AGENDA

CALL TO ORDER

ELECTION OF CHAIR & VICE CHAIR

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: November 22, 2023

PUBLIC HEARING ITEMS

1. **Variance # 185**

   **APPLICANTS:** Michael Karamus (Applicant)
   Steve & Cynthia Althoff (Owners)

   **ADDRESS:** 3237 Middle Dam Court

   **TAX MAP NUMBER:** 147-12-00-048

   **ZONING DISTRICT:** R-SF2 (Medium Lot Single-Family)

   **CODE SECTION:** § 5.3.B (Residential Setbacks – Rear Yard Setback)
**VARIANCE REQUEST:**

1) To allow for 115.1 square feet of screen porch addition to encroach five feet and ½ inch into the required 25-foot rear yard setback.

2) To allow for 81.9 square feet of covered deck to encroach five feet and ½ inch into the required 25-foot rear yard setback.

3) To allow for 293.5 square feet of swimming pool to encroach 15 feet and ½ inch into the required 25-foot rear yard setback.

**ITEMS FOR INFORMATION / DISCUSSION**

1. There are no items for information/discussion.

**ADJOURN**
TO: Town of Seabrook Island Board of Zoning Appeals Members
FROM: Tyler Newman, Zoning Administrator
SUBJECT: Variance Application # 185 – 3237 Middle Dam Court
MEETING DATE: April 24, 2024

Variance Application #178
Applicants: Michael Karamus (Applicant)  
Steve & Cynthia Althoff (Owners)

Location: 3237 Middle Dam Court
Tax Map Number: 147-12-00-048
Zoning District: R-SF2 (Medium Lot Single-Family)
Code Section: § 5.3.B, Residential Setback (25’ Rear yard Setback)

Purpose: 1) to allow for 115.1 square feet of screen porch addition to encroach 5 feet and ½ inch into the required 25-foot rear yard setback, 2) to allow for 81.9 square feet of covered deck to encroach 5 feet and ½ inch into the required 25-foot rear yard setback, and 3) to allow for 293.5 square feet of swimming pool to encroach 15 feet and ½ inch into the required 25-foot rear yard setback.

Overview

The Town has received a variance application from Michael Karamus on behalf of Steve and Cynthia Althoff (collectively, the “Applicants”). The Applicants are requesting several encroachments into the required 25-foot rear yard setback in association with the construction of a screened porch, covered deck, and swimming pool at an existing single-family residence located at 3237 Middle Dam Court.

In December 2023 the Town’s Zoning Administrator received an email from the Applicants stating that they desired to make improvements to their property including enlarging an existing screened porch, extending the roofline of the existing single-family residence over a section of their existing deck, and adding an elevated swimming pool. In that email, the Applicants noted that portions of each of the proposed improvements would encroach beyond the required 25-foot rear yard setback. In response to this email, the Town’s Zoning Administrator explained that any proposed setback encroachments that are not permitted in Table 2-4E of the Development Standards Ordinance (DSO) would require a variance from the Town of Seabrook Island Board of Zoning Appeals. Per DSO Table 2-4E, neither a screened porch, covered deck, nor swimming pool are allowable encroachments into a required rear yard setback.

DSO § 5.3.B, Residential Setbacks, states, “All structures and their placement on a lot recorded prior to the adoption of this ordinance shall conform to the minimum dimensional requirements listed in Table 5-3a”. For conforming lots (17,500+ square feet), the applicable setback requirements in the R-SF2 district are a 30-foot front yard setback, 15-feet side yard setbacks, and a 25-foot rear yard setback.
Additionally, since the subject property is adjacent to marsh, there is a required 25-foot setback from the edge of the SCDHEC-OCRM critical line.

The subject property is currently zoned R-SF2, Medium Lot Single-Family, and a single-family residence is a permitted use by-right.

The property is 21,294 square feet in area, which is larger than the minimum lot size in the R-SF2 district of 17,500 square feet. According to the survey provided, a total of 21,294 square feet (or 100% of the lot) is designated as “highland.” (See Attachment 5, Survey of Existing Conditions).

Based on the site plan submitted with the variance application, the proposed screened porch, covered deck, and swimming pool will comply with all other applicable setback requirements. Additionally, the proposed improvements do not cause the subject property to exceed the 40% maximum lot coverage requirement in the R-SF2 District (See Attachment 7, Proposed Site Plan).

