AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: January 18, 2019

PUBLIC HEARING ITEMS

1. **Variance # 157**

   - **APPLICANT:** John C. Butera & Jean W. Jones
   - **ADDRESS:** 2633 Jenkins Point Road
   - **TAX MAP NUMBER:** 149-00-00-046 (LT 34, BLK 52)
   - **ZONING DISTRICT:** SR Single-Family Residential
   - **PURPOSE:** Applicant is requesting a variance to reduce the 25-foot marsh setback requirement (§ 7.60.50) for the purpose of installing a pervious pergola system over an existing deck at the rear of the principal residence

2. **Variance # 158**

   - **APPLICANT:** Stephanie & Raymond Hamilton
   - **ADDRESS:** 2959 Seabrook Island Road Road
   - **TAX MAP NUMBER:** 149-10-00-036 (LT 12-B, BLK 42)
   - **ZONING DISTRICT:** SR Single-Family Residential
   - **PURPOSE:** Applicant is requesting a variance to exceed the 36-foot maximum height requirement for a single-family residential structure by 1.2 feet (§ 7.90.20)

ITEMS FOR INFORMATION / DISCUSSION

*There are no Items for Information / Discussion*

ADJOURN
MINUTES

Present: Walter Sewell (Chairman), Ava Kleinman, John Fox, Dick Finkelstein, Joe Cronin (Zoning Administrator)

Absent: Robert Leggett

Guests: None

Chairman Sewell called the meeting of the Board of Zoning Appeals to order at 2:30 PM. Zoning Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting was properly posted.

Chairman Sewell then welcomed Mr. Dick Finkelstein to the Board of Zoning Appeals. Mr. Finkelstein was appointed by council to fill the remainder of an unexpired term following Robert Quagliato’s recent resignation from the board.

ELECTION OF CHAIR & VICE CHAIR FOR 2019

Chairman Sewell opened the floor for nominations for the position of chair. Ms. Kleinman nominated Walter Sewell to serve as chair for 2019. Mr. Finkelstein seconded the nomination. There being no further nominations, Chairman Sewell called for a vote on the nomination. The motion to elect Mr. Sewell as chair was APPROVED by a vote of 4-0.

Chairman Sewell then opened the floor for nominations for the position of vice chair. Chairman Sewell nominated Ava Kleinman to serve as vice chair for 2019. Mr. Fox seconded the nomination. There being no further nominations, Chairman Sewell called for a vote on the nomination. The motion to elect Ms. Kleinman as vice chair was APPROVED by a vote of 4-0.

APPOINTMENT OF SECRETARY FOR 2019

Chairman Sewell nominated Zoning Administrator Cronin to serve as Secretary to the Board for 2019. Mr. Fox seconded the nomination. There being no further nominations, Chairman Sewell called for a vote on the nomination. The motion to appoint Zoning Administrator Cronin as secretary was APPROVED by a vote of 4-0.
APPROVAL OF MINUTES

1. **Board of Zoning Appeals Meeting: November 8, 2018**: Ms. Kleinman noted a typo on page 7 of the draft minutes ("...from a legal standpoint, the Board shouldn’t address questions of intent if there is a plain meaning in the ordinance."). Ms. Kleinman made a motion to approve the minutes from the November 8, 2018, meeting as amended. Mr. Fox seconded the motion. The motion was **APPROVED** by a vote of 4-0.

ITEMS FOR INFORMATION / DISCUSSION

1. **Update to Application Forms**: Zoning Administrator Cronin stated that he was in the process of finalizing an electronic version of the new application forms. He added that the forms should be ready for review and approval when the Board meets again to review the minutes from the January 29th meeting.

2. **Update on the Status of Previous Variances**: Zoning Administrator Cronin provided an update on the status of Variance #131, which was approved by the Board in 2004. He stated that the town has no records indicating that the owner of Cotton Island (Tax Map # 149-00-00-004) ever moved forward with obtaining a permit and installing a septic system in lieu of connecting to the town’s utility system, as allowed by the variance. He added that town staff is currently seeking records from SCDHEC to determine if a septic system was ever installed at the site, as well as whether the expansion of the existing dock had been reviewed and permitted by OCRM. If staff is unable to identify any records of the septic system being installed, then the town will notify the current owner that the 2004 variance is now expired. In addition, he noted that the Development Standards Ordinance (DSO) was subsequently amended to remove the zoning requirement that new development be connected to the town’s utility system. That section was instead placed under the utility section of the Code of Ordinances. If the current owner were to seek a renewal of the 2004 variance, the Board of Zoning Appeals would no longer have jurisdiction over the request, as it is no longer a part of the town’s zoning requirements. Therefore, only Town Council could modify the utility requirements.

SITE VISITS

Zoning Administrator Cronin distributed copies of the following variance applications to members of the Board and provided a brief overview of each request:

- **Variance #157**: 2633 Seabrook Island Road (To reduce the 25’ Marsh Setback)
- **Variance #158**: 2959 Seabrook Island Road (To exceed the 36’ Maximum Building Height)

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 one or both site visits who does not have access behind the security gate should contact (843) 768-5321 for assistance prior to the meeting.” He added for the record that no one from
the public was present at the meeting, and that no one had requested access behind the security gate for the purpose of observing the site visits. Zoning Administrator Cronin noted that the purpose of each site visit was for observational purposes only, and no testimony would be heard pertaining to the variance application.

The meeting was recessed at approximately 3:45 PM. Board members then traveled individually to 2959 Seabrook Island Road. Staff members at Town Hall were notified that the Board was traveling to the sites, and anyone coming to Town Hall to observe one or both site visits should be directed to those locations.

1. **2959 Seabrook Island Road (Tax Map # 149-10-00-036 – Lot 12-B, Block 42):** The Board reconvened at approximately 3:57 PM at 2959 Seabrook Island Road. Board members observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions regarding the proposed variance; however, no testimony was received. Mr. Patrick Nichols of 2961 Seabrook Island Road observed the site visit.

Mr. Fox left the meeting at approximately 3:59 PM.

The meeting was again recessed at approximately 4:09 PM. Board members then traveled individually to 2633 Jenkins Point Road to conduct the second site visit.

Ms. Kleinman left the meeting at 4:10 PM.

2. **2633 Jenkins Point Road (Tax Map # 149-00-00-046 – Lot 34, Block 52):** The Board, which now lacked a quorum, reconvened at approximately 4:22 PM at 2633 Jenkins Point Road. Board members observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions regarding the proposed variance; however, no testimony was received. There were no observers present.

There being no further business, the meeting was adjourned at 4:36 PM.

Minutes Approved: 

\[Signature\]

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: Variance Application #157 – 2633 Jenkins Point Road (Lot 34, Block 52)
MEETING DATE: January 29, 2019

Variance Application #157

Applicants: John C. Butera & Jean W. Jones (Owners)
Location: 2633 Jenkins Point Road
Tax Map Number: 149-00-00-046 (Lot 34, Block 52)
Zoning District: SR Single-Family Residential
Purpose: Applicant is requesting a variance to reduce the 25-foot marsh setback requirement (§ 7.60.50) for the purpose of installing a pervious pergola system over an existing deck at the rear of the principal residence.

Overview

The Town has received a variance application from John C. Butera and Jean W. Jones, the owners of Charleston County Tax Map # 149-00-00-046, as well as their contractor, Tommy Burl of Surfside Construction. The applicants are requesting a reduction in the 25-foot marsh setback requirement to allow construction of a pervious pergola system over an existing deck at the rear of a single-family residence located at 2633 Jenkins Point Road (Lot 34, Block 52).

As shown in the photos contained in Attachment #5, there is a circular roof covering a portion of the existing deck at the rear of the home. The existing roof, which covers an outdoor kitchen area, encroaches approximately 6.5 feet into the 25-foot marsh setback. **If should be noted that the existing roof was conforming at the time of its construction in 2007-08. The roof was only made non-conforming by subsequent changes to the marsh critical line over the last 10 years. (See Attachment #4 for the as-built survey from 2008.)**

The applicants are proposing to remove the existing circular roof and to replace it with a pervious pergola system that will cover the entire deck, including portions which are currently uncovered. The Zoning Administrator denied a zoning permit in October 2018 due to the fact that a pergola would constitute a “roof or covering of any kind,” thereby converting the existing “pervious deck” (which requires a 15-foot marsh setback) into a “covered porch” (which requires a 25-foot marsh setback). The Zoning Administrator also determined that while the existing non-conforming roof may be repaired and maintained, its removal and replacement with another non-conforming structure would require a variance from the Board of Zoning Appeals.
The applicants filed an appeal of the Zoning Administrator’s decision on October 9, 2018. The Board of Zoning Appeals considered the appeal on November 8, 2018, at which time the Board voted to uphold the Zoning Administrator’s decision. At that time, the applicants were also advised that they may resubmit the request for consideration by the Board as a variance application.

While a majority of the new pergola structure will meet the 25-foot marsh setback requirement, the structure will encroach, at most, 7 feet into the required setback. The proposed pergola will not increase the extent of non-conformity in the area where the existing roof is present; however, one small corner of the deck, if allowed to be covered, would encroach approximately 2-3 feet into the 25-foot marsh setback. The areas of encroachment are highlighted in orange in the graphic on the right.

The property is currently zoned SR Single-Family Residential, and a single-family residence is a permitted use by-right.

With the exception of the aforementioned non-conforming roof, the existing home meets all other requirements of the town’s DSO:

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PER DSO</th>
<th>DSO REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (Principal Structure)</td>
<td>30 feet</td>
<td>§ 7.60.20.10</td>
</tr>
<tr>
<td>Side (Conforming Lot)</td>
<td>15 feet</td>
<td>§ 7.60.20.20</td>
</tr>
<tr>
<td>Marsh (Open Deck)</td>
<td>15 feet</td>
<td>§ 7.60.50</td>
</tr>
<tr>
<td>Marsh (All Other Structures)</td>
<td>25 feet (Roof Nonconforming)</td>
<td>§ 7.60.50</td>
</tr>
<tr>
<td>Driveway (Conforming Lot)</td>
<td>6 feet</td>
<td>§ 7.60.70.10</td>
</tr>
</tbody>
</table>

Therefore, the applicants are requesting a variance from the DSO to allow for the following encroachment into the marsh setback:

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PER DSO</th>
<th>VARIANCE (REQUESTED)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marsh (All Other Structures)</td>
<td>25 feet</td>
<td>Allow encroachment of up to 7 feet where the existing roof is located and up to 3 feet where the non-conforming roof will be expanded</td>
</tr>
</tbody>
</table>

In their application, the applicants have stated their intent in seeking a variance is to be able to use and enjoy their outdoor deck. The applicants argue that replacing the existing solid roof with a
 pervious pergola system will allow water to flow through the deck to the ground below, which is
more in line with the intent of the marsh setback requirement.

**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 building layout as shown on the site-specific plan prepared by the applicant and reviewed by the Board on January 29, 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.

- The variance shall expire on November 2, 2019 (five years from the date of the current OCRM Critical Line Survey) if no zoning permit has been issued by the town on or before that date.

Respectfully submitted,

Joseph M. Cronin
Town Administrator/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.
The following supplemental items have been attached for review:

<table>
<thead>
<tr>
<th>Application &amp; Property Information</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Variance Application</td>
<td>10-13</td>
</tr>
<tr>
<td>2 Property Survey (2014)</td>
<td>14-15</td>
</tr>
<tr>
<td>3 Pergola Design &amp; Renderings</td>
<td>16-29</td>
</tr>
<tr>
<td>4 As-Built Survey (2008)</td>
<td>30-31</td>
</tr>
<tr>
<td>5 Property Photos</td>
<td>32-38</td>
</tr>
<tr>
<td>6 Zoning Map</td>
<td>39-40</td>
</tr>
<tr>
<td>7 Aerial Image</td>
<td>41-42</td>
</tr>
<tr>
<td>8 FEMA Base Flood Elevations</td>
<td>43-44</td>
</tr>
<tr>
<td>9 Title to Real Estate</td>
<td>45-50</td>
</tr>
<tr>
<td>10 Property Information Card</td>
<td>51-52</td>
</tr>
<tr>
<td>11 Public Hearing Notice</td>
<td>53-54</td>
</tr>
<tr>
<td>12 Public Hearing Notice – U.S.P.S. Certified Mail Receipts</td>
<td>55-57</td>
</tr>
<tr>
<td>13 Public Hearing Notice – Post and Courier Legal Ad</td>
<td>58-59</td>
</tr>
<tr>
<td>14 Public Hearing Notice – Property Posting</td>
<td>60-61</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Information</th>
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<tbody>
<tr>
<td>15 2018 Zoning Denial &amp; Appeal:</td>
</tr>
<tr>
<td>a) Letter of Zoning Denial</td>
</tr>
<tr>
<td>b) Notice of Appeal</td>
</tr>
<tr>
<td>c) Board of Zoning Appeals Notice of Decision</td>
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<thead>
<tr>
<th>Written Correspondence Regarding the Proposed Variance Request</th>
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<tbody>
<tr>
<td>16 Letter from Charles Measter (Dec. 31, 2018)</td>
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</table>
ATTACHMENT #1

Variance Application
NOTICE OF APPEAL - Form 1  
Board of Zoning Appeals  
TOWN OF SEABROOK ISLAND-COUNTY OF CHARLESTON

Date Filed: 12/10/2012  
Application Fee: $350.00  
(To be Completed by Office Administration)

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]:
- [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]  
John Burke & Jean Jones
Address: 2633 Jenkins Point Rd.
Telephone: 610-710-1102

Owners(s) [if other than Applicant]  
Address:
Telephone:

Property Address: 2633 Jenkins Point Road
Lot Block Tax Map #

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:  

Tom Bell
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: 12/10/18

Jean White Jones
Applicant Signature(s)
Variance Application - Form 3
Board of Zoning Appeals

Date Filed: ______________ Permit Application No. ____________ Appeal No. ____________

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 provisions of the zoning ordinance:

   so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: Construction of a Pergola over BACK DECK

   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:

   See attached

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

   See attached

   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 attached

   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 attached

3. The following documents are submitted in support of this application: Survey/plot plan, Pergola Design, Sample Photos [A plot plan must be submitted.]

