## TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting
December 28, 2022-1:00 PM

Seabrook Island Town Hall, Council Chambers
2001 Seabrook Island Road


Watch Live Stream (YouTube)

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

- Online: Variance 179
- Email: tnewman@townofseabrookisland.org
- Mail or Hand Deliver: 2001 Seabrook Island Road, Seabrook Island, SC 29455


## AGENDA

## CALL TO ORDER

## APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: September 6, 2022
[Pages 3-6]

## PUBLIC HEARING ITEMS

1. Variance \# $\mathbf{1 7 9}$
[Pages 7-50]

| APPLICANT: | The Club at Seabrook Island |
| :--- | :--- |
| ADDRESS: | 1701 Long Bend Drive |
| TAX MAP NUMBER: | $149-01-00-001$ |
| ZONING DISTRICT: | RC (Recreation) |
| CODE SECTION(s): | §2.5.B.1.c, Fence Material |
|  | § 2.5.B.1.g, Fence Height |

VARIANCE 1) To allow the use of chain link material for the construction of REQUEST: fencing associated with four proposed pickleball courts.
2) To allow the construction of 8 ' tall fences to surround four proposed pickleball courts.

## ITEMS FOR INFORMATION / DISCUSSION

## ADJOURN

# TOWN OF SEABROOK ISLAND 

Board of Zoning Appeals Meeting
September 6, 2022


## MINUTES

## CALL TO ORDER

Present: Fox, Pickney, Williams
Absent: Gorski, Leggett
Staff Present: Zoning Administrator Newman, Town Clerk/Treasurer Watkins

The meeting was called to order at 9:30AM.

## ELECTION OF CHAIR AND VICE CHAIR

Mr. Pickney moved to appoint John Fox as Chair of the Board of Zoning Appeals; Mr. Williams seconded. All voted in favor.

Mr. Fox was appointed Chair of the Board of Zoning Appeals.
Mr. Pickney moved to appoint Bob Leggett as Vice Chair of the Board of Zoning Appeals; Mr. Williams second. All voted in favor.

Mr. Leggett was appointed Vice Chair of the Board of Zoning Appeals.

## APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: October $7^{\text {th }}, 2021$

Mr. Pickney noted some scrivener's errors for staff prior to posting. Ms. Watkins noted these errors will be corrected prior to posting the approved minutes.

Mr. Pickney moved to approve the previous meeting minutes of October $7^{\text {th }}, 2021$; Mr. Williams seconded. All voted in favor.

The previous meeting minutes of October $7^{\text {th }}, 2021$ were approved.

| APPLICANT: | Bill Senst (Applicant) |
| :--- | :--- |
|  | Frank Randazzo \& Anna Moca (Owners) |
| ADDRESS: | 2931 Deer Point Drive |
| TAX MAP NUMBER: | 149-14-00-024 |

## ZONING DISTRICT: R-SF2 (Residential Single Family)

CODE SECTION: VARIANCE REQUEST:
§ 10.5.A.1, Critical Area Setback

1) To reduce the required $25^{\prime}$ critical area setback to $22^{\prime}-5 \frac{1}{4}{ }^{\prime \prime}$ to allow for a staircase and elevator.
2) To reduce the required $25^{\prime}$ critical area setback to $15^{\prime}-21 / 4^{\prime \prime}$ to allow for a first-floor open deck, outdoor shower, and HVAC stand.

Zoning Administrator Newman presented the request made by Bill Senst, Frank Randazzo, and Anna Moca at 2931 Deer Point Drive for the following:

1) To reduce the required $25^{\prime}$ critical area setback to $22^{\prime}-5 \frac{11^{\prime \prime}}{}$ to allow for a staircase and elevator.
2) To reduce the required $25^{\prime}$ critical area setback to $15^{\prime}-2 \frac{1}{4}$ '" to allow for a first-floor open deck, outdoor shower, and HVAC stand.

Mr. Senst, applicant, summarized the request for the variance in two separate sections (stairs \& open setback) and would like clarification on the open space rear requirements are within the new Development Standards Ordinance (DSO).

The Board clarified the square footage of the home.

Ms. Moca, owner, commented on the variance as the owner and would like to comply with the regulations of Seabrook Island.

Zoning Administrator Newman clarified the open setback encroachments to the open deck with regards to the current DSO as of July 1, 2022, and the previous DSO, and the definition of open space within the DSO.

Mr. Randazzo, owner, noted to the board that he is handicaped which is the need for the encroachment into the critical area with regards to the staircase and elevator. Mr. Randazzo added the open deck will add to the character of the home and fit within the character of the neighborhood.

The Board discussed with the applicant the type of disability the applicant has.
The Board discussed where the elevator and staircase are proposed on the property and how far it is from the garage.

Zoning Administrator Newman reviewed the review criteria the Board should consider when voting on the variance according to State Law and the new DSO.

