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

Board of Zoning Appeals Meeting April 24, 2024 – 1:00 PM

Town Hall, Council Chambers 2001 Seabrook Island Road Seabrook Island, SC 29455



#### Watch Live Stream (YouTube)

*Virtual Participation*: Individuals who wish to participate in the meeting via Zoom may call (843) 768-9121 or email kwatkins@townofseabrookisland.org for log-in information prior to the meeting.

**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 185

• Email: tnewman@townofseabrookisland.org

Mail or Hand Deliver: 2001 Seabrook Island Road, Seabrook Island, SC 29455

#### **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 [Pages 3 – 36]

**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**



#### **MEMORANDUM**

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	3
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:

ТҮРЕ	REQUIRED PER DSO	VARIANCE (REQUESTED)
Rear Yard Setback	25 feet (§ 5.3.B)	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
Rear Yard Setback	25 feet (§ 5.3.B)	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
Rear Yard Setback	25 feet (§ 5.3.B)	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

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,

3/h/

Tyler Newman

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. 9 - 11
2	Aerial Image	p. 12
3	Property Zoning Report	p. 13
4	Applicant's Narrative	p. 14 - 17
5	Survey of Existing Conditions	p. 18
6	Site Plan – Existing Conditions	p. 19
7	Site Plan – Proposed Conditions	p. 20
8	Proposed Floor Plan + Proposed Elevations	p. 21
9	ARC Letter of Acknowledgement	p. 22
10	Property Deed	p. 23 - 26
11	Site Photos	p. 27 - 31
12	Public Hearing Notice – Letter to Neighboring Property Owners	p. 32
13	Public Hearing Notice – Post & Courier Legal Ad	p. 33 - 34
14	Public Hearing Notice – List of Neighboring Properties	p. 35
15	Public Hearing Notice – Property Posting	p. 36

# TOWN OF SEABROOK ISLAND 2001 Seabrook Island Road

#### APPLICATION FOR VARIANCE

**Board of Zoning Appeals** 

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

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.

Please provide informati	on regarding the property	which is subject to t	ne variance re	equest.					
Property Address	3237 Middle Dam Court	3237 Middle Dam Court							
Tax Map Number	147-12-00-048	Block	26	L	ot	2	26		
Lot Size (Square Feet)	21,294 Sq Ft	1,294 Sq Ft							
Is this property subject to	o an OCRM critical line? (e	g. Marsh or Beachfro	nt Lots)		Yes	1	No		
Is this property subject to	private restrictions or co	venants? (eg. SIPOA	or regime)	1	Yes		No		

2. APPLICANT(S)							
Please provide information	regarding the individual(s)	who is (are) submitting the variance request.					
Applicant Name(s)	Michael E. Karamus Architect	ichael E. Karamus Architect, LLC					
Applicant Address	P. O. Box 236, Johns Island, S	P. O. Box 236, Johns Island, SC 29457					
Applicant Phone Number	843-768-9980						
Applicant Email Address	mkaramus@aol.com						
If the Applicant is <u>NOT</u> an owner of the property, what is the relationship to the Property Owner(s)?		Owner's Agent					

3. PROPERTY OWNER(S)							
If the Applicant(s) is (are)	NOT the property owner(s), please provide infor	rmation for the propert	y owner	s).			
Owner Name(s)	Mr. & Mrs. Steve Althoff	Ir. & Mrs. Steve Althoff					
Owner Mailing Address	3237 Middle Dam Court	3237 Middle Dam Court					
Owner Phone Number	864-680-6852	864-680-6852					
Owner Email Address	stevealthoff25@gmail.com						
<b>Designation of Agent (Re</b>	quired if the Applicant(s) is(are) NOT a Property	Owner): I (we) hereby	designat	e and			
appoint the above named	Applicant(s) as my (our) agent(s) to represent n	ne (us) in this applicatio	n.	,			
Owner Signature(s)	Tel havinto	Date	3/10	124			
Owner Signature(s)	Countrie B. author	Date	3/14	124			

4. CERTIFICATION			
	, I (we) hereby certify that the information cont s true and accurate to the best of my (our) know		n, including all
Applicant Signature(s)	Muhal Kaungs	Date	3/14/20
Applicant Signature(s)		Date	

