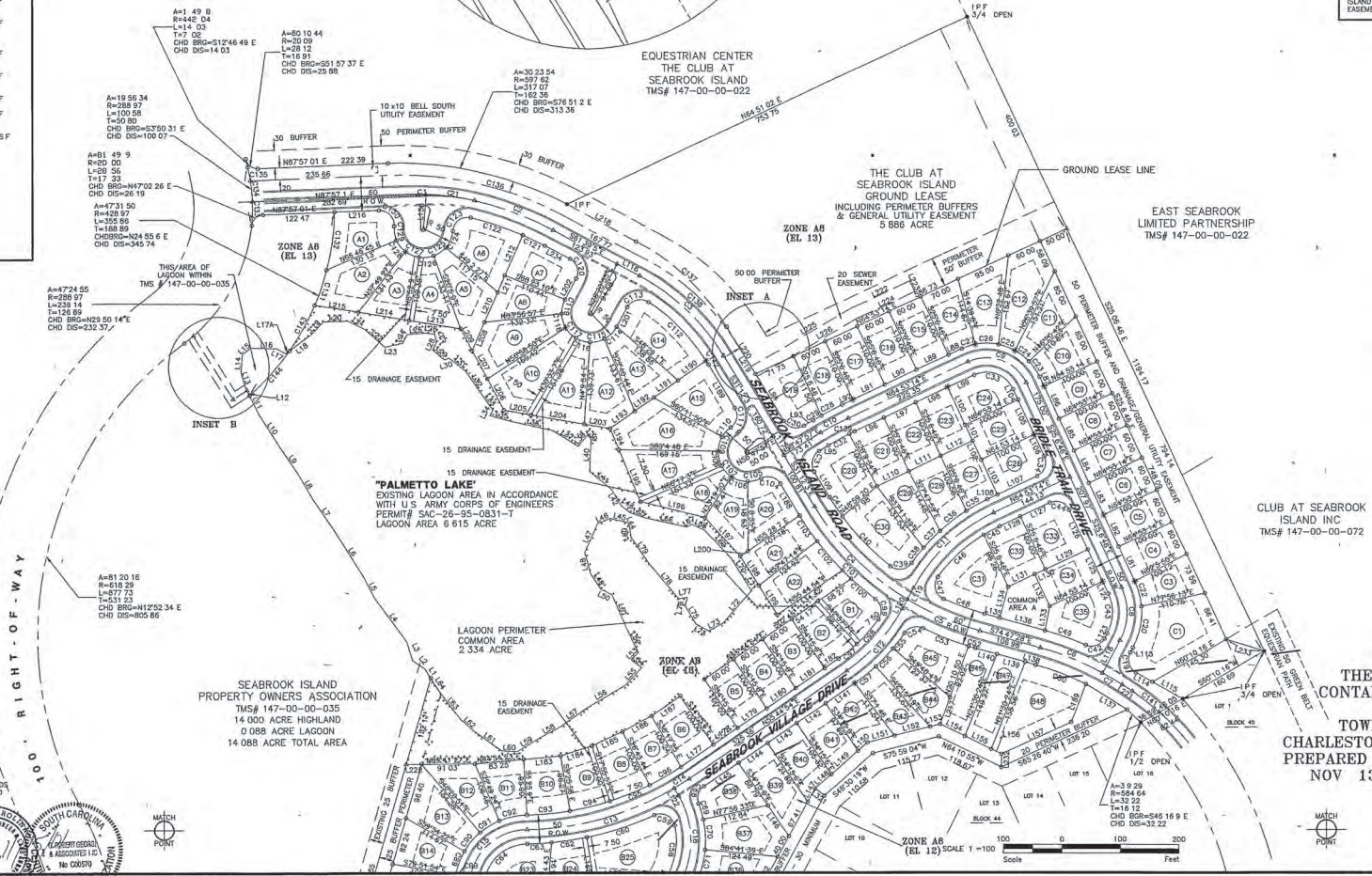
Charleston South Carolina  
Office of Register Means Conveyance  
Plat recorded this 12 day of December 2001 at  
1:21 o'clock in Plat Book 117 Page 245 and tracing cloth  
copy filed in File 2-Drawer Folder 25 - Drawing No. 38  
Original plat (a White Print) delivered to Town of Seabrook Island  
Sheet L-1 of 2  
Register Means Conveyance



**NOTICE**  
THE APPROVAL OF THIS PLAT IN NO WAY GUARANTEES THE TOWN OF SEABROOK ISLAND TO ACCEPT FOR CONTINUED MAINTENANCE ANY OF THE ROADS OR EASEMENTS SHOWN HEREON

**LAND USE SUMMARY**

TMS#	147-00-00-009
GROUND LEASE AREA	5.886 ACRE
TOTAL PERIMETER BUFFER AREA	116.756 86 S.F.
COMMON AREA	0.122 ACRE
TOTAL RESIDENTIAL	794.285 86 S.F.
ROADWAY RIGHT-OF-WAY AREA	6.457 ACRE
LAGOON PERIMETER COMMON AREA	2.334 ACRE
LAGOON AREA	6.615 ACRE
<b>TOTAL AREA INCLUDING LAGOON</b>	<b>42.328 ACRE</b>
<b>PROPOSED LAND USE</b>	<b>DETACHED MULTIFAMILY RESIDENTIAL</b>
MINIMUM LOT SIZE	6,000 S.F.
MAXIMUM LOT COVERAGE	40%
SETBACK:	30 FRONT 15 SIDE (TO TOTAL 15) 65 REAR
LOT REQUIRING 25% LOTLINE SETBACK:	AT A6 A4 B38 C19 & C28



**FLOOD ZONE DATA**  
THIS PROPERTY IS IN FLOOD ZONES AB (ELEV. 13) AND AB (ELEV. 12) AS INDICATED ON THE FLOOD INSURANCE RATE MAP IN ACCORDANCE WITH THE PRACTICES OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN

I DO HEREBY CERTIFY THAT THE METHOD OF AREA DETERMINATION HAS BEEN COMPLETED USING THE PRINCIPLES OF COORDINATE GEOMETRY

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN

SURVEY PRECISION IS IN EXCESS OF 1/10,000



TOWN OF SEABROOK ISLAND  
DATE 12/13/2001  
APPROVED BY [Signature]  
ZONING ADMINISTRATOR  
TOWN OF SEABROOK ISLAND  
CLUB AT SEABROOK ISLAND INC  
TMS# 147-00-00-072

PLAT SHOWING THE SUBDIVISION OF THE VILLAGE AT SEABROOK CONTAINING 42.328 ACRE TRACT LOCATED IN THE TOWN OF SEABROOK ISLAND CHARLESTON COUNTY, SOUTH CAROLINA PREPARED FOR SEABROOK ISLAND I, LLC NOV 13, 2001 SCALE 1"=100' SHEET 1 OF 2

G. ROBERT GEORGE AND ASSOCIATES INC  
CONSULTING ENGINEERS LANDSCAPE ARCHITECTS  
PLANNERS AND LAND SURVEYORS  
P.O. BOX 38168 (803) 556-4261  
CHARLESTON SOUTH CAROLINA 29417-2168

JOB NO 1171-41 THL DRAWING 1171-4F-PLAT DWG

L 391P6592

CURVE DATA table with columns: NUMBER, DELTA, CHORD BRG, CHORD LENGTH, TANGENT, CHD LENGTH

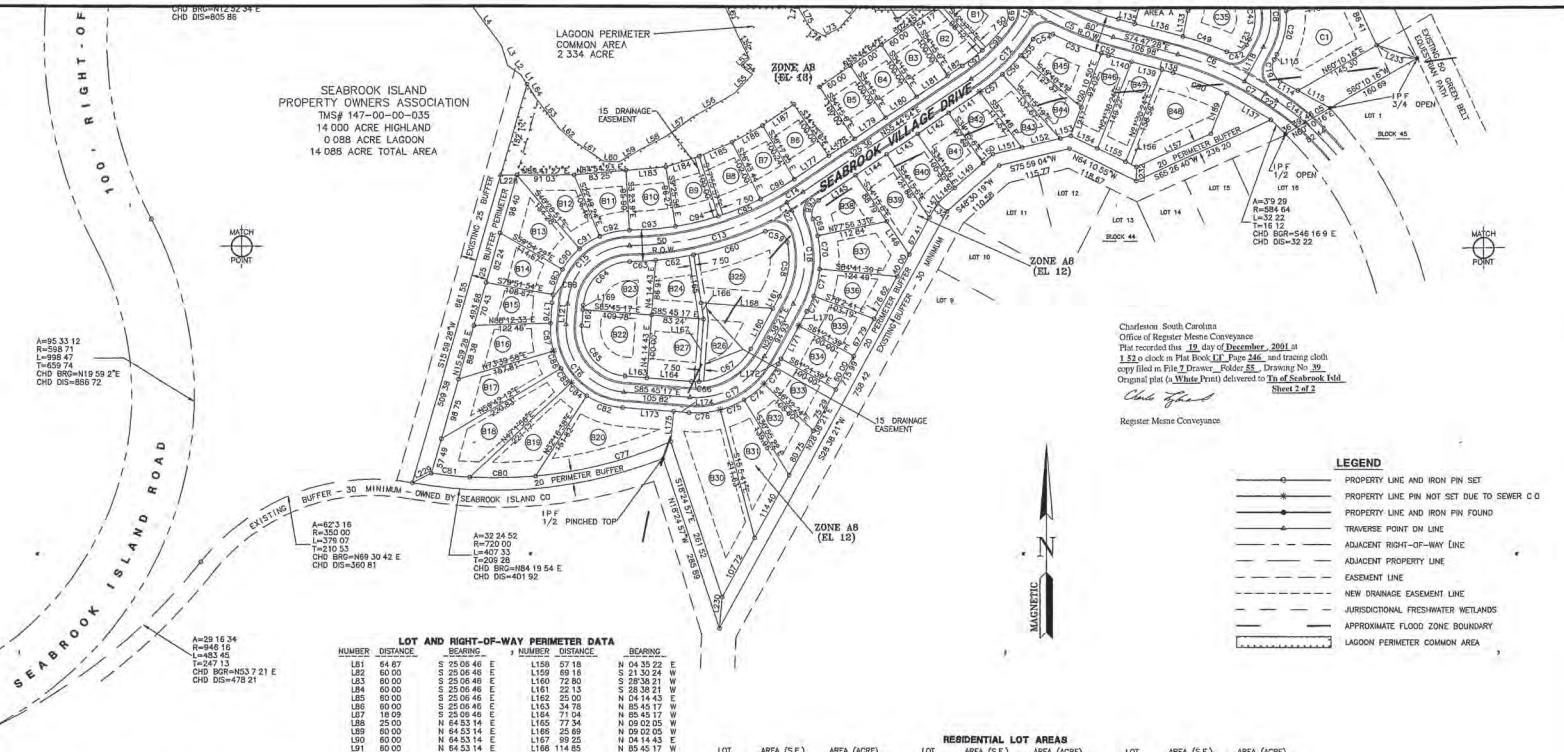
LOT AND RIGHT-OF-WAY PERIMETER DATA table with columns: NUMBER, DISTANCE, BEARING

LAGOON PERIMETER DATA table with columns: NUMBER, DISTANCE, BEARING

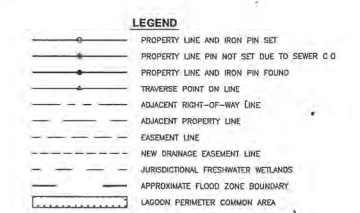
RESIDENTIAL LOT AREAS table with columns: LOT, AREA (S.F.), AREA (ACRES)

COMMON AREAS table with columns: AREA, DISTANCE

FLOOD ZONE DATA table with columns: DISTANCE, BEARING



Charleston, South Carolina
Office of Register Mense Covey
Plat recorded here on 18 day of December, 2001 at 1:53 o'clock in Plat Book L 391 Page 246, and tracing cloth copy filed in File 2, Drawer 1, Folder 55, Drawing No. 32



TOWN OF SEABROOK ISLAND
DATE 12/13/2001
APPROVED BY Douglas M. Smith

ZONING ADMINISTRATOR
TOWN OF SEABROOK ISLAND

PLAT
SHOWING THE
SUBDIVISION OF
THE VILLAGE AT SEABROOK
CONTAINING 42.328 ACRE TRACT
LOCATED IN THE
TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA
PREPARED FOR SEABROOK ISLAND I, LLC
NOV 13, 2001 SCALE 1"=100'
SHEET 2 OF 2

G ROBERT GEORGE AND ASSOCIATES, INC
CONSULTING ENGINEERS LANDSCAPE ARCHITECTS
PLANNERS AND LAND SURVEYORS
P O BOX 82168 (803) 556-6261
CHARLESTON SOUTH CAROLINA 29417-0168

JOB NO 1171-4-1 T.H.L. DRAWING 1171-4F-PLAT DWG



**ATTACHMENT #12**

Planning Commission Meeting Minutes

**Town of Seabrook Island  
Planning Commission Meeting**

**Minutes**  
January 11, 2000

**Members Present:**

Wayne L. Hockersmith, Chairman	Douglas Smith, Zoning Administrator
Joseph F. Fortune, Vice-Chairman	Lynda Manning, Secretary
Barbara Winsmore	
Richard Clarke	

**Absent:**

Robert McLoud

**Guest:**

Sue Holloman, President POA  
Robert Giuffreda, Executive Director  
Michael Casa, Michael Casa Construction  
Ruby Goodrich  
David Lycke, Seabrook Island I, LLC  
Randy Pierce, Seabrook Island Town Administrator

Chairman Wayne Hockersmith called the meeting of the Planning Commission to order on January 11, 2000, at 2:00 p.m. Requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted.

**Approval of minutes from December 8, 1999, meeting**

There were two minor changes to the minutes from December 8, 1999. Commissioner Richard Clarke made a motion to accept the minutes as amended. Commissioner Barbara Winsmore seconded the motion. The vote was unanimous.

**Application #2427 Michael Casa is applying to develop Phase II of Baypoint**

The development of Phase II in Baypoint has been named Marsh Creek Homes. Mr. Casa provided the Planning Commission with a copy of a letter written by Robert Giuffreda, on behalf of the Seabrook Island Property Owners Association. The letter advised Mr. Casa that the ARB will not approve a curb cut to anywhere outside the PUD. The project is being considered in its entirety, and disapproval of any particular unit would mean that the entire project was disapproved. Chairman Hockersmith advised Mr. Casa that the Planning Commission has no problem with an access easement on Lot 5, provided that there will be a home constructed on the lot. A motion was made by Commissioner Barbara Winsmore to approve application 2427 to develop Marsh Creek Homes. Commissioner Richard Clarke seconded the motion. The vote was unanimous.

**Election of Officers:**

Commissioner Richard Clarke nominated Wayne Hockersmith for the position of Planning Commission Chairman. Commissioner Joseph Fortune seconded the motion. The vote was unanimous. Commissioner Clarke nominated Joseph Fortune for Vice-Chairman. The motion was seconded by Commissioner Barbara Winsmore. The vote was unanimous.

**Application 1739 Bennett-Hofford has amended their application to construct a Health Care Facility on the property known as the Lake Entry Tract. The amended application is to construct a Multi-Family development.**

Engineer David Lycke represented Bennett-Hofford Construction. The name of the development at the Lake Entry Tract will be Village at Seabrook. Mr. Lycke is working closely with the Property Owners Association. The developer will maintain the buffer area and will provide construction of the extension to Seabrook Island Road. The extension should be started in early Spring pending the approval of the design and engineering. Commissioner Barbara Winsmore made a motion to recommend that Town Council approve application 1739 by Bennett-Hofford to amend the PUD to construct a Multi-Family development according to the plans they have provided to the Planning Commission. Commissioner Richard Clarke seconded the motion. The vote was unanimous. Chairman Hockersmith explained that if Town Council accepts the Planning Commission recommendation on first reading and approves the application there would be a Public hearing and then a second reading of the Ordinance. If the Ordinance passed the second reading then the development could advance. A final site plan should be provided at next months meeting of the Planning Commission.

**Review of lighting plan presented by BB&T for their facility**

Doug Smith, Zoning Administrator, provided the Commission with copies of a letter from Ashpy Lowrimore, Regional President of BB&T, proposing a change in the lighting at the bank facility. Mr. Lowrimore expressed that the bank regretted the complaints of the citizens and intends to be a good neighbor and address the issue in a proactive way. According to the letter the pole lights will be reduced to a height of 20 feet above ground level. The dual PF 400 Power Flood floodlights will be replaced by single Decashield 400 Luminars lights. Because of the reduction in lighting of the front parking lot they propose possibly adding two lamp poles. Lighting at the ATM will not change. Lighting under the canopy at the remote teller unit would change from four 250-watt fixtures to a 64-watt fixture. Total cost of the modifications for lighting would be \$7,542.00.

Town of Seabrook Island  
Planning Commission Meeting

Minutes  
March 8, 2000

**Members Present:**

Wayne L. Hockersmith, Chairman  
Joseph F. Fortune, Vice-Chairman  
Barbara Winsmore  
Richard Clarke  
Robert McLoud

Douglas M. Smith, Zoning Administrator  
Lynda Manning, Secretary

**Guests:**

Robert Giuffreda, Executive Vice-President S.I.P.O.A  
Joseph Zink, Horseshoe Creek Development-Phase IV Jenkins Point

Chairman Wayne Hockersmith called the meeting of the Planning Commission to order March 8, 2000, at 2:30 p.m. The requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. Chairman Hockersmith advised that anyone wishing to make a statement should give his or her name for the recording of the minutes.

**Approval of minutes for the February 9<sup>th</sup> meeting**

First item on the agenda was a vote on the minutes of the February 9<sup>th</sup> meeting. Draft minutes were distributed to the Commission members at the previous work session. Commissioner Richard Clarke moved to approve the February 9<sup>th</sup> meeting minutes as amended. Commissioner Barbara Winsmore seconded the motion. The board unanimously approved the motion.

**Application # 2605: Horseshoe Creek Development is requesting to amend the PUD for Phase IV of Jenkins Point.**

**Application # 2606: Horseshoe Creek Development is requesting to adjust lot lines for Phase IV of Jenkins Point.**

**Application #30: Horseshoe Creek Development is requesting to rezone a portion of Phase IV of Jenkins Point from Single Family to Agricultural.**

Mr. Joseph Zink, developer of Jenkins Point, attended the previous work session to supply information and answer questions that the Planning Commission had concerning his request to rezone and amend the PUD for Jenkins Point Phase IV.

Commissioner Barbara Winsmore noted that wording pertaining to the use of the rezoned land should be added to the plat, according to the Town Code in Section 2D page 52.

**Page 2**  
**Planning Commission Meeting**  
**March 8, 2000**

Commissioner Robert McCloud moved to approve applications 2605, 2606 and 30, with the condition that wording is added to the amended plat of Jenkins Point Phase IV, from the Seabrook Island Town Code Section 5-6-6 paragraph B (2) (D) on page 52, that the new parcels created by the amendment to the PUD will not create new building lots, and that the parcels will be rezoned as Agricultural. Commissioner Joe Fortune seconded the motion. The board unanimously approved the motion.

**Application #2611: Seabrook Island I, LLC, is applying to subdivide and develop 106 Multi-Family Residential lots in the area formerly known as the Lake Entry site. The proposed development will be named The Village at Seabrook. TMS #147-00-00-009**

Representatives from Bennett-Hofford attended the previous work session to review plans and answer questions from the Planning Commission. At the previous work session the board noted that the Site Plan Review form was missing several pieces of information, which are required before the Commission can act upon the application. The Planning Commission will provide Bennett-Hofford with an official list of the information that is needed.

At the previous work session the Planning Commission advised Mr. Hofford that construction, on the Seabrook Island Road extension and the infrastructure, could move forward provided that construction follow the approved right of way requirements. However, if any changes were required by Charleston County or by any private agency, the changes would be at the risk and expense of the developer. During the work session Zoning Administrator Douglas Smith reminded Mr. Hofford that the location and ownership of the horse trail in the buffer zone for this area must be clarified.

Mr. Hofford will mark the trees to be removed, so that the Planning Commission can visually review them.

**Miscellaneous:**

Commissioner Robert McCloud moved to give authority to the Zoning Administrator to grant a six-month extension on zoning permits, making a total of 18 months allowed by Town Ordinance. The fee for the six-month extension will be One Hundred Dollars (\$100.00). Commissioner Joseph Fortune seconded the motion. The motion unanimously approved by the Planning Commission.

Meeting adjourned 4:10 p.m.



**Town of Seabrook Island  
Planning Commission Meeting**

**Minutes  
April 12, 2000**

**Members Present**

Wayne Hockersmith, Chairman  
Joseph Fortune, Vice-Chairman  
Barbara Winsmore  
Richard Clarke  
Robert McLoud

Douglas Smith, Zoning Administrator  
Lynda Manning, Secretary

**Guests:**

John H. Hofford, Bennett-Hofford Construction  
Tim Blackwelder, Bennett-Hofford Construction  
Dick Walker, Berkeley Electric Cooperative Representative  
Kenneth Brooke  
Lenny White, Hussey, Gay, Bell and DeYoung Engineering  
Mark Bishop  
Robert Giuffreda, Executive Director SIPOA  
Coy Foster, SIPOA  
Damien Zanetti, Manager of Bohicket Marina  
Michael Casa

Chairman Wayne Hockersmith called the meeting of the Planning Commission to order April 12, 2000, at 2: 30 p.m. The requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. Chairman Hockersmith advised anyone wishing to make a statement should give his or her name for the recording of the minutes.

The order of business on the agenda was changed to accommodate the schedules of some people appearing before the Planning Commission.

**Approval of minutes**

Commissioner Joseph Fortune moved to approve the minutes of the March 8, 2000 meeting as written. Commissioner Richard Clarke seconded the motion. The motion was unanimously approved.

**Page 4**  
**Planning Commission Meeting**  
**April 12, 2000**

Commissioner Robert McLoud made a motion to accept application #2639 provided that the ordinance is amended, and the letters are received from The Club, POA and the Equestrian Center giving their approval of the water main line in the buffer zone. Commissioner Richard Clarke seconded the motion. The motion was unanimously approved.

**Project review for the Village at Seabrook** *Jim Blackwell*

Developer John Hofford and Tim Blackwell, the project manager, attended the meeting to update the Commission on the Village at Seabrook project.

The Commission was supplied with floor plans and elevations of the homes, building material samples, and possible unit site plans that are proposed for the project. Plans for the development propose a shared driveway system. Mr. Hofford submitted a letter requesting approval of the Commission to allow a shared driveway system. He explained that guidelines would be incorporated into the covenants for the shared driveway system. The general feeling of the Commission appeared to be favorable. Using this system would reduce the number of curb cuts in the development.

**Review of draft Ordinance 12.80.0 concerning Certificate of Occupancy**

Attorney Stephen Brown drafted the amended ordinance with changes that the Planning Commission had suggested. The agreement is for Charleston County to issue a certificate of completion to the Zoning Administrator or other authorized agent of the Town at the end of construction. Commissioner Robert McLoud made a motion to recommend that Town Council approve Ordinance 12.80.0 as corrected. Commissioner Richard Clarke seconded the motion. The motion was unanimously approved.

**Review of draft Ordinance amending section 6.90.10 of the Developmental Standards Ordinance concerning time limitation of building permits**

The Planning Commission made minor corrections to the wording to the draft ordinance. Commissioner Richard Clarke moved to recommend that Town Council approve the amended ordinance as corrected. Commissioner Joe Fortune seconded the motion. The motion was unanimously approved.

**Town of Seabrook Island  
Planning Commission Meeting**

**Minutes  
May 12, 2000**

**Members Present:**

Wayne L. Hockersmith, Chairman  
Joseph Fortune, Vice-Chairman  
Barbara Winsmore  
Richard Clarke  
Douglas M. Smith, Zoning Administrator  
Lynda Whitworth, Secretary

**Absent:**

Robert McCloud

**Guest:**

Robert Giuffreda, Executive Director SIPOA  
John H. Hofford, Bennett-Hofford Construction  
Tim Blackwelder, Bennett-Hofford Construction  
David Lycke, Architect  
David Linker, Ocean Air Repair and Construction

Chairman Wayne Hockersmith called the meeting of the Planning Commission to order May 12, 2000, at 2:30 p.m. The requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. Chairman Hockersmith advised that anyone wishing to make a statement should give his or her name for the recording of the minutes.

The order of business on the agenda was changed to accommodate the schedules of some people appearing before the Planning Commission.

**Approval of minutes**

The minutes of the April 12, 2000, Planning Commission meeting were approved with one correction to the spelling of Tim Blackwelder's name. Commissioner Barbara Winsmore moved to approve the minutes as corrected. Commissioner Joe Fortune seconded the motion. The motion was unanimously approved.

**Application 2690: The Club, represented by David Linker, owner of Ocean Air Repair and Construction, is applying for a zoning permit to expand the pavilion and add a storage shed at the Racquet Club.**

Mr. Linker provided the Commission with a layout of the proposed project. The Zoning Administrator commented that he was satisfied with the information Mr. Linker had provided the Commission. Chairman Hockersmith asked the Commission members for any other comments concerning the request for the permit. Hearing none the Chairman asked for a motion. Commissioner Barbara Winsmore moved to approve application 2690 as submitted. Commissioner Richard Clarke seconded the motion. The motion was unanimously approved.

**Application 2611: Seabrook Island I, LLC, has applied to develop the remainder of the Lake Entry tract consisting of 106 Multi-Family Residential units (TMS#147-00-00-009). This application will also include the completion of Seabrook Island Road.**

Mr. Hofford and Mr. Blackwelder appeared before the Commission to request final approval for The Village at Seabrook. Seabrook Island I, LLC, is requesting shared driveways be allowed within the development. Chairman Hockersmith stated that he would speak with the Town's Attorney, Stephen Brown, concerning this matter. A proposed Ordinance would require the width of the shared driveway to allow for two cars to pass each other safely while moving. Exact specifications for the width of the driveways to ensure safe ingress and egress was not decided. Other specifications for shared driveways will continue to be discussed during the Commission work sessions. Chairman Hockersmith noted that the Covenants must clearly state the requirements of ownership and maintenance for shared driveways.

The Planning Commission will require some changes to the Covenants for the Village at Seabrook. Town Attorney Stephen Brown drafted some suggested changes to the Covenants that should be included on page 6, Sections 3. a. I, II, and III. After discussing the suggested changes the Commission agreed that the corrected wording should be:

- i. Setback and other building standards shall be determined by the Seabrook Island Property Owner's Architectural Review Board (ARB), from time to time, subject to approval of Declarant. All lots and property developed shall also comply with all applicable requirements of the Town Code and Development Standards Ordinance of the Town of Seabrook Island.
- ii. Multi-family dwellings constructed on the lots shall be constructed in accordance with several basic home design plans heretofore given preliminary approval by Declarant. Any material variation from such plans shall require the prior written approval of Declarant and the ARB. All multi-family and commercial buildings must apply for and receive architectural review approval by the Planning Commission as set forth in the Town Code and Developmental Standards Ordinance of the Town of Seabrook Island.

- iii. The exterior colors of such dwellings shall be limited and subject to approval by Declarant and the ARB as well as the Planning Commission of the Town of Seabrook Island.
- iv. No residence or dwelling shall be constructed on any lot with less than 1,500 square feet of total heated enclosed dwelling area.

Add section v which states "As the property being developed is in excess of five (5) acres, the PUD process set forth in the Town Code and Development Standards Ordinance of the Town of Seabrook Island must be followed."

Chairman Hockersmith felt that the Planning Commission could give conditional approval of the application based on the suggested changes.

A Plan Review was provided by Charleston County Civil Engineer Mathew Rennhack, that listed nine requirements of the Charleston County Road Code and recommendations by Mr. Rennhack. These requirements must be met before Charleston County will approve the plans for road construction. Mr. Blackwelder and the Town Zoning Administrator will meet with Mr. Rennhack to assure that all requirements are satisfied prior to Town Council consideration of the matter. According to Mr. Hofford, all county requirements have been met.

Documentation by the SIPOA acknowledging and accepting the proposed access and maintenance of the drainage system will be required as a part of the conditional approval given by the Planning Commission. Mr. Giuffreda stated that a letter of acceptance for the drainage system would be provided. Commissioner Joe Fortune moved to approve Application 2611 with the changes to the Covenants that are required. Commissioner Richard Clarke seconded the motion. The motion was unanimously approved.

Setback requirements for the development of amenities on the Palmetto Lake peninsula in areas near the Lake could allow a setback of 25 feet for impervious deck structures and 15 feet for pervious deck structures.

**Miscellaneous:**

**Ordinance 2000-07, to amend Section 2.10.40 of the DSO, to allow a water main line and equestrian trail within a buffer zone**

Commissioner Richard Clarke moved that the Planning Commission recommend to Town Council the approval of Ordinance 2000-07, amendment of Section 2.10.40 of the DSO. Commissioner Barbara Winsmore seconded the motion. The Commission unanimously approved the motion.

Meeting adjourned 4:20 p.m.

**Town of Seabrook Island  
Planning Commission Meeting**

**Minutes  
September 13, 2000**

**Members Present:**

Wayne Hockersmith, Chairman  
Barbara Winsmore  
Richard Clarke  
Joseph Fortune, Vice-Chairman  
Douglas M. Smith, Zoning Administrator  
Lynda Whitworth, Secretary

**Absent:**

Robert McLoud

**Guest Attending:**

Jennifer Turner, Bennett-Hofford Construction  
Tim Blackwelder, Bennett-Hofford Construction  
David Lycke, Architect  
Damien Zanetti, Manager of Bohicket Marina  
Mike Wilson, Solaris Properties

Chairman Hockersmith called the meeting of the Planning Commission to order September 13, 2000, 2:30 p.m. Requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. Chairman advised the guest attending the meeting to state their name when addressing the Commission so that it is recorded for the minutes.

**Review of minutes of August 9, 2000 Planning Commission meeting**

Commissioner Richard Clarke moved to approve the minutes of August 9, 2000, as written. Commissioner Barbara Winsmore seconded the motion. The Commission unanimously approved the motion.

**Application #2789 by Bennett-Hofford for the approval of a Conditional Plat of the Village at Seabrook**

During the Work Session of September 6<sup>th</sup> the Conditional Plat for the Village at Seabrook was reviewed. A letter of credit was provided and reviewed by the Town's Attorney. Zoning Administrator Doug Smith advised the Commission that all necessary information was received and the required wording was listed on the Plat. A letter from OCRM was provided certifying the Palmetto Lake is fresh water.

Doug Smith informed the Commission that the Seabrook Island Board of Zoning Appeals had approved a variance request by Bennett-Hofford to allow the construction office trailer to remain in one location during construction of the development. G. Robert George Engineering requested a variance to limit the number of manhole locations within the development. The Board of Zoning Appeals granted the variance request.

Commissioner Barbara Winsmore moved to recommend Town Council approve application 2789 as submitted. Commissioner Joe Fortune seconded the motion. The Commission unanimously approved the motion. Application 2789 will move to the Ways and Means Agenda of September 19, 2000.

Approval of the Conditional Plat by Town Council will allow the pre-sale of property before the infra-structure is completed.

**Application #2764 by Seabrook Island, LLC to amend the site plan of the Village at Seabrook to include construction of the amenities**

Architect David Lycke provided the Commission with a Site Plan for the Amenities of the Village at Seabrook. The Site Plan showed setbacks for pervious structures, such as decking, would be 15 feet. Setbacks for impervious structures would be 25 feet. Additional landscaping will be installed at the edge of the lake to prevent erosion.

Doug Smith advised the Commission to require wording on the Plat to indicate the setbacks for pervious and impervious structures. Commissioner Richard Clarke moved to approve application 2764 to add the Amenities of the Village at Seabrook to the Site Plan with the modification to include wording for pervious and impervious setbacks. Commissioner Joe Fortune seconded the motion. The Commission unanimously approved the motion.

**Application #2795 by Horseshoe Creek Development**

The application is to record the final plat for Phase IV of Jenkins Point. The Seabrook Island Property Owners Association and the Seabrook Island Utility Commission provided a letter of approval for the drainage within Phase IV. Commissioner Joe Fortune moved to recommend that Town Council approve application 2795 as submitted. Commissioner Richard Clarke seconded the motion. The Commission unanimously approved the motion. Application 2795 will be added to the Ways and Means agenda for Town Council to review on September 19<sup>th</sup>.

**Application #2797 by Bohicket Marina**

Bohicket Marina Manager Damien Zanetti appeared before the Commission to answer questions concerning construction of the project. The application is for a zoning permit to allow construction of an additional stairway leading to Solaries Properties. The stairway would face the parking lot. Chairman Hockersmith suggested that any additional stairway

## Planning Commission Meeting

April 11, 2001

### **Members Present:**

Wayne L. Hockersmith, Chairman  
Joseph F. Fortune, Vice-Chairman  
Lucie Jones  
G. Joseph Crispyn

Douglas Smith, Zoning Administrator  
Lynda Whitworth, Secretary

### **Absent:**

Dick Clarke

### **Guest:**

Tim Blackwelder, Bennett-Hofford  
Jennifer Turner, Bennett-Hofford  
Ashley Davis, Golf Maintenance  
Barbara Winsmore  
Ernie Prupis, Seabrook Is. POA

Chairman Wayne Hockersmith called the meeting of the Planning Commission to order April 11, 2001, at 2:33 p.m. All requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted.

### **Approval of minutes**

Commissioner Crispyn moved to approve the minutes of the March 14, 2001, meeting as written. Commissioner Jones seconded the motion. The motion was unanimously approved.

### **Application #90 Temporary Use Permit**

Bohicket Marina Investors, represented by Damien Zanetti, is applying for a Temporary Use Permit to hold the annual Governors Cup Billfish Tournament at Bohicket Marina located at Andell Bluff Boulevard. Conditions for the permit were established and Mr. Zanetti has complied with those conditions. Dates for the tournament are May 16-20, 2001. The site is to be restored by May 21, 2001. The permit would be valid for 72 hours and also requires the approval of Town Council. Commissioner Jones moved to approve application #90. Commissioner Joe Fortune seconded the motion. The motion was unanimously approved for recommendation to Town Council.

### **Application #2933 Permit to construct five parking spaces**

The request is postponed.

### **Application #2934 Permit to install three water tanks**

Golf Maintenance is applying for a permit to install three 10,000-gallon water tanks on Crooked Oaks Golf Course. The tanks would be used to store potable water for irrigation of the greens. The tanks would be located near #3 Green behind three other tanks that were installed last year. The tanks would be painted Black Forest Green. Commissioner Crispyn moved to approve application #2934. Commissioner Jones seconded the motion. The motion was unanimously approved.



**Review of setback requirements for Multi-Family Developments**

At the request of Town Council, the Planning Commission will review the setback requirements within Multi-Family developments and may amend the Ordinance for a clearer interpretation.

Bennett-Hofford Construction is requesting that the Planning Commission consider an amendment to the DSO Ordinance 2.10.420 Setbacks within Multi-Family Developments. Bennett-Hofford, owner and developer of The Village at Seabrook, is requesting relief of front setback encroachment of steps within Multi-family developments and side setback requirements in areas with intersecting streets. Bennett-Hofford is requesting an amendment that would affect two streets intersecting into a cul-de-sac and would allow the side setback to reduce to 20 feet. The front setbacks would remain at 30 feet.

Commissioner Joe Fortune moved to allow the encroachment of uncovered front steps by no more than 10 feet in Multi-Family developments. Commissioner Jones seconded the motion. Chairman Hockersmith called for a vote. The motion passed with three members voting yes and one vote of no.

Commissioner Jones moved to amend the set back requirements in Multi-Family Developments and reduce the side setback of lots on intersecting streets in a cul-de-sac to 20 feet and the front set back of cul-de-sac lots by no more than 30 feet. Commissioner Crispyn seconded the motion. The motion was unanimously approved. Attorney Steve Brown will be consulted to draft an amendment for Ordinance 2.10.420.

**Draft Lighting Ordinance**

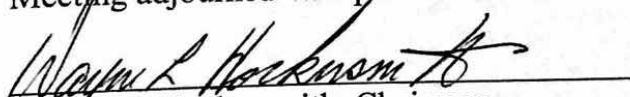
The Planning Commission has tabled the issue of a proposed draft Lighting Ordinance until the June work session.

**Miscellaneous Business**

Continued discussion concerning propane tanks was tabled.

Doug Smith informed Commission members that Town Attorney Steve Brown is working on a draft ordinance concerning pervious surface parking spaces. The draft will be submitted to the Commission for review by the next work session May 2, 2001.

Meeting adjourned 4:30 p.m.

  
Wayne L. Hockersmith, Chairman

 06/06/01  
Lynda Whitworth, Secretary date

**Planning Commission Meeting  
May 9, 2001**

**Minutes**

**Members Present:**

Wayne L. Hockersmith, Chairman  
Joseph Fortune, Vice-Chairman  
Lucie Jones  
G. Joseph Crispyn

Douglas M. Smith, Zoning Administrator  
Lynda Whitworth, Secretary

**Absent:** Richard Clarke

**Guest Attending:**

Jennifer Turner, Bennett-Hofford  
Tim Blackwelder, Bennett-Hofford  
Andy Young, S.I. Utility Commission-Operations  
Sam Seymour, The Club at Seabrook Island  
John Wilcox, The Club at Seabrook Island  
Ashley Davis, The Club Golf Maintenance

Chairman Hockersmith called the meeting of the Planning Commission to order May 9, 2001, at 2:30 p.m. All requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted.

**Approval of minutes**

Commissioner Crispyn moved to approve the minutes of the April 11, 2001, meeting as written. Commissioner Fortune seconded the motion. The motion was unanimously approved.

**Draft Ordinance for setbacks in Multi-Family residential developments**

During the month of April the Planning Commission reviewed setback requirements in Multi-Family developments. The Commission suggested some changes that would clarify the requirements of the Ordinance. The changes were submitted to Attorney Steve Brown for his review and the drafting of an Ordinance to amend the setbacks in Multi-Family residential developments.

At the May 9<sup>th</sup> meeting, Chairman Hockersmith read aloud a draft Ordinance submitted by Attorney Brown amending Section 2.10.420 of the Seabrook Island DSO relating to setbacks in Multi-Family developments. Commissioner Crispyn moved to approve the draft and to submit the Ordinance to Town Council for approval. Commissioner Jones seconded the motion. The Planning Commission unanimously approved the motion. The ordinance was amended to read as follows:

**2.10.420 Setback**

An area measured inward from a specified line or set of lines defining the limits within which no structure or obstruction, not otherwise authorized in this Ordinance, shall be located. For the purposes of the Ordinance, the setback shall be measured from the platted lot lines. The setback requirement shall apply to all structures on the lot. Where a lot abuts two non-intersecting streets both front setbacks shall be observed. Where a lot fronts on two intersecting street, both streets shall be considered as front setbacks. However, where a lot zoned multi-family fronts two intersecting streets wherein one street is a cul-de-sac the setback requirements from the intersecting street on the side of the building is hereby reduced to twenty feet. The front setback of the building which faces the cul-de-sac shall remain thirty feet. Uncovered front steps may extend into a front setback on properties zoned multi-family, but may not be less that twenty feet from the property's front lot line.

**Draft Ordinance for the requirements of pervious parking areas**

The requirements relating to pervious parking areas were reviewed during the April meetings. Some changes were suggested and submitted to Attorney Brown for his review and the drafting of an Ordinance.

Chairman Hockersmith read aloud the draft Ordinance submitted by Attorney Brown establishing Ordinance Section 9.80.0 of the Seabrook Island DSO relating to the use of pervious surface parking spaces in limited circumstances. The Commission made one change to the draft. Commissioner Jones moved to approve the draft Ordinance with one change, and to submit the draft Ordinance to Town Council for approval. Commissioner Crispyn seconded the motion. The motion was unanimously approved.

The Ordinance is as follows:

**Section 9.80.0 Pervious Surface Parking Spaces**

Notwithstanding any other provisions of this ordinance or town code to the contrary, the use of pervious surface parking spaces may be allowed by the town under certain limited circumstances. In order to allow pervious parking spaces, the Town must determine that:

**Town of Seabrook Island  
Planning Commission**

**Minutes**

December 12, 2001

**Members Present:**

Wayne L. Hockersmith, Chairman  
Joseph F. Fortune, Vice-Chairman  
Lucie Jones  
Richard Clarke  
Douglas Smith, Zoning Administrator  
Lynda Whitworth, Secretary

**Guest Attending:**

Richard Bailey, Hussey-Gay-Bell and DeYoung Engineering  
Sid Boone, Esquire-McNair Law Firm  
Tim Blackwelder, Bennett-Hofford Construction  
Troy Long, G. Robert George and Assoc. Engineering  
Mike Parades, Representing Carolina Southern Properties

Chairman Hockersmith called the meeting of the Planning Commission to order at 2:40 p.m. All requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted.

**Approval of minutes of November 14, 2001, meeting**

Commissioner Lucie Jones moved to approve the minutes of November 14, 2001, as written. Commissioner Clarke seconded the motion. The motion was unanimously approved.

**Application 3125 Final Approval of the Village At Seabrook**

During the Planning Commission work session Troy Long, an Engineer for G. Robert George, provided the members with an amended final subdivision plat. The plat was amended to show the reduction of the number of lots from 106 to 102. The roadway was also depicted more accurately. Tim Blackwelder Project Manager for the Village at Seabrook was also present to answer questions concerning the development.

Commissioner Clarke moved to approve the plat as amended. Commissioner Fortune seconded the motion. The motion was unanimously approved.



## ATTACHMENT #13

### Town Council Meeting Minutes

**TOWN OF SEABROOK ISLAND**  
**Town Council Meeting, January 25, 2000**  
**MINUTES**

After the pledge of allegiance, Mayor Stewart called the January 25, 2000, Town Council meeting to order at 2:30 p.m. Councilmen Berger, Clarkson, DuBois and Ferguson attended the meeting. Town Attorney Brown, Town Administrator Pierce, Town Clerk Allbritton and approximately 10 guests also attended the meeting. The requirements of the SC Freedom of Information Act were met.

**Approval of Minutes** – The minutes of the Public Hearing of December 21, 1999, and the minutes of the Town Council meeting of December 28, 1999, were approved as written.

**Financials** – Councilman Berger reported that \$75,000 has been transferred from the Local Government Investment Pool to the Bank of America in order to pay bills relating to the construction of Town Hall. On the December financials, accounts receivable figure is \$172,000 which are franchise fees and other income that should be paid within the next month.

**Citizens/Guests Presentations, Comments:**

**Reports of Standing Committees, Commissions, Boards:**

**Ways and Means** – Councilman Ferguson suggested that a list of county and state legislators be available at Town Hall for residents of Seabrook Island.

**Planning Commission** – Barbara Winsmore reported that BB&T Bank has written a letter with a proposal to change some of the lighting at the bank on Seabrook Island Road. A part of the proposal has been approved by the Planning Commission and more detail has been required of other parts of the proposal. The four tall light posts will be reduced to 20-foot tall posts, and the dual light fixtures will be changed to single fixtures. BB&T has also volunteered to reduce the lighting under the canopy where the teller windows are located.

**Public Safety** – Councilman DuBois reported that a post for a sign located on Seabrook Island Parkway has been broken. Town Administrator Pierce reported that the sign would be repaired shortly.

**External Affairs** – Chairman Kent asked if Council might like to reconsider the resolution pertaining to the confederate flag that had been presented by the External Affairs Commission at the Town Council meeting in December since only three members of Council were present at that meeting. After discussion by Council members and guests, a motion was not made and the request was denied.

**Public Works** – None

**Board of Zoning Appeals** – On January 20, the Board of Zoning Appeals held an emergency meeting and granted a variance to allow BB&T Bank to bring in a temporary unit for 90 days because of fire damage to the bank. This temporary facility will be by BB&T to carry on banking business while their permanent facility is being repaired.

for a transmission tower. A SC Scenic Highway Ad Hoc Committee has picked Bohicket Road as one of five Charleston County roadways to be de-designated as a scenic highway.

**Water/Sewer Commission** – No Report.

**Petitions Received, Referred or Disposed of:**

- Application 1739 – Seabrook Island I, LLC – Previous application was for a health care facility. The application is now being amended to allow for a multi-family development of 106 units. Councilman Berger made a motion to approve Application 1739 as amended to allow for a multi-family development of 106 units. Councilman Clarkson seconded the motion and the vote to approve was unanimous. Mr. Hofford hopes to have approval for roads and subdivision in the next 30-60 days and would like to have infrastructure and roads in so that he can begin marketing this summer.

**Ordinances for First Reading:**

- Ordinance 2000-01 – An Ordinance to Amend the PUD for Seabrook Island I, LLC (Bennett Hofford Construction). Councilman DuBois made a motion to approve Ordinance 2000-01 on first reading. Councilman Clarkson seconded the motion and the vote to approve was unanimous.

**Ordinances for Second Reading:** None

**Miscellaneous Business:**

- Larry Bradham – 16<sup>th</sup> Annual Jenkins Point Skeet Shoot, Saturday, February 5, 2000. Councilman Berger made a motion to approve Larry Bradham's request for the 16<sup>th</sup> Annual Jenkins Point Skeet Shoot. Councilman Clarkson seconded the motion and the vote to approve was unanimous.
- Resolution Regarding Effort to Encourage ETM to Have Electronic Ticket Distribution Available to all Visitor's Centers of the Charleston Convention & Visitor's Bureau. Mayor Piet of Kiawah Island has asked the Town of Seabrook Island to adopt a resolution similar to the one already adopted by Kiawah with respect to the ticket dispensing function that was recently taken over by ETM. This had previously been performed by the Visitor's Center. ETM has since disconnected service to the various visitor's centers. These events are funded fully, or in part, by County Accommodations Funds and in facilities constructed in part by Accommodations Tax monies. Councilman Berger made a motion to approve the resolution that encourages an electronic selection and distribution center which makes tickets available to local Visitor's Centers of the Charleston Convention and Visitor's Bureau (copy attached to minutes). Councilman Ferguson seconded the motion and the vote to approve was unanimous.
- Thomas Fought, Representing Chateau by the Green, Woodpecker Problem. Mr. Fought would like to have permission to discharge a 22 rifle with birdshot in order to kill a woodpecker that is causing considerable damage in the Chateau by the Green area. Councilman Ferguson made a motion to approve the discharge of the 22 rifle

**TOWN OF SEABROOK ISLAND**  
**Town Council Meeting, February 22, 2000**  
**MINUTES**

After the pledge of allegiance, Mayor Stewart called the February 22, 2000, Town Council meeting to order at 2:30 p.m. Councilman Berger, Clarkson, DuBois and Ferguson attended the meeting. Town Attorney Brown, Town Administrator Pierce, Town Clerk Allbritton and approximately 13 guests were also present. The requirements of the SC Freedom of Information Act were met.

**Approval of Minutes** – The minutes of the January 25, 2000, Town Council meeting were approved as written.

**Financials** – Councilman Berger reported that the Town of Seabrook Island is in very good financial condition. The figure for Machinery and Equipment seems to be inflated and Councilman Berger asked the Town Administrator to determine what the actual figure should be. In January, the Town had excess revenues over expenditures of over \$57,000. The Emergency Reserve Fund balance is currently \$104,172. Councilman Berger made a motion to reduce the Emergency Reserve Fund balance to \$90,000, which would constitute approximately three months operating expenses for the Town. This will be a fixed amount of \$90,000, not to include interest drawn on that amount. John DuBois seconded the motion and the vote to approve was unanimous.

**Citizens/Guests Presentations, Comments:** None

**Reports of Standing Committees, Commissions, Boards:** None

**Reports of Ad Hoc Committees:** None

**Reports of Town Officers:**

**Mayor –**

Last Tuesday, Charleston County Council approved the Town's request for the appointment of Charleston County Magistrate, Jack I. Guedalia, municipal court judge for the Town of Seabrook Island and the paperwork has been sent to Columbia. When the paperwork is approved there, the Town will be in a position to swear in Judge Guedalia. Councilman Berger made a motion that Judge Guedalia be appointed as chief judge for the municipal court for the Town of Seabrook Island. John DuBois seconded the motion and the vote to approve was unanimous.

Robert L. Francis has agreed to serve on the External Affairs Commission replacing Caroline McLoud who has resigned for personal reasons. Jack Clarkson made a motion to appoint Robert L. Francis to the External Affairs Commission for a term to expire December 31 of 2000. John DuBois seconded the motion and the vote to approve was unanimous.

Tom Martin and Jean Robnett have resigned from the Board of Zoning Appeals and James Talmage and Don Stock have agreed to serve out these terms. Councilman Berger made a motion that James Talmage be appointed to replace Tom Martin, whose term will expire December 31 of 2001, and Don Stock be appointed to replace Jean Robnett, whose term will expire December 31 of 2000. Councilman Clarkson seconded the motion and the vote to approve was unanimous.

**Town Administrator's Report** – Town Administrator Pierce reported that there is over \$90,000 in County Accommodations Tax money, which has to be spent on tourism related projects, that has been collecting since 1996. Town Administrator Pierce recommended that the Town might want to use those funds to do a complete landscaping of the Town Hall, including the drive, the parking lot and a picnic shelter instead of breaking the landscaping down into phases. One bid for the landscaping is around \$30,000, another should be in later this week and another landscaper has been contacted about



estimate of \$1-1/2 million is correct. The engineering for the two storage tanks, that will be located at the operations center and is estimated to be a \$2 million project, will be complete this week and those plans will then be going to DHEC for approval. Both projects will probably be started about June 1. The pipeline will take about 90 days to complete and the storage tanks will be finished in the fall. The financing for the projects will be from the State fund or from private sources. A resolution is on the agenda today allowing the Water/Sewer Commission to make an application for the loan. The Commission should have about \$500,000 in their retained earnings that can be used on these projects so that it will be necessary to borrow about \$3 million.

**Petitions Received, Referred or Disposed of:**

- Application 2572, Charles Towne Place, LLC – To Subdivide Property into 16 Townhouse Lots. This application, for attached multi-family use, has previously been approved by the Planning Commission. The project will be accessed through Racquet Club Villas but will have a temporary curb cut from Seabrook Island Road during construction. The units will be much like condominiums but the occupant will own their lot and exterior of the building even though a property owners association will maintain the units. Application 2572 to subdivide the property of Charles Towne Place into 16 townhouse lots passed unanimously.
- Temporary Use Application #77 – To Allow Temporary Use of Porta Toilets for the Period of February 28 through April 26, 2000. This application is for a toilet to be located at the resident's garden plot and a toilet between boardwalk #1 and #2. The application to allow the temporary use of porta toilets at the two locations passed unanimously.

**Ordinances for First Reading:**

- Ordinance 2000-02 – An Ordinance Renaming the Water and Sewer Commission for the Town of Seabrook Island. Councilman Berger made a motion to approve Ordinance 2000-02 on first reading. Jack Clarkson seconded the motion and the vote to approve was unanimous.

**Ordinances for Second Reading:**

- Ordinance 2000-01 – An Ordinance to Amend the PUD for Seabrook Island I, LLC (Bennett Hofford Construction). Councilman Berger made a motion to adopt Ordinance 2000-01 on second reading. John DuBois seconded the motion and the vote to approve was unanimous.

**Miscellaneous Business:**

- Resolution Regarding Seabrook Island Water & Sewer Commission Seeking Low-Interest Loan Financing. This financing will be for the projects described by Joe Hall, chairman of Seabrook Island Water/Sewer Commission, earlier in the meeting. The maximum the State will loan is \$2 million with the remainder being borrowed from a private source. John DuBois made a motion to adopt the resolution regarding Seabrook Island Water & Sewer Commission seeking low-interest loan financing. Jack Clarkson seconded the motion and the resolution passed unanimously.

The meeting was adjourned.

Approved: \_\_\_\_\_

3/28/00

*Sage Allbritton*  
\_\_\_\_\_  
Town Clerk

**TOWN OF SEABROOK ISLAND**  
**Town Council Meeting, May 23, 2000**

**MINUTES**

After the pledge of allegiance, Mayor Stewart called the May 23, 2000, Town Council meeting to order at 2:30 p.m. Councilmen Berger, Clarkson, and DuBois attended the meeting. Town Clerk Allbritton and approximately 13 guests were also present. Councilman Ferguson and Town Administrator Pierce were absent.

**Approval of Minutes** – The minutes of the Town Council meeting of April 25, 2000, and the minutes of the Public Hearing of May 16, 2000, were approved as written.

**Financials** – Councilman Berger reported that the Town of Seabrook Island is in good financial shape with revenues over expenditures for the year to date of approximately \$104,000.

**Citizens/Guest Presentations, Comments:** None

**Reports of Standing Committees, Commissions, Boards:**

**Ways and Means** – No Report

**Planning Commission** – No Report

**Public Safety** – No Report

**External Affairs** – No Report

**Public Works** – Councilman Clarkson reported that Council will decide shortly about the sign for the new Town Hall. In addition to having the sign in the same color format as the entrance sign, the pelican will also be on the sign as well as hanging plaques specifying “business licenses, Visitor’s Center, etc.” A location for the sign has not been decided upon, but it will probably have to be a double faced sign placed adjacent to the entrance.

**Board of Zoning Appeals** – No Report

**Reports of Ad Hoc Committees:**

**Accommodations Tax Advisory** – No Report

**Reports of Town Officers:**

**Mayor** - A review of the Town’s insurance records was done on April 20, 2000. The letter from the Executive Director of the State Budget and Control Board, dated May 5, 2000, indicates that the Town has kept accurate and up to date insurance records. The purpose of the review is to evaluate the Town’s compliance with the Office of Insurance Services’ enrollment and billing policies and procedures relating to insurance benefits.

There were four meetings in May that highlighted the current efforts to meet transportation needs for now and in the future.

- On May 9, Kiawah and Seabrook Island officials met with Charleston County officials along with representatives of TranSystem, Inc. to review the corridor

attend the meeting to discuss the need for towers on Johns Island and possible locations and heights. Mr. Yates represents companies throughout the area when they are proposing to erect new towers. Councilman DuBois suggested that those who are interested should attend this meeting.

**Seabrook Island Utility Commission** – Joe Hall, Chairman, reported that Anson Construction has begun preparations for installing the 4 miles of 16” pipeline for the Seabrook Island Utility Commission. The golf course work should be finished in about 45 days. Bids are due on the storage tanks by June 15. The drought and residents using their irrigation at peak times is causing a problem and several large consumers of water have been asked to use their irrigation on an alternating schedule.

#### **Petitions Received, Referred or Disposed of:**

- Permit #2611, Seabrook Island I, LLC, Preliminary Subdivision Approval for The Village at Seabrook (106 lot residential subdivision). Councilman Clarkson made a motion to approve Permit #2611. Councilman Berger seconded the motion and the vote to approve was unanimous.
- Temporary Use Permit #80, By Seabrook Island POA, To Allow Temporary Use of Porta-toilets on North Beach. Councilman Berger made a motion to approve Temporary Use Permit #80. Councilman Clarkson seconded the motion and the vote to approve was unanimous.
- Temporary Use Permit #81, By Seabrook Island POA, To Allow Temporary Use of Porta-toilets at the Seabrook Island POA Garden Plot. Councilman Berger made a motion to approve Temporary Use Permit #81. Councilman Clarkson seconded the motion and the vote to approve was unanimous.

#### **Ordinances for First Reading:**

- Ordinance 2000-06, An Ordinance to Amend the Seabrook Island Town Code (Change Date of Municipal Elections). This ordinance changes the date of the Town’s municipal elections to the first Tuesday in November instead of the second Tuesday. Councilman Berger made a motion to approve Ordinance 2000-06 on first reading. Councilman Clarkson seconded the motion and the vote to approve was unanimous.
- Ordinance 2000-07, An Ordinance to Amend the Development Standards Ordinance, Section 2.10.40 (Buffer). This ordinance allows the new water line that the Seabrook Island Utility Commission is installing to be placed in buffer areas and also allows horse trails in these areas. Councilman Clarkson made a motion to approve Ordinance 2000-07 on first reading. Councilman DuBois seconded the motion and the vote to approve was unanimous.
- Ordinance 2000-08, An Ordinance to Amend the Development Standards Ordinance in Regard to the Lake Entry Site. Councilman Berger made a motion to approve Ordinance 2000-08 on first reading. Councilman DuBois seconded the motion and the vote to approve was unanimous.

Town of Seabrook Island - Zoning Permit

Permit Date: 02/25/2000      Permit #, Town: 2611      License #: 2000436  
TMS Number: 147-00-00-009      Thru:      And:      Paid Date: 02/25/2000  
App Fee: \$1,160.00      Cash: No      Check #: 1065  
Applicant Name: Seabrook Island I, LLC      Phone: 843-722-8169  
Contact Name: John H. Hofford  
App Address1: 17 Lockwood Blvd.  
App Address2: POB 1707  
App City: Charleston      St: SC      Zip: 29401

Property Owner: Seabrook I, LLC      Phone:  
Owner Address1: P.O. Box 1707  
Owner Address2:  
Owner City: Charleston      St: SC      Zip: 29401

Property Location: Lot:      Block:  
Property Address: Lake Entry Site

Purpose: Final Preliminary Subdivision Approval for "The Village at Seabrook" a one hundred six (106) lot residential subdivision.

Work Value: \$0.00      Const Cost: \$0.00      Flood Elev: 13      Zone: A8

Architectural Review Board:

Comments: Application requires approval of Planning Commission. Applicant will also need to file an application to record a preliminary plat.

Amendment: 5/17/2000 Replace words Final Subdivision Approval with words Final Preliminary Subdivision Approval.

This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.  
If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code.  
Any extensions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.

I hereby certify that the above information and any plan or drawing submitted herewith are true and accurate indications of existing or proposed improvements to the above identified property.

Owner/Applicant's Signature  
Wednesday, May 17, 2000

Zoning Administrator  
Wednesday, May 17, 2000

Printed Name

**TOWN OF SEABROOK ISLAND  
MINUTES - PUBLIC HEARING**

June 5, 2000

A properly called and advertised Public Hearing was held on June 5, 2000, at 2:15 p.m. Councilman Clarkson conducted the meeting since Mayor Stewart and Mayor Pro Tem Ferguson were out of town. Councilman DuBois, Councilman Berger and Town Clerk Allbritton also attended the meeting.

The Public Hearing was held to receive comments on Ordinance 2000-08, An Ordinance to Amend the Development Standards Ordinance in regard to the Lake Entry Tract. No comments were made on the ordinance and the meeting was adjourned at 2:17 p.m.

Approved: 6/27/00

Jaye Allbritton  
Town Clerk

**TOWN OF SEABROOK ISLAND**  
**Special Town Council Meeting, June 5, 2000, 2:30 p.m.**  
**MINUTES**

A special Town Council Meeting was held on June 5, 2000, at 2:30 p.m. at Town Hall in order to have second reading on Ordinance 2000-08, An Ordinance to Amend the Development Standards Ordinance in Regard to the Lake Entry Tract. Councilman Clarkson conducted the meeting since Mayor Stewart and Mayor Pro Tem Ferguson were out of town. Councilman DuBois, Councilman Berger and Town Clerk Allbritton attended the meeting along with three guests.

Councilman Berger made a motion to accept Ordinance 2000-08 on second reading. Councilman DuBois seconded the motion and the vote to approve the motion was unanimous.

The meeting was adjourned at 2:35 p.m.

Approved: 6/27/00

Jaye Allbritton  
Town Clerk

**TOWN OF SEABROOK ISLAND**  
**Town Council Meeting, September 26, 2000**

**MINUTES**

After the pledge of allegiance, Mayor Stewart called the September 26, 2000, Town Council meeting to order at 2:30 p.m. Councilmen Berger, Clarkson, DuBois and Ferguson were present at the meeting. Town Administrator Pierce, Town Clerk Allbritton and approximately 10 guests were present at the meeting. The requirements of the SC Freedom of Information Act were met.

**Approval of Minutes** – The minutes of the Town Council meeting of August 22, 2000, the minutes of the public hearing of September 11, 2000, and the minutes of the Special Town Council meeting of September 11, 2000, were all unanimously approved as written.

**Financials** – As of the end of August, the Town had approximately \$108,000 in the checking account and \$443,622 in the Local Government Investment Pool. For the year, the Town has an excess of revenues over expenditures of approximately \$130,000.

**Citizens/Guests Presentations, Comments:** None

**Reports of Standing Committees, Commissions, Boards:**

**Ways & Means** – No Report

**Planning Commission** – Chairman Hockersmith reported that the Planning Commission approved the following applications at their meeting on September 13, 2000:

- Application #2789 – Bennett Hofford – Approval of Conditional Plat for The Village at Seabrook.
- Application #2795 – Horseshoe Creek Development Corp. – Record Final Plat for Phase IV of Jenkins Point.
- Application #2764 – Bennett Hofford – Approval of Amenity Area for The Village at Seabrook.
- Permit #2797 – Bohicket Marina – Approval of a Set of Stairs to be Built at Bohicket Marina near Solaris Properties.
- Temporary Use Permit #87 – The Club at Seabrook – Erect Tent for Tennis Tournament to be Held October 11-17, 2000.

**Public Safety** – Councilman DuBois recommended that the Town install a floodlight to illuminate the flagpole at town hall. One light properly positioned will be sufficient. Town Administrator Pierce reported that the security person who operates the radar monitor for the Property Owners Association has been on extended leave; but, as soon as the employer returns, the radar will be set up on the Parkway. Town Administrator Pierce recommended running an article in *The Seabrooker* letting residents know the radar is being used and that additional sheriff's department personnel will be used to enforce the speed limit on Seabrook Island Parkway.

**External Affairs** – No Report

**Public Works – No Report**  
**Board of Zoning Appeals – No Report**

**Report of Ad Hoc Committees:**

Accommodations Tax Advisory – No Report

**Reports of Town Officers**

**Mayor –** *The Seabrooker* staff will meet on October 12 at 4 p.m. at Town Hall to discuss items regarding the publication of the newspaper. All council members are welcome to attend.

**Town Administrator –**

The Hazard Mitigation Plan for the Town of Seabrook Island has been completed and is on hand for anyone who would like to look at it.

The Charleston Area Convention and Visitor's Bureau has provided budget information requested by Town Council.

**Town Council Members –**

**Councilman Clarkson –** The concrete work at the front of the new town hall will be finished within the next few days and non-stick stair treads will also be put on the front steps. Town Administrator Pierce will be working on a resolution to the problem with the carpet in the entryway.

**Johns Island Commission – No Report**

**Seabrook Island Utility Commission – No Report**

**Petitions Received, Referred or Disposed of:**

- Application #2789 by Bennett Hofford – Application is for Approval of Conditional Plat for the Development of The Village at Seabrook – Councilman Berger made a motion to approve the application. Councilman DuBois seconded the motion and the vote to approve was unanimous.
- Application #2795 by Horseshoe Creek Development – Application to Record Final Plat for Phase IV of Jenkins Point – Councilman Berger made a motion to approve the application. Councilman Clarkson seconded the motion and the vote to approve was unanimous.
- Temporary Use Application #87 – The Club at Seabrook is Applying for a Temporary Use Permit to Erect a Tent at The Tennis Center during the Tennis Tournament, October 11-17, 2000 – Councilman DuBois made a motion to approve the application. Councilman Berger seconded the motion and the vote to approve was unanimous.
- Application #2764 – Bennett Hofford – Approval of Amenity Area for The Village at Seabrook – This permit was inadvertently left off the agenda but had been considered and approved previously by the Planning Commission. Councilman Berger made a motion to approve the application. Councilman DuBois seconded the motion and the vote to approve was unanimous.

**Ordinances for First Reading: None**



**TOWN OF SEABROOK ISLAND**  
**Town Council Meeting, May 22, 2001**

**MINUTES**

After the pledge of allegiance, Mayor Stewart called the May 22, 2001, Town Council meeting to order at 2:30 p.m. Councilmen Berger, Clarkson, DuBois and Ferguson and Town Clerk Allbritton were present at the meeting. Utility Commissioner Hall, Zoning Administrator Smith and one guest also attended the meeting. The requirements of the Freedom of Information Act were met.

**Approval of Minutes** – The minutes of the Town Council meeting of April 24, 2001, and for the Public Hearing of May 15, 2001, were unanimously approved as written.

**Financials** – Councilman Berger pointed out that the Town of Seabrook Island had cash on hand of \$51,499 and \$130,914 in the SC Local Government Investment Pool as of April 30, 2001. Operating revenues exceeded expenditures for the month of April by \$19,381. A check for insurance business licenses was received during April from the Municipal Association of SC for \$6,464, while total business licenses collected by the Town in April totaled \$18,466.

**Reports of Standing Committees, Commissions, Boards:**

**Ways & Means** – No Report

**Planning Commission** – No Report

**Public Safety** – No Report

**External Affairs** – No Report

**Public Works** – Councilman Clarkson reported that the heliport has been graded and is ready for paving.

**Board of Zoning Appeals** – No Report

**Reports of Ad Hoc Committees:**

**Accommodations Tax Advisory** – Mayor Stewart reported that the Town has received a letter from the SC Department of Revenue stating that the expenditures listed on the Accommodations Tax Report for July 1999-June 2000 appear to be in order.

**Reports of Town Officers:**

**Mayor**

- Mayor Stewart asked for a motion to appoint Jack Clarkson as a member of the Seabrook Island Utility Commission to complete the term of Ray Johnson who has moved from the island. Councilman Berger made a motion to appoint Jack Clarkson to the Seabrook Island Utility Commission, effective June 1, 2001, to complete the term of Ray Johnson that will end on December 31, 2001. Councilman DuBois seconded the motion and the vote to approve was unanimous.
- Mayor Stewart reported that the Charleston Soil and Water Conservation District has sent the Town two letters soliciting their membership. Mayor Stewart and Council members agreed not to join since they have little information regarding the group's purpose.
- Larry Bradham's application to DHEC for a golf cart bridge has been turned down.

**Town Council Members**

- Councilman Berger passed along information regarding investing funds by political subdivisions from the SC Code of Laws to Mayor Stewart. Since the Town has in excess of \$65,000 in the operating account at Bank of America as of May 22, 2001, Councilman Berger feels that excess funds should be invested so that the money earns more interest.

**Johns Island Commission – No Report**

**Seabrook Island Utility Commission** – Commission Chairman Hall asked Mayor Stewart to sign paperwork the State Budget and Control Board requires in order to capitalize the accrued interest and to extend the \$2,000,000 loan repayment from 20 years to 30 years. This loan is for the water pipeline and storage project that DHEC is to inspect tomorrow. Commissioner Hall reported that the Seabrook Utility Commission will be providing wastewater treatment for the proposed commercial center and golf course that will be developed on the KRA/VIT property.

**Petitions Received, Referred or Disposed of:** None

**Ordinances for First Reading:**

- Ordinance 2001-03, An Ordinance to Amend the DSO, Section 2.10.420, Setback. Councilman Clarkson made a motion to accept Ordinance 2001-03 on first reading. Councilman Berger seconded the motion and the vote to approve was unanimous.
- Ordinance 2001-04, An Ordinance to Amend the DSO, Section 9.80.0, Pervious Surface. Councilman DuBois made a motion to accept Ordinance 2001-04 on first reading. Councilman Clarkson seconded the motion and the vote to approve was unanimous.

**Ordinances for Second Reading:**

- Ordinance 2001-02, An Ordinance to Amend the Town Code Relating to Rallies. Councilman Berger made a motion to adopt Ordinance 2001-02 on second reading. Councilman Clarkson seconded the motion and the vote to adopt the ordinance was unanimous.

**Miscellaneous Business:** None

**Citizen Comments:** Amy Ballenger, Charleston Area Convention and Visitor's Bureau, reported on areas in which The Bureau is promoting the Charleston area.

Since Councilman Clarkson has resigned as a Town Council member to become a member of the Seabrook Island Utility Commission, Mayor Stewart thanked him for his diligent work and years of service as a Town Council member. Mayor Stewart commented on numerous projects in which Councilman Clarkson had been involved while on Council and, before that, as a member of the POA Board. Councilman Clarkson was instrumental in working with the contractor during the construction of the Town Hall.

Councilman DuBois made a motion to go into executive session to discuss personnel matters. Councilman Berger seconded the motion and the vote to approve the motion was unanimous.

Approved: 6/26/01

Faye Allbritton  
Faye Allbritton, Town Clerk

**TOWN OF SEABROOK ISLAND  
PUBLIC HEARING**

**MINUTES**

A properly called and advertised Public Hearing was held on June 19, 2001, at 2:15 p.m. Mayor Stewart conducted the meeting. Councilman Berger, Councilman Ferguson, Town Administrator Pierce and Town Clerk Allbritton also attended the meeting. Two guests were also present.

The Public Hearing was held to hear comments on:

- Ordinance 2001-03, An Ordinance to Amend the Development Standards Ordinance, Section 2.10.420, Setback
- Ordinance 2001-04, An Ordinance to Amend the Development Standards Ordinance, Section 9.80.0, Pervious Surface

No comments were made on the ordinances and the meeting was adjourned at 2:17 p.m.

Approved: 7/24/01

Jay Allbritton  
Town Clerk

**TOWN OF SEABROOK ISLAND**  
**Town Council Meeting, June 26, 2001**

**MINUTES**

After the pledge of allegiance, Mayor Stewart called the June 26, 2001, Town Council meeting to order at 2:30 p.m. Councilmen Berger, DuBois and Ferguson, Town Attorney Brown, Town Administrator Pierce, Zoning Administrator Smith and Town Clerk Allbritton were present at the meeting. Martha Harris, Berkeley Electric Cooperative; Amy Ballenger, Charleston Area Convention and Visitor's Bureau; Ernie Prupis and Bob Giuffreda, representatives of the Property Owner's Association; Jennifer Turner, Bennett Hoffer Construction, and two island residents also attended the meeting. The requirements of the Freedom of Information Act were met.

**Approval of Minutes** – The minutes of the Town Council meeting of May 22, 2001, were unanimously approved as written.

**Financials** – Councilman Berger reported that the Town of Seabrook Island had cash in the bank of \$11,083 as of May 30, 2001, and assets of \$924,980. Expenditures for the month of May exceeded revenue in the amount of \$432, but revenues for the 2001 year exceed expenditures by approximately \$32,252. Collections for business licenses for the month of May amounted to \$11,294 partly due to the cooperation of the Property Owners Association requiring proof of a business license before issuing a gate pass. As of June 26, 2001, the Town has \$46,300 in the Operating Account at NationsBank and will determine at the end of the June if a transfer should be made to the SC Local Government Investment Pool.

**Reports of Standing Committees, Commissions, Boards:**

**Ways & Means** – No Report

**Planning Commission** – No Report

**Public Safety** – No Report

**External Affairs** – No Report

**Public Works** – Councilman Ferguson volunteered for the public works position to replace Jack Clarkson who resigned, as of June 1, 2001, from Town Council to serve on the Seabrook Island Utility Commission.

**Board of Zoning Appeals** – No Report

**Reports of Ad hoc Committees:**

**Accommodations Tax Advisory** – No Report

**Reports of Town Officers:**

**Mayor -**

Mayor Stewart stated that Joe Stevenot gave a report at the Town of Seabrook Island Ways and Means meeting on June 19, 2001, on the progress of the Automatic External Defibrillator committee. A representative from a company that manufactures the machines will be at a committee meeting on July 9. The Mayor reported that the Town will help develop policies and procedures for use of the AED's but none of the machines will be located at Town Hall nor will any Town personnel be trained to use the machines. The Town will not contribute any money toward purchase of the machines but will allow the use of the Town heliport for transport of patients when necessary. Since the Property Owners Association and The Club are in the middle of their budget year and have made no allowances for expenditures of this type, Mayor Stewart

the only way the group is able to operate. Town Attorney Brown stated that gifts or loans could be made for such purposes as long as there was some direct benefit to the Town.

**Petitions Received, Referred or Disposed of:** None

**Ordinances for First Reading:**

- Ordinance 2001-05, An Ordinance to Amend the DSO, Section 2.10.125, Deck; Section 2.10.126, Deck-Covered and Section 2.10.395, Porch. Councilman Berger made a motion that Ordinance 2001-05 be approved on first reading. Councilman DuBois seconded the motion and the vote to approve the motion was unanimous.

**Ordinances for Second Reading:**

- Ordinance 2001-03, An Ordinance to Amend the DSO, Section 2.10.420, Setback. Councilman DuBois made a motion to adopt Ordinance 2001-03 on second reading. Councilman Berger seconded the motion and the vote to approve the motion was unanimous.
- Ordinance 2001-04, An Ordinance to Amend the DSO, Section 9.80.0, Pervious Surface. Councilman Berger made a motion to adopt Ordinance 2001-04 on second reading. Councilman DuBois seconded the motion and the vote to approve the motion was unanimous.

**Miscellaneous Business** – None

**Citizens Comments** –

Ernie Prupis, a representative of the Property Owners Association, reported that the POA Board of Directors have unanimously adopted a resolution opposing the construction at Camp St. Christopher of a 100 ft. flag pole with space rented for telephone antenna. No formal application has been made by American Tower but a pre-application conference was held with the Planning Commission on June 6, 2001.

Mr. Prupis, personally, registered a complaint concerning the amount of time it took for DHEC to let Seabrook Island residents know that there was a contaminated water sample during the week of June 11. He also feels that US Cable should offer broadband coverage. The broadband coverage would allow residents to connect with the Internet and is a much faster service than through the telephone.

Amy Ballenger, a representative of the Charleston Area Convention and Visitor's Bureau, reported on meetings during the month the Bureau has attended on behalf of Charleston, as well as Seabrook Island. Ms. Ballenger reminded Council to reply by July 8 for the Top Contributor's Dinner to be held at Kiawah Island. Golf will be at Osprey Point at 1 p.m. and dinner will be at Osprey Point Club House at 6 p.m. The web site, [www.charlestoncvb.com](http://www.charlestoncvb.com), is now on line and connects to the Seabrook Island web site. Money magazine has an article in the July issue proclaiming Seabrook Island as one of the best places to retire.

The meeting was adjourned at 3:30 p.m.

Approved: 7/24/01

Faye Allbritton  
Faye Allbritton, Town Clerk



## ATTACHMENT #14

Variance #121 – Approved  
(August 28, 2000)

**Board of Zoning Appeals**  
**Order on Variance Application- Form 6**  
**Town of Seabrook Island County of Charleston**

Date filed: 6/19/2000 Permit Application #. 2611 Appeal 23

The Board of Zoning Appeals held a public hearing ON August 28, 00 to consider the appeal of \_\_\_\_\_ for a variance from the strict application of the Zoning Ordinance as set forth in the form 3 affecting the property described on form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following finding of fact and conclusions.

1. The Board concludes that the Applicant X has \_\_\_\_\_ does not have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following finding of fact:  
This change will require less manholes and will not affect future maintainance.
  
2. The Board concludes that these conditions \_\_\_\_\_ do X do not generally apply to other property in the vicinity based on the following finding of fact:  
In other areas of Seabrook, road codes have been met.
  
3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property X would \_\_\_\_\_ would not effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact: \_\_\_\_\_  
Road codes require sewer lines not be under road in order not to damage road in case of repairs, due to the depth of line, road would be disturbed in case of necessary repairs.
  
4. The Board concludes that authorization of the variance \_\_\_\_\_ will X will not be of substantial detriment to adjacent property or to the public good, and the character of the district \_\_\_\_\_ will X will not be harmed by the granting of the variance based on the following finding of fact: No additional repairs or maintainance will be required to the roadway.
  
5. The Board concludes that the effect of the variance NA would NA would not be to allow establishment of a use not otherwise permitted in the zoning district, based of Sec. NA of the ordinance; and NA would NA would not extend physically a nonconforming use of the land; and NA would NA would not change the zoning district boundaries shown on the official zoning map, based on the following findings of fact.

**The BOARD, THEREFORE, ORDERS** that the variance is \_\_\_\_\_ denied X granted, subject to the following conditions: \_\_\_\_\_

Date issued: 8/28/2000

*Walter P. Dising*  
 Chairmen

Date \_\_\_\_\_ mailed \_\_\_\_\_ to \_\_\_\_\_ parties \_\_\_\_\_ in \_\_\_\_\_ interests: 8/31/2000  
*Synda M. Whitworth*  
 Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this order was mailed.  
 Created 4/12/99 form 6

## Town of Seabrook Island

### Board of Zoning Appeals

#### Minutes

August 28, 2000

#### Members Present

Walter Diesing, Vice-Chairman  
James Talmage  
Donald Stock

Douglas M. Smith, Zoning Administrator  
Lynda Whitworth, Secretary

#### Absent:

Barbara J. Pressler, Chairman  
Roy Mordhorst

#### Guest Attending:

John H. Hofford, Developer Bennett-Hofford  
Tim Blackwelder, Project manager Bennett-Hofford  
Jennifer Turner, Bennett-Hofford  
Troy Long, G. Robert George & Assoc. Engineering

Vice Chairman Walter Diesing called the meeting of the Board of Zoning Appeals to order at 8:30 a.m. Requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. Because Chairman Pressler was unable to attend the meeting was chaired by Vice-Chairman Walter Diesing. The Vice-Chairman advised guest wishing to make statements to give their name for the recording of the minutes.

**Application #23, Variance Request #121** G. Robert George, acting as agents for developer Bennett-Hofford Construction, is requesting a variance to allow sewer mains to remain under roadway surfaces and curb and gutter. According to Charleston County road codes, it is recommended that sewer lines not be placed under roads due to the possible road repairs.

According to Troy Long, Engineer for G. Robert George and Associates, there would be no detrimental effect by leaving the sewer drainage as it is installed. He explained that the entire road area would have to be dug up to alter the sewer mains and several more manholes would then be installed. The variance would allow fewer manholes and according to Mr. Long, not affect future maintenance.

Commissioner James Talmage moved to grant the variance as requested. Commissioner Donald Stock seconded the motion. The Board unanimously approved the motion and the variance was granted.



**Appeal #24, Variance Request #122** Bennett Hofford Construction Inc., is requesting a variance from Ordinance Section 7.10.220 that deals with Construction Trailer location. The variance request is to allow the office construction trailer to remain in one location, on a lot that is not under construction. According to the Ordinance the trailer must be located on the lot where new construction has started on a building. The development of The Village at Seabrook will consist of 106 Multi-family units with amenities and expected to be a five to six year project.

Tim Blackwelder and Jennifer Turner attended the meeting representing Bennett-Hofford Construction. The trailer would be used for administrative purposes and to oversee construction and not to include sales of the property. According to plans, the office trailer would be landscaped and decking added to improve the appearance. The company feels that to move the office from lot to lot during construction would create an unnecessary hardship.

Commissioner James Talmage moved to allow the construction trailer to remain on one lot for the duration of the construction project and the trailer must be removed after completion of the last home. Commissioner Donald Stock seconded the motion. The motion was unanimously approved and the Board granted the variance.

Having no other business the meeting was adjourned at 8:50 a.m.

---

Walter P. Diesing, Vice Chairman

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Lynda Whitworth, Secretary

# 121

Variance Application- Form 3  
Board of Zoning Appeals  
Town of Seabrook Island/ County of Charleston

Date Filed: 2/25/00 Permit Application #: 2611 Appeal # 23

Application Fee: 25 Dollars Fee Paid: 61/12/00 Check # \_\_\_\_\_

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [ Form 1] of the following provision of the Zoning Ordinance: Charleston County Standard Specifications for Design and Construction of Roads and Drainage Systems --Section 3.11, Utilities Within the Street Right-of-way. See attachment 1 so that a zoning permit may be issued to allow use of the property in a manner shown on attached plot plan, described as follows: allow sewer mains to be located under roadway surfaces and curb and gutter. for which a permit has denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinances.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.  
A. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: the small roadway centerline radius within the impacted area and wastewater location protocol results in placement of gravity sewers under roadway surfaces.  
B. These condition do not generally apply to other property in the vicinity as shown by: These conditions are common in older areas of Seabrook Island.