   Date: 12/10/18

   Applicant signature

   Joan Lee

F - 4
12
2a-d. Strict application of the ordinance and failure to grant the variance will cause undue hardship as we are currently unable to use and enjoy our deck due to the extreme heat/sun conditions. Mr. Butera suffers from multiple medical conditions, including cancer and diabetes, and his medical regime limits his sun exposure and tolerance. If we are not granted permission to erect the proposed Pergola over the deck, which will definitely shield that portion of the deck from direct sunlight and blasting heat, we will not be able to use and enjoy the outside of our new home at all.

The construction of the proposed Pergola does not go against the meaning and/or INTENT of the ordinance, and granting the variance will be harmless and cause no detriment to the surrounding neighbor’s property or the environment. The proposed Pergola is an ornamental element that is in keeping with the character of Seabrook Island as the use of Pergolas are abundant on the island, including at the club, pool and property owners building.

Applicant is proposing the removal of the existing “solid roof” system over the outdoor kitchen and replacing it with the Pergola, which is an open system, that will act as a sun shade, but at the same time allows water to pass through and return to the surface. The proposed Pergola is more “environment friendly” than the solid roof structure that is currently in place. It does not transform the deck into a porch; it is not designed to create a new separate and distinct living space; there is no access to the top of it for one to walk on or place furniture on, it is merely an attractive ornamental architectural feature that will act to minimize the sun and heat at the height of the day.

Our proposal clearly meets the 15 foot setback rule and we argue it also complies with the intent of the 25 foot setback in that it is an open system, which merely acts as a sun shade, but allows water to pass through and return to the surface. Our plan is to remove the current “solid roof” which butts out 2½ - 3 feet into the 25 foot setback and replace it with a permeable open system which is more in compliance with the intent of the ordinance.

The Pergola is more like an architectural element than a “roof or a covering” as stated in the ordinance.
ATTACHMENT #2

Property Survey (2014)
ATTACHMENT #3

Pergola Design & Renderings
EXISTING FRAMING
(HOLLOWED TO SHOW BOLTS)

1/2" LAG BOLT
3" MIN. IMBEDMENT
INTO EACH RAFTER
(TO BE SPEC’D BY ENGINEERING)

3/4" HOLE DRILLED
FOR BOLT ACCESS,
SEALED BY GUTTER

GUTTER WILL COVER AND SEAL
HOLES DRILLED TO FACILITATE
INSTALLATION OF LOWER LAGS.

EXISTING ROOF DECKING

2'X8' BEAM PER PLAN

**BOLT SPACING AND LENGTHS
ARE SUBJECT TO CHANGE
DURING FINAL ENGINEERING APPROVAL.

Not to scale
**BOLT SPACING AND LENGTHS ARE SUBJECT TO CHANGE DURING FINAL ENGINEERING APPROVAL.**
EXISTING

Existing Non-Conforming Covering (To Be Removed)

PROPOSED

Proposed Pergola Over Existing Deck

Portion of Pergola which will encroach into setback
ATTACHMENT #4

As-Built Survey (2008)
ATTACHMENT #5

Property Photos
Aerial Image
ATTACHMENT #8

FEMA Base Flood Elevations
(Current & Preliminary)
FEMA Base Flood Elevation (Current)
VE-14

FEMA Base Flood Elevation (Preliminary)
AE-9/10
ATTACHMENT #9

Title to Real Estate
PREPARED BY:
Buell, Byars & Taylor, LLC
130 Gardener’s Circle
PMB# 138
Johns Island, SC 29455
File No. 4537 0001

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that Kenneth W. Hubbard and Deanna Hubbard ("Grantor"), in the State aforesaid, for and in consideration of the sum of ONE MILLION SIX HUNDRED EIGHTY FOUR THOUSAND AND 00/100 DOLLARS ($1,684,000.00), to us in hand paid at and before the sealing of these Presents by John C. Butera and Jean White E. Jones, in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said John C. Butera and Jean White E. Jones, as joint tenants with rights of survivorship and not as tenants in common, the following described property, to wit:

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

TMS Number: 149-00-00-046

Address of Grantee(s):

Louise Jenkins
Salbrook Island, SC 29455

This is the same property conveyed to Grantor by deed from Thomas J. Colatsky and Susan D. Colatsky dated March 28, 2003 and recorded April 4, 2003 in Book E443, page 31, Charleston County Recording Office.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said John C. Butera and Jean White E. Jones, as joint tenants with rights of survivorship and not as tenants in common, their heirs and assigns, forever.

AND subject to the exceptions set forth above, Grantor does hereby bind ourselves and our heirs, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said John C. Butera and Jean White E. Jones, their heirs and assigns, against us and our heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

46
WITNESS our hand and seal this 16th day of August, in the year of our Lord Two Thousand Eighteen and in the Two Hundred and forty-third year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Witness #1

Kenneth W. Hubbard

Witness #2

Deanna Hubbard

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  

The foregoing instrument was acknowledged before me by Kenneth W. Hubbard and Deanna Hubbard, this 11th day of August, 2018.

Riley Thompson  
(SEAL)  
Notary Public for South Carolina  
My commission expires:  

Riley Thompson  
Notary Public for South Carolina  
Commission Expires: September 19, 2027
EXHIBIT A

ALL that certain lot, piece, or parcel of land, together with the improvements thereon, situate, lying and being in the Town of Seabrook Island, Charleston County, South Carolina, and being shown and designated as Lot 34, Jenkins Point Plantation, on a plat entitled "FINAL PLAT OF JENKINS POINT PLANTATION, PHASE III, TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA," prepared by Anderson & Associates, dated March 20, 1998, and recorded in Charleston County RMC Office in Plat Book EC at Page 475.

Reference to said plat is hereby craved for a more complete description as to distances, courses, metes, and bounds.

ALSO

Together with a Non-Exclusive Easement for Ingress and Egress appurtenant to the above described property, on foot or by vehicle, over, upon and across the private roads as shown on the above description plat; said easement to be transferable and is necessary for access to the above described property and shall remain in existence until such time as said private roads are dedicated or are conveyed to Seabrook Island Property Owners Association, at which time this easement shall come to an end.

THIS CONVEYANCE IS SUBJECT TO THE FOLLOWING:

(a) All covenants, obligations, restrictions and limitations contained in the Restate and Fifth modification of Protective Covenants for Seabrook Island Development, recorded in the RMC Office for Charleston County, SC in Book K-215, Page 23, and the Fourth Restated and Amended By-Laws of the Seabrook Island Property Owners Association recorded in the RMC Office for Charleston County in Book K-215, Page 1, which covenants are made applicable to the property hereby conveyed by Declaration dated March 30, 1995, and recorded in Book B-254, Page 588, said RMC Office.

(b) Said property is conveyed subject to all easements as shown or mentioned on the aforesaid plat.

(c) Taxes, user fees, and assessments not yet due and payable.

(d) Interests created by, or limitation on use imposed by the Federal Coastal Zone Management Act or other Federal Law or by S.C. Code, Chapter 39, Title 48, as amended, or any regulations promulgated pursuant to said state or federal laws.

Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.
STATE OF SOUTH CAROLINA   
COUNTY OF CHARLESTON  

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:
1. I have read the information on this Affidavit and I understand such information.

2. The property being transferred is located at 2633 Jenkins Point Road, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 149-00-00-046, was transferred by Kenneth W. Hubbard and Deanna Hubbard to John C. Butera and Jean White E. Jones on August 27, 2018.

3. Check one of the following: The deed is
   (a) _X_ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
   (b)_ ___ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
   (c)_ ___ exempt from the deed recording fee because (See Information section of affidavit): ______________ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

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

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):
   (a) _X_ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $1,684,000.00
   (b) ___ The fee is computed on the fair market value of the realty which is $____________.
   (c) ___ The fee is computed on the fair market value of the realty as established for property tax purposes which is $______.

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

6. The deed recording fee is computed as follows:
   (a) Place the amount listed in item 4 above here: 
   1,684,000.00
   (b) Place the amount listed in item 5 above here: 
   ______________
   (If no amount is listed, place zero here.)
   (c) Subtract line 6(b) from Line 6(a) and place result here: 
   1,684,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: $6,230.80

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

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Legal Representative
______________________________
Randall J. Drew
Print Name

Sworn to before me this 21st day of August, 2018.

Notary Public for South Carolina
My Commission Expires: ____________________________
ATTACHMENT #10

Property Information Card
Charleston County, South Carolina

<table>
<thead>
<tr>
<th>Property ID (PIN)</th>
<th>Alternate ID (AIN)</th>
<th>Parcel Address</th>
<th>Data refreshed as of</th>
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<td>2633 JENKINS POINT RD, SEABROOK ISLAND</td>
<td>1/3/2019</td>
<td>2018</td>
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**Current Parcel Information**

- **Owner**: BUTLER JOHN C E JONES JEAN WHITE
- **Owner Address**: 2633 JENKINS POINT, JOHNS ISLAND SC 29455
- **Property Class Code**: 101 - RESID-SFR
- **Acreage**: .8300
- **Legal Description**: Subdivision Name - JENKINS POINT PLANTATION Description - LOT 34 PHASE III PlatSuffix EC-182 PolTwp 009

**Historic Information**

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Land</th>
<th>Improvements</th>
<th>Market</th>
<th>Taxes</th>
<th>Payment</th>
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**Sales Disclosure**

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<th>Book &amp; Page</th>
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<th>Deed</th>
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<td>HUBBARD KENNETH W</td>
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<td>HORSESHOE CREEK DEVELOPMENT</td>
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<td>EC 475</td>
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**Improvements**

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Public Hearing Notice:
List of Neighboring Property Owners
### Variance Notification List

**2633 Jenkins Point Road**

<table>
<thead>
<tr>
<th>Property Address</th>
<th>Owner(s) of Record</th>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
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<tr>
<td>1203 Jenkins Lagoon Drive N</td>
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<td>13604 Manor Road</td>
<td>Baldwin</td>
<td>MD</td>
<td>21013</td>
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<td>1207 Jenkins Lagoon Drive N</td>
<td>John Ambler</td>
<td>128 Belden Hill Road</td>
<td>Wilton</td>
<td>CT</td>
<td>06897</td>
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<td>1211 Jenkins Lagoon Drive N</td>
<td>Eddie Davis (Trustee) &amp; Elizabeth Davis (Trustee)</td>
<td>1211 Jenkins Lagoon Drive N</td>
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<td>SC</td>
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<td>2624 Jenkins Point Road</td>
<td>Timothy &amp; Maureen Barr</td>
<td>2684 Radford NW Street</td>
<td>North Canton</td>
<td>OH</td>
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<td>2430 Bent Twig Drive</td>
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<td>Greenville</td>
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<td>2637 Jenkins Point Road</td>
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<td>Regime</td>
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Public Hearing Notice:
U.S.P.S. Certified Mail Receipts
Public Hearing Notice:
Post & Courier Legal Ad
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

appeared in the issues of said newspaper on the following day(s):

12/30/18 Sun PC
12/30/18 Sun CNW

at a cost of $112.35
Account# 108294
Order# 1755587
P.O. Number:

Subscribed and sworn to before me this day of

A.D.

Virginia D. Mixon
NOTARY PUBLIC, SC
My commission expires 05/24/2028
Public Hearing Notice: Property Posting
NOTICE
Board of Zoning Appeals Hearing
The Board of Zoning Appeals, Town of Bald Head Island, NC will hold a public hearing on [DATE] at [TIME] at [Location].

PUBLIC INVITED
Property Owner is seeking variance from Section [Section] of the Zoning Ordinance.

NOTICE IS TO ALLOW
Reduction of 25 feet more or any
Any variance for construction or a proposed sign structure

NOTICE MUST BE UP AT THE TIME OF THE PROGRESS INSPECTION.

THIS NOTICE SHALL NOT BE REMOVED OR DEFACED UNDER PUNISHMENT OF LAW.
ATTACHMENT #15-A

2018 Zoning Denial & Appeal:
Letter of Zoning Denial
Dear Mr. Berl:

We have reviewed your zoning permit application, submitted on behalf of John C. Butler and Jean W. Jones (owners), to allow for the installation of a new pergola system over a portion of an existing deck at the rear of 2633 Jenkins Point Road (Charleston County Tax Map Number 149-00-00-046).

Your request for a zoning permit for the above referenced property has been DENIED for the following reasons:

• The rear of the above referenced property abuts a marsh critical area which has been delineated on a survey by SCDHEC-OCRM. Pursuant to the town’s Development Standards Ordinance (DSO), all structures which abut a marsh (exclusive of “open decks”) shall be set back at least 25 feet from the OCRM critical line. “Open decks” are permitted to encroach into the 25-foot marsh setback; provided, however, no part of the deck may be closer than 15 feet from the critical line.

• Though the proposed pergola system is designed to allow water to pass through to the deck and ground below, the DSO defines a deck having a “roof or other covering of any kind” as a “porch” rather than a “deck.”