To allow for construction of the proposed screen porch, covered deck, and swimming pool the Applicants are requesting the following variances from the requirements of the DSO:

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED PER DSO</th>
<th>VARIANCE (REQUESTED)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear Yard Setback</td>
<td>25 feet (§ 5.3.B)</td>
<td>To allow for 151.1 square feet of screen porch addition to encroach 5 feet and ½ inch into the required 25-foot rear yard setback</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>25 feet (§ 5.3.B)</td>
<td>To allow for 81.9 square feet of covered deck to encroach 5 feet and ½ inch into the required 25-foot rear yard setback</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>25 feet (§ 5.3.B)</td>
<td>To allow for 293.5 square feet of swimming pool to encroach 15 feet and ½ inch into the required 25-foot rear yard setback</td>
</tr>
</tbody>
</table>
In their application, the Applicants state that they are requesting relief from the rear yard setback requirements for the following reasons (See Attachment 4, Applicant’s Narrative):

a) There are several large trees located in the front yard of the subject property which were likely spared during the construction of the existing single-family residence in 1993. Additionally, there is a .11 acre “peninsula” of undevelopable inaccessible property adjacent to the rear of the subject property. The “peninsula” in question is a unique piece of residual area. The Applicants state that they have made significant efforts to purchase the additional high ground, however, they have not had any success in those efforts to date.

b) The presence of the “peninsula” area of residual property is unique in the vicinity of the subject property as most neighboring properties that have similar high ground beyond their property lines have smaller linear slices of area. This “peninsula” in question extends approximately 54-feet out from the existing rear property line. It also appears as though other homes in the area were not sited in relation to existing trees that are on their respective properties.

c) Relocating the proposed improvements to an alternative location to what is proposed creates several issues. By not having the ability to repurpose the existing deck space, any proposed improvements would have to be done in a new location on site. This would result in a smaller, less effective, and efficient design than is proposed. The granting of the variance will result in a more cohesive, efficient, and aesthetically pleasing project. Alternatively, the Applicants state that they could remove a portion of the existing home to allow for a more efficient use of the property with the proposed improvements in mind. However, this is not a feasible option as this is the Applicants’ full-time residence.

d) The proposed improvements will have a negligible impact on adjacent properties. The neighbors to the left and right of the subject property will have limited views of the proposed screen porch enlargement and swimming pool addition. The proposed improvements will not be visible from the street and the closest property at the rear is approximately one quarter mile away.

e) The subject property was originally developed in 1993 under a different set of development standards. The Applicants purchased the property in 2022 and there has been no work done by the Applicants since that time that has resulted in the need for the requested variances.

f) The Applicants would like to improve the subject property to enhance their everyday living experience. The proposed improvements will allow the Applicants to enjoy the natural beauty that the subject property provides.

**Staff Comments**

As a matter of practice, the Town’s Zoning Administrator does not typically provide a recommendation in favor of, or in opposition to, a variance application. In our opinion, these requests are best left to the Board of Zoning Appeals following a thorough review of the relevant facts, including the receipt of testimony from interested parties during the required public hearing.
In granting a variance, state law permits the Board of Zoning Appeals to attach such conditions as
the Board may consider advisable to protect established property values in the surrounding area
or to promote the public health, safety, or general welfare.

Should the Board vote to approve the variance request, staff would recommend in favor of
attaching the following conditions:

- The approved variance shall apply to the building layout as shown on the site-specific
  plan prepared by the Applicants and reviewed by the Board on April 24, 2024. Any
  modification to this site-specific plan prior to the issuance of a zoning permit, with the
  exception of minor corrections and/or modifications which conform to the
  requirements of the town’s DSO, shall require further review and approval by the Board
  of Zoning Appeals prior to permitting.

- The Applicants shall prepare and submit to the Zoning Administrator an as-built survey
  prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final
  inspection if no Certificate of Occupancy is required). The as-built survey shall be
  prepared and stamped by a professional land surveyor who is qualified to perform such
  services in the State of South Carolina.

- The variance shall become null and void if the Applicants (or a subsequent property
  owner) fail to obtain a building permit prior to the effective date of any changes to the
  SCDHEC-OCRM critical area line affecting the subject property.