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 as follows: require the addition of several additional manholes to prevent sewers from being located under roadway surfaces. (See attachment 2 for more detail)

D. 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: specifications and regulatory requirements for sewer construction and trench compaction reduce future sewer access requirements minimal risk of failures. (See attachment 2 for more detail)

3. The following documents are submitted in support of this application: see attached drawings and applicable specifications. (See attachment 2, #3 for more detail)

\_\_\_\_\_  
[A plot plan must be submitted]  
G. Robert George, P.L.S., P.E. (Agent)  
Applicant signature  
Date: June 9, 2000

3.11 UTILITIES WITHIN THE STREET RIGHT-OF-WAY

New Streets:

The proposed location of all underground main utility lines including water, sanitary sewer, gas, electrical, telephone or television cables shall be shown on the street plan and profile submitted to the Department of Public Works for approval. Utility lines shall be located so that they will not interfere with the proper functioning of the drainage system. In curb and gutter sections, underground utility main lines shall be a minimum of five (5) feet in back of the curb. On streets where the swale ditch section is used, utility main lines shall be installed not less than fifteen (15) feet from the center line of the street and not less than five (5) feet from the edge of the pavement. The minimum allowable cover over the top of the utility, encroachment or other apparatus shall be thirty-six (36) inches.

No work on utility lines within the limits of the street right-of-way shall be commenced until the street plans showing the proposed location of the utility lines have been approved.

Ditches and trenches dug within the street right-of-way for utilities and/or other purposes shall be properly backfilled. Backfill material shall be select material, mechanically compacted in six (6) inch layers. Backfill material shall be mixed or wetted as required by the Director of Public Works. Areas to be paved or areas within five (5) feet of pavement shall be compacted to no less than 95% of maximum density. Remaining areas shall be compacted to 90% of maximum density. Maximum densities will be determined by ASTM D 1557 Method A.

The jetting or uncontrolled tunneling of utility lines under a paved street is not permitted. The cutting of the pavement is not permitted.

Any proposed street lighting facilities shall be shown on the street construction plans submitted to the Department of Public Works for approval. Street light poles shall be placed outside the right-of-way excepting as specifically approved by the Director of Public Works.

Post-it® Fax Note	7671	Date	6/7/00	# of pages	2
To	Jennifer Turner	From	MCR		
Co./Dept.	Turner	Co.			
Phone #	B/H	Phone #	Chas. G.		
Fax #		Fax #	PWD		

Notice of Appeal – Form 1  
Town of Seabrook Island / County of Charleston

Date Filed: 2/25/00 Permit Application # 2611 Appeal # 23

Fee: 15:00 Dollars Fee Paid: \_\_\_\_\_ Check # \_\_\_\_\_

**Instructions**

This form must be completed on a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s) all owners must sign. If the applicant is not an owner, the owner(s) all must sign the Designation of Agent.  
An accurate, legible plot plan showing property dimensions and location of all structures and improvements must be attached to an application for variance or special exception.

**THE APPLICANT HEREBY APPEALS [indicate one]:**

- From action of a zoning official as stated on attached form 2.
- For a variance as stated on attached form 3.
- For a special exception as stated on attached form 4.

**Applicant (S) [print]:** G. ROBERT GEORGE & ASSOCIATES, INC.

Address: 2411 Savannah Highway, Charleston, SC  
Telephone: 843-556-4261 [work] 843-571-0276 [home] fax \_\_\_\_\_  
Interest: Engineer Owner(s) -- Adjacent Ower(s); Other --

**Owner(s) [if other than Applicant(s)]:** Seabrook Island, LLC  
Address: 17 Lockwood Blvd., Charleston, SC 29401  
Telephone: 843-722-8169 [work] 843-577-2061 [home] fax \_\_\_\_\_

[Use reverse side if more space is needed]

**Property Address:** Village at Seabrook  
Lot -- Block --, Subdivision Lake Entry Site  
Tax Map No. 147-00-00-009 Plat Book, EE Page 41  
Lot dimensions: \_\_\_\_\_ Lot Area Sq. Ft. \_\_\_\_\_  
Zoning District: \_\_\_\_\_ (see attached preliminary plat)

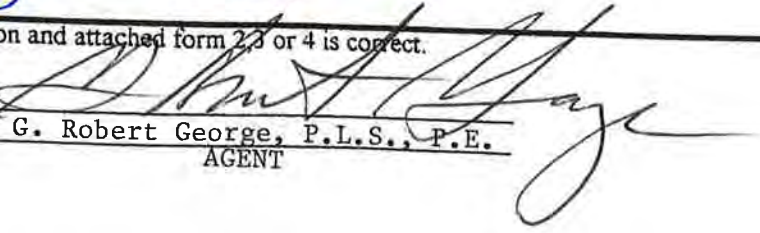
**Designation of AGENT [complete only if owner is not applicant]:** G, Robert George & Associates, Inc.  
I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: June 14, 2000

John H. Hofford  
  
Owner signature(s)

I (we) certify that the information in this application and attached form 2, 3 or 4 is correct.

Date: June 9, 2000 Applicant signature(s)

  
G. Robert George, P.L.S., P.E.  
AGENT

---

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Town of Seabrook Island  
Appeal Application

---

Date: 06/19/2000 Appeal #: 23  
Applicant: John H. Hofford Phone: 722-8169  
Address: 17 Lockwood Blvd. City: Charleston State: SC  
Zip: 294401

Lot: 

Fee:	\$15.00
------	---------

  
Block: Paid Date: 06/19/2000  
TMS: 1470000009 Paid Amount: \$1,084.00

Agenda Time: 8:30:00 AM Agenda Date: 07/28/2000

Board of Zoning Appeals  Planning Commission

Appeal - Describe

Appeal to allow the sewer lines to installed under the roads instead in right of way as required by the Charleston County Road Code.

Action  
Taken:

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Applicant

---

Zoning Administrator

Variance Application – Form 3 – Response Continuation  
Board of Zoning Appeals  
Town of Seabrook Island / County of Charleston

Applicant: Seabrook Island I, LLC

Date Filed:

**2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.**

- 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 as follows:

Charleston County Road Code, Section 3.11, is designed to prevent road disturbance during any repair procedures on underground utilities. However, the necessary depth of the sewer service lines on the Seabrook Village Drive cul-de-sac, regardless of placement five (5) feet behind the back of the curb, would warrant disturbance of the paved portions of the roadway. A variance from the Charleston County Road Code, Section 3.11 would reduce the amount of underground infrastructure located in the Seabrook Village Drive cul-de-sac and would reduce the service and maintenance area for which the Seabrook Island Water and Sewer Commission will be responsible.

- D. 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 request for a variance from the Charleston County Road Code, Section 3.11 will not in any way serve as a detriment to adjacent property or the public good. Additionally, the character of Seabrook Island and the Village at Seabrook will not be harmed through this variance. The variance will enhance the community by limiting the number of manholes within the Seabrook Village Drive cul-de-sac while providing complete sewer services to the residents of Seabrook Village Drive. It is the shared opinion of Charleston County Public Works, the Chairman of the Seabrook Island Utility Commission, and the project engineer that sewer line construction be conducted in accordance with the current plan in order to limit the underground and above ground impacts of the utility along the Seabrook Island Drive cul-de-sac.

**3. The following documents are submitted in support of this application:**

Attachment 3:

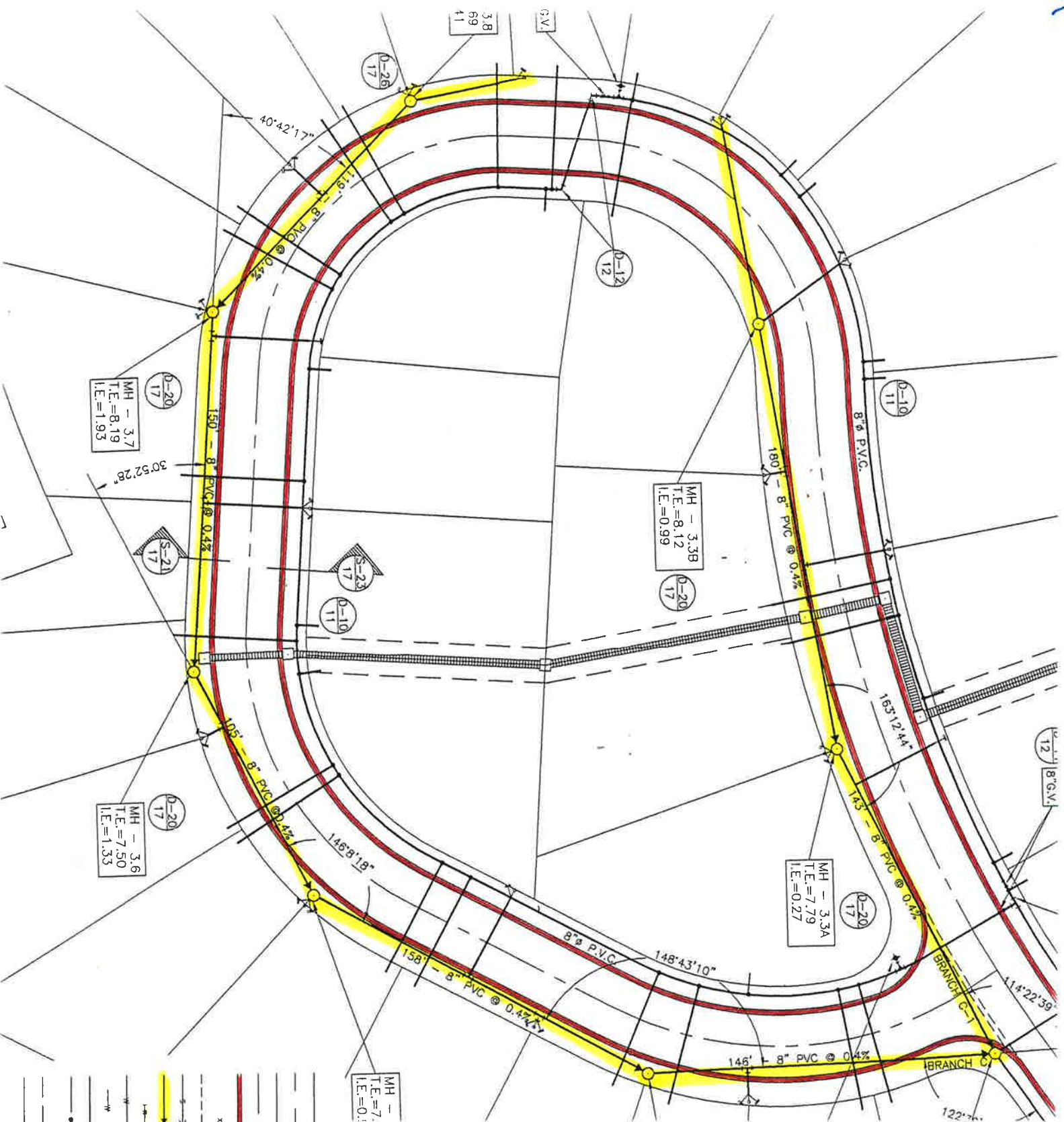
Site plan detailing location of concrete curb and gutter and sanitary sewer mains and manholes on the Seabrook Village Drive cul-de-sac.

Attachment 4:

Charleston County Public works correspondence stating a variance granted by the Town of Seabrook Island approving sanitary sewer line location in the rights of way is acceptable.

Attachment 5:

Seabrook Island Water and Sewer Commission contract accepting current plan design and water and sewer service agreement with Seabrook Island I, LLC, development company for the Village at Seabrook.



MH -  
T.E. = 7.  
I.E. = 0.

**LEGEND**

- PROPERTY LINE AND CORNER
- ADJACENT PROPERTY LINE
- ADJACENT RIGHT-OF-WAY LINE
- CENTERLINE
- CONCRETE CURB AND GUTTER
- EXISTING GRADE
- - - - - X&S3
- EXISTING SEWER MAIN AND MANHOLE
- SANITARY SEWER MAIN AND MANHOLE
- SEWER CLEAN OUT
- EXISTING WATER MAIN AND GATE VALVE
- EXISTING FIRE HYDRANT
- WATER MAIN AND GATE VALVE
- OVERHEAD ELECTRIC AND POWER POLE WITH GUY WIRE
- UNDERGROUND ELECTRIC AND TRANSFORMER
- UNDERGROUND PHONE LINE



COPY

Administration  
Engineering  
Road Management  
Storm Drainage  
Mosquito Abatement  
(843) 202-7880

Public Works Department  
4350 Azalea Drive  
N. Charleston, SC 29405-7492  
(843) 202-7800  
Fax (843) 202-7801

## County of Charleston

Charleston, South Carolina

May 22, 2000

Mr. Douglas M. Smith  
Zoning Administrator  
Town of Seabrook Island  
1893 Andell Bluff Boulevard  
Johns Island, SC 29455

RE: The Village at Seabrook Construction Plan Review

Dear Mr. Smith:

Please accept the staff comments regarding the revised construction plans for the Village at Seabrook (signed by Mr. G. Robert George on May 18, 2000). In reference to my May 16 letter to you, please note that items one through seven have been addressed. Based upon our discussions last Friday with Mr. George, item eight is addressed with the stipulation that the installation of the sanitary sewer lines be delayed until such time that: 1) the sewer line location within the rights-of-way is approved by the Town of Seabrook Island; or 2) the design engineer provides an alternative design which relocates the sewer line a minimum of five (5) feet from the back of the curb.

With the above stipulation, the subdivision construction plans are in compliance with the 1990 Charleston County Road Code.

If you have any questions, please call me at 202-7800.

Sincerely,

Matthew G. Rennhack, P. E.  
Civil Engineer II

cc: Charles C. Jarman, Jr., Engineering Superintendent  
G. Robert George, P.E.  
Tim Blackwelder

F:\COMMDEV\LETTERS\Will@Seabrook04.SDV.wpd



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Town of Seabrook Island  
Variance Application

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Date: 06/19/2000                      Variance #: 121  
Prop Owner: G. Robert George                      Phone: 803-556-4261  
Address: P.O. Box 32158                      City: Charleston                      State: SC  
Zip: 29417  
Lot:                      Fee:                      \$25.00                      Check #: 1083  
Block:                      Paid Date: 06/19/2000  
TMS: 1470000009                      Paid Amount: \$25.00  
Agenda Time: 8:30:00 AM                      Agenda Date: 07/28/2000

Board of Zoning Appeals                       Planning Commission

Variance- Describe (Note-Variance Application must be accompanied by a plat showing lot lines and encroachment)

To allow sewer line to be constructed in the road way instead of right of way as required by Charleston County Road Codes.

Action  
Taken:

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Applicant

---

Zoning Administrator



**SEABROOK ISLAND**  
**WATER AND SEWER COMMISSION**

1893 Andell Bluff Blvd. • Seabrook Island, S.C. 29455  
Phone: (843) 768-9121 • Fax: (843) 768-9830

Operations Address:  
2902A Seabrook Island Road, S.C. 29455  
Phone: (843) 768-0102 • Fax: (843) 768-1075

COPY  
MAY 02 2000

Commissioners:  
Joseph W. Hall  
Robert J. DeLaney, Jr.  
Raymond G. Johnson

May 1, 2000

Mr. Tim Blackwelder  
Project Manager Village at Seabrook  
C/o Bennett Hofford Company  
17 Lockwood Drive  
Charleston, S.C. 29401

Dear Mr. Blackwelder ,

The Commission voted unanimously at it's scheduled meeting on April 20 to accept the water and sewer service agreement with Seabrook Island , L.L.C. for the Village at Seabrook development and to have me sign on behalf of the Commission.

Attached is your copy of the fully executed agreement, together with the only copy of the "draft" agreement which we have voided and a copy of the minutes of the Commission meeting.

The Commission appreciates the opportunity to serve your new development and looks forward to a mutually beneficial relationship.

Very Truly Yours,

A handwritten signature in cursive script that reads "Joseph W. Hall". The signature is written in dark ink and is positioned above the printed name and title.

Joseph W. Hall, Chairman  
Seabrook Island Utility Commission

**AGREEMENT**

**STATE OF SOUTH CAROLINA)**

**COUNTY OF CHARLESTON)**

**THIS AGREEMENT** made this March 25, 2000 by and between Seabrook Island I, L.L.C., whose mailing address is 17 Lockwood Drive, Charleston, SC 29401, hereinafter referred to as "Developer" and the Town of Seabrook Island Water & Sewer Commission, Johns Island, SC, 29455, hereinafter referred to as "Town."

**WITNESSETH**

**THAT WHEREAS**, Developer is the owner of certain lands on Seabrook Island, SC and shown on that certain map entitled The Village at Seabrook hereinafter known as Subdivision.

**WHEREAS**, Developer is desirous of installing Subdivision water and sewer utility systems to provide water and sewer utility service to all those persons now or hereafter owning lots in Subdivision and requiring water and sewer utility service; and

**WHEREAS**, Developer has requested Town to own and operate said water and sewer utility systems; and

**WHEREAS**, Town is agreeable to owning and operating the completed systems;

**NOW, THEREFORE**, for and in consideration of the premises and of the rights, powers and duties hereinafter set forth to be performed by each, Developer and Town mutually do agree as follows:

- 1.a Developer will cause to be installed in Subdivision a water utility distribution system and sewer utility collection system in accordance with plans and specifications drawn by Developer's engineer and to be approved in writing by Town and the South Carolina Department of Health and Environmental Control, hereinafter referred to as DHEC. It shall be the responsibility of Developer through Developer's engineer to obtain DHEC approval and all other approvals required by governmental authorities.
- b. This sewer collection system installed by Developer at Developer's cost shall include, if necessary, lift stations with radio telemetry compatible with Town's existing system,

force mains, the connection to Town's existing collection system or force main and any necessary modifications to Town's existing sewer lift stations to transport the sewage from Subdivision to Town's wastewater treatment plant at Seabrook Island where Town will treat wastewater.

- c. The water distribution system installed by Developer at Developer's cost shall include the connection to Town's existing water distribution system at Seabrook Island.
  - d. Should Developer in Developer's sole discretion choose not to develop the lots in Subdivision, then Developer shall not be obligated to install the water and sewer utility system.
  - e. Developer's engineer shall inspect the actual construction and certify the completion in writing to DHEC. Town shall have the right but not the duty to inspect.
  - f. The property upon which any lift stations are located shall be conveyed to Town at no cost to Town by general warranty deed conveying fee simple marketable title. Developer's attorney at Developer's cost shall provide Town owner's title insurance for the lift station lot(s).
2. Developer shall pay for the complete installation of all the necessary water distribution and sewer collection systems including services to provide water and sewer service to all lots in Subdivision.
- 3.a Developer agrees to convey to Town upon completion of water distribution and the sewer collection system by bill of sale, the entire water distribution and sewer collection systems installed in accordance with the plans approved by DHEC and Town, including mains, services, hydrants, valves, manholes and all other equipment necessary and proper to serve all connection in the Subdivision.
- b. If any water or sewer mains, hydrants, valves, services, lines or equipment are not within publicly dedicated rights of way, then Developer shall convey to Town at no cost to Town, a perpetual easement ten (10) feet on each side of the water and sewer main,

hydrant, valve, service or equipment, which easement shall be for ingress, egress, regress and access and to construct, operate, maintain, repair and replace the sewer mains and appurtenant equipment.

4. Upon completion of the water and sewer systems, the final inspection by DHEC, the inspection by Town, and the conveyance of the water and sewer systems as set forth herein, the delivery to Town by Developer of the written certification of cost as set forth in paragraph 7.a., and Developer's check payable to Town for the payment of impact fees as set forth in paragraph 7.b. Town will then supply water and sewer service to the residents of Subdivision under terms required by DHEC and in full compliance with the laws of the State of South Carolina and with the rules and regulations of DHEC and other applicable governmental bodies. Town shall not supply water or sewer service until all these conditions are complied with. As soon as practicable after execution of this contract and delivery to Town of fifteen (15) copies of a map of Subdivision, Town shall record an extension of Town's franchised service territory to serve Subdivision.
  
5. Prior to providing water or sewer service to any service location in Subdivision, Town shall collect from each customer requesting service at that service location the fees approved by the Town and in effect at the time of the customer request. Fees in effect at the date of this agreement are as follows:

	<b>Connection Fee</b>	<b>Impact Fee</b>	<b>Total</b>
Water	\$375.00	\$475.00	\$850.00
Sewer	\$300.00	\$475.00	\$775.00

6. The closing shall take place after all the water distribution and sewer collection systems have been completed, inspected and certified completed by Developer's engineer, final inspection and approved for operation by DHEC and inspected and approved by Town. Town shall not provide water or sewer service to Subdivision until the date of closing when all of the following shall have occurred:

At closing Developer shall deliver to Town the following:

- i. Bill of Sale of completed water distribution and sewer collection systems (para 3.a)
- ii. Written perpetual easements for the water distribution system and sewer collection system (para 3.b).
- iii. General warranty deed for any necessary sewer lift station lots and title insurance (para 1.f).
- iv. Written certification of Developer's cost (para 7.a).
- v. Check payable to Town Water and Sewer Commission for each lot for impact fees approved by the town and in effect at the time of closing. Impact fees in effect at the date of this agreement are as follows:

Water	\$ 525.00
Sewer	\$1,275.00
TOTAL:	\$1,800.00

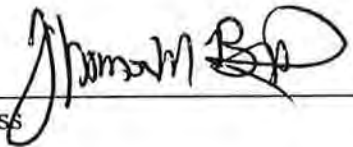
- 7a. Developer, at the closing, shall deliver to Town a written certification of the Developer's cost in the system showing the cost of the entire water distribution and sewer collection system, including engineering fees for these two systems, which shall have a breakdown between the various components showing the vendors and appropriate amounts. This written certification shall be delivered to Town at the closing date as set forth in paragraph 6.
- b. Developer agrees that on the closing date set forth in paragraph 6, the Developer shall deliver to Town a check for the impact fees as specified in paragraph 6v.
- 8. Town must approve, in writing, prior to the commencement of any work, all contractors and subcontractors who will perform work on the installation of the water distribution and sewer collection system and all other water or sewer system construction in this Subdivision.
- 9. Developer shall provide in the recorded restrictive or protective covenants for Subdivision that each lot shall pay availability fees to Town for water service and for

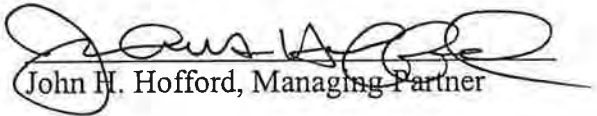
sewer service. Availability fees in effect on the date of this agreement are \$40.00 per year for water and \$40.00 per year for sewer service. The availability fee requirement in the protective covenants shall be modeled after paragraphs 26 and 27 of the Restatement and Fourth Modification of Protective Covenants, Seabrook Island Development which is recorded in Book L186, page 697, Office of the Register of Mesne Conveyance of Charleston County. Should subdivision be covered under the master set of protective covenants for Seabrook Island Development as described above, then Developer shall furnish Town written recorded documentation that Subdivision is so covered under the master covenants and that a separate set of restrictive covenants for Subdivision which includes availability fees is not required.

10. Developer agrees to indemnify and hold harmless the Town against any and all actions or claims relating to injuries and/or damages to any person or property caused by or resulting from the construction and design of the water and sewer system subject to this agreement. Developer is not indemnifying the Town against its own acts of negligence.
11. Developer shall assign all warranties it has in the water and sewer systems to the Town at closing and shall take all actions necessary to represent that such warranties are properly and legally assigned and assignable.
12. The federal taxpayer ID number of the Developer is as follows: 58-2408970. The federal taxpayer ID number of the Town is as follows: 57-0855224.
13. This agreement shall be binding upon and shall inure to the benefit of Developer and Town and the successors and assigns of each.
14. This writing embodies the entire agreement and understanding between the parties hereto and there are no other agreements or understanding, oral or written with reference to the subject matter hereof that are not merged herein and superseded hereby.
15. This agreement shall not be modified, amended or changed in any respect except in writing, duly signed by the parties hereto, and each party hereby waives any right to amend this Agreement in any way.

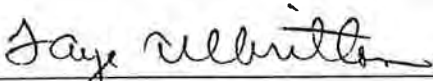
IN WITNESS WHEREOF, Developer and Town have caused this instrument to be executed by the President, attested by the Secretary or Assistant Secretary, with corporate seal as appropriate affixed hereunto by authority of their Board of Directors the day and year first above written. The Town Water and Sewer Commission will be executed by the Chairman of the Commission and attested by the Clerk of the Commission who will supply minutes of a Commission meeting authorizing the execution.

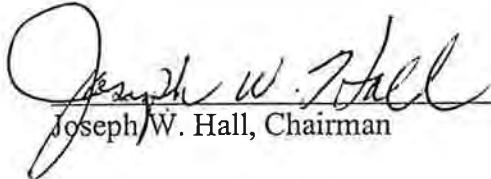
SEABROOK ISLAND I, L.L.C.

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
John H. Hofford, Managing Partner

SEABROOK ISLAND WATER  
AND SEWER COMMISSION

  
\_\_\_\_\_  
Commission Clerk

  
\_\_\_\_\_  
Joseph W. Hall, Chairman





## ATTACHMENT #15

Variance #122 – Approved  
(August 28, 2000)

**Board of Zoning Appeals**  
**Order on Variance Application- Form 6**  
**Town of Seabrook Island County of Charleston**

Date filed: 6/30/2000 Permit Application #.                      Appeal 24

The Board of Zoning Appeals held a public hearing ON August 28, 2000 to consider the appeal of Bennett-Hoffard Const. for a variance from the strict application of the Zoning Ordinance as set forth in the form 3 affecting the property described on form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following finding of fact and conclusions.

1. The Board concludes that the Applicant X has                      does not have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following finding of fact: This is a five to six year project. To move the construction trailer every year would be a hardship.
2. The Board concludes that these conditions                      do X do not generally apply to other property in the vicinity based on the following finding of fact: Multi unit project does not exist on Seabrook Island.
3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property X would                      would not effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact: To move construction trailer from lot to lot as construction continues would be a hardship.
4. The Board concludes that authorization of the variance                      will X will not be of substantial detriment to adjacent property or to the public good, and the character of the district                      will X will not be harmed by the granting of the variance based on the following finding of fact: This project would be an asset to the area and would be landscaped to improve the appearance of the construction trailer.
5. The Board concludes that the effect of the variance NA would NA would not be to allow establishment of a use not otherwise permitted in the zoning district, based of Sec. NA of the ordinance; and NA would NA would not extend physically a nonconforming use of the land; and NA would NA would not change the zoning district boundaries shown on the official zoning map, based on the following findings of fact.

**The BOARD, THEREFORE, ORDERS** that the variance is                      denied X granted, subject to the following conditions: The construction trailer must be removed after completion of the last home.

Date issued: 8/28/2000

Walter P. Dising  
Chairman

Date mailed                      to                      parties                      in                      interests:                     

Joseph M. Whitworth  
Secretary

8/31/2000

Notice of appeal to Circuit Court must be filed within 30 days after date this order was mailed.  
Created 4/12/99 form 6

## Town of Seabrook Island

### Board of Zoning Appeals

#### Minutes

August 28, 2000

#### Members Present

Walter Diesing, Vice-Chairman  
James Talmage  
Donald Stock

Douglas M. Smith, Zoning Administrator  
Lynda Whitworth, Secretary

#### Absent:

Barbara J. Pressler, Chairman  
Roy Mordhorst

#### Guest Attending:

John H. Hofford, Developer Bennett-Hofford  
Tim Blackwelder, Project manager Bennett-Hofford  
Jennifer Turner, Bennett-Hofford  
Troy Long, G. Robert George & Assoc. Engineering

Vice Chairman Walter Diesing called the meeting of the Board of Zoning Appeals to order at 8:30 a.m. Requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. Because Chairman Pressler was unable to attend the meeting was chaired by Vice-Chairman Walter Diesing. The Vice-Chairman advised guest wishing to make statements to give their name for the recording of the minutes.

Application #23, Variance Request #121 G. Robert George, acting as agents for developer Bennett-Hofford Construction, is requesting a variance to allow sewer mains to remain under roadway surfaces and curb and gutter. According to Charleston County road codes, it is recommended that sewer lines not be placed under roads due to the possible road repairs.

According to Troy Long, Engineer for G. Robert George and Associates, there would be no detrimental effect by leaving the sewer drainage as it is installed. He explained that the entire road area would have to be dug up to alter the sewer mains and several more manholes would then be installed. The variance would allow fewer manholes and according to Mr. Long, not affect future maintenance.

Commissioner James Talmage moved to grant the variance as requested. Commissioner Donald Stock seconded the motion. The Board unanimously approved the motion and the variance was granted.

Notice of Appeal – Form 1  
Town of Seabrook Island / County of Charleston

Date Filed: \_\_\_\_\_ Permit Application # \_\_\_\_\_ Appeal # 24

Fee: 15:00 Dollars Fee Paid: \_\_\_\_\_ Check # \_\_\_\_\_

**Instructions**

This form must be completed on a hearing on **appeal** from action of a zoning official, application for a **variance**, or application for **special exception**. Entries must be printed or typewritten. If the application is on behalf of the property owner(s) all owners must sign. If the applicant is not an owner, the owner(s) all must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and location of all structures and improvements must be attached to an application for variance or special exception.

**THE APPLICANT HEREBY APPEALS** [indicate one]:

- From action of a zoning official as stated on attached form 2.
- For a variance as stated on attached form 3.
- For a special exception as stated on attached form 4.

**Applicant (S)** [print]: Seabrook Island I, LLC., John H. Hofford, Managing Partner

Address: 17 Lockwood Drive, Charleston SC 29401

Telephone: 843.722.8169 [work] 843.577.2061 (fax) ~~XXXX~~

Interest: \_\_\_\_\_ Owner(s) \_\_\_\_\_ Adjacent Ower(s); Other \_\_\_\_\_

**Owner(s)** [if other than Applicant(s)]: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ [work] \_\_\_\_\_ [home]

[Use reverse side if more space is needed]

**Property Address:** 1050 Seabrook Island Drive

Lot (on plat) ~~XXXX~~ C 20, Subdivision Village at Seabrook Island

Tax Map No. 147-00-00-128 Plat Book, EE Page 41

Lot dimensions 39x50x39x18x40 Lot Area Sq. Ft. 8610.72 SF -- 0.198 AC

Zoning District: Detached Multifamily

**Designation of AGENT** [complete only if owner is not applicant]:

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: \_\_\_\_\_

\_\_\_\_\_  
Owner signature(s)

I (we) certify that the information in this application and attached form 2,3 or 4 is correct.

Date: June 26, 2000 Applicant signature(s) \_\_\_\_\_

John H. Hofford

**Variance Application- Form 3**  
**Board of Zoning Appeals**  
**Town of Seabrook Island/ County of Charleston**

Date Filed: \_\_\_\_\_ Permit Application #: \_\_\_\_\_ Appeal # 122

Application Fee: 25 Dollars Fee Paid: \_\_\_\_\_ Check # \_\_\_\_\_

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [ Form 1 ] of the following provision of the Zoning Ordinance: Town of Seabrook Island Development Standards Ordinance  
Section 7.10.220 - Construction Trailers (See Attachment 1)

so that a zoning permit may be issued to allow use of the property in a manner shown on attached plot plan, described as follows: Placement of a construction trailer on a single lot, not currently under construction, to oversee development at the Village at Seabrook Island for which a permit has denied by a zoning official on the grounds that the proposal would be in violation of the cited section(s) of the Zoning Ordinances. (See Attachment 2)

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.

A. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: \_\_\_\_\_

\_\_\_\_\_  
See Attachment 3

B. These condition do not generally apply to other property in the vicinity as shown by: \_\_\_\_\_

\_\_\_\_\_  
See Attachment 3

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 as follows: \_\_\_\_\_

\_\_\_\_\_  
See Attachment 3

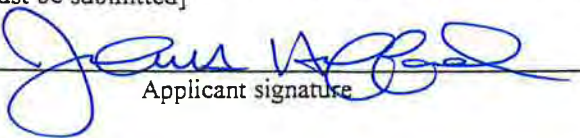
D. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
See Attachment 3

3. The following documents are submitted in support of this application: \_\_\_\_\_

\_\_\_\_\_  
See Attachment 2 (site plan) and 4 (landscape plan)  
[A plot plan must be submitted]

John H. Hofford, Managing Partner

  
Applicant signature

Date: June 26, 2000

Variance Application – Form 3 – Response Continuation  
Board of Zoning Appeals  
Town of Seabrook Island / County of Charleston

Applicant: Seabrook Island I, LLC

Date Filed:

**2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.**

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

The Development Standards Ordinance addresses the placement of construction trailers for the development of a single-family residential site. The Village At Seabrook Island, as a detached multifamily residential development, introduces the need for a construction trailer that will serve as an office for site development and development of the single family homes. Because homes will be under construction on lots simultaneously, it is desirable that the construction trailer be allowed to remain stationary for the duration of construction. Should construction cease, the trailer shall be removed from the site until construction resumes.

- B. These conditions do not generally apply to other property in the vicinity as shown by:

Unlike a single family residential construction site, The Village At Seabrook Island will have more than one home under construction at one time. A single construction trailer in a permanent location would best accommodate site development and individual lot construction at The Village At Seabrook Island.

- 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 as follows:

The ordinance allows a single construction trailer to be placed on a single lot under construction. While only one (1) construction trailer is necessary to oversee all site development and construction at The Village At Seabrook Island, a single location should improve the overall efficiency of the development by avoiding several time consuming and costly trailer relocation exercises. In addition, a permanent site would preclude numerous site surveys and plan reviews for each replacement of the construction trailer and would minimize the disturbance of natural elements located on lots that will developed in the future.

- D. 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 construction trailer, located on lot C 20 and positioned within all required setbacks and elevations, will not be of a substantial detriment to adjacent property in The Village At Seabrook Island. The construction trailer will not threaten the public good or the character of The Village At Seabrook Island or Seabrook Island as a whole. The lot on which the construction trailer is placed will be appropriately landscaped and maintained to ensure the overall quality of The Village At Seabrook Island while construction takes place. Following the completion of construction, the construction trailer will be removed promptly.

Sec 7.10.185.30 - continued

- (i) The development must comply with the site plan review requirements as set forth in Section 8.0 of the Development Standards Ordinance, including the final site plan submissions as set forth in Section 8.140.0, et seq. (4/9/92) (9/8/94)

Sec. 7.10.190 Garage Requirements

All single family residences and multi-family dwellings shall have at least a one (1) car garage. (9/8/94)

Sec. 7.10.200 Insurability

All structures developed within the Town of Seabrook Island shall meet the minimum standards for insurability including minimum required first floor elevations as established by the Federal Emergency Management Agency. (9/8/94)

Sec. 7.10.210 Site Policing

During new home construction or substantial remodeling, builder must keep building sites clean. A dumpster must be provided on the site and must be emptied before exposed trash is visible. All building debris, stumps, trees etc., must be removed from each building lot by the builder as often as necessary to keep the building site free of debris. Temporary sanitary facilities shall be provided and shall be located off of the street right-of-way and be placed behind the dumpster so they are not visible from the road.

Sec. 7.10.220 Construction Trailers

During construction a trailer may be placed at the site for use as a construction office, security guard shelter or storage for materials related to the construction of the same zoning lot. Such unit may not be placed prior to the issuance of the construction permit or more than ten (10) days before construction commences and must be removed before certificate of occupancy can be issued.

Sec. 7.10.230 Height Limitations

The maximum height restriction for any building in the Town shall be thirty-two (32) feet above the required first floor elevation as established by FEMA. Multi-family and commercial buildings may increase height one (1) additional foot for each three (3) feet of additional setback from the required front line setback with a maximum height of forty (40) feet above the required mean flood elevation. (9/8/94)

Variance Application – Form 3 – Response Continuation  
Board of Zoning Appeals  
Town of Seabrook Island / County of Charleston

Applicant: Seabrook Island I, LLC

Date Filed:

**2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.**

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

The Development Standards Ordinance addresses the placement of construction trailers for the development of a single-family residential site. The Village At Seabrook Island, as a detached multifamily residential development, introduces the need for a construction trailer that will serve as an office for site development and development of the single family homes. Because homes will be under construction on lots simultaneously, it is desirable that the construction trailer be allowed to remain stationary for the duration of construction. Should construction cease, the trailer shall be removed from the site until construction resumes.

- B. These conditions do not generally apply to other property in the vicinity as shown by:

Unlike a single family residential construction site, The Village At Seabrook Island will have more than one home under construction at one time. A single construction trailer in a permanent location would best accommodate site development and individual lot construction at The Village At Seabrook Island.

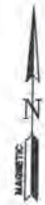
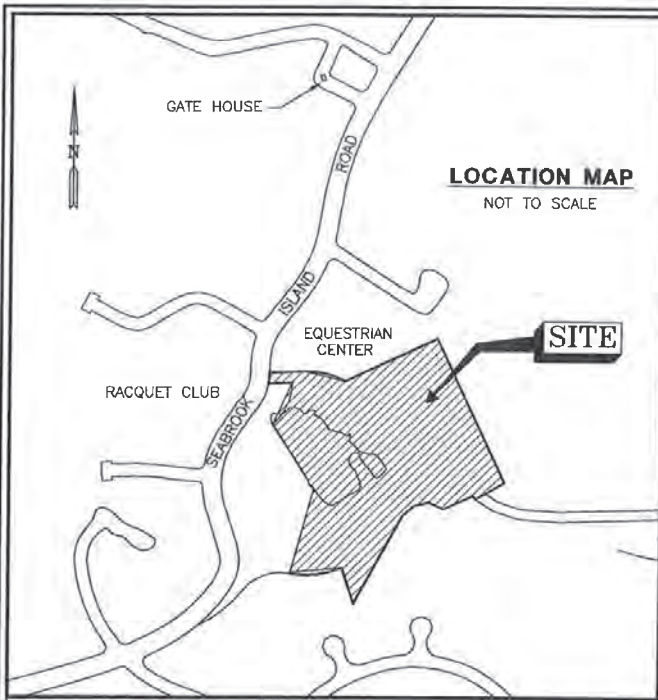
- C. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

The ordinance allows a single construction trailer to be placed on a single lot under construction. While only one (1) construction trailer is necessary to oversee all site development and construction at The Village At Seabrook Island, a single location should improve the overall efficiency of the development by avoiding several time consuming and costly trailer relocation exercises. In addition, a permanent site would preclude numerous site surveys and plan reviews for each replacement of the construction trailer and would minimize the disturbance of natural elements located on lots that will developed in the future.

- D. 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 construction trailer, located on lot C 20 and positioned within all required setbacks and elevations, will not be of a substantial detriment to adjacent property in The Village At Seabrook Island. The construction trailer will not threaten the public good or the character of The Village At Seabrook Island or Seabrook Island as a whole. The lot on which the construction trailer is placed will be appropriately landscaped and maintained to ensure the overall quality of The Village At Seabrook Island while construction takes place. Following the completion of construction, the construction trailer will be removed promptly.





**LEGEND**

	I.P.F. PROPERTY LINE WITH IRON PIN FOUND
	I.P.S. PROPERTY LINE WITH IRON PIN SET
	CENTERLINE
	RIGHT-OF-WAY LINE
	ADJACENT PROPERTY LINE
	BUILDING SETBACK

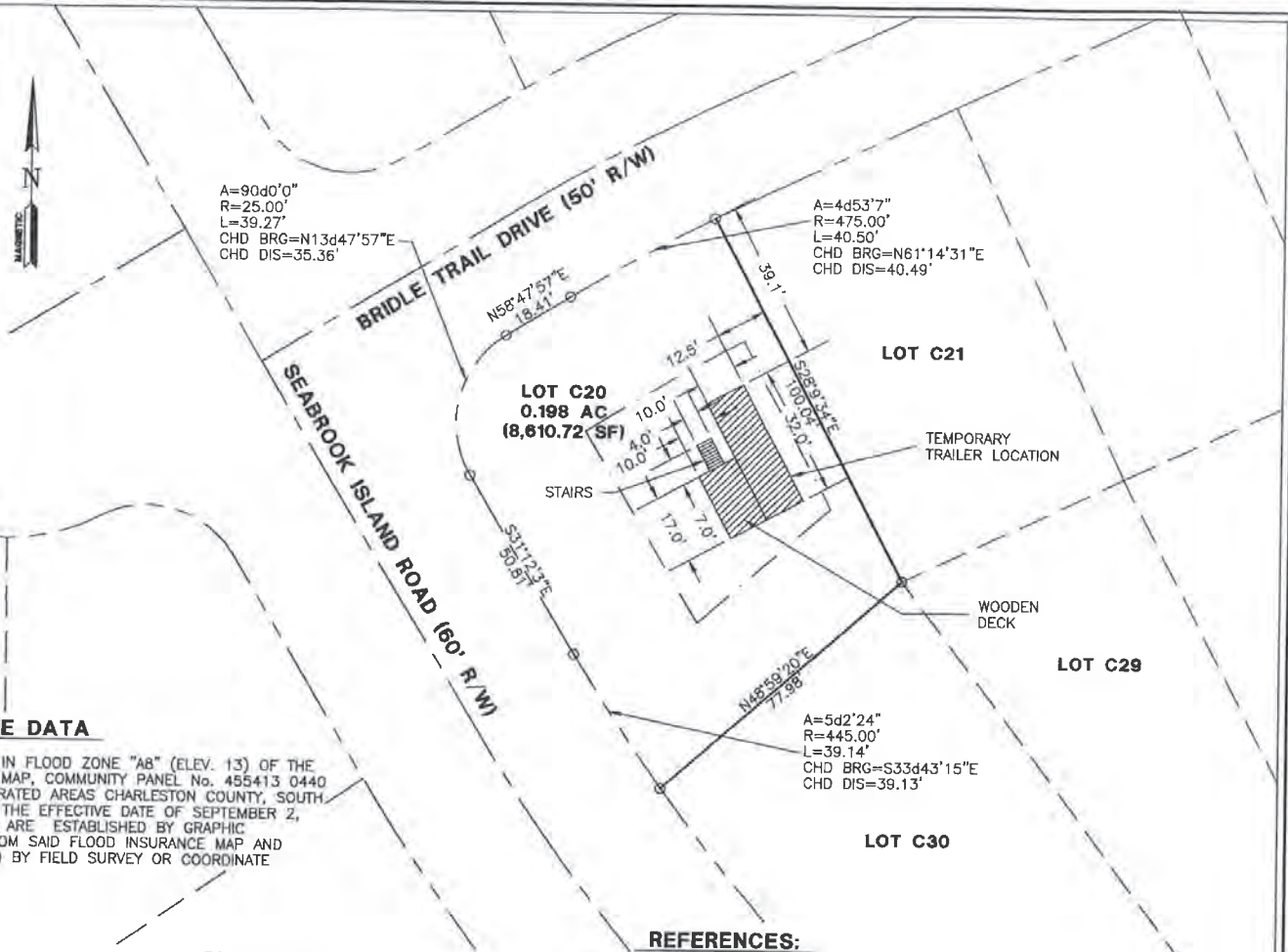
**FLOOD ZONE DATA**

THIS PROPERTY IS IN FLOOD ZONE "A8" (ELEV. 13) OF THE FLOOD INSURANCE MAP, COMMUNITY PANEL No. 455413 0440 H FOR UNINCORPORATED AREAS CHARLESTON COUNTY, SOUTH CAROLINA BEARING THE EFFECTIVE DATE OF SEPTEMBER 2, 1993; ZONE LIMITS ARE ESTABLISHED BY GRAPHIC INTERPRETATION FROM SAID FLOOD INSURANCE MAP AND WERE NOT LOCATED BY FIELD SURVEY OR COORDINATE GEOMETRY.

A=90d0'0"  
R=25.00'  
L=39.27'  
CHD BRG=N13d47'57"E  
CHD DIS=35.36'

A=4d53'7"  
R=475.00'  
L=40.50'  
CHD BRG=N61'14'31"E  
CHD DIS=40.49'

A=5d2'24"  
R=445.00'  
L=39.14'  
CHD BRG=S33d43'15"E  
CHD DIS=39.13'



I HEREBY CERTIFY THAT THIS IS A TRUE CORRECT SURVEY MADE ON THE GROUND. THE IMPROVEMENTS ARE AS SHOWN AND THERE ARE NO ENCROACHMENTS EITHER WAY OVER PROPERTY LINES OR SETBACK LINES UNLESS SHOWN HEREON.

G. ROBERT GEORGE, P.L.S., P.E. S.C. REG. NO. 6542  
2414 SAVANNAH HWY., CHARLESTON, S.C. 29414  
No. C03570



**PLOT PLAN OF LOT C20 TEMPORARY TRAILER THE BENNETT HOFFORD COMPANY THE VILLAGE AT SEABROOK TOWN OF SEABROOK ISLAND CHARLESTON COUNTY, SOUTH CAROLINA MAY 24, 2000 SCALE: 1"=30'**

**REFERENCES:**

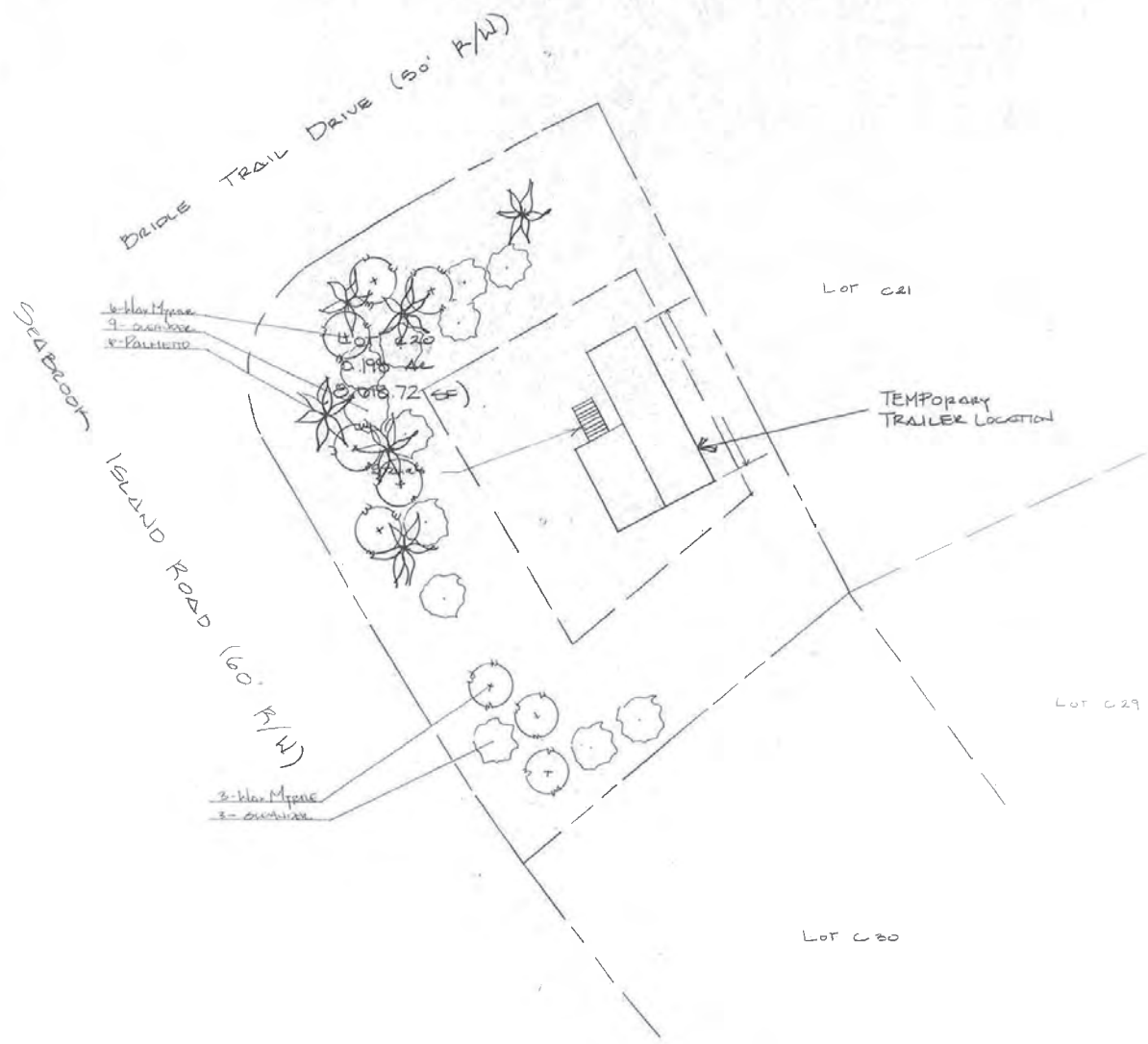
1. A PLAT SHOWING THE SUBDIVISION OF THE VILLAGE AT SEABROOK CONTAINING 42.328 ACRE TRACT LOCATED IN THE TOWN OF SEABROOK ISLAND CHARLESTON COUNTY, SOUTH CAROLINA, DATED MAY 18, 2000, BY G. ROBERT GEORGE & ASSOCIATES, INC.,



**G. ROBERT GEORGE AND ASSOCIATES, INC.**  
CONSULTING ENGINEERS, PLANNERS  
AND LAND SURVEYORS  
P.O. BOX 32158 (803) 556-4261  
CHARLESTON, SOUTH CAROLINA 29417-2158

**PLANT LIST**

QTY	ITEM	HEIGHT	SIZE
<b>TREES</b>			
6	Palm Tree	12-18'	
<b>SHRUBS</b>			
12	Oliveria	3-4.5'	7 gal
9	Wax Myrtle	4-5'	15 gal



REVISIONS	BY

**Three Oaks Contractors, Inc**  
 3761 Anglet Oak Road  
 Johns Island, SC 29551  
 Phone: 843-396-4551  
 Fax: 843-398-2457

**Village at Seabrook Island**  
 Seabrook Island, SC

DATE	6/22/00
SCALE	AS SHOWN
DRAWN	
CHECKED	
DATE	
SCALE	
DRAWN	
CHECKED	
DATE	
SCALE	
DRAWN	
CHECKED	
DATE	
SCALE	
DRAWN	
CHECKED	
DATE	
SCALE	



Landscape Plan



## ATTACHMENT #16

Variance #143 – Denied  
(April 12, 2007)

**Town of Seabrook Island  
Board of Zoning Appeals  
Order of Determination**

Date: April 20, 2007

Variance: #143

Date of Public Hearing: April 12, 2007

Applicant: Bryan Causey

Location of property: Lot C-19 2278 Seabrook Island Rd. The Village at Seabrook

Parcel Number: 147-00-00-127

Dear Mr. Causey:

The Town of Seabrook Island Board of Zoning Appeals held a public hearing on the above referenced date to consider your request for a variance from the strict application of **Section 7.60** of the *Seabrook Island Development Standards Ordinance* as it pertains to the particular piece of property cited above. Based upon the documentation submitted as part of this application and testimony presented at the public hearing, the Board of Zoning Appeals find that the request for a variance is DENIED based on the following:

*No other variances are sought in that vicinity and there are other alternatives available. The Board finds that authorizing the variance will be of substantial detriment to adjacent property and to the public good based on the finding that the house would be platted too close to a major street (Seabrook Island Rd.) and establish a dangerous precedent.*

  
Board of Zoning Appeals Chairman

 4/25/07  
Secretary date

Date issued: 4/12/2007 Date mailed to parties of interest: 4/26/2007  
Notice of Appeal to the Circuit Court of Charleston Council must be filed within 30 days after the date this Order was mailed.

Arch: Mark Bishop

owner: Bryan Causey

Order On Variance # 143  
Lot C-19  
2278 Seabrook Island Rd.

William S. Wolfe-Chairman      Approved \_\_\_\_\_ Denied

William Holtz      Approved \_\_\_\_\_ Denied

Robert A. Quagliato *-V-Chairman*      Approved \_\_\_\_\_ Denied

Ike Smith      Approved \_\_\_\_\_ Denied

Allen Thompson      Approved \_\_\_\_\_ Denied

## Town of Seabrook Island

### Board of Zoning Appeals

#### Minutes

April 12, 2007

#### Board Members Present:

William S. Wolfe, Chairman  
Bill Holtz  
Robert Quagliato  
Ike Smith  
Allen Thompson  
Randy Pierce, Zoning Administrator  
Lynda Whitworth, Secretary

#### Guests Attending:

Mark J. Bishop, Architect  
Mayor Frank McNulty

Chairman William S. Wolfe called the meeting of the Board of Zoning Appeals to order April 12, 2007, at 3:00 p.m. The requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. The Chairman welcomed newly appointed members Bill Holtz and Allen Thompson to the Board. The term of service for Mr. Holtz will expire in 2010 and 2011 for Mr. Thompson.

#### Election of Vice-Chairman

The Chairman explained that a member of the Board needed to be nominated as Vice-Chairman. Board Member Ike Smith moved to nominate Robert Quagliato as Vice-Chairman for 2007. Bill Holtz seconded the motion. The motion to approve was unanimous.

#### Approval of June 30, 2006 Minutes

[The Board of Appeals will meet as necessary. The last meeting of the Board was June 30, 2006.] Copies of the draft minutes for the June 30, 2006, meeting were distributed for review. Chairman Bill Wolfe asked if there were any corrections to the draft minutes. Hearing none, he asked for a motion to approve the minutes as submitted. Mr. Robert Quagliato moved to accept the minutes as written. Mr. Holtz seconded the motion. The motion to approve the minutes was unanimous.

#### Variance #143 Bryan Causey represented by Architect Marc Bishop

Architect Mark Bishop represents the property owner, Mr. Bryan Causey. The applicant is requesting a variance from the strict application of the Development Standards Ordinance Section 7.6 Minimum Setbacks.

**Page 2**  
**Board of Zoning Appeals**  
**April 12, 2007**  
**Minutes**

The property is located at 2278 Seabrook Island Road within The Village at Seabrook, a Detached-Multi Family development. The lot is Non-Conforming with two 30' front setbacks. Mr. Bishop sited the house using the smallest footprint of ARB approved plans however; the construction still encroached into the setbacks. The site plan submitted shows a 2' encroachment at the rear corner of the building. Mr. Bishop proposes to move the house forward.


The Board members were not in favor of moving the house closer to Seabrook Island Road, a major street. The property backs up to the Equestrian Center. The Members suggested moving the house closer to the rear setback line. Mr. Bishop commented that because of the size of the building, it would look out of place.

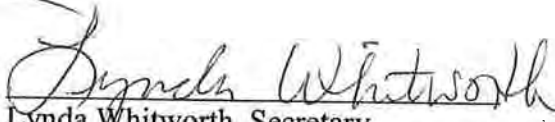
Having no further comments, the Chairman asked for a motion to approve the variance request. The vote was as follows:

- William Holtz                      Denied
- Robert Quagliato                Denied
- Ike Smith                            Denied
- Allen Thompson                  Denied

Based on a majority vote of the Board Members, the variance request was denied.

Having no other business the meeting adjourned at 3:20 p.m.

  
William S. Wolfe, Chairman

  
Lynda Whitworth, Secretary

7/12/07

C224-2598

NOTICE OF APPEAL - Form 1  
Board of Zoning Appeals  
TOWN OF SEABROOK ISLAND-COUNTY OF CHARLESTON

Date Filed: 3/5/07 (To be Completed by Office Administration)  
Application Fee: 350- Variance  
~~Permit~~-Application#: 143 Appeal#

\* This form must be completed for a hearing on an Appeal (1) from the action of a zoning official, (2) application for a Variance or (3) application for Special Exception. Applications should be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) all must sign the Designation of Agent.

THE APPLICANT HEREBY APPEALS [indicate one with an X]:

- From action of a zoning official as stated on attached Form 2
- For a variance as stated on attached Form 3.
- For a Special Exception as stated on attached Form 4.

~~OWNER~~  
Applicant(s) [Please print]: MR. BEYAN CAUSEY  
Address: 1616 Catawba St Columbia S.C 29205

Telephone: (803) 513-4081

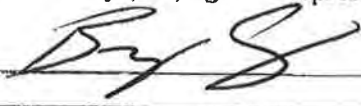
APPLICANT  
Owner(s) [if other than Applicant] MARK J. BISHOP  
Address: 15 WORD ASHLEY DRIVE  
CHARLESTON, S.C. 29407

Telephone: (843) 852-9442 C-224-2598

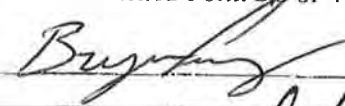
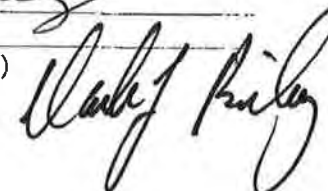
Property Address: Bridle trail Dr The Village At Seabrook  
Seabrook Island S.C 29455

Lot C-19 Block \_\_\_\_\_ Tax Map # 147-00-00-127

Designation of Agent [Complete only if owner is not applicant]  
I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: 2/16/07  
  
Owner Signature(s)

Applicant's Certification  
I (we) certify that the information in this application and attached Form 2, 3 or 4 is correct.

Date: 2/16/07  
  
Applicant Signature(s)  




VARIANCE APPLICATION - Form 3  
Board of Zoning Appeals  
TOWN OF SEABROOK ISLAND-COUNTY OF CHARLESTON

Date Filed: 3/5/2007 (To be Completed by Office Administration)  
Permit Application#: 143 Appeal# \_\_\_\_\_

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provision of the Zoning Ordinance: LOT SETBACKS  
SECTION 7.6 MINIMUM SETBACKS  
so that a zoning permit may be issued to allow use of the property in a manner shown on attached plot plan, described as follows: SINGLE FAMILY HOME IN THE VILLAGE AT SEABROOK.

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section (s) of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

NON-CONFORMING LOT WITH TWO FRONT STREET SETBACKS

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

SIZE OF PROPERTY AND CORNER SETBACKS

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 as follows:

BUILDING OF A PRE-APPROVED HOME IN THE VILLAGE AT SEABROOK

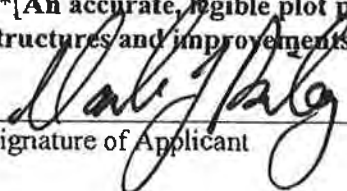
d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:

IT WILL STILL BE CONSISTENT WITH REST OF HOUSES IN NEIGHBORHOOD.

3. The following documents are submitted in support of this application:

☛ SITE PLANS SHOWING HOUSE ON PROPERTY WITH SETBACKS

\*\*[An accurate, legible plot plan showing property dimensions and location of all structures and improvements must be attached to a variance application]]

  
Signature of Applicant

2/16/07  
Date

March 6, 2007

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: Variance Request  
Lot C-19 / Village at Seabrook

Dear Neighbor:

This letter is to inform you that I have applied to the Town of Seabrook for a variance from the Town setback requirements for my property. A public hearing regarding our application will be convened on April 12, 2007 at the Town Hall at 3:00 p.m.

The circumstances regarding my request for a variance are as follows:

Upon purchase of our lot, I consulted with my architect to determine what model home would be suitable for the lot. Since the lot is on a corner of two intersecting streets, I am required to have two front setbacks of 30'-0" . With this impact in mind , I chose the model with the smallest footprint - Model "D".

After siting the house and making modifications to the fireplace, I was still unable to make even the Model "D" fit without a variance. As I'm sure you are aware the lots are very small and 15'-0" must be maintained between houses.

With this in mind , I am requesting a variance of 2'-0" into one of the front setbacks. This is the setback on Seabrook Island Road. I am doing this on the grounds that this is an extraordinary extenuating circumstance, does not undermine the intentions and purposes of the setback rules, and does not violate the spirit and character of the Village at Seabrook.

It is within your right as neighboring property owners to attend and participate in the public hearing.

Sincerely,

Bryan Causey

I hereby certify that I served the attached letter on the persons listed below by Us certified mail at the addresses indicated:

Mr. Joe Salvo  
The Club at Seabrook  
1002 Landfall Way  
Seabrook Island, S.C. 29455

Mr. Hank Hofford  
Bennett - Hofford Construction Company  
17 Lockwood Drive  
Charleston , S.C. 29401

Mr. Elden P. Sherman  
418 Live Oak Drive  
Mt. Pleasant , S.C. 29464

Mr. Tim Keene  
Cypress Homes LLC  
P.O. Box 2901  
Huntersville , N.C. 28070-2901

Ms. Catherine A. Patterson  
4064 Bridle Trail Drive  
Seabrook Island , S.C. 29455

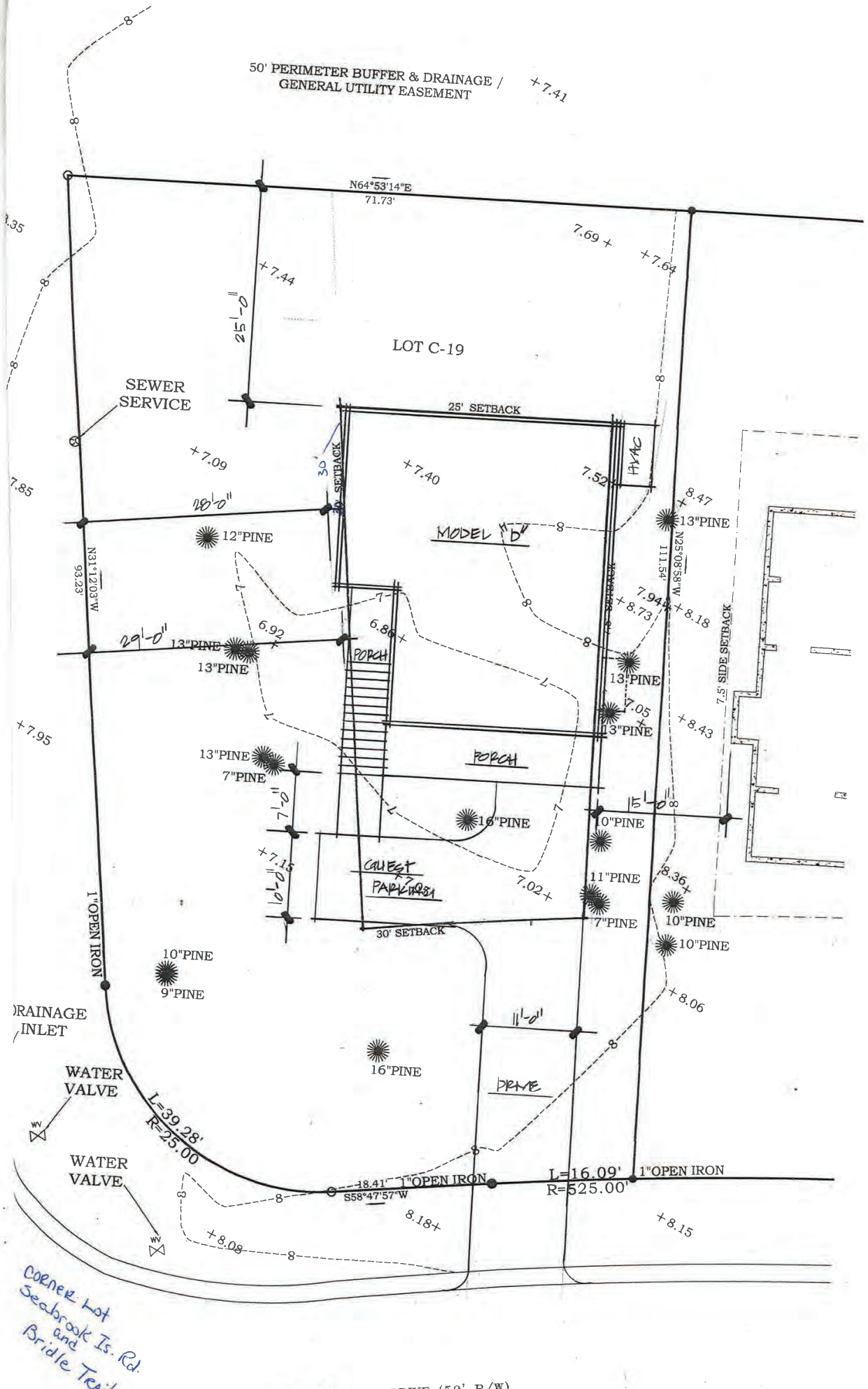
Mr. Christopher Daniels  
8 Fox Chase Drive  
Harrisburg , PA 17111-4907

Mr. Delbert R. Kahn  
839 Hinchley Run  
West Chester , PA 19382-7983



Mark J. Bishop  
Agent for the Owner (Bryan Causey)

50' PERIMETER BUFFER & DRAINAGE /  
GENERAL UTILITY EASEMENT +7.41



*Corner Lot  
Seabrook Is. Rd.  
and  
Bridle Trail*

BRIDLE TRAIL DRIVE (50' R/W)  
228



## ATTACHMENT #17

Variance #148 – Denied  
(December 10, 2013)

OFFICIAL USE		SEABROOK ISLAND	
Postage	\$ 4.60	29455	
Certified Fee	3.10	DEC 27 2013	
Return Receipt Fee (Endorsement Required)	2.55	Postmark Here	
Restricted Delivery Fee (Endorsement Required)		USPS	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.11</b>		
Sent to <b>Vin Yet Architects</b>			
Street, Apt. No., or PO Box No. <b>329 East Bay St. 1st Floor</b>			
City, State, ZIP+4® <b>Char., SC 29401</b>			
PS Form 3800, January 2001		See Reverse for Instructions	

**Mayor:**  
Terrence J. Ahearn  
**Municipal Judge:**  
Dennis E. O'Neill, Esq.  
**Council:**  
Ronald J. Ciancio  
John W. Gregg  
Donald Romano  
John Turner  
**Town Administrator:**  
Randy M. Pierce  
**Clerk:**  
Faye Allbritton  
**Administrative Assistant:**  
Lynda Whitworth

**Applicant Name:** Vin-Yet Architecture  
**Property Owner:** Tim and Shelley Chambers  
**TMS#** 147-00-00-104  
**Property Address:** 2283 Seabrook Village Drive  
**Request:** Variance to use the rear property line as a side property line and allowing a 7.5' side setback. The property has two front setbacks.

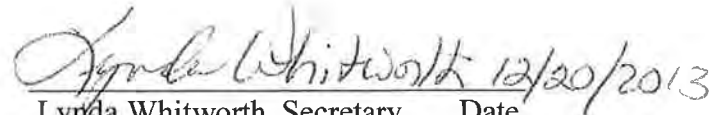
**Date Filed:** November 4, 2013

The Town of Seabrook Island Board of Zoning Appeals held a public variance hearing on December 10, 2013 to consider your request for a variance from the strict application of Section 7 of the Development Standard Ordinance. Based upon the documentation and testimony presented at the public hearing, the Board of Zoning Appeals finds that the application meets or does not meet the criteria for a variance as follows:

*There are no extraordinary and exceptional conditions pertaining to the particular piece of property. The applicant has not met its burden of proof that a variance would be the only relief to build a suitable home on this particular corner lot.*

Based on a unanimous vote, the Town of Seabrook Island Board of Zoning Appeals therefore orders that the Variance is **DENIED**.

  
 William S. Wolfe, Chairman

 12/20/2013  
 Lynda Whitworth, Secretary Date

Date issued: 12/10/2013 Date mailed: 12/20/2013  
 Notice of appeal to Circuit Court must be filed within 30 days after the date this order was mailed.

**Town of Seabrook Island**  
**Board of Zoning Appeals**

**Minutes**

**Board Members Present:**

William S. Wolfe, Chairman  
Jerry Farber  
Robert Quagliato, Vice-Chairman  
Dave Osborn  
Dr. Joe Sanders  
Randy Pierce, Zoning Administrator  
Lynda Whitworth, Secretary

**Guests Attending**

Justin Smith, Vin-Yet Architecture  
Cathy Patterson, Board President, The Village  
Patrick Nicoles  
Approx. 4 residents of The Village at Seabrook

Chairman William S. Wolfe called the meeting of the Board of Zoning Appeals to order December 10, 2013 at 10:00 a.m. The requirements of the Freedom of Information Act were fulfilled and properly posted. The Chairman asked each person that gave a statement during the hearing to swear that the statement was truthful.

**Variance 148 Vin-Yet Architecture,**

The property is located at 2283 Seabrook Village Drive. Justin Smith is the applicant representing the property owners Tim and Shelley Chambers. The applicant is appealing the strict enforcement of the 25' rear setback.

Mr. Smith explained the variance request is to allow the use the rear property line as a side property line and allow a 7.5' side setback to maximize the potential of the lot. Mr. Smith provided site plans for the Board to review prior to and during the hearing.

Cathy Patterson is the President of The Village at Seabrook Board of Directors. Ms. Patterson informed the Board there are 19 corner lots; 9 of them are considered small lots and 4 have houses built on them. Ms. Patterson added that she is representing the board at the Village and they are opposed to approving the variance request.

The Chairman asked for the Town's position on granting the variance. Randy Pierce, the Town's Zoning Administrator advised the Board that a suitable home could be built on the lot without a variance. He added that the Town is opposed to granting the variance request.

The Chairman stated there was enough testimony to vote on the variance. He stated that it is apparent that the applicant wanted a larger house, but had purchased a small lot and The Chairman pointed out that the Board of Appeals rules on this type of variance relief the most frequently. He added that there appeared to be no extraordinary or exceptional conditions pertaining to the particular piece of property.

Chairman Wolfe asked the Board to give their individual votes based on the documentation and testimony presented at the public hearing. The Chairman asked that the members give the vote verbally; either yea to approve or na to deny.

The Chairman asked for any votes that were in favor of granting the variance. There were no yea votes in favor of granting the variance.

William S. Wolfe-na	Robert Quagliato-na
Jerry Farber-na	Dave Osborn-na
Dr. Joe Sanders-na	

Chairman Wolfe said that based on a unanimous vote, the Town of Seabrook Island Board of Zoning Appeals therefore orders that the Variance is ***DENIED***.

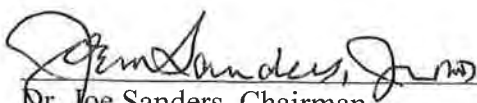
#### **Nomination and Election of Chairman**

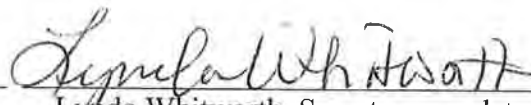
Jerry Farber nominated Dr. Joe Sanders for Chairman of the Board of Zoning Appeals. The motion was seconded by Robert Quagliato. The motion was unanimously approved. [The Chairman suggested postponing the nomination of a Vice-Chairman.]

#### **Approval of Minutes**

There were no changes to the draft minutes of July 12, 2007. Robert Quagliato moved to approve the minutes as submitted. The motion was seconded by Jerry Farber. The motion was unanimously approved.

Having nothing further to discuss, the hearing adjourned at 10:50 a.m.

  
Dr. Joe Sanders, Chairman

  
Lynda Whitworth, Secretary

date 4/16/2014



NOTICE OF APPEAL - Form 1  
Board of Zoning Appeals  
TOWN OF SEABROOK ISLAND-COUNTY OF CHARLESTON

Date Filed: 11/4/2013 (To be Completed by Office Administration)

Application Fee: \$ 350.00 Permit Application#: \_\_\_\_\_ Appeal# 148

This form must be completed for a hearing on an Appeal (1) from the action of a zoning official, (2) application for a Variance or (3) application for Special Exception. Applications should be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) all must sign the Designation of Agent

THE APPLICANT HEREBY APPEALS [indicate one with an X].

- From action of a zoning official as stated on attached Form 2.
- For a variance as stated on attached Form 3
- For a Special Exception as stated on attached Form 4.

Applicant (s) [Please print]: Justin Smith

Address: 329 East Bay Street, First Floor  
Charleston, SC 29401

Telephone: 843.619.7662

Owners(s) [if other than Applicant] Tim and Shelley Chambers / SEA OF LOVE, LLC

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Property Address: 2283 Seabrook Village Drive

Seabrook Island, SC 29455

Lot 45

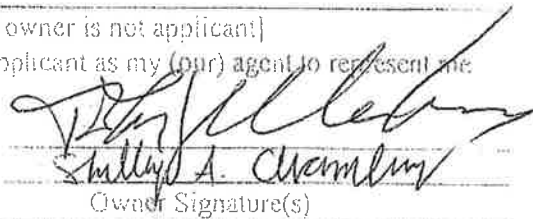
Block B

Tax Map # 147-00-00-104

Designation of Agent [Complete only if owner is not applicant]

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: 10-29-13

  
Shelley A. Chambers  
Owner Signature(s)

Applicant's Certification

I (we) certify that the information in this application and attached Form 2, 3 or 4 is correct.

Date: 10.29.13

  
Applicant Signature(s)

NOV - 4 2013

VARIANCE APPLICATION - Form 3  
Board of Zoning Appeals  
TOWN OF SEABROOK ISLAND-COUNTY OF CHARLESTON

Date Filed: 11/4/2013

(To be Completed by Office Administration)

Permit Application#:

Appeal# 148

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provision of the Zoning Ordinance: **the 25.0' rear setback located near the East property line.**

so that a zoning permit may be issued to allow use of the property in a manner shown on attached plot plan, described as follows: **we are requesting this property line be viewed as a side property line and have a 7.5' side setback. This property has two front setbacks and to also give it one designated a "rear" hinder the opportunity to build an appropriate home** for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section (s) of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts:

- a. There are extraordinary and exceptional conditions pertaining to the particular

piece of property as follows:

**the shape of the lot due to it being a corner lot**

- b. These conditions do not generally apply to other property in the vicinity as shown by:

**the shape of the lot due to it being a corner lot**

- 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 as follows:

**none of the existing approved plans for the Village at Seabrook would be available to be built on this property without major modifications.**

- d. 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:

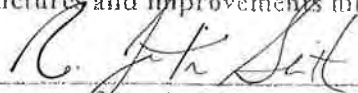
**this is a very visible piece of property for the neighborhood and requires thoughtful design and consideration**

3. The following documents are submitted in support of this application:

**site plan of lot as well as examples of approved plans for the Village at Seabrook superimposed on this piece of property**

\*\*[An accurate, legible plot plan showing property dimensions and location of all structures and improvements must be attached to a variance application]\*\*

Signature of Applicant

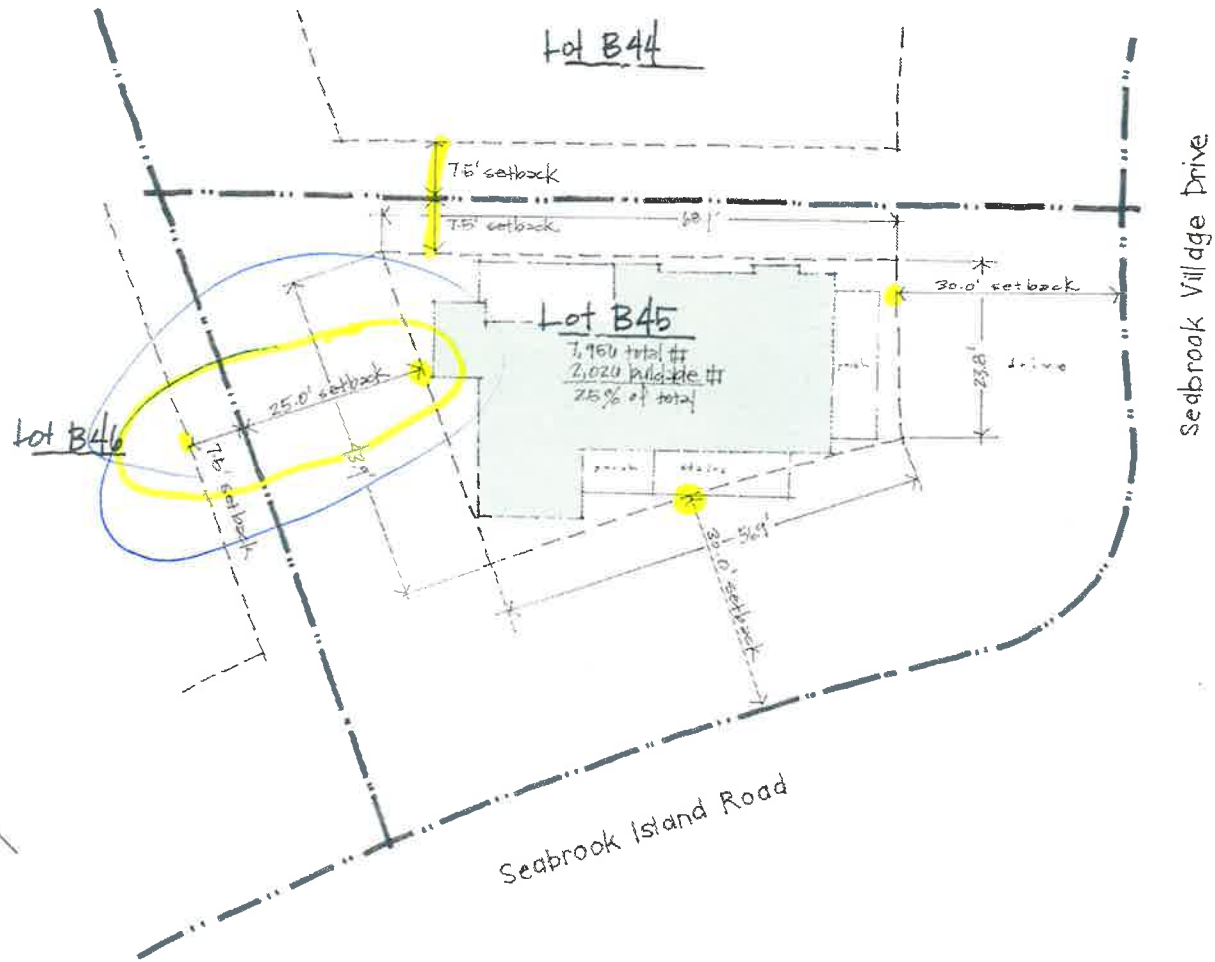


10.29.13

Date



concept for the  
at B45 The Village at Seabrook  
Seabrook Island, South Carolina  
101013

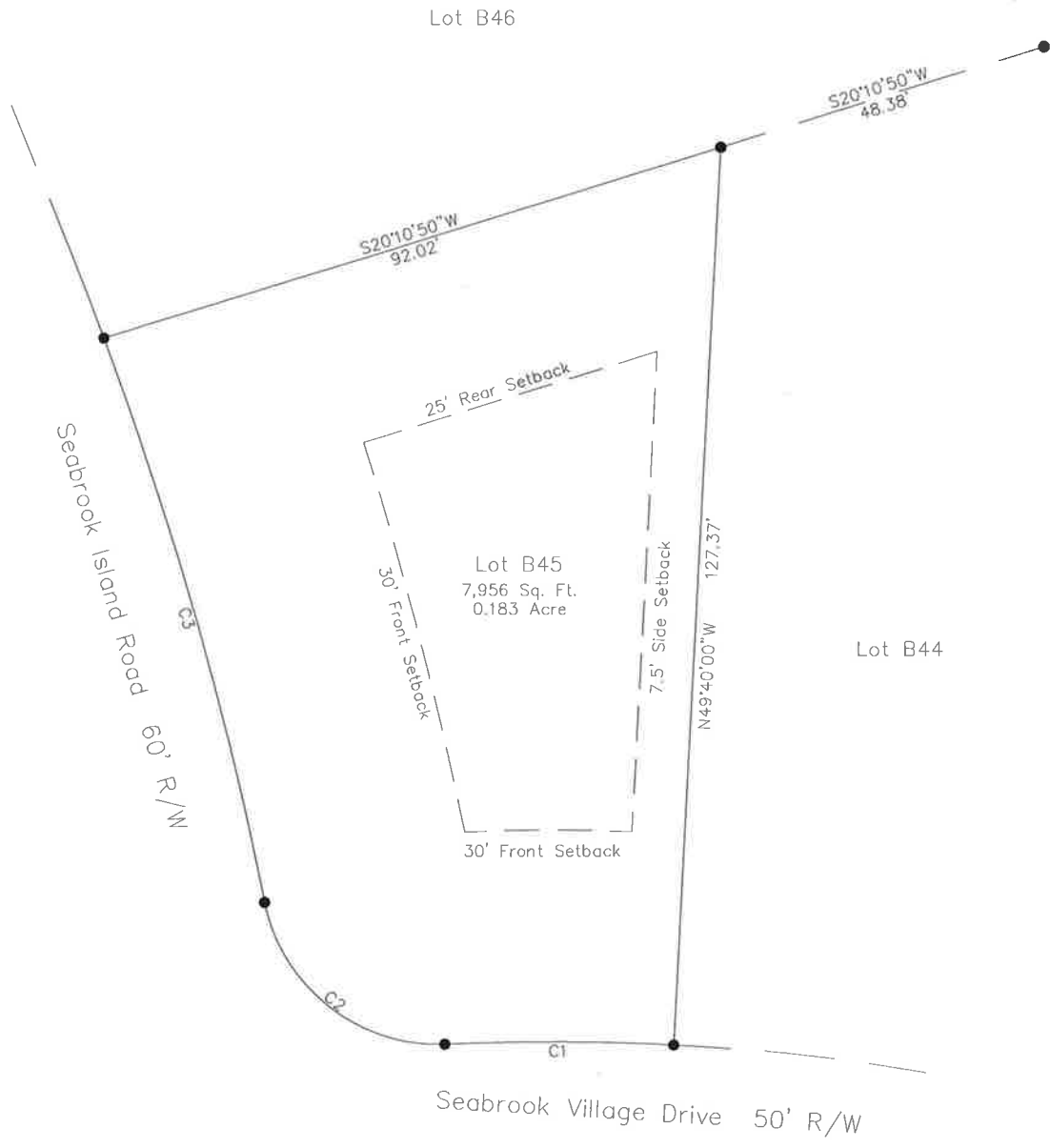


**Site Plan**  
Scale: 1/16" = 1'-0"



LEGEND:

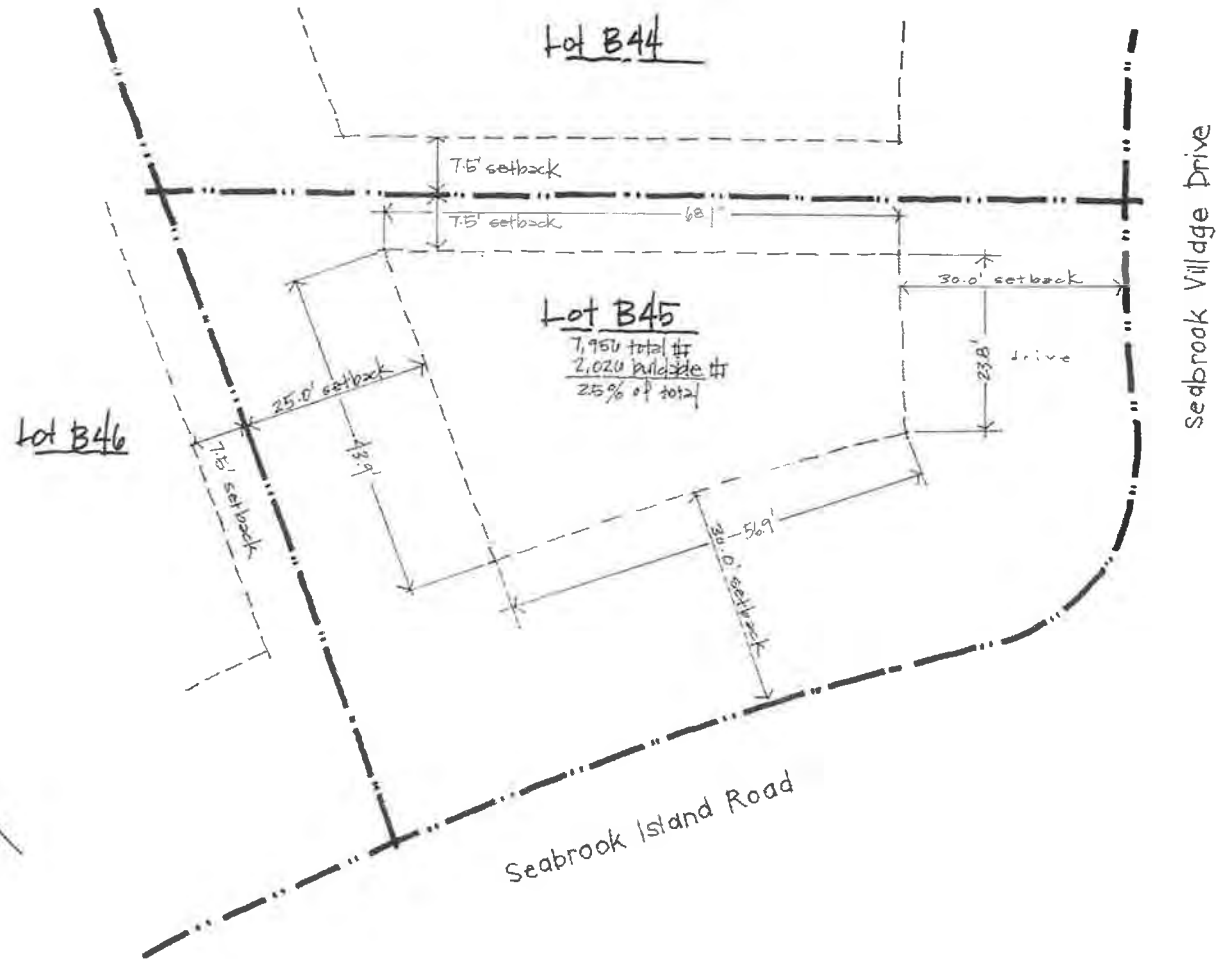
- 1" Open Pipe Found



NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	5'44'40"	32.58'	325.00'	N37°27'37"E	32.57'
C2	81°24'55"	35.52'	25.00'	S75°18'02"W	32.61'
C3	9°26'45"	83.25'	505.00'	S68°42'36"E	83.16'



site study for the  
at B45 The Village at Seabrook  
Seabrook Island, South Carolina  
103013



**Site Plan**  
Scale: 1/16" = 1'-0"



November 12, 2013

KT 1992 LLC (owner of Lot B43 in the Village at Seabrook per Charleston records)  
174 East Bay Street, Suite 201  
Charleston, SC 29401

Re: Request for a response to Variance request for Lot B45 in the Village at Seabrook located at  
2283 Seabrook Village Drive

To whom it may concern:

This is a formal letter being sent on behalf of my clients who own Lot B45, which is adjacent to your's, to notify you that we are going before the Board of Zoning Appeals for the Town of Seabrook to request a variance from the "rear setback" located at the east of the property.