• Therefore, in my opinion, the installation of a pergola system would require the covered portions of the existing deck to be reclassified as a “porch” rather than an “open deck,” and the 25-foot marsh setback would apply. Because the pergola system would encroach into the 25-foot marsh setback, the zoning permit application has been denied.

• **DSO Code References:**

  o **§ 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.

  o **§ 2.10. Definitions:**

    - *(o) Deck.* An open and uncovered horizontal surface, attached and accessible to and being a part of the primary structure, which is constructed so that rain can
pass directly through it to the ground beneath. *A deck having a roof or other covering of any kind is defined to be a porch.*

- **Porch.** A horizontal surface, attached and accessible to and being a part of the primary structure, which is constructed with or without walls and *with a roof or covering of any kind.* The term "porch" shall include any veranda, terrace, portico or similar projection from a main wall of a building and covered by a roof.

**Right to Appeal**

Any applicant who believes there has been an error in any order, requirement, decision, or determination by the Zoning Administrator in the enforcement of the DSO may submit a Notice of Appeal to the Board of Zoning Appeals, pursuant to § 19.40 of the DSO. Any such appeal must be initiated within 30 days from the date of this letter.

**Variance Applications**

Any applicant may submit a request for a variance from the requirements of the DSO by filing an Application for Variance to the Board of Zoning Appeals. In instances of unnecessary hardship, the Board of Zoning Appeals may authorize the granting of a variance from the requirements of the DSO upon finding that the request meets each of the following criteria:

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and  
(b) Such conditions are peculiar to the particular piece of property involved and do not generally apply to other property in the vicinity; and  
(c) Because of these conditions, application of DSO on this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and  
(d) Relief, if granted, would not cause substantial detriment to adjacent property, the public good or impair the purpose and intent of the DSO or the comprehensive plan

If you or the property owner would like to initiate an appeal or variance request, please contact our office as soon as possible.

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.

Respectfully submitted,

Joseph M. Cronin  
Town Administrator/Zoning Administrator
ATTACHMENT #15-B

2018 Zoning Denial & Appeal:
Notice of Appeal
NOTICE OF APPEAL - Form 1
Board of Zoning Appeals
TOWN OF SEABROOK ISLAND-COUNTY OF CHARLESTON

Date Filed: ____________________ (To be Completed by Office Administration)
Application Fee: $350.00
Permit Application#: __________ 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

Applicant(s) [Please print] John Butler & Jean Jones
Address: 1633 Jenkins Point Rd

Telephone: 464-710-1102

Owners(s) [if other than Applicant]
Address:
Telephone:

Property Address: 1633 Jenkins Point Road
Lot: Block Tax Map #

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 ________________

Applicant’s Certification
I (we) certify that the information in this application and attached Form 2, 3 or 4 is correct
Date ________________
Appeal from Action of Zoning Official - Form 2
Board of Zoning Appeals

Date Filed: ______________ 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 construct a pergola 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:

See Attached Statement

2. Applicant is aggrieved by the action or decision in that:

See Attached Statement

3. Applicant contends that the correct interpretation of the zoning ordinance as applied to the property is:

See Attached Statement

4. Applicant requests the following relief:

See Attached Statement

Date: 10/9/18

[Signature]
Applicant signature
Appeal form Action of Zoning Official

1. My husband, John Butera, and I hereby appeal the denial of our recent application for a building permit to construct a Pergola on the back side of our home, over a portion of our open deck and covered outdoor kitchen.

We understand the denial was based on the fact that the proposed Pergola may be considered a roof and would therefore turn our open deck into a “porch” and the marsh set back guidelines for a “porch” are different than for an “open deck.”

Currently we have an open deck and on the corner of the deck sits an outdoor kitchen area which is currently covered by a solid tin roof structure. (Pictures of current deck/outdoor kitchen and plans for Pergola have been submitted to Joe Cronin, Town Administrator and are available for review.)

Our proposal is to take down the solid roof covering the kitchen area and instead have the Pergola extend from the back of the house over to and on top of the outside kitchen.

We disagree that the construction of the Pergola, an open permeable system that allows water to return to the surface, turns our deck into a porch. Rather it is an architectural element that also acts as a sun shield on the deck.

2. We are currently unable to use and enjoy our deck due to the extreme heat/sun conditions. Mr. Butera suffers from multiple medical conditions, including cancer and diabetes, and his medical regime limits his sun exposure and tolerance. If we are not granted permission to erect the proposed Pergola over the deck, which will definitely shield that portion of the deck from direct sunlight and blasting heat, we will not be able to use and enjoy the outside of our new home at all.

3. The ordinance wording is ambiguous at best, however, we believe the proposed Pergola does not go against the intent of the ordinance. The ordinance was meant to prevent a solid roof or closed horizontal structure from being constructed within the defined marsh setback.

Our proposal clearly meets the 15 foot setback rule and we argue it also complies with the intent of the 25 foot setback in that it is an open system, that merely acts as a sun shade, but allows water to pass through and return to the surface. Our plan is to remove the current “solid roof” which butts out into the 25 foot setback and replace it with a permeable open system which is more in compliance with the intent of the ordinance.

The proposed Pergola does not transform our deck into a porch; is not designed to create a new separate and distinct living space; there is no access on top of it for one to walk, or place furniture; it is merely a system to help shade a portion of the current deck.
The Pergola is more like an architectural element than a “roof or a covering” as stated in the ordinance.

4. We respectfully request the Zoning Board grant our request and issue a permit allowing us to construct a Pergola over that portion of the deck described in our initial application.

Thank you for your time and consideration.
ATTACHMENT #15-C

2018 Zoning Denial & Appeal:
Board of Zoning Appeals Notice of Decision
NOTICE OF DECISION

Board of Zoning Appeals
Town of Seabrook Island

TO: John C. Butera & Jean W. Jones, 2633 Seabrook Island Road, Seabrook Island, SC 29455
FROM: Walter Sewell, Chairman, Board of Zoning Appeals
SUBJECT: Notice of Decision – Appeal #38 (2633 Jenkins Point Road)
DATE: November 29, 2018

John C. Butera and Jean W. Jones (hereafter, the “Property Owners”) are the owners of real property located at 2633 Jenkins Point Road (Tax Map # 149-00-00-046), in the Town of Seabrook Island, County of Charleston, State of South Carolina (hereafter, the “Property”).

On October 9, 2018, the Zoning Administrator for the Town of Seabrook Island (hereafter, the “Zoning Administrator”) denied a request from the Property Owners to issue a zoning permit to construct a pergola at the rear of an existing residence located on the Property. The reasons cited by the Zoning Administrator for denial of the permit were as follows:

- The rear of the Property abuts a marsh critical area which has been delineated on a survey by SCDHEC-OCRM. Pursuant to the town’s Development Standards Ordinance (DSO), all structures which abut a marsh (exclusive of “open decks”) shall be set back at least 25 feet from the OCRM critical line. “Open decks” are permitted to encroach into the 25-foot marsh setback; provided, however, no part of the deck may be closer than 15 feet from the critical line.

- Though the proposed pergola system was designed to allow water to pass through to the deck and to the ground below, the DSO defines a deck having a “roof or other covering of any kind” as a “porch” rather than a “deck.” [Emphasis added]

- Therefore, in the Zoning Administrator’s opinion, the installation of a pergola system would require the covered portions of the existing deck to be reclassified as a “porch” rather than an “open deck,” and the 25-foot marsh setback would apply. Because the pergola system would encroach into the 25-foot marsh setback, the zoning permit application was denied.
On October 9, 2018, the Town of Seabrook Island (hereafter, the “Town”) received a completed Notice of Appeal (Appeal #38) from the Property Owners, as well as their designated agent, Tom Berl of Surfside Construction (hereafter, collectively, the “Applicants”). In their Notice of Appeal, the Applicants argued:

- We disagree that the construction of the Pergola, an open permeable system that allows water to return to the surface, turns our deck into a porch. Rather it is an architectural element that also acts as a sun shield on the deck.

- The ordinance wording is ambiguous at best, however, we believe the proposed Pergola does not go against the intent of the ordinance. The ordinance was meant to prevent a solid roof or closed horizontal structure from being constructed within the defined marsh setback.

- Our proposal clearly meets the 15 foot setback rule and we argue it also complies with the intent of the 25 foot setback in that it is an open system, that merely acts as a sun shade, but allows water to pass through and return to the surface. Our plan is to remove the current "solid roof" which butts out into the 25 foot setback and replace it with a permeable open system which is more in compliance with the intent of the ordinance.

- The proposed Pergola does not transform our deck into a porch; is not designed to create a new separate and distinct living space; there is no access on top of it for one to walk, or place furniture; it is merely a system to help shade a portion of the current deck.

- The Pergola is more like an architectural element than a "roof or a covering" as stated in the ordinance.

A public hearing on the Applicants’ appeal was advertised, pursuant to § 19.40 of the DSO, and held at 2:30 PM on November 8, 2018, at Seabrook Island Town Hall. During the public hearing, the Board heard testimony from the Applicants and the Zoning Administrator. No other residents or neighboring property owners provided testimony in support of, or in opposition to, the Applicants’ appeal. An agenda packet, including supporting materials, was prepared and distributed to members of the Board and the Applicants in advance of the meeting. These materials were also made available for public inspection prior to the meeting.

Pursuant to § 19.30.10 of the DSO, the Board of Zoning Appeals has 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 DSO. In exercising these powers, the Board of Zoning Appeals may 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.

DECISION
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, the Board of Zoning Appeals determined that the language in the DSO regarding the definition of an “open deck” and “porch” were clear and unambiguous, and that the installation of a covering “of any kind” would convert the existing deck into a porch under the provisions of the DSO.

Therefore, Mr. Leggett made a motion, seconded by Ms. Kleinman, to accept the appeal as submitted by the Applicants. The motion to accept the appeal was REJECTED by a vote of 0-4.

Therefore, the decision of the Zoning Administrator is hereby AFFIRMED.

IT IS SO ORDERED

Respectfully submitted,

[Signature]

Walter Sewell
Chairman, Board of Zoning Appeals
Letter from Charles Measter (Dec. 31, 2018)
Dear Mr. Cronin,

We object to reducing the 25 ft setback requirement on this property. To our knowledge you have had numerous requests for variances in the past and you have not allowed this setback requirement to be adjusted.

Best regards,

Barbara & Charles Measter
TO: Town of Seabrook Island Board of Zoning Appeals Members
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator Variance
SUBJECT: Application # 158 – 2959 Seabrook Island Road (Lot 12-B, Block 42)
MEETING DATE: January 29, 2019

Variance Application #157

<table>
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<tr>
<th>Applicants:</th>
<th>Raymond &amp; Stephanie Hamilton (Owners) Galloway Family Homes (Builder)</th>
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<tbody>
<tr>
<td>Location:</td>
<td>2959 Seabrook Island Road</td>
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<tr>
<td>Tax Map Number:</td>
<td>149-10-00-036 (Lot 12-B, Block 42)</td>
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<td>Zoning District:</td>
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</tr>
<tr>
<td>Purpose:</td>
<td>Applicant is requesting a variance to exceed the 36-foot maximum height requirement for a single-family residential structure by 1.2 feet (§ 7.90.20)</td>
</tr>
</tbody>
</table>

Overview

The Town has received a variance application from Raymond and Stephanie Hamilton, the owners of Charleston County Tax Map # 149-10-00-036, as well as their builder, Clint Galloway of Galloway Family Homes. The applicants are requesting a variance from the town’s zoning requirements to exceed the 36-foot maximum height requirement for a single-family residential structure currently under construction at 2959 Seabrook Island Road (Lot 12-B, Block 42).

The town’s Zoning Administrator approved a zoning permit (Permit #14595) for construction of a new single-family home at 2959 Seabrook Island Road on March 16, 2018. A building permit was subsequently issued by Charleston County, and construction on the new home began in the spring of 2018.

As part of its permitting and inspection process, the town’s Development Standards Ordinance (DSO) requires a permit holder to perform and file with the town several surveys at various stages of the construction process. These include:

- § 13.70.30. Foundation Survey. A South Carolina Registered Land Surveyor immediately upon completion of the foundation must perform a foundation survey for each new structure, or addition to an existing structure which exceeds or is outside the furthermost limits of the existing footprint. Such survey must be filed with the Zoning Administrator before any further construction can proceed.
• § 13.70.40. Certification of Height of Structure. Construction of any structure shall not proceed beyond the establishment of the roof peak line during construction without certifying to the Zoning Administrator in writing by a certified surveyor the height of said roof peak above the FEMA flood level for that site.

• In addition, the town requires completion of a preliminary elevation certificate to verify that the foundation of a new structure meets the town and county’s minimum flood elevation requirements.

As of October 30, 2018, the town had not received any of these documents from the builder, Galloway Family Homes. On that date, the town’s License & Permit Specialist, Lynda Stearns, sent a letter to Galloway reminding them of their obligation to file the required information. After 30 days in which no response was received, the town’s Code Enforcement Officer placed a “Stop Work Order” on the property on December 4, 2018. A follow up letter was sent by Ms. Stearns to Galloway on December 5, 2018.

Galloway submitted a foundation survey, certificate of height and preliminary elevation certificate to the town on or around December 22, 2018. These documents were reviewed by the Zoning Administrator for consistency with the town’s DSO and the approved construction plans for the project. While the foundation survey and preliminary elevation certificate were found to comply, the certificate of height – which was completed by professional surveyor Lauren Maurice Wilder on December 6, 2016 – indicated that the total height of the structure (39.2 feet) exceeded the maximum allowable under the town’s DSO by 1.2 feet. The town’s Zoning Administrator, Joe Cronin, notified Galloway of this non-conformity on December 20, 2018, and the builder was further instructed on December 27, 2018, to either 1) bring the structure into conformity with the maximum height requirement; or 2) submit a variance application for consideration by the Board of Zoning Appeals.

