



PUBLIC HEARING NOTICE

TO: Neighboring Property Owners
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator
SUBJECT: Variance Request for 2913 Deer Point Drive (Variance #167)
DATE: July 22, 2020

Dear Property Owner,

The purpose of this letter is to notify you that the owners of **2913 DEER POINT DRIVE** have requested a **VARIANCE** from the zoning requirements of the Town's Development Standards Ordinance (DSO). The purpose of the variance request is **TO ALLOW A PROPOSED POOL TO ENCROACH APPROXIMATELY 6.5 FEET INTO THE REQUIRED 25-FOOT SETBACK FROM THE OCRM CRITICAL LINE (MARSH)**. A copy of the variance application is enclosed for your information.

The Town's Board of Zoning Appeals has scheduled a **VIRTUAL PUBLIC HEARING**, during which time the Board will receive testimony from any individual who wishes to provide a comment regarding the variance request. This notification is being provided to you pursuant to Section § 19.30.20.30 of the DSO.

PUBLIC HEARING DATE: Wed. August 26, 2020
PUBLIC HEARING TIME: 2:30 PM
PUBLIC HEARING LOCATION: Live Stream on Town YouTube Page
<https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg>

Individuals who wish to submit a public comment on the variance request may do so in writing by 12:00 pm on Tues. August 25, 2020, using one of the following options:

ONLINE: www.townofseabrookisland.org/variance-167.html
BY E-MAIL: jcronin@townofseabrookisland.org
BY MAIL: Town of Seabrook Island, Attn: Zoning Administrator
2001 Seabrook Island Road, Seabrook Island, SC 29455

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

5. VARIANCE REQUEST

A. Please provide a brief description of the proposed scope of work:

Modify existing porch and construct new decking to accommodate new swimming pool, outdoor kitchen, and fire pit as shown.

B. In order to complete the proposed scope of work, the Applicant(s) is (are) requesting a variance from the following requirement(s) of the town's DSO:

1) DSO Section Reference(s): Section 7.60.50 & 2.10

2) DSO Requirement(s): Owner requests relief of 25' setback requirements for a new swimming pool to be constructed less than 3' above grade.

C. The application of the zoning requirements of the town's DSO will result in unnecessary hardship, and the standards for a variance set by State Law and the DSO are met by the following facts:

1) There are extraordinary and exceptional conditions pertaining to this particular piece of property as follows:

This home was built by a previous Owner and in a manner that would not allow these features to be added in another location on the lot.

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

The unique shape and narrowness of the lot, the proximity of the marsh, the homes placement on the lot, and the configuration of the existing home creates a specific hardship that is not found on neighboring properties.

3) Because of these conditions, the application of the zoning requirements to this particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property as follows:

The strict application of the ordinance would restrict the homeowners ability to utilize their property for the recreational and therapeutic purposes that other properties are able to utilize.

4) 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:

Granting the variance will permit the homeowner to enjoy the same amenities which other property owners enjoy. The portion of the swimming pool encroaching on the 25' setback will be less than 36" above grade as is permitted by the SIPOA (Table 1). It will be surrounded by permeable decks and will be visually screened from the adjacent homes.

6. APPLICATION MATERIALS

In addition to the completed Variance Application Form, all requests for variance must be accompanied by the supplemental materials listed below. An application is not considered “complete” until all required documentation has been received by the Zoning Administrator. Below is a checklist of the required materials:

- Completed & Signed Variance Application Form (Paper Required; PDF Optional)**
 - Please submit one *completed* paper application. All signatures must be original.
- \$150.00 Application Fee**
 - The application fee may be paid by cash or check only.
- As-Built Survey / Survey of Existing Conditions (Paper Required; PDF Optional)**
 - All applications must be accompanied by an as-built survey which accurately illustrates the existing conditions on the property, including setback measurements for all structures.
- Proposed Site Plan (Paper & PDF Required)**
 - Required for all new structures and/or exterior modifications which will change the footprint of one or more existing structures.
 - For lots abutting a marsh or beachfront jurisdictional line, the location of the critical line must be certified by OCRM within the previous five (5) years.
- Scaled Architectural Drawings: (Paper & PDF Required)**
 - Required for all new structures and/or exterior modifications to existing structures.
 - Architectural drawings must show, at a minimum:
 - A detailed floor plan or plan view; and
 - Front, side and rear elevations, as appropriate.
- Letter of Approval from Property Owners Association and/or Regime: (Paper Required; PDF Optional)**
 - Required for all properties which are subject to private restrictions and/or covenants.
 - If approval is pending, please attach a Letter of Acknowledgement from the POA and/or Regime.
- Letters of support, petitions, photographs, and any other documentation which an Applicant feels may support his or her request may be attached but are not required. (Paper & Digital Files Optional)**