Katrina Burrell, Director of Administration \& Architectural Review at the Seabrook Island Property Owners Association (SIPOA), summarized the review process by SIPOA and added they reviewed the proposed variance and noted the applicants and owners would not need another review by SIPOA if the variance is approved.

The Board clarified the decks and which ones are open vs. covered.
Ms. Moca described the location of the lot with regards to Marsh Gate and how the proposal will go with the aesthetics of the community.

The Board discussed some of the public comments received from Old Forrest Road and asked the applicants if they discussed the variance with the neighboring properties.

Joan Carney, 2938 Deer Point Drive, questioned the type of materials being used under the proposed two decks. Mr. Senst clarified that the material that will be used will be pervious materials.

Leo Marien, 2927 Deer Point Drive, noted the owners that have requested the variance have not discussed what has been proposed, and summarized the photos he submitted for the board to consider.

The Board clarified the encroachment area and asked Zoning Administrator if this will add to water issues as described by the neighboring properties. Zoning Administrator Newman noted what staff takes into consideration when reviewing a variance.

Zoning Administrator Newman noted the section of the DSO with regards to the Town's regulations for the elevator.

Mr. Fox commented in approval on the request by the criterion set by State Law as follows:

- The proposed variance will not be of substantial detriment to the adjacent property or to the public good, and the character of the district will not be harmed by granting the variance.
- There are extraordinary and exceptional conditions to the property.
- The conditions do not generally apply to other properties in the vicinity
- The application of the ordinance to the property would effectively prohibit or unreasonably restrict the utilization of the property.

The Board discussed the criterion as set by State Law to see if the variance falls into the categories as specified by Mr. Fox.

John Lassiter, 2928 Deer Point Dr, clarified when he met with the applicants and the applicants did not attempt to discuss the proposal with the neighbors. Mr. Lassiter commented on the location on the placement of the elevator and discussions had with Zoning Administrator Newman. Mr. Lassiter further commented on the vacant lots on the street and the water levels along Deer Point Drive.

The Board had a discussion with Mr. Lassiter with regards to his comments.
Joan Carney clarified what the next steps of the variance process if this approved. Zoning Administrator Newman summarized the required steps if the variance is approved.

Mr. Senst responded to comments made by the audience and by members of the board.
Mr. Pickney moved to approve the variance; Mr. Williams seconded. All voted in favor.

## The variance was approved.

Zoning Administrator Newman reviewed how the variance request is applicable to the criterion according to State Law and the new DSO, and the additional criterion as staff recommended.

Mr. Pickney moved to approve with the criteria with regards to staff recommendations and the State
criteria as noted by Mr. Fox previously in the meeting; Mr. Williams seconded. All voted in favor.
The criteria to the variance were approved.

## ITEMS FOR INFORMATION / DISCUSSION

1. Discussion of staff proposal to have regularly scheduled Board of Zoning Appeals meeting dates.

Zoning Administrator Newman noted with the new regulations of the DSO and proposed having a set meeting date on the $4^{\text {th }}$ Wednesday of every month.

Mr. Pickney prior to leaving at 11:00AM that he was in favor of having a set meeting date.
Mr. Fox noted the previous procedures for the Board of Zoning Appeals with a second meeting with a site visit. Zoning Administrator Newman noted the process moving forward.

## ADJOURN

Mr. Fox adjourned the meeting at 11:01AM.

Date: December 14 ${ }^{\text {th }}, 2022$
Prepared by: Xatharine \& Patkins
Town Clerk/Treasurer

## MEMORANDUM

TO: Town of Seabrook Island Board of Zoning Appeals Members
FROM: Tyler Newman, Zoning Administrator
SUBJECT: Variance Application \# 179-1701 Long Bend Drive
MEETING DATE: December 28, 2022

## Variance Application \#179

| Applicant: | The Club at Seabrook Island (owner) |
| :--- | :--- |
| Location: | 1701 Long Bend Drive |
| Tax Map Number: | 149-01-00-001 |
| Zoning District: | RC (Recreation) |
| § 2.5.B.1.c, Fence Material |  |
|  | § 2.5.B.1.g, Fence Height |
| Purpose: | 1) To allow the use of chain link material for the construction of fencing <br> associated with four proposed pickleball courts. <br> 2) To allow the construction of $8^{\prime}$ tall fences to surround four proposed <br> pickleball courts. |

## Overview

The town has received a variance application (variance \#179) from The Club at Seabrook Island (the "Applicant"). The Applicant is requesting two variances related to fence height and material in association with the construction of four new pickleball courts at the Seabrook Island Racquet Club located at 1701 Long Bend Drive.

