

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

March 22, 2023 – 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 181](#)
- **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: February 22, 2023 [Pages 3–5]

PUBLIC HEARING ITEMS

1. Variance # 181 [Pages 6–46]

APPLICANTS:	Malcolm Brennan (Applicant) Michael Martin (Owners)
ADDRESS:	2919 Deer Point Drive
TAX MAP NUMBER:	149-14-00-027
ZONING DISTRICT:	R-SF2 (Residential Single-Family)
CODE SECTION:	§ 10.5.A.1, Critical Area Setback

- VARIANCE REQUEST:**
- 1) To allow 444 square feet of proposed open deck to encroach 8'-9" into the required critical area setback.
 - 2) To allow 42 square feet of proposed exterior stair to encroach 4'-1" into the required critical area setback.
 - 3) To allow 19 square feet of proposed permeable paving to encroach 4'-1" into the required critical area setback.

ITEMS FOR INFORMATION / DISCUSSION

1. There are no items for information/discussion.

ADJOURN

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

February 22, 2023



MINUTES

CALL TO ORDER

Present: Leggett, Palmer (Virtual), Pickney, Williams

Absent: Fox

Staff Present: Zoning Administrator Newman

Mr. Leggett served as acting chairman for the meeting.

The meeting was called to order at 1:00PM and Zoning Administrator Newman confirmed notice of this meeting was posted as described by the SC Freedom of Information Act.

ELECTION OF CHAIR AND VICE CHAIR

The election of Chair and Vice Chair will be held at the March Board of Zoning Appeals Meeting.

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: December 28, 2022

Mr. Pickney moved to approve the previous meeting minutes of December 28; Mr. Williams seconded. All voted in favor.

The previous meeting minutes of December 28th were approved.

PUBLIC HEARING ITEMS

1. Variance #180

APPLICANT:	Bill Senst (Applicant) Greg & Leigh Anne Spruetz (Owners)
ADDRESS:	3112 Marsh Gate Drive
TAX MAP NUMBER:	149-14-00-052
ZONING DISTRICT:	R-SF2 (Residential Single-Family)
CODE SECTION:	§ 10.5.A.1, Critical Area Setbacks
VARIANCE REQUEST:	1) To reduce the required 25' critical area setback to 15'-0" to allow for 561 square feet of first floor open deck and open stair.

Zoning Administrator Newman presented the request made by the Applicant Bill Senst at 3112 Marsh Gate Drive to reduce the required 25' critical area setback to 15'-0" to allow for 561 square feet of first floor open deck and open stair.

Zoning Administrator Newman noted that if the variance is approved, staff recommends adding the following:

- 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 February 22, 2023. 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.
- 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 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.

The Board inquired if there were any objections to the variance. Zoning Administrator Newman clarified one objection was received and was included in the agenda packet.

Bill Senest (Applicant) presented the variance request for 3112 Marsh Gate Drive.

The Board clarified where the house is currently in relation to the setback lines.

The Board inquired when the homeowners started creating their plans for this project.

Greg Spraetz (homeowner), 712 Bell Out Drive Alpharetta, GA; added additional commentary to the Applicants presentation.

John Carpenter, 3092 Marsh Gate Drive, inquired if the proposed variance the proposed deck would set a precedence for setback changes. Zoning Administrator Newman and the Board clarified for Mr. Carpenter the variance process.

Zoning Administrator Newman read the letter received in opposition of this variance.

The Board discussed how the variance fits within the criteria.

Mr. Leggett noted the variance meets the criteria as follows:

- A) The size and shape of the subject property are unique conditions.
- B) The unique size and shape of the property does not appear to apply to other properties in the vicinity.
- C) Strict application of the DSO to this piece of property in combination with the unique size and shape of the lot restricts the utilization of the property.
- D) The requested variance has no impact on the existing zoning/character of the surrounding area.
- E) The use of the subject property is not changed by the granting of the requested variance.
- F) The variance request is not for profitability.
- G) The necessity for the variance is not the owner's fault.

Mr. Pickney moved to approve Variance #180 as outlined by Mr. Leggett and with staff recommendations; Mr. Williams seconded. All voted in favor.

Variance #180 was approved with staff recommendations.

ITEMS FOR INFORMATION / DISCUSSION

None.

ADJOURN

Mr. Pickney moved to adjourn the meeting; Mr. Williams seconded. All voted in favor.

The meeting adjourned at 1:40PM

Date: March 10, 2023

Prepared by: *Katharine E. Watkins*
Town Clerk/Treasurer



MEMORANDUM

TO: Town of Seabrook Island Board of Zoning Appeals Members
FROM: Tyler Newman, Zoning Administrator
SUBJECT: Variance Application # 181 – 2919 Deer Point Drive
MEETING DATE: March 22, 2023

Variance Application #178	
Applicants:	Malcolm Brennan (Applicant) Michael Martin (Owner)
Location:	2919 Deer Point Drive
Tax Map Number:	149-14-00-027
Zoning District:	R-SF2 (Residential Single-Family)
Code Section:	§ 10.5.A.1, Critical Area Setback
Purpose:	1) To allow 444 square feet of proposed open deck to encroach 8'-9" into the required critical area setback, 2) to allow 42 square feet of proposed exterior stair to encroach 4'-1" into the required critical area setback, 3) to allow 19 square feet of proposed permeable paving to encroach 4'-1" into the required critical area setback

Overview

The town has received a variance application from Malcolm Brennan of M. Brennan Architects Inc. on behalf of Michael Martin (collectively, the "Applicants"). The Applicants are requesting several encroachments into the required 25' critical area setback in association with the construction of a new swimming pool and accompanying open deck, stairs, and walkway at 2919 Deer Point Drive (Block 49, Lot 17).

In May 2022 the town's Zoning Administrator met with Mr. Martin to discuss possible improvements to his property including a proposed swimming pool. At that time the Zoning Administrator advised Mr. Martin that he would need to have his property surveyed to determine the location of the SCDHEC-OCRM critical line and corresponding 25' setback. In November 2022 the Zoning Administrator was contacted by a Malcolm Brennan of M. Brennan Architects Inc. who indicated that he was designing a deck/pool addition at 2919 Deer Point Drive and that there were encroachments associated with the proposed additions that could require variances. Upon reviewing the proposed site plan, the town's Zoning Administrator advised the applicant that he was correct in his assessment that there were setback encroachments shown that would not be permitted under the DSO and that the only means of deviating from the requirements of the DSO would be to seek a variance from the Board of Zoning Appeals.

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 current DSO (effective July 1, 2022) §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”.

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

The property is 17,099 square feet in area, which is approximately 2.3% 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 15,547 square feet (or 90.92% of the lot) is designated as “highland.”

Based on the site plan submitted with the variance application, the proposed new pool will comply with the 25’ critical area setback requirement as well as the 12.5’ side yard setback requirement. The proposed improvements do not cause the subject property to exceed the 40% maximum lot coverage requirement in the R-SF2 District. Additionally, based on the elevations provided with the submittal the proposed improvements will also comply with the 36’ maximum height requirement (See Attachment 6, Full Plan Set).

To allow for construction of the proposed 444 square feet of open deck, 42 square feet of exterior stair, and 19 square feet of permeable paving the Applicants are requesting the following variances from the requirements of the DSO:

TYPE	REQUIRED PER DSO	VARIANCE (REQUESTED)
Critical Area Setback	25 feet (§ 10.5.A.1)	To allow 444 square feet of proposed open deck to encroach 8’-9” into the required critical area setback
Critical Area Setback	25 feet (§ 10.5.A.1)	To allow 42 square feet of proposed exterior stair to encroach 4’-1” into the required critical area setback
Critical Area Setback	25 feet (§ 10.5.A.1)	To allow 19 square feet of proposed permeable paving to encroach 4’-1” into the required critical area setback

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 property is located in the R-SF2 zoning district with a minimum lot size of 17,500 square feet however the total amount of high ground on the subject property is 15,547 square feet. The buildable area of the lot has been further restricted by the previous owner's decision to construct the home behind the existing dune at the front of the property. This decision by the previous owner effectively increased the front yard setback from 30' to over 65' (See Attachment 5, Proposed Site Plan).
- b) In cases where large dunes exist on similar properties the home is typically constructed on top of the dune, thus destroying the vegetation and ecological integrity associated with this natural feature. In contrast, the existing home located at the subject property was pushed as far back as possible, preserving the dune and natural vegetation.
- c) To construct a new pool without the pool encroaching into the 25' critical area setback, the existing deck would need to be demolished. The requested variance allows the property owner to recover his existing open deck.