CRITERIA FOR REVIEW

Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in **unnecessary hardship**. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) there are **extraordinary and exceptional conditions** pertaining to the particular piece of property;
- (b) these conditions **do not generally apply to other property** in the vicinity;
- (c) because of these conditions, the application of the ordinance to the particular piece of property would **effectively prohibit or unreasonably restrict** the utilization of the property; and
- (d) the authorization of a variance will **not be of substantial detriment** to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.



July 21, 2020
Joe Cronin
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC 29455

Reference : Bryan Renovation
2913 Deer Point Drive
Seabrook Island, South Carolina 29455

Dear Mr. Cronin,

The attached Drawings indicate the proposed improvements, which the Owners would like to undertake. The primary exterior improvements include:

1. A new deck to be constructed on the north east corner of the existing home between the north and east porches.
2. A new dipping pool and outdoor kitchen to be built into the first floor level of the existing east porch.
3. A new stair and swimming pool that is less than 36" above the grade.
4. A new fire pit deck addition adjacent to the pool.
5. An outdoor shower is planned under the new stair.

For reference purposes, several photographs of the existing home have been included with this letter.

As we discussed, the DSO permits permeable decks to be constructed up to 15' from the OCRM line, but pools must be setback more than 25' from the OCRM line. However Table 1 of the SIPOA Policies and Procedures allows swimming pools less than 36" above grade to be constructed up to 15' from the OCRM Line. See attached excerpt from the SIPOA Policies and Procedures Manual on page 2 of this letter.

Also please note that our request is very similar to the Feb. 28, 2019 Variance #159 approved for 2566 Seabrook Island Road.

The SIPOA policy presents an opportunity for us to meet the Owner's needs, on this unique site, with a graceful, terracing design, that is visually less obtrusive than the DSO would otherwise allow. Therefore we are seeking relief from the 25' pool setback requirement. Thank you for considering this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M Brennan', with a long horizontal flourish extending to the right.

Malcolm Brennan

b. **Setback Requirements:**

Table 1 on the next page provides the setbacks that establish the buildable area for single-family lots. This information shall be addressed as a part of the Conceptual Design Review submittal.

Table 1 - Lot Setback Requirements

Type of Lot:	Conforming	Non-Conforming	
Lot Area in square feet: (upland area above jurisdictional wetlands and OCRM critical line)	17,500 or over	13,501-17,449	13,500 or less
Front/streetside property line:	30'	30'	30'
Side property line (see * below): (no improvement other than landscape, driveways, walkways and guest parking as described below allowed within the side setbacks)	15'	12' 6"	10'
Rear property line: (covered or screened decks & porches at or below the first inhabitable floor, second floor porches, <u>pools elevated above 3'</u> ; see * below)	25'	25'	25'
Rear property line: (uncovered or open porches or decks at or below the first inhabitable floor, in ground <u>swimming pools for those elevated less than 3'</u> at grade / flush with grade elements; see * and ** below)	15'	15'	15'
Rear and side property lines: (driveways, walkways, guest parking)	6'	3'	3'
Oceanfront Lot Setbacks:	***	***	***