Prior to submitting their variance application, the builder notified the Zoning Administrator by phone that the primary reasons for the non-conformity were the SIPOA’s request to raise the finished grade of the property for drainage purposes, as well as an error made in the field when constructing the building’s foundation.

A review of the approved building plans, as well as the preliminary elevation certificate, support Galloway’s second claim regarding a building error. In the approved plans (see sheet 4.10 in Attachment #3), the finished elevation at the top of the first floor was intended to be 4’ 9” above the 15-foot design flood elevation, or 19’ 9” above mean sea level. On page 2 of the preliminary elevation certificate, however, the finished elevation at the top of the first floor was surveyed at 21.2 feet above mean sea level, or 1.3 feet higher than in the approved plans (see Attachment #5). This discrepancy resulted in the structure exceeding the maximum height requirement by 1.2 feet. A subsequent survey prepared by professional surveyor Mark E. Lamb on January 17, 2019, indicated the structure exceeded the maximum height requirement by only 0.96 feet.

The town’s maximum building height requirement is governed by § 7.90 of the town’s DSO, which contains the following provisions:
• § 7.90.20 The maximum height for any single family residential structure shall be thirty-six (36) feet above the combination of the base flood elevation and the Charleston County Building Department’s minimum freeboard requirement as set forth and defined in the County’s applicable rules, regulations and ordinances in effect at such time. In the event there exist elevations which are higher than the base flood elevation combined with the County’s freeboard requirement as defined above, and such land is located within the building’s footprint, then the maximum height of thirty-six (36) feet shall be measured from whichever is greater.
  o Note: The county’s current freeboard (FB) requirement is two (2) feet above Base Flood Elevation (BFE). Therefore, the maximum allowable height under the zoning ordinance is BFE + 2-foot FB + 36 feet; or alternatively, BFE + 38 feet.

• § 7.90.30. Exemptions. Height limitations of this Ordinance shall not apply to monuments, water towers, transmission towers, utility poles, chimneys, flag poles or farm structures not intended for human occupancy. They do, however, apply to decks, widow walks, etc., erected on top of structures.

As indicated on both the Wilder survey of December 6, 2018 (39.2 feet), as well as the subsequent Lamb survey prepared on January 17, 2019 (38.96 feet), it is clear that the building exceeds the town’s maximum height requirements by at least 0.96 foot, and as much as 1.2 feet.

In reviewing options for addressing this error, the Zoning Administrator considered the following factors, as allowed by the DSO:

• Pursuant to § 7.90.10 of the DSO, multi-family and commercial buildings may increase height one (1) additional foot for each three (3) feet of additional front setback with a maximum height of forty (40) feet above the required base flood elevation as established by Town Code.
  o Conclusion: While the home at 2959 Seabrook Island Road contains a front yard setback well in excess of the required 30 feet, the property is not zoned for multi-family or commercial use. Therefore, the Zoning Administrator determined that the additional height allowance authorized by § 7.90.10 would not apply.

• In addition, § 13.70.60.20 of the DSO contains the following provisions for “Building Errors:”
  o In the event that a building has been partially constructed in a manner that it does not comply with yard requirements applicable at the time of such construction, such building may be exempt from district requirements provided a reduction has been approved by the Zoning Administrator in accord with the following provisions:
    (a) The Zoning Administrator has determined that:
      (1) The error does not exceed ten (10%) percent of the measurement that is involved;
      (2) The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in location of the building subsequent to the issuance of a building permit, if such was required;
      (3) Such reduction will not impair the purpose and intent of this Ordinance;
(4) The reduced yard requirement will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
(5) The reduced yard requirement will not create an unsafe condition with respect to both other property and public streets;
(6) To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
(7) The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulation.

(b) In approving such a reduction under the provision of this Section, the Zoning Administrator has allowed only a reduction necessary to provide reasonable relief and, as deemed available, and prescribed such conditions, to include landscaping and screening measures to assure compliance with the intent of this Ordinance.

(c) The Zoning Administrator shall not have waived or modified the standards necessary for approval specified in this Section.

(d) If there is an error greater than ten (10%) percent of the measurement that is involved, the property owners shall have obtained a variance from the Board of Zoning Appeals.

Conclusion: While the non-conforming height at 2959 Seabrook Island Road is less than 10% and appears to have been the result of a good faith error through no fault of the property owner, the provisions of § 13.70.60.20 deal explicitly with “yards.” Therefore, it was the opinion of the Zoning Administrator that § 13.70.60.20 was intended to authorize “de minimus” encroachments into the required setbacks, but that such modifications would not be applicable to buildings which exceed the maximum height requirement.

Absent any administrative remedies, the builder was advised to either modify the home to bring it into conformity with the town’s maximum height requirement, or to submit a variance application for consideration by the Board of Zoning Appeals. The applicant has elected to pursue the latter.

The property is currently zoned SR Single-Family Residential, and a single-family residence is a permitted use by-right at this location. With the exception of the aforementioned building height, the structure at 2959 Seabrook Island Road will meet or exceed all other requirements of the DSO:

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PER DSO</th>
<th>DSO REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (Principal Structure)</td>
<td>30 feet</td>
<td>§ 7.60.20.10</td>
</tr>
<tr>
<td>Side (Conforming Lot)</td>
<td>15 feet</td>
<td>§ 7.60.20.20</td>
</tr>
<tr>
<td>Rear (Principal Structure)</td>
<td>25 feet</td>
<td>§ 7.60.20.30</td>
</tr>
<tr>
<td>Rear (Deck/Open Space Lot)</td>
<td>15 feet</td>
<td>§ 7.60.50</td>
</tr>
<tr>
<td>Driveway (Conforming Lot)</td>
<td>6 feet</td>
<td>§ 7.60.70.10</td>
</tr>
<tr>
<td>Building Height</td>
<td>36 feet above BFE + FB (Nonconforming)</td>
<td>§ 7.90.20</td>
</tr>
</tbody>
</table>

Therefore, the applicants are requesting a variance from the DSO to allow for the following modification:
### 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 building elevation as presented by the applicant and reviewed by the Board on January 29, 2019. Any modification to this building elevation prior to the issuance of an amended zoning permit and/or certificate of occupancy, 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.

- If the existing building permit for 2959 Seabrook Island Road expires prior to the issuance of a Certificate of Occupancy, or prior to the granting of an extension pursuant to § 7.90.20 of the DSO, a variance authorizing the structure to exceed the maximum height shall terminate upon expiration of the existing building permit.

Respectfully submitted,

Joseph M. Cronin
Town Administrator/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.
The following supplemental items have been attached for review:

<table>
<thead>
<tr>
<th>Application &amp; Property Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Variance Application</td>
<td>p. 83-86</td>
</tr>
<tr>
<td>2 Zoning Permit (March 2018)</td>
<td>p. 87-88</td>
</tr>
<tr>
<td>3 Approved Building Plans (March 2018)</td>
<td>p. 89-104</td>
</tr>
<tr>
<td>4 Approved Site Plan (March 2018)</td>
<td>p. 105-106</td>
</tr>
<tr>
<td>5 Elevation Certificate (October 2018)</td>
<td>p. 107-113</td>
</tr>
<tr>
<td>6 Foundation Survey (December 2018)</td>
<td>p. 114-115</td>
</tr>
<tr>
<td>7 Certification of Height (December 2018)</td>
<td>p. 116-117</td>
</tr>
<tr>
<td>8 Certification of Height (January 2019)</td>
<td>p. 118-119</td>
</tr>
<tr>
<td>9 Property Photos</td>
<td>p. 120-124</td>
</tr>
<tr>
<td>10 Zoning Map</td>
<td>p. 125-126</td>
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<tr>
<td>11 Aerial Image</td>
<td>p. 127-128</td>
</tr>
<tr>
<td>12 FEMA Base Flood Elevations (Current &amp; Preliminary)</td>
<td>p. 129-130</td>
</tr>
<tr>
<td>13 Title to Real Estate</td>
<td>p. 131-136</td>
</tr>
<tr>
<td>14 Property Information Card</td>
<td>p. 137-138</td>
</tr>
<tr>
<td>15 Public Hearing Notice – List of Neighboring Property Owners</td>
<td>p. 139-140</td>
</tr>
<tr>
<td>16 Public Hearing Notice – U.S.P.S. Certified Mail Receipts</td>
<td>p. 141-143</td>
</tr>
<tr>
<td>17 Public Hearing Notice – Post and Courier Legal Ad</td>
<td>p. 144-145</td>
</tr>
<tr>
<td>18 Public Hearing Notice – Property Posting</td>
<td>p. 146-147</td>
</tr>
<tr>
<td>19 Communication from Lynda Stearns to Galloway Homes</td>
<td>p. 148-151</td>
</tr>
<tr>
<td>20 Communication from Joe Cronin to Galloway Homes</td>
<td>p. 152-154</td>
</tr>
<tr>
<td>21 Communication between BOZA, Joe Cronin &amp; SIPOA/ARC</td>
<td>p. 155-157</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Information</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>22 Height Certificates &amp; Photos of Neighboring Properties</td>
<td></td>
</tr>
<tr>
<td>a) 2962 Seabrook Island Road (Lot 3, Block 38)</td>
<td>p. 158-160</td>
</tr>
<tr>
<td>b) 2960 Seabrook Island Road (Lot 4, Block 38)</td>
<td>p. 161-163</td>
</tr>
<tr>
<td>c) 2958 Seabrook Island Road (Lot 5, Block 38)</td>
<td>p. 164-166</td>
</tr>
<tr>
<td>d) 2956 Seabrook Island Road (Lot 6, Block 38)</td>
<td>p. 167-169</td>
</tr>
<tr>
<td>e) 2963 Seabrook Island Road (Lot 12, Block 42)</td>
<td>p. 170-171</td>
</tr>
<tr>
<td>f) 2961 Seabrook Island Road (Lot 12-A, Block 42)</td>
<td>p. 172-174</td>
</tr>
<tr>
<td>g) 2957 Seabrook Island Road (Lot 12-C, Block 42)</td>
<td>p. 175-177</td>
</tr>
<tr>
<td>h) 2955 Seabrook Island Road (Lot 12-D, Block 42)</td>
<td>p. 178-180</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Written Correspondence Regarding the Proposed Variance Request</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>23 Letter from Jean &amp; Kevin Dunn (Jan. 08, 2019)</td>
<td>p. 181-182</td>
</tr>
<tr>
<td>24 Letter from Julie McCulloch (Jan. 22, 2019)</td>
<td>p. 183-184</td>
</tr>
</tbody>
</table>
Variance Application
Notice of Appeal - Form 1
Board of Zoning Appeals

Date Filed: 12/28/2018 Permit Application No. 14595 Appeal No. __________

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] Galloway Family Homes
Address: 203 Bree 1493 29040, SC 29043
Telephone: 803-407-0370 [work] [home]
Interest: Owner(s):

OWNER(S) [if other than Applicant(s)]: Raymond & Stephanie Hamilton
Address: Telephone: 770-289-6241 [work] [home]

PROPERTY ADDRESS:
Lot 12/3 Block 42 Subdivision Seabrook Island
Tax Map No. 149-10-00-036 Plat Book AF Page 58
Lot Dimensions: 180 x 160 Area: 19.00
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: 12/28/2018

I (we) certify that the information in this application and the attached Form 2, 3 or 4 is correct.

Date: 12/27/18

Owner signature(s)

Applicant signature(s)
Variance Application - Form 3
Board of Zoning Appeals

Date Filed: 12/28/2018 Permit Application No. 14595 Appeal No. 58

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 provisions of the zoning ordinance:

7.90.20 Maximum Height for Single Family Home

so that a zoning permit may be issued to allow use of the property in a manner shown on the attached plot plan, described as follows: Allow Height of Roof to be 3912 feet, which is 12 feet above existing code for setback, 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: (1) pad was increased due to drainage issues; (2) house was already framed before roof height was discovered; A&B recommended increased pad.

b. These conditions do not generally apply to other property in the vicinity as shown by: House is already constructed. Section pad was raised on foundation. This was not discovered until framing was completed. There are finished houses on both sides with completed landscaping. A&B recommended increased pad.

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: Water flow for drainage would not meet code. To lower roof pitch to bring into code would not flow with other houses in vicinity.

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: Setbacks on the front is for enough back (7.6.7) To be not notched, commercial and multi-family allows for an additional 2 feet in height for every 3 feet further setback.

3. The following documents are submitted in support of this application: Plot Plan

Certificate of Height

[A plot plan must be submitted.]

Date: 12/27/18

Applicant signature
Unnecessary Hardship Worksheet

Would these facts support a variance?

Yes No

1.  ✔   The variance will be harmless.

2.  ❌   Applicant will have difficulty locating a site for his use if relief is denied.

3.  ✔   Applicant will suffer economic disadvantage if a variance is not granted.

4.  ❌   The hardship existed when applicant bought the property.

5.  ✔   Other property in the neighborhood suffers from the same problems.

6.  ✔   Property cannot be used for any permitted purpose without the variance.

7.  ✔   Strict application of ordinance would destroy the value of the property.

8.  ✔   Applicant could make increased profit if variance is granted.

9.  ✔   Applicant can make no reasonable return from any permitted use without a variance.

