

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting
May 4, 2018 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: November 30, 2016 [Pages 2–4]

PUBLIC HEARING ITEMS

1. Variance Application # 155 [Pages 5– 106]

APPLICANT: Eric L. Ison and Melanie A. Bootes
LOCATION: 2666 Persimmon Pond Court
TAX MAP NUMBER: 147-01-00-069 (LT 38, BLK 5)
ZONING DISTRICT: SR Single-Family Residential
VARIANCE(S) REQUESTED: To reduce the front yard setback from 30 feet to 18 feet (§ 7.60.20.10); to reduce the side yard setback from 10 feet to 7 feet (§ 7.60.20.41); and to reduce the marsh setback from 25 feet (15 feet for open decks) to 13 feet (2 feet for open decks and pervious driveway) (§ 7.60.50).

ITEMS FOR INFORMATION / DISCUSSION

There are no Items for Information / Discussion

ADJOURN

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

November 30, 2016 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

Present: Joe Sanders (Chairman), Jerry Farber (Vice Chairman), Robert Quagliato, David Osborn, Walter Sewell, Randy Pierce (Zoning Administrator), Lynda Whitworth (Secretary)

Absent: None

Guests: Michael Karamus (Architect), Mr. and Mrs. Greg Iaconis

Chairman Joe Sanders called the meeting of the Board of Zoning Appeals to order at 2:30 p.m. The requirements of the Freedom of Information Act were fulfilled and the hearing was properly posted.

PUBLIC HEARING ITEMS

- 1. Variance Application #154: 2726 Old Oak Walk:** The property owners, Mr. and Mrs. Greg Iaconis, were represented by Architect Michael Karamus. The property owners were seeking relief from Development Standard Ordinance (DSO) Section 7.60.20.30 Minimum Setbacks; Rear Setback, twenty five (25) feet. The property is located at 2726 Old Oak Walk. The lot is 10,096 square feet and is non-conforming according to the DSO.

The testimony of Michael Karamus was sworn. The opening statements made by Mr. Karamus informed the Board that Mr. and Mrs. Iaconis had recently purchased their home. The home was originally built 1982 prior to the incorporation of the Town of Seabrook Island. According to his testimony, Mr. Karamus explained that the owners' intent after purchase was to add a study in the existing attic. After the cost of renovating the attic exceeded the anticipated budget, another plan was discussed.

The new design was proposed to use the perimeter of the existing open decks and the original foundation. An enclosed study was proposed at the location of the open deck adjacent to the master bedroom. A covered porch was proposed for the open deck off of the great room.

Mr. Karamus explained that after an as-built survey was drawn, it became apparent the existing structure, which is located on a non-conforming lot, is well over the required 25'

rear yard setback. The proposed new construction would use the existing foundation of the building and no further encroachment would be required.

The variance request would allow for limited encroachment into the rear setback. The rear yard abuts a pond. The house was constructed in 1983. Mr. Karamus proposed that the existing decks were grandfathered because the date of construction was prior to the 1987 incorporation of the town. The setbacks at that time were 10 feet from the property line. Plan review prior to the incorporation of the town was performed by the Charleston County Planning Department.

Randy Pierce, the town's Zoning Administrator, advised the board that an open deck can encroach into the rear setback by up to 10 feet. Mr. Pierce added that the open decks attached to the home already encroach into the rear setback. He explained that construction of a roof over the open deck changes the classification of the deck to that of a structure. Structures, including an enclosed room or a covered porch, are limited to a 25 foot setback, and the home already encroaches into the rear setback.

Jerry Farber referred to the Town's zoning ordinances as to when the Board of Zoning Appeals may grant or deny a variance. He reviewed the conditions and, afterward, gave his point of view on granting the variance.

Extraordinary conditions

Are there exceptional conditions that pertain to the property such as size shape or topography? Mr. Farber does not feel the condition applies to the property.

Conditions

Do the conditions generally apply to other property? Robert Quagliato replied the conditions would apply to all properties because the same process is followed when applying for a variance. Mr. Farber agreed.

Utilization

Because of the conditions, does the application of the ordinance to the particular pieces of property unreasonably restrict the utilization of the property? Mr. Farber stated the ordinance does limit the use of the property.

Detriment

Will authorization of the variance cause detriment to adjacent properties. Mr. Farber feels that it would be a detriment to other properties.

Mr. Farber continued by explaining the Board of Zoning Appeals can not grant a variance that will allow the establishment of use not otherwise permitted, or physically extend a nonconforming use of land. Mr. Farber felt that to grant the variance would be violation of the ordinance by allowing further encroachment into the setback.

Chairman Sanders advised the Board there was no other testimony to hear. He asked the Board to vote to approve or deny the variance request. He advised those attending the meeting that a “yes” vote is to approve the variance, and a “no” vote is to deny the request.

The vote was recorded as follows:

David Osborn	No
Robert Quagliato	No
Walter Sewell	Yes
Vice-Chairman Gerald Farber	No
Chairman Joe Sanders	No

Chairman Sanders announced that based on the majority of votes, the Variance request was **denied**.

APPROVAL OF MINUTES

1. **Previous Meeting:** Draft minutes from the previous meeting were distributed to board members prior in advance of the meeting. Chairman Sanders asked for a motion to approve the draft minutes as submitted. Robert Quagliato moved to approve the minutes as submitted. The motion was seconded by Walter Sewell. The motion to approve was unanimous.

ITEMS FOR INFORMATION / DISCUSSION

1. **Comments from Chairman Sanders:** Chairman Sanders advised the Board that he would no longer be serving on the Board of Appeals. He has notified Mayor Ron Ciancio of his intent to leave the Board. The Mayor has accepted the resignation as Chairman and member of the Board of Zoning Appeals. The members of the Board thanked the Chairman for his service to the Town.

There being no further business, Chairman Sanders asked for a motion to adjourn the meeting. Mr. Quagliato made a motion to adjourn. Mr. Sewell seconded the motion. The motion to adjourn passed unanimously, and the meeting was adjourned.

Minutes Approved:



Joseph M. Cronin
Town Administrator



MEMORANDUM

TO: Town of Seabrook Island Board of Zoning Appeals Members
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator
SUBJECT: Variance Application # 155 – 2666 Persimmon Pond Court (Lot 38, Block 5)
MEETING DATE: May 4, 2018

Variance Application #155

Applicants:	Eric L. Ison and Melanie A. Bootes (Owners) Tyler Smyth (Agent) Stuart Rumph (Agent)
Location:	2666 Persimmon Pond Court
Tax Map Number:	147-01-00-069 (Lot 38, Block 5)
Zoning District:	SR Single-Family Residential
Variance(s) Requested:	To reduce the front yard setback from 30 feet to 18 feet (§ 7.60.20.10); to reduce the side yard setback from 10 feet to 7 feet (§ 7.60.20.41); and to reduce the marsh setback from 25 feet (15 feet for open decks) to 13 feet (2 feet for open decks and pervious driveway) (§ 7.60.50).

Overview

The Town has received a variance request from Eric L. Ison and Melanie A. Bootes, the owners of Charleston County Tax Map # 147-01-00-069. The applicants are requesting a reduction in the front, side and marsh setback requirements to accommodate construction of a new single-family residence at 2666 Persimmon Pond Court (Lot 38, Block 5). The proposed residence will contain approximately 3,600 square feet of vertical improvements.

Per the enclosed survey, the total area of the lot is approximately 16,814.7 square feet. A significant portion of the property (4,481.6 square feet, or 26.7% of the total lot) is covered by marsh area, lying beyond the SCDHEC-OCRM critical line. Prior to applying the required setbacks, the lot contains approximately 12,333.1 square feet of high ground.

For lots recorded prior to 2007, the town’s Development Standards Ordinance (DSO) requires a minimum of 17,500 square feet for a lot to be considered as “conforming.” The subject property was recorded in 1978 and, therefore, would be considered a “non-conforming lot of record.” § 3.40.10 of the DSO states:

“In any zoning district, where a lot of record at the effective date of adoption of this Ordinance does not contain sufficient land area or dimensions to meet the requirements

of the district in which it is located, such lot may be used as a building site for any use that is a permitted use in the zoning district in which the lot is located provided that all structures on these lots must conform to the minimum front and side yard requirements set forth in this Ordinance for the district in which the lot is located.”

The property is currently zoned SR Single-Family Residential, and a single-family residence is a permitted use by-right. The town’s DSO requires the following setbacks within the SR District:

TYPE	REQUIRED PER DSO	DSO REFERENCE
Front (Principal Structure)	30 feet	§ 7.60.20.10
Front (Uncovered Steps)	20 feet	§ 7.60.80.20
Side (Non-conforming Lot)	10 feet	§ 7.60.20.41
Marsh (Principal Structure)	25 feet	§ 7.60.50
Marsh (Open Deck)	15 feet	§ 7.60.50
Driveway (Non-conforming Lot)	3 feet	§ 7.60.70.10
Max. Encroachment for Eaves & Overhangs (Lots < 17,500 sq. ft.)	18 inches	§ 7.60.80.10

Once the required setbacks are applied to the remaining high ground, the total buildable area of the lot will contain less than 2,400 square feet. Of this area, approximately 1,000 square feet will have a dimensional width of 20 feet or more, due to the irregular shape of the lot. Therefore, the applicants are requesting a variance from the DSO to allow for the following setback reductions:

TYPE	REQUIRED PER DSO	2018 VARIANCE (REQUESTED)
Front (Principal Structure)	30 feet	18 feet
Front (Uncovered Steps)	20 feet	15 feet
Side (Non-conforming Lot)	10 feet	7 feet
Marsh (Principal Structure)	25 feet	13 feet
Marsh (Open Deck)	15 feet	2 feet (Including pervious deck and guest parking)
Driveway (Non-conforming Lot)	3 feet	---
Max. Encroachment for Eaves & Overhangs (Lots < 17,500 sq. ft.)	18 inches	0 inches (No encroachment beyond reduced setbacks)

In their application, the applicants have stated that there are “extraordinary and exceptional conditions pertaining to this particular piece of property” as a result of its non-conforming size, irregular shape, narrow dimensions and the presence of protected marshland. The applicants further add that without the requested setback reductions, it would be “unfeasible to build a home of conventional design on the property.”

Background

The property was subject to a variance request in early 1993. At the time of the application, the property was under contract for sale from Heinz F. and Isis N. Hutter to Andrea M. Bonette. Ms.

Bonette, as the prospective buyer, served as the applicant.

In order to construct a single-family residence of approximately 2,780 square feet, Ms. Bonette requested a variance from the following requirements:

TYPE	REQUIRED PER DSO (1993)	1993 VARIANCE (APPROVED)
Front (Principal Structure)	30 feet	18 feet
Front (Uncovered Steps)	20 feet	15 feet
Side ¹	15 feet	7 feet
Marsh (Principal Structure)	25 feet	13 feet
Marsh (Open Deck)	15 feet	2 feet
Driveway ²	---	---
Max. Encroachment for Eaves & Overhangs ³	---	---

¹ It does not appear that the DSO allowed reduced side yard setbacks for non-conforming lots in 1993. Therefore, a minimum side yard setback of 15 feet would have applied. An amendment adopted on July 28, 1998 (Ord. 1998-18) allowed setbacks on non-conforming lots to be reduced from 15 feet to 10 feet or 12.5 feet, depending on the lot size.

² A driveway variance was not addressed in the original request, nor was one shown on the proposed site plan. The driveway setback requirement from 1993 is currently unknown. A text amendment to the DSO for driveways was adopted on September 14, 1995 (Ord. 1995-13). The current setback requirement (3 feet for non-conforming lots) was adopted on July 25, 2000 (Ord. 2000-09).

³ It does not appear that the DSO allowed eaves and overhangs to encroach into the required setbacks on non-conforming lots in 1993. This amendment was adopted on January 27, 2004 (Ord. 2003-11).

In granting the variance request on February 5, 1993, the Board of Zoning Appeals made the following conclusions:

“This is a non-conforming lot and it is virtually impossible to build while conforming to all setback ordinances. Without variances the lot is of virtually no value. Thus a serious hardship exists. After much discussion and after examining other possible approaches to the problem, it was concluded that the buyers request was as reasonable as any other.”

The motion approving the variance request was as follows:

“[Board member] Wayne Hockersmith offered the following motion: It was moved that the variances requested by the buyer be granted with the proviso that complete plans to control rain water run-off be included with the house plans for approval by the Zoning Administrator. The motion was seconded by [Board member] Joe Bickle and unanimously approved.”

Despite the Board's approval of a variance in 1993, there is no record of the original applicant – or any subsequent owner – obtaining a building permit to construct a residence, or any other improvement, over the last 25 years. As of 2018, the property remains vacant.

Since the original variance was approved in February 1993, the property has been transferred a total of three times:

- **February 17, 1993**: From Heinz F. & Isis N. Hutter to Andrea M. Bonette (\$107,000)
- **April 6, 2006**: From Andrea M. Bonette to Ralph B. & Nancy O. Finno (\$465,000)
- **June 24, 2016**: From Ralph B. & Nancy O. Finno to Eric L. Ison & Melanie A. Bootes (\$340,000)

Town staff was notified earlier this year that the current property owners, Eric L. Ison and Melanie A. Bootes, were seeking to construct a single-family residence on the property. A proposed site plan was prepared based on the reduced setbacks approved by the Board of Zoning Appeals in 1993.

The applicants have stated in their application that they consulted with the town's former Zoning Administrator, Randy Pierce, prior to purchasing the property in 2016, and were informed by him that the 1993 variance was still valid. The town's current zoning Administrator, Joseph Cronin, spoke to Mr. Pierce by telephone earlier this year. While Mr. Pierce stated that while he didn't remember this conversation specifically, it was his belief that a variance approved in 1993 would still be valid.

Shortly after receiving notification of the applicant's intent to build, the current Zoning Administrator consulted with the Town Attorney and several other planning and zoning officials across the state to determine if a 25-year old variance, which was approved but never acted upon, was still valid. As a result of these discussions, the Zoning Administrator determined that the variance had expired as a result of the following:

- The state's Vested Rights Act, adopted in 2004, established a "vested right" to develop an approved "site-specific development plan" for two years following approval, with the ability to receive up to five annual extensions (upon application) "unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval." (S.C. Code of Laws, Sec. 6-29-1510 through -1560). Further, § 13.90.10(1)(b) of the town's DSO states that a "Site specific development plan in addition . . . to the definition set forth in [the South Carolina Code of Laws] is further defined to mean those documents that comprise a complete application for a ... variance..." Accordingly, if the variance was presumed to be valid at the time the Vested Rights Act was adopted, it was staff's opinion that any right to develop under the 1993 site plan would have been extinguished within two years following adoption of the Act.
- The original site plan from 1993 was based upon a critical line that was delineated by the Carolina Coastal Council (precursor to SCDHEC-OCRM) more than 25 years ago. The marsh location has changed substantially over the last 25 years. Critical lines marked by SCDHEC-OCRM are typically valid for a period of 5 years. Because of changes to the

critical line, the original site plan – the plan upon which the original variance was granted in 1993 – would not be buildable today, as a portion of the house would now be located inside the marsh area.

Notwithstanding the items listed above, the proposed site plan contains a substantially different layout than the plan that was included with the variance request in 1993. This raised a subsequent legal question as to whether a variance authorizing a setback reduction should be applied only to a site-specific development plan (ie. the 1993 plan) or whether it was in fact a blanket reduction of the setback requirement and, therefore, would extend along the length of all property lines. While it is our opinion that a variance would be tied to a site-specific development plan, to date, we have not identified any case law in South Carolina where this question has been definitively settled.

While the applicant’s have reserved their right to challenge the town’s assertion that the 1993 variance is no longer valid, they have agreed to move forward with a request for a new variance.

As illustrated in the chart below, the new variance request is nearly identical to the variance approved by the Board of Zoning Appeals in 1993; however, the reduced setbacks would be applied to the site as it exists today (including the updated critical line). Aside from modifications to the building layout, the only requested change is that the setback reduction approved by the Board for “open decks” in 1993 similarly apply to a pervious guest parking area. (The remainder of the driveway will meet the current 3-foot setback requirement.) In addition, while the DSO would otherwise allow eaves and overhangs to encroach up to 18 inches into a required setback, if approved, no portion of the structure – including eaves and overhangs – are proposed to encroach into the reduced setback areas.