Before submitting this variance request, the property owner offered to purchase all or any part of the adjacent undeveloped property that is owned by the Kiawah Habitat Conservancy. The hope of this offer was to increase the size of the subject property enough to construct a new guest house and pool without the need for any variances. Unfortunately, the Kiawah Habitat Conservancy declined the offer.

The only other available land on the subject property is located at the front. Since swimming pools are not permitted in the front yard, this option would require demolishing portions of the existing home to make room at the rear of the site. This option would also require constructing an addition on the front of the house to recover the demolished square footage.

- d) The proposed new deck will not extend closer to the OCRM critical line than the existing deck on the adjacent neighbor's property (See Attachment 5, Proposed Site Plan).
- e) The owner of the subject property has not created this hardship. The decision to place the home so close to the 25' critical area setback was made by the previous property owner to preserve the existing dune at the front of the property. Also, at the time that the property was purchased (March 21, 2022) the property owner was under the impression that a future open deck, like the one associated with this variance request, would have been permitted without the need for a variance.
- f) The property owner is not requesting this variance to make the property more valuable. Rather he is making this request so that his family can enjoy the natural environment in the same manner as many of their neighbors.

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 March 22, 2023. 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
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. 11-13
2	Aerial Image	p. 14
3	Property Zoning Report	p. 15
4	Applicant's Narrative	p. 16-18
5	Proposed Site Plan	p. 19
6	Full Plan Set	p. 20-26
7	ARC Approval Letter	p. 27
8	Property Deed	p. 28-32
9	Site Photos	p. 33-40
10	Public Hearing Notice – Letter to Neighboring Property Owners	p. 41
11	Public Hearing Notice – Post & Courier Legal Ad	p. 42-43
12	Public Hearing Notice – List of Neighboring Properties	p. 44
13	Public Hearing Notice – Property Posting	p. 45



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 tnewman@townofseabrookisland.org.

1. PROPERTY INFORMATION					
Please provide information regarding the property which is subject to the variance request.					
Property Address	2919 Deer Point Drive				
Tax Map Number	149-14-00-027	Block	49	Lot	17
Lot Size (Square Feet)	17,099				
Is this property subject to an OCRM critical line? (eg. Marsh or Beachfront Lots)	<input checked="" type="checkbox"/>	Yes		No	
Is this property subject to private restrictions or covenants? (eg. SIPOA or regime)	<input checked="" type="checkbox"/>	Yes		No	

2. APPLICANT(S)	
Please provide information regarding the individual(s) who is (are) submitting the variance request.	
Applicant Name(s)	Malcolm Brennan
Applicant Address	113 Wapoo Creek Drive, Suite 4, Charleston, SC 29412
Applicant Phone Number	843-406-7813 (o) or 843-906-5511 (m)
Applicant Email Address	m@mbrennanarchitects.com
If the Applicant is <u>NOT</u> an owner of the property, what is the relationship to the Property Owner(s)?	Design Consultant

3. PROPERTY OWNER(S)	
If the Applicant(s) is (are) <u>NOT</u> the property owner(s), please provide information for the property owner(s).	
Owner Name(s)	Michael Martin
Owner Mailing Address	2919 Deer Point Drive, Seabrook Island, SC 29455
Owner Phone Number	610-937-7782
Owner Email Address	1earth1ocean@gmail.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)	
	Date <u>1-9-2023</u>
	Date

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)	
	Date <u>Jan 5, 2023</u>
	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:

Please see paragraph A in the attached correspondence dated Jan. 5, 2023.

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): DSO 10.5A.1

2) DSO Requirement(s):
Please see paragraph B in the attached correspondence dated Jan. 5, 2023.

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:

Please see paragraph C1 in the attached correspondence dated Jan. 5, 2023.

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

Please see paragraph C2 in the attached correspondence dated Jan. 5, 2023.

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:

Please see paragraph C3 in the attached correspondence dated Jan. 5, 2023.

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:

Please see paragraph C4, D, and E in the attached correspondence dated Jan. 5, 2023.

6. APPLICATION MATERIALS

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

- Completed & Signed Variance Application Form (Paper Required; PDF Optional)**
 - Please submit one *completed* paper application. All signatures must be original.
- \$300.00 Application Fee**
 - The application fee may be paid by cash or check only.
- As-Built Survey / Survey of Existing Conditions (Paper Required; PDF Optional)**
 - All applications must be accompanied by an as-built survey which accurately illustrates the existing conditions on the property, including setback measurements for all structures.
- Proposed Site Plan (Paper & PDF Required)**
 - Required for all new structures and/or exterior modifications which will change the footprint of one or more existing structures.
 - For lots abutting a marsh or beachfront jurisdictional line, the location of the critical line must be certified by OCRM within the previous five (5) years.
- Scaled Architectural Drawings: (Paper & PDF Required)**
 - Required for all new structures and/or exterior modifications to existing structures.
 - Architectural drawings must show, at a minimum:
 - A detailed floor plan or plan view; and
 - Front, side and rear elevations, as appropriate.
- Letter of Approval from Property Owners Association and/or Regime: (Paper Required; PDF Optional)**
 - Required for all properties which are subject to private restrictions and/or covenants.
 - If approval is pending, please attach a Letter of Acknowledgement from the POA and/or Regime.
- Letters of support, petitions, photographs, and any other documentation which an Applicant feels may support his or her request may be attached but are not required. (Paper & Digital Files Optional)**

CRITERIA FOR REVIEW

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

- (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.



1491400034
DICKSON THOMAS W
2916 DEER POINT DR

1491400029
BRYAN ERIC M
2913 DEER POINT DR

1491400035
GWYNETH RICHARD
2920 DEER POINT DR

1491400028
KIWAH ISLAND NATURAL HABITAT CONSERVANCY INC
2915 DEER POINT DR

1491400036
LASSITER JOHN W
2928 DEER POINT DR

1491400027
MARTIN MICHAEL J
2919 DEER POINT DR

1470000002
SEABROOK ISLAND PR
0 SEABROOK B

1491400038
DIMARZO ROBERT
2938 DEER POINT DR

1491400026
DOANE MARK L TRUST
2923 DEER POINT DR

1491400025
MARIEN LEO ERNEST Jr
2927 DEER POINT DR

1491400024
MOCA ANNA VANDERWERFF
2931 DEER POINT DR

1491400023
GOODLETT LISA MARIE
2935 DEER POINT DR

DEER POINT DR

MARSH GATE DR

1470000001
SEABROOK ISLAND PROPERTY OWNERS
0 SEABROOK ISLAND DR

1491400022
SEABROOK ISLAND PROPERTY OWNERS
0 MARSH GATE DR

1491400004
MCDANIEL CLARENCE F
3037 MARSH GATE
15

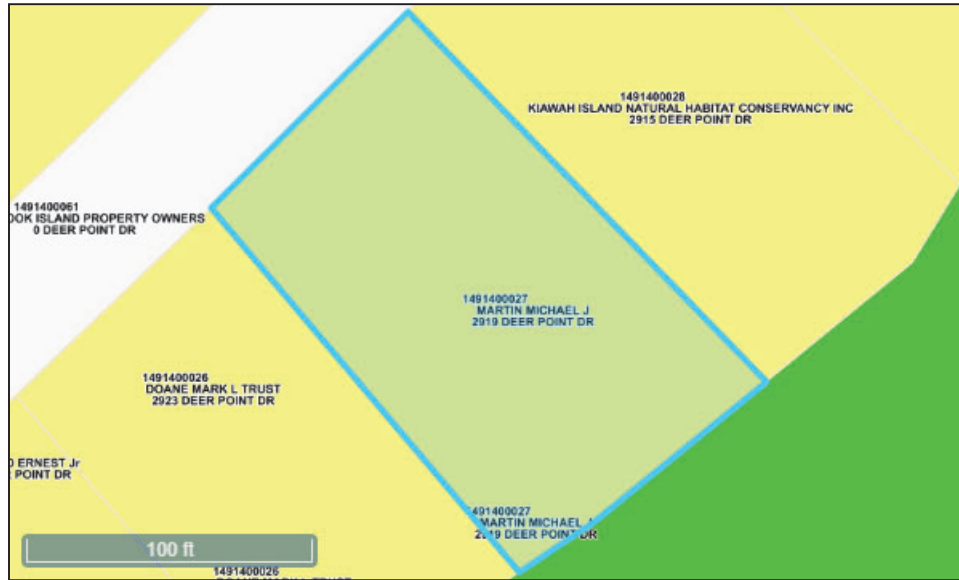
1491400003
ANTHONY
DEER POINT DR

1491400003
CROAL TRUST AGREEMENT

Town of Seabrook Island

Property Zoning Report

14 Feb 2023



Parcels

Parcel ID: 1491400027
Owner: MARTIN MICHAEL J MARTIN ANNE MARIE
Owner Street Address: 100 BLACK WALNUT LN
Owner City State ZIP Code: SEABROOK ISLAND , SC 29455
Parcel Street Address: 2919 DEER POINT DR