There is a hardship on this lot created by the (2) 30.0' front setbacks applied to the North and West property line because this is a corner lot. These setbacks prohibit an existing, accepted plan of the PUD to be placed on this lot. Because of the value and importance of this being a corner lot, we are requesting the setback at the East Property line be treated as a side setback, creating a 7.5' setback, as opposed to the 20.0' it currently is. This would allow for us to create a new design to be accepted to the PUD and properly address this lot as it needs to be. The (2) front setbacks would remain 30.0'.

Please take a look at the attached drawings for further explanation. Please feel free to call or email should you have any questions or concerns. Thank you for your consideration and we anxiously await your thoughts

The Town of Seabrook will be holding a public hearing regarding our application and will be convened on December 10, 2013 at Town Hall at 10:00 am.

Sincerely,

Vin-Yet Architecture

A handwritten signature in black ink, appearing to read "M. Alexander", written over a horizontal line.

Myles S. Alexander, AIA  
Principal

A handwritten signature in black ink, appearing to read "R. Justin Smith", written over a horizontal line.

R. Justin Smith  
Principal

**Lynda Manning**

---

**From:** Justin Smith [justin@vin-yet.com]  
**Sent:** Thursday, October 10, 2013 5:18 PM  
**To:** lmanning@townofseabrookisland.org  
**Cc:** Tim Chambers; myles@vin-yet.com; jamey@vin-yet.com  
**Subject:** Lot B45 - The Village at Seabrook  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** 092513-Lot B45 Site.pdf

Lynda - please accept the attached .pdf for submittal to the November Planning Commission Meeting. From discussions with Randy Pierce, we have decided to have the Planning Commission review our hardship in hopes of granting a relief from the rear 25' setback line. As you can tell from the .pdf this is a premier lot in the community and will be very visible. My client, through another process, is interested in designing a custom home that could be the marquee of the neighborhood, as well as be one of the only accepted plans in the PUD that will fit/address corner lots. However, this lot was originally platted to have 2 front setbacks along the street, 1 side setback (shared with Lot B44) and a rear setback (along the property line shared with Lot B46). This has caused a very difficult shape to manage a decent size house to the address the corner.

The west property line of Lot B46 will have a 7.5 side setback as mandated by the plat, and we feel it should be readdressed that the "rear" 25' setback be viewed as a side setback and reduced to 7.5' to make a total of 15' between the two residences.

If you could please, review and submit the attached for the "working session" of the November meeting of the Planning Commission? Also please confirm the receipt of this email and our inclusion on the November Agenda.

Thank you! I look forward to hearing from you.

R. Justin Smith | Principal  
**VINYET ARCHITECTURE**  
843.619.7662 [o]  
Asheville | Charleston | Rock Hill  
www.vin-yet.com

**Lynda Manning**

---

**From:** Janet Gorski [gorskijw@gmail.com]  
**Sent:** Monday, October 14, 2013 10:41 AM  
**To:** Justin Smith  
**Cc:** Lynda Manning; Cathy Patterson; Randy Pierce  
**Subject:** Re: Lot B45 - The Village at Seabrook

I'll leave this for Randy and Lynda.  
J

On Mon, Oct 14, 2013 at 11:31 AM, Justin Smith <[justin@vin-yet.com](mailto:justin@vin-yet.com)> wrote:

That is fine.... what needs to be our next course of action to get before the Zoning Board of Appeals?

R. Justin Smith | Principal

**VINYET ARCHITECTURE**

[843.619.7662](tel:843.619.7662) [o]

Asheville | Charleston | Rock Hill

[www.vin-yet.com](http://www.vin-yet.com)

**From:** Janet Gorski [mailto:[gorskijw@gmail.com](mailto:gorskijw@gmail.com)]  
**Sent:** Monday, October 14, 2013 9:23 AM  
**To:** Lynda Manning  
**Cc:** Justin Smith; Cathy Patterson; Randy Pierce  
**Subject:** Re: Lot B45 - The Village at Seabrook

Hello all-

As I understand it, modifying the ordinance regarding setback requirements would result in a modification of the setback requirements for all similarly located lots - it couldn't apply only to one lot. Additionally, the ordinance would need to be approved by the Town Council and go through a lengthy process. I



think seeking a variance from the Zoning Board of Appeals is the appropriate process. [Planning Commission doesn't have the authority to grant a variance]. I understand this isn't the answer that Mr. Smith is seeking, but I do think it's the appropriate procedure to follow.

Janet Gorski

Chair, Seabrook Island Planning Commission

[843-768-9407](tel:843-768-9407)

On Fri, Oct 11, 2013 at 9:40 AM, Lynda Manning <[lmanning@townofseabrookisland.org](mailto:lmanning@townofseabrookisland.org)> wrote:

Justin,

The issue I see would require the Planning Commission to adopt an amendment of an existing ordinance. Otherwise, it would require a Variance from the Board of Appeals.

I am going to forward this to Janet Gorski, the Chairman of the Planning Commission and copy Cathy Patterson, the President of the Village at Seabrook.

Lynda

---

**From:** Justin Smith [mailto:[justin@vin-yet.com](mailto:justin@vin-yet.com)]  
**Sent:** Thursday, October 10, 2013 5:18 PM  
**To:** [lmanning@townofseabrookisland.org](mailto:lmanning@townofseabrookisland.org)  
**Cc:** Tim Chambers; [myles@vin-yet.com](mailto:myles@vin-yet.com); [jamey@vin-yet.com](mailto:jamey@vin-yet.com)  
**Subject:** Lot B45 - The Village at Seabrook

Lynda - please accept the attached .pdf for submittal to the November Planning Commission Meeting. From discussions with Randy Pierce, we have decided to have the Planning Commission review our hardship in hopes of granting a relief

from the rear 25' setback line. As you can tell from the .pdf this is a premier lot in the community and will be very visible. My client, through another process, is interested in designing a custom home that could be the marquee of the neighborhood, as well as be one of the only accepted plans in the PUD that will fit/address corner lots. However, this lot was originally platted to have 2 front setbacks along the street, 1 side setback (shared with Lot B44) and a rear setback (along the property line shared with Lot B46). This has caused a very difficult shape to manage a decent size house to the address the corner.

The west property line of Lot B46 will have a 7.5 side setback as mandated by the plat, and we feel it should be readdressed that the "rear" 25' setback be viewed as a side setback and reduced to 7.5' to make a total of 15' between the two residences.

If you could please, review and submit the attached for the "working session" of the November meeting of the Planning Commission? Also please confirm the receipt of this email and our inclusion on the November Agenda.

Thank you! I look forward to hearing from you.

R. Justin Smith | Principal

**VINYET ARCHITECTURE**

[843.619.7662](tel:843.619.7662) [o]

Asheville | Charleston | Rock Hill

[www.vin-yet.com](http://www.vin-yet.com)

--  
Janet Gorski

[843-768-9407](tel:843-768-9407)

--  
Janet Gorski  
843-768-9407



## ATTACHMENT #18

Notice of Appeal – Cathy Patterson  
(July 1, 2019)

# Notice of Appeal - Form 1 Board of Zoning Appeals

Date Filed: 7-1-2019 Permit Application No. \_\_\_\_\_ Appeal No. 39

### Instructions

This form must be completed for a hearing on **appeal** from action of a zoning official, application for a **variance** or application for **special exception**. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent. An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

**THE APPLICANT HEREBY APPEALS** [indicate one]:

- from action of a zoning official as stated on attached Form 2
- for a variance as stated on attached Form 3.
- for a special exception as stated on attached Form 4.

**APPLICANT(S)** [print] Cathy Patterson  
 Address: 4064 BRIDGE TRAIL DRIVE  
 Telephone: 843-768-9726 [work] \_\_\_\_\_ [home] \_\_\_\_\_  
 Interest: Vested Owner(s): IN THE VILLAGE Adjacent Owner(s); Other: \_\_\_\_\_  
**OWNER(S)** [if other than Applicant(s)]: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ [work] \_\_\_\_\_ home] \_\_\_\_\_  
 [Use reverse side if more space is needed.]

**PROPERTY ADDRESS:**  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision VILLAGE AT SEABROOK PUD  
 Tax Map No. \_\_\_\_\_ Plat Book \_\_\_\_\_ Page \_\_\_\_\_  
 Lot Dimensions: \_\_\_\_\_ Area: \_\_\_\_\_  
 Zoning District: \_\_\_\_\_ Zoning Map Page: \_\_\_\_\_

**DESIGNATION OF AGENT** [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Owner signature(s)

I (we) certify that the information in this application and the attached Form 2, 3 or 4 is correct.

Date: 7-1-2019  
 \_\_\_\_\_  
 Applicant signature(s)

**Appeal from Action of Zoning Official - Form 2  
Board of Zoning Appeals**

Date Filed: 7-1-2019 Permit Application No. \_\_\_\_\_ Appeal No. \_\_\_\_\_

1. Applicant hereby appeals to the board of zoning appeals from the action of the zoning official affecting the property described in the Notice of Appeal [Form 1] on the grounds that:

granting  denial of an application for a permit to these new setback determinations in the U@S  
was erroneous and contrary to provisions of the zoning ordinance in Section \_\_\_\_\_; or other action or decision of the zoning official was erroneous as follows:

Does not follow the ~~Major~~ Master Plan of the Village as built <sup>as of</sup> today

2. Applicant is aggrieved by the action or decision in that:  
if it may make some lots unbuildable  
decreases the value of lots & homes &

3. Applicant contends that the correct interpretation of the zoning ordinance as applied to the property is:  
it changes the neat & uniform appearance of the Village  
what is ~~slightly~~ closely planned on the final Plat map - given that the prior Z. A  
may have made minor changes so it is not 100%

4. Applicant requests the following relief:  
correct -  
that the Master Plan & original intent of the Village Plat map is followed & all non-conforming <sup>issues</sup> are grandfathered in

Date: 7/1/2019

Applicant signature  
Catherine A Patterson



Ms. Catherine Patterson  
4064 Bridle Trail Dr.  
Johns Island, SC 29455-6242

page 1


July 1, 2019

To the Town of Sealbrook Island Board of  
Zoning Appeals,

I am appealing the zoning administrator's determinations for changing the setback requirements for the Village at Sealbrook. The new setback regulations are not what has been built on the village for the past 19 years. I am questioning who amongst the DSO, Village master PUD plan, SIPDA-ARC, has control over the Village setbacks. Who determines who has the more restrictive set backs. Why have the setbacks changed after all these years? It seems the changes are major - why isn't the planning commission overseeing the changes + sending their recommendations to town council to amend the master plan of the Village PUD, as per the DSO.

Who is correct? The previous zoning administrator who had direct contact with the Developer of the Village, the planning commission, the builders, SIPDA-ARC, & the Town Council, or the new determinations?

I feel these determinations that have been made will have a negative impact on some village property owners.



Ms. Catherine Patterson  
4064 Bridle Trail Dr.  
Johns Island, SC 29455-6242

July 1, 2019

In the worst case scenario, where there are 3 side by side undeveloped lots, if the outer 2 lots each built to their lot lines, the middle lot would have to provide the full 15 feet of buffer on each side & most likely become unbuildable. In addition corner lots, cul-de-sac corner lots & previously built corner houses will now have no rear yard setbacks required. Therefore houses can be built back to back 15 feet apart as opposed to the original 50 foot requirement as used in the past. All pie shaped lots will now have a 25 foot rounded rear setback.

It seems that the placing of homes on odd shaped lots & corner lots within the village was a challenge, but the original plan accepted this restriction in order to meet the density requirements of the PUB. This can be seen on the final Plat map of the village along with the Land Usage Summary & setback requirements. It also can be supported visually as to how the village has been built out so far to date.

Enclosed is the \$150.00 fee that is required,

Sincerely - Cathy Patterson  
4064 Bridle Trail Drive  
Individual owner Village at Seabrook



## ATTACHMENT #19

Appellant's Supporting Materials



techniques in existing ordinances. However, the term as defined in the 1994 Act applies to uses specified in the text of the zoning ordinance which may be permitted only when those specified conditions or standards are met. S.C. Code § 6-29-720(C)(6). If the ordinance conditions or standards are met, the zoning administrator may issue a permit for the use without review by the board of zoning appeals. If review by the board is desired so that additional conditions may be imposed, the use should be listed as a permitted special exception, not a conditional use. Only the board of zoning appeals is authorized to grant special exceptions after a public hearing. District regulations must contain a list of permitted uses and may contain a list of uses permitted by special exception and conditional uses.

## Planned Development District

The 1994 Act provides specific procedures and explanations for using the "planned development district" technique. S.C. Code § 6-29-740. Traditionally, this technique is called "PUD" or Planned Unit Development. Planned development districts allow flexibility to improve the design, character and quality of new mixed use developments and preserve natural and scenic features of open spaces. The courts in this state have approved the planned unit development concept. See *Smith v. Georgetown County Council*, 292 S.C. 235, 355 S.E.2d 864 (Ct. App. 1987); *Turner v. Barber*, 298 S.C. 321, 380 S.E.2d 811 (1989); *Petersen v. City of Clemson*, 312 S.C. 162, 439 S.E.2d 317 (Ct. App. 1993).

In 2010, two court rulings, *Sinkler v. County of Charleston*, 387 S. C. 67, 690 S.E.2d 777 (S.C. 2010) and *Mikell v. County of Charleston*, 386 S.C. 153, 687 S.E.2d 326 (S.C. 2010), clarified use of the planned development district technique. The court ruled that development carried out using the planned development district technique or any of the other six techniques enumerated in state law is authorized only if they are applied in a manner consistent state law. These rulings do not preclude using locally developed planning techniques not enumerated in state law as long as the local technique is consistent with the general language of the local government's comprehensive plan and zoning ordinance. To avoid confusion and application of the court's ruling, ensure the name used to describe a local technique is not the same or similar to the name or term enumerated as a technique in state law.

The following specific requirements and features of planned development districts appear in the 1994 Act.

1. **Text amendment.** The governing body must amend the text of the zoning ordinance and the zoning district map to establish a planned development district.
2. **Map.** The planned development map for the project becomes the zoning district map for the property.
3. **Uses.** The text of the plan provides the specific uses, densities, setbacks and other requirements for the planned development. It becomes the text of the zoning ordinance describing the permitted uses and other details of the planned

This is from the Comprehensive Planning Guide for Local Governments

development. These provisions are tailored to the specific development and may vary from the regulations for other zoning districts concerning use, setbacks, lot size, density, bulk and other requirements. This allows flexibility in arranging different uses.

4. **Plan amendment.** Amendments to the original planned development district are zoning ordinance amendments. Only the governing body may authorize amendments after receiving recommendations from the planning commission. The governing body must follow all prescribed procedures for zoning ordinance amendments.

4. **Minor modification.** The zoning ordinance may include a method for making minor modifications to the site plan or development provisions which would not require an amendment to the zoning ordinance. The zoning administrator makes the initial determination of whether a proposed modification is major or minor. The zoning ordinance may authorize the zoning administrator to approve minor changes. The zoning ordinance should contain standards on which the zoning administrator can base decisions. For example, driveway relocation, revision of structure floor plans, modification of design of facilities for amenities such as parks, gardens or open spaces could be specifically defined as minor changes. Changes which materially affect the plan's basic concept or the designated general use of parcels of land within the development should be considered major changes.

(2)

### Cash or Dedication in Lieu of Parking

The 1994 Act allows waiving or reducing parking requirements in return for cash payments or dedication of land earmarked for public parking or public transit. S.C. Code § 6-29-750. These payments or dedications may not be used for any other purpose. To exercise this provision, the zoning ordinance must designate a special development district showing a parking facility plan and program. The plan and program must include guidelines for preferred parking locations and designate prohibited parking areas. To use this provision, the planning commission must recommend and the local government must adopt an additional comprehensive plan element relating to parking in special development districts.

The cash contributions or the dedicated land value may not exceed the approximate cost to build the required spaces or provide the public transit service that would have been incurred had the reduction or waiver not been granted.

## Zoning Ordinance

### Procedure for Adopting Zoning Ordinances

Adopting a zoning ordinance is a legislative function. Amendments to the ordinance text or zoning map must be adopted in the same manner as the original ordinance. The procedure is prescribed in S.C. Code § 6-29-760. This procedure may vary slightly, depending on ordinance notice provisions and whether council or the planning commission is designated to hold public hearings. The following procedural steps are required.

Town of Seabrook Island - Zoning Permit

\* Permit Date <sup>MARCH-27</sup> 03/27/1997 Permit #, Town: 1739 License # 0  
TMS Number 147-00-00-009 Thru: And: Paid Date: 03/27/1997  
App Fee \$820.00 Cash: No Check # 1008

Applicant Name Seabrook Island I.L.L.C. Phone:  
Contact Name Hank Hafford or Dave Savitz  
App Address: 17 Lockwood Dr. The Rice Mill  
App Address:  
App City Charleston St: SC Zip: 29402

Property Owner Seabrook Island L.L.C. Phone: 722-8200  
Owner Address: P.O. Box 1707  
Owner Address:  
Owner City Charleston St: SC Zip: 29455

Property Location Lot: Block:  
Property Address: 56 acre lake entry tract

Purpose Submittal of a Planned Unit Development for property presently known as t Entry Site. This property is just past the gate on the left leading into Island.

Work Value \$0.00 Const Cost \$0.00 Flood Elev: 13 Zone: A8

Architectural Review Board

Comments Requires Recommendation of Planning Commission and approval of Town Council  
*2 months later* \* The Town Council voted on June 24, 1997 to accept the Planning Commission recommendation that this application be denied because it did not meet a 8.10.0

\* 12-22-99 letter to amend application  
\* Amendment 2/4/2000 To amend this application for a planned development of a health facility to a planned multi-family development of 106 units.

This Zoning Permit is valid for six (6) months. The action for which this permit was must be taken within that time period.  
If this zoning permit is for issuance of a building permit, such building permit, is va: period of one (1) year as described in the town code.  
Any extentions, alterations, or ammendments must be approved in writing by the Town of Island Zoning Administration.

I hereby certify that the above information and any plan or drawing sub herewith are true and accurate indications of existing or proposed impr to the above identified property.

Owner/Applicant's Signature  
Wednesday, January 05, 2000

Zoning Administrator  
Wednesday, January 05, 2000

Printed Name

## SEABROOK ISLAND I, L.L.C.

January 4, 2000

TRANSMITTED VIA FAX 768-9830

Mr. Douglas M. Smith  
Zoning Administrator  
Town of Seabrook Island  
1893 Andell Bluff Blvd.  
Johns Island, SC 29455

Dear Doug:

I wanted to follow up on our recent conversations regarding my revised plans for the Lake Entry Tract that I own on Seabrook Island. As we discussed, my revised submittal is an amendment to my previously submitted P.U.D. I am specifically amending my P.U.D. for the Lake Entry Tract to eliminate the health care facilities, and I am proposing that the property be developed as 106 multi-family residential lots. The six acre lake will be deeded to the S.I.P.O.A. as well as the roads that will be constructed on the site. The five acre horse pasture will remain leased to The Seabrook Island Club.

I am hopeful that the application for the amendment to the original Lake Entry P.U.D. can be reviewed and approved by the Town Planning and Zoning Committee at their next meeting, and that The Seabrook Island Town Council will process and approve the necessary ordinance for the proposed amendment. Please let me know if there are any other requirements necessary for you to process my applications. Thank you for your help with this project.

Sincerely,

SEABROOK ISLAND I, L.L.C.

  
John H. Hofford  
Managing Member

JHH/dl

**Town Of Seabrook Island**  
**Zoning Permit Application**

36

Phone 768-9121

**Please Print**

	Fee Schedule
Permit for construction of VAQ House	\$100.00
Permit for construction of non VAQ House	\$25.00
All others are	\$15.00

If permit is for construction please indicate purpose by checking one of the following:

VAQ HOUSE

NON VAQ HOUSE

Other

If application is not for the purpose of construction please check other

Date 12-22-99 TMS NO: 147 00 00 009

APPLICANT NAME: JOHN H. HOFFORD PHONE: 722-8169  
PLACE NAME LISTED IN TOWN'S BUSINESS LICENSE IF APPLICANT IS A BUSINESS

NAME OF BUSINESS CONTACT: BENNETT HOFFORD CONST CO.

ADDRESS: P.O. BOX 1707

CITY: CHARLESTON STATE: SC ZIP CODE 29402

(5)

PROPERTY OWNERS NAME: SEABROOK ISLAND I PHONE: 722-8169

OWNERS MAILING ADDRESS: P.O. BOX 1707

CITY: CHARLESTON STATE: SC ZIP CODE: 29402

PROPERTY LOCATION: STREET ADDRESS SEABROOK ISLAND RD. LOT \_\_\_\_\_ Block \_\_\_\_\_

PURPOSE OF PERMIT: AMENDMENT TO PUD AND

PRELIMINARY SITE PLAN REVIEW

TOTAL VALUE OF CONSTRUCTION: \_\_\_\_\_ BASE FLOOD ELEVATION: \_\_\_\_\_ ZONE: \_\_\_\_\_

CONSTRUCTION COST: \_\_\_\_\_ DATE OF SIPOA APPROVAL: \_\_\_\_\_

APPLICANTS SIGNATURE: [Signature] DATE: 12-22-99

THIS IS AN APPLICATION ONLY:  
PERMIT WILL BE ISSUED UPON APPROVAL BY THE TOWN OF SEABROOK ISLAND

January 8, 1997

RECEIVED  
DEC 22 1999  
BY: \_\_\_\_\_

12/22/99

BENNETT  HOFFORD  
C O M P A N Y

Dear Doug -

I am submitting for your review + processing an amendment to my P.U.D. submitted for the 42 acre Lake Entry property. Please let me know if you need any additional information. I will contact you the first week of Jan. 2000. Thankyou for your assistance with this application!

Best Regards

Harv H. [Signature]

6

#1

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2000-01

ADOPTED FEBRUARY 22, 2000

AN ORDINANCE TO ADOPT A PLANNED UNIT  
DEVELOPMENT WITHIN AREA SIX  
(LAKE ENTRY TRACT)

WHEREAS, Seabrook Island I L.L.C. submitted a zoning application to the Town of Seabrook Island for the Lake Entry Tract Planned Unit Development ("PUD"), the application for which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, Seabrook Island I L.L.C. proposes that the Lake Entry Tract be developed as 106 multi-family residential lots provided such development complies with all applicable provisions of the Town's Code and DS0; and

WHEREAS, pursuant to Section 5.50.30 of the Development Standards Ordinance, this property must be developed as a planned unit development and approved by the Town Council; and

WHEREAS, the approval of this PUD will constitute the zoning for this property; and

WHEREAS, Town Council is authorized to amend its zoning ordinance; and

WHEREAS, a properly noticed public hearing was held on this ordinance as proposed on February 22, 2000; and

WHEREAS, Seabrook Island I L.L.C.'s application for a PUD has been reviewed by the Planning Commission and recommended to Town Council for approval.

NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:

SECTION 1. Purpose

This Ordinance is adopted to approve the Lake Entry Tract PUD (Application # 1739 as amended).

SECTION 2. PUD Adopted

The Lake Entry Tract PUD (Application # 1739 as amended) (Exhibit A) is hereby approved and adopted. The approved amendments to the application which shall constitute the PUD for this property are shown on the map attached as Exhibit B and incorporated herein by reference. The Lake Entry Tract PUD is



subject to all of the requirements of the Town Code and DSO including but not limited to DSO Sections (7) and (8). The applicant further agrees all roads within the PUD as well as the six-acre lake shall be deeded to the Seabrook Island Property Owner's Association.

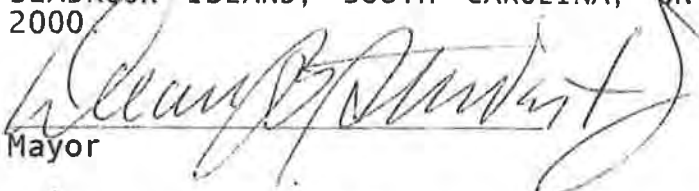
SECTION 3. Severability

If any part of this ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 4. Effective Date

This Ordinance shall be effective upon its enactment by the Town Council of the Town of Seabrook Island.

PASSED, APPROVED AND ADOPTED BY THE COUNCIL FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA, ON THIS 22<sup>nd</sup> DAY OF February, 2000.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Town Clerk

First Reading: January 25, 2000  
Public Hearing: February 22, 2000  
Second Reading: February 22, 2000



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**Town of Seabrook Island - Zoning Permit**


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Permit Date: 03/27/1997      Permit #, Town:      1739      License #: 0  
 TMS Number: 147-00-00-009      Thru:      And:      Paid Date: 03/27/1997  
    App Fee: \$820.00      Cash: No      Check #: 1008

Applicant Name: Seabrook Island I.L.C.      Phone:  
 Contact Name: Hank Hafford or Dave Savitz  
 App Address1: 17 Lockwood Dr. The Rice Mill  
 App Address2:  
 App City: Charleston      St: SC      Zip: 29402

Property Owner: Seabrook Island I.L.C.      Phone: 722-8200  
 Owner Address1: P.O. Box 1707  
 Owner Address2:  
 Owner City: Charleston      St: SC      Zip: 29455

Property Location: Lot:      Block:  
 Property Address:      56 acre lake entry tract

Purpose: *Submittal of a Planned Unit Development for property presently known as the Lake Entry Site. This property is just past the gate on the left leading into the Island.*

Work Value: \$0.00      Const Cost: \$0.00      Flood Elev: 13      Zone: A8

**Architectural Review Board:**

Comments: *Requires Recommendation of Planning Commission and approval of Town Council*

*The Town Council voted on June 24, 1997 to accept the Planning Commission recommendation that this application be denied because it did not meet sec 8.10.0*

Amendment: *2/4/2000 To amend this application for a planned development of a health care facility to a planned multi-family development of 106 units.*

This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.  
 If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code.  
 Any extensions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.

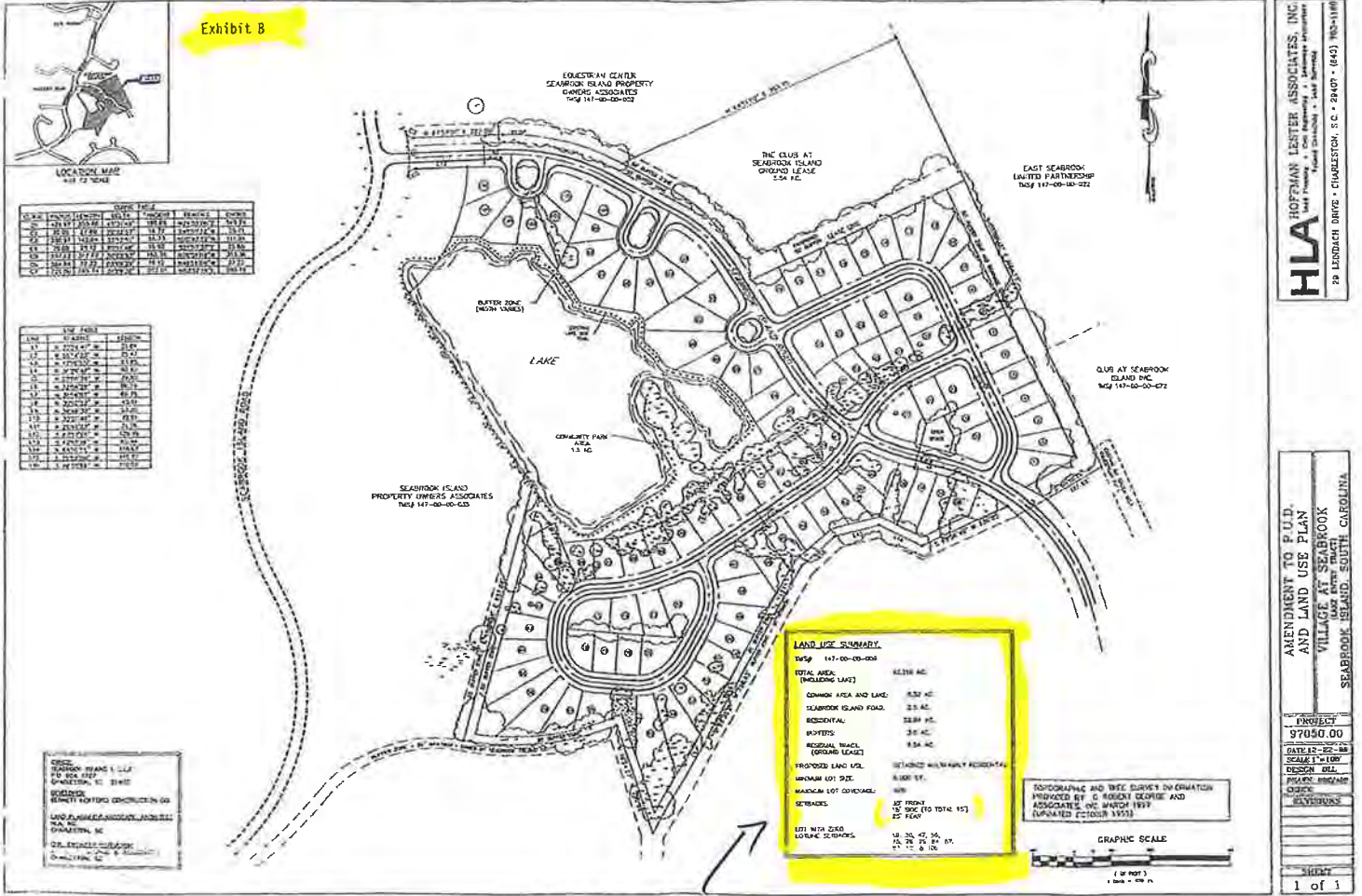
I hereby certify that the above information and any plan or drawing submitted herewith are true and accurate indications of existing or proposed improvements to the above identified property.

Owner/Applicant's Signature  
 Wednesday, January 12, 2000

*David M. Smith*  
 Zoning Administrator  
 Wednesday, January 12, 2000

*David M. Smith* 257

Error in naming Equestrian Center over by SIPDA  
 not signed by Jones Administrators  
 Not registered in Charleston County



Setbacks hand use  
 zero lot lines 12-22-99  
 36  
 42  
 14 acres

10

# TOWN OF SEABROOK ISLAND

1893 Andell Bluff Blvd. • Johns Island, S.C. 29455  
Phones: (803) 768-9121 • Fax: (803) 768-9830

March 10, 2000

Bennett-Hofford Construction, Inc.  
Post Office Box 1707  
Charleston, SC 29402

Dear Mr. Hofford:

The Site Plan Review form that was given to Bennett-Hofford Construction was received incomplete. The following represents requirements that need to be met in order to declare the Hofford application complete. The Site Plan Review form should be resubmitted when the information is complete. This is the information we have identified so far as being necessary for a complete application. However, this does not relieve Bennett-Hofford of the responsibility to furnish any information the Planning Commission deems necessary.

1. **Preliminary Plat:** While this not necessary for the application, it should be submitted and approved with the application so there will be no delay on the final approval. A preliminary plat is required to be recorded.
2. Fire Department approval
3. Comments from the SIPOA
4. DHEC ( Corp of Engineers, OCRM)
5. Charleston County Public Works (In process)
6. Seabrook Island Water and Sewer Commission
7. Berkley Electric Company
8. Elevation and Exterior finishes of the houses
9. Percentage of property that will covered
10. Regime covenants
11. Trees over 12" diameter must be marked for visual inspection by Planning Commission of trees to be removed.

Page 2  
March 10, 2000

**To be shown on project plans:**

- Drainage easement must be shown.
- Right of Way must be better defined in front of the Club maintenance property.
- Road names should be submitted and approved by Charleston County Planning Department, and added to plans.
- Correct wording on Re-subdivision plans. Plans state that the Equestrian Center is owned by the Property Owners Associates, this is incorrect, it is owned by The Club.

**These are not requirements but are suggested:**

- In order to expedite the subdivision process, it is suggested that you may want to consider including the lake, roads, etc. in one application.
- I have noted that the road leading into The Club Maintenance area crosses lots C-1 and C-2. Are you aware of this?

12

Sincerely yours,

*Douglas M. Smith*  
 Douglas M. Smith  
 Zoning Administrator

Cc: Planning Commission members

# SEABROOK ISLAND I, L.L.C.

April 18, 2000

Town of Seabrook Island  
Planning and Zoning Commission  
Zoning Administrator  
1893 Andell Bluff Blvd.  
Johns Island, SC 2955

RE: The Village at Seabrook Final Zoning and Site Plan Approval

Dear Zoning Administrator:

Please accept the attached as formal application for final approval for The Village at Seabrook. We are requesting approval for the entire community including the lake, roads, water, sewer, storm water drainage, etc.

The attached information was prepared in response to the requests as outlined in Doug Smith's March 10th letter. To the best of my knowledge, this includes everything that should be required for final approval of our site plan.

If I can be of further assistance, please feel free to give me a call.

Yours truly,

SEABROOK ISLAND I, L.L.C.



John H. Hofford  
Managing Member

JHH/dl  
Attachment

cc: Tim Blackwelder

## CONTENTS

- I. Subdivision plat
  - II. Fire Department approval letter(s)
  - III. Letter from Seabrook Island P.O.A.
  - IV. DHEC (Corp of Engineers, OCRM)
  - V. Letter from Charleston County Public Works
  - VI. Seabrook Island Water and Sewer Commission
  - VII. Berkeley Electric
  - VIII. Elevations and exterior finish schedule
  - IX. Land use summary
  - X. Regime covenants
  - XI. Tree survey
- Appendix
- Agreement with Club to move access to maintenance area

(14)

**LAND USE SUMMARY:**

**TMS#: 147-00-00-009**

<b>TOTAL AREA: (INCLUDING LAKE)</b>	42.328 ACRE	1,843,793.74 S.F.
<b>GROUND LEASE AREA</b>	5.888 ACRE	256,377.72 S.F.
<b>TOTAL PERIMETER BUFFER AREA</b>	2.680 ACRE	116,756.80 S.F.
<b>COMMON AREA</b>	0.218 ACRE	9,516.47 S.F.
<b>TOTAL RESIDENTIAL</b>	18.135 ACRE	789,956.84 S.F.
<b>ROADWAY RIGHT-OF-WAY AREA</b>	6.460 ACRE	281,394.24 S.F.
<b>LAGOON PERIMETER COMMON AREA</b>	2.334 ACRE	101,650.69 S.F.
<b>LAGOON AREA</b>	6.615 ACRE	288,140.97 S.F.
<b>PHASE I</b>		
<b>ROADWAY R/W AREA</b>	6.460 ACRE	281,394.24 S.F.
<b>PERIMETER BUFFER AREA</b>	0.373 ACRE	16,256.08 S.F.
<b>PHASE II</b>		
<b>RESIDENTIAL AREA</b>	4.131 ACRE	179,951.09 S.F.
<b>PHASE III</b>		
<b>RESIDENTIAL AREA</b>	8.388 ACRE	365,399.23 S.F.
<b>PERIMETER BUFFER AREA</b>	1.246 ACRE	54,292.28 S.F.
<b>COMMON AREA</b>	0.159 ACRE	6,938.56 S.F.
<b>PHASE IV</b>		
<b>RESIDENTIAL AREA</b>	5.616 ACRE	244,606.52 S.F.
<b>PERIMETER BUFFER AREA</b>	1.061 ACRE	46,208.44 S.F.
<b>COMMON AREA</b>	0.122 ACRE	5,305.97 S.F.
<b>PROPOSED LAND USE:</b>	DETACHED MULTIFAMILY RESIDENTIAL	
<b>MINIMUM LOT SIZE:</b>	6,000 S.F.	
<b>MAXIMUM LOT COVERAGE:</b>	40%	
<b>SETBACKS:</b>	30' FRONT 15' SIDE (TO TOTAL 15') 25' REAR	
<b>LOT REQUIRING ZERO LOTLINE SETBACKS:</b>	A1, A6, A7, A14, A18, A19, A20, B1, B21, B22, B23, B27, B38, B45, B49, C1 C19, C24 & C26	

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TOWN OF SEABROOK ISLAND  
PLANNING COMMISSION

5

REQUEST FOR SITE PLAN REVIEW

**\*\*Any changes to the information in this document must be submitted to the Zoning Administrator\*\***

The following is to filled out and signed by the owner of the proposed building

This form is to be accompanied by 6 sets of plans for review

1. LOCATION OF PROPERTY: Seabrook Island Lake Entry Tract

2. OWNER: Seabrook Island I, L.L.C.

ADDRESS: P.O. Box 1707 TELEPHONE 722-8169

3. ARCHITECT: Mark Bishop - 852-9442/Paul Reilly - 768-8949

ADDRESS: Charleston, SC TELEPHONE \_\_\_\_\_

4. LAND SURVEYOR / PROFESSIONAL ENGINEER: G. Robert George & Assoc.

ADDRESS: 2411 Savannah Hwy., TELEPHONE 556-4261

Charleston, SC

5. CONTRACTOR: Bennett Hofford Const. Co., Inc.

ADDRESS: 17 Lockwood Dr., Chas TELEPHONE 722-8169

6. FINAL DRAWING CHECK LIST

XX FINAL SITE PLAN XX FINAL FLOOR PLANS XX FINAL ELEVATIONS

XX LANDSCAPE PLAN XX ARCHITECTURAL SEAL ON DRAWINGS

7. SQUARE FOOTAGE

\* A TOTAL OF SQUARE FOOTAGE OF ALL STRUCTURES  
(INCLUDING OVERHANGS AND EVESE)

\* B COVERED DECKS, PORCHES AND PORTICOS

\* C UNCOVERED DECKS \_\_\_\_\_ GARAGES \_\_\_\_\_ OTHER \_\_\_\_\_

\* D TOTAL SQUARE FOOT COVERAGE

- \* 7A. Home sq. ft. to be from 1600 to 3200
- \* 7B. 600 to 2000 sq. ft.
- \* 7C. 200 to 800 sq. ft.; garages - 200 to 800 sq. ft.
- \* 7D. Total not to exceed 40% of lot area

8. EXTERIOR FINISHES \*  
WALL MATERIAL Cedar/Hardie Dark approved colors  
TRIM MATERIAL Cedar/#1 treated pine - color: Old VA white/Nava white  
ROOF MATERIAL metal COLOR grey/gree/red/brown

9. PARKING REQUIREMENTS (SEC. 9 OF THE DSO)  
NUMBER REQUIRED 2-3 per unit

10. SIGNAGE  
LOCATION OF SIGN entrance at Seabrook Island Rd./typical street signage

TYPE  
PERMAMENT XX TEMPORARY XX

DESCRIPTION  
MATERIAL wood COLOR grey

BACKGROUND grey LETTERING black

11. SITE PLANS SHOULD BE APPROVED WHERE APPLICABLE BY:

St. Johns Fire department XX Office of Ocean and Coastal Resource Mgmt. XX

Seabrook Island POA XX Charleston County Public Works \_\_\_\_\_

Corp of Engineers XX S.I. Water & Sewer Commission XX

Dept. of Health and Environmental Control XX

12. SIGNATURE John H. Hofford

PRINTED NAME John H. Hofford, Managing Member

DATE 04/21/00

(1)



#13

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2000-08

ADOPTED June 5, 2000

AN ORDINANCE TO AMEND THE PLANNED UNIT DEVELOPMENT WITHIN AREA SIX FOR THE LAKE ENTRY TRACT (DEVELOPED AS THE VILLAGE AT SEABROOK)

WHEREAS, Seabrook Island I, LLC, submitted a zoning application to the Town of Seabrook Island for the Lake Entry Tract Planned Unit Development ("PUD"); and

WHEREAS, Seabrook Island I, LLC, proposed that the Lake Entry Tract be developed as 106 multi-family residential lots provided such development complies with all applicable provisions of the Town's Code and DSO; and

WHEREAS, pursuant to Section 5.50.30 of the Development Standards Ordinance, this property must be developed as a planned unit development and approved by the Town Council; and

WHEREAS, by Ordinance 2000-01, the Town of Seabrook Island approved the proposed PUD for this development; and

WHEREAS, the Planning Commission has reviewed the "Declaration of Covenants and Restrictions for the Village at Seabrook and provisions for and bylaws of the Seabrook Island Property Owners' Association, Inc.," (the "Declarations") and has made recommendations for revisions to the same which have been adopted by the applicant and submitted for inclusion in the terms and conditions of the PUD for this development; and

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WHEREAS, Town Council is authorized to amend its zoning ordinance; and

WHEREAS, a properly noticed public hearing was held on this ordinance as proposed on June 5th, 2000.

NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:

SECTION 1. Purpose

This Ordinance is adopted to amend the Lake Entry Tract PUD established by Ordinance 2000-01 so as to include the Declarations as part and parcel of the PUD requirements and restrictions.

SECTION 2. PUD Amended

The Lake Entry Tract PUD (Application # 1739 as amended)(Exhibit A) is hereby approved and adopted. The approved amendments to the application which shall constitute the PUD for this property are shown on the map attached as Exhibit B and

incorporated herein by reference. The Lake Entry Tract PUD is subject to all of the requirements of the Town Code and DSO including but not limited to DSO Sections (7) and (8). The applicant further agrees all roads within the PUD as well as the six-acre lake shall be deeded to the Seabrook Island Property Owner's Association. In addition, subject to the provisions set forth above, the terms and conditions of the Declarations as approved and modified by the Planning Commission, a copy of which is attached as Exhibit C and incorporated herein by reference, are hereby adopted as additional terms and restrictions of this PUD and the zoning granted therein. In the event of any conflict between the terms of the Declarations and the DSO or Town Code, the more restrictive shall apply.

SECTION 3. Severability

If any part of this ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 4. Effective Date

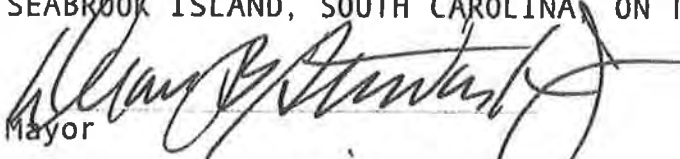
This Ordinance shall be effective upon its enactment by the Town Council of the Town of Seabrook Island.

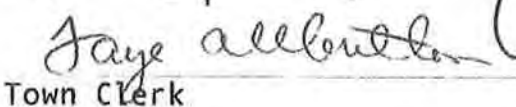
18

SECTION 5. Codification

<sup>S. 93.0</sup>  
The provisions of this Ordinance shall be codified at DSO Sections ~~5.92.0~~ (The Village at Seabrook a/k/a Lake Entry Tract) and ~~5.92.10~~ (Master Plan and Requirements).  
<sup>S. 93.10</sup>

PASSED, APPROVED AND ADOPTED BY THE COUNCIL FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA, ON THIS 5th DAY OF June, 2000.

  
Mayor

  
Town Clerk

First Reading: May 23, 2000  
Public Hearing: June 5, 2000  
Second Reading: June 5, 2000

Town of Seabrook Island - Zoning Permit

Permit Date: 03/27/1997 Permit #, Town: 1739 License #: 0  
TMS Number: 147-00-00-009 Thru: And: Paid Date: 03/27/1997  
App Fee: \$820.00 Cash: No Check #: 1008  
Applicant Name: Seabrook Island I.L.C. Phone:  
Contact Name: Hank Hafford or Dave Savitz  
App Address1: 17 Lockwood Dr. The Rice Hill  
App Address2:  
App City: Charleston St: SC Zip: 29402

Property Owner: Seabrook Island I.L.C. Phone: 722-8200  
Owner Address1: P.O. Box 1707  
Owner Address2:  
Owner City: Charleston St: SC Zip: 29455

Property Location: Lot: Block:  
Property Address: 56 acre lake entry tract

Purpose: Submittal of a Planned Unit Development for property presently known as the Lake Entry Site. This property is just past the gate on the left leading into the Island.

Work Value: \$0.00 Const Cost: \$0.00 Flood Elev: 13 Zone: A8

Architectural Review Board:

Comments: Requires Recommendation of Planning Commission and approval of Town Council

The Town Council voted on June 24, 1997 to accept the Planning Commission recommendation that this application be denied because it did not meet sec 8.10.0 \*\*\*\* March 22, 2000, The Town Council voted to approve the amended PUD which changes the development from a Health Care Facility to a development of 106 Multi-Family lots. \*\*\*\*  
Amendment: 2/4/2000 to amend this application for a planned development of a health care facility to a planned multi-family development of 106 units.

This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.  
If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code.  
Any extentions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.

I hereby certify that the above information and any plan or drawing submitted herewith are true and accurate indications of existing or proposed improvements to the above identified property.

Owner/Applicant's Signature  
Wednesday, January 12, 2000

*Wayne M. Smith*  
Zoning Administrator  
Wednesday, January 12, 2000

*James Hafford*  
Printed Name

APPROVED BY TOWN COUNCIL  
ON ~~JAN 25, 2000~~  
MARCH 22, 2000  
P.M.D.

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Exhibit "A"

106 lots

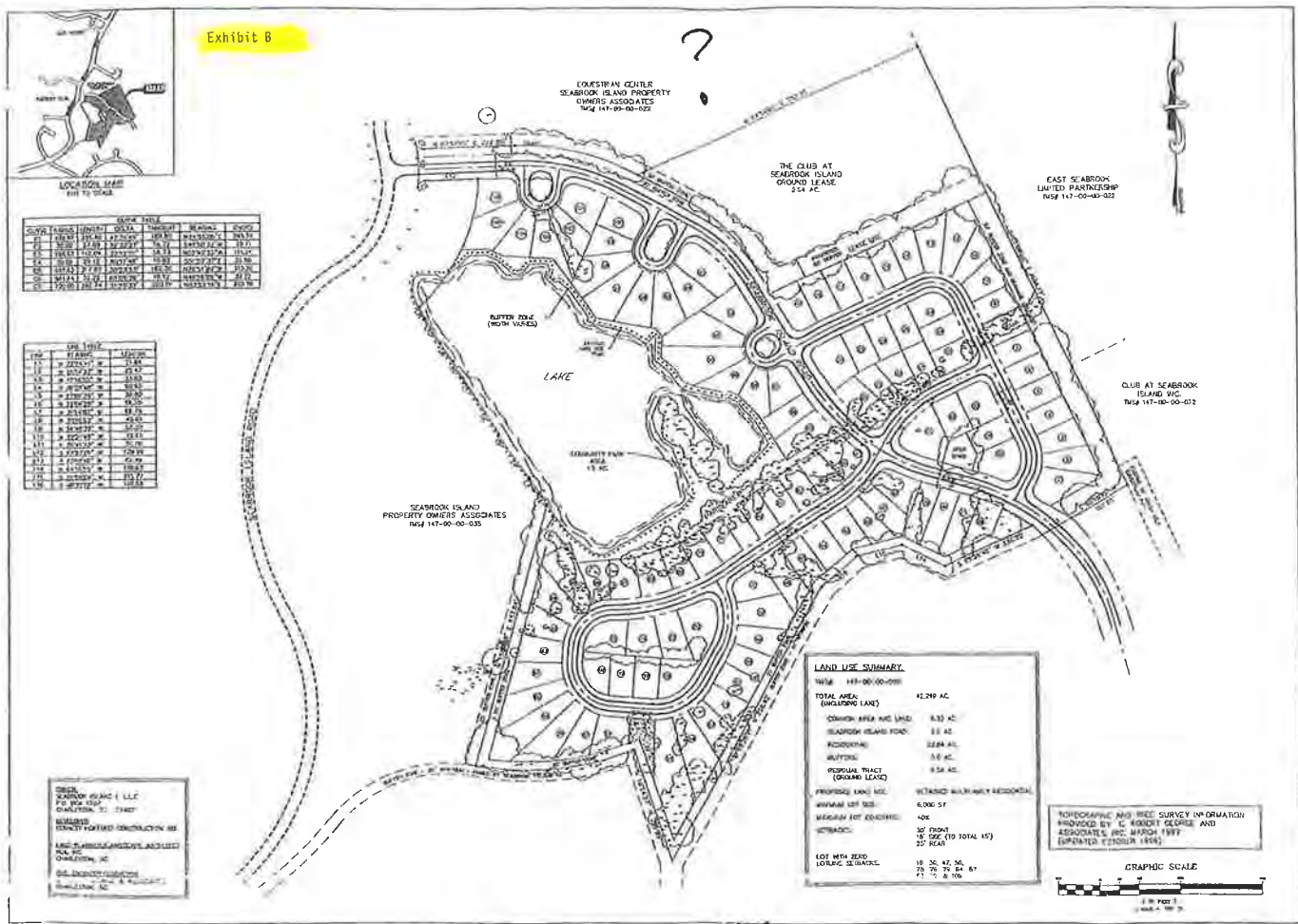


Exhibit B

**HLA HOFFMAN LESTER ASSOCIATES, INC.**  
 Land Planning • Site Preparation • Landscape Architecture  
 29 JENSBACH DRIVE • CHARLESTON, S.C. • 29407 • (843) 763-1188

AMENDMENT TO P.U.D.  
 AND LAND USE PLAN  
 VILLAGES AT SEABROOK  
 (LAND PARTY TRACT)  
 SEABROOK ISLAND, SOUTH CAROLINA

PROJECT  
 97050 00  
 DATE 12-22-99  
 SCALE 1"=100'  
 DRAWN BY  
 CHECKED BY  
 REVISIONS  
 1 of 1

*Not signed by Z.A.  
 Not registered in Charleston County  
 Not correct owner of  
 Equestrian Center*

12-22-99

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PRELIMINARY PLAT - P

156

PRELIMINARY PLAT RECORDED 5-26-2000 106 LOTS

- REFERENCES:**
- PLAT SHOWING SUBDIVISION OF A 14,234 ACRE TRACT, OWNED BY SEABROOK ISLAND DEVELOPMENT GROUP BY DANIEL D. HOFFORD, DATED APRIL 2, 1988, RECORDED IN PLAT BOOK 271 PAGE 3.
  - PLAT OF A 30,150 ACRE TRACT AND A 1,450 ACRE OCEAN FRONT TRACT IN SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA, DATED AUGUST 21, 1985, SHOWED IN PLAT BOOK OF PAGE 12.
  - PRELIMINARY PLAT SUBDIVISION OF A 42,328 ACRE TRACT, DATED FEBRUARY 11, 2000 BY THE PROPERTY OWNERS ASSOCIATES OF SEABROOK ISLAND, INC. SHOWING THE LAGOON PERIMETER COMMON AREA, THE VILLAGE AT SEABROOK, THE CLUB AT SEABROOK ISLAND, THE EQUESTRIAN CENTER AT SEABROOK ISLAND, AND THE PALMETTO LAKE EXISTING LAGOON AREA.
  - PRELIMINARY LOT LAYOUT & EXISTING UTILITIES, THE PROPERTY AT SEABROOK ISLAND, DATED JANUARY 11, 1999, BY AN ARCHITECTURE & ENGINEERING FIRM, OWNERS IS UNRECORDED.
  - PLAT SHOWING THE SUBDIVISION OF A 2,111 ACRE TRACT, DATED FEBRUARY 11, 2000 BY THE PROPERTY OWNERS ASSOCIATES OF SEABROOK ISLAND, INC. SHOWING THE LAGOON PERIMETER COMMON AREA, THE VILLAGE AT SEABROOK, THE CLUB AT SEABROOK ISLAND, AND THE PALMETTO LAKE EXISTING LAGOON AREA.
  - CHARLESTON COUNTY MAP NO. 147-00-23

**LEGEND**

(Solid line)	PROPERTY LINE AND 100' P.W. SET
(Dashed line)	PROPERTY LINE AND 150' P.W. FOUND
(Dotted line)	ADJACENT RIGHT-OF-WAY LINE
(Dash-dot line)	ADJACENT PROPERTY LINE
(Long-dash line)	CONCRETE LINE
(Short-dash line)	NEW OVERHEAD (ELECTRIC) W/L
(Wavy line)	UNDESIGNED FRESHWATER RETENTION
(Stippled area)	UNDESIGNED FRESHWATER RETENTION
(Hatched area)	LAGOON PERIMETER COMMON AREA

**LAND USE SUMMARY:**

TRMS: 147-00-00-008

TOTAL AREA (INCLUDING LAKE)	42,328 ACRES	1,642,477.74 SF
LANDING (LAND AREA)	5,846 ACRES	256,277.72 SF
TOTAL PER LOTTER (LOT AREA)	2,640 ACRES	116,709.06 SF
COMMON AREA	0.2 ACRES	0,516.47 SF
TOTAL RESIDENTIAL	18.38 ACRES	798,158.64 SF
ROADWAY RIGHT-OF-WAY AREA	6.452 ACRES	281,104.24 SF
LAGOON PERIMETER COMMON AREA	2,334 ACRES	101,875.44 SF
LAGOON AREA	0.088 ACRES	3,846.17 SF
<b>PHASE I</b> (COMMUNITY R/W AREA)	6.482 ACRES	281,734.24 SF
<b>PHASE II</b> (RESIDENTIAL AREA)	4,121 ACRES	179,955.02 SF
<b>PHASE III</b> (RESIDENTIAL AREA)	8,358 ACRES	364,305.21 SF
<b>PHASE IV</b> (RESIDENTIAL AREA)	3,246 ACRES	141,478.39 SF
<b>PHASE V</b> (RESIDENTIAL AREA)	0,704 ACRES	30,921.12 SF
<b>PHASE VI</b> (RESIDENTIAL AREA)	5,8 ACRES	254,875.52 SF
<b>PHASE VII</b> (RESIDENTIAL AREA)	1,861 ACRES	82,299.44 SF
<b>PHASE VIII</b> (RESIDENTIAL AREA)	1,123 ACRES	49,151.12 SF
<b>PROPOSED LAND USE</b>	DETACHED RESIDENTIAL	18,380 SF
<b>MINIMUM LOT SIZE</b>	4,000 SF	
<b>MINIMUM LOT COVERAGE</b>	45%	
<b>SETBACKS</b>	30' FRONT	
	15' SIDE (10' MIN. 15')	
	25' REAR	
<b>LOT BOUNDARY ZERO</b>	41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106	
<b>LOT BOUNDARY ZERO</b>	41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106	

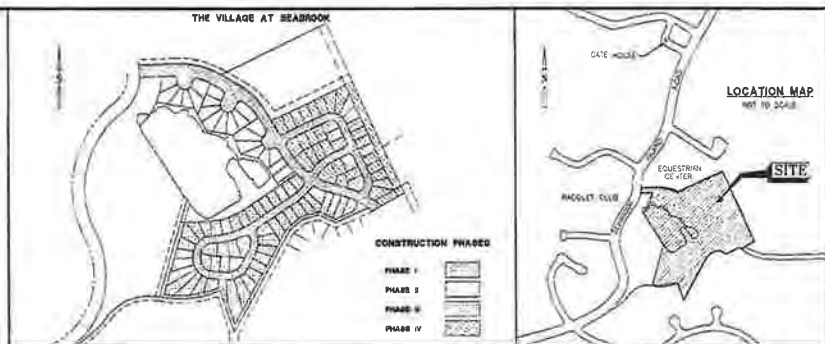
**FLOOD ZONE DATA**

THIS INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED AS A BASIS FOR ANY DECISIONS. THE PROPERTY OWNERS ASSOCIATES OF SEABROOK ISLAND, INC. HAS BEEN ADVISED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) THAT THE FLOOD ZONE DATA IS BASED ON THE BEST AVAILABLE DATA AND IS SUBJECT TO CHANGE. THE PROPERTY OWNERS ASSOCIATES OF SEABROOK ISLAND, INC. HAS BEEN ADVISED BY FEMA THAT THE FLOOD ZONE DATA IS SUBJECT TO CHANGE AND IS NOT TO BE USED AS A BASIS FOR ANY DECISIONS.

NO WARRANTY IS MADE THAT THE METHOD OF AREA DETERMINATION HAS BEEN COMPLETED USING THE PRINCIPLES OF GEOMETRIC CONCEPTS.

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**CLUB AT SEABROOK ISLAND INC.**  
TRMS 147-00-00-072

**EAST SEABROOK UNITED PARTNERSHIP**  
TRMS 147-00-00-022

**THE CLUB AT SEABROOK ISLAND**  
INCLUDING PERIMETER BUFFERS & GENERAL UTILITY EASEMENT  
5.885 ACRES

**ZONE A0 (EL. 10)**

**ZONE AB (EL. 13)**

**ZONE AD (EL. 16)**

**ZONE AE (EL. 19)**

**ZONE AF (EL. 22)**

**ZONE AG (EL. 25)**

**ZONE AH (EL. 28)**

**ZONE AI (EL. 31)**

**ZONE AJ (EL. 34)**

**ZONE AK (EL. 37)**

**ZONE AL (EL. 40)**

**ZONE AM (EL. 43)**

**ZONE AN (EL. 46)**

**ZONE AO (EL. 49)**

**ZONE AP (EL. 52)**

**ZONE AQ (EL. 55)**

**ZONE AR (EL. 58)**

**ZONE AS (EL. 61)**

**ZONE AT (EL. 64)**

**ZONE AU (EL. 67)**

**ZONE AV (EL. 70)**

**ZONE AW (EL. 73)**

**ZONE AX (EL. 76)**

**ZONE AY (EL. 79)**

**ZONE AZ (EL. 82)**

**ZONE BA (EL. 85)**

**ZONE BB (EL. 88)**

**ZONE BC (EL. 91)**

**ZONE BD (EL. 94)**

**ZONE BE (EL. 97)**

**ZONE BF (EL. 100)**

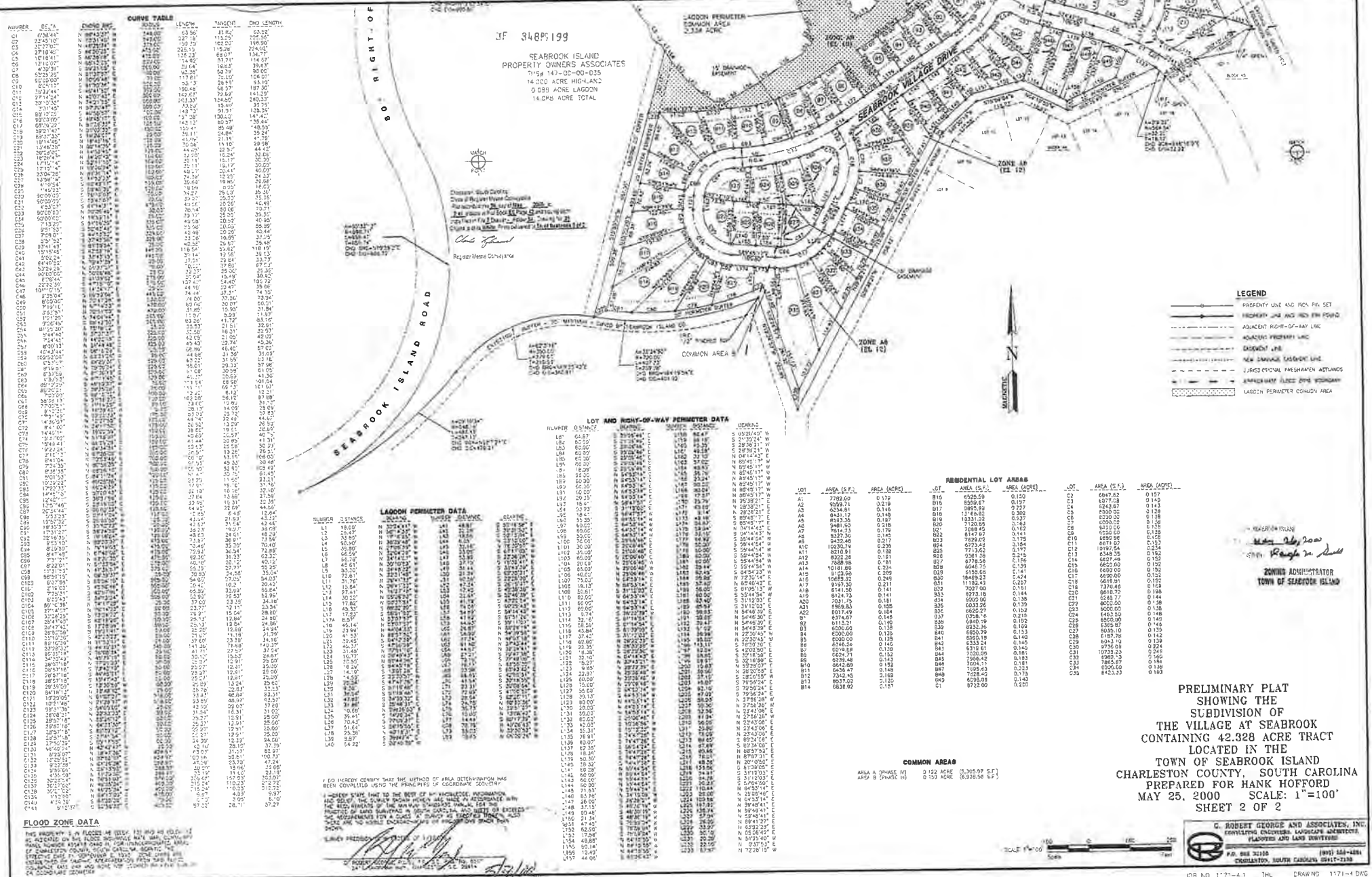
**ZONE BG (EL. 103)**

**ZONE BH (EL. 106)**

**PRELIMINARY PLAT**  
SHOWING THE  
SUBDIVISION OF  
**THE VILLAGE AT SEABROOK**  
CONTAINING 42,328 ACRE TRACT  
LOCATED IN THE  
**TOWN OF SEABROOK ISLAND**  
CHARLESTON COUNTY, SOUTH CAROLINA  
PREPARED FOR HANK HOFFORD  
MAY 25, 2000 SCALE: 1"=100'  
SHEET 1 OF 2

**G. ROBERT GEORGE AND ASSOCIATES, INC.**  
CONSULTING ENGINEERS, LANDSCAPE ARCHITECTS,  
PLANNERS AND LAND DEVELOPERS  
P.O. BOX 2818 CHARLESTON, SOUTH CAROLINA 29402-0281  
TEL: 778-1111 FAX: 778-1112

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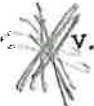
plat as "The Village at Seabrook Common Properties". Any property that is leased to the Association and designated in such lease as "The Village at Seabrook Common Property" shall be a common property of The Village at Seabrook and therefore shall be "The Village at Seabrook Common Property" but shall lose its designation and character as "The Village at Seabrook Common Property" upon the expiration of such lease, if not renewed or extended. Also, Declarant may designate The Village at Seabrook Common Properties pursuant to Paragraph 6(b) hereof.

- t. "Plat" shall mean and refer to the conditional plat of the Subdivision prepared by G. Robert George, P.L.S., P.E.S.C. Reg. No. 6517 entitled "Preliminary Plat Showing The Subdivision of The Village At Seabrook Containing 42.328 Acre Tract Located In The Town of Seabrook Island, Charleston County, South Carolina Prepared For Hank Hofford", dated May 25, 2000, and recorded on May 26, 2000, in Plat Book EE at Pages 41 and 42, in the R.M.C. Office. The term "Plat" shall also refer to any subsequent conditional or preliminary plats and/or final subdivision plats of the Subdivision when approved by the Town of Seabrook Island and/or the County of Charleston and recorded in the R.M.C. Office.
- u. The "Property" shall mean and refer to the property described on Exhibit "A" attached hereto and incorporated herein by reference which is hereby subjected to this Declaration. (23)
- v. "Recorded Covenants" shall mean and refer to certain general restrictive covenants guiding the overall development of Seabrook Island, which said covenants are set forth in Restrictions, Covenants and Conditions recorded in Book N100 at Page 296, amended in Book Y110 at Page 143, Book J144 at Page 67, Book J164 at Page 487, Book L186 at Page 697, Book K215 at Page 23; Restrictions, Covenants and Conditions recorded in Book M105 at Page 194, amended in Book Y110 at page 145, Book B145 at page 246, Book E164 at Page 340, Book L186 at Page 697, Book R221 at Page 197; Restrictions, Covenants and Conditions recorded in Book B141 at page 267, amended in Book J144 at Page 59 and Book L186 at page 718; Conservation Easement and Declaration of Restrictions and Covenants recorded in Book V263 at page 44 in the Charleston County R.M.C. Office.
- w. "R.M.C. Office" shall mean and refer to the Office of the Register of Mesne Conveyances for Charleston County, South Carolina and the office of the Register of Deeds of Charleston County, South Carolina as said office may from time to time be designated.
- x. "Subdivision" shall mean and refer to, collectively the lots, road right-of-ways and other community facilities and areas located within the Property.

DECLARATIONS V@S P26  
BKH 360PG854

In addition thereto, Declarant has established the following additional Covenants and Restrictions:

a. Miscellaneous Covenants, Conditions, Restrictions and General Dwelling Specifications.

- i. Setback and other building standards shall be determined by the Seabrook Island Property Owner's Architectural Review Board (the "ARB"), from time to time, subject to approval of Declarant. All Lots and Property developed shall also comply with all applicable requirements of the Town Code and Development Standards Ordinance of the Town of Seabrook Island.
- ii. Multi family dwellings constructed on the Lots shall be constructed in accordance with several basic home design plans heretofore given preliminary approval by Declarant. Any material variation from such plans shall require the prior written approval of Declarant and the ARB. All multi-family dwellings and commercial buildings constructed on the Property must apply for and receive architectural review approval by the Town of Seabrook Island Planning Commission as set forth in the Town Code and Development Standards Ordinance of the Town of Seabrook Island.
- iii. The exterior colors of such dwellings shall be limited, and subject to approval by Declarant, the ARB, and the Planning Commission of the Town of Seabrook Island.
- iv. No residence or dwelling shall be constructed on any Lot with less than 1,500 square feet of total heated enclosed dwelling area.
- v.  The Property is in excess of five (5) acres, therefore the PUD process set forth in the Town Code and Development Standards Ordinance of the Town of Seabrook Island must be followed.

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b. Easements.

Specific easements in favor of Declarant for the installation and maintenance of utilities, landscaping, pest control, and environmental control and protection are set forth in the Recorded Covenants. In addition to such easements, there are hereby reserved for the benefit of the Declarant and the Association, their respective successors and assigns. over, under, upon and across each Lot in the Subdivision, the following non-exclusive rights and easements:

- i. Declarant hereby reserves for itself, its agents, employees, invitees successors and assigns, for and during the period that it owns any of The Village at Seabrook Common Property or any Lot primarily for the purpose of sale or



**Application 2690: The Club, represented by David Linker, owner of Ocean Air Repair and Construction, is applying for a zoning permit to expand the pavilion and add a storage shed at the Racquet Club.**

Mr. Linker provided the Commission with a layout of the proposed project. The Zoning Administrator commented that he was satisfied with the information Mr. Linker had provided the Commission. Chairman Hockersmith asked the Commission members for any other comments concerning the request for the permit. Hearing none the Chairman asked for a motion. Commissioner Barbara Winsmore moved to approve application 2690 as submitted. Commissioner Richard Clarke seconded the motion. The motion was unanimously approved.

**Application 2611: Seabrook Island I, LLC, has applied to develop the remainder of the Lake Entry tract consisting of 106 Multi-Family Residential units (TMS#147-00-00-009). This application will also include the completion of Seabrook Island Road.**

Mr. Hofford and Mr. Blackwelder appeared before the Commission to request final approval for The Village at Seabrook. Seabrook Island I, LLC, is requesting shared driveways be allowed within the development. Chairman Hockersmith stated that he would speak with the Town's Attorney, Stephen Brown, concerning this matter. A proposed Ordinance would require the width of the shared driveway to allow for two cars to pass each other safely while moving. Exact specifications for the width of the driveways to ensure safe ingress and egress was not decided. Other specifications for shared driveways will continue to be discussed during the Commission work sessions. Chairman Hockersmith noted that the Covenants must clearly state the requirements of ownership and maintenance for shared driveways.

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The Planning Commission will require some changes to the Covenants for the Village at Seabrook. Town Attorney Stephen Brown drafted some suggested changes to the Covenants that should be included on page 6, Sections 3. a. I, II, and III. After discussing the suggested changes the Commission agreed that the corrected wording should be:

- i. Setback and other building standards shall be determined by the Seabrook Island Property Owner's Architectural Review Board (ARB), from time to time, subject to approval of Declarant. All lots and property developed shall also comply with all applicable requirements of the Town Code and Development Standards Ordinance of the Town of Seabrook Island.
- ii. Multi-family dwellings constructed on the lots shall be constructed in accordance with several basic home design plans heretofore given preliminary approval by Declarant. Any material variation from such plans shall require the prior written approval of Declarant and the ARB. All multi-family and commercial buildings must apply for and receive architectural review approval by the Planning Commission as set forth in the Town Code and Developmental Standards Ordinance of the Town of Seabrook Island.

- iii. The exterior colors of such dwellings shall be limited and subject to approval by Declarant and the ARB as well as the Planning Commission of the Town of Seabrook Island.
- iv. No residence or dwelling shall be constructed on any lot with less than 1,500 square feet of total heated enclosed dwelling area.

Add section v which states "As the property being developed is in excess of five (5) acres, the PUD process set forth in the Town Code and Development Standards Ordinance of the Town of Seabrook Island must be followed."

Chairman Hockersmith felt that the Planning Commission could give conditional approval of the application based on the suggested changes.

A Plan Review was provided by Charleston County Civil Engineer Mathew Rennhack, that listed nine requirements of the Charleston County Road Code and recommendations by Mr. Rennhack. These requirements must be met before Charleston County will approve the plans for road construction. Mr. Blackwelder and the Town Zoning Administrator will meet with Mr. Rennhack to assure that all requirements are satisfied prior to Town Council consideration of the matter. According to Mr. Hofford, all county requirements have been met.

Documentation by the SIPOA acknowledging and accepting the proposed access and maintenance of the drainage system will be required as a part of the conditional approval given by the Planning Commission. Mr. Giuffreda stated that a letter of acceptance for the drainage system would be provided. Commissioner Joe Fortune moved to approve Application 2611 with the changes to the Covenants that are required. Commissioner Richard Clarke seconded the motion. The motion was unanimously approved.

26

Setback requirements for the development of amenities on the Palmetto Lake peninsula in areas near the Lake could allow a setback of 25 feet for impervious deck structures and 15 feet for pervious deck structures.

**Miscellaneous:**

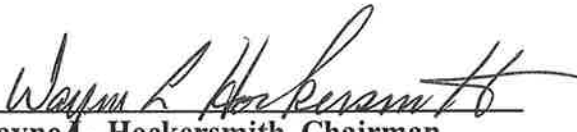
**Ordinance 2000-07, to amend Section 2.10.40 of the DSO, to allow a water main line and equestrian trail within a buffer zone**

Commissioner Richard Clarke moved that the Planning Commission recommend to Town Council the approval of Ordinance 2000-07, amendment of Section 2.10.40 of the DSO. Commissioner Barbara Winsmore seconded the motion. The Commission unanimously approved the motion.

Meeting adjourned 4:20 p.m.

Page 4  
Planning Commission  
May 12, 2000

27

  
Wayne L. Hockersmith, Chairman

 6-14-2000  
Lynda Whitworth, Secretary

Sec. 14.30. - Preliminary Site Plan.

Section

14.30.30 → § 5+6

Sub back  
for multiple  
family

To facilitate Site Plan review, the developer shall submit a Preliminary Site Plan to the Town for review and comment by the Zoning Administrator and Planning Commission. Because Preliminary Site Plain submissions are likely to contain less detailed information than Final Site Plan submissions, with the result that application of the review criteria to these two submissions may yield different results, all review of Preliminary Site Plans is tentative and subject to reconsideration upon submission and review of a Final Site Plan. However, within these parameters the Planning Commission may approve elements of a Final Site Plan submission that were tentatively approved in a Preliminary Site Plan and remain unchanged and unaffected by other changes to the proposed development.

§ 14.30.10. *Purpose.* Approval of the preliminary site plan is the primary and most significant portion of the approval process. All input concerning the design, location, character and impact of the proposed development should take place during preliminary site plan review. When the preliminary site plan has been approved and accepted by the Planning Commission, no significant changes shall be made without further approval of the Planning Commission in filing for review of the final site plan.

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§ 14.30.20. *Pre-application Conference.* An applicant for preliminary site plan approval shall meet with the Planning Commission to discuss basic site plan procedures and requirements and to consider the elements of the site in question and the proposed development.

§ 14.30.30. *Preliminary Site Plan Submission.* An application for preliminary site plan approval shall be filed with the Zoning Administrator. The applicant or his representative shall submit three (3) copies of the following information for preliminary site plan review:

- (a) A legal description of the property under review for site plan approval.
- (b) Site conditions information, including a topographic map of the site of a scale not smaller than one (1") inch equals sixty (60') feet, showing two-foot contours professionally stamped by a registered South Carolina land surveyor. Where applicable (ocean, marsh, river) the South Carolina Coastal Council critical base line must also be shown. Where the proposed tract is large, a smaller scale may be agreed upon by the Commission and developer.
- (c) Generalized soil types in project area and in surrounding area, if significantly different from project area.
- (d)

Information about the type and location of existing vegetation, including a written statement indicating the approximate size and location of major tree groupings and those trees with a trunk diameter of six (6) inches or more at a point four and one-half (4½) feet above ground level. Aerial and on-site photographs may be used to show vegetation. All such information shall be dated and generated within 18 months of the date of application.

- (e) A preliminary sedimentation control plan shall be submitted indicating the manner by which on-site generated sediment will be retained. Said plan shall assure that sediment volume from the development leaving the property shall not be increased above the level existent prior to the beginning of construction activity.
- (f) A Site Conditions Map including:
  - (1) A general location map showing the relationship of the site to such external facilities as streets, residential areas, commercial facilities and recreation/open space areas.
  - (2) The location of all existing structures, streets, rights-of-way, easements and other reservations of the land in the area of the property in question, means of ingress and egress to such property, off-street parking loading and service areas, if any, for or on such property and any screening or buffers on such property and the nature and type thereof.
  - (3) The location and size of all existing utilities, including existing fire hydrant locations.
  - (4) The location of all water holding or carrying facilities, natural or man-made, including creeks, ponds, ditches, culverts and storm sewers and the direction of surface flow.
- (g) A site development plan of professional quality drawn at a scale not smaller than one (1") inch equaling sixty (60') feet. Smaller scale for very large land areas may be accepted if the Zoning Administrator determines such scale will provide the necessary details to determine compliance with this Ordinance. A site development plan must show:
  - (1) The name of the person or firm who prepared the plans, the name of the developer, the name of the proposed project or development, a North arrow and date.

