

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

May 14, 2021 – 2:30 PM



Virtual Meeting (Zoom)

[Watch Live Stream \(YouTube\)](#)

Consistent with recommendations from the U.S. Centers for Disease Control and Prevention related to “social distancing,” this meeting will be conducted virtually via Zoom.

Participate in the Virtual Meeting: Individuals who wish to participate in the virtual meeting via Zoom may access the meeting as follows:

- [Instructions for Joining & Participating in the Virtual Meeting](#)
- **To join by computer, tablet or mobile device:** [Click here to access Zoom Meeting](#)
- **To join by phone:** Call (646) 558-8656 **Please note that long distance rates may apply**
- **Meeting ID:** 868 6896 1308 **Passcode:** 585162

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: January 21, 2021 *[Pages 3–14]*

PENDING VARIANCE REQUESTS

1. Variance # 173 *[Pages 15–25]*

APPLICANT:	Paul & Jana Stoyanoff (Owners)
ADDRESS:	2263 Seabrook Island Road
TAX MAP NUMBER:	147-00-00-151
ZONING DISTRICT:	PUD / MF Multi-Family Residential
CODE SECTION:	Ord. 2020-01, Sec. 2 (Village at Seabrook PUD) - Uncovered front steps may extend into a front yard setback, but must be set back at least 20 feet from the street right-of-way; the minimum side yard setback shall be 7.5 feet from all side property lines...
VARIANCE REQUEST:	To allow the front steps for a proposed single-family residence to encroach approximately 5.0 feet into the required 20-foot front yard setback and approximately 6.4 feet into the required 7.5-foot side yard setback

2. Variance # 174

[Pages 26–33]

APPLICANT: Mark & Lynette Smith (Owners)
ADDRESS: 3056 Seabrook Village Drive
TAX MAP NUMBER: 147-00-00-070
ZONING DISTRICT: PUD / MF Multi-Family Residential
CODE SECTION: Ord. 2020-01, Sec. 2 (Village at Seabrook PUD) - The minimum rear yard setback requirement shall be 25 feet from the rear property line...
PURPOSE: To allow a covered porch on a proposed single-family residence to encroach approximately 6.3 feet into the required 25-foot rear yard setback

ITEMS FOR INFORMATION / DISCUSSION

1. Discussion of Meeting Dates for Variance #175

ADJOURN

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

January 21, 2021 – 2:30 PM

Virtual Meeting Hosted via Zoom

[Live Streamed on YouTube](#)



MINUTES

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

Absent: None

Guests: Robert & Cheryl Schuldt (2730 Gnarled Pine), Ashton Holloway (3016 Seabrook Village Drive), Cathy Patterson, Tom Kiliansky, Carl Kern, Katrina Burrell (SIPOA)

Chairman Sewell called the meeting of the Board of Zoning Appeals to order at 2:31 PM. Zoning Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting was properly posted. Chairman Sewell introduced himself and members of the Board to those watching the meeting remotely and confirmed that a quorum was present.

APPROVAL OF MINUTES

1. **Board of Zoning Appeals Meeting: January 7, 2021**: Ms. Gorski made a motion to approve the minutes from the January 7, 2021 meeting, as submitted. Mr. Fox seconded the motion. The motion was **APPROVED** by a vote of 5-0.

PUBLIC HEARING ITEMS

1. **Variance #171: 2730 Gnarled Pine (Tax Map # 147-08-00-080)**: Chairman Sewell introduced the pending variance request, which was submitted by Robert and Cheryl Schuldt (Owners) and their contractor, Ron Welch (Applicant). Chairman Sewell disclosed that members of the Board were encouraged to visit the subject property prior to the hearing for the purpose of viewing existing conditions at the site, as well as neighboring properties. Members of the Board confirmed that they had visited the site prior to the meeting. Chairman Sewell added that no testimony was received during the individual site visits.

Chairman Sewell then called on Zoning Administrator Cronin to provide a brief overview of Variance Application #171. Chairman Sewell administered an oath to Zoning Administrator Cronin and asked him to confirm that the public hearing on the pending variance request was properly advertised, as required by state and local law. Zoning Administrator Cronin responded in the affirmative.

Zoning Administrator Cronin stated that the applicants were seeking approval to construct a new screened porch addition at the rear of their existing home. Because the proposed porch would encroach approximately 5.5 feet into the required rear yard setbacks, the applicants were seeking approval from the Board of Zoning Appeals to grant relief from the following requirement, as provided by the Town’s Development Standards Ordinance (DSO):

Type	DSO Reference / Requirement	Variance Requested
Rear Yard Setback	25 feet (§ 7.60.20.30 & § 7.60.60)	Reduce the rear yard setback requirement from 25 feet to approximately 19.5 feet (5.5-foot encroachment)

As part of their variance request, the applicants stated that strict application of § 7.60.20.30 and § 7.60.60 of the DSO would result in an unnecessary hardship. In support of their request, the applicants argued:

- (1) The existing home was constructed under different setback requirements than exist today;
- (2) The applicants were unaware of the 25-foot setback requirement due to a labeling error on their survey;
- (3) The neighboring property at 2740 has an enclosed back porch that that is assumed to be over the setback line;
- (4) Strict application of the rear yard setback requirement would prohibit the applicants from constructing a screened porch and enjoying their property; and
- (5) The property to the rear of the applicants’ property is owned by the Seabrook Island Club (golf course) and the proposed porch will be located more than 60 feet away from playing grounds of the golf course. The proposed porch will not extend any closer to the rear property line than the existing deck, and the porch will not affect the views of the golf course from neighboring properties.

Zoning Administrator Cronin then noted the following:

- (1) The town’s 25-foot rear yard setback requirement is the same today as it was when the home was constructed, and the enclosed portion of the existing structure currently conforms to that requirement;
- (2) 2740 Gnarled Pine appears to encroach 1-2 feet into the required 25-foot rear yard setback. It should be noted that 2740 Gnarled Pine was completed prior to the town’s incorporation and, therefore, was built under Charleston County’s setback requirements; and
- (3) The existing residence is located approximately 40 feet from the left side property

line, leaving ample space for a screened porch that meets the 25-foot rear yard setback requirement; however, interior considerations may exist which were not addressed in the variance application.

Prior to calling on the applicants, Chairman Sewell asked if there were any questions for Zoning Administrator Cronin. There were no questions.

Ms. Gorski asked if the rear yard setback requirement was 15 feet when the home was built. Zoning Administrator Cronin responded that the town code has always required a 25-foot rear yard setback, but that open decks could be 15 feet from the rear property line. He added that that is what currently exists on the property today.

Chairman Sewell then called on the applicant to provide additional information related to their variance request. Chairman Sewell administered an oath to each of the applicant's representative prior to receiving his or her testimony.

- Cheryl Schuldt: Ms. Schuldt stated that she and her husband were seeking to expand the living area for the purpose of adding a dining area that could accommodate a dining table large enough for her family. She stated that she and her husband didn't know that the minimum setback was 25 feet since the survey they received illustrated a 15-foot rear yard setback requirement. She stated that the proposed addition would not impact neighboring property owners or the golf course, adding that there was a large plot of land between the proposed porch and the playing greens.

Chairman Sewell asked if there were any questions for the applicants.

Mr. Pinckney stated that he thought that the addition would add to the quality of the home and didn't see any downside but asked whether there was truly an extraordinary or exceptional condition.

Mr. Fox stated that the open space behind the property made it exceptional as the proposed addition would not jam up against anyone else's house.

Mr. Pinckney asked why the town distinguishes between open decks and structures. Mr. Leggett responded that they were distinguished because that's what's in the DSO. Mr. Pinckney stated that it would be beneficial to have flexibility in these types of situations. Chairman Sewell responded that the Board doesn't have flexibility; it only has the ability to make a determination of whether a hardship exists and whether a variance is warranted.