Zoning

Count	Zoning Code and Description	Overlapping Quantities
1.	1 R-SF2 - Residential - Single-Family (Medium Lot)	17,747.32sf (0.41acres)



BZA Application

Jan. 5, 2023

Tyler Newman

Town of Seabrook Island

2001 Seabrook Island Road

Seabrook Island, SC 29455

Reference : Martin Renovation
 2919 Deer Point Drive
 Seabrook Island, South Carolina 29455

Dear Mr. Newman,

The attached Drawings indicate the proposed improvements which the Owners would like to undertake. Also attached is the BZA application for the variance we will need in order to undertake these improvements. The Drawings submitted with this application have also been submitted to the ARC and we have requested a Letter of Acknowledgement from the ARC.

Due to the limitation of space on the BZA Application Form, our responses are provided in this letter. The paragraphs below are enumerated to correspond with the BZA Application Form.

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

A small new swimming pool with accompanying open deck, stair, and walkway.

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:

DSO Section References : DSO 10.5A.1

DSO Requirements: SETBACK Required. 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.

We are requesting a variance from DSO Section 10.5A.1 to construct 444 sf of the proposed open deck, 42 sf of the proposed exterior stair, and 19 sf of the proposed permeable paving, extending 8'-9", 4'-1", and 4'-1" into the required 25' critical area setback.

As shown on the Please note that 106 sf of the existing deck, stairs, and pavers already encroaches into the 25' OCRM setback area. Therefore, the total additional encroachment that we are requesting is $(444 + 42 + 19) - 106 = 399$ sf.

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 property is located in the R-SF2 Zoning District with a minimum lot size is 17,500 sf. However, the amount of high ground on this lot is only 15,547. The buildable area of the lot has been further restricted by the previous Owner's decision to construct the home behind the existing dune at the front of the property. This decision effectively increased the front yard setback from 30' to over 65'. See attached Site Plan

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

Where large dunes exist on similar properties, the home is typically constructed on top of the dune, thus destroying the vegetation and ecological integrity associated with this natural feature. In contrast, this home was pushed as far back as possible, thus preserving the dune and natural vegetation.

- 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:*

To construct a new pool without encroaching on the 25' OCRM setback line, the existing deck will be demolished. The variance we are requesting will allow the property owner to recover his open deck.

Before submitting this request, Mr. Martin offered to purchase all or any part of the adjacent undeveloped property that the Kiawah Habitat Conservancy would be willing to sell. Our hope was to increase the size of this site enough to construct a new Guest House and pool without the need for any variances. After carefully considering our proposal, the Kiawah Habitat Conservancy decided not to sell any of their property.

The only other available land on this site is located at the front of this property. Since swimming pools are not permitted in the front yard, this option would require demolishing portions of the existing home to make room at the rear of the site. This option would also require constructing an addition on the front of the house to recover the demolished square footage. We prefer not to pursue this option because of the impact of the addition on the existing dune and vegetation.

In this particular case, the recent prohibition on open decks beyond the 25' OCRM Setback line, effectively penalizes the commendable choice to preserve the existing dune and vegetation at the front of this site.

- 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:*

BZA Application

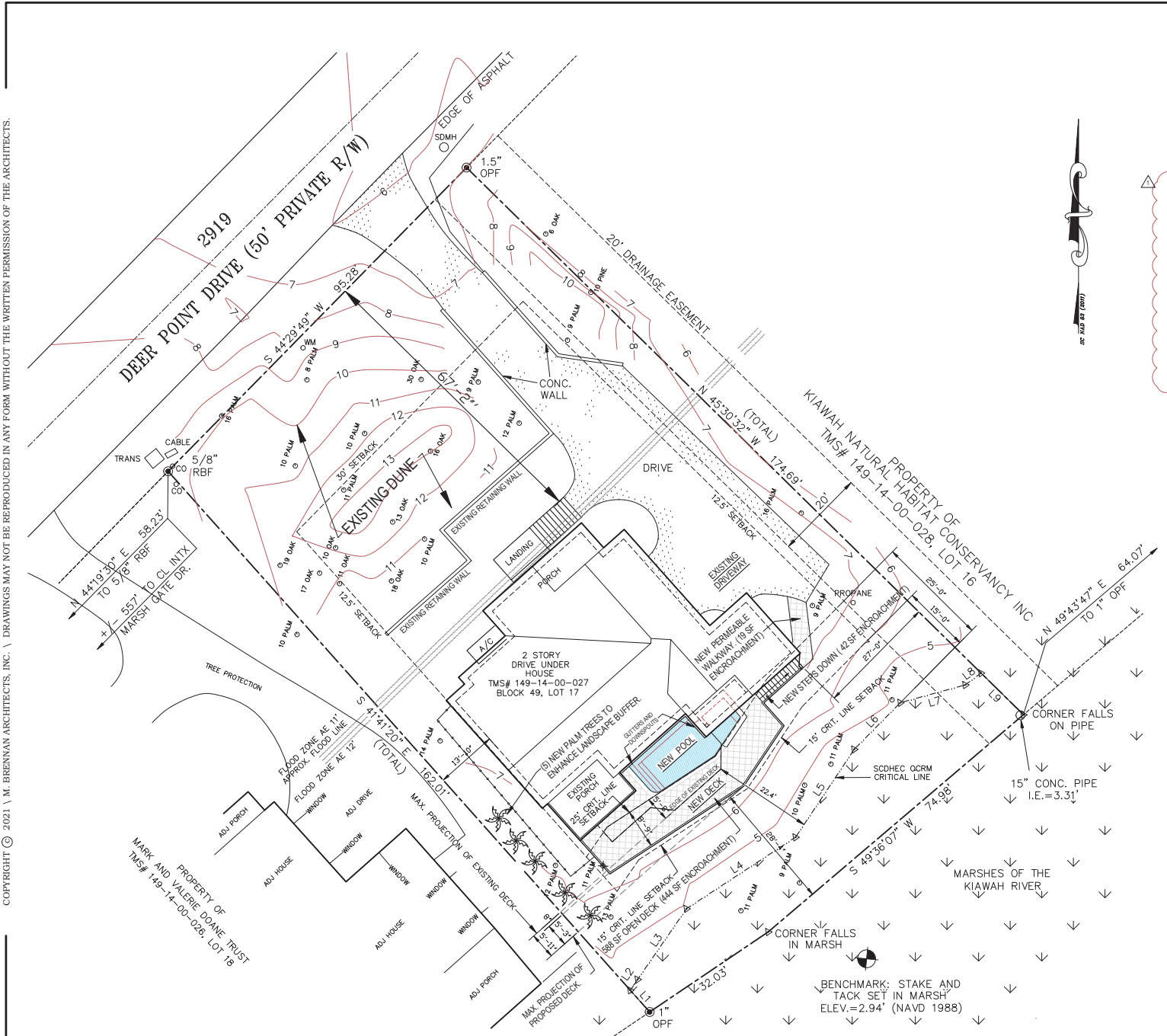
- a. The proposed new deck will not extend closer to the OCRM line than the existing deck on the adjacent neighbor's property. See attached Site Plan.
 - b. The proposed decking will be permeable so no additional storm water runoff will be created. The foundation walls for the deck will extend approximately 8" above the finished grades and backfilled with 18" of gravel. Rainwater will flow between pavers or decking, onto the gravel below, and absorbed into the sandy subsoils.
 - c. The pool overflow will be discharged behind the 25' OCRM setback line.
 - d. The proposed deck has a maximum projection of only 5'-11" beyond the existing deck and approximately 8'-9" beyond the 25' Setback. See attached Site and Floor Plans.
 - e. We have also enhanced the privacy between Lots 17 and 18 by adding 5 palm trees to the existing landscape buffer.
- D. The Owner of this property has not created this hardship. The decision to place the home so close to the 25' OCRM setback line was made by the previous property owner to preserve the existing dune at the front of the property. As stated above, we have investigated every other available option to construct these improvements without the need for a variance. We are pursuing this variance because this design will allow the Owner to enjoy his property in the same manner as many of his neighbors while fully respecting the total environment, including the existing wetlands and the existing dune.
- Also please also note that at the time Mr. Martin purchased this property, March 21, 2022, he would have understood that a future open deck, similar to the one for which we are now requesting a variance, would have been permitted without a variance.
- E. The property Owner is not requesting this variance to make the property more valuable but so that his family may enjoy the natural environment in the same manner as many of their neighbors.