TYPE	REQUIRED PER DSO (2018)	1993 VARIANCE (APPROVED)	2018 VARIANCE (REQUESTED)
Front (Principal Structure)	30 feet	18 feet	18 feet
Front (Uncovered Steps)	20 feet	15 feet	15 feet
Side (Non-conforming Lot)	10 feet	7 feet	7 feet
Marsh (Principal Structure)	25 feet	13 feet	13 feet
Marsh (Open Deck)	15 feet	2 feet (Deck only)	2 feet (Including pervious deck and guest parking)
Driveway (Non-conforming Lot)	3 feet	---	---
Max. Encroachment for Eaves & Overhangs (Lots < 17,500 sq. ft.)	18 inches	---	0 inches (No encroachment beyond reduced setback lines)

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. However, we do feel it is appropriate to provide some commentary on this request.

First, we would place a great deal of emphasis on the fact that, in granting a variance for the property in 1993, a previous Board made a determination that: 1) there were extraordinary and exceptional conditions pertaining to this property; 2) that these conditions did not generally apply to other property; 3) that a strict application of the setback requirements would prohibit or unreasonably restrict the utilization of the property; and 4) that the setback reductions would not be of substantial detriment to neighboring properties. In short, the Board determined that the setback reductions were both reasonable and necessary to allow the owners to use their property.

Second, it is our opinion that the property is even more restricted today than it was in 1993, due primarily to changes in the SCDHEC-OCRM critical line over the last 25 years. With the exception of a larger building footprint and the addition of guest parking (pervious), the requested setback reductions are substantially the same as those approved by the Board in 1993.

While the decision to grant or deny a variance is solely within the purview of the Board of Zoning Appeals, given all of the facts and circumstances surrounding the history of this property, and for the reasons mentioned above, town staff would support the granting of a variance.

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 Tyler A. Smyth Architects, dated March 15, 2018. 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 subsequent review and approval by the Board of Zoning Appeals.
- The survey for the property includes a critical line delineation which was certified by SCDHEC-OCRM on January 29, 2015. The signature line on the survey states, in part: "The critical line shown on this plat is valid for five years from the date of this signature." Staff would recommend including a condition that the variance shall expire on January 29, 2020 (5 years from the date of OCRM certification) if no building permit has been issued by that date.
- Prior to issuance of a zoning permit, the applicant shall submit detailed plans to control stormwater run-off, consistent with Town of Seabrook Island and Charleston County stormwater requirements, to the Zoning Administrator for review and approval.

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.

Attachments

The following supplemental items have been attached for review:

2018 Variance Request		
1	Variance Application	p. 13-17
2	Proposed Site Plan	p. 18-19
3	Property Survey	p. 20-21
4	Property Photos	p. 22-30
5	Zoning Map & Aerial Image	p. 31-32
6	FEMA Base Flood Elevations (Current & Preliminary)	p. 33-34
7	Title to Real Estate	p. 35-40
8	Public Hearing Notice – List of Neighboring Property Owners	p. 41-42
9	Public Hearing Notice – U.S.P.S. Certified Mail Receipts	p. 43-45
10	Public Hearing Notice – Post and Courier Legal Ad	p. 46-47
11	Public Hearing Notice – Property Posting	p. 48-49
12	Letter from Eric L. Ison (March 1, 2018)	p. 50-55
13	Letter from Eric L. Ison (March 9, 2018)	p. 56-58

1993 Variance Request		
14	Variance Application (1993)	p. 59-61
15	Proposed Site Plan (1993)	p. 62-63
16	BOZA Variance Approval Letter (1993)	p. 64-65
17	Approved Variance (1993) vs. Requested Variance (2018)	p. 66-69

Other Information		
18	Subdivision Plat for Persimmon Pond Court (1978)	p. 70-71
19	Neighboring Property Information:	
	a) 2637 Persimmon Pond Court (Lot 35, Block 5)	p. 72-75
	b) 2647 Persimmon Pond Court (Lot 36, Block 5)	p. 76-79
	c) 2656 Persimmon Pond Court (Lot 39, Block 5) <i>Note: This property has a non-conforming front and marsh setback (Variance approved by BOZA in 1989)</i>	p. 80-84
	d) 2646 Persimmon Pond Court (Lot 40, Block 5)	p. 85-88
	e) 2636 Persimmon Pond Court (Lot 41/42, Block 5) <i>Note: This property has a non-conforming marsh setback (Constructed in 1986, prior to incorporation)</i>	p. 89-92

Written Correspondence Regarding the Proposed Variance Request		
20	Letter from Patricia Linton (April 9, 2018)	p. 93-96
21	Letter from James & Kathleen Hatley (April 19, 2018)	p. 97-99
22	Letter from Tina & Larry Mayland (April 20, 2018)	p. 100-101
23	Letter from Larry & Marilyn Margolis (April 23, 2018)	p. 102-104
24	Letter from Susan Rock (April 25, 2018)	p. 105-106



ATTACHMENT #1

Variance Application

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

Date Filed: 3/20/18 (To be Completed by Office Administration)
Application Fee: \$ 350.00 ^{Variance} Permit Application#: 155 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.

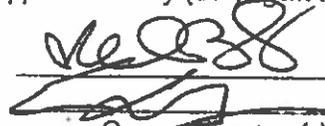
THE APPLICANT HEREBY APPEALS [indicate one with an X]:
 From action of a zoning official as stated on attached Form 2.
 For a variance as stated on attached Form 3.
 For a Special Exception as stated on attached Form 4.

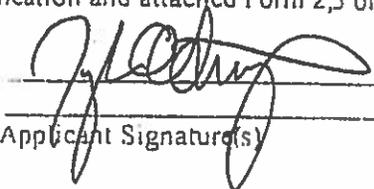
2) STUART RUMPH
SEABROOK IS. R.F.
1002 LANDFALL WAY
SEABROOK IS, SC 29455

Applicant(s) [Please print]:
Address: 1) TYLER A. SMYTH, ARCHITECT
990-B MORRISON DR CHARLESTON SC 29403
Telephone: (843) 724-7787

Owners(s) [if other than Applicant]
Address: MELANIE BOOTES & ERIC ISON
11914 CREEL LODGE DR. LOUISVILLE, KY 40223
Telephone: (502) 587-3564 (502) 599-1983

Property Address: 2666 PERSIMMON POND RD
Lot 38 Block 5 Tax Map # 147-01-00-069

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: 3.19.18

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: 3/14/18

Applicant Signature(s)

VARIANCE APPLICATION - Form 3
Board of Zoning Appeals
TOWN OF SEABROOK ISLAND-COUNTY OF CHARLESTON

Date Filed: 3/20/18 (To be Completed by Office Administration)
Permit Application#: _____ Appeal# _____

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provision of the Zoning Ordinance: Front, side, and rear setbacks

so that a zoning permit may be issued to allow use of the property in a manner shown on attached plot plan, described as follows: a single family residence of approx. 3,600SF of conditioned space.

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section (s) of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

The property is smaller and more irregular in shape than typical lots in the area; see attached letter.

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

This non-conforming lot has an irregular shape and small size, having been affected by substantial erosion since its platting in 1978; see attached letter.

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 letter

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:

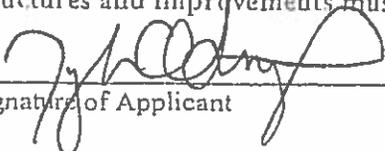
See attached letter

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

Attached letter of intent; 1993 Variance granted; site plan

**[An accurate, legible plot plan showing property dimensions and location of all structures and improvements must be attached to a variance application]

Signature of Applicant



Date

3/15/18

TYLER A. SMYTH, ARCHITECT, LLC

990 Morrison Dr Suite B Charleston, SC 29403 843.727.7787 TYLER@TYLERASMYTH.COM

15 March 2018

Mr. Joseph M. Cronin
Town Administrator
Town of Seabrook Island
2001 Seabrook Island Rd
Seabrook Island, SC 29455

RE: Board of Adjustment Variance Request for Setbacks at 2666 Persimmon Pond Rd;
Owned by Eric Ison and Melanie Bootes, husband and wife currently residing in Louisville, KY.

Dear Mr. Cronin;

We are proposing the a new residence of approximately 3,600 sf on the non-conforming property located at 2666 Persimmon Pond Rd, Seabrook Island. Pursuant to this, we are requesting setback variances as follows:

Side yard: 7 ft each side for house structure, including roof overhangs;

Front: 18 ft to house structure, including roof overhangs; 15 ft to deck/porch/uncovered stair;

Rear/Marsh: 2 ft from OCRM line to pervious deck, pervious patio, or pervious driveway/parking area; 13 ft to house structure, including roof overhangs;

We believe that providing some background information is pertinent to this matter. There was a granting of the setback variances as requested above in 1993. It was the belief of the current owners that these variances remained applicable and were transferrable when they purchased the property in 2016. Good faith efforts to confirm the validity of the 1993 variances were made in April-June of 2016, with due diligence investigations and discussions with the Town Administrator at the time, Randy Pierce. Upon reviewing the 1993 variance and a conceptual site plan produced by Tyler A. Smyth, Architect, Mr. Pierce confirmed with me in two conversations on May 26, 2016 that the variance would be considered valid and still in effect, in the opinion of the Town. Seabrook RE Executive Stuart Rumph also had direct conversations with Mr. Pierce during this period, in which the Town's opinion on the validity of the variance was confirmed.

We believe that there are extraordinary and exceptional conditions pertaining to this particular piece of property. This is a non-conforming lot of highly irregular shape. The latest survey, dated May 6, 2016, measures the property to have 12,305.8 sf of Highland Area. This is smaller than typical lots in the area, and of a more irregular shape than typical lots in the area. The irregular shape, with narrow dimensions generally in the N-S direction, along with the required setbacks, makes it unfeasible to build a home of conventional design on the property.

These conditions do not generally apply to other property in the vicinity because they are generally larger and more regular in shape. As this is considered a non-conforming lot under the Town of Seabrook Island zoning ordinance, typical conditions do not generally apply by definition.

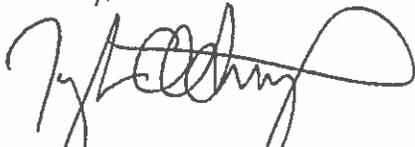
We believe that because of these conditions, the application of the ordinance pertaining to required setbacks would effectively prohibit the utilization of the property for the construction of a conventional single family residence. The 1993 variance ruling found that "This is a non-conforming lot and it is virtually impossible to build while conforming to all setback ordinances. Without variances the lot is of virtually no value. Thus a serious hardship exists." We believe that with additional shoreline erosion and shifting of the OCRM line since 1993, the hardship can only be greater.

The gross buildable footprint given the applicable setbacks is approximately 2,373 sf (19.3% of the 12,305.8 sf Highland Area) and curvilinear in shape. Of this area, only an estimated 1004 sf has a dimensional width of 20' or more.

We believe that the granting of the variance will not be a detriment to the adjacent properties or to the public good. The residence that we have proposed is an appropriate utilization of this property, fitting within the natural setting and contributing positively to the character of Seabrook Island.

Please let me know if you have any further questions about this application.

Sincerely,

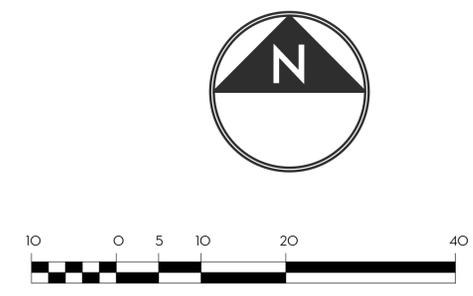
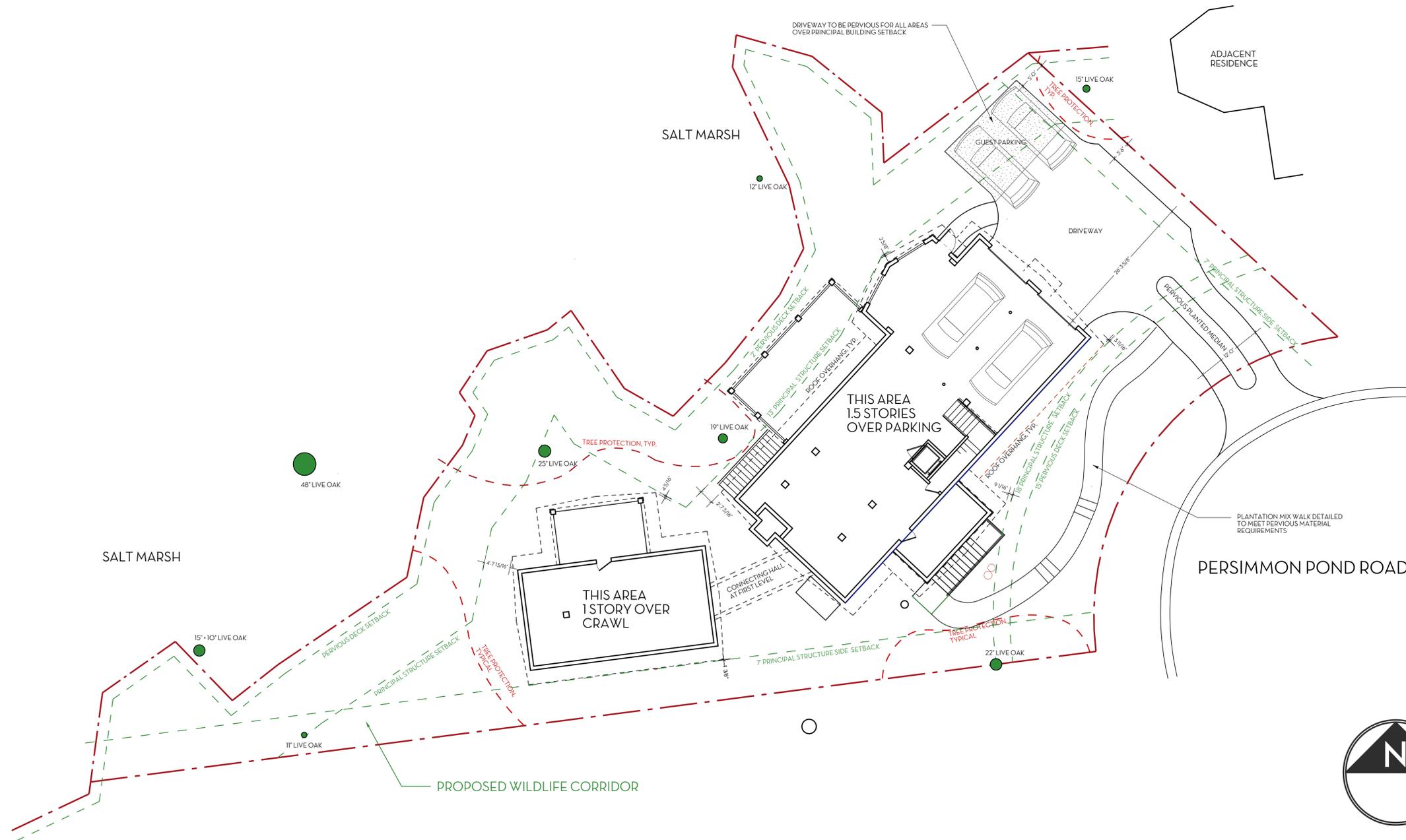
A handwritten signature in black ink, appearing to read "Tyler A. Smyth". The signature is fluid and cursive, with a large loop at the end.

Tyler A. Smyth, AIA, Principal
Tyler A. Smyth, Architect, LLC



ATTACHMENT #2

Proposed Site Plan



**BOOTES-ISON
 RESIDENCE**
 2666 Persimmon Pond Road - Seabrook Island, SC

REV.	DATE
CONCEP DES	Jan. 8, 2018
PRELIM ARCH APPLN	Jan. 29, 2018
BOARD OF ADJMNTR APPLICATION	Mar. 15, 2018

NOT FOR
 CONSTRUCTION

**SITE
 PLAN**

THESE DRAWINGS AND THE IDEAS CONTAINED THEREIN ARE PROTECTED UNDER THE EXCLUSIVE COPYRIGHT OF TYLER A. SMYTH ARCHITECTS, LLC. USE IS PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE ARCHITECT.



ATTACHMENT #3

Property Survey

Since 1991



A.H. SCHWACKE & ASSOCIATES

LAND SURVEYING & CONSTRUCTION LAYOUT
1975 FRAMPTON AVE PH: 843-762-7005 FAX 843-762-0109
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

REFERENCE:
PLAT BY E.M. SEABROOK, JR.
DATED APRIL 5, 1978
BOOK S PAGE 70
RMC CHAS. CO.

TOTAL LOT AREA:
16814.7 SQ. FT.
0.39 ACRES

TAX MAP No. 147-01-00-069
No. 2666 PERSIMMON POND RD

Prepared for:
STUART RUMPH

NOTES:

BEARINGS SHOWN ARE MAGNETIC
AND AS SUCH ARE SUBJECT TO LOCAL
ATTRACTION

AREA DETERMINED BY COORDINATE METHOD

THE PUBLIC RECORDS REFERENCED ON THIS PLAT
ARE ONLY THOSE USED AND/OR NECESSARY TO THE
ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY.
THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH
ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS
PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.

NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR
SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE
THIS PLAT DOES NOT REFLECT THE EXISTENCE OR
NONEXISTENCE OF WETLANDS CONTAMINATION OR OTHER
NONVISIBLE CONDITIONS WHICH MAY AFFECT THIS PROPERTY.

ELEVATIONS ARE BASED ON NGVD '29 DATUM

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS
OF ENGINEERS JURISDICTIONAL WETLANDS IS
UNDETERMINED AS OF THE DATE OF THIS SURVEY

DECLARATION IS MADE TO ORIGINAL PURCHASE
OF THE SURVEY. IT IS NOT TRANSFERABLE TO
ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SURVEYOR'S CERTIFICATION

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon
was made in accordance with the requirements of the Standards of Practice Manual for Surveying
in South Carolina, and meets or exceeds the requirements for a Class A survey as
specified therein. Also there are no visible encroachments or projections other than shown.

KEVIN M. SCHWACKE, SR. PLS
S.C. Registration Number 20465

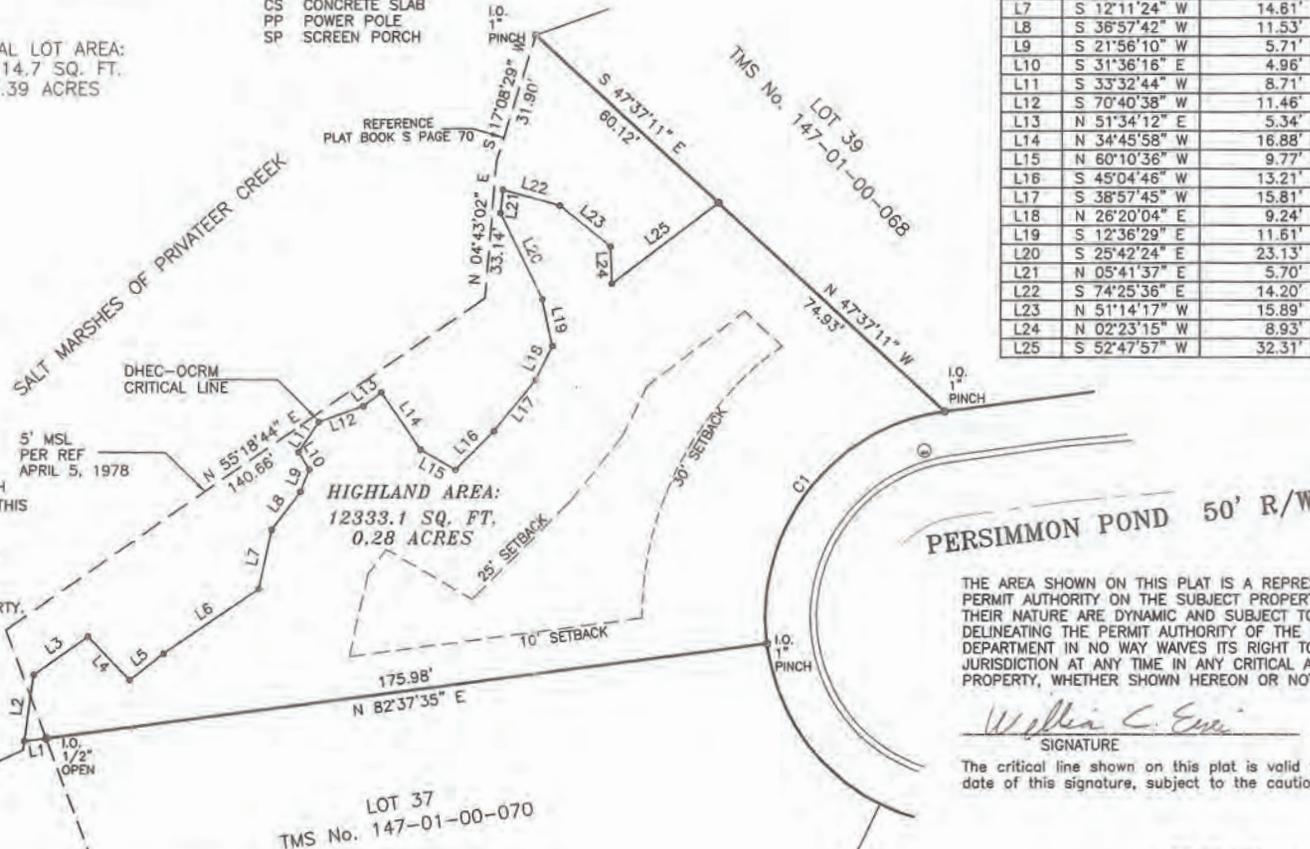
CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREON. THIS PLAT
REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

KWORK14\14381

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	78.50'	70.69'	N 37°36'10" E	89°57'36"

LEGEND:

- I.O. IRON OLD (FOUND)
- I.N. IRON NEW (SET)
- CMO CONCRETE MONUMENT OLD
- P PORCH
- CS CONCRETE SLAB
- PP POWER POLE
- SP SCREEN PORCH



LINE	BEARING	DISTANCE
L1	S 82°37'35" W	5.27'
L2	S 07°41'57" W	16.11'
L3	S 55°01'22" W	15.92'
L4	N 44°01'02" W	14.61'
L5	N 52°21'12" E	10.37'
L6	N 55°49'30" E	27.71'
L7	S 12°11'24" W	14.61'
L8	S 36°57'42" W	11.53'
L9	S 21°56'10" W	5.71'
L10	S 31°36'16" E	4.96'
L11	S 33°32'44" W	8.71'
L12	S 70°40'38" W	11.46'
L13	N 51°34'12" E	5.34'
L14	N 34°45'58" W	16.88'
L15	N 60°10'36" W	9.77'
L16	S 45°04'46" W	13.21'
L17	S 38°57'45" W	15.81'
L18	N 26°20'04" E	9.24'
L19	S 12°36'29" E	11.61'
L20	S 25°42'24" E	23.13'
L21	N 05°41'37" E	5.70'
L22	S 74°25'36" E	14.20'
L23	N 51°14'17" W	15.89'
L24	N 02°23'15" W	8.93'
L25	S 52°47'57" W	32.31'



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

William C. Eme 1/29/15
SIGNATURE DATE

The critical line shown on this plat is valid for five years from the
date of this signature, subject to the cautionary language above.

PLAT OF
LOT 38 BLOCK 5
SEABROOK ISLAND
CHARLESTON COUNTY SOUTH CAROLINA



DATE: JANUARY 8, 2015 SCALE: 1" = 30'

PROPERTY APPEARS TO BE LOCATED
IN FLOOD ZONE AE (EL 13) AS PER
FEMA FLOOD MAP.
PANEL No. 45019C 0785J
DATED NOVEMBER 17, 2004
COMMUNITY No. 450256





ATTACHMENT #4

Property Photos

NOTICE
Zoning Appeals Hearing
Appeals of the Town of Seabrook Island, SC will hold
a public hearing on Monday, 11/15/2011 at Town Hall
PUBLIC INVITED
Requesting variance from Section 7.0 of the Zoning Ordinance
for Reduction of front yard setback (100')
to 75' and move setback of building 2
feet (100')
This notice shall not be removed or defaced
under penalty of law

NOTICE
Board of Zoning Appeals Hearing
The Board of Zoning Appeals of the Town of Seabrook Island, SC will hold
its public hearing at 2:30pm on Monday at Town Hall
PUBLIC INVITED
Property Owner is seeking variance from Section 7 of the Zoning Ordinance
for yard setback of 24 feet from side & rear (10')
front & rear (17') and marsh setback (7' built)
This notice shall be posted for 14 days











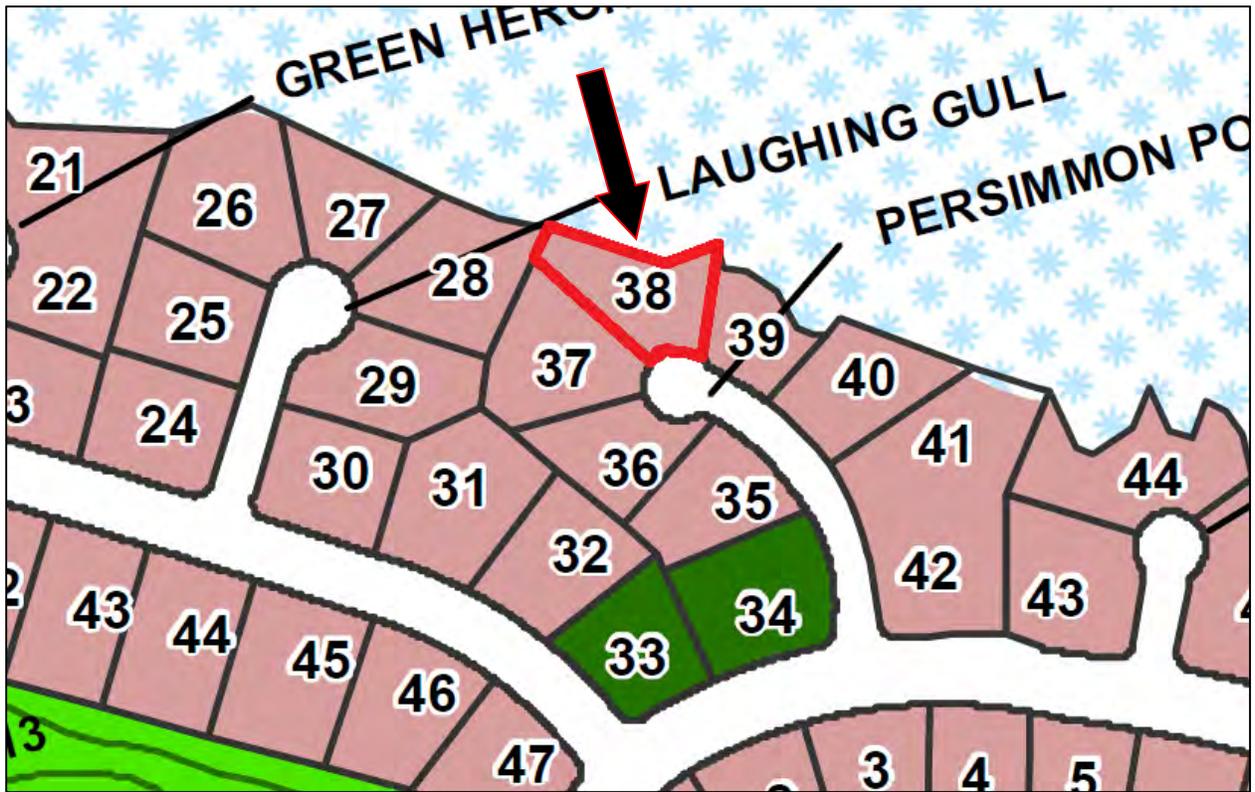




ATTACHMENT #5

Zoning Map & Aerial Image

Zoning Map



Aerial Image





ATTACHMENT #6

FEMA Base Flood Elevations
(Current & Preliminary)



ATTACHMENT #7

Title to Real Estate

EXHIBIT A

ALL that certain lot, piece, parcel of land, situate, lying and being on Seabrook Island, Charleston County, State of South Carolina, and known and designated as LOT 38, BLOCK 5, on a plat by E.M. Seabrook, Jr., CE & LS, dated October 26, 1977, and recorded in Plat Book AJ, at Page 144, in the Charleston County RMC Office.

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

THIS CONVEYANCE IS SUBJECT TO THE FOLLOWING:

- (a) Covenants, conditions, restrictions, reservations, easements, liens for assessments, options, powers of attorney and limitations on title recorded in Book N100, page 296; and as amended in Book Y110, page 143; and as further amended in Book J144, page 067; and as further amended in Book J164, page 487; and as further amended in Book L186, page 697; and as further amended in Book K215, page 023; and as further amended in Book S513, page 341; and as further amended in Book C517, page 808; and as further amended in Book V635, page 522; and as further amended in Book V639, page 557; and as further amended from time to time.

- (b) Covenants, conditions, restrictions, reservations, easements, liens for assessments, options, powers of attorney and limitations on title recorded in Book J100, page 107; and as amended in Book S109, page 002; and as further amended in Book B110, page 331; and as further amended in Book H127, page 163; and as further amended in Book B141, page 267; and as further amended in Book J144, page 059; and as further amended in Book L186, page 718; and as further amended in Book K215, page 001; and as further amended from time to time.

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 is being transferred is located at 2666 Persimmon Pond Road, Seabrook Island bearing Charleston, County Tax Map Number 147-01-00-069, was transferred by **Ralph B. Finno and Nancy O. Finno** to **Eric L. Ison and Melanie A. Bootes** on June 24, 2016.
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 \$340,000.00
 - (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 \$ _____.

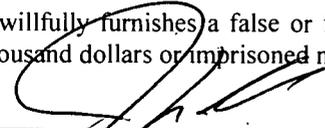
5. Check YES ___ or NO X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of 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: 340,000.00
 - (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: 340,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: 6,258.00

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as : 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
RUSTY B. TAYLOR
Print Name

Sworn to before me this 24 day
of June, 2016.



Notary Public for South Carolina
My Commission Expires: _____

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

RECORDER'S PAGE



NOTE: This page **MUST** remain with the original document

Filed By:

BUIST BYARS & TAYLOR, LLC
 FRESHFIELDS VILLAGE
 130 GARDNER'S CR PMB 138
 JOHNS ISLAND SC 29455 (BOX)

RECORDED		
Date:	June 27, 2016	
Time:	1:17:29 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0563	883	Deed
Charlie Lybrand, Register Charleston County, SC		

MAKER:

FINNO RALPH B AL

of Pages: 5

Note:

RECIPIENT:

ISON ERIC L AL

Recording Fee	\$ 10.00
State Fee	\$ 884.00
County Fee	\$ 374.00
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 1,268.00

Original Book:

Original Page:

DRAWER
 CLERK

AUDITOR STAMP HERE
RECEIVED From RMC
 JUN 28 2016
 Peter J. Tecklenburg
 Charleston County Auditor

PID VERIFIED BY ASSESSOR
 REP VP
 DATE 6/29/2016
 4



0563
Book



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Page



06/27/2016
Recorded Date



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Pgs



Original Book



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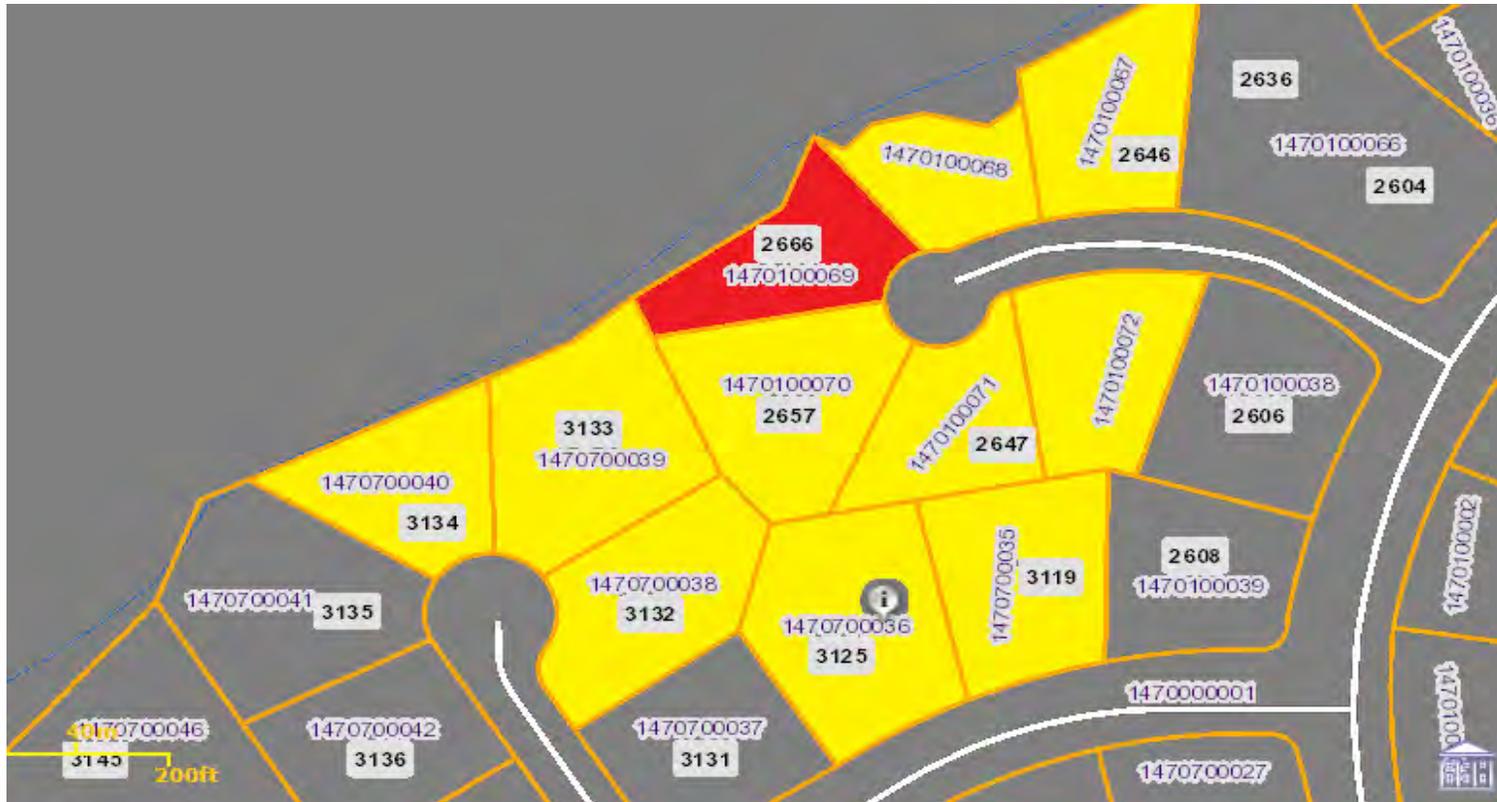
ATTACHMENT #8