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

	See	attached						
В.	follo	order to complete the proposed scope of work, the Applicant(s) is (are) requesting a variance from the owing requirement(s) of the town's DSO:						
	1)	DSO Section Reference(s):	5.3.B Residential Setbacks					
	2)	DSO Requirement(s):	25' Rear Yard setback in accordance with Table 5-3a					
c.			quirements of the town's DSO will result in unnecessary hardship, and the tate 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)		nerally apply to other property in the vicinity as shown by:					
		See attached narrative						
	3)		is, the application of the zoning requirements to this particular piece of prohibit or unreasonably restrict the utilization of the property as follows:					
		See attached narrative						
	-1							
	4)		riance will not be of substantial detriment to adjacent property or to the ter of the district will not be harmed by the granting of the variance for the					
		See attached narrative						

5. VARIANCE REQUEST

#### **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:
  - 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.
- 1

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 t**o 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.

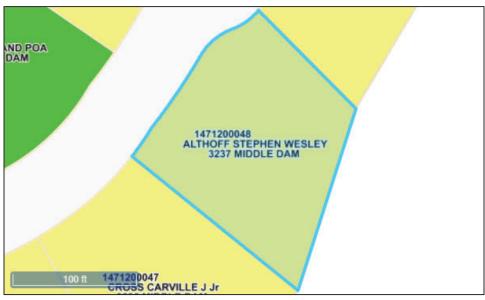
In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety,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



# **Town of Seabrook Island**

# **Property Zoning Report**

9 Apr 2024



#### **Parcels**

**Parcel ID:** 1471200048

Owner: ALTHOFF STEPHEN WESLEY ALTHOFF CYNTHIA BARTON

Owner Street Address: 3237 MIDDLE DAM CT

Owner City State ZIP Code: SEABROOK ISLAND, SC 29455

Parcel Street Address: 3237 MIDDLE DAM

### Zoning

#### **Count Zoning Code and Description**

**Overlapping Quantities** 

1. 1 R-SF2 - Residential - Single-Family (Medium Lot) 21,779.13sf (0.5acres)

## MICHAEL E. KARAMUS Architect L.L.C.

P.O. Box 236 Johns Island, SC 29457 843 768 9980

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 form 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.

website: mkarchllc.com email: mkaramus@aol.com

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.

## MICHAEL E. KARAMUS Architect L.L.C.



P.O. Box 236

Johns Island, SC 29457

843 768 9980

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, the 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,

website: mkarchllc.com email: mkaramus@aol.com

efficient, and aesthetically pleasing project. A second option would be to remove 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.

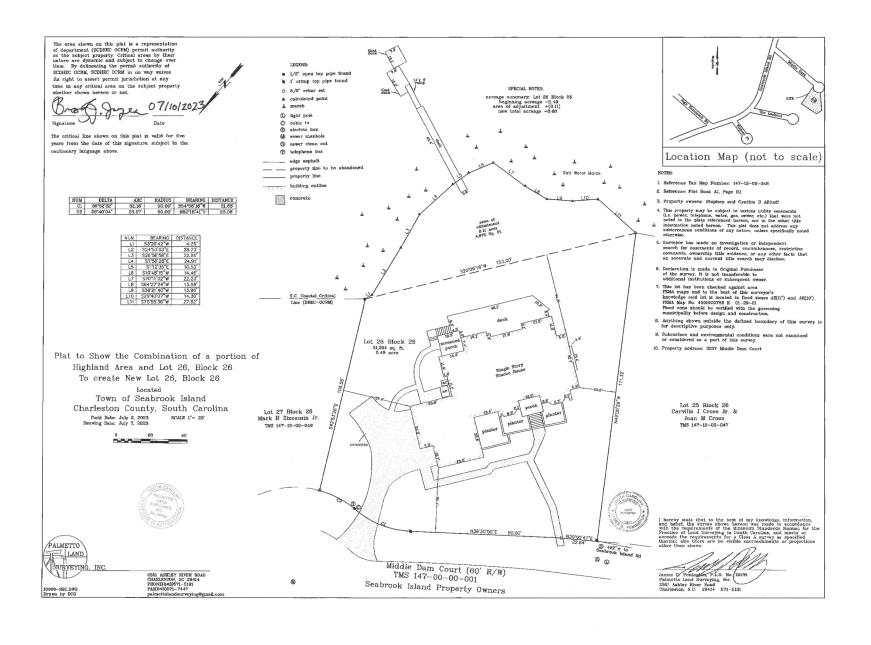
- D. The authorization of the variance will not be of substantial detriment to the adjacent properties or to the public good; and the character of the district will not be harmed by the granting of the variance. Since the encroachment is the rear yard only, which abuts the marsh, the neighboring properties 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