On August 30, 2022, the town received a zoning permit application (permit \#19287) for "Phase 1B Improvements" at the Seabrook Island Racquet Club which included construction of four pickleball courts, two bocce ball courts, concrete sidewalks, a fire pit area with seating, and associated landscape and irrigation. While reviewing the submittal, on August 31, 2022, the town's Zoning Administrator noted that the proposed 8' tall chain link fencing associated with the proposed pickleball courts was in violation of the Development Standards Ordinance (DSO) requirements related to fence height and material.

DSO § 2.5.B.1.c states, "Fences must be made of stucco, cypress, pressure-treated wood, wood composite, iron, powder coated aluminum, or similar materials. Barbed wire, concertina wire, razor wire, chain link, poultry wire and vinyl are strictly prohibited.". Additionally, DSO § 2.5.B.1.g states, "No wall or fence shall be taller than six (6) feet in height, measured from the finished elevation at its base to the highest point of the wall or fence.".

The property is currently zoned RC, Recreation, and open-air recreation is an approved conditional use. Per DSO § 9.4.I. 1 the condition associated with an unlighted athletic court is that
"unlighted athletic courts shall provide a level "B" buffer adjacent to any residential zoning boundary". It should be noted that this condition is not applicable to the approval in question because the proposed pickleball courts are not directly adjacent to a residential zoning district boundary therefore the buffer isn't required.

Based on the site plan submitted with the variance application, the proposed pickleball courts and associated improvements will comply with the 20' front setback from Seabrook Island Road and Long Bend Drive. Per the Applicant's parking summary, the addition of the four pickleball courts and two bocce ball courts will not result in the need for any additional parking on site. Additionally, based on the plans provided with the submittal the Applicant is not proposing to remove any grand or heritage trees and the tree protection details outlined in the plans meet DSO requirements. Furthermore, there are no lot coverage requirements in the RC zoning district (See Attachment 4, Plans).

To allow for construction of the proposed $8^{\prime}$ tall chain link fencing surrounding the four proposed pickleball courts, the Applicant is requesting the following variances from the requirements of the DSO:

Fences must be made of stucco, cypress, pressuretreated wood, wood composite, iron, powder coated aluminum, or similar materials. Barbed wire, concertina wire, razor wire, chain link, poultry wire and vinyl are strictly prohibited (§ 2.5.B.1.c)

Allow the use of chain link material for the construction of fencing associated with four proposed pickleball courts

Fence Material

Fence
Height

No wall or fence shall be taller than six (6) feet in height, measured from the finished elevation at its base to the highest point of the wall or fence
(§ 2.5.B.1.g)

Allow the construction of $\mathbf{8}^{\prime}$ tall fences to surround four proposed pickleball courts

In their application, the Applicant is requesting relief from the DSO requirements related to fence height and material for the following reasons (See Attachment 1, Variance Application):
a) The property is the only racquet sports facility for the Club of Seabrook Island. Currently there are 15 tennis courts and two pickleball courts which each have $10^{\prime}$ tall black vinyl chain link fencing and black wind screens. Additionally, the tennis and pickleball industries recommend fence height for tennis and pickleball courts of $10^{\prime}$ or $12^{\prime}$, with $10^{\prime}$ being the most common height. The applicant also notes that chain link fencing allows for air flow across all courts.
b) There are no other properties in the vicinity of the subject property that have court facilities like those located at the Seabrook Island Racquet Club.
c) The application of the maximum fence height of $6^{\prime}$ and the inability to use chain link fence material with screens would unreasonably restrict the Applicant's ability to construct the courts to pickleball industry standards.
d) The addition of the courts to the Racquet Club will not be a detriment to adjacent property owners as the proposed improvements match the existing property use and add opportunities for increased member activity.
e) The adoption of the current Development Standards Ordinance by the Town of Seabrook Island, which does not address the height or materiality of pickleball \& tennis industry standards, limits the ability of the Racquet Club to construct additional courts that meet industry standards. This hardship was not created by the Racquet Club.
f) A variance for the height and material of the fence will not allow the property to be used more profitably but will allow the Racquet Club to provide additional facilities to members.

## Staff Comments

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

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

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

- The approved variance shall apply to the site layout as shown on the site-specific plan prepared by the Applicant and reviewed by the Board on December 28, 2022. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the
requirements of the town's DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.
- The Applicant shall prepare and submit to the Zoning Administrator an as-built survey prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final inspection if no Certificate of Occupancy is required). The as-built survey shall be prepared and stamped by a professional land surveyor who is qualified to perform such services in the State of South Carolina.


