

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

May 28, 2019 – 1:00 PM

Town Hall, Council Chambers

2001 Seabrook Island Road



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: March 22, 2019 *[Pages 2–14]*
2. Board of Zoning Appeals Meeting: May 15, 2019 *[Pages 15–16]*

PUBLIC HEARING ITEMS

1. Variance # 161 *[Pages 17–110]*

APPLICANT: Robert & Cynthia Reddersen
ADDRESS: 802 Treeloft Trace
TAX MAP NUMBER: 147-10-00-055
ZONING DISTRICT: PDD/Multi-Family
PURPOSE: Applicant is requesting a variance from the 15-foot rear yard setback requirement (§ 7.60.40.30) to 3.5 feet to allow for the expansion of an existing non-conforming open deck

OLD BUSINESS ITEMS

1. Review and Approval of New Variance Applications Form *[Pages 111–113]*

ITEMS FOR INFORMATION / DISCUSSION

1. Status of Previous Variances *[Pages 114–129]*

ADJOURN

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

March 22, 2019 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

Present: Walter Sewell (Chair), Ava Kleinman (Vice Chair), Bob Leggett, John Fox, Joe Cronin (Zoning Administrator)

Absent: Richard Finkelstein

Guests: James Ott, Deborah Ott, Judith McLean, Paul Corkish, Deborah Corkish

Chairman Sewell called the meeting of the Board of Zoning Appeals to order at 2:30 PM and introduced himself and Board members Kleinman, Fox and Leggett to those in attendance. Zoning Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting was properly posted.

APPROVAL OF MINUTES

1. **Board of Zoning Appeals Meeting: February 28, 2019:** Ms. Kleinman made a motion to approve the minutes from the February 28, 2019, meeting as submitted. Mr. Fox seconded the motion. The motion was **APPROVED** by a vote of 4-0.

PUBLIC HEARING ITEMS

1. **2566 Seabrook Island Road (Tax Map # 147-01-00-033 – Lot 49, Block 5):** Chairman Sewell introduced the first variance request, which was submitted by James and Deborah Ott, the owners of 2566 Seabrook Island Road. Chairman Sewell disclosed for the record that the Board had conducted a site visit to 2566 Seabrook Island Road on February 28, 2019, at which time the Board viewed the subject property, as well as neighboring properties. He added that no testimony was received during the site visit. He asked whether any Board members had subsequently visited the property, to which none responded in the affirmative.

Chairman Sewell then administered an oath to Zoning Administrator Cronin and asked him to provide a brief overview of Variance Application #159.

Zoning Administrator Cronin stated that the town had received a completed variance application from James and Deborah Ott, the owners of 2566 Seabrook Island Road. The applicants were requesting a reduction of the 25-foot marsh setback requirement to allow for the installation of a pool/swim spa and hot tub within a deck at the rear of the property.

Zoning Administrator Cronin stated that the existing deck, which was proposed to be modified and expanded, would meet the 15-foot setback requirements for “open decks.” However, the pool/swim spa and hot tub would be considered “structures” under the DSO and, therefore, would need to meet the 25-foot marsh setback requirement. He stated that the applicants were seeking a variance for the pool/swim spa and hot tub (which would be set into the deck) to meet the same 15-foot setback requirement as the deck itself. He added that the applicants were also seeking a variance from the marsh setback requirement to allow a brick paver patio and fire pit in the rear yard to be located within five feet of the critical line.

In order to move forward with the proposed improvements, the applicants sought approval of a variance to grant relief from the following setback requirements, as provided in the town’s DSO:

Type	DSO Reference	DSO Requirement	Variance Requested
Marsh Setback	§ 7.60.50	25 feet	Reduce the marsh setback to 15 feet to allow the pool/swim spa and hot tub to be located within an open deck <u>and</u> Reduce the marsh setback to 5 feet to allow a paver patio and fire pit to be installed as shown on the site plan

As part of their variance request, the applicants stated that strict application of the 25-foot marsh setback requirement would result in an unnecessary hardship. The applicants further argued:

- (a) The existing home and deck were built by a previous owner, before current restrictions were in place, and in a manner that would not allow these features to be added in another location on the lot;
- (b) The unique shape of the lot and marsh location, the home’s placement on the lot, and the existing configuration of the home creates a specific hardship that is not found on neighboring properties;
- (c) The strict application of the ordinance would restrict the homeowners’ ability to utilize their rear deck space and access the non "built on" portion of the lot for relaxation and recreational purposes that other properties are able to utilize; and
- (d) The granting of the variance will allow similar uses that neighboring properties are able to enjoy. The pool and hot tub feature will be minimally visible with open decking below; and a low, permeable area, made of natural materials for a fire pit will be well shielded by vegetation.

Prior to opening the public hearing, members of the Board asked questions of Zoning Administrator Cronin.

Ms. Kleinman asked why the town has a marsh setback requirement. Zoning Administrator Cronin responded that the marsh setback primarily serves two purposes: To protect critical areas by providing a buffer from new development and to protect property owners and their property from future changes to the marsh area over time.

Ms. Kleinman also asked why the ordinance allows open decks to encroach 10 feet into the required marsh setback. Zoning Administrator Cronin responded that an open deck is pervious and would allow rainwater to pass through the structure to the ground below. This is different from a roof or other impervious structure, which would channel and direct runoff away from the structure. He noted that "open decks" are narrowly defined in the DSO.

Mr. Fox stated that water from an open deck is still channeled in some form, as a deck will have planks along its floor. He stated that it is also possible to place other impervious items, such as tables, on a deck which would channel water.

Ms. Kleinman asked why a pool or hot tub which was set into an open deck would not be considered as part of the deck. Zoning Administrator Cronin responded that while a pool or hot tub would only collect rain water rather than generate runoff, the DSO defines a "structure" (25-foot setback) fairly broadly, whereas an "open deck" (15-foot setback) is defined narrowly, and a pool or hot tub would not fall within that definition.

Chairman Sewell then called on the applicants to provide additional information related to their variance request. Chairman Sewell administered an oath to each individual prior to receiving his or her testimony.

- Jim Ott: Mr. Jim Ott of 2566 Seabrook Island Road spoke on behalf of the applicants. Mr. Ott provided a summary of the project. Mr. Ott stated that he and his wife have owned property on Seabrook Island since 2004 and purchased the home at 2566 Seabrook Island Road in 2017. He stated that he knew they would not have enough space to install a traditional pool in the rear yard as a result of the setback requirements, so they were seeking to install something within the footprint of the deck that would allow them to have a pool with minimal impact to the critical area. They were also seeking an option which was consistent with the spirit of the ordinance. The plan was to recess the pool/swim spa and hot tub within the deck. He added that the structures would remain about 5 feet above the ground level so that water could pass underneath. He stated that the patio and fire pit were intended to be a birthday gift from his wife. The intent of these amenities was to allow him and his wife to have a comfortable area to use and enjoy their rear yard. He added that he had met with the neighbors on both sides of his property, and that neither had expressed any reservations or objections with his plans.

Chairman Sewell asked if members of the Board had any questions for Mr. Ott.

Mr. Leggett asked if the deck would be enclosed by side boards. Mr. Ott responded in the affirmative.

Mr. Fox asked if the swim spa and hot tub would be permanently affixed or whether they would simply be sitting on or within the deck like furniture. Mr. Ott responded that they would be fully self-contained units and would be dropped into the deck by a crane. He said that the units are not permanent fixtures, and no mechanical equipment would be located on the ground.

Zoning Administrator Cronin noted that the town had received a letter from Chris Bonner, the architect for the project, in advance of the meeting. He stated that a copy of the letter had been forwarded to board members the previous day. He asked that this letter be entered into the public record for Variance Request #159. There was no objection.

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

Chairman Sewell opened the public hearing to individuals who wished to speak in favor of the variance request. Chairman Sewell administered an oath to each individual prior to receiving his or her testimony.