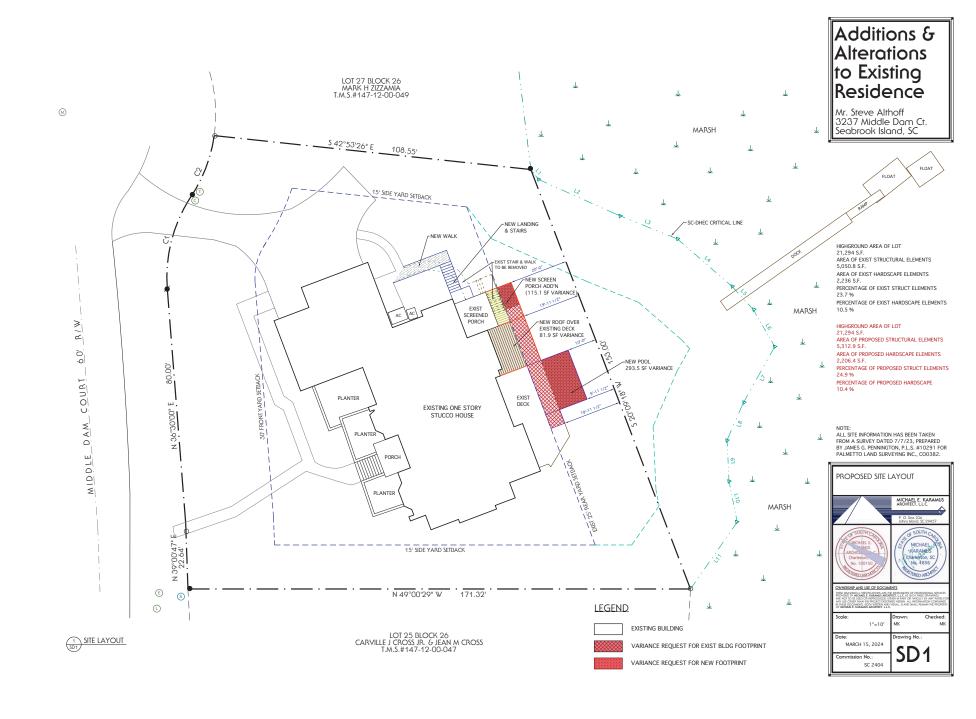
Sincerely,

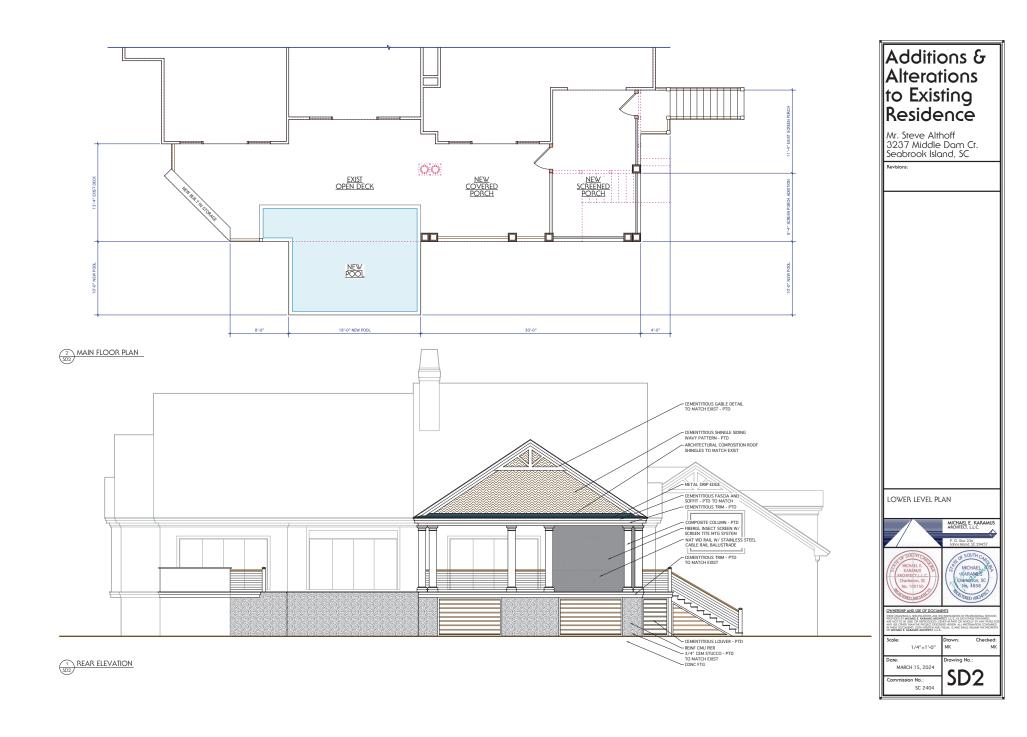
Michael E. Karamus Architect, LLC

Michael Karamus, A.I.A.









1202 Landfall Way \* Johns Island, SC 29455 \* 843-725-1560 \* kburrell@sipoa.org

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,

Katrinsburrell

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	)	GENERAL WARRANTY DEED
	)	
COUNTY OF CHARLESTON	)	

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	h this 3012 day of March, 2022.
Signed, Sealed and Delivered in the presence of:  Witness No. 2  Witness No. 2 (NOTARY)  Miriam A. E.	Mam a Burud Burich
STATE OF South Carolina	
County OF Charleston	
I, The Undersigned, a Notary Public for the County of Charleston and certify that John E. Burich and Miriam A. Burich personally appeared 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)	AVRIS ELLONOTARIO NOTARIO NY Comm. Exp BY 19, 2025

#### 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, buttings and boundings 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

	3											
Pre	oared	Ву:										
147	Wap	poo (	Company, L Creek Drive C 29412	LC e, Suite 60	5							
STA	TE C	)FSC	OUTH CAR	OLINA			)	A		FOR TAXAB		
COL	JNTY	OF	CHARLES	TON			)		LALIM	i modioi E	NO.	
PEF	RSON	IALL'	r, appeare	d before m	e the unders	signed, who be	ing duly sw	orn, depose	s and says	:		
1.	I ha	ve re	ad the info	rmation on	this Affidavi	t and I underst	and such ir	formation.				
2.	Tax	Мар	Number	147120004	ed is located 8, was tran ch 31, 2022	sferred by Joh	le Dam Cou nn E. Burid	irt, Seabroo h and Miria	k Island, So am A. Buri	C 29455 bea ch to Steph	aring Charleston en Wesley Alth	County off and
