#### **TOWN OF SEABROOK ISLAND**

Board of Zoning Appeals Meeting September 6, 2022 – 9:30 AM

Seabrook Island Town Hall, Council Chambers 2001 Seabrook Island Road Watch Live Stream (YouTube)



**Submit a Written Comment**: Individuals who wish to submit a comment in advance of the Public Hearing may do so in writing by 12:00 pm on the day prior to the meeting using one of the following options:

- Online: Variance 178
- Email: tnewman@townofseabrookisland.org
- Mail or Hand Deliver: 2001 Seabrook Island Road, Seabrook Island, SC 29455

#### **AGENDA**

#### **CALL TO ORDER**

#### **ELECTION OF CHAIR AND VICE CHAIR**

#### **APPROVAL OF MINUTES**

1. Board of Zoning Appeals Meeting: October 7, 2021 [Pages 3–9]

PUBLIC HEARING ITEMS [Pages 10–74]

1. Variance # 178

**APPLICANTS:** Bill Senst (Applicant)

Frank Randazzo & Anna Moca (Owners)

**ADDRESS:** 2931 Deer Point Drive

**TAX MAP NUMBER:** 149-14-00-024

**ZONING DISTRICT:** R-SF2 (Residential Single-Family) **CODE SECTION:** § 10.5.A.1, Critical Area Setback

## VARIANCE REQUEST:

- 1) To reduce the required 25' critical area setback to 22'-5  $\frac{1}{4}$ " to allow for a staircase and elevator.
- 2) To reduce the required 25' critical area setback to  $15'-2\ \%''$  to allow for a first-floor open deck, outdoor shower, and HVAC stand.

#### ITEMS FOR INFORMATION / DISCUSSION

**1.** Discussion of staff proposal to have regularly scheduled Board of Zoning Appeals meeting dates.

#### **ADJOURN**

#### **TOWN OF SEABROOK ISLAND**

Board of Zoning Appeals Meeting October 20, 2021 – 2:30 PM

Town Hall, Council Chambers 2001 Seabrook Island Road Live Streamed on YouTube



#### **MINUTES**

Present: Walter Sewell (Chair), John Fox, Janet Gorski, Bob Leggett, Tom Pinckney, Joe Cronin

(Zoning Administrator), Katharine Watkins (Town Clerk)

Absent: None

Guests: Daniel and Anne Arnold (Applicants), Charles Hudson (Architect)

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

#### **APPROVAL OF MINUTES**

Board of Zoning Appeals Meeting: October 7, 2021: Mr. Fox made a motion to approve the minutes from the October 7, 2021, meeting, as submitted. Mr. Leggett seconded the motion. The motion was <u>APPROVED</u> by a vote of 4-0, with Ms. Gorski abstaining due to her absence at the meeting.

#### **PUBLIC HEARING ITEMS**

1. Variance #177: Tax Map # 147-01-00-025: Chairman Sewell introduced the pending variance request, which was submitted by Daniel and Anne Arnold (Owners) and Charles Hudson (Applicant). Chairman Sewell disclosed that members of the Board conducted a site visit prior to the hearing for the purpose of viewing existing conditions at the site, as well as neighboring properties. Chairman Sewell added that no testimony was received during the site visit.

Chairman Sewell then called on Zoning Administrator Cronin to provide a brief overview of Variance Application #177. Chairman Sewell administered an oath to Zoning Administrator Cronin prior to receiving his testimony.

Zoning Administrator Cronin stated that the applicants were requesting a reduction in the 30-foot front yard setback and the 25-foot marsh setback requirement to allow for expansion of

a front porch on an existing single-family residence located at 2472 Seabrook Island Road (Block 5, Lot 65). Zoning Administrator Cronin stated that property is currently zoned SR Single-Family Residential, and a single-family residence is a permitted use by-right. The property is 16,988 square feet in area. A total of 12,937 (or 76.15% of the lot) is designated as "highland."

The porch expansion was proposed to be located approximately 26.6 feet from the front property line, and approximately 22 feet from the marsh critical line. § 7.60.20.10 of the DSO requires a minimum front yard setback of 30 feet from the front property line. § 7.60.50 of the DSO requires that all covered structures be located at least 25 feet from the OCRM critical line.

In order to allow for construction of the proposed porch expansion, the applicants requested the following variances from the requirements of the DSO:

ТҮРЕ	REQUIRED PER DSO	VARIANCE (REQUESTED)
Front Yard Setback	30 feet (§ 7.60.20.10)	Reduce the front yard setback requirement from 30 feet to approximately 26.6 feet (3.4-foot encroachment)
Marsh Setback	25 feet from OCRM Critical Line (§ 7.60.50)	Reduce the marsh setback requirement from 25 feet to approximately 22 feet (3-foot encroachment)

As part of their variance request, the applicants stated that strict application of the DSO would result in an unnecessary hardship. In support of their request, the applicants argued:

- (1) The irregular lot shape prevents any perimeter front addition; and
- (2) The house is bordered to the south by marsh.

Prior to calling on the applicants, Chairman Sewell asked if there were any questions for Zoning Administrator Cronin.

Chairman Sewell asked what the three lines were that were shown on the site plan. Zoning Administrator Cronin responded that one was the SCDHEC-OCRM critical line, one was the 15-foot setback line (for open decks) and the last was the 25-foot setback line (for all other structures).

Mr. Pinckney asked what the total amount of the encroachment was. Zoning Administrator Cronin stated that the structure would encroach 3.4 feet into the front yard and 3 feet into the march setback. The total area over the setbacks was shown on the plans was 133.7 square feet.

Mr. Fox asked what portion of the encroachment was made up of the eaves as opposed to the porch itself. Zoning Administrator Cronin responded that this wasn't called out specifically in the plans, but that the DSO allows eaves to encroach only 18" into the required setback on non-conforming lots.

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

• Charles Hudson (3690 Bohicket Road Ste C, Johns Island, SC): Mr. Hudson, the project architect, spoke on behalf of the applicants. Mr. Hudson stated that the total area of the encroachment was 133.7 square feet. He stated that there was no room at the rear of the structure to install an outdoor living area. He added that the new porch would allow for a larger usable living space, while also allowing for architectural enhancement of the front of the house.

Chairman Sewell opened the floor for questions for the applicants.

Mr. Pinckney asked how the present condition was an exceptional condition. Mr. Hudson responded that this was an irregularly shaped lot that was bordered by marsh, and that the critical line is constantly moving.

Mr. Leggett asked why the proposed porch couldn't be shortened. Mr. Hudson responded that they would run into issued with the two dormers. Mr. Leggett responded that the new roof was shown below the dormers on the plan set. Mr. Hudson responded that the applicants were trying to maintain symmetry at the front of the house.

Mr. Pinckney stated that he thought the existing house looked terrible and didn't like the design. Mr. Hudson stated that the owners intend to re-roof the house, modify the façade, repaint and add new landscaping. He also added that SIPOA has granted preliminary approval for these changes.

Ms. Gorski asked about the depth of the current porch. Mr. Hudson responded that the current porch is 6.7' feet deep. On the proposed porch, the 10-foot depth is to the edge of the footing. He added that approximately 2 feet would be used for support columns and would not be usable space.

Chairman Sewell asked why the porch couldn't be added at the rear of the home. Mr. Hudson responded that there was only 6 feet to the rear setback line, which would have required a greater setback variance. He added that SIPOA preferred the porch at the front of the structure. Chairman Sewell responded that the SIPOA ARC doesn't approve these types of things, which is why the applicants are currently before the Board.

Chairman Sewell asked if any consideration was given to respacing the dormers. Mr. Hudson responded that there was nothing there and it wouldn't make any sense to build upon an element to nothing. It was the applicants' intent to keep it simple.

Chairman Sewell asked if the two small windows would be retained by the front door. Mr. Hudson responded that the windows would remain.

 <u>Daniel Arnold (2472 Seabrook Island Road)</u>: Mr. Arnold, the property owner, also spoke about the variance request. Mr. Arnold stated that he and his wife were trying to make the home more presentable and enjoyable. He stated that they have lived in the home full-time since July 31, 2021. He added that the encroachment would not adversely impact any neighbor's view or the marsh.

Chairman Sewell asked what practical use the porch would provide. Mr. Arnold responded that they had a 10-foot wraparound porch at their previous home in Maryland which they frequently used and enjoyed.

There being no further questions, Chairman Sewell then opened the public hearing for comments. Chairman Sewell asked if anyone wished to make a comment in support of the request. There were no public comments made in support of the request.

Chairman Sewell then asked if anyone wished to make a comment in opposition to the request. There were no public comments made in opposition to the request.

Chairman Sewell then asked if there were any other comments about the pending variance request. There were no other comments from the public.

Due to the ongoing COVID-19 pandemic, Zoning Administrator Cronin noted that interested parties were invited to submit written comments regarding the variance request prior to the meeting via the town's website, email, mail or in person. He stated that the town had received 5 comments in advance of the meeting, including:

- 3 comments in support of the variance request; and
- 2 comments in opposition to the variance request.

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

Chairman Sewell asked the applicants if they wished to make any additional comments. There were no additional comments.

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

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

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

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

Chairman Sewell opened the floor for discussion.

Mr. Leggett stated that he felt this lot was extraordinary because there was no sufficient space to add-on. The applicants were restricted by not having a usable sitting space. He added that the lot was different from neighboring lots and that the request would enhance the surrounding area.

Mr. Pinckney expressed support for Mr. Leggett's comments.

Ms. Gorski added that there was an exceptional condition due to the size and shape of the lot. She added that the location of the house also created additional limitations.

Mr. Fox stated that he agreed with Mr. Leggett, Mr. Pinckney and Ms. Gorski. He added that the existing deck is useless if not covered.

Chairman Sewell stated that while there was room at the northeast corner of the lot, it was not feasible to place a porch in this location as it would abut a bedroom.