Ms. Gorski noted that the home was built under the town's current setback requirements and was situated on a large lot. Therefore, she was having difficulty identifying any real site constraints.

Mr. Leggett asked if the owners had contacted the golf course. Ms. Schuldt responded that they had not.

Ms. Schuldt added that not having a porch was detrimental to the resale value of the house. She stated that the proposed location for the porch was the most logical given its proximity to the kitchen. She noted that there was room on the left side of the lot, but that area was adjacent to the bedrooms and not the kitchen. Mr. Robert Schuldt also noted the presence of several large trees on the left side of the property.

Mr. Fox asked if SIPOA had approved the design. Zoning Administrator Cronin responded that he had received a letter of approval from SIPOA.

Mr. Fox and Mr. Leggett agreed that the open space behind the property made it exceptional. Chairman Sewell estimated that there was at least 120' between the back of the home and the out-of-bounds stake.

Chairman Sewell asked if members of the Board had any additional questions for the applicants. There were no additional questions.

Chairman Sewell then opened the public hearing for comments. Due to the public hearing being held "virtually" as a result of the ongoing COVID-19 pandemic, Zoning Administrator Cronin noted that interested parties were invited to submit written comments regarding the variance request prior to the meeting via the town's website, email, mail or in person. He stated that the town received one written comment from the following individual:

- Jeffrey Noel: Mr. Noel, of 2740 Gnarled Pine, submitted a comment in favor of the variance request.

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

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

Chairman Sewell then opened the meeting for additional questions. There were no additional questions.

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

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

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- (2) These conditions do not generally apply to other property in the vicinity;

- (3) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- (4) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

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

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

Following a thorough review of the application, including all supporting materials received in advance of the meeting, and all testimony received during the public hearing, Mr. Fox made the following motion, which was seconded by Mr. Leggett:

- (1) The Board finds that strict application of the Town's DSO would result in an unnecessary hardship;
- (2) For the reasons referenced in the applicant's request for variance, the Board finds that the Property meets the criteria for approval of a variance, as outlined in §6-29-800(A)(2) of the SC Code of Laws;
- (3) The Board finds that relief is warranted in this situation as a result of the following factors:
 - a. An unnecessary hardship exists due to the location and layout of the existing structure;
 - b. The conditions applicable to the property do not apply to other properties in the vicinity;
 - c. Strict application of the setback requirement will result in insufficient space in which to install a usable porch area in a logical location based on the interior layout of the home; and
 - d. The granting of the variance will not be detrimental to adjacent properties or to the public good due to the large amount of open space at the rear of the property; therefore

(4) The requested variance is hereby APPROVED, as follows:

- a. The 25-foot rear yard setback, as required by § 7.60.20.30 and § 7.60.60 of the DSO, is hereby reduced to 19.5 feet to allow for construction of a screened porch addition at the rear of the existing residence.

There being no further discussion on the motion, Chairman Sewell called for a vote. Chairman Sewell reminded members that a “yes” vote was in favor of approving the variance, while a “no” vote was opposed to approving the variance.

IN FAVOR (YES)

Chairman Sewell
Mr. Fox
Ms. Gorski
Mr. Leggett
Mr. Pinckney

OPPOSED (NO)

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

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

- (1) The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the Applicants and reviewed by the Board on January 21, 2021. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the town’s DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.
- (2) The applicants shall prepare and submit to the Zoning Administrator an as-built survey prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final inspection if no Certificate of Occupancy is required). The as-built survey shall be prepared and stamped by a professional land surveyor who is qualified to perform such services in the State of South Carolina.
- (3) The variance shall expire on January 21, 2023 (two years from the date of approval) if the applicants fail to obtain a building permit on or before that date.

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

IN FAVOR (YES)

Chairman Sewell

OPPOSED (NO)

Mr. Fox
 Ms. Gorski
 Mr. Leggett
 Mr. Pinckney

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

Chairman Sewell recessed the meeting at 3:31 PM.

The meeting was reconvened at 3:36 PM.

2. **Variance #172: 3016 Seabrook Village Drive (Tax Map # 147-00-00-059)**: Chairman Sewell introduced the pending variance request, which was submitted by Ashton Holloway (Owner/Applicant). Chairman Sewell disclosed that members of the Board were encouraged to visit the subject property prior to the hearing for the purpose of viewing existing conditions at the site, as well as neighboring properties. Members of the Board confirmed that they had visited the site prior to the meeting. Chairman Sewell added that no testimony was received during the individual site visits.

Chairman Sewell then called on Zoning Administrator Cronin to provide a brief overview of Variance Application #172. Chairman Sewell reminded Zoning Administrator Cronin that he was still under oath.

Zoning Administrator Cronin stated that the applicant was seeking approval to construct a new single-family home on the property. Because the structure would be built on a corner lot which does not front a cul-de-sac street, a 30-foot front yard setback would be required from both street frontages. The proposed structure would encroach up to 10 feet into the required front yard setback along one street frontage; therefore, the applicant was seeking approval from the Board of Zoning Appeals to grant relief from the following requirement, as provided by the Town’s Development Standards Ordinance (DSO):

Type	DSO Reference / Requirement	Variance Requested
Front Yard Setback	30 feet (§ 6.80.10 & Ordinance 2020-01)	Reduce the front yard setback requirement along the secondary street frontage (Seabrook Island Road) from 30 feet to 20 feet (10-foot encroachment)

As part of his variance request, the applicant stated that strict application of § 6.80.10 of the DSO, along with Ordinance 2020-01 (Village at Seabrook PUD), would result in an unnecessary hardship. In support of his request, the applicant argued:

- (1) Other corner lots on the same side of Seabrook Island Road can take advantage of a reduced 20-foot front yard setback along the secondary street frontage due to those lots being classified as fronting a “cul-de-sac” street;

- (2) Seabrook Village Drive should be considered a cul-de-sac street because it is closed at one end and, therefore, a reduced 20-foot setback from the secondary street frontage should be permitted, as allowed by the DSO and Village at Seabrook PUD;
- (3) Reducing the secondary front yard setback would promote consistency with other corner lots on the same side of Seabrook Island Road; and
- (4) Strict application of the 30-foot front yard setback requirement from the secondary street frontage will restrict the applicant's ability to construct a home of similar size and character as other homes on Seabrook Island Road.

Chairman Sewell asked if property owners in the Village are still allowed to build on the lot line (ie. zero setback). Zoning Administrator Cronin responded that the Village at Seabrook PUD was amended in early 2020 (Ordinance 2020-01). Under the current PUD, zero setbacks were no longer permitted.

Prior to calling on the applicants, Chairman Sewell asked if there were any other questions for Zoning Administrator Cronin. There were no additional questions.

Chairman Sewell then called on the applicant to provide additional information related to their variance request. Chairman Sewell administered an oath to the applicant prior to receiving his testimony.

- Ashton Holloway: Mr. Holloway stated that he currently resides in High Hammock Villas but was seeking to build a new single-family home in the Village at Seabrook. Because of the presence of a 15-foot drainage easement, he was limited in his ability to shift the location of the proposed structure. He stated that none of the approved plans in the Village would fit on this lot. He noted that if he had to remove the porch from the structure, all that would be visible from Seabrook Island Road would be an unsightly, long, flat wall. He felt that this would be out of character with the Village at Seabrook. The extra 10 feet that he was seeking in the variance request would allow the home to have a façade that addresses both street frontages and preserves the character of both the home and the Village. He noted that other corner lots on the same side of the street have a 20-foot setback from Seabrook Island Road, so his request was consistent with similar lots in the "A" section of the Village. Lastly, he called attention to the fact that the neighboring lot was combined from two original lots, B-2 and B-3. The home on the combined lot was situated on the opposite side from his property, so the articulation of the exterior was also intended to prevent his home from "sticking out" given its distance from the next closest home.