Respectfully submitted,

Tyler Newman
Zoning Administrator
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.
The following supplemental items have been attached for review:

<table>
<thead>
<tr>
<th></th>
<th>Supplemental Item</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Variance Application</td>
<td>p. 9 - 11</td>
</tr>
<tr>
<td>2</td>
<td>Aerial Image</td>
<td>p. 12</td>
</tr>
<tr>
<td>3</td>
<td>Property Zoning Report</td>
<td>p. 13</td>
</tr>
<tr>
<td>4</td>
<td>Applicant’s Narrative</td>
<td>p. 14 - 17</td>
</tr>
<tr>
<td>5</td>
<td>Survey of Existing Conditions</td>
<td>p. 18</td>
</tr>
<tr>
<td>6</td>
<td>Site Plan – Existing Conditions</td>
<td>p. 19</td>
</tr>
<tr>
<td>7</td>
<td>Site Plan – Proposed Conditions</td>
<td>p. 20</td>
</tr>
<tr>
<td>8</td>
<td>Proposed Floor Plan + Proposed Elevations</td>
<td>p. 21</td>
</tr>
<tr>
<td>9</td>
<td>ARC Letter of Acknowledgement</td>
<td>p. 22</td>
</tr>
<tr>
<td>10</td>
<td>Property Deed</td>
<td>p. 23 - 26</td>
</tr>
<tr>
<td>11</td>
<td>Site Photos</td>
<td>p. 27 - 31</td>
</tr>
<tr>
<td>12</td>
<td>Public Hearing Notice – Letter to Neighboring Property Owners</td>
<td>p. 32</td>
</tr>
<tr>
<td>13</td>
<td>Public Hearing Notice – Post &amp; Courier Legal Ad</td>
<td>p. 33 - 34</td>
</tr>
<tr>
<td>14</td>
<td>Public Hearing Notice – List of Neighboring Properties</td>
<td>p. 35</td>
</tr>
<tr>
<td>15</td>
<td>Public Hearing Notice – Property Posting</td>
<td>p. 36</td>
</tr>
</tbody>
</table>
Any applicant seeking a variance from the zoning requirements of the Town of Seabrook Island's Development Standards Ordinance (hereafter, the "DSO") must submit a written application, along with a $300.00 application fee and all required supplemental information. Applications must be typed or written legibly in ink. Please attach an additional sheet of paper if more space is needed. If you need assistance filling out this application form, please contact the Zoning Administrator by phone at (843) 768-9121 or by email at tnewman@townofseabrookisland.org.

1. PROPERTY INFORMATION

Please provide information regarding the property which is subject to the variance request.

<table>
<thead>
<tr>
<th>Property Address</th>
<th>3237 Middle Dam Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Map Number</td>
<td>147-12-00-048</td>
</tr>
<tr>
<td>Lot Size (Square Feet)</td>
<td>21,294 Sq Ft</td>
</tr>
<tr>
<td>Is this property subject to an OCRM critical line? (eg. Marsh or Beachfront Lots)</td>
<td>Yes ✔ No</td>
</tr>
<tr>
<td>Is this property subject to private restrictions or covenants? (eg. SIPOA or regime)</td>
<td>✓ Yes No</td>
</tr>
</tbody>
</table>

2. APPLICANT(S)

Please provide information regarding the individual(s) who is (are) submitting the variance request.

<table>
<thead>
<tr>
<th>Applicant Name(s)</th>
<th>Michael E. Karamus Architect, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Address</td>
<td>P. O. Box 236, Johns Island, SC 29457</td>
</tr>
<tr>
<td>Applicant Phone Number</td>
<td>843-768-9980</td>
</tr>
<tr>
<td>Applicant Email Address</td>
<td><a href="mailto:mkaramus@aol.com">mkaramus@aol.com</a></td>
</tr>
<tr>
<td>If the Applicant is NOT an owner of the property, what is the relationship to the Property Owner(s)?</td>
<td>Owner's Agent</td>
</tr>
</tbody>
</table>

3. PROPERTY OWNER(S)

If the Applicant(s) is (are) NOT the property owner(s), please provide information for the property owner(s).

<table>
<thead>
<tr>
<th>Owner Name(s)</th>
<th>Mr. &amp; Mrs. Steve Althoff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Mailing Address</td>
<td>3237 Middle Dam Court</td>
</tr>
<tr>
<td>Owner Phone Number</td>
<td>864-680-6852</td>
</tr>
<tr>
<td>Owner Email Address</td>
<td><a href="mailto:stevealthoff25@gmail.com">stevealthoff25@gmail.com</a></td>
</tr>
</tbody>
</table>

**Designation of Agent (Required if the Applicant(s) is(are) NOT a Property Owner):** I (we) hereby designate and appoint the above named Applicant(s) as my (our) agent(s) to represent me (us) in this application.