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- (2) The location of all proposed streets, driveways or other facilities designed to accommodate vehicular movement in the development and points of ingress and egress, parking areas including the exact number of spaces and loading and service areas (location of dumpsters and any utility buildings) and a traffic impact analysis of projected trip generation, including methods of circulation for the development.
  - (3) The proposed use, location and dimensions of all proposed buildings and structures to be included in the development:
  - (4) For all development, the gross floor area of all buildings and proposed lot coverage.
  - (5) For multifamily residential development, the exact number of dwelling units.
  - (6) Dimensions of all required and proposed yard setbacks and open spaces.
  - (7) Location and dimensions of all open space and recreation areas planned with attention to their adequacy in terms of size and placement, their effect on privacy of adjacent living areas and their relationship to community-wide open spaces and recreation facilities.
  - (8) A preliminary drainage plan, showing the manner of drainage of the property, accounting for drainage from roofs and both impervious and pervious surfaces, and including all proposed control devices such as storm sewers and retention and detention facilities.
  - (9) The percentage of the site that will be covered by buildings and structures and the percentage that will be covered by streets, drives, parking and loading areas.
  - (10) If any items required for submission of a Preliminary Site Plan are inapplicable or irrelevant to a proposed development, the application shall so state, giving the reasons therefore.
- (h) Scaled Site plans for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted, must also depict:
- (1) Adjacent land uses.
  - (2) The height and typical design of the tower, typical materials to be used,

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color and lighting on elevation drawings.

- (3) Other information as requested by staff or the Planning Commission to allow adequate review of approval criteria, including photographs with the tower superimposed to assess visual impact.

§ 14.30.40. *Preliminary Commission Review.* The Commission shall, in a timely manner, review all preliminary site plans at a public meeting and determine whether they meet the provisions of this Ordinance and other applicable regulations. In denying approval of a preliminary site plan, the Commission shall specify in writing, how or in what respects, if at all, the applicant's site plan may be amended or supplemented in order to meet the requirements of this Ordinance. No preliminary site plan shall be approved unless and until the Commission has made findings that the application meets the following criteria:

- (a) Compliance with the requirements of this Ordinance.
- (b) The proposed development will minimize the detrimental impact to the site and surrounding environmental areas, and meet all buffer requirements.
- (c) The proposed development will assure safe and convenient ingress to and egress from the property and internal circulation, including access of service and emergency vehicles and design of off-street parking and loading areas.
- (d) The proposed development must be designed and located so as to mitigate the affects of tidal surge, flooding, and other natural hazards associated with placing such development on a barrier island.
- (e) The proposed development will minimize environmental damage caused by the destruction of natural vegetation.
- (f) The proposed development will provide all required utilities and services, including adequate fire protection capability.
- (g) The proposed development will take all reasonable means of minimizing intrusions of noise, light, odor, dust and other similar annoyances into the privacy, quiet and habitability of surrounding areas; and that lighting fixtures and placement do not constitute a hazard to traffic.

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§ 14.30.50. *Notice and Authority to Proceed.*

- (a)



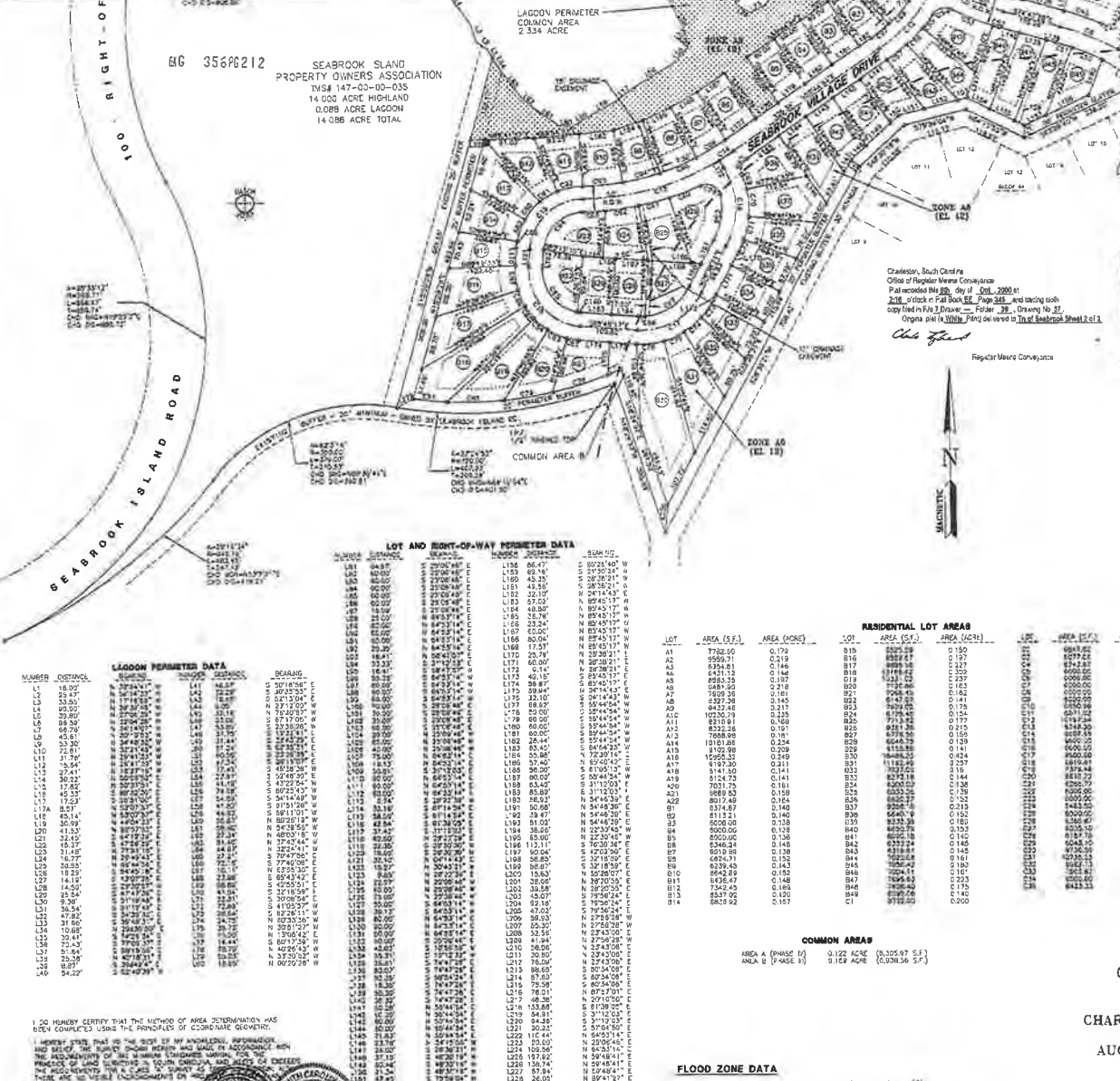


33

20

### CURVE TABLE

CHORD	ARC	ANGLE	CHORD	ANGLE	CHORD	ANGLE
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100	1.5708	90	100	1.5708	90	90
100	1.5708	90	100	1.5708	90	90



**PLAT NOTES:**

1. THIS PLAT SUBMITTED FOR FILING UNDER THE IRREVOCABLE LETTER OF CREDIT PROVISION OF THE SUBDIVISION REGULATIONS.
2. APPROVAL OF THIS PLAT DOES NOT AUTHORIZE OCCUPANCY.
3. DURATION OF APPROVAL SHALL BE ONE YEAR.
4. THE APPROVAL OF THIS PLAT IN NO WAY OBLIGATES THE TOWN OF SEABROOK ISLAND TO ACCEPT FOR CONTINUED MAINTENANCE ANY OF THE ROADS OR EASEMENTS SHOWN HEREON.

**LEGEND**

- - - - - PRESENTLY LINE AND NON-FIN SET
- - - - - PROPERTY LINE AND 4" ON FIN POINT
- - - - - ADJACENT RIGHT-OF-WAY LINE
- - - - - ADJACENT PROPERTY LINE
- - - - - EASEMENT LINE
- - - - - NEW SERVICE EXISTENCE LINE
- - - - - SURVEYOR'S PROFESSIONAL VIOLATIONS
- - - - - HORIZONTAL BEARING BEING DELIVERED
- - - - - LAGOON PERIMETER COMMON AREA

TOWN OF SEABROOK ISLAND  
 DATE 10/1/2000  
 APPROVED BY: [Signature]  
 TOWN ADMINISTRATION  
 TOWN OF SEABROOK ISLAND.

**CONDITIONAL PLAT SHOWING THE SUBDIVISION OF THE VILLAGE AT SEABROOK CONTAINING 42.328 ACRE TRACT LOCATED IN THE TOWN OF SEABROOK ISLAND CHARLESTON COUNTY, SOUTH CAROLINA PREPARED FOR HANK HOFFORD AUGUST 14, 2000 SCALE: 1"=100' SHEET 2 OF 2**

**COMMON AREAS**

AREA A (Phase I)	0.122 ACRE (5,305.97 S.F.)
AREA B (Phase II)	0.158 ACRE (7,038.26 S.F.)

**FLOOD ZONE DATA**

THIS PROPERTY IS IN FLOOD ZONES AE (ELEV. 137) AND AB (ELEV. 141) AS INDICATED ON THE FLOOD HAZARD RATE MAP COMMUNITY PANEL NUMBER 455413 0448 H FOR INCORPORATED AREAS OF CHARLESTON COUNTY, SOUTH CAROLINA. REGARDS THE EFFECTIVE DATE OF SEPTEMBER 2, 1993 ZONE MAPS ARE ESTABLISHED BY COUNTY REPRESENTATION FROM THE FLOOD INSURANCE RATE MAP AND WERE NOT LOCATED BY FIELD SURVEY OR COORDINATE GEOMETRY.

I DO HEREBY CERTIFY THAT THE METHOD OF AREA DETERMINATION HAS BEEN COMPLETED USING THE PRINCIPLES OF COORDINATE GEOMETRY.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, ALL INFORMATION AND DATA ARE TRUE AND CORRECT AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE MEASUREMENTS HAVE BEEN MADE IN ACCORDANCE WITH THE REQUIREMENTS FOR A SURVEY OF THIS TYPE AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE MEASUREMENTS HAVE BEEN MADE IN ACCORDANCE WITH THE REQUIREMENTS FOR A SURVEY OF THIS TYPE.

Surveyor's Seal and Signature

Make minor adjustments to P01

Sec. 14.40. - Final Site Plan Applications.

§ 14.40.10. *Purpose.* This procedure is intended to provide for a review of the details of a final site plan as well as any minor modifications made as a result of preliminary approval.

§ 14.40.20. *Final Site Plan Submissions.* The application for final site plan review shall be filed with the Planning Commission which shall at a public meeting obtain and make comments concerning the final site plan. The applicant or his representative shall submit three (3) copies of the following information for final site plan review, which shall include all information previously approved during the preliminary site plan review process, in addition to the following:

- (a) A grading plan including all finished elevations and contours.
- (b) The exact location of all public use easements.
- (c) The exact location of all utility services, including connection points to the main systems and fire hydrant locations.
- (d) A landscape plan that meets the requirements of Section (11) of this Ordinance.
- (e) A drainage plan including depth dimensions, cross-section dimension and statement of ratio or percentage of side slope angle of retention or detention facilities. Where applicable because of location, the required plans must meet the requirements of the South Carolina Coastal Council Stormwater Management Guidelines.
- (f) The location of all street signs.
- (g) The size, location and maximum intensity of all exterior lighting fixtures and devices.
- (h) Architectural elevations of all buildings and structures.
- (i) A development timetable, if project is to be constructed in phases.
- (j) A final sedimentation plan indicating the manner by which anticipated sediment and debris, generated within the confines of the development, will be retained on site (examples: hay bales, sediment traps, berms, etc., as appropriate to the situation). Sediment yield calculations will be provided by the applicant. The anticipated sediment yield estimate will be appropriately reduced in accordance with the developer's plan to utilize and preserve vegetation at the site.
- (k)

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If any items required for submission of a Final Site Plan are inapplicable or irrelevant to a proposed development, the application shall so state, giving the reasons therefore.

§ 14.40.30. *Final Site Plan Review.* The Planning Commission shall obtain and make comments concerning the final site plan at a public meeting.

- (a) The public meeting shall be held within thirty (30) days of the Zoning Administrator's receipt of a final site plan application.
- (b) Following the public meeting of the Commission, at which comments on the proposed site plan are solicited, the Commission shall review all proposed final site plans to determine whether they meet the requirements of this Ordinance and all special conditions imposed during the preliminary site plan approval process.
- (c) The Commission shall recommend either approval or disapproval of a proposed final site plan within thirty (30) days following the public meeting. In the event the Commission has not rendered a decision within thirty (30) days following the public meeting, the proposed final site plan shall be deemed approved unless the applicant agrees in writing to extend the timeline for such action to be taken.

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§ 14.40.40. *Authority to Proceed.* Final Site Plan approval by the Commission provides the applicant with the authority to proceed with building plans and to apply for a Zoning Permit. Final building plans must be submitted to and approved by the Commission as part of the application for a zoning permit pursuant to § 13.50.30.

§ 14.40.50. *Time Limitation and Extension.* Final site plan approval, as granted by the Commission, shall be effective for a period of nine (9) months, in which time the applicant must apply for zoning and building permits. If a building permit is not applied for within nine (9) months of the date of final approval, said approval shall be deemed null and void unless extended by the Commission.

§ 14.40.60. *Approval of Amendments to approved Site Plans.*

§ 14.40.61. Amendments to an approved Final Site Plan may be approved by the Zoning Administrator, without further review by the Planning Commission or public notice, for the following minor alterations: Any remodeling, enlargement, rearrangement, reconstruction or

redesign of any part of the development which does not conform to the approved site plan, but limited to, any remodeling, enlargement, rearrangement, reconstruction or redesign, which does not expand the gross floor area; enlarge a building envelope; alter the site configuration through site redesign or other change; make other than minor adjustments or shifts in the location and siting of buildings, structures, parking bays and parking spaces; make other than minor adjustments in the location of utility tie-ins and dumpsters; make other than minor adjustments in the location and types of landscape materials, excluding changes in location of buffers; make other than minor changes in walkway and bikeway systems; make other than the addition of up to five (5) new parking spaces.

§ 14.40.62. All other amendments to an approved Final Site Plan must be referred to the Planning Commission for review and comment, as provided in this Ordinance, prior to approval and/or issuance of a Zoning Permit by the Zoning Administrator.

(Ord. of 1-12-1989; Ord. No. 1995-06, 6-8-1995)

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Except where specifically superseded or modified by policies in *Policies & Procedures for Residential Development* (a SIPOA publication, available to all Property Owners, containing all the specific Board-approved rules and criteria applicable to planning, construction and alteration in the SID), all guidelines for single family residences are equally applicable to multi-family dwellings as may be determined by the ARC and the zoning ordinances of the Town of Seabrook Island. In areas restricted to single-family residential use, except as may otherwise be herein provided, no structure shall be erected, altered, placed or permitted to remain on a Property other than one (1) detached single-family dwelling not to exceed two (2) stories in height, and not to exceed a maximum height of thirty-six feet (36') above the base flood elevation for a particular Lot, and one detached two-car garage; provided, however, that a ground-level garage or storage space beneath an elevated dwelling and/or attic/storage space atop a dwelling shall not be considered to be a story of the dwelling for purposes of this provision so long as it is not used as living spaces.

There is no minimum size or price range requirement in the SID, except as specifically set forth by deed, but all structures must be compatible with the surrounding neighborhood, the community at large and the natural environment, as determined in the sole discretion of the ARC. The ARC, with approval of the Board, shall have the power to establish regulations and guidelines for external planning, construction and alteration on all Properties (SIPOA's Architectural Review Committee, *Policies & Procedures for Residential Development*).

20. SET-BACK LINES

Because the establishment of standard, inflexible building setback lines for location of single-family houses on Lots tends to force construction of houses with possible detrimental effects on privacy, view of the ocean, preservation of important trees, etc., no specific set-back lines are established by these Protective Covenants. In order to assure, however, that the location of the houses will be staggered, where practical, to preserve the view and breeze to each house, and so that the structures will be sympathetically located with regard to the topography of each individual lot, taking into consideration the height of the dunes, the location of large trees and similar considerations, notwithstanding and in addition to any other requirements and/or guidelines otherwise imposed, the ARC has and shall have the right to control absolutely and solely to decide the precise site and location of any house or dwelling, or other structure upon all Properties in the SID. However, such locations shall be determined only within limits prescribed in the applicable PUD, appropriate town ordinances and South Carolina DHEC/Bureau of Ocean and Coastal Resource Management Regulations and only after a reasonable opportunity is afforded the Property Owner to recommend a specific site.

21. EASEMENT OF VIEW

There shall be reserved for the use and benefit of the Owners of adjacent second-row beach Properties an easement of view running along the side boundary lines of oceanfront Properties for a width of five feet (5') on each side of such oceanfront Properties. The purpose of this easement is to enable Property Owners of second-row beach Properties to

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LAST PLAT MAP

101 Lots  
Recorded 12-19-2001

38

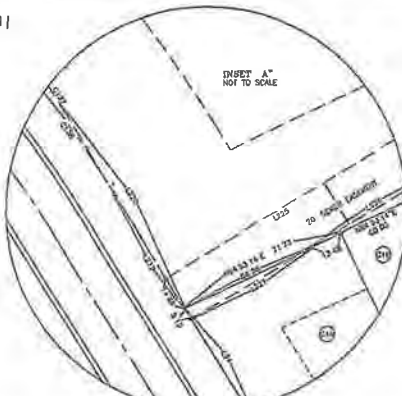
REFERENCES

- PLAT SHOWING SUBDIVISION OF A 16.24 ACRE TRACT OWNED BY SEABROOK ISLAND DEVELOPMENT GROUP BY DAVID C. THOMPSON SHOWING A 100' BUFFER ZONE IN PLAT BOOK 87 PAGE 30
- PLAT OF A 5.10-20-20E TRACT AND A 4.62 ACRE BUFFER ZONE OWNED BY SEABROOK ISLAND DEVELOPMENT GROUP BY DAVID C. THOMPSON SHOWING A 100' BUFFER ZONE IN PLAT BOOK 87 PAGE 32
- PROPOSED METROLOG CORPORATION MAP SAC-03-00-0248 DATED JANUARY 7 1982 BY THE ASSOCIATION OF ENGINEERS AND SURVEYORS OF NORTH CAROLINA INC. REFERENCE TO PLAT BOOK 87 PAGE 30
- PROPOSED LOT LAYOUT & EASEMENTS WITHIN THE PROPERTY AT SEABROOK ISLAND DATED FEBRUARY 27 1982 BY AN SCHWABE & ASSOCIATES INC. REFERENCE TO PLAT BOOK 87 PAGE 32
- PLAT SHOWING THE RECONSTRUCTION OF A 30 1/2 ACRE TRACT LOCATED IN THE TOWN OF SEABROOK ISLAND DATED MARCH 27 1989 BY G. ROBERT GEORGE & ASSOCIATES INC. REFERENCE TO PLAT BOOK 87 PAGE 32
- COMPLETED COUNTY TAX MAP 117-00-10
- PROPOSED PLAT SHOWING THE DIMENSIONS OF THE VILLAGE AT SEABROOK ISLAND DATED MAY 28 2000 BY G. ROBERT GEORGE & ASSOCIATES INC. REFERENCE TO PLAT BOOK 87 PAGE 32

LEGEND

- PROPERTY LINE AND HIGH PAV. SET
- PROPERTY LINE AND HIGH PAV. NOT SET DUE TO SLOPE C O
- PROPERTY LINE AND 100' PAV. BUFFER
- TRAILER PARK ON LINE
- RAILROAD RIGHT-OF-WAY LINE
- RAILROAD PROPERTY LINE
- EASEMENT LINE
- NEW DRAINAGE EASEMENT LINE
- APPROXIMATE FRESHWATER WELLS
- APPROXIMATE FLOOD ZONE EXTENT
- LAGOON PERIMETER COMMON AREA

PL 391PG591



Checked South Carolina  
Office of Register of Deeds  
This instrument is a copy of a document recorded in the Public Records of the State of South Carolina on 12/19/2001 at 10:11:11 AM. The original instrument is on file in the Office of the Register of Deeds, Charleston, South Carolina. The instrument is a copy of a document recorded in the Public Records of the State of South Carolina on 12/19/2001 at 10:11:11 AM. The original instrument is on file in the Office of the Register of Deeds, Charleston, South Carolina.

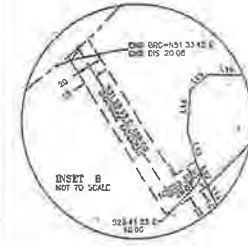
Register Means Conveyance



**NOTICE**  
THE APPROVAL OF THIS PLAT IN NO WAY OBLIGATES THE TOWN OF SEABROOK ISLAND TO ACCEPT FOR CONTINUED MAINTENANCE ANY OF THE ROADS OR FACILITIES SHOWN HEREON.

**LAND USE SUMMARY**

TRACT 147-00-00-009		
EXISTING LEASE AREA	5.883 ACRE	226,277.77 S.F.
TOTAL PERIMETER BUFFER AREA	2.600 ACRE	110,758.80 S.F.
COMMON AREA	0.122 ACRE	5,305.97 S.F.
TOTAL RESIDENTIAL	18.234 ACRE	794,259.86 S.F.
ROADWAY RIGHT-OF-WAY AREA	0.457 ACRE	199,200.75 S.F.
LAGOON PERIMETER COMMON AREA	2.334 ACRE	101,656.69 S.F.
LAGOON AREA	6.615 ACRE	288,140.97 S.F.
<b>TOTAL AREA (EXCLUDING LAGOON)</b>	<b>42.359 ACRE</b>	<b>1,843,793.74 S.F.</b>
<b>PROPOSED LAND USE:</b>	<b>DETACHED MULTIFAMILY** RESIDENTIAL</b>	
RESIDENTIAL LOT SIZE	5,000 S.F.	
MAXIMUM LOT COVERAGE	40%	
SETBACKS	30' FRONT 15' SIDE (TO TOTAL 16') 25' REAR	
LOT FINISHING ZERO LOTLINE NETWORK	AT 30' MIN. HIGH WATER MARK	



**FLOOD ZONE DATA**  
THIS PROPERTY IS IN FLOOD ZONES AB (ELEV. 12) AND AO (ELEV. 10) AS INDICATED ON THE FLOOD INSURANCE RATE MAP. COMMUNITY MAP NUMBER 10414. A FLOOD INSURANCE RATE MAP IS AVAILABLE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE FLOOD ZONE DATA IS FOR INFORMATION ONLY. THE FLOOD ZONE DATA IS NOT A GUARANTEE OF THE ACCURACY OF THE DATA. THE FLOOD ZONE DATA IS NOT A GUARANTEE OF THE ACCURACY OF THE DATA. THE FLOOD ZONE DATA IS NOT A GUARANTEE OF THE ACCURACY OF THE DATA.

I DO HEREBY CERTIFY THAT THE METHOD OF AREA DETERMINATION HAS BEEN COMPLETED USING THE PRINCIPLES OF COORDINATE GEOMETRY.  
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT IS ACCURATE AND CORRECT AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATUTES OF THE STATE OF SOUTH CAROLINA. I HAVE REVIEWED THE RECORDS OF THE REGISTER OF DEEDS AND THE RECORDS OF THE REGISTER OF MORTGAGES AND HAVE FOUND NO RECORDS THAT WOULD AFFECT THIS PLAT.  
G. ROBERT GEORGE & ASSOCIATES INC.  
11700 W. STATE ST. SUITE 100  
CHARLESTON, SOUTH CAROLINA 29405-1170

TOWN OF SEABROOK ISLAND  
DATE 12/18/2001  
APPROVED BY Douglas J. Smith  
ZONING ADMINISTRATOR  
TOWN OF SEABROOK ISLAND

PLAT SHOWING THE SUBDIVISION OF THE VILLAGE AT SEABROOK CONTAINING 42.328 ACRE TRACT LOCATED IN THE TOWN OF SEABROOK ISLAND CHARLESTON COUNTY, SOUTH CAROLINA PREPARED FOR SEABROOK ISLAND I, LLC NOV 13, 2001 SCALE 1"=100' SHEET 1 OF 2

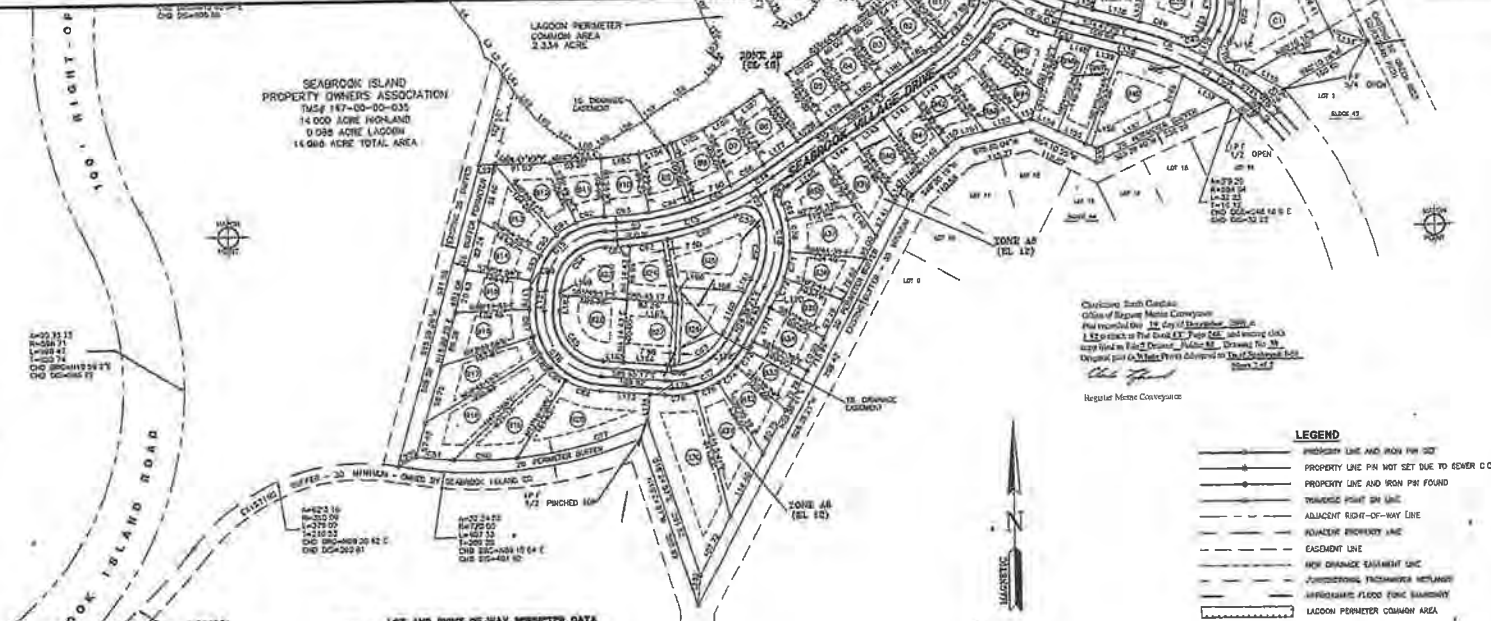
G. ROBERT GEORGE AND ASSOCIATES INC.  
SURVEYING ENGINEERS, LANDMARKS ARCHITECTS, PLANNERS AND LAND SURVEYORS  
P.O. BOX 10100  
CHARLESTON, SOUTH CAROLINA 29407-1010  
(803) 496-1281  
FAX (803) 496-1282

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PL 391/6592

CURVE TABLE

Table with columns: CHORD BEG., CHORD END, CURVE BEG., CURVE END, LENGTH, TANGENT, CHORD MIDDLE. Lists curve data for various points on the property.



LOT AND RIGHT-OF-WAY PERMETER DATA. Table listing lot numbers, bearings, distances, and bearings/distances for the lagoon perimeter.

RESIDENTIAL LOT AREAS. Table listing lot numbers, area in square feet, and area in acres. Includes a legend for various line types and symbols.

NOTICE: THIS PROPERTY IS IN FLOOD ZONES A AND AO... SHOWING THE SUBDIVISION OF THE VILLAGE AT SEABROOK CONTAINING 42,328 ACRES TRACT LOCATED IN THE TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA. PREPARED FOR SEABROOK ISLAND I, LLC NOV 13, 2001 SCALE 1"=100' SHEET 2 OF 2

March 1 2005

ARB

Setback requirements

- 1. Restudy landscape plan to eliminate the pine trees and substitute other landscape evergreen trees.

Mrs. Bensonhaver seconded. Discussion followed. The motion was passed by unanimous vote.

Prior to presentation of conditional plans, Mr. Bishop briefed the new ARB members on Sea Town Homes covering approved models, colors, lot sizes, setback requirements, etc.

Mr. Foster addressed to Mr. Bishop the lack of latticework/louvers around the HVAC stands and porches and that the landscape shrubs need to be 4 - 5' in height or 1/2 of the height of the foundation. Mr. Bishop will further discuss with Mr. Curt Rogers, Builder.

- B. Block 59 Lot 25 4009 Bridle Trail Drive. Sea Town Homes LLC. Conditional Plans were presented by Architect, Mr. Mark Bishop. Mr. Feldman moved to approve the Conditional Plans with the following requirements:

- 1. Restudy landscape plan to eliminate the pine trees and substitute other landscape evergreen trees.
- 2. HVAC stand must be shown on left side elevation.

Mr. Urban seconded. The motion was passed by unanimous vote.

(40)

- C. Block 59 Lot 26 3000 Seabrook Village Drive. Sea Town Homes LLC. Conditional Plans were presented by Architect, Mr. Mark Bishop. Mr. Urban moved to disapprove the Conditional Plans due to the following:

- 1. No Landscape Plan was submitted. Approval of Conditional Plans is subject to landscape plan being presented to ARB for approval.

Mr. Feldman seconded. The motion was passed by unanimous vote.

- D. Block 15 Lot 02 3769 Seabrook Island Road. Mr. and Mrs. Jeffrey Cudd. Remodel Plans were presented by the property owner. Mr. Jeffrey Cudd. Ms. Kennedy moved for conceptual approval of the Remodel Plans with the following stipulations:

- 1. Construction can proceed immediately due to safety reasons on the front steps, columns, handrails and walkway only.
- 2. Approval by the ARB for the remaining remodel construction work is subject to the following being submitted:



be shown on plans.  
3. Location of exterior pool equipment must be shown on site plans.

Mr. Feldman seconded. Mr. Trent abstained. The motion passed by majority vote.

ARB Chairman  
Coe Foster  
~~Foster~~

B. Block 59 Lot 20 – 2282 Seabrook Island Road – Sea Town Homes LLC (Mr. Curt Rogers). Architect Mark Bishop presented Conditional Plans for Model B.

Mr. Feldman moved to approve Conditional Plans with the following stipulations:

1. Restudy landscape plan, adding at least three oak trees on the Seabrook Island Road side of the house. Final landscape approval subject to on site review by Mr. Foster.

Mrs. Bensonhaver seconded. The motion passed by unanimous vote.

Mr. Foster briefed the ARB members on established setback requirements, particularly in the Sea Town Homes area.

C. Block 59 Lot 30 – 2286 Seabrook Island Road – Sea Town Homes LLC (Mr. Curt Rogers). Architect Mark Bishop presented Conditional Plans for Model A.

Mr. Feldman moved to approve the Conditional Plans with the following stipulations:

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1. Restudy landscaping plan, adding at least two oak trees on the Seabrook Island Road side of the house towards the rear and Lot 20. Final landscape approval subject to on site review by Mr. Foster.

Mrs. Muenow seconded. The motion passed by unanimous vote.

D. Block 59 Lot 27 – 3004 Seabrook Village Drive – Sea Town Homes LLC (Mr. Curt Rogers). Architect Mark Bishop presented Conditional Plans for Model G.

Mr. Feldman moved to approve the Conditional Plans as submitted. Mrs. Muenow seconded the motion. The motion passed by unanimous vote.

E. Block 59 Lot 29 – 3012 Seabrook Village Drive – Sea Town Homes LLC (Mr. Curt Rogers). Architect Mark Bishop presented Conditional Plans

ARB Meeting  
April 5, 2005  
Page 3



SEABROOK ISLAND  
Property Owners Association

June 20, 2006

To: **The Village at Seabrook Island Owners,**

As a property owner, you are likely aware that Seabrook Island has enjoyed significant growth and escalating real estate values over the past several years. New construction continues at a strong pace and many owners are remodeling existing single-family homes and villas. As more owners take occupancy of homes within The Village, questions often arise regarding exterior changes and alterations. When considering such changes, it may be helpful to understand the Architectural Review Board's (ARB) general process as it pertains to regimes. Typically, the ARB considers following points when evaluating exterior changes for Planned Unit Developments:

- Architectural appeal and related aesthetic items as it effects each property as well as the entire regime. Please note that the Architectural Review Board solicits the professional comments of Reviewing Architects in making these decisions.
- Design continuity throughout the regime. To implement a change, the regime must present their plan, which include time lines, to carry forward the proposed changes for all property owners. Regime approval is always required.
- Regimes must be cognizant of policies and procedures for multi-family developments. Refer to Seabrook Island Property Owners Association Policies & Procedures for Residential Development, Section X, "Special ARB Guidelines for Multi-Family Dwellings". Any revision must comply with the approved, established architectural theme of The Village and reflect the style, character, and architectural detail of the approved Model homes.

The Architectural Review Board will carefully consider each request and render their decision based on the SIPOA Policies & Procedures for Residential Development, Section X, D.

Upholding Seabrook's high standards for aesthetics and design is essential for the community's appearance and is a primary goal of the ARB. We welcome your questions and would be happy to discuss these matters further with you individually, or as a group, at your request. We look forward to working with The Village owners on your future projects and we appreciate your future cooperation.

On behalf of the Architectural Review Board, our thanks.

  
Coy Foster, ARB Administrator  
ARB Replies / Village / owners 6 14 06

04

C. **Block 53 Lot 13 – 1151 Ocean Forest Ln.** Appeal of ARC decision. The owner’s representative has requested that this item be postponed until the November ARC meeting.

D. **Villa Inspection Policy**  
COVAR President Carroll Gantz and Secretary Dennis Quigley were present for this item.

The frequency and method of villa inspections and reporting of inspection results/violations were discussed. The Committee discussed the concerns expressed by the COVAR representatives and will continue to inspect multi-family dwellings per ARC policy.

E. **Block 16 Lot 31 - 3711 Bonita Ct.** Request for extension of time to begin construction  
The one year deadline to begin construction of this home was August 7, 2008. The property owner has requested an extension of time to begin work.

Cheryl Schoffman moved to deny the request to extend the construction commencement deadline for Block 16 Lot 31. If the property owner chooses to reapply for Conditional approval of the plans and the plans have not changed in any way, a \$2,500 application fee will be charged, and no Preliminary Review will be required. The motion was seconded by Mary Hopkins and passed unanimously.

F. **Block 57 Lot 08 – 2219 Seabrook Island Rd. #200901005 – Conditional Plans**  
This item was continued from 9/1/09.

The Committee reviewed revised plans and correspondence received.

Bill Bryant moved that the ARC has concerns about the positioning of the house, but after considerable discussion and because the Planning Commission had previously approved the house styles and locations for The Village at Seabrook, the ARC reluctantly approves the plans for Block 57 Lot 08. The exterior colors are subject to on-site review. Final color approval will not be granted until a 6’ square sample (with trim colors(s) if applicable) is painted on the house and approved by the ARC. Approval of the landscape plan is not final until the plantings are reviewed by the ARC on-site for compliance with ARC requirements. The motion was seconded by Frank Carrese and passed 4-3-0.

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The approved plans are:

- “Residence 2219 Seabrook Island Rd.” prepared by Michael Karamus
- Sheets L1.1 – L1.2 dated 9/1/09
- Sheet L2.1 dated 9/1/09 rev. 9/3/09 (see stipulation above)
- Sheets A2.1 – A2.2 dated 9/1/09
- Sheets E1.1 – E1.3 dated 9/1/09

- ✓ 1. **Block 57 Lot 08 – 2219 Seabrook Island Rd. #200901005** – Appeal of ARC decision. Bob Giuffreda, designated agent of Marsha Papenak, was present from 11:30 to 11:40 and Mark Bennett, owner of lot 08 was present from 11:50 to 12:00.

Mr. Giuffreda discussed the correspondence submitted regarding the location of the house to be constructed at Block 57 Lot 08. The house was approved by the ARC on October 6, 2009.

Mr. Bennett discussed his interaction with the Town and the ARC regarding placement, setbacks, size and style of the house.

**Jody Turner moved to uphold the ARC approval of the plans for Block 57 Lot 08, as setbacks in the Village at Seabrook were established by the Town and are not within the ARC's purview. The motion was seconded by Charles Measter and passed unanimously.**

3. **DISCUSSION ITEMS:**

A. **ARC Goals**

Committee members discussed strategic goals for 2010.

**Charles Measter moved to adjourn the meeting. The motion was seconded by Bill Bryant and passed unanimously. The meeting was adjourned at 1:35p.m.**

44

6

✓ C. Village at Seabrook

ARC members have heard from many Property Owners regarding the house under construction in the Village. All expressed concern about the placement of the house. The ARC had similar concerns during the application process. Discussion followed regarding the Committee's limited scope in multi-family developments and ARC communications with the Town during review of this application. The lot sizes, density, setbacks, etc., for the development were approved by the Town several years ago. There was only one position that allowed for placement of this house in compliance with the zoning requirements for the Village at Seabrook Development.

45

all from  
northfields

Tower House

H. Block 24 Lot 25 – 3203 Wood Duck Pl. #201005097. Extend fence

The Property Owner has requested approval to install additional fencing in the rear yard to match the existing fencing.

Frank Carrese moved to approve the fence plans as submitted with the stipulation that the fence be no more than 5' in height and that the exterior of the fence be landscaped per the ARC requirements. The motion was seconded by Paul Kelley and passed unanimously.

3. DISCUSSION ITEMS:

A. Drainage & Grading

The Committee requested that the Architectural Review Administrator contact the Little Creek Property Owners again and invite them to attend a meeting to discuss the drainage solution that was proposed last year.

B. Revisions to Appendix L "Recommended Landscape Plants for Seabrook Island"

Jim Buckley moved to remove Ligustrum, Mahonia and Periwinkle from the list of approved plants in Appendix L because they are non-native invasive plant species. The motion was seconded by Jody Turner and passed unanimously.

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C. Village at Seabrook

The Committee reviewed the lots in Block 57 and potential house locations on each lot.

D. Solar Energy

The Committee supports green initiatives; however there is no ARC standard for solar panel placement or installation. Each application is reviewed on a case-by-case basis by the ARC and, if applicable, by multi-family homeowner associations prior to installation. Because use of solar technology is becoming increasingly popular and affordable, the Committee would like to work with association boards to develop standards for solar installations that meet the ARC and association aesthetic requirements. The Committee also discussed the book "Builder's Guide to Hot Humid Climates" by Joseph Lstiburek as a useful resource for homeowners.

Cheryl Schoffman moved to adjourn the meeting. The motion was seconded by Frank Carrese and passed unanimously. The meeting was adjourned at 1:45p.m.

June 2011

10

**Motion by Architectural Review Committee**

Whereas the SIPOA protective covenants state: "The purpose of the SIPOA is to preserve property values ..."

19. "Refusal of approval of plans, location or specifications by the ARC may be based on reasonable grounds, including aesthetic conditions."

Whereas, It is the responsibility of the SIPOA to act in the interest of property owners in protecting their property values.

Whereas, Seabrook Island property owners have expressed concern regarding the density and aesthetic appearance of the ongoing development on the lake side of Seabrook Island Road and it's impact on their property values.

Whereas, Seabrook Island property owners are looking to the SIPOA and Town of Seabrook Island to address this concern.

The SIPOA Architectural Review Committee recommends to the SIPOA the following course of action:

- The SIPOA partner with the Town of Seabrook Island and Villages association to discuss options and solutions.
- The SIPOA and Town should hire an architect (shared expense) to review possible modifications to lot lines and setbacks for future developments.
- The SIPOA and Town should hire an architect (shared expense) to come up with additional house plan options to accommodate existing lot lines.
- Revised house plans could be approved to minimize crowding.
- From a cost standpoint we could Include possible cost issues in an upcoming referendum for property owners' input.
- Consider revising the setbacks to allow houses to sit back further in the lots to minimize the crowded appearance.
- The SIPOA and Town of Seabrook should employ counsel to research and advise on legality of making any changes to the lots in the Villages.
- Property owners have suggested, as a consideration that the SIPOA and Town of Seabrook Island purchase some of the existing lots as "view corridors" to the lake.

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# The Village at Seabrook -

## Report of Meeting held at Town Hall (SI) in June 2011

In Attendance: Vic Augusta - Chairman ARC  
Bill Bryant - ARC Member  
Randy Pierce - Town Adm  
Heather Paxon - ARC Adm  
Cathy Patterson - Pres S.V. HOA.

Agenda: SI POA Concerns as outlined via motion:  
See ATTACHED

### Informal Discussion

ARC committee informed of S.V status of being multifamily zoning with specific requirements including, density, style of homes & plot sizes. There are 101 lots approved for homes under the Covenants, Declarations & restrictions approved by the town & SI POA & recorded in the County of Charleston. The footprint of the Village has been established & the ARC will have to work within these parameters, taking into consideration: setbacks, house placement, irregular lot sizes, respecting the property owner right to build within the legal parameters already in place. Also, any lots donated or bought by a green space organization would probably have to go to a Village wide vote to forgoing their yearly dues.

This was just an informational meeting between the town, ARC & S.V. Nothing was changed, no votes, just the ARC will check house placement on the S.V lots to try & make it more eye pleasing if possible.

These are Cathy Pattersons - notes on meeting  
Not official minutes

Cathy Patterson



Seabrook Island Property Owners Association  
Architectural Review Committee Meeting  
MINUTES  
September 4, 2012  
SIPOA Admin. Building

**Members Present:**

Victor Agusta, Chairman  
Lynn Crane  
Bill Bryant  
George Reinhart  
Tom Fox

Cheryl Schoffman  
Ellen Coughlin  
Sherry Smith  
Jan Genosi  
Jody Turner

**Absent:** Charles Measter, Paula Blackwell

**ARC Staff Present:**

David Hazeltine, Consulting Architect  
Heather Paton, Assistant Executive Director

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2. **PRESENTATIONS:**

- A. **Block 16 Lot 16 – 3756 Beach Ct. #201205481.** Stephen Mays presented plans for a deck addition.

Plans presented include a 20' x 51' at-grade deck with fireplace to replace an existing sod area. The deck will connect with the beach access boardwalk already in place.

**Jody Turner moved to approve the deck plans for Block 16 Lot 16 as submitted with the stipulation that the final design drawings for the fireplace, including size, color and landscaping be resubmitted for review. The motion was seconded by Sherry Smith and passed unanimously.**

- B. **Village at Seabrook.** New house design for Village at Seabrook for review and comment to the Planning Commission. Architect Justin Smith was present for this item.

This is a non-site-specific review of a house design to be added to the design choices for homes in the Village. Following review of the plans, the ARC had the following comments:

1. Reduce the maximum size of the house to no more than 2,770 sq.ft. to comply with multi-family, high-density designs. 2,770 sq.ft. is the size of the largest house in the existing Village house plan designs.
2. Recommend consistent use of shutters on all elevations.
3. Verify that foundation details match those on the other homes in the Village.
4. Windscreen/shroud on chimney is required.
5. Blank wall areas on side elevations need to be re-studied. Include additional windows.
6. Consider additional foundation details to breakup the mass.
7. Siting of this larger house on any lot will have to be evaluated considering home placed, or to be placed, on adjacent lots.

#14

Final plat approval 106 lots 102 lots

Draft ordinance for set backs

+ (lots reduced from 106-102) amended final plat map Dec 12, 2001

Page 2

**Planning Commission Meeting  
April 11, 2001**

**Review of setback requirements for Multi-Family Developments**

At the request of Town Council, the Planning Commission will review the setback requirements within Multi-Family developments and may amend the Ordinance for a clearer interpretation.

Bennett-Hofford Construction is requesting that the Planning Commission consider an amendment to the DSO Ordinance 2.10.420 Setbacks within Multi-Family Developments. Bennett-Hofford, owner and developer of The Village at Seabrook, is requesting relief of front setback encroachment of steps within Multi-family developments and side setback requirements in areas with intersecting streets. Bennett-Hofford is requesting an amendment that would affect two streets intersecting into a cul-de-sac and would allow the side setback to reduce to 20 feet. The front setbacks would remain at 30 feet.

50

Commissioner Joe Fortune moved to allow the encroachment of uncovered front steps by no more than 10 feet in Multi-Family developments. Commissioner Jones seconded the motion. Chairman Hockersmith called for a vote. The motion passed with three members voting yes and one vote of no.

Commissioner Jones moved to amend the set back requirements in Multi-Family Developments and reduce the side setback of lots on intersecting streets in a cul-de-sac to 20 feet and the front set back of cul-de-sac lots by no more than 30 feet. Commissioner Crispyn seconded the motion. The motion was unanimously approved. Attorney Steve Brown will be consulted to draft an amendment for Ordinance 2.10.420.

**Planning Commission Meeting  
May 9, 2001**

**Draft Ordinance for setbacks in Multi-Family residential developments**

During the month of April the Planning Commission reviewed setback requirements in Multi-Family developments. The Commission suggested some changes that would clarify the requirements of the Ordinance. The changes were submitted to Attorney Steve Brown for his review and the drafting of an Ordinance to amend the setbacks in Multi-Family residential developments.

At the May 9<sup>th</sup> meeting, Chairman Hockersmith read aloud a draft Ordinance submitted by Attorney Brown amending Section 2.10.420 of the Seabrook Island DSO relating to setbacks in Multi-Family developments. Commissioner Crispyn moved to approve the draft and to submit the Ordinance to Town Council for approval. Commissioner Jones seconded the motion. The Planning Commission unanimously approved the motion. The ordinance was amended to read as follows:

**2.10.420 Setback**

An area measured inward from a specified line or set of lines defining the limits within which no structure or obstruction, not otherwise authorized in this Ordinance, shall be located. For the purposes of the Ordinance, the setback shall be measured from the platted lot lines. The setback requirement shall apply to all structures on the lot. Where a lot abuts two non-intersecting streets both front setbacks shall be observed. Where a lot fronts on two intersecting street, both streets shall be considered as front setbacks. However, where a lot zoned multi-family fronts two intersecting streets wherein one street is a cul-de-sac the setback requirements from the intersecting street on the side of the building is hereby reduced to twenty feet. The front setback of the building which faces the cul-de-sac shall remain thirty feet. Uncovered front steps may extend into a front setback on properties zoned multi-family, but may not be less that twenty feet from the property's front lot line.

51

**Planning Commission Minutes  
December 12, 2001**

**Application 3125 Final Approval of the Village At Seabrook**

During the Planning Commission work session Troy Long, an Engineer for G. Robert George, provided the members with an amended final subdivision plat. The plat was amended to show the reduction of the number of lots from 106 to 102. The roadway was also depicted more accurately. Tim Blackwelder Project Manager for the Village at Seabrook was also present to answer questions concerning the development.

Commissioner Clarke moved to approve the plat as amended. Commissioner Fortune seconded the motion. The motion was unanimously approved.

Really just 101 lots

#5  
MEMO

To: Doug Smith

From: Tim Blackwelder

Re: Changes to Final Plat for The Village At Seabrook

Date: 12 December, 2001

.....

Please note the following changes to the Final Plat for the Village At Seabrook. The changes consist of abandoning three property lines between lots that could not otherwise accommodate the construction of a home. These changes occurred because the building pad was either too small or irregular in shape after the setbacks were established. As a result, the overall density of the Village was slightly decreased. The revisions are as follows:

1. In the circle at the end of Seabrook Village Drive, Lots B22, B23, B24, B25, B26, B27, B28, and B29 were reconfigured to delete Lots B28 and B29. - 2 lots
2. The property line between lots C1 and C2 was abandoned and the lots combined. Lot C2 has been deleted. - 1 lot

3. The property line between lots B48 and B49 was abandoned and the lots combined. Lot B49 has been deleted. - 1 lot  
4 lots

These changes result in the reduction of the total number of lots from 106 to 102.

The following street addresses and tax map numbers should be deleted:

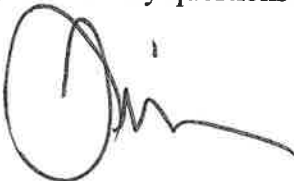
Lot C2 Block 59 TMS 1470000110 4004 Bridle Trail Dr.

Lot B49 Block 59 TMS 1470000108 2299 Seabrook Island Rd.

Lot B29 Block 58 TMS 1470000095 3057 Seabrook Village Dr.

Lot B28 Block 58 TMS 1470000096 3061 Seabrook Village Dr.

If you have any questions please call me.



just -> prior to last  
reworked plat map -  
Really 101 lots ??

52

#6

BENNETT HOFFORD  
CONSTRUCTION COMPANY, INC.

4

June 5, 2003

Town of Seabrook Island  
Seabrook Island, SC

To Whom It May Concern:

I wanted to verify for The Seabrook Island Planning and Zoning Commission that Bennett Hofford Construction Co., Inc. and Seabrook Island I, LLC have approved the architectural plans designed by Mike Karamus, AIA for The Village at Seabrook. Additionally, I wanted to go on record as supporting the lot line adjustments that have been proposed as well as the relief for decks to extend out of the building envelope by up to ten feet.

If you have any questions, please call me at (843) 722-8169.

Yours truly,

BENNETT HOFFORD CONST. CO., INC.



John H. Hofford  
President

JHH/dl

53

05

**Town of Seabrook Island  
Planning Commission Meeting  
Minutes**

June 11, 2003

**Members Present:**

Lucie M. Jones, Vice-Chairman  
Lynne A. Schaeffer  
Richard H. Coomer  
Fred A. Ristow

*Sydney Whitesorth*  
*Randy Pierce - Sec. Admin.*

Vice-Chairman Lucie Jones called the meeting of the Planning Commission to order June 11, 2003, at 2:30 p.m. Requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted.

**Absent:**

Richard B. Clarke-Chairman

**Guest Attending:**

Robert Giuffreda-Exec. Director SIPOA  
Michael Karamus-Architect

**Approval of May 14, 2003, Minutes**

Commissioner Fred Ristow moved to approve the minutes as presented. Commissioner Lynne Schaeffer seconded the motion. The motion to approve was unanimous.

**Rezoning Application #34 (Lot A-Deveaux Site) TMS# 147-05-00-184**

Application #34 is a request to change zoning from Single Family Residential to Conservation. The property is known as the Deveaux site Lot A. The application was submitted by the Seabrook Island Property Owners Association and represented by Robert Giuffreda.

Commissioner Schaeffer moved to recommend approval of Application #34 which would change the current zoning of Lot A from Single Family Residential to Conservation. Commissioner Ristow seconded the motion. The motion passed unanimously.

Rezoning Application #34 is subject to approval by Town Council. The Town Administrator reminded Mr. Giuffreda that a copy of the deed is needed to complete Town Council's review.

**Application #3563 Floor Plan Review**

Architect Michael Karamus presented conceptual designs for future construction of 34 units within the Village at Seabrook, Block 59- Section C. Owner-developer John H. Hofford, represented as Seabrook I, LLC, submitted the application.

Administrator Randy Pierce informed the Commission that the Town's Attorney would be consulted to determine if an amendment of the original PUD for the Village at Seabrook is necessary for approval of the new designs.

6

**Page 2**  
**Planning Commission Minutes**  
**June 11, 2003**

Commissioner Fred Ristow moved to approve application #3563 as submitted and if necessary, a recommendation to Town Council for approval of an ordinance to amend the PUD of the Village at Seabrook to include the designs presented. Commissioner Schaeffer seconded the motion. The motion passed unanimously.

**Application #3564 Request to Approve Lot Line Changes-Village at Seabrook**

Application #3564 is a request to approve replatting of lot lines in Section C of the Village at Seabrook. The replatting will include TMS# 147-00-00-110 thru 133 and 147-00-00-135 thru 144. Lots C1, C3, C11 thru C18, C24, C26 thru C28, C34, C35 and will include the Common Area of Section A.

Administrator Pierce commented that the Town's Attorney would be consulted to determine if an ordinance amending the original PUD for the Village at Seabrook is necessary for the re-platting of lot lines.

55

Commissioner Lynne Schaeffer moved to approve application #3564, re-platting the lot lines as submitted, and if necessary, a recommendation to Town Council for approval of an ordinance to amend the PUD of the Village at Seabrook that will include the lot line changes. Commissioner Ristow seconded the motion. The motion passed unanimously.

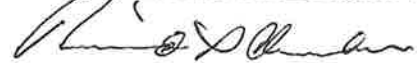
**Review of DSO Ordinance 7.10.360 Rear Setback – Open Space Lots**


General opinion of the Commission seemed favorable to amending ordinance. A draft ordinance to amend Ordinance 7.10.360 will be prepared for the July 2, 2003, Work Session.

**Comprehensive Plan: Review Sections 1-4**

Changes to Sections 1-4 were discussed at the June 4, 2003, Work Session. The suggested changes will be prepared for further discussion at the July 2, 2003, Work Session.

Having no further business, the meeting adjourned at 3:45 p.m.

  
Richard B. Clarke, Chairman

  
Lynda Whitworth, Secretary

8/13/03

**Town of Seabrook Island  
Planning Commission**

**Minutes**

January 11, 2006

**Members Present:**

- Richard B. Clarke, Chairman
- John R. Hoover, Vice-Chairman
- Cynthia W. Cornwell
- John H. Scofield
- Donald A. Smith
- Randy M. Pierce, Town Administrator
- Lynda Whitworth, Secretary

**Guest Attending:**

- Robert Savin, M.D., Councilman
- David Hazeltine, Architect
- Coy Foster, SIPOA ARB

Commissioner Richard B. Clarke called the meeting of the Planning Commission to order January 11, 2006, at 2:30 p.m. Requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted.

**Election of Officers**

Commissioner John Hoover moved to nominate Richard Clarke as Chairman of the Planning Commission for 2006. Commissioner Cindy Cornwell seconded the nomination. The nomination was unanimously approved. Commissioner Cornwell moved to nominate John R. Hoover as Vice-Chairman for that year. Commissioner Donald Smith seconded the nomination. The nomination to approve was unanimous.

56

Chairman Clarke appointed Lynda Whitworth as Secretary of the Planning Commission.

**Approval of Minutes**

Commissioner Donald Smith moved to approve the minutes of the December 14, 2005, meeting as submitted. Commissioner John Scofield seconded the motion. The motion to approve was unanimous.

The Commission agreed to retain the same meeting schedule as was held in 2005. That is: A working meeting on the first Wednesday and a regular meeting on the second Wednesday each month. All meetings to start at 2:30 p.m. at Town Hall.

Planning Commission Rules of Procedure were distributed for review. A copy of the newly drafted Sign Ordinance was also distributed for review.

**Miscellaneous Business**

Coy Foster and Architect David Hazeltine attended the meeting to discuss some architectural concerns within the Village at Seabrook. Mr. Hazeltine suggested limiting the number of acceptable architectural designs within that community so as to avoid creating a disorganized visual effect.



**Planning Commission  
January 11, 2006  
Minutes**

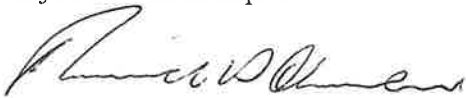
He added that one of the two most recent exterior designs, presented by John Duffy Construction, was much different than what was initially approved for construction in that area of Seabrook Island. For that reason the Architectural Review Board (ARB) had declined to approve that design. Mr. Hazeltine concluded by noting that the objective of creating a consistent and pleasing appearance, in the Village, would be best served if John Duffy Construction were required to present all of its remaining proposed designs at one time. Administrator Pierce agreed but pointed out that there was no ordinance that could be cited to enforce such a requirement. He added that he recalled having been told that Duffy's need for new designs was prompted by two considerations: (a) the variety of irregularly shaped lots; and (b) the need to avoid a "cookie cutter look" due to the increasing cost of houses within the Village.

Mr. Coy Foster said there was a second concern regarding the building approval process as it applied to multi-family housing. He acknowledged that the Planning Commission had authority to act as an ARB in those cases. Chairman Clarke responded that, in his opinion, the process had worked well in a number of earlier instances. He cited Horseshoe Cove, Fairway One and the Dolphin Point developments in particular. While it may be a bit cumbersome he pointed out that the Planning Commission's initial approval of a proposed design is "conditional". That condition is the developer's obligation to secure the POA's ARB approval of his proposal. Only after that has been accomplished will the Planning Commission act on a final approval. Chairman Clarke concluded by affirming that the POA ARB input had been very valuable, and he saw no great reason to amend the process.

57

In the discussion which followed Mr. Hazeltine agreed to attend the Commission's next work meeting. That, so that the members could better understand why the design, which had been given a conditional approval, was later rejected by the ARB.

Mr. Clarke thanked Mr. Hazeltine and there being no further business, the meeting adjourned at 3:40 p.m.



Richard B. Clarke, Chairman



Lynda Whitworth, Secretary



#1

4072

Carner lot on  
Bridle Trail

# Denial of Variance

Town of Seabrook Island

Board of Zoning Appeals

X book out of place  
pg 2

## Minutes

April 12, 2007

### Board Members Present:

- William S. Wolfe, Chairman
- Bill Holtz
- Robert Quagliato
- Ike Smith
- Allen Thompson
- Randy Pierce, Zoning Administrator
- Lynda Whitworth, Secretary

### Guests Attending:

- Mark J. Bishop, Architect
- Mayor Frank McNulty

Chairman William S. Wolfe called the meeting of the Board of Zoning Appeals to order April 12, 2007, at 3:00 p.m. The requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. The Chairman welcomed newly appointed members Bill Holtz and Allen Thompson to the Board. The term of service for Mr. Holtz will expire in 2010 and 2011 for Mr. Thompson.

58

### Election of Vice-Chairman

The Chairman explained that a member of the Board needed to be nominated as Vice-Chairman. Board Member Ike Smith moved to nominate Robert Quagliato as Vice-Chairman for 2007. Bill Holtz seconded the motion. The motion to approve was unanimous.

### Approval of June 30, 2006 Minutes

[The Board of Appeals will meet as necessary. The last meeting of the Board was June 30, 2006.] Copies of the draft minutes for the June 30, 2006, meeting were distributed for review. Chairman Bill Wolfe asked if there were any corrections to the draft minutes. Hearing none, he asked for a motion to approve the minutes as submitted. Mr. Robert Quagliato moved to accept the minutes as written. Mr. Holtz seconded the motion. The motion to approve the minutes was unanimous.

### Variance #143 Bryan Causey represented by Architect Marc Bishop

Architect Mark Bishop represents the property owner, Mr. Bryan Causey. The applicant is requesting a variance from the strict application of the Development Standards Ordinance Section 7.6 Minimum Setbacks.

Page 2  
Board of Zoning Appeals  
April 12, 2007  
Minutes

The property is located at 2278 Seabrook Island Road within The Village at Seabrook, a Detached-Multi Family development. The lot is Non-Conforming with two 30' front setbacks. Mr. Bishop sited the house using the smallest footprint of ARB approved plans however; the construction still encroached into the setbacks. The site plan submitted shows a 2' encroachment at the rear corner of the building. Mr. Bishop proposes to move the house forward.

59

The Board members were not in favor of moving the house closer to Seabrook Island Road, a major street. The property backs up to the Equestrian Center. The Members suggested moving the house closer to the rear setback line. Mr. Bishop commented that because of the size of the building, it would look out of place.

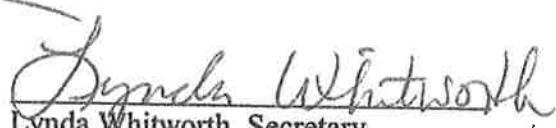
Having no further comments, the Chairman asked for a motion to approve the variance request. The vote was as follows:

- William Holtz                      Denied
- Robert Quagliato                Denied
- Ike Smith                            Denied
- Allen Thompson                  Denied

Based on a majority vote of the Board Members, the variance request was denied.

Having no other business the meeting adjourned at 3:20 p.m.

  
William S. Wolfe, Chairman

  
Lynda Whitworth, Secretary

7/12/07

#2 Denial of Corner Lot

30



**Town of Seabrook Island  
Board of Zoning Appeals**

Minutes

**Board Members Present:**

William S. Wolfe, Chairman  
Jerry Farber  
Robert Quagliato, Vice-Chairman  
Dave Osborn  
Dr. Joe Sanders  
Randy Pierce, Zoning Administrator  
Lynda Whitworth, Secretary

**Guests Attending**

Justin Smith, Vin-Yet Architecture  
Cathy Patterson, Board President, The Village  
Patrick Nicoles  
Approx. 4 residents of The Village at Seabrook

Chairman William S. Wolfe called the meeting of the Board of Zoning Appeals to order December 10, 2013 at 10:00 a.m. The requirements of the Freedom of Information Act were fulfilled and properly posted. The Chairman asked each person that gave a statement during the hearing to swear that the statement was truthful.

60

**Variance 148 Vin-Yet Architecture,**

The property is located at 2283 Seabrook Village Drive. Justin Smith is the applicant representing the property owners Tim and Shelley Chambers. The applicant is appealing the strict enforcement of the 25' rear setback.

Mr. Smith explained the variance request is to allow the use the rear property line as a side property line and allow a 7.5' side setback to maximize the potential of the lot. Mr. Smith provided site plans for the Board to review prior to and during the hearing.

Cathy Patterson is the President of The Village at Seabrook Board of Directors. Ms. Patterson informed the Board there are 19 corner lots; 9 of them are considered small lots and 4 have houses built on them. Ms. Patterson added that she is representing the board at the Village and they are opposed to approving the variance request.

The Chairman asked for the Town's position on granting the variance. Randy Pierce, the Town's Zoning Administrator advised the Board that a suitable home could be built on the lot without a variance. He added that the Town is opposed to granting the variance request.

Page 2  
Board of Zoning Appeals  
December 10, 2013

The Chairman stated there was enough testimony to vote on the variance. He stated that it is apparent that the applicant wanted a larger house, but had purchased a small lot and The Chairman pointed out that the Board of Appeals rules on this type of variance relief the most frequently. He added that there appeared to be no extraordinary or exceptional conditions pertaining to the particular piece of property.

Chairman Wolfe asked the Board to give their individual votes based on the documentation and testimony presented at the public hearing. The Chairman asked that the members give the vote verbally; either yea to approve or na to deny.

The Chairman asked for any votes that were in favor of granting the variance. There were no yea votes in favor of granting the variance.

William S. Wolfe-na                      Robert Quagliato-na  
Jerry Farber-na                              Dave Osborn-na  
Dr. Joe Sanders-na

61

Chairman Wolfe said that based on a unanimous vote, the Town of Seabrook Island Board of Zoning Appeals therefore orders that the Variance is **DENIED**.

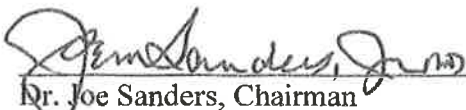
**Nomination and Election of Chairman**

Jerry Farber nominated Dr. Joe Sanders for Chairman of the Board of Zoning Appeals. The motion was seconded by Robert Quagliato. The motion was unanimously approved. [The Chairman suggested postponing the nomination of a Vice-Chairman.]

**Approval of Minutes**

There were no changes to the draft minutes of July 12, 2007. Robert Quagliato moved to approve the minutes as submitted. The motion was seconded by Jerry Farber. The motion was unanimously approved.

Having nothing further to discuss, the hearing adjourned at 10:50 a.m.

  
Dr. Joe Sanders, Chairman

  
Lynda Whitworth, Secretary

date 4/16/2014

# TOWN OF SEABROOK ISLAND

2001 Seabrook Island Road • Seabrook Island, SC 29455  
Phone: (843) 768-9121 • Fax: (843) 768-9830

05  
Mayor: Terrence J. Ahearn  
Municipal Judge: Dennis E. O'Neill, Esq.  
Council: Ronald J. Ciancio  
John W. Gregg  
Donald Romano  
John Turner  
Town Administrator: Randy M. Pierce  
Clerk: Faye Allbritton  
Administrative Assistant: Lynda Whitworth

Town of Seabrook Island  
Board of Zoning Appeals  
Order on Variance Application #148

Applicant Name: Vin-Yet Architecture  
Property Owner: Tim and Shelley Chambers  
TMS#: 147-00-00-104  
Property Address: 2283 Seabrook Village Drive  
Request: Variance to use the rear property line as a side property line and allowing a 7.5' side setback. The property has two front setbacks.

Date Filed: November 4, 2013

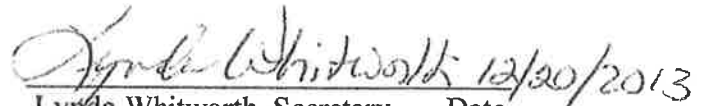
(6d)

The Town of Seabrook Island Board of Zoning Appeals held a public variance hearing on December 10, 2013 to consider your request for a variance from the strict application of Section 7 of the Development Standard Ordinance. Based upon the documentation and testimony presented at the public hearing, the Board of Zoning Appeals finds that the application meets or does not meet the criteria for a variance as follows:

*There are no extraordinary and exceptional conditions pertaining to the particular piece of property. The applicant has not met its burden of proof that a variance would be the only relief to build a suitable home on this particular corner lot.*

Based on a unanimous vote, the Town of Seabrook Island Board of Zoning Appeals therefore orders that the Variance is **DENIED**.

  
William S. Wolfe, Chairman

  
Lynda Whitworth, Secretary Date 12/20/2013

Date issued: 12/10/2013 Date mailed: 12/20/2013  
Notice of appeal to Circuit Court must be filed within 30 days after the date this order was mailed.

3.0

from Advertising of  
Bennett Hubbard

## The Village at Seabrook

### Schedule of Lot and Model Suitability

<u>LOT</u>	<u>MODEL(S)</u>	<u>LOT</u>	<u>MODEL(S)</u>
A15	Custom	B15	B*
A16	A, B, C, D, E, F, G, H	B16	B, D, G
A17	A, B, C, D, F, G, H	B17	G
A18	Custom	B18	A, B, C, D, G, H
A19	Custom	B19	A, C, D, G, H
A20	Custom	B20	Custom
A21	F	B21	Custom
A22	Nantucket	B30	A, B, C, D, E, F, G, H
B1	Custom	B31	A, B, C, D, E, F, G, H
B2	G	B32	A* +, C*, G
B3	D	B33	D* +
B4	B*, F*,	B34	B*, D* +
B5	B*, F*,	B35	D* +
B6	B*	B36	B*, D* +, H* +
B7	D* +	B37	A, B, C, D, F, G, H
B8	D	B38	Custom
B9	Custom	B46	Custom
B11	Custom	B47	F* +, G
B12	Custom	B48	Custom
B13	Custom	B49	Custom
B14	D* +		

63

\* Indicates altering steps to fit on lot

+ Indicates open rear deck

*NOTE: Lots not listed are unavailable for sale at this time. Floor plans and specifications are subject to change without prior notice.*



## ATTACHMENT #20

Letter to Village at Seabrook Regime  
(July 1, 2019)





## MEMORANDUM

**TO:** Cathy Patterson, President, Village at Seabrook  
**FROM:** Joseph M. Cronin, Town Administrator  
**SUBJECT:** Notice of Appeal / Notice of Stay on Zoning Actions and Legal Proceedings  
**DATE:** July 1, 2019

---

Dear Ms. Patterson:

On July 1, 2019, the Town of Seabrook Island received an appeal (Appeal #39) of the following Letters of Determination regarding setback requirements within the Village at Seabrook, copies of which were previously provided to you by email on June 3-4, 2019.

- **Letter of Determination for Setback Requirements – Village at Seabrook Lot B-23**
  - Bob Nitkewicz, NV Realty, 1900 Seabrook Island Road, Seabrook Island, SC 29455
  - June 3, 2019
- **Letter of Determination for Setback Requirements – Village at Seabrook Lot B-26**
  - K.C. Miller, Kenneth Miller Architecture, 1912 Planters Drive, Charleston, SC 29414
  - June 3, 2019
- **Letter of Determination for Setback Requirements – Village at Seabrook Lots A-06 & B-01**
  - Kevan Hoertdoerfer, Kevan Hoertdoerfer Architects, 538 King St, Charleston, SC 29403
  - June 4, 2019

The Board of Zoning Appeals has been notified that an appeal has been received and a public hearing will be scheduled within the next 30-45 days. We will notify you once the hearing date has been finalized. During the public hearing, any individual may speak in favor of – or in opposition to – the appeal. Following the hearing, the Board may, in conformity with the provisions of state law, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken.

***Pursuant to Sec. 6-29-800(c) of the South Carolina Code of Laws, please be advised that the Town has issued a stay on all zoning actions (including zoning permit approvals) and/or legal proceedings within the Village at Seabrook until the matters which are subject to the appeal have been acted upon by the Board of Zoning Appeals.***

This stay will apply to all permit applications for which zoning review will be required to determine conformity with the Town's setback requirements. Such examples will include, but are not limited to:

- New construction;
- Additions;

- Exterior modifications, excluding ordinary maintenance and repair;
- Reconstruction;
- Construction or modification of accessory structures, including fences, walls and driveways; and
- Major renovations to existing buildings where the value of the work exceeds 50% of the structure's fair market value.

The following activities are not subject to the Town's setback requirements and, therefore, will not be affected by this stay:

- Interior maintenance, repair and modification which does not exceed 50% of an existing structure's fair market value;
- Exterior maintenance and repair which does not change the footprint of an existing, excluding reconstruction;
- Any work which, in the opinion of the Zoning Administrator, is necessary to avoid imminent peril to life and property; and
- Any work which does not require a Town zoning permit.

As president of the Village at Seabrook regime, we would appreciate your assistance in sharing this information with each of your property owners.

If you have any questions about the contents of this letter, please feel free to contact me by phone at (843) 768-5321 or by email at [jcronin@townofseabrookisland.org](mailto:jcronin@townofseabrookisland.org).

Respectfully submitted,



Joseph M. Cronin  
Town Administrator/Zoning Administrator

CC: Heather Paton, Executive Director, SIPOA  
Katrina Burrell, ARC Administrator, SIPOA



## ATTACHMENT #21

Email to Requestors of Setback Determinations  
(July 1, 2019)

## Joe Cronin

---

**From:** Joe Cronin  
**Sent:** Monday, July 1, 2019 2:24 PM  
**To:** Bob Nitkewicz; KC Architect; Larry LaRoche; Kevan Hoertdoerfer; Trey Seabrook  
**Cc:** Lynda Stearns; Katrina Burrell; hpaton@sipoa.org  
**Subject:** Zoning Appeal - Village at Seabrook Setbacks

Good afternoon,

One June 3-4, 2019, I provided you with a Letter of Determination regarding the setback requirements on specific lots within the Village at Seabrook (Lots A-06, B-01, B-23 and B-26). In my letter, I stated that the Letter of Determination was subject to appeal by any party in interest within 30 days from the date of the letter.

I wanted to let you know that earlier today, we received an appeal of my determination from a resident within the Village. We will be scheduling a public hearing in the next 30-45 days, at which time any interested party may speak regarding the appeal. In the meantime, this appeal will stay all zoning actions (including zoning permit approvals) and/or legal proceedings until the matter which is subject to the appeal has been acted upon by the town's Board of Zoning Appeals.

Joseph M. Cronin  
Town Administrator  
Town of Seabrook Island  
2001 Seabrook Island Road  
Seabrook Island, SC 29455  
Office: (843) 768-5321  
Cell: (843) 637-9832  
[www.townofseabrookisland.org](http://www.townofseabrookisland.org)



## ATTACHMENT #22

Letter to Village at Seabrook Property Owners  
(July 23, 2019)



## PUBLIC HEARING NOTICE

**TO:** Village at Seabrook Property Owners  
**FROM:** Joseph M. Cronin, Town Administrator/Zoning Administrator  
**SUBJECT:** Notice of Appeal: Village at Seabrook Setback Requirements  
**DATE:** July 23, 2019

---

Dear Property Owner,

The purpose of this letter is to notify you that the Town of Seabrook Island Board of Zoning Appeals has received an appeal (**Appeal #39**) of the Zoning Administrator's Letter of Determination relating to the setback requirements for the Village at Seabrook subdivision. As a property owner who may be affected by the outcome of this appeal, you are receiving this notification pursuant to Sec. § 19.40.10.30 of the town's Development Standards Ordinance (DSO).

### **APPEAL #39**

APPELLANT: Cathy Patterson, 4064 Bridle Trail Drive, Seabrook Island, SC 29455

ADDRESSES: 2211 Seabrook Island Road (Lot A-06), 2279 Seabrook Island Road (Lot B-01), 3049 Seabrook Village Drive (Lot B-23) and 3061 Seabrook Village Drive (Lot B-26)

TAX MAP NUMBERS: 147-00-00-042 (Lot A-06), 147-00-00-059 (Lot B-01), 147-00-00-093 (Lot B-23) and 147-00-00-096 (Lot B-26)

ZONING DISTRICT: PUD/Multi-Family Residential

PURPOSE: An appeal of the Zoning Administrator's determination of the setback requirements for lots A-06, B-01, B-23 and B-26 in the Village at Seabrook Subdivision, specifically:

- Whether the setback requirements for the Village at Seabrook shall be as established in "Exhibit B" to Ordinance No. 2000-08, entitled "An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract (Developed as the Village at Seabrook)," which specifies the following minimum setback requirements for the Village at Seabrook:
  - Front Yard – 30 feet;
  - Side Yard – 15-foot separation between structures;
  - Rear Yard – 25 feet;
- Whether a corner lot shall be deemed to have two front yards, two side yards and no rear yard, as specified by Sec. § 7.60.10.10 of the Development Standards Ordinance;

- Whether the provisions of Ordinance No. 2001-03, which allows a reduction of the secondary front yard setback from 30 feet to 20 feet for corner lots wherein one intersecting street is a cul-de-sac, and which allows uncovered front steps to encroach into a front yard setback as long as they are no less than 20 feet from the front property line, applies to lots within the Village at Seabrook;
- Whether the rear yard setback for pie-shaped lots which do not have a defined rear property line shall be measured from the point of intersection between the two side property lines; and
- Whether the setback lines illustrated on the Subdivision Plat for the Village at Seabrook, which was approved by the Seabrook Island Planning Commission on December 12, 2001, and recorded in the Charleston County Register of Deeds Office on in Plat Book EF, Pages 245-246, on December 19, 2001, supersede or otherwise amend the minimum requirements contained within Ordinance No. 2000-08 or the Development Standards Ordinance.

The Board of Zoning Appeals has scheduled a **PUBLIC HEARING**, during which time the Board will hear testimony from any individual who wishes to speak regarding the appeal.

**PUBLIC HEARING DATE:** Thu. August 15, 2019

**PUBLIC HEARING TIME:** 2:30 PM

**PUBLIC HEARING LOCATION:** Seabrook Island Town Hall  
2001 Seabrook Island Road  
Seabrook Island, SC 29455

During the public hearing, any individual may speak in favor of – or in opposition to – the appeal. Following the hearing, the Board may, in conformity with the provisions of state law, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken

In addition to attending the public hearing, interested parties may submit written comments in advance of the public hearing, as follows:

**ONLINE:** [www.townofseabrookisland.org](http://www.townofseabrookisland.org) (Through 12:00 PM on August 8, 2019)

**BY E-MAIL:** [jcronin@townofseabrookisland.org](mailto:jcronin@townofseabrookisland.org)

**BY MAIL:** Town of Seabrook Island, Attn: Zoning Administrator  
2001 Seabrook Island Road, Seabrook Island, SC 29455

***Pursuant to Sec. 6-29-800(c) of the South Carolina Code of Laws, please be advised that the Town has issued a stay on all zoning actions (including zoning permit approvals) and/or legal proceedings within the Village at Seabrook until the matters which are subject to the appeal have been acted upon by the Board of Zoning Appeals.***

This stay will apply to all permit applications for which zoning review will be required to determine conformity with the Town's setback requirements. Such examples will include, but are not limited to:

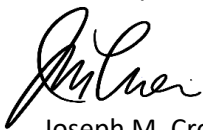
- New construction;
- Additions;
- Exterior modifications, excluding ordinary maintenance and repair;
- Reconstruction;
- Construction or modification of accessory structures, including fences, walls and driveways; and
- Major renovations to existing buildings where the value of the work exceeds 50% of the structure's fair market value.

The following activities are not subject to the Town's setback requirements and, therefore, will not be affected by this stay:

- Interior maintenance, repair and modification which does not exceed 50% of an existing structure's fair market value;
- Exterior maintenance and repair which does not change the footprint of an existing structure, excluding reconstruction;
- Any work which, in the opinion of the Zoning Administrator, is necessary to avoid imminent peril to life and property; and
- Any work which does not require a Town zoning permit.

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 [jcronin@townofseabrookisland.org](mailto:jcronin@townofseabrookisland.org).