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

Following a thorough review of the application, including all supporting materials received in advance of the meeting, and all testimony received during the public hearing, Mr. Pinckney made a motion to find that the request meets the four criteria established by state law and, therefore, to approve the variance request, as follows:

- a. The required 30-foot front yard setback, as specified by Sec. 7.60.20.10 of the DSO, is hereby reduced from 30 feet to approximately 26.6 feet (3.4-foot encroachment); and
- b. The 25-foot marsh setback required by Sec. 7.60.50 of the DSO is hereby modified from 25 feet to approximately 22 feet (3-foot encroachment).

The motion was seconded by Mr. Fox.

Prior to voting, Chairman Sewell reminded members that a "yes" vote was a determination that the request meets each of the four criteria established by state law and, therefore, would be in favor of approving the variance, while a "no" vote would reflect a determination that the request does not meet one or more of the criteria and, therefore, would be opposed to approving the variance.

#### IN FAVOR (YES)

#### **OPPOSED (NO)**

Chairman Sewell

Mr. Fox

Ms. Gorski

Mr. Leggett

Mr. Pinckney

The motion to grant the variance was **APPROVED** by a vote of 5-0.

To protect established property values in the surrounding area, and to promote the public health, safety, and general welfare, Mr. Pinckney made a motion, seconded by Ms. Gorski, to attach the following conditions to the approved variances, as allowed by §6-29-800(A)(2)(d)(i) of the South Carolina Code of Laws:

- (1) The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the Applicants and reviewed by the Board on October 20, 2021. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town's DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.
- (2) 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.
- (3) The variance shall become null and void if the Applicants (or a subsequent property owner) fail to obtain a building permit prior to October 8, 2024 (five years after the current OCRM critical line certification date).

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

#### IN FAVOR (YES)

**OPPOSED (NO)** 

Chairman Sewell

Mr. Fox Ms. Gorski Mr. Leggett

Mr. Pinckney

The motion to attach the conditions to the variance was **APPROVED** by a vote of 5-0.

#### ITEMS FOR INFORMATION / DISCUSSION

There were no Items for Information / Discussion

There being no further business, Ms. Gorski made a motion to adjourn the meeting. Mr. Fox seconded the motion. The motion was **APPROVED** by a vote of 5-0 and the meeting was adjourned at 3:31 PM.

Minutes Approved:

Joseph M. Cronin
Zoning Administrator



#### **MEMORANDUM**

TO: Town of Seabrook Island Board of Zoning Appeals Members

**FROM:** Tyler Newman, Zoning Administrator

**SUBJECT:** Variance Application # 178 – 2931 Deer Point Drive

**MEETING DATE:** September 6, 2022

Variance Application #178	<b>3</b>	
Applicants:	Bill Senst (Applicant)	
	Frank Randazzo & Anna Moca (Owners)	
Location:	2931 Deer Point Drive	
Tax Map Number:	149-14-00-024	
Zoning District:	R-SF2 (Residential Single-Family)	
Code Section:	§ 10.5.A.1, Critical Area Setback	
Purpose:	1) To reduce the required 25' critical area setback to 22' $-$ 5 $\frac{1}{4}$ " to allow for a staircase and elevator.	
	2) To reduce the required 25' critical area setback to $15'-2\ \%''$ to allow for a first-floor open deck, outdoor shower, and HVAC stand.	

#### **Overview**

The town has received a variance application from Bill Senst of Vinyet Architecture on behalf of Frank Randazzo and Anna Moca (collectively, the "Applicants"). The Applicants are requesting a reduction in the required 25' critical area setback in association with the construction of a new 2,510 square foot single-family residence at 2931 Deer Point Drive (Block 49, Lot 20).

On July 26, 2022, the town received a zoning permit application (permit #19194) for a proposed 2,510 square foot single-family residence at 2931 Deer Point Drive. While reviewing the submittal, on July 27, 2022, the Town's Zoning Administrator reached out to the applicant via email and advised that the site plan associated with the submittal referenced setbacks and showed encroachments that would not be permitted under the town's new Development Standard Ordinance (DSO) which was effective as of July 1, 2022.

Under the town's previous DSO §7.60.50, Marsh Setback, stated, "the minimum setback for a structure, exclusive of open decks, on a lot abutting the marsh shall be twenty-five (25) feet from the South Carolina Ocean and Coastal Resource Management critical area or the lot line, whichever is landward. No part of an open deck shall be closer than fifteen (15) feet from the critical area.". Under the town's new DSO §10.5.A.1, Critical Area Setback, states, "except as otherwise provided in this ordinance, no structure shall be placed above or below ground (including propane tanks) within 25 feet of any critical area".

While the first-floor open deck would have been permitted in its proposed location under the previous DSO, the staircase, elevator, outdoor shower, and HVAC stand would not have been

allowable encroachments. §2.4.E, Encroachments into Required Setbacks, of the new DSO does allow for the encroachment of HVAC equipment, stairways, and decks under certain circumstances however none of those circumstances are applicable to the subject property.

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

The property is 11,541.1 square feet in area, which is approximately 35% smaller than the minimum lot size in the R-SF2 district (minimum lot size in R-SF2 is 17,500 square feet). A total of 9,607.5 (or 83.24% of the lot) is designated as "highland." Once the setbacks are applied, the total buildable area is 2,085 square feet (21.7% of the highland area and 18.06% of the total lot area)

Based on the site plan submitted with the variance application, the proposed residence will comply with the 10' side yard setback requirement as well as the 30' front yard setback requirement. The proposed driveway will also adhere to the required 3' setback from the side property lines. Additionally, based on the elevations provided with the submittal the proposed residence will also comply with the 36' maximum height requirement (See Attachment 5, Plans).

In order to allow for construction of the proposed staircase, elevator, first-floor open deck, outdoor shower, and HVAC stand, the Applicants are requesting the following variances from the requirements of the DSO:

ТҮРЕ	REQUIRED PER DSO	VARIANCE (REQUESTED)
Critical Area Setback	25 feet (§ 10.5.A.1)	Reduce the required critical area setback to 22' – 5 1/2" to allow for a staircase and elevator
Critical Area Setback	25 feet (§ 10.5.A.1)	Reduce the required critical area setback to 15' – 2 ½" to allow for a first-floor open deck, outdoor shower, and HVAC stand

In their application, the Applicants are requesting relief from the critical area setback requirements for the following reasons (See Attachment 4, Applicant's Narrative):

- a) The overall size of the lot is 11,541 square feet, of which only 9,607 square feet is highland area. There is also a DHEC OCRM critical line that covers more than 25% of the lot; with the addition of a 25' rear setback from the critical line, more than half of the lot becomes unbuildable.
- b) DHEC OCRM critical line paths can vary from lot to lot. The applicant's "Exhibit A" shows that on the subject property (Lot 20) the marsh is much more invasive than it is on adjacent lots 19 and 18. This results in homes on adjacent lots that have building footprints that sit further from the front of the lot and closer to the rear. (See Attachment 6, Applicant's "Exhibit A").
- c) The house designed on the lot fits within the lot coverage parameters set for a nonconforming lot. With the combination of both the critical line, 25' rear setback for both habitable and open decks, and the marsh, this lot appears unreasonably restrictive to build a home that fits within the style and scale of other homes in the vicinity.
- d) The existing property is vegetated and well screened from adjacent property. Granting both variances will not have an adverse effect on neighboring lots. Granting a variance from the marsh setback at the rear of the property prevents a request for a variance at the front of the site. This would hinder the character of this district as it would be the only one in the vicinity over the 30' front setback.
- e) The variance approval will not change the permitted use of the property.
- f) The client's sole purpose is to make Seabrook Island a place of permanent residence. The clients have no intention of selling or flipping the property.
- g) The need for the variance was not self-inflicted, the house was designed to the previous DSO, where the new DSO went into effect on July 1, 2022.

#### **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 September 6, 2022. 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 beachfront jurisdictional line and/or beachfront setback line affecting the subject property.

Respectfully submitted,

Tyler Newman

13/6/

**Zoning Administrator** 

#### **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.

#### Attachments

The following supplemental items have been attached for review:

1	Variance Application	p. 16-19
2	Aerial Image	p. 20-21
3	Property Zoning Report	p. 22-23
4	Applicant's Narrative	p. 24-27
5	Plans	p. 28-41
6	Applicant's "Exhibit A"	p. 42-43
7	ARC Approval	p. 44-47
8	Letter from Property Owners	p. 48-50
9	Property Deed	p. 51-55
10	Site Photos	p. 56-65
11	Public Hearing Notice – Letter to Neighboring Property Owners	p. 66-67
12	Public Hearing Notice – USPS Certified Mail Receipts	p. 68-69
13	Public Hearing Notice – Post & Courier Legal Ad	p. 70-71
14	Public Hearing Notice – Property Posting	p. 72-73
15	Public Hearing Notice – List of Neighboring Properties	p. 74



# **ATTACHMENT #1**

Variance Application

#### **TOWN OF SEABROOK ISLAND**



2001 Seabrook Island Road Seabrook Island, SC 29455 (843) 768-9121

#### **APPLICATION FOR VARIANCE**

**Board of Zoning Appeals** 

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 jcronin@townofseabrookisland.org.