- Paul Corkish: Mr. Paul Corkish of 2545 Seabrook Island Road spoke in favor of the request. He stated that he thought it was a reasonable request and had no objections.
- Deborah Corkish: Ms. Deborah Corkish of 2545 Seabrook Island Road also spoke in favor of the request. Ms. Corkish stated that she had read through the public notice and had no concerns regarding the request. She stated that she and her husband have a pool at the rear of their home and that it is a great amenity to have in the summer months.

Chairman Sewell then opened the public hearing to individuals who wished to speak in opposition to the variance request. No one spoke in opposition to the request.

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

Chairman Sewell asked if the applicants or their representatives had any additional comments. No additional comments were offered.

Chairman Sewell asked members of the Board whether they had any 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 the following conditions, should the Board vote to approve the variance request:

- 1) The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the applicant and reviewed by the Board on March 22, 2019. 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 variance shall expire on September 25, 2022 (five years from the date of the current OCRM Critical Line Certification) if no zoning permit has been issued by the town on or before that date.

Chairman Sewell opened the floor for additional discussion.

Ms. Kleinman stated that she understands the reasons why the applicants are coming forward with a variance request; however, she didn't feel that they have documented that an "extraordinary condition" truly exists. She added that approving this variance would establish a precedent for future variance requests from the marsh setback requirement. While she had less concern about the pool than the patio and fire pit (which would be 5 feet from the critical line), she stated her belief that the pool/swim spa and hot tub were structures and not "furniture."

Mr. Fox stated that he didn't think anything being proposed would be classified as permanent construction. He added that the pavers would be unanchored, permeable, set in sand and could be carried off at any time.

Mr. Leggett stated that he didn't see a difference between moving a fire pit and chairs into and out of the rear yard any time they were being used.

Chairman Sewell noted that much of what the Board deals with is associated with marshfront lots. He stated that there are several practical reasons for this, such as the fact that these lots are all irregular, they are generally of shallower depth, and regardless of the critical line moving over time, there would still be issues as a result of developers trying to maximize the number of marshfront lots.

There being no further discussion, Chairman Sewell called for a motion. Ms. Kleinman recommended that the requests be taken up separately. Chairman Sewell responded that the Board may take up the request as three separate motions. The first would be whether to approve or deny the variance request for the pool/swim spa and hot tub. The second would be whether to approve or deny the variance request for the patio and fire pit. Lastly, if one or both of the first two motions are approved, the third would be whether to attach the conditions recommended by the Zoning Administrator.

Mr. Fox recommended that if the Board votes to approve a variance for the pool/swim spa and hot tub, then the Board should also clarify that these types of self-contained units are not considered "structures" and, therefore, would not be subject to the regular setback requirements. Zoning Administrator Cronin responded that he understood the basis for Mr. Fox's comment; however, he did not feel that this type of decision was properly before the Board for consideration. He added that if this was an appeal of an administrative determination, then the Board could certainly make such a decision. However, as a variance request, the Board should only determine whether the request meets the minimum requirements for a variance, as established by state law. He stated that this would be a question of a broader policy interpretation rather than a property-specific request, and that such a decision has not been properly advertised as required by state and local law.

Chairman Sewell stated that, in his opinion, the pool/swim spa and hot tub didn't appear to be much different than a large glass-top table or other furniture placed on a deck.

Mr. Leggett stated that he lives around the corner from the subject property. He observed that most homes in the area have similar issues to those discussed today. He felt that what made this request "extraordinary" was the fact that the critical lines have moved over time.

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 the following motion regarding the variance request for the **SWIM SPA/HOT TUB**, which was seconded by Mr. Fox:

- 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 applicants’ 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; and
- 3) The requested variance is hereby approved, and the marsh setback requirement for the Property is amended, as follows:

Type	DSO Requirement	Variance Approved
Marsh Setback	25 feet	Reduce the march setback to 15 feet to allow the pool/swim spa and hot tub to be located within the open deck as shown on the proposed site plan

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 granting the variance, while a “no” vote was opposed to granting the variance.

IN FAVOR (YES)

Chairman Sewell
Mr. Leggett
Mr. Fox

OPPOSED (NO)

Ms. Kleinman

The motion to grant the variance was **APPROVED** by a vote of 3-1.

Mr. Leggett then made the following motion regarding the variance request for the **PAVER PATIO & FIRE PIT**, which was seconded by Mr. Fox:

- 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 applicants’ 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; and
- 3) The requested variance is hereby approved, and the marsh setback requirement for the Property is amended, as follows:

Type	DSO Requirement	Variance Approved
Marsh Setback	25 feet	Reduce the march setback to 5 feet to allow the paver patio and fire pit to be installed as shown on proposed site plan

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 granting the variance, while a “no” vote was opposed to granting the variance.

IN FAVOR (YES)

Chairman Sewell
Mr. Leggett
Mr. Fox

OPPOSED (NO)

Ms. Kleinman

The motion to grant the variance was **APPROVED** by a vote of 3-1.

To protect established property values in the surrounding area, and to promote the public health, safety, and general welfare, Mr. Fox made a motion, seconded by Mr. Leggett, to attach the following conditions to the above referenced 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 applicant and reviewed by the Board on March 22, 2019. 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 variances shall expire on September 25, 2022 (five years from the date of the current OCRM Critical Line Certification) if no zoning permit has been issued by the town on or before that date.

The motion to attach the conditions to the two variances was **APPROVED** by a vote of 4-0.

Chairman Sewell recessed the meeting at 3:21 PM.

The meeting was reconvened at 3:30 PM.

2. **3009 Rascal Run (Tax Map # 149-05-00-059 – Lot 5, Block 48)**: Chairman Sewell introduced the second variance request, which was submitted by Clarkson and Judith McLean, the owners of 3009 Rascal Run. Chairman Sewell disclosed for the record that the Board had conducted a site visit to 3009 Rascal Run on February 28, 2019, at which time the Board viewed the subject property, as well as neighboring properties. He added that no testimony was received during the site visit. He asked if any Board members had subsequently visited the property, to which none responded in the affirmative.

Chairman Sewell then called on Zoning Administrator Cronin to provide a brief overview of Variance Application #160. Chairman Sewell reminded Zoning Administrator Cronin that he was still under oath.

Zoning Administrator Cronin stated that the town had received a completed variance

application from Clarkson and Judith McLean, the owners of 3009 Rascal Run. The applicants were requesting a reduction in the 25-foot rear/marsh setback requirement to allow an unheated sunroom to be converted into conditioned living space at the rear of their existing single-family residence. He stated that the existing residence was constructed in 1986, which was prior to the town’s incorporation. The property was purchased by Mr. and Mrs. McLean in July of 2018. In October of 2018, the applicants (through their contractor, Harper Construction) applied for and received a zoning permit from the town to enclose 2 openings in their “hot tub porch” and replace 5 remaining windows with impact resistant glass (Permit #15267). The permit application did not include a request to install ductwork, which would thereby convert the existing “porch” into conditioned living space. The project scope was subsequently modified to add ductwork and vents without review and approval from the town. Because the existing residence encroaches approximately 5.1 feet into a required rear yard setback, this modification would result in the expansion of an existing non-conforming dwelling. Zoning Administrator Cronin noted that while the heated square footage of the non-conforming residence would increase, the footprint of the existing building would not change, as no walls, roofing or other structures would further encroach into the required setback.

In order to move forward with the proposed improvements, the applicants sought approval of a variance to grant relief from the following setback requirements, as provided in the town’s DSO:

Type	DSO Reference	DSO Requirement	Variance Requested
Rear Setback Marsh Setback	§ 7.60.20.30 § 7.60.50	25 feet	To allow encroachment of up to 5.1 feet into the required rear/marsh setback so an existing non-conforming porch may be converted into conditioned living space.

