CALL TO ORDER

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: July 17, 2019  

PUBLIC HEARING ITEMS

1. Appeal #39  

   APPELLANT: Cathy Patterson, 4064 Bridle Trail Drive, Seabrook Island, SC  
   ADDRESSES:  
               2211 Seabrook Island Road (Lot A-06)  
               2279 Seabrook Island Road (Lot B-01)  
               3049 Seabrook Village Drive (Lot B-23)  
               3061 Seabrook Village Drive (Lot B-26)  
   TAX MAP NUMBERS: 147-00-00-042 (Lot A-06), 147-00-00-059 (Lot B-01),  
                    147-00-00-093 (Lot B-23) & 147-00-00-096 (Lot B-26)  
   ZONING DISTRICT: PUD / Multi-Family Residential  
   PURPOSE: An appeal of the Zoning Administrator’s determination of the  
            setback requirements for lots A-06, B-01, B-23 and B-26 in the  
            Village at Seabrook Subdivision  

ITEMS FOR INFORMATION / DISCUSSION

There are no Items for Information / Discussion  

ADJOURN
TOWN OF SEABROOK ISLAND
Board of Zoning Appeals Meeting
July 17, 2019 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road

MINUTES

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

Absent: Dick Finkelstein

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

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

APPROVAL OF MINUTES

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

PUBLIC HEARING ITEMS

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

Chairman Sewell then called on Zoning Administrator Cronin to provide a brief overview of Variance Application #162. Chairman Sewell administered an oath to Zoning Administrator Cronin.
Zoning Administrator Cronin stated that the applicants were seeking approval to undertake a major renovation to an existing residence located at 3606 Beachcomber Run. Pursuant to §3.30.40 of the town’s Development Standards Ordinance (DSO): “If a nonconforming structure is modified to... (b) increase its current appraised value of the existing structure by more than fifty percent (50%) as determined by the Town, the entire structure shall become subject to this ordinance and shall be brought up to the standards and shall comply with the requirements contained therein.” Zoning Administrator Cronin noted that the value of the proposed work would exceed the 50% threshold and, therefore, the code requires that the existing encroachments into the side and rear setback areas – nearly one third of the home’s existing square footage – be removed. He stated that the applicants are not seeking to expand or modify the footprint of the structure in any way, other than removing an existing HVAC stand and constructing a new stand in a conforming location. Aside from the existing encroachments into the side and rear setback area, he stated that the residence meets all other requirements of the town’s DSO.

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

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

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

(a) The existing home pre-dates the town’s incorporation and was constructed to the previous zoning standards of Charleston County;

(b) The existing areas of encroachment are adjacent to permanent open space (golf course);

(c) Compliance with the ordinance would require demolition and removal of significant portions of the existing home to comply with current setback requirements;

(d) The proposed improvements will actually decrease the degree of non-conformity, as a non-conforming HVAC stand and equipment will be moved to a conforming location; and
(e) The modifications will not be of substantial detriment to neighboring properties, the public good or the character of the district, because adjacent properties have similar orientation and are also adjacent to open space.

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

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

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

- **Malcolm Brennan**: Mr. Malcolm Brennan of M. Brennan Architects spoke on behalf of the property owner. Mr. Brennan outlined several goals of the renovation project, including: converting a 1970’s weekend home into a primary residence; bringing all of the existing systems (electrical, mechanical, plumbing, etc.) up to current code; and improving the value, resiliency and appearance of the home. He stated that these improvements will benefit not only the homeowner, but also the neighborhood and community at large. He stated that compliance with §3.30.40 of the DSO would result in a substantial hardship. He noted that the existing encroachment was primarily along the shared property line with the golf course and that, other than relocating the existing HVAC stand to a conforming location, they were not seeking to change or expand the building’s existing footprint. He stated the existing home pre-dates the DSO, and that requiring full compliance with the current provisions of the DSO would render this home unsuitable as a primary residence since demolition or relocation of the structure would not be feasible. He added that if the structure was relocated on the lot, it would also be out of character with neighboring homes. Regarding the 50% threshold, he stated that the cost of replacing the existing windows with impact resistant windows alone would be nearly 50% of the existing home’s value. He encouraged the Board to approve the variance and allow the owner to improve the safety, quality, value and aesthetic of the home.

- **Catherine Johnson**: Ms. Catherine Johnson stated that this process was a great way for her to be introduced to her new neighbors. She stated that she sent a letter to all of the neighboring property owners with information about her variance request and heard back from four of them, all of whom were in support of the request. She noted that the Seabrook Island Club also supported her request. She added that she currently lives in Minnesota, but that the residence at 3606 Beachcomber Run will soon become her permanent home.

Chairman Sewell asked if members of the Board had any other questions for the applicants. There were no additional questions.
Chairman Sewell opened the public hearing to individuals who wished to speak in favor of the variance request. No one spoke in favor of the request.

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

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

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

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

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

Zoning Administrator Cronin stated that the Board has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes and explains in writing the following findings:

1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;

2) These conditions do not generally apply to other property in the vicinity;

3) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

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

Chairman Sewell noted that, in granting a variance, the Board has the authority to attach such conditions as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. Referencing the staff write up contained within the agenda packet, Chairman Sewell stated that the Zoning Administrator had recommended attaching two conditions, should the Board vote to approve the variance request.
Chairman Sewell asked if members of the Board had any additional questions or comments prior to voting.

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

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

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

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

1) **The Board finds that strict application of the Town’s DSO would result in an unnecessary hardship;**

2) **For the reasons referenced in the applicants’ request for variance, the Board finds that the property meets the criteria for approval of a variance, as outlined in §6-29-800(A)(2) of the SC Code of Laws;**

3) **The Board finds that relief is warranted in this limited situation as a result of the following factors:**

   a. The proposed renovation will **not** result in the expansion or re-establishment of any existing non-conformity;

   b. The existing non-conformity does **not** abut a sensitive environmental area, such as a marsh or oceanfront critical line; and

   c. There was **no opposition** from neighboring property owners or the public at-large; therefore

4) **The requested variance is hereby approved, as follows: The requirements of §3.30.40 of the DSO are hereby waived for the proposed renovation to 3606 Beachcomber Run.**

To protect established property values in the surrounding area, and to promote the public health, safety, and general welfare, the following conditions were attached to motion
granting the variance, as allowed by §6-29-800(A)(2)(d)(i) of the South Carolina Code of Laws:

1) The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the applicants and reviewed by the Board on July 17, 2019. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town’s DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.

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

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

IN FAVOR (YES)                  OPPOSED (NO)
Chairman Sewell
Ms. Kleinman
Mr. Leggett
Mr. Fox

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

ITEMS FOR INFORMATION / DISCUSSION

There were no Items for Information / Discussion

SITE VISITS

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

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

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

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

1. **Village at Seabrook Lot A-06 (Tax Map # 147-00-00-042):** The Board reconvened at approximately 3:46 PM at Lot A-06. Board members and the Zoning Administrator observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions; however, no testimony was received. No other individuals were present to observe the site visit. The meeting was recessed at 3:53 PM as Board members traveled to Lot B-01.

2. **Village at Seabrook Lot B-01 (Tax Map # 147-00-00-059):** The Board reconvened at approximately 3:55 PM at Lot B-01. Board members and the Zoning Administrator observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions; however, no testimony was received. No other individuals were present to observe the site visit. The meeting was recessed at 4:00 PM as Board members traveled to Lot B-23.

3. **Village at Seabrook Lot B-23 (Tax Map # 147-00-00-093):** The Board reconvened at approximately 4:01 PM at Lot B-23. Board members and the Zoning Administrator observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions; however, no testimony was received. Bob Nitkewicz of NV Realty was present on behalf of the property owner. The meeting was recessed at 4:07 PM as Board members traveled to Lot B-26.

4. **Village at Seabrook Lot B-26 (Tax Map # 147-00-00-096):** The Board reconvened at approximately 4:08 PM at Lot B-26. Board members and the Zoning Administrator observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions; however, no testimony was received. Property owners Lawrence and Rebecca LaRoche were present to observe the site visit.

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

Minutes Approved: 

Joseph M. Cronin
Zoning Administrator

8
MEMORANDUM

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

<table>
<thead>
<tr>
<th>Appeal #39</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Appellant:</strong></td>
</tr>
<tr>
<td><strong>Location:</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Tax Map Number:</strong></td>
</tr>
<tr>
<td><strong>Zoning District:</strong></td>
</tr>
<tr>
<td><strong>Purpose:</strong></td>
</tr>
</tbody>
</table>

Overview

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

On February 11, 2019, the Zoning Administrator received an email from Bob Nitkewicz of NV Realty. Mr. Nitkewicz is a real estate agent who represents the owners of Lot B-23. Mr. Nitkewicz requested clarification of the setback requirements for Lot B-23, which is a pie-shaped lot in the Village at Seabrook. Mr. Nitkewicz noted that the setback line illustrated on the plat from the shared property line with Lot B-24 was significantly different than what required along the shared property line with Lot B-22. While the Zoning Administrator was researching this question, a second request was received by email from architect Kevan Hoertdoerfer on April 8, 2019. Mr. Hoertdoerfer requested similar information for Lots A-06 and B-01, and questioned specifically why a corner lot would be required to have two front yards, one side yard and one rear yard, as was shown on the plat. The Zoning Administrator received a third request (by phone) from architect Kenneth C. Miller. Mr. Miller was working with the owners of Lot B-26 which, similar to Lot B-23, was a pie-shaped lot.
Over a period of nearly 4 months, the Zoning Administrator conducted a thorough review and analysis of dozens of relevant documents. Following a consultation with the Town Attorney, the Zoning Administrator prepared Letters of Determination regarding the setback requirements for all four lots. These letters were sent to the respective parties on June 3-4, 2019. Copies of these letters were also sent to Ms. Patterson, in her role as president of the Village at Seabrook regime, as well as to representatives from the Seabrook Island Property Owners Association (SIPOA).

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

- **Letter of Determination – Village at Seabrook Lot B-23 Setback Requirements**
  - Bob Nitkewicz, NV Realty, 1900 Seabrook Island Road, Seabrook Island, SC 29455
  - Dated June 3, 2019

- **Letter of Determination – Village at Seabrook Lot B-26 Setback Requirements**
  - K.C. Miller, Kenneth Miller Architecture, 1912 Planters Drive, Charleston, SC 29414
  - Dated June 3, 2019

- **Letter of Determination – Village at Seabrook Lots A-06 & B-01 Setback Requirements**
  - Kevan Hoertdoerfer, Kevan Hoertdoerfer Architects, 538 King St, Charleston, SC 29403
  - Dated June 4, 2019

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

- **Front Yard Setbacks**: The Zoning Administrator determined that the minimum front yard setback requirement shall be 30 feet from the street right-of-way for all lots within the Village at Seabrook; provided, however:
  - For corner lots wherein one street frontage is a cul-de-sac street, the minimum setback shall be 30 feet from the cul-de-sac street and 20 feet from the intersecting street; and
  - Uncovered front steps may extend into the front setback but may not be less than twenty 20’ from the property's front lot line.

- **Side Yard Setbacks**: The Zoning Administrator determined that there is no minimum side yard setback requirement for lots within the Village at Seabrook; provided, however:
• In instances where a side yard is required, the total of both side yard setbacks shall be at least 15 feet, and no detached structure may be situated closer than 15 feet to another structure; and

• For the sake of consistency among neighboring lot owners, a minimum side yard setback of 7.5 feet is recommended, though not required by the PUD or DSO.

• **Rear Yard Setbacks:** The Zoning Administrator determined that the minimum rear yard setback requirement shall be 25 feet from the rear property line; provided, however:

  o For lots abutting an open space area (lake, lagoon, golf course, etc.), an open deck may encroach no more than 10 feet into the required rear yard setback;

  o For pie-shaped lots that do not have a defined rear property line from which to apply a rear yard setback (Lots B-22, B-23, B-26 and C-24), the Zoning Administrator has interpreted that the rear yard setback shall be measured from the point where the two side property lines intersect at the rear of the property. This will ensure that the rear setback line is roughly parallel to the (curvilinear) front setback line, consistent with non-pie-shaped lots; and

  o Corner lots are defined by ordinance to have two front yards and two side yards. Therefore, a rear yard setback shall not be required for any corner lot within the Village at Seabrook. The requirements for front and side yard setbacks were further outlined elsewhere in the Letters of Determination.

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

• The Zoning Administrator’s determination is inconsistent with the Master Plan for the Village at Seabrook;

• The Zoning Administrator’s determination may make some lots unbuildable, may decrease the value of some lots and homes, and changes the uniform appearance of the Village at Seabrook;

• The setback requirements illustrated on the final plat are what should be applied to lots in the Village at Seabrook; and

• The master plan and original intent of the Village at Seabrook, as shown on the plat map, should be followed and all existing non-conformities should be grandfathered.

Pursuant to Sec. 6-29-800(c) of the South Carolina Code of Laws, the town has issued a stay on all zoning actions (including zoning permit approvals) and/or legal proceedings within the Village at Seabrook until the matters which are subject to this appeal have been acted upon by the Board of Zoning Appeals. This stay will apply to all permit applications for which zoning review will be
required to determine conformity with the Town’s setback requirements. Such examples will include, but are not limited to: new construction; additions; exterior modifications, excluding ordinary maintenance and repair; reconstruction; construction or modification of accessory structures, including fences, walls and driveways; and major renovations to existing buildings where the value of the work exceeds 50% of the structure's fair market value.

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

- Whether the setback requirements for the Village at Seabrook shall be as established in “Exhibit B” to Ordinance No. 2000-08, entitled “An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract (Developed as the Village at Seabrook),” which specifies the following minimum setback requirements for the Village at Seabrook:
  - Front Yard – 30 feet;
  - Side Yard – 15-foot separation between structures;
  - Rear Yard – 25 feet;

- Whether a corner lot shall be deemed to have two front yards, two side yards and no rear yard, as specified by Sec. § 7.60.10.10 of the Development Standards Ordinance;

- Whether the provisions of Ordinance No. 2001-03, which allows a reduction of the secondary front yard setback from 30 feet to 20 feet for corner lots wherein one intersecting street is a cul-de-sac, and which allows uncovered front steps to encroach into a front yard setback as long as they are no less than 20 feet from the front property line, applies to lots within the Village at Seabrook;

- Whether the rear yard setback for pie-shaped lots which do not have a defined rear property line shall be measured from the point of intersection between the two side property lines; and

- Whether the setback lines illustrated on the Subdivision Plat for the Village at Seabrook, which was approved by the Seabrook Island Planning Commission on December 12, 2001, and recorded in the Charleston County Register of Deeds Office on in Plat Book EF, Pages 245-246, on December 19, 2001, supersede or otherwise amend the minimum requirements contained within Ordinance No. 2000-08 or the Development Standards Ordinance.

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

Joseph M. Cronin
Town Administrator/Zoning Administrator
Criteria for Review

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

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

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

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

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

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

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

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

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


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

### Letters of Determination

<table>
<thead>
<tr>
<th>#</th>
<th>Item</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Zoning Administrator’s Letter of Determination for Lot B-23 in the Village at Seabrook (June 3, 2019)</td>
<td>18-34</td>
</tr>
<tr>
<td>2</td>
<td>Zoning Administrator’s Letter of Determination for Lot B-26 in the Village at Seabrook (June 3, 2019)</td>
<td>35-50</td>
</tr>
<tr>
<td>3</td>
<td>Zoning Administrator’s Letter of Determination for Lots A-06 &amp; B-01 in the Village at Seabrook (June 4, 2019)</td>
<td>51-70</td>
</tr>
</tbody>
</table>

### Relevant Ordinances & Statutes

<table>
<thead>
<tr>
<th>#</th>
<th>Ordinance/Section</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Ordinance 2000-01: Adopting the Village at Seabrook PUD (February 22, 2000)</td>
<td>71-74</td>
</tr>
<tr>
<td>5</td>
<td>Ordinance 2000-08: Amending the Village at Seabrook PUD (June 5, 2000)</td>
<td>75-132</td>
</tr>
<tr>
<td>6</td>
<td>Ordinance 2001-03: Amending the secondary front yard setback from 30 feet to 20 feet for corner lots wherein one intersecting street is a cul-de-sac, and allowing uncovered front steps to encroach into a front yard setback as long as they are no less than 20 feet from the front property line (June 26, 2001)</td>
<td>133-135</td>
</tr>
<tr>
<td>7</td>
<td>DSO §7.60: Setback Requirements</td>
<td>136-140</td>
</tr>
<tr>
<td>8</td>
<td>SC Code of Laws:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§6-29-730: Nonconformities</td>
<td>141-143</td>
</tr>
<tr>
<td></td>
<td>§6-29-730: Planned Development Districts</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§6-29-1110: Definitions (“Subdivision”)</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>2018 MASC Comprehensive Planning Guide:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Zoning Functions of the Planning Commission</td>
<td>144-149</td>
</tr>
<tr>
<td></td>
<td>• Planned Development Districts</td>
<td></td>
</tr>
</tbody>
</table>

### Subdivision Plats

<table>
<thead>
<tr>
<th>#</th>
<th>Plat</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Village at Seabrook: Preliminary Plat (May 26, 2000)</td>
<td>150-152</td>
</tr>
<tr>
<td>11</td>
<td>Village at Seabrook: Final Record Plat (December 19, 2001)</td>
<td>153-155</td>
</tr>
</tbody>
</table>

### Meeting Minutes

<table>
<thead>
<tr>
<th>#</th>
<th>Minutes</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Planning Commission Meeting Minutes</td>
<td>156-172</td>
</tr>
<tr>
<td>13</td>
<td>Town Council Meeting Minutes</td>
<td>173-189</td>
</tr>
</tbody>
</table>

### Previous Variance Applications in the Village at Seabrook

<table>
<thead>
<tr>
<th>#</th>
<th>Variance #</th>
<th>Approval Date</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>121</td>
<td>Approved (August 28, 2000)</td>
<td>190-208</td>
</tr>
<tr>
<td>15</td>
<td>122</td>
<td>Approved (August 28, 2000)</td>
<td>209-218</td>
</tr>
<tr>
<td>16</td>
<td>143</td>
<td>Denied (April 12, 2007)</td>
<td>219-228</td>
</tr>
<tr>
<td>17</td>
<td>148</td>
<td>Denied (December 10, 2013)</td>
<td>229-243</td>
</tr>
<tr>
<td>Appeal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Notice of Appeal – Cathy Patterson (July 1, 2019)</td>
<td>p. 243-247</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Appellant’s Supporting Materials</td>
<td>p. 248-311</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Notice of Appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
</tr>
<tr>
<td>21</td>
</tr>
<tr>
<td>22</td>
</tr>
<tr>
<td>23</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impact of the Appeal on the Conformity Status of Existing Residences</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
</tr>
<tr>
<td>25</td>
</tr>
<tr>
<td>26</td>
</tr>
<tr>
<td>27</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Written Correspondence</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
</tr>
<tr>
<td>30</td>
</tr>
<tr>
<td>31</td>
</tr>
<tr>
<td>32</td>
</tr>
<tr>
<td>33</td>
</tr>
</tbody>
</table>
ATTACHMENT #1

Zoning Administrator’s Letter of Determination for Lot B-23 in the Village at Seabrook (June 3, 2019)
Dear Mr. Nitkewicz:

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

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

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

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

<table>
<thead>
<tr>
<th>Setback Requirements (Lot B-23)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td><strong>30 feet</strong> measured parallel to the road right-of-way from Seabrook Village Drive.</td>
</tr>
<tr>
<td></td>
<td><em>Note: Uncovered front steps may encroach up to 10 feet into the required front yard setback.</em></td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td><strong>0 feet</strong> from both side property lines; provided, however, the minimum separation between structures must be at least 15 feet. For the sake of consistency, a minimum side yard setback of 7.5 feet is recommended.</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td><strong>25 feet</strong> measured from the point of intersection between the two side property lines at the rear of the property.</td>
</tr>
</tbody>
</table>
An illustration of the setback requirements for Lot B-23 is enclosed for reference. Please note that the setback lines are approximate and shown for illustration purposes only. In addition, the 0-foot side setback lines are based on the fact that Lots B-22 and B-24 are currently undeveloped. Future development on Lots B-22 and/or B-24 may impact the location of the side setback requirements for Lot B-23 in order to ensure a 15-foot minimum separation between structures.

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

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

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

**Right to Appeal**

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

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

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

**Contact Information**

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

Respectfully submitted,

Joseph M. Cronin
Town Administrator/Zoning Administrator
Exhibit A

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

Front: 30’ (Measured from Road ROW)
Uncovered front steps may encroach up to 10’

Sides: 0’ (Min. 15’ Between Structures)

Rear: 25’ (Measured from Rear Point)

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

Summary of Key Findings & Basis for Determination
Village at Seabrook
Front Yard Setback Requirements

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

<table>
<thead>
<tr>
<th>Front Yard Setback Requirements</th>
<th>PUD</th>
<th>Standard Lots</th>
<th>30 feet <em>(PUD Exhibit B)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Corner Lots</td>
<td>No differentiation between standard lots and corner lots in the PUD; therefore, 30 feet <em>(PUD Exhibit B)</em></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>DSO</th>
<th>Standard Lots</th>
<th>30 feet <em>(DSO §7.60.40.10)</em></th>
</tr>
</thead>
</table>
| Corner Lots          |     | If one street frontage is a cul-de-sac street:  
                       • 30 feet from the cul-de-sac street  
                       • 20 feet from the intersecting street  
                       All other corner lots: 30 feet from both streets *(DSO §7.60.40.10)* |

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Front Steps</th>
<th>Uncovered front steps may extend into the front setback but may not be less than twenty 20 feet from the property's front lot line. <em>(DSO §7.60.40.10)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Plat</td>
<td>Standard Lots</td>
<td>30 feet</td>
</tr>
</tbody>
</table>
| Corner Lots          |     | If one street frontage is a cul-de-sac street:  
                       • 30 feet from the cul-de-sac street  
                       • 20 feet from the intersecting street  
                       All other corner lots: 30 feet from both streets |

**Key Findings**

- The front yard setback requirements illustrated on the Plat are **inconsistent** with the PUD.

- The front yard setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.

- On its face, the **more restrictive** requirement is contained within the PUD, which requires a minimum front yard setback of 30 feet. The PUD does **not** contain any other requirement, allowance or provision for corner lots, including those fronting a cul-de-sac street. The PUD also does **not** contain any provision allowing front steps to encroach into a required front yard setback.

- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have **two front yards and two side yards.** *(DSO §7.60.10.10)* The PUD does **not** contain any provision which would supersede this definition.

- The DSO currently allows a reduced front yard setback for corner lots wherein one abutting street is a cul-de-sac. *(DSO §7.60.40.10)* The DSO also allows uncovered front steps to encroach up to 10
feet into a required front yard setback. (DSO §7.60.40.10) These provisions were added to the DSO by Ordinance No. 2001-03, which was adopted by Town Council on June 26, 2001. However, Ordinance No. 2001-03 did **not** contain any provision which amended or repealed conflicting ordinances. In addition, the PUD was never amended by Town Council to incorporate the amendments contained within Ordinance No. 2001-03. Under the strictest interpretation, it would appear that the provisions of Ordinance 2001-03 would **not** apply to the Village at Seabrook; however:

- In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been permitted and constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:
  - Of the 2 homes built on corner lots wherein one abutting street is a cul-de-sac, both (100.0%) observed a secondary street setback of 20 feet rather than 30 feet; and
  - Of the 55 homes completed to date, 39 (70.9%) have uncovered front steps which encroach into the 30-foot front yard setback.

- In reviewing the case file for Ordinance No. 2001-03, the Zoning Administrator found that the text amendment was requested by the original developer of the Village at Seabrook, and discussion of the proposed amendment was specific to the Village at Seabrook.

- Therefore, while Ordinance No. 2001-03 may not have been properly applied to the Village at Seabrook, the Zoning Administrator has found that there is clear evidence that the requirements of Ordinance No. 2001-03 were **intended** to apply to the Village at Seabrook and, subsequently, **have been** consistently applied in the Village for nearly 20 years.

- In general terms, whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply** (DSO §1.70); however:

  - In this case, the failure to apply the provisions of Ordinance No. 2001-03, which were clearly intended to apply (and have been applied) to the Village at Seabrook, would result in an unnecessary hardship, as nearly 75% of all existing homes within the Village would be rendered non-conforming with the front yard setback requirement.

**Determination**

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

- **For corner lots wherein one street frontage is a cul-de-sac street, the minimum setback shall be 30 feet from the cul-de-sac street and 20 feet from the intersecting street; and**

- **Uncovered front steps may extend into the front setback but may not be less than twenty 20’ from the property's front lot line.**
The minimum side yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

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

**Key Findings**

- The **more restrictive** requirement is contained within the Plat, which illustrates a minimum side yard setback of 7.5 feet for standard lots, 0 feet for “Lots Requiring Zero Lot Line Setbacks” and 15 feet for lots abutting a “Lot Requiring Zero Lot Line Setbacks;” however:
  - The side yard setback requirements illustrated on the Plat are **inconsistent** with the requirements of the PUD and the DSO; and
  - The setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.
• As allowed by DSO §7.60.40.20, the PUD (specifically Exhibit B to the ordinance adopting the PUD) does not specify a minimum side yard setback requirement for individual lots.

• While certain lots are listed in the PUD as “Lots Requiring Zero Lot Line Setbacks,” the PUD only requires a 15-foot separation between structures on all lots. For example, if two neighboring lots observed side yard setbacks of 0/15, 3/12, 5/10, 7.5/7.5, etc., this would be acceptable as all lots would satisfy the minimum separation requirements outlined in the PUD and the DSO.

• Therefore, it is the Zoning Administrator’s determination that there is no basis in the PUD or DSO for applying a 7.5-foot or 15-foot side yard setback, as illustrated on the plat. Based on this determination, the Zoning Administrator finds that the PUD allows all lots within the Village at Seabrook to be classified as “Lots Requiring Zero Lot Line Setbacks” (ie. no specific side yard setback required) as long as the total of both side yard setbacks is at least 15 feet, and there is a minimum separation of at least 15 feet between structures. This interpretation is consistent with the practice of previous Zoning Administrators, as evidenced by the following:

  o In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:

    • Of the 55 homes completed, 14 (25.5%) do not comply with one or more of the side yard setbacks, as illustrated on the Plat; however, all lots (100.0%) meet or exceed the 15-foot separation requirement, as required by the PUD and DSO.

• The Plat reduces the total number of “Lots Requiring Zero Lot Line Setbacks” from the 12 (PUD) to 6 (Plat). While the requirements of the PUD would generally supersede those of the Plat, it is the Zoning Administrator’s interpretation that this is a moot point, as both the PUD and DSO do not specify a minimum side yard setback requirement, and only require a minimum separation requirement of 15 feet between structures.

• Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, the more restrictive shall apply. (DSO §1.70) In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, the requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

Determination

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

• In instances where a side yard is required, the total of both side yard setbacks shall be at least 15 feet, and no detached structure may be situated closer than 15 feet to another structure.

• For the sake of consistency among neighboring lot owners, a minimum side yard setback of 7.5 feet is recommended, thought not required by the PUD or DSO.
Village at Seabrook
Rear Yard Setback Requirements

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

<table>
<thead>
<tr>
<th>Rear Yard Setback Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUD</strong></td>
</tr>
<tr>
<td><strong>DSO</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Plat</strong></td>
</tr>
</tbody>
</table>

**Key Findings**

- The rear yard setback requirements are *generally consistent* between the PUD, the DSO and the Plat, each of which specify a 25-foot rear yard setback. However, the Plat also applies a 25-foot rear yard setback to corner lots.

- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have *two front yards and two side yards*. *(DSO §7.60.10.10)*

- The PUD does *not* contain any provision that would supersede (either by strengthening or relaxing) the requirements of *DSO §7.60.10.10* as it relates to corner lots having two front yards and two side yards.

- The application of a 25-foot rear yard setback to corner lots, as shown on the Plat, is *inconsistent* with the requirements of the PUD and the DSO.

- Some lots within the Village at Seabrook – including Lots B-22, B-23, B-26 and C-24 – are “pie-shaped” lots. While pie-shaped lots have defined front and side property lines, they do *not* have a defined rear property line from which to apply a rear yard setback. However, by definition, a pie-shaped lot is *not* a corner lot; therefore, a rear yard setback must still be applied. The Plat indicates that pie-shaped lots shall have one side yard and one rear yard. In the Zoning Administrator’s determination, there is *no basis* in the PUD or DSO for classifying one of the side yards as a rear yard. Therefore, it is the Zoning Administrator’s opinion that the Plat is *inconsistent* with the requirements of the PUD and the DSO.

- The rear yard setback requirements illustrated on the Plat do *not* supersede any ordinance which has been duly adopted by Town Council.

- Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, the *more restrictive shall apply*. *(DSO §1.70)* In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, the
requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

Determination

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

- For lots abutting an open space area (lake, lagoon, golf course, etc.), an open deck may encroach no more than 10 feet into the required rear yard setback.

- For pie-shaped lots that do not have a defined rear property line from which to apply a rear yard setback (Lots B-22, B-23, B-26 and C-24), the Zoning Administrator has interpreted that the rear yard setback shall be measured from the point where the two side property lines intersect at the rear of the property. This will ensure that the rear setback line is roughly parallel to the (curvilinear) front setback line, consistent with non-pie-shaped lots.

- Corner lots are defined by ordinance to have two front yards and two side yards. Therefore, a rear yard setback shall not be required for any corner lot within the Village at Seabrook. The requirements for front and side yard setbacks are further outlined elsewhere in this Letter of Determination.
Village at Seabrook
Lot Conversion Schedule

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

<table>
<thead>
<tr>
<th>PUD Lot #</th>
<th>Plat Lot #</th>
<th>PUD Lot #</th>
<th>Plat Lot #</th>
<th>PUD Lot #</th>
<th>Plat Lot #</th>
<th>PUD Lot #</th>
<th>Plat Lot #</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>C-01</td>
<td>23</td>
<td>C-29</td>
<td>45</td>
<td>B-40</td>
<td>67</td>
<td>B-10</td>
</tr>
<tr>
<td>2</td>
<td>C-02</td>
<td>24</td>
<td>C-22</td>
<td>46</td>
<td>B-39</td>
<td>68</td>
<td>B-09</td>
</tr>
<tr>
<td>3</td>
<td>C-03</td>
<td>25</td>
<td>C-28</td>
<td>47*</td>
<td>B-38**</td>
<td>69</td>
<td>B-08</td>
</tr>
<tr>
<td>4</td>
<td>C-04</td>
<td>26</td>
<td>C-23</td>
<td>48</td>
<td>B-37</td>
<td>70</td>
<td>B-07</td>
</tr>
<tr>
<td>5</td>
<td>C-05</td>
<td>27</td>
<td>C-27</td>
<td>49</td>
<td>B-36</td>
<td>71</td>
<td>B-06</td>
</tr>
<tr>
<td>6</td>
<td>C-06</td>
<td>28</td>
<td>C-24</td>
<td>50</td>
<td>B-35</td>
<td>72</td>
<td>B-05</td>
</tr>
<tr>
<td>7</td>
<td>C-07</td>
<td>29</td>
<td>C-25</td>
<td>51</td>
<td>B-34</td>
<td>73</td>
<td>B-04</td>
</tr>
<tr>
<td>8</td>
<td>C-08</td>
<td>30*</td>
<td>C-26**</td>
<td>52</td>
<td>B-33</td>
<td>74</td>
<td>B-24</td>
</tr>
<tr>
<td>9</td>
<td>C-09</td>
<td>31</td>
<td>C-31</td>
<td>53</td>
<td>B-32</td>
<td>75*</td>
<td>B-23</td>
</tr>
<tr>
<td>10</td>
<td>C-10</td>
<td>32</td>
<td>C-32</td>
<td>54</td>
<td>B-31</td>
<td>76*</td>
<td>B-22</td>
</tr>
<tr>
<td>11</td>
<td>C-11</td>
<td>33</td>
<td>C-33</td>
<td>55</td>
<td>B-30</td>
<td>77</td>
<td>B-27</td>
</tr>
<tr>
<td>12</td>
<td>C-12</td>
<td>34</td>
<td>C-34</td>
<td>56*</td>
<td>B-20 3</td>
<td>78</td>
<td>B-26</td>
</tr>
<tr>
<td>12</td>
<td>C-13</td>
<td>35</td>
<td>C-35</td>
<td>57</td>
<td>79*</td>
<td>B-26</td>
<td>101*</td>
</tr>
<tr>
<td>14</td>
<td>C-14</td>
<td>36</td>
<td>B-48 2</td>
<td>58</td>
<td>B-19</td>
<td>80</td>
<td>B-05</td>
</tr>
<tr>
<td>15</td>
<td>C-15</td>
<td>37</td>
<td>59</td>
<td>B-18</td>
<td>81</td>
<td>B-04</td>
<td>103</td>
</tr>
<tr>
<td>16</td>
<td>C-16</td>
<td>38</td>
<td>B-47</td>
<td>60</td>
<td>B-17</td>
<td>82</td>
<td>B-02 / B-03 6</td>
</tr>
<tr>
<td>17</td>
<td>C-17</td>
<td>39</td>
<td>B-46</td>
<td>61</td>
<td>B-16</td>
<td>83</td>
<td>B-02 / B-03 6</td>
</tr>
<tr>
<td>18</td>
<td>C-18</td>
<td>40</td>
<td>B-45</td>
<td>62</td>
<td>B-15</td>
<td>84*</td>
<td>B-01</td>
</tr>
<tr>
<td>19*</td>
<td>C-19**</td>
<td>41</td>
<td>B-44</td>
<td>63</td>
<td>B-14</td>
<td>85</td>
<td>A-22</td>
</tr>
<tr>
<td>20</td>
<td>C-20</td>
<td>42</td>
<td>B-43</td>
<td>64</td>
<td>B-13</td>
<td>86</td>
<td>A-21</td>
</tr>
<tr>
<td>21</td>
<td>C-30</td>
<td>43</td>
<td>B-42</td>
<td>65</td>
<td>B-12</td>
<td>87*</td>
<td>A-20</td>
</tr>
<tr>
<td>22</td>
<td>C-21</td>
<td>44</td>
<td>B-41</td>
<td>66</td>
<td>B-11</td>
<td>88</td>
<td>A-19</td>
</tr>
</tbody>
</table>

*Indicates a lot listed as a “Lot Requiring Zero Lot Line Setbacks” in the PUD
** Indicates a lot listed as a “Lot Requiring Zero Lot Line Setbacks” in the recorded Plat

1 PUD Lots 1 & 2 were combined as Lot C-01 in the recorded Plat
2 PUD Lots 36 & 37 were combined as Lot B-48 in the recorded Plat
3 PUD Lots 56 & 57 were combined as Lot B-20 in the recorded Plat
4 PUD Lots 72 & 73 were combined as Lot B-25 in the recorded Plat
5 PUD Lot 77 was split in the recorded Plat, with a portion being attached to Lot B-22 and the remainder to Lot B-27
6 Lot B-02 was subsequently combined with Lot B-03 to form Lot B-02/03 in 2015 (Book S15, Page 0294)
7 Lot A-13 was subsequently combined with Lot A-14 to form a new Lot A-14 in 2013 (Book S13, Page 0264)
Exhibit C

Development Standards Ordinance
§7.60 (Minimum Setbacks)

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

Ordinance 2000-08
An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract
(Developed as the Village at Seabrook)

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

Recorded Plat for the Village at Seabrook

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

Ordinance 2001-03
An ordinance to amend DSO Section 2.10.420 (Setback)

See Attachment #6 in Agenda Packet (pages 133-135) for Exhibit F
ATTACHMENT #2

Zoning Administrator’s Letter of Determination for Lot B-26 in the Village at Seabrook (June 3, 2019)
Dear Mr. Miller:

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

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

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

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

<table>
<thead>
<tr>
<th>Setback Requirements (Lot B-26)</th>
<th>Setback Measurements</th>
</tr>
</thead>
</table>
| Front Yard Setback              | 30 feet, measured parallel to the road right-of-way from Seabrook Village Drive.  
- Note: Uncovered front steps may encroach up to 10 feet into the required front yard setback. |
| Side Yard Setback               | 0 feet, from both side property lines; provided, however, the minimum separation between structures must be at least 15 feet. For the sake of consistency, a minimum side yard setback of 7.5 feet is recommended. |
| Rear Yard Setback               | 25 feet, measured from the point of intersection between the two side property lines at the rear of the property. |
For reference, I have attached the following exhibits to this Letter of Determination:

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

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

**Right to Appeal**

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

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

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

**Contact Information**

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

Respectfully submitted,

Joseph M. Cronin
Town Administrator/Zoning Administrator
Exhibit A

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

Setback Requirements: Village at Seabrook Lot B-26

Front: 30’ (Measured from Road ROW)  
Uncovered front steps may encroach up to 10’

Sides: 0’ (Zero Lot Line; Min. 15’ Between Structures)

Rear: 25’ (Measured from Rear Point)

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

Summary of Key Findings & Basis for Determination
Village at Seabrook
Front Yard Setback Requirements

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

<table>
<thead>
<tr>
<th></th>
<th>PUD</th>
<th>DSO</th>
<th>Plat</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard Lots</strong></td>
<td>30 feet <em>(PUD Exhibit B)</em></td>
<td>30 feet <em>(DSO §7.60.40.10)</em></td>
<td>30 feet</td>
</tr>
</tbody>
</table>
| **Corner Lots** | No differentiation between standard lots and corner lots in the PUD; therefore, 30 feet *(PUD Exhibit B)* | If one street frontage is a cul-de-sac street:  
- 30 feet from the cul-de-sac street  
- 20 feet from the intersecting street  
All other corner lots: 30 feet from both streets *(DSO §7.60.40.10)* | If one street frontage is a cul-de-sac street:  
- 30 feet from the cul-de-sac street  
- 20 feet from the intersecting street  
All other corner lots: 30 feet from both streets |
| **Front Steps** | Uncovered front steps may extend into the front setback but may not be less than twenty 20 feet from the property's front lot line. *(DSO §7.60.40.10)* |                          |                          |

**Key Findings**

- The front yard setback requirements illustrated on the Plat are *inconsistent* with the PUD.

- The front yard setback requirements illustrated on the Plat do *not* supersede any ordinance which has been duly adopted by Town Council.

- On its face, the *more restrictive* requirement is contained within the PUD, which requires a minimum front yard setback of 30 feet. The PUD does *not* contain any other requirement, allowance or provision for corner lots, including those fronting a cul-de-sac street. The PUD also does *not* contain any provision allowing front steps to encroach into a required front yard setback.

- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have **two front yards and two side yards**, *(DSO §7.60.10.10)* The PUD does *not* contain any provision which would supersede this definition.

- The DSO currently allows a reduced front yard setback for corner lots wherein one abutting street is a cul-de-sac. *(DSO §7.60.40.10)* The DSO also allows uncovered front steps to encroach up to 10
feet into a required front yard setback. (DSO §7.60.40.10) These provisions were added to the DSO by Ordinance No. 2001-03, which was adopted by Town Council on June 26, 2001. However, Ordinance No. 2001-03 did not contain any provision which amended or repealed conflicting ordinances. In addition, the PUD was never amended by Town Council to incorporate the amendments contained within Ordinance No. 2001-03. Under the strictest interpretation, it would appear that the provisions of Ordinance 2001-03 would not apply to the Village at Seabrook; however:

- In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been permitted and constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:
  - Of the 2 homes built on corner lots wherein one abutting street is a cul-de-sac, both (100.0%) observed a secondary street setback of 20 feet rather than 30 feet; and
  - Of the 55 homes completed to date, 39 (70.9%) have uncovered front steps which encroach into the 30-foot front yard setback.

- In reviewing the case file for Ordinance No. 2001-03, the Zoning Administrator found that the text amendment was requested by the original developer of the Village at Seabrook, and discussion of the proposed amendment was specific to the Village at Seabrook.

- Therefore, while Ordinance No. 2001-03 may not have been properly applied to the Village at Seabrook, the Zoning Administrator has found that there is clear evidence that the requirements of Ordinance No. 2001-03 were intended to apply to the Village at Seabrook and, subsequently, have been consistently applied in the Village for nearly 20 years.

- In general terms, whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, the more restrictive shall apply (DSO §1.70); however:
  - In this case, the failure to apply the provisions of Ordinance No. 2001-03, which were clearly intended to apply (and have been applied) to the Village at Seabrook, would result in an unnecessary hardship, as nearly 75% of all existing homes within the Village would be rendered non-conforming with the front yard setback requirement.

**Determination**

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

- For corner lots wherein one street frontage is a cul-de-sac street, the minimum setback shall be 30 feet from the cul-de-sac street and 20 feet from the intersecting street; and

- Uncovered front steps may extend into the front setback but may not be less than twenty 20’ from the property's front lot line.
Village at Seabrook
Side Yard Setback Requirements

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

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

**Key Findings**

- The more restrictive requirement is contained within the Plat, which illustrates a minimum side yard setback of 7.5 feet for standard lots, 0 feet for “Lots Requiring Zero Lot Line Setbacks” and 15 feet for lots abutting a “Lot Requiring Zero Lot Line Setbacks;” however:
  - The side yard setback requirements illustrated on the Plat are **inconsistent** with the requirements of the PUD and the DSO; and
  - The setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.
• As allowed by DSO §7.60.40.20, the PUD (specifically Exhibit B to the ordinance adopting the PUD) does **not** specify a minimum side yard setback requirement for individual lots.

• While certain lots are listed in the PUD as “Lots Requiring Zero Lot Line Setbacks,” the PUD only requires a **15-foot separation** between structures on all lots. For example, if two neighboring lots observed side yard setbacks of 0/15, 3/12, 5/10, 7.5/7.5, etc., this would be acceptable as all lots would satisfy the minimum separation requirements outlined in the PUD and the DSO.

• Therefore, it is the Zoning Administrator’s determination that there is **no basis** in the PUD or DSO for applying a 7.5-foot or 15-foot side yard setback, as illustrated on the plat. Based on this determination, the Zoning Administrator finds that the PUD allows **all** lots within the Village at Seabrook to be classified as “Lots Requiring Zero Lot Line Setbacks” (ie. no specific side yard setback required) as long as the total of both side yard setbacks is at least 15 feet, and there is a minimum separation of at least 15 feet between structures. This interpretation is consistent with the practice of previous Zoning Administrators, as evidenced by the following:

  1. In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:

    ▪ Of the 55 homes completed, 14 (25.5%) do not comply with one or more of the side yard setbacks, as illustrated on the Plat; however, all lots (100.0%) meet or exceed the 15-foot separation requirement, as required by the PUD and DSO.

• The Plat reduces the total number of “Lots Requiring Zero Lot Line Setbacks” from the 12 (PUD) to 6 (Plat). While the requirements of the PUD would generally supersede those of the Plat, it is the Zoning Administrator’s interpretation that this is a moot point, as both the PUD and DSO do **not** specify a minimum side yard setback requirement, and only require a minimum separation requirement of 15 feet between structures.

• Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply.** (DSO §1.70) In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, the requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

**Determination**

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

• **In instances where a side yard is required, the total of both side yard setbacks shall be at least 15 feet, and no detached structure may be situated closer than 15 feet to another structure.**

• **For the sake of consistency among neighboring lot owners, a minimum side yard setback of 7.5 feet is recommended, thought not required by the PUD or DSO.**
Village at Seabrook
Rear Yard Setback Requirements

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

<table>
<thead>
<tr>
<th>Rear Yard Setback Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUD</strong></td>
</tr>
<tr>
<td>All Lots</td>
</tr>
<tr>
<td><strong>DSO</strong></td>
</tr>
<tr>
<td>Standard Lots</td>
</tr>
<tr>
<td>Open Space Lots</td>
</tr>
<tr>
<td><strong>Plat</strong></td>
</tr>
<tr>
<td>All Lots</td>
</tr>
</tbody>
</table>

**Key Findings**

- The rear yard setback requirements are **generally consistent** between the PUD, the DSO and the Plat, each of which specify a 25-foot rear yard setback. However, the Plat also applies a 25-foot rear yard setback to corner lots.

- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have **two front yards and two side yards**. *(DSO §7.60.10)*

- The PUD does **not** contain any provision that would supersede (either by strengthening or relaxing) the requirements of *DSO §7.60.10* as it relates to corner lots having two front yards and two side yards.

- The application of a 25-foot rear yard setback to corner lots, as shown on the Plat, is **inconsistent** with the requirements of the PUD and the DSO.

- Some lots within the Village at Seabrook – including Lots B-22, B-23, B-26 and C-24 – are “pie-shaped” lots. While pie-shaped lots have defined front and side property lines, they do **not** have a defined rear property line from which to apply a rear yard setback. However, by definition, a pie-shaped lot is **not** a corner lot; therefore, a rear yard setback must still be applied. The Plat indicates that pie-shaped lots shall have one side yard and one rear yard. In the Zoning Administrator’s determination, there is **no basis** in the PUD or DSO for classifying one of the side yards as a rear yard. Therefore, it is the Zoning Administrator’s opinion that the Plat is **inconsistent** with the requirements of the PUD and the DSO.

- The rear yard setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.

- Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, **the more restrictive shall apply**. *(DSO §1.70)* In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, **the**
requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

**Determination**

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

- For lots abutting an open space area (lake, lagoon, golf course, etc.), an open deck may encroach no more than 10 feet into the required rear yard setback.

- For pie-shaped lots that do not have a defined rear property line from which to apply a rear yard setback (Lots B-22, B-23, B-26 and C-24), the Zoning Administrator has interpreted that the rear yard setback shall be measured from the point where the two side property lines intersect at the rear of the property. This will ensure that the rear setback line is roughly parallel to the (curvilinear) front setback line, consistent with non-pie-shaped lots.

- Corner lots are defined by ordinance to have two front yards and two side yards. Therefore, a rear yard setback shall not be required for any corner lot within the Village at Seabrook. The requirements for front and side yard setbacks are further outlined elsewhere in this Letter of Determination.
Village at Seabrook
Lot Conversion Schedule

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

<table>
<thead>
<tr>
<th>Village at Seabrook: Lot Conversion Schedule (PUD to Recorded Plat)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUD Lot #</strong></td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>3</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
<tr>
<td>6</td>
</tr>
<tr>
<td>7</td>
</tr>
<tr>
<td>8</td>
</tr>
<tr>
<td>9</td>
</tr>
<tr>
<td>10</td>
</tr>
<tr>
<td>11</td>
</tr>
<tr>
<td>12</td>
</tr>
<tr>
<td>12*</td>
</tr>
<tr>
<td>14</td>
</tr>
<tr>
<td>15</td>
</tr>
<tr>
<td>16</td>
</tr>
<tr>
<td>17</td>
</tr>
<tr>
<td>18</td>
</tr>
<tr>
<td>19*</td>
</tr>
<tr>
<td>20</td>
</tr>
<tr>
<td>21</td>
</tr>
<tr>
<td>22</td>
</tr>
</tbody>
</table>

*Indicates a lot listed as a “Lot Requiring Zero Lot Line Setbacks” in the PUD
**Indicates a lot listed as a “Lot Requiring Zero Lot Line Setbacks” in the recorded Plat

1 PUD Lots 1 & 2 were combined as Lot C-01 in the recorded Plat
2 PUD Lots 36 & 37 were combined as Lot B-48 in the recorded Plat
3 PUD Lots 56 & 57 were combined as Lot B-20 in the recorded Plat
4 PUD Lots 72 & 73 were combined as Lot B-25 in the recorded Plat
5 PUD Lot 77 was split in the recorded Plat, with a portion being attached to Lot B-22 and the remainder to Lot B-27
6 Lot B-02 was subsequently combined with Lot B-03 to form Lot B-02/03 in 2015 (Book S15, Page 0294)
7 Lot A-13 was subsequently combined with Lot A-14 to form a new Lot A-14 in 2013 (Book S13, Page 0264)
Exhibit C

Development Standards Ordinance
§7.60 (Minimum Setbacks)

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

Ordinance 2000-08
An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract
(Developed as the Village at Seabrook)

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

Recorded Plat for the Village at Seabrook

See Attachment #11 in Agenda Packet (pages 153-155) for Exhibit E
ATTACHMENT #3

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

Dear Mr. Hoertdoerfer:

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

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

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

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

<table>
<thead>
<tr>
<th>Setback Requirements (Lot A-06): Corner Lot with 2 Front Yards &amp; 2 Side Yards</th>
</tr>
</thead>
</table>
| **Front Yard Setback (Primary)** | **30 feet** measured parallel to the cul-de-sac right-of-way.  
- **Note:** Uncovered front steps may encroach up to 10 feet into the required front yard setback. |
| **Front Yard Setback (Secondary)** | **20 feet** measured parallel to the secondary road right-of-way (Seabrook Island Road). |
| **Side Yard Setback** | **0 feet** from both side property lines; provided, however, the minimum separation between structures must be at least 15 feet. For the sake of consistency, a minimum side yard setback of at least 7.5 feet is recommended. |
| **Rear Yard Setback** | **Not Applicable** (Corner Lot) |
In addition, the following setback requirements will apply to Lot B-01 in the Village at Seabrook subdivision:

| Setback Requirements (Lot B-01): Corner Lot with 2 Front Yards & 2 Side Yards |
|---------------------------------|------------------------------|
| Front Yard Setback              | 30 feet measured parallel to the road right-of-way from both Seabrook Island Road & Seabrook Village Drive. |
|                                 | • Note: Uncovered front steps may encroach up to 10 feet into the required front yard setbacks. |
| Side Yard Setback               | 0 feet from both side property lines; provided, however, the minimum separation between structures must be at least 15 feet. For the sake of consistency, a minimum side yard setback of at least 7.5 feet is recommended. |
| Rear Yard Setback               | Not Applicable (Corner Lot) |

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

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

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

**Right to Appeal**

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

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

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

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

Respectfully submitted,

[Signature]

Joseph M. Cronin
Town Administrator/Zoning Administrator
Exhibit A

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

Setback Requirements: Village at Seabrook Lot A-06
Primary Front: 30’ (Measured from Road ROW)
   20’ for Uncovered Front Steps
Secondary Front: 20’ (Measured from Road ROW)
Sides: 0’ (Zero Lot Line; Min. 15’ Between Structures)
Rear: N/A (Corner Lot)

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

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

Setback Requirements: Village at Seabrook Lot B-01
Primary Front: 30' (Measured from Road ROW)
   20' for Uncovered Front Steps
Secondary Front: 30' (Measured from Road ROW)
   20' for Uncovered Front Steps
Sides: 0' (Zero Lot Line; Min. 15' Between Structures)
Rear: N/A (Corner Lot)

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

Summary of Key Findings & Basis for Determination
Village at Seabrook
Front Yard Setback Requirements

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

| Front Yard Setback Requirements |
|---------------------------------|---------------------------------|
| **PUD**                         | **DSO**                         |
| Standard Lots                   | Standard Lots                   |
| 30 feet *(PUD Exhibit B)*       | 30 feet *(DSO §7.60.40.10)*     |
| Corner Lots                     | Corner Lots                     |
| No differentiation between       | If one street frontage is a     |
| standard lots and corner lots    | cul-de-sac street:              |
| in the PUD; therefore, 30 feet   | • 30 feet from the cul-de-sac    |
| *(PUD Exhibit B)*               | street                          |
|                                 | • 20 feet from the intersecting  |
|                                 | street                          |
|                                 | All other corner lots: 30 feet  |
|                                 | from both streets *(DSO §7.60.40.10)* | |
|                                 | **Plat**                        |
| Standard Lots                   | Standard Lots                   |
| 30 feet                         | 30 feet                         |
| Corner Lots                     | Corner Lots                     |
| If one street frontage is a     | If one street frontage is a     |
| cul-de-sac street:              | cul-de-sac street:              |
| • 30 feet from the cul-de-sac    | • 30 feet from the cul-de-sac    |
| street                          | street                          |
| • 20 feet from the intersecting  | • 20 feet from the intersecting  |
| street                          | street                          |
| All other corner lots: 30 feet  | All other corner lots: 30 feet  |
| from both streets *(DSO §7.60.40.10)* | from both streets *(DSO §7.60.40.10)* | |
| **Key Findings**                | **Key Findings**                |
| • The front yard setback        | • On its face, the more         |
| requirements illustrated on the | restrictive requirement is      |
| Plat are inconsistent with the  | contained within the PUD, which |
| PUD.                            | requires a minimum front yard   |
|                                 | setback of 30 feet. The PUD     |
|                                 | does not contain any other      |
|                                 | requirement, allowance or       |
|                                 | provision for corner lots,      |
|                                 | including those fronting a      |
|                                 | cul-de-sac street. The PUD also |
|                                 | does not contain any provision  |
|                                 | allowing front steps to encroach|
|                                 | into a required front yard       |
|                                 | setback.                         |
| • The front yard setback        | • The DSO defines a lot         |
| requirements illustrated on the | abutting two intersecting       |
| Plat do not supersede any       | streets as a “corner lot.” A    |
| ordinance which has been duly    | corner lot is deemed to have    |
| adopted by Town Council.        | two front yards and two side    |
|                                 | yards. *(DSO §7.60.10.10)* The  |
|                                 | PUD does not contain any        |
|                                 | provision which would           |
|                                 | supersede this definition.      |
| • The DSO currently allows a    | • The DSO currently allows a     |
| reduced front yard setback for  | reduced front yard setback for  |
| corner lots wherein one         | corner lots wherein one          |
| abutting street is a            | abutting street is a cul-de-sac.|
| cul-de-sac. *(DSO §7.60.40.10)* | *(DSO §7.60.40.10)* The DSO also|
|                                 | allows uncovered front steps to |
|                                 | encroach up to 10               |
|                                 | feet. *(DSO §7.60.40.10)*       |
|                                 | The DSO also allows uncovered    |
|                                 | front steps to encroach up to    |
|                                 | 10 feet. *(DSO §7.60.40.10)*    |
feet into a required front yard setback. *(DSO §7.60.40.10)* These provisions were added to the DSO by Ordinance No. 2001-03, which was adopted by Town Council on June 26, 2001. However, Ordinance No. 2001-03 did not contain any provision which amended or repealed conflicting ordinances. In addition, the PUD was never amended by Town Council to incorporate the amendments contained within Ordinance No. 2001-03. Under the strictest interpretation, it would appear that the provisions of Ordinance 2001-03 would not apply to the Village at Seabrook; however:

- In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been permitted and constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:
  - Of the 2 homes built on corner lots wherein one abutting street is a cul-de-sac, both (100.0%) observed a secondary street setback of 20 feet rather than 30 feet; and
  - Of the 55 homes completed to date, 39 (70.9%) have uncovered front steps which encroach into the 30-foot front yard setback.