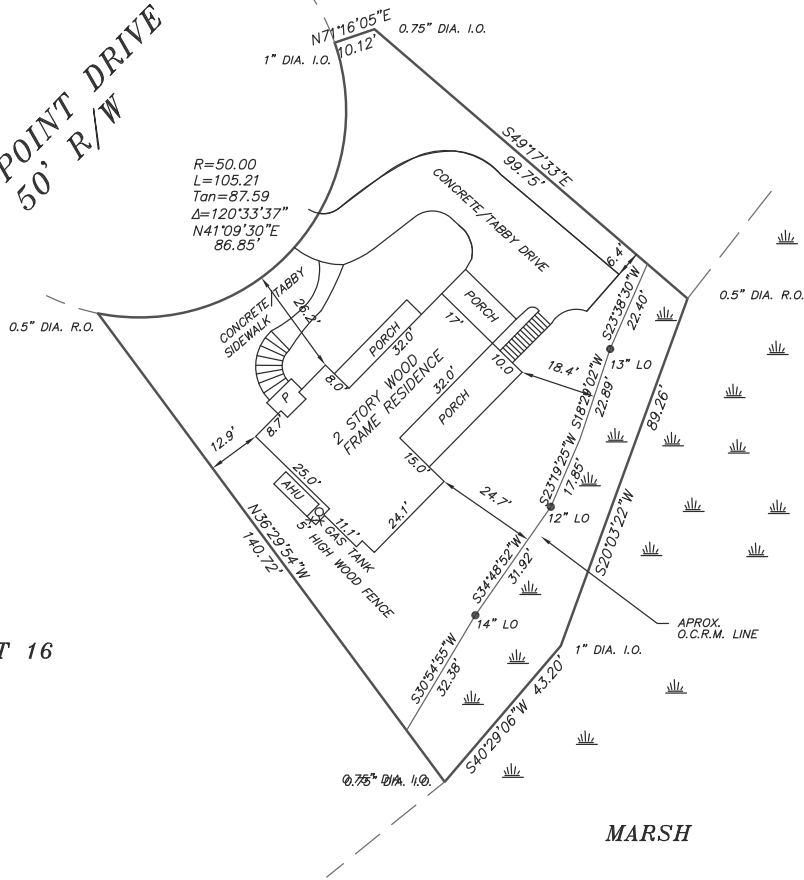
* Marsh front lots are measured from the more landward of the current certified DHEC-OCRM critical line or Property line. (See §7 of Town Development Standards Ordinance.)

** Open and uncovered porches/decks which are at or below the first habitable floor elevation require 15' setbacks. Screened porches, covered porches/decks and open decks with element(s) which extend above railing height and/or with solid walls which are intended to be railings or visual screens, decks, or porches above elevated lower level decks/porches, or which are located above the first habitable floor elevation, are not permitted in areas defined by the deck setbacks. Examples of elements extending above rail height could include but are not necessarily limited to: arbors, awnings, outdoor fireplace chimney structures, or any other elements the ARC at its discretion determines are inappropriate for open deck structures that are located within the first level deck buildable area as defined by the deck setbacks. The intent is to create uncovered decks with open railings at or below the first floor of the house, within the buildable area for decks as defined by the deck setback. See Appendix M-Deck Setback Exhibit Drawing.



LOT 14

DEER POINT DRIVE
50' R/W



CERTIFICATIONS

1. 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 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
- R.O. INDICATES ROD, OLD
- R.N. INDICATES ROD, NEW
- C.M.O. INDICATES CONCRETE MONUMENT, OLD
- C.P. INDICATES CALCULATED POINT
- PLT. INDICATES PLANTER

NOTES

1. REF. : PLAT BOOK BD, PAGE 25.
2. PRESENTLY OWNED BY ERIC M. BYRAN AND ELIZABETH H. BRYAN.
3. T.M.S. NO. 149-14-00-029.
4. THE ADDRESS IS 2913 DEER POINT DRIVE.
5. AREA = 0.28 ACRES

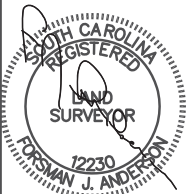
PLAT

LOT 15, BLOCK 49,
TOWN OF SEABROOK ISLAND.