Thank you for considering this request.

Sincerely,



Malcolm Brennan



INDEX OF DRAWINGS

SHT.	TITLE	DATE	REVISIONS THROUGH
ARCHITECTURAL			
A1	SITE PLAN	1-4-23	2-14-23
	SURVEY	8-4-22	11-23-22
	OCRM SIGNED SURVEY	8-4-22	
A2	GROUND FLOOR PLAN	1-4-23	
A3	FIRST FLOOR PLAN	1-4-23	
A4	EXTERIOR REAR ELEVATIONS	1-4-23	
A5	EXTERIOR LEFT SIDE ELEVATION	1-4-23	
A6	EXTERIOR RIGHT SIDE ELEVATIONS	1-4-23	

AREA SUMMARY

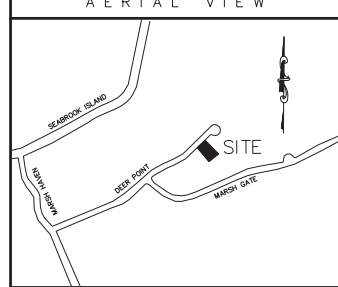
AREA OF LOT = 17,099 SF
 AREA OF HIGH GROUND = 15,547 sf.

ZONING LOT COVERAGE CALCULATION DOES NOT INCLUDE PERMEABLE WALKWAYS. MAXIMUM ALLOWABLE LOT COVERAGE PER DSO TABLE 5.3a FOR ZONING DISTRICT R-SF2 = 40%.

AREA SUMMARY	EXISTING	PROPOSED	TOTAL
AREA UNDER ROOF LINE	2,814 SF	0 SF	2,814 SF
POOL	0	203 SF	203 SF
HVAC STAND	28 SF	0 SF	28 SF
DRIVEWAY	2,295 SF	0 SF	2,295 SF
WALKWAYS	0 SF	61 SF **	61 SF
ELEVATED DECKS	284 SF	234 SF	518 SF
STAIRS	184 SF	-25 SF	159 SF
TOTALS	5,615 SF	410 SF	6,025 SF

** THIS ITEM IS PERMEABLE PAVING AND IS NOT INCLUDED IN DSO LOT COVERAGE CALCULATION

EXISTING LOT COVERAGE = 5,615 SF X 100 ÷ 17,099 SF = 33% < 40%
 PROPOSED LOT COVERAGE = 6,025 SF X 100 ÷ 17,099 SF = 35% < 40%



SITE / ROOF PLAN

SCALE: 1" = 10'



A1

SHEET

DATE: JAN. 4, 2023

REVISIONS	DATE	BY	DESCRIPTION
1	02-15-23	5	
2		6	
3		7	

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

MARTIN RENOVATION

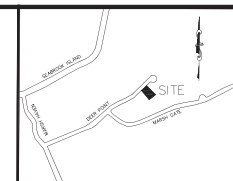
2919 DEER POINT DRIVE
 Seabrook Island, SC 29455



LEGEND

- IRON PIPE FOUND ●
- CALCULATED POINT ▲
- REBAR FOUND ■
- OPEN PIPE FOUND ○
- 4" METAL FENCE ———
- TREE (AS DESCRIBED) ○
- CURTAIN LINE ———
- SPOT ELEVATION ○
- ORITICAL LINE - - - - -
- DRAINAGE EASEMENT ———
- SETBACK - - - - -
- FEMA FLOOD LINE - - - - -
- TREE PROTECTION - - - - -

ELEV. TABLE	
ELEV.	BEARING
11	N 141° 20' 24" W
12	N 84° 30' 00" E
13	N 84° 30' 00" E
14	N 141° 20' 24" W
15	N 84° 30' 00" E
16	N 141° 20' 24" W
17	N 84° 30' 00" E
18	N 141° 20' 24" W
19	N 84° 30' 00" E



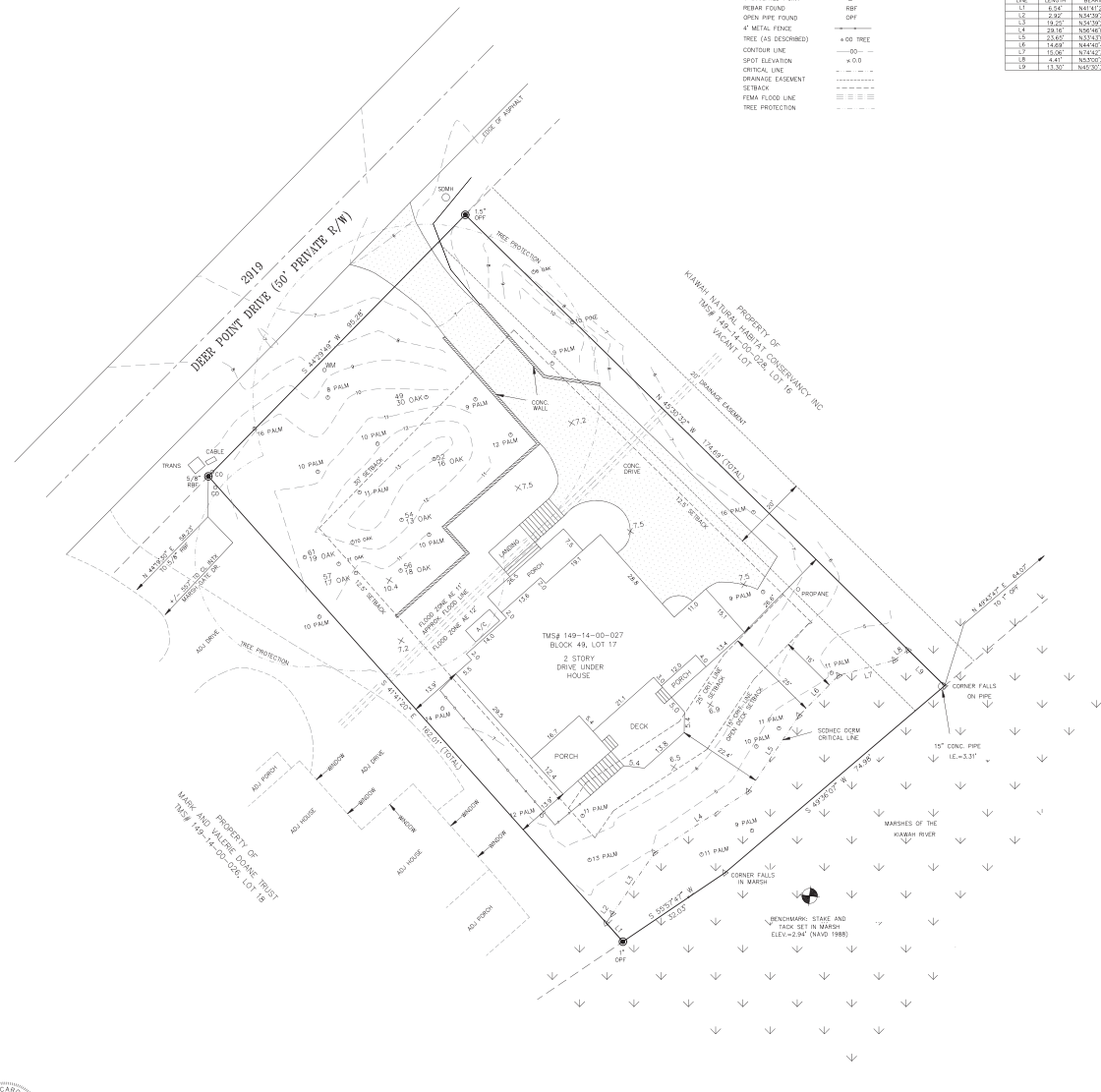
LOCATION MAP NOT TO SCALE

REFERENCES

1) PLAT BY E.M. SEABROOK, JR. DATED JANUARY 14, 1983 PLAT BOOK 80 PAGE 025

AREAS: BLOCK 49, LOT 17

WETLAND: 15,841 SF., 0.357 AC.
 WETLAND: 1,552 SF., 0.036 AC.
 TOTAL: 17,393 SF., 0.393 AC.