## Respectfully submitted,



Tyler Newman<br>Zoning Administrator

## Criteria for Review

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:
(a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
(b) these conditions do not generally apply to other property in the vicinity;
(c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property and;
(d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

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

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

## Attachments

The following supplemental items have been attached for review:

|  |  |  |
| :---: | :--- | :--- |
| 1 | Variance Application | p. 13-16 |
| 2 | Aerial Image | p. 17 |
| 3 | Property Zoning Report \& Dimensional Requirements | p. 18 |
| 4 | Plans | p. 19-33 |
| 5 | Site Photos | p. $34-42$ |
| 6 | Public Hearing Notice - Letter to Neighboring Property Owners | p. 43 |
| 7 | Public Hearing Notice - Post \& Courier Legal Ad | p. 44-46 |
| 8 | Public Hearing Notice - Property Posting | p. 47 |
| 9 | Public Hearing Notice - List of Neighboring Properties | p. 48 |
| 10 | Public Hearing Notice - List of Property Management Companies | p. 49 |
| 11 | Public Comment | p. 50 |



TOWN OF SEABROOK ISLAND
2001 Seabrook Island Road
Seabrook Island, SC 29455
(843) 768-9121

## APPLICATION FOR VARIANCE

Board of Zoning Appeals

Any applicant seeking a variance from the zoning requirements of the Town of Seabrook Island's Development Standards Ordinance (hereafter, the "DSO") must submit a written application, along with a $\$ 300.00$ application fee and all required supplemental information. Applications must be typed or written legibly in ink. Please attach an additional sheet of paper if more space is needed. If you need assistance filling out this application form, please contact the Zoning Administrator by phone at (843) 768-9121 or by email at tnewman@townofseabrookisland.org.

| 1 1. PROPERTYINTORMATION |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Please provide information regarding the property which is subject to the variance request. |  |  |  |  |  |  |
| Property Address | 1701 Long Bend Drive |  |  |  |  |  |
| Tax Map Number | 1490100001 | Block | Lot |  |  |  |
| Lot Size (Square Feet) | 6.88 Ac |  |  |  |  |  |
| Is this property subject to an OCRM critical line? (eg. Marsh or Beachfront Lots) |  |  |  | Yes | $\checkmark$ | No |
| Is this property subject to private restrictions or covenants? (eg. SIPOA or regime) |  |  |  | Yes | $\checkmark$ | No |

## 2. APPUCANT(S)

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

| Applicant Name(s) | John Fitzpatrick |
| :--- | :--- |
| Applicant Address | 2890 Seabrook Island Road |
| Applicant Phone Number | $620-762-3489$ |
| Applicant Email Address | jfitzpatrick@seabrookisland.com |
| If the Applicant is NOT an owner of the property, what Head of Engineering  <br> is the relationship to the Property Owner(s)?   |  |

## 3. PROPERTY OWNER(S)

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

| Owner Name(s) | The Club at Seabrook Island |
| :--- | :--- |
| Owner Mailing Address | 1002 Landfall Way |
| Owner Phone Number | $843-768-2500$ |
| Owner Email Address | mlaskowitz@seabrookisland.com |

Designation of Agent (Required if the Applicant(s) is(are) NOT a Property Owner): I (we) hereby designate and appoint the above named Applicant(s) as my (our) agent(s) to represent me (us) in this application.

| Owner Signature(s) | $\chi 2 \sim$, Silli. | Date | $11 / 9 / 22$ |
| :---: | :---: | :---: | :---: |
|  | - PRESIDEST, SEABROOK ISLAND CLUB | Date |  |

14. © PILILCALION

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

| Applicant Signature(s) |  |  | Date |
| :--- | :--- | :--- | :--- |

OHICE USE ONY

$$
\text { Date Filed: } \quad \text { Variance Application \#: } \quad \text { Hearing Date: }
$$

## 5. VARIANCE REQUEST

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

Construction of 4 pickleball courts, two bocce ball courts, concrete sidewalks, fire pit area with seating, associated landscape and irrigation
B. In order to complete the proposed scope of work, the Applicant(s) is (are) requesting a variance from the following requirement(s) of the town's DSO:

1) DSO Section Reference(s):
2.5.B.1.c. and 2.5.B.1.g.
2) DSO Requirement(s):
2.5.B.1.c. - Chain link fence is prohibited
2.5.B.1.g. - Fence shall be no taller than $6^{\prime}$
C. The application of the zoning requirements of the town's DSO will result in unnecessary hardship, and the standards for a variance set by State Law and the DSO are met by the following facts:
3) There are extraordinary and exceptional conditions pertaining to this particular piece of property as follows:

The property is the only racquet sports facility for the Club of Seabrook Island. Currently, 15 tennis courts and 2 pickleball courts have 10' tall black vinyl chain-link fence and black wind screens.
The tennis and pickleball industries recommend fence height for tennis and pickleball courts is $\mathbf{1 0}^{\prime}$ or $\mathbf{1 2}^{\prime}$, with $10^{\prime}$ high being the most common height.
Chain link fence allows for air flow across the court. The black screen lessens the visibility of the chain link and allows for adequate ball visibility.
2) These conditions do not generally apply to other property in the vicinity as shown by:

There is no other property in the vicinity with these existing court facilities.
3) Because of these conditions, the application of the zoning requirements to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

The application of a maximum fence height of four feet and inability to use chain link fence with screens would unreasonably restrict the property's courts to be constructed to tennis and pickleball industry standards.
4) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:

The addition of courts to the Racquet Club will not be a detriment to adjacent property owners as the proposed improvement match the existing property use and add opportunities for increased member activity.