1. PROPERTY INFORMATION				
Please provide information regarding the property which is subject to the variance request.				
Property Address	2931 DEER POINT ROAD			
Tax Map Number	149-14-00-024 Block 40 Lot 20			
Lot Size (Square Feet)	11,154 SQ. FT. (HIGHLAND AREA 9607 SQ. FT.			
Is this property subject to an OCRM critical line? (eg. Marsh or Beachfront Lots) ✓ Yes No				No
Is this property subject to private restrictions or covenants? (eg. SIPOA or regime)   Yes No				

2. APPLICANT(S)			
Please provide information regarding the individual(s) who is (are) submitting the variance request.			
Applicant Name(s)	Vinyet Architecture	Vinyet Architecture	
Applicant Address	56 Broad St. Charleston, SC 29401		
Applicant Phone Number	843-619-7662		
Applicant Email Address	bill@vin-yet.com		
If the Applicant is <u>NOT</u> an owner of the property, what		Avabitant / Agant	
is the relationship to the Property Owner(s)?		Architect / Agent	

3. PROPERTY OWNER(S)			
If the Applicant(s) is (are) No	OT the property owner(s), please provide information for	the property	owner(s).
Owner Name(s)	Frank Randazzo ; Anna Moca		
Owner Mailing Address	155 E. 29th St. , Apt. 12 H , New York, NY 10016		
Owner Phone Number	917-224-4548		
Owner Email Address	anna.v.moca@gmail.com; frankcrandazzo@yahoo.com		
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.			
Owner Signature(s)	M	Date	07.29.22
Owner Signature(s)	Frul Pat.	Date	07.29.22

	V		
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.			
Applicant Signature(s)	VINYER ARCHITECTURE: BILL SENZT	Date	8-1.22
Applicant Signature(s)	110 121 1 3011 20	Date	

OFFICE USE ONLY			
Date Filed:	Variance Application #:	Hearing Date:	

#### 5. VARIANCE REQUEST

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

1) a variance from DSO Section 10.5.A.1, Critical Area Setback, to reduce the required 25' critical area setback to 22' - 5 1/4"' to allow for a staircase and elevator, 2) a variance from DSO Section 10.5.A.1, Critical Area Setback, to reduce the required 25' critical area setback to 15' - 2 1/4"' to allow for a first-floor open deck, outdoor shower and HVAC stand. (Reference A003)

- 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):

Table 5-3A; Table 2-4E

2) DSO Requirement(s):

July 1, 2022: the New (DSO) was adopted and the new DSO requires a 25' rear setback as shown on Table 5-3A and Table 2-4E.

- 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 lot is nonconforming. Overall size of the lot is 11,541 sq. ft, and 9,607 sq. ft. is highland area. There is also a DHEC OCRM critical line that comes through more than 25% of the lot; with the addition of a 25ft rear setback from the critical line, more than half the lot becomes unbuildable.

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

DHEC OCRM critical line path can vary from lot to lot. From the attached (Exhibit A) you can see that on our lot (lot 20) the marsh is much more invasive than it is on adjacent lots 19, and 18. This results in homes on adjacent lots that have building footprints who sit further from front of the site and closer to the back.

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 house designed on the lot fits within the lot coverage parameters set within a nonconforming lot. With the combination of both the critical line, 25ft rear setback for both habitable and open decks, and the marsh, this lot appears unreasonably restrictive to build a home that fits within the style and scale of Seabrook.

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:

Existing property is vegetated and well screened from adjacent property. Granting the ability for both variances will not have an adverse effect on neighboring lots. Granting a variance on the rear setback of the lot, prevents a request for a variance at the front of the site. This would hinder the character of this district as it would be the only one in the vicinity over the 30' front setback. (see attached "Exhibit A" 30' front setback line)

#### **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:

 $\checkmark$ 

#### **Completed & Signed Variance Application Form (Paper Required; PDF Optional)**

• Please submit one *completed* paper application. All signatures must be original.

 $\checkmark$ 

#### \$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.

 $\checkmark$ 

#### 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:
  - o A detailed floor plan or plan view; and
  - o 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.
- $\checkmark$

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.



# ATTACHMENT #2

Aerial Image





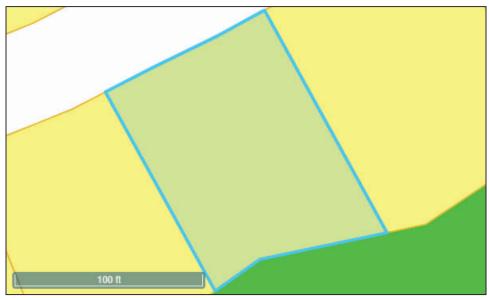
# **ATTACHMENT #3**

**Property Zoning Report** 

#### **Town of Seabrook Island**

## **Property Zoning Report**

18 Aug 2022



#### **Seabrook Parcels**

Parcel ID: 1491400024

Owner: WESTRICH PAUL J WESTRICH CATHERINE M

Owner Street Address: 2 ROSE LANE FARM

Owner City State ZIP Code: LOVELAND, OH 45140-7551

Parcel Street Address: 2931 DEER POINT DR

#### **Zoning**

**Count Zoning Code and Description** 

**Overlapping Quantities** 

1. 1 R-SF2 - Residential - Single-Family (Medium Lot) 11,670.54sf (0.27acres)

\*\*Please note that Town of Seabrook Island GIS has not been updated to reflect the new property owners\*\*



# **ATTACHMENT #4**

Applicant's Narrative



July.29.2022

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

Re: Variance Request

2931 Deer Point Drive Seabrook, SC 29455

Dear Board Members,

Please accept this letter and associated design drawings on behalf of our clients, Randazzo Residence, owners of 2931 Deer Point Drive. The purpose of this letter is to request a variance from DSO Section 10.5.A.1, Critical Area Setback, to reduce the required 25' critical area setback to 22' - 5 1/4" to allow for a staircase and elevator, 2) a variance from DSO Section 10.5.A.1, Critical Area Setback, to reduce the required 25' critical area setback to 15' - 2 1/4" to allow for a first-floor open deck, outdoor shower and HVAC stand.

This lot is nonconforming with an overall area of 11,541 sq. ft, and 9,607 sq. ft. is highland area. There is also a DHEC OCRM critical line that comes through more than 25% of the lot; with the addition of a 25ft rear setback from the critical line, more than half the lot becomes unbuildable.

The design for this lot has gone through the SIPOA ARC process, had adhered to the prior DSO with approval for the 12 sq. ft. to encroach over the 25ft setback. Your attention to our request for a variance and reduction of the rear setback for open decks, an outdoor shower and HVAC Stand is sincerely appreciated.

Sincerely,

Bill Senst Vinyet Architecture



a. There are extraordinary and exceptional conditions pertaining to the particular piece of property

This lot is nonconforming. Overall size of lot is 11,541 sq. ft, and 9,607 sq. ft. is highland area. There is also a DHEC OCRM critical line that comes through more than 25% of the lot; with the addition of a 25ft rear setback from the critical line, more than half the lot becomes unbuildable.

b. These conditions do not generally apply to other property in the vicinity

DHEC OCRM critical line path can vary from lot to lot. From the attached (Exhibit A) you can see that on our lot (lot 20) the marsh is much more invasive than it is on adjacent lots 19, and 18. This results in homes on adjacent lots that have building footprints who sit further from front of the site and closer to the back.

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

The house designed on the lot fits within the lot coverage parameters set within a nonconforming lot. With the combination of both the critical line, 25ft rear setback for both habitable and open decks, and the marsh, this lot appears unreasonably restrictive to build a home that fits within the style and scale of Seabrook.

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 zoning district will not be harmed by the granting of the variance

Existing property is vegetated and well screened from adjacent property. Granting the ability for both variances will not have an adverse effect on neighboring lots. Granting a variance on the rear setback of the lot, prevents a request for a variance at the front of the site. This would hinder the character of this district as it would be the only one in the vicinity over the 30' front setback. (see attached "Exhibit A" 30' front setback line)

e. The Board of Zoning Appeals shall 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 be extend physically a non-conforming use of land, or to change the zoning district boundaries shown on the official zoning map

Variance approval would not change the permitted use of the property

f. The fact that property may be utilized more profitably, should a variance be granted, may not be considered ground for a variance

The clients sole purpose is to make Seabrook, what has been a vacation spot into a place of permanent residence. The clients have no intention of selling or flipping the property.



#### g. The need for the variance shall not be the result of the applicants own actions

The need for Variance was not self-inflicted, the house was designed to prior DSO, where the new DSO went into effect on July 1, 2022



# **ATTACHMENT #5**

Plans



Issued for Variance: 07.29.22

# RANDAZZO RESIDENCE

2931 DEER POINT ROAD SEABROOK ISLAND, SC



vinyet
architecture
for Conceptual Review: 09.

Issued for Conceptual Review: 09.13.21 Issued for Preliminary Review: 10.08.21 Issued for Final Review: 11.08.21