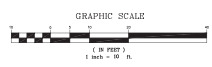
NOTES

- 1.) AREAS CALCULATED BY THE COORDINATE METHOD.
- 2.) BEARINGS SHOWN HEREON ARE STATE PLANE NAD 1983 (2011).
- 3.) THIS SURVEY IS INTENDED ONLY TO SHOW THE 149-14-00-027, BLOCK 49, LOT 17, AND IS BASED ON FOUND INFORMATION, LITERATURE, RESEARCH DATA, AND LINES OF OCCUPATION. NO TITLE RESEARCH WAS DONE.
- 4.) SETBACKS AND SPACING FOR "SINGLE FAMILY RESIDENTIAL" ZONING PER THE TOWN OF SEABROOK ISLAND ONLINE ORDINANCES AND MUST BE APPROVED BY GOVERNING MUNICIPALITY BEFORE CONSTRUCTION OR DESIGN.
- 5.) FRONT SETBACK: 30'
 SIDE SETBACK: 12.0'
 REAR SETBACK: 25'
 CRITICAL LINE SETBACK: 25'
 CRITICAL LINE OPEN DECK SETBACK: 15'
- 6.) THIS SURVEY SHOWS EASEMENTS WHICH ARE OBVIOUS OR APPARENT TO THE SURVEYOR.
- 7.) THERE HAS BEEN NO ENVIRONMENTAL INVESTIGATION DONE FOR TMS# 149-14-00-027, BLOCK 49, LOT 17. THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS ARE UNDETERMINED. SOME OCEAN CRITICAL LINE FROM LOCATED ALTERNATE SURVEY AND DELINEATED BY RED BRY ENVIRONMENTAL.
- 8.) THIS PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV. 17' AND 1" PER FIRM PANEL 42016C OVER A REVISED JANUARY 29, 2020. THE PROPERTY LIES WITHIN THE FIRM LIMITS OF MODERATE WAVE ACTION.
- 9.) ELEVATIONS SHOWN ARE REFERENCED TO NAVD 1988.

I, the undersigned, being a duly licensed and sworn Professional Engineer, do hereby certify that to the best of my knowledge, information and belief, the contents of this plat are true and correct, and that I am a duly licensed and sworn Professional Engineer in the State of South Carolina. My commission expires on 11/23/2022.

[Signature]
 11/23/2022

COURTLAND TRAVIS MURPHY, S.C. P.E. No. 35065
 COURTLAND TRAVIS MURPHY LLC
 1109 BAKER ROAD, 29160 (BLAKE), S.C. 29465
 PHONE: (843) 814-4306

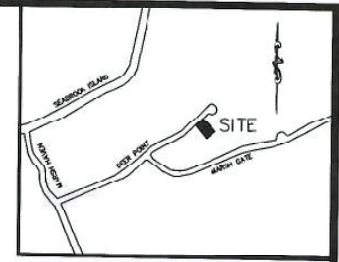


ASBUILT, TREE AND TOPOGRAPHIC SURVEY
SHOWING TMS# 149-14-00-027, BLOCK 49, LOT 17
PROPERTY OF MICHAEL AND ANNE MARTIN
SUBDIVISION OF SEABROOK ISLAND
LOCATED IN THE TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY SOUTH CAROLINA
DATE SURVEYED: JUNE 4, 2022
REVISED NOVEMBER 23, 2022
SCALE: 1" = 10'

LINE	LENGTH	BEARING
L1	6.54'	N47°11'30" W
L2	2.92'	N34°38'23" E
L3	15.25'	N34°39'28" E
L4	29.19'	N58°40'09" E
L5	23.65'	N33°13'09" E
L6	14.89'	N44°10'47" E
L7	15.06'	N74°42'30" E
L8	4.41'	N53°39'20" E
L9	17.30'	N45°00'32" W

LEGEND

- IRON NAIL FOUND
- CALCULATED POINT
- REBAR FOUND
- OPEN PIPE FOUND
- 4" METAL FENCE
- TREE (AS DESCRIBED)
- CONTOUR LINE
- SPOT ELEVATION
- CRITICAL LINE
- DRAINAGE EASEMENT
- SETBACK
- FEMA FLOOD LINE



LOCATION MAP NOT TO SCALE



REFERENCES

1.) PLAT BY E.M. SEABROOK, JR. DATED JANUARY 14, 1985 PLAT BOOK 80 PAGE 025

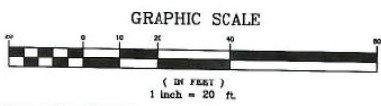
AREAS: BLOCK 49, LOT 17

HIGHLAND: 15,547 S.F., 0.357 AC.
 WETLAND: 1,552 S.F., 0.036 AC.
 TOTAL: 17,099 S.F., 0.393 AC.

I, hereby state that to the best of my knowledge, information and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments, projections, or setbacks affecting the property other than those shown.