SCALE : 1" = 30'
DATE : OCT. 16, 2018

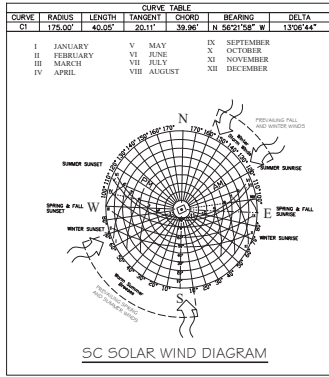
CHARLESTON COUNTY
SOUTH CAROLINA

ANDERSON & ASSOCIATES
 LAND SURVEYING AND PLANNING, INC.
 P.O. BOX 87, JOHNS ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA 29457
 PHONE (843)571-0900



DRAWING NO. 9179





SITE

ALL EXISTING SITE DATA TAKEN FROM SURVEY BY ANDERSON & ASSOCIATES LAND SURVEYING AND PLANNING, FOR LOT 15 BLOCK 49, TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY SC, DATED OCT. 16, 2016. DRAWING NO. 9179

AREA SUMMARY

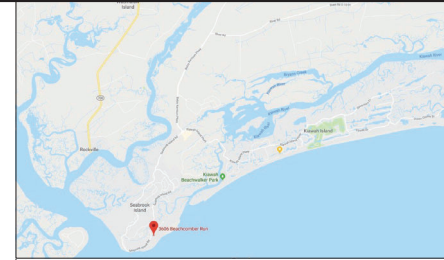
AREA OF LOT = 12,308 SF
 AREA OF HIGH GROUND = 10,292 sf. < 13,000 SF IS NON-CONFORMING.
 ACCORDING TO THE DSO, THE MAX ALLOWABLE LOT COVERAGE FOR NON-CONFORMING LOTS LESS THAN 13,000 SF = 35%. THIS CALCULATION DOES NOT INCLUDE DRIVEWAYS, WALKWAYS, PATIOS, AND OPEN DECKS. HOWEVER, APPENDIX K OF THE SPOA POLICIES AND PROCEDURES FOR RESIDENTIAL DEVELOPMENT STATES THAT ELEVATED DECKS AND POOLS ELEVATED 30" OR MORE ABOVE GROUND LEVEL ARE CONSIDERED PART OF THE MAXIMUM STRUCTURE PERCENTAGE.

AREA OF STRUCTURE	EXISTING	PROPOSED	TOTAL
AREA UNDER ROOF LINE	2,353 SF	0	2,353 SF
ELEVATED DECKS	12 SF	530 SF	542 SF
STAIRS	138 SF	-10 SF	128 SF
HVAC STAND	42 SF	0	42 SF
TOTALS	2,545 SF	520 SF	3,065 SF

PROPOSED LOT COVERAGE FOR STRUCTURE = 3,065 SF X 100 ÷ 10,292 SF = 29.8% < 35%

AREA OF HARDSCAPE	EXISTING	PROPOSED	TOTAL
DRIVEWAY	1,377 SF	-27 SF	1,350 SF
WALKWAYS	99 SF	26 SF	125 SF
TOTALS	1,476 SF	0 SF	1,475 SF

EXISTING HARDSCAPE COVERAGE = 1,476 SF X 100 ÷ 10,292 SF = 14.3%. THE PROPOSED AREA OF EXISTING HARDSCAPE IS NOT INCREASED AND THEREFORE SHOULD BE GRANDFATHERED.



LOCATION MAP



AERIAL VIEW

INDEX OF DRAWINGS

SHT.	TITLE	DATE	REVISIONS THROUGH
ARCHITECTURAL			
A1	SITE PLAN	6-18-20	6-29-20
SURVEY			
D1	GROUND FLOOR DEMOLITION PLAN	6-18-20	
D2	FIRST FLOOR DEMOLITION PLAN	6-18-20	
A2	GROUND FLOOR PLAN	6-18-20	
A3	FIRST FLOOR PLANS	6-18-20	
A3.1	APPLIANCES	6-18-20	
A4	NORTH (SIDE) ELEVATIONS	6-18-20	
A5	EAST (REAR) FRONT ELEVATIONS	6-18-20	
A6	WEST (FRONT) ELEVATIONS	6-18-20	
A7	SOUTH (SIDE) ELEVATIONS	6-18-20	
A7.1	3-D VIEWS	6-18-20	
A8	BUILDING SECTION	6-18-20	
A9	BUILDING SECTION	6-18-20	
A10	PRELIMINARY PROJECT MANUAL	6-18-20	
A11	PRELIMINARY PROJECT MANUAL	6-18-20	
A12	PRELIMINARY PROJECT MANUAL	6-18-20	