asheville charleston

on rock hill



2931 DEER POINT DR.

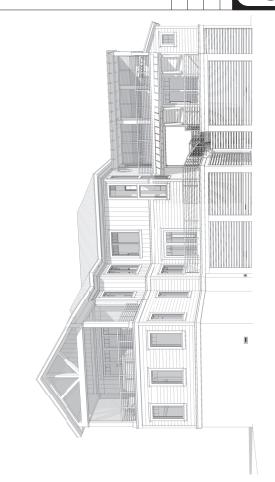
## RESIDENCE RESIDENCE

A2133 07.29.22

Perspectives

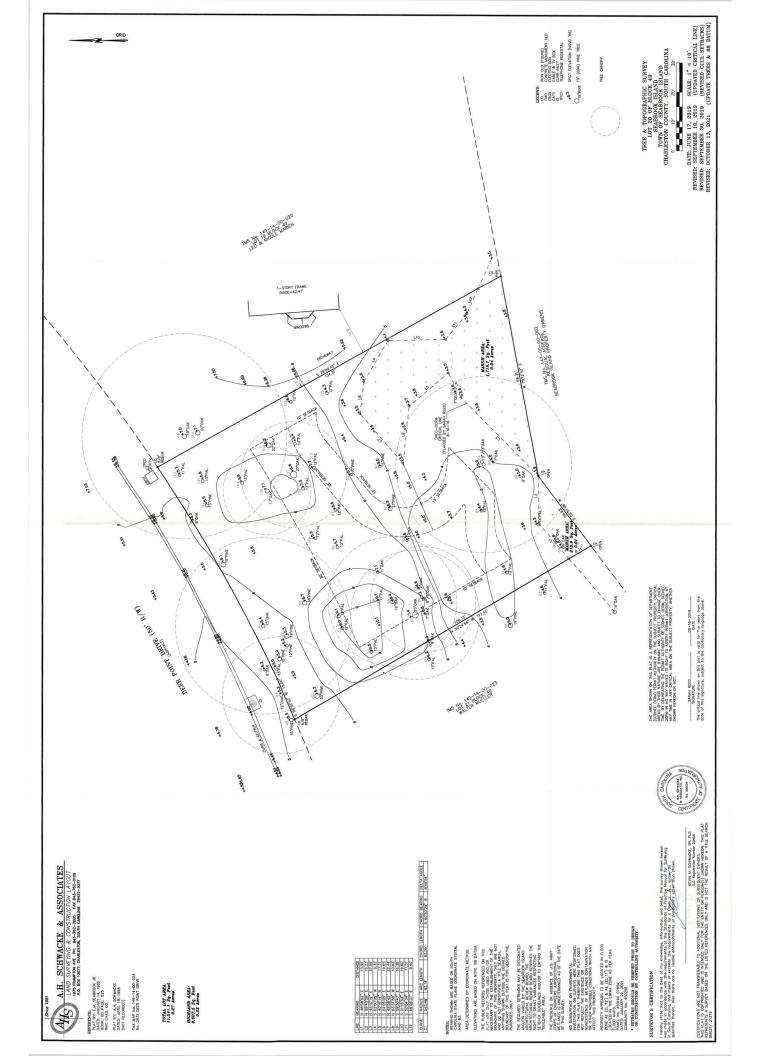


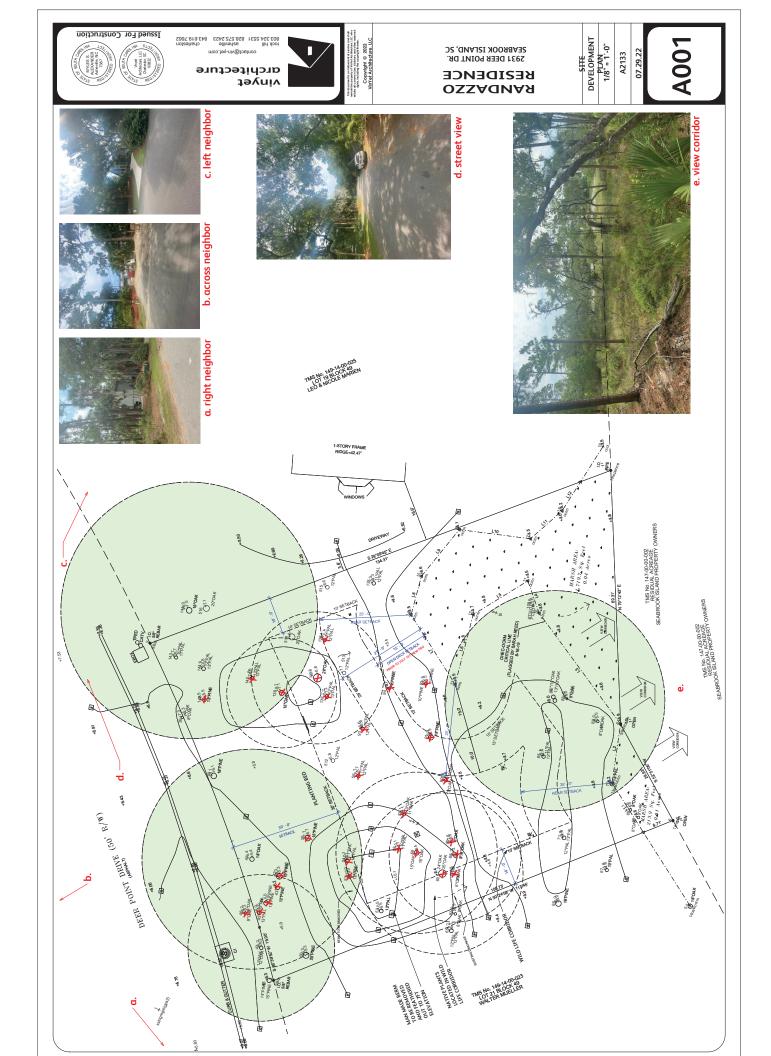


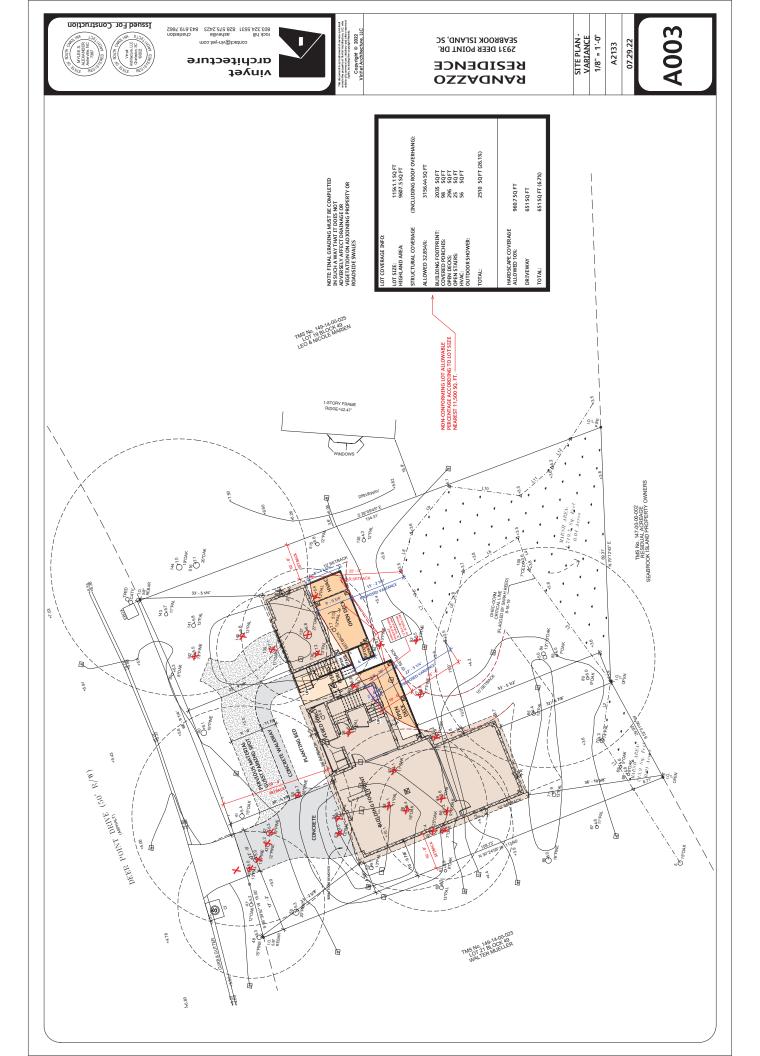


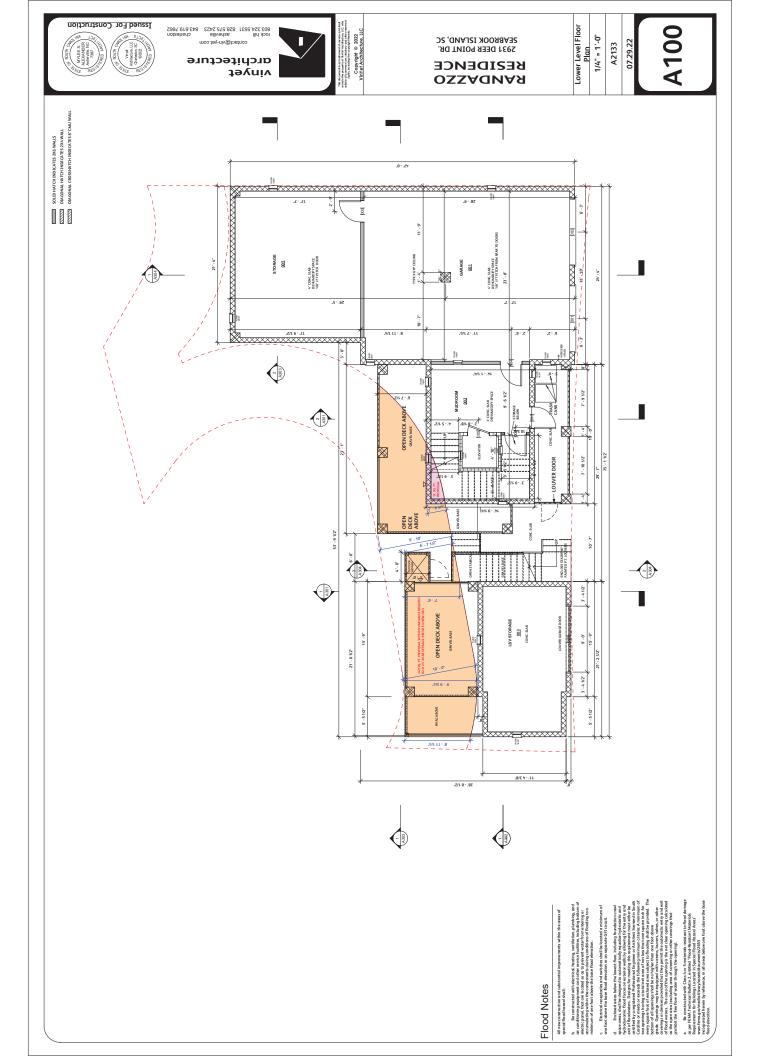












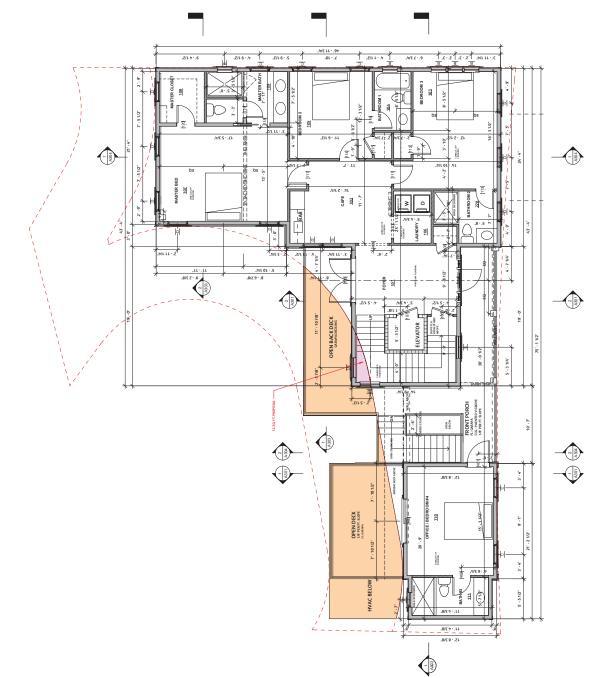


SEABROOK ISLAND, SC DEER POINT DR.