Sincerely,



Joseph M. Cronin  
Town Administrator/Zoning Administrator





## **ATTACHMENT #23**

Public Hearing Notice – Post and Courier Legal Ad  
(July 25, 2019)

TOWN OF SEABROOK ISLAND  
2001 SEABROOK ISLAND RD  
JOHNS ISLAND SC 29455  
Attn: Faye Allbritton

## AFFIDAVIT OF PUBLICATION

# The Post and Courier

State of South Carolina  
County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

(copy attached)

appeared in the issues of said newspaper on the following day(s):

07/25/19 Thu PC  
07/25/19 Thu CNW

at a cost of \$120.72  
Account# 108294  
Order# 1808095  
P.O. Number:

Subscribed and sworn to before  
me this 25th day  
of July  
A.D. 2019

  
advertising clerk



  
NOTARY PUBLIC, SC  
My commission expires

**TOWN OF SEABROOK ISLAND, SC  
NOTICE OF PUBLIC HEARING**  
The Town of Seabrook Island Board of Zoning Appeals will conduct a Public Hearing at 2:30 pm on Thursday, August 15, 2019, at Seabrook Island Town Hall (2001 Seabrook Island Road). During the meeting, the board will consider the following appeal:  
**Appeal #39**  
**APPELLANT:** Cathy Patterson, 4064 Bridle Trail Drive, Seabrook Island, SC  
**ADDRESSES:** 2211 Seabrook Island Road (Lot A-06), 2279 Seabrook Island Road (Lot B-01), 3049 Seabrook Village Drive (Lot B-23) and 3061 Seabrook Village Drive (Lot B-26)  
**TAX MAP NUMBERS:**  
147-00-00-032 (Lot A-06),  
147-00-00-059 (Lot B-01),  
147-00-00-093 (Lot B-23) and  
147-00-00-096 (Lot B-26)  
**ZONING DISTRICT:**  
PUD/Multi-Family Residential  
**PURPOSE:** An appeal of the Zoning Administrator's determination of the setback requirements for lots A-06, B-01, B-23 and B-26 in the Village at Seabrook Subdivision.  
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](http://www.townofseabrookisland.org).  
For more information, please call (843) 768-9121.  
AC# 1808095



## ATTACHMENT #24

Zoning Conformity Maps for Existing Homes  
in the Village at Seabrook  
(Zoning Administrator Upheld v. Overturned)

**Village at Seabrook**

**Zoning Conformity Status of Existing Structures**

**Zoning Administrator Upheld (Ord. 2000-08 & DSO Control)**

**Conforming**  
41 of 56 (73.2%)

**Non-Conforming (>10%)**  
6 of 56 (10.7%)

**Non-Conforming (<=10%)**  
9 of 56 (16.1%)

**Under Construction**  
2

**Non-conforming Lots**

**Primary Front (30')**  
C-24 (15.3'), C-27 (29.8'), C-33 (29.9')

**Secondary Front (20')**  
None

**Uncovered Steps (20')**  
B-05 (18.8'), C-08 (17.0'), C-21 (17.6')  
C-23 (16.5'), C-24 (13.4')

**Side Separation (15')**  
B-02/03 & B-04 (11.6'), C-05 & C-06 (14.6')  
C-09 & C-10 (13.6')

Note: Separation >15' between ALL principal dwellings

**Rear (25')**  
A-16 (24.8')

**Open Space Deck (15')**  
A-09 (13.8')



Charleston South Carolina  
Office of Register Mesne Conveyance  
Plat recorded this 19 day of December, 2001 at  
1:52 o'clock in Plat Book LI Page 246 and tracing cloth  
copy filed in File 7 Drawer Folder 55, Drawing No. 39  
Original plat (a White Print) delivered to Tn of Seabrook Ltd.  
Sheet 2 of 2  
*Chris Lyford*  
Register Mesne Conveyance

**LEGEND**

	PROPERTY LINE AND IRON PIN SET
	PROPERTY LINE PIN NOT SET DUE TO SEWER C/D
	PROPERTY LINE AND IRON PIN FOUND
	TRAVERSE POINT ON LINE
	ADJACENT RIGHT-OF-WAY LINE
	ADJACENT PROPERTY LINE
	EASEMENT LINE
	NEW DRAINAGE EASEMENT LINE
	JURISDICTIONAL FRESHWATER WETLANDS
	APPROXIMATE FLOOD ZONE BOUNDARY

**Village at Seabrook**

**Zoning Conformity Status of Existing Structures**

**Zoning Administrator Overturned (Subdivision Plat Controls)**

**Conforming**

24 of 56 (42.9%)

**Non-Conforming (>10%)**

26 of 56 (46.4%)

**Non-Conforming (<=10%)**

6 of 56 (10.7%)

**Under Construction**

2

**Non-Conforming Lots**

**Primary Front (30')**

C-24 (15.3'), C-27 (29.8'), C-33 (29.9')

**Secondary Front (20')**

None

**Uncovered Steps (20')**

B-05 (18.8'), C-08 (17.0'), C-21 (17.6')  
C-23 (16.5'), C-24 (13.4')

**Side (7.5')**

A-05 (5.4'), A-08 (2.1'), A-15 (6.4'), A-18 (5.5')  
A-21 (4.7'), B-03 (2.0'), B-19 (4.3'), B-40 (1.5')  
C-04 (4.8'), C-05 (5.6'), C-07 (7.1'), C-08 (5.0')  
C-09 (4.0'), C-13 (1.1'), C-17 (6.1'), C-21 (6.0')  
C-22 (5.8'), C-23 (5.8'), C-27 (1.5'), C-28 (1.3')  
C-29 (3.4'), C-30 (2.8'), C-34 (2.2')

**Side (15')**

A-05 (6.5'), C-18 (8.3')

**Rear (25')**

A-01 (8.6'), A-16 (24.8'), B-25 (24.5')

**Open Space Deck (15')**

A-01 (7.9'), A-09 (13.8')



Charleston South Carolina  
Office of Register Mesne Conveyance  
Plat recorded this 19 day of December, 2001 at  
1:52 o'clock in Plat Book LI Page 246 and tracing cloth  
copy filed in File 2 Drawer Folder 55, Drawing No. 39  
Original plat (a White Print) delivered to Tn of Seabrook Island  
Sheet 2 of 2  
*Chris Lyford*  
Register Mesne Conveyance

- LEGEND**
- — PROPERTY LINE AND IRON PIN SET
  - — PROPERTY LINE PIN NOT SET DUE TO SEWER C/D
  - — PROPERTY LINE AND IRON PIN FOUND
  - ▲ — TRAVERSE POINT ON LINE
  - — ADJACENT RIGHT-OF-WAY LINE
  - — ADJACENT PROPERTY LINE
  - - - - EASEMENT LINE
  - - - - NEW DRAINAGE EASEMENT LINE
  - - - - JURISDICTIONAL FRESHWATER WETLANDS
  - — APPROXIMATE FLOOD ZONE BOUNDARY



## ATTACHMENT #25

Zoning Conformity Table for Existing Homes  
in the Village at Seabrook  
(Zoning Administrator Upheld v. Overturned)

Village at Seabrook Setbacks

Zoning Administrator Determination																	
Lot	Required							Structure	Provided							ACC	Conforming
	P Front	S Front	Steps	L Side	R Side	Rear	OS Deck		P Front	S Front	Steps	L Side	R Side	Rear	OS Deck		
A-01	30	20	20	0/15	0/15	---	---	Completed	35.0	23.4	25.4	7.6	7.9	---	---	7.7	Yes
A-05	30	---	20	0/15	0/15	25	15	Completed	50.2	---	37.6	6.5	5.4	25.6	25.2	6.5	Yes
A-08	30	---	20	0/15	0/15	25	---	Completed	40.0	---	30.0	2.1	7.5	25.2	---	23.7	Yes
A-09	30	---	20	0/15	0/15	25	15	Completed	64.0	---	57.0	8.0	12.0	27.1	13.8	7.5	No
A-10	30	---	20	0/15	0/15	25	15	Completed	88.1	---	64.6	14.3	15.3	27.4	18.2	N/5	Yes
A-15	30	20	20	0/15	0/15	---	---	Completed	40.6	20.8	30.6	7.5	25.3	---	---	6.4	Yes
A-16	30	---	20	0/15	0/15	25	15	Completed	67.0	---	55.0	8.7	21.0	24.8	32.7	28.5	No
A-17	30	---	20	0/15	0/15	25	15	Completed	64.2	---	50.0	13.8	10.2	26.0	17.7	9.4	Yes
A-18	30	---	20	0/15	0/15	25	15	Completed	30.1	---	22.8	5.5	7.6	25.4	18.8	N/5	Yes
A-21	30	---	20	0/15	0/15	25	15	Completed	43.6	---	26.8	10.4	4.7	26.9	---	N/5	Yes
A-22	30	---	20	0/15	0/15	25	15	Completed	42.0	---	31.0	12.5	12.7	26.8	---	7.6	Yes
B-03	30	---	20	0/15	0/15	25	15	Completed	32.9	---	22.1	8.7	12.3	26.0	18.5	2.0	No
B-04	30	---	20	0/15	0/15	25	15	Completed	30.0	---	20.4	8.4	9.6	25.0	20.0	N/5	No
B-05	30	---	20	0/15	0/15	25	15	Completed	30.0	---	18.8	7.5	7.5	25.0	15.0	25.4	No
B-07	30	---	20	0/15	0/15	25	15	Under Const.	---	---	---	---	---	---	---	---	---
B-10	30	---	20	0/15	0/15	25	15	Completed	30.6	---	21.0	8.7	7.6	25.1	15.7	16.2	Yes
B-15	30	---	20	0/15	0/15	25	15	Completed	38.7	---	26.8	9.0	11.9	25.0	26.2	8.2	Yes
B-17	30	---	20	0/15	0/15	25	15	Completed	71.8	---	65.8	8.2	7.6	27.0	---	N/5	Yes
B-19	30	---	20	0/15	0/15	25	15	Completed	80.0	---	---	4.6	4.3	25.0	---	5.8	Yes
B-25	30	30	20	0/15	0/15	---	---	Completed	30.0	30.4	25.2	24.5	31.8	---	---	20.5	Yes
B-32	30	---	20	0/15	0/15	25	15	Under Const.	---	---	---	---	---	---	---	---	---
B-34	30	---	20	0/15	0/15	25	15	Completed	30.2	---	21.8	7.6	11.5	25.0	16.6	9.4	Yes
B-37	30	---	20	0/15	0/15	25	15	Completed	36.4	---	26.6	15.6	8.0	32.5	25.4	15.4	Yes
B-39	30	---	20	0/15	0/15	25	15	Completed	44.2	---	37.6	15.1	8.9	35.2	25.0	N/5	Yes
B-40	30	---	20	0/15	0/15	25	15	Completed	30.6	---	---	7.6	7.8	27.0	---	1.5	Yes
B-42	30	---	20	0/15	0/15	25	15	Completed	31.2	---	25.0	8.2	8.2	26.0	24.2	13.4	Yes
C-01	30	30	20	0/15	0/15	---	---	Completed	31.0	66.6	21.4	18.5	30.2	---	---	35.1	Yes
C-03	30	---	20	0/15	0/15	25	15	Completed	33.0	---	27.8	12.9	17.9	26.1	---	9.6	Yes
C-04	30	---	20	0/15	0/15	25	15	Completed	30.6	---	22.1	7.5	7.3	25.4	15.4	4.8	Yes
C-05	30	---	20	0/15	0/15	25	15	Completed	30.0	---	20.2	10.1	10.1	25.0	---	5.6	No
C-06	30	---	20	0/15	0/15	25	15	Completed	30.0	---	20.1	10.1	10.1	25.0	---	9.0	No
C-07	30	---	20	0/15	0/15	25	15	Completed	35.0	---	29.2	11.8	7.7	25.1	---	7.1	Yes
C-08	30	---	20	0/15	0/15	25	15	Completed	30.0	---	17.0	10.4	9.5	25.0	---	5.0	No
C-09	30	---	20	0/15	0/15	25	15	Completed	30.1	---	23.2	4.0	9.0	25.0	15.0	N/5	No
C-10	30	---	20	0/15	0/15	25	15	Completed	31.1	---	25.2	13.6	9.9	26.9	---	9.6	No
C-12	30	---	20	0/15	0/15	25	15	Completed	78.0	---	70.4	8.2	7.9	29.4	---	12.1	Yes
C-13	30	---	20	0/15	0/15	25	15	Completed	52.4	---	52.4	4.8	8.5	25.0	---	1.1	Yes
C-14	30	---	20	0/15	0/15	25	15	Completed	35.4	---	25.9	8.5	11.1	32.9	---	18.3	Yes
C-15	30	---	20	0/15	0/15	25	15	Completed	37.0	---	28.0	8.4	11.4	27.9	---	9.0	Yes
C-16	30	---	20	0/15	0/15	25	15	Completed	31.0	---	26.6	8.0	11.5	39.0	---	9.1	Yes
C-17	30	---	20	0/15	0/15	25	15	Completed	30.7	---	20.6	12.0	7.8	31.0	---	6.1	Yes
C-18	30	---	20	0/15	0/15	25	15	Completed	30.2	---	24.4	8.3	18.7	36.8	---	12.0	Yes
C-20	30	30	20	0/15	0/15	---	---	Completed	30.7	30.5	21.0	9.4	25.9	---	---	25.8	Yes
C-21	30	---	20	0/15	0/15	25	---	Completed	30.0	---	17.6	13.0	8.8	25.0	---	6.0	No
C-22	30	---	20	0/15	0/15	25	---	Completed	31.5	---	25.8	8.2	11.4	27.0	---	5.8	Yes
C-23	30	---	20	0/15	0/15	25	---	Completed	30.0	---	16.5	11.7	8.1	25.0	---	5.8	No
C-24	30	---	20	0/15	0/15	25	---	Completed	15.3	---	13.4	14.2	26.4	30.0	---	8.8	No
C-25	30	---	20	0/15	0/15	25	---	Completed	30.0	---	20.0	16.1	9.0	25.0	---	15.2	Yes
C-26	30	30	20	0/15	0/15	---	---	Completed	30.0	30.2	26.1	27.6	0.1	---	---	23.7	Yes
C-27	30	---	20	0/15	0/15	25	---	Completed	29.8	---	20.0	18.6	1.5	25.2	---	17.2	No
C-28	30	---	20	0/15	0/15	25	---	Completed	30.6	---	21.6	15.2	1.3	26.7	---	12.4	Yes
C-29	30	---	20	0/15	0/15	25	---	Completed	46.6	---	48.8	11.2	3.4	26.6	---	11.6	Yes
C-30	30	30	20	0/15	0/15	---	---	Completed	61.6	31.9	54.8	25.4	2.8	---	---	25.8	Yes
C-31	30	30	20	0/15	0/15	---	---	Completed	32.7	33.5	23.9	10.4	25.4	---	---	33.5	Yes
C-32	30	---	20	0/15	0/15	25	---	Completed	30.0	---	20.2	10.0	19.9	25.0	---	15.4	Yes
C-33	30	30	20	0/15	0/15	---	---	Completed	29.9	30.0	20.0	25.0	10.1	---	---	9.2	No
C-34	30	---	20	0/15	0/15	25	---	Completed	31.1	---	25.4	7.2	2.2	48.5	---	7.8	Yes
C-35	30	30	20	0/15	0/15	---	---	Completed	32.6	31.3	22.4	25.0	8.1	---	---	27.4	Yes

\* Per PUD/DSO: Min. side yard = 0' (7.5' recommended); Min. separation between buildings = 15'

\*\* Per DSO: A corner lot is defined to have 2 fronts & 2 sides (No rear setback)

\*\*\* Pie Shaped Lots: Min. rear yard = 25' (Measured from point where side lines intersect)

Zoning Admin.	30'	20'	20'	15' Sep	15' Sep	25'	15'	Acc	Any N/C
Non-Conformities	3 (5.4%)	0 (0.0%)	5 (8.9%)	0 (0.0%)	0 (0.0%)	1 (1.8%)	1 (1.8%)	6 (10.7%)	15 (26.8%)
Excl. <=10% Non-Conformities	30'	20'	20'	15' Sep	15' Sep	25'	15'	Acc	Any N/C
	1 (1.8%)	0 (0.0%)	4 (7.1%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	0 (0.0%)	2 (3.6%)	6 (10.7%)

*This interpretation WOULD apply Ord. 2001-03 (adopted 06-26-2001) to the Village, even though the Village PUD was never amended. ZA has determined that the intent was for Ord. 2001-03 to apply to the Village as evidenced by 20' front SB on 2/2 (100%) cul-de-sac lots and 10' step encroachment on 34/55 (61.8%).*

Village at Seabrook Setbacks

Lot	Recorded Plat																Conforming
	Required							Structure	Provided							ACC	
	P Front	S Front	Steps	L Side	R Side	Rear	OS Deck		P Front	S Front	Steps	L Side	R Side	Rear	OS Deck		
A-01	30	20	20	0	---	25	15	Completed	35.0	23.4	25.4	7.6	---	8.6	7.9	7.7	No
A-05	30	---	20	15	7.5	25	15	Completed	50.2	---	37.6	6.5	5.4	25.6	25.2	6.5	No
A-08	30	---	20	7.5	7.5	25	---	Completed	40.0	---	30.0	2.1	7.5	25.2	---	23.7	No
A-09	30	---	20	7.5	7.5	25	15	Completed	64.0	---	57.0	8.0	12.0	27.1	13.8	7.5	No
A-10	30	---	20	7.5	7.5	25	15	Completed	88.1	---	64.6	14.3	15.3	27.4	18.2	N/S	Yes
A-15	30	20	20	7.5	---	25	---	Completed	40.6	20.8	30.6	7.5	---	25.3	---	6.4	No
A-16	30	---	20	7.5	7.5	25	15	Completed	67.0	---	55.0	8.7	21.0	24.8	32.7	28.5	No
A-17	30	---	20	7.5	7.5	25	15	Completed	64.2	---	50.0	13.8	10.2	26.0	17.7	9.4	Yes
A-18	30	---	20	7.5	7.5	25	15	Completed	30.1	---	22.8	5.5	7.6	25.4	18.8	N/S	No
A-21	30	---	20	7.5	7.5	25	15	Completed	43.6	---	26.8	10.4	4.7	26.9	---	N/S	No
A-22	30	---	20	7.5	7.5	25	15	Completed	42.0	---	31.0	12.5	12.7	26.8	---	7.6	Yes
B-03	30	---	20	7.5	7.5	25	15	Completed	32.9	---	22.1	8.7	12.3	26.0	18.5	2.0	No
B-04	30	---	20	7.5	7.5	25	15	Completed	30.0	---	20.4	8.4	9.6	25.0	20.0	N/S	Yes
B-05	30	---	20	7.5	7.5	25	15	Completed	30.0	---	18.8	7.5	7.5	25.0	15.0	25.4	No
B-07	30	---	20	7.5	7.5	25	15	Under Const.	---	---	---	---	---	---	---	---	---
B-10	30	---	20	7.5	7.5	25	15	Completed	30.6	---	21.0	8.7	7.6	25.1	15.7	16.2	Yes
B-15	30	---	20	7.5	7.5	25	15	Completed	38.7	---	26.8	9.0	11.9	25.0	26.2	8.2	Yes
B-17	30	---	20	7.5	7.5	25	15	Completed	71.8	---	65.8	8.2	7.6	27.0	---	N/S	Yes
B-19	30	---	20	7.5	7.5	25	15	Completed	80.0	---	---	4.6	4.3	25.0	---	5.8	No
B-25	30	30	20	---	7.5	25	---	Completed	30.0	30.4	25.2	---	31.8	24.5	---	20.5	No
B-32	30	---	20	7.5	7.5	25	15	Under Const.	---	---	---	---	---	---	---	---	---
B-34	30	---	20	7.5	7.5	25	15	Completed	30.2	---	21.8	7.6	11.5	25.0	16.6	9.4	Yes
B-37	30	---	20	15	7.5	25	15	Completed	36.4	---	26.4	15.6	8.0	32.5	25.4	15.4	Yes
B-39	30	---	20	7.5	7.5	25	15	Completed	44.2	---	37.6	15.1	8.9	35.2	25.0	N/S	Yes
B-40	30	---	20	7.5	7.5	25	15	Completed	30.6	---	---	7.6	7.8	27.0	---	1.5	No
B-42	30	---	20	7.5	7.5	25	15	Completed	31.2	---	25.0	8.2	8.2	26.0	24.2	13.4	Yes
C-01	30	30	20	7.5	---	25	15	Completed	31.0	66.6	21.4	18.5	---	30.2	---	35.1	Yes
C-03	30	---	20	7.5	7.5	25	15	Completed	33.0	---	27.8	12.9	17.9	26.1	---	9.6	Yes
C-04	30	---	20	7.5	7.5	25	15	Completed	30.6	---	22.1	7.5	7.3	25.4	15.4	4.8	No
C-05	30	---	20	7.5	7.5	25	15	Completed	30.0	---	20.2	10.1	10.1	25.0	---	5.6	No
C-06	30	---	20	7.5	7.5	25	15	Completed	30.0	---	20.1	10.1	10.1	25.0	---	9.0	Yes
C-07	30	---	20	7.5	7.5	25	15	Completed	35.0	---	29.2	11.8	7.7	25.1	---	7.1	No
C-08	30	---	20	7.5	7.5	25	15	Completed	30.0	---	17.0	10.4	9.5	25.0	---	5.0	No
C-09	30	---	20	7.5	7.5	25	15	Completed	30.1	---	23.2	4.0	9.0	25.0	15.0	N/S	No
C-10	30	---	20	7.5	7.5	25	15	Completed	31.1	---	25.2	13.6	9.9	26.9	---	9.6	Yes
C-12	30	---	20	7.5	7.5	25	15	Completed	78.0	---	70.4	8.2	7.9	29.4	---	12.1	Yes
C-13	30	---	20	7.5	7.5	25	15	Completed	52.4	---	52.4	4.8	8.5	25.0	---	1.1	No
C-14	30	---	20	7.5	7.5	25	15	Completed	35.4	---	25.9	8.5	11.1	32.9	---	18.3	Yes
C-15	30	---	20	7.5	7.5	25	15	Completed	37.0	---	28.0	8.4	11.4	27.9	---	9.0	Yes
C-16	30	---	20	7.5	7.5	25	15	Completed	31.0	---	26.6	8.0	11.5	39.0	---	9.1	Yes
C-17	30	---	20	7.5	7.5	25	15	Completed	30.7	---	20.6	12.0	7.8	31.0	---	6.1	No
C-18	30	---	20	15	7.5	25	15	Completed	30.2	---	24.4	8.3	18.7	36.8	---	12.0	No
C-20	30	30	20	7.5	---	25	---	Completed	30.7	30.5	21.0	9.4	---	25.9	---	25.8	Yes
C-21	30	---	20	7.5	7.5	25	---	Completed	30.0	---	17.6	13.0	8.8	25.0	---	6.0	No
C-22	30	---	20	7.5	7.5	25	---	Completed	31.5	---	25.8	8.2	11.4	27.0	---	5.8	No
C-23	30	---	20	7.5	7.5	25	---	Completed	30.0	---	16.5	11.7	8.1	25.0	---	5.8	No
C-24	30	---	20	7.5	---	25	---	Completed	15.3	---	13.4	14.2	---	26.4	---	8.8	No
C-25	30	---	20	15	7.5	25	---	Completed	30.0	---	20.0	16.1	9.0	25.0	---	15.2	Yes
C-26	30	30	20	---	0	25	---	Completed	30.0	30.2	26.1	---	0.1	27.6	---	23.7	No
C-27	30	---	20	7.5	7.5	25	---	Completed	29.8	---	20.0	18.6	1.5	25.2	---	17.2	No
C-28	30	---	20	7.5	7.5	25	---	Completed	30.6	---	21.6	15.2	1.3	26.7	---	12.4	No
C-29	30	---	20	7.5	7.5	25	---	Completed	46.6	---	48.8	11.2	3.4	26.6	---	11.6	No
C-30	30	30	20	---	7.5	25	---	Completed	61.6	31.9	54.8	---	2.8	25.4	---	25.8	No
C-31	30	30	20	7.5	---	25	---	Completed	32.7	33.5	23.9	10.4	---	25.4	---	33.5	Yes
C-32	30	---	20	7.5	7.5	25	---	Completed	30.0	---	20.2	10.0	19.9	25.0	---	15.4	Yes
C-33	30	30	20	---	7.5	25	---	Completed	29.9	30.0	20.0	---	10.1	25.0	---	9.2	No
C-34	30	---	20	7.5	7.5	25	---	Completed	31.1	---	25.4	7.2	2.2	48.5	---	7.8	No
C-35	30	30	20	---	7.5	25	---	Completed	32.6	31.3	22.4	---	8.1	25.0	---	27.4	Yes

Recorded Plat	30'	20'	20'	0'/7.5'/15'	0'/7.5'/15'	25'	15'	Acc	Any N/C
Non-Conformities	3 (5.4%)	0 (0.0%)	5 (8.9%)	8 (14.3%)	9 (16.1%)	3 (5.4%)	2 (3.6%)	16 (28.6%)	32 (57.1%)
Excl. <=10%	30'	20'	20'	0'/7.5'/15'	0'/7.5'/15'	25'	15'	Acc	Any N/C
Non-Conformities	1 (1.8%)	0 (0.0%)	4 (7.1%)	7 (12.5%)	8 (14.3%)	1 (1.8%)	1 (1.8%)	14 (25.0%)	27 (48.2%)





## ATTACHMENT #26

Zoning Conformity Impact for Existing Homes  
in the Village at Seabrook  
(Zoning Administrator Upheld v. Overturned)

### Impact to Existing Homeowners if Zoning Administrator Determination is Overturned

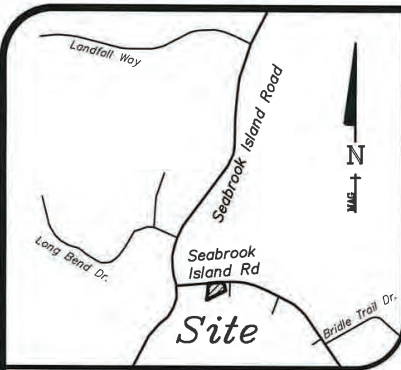
Lot	#	Street	Owner(s)	Zoning Administrator Upheld	Zoning Administrator Overturned
				Conforming?	Conforming?
A-01	2191	Seabrook Island Road	RONALD WILKES TRUST AND VANIA WILKES TRUST	Yes	No
A-05	2207	Seabrook Island Road	CARMINE AND ARLINE DEGENNARO	Yes	No
A-08	2219	Seabrook Island Road	RAYBURN AND MARGARET THOMPSON	Yes	No
A-09	2223	Seabrook Island Road	MARSHA PAPENEK	No	No
A-10	2227	Seabrook Island Road	ROBERT GIUFFREDA AND KRISTEN CHAPMAN	Yes	Yes
A-15	2247	Seabrook Island Road	JAMES AND JOANNE MOORE	Yes	No
A-16	2251	Seabrook Island Road	PATRICIA MALOOMIAN	No	No
A-17	2255	Seabrook Island Road	PATRICK AND LORA CONNELLY	Yes	Yes
A-18	2259	Seabrook Island Road	MARK PENKHUS AND CYNTHIA CHASE	Yes	No
A-21	2271	Seabrook Island Road	HOWARD MINTZ LIVING TRUST AND STEPHANIE MINTZ LIVING TRUST	Yes	No
A-22	2275	Seabrook Island Road	CARL AND DONNA KERN	Yes	Yes
B-03	3020	Seabrook Village Drive	TIMOTHY AND SHELLY LEAVITT	No	No
B-04	3024	Seabrook Village Drive	RAMON AND NANCY SANCHEZ	No	Yes
B-05	3028	Seabrook Village Drive	JOHN AND PATRICIA BISCEGLIA	No	No
B-10	3048	Seabrook Village Drive	MARY BETH HIBBARD	Yes	Yes
B-15	3068	Seabrook Village Drive	DEAN AND MEREDITH ZERBE	Yes	Yes
B-17	3076	Seabrook Village Drive	SHAWN AND SUSAN WHEELER	Yes	Yes
B-19	3084	Seabrook Village Drive	KENNETH AND REGINA OSTER	Yes	No
B-25	3041	Seabrook Village Drive	SANDRA LEAH GARVEY	Yes	No
B-34	3112	Seabrook Village Drive	JEFFREY KRAMER	Yes	Yes
B-37	3124	Seabrook Village Drive	MICHAEL HOLIAN TRUST AND EVA MARIA HOLIAN TRUST	Yes	Yes
B-39	3029	Seabrook Village Drive	JAMES VINCENT AND MARCIA BONICA	Yes	Yes
B-40	3025	Seabrook Village Drive	WALTER AND PHYLLIS HARPER	Yes	No
B-42	3017	Seabrook Village Drive	DOUGLAS BAYER TRUST AND ELIZABETH BAYER TRUST	Yes	Yes
C-01	4004	Bridle Trail Drive	ANTHONY GEORGE AND SUSAN WALSH	Yes	Yes
C-03	4008	Bridle Trail Drive	TIMOTHY AND SALLY SCOTT	Yes	Yes
C-04	4012	Bridle Trail Drive	PETER AND LOUISE LEEKE	Yes	No
C-05	4016	Bridle Trail Drive	WALTER AND BRENDA HOGUE	No	No
C-06	4020	Bridle Trail Drive	LISA ATKINS	No	Yes
C-07	4024	Bridle Trail Drive	TIMOTHY SCAHILL	Yes	No
C-08	4028	Bridle Trail Drive	STEVEN AND LAURA WENDLING	No	No
C-09	4032	Bridle Trail Drive	DAVID AND MARGARITA WIRTH	No	No
C-10	4036	Bridle Trail Drive	ROOFUS RETREAT LLC	No	Yes
C-12	4044	Bridle Trail Drive	BONNIE BRIDGE BENSONHAVER TRUSTEE	Yes	Yes
C-13	4048	Bridle Trail Drive	CAPPO INVESTMENT II LLC	Yes	No
C-14	4052	Bridle Trail Drive	GLENN AND DEBBIE MANNING	Yes	Yes
C-15	4056	Bridle Trail Drive	GLENN AND AMY FEHRIBACH	Yes	Yes
C-16	4060	Bridle Trail Drive	MARK SMITH	Yes	Yes
C-17	4064	Bridle Trail Drive	CATHERINE PATTERSON	Yes	No
C-18	4068	Bridle Trail Drive	TROY AND VICKIE BROWN	Yes	No
C-20	4029	Bridle Trail Drive	JUDY STEVENS	Yes	Yes
C-21	4025	Bridle Trail Drive	ARVIS AND DEBORAH WADE	No	No
C-22	4021	Bridle Trail Drive	DUANE JAMES AND JEANNE NORCROSS	Yes	No
C-23	4017	Bridle Trail Drive	CLIFFORD WILLIAMS	No	No
C-24	4013	Bridle Trail Drive	KANC LLC	No	No
C-25	4009	Bridle Trail Drive	TIMOTHY FINAN	Yes	Yes
C-26	4007	Bridle Trail Drive	TIMOTHY JACKSON AND NANCY BERG	Yes	No
C-27	3004	Seabrook Village Drive	RICHARD AND CAROL GREB	No	No
C-28	3008	Seabrook Village Drive	PHILIP AND JO EMILY SMELTZER	Yes	No
C-29	3012	Seabrook Village Drive	GERALD AND JACQUELINE SINGER	Yes	No
C-30	3014	Seabrook Village Drive	WADE AND KAREN BALLARD	Yes	No
C-31	3007	Seabrook Village Drive	CHRISTINE FLAIZ	Yes	Yes
C-32	3005	Seabrook Village Drive	PETER AND PAMELA ALEXANDER	Yes	Yes
C-33	3001	Seabrook Village Drive	ROBERT AND BETH BOYLES	No	No
C-34	4005	Bridle Trail Drive	BCA INVESTMENT HOLDINGS LLC	Yes	No
C-35	4003	Bridle Trail Drive	NANCY RAGUE	Yes	Yes

23	Existing homes will become NON-CONFORMING/MORE NON-CONFORMING impacted if Zoning Administrator Determination is OVERTURNED
3	Existing homes will become CONFORMING/LESS NON-CONFORMING if Zoning Administrator Determination is OVERTURNED
30	Existing homes will have NO CHANGE if the Zoning Administrator Determination is OVERTURNED 21 CONFORMING homes will stay CONFORMING 9 NON-CONFORMING homes will stay NON-CONFORMING



## ATTACHMENT #27

### As-Built Surveys of Existing Homes in the Village at Seabrook



**NOTES:**

- 1.) ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
- 2.) AREA DETERMINED BY COORDINATE METHOD.
- 3.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
- 4.) THE PRESENCE OR ABSENCE OF U.S. ARMY CORP OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY.
- 5.) THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY, AND IS NOT THE RESULT OF A TITLE SEARCH.
- 6.) TREE SPECIES SHOWN HEREON ARE OUR OPINION ONLY AND HAVE NOT BEEN VERIFIED BY A CERTIFIED ARBORIST. PRIOR TO ANY DEVELOPMENT OR TREE REMOVAL TREE SPECIES SHALL BE VERIFIED.
- 7.) THIS PROPERTY IS LOCATED IN FLOOD ZONE AE ELEV. 13, AS PER FEMA MAP COMMUNITY-PANEL No. 450258 0785 J, DATED 11/17/04. IT IS THE OWNERS/BUILDERS RESPONSIBILITY TO VERIFY THIS FLOOD ZONE WITH LOCAL AUTHORITIES PRIOR TO BUILDING.
- 8.) DECLARATION IS MADE TO THOSE PERSONS FOR WHICH THIS PLAT WAS PREPARED. IT IS NOT TRANSFERABLE TO SUBSEQUENT OWNERS. THIS DRAWING/PLAT IS AN INSTRUMENT OF SERVICE AND IS THE SOLE PROPERTY OF GEORGE A.Z. JOHNSON, JR., INC. IT SHALL NOT BE REPRODUCED OR USED IN ANY WAY, WHATSOEVER, WITHOUT THE WRITTEN PERMISSION OF F. STEVEN JOHNSON, PLS, SC REG No. 10038. COPYRIGHT © 2012, F. Steven Johnson
- 9.) USE OF UNSEALED COPIES OF THIS DOCUMENT IN ANY COURT, FINANCIAL OR LAND TRANSACTION, OR FILING WITH ANY PUBLIC AGENCY OR OFFICE IS UNAUTHORIZED USE AND IS A VIOLATION OF FEDERAL COPYRIGHT LAWS.
- 10.) "SURVEY INSPECTIONS" OR "UPDATES" OF THIS MAP ARE PROHIBITED.
- 11.) THESE CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

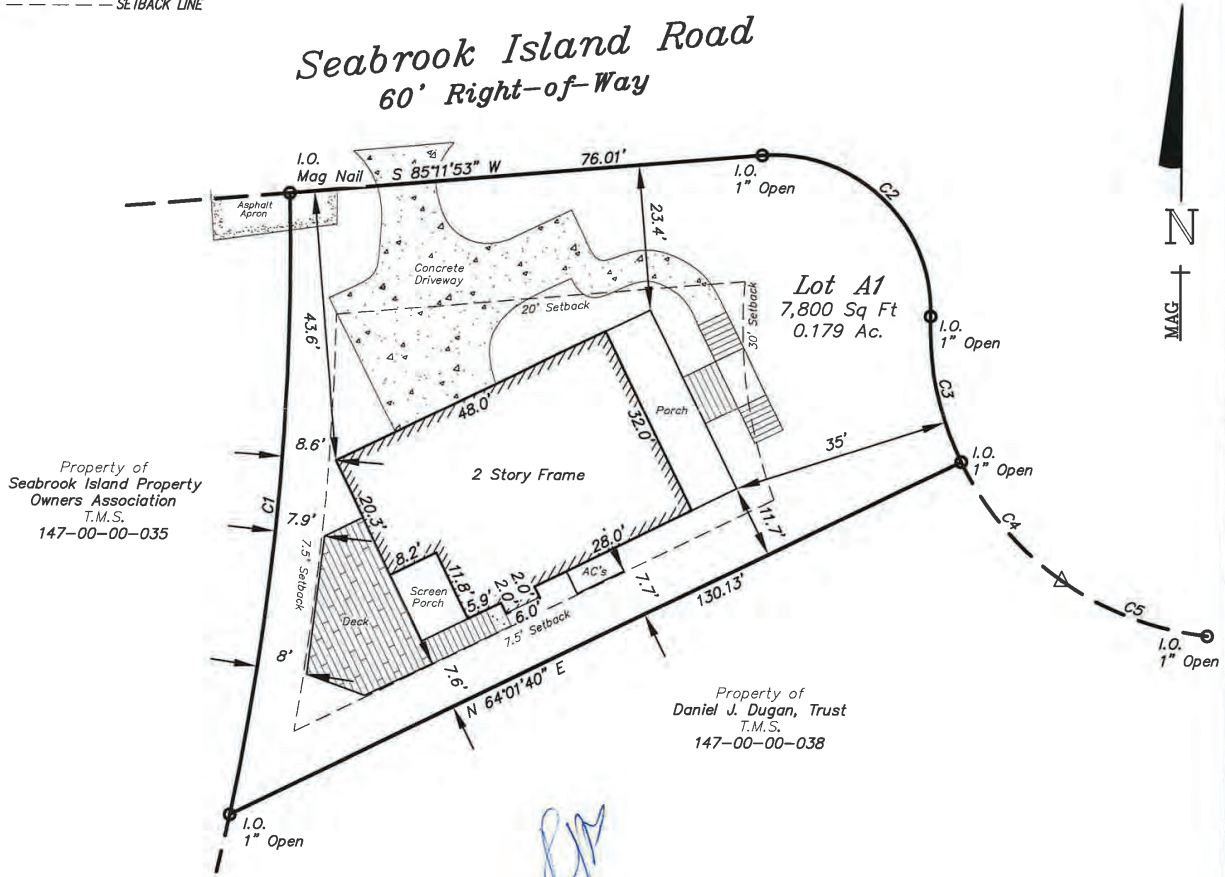
**LEGEND:**

- I.O. IRON PIN OLD
- I.N. IRON PIN NEW (5/8 REBAR)
- CONCRETE MONUMENT FOUND
- △ C.P. CALCULATED POINT
- ⊙ POWER POLE
- PROPERTY LINE
- - - ADJOINER LINE
- - - SETBACK LINE

**REFERENCES:**

- 1.) T.M.S. 147-00-00-037
- 2.) PLAT BY G. ROBERT GEORGE DATED NOVEMBER 13, 2001 PLAT BOOK EF PAGE 245, 246 RMC CHARLESTON COUNTY

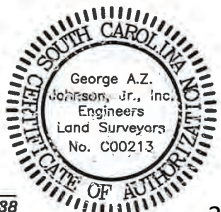
Curve	Delta	Radius	Arc	Tangent	Chord	Chord Brg.
C1	13°25'39"	428.97	100.53	50.50	100.30	N05°13'52"E
C2	96°39'44"	25.00	42.18	28.09	37.35	N46°27'55"W
C3	27°50'38"	50.00	24.30	12.39	24.06	S12°03'03"E
C4	28°57'18"	50.00	25.27	12.91	25.00	S40°27'02"E
C5	28°57'18"	50.00	25.27	12.91	25.00	S69°24'20"E



**FINAL ASBUILT SURVEY**  
 No. 2191 SEABROOK ISLAND ROAD  
 LOT A1, THE VILLAGE AT SEABROOK  
 TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY  
 SOUTH CAROLINA  
 T.M.S. No. 147-00-00-037

OWNED BY:  
**DR. RON & VANIA WILKES**

I hereby certify to the owner(s) shown hereon that to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; and that there are no visible encroachments or projections other than shown.



J.N. 23518 FIN F.B. 919 MZJ 20 10 0 20  
 DATE: 6/14/12 SCALE: 1" = 20'

**GEORGE A.Z. JOHNSON, JR., INC.**  
 ENGINEERS · PLANNERS · LAND SURVEYORS  
 6171 SAVANNAH HIGHWAY  
 RAVENEL, SOUTH CAROLINA 29470  
 (843) 889-1492 Charleston No. 722-3892 Edisto No. 869-1495  
 Fax No. (843) 889-1054  
 © Copyright 2012, George A.Z. Johnson, Jr., Inc. All rights reserved.

F. Steven Johnson, RLS S.C. No. 10038  
 This plat not a valid, true copy unless bearing the raised, embossed seal of the surveyor.

SEABROOK ISLAND ROAD  
50' R/W

**CERTIFICATIONS**

1. 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 HEREIN ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
2. I CERTIFY THAT THE PROPERTY SHOWN HEREON IS IN A SPECIAL FLOOD HAZARD ZONE ACCORDING TO F.E.M.A. FLOOD HAZARD BOUNDARY MAPS.

**LEGEND**

- I.O. INDICATES IRON PIPE, OLD
- I.N. INDICATES IRON PIPE, NEW
- R.O. INDICATES ROD, OLD
- R.N. INDICATES ROD, NEW
- C.M.O. INDICATES CONCRETE MONUMENT, OLD

**NOTES**

1. AREA = 8,566 SQ.FT. OR 0.20 ACRES.
2. LOT COVERAGE = 3,107/8,566 = 0.363 OR 36%
3. REF. : PLAT BOOK ET, PAGE 245.
4. PRESENTLY OWNED BY CARMINE DEGENNARO AND ARLINE DEGENNARO.
5. T.M.S. NO. 147-00-00-041.
6. THE ADDRESS IS 2207 SEABROOK ISLAND RD.

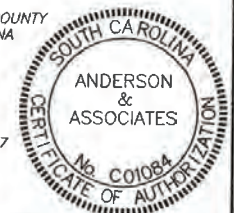
**PLAT**

LOT A5,  
THE VILLAGE AT SEABROOK,  
TOWN OF SEABROOK ISLAND

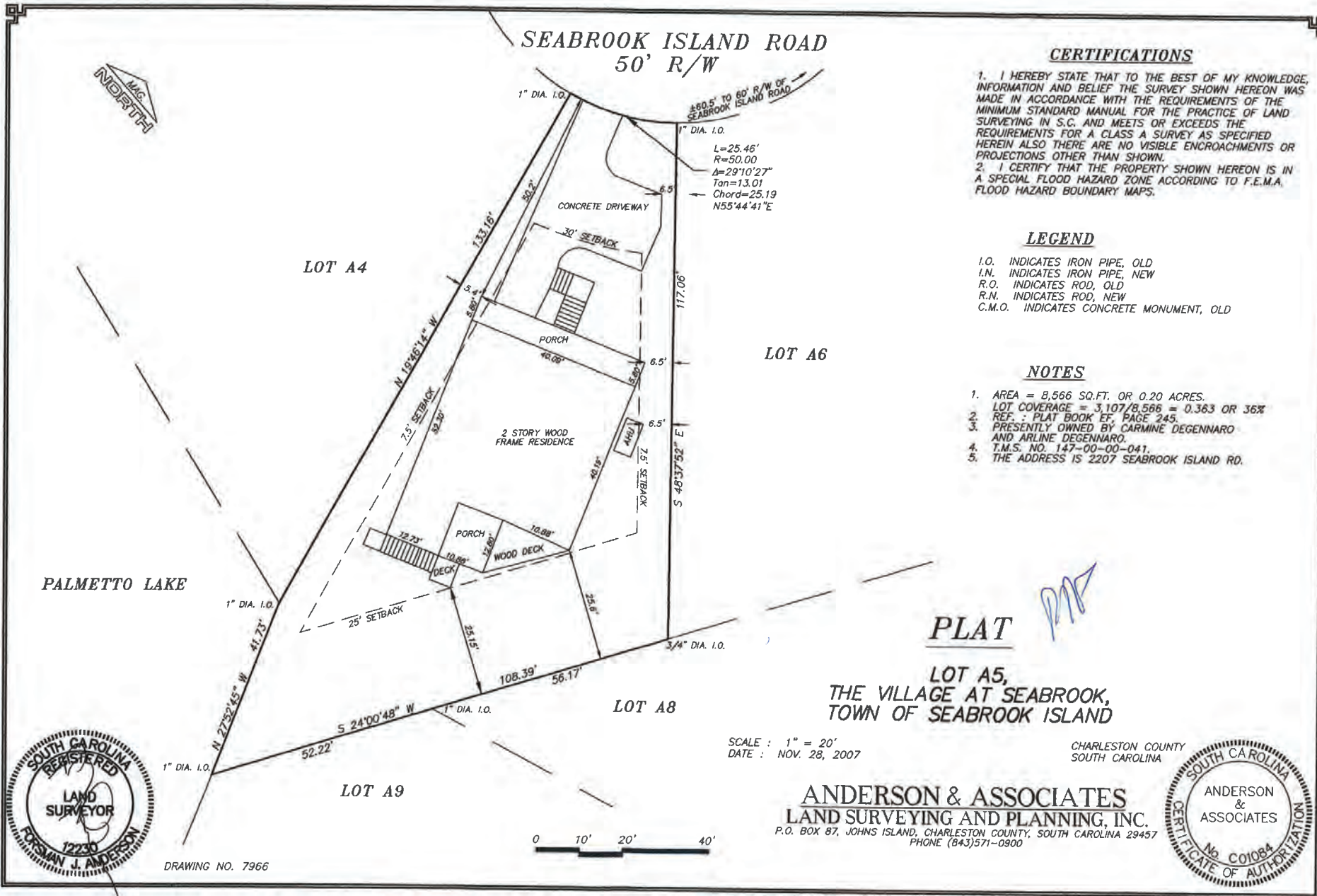
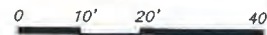
SCALE : 1" = 20'  
DATE : NOV. 28, 2007

CHARLESTON COUNTY  
SOUTH CAROLINA

**ANDERSON & ASSOCIATES**  
LAND SURVEYING AND PLANNING, INC.  
P.O. BOX 87, JOHNS ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA 29457  
PHONE (843)571-0900



DRAWING NO. 7966



**LEGEND:**

- ⊙ CABLE TV
- 1" PINCH PIPE
- ▲ PK NAIL FOUND
- ⊙ WATER METER
- ⊙ TELEPHONE BOX
- + SPOT ELEVATION
- ⊙⊙ SEWER CLEAN-OUT

— LOT LINE  
 - - - ADJACENT LOT LINE

**NOTES:**

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. THE SURVEY SHOWN HEREON REFLECTS THE ABOVE RECORDED REFERENCES.

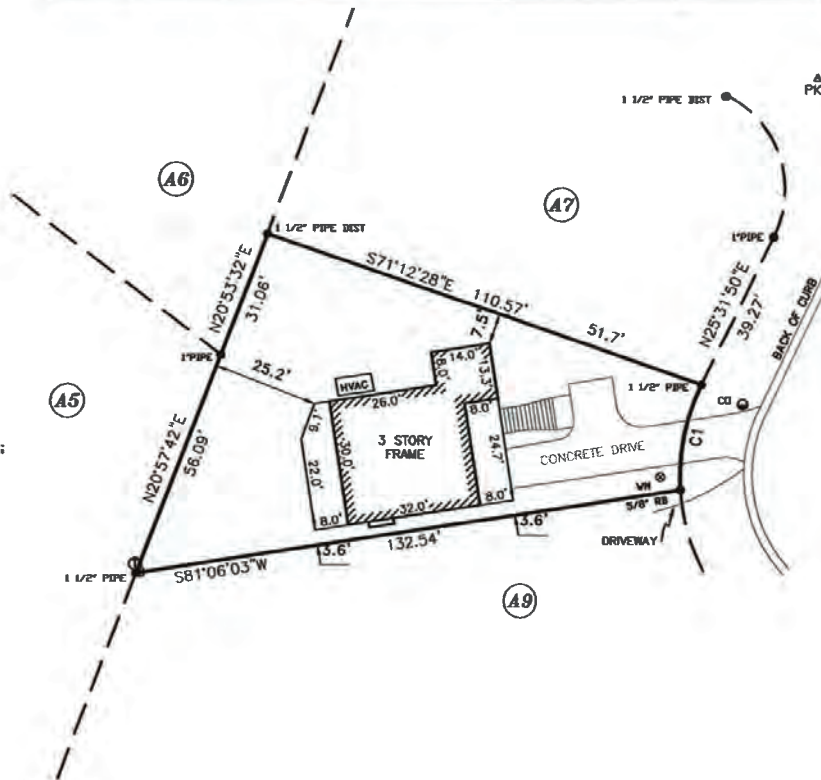
**SETBACKS:**

FRONT: 30'  
 SIDES: 7.5'  
 REAR 25'

**SCALE: 1" = 30'**



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	26.04'	25.74'	N 10°54'13" E	29°50'10"



**AREAS:**  
 HOUSE: 1,540 SQ.-FT.  
 STEPS: 117 SQ.-FT.  
 DRIVE: 577 SQ.-FT.



**BRITT LAND SURVEYING, INC.**  
 1302 NEWCASTLE ST.  
 CHARLESTON, SC 29407  
 843-810-8771



**LOCATION MAP N.T.S.**

**REFERENCE:**

1) PLAT RECORDED IN CHARLESTON COUNTY RMC OFFICE IN PLAT BOOK EF AT PAGE 245.

**FLOOD NOTE:**

THIS LOT IS SITUATED IN A FLOOD ZONE AE 13 AS PER SCALING FROM FEMA F.I.R.M. MAP # 45019C0785J DATED NOVEMBER 14, 2004.

**PLAT OF:**  
**FOUNDATION SURVEY SHOWING**  
**LOT A-8 THE VILLAGE AT SEABROOK**  
**PREPARED FOR:**  
**BENNETT INNOVATIVE HOMES**  
**LOCATED IN THE**  
**TOWN OF SEABROOK ISLAND**  
**CHARLESTON COUNTY - SOUTH CAROLINA**  
 LOT A-8 6380± SQ. FT. 0.15± ACRES

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. THE EASEMENTS SHOWN ARE THOSE THAT ARE OBVIOUS AND APPARENT AND THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN HEREON. ALL NECESSARY MONUMENTS HAVE BEEN INSTALLED AND THE AREA HAS BEEN DETERMINED BY THE COORDINATE METHOD.

DEAN L. BRITT, PLS SOUTH CAROLINA REGISTRATION NO. 15792

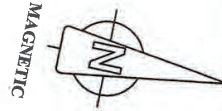


LOCATION:	2218 SEABROOK ISLAND RD.	
TAX MAP #	147-00-00-044	
DATE:	JULY 28, 2010	DRAWN BY: DEAN L. BRITT
FIELD DATE:	JULY 28, 2010	FIELD BY: DEAN L. BRITT
JOB NO.	091343-FINAL	
COUNTY/STATE	CHARLESTON, S.C.	PMT#

**GEOMETRIC SURVEYING CO., INC.**  
**4415 LORD PROPRIETORS RD.**  
**MEGETT, S.C., 29449**  
**843-889-0259**

NOTE:  
 TITLE TO THE LAGOON PERIMETER, ABOVE THE  
 WATERLINE, WAS NOT RESEARCHED, IT WAS FORMERLY  
 A COMMON AREA BUT TITLE MAY HAVE BEEN TRANSFERRED  
 TO THE SEABROOK ISLAND P.O.A.

**PALMETTO LAKE**



**LOT No. A10**  
 ADJOINING RESIDENCE

**LOT No. A5**

**LOT No. A8**

**LEGEND**

- IR = IRON REBAR
- IB = IRON BAR (SOLID)
- IP = IRON PIPE
- CM = CONCRETE MONUMENT
- F = FOUND
- S = SET
- C = CRIMPED, (PINCHED)
- SIZES AS NOTED

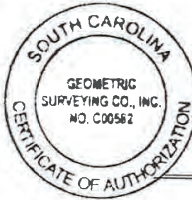
- PLAT NOTES:**
1. LOT AREA IS 9,445 SQ. FT.
  2. PROPERTY DESCRIPTION IS FROM THE PLAT OF RECORD. A TITLE SEARCH WAS NOT PERFORMED BY THE SURVEYOR. PLEASE REFER TO ATTORNEY'S TITLE SEARCH FOR TITLE MATTERS.

D = 28°57'18"  
 A = 25.27'  
 R = 50.00'  
 TAN = 12.91'  
 CD = 25.00'  
 CD BRG = S 9° 54' 57" E

*ok  
 BMS*

**CUL - DE - SAC**  
**SEABROOK ISLAND ROAD ( 50 ft. R/W )**

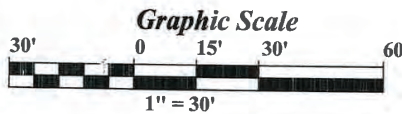
REFERENCE:  
 PLAT BY G. ROBERT GEORGE & ASSOCIATES, INC., 11/13/01,  
 BK. EF, PG. 245 & 246, RMC, CHARLESTON CO., S.C.



**PLAT of**  
**LOT No. 9A, THE VILLAGE AT SEABROOK**  
**THE TOWN of SEABROOK ISLAND**  
**CHARLESTON COUNTY SOUTH CAROLINA**  
**AUGUST 9, 2006 SCALE: 1" = 30'**  
**OWNED BY THE PAPANIEKS**  
 UPDATED / REVISED 8/24/07

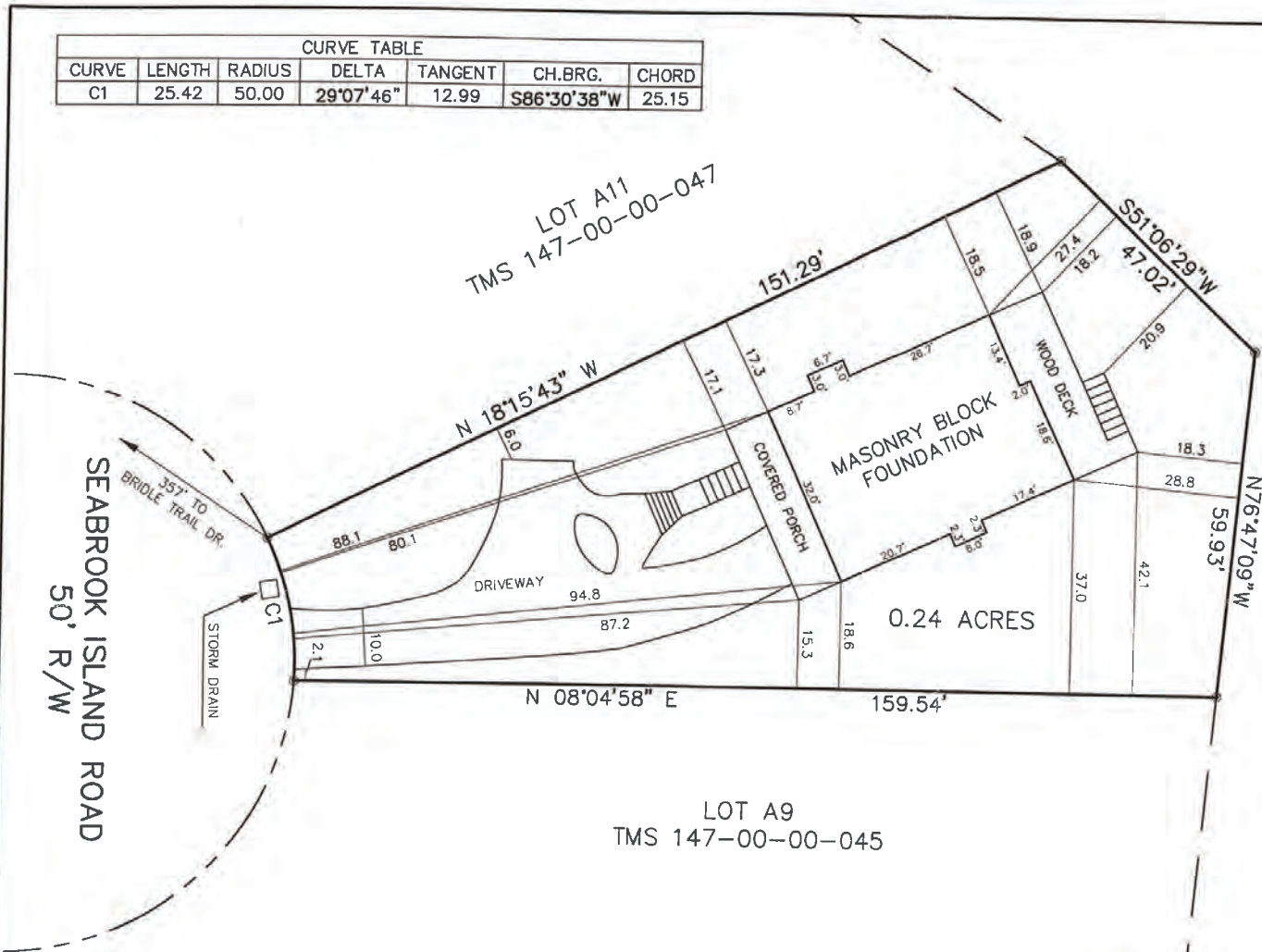
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE,  
 INFORMATION & BELIEF, THE SURVEY SHOWN HEREON  
 WAS MADE IN ACCORDANCE WITH THE MINIMUM  
 STANDARDS MANUAL FOR THE PRACTICE OF LAND  
 SURVEYING IN SOUTH CAROLINA, & MEETS OR EXCEEDS  
 THE REQUIREMENTS FOR A CLASS A SURVEY AS  
 SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE  
 ENCROACHMENTS OR PROJECTIONS OTHER THAN  
 SHOWN.

CHARLIE B. AYCOCK, III, P.L.S., REG. No. 9543



060601-S

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CH.BRG.	CHORD
C1	25.42	50.00	29°07'46"	12.99	S86°30'38"W	25.15



**NOTES & REFERENCES:**

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 455413 0440 H DATED 9/2/93, THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE A8 (ELEV. 13').

REFERENCE PLAT BY G. ROBERT GEORGE RECORDED IN THE CHARLESTON CO. R.M.C. OFFICE IN PLAT BOOK EE AT PAGE 41.

ALL PROPERTY CORNERS ARE 1" PIPES FOUND



**FINAL SURVEY**

LOT A-10  
 TMS 147-00-00-046  
 2227 SEABROOK ISLAND ROAD  
 THE VILLAGE @ SEABROOK  
 TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SC  
 DATE: AUGUST 2, 2001 SCALE: 1" = 20'  
 REVISED FEBRUARY 26, 2002

**ABSOLUTE SURVEYING, INC.**

4 CARRIAGE LANE  
 P.O. BOX 30604  
 CHARLESTON, SOUTH CAROLINA 29417  
 PHONE (843)763-6669 FAX (843)763-6632

**GRAPHIC SCALE**



( IN FEET )

1 inch = 20 ft.

REV. 8/14/1 ADD REAR TIES

JOB #01-1430



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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*James Kelly Davis* 2/27/12  
 JAMES KELLY DAVIS, R.L.S. No. 9758



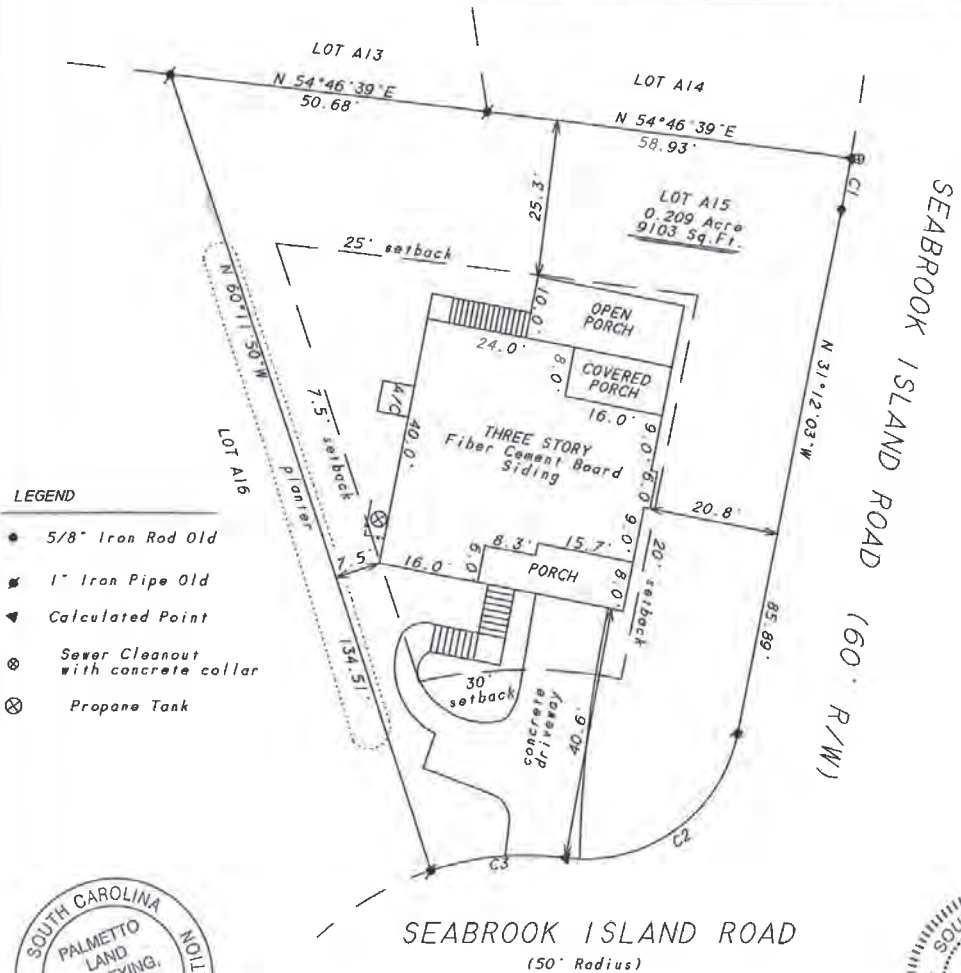


CURVE	Arc	Delta Angle	Chord	Ch Bearing	Radius	Tangent
C1	8.35'	01°23'12"	8.35'	S 31°53'39"E	345.00'	4.18'
C2	37.60'	86°10'39"	34.16'	N 11°53'17"E	25.00'	23.39'
C3	21.97'	25°10'16"	21.79'	S 42°23'52"W	50.00'	11.16'

FILE THIS

SURVEY NOTES

1. Reference Tax Map Number 147-00-00-051
2. Reference Plat Book EF Page 245 & 246
3. Survey Requested By: Saltwater Homes
4. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
5. This lot has been checked against area FEMA maps and to the best of this surveyor's knowledge, said lot is located in Flood Zone AE(13'). Ref. Map No. 45019C0785 J dated 11-17-2004



- LEGEND
- 5/8" Iron Rod Old
  - ◆ 1" Iron Pipe Old
  - ▲ Calculated Point
  - ⊗ Sewer Cleanout with concrete collar
  - ⊗ Propane Tank

As-Built Survey  
 LOT A15, THE VILLAGE AT SEABROOK  
 LOCATED IN THE  
 Town of Seabrook Island  
 CHARLESTON COUNTY, SOUTH CAROLINA

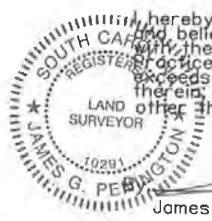
*[Signature]* 6/30/15

SURVEYOR'S STATEMENT

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 Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein, also there are no visible encroachments or projections other than shown.

*[Signature]*  
 James G. Penington, P.L.S. No. 10291

*[Signature]* 6/11/15  
 Date



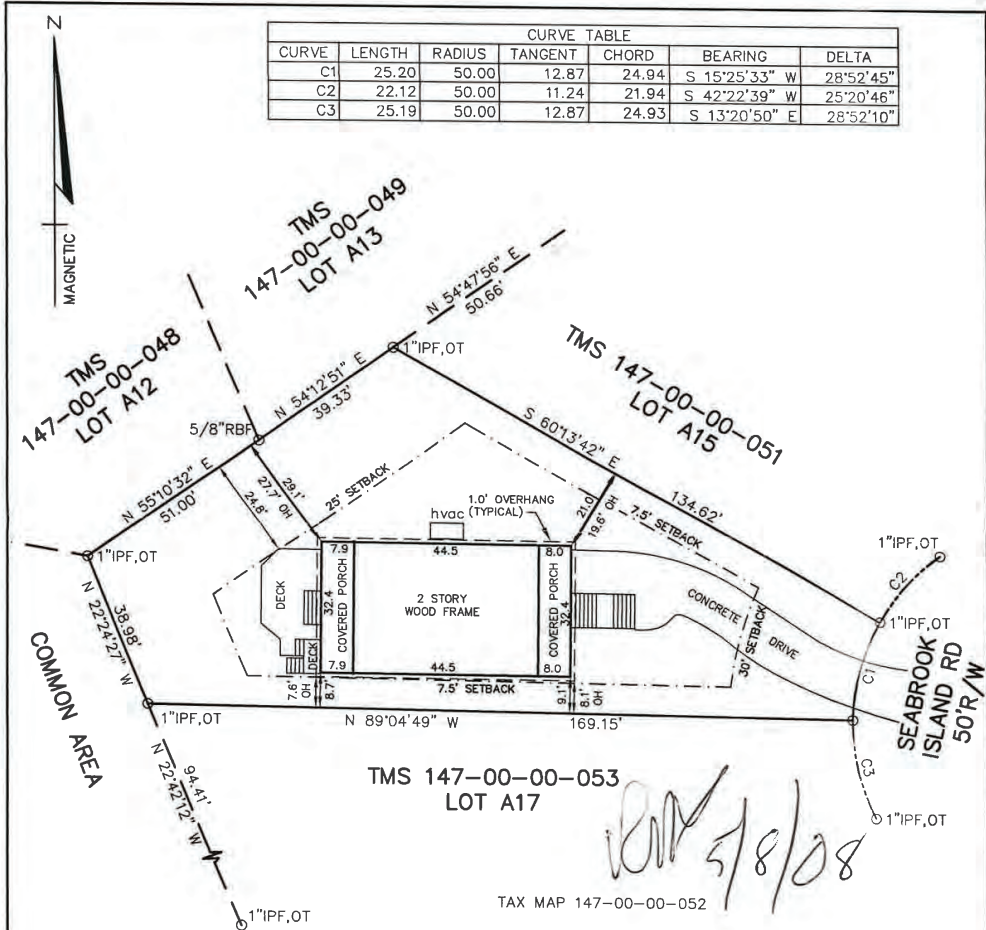
2065 SAVANNAH HIGHWAY  
 SUITE 2  
 CHARLESTON, SC 29407  
 PHONE (843) 571-5191  
 EMAIL: Palmetto@south.net

PREPARED EXCLUSIVELY FOR:  
 Saltwater Homes

SITE LOCATION:  
 2247 Seabrook Island Road  
 Seabrook Island, SC 29455

<p>GRAPHIC SCALE 1"=20'</p>			1 OF 1 SHEET
FIELD SURVEY DATE: 10 June 2015	FIELD SURVEY BY: JP/ZT	CLIENT PROJECT NO.:	
DRAWING DATE: 11 June 2015	DRAWN BY: JP	DRAWING FILE NO.:	

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	25.20	50.00	12.87	24.94	S 15°25'33" W	28°52'45"
C2	22.12	50.00	11.24	21.94	S 42°22'39" W	25°20'46"
C3	25.19	50.00	12.87	24.93	S 13°20'50" E	28°52'10"



TAX MAP 147-00-00-052

AREA OF THIS PROPERTY IS 0.249 AC. (10,835 S.F.)

BY FEMA FIRM 45019C0785J DATED NOVEMBER 17, 2004 (INDEX SAME DATE) THIS PROPERTY IS IN FLOOD ZONE AE, ELEVATION 13.

REFERENCES:  
 PLAT BY G. ROBERT GEORGE DATED NOVEMBER 13, 2001 RECORDED IN PLAT BOOK EF, PAGES 245 & 246 IN THE CHARLESTON COUNTY R.M.C. OFFICE.

THIS SURVEY WAS BASED ONLY UPON THE PUBLIC RECORDS REFERENCED ABOVE. THIS DOES NOT CONSTITUTE A TITLE SEARCH.

- LEGEND:
- IPF,OT — IRON PIPE FOUND, OPEN TOP
  - RBF — REBAR FOUND
  - OH — OVERHANG



**FINAL SURVEY  
 PREPARED FOR  
 BLACK DOG DESIGNS  
 2251 SEABROOK ISLAND ROAD  
 LOT A16**

**THE VILLAGE AT SEABROOK  
 TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SC**

SCALE: 1"=30'

APRIL 24, 2008



SCALE IN FEET

**Island Surveying Inc**

1720 Central Park Road, Charleston, SC 29412  
 Phone (843) 225-6582 Fax (843) 225-6587

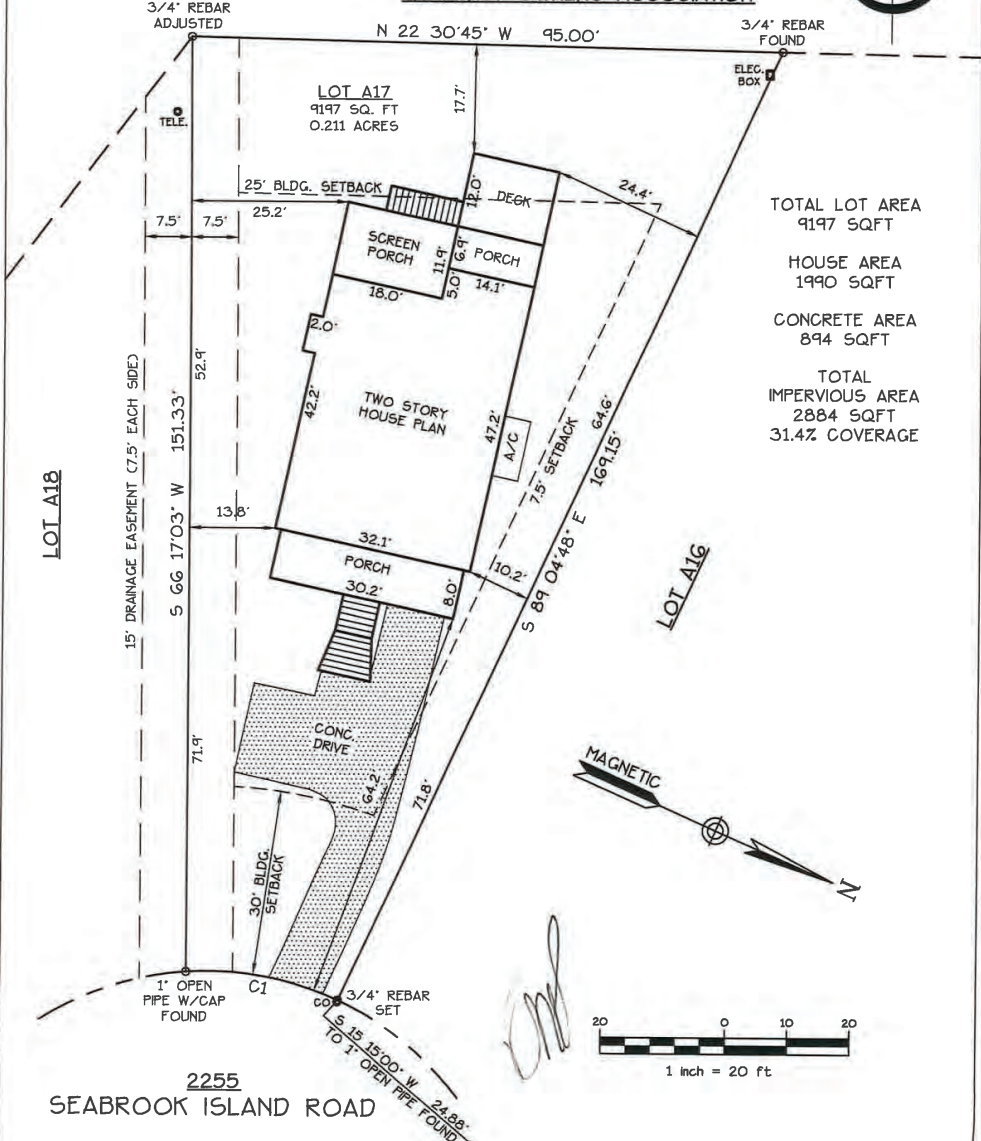
*Thomas V. Bessent*

THOMAS V. BESSENT  
 LAND SURVEYOR  
 S.C. Reg. No. 10778

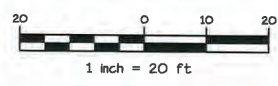
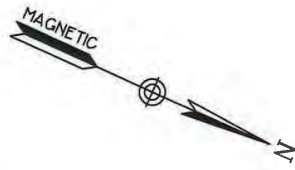
PROJECT # 07255

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	50.00	25.13	24.86	S13 28'39"E

**SEABROOK ISLAND  
PROPERTY OWNERS ASSOCIATION**



TOTAL LOT AREA  
9197 SQFT  
HOUSE AREA  
1990 SQFT  
CONCRETE AREA  
894 SQFT  
TOTAL IMPERVIOUS AREA  
2884 SQFT  
31.4% COVERAGE



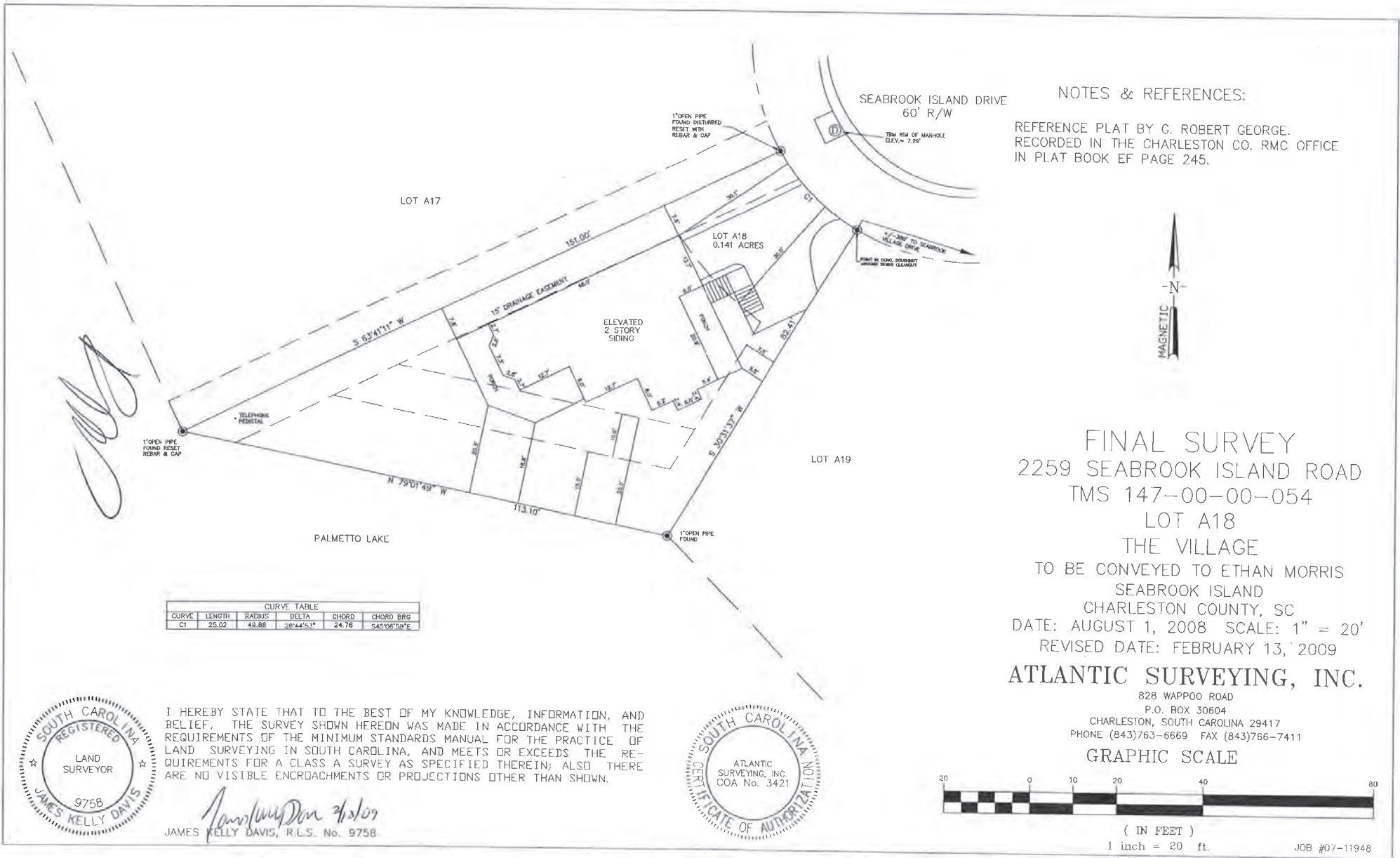
2255  
SEABROOK ISLAND ROAD

**CLOSING SURVEY SHOWING LOT A17, TMS# 147-00-00-053  
THE VILLAGE AT SEABROOK  
LOCATED IN THE TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY, SC.**

SCALE: 1" = 20'      DATE: MARCH 24, 2015  
 REFERENCE: PLAT RECORDED IN PLAT BOOK EF, PAGE 245  
 LOT MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS  
 NOT OBVIOUS OR APPARENT TO THE SURVEYOR.  
 PROPERTY APPEARS TO LIE IN FLOOD ZONE AE (CELV. 13).  
 45019C 0785 J. REVISED NOVEMBER 17, 2004  
 TV5B-A-1771/ MEB      FEMA REVISION CHECK: 3/24/15  
**RICHARD A. ALDRIDGE**      S.C.P.L.S. No. 20854  
**PARKER LAND SURVEYING, LLC**  
 5910 GRIFFIN STREET, MANAHAN, SC 29410  
 TEL: (843) 554-7777      FAX: (843) 554-7774

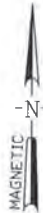


I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



NOTES & REFERENCES:

REFERENCE PLAT BY G. ROBERT GEORGE.  
 RECORDED IN THE CHARLESTON CO. RMC OFFICE  
 IN PLAT BOOK EF PAGE 245.



FINAL SURVEY  
 2259 SEABROOK ISLAND ROAD  
 TMS 147-00-00-054  
 LOT A18  
 THE VILLAGE  
 TO BE CONVEYED TO ETHAN MORRIS  
 SEABROOK ISLAND  
 CHARLESTON COUNTY, SC  
 DATE: AUGUST 1, 2008 SCALE: 1" = 20'  
 REVISED DATE: FEBRUARY 13, 2009  
**ATLANTIC SURVEYING, INC.**

828 WAPPOO ROAD  
 P.O. BOX 30604  
 CHARLESTON, SOUTH CAROLINA 29417  
 PHONE (843)763-6669 FAX (843)766-7411

GRAPHIC SCALE



( IN FEET )  
 1 inch = 20 ft.

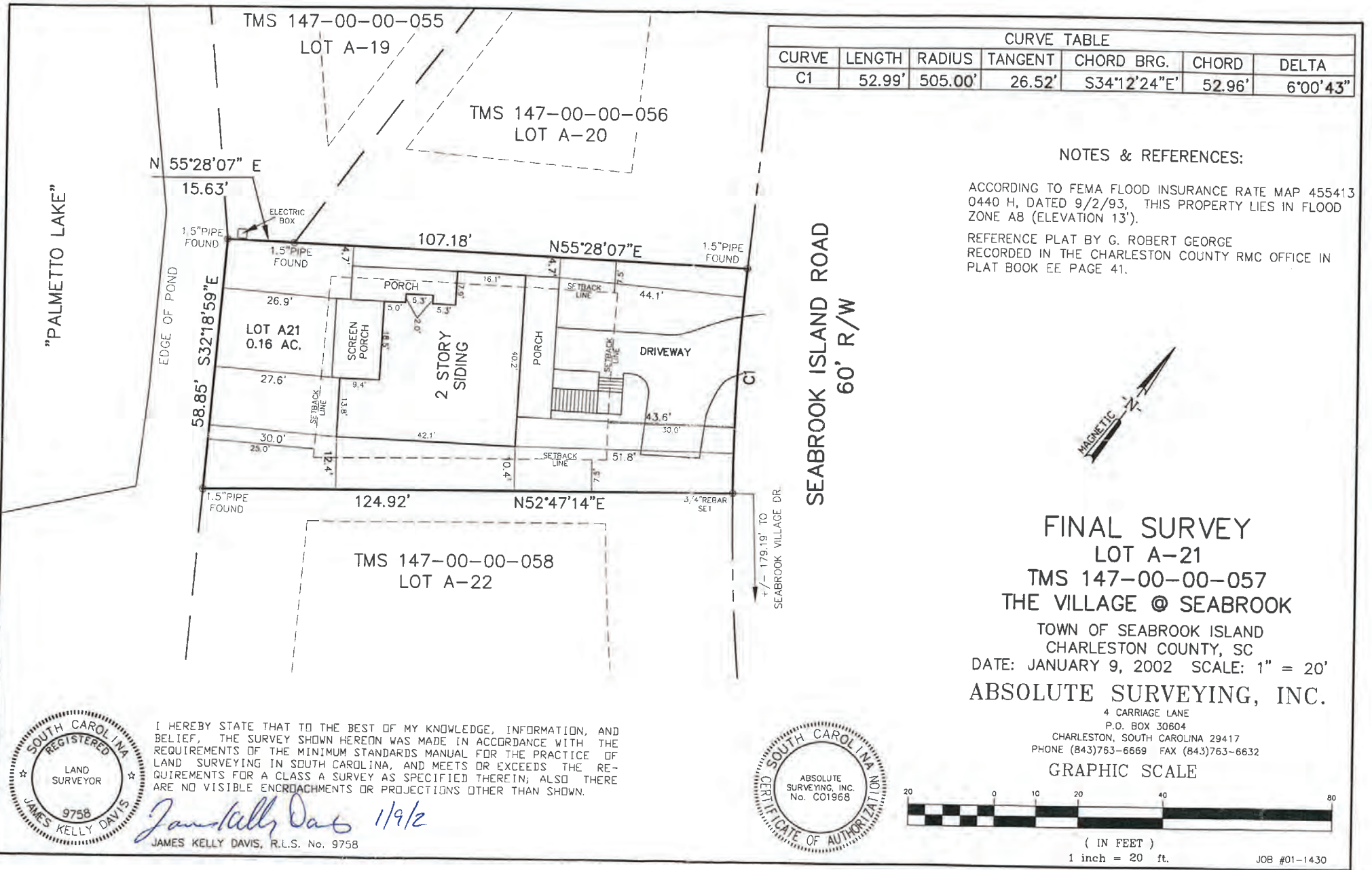
JOB #07-11948

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG
C1	25.02	49.88	28°44'53"	24.76	S45°06'50"E

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCRDACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*James Kelly Davis*  
 JAMES KELLY DAVIS, R.L.S. No. 9758





CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD BRG.	CHORD	DELTA
C1	52.99'	505.00'	26.52'	S34°12'24"E	52.96'	6°00'43"

**NOTES & REFERENCES:**

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 455413 0440 H, DATED 9/2/93, THIS PROPERTY LIES IN FLOOD ZONE A8 (ELEVATION 13').  
 REFERENCE PLAT BY G. ROBERT GEORGE RECORDED IN THE CHARLESTON COUNTY RMC OFFICE IN PLAT BOOK EE PAGE 41.