As part of their variance request, the applicants stated that strict application of the 25-foot marsh setback requirement would result in an unnecessary hardship. The applicants further argued:

- a) The existing home was built in 1986 (prior to the town’s incorporation) under different zoning requirements than existing today;
- b) Had it been built under the town’s current zoning requirements, the existing home would meet or exceed the 25-foot setback;
- c) The existing porch area is already fully enclosed with a roof, walls and windows, and the applicants are only seeking to install HVAC ducts to condition (though not expand) the existing space; and
- d) The modification will not be of substantial detriment to neighboring properties, the public good or the character of the district as no exterior modifications will be made to the existing structure. (ie. No visible changes to the building footprint, walls, roofline, etc.)

Prior to opening the public hearing, members of the Board asked questions of Zoning Administrator Cronin.

Mr. Leggett asked if the applicant had requested a permit prior to installing the duct work whether the application would have been approved. Zoning Administrator Cronin responded that the work still would have been inconsistent with the DSO; however, because it was such a minor change and did not alter the existing building footprint in any way, he likely would have signed off on the request. This request was ultimately brought before the Board because of a complaint submitted by another party.

Ms. Kleinman asked if the name of the complainant was public information. Zoning Administrator Cronin responded that this property was discussed publicly at a prior meeting of the Board of Zoning Appeals. He added that the complaint was submitted by email by one of the parties to that appeal.

Mr. Fox noted his observation during the site visit that the two new registers were actually located outside the setback area. He stated that if the variance was denied, the owners could still achieve the same objective by simply leaving the bedroom doors open. Zoning Administrator Cronin confirmed both of these observations.

Chairman Sewell asked about the nature of the complaint. Zoning Administrator Cronin responded that the complainant alleged the owners were expanding the home by converting a porch into heated square footage, thereby making the existing home more non-conforming than it is today, even though the building footprint would remain unchanged. Chairman Sewell asked if the Board had been furnished copies of the complaint. He stated that he would not have a problem giving copies to the board, but he would be hesitant to include it in the public agenda packet. He recommended obtaining an opinion from the Town Attorney. Chairman Sewell recommended that this information should be provided to the Board when it is germane to a variance request. Ms. Kleinman responded that such information does not impact or alter the town's standards. Zoning Administrator Cronin added that, in his opinion, *how* an issue is identified does not have as much bearing as the fact the property was inspected and non-permitted work was found to have taken place by the town's Code Enforcement Officer, which is how we got to this point.

Chairman Sewell then called on the applicants to provide additional information related to their variance request. Chairman Sewell administered an oath to each individual prior to receiving his or her testimony.

- Judith McLean: Ms. Judith McLean of 2480 Cat Tail Pond Road spoke on behalf of the applicants. Ms. McLean stated that the owners' contractor, Harper Construction, had obtained a permit to install windows and make other improvements to the property. While this work was taking place, an HVAC contractor was called to the property to do repair work which did not require a permit. Her husband, Clarkson, asked the contractor what would be involved in putting two additional vents in the sunroom at the rear of the property. This was a minor improvement and the contractor was able

to install the duct work and vents that same day. The owners did not realize at the time that this was a big deal. She stated that the person who complained was never invited onto their property, nor did they contact the owners prior to going onto their property. She stated that she and her husband are respectfully requesting a variance so that the vents will not have to be removed and they can have heating and air conditioning in the space.

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

Chairman Sewell opened the public hearing to individuals who wished to speak in favor of the variance request. No one spoke in favor of the request.

Chairman Sewell then opened the public hearing to individuals who wished to speak in opposition to the variance request. No one spoke in opposition to the request.

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

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 two conditions, should the Board vote to approve the variance request.

Chairman Sewell asked if there were any additional questions or comments prior to voting.

Ms. Kleinman observed that this situation appeared to her to meet the standards for a variance because it was an unusual situation and an extraordinary situation. She added that this would be a “de minimus” encroachment.

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 applicants’ 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; and
- 3) The requested variance is hereby approved, and the marsh setback requirement for the Property is amended, as follows:

Type	DSO Requirement	Variance Approved
Marsh Setback	25 feet	To allow encroachment of up to 5.1 feet into the required rear/marsh setback so an existing non-conforming porch may be converted into conditioned living space.

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 granting the variance, while a “no” vote was opposed to granting the variance.

IN FAVOR (YES)

Chairman Sewell
Ms. Kleinman
Mr. Leggett
Mr. Fox

OPPOSED (NO)

The motion to grant the variance was **APPROVED** by a vote of 4-0.

To protect established property values in the surrounding area, and to promote the public health, safety, and general welfare, Mr. Fox made a motion, seconded by Mr. Leggett, to attach the following conditions to the above reference variance, 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 applicant and reviewed by the Board on March 22, 2019. 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 variance shall expire on July 13, 2023 (five years from the date of the current survey) if no zoning permit has been issued by the town 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
Ms. Kleinman
Mr. Leggett
Mr. Fox

OPPOSED (NO)

The motion to attach the conditions was **APPROVED** by a vote of 4-0.

ITEMS FOR INFORMATION / DISCUSSION

There were no Items for Information / Discussion.

There being no further business, Chairman Sewell called for a motion to adjourn. Mr. Fox made a motion, seconded by Mr. Leggett, to adjourn the meeting. The motion was **APPROVED** by a vote of 4-0, and the meeting was adjourned at 3:52 PM.

Minutes Approved:



Joseph M. Cronin
Zoning Administrator

TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

May 15, 2019 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road



MINUTES

Present: Ava Kleinman, John Fox, Joe Cronin (Zoning Administrator)

Absent: Walter Sewell (Chairman), Bob Leggett, Dick Finkelstein

Guests: Skip Crane (Town Council), Paul LeBlanc (PLB Planning Group)

Vice Chairwoman Kleinman called the meeting of the Board of Zoning Appeals to order at 2:30 PM. Zoning Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting was properly posted. Vice Chairwoman Kleinman stated that the Board did not have a quorum and, therefore, no votes would be taken; however, those present would still receive items for information which do not require a vote, as well as conduct the site visit to 802 Treeloft Trace, as scheduled.

APPROVAL OF MINUTES

1. **Board of Zoning Appeals Meeting: March 22, 2019**: No action was taken due to the lack of a quorum.

NEW BUSINESS ITEMS

1. **Review and Approval of New Variance Application Form**: No action was taken due to the lack of a quorum.

ITEMS FOR INFORMATION / DISCUSSION

1. **Update on the Status of Previous Variances**: Zoning Administrator Cronin provided an update on the status of Variance #131, which was approved by the Board in 2004. He stated that the town was still waiting on confirmation from SCDHEC as to whether a septic tank was ever installed on the property. Additional information will be provided once it is received.
2. **Development Standards Ordinance (DSO) Update**: Town Administrator Cronin stated that the town had recently entered into a contract with the PLB Planning Group for the purpose of reviewing and updating the town's DSO. He then introduced the project consultant, Mr. Paul LeBlanc, of PLB Planning Group. Mr. LeBlanc introduced himself and his firm. Mr. LeBlanc then provided an overview of the project scope, approach and timeline. Members of the

Board, town staff and the project consultant then discussed general goals and objectives of the DSO update, as well as specific items of concern which should be addressed as part of the update.

SITE VISITS

Zoning Administrator Cronin distributed copies of the following variance application to members of the Board and provided a brief overview of the request:

- **Variance #161**: 802 Treeloft Trace (To reduce the 15-foot rear yard setback requirement to 3.5 feet to allow for the expansion of an existing non-conforming open deck)

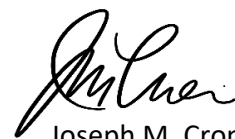
Prior to departing for the site visits, Zoning Administrator Cronin stated that public notice of the site visits had been provided, pursuant to the Freedom of Information Act. He stated that the agenda for today's meeting contained the following provision: *"This site visits will take place behind the Seabrook Island Property Owners Association security gate. Any individual wishing to observe the site visit who does not have access behind the security gate should contact (843) 768-5321 for assistance prior to the meeting."* He added that no individuals had contacted the town to request access behind the security gate in advance of the meeting. Zoning Administrator Cronin noted that the purpose of the site visit was for observational purposes only, and no testimony would be heard pertaining to the variance application.