Public Hearing Notice:
List of Neighboring Property Owners

Variance Notification List

2666 Persimmon Pond Court

Property Address	Owner(s) of Record	Mailing Address	City	State	Zip
2656 Persimmon Pond Court	James R. & Monique B. Sporn	2656 Persimmon Pond Court	Seabrook Island	SC	29455
2646 Persimmon Pond Court	Tracy E. & Michael J. Thorne	2646 Persimmon Pond Court	Seabrook Island	SC	29455
2657 Persimmon Pond Court	Linda M. McCarter	PO BOX 1964	Johns Island	SC	29457
2647 Persimmon Pond Court	Jeanette E. Davis, James M. Hatley Jr. & Kathleen D. Hatley	104 Aspen Lane	Columbia	SC	29212
2637 Persimmon Pond Court	Patricia V. Linton	16 Leamington Street	Lido Beach	NY	11561
3133 Laughing Gull Court	Lawrence A. & Marilyn Jo Margolis (Trustees)	5115 Trimble Road NE	Sandy Springs	GA	30342
3134 Laughing Gull Court	Susan N. & Alvah O. Rock (Trustees)	40 Awixa Avenue	Bay Shore	NY	11706
3132 Laughing Gull Court	John B. & Rosemary E. Roche	1180 Bridge Pointe Lane	Yorktown Heights	NY	10598
3125 Privateer Creek Road	Richard & Kimberly Helms	3125 Privateer Creek Road	Seabrook Island	SC	29455
3119 Privateer Creek Road	James M. & Kathleen D. Hatley	2647 Persimmon Pond Court	Seabrook Island	SC	29455





ATTACHMENT #9

Public Hearing Notice:
U.S.P.S. Certified Mail Receipts

7015 0640 0001 0352 0286

CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

ATLANTA, GA 30342 OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee to certified mail fee)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00
Postage	\$ 0.50
Total Postage and Fees	\$ 3.95

ISLAND SC 0455 08
29455
Postmark Here
MAR 27 2018

Sent To: Lawrence and Marilyn Margolis
Street and Apt. No., or PO Box No.: 5765 Trimble Road NE
City, State, ZIP+4: South Springs GA 30342

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0001 0352 0293

U.S. Postal Service™
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BAY SHORE, NY 11706 OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee to certified mail fee)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00
Postage	\$ 0.50
Total Postage and Fees	\$ 3.95

ISLAND SC 0455 08
29455
Postmark Here
MAR 27 2018

Sent To: Susan & Alva Rock
Street and Apt. No., or PO Box No.: 40 AWIXA AVENUE
City, State, ZIP+4: Bay Shore NY 11706

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0001 0352 0316

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JOHNS ISLAND, SC 29455 OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee to certified mail fee)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00
Postage	\$ 0.50
Total Postage and Fees	\$ 3.95

ISLAND SC 0455 08
29455
Postmark Here
MAR 27 2018

Sent To: Tracy + Michael Thorne
Street and Apt. No., or PO Box No.: 2646 Persimmon Pond Ct
City, State, ZIP+4: Seabrook Island SC 29455

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 0640 0001 0352 0330

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COLUMBIA, SC 29212 OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee to certified mail fee)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00
Postage	\$ 0.50
Total Postage and Fees	\$ 3.95

ISLAND SC 0455 08
29455
Postmark Here
MAR 27 2018

Sent To: Jeanette Davis James + Redkner Hatter
Street and Apt. No., or PO Box No.: 129 Aspen Lane
City, State, ZIP+4: Columbia SC 29212

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instruction

7015 0640 0001 0352 0323

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JOHNS ISLAND, SC 29457 OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee to certified mail fee)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00
Postage	\$ 0.50
Total Postage and Fees	\$ 3.95

JOHNS ISLAND SC 0455 08
29455
Postmark Here
MAR 27 2018

Sent To: Linda Mc Carter
Street and Apt. No., or PO Box No.: PO Box 1964
City, State, ZIP+4: Johns Island SC 29455

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instruction

7015 0640 0001 0352 0303

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JOHNS ISLAND, SC 29455 OFFICIAL USE

Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee to certified mail fee)	
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<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00
<input type="checkbox"/> Adult Signature Required	\$ 0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00
Postage	\$ 0.50
Total Postage and Fees	\$ 3.95

JOHNS ISLAND SC 0455 08
29455
Postmark Here
MAR 27 2018

Sent To: James + Monique Sporn
Street and Apt. No., or PO Box No.: 2656 Persimmon Pond Ct.
City, State, ZIP+4: Seabrook Island SC 29455

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instruction

0650 2530 0352 0001 0640 0440 5102

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YORKTOWN HEIGHTS, NY 10598 **OFFICIAL USE**

Certified Mail Fee	\$ 3.45	0455
Extra Services & Fees (check box, add fee to postage)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00	
<input type="checkbox"/> Adult Signature Required	\$ 0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00	
Postage	\$ 0.50	
Total Postage and Fees	\$ 3.95	

Sent To: *Mr. & Mrs. John Roche*
Street and Apt. No., or PO Box No.: *1180 Bridge Pointe Lane*
City, State, ZIP+4®: *Yorktown Heights NY 10598*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0690 2530 0352 0001 0640 0440 5102

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Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

JOHNS ISLAND, SC 29455 **OFFICIAL USE**

Certified Mail Fee	\$ 3.45	0455
Extra Services & Fees (check box, add fee to postage)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00	
<input type="checkbox"/> Adult Signature Required	\$ 0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00	
Postage	\$ 0.50	
Total Postage and Fees	\$ 3.95	

Sent To: *Mr. & Mrs. Richard Helms*
Street and Apt. No., or PO Box No.: *3125 Privater Road*
City, State, ZIP+4®: *Seabrook Island SC 29455*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0690 2530 0352 0001 0640 0440 5102

CERTIFIED MAIL® RECEIPT
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JOHNS ISLAND, SC 29455 **OFFICIAL USE**

Certified Mail Fee	\$ 3.45	0455
Extra Services & Fees (check box, add fee to postage)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00	
<input type="checkbox"/> Adult Signature Required	\$ 0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00	
Postage	\$ 0.50	
Total Postage and Fees	\$ 3.95	

Sent To: *Mr. & Mrs. James Hatley*
Street and Apt. No., or PO Box No.: *2647 Persimmon Pond Ct*
City, State, ZIP+4®: *Seabrook Island SC 29455*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0690 2530 0352 0001 0640 0440 5102

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LONG BEACH, NY 11561 **OFFICIAL USE**

Certified Mail Fee	\$ 3.45	0455
Extra Services & Fees (check box, add fee to postage)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ 0.00	
<input type="checkbox"/> Adult Signature Required	\$ 0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ 0.00	
Postage	\$ 0.50	
Total Postage and Fees	\$ 3.95	

Sent To: *Ms Patricia Linton*
Street and Apt. No., or PO Box No.: *18 Leominster Street*
City, State, ZIP+4®: *Lido Beach NY 11561*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



ATTACHMENT #10

Public Hearing Notice:
Post & Courier Legal Ad

TOWN OF SEABROOK ISLAND
 2001 SEABROOK ISLAND RD
 JOHNS ISLAND SC 29455
 Attn: Faye Allbritton



AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina
 County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

(copy attached)

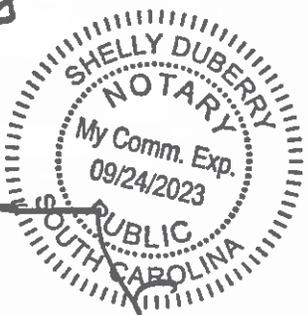
appeared in the issues of said newspaper on the following day(s):

04/01/18 Sun PC
 04/01/18 Sun CNW

at a cost of \$119.64
 Account# 108294
 Order# 1679926
 P.O. Number:

Subscribed and sworn to before me this 5th day of April A.D. 2018

K. Eddings
 advertising clerk



[Signature]
 NOTARY PUBLIC, SC
 My commission expires

NOTICE OF PUBLIC HEARING TOWN OF SEABROOK ISLAND, SC
 The Town of Seabrook Island Board of Zoning Appeals will conduct a Public Hearing at 2:30 pm on Friday, May 4, 2018, at Seabrook Island Town Hall (2001 Seabrook Island Road). During the meeting, the board will consider the following request for variance from the Development Standards Ordinance for the Town of Seabrook Island:
 Application # 155
 APPLICANT: ERIC L. Ison and Melanie A. Booles
 LOCATION: 2666 Persimmon Pond Court
 TAX MAP #: 147-01-00-049 (LT 38, BLK 5)
 ZONING DISTRICT: SR Single-Family Residential
 VARIANCE(S) REQUESTED: To reduce the front yard setback from 30 feet to 18 feet (\$ 7.60.20.10); to reduce the side yard setback from 10 feet to 7 feet (\$ 7.60.20.41); and to reduce the marsh setback from 25 feet (15 feet for open decks) to 13 feet (2 feet for open decks and pervious driveway) (\$ 7.60.50).
 The meeting will be open to the public. Documents relating to the variance request may be viewed at Town Hall during regular business hours. For more information, please call (843) 768-9121.
 AD# 1679926



ATTACHMENT #11

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 ~~2:30pm~~ on May 17th in Town Hall
PUBLIC INVITED
Property Owner is seeking variance from Section 7.40 of the Zoning Ordinance
VARIANCE IS TO ALLOW Reduction of front yard setback (15')
Side yard setback (5') and marsh setback (5' building 2'
Setback area and driveway)
Documents related to this application are located at the Town of Seabrook Island Hall
**THIS NOTICE SHALL NOT BE REMOVED OR DEFACED
UNDER PENALTY OF LAW**



ATTACHMENT #12

Letter from Eric L. Ison
(March 1, 2018)

March 1, 2018

Mr. Ronald Ciancio
Mayor
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC 29455
rciancio@townofseabrookisland.org

Mr. Joseph M. Cronin
Town Administrator
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC 29455
jcronin@townofseabrookisland.org

Mr. Stephen L. Brown, Esq.
Young Clement Rivers, LLP
25 Calhoun St., Suite 400
Charlestown, SC 29401
sbrown@yclr.com

Re: *VariANCES With Respect to Lot at 2666 Persimmon Pond, Seabrook Island*

Dear Gentlemen:

Writing this letter is not something my wife and I ever wanted to do, but we feel compelled to do so. We offer this letter in advance of our meeting with you, the mayor, town administrator and outside counsel for the Town of Seabrook ("Seabrook"). What brings us here is the determination by Seabrook, through its town administrator, that all Seabrook lot variances, and in particular the variances granted by Seabrook on February 5, 1993 for our lot at 2666 Persimmon Pond (the "VariANCES"), expire two years after they had been granted. In our case, this would render our lot unbuildable and "of virtually no value." As far as we can tell, in its history, Seabrook has never held this position until the week of February 5, 2018 when we learned of it as it affects our lot and the VariANCES, first from our architect who was told of it by the town administrator, and then directly from the town administrator on February 14, 2018, in a face to face meeting we requested.

The purpose of this letter is first and foremost to ask you to change your position and acknowledge that the VariANCES are in full force and effect and restore the status quo as it existed prior to Seabrook taking this new position. Failing this, we want to make it clear through this letter how we have been, and will continue to be damaged by Seabrook's action, why we think Seabrook is wrong and what actions come into play to remedy the damage to us.

The central point of the disagreement is the town administrator's conclusion that under the Seabrook Developmental Standards Ordinance (SDSO), variances expire two years after they are granted. This interpretation equates a variance with a "site specific development plan" and treats

March 1, 2018

Page 2

them as the same thing. Unlike a “site specific development plan” which is personal to the property owner and expires two years after the date of final approval of the plan, variances run with the land and are permanent, absent a limitation in the grant of the variances. There was no time limitation in the 1993 grant of the Variances, and the SDSO does not provide otherwise or invalidate the Variances. If a variance and a “site specific development plan” are treated as distinct matters, as they factually and legally are, the Variances will continue in effect. On this basis alone this matter can be, and should be, settled, and we can be free to proceed to build our home on our lot as planned.

If this matter cannot be resolved on the basis stated above, various causes of action will need to be evaluated which we will do briefly below.

Allow us first to give some background information to better put all of this in context:

My wife, Melanie Bootes, and I reside in Louisville, Kentucky with our eight year old son. I graduated from the University of the South and obtained my law degree from Vanderbilt University. I practice law with the law firm of Bingham Greenebaum Doll LLP. Melanie graduated from Clemson University and obtained her law degree from the University of Louisville. She is the Chief Legal Officer for KFC.

We purchased a home on Crooked Oaks Lane in Seabrook in 2014 using the good services of Stuart Rumph as our real estate agent. In 2016 we began exploring Seabrook for a home with a marsh view again using Stuart for this purpose. Stuart introduced us to the marsh view lot at 2666 Persimmon Pond which one of his clients had listed for sale. Stuart was clear in telling us that this lot was uniquely shaped and was unbuildable without the approved Variances which were in place. His client was a real estate lawyer and received confirmation from the Seabrook town administrator before he purchased the lot that the Variances were valid. Our seller intended to build on the lot and in 2007 obtained final approval from Seabrook of a site specific development plan which relied on and included the existing Variances. Our seller subsequently purchased elsewhere on Seabrook and listed the lot for sale.

Before purchasing the lot, among other steps: (i) we reviewed the written grant of the Variances which expressly finds that “without variances the lot is of virtually no value.”; (ii) we reviewed our seller’s approved site plan; and (iii) we hired our current architect, Tyler Smyth, to confirm the validity of the Variances and to provide us with an architectural site analysis plotting the Variances to show where our home could be built on the lot. In May of 2016, Mr. Smyth, on our behalf, conferred with the then, and long time, town administrator, Randy Pierce, who confirmed and represented to Mr. Smyth that the Variances were valid and in effect. Mr. Smyth memorialized this representation contemporaneously with when it was made. All those associated with the sale to us of the lot knew that without the Variances the lot had little or no value, and but for the Variances we would not have purchased it. With the express and implied

March 1, 2018

Page 3

representations regarding the Variances, our review of the written grant of the Variances and the longstanding existence without change of the Variances, we purchased the lot on June 16, 2016 for \$340,000.00.

We proceeded forward with steps to put us in a position to build our marsh-view home. This included incurring further expenses for the architectural services of Mr. Smyth (five figures) who prepared additional drawings and plans and submitted them to the Seabrook Architectural Review Committee (ARC) along with our payment of the \$2,500.00 filing fee. As part of the approval process with the ARC, we were required to have the lot staked to locate the improvements based on the existing Variances, which we did at a cost of \$1,000.00. We also incurred fees of \$2,500.00 for necessary geotechnical services. On January 16, 2016, the ARC approved our Conceptual Plan and acknowledged the existence of the Variances in its written approval. On February 6, 2018, we concluded a successful Preliminary Hearing with the ARC.

In 2017, we listed our Crooked Oaks home for sale because we were not going to start building before we sold this house. In January of 2018, we lowered the sale price in hopes of encouraging an offer so we could begin building. With the reduced sale price, we received such an offer which we accepted on January 8, 2018, and agreed to a closing on February 15, 2018. Our son's winter break conveniently began the week of February 12, 2018, so we arranged to come to Seabrook on Friday, February 9, 2018 to clear out our belongings, to close on the sale and meet with and interview building contractors; all of which we did. It was on February 7, 2018 that the town administrator informed our architect that the Variances had expired. We were told this by the town administrator in the meeting we set up with him on Wednesday, February 14, 2018, the day before our closing.