The owner shall not be entitled to relief from a self -created or self-inflicted hardship. A claim of unnecessary hardship shall not be based on conditions created by the owner.

The adoption of the current DSO by the Town of Seabrook Island, which does not address the height or materiality of industry standards, limits the ability of the owner to add additional courts to meet those industry standards. This hardship was not created by the owner.

The fact that the property may be used more profitably, if a VARIANCE is granted, may not be considered grounds for a VARIANCE.

A variance for the height and material of the fence will not allow the property to be used more profitably but will allow the Club to provide additional facilities to existing members.

## 6. APPLICATION MATERIALS

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


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

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


## \$300.00 Application Fee

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

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

- All applications must be accompanied by an as-built survey which accurately illustrates the existing conditions on the property, including setback measurements for all structures.
Proposed Site Plan (Paper \& PDF Required)
- Required for all new structures and/or exterior modifications which will change the footprint of one or more existing structures.
- For lots abutting a marsh or beachfront jurisdictional line, the location of the critical line must be certified by OCRM within the previous five (5) years.
Scaled Architectural Drawings: (Paper \& PDF Required)
- Required for all new structures and/or exterior modifications to existing structures.
- Architectural drawings must show, at a minimum:
- A detailed floor plan or plan view; and
- Front, side and rear elevations, as appropriate.

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

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

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

## CRITERIA FOR REVIEW

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:
(a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
(b) these conditions do not generally apply to other property in the vicinity;
(c) because of these conditions, the application of the ordinance to the particular piece of property would
effectively prohibit or unreasonably restrict the utilization of the property; and
(d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

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

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


## Town of Seabrook Island

## Property Zoning Report



Parcels

Parcel ID:
Owner:
Owner Street Address:
Owner City State ZIP Code:
Parcel Street Address:

1490100001
THE CLUB AT SEABROOK ISLAND
1002 LANDFALL WAY
SEABROOK ISLAND, SC 29455
1701 LONG BEND DR

## Zoning

| Count Zoning Code and Description <br> 1. $\quad 1 \mathrm{RC}$ - Recreation |  | Overlapping Quantities 288,587.55sf (6.63acres) |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Table 4-3a. Dimensional Requirements, Conservation/Recreation Districts |  |  |  |  |  |
| Zoning District | Maximum BUILDING HEIGHT <br> (ft./stories) | Minimum Yard SETBACKs (ft.) |  |  |  |
|  |  |  |  | Side | Rear |
|  |  | Parking | BUILDING |  |  |
| CP | 36 | 50 | 50 | 30 | 50 |
| AGR | No max. for farm buildings; 36 for all other uses | 100 | 100 | 50 | 50 |
| RC | 36 | 30 | 20 | 20 | 30 |
| CSC | 36 | $30^{5}$ | $30^{5}$ | 5 | 5 |














| BASE BID: BRICK BORDER WITH OYSTER SHELL/TABBY <br> BID ALTERNATE 1: ROCK SALT FINISH WITH TOOLED EDGE <br> BID ALTERNATE 2: BROOM FINISH WITH TOOLED EDGE | (6 TYPICAL BENCH CROSS SECTION SCALE: $1^{\prime \prime}=1^{\prime}-0 "$ | 3 PEDESTRIAN PAVERS ADJACENT TO TYPICAL CONCRETE SCALE: $1^{\prime \prime}=1^{\prime \prime}-0^{\prime \prime}$ |  |
| :---: | :---: | :---: | :---: |
| BASE BID: BRICK BORDER WITH OYSTER SHELL/TABBY BID ALTERNATE 1: ROCK SALT FINISH WITH TOOLED EDGE BID ALTERNATE 2: BROOM FINISH WITH TOOLED EDGE |  |  |  |
| $8 \frac{\text { BID ALTERNATE } 1 \text { SIDEWALK DETAIL }}{\text { sCAEE:3 }}$ <br> SCALE: $3 / 8^{\prime \prime}=1^{\prime}-0^{\prime \prime}$ | 5 TYPICAL BENCH PLAN VIEW | 2 PEDESTRIAN PAVERS SCALE: $1^{\prime \prime}=1^{\prime}-0^{\prime \prime}$ | ISSUE DATES |
| BASE BID: BRICK BORDER WITH OYSTER SHELL/TABBY BID ALTERNATE 1: ROCK SALT FINISH WITH TOOLED EDGE BID ALTERNATE 2: BROOM FINISH WITH TOOLED EDGE |  |  |  |
| 7 BASE BID SIDEWALK DETAIL SCALE: $3 / 8^{\prime \prime}=1^{\prime}-00^{\prime \prime}$ | $4 \frac{\text { PEDESTRIAN PAVERS ADJACENT TO LANDSCAPE }}{\text { SCAE }}$ | 1 <br> tYPICAL CONCRETE <br> SCALE: $3 / 4^{\prime \prime}=1^{\prime}-0^{\prime \prime}$ | $\begin{aligned} & \text { SHEET NUMBER } \\ & \text { L401 } \end{aligned}$ |