10.  ✔   The hardship is not due to the zoning ordinance.

11.  ✔   A similar variance was granted on other property.

12.  ✔   Property cannot be sold for any permitted use without the variance.

13.  ✔   The owner has invested money in anticipation of a variance.

14.  ✔   A substantial investment was made before more restrictive zoning amendments were adopted.

15.  ✔   A variance would make an operation more efficient.

16.  ✔   Adjacent property is used in the same manner as proposed by the variance.

17.  ✔   Increased highway noise and traffic make use unprofitable without a variance.

18.  ✔   Taking a portion of the property for highway widening makes lot size nonconforming.

19.  ✔   Natural conditions make filling or grading too expensive.

20.  ✔   Owner cannot get a loan because use is not feasible without a variance.
Zoning Permit (March 2018)
Town of Seabrook Island - Zoning Permit

<table>
<thead>
<tr>
<th>Permit Date: 3/14/2018</th>
<th>Permit #: Town: 14595</th>
<th>License #: 20180962</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid Date: 3/14/2018</td>
<td>App Fee: $100.00</td>
<td>Cash: No</td>
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<tr>
<td></td>
<td>Check #: 8218</td>
<td></td>
</tr>
<tr>
<td>Applicant Name:</td>
<td></td>
<td>Phone: 803-513-1439</td>
</tr>
<tr>
<td>Galloway Family Homes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contact Name:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chris Eller</td>
<td></td>
<td></td>
</tr>
<tr>
<td>App Address1:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Post Office Box 1483</td>
<td></td>
<td></td>
</tr>
<tr>
<td>App Address2:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>App City:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Irmo</td>
<td>St: SC</td>
<td>Zip: 29063</td>
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<tr>
<td>Property Owner:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hamilton</td>
<td>Property Address:</td>
<td></td>
</tr>
<tr>
<td>1660 Winding Creek Circle</td>
<td>2959 Seabrook Island Road</td>
<td></td>
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<tr>
<td>Owner Address2:</td>
<td>2055 Seabrook Island Road</td>
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<tr>
<td>Owner City:</td>
<td>Seabrook Island</td>
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<tr>
<td>TMS Number: 149-10-00-036</td>
<td>Thru: Lot: 12B</td>
<td>Block: 42</td>
</tr>
<tr>
<td>Purpose: New Construction Single Family</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Work Value: $745,000.00 Flood Elev: 13 Zone: AE

Architectural Review Board: KB

Comments: The applicant must obtain a Charleston County building permit and inspections. All special trade contractors must have a Seabrook Island business license.

Amendment:

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 3/16/2018  Zoning Administrator 3/16/2018
Approved Building Plans (March 2018)
Hamilton Residence  
2959 Seabrook Isle Rd.  
Seabrook, SC

GENERAL NOTES
1. MAIN HOUSE WALLS EXTERIOR TO 2X6 (UNO)
2. GARAGE WALLS TO BE PIER & COVERS (UNO)
3. INTERIOR WALLS TO BE 2X4 (UNO)
4. GARAGE PLATE HEIGHT TO BE 6’-4”
5. FIRST FLOOR PLATE HEIGHT TO BE 10/1-1/2”
6. SECOND FLOOR PLATE HEIGHT TO BE 9/1-1/2” (UNO)
7. SCREENED PORCH ROOF PLATE HEIGHT TO BE 10/1-1/2” (PULLED FROM TOP OF FIRST FLOOR)
8. FRONT PORCH PLATE HEIGHT TO BE 10-1/2” (PULLED FROM TOP OF FIRST FLOOR)
9. RAISE LEVEL AS NEEDED TO MATCH EAVES PER ELEVATIONS
10. SEE ENGINEERING OR TRuss LAYOUT FOR ALL FLOOR & CEILING JOIST SIZES AND SPACING. HEADER & BEAM SIZES
11. ALL LINEN CLOSETS TO HAVE 5 SHELVES, 15” OR 1/2” DEEP AS SPECIFIED
12. PANTRY: TO HAVE 5 SHELVES, 12” DEEP
13. VERIFY REQUIRED EGRESS WINDOWS MEET EGRESS MI WINDOW MANUFACTURER, CASEMENTS MAY NEED EGRESS HARDWARE
14. ANY ROOF HAVING A 4:12 ROOF PITCH OR LESS TO HAVE 2 LAYERS OF ROOFING FELT INSTALLED
15. CABINET BLOCKING: 2X6 CENTERED ON ALL CABINET WALLS FRAMED AT 24” C.C. @ 7” & 15” A.P.F. CUBICLE HEIGHTS OF 7’ IN HIGH TO HAVE 6’ BLOCKING. CUBICLE HEIGHTS OF 4” HIGH TO HAVE 3’ BLOCKING. INSTALL 1/2” BLOCKING FOR CABINET ABOVE REFRIGERATOR
16. WINDOWS & DOOR GLASS U-FACTOR TO BE MAX. OF 0.47 (80% IMPACT)
17. GLAZED TERRAZZO BRACE RATING TO BE A MAX. OF 3.0
18. CEILING INSULATION TO BE R-20
19. WALL INSULATION TO BE R-15
20. FLOOR INSULATION TO BE R-15
21. ALL DOORS THAT ARE NOT DIMENSIONAL TO THE CENTER LINE ARE EITHER CENTERED OR 6” OFF NEAREST WALL
22. PROVIDE STUD CLUSTERS @ ENDS OF EACH BEAM
23. PROVIDE FIREBLOCKING AT ALL CHASES PER IRC 602.8
24. SEAL ALL PENETRATIONS FROM GROUND FLOOR TO HABITABLE SPACE ABOVE WHERE RATED CAULK
25. PROVIDE DT TYPE A GYPSUM ON GROUND FLOOR CEILING FOR FIREBLOCKING TO FIRST FLOOR
26. NOTE IN ATTIC TO REMOVE WOOD STUDS

ELECTRICAL NOTES
1. ALL BEDROOM SMOKE DETECTORS TO BE WALL MOUNTED AND CENTERED BETWEEN DOOR HEADER AND CEILING UNITS TO BE INTERCONNECTED (CAN BE WIRELESS INTERCONNECTED)
2. FIELD TERTIARY LOCATION OF TELEVISION JACKS AND PHONE JACKS WITH OWNER PRIOR TO INSTALLATION
3. ELECTRICAL PANEL TO BE LOCATED BY ELECTRICIAN
4. ELECTRIC CONTRACTOR TO INSTALL ALL UTILITIES DIRECT BURIAL CLAMP (VS-01 DB) ONTO CONT. FTG STEEL W/ COPPER GROUND
5. ELECTRIC CONTRACTOR TO INSTALL 110 OUTLET & 220 DISCONNECT IN ATTIC FOR A.H. 110 OUTLET TO BE WITHIN 24” OF UNIT
6. ALL 120V, 15AMP. AND 20AMP. OUTLETS SHALL BE TAMPER RESISTANT RECEPTACLES, PER NEC 408.11
7. PROVIDE HIGH EFFICIENCY LAMPS FOR AT LEAST 50% OF LIGHTING FIXTURES
8. ALL 120V, 15AMP. & 20AMP. CIRCUITS IN ALL ROOMS SHALL BE PROTECTED BY A LISTED COMBINATION TYPE AFCI DEVICE, EXCEPT: KITCHEN, BATHROOM, OUTSIDE RECEPTACLES, BASEMENT OR SPECIAL DEDICATED CIRCUITS, PER NEC 210.12 (B)
9. STANDARD ELECTRICAL FIXTURES TO BE 1’ ABOVE EFT (2’ FOR CHARLESTON COUNTY)
10. ALL ELECTRICAL LOCATED BELOW FLOOD ELEVATION TO COMPLY WITH IRC 210.16.8. THE APPLICABLE CODE IN THE NEC 2014, WHICHER SUPERCEDES
11. VERIFY TYPE & LOCATION OF WATER HEATER & INSTALL NECESSARY ELECT. COMPONENTS

DESIGN CRITERIA:
1. 1-1/2 STORY SINGLE FAMILY RESIDENTIAL STRUCTURE
2. LOCATED IN THE CITY OF SEABROOK ISLAND
3. PROPERTY IS LOCATED IN AN AE1 FLOOD ZONE
4. SEE FRONT ELEVATION SHEET FOR BUILDING HEIGHT
5. PLANS TO COMPLY WITH 2015 IRC, FFC & IFC w/SC MODIFICATIONS
6. PLANS TO COMPLY WITH 2015 IRC & IFCC
7. PLANS TO COMPLY WITH 2008 NECC
8. PLANS TO COMPLY WITH 2015 IFCC

SQUARE FOOTAGE

<table>
<thead>
<tr>
<th>Name</th>
<th>HEATED SQ. FT</th>
<th>UNHEATED SQ. FT</th>
<th>TOTAL UNDER ROOF</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Floor</td>
<td>2025 SF</td>
<td>2025 SF</td>
<td>2025 SF</td>
</tr>
<tr>
<td>Second Floor</td>
<td>1082 SF</td>
<td>1082 SF</td>
<td>1082 SF</td>
</tr>
<tr>
<td>Ground Floor</td>
<td>2260 SF</td>
<td>2260 SF</td>
<td>2260 SF</td>
</tr>
<tr>
<td>Front Porch</td>
<td>196 SF</td>
<td>196 SF</td>
<td>196 SF</td>
</tr>
<tr>
<td>Screened Porch</td>
<td>325 SF</td>
<td>325 SF</td>
<td>325 SF</td>
</tr>
<tr>
<td>Total SQ. FTG.</td>
<td>5154 SF</td>
<td>5154 SF</td>
<td>5154 SF</td>
</tr>
</tbody>
</table>

Grilling Deck | 95 SF |

ROOF VENTING CALC.
2000 SF of attic space.
2000 / 500 = 4 s.f. (required ventilation)
14 ft x 12’ = 168 s.f. (required ventilation)
1008 sq. inches of ridge vent required.
Install a minimum of 56 Linear Ft. of Venturi Vent Plus ridge vent, this will provide 1008 sq. inches of ventilation.
1008 sq. inches of vented soffit required.
Install a minimum of 161 Linear Ft. of hard vented soffit, this will provide 644 sq. inches of ventilation. Additionally install 150 (4") round soffit vents. This will provide a total of 1008.5 sq. inches of ventilation.

ELECTRICAL LEGEND

OUTLETS
- DUPLEX OUTLET
- GFI OUTLET
- RANGE / Dryer 220V OUTLET
- WATERPROOF OUTLET
- WATERPROOF & GFI OUTLET
- FLOOR OUTLET
- GARAGE OUTLET
- CATV (TELEVISION) OUTLET
- DIRECT WIRE APPLIANCE CONNECTION

SWITCHES
- SINGLE POLE SWITCH
- THREE-WAY SWITCH
- FOUR-WAY SWITCH

LIGHT FIXTURES
- CEILING FAN
- CEILING SURFACE MOUNT LIGHT
- RECESSED CAN LIGHT
- WALL SCONCE
- WALL SURFACE MOUNT LIGHT
- FLOOD LIGHT

MISC FIXTURES
- CARBON MONOXIDE & SMOKE DETECTOR
- SMOKE DETECTOR
- EXHAUST FAN
- ELECTRICAL PANEL

FOOTNOTE:
Square inches of ventilation per square foot of floor space.
Louvered vents provide 1.25 s.f. of ventilation per linear foot.
2200 s.f. of ground floor space
approx. 107 linear feet of louvered vents.
this will provide 13,720 sq. inches of ventilation.

TWO WORLD TRADE CENTER 2005
SEABROOK ISLAND SEABROOK ISLAND

Approved By: [Signature]
Approved As Submitted
No Amendments, Alterations or Changes to Plans will be Made Without Prior Approval from The Town of Seabrook Island
Front Elevation
1/8" = 1'-0"
Rear Elevation
1/8" = 1'-0"
ADDITIONAL IEC COMPLIANCE INFORMATION:
1. PRESCRIPTIVE METHOD OF IEC COMPLIANCE TO BE USED
2. SEE SECTION ON THIS SHEET FOR DESCRIPTION OF R VALUES AND CONTINUOUS AIR & THERMAL BARRIER
3. A BLOWER TEST WILL BE PERFORMED
4. SEE IEC 2009 COMPLIANCE FORM FOR DUCT INFORMATION & WINDOW U & SHGC FACTORS
5. A RESCHEDULED MANUAL J WILL BE SUPPLIED BY THE HOMEOWNER/BUILDER
6. ATTIC ACCESS PANELS SHALL HAVE APPROPRIATE WEATHER STRIPTING AROUND OPENING AND R19 INSULATION ABOVE
L501 (1 HOUR): 5/8" (15.9 mm) Fire-Shield Gypsum Board applied at right angles to 2x10 wood joists 16"o.c. with 6d nails, 1-7/8" long, .0915" shank, 1/4" heads, 6"o.c. Wood joists supporting 1" nominal T&G wood subfloor and 1" nominal wood finish floor, or 19/32" plywood finished floor with long edges T&G and 19/32" interior plywood with exterior glue subfloor perpendicular to joists with joints staggered.

SIMILAR TO UL DETAIL 522 (1-HOUR RATED SEPARATION WALL):

MAINTAIN AS COMPONENT IN ASSEMBLY

NOTE: WHERE HISTORIC FLOORING PRESENT/SALVAGEABLE FLOOR/CEILING WALL

RECOMMEND USE OF SOUND BATTING INSULATION @ SEPARATION ASSEMBLY - TYP.

