

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting
October 29, 2018 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: August 29, 2018 *[Pages 2–3]*

NEW BUSINESS ITEMS

1. **Text Amendment: Administration & Appeals (Variances)** *[Pages 4–9]*

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

ITEMS FOR INFORMATION / DISCUSSION

1. **Update on the Status of Previous Variances** *[Pages 10–28]*
2. **Update to Applications Forms**
3. **Discussion of New Website & Public Comment Portal**

SITE VISIT

1. **Appeal #38 ***

APPLICANT:	John C. Butera & Jean W. Jones
ADDRESS:	2633 Jenkins Point Road
TAX MAP NUMBER:	149-00-00-046 (LT 34, BLK 52)
ZONING DISTRICT:	SR Single-Family Residential
PURPOSE:	Applicant is appealing the Zoning Administrator’s determination that a pervious pergola system constitutes a “covering of any kind,” thereby requiring a 25-foot marsh setback for a “covered porch” rather than a 15-foot marsh setback for an “open deck”

ADJOURN

* *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



MEMORANDUM

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,

A handwritten signature in black ink, appearing to read "J. Cronin", written in a cursive style.

Joseph M. Cronin
Town Administrator

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2018-10

ADOPTED _____

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.

~~§ 19.30.20.30.40. 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



MEMORANDUM

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
 - 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:

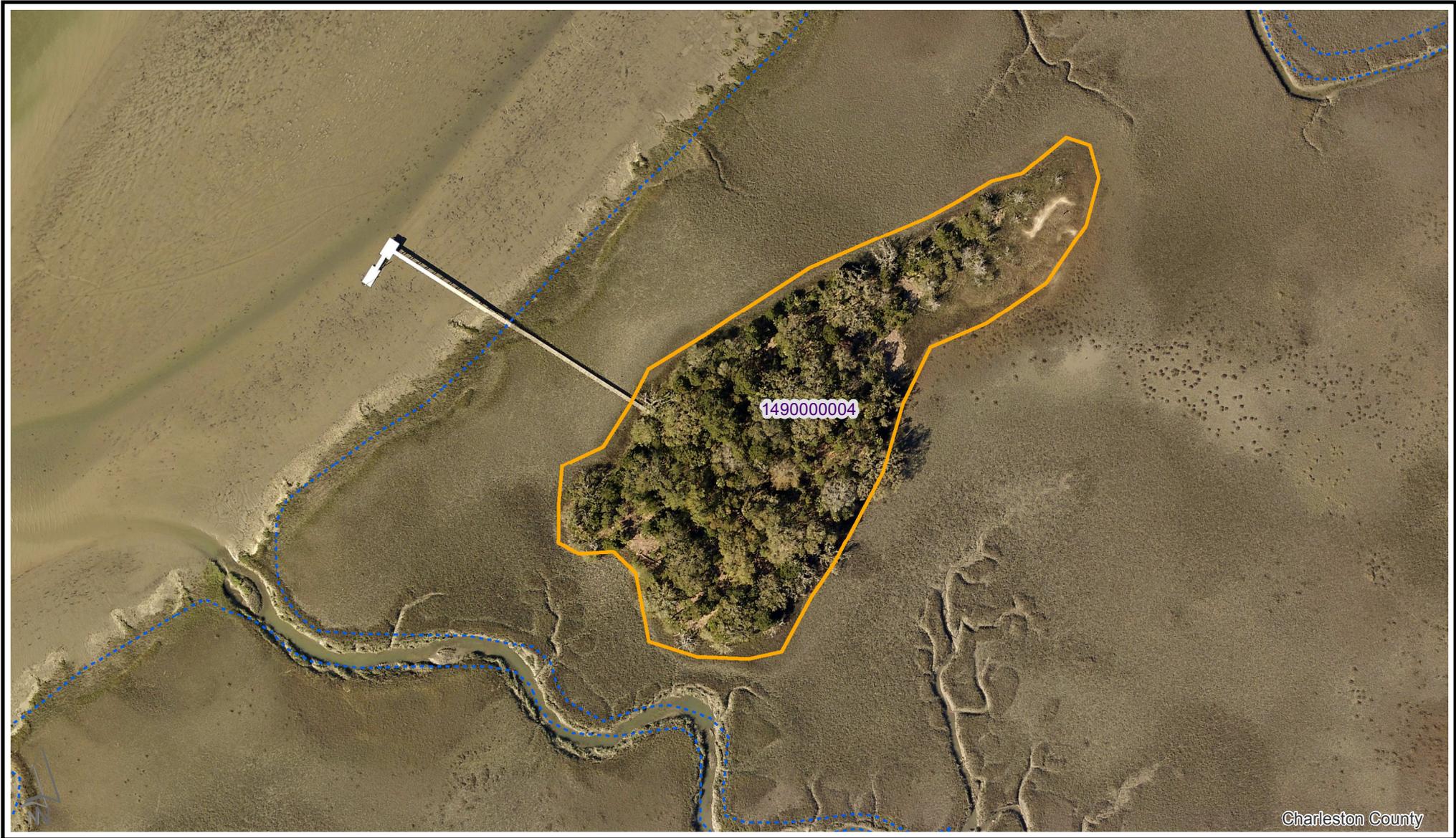
- **Variance #131: Cotton Island (Tax Map # 149-00-00-004)**
 - The purpose of this variance request was to allow for the installation of a septic system in lieu of connecting to the town's utility system.
 - The variance was approved by the Board of Zoning Appeals on March 26, 2004.
 - There are no 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,