## PUBLIC HEARING NOTICE

| TO: | Neighboring Property Owners \& Property Management Companies |
| :--- | :--- |
| FROM: | Tyler Newman, Zoning Administrator |
| SUBJECT: | Variance Request for 1701 Long Bend Drive (Variance \#179) |
| DATE: | November 18, 2022 |

Dear Property Owner or Property Manager:

The purpose of this letter is to notify you that the owners of 1701 LONG BEND DRIVE have requested a VARIANCE from the zoning requirements of the Town's Development Standards Ordinance (DSO). The purpose of the variance request is to:

- 1) A VARIANCE FROM DSO SECTION 2.5.B.1.C, FENCE MATERIAL, TO ALLOW THE USE OF CHAIN LINK MATERIAL FOR THE CONSTRUCTION OF FENCING ASSOCIATED WITH FOUR PROPOSED PICKLEBALL COURTS, 2) A VARIANCE FROM DSO SECTION 2.5.B.1.G, FENCE HEIGHT, TO ALLOW THE CONSTRUCTION OF 10’ TALL FENCES TO SURROUND FOUR PROPOSED PICKLEBALL COURTS

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

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

PUBLIC HEARING DATE: Wednesday December 28, 2022 PUBLIC HEARING TIME: 1:00 PM PUBLIC HEARING LOCATION: TOWN HALL (2001 SEABROOK ISLAND ROAD)

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

The Public Hearing will be live streamed on the town's YouTube channel beginning at 10:00 AM at the following address: https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg .

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

Sincerely,

Tyler Newman
Zoning Administrator

## AFFIDAVIT <br> OF PUBLICATION

# The Dost and daurier 

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 issue of said newspaper on the following day(s):

A.D. 2022

Notary Public, SC


## Gay club owner: Shooting comes amid a new 'type of hate'

BYJESSE BLEDAYN
Assitciated Press
 dub where a shooter tuirned xdrag quecn' birthdy cel-
dration into a maisacressid
 killedfive propleand injursd
17 others $\mathrm{H} \alpha$ reflection of 17 others 1 a a reflection of
ant-LGBTQ sentiment that anti-LGBro sentiment hat incitencht. tinged wath exhaustion as he prove with The Assiciatcd
Press on Wedneiday night in meneoflisfirstiomments since Saturday night's allack at Club $Q, a$ venue Greccka halped build into an enclave community in contervativeleaning Colarado Springs. Authoritics havent said why the suapest opearid
fired at the club before boing sublued intu submissium by patruns, but they ats facing hate crime charges The ats, pest, Anderion Lee Aldrich.
22, has not entered a ples or 22, has not entered a ples of
spoken about the incident.
 team player fights for the batl during a AFC Astan Cup Unlted Arab Emirates, on Jani 16, 2019.

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The U.N. Human Rightscouncil voted 'hlursuay tu
condemn the crackdown

Nic Grrecka (righti. co-owner of Club Q, hugs a Nic Grrecka (right, co-owner of Club O, hugra
supporter aftera 25-foot historlc pride flig was
unfurled Nov. 23 to cover the exterior ol City Hallito unfurted Nov. 23 to cover the exterior of City Hall to mark the weekend mass shooting at the gay nlghtelub
in Colorado Springs, Colo. in Colorado Springs, Colo
 somediung the are not, cre
ate diffornat tpe of hate: ates = diffcrent type of hate: radt trrocka:
Grecka, who Cl Clob Q in 2008 a yar aticr H upened, xaid hov hopes to Inta fieuritg sout how to re.
bullid the support yyten for


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nity as wdl ac thair coinmit.
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opened after the only other Bay bar in Colurados mings at thal time chullord. He dc-
scribed that era as an evolu. scribed that era as an evolu-
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dingy, hole-in-the-wall gay wnecawercmenathrgigly for finding a houk up or dats, said
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inlernet offercd anonymous internet offerce anonymous
Wan in lind love online, the batstra nsilioned into welllit, clein non-smiking spaces to
hang out with triends Club Qwas at the vanguard of thal
Iransilione
Once he hecame co-ownOnce he hecame co-orvn-
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mold Clut $Q$ inco nol merely a nightlife venue but a com-
munity crater - a platform to
 Lotropcople, especially for thote csiranged from their
birthfamily. Drag guern bingo nights, friculspiving and Clytihmar dinumer, bt il ilday celebrations became staples
uf club $Q$ whiciclo was opent 365 days aycar.
In the aftermath of the
-