- In reviewing the case file for Ordinance No. 2001-03, the Zoning Administrator found that the text amendment was requested by the original developer of the Village at Seabrook, and discussion of the proposed amendment was specific to the Village at Seabrook.

- Therefore, while Ordinance No. 2001-03 may not have been properly applied to the Village at Seabrook, the Zoning Administrator has found that there is clear evidence that the requirements of Ordinance No. 2001-03 were intended to apply to the Village at Seabrook and, subsequently, have been consistently applied in the Village for nearly 20 years.

- In general terms, whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, the more restrictive shall apply *(DSO §1.70)*; however:

  - In this case, the failure to apply the provisions of Ordinance No. 2001-03, which were clearly intended to apply (and have been applied) to the Village at Seabrook, would result in an unnecessary hardship, as nearly 75% of all existing homes within the Village would be rendered non-conforming with the front yard setback requirement.

**Determination**

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

- For corner lots wherein one street frontage is a cul-de-sac street, the minimum setback shall be 30 feet from the cul-de-sac street and 20 feet from the intersecting street; and

- Uncovered front steps may extend into the front setback but may not be less than twenty 20’ from the property’s front lot line.
Village at Seabrook
Side Yard Setback Requirements

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

<table>
<thead>
<tr>
<th>Side Yard Setback Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUD</strong></td>
</tr>
<tr>
<td>Standard Lots</td>
</tr>
<tr>
<td>Zero Lot Line Lots</td>
</tr>
<tr>
<td><strong>DSO</strong></td>
</tr>
<tr>
<td>All Lots</td>
</tr>
<tr>
<td><strong>Plat</strong></td>
</tr>
<tr>
<td>Standard Lots</td>
</tr>
<tr>
<td>Zero Lot Line Lots</td>
</tr>
<tr>
<td>Lots abutting Zero Lot Line Lots</td>
</tr>
</tbody>
</table>

**Key Findings**

- The **more restrictive** requirement is contained within the Plat, which illustrates a minimum side yard setback of 7.5 feet for standard lots, 0 feet for “Lots Requiring Zero Lot Line Setbacks” and 15 feet for lots abutting a “Lot Requiring Zero Lot Line Setbacks;” however:
  - The side yard setback requirements illustrated on the Plat are **inconsistent** with the requirements of the PUD and the DSO; and
  - The setback requirements illustrated on the Plat do **not** supersede any ordinance which has been duly adopted by Town Council.
As allowed by DSO §7.60.40.20, the PUD (specifically Exhibit B to the ordinance adopting the PUD) does not specify a minimum side yard setback requirement for individual lots.

While certain lots are listed in the PUD as “Lots Requiring Zero Lot Line Setbacks,” the PUD only requires a 15-foot separation between structures on all lots. For example, if two neighboring lots observed side yard setbacks of 0/15, 3/12, 5/10, 7.5/7.5, etc., this would be acceptable as all lots would satisfy the minimum separation requirements outlined in the PUD and the DSO.

Therefore, it is the Zoning Administrator’s determination that there is no basis in the PUD or DSO for applying a 7.5-foot or 15-foot side yard setback, as illustrated on the plat. Based on this determination, the Zoning Administrator finds that the PUD allows all lots within the Village at Seabrook to be classified as “Lots Requiring Zero Lot Line Setbacks” (ie. no specific side yard setback required) as long as the total of both side yard setbacks is at least 15 feet, and there is a minimum separation of at least 15 feet between structures. This interpretation is consistent with the practice of previous Zoning Administrators, as evidenced by the following:

In preparing this Letter of Determination, the Zoning Administrator completed a comprehensive review of the 55 homes which have been constructed to date within the Village at Seabrook. As part of this review, the Zoning Administrator found:

- Of the 55 homes completed, 14 (25.5%) do not comply with one or more of the side yard setbacks, as illustrated on the Plat; however, all lots (100.0%) meet or exceed the 15-foot separation requirement, as required by the PUD and DSO.

The Plat reduces the total number of “Lots Requiring Zero Lot Line Setbacks” from the 12 (PUD) to 6 (Plat). While the requirements of the PUD would generally supersede those of the Plat, it is the Zoning Administrator’s interpretation that this is a moot point, as both the PUD and DSO do not specify a minimum side yard setback requirement, and only require a minimum separation requirement of 15 feet between structures.

Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, the more restrictive shall apply. (DSO § 1.70) In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, the requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

**Determination**

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

- In instances where a side yard is required, the total of both side yard setbacks shall be at least 15 feet, and no detached structure may be situated closer than 15 feet to another structure.

- For the sake of consistency among neighboring lot owners, a minimum side yard setback of 7.5 feet is recommended, thought not required by the PUD or DSO.
The minimum rear yard setback requirements specified by the PUD, DSO and Plat for the Village at Seabrook are as follows:

<table>
<thead>
<tr>
<th>Rear Yard Setback Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PUD</strong></td>
</tr>
<tr>
<td><strong>DSO</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Plat</strong></td>
</tr>
</tbody>
</table>

**Key Findings**

- The rear yard setback requirements are generally consistent between the PUD, the DSO and the Plat, each of which specify a 25-foot rear yard setback. However, the Plat also applies a 25-foot rear yard setback to corner lots.

- The DSO defines a lot abutting two intersecting streets as a “corner lot.” A corner lot is deemed to have two front yards and two side yards *(DSO §7.60.10.10)*.

- The PUD does not contain any provision that would supersede (either by strengthening or relaxing) the requirements of DSO §7.60.10.10 as it relates to corner lots having two front yards and two side yards.

- The application of a 25-foot rear yard setback to corner lots, as shown on the Plat, is inconsistent with the requirements of the PUD and the DSO.

- Some lots within the Village at Seabrook – including Lots B-22, B-23, B-26 and C-24 – are “pie-shaped” lots. While pie-shaped lots have defined front and side property lines, they do not have a defined rear property line from which to apply a rear yard setback. However, by definition, a pie-shaped lot is not a corner lot; therefore, a rear yard setback must still be applied. The Plat indicates that pie-shaped lots shall have one side yard and one rear yard. In the Zoning Administrator’s determination, there is no basis in the PUD or DSO for classifying one of the side yards as a rear yard. Therefore, it is the Zoning Administrator’s opinion that the Plat is inconsistent with the requirements of the PUD and the DSO.

- The rear yard setback requirements illustrated on the Plat do not supersede any ordinance which has been duly adopted by Town Council.

- Whenever there is, or appears to be, a conflict between any provision of the DSO with the provisions of any other lawful ordinance, regulation or resolution, the more restrictive shall apply *(DSO §1.70)*. In this case, there is no conflict between the requirements outlined in both the PUD and the DSO. The only conflict is between the Plat and the PUD/DSO. In such instances, the
requirements of the PUD and DSO (which are adopted by ordinance) will supersede the requirements of the Plat.

Determination

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

- For lots abutting an open space area (lake, lagoon, golf course, etc.), an open deck may encroach no more than 10 feet into the required rear yard setback.

- For pie-shaped lots that do not have a defined rear property line from which to apply a rear yard setback (Lots B-22, B-23, B-26 and C-24), the Zoning Administrator has interpreted that the rear yard setback shall be measured from the point where the two side property lines intersect at the rear of the property. This will ensure that the rear setback line is roughly parallel to the (curvilinear) front setback line, consistent with non-pie-shaped lots.

- Corner lots are defined by ordinance to have two front yards and two side yards. Therefore, a rear yard setback shall not be required for any corner lot within the Village at Seabrook. The requirements for front and side yard setbacks are further outlined elsewhere in this Letter of Determination.
Village at Seabrook
Lot Conversion Schedule

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

<table>
<thead>
<tr>
<th>PUD Lot #</th>
<th>Plat Lot #</th>
<th>PUD Lot #</th>
<th>Plat Lot #</th>
<th>PUD Lot #</th>
<th>Plat Lot #</th>
<th>PUD Lot #</th>
<th>Plat Lot #</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>C-01 1</td>
<td>23</td>
<td>C-29</td>
<td>45</td>
<td>B-40</td>
<td>67</td>
<td>B-10</td>
</tr>
<tr>
<td>2</td>
<td>24</td>
<td>22</td>
<td>C-22</td>
<td>46</td>
<td>B-39</td>
<td>68</td>
<td>B-09</td>
</tr>
<tr>
<td>3</td>
<td>C-03</td>
<td>25</td>
<td>C-28</td>
<td>47*</td>
<td>B-38**</td>
<td>69</td>
<td>B-08</td>
</tr>
<tr>
<td>4</td>
<td>C-04</td>
<td>26</td>
<td>C-23</td>
<td>48</td>
<td>B-37</td>
<td>70</td>
<td>B-07</td>
</tr>
<tr>
<td>5</td>
<td>C-05</td>
<td>27</td>
<td>C-27</td>
<td>49</td>
<td>B-36</td>
<td>71</td>
<td>B-06</td>
</tr>
<tr>
<td>6</td>
<td>C-06</td>
<td>28</td>
<td>C-24</td>
<td>50</td>
<td>B-35</td>
<td>72</td>
<td>B-25 4</td>
</tr>
<tr>
<td>7</td>
<td>C-07</td>
<td>29</td>
<td>C-25</td>
<td>51</td>
<td>B-34</td>
<td>73</td>
<td>95</td>
</tr>
<tr>
<td>8</td>
<td>C-08</td>
<td>30*</td>
<td>C-26**</td>
<td>52</td>
<td>B-33</td>
<td>74</td>
<td>B-24</td>
</tr>
<tr>
<td>9</td>
<td>C-09</td>
<td>31</td>
<td>C-31</td>
<td>53</td>
<td>B-32</td>
<td>75*</td>
<td>B-23</td>
</tr>
<tr>
<td>10</td>
<td>C-10</td>
<td>32</td>
<td>C-32</td>
<td>54</td>
<td>B-31</td>
<td>76*</td>
<td>B-22 5</td>
</tr>
<tr>
<td>11</td>
<td>C-11</td>
<td>33</td>
<td>C-33</td>
<td>55</td>
<td>B-30</td>
<td>77</td>
<td>B-27 5</td>
</tr>
<tr>
<td>12</td>
<td>C-12</td>
<td>34</td>
<td>C-34</td>
<td>56*</td>
<td>B-20 3</td>
<td>79*</td>
<td>B-26</td>
</tr>
<tr>
<td>13</td>
<td>C-13</td>
<td>35</td>
<td>C-35</td>
<td>57</td>
<td>B-19</td>
<td>80</td>
<td>B-05</td>
</tr>
<tr>
<td>14</td>
<td>C-14</td>
<td>36</td>
<td>B-48 2</td>
<td>58</td>
<td>B-18</td>
<td>81</td>
<td>B-04</td>
</tr>
<tr>
<td>15</td>
<td>C-15</td>
<td>37</td>
<td>59</td>
<td>B-18</td>
<td>81</td>
<td>B-04</td>
<td>103</td>
</tr>
<tr>
<td>16</td>
<td>C-16</td>
<td>38</td>
<td>B-47</td>
<td>60</td>
<td>B-17</td>
<td>82</td>
<td>B-02 / B-03 6</td>
</tr>
<tr>
<td>17</td>
<td>C-17</td>
<td>39</td>
<td>B-46</td>
<td>61</td>
<td>B-16</td>
<td>83</td>
<td>105</td>
</tr>
<tr>
<td>18</td>
<td>C-18</td>
<td>40</td>
<td>B-45</td>
<td>62</td>
<td>B-15</td>
<td>84*</td>
<td>B-01</td>
</tr>
<tr>
<td>19*</td>
<td>C-19**</td>
<td>41</td>
<td>B-44</td>
<td>63</td>
<td>B-14</td>
<td>85</td>
<td>A-22</td>
</tr>
<tr>
<td>20</td>
<td>C-20</td>
<td>42</td>
<td>B-43</td>
<td>64</td>
<td>B-13</td>
<td>86</td>
<td>A-21</td>
</tr>
<tr>
<td>21</td>
<td>C-30</td>
<td>43</td>
<td>B-42</td>
<td>65</td>
<td>B-12</td>
<td>87*</td>
<td>A-20</td>
</tr>
<tr>
<td>22</td>
<td>C-21</td>
<td>44</td>
<td>B-41</td>
<td>66</td>
<td>B-11</td>
<td>88</td>
<td>A-19</td>
</tr>
</tbody>
</table>

*Indicates a lot listed as a “Lot Requiring Zero Lot Line Setbacks” in the PUD
** Indicates a lot listed as a “Lot Requiring Zero Lot Line Setbacks” in the recorded Plat

1 PUD Lots 1 & 2 were combined as Lot C-01 in the recorded Plat
2 PUD Lots 36 & 37 were combined as Lot B-48 in the recorded Plat
3 PUD Lots 56 & 57 were combined as Lot B-20 in the recorded Plat
4 PUD Lots 72 & 73 were combined as Lot B-25 in the recorded Plat
5 PUD Lot 77 was split in the recorded Plat, with a portion being attached to Lot B-22 and the remainder to Lot B-27
6 Lot B-02 was subsequently combined with Lot B-03 to form Lot B-02/03 in 2015 (Book S15, Page 0294)
7 Lot A-13 was subsequently combined with Lot A-14 to form a new Lot A-14 in 2013 (Book S13, Page 0264)
Exhibit D

Development Standards Ordinance
§7.60 (Minimum Setbacks)

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

Ordinance 2000-08
An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract
(Developed as the Village at Seabrook)

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

Recorded Plat for the Village at Seabrook

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

Ordinance 2001-03
An ordinance to amend DSO Section 2.10.420 (Setback)

See Attachment #6 in Agenda Packet (pages 133-135) for Exhibit F
Ordinance 2000-01:
Adopting the Village at Seabrook PUD
(February 22, 2000)
TOWN OF SEABROOK ISLAND
ORDINANCE NO. 2000-01
ADOPTED FEBRUARY 22, 2000

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

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

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

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

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

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

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

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

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

SECTION 1. Purpose

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

SECTION 2. PUD Adopted

The Lake Entry Tract PUD (Application # 1739 as
amended) (Exhibit A) is hereby approved and adopted. The approved
amendments to the application which shall constitute the PUD for
this property are shown on the map attached as Exhibit B and
incorporated herein by reference. The Lake Entry Tract PUD is
subject to all of the requirements of the Town Code and DSO including but not limited to DSO Sections (7) and (8). The applicant further agrees all roads within the PUD as well as the six-acre lake shall be deeded to the Seabrook Island Property Owner’s Association.

SECTION 3. Severability

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

SECTION 4. Effective Date

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

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

Mayor

Town Clerk

First Reading: January 25, 2000
Public Hearing: February 22, 2000
Second Reading: February 22, 2000
<table>
<thead>
<tr>
<th>Permit Date:</th>
<th>03/27/1997</th>
<th>Permit #:</th>
<th>Town:</th>
<th>1739</th>
<th>License #:</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>TMS Number:</td>
<td>147-00-00-009</td>
<td>Thru:</td>
<td>And:</td>
<td>Paid Date:</td>
<td>03/27/1997</td>
<td></td>
</tr>
<tr>
<td>App Fee:</td>
<td>$820.00</td>
<td>Cash:</td>
<td>No</td>
<td>Check #:</td>
<td>1008</td>
<td></td>
</tr>
<tr>
<td>Applicant Name:</td>
<td>Seabrook Island I.L.C.</td>
<td>Phone:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contact Name:</td>
<td>Hank Hoffer or Dave Savitz</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>App Address1:</td>
<td>17 Lockwood Dr. The Rice Mill</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>App Address2:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>App City:</td>
<td>Charleston</td>
<td>St:</td>
<td>SC</td>
<td>Zip:</td>
<td>29402</td>
<td></td>
</tr>
<tr>
<td>Property Owner:</td>
<td>Seabrook Island I.L.C.</td>
<td>Phone:</td>
<td>722-8200</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner Address1:</td>
<td>P.O. Box 1707</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner Address2:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner City:</td>
<td>Charleston</td>
<td>St:</td>
<td>SC</td>
<td>Zip:</td>
<td>29455</td>
<td></td>
</tr>
<tr>
<td>Property Location:</td>
<td>Lot:</td>
<td>Block:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Address:</td>
<td>56 acre lake entry tract</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purpose:</td>
<td>Submittal of a Planned Unit Development for property presently known as the Lake Entry Site. This property is just past the gate on the left leading into the Island.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Work Value:</td>
<td>$0.00</td>
<td>Const Cost:</td>
<td>$0.00</td>
<td>Flood Elev:</td>
<td>13</td>
<td>Zone:</td>
</tr>
<tr>
<td>Architectural Review Board:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td>Requires recommendation of Planning Commission and approval of Town Council</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Town Council voted on June 24, 1997 to accept the Planning Commission recommendation that this application be denied because it did not meet sec 9.10.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amendment:</td>
<td>2/4/2000 To amend this application for a planned development of a health care facility to a planned multi-family development of 186 units.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any extensions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

Zoning Administrator
Wednesday, January 12, 2000
Ordinance 2000-08:
Amending the Village at Seabrook PUD
(June 5, 2000)
TOWN OF SEABROOK ISLAND
ORDINANCE NO. 2000-08
ADOPTED June 5, 2000

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

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

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

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

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

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

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

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

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

SECTION 1. Purpose

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

SECTION 2. PUD Amended

The Lake Entry Tract PUD (Application # 1739 as
amended) (Exhibit A) is hereby approved and adopted. The approved
amendments to the application which shall constitute the PUD for
this property are shown on the map attached as Exhibit B and
incorporated herein by reference. The Lake Entry Tract PUD is subject to all of the requirements of the Town Code and DSO including but not limited to DSO Sections (7) and (8). The applicant further agrees all roads within the PUD as well as the six-acre lake shall be deeded to the Seabrook Island Property Owner's Association. In addition, subject to the provisions set forth above, the terms and conditions of the Declarations as approved and modified by the Planning Commission, a copy of which is attached as Exhibit C and incorporated herein by reference, are hereby adopted as additional terms and restrictions of this PUD and the zoning granted therein. In the event of any conflict between the terms of the Declarations and the DSO or Town Code, the more restrictive shall apply.

SECTION 3. Severability

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

SECTION 4. Effective Date

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

SECTION 5. Codification

S.93, 0
The provisions of this Ordinance shall be codified at DSO Sections 5.92.0 (The Village at Seabrook a/k/a Lake Entry Tract) and 5.92.10 (Master Plan and Requirements).

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

[Signature]
Mayor

[Signature]
Town Clerk

First Reading: May 23, 2000
Public Hearing: June 5, 2000
Second Reading: June 5, 2000
Town of Seabrook Island - Zoning Permit

Permit Date: 03/27/1997

License #: 0

Thru: And:

Paid Date: 03/27/1997

App Fee: $820.00

Cash: No

Check #: 1008

Applicant Name: Seabrook Island I L.I.C.

Contact Name: Bank Hofford or Dave Savitz

App Address1: 17 Lockwood Dr. The Rice Mill

App Address2:

App City: Charleston

St: SC

Zip: 29402

Property Owner: Seabrook Island I L.I.C.

Owner Address1: P.O. Box 1707

Owner Address2:

Owner City: Charleston

St: SC

Zip: 29455

Property Location: Lot:

Property Address: 56 acre lake entry tract

Block:

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

Work Value: $0.00

Const Cost: $0.00

Flood Elev: 13

Zone: A8

Architectural Review Board:

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

The Town Council voted on June 24, 1997 to accept the Planning Commission recommendation that this application be denied because it did not meet Section 0.10.0.***** March 22, 2000, The Town Council voted to approve the amended PUD which changes the development from a Health Care Facility to a development of 106 Multi-Family units.*****

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

This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.

If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code. Any extensions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.

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

Owner/Applicant's Signature

Wednesday, January 12, 2000

Zoning Administrator

Wednesday, January 12, 2000

Approved by Town Council

March 22, 2000

P.M.A.

Printed Name

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

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

THIS DECLARATION is made this ______ day of November, 2000, by Seabrook Island I, LLC, (a South Carolina limited liability company), hereinafter referred to as the "Declarant,"

WITNESSETH:

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

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

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

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

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

a. "Additional Property" shall mean and refer to such additional lands as may become subject to this Declaration pursuant to Paragraph 2(b) hereof.

b. "Assessment" shall mean and refer to any Property Owner's share of the Common Expenses or any other charges from time to time assessed against an Owner by the Association in the manner herein provided. The term "Assessments" may also sometimes mean and refer to, collectively, the "Annual Assessment," and "Special Assessments," as the context herein shall so indicate.

c. "Association" shall mean and refer to The Village at Seabrook Property Owners' Association, Inc., a non-profit corporation organized under the laws of the State of South Carolina, its successors and assigns.

d. "Board of Directors" and/or "Board" shall mean and refer to the Board of Directors of The Village at Seabrook Property Owners' Association, Inc., as more fully set forth in Paragraph 5 of the By-Laws.

e. "By-Laws" shall mean and refer to the By-Laws of the Association which govern the administration and operation of the Association, as may be amended from time to time, which said By-Laws are attached hereto and incorporated herein by reference.

f. "Cause" for removal of an Officer or Director of the Association shall mean and refer to either (i) fraudulent or dishonest acts or (ii) gross abuse of authority in the discharge of duties for or on behalf of the Association by an Officer or Director, and which cause must be established by the Board after written notice to such Officer or Director of specific charges and opportunity of such Officer or Director to meet with the Board and refute such charges.

g. "Common Driveway" shall mean and refer to a driveway located in any part on two (2) Lots for the purpose of providing vehicular access from the street to the residences to be constructed on each Lot.

h. "Common Expense(s)" shall mean and refer to all expenditures lawfully made or incurred by or on behalf of the Association in connection with the administration of the Subdivision, or in the implementation and enforcement of the terms, provisions, and intent of this Declaration and the By-Laws.
i. "Covenants" shall mean and refer to the covenants, restrictions, conditions and limitations set forth in this Declaration and any supplements and amendments thereto recorded hereinafter in the R.M.C. Office.

j. "Declaration" shall mean and refer to this Declaration and any supplements and amendments thereto recorded hereinafter in the R.M.C. Office.

k. "Declarant" shall mean and refer to Seabrook Island I, LLC (a South Carolina limited liability company), its successors and assigns.

l. "Director" shall mean and refer to members, or any one member, of the Board of Directors of the Association.

m. "Seabrook Island Property Owner's Architectural Review Board" shall mean and refer to the architectural authority established under the Recorded Covenants.

n. "SIPOA" shall mean and refer to the Seabrook Island Property Owners Association, (a South Carolina non-profit corporation), its successors and assigns.

o. "Lot" shall mean and refer to any lot shown on a recorded plat of the Property designated for use as a building area site for the construction of a single family dwelling.

p. "Lot Owner" and "Owner" shall mean and refer to the record owner (whether one or more persons, firms, associations, corporations, partnerships, trusts, trustees, or other legal entities) of the fee simple title to any Lot; notwithstanding any applicable theory of a mortgage, such terms shall not mean or refer to the mortgagor unless and until such mortgagee has acquired title pursuant to foreclosure proceedings or any proceeding or instrument in lieu of foreclosure; nor shall the term "Lot Owner" mean or refer to any lessee or tenant of a Lot Owner. When reference is made herein to Owner(s)' voting rights, all Owners of one Lot, when more than one Owner holds record title shall have, collectively, but one vote per Lot.

q. "Member" shall mean and refer to all those Lot Owners who are Members of the Association as provided in Paragraph 3(a) of the By-Laws.

r. "Membership" shall mean and refer to membership by an Owner and/or Declarant in The Village at Seabrook Property Owners' Association, Inc.

s. "The Village at Seabrook Common Properties" shall mean and refer to those parcels of land within the Property, together with any improvements thereon, which are deeded or leased to the Association and designated in such deed or lease or recorded
plat as "The Village at Seabrook Common Properties". Any property that is leased to the Association and designated in such lease as "The Village at Seabrook Common Property" shall be a common property of The Village at Seabrook and therefore shall be "The Village at Seabrook Common Property" but shall lose its designation and character as "The Village at Seabrook Common Property" upon the expiration of such lease, if not renewed or extended. Also, Declarant may designate The Village at Seabrook Common Properties pursuant to Paragraph 6(b) hereof.

t. "Plat" shall mean and refer to the conditional plat of the Subdivision prepared by G. Robert George, P.L.S., P.E.S.C. Reg. No. 6517 entitled "Preliminary Plat Showing The Subdivision of The Village At Seabrook Containing 42.328 Acre Tract Located In The Town of Seabrook Island, Charleston County, South Carolina Prepared For Hank Hofford", dated May 25, 2000, and recorded on May 26, 2000, in Plat Book EE at Pages 41 and 42, in the R.M.C. Office. The term "Plat" shall also refer to any subsequent conditional or preliminary plats and/or final subdivision plats of the Subdivision when approved by the Town of Seabrook Island and/or the County of Charleston and recorded in the R.M.C. Office.

u. The "Property" shall mean and refer to the property described on Exhibit "A" attached hereto and incorporated herein by reference which is hereby subjected to this Declaration.


w. "R.M.C. Office" shall mean and refer to the Office of the Register of Mesne Conveyances for Charleston County, South Carolina and the office of the Register of Deeds of Charleston County, South Carolina as said office may from time to time be designated.

x. "Subdivision" shall mean and refer to, collectively the lots, road right-of-ways and other community facilities and areas located within the Property.
PROPERTY

a. The Property. The real property which is and shall be held, transferred, sold, conveyed, leased, mortgaged, and occupied subject to these Covenants is known generally as "The Village at Seabrook" together with any pedestrian access areas, any community park area, any swimming pool(s), any crabbing decks, any other amenities as may be provided by Declarant, and any easement rights enjoyed over Lots in the Subdivision as reserved herein, on the Plat or in deeds to the Lots, as the same may be located in the Town of Seabrook Island, Charleston County, South Carolina; The Village at Seabrook is more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

b. Additions to Existing Property. Declarant, its successors and assigns, shall have the right, without further consent of the Association, to bring within the plan and operation of this Declaration in future stages of the development, additional properties on Seabrook Island, S.C. owned by Declarant, which are in the general vicinity of the Subdivision (the "Additional Properties.") The additions authorized under this and the succeeding subsection shall be made by filing of record one or more Supplementary Declaration of Covenants or an Agreement Impressing the Covenants of this Declaration, with respect to the additional properties which shall extend the operation and effect of the Covenants of this Declaration to such additional properties.

A Supplementary Declaration may contain such complementary additions and/or modifications of the Covenants contained in this Declaration as may be necessary or convenient, in the judgment of Declarant, to reflect the different character, if any, of the added properties and as are not inconsistent with the plan of this Declaration.

c. Merger. Upon a merger or consolidation of the Association with another association as provided for in the By-Laws, its properties, rights and obligations may, by operation of law, be transferred to another surviving or consolidated association or, in the alternative, the properties, rights and obligations of another association may, by operation of law, be added to the properties of the Association as a surviving corporation pursuant to a merger. The surviving or unconsolidated association may administer the Covenants and Restrictions established by this Declaration, within the Properties, as herein provided.

3. COVENANTS, RESTRICTIONS, AND AFFIRMATIVE OBLIGATIONS APPLICABLE TO ALL PROPERTIES IN THE VILLAGE AT SEABROOK

The Property is and shall be conveyed subject to the Recorded Covenants, and nothing contained herein shall be construed to reduce or limit the effectiveness or applicability thereof.
In addition thereto, Declarant has established the following additional Covenants and Restrictions:

a. Miscellaneous Covenants, Conditions, Restrictions and General Dwelling Specifications.

i. Setback and other building standards shall be determined by the Seabrook Island Property Owner’s Architectural Review Board (the “ARB”), from time to time, subject to approval of Declarant. All Lots and Property developed shall also comply with all applicable requirements of the Town Code and Development Standards Ordinance of the Town of Seabrook Island.

ii. Multi family dwellings constructed on the Lots shall be constructed in accordance with several basic home design plans heretofore given preliminary approval by Declarant. Any material variation from such plans shall require the prior written approval of Declarant and the ARB. All multi-family dwellings and commercial buildings constructed on the Property must apply for and receive architectural review approval by the Town of Seabrook Island Planning Commission as set forth in the Town Code and Development Standards Ordinance of the Town of Seabrook Island.

iii. The exterior colors of such dwellings shall be limited, and subject to approval by Declarant, the ARB, and the Planning Commission of the Town of Seabrook Island.

iv. No residence or dwelling shall be constructed on any Lot with less than 1,500 square feet of total heated enclosed dwelling area.

v. The Property is in excess of five (5) acres, therefore the PUD process set forth in the Town Code and Development Standards Ordinance of the Town of Seabrook Island must be followed.

b. Easements.

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

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

ii. Declarant also reserves for itself, its agents, employees, invitees successors
and assigns, and the Association, their successors and assigns, a
non-exclusive, perpetual, permanent, assignable, transmissible, and
commercial easement over each Lot shows on the Plat, over, under, upon and
across strips of land six (6') feet in width running adjacent to and parallel
with the right-of-way line of any streets as shown on the Plat, which said
easement shall be for the installation, maintenance, improvement, and
replacement of landscaping along the right-of-way of any streets as shown on
the Plat.

iii. Declarant further reserves for itself, its agents employees, invitees successors
and assigns, and the Association, their successors and assigns, a
non-exclusive, perpetual, permanent, assignable, transmissible, and
commercial easement over, under, upon and across each Lot within the
Subdivision, to enter upon such Lot in the performance of their respective
duties hereunder, and entrance upon a Lot pursuant to the provisions of this
paragraph shall not be deemed a trespass.

c. Water Service Availability Fee.

Upon the installation of a water main adjacent to each Lot in the Subdivision and upon water
being available in the main to the Property, the Owner of each Lot shall pay to the Town of Seabrook
Island, or its designated representative, a minimum of Three and 33/100ths ($3.33) Dollars per
month for each Lot, payable annually in advance. Payment thereof for the first year or part thereof
shall be due on the first day of the month immediately following the availability of water service for
the prorata period beginning with said month and ending on March 31 subsequent thereto, and
thereafter shall be due and payable in the annual amount of a minimum of $40.00, payable in
advance on the first day of April of each year. The foregoing charges for the availability of water
service are not a contribution in aid of construction. The availability fee set forth above is subject
to change. Normal charges for water consumed are subject to change by the Public Service
Commission of South Carolina or other public body which shall, pursuant to agreement or other
lawful means, exercise control over the water system. Once connected, water main shall remain available unless temporarily disconnected by reason of non-payment of any of the charges mentioned in this Section 3 c.

d. **Sewer Service Availability Fee.**

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

e. **Easements for Common Driveways.**

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

4. **THE VILLAGE AT SEABROOK PROPERTY OWNERS' ASSOCIATION**

a. **Establishment and Purpose of The Association.** Declarant has established the Association for the purpose of exercising powers of owning, maintaining, repairing, reconstructing, improving, and administering The Village at Seabrook Common Properties, providing common services, administering and enforcing the within Covenants and the conditions and restrictions set forth herein, levying, collecting, and disbursing the Assessments and charges herein imposed, holding, owning, and utilizing the easements it may enjoy, and for other purposes.
It is Declarant’s intention to convey to the Association, and the Association hereby agrees to accept, The Village at Seabrook Common Properties and any and all improvements, personal property, and easements associated therewith, which are to be held and administered in accordance with this Declaration. Declarant further reserves the right to convey or transfer to the Association any and all rights and obligations of Declarant set forth herein. The legal costs and expenses of such conveyances shall be borne by Declarant. Declarant reserves the right to impose additional covenants and restrictions on such The Village at Seabrook Common Properties as Declarant, in its sole discretion, deems beneficial to the Subdivision. Notwithstanding the above, Declarant reserves the right, in its sole discretion, to convey all or any portion of The Village at Seabrook Common Properties to the SIPOA, or to any appropriate governmental authority, as set forth in Paragraph 6(b) below.

b. Powers and Functions of the Association. The Association shall be and is hereby authorized and empowered, but not obligated, to perform any and all of the following acts and services, the costs of which shall be a Common Expense.

i. Clean-up, maintenance, landscaping, improvement, and replacement of The Village at Seabrook Common Properties and improvements thereon, therein and thereunder, pedestrian access easements, boardwalks, fences, community park area, swimming pool(s), crabbing decks, residual tracts, streets, roads and rights-of-way, and the lagoon within the Subdivision such that their deterioration would affect the appearance of the Subdivision as a whole.

ii. Clean-up, maintenance, improvement, and replacement of landscaping on each Lot within the Subdivision as otherwise provided in this Declaration or if deterioration of the landscaping on any Lot would affect the appearance of the Subdivision as a whole.

iii. Installation, clean-up, maintenance, improvement, and replacement of landscaping within the six (6) foot easement reserved by Declarant and the Association, over each Lot in the Subdivision as set forth in Paragraph 3(b) hereof.

iv. Take any and all actions necessary to enforce this Declaration, and to perform any of the functions or services required or delegated to the Association under this Declaration and any amendments or supplements thereto.

v. Provide or contract for landscaping and managerial services and other administrative services including, but not limited to legal, accounting, and financial services, communication services informing Members of activities, notice of meetings, referendums, etc.
vi. Provide liability, hazard, or other insurance covering improvements and activities on The Village at Seabrook Common Properties and providing liability and errors and omission or similar insurance for the Directors and Officers of the Association as the Board may deem appropriate.

vii. Purchase and acquire personal property and equipment as necessary for the proper maintenance of the Subdivision and The Village at Seabrook Common Properties.

viii. Contract for insect and pest control to the extent that measures in addition or supplemental to those services provided by the SIPOA and applicable governmental authorities are deemed necessary or desirable in the discretion of the Board of Directors.

ix. Construct improvements on residual areas, The Village at Seabrook Common Properties, and such other areas within the Property and/or over contiguous marsh or lowland areas as the Board of Directors deems appropriate, necessary, or essential for the Subdivision.

x. Maintain, repair, and replace any drainage easements, improvements, and/or facilities, and erosion and flood control improvements located within or adjacent to the Subdivision to the extent that such services are not performed by the SIPOA.

xi. In the event the Board of Directors determines that any Owner has failed or refused to comply properly with Owner's obligations with regard to the maintenance, cleaning, repair, and replacement of improvements and/or Lot or landscaped areas as set forth herein, then the Association, except in the event of an emergency situation, may give such Owner written notice of the Association's intent to provide such necessary maintenance, cleaning, repair, or replacement, at the sole cost and expense of such Owner, and setting forth in reasonable detail the extent of such maintenance, cleaning, repair, or replacement deemed necessary, and such Owner shall have fifteen (15) days therefrom within which to complete the same in a good and workmanlike manner.

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

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

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

5. **COVENANTS FOR ASSESSMENTS**

a. **Creation of the Lien and Personal Obligations of Assessments.** Declarant covenants, and each Owner of any Lot whether or not it shall be so expressed in Owner's deed or other conveyance, shall be deemed to covenant and agree to all other terms and provisions of this Declaration and pay to the Association (i) Annual Assessments or charges; and (ii) Special Assessments or charges for capital improvements or for maintenance expenses and other Common Expenses, emergencies and other purposes; such Assessments to be established and collected as hereinafter provided. The Assessments, together with any penalty (to be set by the Board), interest, costs, and reasonable attorneys' fees shall be a charge upon the Lot and shall be a continuing lien on the Lot against which each such Assessment is made. Each such Assessment, together with interest, any penalty, costs, and reasonable Attorney's fees, shall also be the personal obligation of the person(s) or entity who was the Owner of such Lot at the time the Assessment became due. The obligation for delinquent Assessments shall run with such Lot and shall pass to the Owner's successors in title. Upon written request, the Association shall provide or cause to be provided an accounting of an Owner's Assessments and any delinquency in the payment thereof. All reports of delinquency must be given subject to any state and federal laws regarding disclosure of a debtor's financial information.

b. **Purpose of Assessments.** The Assessments levied by the Association shall be used exclusively in connection with the operation and administration of the Subdivision. Such use shall include, but is not limited to, the payment of all Common Expenses: to promote and maintain the health, safety, welfare, and convenience of the Owners and their guests for the acquisition, construction, landscaping, repair, replacement, improvement, maintenance, and use of The Village at Seabrook Common Properties; for the installation, maintenance, improvement and replacement of special landscaping within the Subdivision; labor, equipment, materials, services,
management, supervision, security, garbage service, water, sewer and utility service in connection with The Village at Seabrook Common Properties; insurance premiums and deductibles; emergency repairs, reconstruction after casualty loss, and such other needs, without limitation, as may arise or as may be required in the sole discretion of the Board of Directors. Such Assessments shall be in addition to assessments levied by SIPOA. Until and unless otherwise approved by the Board of Directors, all Assessments shall be levied in equal, uniform amounts per Lot.

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

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

d. **Special Assessments**

i. In addition to the Annual Assessments authorized above, the Association may levy, in any fiscal year, a Special Assessment applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of any capital improvement upon The Village at Seabrook Common Properties, including, but not limited to, fixtures, personal property related thereto and for any other purposes not prohibited by this Declaration, provided, however, that such Special Assessment shall have the assent of two thirds (2/3rds) of the votes of each class of Members voting in person or by proxy at a meeting called for such purpose. Such Special Assessments shall be set at a uniform amount for all Lots and may be collected by the Association on a monthly, quarterly, or annual basis.

ii. In addition to the Annual and Special Assessments authorized above, the Board of Directors may levy, in any fiscal year, an amount not to exceed one hundred (100%) percent of the Annual Assessment for such fiscal year (without a 2/3rds affirmative vote of the Membership,) a Special Assessment applicable to that year only for the purpose of maintenance or repairs of The Village at Seabrook Common Properties, including, fixtures; landscaping, and personal property related thereto; for the costs of the taxes for and the utilities supplied to The Village at Seabrook Common Properties; for any repairs, restoration, reconstruction, maintenance, or improvements made
necessary by any emergencies including but not limited to damages resulting from storm, wind, earthquake, and flood as determined in the sole discretion of the Board of Directors, and for any other purpose not prohibited by this Declaration.

e. **Effect of Non-Payment of Assessments.** Any Assessment (whether Annual, Special, or otherwise) not paid within thirty (30) days after the due date shall bear interest from the due date at a rate equal to the lesser of (a) eighteen (18%) percent per annum; or (b) the maximum rate provided by applicable law. The Association may bring an action at law or in equity against the Owner personally obligated to pay the same or foreclose the lien against such Owner's Lot in like manner as a mortgage of real property, or both. Upon exercise of its right to foreclose, the Association may elect to declare the entire remaining amount of the outstanding Assessment(s) due and payable and collect the same through foreclosure. Penalties (as determined by the Board), interest, costs, and reasonable attorneys' fees of such action or foreclosure shall be added to the amount of such Assessment, and collectable as such Assessment.

f. **Subordination of Lien.** The lien of Assessments provided for herein shall be subordinate to the lien of any first mortgage upon any Lot, and subordinate to any lien for assessments due the SIPOA. Sale or transfer of any Lot shall not affect the Assessment lien. However, the sale or transfer of any Lot pursuant to a mortgage foreclosure shall extinguish the lien of such Assessments as to the payment of the portion thereof which became due prior to such sale or transfer. No such sale or transfer shall relieve any subsequent Owner of such Lot from liability for any Assessments thereafter becoming due or from the lien thereof.

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

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

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

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

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

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

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

c. **Extent of Members’ Easements.** The Owners’ non-exclusive rights and easements for enjoyment of The Village at Seabrook Common Properties shall be subject to the following:

i. The rights of Declarant to convey and/or lease The Village at Seabrook Common Properties to either the Association or the Seabrook Island Property Owners Association, or part thereof to each, or to any other non-profit agency
or governmental authority, subject to Owner's approval rights if required hereunder.

ii. Non-exclusive, appurtenant, perpetual, permanent, assignable, transmissible, commercial easements in favor of Declarant and the Association for access, ingress egress, and for the installation, maintenance, inspection, repair, and replacement of all utilities and services, irrigation systems, landscaping, and for all other lawful purposes deemed necessary, useful, or beneficial, in the discretion of Declarant and the Association, for the orderly development of the Subdivision; and the right of Declarant and of the Association, their successors and assigns, to grant, reserve, and accept such easements and rights-of-way through, under, over, and across The Village at Seabrook Common Properties.

iii. The right of the Association, as provided in its By-Laws, to suspend the voting and enjoyment rights of any Owner for any period during which any Assessment remains unpaid, and for a period not to exceed thirty (30) days for any infraction of its published rules and regulations.

iv. The right of the Declarant and the Association, as the case may be, to establish rules and regulations for the Subdivision, to charge Common Expenses and to prescribe fees and charges from time to time for use of any amenities which may now or hereafter be constructed on or near The Village at Seabrook Common Properties.

v. All applicable covenants, conditions, restrictions and easements record without limitation, the Recorded Covenants, and all applicable regulations and ordinances adopted or as may be adopted in the future by any governmental agency or entity having jurisdiction over the Property. This Declaration is intended as a supplement to the Recorded Covenants and any such governmental regulations or ordinances, and shall be interpreted to be consistent therewith wherever possible.

vi. The right of the Association, in accordance with its By-Laws to borrow money from the Declarant or any lender for the purpose of improving and/or maintaining The Village at Seabrook Common Properties and providing services authorized herein, and in connection therewith, to mortgage all or part of The Village at Seabrook Common Properties to secure any such loan.

7. INSURANCE AND CASUALTY LOSSES

a. Insurance.
Property Insurance. The Board of Directors or its duly authorized agents shall have the authority to and shall obtain and continue in effect casualty insurance at replacement value, in such form and with such coverage and deductibles as the Board deems appropriate for the benefit of the Association, insuring all insurable improvements in and to The Village at Seabrook Common Properties against loss or damage by fire or other hazards, including, without limitation, extended coverage, flood, vandalism, and malicious mischief; such coverage, if available at reasonable costs, to be in an amount sufficient to cover the full replacement cost (without depreciation, to include anticipated costs of demolition and clearing prior to building, but subject to such deductible amounts as are deemed reasonable by the Board), of any repair or reconstruction in the event of damage or destruction from any such hazard.

ii. Liability Insurance. The Board or its duly authorized agents shall have the authority to and shall obtain and continue in effect a public liability policy in the amount of $1,000,000 covering all The Village at Seabrook Common Properties owned or leased by the Association as to all damage or injury caused by the negligence of the Association, their Members, Directors, and Officers, or any of their agents. Such public liability policy shall provide such coverages as are deemed necessary by the Board.

iii. Other Insurance. The Board or its duly authorized agents shall have the authority to and may obtain: (i) worker's compensation insurance to the extent necessary to comply with any applicable law; and (ii) any such other types and amounts of insurance as may be determined by the Board to be necessary or desirable.

All such insurance coverage obtained by the Board shall be written in the name of the Association as trustee for each of the Owners, and the cost thereof shall be a Common Expense. The Association shall have exclusive authority to adjust losses under such insurance policies with respect to the Subdivision; provided, however, that no mortgagee or other security holder of The Village at Seabrook Common Properties having any interest in such losses may be prohibited from participating in the settlement negotiations, if any, relating thereto.

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

c. **Damage to or Destruction of Improvements to Lots.** In the event of damage or destruction by fire or other casualty to any improvements to any of the Lots, the Owner thereof, at his sole expense, shall be responsible for clearing away the ruins and debris of any damaged improvements or vegetation within thirty (30) days of such damage or destruction, so that the Lot is promptly restored to a clean, orderly, safe, and sightly condition. In the event such Owner shall fail or refuse to clear away the ruins and debris of any damaged improvements within said thirty (30) day period,
or such extended period as the Board may allow, in its sole discretion, the Association may enter the Lot, and its agents may undertake (but are not obligated to do so), any such clearing and charge the costs thereof to the responsible Owner, which costs shall be a lien upon the Lot until paid.

8. GENERAL PROVISIONS

a. **Duration.** The Covenants and restrictions of this Declaration shall run with and bind the Property, and shall inure to the benefit of and be enforceable by the Declarant, the Association, or any Lot Owner, their respective heirs, personal representatives, successors, successors-in-title and assigns, for a period of twenty-five (25) years from the date of recording of this Declaration in the R.M.C. Office. Upon the expiration of said twenty-five (25) year period, this Declaration shall be automatically renewed and extended for additional successive ten (10) year periods, unless otherwise agreed to in writing by the then Owners of at least two-thirds (2/3rds) of the Lots.

b. **Amendment.** Declarant specifically reserves for itself and its successors and assigns, the exclusive right and privilege to amend this Declaration at any time to correct typographical, clerical, or scrivener's errors, by written instrument duly recorded in the R.M.C. Office, with or without the prior consent or approval of either any Owner or mortgagee holding a lien on any Lot.