RECOMMEND USE OF SOUND BATTING INSULATION @ SEPARATION ASSEMBLY - TYP.

DOOR/WINDOW TRIM DETAIL

INSTALL STANDARD FLASHING ABOVE ALL DOORS & WINDOWS

3" CROWN

4" FIBER CEMENT OR TR. 2x4 TRIM (ALLSIDES)

SLOPED SILL

SHED ROOF & BRACKET DETAIL

DOOR/WINDOW TRIM DETAIL

GRASPABLE HANDRAIL DETAIL
ATTACHMENT #4

Approved Site Plan (March 2018)
Elevation Certificate (October 2018)
ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1–9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>A1. Building Owner’s Name</th>
<th>Policy Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>GALLOWAY HOMES</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.</th>
<th>Company NAIC Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2959 SEABROOK ISLAND ROAD</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT 12B, BLOCK 42 SEABROOK ISLAND TMS# 149-10-00-036</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.)</th>
<th>RESIDENTIAL</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>A5. Latitude/Longitude:</th>
<th>Horizontal Datum:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lat. 32.5836</td>
<td>NAD 1927</td>
</tr>
<tr>
<td>Long. 80.1562</td>
<td>NAD 1983</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A7. Building Diagram Number</th>
<th>5</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>A8. For a building with a crawlspace or enclosure(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Square footage of crawlspace or enclosure(s) 0 sq ft</td>
</tr>
<tr>
<td>b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 0</td>
</tr>
<tr>
<td>c) Total net area of flood openings in A8.b 0 sq in</td>
</tr>
<tr>
<td>d) Engineered flood openings? Yes X No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A9. For a building with an attached garage:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Square footage of attached garage 0 sq ft</td>
</tr>
<tr>
<td>b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade 0</td>
</tr>
<tr>
<td>c) Total net area of flood openings in A9.b 0 sq in</td>
</tr>
<tr>
<td>d) Engineered flood openings? Yes X No</td>
</tr>
</tbody>
</table>

SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

<table>
<thead>
<tr>
<th>B1. NFIP Community Name &amp; Community Number</th>
<th>B2. County Name</th>
<th>B3. State</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOWN OF SEABROOK ISLAND 450256</td>
<td>CHARLESTON</td>
<td>South Carolina</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B4. Map/Panel Number</th>
<th>B5. Suffix</th>
<th>B6. FIRM Index Date</th>
<th>B7. FIRM Panel Effective/Revised Date</th>
<th>B8. Flood Zone(s)</th>
<th>B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth)</th>
</tr>
</thead>
</table>

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9:

- FIS Profile
- X FIRM
- Community Determined
- Other/Source: ____________________________

B11. Indicate elevation datum used for BFE in Item B9: X NGVD 1929
- NAVD 1988
- Other/Source: ____________________________

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)?

- Yes
- X No

Designation Date: ____________________________

CBRS
OPA

FEMA Form 088-0-33 (7/15) Replaces all previous editions.

Form Page 1 of 6
ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
2959 SEABROOK ISLAND ROAD

City
JOHNS ISLAND

State
South Carolina

ZIP Code
29455

FOR INSURANCE COMPANY USE

Policy Number:

Company NAIC Number:

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: □ Construction Drawings*  ☑ Building Under Construction*  □ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.


Benchmark Utilized: SC VRS STATION SCB  Vertical Datum: NGVD1929, PER NGS VERTCON

Indicate elevation datum used for the elevations in Items a) through h) below.

☐ NGVD 1929  ☑ NAVD 1988  ☐ Other/Source:

Datum used for building elevations must be the same as that used for the BFE.

<table>
<thead>
<tr>
<th>Item</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Top of bottom floor (including basement, crawl space, or enclosure floor)</td>
<td>21.2 feet</td>
</tr>
<tr>
<td>b) Top of the next higher floor</td>
<td>N/A</td>
</tr>
<tr>
<td>c) Bottom of the lowest horizontal structural member (V Zones only)</td>
<td>N/A</td>
</tr>
<tr>
<td>d) Attached garage (top of slab)</td>
<td>N/A</td>
</tr>
<tr>
<td>e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)</td>
<td>N/A</td>
</tr>
<tr>
<td>f) Lowest adjacent (finished) grade next to building (LAG)</td>
<td>9.4 feet</td>
</tr>
<tr>
<td>g) Highest adjacent (finished) grade next to building (HAG)</td>
<td>10.1 feet</td>
</tr>
<tr>
<td>h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Check the measurement used.

| ☑ feet | ☐ meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☑ Yes  ☐ No

☐ Check here if attachments.

Certifier’s Name
ANDREW C. GILLETTE

License Number
5933-B

Title
SENIOR VICE PRESIDENT

Company Name
PARKER LAND SURVEYING, LLC

Address
5910 GRIFFIN STREET

City
HANAHAN

State
South Carolina

ZIP Code
29410

Signature

Date
10/17/2018

Telephone
(843) 554-7777

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

ELEVATION OF SLAG UNDERNEATH HOUSE IS 10.6' // BENCHMARK MAG NAIL EDGE OF ASPHALT APPROXIMATELY 2' FROM LEFT SIDE PROPERTY LINE AT 2866 SULLIVANS ISLAND ROAD (ELEV. 8.29') // LATITUDE AND LONGITUDE WERE DETERMINED BY GPS TECHNOLOGY.
### ELEVATION CERTIFICATE

**IMPORTANT:** In these spaces, copy the corresponding information from Section A.

<table>
<thead>
<tr>
<th>FOR INSURANCE COMPANY USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.</td>
</tr>
<tr>
<td>2959 SEABROOK ISLAND ROAD</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>JOHNS ISLAND</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>South Carolina</td>
</tr>
<tr>
<td>ZIP Code</td>
</tr>
<tr>
<td>29455</td>
</tr>
<tr>
<td>Policy Number</td>
</tr>
<tr>
<td>Company NAIC Number</td>
</tr>
</tbody>
</table>

### SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

**E1.** Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Top of bottom floor (including basement, crawlspace, or enclosure) is</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Top of bottom floor (including basement, crawlspace, or enclosure) is</td>
<td></td>
</tr>
</tbody>
</table>

**E2.** For Building Diagrams 8–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>

**E3.** Attached garage (top of slab) is

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>

**E4.** Top of platform of machinery and/or equipment servicing the building is

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>

**E5.** Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  
[ ] Yes  [ ] No  [ ] Unknown. The local official must certify this information in Section G.

### SECTION F – PROPERTY OWNER (OR OWNER’S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

<table>
<thead>
<tr>
<th>Property Owner or Owner’s Authorized Representative’s Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>ZIP Code</td>
</tr>
<tr>
<td>Signature</td>
</tr>
<tr>
<td>Date</td>
</tr>
<tr>
<td>Telephone</td>
</tr>
</tbody>
</table>

**Comments**

[ ] Check here if attachments.
ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
2959 SEABROOK ISLAND ROAD

City
JOHNS ISLAND

State
South Carolina

ZIP Code
29455

FOR INSURANCE COMPANY USE
Policy Number:

Company NAIC Number

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number

G5. Date Permit Issued

G6. Date Certificate of Compliance/Occupancy Issued

G7. This permit has been issued for:

☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _______ _______ ☐ feet ☐ meters Datum _______

G9. BFE or (in Zone AO) depth of flooding at the building site: _______ _______ ☐ feet ☐ meters Datum _______

G10. Community's design flood elevation: _______ _______ ☐ feet ☐ meters Datum _______

Local Official's Name

Title

Community Name

Telephone

Signature

Date

Comments (including type of equipment and location, per C2(e), if applicable)

☐ Check here if attachments.
ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS
See Instructions for Item A6.

IMPORTANT: In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
2959 SEABROOK ISLAND ROAD

City: JOHNS ISLAND
State: South Carolina
ZIP Code: 29455

FOR INSURANCE COMPANY USE
Policy Number:
Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

Photo One Caption: FRONT VIEW (10/17/2018)

Photo Two Caption: LEFT SIDE VIEW (10/17/2018)
If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken, "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

Photo One Caption  REAR VIEW (10/17/2018)

Photo Two Caption  RIGHT SIDE VIEW (10/17/2018)
ATTACHMENT #6

Foundation Survey (December 2018)
ATTACHMENT #7

Certification of Height (December 2018)
TOWN OF SEABROOK ISLAND

CERTIFICATION OF HEIGHT
(Must be Completed by a Registered, Certified Land Surveyor)

<table>
<thead>
<tr>
<th>Lot: 12B</th>
<th>Block: 42</th>
<th>TMS # 149 - 10 - 00 - 036</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address: 2959 Seabrook Island Drive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contractor: Galloway Family Homes, LLC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Owner:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surveyor: LAUREN MAURICE WILDER</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flood Zone: AE Base Flood Elevation: 13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height of Roof Peak Above FEMA Base Flood Elevation is 39.2 (Feet)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SURVEYOR'S STAMP AND SEAL

Surveyor's Signature

Date 12-6-18

The original copy of this certification must be filed with the Town of Seabrook Island. Faxed copies are unacceptable.
Certification of Height (January 2019)
TOWN OF SEABROOK ISLAND

CERTIFICATION OF HEIGHT
(Must be Completed by a Registered, Certified Land Surveyor)

Town of Seabrook Island Development Standards Ordinance
Section 13.70.40 Certification of Height of Structure
Construction of any structure shall not proceed beyond the establishment of the roof
peak line during construction without certifying to the Zoning Administrator in
writing by a certified surveyor the height of said roof peak above the FEMA flood
level for that site.

Lot: 12 B  Block: 42  TMS #  149-12-00-036
Street Address:  2959 Seabrook Island Rd.
Contractor:  Galloway Homes
Property Owner:  Raymond & Stephanie Hamilton
Surveyor:  Mark E. Lamb
Flood Zone:  AE  Base Flood Elevation:  13
Height of Roof Peak Above FEMA Base Flood Elevation is 38.96 (Feet)

SURVEYOR'S STAMP AND SEAL

[Signature]
Surveyor's Signature

[Date]
1/17/19

The original copy of this certification must be filed with the Town of Seabrook
Island. Faxed copies are unacceptable.
ATTACHMENT #9

Property Photos
Aerial Image
ATTACHMENT #12

FEMA Base Flood Elevations
(Current & Preliminary)
FEMA Base Flood Elevation (Current)
AE 12/13

FEMA Base Flood Elevation (Preliminary)
AE-11
Title to Real Estate
Prepared By:
McAngus Goudelock & Courie, LLC
735 Johnnie Dodds Blvd.,
Mt. Pleasant, SC 29464
20602.17520SMYTHMCLOUDLLC

THE STATE OF SOUTH CAROLINA  )
COUNTY OF CHARLESTON  )

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that Smyth McCloud LLC, (hereinafter "Grantor") in the State aforesaid, for and in consideration of the sum of ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS ($125,000.00), the receipt and sufficiency of which is here acknowledged, subject to easements, restrictions, covenants, and conditions of record, including matters shown on recorded plats, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said:

Stephanie S. Hamilton and Raymond M. Hamilton

as Joint Tenants with Right of Survivorship and Not as Tenants in Common (hereinafter "Grantee")
his/her/their/its heirs/successors and assignees forever all his/her/its right, title and equitable or legal interest in and to:

See attached Exhibit "A"

DERIVATION: This being the same property conveyed to Smyth Mccloud, LLC by Warranty Deed of Claude E. Kennard, Jr dated March 31, 2004 and recorded in Book T489, Page 773, Charleston County, South Carolina.

Charleston County Tax Map No.: 149-10-00-036

Property Address: 2959 Seabrook Island Rd, Johns Island, SC 29455

Grantee's Address: 112 Sea Lavendar Ln, Summerville, SC 29486

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said Grantee, Stephanie S. Hamilton and Raymond M. Hamilton, as joint tenants with rights of survivorship and not as tenants in common.

AND GRANTOR DOES hereby promise, for themselves and his/her/its heirs/successors, assigns, and representatives, to warrant and forever defend the above premises unto the Grantee, his/her/its heirs/successors and assigns, against the Grantor and his/her/its heirs/successors, assigns, and representatives against any and all others whomsoever lawfully claiming the same or any part thereof.
WITNESS the Hand and Seal of Smyth Mc Loud LLC this 7th day of July, 2017.

Signed, Sealed and Delivered
in the presence of:

Witness No. 1

Witness No. 2 (NOTARY)

Smyth Mc Loud LLC

BY:

James Lee Mc Loud, Member

STATE OF SOUTH CAROLINA

COUNTY OF

I, Jessica Bullock, a Notary Public for the State of South Carolina, do hereby certify that Smyth Mc Loud LLC, by James Lee Mc Loud, its Manager, personally appeared before me this 6th day of July, 2017, and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 6th day of July, 2017.

Notary Public for South Carolina

My Commission Expires: 10/21/2025

(SEAL)
EXHIBIT A

All that certain lot, piece or parcel of land, situate, lying and being on Seabrook Island, Charleston County, State of South Carolina, and known and designated as Lot 12B, Block 42, on a plat by E.M. Seabrook, Jr., CE & LS, dated August 25, 1982, revised March 24, 1983, and recorded in the Charleston County RMC Office in Plat Book AX, Page 58.