## Witness: Va. store

 shooter seemed to target certain people| Assocituled Press <br> Chiesapeake, va - The Walmatl supervisor who shot and killed six co-workers in Virginia seemed to target people and fired at some viclims afler llay were already hit and appeared to be dead. said. an willuess whu was present when the shootingstarted Jessica Wilczewski said llat wurkers were gathered in a store hreak room to begin Theiroveruybth hatac tucs day then team leader Andte Bing entered and opened fire with il handgun. While another witness has described Bing as shooting willtly, Wil him tat et eertaispeople him tat get certais people <br> Thetway he wastacting-he was going hunting- Wikes wski said Thursday. "The way he waslonkingal prooplesf faces and the way he did whathe did, he was picking people out." | She said thal she observed himsheot al peopie who were already on the ground <br> "What J do know is that he made sure who he wanted deud, was Lesd," she sail, "Itc went back and shol dead budies thatwere already dead "ti make sure." <br> Vilczewski said she had only worked at the store for five days and dhan' knuw whe Bing got alomg with of had problerno with She said the fact that she was ancw emplayee may have been why he spared her. <br> She said that after the shoolIng stapted, a co-wor rker sil ling next to lar pulled her under the tabte to bide. She said that at one point. Bing lold her to gel nut from under the table But when he saly who she was, he told her, "Jessie, go home." She said she slowlygutup and then ran out of the store |
| :---: | :---: |

## town of seabrook ISLAND, SC NOTICE OF PUBLIC HEARING

The Town of Seabrook Island Board of Zoning Appeals will conduct a Public Hearing at 1:00 p.m. on December 28, 2022, al Seabrook Island Town Hall (2001 Seabrook Island Road). During the meeting, the Board will consider the following request for variance from the Development Standards Ordinance for the Town of Seabrook Island:

## APPLICATION \# 179

APPLICANI; The Club at Seabrook Island
ADDRESS: 1701 Long Bend Drive
TAX MAP NUMBER: 149-01-00-001
ZONMG DISTRICI: RC (Recreation)
CODE SECTION: $\quad$ \$2.5.8.1.c (Fence Material) \& §2.5.B.1.g CODE SECTION:
(Fence Height)
VARIANCE REQUEST: 1) a variance from DSO Section 2.5.B.1.c, Fence Material, to allow the use of chain link material for the construction of fencing associated with four proposed pickleball courts, 2) a variance from DS0 Section 2.5.B.1.g, Fence Height, to allow the construction of $10^{\prime}$ Lall fences to surround four proposed pickleball courts.

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

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

- ONLINE: https://www,townolseabrookisland.org
- EMAIL: tnewman@townofseabrookisland,arg
- MAIL: Town of Seabrook Island, 2001 Seabrook Island Hoad Seabrook Island, SC 29455

Watch Live Straam Videce The meeting will be live streamed on the town's YouTube channel beginning al 1:00 p.m. at hHps://www. youlube.com/channel/UCIkFB7knEApHD1q0kGlaGZg .

More Informalion: For more information, please call (843) 768-9121.

## TOWN OF SEABROOK ISLAND, SC NOTICE OF PUBLIC HEARING

The Town of Seabrook Island Board of Zoning Appeals will conduct a Public Hearing at 1:00 p.m. on December 28, 2022, at Seabrook Island Town Hall (2001 Seabrook Island Road). During the meeting, the Board will consider the following request for variance from the Development Standards Ordinance for the Town of Seabrook Island:

APPLICATION \# 179
APPLICANT: The Club at Seabrook Island
ADDRESS: 1701 Long Bend Drive
TAX MAP NUMBER: 149-01-00-001
ZONING DISTRICT: RC (Recreation)
CODE SECTION: §2.5.B.1.c (Fence Material) \& §2.5.B.1.g
(Fence Height)
VARIANCE REQUEST: 1) a variance from DSO Section 2.5.B.1.c, Fence Material, to allow the use of chain link material for the construction of fencing associated with four proposed pickleball courts, 2) a variance from DSO Section 2.5.B.1.g, Fence Height, to allow the construction of $10^{\prime}$ tall fences to surround four proposed pickleball courts.

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

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

Watch Live Stream Video: The meeting will be live streamed on the town's YouTube channel beginning at 1:00 p.m. at https://www. youtube.com/channel/UCIkF87knEApHD1qOkGlaGZg .