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

In addition to the Declarant's rights to amend set forth above, this Declaration may be amended at any time by an instrument signed by the Owners of not less than two-thirds (2/3rds) of the Lots; provided, however, that so long as Declarant remains a Class B or Class A Member of the Association, no amendment shall be valid unless approved in writing by Declarant. Such amendment prior to its execution shall first be subject to the notice, voting, and meeting requirements set forth in the By-Laws, and must be approved by at least two-thirds (2/3rds) of the total votes held by the Lot Owners. The agreement of the required percentage of Owners and, when required, the Declarant, to any amendment of this Declaration shall be evidenced by their execution of such amendment, or, in the alternative, the sworn statement of the
President of the Association attached to or incorporated in the amendment executed by the Owners, stating that the agreement of the required parties was lawfully obtained in accordance with this Declaration and the By-Laws of the Association. For purposes of execution of any such amendment, all Owners of a Lot, if more than one, must sign such instrument for such Lot to be included in the determination of the aforesaid two-thirds (2/3rds) of the total Lots except in such instance as set forth;

c. **Enforcement and Waiver.** Declarant, the Association, or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, covenants, conditions, easements, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration. Failure by Declarant, the Association, or any Owner to enforce in whole or in part any covenant, or restriction herein contained, regardless of the number or kind of violations or breaches which may have occurred, shall in no event be deemed a waiver of the right to do so thereafter. This Declaration shall be governed by, construed, and is enforceable under the laws of the State of South Carolina.

d. **Interpretation.** The Board of Directors shall have the right to determine all questions arising in connection with this Declaration and the By-Laws and to construe and interpret its provisions, and its determination, construction, or interpretation shall be final and binding upon the Owners. In all cases, the provisions of this Declaration and the By-Laws shall be given the interpretation or construction, in the opinion of the Board, that will best preserve, protect, maintain, and benefit the properties within the Subdivision.

e. **Severability.** Should any covenant or restriction herein contained, or any paragraph, subparagraph, sentence, clause, phrase, or term of this Declaration be declared or rendered void, invalid, illegal, or unenforceable, for any reason, by the adjudication of any court or other tribunal having jurisdiction over the parties hereto or the subject matter hereof, such shall in no wise affect the other provisions hereof which are hereby declared to be severable, and which shall remain in full force and effect.

f. **Assignment.** Declarant reserves the right to assign to the Association or any one or more persons, firms, corporations, partnerships, or associations, any and all rights, powers, duties, easements and estates reserved or given to the Declarant in this Declaration, including, without limitation, the right to grant and assign utility easements from time to time over, under, and within The Village at Seabrook Common Properties.

g. **Notice.** Any notice, demand, or other instrument or written communication required or permitted to be given, served, made or delivered to Declarant hereunder may be given, served, made or delivered by service in person or by mailing the same by
certified mail, return receipt requested, postage prepaid, or by overnight courier (e. g., Federal Express), addressed as follows:

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

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

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

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

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

Further, no diminution abatement or deferral of Assessments or any dues or charges shall be claimed or allowed by reason of any alleged failure of Declarant or the Association to take action or perform a function required to be taken or performed by Declarant or the Association under this Declaration, or for inconvenience or discomfort arising from the making of improvements or repairs which are the
responsibility of Declarant or the Association, or from any action taken by them to comply with any law, ordinance, or with any order or directive of any municipal or other governmental authority, the obligation to pay any such Assessment authorized herein being separate and dependent obligations on the part of each Owner.

i. Gender and Number. All pronouns used herein shall be deemed to include the masculine, the feminine and non-personal entities, as well as the singular and plural wherever the context requires or permits.

j. Construction. The language in all of the parts of this Declaration and the By-Laws shall be construed as a whole according to its fair meaning, and not strictly for or against either Declarant, the Association, or the Lot Owners. By the acceptance and the recordation of a deed of conveyance to any Lot Owner in the R.M.C. Office, such Owner acknowledges that such Owner and/or his counsel have reviewed this Declaration, and that any rule of construction to the effect of ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Declaration, the By-Laws, or any amendments thereto.

k. Termination of Association. In the event this Declaration is declared void, invalid, illegal, or unenforceable in its entirety, or in such a significant manner that the Association is not able to function substantially as contemplated by the terms hereof, for any reason, by the adjudication of any court or other tribunal having jurisdiction over the parties hereto or the subject matter hereof, and such adjudication occurs within ten (10) years of the date of recording of this Declaration, all The Village at Seabrook Common Properties and other properties belonging to the Association at the time of such adjudication shall revert to the Declarant, its successors and assigns, and the Declarant, its successors and assigns, shall own and operate said The Village at Seabrook Common Properties and other properties as trustee for the use and benefit of the Owners as set forth herein. If said adjudication shall occur on a date more than ten (10) years after the date of recording of this Declaration, or if the Owners should vote not to renew and extend this Declaration as provided for in Paragraph 8(a) hereof, all The Village at Seabrook Common Properties and other properties owned by the Association at such time shall be transferred by the Association to a trustee appointed by the Court of Common Pleas of Charleston County, South Carolina, which trustee shall own and operate said The Village at Seabrook Common Properties and other properties for the use and benefit of Owners within the Subdivision as set forth herein.

i. In any of the foregoing events, each Lot shall continue to be subject to the Assessments which shall be paid by the Owner to the Declarant or trustee, whichever becomes successor in title to the Association. The amount of the Assessments which may be charged by the Declarant or trustee shall be
established in accordance with the provisions therefor set forth in Paragraph 5 hereof.

ii. Any past due Assessments together with any delinquent payment fees thereon, and all costs of collection, interest and reasonable attorneys' fees, shall continue to be the personal obligation of the Owner and a continuing lien on the Lot and all improvements thereon against which the Assessment was made.

iii. The Declarant or trustee, as the case may be, shall be required to use the funds collected as Assessments for the operation, maintenance, repair, and preservation of the Subdivision in accordance with this Declaration, and the Declarant or trustee may charge as a part of the costs of such services and functions a reasonable fee for its services in carrying out the duties herein provided. Neither the Declarant nor the trustee shall have the obligation to provide for the operation, maintenance, repair, and upkeep of The Village at Seabrook Common Properties once the funds provided by the Assessments may have become exhausted.

iv. The Declarant or trustee shall have the right and power to convey title to The Village at Seabrook Common Properties and to assign the rights of Declarant and the Association hereunder, provided that such conveyance is first approved in writing by the Owners of not less than fifty-one percent (51%) of the Lots, with each Lot, if more than one Owner, having one collective vote, and provided further, that the transferee accepts title to The Village at Seabrook Common Properties subject to the limitations and uses imposed hereby, and affirmatively acknowledges in writing its acceptance of the duties imposed hereby. The agreement of the required percentage of Owners to such a conveyance and/or assignment of rights shall be evidenced by the sworn statement executed by the proper authorized officer(s) of Declarant, or the trustee, attached to or incorporated in such instrument executed by the Declarant or trustee, stating that the agreement of the required parties was lawfully obtained in accordance with this Declaration.
IN WITNESS WHEREOF, SEABROOK ISLAND I, LLC, a South Carolina limited liability company, has caused these presents to be executed in its name by John H. Hoftord its Managing Member and by HBT Healthcare Partners, its Managing Member by Savitz, Wallace and Associates, Inc. General Partner of HBT Healthcare Partners by David M. Savitz, Sr. as President of Savitz, Wallace and Associates, Inc. thereunto duly authorized, and its seal to be hereunto affixed, this 15th day of November, 2000.

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

By: ____________________________
    John H. Hoftord
    Its: Managing Member

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

By: HBT Healthcare Partners
    Managing Member

    By: Savitz Wallace and Associates, Inc.
    Its: General Partner

    By: ____________________________
        David M. Savitz, Sr.
        Its: President
STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON  )  

ACKNOWLEDGMENT  

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

Witness my hand and seal this 15th day of November, 2000.

Notary Public for South Carolina:  
My Commission Expires 7-31-2026.

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON  )  

ACKNOWLEDGMENT  

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

Witness my hand and seal this 15th day of November, 2000.

Notary Public for South Carolina:  
EXHIBIT "A"
PROPERTY DESCRIPTION FOR RESTRICTIVE COVENANTS

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

STATE OF SOUTH CAROLINA ) COMMON DRIVEWAY USE AGREEMENT
) COVENANTS AND EASEMENTS
COUNTY OF CHARLESTON )

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

WITNESSETH:

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

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

and

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

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

1. Location of Common Driveway. The Common Driveway shall be located within that area
designated as "Common Driveway Easement" as shown on that plat of Lot_______ and of
Lot_______ prepared by ________________________, S.C.R.L.S. No.
attached hereto as Exhibit "_______" and incorporated herein by referenced (the "Easement
Area").
2. **Grant of Easement by Declarant.** Seabrook Island I, LLC, a South Carolina limited liability company hereby grants and conveys to the Owner(s) of Lot_______, their heirs, successors, and assigns forever, a permanent, assignable, perpetual, non-exclusive, appurtenant and transmissible commercial easement, subject to the terms and conditions herein set forth, for the use as a Common Driveway in favor of Lot_______ over, upon and across that portion of Lot_______ lying within the Easement Area.

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

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

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

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

3. **Construction of the Common Driveway.** The Common Driveway shall be constructed within the Easement Area at such time as a dwelling is constructed on either Lot_______ or Lot_______, whichever occurs first. The Lot Owner who shall construct the Common Driveway pursuant to the preceding sentence shall be deemed to be the constructing party (hereinafter the “Constructing Party”). The Constructing Party shall act in good faith and shall use best efforts to construct and cause the use of the Common Driveway in such a way as to maximize the aesthetic appearance of the Lots affected thereby and to minimize any disruption to the existing topography and vegetation. The Common Driveway shall be constructed of 4 1/2 inch thick shell concrete paving over a 4 inch crushed rock foundation atop well-tamped earth. The Common Driveway shall be 16 feet in width. It is the intent of the Declarant that the Common Driveway shall run along the common boundary line between Lot_______ and Lot_______ located within the Easement Area. Provided, however, the construction of the Common Driveway shall conform to all requirements for architectural approval reserved unto the Declarant and of the Town of Seabrook Island
Planning Commission, and of the Seabrook Island Property Owner's Architectural Review Board, their successors and assigns, by restrictions of record in the R.M.C. Office for Charleston County, South Carolina, and therefore the location of the Common Driveway may not run along the common boundary line between the Lots.

It is agreed that the costs and expenses of constructing the Common Driveway by the Constructing Party as aforesaid, together with appropriate landscaping, shall be the joint responsibility of the Owner(s) of Lot ______ and the Owner(s) of Lot ______, their heirs, successors and assigns. Upon completion of construction of the Common Driveway the Constructing Party shall file an affidavit with the Declarant stating the total costs of the construction, \( \frac{1}{2} \) of which shall be reimbursed to the Constructing Party by the Owner(s) of the other Lot.

4. **Use of the Common Driveway.** The Common Driveway shall be utilized in common jointly by the Owner(s) of Lot ______ and the Owner(s) of Lot _______, their respective heirs, assigns, devisees, personal representatives, guests, invitees, servants, tenants, agents, permittees, and successors in title to the respective lots. The Owner(s) of Lot ______ and the Owner(s) of Lot ______ shall keep the Common Driveway and the Easement Area free and clear at all times of fences, structures or debris, and no parking, standing or stopping of cars shall be allowed on the Common Driveway or any other portion of the Easement Area at any time. No buildings or structures of any kind shall be erected or permitted to remain on the Easement Area except for the Common Driveway constructed as set forth in Paragraph 3 hereof. This Paragraph 4 shall not be construed as a limitation on landscaping by the Owner(s) of Lot ______ or the Owner(s) of Lot ______ of that portion of the Easement Area encumbering either Lot provided that such landscaping shall not create a safety hazard by interfering with reasonably necessary lines of sight of approaching vehicles.

5. **Maintenance and Repair of the Common Driveway.** The Common Driveway shall be maintained generally as constructed aforesaid in respect to its location, design, condition, material and workmanship, upkeep, repair and replacement of the Common Driveway, including the trimming of the immediately adjacent vegetation, shall be the joint responsibility of the Owner(s) of Lot ______ and of the Owner(s) of Lot _______, their respective heirs, successors and assigns who shall bear the expenses thereof equally. The Owner(s) of Lot ______, their heirs, successors and assigns and the Owner(s) of Lot _______, their heirs, successors and assigns shall consult with one another prior to initiating any substantial maintenance, upkeep, repair or replacement of the Common Driveway. However, maintenance, upkeep, repair or replacement may be initiated by either Lot Owner(s), their heirs, successors or assigns, so long as such undertaking is reasonable and does not exceed the aggregate amount of $250.00 per year. Payment thereof may be made in full by the Lot Owner(s) initiating such improvement whereupon the other Lot Owner(s) shall reimburse \( \frac{1}{2} \) thereof promptly upon receipt of an accounting of such costs and request therefor. If either Lot Owner(s) personally with his, her, its own labor makes any repairs, the other Lot Owner(s) shall reimburse the repairing Lot Owner(s) for \( \frac{1}{2} \) of the costs of the materials used in making the repairs upon receipt of an accounting of such costs and request therefor.
6. **Insurance and Damage.** Notwithstanding anything contained in this Agreement to the contrary, the underlying ownership as to that portion of the Common Driveway lying upon each Lot shall remain with the Owner(s) of the particular Lot upon which that portion of the Common Driveway is located, their respective heirs, successors and assigns and except for the easement granted herein for the Common Driveway and the Easement Area neither Lot Owner(s) shall have any claim of ownership as to the other Lot. Each Lot Owner(s) shall keep his, her, its share of such Common Driveway insured in reasonable amounts with reasonable deductibles against liability for property damage, personal injury, or death suffered by persons using the Common Driveway. In the event of such calamity, resulting repair, replacement, or liability expenses shall be paid for as fully as possible by the proceeds of such insurance. To the extent that insurance does not cover all such expenses, the Lot Owners shall share the remaining expenses equally; provided, however, in the event the Common Driveway is damaged by one or the other of the Lot Owners, or by their respective heirs, successors, assigns, devisees, personal representatives, guests, invitees, servants, tenants, agents, permittees, and successors in title as a result of unusual or improper use, such Lot Owner is responsible for such damage and shall pay the entire cost of restoring the Common Driveway, any portion of the Easement Area, or any landscaping so damaged to its previous condition. The cost of repairing damage occasioned by an Act of God shall be borne and apportioned as a normal maintenance expense.

7. **Private Driveways.** It is contemplated and agreed that the Lot Owner(s) hereto shall have the right to connect private driveways (the “Private Driveways”) to the Common Driveway to provide for ingress and egress to their respective Lots. Such Private Driveways shall be for the exclusive use and enjoyment of the Owner(s) of the Lot to which it provides access, their heirs, successors, assigns, devisees, personal representatives, guests, invitees, servants, tenants, agents, permittees, and successors in title.

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

8. **Easements and Restrictions to Run With Land.** The within grants of easement shall run with the land as will the restrictions and obligations contained herein, and shall be binding on and shall inure to the benefit of the Lot Owner(s) of Lot ______ and the Lot Owner(s) of Lot ______ and their respective heirs, successors and assigns, forever. It is the express intention of the Declarant to create easements appurtenant to the subject Lots, freely alienable and
transferrable as an incident of the ownership of each of the respective Lots. The Lot Owner(s) of Lot _____ and the Lot Owner(s) of Lot _____ acknowledge and agree that any assignment of their right, title or interest as granted by this Agreement to subsequent purchasers of the subject Lots may be effected without the consent of the non-transferring party, provided that the subsequent purchaser of any interest in the subject Lot acknowledges their agreement to abide by all the terms, covenants and conditions of this Agreement.

9. **Subordinate to Other Matters.** The rights and easements herein created and granted are subordinate to any easements, restrictions and conditions defined as Recorded Covenants in the Declaration of Covenants and Restrictions for the Village at Seabrook and provisions for and Bylaws of the Village at Seabrook Property Owner’s Association, Inc., recorded in the R.M.C. Office for Charleston County, South Carolina, in Book _____ at Page ______. Any repairs or reconstructions made necessary by exercise of the said preexisting rights shall be borne in the same manner as are costs of Initial Constructions, maintenance and repair of the Common Driveway.

10. **Utilities.** The paved surface of the Common Driveway, or any Private Driveway constructed on the Easement Area may be breached for the installation or maintenance of any underground utilities which may be placed in the Easement Area, but the same shall be promptly restored to its previous conditions by and at the sole expense of the Lot Owner(s) of which the utility serves. In the event the utility service is for the benefit of both Lot Owners the restoration shall be borne in the same manner as are costs of Initial Constructions and maintenance of the Common Driveway.

11. **Default and Remedy.** If either Lot Owner(s) should fail or refuse to pay his, her, its share of the costs of the Initial Construction of the Common Driveway, or the maintenance and repair of the Common Driveway or breaches any of the covenants, duties and obligations under this Agreement, the non-defaulting party may pursue any remedy available at law or in equity. The defaulting party shall pay and indemnify the non-defaulting party against all legal costs, fees and charges, including attorney’s fees, lawfully and reasonably incurred and enforcing any of the defaulting party’s covenants and obligations under this Agreement.

12. **Amendment.** Subject to the matters to which this Agreement is subordinate as set forth in Paragraph 9 above, this Agreement may be amended at any time by mutual consent of both Lot Owners, their respective heirs, successors and assigns, with any such amendment to be invalid unless in writing, signed by both of the Lot Owners or their respective heirs, successors or assigns.

13. **References to Gender and Number Terms.** In construing this Agreement, feminine and neuter pronouns shall be substituted for those masculine in form and vice versa, the plural term shall be substituted for singular and singular for plural in any place in which the context so requires.
14. **Headings.** The various headings in this Agreement are inserted for convenience only and are not part of the Agreement.

15. **Governing Law.** This Agreement shall be governed by the laws of the State of South Carolina.

*The Remainder Of This Page Was Intentionally Left Blank.*
IN WITNESS WHEREOF, Seabrook Island I, LLC, a South Carolina limited liability company, has caused these presents to be executed in its name by its ______________________ and by its ______________________ thereunto duly authorized, and its seal to be hereunto affixed this ____ day of ____________, 2000.

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

By: ______________________

Its: ______________________

By: ______________________

Its: ______________________

STATE OF SOUTH CAROLINA )
COUNTY OF ____________ )

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

Witness my hand and seal this ____ day of ____________, 2000.

____________________________
Notary Public for South Carolina
My Commission Expires ________
BY-LAWS
OF
THE VILLAGE AT SEABROOK PROPERTY OWNERS ASSOCIATION, INC.

1. NAME AND LOCATION

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

2. DEFINITIONS

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

3. MEMBERSHIP AND VOTING RIGHTS

a. Association Membership. Declarant and every person or entity who is a record Owner of a fee simple or undivided fee simple interest in any Lot which is subjected by the Declaration to Assessment by the Association shall be a Member of the Association; provided that any such person or entity holding record title or interest merely as a security for the performance of an obligation shall not be a Member of the Association. Membership shall be appurtenant to and shall not be separated from ownership of any Lot which is subject to Assessments.

b. Membership Rights. The rights of Membership are subject to the payment of Assessments levied by the Association, from time to time, the obligation of which Assessments is imposed against each Owner of and becomes a lien upon the Lot against which such Assessments are made, as provided by Paragraph 5 of the Declaration. Subject to the terms of the South Carolina Nonprofit Corporation Act ("Act"), a Member may be suspended if not less than fifteen (15) days prior written notice sent by first class or certified mail of the proposed suspension of a Member and the reason therefor has been delivered to such Member in accordance with the procedures set forth in Paragraph 4(f) hereof. Such notice shall set forth the date, place, and time such Member shall be given the opportunity to be heard orally by the Board of Directors, which shall be not less than five (5) days before the effective date.
of the suspension. Such written notice shall also set forth the address of the Board of Directors to which and by which such Member may be heard. Upon the affirmative vote of two-thirds of the Board of Directors of the Association, acting fairly and reasonably taking into consideration all of the relevant facts and circumstances, the Board of Directors may suspend a Member; however, if the Member is suspended for failure to pay Assessments, upon the Member's payment in full of such Assessments, such rights and privileges shall be automatically restored. A Member who has been expelled or suspended shall remain liable to the Association for dues, assessments, or fees as a result of obligations incurred or commitments made before such suspension.

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

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

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

When one joint Owner signs a proxy or purports to vote for his or her co-Owners, such vote shall be counted and bind all, unless the other joint Owners object in writing.
ii. **Class B.** Declarant, its successors and assigns, shall be the only Class B Member. The Class B Member shall be entitled to ten (10) votes for each of the Lots in which it holds an interest. The Class B Membership of Declarant shall cease on the happening of any of the following events, whichever first occurs:

1. when the Declarant executes and records in the R.M.C. Office an instrument forfeiting its Class B Membership; or

2. when the Declarant, its successors and assigns no longer owns a Lot.

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

4. **MEETINGS**

a. **Initial Meeting.** The initial meeting of the Association shall be held upon notice by the Declarant as soon as the Declarant deems practicable and convenient. The
following, matters and such other business as Declarant deems appropriate, shall be the subject of the initial meeting:

i. adoption of a fiscal year;

ii. approval of a budget for a fiscal year;

iii. determination of the date for commencement of the Annual Assessment, the billing cycle therefor, and the date upon which such installments shall be due and payable;

iv. determination of the date of the first and subsequent annual meetings; and

v. election of the initial three person Board of Directors in accordance with Paragraph 5(b) of these By-Laws.

b. Annual Meetings. The annual meetings of the Association shall be held on a date determined by the Board. Any business which is appropriate for action of the Members may be transacted at an annual meeting.

c. Special Meetings. Special meetings of the Association's Members may be demanded and called for any one or more lawful purposes by the Association's President, two (2) Directors, or the holders of record of five (5%) percent of the Association's voting power entitled to vote at such meeting, provided such holders comply with such demand provisions set forth in the Act and these By-Laws. Upon the written, signed, and dated demand, which states the purpose of the meeting, being delivered in accordance with the foregoing to an officer of the Association personally or by registered or certified mail, the President or Secretary on or before the thirtieth (30th) day after the date of such demand shall fix the date and time of the meeting and provide notice thereof to the Members in accordance with Paragraph 4(c) hereof. If the notice of the meeting is not given within thirty (30) days after the demand is made to the officer of the Association, a person signing the demand may set the time and place of the meeting and give notice thereof in accordance with Paragraph 4(e) hereof. Special meetings of the Members shall be held at a time and location designated by the person calling the meeting in the notice of the meeting; provided, however, that if the notice does not designate a time and location, such meetings shall be held at the Association's principal office at the hour of ten o'clock in the morning on the date designated in the notice of the meeting. In the event that the President and Directors timely designate different times or locations, then the designations of the Directors shall control; provided, however, any notice changing the time or place of the meeting shall be effective only if timely received by the Members in accordance with Paragraph 4(e) hereof.

d. Place of Meetings. All meetings of the Association shall be held at such convenient place as the Board of Directors may determine.
Notice of Meetings, Waiver of Notice. Oral or written notice of all meetings of Members shall be given no fewer than ten (10) days, or if notice is mailed by other than first class or registered mail, thirty (30) days, nor more than sixty (60) days before the meeting date by any method permitted under the Act, to all Members of record entitled to vote at such meeting; provided, however, the date upon which such notice shall be deemed effective shall be determined in accordance with Paragraph 4(f) hereof. Such notice shall state the date, time, and place of the meeting, and if required by the Act or these By-Laws the purpose or purposes for which such meetings was called. Notice of a meeting of Members need not be given to any Member who, in person or by proxy, signs a waiver of notice either before or after the meeting, and such waiver is delivered to the Association for inclusion in the Association’s records. To be effective such waiver shall contain statements or recitals sufficient to identify beyond reasonable doubt the meeting to which it applies. Such statements or recitals in such waiver of notice may, but need not necessarily, include the reference to the date and purpose of the meeting and the business transacted theret. Statement or recital of the proper date of a meeting shall be conclusive identification of the meeting to which a waiver of notice applies unless the waiver contains additional statements or recitals creating a patent ambiguity as to its proper application. A Member’s attendance at a meeting waives objection to lack of notice or defective notice of the meeting, unless the Members at the beginning of the meeting objects to holding the meeting or transacting business at the meeting.

Effective Date of Member Notices. An oral notice is permissible if reasonable under the circumstances and is effective when communicated in a comprehensive manner. Written notice, if in comprehensive form, is effective at the earliest of the following:

i. When received;
ii. Five (5) days after its deposit in the United States mail, if mailed correctly addressed with first class postage affixed;
iii. On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee; or
iv. Fifteen (15) days after its deposit in the United States mail, if mailed correctly addressed and with other than first class, registered or certified postage affixed.

Written notice is correctly addressed to a Member if addressed to the Member’s address shown on the Association’s current list of Members (the “List”). A written notice or report delivered as part of a newsletter, magazine or other publication regularly sent to Members constitute a written notice or report if addressed or delivered to the Member’s address shown on the List, or in the case of Members who are resident of the same household and who have the same address on the List, if addressed or delivered to one of such Members, at the address appearing on the List.
g. **Quorum Requirements.** The presence at any meeting of Members entitled to cast, or of proxies entitled to cast, fifty-one (51%) percent of the total votes of the Association shall constitute a quorum for any action governed by these By-Laws. Any Owner who does not execute and return the proxy form sent to such Owner in the required mailing shall be deemed to be present for the purposes of determining the presence of a quorum. Any action governed by the Declaration applicable to the Property shall require a quorum as therein provided.

h. **Action Without Meeting.** To the fullest extent permitted by the Act, Members may take action without a meeting by written consent as to such matters and in accordance with such requirements and procedures authorized by the Act. Unless otherwise permitted by the Act, such written consent must by signed by at least fifty-one (51%) percent of the Members and delivered to the Association for inclusion in the corporate records. Written notice of Member approval pursuant to this Paragraph must be given to all Members who have not signed such written consent. If written notice is required, Member approval pursuant to this Paragraph shall be effective ten (10) days after written notice is given and effective in accordance with Paragraph 4(e) and Paragraph 4(f) hereof.

i. **Power of Referendum.** The Members of the Association shall have the power, by referendum, to approve or reject certain actions proposed to be taken by the Association. In the event fifty-one (51%) percent or more of the total votes actually returned to the Association within the specified time shall be in favor of such action, the referendum shall be deemed to "pass" and the action voted upon will be deemed to have been authorized by the Members; provided, however, that if a higher percentage vote required to "pass" is specifically expressed herein or in any amendment or supplements hereto or in the Declaration, that higher percentage shall control in that instance.

j. **List of Owners and Member of Record.** For the purpose of determining Members entitled to vote at any meeting of Members, or in connection with any other proper purpose requiring a determination of Members, the Board of Directors shall by resolution fix a record date for such determination. Unless otherwise provided for in advance by resolution of the Board of Directors, the record date set by the Board of Directors shall be no more than seventy (70) days, and not less than the last day for timely giving notice, before the meeting or action requiring a determination of Members is to occur. If the Board of Directors fails to set a record date, the Members at the close of business on the business day on which notice is given or, if notice is waived, at the close of business on the business day preceding the day on which the meeting is held are entitled to notice of the meeting and to vote thereat. The Members of record appearing in the books of the Association at the close of business on the record date so fixed shall constitute the Members in respect of the activity in question. A determination of Members of record entitled to notice of or to vote at a
meeting of Members is effective for any adjournment of the meeting unless the Board of Directors fixes a new date for determining the right to notice or the right to vote, which it must do if the meeting is adjourned to a date more than one hundred twenty (120) days after the record date for determining Members entitled to notice of the original meeting. After fixing a record date for notice of a meeting, the Association shall prepare a list of names of Members who are entitled to notice of the meeting and shall list the Members by classification of membership, if any. The list shall show the address and number of votes each Member is entitled to vote at the meeting. The Association shall prepare on a current basis through the time of the membership meeting a list of Members, if any, who are entitled to vote at the meeting but not entitled to notice of the meeting. This list must be prepared on the same basis and be part of the list of Members. Such list of Members shall be available for inspection by any Members for purposes of communication with other Members concerning the meeting, beginning the date after notice is given of the meeting for which the list was prepared and continuing through the meeting, at the Association's principal office. Subject to the limitations of Sections 33-31-720, 33-31-1602(c) and 33-31-1605 of the Act, as amended, a Member, Member's agents, or Member's attorney shall be entitled on written demand, at the Member's expense, to inspect and copy the list at a reasonable time during the period it is available for inspection. The Association shall make the list of Members available at the meeting, and any Member, a Member's agent, or Member's attorney shall be entitled to inspect the list at any time during the meeting or any adjournment. Notwithstanding the foregoing, a Member may inspect and copy the membership list only if (i) his demand is made in good faith and for a proper purpose; (ii) he describes with reasonable particularity his purpose; and (iii) the list is directly connected with his purpose.

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

5. BOARD OF DIRECTORS

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

The Board of Directors shall have the authority to carry out the powers and functions of the Association set forth in the Declaration and in addition thereto, the following powers and duties:
i. to adopt and publish rules and regulations governing the use of The Village at Seabrook Common Properties, rights, amenities, personal property, and facilities, and the personal conduct of the Members and their guests and invitees thereon, and to establish penalties for the infractio thereof;

ii. to suspend the voting rights and right to use The Village at Seabrook Common Properties, amenities and facilities, if any, of a Member during any period in which such Member shall be in default in the payment of any Assessment levied by the Association, subject to the requirements set forth in Paragraph 3(b) hereof.

iii. to exercise for and on behalf of the Association all powers, duties, and authority vested in or delegated to the Association and not reserved to the Membership by other provisions of these By-Laws or the Declaration;

iv. to employ a Property manager, independent contractors, or such other employees as the Board may deem necessary, to prescribe their duties and enter into contracts in connection therewith;

v. to grant utility, ingress/egress and other easements on, over, and across The Village at Seabrook Common Properties as provided in the Declaration and/or deed or other instrument of conveyance from Declarant;

vi. to sell, transfer, or convey portions of The Village at Seabrook Common Properties without a vote of the Members of the Association in order to (i) divest the Association of properties which are not necessary for the functions and services which the Association is authorized to carry out and deliver; or (ii) correct errors or mistakes in deeds or easements to or from the Association;

vii. to exercise for the Association all powers and authority necessary to carry out the intent of the Declaration and the By-Laws;

viii. to cause to be kept a complete record of all acts and affairs of the Association and to present a statement thereof to the Members at any annual or special meetings of the Association when such statement is requested in writing, by a one-third (1/3rd) vote of the Class A Members.

ix. to supervise all Officers, agents, and employees of the Association and to see that their respective duties are properly performed;
x. to perform or cause to be performed such action(s) and services as are set forth in the Declaration and/or prescribed by the Association including, but not limited to:

(1) determining the amount of the annual budgets and fixing and levying the amounts of all Assessments;
(2) sending written notice of all Assessments to every Owner subject thereto; and
(3) in the discretion of the Board, foreclosing the lien against any Lot for which Assessments are not paid within thirty (30) days after the due date or to bring an action at law against any Owner personally obligated to pay the same.

xi. to enforce by legal means the provisions of the Articles of Incorporation, the Declaration, these By-Laws, and the rules and regulations promulgated by the Board.

xii. to pay all costs associated with The Village at Seabrook Common Properties, including taxes, assessments, power, water, sewer, and other utility services and all other charges in connection with the operation and maintenance of The Village at Seabrook Common Properties and/or the operation and affairs of the Association, rendered to the Association and not billed to the Owners of Lots.

xiii. to the extent provided by law, the Board shall have the power and authority to pledge or mortgage the properties of the Association and to pledge the revenues of the Association as security for loans made to the Association which loans shall be used by the Association in performing its authorized functions. Notwithstanding anything in the Declaration to the contrary, the Association shall not be allowed to reduce the limits of the minimum regular assessments at any time there are outstanding any amounts in repayment of any such loans.

xiv. to implement erosion control steps and/or devices and to levy Assessments therefor, should the Board of Directors determine that such steps and/or devices are necessary.

xv. to exercise for the Association all powers, duties and authority vested in or delegated to the Association by the Declaration and not reserved to the Members by other provisions of these By-Laws, the Declaration, or the Articles of Incorporation.
b. **Number, Tenure, Qualifications, and Compensation.** The initial Board of Directors shall consist of three (3) members initially appointed by Declarant. Such initial Board of Directors shall serve until the expiration or earlier termination of Declarant's Class B Membership. Thereafter, the Board of Directors shall consist of three (3) members elected by the Members of the Association, and shall serve for a term of three (3) consecutive years. The Declarant shall have the right to appoint or remove any member or members of the Board of Directors with or without Cause until the expiration or earlier termination of Declarant's Class B Membership. No cumulative voting is allowed, and Directors need not be Owners or Members of the Association. Directors shall not receive any salaries for their services, but by resolution of the Board, any Director may be reimbursed for his actual expenses incurred in the performance of his duties as a Director. Nothing herein contained shall be construed to preclude any Director from serving the Association in any other capacity and receiving compensation therefor.

c. **Removal and Vacancies.** Subject to the provisions of the Declaration, any Director may be removed from the Board, with or without Cause, by the Declarant while retaining its Class B Membership. In the event Declarant is no longer a Class B Member, then any Director may be removed with or without Cause by majority vote of the Members. A Director elected by the Members may be removed by the Members only at a meeting called for the purpose of removing the Director and the meeting notice states that the purpose, or one of the purposes, is the removal of the Director.

Vacancies in the Board of Directors shall be filled by Declarant so long as Declarant retains its Class B Membership, and thereafter by a majority of the remaining Directors. The term of such newly appointed Director shall expire simultaneously with the term of the remaining Directors.

d. **Quorum and Manner of Acting.** A majority of the Board of Directors actually holding office shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. If a quorum is not present at any meeting of the Board of Directors, the Directors present thereat may adjourn the meeting from time to time without notice other than announcement at the meeting, until a quorum is present. The act of a majority of Directors present at a meeting at which a quorum is present shall be the act of and binding upon the Board of Directors.

e. **Meetings.**

i. **Initial Meeting.** The initial meeting of the Association shall be held upon notice by the Declarant as soon as the Declarant deems practicable and convenient.
ii. **Annual Meetings.** An annual meeting of the Board of Directors shall be called and held for the purpose of annual organization, changes in the established number of Directors, if any, appointment of Officers and committees, and the transaction of any other business. If such meeting is held promptly after and at the place specified for the annual meeting of Members, no notice of the Annual meeting of the Board of Directors need be given. Otherwise, such annual meeting of the Board of Directors shall be held at such time (at any time prior to and not more than thirty (30) days after the annual meeting of the Members), and place as may be specified in the notice of the meeting. The Board of Directors may by resolution provide for the holding of additional regular meetings without notice other than such resolution; provided, however, the resolution shall fix the dates, times and places (which may be anywhere within or without the State of the Association’s principal office) for these regular meetings. Except as otherwise provided by law, any business may be transacted at any annual or regular meeting of the Board of Directors.

iii. **Special Meetings.** Special meetings of the Board of Directors may be called for any lawful purpose or purposes by the President or any two (2) Directors by giving notice thereof to the Board members as provided herein. The person calling a special meeting shall give, or cause to be given, to each Director at his business address, notice of the date, time and place of the meeting by any means of communication acceptable under the Act not less than two (2) days prior thereto. An oral notice is permissible if reasonable under the circumstances and is effective when communicated in a comprehensible manner.

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

iv. **Notice of Meetings and Waiver of Notice.** When notice of any meeting of the Board is required, such notice shall be given one day (or at least two days’ notice to each Director of the date, time, and place, if the meeting in the case of a special meeting of the Board) prior to such meeting by notice either personally to a Director or by sending a copy of the notice by first class U.S. Mail, postage thereon fully prepaid, or by overnight courier to such address as shown on the records of the Association for its Director. Any Director
may waive notice of any meeting at or before the time of the meeting stated herein, and attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, or the purpose of, any regular or special meeting of the Board need be specified in the notice or waiver of notice at such meeting, unless specifically provided for by law, the Articles of Incorporation, these By-Laws or the Declaration.

v. **Place of Meetings.** All meetings of the Directors shall be held at such convenient place as the board may determine.

vi. **Minutes of Meetings.** The Secretary of the Association shall prepare and keep, or cause to be prepared and kept, accurate minutes of every meeting of the Board of Directors. A copy of the minutes shall be made available for examination by any Member at the office of the Association during normal business hours.

f. **Voting.** Each Director shall have one vote on all matters acted upon by the Board of Directors. The affirmative vote of two Directors shall be sufficient for any action unless otherwise specified in these By-Laws.

g. **Informal Action by Directors.** Any action required or permitted by law to be taken at a meeting of the Board of Directors may be taken without a meeting if a consent or consents, in writing setting forth the action so taken shall be signed by all of the Directors, which consent(s) shall be filed with the Secretary of the Association as part of the Association's records. Telephone conference meetings which are duly called pursuant to the provisions of these Bylaws and where the action of the Board is subsequently reduced to a written memorandum and signed by all the Directors within seven (7) days after the telephone conference shall be effective as if occurring at a duly called meeting. Actions under this Paragraph 5(g) are effective when the last Director executes a consent.

6. **OFFICERS OF THE ASSOCIATION**

a. **Designation of Officers.** The Officers of the Association shall be a President, Vice President, Secretary and Treasurer, or as otherwise determined by the Board of Directors, in their sole discretion. The Board of Directors may further elect such other Officers as they deem necessary or desirable and such Officers shall have the authority to perform the duties prescribed by the Board of Directors, from time to time. Any two or more offices may be held by the same person. The President shall
be a Director of the Association, and other Officers may be, but need not be Directors of the Association.

b. **Election, Term of Office, Vacancies and Removal.** The Officers of the Association shall be appointed and removed by the Declarant until the expiration or earlier termination of Declarant's Class B Membership. Thereafter, the Officers shall be elected annually by the Board of Directors following each annual meeting of the Members. A vacancy in any office arising because of death, resignation, removal or otherwise may be filled by Declarant so long as Declarant retains its Class B Membership, and thereafter, by the Board of Directors for the unexpired portion of the term. Any Officer may be removed with or without Cause by the Declarant or the Board of Directors whenever, in their sole, discretion, such removal is in the best interest of the Association.

c. **Powers and Duties.** The Officers of the Association shall have such powers and duties as generally pertain to their respective offices, and such other powers and duties as may be prescribed or imposed by the Board of Directors from time to time.

d. **President.** The President shall be the chief executive officer of the Association and shall be a member of the Board of Directors. The President shall execute on behalf of the Association all instruments requiring such execution except to the extent the signing and execution thereof shall be expressly delegated by the Board to another Officer or agent. The President shall preside at all meetings of the Association and the Board of Directors and shall have all general powers and duties which are customarily vested in the office of President of a property owners' association, including the power to appoint committees.

e. **Vice-President.** The Vice President shall act under the direction of the President and shall perform such duties as may be imposed by the Board. In the absence or disability of the President, the Vice President shall perform the duties and exercise the powers of the President.

f. **Secretary.** The Secretary shall act under the direction of the President and subject to the direction of the President shall attend all meetings of the Board and the Association, and record the proceedings thereof. The Secretary shall give or cause to be given, notice of all meetings of the Association and the Board as required hereunder, and shall perform such other duties as may be prescribed by the President and the Board of Directors.

g. **Treasurer.** The Treasurer shall act under the direction of the President and shall keep or be responsible for keeping the accounts of the Association. The Treasurer shall disburse the funds of the Association as may be ordered by the President or the Board of Directors and shall render upon request or at the regular meetings of the Board of Directors.
Directors an account of all transactions of the Association and its financial condition.
The Treasurer shall be further responsible for mailing or having mailed all
Assessment, meeting, and proxy notices and shall keep current the list of all Owners
and Members required under Paragraph 4(j) hereof.

7. COMMITTEES

a. Committees of Directors. Subject to the Act, the Board may designate one or more
committees, each of which shall consist of two or more Directors and such other
Members as the Board shall determine, which committees to the extent authorized
by the Board, shall have and exercise the authority of the Board in the management
of the affairs of the Association; provided, however, that no such committee shall
have the authority of the Board as to the following matters: (a) the dissolution,
merger, or consolidation of the Association; the amendment of the Articles of
Incorporation of the Association, or the sale, lease or exchange of all or substantially
all of the Property of the Association; (b) the designation of any such committee or
the filling of vacancies in the Board of Directors or in any such committee; (c) the
amendment or repeal of these By-Laws or the Declaration, or the adoption of new
By-Laws; (d) the amendment or repeal of any resolution of the Board or (e) any other
matter expressly prohibited by the South Carolina Code of Laws.

b. Other Committees. Other committees not having and exercising the authority of the
Board of Directors in the management of the affairs of the Association may be
designated by a resolution adopted by a majority of Directors present at a duly called
meeting. Such committees shall perform such duties and have such powers as may
be provided in the resolution.

c. Rules. Each committee may adopt rules for its own government not inconsistent with
the terms of the resolution of the Board of Directors designating the committee or
with rules adopted by the Board.

8. CONTROL

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

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

9. **FINANCES AND MANAGEMENT**

a. **Fiscal Year.** The fiscal year of the Association shall be determined by the Board of
Directors.

b. **Corporate Records.** The Association shall keep as permanent written records a copy
of the minutes of all meetings of its Members and Board of Directors, a record of all
actions taken by the Members or Directors without a meeting, and a record of all
actions taken by committees of the Board of Directors. The Association shall
maintain appropriate accounting records. The Association or its agent shall maintain
a record of the name and address of each Member. The Association shall keep a copy
of the following records at its principal office:

i. its articles or restated articles of incorporation and all amendments thereto
   currently in effect;

ii. its by-laws or restated by-laws and all amendments thereto currently in effect;

iii. resolutions adopted by its Board of Directors relating to the characteristics,
    qualifications, rights, limitations, and obligations of the Members or any class
    or category of Members;

iv. the minutes of all meetings of Members and records of all actions approved
    by the Members for the past three (3) years;

v. all written communications to Members generally within the past three (3) years,
   including financial statements furnished for the past three (3) years;

vi. a list of the names and business or home address of its current Directors and
    Officers; and

vii. The Association's most recent report of each type required to be filed by the
    Association with the South Carolina Secretary of State.
c. **Budget.** The Board of Directors shall prepare and submit, or cause to be prepared and submitted to the Members at each annual meeting, a proposed budget for the Association for the fiscal year. The proposed budget shall set forth with particularity the anticipated Common Expenses for the fiscal year and the amount of money needed to establish reasonable reserves for the payment of Common Expenses and contingencies.

d. **Approval of Budget.** The proposed budget, as it may be amended from time to time, shall be submitted to a vote of the Members, and when approved shall become the budget of the Association for the fiscal year. The terms of the budget shall be binding upon the Board of Directors unless and until such budget is amended by action of the Members.

e. **Financial Statements.** The Association upon written demand from a Member shall furnish to the demanding party the Association’s latest annual financial statements, which may be consolidated or combined statements of the Association and one or more of its subsidiaries or affiliates, if applicable. Such statements shall include a balance sheet as of the end of the fiscal year and statement of operations for that year. If financial statements are prepared for the Association on the basis of generally accepted accounting principles, the annual financial statements also must be prepared on that basis. If the annual financial statements are reported upon by a public accountant, the accountant’s statement must accompany them. If not, the statements must be accompanied by the statement of the President or person responsible for the Association’s financial accounting records (1) stating whether or not to the President’s or such person’s reasonable belief the financial statements were prepared on the basis of generally accepted accounting principles, and if not, describing the basis of preparation, and (2) describing any respects in which the statements were not prepared on a basis of accounting consistent with the statements prepared for the preceding year.

f. **Management of the Association**

i. **Property Manager (the "Manager").** The Board of Directors shall have the right and authority to employ a property manager to assist in the management of the Subdivision and administration of the Association in accordance with the terms and provisions of the Declaration, the By-Laws and the Articles of Incorporation. The Manager shall provide such services and perform such duties as the Board of Directors shall determine and the Manager shall confer fully and freely with the Board of Directors and shall attend meetings of the Board and the Association when so requested by the Board.

ii. **Collection of Assessments.** Members shall be personally liable for all Assessments and shall pay same promptly when due. The Board of Directors
shall take prompt action to collect by suit, foreclosure, or other lawful method any past due Assessment. If any overdue Assessment is collected by an attorney or by action at law, the Member owing the same shall be required to pay all reasonable costs of collection, including attorney's fees.

iii. **Delinquent Payment Fee.** In addition to the interest set forth in Paragraph 5 of the Declaration, an Assessment not paid within thirty (30) days following the date when due shall be subject to a delinquent fee of one and one-half (1.5 %) percent of the unpaid balance per month from the due date and each month or part thereof thereafter so long as the Assessment or any part thereof remains delinquent. The Delinquent Payment Fee shall be added to and collected in the same manner as the Assessment. The Board of Directors may, in its sole discretion, waive all or any portion of a Delinquent Payment Fee imposed pursuant to this Paragraph 9(f) if it affirmatively appears that the failure to pay the Assessment when due was caused by circumstances beyond the control of the Member.

iv. **Payments.** The Board of Directors shall provide for payment of all debts of the Association from the funds collected by the Association. Expenditures for Common Expenses or other expenditures specifically approved in the budget may be paid without further approval unless shall otherwise determine. All other expenditures in excess of One Thousand and Ninety-Nine ($1,099.00) Dollars shall be reviewed and approved by the President or a minimum of two (2) members of the Board of Directors before cost is incurred or payment is made unless other provision for the payment thereof has been set forth herein or in the Declaration. All checks and requests for withdrawals drawn upon any account of the Association shall be signed by the President and the Treasurer or by any two Officers of the Association designated by the Board of Directors. The Board may authorize the Manager to draw checks from any account of the Association and the Board may also authorize the Manager to make disbursements from the petty cash fund, if any.

v. **Bonding.** The Board of Directors shall procure a fidelity bond in an amount to be determined by the Board, covering each and every individual authorized to withdraw funds from any account maintained by the Association. The cost of such bond shall be a Common Expense.

vi. **Inspection Rights.** The Members shall have only such rights to inspect records of the Association to the extent, and according to the procedures and limitations prescribed by the Act.

10. **LIABILITY AND INDEMNIFICATION**
a. Liability of Directors. No Director or Officer of the Association shall be liable to any Owner for any decision, action, or omission made or performed by such Director or Officer in the course of his duties unless such Director or Officer acted in bad faith or in reckless disregard of the rights of any person or of the terms of the Declaration or these By-Laws.

b. Indemnification of Director. The Association shall indemnify and hold harmless each Officer and Director to the extent and in the manner permitted by law, from any liability claimed or imposed upon him by reason of his position or decision, action or omission as an Officer of Director if all of the following conditions are satisfied:

i. Such Officer or Director has not acted in bad faith or reckless disregard of the rights of any person or of the terms of the Declaration or these By-Laws,

ii. Such Officer or Director reasonably believed:

(1) In the case of conduct in his official capacity with the Association, that his conduct was in the best interest of the Association;

(2) In other cases, that his conduct at least was not contrary to the best interests of the Association;

(3) In the case of criminal proceedings, that he had no reasonable cause to believe his conduct was unlawful.

iii. Such Director or Officer gives the Association adequate notice of the claim, assertion or imposition of liability to permit the Association and/or its insurer reasonable opportunity to defend against the same.

iv. Such Director or Officer cooperates with the Association in its defense against such liability.

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

11. AMENDMENTS

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

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

12. MISCELLANEOUS PROVISIONS

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

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

b. Dissolution. If the Members determine that it is in the best interest of the Association and/or its Members to completely dissolve the Association, such action may be taken by an affirmative vote of not less than three-fourths (3/4ths) of the Members in person or by proxy, at a meeting duly called and held for such purpose; provided that Declarant consents in writing so long as Declarant retains its Class B Membership.

c. Seal. The seal of the Association shall be circular in form and shall have inscribed thereon the name of the Association, the year of its organization, and the words "Corporate Seal, State of South Carolina".

d. Conflicts. The Articles of Incorporation and the Act (as either may be amended from time to time) are incorporated herein by reference. Any conflict between the terms of these By-Laws, the Articles of Incorporation, the Declaration or the Act shall be resolved in the following order (i) the Act; (ii) the Declaration; (iii) the Articles; and (iv) the By-Laws. In the case of any conflict between these By-Laws and any regulation promulgated by the Board of Directors, these By-Laws shall control.
e. **Waiver.** No provision of these By-Laws or any regulation promulgated by the Board pursuant thereto shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, regardless of the number of violations or breaches which may have occurred.

f. **Severability.** The provisions of these By-Laws are severable, and the invalidity of one or more provision hereof shall not be deemed to impair or affect in any manner the enforceability or effect of the remaining provisions.

g. **Captions.** Captions are inserted herein only as a matter of convenience and for reference and in no way define, limit, or describe the scope of these By-Laws or the intent of any provision.

h. **Gender and Number.** All pronouns used herein shall be deemed to include the masculine, the feminine, and non-personal entities, as well as the singular and plural wherever the context requires or permits.

i. **Roberts Rules.** All meetings of the Members and of the Board of Directors shall be conducted in accordance with Roberts Rules of Order Revised.
Ordinance 2001-03:
Amending the secondary front yard setback from 30 feet to 20 feet for corner lots wherein one intersecting street is a cul-de-sac, and allowing uncovered front steps to encroach into a front yard setback as long as they are no less than 20 feet from the front property line (June 26, 2001)
TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2001-03

ADOPTED June 26, 2001

AN ORDINANCE TO AMEND DSO SECTION 2.10.420 (Setback)

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

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

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

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

SECTION I. Purpose

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

SECTION II. DSO Amended

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

2.10.420 Setback

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

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

SECTION IV. Effective Date

This ordinance shall be effective upon passage by the Town.

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

Mayor

Town Clerk

First Reading: May 22, 2001
Second Reading: June 26, 2001
Public Hearing: June 19, 2001
ATTACHMENT #7

DSO §7.60: Setback Requirements
Sec. 7.60. Minimum Setbacks.

**Setback requirements shall apply to all structures on a lot.**

§ 7.60.10. Measurements.

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

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

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

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

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

§ 7.60.20.10. Front: Thirty (30) feet.

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

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

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

§ 7.60.20.41. Lots less than thirteen thousand five hundred (13,500) square feet in area must provide side yard setbacks of ten (10) feet in each side yard.
§ 7.60.20.42. Lots greater than thirteen thousand five hundred (13,500) square feet but less than seventeen thousand five hundred (17,500) square feet in area must provide side yard setbacks of twelve and one-half (12½) feet in each side yard.

§ 7.60.20.50. Exceptions to Setbacks.

(a) In all zoning districts heating, ventilation and air conditioning (HVAC) equipment and associated HVAC stands may extend up to five (5) feet into the required side or rear setbacks only when all of the following conditions are met:

1. The HVAC equipment is replacing existing HVAC equipment which was originally placed below an existing structure, and the HVAC equipment being replaced is now required to be elevated to meet the requirements of the Federal Emergency Management Agency (FEMA) and the Town of Seabrook Island Building and Zoning Codes;

2. Such HVAC equipment cannot reasonably be accommodated in the Town's determination within the setback required by otherwise applicable zoning requirements;

3. All such HVAC equipment and stand are screened from public view and screened and buffered to minimize noise, and the adequacy and appropriateness of such screening and buffering has been approved by the Town of Seabrook Island Planning Commission and/or its designee;

4. All such HVAC equipment is so placed that it will have the least adverse impact on affected property owners in the area, and the Town of Seabrook Island Planning Commission or its designee has so determined; and

5. A Zoning Permit is approved by the Town of Seabrook Island Zoning Administrator.

§ 7.60.30. Attached Multi-Family Building Setbacks.

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

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

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

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

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

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

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

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

Marsh—Hardship. Deleted.

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

§ 7.60.70. Driveway Setbacks.