**FINAL SURVEY**  
**LOT A-21**  
**TMS 147-00-00-057**  
**THE VILLAGE @ SEABROOK**  
 TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SC  
 DATE: JANUARY 9, 2002 SCALE: 1" = 20'

**ABSOLUTE SURVEYING, INC.**

4 CARRIAGE LANE  
 P.O. BOX 30604  
 CHARLESTON, SOUTH CAROLINA 29417  
 PHONE (843)763-6669 FAX (843)763-6632

**GRAPHIC SCALE**



( IN FEET )  
 1 inch = 20 ft.

JOB #01-1430

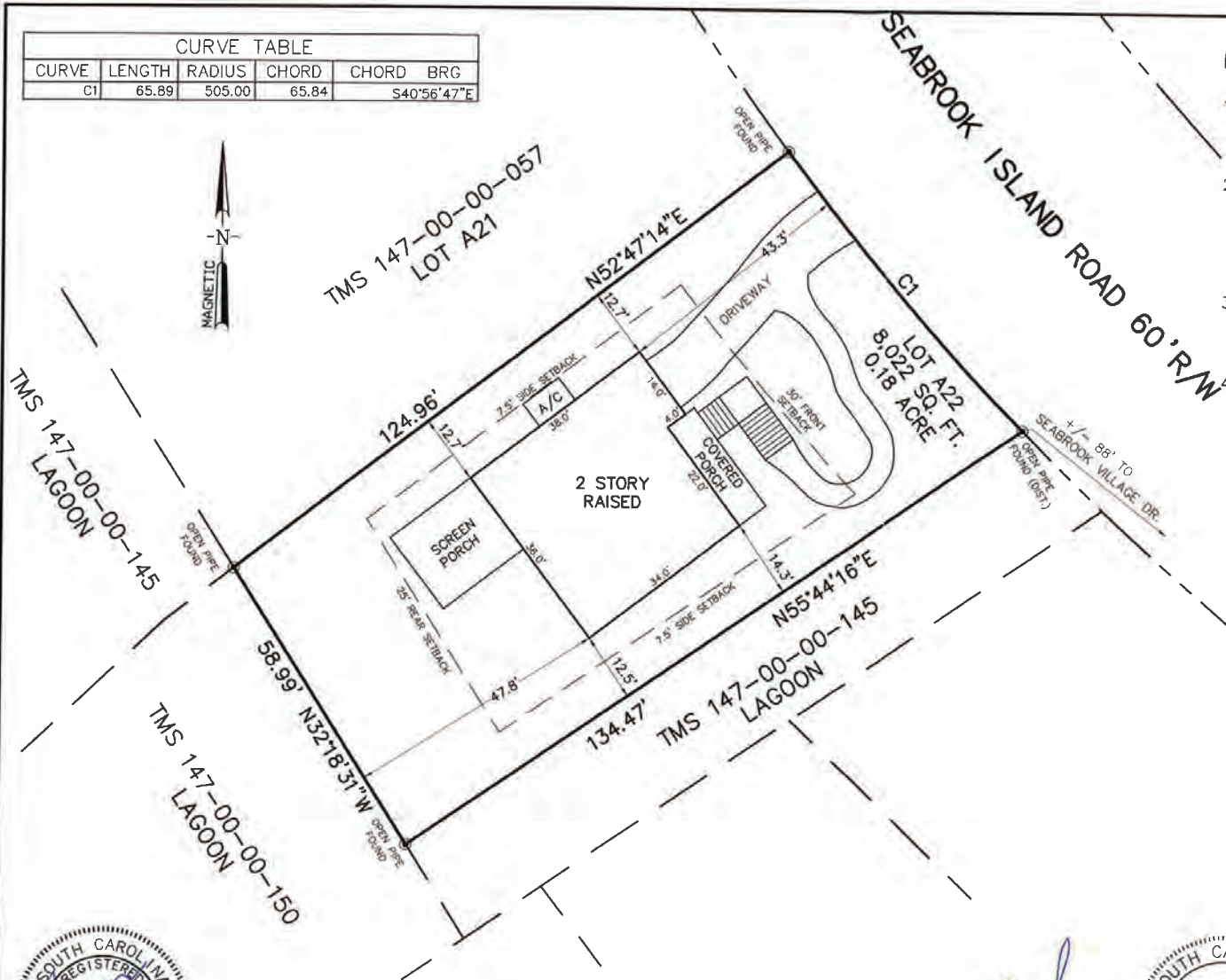
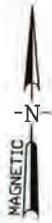


I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*James Kelly Davis 1/9/02*  
 JAMES KELLY DAVIS, R.L.S. No. 9758



CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD BRG
C1	65.89	505.00	65.84	S40°56'47"E



**NOTES & REFERENCES:**

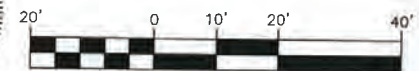
1. REFERENCE PLAT BY GLENN ROBERT GEORGE RECORDED IN THE CHARLESTON CO. R.M.C. OFFICE IN PLAT BOOK EF AT PAGE 245.
2. THIS SURVEY DOES NOT REFLECT A TITLE SEARCH AND IS BASED ENTIRELY ON THE ABOVE REFERENCED DOCUMENT(S). ANY EASEMENTS OR ENCUMBRANCES OF RECORD NOT SHOWN ON THE REFERENCE PLAT MAY NOT BE SHOWN ON THIS SURVEY.
3. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 45019C 0785J, DATED 11/17/04, THIS PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE AE (ELEV. 12').
4. SETBACKS:  
FRONT - 30'  
REAR - 25'  
SIDE - 15' TOTAL

**FINAL SURVEY**  
**2275 SEABROOK ISLAND ROAD**  
**TMS 147-00-00-058**  
**LOT A22**  
**THE VILLAGE AT SEABROOK**  
**SEABROOK ISLAND**  
**CHARLESTON COUNTY, SC**

PREPARED FOR  
**AMERICA'S HOME PLACE**  
 DATE: AUGUST 29, 2012 SCALE: 1" = 20'  
**ATLANTIC SURVEYING, INC.**

828 WAPPOO ROAD  
 P.O. BOX 30604  
 CHARLESTON, SOUTH CAROLINA 29417  
 PHONE (843)763-6669 FAX (843)766-7411

**GRAPHIC SCALE**



( IN FEET )

1 inch = 20 ft.

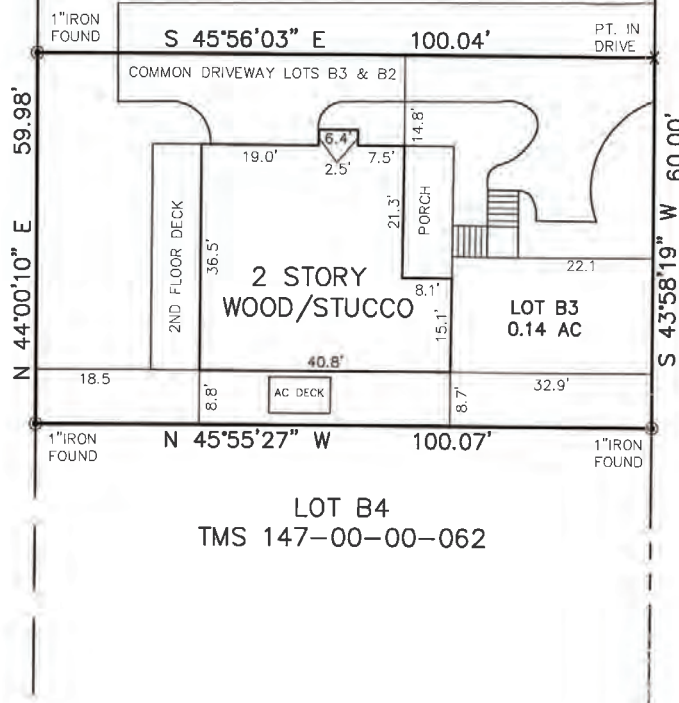
JOB #12-14181



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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



COMMON AREA  
THE VILLAGE AT SEABROOK



SEABROOK VILLAGE DRIVE  
50' R/W

**NOTES & REFERENCES:**

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 455413 0440 H, DATED 9/2/93, THIS PROPERTY LIES IN FLOOD ZONE A8 (ELEV. 13').

REFERENCE PLAT BY G. ROBERT GEORGE AND RECORDED IN THE CHARLESTON CO. RMC OFFICE IN PLAT BOOK EE PAGE 41.



**FINAL SURVEY**  
**3020 SEABROOK VILLAGE DR.**  
**SEABROOK VILLAGE DRIVE**  
**LOT B3**

OWNED BY: JOE FORD CONSTRUCTION  
SEABROOK ISLAND  
CHARLESTON COUNTY, SC

DATE: 9/12/02 SCALE: 1" = 20'

**ABSOLUTE SURVEYING, INC.**

4 CARRIAGE LANE  
P.O. BOX 30604  
CHARLESTON, SOUTH CAROLINA 29417  
PHONE (843)763-6669 FAX (843)763-6632

**GRAPHIC SCALE**



( IN FEET )  
1 inch = 20 ft.

JOB #01-2957



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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*James Kelly Davis* 9/13/02  
JAMES KELLY DAVIS, R.L.S. No. 9758





# A.H. SCHWACKE & ASSOCIATES

## LAND SURVEYING & CONSTRUCTION LAYOUT

1975 FRAMPTON AVE PH: 843-762-7005 FAX 843-762-0109  
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

TAX MAP No. 147-00-00-062  
PREPARED FOR: CAROLINA CUSTOMS



**AREA:**  
0.14 Acres  
6007.77 Sq.Ft.

**REFERENCE:**

PLAT BY G ROBERT GEORGE  
DATED NOVEMBER 13, 2001  
BOOK EF PAGE 246  
RMC CHAS. CO.

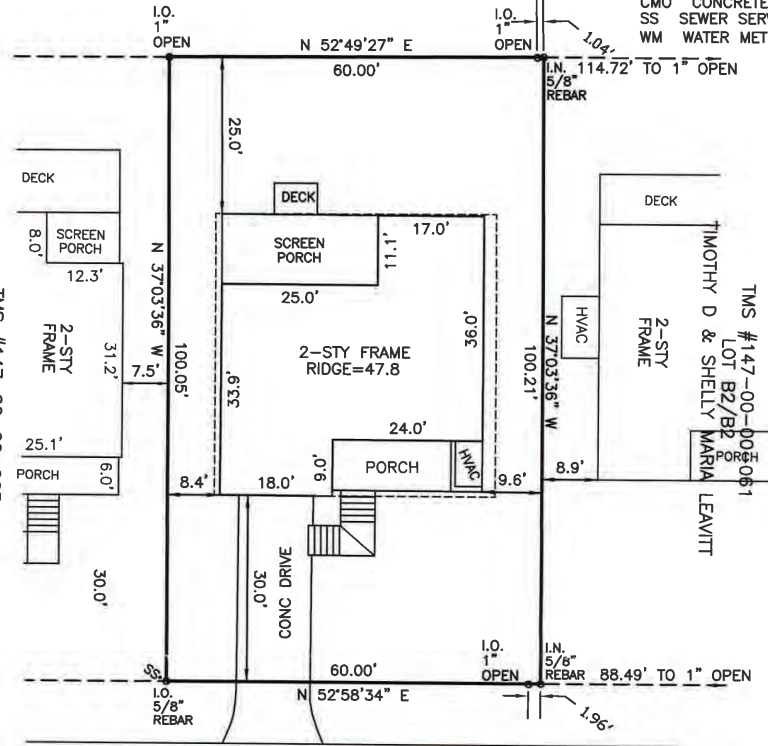
PLAT BY G ROBERT GEORGE  
DATED OCTOBER 19, 2004  
BOOK EH PAGE 463  
RMC CHAS. CO.

TMS #147-00-00-150  
LAKE PERIMETER COMMON AREA  
SEABROOK ISLAND I LLC

**LEGEND:**

- I.O. IRON OLD (FOUND)
- I.N. IRON NEW (SET)
- CMO CONCRETE MONUMENT OLD
- SS SEWER SERVICE
- WM WATER METER

JOHN F & PATRICIA BISCEGLIA  
TMS #147-00-00-063  
LOT B5



**LOT COVERAGE:**

- DRIVEWAY = 352.1 sq.ft.
- FRONT STEPS = 82.7 sq.ft.
- FRONT PORCH = 154.0 sq.ft.
- HVAC = 40.4 sq.ft.
- BUILDING = 1396.5 sq.ft.
- SCREEN PORCH = 277.5 sq.ft.
- REAR DECK = 33.9 sq.ft.

TOTAL = 2337.1 sq.ft.

38.9% COVERAGE

### SEABROOK VILLAGE DRIVE 50' R/W

*me*  
12/21/2017

**NOTES:**

BEARINGS SHOWN ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION

AREA DETERMINED BY COORDINATE METHOD

THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED BY THE SEABROOK ISLAND ARCHITECTURAL REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY

PROPERTY IS LOCATED IN FLOOD ZONE AE (EL 13) AS PER FEMA FLOOD MAPS.  
PANEL No. 45019C 0785J  
DATED NOVEMBER 17, 2004  
COMMUNITY No. 450256

SETBACKS SHOWN PER REFERENCE PLAT EF PAGE 245  
SETBACKS TO BE VERIFIED BY SEABROOK ARB PRIOR TO DESIGN/CONSTRUCTION

- SETBACKS:
- FRONT = 30 FEET
  - REAR = 25 FEET
  - SIDE = 7.5 FEET (TO TOTAL 15 FEET)

**PLAT OF LOT B4  
THE VILLAGE AT SEABROOK  
TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY SOUTH CAROLINA**



DATE: NOVEMBER 30, 2017      SCALE: 1" = 20'

**SURVEYOR'S 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 Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown.

*Kevin M. Schwacke, Sr.*

KEVIN M. SCHWACKE, SR. PLS  
S.C. Registration Number 20468



CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.  
THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.





# A.H. SCHWACKE & ASSOCIATES, INC.

## LAND SURVEYING & CONSTRUCTION LAYOUT

1975 FRAMPTON AVENUE PHONE 843-782-7005 FAX 843-782-0109  
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

### REFERENCE:

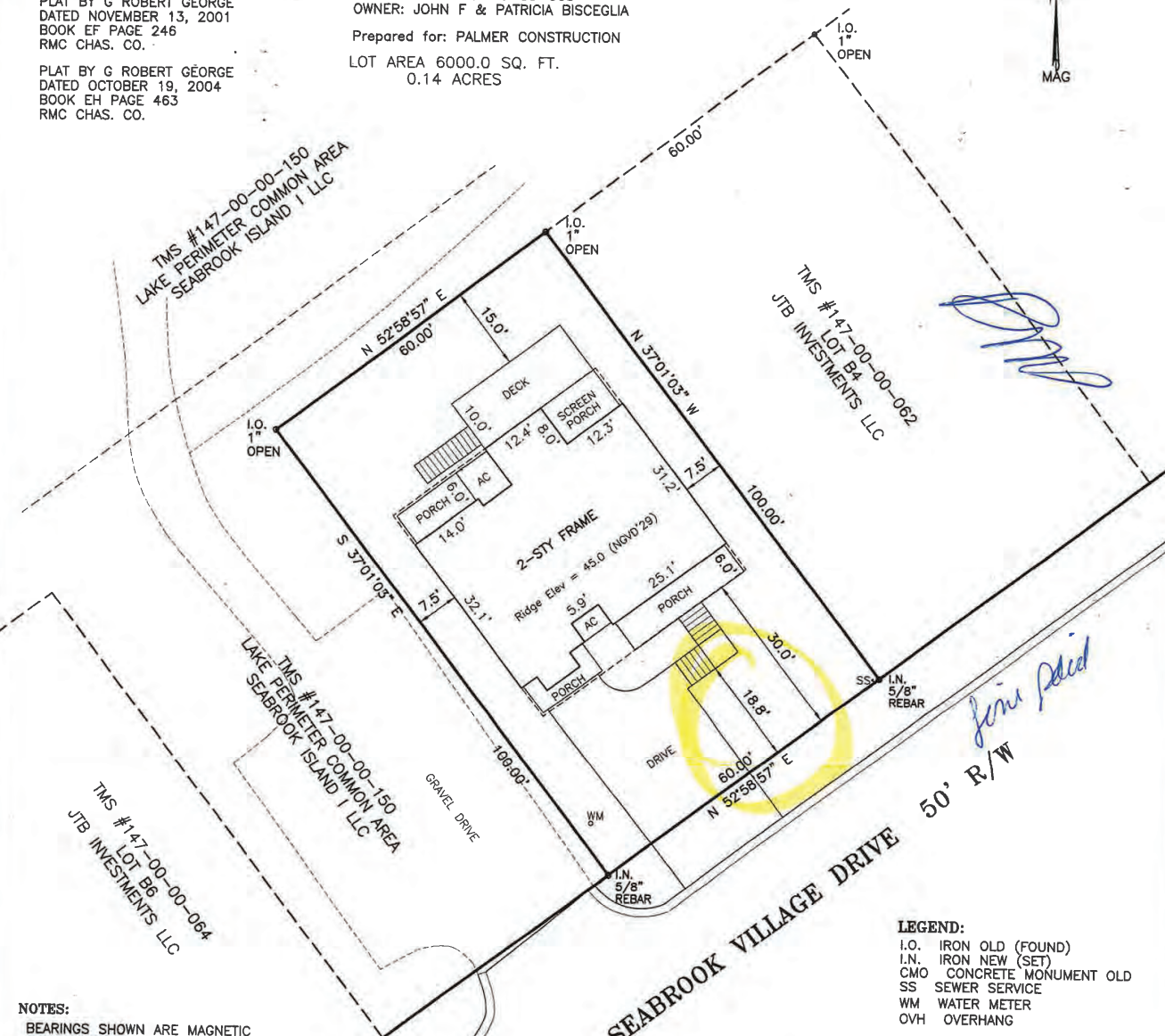
PLAT BY G ROBERT GEORGE  
DATED NOVEMBER 13, 2001  
BOOK EF PAGE 246  
RMC CHAS. CO.

PLAT BY G ROBERT GEORGE  
DATED OCTOBER 19, 2004  
BOOK EH PAGE 463  
RMC CHAS. CO.

TAX MAP No. 147-00-00-063  
OWNER: JOHN F & PATRICIA BISCEGLIA

Prepared for: PALMER CONSTRUCTION

LOT AREA 6000.0 SQ. FT.  
0.14 ACRES



### NOTES:

BEARINGS SHOWN ARE MAGNETIC  
AND AS SUCH ARE SUBJECT TO LOCAL  
ATTRACTION

AREA DETERMINED BY COORDINATE METHOD

THE PUBLIC RECORDS REFERENCED ON THIS PLAT  
ARE ONLY THOSE USED AND/OR NECESSARY TO THE  
ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY.  
THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH  
ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS  
PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR  
VARIED BY THE SEABROOK ISLAND ARCHITECTURAL REVIEW  
BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES  
THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK  
GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS  
OF ENGINEERS JURISDICTIONAL WETLANDS IS  
UNDETERMINED AS OF THE DATE OF THIS SURVEY

PROPERTY IS LOCATED IN FLOOD ZONE AE (EL 13)  
AS PER FEMA FLOOD MAPS.  
PANEL No. 45019C 0785J  
DATED NOVEMBER 17, 2004  
COMMUNITY No. 450256

SETBACKS SHOWN PER REFERENCE PLAT EF PAGE 245  
SETBACKS TO BE VERIFIED BY SEABROOK ARB PRIOR  
TO DESIGN/CONSTRUCTION

SETBACKS:  
FRONT = 30 FEET  
REAR = 25 FEET  
SIDE = 7.5 FEET (TO TOTAL 15 FEET)

### LEGEND:

- I.O. IRON OLD (FOUND)
- I.N. IRON NEW (SET)
- CMO CONCRETE MONUMENT OLD
- SS SEWER SERVICE
- WM WATER METER
- OVH OVERHANG

PLAT OF LOT B5  
THE VILLAGE AT SEABROOK  
TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY SOUTH CAROLINA



DATE: MAY 1, 2009 SCALE: 1" = 20'

### SURVEYOR'S 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 Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown. This Survey is not valid unless it bears the original signature and has an embossed seal. Area determined by coordinate method.



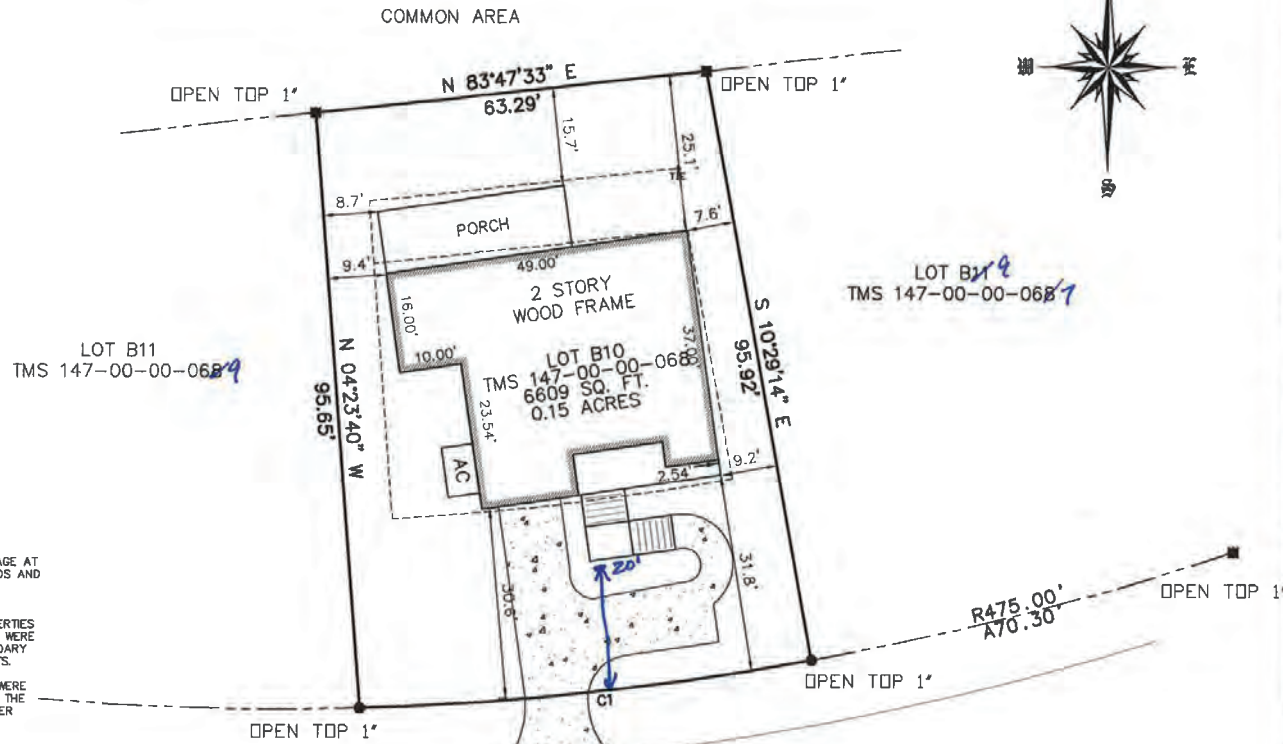
*[Signature]*  
A.H. Schwacke, III, P.L.S.  
S.C. Registration Number 13855

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.  
THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON.  
THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT  
OF A TITLE SEARCH.

**LEGEND**

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- - - EXISTING EASEMENT LINE
- · - · - NEW EASEMENT LINE
- - - SETBACK LINE
- - - ADJACENT R/W LINE
- PROPERTY CORNER FOUND AS NOTED
- PROPERTY CORNER, 5/8" REBAR, SET
- ⊗ WATER METER
- ⊕ ELECTRICAL PEDESTAL
- ⊙ STORM DRAIN MANHOLE
- Ⓣ TELECOMMUNICATIONS PEDESTAL
- △ CALCULATED PROPERTY CORNER
- ⊕ TEMPORARY BENCH MARK

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	475.00'	73.55'	73.48'	S 83°50'48" W	08°52'18"



**NOTES**

1. THIS PLAT DELINEATES A BOUNDARY SURVEY OF LOT B10 THE VILLAGE AT SEABROOK. BOUNDARIES WERE ESTABLISHED BY RE-TRACIMENT OF DEEDS AND PLATS REFERENCED HEREON AND LOCATION OF FIELD SURVEY MONUMENTATION FOUND.
2. ONLY THOSE MONUMENTS ON THIS PROPERTY AND ADJOINING PROPERTIES AND RIGHTS-OF-WAY PERTINENT TO THE BOUNDARIES OF THIS TRACT WERE SURVEYED AND SHOWN AS EVIDENCE. THIS PLAT CONSTITUTES A BOUNDARY SURVEY OF ONLY LOT B10 AND IS NOT A SURVEY OF ADJOINING TRACTS.
3. NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATIONS OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
4. VERTICAL DATUM REFERENCED TO NCVD 1929.
5. PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE 13 AS PER FIRM MAP 45019C0785J, EFFECTIVE DATE OF NOVEMBER 17, 2004.
8. TOTAL ACREAGE IS 0.15 ACRES.

**REFERENCES**

1. TMS 147-00-00-088
2. PLAT BY G ROBERT GEORGE AND ASSC INC. DATED NOVEMBER 13, 2001 RECORDED IN PLAT BOOK EF PAGE 245 & 246 CHARLESTON COUNTY RMC

**CERTIFICATION STATEMENT:**

I hereby certify that to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and meets or exceeds the requirements for a Class "A" survey as specified therein.

LAWRENCE J. KENNERTY, JR, PLS #12520, 42 LORD CALVERT DRIVE  
CHARLESTON, SC 29470 (843) 571-2121

SEABROOK VILLAGE DRIVE  
50' R/W



SCALE: 1" = 20'

**KENNERTY SURVEYING INC.**  
42 LORD CALVERT DRIVE  
CHARLESTON, SC 29407  
843-571-2121  
EMAIL: lkennerty@comcast.net



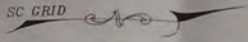
AS-BUILT SURVEY OF LOT 108  
**THE VILLAGE AT SEABROOK**  
3048 SEABROOK VILLAGE DRIVE  
LOCATED IN THE TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY SC  
PREPARED FOR HANCOCK CONSTRUCTION

SCALE	1" = 20'
DRAWN	
DATE	04/17/19
CHECKED	
REVISED	
JOB NO.	007-18

SHEET  
1 OF 1

**LEGEND:**

- = 5/8" REBAR SET (IPS)
- = 1" PIPE FOUND
- ▲ = P.K. NAIL FOUND
- △ = P.K. NAIL SET
- x - = FENCE
- ⊕ = POWER POLE
- = SET BACK LINE
- ⊗ = WATER VALVE
- ⊗ = GAS VALVE
- ⊗ = FIRE HYDRANT
- ⊗ = BOLLARD
- ⊗ = WELL
- ⊗ = SEWER CLEAN-OUT
- ⊗ = CATCH BASIN
- ⊗ = STORM DRAIN MAN-HOLE
- ⊗ = SEWER MAN-HOLE
- ⊗ = LIGHT POLE



*Handwritten:* BMD 8/27/08

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	125.00'	12.88'	12.87'	S04°34'11"W	05°54'11"

**NOTES:**

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE; EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

THE SURVEY SHOWN HEREON REFLECTS THE ABOVE RECORDED REFERENCES.

**REFERENCE:**

PLAT BY G. ROBERT GEORGE & ASSOCIATES DATED NOVEMBER 13, 2001 RECORDED IN CHARLESTON COUNTY RMC OFFICE IN PLAT BOOK EF PAGE 246.

CHARLESTON COUNTY TAX MAP # 147-00-00-073

**FLOOD NOTE:**

THIS LOT IS SITUATED IN A ZONE AE 13 AS PER SCALING FROM FEMA F.J.R.M. MAP # 45019C0785J DATED 11/17/04, TOWN OF SEABROOK ISLAND COMMUNITY # 450256.

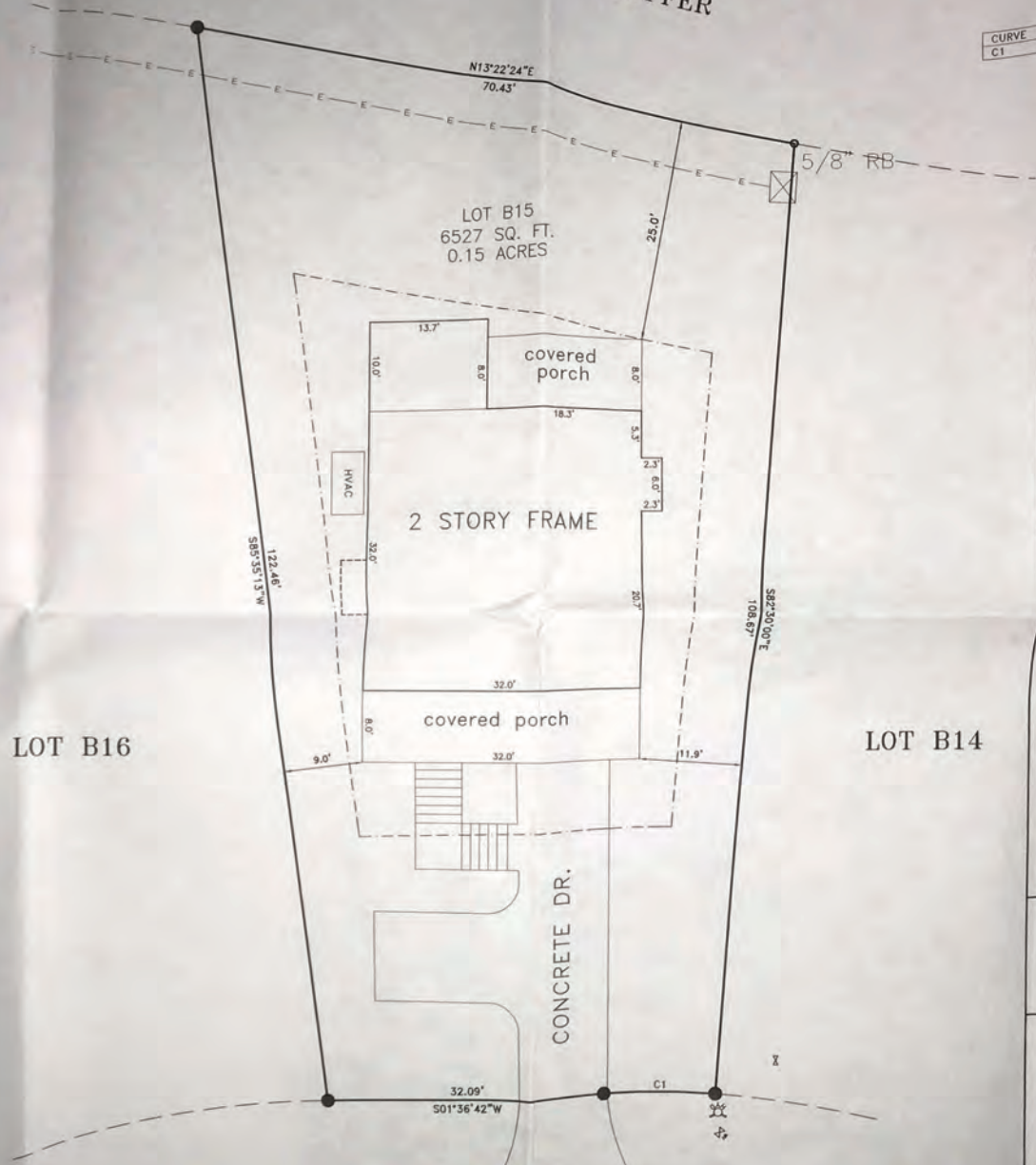
**IMPERVIOUS AREA:**

HOUSE 1576.8 SQ-FT.  
 DRIVE/WALK 584.6 SQ-FT.  
 TOTAL 2161.4 SQ-FT.  
 COVERAGE 33%

RIDGE ELEVATION 45.60 (NGVD 29)  
 BASE FLOOD 13 (NGVD 29)  
 HEIGHT DIFFERENCE 32.60'

LOT B16

LOT B14



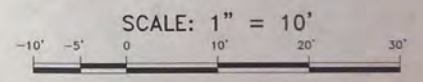
**BRITT LAND SURVEYING, INC.**  
 1302 NEWCASTLE ST.  
 CHARLESTON, SC 29407  
 843-810-6771



I, Dean L. Britt, a Registered Professional Land Surveyor in the State of South Carolina, certify to owner(s) shown hereon that this survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a class A survey as specified therein.

Date: 07/10/08  
**DEAN L. BRITT PLS** S.C. REG. NO. 15792

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

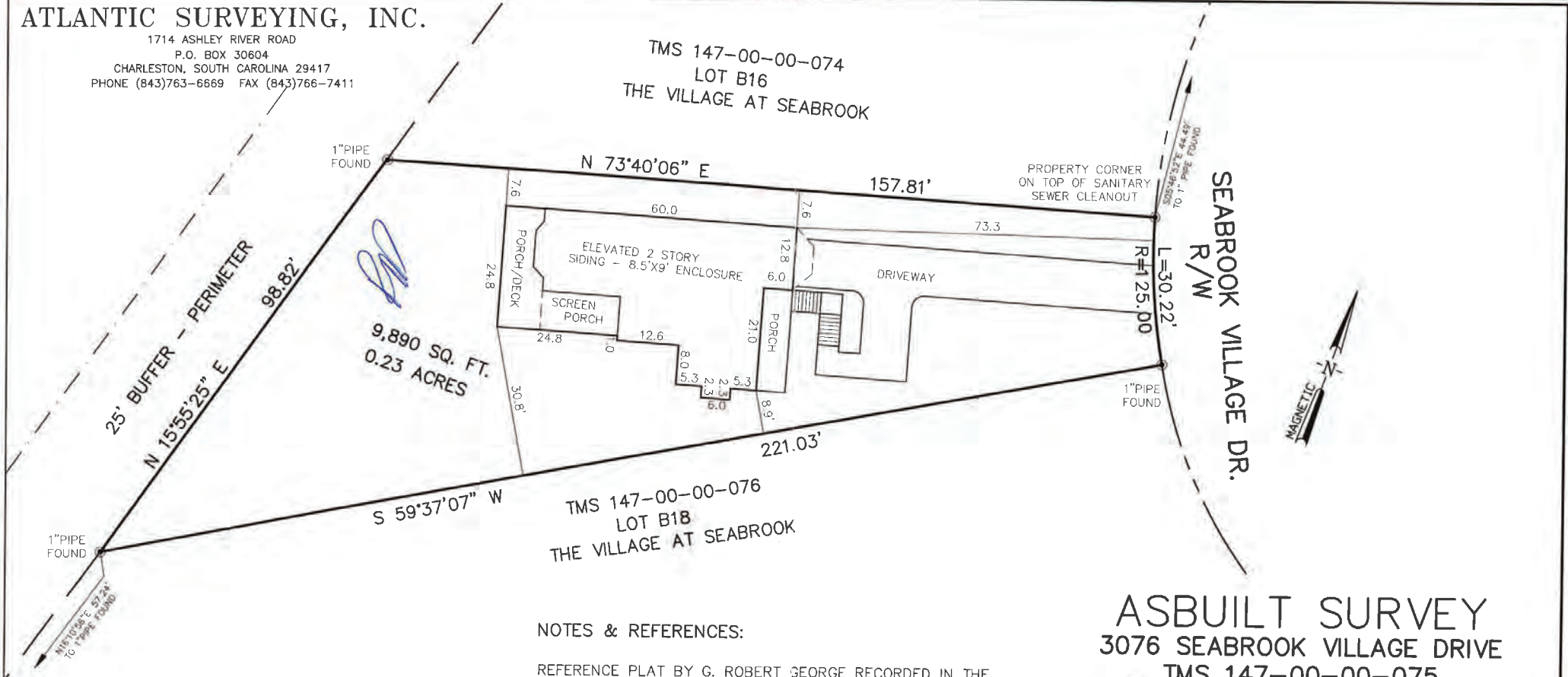


PLAT OF:  
 FINAL SURVEY SHOWING  
 LOT B15 OF  
 THE VILLAGE AT SEABROOK  
 LOCATED IN THE  
 TOWN OF SEABROOK  
 PREPARED FOR:  
 SOUTH COAST CONTRACTING, LLC  
 3068 SEABROOK VILLAGE DR.

DATE: JULY 04, 2007 JOB NO. 070948-FINAL

**ATLANTIC SURVEYING, INC.**

1714 ASHLEY RIVER ROAD  
 P.O. BOX 30604  
 CHARLESTON, SOUTH CAROLINA 29417  
 PHONE (843)763-6669 FAX (843)766-7411



*JKD*  
 9,890 SQ. FT.  
 0.23 ACRES

**NOTES & REFERENCES:**

REFERENCE PLAT BY G. ROBERT GEORGE RECORDED IN THE CHARLESTON CO. R.M.C. OFFICE IN PLAT BOOK EE AT PAGE 042.

THIS SURVEY DOES NOT REFLECT A TITLE SEARCH AND IS BASED ENTIRELY ON THE ABOVE REFERENCED DOCUMENT(S).

**ASBUILT SURVEY**  
 3076 SEABROOK VILLAGE DRIVE  
 TMS 147-00-00-075  
 LOT B17  
 THE VILLAGE AT SEABROOK

OWNED BY:

SUSAN & SHAWN WHEELER  
 TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SC

DATE: 10/07/2009 SCALE: 1" = 20'  
 GRAPHIC SCALE



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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*James Kelly Davis*  
 JAMES KELLY DAVIS, R.L.S. No. 9758



( IN FEET )  
 1 inch = 20 ft.

JOB #09-13070

**LEGEND:**

- x SPOT ELEVATION
- o UTILITY POLE
- IRON FOUND
- PK NAIL SET
- REBAR SET
- X—X— FENCE
- G—G— GAS LINE

BRITT LAND SURVEYING, INC.  
 P.O. BOX 80333  
 CHARLESTON, SC 29416  
 843-810-6771

**NOTES:**

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

THE SURVEY SHOWN HEREON REFLECTS THE ABOVE RECORDED REFERENCES.

**FLOOD NOTE:**

THIS LOT IS SITUATED IN A ZONE AE 13 AS PER SCALING FROM FEMA F.I.R.M. MAP # 45019C0785J DATED 11/17/04. TOWN OF SEABROOK ISLAND COMMUNITY # 450256.

**IMPERVIOUS AREA:**

HOUSE 2117.7 SQ-FT.  
 DRIVE/WALK 1365.1 SQ-FT.  
 TOTAL 3482.8 SQ-FT.  
 COVERAGE 34%

RIDGE ELEVATION 45.58 (NGVD 29)  
 BASE FLOOD 13 (NGVD 29)  
 HEIGHT DIFFERENCE 32.58'

**REFERENCE:**

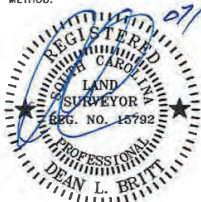
PLAT BY G. ROBERT GEORGE & ASSOCIATES DATED NOVEMBER 13, 2001 RECORDED IN CHARLESTON COUNTY RMC OFFICE IN PLAT BOOK EF PAGE 246.

SEABROOK VILLAGE DR.  
 50' R/W

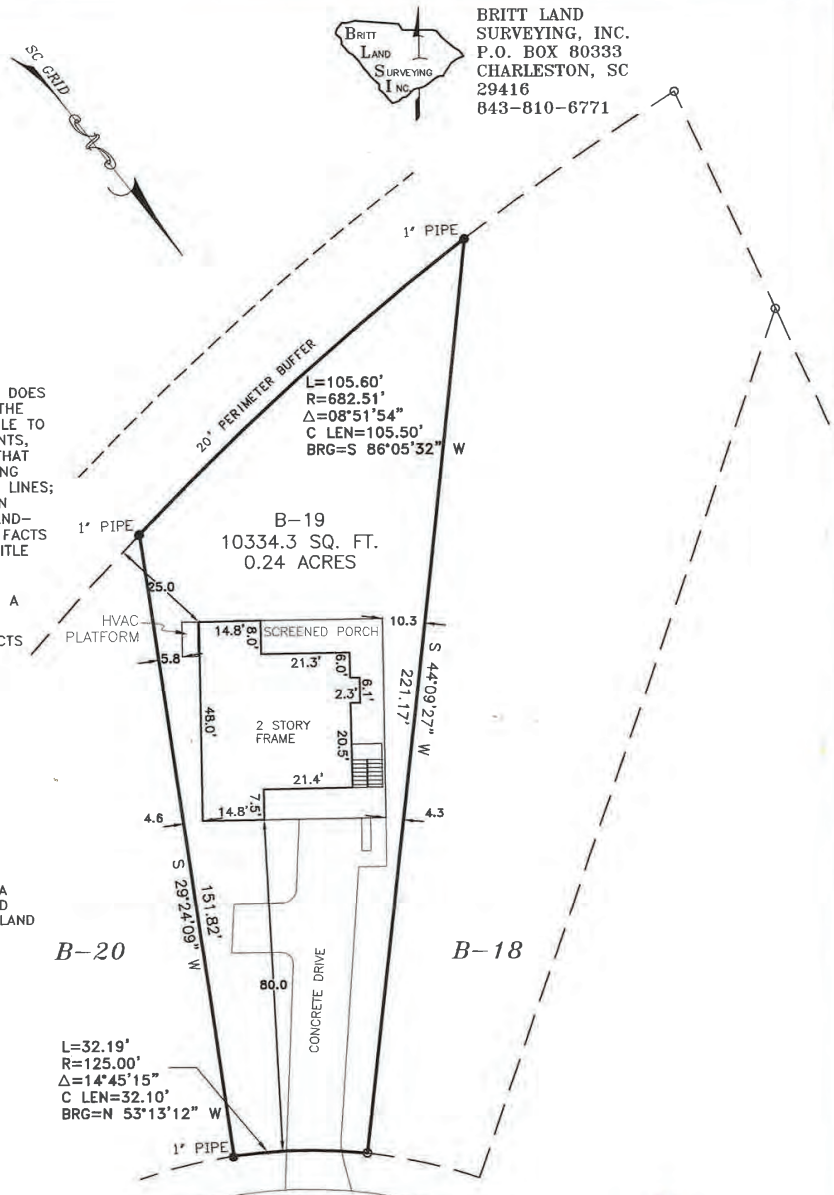
SCALE: 1" = 30'



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. THE EASEMENTS SHOWN ARE THOSE THAT ARE OBVIOUS AND APPARENT AND THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN HEREON. ALL NECESSARY MONUMENTS HAVE BEEN INSTALLED AND THE AREA HAS BEEN DETERMINED BY THE COORDINATE METHOD.



DEAN L. BRITT, PLS S.C. REGISTRATION NO. 15792



PLAT OF:  
 FINAL SURVEY  
 LOT B19 OF  
 THE VILLAGE AT SEABROOK  
 LOCATED IN THE  
 TOWN OF SEABROOK  
 PREPARED FOR:  
 SUNSET BUILDERS CUSTOM HOMES, LLC

LOCATION: 3084 SEABROOK VILLAGE DR.  
 TAX MAP # 147-00-00-077  
 DATE: JULY 03, 2008  
 JOB NO. 081167  
 COUNTY/STATE CHARLESTON, S.C.  
 FIELD BY: DEAN L. BRITT  
 DRAWN BY: DEAN L. BRITT  
 PMT#

BRITT LAND SURVEYING, INC. 843-810-6771 (O)  
 1302 NEWCASTLE ST. 843-225-7884 (F)  
 CHARLESTON, SC 29407

**GRICE SURVEYING, INC.**

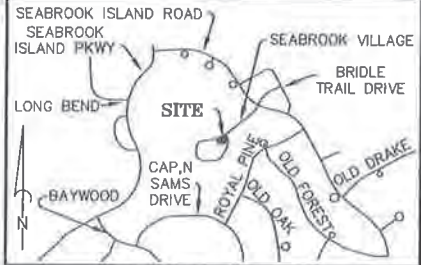
LAND SURVEYING SERVICES  
410 GENERAL MOULTRIE DRIVE  
BONNEAU, S.C. 29431  
PHONE: (843) 825-3573  
EMAIL: rgrice@gricesurveying.com

**NOTES:**

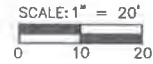
1. TMS 147-00-00-091.
2. BY FEMA FIRM 45019C 0785 J DATED NOVEMBER 17, 2004 THIS PROPERTY IS LOCATED IN ZONE AE EL 12, A FLOOD HAZARD AREA. FLOOD ZONE WAS DETERMINED BY SCALING FROM FEMA FIRM MAPS. CONSULT WITH LOCAL BUILDING OFFICIALS FOR REVISION TO FIRM BEFORE CONSTRUCTION.
3. AREA CALCULATED BY THE COORDINATE METHOD.
4. BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
5. THE SURVEY SHOWN HEREON IS NOT THE RESULT OF A TITLE SEARCH, BUT BASED ON THE REFERENCE DOCUMENTS LISTED HEREON, LINES OF OCCUPATION, AND FOUND MONUMENTATION.

**REFERENCE:**

- 1.) PLAT BY G ROBERT GEORGE AND ASSOCIATES INC. DATED NOVEMBER 13, 2001 PLAT BOOK EF, PAGE 245 & 246 CHARLESTON COUNTY RMC
- 2.) DEED BOOK W542 PG.222



LINE TABLE		
LINE	LENGTH	BEARING
L1	22.12	S28°38'21"W



CURVE TABLE					
CURVE	LENGTH	RADIUS	TANGENT	CHORD	DELTA
C-1	58.87	125.00	46.41	87.01	40°44'13"
C-2	44.88	25.00	31.35	39.09	102°51'05"
C-3	121.23	525.00	60.89	120.96	1°31'49"

**LEGEND:**

- IPF - IRON PIPE FOUND, AS NOTED
- R/W - RIGHT-OF-WAY
- S.B. - SETBACK

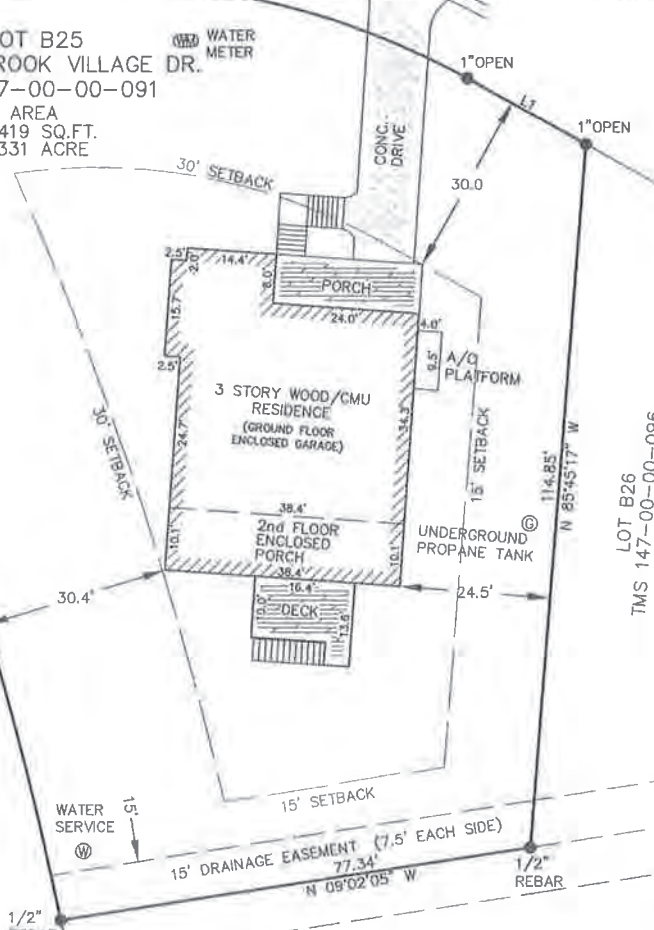


I, Randolph J. Grice, a Professional Land Surveyor of the State of South Carolina, do hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown.

*Randolph J. Grice* 04-20-11  
Randolph J. Grice, PLS S.C. Registration Number 14183

SEABROOK VILLAGE DRIVE 50' R/W

LOT B25  
3041 SEABROOK VILLAGE DR.  
TMS 147-00-00-091  
AREA  
14,419 SQ.FT.  
0.331 ACRE



LOT B24  
TMS 147-00-00-092

PLAT OF LOT B25  
THE VILLAGE AT SEABROOK  
3041 SEABROOK VILLAGE DRIVE  
TMS 147-00-00-091  
TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY, S.C.

OWNED BY:  
FIRST SOUTHERN NATIONAL BANK

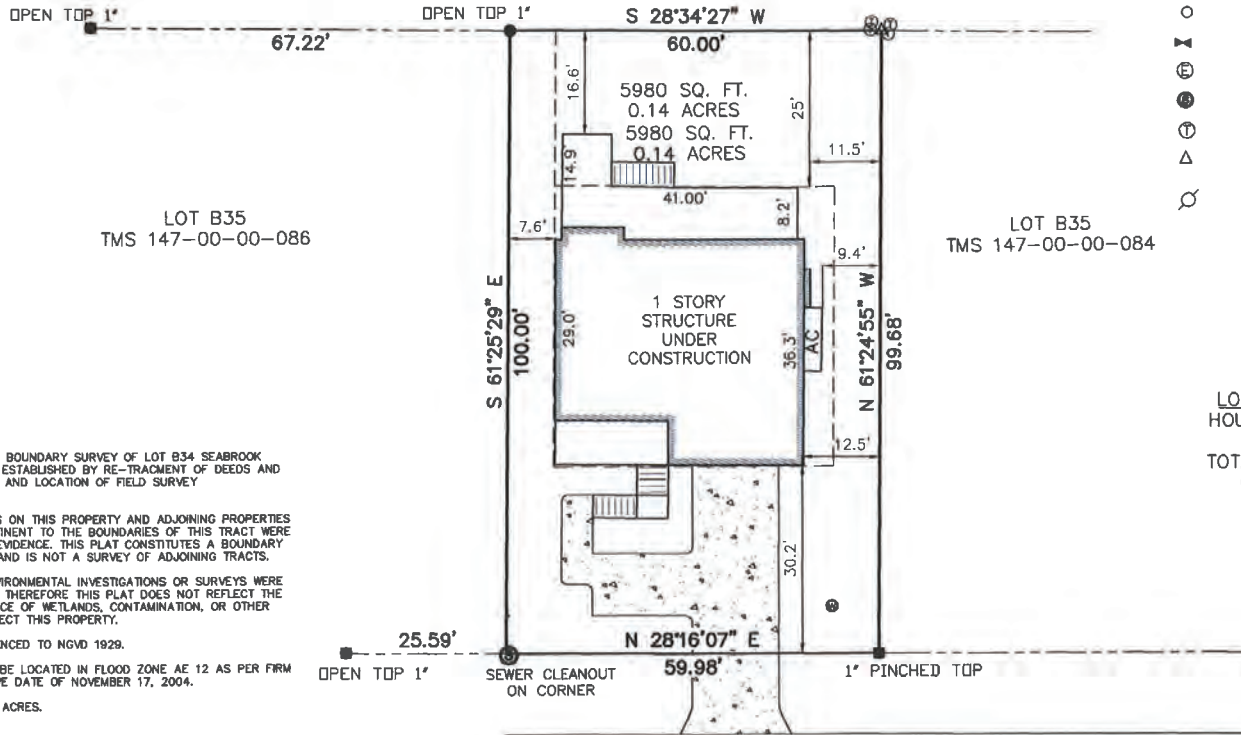
DATE: APRIL 19, 2011

SCALE: 1" = 20'

*Handwritten signature*



TMS 147-00-00-147  
SEABROOK ISLAND



LEGEND

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- · - · - EXISTING EASEMENT LINE
- · · · · - NEW EASEMENT LINE
- - - - - SETBACK LINE
- - - - - ADJACENT R/W LINE
- PROPERTY CORNER FOUND AS NOTED
- PROPERTY CORNER, 5/8" REBAR, SET
- ⊕ WATER METER
- ⊖ ELECTRICAL PEDESTAL
- ⊙ STORM DRAIN MANHOLE
- ⊕ TELECOMMUNICATIONS PEDESTAL
- △ CALCULATED PROPERTY CORNER
- ⊗ POWER POLE

LOT COVERAGE  
HOUSE & DECKS  
DRIVEWAY  
TOTAL COVERAGE  
COVERAGE

NOTES

1. THIS PLAT DELINEATES A BOUNDARY SURVEY OF LOT B34 SEABROOK VILLAGE. BOUNDARIES WERE ESTABLISHED BY RE-TRACMENT OF DEEDS AND PLATS REFERENCED HEREON AND LOCATION OF FIELD SURVEY MONUMENTATION FOUND.
2. ONLY THOSE MONUMENTS ON THIS PROPERTY AND ADJOINING PROPERTIES AND RIGHTS-OF-WAY PERTINENT TO THE BOUNDARIES OF THIS TRACT WERE SURVEYED AND SHOWN AS EVIDENCE. THIS PLAT CONSTITUTES A BOUNDARY SURVEY OF ONLY LOT B34 AND IS NOT A SURVEY OF ADJOINING TRACTS.
3. NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATIONS OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
4. VERTICAL DATUM REFERENCED TO NGVD 1929.
5. PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE 12 AS PER FIRN MAP 45019C0785J, EFFECTIVE DATE OF NOVEMBER 17, 2004.
6. TOTAL ACREAGE IS 0.14 ACRES.

REFERENCES

1. TMS 147-00-00-085
2. PLAT BY G ROBERT GEORGE AND ASSOCIATES, INC DATED NOV 13, 2001 RECORDED IN PLAT BOOK EF PAGES 245-246 CHARLESTON COUNTY RMC

CERTIFICATION STATEMENT:

I hereby certify that to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and meets or exceeds the requirements for a Class "A" survey as specified therein.

LAWRENCE J. KENNERTY, JR, PLS #12520, 42 LORD CALVERT DRIVE  
CHARLESTON, SC 29470 (843) 571-2121



SCALE: 1" = 20'

KENNERTY SURVEYING INC.

42 LORD CALVERT DRIVE  
CHARLESTON, SC 29407  
843-571-2121  
EMAIL: lkennerty@comcast.net



AS-BUILT SURVEY OF LOT B34  
**THE VILLAGE AT SEABROOK**  
**3112 SEABROOK VILLAGE DR**  
LOCATED IN THE TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY, SC  
PREPARED FOR JOHN JOHNSON

SCALE:	1" = 20'
DRAWN:	
DATE:	12/7/18
CHECKED:	
REVISION:	
JOB NO:	213-17

SHEET  
1 OF 1

**ROBERT FRANK SURVEYING**

1923 MAYBANK HWY. - CHARLESTON, S.C. 29412  
 Phone: 843-762-4608 Fax 843-795-5970  
 E-mail - robertfranklandsurveying@comcast.net  
 WEB ADDRESS: www.robertfranksurveying.com

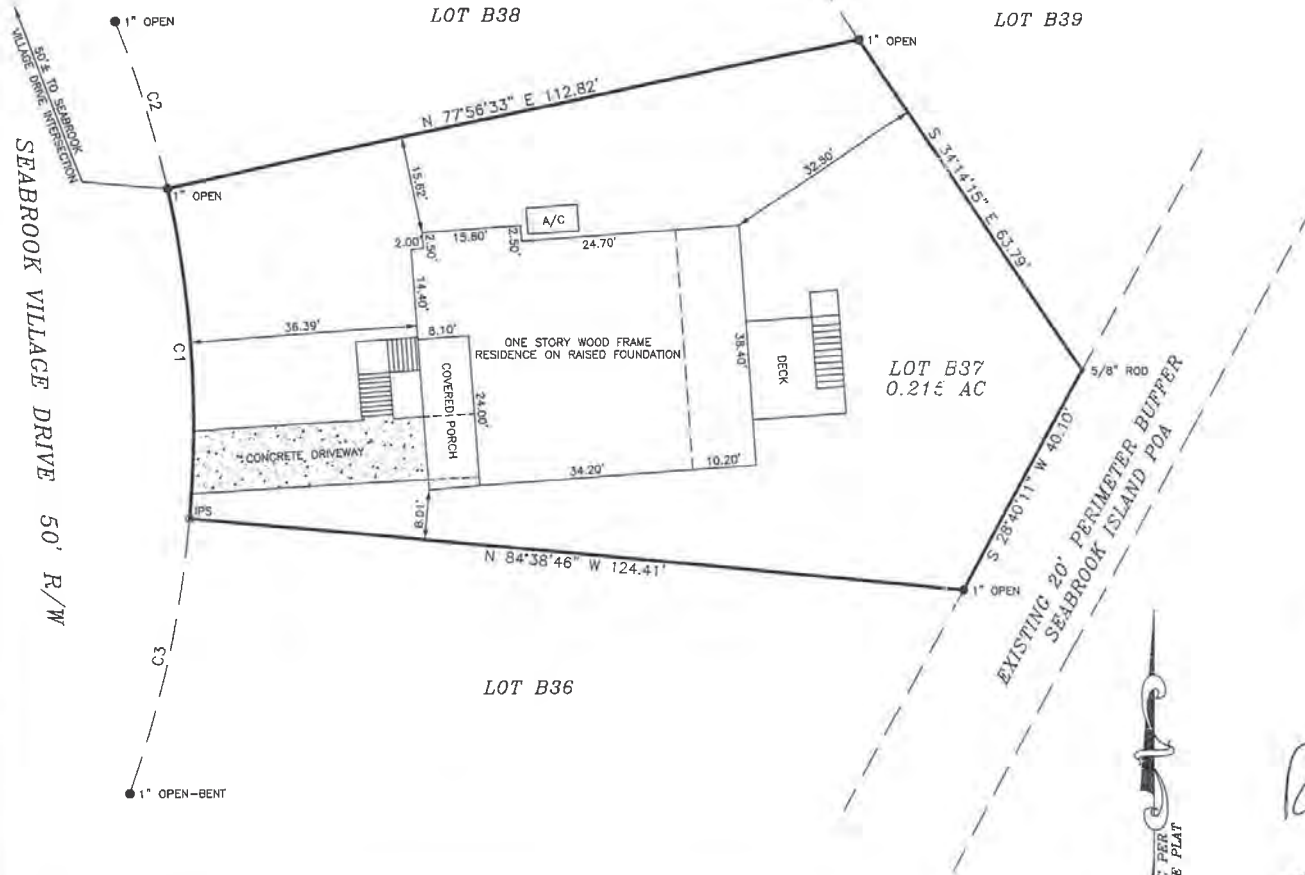
TOTAL LOTA AREA = 9361 SQ FT  
 IMPERVIOUS AREA = 2316  
 % OF IMPERVIOUS SURFACE = 25%



LOCATION SKETCH

AN ASBUILT SURVEY OF 3124 SEABROOK VILLAGE DRIVE, LOT B37 OF THE VILLAGE AT SEABROOK S/D, LOCATED IN THE TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY, S.C. NOW OWNED BY STEVEN C. POLETTI.

- NOTES: 1. TMS #147-00-00-088  
 2. IRON PIPES FOUND AT ALL CORNERS UNLESS OTHERWISE SHOWN.  
 3. IPS = IRON PIPE SET. (1/2" REBAR)  
 4. PLAT REFERENCE: BOOK EF PAGE 245.  
 5. LOCATED IN FLOOD HAZARD ZONE AE MINIMUM ELEVATION 12' PER FIRM COMMUNITY-PANEL #450256 785-J, PANEL INDEX DATED 11/17/04, MAP REVISED 11/17/04. (MAP #45019C785J).



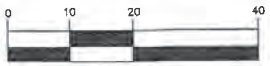
*RF*  
 SOUTH CAROLINA REGISTERED LAND SURVEYOR ROBERT L. FRANK  
 SOUTH CAROLINA CERTIFICATE OF AUTHORIZATION ROBERT FRANK SURVEYING No. C02250

NOTE: THIS PLAT DOES NOT CONSTITUTE AN OFFICIAL SURVEY OF THIS PROPERTY UNLESS STAMPED WITH THE EMBOSSED SEAL OF THE SURVEYOR. AREA DETERMINED BY COORDINATE METHOD.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*Robert L. Frank*  
 ROBERT L. FRANK RLS #4177

AUGUST 29, 2008  
 GRAPHIC SCALE

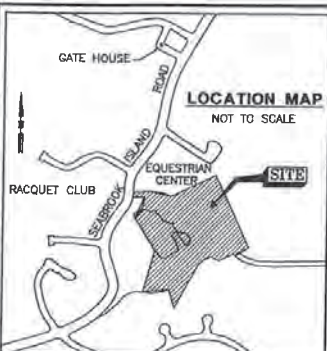


( IN FEET )  
 1 inch = 20 ft.

NUMBER	DELTA ANGLE	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	17°21'53"	N 03°22'33" W	26.72	175.00	53.04	52.84
C2	09°12'32"	N 16°36'52" W	14.09	175.00	28.13	28.10
C3	14°41'22"	S 12°29'17" W	22.56	175.00	44.87	44.74

MAGNETIC PER REFERENCE PLAT



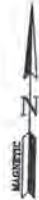


**LEGEND**

	PROPERTY LINE WITH IRON PIN FOUND
	PROPERTY LINE WITH IRON PIN SET
	CENTERLINE
	RIGHT-OF-WAY LINE
	ADJACENT PROPERTY LINE
	BUILDING SETBACK
	FLOOD ZONE LINE



**G. ROBERT GEORGE AND ASSOCIATES, INC.**  
 CONSULTING ENGINEERS, PLANNERS  
 AND LAND SURVEYORS  
 P.O. BOX 32168 (843) 566-4261  
 CHARLESTON, SOUTH CAROLINA 29417-2168



**FLOOD ZONE DATA**

THIS PROPERTY IS LOCATED IN FLOOD ZONES "A8" (ELEV. 12) AND "A8" (ELEV. 13) OF THE FLOOD INSURANCE MAP, COMMUNITY PANEL No. 455413 0440 H FOR UNINCORPORATED AREAS CHARLESTON COUNTY, SOUTH CAROLINA BEARING THE EFFECTIVE DATE OF SEPTEMBER 2, 1993; ZONE LIMITS ARE ESTABLISHED BY GRAPHIC INTERPRETATION FROM SAID FLOOD INSURANCE MAP AND WERE NOT LOCATED BY FIELD SURVEY OR COORDINATE GEOMETRY. CHARLESTON COUNTY BUILDING SERVICES DEPARTMENT PROTOCOL REQUIRES USE OF THE MOST RESTRICTIVE ZONE FOR A PARCEL LOCATED WITHIN MULTIPLE ZONES.

**REFERENCES:**

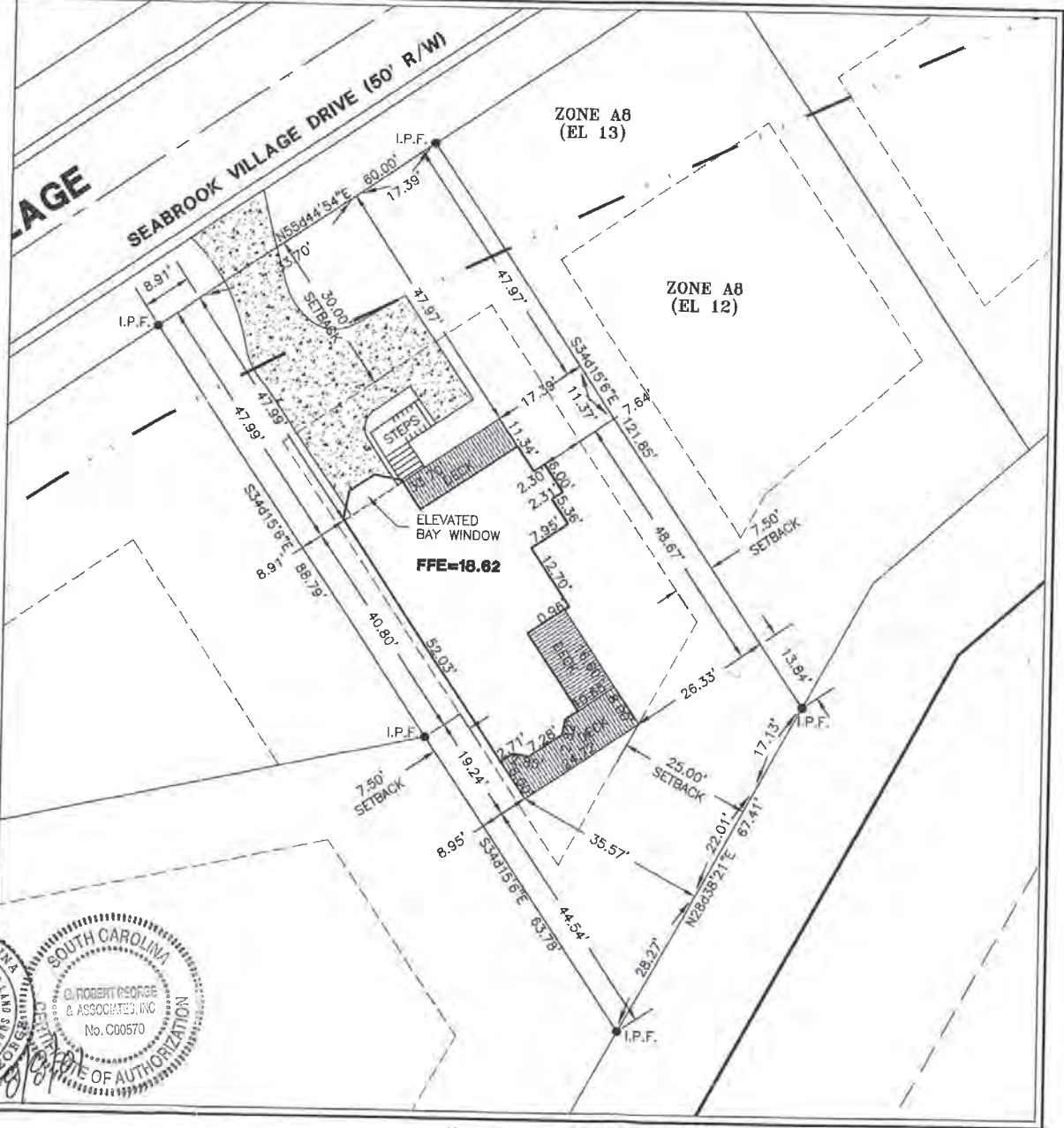
A PLAT SHOWING THE SUBDIVISION OF THE VILLAGE AT SEABROOK CONTAINING 42.328 ACRE TRACT LOCATED IN THE TOWN OF SEABROOK ISLAND CHARLESTON COUNTY, SOUTH CAROLINA, DATED MAY 18, 2000, BY G. ROBERT GEORGE & ASSOCIATES, INC.,

**AS-BUILT SURVEY  
 OF  
 LOT B39  
 THE VILLAGE AT SEABROOK  
 TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA  
 AUG. 08, 2001 SCALE: 1"=20'**



I HEREBY CERTIFY THAT THIS IS A TRUE CORRECT SURVEY MADE ON THE GROUND. THE IMPROVEMENTS ARE AS SHOWN AND THERE ARE NO ENCROACHMENTS EITHER WAY OVER PROPERTY LINES OR SETBACK LINES UNLESS SHOWN HEREON.

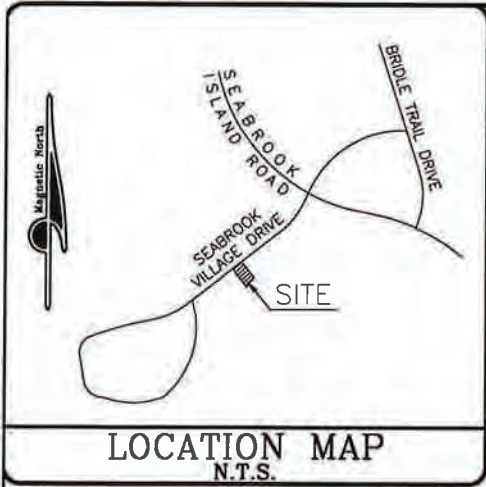
G. ROBERT GEORGE, P.L.S., P.E., S.C. REG. No. 6517  
 2411 SAVANNAH HWY., CHARLESTON, S.C. 29414



JOB NO. 4474 7/20/00

Misc-112 2-1-11

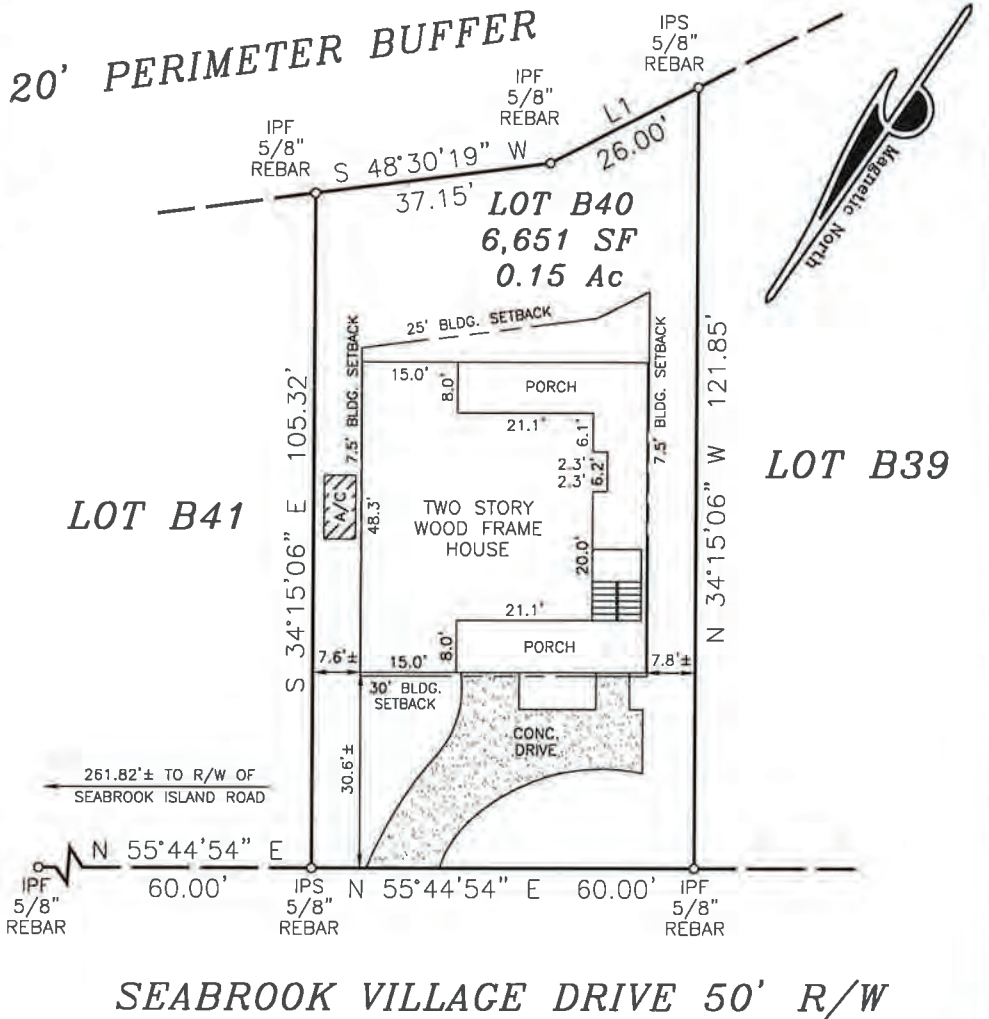
LINE LENGTH BEARING  
L1 26.00 S 28°38'21" W



THIS LOT IS LOCATED IN FLOOD ZONE AB, EL. 12 & 13 SEE FIRM PANEL 455413 0440 H MAP REVISED SEPTEMBER 2, 1993

3025 SEABROOK VILLAGE DRIVE  
T.M.S. 147-00-00-099  
THE SAME BEING SHOWN AS LOT B40, ON A PLAT OF THE VILLAGE AT SEABROOK SUBDIVISION DATED NOVEMBER 13, 2001 BY G. ROBERT GEORGE AND RECORDED IN THE RMC OFFICE FOR CHARLESTON COUNTY IN PLAT BOOK EF, AT PAGES 245 & 246.

LEGEND:  
IPF DENOTES IRON PIPE, FOUND  
IPS DENOTES IRON PIPE, SET



CLOSING SURVEY FOR  
**JOE FORD**  
CONSTRUCTION  
TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA

SCALE : 1" = 30'



MAY 13, 2002

**ASHLEY**  
SURVEYING, INC.  
SURVEYING • PROJECT MANAGEMENT • PLANNERS  
306 SANGAREE PARKWAY SUMMERVILLE, SC 29483  
TELEPHONE: (843) 871-4416 FAX: (843) 871-9538

SOUTH CAROLINA  
REGISTERED  
LAND SURVEYOR  
PAUL C. LAWSON, JR.  
74191

SOUTH CAROLINA  
CERTIFICATE OF AUTHORIZATION  
ASHLEY SURVEYING, INC.  
No. C00758

"I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN."

*Paul C. Lawson, Jr.*  
PAUL C. LAWSON, JR., S.C. REG. No. 14191  
JOB NUMBER 2002-0589-007 PCL



# A.H. SCHWACKE & ASSOCIATES

LAND SURVEYING & CONSTRUCTION LAYOUT

1975 FRAMPTON AVE PH: 843-762-7005 FAX 843-762-0109  
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

### LEGEND:

- I.O. IRON OLD (FOUND)
- I.N. IRON NEW (SET)
- CMO CONCRETE MONUMENT OLD
- WS WATER SERVICE
- SS SEWER SERVICE
- PP POWER POLE
- CATV CABLE TV BOX
- PT PROPANE TANK
- WM WATER METER
- SP SCREEN PORCH



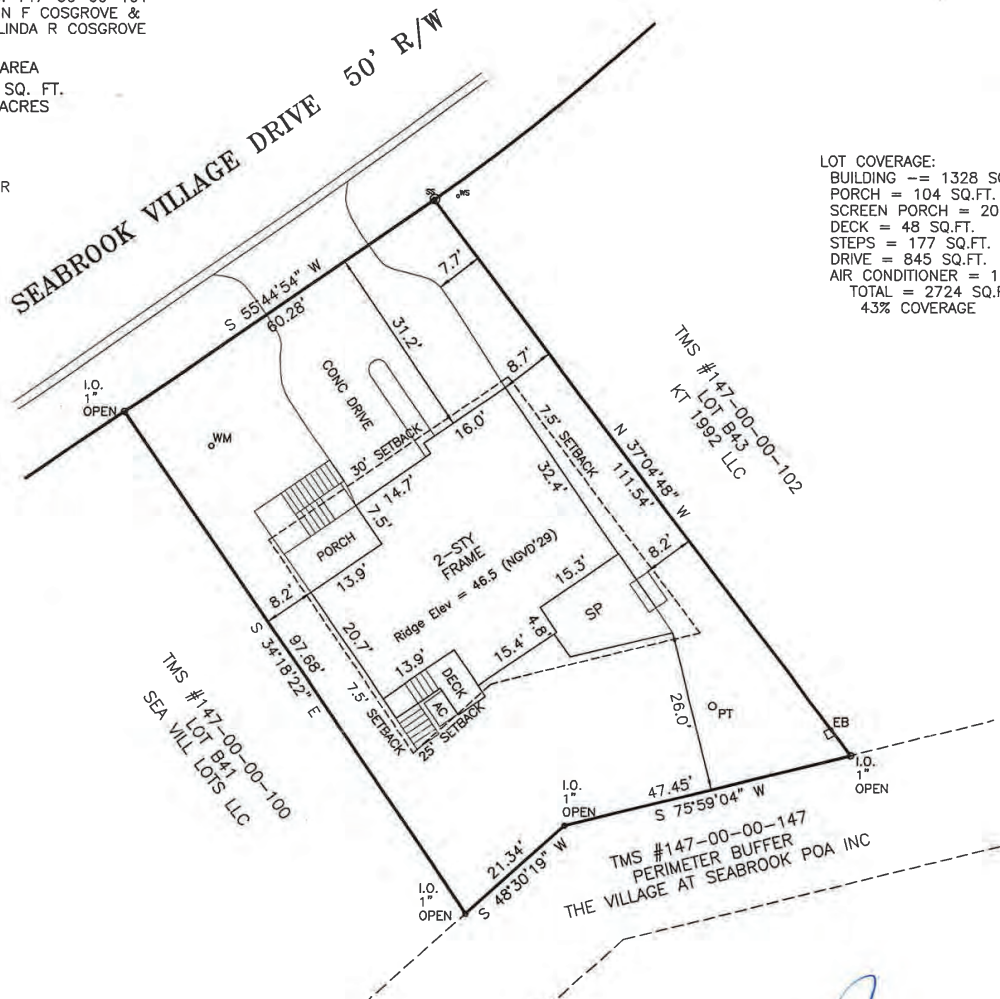
### REFERENCE:

PLAT BY G. ROBERT GEORGE  
DATED NOVEMBER 13, 2001  
BOOK EF PAGE 245  
RMC CHAS. CO.

TAX MAP No. 147-00-00-101  
OWNER: JOHN F COSGROVE &  
MELINDA R COSGROVE

LOT AREA  
6331.9 SQ. FT.  
0.15 ACRES

Requested by:  
JOHN GLYDER



LOT COVERAGE:  
 BUILDING == 1328 SQ.FT.  
 PORCH = 104 SQ.FT.  
 SCREEN PORCH = 206 SQ.FT.  
 DECK = 48 SQ.FT.  
 STEPS = 177 SQ.FT.  
 DRIVE = 845 SQ.FT.  
 AIR CONDITIONER = 16 SQ.FT.  
 TOTAL = 2724 SQ.FT.  
 43% COVERAGE

### NOTES:

- BEARINGS SHOWN ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION
- AREA DETERMINED BY COORDINATE METHOD
- THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
- THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY
- PROPERTY IS LOCATED IN FLOOD ZONE AE (EL 12) AS PER FEMA FLOOD MAPS.  
PANEL No. 45019C 0785J  
DATED NOVEMBER 17, 2004  
COMMUNITY No. 450258
- THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED BY THE SEABROOK ISLAND ARCHITECTURAL REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.

PLAT OF  
 LOT B42  
 THE VILLAGE AT SEABROOK  
 TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY SOUTH CAROLINA



DATE: DECEMBER 23, 2013 SCALE: 1" = 20'

### SURVEYOR'S 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 Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown. This Survey is not valid unless it bears the original signature and has an embossed seal. Area determined by coordinate method.

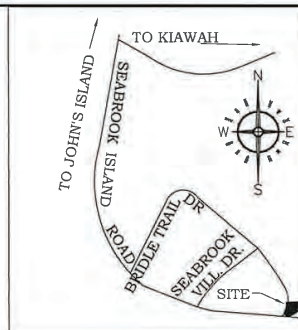
A.H. Schwacke, III, P.L.S.  
 S.C. Registration Number 13855



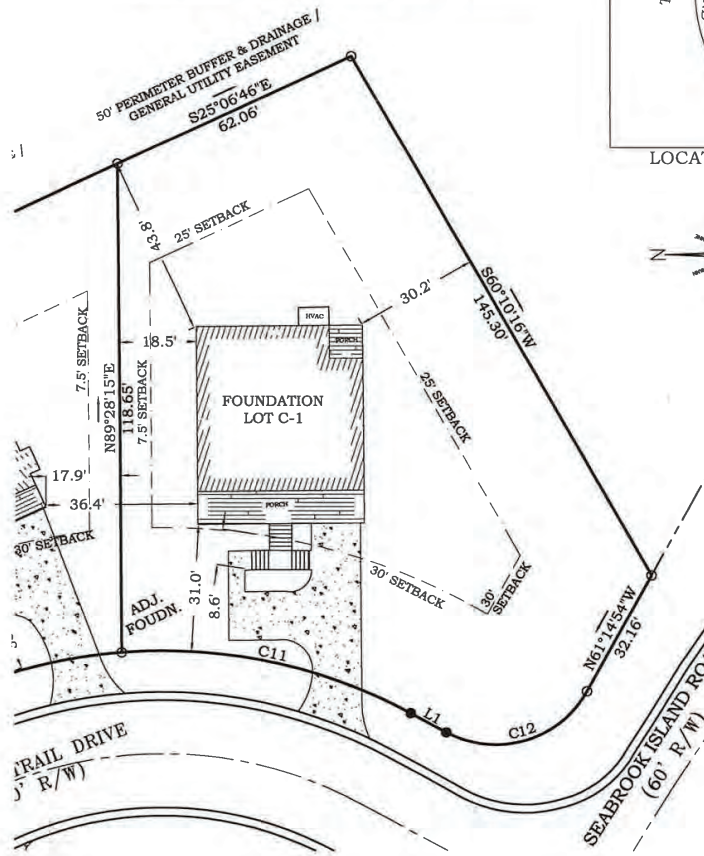
CERTIFICATIONS ARE TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

LINE TABLE		
LINE	LENGTH	BEARING
L1	9.73	N28°22'39"E

CURVE TABLE						
CURVE	LENGTH	DELTA	RADIUS	CHORD	TANGENT	BEARING
C11	72.05	33°01'37"	125.00	71.06	37.06	N11°51'55"E
C12	39.11	89°37'36"	25.00	35.24	24.84	S16°26'08"E

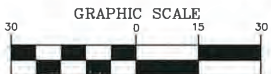
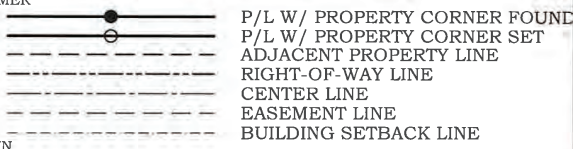


LOCATION MAP N.T.S.