Chairman Sewell asked the applicant when he purchased the property. Mr. Holloway responded that he purchased the property in September of 2020.

Chairman Sewell asked if there were any other questions for the applicant.

Mr. Leggett asked if the alternative to obtaining a variance was to design a smaller house with less character. Mr. Holloway responded that his request was not so much about the size of the house as it was about ensuring that the character of the home fit in with existing development within the Village.

Chairman Sewell noted that the homes on the other side of Seabrook Island Road both observe a 30-foot front yard setback from Seabrook Island Road. Chairman Sewell also stated that Seabrook Island Drive did not appear to meet the general definition of a cul-de-sac because it intersects with itself rather than having a turnaround at a dead end. Mr. Holloway responded that the “divots” in the “A” section of the Village were the same way but were treated as lots fronting a cul-de-sac street.

Chairman Sewell asked if members of the Board had any additional questions for the applicants. There were no additional questions.

Chairman Sewell then opened the public hearing for comments. Chairman Sewell administered an oath to each individual prior to receiving his or her testimony.

- Cathy Patterson: Ms. Patterson, of 4064 Bridle Trail Drive, spoke in opposition to the variance request. Ms. Patterson stated that corner lots in the Village are larger than non-corner lots in order to accommodate the larger setbacks. She noted that the original plat for this lot showed two 30-foot front yards plus a 25-foot rear yard; however, a recent change to the PUD changed the setbacks to 30 feet along both street frontages and 7.5 feet from the two interior lines, thereby reducing the setback on one side from a 25-foot rear to a 7.5-foot side. She noted that the minimum home size in the Village is 1,500 square feet. She added that there is one approved model that could be accommodated on this lot; however, the applicant can use any architect he chooses to design a home. Lastly, she noted that the neighboring lot (B-2) could be re-subdivided in the future.

Due to the public hearing being held “virtually” as a result of the ongoing COVID-19 pandemic, Zoning Administrator Cronin noted that interested parties were also invited to submit written comments regarding the variance request prior to the meeting via the town’s website, email, mail or in person. He stated that the town received written comments from the following individuals:

- Carl Kern: Mr. Kern, of 2275 Seabrook Island Road, submitted a comment in opposition to the variance request.
- Katrina Burrell: Ms. Burrell submitted a comment on behalf of the SIPOA stating that the ARC has not yet received or approved a submittal utilizing the requested reduction in the front yard setback from 30 feet to 20 feet. Therefore, SIPOA could not offer any additional comments in relation to the variance request.

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

Chairman Sewell asked the applicants if they wished to make any additional comments.

Mr. Holloway asked if the Board would take a position on what constitutes a cul-de-sac street. Zoning Administrator Cronin advised that the request before the Board was whether or not to grant a variance from the 30-foot front yard setback requirement. He stated that if the applicant – or any other applicant – wishes to appeal the determination of what constitutes a cul-de-sac street, then that would require a separate appeal to the Board.

There being no further comments, Chairman Sewell then opened the meeting for additional questions and comments from the Board.

Ms. Gorski asked if there were other plans that would fit on the lot without the need for a variance. Mr. Holloway responded that he could design an alternate layout, but the structure would look out of character with other homes in the Village. Ms. Gorski then asked if the home would fit within the buildable area if the floorplan was reduced. Mr. Holloway responded that he had already reduced the heated square footage of the structure and that the encroaching area would be unheated living space designed to enhance the character of the structure.

Mr. Fox stated that he felt it was not up to the Board to determine what constitutes a cul-de-sac. Zoning Administrator Cronin stated that if his determination was appealed, it would be up to the Board to determine whether he erred in interpreting or applying the DSO.

Mr. Pinckney stated that he was not convinced that the request met the four criteria required by state law for the granting of a variance.

Chairman Sewell stated that he thought it would look awkward to have properties on one side of the street with a 20-foot setback from Seabrook Island Road, while properties on the other side have a 30-foot setback. Zoning Administrator Cronin noted that corner lots in the “A” section of the village (which do front a cul-de-sac) are set up with a 20-foot setback from Seabrook Island Road, while lots in the “C” section (which do not front a cul-de-sac) observe a 30-foot setback from the same road. Therefore, this would not be an unprecedented situation.

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

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

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;

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

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

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

Following a thorough review of the application, including all supporting materials received in advance of the meeting, and all testimony received during the public hearing, Mr. Leggett made a motion to APPROVE the variance request, as submitted. Mr. Fox seconded the motion.

There being no further discussion on the motion, Chairman Sewell called for a vote. Chairman Sewell reminded members that a “yes” vote was in favor of approving the variance, while a “no” vote was opposed to approving the variance.

IN FAVOR (YES)

OPPOSED (NO)

Chairman Sewell
Mr. Fox
Ms. Gorski
Mr. Leggett
Mr. Pinckney

The motion to approve the variance **FAILED** by a vote of 0-5 and the variance was **DENIED**.

Mr. Fox suggested that the town should consider clarifying the definition of “cul-de-sac.” Chairman Sewell noted that this would be addressed in the new DSO.

Mr. Pinckney left the meeting at 4:44 PM.

ITEMS FOR INFORMATION / DISCUSSION

There were no Items for Information / Discussion

There being no further business, Mr. Fox made a motion to adjourn the meeting. Mr. Leggett seconded the motion. The motion was **APPROVED** by a vote of 4-0 and the meeting was adjourned at 4:47 PM.

Minutes Approved:



Joseph M. Cronin
Zoning Administrator



PUBLIC HEARING NOTICE

TO: Neighboring Property Owners
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator
SUBJECT: Variance Request for 2263 Seabrook Island Road (Variance #173)
DATE: May 11, 2021

Dear Property Owner:

The purpose of this letter is to notify you that the owners of **2263 SEABROOK ISLAND ROAD** have requested a **VARIANCE** from the zoning requirements of the Town's Development Standards Ordinance (DSO). The purpose of the variance request is **TO ALLOW THE FRONT STEPS OF A PROPOSED SINGLE-FAMILY RESIDENCE TO ENCROACH APPROXIMATELY 5.0 FEET INTO THE REQUIRED 20-FOOT FRONT YARD SETBACK AND APPROXIMATELY 6.4 FEET INTO THE REQUIRED 7.5-FOOT SIDE YARD SETBACK**. A copy of the variance application is enclosed for your information.

The Seabrook Island Board of Zoning Appeals will hold a **VIRTUAL 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: FRI. JUNE 11, 2021
PUBLIC HEARING TIME: 2:30 PM
PUBLIC HEARING LOCATION: VIRTUAL MEETING VIA ZOOM

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

The Virtual Public Hearing will be live streamed on the town's YouTube channel beginning at 2:30 PM at the following address:

LIVE STREAM: <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 jcronin@townofseabrookisland.org.

Sincerely,

Joseph M. Cronin
Town Administrator/Zoning Administrator

**TOWN OF SEABROOK ISLAND, SC
NOTICE OF PUBLIC HEARING**

The Town of Seabrook Island Board of Zoning Appeals will conduct a Virtual Public Hearing at 2:30 pm on June 11, 2021. During the meeting, the Board will consider the following request for variance from the Development Standards Ordinance for the Town of Seabrook Island:

APPLICATION # 173

APPLICANT: Paul & Jana Stoyanoff (Owners)

LOCATION: 2263 Seabrook Island Road

TAX MAP #: 147-00-00-151

ZONING DISTRICT: PUD / MF Multi-Family

CODE SECTION: Ord. 2020-01, Sec. 2 (Village at Seabrook PUD) - Uncovered front steps may extend into a front yard setback, but must be set back at least 20 feet from the street right-of-way; the minimum side yard setback shall be 7.5 feet from all side property lines...