Arising out of this background are the following issues:

1. Damages. Although real and painful, at this point in time the damages we have experienced are more emotional than financial. If Seabrook reverses its position and does not challenge the Variances we can proceed forward with building plans without the need for relief for monetary damages. If, however, we are forced to go to a hearing to maintain the existing Variances or obtain other Variances, we will incur economic damages. A complete denial of the Variances will result in loss of our \$340,000.00 investment, architectural expenses, staking expenses, the ARC filing fee and other damages. The delay caused by the hearing process will impact our ability to obtain a more favorable interest rate for construction financing and we will incur additional expenses and fees for professional services. If any ultimate grant of a variance differs from the existing Variances, our architectural plans will have to be changed and we will have to start the ARC process over. Our hope is that the issue of damages can be completely avoided.

March 1, 2018

Page 4

2. Detrimental Reliance. We believe our position that we are entitled to the benefit of the Variances is clearly supported on the grounds that we reasonably relied to our detriment on the unaltered existence over time of the Variances, on the express and implied representations made in connection with the Variances, on historic precedent, and other matters on which we relied.

3. Inverse Condemnation. We believe the action by Seabrook would cause our property to be rendered virtually without value which amounts to a constructive taking of our property without just compensation.

4. Denial of Equal Protection. Others in our chain of title to the lot have enjoyed the benefit of the Variances. To deny us the same benefit is a denial of equal protection of the laws. This can be extended further to all the benefits enjoyed by all property owners with variances granted by Seabrook since 1993 which Seabrook has not treated as expiring after two years.

5. Arbitrary and Selective Enforcement. Seabrook acts arbitrarily in adopting the position that our Variances have expired and is selectively enforcing this new regulation against us.

6. Classes of Property Owners Similarly Situated. We would want to discover the number and identity of other owners of undeveloped lots in Seabrook with variances, and determine the length of time which has passed since they were granted. Also of relevance will be how many homes have been built since 1993 with variances which were older than two years at the time of construction. Arguably, under Seabrook's new stance on variances, any variance which is older than two years cannot be relied on to add to existing structures or to rebuild if a structure has been destroyed. These classes of property owners would be subject to harm and need of relief similar to what we face.

We feel strongly that the announced action by the town of Seabrook to render the Variances invalid is wrong and fundamentally unfair. We request Seabrook to reverse its position and allow us to build on our lot with the full benefit of the existing Variances.

BINGHAM GREENEBAUM DOLL LLP

March 1, 2018

Page 5

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in blue ink, appearing to be 'ELI' followed by a flourish.

Eric L. Ison
Melanie Bootes

ELI/wcd

19135632.1



ATTACHMENT #13

Letter from Eric L. Ison
(March 9, 2018)

From: Ison, Eric <Eison@bgdlegal.com>
Sent: Friday, March 09, 2018 12:05 PM
To: Ronald Ciancio; Joe Cronin; Stephen L. Brown
Cc: Stuart Rumph; Bootes, Melanie
Subject: Variances for Lot at 2666 Persimmon Pond, Seabrook Island

Gentlemen,

Melanie and I want to thank you again for meeting with us by phone last Friday. We wanted to confirm the following from our meeting:

1. The Town of Seabrook has taken the position that the variances granted by Seabrook in 1993 for our lot at 2666 Persimmon Pond have expired and are no longer valid. We disagree with Seabrook and believe the variances continue in full force and effect. We did not, and do not, waive or relinquish our position.
2. Seabrook proposed that we apply for new variances, that Seabrook would support our application and that our pursuit of the new variances would be with a full reservation of our rights.
3. We decided to apply for new variances, with full reservation of rights, and have taken Seabrook up on its invitation for our architect to meet with the Town Administrator to identify any potential areas of concern regarding the new variances and our application.

We appreciate the support of Seabrook and are optimistic that new variances which will accommodate our existing building plans with little or no change will be expeditiously granted, and we can resume the process of building our home.

Respectfully,
Eric Ison
Melanie Bootes

Eric Ison

Partner

Bingham Greenebaum Doll LLP

3500 PNC Tower | 101 South Fifth Street | Louisville, KY 40202

Direct: 502-587-3564 | Fax: 502-540-2161

Email: Elson@bgdlegal.com | <http://www.bgdlegal.com>

Follow us on [Twitter](#) | Visit our Blog: <http://blog.bgdlegal.com>



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ATTACHMENT #14

Variance Application
(1993)

TOWN OF SEABROOK ISLAND-VARIANCE REQUEST

DATE: 1/23/93

VARIANCE REQUEST NO. VA: 31

FEE: \$ 25.00

Contract Buyer:

OWNER: Robert E. + Andrea M. Bonette

FEE PAID: 1-25-93

PHONE: 609 : 466-0641

ADDRESS STREET: 17 Ridge Road, Hopewell, NJ 08525

LOT: 38

BLOCK: 5

TMS: 147 : 01 : 00 : 069

TO BE PLACED ON AGENDA

DATE: 2/5/93

TIME:

BOARD OF ADJUSTMENT:

PLANNING & ZONING:

VARIANCE REQUEST-DESCRIBE (NOTE-THE REQUEST MUST BE ACCOMPANIED BY A PLAT SHOWING LOT LINES AND ENCROACHMENT)

DESCRIPTION:

Bulk Variance request per attachment

IF MORE SPACE IS NEEDED PLEASE ATTACH TO THE FORM

ACTION:

Robert E. Bonette

APPLICANT

Dagla M. Smith

ZONING ADMINISTRATOR

DATE: 1/23/93

DATE: 1-25-93

Robert E. Bonette
17 Ridge Road
Hopewell, New Jersey 08525
Tel: (609)466-0641

January 23, 1993

The Board of Adjustment
Town of Seabrook Island

The following description relates to the bulk variance requested on Lot 38, Block 5.

It is our hope to place a house footprint of approximately 2780 square feet on this lot of approximately 22,000 square feet.

Because of the shape of this lot and the state of the C.C.C.A Line, both front and back setback as well as side setbacks are requested in order to build on this lot. The setback variances requested are:

Side yard setback permitted: 15 feet.
Variance requested: 7 feet

Front setback permitted: 30 feet
Variance requested: 18 feet to house structure, 15 feet to front deck/porch

Marsh setback from C.C.C.A. Line permitted: 25 feet
Variance requested: 2 feet to pervious deck, 13 feet to house structure

I would appreciate the Board reviewing this application, with a decision to follow as soon as possible. I am not sure at this point whether I will be able to physically attend the Board meeting, but am asking that I be permitted to appoint a representative if unable to do so. For this reason, please advise when the Board will be able to hear this application.

A plat showing lot lines, permitted setbacks, house footprint, and encroachments is attached.

Thank you very much for your consideration.

Sincerely,



Robert E. Bonette



ATTACHMENT #15

Proposed Site Plan
(1993)

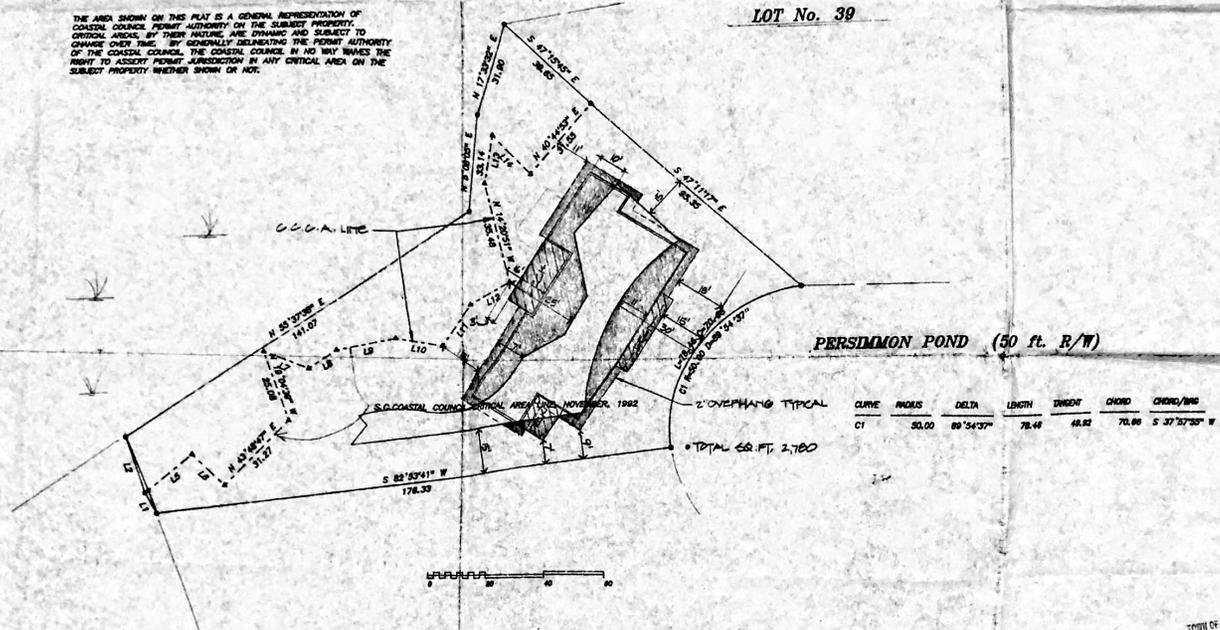


SALT MARSH

LOT No. 39

THE AREA SHOWN ON THIS PLAN IS A GENERAL REPRESENTATION OF COASTAL COUNCIL PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY GENERALLY DelineATING THE PERMIT AUTHORITY OF THE COASTAL COUNCIL, THE COASTAL COUNCIL IN NO WAY WAIVES THE RIGHT TO ASSESS PERMIT JURISDICTION IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY WHETHER SHOWN OR NOT.

LINE	BEARING	DISTANCE
L1	N 20°41'50" W	7.90
L2	N 16°38'00" W	20.10
L3	N 20°13'50" W	8.20
L4	N 20°13'50" W	18.63
L5	W 68°42'00" E	15.28
L6	S 45°31'23" E	15.10
L7	S 89°17'20" E	18.00
L8	N 33°31'11" E	11.38
L9	N 77°40'48" E	20.70
L10	S 81°07'28" E	14.12
L11	N 24°58'00" E	16.00
L12	N 62°38'37" E	12.80
L13	N 57°17'48" E	12.71
L14	S 44°16'00" E	18.68



LOT No. 37

PERSIMMON POND (50 ft. R/W)

TOWN OF SEABROOK ISLAND
 PLOT 2-500
 DRAWN BY *George M. Dow*
 DRAWING # 31

PREPARED BY GEOMETRIC SURVEYING CO., INC.

PRELIMINARY PLOT OF
 LOT 39, BLOCK 5, SEABROOK IS.
 SHOWING S.C.C. CRITICAL AREA
 LINE SURVEYED 11/25/02

41101-4-5



ATTACHMENT #16

BOZA Variance Approval Letter
(1993)

TOWN OF SEABROOK ISLAND

BOARD OF ADJUSTMENT

DATE: Feb. 5 1993

OWNER: (Buyer) Robert and Andra Bonnete
ADDRESS: 17 Ridge Road, Hopewell N. J.TMB 147 : 01 : 02 : 039
lot 38, Block 5ATTENDEES: E. M. Mahla, Chairman, Joe Bickle, Jack De Witt, Wayne
HockersmithMartha Thornhill, for the lot owner, Jere Pugh, for the lot
buyer, and Harold Dunham, observer.

VARIANCE REQUEST:

In order to build a house of approximately 2780 sq. ft. on this lot of
approximately 22000 sq. ft. the following setback variances were requested:

Side yard: 7 ft.

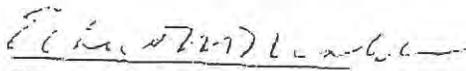
Front: 18 ft. to house, 15 ft. to front deck/porch

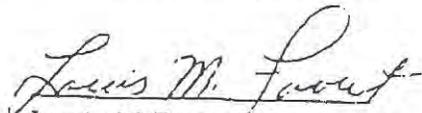
Marsh set back: 2 ft. to C.C.C. A line from a pervious deck, 13 ft.
to house structure.

This is a non-conforming lot and it is virtually impossible to build
while conforming to all setback ordinances. Without variances the lot is of
virtually no value. Thus a serious hardship exists. After much discussion and
after examining other possible approaches to the problem, it was concluded
that the buyers request was as reasonable as any other. The problem of rain
water run-off, building so close to the C. C. C. A line, was of major concern to
the committee, even though the Coastal Council allows building to the critical
line. Therefore Wayne Hockersmith offered the following motion:

It was moved that the variances requested by the buyer be granted
with the proviso that complete plans to control rain water run-off be
included with the house plans for approval by the Zoning Administrator.

The motion was seconded by Joe Bickle and unanimously approved.


Elbert M. Mahla, Chairman


Louis M Favret, Secretary

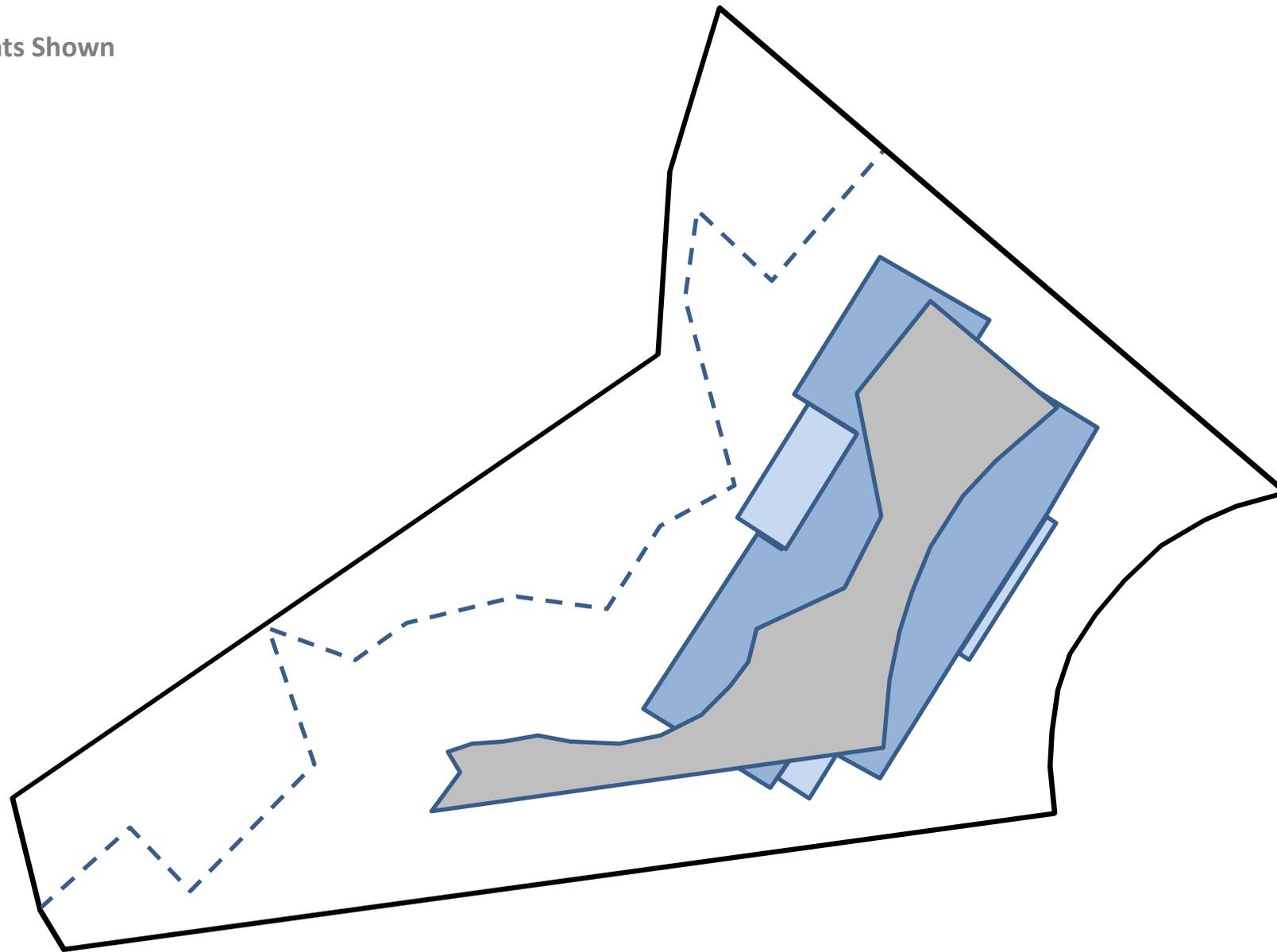


ATTACHMENT #17

Approved Variance (1993) vs.
Requested Variance (2018)