The meeting was recessed at approximately 3:10 PM. Board members then traveled individually to 802 Treeloft Trace. Staff members at Town Hall were notified that the Board was traveling to the site, and anyone coming to Town Hall to observe the site visit should be directed to that location.

1. **802 Treeloft Trace (Tax Map # 147-10-00-055)**: The Board reconvened at approximately 3:29 PM at 802 Treeloft Trace. Board members and the Zoning Administrator observed the site, as well as neighboring properties in the vicinity of the site. Board members asked general questions regarding the proposed variance request; however, no testimony was received. Aside from the town's DSO consultant, Mr. LeBlanc, no other individuals were present to observe the site visit.

There being no further business, the meeting was adjourned at 3:39 PM.

Minutes Approved:



Joseph M. Cronin
Zoning Administrator



MEMORANDUM

TO: Town of Seabrook Island Board of Zoning Appeals Members
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator
SUBJECT: Variance Application # 161 – 802 Treeloft Trace
MEETING DATE: May 28, 2019

Variance Application #161

Applicants:	Robert & Cynthia Reddersen
Location:	802 Treeloft Trace
Tax Map Number:	147-10-00-055
Zoning District:	PDD/Multi-Family
Purpose:	Applicant is requesting a variance from the 15-foot rear yard setback requirement (§ 7.60.40.30) to 3.5 feet to allow for the expansion of an existing non-conforming open deck

Overview

The Town has received a variance application from Robert and Cynthia Reddersen, the owners of Charleston County Tax Map # 147-10-00-055. The applicants are requesting a reduction in the 15-foot rear yard setback requirement pertaining to open decks to allow for the expansion of an existing non-conforming deck at the rear of 802 Treeloft Trace. The property is located within the Treeloft Villas regime.

The existing residence was constructed in approximately 1978, which was nearly a decade prior to the town's incorporation. The property was purchased by Mr. and Mrs. Reddersen in July of 2015.

While conducting routine inspections in March of 2019, the town's Code Enforcement Officer identified a deck being installed at 802 Treeloft Trace without necessary permits from the town and county. A stop-work order was issued, and the contractor was instructed to come to town hall to apply for a permit.

On March 19, 2019, the applicants – through their contractor (Mike Dohoney's Barrier Island Construction Specialists) – submitted a zoning permit application (#15680) seeking approval to remove and replace the existing deck at the rear of their property. Upon review by the town's Zoning Administrator, it was determined that 1) The existing deck, which was located approximately 7.5 to 8.0 feet from the rear property line, did not conform to the town's current Development Standards Ordinance (DSO); and 2) At its closest point, the proposed deck expansion would be located approximately 3.5 feet from the rear property line, thereby making the new deck

more non-conforming than the existing deck. The Zoning Administrator advised the applicants that the permit could not be approved without a variance from the Board of Zoning Appeals.

The property is currently zoned PDD/Multi-Family and a multi-family residential unit is a permitted use by-right. Under the DSO, the structure located at 802 Treeloft Trace is considered an “existing non-conforming structure.” While the structure complies with the town’s 15-foot minimum spacing requirement between structures, the structure does not meet the minimum front and rear yard setback requirements. The existing deck at the rear of the unit is located approximately 7.5 to 8.0 feet from the rear property line, and encroachment of approximately 7.0 to 7.5 feet.

TYPE	REQUIRED PER DSO	DSO REFERENCE
Front (Principal Structure)	30 feet (Nonconforming)	§ 7.60.40.10
Side (Between Structures)	15 feet	§ 7.60.40.20
Rear (Principal Structure)	25 feet (Nonconforming)	§ 7.60.40.30
Rear (Open Deck)	15 feet (Nonconforming)	§ 7.60.60

In order to extend the existing non-conforming deck to the outer edge of the walls, the applicants are requesting a variance from the DSO to allow for the following encroachment:

TYPE	REQUIRED PER DSO	VARIANCE (REQUESTED)
Rear Yard (Open Deck)	15 feet	Reduce the rear yard setback requirement for open decks from 15 feet to approximately 3.5 feet to allow for the expansion of an existing non-conforming deck.

In their application, the applicants have stated their intent in seeking a variance is to increase the usable square footage of their deck from 49.17 square feet to 91.2 square feet. The proposed deck will use the standard design for deck replacements, as adopted by the Treeloft Villas regime. This same standard has been used for all other deck replacements within the regime, including 801 and 803 Treeloft Trace, which are immediately adjacent to the applicants’ unit. The applicants further argue:

- a) The Treeloft Villas regime was laid out and developed in 1978 (prior to the town’s incorporation) under different zoning requirements than existing today. The application of the town’s current setback standards will severely restrict the use of their property;
- b) Had it been built under the town’s current zoning requirements, the existing unit would have been constructed to meet or exceed the minimum setback requirements;
- c) The original decks in Treeloft Villas were designed to accommodate only two people, while the units themselves were designed to accommodate 4-6 individuals. The extended plan would allow for four chairs and a small table, which is more in keeping with the designed capacity of the villa; and

- d) The modification will not be of substantial detriment to neighboring properties, the public good or the character of the district, as the proposed design was created specifically for units located within the Treeloft Villas and Sealoft Villas regimes. These designs were approved by both regimes as well as SIPOA. The plan will extend to, though not exceed, the outer walls of the villa, and the only encroachment will be on the golf course side of the building. Additionally, this standard design has been used by many other villa owners in the Treeloft and Sealoft regimes, many of which further encroached into the rear yard setback area.

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 applicant and reviewed by the Board on May 28, 2019. 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.
- Consistent with the state's Vested Rights Act, the variance shall expire on May 28, 2021 (two years from the date of approval) if no zoning permit has been issued by the town on or before that date.

Respectfully submitted,



Joseph M. Cronin
Town Administrator/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:

Application & Property Information		
1	Variance Application	p. 22-32
2	Zoning Permit Application	p. 33-40
3	Site Plan (Original & Proposed)	p. 41-42
4	Subdivision Plat (1978)	p. 43-44
5	Property Photos	p. 45-51
6	Zoning Map	p. 52-53
7	Aerial Image	p. 54-55
8	FEMA Base Flood Elevations (Current & Preliminary)	p. 56-57
9	Title to Real Estate	p. 58-63
10	Property Information Card	p. 64-65
11	Public Hearing Notice – Letter to Neighboring Property Owners	p. 66-67
12	Public Hearing Notice – List of Neighboring Property Owners	p. 68-69
13	Public Hearing Notice – U.S.P.S. Certified Mail Receipts	p. 70-73
14	Public Hearing Notice – Post and Courier Legal Ad	p. 74-75
15	Public Hearing Notice – Property Posting	p. 76-77

Other Information		
16	Typical Unit (Treeloft Villas)	p. 78-79
17	Regime Standard for Deck Replacements (Treeloft Villas)	p. 80-83
18	Photos of Original Deck and New Regime Standard (Treeloft Villas)	p. 84-86
19	Photos of Neighboring Properties: 801 & 803 Treeloft Trace	p. 87-89
20	Setback Illustration for Treeloft Villas	p.90-91

Written Correspondence Regarding the Proposed Variance Request		
21	Letter from Treeloft Villas Owners Association (April 10, 2019)	p. 92-98
22	Letter from Seabrook Island Club (April 18, 2019)	p. 99-100
23	Letter from Stewart Fife (April 24, 2019)	p. 101-102
24	Letter from Heather Fife (April 24, 2019)	p. 103-104
25	Letter from Richard Heilman (May 1, 2019)	p. 105-106
26	Letter from Steve Hildreth (May 16, 2019)	p. 107-108
27	Letter from Joanne Fagan (May 22, 2019)	p. 109-110



ATTACHMENT #1

Variance Application

NOTICE OF APPEAL - Form 1
Board of Zoning Appeals
TOWN OF SEABROOK ISLAND-COUNTY OF CHARLESTON

Date Filed: _____ (To be Completed by Office Administration)

Application Fee: \$ 350.00 Permit Application#: _____ Appeal# _____

This form must be completed for a hearing on an Appeal (1) from the action of a zoning official, (2) application for a Variance, or (3) application for Special Exception. Applications should be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) all must sign the Designation of Agent.