VARIANCE(S) REQUESTED: To allow the front steps for a proposed single-family residence to encroach approximately 5.0 feet into the required 20-foot front yard setback and approximately 6.4 feet into the required 7.5-foot side yard setback

Copies of the proposed variance request may be viewed on the town's website at www.townofseabrookisland.org.

Participate in the Virtual Public Hearing: Individuals who wish to participate in the virtual Public Hearing via Zoom may access the meeting as follows:

- **To join by computer, tablet or mobile device:**
<https://us02web.zoom.us/j/82468933735?pwd=eFE4NHlHMnFVUjRGaW1sVVRrMTNkQT09>
- **To join by phone:** Call (646) 558-8656 **Please note that long distance rates may apply**
- **Meeting ID:** 824 6893 3735 **Passcode:** 363592

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:** jcronin@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 2:30 pm at <https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg>.

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



TOWN OF SEABROOK ISLAND

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

APPLICATION FOR VARIANCE
 Board of Zoning Appeals

Any applicant seeking a variance from the zoning requirements of the Town of Seabrook Island’s Development Standards Ordinance (hereafter, the “DSO”) must submit a written application, along with a \$300.00 application fee and all required supplemental information. Applications must be typed or written legibly in ink. Please attach an additional sheet of paper if more space is needed. If you need assistance filling out this application form, please contact the Zoning Administrator by phone at (843) 768-9121 or by email at jcronin@townofseabrookisland.org.

1. PROPERTY INFORMATION

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

Property Address	2263 Seabrook Island Rd, Seabrook Island SC, 29455			
Tax Map Number	147-00-00-151	Block	Lot	A19
Lot Size (Square Feet)	6,119.64			
Is this property subject to an OCRM critical line? (eg. Marsh or Beachfront Lots)		Yes		No
Is this property subject to private restrictions or covenants? (eg. SIPOA or regime)		Yes		No

2. APPLICANT(S)

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

Applicant Name(s)	Paul & Jana Stoyanoff		
Applicant Address	1908 Marsh Oak Ln., Seabrook Island, SC, 29455		
Applicant Phone Number	704-575-2566		
Applicant Email Address	paulstoyanoff@gmail.com		
If the Applicant is <u>NOT</u> an owner of the property, what is the relationship to the Property Owner(s)?			

3. PROPERTY OWNER(S)

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

Owner Name(s)	N/A		
Owner Mailing Address			
Owner Phone Number			
Owner Email Address			
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	03/17/21
		Date	03/17/21

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	3/20/21
		Date	3/20/21

OFFICE USE ONLY

Date Filed:	Variance Application #:	Hearing Date:
-------------	-------------------------	---------------

5. VARIANCE REQUEST

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

Design and build a new elevated 2 story custom home at 2263 Seabrook Island Road on Lot A19.

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): 7.60.80.10

2) DSO Requirement(s): See Attached details

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

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

See attached details

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

See attached details

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

See attached details

4) The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance for the following reasons:

See attached details

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)

No! *
See Notes

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.

Stoyanoff Variance
2263 Seabrook Island Road

Section 1-4: Paul to complete

Section 5 A: Design and build a new elevated 2 story custom home at 2263 Seabrook Island Road on Lot A19.

Section 5B: We request 2 variances to provide room for the front stairs.

7.60.80.10 Cornices and windowsills may not project into any required setback. Decks, covered decks or porches shall not project into any required setback except as allowed in this Article. In the case of lots having less than seventeen thousand five hundred (17,500) square feet of total area, the eave of the roofline may extend up to eighteen (18) inches into the required setback.

Front stairs may not extend into the side setback. We request variance to extend front stair into the side setback

7.60.80.20 Uncovered front steps may extend into a front setback on properties zoned multi-family, but may not be less than twenty (20) feet from the property's front lot line.

Our front stair must have a 20' setback from property front line We request variance to extend into the front setback

Section 5C

1: The following are the exceptional conditions:

- A) On Lot A18, the neighbor's front porch extends into the side setback, resulting in a curved setback line on Lot A19 around this porch corner to maintain 15' of separation between homes. The curve within the side setback, effectively increases the side setback to 9'-5 1/2". Lastly, the shape of the curve, situated near the middle of the side setback compromises most of that side of the site, not just the 52% it directly affects. *The depth and location of the curved setback places a unique and additional burden on this lot in trying to meet the setback requirements for the front stair and maintain enough buildable area for the home.*
- B) Lot A19 is a corner lot, created within the 'A' lots on a series of cul-de-sacs along Seabrook Island Road. Lot A19 is the smallest of the 'A' lots, including a slightly larger lot beside it at A18. The depth of this lot is much less than the other A series lots. *This greater depth of buildable area on all of these lots allows greater room in which to locate the home and the front stair within the setbacks.*

- C) Lot A19 is among is also exceptional within the corners lots, as not only does it have a significantly reduced depth, the shape of the buildable area has sharper corners with angles less than 45° within the site. *The extreme acute angles within the buildable area creates triangular areas that cannot be used, thus further reducing that actual usable area and the ability to fit the home and the front stairs within the setbacks*
- D) The drive for Lot 18 is drive is angled to such a degree that the mouth of their drive extends into the front area of Lot A19. *This site condition further reduces the options on where to locate the drive, new home and front stairs.*

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

- A) Although the zoning bylaws state that a minimum of 15' shall be maintained between all building, most lots within Seabrook Village do not have a neighboring home encroaching into the set back, requiring an additional loss of buildable area within their lot. Most properties only have the standard 7.5' side setback where as we have over 9'-5 ½". And as we noted above, while this curve consumes 52% of the length of the side setback, but its location in the middle really means it affects the entire length. *This further restriction of the side setback, on a small lot, poses an unnecessary hardship that does not generally apply to other properties within the vicinity.*
- B) In referring to the "Plat Showing The Subdivision of The Village at Seabrook", lot A19 is the smallest of the corner 'A' series lots, and has the shallowest depth of buildable area. The 'A' series lots are all comparable lots, being comer lots around a series of 3 cul-de-sacs along Seabrook Island Drive. All have a greater depth than this lot sand many have a more rectangular (and thus easier to develop) shape. Even the adjacent property at A18, while very similar is size to A19, is slightly bigger. In addition, the fact that their front porch extends into the side yard and their drive crosses the projected property line suggests that they too found it difficult to fit their home on that lot. This condition of a very shallow depth is not generally applied to other properties within the vicinity as observed on "Plat Showing The Subdivision of The Village at Seabrook". *This greater depth of buildable area on all these lots allows greater room in which to locate the home and the front stair within the setbacks and shows this condition of a shallow depth poses unnecessary hardship that does not generally apply to other properties within the vicinity.*
- C) In referring to the "Plat Showing The Subdivision of The Village at Seabrook", Lot A19 is also exceptional within the 'A' series corners lots, as not only does it have a significantly reduced depth, the shape of the buildable

area has sharper corners with angles less than 45° in the rear corner. Of all the corner 'A' series sites lots, A18 and A19 appear to have especially acute angles. As noted above, the encroachment of the front porch and drive on A18 into the setbacks suggest they found it difficult to meet their setback conditions. *These extreme acute angles within the buildable area create areas that cannot be used, thus further reducing that actual usable area and the ability. The fact that only 2 lots appear to have this condition and our neighboring lot with this condition was developed with encroachments into lot A19 show this condition is unique and does not generally apply to other property within the vicinity.*

D) The location of a neighbor's drive extending into the area in front of a Lot is not typical but may occasionally exist. But it is not typical and does not generally apply to other property within the area.