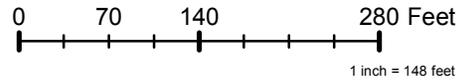
A handwritten signature in black ink, appearing to read "J. Cronin", written in a cursive style.

Joseph M. Cronin
Town Administrator



Charleston County

Cotton Island



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.

Author: Charleston County SC
Date: 10/26/2018

Charleston County, South Carolina

generated on 10/26/2018 9:26:08 AM EDT

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	Property Class Code	905 - VAC-RES-LOT
Owner Address	PO BOX 20397 CHARLESTON SC 29413-0397	Acreage	2.7200
Legal Description	Subdivision Name -COTTON ISLAND Site Name -SW OF ROCKVILLE PlatSuffix XXX-NONE PolTwp 009		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2018	\$60,000	\$15,000	\$75,000	\$1,006.20	\$0.00
2017	\$60,000	\$15,000	\$75,000	\$978.45	\$978.45
2016	\$60,000		\$60,000	\$751.92	\$751.92
2015	\$60,000		\$60,000	\$712.08	\$712.08
2014	\$60,000		\$60,000	\$695.04	\$695.04

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
MAYBANK JOHN E F II	0586 823	9/20/2016	Ge		\$290,000
JENKINS FRANCES W	K466 053	8/27/2003	Ge		\$50,000
JENKINS ARCADA F	D274 131	8/26/1996	Ge		\$9
NOT SUPPLIED	C045 073	1/1/1944	Ge		\$0

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	WALKWAY	Dock Walkway	2016	0	0		1,304
R01	WALKWAY	Dock Walkway	2016	0	0		200
R01	BOATD	Waterfront Boat Dock	2016	0	0		200

TOWN OF SEABROOK ISLAND

2001 Seabrook Island Road • Seabrook Island, SC 29455
Phone: (843) 768-9121 • Fax: (843) 768-9830

Mayor:
John B. DuBois
Municipal Judge:
Dennis E. O'Neill, Esq.
Associate Judge
Edward L. Phipps, Esq.
Council:
Robert A. Ferguson
Frank McNully
Dean B. Stewart
Thomas L. Willcox
Town Administrator:
Randy M. Pierce
Clerk:
Faye Allbritton
Administrative Assistant:
Lynda Whitworth

Board of Zoning Appeals Order of Determination

April 2, 2004

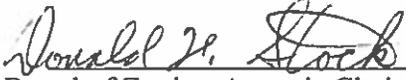
Appeal: #34 Variance: #131
Date of Public Hearing: March 26, 2004
Applicants: John E.F. Maybank, II

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.


Board of Zoning Appeals Chairman


Secretary

Date issued: March 26, 2004 Date mailed to parties of interest: April 5, 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: Fee: \$0.00 Check #: 0 Ref# 1573
 Block: Paid Date: 2/9/04
 TMS: 1490000004 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:

John E.F. Maybank
 Applicant

 Zoning Administrator



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

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.