PRELIMINARY NOT FOR CONSTRUCTION



A1

SHEET

DATE: JUNE 18, 2020

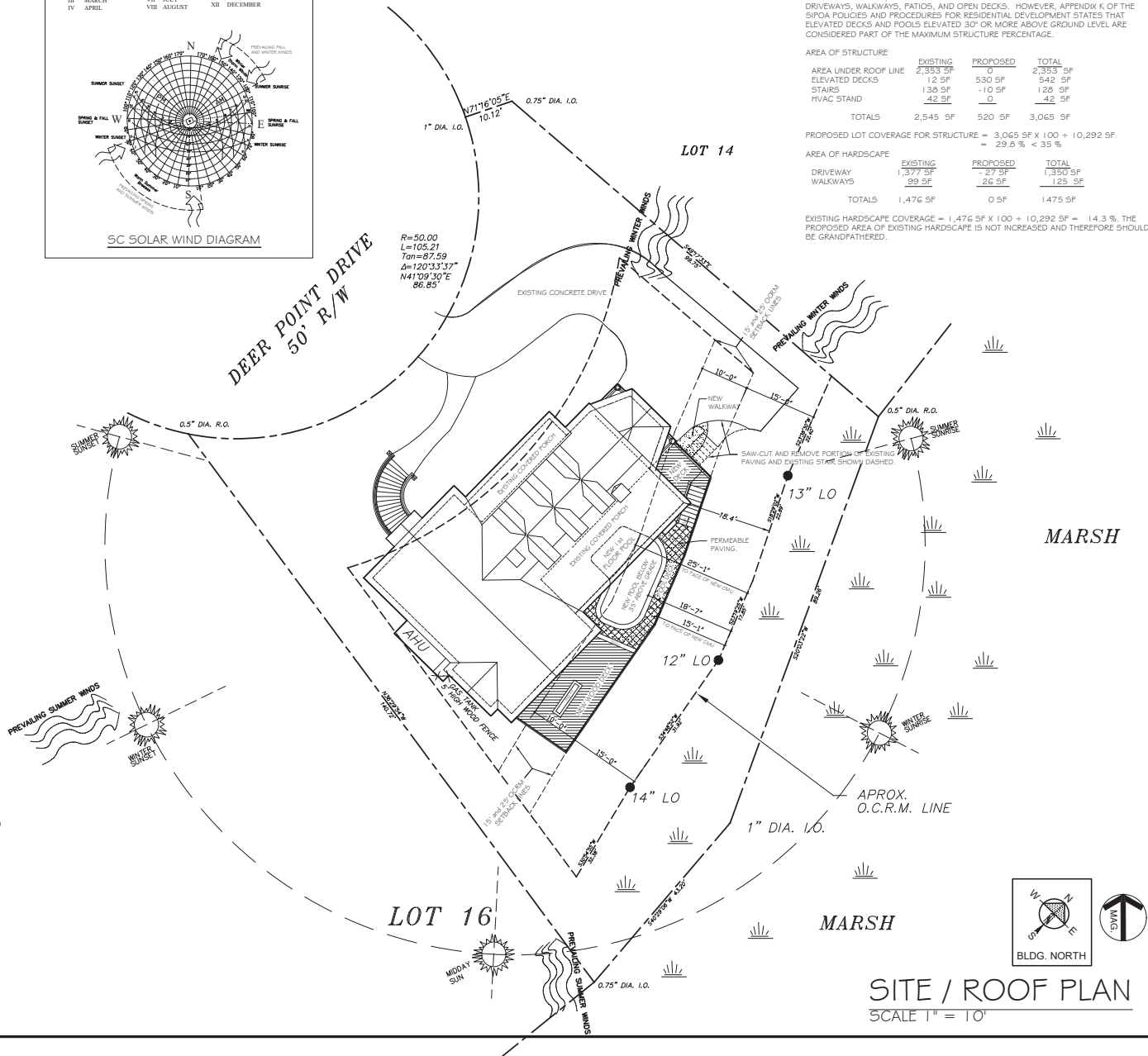