3.	a. b. c.		subject to subject to stockhold EXEMPT please sk	the deed in the deed in the deed er, partner from the dip items 4-	d recording , or owner of eed recordin 7 and go to i	e as a transfer fee as a tran f the entity, or ing fee because item 8 of this a	nsfer betwe s a transfer (see inforn ffidavit.)	en a corpo to a trust or nation section	oration, a pration, a pration of affidation	partnership, ion to a trust vit):	(If e	and a exempt,
	exis	t at th		he original		ed in the Inforr as the purpose					nd principal rela	tionsnip
4.	Che	ck or	ne of the fo	llowing if e	ither item 3(	a) or item 3(b)	above has	been check	ed. (See Ir	nformation se	ection of this aff	idavit):
	a. b. c.	\$2,1 □ 7	77,000.00 The fee is o	computed of s compute	on the fair ma	arket value of t	he realty w	hich is \$			orth in the am	
5.											alty before the t encumbrance is	
6.	The a. b.	Plac Plac (If n	ce the amo ce the amo o amount i	unt listed in unt listed in s listed, pla	nputed as fol n item 4 abo n item 5 abo ace zero hen ine 6(a) and	ve here: ve here:	It here:	\$	\$ \$ \$			0.000,
7.	The	deed	recording	fee is base	ed on the an	nount listed on	Line 6(c) a	bove and the	e deed rec	ording fee du	ue is: \$8,054.90	).
8.			red by Coo Attorney	e Section	'12-24-70, I	state that I an	a respons	sible person	who was	connected w	vith the transact	ion as:
9.	I un misc or b	deme	and that a anor and,	person re upon convi	quired to fur iction, must	rnish this affida be fined not m	ore than or	fully furnish e thousand Bradshaw	es a false dollars or i	or fraudulen imprisoned n	nt affidavit is gui not more than or	ilty of a ne year,
202: Nota	aty Pi	ublie	sh C	arolina	this the <u>3/</u>	<b>s</b> t of March,	My	RIS EL/, Comin. Exp / 19, 202	5:			
							Soin	UBLIC.	VP.			