Applicant (s) [Please print]: JOHN EF MAYBANK
Address: PO BOX 1446
FOLLY BEACH, SC 29439
Telephone: (843) 224-1875

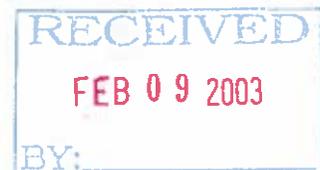
Owners(s) [if other than Applicant]
Address: _____
Telephone: N/A

Property Address: COTTON ISLAND (located on
Bohicket 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: _____

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: 2/5/04
John E. F. Maybank
Applicant Signature(s)



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:

CAN NOT 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 INTERFERE ON OTHER PROP OWNERS, ③ EASEMENT IN PLACE THAT RESTRICTS SUBDIVISION, HOUSE SIZE, SET BACKS ETC... ④ SYSTEM WILL MEET ALL DHEC STANDARDS

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. Maybank
Signature of Applicant

2/5/04
Date



TRIDENT HEALTH DISTRICT
Division of Environmental Health
Lonnie Hamilton, Jr Public Service Building
4045 Bridge View Drive, Suite B154
North Charleston, SC 29405
843-202-7020 Fax 843-202-7050

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

P.3

8437445847

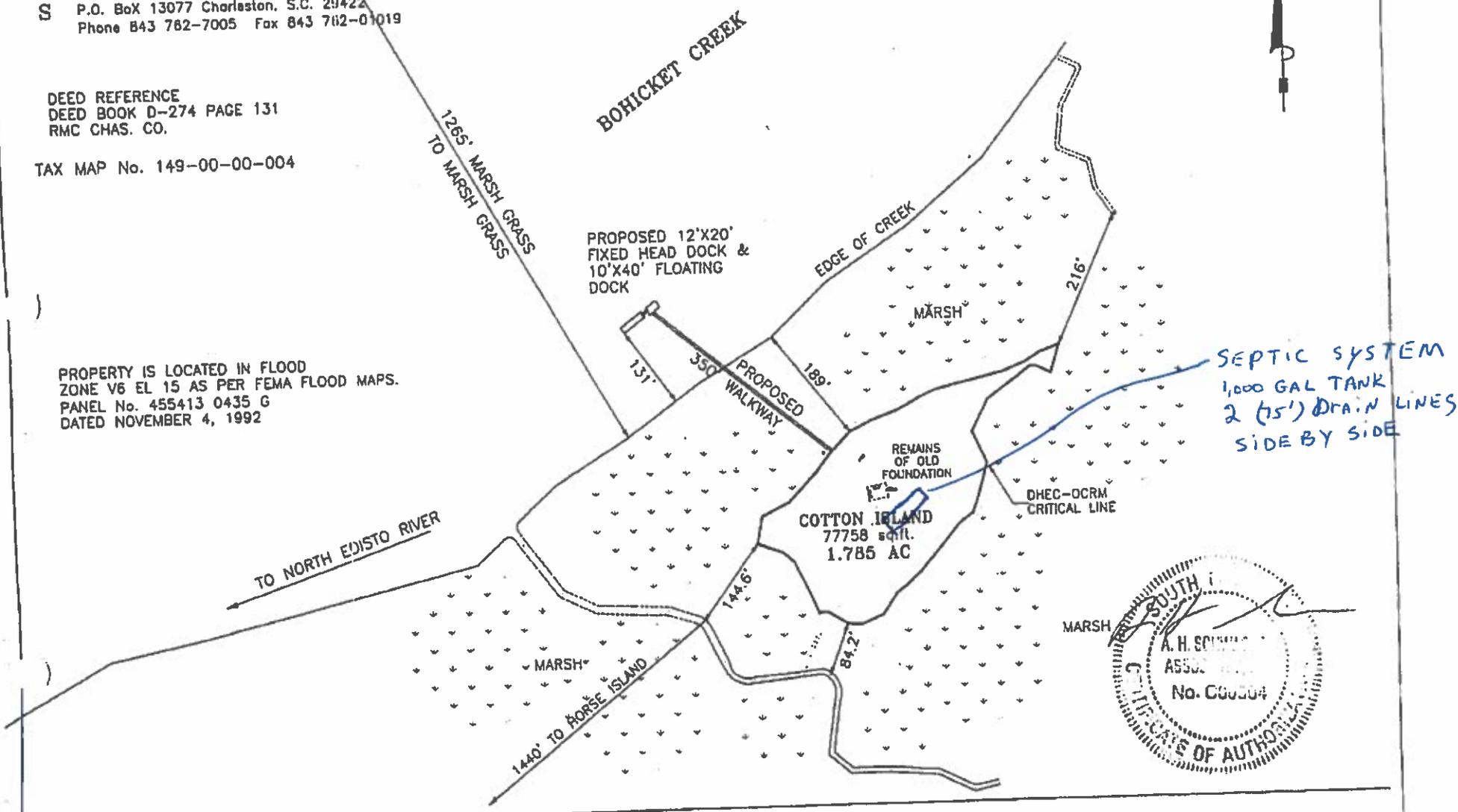
SC DHEC/OCRM

A H S **A.H. SCHWACKE & ASSOCIATES, INC.**
 Land Surveying & Construction Layout
 P.O. Box 13077 Charleston, S.C. 29422
 Phone 843 782-7005 Fax 843 782-01019

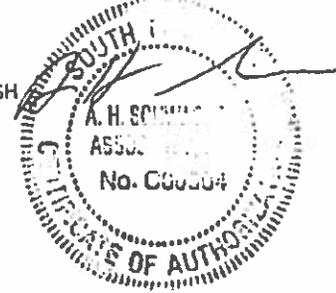
DEED REFERENCE
 DEED BOOK D-274 PAGE 131
 RMC CHAS. CO.

TAX MAP No. 149-00-00-004

PROPERTY IS LOCATED IN FLOOD
 ZONE V6 EL 15 AS PER FEMA FLOOD MAPS.
 PANEL No. 455413 0435 G
 DATED NOVEMBER 4, 1992



SEPTIC SYSTEM
 1,000 GAL TANK
 2 (75') 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

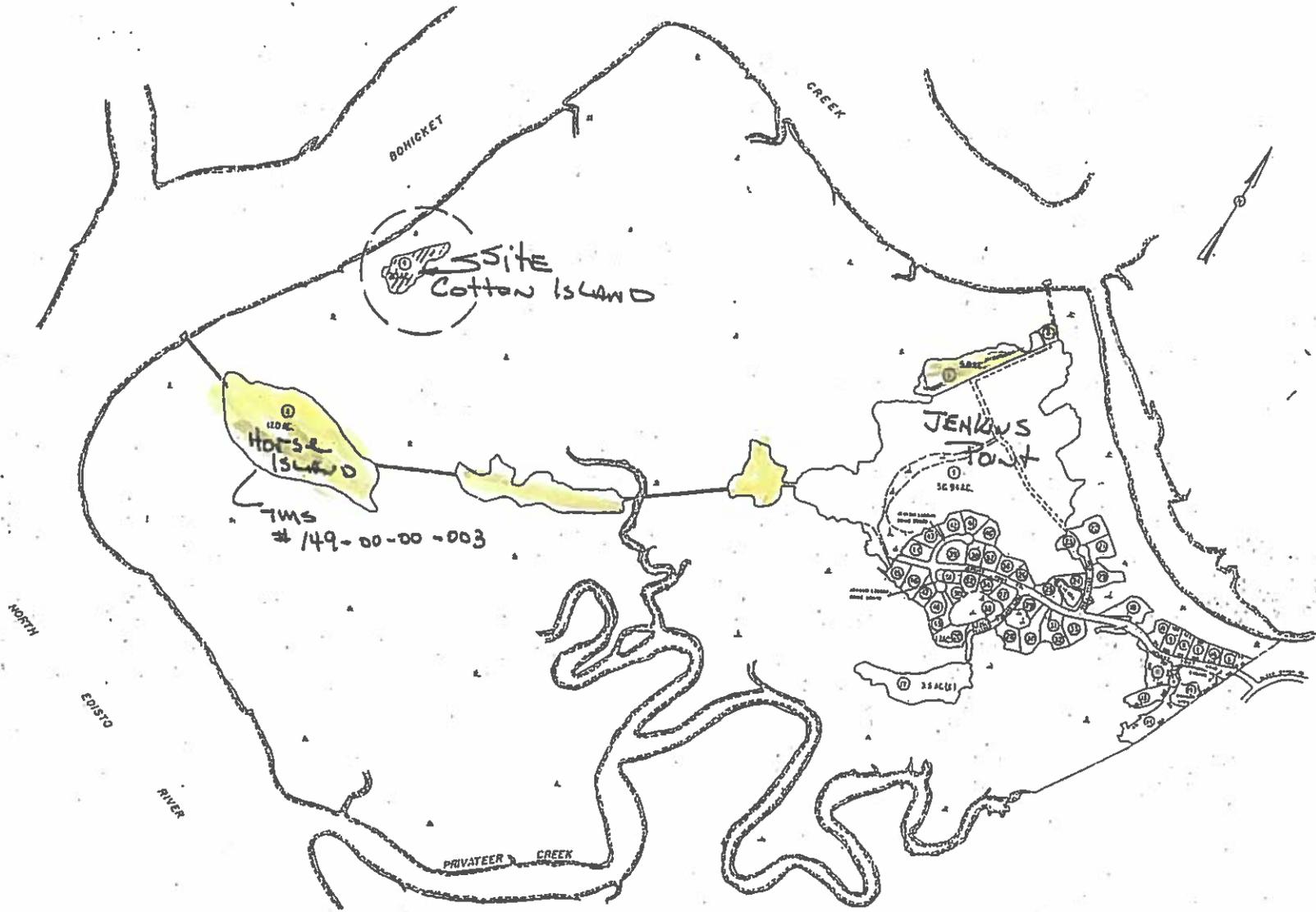
1. (TMS #149-00-00-003) LAWRENCE K. BRADHAM (HORSE ISLAND)
2. (TMS #149-00-00-002) PATRICIA W. WHEELER (2830 JENKINS PT RD)