- NOTES:
- 1) REFERENCE PLAT RECORDED BY TIMOTHY D. ELMER DATED 5-21-03
  - 2) REFERENCE PLAT BOOK EG PAGE 425
  - 3) TMS# 147-00-00-110
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
  6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

LINE LEGEND



( IN FEET )  
1 inch = 30 ft.

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

*Mark E. Lamb* 6/1/06  
MARK ELLIS LAMB, SR. SCPLS# 23200 DATE

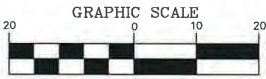
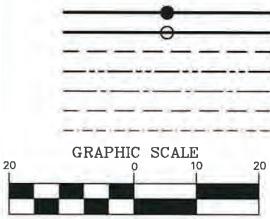


DESIGNED:	N/A
DRAWN:	EAD
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=30'
DATE:	6-1-06
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
LOT C-1 BRIDLE TRAIL DRIVE  
LOCATED IN  
THE TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS**  
LAND SURVEYING, INC.  
POST OFFICE BOX 50849  
SUMMERVILLE, SC 29485  
TEL: (843) 225-8082  
FAX: (843) 225-8083  
"DATA YOU CAN DEPEND ON"

LINE LEGEND

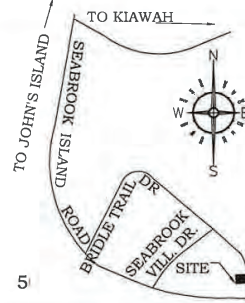


( IN FEET )

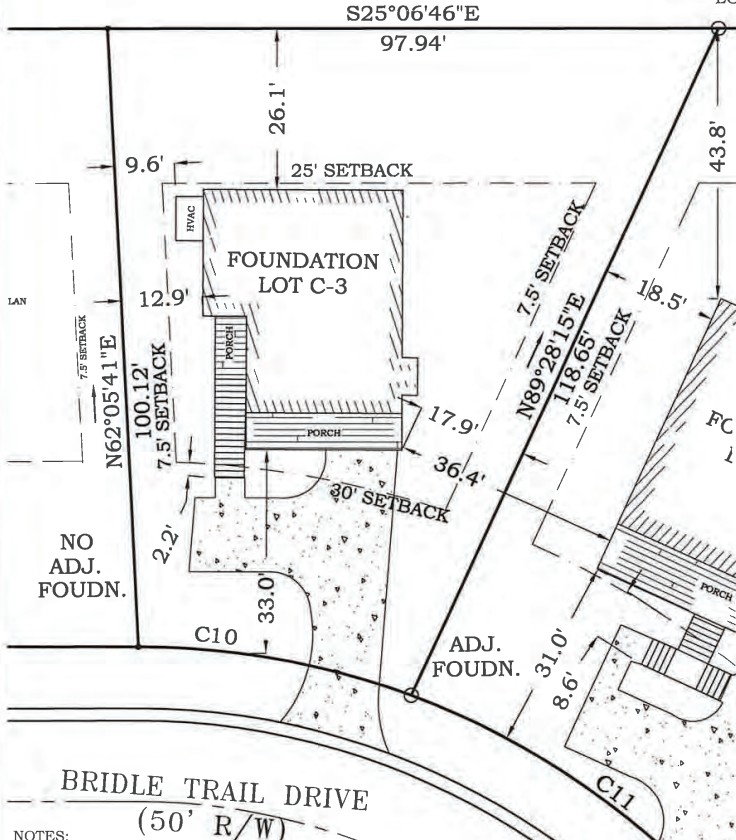
1 inch = 20 ft.

P/L W/ PROPERTY CORNER FOUND  
 P/L W/ PROPERTY CORNER SET  
 ADJACENT PROPERTY LINE  
 RIGHT-OF-WAY LINE  
 CENTER LINE  
 EASEMENT LINE  
 BUILDING SETBACK LINE

50' PERIMETER BUFFER & DRAINAGE /  
 GENERAL UTILITY EASEMENT



LOCATION MAP N.T.S.



- NOTES:
- 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 11-13-01
  - 2) REFERENCE PLAT BOOK EF PAGE 245
  - 3) TMS# 147-00-00-111
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
  6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'M' SURVEY AS SPECIFIED THEREIN.

*Mark E. Lamb* 6/1/06  
 MARK ELLIS LAMB, SR. SCPLS# 23200 DATE

CURVE	LENGTH	DELTA	RADIUS	CHORD	TANGENT	BEARING
C10	44.65'	20°27'53"	125.00	44.41	22.56	N14°52'46"W



DESIGNED:	N/A
DRWN:	EAD
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	6-1-06
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
 LOT C-3 BRIDLE TRAIL DRIVE  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS**  
 LAND SURVEYING, INC.  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"



VICINITY MAP  
(NOT TO SCALE)

NOTE:

1. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
2. AREA DETERMINED BY COORDINATE (DMD) METHOD.
3. THE PUBLIC RECORDS REFERENCED ON THE PLAT ARE ONLY THOSE USED AND NECESSARY FOR THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
4. BEARINGS ARE BASED ON RECORDED PLAT BEARINGS.
5. THIS PROPERTY MAY BE SUBJECT TO VARIOUS UTILITY EASEMENTS THAT WERE NOT NOTED IN THE REFERENCED PLATS. THE UTILITIES SHOWN HEREON ARE BASED ON FIELD SURFACE LOCATIONS, AND WERE NOT VERIFIED AS TO DEPTH, SIZE, OR MATERIAL. THIS SURVEY DOES NOT SHOW SUBTERRANEAN CONDITIONS.
6. VERTICAL INFORMATION IS BASED ON NGVD 1929.
7. AS PER FLOOD INSURANCE RATE MAP (FIRM) THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE-12 (BASE FLOOD ELEVATIONS DETERMINED) AS SHOWN ON MAP NUMBER 45019C0785L, PANEL 785 OF 858 DATED NOVEMBER 17, 2004. FLOOD ZONE SHOULD BE VERIFIED PRIOR TO DESIGN AND CONSTRUCTION.
8. ANY FRESHWATER WETLAND BOUNDARIES OR DHEC-DCRM CRITICAL LINE SHOWN ON THIS SURVEY SHOULD NOT BE CONSIDERED AS A FINAL DETERMINED UNLESS THE APPROPRIATE AUTHORITY HAS CERTIFIED THEM ON THIS PLAT.
9. SETBACKS SHOWN WERE TAKEN FROM RECORDED PLAT AND SHOULD BE VERIFIED PRIOR TO DESIGN AND CONSTRUCTION.

OWNER OF RECORD:  
LEEKE PETER D LEEKE LOUISE F  
6541 WAKCHURST RD  
CHARLOTTE NC 28226

PROPERTY ADDRESS:  
4012 BRIDLE TRAIL DRIVE  
JOHNS ISLAND SC 29455

NOW OR FORMERLY  
HOGUE WALTER DENNIS HOGUE BRENDA W  
TMS#147-00-00-113  
PLAT BOOK EF PAGE 245  
LOT C3

OWNER REFERENCES:

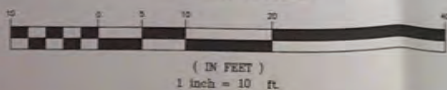
TMS: 147-00-00-112  
PLAT BOOK EF PAGE 245  
THE VILLAGE AT SEABROOK, LOT C4

PLAT REFERENCES:

EF 245  
EE 042  
EH 463

LEGEND:	
	LOCATED CORNERS (AS DESCRIBED)
	EXISTING WATER STRUCTURES
	EXISTING ELECTRIC SERVICES/AS NOTED
	EXISTING PROPERTY LINE
	EXISTING ADJOINER LINE
	EXISTING EASEMENT LINE
	BUILDING SETBACK LINE
	EDGE OF PAVE
	BACK OF CURB

GRAPHIC SCALE

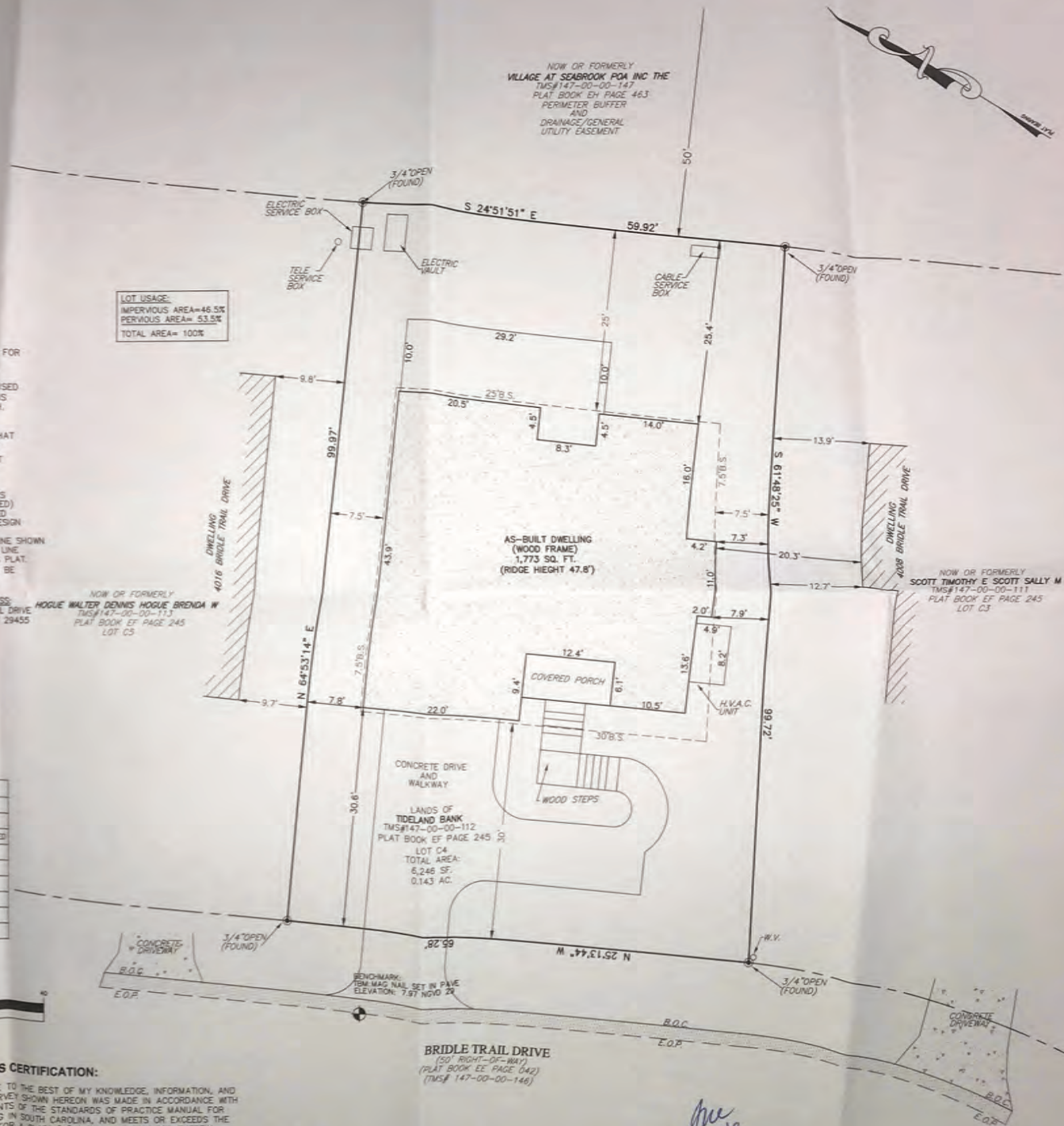


SURVEYORS CERTIFICATION:

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

*Philip R. Bryan*  
PHILIP R. BRYAN  
S.P.L.S. NO. 28597

LOT USAGE:  
IMPERVIOUS AREA=46.5%  
PERVIOUS AREA= 53.5%  
TOTAL AREA= 100%



NOW OR FORMERLY  
VILLAGE AT SEABROOK PDA INC THE  
TMS#147-00-00-147  
PLAT BOOK EH PAGE 463  
PERIMETER BUFFER  
AND  
DRAINAGE/GENERAL  
UTILITY EASEMENT

NOW OR FORMERLY  
SCOTT TIMOTHY E SCOTT SALLY M  
TMS#147-00-00-111  
PLAT BOOK EF PAGE 245  
LOT C3

BRIDLE TRAIL DRIVE  
(50' RIGHT-OF-WAY)  
(PLAT BOOK EE PAGE 042)  
(TMS# 147-00-00-146)

*Price*  
7/25/18

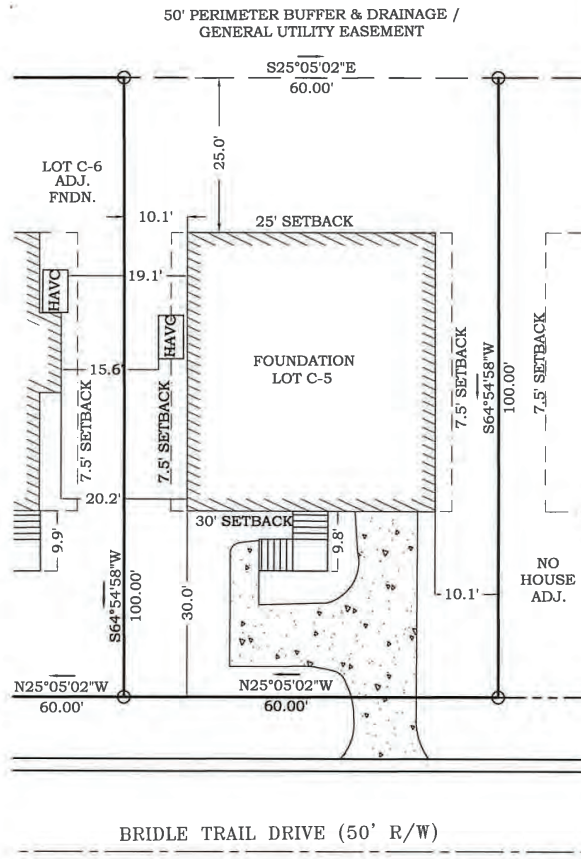
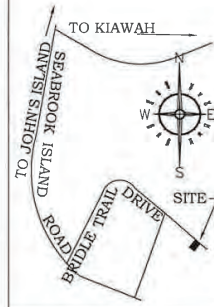
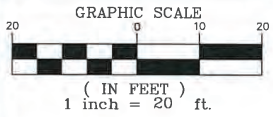


NO.	DATE	DESCRIPTION	BY

1035-B Jenkins Road  
Charleston, SC 29407  
(843) 795-9330

A FINAL AS-BUILT SURVEY PLAT OF  
TMS: 147-00-00-112  
4012 BRIDLE TRAIL DRIVE  
LEEKE PETER D LEEKE LOUISE F  
LOCATED NEAR THE TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA

DATE: JULY 12, 2018
DRAWN: K.KUZIO
CHECK: JB
CC: JEFF B.
JOB: 17143
DWG: 17134-FINAL ASS
SHEET: 1 OF 1



**NOTES:**

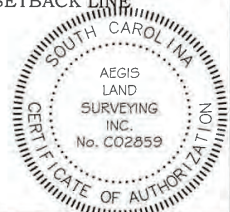
- 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 11-13-2001
- 2) REFERENCE PLAT BOOK EG PAGE 425
- 3) TMS# 147-00-00-113
- 4) ALL CORNERS FOUND ARE AS DESCRIBED
- 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

**LINE LEGEND**

- P/L W/ PROPERTY CORNER FOUND
- P/L W/ PROPERTY CORNER SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

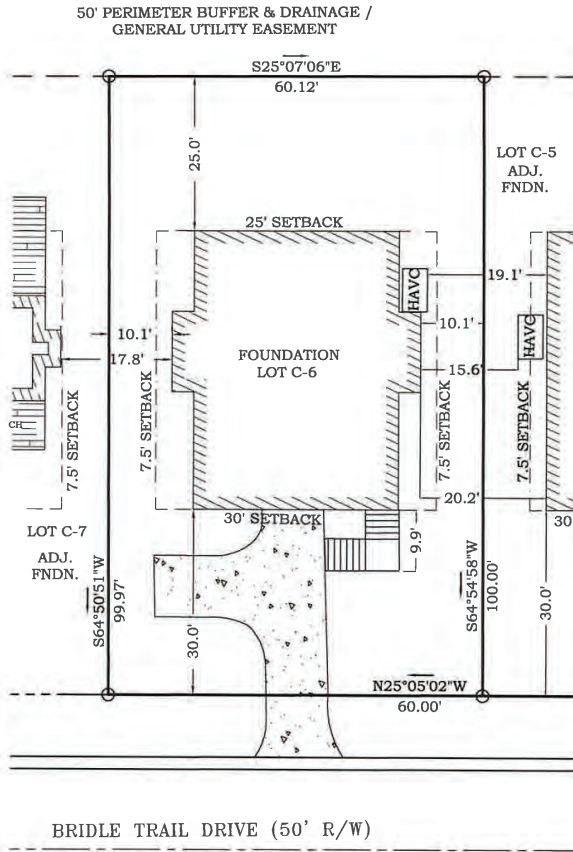
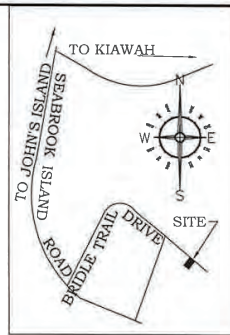
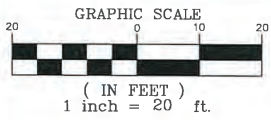
*Mark E. Lamb* 5/17/06  
 MARK ELLIS LAMB, SR. SCPLS# 23200 DATE



DESIGNED:	EAD
DRAWN:	ERS
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	5/17/2006
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
 LOT C-5 BRIDLE TRAIL  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS LAND SURVEYING, INC.**  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"



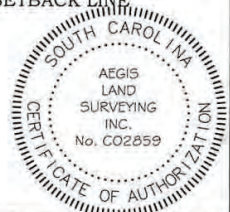
- NOTES:
- 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 11-13-2001
  - 2) REFERENCE PLAT BOOK EF PAGE 245
  - 3) TMS# 147-00-00-114
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
  6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

LINE LEGEND

	P/L W/ PROPERTY CORNER FOUND
	P/L W/ PROPERTY CORNER SET
	ADJACENT PROPERTY LINE
	RIGHT-OF-WAY LINE
	CENTER LINE
	EASEMENT LINE
	BUILDING SETBACK LINE

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

*Mark Ellis Lamb* 5/17/08  
 MARK ELLIS LAMB, SR. SCPLS# 23200 DATE

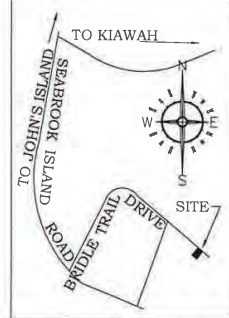
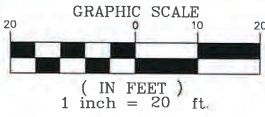


DESIGNED:	EAD
DRAWN:	ERS
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	5/17/2006
PROJECT NO.:	N/A
SHEET:	1 OF 1

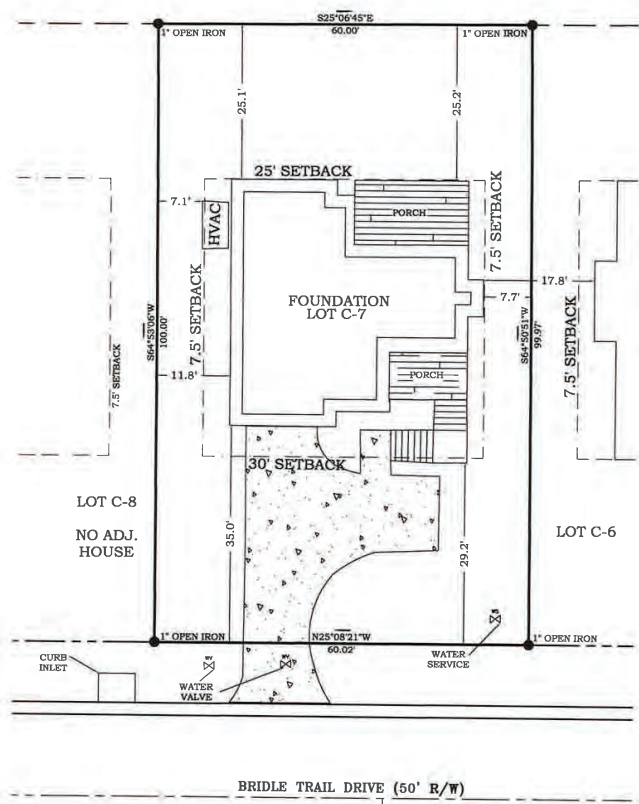
**FINAL SURVEY**  
 LOT C-6 BRIDLE TRAIL  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS**  
 LAND SURVEYING, INC.  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"





50' PERIMETER BUFFER & DRAINAGE /  
GENERAL UTILITY EASEMENT

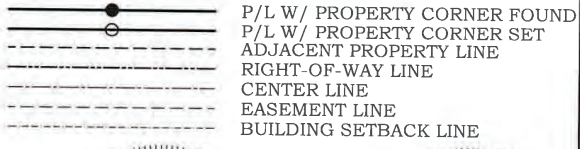


*Handwritten signature*

**NOTES:**

- 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 11-13-2001 PLAT BOOK "EF" PAGE 245.
- 2) TMS# 147-00-00-115
- 3) ALL CORNERS FOUND ARE AS DESCRIBED
- 4) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
- 5) BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

**LINE LEGEND**



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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

*Mark Ellis Lamb* 1/18/07  
MARK ELLIS LAMB, SR. SCPLS# 28200 DATE



DESIGNED:	N/A
DRAWN:	EAD
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	1/18/07
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
LOT C-7 BRIDLE TRAIL DRIVE  
LOCATED IN  
THE TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS**  
LAND SURVEYING, INC.  
POST OFFICE BOX 50849  
SUMMERVILLE, SC 29485  
TEL: (843) 225-8082  
FAX: (843) 225-8083  
"DATA YOU CAN DEPEND ON"



**A.H. SCHWACKE & ASSOCIATES, INC.**

**LAND SURVEYING & CONSTRUCTION LAYOUT**

1975 FRAMPTON AVENUE PHONE 843-762-7005 FAX 843-762-0109  
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

Prepared for: GRAHAM BUILDERS

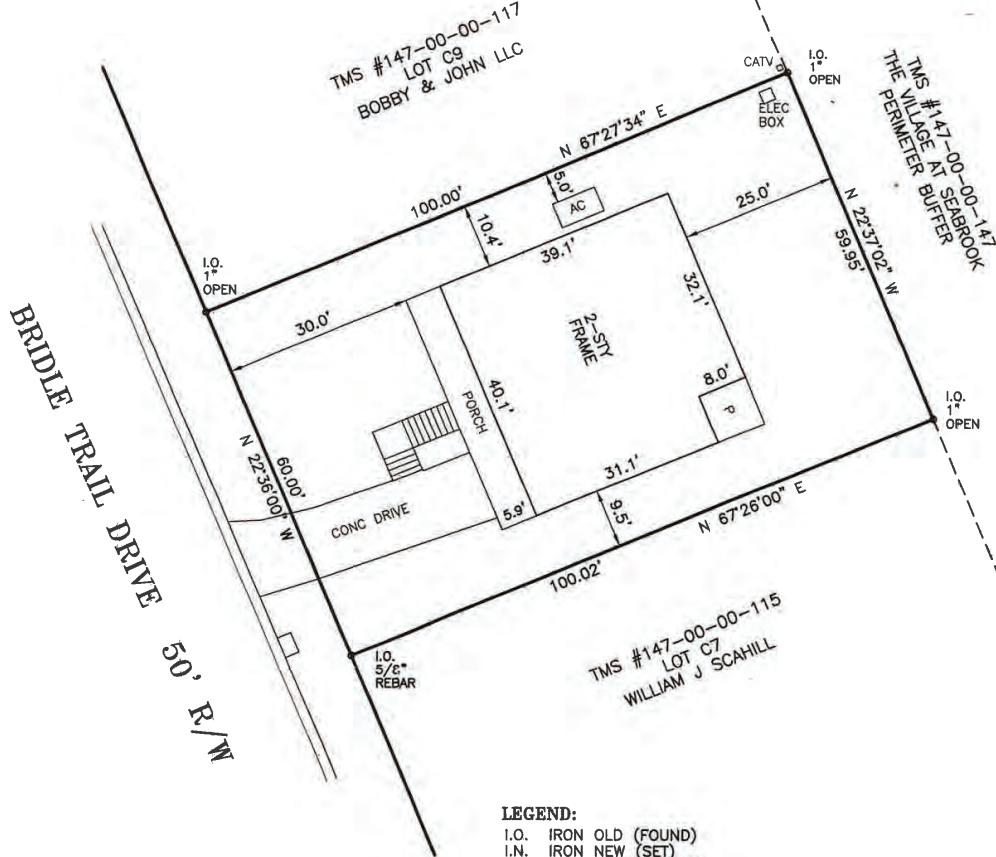


**REFERENCE:**

PLAT BY G ROBERT GEORGE  
DATED NOVEMBER 13, 2001  
BOOK EF PAGE 245  
RMC CHAS. CO.

TAX MAP No. 147-00-00-116

LOT AREA 5998.3 SQ. FT.  
0.14 ACRES



**LEGEND:**

- I.O. IRON OLD (FOUND)
- I.N. IRON NEW (SET)
- CMO CONCRETE MONUMENT OLD
- AC AIR CONDITIONER
- CATV CABLE TV BOX
- P PORCH

**NOTES:**

BEARINGS SHOWN ARE MAGNETIC  
AND AS SUCH ARE SUBJECT TO LOCAL  
ATTRACTION

AREA DETERMINED BY COORDINATE METHOD

THE PUBLIC RECORDS REFERENCED ON THIS PLAT  
ARE ONLY THOSE USED AND/OR NECESSARY TO THE  
ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY.  
THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH  
ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS  
PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR  
VARIED BY THE SEABROOK ISLAND ARCHITECTURAL REVIEW  
BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES  
THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK  
GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS  
OF ENGINEERS JURISDICTIONAL WETLANDS IS  
UNDETERMINED AS OF THE DATE OF THIS SURVEY

PROPERTY IS LOCATED IN FLOOD ZONE AE (EL 13)  
AS PER FEMA FLOOD MAPS  
PANEL No. 45019C 0785J  
DATED NOVEMBER 17, 2004  
COMMUNITY No. 450256

**PLAT OF LOT C8  
THE VILLAGE AT SEABROOK  
TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY  
SOUTH CAROLINA  
DATE: JULY 10, 2008  
SCALE: 1" = 20'**



**SURVEYOR'S 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 Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown. This Survey is not valid unless it bears the original signature and has an embossed seal. Area determined by coordinate method.

A.H. Schwacke, III, P.L.S.  
S.C. Registration Number 13855



CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.  
THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON.  
THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT  
OF A TITLE SEARCH.

6/15/19  
Terry

### CERTIFICATIONS

- 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 HEREIN ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
- I CERTIFY THAT THE PROPERTY SHOWN HEREON IS IN A SPECIAL FLOOD HAZARD ZONE ACCORDING TO F.E.M.A. FLOOD HAZARD BOUNDARY MAPS.

### LEGEND

- I.O. INDICATES IRON PIPE, OLD
- I.N. INDICATES IRON PIPE, NEW
- R.O. INDICATES ROD, OLD
- R.N. INDICATES ROD, NEW
- C.M.O. INDICATES CONCRETE MONUMENT, OLD
- C.P. INDICATES CALCULATED POINT

### NOTES

- REF. : PLAT BOOK EF, PAGE 245 PRESENTLY OWNED BY MARGARITA AND DAVID WIRTH.
- THE ADDRESS IS 4032 BRIDLE TRAIL DRIVE.
- AREA = 0.13 ACRES

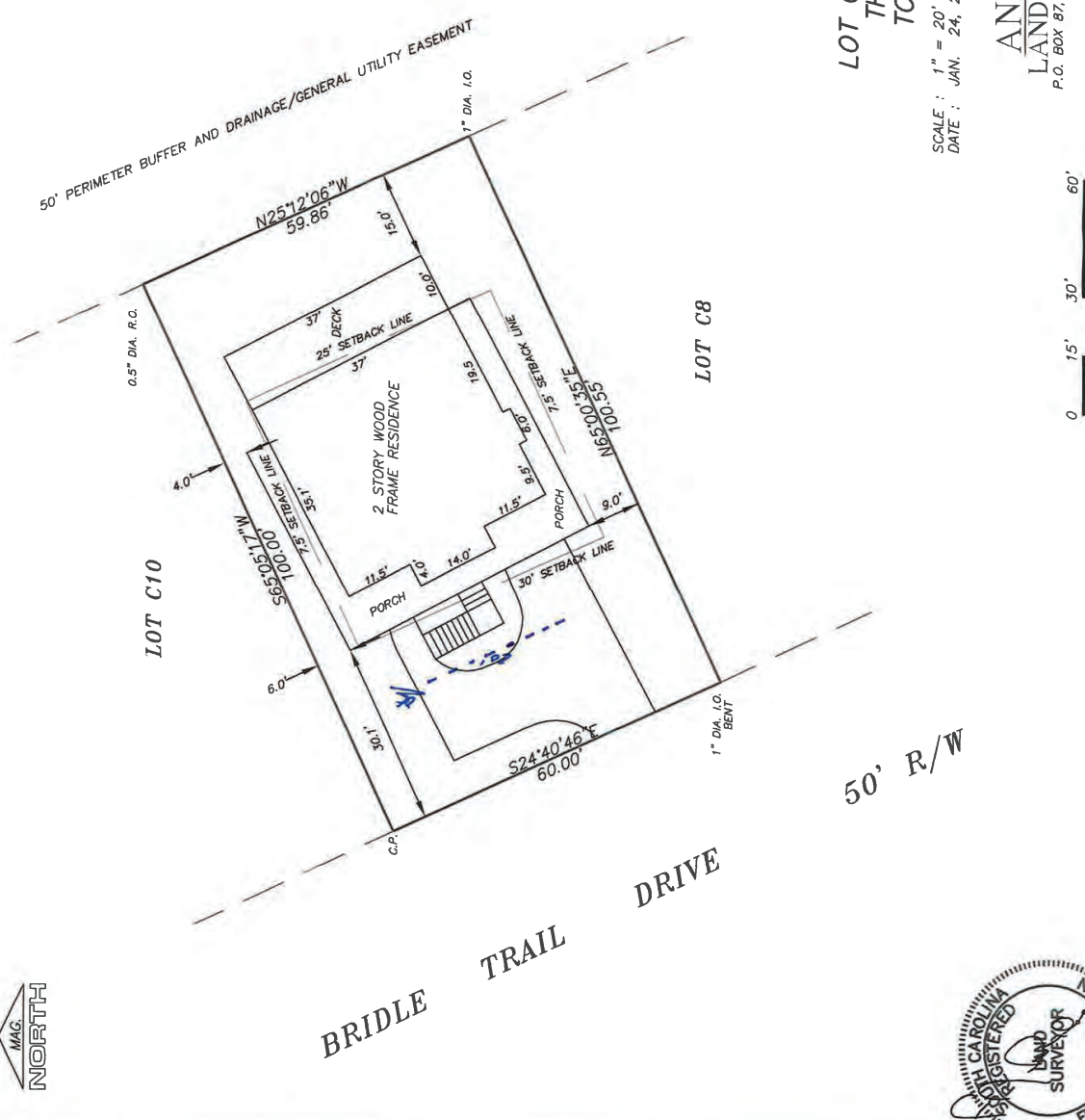
## PLAT

LOT C9, 4032 BRIDLE TRAIL DRIVE  
THE VILLAGE AT SEABROOK.  
TOWN OF SEABROOK ISLAND.

CHARLESTON COUNTY  
SOUTH CAROLINA

SCALE : 1" = 20'  
DATE : JAN. 24, 2019

ANDERSON & ASSOCIATES  
LAND SURVEYING AND PLANNING, INC.  
P.O. BOX 87, JOHNS ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA 29457  
PHONE (843)371-0800



DRAWING NO. 9204  
REF DRAWING NO. 9163





# A.H. SCHWACKE & ASSOCIATES, INC.

## LAND SURVEYING & CONSTRUCTION LAYOUT

1975 FRAMPTON AVENUE PHONE 843-762-7005 FAX 843-762-0109  
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	100.0'	32.3'	32.1'	S 45°38'23" E	18°29'09"



### REFERENCE:

PLAT BY G. ROBERT GEORGE  
DATED NOVEMBER 13, 2001  
BOOK EF PAGE 245  
RMC CHAS. CO.

TAX MAP No. 147-00-00-118  
BRIDLE TRAIL DRIVE

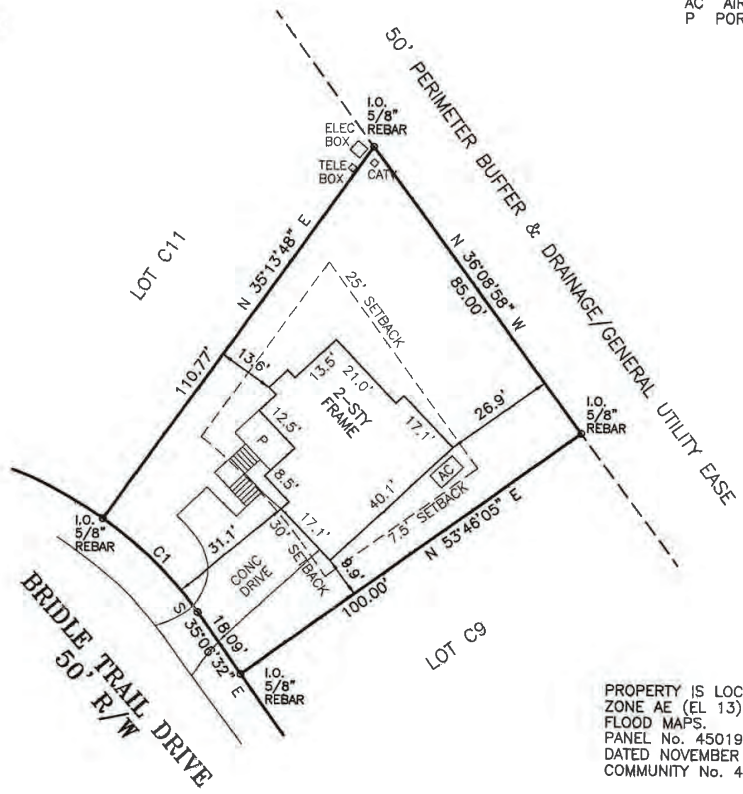
LOT AREA 6868.8 SQ. FT.  
0.16 ACRES

Prepared for:  
GRAHAM BUILDERS

BUILDING = 1313 sq.ft.  
PORCH = 987 sq.ft.  
DRIVEWAY = 647 sq.ft.  
AC = 29 sq.ft.  
TOTAL = 2976 sq.ft.  
43% COVERAGE

### LEGEND:

- I.O. IRON OLD (FOUND)
- I.N. IRON NEW (SET)
- CMO CONCRETE MONUMENT OLD
- AC AIR CONDITIONER
- P PORCH



PROPERTY IS LOCATED IN FLOOD  
ZONE AE (EL 13) AS PER FEMA  
FLOOD MAPS.  
PANEL No. 45019C 0785J  
DATED NOVEMBER 17, 2004  
COMMUNITY No. 450256



### NOTES:

- BEARINGS SHOWN ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION
- AREA DETERMINED BY COORDINATE METHOD
- THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
- THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED BY THE SEABROOK ISLAND ARCHITECTURAL REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.
- THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY

PLAT OF LOT C10  
THE VILLAGE AT SEABROOK  
SEABROOK ISLAND  
CHARLESTON COUNTY  
SOUTH CAROLINA  
DATE: DECEMBER 6, 2007  
SCALE: 1" = 30'



### SURVEYOR'S 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 Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown. This Survey is not valid unless it bears the original signature and has an embossed seal. Area determined by coordinate method.

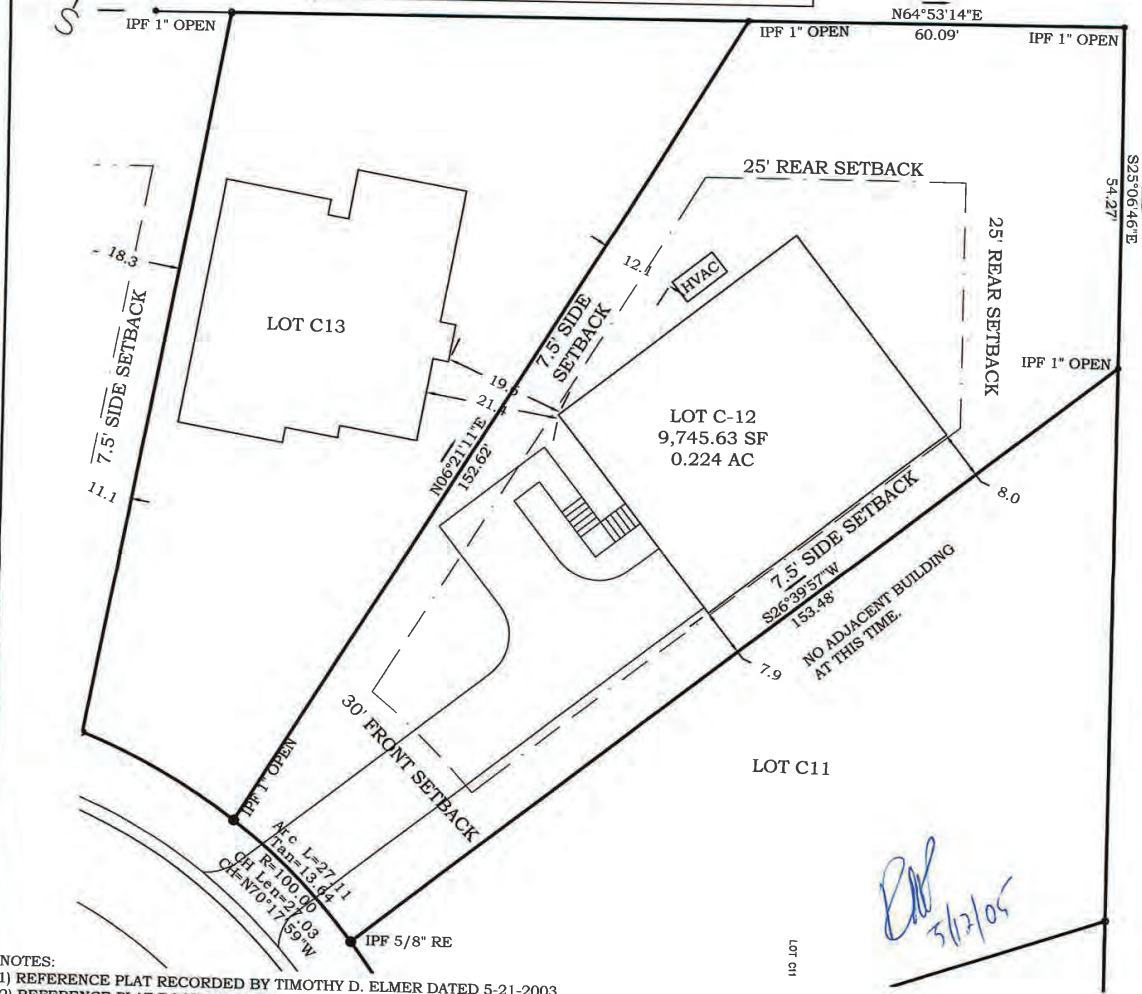
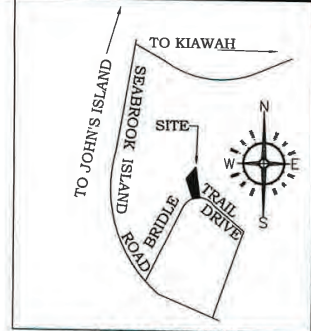
*[Handwritten Signature]*

A.H. Schwacke, III, P.L.S.  
S.C. Registration Number 13855



CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

PLANNING AND R.M.C. USE ONLY



- NOTES:
- 1) REFERENCE PLAT RECORDED BY TIMOTHY D. ELMER DATED 5-21-2003
  - 2) REFERENCE PLAT BOOK EG PAGE 425
  - 3) TMS# 147-00-00-120
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE A8, ELEVATION 13, PER COMMUNITY MAP PANEL NUMBER 4554130440 H, DATED SEPTEMBER 2, 1993.

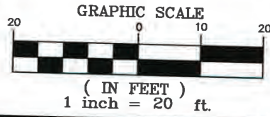
**FINAL PLAT**  
 SHOWING LOT C-12, A 0.224 ACRE PARCEL OF LAND, LOCATED ON 4044 BRIDLE TRAILS TRAIL DRIVE, SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA.  
 NOTES: THE TOTAL OF BOTH SIDE SETBACKS SHALL BE AT LEAST 15'; PROVIDED NO TWO DETACHED PATIO HOMES ARE CLOSER THAN 15'.  
 SCALE: 1"=20' DATE: MAY 11, 2005

**LINE LEGEND**

- P/L W/ PROPERTY CORNER FOUND
- P/L W/ PROPERTY CORNER CALC'D
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- BUILDING SETBACK LINE

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'B' SURVEY AS SPECIFIED THEREIN.

MARK ELLIS LAMB, SR. SCPLS# 23200  
 DATE 5/11/05

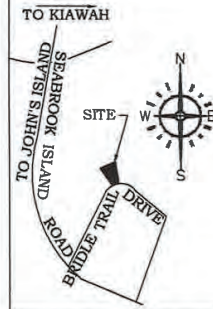
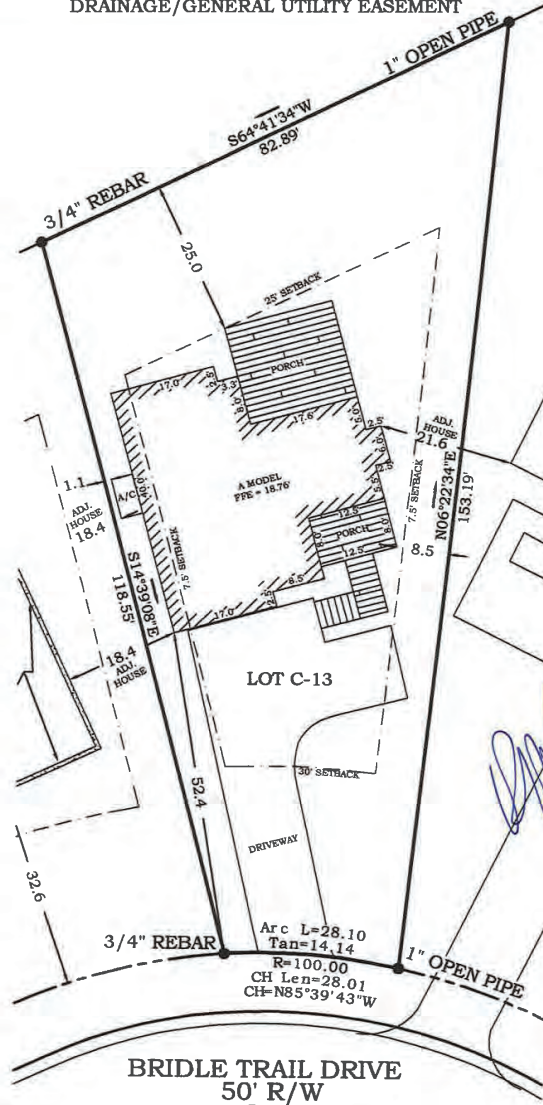


DESIGNED:	N/A
DRAWN:	MEL
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1" = 20'
DATE:	MAY 11, 2005
PROJECT NO.:	SI BRIDLE TRAIL
SHEET:	1 OF 1

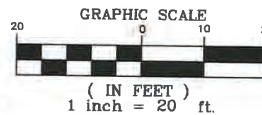
**FINAL SURVEY**  
 LOT C-12 BRIDLE TRAILS  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS LAND SURVEYING, INC.**  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"

50' PERIMETER BUFFER &  
DRAINAGE/GENERAL UTILITY EASEMENT



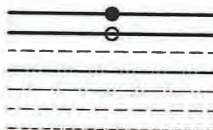
LOCATION MAP  
NOT TO SCALE



NOTES:

- 1) REFERENCE PLAT RECORDED BY TIM ELMER DATED 5-21-2003
- 2) REFERENCE PLAT BOOK EG PAGE 425
- 3) TMS# 147-00-00-121
- 4) ALL CORNERS FOUND ARE AS DESCRIBED
- 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

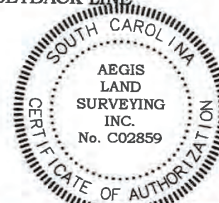
LINE LEGEND



- P/L W/ PROPERTY CORNER FOUND
- P/L W/ PROPERTY CORNER SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE

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

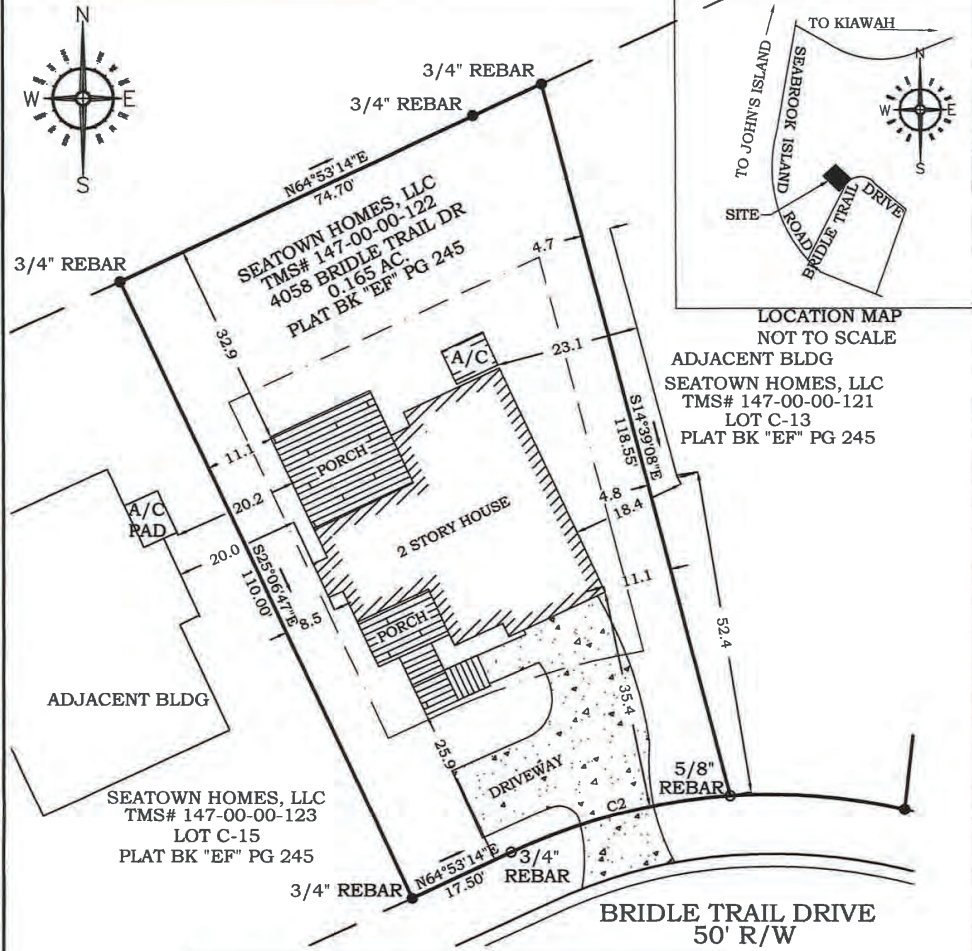
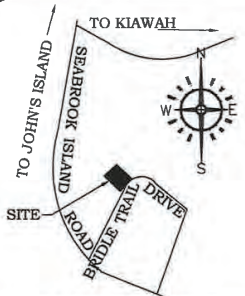
*Mark E. Lamb* 10/5/05  
MARK ELLIS LAMB, SR. - SCPLS# 23200 DATE



DESIGNED:	N/A
DRAWN:	ERS
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	10-5-05
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
LOT C-13 BRIDLE TRAIL  
LOCATED IN  
THE TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS**  
LAND SURVEYING, INC.  
POST OFFICE BOX 50849  
SUMMERVILLE, SC 29485  
TEL: (843) 225-8082  
FAX: (843) 225-8083  
"DATA YOU CAN DEPEND ON"



LOCATION MAP  
NOT TO SCALE  
ADJACENT BLDG  
SEATOWN HOMES, LLC  
TMS# 147-00-00-121  
LOT C-13  
PLAT BK "EF" PG 245

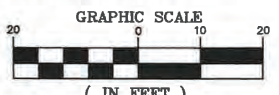
SEATOWN HOMES, LLC  
TMS# 147-00-00-123  
LOT C-15  
PLAT BK "EF" PG 245

CURVE TABLE					
CURVE	LENGTH	DELTA	RADIUS	CHORD	BEARING
C2	36.48	20°54'03"	100.00	36.28	S75°20'15"W

- NOTES:
- 1) REFERENCE PLAT RECORDED BY TIM ELMER DATED 5-21-2003
  - 2) REFERENCE PLAT BOOK EF PAGE 245
  - 3) TMS# 147-00-00-122
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
  - 6) ALL PROPERTY CORNERS SET ARE 5/8" REBAR UNLESS OTHERWISE NOTED

LINE LEGEND

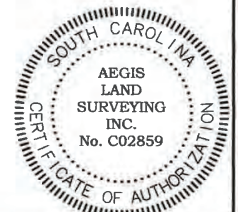
- P/L W / PROPERTY CORNER FOUND
- P/L W / PROPERTY CORNER SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE



( IN FEET )  
1 inch = 20 ft.

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "T" SURVEY AS SPECIFIED THEREIN.

*Mark E. Lamb* 9/2/05  
MARK ELLIS LAMB, SR. SCPLS# 23200 DATE



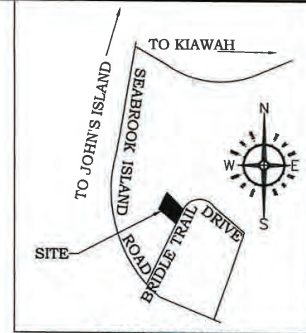
DESIGNED:	N/A
DRAWN:	MEL
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	09/02/2005
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
LOT C-14 BRIDLE TRAIL  
LOCATED IN  
THE TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA

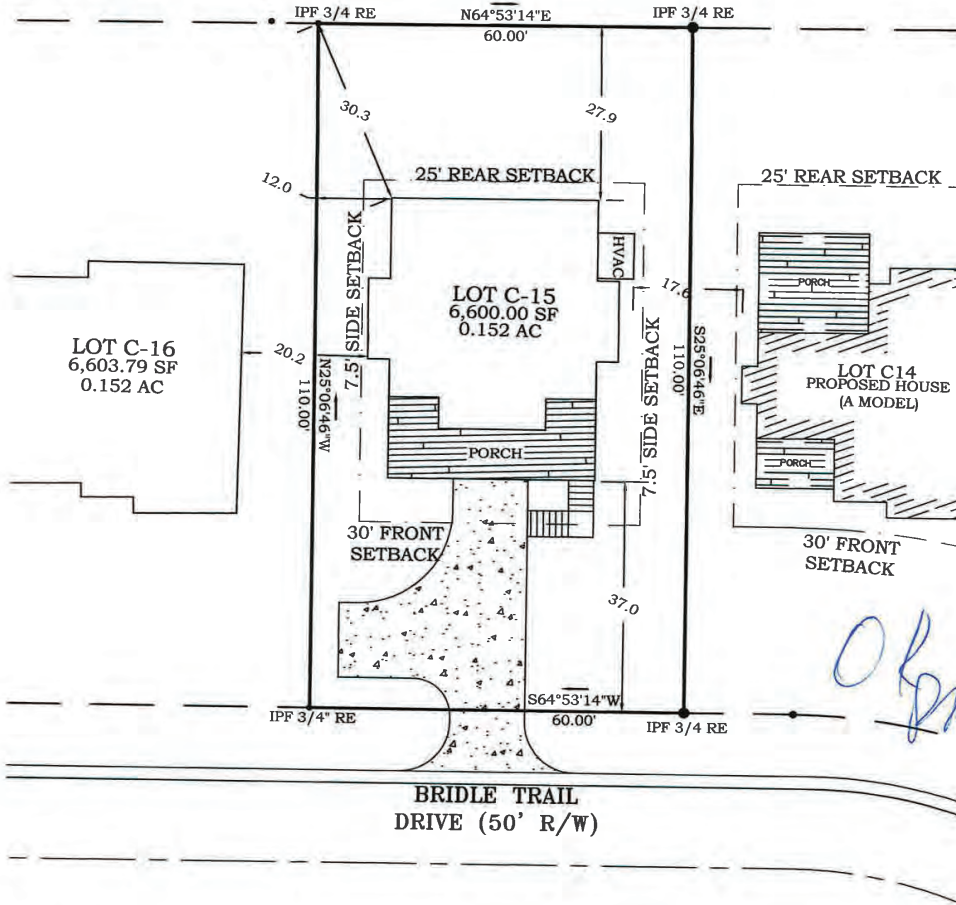
**AEGIS**  
LAND SURVEYING, INC.  
POST OFFICE BOX 50849  
SUMMERVILLE, SC 29485  
TEL: (843) 225-8082  
FAX: (843) 225-8083  
"DATA YOU CAN DEPEND ON"

Lot 15

PLANNING AND R.M.C. USE ONLY



LOCATION MAP  
NOT TO SCALE



NOTES:

- 1) REFERENCE PLAT RECORDED BY TIMOTHY D. ELMER DATED 5-21-2003
- 2) REFERENCE PLAT BOOK EG PAGE 425
- 3) TMS# 147-00-00-123
- 4) ALL CORNERS FOUND ARE AS DESCRIBED
- 5) THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE AE, ELEVATION 13, PER COMMUNITY MAP PANEL NUMBER 45019C 0785 J, DATED NOVEMBER 17, 2004.

FINAL PLAT

SHOWING LOT C-15, A 0.152 ACRE PARCEL OF LAND, LOCATED ON 4056 BRIDLE TRAIL DRIVE, SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA.

NOTES: THE TOTAL OF BOTH SIDE SETBACKS SHALL BE AT LEAST 15'; PROVIDED NO TWO DETACHED PATIO HOMES ARE CLOSER THAN 15'.

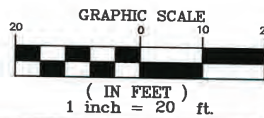
SCALE: 1"=20' DATE: APRIL 8, 2005

LINE LEGEND

- P/L W/ PROPERTY CORNER FOUND
- P/L W/ PROPERTY CORNER CALC'D
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- BUILDING SETBACK LINE

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 3 SURVEY AS SPECIFIED THEREIN.

MARK ELLIS LAMB, SR. SCPLS# 23200 DATE 4/8/05

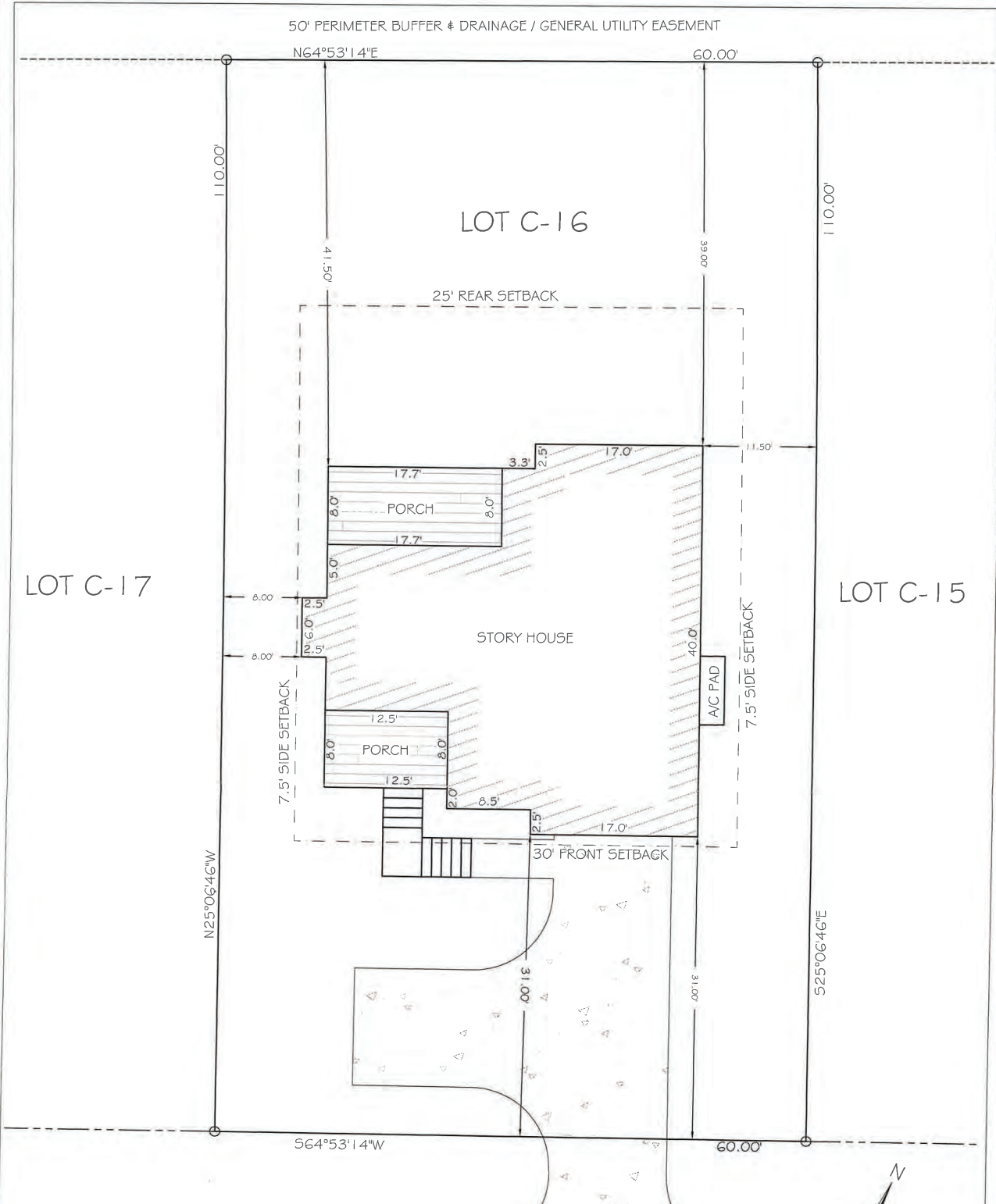


DESIGNED:	N/A
DRAWN:	MEL
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1" = 20'
DATE:	APRIL 8, 2005
PROJECT NO.:	SI BRIDLE TRAIL
SHEET:	1 OF 1

FINAL SURVEY  
LOT C-15 BRIDLE TRAILS  
LOCATED IN  
THE TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA

AEGIS  
LAND SURVEYING, INC.  
POST OFFICE BOX 50849  
SUMMERVILLE, SC 29485  
TEL: (843) 225-8082  
FAX: (843) 225-8083  
"DATA YOU CAN DEPEND ON"





**FINAL SURVEY**

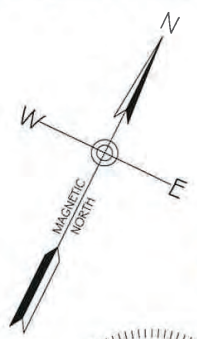
SHOWING LOT C-16, A 0.152 ACRE PARCEL OF LAND, LOCATED ON BRIDLE TRAIL DRIVE, SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA.

NOTES: THE TOTAL OF BOTH SIDE SETBACKS SHALL BE AT LEAST 15'; PROVIDED THAT NO TWO DETACHED PATIO HOMES ARE CLOSER THAN 15'.

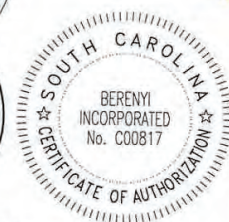
SCALE: 1"=10' DATE: FEBRUARY 1, 2005

THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE A8, ELEVATION 13, PER COMMUNITY MAP PANEL NUMBER 455413 0440 H, DATED SEPTEMBER 2, 1993.

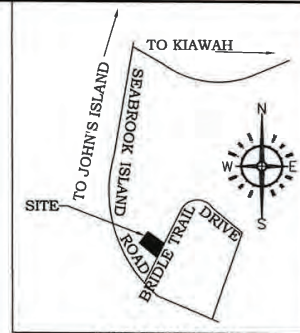
I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO ENCROACHMENTS, PROJECTIONS OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.



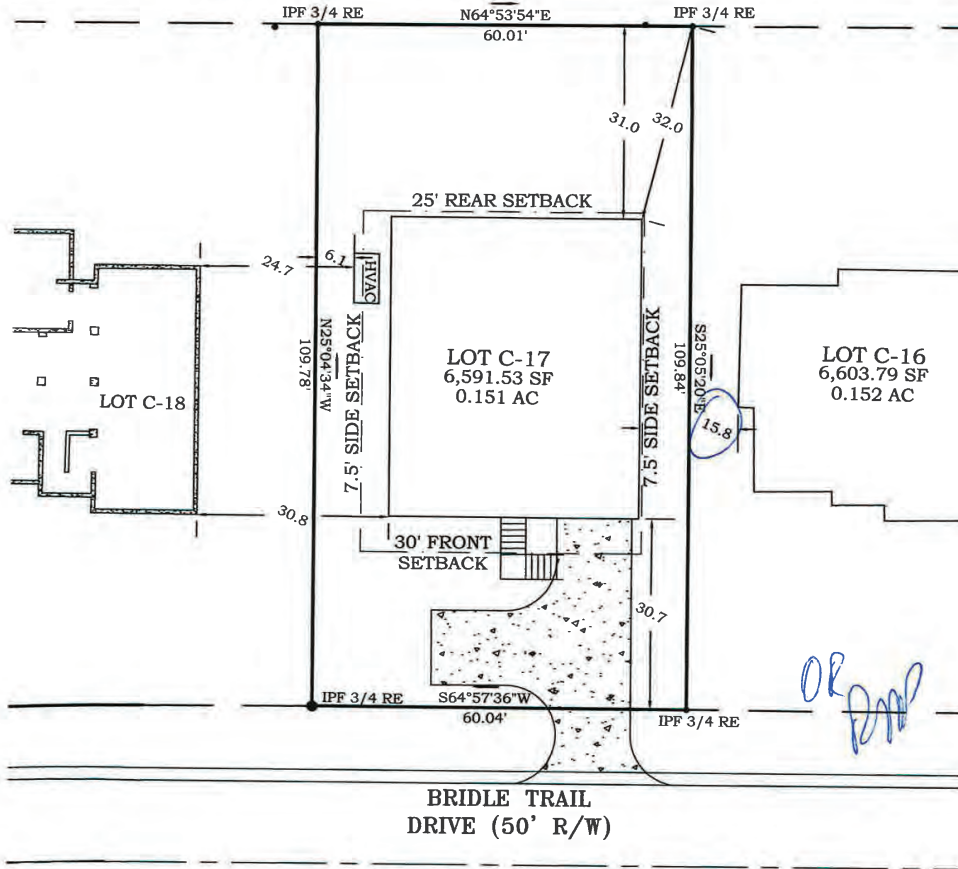
*Handwritten signature: DMC 2/2/05*



PLANNING AND R.M.C. USE ONLY



LOCATION MAP  
NOT TO SCALE



NOTES:

- 1) REFERENCE PLAT RECORDED BY TIMOTHY D. ELMER DATED 5-21-2003
- 2) REFERENCE PLAT BOOK EG PAGE 425
- 3) TMS# 147-00-00-125
- 4) ALL CORNERS FOUND ARE AS DESCRIBED
- 5) THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE AE, ELEVATION 13, PER COMMUNITY MAP PANEL NUMBER 45019C 0785 J, DATED NOVEMBER 17, 2004.

LINE LEGEND

- P/L W/ PROPERTY CORNER FOUND
- P/L W/ PROPERTY CORNER CALC'D
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- BUILDING SETBACK LINE

FINAL PLAT

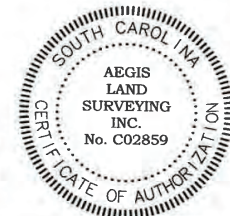
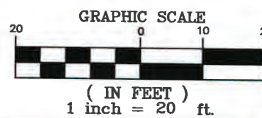
SHOWING LOT C-17, A 0.151 ACRE PARCEL OF LAND, LOCATED ON 4064 BRIDLE TRAIL DRIVE, SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA.

NOTES: THE TOTAL OF BOTH SIDE SETBACKS SHALL BE AT LEAST 15'; PROVIDED NO TWO DETACHED PATIO HOMES ARE CLOSER THAN 15'.

SCALE: 1"=20' DATE: APRIL 8, 2005

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

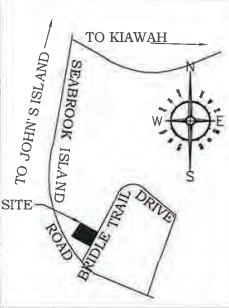
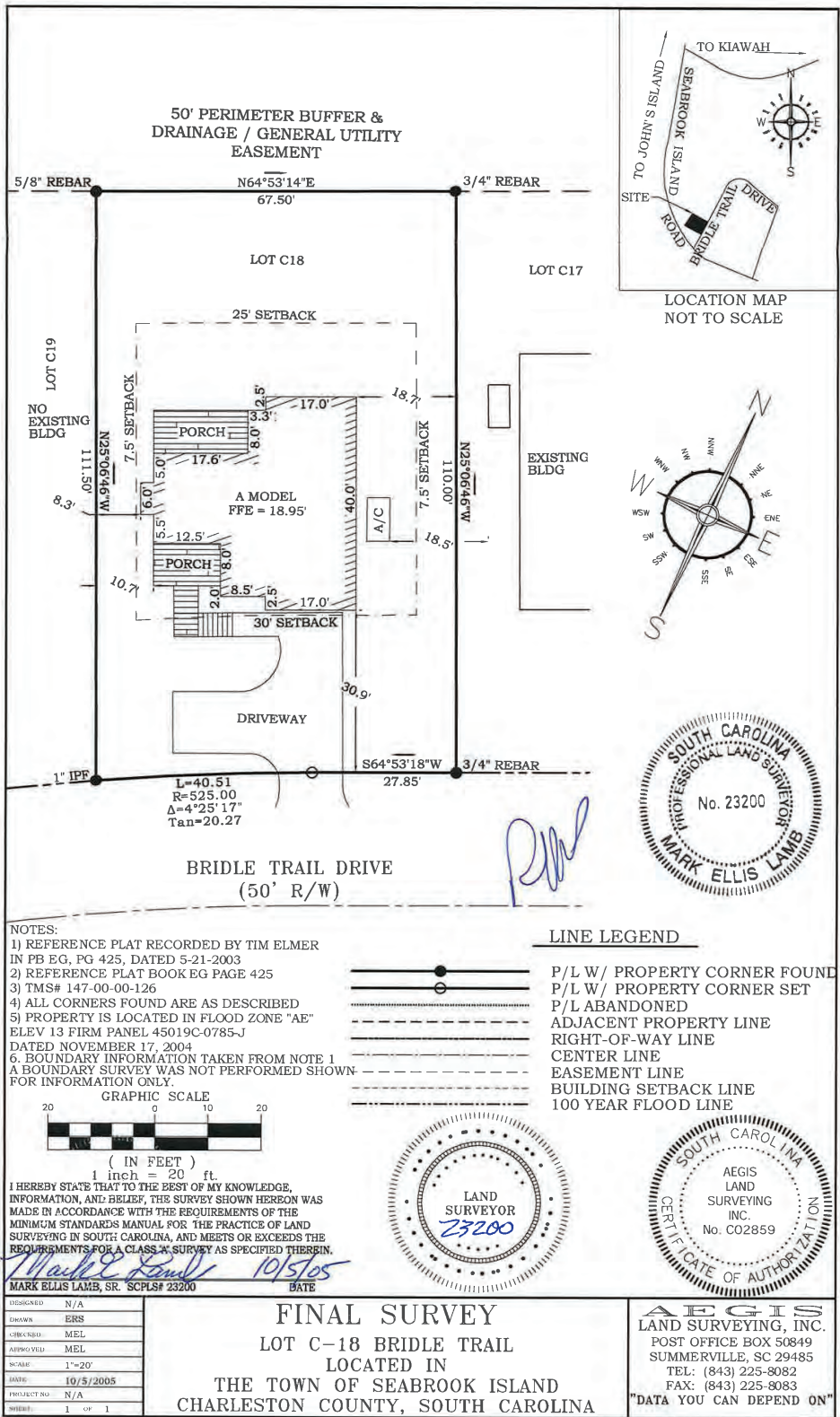
*Mark Ellis Lame, Sr.* 4/8/05  
MARK ELLIS LAME, SR. SCPLS# 23200 DATE



DESIGNED:	N/A
DRAWN:	MEL
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1" = 20'
DATE:	APRIL 8, 2005
PROJECT NO.:	SI BRIDLE TRAIL
SHEET:	1 OF 1

**FINAL SURVEY**  
LOT C-17 BRIDLE TRAILS  
LOCATED IN  
THE TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS**  
LAND SURVEYING, INC.  
POST OFFICE BOX 50849  
SUMMERVILLE, SC 29485  
TEL: (843) 225-8082  
FAX: (843) 225-8083  
"DATA YOU CAN DEPEND ON"



- NOTES:
- 1) REFERENCE PLAT RECORDED BY TIM ELMER IN PB E.G. PG 425, DATED 5-21-2003
  - 2) REFERENCE PLAT BOOK E.G PAGE 425
  - 3) TMS# 147-00-00-126
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
  6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.



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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'A' SURVEY AS SPECIFIED THEREIN.

MARK ELLIS LAMB, SR. SCLPS# 23200 DATE 10/5/05

LINE LEGEND

	P/L W/ PROPERTY CORNER FOUND
	P/L W/ PROPERTY CORNER SET
	P/L ABANDONED
	ADJACENT PROPERTY LINE
	RIGHT-OF-WAY LINE
	CENTER LINE
	EASEMENT LINE
	BUILDING SETBACK LINE
	100 YEAR FLOOD LINE



DESIGNED	N/A
DRAWN	ERS
CHECKED	MEL
APPROVED	MEL
SCALE	1"=20'
DATE	10/5/2005
PROJECT NO.	N/A
SHEET	1 OF 1

**FINAL SURVEY**  
 LOT C-18 BRIDLE TRAIL  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

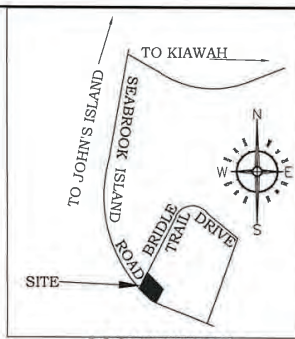
**AEGIS**  
 LAND SURVEYING, INC.  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"

**LINE LEGEND**

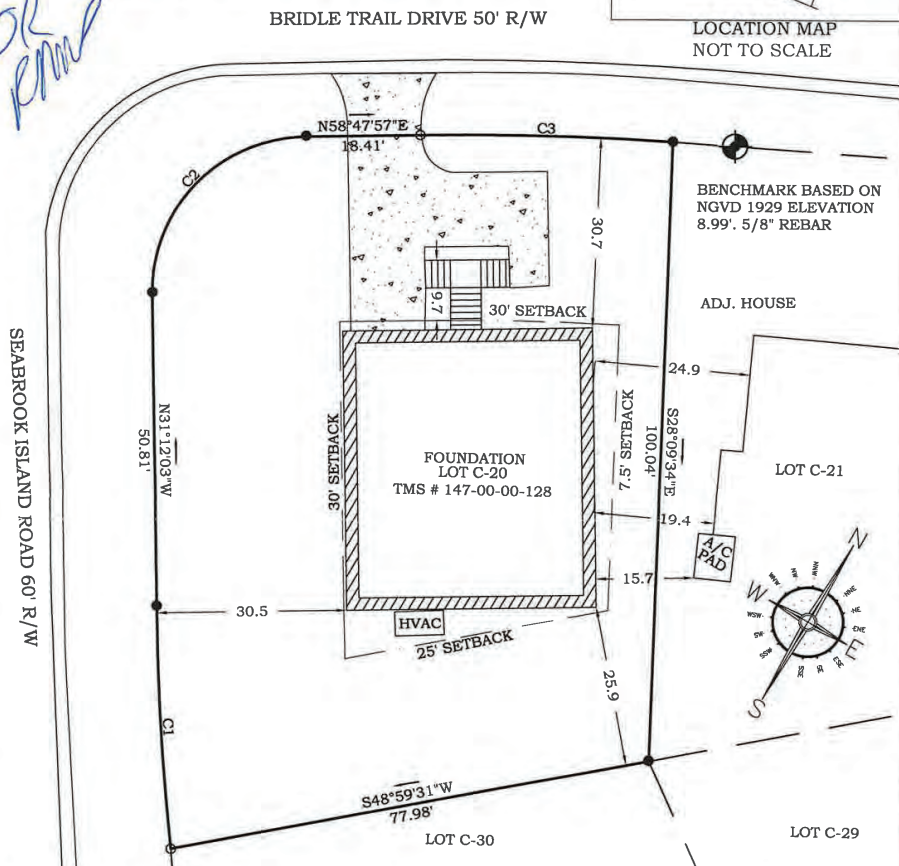
- P/L W/ PROPERTY CORNER FOUND
- P/L W/ PROPERTY CORNER CALC'D
- - - - - ADJACENT PROPERTY LINE
- - - - - RIGHT-OF-WAY LINE
- — — — — CENTER LINE
- — — — — BUILDING SETBACK LINE

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	445.00'	5°02'23"	39.14'	39.13'	S33°43'15"E
C2	25.00'	90°00'54"	39.28'	35.36'	S13°47'57"W
C3	475.00'	4°53'10"	40.51'	40.49'	S61°14'17"W

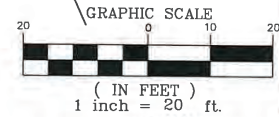


*OK  
R/W*



BENCHMARK BASED ON NGVD 1929 ELEVATION 8.99' 5/8" REBAR

ADJ. HOUSE



- NOTES:**
- 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 5-21-2001
  - 2) REFERENCE PLAT BOOK EF PAGE 245
  - 3) TMS# 147-00-00-128
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C 0785 J DATED NOVEMBER 17, 2004.
  6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'A' SURVEY AS SPECIFIED THEREIN.

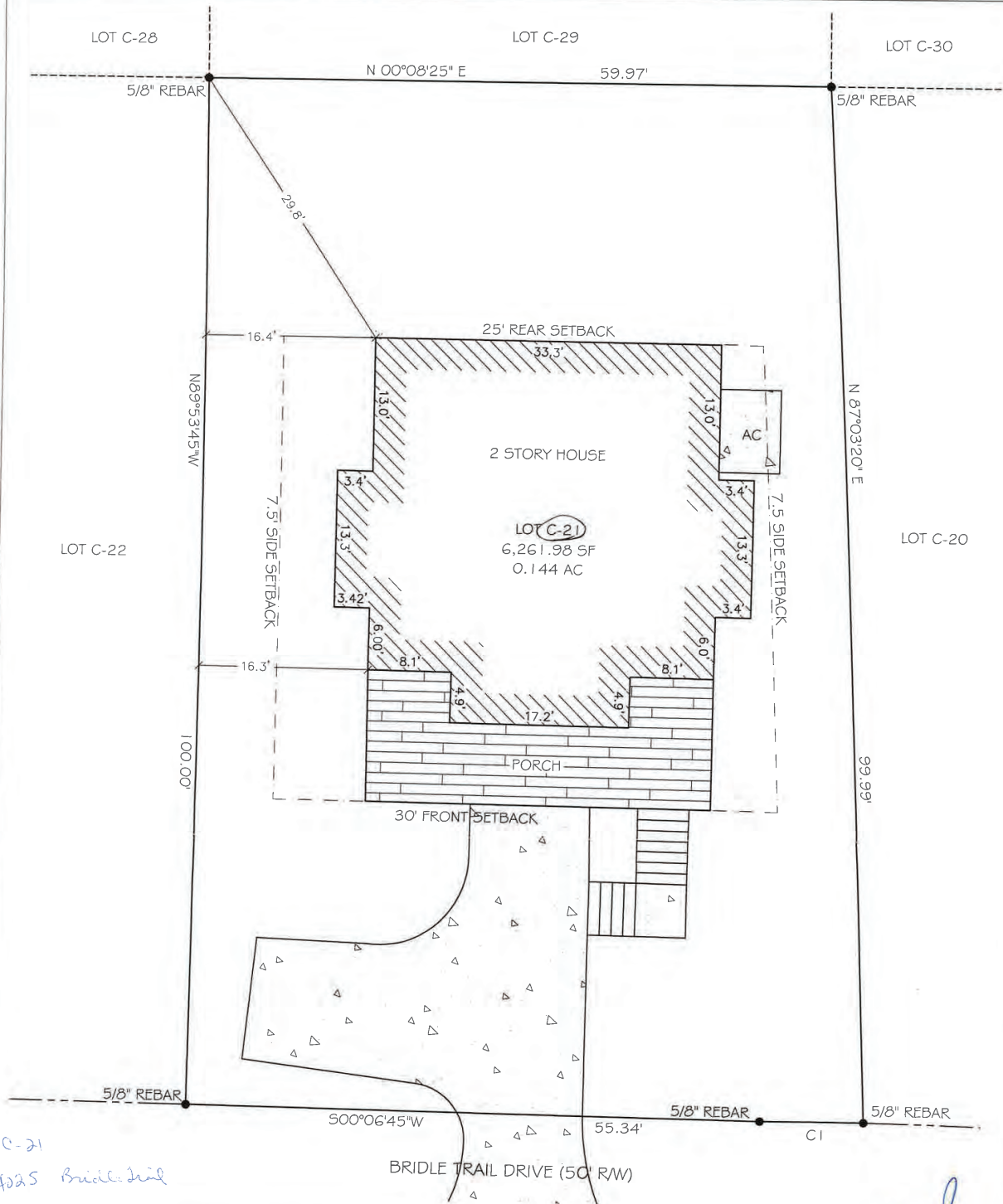
*Mark E. Lamb* 4/28/06  
 MARK ELLIS LAMB, SR. SCPLS# 23200 DATE



DESIGNED:	N/A
DRAWN:	EAD
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	4/28/06
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
 LOT C-20, 4029 BRIDLE TRAIL  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS**  
 LAND SURVEYING, INC.  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"



C-21  
4025 Brick Hill

*Handwritten signature*  
2/14/05

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	DELTA	BEARING
C1	475.00'	9.95'	4.98'	9.95'	1°12'01"	500°37'32"E

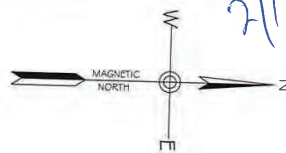
**FINAL SURVEY**

SHOWING LOT C-21, A 0.144 ACRE PARCEL OF LAND, LOCATED ON BRIDLE TRAIL DRIVE, SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA

SCALE: 1"=10' DATE: FEBRUARY 9, 2005

THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE A8, ELEVATION 13, PER COMMUNITY MAP PANEL NUMBER 455413-0440 H, DATED SEPTEMBER 2, 1993

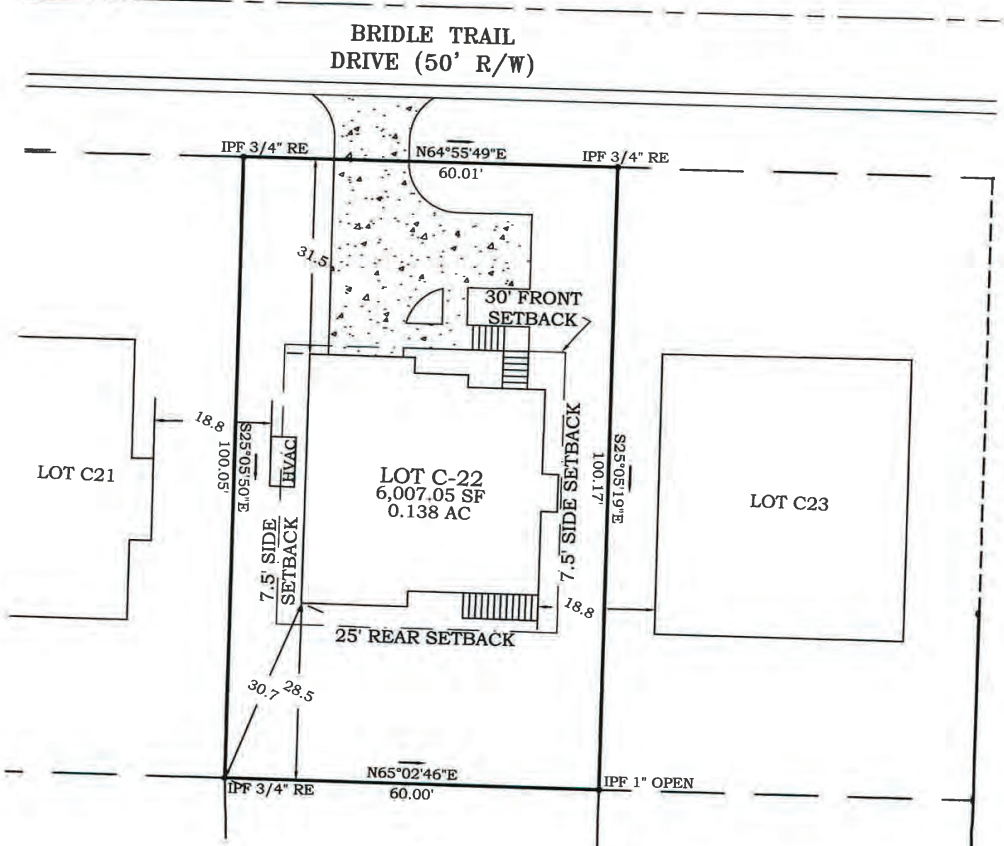
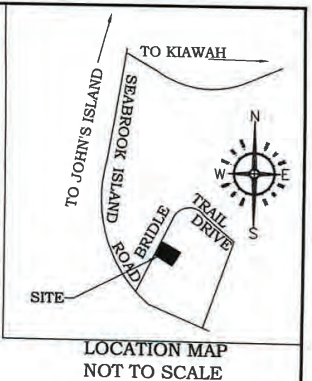
I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO ENCGROACHMENTS, PROJECTIONS OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.