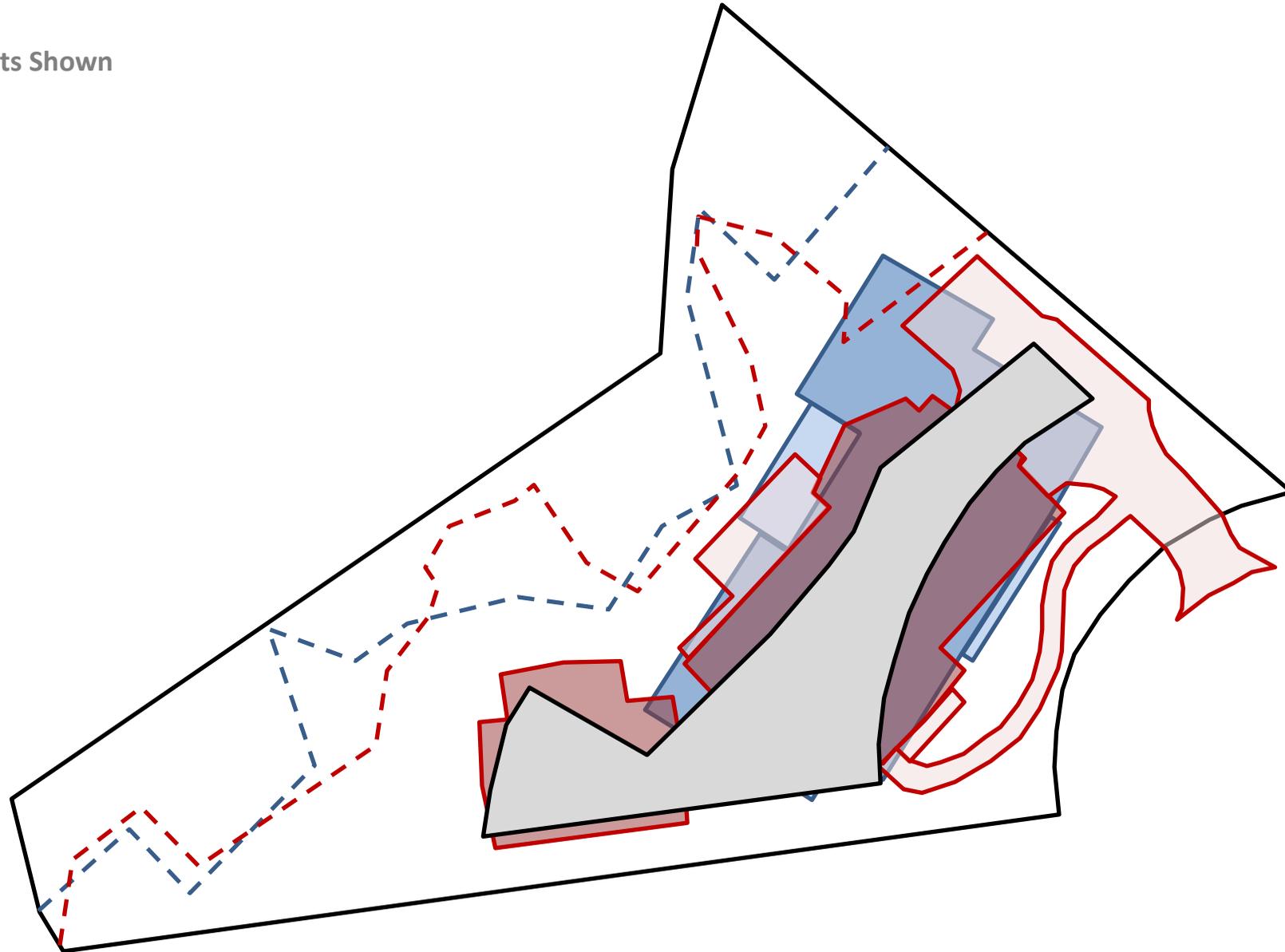
Original Site Plan (1993)

1993 Setback Requirements Shown



**Original Site Plan (1993) vs.
Proposed Site Plan (2018)**

2018 Setback Requirements Shown





ATTACHMENT #18

Subdivision Plat for Persimmon Pond Court
(1978)



ATTACHMENT #19-A

Neighboring Property Information:
2637 Persimmon Pond Court
(Lot 35, Block 5)

Charleston County, South Carolina

generated on 4/26/2018 9:18:42 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
1470100072		2637 PERSIMMON POND RD, SEABROOK ISLAND	4/20/2018	2017	2017

Current Parcel Information

Owner	LINTON PATRICIA V	Property Class Code	101 - RESID-SFR
Owner Address	16 LEAMINGTON ST LIDO BEACH NY 11561-5106	Acreage	.0000
Legal Description	Subdivision Name -SEABROOK ISLAND Description -LOT 35 BLK 5 PlatSuffix S-90 PolTwp 009		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2017	\$104,800	\$447,300	\$552,100	\$7,302.63	\$7,302.63
2016	\$104,800	\$447,300	\$552,100	\$7,018.81	\$7,018.81
2015	\$104,800	\$447,300	\$552,100	\$6,652.17	\$6,652.17
2014	\$300,000	\$350,000	\$650,000	\$7,628.60	\$7,628.60

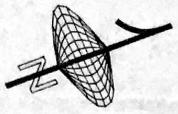
Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
WENRICH EDWARD W	N652 017	2/29/2008	G		\$750,000
WENRICH EDWARD W	A643 486	10/23/2007	G		\$9

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1989	1.0	03	2,745	



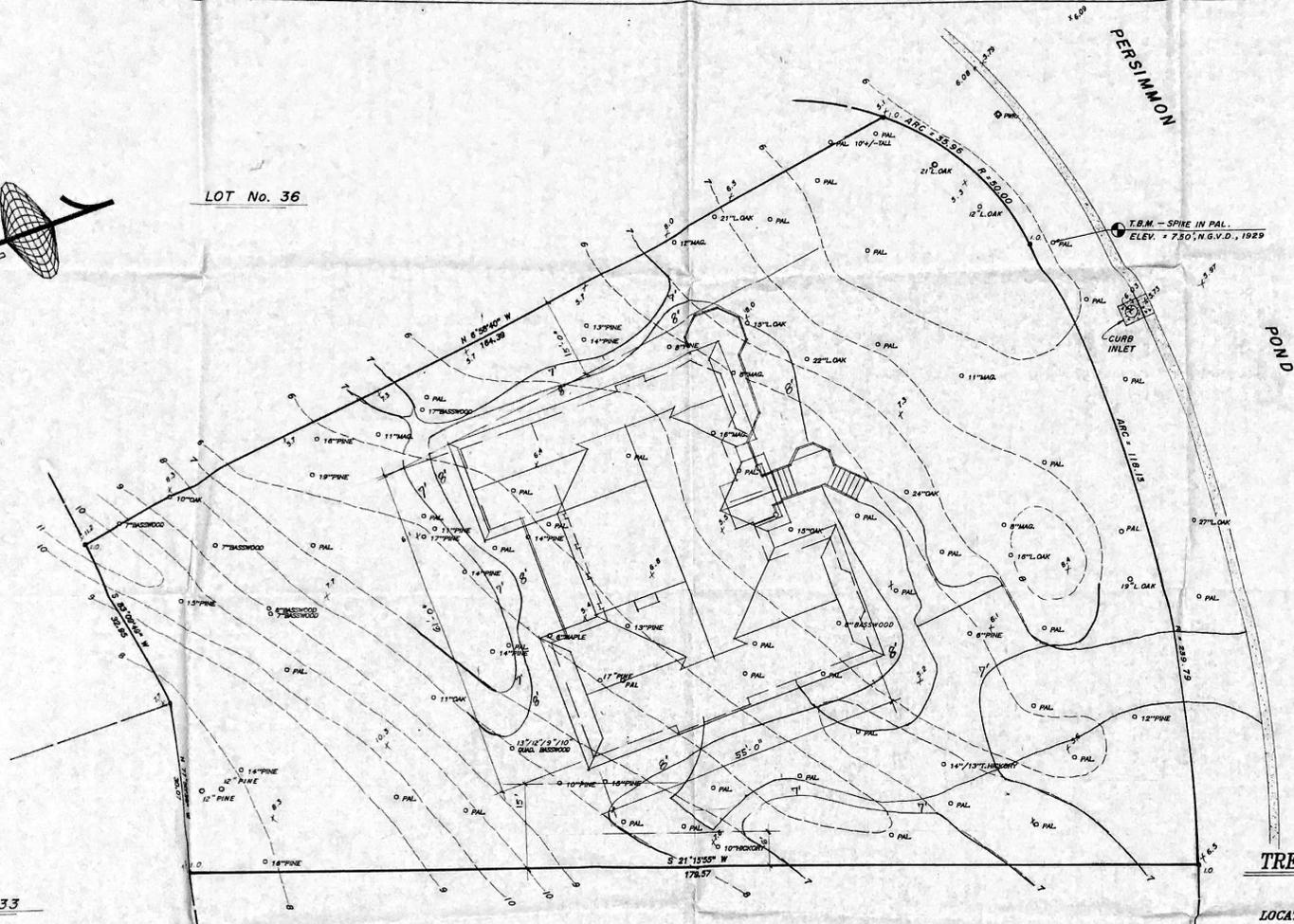


LOT No. 36

LOT No. 32

LOT No. 33

LOT No. 34



NOTES
1. NO BOUNDARY SURVEY BY GEOMETRIC SURVEYING CO., INC. THE DATE
THE BOUNDARY IS FROM THE PLAT OR PLATS REFERENCED.
2. ELEVATIONS ARE BASED ON U.S.G.S. DATUM OF 1929.
3. ALL VERTICAL DATUM ORIGINATED FROM S.C.G.S. AND / OR U.S.G.S.
BENCH MARKS UNLESS NOTED OTHERWISE.

REF.: PLAT BY E.M. SEABROOK, JR., DATED APRIL 5, 1978,
PLAT BOOK 5, PAGE 10 (P.B. NO. 3560-PR) S.C.G.S., CIVILS. CO.,
S.C.



SEABROOK ISLAND PROPERTY OWNERS ASSOCIATION
ARCHITECTURAL REVIEW BOARD

DATE REC'D. _____
PRELIMINARY APPROVAL
COND'L APPROVAL
FINAL APPROVAL
DISAPPROVED
DATE June 19, 1989 BY [Signature]

(50' R/W)



SITE PLAN

TREE & TOPOGRAPHIC SURVEY

LOT No. 35, BLOCK 5
LOCATED IN THE TOWN of SEABROOK ISLAND
CHARLESTON COUNTY SOUTH CAROLINA
DATE: MARCH 31, 1989 SCALE: 1" = 10'
SURVEYED FOR MR. & MRS. WENRICH



GEOMETRIC SURVEYING COMPANY, INC.
P.O. BOX 660, JOHNS ISLAND, S.C.
TELEPHONE: (803) 559 - 2335



ATTACHMENT #19-B

Neighboring Property Information:
2647 Persimmon Pond Court
(Lot 36, Block 5)

Charleston County, South Carolina

generated on 4/26/2018 9:20:03 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
1470100071		2647 PERSIMMON POND RD, SEABROOK ISLAND	4/20/2018	2017	2017

Current Parcel Information

Owner	DAVIS JEANETTE E ETAL	Property Class Code	101 - RESID-SFR
Owner Address	104 ASPEN LN COLUMBIA SC 29212-8602	Acreage	.0000
Legal Description	Subdivision Name -SEABROOK ISLAND Description -LOT 36 BLK 5 PlatSuffix S-70 PolTwp 009		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2017	\$105,000	\$444,000	\$549,000	\$7,261.25	\$7,261.25
2016	\$105,000	\$444,000	\$549,000	\$6,979.06	\$6,979.06
2015	\$105,000	\$444,000	\$549,000	\$6,614.53	\$6,614.53
2014	\$300,000	\$350,000	\$650,000	\$7,628.60	\$7,628.60

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
FREUH BARTLEY C	S651 885	1/23/2008	G		\$789,000
CAROLINA SOUTHERN PROPERTIES INC	B328 548	6/4/1999	G		\$434,900
SEA COAST DEVELOPMENT INC	K286 447	6/27/1997	G		\$48,500
NALBANTYAN MIGIRDIC	K286 401	6/27/1997	G		\$26,500

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1999	1.5	03	2,644	
R01	ATTGAR	Attached Garage	1999	0	0		536





A.H. SCHWACKE & ASSOCIATES, INC.

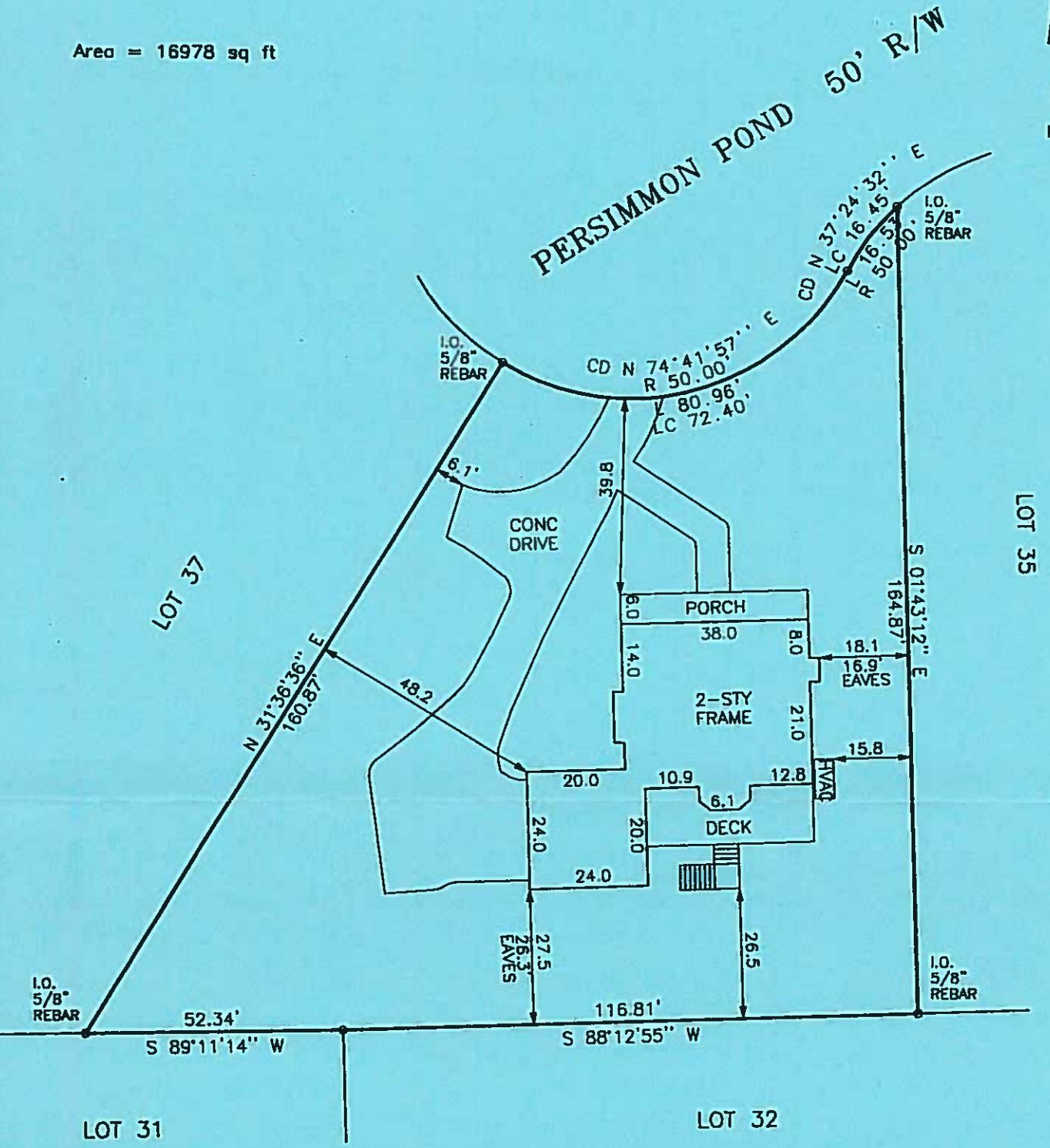
LAND SURVEYING & CONSTRUCTION LAYOUT

1975 FRAMPTON AVENUE PHONE 843 762-7005 FAX (843 762-0109)
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

Area = 16978 sq ft



PERSIMMON POND 50' R/W



REFERENCE
PLAT BY E.M. SEABROOK, JR.
DATED APRIL 5, 1978
PLAT BOOK S PAGE 70
RMC CHAS. CO.