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

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

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

(a) All driveways for multi-family units or developments will be engineered on site plans
and presented to the Zoning Administrator at the time of application. With the approval
of the Planning Commission, shared driveways for multi-family developments may be
permitted.

(b) In such instances, the driveway must be a minimum of sixteen (16) feet wide.

(c) The Zoning Administrator must further certify that the proposed shared driveway does
not in any manner affect proper ingress or egress to the properties sharing such
driveway or other adjoining properties.

(d) Where shared driveways are approved, Regime Covenants must clearly define
ownership and maintenance responsibilities of the owners sharing the driveway.

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

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

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

ATTACHMENT #8

SC Code of Laws:
- §6-29-730: Nonconformities
- §6-29-730: Planned Development Districts
- §6-29-1110: Definitions (“Subdivision”)
SECTION 6-29-730. Nonconformities.

The regulations may provide that land, buildings, and structures and the uses of them which are lawful at the time of the enactment or amendment of zoning regulations may be continued although not in conformity with the regulations or amendments, which is called a nonconformity. The governing authority of a municipality or county may provide in the zoning ordinance or resolution for the continuance, restoration, reconstruction, extension, or substitution of nonconformities. The governing authority also may provide for the termination of a nonconformity by specifying the period or periods in which the nonconformity is required to cease or be brought into conformance, or by providing a formula where the compulsory termination of nonconformities may be so fixed as to allow for the recovery or amortization of the investment in the nonconformity.

Section 6-29-740. Planned development districts.

In order to achieve the objectives of the comprehensive plan of the locality and to allow flexibility in development that will result in improved design, character, and quality of new mixed use developments and preserve natural and scenic features of open spaces, the local governing authority may provide for the establishment of planned development districts as amendments to a locally adopted zoning ordinance and official zoning map. The adopted planned development map is the zoning district map for the property. The planned development provisions must encourage innovative site planning for residential, commercial, institutional, and industrial developments within planned development districts. Planned development districts may provide for variations from other ordinances and the regulations of other established zoning districts concerning use, setbacks, lot size, density, bulk, and other requirements to accommodate flexibility in the arrangement of uses for the general purpose of promoting and protecting the public health, safety, and general welfare. Amendments to a planned development district may be authorized by ordinance of the governing authority after recommendation from the planning commission. These amendments constitute zoning ordinance amendments and must follow prescribed procedures for the amendments. The adopted plan may include a method for minor modifications to the site plan or development provisions.
SECTION 6-29-1110. Definitions.

As used in this chapter:

... 

(4) "Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions: 

(a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority; 

(b) the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the planning agency which shall indicate that fact on the plats; and 

(c) the combination or recombination of entire lots of record where no new street or change in existing streets is involved.
ATTACHMENT #9

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

Municipal Association of South Carolina
**Zoning Functions**

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

Planning commission functions related to zoning

1. **Comprehensive plan.** Adopt, recommend, review and update at least the land use element of the comprehensive plan. S.C. Code §§ 6-29-510 – 530, § 6-29-720. All zoning ordinances and amendments must conform to the comprehensive plan.


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

**Land Development Functions**

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

**Landscaping and Aesthetics**

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

In addition, the landscaping ordinance can be used to prevent the cutting of specimen trees on private property within a specified distance of the street rights of way. A landscaping ordinance imposing requirements on private developments is much easier to promote in communities that have made tangible commitments to landscaping of public sites and street rights of way. S.C. Code § 6-29-340(B)(2)(d).
or classified as "wetland." Cluster zoning gives flexibility to design a variety of neighborhoods with consideration of aesthetics, economy in construction of streets and utilities, parks and recreational uses, and a pattern which does not comply with lot area, setback or yard restrictions in traditional zoning regulations. Town houses are often allowed through this technique. Cluster zoning may be allowed either by zoning ordinance provisions for a permit process or by use of a floating zone.

2. **Floating zone** is described in the text of a zoning ordinance, but it is unmapped. A property owner may petition for the zone to be applied to a particular parcel meeting the minimum zoning district area requirements as a floating zone. A floating zone could be used for a planned shopping center commercial district in an area where development has not proceeded to the point where a specific tract can be singled out for commercial zoning. This technique makes land use regulations more flexible. It is commonly used to create cluster and planned developments. A floating zone is established by zoning map amendment for a particular piece of property. Standards for a floating zone must be set either in the zoning ordinance or in the development plan approved when the map amendment ordinance is adopted.

3. **Performance zoning** specifies a minimum requirement or maximum limit on the effects of a land use. This is done instead of, or in addition to, specifying the use itself. It assures compatibility with surrounding development and increases a developer’s flexibility. Detailed standards for the various land uses should be set forth in the text of the zoning ordinance. Performance zoning usually applies to commercial, industrial or manufacturing uses; however, some jurisdictions have used performance standards for residential districts. Performance standards can prescribe permitted levels of smoke, dust, odor, noise, glare, radiation, vibration, fire, heat, explosive hazard, toxic effect, etc. The limits should be stated in measurable quantities and qualities.

***

4. **Planned development district** mixes different types of compatible residential use and commercial uses, or shopping centers, office parks and other mixed use developments. A planned development district is established by rezoning prior to development. It is characterized by a unified site design for a mixed use development. Historically, these districts have been called "planned unit developments." The planned development district technique is discussed further in the next section.

5. **Overlay zone** places a set of requirements or relaxes a set of requirements imposed by the underlying zoning district. An overlay zone is useful when there is a special public interest in an area that does not coincide with the underlying zone boundaries. An overlay designation is not a separate district classification. It is attached to an existing district designation to identify an area which is subject to supplemental regulations. This technique is used to further regulate areas needing special consideration (e.g., flood plains, design preservation or conservation areas, and airport height restriction areas). Sign regulation is sometimes accomplished through an overlay designation.

6. **Conditional use** must meet stated conditions, restrictions or limitations in addition to the restrictions applicable to all land in the zoning district. This technique is used to
give some flexibility in allowing uses compatible with the district but which may have an adverse impact on an adjacent district unless conditions are imposed for protection of the adjacent district. The term "conditional use" has been applied to a variety of techniques in existing ordinances. However, the term as defined in the 1994 Act applies to uses specified in the text of the zoning ordinance which may be permitted only when those specified conditions or standards are met. S.C. Code § 6-29-720(C)(6).

If the ordinance conditions or standards are met, the zoning administrator may issue a permit for the use without review by the board of zoning appeals. If review by the board is desired so that additional conditions may be imposed, the use should be listed as a permitted special exception, not a conditional use. Only the board of zoning appeals is authorized to grant special exceptions after a public hearing. District regulations must contain a list of permitted uses and may contain a list of uses permitted by special exception and conditional uses.

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

***Planned Development District***


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

The following specific requirements and features of planned development districts appear in the 1994 Act.
1. **Text amendment.** The governing body must amend the text of the zoning ordinance and the zoning district map to establish a planned development district.

2. **Map.** The planned development map for the project becomes the zoning district map for the property.

3. **Uses.** The text of the plan provides the specific uses, densities, setbacks and other requirements for the planned development. It becomes the text of the zoning ordinance describing the permitted uses and other details of the planned development. These provisions are tailored to the specific development and may vary from the regulations for other zoning districts concerning use, setbacks, lot size, density, bulk and other requirements. This allows flexibility in arranging different uses.

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

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

**Cash or Dedication in Lieu of Parking**

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

The cash contributions or the dedicated land value may not exceed the approximate cost to build the required spaces or provide the public transit service that would have been incurred had the reduction or waiver not been granted.
ATTACHMENT #10

Village at Seabrook: Preliminary Plat
(May 26, 2000)
ATTACHMENT #11

Village at Seabrook: Final Record Plat
(December 19, 2001)
ATTACHMENT #12

Planning Commission Meeting Minutes
Town of Seabrook Island
Planning Commission Meeting

Minutes
January 11, 2000

Members Present:
Wayne L. Hockersmith, Chairman
Joseph F. Fortune, Vice-Chairman
Barbara Winsmore
Richard Clarke

Douglas Smith, Zoning Administrator
Lynda Manning, Secretary

Absent:
Robert McLoud

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

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

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

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

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

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

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

Minutes
March 8, 2000

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

Douglas M. Smith, Zoning Administrator
Lynda Manning, Secretary

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

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

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

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

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

Application #30: Horseshoe Creek Development is requesting to rezone a portion of Phase IV of Jenkins Point from Single Family to Agricultural.
Mr. Joseph Zink, developer of Jenkins Point, attended the previous work session to supply information and answer questions that the Planning Commission had concerning his request to rezone and amend the PUD for Jenkins Point Phase IV.

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

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

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

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

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

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

Meeting adjourned 4:10 p.m.
Town of Seabrook Island
Planning Commission Meeting

Minutes
April 12, 2000

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

Douglas Smith, Zoning Administrator
Lynda Manning, Secretary

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

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

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

Approval of minutes
Commissioner Joseph Fortune moved to approve the minutes of the March 8, 2000 meeting as written. Commissioner Richard Clarke seconded the motion. The motion was unanimously approved.
Commissioner Robert McLoud made a motion to accept application #2639 provided that the ordinance is amended, and the letters are received from The Club, POA and the Equestrian Center giving their approval of the water main line in the buffer zone. Commissioner Richard Clarke seconded the motion. The motion was unanimously approved.

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

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

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

Review of draft Ordinance amending section 6.90.10 of the Developmental Standards Ordinance concerning time limitation of building permits
The Planning Commission made minor corrections to the wording to the draft ordinance. Commissioner Richard Clarke moved to recommend that Town Council approve the amended ordinance as corrected. Commissioner Joe Fortune seconded the motion. The motion was unanimously approved.
Town of Seabrook Island
Planning Commission Meeting

Minutes
May 12, 2000

Members Present:
Wayne L. Hockersmith, Chairman
Joseph Fortune, Vice-Chairman
Barbara Winsmore
Richard Clarke

Douglas M. Smith, Zoning Administrator
Lynda Whitworth, Secretary

Absent:
Robert McLoud

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

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

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

Approval of minutes
The minutes of the April 12, 2000, Planning Commission meeting were approved with one correction to the spelling of Tim Blackwelder’s name. Commissioner Barbara Winsmore moved to approve the minutes as corrected. Commissioner Joe Fortune seconded the motion. The motion was unanimously approved.
Application 2690: The Club, represented by David Linker, owner of Ocean Air Repair and Construction, is applying for a zoning permit to expand the pavilion and add a storage shed at the Racquet Club.

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

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

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

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

i. Setback and other building standards shall be determined by the Seabrook Island Property Owner’s Architectural Review Board (ARB), from time to time, subject to approval of Declarant. All lots and property developed shall also comply with all applicable requirements of the Town Code and Development Standards Ordinance of the Town of Seabrook Island.

ii. Multi-family dwellings constructed on the lots shall be constructed in accordance with several basic home design plans heretofore given preliminary approval by Declarant. Any material variation from such plans shall require the prior written approval of Declarant and the ARB. All multi-family and commercial buildings must apply for and receive architectural review approval by the Planning Commission as set forth in the Town Code and Developmental Standards Ordinance of the Town of Seabrook Island.
iii. The exterior colors of such dwellings shall be limited and subject to approval by Declarant and the ARB as well as the Planning Commission of the Town of Seabrook Island.

iv. No residence or dwelling shall be constructed on any lot with less than 1,500 square feet of total heated enclosed dwelling area.

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

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

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

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

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

**Miscellaneous:**

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

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

Meeting adjourned 4:20 p.m.
Town of Seabrook Island
Planning Commission Meeting

Minutes
September 13, 2000

Members Present:
Wayne Hockersmith, Chairman
Barbara Winsmore
Richard Clarke
Joseph Fortune, Vice-Chairman

Douglas M. Smith, Zoning Administrator
Lynda Whitworth, Secretary

Absent:
Robert McLoud

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

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

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

Application #2789 by Bennett-Hofford for the approval of a Conditional Plat of the Village at Seabrook
During the Work Session of September 6th the Conditional Plat for the Village at Seabrook was reviewed. A letter of credit was provided and reviewed by the Town's Attorney. Zoning Administrator Doug Smith advised the Commission that all necessary information was received and the required wording was listed on the Plat. A letter from OCRM was provided certifying the Palmetto Lake is fresh water.
Doug Smith informed the Commission that the Seabrook Island Board of Zoning Appeals had approved a variance request by Bennett-Hofford to allow the construction office trailer to remain in one location during construction of the development. G. Robert George Engineering requested a variance to limit the number of manhole locations within the development. The Board of Zoning Appeals granted the variance request.

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

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

Application #2764 by Seabrook Island, LLC to amend the site plan of the Village at Seabrook to include construction of the amenities
Architect David Lycke provided the Commission with a Site Plan for the Amenities of the Village at Seabrook. The Site Plan showed setbacks for pervious structures, such as decking, would be 15 feet. Setbacks for impervious structures would be 25 feet. Additional landscaping will be installed at the edge of the lake to prevent erosion.

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

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

Application #2797 by Bohicket Marina
Bohicket Marina Manager Damien Zanetti appeared before the Commission to answer questions concerning construction of the project. The application is for a zoning permit to allow construction of an additional stairway leading to Solaries Properties. The stairway would face the parking lot. Chairman Hockersmith suggested that any additional stairway
Planning Commission Meeting
April 11, 2001

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

Douglas Smith, Zoning Administrator
Lynda Whitworth, Secretary

Absent:
Dick Clarke

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

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

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

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

Application #2933 Permit to construct five parking spaces
The request is postponed.

Application #2934 Permit to install three water tanks
Golf Maintenance is applying for a permit to install three 10,000-gallon water tanks on Crooked Oaks Golf Course. The tanks would be used to store potable water for irrigation of the greens. The tanks would be located near #3 Green behind three other tanks that were installed last year. The tanks would be painted Black Forest Green. Commissioner Crispyn moved to approve application #2934. Commissioner Jones seconded the motion. The motion was unanimously approved.
Review of setback requirements for Multi-Family Developments
At the request of Town Council, the Planning Commission will review the setback requirements within Multi-Family developments and may amend the Ordinance for a clearer interpretation.

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

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

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

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

Miscellaneous Business
Continued discussion concerning propane tanks was tabled.

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

Meeting adjourned 4:30 p.m.

Wayne L. Hockersmith, Chairman

Lynda Whitworth, Secretary date
Planning Commission Meeting
May 9, 2001

Minutes

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

Douglas M. Smith, Zoning Administrator
Lynda Whitworth, Secretary

Absent: Richard Clarke

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

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

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

Draft Ordinance for setbacks in Multi-Family residential developments
During the month of April the Planning Commission reviewed setback requirements in Multi-Family developments. The Commission suggested some changes that would clarify the requirements of the Ordinance. The changes were submitted to Attorney Steve Brown for his review and the drafting of an Ordinance to amend the setbacks in Multi-Family residential developments.
At the May 9th meeting, Chairman Hockersmith read aloud a draft Ordinance submitted by Attorney Brown amending Section 2.10.420 of the Seabrook Island DSO relating to setbacks in Multi-Family developments. Commissioner Crispyn moved to approve the draft and to submit the Ordinance to Town Council for approval. Commissioner Jones seconded the motion. The Planning Commission unanimously approved the motion. The ordinance was amended to read as follows:

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

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

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

The Ordinance is as follows:

Section 9.80.0 Pervious Surface Parking Spaces
Notwithstanding any other provisions of this ordinance or town code to the contrary, the use of pervious surface parking spaces may be allowed by the town under certain limited circumstances. In order to allow pervious parking spaces, the Town must determine that:
Chairman Hockersmith called the meeting of the Planning Commission to order at 2:40 p.m. All requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted.

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

Application 3125 Final Approval of the Village At Seabrook
During the Planning Commission work session Troy Long, an Engineer for G. Robert George, provided the members with an amended final subdivision plat. The plat was amended to show the reduction of the number of lots from 106 to 102. The roadway was also depicted more accurately. Tim Blackwelder Project Manager for the Village at Seabrook was also present to answer questions concerning the development.

Commissioner Clarke moved to approve the plat as amended. Commissioner Fortune seconded the motion. The motion was unanimously approved.
ATTACHMENT #13

Town Council Meeting Minutes
TOWN OF SEABROOK ISLAND

Town Council Meeting, January 25, 2000

MINUTES

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

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

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

Citizens/Guests Presentations, Comments:

Reports of Standing Committees, Commissions, Boards:

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

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

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

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

Public Works – None

Board of Zoning Appeals – On January 20, the Board of Zoning Appeals held an emergency meeting and granted a variance to allow BB&T Bank to bring in a temporary unit for 90 days because of fire damage to the bank. This temporary facility will be by BB&T to carry on banking business while their permanent facility is being repaired.
for a transmission tower. A SC Scenic Highway Ad Hoc Committee has picked Bohicket Road as one of five Charleston County roadways to be de-designated as a scenic highway.

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

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

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

**Ordinances for Second Reading:** None

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

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

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

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

Citizens/Guests Presentations, Comments: None

Reports of Standing Committees, Commissions, Boards: None

Reports of Ad Hoc Committees: None

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

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

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

Town Administrator’s Report – Town Administrator Pierce reported that there is over $90,000 in County Accommodations Tax money, which has to be spent on tourism related projects, that has been collecting since 1996. Town Administrator Pierce recommended that the Town might want to use those funds to do a complete landscaping of the Town Hall, including the drive, the parking lot and a picnic shelter instead of breaking the landscaping down into phases. One bid for the landscaping is around $30,000, another should be in later this week and another landscaper has been contacted about
estimate of $1-1/2 million is correct. The engineering for the two storage tanks, that will be located at the operations center and is estimated to be a $2 million project, will be complete this week and those plans will then be going to DHEC for approval. Both projects will probably be started about June 1. The pipeline will take about 90 days to complete and the storage tanks will be finished in the fall. The financing for the projects will be from the State fund or from private sources. A resolution is on the agenda today allowing the Water/Sewer Commission to make an application for the loan. The Commission should have about $500,000 in their retained earnings that can be used on these projects so that it will be necessary to borrow about $3 million.

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

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

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

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

The meeting was adjourned.

Approved: 3/28/00

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

MINUTES

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

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

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

Citizens/Guest Presentations, Comments: None

Reports of Standing Committees, Commissions, Boards:
Ways and Means – No Report
Planning Commission – No Report
Public Safety – No Report
External Affairs – No Report
Public Works – Councilman Clarkson reported that Council will decide shortly about the sign for the new Town Hall. In addition to having the sign in the same color format as the entrance sign, the pelican will also be on the sign as well as hanging plaques specifying “business licenses, Visitor’s Center, etc.” A location for the sign has not been decided upon, but it will probably have to be a double faced sign placed adjacent to the entrance.

Board of Zoning Appeals – No Report

Reports of Ad Hoc Committees:
Accommodations Tax Advisory – No Report

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

There were four meetings in May that highlighted the current efforts to meet transportation needs for now and in the future.
- On May 9, Kiawah and Seabrook Island officials met with Charleston County officials along with representatives of TranSystem, Inc. to review the corridor
attend the meeting to discuss the need for towers on Johns Island and possible locations and heights. Mr. Yates represents companies throughout the area when they are proposing to erect new towers. Councilman DuBois suggested that those who are interested should attend this meeting.

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

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

- Permit #2611, Seabrook Island I, LLC, Preliminary Subdivision Approval for The Village at Seabrook (106 lot residential subdivision). Councilman Clarkson made a motion to approve Permit #2611. Councilman Berger seconded the motion and the vote to approve was unanimous.

- Temporary Use Permit #80, By Seabrook Island POA, To Allow Temporary Use of Porta-toilets on North Beach. Councilman Berger made a motion to approve Temporary Use Permit #80. Councilman Clarkson seconded the motion and the vote to approve was unanimous.

- Temporary Use Permit #81, By Seabrook Island POA, To Allow Temporary Use of Porta-toilets at the Seabrook Island POA Garden Plot. Councilman Berger made a motion to approve Temporary Use Permit #81. Councilman Clarkson seconded the motion and the vote to approve was unanimous.

**Ordinances for First Reading:**

- Ordinance 2000-06, An Ordinance to Amend the Seabrook Island Town Code (Change Date of Municipal Elections). This ordinance changes the date of the Town’s municipal elections to the first Tuesday in November instead of the second Tuesday. Councilman Berger made a motion to approve Ordinance 2000-06 on first reading. Councilman Clarkson seconded the motion and the vote to approve was unanimous.

- Ordinance 2000-07, An Ordinance to Amend the Development Standards Ordinance, Section 2.10.40 (Buffer). This ordinance allows the new water line that the Seabrook Island Utility Commission is installing to be placed in buffer areas and also allows horse trails in these areas. Councilman Clarkson made a motion to approve Ordinance 2000-07 on first reading. Councilman DuBois seconded the motion and the vote to approve was unanimous.

- Ordinance 2000-08, An Ordinance to Amend the Development Standards Ordinance in Regard to the Lake Entry Site. Councilman Berger made a motion to approve Ordinance 2000-08 on first reading. Councilman DuBois seconded the motion and the vote to approve was unanimous.
## Town of Seabrook Island - Zoning Permit

<table>
<thead>
<tr>
<th>Permit Date:</th>
<th>02/25/2000</th>
<th>Permit #: Town:</th>
<th>2611</th>
<th>License #:</th>
<th>2000436</th>
</tr>
</thead>
<tbody>
<tr>
<td>TMS Number: 147-00-00-009</td>
<td>Thru: And:</td>
<td>App Fee: $1,150.00</td>
<td>Cash: No</td>
<td>Paid Date:</td>
<td>02/25/2000</td>
</tr>
<tr>
<td>Applicant Name: Seabrook Island I, LLC</td>
<td>Contact Name: John H. Hofford</td>
<td>App Address1: 17 Lockwood Blvd.</td>
<td>Phone: 843-722-8169</td>
<td></td>
<td></td>
</tr>
<tr>
<td>App Address2: POB 1707</td>
<td>App City: Charleston</td>
<td>St: SC Zip: 29401</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Owner: Seabrook I. LLC</td>
<td>Property Address: Lake Entry Site</td>
<td>Purpose: Final Preliminary Subdivision Approval for &quot;The Village at Seabrook&quot; a one hundred six (106) lot residential subdivision.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner Address1: P.O. Box 1707</td>
<td>Owner Address2: Charleston</td>
<td>St: SC Zip: 29401</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Location: Lot: Block:</td>
<td>Work Value: $0.00 Const Cost: $0.00 Flood Elev: 13 Zone: A8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Architectural Review Board:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments: Application requires approval of Planning Commission. Applicant will also need to file an application to record a preliminary plat.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.

If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code.

Any extensions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.

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

---

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

Zoning Administrator Wednesday, May 17, 2000
TOWN OF SEABROOK ISLAND
MINUTES - PUBLIC HEARING

June 5, 2000

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

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

Approved: 6/27/00

[Signature]
Town Clerk

181
TOWN OF SEABROOK ISLAND
Special Town Council Meeting, June 5, 2000, 2:30 p.m.
MINUTES

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

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

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

Approved: 6/27/00

[Signature]
Town Clerk

182
TOWN OF SEABROOK ISLAND
Town Council Meeting, September 26, 2000

MINUTES

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

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

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

Citizens/Guests Presentations, Comments: None

Reports of Standing Committees, Commissions, Boards:
Ways & Means – No Report
Planning Commission – Chairman Hockersmith reported that the Planning Commission approved the following applications at their meeting on September 13, 2000:
- Application #2789 – Bennett Hofford – Approval of Conditional Plat for The Village at Seabrook.
- Application #2795 – Horseshoe Creek Development Corp. – Record Final Plat for Phase IV of Jenkins Point.
- Application #2764 – Bennett Hofford – Approval of Amenity Area for The Village at Seabrook.
- Permit #2797 – Bohicket Marina – Approval of a Set of Stairs to be Built at Bohicket Marina near Solaris Properties.
- Temporary Use Permit #87 – The Club at Seabrook – Erect Tent for Tennis Tournament to be Held October 11-17, 2000.

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

External Affairs – No Report
Public Works – No Report
Board of Zoning Appeals – No Report

Report of Ad Hoc Committees:
Accommodations Tax Advisory – No Report

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

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

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

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

Johns Island Commission – No Report
Seabrook Island Utility Commission – No Report

Petitions Received, Referred or Disposed of:

- Application #2789 by Bennett Hofford – Application is for Approval of Conditional Plat for the Development of The Village at Seabrook – Councilman Berger made a motion to approve the application. Councilman DuBois seconded the motion and the vote to approve was unanimous.

- Application #2795 by Horseshoe Creek Development – Application to Record Final Plat for Phase IV of Jenkins Point – Councilman Berger made a motion to approve the application. Councilman Clarkson seconded the motion and the vote to approve was unanimous.

- Temporary Use Application #87 – The Club at Seabrook is Applying for a Temporary Use Permit to Erect a Tent at The Tennis Center during the Tennis Tournament, October 11-17, 2000 – Councilman DuBois made a motion to approve the application. Councilman Berger seconded the motion and the vote to approve was unanimous.

- Application #2764 – Bennett Hofford – Approval of Amenity Area for The Village at Seabrook – This permit was inadvertently left off the agenda but had been considered and approved previously by the Planning Commission. Councilman Berger made a motion to approve the application. Councilman DuBois seconded the motion and the vote to approve was unanimous.

Ordinances for First Reading: None
TOWN OF SEABROOK ISLAND
Town Council Meeting, May 22, 2001

MINUTES

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

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

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

Reports of Standing Committees, Commissions, Boards:
Ways & Means – No Report
Planning Commission – No Report
Public Safety – No Report
External Affairs – No Report
Public Works – Councilman Clarkson reported that the heliport has been graded and is ready for paving.
Board of Zoning Appeals – No Report

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

Reports of Town Officers:
Mayor

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

Town Council Members

- Councilman Berger passed along information regarding investing funds by political subdivisions from the SC Code of Laws to Mayor Stewart. Since the Town has in excess of $65,000 in the operating account at Bank of America as of May 22, 2001, Councilman Berger feels that excess funds should be invested so that the money earns more interest.
May 22, 2001 Town Council Minutes
Johns Island Commission – No Report
Seabrook Island Utility Commission – Commission Chairman Hall asked Mayor Stewart to sign paperwork the State Budget and Control Board requires in order to capitalize the accrued interest and to extend the $2,000,000 loan repayment from 20 years to 30 years. This loan is for the water pipeline and storage project that DHEC is to inspect tomorrow. Commissioner Hall reported that the Seabrook Utility Commission will be providing wastewater treatment for the proposed commercial center and golf course that will be developed on the KRA/VIT property.

Petitions Received, Referred or Disposed of: None

Ordinances for First Reading:
- Ordinance 2001-03, An Ordinance to Amend the DSO, Section 2.10.420, Setback. Councilman Clarkson made a motion to accept Ordinance 2001-03 on first reading. Councilman Berger seconded the motion and the vote to approve was unanimous.
- Ordinance 2001-04, An Ordinance to Amend the DSO, Section 9.80.0, Pervious Surface. Councilman DuBois made a motion to accept Ordinance 2001-04 on first reading. Councilman Clarkson seconded the motion and the vote to approve was unanimous.

Ordinances for Second Reading:
- Ordinance 2001-02, An Ordinance to Amend the Town Code Relating to Rallies. Councilman Berger made a motion to adopt Ordinance 2001-02 on second reading. Councilman Clarkson seconded the motion and the vote to adopt the ordinance was unanimous.

Miscellaneous Business: None

Citizen Comments: Amy Ballenger, Charleston Area Convention and Visitor’s Bureau, reported on areas in which The Bureau is promoting the Charleston area.

Since Councilman Clarkson has resigned as a Town Council member to become a member of the Seabrook Island Utility Commission, Mayor Stewart thanked him for his diligent work and years of service as a Town Council member. Mayor Stewart commented on numerous projects in which Councilman Clarkson had been involved while on Council and, before that, as a member of the POA Board. Councilman Clarkson was instrumental in working with the contractor during the construction of the Town Hall.

Councilman DuBois made a motion to go into executive session to discuss personnel matters. Councilman Berger seconded the motion and the vote to approve the motion was unanimous.

Approved: 6/26/01

Faye Allbritton, Town Clerk
TOWN OF SEABROOK ISLAND
PUBLIC HEARING

MINUTES

A properly called and advertised Public Hearing was held on June 19, 2001, at 2:15 p.m. Mayor Stewart conducted the meeting. Councilman Berger, Councilman Ferguson, Town Administrator Pierce and Town Clerk Allbritton also attended the meeting. Two guests were also present.

The Public Hearing was held to hear comments on:

- Ordinance 2001-03, An Ordinance to Amend the Development Standards Ordinance, Section 2.10.420, Setback
- Ordinance 2001-04, An Ordinance to Amend the Development Standards Ordinance, Section 9.80.0, Pervious Surface

No comments were made on the ordinances and the meeting was adjourned at 2:17 p.m.

Approved: 7/24/01

[Signature]
Town Clerk
TOWN OF SEABROOK ISLAND  
Town Council Meeting, June 26, 2001  

MINUTES

After the pledge of allegiance, Mayor Stewart called the June 26, 2001, Town Council meeting to order at 2:30 p.m. Councilmen Berger, DuBois and Ferguson, Town Attorney Brown, Town Administrator Pierce, Zoning Administrator Smith and Town Clerk Albritton were present at the meeting. Martha Harris, Berkeley Electric Cooperative; Amy Ballenger, Charleston Area Convention and Visitor's Bureau; Ernie Prupis and Bob Giuffreda, representatives of the Property Owner’s Association; Jennifer Turner, Bennett Hofford Construction, and two island residents also attended the meeting. The requirements of the Freedom of Information Act were met.

Approval of Minutes – The minutes of the Town Council meeting of May 22, 2001, were unanimously approved as written.

Financials – Councilman Berger reported that the Town of Seabrook Island had cash in the bank of $11,083 as of May 30, 2001, and assets of $924,980. Expenditures for the month of May exceeded revenue in the amount of $432, but revenues for the 2001 year exceed expenditures by approximately $32,252. Collections for business licenses for the month of May amounted to $11,294 partly due to the cooperation of the Property Owners Association requiring proof of a business license before issuing a gate pass. As of June 26, 2001, the Town has $46,300 in the Operating Account at NationsBank and will determine at the end of the June if a transfer should be made to the SC Local Government Investment Pool.

Reports of Standing Committees, Commissions, Boards:
Ways & Means – No Report
Planning Commission – No Report
Public Safety – No Report
External Affairs – No Report
Public Works – Councilman Ferguson volunteered for the public works position to replace Jack Clarkson who resigned, as of June 1, 2001, from Town Council to serve on the Seabrook Island Utility Commission.
Board of Zoning Appeals – No Report

Reports of Ad hoc Committees:
Accommodations Tax Advisory – No Report

Reports of Town Officers:
Mayor -
Mayor Stewart stated that Joe Stevenot gave a report at the Town of Seabrook Island Ways and Means meeting on June 19, 2001, on the progress of the Automatic External Defibrillator committee. A representative from a company that manufactures the machines will be at a committee meeting on July 9. The Mayor reported that the Town will help develop policies and procedures for use of the AED’s but none of the machines will be located at Town Hall nor will any Town personnel be trained to use the machines. The Town will not contribute any money toward purchase of the machines but will allow the use of the Town heliport for transport of patients when necessary. Since the Property Owners Association and The Club are in the middle of their budget year and have made no allowances for expenditures of this type, Mayor Stewart
the only way the group is able to operate. Town Attorney Brown stated that gifts or loans could be made for such purposes as long as there was some direct benefit to the Town.

Petitions Received, Referred or Disposed of: None

Ordinances for First Reading:
- Ordinance 2001-05, An Ordinance to Amend the DSO, Section 2.10.125, Deck; Section 2.10.126, Deck-Covered and Section 2.10.395, Porch. Councilman Berger made a motion that Ordinance 2001-05 be approved on first reading. Councilman DuBois seconded the motion and the vote to approve the motion was unanimous.

Ordinances for Second Reading:
- Ordinance 2001-03, An Ordinance to Amend the DSO, Section 2.10.420, Setback. Councilman DuBois made a motion to adopt Ordinance 2001-03 on second reading. Councilman Berger seconded the motion and the vote to approve the motion was unanimous.
- Ordinance 2001-04, An Ordinance to Amend the DSO, Section 9.80.0, Pervious Surface. Councilman Berger made a motion to adopt Ordinance 2001-04 on second reading. Councilman DuBois seconded the motion and the vote to approve the motion was unanimous.

Miscellaneous Business – None

Citizens Comments –
Ernie Prupis, a representative of the Property Owners Association, reported that the POA Board of Directors have unanimously adopted a resolution opposing the construction at Camp St. Christopher of a 100 ft. flag pole with space rented for telephone antenna. No formal application has been made by American Tower but a pre-application conference was held with the Planning Commission on June 6, 2001.

Mr. Prupis, personally, registered a complaint concerning the amount of time it took for DHEC to let Seabrook Island residents know that there was a contaminated water sample during the week of June 11. He also feels that US Cable should offer broadband coverage. The broadband coverage would allow residents to connect with the Internet and is a much faster service than through the telephone.

Amy Ballenger, a representative of the Charleston Area Convention and Visitor’s Bureau, reported on meetings during the month the Bureau has attended on behalf of Charleston, as well as Seabrook Island. Ms. Ballenger reminded Council to reply by July 8 for the Top Contributor’s Dinner to be held at Kiawah Island. Golf will be at Osprey Point at 1 p.m. and dinner will be at Osprey Point Club House at 6 p.m. The web site, www.charlestoncvb.com, is now on line and connects to the Seabrook Island web site. Money magazine has an article in the July issue proclaiming Seabrook Island as one of the best places to retire.

The meeting was adjourned at 3:30 p.m.

Approved: 7/24/01

Faye Allbritton, Town Clerk

189
Variance #121 – Approved
(August 28, 2000)
Board of Zoning Appeals
Order on Variance Application- Form 6
Town of Seabrook Island County of Charleston

Date filed: 6/19/2000 Permit Application #. 2611 Appeal 23

The Board of Zoning Appeals held a public hearing ON August 28, 00 to consider the appeal of for a variance from the strict application of the Zoning Ordinance as set forth in the form 3 affecting the property described on form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following finding of fact and conclusions.

1. The Board concludes that the Applicant X ______ does not have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following finding of fact:

   This change will require less manholes and will not affect future maintenance.

2. The Board concludes that these conditions do X ______ do not generally apply to other property in the vicinity based on the following finding of fact:

   In other areas of Seabrook, road codes have been met.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property X ______ would _______ would not effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact:

   Road codes require sewer lines not be under road in order not to damage road in case of repairs, due to the depth of line, road would be disturbed in case of necessary repairs.

4. The Board concludes that authorization of the variance ______ will X ______ will not be of substantial detriment to adjacent property or to the public good, and the character of the district ______ will X ______ will not be harmed by the granting of the variance based on the following finding of fact: No additional repairs or maintenance will be required to the roadway.

5. The Board concludes that the effect of the variance NA ______ would NA ______ would not be to allow establishment of a use not otherwise permitted in the zoning district, based of Sec. NA ______ of the ordinance; and NA ______ would NA ______ would not extend physically a nonconforming use of the land; and NA ______ would NA ______ would not change the zoning district boundaries shown on the official zoning map, based on the following findings of fact.

The BOARD, THEREFORE, ORDERS that the variance is denied X ______ granted, subject to the following conditions:

Date issued: 8/28/2000

Walter P. Dieing
Chairmen

Date mailed to parties in interests: 8/21/2000

Notice of appeal to Circuit Court must be filed within 30 days after date this order was mailed.

Created 4/12/99 form 6
Town of Seabrook Island

Board of Zoning Appeals

Minutes
August 28, 2000

Members Present
Walter Diesing, Vice-Chairman
James Talmage
Donald Stock

Douglas M. Smith, Zoning Administrator
Lynda Whitworth, Secretary

Absent:
Barbara J. Pressler, Chairman
Roy Mordhorst

Guest Attending:
John H. Hofford, Developer Bennett-Hofford
Tim Blackwelder, Project manager Bennett-Hofford
Jennifer Turner, Bennett-Hofford
Troy Long, G. Robert George & Assoc. Engineering

Vice Chairman Walter Diesing called the meeting of the Board of Zoning Appeals to order at 8:30 a.m. Requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. Because Chairman Pressler was unable to attend the meeting was chaired by Vice-Chairman Walter Diesing. The Vice-Chairman advised guest wishing to make statements to give their name for the recording of the minutes.

Application #23, Variance Request #121 G. Robert George, acting as agents for developer Bennett-Hofford Construction, is requesting a variance to allow sewer mains to remain under roadway surfaces and curb and gutter. According to Charleston County road codes, it is recommended that sewer lines not be placed under roads due to the possible road repairs.

According to Troy Long, Engineer for G. Robert George and Associates, there would be no detrimental effect by leaving the sewer drainage as it is installed. He explained that the entire road area would have to be dug up to alter the sewer mains and several more manholes would then be installed. The variance would allow fewer manholes and according to Mr. Long, not affect future maintenance.

Commissioner James Talmage moved to grant the variance as requested. Commissioner Donald Stock seconded the motion. The Board unanimously approved the motion and the variance was granted.
Appeal #24, Variance Request #122 Bennett Hofford Construction Inc., is requesting a variance from Ordinance Section 7.10.220 that deals with Construction Trailer location. The variance request is to allow the office construction trailer to remain in one location, on a lot that is not under construction. According to the Ordinance the trailer must be located on the lot where new construction has started on a building. The development of The Village at Seabrook will consist of 106 Multi-family units with amenities and expected to be a five to six year project.

Tim Blackwelder and Jennifer Turner attended the meeting representing Bennett-Hofford Construction. The trailer would be used for administrative purposes and to oversee construction and not to include sales of the property. According to plans, the office trailer would be landscaped and decking added to improve the appearance. The company feels that to move the office from lot to lot during construction would create an unnecessary hardship.

Commissioner James Talmage moved to allow the construction trailer to remain on one lot for the duration of the construction project and the trailer must be removed after completion of the last home. Commissioner Donald Stock seconded the motion. The motion was unanimously approved and the Board granted the variance.

Having no other business the meeting was adjourned at 8:50 a.m.

Walter P. Diesing, Vice Chairman
Lynda Whitworth, Secretary
Variance Application- Form 3
Board of Zoning Appeals
Town of Seabrook Island/ County of Charleston

Date Filed: 2/25/00 Permit Application #: 2611 Appeal #: 26
Application Fee: 25 Dollars Fee Paid: $61.00 Check #

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provision of the Zoning Ordinance: Charleston County Standard Specifications for Design and Construction of Roads and Drainage Systems --Section 3.11, Utilities Within the Street Right-of-way. See attachment 1 so that a zoning permit may be issued to allow use of the property in a manner shown on attached plot plan, described as follows: allow sewer mains to be located under roadway surfaces and curb and gutter.

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

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

A. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: the small roadway centerline radius within the impacted area and wastewater location protocol results in placement of gravity sewers under roadway surfaces.

B. These conditions do not generally apply to other property in the vicinity as shown by: These conditions are common in older areas of Seabrook Island.

C. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:
require the addition of several additional manholes to prevent sewers from being located under roadway surfaces. (See attachment 2 for more detail)

D. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: specifications and regulatory requirements for sewer construction and trench compaction reduce future sewer access requirements minimal risk of failures. (See attachment 2 for more detail)

3. The following documents are submitted in support of this application: see attached drawings and applicable specifications. (See attachment 2, #3 for more detail)

[Plot plan must be submitted]

Date: June 9, 2000

G. Robert George, P.L.S., P.E. (Agent)
Applicant signature

Date created: 4/9/99 Form 3
3.11 UTILITIES WITHIN THE STREET RIGHT-OF-WAY

NEW STREETS:

The proposed location of all underground main utility lines including water, sanitary sewer, gas, electrical, telephone or television cables shall be shown on the street plan and profile submitted to the Department of Public Works for approval. Utility lines shall be located so that they will not interfere with the proper functioning of the drainage system. In curb and gutter sections, underground utility main lines shall be a minimum of five (5) feet in back of the curb. On streets where the swale ditch section is used, utility main lines shall be installed not less than fifteen (15) feet from the center line of the street and not less than five (5) feet from the edge of the pavement. The minimum allowable cover over the top of the utility, encroachment or other apparatus shall be thirty-six (36) inches.

No work on utility lines within the limits of the street right-of-way shall be commenced until the street plans showing the proposed location of the utility lines have been approved.

Ditches and trenches dug within the street right-of-way for utilities and/or other purposes shall be properly backfilled. Backfill material shall be select material, mechanically compacted in six (6) inch layers. Backfill material shall be mixed or wetted as required by the Director of Public Works. Areas to be paved or areas within five (5) feet of pavement shall be compacted to no less than 95% of maximum density. Remaining areas shall be compacted to 90% of maximum density. Maximum densities will be determined by ASTM D 1557 Method A.

The jetting or uncontrolled tunneling of utility lines under a paved street is not permitted. The cutting of the pavement is not permitted.

Any proposed street lighting facilities shall be shown on the street construction plans submitted to the Department of Public Works for approval. Street light poles shall be placed outside the right-of-way excepting as specifically approved by the Director of Public Works.
Notice of Appeal – Form 1
Town of Seabrook Island / County of Charleston

Date Filed: 2/25/00 Permit Application #: 2611 Appeal #: 23
Fee: 15.00 Dollars Fee Paid: ________ Check #: ________

Instructions

This form must be completed on a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s) all owners must sign. If the applicant is not an owner, the owner(s) all must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and location of all structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

☐ From action of a zoning official as stated on attached form 2.
☐ For a variance as stated on attached form 3.
☐ For a special exception as stated on attached form 4.

Applicant (S) [print]: G. ROBERT GEORGE & ASSOCIATES, INC.

Address: 2411 Savannah Highway, Charleston, SC
Interest: Engineer Owner(s) -- Adjacent Owner(s); Other --

Owner(s) [if other than Applicant(s)]: Seabrook Island, LLC
Address: 17 Lockwood Blvd., Charleston, SC 29401

[Use reverse side if more space is needed]

Property Address: Village at Seabrook
Lot Block Subdivision Lake Entry Site
Tax Map No. 147-00-00-009 Plat Book EE Page 41
Lot dimensions: Lot Area Sq. Ft.
Zoning District: (see attached preliminary plat)

Designation of AGENT [complete only if owner is not applicant]: G. Robert George & Associates, Inc.
I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: June 14, 2000 John H. Hofford
Owner signature(s)

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

Date: June 9, 2000 Applicant signature(s) G. Robert George, P.L.S., P.E.

Date created 4/9/99 form 1
Town of Seabrook Island
Appeal Application

Date: 06/19/2000  Appeal #: 23
Applicant: John H. Hofford  Phone: 722-8169
Address: 17 Lockwood Blvd.  City: Charleston  State: SC
Zip: 29440

Lot: Paid Date: 06/19/2000  Fee: $15.00
Block: Paid Amount: $1.084.00
TMS: 1478000009

Agenda Time: 8:30:00 AM  Agenda Date: 07/28/2000

Board of Zoning Appeals  Planning Commission
Appeal - Describe

Appeal to allow the sewer lines to installed under the roads instead in right of way as required by the Charleston County Road Code.

Action
Taken:

Applicant

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

C. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

Charleston County Road Code, Section 3.11, is designed to prevent road disturbance during any repair procedures on underground utilities. However, the necessary depth of the sewer service lines on the Seabrook Village Drive cul-de-sac, regardless of placement five (5) feet behind the back of the curb, would warrant disturbance of the paved portions of the roadway. A variance from the Charleston County Road Code, Section 3.11 would reduce the amount of underground infrastructure located in the Seabrook Village Drive cul-de-sac and would reduce the service and maintenance area for which the Seabrook Island Water and Sewer Commission will be responsible.

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

The request for a variance from the Charleston County Road Code, Section 3.11 will not in any way serve as a detriment to adjacent property or the public good. Additionally, the character of Seabrook Island and the Village at Seabrook will not be harmed through this variance. The variance will enhance the community by limiting the number of manholes within the Seabrook Village Drive cul-de-sac while providing complete sewer services to the residents of Seabrook Village Drive. It is the shared opinion of Charleston County Public Works, the Chairman of the Seabrook Island Utility Commission, and the project engineer that sewer line construction be conducted in accordance with the current plan in order to limit the underground and above ground impacts of the utility along the Seabrook Island Drive cul-de-sac.

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

Attachment 3:
Site plan detailing location of concrete curb and gutter and sanitary sewer mains and manholes on the Seabrook Village Drive cul-de-sac.

Attachment 4:
Charleston County Public works correspondence stating a variance granted by the Town of Seabrook Island approving sanitary sewer line location in the rights of way is acceptable.

Attachment 5:
Seabrook Island Water and Sewer Commission contract accepting current plan design and water and sewer service agreement with Seabrook Island I, LLC, development company for the Village at Seabrook.
Mr. Douglas M. Smith  
Zoning Administrator  
Town of Seabrook Island  
1893 Andell Bluff Boulevard  
Johns Island, SC 29455  

RE: The Village at Seabrook Construction Plan Review  

Dear Mr. Smith:  

Please accept the staff comments regarding the revised construction plans for the Village at Seabrook (signed by Mr. G. Robert George on May 18, 2000). In reference to my May 16 letter to you, please note that items one through seven have been addressed. Based upon our discussions last Friday with Mr. George, item eight is addressed with the stipulation that the installation of the sanitary sewer lines be delayed until such time that: 1) the sewer line location within the rights-of-way is approved by the Town of Seabrook Island; or 2) the design engineer provides an alternative design which relocates the sewer line a minimum of five (5) feet from the back of the curb.  

With the above stipulation, the subdivision construction plans are in compliance with the 1990 Charleston County Road Code.  

If you have any questions, please call me at 202-7800.  

Sincerely,  

Matthew G. Rennhack, P.E.  
Civil Engineer II  

cc: Charles C. Jarman, Jr., Engineering Superintendent  
G. Robert George, P.E.  
Tim Blackwelder  

F:\COMMDEV\LETTERS\Vill@Seabrook04.SDV.wpd
Town of Seabrook Island
Variance Application

Date: 06/19/2000  Variance #: 121
Prop Owner: G. Robert George  Phone: 803-556-4261
Address: P.O. Box 32158  City: Charleston  State: SC
Zip: 29417

Lot:  
Fee: $25.00  Check #: 1083
Block:  
Paid Date: 06/19/2000
TNS: 1470000009  
Paid Amount: $25.00
Agenda Time: 8:30:00 AM  Agenda Date: 07/28/2000
☐ Board of Zoning Appeals  ☐ Planning Commission

Variance- Describe. (Note—Variance Application must be accompanied by a plat showing lot lines and encroachment)

To allow sewer line to be constructed in the road way instead of right of way as required by Charleston County Road Codes.

Action
Taken:

_________________________________________  ______________________________________
Applicant  Zoning Administrator
May 1, 2000

Mr. Tim Blackwelder
Project Manager Village at Seabrook
C/o Bennett Hoefford Company
17 Lockwood Drive
Charleston, S.C. 29401

Dear Mr. Blackwelder,

The Commission voted unanimously at it’s scheduled meeting on April 20 to accept the water and sewer service agreement with Seabrook Island, L.L.C. for the Village at Seabrook development and to have me sign on behalf of the Commission.

Attached is your copy of the fully executed agreement, together with the only copy of the “draft” agreement which we have voided and a copy of the minutes of the Commission meeting.

The Commission appreciates the opportunity to serve your new development and looks forward to a mutually beneficial relationship.

Very Truly Yours,

Joseph W. Hall
Chairman
Seabrook Island Utility Commission
AGREEMENT

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

THIS AGREEMENT made this [March 25], 2000 by and between Seabrook Island I, L.L.C., whose mailing address is 17 Lockwood Drive, Charleston, SC 29401, hereinafter referred to as “Developer” and the Town of Seabrook Island Water & Sewer Commission, Johns Island, SC, 29455, hereinafter referred to as “Town.”

WITNESSETH

THAT WHEREAS, Developer is the owner of certain lands on Seabrook Island, SC and shown on that certain map entitled The Village at Seabrook hereinafter known as Subdivision.

WHEREAS, Developer is desirous of installing Subdivision water and sewer utility systems to provide water and sewer utility service to all those persons now or hereafter owning lots in Subdivision and requiring water and sewer utility service; and

WHEREAS, Developer has requested Town to own and operate said water and sewer utility systems; and

WHEREAS, Town is agreeable to owning and operating the completed systems;

NOW, THEREFORE, for and in consideration of the premises and of the rights, powers and duties hereinafter set forth to be performed by each, Developer and Town mutually do agree as follows:

1.a Developer will cause to be installed in Subdivision a water utility distribution system and sewer utility collection system in accordance with plans and specifications drawn by Developer’s engineer and to be approved in writing by Town and the South Carolina Department of Health and Environmental Control, hereinafter referred to as DHEC. It shall be the responsibility of Developer through Developer’s engineer to obtain DHEC approval and all other approvals required by governmental authorities.

b. This sewer collection system installed by Developer at Developer’s cost shall include, if necessary, lift stations with radio-telemetry compatible with Town’s existing system,
force mains, the connection to Town’s existing collection system or force main and any necessary modifications to Town’s existing sewer lift stations to transport the sewage from Subdivision to Town’s wastewater treatment plant at Seabrook Island where Town will treat wastewater.

c. The water distribution system installed by Developer at Developer’s cost shall include the connection to Town’s existing water distribution system at Seabrook Island.

d. Should Developer in Developer’s sole discretion choose not to develop the lots in Subdivision, then Developer shall not be obligated to install the water and sewer utility system.

e. Developer’s engineer shall inspect the actual construction and certify the completion in writing to DHEC. Town shall have the right but not the duty to inspect.

f. The property upon which any lift stations are located shall be conveyed to Town at no cost to Town by general warranty deed conveying simple marketable title. Developer’s attorney at Developer’s cost shall provide Town owner’s title insurance for the lift station lot(s).

2. Developer shall pay for the complete installation of all the necessary water distribution and sewer collection systems including services to provide water and sewer service to all lots in Subdivision.

3.a Developer agrees to convey to Town upon completion of water distribution and the sewer collection system by bill of sale, the entire water distribution and sewer collection systems installed in accordance with the plans approved by DHEC and Town, including mains, services, hydrants, valves, manholes and all other equipment necessary and proper to serve all connection in the Subdivision.

b. If any water or sewer mains, hydrants, valves, services, lines or equipment are not within publicly dedicated rights of way, then Developer shall convey to Town at no cost to Town, a perpetual easement 204 (10) feet on each side of the water and sewer main,
hydrant, valve, service or equipment, which easement shall be for ingress, egress, regress and access and to construct, operate, maintain, repair and replace the sewer mains and appurtenant equipment.