<table>
<thead>
<tr>
<th>Owner Signature(s)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Signatures]</td>
<td>3/14/24</td>
</tr>
</tbody>
</table>

4. CERTIFICATION

Under penalty of perjury, I (we) hereby certify that the information contained in this application, including all supplemental materials, is true and accurate to the best of my (our) knowledge.

<table>
<thead>
<tr>
<th>Applicant Signature(s)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Signature]</td>
<td>3/14/24</td>
</tr>
</tbody>
</table>

OFFICE USE ONLY

Date Filed: Variance Application #: Hearing Date:
5. VARIANCE REQUEST

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

See attached

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): 5.3.8 Residential Setbacks

2) DSO Requirement(s): 25' Rear Yard setback in accordance with Table 5-3a

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:

See Attached narrative

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

See attached narrative

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:

See attached narrative

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:

See attached narrative
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.

- **$300.00 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:

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

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.
**Town of Seabrook Island**

**Property Zoning Report**

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**Parcels**

<table>
<thead>
<tr>
<th>Parcel ID:</th>
<th>1471200048</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>ALTHOFF STEPHEN WESLEY ALTHOFF CYNTHIA BARTON</td>
</tr>
<tr>
<td>Owner Street Address:</td>
<td>3237 MIDDLE DAM CT</td>
</tr>
<tr>
<td>Owner City State ZIP Code:</td>
<td>SEABROOK ISLAND, SC 29455</td>
</tr>
<tr>
<td>Parcel Street Address:</td>
<td>3237 MIDDLE DAM</td>
</tr>
</tbody>
</table>

**Zoning**

<table>
<thead>
<tr>
<th>Count</th>
<th>Zoning Code and Description</th>
<th>Overlapping Quantities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>R-SF2 - Residential - Single-Family (Medium Lot)</td>
<td>21,779.13sf (0.5acres)</td>
</tr>
</tbody>
</table>

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**THIS VERIFICATION IS MADE AS OF THE DATE OF THIS REPORT AND DOES NOT CONSTITUTE ANY REPRESENTATION OR ASSURANCE THAT THE PROPERTY WILL RETAIN ITS PRESENT ZONING CLASSIFICATION FOR ANY SPECIFIED PERIOD OF TIME. THE TOWN OF SEABROOK ISLAND SHALL ASSUME NO RESPONSIBILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED; OR ANY DECISION MADE OR ACTION TAKEN OR NOT TAKEN BY ANY PERSON IN RELIANCE UPON ANY INFORMATION OR DATA FURNISHED HEREUNDER.**
March 15, 2024

Town of Seabrook Island
Board of Zoning Appeals
2001 Seabrook Island Road
Seabrook Island, SC 29455

Re: Variance Request
Improvement to Existing Residence
3237 Middle Dam Court
Seabrook Island, SC 29455

Dear Board Members,

Please find attached a set of plans for the proposed addition and alteration to an existing residence located at 3237 Middle Dam Court on Seabrook Island. We would respectfully request the following variances from the Board.

- We would like to request a variance from DSO Section 5.3.B, Residential Setbacks, to allow for 115.1 square feet of screen porch addition to encroach 5'-0 1/2" into the required 25' rear yard setback. Of this total, 74.9 square feet is existing porch and deck construction and 40.2 square feet would be new lot coverage. The screen porch extension would be constructed to match the existing structure. The new foundation would be finished with stucco to match. The screening and p.t. wood trim will match both materials and finished colors. The new roofing will have architectural composition shingles to match the existing home. The average of the proposed gable roof will be 21' above existing grade.

- We would like to request a variance from DSO Section 5.3.B, Residential Setbacks, to allow 81.9 square feet of existing open deck to be covered with new roof construction. The existing open deck encroaches 5'-0 1/2" into the required 25' rear yard setback. The new covered deck area will retain its existing deck at its existing height. A new cable rail balustrade will be installed. The new gable roof construction, shared with the proposed screen porch enlargement, will have an average roof height of 21' above grade. The new roofing will have architectural composition shingles to match the existing home.