THE APPLICANT HEREBY APPEALS (indicate one with an X):

- _____ From action of a zoning official as stated on attached Form 2
 X For a variance as stated on attached Form 3.
_____ For a Special Exception as stated on attached Form 4.

Applicant (s) (Please print):

Address:

Robert & Cynthia Reddersen

5226 Olley Lane, Burke, VA 22015

Telephone: **703 850 3982 (cell)**

Owner(s) [If other than Applicant]

Address:

Telephone:

Property Address:

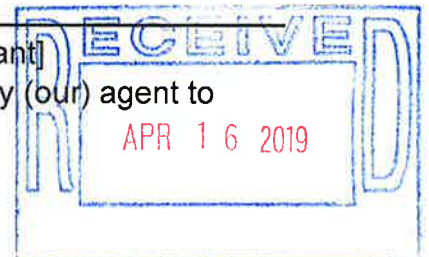
802 Treeloft Trace, Seabrook Island 29455

Lot _____ Block _____ Tax Map // **147-10-00-055**

Designation of Agent [Complete only If owner is not applicant]

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date,



Owner Signature(s)

Applicant's Certification

I (we) certify that the information in this application and attached Form 2,3 or 4 is correct

Date 4/11/2019

Robert Reddersen



4/11/2019

Cynthia Reddersen



Applicant Signature(s)

VARIANCE APPLICATION Form 3
Board of Zoning Appeals
TOWN OF SEABROOK ISLAND-COUNTY OF CHARLESTON

Date Filed:(To be Completed by Office Administration)

Permit Application#:
Appeal#

1. Applicant hereby appeals to the Board of Zoning Appeals for a variance from the strict application to the property described in the Notice of Appeal [Form 1] of the following provision of the Zoning Ordinance:

Violation of 15 foot setback line for open deck structure.

so that a zoning permit may be issued to allow use of the property in a manner shown on attached plot plan, described as follows:

Construction of pre-approved Regime and SIPOA deck replacement/extension, increasing deck size from usable square footage of 49.17 to 91.2.

for which a permit has been denied by a zoning official on the grounds that the proposal would be in violation of the cited section (s) of the Zoning Ordinance.

2. The application of the ordinance will result in unnecessary hardship, and the standards for a variance set by State law and the ordinance are met by the following facts:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property as follows:

The Treeloft Villa community was laid out in accordance with a plat issued on June 30, 1978. This community of villas was designed for the Seabrook Island Company, a real estate developer, and placed with no consideration for potential future building restrictions, such as setbacks. Our property, #802 is severely restricted by these setbacks. The setbacks were not instituted until after the creation of the Town of Seabrook in 1988—at least ten years after the villas were built.

- b. These conditions do not generally apply to other property in the vicinity as shown by:

Any properties on Seabrook Island surrounding Treeloft Villas constructed after the creation of the Town of Seabrook were built to conform to the existing setbacks. Virtually every Treeloft Villa is affected by one of the three, if not all, setbacks, including 30' front, 25' rear and 15' open deck. In some cases, those setbacks cross in the middle of the properties. In others, the front setback is behind the rear setback. To be honest, it is a mess and confirms the lack of concern with structure placement when Treeloft was built in 1978. This issue is the result of the original builder, Seabrook Island Company, being more concerned with fitting as many structures in a limited footprint of land than about future zoning restrictions.

-
- 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 as follows:

The deck as originally designed was and is little more than a place holder, containing 49.17 square feet of usable space (7.9' x 7.5' = 59.25sf, minus fireplace footprint 4.8' x 2.1' = 10.08sf, total 49.17sf). As extended to approved Treeloft Regime and SIPOA plans, that increases to 91.2sf (10.2' x 10' = 102sf, minus fireplace footprint = 91.2sf).

The former, original deck, allows two people room to sit in a chair—in a villa designed for occupation by at least 4-6 individuals. This assessment comes from the villa being designed to have space for two queen beds, one in each of the two bedrooms on the main level, with room for a set of twin beds in the loft. The extended plan allows for 4 chairs and a small table, much more in keeping with the designed capacity of the villa.

-
- d. 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:

The plan created for use by Treeloft and Sealoft Villas, approved by both their regimes and SIPOA, was designed to improve upon the existing design, while keeping in character with the original structure by extending to, but not exceeding, the existing family room and bedroom walls of the villa. The original design looks more like an afterthought, not designed for the villa's capacity ,

while the extended variation better fits the design of the villa and more closely matches that capacity.

Since the adoption of the design standards by Treeloft and Sealoft, this deck has been added to many villas at those regimes. It would not be such a desired project if it did not add greatly to the utility of space and aesthetic appeal.

Furthermore, to ensure the design follows the character of the properties within the Treeloft/Sealoft districts, it does not exceed the exterior walls of the villa. And that extension of the deck does not bring it closer to other villas in the community, only within the setback from the property line of the Golf Course Tee Box. Hence, the only item impacted is the setback.

Finally, the nature of this project is in keeping with the initiative instituted by SIPOA/ARC, The Club, COVAR and the Town of Seabrook Island. This was most recently highlighted on page 1 of the April 2017 issue of THE SEABROOKER and summarized as follows in the final paragraph on page 5:

“All Seabrook Island property owners will benefit when Island properties are maintained and/or upgraded to become more livable along with more current external and internal design and color.”

3. The following documents are submitted in support of this application:

Descriptive letter of setback situation from Treeloft 802 Owner

Plat of Treeloft Villas June 30, 1978 (since this is a villa regime, there is no individual property plat)

Floor plan showing original deck and extended rear deck

Treeloft Villa satellite image with setbacks overlay

Letter of Support for granting Variance from Treeloft Villas Board

Original Deck & Extended Deck Photos

Plans for Extended Deck

Treeloft Regime & SIPOA ARC letters of approval

Letter of Support from Treeloft Villa Owner(s)

THE SEABROOKER article “New Considerations at ARC and the Town of Seabrook” April 2017

**[An accurate, legible plot plan showing property dimensions and location of all structures and improvements must be attached to a variance application]

Robert Reddersen



4/11/19

Cynthia Reddersen



4/11/19

Signature of Applicant

Date

802 Treeloft: Homeowner's Commentary

In 1978, when the community of Treeloft Villas was designed and constructed, Seabrook Island was a development corporation, creating communities across the island without typical setback restraints of incorporated towns. This is certainly not surprising, since the builder was attempting to place as many units within the given acreage--and, without the zoning restrictions of a typical town as a concern, they could do much of what they pleased.

As you can see from the county plat for Treeloft Villas, drafted in June 1978, there was obviously no concern placed on traditional rules of setbacks. Proximity to property lines in many instances is barely a few feet. Virtually the entire community, 19 homes, would not fit in many town's standard for setbacks even at that time. No consideration or thought was given to the future.

Ten years later, in 1988, the town of Seabrook was incorporated. I cannot speak to the application of setbacks at that time, but we can all agree that Treeloft could not have been built. This is likely true for many of the communities on Seabrook built prior to incorporation.

Come forward 30 years. Seabrook faces an issue with property values. One of the primary drags on villa/condo values is the age of the properties. SIPOA has been and is in the process of encouraging owners of older properties to renovate/upgrade. In order to help owners improve and upgrade these properties, Regimes within SIPOA have been working to create sets of standards which can be applied to all properties within the regime, with the goal of uniformity, plus improving aesthetics, as well as upgrading. The eventual hope is that property values will rise.