*BESIDENCE* **OZZADNA**8 First Floor Plan

1/4" = 1'-0" A2133

07.29.22



# SQUARE FOOTAGE FIRST FLOOR HEATED 1,673 SF SECOND FLOOR HEATED 1,073 SF

2, 683 SF	1000
TOTAL HEATED	i di

LOWER LPKEL

COVERED PORCHES

Z24\_SE

TOTAL UNDER ROOF

ACT ST

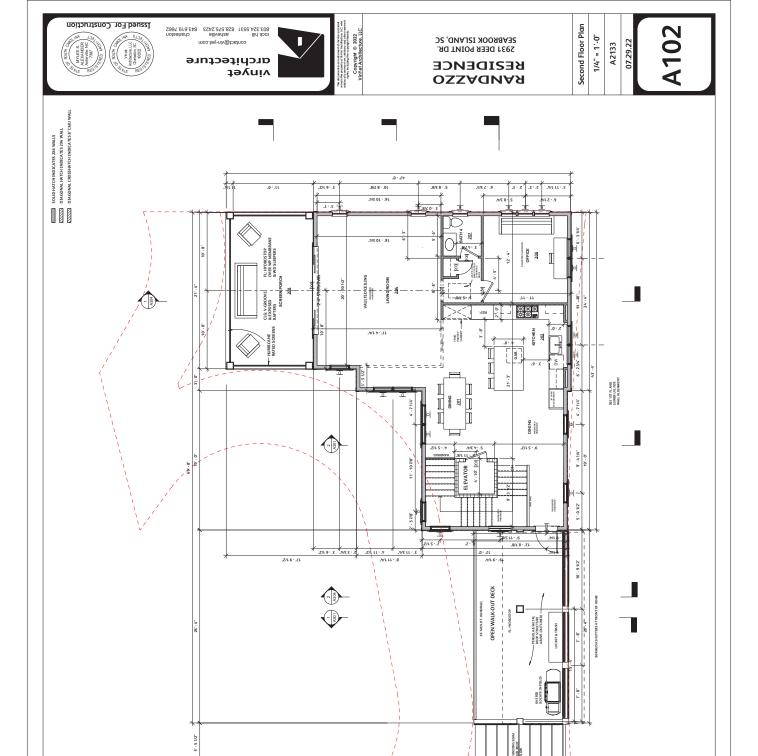
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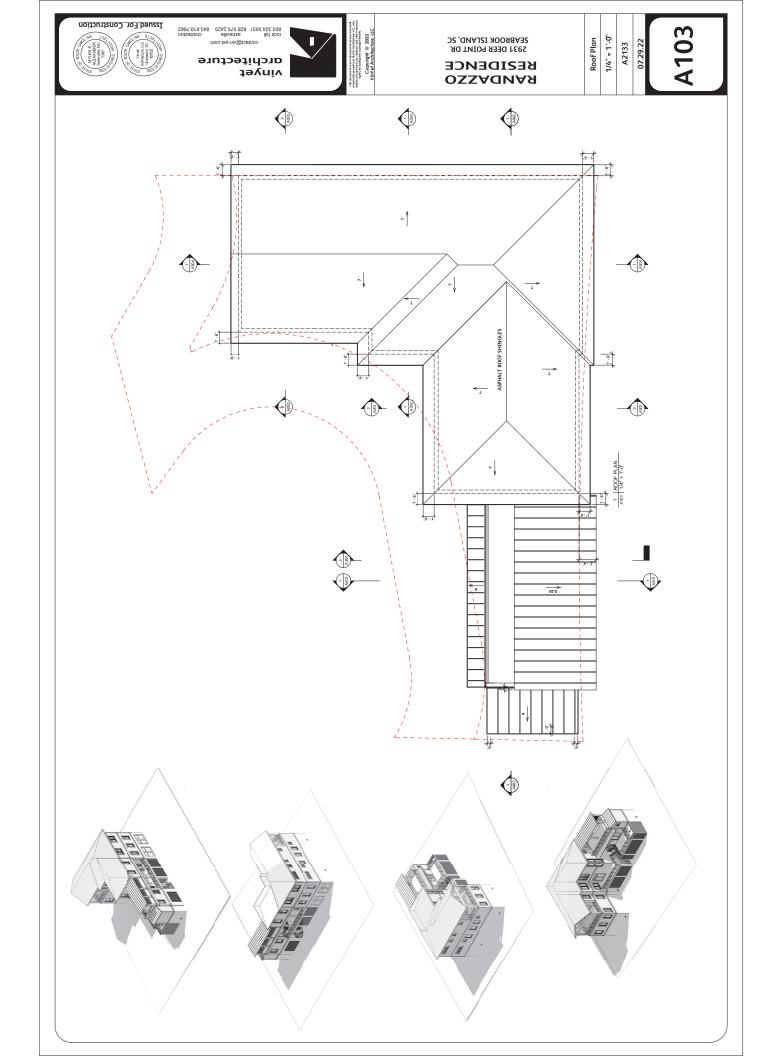
- (A80)

Table 1

# SQUARE FOOTAGE FIRST FLOOR HEATED 1,610 SF SECOND FLOOR HEATED 1,073 SF

2, 683 SF	1,478 SF
TOTAL HEATED	R LEVEL RED PORCHES

TOTAL UNDER ROOF 4,415 SF NOTE RUNKETOOTAL CACALATION IS THE INCLUDE THAT OF STEEDING WALL.

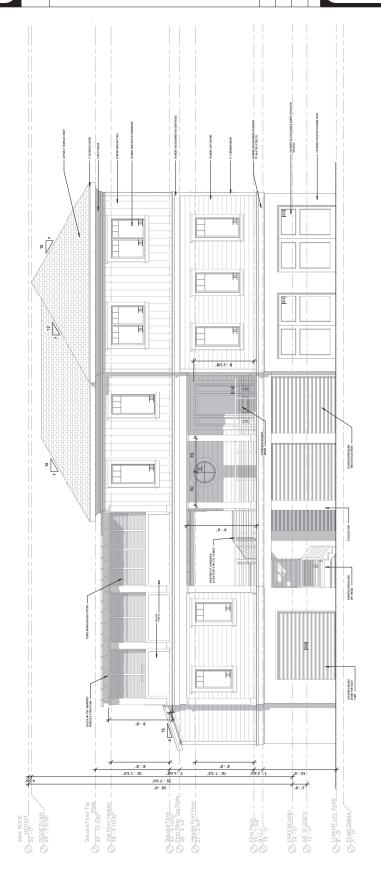


07.29.22





Issued For Construction





### *BESIDENCE* **OZZADNA**8

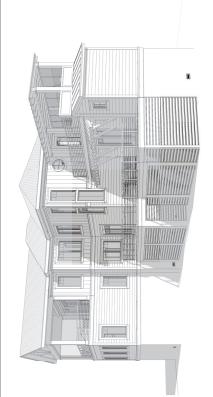
Left Elevation

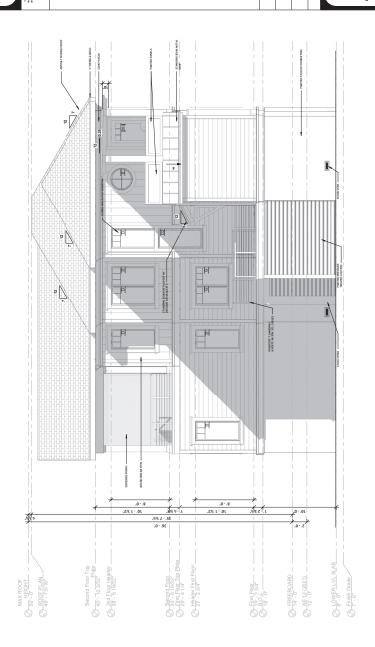
1/4" = 1'-0" A2133

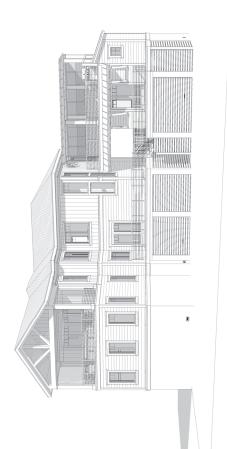
07.29.22



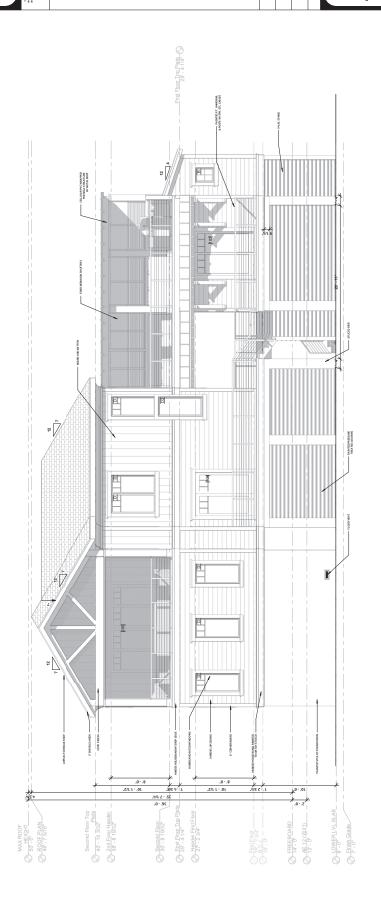








Issued For Construction





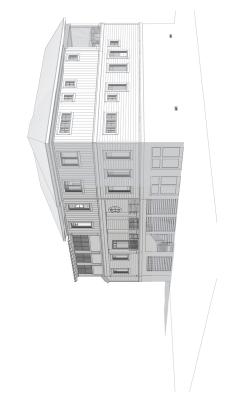


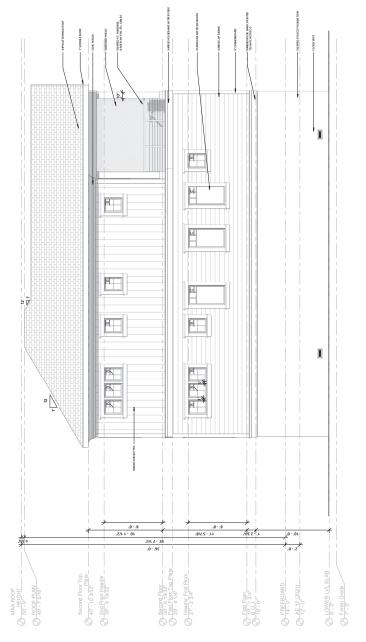
S931 DEER POINT DR.