More Information: For more information, please call (843) 768-9121.


| Parcel ID | Owner | Owner | Street Number | PROP_ST_NAME | Street Type | City | State |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 1470000037 | WILKES RONALD W TRUST | WILKES VANIA C TRUST | 2191 | SEABROOK ISLAND | RD | SEABROOK ISLAND | SC |
| 1470000035 | SEABROOK ISLAND PROPERTY OWNERS | ASSOCIATION | 0 | SEABROOK ISLAND | RD | SEABROOK ISLAND | SC |
| 1490100012 | FIDDLERS COVE OWNERS ASSOCIATION |  | $0 \cdot$ | LIVE OAK PK |  | SEABROOK ISLAND | SC |
| 1490100055 | SHELTER COVE VILLAS OWNERS | ASSOCIATION | 0 | LIVE OAK PK |  | SEABROOK ISLAND | SC |
| 1490100250 | FIDDLERS COVE II TOWNHOUSE | OWNERS ASSOCIATION | 1737 | LIVE OAK PK |  | SEABROOK ISLAND | SC |
| 1470200079 | GARMON JOHNNIE B II |  | 2240 | BOHICKET CREEK | PL | SEABROOK ISLAND | SC |
| 1490100093 | CLUB AT SEABROOK ISLAND INC THE |  |  | LONG BEND | DR | SEABROOK ISLAND | SC |
| 1490100001 | THE CLUB AT SEABROOK ISLAND |  | 1701 | LONG BEND | DR | SEABROOK ISLAND | SC |
| 1490100168 | CHARLES TOWNE PLACE HOA INC |  |  | SEABROOK ISLAND | RD | SEABROOK ISLAND | SC |
| 1470000022 | THE CLUB AT SEABROOK ISLAND |  | 2313 | SEABROOK ISLAND | RD | SEABROOK ISLAND | SC |
| 1490100092 | SIDEV LLC |  |  | MARSHWALK ACE | TR | SEABROOK ISLAND | SC |


| REGIME | c/o | Company | Street \# | Street Name | Suite | City | State | Zip |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Charles Towne Place | Kristin Mizzell | Reliable Home Management | 3714 | Betsy Kerrison Pkwy. | Suite I | Johns Island | SC | 29455 |
| Courtside I (1601-1632) | Leeann Miller | Ravenel Associates | 960 | Morrison Drive | Suite 100 | Charleston | SC | 29403 |
| Courtside II (1633-1648) | Cuyler Applegate | Applegate Real Estate | 5 | Warren Street |  | Charleston | SC | 29403 |
| Fiddlers Cove I | Kristin Mizzell | Reliable Home Management | 3714 | Betsy Kerrison Pkwy. | Suite I | Johns Island | SC | 29455 |
| Fiddlers Cove II | Kristin Mizzell | Reliable Home Management | 3714 | Betsy Kerrison Pkwy. | Suite I | Johns Island | SC | 29455 |
| Golf Shore | Owen Gudridge | Ravenel Associates | 960 | Morrison Drive | Suite 100 | Charleston | SC | 29403 |
| Heron Point | Cuyler Applegate | Applegate Real Estate | 5 | Warren Street |  | Charleston | SC | 29403 |
| Horseshoe Cove | Kristin Mizzell | Reliable Home Management | 3714 | Betsy Kerrison Pkwy. | Suite I | Johns Island | SC | 29455 |
| Live Oak | Kristin Mizzell | Reliable Home Management | 3714 | Betsy Kerrison Pkwy. | Suite I | Johns Island | SC | 29455 |
| Marsh Walk | Cameron Leyh | Ravenel Associates | 960 | Morrison Drive | Suite 100 | Charleston | SC | 29403 |
| Racquet Club | Ashley Fitch | Ravenel Associates | 960 | Morrison Drive | Suite 100 | Charleston | SC | 29403 |
| Shelter Cove | Ashley Fitch | Ravenel Associates | 960 | Morrison Drive | Suite 100 | Charleston | SC | 29403 |


| From: | Milum Livesay |
| :--- | :--- |
| To: | Tyler Newman |
| Cc: | psn1001aol.com |
| Subject: | Comment on Zoning Variance Submitted by Seabrook Island Club (\#179) |
| Date: | Thursday, December 1, 2022 8:44:57 AM |

Dear Mr. Newman:
We strongly support the zoning variance (\#179) of the TOSI Development Standards Ordinance (DSO) submitted by The Club at Seabrook Island to add the proposed chain link fencing for the planned expansion of pickleball courts. The proposed fencing have the precedent of the existing fencing on numerous other tennis and pickleball courts at the Seabrook Racquet Club. We are residents of Seabrook Island, live in close proximity to the racquet club, Club members, and frequent users of the Racquet Club facilities, in addition to biking and walking along that stretch of Seabrook Island Road. We view the expanded faciltiies and required fencing as positive impacts for Seabrook Island residents quality of life.

Thank you,
Milum Livesay and Pam Nelson
1704 Live Oak Park
Seabrook Island, SC 29455
804-335-4571