C.S. Murray
 05/29/2022

COURTLAND TRAD MURRAY, S.C. P.L.S. No. 38065
 2109 SWIFT ROAD, JOHN ISLAND, S.C. 29405
 PHSIC-0403 01-1-1998



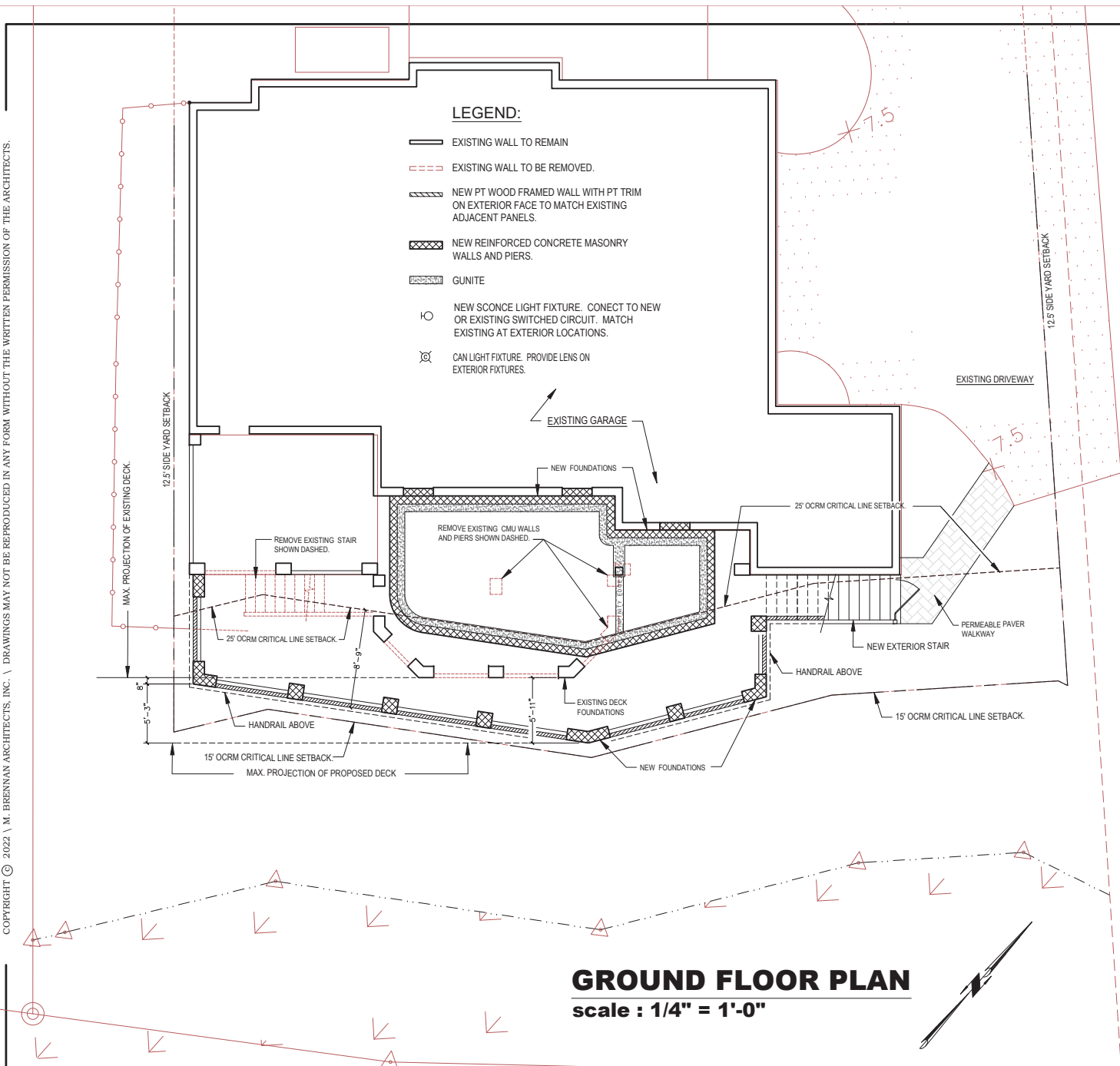
NOTES

- 1.) AREAS CALCULATED BY THE COORDINATE METHOD.
 - 2.) BEARINGS SHOWN HEREON ARE STATE PLANE NAD 1983 2011.
 - 3.) THIS SURVEY IS INTENDED ONLY TO SHOW TMS# 149-14-00-027, BLOCK 49, LOT 17, AND IS BASED ON FOUND MONUMENTATION, LISTED REFERENCE DATA, AND LINES OF OCCUPATION. NO TITLE RESEARCH WAS DONE.
 - 4.) SETBACKS AND BUFFERS FOR "SINGLE FAMILY RESIDENTIAL" ZONING PER THE TOWN OF SEABROOK ISLAND ORDINANCES AND MUST BE APPROVED BY GOVERNING MUNICIPALITY BEFORE CONSTRUCTION OR ALTERATION.
 - 5.) THIS SURVEY SHOWS EASEMENTS WHICH ARE OBVIOUS OR APPARENT TO THE SURVEYOR.
 - 6.) THERE HAS BEEN NO ENVIRONMENTAL INVESTIGATION DONE FOR TMS# 149-14-00-027, BLOCK 49, LOT 17. THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS ARE UNDETERMINED. SCDHEC-OCRM CRITICAL LINE SHOWN LOCATED AT TIME OF SURVEY AND DELINEATED BY RED BAT ENVIRONMENTAL.
 - 7.) THIS PROPERTY IS LOCATED IN FLOOD ZONE "AE" ELEV. 12' AND 11' PER FIRM PANEL 43019C 0785 K, REVISED JANUARY 29, 2021. THIS PROPERTY LIES WITHIN THE FEMA LIMITS OF MODERATE WAVE ACTION.
 - 8.) ELEVATIONS SHOWN ARE REFERENCED TO NAVD 1988.
- THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT(SCDHEC-OCRM) PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF SCDHEC-OCRM, SCDHEC-OCRM IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY WHETHER SHOWN OR NOT.

Michael Martin
 08/12/2022
 2022

The critical line shown on this plat is valid for five years from the date of this signature, subject to the customary language above.

ASBULT, TREE AND TOPOGRAPHIC SURVEY
 SHOWING TMS# 149-14-00-027, BLOCK 49, LOT 17
 PROPERTY OF MICHAEL AND ANNE MARTIN
 SUBDIVISION OF SEABROOK ISLAND
 LOCATED IN THE TOWN OF SEABROOK ISLAND
 CHARLESTON COUNTY SOUTH CAROLINA
 DATE SURVEYED: JUNE 4, 2022
 SCALE: 1" = 20'



GROUND FLOOR PLAN
 scale : 1/4" = 1'-0"

TUBE - model: WS-W26
LED Wall Mount

WAC LIGHTING
 Responsible Lighting™

Feature Type: _____
 Catalog Number: _____
 Project: _____
 Location: _____

PRODUCT DESCRIPTION
 Please refer to the product data sheet for complete technical specifications. This product is designed for use in residential and commercial applications. It is not intended for use in hazardous locations. For more information, please contact your local distributor.

FEATURES

- LED Driver: 100V-120V LED Driver
- Mounting: 1/2" x 1/2" x 1/2" (3/8" dia)
- Color: White
- Material: Die-Cast Aluminum
- Finish: Powder Coat
- Dimensions: 10.5" H x 3.5" W x 3.5" D

INSTALLATION

Mounting: 1/2" x 1/2" x 1/2" (3/8" dia)
 Voltage: 100V-120V AC
 Power: 10W
 Color: White
 Material: Die-Cast Aluminum

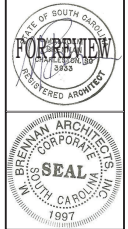
NEW ELECTRICAL FIXTURE #1

12V Mini Deck Light Architectural Bronze
 12VDC (Architectural Bronze)

KICHLER

Product/Installation Information:
 Voltage: 12VDC
 Power: 1W
 Material: Aluminum
 Finish: Architectural Bronze

NEW ELECTRICAL FIXTURE #2



A2
 SHEET

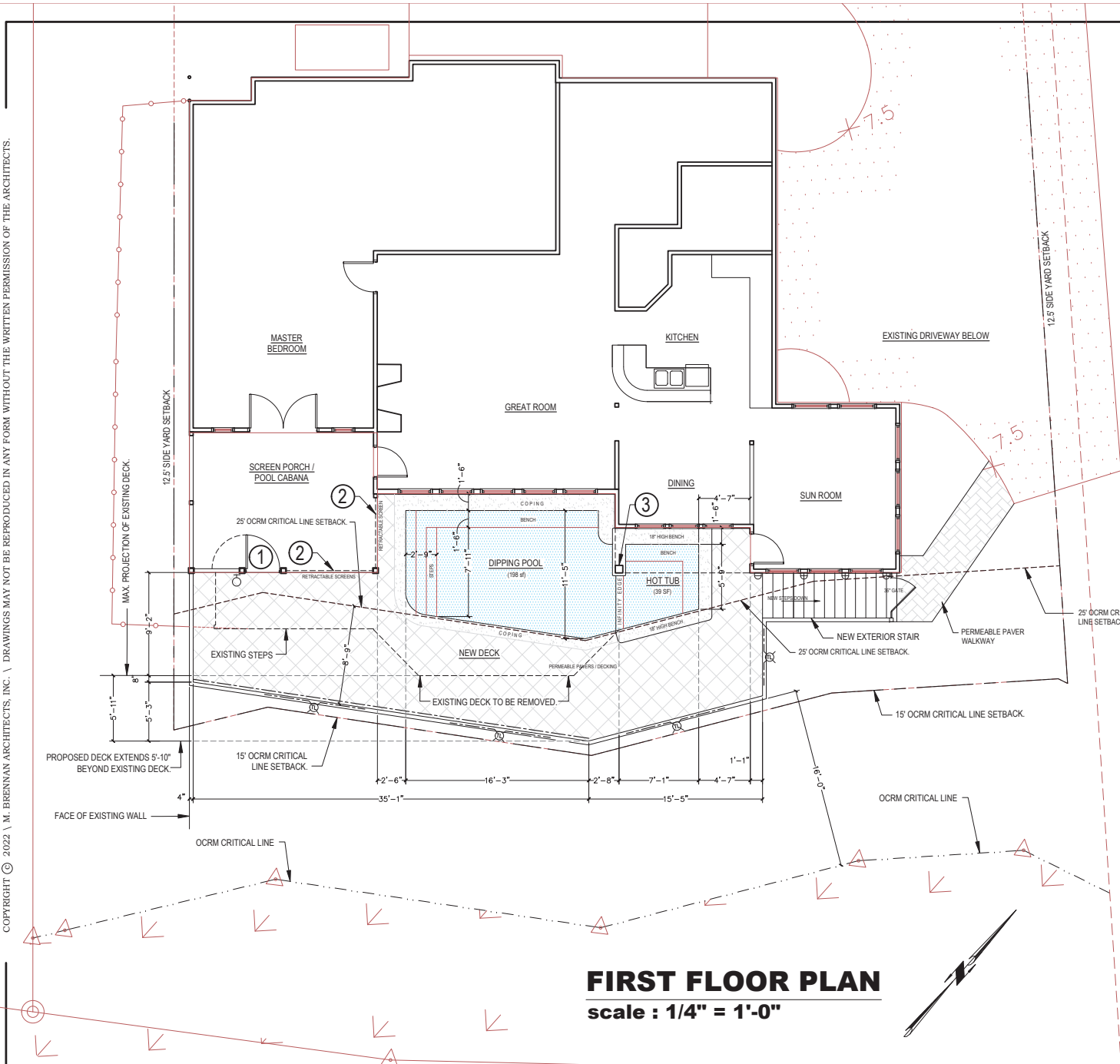
DATE: JAN. 4, 2023

REVISIONS	4	5	6	7
1				
2				
3				

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

MB
 ARCHITECTS

MARTIN RENOVATION
 2919 DEER POINT DRIVE
 Seabrook Island, SC 29455



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

LEGEND:

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED.
- NEW SCONCE LIGHT FIXTURE. CONNECT TO NEW OR EXISTING SWITCHED CIRCUIT. MATCH EXISTING AT EXTERIOR LOCATIONS. SEE FIXTURE #1 ON SHEET A2.
- LED TAPE LIGHT CONCEALED IN CHANNELED RAILING. CONCEAL WIRING IN NEWAL POSTS.
- EXTERIOR LOW VOLTAGE DECK LIGHT. MOUNT 20" ABOVE DECK U.N.O. SEE FIXTURE #2 ON SHEET A2.