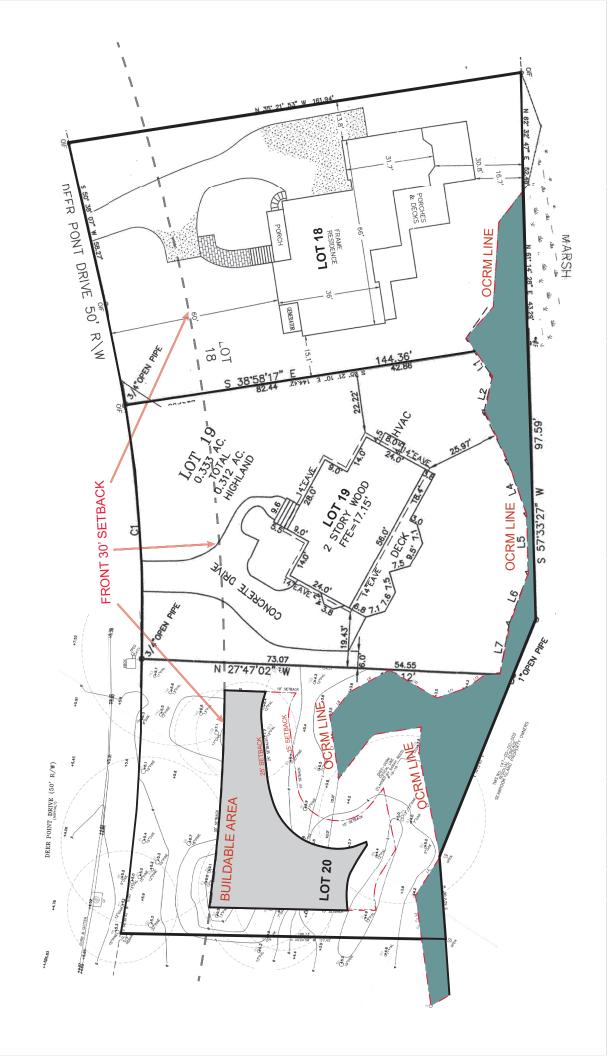






Applicant's "Exhibit A"

# **EXHIBIT A**





**ARC Approval** 

December 28, 2021

Deer Point Realty, LLC Anna and Frank Randazzo 155 E. 29<sup>th</sup> Street Apt. 12H New York, NY 10016 via email: <a href="mailto:anna.v.moca@gmail.com">anna.v.moca@gmail.com</a> and: <a href="mailto:frandcrandazzo@yahoo.com">frandcrandazzo@yahoo.com</a>

Re: Block 49 Lot 20 – 2931 Deer Point Drive #202101044

On December 7, 2021, the Architectural Review Committee (ARC) approved the following motion and notes regarding the Final Design Review Plans for Block 49 Lot 20, commonly referred to as 2931 Deer Point drive:

Architect, Bill Senst, and Landscape Architect, Leah Bell, presented final design plans for a new home on Deer Point Road. Discussed were the modifications made to incorporate the comments from the October 19, 2021, ARC meeting.

David Cruse moved to approve the Final Design Plans for Block 49 Lot 20 - 2931 Deer Point Drive with the following requirement:

1. Plants four to five feet (4'-0" to 5'-0") tall shall be used to screen guest parking areas.

The motion was seconded by Veronica L'Allier and passed unanimously.

The approved plans per the stipulations above are:

"Randazzo Residence" prepared by Bill Senst, Architect, and sealed by Myles Alexander, Architect

- Sheets G001 and G003 dated 11/08/2021
- Sheets A001 and A002 dated 11/08/2021
- Sheets A100 A103 dated 11/08/2021
- Sheet A201 A204 dated 11/08/2021
- Sheets A301 A304 dated 11/08/2021
- Sheets A600 and A601 dated 11/08/2021
- Sheets A700 A703 dated 11/08/2021

and "2931 Deer Point Drive" prepared and sealed by Leah Bell, Landscape Architect

- Sheet L1.0 dated 11/04/2021
- Sheet L2.0 dated 11/04/2021
- Sheet L3.0 dated 11/04/2021

*The approved materials/colors per the stipulations above are:* 

Bandboard: Cementitious board

Decking: IPE

Driveway and Walkways: Concrete

Foundation Coating: Tabby stucco, Sherwin Williams "Mineral Deposit" SW7652

Front Door: Mahogany

Garage Door: Painted to match foundation

Louvers: Painted, Sherwin Williams "Mineral Deposit" SW7652

Railings: painted handrail

Roof: CertainTeed Landmark "Pewter" and Sentriclad Architectural metal roof

Siding: Cementitious Lap, Sherwin Williams "Gossamer Veil" SW9194

Stairs: painted risers to match foundation

Trim: Cementitious boards, Sherwin Williams "Gossamer Veil" SW9194

*The approved exterior lighting fixtures per the stipulations above are:* 

Exterior Ceiling Fan: Wesley 52" oil rubbed bronze (no light) Exterior Sconces: Contempo Flush, dimmable flicker bulb

Exterior Step Lights: AQlighting, 4" Cast brass round eyelid step/deck light

No other exterior house, stair or landscape lighting is approved at this time.

1 In addition to the requirements detailed in this motion, all improvements must also comply with the applicable version of the SIPOA ARC Policies and Procedures. The omission of any stipulation or requirement of the Policies and Procedures is not a waiver of said requirement.

Per ARC Policies & Procedures, this Conditional Approval is valid for *one year* from the approval date. Enclosed is a **Construction Commitment Form** and **Project Initiation Checklist** to be completed, signed by you and your contractor, and returned to the ARC Office. Please provide a **flash drive with a PDF formatted set of house plans, lighting, landscaping and colors and a printed set of plans to remain at the SIPOA ARC office. In addition, you may be required to provide a printed set of plans for each of the following: Charleston County, the Town of Seabrook Island, and your general contractor. Please submit a \$12,000.00 construction deposit (\$6,000.00 each from the owner and the contractor). Upon receipt of these items and approval of the onsite tree protection, the plans will be stamped as approved. Lastly, a copy of the Building Permit is to be delivered to the ARC Office prior to beginning construction.** 

Additionally, the Construction Phase must meet the following requirements:

- A. Tree protection is to be installed per the approved plan, prior to plan approval and lot clearing. The tree protection defines the limits of construction activity (per §IV.A.1.c. & IV.A.3.d);
- B. An six-inch (6") deep base material of anti-tracking material, such as crushed gravel, stone, or mulch, is to be placed in the approved driveway or construction access location from the street to the property line or for a distance of twenty-five feet (25'), whichever is greater. This material shall be maintained and replenished as necessary until the driveway is installed;
- C. The ARC is to be notified with specific proposed pruning details prior to any pruning/trimming of trees during the site-clearing process and during construction of the house. Additional pruning of any trees, vegetation and natural buffers on the lot is not permitted until after the home is framed. Once the home is framed and/or built, pruning requests may be submitted for review;

- D. Colors are conditionally approved with the stipulation that final color approval is not granted until a 6' square sample (with trim colors(s) if applicable) is painted on the house and approved by the ARC;
- E. The landscape plan that is approved by the ARC prior to construction is not final until the plantings are reviewed by the ARC on-site. Additional plantings may be required after field evaluation;

Enclosed are the ARC Policies & Procedures for Residential Development (via email only) and a copy of ARC Policies & Procedures §IV – "Construction Site Guidelines." The property owner is responsible for submitting an Exterior Alterations Request form if, at any step of the process, his/her plan deviates in any way from the approved plans. If it is found that deviations have been made for which the ARC has not issued written approval, the property owner shall be subject to the sanctions set forth in ARC Policies & Procedures Appendix B.

Documents that must be provided to the ARC office during the construction phase are: **an as-built foundation survey, an as-built final survey and a copy of the Certificate of Occupancy.** Finally, all construction must be completed within fifteen months of the date the Building Permit is issued by Charleston County.

Very truly yours,

Katrina Burrell

Director of Administration and Architectural Review

cc: Bill Senst via email Leah Bell via email

KatrinsBurnell



Letter from Property Owners

Dear Town of Seabrook Zoning Board Members,

We are writing regarding our application for a variance to build our home at 2931 Deer Point Drive.

For background, we have been coming to Seabrook for 20 years to visit family and friends and were very happily able to finally become members when we bought a condo in Live Oak Villas in 2020. It goes without saying but cannot be said enough that Seabrook might be one of the most special places in the world and is certainly a paradise for us. We enjoyed our condo tremendously, but quickly realized that with my husband's residual health effects from a stroke he suffered in 2015 and heart surgery he had in 2017 that the condo stairs weren't going to work for him.

We found the lot at 2931 Deer Point last June or July, and thought it offered a wonderful opportunity to build something that could recreate our condo but with an elevator and for my husband and covered parking to keep with Seabrook aesthetic. In short, we knew that with time and attention we could build a home there. With the help of Vinyet we were able to sketch a feasibility study as to how we could situate a small house on the property and meet the requirements of the then-existing zoning ordinance. We did a ton of work during our due diligence period to ensure that when we closed on the lot almost a year ago, in September, we were confident that we could build something that met the design standards and zoning requirement on that lot. During that period, I had a few conversations with Joe Cronin (the zoning administrator at the time) and Katrina Burrell, who explained the entire process and who could not guarantee anything but were both very encouraging of our plans. At that time the design we pursued with Vinyet was 100% compliant with the current setback rules except for a tiny corner – perhaps 12 square feet – that was needed to be able to add an elevator to go with our stairs. As I mentioned, the elevator was a must-have, and Mr. Cronin mentioned that if this small, backyard encroachment was due to health reasons it may not even require a variance.