3. Because of the unique conditions created by the:

- curved side set back,
- the driveway encroachment,
- the extremely shallow depth of the lot and the
- extreme angles of the back corner,

This lot has less than the usual amount of room on the lot to develop a home of the size allowed within the Seabrook Village ordinance and has less than the typical frontage area in which to provide a drive and still have enough space left over for the front stair.

We are asking for relief on the front and side setback for the front stair as we cannot develop a home of the size allowed within the Seabrook Village ordinance without this variance.

4. Granting this variance for only the front stair, means the visual impact would be very small. This variance, unique to this property, and visually small, would not harm the greater community or change the character of the community. We understand this would affect the homeowner of A18, and intend to install landscaping to mitigate. **Paul, if you discuss this with them and they are OK with this, you should add that here.**

Section 6

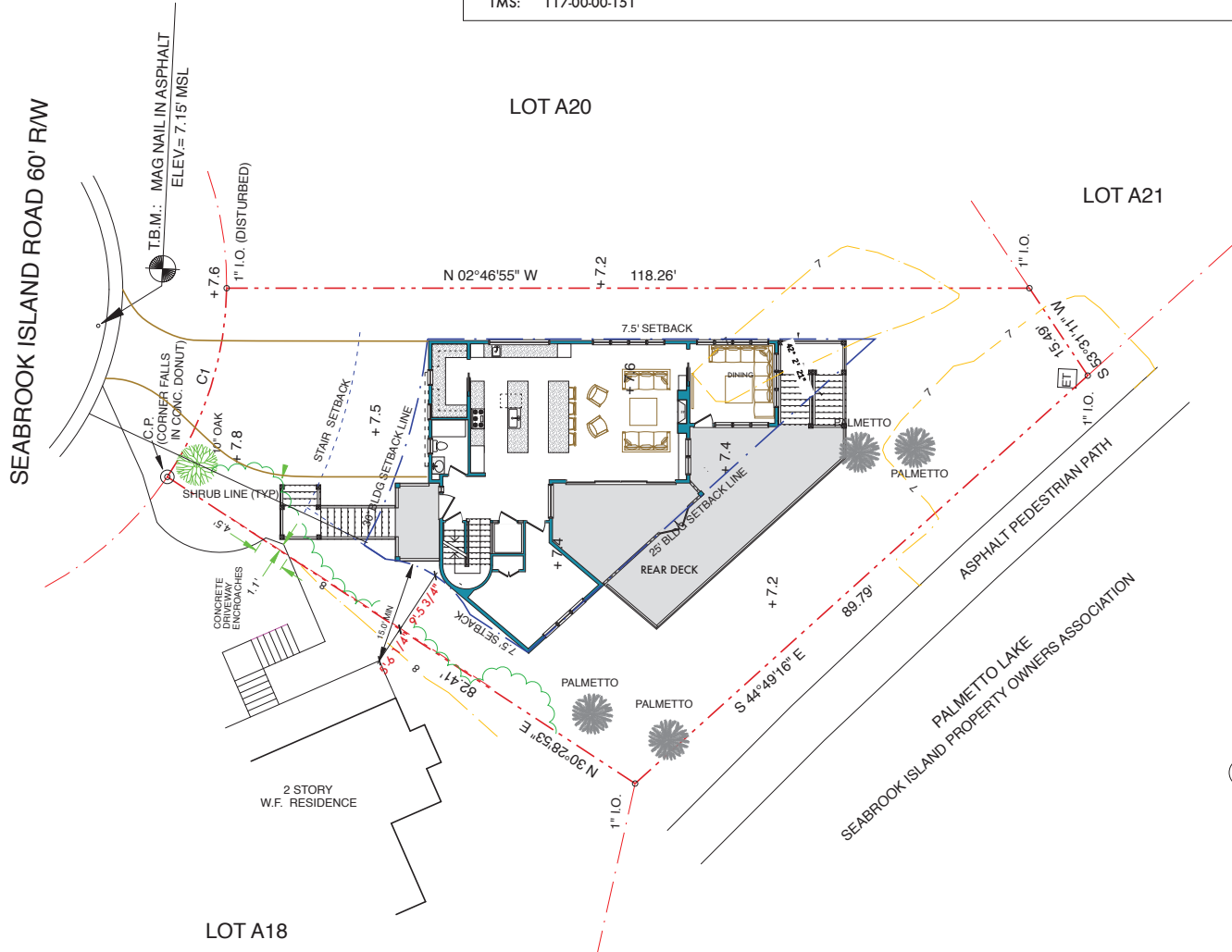
Paul to coordinate, Rachel to supply site plan, and "Plat Showing The Subdivision of The Village at Seabrook"

ZONING SEABROOK ISLAND
 Owner: Paul and Jana Stoyanoff
 Lot: A19 Villages at Seabrook
 Address: 2263 Seabrook Island Road
 Lot Area: 6119.64 sq ft
 Flood Zone: AE10 as of Jan 30, 2021
 FIRM Panel 45019C-0785J
 Dated Nov 17, 2004
 Plat Book S15 Page 0102
 TMS: 117-00-00-151

Set Backs:
 Front Set Back 30'
 Side Set back 7.5'
 Rear Set back 25'
 Maximum Height Allowed: 36'
 Provided: 36'

COVERAGE:
 Proposed House Areas:
 Heated area 1362
 front porch 75
 front stairs 94
 back porch 276
 back deck 352
 back stairs 127
 Total Footprint 2283

Impervious Area:
 Total Home Footprint 2283
 Drive 625
 Sidewalk 0
 Allowed Heated Space: 2770
 Provided on 2 floors: 2724



NOTE:
 THE DRAWINGS ARE A 2-D REPRESENTATION OF A 3-D CONSTRUCTION.
 DO NOT SCALE DISTANCES ANY DIRECTION, WHILE THE DRAWINGS ARE SUBSTANTIAL DRAWN TO SCALE NOTED, DISTANCES ARE NOT INTENDED TO BE SCALED.
 THE DRAWINGS AS DIAGRAMMATIC AND ARE INTENDED TO REPRESENT CONSTRUCTION COMPONENTS AND THEIR INTERDEPENDENT RELATIONSHIPS, DIMENSIONS AND NOTES SHOWN IN THE DRAWINGS ARE INTENDED TO DESCRIBE DISTANCES AND RELATIONSHIPS BETWEEN CONSTRUCTION COMPONENTS TO ACHIEVE COMPLETE, CODE COMPLYING BUILDING DESIGN CONCEPT.