4. Upon completion of the water and sewer systems, the final inspection by DHEC, the inspection by Town, and the conveyance of the water and sewer systems as set forth herein, the delivery to Town by Developer of the written certification of cost as set forth in paragraph 7.a., and Developer’s check payable to Town for the payment of impact fees as set forth in paragraph 7.b. Town will then supply water and sewer service to the residents of Subdivision under terms required by DHEC and in full compliance with the laws of the State of South Carolina and with the rules and regulations of DHEC and other applicable governmental bodies. Town shall not supply water or sewer service until all these conditions are complied with. As soon as practicable after execution of this contract and delivery to Town of fifteen (15) copies of a map of Subdivision, Town shall record an extension of Town’s franchised service territory to serve Subdivision.

5. Prior to providing water or sewer service to any service location in Subdivision, Town shall collect from each customer requesting service at that service location the fees approved by the Town and in effect at the time of the customer request. Fees in effect at the date of this agreement are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Connection Fee</th>
<th>Impact Fee</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>$375.00</td>
<td>$475.00</td>
<td>$850.00</td>
</tr>
<tr>
<td>Sewer</td>
<td>$300.00</td>
<td>$475.00</td>
<td>$775.00</td>
</tr>
</tbody>
</table>

6. The closing shall take place after all the water distribution and sewer collection systems have been completed, inspected and certified completed by Developer’s engineer, final inspection and approved for operation by DHEC and inspected and approved by Town. Town shall not provide water or sewer service to Subdivision until the date of closing when all of the following shall have occurred:

At closing Developer shall deliver to Town the following:
i. Bill of Sale of completed water distribution and sewer collection systems (para 3.a)

ii. Written perpetual easements for the water distribution system and sewer collection system (para 3.b).

iii. General warranty deed for any necessary sewer lift station lots and title insurance (para 1.f).

iv. Written certification of Developer’s cost (para 7.a).

v. Check payable to Town Water and Sewer Commission for each lot for impact fees approved by the town and in effect at the time of closing. Impact fees in effect at the date of this agreement are as follows:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>$525.00</td>
</tr>
<tr>
<td>Sewer</td>
<td>$1,275.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,800.00</td>
</tr>
</tbody>
</table>

7a. Developer, at the closing, shall deliver to Town a written certification of the Developer’s cost in the system showing the cost of the entire water distribution and sewer collection system, including engineering fees for these two systems, which shall have a breakdown between the various components showing the vendors and appropriate amounts. This written certification shall be delivered to Town at the closing date as set forth in paragraph 6.

b. Developer agrees that on the closing date set forth in paragraph 6, the Developer shall deliver to Town a check for the impact fees as specified in paragraph 6v.

8. Town must approve, in writing, prior to the commencement of any work, all contractors and subcontractors who will perform work on the installation of the water distribution and sewer collection system and all other water or sewer system construction in this Subdivision.

9. Developer shall provide in the recorded restrictive or protective covenants for Subdivision that each lot shall pay availability fees to Town for water service and for
sewer service. Availability fees in effect on the date of this agreement are $40.00 per year for water and $40.00 per year for sewer service. The availability fee requirement in the protective covenants shall be modeled after paragraphs 26 and 27 of the Restatement and Fourth Modification of Protective Covenants, Seabrook Island Development which is recorded in Book L186, page 697, Office of the Register of Mesne Conveyance of Charleston County. Should subdivision be covered under the master set of protective covenants for Seabrook Island Development as described above, then Developer shall furnish Town written recorded documentation that Subdivision is so covered under the master covenants and that a separate set of restrictive covenants for Subdivision which includes availability fees is not required.

10. Developer agrees to indemnify and hold harmless the Town against any and all actions or claims relating to injuries and/or damages to any person or property caused by or resulting from the construction and design of the water and sewer system subject to this agreement. Developer is not indemnifying the Town against its own acts of negligence.

11. Developer shall assign all warranties it has in the water and sewer systems to the Town at closing and shall take all actions necessary to represent that such warranties are properly and legally assigned and assignable.

12. The federal taxpayer ID number of the Developer is as follows: 58-2408970. The federal taxpayer ID number of the Town is as follows: 57-0855224.

13. This agreement shall be binding upon and shall inure to the benefit of Developer and Town and the successors and assigns of each.

14. This writing embodies the entire agreement and understanding between the parties hereto and there are no other agreements or understanding, oral or written with reference to the subject matter hereof that are not merged herein and superseded hereby.

15. This agreement shall not be modified, amended or changed in any respect except in writing, duly signed by the parties hereto, and each party hereby waives any right to amend this Agreement in any way.
IN WITNESS WHEREOF, Developer and Town have caused this instrument to be executed by the President, attested by the Secretary or Assistant Secretary, with corporate seal as appropriate affixed hereunto by authority of their Board of Directors the day and year first above written. The Town Water and Sewer Commission will be executed by the Chairman of the Commission and attested by the Clerk of the Commission who will supply minutes of a Commission meeting authorizing the execution.

SEABROOK ISLAND I, L.L.C.

John H. Hofford, Managing Partner

SEABROOK ISLAND WATER AND SEWER COMMISSION

Joseph W. Hall, Chairman

Witness

Commission Clerk
Variance #122 – Approved
(August 28, 2000)
Board of Zoning Appeals
Order on Variance Application - Form 6
Town of Seabrook Island County of Charleston

Date filed: 6/30/2000 Permit Application #. __________ Appeal 24

The Board of Zoning Appeals held a public hearing on August 28, 2000 to consider the appeal of Bennett-Hoffard Const. for a variance from the strict application of the Zoning Ordinance as set forth in the form 3 affecting the property described on form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following finding of fact and conclusions.

1. The Board concludes that the Applicant X has _______ does not have an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following finding of fact:
   This is a five to six year project. To move the construction trailer every year would be a hardship.

2. The Board concludes that these conditions do X do not generally apply to other property in the vicinity based on the following finding of fact:
   Multi unit project does not exist on Seabrook Island.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property X would _______ would not effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact:
   To move construction trailer from lot to lot as construction continues would be a hardship.

4. The Board concludes that authorization of the variance will __________ will not be of substantial detriment to adjacent property or to the public good, and the character of the district will __________ will not be harmed by the granting of the variance based on the following finding of fact: This project would be an asset to the area and would be landscaped to improve the appearance of the construction trailer.

5. The Board concludes that the effect of the variance NA would NA would not be to allow establishment of a use not otherwise permitted in the zoning district, based of Sec. NA of the ordinance; and NA would NA would not extend physically a nonconforming use of the land; and NA would NA would not change the zoning district boundaries shown on the official zoning map, based on the following findings of fact.

The BOARD, THEREFORE, ORDERS that the variance is X denied _______ granted, subject to the following conditions: The construction trailer must be removed after completion of the last home.

Date issued: 8/28/2000

Chairman

Date mailed to parties in interests: 8/31/2000

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this order was mailed.

Created 4/12/99 form 6
Town of Seabrook Island

Board of Zoning Appeals

Minutes
August 28, 2000

Members Present
Walter Diesing, Vice-Chairman
James Talmage
Donald Stock

Douglas M. Smith, Zoning Administrator
Lynda Whitworth, Secretary

Absent:
Barbara J. Pressler, Chairman
Roy Mordhorst

Guest Attending:
John H. Hofford, Developer Bennett-Hofford
Tim Blackwelder, Project manager Bennett-Hofford
Jennifer Turner, Bennett-Hofford
Troy Long, G. Robert George & Assoc. Engineering

Vice Chairman Walter Diesing called the meeting of the Board of Zoning Appeals to order at 8:30 a.m. Requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. Because Chairman Pressler was unable to attend the meeting was chaired by Vice-Chairman Walter Diesing. The Vice-Chairman advised guest wishing to make statements to give their name for the recording of the minutes.

Application #23, Variance Request #121 G. Robert George, acting as agents for developer Bennett-Hofford Construction, is requesting a variance to allow sewer mains to remain under roadway surfaces and curb and gutter. According to Charleston County road codes, it is recommended that sewer lines not be placed under roads due to the possible road repairs.

According to Troy Long, Engineer for G. Robert George and Associates, there would be no detrimental effect by leaving the sewer drainage as it is installed. He explained that the entire road area would have to be dug up to alter the sewer mains and several more manholes would then be installed. The variance would allow fewer manholes and according to Mr. Long, not affect future maintenance.

Commissioner James Talmage moved to grant the variance as requested. Commissioner Donald Stock seconded the motion. The Board unanimously approved the motion and the variance was granted.
Notice of Appeal – Form 1  
Town of Seabrook Island / County of Charleston

Date Filed: __________  Permit Application #. __________  Appeal #: __________

Fee: 15.00 Dollars  Fee Paid: __________  Check #: __________

Instructions

This form must be completed on a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s) all owners must sign. If the applicant is not an owner, the owner(s) all must sign the Designation of Agent.

An accurate, legible plot plan showing property dimensions and location of all structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

☐ From action of a zoning official as stated on attached form 2.
☐ For a variance as stated on attached form 3.
☐ For a special exception as stated on attached form 4.

Applicant (S) [print]: Seabrook Island I, LLC., John H. Hofford, Managing Partner

Address: 17 Lockwood Drive, Charleston SC 29401
Interest: Owner(s)  Adjacent Owner(s); Other

Owner(s) [if other than Applicant(s)]: ____________________________
Address: _______________________________________________________ [work]
Telephone: ____________________________ [home]

[Use reverse side if more space is needed]

Property Address: 1050 Seabrook Island Drive
Lot (on plat) B20 C 20, Subdivision Village at Seabrook Island
Tax Map No. 147-00-00-128 Plat Book, EE Page 41
Lot dimensions 39x50x39x18x40 Lot Area Sq. Ft. 8610.72 SF -- 0.198 AC
Zoning District: Detached Multifamily

Designation of AGENT [complete only if owner is not applicant]:
I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: ____________________________  Owner signature(s)

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

Date: June 26, 2000  Applicant signature(s)  [Signature]

John H. Hofford

Date created 4/9/99 form 1

212
Variance Application- Form 3
Board of Zoning Appeals
Town of Seabrook Island/ County of Charleston

Date Filed: __________ Permit Application #: ______ Appeal #: __________
Application Fee: 25 Dollars Fee Paid: ______ Check #: ______

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to
the property described in the Notice of Appeal [Form 1] of the following provision of the Zoning
Ordinance: Town of Seabrook Island Development Standards Ordinance
Section 7.10.220 - Construction Trailers (See Attachment 1)

so that a zoning permit may be issued to allow use of the property in a manner shown on attached plot
plan, described as follows: placement of a construction trailer on a single lot, not currently under construction, to oversee development at the Village at Seabrook Island
for which a permit has denied by a zoning official on the grounds that the proposal would be in violation of
the cited section(s) of the Zoning Ordinances. (See Attachment 2)

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

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

See Attachment 3

B. These condition do not generally apply to other property in the vicinity as shown by: ______

See Attachment 3

C. Because of these conditions, the application of the ordinance to the particular piece of property
would effectively prohibit or unreasonably restrict the utilization of the property as follows:

See Attachment 3

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

See Attachment 3

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

See Attachment 2 (site plan) and 4 (landscape plan)
[A plot plan must be submitted]

John H. Hofford, Managing Partner

Date: June 26, 2000

Applicant signature

Date created: 4/9/99 Form 3
2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.

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

The Development Standards Ordinance addresses the placement of construction trailers for the development of a single-family residential site. The Village At Seabrook Island, as a detached multifamily residential development, introduces the need for a construction trailer that will serve as an office for site development and development of the single family homes. Because homes will be under construction on lots simultaneously, it is desirable that the construction trailer be allowed to remain stationary for the duration of construction. Should construction cease, the trailer shall be removed from the site until construction resumes.

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

Unlike a single family residential construction site, The Village At Seabrook Island will have more than one home under construction at one time. A single construction trailer in a permanent location would best accommodate site development and individual lot construction at The Village At Seabrook Island.

C. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

The ordinance allows a single construction trailer to be placed on a single lot under construction. While only one (1) construction trailer is necessary to oversee all site development and construction at The Village At Seabrook Island, a single location should improve the overall efficiency of the development by avoiding several time consuming and costly trailer relocation exercises. In addition, a permanent site would preclude numerous site surveys and plan reviews for each replacement of the construction trailer and would minimize the disturbance of natural elements located on lots that will developed in the future.

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

The construction trailer, located on lot C 20 and positioned within all required setbacks and elevations, will not be of a substantial detriment to adjacent property in The Village At Seabrook Island. The construction trailer will not threaten the public good or the character of The Village At Seabrook Island or Seabrook Island as a whole. The lot on which the construction trailer is placed will be appropriately landscaped and maintained to ensure the overall quality of The Village At Seabrook Island while construction takes place. Following the completion of construction, the construction trailer will be removed promptly.
Sec 7.10.185.30 – continued

(i) The development must comply with the site plan review requirements as set forth in Section 8.0 of the Development Standards Ordinance, including the final site plan submissions as set forth in Section 8.140.0, et seq. (4/9/92) (9/8/94)

Sec. 7.10.190 Garage Requirements

All single family residences and multi-family dwellings shall have at least a one (1) car garage. (9/8/94)

Sec. 7.10.200 Insurability

All structures developed within the Town of Seabrook Island shall meet the minimum standards for insurability including minimum required first floor elevations as established by the Federal Emergency Management Agency. (9/8/94)

Sec. 7.10.210 Site Policing

During new home construction or substantial remodeling, builder must keep building sites clean. A dumpster must be provided on the site and must be emptied before exposed trash is visible. All building debris, stumps, trees etc., must be removed from each building lot by the builder as often as necessary to keep the building site free of debris. Temporary sanitary facilities shall be provided and shall be located off of the street right-of-way and be placed behind the dumpster so they are not visible from the road.

Sec. 7.10.220 Construction Trailers

During construction a trailer may be placed at the site for use as a construction office, security guard shelter or storage for materials related to the construction of the same zoning lot. Such unit may not be placed prior to the issuance of the construction permit or more than ten (10) days before construction commences and must be removed before certificate of occupancy can be issued.

Sec. 7.10.230 Height Limitations

The maximum height restriction for any building in the Town shall be thirty-two (32) feet above the required first floor elevation as established by FEMA. Multi-family and commercial buildings may increase height one (1) additional foot for each three (3) feet of additional setback from the required front line setback with a maximum height of forty (40) feet above the required mean flood elevation. (9/8/94)
2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts.

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

The Development Standards Ordinance addresses the placement of construction trailers for the development of a single-family residential site. The Village At Seabrook Island, as a detached multifamily residential development, introduces the need for a construction trailer that will serve as an office for site development and development of the single family homes. Because homes will be under construction on lots simultaneously, it is desirable that the construction trailer be allowed to remain stationary for the duration of construction. Should construction cease, the trailer shall be removed from the site until construction resumes.

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

Unlike a single family residential construction site, The Village At Seabrook Island will have more than one home under construction at one time. A single construction trailer in a permanent location would best accommodate site development and individual lot construction at The Village At Seabrook Island.

C. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

The ordinance allows a single construction trailer to be placed on a single lot under construction. While only one (1) construction trailer is necessary to oversee all site development and construction at The Village At Seabrook Island, a single location should improve the overall efficiency of the development by avoiding several time consuming and costly trailer relocation exercises. In addition, a permanent site would preclude numerous site surveys and plan reviews for each replacement of the construction trailer and would minimize the disturbance of natural elements located on lots that will developed in the future.

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

The construction trailer, located on lot C 20 and positioned within all required setbacks and elevations, will not be of a substantial detriment to adjacent property in The Village At Seabrook Island. The construction trailer will not threaten the public good or the character of The Village At Seabrook Island or Seabrook Island as a whole. The lot on which the construction trailer is placed will be appropriately landscaped and maintained to ensure the overall quality of The Village At Seabrook Island while construction takes place. Following the completion of construction, the construction trailer will be removed promptly.
LOCATION MAP
NOT TO SCALE

LEGEND

I.P.F.
PROPERTY LINE WITH IRON PIN FOUND
I.P.S.
PROPERTY LINE WITH IRON PIN SET
CENTERLINE
RIGHT-OF-WAY LINE
ADJACENT PROPERTY LINE
BUILDING SETBACK

FLOOD ZONE DATA
THIS PROPERTY IS IN FLOOD ZONE "A" (ELEV. 1:1) OF THE FLOOD INSURANCE MAP, COMMUNITY PANEL No. 455413 0440 IN FOR UNINCORPORATED AREAS CHARLESTON COUNTY, SOUTH CAROLINA BEARING THE EFFECTIVE DATE OF SEPTEMBER 2, 1993. ZONE LIMITS ARE ESTABLISHED BY GRAPHIC INTERPRETATION FROM SAD FLOOD INSURANCE MAP AND WERE NOT LOCATED BY FIELD SURVEY OR COORDINATE GEOMETRY.

LOT C20
0.198 AC
(8,610.72 SF)

REFERENCE:
1. A PLAN SHOWING THE SUBDIVISION OF THE VILLAGE AT SEABROOK CONTAINING 42.038 ACRE TRACT LOCATED IN THE TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA, DATED MAY 18, 2000, BY G. ROBERT GEORGE & ASSOCIATES, INC.,

G. ROBERT GEORGE AND ASSOCIATES, INC.
CONSULTING ENGINEERS, PLANNERS
AND LAND SURVEYORS
P.O. BOX 32156
(803) 506-6261
CHARLESTON, SOUTH CAROLINA 29417-3158

JOB NO. : 1171-5
BY TLH
DWG. : 1171-5.DWG
ATTACHMENT #16

Variance #143 – Denied
(April 12, 2007)
Town of Seabrook Island  
Board of Zoning Appeals  
Order of Determination

Date: April 20, 2007

Variance: #143  
Date of Public Hearing: April 12, 2007  
Applicant: Bryan Causey  
Location of property: Lot C-19  2278 Seabrook Island Rd, The Village at Seabrook  
Parcel Number: 147-00-00-127

Dear Mr. Causey:

The Town of Seabrook Island Board of Zoning Appeals held a public hearing on the above referenced date to consider your request for a variance from the strict application of Section 7.60 of the Seabrook Island Development Standards Ordinance as it pertains to the particular piece of property cited above. Based upon the documentation submitted as part of this application and testimony presented at the public hearing, the Board of Zoning Appeals find that the request for a variance is DENIED based on the following:

No other variances are sought in that vicinity and there are other alternatives available. The Board finds that authorizing the variance will be of substantial detriment to adjacent property and to the public good based on the finding that the house would be platted too close to a major street (Seabrook Island Rd.) and establish a dangerous precedent.

[Signature]
Board of Zoning Appeals Chairman  
[Signature]
Secretary  
4/25/07

Date issued: 4/12/2007  Date mailed to parties of interest: 4/26/2007  
Notice of Appeal to the Circuit Court of Charleston Council must be filed within 30 days after the date this Order was mailed.
<table>
<thead>
<tr>
<th>Name</th>
<th>Approval Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>William S. Wolfe-Chairman</td>
<td>Approved □ Denied ✓</td>
</tr>
<tr>
<td>William Holtz</td>
<td>Approved □ Denied ✓</td>
</tr>
<tr>
<td>Robert A. Quagliato-V-Chairman</td>
<td>Approved □ Denied ✓</td>
</tr>
<tr>
<td>Ike Smith</td>
<td>Approved □ Denied ✓</td>
</tr>
<tr>
<td>Allen Thompson</td>
<td>Approved □ Denied ✓</td>
</tr>
</tbody>
</table>
Chairman William S. Wolfe called the meeting of the Board of Zoning Appeals to order April 12, 2007, at 3:00 p.m. The requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. The Chairman welcomed newly appointed members Bill Holtz and Allen Thompson to the Board. The term of service for Mr. Holtz will expire in 2010 and 2011 for Mr. Thompson.

**Election of Vice-Chairman**
The Chairman explained that a member of the Board needed to be nominated as Vice-Chairman. Board Member Ike Smith moved to nominate Robert Quagliato as Vice-Chairman for 2007. Bill Holtz seconded the motion. The motion to approve was unanimous.

**Approval of June 30, 2006 Minutes**
[The Board of Appeals will meet as necessary. The last meeting of the Board was June 30, 2006.] Copies of the draft minutes for the June 30, 2006, meeting were distributed for review. Chairman Bill Wolfe asked if there were any corrections to the draft minutes. Hearing none, he asked for a motion to approve the minutes as submitted. Mr. Robert Quagliato moved to accept the minutes as written. Mr. Holtz seconded the motion. The motion to approve the minutes was unanimous.

**Variance #143 Bryan Causey represented by Architect Marc Bishop**
Architect Mark Bishop represents the property owner, Mr. Bryan Causey. The applicant is requesting a variance from the strict application of the Development Standards Ordinance Section 7.6 Minimum Setbacks.
The property is located at 2278 Seabrook Island Road within The Village at Seabrook, a Detached-Multi Family development. The lot is Non-Conforming with two 30’ front setbacks. Mr. Bishop sited the house using the smallest footprint of ARB approved plans however; the construction still encroached into the setbacks. The site plan submitted shows a 2’ encroachment at the rear corner of the building. Mr. Bishop proposes to move the house forward.

The Board members were not in favor of moving the house closer to Seabrook Island Road, a major street. The property backs up to the Equestrian Center. The Members suggested moving the house closer to the rear setback line. Mr. Bishop commented that because of the size of the building, it would look out of place.

Having no further comments, the Chairman asked for a motion to approve the variance request. The vote was as follows:

- William Holtz
  - Robert Quagliato
  - Ike Smith
  - Allen Thompson

Based on a majority vote of the Board Members, the variance request was denied.

Having no other business the meeting adjourned at 3:20 p.m.
NOTICE OF APPEAL – Form 1
Board of Zoning Appeals
TOWN OF SEABROOK ISLAND-COUNTY OF CHARLESTON

Date Filed: 3/5/07
(To be Completed by Office Administration)
Application Fee: $50
Variance
Permit - Application #: 143
Appeal #

This form must be completed for a hearing on an Appeal (1) from the action of a zoning official, (2) application for a Variance or (3) application for Special Exception.
Applications should be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) all must sign the Designation of Agent.

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

OWNER(s) [Please print]: MR. BEYAN CAUSET
Address: 1616 Columbia St, Columbia, S.C. 29205

Telephone: (803) 513-4081

APPLICANT
Owner(s) [if other than Applicant]: MARY J. BISHOP
Address: 15 LORD ASHLEY DRIVE
CHARLESTON, S.C. 29407

Telephone: (843) 852-9442

Property Address: Bridle Trail Dr., The Village At Seabrook
Seabrook Island, S.C. 29455
Lot C-19 Block Tax Map #: 47-00-00-27

Designation of Agent [Complete only if owner is not applicant]
I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.
Date: 2/16/07

Owner Signature(s)

Applicant’s Certification
I (we) certify that the information in this application and attached Form 2 or 4 is correct.
Date: 2/16/07

Applicant Signature(s)
1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provision of the Zoning Ordinance: **LOT SETBACKS**

   **SECTION 7.6 MINIMUM SETBACKS**

so that a zoning permit may be issued to allow use of the property in a manner shown on attached plot plan, described as follows: **SINGLE FAMILY HOME IN THE VILLAGE AT SEABROOK**

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

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

   a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows: **NON-CONFORMING LOT WITH THO FRONT STREET SETBACKS**

   b. These conditions do not generally apply to other property in the vicinity as shown by: **SIZE OF PROPERTY AND CORNER SETBACKS**

   c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows: **BUILDING OF A PRE-APPROVED HOME IN THE VILLAGE AT SEABROOK**

   d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons: **IT WILL STILL BE CONSISTENT WITH REST OF HOUSES IN NEIGHBORHOOD.**

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

   **SITE PLANS SHOWING HOUSE ON PROPERTY WITH SETBACKS**

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

   Signature of Applicant

   Date 2/10/07
March 6, 2007

Re: Variance Request
Lot C-19 / Village at Seabrook

Dear Neighbor:

This letter is to inform you that I have applied to the Town of Seabrook for a variance from the Town setback requirements for my property. A public hearing regarding our application will be convened on April 12, 2007 at the Town Hall at 3:00 p.m.

The circumstances regarding my request for a variance are as follows:

Upon purchase of our lot, I consulted with my architect to determine what model home would be suitable for the lot. Since the lot is on a corner of two intersecting streets, I am required to have two front setbacks of 30'-0". With this impact in mind, I chose the model with the smallest footprint - Model "D".

After siting the house and making modifications to the fireplace, I was still unable to make even the Model "D" fit without a variance. As I’m sure you are aware the lots are very small and 15'-0" must be maintained between houses.

With this in mind, I am requesting a variance of 2'-0" into one of the front setbacks. This is the setback on Seabrook Island Road. I am doing this on the grounds that this is an extraordinary extenuating circumstance, does not undermine the intentions and purposes of the setback rules, and does not violate the spirit and character of the Village at Seabrook.

It is within your right as neighboring property owners to attend and participate in the public hearing.

Sincerely,

Bryan Causey
I hereby certify that I served the attached letter on the persons listed below by U.S. certified mail at the addresses indicated:

Mr. Joe Salvo
The Club at Seabrook
1002 Landfall Way
Seabrook Island, S.C. 29455

Mr. Hank Hofford
Bennett - Hofford Construction Company
17 Lockwood Drive
Charleston, S.C. 29401

Mr. Elden P. Sherman
418 Live Oak Drive
Mt. Pleasant, S.C. 29464

Mr. Tim Keene
Cypress Homes LLC
P.O. Box 2901
Huntersville, N.C. 28070-2901

Ms. Catherine A. Patterson
4064 Bridle Trail Drive
Seabrook Island, S.C. 29455

Mr. Christopher Daniels
8 Fox Chase Drive
Harrisburg, PA 17111-4907

Mr. Delbert R. Kahn
839 Hinchley Run
West Chester, PA 19382-7983

Mark J. Bishop
Agent for the Owner (Bryan Causey)
Variance #148 – Denied
(December 10, 2013)
Applicant Name: Vin-Yet Architecture
Property Owner: Tim and Shelley Chambers
TMS# 147-00-00-104
Property Address: 2283 Seabrook Village Drive
Request: Variance to use the rear property line as a side property line and allowing a 7.5’ side setback. The property has two front setbacks.

Date Filed: November 4, 2013

The Town of Seabrook Island Board of Zoning Appeals held a public variance hearing on December 10, 2013 to consider your request for a variance from the strict application of Section 7 of the Development Standard Ordinance. Based upon the documentation and testimony presented at the public hearing, the Board of Zoning Appeals finds that the application meets or does not meet the criteria for a variance as follows:

There are no extraordinary and exceptional conditions pertaining to the particular piece of property. The applicant has not met its burden of proof that a variance would be the only relief to build a suitable home on this particular corner lot.

Based on a unanimous vote, the Town of Seabrook Island Board of Zoning Appeals therefore orders that the Variance is **DENIED**.

Date issued: 12/10/2013 Date mailed: 12/20/2013
Notice of appeal to Circuit Court must be filed within 30 days after the date this order was mailed.
Town of Seabrook Island
Board of Zoning Appeals

Minutes

Board Members Present:
William S. Wolfe, Chairman
Jerry Farber
Robert Quagliato, Vice-Chairman
Dave Osborn
Dr. Joe Sanders
Randy Pierce, Zoning Administrator
Lynda Whitworth, Secretary

Guests Attending
Justin Smith, Vin-Yet Architecture
Cathy Patterson, Board President, The Village
Patrick Nicoles
Approx. 4 residents of The Village at Seabrook

Chairman William S. Wolfe called the meeting of the Board of Zoning Appeals to order December 10, 2013 at 10:00 a.m. The requirements of the Freedom of Information Act were fulfilled and properly posted. The Chairman asked each person that gave a statement during the hearing to swear that the statement was truthful.

Variance 148 Vin-Yet Architecture,
The property is located at 2283 Seabrook Village Drive. Justin Smith is the applicant representing the property owners Tim and Shelley Chambers. The applicant is appealing the strict enforcement of the 25' rear setback.

Mr. Smith explained the variance request is to allow the use the rear property line as a side property line and allow a 7.5' side setback to maximize the potential of the lot. Mr. Smith provided site plans for the Board to review prior to and during the hearing.

Cathy Patterson is the President of The Village at Seabrook Board of Directors. Ms. Patterson informed the Board there are 19 corner lots; 9 of them are considered small lots and 4 have houses built on them. Ms. Patterson added that she is representing the board at the Village and they are opposed to approving the variance request.

The Chairman asked for the Town’s position on granting the variance. Randy Pierce, the Town’s Zoning Administrator advised the Board that a suitable home could be built on the lot without a variance. He added that the Town is opposed to granting the variance request.
The Chairman stated there was enough testimony to vote on the variance. He stated that it is apparent that the applicant wanted a larger house, but had purchased a small lot and the Chairman pointed out that the Board of Appeals rules on this type of variance relief the most frequently. He added that there appeared to be no extraordinary or exceptional conditions pertaining to the particular piece of property.

Chairman Wolfe asked the Board to give their individual votes based on the documentation and testimony presented at the public hearing. The Chairman asked that the members give the vote verbally; either yea to approve or na to deny.

The Chairman asked for any votes that were in favor of granting the variance. There were no yea votes in favor of granting the variance.

William S. Wolfe-na Robert Quagliato-na
Jerry Farber-na Dave Osborn-na
Dr. Joe Sanders-na

Chairman Wolfe said that based on a unanimous vote, the Town of Seabrook Island Board of Zoning Appeals therefore orders that the Variance is **DENIED**.

**Nomination and Election of Chairman**
Jerry Farber nominated Dr. Joe Sanders for Chairman of the Board of Zoning Appeals. The motion was seconded by Robert Quagliato. The motion was unanimously approved. [The Chairman suggested postponing the nomination of a Vice-Chairman.]

**Approval of Minutes**
There were no changes to the draft minutes of July 12, 2007. Robert Quagliato moved to approve the minutes as submitted. The motion was seconded by Jerry Farber. The motion was unanimously approved.

Having nothing further to discuss, the hearing adjourned at 10:50 a.m.
NOTICE OF APPEAL - Form 1

Board of Zoning Appeals
TOWN OF SEABROOK ISLAND-COUNTY OF CHARLESTON

Date Filing: 11/4/2013 (To be Completed by Office Administration)

Application Fee: $350.00 Permit Application#: Appeal#: 148

This form must be completed for a hearing on an Appeal (1) from the action of a zoning official, (2) application for a Variance or (3) application for Special Exception.
Applications should be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) all must sign the Designation of Agent.

THE APPLICANT HEREBY APPEALS [indicate one with an X]:

X From action of a zoning official as stated on attached Form 2.

For a variance as stated on attached Form 3

For a Special Exception as stated on attached Form 4.

Applicant(s) [Please print]: Justin Smith
Address: 329 East Bay Street, First Floor
Charleston, SC 29401
Telephone: 843.619.7662

Owners(s) [if other than Applicant] Tim and Shelley Chambers/Sea of Love, LLC
Address:
Telephone:

Property Address: 2283 Seabrook Village Drive
Seabrook Island, SC 29455
Lot 45 Block B Tax Map #:147-00-00-104

Designation of Agent [Complete only if owner is not applicant] I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.
Date: 10-29-15

Owner Signature(s)

Applicant's Certification I (we) certify that the information in this application and attached Form 2, 3 or 4 is correct.
Date: 10.29.13

Applicant Signature(s)
1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the
strict application to the property described in the Notice of Appeal (Form 1) of the
following provision of the Zoning Ordinance: **the 25.0' rear setback located near
the East property line.**

so that a zoning permit may be issued to allow use of the property in a manner shown on
attached plot plan, described as follows: **we are requesting this property line be viewed
as a side property line and have a 7.5' side setback. This property has two front setbacks and
to also give it one designated a "rear" hinder the opportunity to build an appropriate home
for which a permit has been denied by a zoning official on the grounds that the proposal
would be in violation of the cited section (s) of the Zoning Ordinance.**

2. The application of the ordinance will result in unnecessary hardship, and the standards
for a variance set by State law and the ordinance are met by the following facts:
   a. There are extraordinary and exceptional conditions pertaining to the particular
      piece of property as follows:
      **the shape of the lot due to it being a corner lot**

   b. These conditions do not generally apply to other property in the vicinity as shown by:
      **the shape of the lot due to it being a corner lot**

   c. Because of these conditions, the application of the ordinance to the particular
      piece of property would effectively prohibit or unreasonably restrict the utilization
      of the property as follows:
      **none of the existing approved plans for the Village at Seabrook would be available to be built on this property without major
modifications.**

   d. The authorization of the variance will not be of substantial detriment to adjacent
      property or to the public good, and the character of the district will not be harmed
      by the granting of the variance for the following reasons:
      **this is a very visible piece of property for the neighborhood and
requires thoughtful design and consideration**

3. The following documents are submitted in support of this application:
   **site plan of lot as well as examples of approved plans for the Village
at Seabrook superimposed on this piece of property**

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

   [Signature of Applicant]

   10.29.13

   Date
Site Plan

Scale: 1/76" = 1'-0"
November 12, 2013

KT 1992 LLC (owner of Lot B43 in the Village at Seabrook per Charleston records)
174 East Bay Street, Suite 201
Charleston, SC 29401

Re: Request for a response to Variance request for Lot B45 in the Village at Seabrook located at 2283 Seabrook Village Drive

To whom it may concern:

This is a formal letter being sent on behalf of my clients who own Lot B45, which is adjacent to your’s, to notify you that we are going before the Board of Zoning Appeals for the Town of Seabrook to request a variance from the “rear setback” located at the east of the property.

There is a hardship on this lot created by the (2) 30.0’ front setbacks applied to the North and West property line because this is a corner lot. These setbacks prohibit an existing, accepted plan of the PUD to be placed on this lot. Because of the value and importance of this being a corner lot, we are requesting the setback at the East Property line be treated as a side setback, creating a 7.5’ setback, as opposed to the 20.0’ it currently is. This would allow for us to create a new design to be accepted to the PUD and properly address this lot as it needs to be. The (2) front setbacks would remain 30.0’.

Please take a look at the attached drawings for further explanation. Please feel free to call or email should you have any questions or concerns. Thank you for your consideration and we anxiously await your thoughts.

The Town of Seabrook will be holding a public hearing regarding our application and will be convened on December 10, 2013 at Town Hall at 10:00 am.

Sincerely,

Vin-Yet Architecture

Myles S. Alexander, AIA
Principal

R. Justin Smith
Principal
Lynda Manning

From: Justin Smith [justin@vin-yet.com]
Sent: Thursday, October 10, 2013 5:18 PM
To: lmanning@townofseabrookisland.org
Cc: Tim Chambers; myles@vin-yet.com; jamey@vin-yet.com
Subject: Lot B45 - The Village at Seabrook
Follow Up Flag: Follow up
Flag Status: Red
Attachments: 092513-Lot B45 Site.pdf

Lynda - please accept the attached .pdf for submittal to the November Planning Commission Meeting. From discussions with Randy Pierce, we have decided to have the Planning Commission review our hardship in hopes of granting a relief from the rear 25' setback line. As you can tell from the .pdf this is a premier lot in the community and will be very visible. My client, through another process, is interested in designing a custom home that could be the marquee of the neighborhood, as well as be one of the only accepted plans in the PUD that will fit/address corner lots. However, this lot was originally platted to have 2 front setbacks along the street, 1 side setback (shared with Lot B44) and a rear setback (along the property line shared with Lot B46). This has caused a very difficult shape to manage a decent size house to the address the corner.

The west property line of Lot B46 will have a 7.5 side setback as mandated by the plat, and we feel it should be readdressed that the "rear" 25' setback be viewed as a side setback and reduced to 7.5' to make a total of 15' between the two residences.

if you could please, review and submit the attached for the "working session" of the November meeting of the Planning Commission? Also please confirm the receipt of this email and our inclusion on the November Agenda.

Thank you! I look forward to hearing from you.

R. Justin Smith | Principal
VINYET ARCHITECTURE
843.619.7662 [o]
Asheville | Charleston | Rock Hill
www.vin-yet.com
Lynda Manning

From: Janet Gorski [gorskijw@gmail.com]
Sent: Monday, October 14, 2013 10:41 AM
To: Justin Smith
Cc: Lynda Manning; Cathy Patterson; Randy Pierce
Subject: Re: Lot B45 - The Village at Seabrook

I'll leave this for Randy and Lynda.
"

On Mon, Oct 14, 2013 at 11:31 AM, Justin Smith <justin@vin-yet.com> wrote:

That is fine.... what needs to be our next course of action to get before the Zoning Board of Appeals?

R. Justin Smith | Principal

VINYET ARCHITECTURE

843.619.7662 [o]

Asheville | Charleston | Rock Hill

www.vin-yet.com

From: Janet Gorski [mailto:gorskijw@gmail.com]
Sent: Monday, October 14, 2013 9:23 AM
To: Lynda Manning
Cc: Justin Smith; Cathy Patterson; Randy Pierce
Subject: Re: Lot B45 - The Village at Seabrook

Hello all-

As I understand it, modifying the ordinance regarding setback requirements would result in a modification of the setback requirements for all similarly located lots - it couldn't apply only to one lot. Additionally, the ordinance would need to be approved by the Town Council and go through a lengthy process. I
think seeking a variance from the Zoning Board of Appeals is the appropriate process. [Planning Commission doesn't have the authority to grant a variance]. I understand this isn't the answer that Mr. Smith is seeking, but I do think it's the appropriate procedure to follow.

Janet Gorski

Chair, Seabrook Island Planning Commission

843-768-9407

On Fri, Oct 11, 2013 at 9:40 AM, Lynda Manning <lmanning@townofseabrookisland.org> wrote:

Justin,

The issue I see would require the Planning Commission to adopt an amendment of an existing ordinance. Otherwise, it would require a Variance from the Board of Appeals.

I am going to forward this to Janet Gorski, the Chairman of the Planning Commission and copy Cathy Patterson, the President of the Village at Seabrook.

Lynda

From: Justin Smith [mailto:justin@vin-yet.com]
Sent: Thursday, October 10, 2013 5:18 PM
To: lmanning@townofseabrookisland.org
Cc: Tim Chambers; myles@vin-yet.com; jamey@vin-yet.com
Subject: Lot B45 - The Village at Seabrook

Lynda - please accept the attached .pdf for submittal to the November Planning Commission Meeting. From discussions with Randy Pierce, we have decided to have the Planning Commission review our hardship in hopes of granting a relief
from the rear 25' setback line. As you can tell from the .pdf this is a premier lot in the community and will be very visible. My client, through another process, is interested in designing a custom home that could be the marquee of the neighborhood, as well as be one of the only accepted plans in the PUD that will fit/address corner lots. However, this lot was originally platted to have 2 front setbacks along the street, 1 side setback (shared with Lot B44) and a rear setback (along the property line shared with Lot B46). This has caused a very difficult shape to manage a decent size house to the address the corner.

The west property line of Lot B46 will have a 7.5 side setback as mandated by the plat, and we feel it should be readdressed that the "rear" 25' setback be viewed as a side setback and reduced to 7.5' to make a total of 15' between the two residences.

If you could please, review and submit the attached for the "working session" of the November meeting of the Planning Commission? Also please confirm the receipt of this email and our inclusion on the November Agenda.

Thank you! I look forward to hearing from you.

R. Justin Smith | Principal

VINYET ARCHITECTURE

843-619-7662 [o]

Asheville | Charleston | Rock Hill

www.vin-yet.com

---

Janet Gorski
843-768-9407

---

Janet Gorski
843-768-9407

10/31/2013
Notice of Appeal – Cathy Patterson
(July 1, 2019)
Notice of Appeal - Form 1
Board of Zoning Appeals

Date Filed: 7-1-2019 Permit Application No. __________ Appeal No. 39

Instructions
This form must be completed for a hearing on appeal from action of a zoning official, application for a variance or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent. An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

☐ from action of a zoning official as stated on attached Form 2
☐ for a variance as stated on attached Form 3.
☐ for a special exception as stated on attached Form 4.

APPLICANT(S) [print] Cathy Patterson
Address: 4064 Drive Drive [home]
Telephone: 843-768-9726 [work]
Interest: Owner(s): In the Village Adjacent Owner(s); Other: 
OWNER(S) [if other than Applicant(s)]:
Address: 
Telephone: [work] [home] [Use reverse side if more space is needed.]

PROPERTY ADDRESS:
Lot __________ Block __________ Subdivision Village at Seabrook PUD
Tax Map No. __________ Plat Book __________ Page __________
Lot Dimensions: __________ Area: __________
Zoning District: __________ Zoning Map Page: __________

DESIGNATION OF AGENT [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: ____________________________
গ্রেপ্টেরন সিনটাচার
Owner signature(s)

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

Date: 7-1-2019

Cathy Patterson
Applicant signature(s)
Appeal from Action of Zoning Official - Form 2
Board of Zoning Appeals

Date Filed: 7-1-2019 Permit Application No. ___________ Appeal No. _________

1. Applicant hereby appeals to the board of zoning appeals from the action of the zoning official affecting the property described in the Notice of Appeal [Form 1] on the grounds that:

☐ granting ☐ denial of an application for a permit to ____________
was erroneous and contrary to provisions of the zoning ordinance in Section _______; or
other action or decision of the zoning official was erroneous as follows:

Does not follow the Master Plan of the Village as best today

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

it may make some lots undevelopable

decreases the value of lots & homes

it changes the present appearance of the Village

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

What is closely, closely planned in the final plat map - given that the zone T.A. may have made minor changes so it is not 100% correct

4. Applicant requests the following relief:

That the Master Plan & original intent of the Village plat map is followed & all non-conforming uses are grandfathered

Date: 7/1/2019

Applicant signature: Catherine A. Patterson
July 1, 2019

To the Town of Isle of Palms Board of
Zoning Appeals,

I am appealing the zoning administrator
 determinations for changing the setback requirements
for the Village at Seabrook. The new setback regulations
are not what has been built in the village for the
past 19 years. I am questioning who amongst the
DSD, Village master plan, SIPDA-ARC, has control
over the Village setbacks. Who determines who has the
more restrictive setbacks? Why have the setbacks
changed after all these years? It seems the changes
are major - why isn’t the planning commission
overseeing the changes and sending their recommendations
to Town Council to amend the master plan of the
Village PUD, as per the DSD.

Who is correct? The previous zoning
administrator who had direct contact with the
Developer of the Village, the planning commission, the
builders, SIPDA-ARC, or the Town Council, or the new
determinations?

I feel these determinations that have been
made will have a negative impact on some
village property owners.
In the worst case scenario, where there are 3 side by side undeveloped lots, if the outer 2 lots each built to their lot lines, the middle lot would have to provide the full 15 ft. of buffer on each side & most likely become unbuildable. In addition corner lots, pel-de-pec corner lots & previously built corner houses will now have no rear yard setbacks required. Therefore houses can be built back to back 15 feet apart as opposed to the original 50 feet requirement used in the past. All pie shaped lots will now have a 35 feet rounded rear setback.

It seems that the placing of homes on odd shaped lots & corner lots within the village was a challenge, but the original plan accepted this restriction in order to meet the density requirements of the PUB. This can be seen on the final Plat map of the village along with the Land Usage Summary & set back requirements. It also can be supported visually as to how the village has been built out so far to date.

Enclosed is the $1,500.00 fee that is required.

Sincerely —

Early Patterson
4064 Bridle Trail Drive
Individual owner Village at Teakwood
ATTACHMENT #19

Appellant’s Supporting Materials
techniques in existing ordinances. However, the term as defined in the 1994 Act applies to uses specified in the text of the zoning ordinance which may be permitted only when those specified conditions or standards are met. S.C. Code § 6-29-720(C)(6). If the ordinance conditions or standards are met, the zoning administrator may issue a permit for the use without review by the board of zoning appeals. If review by the board is desired so that additional conditions may be imposed, the use should be listed as a permitted special exception, not a conditional use. Only the board of zoning appeals is authorized to grant special exceptions after a public hearing. District regulations must contain a list of permitted uses and may contain a list of uses permitted by special exception and conditional uses.

**Planned Development District**


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

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

1. **Text amendment.** The governing body must amend the text of the zoning ordinance and the zoning district map to establish a planned development district.

2. **Map.** The planned development map for the project becomes the zoning district map for the property.

3. **Uses.** The text of the plan provides the specific uses, densities, setbacks and other requirements for the planned development. It becomes the text of the zoning ordinance describing the permitted uses and other details of the planned

---

This is from the Comprehensive Planning Guide for Local Units.
development. These provisions are tailored to the specific development and may vary from the regulations for other zoning districts concerning use, setbacks, lot size, density, bulk and other requirements. This allows flexibility in arranging different uses.

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

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

**Cash or Dedication in Lieu of Parking**

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

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

**Zoning Ordinance**

**Procedure for Adopting Zoning Ordinances**

Adopting a zoning ordinance is a legislative function. Amendments to the ordinance text or zoning map must be adopted in the same manner as the original ordinance. The procedure is prescribed in S.C. Code § 6-29-760. This procedure may vary slightly, depending on ordinance notice provisions and whether council or the planning commission is designated to hold public hearings. The following procedural steps are required.
Town of Seabrook Island - Zoning Permit

### Permit Details
- **Permit Date**: 09/27/1997
- **Permit #: Town**: 1739
- **License #:** 0
- **TMS Number**: 147-00-00-009
- **Thru**: 
- **And**: 
- **Paid Date**: 09/27/1997
- **App Fee**: $820.00
- **Cash**: No
- **Check #**: 1008
- **Applicant Name**: Seabrook Island I L.L.C.
- **Contact Name**: Hank Hofford or Dave Savitz
- **App Address**: 17 Lockwood Dr. The Rice Mill
- **App City**: Charleston
- **St**: SC
- **Zip**: 29402

### Property Details
- **Property Owner**: Seabrook Island L.L.C.
- **Owner Address**: P.O. Box 1707
- **Owner City**: Charleston
- **St**: SC
- **Zip**: 29455

### Property Location
- **Lot**: 
- **Block**: 56 acre lake entry tract
- **Purpose**: Submittal of a Planned Unit Development for property presently known as the Entry Site. This property is just past the gate on the left leading into Island.

### Work Details
- **Work Value**: $0.00
- **Const Cost**: $0.00
- **Flood Elev**: 13
- **Zone**: A8

### Architectural Review
- **Comments**: Requires Recommendation of Planning Commission and approval of Town Council.
- **Amendment**: 2/4/2000 to amend this application for a planned development of a health facility to a planned multi-family development of 105 units.

This Zoning Permit is valid for six (6) months. The action for which this permit was must be taken within that time period.

If this zoning permit is for issuance of a building permit, such building permit is va: period of one (1) year as described in the town code.

Any extensions, alterations, or amendments must be approved in writing by the Town of Island Zoning Administration.

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

---

**Owner/Applicant's Signature**

Wednesday, January 05, 2000

**Zoning Administrator**

Wednesday, January 05, 2000

---

**Printed Name**
January 4, 2000

TRANSMITTED VIA FAX 768-9830

Mr. Douglas M. Smith  
Zoning Administrator  
Town of Seabrook Island  
1893 Andell Bluff Blvd.  
Johns Island, SC 29455

Dear Doug:

I wanted to follow up on our recent conversations regarding my revised plans for the Lake Entry Tract that I own on Seabrook Island. As we discussed, my revised submittal is an amendment to my previously submitted P.U.D. I am specifically amending my P.U.D. for the Lake Entry Tract to eliminate the health care facilities, and I am proposing that the property be developed as 106 multi-family residential lots. The six acre lake will be deeded to the S.I.P.O.A. as well as the roads that will be constructed on the site. The five acre horse pasture will remain leased to The Seabrook Island Club.

I am hopeful that the application for the amendment to the original Lake Entry P.U.D. can be reviewed and approved by the Town Planning and Zoning Committee at their next meeting, and that The Seabrook Island Town Council will process and approve the necessary ordinance for the proposed amendment. Please let me know if there are any other requirements necessary for you to process my applications. Thank you for your help with this project.

Sincerely,

SEABROOK ISLAND I, L.L.C.

[Signature]

John H. Hofford  
Managing Member

JHH/dl

P.O. Box 1707  
Charleston, SC 29402  
(843) 722-8169  
(843) 577-2061 Fax
Town Of Seabrook Island
Zoning Permit Application

Phone 768-9121

Please Print

Fee Schedule
Permit for construction of VAQ House $100.00
Permit for construction of non VAQ House $25.00
All others are $15.00

If permit is for construction please indicate purpose by checking one of the following:

VAQ HOUSE □
NON VAQ HOUSE □
Other □

If application is not for the purpose of construction please check other

Date 12-22-99
TMS NO: 147 00 00 009

APPLICANT NAME: JOHN H. ITOFFORD
PHONE: 722-8169

PLACE NAME LISTED IN TOWN'S BUSINESS LICENSE IF APPLICANT IS A BUSINESS

NAME OF BUSINESS CONTACT: BENNET ITOFFORD CONST CO.

ADDRESS: P.O. BOX 1707
CITY: CHARLESTON STATE: SC ZIP CODE 29402

PROPERTY OWNERS NAME: SEABROOK ISLAND
PHONE: 722-8169

OWNERS MAILING ADDRESS: P.O. BOX 1707
CITY: CHARLESTON STATE: SC ZIP CODE: 29402

PROPERTY LOCATION: STREET ADDRESS SEABROOK ISLAND P.O. LOT Block

PURPOSE OF PERMIT: AMENDMENT TO PUD AND
PRELIMINARY SITE PLAN REVIEW

TOTAL VALUE OF CONSTRUCTION: BASE FLOOD ELEVATION: ZONE:
CONSTRUCTION COST: DATE OF SIPOA APPROVAL:

APPLICANTS SIGNATURE: DATE: 12-22-99

THIS IS AN APPLICATION ONLY:
PERMIT WILL BE ISSUED UPON APPROVAL BY THE TOWN OF SEABROOK ISLAND
January 8, 1997

RECEIVED
DEC 22 1999
BY:
Dear Doug -

I am submitting for your review and processing an amendment to my P.U.D. Submitted for the 42 ac. Lake Fmtry property. Please let me know if you need any additional information. I'll contact you the first week of Jan. 2000. Thank you for your assistance with this application!

