This site visit 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.
TOWN OF SEABROOK ISLAND
Board of Zoning Appeals Meeting
August 29, 2018 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road

MINUTES

Present: Walter Sewell (Chairman), Ava Kleinman, John Fox, Joe Cronin (Zoning Administrator)
Absent: Robert Quagliato, Bob Leggett (Vice Chairman)
Guests: None

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

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: July 9, 2018: Ms. Kleinman suggested that future motions to approve a variance should require “further approval” or “prior approval” for changes, rather than “subsequent approval,” as the word “subsequent” may be taken to mean that approval comes after a change has been made. Ms. Kleinman made a motion to approve the minutes from the July 9, 2018, meeting of the Board of Zoning Appeals, as submitted. Mr. Fox seconded the motion. The motion was APPROVED by a vote of 3-0.

ITEMS FOR INFORMATION / DISCUSSION

1. Status of Previous Variances: Zoning Administrator Cronin provided an update on the town’s efforts to identify the status of variances which have been approved by the Board of Zoning Appeals, but which have not been acted upon by the applicant. He stated that this effort has been delayed due to other priorities, namely the Kiawah Senior Living Project encroachment permit application, which was received in July and is currently pending before the Planning Commission, as well as the ongoing renovation of town hall. He stated that he did not have any additional information to report, but that staff will continue to work on this item. There was discussion among members as to the types of variances which were the highest priority, and it was agreed by all members that the Board preferred to focus on variances related to new construction only, rather than all variances. Zoning Administrator Cronin stated that with this narrow focus, staff could begin by pulling information from the town’s electronic records and could have at least a partial report within 60 days. Additional information will be presented to the Board during the next meeting. A general discussion also took place regarding the expiration of variances and the state’s Vested Rights Act.
2. **Update to Application Forms:** Zoning Administrator Cronin stated that he is currently in the process of updating the town’s application forms for variance requests, zoning appeals and special exceptions. As part of this process, staff will review standard application forms from the Municipal Association of South Carolina, as well as neighboring jurisdictions. He also stated that he would be asking town council to consider amending the town’s Development Standards Ordinance to change the process by which neighboring property owners are notified of pending variance applications. He explained that the ordinance currently requires the applicant to send the notifications. He stated that the town is already providing the name and address of neighboring property owners to the applicant, and it only made sense for the town to send the notifications using a standard form letter, rather than relying on the applicant to provide these notifications. Chairman Sewell responded that he thought the town was providing the notifications all along. Chairman Sewell also recommended including language in the application forms requiring the submission of site plans and architectural drawings. Draft versions of the new forms will be presented to the Board at a future meeting for review and comment prior to implementation. Chairman Sewell stated that this is a priority and wanted to make sure this does not languish for an extended period. Zoning Administrator Cronin responded that he intended to submit a draft ordinance to council within the next 60 days, and would seek to have the new forms ready on a similar time frame.

There being no further business, Chairman Sewell called for a motion to adjourn. Mr. Fox made a motion to adjourn the meeting. The motion was seconded by Ms. Kleinman. The motion was **APPROVED** by a vote of 3-0, and the meeting was adjourned at 3:19 PM.

Minutes Approved:

Joseph M. Cronin
Zoning Administrator
TO: Board of Zoning Appeals Members
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Text Amendment for Variance Application, Notification & Review Procedures
MEETING DATE: October 29, 2018

The Board of Zoning Appeals is asked to review and provide a recommendation to the Planning Commission and Town Council on a proposed amendment to the town’s Development Standards Ordinance (DSO). The purpose of this text amendment is to modify the application, notification and review procedures for variance applications which are made to the Board of Zoning Appeals.

The draft amendment is intended to serve two purposes:

- First, the DSO does not currently outline application and review procedures for variance requests. The draft text amendment modifies § 19.30.20.30 to require the use of a standard application form and the payment of applications fees. The amendment also allows the Zoning Administrator to require supplemental materials which may be “reasonably necessary to assist the board with its review of the application.” (Examples of supplemental materials would include, but not be limited to, property surveys, site plans and architectural renderings of proposed improvements.) The proposed language retains a requirement that a public hearing be held no earlier than 30 days after an application is received, but also includes a requirement that the hearing take place no later than 60 days after an application is received.