REVISIONS

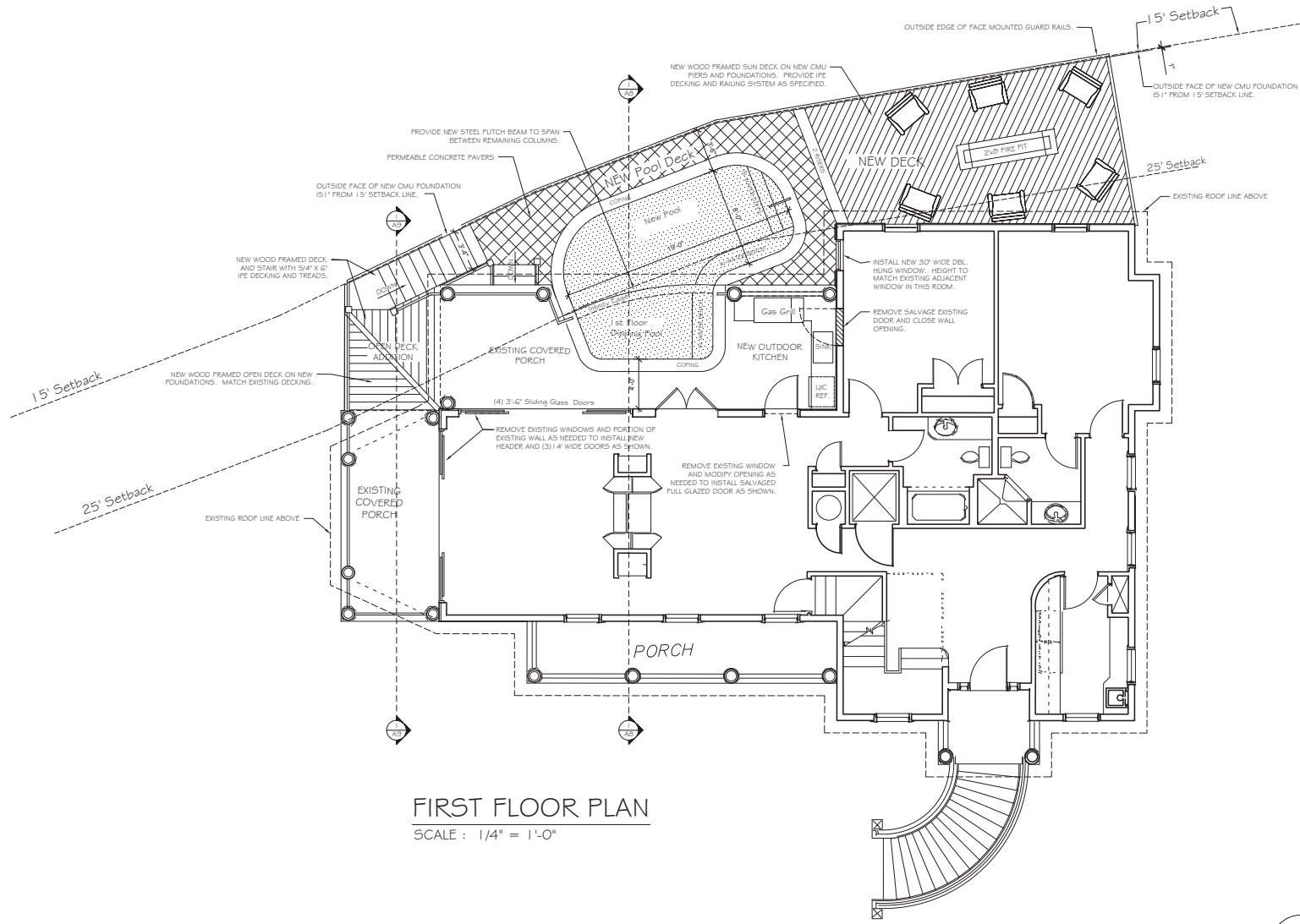
NO.	DATE	DESCRIPTION
1	6-29-20	
2		
3		
4		