- We would like to request a variance from DSO Section 5.3.B, Residential Setbacks, to allow for 293.5 square feet of new pool construction to encroach 15'-0 1/2" into the required 25' rear yard setback. Of this total encroachment, 115.5 square feet is existing open deck space to be repurposed and 178 square feet of new lot coverage. The new pool construction shall be approximately 6' above the existing grade and shall match the height of the existing deck. The new pool shall be finished with cement stucco to match the existing foundation. A new cable rail balustrade shall be added as required by code.
We look forward to hearing from you regarding this request. Please contact me if there is any additional information that you may require. Thank you for your assistance in this matter.

Sincerely,
Michael E. Karamus Architect, LLC

Michael Karamus, A.I.A.
March 15, 2024

Town of Seabrook Island
Board of Zoning Appeals
2001 Seabrook Island Road
Seabrook Island, SC 29455

Re: Variance Request
   Improvement to Existing Residence
   3237 Middle Dam Court
   Seabrook Island, SC 29455

Dear Board Members,

Please find attached a set of plans for the proposed addition and alteration to an existing residence located at 3237 Middle Dam Court on Seabrook Island. The scope of the proposed work shall be as follows. We would like to extend an existing screen porch, cover a portion of the existing open deck, and we would like to add a pool.

The issue, which is what brings us before the board, is the fact that under the current setbacks, the proposed changes are over the existing rear setback line. We feel that the Board should grant a variance to allow the addition of the garage for the following reasons.

- A. There are extraordinary and exceptional conditions pertaining to this piece of property. When viewing the house currently, there are several large trees in the front yard which were most likely spared during the construction phase. There is also a rather large "peninsula" of undevelopable inaccessible property behind the property in question. This appears to be a rather unique piece of residual area. Finally, the property Owner has made significant efforts to purchase the additional high ground. At this time, the process is continuing as the Owner has not received a replay form the Owner of the residual property.

- B. These conditions do not generally apply to other property in the vicinity. The presence of this "peninsula" area of residual property is unique in the area as most neighboring properties that have high ground beyond their property lines have smaller linear "slices" of area. This "peninsula" in question extends approximately 54' out from the existing rear property line. It also appears as though other homes in the area were not sited in relation to existing trees that are on their respective properties.

- C. Because of these conditions, the application of the ordinances to this piece of property would effectively prohibit or unreasonably restrict the utilization of the property. By having to locate any proposed additive elements to another location on the property several issues would come into play. By not having the ability to repurpose the existing deck space, any work would have to be done in another location. This would result in smaller, less effective and efficient than the proposed work due to lot coverage restrictions which would have to be adhered to. By granting the variance, the proposed changes to the structure would result in a more cohesive,
efficient, and aesthetically pleasing project. A second option would be to remove the existing portion of the existing home to allow for a more efficient use of the property with the proposed uses in mind. This is not a feasible option both in terms of financial considerations as well as everyday utilization of the property. This is the Owner’s current full-time residence.

- D. The authorization of the variance will not be of substantial detriment to the adjacent properties or to the public good; and the character of the district will not be harmed by the granting of the variance. Since the encroachment is the rear yard only, which abuts the marsh, the neighboring properties would not be affected by the granting of the variance. The work will not be visible from the street at all. The neighbors will have small glimpses of changes to the property by the proposed work. The neighbor to the right will have a view of the pool addition, which is only a few feet above grade. The neighbor to the left will be set further back and have a limited view of the proposed screen porch enlargement. The undevelopable inaccessible property to the rear will be the most directly impacted by the variance. And if nothing can ever happen on the property, the net effect is none. The next closest property to the rear is approximately 1/4 mile away. Any work that is undertaken will be of negligible impact to them.

- E. The Owner shall not be entitled to relief from a self-created or self-inflicted hardship. The property was originally developed in 1993. There was also a different zoning code in effect at the time this property was developed. The current Owner purchased the property in 2022. There has been no work done by the current Owner that has resulted in the need for the requested variance.

- F. The fact the property may be used more profitably, if a variance is granted, may not be considered as grounds for a variance. The Owner would like to improve the property to enhance the everyday living experience of the natural amenities that the property affords to both the Owner and his family. The proposed changes will provide a more exhilarating daily enjoyment of the natural beauty that the property provides.

We look forward to hearing from you regarding this request. Please contact me if there is any additional information that you may require. Thank you for your assistance in this matter.