I.O. IRON OLD (FOUND)
I.N. IRON NEW (SET)

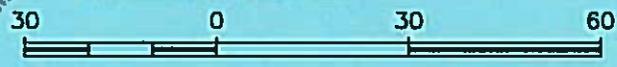
TAX MAP No. 147-01-00-071

PROPERTY IS LOCATED IN A SPECIAL
FLOOD HAZARD AREA (ZONE A8 EL 13)
AS PER FEMA FLOOD MAPS.
PANEL No. 455413 0440 H
DATED SEPTEMBER 2, 1993

Prepared for:
CAROLINA SOUTHERN PROPERTIES



PLAT OF LOT 36
BLOCK 5
SEABROOK ISLAND
CHARLESTON COUNTY
SOUTH CAROLINA
DATE: APRIL 29, 1999
SCALE: 1" = 30'
REVISED: MAY 28, 1999



SURVEYOR'S CERTIFICATION

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections other than shown.



ATTACHMENT #19-C

Neighboring Property Information:
2656 Persimmon Pond Court
(Lot 39, Block 5)

*Note: This property has a non-conforming front and marsh setback
(Variance approved by BOZA in 1989)*

Charleston County, South Carolina

generated on 4/26/2018 9:20:38 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
1470100068		2656 PERSIMMON POND RD, SEABROOK ISLAND	4/20/2018	2017	2017

Current Parcel Information

Owner	SPORN JAMES R SPORN MONIQUE B	Property Class Code	101 - RESID-SFR
Owner Address	2656 PERSIMMON POND CT JOHNS ISLAND SC 29455	Acreage	.0000
Legal Description	Subdivision Name -SEABROOK ISLAND Description -LOT 39 BLK 5 PlatSuffix S-70 PolTwp 009		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2017	\$178,200	\$806,500	\$984,700	\$3,669.75	\$3,669.75
2016	\$178,200	\$806,500	\$984,700	\$3,453.11	\$3,453.11
2015	\$178,200	\$806,500	\$984,700	\$3,638.24	\$3,638.24
2014	\$325,000	\$825,000	\$1,150,000	\$4,015.90	\$4,015.90

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
ERNSTROM JOHN R	0239 692	3/15/2012	G		\$1,150,000
BINNEY DAVID G	Y498 441	6/17/2004	G		\$160,000
REEVES CAROL NEITHARDT	M189 192	12/8/1989	G		\$60,000

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	2008	2.0	04	3,716	



NOTES:

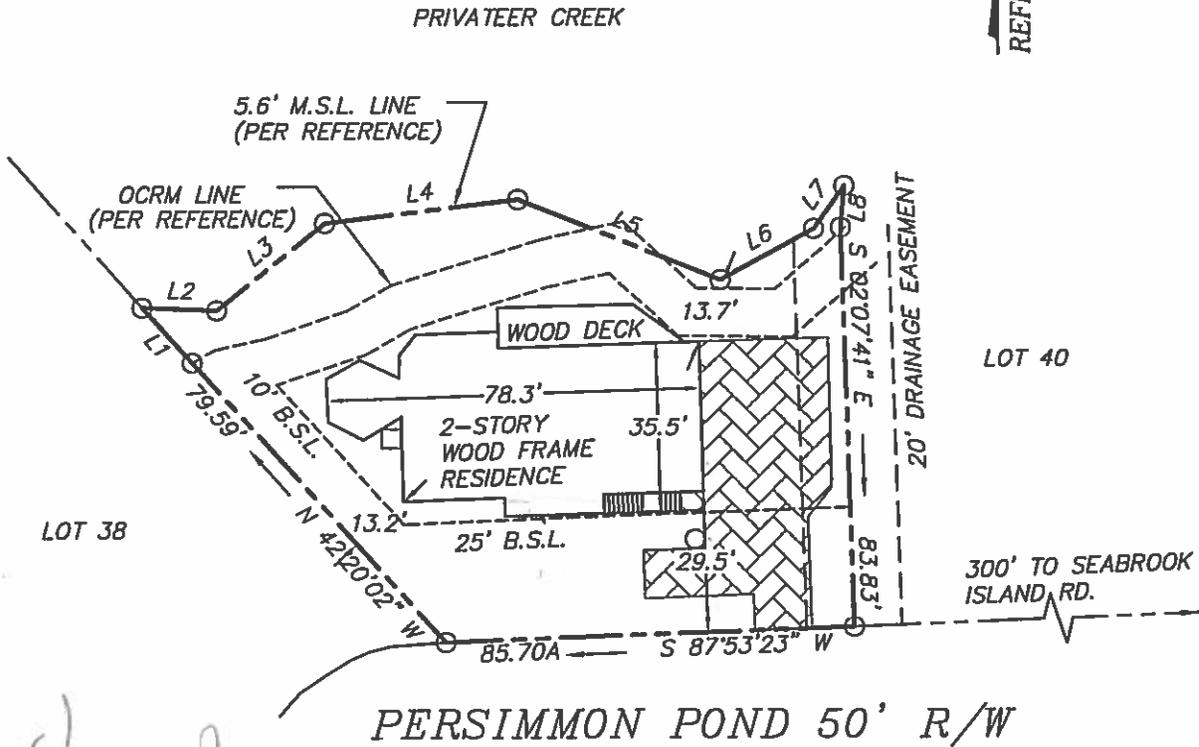
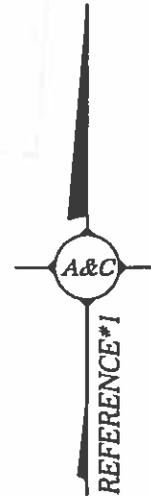
- 1) AREA WAS DETERMINED BY THE COORDINATE METHOD.
- 2) ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY IS FOR DESCRIPTIVE PURPOSE ONLY.
- 3) THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
- 4) DISTANCE SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.
- 5) NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS, CONTAMINATION, OR OTHER CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
- 6) THIS PLAT IS FOR THE EXCLUSIVE USE OF THE HEREON NAMED PARTY(IES), THE CURRENT OWNERS OF THE PROPERTY AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE THE TITLE THERETO ARISING FROM A TRANSACTION INVOLVING THE CURRENT OWNER(S) WITHIN SIX MONTHS FROM THE DATE HEREOF AND THESE PEOPLE ONLY.

PLAT REFERENCE:

1. A PLAT BY A.H. SCHWACKE & ASSOC. DATED 12/12/2003, REVISED 11/29/2005

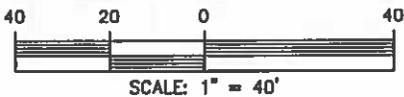
FLOOD NOTE:

THIS PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE 'AE' PER F.E.M.A. FLOOD INSURANCE RATE MAP. SEE COMMUNITY MAP 45019C, PANEL 785 J A SPECIAL FLOOD HAZARD AREA. BASE FLOOD ELEVATION 13.0
 MAP REVISED: NOV. 17, 2004



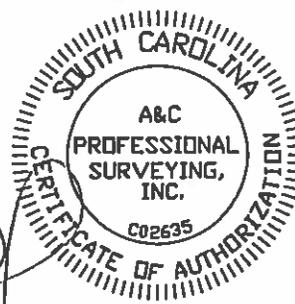
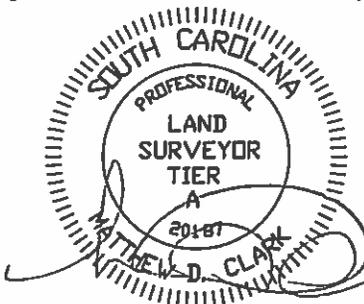
Handwritten signatures and initials.

EQUIPMENT USED: SOKKIA TOTAL STATION
 AREA: 10,005.71 SQ.FT 0.23 ACRE
 PRECISION: 1/302,504.00
 FIELD WORK COMPLETED: 02/29/2008



LINE	BEARING	DISTANCE
L1	N 42°20'02" W	15.76'
L2	S 87°35'14" E	15.75'
L3	N 51°12'26" E	29.12'
L4	N 83°12'10" E	40.86'
L5	S 68°17'23" E	45.75'
L6	N 61°19'52" E	22.32'
L7	N 35°18'39" E	10.95'
L8	S 04°28'36" W	8.72'

I hereby state that to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of "THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA", and meets or exceeds the requirements for a Class 'A' survey as specified therein; Also there are no visible encroachments or projections other than shown. This certification includes all notes and comments placed hereon. Witness my original signature, registration number and seal this 3rd day of March, 2008.



MATTHEW D. CLARK, SC RLS NO. 20187



**A & C
 PROFESSIONAL
 SURVEYING, INC.**
 www.acsurvey.com
 P.O. BOX 531
 HARDEEVILLE, SC 29927
 OFFICE: (843) 784-3100
 FAX: (843) 784-2856

SUBDIVISION: -
 LOT No.: -
 BLOCK: -
 PLAT BOOK: -

DATE: MARCH 3, 2008
 JOB No.: SUM-ERNSTROM
 DRAWN BY: MDC
 CHECKED BY: MDC

PREPARED FOR: JOHN ERNSTROM

**PLAT OF LOT 39,
 BLOCK 5, KNOWN AS
 TM #147-11-00-068**

SEABROOK ISLAND

FINAL ASBUILT

CHARLESTON COUNTY, S.C.



ATTACHMENT #19-D

Neighboring Property Information:
2646 Persimmon Pond Court
(Lot 40, Block 5)

Charleston County, South Carolina

generated on 4/26/2018 9:21:06 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
1470100067		2646 PERSIMMON POND RD, SEABROOK ISLAND	4/20/2018	2017	2017

Current Parcel Information

Owner	THORNE TRACY E THORNE MICHAEL J	Property Class Code	101 - RESID-SFR
Owner Address	2646 PERSIMMON POND CT SEABROOK ISLAND SC 29455	Acreage	.0000
Legal Description	Subdivision Name -SEABROOK ISLAND Description -LOT 40 BLK 5 Description -LOT 40 BLK 5 PlatSuffix S-70 PolTwp 009		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2017	\$360,000	\$745,000	\$1,105,000	\$4,105.73	\$4,105.73
2016	\$360,000		\$360,000	\$1,226.16	\$1,226.16
2015	\$360,000		\$360,000	\$4,272.48	\$4,272.48
2014	\$329,000		\$329,000	\$3,716.60	\$3,716.60

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
SZVETECZ THOMAS S	0423 999	8/18/2014	G		\$360,000
SZVETECZ THOMAS S	G464 800	8/21/2003	G		\$240,000
SPOTA THOMAS J III	G173 314	2/23/1988	G		\$1

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	2016	1.0	03	3,874	





ATTACHMENT #19-E

Neighboring Property Information:
2636 Persimmon Pond Court
(Lot 41/42, Block 5)

*Note: This property has a non-conforming marsh setback
(Constructed in 1986, prior to incorporation)*

Charleston County, South Carolina

generated on 4/26/2018 9:21:47 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
1470100066		2636 PERSIMMON POND CT, SEABROOK ISLAND	4/20/2018	2017	2017

Current Parcel Information

Owner	MAYLAND CLEMENTINA E	Property Class Code	101 - RESID-SFR
Owner Address	2636 PERSIMMON POND CT JOHNS ISLAND SC 29455-6008	Acreage	1.0900
Legal Description	MapPlatB S13 MapPlatP 0229 Lot 41/42		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2017	\$377,100	\$353,000	\$730,100	\$2,745.89	\$2,745.89
2016	\$377,100	\$353,000	\$730,100	\$2,585.29	\$2,585.29
2015	\$377,100	\$353,000	\$730,100	\$2,722.53	\$2,722.53
2014	\$370,000	\$437,000	\$807,000	\$2,778.55	\$2,778.55

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
BIESTER DORIS J	K572 037	2/6/2006	G		\$910,000
PFAFF FRANCES W LIVING TRUST	W429 069	12/16/2002	G		\$572,500
PFAFF FRANCES W LIVING TRUST	R386 263	10/15/2001	G		\$10
PFAFF ROBERT F	R386 258	10/15/2001	G		\$10
MOORE ARVIS L	H153 522	4/1/1986	G		\$60,000

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1986	1.0	03	2,548	



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	271.48'	90.22'	89.81'	S 60°11'14" E	18°02'30"
C2	271.48'	90.75'	90.32'	S 79°17'02" E	19°09'08"
C3	271.48'	28.78'	28.75'	S 47°37'52" E	06°04'14"
C4	20.00'	31.42'	28.28'	N 89°35'45" W	90°00'00"
C5	581.43'	120.98'	120.77'	N 53°17'49" E	11°55'19"

- REFERENCE:**
- PLAT BY E.M. SEABROOK, JR. DATED APRIL 5, 1978 BOOK S PAGE 70 RMC CHAS. CO.
 - PLAT BY E.M. SEABROOK, JR. DATED JUNE 11, 1974 BOOK AD PAGE 97 RMC CHAS. CO.
 - PLAT BY E.M. SEABROOK, JR. DATED NOVEMBER 8, 1975 BOOK AF PAGE 70 RMC CHAS. CO.

LINE	BEARING	DISTANCE
L1	S 78°32'11" E	18.86'
L2	N 81°58'09" E	17.82'
L3	N 74°03'03" W	8.34'
L4	S 71°00'22" W	20.68'
L5	S 73°38'03" W	19.34'
L6	N 17°28'17" E	28.72'
L7	N 30°33'21" E	15.72'
L8	N 16°55'35" W	24.04'
L9	N 16°55'35" W	18.68'
L10	S 10°45'35" E	26.83'
L11	N 71°39'23" E	17.57'
L12	N 20°51'01" W	25.31'

TAX MAP No. 147-01-00-066
 No. 2838 PERSIMMON POND COURT
 OWNER: CLEMENTINA E MAYLAND

TAX MAP No. 147-01-00-037
 No. 2604 SEABROOK ISLAND ROAD
 OWNER: OMR REALTY LLC

TOTAL HIGHLAND 41/42
 43018 SQ.FT. 0.99 AC
 TOTAL MARSH 41/42
 4790.1 SQ.FT.

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

Walter C. Fenn 9/23/13
 SIGNATURE DATE

The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.

NOTES:
 BEARINGS SHOWN ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION
 AREA DETERMINED BY COORDINATE METHOD
 THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
 THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY
 PROPERTY IS LOCATED IN FLOOD ZONE AE (EL 13) AS PER FEMA FLOOD MAPS.
 PANEL No. 45019C 07055
 DATED NOVEMBER 17, 2004
 COMMUNITY No. 450256
 THE PURPOSE OF THIS SURVEY IS TO COMBINE LOTS 41 & 42 INTO ONE LOT 41/42

SURVEYOR'S CERTIFICATION

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein. Also there are no visible encroachments or projections shown. This Survey is not valid unless it bears the original signature and seal of the surveyor. Area determined by coordinate method.