Treeloft, Sealoft and Duneloft structures were built at a modular plant in Ohio. While interesting conceptually and for internal flow, they were not remotely constructed with any thought to future building standards and lifestyles, nor even basic safety. Refer to the attached document from the Treeloft Board with photographs of the original and extended rear decks for reference. The original deck was obviously a small and inexpensive design, one that I would almost be willing to say was low-end contractor grade merely to be able to advertise it had a deck. This "floating" rear deck design is one example of design issues with these villas. Since that time, "floating" decks have been banned across the country, due to their dangerous design.

To improve upon the existing design, Treeloft & Sealoft utilize the same pre-approved sets of plans for numerous villa improvement projects within the community. One set of plans is for an extended front (main entrance) deck and an extended rear deck off the master bedroom to replace that unsafe floating deck. The new rear master bedroom deck plan is intended to "complete the box" of the exterior walls of the family room and the master bedroom--not extending beyond those exterior walls. As originally built, the deck was suitable for perhaps two chairs and a small table--there was not enough room to open a table umbrella without hitting the firebox or hanging mostly over the side rail. That original rear deck was 49.17sf. The extended rear deck, utilizing this pre-approved plan, creates a much more usable area, of 91.2sf. For a relatively minor increase in depth and width, 2 feet each way toward the side walls, the utility increases greatly. Finally, consider the aesthetics, for which the photos tell the story. The original looks like an afterthought, while the extended deck flows much better out of the exterior walls of the villa and makes it look more "up to date."

Remember, in 1978 the properties were constructed with no concern toward the future--that these structures would age/need upgrades to compete with new construction and need to uphold property values. Due to the design of these villas, the ability to modernize the exterior is extremely limited. Aside from paint, the only options are rebuilding the stairs and expanding to regime/SIPOA pre-approved plans, the front stairs and front and rear decks. Otherwise, as owners, our hands are tied.

As a final note, let me add that the encroachment was unintentional, unknown (property line is unclear), minor in its effect to the surrounding properties as noted in the request for variance, and a reasonable plan to improve the exterior, within all the constraints.

Given all of the above, how is a homeowner to accomplish reasonable external improvements to aging structures that pre-date the Town's incorporation? The options are extremely limited. With an Island wide initiative launched toward increasing property values by improving and upgrading properties, this deck project should be exactly what is desired. As noted in this month's (April 2017) SEABROOKER:

...Regimes/Associations and Owners are partners in maintaining property values. The ARC has preapproved a number of improvement opportunities and will consider new requests to improve the external appearance of properties... All Seabrook Island property owners will benefit when Island properties are maintained and/or upgraded to become more livable...

I look to your support for approval of this variance request to accomplish the goals as noted above.

Sincerely,
Robert Reddersen

NEW CONSIDERATIONS AT ARC AND THE TOWN OF SEABROOK

Will help facilitate improvements and maintenance to villas and single family homes

THE SEABROOKER, APRIL 2019, P.1 & 5

A frequent topic of discussion on Seabrook Island is our Property Values. SIPOA continues to identify opportunities to improve our infrastructure, maintenance of buildings owned by SIPOA and our environment to maintain our property values. The real estate market also impacts our property values. Being a coastal community, the environment and weather impacts (1) the frequency of external maintenance and (2) upgrades and replacement of utilities such as HVAC systems and tankless water heaters.

Regimes/Associations and Owners are partners in maintaining property values. The ARC has preapproved a number of improvement opportunities and will consider new requests to improve the external appearance of properties. Villa owners should work closely with their Regime/Association Boards to receive details on services provided and also when submitting requests to the ARC and Town for improvements outside the approved "Standards" for that Regime/Association. Regime/Association approved "Standards" may reduce SIPOA/ARC fees and will streamline the process.

The SIPOA ARC Administrator and the ARC Engineering Assistant with Landscaping and Horticulture background are available advisory resources. There are also retired professionals on the island that would be available to assist with brainstorming ideas if desired. COVAR Vice President Alison Standard has been assembling data on capital improvements planned by some Regimes/Associations. The goal is to share information and provide advice on various improvements being planned.

Coordination of improvements or maintenance provides an opportunity for cost reductions if the contractor is completing the projects around the same time and will provide a discounted price. Please contact Alison at email alison843@gmail.com if you have any projects planned for this year or next year. In 2017, SIPOA established a Housing sub-committee to identify opportunities to facilitate upgrades of properties by Owners or Regimes/Associations. The sub-committee included representatives from SIPOA/ARC, The Club, Town of Seabrook Island and COVAR. A very useful source of information was local real estate sales persons. They provided suggestions for property improvements based upon (1) comments received from potential buyers, and (2) actions they recommend be taken when listing a property. Some of the results from the sub-committee's work were:

- The Town has changed the process for upgrade approvals to streamline while adhering to code. No major changes to the design, colors or materials may bypass architectural review by the Planning Commission. Condo and villa owners using a "standard" plan for repairs and upgrades (such as closing in a porch/sunroom or replacing a deck) may also be able to bypass the Planning Commission's architectural review. However, even if architectural review by the Planning Commission is not required, all work must comply with the town's zoning requirements and will require review and approval from the town. In many instances, a building permit from Charleston County will also be required. (The county won't issue a building permit unless and until the town has given zoning approval.) In addition, all contractors must have a valid business license from the town.
- The approval sequence for upgrades is: Regime/Association approval, ARC staff approval, Town approval and a County building permit.
- While the Seabrook Island Club has no jurisdiction over construction approvals, The Club may offer a dues reduction to help reduce owner expense during construction when the property is not habitable.
- SIPOA/ARC is open to reviewing new ideas and will try to facilitate where possible. Owners who are (1) considering the sale of their property, (2) seeking to maintain or increase their property's value or (3) own a rental unit in the very competitive Seabrook rental market, need to maintain both the external and internal appearance of their property.

Owners should consider external improvements that are not included in their Regime/Association assessments noted below. Some items to consider internally is:

- Removal of remaining popcorn ceilings
- Light up the interior as much as possible if windows, solar tubes or skylights are not sufficient
- Fresh neutral paint on the interior
- Added property value when the kitchen and bathrooms have been upgraded The external appearance of your property or neighborhood is key to its value. Many Regimes/Associations provide the following external services:
- Landscaping and trimming trees; revitalize it with native plants but not an invasive plant and in some cases, salt resistant plants (Appendix G of the SIPOA Policies and Procedures provides the current approved list of plants)
- External painting; ARC has approved a new color standard to brighten up your property and neighborhood; if desired a Sherwin Williams Color Consultant will assist with creating a new color pallet for your neighborhood. Contact your local Sherwin Williams store to schedule this service. New colors recommended by the Color Consultant will require ARC approval prior to implementing.
- Paving parking lots and/or driveways
- Maintaining external lighting; add up lighting or down lighting into oaks and palms; ARC Staff review and approval are required
- Roofing repairs and replacement
- External repairs If your Regime/Association does not currently include these services, you could discuss additional services with your Board that may involve a small increase in your assessment.

Other ways to maintain property values are:

- Power washing extends the life of the paint and brightens paint
- Cleaning debris from roofs that will extend the life
- Maintaining irrigation systems
- Replacing house numbers with newer styles (i.e.; Alligator Digital Maker Studios provides address plaques painted with reflective white paint with crystals for increased reflectivity (Steven Haggerty 843-806-7168) Many Regimes/Associations have new standards.
- Maintain or replace signage
- Paint or replace mail boxes and stands

Larger capital projects to be considered are:

- Parking lot striping and sealing
- Cleaning, relining or replacing storm drains on property not owned by SIPOA
- Replacement of exterior siding or finish; ARC has and will work with Regimes/Associations and their Contractors on alternative materials.
- Light Reflective Value (LRV) measures the % of light a paint reflects; when selecting new colors to present to the ARC always review in sunlight for external colors.
- Replacement of decks and stairs
- Major Architectural improvements to upgrade/renew the property After 40+ years from the initial construction of most of the "Villas" on Seabrook Island, the International Architectural Practices have evolved.