1 SITE PLAN
 Scale: 1/8" = 1'-0"

No.	Issued For	Date
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5		

Stamps

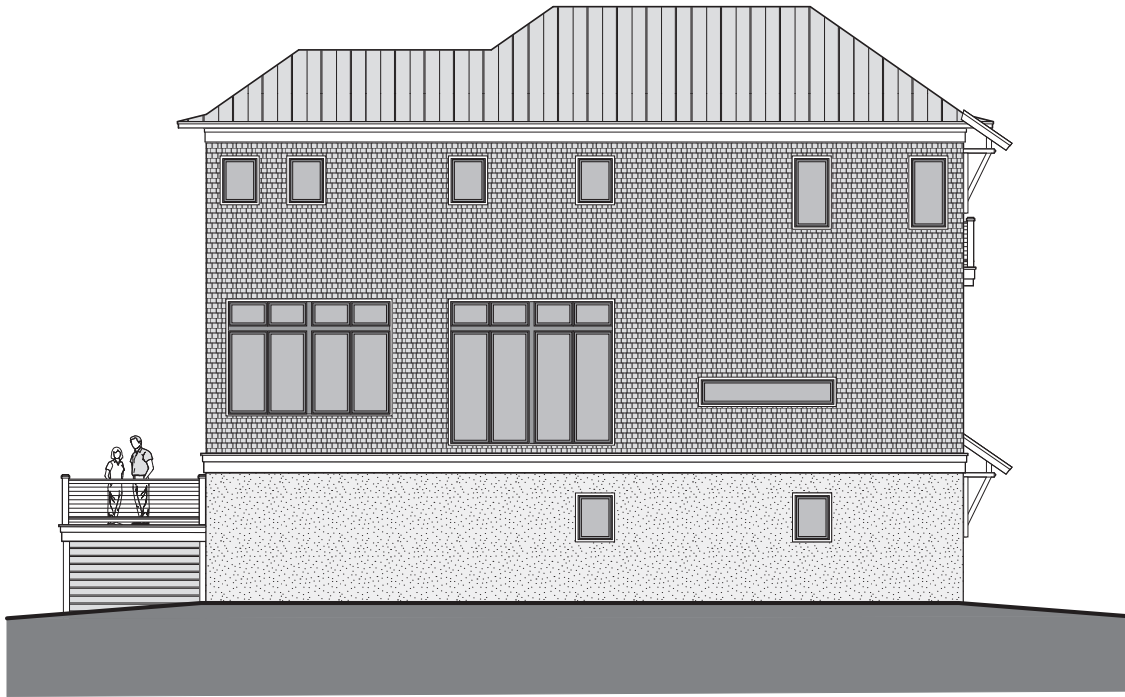
NOT FOR CONSTRUCTION

SWALLOWTAIL ARCHITECTURE, LLC
 ARCHITECTURE AND INTERIOR DESIGN
 818 Cole Ave, Summerville, SC 29883

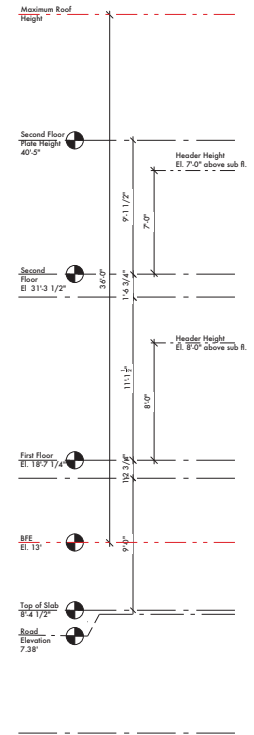
STOYANOFF RESIDENCE
 NEW CONSTRUCTION
 LOT A19
 VILLAGES AT SEABROOK, SEABROOK ISLAND
 South Carolina

Plot Date: 4/20/21
 Checked: RB
 Drawn: RB
 Drawing Title: Site Plan
 Drawing No.: **C1.0**

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1 Left Side Elevation
Scale: 1/4" = 1'-0"



No.	Issued For	Date
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3		
4		
5		

Stamps

NOT FOR CONSTRUCTION

STOYANOFF RESIDENCE
NEW CONSTRUCTION
LOT 719
VILLAGE AT SUBROOK, SUBROOK ISLAND
Smithfield

SWALLOWTAIL ARCHITECTURE, LLC
ARCHITECTURE AND INTERIOR DESIGN
80891903 • swallowtailva.com
818 Lee Ave, Smithfield, VA 24083

Plot Date: 4/20/21

Checked: RB

Drawn: RB

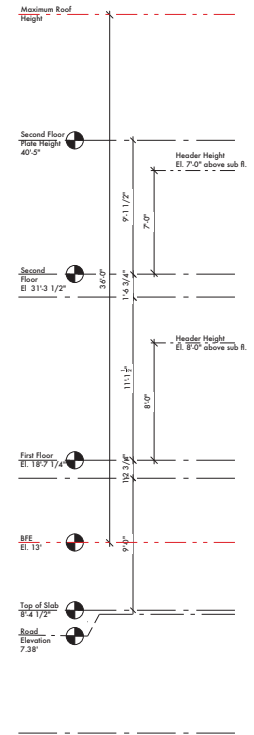
Drawing Title: **Front Elevation**

Drawing No.: **A2.0**

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1 Front Elevation
Scale: 1/4" = 1'-0"



No.	Issued For	Date
1		
2		
3		
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5		

NOT FOR CONSTRUCTION

STOYANOFF RESIDENCE
NEW CONSTRUCTION
LOT 119
VILLAGE AT SUBROOK, SUBROOK ISLAND
Smith Gardens

SWALLOWTAIL ARCHITECTURE, LLC
ARCHITECTURE AND INTERIOR DESIGN
40895940 • swallowtailarch.com
818 Cole Ave, Summerville, SC 29883

Plot Date: **4/20/21**

Checked: RB

Drawn: RB

Drawing Title:
Left Side Elevation

Drawing No.:
A2.1

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PUBLIC HEARING NOTICE

TO: Neighboring Property Owners
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator
SUBJECT: Variance Request for 3056 Seabrook Village Drive (Variance #174)
DATE: May 11, 2021

Dear Property Owner:

The purpose of this letter is to notify you that the owners of **3056 SEABROOK VILLAGE DRIVE** have requested a **VARIANCE** from the zoning requirements of the Town’s Development Standards Ordinance (DSO). The purpose of the variance request is **TO ALLOW A COVERED PORCH ON A PROPOSED SINGLE-FAMILY RESIDENCE TO ENCROACH APPROXIMATELY 6.3 FEET 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 **VIRTUAL 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: FRI. JUNE 11, 2021
PUBLIC HEARING TIME: 2:30 PM
PUBLIC HEARING LOCATION: VIRTUAL MEETING VIA ZOOM

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

The Virtual Public Hearing will be live streamed on the town’s YouTube channel beginning at 2:30 PM at the following address:

LIVE STREAM: <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 jcronin@townofseabrookisland.org.

Sincerely,

Joseph M. Cronin
Town Administrator/Zoning Administrator

**TOWN OF SEABROOK ISLAND, SC
NOTICE OF PUBLIC HEARING**

The Town of Seabrook Island Board of Zoning Appeals will conduct a Virtual Public Hearing at 2:30 pm on June 11, 2021. During the meeting, the Board will consider the following request for variance from the Development Standards Ordinance for the Town of Seabrook Island:

APPLICATION # 174

APPLICANT: Paul & Jana Stoyanoff (Owners)

LOCATION: 3056 Seabrook Village Drive

TAX MAP #: 147-00-00-070

ZONING DISTRICT: PUD / MF Multi-Family

CODE SECTION: Ord. 2020-01, Sec. 2 (Village at Seabrook PUD) - The minimum rear yard setback requirement shall be 25 feet from the rear property line...

VARIANCE(S) REQUESTED: To allow a covered porch on a proposed single-family residence to encroach approximately 6.3 feet into the required 25-foot rear yard setback

Copies of the proposed ordinances may be viewed on the town's website at www.townofseabrookisland.org.

Participate in the Virtual Public Hearing: Individuals who wish to participate in the virtual Public Hearing via Zoom may access the meeting as follows:

- **To join by computer, tablet or mobile device:**
<https://us02web.zoom.us/j/82468933735?pwd=eFE4NHlHMnFVUjRGaW1sVVRrMTNkQT09>
- **To join by phone:** Call (646) 558-8656 **Please note that long distance rates may apply**
- **Meeting ID:** 824 6893 3735 **Passcode:** 363592

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:** jcronin@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 2:30 pm at <https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg>.

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



TOWN OF SEABROOK ISLAND

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

APPLICATION FOR VARIANCE

Board of Zoning Appeals

Any applicant seeking a variance from the zoning requirements of the Town of Seabrook Island’s Development Standards Ordinance (hereafter, the “DSO”) must submit a written application, along with a \$300.00 application fee and all required supplemental information. Applications must be typed or written legibly in ink. Please attach an additional sheet of paper if more space is needed. If you need assistance filling out this application form, please contact the Zoning Administrator by phone at (843) 768-9121 or by email at jcronin@townofseabrookisland.org.