We completed the design work and received approval from SIPOA's ARC approximately 7 months ago, in early January of 2022. We planned to submit the builder's application to SIPOA then, and then to the Town shortly thereafter, but due to builder-unavailability due to Covid we found ourselves waiting in line to engage and work with a builder. Most builders were years out in scheduling. Eventually however, Seth Cason and Luca Costabile from Casonbuilt became available, and they thought they could start in the summer. We then proceeded to secure our financing and work on other important details, like picking out windows and doors, etc. We were ultimately able to get the builder to submit the plans to ARC in June.

The ARC-stamping of our plans took a few weeks, but mostly because of the totally normal and realistic hiccups of who could get to the Island to pick up what when, when someone had a chance to drop something off, who had a scheduled vacation, etc. Again, a normal and realistic time-period but one that lasted three or four weeks instead of one or two. It all meant our plans got stamped not in late June but in early July.

We hope that you agree that due to the small size of the lot, the amount of property covered by the marsh, and the irregular lot dimensions, the new 25 ft rear setback would be a hardship for us.

I also want to close by saying that one of the reasons we love Seabrook so much is that it is a protected place. The governance – at all levels – is what makes it special, and we have tried incredibly hard in our design to respect the rules in our design. We don't take this variance lightly, we really did try to make it fit perfectly within the rules, but we did not anticipate the rules changing.

Many thanks for your time and attention.

Anna Moca and Frank Randazzo



**Property Deed** 

### After recording, please return to:

Buist Byars & Taylor, LLC 130 Gardeners Circle, PMB #138 Johns Island, SC 29455 File No. 6413.0004

STATE OF SOUTH CAROLINA	)	
	)	QUIT CLAIM DEED
COUNTY OF CHARLESTON	)	(Title Not Examined)

KNOW ALL MEN BY THESE PRESENTS, that Deer Point Realty LLC, (a South Carolina Limited Liability Company) ("Grantor"), for and in consideration of the sum of FIVE AND NO/100 DOLLARS (\$5.00), being the true and complete consideration, to them in hand paid at and before the sealing of these presents by Anna Vanderwerff Moca and Frank Cosmo Randazzo ("Grantee"), in the State aforesaid, the receipt of which is hereby acknowledged, have, remised, released and forever quitclaimed, and by these presents do remise, release and forever quitclaim unto the said Anna Vanderwerff Moca and Frank Cosmo Randazzo, as joint tenants with rights of survivorship, and not as tenants in common, all of its interest in and to the following described property, to-wit (the "Premises" or the "Property"):

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

SUBJECT to all covenants, conditions, restrictions, limitations, obligations, encumbrances, easements and rights of way of record affecting subject property.

BEING the same property conveyed to the Grantor by deed from Paul J. Westrich and Catherine M. Westrich recorded October 4, 2021 in Book 1039 at Page 134 in the Recording Office for Charleston County, South Carolina.

TMS No.:

149-14-00-024

Address of Grantee:

155 East 29th Street, Apt 12H

New York, NY 10016

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the Premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the Premises unto said Anna Vanderwerff Moca and Frank Cosmo Randazzo, as joint tenants with rights of survivorship, and not as tenants in common, their successors and assigns, forever.

WITNESS our hands and seals this \_\_\_\_\_ day of August, 2022.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:  Deer Point Realty LLC
Julla.
Witness #1  BY: Anna Moca ITS: Member/Manager
LARS.
Witness #2  EY: Frank Randazzo  ITS: Member/Manager
STATE OF SOUTH CAROLINA )
COUNTY OF CHARLESTON )
The foregoing instrument was acknowledged before me, this day of August, 2022, by Deer Point Realty LLC, by Anna Moca and Frank Randazzo, its Members/Managers.
(SEAL)
Notary Public for My Commission Expires:
KATHERINE JOHNSTON SALAZAR Notary Public-State of South Carolina My Commission Expires May 30, 2028

### Exhibit "A"

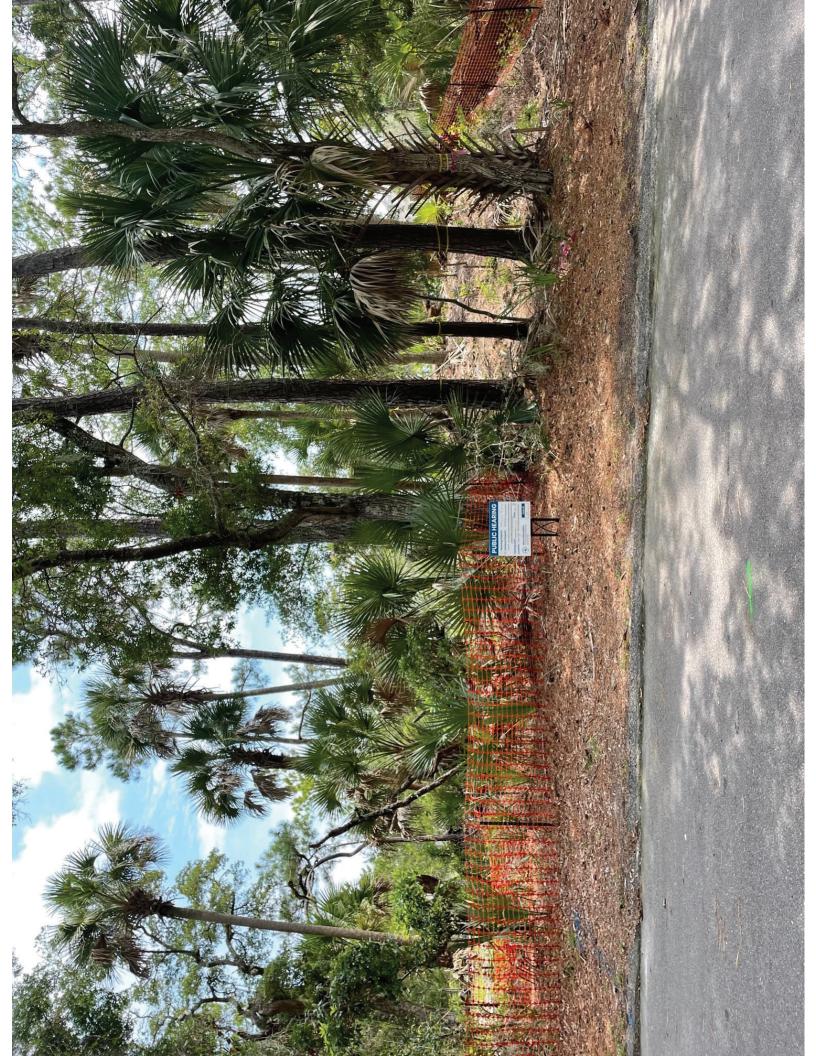
All that certain lot, piece or parcel of land, situate, lying and being on Seabrook Island, Charleston County, State of South Carolina, and known and designated as Lot 20, Block 49, on a plat by W. L. Stephens, Jr., PE and RLS, dated March 11, 1987, entitled "Survey to Reestablish The Lot Line to Recreate Lots 20 and 21, Block 49, Seabrook Island, Charleston County, South Carolina", which plat is recorded in the Charleston County RMC Office in Plat Book BM, at Page 73.

Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.

	AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS	
	ITY OF CHARLESTON )	
PERSC	ONALLY 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. bearing Randaz	The property being transferred is located at 2931 Deer Point Drive, Seabrook Island, Charleston County, South of Tax Map Number 149-14-00-024 and was transferred by Deer Point Realty LLC to Anna Vanderwerff Moca and Frances on August 477, 2022.	Carolina, k Cosmo
3.	Check one of the following: The deed is	
	<ul> <li>(a) subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's we subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stort partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.</li> <li>(c) XX exempt from the deed recording fee because (See Information section of affidavit): Exemption CONSIDERATION PAID LESS THAN \$100.00 (If exempt, please skip items 4-7, and go to item affidavit.)</li> </ul>	ckholder,  No. 1 -
If exen at the t	mpt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relations time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes or No	ship exist
4.	Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this af	fidavit.):
	(a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$_	
	(b) The fee is computed on the fair market value of the realty which is \$\frac{\\$}{\}\$. The fee is computed on the fair market value of the realty as established for property tax purposes where the fair market value of the realty as established.	hich is \$
5. transfe encum	Check YES or NO to the following: A lien or encumbrance existed on the land, tenement, or realty ber and remained on the land, tenement, or realty after the transfer. If YES, the amount of the outstanding balance of the outstanding balance is \$	efore the
6.	The deed recording fee is computed as follows:	
	(a) Place the amount listed in item 4 above here:  (b) Place the amount listed in item 5 above here:  (If no amount is listed, place zero here.)  (c) Subtract line 6(b) from Line 6(a) and place result here:  0.00	
7.	The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: §	
8. <u>Legal l</u>	As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transa Representative	ection as:
9. a misd	I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is demeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year	
	Legal Representative:  (Signature)	
Sworn day of	n to before me this 4th August, 2022.	
	y Public for South Carolina commission Expires:	
7.1.5	KATHERINE JOHNSTON SALAZAR Notary Public-State of South Carolina	
	My Commission Expires May 30, 2028	



Site Photos





















# **ATTACHMENTS #11 - 15**

**Public Notice Documents** 



### **PUBLIC HEARING NOTICE**

TO: Neighboring Property Owners

FROM: Tyler Newman, Zoning Administrator

**SUBJECT:** Variance Request for 2931 Deer Point Drive (Variance #178)

DATE: August 2, 2022

### Dear Property Owner:

The purpose of this letter is to notify you that the owners of **2931 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:

1) TO REDUCE THE REQUIRED CRITICAL AREA SETBACK FROM 25' TO APPROXIMATELY 22' 5" TO
ALLOW FOR ENCROACHMENT OF A PROPOSED STAIRCASE AND ELEVATOR, AND 2) TO REDUCE
THE REQUIRED CRITICAL AREA SETBACK FROM 25' TO APPROXIMATELY 15' 2" TO ALLOW FOR
ENCROACHMENT OF A FIRST-FLOOR OPEN DECK, OUTDOOR SHOWER, AND HVAC STAND.