Sincerely,
Michael E. Karamus, Architect, LLC

Michael Karamus, A.I.A.
Plat to Show the Combination of a portion of Highland Area and Lot 25, Block 26
To create New Lot 26, Block 26

Located
Town of Seabrook Island
Charleston County, South Carolina

Field Date: July 2, 2003

Seabrook Island Property Owners

Location Map (not to scale)

NOTES

1. Reference Base Map PUBL No. 709-11-8-2003
2. Salter's Plat Book IV Page 80
3. Property Owners' Names are Shown in Capital Letters
4. The property may be subject to various utility easements, public roads, and other easements not noted in the plat referenced herein, but is not shown in the plat. This plat does not indicate any public or utility rights, easements, or other restrictive covenants.
5. Surveys have made an appraisal or determination of the boundary of property, and any boundaries may be subject to change after any such surveys are made.
6. The survey is subject to final inspection and approval. The surveyor's notes will be used in the preparation of this plat.
7. The plat is not intended for legal purposes.
8. The plat is intended to be used as a guide for the development of the property.

Measuring Units: DSF = Feet

Seabrook Island Property Owners

David J. Croson Jr.
John M. Croson

Seabrook Island Property Owners

Plat Date: July 2, 2003

Seabrook Island Property Owners

John M. Croson

Plat Date: July 2, 2003

Seabrook Island Property Owners

John M. Croson

Plat Date: July 2, 2003

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Plat Date: July 2, 2003

Seabrook Island Property Owners

John M. Croson

Plat Date: July 2, 2003

Seabrook Island Property Owners

John M. Croson

Plat Date: July 2, 2003

Seabrook Island Property Owners

John M. Croson
Additions & Alterations to Existing Residence

Mr. Steve Althoff
3237 Middle Dam Cr.
Seabrook Island, SC

MARCH 15, 2024

NOTE:
ALL SITE INFORMATION HAS BEEN TAKEN FROM A SURVEY DATED 7/7/23, PREPARED BY JAMES G. PENNINGTON, P.L.S. #10291 FOR PALMETTO LAND SURVEYING INC., CO0382.

PROPOSED SITE LAYOUT

LEGEND

EXISTING BUILDING

VARIANCE REQUEST FOR EXIST BLDG FOOTPRINT

VARIANCE REQUEST FOR NEW FOOTPRINT

HIGHGROUND AREA OF LOT
21,294 S.F.

AREA OF PROPOSED STRUCTURAL ELEMENTS
5,312.9 S.F.

PERCENTAGE OF PROPOSED STRUCT ELEMENTS
24.9 %

AREA OF PROPOSED HARDSCAPE ELEMENTS
2,206.4 S.F.

PERCENTAGE OF PROPOSED HARDSCAPE
10.4 %

SC-DHEC CRITICAL LINE

NOTE:
ALL SITE INFORMATION HAS BEEN TAKEN FROM A SURVEY DATED 7/7/23, PREPARED BY JAMES G. PENNINGTON, P.L.S. #10291 FOR PALMETTO LAND SURVEYING INC., CO0382.
March 18, 2024

Tyler Newman
Zoning Administrator
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC  29455

Re:  Block 26 Lots 26 – 3237 Middle Dam / Remodel Encroachment

Dear Mr. Newnan:

It is my understanding that a variance request has been submitted to the Town of Seabrook Island Board of Zoning Appeals relating to the proposed encroachment into the rear yard setback for the purpose of adding new decking, an additional screened porch, and a pool. While the SIPOA ARC has not yet formally reviewed these plans, the ARC is aware of the request.

Please contact me if you need any additional information.

Very truly yours,

Katrina Burrell, CMCA, AMS
Director of Administration and Architectural Review

cc:   B26 L26 – 3237 Middle Dam (Master File)
Prepared By:

Bradshaw & Company, LLC
147 Wappoo Creek Drive, Suite 605
Charleston, SC 29412

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

GENERAL WARRANTY DEED

The designation Grantor and Grantee as used herein shall include the named parties and their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

KNOW ALL MEN BY THESE PRESENTS, that John E. Burich and Miriam A. Burich, in the State aforesaid, for and in consideration of the sum of TWO MILLION ONE HUNDRED SEVENTY-SEVEN THOUSAND AND NO/100 DOLLARS ($2,177,000.00), the receipt and sufficiency of which is here acknowledged, has granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said:

Stephen Wesley Althoff and Cynthia Barton Althoff,

as Joint Tenants with Rights of Survivorship and NOT as Tenants in Common

All Grantor's right, title and equitable or legal interest in and to:

See Exhibit "A" attached hereto and made a part hereof.