DRAWING NOTES

- ① PROVIDE NEW 32" WIDE SCREENED DOOR.
- ② REMOVE EXISTING INSECT SCREEN AND SCREEN PORCH RAILS IN THESE LOCATIONS. PROVIDE NEW RETRACTABLE SCREEN SYSTEM WITH REMOTE CONTROL OPERATION, AS MANUFACTURED BY PHANTOM SCREENS (1-866-828-2775) OR ARCHITECT APPROVED EQUAL. MOUNT TRACKS FOR RETRACTABLE SCREEN SYSTEM ON EXISTING COLUMNS AND WRAP COLUMNS WITH NEW PT TRIM TO CONCEAL TRACKS. MOUNT OVERHEAD RETRACTABLE SCREEN DRUM TO UNDERSIDE OF EXISTING BEAM ABOVE AND PAINT TO MATCH ADJACENT WOOD TRIM.
- ③ SHORE UP EXISTING ROOF AS NEEDED UNTIL NEW FIBERGLASS STRUCTURAL COLUMN IS INSTALLED ON NEW FOUNDATIONS.



A3
 SHEET

DATE: JAN. 4, 2023

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

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



MARTIN RENOVATION
 2919 DEER POINT DRIVE
 Seabrook Island, SC 29455



EXISTING REAR ELEVATION

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



PROPOSED REAR ELEVATION

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

REMOVE EXISTING RAILING SYSTEM AND PROVIDE NEW CAP RAIL AND CABLE RAILING SYSTEM BETWEEN EXISTING NEWAL POSTS.

2" X 2" ALUMINUM NEWEL POSTS, CAP RAIL, AND CABLE RAILING SYSTEM

MATCH EXISTING LATTICE IN-FILL

STUCCO NEW FOUNDATION WALLS TO MATCH EXISTING.

NEW STAIR WITH CABLE RAILING

PERMEABLE PAVER WALKWAY



A4
SHEET

DATE: JAN. 4, 2023

REVISIONS	4
1	2
3	7

M. BRENNAN ARCHITECTS, INC.
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Charleston, South Carolina
mbrennanarchitects.com



MARTIN RENOVATION
2919 DEER POINT DRIVE
Seabrook Island, SC 29455



EXISTING LEFT SIDE ELEVATION

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



PROPOSED LEFT SIDE ELEVATION

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



A5
SHEET

DATE: JAN. 4, 2023

REVISIONS	4	5	6	7
1	2	3		

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



MARTIN RENOVATION
2919 DEER POINT DRIVE
Seabrook Island, SC 29455



EXISTING RIGHT SIDE ELEVATION

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



PROPOSED RIGHT SIDE ELEVATION

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



A6
SHEET

DATE: JAN. 4, 2023

REVISIONS	4	5	6	7
1	2	3		

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



MARTIN RENOVATION
2919 DEER POINT DRIVE
Seabrook Island, SC 29455

- EXISTING SCREENED PORCH
- 2" X 2" ALUMINUM NEWEL POSTS, CAP RAIL AND CABLE RAILING SYSTEM
- MATCH EXISTING LATTICE IN-FILL
- STUCCO NEW FOUNDATION WALLS TO MATCH EXISTING.



S E A B R O O K I S L A N D
P r o p e r t y O w n e r s A s s o c i a t i o n

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

February 10, 2023

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

VIA email: tnewman@townofseabrookisland.org

Re: Block 49 Lot 17 – 2919 Deer Point / Remodel – Rear Decking Encroachment

Dear Mr. Newman:

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 rear 25' critical area setback to allow for a first-floor open deck and open stair along the rear setback. The SIPOA ARC performed a brief review of the remodel plans for this home and is aware of the perspective owners' desire to install a pool in the rear deck and extend the decking toward the marsh. The pool would not encroach into the rear setback, but in order to have the desired area of pool decking, would require that the decking and stairs encroach into the rear critical area setback by less than 10'. The ARC feels that this is acceptable and meets the requirements of the SIPOA Policies and Procedures for Residential Development with regard to the allowed 10' encroachment for open decking on properties that back up to open areas. The ARC has indicated that if the request for the variance is approved by the Town of Seabrook Island Board of Zoning Appeals, the project will then be reviewed for approval by SIPOA ARC Staff with the condition that the request meet all requirements of the SIPOA Policies and Procedures.

Please contact me if you need any additional information.

Very truly yours,

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

cc: Michael Martin via email
M. Brennan Architects, Inc. via email
B49 L17 – 2919 Deer Point Drive (Master File)

PREPARED BY:
Buist, Byars & Taylor, LLC
130 Gardener's Circle
PMB# 138
Johns Island, SC 29455
File No. 6967.0002



PGS:

5

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON) TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that **J. David Whitehouse and Susan C. Whitehouse** (“Grantor”), in the State aforesaid, for/and in consideration of the sum of ONE MILLION SEVEN HUNDRED TWENTY THOUSAND AND 00/100 DOLLARS (\$1,720,000.00), to us in hand paid at and before the sealing of these Presents by **Michael J. Martin and Anne Marie Martin**, in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said **Michael J. Martin and Anne Marie Martin, as joint tenants with rights of survivorship, and not as tenants in common**, the following described property, to-wit:

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

TMS Number: 149-14-00-027

Address of Grantee(s): 100 Black Walnut Lane
 Plymouth Meeting, PA 19462

This is the same property conveyed to Grantor by deed from Craig A. Greene and Melodie G. Greene dated February 26, 2008 and recorded March 5, 2008 in Book Z652, page 556, Charleston County Recording Office.

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 **Michael J. Martin and Anne Marie Martin, as joint tenants with rights of survivorship, and not as tenants in common**, their heirs and assigns, forever.

AND subject to the exceptions set forth above, Grantor does hereby bind ourselves and our heirs, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said **Michael J. Martin and Anne Marie Martin**, their heirs and assigns, against us and our heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS our hand and seal this 14th day of March, 2022.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
Witness #1
[Signature]
Witness #2

J. David Whitehouse
J. David Whitehouse
Susan C. Whitehouse
Susan C. Whitehouse

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me by J. David Whitehouse and Susan C. Whitehouse, this 14th day of March, 2022.

[Signature]
Notary Public for _____ (SEAL)
My commission expires: _____



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 17, BLOCK 49, on a plat by E. M. Seabrook, Jr., CE & LS, dated September 16, 1982, revised January 14, 1985, and recorded in the Charleston County RMC Office in Plat Book BD, at Page 25.

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.

THIS CONVEYANCE IS SUBJECT TO the Covenants, Conditions, Restrictions, Limitations, Affirmative Obligations and Easements of record and more particularly set forth in instruments duly recorded in the RMC Office for Charleston County, as follows: Book N-100, at Page 296; as amended by instrument recorded in Book Y-110, at Page 143; and Second Modification thereto dated March 26, 1985 and recorded in Book J-144, at Page 67; Third Modifications of Protective Covenants dated April 24, 1987 and recorded in Book J-164, at Page 487; Also, By-Laws of Association of record in Book S-109, Page 2; Second restated and amended By Laws dated October 18, 1984 and recorded in Book B-141, at Page 267; as amended by instrument dated March 26, 1985 and recorded Book J- 144, at Page 59; Third Restated and Amended By-Laws of the Seabrook Island Property Owners Association, dated August 1, 1989, and recorded in the RMC Office for Charleston County in Book L-186, Page 718; and Amendment filed in Book K-215, Page 001; Restatement and Fourth Modification of Protective Covenants for Seabrook Island Development, dated August 1, 1989, and recorded in the Charleston County RMC Office in Book L-186, Page 697; Restatement and Fifth Modification recorded in Book K-215, Page 23.