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

THIS CONVEYANCE IS SUBJECT TO the Covenants, Conditions, Restrictions, Limitations, Affirmative Obligations and Easements of record and more particularly set forth in instruments duly recorded in the RMC Office for Charleston County, as follows: Book M-100, at Page 296; as amended by instrument recorded in Book Y-110, at Page 143; and Second Modifications thereto dated March 26, 1985 and recorded in Book J-144, at page 67; Third Modifications of Protective Covenants dated April 24, 1987 and recorded in Book J-164, at Page 487; also, second restated and amended By Laws dated October 18, 1984 and recorded in Book B-141, at page 267; as amended by instrument dated March 26, 1985 and recorded Book J-144, at page 59; Third Restated and Amended By-Laws of the Seabrook Island Property Owners Associations, dated August 1, 1989, and recorded in the RMC Office for Charleston County in Book L-186, Page 718; and Amendment filed in Book K-215, Page 001; Restatement and Fourth Modification of Protective Covenants for Seabrook Island Development, dated August 1, 1989, and recorded in the Charleston County RMC Office in Book L-186, Page 697; Restatement and Fifth Modification recorded in Book K-215, Page 23.
STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.

2. The property is being transferred by Smyth McCloud, LLC to Stephanie S. Hamilton and Raymond M. Hamilton on July 7, 2017.

3. Check one of the following: The deed is:
   (a) ☒ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
   (b) ☐ subject to the deed recording fee as a transfer between a corporation, a partnership or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
   (c) ☐ EXEMPT from the deed recording fee because (Exemption: n/a) (Explanation, if required: n/a, If exempt, please skip items 4-6 and go to Item No. 7 of this affidavit

4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
   (a) ☒ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $125,000.00
   (b) ☐ The fee is computed on the fair market value of the realty, which is $N/A
   (c) ☐ The fee is computed on the fair market value of the realty as established for property tax purposes which is $N/A

5. Check YES ☐ or NO ☒ to the following: A lien or encumbrance existed on the land, tenement or realty before the transfer and remained on the land, tenement or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is n/a.

6. The DEED Recording Fee is computed as follows:
   (a) $125,000.00 the amount listed in Item No. 4 above
   (b) $0.00 the amount listed on Item No. 5 above (no amount, please zero)
   (c) $125,000.00 subtract Line 6(b) from Line 6(a) and place the result here.

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

8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year or both.

SWORN to before me this 7th day of July, 2017.

Notary Public for South Carolina
My commission expires: August 28, 2022

Stephanie S. Hamilton
Raymond M. Hamilton

FLF Closing Deed Affidavit 135
RECORDED

Date: July 17, 2017
Time: 10:46:39 AM

Book Page DocType
0652 473 Deed

Charlie Lybrand, Register
Charleston County, SC

# of Pages: 5
Recording Fee $ 10.00
State Fee $ 325.00
County Fee $ 137.50
Extra Pages $ -
Postage $ -
Chattel $ -
TOTAL $ 472.50

Auditor Stamp Here

RECEIVED From RMC
Jul 20, 2017
Peter J. Tecklenburg
Charleston County Auditor

PID Verified by Assessor
REF RJB
DATE 07/21/2017
4
ATTACHMENT #14

Property Information Card
Charleston County, South Carolina

Property ID (PIN) | Alternate ID (AIN) | Parcel Address | Data refreshed as of | Assess Year | Pay Year
---|---|---|---|---|---
149100036 | | 2959 SEABROOK ISLAND RD, SEABROOK ISLAND | 1/3/2019 | 2018 | 2018

Current Parcel Information

<table>
<thead>
<tr>
<th>Owner</th>
<th>Property Class Code</th>
<th>Acreage</th>
</tr>
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<tbody>
<tr>
<td>HAMILTON STEPHANIE S HAMILTON RAYMOND M</td>
<td>905 - VAC-RES-LOT</td>
<td>.0000</td>
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</tbody>
</table>

Owner Address
142 SEA LAVENDER LN SUMMERVILLE SC 29486

Legal Description
Subdivision Name -PART SEABROOK ISLAND Description -LOT 12B BLK 42 Site Name -EXT PlatSuffix AX-58 PolTwp 009

Historic Information

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Land</th>
<th>Improvements</th>
<th>Market</th>
<th>Taxes</th>
<th>Payment</th>
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Sales Disclosure

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<th>Grantor</th>
<th>Book &amp; Page</th>
<th>Date</th>
<th>Deed</th>
<th>Vacant</th>
<th>Sale Price</th>
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<tr>
<td>SMYTH M CLOUD LLC</td>
<td>0652 473</td>
<td>7/7/2017</td>
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<td>KENNARD CLAUDE E JR</td>
<td>T489 773</td>
<td>4/2/2004</td>
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<td>MORITZ MICHAEL E TRUSTEE</td>
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<tr>
<td></td>
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Improvements

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<th>Stories</th>
<th>Bedrooms</th>
<th>Finished Sq. Ft.</th>
<th>Improvement Size</th>
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138
Public Hearing Notice:
List of Neighboring Property Owners
<table>
<thead>
<tr>
<th>Property Address</th>
<th>Owner(s) of Record</th>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
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</thead>
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<tr>
<td>2955 Seabrook Island Road</td>
<td>Hunter &amp; Barbara Harwood</td>
<td>112 Old Orchard Lane</td>
<td>Ocean</td>
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<tr>
<td>2957 Seabrook Island Road</td>
<td>Leslie &amp; Deborah Rogers</td>
<td>5910 Bradley Blvd</td>
<td>Bethesda</td>
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<td>Kevin &amp; Jean Dunn</td>
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<tr>
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<tr>
<td>2960 Seabrook Island Road</td>
<td>Don &amp; Debra Ferguson</td>
<td>PO Box 11132</td>
<td>Rock Hill</td>
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<td>29731</td>
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<td>2962 Seabrook Island Road</td>
<td>Charles &amp; Lisa Baker</td>
<td>14108 Phoenix Road</td>
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<td>2123 Kings Pine Drive</td>
<td>Dziubek/Donovan Family Revocable Trust</td>
<td>444 Kenmont Avenue</td>
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<td>2127 Loblolly Lane</td>
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<td>2129 Loblolly Lane</td>
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<tr>
<td>2133 Loblolly Lane</td>
<td>James 1/ Bannwart Trust &amp; Maryann V. Bannwart Trust</td>
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<td>Property Owners Association</td>
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<td>1202 Landfall Way</td>
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Regime: Not Applicable
Public Hearing Notice:
U.S.P.S. Certified Mail Receipts
Public Hearing Notice:
Post & Courier Legal Ad
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

appeared in the issues of said newspaper on the following day(s):

01/02/19 Wed PC
01/02/19 Wed CNW

at a cost of $88.14

Account# 108294
Order# 1756338

P.O. Number:

Subscribed and sworn to before me this 5th day of January, 2019

A.D. 2019

NOTARY PUBLIC, SC
My commission expires 09/24/2023
Public Hearing Notice:
Property Posting
NOTICE
Board of Zoning Appeals Hearing

The Board of Zoning Appeals of the Town of Seabrook Island, SC will hold a public hearing at 2:30 pm on March 1st at Town Hall.

PUBLIC INVITED

Property Owner is seeking variance from Section 7.10 of the Zoning Ordinance.

VARIANCE IS TO ALLOW: Height of structure to exceed 36 ft. above Base Flood Elevation (BFE), plus 2 ft. raised (RA) by 12 feet (Max height = 37 ft. above BFE + RA)

Documents related to this appeal may be viewed at the Town of Seabrook Town Hall.

THIS NOTICE SHALL NOT BE REMOVED OR DEFACED UNDER PENALTY OF LAW.
Communication from License & Permit Specialist Lynda Stearns to Galloway Homes
October 30, 2018

Galloway Family Homes
Mr. Clint Galloway
Post Office Box 1483
Irmo, SC 29063

Dear Mr. Galloway,

As a part of permitting for new construction, the construction plans must be provided digitally on a flash drive stick or a disk. The digital plans were not received for your project at 2959 Seabrook Island Road.

When the Seabrook Island zoning permit is issued a list of the required surveys is provided to the contractor after it is signed by the applicant. Those surveys include:

1. First Elevation Certificate
2. Foundation Survey
3. Certification of Height Survey (a Seabrook form that is provided to the contractor)
4. Final Elevation Certificate
5. As Built Survey

As of the date of this letter none of the surveys have been received. Understand that when a survey is received after the construction has proceeded and there is an encroachment of the setback or violation of the height restriction, construction will stop and the violation must be corrected immediately. The certificate of occupancy will not be released until the violation is corrected.

Considering your project started during the summer months it may be understandable the project was delayed and some of the surveys are not yet needed. If you feel that you have received this warning in error, please contact either Town Hall or Code Enforcement.

Sincerely,

Lynda Stearns
Permit and Business License Specialist
Building Permit Time Limits – A building permit will be considered abandoned if construction is not begun within six (6) months after issuance or if construction is discontinued for a period of six (6) months. All building permits shall allow one year for construction from the date of issuance by Charleston County. (DSO Section 13.70.20)

Building Permit Extensions – The Zoning Administrator may grant a building permit extension for up to six (6) months as long as active construction is underway. All extensions must be requested from the Town at least thirty (30) days before the expiration of the permit. Town Council must approve an extension, beyond the six months. An extension request must be made in writing giving the reason for the delay and the amount of time required to finish the project, along with a fee of $100. Remember that the contractor must have a final inspection, submit an As Built Survey to the Town and the Certificate of Completion must be issued by Charleston County to the Town before the expiration date of the permit. (DSO Section 13.70.20)

Foundation Survey – The Town must receive a survey performed by a SC Registered Land Surveyor for each new structure immediately upon completion of the foundation before any further construction can proceed. (DSO Section 13.70.3)

Certification of Height of Structure – Construction of any structure shall not proceed beyond the establishment of the roof peak without certifying to the Zoning Administrator in writing by a certified surveyor the height of the roof peak above the FEMA flood level for the site. A form will be provided by the Town Hall for this submission. The Town must have the original, not a faxed copy.

If the height of a structure is not in conformance with the Town’s ordinances, the peak height must be altered. If due to extenuating circumstances a contractor or owner wishes to place sheathing on the roof before a height survey has been completed, they may do so provided that the Zoning Administrator approves such action in writing. The Zoning Administrator’s approval shall be subject to the following mandatory provisions:

1. The contractor and/or owner must certify that if the height of the roof exceeds that allowed, they will not attempt to seek a variance,
2. The contractor and/or owner will take immediate action to bring the height of the structure into compliance with the maximum height allowed by the Town.

As Built Survey – An As Built Survey must be furnished to the Zoning Administrator before the Certificate of Occupancy is issued, showing the location of all permanent improvements and changes. (DSO Section 13.70.60)

Certificate of Occupancy – No new structure or addition to an existing structure may be used or occupied until a Certificate of Occupancy has been issued. A contractor shall be held liable for allowing a structure to be used or occupied before the CO is issued. (DSO Section 13.70.70)

Penalties and Fines – Any person violating the provisions of the Development Standards Ordinance shall be guilty of a misdemeanor and can be fined not more than $500 for each day of violation. (DSO Section 18.20)

Development Standards Ordinance – The DSO contains the Town’s ordinances for lot coverage, setbacks, permit requirements, etc. It is suggested that developers, contractors, architects, surveyors, etc., purchase a copy of the DSO to ensure that they are in compliance with these ordinances.

Received by: [Signature] Date: 3/22/2018

**The items listed above are not all the ordinance sections that apply to new construction. The contractor/homeowner should consult with the Town’s Development Standards Ordinance to ensure compliance with all applicable ordinances.**
Spencer,

I have included the letter I sent back in October, the Height Certification form and the acknowledgement of the surveys that are required.

Please remember, as the main builder, Galloway Family Homes is responsible for ALL contractors on the project, this includes sub contractors. The hiring of unlicensed sub contractors may result in the issuance of a municipal fine.

Please contact me or Tom Strehle, our Code Officer if you have any other questions.

Lynda

From: scanning@townofseabrookisland.org <scanning@townofseabrookisland.org>
Sent: Wednesday, December 5, 2018 11:22 AM
To: Lynda Stearns <Lstearns@townofseabrookisland.org>
Subject: Attached Image
Communication from Zoning Administrator Joe Cronin to Galloway Homes
Clint,

I tried calling but wasn't able to get through to you. We received a certificate of height form for 2959 Seabrook Island Road. The certificate lists the height of the roof peak as 39.2' above the FEMA Base Flood Elevation (BFE), which would be 37.2' above BFE + 2' Freeboard.

The approved plan set shows the highest point of the roof (excluding the chimney) as 37' 6.5" above the BFE, or 35' 6.5" above BFE + 2' Freeboard. The maximum allowable height per the DSO is 36' above BFE + 2' Freeboard, or 38' above BFE.

If the roof tops out at 39.2' above the BFE, then it is currently non-conforming. Can you please have your surveyor verify that the actual height from BFE to the top of the roof (excluding the chimney) is in fact 39.2’?

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
Clint,

I had a chance to further review the town code, as well as previous history with non-conforming construction errors. Unfortunately, I have come to the conclusion that there is no administrative "wiggle room" regarding the non-conforming height at 2959 Seabrook Island Road.

§ 13.70.60.20. of the DSO, which allows for administrative discretion in the case of "Building Errors," applies only to "yards" (ie. setback) requirements.

At this time, I see only two options:

1) Revise the roof to bring it into conformity with the maximum height requirement; or

2) Apply for a variance from the 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
Communication between
BOZA Chairman Walter Sewell,
Zoning Administrator Joe Cronin &
SIPOA ARC Administrator Katrina Burrell
I am planning on attending and I will have some documentation to share with you and the Committee prior to the hearing.

At some point during the review process, the ARC Committee may have mentioned increasing the height of the slab due to drainage, etc., but that was never a requirement and was not included as conditions in any of the review process approvals. As such, the permitting plans that were stamped and approved indicate the ARC approved height of the slab, the first floor and the roof ridge were all at a lower elevation than is shown on the elevation certificate as the existing heights.