PROPOSED ACTIVITY
 CONSTRUCT PRIVATE/RESIDENTIAL DOCK
 CHARLESTON COUNTY

APPLICANT: FRANCES W. JENKINS
 Requested by: Johnny Maybank

OCRM-03-354-M

NOT TO SCALE



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)

PROPOSED ACTIVITY
 CONSTRUCT PRIVATE/RESIDENTIAL DOCK
 CHARLESTON COUNTY

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.

[Remainder of page left blank intentionally]

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-thousands (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:

1. 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.
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".
4. DHEC-OCRM Critical Lines and other matters as shown on a plat entitled, "Plat of Cotton Island 2.710 Total Acres lying Northwest of Seabrook Island, City of Seabrook Island, Charleston County, South Carolina", made by A.H. Schwacke & Associates, Inc. dated September 24, 2004, revised October 5, 2004 and recorded in the RMC Office for Charleston County in Plat Book EH at Page 414 on October 12, 2004.

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- (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

Judith W. Fuller
Notary Public for State of Maine
My Commission Expires: Nov. 1, 2019

JUDITH W. FULLER
Notary Public, Maine
My Commission Expires November 1, 2019

John E. F. Maybank, II
John E. F. Maybank, II

RECORDER'S PAGE



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

Filed By:

WOMBLE CARLYLE SANDRIDGE & RICE
5 EXCHANGE STREET
PO BOX 999
CHARLESTON SC 29401 (BOX)

RECORDED		
Date:	September 29, 2016	
Time:	12:09:33 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0586	823	Deed
Charlie Lybrand, Register Charleston County, SC		

MAKER:

MAYBANK JOHN E F II

Note:

RECIPIENT:

HORSE ISLAND LLC

of Pages:

Recording Fee	\$ 10.00
State Fee	\$ 754.00
County Fee	\$ 319.00
Extra Pages	\$ 2.00
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 1,085.00

Original Book:

Original Page:

DRAWER
CLERK

AUDITOR STAMP HERE
RECEIVED
from RMC
SEP 30 2016
Peter J. Tecklenberg
Charleston County Auditor

PID VERIFIED BY ASSESSOR
REP MKD
DATE 10/3/16
4



0586
Book



823
Page



09/29/2016
Recorded Date



7
Pgs



Original Book



Original Page



D
Doc Type



12:09:33
Recorded Time