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: Tues. September 6, 2022

PUBLIC HEARING TIME: 10:00 AM

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.

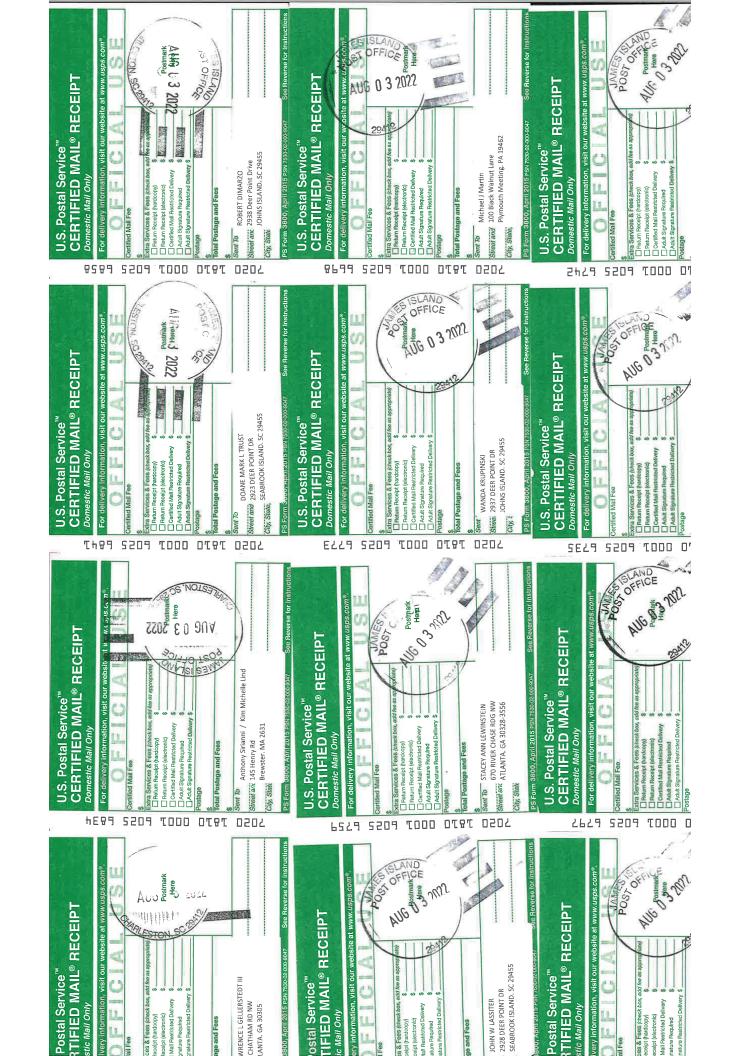
The Public Hearing will be live streamed on the town's YouTube channel beginning at 10:00 AM at the following address:  $\frac{\text{https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg}}{\text{https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg}}.$ 

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 <a href="mailto:tnewman@townofseabrookisland.org">tnewman@townofseabrookisland.org</a>.

Sincerely,

Tyler Newman

**Zoning Administrator** 



CEIPT	le at www.usps.com*	ESE SOL	2022	Sed Reverse for Instructions
U.S. Postal Service" CERTIFIED MAIL® RECEIPT Domestic Mail Only	For delivery information, visit our website at www.usps.com*  O = =   C	Standard Bowlucias & Standard Bow, add fee as appropriately   Redurn Receipt (Inaction)   \$   Return Receipt (Relectront)   \$   Addrift Management of Delivery   \$   Addrift Signature Required Delivery   \$   Addrift Signature Restricted Delivery   \$   Standard Signature Restricted Delivery	otal Postage and Fees Sent To Klawah Island Natural Habitat Conse	Street and Ap Go resure Lourt Klawah Island. SC 29455 City, State, Zi PS Form 3800, April 2015 PSN 755942-600-9047
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EIPT	at www.usps.com®.	AUG 0 3 7022	See Reverse for instructions
U.S. Postal Service" CERTIFIED MAIL® RECEIPT Domestic Mail Only	For delivery information, visit our website at www.usps.com*	Cartified Mail Fee  Extra Services & Fees (pheck too, acid fee as appropriate)  Feur Services & Fees (pheck too, acid fee as appropriate)  Feur Meeting Feer (principle)  Adult Signature Required  Adult Signature Required  Sign	Sent To THOMAS W DICKSON Since and 200 COLLEGE ST, STE 1800 Clip, State, PS Form \$300, April 2015 RSNESSED

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SAMES ISLAND POST OFFICE AUG 7 3 2022

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Adult Signature Required

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Deer Point Realty LLC ilreoland Ap 3270 Tierney Place Bronx. NY 10465

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City, State, ZI

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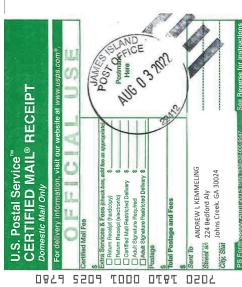
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For delivery information, visit our website at www.usps.com\*

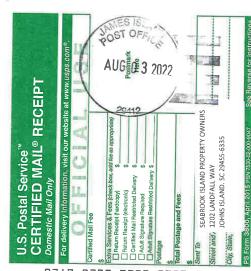
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TOWN OF SEABROOK ISLAND 2001 SEABROOK ISLAND RD JOHNS ISLAND SC 29455

### 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

(copy attached)

appeared in the issues of said newspaper on the following day(s):

08/05/22 Fri PC 08/05/22 Fri CNW

at a cost of Account# \$205.74 108294

Order#

2016073

P.O. Number:

Subscribed and sworn to before

me this \_\_\_\_\_ day

A.D. 2022

advertising clerk

NOTARY PUBLIC, SC

My commission expires

TOWN OF
SEABROOK ISLAND, SC
NOTICE OF
PUBLIC HEARING
The Town of Seabrook
Island Board of Zoning
Appeals will conduct a
Public Hearing at 9:30 a.m.
on September 6, 2022, at
Seabrook Island Town Hall
(2001 Seabrook Island
Road). During the meeting,
the Board will consider the
following request for variance
Town Town
Development Standards
Ordinance for the Town of
Seabrook Island:
APPLICATION # 178
APPLICAT





Parcel ID	Owner	Street Number	PROP_ST_NAME	Street Type	MAIL_ST_NO	MAIL_ST_NAME	Mailing City	Mailing State	Mailing ZIP	
149140003	4 DICKSON THOMAS W	291	6 DEER POINT	DR	20	00 COLLEGE ST, STE 1800	CHARLOTTE	NC	28282	į.
149140003	8 DIMARZO ROBERT	293	8 DEER POINT	DR	293	38 Deer Point Drive	JOHNS ISLAND	SC	29455	,
149140002	6 DOANE MARK L TRUST	292	3 DEER POINT	DR	293	23 DEER POINT DR	SEABROOK ISLAND	SC	29455	,
149050014	7 Sirianni Anthony / Lind Kim Michelle	294	7 DEER POINT	DR	14	45 Henry Rd	Brewster	MA	2631	i
149140000	1 GELLERSTEDT LAWRENCE L III	302	1 MARSH GATE	DR	:	12 CHATHAM RD NW	ATLANTA	GA	30305	,
149140000	2 GILLEN DONNA K	302	9 MARSH GATE	DR	554	48 WATERFORD GREEN GLEN	MARIETTA	GA	30068	š
149140003	5 GWYN J RICHARD	292	0 DEER POINT	DR	46	62 FAIRTREE DR	SEVERNA PARK	MD	21146-3138	
149140003	9 Foster Jon D /Foster Jennifer N	294	2 DEER POINT	DR	6	60 Wrentham Drive	Medford	NJ	8055	•
149140003	7 KEMMELING ANDREW L		0 DEER POINT	DR	22	24 Bedford Aly	Johns Creek	GA	30024	ė.
149050014	8 KRUPINSKI WANDA	293	7 DEER POINT	DR	293	37 DEER POINT DR	JOHNS ISLAND	SC	29455	<b>,</b>
149140003	6 LASSITER JOHN W	292	8 DEER POINT	DR	292	28 DEER POINT DR	SEABROOK ISLAND	SC	29455	<b>,</b>
149050014	9 LEWINSTEIN STACEY ANN	294	6 DEER POINT	DR	67	70 RIVER CHASE RDG NW	ATLANTA	GA	30328-3556	
149140002	5 MARIEN LEO ERNEST Jr	292	7 DEER POINT	DR	292	27 DEED POINT DR	JOHNS ISLAND	SC	29455	j
149140002	3 Goodlett Lisa Marie	293	5 DEER POINT	DR	245	52 Stono Watch Drive	Johns Island	sc	29455	•
147000000	1 SEABROOK ISLAND PROPERTY OWNERS		0 SEABROOK ISLAND	RD	120	02 LANDFALL WAY	JOHNS ISLAND	SC	29455-6335	
147000000	2 SEABROOK ISLAND PROPERTY OWNERS		0 SEABROOK BEACH	RD	120	02 LANDFALL WAY	JOHNS ISLAND	SC	29455-6335	Duplicate
149140006	1 SEABROOK ISLAND PROPERTY OWNERS		0 DEER POINT	DR	120	02 LANDFALL WAY	JOHNS ISLAND	SC	29455-6335	Duplicate
149140002	2 SEABROOK ISLAND PROPERTY OWNERS		0 MARSH GATE	DR	120	02 LANDFALL CT	JOHNS ISLAND	SC	29455-6335	Duplicate
149140002	4 Deer Point Realty LLC	293	1 DEER POINT	DR	32	70 Tierney Place	Bronx	NY	10465	j
149140002	8 Kiawah Island Natural Habitat Conser	291	5 DEER POINT	DR	8	80 Kestrel Court	Kiawah Island	SC	29455	
149140002	7 Martin Michael J	291	9 DEER POINT	DR	10	00 Black Walnut Lane	Plymouth Meeting	PA	19462	!