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## **PUBLIC HEARING NOTICE**

TO: Neighboring Property Owners

FROM: Tyler Newman, Zoning Administrator

SUBJECT: Variance Request for 3237 Middle Dam Ct. (Variance #186)

**DATE:** March 20, 2024

#### 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: <a href="https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg">https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg</a>.

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



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

## AFFIDAVIT OF PUBLICATION

# The Post and Courier

State of South Carolina

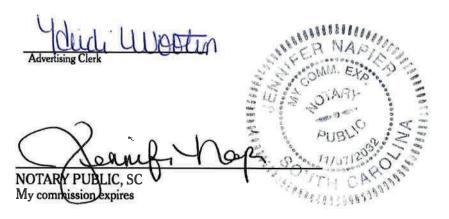
County of Charleston

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

MAR 2 5 2024

Subscribed and swom to before me this:

25th day of March, 2024



TOWN OF
SEABROOK ISLAND, SC
NOTICE OF
PUBLIC HEARING
The Town of Seabrook
Island Board of Zoning
Appeals will conduct a
Public Hearing at 1:00 pm.
on April 24, 2024, at
Seabrook Island Town Hall
(2001 Seabrook Island
Road). During the meeting,
the Board will consider the
following request for variance
from Ihe
Development Standards
Ordinance for the Town of
Seabrook Island:
APPLICATION # 185
APPLICATION #

(Applicant)
ADDRESS:
327 Middle Dam Court
TAX MAP NUMBER:
147-12-01-0188
ZONING DISTRICT:
R-S-F2 RESIGENTIAL
CODE SECTION: \$5.3.B,
RESIGENTIAL SEGUEST: 1)
To Billow for 115.1 Square
feet of screen porch addition to encroach 5 feet ½
inch into the required 25foot 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 pool to encroach 15
feet and ½ inch into the
required 25-foot rear yard
setback.
The meeting will be open to
the public Documents
relating to the variance
request may be viewed at
Town Hall during regular
business hours or on the
town's website at
www.townofseabrookIslandorg.

town Hall during regular business hours or on the town's websile at www.townofseabrook-Island.org.

\*\*Participate Virtually:\*\* Individuals who wish to parlicipate in Public Hearing via Zoom may call (843) 768-9121 or email kwalkins@townofseabrookisland.org for log-in information.

\*\*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 of the meeting using one of the following options:

\*\*ONLINE:\*\*

\*\*ONLINE:\*\*

\*\*INTER:\*\*

\*\*INT

https://www. townofseabrookisland.org/ variance-185.html •EMAIL:

\*EMAIL: tnewman@
townoiseabrookIsland.org
\*MAIL: Town of Seabrook
Island, 2001 Seabrook
Island Road, Seabrook
Island Road, Seabrook
Island, SC 29455
Watch Live Stream
Video: The meeting will be
live streamed on he lown's
YouTube channel beginning at 1:00 p.m. at
https://www.youtube.com

/channel/UCIkF87knEAp HD1q0kGlaGZg. *More information:* For more information, please call (843) 768-9121.



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

MAR 2 2 2024

Subscribed and swom to before me this:

22nd day of March, 2024

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 1:00 p.m.
On April 24, 2024, at
Seabrook Island Town Hall
(2001 Seabrook Island

Seabrook Island Town Hall (2001 Seabrook Island Road). During the meeling, the Board will consider the following request for variance from the Development Standards Ordinance for the Town of Seabrook Island:

APPLICATION # 185
APPLICANT: Mr. & Mrs. Seve Almolf (Owners), Michael (Ow

town's website at www.townofseabrookIsland.org.
Participate Virtually:
Individuals who wish to 
parlicipate in Public 
tearing via Zoom may call 
(843) 768-9121 or email 
kwalkins@townof 
seabrookisland.org for login information.
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 
of the meeling using one of 
the following oplions:
ONLINE: 
https://www.

tnewnane
jownoiseabrookisland.org
jownoiseabrookisland. 2001 Seabrook
island, 2001 Seabrook
island Road Seabrook
island Road
island Road
Stream
Video: The meeting will be
live streamed on the town's
YouTube channel beginning at 1:00 p.m. at
https://www.youtube.com

/channel/UCIkF87knEAp HD1q0kGlaGZq. More Information: For more information, please call (843) 768-9121. AD# 2066072

Avery standard: 5160 Addresses displayed: 17

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