M. BRENNAN ARCHITECTS, INC.
 1113 Wappoo Creek Drive, Ste. 4
 Charleston, South Carolina
 mbrennanarchitects.com

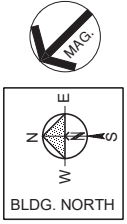


BRYAN RENOVATION
 2913 DEER POINT DRIVE
 Seabrook Island, South Carolina





FIRST FLOOR PLAN
SCALE : 1/4" = 1'-0"



PRELIMINARY
NOT FOR
CONSTRUCTION



A3
SHEET

DATE: June 18, 2020

NO.	REVISIONS
1	5
2	6
3	7
4	

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BRYAN RENOVATION
2913 Deer Point Drive
Seabrook Island, SC 29445



PROPOSED NORTH (SIDE) ELEVATION
SCALE : 1/4" = 1'-0"



EXISTING NORTH (SIDE) ELEVATION
SCALE : 1/4" = 1'-0"

PRELIMINARY
NOT FOR
CONSTRUCTION



A4
SHEET

DATE: June. 18, 2020

REVISIONS	4	5	6	7
1	2	3		

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PROPOSED EAST (REAR) ELEVATION

SCALE : 1/4" = 1'-0"



EXISTING EAST (REAR) ELEVATION

SCALE : 1/4" = 1'-0"

PRELIMINARY
NOT FOR
CONSTRUCTION



A5
SHEET

DATE: June. 18, 2020

REVISIONS	4	5	6	7
1	2	3		

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BRYAN RENOVATION
2913 Deer Point Drive
Seabrook Island, SC 29445



PROPOSED SOUTH (SIDE) ELEVATION

SCALE : 1/4" = 1'-0"



EXISTING SOUTH (SIDE) ELEVATION

SCALE : 1/4" = 1'-0"

PRELIMINARY
NOT FOR
CONSTRUCTION



A7
SHEET

DATE: June. 18, 2020

NO.	REVISIONS
1	1
2	2
3	3
4	4
5	5
6	6
7	7

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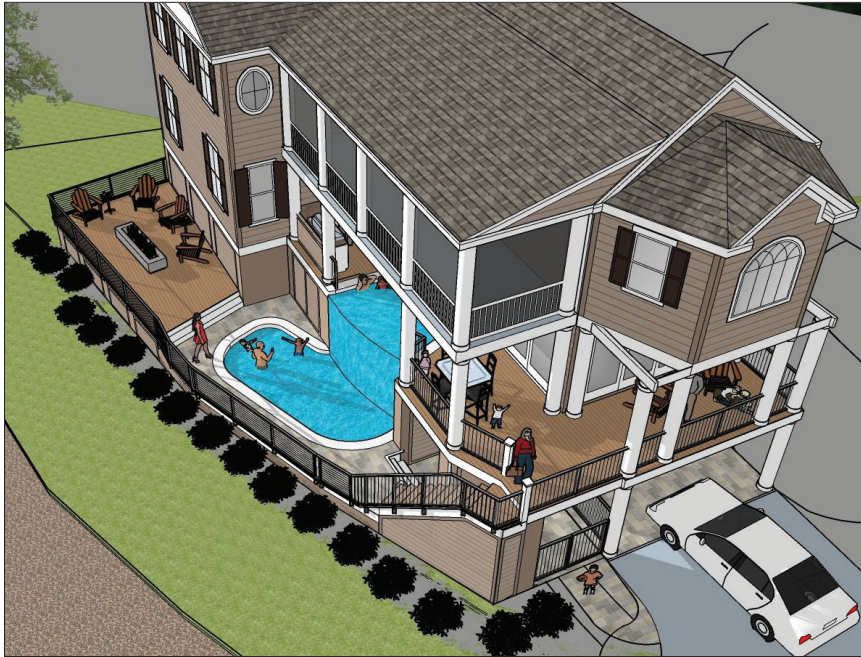
BRYAN RENOVATION
2913 Deer Point Drive
Seabrook Island, SC 29445



EAST VIEW



NORTH EAST VIEW



AERIAL VIEW



NORTH VIEW

PRELIMINARY
NOT FOR
CONSTRUCTION



A7.1

SHEET

DATE: June. 18, 2020

REVISIONS	4
1	7-14-20
2	
3	

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