1. PROPERTY INFORMATION

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

Property Address	3056 Seabrook Village Drive AKA Lot B12				
Tax Map Number	170-00	Block	00	Lot	070
Lot Size (Square Feet)	7,330 sq ft				
Is this property subject to an OCRM critical line? (eg. Marsh or Beachfront Lots)		Yes	<input checked="" type="checkbox"/>	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)	Mark & Lynette C Smith	
Applicant Address	205 N Main St Allentown, Pa 18104	
Applicant Phone Number	610-509-1550	
Applicant Email Address	malhawk@gmail.com	
If the Applicant is <u>NOT</u> an owner of the property, what is the relationship to the Property Owner(s)?		

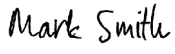


3. PROPERTY OWNER(S)

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

Owner Name(s)	Same as above	
Owner Mailing Address		
Owner Phone Number		
Owner Email Address		
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	
	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 correct to the best of my (our) knowledge.

Applicant Signature(s)	DocuSigned by:   of my (our) knowledge. F6FFCACA9FBD4F9...	Date	4/28/2021
	DocuSigned by:  680DED6C768E424...	Date	4/28/2021

OFFICE USE ONLY

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

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

Build a single family dwelling on subject lot.

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): 7.60.20.30. Rear: Twenty-five (25) feet

2) DSO Requirement(s): 25 foot setback of the lot line in the rear of the property

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:

The problem is that we have several “grand trees” that we are not allowed to remove due to conservation restrictions. This restriction has us moving the house to a location just feet back.

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

Attached plot plan. This lot has more Grand trees than all the other lots.

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

The placement of the house to accommodate all set back regulations.

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:

It would be a relief of just a few square feet of a rear covered porch. The corner of this porch extends 6’3” and is in the middle of the lot (see attached plot plan). This would not interfere with any neighbor or common area. It would be impossible to tell from anywhere that is variance. The integral and aesthetic aspects of the home would be compromised. It is an important feature of the home. There was a decision that granted this exact variance at the January 21, 2021 hearing. Variance #171 by Robert & Cheryl Schuldt (Owners), Ron Welch

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.
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 - 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:

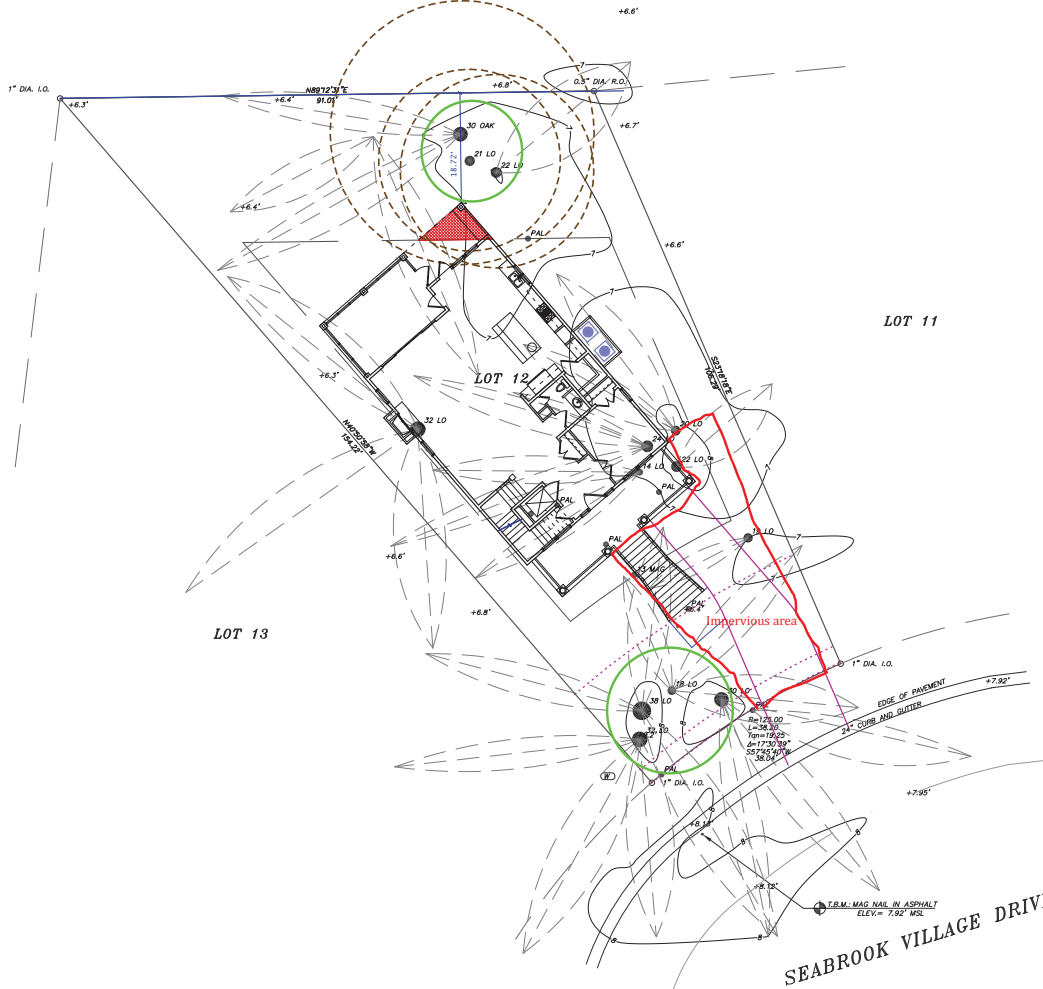
- (a) there are **extraordinary and exceptional conditions** pertaining to the particular piece of property;
- (b) these conditions **do not generally apply to other property** in the vicinity;
- (c) because of these conditions, the application of the ordinance to the particular piece of property would **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.



LAGOON



LEGEND

- 8" DIA. LIVE OAK
- PALMETTO
- 10" DIA. MANHOLE
- 8" DIA. OAK
- TELEPHONE PEDESTAL
- CABLE TV
- ELECTRICAL TRANSFORMER
- SPOT ELEVATION
- CONTOUR ELEVATION
- WATER STUB OUT
- LIMB INFLUENCE
- IRON OLD
- IRON NEW
- CONCRETE MONUMENT OLD
- ROD OLD
- ROD NEW
- CP CALCULATED POINT

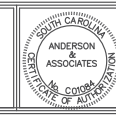
NOTES

1. REF: PLAT BOOK ET, PAGE 246
2. BEARINGS ARE MAGNETIC AND ARE SUBJECT TO LOCAL ATTRACTION
3. AREA CALCULATED BY THE COORDINATE METHOD
4. ELEVATIONS AND CONTOURS REFER TO MEAN SEA LEVEL
5. DATUM = NGVD 29
6. PRESENTLY OWNED BY KIEHN FAMILY TRUST
7. THE PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AS EL. 13 SHOWN ON COMMUNITY PANEL #5019C-0785U DATED NOV. 17, 2004
8. TOTAL AREA OF PROPERTY IS 7,330 SQ.FT. OR 0.16 ACRES.