The Best Values for Design Impact are:

- Color – well thought out and appropriate to their context
- Landscaping
- Lighting If not already considered or completed, it could be of great values for Regimes/Associations to take a fresh holistic look at the visual impression it presents. In addition to areas noted above, all exterior lighting including light fixtures, signage, handrail design, siding conditions and material, roofing condition and window/door trim should be evaluated for possible upgrades. Do the villas, cottages and single homes look visually attractive with the current preferences and respectful within the Seabrook Island environment?

All Seabrook Island property owners will benefit when Island properties are maintained and/or upgraded to become more livable along with more current external and internal design and color. Landscaping and tree maintenance are key not only to property values but trimmed trees or native/salt resistant plants can survive our harsh weather and storms. ▲

Debra Lehman
COVAR President



ATTACHMENT #2

Zoning Permit Application

TOWN OF SEABROOK ISLAND
 2001 Seabrook Island Road
 Seabrook Island, SC 29455
 843-768-9121

ZONING PERMIT APPLICATION

<u>Fee Schedule</u>		
Permit for New Construction, Single Family	\$100	Permit Extension \$100
Permit for Remodeling, Addition, etc.	100	Record Plats - prices vary
Building, HVAC, Roofing, Plumbing, etc.	25	
Permit for New Construction, Multi-Family	250 + \$5 per unit	
Multiple Bldg Permit, Comm./Multi Family	100	

Date: 3/19/19 TMS #: 147-10-00-055 Const.

Applicant's Name: Mike Dohoney's Barrier Island Specialist

Name of Business Contact: Mike Dohoney

Address: 1891 Andell Bluff Blvd. Ste A Phone: 843-768-3506

City: Johns Island State: SC Zip: 29455

Property Owner's Name: Bob Reddersen

Address: 5226 Olley Lane Phone: _____

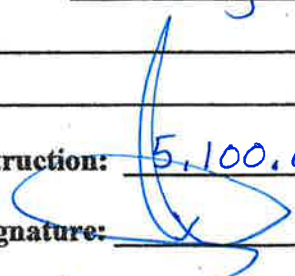
City: Burke VA 22015 State: _____ Zip: _____

Property Location Address: 802 Treeloft Drive

Lot: _____ Block: _____ Base Flood Elev. _____ Zone: _____

Purpose of Permit: Floating deck extension

Value of Construction: 5,100.00 POA Approval: _____

Applicant's Signature: 

****This is an application only. The permit will be issued upon approval by the Town of Seabrook Island.**

Town of Seabrook Island - Zoning Permit

Permit Date: 3/28/2019 Permit #, Town: 15680 License #: 20190258
Paid Date: 3/28/2019 App Fee: \$25.00 Cash: No Check #: 12686
Applicant Name: Mike Dohoney's Barrier Island Const. S Phone: 843-768-3506
Contact Name: Mike Dohoney
App Address1: 1891 Andell Bluff Blvd.
App Address2:
App City: Seabrook Island St: SC Zip: 29455

Property Owner: Reddersen Phone:
Owner Address1: 802 Treeloft Villas
Owner Address2:
Owner City: Seabrook Island St: SC Zip: 29455

TMS Number: 147-10-00-055 Thru: Lot: Block:

Property Address: 802 Treeloft Villas

Purpose: Deck Reconstruction, extension, railings

Work Value: \$5,100.00 Flood Elev: 13 Zone: AE

Architectural Review Board: KB 03-28-2019

Comments: The applicant must obtain a Charleston County permit.

Amendment:

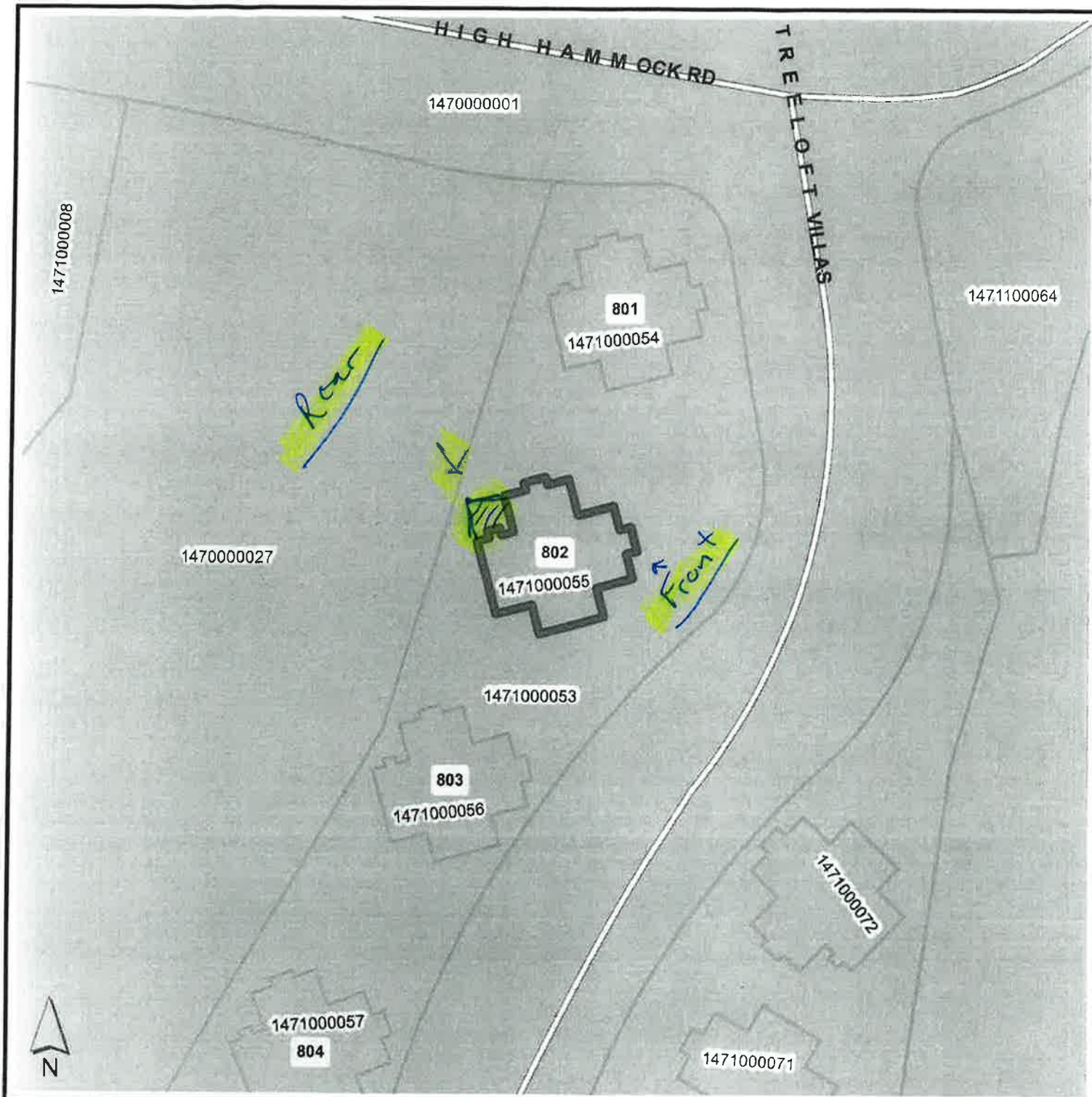
This Zoning Permit is valid for six (6) months. The action for which this permit was obtained must be taken within that time period.

If this zoning permit is for issuance of a building permit, such building permit is valid for a period of one (1) year as described in the town code. Any extensions, alterations, or amendments must be approved in writing by the Town of Seabrook Island Zoning Administration.

I hereby certify that the above information and any plan or drawing submitted herewith are true and accurate indications of existing or proposed improvements to the above identified property.