Best Regards

[Signature]
TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2000-01

ADOPTED FEBRUARY 22, 2000

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

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

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

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

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

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

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

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

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

SECTION 1. Purpose

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

SECTION 2. PUD Adopted

The Lake Entry Tract PUD (Application # 1739 as amended) (Exhibit A) is hereby approved and adopted. The approved amendments to the application which shall constitute the PUD for this property are shown on the map attached as Exhibit B and incorporated herein by reference. The Lake Entry Tract PUD is
subject to all of the requirements of the Town Code and DSO including but not limited to DSO Sections (7) and (8). The applicant further agrees all roads within the PUD as well as the six-acre lake shall be deeded to the Seabrook Island Property Owner's Association.

SECTION 3. Severability

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

SECTION 4. Effective Date

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

PASSED, APPROVED AND ADOPTED BY THE COUNCIL FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA, ON THIS 22ND DAY OF February, 2000.

Mayor

Town Clerk

First Reading: January 25, 2000
Public Hearing: February 22, 2000
Second Reading: February 22, 2000
<table>
<thead>
<tr>
<th>Permit Date:</th>
<th>03/27/1997</th>
<th>Permit #:</th>
<th>1739</th>
<th>License #:</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>TMS Number:</td>
<td>147-00-00-009</td>
<td>Thru:</td>
<td>App Fee:</td>
<td>$920.00</td>
<td>Cash:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>And:</td>
<td>Check #:</td>
<td>1008</td>
<td></td>
</tr>
<tr>
<td>Applicant Name:</td>
<td>Seabrook Island I. I. C.</td>
<td>Phone:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contact Name:</td>
<td>Hank Hoffard or Dave Savitz</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>App Address1:</td>
<td>17 Lockwood Dr. The Rice Mill</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>App Address2:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>App City:</td>
<td>Charleston</td>
<td>St:</td>
<td>SC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zip:</td>
<td>29402</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Owner:</td>
<td>Seabrook Island I. I. C.</td>
<td>Phone:</td>
<td>722-8200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner Address1:</td>
<td>P. O. Box 1707</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner Address2:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner City:</td>
<td>Charleston</td>
<td>St:</td>
<td>SC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zip:</td>
<td>29455</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Location:</td>
<td>Lot:</td>
<td>Block:</td>
<td>56 acre lake entry tract</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Address:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purpose:</td>
<td>Submission of a Planned Unit Development for property presently known as the Lake Entry Site. This property is just past the gate on the left leading into the Island.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Work Value:</td>
<td>$0.00</td>
<td>Const Cost:</td>
<td>$0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flood Elev:</td>
<td>13</td>
<td>Zone:</td>
<td>A8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Architectural Review Board:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td>Requires Recommendation of Planning Commission and approval of Town Council</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Town Council voted on June 24, 1997 to accept the Planning Commission recommendation that this application be denied because it did not meet sec 9.10.0.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amendment:</td>
<td>2/4/2000 To amend this application for a planned development of a health care facility to a planned multi-family development of 106 units.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any extensions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Owner/Applicant's Signature: [Signature]

Zoning Administrator: [Signature]

Wednesday, January 12, 2000

257
Error in naming Equestrian Center over by S100A
Not registered in Charleston County

Exhibit 3

Setback
Land use
Zero lot lines 12-22-99

36 42 5

42 / 4 acres
March 10, 2000

Bennett-Hofford Construction, Inc.
Post Office Box 1707
Charleston, SC 29402

Dear Mr. Hofford:

The Site Plan Review form that was given to Bennett-Hofford Construction was received incomplete. The following represents requirements that need to be met in order to declare the Hofford application complete. The Site Plan Review form should be resubmitted when the information is complete. This is the information we have identified so far as being necessary for a complete application. However, this does not relieve Bennett-Hofford of the responsibility to furnish any information the Planning Commission deems necessary.

1. Preliminary Plat: While this not necessary for the application, it should be submitted and approved with the application so there will be no delay on the final approval. A preliminary plat is required to be recorded.

2. Fire Department approval

3. Comments from the SIPOA

4. DHEC (Corp of Engineers, OCRM)

5. Charleston County Public Works (In process)

6. Seabrook Island Water and Sewer Commission

7. Berkeley Electric Company

8. Elevation and Exterior finishes of the houses

9. Percentage of property that will covered

10. Regime covenants

11. Trees over 12" diameter must be marked for visual inspection by Planning Commission of trees to be removed.
To be shown on project plans:

- Drainage easement must be shown.
- Right of Way must be better defined in front of the Club maintenance property.
- Road names should be submitted and approved by Charleston County Planning Department, and added to plans.
- Correct wording on Re-subdivision plans. Plans state that the Equestrian Center is owned by the Property Owners Associates, this is incorrect, it is owned by The Club.

These are not requirements but are suggested:

- In order to expedite the subdivision process, it is suggested that you may want to consider including the lake, roads, etc. in one application.
- I have noted that the road leading into The Club Maintenance area crosses lots C-1 and C-2. Are you aware of this?

Sincerely yours,

Douglas M. Smith
Zoning Administrator

Cc: Planning Commission members
April 18, 2000

Town of Seabrook Island
Planning and Zoning Commission
Zoning Administrator
1893 Andell Bluff Blvd.
Johns Island, SC 2955

RE: The Village at Seabrook Final Zoning and Site Plan Approval

Dear Zoning Administrator:

Please accept the attached as formal application for final approval for The Village at Seabrook. We are requesting approval for the entire community including the lake, roads, water, sewer, storm water drainage, etc.

The attached information was prepared in response to the requests as outlined in Doug Smith’s March 10th letter. To the best of my knowledge, this includes everything that should be required for final approval of our site plan.

If I can be of further assistance, please feel free to give me a call.

Yours truly,

SEABROOK ISLAND I, L.L.C.

[Signature]

John H. Hofford
Managing Member

JHH/dl
Attachment

cc: Tim Blackwelder
CONTENTS

I. Subdivision plat
II. Fire Department approval letter(s)
III. Letter from Seabrook Island P.O.A.
IV. DHEC (Corp of Engineers, OCRM)
V. Letter from Charleston County Public Works
VI. Seabrook Island Water and Sewer Commission
VII. Berkeley Electric
VIII. Elevations and exterior finish schedule
IX. Land use summary
X. Regime covenants
XI. Tree survey

Appendix

Agreement with Club to move access to maintenance area
# LAND USE SUMMARY:

<table>
<thead>
<tr>
<th>Description</th>
<th>Acres</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL AREA:</strong></td>
<td>42.328 ACRE</td>
<td>1,843,793.74 S.F.</td>
</tr>
<tr>
<td><strong>Including Lake</strong></td>
<td>5.886 ACRE</td>
<td>256,377.72 S.F.</td>
</tr>
<tr>
<td><strong>GROUND LEASE AREA</strong></td>
<td>2.680 ACRE</td>
<td>116,756.80 S.F.</td>
</tr>
<tr>
<td><strong>COMMON AREA</strong></td>
<td>0.218 ACRE</td>
<td>9,516.47 S.F.</td>
</tr>
<tr>
<td><strong>TOTAL RESIDENTIAL</strong></td>
<td>18.135 ACRE</td>
<td>780,956.84 S.F.</td>
</tr>
<tr>
<td><strong>ROADWAY RIGHT-OF-WAY AREA</strong></td>
<td>6.460 ACRE</td>
<td>281,394.24 S.F.</td>
</tr>
<tr>
<td><strong>LAGOON PERIMETER COMMON AREA</strong></td>
<td>2.334 ACRE</td>
<td>101,650.69 S.F.</td>
</tr>
<tr>
<td><strong>LAGOON AREA</strong></td>
<td>6.615 ACRE</td>
<td>288,140.97 S.F.</td>
</tr>
<tr>
<td><strong>PHASE I</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ROADWAY R/W AREA</strong></td>
<td>6.460 ACRE</td>
<td>281,394.24 S.F.</td>
</tr>
<tr>
<td><strong>PERIMETER BUFFER AREA</strong></td>
<td>0.373 ACRE</td>
<td>16,256.08 S.F.</td>
</tr>
<tr>
<td><strong>PHASE II</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>RESIDENTIAL AREA</strong></td>
<td>4.131 ACRE</td>
<td>179,951.09 S.F.</td>
</tr>
<tr>
<td><strong>PHASE III</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>RESIDENTIAL AREA</strong></td>
<td>8.388 ACRE</td>
<td>365,399.23 S.F.</td>
</tr>
<tr>
<td><strong>PERIMETER BUFFER AREA</strong></td>
<td>1.246 ACRE</td>
<td>54,292.28 S.F.</td>
</tr>
<tr>
<td><strong>COMMON AREA</strong></td>
<td>0.159 ACRE</td>
<td>6,938.56 S.F.</td>
</tr>
<tr>
<td><strong>PHASE IV</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>RESIDENTIAL AREA</strong></td>
<td>5.616 ACRE</td>
<td>244,606.52 S.F.</td>
</tr>
<tr>
<td><strong>PERIMETER BUFFER AREA</strong></td>
<td>1.061 ACRE</td>
<td>46,208.44 S.F.</td>
</tr>
<tr>
<td><strong>COMMON, AREA</strong></td>
<td>0.122 ACRE</td>
<td>5,305.97 S.F.</td>
</tr>
</tbody>
</table>

**PROPOSED LAND USE:** DETACHED MULTIFAMILY RESIDENTIAL

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

**MAXIMUM LOT COVERAGE:** 40%

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

**LOT REQUIRING ZERO LOTLINE SETBACKS:** A1, A6, A7, A14, A18, A19, A20, B1, B21, B22, B23, B27, B38, B45, B49, C1, C19, C24 & C26

15
TOWN OF SEABROOK ISLAND
PLANNING COMMISSION

REQUEST FOR SITE PLAN REVIEW

**Any changes to the information in this document must be submitted to the Zoning Administrator**

The following is to filled out and signed by the owner of the proposed building
This form is to be accompanied by 6 sets of plans for review

1. LOCATION OF PROPERTY: Seabrook Island Lake Entry Tract

2. OWNER: Seabrook Island I, L.L.C.

   ADDRESS: P.O. Box 1707  TELEPHONE  722-8169

3. ARCHITECT: Mark Bishop - 852-9442/Paul Reilly - 768-8949

   ADDRESS: Charleston, SC  TELEPHONE

4. LAND SURVEYOR/PROFESSIONAL

   ENGINEER: G. Robert George & Assoc.

   ADDRESS: 2411 Savannah Hwy.  TELEPHONE  556-4261

   Charleston, SC

5. CONTRACTOR: Bennett Hofford Const. Co., Inc.

   ADDRESS: 17 Lockwood Dr., Chaste  TELEPHONE  722-8169

6. FINAL DRAWING CHECK LIST

   XX FINAL SITE PLAN  XX FINAL FLOOR PLANS  XX FINAL ELEVATIONS

   XX LANDSCAPE PLAN  XX ARCHITECTURAL SEAL ON DRAWINGS

7. SQUARE FOOTAGE

   * A TOTAL OF SQUARE FOOTAGE OF ALL STRUCTURES (INCLUDING OVERHANGS AND EVESE)

   * B COVERED DECKS, PORCHES AND PORTICOS

   * C UNCOVERED DECKS GARAGES OTHER

   * D TOTAL SQUARE FOOT COVERAGE

   * 7A. Home sq. ft. to be from 1600 to 3200

   * 7B. 600 to 2000 sq. ft.

   * 7C. 200 to 800 sq. ft.; garages - 200 to 800 sq. ft.

   * 7D. Total not to exceed 40% of lot area

8. EXTERIOR FINISHES *

   WALL MATERIAL Cedar/Hardiplank approved colors

   TRIM MATERIAL Cedar/#treated pine - color: Old VA white/Navy

   ROOF MATERIAL metal color grey/grey/red/brown

9. PARKING REQUIREMENTS (SEC. 9 OF THE DSO)

   NUMBER REQUIRED 2-3 per unit

10. SINGAGE

    LOCATION OF SIGN entrance at Seabrook Island Rd./typical str.

    TYPE PERMANENT XX TEMPORARY XX

    DESCRIPTION MATERIAL wood COLOR grey

    BACKGROUND grey LETTERING black

11. SITE PLANS SHOULD BE APPROVED WHERE APPLICABLE BY:

    St. Johns Fire department XX Office of Ocean and Coastal Resource Mgmt. XX

    Seabrook Island POA XX Charleston County Public Works

    Corp of Engineers XX S.I. Water & Sewer Commission XX

    Dept. of Health and Environmental Control XX

12. SIGNATURE

    PRINTED NAME John H. Hofford, Managing Member

    DATE 04/21/00

* 8. See Section VIII
TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2000-08

ADOPTED June 5, 2000

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

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

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

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

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

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

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

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

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

SECTION 1. Purpose

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

SECTION 2. PUD Amended

The Lake Entry Tract PUD (Application # 1739 as
amended)(Exhibit A) is hereby approved and adopted. The approved
amendments to the application which shall constitute the PUD for
this property are shown on the map attached as Exhibit B and
incorporated herein by reference. The Lake Entry Tract PUD is subject to all of the requirements of the Town Code and DSO including but not limited to DSO Sections (7) and (8). The applicant further agrees all roads within the PUD as well as the six-acre lake shall be deeded to the Seabrook Island Property Owner's Association. In addition, subject to the provisions set forth above, the terms and conditions of the Declarations as approved and modified by the Planning Commission, a copy of which is attached as Exhibit C and incorporated herein by reference, are hereby adopted as additional terms and restrictions of this PUD and the zoning granted therein. In the event of any conflict between the terms of the Declarations and the DSO or Town Code, the more restrictive shall apply.

SECTION 3. Severability

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

SECTION 4. Effective Date

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

SECTION 5. Codification

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

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

Mayor

Town Clerk

First Reading: May 23, 2000
Public Hearing: June 5, 2000
Second Reading: June 5, 2000
Town of Seabrook Island - Zoning Permit

<table>
<thead>
<tr>
<th>Permit Date:</th>
<th>03/27/1997</th>
<th>Permit #:</th>
<th>Town:</th>
<th>1739</th>
<th>License #:</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>TNS Number:</td>
<td>147-08-00-009</td>
<td>Thru:</td>
<td>And:</td>
<td>Paid Date:</td>
<td>03/27/1997</td>
<td></td>
</tr>
<tr>
<td>App Fee:</td>
<td>820.00</td>
<td>Cash:</td>
<td>No</td>
<td>Check #:</td>
<td>1008</td>
<td></td>
</tr>
<tr>
<td>Applicant Name:</td>
<td>Seabrook Island LLC</td>
<td>Phone:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contact Name:</td>
<td>Bank Hoppard or Dave Savitz</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>App Address1:</td>
<td>17 Lockwood Dr. The Rice Mill</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>App Address2:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>App City:</td>
<td>Charleston</td>
<td>St:</td>
<td>SC</td>
<td>Zip:</td>
<td>29402</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

Work Value: 60.00 Const Cost: 0.00 Flood Elev: 13 Zone: 60

Architectural Review Board:

Comments: Requires Recommondate of Planning Commission and approval of Town Council.

The Town Council voted on June 24, 1997 to accept the Planning Commission recommendation that this application be denied because it did not meet sec 8.10.0. March 22, 2000, the Town Council voted to approve the amended PUD which changes the development from a Health Care Facility to a development of 106 Multi-Family lots.

This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.

If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code.

Any extensions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.

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

Owner/Applicant's Signature

Owner/Applicant's Signature

Zoning Administrator

Wednesday, January 12, 2000

[Signature]

[Printed Name]

Wednesday, January 12, 2000

[Signature]

[Printed Name]
106 lots

Not sized by A
Not registered in Charleston County
Not Correct Area of Aquaculture Center
12-22-99

Original Scale
Preliminary Plat
Recorded 5-26-2000 106 lots

LEGENDS
- Property Line and Fire Path
- Property Line and Zoning District
- Municipal or County Road
- County Drainage
- State Highway
- River
- Existing Structures
- Proposed Development
- Existing Utilities
- Proposed Utilities

FLOOD ZONE DATA
- A-1
- A-2
- A-3
- VE

REFERENCE:
- Survey was performed by a surveyor certified to perform survey work in the State of South Carolina.

Scale: 1"=100'
plat as "The Village at Seabrook Common Properties". Any property that is leased to the Association and designated in such lease as "The Village at Seabrook Common Property" shall be a common property of The Village at Seabrook and therefore shall be "The Village at Seabrook Common Property" but shall lose its designation and character as "The Village at Seabrook Common Property" upon the expiration of such lease, if not renewed or extended. Also, Declarant may designate The Village at Seabrook Common Properties pursuant to Paragraph 6(b) hereof.

"Plat" shall mean and refer to the conditional plat of the Subdivision prepared by G. Robert George, P.L.S., P.E.S.C. Reg. No. 6517 entitled "Preliminary Plat Showing The Subdivision of The Village At Seabrook Containing 42.328 Acre Tract Located In The Town of Seabrook Island, Charleston County, South Carolina Prepared For Hank Hofford", dated May 25, 2000, and recorded on May 26, 2000, in Plat Book EE at Pages 41 and 42, in the R.M.C. Office. The term "Plat" shall also refer to any subsequent conditional or preliminary plats and/or final subdivision plats of the Subdivision when approved by the Town of Seabrook Island and/or the County of Charleston and recorded in the R.M.C. Office.

The "Property" shall mean and refer to the property described on Exhibit "A" attached hereto and incorporated herein by reference which is hereby subjected to this Declaration.


"R.M.C. Office" shall mean and refer to the Office of the Register of Mesne Conveyances for Charleston County, South Carolina and the office of the Register of Deeds of Charleston County, South Carolina as said office may from time to time be designated.

"Subdivision" shall mean and refer to, collectively the lots, road right-of-ways and other community facilities and areas located within the Property.
In addition thereto, Declarant has established the following additional Covenants and Restrictions:

a. **Miscellaneous Covenants, Conditions, Restrictions and General Dwelling Specifications.**

   i. Setback and other building standards shall be determined by the Seabrook Island Property Owner’s Architectural Review Board (the "ARB"), from time to time, subject to approval of Declarant. All Lots and Property developed shall also comply with all applicable requirements of the Town Code and Development Standards Ordinance of the Town of Seabrook Island.

   ii. Multi family dwellings constructed on the Lots shall be constructed in accordance with several basic home design plans heretofore given preliminary approval by Declarant. Any material variation from such plans shall require the prior written approval of Declarant and the ARB. All multi-family dwellings and commercial buildings constructed on the Property must apply for and receive architectural review approval by the Town of Seabrook Island Planning Commission as set forth in the Town Code and Development Standards Ordinance of the Town of Seabrook Island.

   iii. The exterior colors of such dwellings shall be limited, and subject to approval by Declarant, the ARB, and the Planning Commission of the Town of Seabrook Island.

   iv. No residence or dwelling shall be constructed on any Lot with less than 1,500 square feet of total heated enclosed dwelling area.

   v. The Property is in excess of five (5) acres, therefore the PUD process set forth in the Town Code and Development Standards Ordinance of the Town of Seabrook Island must be followed.

b. **Easements.**

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

   i. Declarant hereby reserves for itself, its agents, employees, invitees successors and assigns, for and during the period that it owns any of The Village at Seabrook Common Property or any Lot primarily for the purpose of sale or
Application 2690: The Club, represented by David Linker, owner of Ocean Air Repair and Construction, is applying for a zoning permit to expand the pavilion and add a storage shed at the Racquet Club.

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

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

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

The Planning Commission will require some changes to the Covenants for the Village at Seabrook. Town Attorney Stephen Brown drafted some suggested changes to the Covenants that should be included on page 6, Sections 3. a. 1, II, and III. After discussing the suggested changes the Commission agreed that the corrected wording should be:

i. Setback and other building standards shall be determined by the Seabrook Island Property Owner’s Architectural Review Board (ARB), from time to time, subject to approval of Declarant. All lots and property developed shall also comply with all applicable requirements of the Town Code and Development Standards Ordinance of the Town of Seabrook Island.

ii. Multi-family dwellings constructed on the lots shall be constructed in accordance with several basic home design plans heretofore given preliminary approval by Declarant. Any material variation from such plans shall require the prior written approval of Declarant and the ARB. All multi-family and commercial buildings must apply for and receive architectural review approval by the Planning Commission as set forth in the Town Code and Developmental Standards Ordinance of the Town of Seabrook Island.
iii. The exterior colors of such dwellings shall be limited and subject to approval by Declarant and the ARB as well as the Planning Commission of the Town of Seabrook Island.

iv. No residence or dwelling shall be constructed on any lot with less than 1,500 square feet of total heated enclosed dwelling area.

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

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

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

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

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

**Miscellaneous:**

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

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

Meeting adjourned 4:20 p.m.
Sec. 14.30. - Preliminary Site Plan.

To facilitate Site Plan review, the developer shall submit a Preliminary Site Plan to the Town for review and comment by the Zoning Administrator and Planning Commission. Because Preliminary Site Plan submissions are likely to contain less detailed information than Final Site Plan submissions, with the result that application of the review criteria to these two submissions may yield different results, all review of Preliminary Site Plans is tentative and subject to reconsideration upon submission and review of a Final Site Plan. However, within these parameters the Planning Commission may approve elements of a Final Site Plan submission that were tentatively approved in a Preliminary Site Plan and remain unchanged and unaffected by other changes to the proposed development.

§ 14.30.10. Purpose. Approval of the preliminary site plan is the primary and most significant portion of the approval process. All input concerning the design, location, character and impact of the proposed development should take place during preliminary site plan review. When the preliminary site plan has been approved and accepted by the Planning Commission, no significant changes shall be made without further approval of the Planning Commission in filing for review of the final site plan.

§ 14.30.20. Pre-application Conference. An applicant for preliminary site plan approval shall meet with the Planning Commission to discuss basic site plan procedures and requirements and to consider the elements of the site in question and the proposed development.

§ 14.30.30. Preliminary Site Plan Submission. An application for preliminary site plan approval shall be filed with the Zoning Administrator. The applicant or his representative shall submit three (3) copies of the following information for preliminary site plan review:

(a) A legal description of the property under review for site plan approval.
(b) Site conditions information, including a topographic map of the site of a scale not smaller than one (1") inch equals sixty (60') feet, showing two-foot contours professionally stamped by a registered South Carolina land surveyor. Where applicable (ocean, marsh, river) the South Carolina Coastal Council critical base line must also be shown. Where the proposed tract is large, a smaller scale may be agreed upon by the Commission and developer.
(c) Generalized soil types in project area and in surrounding area, if significantly different from project area.
(d)
Information about the type and location of existing vegetation, including a written statement indicating the approximate size and location of major tree groupings and those trees with a trunk diameter of six (6) inches or more at a point four and one-half (4½) feet above ground level. Aerial and on-site photographs may be used to show vegetation. All such information shall be dated and generated within 18 months of the date of application.

(e) A preliminary sedimentation control plan shall be submitted indicating the manner by which on-site generated sediment will be retained. Said plan shall assure that sediment volume from the development leaving the property shall not be increased above the level existent prior to the beginning of construction activity.

(f) A Site Conditions Map including:

(1) A general location map showing the relationship of the site to such external facilities as streets, residential areas, commercial facilities and recreation/open space areas.

(2) The location of all existing structures, streets, rights-of-way, easements and other reservations of the land in the area of the property in question, means of ingress and egress to such property, off-street parking loading and service areas, if any, for or on such property and any screening or buffers on such property and the nature and type thereof.

(3) The location and size of all existing utilities, including existing fire hydrant locations.

(4) The location of all water holding or carrying facilities, natural or man-made, including creeks, ponds, ditches, culverts and storm sewers and the direction of surface flow.

(g) A site development plan of professional quality drawn at a scale not smaller than one (1") inch equaling sixty (60') feet. Smaller scale for very large land areas may be accepted if the Zoning Administrator determines such scale will provide the necessary details to determine compliance with this Ordinance. A site development plan must show:

(1) The name of the person or firm who prepared the plans, the name of the developer, the name of the proposed project or development, a North arrow and date.
(2) The location of all proposed streets, driveways or other facilities designed to accommodate vehicular movement in the development and points of ingress and egress, parking areas including the exact number of spaces and loading and service areas (location of dumpsters and any utility buildings) and a traffic impact analysis of projected trip generation, including methods of circulation for the development.

(3) The proposed use, location and dimensions of all proposed buildings and structures to be included in the development:

(4) For all development, the gross floor area of all buildings and proposed lot coverage.

(5) For multifamily residential development, the exact number of dwelling units.

(6) Dimensions of all required and proposed yard setbacks and open spaces.

(7) Location and dimensions of all open space and recreation areas planned with attention to their adequacy in terms of size and placement, their effect on privacy of adjacent living areas and their relationship to community-wide open spaces and recreation facilities.

(8) A preliminary drainage plan, showing the manner of drainage of the property, accounting for drainage from roofs and both impervious and pervious surfaces, and including all proposed control devices such as storm sewers and retention and detention facilities.

(9) The percentage of the site that will be covered by buildings and structures and the percentage that will be covered by streets, drives, parking and loading areas.

(10) If any items required for submission of a Preliminary Site Plan are inapplicable or irrelevant to a proposed development, the application shall so state, giving the reasons therefore.

(h) Scaled Site plans for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted, must also depict:

(1) Adjacent land uses.

(2) The height and typical design of the tower, typical materials to be used,
color and lighting on elevation drawings.

(3) Other information as requested by staff or the Planning Commission to allow adequate review of approval criteria, including photographs with the tower superimposed to assess visual impact.

§ 14.30.40. Preliminary Commission Review. The Commission shall, in a timely manner, review all preliminary site plans at a public meeting and determine whether they meet the provisions of this Ordinance and other applicable regulations. In denying approval of a preliminary site plan, the Commission shall specify in writing, how or in what respects, if at all, the applicant's site plan may be amended or supplemented in order to meet the requirements of this Ordinance. No preliminary site plan shall be approved unless and until the Commission has made findings that the application meets the following criteria:

(a) Compliance with the requirements of this Ordinance.
(b) The proposed development will minimize the detrimental impact to the site and surrounding environmental areas, and meet all buffer requirements.
(c) The proposed development will assure safe and convenient ingress to and egress from the property and internal circulation, including access of service and emergency vehicles and design of off-street parking and loading areas.
(d) The proposed development must be designed and located so as to mitigate the affects of tidal surge, flooding, and other natural hazards associated with placing such development on a barrier island.
(e) The proposed development will minimize environmental damage caused by the destruction of natural vegetation.
(f) The proposed development will provide all required utilities and services, including adequate fire protection capability.
(g) The proposed development will take all reasonable means of minimizing intrusions of noise, light, odor, dust and other similar annoyances into the privacy, quiet and habitability of surrounding areas; and that lighting fixtures and placement do not constitute a hazard to traffic.

§ 14.30.50. Notice and Authority to Proceed.

(a)
Sec. 14.40. - Final Site Plan Applications.

§ 14.40.10. Purpose. This procedure is intended to provide for a review of the details of a final site plan as well as any minor modifications made as a result of preliminary approval.

§ 14.40.20. Final Site Plan Submissions. The application for final site plan review shall be filed with the Planning Commission which shall at a public meeting obtain and make comments concerning the final site plan. The applicant or his representative shall submit three (3) copies of the following information for final site plan review, which shall include all information previously approved during the preliminary site plan review process, in addition to the following:

(a) A grading plan including all finished elevations and contours.
(b) The exact location of all public use easements.
(c) The exact location of all utility services, including connection points to the main systems and fire hydrant locations.
(d) A landscape plan that meets the requirements of Section (11) of this Ordinance.
(e) A drainage plan including depth dimensions, cross-section dimension and statement of ratio or percentage of side slope angle of retention or detention facilities. Where applicable because of location, the required plans must meet the requirements of the South Carolina Coastal Council Stormwater Management Guidelines.
(f) The location of all street signs.
(g) The size, location and maximum intensity of all exterior lighting fixtures and devices.
(h) Architectural elevations of all buildings and structures.
(i) A development timetable, if project is to be constructed in phases.
(j) A final sedimentation plan indicating the manner by which anticipated sediment and debris, generated within the confines of the development, will be retained on site (examples: hay bales, sediment traps, berms, etc., as appropriate to the situation). Sediment yield calculations will be provided by the applicant. The anticipated sediment yield estimate will be appropriately reduced in accordance with the developer's plan to utilize and preserve vegetation at the site.

(k)
If any items required for submission of a Final Site Plan are inapplicable or irrelevant to a proposed development, the application shall so state, giving the reasons therefore.

§ 14.40.30. Final Site Plan Review. The Planning Commission shall obtain and make comments concerning the final site plan at a public meeting.

(a) The public meeting shall be held within thirty (30) days of the Zoning Administrator's receipt of a final site plan application.

(b) Following the public meeting of the Commission, at which comments on the proposed site plan are solicited, the Commission shall review all proposed final site plans to determine whether they meet the requirements of this Ordinance and all special conditions imposed during the preliminary site plan approval process.

(c) The Commission shall recommend either approval or disapproval of a proposed final site plan within thirty (30) days following the public meeting. In the event the Commission has not rendered a decision within thirty (30) days following the public meeting, the proposed final site plan shall be deemed approved unless the applicant agrees in writing to extend the timeline for such action to be taken.

§ 14.40.40. Authority to Proceed. Final Site Plan approval by the Commission provides the applicant with the authority to proceed with building plans and to apply for a Zoning Permit. Final building plans must be submitted to and approved by the Commission as part of the application for a zoning permit pursuant to § 13.50.30.

§ 14.40.50. Time Limitation and Extension. Final site plan approval, as granted by the Commission, shall be effective for a period of nine (9) months, in which time the applicant must apply for zoning and building permits. If a building permit is not applied for within nine (9) months of the date of final approval, said approval shall be deemed null and void unless extended by the Commission.

§ 14.40.60. Approval of Amendments to approved Site Plans.

§ 14.40.61. Amendments to an approved Final Site Plan may be approved by the Zoning Administrator, without further review by the Planning Commission or public notice, for the following minor alterations: Any remodeling, enlargement, rearrangement, reconstruction or
redesign of any part of the development which does not conform to the approved site plan, but limited to, any remodeling, enlargement, rearrangement, reconstruction or redesign, which does not expand the gross floor area; enlarge a building envelope; alter the site configuration through site redesign or other change; make other than minor adjustments or shifts in the location and sitting of buildings, structures, parking bays and parking spaces; make other than minor adjustments in the location of utility tie-ins and dumpsters; make other than minor adjustments in the location and types of landscape materials, excluding changes in location of buffers; make other than minor changes in walkway and bikeway systems; make other than the addition of up to five (5) new parking spaces.

§ 14.40.62. All other amendments to an approved Final Site Plan must be referred to the Planning Commission for review and comment, as provided in this Ordinance, prior to approval and/or issuance of a Zoning Permit by the Zoning Administrator.

(Ord. of 1-12-1989; Ord. No. 1995-06, 6-8-1995)
Except where specifically superseded or modified by policies in Policies & Procedures for Residential Development (a SIPOA publication, available to all Property Owners, containing all the specific Board-approved rules and criteria applicable to planning, construction and alteration in the SID), all guidelines for single family residences are equally applicable to multi-family dwellings as may be determined by the ARC and the zoning ordinances of the Town of Seabrook Island. In areas restricted to single-family residential use, except as may otherwise be herein provided, no structure shall be erected, altered, placed or permitted to remain on a Property other than one (1) detached single-family dwelling not to exceed two (2) stories in height, and not to exceed a maximum height of thirty-six feet (36') above the base flood elevation for a particular Lot, and one detached two-car garage; provided, however, that a ground-level garage or storage space beneath an elevated dwelling and/or attic/storage space atop a dwelling shall not be considered to be a story of the dwelling for purposes of this provision so long as it is not used as living spaces.

There is no minimum size or price range requirement in the SID, except as specifically set forth by deed, but all structures must be compatible with the surrounding neighborhood, the community at large and the natural environment, as determined in the sole discretion of the ARC. The ARC, with approval of the Board, shall have the power to establish regulations and guidelines for external planning, construction and alteration on all Properties (SIPOA’s Architectural Review Committee, Policies & Procedures for Residential Development).

20. SET-BACK LINES

Because the establishment of standard, inflexible building setback lines for location of single-family houses on Lots tends to force construction of houses with possible detrimental effects on privacy, view of the ocean, preservation of important trees, etc., no specific set-back lines are established by these Protective Covenants. In order to assure, however, that the location of the houses will be staggered, where practical, to preserve the view and breeze to each house, and so that the structures will be sympathetically located with regard to the topography of each individual lot, taking into consideration the height of the dunes, the location of large trees and similar considerations, notwithstanding and in addition to any other requirements and/or guidelines otherwise imposed, the ARC has and shall have the right to control absolutely and solely to decide the precise site and location of any house or dwelling, or other structure upon all Properties in the SID. However, such locations shall be determined only within limits prescribed in the applicable PUD, appropriate town ordinances and South Carolina DHEC/Bureau of Ocean and Coastal Resource Management Regulations and only after a reasonable opportunity is afforded the Property Owner to recommend a specific site.

21. EASEMENT OF VIEW

There shall be reserved for the use and benefit of the Owners of adjacent second-row beach Properties an easement of view running along the side boundary lines of oceanfront Properties for a width of five feet (5') on each side of such oceanfront Properties. The purpose of this easement is to enable Property Owners of second-row beach Properties to
1. Restudy landscape plan to eliminate the pine trees and substitute other landscape evergreen trees.

Mrs. Bensonhaver seconded. Discussion followed. The motion was passed by unanimous vote.

Prior to presentation of conditional plans, Mr. Bishop briefed the new ARB members on Sea Town Homes covering approved models, colors, lot sizes, setback requirements, etc.

Mr. Foster addressed Mr. Bishop the lack of latticework louvers around the HVAC stands and porches and that the landscape shrubs need to be 4 – 5” in height or 1/2 of the height of the foundation. Mr. Bishop will further discuss with Mr. Curt Rogers, Builder.

B. Block 59 Lot 25 4009 Bridle Trail Drive. Sea Town Homes L.I.C. Conditional Plans were presented by Architect, Mr. Mark Bishop. Mr. Feldman moved to approve the Conditional Plans with the following requirements:

1. Restudy landscape plan to eliminate the pine trees and substitute other landscape evergreen trees.
2. HVAC stand must be shown on left side elevation.

Mr. Urban seconded. The motion was passed by unanimous vote.

C. Block 59 Lot 26 3000 Seabrook Village Drive. Sea Town Homes LLC. Conditional Plans were presented by Architect, Mr. Mark Bishop. Mr. Urban moved to disapprove the Conditional Plans due to the following:

1. No Landscape Plan was submitted. Approval of Conditional Plans is subject to landscape plan being presented to ARB for approval.

Mr. Feldman seconded. The motion was passed by unanimous vote.

D. Block 15 Lot 02 3769 Seabrook Island Road. Mr. and Mrs. Jeffrey Cudd. Remodel Plans were presented by the property owner. Mr. Jeffrey Cudd. Ms. Kennedy moved for conceptual approval of the Remodel Plans with the following stipulations:

1. Construction can proceed immediately due to safety reasons on the front steps, columns, handrails and walkway only.
2. Approval by the ARB for the remaining remodel construction work is subject to the following being submitted:

ARB Meeting
March 1, 2005
Page 2
be shown on plans.
3. Location of exterior pool equipment must be shown on site plans.

Mr. Feldman seconded. Mr. Trent abstained. The motion passed by majority vote.

Block 59 Lot 20 – 2282 Seabrook Island Road – Sea Town Homes LLC (Mr. Curt Rogers). Architect Mark Bishop presented Conditional Plans for Model B.

Mr. Feldman moved to approve Conditional Plans with the following stipulations:

1. Restudy landscape plan, adding at least three oak trees on the Seabrook Island Road side of the house. Final landscape approval subject to on site review by Mr. Foster.

Mrs. Bensonhaver seconded. The motion passed by unanimous vote.

Mr. Foster briefed the ARB members on established setback requirements, particularly in the Sea Town Homes area.

C. Block 59 Lot 30 – 2286 Seabrook Island Road – Sea Town Homes LLC (Mr. Curt Rogers). Architect Mark Bishop presented Conditional Plans for Model A.

Mr. Feldman moved to approve the Conditional Plans with the following stipulations:

1. Restudy landscaping plan, adding at least two oak trees on the Seabrook Island Road side of the house towards the rear and Lot 20. Final landscape approval subject to on site review by Mr. Foster.

Mrs. Muenow seconded. The motion passed by unanimous vote.

D. Block 59 Lot 27 – 3004 Seabrook Village Drive – Sea Town Homes LLC (Mr. Curt Rogers). Architect Mark Bishop presented Conditional Plans for Model G.

Mr. Feldman moved to approve the Conditional Plans as submitted. Mrs. Muenow seconded the motion. The motion passed by unanimous vote.

E. Block 59 Lot 29 – 3012 Seabrook Village Drive – Sea Town Homes LLC (Mr. Curt Rogers). Architect Mark Bishop presented Conditional Plans
June 20, 2006

To: The Village at Seabrook Island Owners,

As a property owner, you are likely aware that Seabrook Island has enjoyed significant growth and escalating real estate values over the past several years. New construction continues at a strong pace and many owners are remodeling existing single-family homes and villas. As more owners take occupancy of homes within The Village, questions often arise regarding exterior changes and alterations. When considering such changes, it may be helpful to understand the Architectural Review Board's (ARB) general process as it pertains to regimes. Typically, the ARB considers following points when evaluating exterior changes for Planned Unit Developments:

- Architectural appeal and related aesthetic items as it effects each property as well as the entire regime. Please note that the Architectural Review Board solicits the professional comments of Reviewing Architects in making these decisions.

- Design continuity throughout the regime. To implement a change, the regime must present their plan, which include time lines, to carry forward the proposed changes for all property owners. Regime approval is always required.

- Regimes must be cognizant of policies and procedures for multi-family developments. Refer to Seabrook Island Property Owners Association Policies & Procedures for Residential Development, Section X, “Special ARB Guidelines for Multi-Family Dwellings”. Any revision must comply with the approved, established architectural theme of The Village and reflect the style, character, and architectural detail of the approved Model homes.

The Architectural Review Board will carefully consider each request and render their decision based on the SIPOA Policies & Procedures for Residential Development, Section X, D.

Upholding Seabrook’s high standards for aesthetics and design is essential for the community’s appearance and is a primary goal of the ARB. We welcome your questions and would be happy to discuss these matters further with you individually, or as a group, at your request. We look forward to working with The Village owners on your future projects and we appreciate your future cooperation.

On behalf of the Architectural Review Board, our thanks.

Oby Foster, ARB Administrator
ARB Regimes / Village / owners 6-14-06
C. Block 53 Lot 13 – 1151 Ocean Forest Ln. Appeal of ARC decision. The owner’s representative has requested that this item be postponed until the November ARC meeting.

D. Villa Inspection Policy
COVAR President Carroll Gantz and Secretary Dennis Quigley were present for this item.

The frequency and method of villa inspections and reporting of inspection results/violations were discussed. The Committee discussed the concerns expressed by the COVAR representatives and will continue to inspect multi-family dwellings per ARC policy.

E. Block 16 Lot 31 - 3711 Bonita Ct. Request for extension of time to begin construction

The one year deadline to begin construction of this home was August 7, 2008. The property owner has requested an extension of time to begin work.

Cheryl Schoffman moved to deny the request to extend the construction commencement deadline for Block 16 Lot 31. If the property owner chooses to reapply for Conditional approval of the plans and the plans have not changed in any way, a $2,500 application fee will be charged, and no Preliminary Review will be required. The motion was seconded by Mary Hopkins and passed unanimously.

F. Block 57 Lot 08 – 2219 Seabrook Island Rd. #200901005 – Conditional Plans
This item was continued from 9/1/09.

The Committee reviewed revised plans and correspondence received.

Bill Bryant moved that the ARC has concerns about the positioning of the house, but after considerable discussion and because the Planning Commission had previously approved the house styles and locations for The Village at Seabrook, the ARC reluctantly approves the plans for Block 57 Lot 08. The exterior colors are subject to on-site review. Final color approval will not be granted until a 6” square sample (with trim colors(s) if applicable) is painted on the house and approved by the ARC. Approval of the landscape plan is not final until the plantings are reviewed by the ARC on-site for compliance with ARC requirements. The motion was seconded by Frank Carrese and passed 4-3-0.

The approved plans are:

“Residence 2219 Seabrook Island Rd.” prepared by Michael Karamus
- Sheets L.1.1 – L.1.2 dated 9/1/09
- Sheet L.2.1 dated 9/1/09 rev. 9/3/09 (see stipulation above)
- Sheets A2.1 – A2.2 dated 9/1/09
- Sheets E1.1 – E1.3 dated 9/1/09
1. **Block 57 Lot 08 - 2219 Seabrook Island Rd. #200901005** - Appeal of ARC decision. Bob Giuffreda, designated agent of Marsha Papenak, was present from 11:30 to 11:40 and Mark Bennett, owner of lot 08 was present from 11:50 to 12:00.

Mr. Giuffreda discussed the correspondence submitted regarding the location of the house to be constructed at Block 57 Lot 08. The house was approved by the ARC on October 6, 2009.

Mr. Bennett discussed his interaction with the Town and the ARC regarding placement, setbacks, size and style of the house.

**Jody Turner moved to uphold the ARC approval of the plans for Block 57 Lot 08, as setbacks in the Village at Seabrook were established by the Town and are not within the ARC’s purview.** The motion was seconded by Charles Measter and passed unanimously.

3. **DISCUSSION ITEMS:**

   **A. ARC Goals**

   Committee members discussed strategic goals for 2010.

   Charles Measter moved to adjourn the meeting. The motion was seconded by Bill Bryant and passed unanimously. The meeting was adjourned at 1:35 p.m.
C. Village at Seabrook

ARC members have heard from many Property Owners regarding the house under construction in the Village. All expressed concern about the placement of the house. The ARC had similar concerns during the application process. Discussion followed regarding the Committee's limited scope in multi-family developments and ARC communications with the Town during review of this application. The lot sizes, density, setbacks, etc., for the development were approved by the Town several years ago. There was only one position that allowed for placement of this house in compliance with the zoning requirements for the Village at Seabrook Development.
H. Block 24 Lot 25 – 3203 Wood Duck Pl. #201005097. Extend fence

The Property Owner has requested approval to install additional fencing in the rear yard to match the existing fencing.

Frank Carrese moved to approve the fence plans as submitted with the stipulation that the fence be no more than 5' in height and that the exterior of the fence be landscaped per the ARC requirements. The motion was seconded by Paul Kelley and passed unanimously.

3. DISCUSSION ITEMS:

A. Drainage & Grading

The Committee requested that the Architectural Review Administrator contact the Little Creek Property Owners again and invite them to attend a meeting to discuss the drainage solution that was proposed last year.

B. Revisions to Appendix L “Recommended Landscape Plants for Seabrook Island”

Jim Buckley moved to remove Ligustrum, Mahonia and Periwinkle from the list of approved plants in Appendix L because they are non-native invasive plant species. The motion was seconded by Jody Turner and passed unanimously.

C. Village at Seabrook

The Committee reviewed the lots in Block 57 and potential house locations on each lot.

D. Solar Energy

The Committee supports green initiatives; however there is no ARC standard for solar panel placement or installation. Each application is reviewed on a case-by-case basis by the ARC and, if applicable, by multi-family homeowner associations prior to installation. Because use of solar technology is becoming increasingly popular and affordable, the Committee would like to work with association boards to develop standards for solar installations that meet the ARC and association aesthetic requirements. The Committee also discussed the book “Builder’s Guide to Hot Humid Climates” by Joseph Lstiburek as a useful resource for homeowners.

Cheryl Schoffman moved to adjourn the meeting. The motion was seconded by Frank Carrese and passed unanimously. The meeting was adjourned at 1:45 p.m.
Motion by Architectural Review Committee

Whereas the SIPOA protective covenants state: "The purpose of the SIPOA is to preserve property values..."
19. "Refusal of approval of plans, location or specifications by the ARC may be based on reasonable grounds, including aesthetic conditions."

Whereas, it is the responsibility of the SIPOA to act in the interest of property owners in protecting their property values.

Whereas, Seabrook Island property owners have expressed concern regarding the density and aesthetic appearance of the ongoing development on the lake side of Seabrook Island Road and it's impact on their property values.

Whereas, Seabrook Island property owners are looking to the SIPOA and Town of Seabrook Island to address this concern.

The SIPOA Architectural Review Committee recommends to the SIPOA the following course of action:
- The SIPOA partner with the Town of Seabrook Island and Villages association to discuss options and solutions.
- The SIPOA and Town should hire an architect (shared expense) to review possible modifications to lot lines and setbacks for future developments.
- The SIPOA and Town should hire an architect (shared expense) to come up with additional house plan options to accommodate existing lot lines.
- Revised house plans could be approved to minimize crowding.
- From a cost standpoint we could include possible cost issues in an upcoming referendum for property owners' input.
- Consider revising the setbacks to allow houses to sit back further in the lots to minimize the crowded appearance.
- The SIPOA and Town of Seabrook should employ counsel to research and advise on legality of making any changes to the lots in the Villages.
- Property owners have suggested, as a consideration that the SIPOA and Town of Seabrook Island purchase some of the existing lots as "view corridors" to the lake.
The Village at Seabrook -
Report of Meeting held at Town Hall (ST)
in June 2011

In Attendance: Vic Agusta - Chairman ARC
Bill Bryant - ARC Member
Randy Hine - Town Mgr
Heather Mato - HAC Adm
Cathy Patterson - Pres S.V. HOA

Agenda: SI POA Concerns as outlined via motion; See Attached

Informal Discussion,
ARC committee informed of S.V status of
were multifamily zoning with specific requirements,
including, density, style of homes & plot sizes. 
There are 101 lots approved for homes under the Covenants,
declarations & restrictions approved by the Town & SI POA
applied in the vicinity of Charleston; the footprint of the Village has been established & the ARC must
have to work within these parameters, taking into consideration:
set backs, home placement, irregular lot sizes, respecting the property owner rights to build
within the legal parameters already in place. Also any lots donated or bought by a greespaces organization
would probably have to go for the Village stake vote
to forgo the yearly dues.

This was followed by an informal meeting
between the Town ARC & S.V. Nothing was
changed, no votes, just the ARC asked
chirks house placement on the S.V lots to try
& make it more for pleasing of possible.

There are Kathy Patterson's notes on meeting
not official minutes.

Cathy Patterson
Seabrook Island Property Owners Association
Architectural Review Committee Meeting
MINUTES
September 4, 2012
SIPOA Admin. Building

Members Present:
Victor Agusta, Chairman
Lynn Crane
Bill Bryant
George Reinhart
Tom Fox

Cheryl Schoffman
Ellen Coughlin
Sherry Smith
Jan Genosi
Jody Turner

Absent: Charles Measter, Paula Blackwell

ARC Staff Present:
David Hazeltine, Consulting Architect
Heather Paton, Assistant Executive Director

2. PRESENTATIONS:

A. **Block 16 Lot 16 – 3756 Beach Ct. #201205481.** Stephen Mays presented plans for a
dock addition.

Plans presented include a 20’ x 51’ at-grade deck with fireplace to replace an existing
sod area. The deck will connect with the beach access boardwalk already in place.

**Jody Turner moved to approve the deck plans for Block 16 Lot 16 as submitted
with the stipulation that the final design drawings for the fireplace, including size,
color and landscaping be resubmitted for review. The motion was seconded by
Sherry Smith and passed unanimously.**

B. **Village at Seabrook.** New house design for Village at Seabrook for review and
comment to the Planning Commission. Architect Justin Smith was present for this item.

This is a non-site-specific review of a house design to be added to the design choices for
homes in the Village. Following review of the plans, the ARC had the following
comments:

1. Reduce the maximum size of the house to no more than 2,770 sq.ft. to comply
   with multi-family, high-density designs. 2,770 sq.ft. is the size of the largest
   house in the existing Village house plan designs.
2. Recommend consistent use of shutters on all elevations.
3. Verify that foundation details match those on the other homes in the Village.
4. Windscreen/shroud on chimney is required.
5. Blank wall areas on side elevations need to be re-studied. Include additional
   windows.
6. Consider additional foundation details to breakup the mass.
7. Siting of this larger house on any lot will have to be evaluated considering home
   placed, or to be placed, on adjacent lots.
Planning Commission Meeting
April 11, 2001

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

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

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

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

Planning Commission Meeting
May 9, 2001

Draft Ordinance for setbacks in Multi-Family residential developments
During the month of April the Planning Commission reviewed setback requirements in Multi-Family developments. The Commission suggested some changes that would clarify the requirements of the Ordinance. The changes were submitted to Attorney Steve Brown for his review and the drafting of an Ordinance to amend the setbacks in Multi-Family residential developments.
At the May 9th meeting, Chairman Hockersmith read aloud a draft Ordinance submitted by Attorney Brown amending Section 2.10.420 of the Seabrook Island DSO relating to setbacks in Multi-Family developments. Commissioner Crispyn moved to approve the draft and to submit the Ordinance to Town Council for approval. Commissioner Jones seconded the motion. The Planning Commission unanimously approved the motion. The ordinance was amended to read as follows:

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

Planning Commission Minutes
December 12, 2001

**Application 3125 Final Approval of the Village At Seabrook**
During the Planning Commission work session Troy Long, an Engineer for G. Robert George, provided the members with an amended final subdivision plat. The plat was amended to show the reduction of the number of lots from 106 to 102. The roadway was also depicted more accurately. Tim Blackwelder Project Manager for the Village at Seabrook was also present to answer questions concerning the development.

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

To: Doug Smith

From: Tim Blackwelder

Re: Changes to Final Plat for The Village At Seabrook

Date: 12 December, 2001

Please note the following changes to the Final Plat for the Village At Seabrook. The changes consist of abandoning three property lines between lots that could not otherwise accommodate the construction of a home. These changes occurred because the building pad was either too small or irregular in shape after the setbacks were established. As a result, the overall density of the Village was slightly decreased. The revisions are as follows:

1. In the circle at the end of Seabrook Village Drive, Lots B22, B23, B24, B25, B26, B27, B28, and B29 were reconfigured to delete Lots B28 and B29.

2. The property line between lots C1 and C2 was abandoned and the lots combined. Lot C2 has been deleted.

3. The property line between lots B48 and B49 was abandoned and the lots combined. Lot B49 has been deleted.

These changes result in the reduction of the total number of lots from 106 to 102.