- Second, the current ordinance only specifies a process for notifying adjacent property owners of an upcoming public hearing. While the draft amendment retains the 30-day notice requirement for adjacent property owners, the proposed language would transfer the responsibility for sending such notifications from the applicant to the Zoning Administrator. In addition, the new language in § 19.30.20.40 of the proposed amendment would also expand the public notification requirements to more accurately reflect the requirements of Sec. 6-29-800 of the SC Code of Laws. If adopted, the proposed language would also require:
  - Advertisement of the public hearing in a newspaper of general circulation at least 15 days in advance of the hearing;
  - Posting of the property at least 15 days in advance of the hearing; and
  - Providing notice to any “interested parties” who have requested notification of zoning proceedings at least 15 days in advance of the hearing.
Staff Recommendation

Staff recommends in favor of granting first reading **APPROVAL** to the ordinance.

Respectfully submitted,

[Signature]

Joseph M. Cronin  
Town Administrator
AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE OF THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 19, ADMINISTRATION AND APPEALS; SECTION 19.30.20, VARIANCES; SO AS TO AMEND THE APPLICATION, NOTIFICATION AND REVIEW PROCEDURES FOR VARIANCE APPLICATIONS

WHEREAS, Section 19.30.20 of the Development Standards Ordinance outlines the general requirements for zoning variances; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to amend the application, notification and review procedures for variance applications to bring the town’s processes and requirements into conformity with state law, and other matters related thereto; and

WHEREAS, the Seabrook Island Board of Zoning Appeals reviewed the proposed amendments during a duly called meeting on __________, at which time the Board of Zoning Appeals made a recommendation to the Mayor and Council in favor of ________ the proposed amendments; and

WHEREAS, the Seabrook Island Planning Commission reviewed the proposed amendments during a duly called meeting on __________, at which time the Planning Commission made a recommendation to the Mayor and Council in favor of ________ the proposed amendments; and

WHEREAS, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on November 23, 2018; and

WHEREAS, the Mayor and Council believe it is fitting and proper to amend the Development Standards Ordinance to achieve the objectives referenced above;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:

SECTION 1. Amending Section 19.30.20 of the Development Standards Ordinance. The Development Standards Ordinance of the Town of Seabrook Island, South Carolina; Article 19, Administration and Appeals; Section 19.30.20, Variances; is hereby amended to read as follows:

§ 19.30.20. Variances. To authorize upon appeal in specific cases a variance from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon finding by the Board of Zoning Appeals that:
(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and

(b) Such conditions are peculiar to the particular piece of property involved and do not generally apply to other property in the vicinity; and

(c) Because of these conditions, application of the Ordinance on this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

(d) Relief, if granted, would not cause substantial detriment to adjacent property, the public good or impair the purpose and intent of the Ordinance or the comprehensive plan.

§ 19.30.20.10. The board shall not grant a variance the effect of which would be to allow:

(a) Establishment of a use not otherwise permitted in a zoning district; or

(b) Physical extension of a nonconforming use of land; or

(c) Change the zoning district boundaries shown on the official zoning map.

§ 19.30.20.20. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

§ 19.30.20.30. Variance applications shall be filed with the Zoning Administrator on a form made available for that purpose. Applications shall include an application fee as established by town council, which amount may be amended from time to time by town council. Applications shall also include such other supporting documentation as the Zoning Administrator may deem reasonably necessary to assist the board in its review of the application. Incomplete applications will not be accepted. The Zoning Administrator shall forward the application and all supporting documentation to the board for consideration. The chairman of the board shall schedule a public hearing on the variance application as soon as practicable; provided, however, no hearing shall take place less than thirty (30) days, nor more than sixty (60) days, from the date upon which the application was filed.

§ 19.30.20.40. Any person requesting a variance within The Town must give notice of such action to the owners of all real property located within two lots on all four sides of such property. The applicant shall provide such notice by serving a copy of the application on the owner of the properties as shown on current tax records at least thirty (30) days prior to the date set for a public hearing. The applicant shall file service of certified mail with date of service at the same time the application is filed. Notice to a regime must be made to its manager or president. Notice to a partnership may be made by serving any partner. Notice to a corporation may be made on any officer. Upon the scheduling of the public hearing date, the Zoning Administrator shall provide public notice of the hearing, as follows:
(a) **Public Hearing Advertisement.** Notice of the time and place for the public hearing shall be published in a newspaper of general circulation in the Town of Seabrook Island at least fifteen (15) days prior to the public hearing date.