NO.	DATE	REVISION DESCRIPTION

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

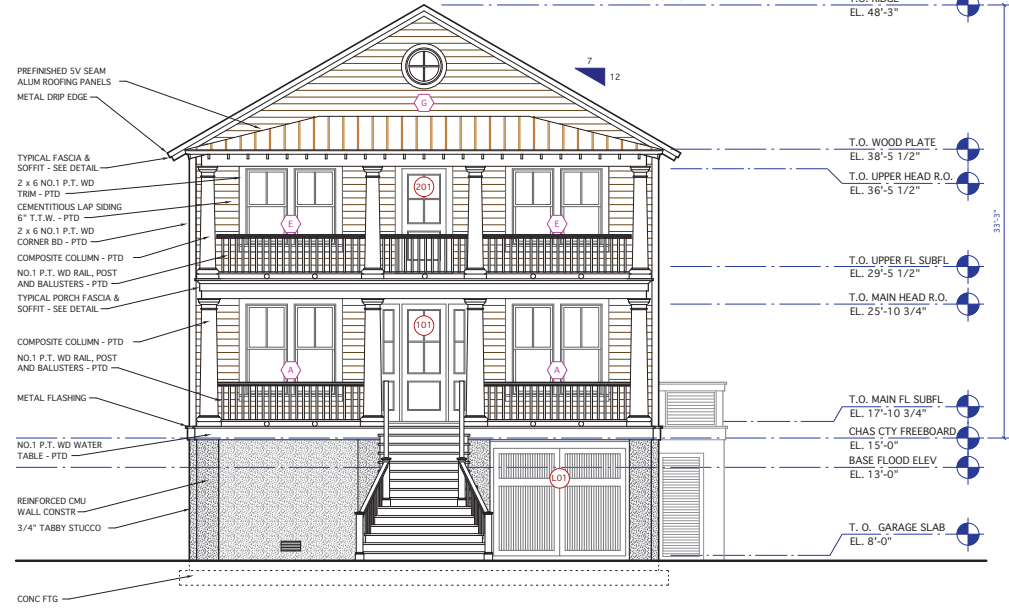


SCALE: 1" = 10' - 0"
 DATE: JULY 6, 2020

TITLE: TREE AND TOPOGRAPHIC SURVEY LOT B12, THE VILLAGE AT SEABROOK, TOWN OF SEABROOK ISLAND, CHARLESTON COUNTY, S.C.
 DRAWING NUMBER: 9609.DWG



2 LEFT SIDE ELEVATION
A2-1



1 FRONT ELEVATION
A2-1

The Smith Residence

Mr. & Mrs. Mark Smith
3056 Seabrook Village Dr
Seabrook Island, SC

Revisions:

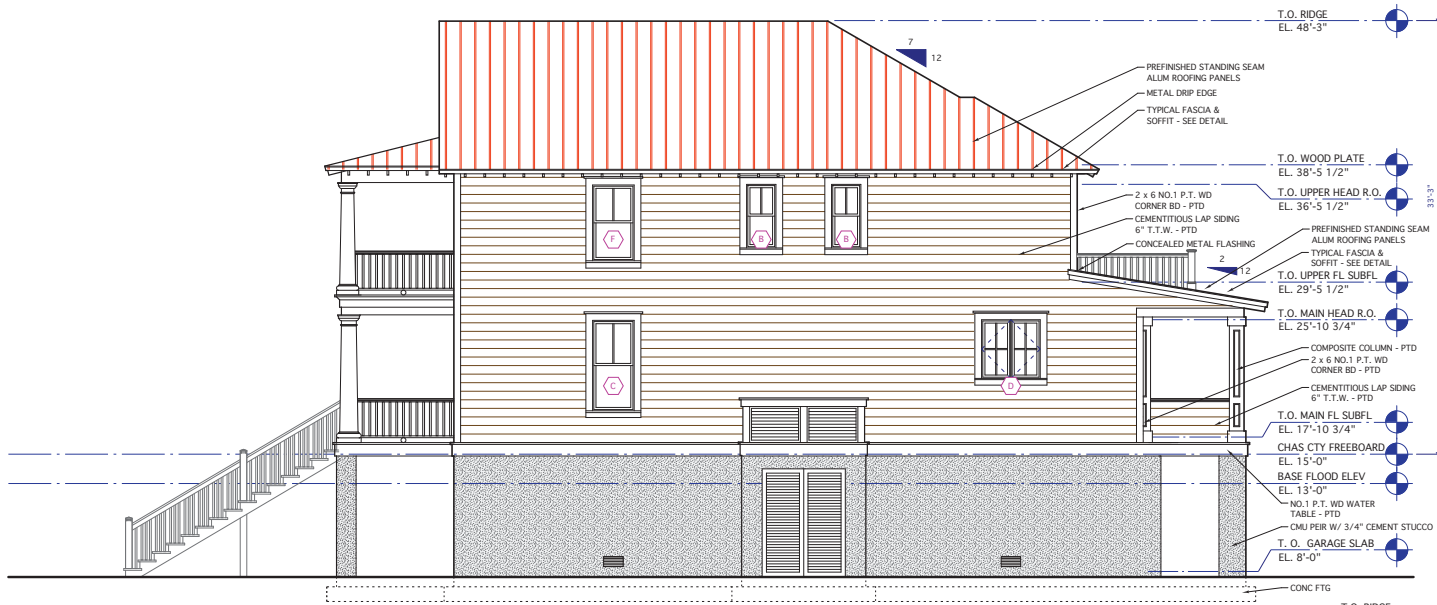
EXTERIOR ELEVATIONS

MICHAEL E. KARAMUS
ARCHITECT, L.L.C.
P. O. Box 220709
Charleston, SC 29413

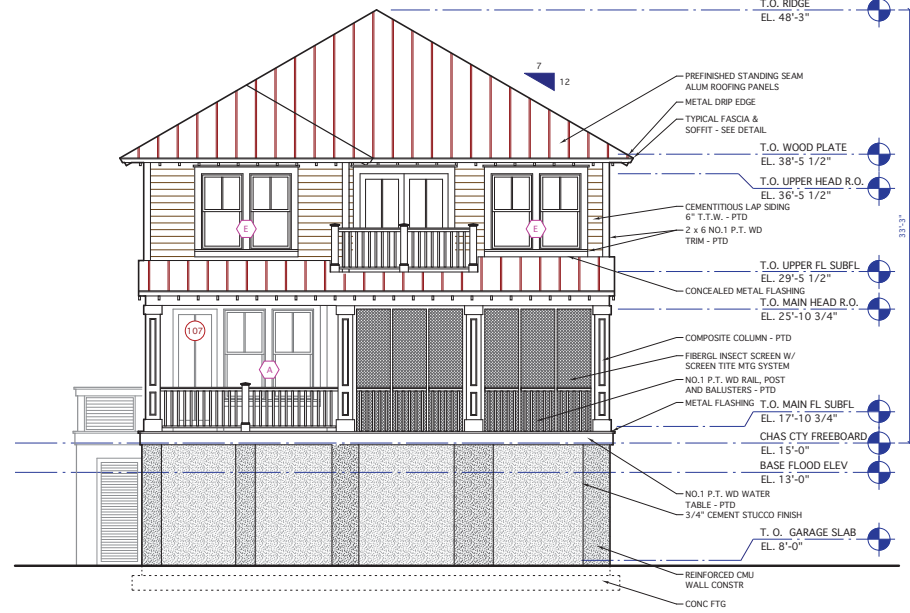


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Scale: 1/4"=1'-0"	Drawn: MK	Checked: MK
Date: APRIL 20, 2021	Drawing No.: A2.1	
Commission No.: SC 21XX		



2 RIGHT SIDE ELEVATION
A2.2



1 REAR ELEVATION
A2.2

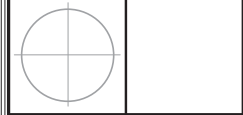
The Smith Residence

Mr. & Mrs. Mark Smith
3056 Seabrook Village Dr
Seabrook Island, SC

Revisions:

EXTERIOR ELEVATIONS

MICHAEL E. KARAMUS
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Scale: 1/4"=1'-0"
Drawn: MK
Checked: MK

Date: APRIL 20, 2021
Drawing No.:

Commission No.: SC 21XX
A2.2