~Katrina

Katrina Burrell, CMCA, AMS
Architectural Review Administrator
Seabrook Island POA

1202 Landfall Way
Johns Island, SC 29455
843-768-0061
843-725-1560 Direct
843-768-4317 Fax
Chairman Sewell has asked if someone from SIPOA/ARC will be able to attend the Board of Zoning Appeals meeting on 01/22/2019 at 2:30 PM. In the height variance application for 2959 Seabrook Island Road, the applicants have stated that the pad height for the structure was increased at the request of the ARC due to drainage concerns. If one or both of you will be available to attend, it is likely that the Board will wish to hear information from SIPOA/ARC in regards to this variance request.

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

From: Walter Sewell <wsecondwind@yahoo.com>  
Sent: Wednesday, January 23, 2019 10:26 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: Variance #158

Joe,

I have finished going through all of the material that was furnished to each Board Member on Friday, January 18th and I can’t find anything that shows the actual elevations of the various elements as compared to the design elevations for those elements. Maybe if I understood the various items on the ELEVATION CERTIFICATE and how to relate each to the Architect’s Front Elevation drawing, I could figure it out but I haven’t been able to do that.

What we do have is the explanation that was provided at the meeting on the 18th at which time we were told that the 1.2 feet of over height was solely attributable to the top surface of the foundation (concrete footing) being set 1.2 feet higher than designed and that this higher elevation was carried through further construction such that all succeeding elements were 1.2 feet higher than designed. As such, the cause of the over height would have been entirely in the footing and there was no cumulative effect from subsequent vertical elements.

A reading of the hand written responses on each of the items on Variance Application – Form 3, dated 12-27-18, does not say anything about the foundation that I can find. Rather, it makes vague statements about “drainage” and “water flow” among other things and then says the ARC “recommended increased pad” but does indicate whether the role of the ARC was associated with the cause or the cure.

What was stated last Friday sounds plausible, what was provided with the application I find puzzling at best, but of greater concern is that the two explanations are totally different.

I believe that in reaching a decision in this matter, the Board needs to be confident that we have found what the facts were (are) and that our determination was based on those facts.

Given that much of the applicant’s “case” is being attributed to the ARC, I believe that it is crucial that the ARC attend the hearing of Variance #158, hear the testimony provided by the applicant and be afforded the opportunity to present the ARC’s position and respond to any questions that the Board might have in this matter.

Walter
Height Certificates & Photos of Neighboring Properties:
2962 Seabrook Island Road (Lot 3, Block 38)
Built 2000
TOWN OF SEABROOK ISLAND
Certification of Height
(Must be completed by a registered, certified land surveyor)

TOWN'S DEVELOPMENT STANDARD ORDINANCE
SECTION 6.100.0
construction of any structure shall not proceed beyond the establishment of the peak line during
construction without first certifying to the Town Zoning Administrator in writing by a certified
surveyor the height of said peak above the FEMA flood level for that site.

PROPERTY LOCATION: Lot __ Block __
Street Address ____________
TMS # ____________
CONTRACTOR (TYPE OR PRINT) ____________
PROPERTY OWNER (TYPE OR PRINT) ____________
SURVEYOR (TYPE OR PRINT) ____________
ORIGINAL COPY OF THIS CERTIFICATION MUST BE FILED WITH THE
TOWN OF SEABROOK ISLAND (FAXED COPIES UNACCEPTABLE)
ZONE __________________________________________
BASE FLOOD ELEVATION ____________
HEIGHT OF PEAK ROOF ABOVE FEMA BASE FLOOD ELEVATION IS ____________
SURVEYORS STAMP AND SEAL

________________________________________
DATE ____________
Height Certificates & Photos of Neighboring Properties:
2960 Seabrook Island Road (Lot 4, Block 38)
Built 2000
GEOMETRIC SURVEYING CO., INC.

ELEVATION CERTIFICATE

Building Permit Number: ____________ Date: 7/25/94

I, CHARLIE B. AYCOCK III, a professional surveyor of the State of South Carolina do hereby certify that levels were run from established Bench Marks in accordance with the "Minimum Standards Manual for the Practice of Land Surveying in South Carolina" and the following results were obtained for the structure located at LOT 4, BLOCK 42, SEABROOK

Doland, S.C. TMS

For "V" Zone: The elevation of the lowest portion of the lowest horizontal floor structural member is N/A feet. N.G.V.D., 1929.

For "A Zone: The elevation of the top of the lowest floor is 22.6 feet. N.G.V.D., 1929. Above B.F.E.

The average grade at the building site is at an elevation of N/A feet. N.G.V.D., 1929.

Reference Bench Mark S.C.G.S. -40AD 29

Reference F.I.B.M. 455413 04965

Flood Zone A-8 Base Flood Elevation 13

The Flood Zone information shown hereon was obtained as follows: FROM FIRM

NOTE: N/A means not applicable.

CHARLIE B. AYCOCK III, PLS
REG. NO. 9543
ATTACHMENT #22-C

Height Certificates & Photos of Neighboring Properties:
2958 Seabrook Island Road (Lot 5, Block 38)
Built 2008
TOWN OF SEABROOK ISLAND

CERTIFICATION OF HEIGHT
(Must be Completed by a Registered, Certified Land Surveyor)

Town of Seabrook Island Development Standards Ordinance
Section 13.70.40 Certification of Height of Structure
Construction of any structure shall not proceed beyond the establishment of the roof peak line during construction without certifying to the Zoning Administrator in writing by a certified surveyor the height of said roof peak above the FEMA flood level for that site.

Lot: 5  Block: 38  TMS #149 -10 -00-038
Street Address: 2958 SEABROOK ISLAND RD.
Contractor: ALDRICH, INC.
Property Owner: MR. & MRS. KINDLEY
Surveyor: GEOMETRIC SURVEYING CO., INC.
Flood Zone: AE  Base Flood Elevation: 13
Height of Roof Peak Above FEMA Base Flood Elevation is 35.0 (Feet)

The original copy of this certification must be filed with the Town of Seabrook Island. Faxed copies are unacceptable.
Height Certificates & Photos of Neighboring Properties:
2956 Seabrook Island Road (Lot 6, Block 38)
Built 2000
TOWN OF SEABROOK ISLAND
Certification of Height
(Must be completed by a registered, certified land surveyor)

TOWN'S DEVELOPMENT STANDARD ORDINANCE
SECTION 6.100.0
construction of any structure shall not proceed beyond the establishment of the peak line during
construction without first certifying to the Town Zoning Administrator in writing by a certified
surveyor the height of said peak above the FEMA flood level for that site

PROPERTY LOCATION:  Lot 6  Block 38
Street Address  2956 SEABROOK ISLAND RD.
TMS #  149 - 10 - 00 - 039

CONTRACTOR (TYPE OR PRINT)  DOLPHIN ARCHITECTS & BUILDERS
PROPERTY OWNER (TYPE OR PRINT)  MR. & MRS. ROB TESTANI
SURVEYOR (TYPE OR PRINT)  THOMAS V. BESSENT

ORIGINAL COPY OF THIS CERTIFICATION MUST BE FILED WITH THE
TOWN OF SEABROOK ISLAND (FAXED COPIES UNACCEPTABLE)

ZONE  A8  BASE FLOOD ELEVATION  12
HEIGHT OF PEAK ROOF ABOVE
FEMA BASE FLOOD ELEVATION IS  31.3

SURVEYORS STAMP AND SEAL

[Signatures and seals]

DATE  8/23/99
ATTACHMENT #22-E

Height Certificates & Photos of Neighboring Properties:
2963 Seabrook Island Road (Lot 12, Block 42)
Built 1988
ATTACHMENT #22-F

Height Certificates & Photos of Neighboring Properties:
2961 Seabrook Island Road (Lot 12-A, Block 42)
Built 2014
TOWN OF SEABROOK ISLAND

CERTIFICATION OF HEIGHT
(Must be Completed by a Registered, Certified Land Surveyor)

Town of Seabrook Island Development Standards Ordinance
Section 13.70.40 Certification of Height of Structure
Construction of any structure shall not proceed beyond the establishment of the roof peak line during construction without certifying to the Zoning Administrator in writing by a certified surveyor the height of said roof peak above the FEMA flood level for that site.

Lot: 12A  Block: 42  TMS #  149-05-00-156
Street Address: 2961 SEABROOK ISLAND RD.
Contractor: JOHN BLYDER
Property Owner: LONG ISLAND WEISS AGENCY
Surveyor: PHILIP R. BRYAN, JR. (SCLS # 28597)
Flood Zone: AE  Base Flood Elevation: 13'
Height of Roof Peak Above FEMA Base Flood Elevation is 31.55' (Feet)

SURVEYOR’S STAMP AND SEAL

The original copy of this certification must be filed with the Town of Seabrook Island. Faxed copies are unacceptable.
Height Certificates & Photos of Neighboring Properties:
2957 Seabrook Island Road (Lot 12-C, Block 42)
Built 2001
TOWN OF SEABROOK ISLAND
Certification of Height
(Must be completed by a registered, certified land surveyor)

TOWN'S DEVELOPMENT STANDARD ORDINANCE
SECTION 6.100.0
construction of any structure shall not proceed beyond the establishment of the peak line during
construction without first certifying to the Town Zoning Administrator in writing by a certified
surveyor the height of said peak above the FEMA flood level for that site

PROPERTY LOCATION: Lot 12C Block 42
Street Address 2957 SEABROOK ISLAND RD
TMS #

CONTRACTOR (TYPE OR PRINT) SURFSIDE

PROPERTY OWNER (TYPE OR PRINT) URBAN

SURVEYOR (TYPE OR PRINT) CHARLIE B. AYCOCK III

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ZONE A8 BASE FLOOD ELEVATION 12
HEIGHT OF PEAK ROOF ABOVE FEMA BASE FLOOD ELEVATION IS 30 FEET

SURVEYORS STAMP AND SEAL

[Signatures and dates]

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ATTACHMENT #22-H

Height Certificates & Photos of Neighboring Properties:
2955 Seabrook Island Road (Lot 12-D, Block 42)
Built 2017
TOWN OF SEABROOK ISLAND

CERTIFICATION OF HEIGHT
(Must be Completed by a Registered, Certified Land Surveyor)

Town of Seabrook Island Development Standards Ordinance
Section 13.70.40 Certification of Height of Structure
Construction of any structure shall not proceed beyond the establishment of the roof peak line during construction without certifying to the Zoning Administrator in writing by a certified surveyor the height of said roof peak above the FEMA flood level for that site.

Lot: 12D  Block: 42  TMS # 149.10.00-034
Street Address: 2955 Seabrook Island Road
Contractor: Palmer Construction Co.
Property Owner: Hunter G. Hardwood
Surveyor: F. J. Anderson
Flood Zone: AE  Base Flood Elevation: 12
Height of Roof Peak Above FEMA Base Flood Elevation is 33.4 (Feet)

SURVEYOR'S STAMP AND SEAL

Signature
4/20/17

The original copy of this certification must be filed with the Town of Seabrook Island. Faxed copies are unacceptable.
Letter from Jean & Kevin Dunn (Jan. 08, 2019)
We received the public hearing notice regarding the requested variance for 2959 Seabrook Island Road. Since we will be out of town on the hearing date, we would like to submit these comments and questions:

1. According to the variance request, the SIPOA ARC recommended increasing the pod to mitigate drainage issues. Wasn’t the maximum building height also discussed at that time? Why didn’t the architect and builder know the maximum height?
2. Why wasn’t this discovered earlier, before the house framing was completed? We live across the street and as the house was being built we thought the house seemed very high.
3. What recourse is available now that the house is framed?
4. How will the higher pod affect drainage onto the neighbors’ properties and into the street? Will our street be flooded when there are heavy rains?

Thank you,
Jean and Kevin Dunn
2956 Seabrook Island Road
Letter from Julie McCulloch (Jan. 22, 2019)
Joe Cronin

From: Julie McCulloch <juliemcculloch3075@gmail.com>
Sent: Tuesday, January 22, 2019 12:22 PM
To: Joe Cronin
Subject: Zoning Board Appeals Hearing 1/29/19: 2959 Seabrook Island Road

Dear Joe:

I’m writing to you on the above-matter as a Seabrook Island property owner, not in my capacity as SIPOA President. As I don’t have the email addresses of the other Board members, I would ask that you route this communication to them.

It is my understanding that this property is coming before the Board at an upcoming meeting to request a Zoning Variance regarding the structure height. Specifically, to grant a variance to allow the height of the structure to exceed the 36’ Base Flood Elevation (BFE) + 2’ Free Board (FB) by 1.2’.

I strongly urge the Board to deny this variance request. This height requirement is well known to architects and contractors. It is a hard-and-fast number...in other words, not open to interpretation or “judgement.” 36 feet is 36 feet!

When we were building our house a few years ago, we had to design our roof structure specifically to ensure that our home stayed within the height requirement. I also know of others who have built homes and were required to modify their roof design — during construction — to be within the height tolerance.

Granting this property a height variance would set an unfortunate precedent that will be hard to “undo” when future circumstances arise. In other words, property owners could say, “Hey, you approved 1.2’...mine’s only 1’ or 1.6’!” Where would it stop?

There is no reason why you should permit these property owners and their builder to circumvent rules that have been applied to every other property owner who has built/remodeled homes on this island.

Thank you for your consideration,

Julie McCulloch

Sent from Julie’s iPad