(b) **Posting of Property.** Conspicuous notice of the time and place for the public hearing shall be posted on or adjacent to the subject property at least fifteen (15) days prior to the public hearing date. At least one such notice shall be visible from each thoroughfare that abuts the property.

(c) **Notification of Interested Parties.** If the Town of Seabrook Island maintains a list of individuals or groups that have expressed an interest in being informed of zoning proceedings, notice of the time and place of the public hearing shall be sent to those individuals and groups at least fifteen (15) days prior to the public hearing date.

(d) **Notification of Adjacent Property Owners.**

1. At least thirty (30) days prior to the public hearing date, the Zoning Administrator shall send written notice via USPS Certified Mail to the following:
   
   a. The owner(s) of record (according to Charleston County tax records) of all real property located within two lots on all four sides of the subject property; and

   b. In instances where the property is subject to the covenants and restrictions of a duly organized regime and/or property owners’ association, notice of the hearing shall also be sent to the manager or president of the regime and/or association.

2. All notices which are sent pursuant to the requirements of this subsection shall include the time and place of the public hearing, as well as a brief description of the variance request.

§ 19.30.20.40. No hearing on the application shall take place prior to the elapse of thirty (30) days from the date of the filing of the application and the certificate of service.

**SECTION 2. Severability.**

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction 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 3. Conflicting Ordinances Repealed.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. Effective Date.**

This ordinance shall be effective upon adoption by Town Council.

**SIGNED AND SEALED** this _____ day of ___________________, 2018, having been duly adopted by the Town Council for the Town of Seabrook Island on the _____ day of ___________________, 2018.

First Reading: October 23, 2018
Public Hearing: November 23, 2018
Second Reading: November 23, 2018

TOWN OF SEABROOK ISLAND

______________________________
Ronald J. Ciancio, Mayor

ATTEST

______________________________
Faye Allbritton, Town Clerk
TO: Board of Zoning Appeals Members
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Text Amendment for Variance Application, Notification & Review Procedures
MEETING DATE: October 29, 2018

Following the last meeting in August, town staff conducted a partial review of variances which were previously approved by the Board of Zoning Appeals. This review covered a period of 22 years (1996-2018) and included all variances which were entered into the town’s electronic database.

As was discussed during the August meeting, the focus of our initial review was on variances which met the following criteria:

1) The variance request was APPROVED by the Board of Zoning Appeals;

2) The variance request was for a lot which was VACANT at the time at the time of the request, and was tied to zoning approval for construction of a NEW PRINCIPAL STRUCTURE only

   o Note: Variance applications which covered additions or modifications to existing structures, accessory buildings and structures (decks, porches, patios, etc.), site modifications, signs, tree removal permits, and similar requests were NOT included in the analysis

3) Despite the variance request being approved, there is no record of the application obtaining a BUILDING PERMIT or otherwise EXERCISING ITS DEVELOPMENT RIGHTS authorized by the variance

Our initial review included a total of 64 variances (Variance #93 through #157). Of these, only one variance was identified which appeared to meet all three criteria:

- **Variance #131: Cotton Island (Tax Map # 149-00-00-004)**
  - The purpose of this variance request was to allow for the installation of a septic system in lieu of connecting to the town’s utility system.
  - The variance was approved by the Board of Zoning Appeals on March 26, 2004.
  - There are no records of any permits being issued by the town for Cotton Island since March 26, 2014.
  - The original applicant (John E.F. Maybank, II) sold the property to the current owner (Horse Island, LLC) on September 20, 2016.
  - See attached for additional materials related to Variance #131
Over the coming months, staff will continue to go through older variances (1987-1996) to determine whether there are additional properties which meet these three criteria. Because these records have not been digitized, it will take significantly longer to review and document these cases. We will continue to keep board members updated as additional properties are identified.