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

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

- 1. I have read the information on this Affidavit and I understand such information.
- 2. The property located at 2919 Deer Point Drive, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 149-14-00-027, was transferred by **J. David Whitehouse and Susan C. Whitehouse** to **Michael J. Martin and Anne Marie Martin** on March 21, 2022.

3. Check one of the following: The deed is

- (a) subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
- (b) subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
- (c) exempt from the deed recording fee because (See Information section of affidavit): _____ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

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

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):

- (a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$1,720,000.00
- (b) The fee is computed on the fair market value of the realty which is \$_____.
- (c) The fee is computed on the fair market value of the realty as established for property tax purposes which is \$_____.

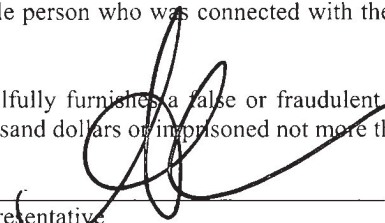
5. Check YES ___ or NO to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

- (a) Place the amount listed in item 4 above here: 1,720,000.00
- (b) Place the amount listed in item 5 above here: \$0
- (If no amount is listed, place zero here.)
- (c) Subtract line 6(b) from Line 6(a) and place result here: 1,720,000.00

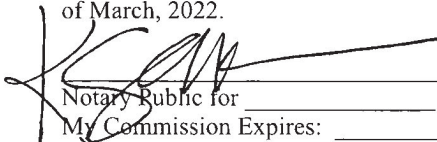
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as : Legal Representative

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

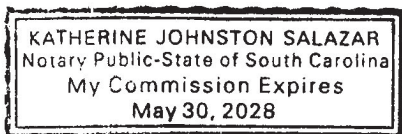


 Legal Representative
 BUIST BYARS & TAYLOR, LLC

Sworn to before me this 21st day of March, 2022.



 Notary Public for _____
 My Commission Expires: _____



RECORDER'S PAGE



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

Filed By:

BUIST BYARS & TAYLOR, LLC
 FRESHFIELDS VILLAGE
 130 GARDNER'S CR PMB 138
 JOHNS ISLAND SC 29455 (COURIER)

RECORDED		
Date:	March 28, 2022	
Time:	2:08:15 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
1094	439	Deed
Michael Miller, Register Charleston County, SC		

MAKER:

WHITEHOUSE J DAVID AL

Note:

RECIPIENT:

MARTIN MICHAEL J AL

of Pages:

Recording Fee	\$ 15.00
State Fee	\$ 4,472.00
County Fee	\$ 1,892.00
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 6,379.00

Original Book:

Original Page:

Drawer
 Clerk

AUDITOR STAMP HERE
 RECEIVED From ROD
 May 31, 2022
 Peter J. Tecklenburg
 Charleston County Auditor

PID VERIFIED BY ASSESSOR
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 REP _____
 06/01/2022
 DATE _____



1094
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PUBLIC HEARING NOTICE

TO: Neighboring Property Owners

FROM: Tyler Newman, Zoning Administrator

SUBJECT: Variance Request for 2919 Deer Point Drive (Variance #181)

DATE: February 14, 2023

Dear Property Owner:

The purpose of this letter is to notify you that the owners of **2919 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) A VARIANCE FROM DSO SECTION 10.5.A.1, CRITICAL AREA SETBACK, TO ALLOW 444 SQUARE FEET OF PROPOSED OPEN DECK TO ENCROACH 8'-9" INTO THE REQUIRED 25' CRITICAL AREA SETBACK, 2) A VARIANCE FROM DSO SECTION 10.5.A.1, CRITICAL AREA SETBACK, TO ALLOW 42 SQUARE FEET OF PROPOSED EXTERIOR STAIR TO ENCROACH 4'-1" INTO THE REQUIRED 25' CRITICAL AREA SETBACK. 3) A VARIANCE FROM DSO SECTION 10.5.A.1, CRITICAL AREA SETBACK, TO ALLOW 19 SQUARE FEET OF PROPOSED PERMEABLE PAVING TO ENCROACH 4'-1" INTO THE REQUIRED 25' CRITICAL AREA 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 § 20.2.B.2 of the DSO.

PUBLIC HEARING DATE: Wednesday March 22, 2023
PUBLIC HEARING TIME: 1:00 PM
PUBLIC HEARING LOCATION: TOWN HALL (2001 SEABROOK ISLAND ROAD)

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

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

If you have any questions about the contents of this letter, please feel free to contact me by phone at (843) 768-9121 or by email at tnewman@townofseabrookisland.org.

Sincerely,

Tyler Newman
Zoning Administrator

RECEIVED
FEB 24 2023

By: _____

Attn: Katharine Watkins
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):

02/16/23 Thu PC
02/16/23 Thu CNW

at a cost of **\$207.92**
Account# **108294**
Order# **2037654**
P.O. Number:

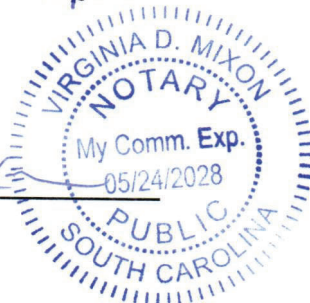
Subscribed and sworn to before me this 16th day of February A.D. 2023

Marjorie Shaw

advertising clerk

Virginia D. Mixon

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 March 22, 2023**, at Seabrook Island Town Hall (2001 Seabrook Island Road). During the meeting, the Board will consider the following request for variance from the Development Standards Ordinance for the Town of Seabrook Island:

APPLICATION # 181

APPLICANT: Malcolm Brennan (Applicant)
Michael Martin (Property Owner)

ADDRESS:

2977 Deer Point Drive

TAX MAP NUMBER:

149-14-00-027

ZONING DISTRICT:

R-SF2 (Moderate Lot Single-Family)

CODE SECTION: §10.5.A.1

(Critical Area Setback)

VARIANCE REQUEST: 1)

A variance from DSO § 10.5.A.1, Critical Area Setback, to allow 444 square feet of proposed open deck to encroach 8'-9" into the required 25' critical area setback.

2) A variance from DSO § 10.5.A.1, Critical Area Setback, to allow 42 square feet of proposed exterior stair to encroach 4'-1" into the required 25' critical area setback.

3) A variance from DSO § 10.5.A.1, Critical Area Setback, to allow 19 square feet of proposed permeable paving to encroach 4'-1" into the required 25' critical area 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.townofseabrookisland.org.

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:**
<https://www.townofseabrookisland.org>

• **EMAIL:** tnewman@townofseabrookisland.org

• **MAIL:** Town of Seabrook Island, 2001 Seabrook Island Road, Seabrook Island, SC 29455

Watch Live 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/UCIkF87knEApHD1q0kGlaGZg>

More Information: For more information, please call (843) 768-9121.

AD# 2037654

Owner	Owner	Street Number	PROP_ST_NAME	Street Type	City	State	ZIP Code	MAIL_ST_NO	MAIL_ST_NAME	MAIL_ST_TYPE	MAIL_2ND_ADDR	MAIL_2ND_ADDT	Mailing City	Mailing State	Mailing ZIP
DOANE MARK L TRUST	DOANE VALERIE A TRUST	2923	DEER POINT	DR	SEABROOK ISLAND	SC	29455	2923	DEER POINT	DR			SEABROOK ISLAND	SC	29455
BRYAN ERIC M	BRYAN ELIZABETH H	2913	DEER POINT	DR	SEABROOK ISLAND	SC	29455	2913	DEER POINT	DR			JOHNS ISLAND	SC	29455
KIAWAH ISLAND NATURAL HABITAT CONSERVANCY INC		2915	DEER POINT	DR	SEABROOK ISLAND	SC	29455	80	NESTREL	CT			KIAWAH ISLAND	SC	29455
MARIEN LEO ERNEST JR	MARIEN NICOLE ANN	2927	DEER POINT	DR	SEABROOK ISLAND	SC	29455	2927	DEED POINT DR				JOHNS ISLAND	SC	29455
DICKSON THOMAS W		2916	DEER POINT	DR	SEABROOK ISLAND	SC	29455	200	COLLEGE	ST	STE	1800	CHARLOTTE	NC	28282

PUBLIC HEARING

Rezoning Request From: _____ To: _____

Variance Request From: _____ To: _____

Purpose: To allow _____

Hearing Date: _____ Time: _____

Location: Town Hall - 2001 Seabrook Island Road

More Information: www.seabrookisland.org Case # _____