Charleston County Tax Map No.: 1471200048

Common Address: 3237 Middle Dam Court, Seabrook Island, SC 29455

Grantee Address: 3237 MIDDLE DAM COURT

SEABROOK ISLAND, SC 29455

TOGETHER with 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, all and singular the said premises before mentioned unto the said Grantee, and Grantee's heirs and assigns forever.

AND GRANTOR DOES hereby promise, for themselves and Grantor's heirs, successors, assigns, and representatives, to warrant and forever defend the above premises unto the Grantee, Grantee's heirs and assigns, against the Grantor and Grantor's heirs, successors, assigns, and representatives and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.
WITNESS the Hand and Seal of John E. Burich and Miriam A. Burich this 30th day of March, 2022.

Signed, Sealed and Delivered in the presence of:

Witness No. 1

Witness No. 2 (NOTARY)

STATE OF South Carolina
County OF Charleston

I, The Undersigned, a Notary Public for the County of Charleston and State of South Carolina, do hereby certify that John E. Burich and Miriam A. Burich personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 30th of March, 2022.

Notary Public
My Commission Expires: (SEAL)
Exhibit "A"

All that certain piece, parcel or lot of land together with all improvement thereon situate, lying and being on Seabrook Island, Charleston County, South Carolina and known and designated as Lot 26, Block 26, on a plat by E.M. Seabrook, Jr., C.E. and L.S., dated September 9, 1977 and recorded in the ROD Office for Charleston County in Plat Book AJ at Page 111; Said lot having the size, shape, dimensions, buttins and boundins more or less as are shown on said plat, which is specifically incorporated herein by reference.

SUBJECT to any and all Restrictions, Covenants, Conditions, Easements, Rights of Way, and any and all other matters affecting subject property, of record in the Office of the ROD for Charleston County, South Carolina.

THIS BEING the same property conveyed to John E. Burich and Miriam A. Burich by deed of David Crawford Allen, Successor Trustee of the James C. Allen Qualified Personal Residence Trust, dated October 23, 1997, dated February 22, 2017, and March 1, 2017 in the Office of the ROD for Charleston County, South Carolina in Book 0620, at Page 221.

TMS #: 147-12-00-048
Prepared By:

Bradshaw & Company, LLC
147 Wappoo Creek Drive, Suite 605
Charleston, SC 29412

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

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

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

2. The property is being transferred is located at 3237 Middle Dam Court, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 1471200048, was transferred by John E. Burich and Miriam A. Burich to Stephen Wesley Althoff and Cynthia Barton Althoff, on March 31, 2022.

3. Check one of the following: The DEED is:
   a. ☐ 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 a distribution to a trust beneficiary.
   c. ☐ EXEMPT from the deed recording fee because (see information section of affidavit): ____________________ (If exempt, please skip items 4-7 and go to item 8 of this affidavit.)

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

4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
   a. ☐ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $2,177,000.00.
   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 encumbrance is $___.

6. The deed recording fee is computed as follows:
   a. Place the amount listed in item 4 above here: $2,177,000.00
   b. Place the amount listed in item 5 above here: $0.00
   c. Subtract Line 6(b) from Line 6(a) and place the result here: $2,177,000.00

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is: $8,054.90.

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

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

Witness my hand and official seal, this the 31st day of March, 2022.

Chris Ellis
Notary Public for South Carolina
My Commission Expires: May 19, 2025.
Dear Property Owner:

The purpose of this letter is to notify you that the owners of 3237 MIDDLE DAM COURT have requested VARIANCES from the zoning requirements of the Town’s Development Standards Ordinance (DSO). The specific variance requests are:

- 1) A VARIANCE FROM DSO § 5.3.B, RESIDENTIAL SETBACKS, TO ALLOW FOR 115.1 SQUARE FEET OF SCREEN PORCH ADDITION TO ENCROACH 5 FEET AND ½ INCH INTO THE REQUIRED 25-FOOT REAR YARD SETBACK,
- 2) A VARIANCE FROM DSO § 5.3.B, RESIDENTIAL SETBACKS, TO ALLOW FOR 81.9 SQUARE FEET OF COVERED DECK TO ENCROACH 5 FEET AND ½ INCH INTO THE REQUIRED 25-FOOT REAR YARD SETBACK, AND
- 3) A VARIANCE FROM DSO § 5.3.B, RESIDENTIAL SETBACKS, TO ALLOW FOR 293.5 SQUARE FEET OF POOL TO ENCROACH 15 FEET AND ½ INCH INTO THE REQUIRED 25-FOOT REAR YARD SETBACK.