Respectfully submitted,

Joseph M. Cronin
Town Administrator
Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.
Charleston County, South Carolina

Property ID (PIN) | Alternate ID (AIN) | Parcel Address | Data refreshed as of | Assess Year | Pay Year
--- | --- | --- | --- | --- | ---
1490000004 |  | COTTON ISLAND, SEABROOK ISLAND | 10/25/2018 | 2018 | 2017

Current Parcel Information

Owner | HORSE ISLAND LLC
Owner Address | PO BOX 20397
CHARLESTON SC 29413-0397
Property Class Code | 905 - VAC-RES-LOT
Acreage | 2.7200

Legal Description
Subdivision Name -COTTON ISLAND Site Name -SW OF ROCKVILLE PlatSuffix XXX-NONE PolTwp 009

Historic Information

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Improvements

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Board of Zoning Appeals
Order of Determination

April 2, 2004

Appeal: #34  Variance: #131
Date of Public Hearing: March 26, 2004
Applicants: John E.F. Maybank, II

Address/Parcel Number: Cotton Island
149-00-00-004

Dear Mr. Maybank:

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 7.10.20 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 APPROVED based on the following:

1. There is an unnecessary hardship based on the unavailability of the public sewer system to Cotton Island.
2. These conditions do not apply to other properties in the area because this is an island separated from the Town by a body of water.
3. Application of the ordinance would adversely affect the property and construction of a dwelling, creating an unreasonable restriction on utilization of the property.
4. To grant this variance would not change the character of the neighborhood, or the public good.
5. Granting this variance will not establish an undesirable precedent of Town ordinances. The applicant has met the permit approval requirements of DHEC and there was no objection to the variance request by the Town's Zoning Administrator.

[Signatures]

Board of Zoning Appeals Chairman                        Secretary

Date issued: March 26, 2004     Date mailed to parties of interest: April 15, 2004
Notice of Appeal to the Circuit Court of Charleston Council must be filed within 30 days after the date this Order was mailed.
Town of Seabrook Island
Variance Application

Date: 2/9/2004  Variance #: 131
Prop Owner: John E.F. Maybank, II  Phone: 843-224-187
Address: Post Office Box 1446  City: Folly Beach  State: SC
Zip: 29439

Lot: 1573
Block: 1440000004
TMS: 1440000004
Paid Date: 2/9/04
Paid Amount: $0.00

Agenda Time: 3:00 p.m.  Agenda Date: 3/26/2004
☑ Board of Zoning Appeals  □ Planning Commission

Variance - Describe (Note: Variance Application must be accompanied by a plat showing lot lines and encroachment)
Variance from the strict enforcement of DSO Ordinance 7.10.20 Sewage

Action Taken:

[Signature]

Applicant

Zoning Administrator

[Stamp: Received FEB 27 2004]
February 6, 2004

Mr. Randy Pierce
Town Administrator
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC  29455

VIA FACSIMILE (843) 768-9830

Dear Randy;

Enclosed is my application for a variance for my septic system. I will send on the certified mail recites when they arrive.

Please let me know if there is any other information I should have before the town takes up this matter.

Thanks again for your help.

Sincerely,

Johnny Maybank

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

Date Filed: _______________ (To be Completed by Office Administration)

Application Fee: $100.00 Permit Application#: __________ Appeal#

This form must be completed for a hearing on an Appeal (1) from the action of a zoning official, (2) application for a Variance or (3) application for Special Exception. Applications should be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) all must sign the Designation of Agent.

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

X

Applicant(s) [Please print]: JOHN E. F. MAYBANK
Address: PO BOX 1446
          FOLLY BEACH, SC 29439
Telephone: (843) 924-1875

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

Property Address:
          COTTON ISLAND (located on
          Behold Creek near Horse Island)
Lot Block Tax Map # 149-00-00-004

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: N/A
Owner Signature(s) N/A

Applicant’s Certification
I (we) certify that the information in this application and attached Form 2, 3 or 4 is correct.
Date: 9/5/04
Applicant Signature(s) JOHN E. F. MAYBANK

RECEIVED
FEB 09 2003
BY: _____
VARIANCE APPLICATION – Form 3
Board of Zoning Appeals
TOWN OF SEABROOK ISLAND-COUNTY OF CHARLESTON

Date Filed: ________________ (To be Completed by Office Administration)
Permit Application#: ___________ Appeal#: ___________