A.H. Schwacke, III, P.L.S.
 S.C. Registration Number 13855

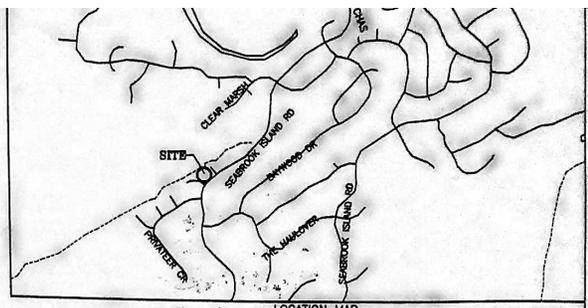
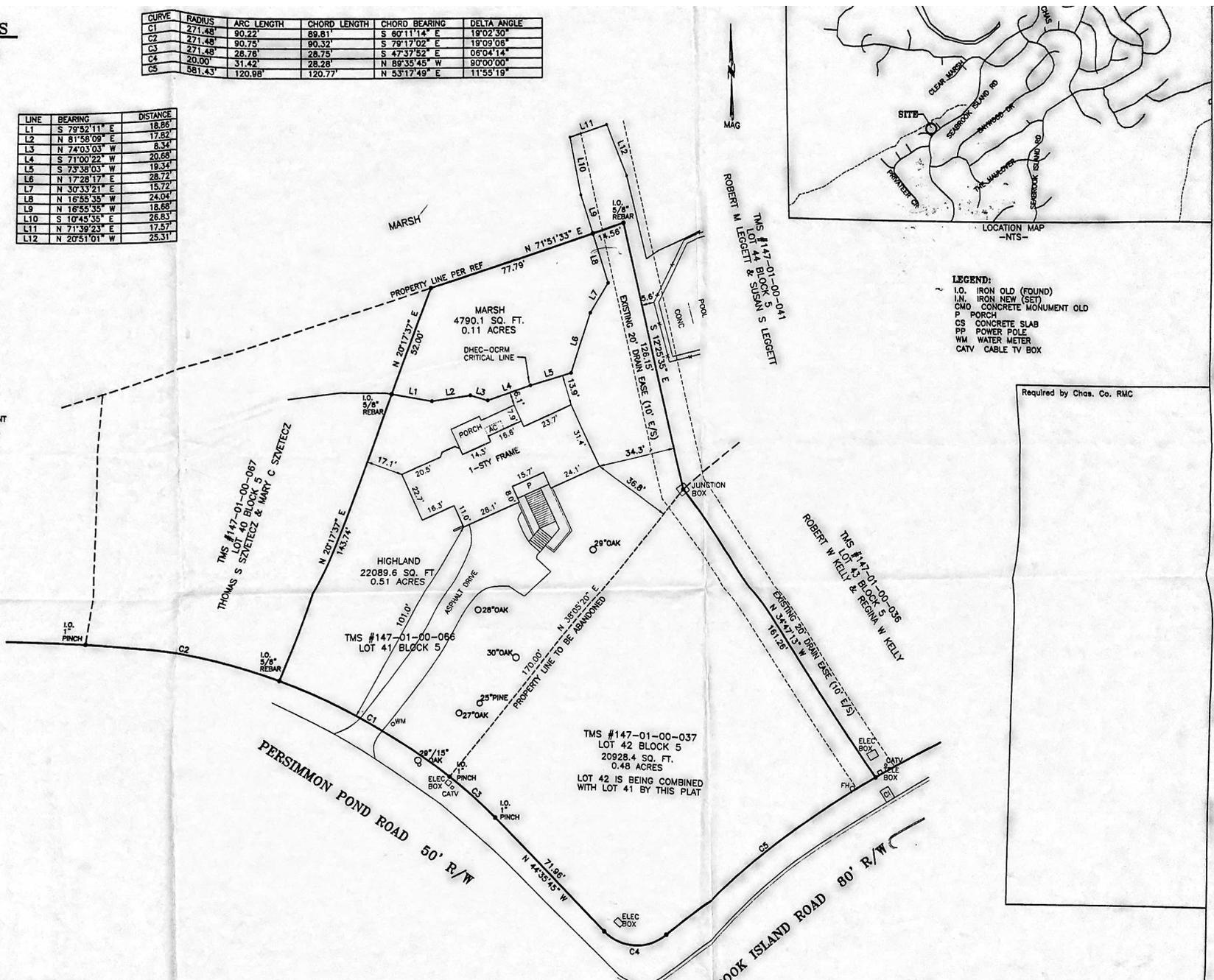
CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

PROJECT 071132



APPROVED AS SUBMITTED
Conrad Miller 10/23/13
 ZONING ADMINISTRATOR DATE

NO AMENDMENTS, ALTERATIONS OR CHANGES TO THESE PLANS MAY BE MADE WITHOUT PRIOR APPROVAL FROM THE TOWN OF SEABROOK ISLAND



- LEGEND:**
- I.O. IRON OLD (FOUND)
 - I.N. IRON NEW (SET)
 - CMO CONCRETE MONUMENT OLD
 - P PORCH
 - CS CONCRETE SLAB
 - PP POWER POLE
 - WM WATER METER
 - CATV CABLE TV BOX

Required by Chas. Co. RMC

PLAT COMBINING
 LOTS 41 & 42 BLOCK 5
 INTO
 LOTS 41/42 BLOCK 5
 SEABROOK ISLAND
 CHARLESTON COUNTY SOUTH CAROLINA



DATE: AUGUST 28, 2013 SCALE: 1" = 30'



ATTACHMENT #20

Letter from Patricia Linton
(April 9, 2018)

Patricia V. Linton

E-mail: PVLinton@gmail.com

16 Leamington Street
Lido Beach, New York 11561
Tel: (516) 897-0791 Fax: (516) 431-0359
Cell: (516) 707-1404

2637 Persimmon Pond
Seabrook Island, SC 29455
Tel: (843) 768-7413 Cell: (516) 707-1404

April 9, 2018

Mr. Joseph M. Cronin
Town Administrator
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC 29455

Re: Variance Request for Setbacks
2666 Persimmon Pond Ct., Seabrook Island, SC 29455

Dear Mr. Cronin:

I am writing as the owner of 2637 Persimmon Pond Court which is directly opposite captioned address. Welcome to the view of said property from my kitchen:



The sign in the picture alerts the neighbors of the public hearing to be held on May 4, 2018 at 2:30pm and it is to this meeting that I address my brief comments.

I believe the setback variances requested offend the community standards of Seabrook and are more consistent with Brooklyn, NY where houses are built to the curb and neighbors can hear each others' conversations through their adjacent windows.

The front yard setback is particularly egregious as it juts the house into the street and ruins the beautiful spacious uniformity of the cul-de-sac's open feel. The proposed side yard setbacks will squeeze the house into the lot and disparage everyone's green way and overwhelm their privacy. The rear/marsh proposed setbacks, based on OCRM lines from 25 years ago, are an outrageous intrusion into a conservation area and completely disregard the rampaging flooding that originated in that very location during Hurricane Matthew. The Hatleys residing at 2647 Persimmon Pond (803-261-1572) have video of this event they are willing to share with you.

The proposed variance requests reflect the over-reach of homeowners and builders. They diminish the beauty of the Island giving it development look. I purchased 2608 (in 2016) **and** 2606 Seabrook Island Road (in 2017) which I immediately donated to the Greenspace Conservancy to protect the privacy of my backyard and simultaneously preserve the luscious greenery, wildlife and light of the Island. No one here wants to live in a "Beazer Homes" community but without maintaining the safeguards in place and capitulating to disrespectful variance requests, that is what we will soon have.

What a shame to lose "what is uniquely ours" because a realtor wants to make a sale, a builder accesses outdated plat maps, a future homeowner does not know what sacrifices he is asking of his community or those with the power to promote preservation decline to do so. We believe the house should fit the lot and not variance the lot to shoe-horn the house. It would be best if the house was right-sized and positioned such that it can be built without compromising the town's standards.

Respectfully,

Patricia Linton

Patricia Linton
Owner
2637 Persimmon Pond Court
Seabrook Island, SC 29455

Addendum 1

For further consideration, the State of SC recommends these guidelines page 14:

- Establish Non-Beachfront Shoreline Buffer Areas
- Establish 25-ft minimum buffer for all new developments along non-beachfront shorelines in the coastal zone
- Encourage local governments to establish or expand shoreline buffers

Adapting to Shoreline Change

A Foundation of Improved Management and Planning In SC
Final Report of the Shoreline Change Management Committee
April 2010
SC Dept of Health and Environmental Control

<http://www.scdhec.gov/Library/CR-009823.pdf>

Addendum 2

Critical Line Buffer Ordinances:
Guidance for Coastal Communities

http://www.scdhec.gov/HomeAndEnvironment/Docs/CLBO_Manual.pdf

Page 7

Significant scientific research, such as the Urbanization and Southeastern Estuarine Systems (USES) project conducted in the South Carolina Lowcountry, has provided many results about the current state of water quality (and its impact on flora and fauna). These scientific results have provided recommendations that promote consistent protection of coastal water quality for human health. Several of these recommendations point to the use of wetland buffer ordinances (WBOs) to protect and improve water quality

Page 15

The Benefits of Buffers

- Minimizes storm water pollution
- Reduces erosion
- Reduces heating of waterways
- Creates privacy
- Reduces flooding and flood damage
- Preserves natural habitat
- Saves money for homeowner through reduced maintenance cost



ATTACHMENT #21

Letter from James & Kathleen Hatley
(April 19, 2018)

April 19, 2018

**Mr. Joseph M. Cronin
Town Administrator
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC 29455**

Re: Board of Adjustment Variance Request for Setbacks at 2666 Persimmon Pond Road:

Dear Mr. Cronin:

First of all, I would like to thank you for the time you spent with Kathy and myself on April 13, 2018 discussing the transition of setback variances that have occurred on Seabrook Island since the 1992-93 timeframe. This provided us with a much better understanding of the setback procedures and the specific request by Mr. Ison and Ms. Bootes.

The setback request references the 1992-93 variances that were established due to the high water lines of the marsh during that timeframe. This provided high water lines that extended more into the marsh area because the marsh was not nearly the height that it is currently. Also due to this lots listing as non-conforming, this lot's house size was listed as approximately 2400 square feet only, to allow for the house to fit the lot appropriately.

But obviously things have changed over the last 26 years. Climate change is occurring and the seas are rising as the photos provided indicate the surge that flowed into the cul-de-sac during Irma. The majority of this water flowed from the 2666 Persimmon Pond lot and covered the entire area. That storm caused the area to be reviewed and now the high water restrictions have been moved several feet landwards from where they were just 3 years ago. We have seen this entire lot covered in water during the King tides and expect to see this again this June. All of this is mentioned because building any home on this lot will be difficult.

But our thoughts are not of the difficulties but the requested setbacks. The front setback is requested as 18 feet from the cul-de-sac which is only the approximate length of an automobile today. Every other home on this island has a much larger setback and this would damage the appearance of existing nearby homes along with the image of the island. If the board still approves the requested setbacks, we would request that since the 1992-93 variances were requested, the new home should be no larger than the 2400 square feet approved during that timeframe.

Thank you for your consideration.

**James M. Hatley
Kathleen D. Hatley**





ATTACHMENT #22

Letter from Tina & Larry Mayland
(April 20, 2018)

Mr. Joseph M. Cronin
Town Administrator
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC 29455

April 20, 2018

Re: Variance Request for Setbacks for 2666 Persimmon Pond Ct.

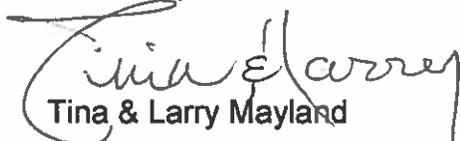
Dear Mr. Cronin,

We reside at 2636 Persimmon Pond Court. Since we will not be on Seabrook Island on May 4 for the public hearing, we wanted this letter to be read at the meeting. There are only 5 houses on our small cul-de-sac street, so the addition of this house will impact all of us. We welcome our new neighbors. Regarding their request that they be granted a variance, we feel strongly that homes built on Seabrook Island should fit the size of the lot and conform to the accepted Town & ARC guidelines. Granting a variance simply allows the setback rules to be broken in favor of one resident over the rest of the Seabrook residents. At that point, we have to ask why we have rules at all.

Our neighbor Patty Linton and we have both purchased lots adjacent to our homes (on the corner of Seabrook Island Road and Persimmon Pond) in order to insure the beauty of the street and to protect wildlife corridors for the benefit of the animals. Building a house that is too big for the 2666 lot negates both of these goals.

Please tell our future neighbors that we welcome them and hope that they understand that we simply request that they adhere to the building guidelines that are designed to preserve our unique community of Seabrook Island.

Sincerely,


Tina & Larry Mayland
Full-time residents
2636 Persimmon Pond Court



ATTACHMENT #23

Letter from Larry & Marilyn Margolis
(April 23, 2018)

Larry and Marilyn Margolis
5115 S. Trimble Rd.
Atlanta, Ga 303423

Mr. Joseph M. Cronin
Town Administer
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC 29455

Re: Variance request for 2666 Persimmon Pond Ct., Seabrook Island, SC

Dear Mr. Cronin:

We are writing this letter regarding the variance application with respect to the property at 2666 Persimmon Pond Ct. We are Larry and Marilyn Margolis and we own the adjacent property along the marsh accessed from Laughing Gull Court.

To begin with, we are very sensitive to the investment made in the property by the applicants and their reliance, whether well placed or not, on the advice of others that the previous variance issued some 25 years ago and never acted on, could be relied on. We note however, that the variance granted 25 years ago was for a much smaller residence, was granted before the marsh encroachment which has occurred over the last several years, and before much of the newer construction that has occurred along the Persimmon Pond Court marsh view. (There have been three new houses that have been recently built along this marsh side of Persimmon Pond each creating an increasing strain on the local environment and its ability to hold flood waters.)

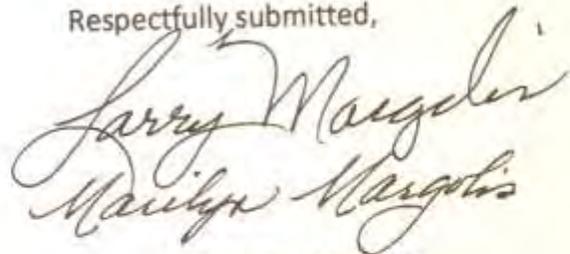
We are also very sensitive to the island's environment and how it has changed over the years. We have already seen the dunes on the beach erode entirely and flooding in low lying areas of the Island is a constant and increasing concern. Two lots on Laughing Gull, one adjoining our property to the South and the other adjoining the Burke's property to the South are more often than not flooded and a breeding home for mosquitoes. They are frequently said to be unbuildable. We also are very much aware of the spreading marsh toward the homes all along our marsh side of the island from Greggs point to Camp St Cristopher. One need only look at the subject property where the OCRM line has already migrated over almost 30% of the property. The ongoing trend of the Southward migration of the marsh is not likely to reverse itself so any construction here has a more than usual risk associated with it.

Finally, we are very concerned about the impact of the construction on the surrounding properties including our own. We know the lot frequently floods in very high tides and in storms with the water often flooding into the Persimmon Pond Ct. itself. Those waters migrate and pool in the lot south of us. Construction will undoubtedly mean importing truckloads of dirt to build up the lot where the proposed house is to be situated, but the water is inexorable and must go somewhere. What assurance or indemnity is there from the Applicants or the Town of Seabrook that the adjoining owner's lots, or even homes, won't be flooded or see even more advanced marsh migration and thereby diminished value? Circumstances have changed quite dramatically. The board must give due consideration to these dramatic changes that have occurred since the original variance was granted (again for a much smaller residence).

Finally, we are sensitive to the many surveys that have occurred concerning what makes Seabrook Island attractive. Those surveys underscore the natural beauty, serenity, availability of green space and the concern for wildlife as the most important attributes of our community. Building a larger home on a lot that in truth can not handle that size home is not conducive to the goals of the community. The zoning board should keep these larger community concerns in mind as well.

We believe this is a very difficult decision, but on balance for the reasons outlined above, we believe the variance, as requested, regrettably, is not advisable and should be denied.

Respectfully submitted,

Handwritten signature of Larry and Marilyn Margolis in cursive script.

Larry and Marilyn Margolis

mlmar@comcast.net

Larry's cell: 770-329-4321



ATTACHMENT #24

Letter from Susan Rock
(April 25, 2018)

SUSAN NEWCOMB ROCK
40 Awixa Avenue
Bay Shore, New York 11706

April 25, 2018

Joseph Cronin, Town Administrator
Town of Seabrook
2001 Seabrook Island Rd.
Seabrook, SC 29455

RE: Board Variance Request for Setbacks at 2666 Persimmon Pond Rd.

Dear Mr. Cronin:

I am the trustee of the Susan N. Rock Revocable Trust that owns the property at 3134 Laughing Gull Ct. on Seabrook Island. As you are aware, Laughing Gull Ct. is the street just to the west of Persimmon Pond Rd. As a near neighbor to the property for which a variance is being sought, I have received notice of the request by Eric Ison and Melanie Bootes for the property at 2666 Persimmon Pond Rd. I am unable to attend the hearing on this request, so I am writing to express my concerns. While I understand the situation Mr. Ison and Ms. Bootes find themselves in, and I do feel sorry that this misunderstanding has occurred, I am adamantly opposed to the granting of this variance.

My husband and I have been property owners on Seabrook since 1986. We chose Seabrook as the place for our vacation home because of its natural beauty, its effort to preserve wildlife, its greenspace, and the proportional relationship of the homes to the property they cover. As time has gone on, larger and larger homes have been built. Many of them now appear disproportionate to the property they occupy. As Seabrook builds out with these larger homes, drainage has become a problem. There are two lots on Laughing Gull Ct. (numbers 3132 and 3136) which have become unbuildable as they are almost always underwater and serve mainly as breeding grounds for mosquitos. Adding another very large home on an adjacent, very small lot only serves to increase the existing drainage problem.

When our neighbors, Larry and Marilyn Margolis, purchased their home at 3133 Laughing Gull Ct., they purchased it with an understanding of the existing setbacks. It seems blatantly unfair to them and other homeowners in the neighborhood to allow a very large home to be built so close property lines and the ever changing marsh we all share.

I respectfully ask that this variance not be granted.

Sincerely,



Susan Newcomb Rock
susannrock@gmail.com
631-968-4320