A copy of the variance application is enclosed for your information.

The Seabrook Island Board of Zoning Appeals will hold a PUBLIC HEARING on the variance request at the date and time listed below. This notification is being provided to you pursuant to Section § 20.70.40 of the DSO.

PUBLIC HEARING DATE: Wednesday, April 24, 2024
PUBLIC HEARING TIME: 1:00 PM
PUBLIC HEARING LOCATION: TOWN HALL (2001 SEABROOK ISLAND ROAD)

For information on how to submit a public comment during (or prior to) the Public Hearing, please refer to the attached Public Hearing Notice.

The Public Hearing will be live streamed on the town’s YouTube channel beginning at 1:00 PM at the following address: https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg.

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 tnewman@townofseabrookisland.org.

Sincerely,

Tyler Newman
Zoning Administrator
TOWN OF SEABROOK ISLAND
2001 SEABROOK ISLAND RD
JOHNS ISLAND  SC  29455

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina
County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of appeared in the issues of said newspaper Post and Courier on the following day(s):
03/22/24

MARC 25 2024

Subscribed and sworn to before me this:
25th day of March, 2024

Advertising Clerk

Notary Public, SC
My commission expires
AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina
County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of appeared in the issues of said newspaper Post and Courier on the following day(s):
03/22/24

Subscribed and sworn to before me this:
22nd day of March, 2024

Advertising Clerk

NOTARY PUBLIC, SC
My commission expires
FOSTER THOMAS E III AND SUSAN B  
22 SECOND ST  
SCOTTSVILLE, NY 14546-1328

ZIZZAMIA MARK H Jr  
333 RECTOR PLACE  
NEW YORK, NY 10280

ALTHOFF STEPHEN WESLEY ALTHOFF  
CYNTHIA BARTON  
3237 MIDDLE DAM CT  
SEABROOK ISLAND, SC 29455

STOUT KAREN L MOTT DEBORAH C  
5 LONGFELLOW DR  
BLACK MOUNTAIN, NC 28711

SEABROOK ISLAND POA  
1202 LANDFALL WAY  
JOHNS ISLAND, SC 29455

MORR LIVING TRUST  
3233 MIDDLE DAM CT  
SEABROOK ISLAND, SC 29455

SEABROOK ISLAND PROPERTY OWNERS ASSOCIATION  
1202 LANDFALL WAY  
JOHNS ISLAND, SC 29455-6335

RICE CHARLES L RICE DEBORAH A  
3227 MIDDLE DAM  
SEABROOK ISLAND, SC 29455

STROBEL ERIC C STROBEL CHRISTINE M  
3240 MIDDLE DAM CT  
JOHNS ISLAND, SC 29455

SHARON THOMAS EDWARD Jr SHARON  
BETHANY FOSTER  
4408 RIVERVIEW DR  
JOHNS CREEK, GA 30097

PETTUS THRUSTON W TRUST  
3312 THE LOOKOUT  
SEABROOK ISLAND, SC 29455

MOSKOW ABRAHAM H  
3313 THE LOOKOUT  
SEABROOK ISLAND, SC 29455

CATHONY FAMILY 2017 TRUST  
1242 FAWN HOLLOW  
WEST DUNDEE, IL 60118

CROSS CARVILLE J Jr CROSS JEAN M  
3235 MIDDLE DAM CT  
JOHNS ISLAND, SC 29455-6044

CIARLANTE DENNIS R REV TRUST CIARLANTE KATHLEEN L REV TRUST  
3222 SEABROOK ISLAND RD  
SEABROOK ISL, SC 29455

PASCHKES DAVID  
26 MOUNTAIN PEAK ROAD  
CHAPPAQUA, NY 10514

CAPP S RICHARD H CAPP S JENNIFER C  
10418 DEVONSHIRE DR  
HUNTERSVILLE, NC 28078-6107