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provision of the Zoning Ordinance: **ALL PROPERTY ON SEABROOK MUST BE ON CITY SEWER.** 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: **INSTALL SEPTIC TANK** (PERK IS BEST POSSIBLE ALLOWS FOR LEAST INTRUSIVE SYSTEM) 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:
      **PROPERTY IS AN ISLAND AND CAN NOT BE REACHED BY CITY SEWER**
   b. These conditions do not generally apply to other property in the vicinity as shown by:
      **ALL OTHER PROPERTY HAS ACCESS TO SEWER**
   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:
      **CANNOT BUILD HOUSE**
   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:
      **1. BEST PERK WILL NOT CONTAMINATE WATER 2. WILL NOT INFEST OTHER PROP OWNERS 3. EASEMENT IN PLACE THAT RESTRICTS SUBDIVISION, HOUSE SIZE, SETBACKS ETC.**

3. The following documents are submitted in support of this application:
   **(1) SURVEY SHOWING LOCATION OF SYSTEM**
   **(2) PERK TEST LETTER FROM DHEC**

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

John S. T. Maryland
Signature of Applicant

Date 2/5/04
November 24, 2003

John E.F. Maybank  
P.O. Box 1446  
Folly Beach, SC 29439

Re: TMS#149-00-00-004, Drainfield #20030014, Cotton Island, Charleston County

Dear Mr. Maybank:

On November 20, 2003, a qualified environmentalist of this department made an evaluation of the soil profile on the referenced property. The purpose of this evaluation was made to determine if the site evaluated complies with current minimum standards as outlined in SC DHEC Regulations and Standards.

We are pleased to inform you that the site evaluated does comply with current minimum standards for a conventional subsurface treatment and disposal system. There is adequate area for a septic system to accommodate a 3-bedroom house.

Please do not cut, fill, grade, or in any way disturb the site evaluated unless authorized by an environmentalist from this department.

If you have any questions regarding this matter, I would appreciate you calling (843) 202-7020 between 8:30 and 9:30 a.m., Monday thru Friday to speak with me and, if necessary, schedule an appointment prior to making a trip into our office.

Sincerely,

Sandy Hines, RES  
Environmental Health manager  
Environmental Health Services

:me
GENERAL AREA 1.785 AC COTTON ISLAND (FORMERLY PORTION OF JENKINS POINT)
SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA

ADJACENT PROPERTY OWNERS
1. (TMS #149-00-00-003) LAWRENCE K. BRADHAM (HORSE ISLAND)
2. (TMS #149-00-00-002) PATRICIA W. WHEELER (2830 JENKINS PT RD)

PROPOSED ACTIVITY
CONSTRUCT PRIVATE/RESIDENTIAL DOCK

CHARLESTON COUNTY

APPLICANT: FRANCES W. JENKINS
Requested by: Johnny Maybank

DEC 2007 - 3547 - M
NOT TO SCALE

SEPTIC SYSTEM
1000 GAL TANK
2 (15') DRAIN LINES SIDE-BY-SIDE
GENERAL AREA  1.785 AC COTTON ISLAND (FORMERLY PORTION OF JENKINS POINT)
SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA

ADJACENT PROPERTY OWNERS
1. (TMS #149-00-00-003) LAWRENCE K. BRADHAM (HORSE ISLAND) T 149-00-00-005
2. (TMS #149-00-00-002) PATRICIA W. WHEELER (2830 JENKINS PT RD) 21

PROPOSED ACTIVITY
CONSTRUCT PRIVATE/RESIDENTIAL DOCK
CHARLESTON COUNTY
STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that John E. F. Maybank, II ("Grantor") in the State aforesaid, for and in consideration of the sum of Two Hundred Ninety Thousand and no/100 ($290,000.00), unto it paid by Horse Island, LLC, a South Carolina limited liability company in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, bargain, sell, and release, subject to the limitations, covenants, easements, conditions and restrictions set forth in Exhibit B attached hereto and incorporated herein by reference (the "Permitted Exceptions"), unto the said Grantee, the following described property, to wit:

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

BEING the same property conveyed to Grantor herein by deed of Frances W. Jenkins dated August 27, 2003 and recorded in the RMC Office for Charleston County in Book K466 at Page 053 on September 10, 2003; also by Order Confirming Title filed in the RMC Office for Charleston County in Book X516 at page 467 on November 22, 2004.

NOTICE: This premises conveyed hereby are subject to that certain Grant of Conservation Easement by and between John E. F. Maybank, II to Lowcountry Open Land Trust, Inc. dated October 16, 2003 and recorded in the RMC Office for Charleston County in Book G472 at Page 835 on October 20, 2003.