*Handwritten signature of Timothy D. Elmer*  
TIMOTHY D. ELMER S.C.P.L.S. No. 17566



PLANNING AND R.M.C. USE ONLY



- NOTES:
- 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 5-21-2001
  - 2) REFERENCE PLAT BOOK EF PAGE 245
  - 3) TMS# 147-00-00-137
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE AE, ELEVATION 13, PER COMMUNITY MAP PANEL NUMBER 45019C 0785 J, DATED NOVEMBER 17, 2004.

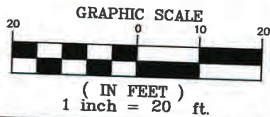
**FINAL PLAT**  
 SHOWING LOT C-22, A 0.138 ACRE PARCEL OF LAND, LOCATED ON 4021 BRIDLE TRAIL DRIVE, SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA.  
 NOTES: THE TOTAL OF BOTH SIDE SETBACKS SHALL BE AT LEAST 15'; PROVIDED NO TWO DETACHED PATIO HOMES ARE CLOSER THAN 15'.  
 SCALE: 1"=20' DATE: APRIL 8, 2005

**LINE LEGEND**

	P/L W/ PROPERTY CORNER FOUND
	P/L W/ PROPERTY CORNER CALC'D
	ADJACENT PROPERTY LINE
	RIGHT-OF-WAY LINE
	CENTER LINE
	BUILDING SETBACK LINE

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

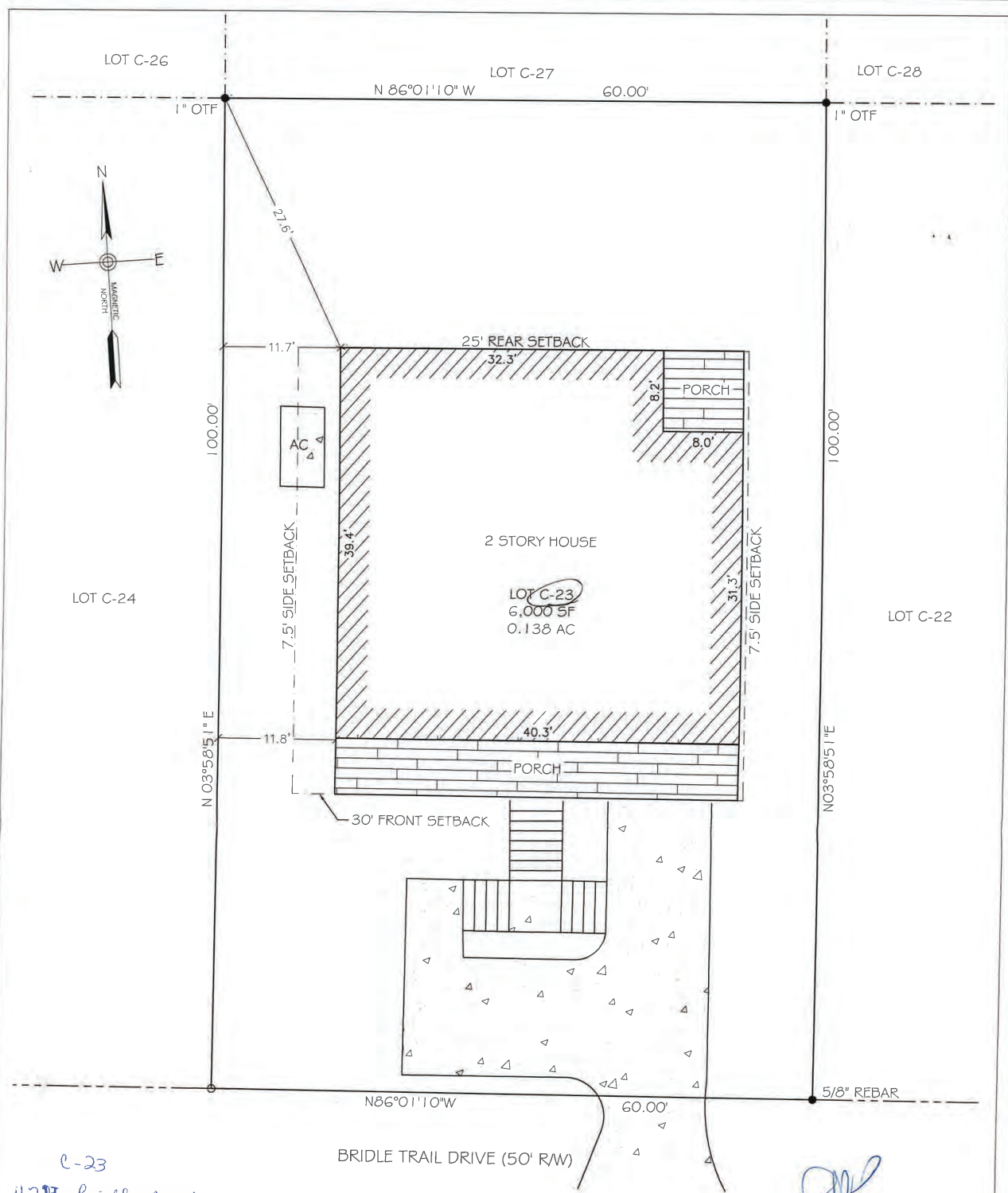
*Mark Ellis Lamb, Sr.* 4/8/05 DATE



DESIGNED:	N/A
DRAWN:	MEL
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1" = 20'
DATE:	APRIL 8, 2005
PROJECT NO.:	SI BRIDLE TRAIL
SHEET:	1 OF 1

**FINAL SURVEY**  
 LOT C-22 BRIDLE TRAILS  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS LAND SURVEYING, INC.**  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"



**FINAL SURVEY**

SHOWING LOT C-23, A 0.138 ACRE PARCEL OF LAND, LOCATED ON BRIDLE TRAIL DRIVE, SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA  
 NOTES: THE TOTAL OF BOTH SIDE SETBACKS SHALL BE AT LEAST 15'; PROVIDED THAT NO TWO DETACHED PATIO HOMES ARE CLOSER THAN 15'.

SCALE: 1"=10' DATE: FEBRUARY 9, 2005

THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE A8, ELEVATION 13, PER COMMUNITY MAP PANEL NUMBER 455413 0440 H, DATED SEPTEMBER 2, 1993.

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO ENCROACHMENTS, PROJECTIONS OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.

*Timothy D. Elmer*  
 TIMOTHY D. ELMER S.C.P.L.S. No. 17566

375

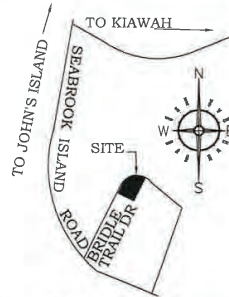


*C-23  
 4077 Bridle Trail*

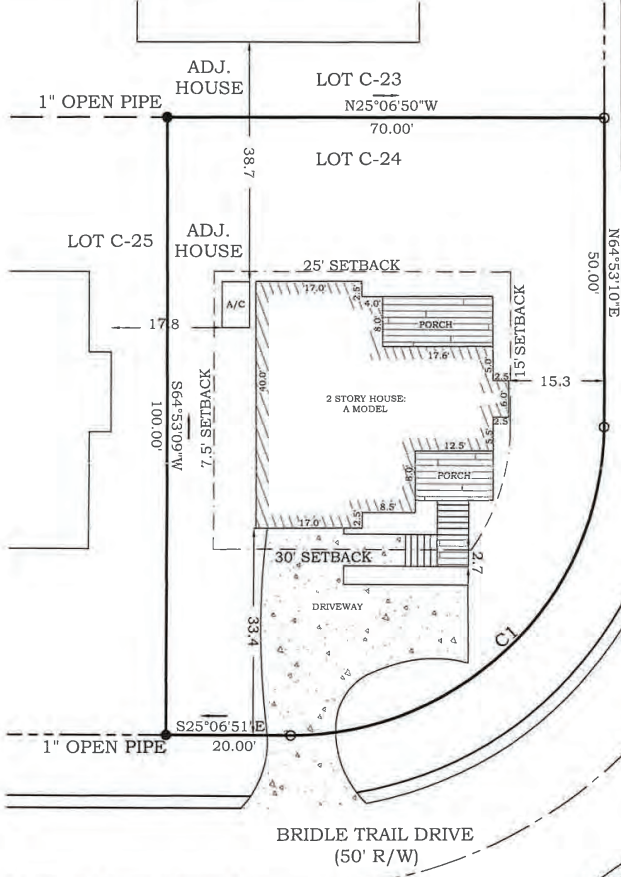
*ELM  
 2/14/05*



CURVE TABLE					
CURVE	LENGTH	DELTA	RADIUS	CHORD	BEARING
C1	78.54	89°59'56"	50.00	70.71	N70°06'46"W



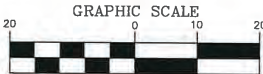
LOCATION MAP  
NOT TO SCALE



- NOTES:
- 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 11-17-03
  - 2) REFERENCE PLAT BOOK EG PAGE 720
  - 3) TMS# 147-00-00-135
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
  6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

**LINE LEGEND**

- P/L W/ PROPERTY CORNER FOUND
- P/L W/ PROPERTY CORNER SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE



( IN FEET )  
1 inch = 20 ft.

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'A' SURVEY AS SPECIFIED THEREIN.

*Mark Ellis Lamb* 1/6/06  
**MARK ELLIS LAMB, SR. SCPLS# 23200** DATE

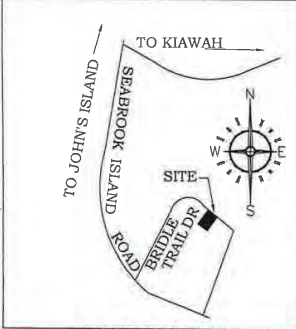
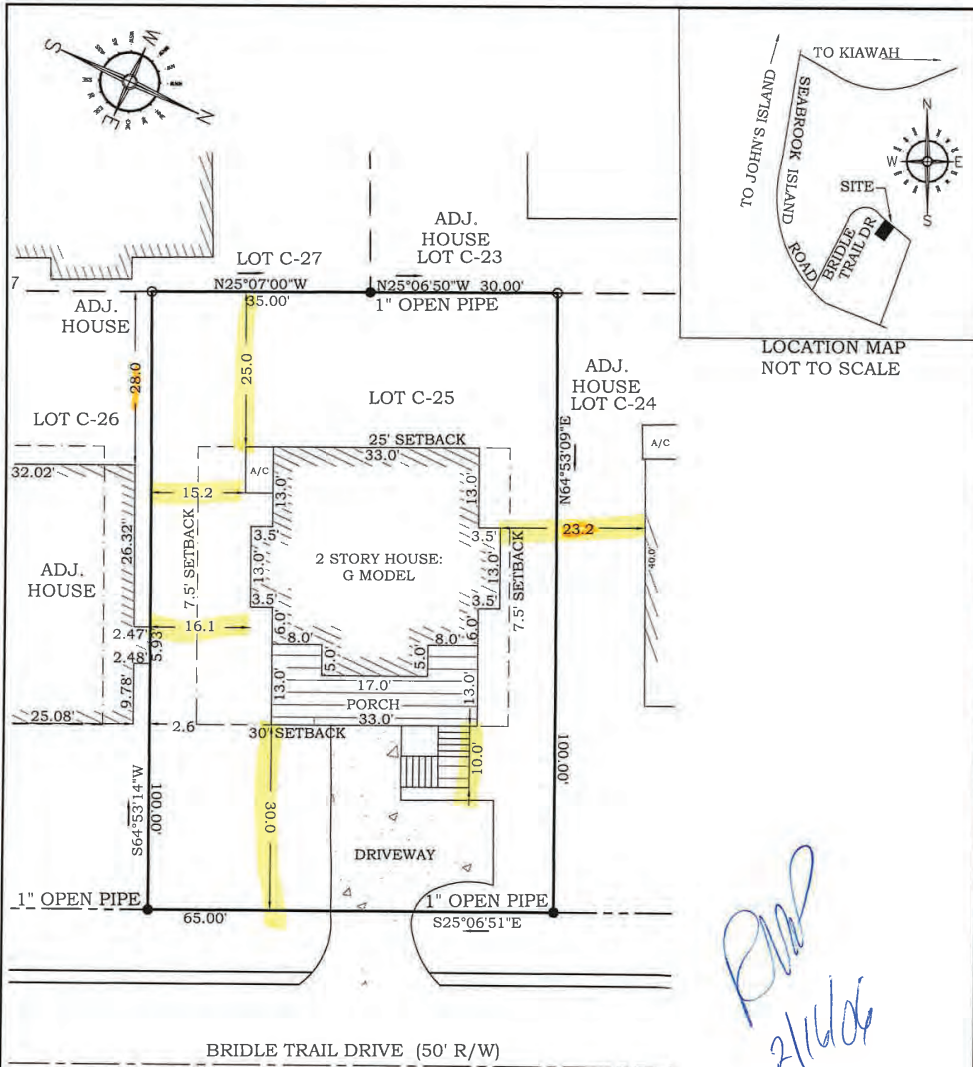


DESIGNED:	N/A
DRAWN:	ERS
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	1-6-06
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
**LOT C-24 BRIDLE TRAIL**  
 LOCATED IN  
**THE TOWN OF SEABROOK ISLAND**  
 CHARLESTON COUNTY, SOUTH CAROLINA

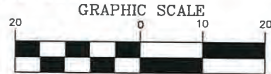
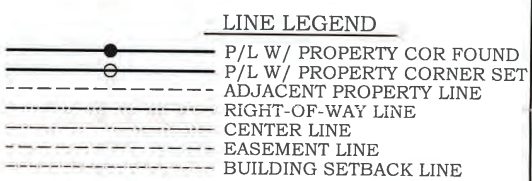
**AEGIS**  
**LAND SURVEYING, INC.**  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"





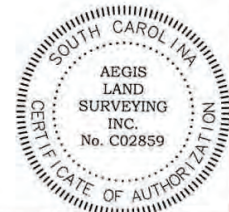
*Handwritten signature and date:*  
 [Signature]  
 2/16/05

- NOTES:
- 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 11-17-03
  - 2) REFERENCE PLAT BOOK EG PAGE 720
  - 3) TMS# 147-00-00-134
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
  6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.



( IN FEET )  
 1 inch = 20 ft.  
 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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'A' SURVEY AS SPECIFIED THEREIN.

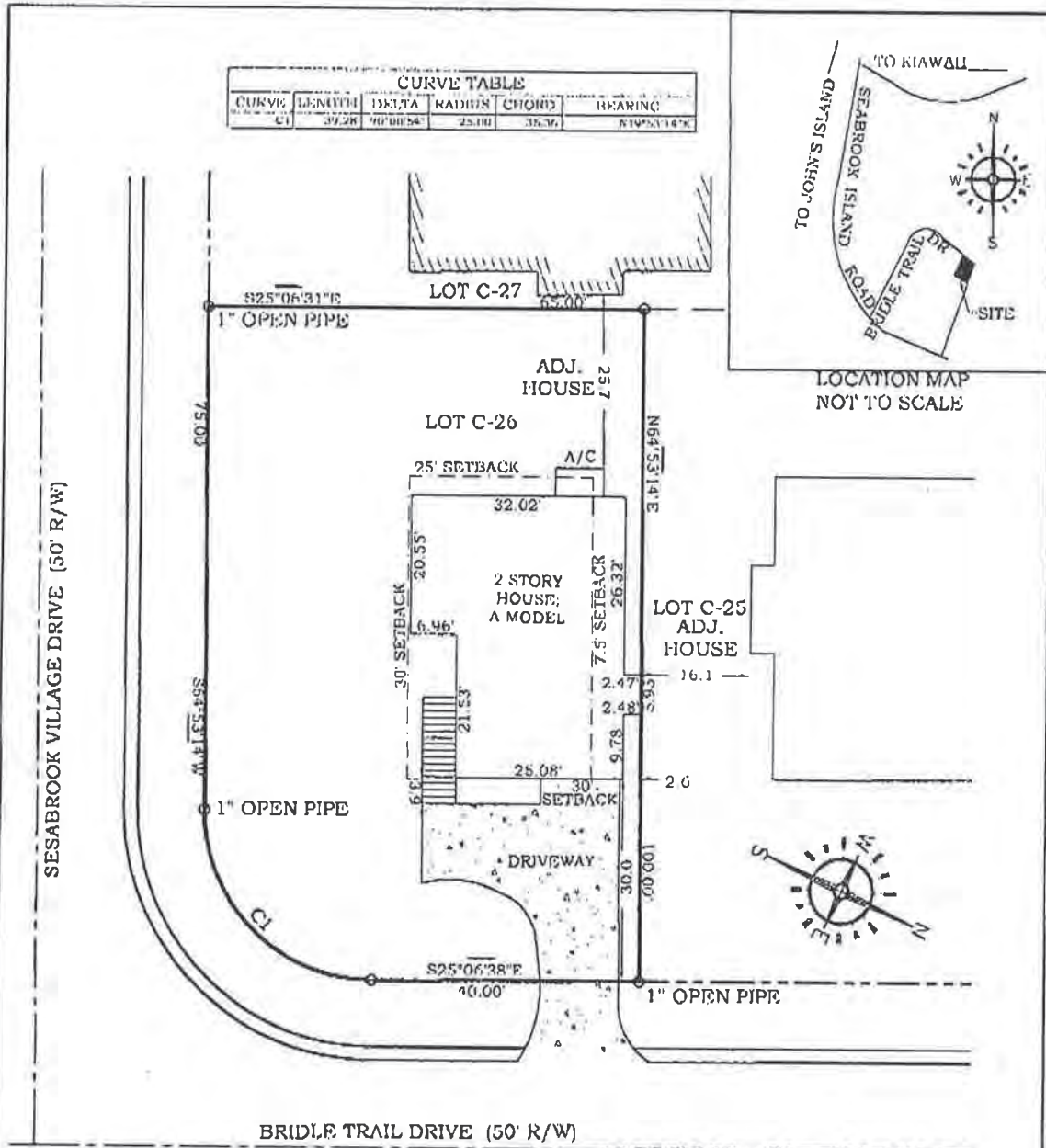
*Signature of Mark Ellis Lamb, Sr.*  
 MARK ELLIS LAMB, SR. SCPLS# 23200 / DATE 12/1/05



DESIGNED:	N/A
DRAWN:	ERS
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	12/1/2005
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
 LOT C-25 BRIDLE TRAIL  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

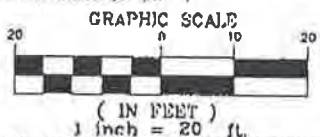
**AEGIS**  
 LAND SURVEYING, INC.  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"



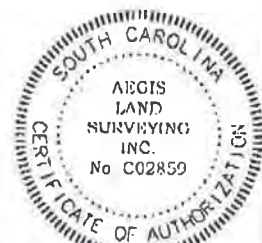
**NOTES:**  
 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 11-17-03  
 2) REFERENCE PLAT BOOK EG PAGE 720  
 3) TMS# 147-00-00-133  
 4) ALL CORNERS FOUND ARE AS DESCRIBED  
 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE"  
 ELEV 13 FIRM PANEL 45019C-0785-J  
 DATED NOVEMBER 17, 2004  
 6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

**LINE LEGEND**

- P/L W/ PROPERTY COR FOUND
- P/L W/ PROPERTY COR SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE



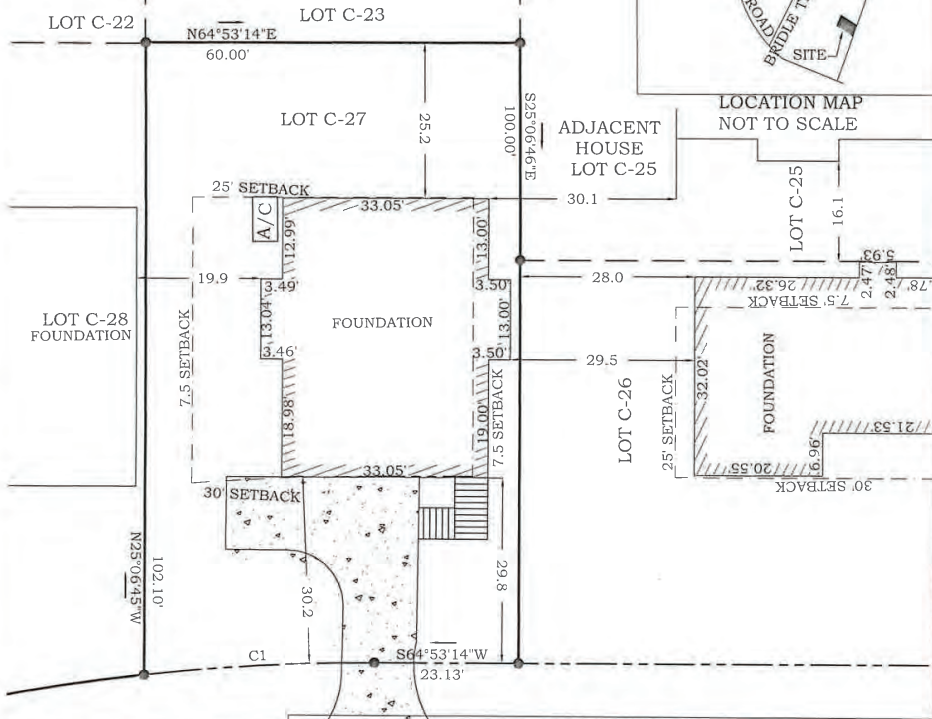
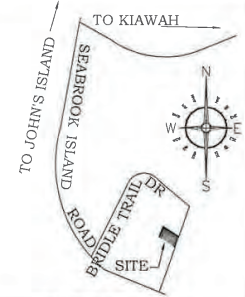
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARD MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'X' SURVEY AS SPECIFIED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



DATE	12/1/2005
BY	MARK ELLIS LAMB, SR.
FOR	FINAL SURVEY
PROJECT	LOT C-26 BRIDLE TRAIL
CLIENT	THE TOWN OF SEABROOK ISLAND
ADDRESS	CHARLESTON COUNTY 378 SOUTH CAROLINA

**FINAL SURVEY**  
 LOT C-26 BRIDLE TRAIL  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY 378 SOUTH CAROLINA

**AEGIS**  
 LAND SURVEYING, INC.  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"



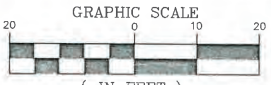
CURVE TABLE					
CURVE	LENGTH	CHORD	BEARING	TANGENT	RADIUS
C1	36.95'	36.93	S61°37'49"W	18.49'	325.00

SESABROOK VILLAGE DRIVE (50' R/W)

- NOTES:
- 1) REFERENCE PLAT RECORDED BY TIMOTHY D. ELMER DATED 11-17-03
  - 2) REFERENCE PLAT BOOK EF PAGE 245
  - 3) TMS# 147-00-00-131
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
  6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

LINE LEGEND

- P/L W/ PROPERTY CORNER FOUND
- P/L W/ PROPERTY CORNER SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE



( IN FEET )  
1 inch = 20 ft.

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'A' SURVEY AS SPECIFIED THEREIN.

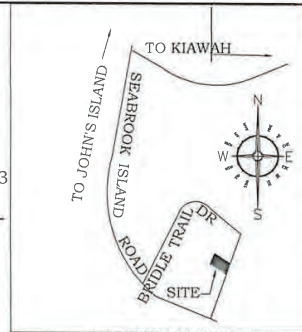
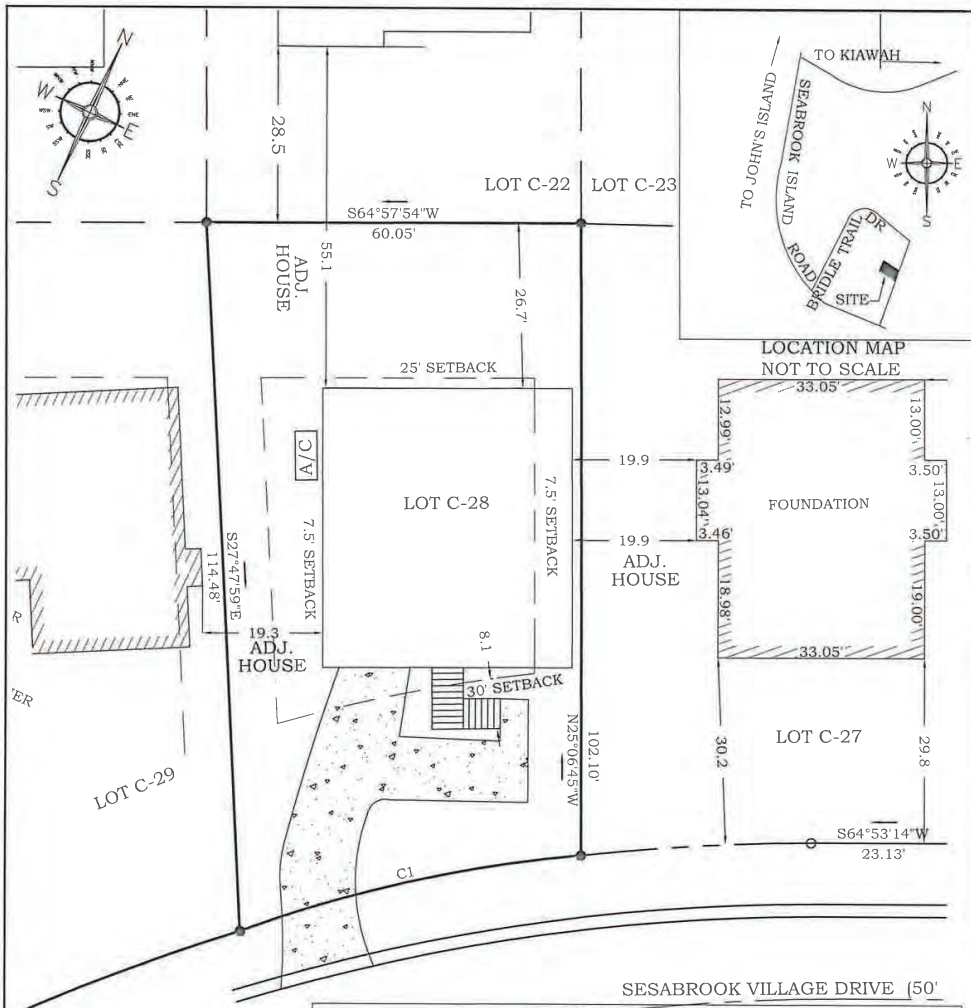
*Mark Ellis Lamb* 3/3/06  
MARK ELLIS LAMB, SR. SCPLS# 23200 DATE



DESIGNED	N/A
DRAWN	SAO
CHECKED	MEL
APPROVED	MEL
SCALE	1"=20'
DATE	3/3/2006
PROJECT NO.	N/A
SHEET	1 OF 1

**FINAL SURVEY**  
**LOT C-27 BRIDLE TRAIL**  
 LOCATED IN  
**THE TOWN OF SEABROOK ISLAND**  
 CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS**  
**LAND SURVEYING, INC.**  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"

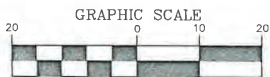


CURVE TABLE					
CURVE	LENGTH	CHORD	BEARING	TANGENT	RADIUS
C1	56.15'	55.99	S52°14'58\"W	28.24'	215.14

- NOTES:
- 1) REFERENCE PLAT RECORDED BY TIMOTHY D. ELMER DATED 11-17-03
  - 2) REFERENCE PLAT BOOK EF PAGE 245
  - 3) TMS# 147-00-00-131
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
  6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

**LINE LEGEND**

- P/L W/ PROPERTY CORNER FOUND
- P/L W/ PROPERTY CORNER SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE



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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'A' SURVEY AS SPECIFIED THEREIN.

*Mark Ellis Lamb* 3/3/06  
 MARK ELLIS LAMB, SR. SCPLS# 23200 DATE

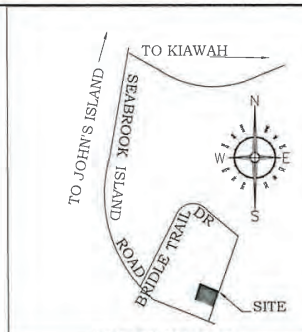


DESIGNED:	N/A
DRAWN:	RAD
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	3/3/2006
PROJECT NO:	N/A
SHEET:	1 OF 1

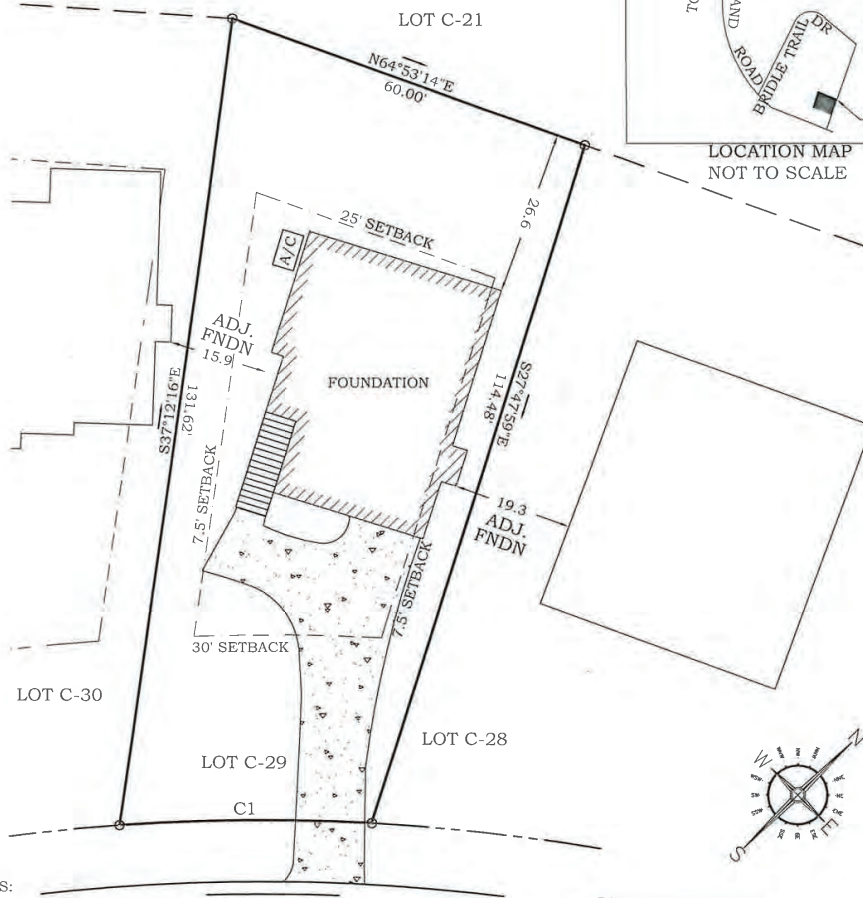
**FINAL SURVEY**  
 LOT C-28 BRIDLE TRAIL  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS**  
 LAND SURVEYING, INC.  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"

CURVE TABLE					
CURVE	LENGTH	DELTA	RADIUS	CHORD	BEARING
C1	40.47	7°08'02"	325.00	40.44	S44°13'52"W



LOCATION MAP  
NOT TO SCALE

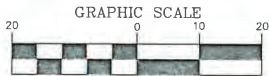


NOTES:

- 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 12-19-2001
- 2) REFERENCE PLAT BOOK EF PAGE 245
- 3) TMS# 147-00-00-130
- 4) ALL CORNERS FOUND ARE AS DESCRIBED
- 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

LINE LEGEND

- P/L W/ PROPERTY CORNER FOUND
- P/L W/ PROPERTY CORNER SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE



( IN FEET )  
1 inch = 20 ft.

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

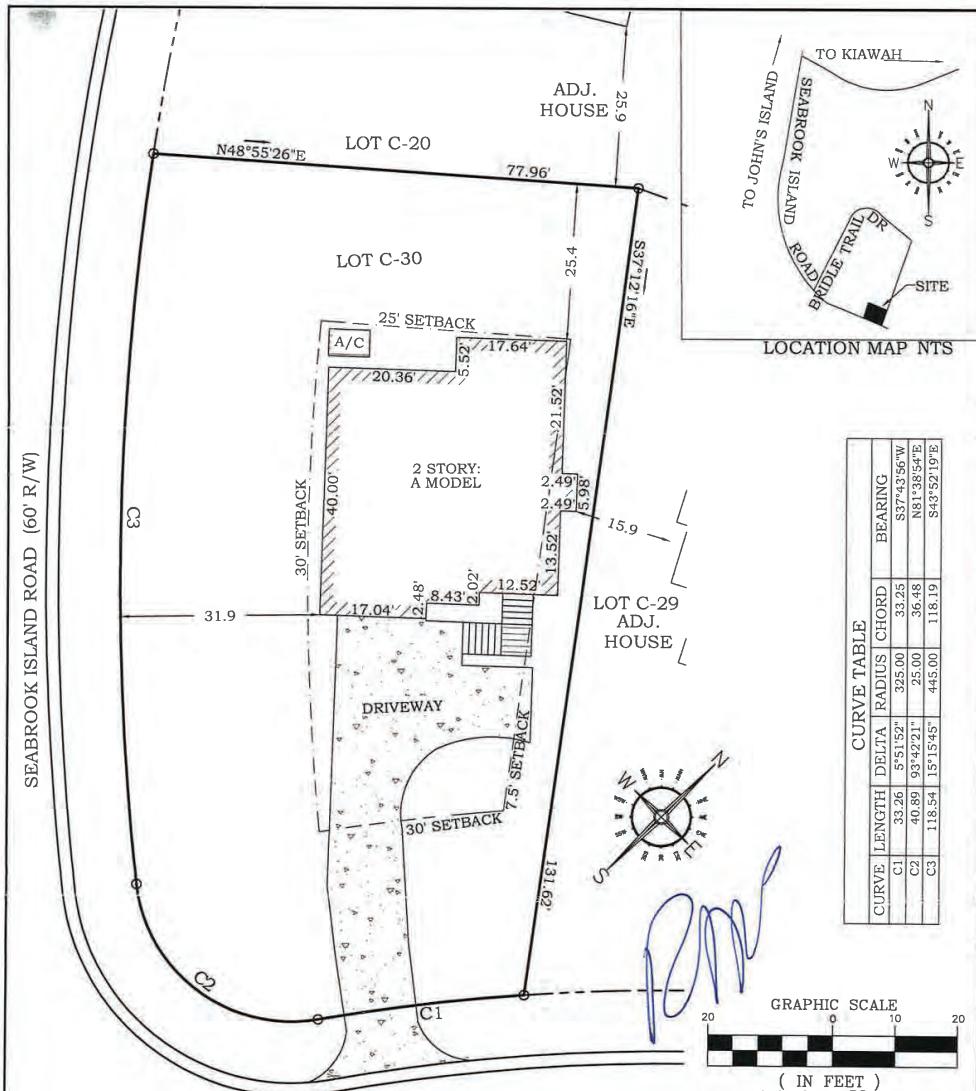
*Mark Ellis Lamb* 3/3/06  
MARK ELLIS LAMB, SR. SCPLS# 23200 / DATE



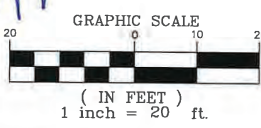
DESIGNED:	N/A
DRAWN:	EAD
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	3/3/06
PROJECT NO:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
LOT C-29, 3012 BRIDLE TRAIL  
LOCATED IN  
THE TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS LAND SURVEYING, INC.**  
POST OFFICE BOX 50849  
SUMMERVILLE, SC 29485  
TEL: (843) 225-8082  
FAX: (843) 225-8083  
"DATA YOU CAN DEPEND ON"



CURVE TABLE				
CURVE	LENGTH	DELTA	RADIUS   CHORD	BEARING
C1	33.26	5°51'52"	325.00   33.25	S37°43'56"W
C2	40.89	93°42'21"	25.00   36.48	N81°38'54"E
C3	118.54	15°15'45"	445.00   118.19	S43°52'19"E



NOTES:  
 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 12-19-2001  
 2) REFERENCE PLAT BOOK EF PAGE 245  
 3) TMS# 147-00-00-129  
 4) ALL CORNERS FOUND ARE AS DESCRIBED  
 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004  
 6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

LINE LEGEND	
	P/L W/ PROP CORNER FOUND
	P/L W/ PROP CORNER SET
	ADJACENT PROPERTY LINE
	RIGHT-OF-WAY LINE
	CENTER LINE
	EASEMENT LINE
	BUILDING SETBACK LINE

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'A' SURVEY AS SPECIFIED THEREIN.



DESIGNED:	N/A
DRAWN:	ERS
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	12/15/2005
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
 LOT C-30 BRIDLE TRAIL  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

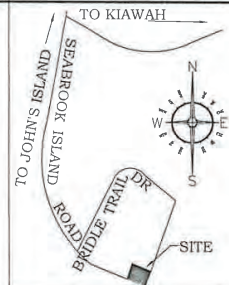
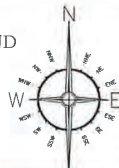
**AEGIS**  
 LAND SURVEYING, INC.  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"

*Permit 4074 Setback*

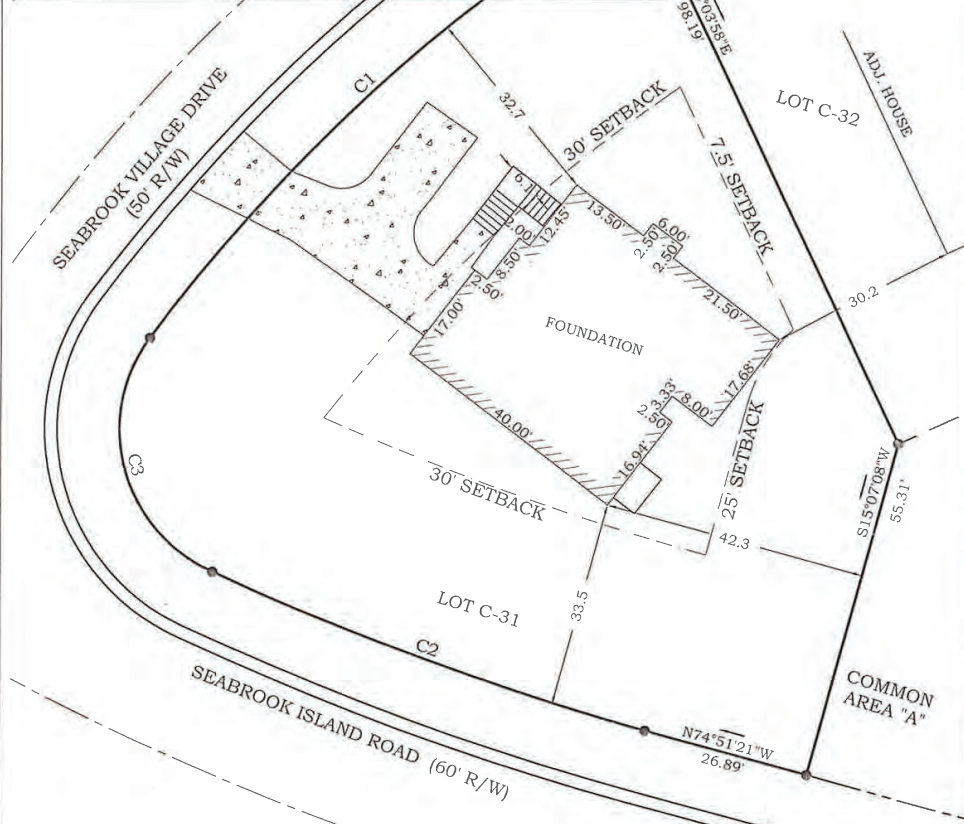
Cypress Homes -

LINE LEGEND

- P/L W/ PROP CORNER FOUND
- P/L W/ PROP CORNER SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE

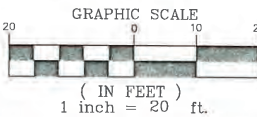


CURVE TABLE					
CURVE	LENGTH	CHORD	BEARING	TANGENT	RADIUS
C1	107.40'	106.72	S47°15'10"W	54.39'	275.00
C2	74.44'	74.36	S69°58'23"E	37.31'	445.00
C3	44.19'	38.66	S14°34'16"E	30.47'	25.00



NOTES:

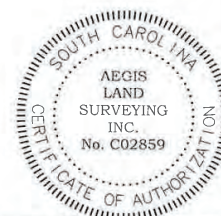
- 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 12-19-2001
- 2) REFERENCE PLAT BOOK EF PAGE 245
- 3) TMS# 147-00-00-139
- 4) ALL CORNERS FOUND ARE AS DESCRIBED
- 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.



*RIP*

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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

*Mark E. Lamb*  
 MARK ELLIS LAMB, SR. SCPLS# 95200 DATE 2/24/06










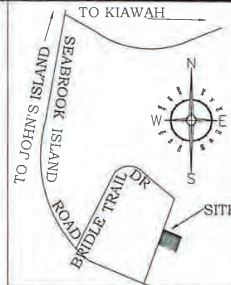
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DRAWN:	DDB
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	2/24/2006
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
 LOT C-31 BRIDLE TRAIL  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

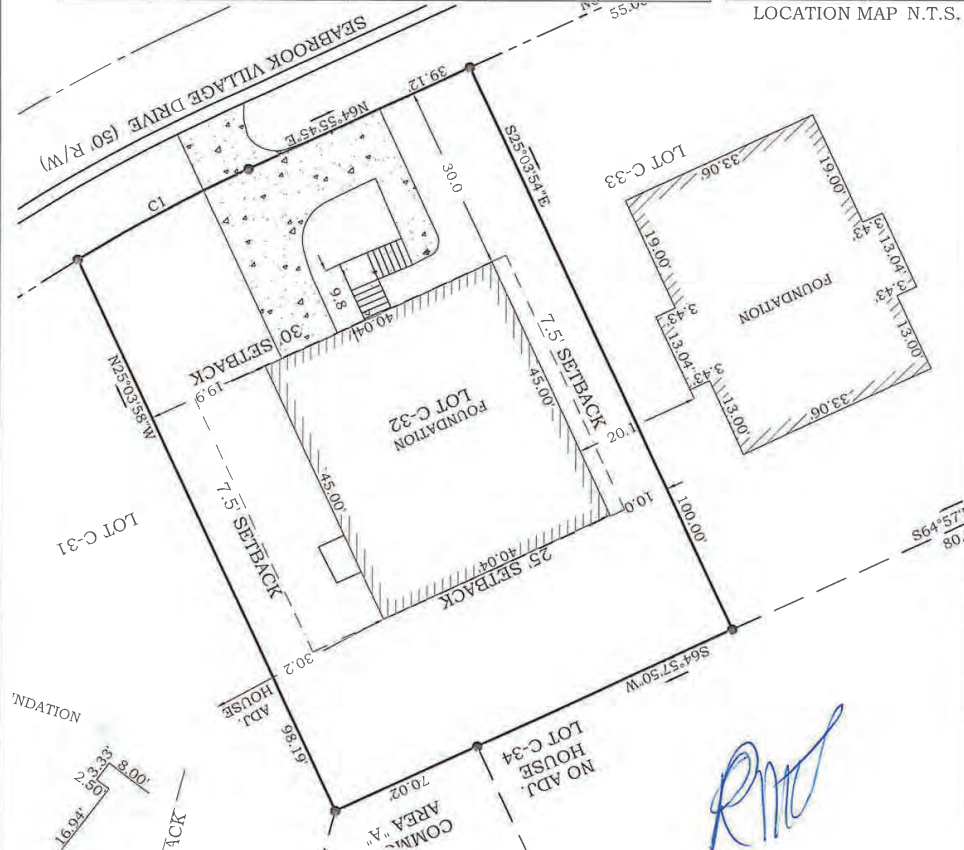
**AEGIS**  
 LAND SURVEYING, INC.  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"

LINE LEGEND

-  P/L W/ PROP CORNER FOUND
-  P/L W/ PROP CORNER SET
-  ADJACENT PROPERTY LINE
-  RIGHT-OF-WAY LINE
-  CENTER LINE
-  EASEMENT LINE
-  BUILDING SETBACK LINE

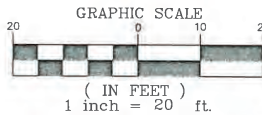


CURVE TABLE					
CURVE	LENGTH	CHORD	BEARING	TANGENT	RADIUS
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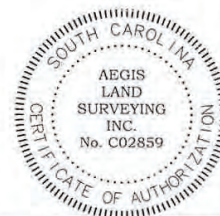
NOTES:

- 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 12-19-2001
- 2) REFERENCE PLAT BOOK EF PAGE 245
- 3) TMS# 147-00-00-143
- 4) ALL CORNERS FOUND ARE AS DESCRIBED
- 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.



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 STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'A' SURVEY AS SPECIFIED THEREIN.

*Mark Ellis Lamb*  
 MARK ELLIS LAMB, SR. SCPLS# 23200 DATE 2/24/06



DESIGNED:	N/A
DRAWN:	DDD
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	2/24/2006
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
 LOT C-32 BRIDLE TRAIL  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

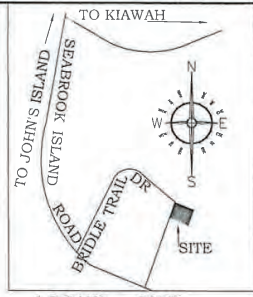
**AEGIS**  
 LAND SURVEYING, INC.  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"



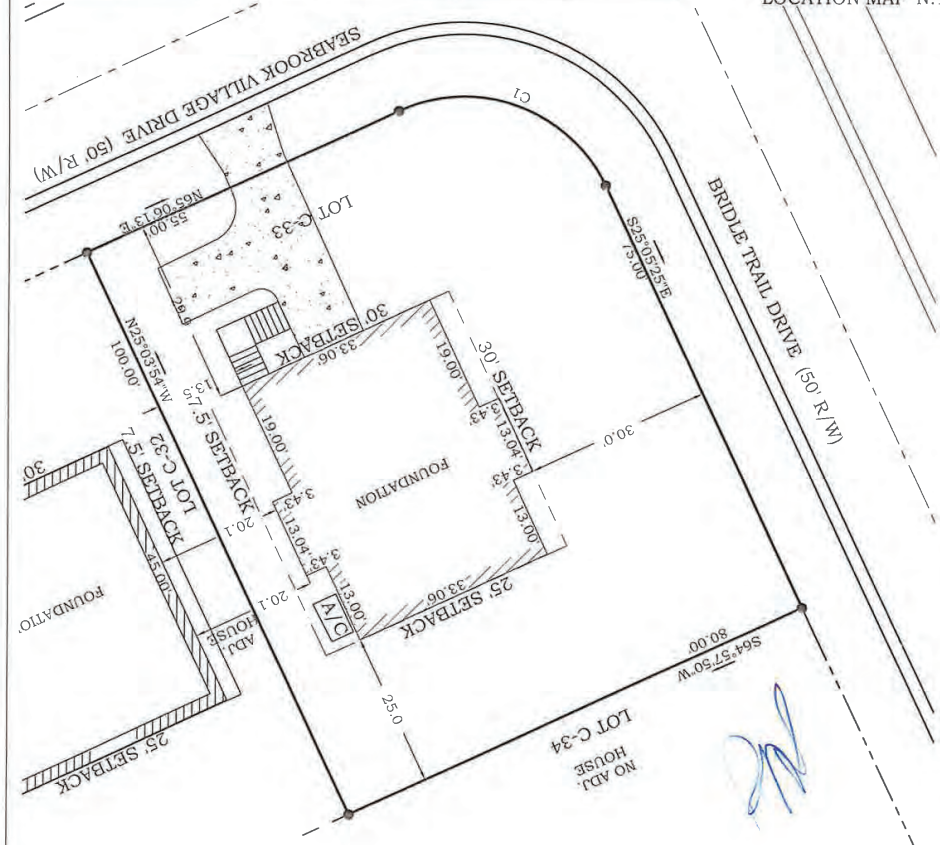
*Cypress Homes*

LINE LEGEND

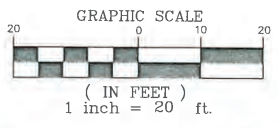
- P/L W/ PROP CORNER FOUND
- P/L W/ PROP CORNER SET
- - - ADJACENT PROPERTY LINE
- - - RIGHT-OF-WAY LINE
- - - CENTER LINE
- - - EASEMENT LINE
- - - BUILDING SETBACK LINE



CURVE TABLE					
CURVE	LENGTH	CHORD	BEARING	TANGENT	RADIUS
C1	39.34'	35.41	N69°54'57"W	25.07'	25.00



- NOTES:
- 1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 12-19-2001
  - 2) REFERENCE PLAT BOOK EF PAGE 245
  - 3) TMS# 147-00-00-142
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
  6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.



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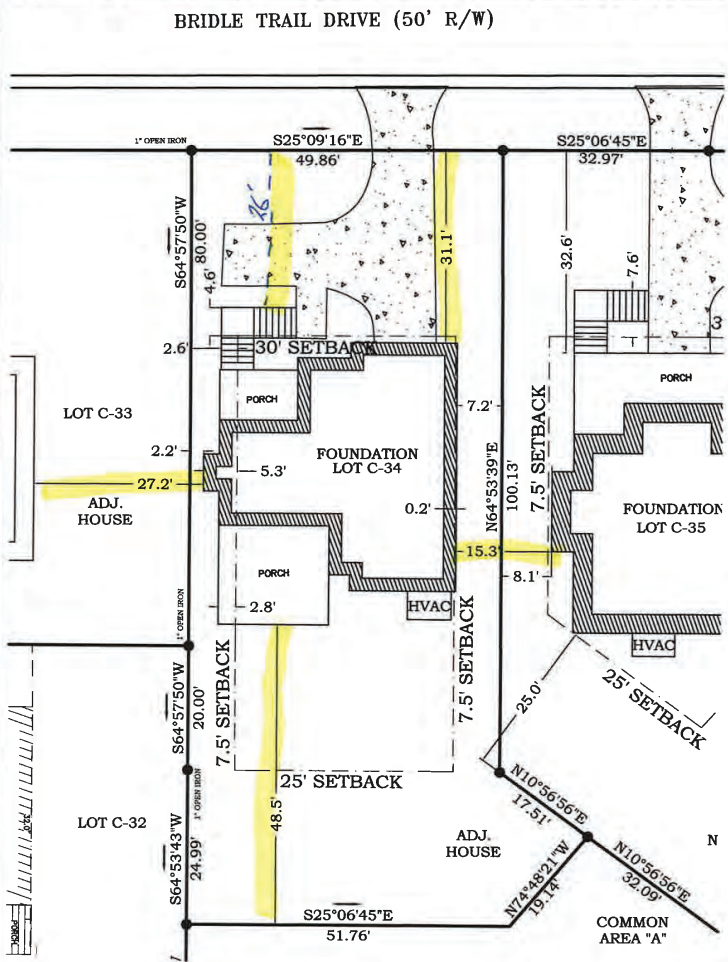
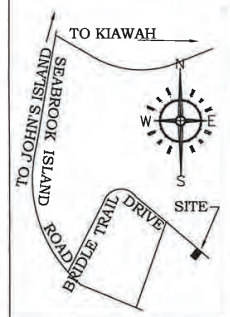
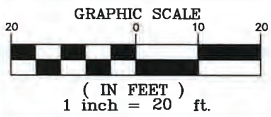
*Mark Ellis Lamb*  
 MARK ELLIS LAMB, SR. SCPLS# 23200 DATE 2/24/06



DESIGNED:	N/A
DRAWN:	DDB
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	2/24/2006
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
 LOT C-33 BRIDLE TRAIL  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS**  
 LAND SURVEYING, INC.  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"



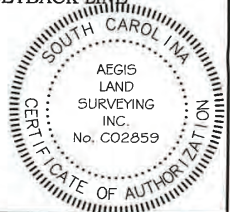
- NOTES:
- 1) REFERENCE PLAT RECORDED BY TIM ELMER DATED 5-21-2003
  - 2) REFERENCE PLAT BOOK EG PAGE 425
  - 3) TMS# 147-00-00-113
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
  6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

LINE LEGEND

- P/L W/ PROPERTY CORNER FOUND
- P/L W/ PROPERTY CORNER SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE

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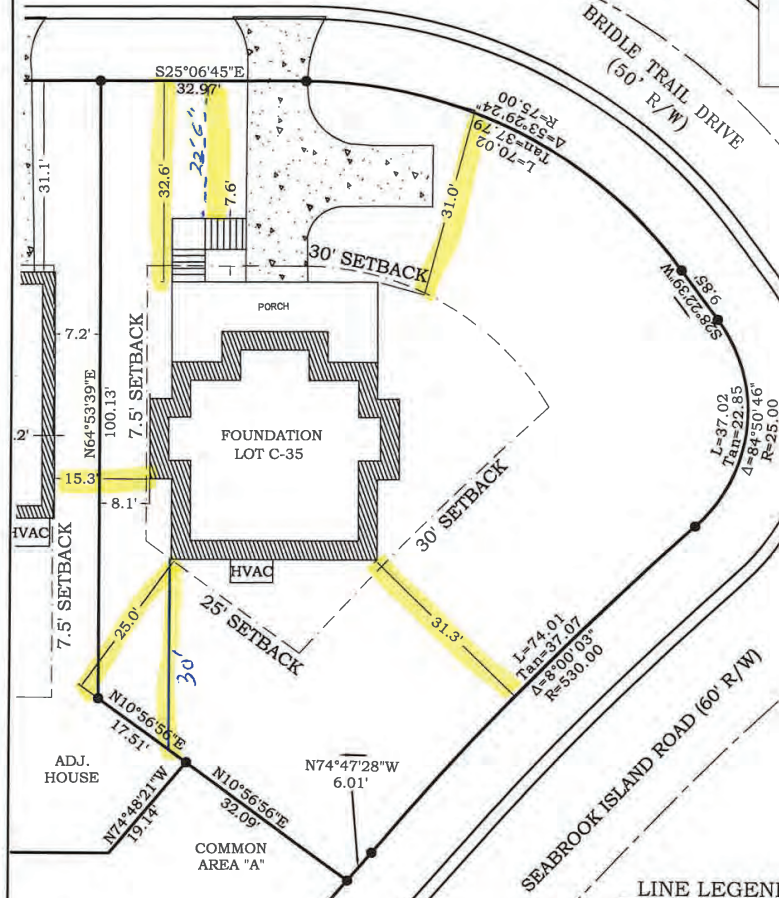
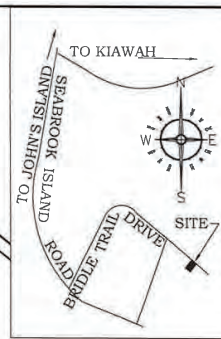
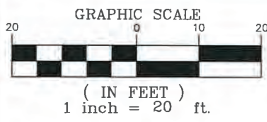
MARK ELLIS LAMB, SR. SCPT# 23200 DATE 9/1/06



DESIGNED:	N/A
DRAWN:	EAD
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	9/1/2006
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
**LOT C-34 BRIDLE TRAIL**  
**LOCATED IN**  
**THE TOWN OF SEABROOK ISLAND**  
**CHARLESTON COUNTY, SOUTH CAROLINA**

**AEGIS**  
**LAND SURVEYING, INC.**  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"



- NOTES:
- 1) REFERENCE PLAT RECORDED BY TIM ELMER DATED 5-21-2003
  - 2) REFERENCE PLAT BOOK EG PAGE 425
  - 3) TMS# 147-00-00-114
  - 4) ALL CORNERS FOUND ARE AS DESCRIBED
  - 5) PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV 13 FIRM PANEL 45019C-0785-J DATED NOVEMBER 17, 2004
  6. BOUNDARY INFORMATION TAKEN FROM NOTE 1 A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

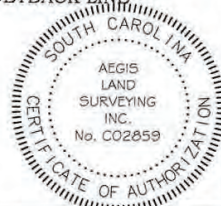


LINE LEGEND

- P/L W/ PROPERTY CORNER FOUND
- P/L W/ PROPERTY CORNER SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE

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*Mark Ellis Lamb* 9/1/06 DATE  
 MARK ELLIS LAMB, SR. SCPLS# 23200



DESIGNED:	N/A
DRAWN:	EAD
CHECKED:	MEL
APPROVED:	MEL
SCALE:	1"=20'
DATE:	9/1/2006
PROJECT NO.:	N/A
SHEET:	1 OF 1

**FINAL SURVEY**  
 LOT C-35 BRIDLE TRAIL  
 LOCATED IN  
 THE TOWN OF SEABROOK ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

**AEGIS**  
 LAND SURVEYING, INC.  
 POST OFFICE BOX 50849  
 SUMMERVILLE, SC 29485  
 TEL: (843) 225-8082  
 FAX: (843) 225-8083  
 "DATA YOU CAN DEPEND ON"



## ATTACHMENT #28

Request for Zoning Determination for Lot B-23 from  
Bob Nitkewicz (February 11, 2019)

## Joe Cronin

---

**From:** Bob Nitkewicz <bob@nvrealtygroup.com>  
**Sent:** Monday, February 11, 2019 11:56 AM  
**To:** Joe Cronin  
**Subject:** The Village at Seabrook Setbacks

Hi Joe,

I'm writing about lot B-23 in The Village as I need to confirm the setbacks for the owner. I've attached the plat. I believe the front is 30' and one side is 7.5' (15' between homes) but I'm confused about the "other" side in the plat. Is it 25' between houses? Or 25' to the property line? If it's 25' to the property line, then that means 32.5' to the future neighboring house on B-24 and that seems extreme since only 15' is the distance to the other future home on B-22. Thank you very much for any clarification you can offer.



Kind regards,  
Bob



**Nicklaus Vance Realty Group**  
**A JACK NICKLAUS FAMILY OWNED COMPANY**

***Bob Nitkewicz***

**REALTOR, Branch Manager**  
**Kiawah-Seabrook Office**

Mobile: **843.819-7754**

Office: **843.737.5500**

Email: [Bob@NVRealtyGroup.com](mailto:Bob@NVRealtyGroup.com)

Website: [BobN.NVRealtyGroup.com](http://BobN.NVRealtyGroup.com)

1900 Seabrook Island Rd.  
Seabrook Island, SC 29455





## ATTACHMENT #29

Request for Zoning Determination for Lot B-26 from  
Kevan Hoertdoerfer (April 8, 2019)

## Joe Cronin

---

**From:** Kevan Hoertdoerfer <kh@hoertdoerferarchitects.com>  
**Sent:** Monday, April 8, 2019 11:34 PM  
**To:** Joe Cronin; kburrell@sipoa.org  
**Subject:** Fwd: SIPOA / ARC - Village Lots A6 and B1  
**Attachments:** Lots A6 and B1.pdf

Joseph, Katrina,

Emailing regarding the setbacks on this lot. We have been working with Mr. Seabrook with locating a house on the property and the conversation came up about what you have labeled as a rear setback line. Wondering why this is the case and if possible to view it as a side setback instead?

Thanks,

Kevan

**Kevan Hoertdoerfer Architects**

538 King Street

Charleston, SC 29403

| studio | 843.724.6002

| mobile | 843.270.4232

[www.hoertdoerferarchitects.com](http://www.hoertdoerferarchitects.com)





## ATTACHMENT #30

Email Correspondence between Zoning Administrator  
and Carmine DeGennaro Re: Pending Appeal  
(July 21, 2019)

**From:** Joe Cronin  
**Sent:** Sunday, July 21, 2019 10:52 PM  
**To:** carmine.degennaro@comcast.net  
**Subject:** Re: 3064 Seabrook Village Drive

Mr. DeGennaro,

The appellant is arguing that the setback lines shown on the subdivision plat are what should control in the Village.

The subdivision plat shows that lot A5 was supposed to have a 15-foot side yard setback on the left side and a 7.5-foot side yard setback on the right side.

The 2007 as-built drawing for your home shows that you have a 6.5-foot side yard setback on the left side (an 8.5-foot encroachment into the 15-foot setback shown on the plat) and a 5.4-foot side yard setback on the right side (a 2.1-foot encroachment into the 7.5-foot setback shown on the plat).

If the Board determines that the plat is the controlling document, then your home (as well as nearly half of all other homes in the Village) would become non-conforming, as it does not meet the setbacks as shown on the plat.

Based on the way I and previous zoning administrators have applied the setback requirements, we believe that the Planned Unit Development Ordinance controls. The PUD requires only 15-feet between structures, and does not call out a specific minimum side yard setback. Based on our interpretation, your home would conform with the zoning requirements.

If the appeal is successful, then what has been built on your lot may remain; however, there may be future impacts to you and/or subsequent owners. For example, if you or a future owner ever renovate or modify your home and the value of the renovation or modification is greater than 50% of the existing building's value, then the home would need to be brought into conformity with the current zoning requirements, which would require any encroaching portions of the home to be removed. Also, because the HVAC stand encroaches into the setbacks (as shown on the plat), the stand would also need to be relocated to a conforming location if it ever needed to be rebuilt.

Lastly, the lot to your left (A6) is shown on the subdivision plat as a "zero lot line" lot. If the appeal is successful, this would allow any house built on that lot to be located right on the property line, irrespective of the separation between that home and yours. Because your home is only 6.5 feet from that line (rather than the 15 feet shown on the plat) there could be as little as 6.5 feet between your home and theirs. Based on my interpretation of the PUD, however, any home built on lot A6 would need to be at least 15 feet from yours, which would require a larger side yard setback on lot A6 than what is shown on the plat.

I am not in any way attempting to change your opinion on the appeal, but I do want to make sure that you are fully aware of the potential adverse impacts that this appeal, if successful, may have on your property. Please feel free to contact me during the week if you have any additional questions.

Joe Cronin

Sent from my iPhone

---

On Jul 21, 2019, at 9:11 PM, "[carmine.degennaro@comcast.net](mailto:carmine.degennaro@comcast.net)" <[carmine.degennaro@comcast.net](mailto:carmine.degennaro@comcast.net)> wrote:

yes, thanks I think. but why should it change after so many years?

Carmine

---

On July 21, 2019 at 7:06 PM Joe Cronin <[jcronin@townofseabrookisland.org](mailto:jcronin@townofseabrookisland.org)> wrote:

I will let you know as soon as I hear back from the Town Attorney.

In the meantime, it appears from the county's tax records that you own lots A5 and B14 in the Village. Is that still correct? If so, I wanted to make sure you aware of how the appeal - if granted by the Board of Zoning Appeals - may significantly impact the zoning status of your property, specifically lot A5.

Joe Cronin

Sent from my iPhone

---

On Jul 21, 2019, at 4:36 PM, "[carmine.degennaro@comcast.net](mailto:carmine.degennaro@comcast.net)" <[carmine.degennaro@comcast.net](mailto:carmine.degennaro@comcast.net)> wrote:

joe

i know the appeal period had ended; katrina from the arb suggested this route.

Carmine

---

On July 21, 2019 at 4:29 PM Joe Cronin <[jcronin@townofseabrookisland.org](mailto:jcronin@townofseabrookisland.org)> wrote:

Mr. DeGennaro,

Since the 30-day appeal period lapsed a couple weeks ago, I am not sure whether the appeal may be amended at this time to include additional parties who were not part of the original appeal. I will

forward this information to our Town Attorney for legal review and will let you know as soon as I hear back.

Regardless, you will have an opportunity to submit a letter of support of the appeal, and may also speak during the public hearing on August 15th at 2:00 pm.

Joe Cronin  
Sent from my iPhone

---

On Jul 21, 2019, at 3:35 PM, " [carmine.degennaro@comcast.net](mailto:carmine.degennaro@comcast.net)" <  
[carmine.degennaro@comcast.net](mailto:carmine.degennaro@comcast.net)> wrote:

joe

this is to let you know that i have asked Cathy patterson to add me to her appeal. thanks

Carmine

----- Original Message -----

From: [carmine.degennaro@comcast.net](mailto:carmine.degennaro@comcast.net)  
To: [carmine.degennaro@comcast.net](mailto:carmine.degennaro@comcast.net)  
Date: July 20, 2019 at 6:54 PM  
Subject: Fwd: RE: 3064 Seabrook Village Drive

Carmine

----- Original Message -----

From: [carmine.degennaro@comcast.net](mailto:carmine.degennaro@comcast.net)  
To: SIPOA Receptionist <[receptionist@sipoa.org](mailto:receptionist@sipoa.org)>  
Date: July 20, 2019 at 6:53 PM  
Subject: RE: 3064 Seabrook Village Drive

can you ask Katrina if the abr was ever responsible for the side setbacks for the Village or has it always been the Town's responsibility. if the arb had responsibility when did it change to the Town. Then regarding new construction what is the jurisdiction of the arb exactly?

Thanks Rhihanna  
Carmine

---

On July 18, 2019 at 2:14 PM SIPOA Receptionist <[receptionist@sipoa.org](mailto:receptionist@sipoa.org)> wrote:

Dear Mr. DeGennaro,

Katrina spoke to the Board of Zoning Department yesterday, but unfortunately the time frame to file a separate appeal has lapsed. The best thing for you to do is to file a letter of support of Kathy's appeal to Joe Cronin, the Town Administrator; [jcronin@townofseabrookisland.org](mailto:jcronin@townofseabrookisland.org). Let me know if you have any other questions.

Sincerely,

Rhiannon Schalaudek  
***Receptionist***

**Seabrook Island POA**  
1202 Landfall Way  
Johns Island, SC 29455  
P: (843) 768-0061  
F: (843) 768-4317  
[www.sipoa.org](http://www.sipoa.org)



## ATTACHMENT #31

Email from Chris Bensonhaver Re Pending Appeal  
(July 31, 2019)

## Joe Cronin

---

**From:** Charles Bensonhaver <cbensonhaver@comcast.net>  
**Sent:** Wednesday, July 31, 2019 2:08 PM  
**To:** Joe Cronin  
**Subject:** Fwd: Appeal # 39

Subject: Appeal # 39

Dear staff,

We, Charles and Bonnie Bensonhaver, owners of and full time residents at 4044 Bridle Trail Drive, Seabrook Island, SC, 29455, are in full support of the appeal placed by Cathy Patterson on July 23, 2019.

Thank You



## ATTACHMENT #32

Email Correspondence between Zoning Administrator  
and Tony Brown Re: Pending Appeal  
(August 6, 2019)



## Joe Cronin

---

**From:** troy.brown@holstongases.com  
**Sent:** Tuesday, August 6, 2019 1:58 PM  
**To:** Joe Cronin  
**Cc:** vlbrown22@gmail.com  
**Subject:** RE: APPEAL #39 FOR VILLAGE AT SEABROOK

Mr. Cronin,

Thank you so much for the quick reply and your detailed explanation on the Appeal #39.

With your explanation of where our property (home) is built and what your identifying as to our current set backs off property lines, we've discussed and agree with your assessment on the possible issue as to our property (home) and addition in the future.

With this, we have decided to remove our support of the Appeal #39.

Again, thank you for looking into our property location and what effect the appeal would have on it in the future.

Troy Brown

---

**From:** Joe Cronin <jcronin@townofseabrookisland.org>  
**Sent:** Tuesday, August 6, 2019 12:24 PM  
**To:** troy.brown@holstongases.com  
**Cc:** vlbrown22@gmail.com  
**Subject:** RE: APPEAL #39 FOR VILLAGE AT SEABROOK

Mr. Brown,

Thank you for your correspondence. Your message will be included in the agenda packet for next week's meeting.

To avoid any surprises, I do want to let you know that your property's zoning status may be adversely impacted if Appeal #39 is successful. The Appellant has argued that the setback lines illustrated on the plat of record should be controlling on development in the Village. Your lot at 4068 Bridle Trail Drive (Lot C-18) is shown on the plat of record with a 15' side yard setback on the left side of your home. Based on the as-built survey from 2005, your home is located only 8.3' from the left side property line, which would be a 6.7' encroachment into the required 15' setback.

Based on my determination, as well as that of previous zoning administrators, your home would be considered "conforming" with the zoning requirements, as specified in the Planned Unit Development (PUD) ordinance. If the appeal is successful, however, your home will become "non-conforming" as it encroaches into the 15' setback shown on the plat of record. While this would not result in any immediate impact to you or your property, you (or a subsequent owner) may be adversely impacted in the future. For example, if you seek to modify or undertake a major renovation to the existing home in the future, you may be required to remove the non-conformity in order to comply with the 15' side yard setback shown on the plat of record.

I just want to make sure you aware of the impact of this appeal so that there are no surprises depending on the outcome next week.

**Joseph M. Cronin**

Town Administrator  
Town of Seabrook Island  
2001 Seabrook Island Road  
Seabrook Island, SC 29455  
Office: (843) 768-5321  
Cell: (843) 637-9832  
[www.townofseabrookisland.org](http://www.townofseabrookisland.org)

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**From:** [troy.brown@holstongases.com](mailto:troy.brown@holstongases.com) <[troy.brown@holstongases.com](mailto:troy.brown@holstongases.com)>  
**Sent:** Tuesday, August 6, 2019 11:20 AM  
**To:** Joe Cronin <[jcronin@townofseabrookisland.org](mailto:jcronin@townofseabrookisland.org)>  
**Cc:** [vlbrown22@gmail.com](mailto:vlbrown22@gmail.com)  
**Subject:** APPEAL #39 FOR VILLAGE AT SEABROOK

Mr. Cronin,

This email is to confirm that we are in agreement with Appeal #39 on the setback requirements for lots identified in appeal within the Village at Seabrook Subdivision.

Troy & Vickie Brown  
4068 Bridle Trial Drive  
Seabrook Island, SC 29455

**Troy Brown**  
Holston Gases, Inc.  
*East Region Vice President*  
Cell: 423-534-4454  
[troy.brown@holstongases.com](mailto:troy.brown@holstongases.com)



## **ATTACHMENT #33**

Email Correspondence between Zoning Administrator  
and the Board of Zoning Appeals Re: Pending Appeal  
(August 7, 2019)

## Joe Cronin

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**From:** Joe Cronin  
**Sent:** Wednesday, August 7, 2019 10:28 AM  
**To:** Ava Kleinman; Bob Leggett; John Fox; Richard Finkelstein; Walter Sewell  
**Subject:** RE: Appeal No. 39 - Questions

Chairman Sewell,

As requested, I am providing responses to the questions you submitted to me by email on July 19, 2019. Please note that this correspondence is part of the public record and will be included in the agenda packet for the August 15, 2019 meeting.

### **WHAT WAS THE FIRST STEP IN THE PROCESS THAT LEAD TO THIS APPEAL?**

On February 11, 2019, I received an email from Bob Nitkewicz of NV Realty. Mr. Nitkewicz is a real estate agent who represents the owners of Lot B-23. Mr. Nitkewicz requested clarification of the setback requirements for Lot B-23, which is a pie-shaped lot. He noted that the setback line illustrated on the plat from the shared property line with Lot B-24 was significantly different than what required along the shared property line with Lot B-22. While I was researching this question, I received a request for similar information for Lots A-06 and B-01 from architect Kevan Hoertdoerfer by email on April 8, 2019. Mr. Hoertdoerfer questioned why a corner lot would have two front yard setbacks, one side yard and one rear yard setback, as was shown on the plat. I also received a request by phone from architect Kenneth C. Miller. Mr. Miller was working with the owners of Lot B-26 which, similar to Lot B-23, was a pie-shaped lot. It took approximately 4 months to find and review dozens of relevant documents, consult with the town attorney and prepare Letters of Determination for all four lots. These letters were sent to the respective parties on June 3-4, 2019. Copies of these letters were also sent to Ms. Patterson, in her role as president of the Village at Seabrook regime, as well as to representatives from SIPOA.

### **IF WE WERE TO GRANT MS. PATTERSON'S APPEAL, WHAT WILL CHANGE?**

The appellant has argued that the setback lines illustrated on the recorded plat for the Village at Seabrook are what should govern development within the Village PUD. If the appeal is successful, then all future construction within the Village will need to comply with those setback lines, without regard to what may already be built on neighboring lots.

As we will note during the hearing on August 15, 2019, there are 56 existing homes within the Village; these homes will also be impacted by the outcome of this appeal. Based upon my review of the as-built drawings for these 56 lots, 32 of the 56 existing homes (57.1%) will be considered "non-conforming" if the appeal is successful, as these homes do not comply with the setback requirements illustrated on the plat. While there will be no immediate impact to the owners of these 32 lots, there may be additional restrictions placed upon them if they (or subsequent property owners) seek to modify or undertake major renovations to their homes in the future, up to – and including – the requirement to remove non-conforming elements. In addition, if the appeal is successful, it would become possible for structures to be located less than 15 feet apart, which would be inconsistent with the DSO and the PUD ordinance. I will illustrate examples of how this will be possible during the meeting on August 15, 2019.

### **WHAT IS THE ORIGIN OF THE ZERO SETBACK ON BOTH SIDES?**

§ 7.60.40.20 of the DSO, which pertains to side yard setback requirements for detached multi-family development, states: "Zero lot line construction may be permitted provided all other setbacks of the district and criteria for zoning as a PDD are met. However, the total of both side yard setbacks shall be at least 15 feet; provided that no two detached

patio homes may be situated closer than 15 feet.” By not requiring a rigid minimum setback, this provision allows greater flexibility in locating structures within multi-family developments.

Exhibit B to the ordinance adopting the PUD for the Village at Seabrook (Ord. 2000-08) states that the side yard setback in the village shall be “15 feet (to total 15 feet).” The PUD does not define an actual setback requirement for individual lots, and only requires that structures be located no closer than 15 feet apart, which is consistent with § 7.60.40.20 of the DSO.

**ARE THERE ANY OTHER DEVELOPMENTS ON SEABROOK OR ANY ON KIAWAH THAT PERMIT ZERO SETBACKS ON BOTH SIDES?**

I am fairly certain that all (or nearly all) multi-family developments in the Town of Seabrook Island require a 15-foot separation between detached multi-family structures rather than a defined minimum side yard setback. I cannot speak to what is required within the Town of Kiawah Island as that lies outside of our jurisdiction.

**WHAT IS THOUGHT OF AS THE BENEFIT OF ZERO SETBACKS ON BOTH SIDES?**

The decision to allow a 15-foot separation rather than a defined minimum setback was a policy decision of town council. While I can’t speak definitively to the logic or basis for such a decision, my assumption is that this requirement was intended to allow for greater flexibility in the design and siting of detached multi-family structures.

**IN DETERMINING A VARIANCE REQUEST, WE REFER TO THE FOUR-PART CRITERIA THAT MUST BE CONSIDERED AS REQUIRED BY STATE LAW. DOES THE SAME CRITERIA APPLY TO AN APPEAL OR IS THERE SOME OTHER SET OF CRITERIA TO BE APPLIED?**

No. A variance involves a question of whether the strict application of the zoning ordinance would result in an unnecessary hardship to a particular piece of property. In considering variance requests, the Board uses the four criteria to determine whether an exception to the ordinance should be granted. The decision to grant or not grant a variance is specific to that property only.

An appeal is a question of whether the Zoning Administrator properly interpreted and/or applied the ordinance. State law gives the Board the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination by the Zoning Administrator in the enforcement of the zoning ordinance. In exercising this power, the Board may, in conformity with the provision of the law, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken.

In this particular instance, the Zoning Administrator determined that the setback requirements specified in the DSO and PUD are what should govern development in the Village. The appellant argues that this determination is incorrect and that the setbacks shown on the recorded plat should govern. The Board will review the facts and make a determination as to which argument is legally correct. Unlike a variance, this is a question of policy. Therefore, the outcome of the Board’s decision will apply to all similarly situated properties and not just the four properties which were subject to the Letters of Determination.

**Joseph M. Cronin**

Town Administrator  
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Cell: (843) 637-9832  
[www.townofseabrookisland.org](http://www.townofseabrookisland.org)

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**From:** Walter Sewell <wsecondwind@yahoo.com>

**Sent:** Friday, July 19, 2019 10:46 AM

**To:** Joe Cronin <jcronin@townofseabrookisland.org>

**Cc:** Ava Kleinman <ava.kleinman@gmail.com>; Bob Leggett <rmlegg8@gmail.com>; John Fox <johnfox8624@gmail.com>; Richard Finkelstein <finkelstein@ameritech.net>

**Subject:** Appeal No. 39 - Questions

Joe,

Attached are the questions I brought to the meeting on the 17<sup>th</sup>.

1 and 2 are general, in nature.

3, 4 and 5 are focused on the matter of the zero side line setbacks.

6 I believe you have already responded to the effect that there is no comparable criteria to be applied or considered in making a determination of an appeal.

Walter