The following street addresses and tax map numbers should be deleted:

Lot C2 Block 59 TMS 1470000110 4004 Bridle Trail Dr.

Lot B49 Block 59 TMS 1470000108 2299 Seabrook Island Rd.

Lot B29 Block 58 TMS 1470000095 3057 Seabrook Village Dr.

Lot B28 Block 58 TMS 1470000096 3061 Seabrook Village Dr.

If you have any questions please call me.

[Signature]
June 5, 2003

Town of Seabrook Island
Seabrook Island, SC

To Whom It May Concern:

I wanted to verify for the Seabrook Island Planning and Zoning Commission that Bennett Hofford Construction Co., Inc. and Seabrook Island I, LLC have approved the architectural plans designed by Mike Karamus, AIA for The Village at Seabrook. Additionally, I wanted to go on record as supporting the lot line adjustments that have been proposed as well as the relief for decks to extend out of the building envelope by up to ten feet.

If you have any questions, please call me at (843) 722-8169.

Yours truly,

BENNETT HOFFORD CONST. CO., INC.

John H. Hofford
President

JHH/dl
Town of Seabrook Island  
Planning Commission Meeting  
Minutes  
June 11, 2003

Members Present:  
Lucie M. Jones, Vice-Chairman  
Lynne A. Schaeffer  
Richard H. Coomer  
Fred A. Ristow  
Alexa White

Absent:  
Richard B. Clarke-Chairman

Guest Attending:  
Robert Giuffreda-Exec. Director SIPOA  
Michael Karamus-Architect

Vice-Chairman Lucie Jones called the meeting of the Planning Commission to order June 11, 2003, at 2:30 p.m. Requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted.

Approval of May 14, 2003, Minutes
Commissioner Fred Ristow moved to approve the minutes as presented. Commissioner Lynne Schaeffer seconded the motion. The motion to approve was unanimous.

Rezoning Application #34 (Lot A-Deveaux Site) TMS# 147-05-00-184
Application #34 is a request to change zoning from Single Family Residential to Conservation. The property is known as the Deveaux site Lot A. The application was submitted by the Seabrook Island Property Owners Association and represented by Robert Giuffreda.

Commissioner Schaeffer moved to recommend approval of Application #34 which would change the current zoning of Lot A from Single Family Residential to Conservation. Commissioner Ristow seconded the motion. The motion passed unanimously.

Rezoning Application #34 is subject to approval by Town Council. The Town Administrator reminded Mr. Giuffreda that a copy of the deed is needed to complete Town Council’s review.

Application #3563 Floor Plan Review
Architect Michael Karamus presented conceptual designs for future construction of 34 units within the Village at Seabrook, Block 59- Section C. Owner-developer John H. Hofford, represented as Seabrook I, LLC, submitted the application.

Administrator Randy Pierce informed the Commission that the Town’s Attorney would be consulted to determine if an amendment of the original PUD for the Village at Seabrook is necessary for approval of the new designs.
Commissioner Fred Ristow moved to approve application #3563 as submitted and if necessary, a recommendation to Town Council for approval of an ordinance to amend the PUD of the Village at Seabrook to include the designs presented. Commissioner Schaeffer seconded the motion. The motion passed unanimously.

**Application #3564 Request to Approve Lot Line Changes-Village at Seabrook**

Application #3564 is a request to approve replatting of lot lines in Section C of the Village at Seabrook. The replatting will include TMS# 147-00-00-110 thru 133 and 147-00-00-135 thru 144. Lots C1,C3,C11 thru C18, C24, C26 thru C28, C34, C35 and will include the Common Area of Section A.

Administrator Pierce commented that the Town’s Attorney would be consulted to determine if an ordinance amending the original PUD for the Village at Seabrook is necessary for the re-platting of lot lines.

Commissioner Lynne Schaeffer moved to approve application #3564, re-platting the lot lines as submitted, and if necessary, a recommendation to Town Council for approval of an ordinance to amend the PUD of the Village at Seabrook that will include the lot line changes. Commissioner Ristow seconded the motion. The motion passed unanimously.

**Review of DSO Ordinance 7.10.360 Rear Setback – Open Space Lots**

General opinion of the Commission seemed favorable to amending ordinance. A draft ordinance to amend Ordinance 7.10.360 will be prepared for the July 2, 2003, Work Session.

**Comprehensive Plan: Review Sections 1-4**

Changes to Sections 1-4 were discussed at the June 4, 2003, Work Session. The suggested changes will be prepared for further discussion at the July 2, 2003, Work Session.

Having no further business, the meeting adjourned at 3:45 p.m.

Richard B. Clarke, Chairman

Lynda Whitworth, Secretary

8/13/03
Town of Seabrook Island
Planning Commission

Minutes
January 11, 2006

Members Present:
Richard B. Clarke, Chairman
John R. Hoover, Vice-Chairman
Cynthia W. Cornwell
John H. Scofield
Donald A. Smith
Randy M. Pierce, Town Administrator
Lynda Whitworth, Secretary

Guest Attending:
Robert Savin, M.D., Councilman
David Hazeltine, Architect
Coy Foster, SIPOA ARB

Commissioner Richard B. Clarke called the meeting of the Planning Commission to order January 11, 2006, at 2:30 p.m. Requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted.

Election of Officers
Commissioner John Hoover moved to nominate Richard Clarke as Chairman of the Planning Commission for 2006. Commissioner Cindy Cornwell seconded the nomination. The nomination was unanimously approved. Commissioner Cornwell moved to nominate John R. Hoover as Vice-Chairman for that year. Commissioner Donald Smith seconded the nomination. The nomination to approve was unanimous.

Chairman Clarke appointed Lynda Whitworth as Secretary of the Planning Commission.

Approval of Minutes
Commissioner Donald Smith moved to approve the minutes of the December 14, 2005, meeting as submitted. Commissioner John Scofield seconded the motion. The motion to approve was unanimous.

The Commission agreed to retain the same meeting schedule as was held in 2005. That is: A working meeting on the first Wednesday and a regular meeting on the second Wednesday each month. All meetings to start at 2:30 p.m. at Town Hall.

Planning Commission Rules of Procedure were distributed for review. A copy of the newly drafted Sign Ordinance was also distributed for review.

Miscellaneous Business
Coy Foster and Architect David Hazeltine attended the meeting to discuss some architectural concerns within the Village at Seabrook. Mr. Hazeltine suggested limiting the number of acceptable architectural designs within that community so as to avoid creating a disorganized visual effect.
Planning Commission
January 11, 2006
Minutes

He added that one of the two most recent exterior designs, presented by John Duffy Construction, was much different than what was initially approved for construction in that area of Seabrook Island. For that reason the Architectural Review Board (ARB) had declined to approve that design. Mr. Hazeltine concluded by noting that the objective of creating a consistent and pleasing appearance, in the Village, would be best served if John Duffy Construction were required to present all of its remaining proposed designs at one time. Administrator Pierce agreed but pointed out that there was no ordinance that could be cited to enforce such a requirement. He added that he recalled having been told that Duffy's need for new designs was prompted by two considerations: (a) the variety of irregularly shaped lots; and (b) the need to avoid a "cookie cutter look" due to the increasing cost of houses within the Village.

Mr. Coy Foster said there was a second concern regarding the building approval process as it applied to multi-family housing. He acknowledged that the Planning Commission had authority to act as an ARB in those cases. Chairman Clarke responded that, in his opinion, the process had worked well in a number of earlier instances. He cited Horseshoe Cove, Fairway One and the Dolphin Point developments in particular. While it may be a bit cumbersome he pointed out that the Planning Commission's initial approval of a proposed design is "conditional". That condition is the developer's obligation to secure the POA's ARB approval of his proposal. Only after that has been accomplished will the Planning Commission act on a final approval. Chairman Clarke concluded by affirming that the POA ARB input had been very valuable, and he saw no great reason to amend the process.

In the discussion which followed Mr. Hazeltine agreed to attend the Commission's next work meeting. That, so that the members could better understand why the design, which had been given a conditional approval, was later rejected by the ARB.

Mr. Clarke thanked Mr. Hazeltine and there being no further business, the meeting adjourned at 3:40 p.m.

Richard B. Clarke, Chairman        Lynda Whitworth, Secretary
Minutes
April 12, 2007

Board Members Present:
William S. Wolfe, Chairman
Bill Holtz
Robert Quagliato
Ike Smith
Allen Thompson
Randy Pierce, Zoning Administrator
Lynda Whitworth, Secretary

Guests Attending:
Mark J. Bishop, Architect
Mayor Frank McNulty

Chairman William S. Wolfe called the meeting of the Board of Zoning Appeals to order April 12, 2007, at 3:00 p.m. The requirements of the Freedom of Information Act were fulfilled and the meeting was properly posted. The Chairman welcomed newly appointed members Bill Holtz and Allen Thompson to the Board. The term of service for Mr. Holtz will expire in 2010 and 2011 for Mr. Thompson.

Election of Vice-Chairman
The Chairman explained that a member of the Board needed to be nominated as Vice-Chairman. Board Member Ike Smith moved to nominate Robert Quagliato as Vice-Chairman for 2007. Bill Holtz seconded the motion. The motion to approve was unanimous.

Approval of June 30, 2006 Minutes
[The Board of Appeals will meet as necessary. The last meeting of the Board was June 30, 2006.] Copies of the draft minutes for the June 30, 2006, meeting were distributed for review. Chairman Bill Wolfe asked if there were any corrections to the draft minutes. Hearing none, he asked for a motion to approve the minutes as submitted. Mr. Robert Quagliato moved to accept the minutes as written. Mr. Holtz seconded the motion. The motion to approve the minutes was unanimous.

Variance #143 Bryan Causey represented by Architect Marc Bishop
Architect Mark Bishop represents the property owner, Mr. Bryan Causey. The applicant is requesting a variance from the strict application of the Development Standards Ordinance Section 7.6 Minimum Setbacks.
The property is located at 2278 Seabrook Island Road within The Village at Seabrook, a Detached-Multi Family development. The lot is Non-Conforming with two 30’ front setbacks. Mr. Bishop sited the house using the smallest footprint of ARB approved plans however, the construction still encroached into the setbacks. The site plan submitted shows a 2’ encroachment at the rear corner of the building. Mr. Bishop proposes to move the house forward.

The Board members were not in favor of moving the house closer to Seabrook Island Road, a major street. The property backs up to the Equestrian Center. The Members suggested moving the house closer to the rear setback line. Mr. Bishop commented that because of the size of the building, it would look out of place.

Having no further comments, the Chairman asked for a motion to approve the variance request. The vote was as follows:

- William Holtz       Denied
- Robert Quagliato    Denied
- Ike Smith           Denied
- Allen Thompson      Denied

Based on a majority vote of the Board Members, the variance request was denied.

Having no other business the meeting adjourned at 3:20 p.m.

William St. Wolfe, Chairman
Lynda Whitworth, Secretary 7/12/07
Town of Seabrook Island
Board of Zoning Appeals

Minutes

Board Members Present:
William S. Wolfe, Chairman
Jerry Farber
Robert Quagliato, Vice-Chairman
Dave Osborn
Dr. Joe Sanders
Randy Pierce, Zoning Administrator
Lynda Whitworth, Secretary

Guests Attending
Justin Smith, Vin-Yet Architecture
Cathy Patterson, Board President, The Village
Patrick Nicoles
Approx. 4 residents of The Village at Seabrook

Chairman William S. Wolfe called the meeting of the Board of Zoning Appeals to order December 10, 2013 at 10:00 a.m. The requirements of the Freedom of Information Act were fulfilled and properly posted. The Chairman asked each person that gave a statement during the hearing to swear that the statement was truthful.

Variance 148 Vin-Yet Architecture.
The property is located at 2283 Seabrook Village Drive. Justin Smith is the applicant representing the property owners Tim and Shelley Chambers. The applicant is appealing the strict enforcement of the 25' rear setback.

Mr. Smith explained the variance request is to allow the use the rear property line as a side property line and allow a 7.5' side setback to maximize the potential of the lot. Mr. Smith provided site plans for the Board to review prior to and during the hearing.

Cathy Patterson is the President of The Village at Seabrook Board of Directors.
Ms. Patterson informed the Board there are 19 corner lots; 9 of them are considered small lots and 4 have houses built on them. Ms. Patterson added that she is representing the board at the Village and they are opposed to approving the variance request.

The Chairman asked for the Town’s position on granting the variance. Randy Pierce, the Town’s Zoning Administrator advised the Board that a suitable home could be built on the lot without a variance. He added that the Town is opposed to granting the variance request.
The Chairman stated there was enough testimony to vote on the variance. He stated that it is apparent that the applicant wanted a larger house, but had purchased a small lot and
The Chairman pointed out that the Board of Appeals rules on this type of variance relief the most frequently. He added that there appeared to be no extraordinary or exceptional conditions pertaining to the particular piece of property.

Chairman Wolfe asked the Board to give their individual votes based on the documentation and testimony presented at the public hearing. The Chairman asked that the members give the vote verbally; either yea to approve or na to deny.

The Chairman asked for any votes that were in favor of granting the variance. There were no yea votes in favor of granting the variance.

William S. Wolfe-na    Robert Quagliato-na
Jerry Farber-na    Dave Osborn-na
Dr. Joe Sanders-na

Chairman Wolfe said that based on a unanimous vote, the Town of Seabrook Island Board of Zoning Appeals therefore orders that the Variance is **DENIED**.

**Nomination and Election of Chairman**
Jerry Farber nominated Dr. Joe Sanders for Chairman of the Board of Zoning Appeals. The motion was seconded by Robert Quagliato. The motion was unanimously approved. [The Chairman suggested postponing the nomination of a Vice-Chairman.]

**Approval of Minutes**
There were no changes to the draft minutes of July 12, 2007. Robert Quagliato moved to approve the minutes as submitted. The motion was seconded by Jerry Farber. The motion was unanimously approved.

Having nothing further to discuss, the hearing adjourned at 10:50 a.m.
Applicant Name: Vin-Yet Architecture  
Property Owner: Tim and Shelley Chambers  
TMS#: 147-00-00-104  
Property Address: 2283 Seabrook Village Drive  
Request: Variance to use the rear property line as a side property line and allowing a 7.5' side setback. The property has two front setbacks.  

Date Filed: November 4, 2013

The Town of Seabrook Island Board of Zoning Appeals held a public variance hearing on December 10, 2013 to consider your request for a variance from the strict application of Section 7 of the Development Standard Ordinance. Based upon the documentation and testimony presented at the public hearing, the Board of Zoning Appeals finds that the application meets or does not meet the criteria for a variance as follows:

There are no extraordinary and exceptional conditions pertaining to the particular piece of property. The applicant has not met its burden of proof that a variance would be the only relief to build a suitable home on this particular corner lot.

Based on a unanimous vote, the Town of Seabrook Island Board of Zoning Appeals therefore orders that the Variance is DENIED.

Date issued: 12/10/2013 Date mailed: 12/20/2013

Notice of appeal to Circuit Court must be filed within 30 days after the date this order was mailed.
# The Village at Seabrook

Schedule of Lot and Model Suitability

<table>
<thead>
<tr>
<th>LOT</th>
<th>MODEL(S)</th>
<th>LOT</th>
<th>MODEL(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A15</td>
<td>Custom</td>
<td>B15</td>
<td>B*</td>
</tr>
<tr>
<td>A16</td>
<td>A, B, C, D, E, F, G, H</td>
<td>B16</td>
<td>B, D, G</td>
</tr>
<tr>
<td>A17</td>
<td>A, B, C, D, F, G, H</td>
<td>B17</td>
<td>G</td>
</tr>
<tr>
<td>A18</td>
<td>Custom</td>
<td>B18</td>
<td>A, B, C, D, G, H</td>
</tr>
<tr>
<td>A19</td>
<td>Custom</td>
<td>B19</td>
<td>A, C, D, G, H</td>
</tr>
<tr>
<td>A20</td>
<td>Custom</td>
<td>B20</td>
<td>Custom</td>
</tr>
<tr>
<td>A21</td>
<td>F</td>
<td>B21</td>
<td>Custom</td>
</tr>
<tr>
<td>A22</td>
<td>Nantucket</td>
<td>B30</td>
<td>A, B, C, D, E, F, G, H</td>
</tr>
<tr>
<td>B1</td>
<td>Custom</td>
<td>B31</td>
<td>A, B, C, D, E, F, G, H</td>
</tr>
<tr>
<td>B2</td>
<td>G</td>
<td>B32</td>
<td>A* +, C*, G</td>
</tr>
<tr>
<td>B3</td>
<td>D</td>
<td>B33</td>
<td>D* +</td>
</tr>
<tr>
<td>B4</td>
<td>B*, F*,</td>
<td>B34</td>
<td>B*, D* +</td>
</tr>
<tr>
<td>B5</td>
<td>B*, F*</td>
<td>B35</td>
<td>D* +</td>
</tr>
<tr>
<td>B6</td>
<td>B*</td>
<td>B36</td>
<td>B*, D* +, H* +</td>
</tr>
<tr>
<td>B7</td>
<td>D* +</td>
<td>B37</td>
<td>A, B, C, D, F, G, H</td>
</tr>
<tr>
<td>B8</td>
<td>D</td>
<td>B38</td>
<td>Custom</td>
</tr>
<tr>
<td>B9</td>
<td>Custom</td>
<td>B46</td>
<td>Custom</td>
</tr>
<tr>
<td>B11</td>
<td>Custom</td>
<td>B47</td>
<td>F* +, G</td>
</tr>
<tr>
<td>B12</td>
<td>Custom</td>
<td>B48</td>
<td>Custom</td>
</tr>
<tr>
<td>B13</td>
<td>Custom</td>
<td>B49</td>
<td>Custom</td>
</tr>
<tr>
<td>B14</td>
<td>D* +</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Indicates altering steps to fit on lot  
+ Indicates open rear deck

---

**NOTE:** Lots not listed are unavailable for sale at this time. Floor plans and specifications are subject to change without prior notice.
Letter to Village at Seabrook Regime
(July 1, 2019)
Dear Ms. Patterson:

On July 1, 2019, the Town of Seabrook Island received an appeal (Appeal #39) of the following Letters of Determination regarding setback requirements within the Village at Seabrook, copies of which were previously provided to you by email on June 3-4, 2019.

- **Letter of Determination for Setback Requirements – Village at Seabrook Lot B-23**
  - Bob Nitkewicz, NV Realty, 1900 Seabrook Island Road, Seabrook Island, SC 29455
  - June 3, 2019

- **Letter of Determination for Setback Requirements – Village at Seabrook Lot B-26**
  - K.C. Miller, Kenneth Miller Architecture, 1912 Planters Drive, Charleston, SC 29414
  - June 3, 2019

- **Letter of Determination for Setback Requirements – Village at Seabrook Lots A-06 & B-01**
  - Kevan Hoertdoerfer, Kevan Hoertdoerfer Architects, 538 King St, Charleston, SC 29403
  - June 4, 2019

The Board of Zoning Appeals has been notified that an appeal has been received and a public hearing will be scheduled within the next 30-45 days. We will notify you once the hearing date has been finalized. During the public hearing, any individual may speak in favor of – or in opposition to – the appeal. Following the hearing, the Board may, in conformity with the provisions of state law, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken.

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

This stay will apply to all permit applications for which zoning review will be required to determine conformity with the Town’s setback requirements. Such examples will include, but are not limited to:

- New construction;
- Additions;
• Exterior modifications, excluding ordinary maintenance and repair;
• Reconstruction;
• Construction or modification of accessory structures, including fences, walls and driveways; and
• Major renovations to existing buildings where the value of the work exceeds 50% of the structure's fair market value.

The following activities are not subject to the Town’s setback requirements and, therefore, will not be affected by this stay:

• Interior maintenance, repair and modification which does not exceed 50% of an existing structure's fair market value;
• Exterior maintenance and repair which does not change the footprint of an existing, excluding reconstruction;
• Any work which, in the opinion of the Zoning Administrator, is necessary to avoid imminent peril to life and property; and
• Any work which does not require a Town zoning permit.

As president of the Village at Seabrook regime, we would appreciate your assistance in sharing this information with each of your property owners.

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

Respectfully submitted,

[Signature]
Joseph M. Cronin
Town Administrator/Zoning Administrator

CC: Heather Paton, Executive Director, SIPOA
    Katrina Burrell, ARC Administrator, SIPOA
Email to Requestors of Setback Determinations
(July 1, 2019)
Good afternoon,

One June 3-4, 2019, I provided you with a Letter of Determination regarding the setback requirements on specific lots within the Village at Seabrook (Lots A-06, B-01, B-23 and B-26). In my letter, I stated that the Letter of Determination was subject to appeal by any party in interest within 30 days from the date of the letter.

I wanted to let you know that earlier today, we received an appeal of my determination from a resident within the Village. We will be scheduling a public hearing in the next 30-45 days, at which time any interested party may speak regarding the appeal. In the meantime, this appeal will stay all zoning actions (including zoning permit approvals) and/or legal proceedings until the matter which is subject to the appeal has been acted upon by the town’s Board of Zoning Appeals.

Joseph M. Cronin
Town Administrator
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC 29455
Office: (843) 768-5321
Cell: (843) 637-9832
www.townofseabrookisland.org
Letter to Village at Seabrook Property Owners
(July 23, 2019)
TO: Village at Seabrook Property Owners
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator
SUBJECT: Notice of Appeal: Village at Seabrook Setback Requirements
DATE: July 23, 2019

Dear Property Owner,

The purpose of this letter is to notify you that the Town of Seabrook Island Board of Zoning Appeals has received an appeal (Appeal #39) of the Zoning Administrator’s Letter of Determination relating to the setback requirements for the Village at Seabrook subdivision. As a property owner who may be affected by the outcome of this appeal, you are receiving this notification pursuant to Sec. § 19.40.10.30 of the town’s Development Standards Ordinance (DSO).

**APPEAL #39**

APPELLANT: Cathy Patterson, 4064 Bridle Trail Drive, Seabrook Island, SC 29455

ADDRESSES: 2211 Seabrook Island Road (Lot A-06), 2279 Seabrook Island Road (Lot B-01), 3049 Seabrook Village Drive (Lot B-23) and 3061 Seabrook Village Drive (Lot B-26)

TAX MAP NUMBERS: 147-00-00-042 (Lot A-06), 147-00-00-059 (Lot B-01), 147-00-00-093 (Lot B-23) and 147-00-00-096 (Lot B-26)

ZONING DISTRICT: PUD/Multi-Family Residential

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

- Whether the setback requirements for the Village at Seabrook shall be as established in “Exhibit B” to Ordinance No. 2000-08, entitled “An ordinance to amend the Planned Unit Development within Area Six for the Lake Entry Tract (Developed as the Village at Seabrook),” which specifies the following minimum setback requirements for the Village at Seabrook:
  
  O Front Yard – 30 feet;
  O Side Yard – 15-foot separation between structures;
  O Rear Yard – 25 feet;

- Whether a corner lot shall be deemed to have two front yards, two side yards and no rear yard, as specified by Sec. § 7.60.10.10 of the Development Standards Ordinance;
• Whether the provisions of Ordinance No. 2001-03, which allows a reduction of the secondary front yard setback from 30 feet to 20 feet for corner lots wherein one intersecting street is a cul-de-sac, and which allows uncovered front steps to encroach into a front yard setback as long as they are no less than 20 feet from the front property line, applies to lots within the Village at Seabrook;

• Whether the rear yard setback for pie-shaped lots which do not have a defined rear property line shall be measured from the point of intersection between the two side property lines; and

• Whether the setback lines illustrated on the Subdivision Plat for the Village at Seabrook, which was approved by the Seabrook Island Planning Commission on December 12, 2001, and recorded in the Charleston County Register of Deeds Office on in Plat Book EF, Pages 245-246, on December 19, 2001, supersede or otherwise amend the minimum requirements contained within Ordinance No. 2000-08 or the Development Standards Ordinance.

The Board of Zoning Appeals has scheduled a PUBLIC HEARING, during which time the Board will hear testimony from any individual who wishes to speak regarding the appeal.

PUBLIC HEARING DATE: Thu. August 15, 2019
PUBLIC HEARING TIME: 2:30 PM
PUBLIC HEARING LOCATION: Seabrook Island Town Hall
2001 Seabrook Island Road
Seabrook Island, SC 29455

During the public hearing, any individual may speak in favor of – or in opposition to – the appeal. Following the hearing, the Board may, in conformity with the provisions of state law, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end, has all the powers of the officer from whom the appeal is taken.

In addition to attending the public hearing, interested parties may submit written comments in advance of the public hearing, as follows:

ONLINE: www.townofseabrookisland.org (Through 12:00 PM on August 8, 2019)

BY E-MAIL: jcronin@townofseabrookisland.org

BY MAIL: Town of Seabrook Island, Attn: Zoning Administrator
2001 Seabrook Island Road, Seabrook Island, SC 29455

Pursuant to Sec. 6-29-800(c) of the South Carolina Code of Laws, please be advised that the Town has issued a stay on all zoning actions (including zoning permit approvals) and/or legal proceedings within the Village at Seabrook until the matters which are subject to the appeal have been acted upon by the Board of Zoning Appeals.
This stay will apply to all permit applications for which zoning review will be required to determine conformity with the Town’s setback requirements. Such examples will include, but are not limited to:

- New construction;
- Additions;
- Exterior modifications, excluding ordinary maintenance and repair;
- Reconstruction;
- Construction or modification of accessory structures, including fences, walls and driveways; and
- Major renovations to existing buildings where the value of the work exceeds 50% of the structure’s fair market value.

The following activities are not subject to the Town’s setback requirements and, therefore, will not be affected by this stay:

- Interior maintenance, repair and modification which does not exceed 50% of an existing structure’s fair market value;
- Exterior maintenance and repair which does not change the footprint of an existing structure, excluding reconstruction;
- Any work which, in the opinion of the Zoning Administrator, is necessary to avoid imminent peril to life and property; and
- Any work which does not require a Town zoning permit.

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

Sincerely,

Joseph M. Cronin
Town Administrator/Zoning Administrator
Public Hearing Notice – Post and Courier Legal Ad (July 25, 2019)
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

(copied attached)

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

07/25/19 Thu PC
07/25/19 Thu CNW

at a cost of $120.72
Account# 108294
Order# 1808095

P.O. Number:

Subscribed and sworn to before me this 25th day of July A.D.

[Signature]

[Seal]

NOTARY PUBLIC, SC
My commission expires 09/24/2023
ATTACHMENT #24

Zoning Conformity Maps for Existing Homes in the Village at Seabrook (Zoning Administrator Upheld v. Overturned)
Village at Seabrook

Zoning Conformity Status of Existing Structures

Zoning Administrator Upheld (Ord. 2000-08 & DSO Control)

Conforming
41 of 56 (73.2%)

Non-Conforming (>10%)
6 of 56 (10.7%)

Non-Conforming (<=10%)
9 of 56 (16.1%)

Under Construction
2

Non-conforming Lots

Primary Front (30')
C-24 (15.3'), C-27 (29.8'), C-35 (29.5')

Secondary Front (20')
None

Uncovered Steps (20')
B-05 (18.8'), C-08 (17.0'), C-21 (17.6')
C-23 (16.5'), C-24 (13.4')

Side Separation (15')
B-02/03 & B-04 (11.6'), C-05 & C-06 (14.6')
C-09 & C-10 (13.6')
Note: Separation >15' between ALL principal dwellings

Rear (25')
A-16 (24.8')

Open Space Deck (15')
A-05 (13.8')
Village at Seabrook
Zoning Conformity Status of Existing Structures

Zoning Administrator Overturned
(Subdivision Plat Controls)

Conforming
24 of 56 (42.9%)

Non-Conforming (>10%)
26 of 56 (46.4%)

Non-Conforming (<10%)
6 of 56 (10.7%)

Under Construction
2

Non-Conforming Lots

Primary Front (30')
C-24 (15.3'), C-27 (29.8'), C-31 (29.5')

Secondary Front (20')
None

Uncovered Steps (20')
B-05 (18.8'), C-08 (17.0'), C-21 (17.6')
C-23 (16.5'), C-24 (13.4')

Side (7.5')
A-05 (5.4'), A-08 (2.1'), A-15 (6.4'), A-18 (5.5')
A-21 (4.7'), B-03 (2.0'), B-19 (4.3'), B-40 (1.5')
C-04 (4.9'), C-05 (5.6'), C-07 (7.1'), C-08 (5.0')
C-09 (4.0'), C-13 (1.1'), C-17 (6.1'), C-21 (6.0')
C-22 (5.8'), C-23 (5.8'), C-27 (1.5'), C-28 (1.3')
C-29 (3.4'), C-30 (2.8'), C-34 (2.2')

Side (15')
A-05 (6.5'), C-18 (8.3')

Rear (25')
A-01 (8.6'), A-16 (24.8'), B-25 (24.5')

Open Space Deck (15')
A-01 (7.9'), A-09 (13.8')
Zoning Conformity Table for Existing Homes in the Village at Seabrook (Zoning Administrator Upheld v. Overturned)
### Zoning Administrator Determination

<table>
<thead>
<tr>
<th>Lot</th>
<th>P Front</th>
<th>S Front</th>
<th>Steps</th>
<th>L Side</th>
<th>R Side</th>
<th>Rear</th>
<th>OS Deck</th>
<th>Structure</th>
<th>Required</th>
<th>Provided</th>
<th>A-C</th>
<th>Confirming</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-05</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>10.0</td>
<td>23.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>A-06</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>10.1</td>
<td>24.6</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>A-08</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>20.6</td>
<td>20.8</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>A-10</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>40.0</td>
<td>37.6</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>A-11</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>38.1</td>
<td>64.6</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>A-12</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>30.0</td>
<td>30.0</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>A-15</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>30.0</td>
<td>25.6</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>A-16</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>30.0</td>
<td>25.6</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>A-17</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>10.1</td>
<td>22.8</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>A-18</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>30.0</td>
<td>25.6</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>A-19</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>30.0</td>
<td>25.6</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>A-22</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>30.0</td>
<td>25.6</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-03</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-04</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-05</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-07</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-08</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-10</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-11</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-12</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-13</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-14</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-15</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-16</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-17</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-18</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
<tr>
<td>B-19</td>
<td>30</td>
<td>30</td>
<td>20</td>
<td>0/15</td>
<td>0/15</td>
<td>25</td>
<td>15</td>
<td>Completed</td>
<td>25.6</td>
<td>20.4</td>
<td>7.5</td>
<td>Yes</td>
</tr>
</tbody>
</table>

---

**Notes:**
- **Pie Shaped Lots:** Min. rear yard = 25' (Measured from point where side lines intersect)
- **Per DSO:** A corner lot is defined to have 2 fronts & 2 sides (No rear setback)
- **Per PUD/DSO:** Min. side yard = 0' (7.5' recommended); Min. separation between buildings = 15'

---

**Village at Seabrook Setbacks**

This interpretation **WOULD** apply Ord. 2001-03 (adopted 06-26-2001) to the Village, even though the Village PLU was never amended. ZA has determined that the intent was for Ord. 2001-03 to apply to the Village as evidenced by 20' front 58 x 2/5 (308') cul-de-sac lots and 10' step encroachment on 34' x 55' (61.8%).
<table>
<thead>
<tr>
<th>Lot</th>
<th>P Front</th>
<th>S Front</th>
<th>Required</th>
<th>Structure</th>
<th>Recorded Plat</th>
<th>Provided</th>
<th>Confirming</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-03</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>7.5</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>A-05</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>7.5</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>A-08</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>7.5</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>A-09</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>7.5</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>A-10</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>7.5</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>A-11</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>7.5</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>A-12</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>7.5</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>A-13</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>7.5</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>A-14</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>7.5</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>A-15</td>
<td>30</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>7.5</td>
<td>25</td>
<td>15</td>
</tr>
</tbody>
</table>

**Village at Seabrook Setbacks**

- **Recorded Plat**: 38.7
- **Completed on**: 22.1
- **S Front**: 7.5
- **A-15**: 29.3
- **30.0**: 20.0
- **Completed**: 9.2
- **30.0**: 20.0
- **Completed**: 9.1
- **20.0**: 19.9
- **25.0**: 15.4
- **9.2**: 7.5
- **25.0**: 15.0
- **25.0**: 6.0
- **25.0**: 10.0
- **25.0**: 15.0
- **25.0**: 30.0
- **25.0**: 31.8
- **25.0**: 24.5
- **25.0**: 44.2
- **25.0**: 64.2

---

**Location**: [Location](#)

**Setbacks**: [Setbacks](#)

**Conformities**: [Conformities](#)

**Recorded Plat**: [Recorded Plat](#)
ATTACHMENT #26

Zoning Conformity Impact for Existing Homes in the Village at Seabrook
(Zoning Administrator Upheld v. Overturned)
## Impact to Existing Homeowners if Zoning Administrator Determination is Overturned

<table>
<thead>
<tr>
<th>Lot</th>
<th>#</th>
<th>Street</th>
<th>Owner(s)</th>
<th>Zoning Administrator Upheld</th>
<th>Zoning Administrator Overturned</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Conforming?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A-01</td>
<td>2191</td>
<td>Seabrook Island Road</td>
<td>RONALD WILKES TRUST AND VANIA WILKES TRUST</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A-05</td>
<td>2207</td>
<td>Seabrook Island Road</td>
<td>CARMINE AND ARLINE DEGENNARO</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A-08</td>
<td>2219</td>
<td>Seabrook Island Road</td>
<td>RAYBURN AND MARGARET THOMPSON</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A-09</td>
<td>2223</td>
<td>Seabrook Island Road</td>
<td>MARSHA PAPENX</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>A-10</td>
<td>2227</td>
<td>Seabrook Island Road</td>
<td>ROBERT GIUFFREDA AND KRISTEN CHAPMAN</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>A-15</td>
<td>2247</td>
<td>Seabrook Island Road</td>
<td>JAMES AND JOANNE MOORE</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A-16</td>
<td>2251</td>
<td>Seabrook Island Road</td>
<td>PATRICIA MALOOMIAN</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>A-17</td>
<td>2255</td>
<td>Seabrook Island Road</td>
<td>PATRICK AND LORA CONNELLY</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>A-18</td>
<td>2259</td>
<td>Seabrook Island Road</td>
<td>MARK PENKHUS AND CYNTHIA CHASE</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A-21</td>
<td>2271</td>
<td>Seabrook Island Road</td>
<td>HOWARD MINTZ LIVING TRUST AND STEPHANIE</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>A-22</td>
<td>2275</td>
<td>Seabrook Island Road</td>
<td>CARL AND DONNA KERN</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>B-03</td>
<td>3020</td>
<td>Seabrook Village Drive</td>
<td>TIMOTHY AND SHELLY LEAVITT</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>B-04</td>
<td>3024</td>
<td>Seabrook Village Drive</td>
<td>RAMON AND NANCY SANCHEZ</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>B-05</td>
<td>3028</td>
<td>Seabrook Village Drive</td>
<td>JOHN AND PATRICIA BISCEGLIA</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>B-10</td>
<td>3048</td>
<td>Seabrook Village Drive</td>
<td>MARY BETH HIBBAR</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>B-15</td>
<td>3068</td>
<td>Seabrook Village Drive</td>
<td>DEAN AND MEREDITH ZERBE</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>B-17</td>
<td>3076</td>
<td>Seabrook Village Drive</td>
<td>SHAWN AND SUSAN WHEELER</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>B-19</td>
<td>3084</td>
<td>Seabrook Village Drive</td>
<td>KENNETH AND REGINA OSTER</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>B-25</td>
<td>3041</td>
<td>Seabrook Village Drive</td>
<td>SANDRA LEAH GARVEY</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>B-34</td>
<td>3112</td>
<td>Seabrook Village Drive</td>
<td>JEFFREY KRAMER</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>B-37</td>
<td>3124</td>
<td>Seabrook Village Drive</td>
<td>MICHAEL HOLIAN TRUST AND EVA MARIA</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>B-39</td>
<td>3029</td>
<td>Seabrook Village Drive</td>
<td>JAMES VINCENT AND MARCIA BONICA</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>B-40</td>
<td>3025</td>
<td>Seabrook Village Drive</td>
<td>WALTER AND PHYLLIS HARPER</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>B-42</td>
<td>3017</td>
<td>Seabrook Village Drive</td>
<td>DOUGLAS BAYER TRUST AND ELIZABETH BAYER</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>C-01</td>
<td>4004</td>
<td>Bridle Trail Drive</td>
<td>ANTHONY GEORGE AND SUSAN WALSH</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>C-03</td>
<td>4008</td>
<td>Bridle Trail Drive</td>
<td>TIMOTHY AND SALLY SCOTT</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>C-04</td>
<td>4012</td>
<td>Bridle Trail Drive</td>
<td>PETER AND LOUISE LEEKE</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>C-05</td>
<td>4016</td>
<td>Bridle Trail Drive</td>
<td>WALTER AND BRENDA HOGUE</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>C-06</td>
<td>4020</td>
<td>Bridle Trail Drive</td>
<td>LISA ATKINS</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>C-07</td>
<td>4024</td>
<td>Bridle Trail Drive</td>
<td>TIMOTHY SCHELL</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>C-08</td>
<td>4028</td>
<td>Bridle Trail Drive</td>
<td>STEVEN AND LAURA WENDLING</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>C-09</td>
<td>4032</td>
<td>Bridle Trail Drive</td>
<td>DAVID AND MARGARITA WIRTH</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>C-10</td>
<td>4036</td>
<td>Bridle Trail Drive</td>
<td>ROOPUS REYNAT LLC</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>C-12</td>
<td>4044</td>
<td>Bridle Trail Drive</td>
<td>BONNIE BRIDGE BENSONHAVER TRUSTEE</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>C-13</td>
<td>4048</td>
<td>Bridle Trail Drive</td>
<td>CAPPO INVESTMENT II LLC</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>C-14</td>
<td>4052</td>
<td>Bridle Trail Drive</td>
<td>GLENN AND DEBBIE MANNING</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>C-15</td>
<td>4056</td>
<td>Bridle Trail Drive</td>
<td>GLENN AND AMY FEHRIBACH</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>C-16</td>
<td>4060</td>
<td>Bridle Trail Drive</td>
<td>MARK SMITH</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>C-17</td>
<td>4064</td>
<td>Bridle Trail Drive</td>
<td>CATHERINE PATTERSON</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>C-18</td>
<td>4068</td>
<td>Bridle Trail Drive</td>
<td>TROY AND VICKIE BROWN</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>C-20</td>
<td>4029</td>
<td>Bridle Trail Drive</td>
<td>JUDY STEVENS</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>C-21</td>
<td>4025</td>
<td>Bridle Trail Drive</td>
<td>ARVIS AND DEBORAH WADE</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>C-22</td>
<td>4021</td>
<td>Bridle Trail Drive</td>
<td>DUANE JAMES AND JEANNE NORCROSS</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>C-23</td>
<td>4017</td>
<td>Bridle Trail Drive</td>
<td>CLIFFORD WILLIAMS</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>C-24</td>
<td>4013</td>
<td>Bridle Trail Drive</td>
<td>KANC LLC</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>C-25</td>
<td>4009</td>
<td>Bridle Trail Drive</td>
<td>TIMOTHY FINAN</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>C-26</td>
<td>4007</td>
<td>Bridle Trail Drive</td>
<td>TIMOTHY JACKSON AND NANCY BERG</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>C-27</td>
<td>3004</td>
<td>Seabrook Village Drive</td>
<td>RICHARD AND CAROL GREB</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>C-28</td>
<td>3008</td>
<td>Seabrook Village Drive</td>
<td>PHILIP AND JO EMILY SMELTZER</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>C-29</td>
<td>3012</td>
<td>Seabrook Village Drive</td>
<td>GERALD AND JACQUELINE SINGER</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>C-30</td>
<td>3014</td>
<td>Seabrook Village Drive</td>
<td>WADE AND KAREN BALLARD</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>C-31</td>
<td>3007</td>
<td>Seabrook Village Drive</td>
<td>CHRISTINE FLAIZ</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>C-32</td>
<td>3005</td>
<td>Seabrook Village Drive</td>
<td>PETER AND PAMELA ALEXANDER</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>C-33</td>
<td>3001</td>
<td>Seabrook Village Drive</td>
<td>ROBERT AND BETH BOYLES</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>C-34</td>
<td>4005</td>
<td>Bridle Trail Drive</td>
<td>BCA INVESTMENT HOLDINGS LLC</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>C-35</td>
<td>4003</td>
<td>Bridle Trail Drive</td>
<td>NANCY RAGUE</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

- **23** Existing homes will become **NON-CONFORMING/MORE NON-CONFORMING** impacted if Zoning Administrator Determination is **OVERTURNED**
- **3** Existing homes will become **CONFORMING/LESS NON-CONFORMING** if Zoning Administrator Determination is **OVERTURNED**
- **30** Existing homes will have **NO CHANGE** if the Zoning Administrator Determination is **OVERTURNED**
- **21** CONFORMING homes will stay **CONFORMING**
- **9** NON-CONFORMING homes will stay **NON-CONFORMING**
As-Built Surveys of Existing Homes in the Village at Seabrook
NOTES:
1. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
2. AREA DETERMINED BY COORDINATE METHOD.
3. THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
4. THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WATERMARKS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY.
5. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY, AND IS NOT THE RESULT OF A TITLE SEARCH.
6. TREES SPECIES SHOWN HEREON ARE OUR OPINION ONLY AND HAVE NOT BEEN VERIFIED BY A CERTIFIED ARBORIST. PRIOR TO ANY DEVELOPMENT OR TREE REMOVAL, TREE SPECIES SHALL BE VERIFIED.
7. THIS PROPERTY IS LOCATED IN FLOOD ZONE AE ELEV. 15. AS PER FEMA MAP COMMUNITY-PANEL No. 455256 0788 4, DATED 11/07/04. IT IS THE OWNERS/BUYERS RESPONSIBILITY TO VERIFY THIS FLOOD ZONE WITH LOCAL AUTHORITIES PRIOR TO BUILDING.
8. DECLARATION IS MADE TO THOSE PERSONS FOR WHOM THIS PLAT WAS PREPARED, IT IS NOT TRANSFERABLE TO SUBSEQUENT OWNERS. THIS DRAWING/PLAT IS AN INSTRUMENT OF SERVICE AND IS THE SOLE PROPERTY OF GEORGE A.Z. JOHNSON, JR., INC. IT SHALL NOT BE REPRODUCED OR USED IN ANY WAY, WHATSOEVER, WITHOUT THE WRITTEN PERMISSION OF GEORGE A.Z. JOHNSON, JR., INC. COPYRIGHT 2012, GEORGE A.Z. JOHNSON, JR., INC. ALL RIGHTS RESERVED.
9. USE OF UNELEVATED COPIES OF THIS DOCUMENT IN ANY COURT, FINANCIAL OR LAND TRANSITION, OR FILING WITH ANY PUBLIC AGENCY OR OFFICE IS UNAUTHORIZED USE AND IS A VIOLATION OF FEDERAL COPYRIGHT LAW.
10. "SURVEY INSPECTIONS" OR "UPDATES" OF THIS MAP ARE PROHIBITED.
11. THESE CERTIFICATIONS OR "UPDATES" OF THIS MAP ARE PROHIBITED.

FINAL ASBUILT SURVEY
No. 2191 SEABROOK ISLAND ROAD
LOT A1, THE VILLAGE AT SEABROOK
TOWN OF SEABROOK
CHARLESTON COUNTY
SOUTH CAROLINA
T.M.S. No. 147-00-00-037

OWNED BY:
DR. RON & VANIA WILKES

I hereby certify that the owner(s) shown herein to the best of my knowledge, information and belief, the survey shown herein was made in accordance with the Minimum Standards Enacted by the Department of Land Surveying in South Carolina, and meet or exceed the requirements for a Class A survey as specified therein; also that there are no visible encroachments or projections other than shown.

DATE: 6/14/12
SCALE: 1" = 20'

George A.Z. Johnson, Jr., Inc.
Engineers - Planners - Land Surveyors
6171 Savannah Highway
Rancho, South Carolina 29470
(843) 889-1492 Charleston N0. 732-3140 Edisto No. 869-1495
Fax No. (843) 889-1854
© Copyright 2012, George A.Z. Johnson, Jr., Inc. All rights reserved.

F. Steven Johnson, BLs
S.C. No. 10038
This plat not a valid, true copy unless bearing the raised, embossed seal of the surveyor.

332
CERTIFICATIONS
1. I hereby state that to the best of my knowledge, information and belief the survey shown herein was made in accordance with the requirements of the Minimum Standard Manual for the Practice of Land Surveying in S.C. and meets or exceeds the requirements for a class A survey as specified herein also there are no visible encroachments or projections other than shown.
2. I certify that the property shown hereon is in a special flood hazard zone according to F.E.M.A. Flood Hazard Boundary Maps.

LEGEND
I.O. INDICATES IRON PIPE, OLD
I.N. INDICATES IRON PIPE, NEW
P.O. INDICATES ROO, OLD
P.N. INDICATES ROO, NEW
C.M.O. INDICATES CONCRETE MONUMENT, OLD

NOTES
1. AREA = 0.566 50 FT. OR 0.20 ACRES.
2. LOT COVERAGE = 3,107/2,594 = 0.533 OR 36%.
3. REF: PLAT BOOK 37, PAGE 245.
4. PRESENTLY OWNED BY CARMINE DEGENNARO AND ALINE DEGENNARO.
5. T.M.S. NO. 147-50-03-04A.
6. THE ADDRESS IS 2207 SEABROOK ISLAND RD.

PLAT
LOT A5
THE VILLAGE AT SEABROOK
TOWN OF SEABROOK ISLAND

SCALE: 1" = 20'
DATE: NOV 26, 2007

CHARLESTON COUNTY
SOUTH CAROLINA

ANDERSON & ASSOCIATES
LAND SURVEYING AND PLANNING, INC.
P.O. BOX 87, JOHN'S ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA 29457
PHONE (843)871-0900

DRAWING NO. 7966
SURVEY NOTES
1. Reference Tax Map Number 147-00-00-051
2. Reference Plat Book EF Page 245 & 246
3. Survey Requested By: Saltwater Homes
4. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that on accurate and current title search may disclose.
5. This lot has been checked against area FEMA maps and to the best of this surveyor's knowledge, said lot is located in Flood Zone AE(13%). Ref. Map No. 4501900785 J dated 11-17-2004

As-Built Survey
LOT A15, THE VILLAGE AT SEABROOK
LOCATED IN THE
Town of Seabrook Island
CHARLESTON COUNTY, SOUTH CAROLINA

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

James G. Pennington, P.L.S. No. 10291
Date

PREPARED EXCLUSIVELY FOR:
Saltwater Homes

SITE LOCATION:
2247 Seabrook Island Road
Seabrook, SC 29455

GRAPHIC SCALE: 1:20
FIELD SURVEY DATE: 10 June 2015
FIELD SURVEY NO.: 0121
RECORD FILE NO.: 6414

337
SEABROOK ISLAND
PROPERTY OWNERS ASSOCIATION

LOT A17
1,057 SQ FT
0.231 ACRES

TOTAL LOT AREA
9,497 SQFT

HOUSE AREA
1,940 SQFT

CONCRETE AREA
584 SQFT

TOTAL
IMPERVIOUS AREA
2,854 SQFT
31.4% COVERAGE

1\(\frac{4}{4}\)" REBAR
ADJUSTED

2,2655
SEABROOK ISLAND ROAD

CLOSING SURVEY SHOWING LOT A17. TMS# 147-00-00-053
THE VILLAGE AT SEABROOK
LOCATED IN THE TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY, SC.

SCALE: 1" = 20'
DATE: MARCH 24, 2005
REFERENCE: PLAT RECORDED IN PLAT BOOK EF, PAGE 245
LOT MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS
NOT OBVIOUS OR APPARENT TO THE SURVEYOR.
PROPERTY APPEARS TO BE IN FLOOD ZONE AE (CELV. 130)
450916 0755 J REVISION NOVEMBER 17, 2004
TVS5-A-171S 128
FEMA REVISION CHECK: 3/24/15

RICHARD A. ALDRIDGE
R.A.L.S. No. 20054
PARKER LAND SURVEYING, L.L.C.
SPED GRIFFITH STREET, HANAHAN, SC 29410
TEL: (843) 754-7777
FAX: (843) 754-7777

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO VIABLE ENCROACMENTS OR PROJECTIONS OTHER THAN SHOWN.
NOTES & REFERENCES:
REFERENCE PLAT BY G. ROBERT GEORGE.
RECORDED IN THE CHARLESTON CO. RMC OFFICE
IN PLAT BOOK EF PAGE 245.

FINAL SURVEY
2259 SEABROOK ISLAND ROAD
TMS 147-00-00-054
LOT A18
THE VILLAGE
TO BE CONVEYED TO ETHAN MORRIS
SEABROOK ISLAND
CHARLESTON COUNTY, SC
DATE: AUGUST 1, 2008 SCALE: 1" = 20'
REVISED DATE: FEBRUARY 13, 2009
ATLANTIC SURVEYING, INC.
826 WAPOO ROAD
P.O. BOX 3583
CHARLESTON, SOUTH CAROLINA 29417
PHONE (843)763-6669 FAX (843)766-7411

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 RE-
QUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO THERE
ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

JAMES KELLY DAVIS, R.L.S. No. 9268

GRAPHIC SCALE

( IN FEET )
1 inch = 20 ft
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HERETON 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.

NOTES & REFERENCES:

1. REFERENCE PLAT BY GLENN ROBERT GEORGE RECORDED IN THE CHARLESTON CO. R.M.C. OFFICE IN PLAT BOOK EF AT PAGE 245.

2. THIS SURVEY DOES NOT REFLECT A TITLE SEARCH AND IS BASED ENTIRELY ON THE ABOVE REFERENCED DOCUMENT(S). ANY EASEMENTS OR ENCUMBRANCES OF RECORD NOT SHOWN ON THE REFERENCE PLAT MAY NOT BE SHOWN ON THIS SURVEY.

3. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 45019C 0785J, DATED 11/17/04, THIS PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE AE (ELEV. 12').