TMS NO: 149-00-00-004

Grantees’ Address: 1 Cordes Street
Charleston, SC 29401

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

TO HAVE AND TO HOLD, subject to the Permitted Exceptions, all and singular the premises before mentioned unto the said Grantee, its successors and assigns, forever.

AND GRANTOR does hereby bind himself and his heirs and assigns, to warrant and forever defend, all and singular the said premises, subject to the Permitted Exceptions, unto the said Grantee, its
successors and assigns, against Grantor, and the Grantor's heirs and assigns, so that neither Grantor nor those claiming under Grantor shall hereafter have any interest in or claim the same, or any part thereof.
IN WITNESS WHEREOF the undersigned Hand and Seal this 20th day of September, 2016.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signatures]

STATE OF Maine )
COUNTY OF Hancock )

ACKNOWLEDGMENT

I, Judith W. Fuller (Notary Public), do hereby certify that John E. F. Maybank, II, personally appeared before me this day and acknowledged the due execution of the foregoing deed.

Witness my hand and official seal this the 20th day of September, 2016

[Seal]
Exhibit A

Property Description

ALL that island or tract of land in Charleston County, State of South Carolina, known as COTTON ISLAND, lying Southwest of Rockville in Charleston County, the dimensions of which are shown on a plat prepared by A.H. Schwacke, III, RLS, of A. H. Schwacke & Associates, Inc. dated September 24, 2004 and recorded on October 12, 2004, in the Office of the Register of Mesne Conveyance for Charleston County, South Carolina, in Plat Book EH at Page 414, reference to which is hereby craved, and containing two and seven hundred ten one-thousandths (2.710) acres, more or less:

BUTTING AND BOUNDING on the North, East and South on marsh lands now or formerly of Susan T. Seabrook, and on the West on Bohicket River.
EXHIBIT B
Permitted Exceptions

Conveyed subject to all covenants, easements, conditions, restrictions and limitations of record, including, without limitation, the matters listed below:


2. Terms, conditions and restrictions contained in Grant of Conservation Easement by and between John E. F. Maybank, II to Lowcountry Open Land Trust, Inc. dated October 16, 2003 and recorded in the RMC Office for Charleston County in Book G472 at Page 835 on October 20, 2003.

3. Development and use restrictions and conditions imposed by federal, state and local laws with respect to those portions of the Land consisting of "Wetlands".

STATE OF SOUTH CAROLINA }  
COUNTY OF CHARLESTON }  
AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS  

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

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

2. The property was transferred by John E. F. Maybank, II to Horse Island, LLC on September ____, 2016.

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

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

4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
   (A)  X  The fee is computed on the consideration paid or to be paid in money or money’s worth in the amount of $ 290,000.00.
   (B)  _____ The fee is computed on the fair market value of the realty which is ______.  
   (C)  _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is $______.

5. Check YES ____ or NO ____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If “YES,” the amount of the outstanding balance of this lien or encumbrance is $______.

6. The deed recording fee is computed as follows:
   (A)  Place the amount listed in item 4 above here: $290,000.00
   (B)  Place the amount listed in item 5 above here: $0-00 (If no amount is listed, place zero here.)
   (C)  Subtract Line 6(b) from Line 6(a) and place the result here: $290,000.00

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is: $1,073.00.

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

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

Sworn this 20th day of September, 2016

John E. F. Maybank, II

Notary Public for State of Maine
My Commission Expires: Nov 1, 2019

Judith W. Fuller
Notary Public, Maine
My Commission Expires November 1, 2019

WCSR 37086575v1 27
RECORDED

Date: September 29, 2016
Time: 12:09:33 PM

Book  Page  DocType
0586   823  Deed

Charlie Lybrand, Register
Charleston County, SC

# of Pages: 7
Recording Fee $10.00
State Fee $754.00
County Fee $319.00
Extra Pages $2.00
Postage $-
Chattel $-
TOTAL $1,085.00

RECORDED

RECEIVED
from RMC

SEP 3 0 2016

Peter J. Tecklenberg
Charleston County Auditor

RECORDED

0586 823 09/29/2016 7

Original Book  Original Page  Recorded Date  # Pgs

D 12:09:33
Doc Type  Recorded Time