SEABROOK ISLAND ROAD 60' R/W
TMS 147-00-00-057
LOT A21
2 STORY WEST
LACOON
TMS 147-00-00-145
TMS 147-00-00-150
TMS 147-00-00-145
LACOON
TMS 147-00-00-150

2275 SEABROOK ISLAND ROAD
TMS 147-00-00-058
LOT A22
THE VILLAGE AT SEABROOK
SEABROOK ISLAND
CHARLESTON COUNTY, SC
PREPARED FOR
AMERICA'S HOME PLACE
DATE: AUGUST 29, 2012 SCALE: 1" = 20'
ATLANTIC SURVEYING, INC.
828 WAPCOO ROAD
P.O. BOX 30834
CHARLESTON, SOUTH CAROLINA 29417
PHONE (843)766-6669 FAX (843)766-7411
GRAPHIC SCALE

( IN FEET )
1 inch = 20 ft.

342
SEABROOK VILLAGE DRIVE 50’ R/W

NOTES:
BEARINGS SHOWN ARE MAGNETIC
AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION
AREA DETERMINED BY COORDINATE METHOD
THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY, THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED BY THE SEABROOK ISLAND ARCHITECTURAL REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARiances RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.
THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY
PROPERTY IS LOCATED IN FLOOD ZONE AE (EL 13) AS PER FEMA FLOOD MAPS.

DATE: NOVEMBER 30, 2017  SCALE: 1” = 20’

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

KEVIN M. SCHWACKE, SR. PLS
S.C. Registration Number 20468

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
THIS PLAT IS COPIRTOED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREIN. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.
REFERENCE:
PLAT BY G. ROBERT GEORGE
DATED NOVEMBER 13, 2001
BOOK EF PAGE 246
RMC CHAS. CO.

PLAT BY G. ROBERT GEORGE
DATED OCTOBER 19, 2004
BOOK EH PAGE 463
RMC CHAS. CO.

TAX MAP No. 147–00–00–063
OWNER: JOHN F & PATRICIA BISCUELLA
Prepared for: PALMER CONSTRUCTION
LOT AREA 6000.0 SQ. FT.
0.14 ACRES

NOTES:
BEARINGS SHOWN ARE MAGNETIC
AND AS SUCH ARE SUBJECT TO LOCAL
ATTRACTION
AREA DETERMINED BY COORDINATE METHOD.

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

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR
VARIED BY THE SEABROOK ISLAND ARCHITECTURAL REVIEW
BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES
THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK
GUIDELINES AND/OR TO EXPAND THE BUILDABLE AREA.
THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS
OF ENGINEERS JURISDICTIONAL WETLANDS IS
UNDETERMINED AS OF THE DATE OF THIS SURVEY.
PROPERTY IS LOCATED IN FLOOD ZONE AE (EL 13)
AS PER FEMA FLOOD MAPS.
面板 No. 45019C 0785J
DATED NOVEMBER 17, 2004
COMMUNITY No. 450256

3. SETBACKS SHOWN PER REFERENCE PLAT EF PAGE 245
   SETBACKS TO BE VERIFIED BY SEABROOK ARB PRIOR
   TO DESIGN/CONSTRUCTION
   SETBACKS:
   FRONT = 20 FEET
   REAR = 25 FEET
   SIDE = 7.5 FEET (TO TOTAL 15 FEET)

4. 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 Survey as
   specified therein. Also there are no visible encroachments or projections other than shown. This Survey
   is not valid unless it bears the original signature and seal or endorsed seal. Area determined by coordinate
   method.

   SIGNATURE

   DATE: MAY 1, 2009
   SCALE: 1" = 20'

   A H SCHWACKE, P. L.S.
   S.C. Registration Number 13650

   CERTIFICATIONS ARE NON-TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
   THIS PLAT IS COPY-PROTECTED 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.

   CERTIFICATE OF AUTHORIZATION
   A H Swacke, P. L.S.
   S.C. Registration Number 13650
NOTES:

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. THE SURVEY SHOWN HEREBY REFLECTS THE ABOVE RECORDED REFERENCES.

REFERENCE:

PLOT BY G. ROBERT GEORGE & ASSOCIATES
DATED NOVEMBER 13, 2001, RECORDED IN CHARLESTON COUNTY SMC OFFICE IN PLAT BOOK FF PAGE 740.
CHARLESTON COUNTY TAX MAP # 147-06-00-073

FLOOD NOTE:

THIS LOT IS PARTLY IN A ZONE AE (5.32 FEET) AS SHOWN ON FEMA FLOOD PLAIN MAP # 01093879 DATED 11/21/03. JOHN OF SEABROOK ISLAND COMMUNITY # 420775.

IMPERVIOUS AREA:

HOUSE 1576.8 SQ FT.
DRIVE/WALK 584.5 SQ FT.
TOTAL 2161.3 SQ FT.
COVERAGE 33%.

RIDGE ELEVATION 45.00 (NOVO 29)
BASE ELEVATION 15 (NOVO 29)
HEIGHT DIFFERENCE 30.00

SEABROOK VILLAGE DR.
50' R/W

SCALE: 1" = 10'
NOTES & REFERENCES:

REFERENCE PLAT BY G. ROBERT GEORGE RECORDED IN THE CHARLESTON CO. R.M.C. OFFICE IN PLAT BOOK EE AT PAGE 042.

THIS SURVEY DOES NOT REFLECT A TITLE SEARCH AND IS BASED ENTIRELY ON THE ABOVE REFERENCED DOCUMENT(S).

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

ATLANTIC SURVEYING, INC.
1714 ASHLEY RIVER ROAD
P.O. BOX 30604
CHARLESTON, SOUTH CAROLINA 29417
PHONE (843)763-5669 FAX (843)766-7411
LEGEND:

- SPOT ELEVATION
- UPPER POLE
- IRON FOUNDRY
- PF NAIL SET
- REBAR SET
- X-X FENCE
- G GAS LINE

NOTES:

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND- USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

THE SURVEY SHOWN HEREIN REFLECTS THE ABOVE RECORDED REFERENCES.

FLOOD NOTE:

THIS LOT IS Situated IN A ZONE AE 13 as PER SCALED FROM FEM A FIRM MAP # 45019C07563 DATED 11/17/04 TOWN OF SEABROOK ISLAND COMMUNITY # 450256.

IMPERVIOUS AREA:

HOUSE 2117.7 SQ FT.
DRIVE/WALK 1366.1 SQ FT.
TOTAL 3483.8 SQ FT.

COVERAGE 34%

FREE ELEVATION 45.58 (NVD 29)
BASE FLOOR 13 (NVD 29)
HEIGHT DIFFERENCE 32.58

REFERENCE:

PLAT BY G. ROBERT GEORGE & ASSOCIATES DATED NOVEMBER 13, 2001 RECORDED IN CHARLESTON COUNTY RMC OFFICE IN PLAT BOOK EF PAGE 246.

SCALE: 1" = 30'

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN IS ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF CADAVER SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. THE EASEMENTS SHOWN ARE THOSE THAT ARE OUVBIS AND APPEARANT AND THERE ARE NO ENCUMBRANCES FOR WHICH EASEMENTS OR ENCUMBRANCES HAVE NOT BEEN SHOWN, AND THOSE REECEISSARY MONUMENTS HAVE BEEN INSTALLED AND THE AREA HAS BEEN DETERMINED BY THE COORDINATE METHOD.

DEAN L. BRITT, PLS S.C. REGISTRATION NO. 15792

DEAN L. BRITT: 349
LOT B35
TMS 147-00-00-086

TMS 147-00-00-147
SEABROOK ISLAND

LOT B35
TMS 147-00-00-084

NOTES
1. This plat delineates a boundary survey of Lot 834 Seabrook Village boundaries were established by St-Treatment of deeds and plats referenced herein and location of field survey authorization figures.
2. Only those monuments on this property and adjoining properties and rights-of-way pertinent to the boundaries of this tract were surveyed and shown as evidence. This plat constitutes a boundary survey of only Lot 834 and is not a survey of adjoining tracts.
3. No subsurface or environmental investigations or surveys were performed for this plat. Therefore, this plat does not reflect the existence or non-existence of wetlands, contamination, or other conditions which may affect this property.
4. Vertical datum referenced to NAVD 88.
5. Property appears to be located in flood zone AE as per Flood Insurance Rate Map 450100078251 effective date of November 17, 2004.
6. Total acreage is 0.14 acres.

REFERENCES
1. RC H 147-00-00-086
2. PLAT BY S ROBERT GEORGE AND ASSOCIATES INC DATED NOV 13, 2001
3. RECORDED IN PLAT BOOK OF PAGES 240-246 CHARLESTON COUNTY RMC.

CERTIFICATION STATEMENT:
I hereby certify that to the best of my knowledge, information and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and meets or exceeds the requirements for a Class A survey as specified therein.

Lawrence J. Kennedy, Jr., PLS #2520
2 LORD CALVERT DRIVE
CHARLESTON, SC 29470 (843) 571-2151

SCALE: 1" = 20'

351
AN ASBUILT SURVEY OF 3124 SEABROOK VILLAGE DRIVE, LOT B37 OF THE VILLAGE AT SEABROOK S/D, LOCATED IN THE TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY, S.C. NOW OWNED BY STEVEN C. PLETTI.

NOTES:
1. TMS #147-00-00-088
2. IRON PIPIES FOUND AT ALL CORNERS UNLESS OTHERWISE SHOWN.
3. IPS = IRON PIPE SET (1/2" REBAR).
4. PLAT REFERENCE: BOOK EF PAGE 246.
5. LOCATED IN FLOOD HAZARD ZONE AE MINIMUM ELEVATION 12" PER FIRM COMMUNITY PANEL #450256 785-J. PANEL INDEX DATED 11/17/04. MAP REVISED 11/17/04. (MAP #45019C785J).

AUGUST 29, 2008

GRAPHIC SCALE

1 inch = 20 ft.

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>DELTA ANGLE</th>
<th>CHORD DIRECTION</th>
<th>TANGENT</th>
<th>RADIUS</th>
<th>ARC LENGTH</th>
<th>CHORD LENGTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>17º 11' 30&quot;</td>
<td>N 08º 22' 33&quot; W</td>
<td>26.72</td>
<td>175.00</td>
<td>53.04</td>
<td>52.84</td>
</tr>
<tr>
<td>C2</td>
<td>07º 12' 23&quot;</td>
<td>N 10º 36' 52&quot; W</td>
<td>14.09</td>
<td>175.00</td>
<td>28.13</td>
<td>28.10</td>
</tr>
<tr>
<td>C3</td>
<td>14º 41' 22&quot;</td>
<td>S 12º 29' 17&quot; W</td>
<td>22.56</td>
<td>175.00</td>
<td>44.87</td>
<td>44.74</td>
</tr>
</tbody>
</table>

NOTE: THIS PLAT DOES NOT CONSTITUTE AN OFFICIAL SURVEY OF THIS PROPERTY UNLESS COMPLIANT WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO PIVOT ENCUMBRANCE OR PROJECTIONS OTHER THAN SHOWN.

ROBERT L. FRANK PLG #4177
**FLOOD ZONE DATA**

This property is located in flood zones "A" (F.U.V. 12) and "X" (F.U.V. 13) of the flood insurance map, community panel no. 455413 0440 H for unincorporated areas Charleston County, South Carolina. Bearing the effective date of September 2, 1995, zone limits are established by graphic interpretation from the flood insurance map and were not located by field survey or coordinate geometry. Charleston County building services department protocol requires use of the most restrictive zone for a parcel located within multiple zones.

**REFERENCES:**

A plat showing the subdivision of the village at Seabrook containing 42.328 acre tract located in the town of Seabrook Island, Charleston County, South Carolina, dated May 15, 2020, by G. Robert George & Associates, Inc.

**AS-BUILT SURVEY OF LOT B39**

**THE VILLAGE AT SEABROOK**

**TOWN OF SEABROOK ISLAND**

**CHARLESTON COUNTY, SOUTH CAROLINA**

**AUG. 08, 2001**

**SCALE: 1"=20'**

I hereby certify that this is a true correct survey made on the ground. The improvements are as shown and there are no encroachments either way over property lines or setback lines unless shown hereon.

2411 Savannah Hwy., Charleston, S.C. 29414

**LEGEND**

PROPERTY LINE WITH IRON PIN FOUND
PROPERTY LINE WITH IRON PIN SET
CENTERLINE
RIGHT-OF-WAY LINE
ADJACENT PROPERTY LINE
BUILDING SETBACK
FLOOD ZONE LINE
LOCATION MAP

THIS LOT IS LOCATED IN
FLOOD ZONE AB, EL. 12 & 13
SEE FIRM PANEL 455413 0440 H
MAP REVISED SEPTEMBER 2, 1993

3025 SEABROOK VILLAGE DRIVE
T.M.S. 147-00-00-099
THE SAME BEING SHOWN AS
LOT B40, ON A PLAT OF
THE VILLAGE AT SEABROOK SUBDIVISION
DATED NOVEMBER 13, 2001
BY G. ROBERT GEORGE
AND RECORDED IN THE RMC OFFICE
FOR CHARLESTON COUNTY
IN PLAT BOOK EF, AT PAGES 245 & 246.

LEGEND:
IPF DENOTES IRON PIPE, FOUND
IPS DENOTES IRON PIPE, SET

20' PERIMETER BUFFER

LOT B40
6,651 SF
0.15 Ac

LOT B39

LOT B41

TWO STORY
WOOD FRAME
HOUSE

25' BLDG SETBACK
7.8' NO. 5 BRC REBAR
40.5' N

25.00'
37.15'
48'.30' 19" W

SEABROOK VILLAGE DRIVE 50' R/W

CLOSING SURVEY FOR
JOE FORD
CONSTRUCTION
TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA

SCALE: 1" = 30'

MAY 13, 2002

ASHLEY SURVEYING, INC.
306 SANGAREE PARKWAY SUMMERVILLE SC 29483
TELEPHONE: (843) 871-4418 FAX (843) 871-8535

SOUTH CAROLINA REGISTERED LAND SURVEYOR
PAUL C. LAWSON, JR.
No. C00758

SOUTH CAROLINA SURVEYING, INC.
ASHLEY SURVEYING, INC.
"I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN."
NOTES:
1) REFERENCE PLAT RECORDED BY TIMOTHY D. ELMER
DATED 5-21-03
2) REFERENCE PLAT BOOK EQ PAGE 425
3) TMS 147-00-00-110
4) ALL CORNERS FOUND ARE AS DESCRIBED
5) PROPERTY IS LOCATED IN FLOOD ZONE "A"
ELEV 13 Firm Panel 45019c-0755-3
DATED NOVEMBER 17, 2004
6) BOUNDARY INFORMATION TAKEN FROM NOTE 1
A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN
FOR INFORMATION ONLY.

LINE LEGEND
P/L W/ PROPERTY CORNER FOUND
P/L W/ PROPERTY CORNER SET
ADJACENT PROPERTY LINE
RIGHT-OF-WAY LINE
CENTER LINE
EASEMENT LINE
BUILDING SETBACK LINE

GRAPHIC SCALE
1 inch = 30 ft

FINAL SURVEY
LOT C-1 BRIDLE TRAIL DRIVE
LOCATED IN
THE TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA
Bridle Trail Drive (50' R/W)

50' PERIMETER HUFFER & DRAINAGE / GENERAL UTILITY EASEMENT

S28°07'06''E
60.12'

LOT C-5
ADV.
FNDN.
10.1'
17.8'

S29°05'12''W
60.00'

LOT C-7
ADV.
FNDN.
20.2'
30.0'

30' SETBACK
10.1'

FOUNDATION
LOT C-6

25' SETBACK
7.6' SETBACK

7.5' SETBACK

7.3' SETBACK

5' SETBACK

~ ~ ~ ~

LINE LEGEND
P/L W/ PROPERTY CORNER FOUND
P/L W/ PROPERTY CORNER SET
ADJACENT PROPERTY LINE
RIGHT-OF-WAY LINE
CENTER LINE
EASEMENT LINE
BUILDING SETBACK LINE

NOTES:
1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE
DATED 11-13-2001
2) REFERENCE PLAT BOOK EF PAGE 245
3) TMD 147-00-00-114
4) ALL CORNERS FOUND ARE AS DESCRIBED
5) PROPERTY IS LOCATED IN FLOOD ZONE "AE"
ELEV 13 FIRM PANEL 45019C-0780-1
DATED NOVEMBER 17, 2004
6) BOUNDARY INFORMATION TAKEN FROM NOTE 1
A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN
FOR INFORMATION ONLY.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE,
INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREBON WAS
MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE
MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND
SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE
REQUIREMENTS FOR A CLASS 3 SURVEY AS SPECIFIED THEREIN.

FINAL SURVEY
LOT C-6 BRIDLE TRAIL
LOCATED IN
THE TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA

ACCT. LAND SURVEYING, INC.
POST OFFICE BOX 50849
SUMMERVILLE, SC 29485
TEL: (843) 235-8082
FAX: (843) 235-8083
"DATA YOU CAN DEPEND ON"

360
PLAT OF LOT C8
THE VILLAGE AT SEABROOK
TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY
SOUTH CAROLINA
DATE: JULY 10, 2008
SCALE: 1" = 20'

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

A.H. Schwacke, P.L.S.
S.C. Registration Number 13655

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 SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.

A.H. SCHWACKE & ASSOCIATES, INC.
LAND SURVEYING & CONSTRUCTION LAYOUT
1975 FRAPPON TOUPLG PHONE 843-782-7005 FAX 843-782-0100
F.O.B. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

REFERENCE:
PLAT BY G. ROBERT GEORGE
DATED NOVEMBER 3, 2001
BOOK EP PAGE 245
RMC CHAS. CO.

TAX MAP No. 147-00-00-116
LOT AREA 5998.3 SQ. FT.
0.14 ACRES

NOTES:
BEARINGS SHOWN ARE MAGNETIC
AND AS SUCH ARE SUBJECT TO LOCAL
ATTRACTION
AREA DETERMINED BY COORDINATE METHOD
THE PUBLIC RECORDS REFERENCED ON THIS PLAT
ARE ONLY THOSE USED AND/OR NECESSARY TO THE
ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY.
THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS
PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR
VARIED BY THE SEABROOK ISLAND ARCHITECTURAL
REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES
THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK
GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS
OF ENGINEERS JURISDICTIONAL WETLANDS IS
UNDERDETERMINED AS OF THE DATE OF THIS SURVEY.
PROPERTY IS LOCATED IN FLOOD ZONE AE (EL 13)
AS PER FEMA FLOOD MAPS

NORTH 362' 128.71"
SOUTH 100' 11" 10.97'
WEST 100' 15"
EAST 30.11'
W 30.0' REBAR
LEGEND:
.I.O. IRON OLD (ROUND)
.I.N. IRON NEW (SET)
CMO CONCRETE MONUMENT OLD
AC AIR CONDITIONER
CATV CABLE TV BOX
P PORCH

PLAT PREPARED FOR: GRAHAM BUILDERS

PROJECT07 072273

A.H. SCHWACKE, P.L.S.
S.C. Registration Number 13655
CERTIFICATIONS
1. I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREDON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARD MANUAL FOR THE PRACTICE OF LAND SURVEYING IN S.C. AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED HEREDON ALTHOUGH THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
2. I CERTIFY THAT THE PROPERTY SHOWN HEREDON IS IN A SPECIAL FLOOD HAZARD ZONE ACCORDING TO F.E.M.A. FLOOD HAZARD BOUNDARY MAPS.

LEGEND
I.O. INDICATES IRON PIPE, OLD
I.N. INDICATES IRON PIPE, NEW
R.O. INDICATES ROD, OLD
R.N. INDICATES ROD, NEW
C.M.O. INDICATES CONCRETE MONUMENT, OLD
C.P. INDICATES CALCULATED POINT

NOTES
1. REF: PLAT BOOK EF, PAGE 245
2. PRESENTLY OWNED BY MARGARITA AND DAVID WIRTH
3. T.M.S. NO. 147-00-00-117
4. THE ADDRESS IS 4032 BRIDLE TRAIL DRIVE
5. AREA = 0.13 ACRES

PLAT
LOT C9, 4032 BRIDLE TRAIL DRIVE
THE VILLAGE AT SEABROOK
TOWN OF SEABROOK ISLAND.

SCALE: 1" = 20'  DATE: JAN. 24, 2019
ANDERSON & ASSOCIATES
LAND SURVING AND PLANNING, INC.
P.O. BOX 87, JOHN'S ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA
PHONE (843) 375-0900
REFERENCE:
PLAT BY G. ROBERT GEORGE
DATED NOVEMBER 13, 2001
BOOK EF PAGE 245
RMC CHAS. CO.

TAX MAP No. 147-00-00-118
BRIDLE TRAIL DRIVE

LOT AREA 6668.8 SQ. FT,
0.16 ACRES

Prepared for:
GRAHAM BUILDERS

BUILDING = 1313 sq.ft.
PORCH = 987 sq.ft.
DRIVEWAY = 647 sq.ft.
AC = 29 sq.ft.
TOTAL = 2576 sq.ft.
43% COVERAGE

NOTES:
BEARINGS SHOWN ARE MAGNETIC
AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION
AREA DETERMINED BY COORDINATE METHOD
THE PUBLIC RECORDS REFERENCED ON THIS PLAT
ARE ONLY THOSE USED AND/OR NECESSARY TO THE
ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY.
THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH
ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS
PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR
VARIED BY THE SEABROOK ISLAND ARCHITECTURAL REVIEW
BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES
THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK
GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.
THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS
OF ENGINEERS JURISDICTIONAL WETLANDS IS
UNDETERMINED AS OF THE DATE OF THIS SURVEY

PROPERTY IS LOCATED IN FLOOD ZONE AE (EL 13) AS PER FEM
FLOOD MAP:
PLAT No. 45019C 07853
DATED NOVEMBER 17, 2004
COMMUNITY No. 450256

PLAT OF LOT C10
THE VILLAGE AT SEABROOK
SEABROOK ISLAND
CHARLESTON COUNTY
SOUTH CAROLINA
DATE: DECEMBER 6, 2007
SCALE: 1" = 30'

SURVEYOR'S CERTIFICATION

I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon
was made in accordance with the requirements of the Minimum Standards Manual for the Practice of
Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as
specified therein. Also there are no visible encroachments or projections other than shown. This Survey
is not valid unless it bears the original signature and seal of an embossed seal fixed 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 REPRESENT A 364% BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT
OF A TITLE SEARCH.

PROJECT07 07092
NOTES:
1) REFERECE PLAT RECORDED BY TIMOTHY D. ELMER DATED 5-21-2003
2) REFERECE PLAT BOOK 99 PAGE 425
3) TMIS 147-00-00-120
4) ALL CORNERS FOUND ARE AS DESCRIBED
5) THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE
   AA, ELEVATION 13, PER COMMUNITY MAP PANEL NUMBER 4454130440 II,
   DATED SEPTEMBER 2, 1993.

LINE LEGEND
P/L W/ PROPERTY CORNER FOUND
P/L W/ PROPERTY CORNER CALC'D
ADJACENT PROPERTY LINE
RIGHT-OF-WAY LINE
CENTER LINE
BUILDING SETBACK LINE

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATIONS, AND BELIEF, THE SURVEY HEREFON 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 LEGAL DESCRIPTION AS SPECIFIED THEREIN.

MARK ELLES, LAND SR. 5/20/2005

25 REAR SETBACK

LOT C-12
9,745.63 SF
0.224 AC

LOT C-11

LOT 365D
THE TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA

FINAL PLAT
SHOWING LOT C-12, A 0.224 ACRE PARCEL OF LAND, LOCATED
ON 4044 BRIDLE TRAIL DRIVE, SEABROOK ISLAND,
CHARLESTON COUNTY, SOUTH CAROLINA.
NOTES: THE TOTAL OF BOTH SIDE SETBACKS SHALL BE AT
LEAST 15'; PROVIDED NO TWO DETACHED PATIO HOMES ARE
CLOSER THAN 15'.
SCALE: 1"=20'  DATE: MAY 11, 2005

FINAL SURVEY
LOT C-12 BRIDLE TRAILS
LOC 365D IN
THE TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA

LAND SURVEYOR
MARK ELLES, LAND SR. 5/20/2005

20

10

5

1

(in feet)

1 inch = 20 ft.

DATA YOU CAN DEPEND ON
LOT C-16
6,603.79 SF
0.152 AC

25' REAR SETBACK

LOT C-15
6,600.00 SF
0.152 AC

25' REAR SETBACK

LOT C-14
PROPOSED HOUSE
(A MODEL)

30' FRONT SETBACK

30' FRONT SETBACK

BRIDLE TRAIL
DRIVE (50’ R/W)

NOTES:
1) REFERENCE PLAT RECORDED BY TIMOTHY D. ELMER DATED 5-21-2003
2) REFERENCE PLAT BOOK EG PAGE 425
3) TMS# 147-00-00-123
4) ALL CORNERS FOUND ARE AS DESCRIBED
5) THE PROPERTY SHOWN HEREIN IS LOCATED IN FLOOD HAZARD ZONE AC, ELEVATION 13. PER COMMUNITY MAP PANEL NUMBER 45019C 0785 J.
DATED NOVEMBER 17, 2004.

LINE LEGEND
P/L W/ PROPERTY CORNER FOUND
P/L W/ PROPERTY CORNER CALC'D
ADJACENT PROPERTY LINE
RIGHT-OF-WAY LINE
CENTER LINE
BUILDING SETBACK LINE

FINAL PLAT
SHOWING LOT C-15, A 0.152 ACRE PARCEL OF LAND, LOCATED ON 4056 BRIDLE TRAIL DRIVE, SEABROOK ISLAND,
CHARLESTON COUNTY, SOUTH CAROLINA.
NOTES: THE TOTAL OF BOTH SIDE SETBACKS SHALL BE AT LEAST 15’; PROVIDED NO TWO DETACHED PATIO HOMES ARE CLOSER THAN 15'.
SCALE: 1”=20’ DATE: APRIL 8, 2005

FINAL SURVEY
LOT C-15 BRIDLE TRAILS
LOCATED IN
THE TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA

SCALE: 1 inch = 20 feet

DATE: APRIL 8, 2005

(OGIS)
LAND SURVEYING INC.
No. C08259
SC LAND SURVEYOR
Mark Ellis Lamb, Sr.
21200 MARK ELLIS LAMB, SR.
4/12/05

“DATA YOU CAN DEPEND ON”
FINAL SURVEY
SHOWING LOT C-16, A 0.152 ACRE PARCEL OF LAND, LOCATED ON BRIDLE TRAIL DRIVE, SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA.
NOTES: THE TOTAL OF BOTH SIDE SETBACKS SHALL BE AT LEAST 15'; PROVIDED THAT NO TWO DETACHED PATIO HOMES ARE CLOSER THAN 15'.

SCALE: 1"=10'  DATE: FEBRUARY 1, 2005
THE PROPERTY SHOWN HERETON IS LOCATED IN FLOOD HAZARD
ZONE A6, ELEVATION 13', PER COMMUNITY MAP PANEL NUMBER

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

TIMOTHY D. ELMER
S.C.P.L.S. No. 17566
S.C.P.L. INCORPORATED
224 SEVEN FARMIS DRIVE
CHARLESTON, SOUTH CAROLINA 29492
PHONE (843) 264-2000 FAX (843) 264-2001 WWW.BERENNI.COM
**FINAL SURVEY**

SHOWING LOT C-21, A 0.144 ACRE PARCEL OF LAND, LOCATED ON BRIDLE TRAIL DRIVE, SEABOARD ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA

**SCALE:** 1" = 10'  **DATE:** FEBRUARY 9, 2005

THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE AB, ELEVATION 13, PER COMMUNITY MAP PANEL NUMBER 455413-0440 M, DATED SEPTEMBER 2, 1993

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

**TIMOTHY D. ELLER**  
S.C.P.L.S. No. 17566

---

**CURVE TABLE**

<table>
<thead>
<tr>
<th>CURVE</th>
<th>RADIUS</th>
<th>LENGTH</th>
<th>TANGENT</th>
<th>CHORD</th>
<th>PRTA</th>
<th>BEARING</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>472.00</td>
<td>5.35</td>
<td>4.35</td>
<td>2.95</td>
<td>11°21'</td>
<td>S07°57'32&quot;</td>
</tr>
</tbody>
</table>
FINAL SURVEY

SHOWING LOT C-23, A 0.136 ACRE PARCEL OF LAND, LOCATED ON BRIDLE TRAIL DRIVE, SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA.

NOTES: THE TOTAL OF BOTH SIDE SETBACKS SHALL BE AT LEAST 15'; PROVIDED THAT NO TWO DETACHED PATIO HOMES ARE CLOSER THAN 15'.

SCALE: 1"=10'  DATE: FEBRUARY 3, 2005


I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO INFRINGEMENTS, PROJECTIONS OR SETBACKS AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN.

TIMOTHY D. ELDER  S.C.P.L.S. No. 17566

375
CURVE TABLE

<table>
<thead>
<tr>
<th>CURVE LENGTH</th>
<th>DELTA</th>
<th>RADIUS</th>
<th>CHORD</th>
<th>BEARING</th>
</tr>
</thead>
<tbody>
<tr>
<td>120.00</td>
<td>0.00</td>
<td>100.00</td>
<td>20.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

ADJ. HCUSE
LOT C-23
N25°06'50"W
70.00
LOT C-24

1" OPEN PIPE
LOT C-25
ADJ. HCUSE
25° SETBACK
25° SETBACK
2 STORY HOUSE & DRIVE

BRIDLE TRAIL DRIVE
(50' R/W)

NOTES:
1) REFERENCE PLAT REC'D BY G. ROBERT GEORGE
2) REFERENCE PLAT BOOK DG IV PAGE 700
3) TMS# 147 00-00-135
4) ALL CORNERS FOUND ARE AS DESCRIBED
5) PROPERTY IS LOCATED IN FLOOD ZONE "AE"
6) ELEV 13 FIRM PANEL 456019C-0785-J
DATED NOVEMBER 17, 2004

A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN
FOR INFORMATION ONLY.

LINE LEGEND
P/L W/ PROPERTY CORNER FOUND
P/L W/ PROPERTY CORNER SET
ADJACENT PROPERTY LINE
RIGHT-OF-WAY LINE
CENTER LINE
EASEMENT LINE
BUILDING SETBACK LINE

FINAL SURVEY
LOT C-24 BRIDLE TRAIL
LOCATED IN
THE TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA
NOTES:
1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 12-19-2001
2) REFERENCE PLAT BOOK E PG 245
3) TMID 147-00-00-129
4) ALL CORNERS FOUND AS DESCRIBED
5) PROPERTY IS LOCATED IN FLOOD ZONE "AE"
6) ELEV 1398 FPM PANEL 450193078S-J
7) DATED NOVEMBER 2, 2004
8) BOUNDARY INFORMATION TAKEN FROM NOTE 1
   A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN FOR INFORMATION ONLY.

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

MARK ELLIS LAND, SR.  SCALE 2000

FINAL SURVEY
LOT C-30 BRIDLE TRAIL
LOCATED IN
THE TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA
LINE LEGEND
- P/L W/ PROP CORNER FOUND
- P/L W/ PROP CORNER SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE

CURVE TABLE
<table>
<thead>
<tr>
<th>CURVE</th>
<th>LENGTH</th>
<th>CHORD</th>
<th>BEARING</th>
<th>TANGENT</th>
<th>RADIUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>30.96</td>
<td>30.96</td>
<td>S61°41'19&quot;W</td>
<td>15.50</td>
<td>271.37</td>
</tr>
</tbody>
</table>

LOCATION MAP N.T.S.

NOTES:
1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE DATED 12-19-2001
2) REFERENCE PLAT BOOK E PAGE 245
3) TMS# 147-00-00-143
4) ALL CORNERS FOUND ARE AS DESCRIBED
5) PROPERTY IS LOCATED IN FLOOD ZONE 'AE'
ELEV 13 FIRM PANEL 45019C-0785-1
DATED NOVEMBER 17, 2004
6) BOUNDARY INFORMATION TAKEN FROM NOTE 1
A BOUNDARY SURVEY WAS NOT PERFORMED SHOWN
FOR INFORMATION ONLY.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THIS SURVEY SHOWN HEREBY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE
MINIMUM STANDARDS MANUAL OF THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE
REQUIREMENTS FOR A FINAL SURVEY AS SPECIFIED THERIN.

FINAL SURVEY
LOT C-32 BRIDLE TRAIL
LOCATED IN
THE TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA
LINE LEGEND
- P/L W/ PROP CORNER FOUND
- P/L W/ PROP CORNER SET
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE

CURVE TABLE

<table>
<thead>
<tr>
<th>CURVE</th>
<th>LENGTH</th>
<th>CHORD</th>
<th>BEARING</th>
<th>TANGENT</th>
<th>RADIUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>39.34</td>
<td>35.41</td>
<td>N69°54'57&quot;W</td>
<td>25.07&quot;</td>
<td>25.00</td>
</tr>
</tbody>
</table>

CURVE 39.34' CORD 35.41' BEARING N69°54'57"W TANGENT 25.07' RADIUS 25.00'

LOCATION MAP N.T.S.

NOTES:
1) REFERENCE PLAT RECORDED BY G. ROBERT GEORGE
DATED 13-10-2001
2) REFERENCE PLAT BOOK EF PAGE 246
3) TMS# 147-00-00-142
4) ALL CORNERS FOUND ARE AS DESCRIBED
5) PROPERTY IS LOCATED IN FLOOD ZONE 'AE'
ELEV 13 FEET PANEL 45019C-0783-J
DATED NOVEMBER 17, 2004
6) SURVEY INFORMATION TAKEN FROM NOTE 1
A SURVEY BOUNDARY SURVEY WAS NOT PERFORMED SHOWN
FOR INFORMATION ONLY.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE,
INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREBY WAS
MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE
NORTH CAROLINA STANDARD MANUAL FOR THE PRACTICE OF LAND
SURVEYING IN NORTH CAROLINA, AND MEETS OR EXCEEDS THE
REQUIREMENTS FOR A SURVEY TO BE SHOWN AS SHOWN.

MARK ELLIS CAM. No. 820-9057

FINAL SURVEY
LOT C-33 BRIDLE TRAIL
LOCATED IN
THE TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA

AEGIS LAND SURVEYING, INC.
POST OFFICE BOX 50899
SUMMERVILLE, SC 29485
TEL: (843) 859-1082
FAX: (843) 859-1083
"DATA YOU CAN DEPEND ON"
ATTACHMENT #28

Request for Zoning Determination for Lot B-23 from Bob Nitkewicz (February 11, 2019)
Hi Joe,

I’m writing about lot B-23 in The Village as I need to confirm the setbacks for the owner. I’ve attached the plat. I believe the front is 30’ and one side is 7.5’ (15’ between homes) but I’m confused about the “other” side in the plat. Is it 25’ between houses? Or 25’ to the property line? If it’s 25’ to the property line, then that means 32.5’ to the future neighboring house on B-24 and that seems extreme since only 15’ is the distance to the other future home on B-22. Thank you very much for any clarification you can offer.

Kind regards,
Bob
Nicklaus Vance Realty Group
A JACK NICKLAUS FAMILY OWNED COMPANY

Bob Nitkewicz
REALTOR, Branch Manager
Kiawah-Seabrook Office
Mobile: 843.819-7754
Office: 843.737.5500
Email: Bob@NVRealtyGroup.com
Website: BobN.NVRealtyGroup.com

1900 Seabrook Island Rd.
Seabrook Island, SC 29455
Request for Zoning Determination for Lot B-26 from Kevan Hoertdoerfer (April 8, 2019)
Joseph, Katrina,

Emailing regarding the setbacks on this lot. We have been working with Mr. Seabrook with locating a house on the property and the conversation came up about what you have labeled as a rear setback line. Wondering why this is the case and if possible to view it as a side setback instead?

Thanks,

Kevan

Kevan Hoertdoerfer Architects
538 King Street
Charleston, SC 29403
| studio | 843.724.6002
| mobile | 843.270.4232
www.hoertdoerferarchitects.com
ATTACHMENT #30

Email Correspondence between Zoning Administrator and Carmine DeGennaro Re: Pending Appeal (July 21, 2019)
Mr. DeGennaro,

The appellant is arguing that the setback lines shown on the subdivision plat are what should control in the Village.

The subdivision plat shows that lot A5 was supposed to have a 15-foot side yard setback on the left side and a 7.5-foot side yard setback on the right side.

The 2007 as-built drawing for your home shows that you have a 6.5-foot side yard setback on the left side (an 8.5-foot encroachment into the 15-foot setback shown on the plat) and a 5.4-foot side yard setback on the right side (a 2.1-foot encroachment into the 7.5-foot setback shown on the plat).

If the Board determines that the plat is the controlling document, then your home (as well as nearly half of all other homes in the Village) would become non-conforming, as it does not meet the setbacks as shown on the plat.

Based on the way I and previous zoning administrators have applied the setback requirements, we believe that the Planned Unit Development Ordinance controls. The PUD requires only 15-feet between structures, and does not call out a specific minimum side yard setback. Based on our interpretation, your home would conform with the zoning requirements.

If the appeal is successful, then what has been built on your lot may remain; however, there may be future impacts to you and/or subsequent owners. For example, if you or a future owner ever renovate or modify your home and the value of the renovation or modification is greater than 50% of the existing building’s value, then the home would need to be brought into conformity with the current zoning requirements, which would require any encroaching portions of the home to be removed. Also, because the HVAC stand encroaches into the setbacks (as shown on the plat), the stand would also need to be relocated to a conforming location if it ever needed to be rebuilt.

Lastly, the lot to your left (A6) is shown on the subdivision plat as a “zero lot line” lot. If the appeal is successful, this would allow any house built on that lot to be located right on the property line, irrespective of the separation between that home and yours. Because your home is only 6.5 feet from that line (rather than the 15 feet shown on the plat) there could be as little as 6.5 feet between your home and theirs. Based on my interpretation of the PUD, however, any home built on lot A6 would need to be at least 15 feet from yours, which would require a larger side yard setback on lot A6 than what is shown on the plat.

I am not in any way attempting to change your opinion on the appeal, but I do want to make sure that you are fully aware of the potential adverse impacts that this appeal, if successful, may have on your property. Please feel free to contact me during the week if you have any additional questions.
Joe Cronin

Sent from my iPhone

On Jul 21, 2019, at 9:11 PM, "carmine.degennaro@comcast.net" <carmine.degennaro@comcast.net> wrote:

yes, thanks I think. but why should it change after so many years?

Carmine

On July 21, 2019 at 7:06 PM Joe Cronin <jcronin@townofseabrookisland.org> wrote:

I will let you know as soon as I hear back from the Town Attorney.

In the meantime, it appears from the county’s tax records that you own lots A5 and B14 in the Village. Is that still correct? If so, I wanted to make sure you aware of how the appeal - if granted by the Board of Zoning Appeals - may significantly impact the zoning status of your property, specifically lot A5.

Joe Cronin

Sent from my iPhone

On Jul 21, 2019, at 4:36 PM, "carmine.degennaro@comcast.net" <carmine.degennaro@comcast.net> wrote:

joe

i know the appeal period had ended; katrina from the arb suggested this route.

Carmine

On July 21, 2019 at 4:29 PM Joe Cronin <jcronin@townofseabrookisland.org> wrote:

Mr. DeGennaro,

Since the 30-day appeal period lapsed a couple weeks ago, I am not sure whether the appeal may be amended at this time to include additional parties who were not part of the original appeal. I will
forward this information to our Town Attorney for legal review and will let you know as soon as I hear back.

Regardless, you will have an opportunity to submit a letter of support of the appeal, and may also speak during the public hearing on August 15th at 2:00 pm.

Joe Cronin
Sent from my iPhone

On Jul 21, 2019, at 3:35 PM, "carmine.degennaro@comcast.net" <carmine.degennaro@comcast.net> wrote:

joe

this is to let you know that i have asked Cathy patterson to add me to her appeal. thanks

Carmine

-------- Original Message --------
From: carmine.degennaro@comcast.net
To: carmine.degennaro@comcast.net
Date: July 20, 2019 at 6:54 PM
Subject: Fwd: RE: 3064 Seabrook Village Drive

Carmine

-------- Original Message --------
From: carmine.degennaro@comcast.net
To: SIPOA Receptionist <receptionist@sipoa.org>
Date: July 20, 2019 at 6:53 PM
Subject: RE: 3064 Seabrook Village Drive

can you ask Katrina if the abr was ever responsible for the side setbacks for the Village or has it always been the Town's responsibility. if the arb had responsibility when did it change to the Town. Then regarding new construction what is the jurisdiction of the arb exactly?

Thanks Rhihanna
Carmine

-------- Original Message --------
From: carmine.degennaro@comcast.net
To: SIPOA Receptionist <receptionist@sipoa.org>
Date: July 18, 2019 at 2:14 PM
Subject: RE: 3064 Seabrook Village Drive

Dear Mr. DeGennaro,
Katrina spoke to the Board of Zoning Department yesterday, but unfortunately the time frame to file a separate appeal has lapsed. The best thing for you to do is to file a letter of support of Kathy’s appeal to Joe Cronin, the Town Administrator; jcronin@townofseabrookisland.org. Let me know if you have any other questions.

Sincerely,

Rhiannon Schalaudek
_Receptionist_

**Seabrook Island POA**
1202 Landfall Way
Johns Island, SC 29455
P: (843) 768-0061
F: (843) 768-4317
_[www.sipoa.org](http://www.sipoa.org)_
ATTACHMENT #31

Email from Chris Bensonhaver Re Pending Appeal
(July 31, 2019)
Subject: Appeal # 39

Dear staff,

We, Charles and Bonnie Bensonhaver, owners of and full time residents at 4044 Bridle Trail Drive, Seabrook Island, SC, 29455, are in full support of the appeal placed by Cathy Patterson on July 23, 2019.

Thank You
Email Correspondence between Zoning Administrator and Tony Brown Re: Pending Appeal
(August 6, 2019)
Mr. Cronin,

Thank you so much for the quick reply and your detailed explanation on the Appeal #39.

With your explanation of where our property (home) is built and what your identifying as to our current set backs off property lines, we’ve discussed and agree with your assessment on the possible issue as to our property (home) and addition in the future.

With this, we have decided to remove our support of the Appeal #39.

Again, thank you for looking into our property location and what effect the appeal would have on it in the future.

Troy Brown

Mr. Brown,

Thank you for your correspondence. Your message will be included in the agenda packet for next week’s meeting.

To avoid any surprises, I do want to let you know that your property’s zoning status may be adversely impacted if Appeal #39 is successful. The Appellant has argued that the setback lines illustrated on the plat of record should be controlling on development in the Village. Your lot at 4068 Bridle Trail Drive (Lot C-18) is shown on the plat of record with a 15’ side yard setback on the left side of your home. Based on the as-built survey from 2005, your home is located only 8.3’ from the left side property line, which would be a 6.7’ encroachment into the required 15’ setback.

Based on my determination, as well as that of previous zoning administrators, your home would be considered “conforming” with the zoning requirements, as specified in the Planned Unit Development (PUD) ordinance. If the appeal is successful, however, your home will become “non-conforming” as it encroaches into the 15’ setback shown on the plat of record. While this would not result in any immediate impact to you or your property, you (or a subsequent owner) may be adversely impacted in the future. For example, if you seek to modify or undertake a major renovation to the existing home in the future, you may be required to remove the non-conformity in order to comply with the 15’ side yard setback shown on the plat of record.

I just want to make sure you aware of the impact of this appeal so that there are no surprises depending on the outcome next week.

Joseph M. Cronin
From: troy.brown@holstongases.com <troy.brown@holstongases.com>
Sent: Tuesday, August 6, 2019 11:20 AM
To: Joe Cronin <jcronin@townofseabrookisland.org>
Cc: vlbrown22@gmail.com
Subject: APPEAL #39 FOR VILLAGE AT SEABROOK

Mr. Cronin,

This email is to confirm that we are in agreement with Appeal #39 on the setback requirements for lots identified in appeal within the Village at Seabrook Subdivision.

Troy & Vickie Brown
4068 Bridle Trial Drive
Seabrook Island, SC 29455

Troy Brown
Holston Gases, Inc.
East Region Vice President
Cell: 423-534-4454
troy.brown@holstongases.com
ATTACHMENT #33

Email Correspondence between Zoning Administrator and the Board of Zoning Appeals Re: Pending Appeal
(August 7, 2019)
Chairman Sewell,

As requested, I am providing responses to the questions you submitted to me by email on July 19, 2019. Please note that this correspondence is part of the public record and will be included in the agenda packet for the August 15, 2019 meeting.

WHAT WAS THE FIRST STEP IN THE PROCESS THAT LEAD TO THIS APPEAL?

On February 11, 2019, I received an email from Bob Nitkewicz of NV Realty. Mr. Nitkewicz is a real estate agent who represents the owners of Lot B-23. Mr. Nitkewicz requested clarification of the setback requirements for Lot B-23, which is a pie-shaped lot. He noted that the setback line illustrated on the plat from the shared property line with Lot B-24 was significantly different than what required along the shared property line with Lot B-22. While I was researching this question, I received a request for similar information for Lots A-06 and B-01 from architect Kevan Hoertdoerfer by email on April 8, 2019. Mr. Hoertdoerfer questioned why a corner lot would have two front yard setbacks, one side yard and one rear yard setback, as was shown on the plat. I also received a request by phone from architect Kenneth C. Miller. Mr. Miller was working with the owners of Lot B-26 which, similar to Lot B-23, was a pie-shaped lot. It took approximately 4 months to find and review dozens of relevant documents, consult with the town attorney and prepare Letters of Determination for all four lots. These letters were sent to the respective parties on June 3-4, 2019. Copies of these letters were also sent to Ms. Patterson, in her role as president of the Village at Seabrook regime, as well as to representatives from SIPOA.

IF WE WERE TO GRANT MS. PATTERSON'S APPEAL, WHAT WILL CHANGE?

The appellant has argued that the setback lines illustrated on the recorded plat for the Village at Seabrook are what should govern development within the Village PUD. If the appeal is successful, then all future construction within the Village will need to comply with those setback lines, without regard to what may already be built on neighboring lots.

As we will note during the hearing on August 15, 2019, there are 56 existing homes within the Village; these homes will also be impacted by the outcome of this appeal. Based upon my review of the as-built drawings for these 56 lots, 32 of the 56 existing homes (57.1%) will be considered “non-conforming” if the appeal is successful, as these homes do not comply with the setback requirements illustrated on the plat. While there will be no immediate impact to the owners of these 32 lots, there may be additional restrictions placed upon them if they (or subsequent property owners) seek to modify or undertake major renovations to their homes in the future, up to – and including – the requirement to remove non-conforming elements. In addition, if the appeal is successful, it would become possible for structures to be located less than 15 feet apart, which would be inconsistent with the DSO and the PUD ordinance. I will illustrate examples of how this will be possible during the meeting on August 15, 2019.

WHAT IS THE ORIGIN OF THE ZERO SETBACK ON BOTH SIDES?

§ 7.60.40.20 of the DSO, which pertains to side yard setback requirements for detached multi-family development, states: “Zero lot line construction may be permitted provided all other setbacks of the district and criteria for zoning as a PDD are met. However, the total of both side yard setbacks shall be at least 15 feet; provided that no two detached
patio homes may be situated closer than 15 feet.” By not requiring a rigid minimum setback, this provision allows greater flexibility in locating structures within multi-family developments.

Exhibit B to the ordinance adopting the PUD for the Village at Seabrook (Ord. 2000-08) states that the side yard setback in the village shall be “15 feet (to total 15 feet).” The PUD does not define an actual setback requirement for individual lots, and only requires that structures be located no closer than 15 feet apart, which is consistent with § 7.60.40.20 of the DSO.

ARE THERE ANY OTHER DEVELOPMENTS ON SEABROOK OR ANY ON KIAWAH THAT PERMIT ZERO SETBACKS ON BOTH SIDES?

I am fairly certain that all (or nearly all) multi-family developments in the Town of Seabrook Island require a 15-foot separation between detached multi-family structures rather than a defined minimum side yard setback. I cannot speak to what is required within the Town of Kiawah Island as that lies outside of our jurisdiction.

WHAT IS THOUGHT OF AS THE BENEFIT OF ZERO SETBACKS ON BOTH SIDES?

The decision to allow a 15-foot separation rather than a defined minimum setback was a policy decision of town council. While I can’t speak definitively to the logic or basis for such a decision, my assumption is that this requirement was intended to allow for greater flexibility in the design and siting of detached multi-family structures.

IN DETERMINING A VARIANCE REQUEST, WE REFER TO THE FOUR-PART CRITERIA THAT MUST BE CONSIDERED AS REQUIRED BY STATE LAW. DOES THE SAME CRITERIA APPLY TO AN APPEAL OR IS THERE SOME OTHER SET OF CRITERIA TO BE APPLIED?

No. A variance involves a question of whether the strict application of the zoning ordinance would result in an unnecessary hardship to a particular piece of property. In considering variance requests, the Board uses the four criteria to determine whether an exception to the ordinance should be granted. The decision to grant or not grant a variance is specific to that property only.

An appeal is a question of whether the Zoning Administrator properly interpreted and/or applied the ordinance. State law gives the Board the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination by the Zoning Administrator in the enforcement of the zoning ordinance. In exercising this power, the Board may, in conformity with the provision of the law, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken.

In this particular instance, the Zoning Administrator determined that the setback requirements specified in the DSO and PUD are what should govern development in the Village. The appellant argues that this determination is incorrect and that the setbacks shown on the recorded plat should govern. The Board will review the facts and make a determination as to which argument is legally correct. Unlike a variance, this is a question of policy. Therefore, the outcome of the Board’s decision will apply to all similarly situated properties and not just the four properties which were subject to the Letters of Determination.

Joseph M. Cronin
Town Administrator
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC 29455
Office: (843) 768-5321
Cell: (843) 637-9832
www.townofseabrookisland.org
From: Walter Sewell <wsecondwind@yahoo.com>
Sent: Friday, July 19, 2019 10:46 AM
To: Joe Cronin <jcronin@townofseabrookisland.org>
Cc: Ava Kleinman <ava.kleinman@gmail.com>; Bob Leggett <rmlegg8@gmail.com>; John Fox <johnfox8624@gmail.com>; Richard Finkelstein <finkelstein@ameritech.net>
Subject: Appeal No. 39 - Questions

Joe,

Attached are the questions I brought to the meeting on the 17th.

1 and 2 are general, in nature.
3, 4 and 5 are focused on the matter of the zero side line setbacks.
6 I believe you have already responded to the effect that there is no comparable criteria to be applied or considered in making a determination of an appeal.

Walter