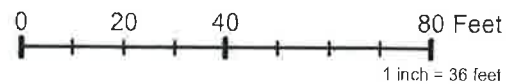
Owner/Applicant's Signature
3/28/2019

Zoning Administrator
3/28/2019



Charleston County SC

Parcel ID: 1471000055
OWNER1: REDDERSEN CYNTHIA H
ACREAGE: 0.03
PLAT_BOOK_PAGE: AL-30
DEED_BOOK_PAGE: 0495-357
Jurisdiction: TOWN OF SEABROOK ISLAND



Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.

Author: Charleston County SC
 Date: 3/29/2019

**Mike Dohoney's
Barrier Island Construction Specialist Inc.**

1891 Andell Bluff Blvd Suite A. Johns Island, SC 29455

Phone (843) 768-3506 Fax (843) 768-4556

Email mhdohoney@aol.com Website Builddohoney.com

Proposal

JOB NAME: 802 Treeloft Dr.

3-7-19

SCOPE OF WORK: Floating Deck Extension (Off Master Bedroom)

-Please note: All Lumber is Treated KD#1 and installed with stainless steel Fasteners

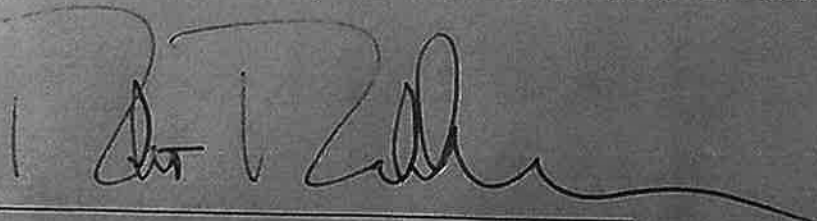
- Remove existing Framing, decking boards and Handrails
- Extend new Floating deck approximately 22" to the left side of the Villa (flush with the existing siding) and extend out approximately 22" to be flush with the back of the Villa.
- Frame out new floating deck approximately 10' X 10' overall
- Installation of new decking boards
- Installation of new handrail and pickets around the open sides of the floating deck
- Coat decking boards with one coat of Sherwin Williams Deck Sealer
- Paint Handrails and pickets with two coats of paint to match existing paint

Total Cost: \$5,100.00

(Pricing includes Plan cost (\$500) ,Permits, and materials)

To be paid as follows: 50% to start (\$2,550.00). Draws upon request and remaining balance upon completion.

Unforeseen issues will be photographed and we will notify the homeowner of possible add-on costs subject for approval prior to correcting. All Add-on Cost are considered to be Cost Plus



Homeowner Acceptance

37

3/15/19

Date of Acceptance

SIPOA ARCHITECTURAL REVIEW COMMITTEE
1202 Landfall Way
Johns Island, SC 29455
Tel. (843) 768-0061 Fax (843) 768-4317
www.sipoa.org

Request for Exterior Alteration/Improvement Conditional Approval

The following is to be completed and signed by the Property Owner. This form must be accompanied by all information as outlined in the Review Process for Exterior Alterations to Existing Dwellings procedure (see SIPOA Policies and Procedures §III.A).

Construction Location: _____ Application Date: 3/19/19

Block: _____ Lot: _____ TMS #: _____

Property Address: 802 Treeloft Trace, Seabrook Island, SC 29455

Property Owner: Bob Reddersen Contractor: Mike Dohoney's Barrier Island Construction Specialists, Inc.

Address: 6528 Ollie Lane Address: 1891 Andell Bluff Blvd, Suite A
Burke, VA 22015 Johns Island, SC 29455

Telephone #: 703-850-3982 Telephone #: 843-768-3506

Email: rreddersen@msn.com Email: mhdohoney@aol.com

Proposed Work & Information Required (check all that apply)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Deck (site plan & material information) | <input type="checkbox"/> Recreational Equipment (location & photo) |
| <input type="checkbox"/> Demolition (completion timetable) | <input type="checkbox"/> Roofing (brand & color) |
| <input type="checkbox"/> Dock Construction (site plan & dock plan) | <input type="checkbox"/> Room Addition (site plan & elevations) |
| <input type="checkbox"/> Driveways/Walks (material information) | <input type="checkbox"/> Rot Repair (location & material information) |
| <input type="checkbox"/> Handicap Access (site plan & description) | <input type="checkbox"/> Screened Porch (site plan & description) |
| <input type="checkbox"/> Landscape/Removal (site/landscape plan) | <input type="checkbox"/> Siding (type & material, color) |
| <input type="checkbox"/> Lighting (locations & cut sheets of fixtures) | <input type="checkbox"/> Swimming Pool (site plan, product, fencing) |
| <input type="checkbox"/> Paint (brand name, product #, & color) | <input type="checkbox"/> Tree Trimming/Pruning (describe below) |
| <input type="checkbox"/> Patio (site plan & material information) | <input type="checkbox"/> Window Replacement (window details) |
| <input type="checkbox"/> Porch Enclosure (window details) | <input checked="" type="checkbox"/> Other (describe below) |

Description: EXPANSION Deck Extension (off Master Bedroom), two coats of paint and seal to match existing paint.

Estimated Cost of Project: \$ 5,100.00


Request for Exterior Alteration/Improvement Conditional Approval, page 2 of 2:

As the Property Owner of the above referenced Property, I hereby request that the SIPOA Architectural Review Staff review this application and any attached drawings for exterior alteration/improvement.


AUTHORIZATION TO ENTER PROPERTY: I/we hereby authorize ARC members and SIPOA and/or ARC agents and employees to enter upon the Property from time to time during the entire course of the Design Review Process.

DESIGNATION OF AGENT: I/we, the Owner(s) of the above referenced property, designate the following individual(s) to act for me/us during the Architectural Review Committee application and/or construction process.

Agent Name: Mike Dohoney
Agent Address: 1891 Andell Bluff Blvd., Suite A
Agent City/State: Johns Island, SC
Agent Telephone#: 843-768-3506 **Agent Email:** mhdohoney@aol.com

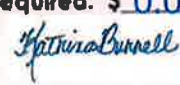


Property Owner
Date: 3/19/19



Property Owner
Date: 3/19/19

Property Owner's Agent
Date: _____

Fee Required: \$ 0.00 **Fee Submitted:** \$ _____ **Date:** _____

Digitally signed by Katrina Burrell
DN: cn=Katrina Burrell, o=SIPOA, ou=ARC,
email=kburrell@sihoa.org, c=US
Date: 2019.03.28 14:27:49 -04'00'

Approved by Architectural Review Administrator
Date: 03/28/2019

Conditions: *All work must specifically be completed in accordance with the deck extension plans attached to the Regime Approval.
In addition, all work must be completed in accordance with applicable Regime Standards, SIPOA Policies and Procedures, Town of Seabrook Island Ordinances, and Charleston County Codes and Ordinances, along with the requirements of any relating governing authority.

Deposit Required: \$ _____ **Deposit Paid:** \$ _____ **SS#/EI#:** _____

NOTE: Approval by the Architectural Review Committee (ARC) certifies that the plan meets the ARC standards regarding appearance and in no way certifies the quality, strength, accuracy, etc., of the building design. This approval is valid for 6 months from date of ARC approval. Application must be made to the Town & Charleston County for any required permits prior to commencing construction or other activity. Alterations to multi-family dwellings must be approved by the Property Manager prior to requesting ARC approval.

Tree loft Villas Owners Association

Board of Directors

Stephen Hildreth – *President*

Robert Newman – *Vice President*

Robert Fine – *Treasurer*

Mark Prestero – *Secretary*

Robert Reddersen – *At Large*

March 26, 2019

Robert & Cynthia Reddersen
5226 Olley Lane
Burke, VA 22015

RE: 802 Tree loft Trace

Dear Mr. Reddersen:

The Tree loft Villas Board of Directors has approved Mike Dohoney's request to extend your deck per the current Tree loft standard. Please see attached the approved plans for this expansion.

This consent is subject to the approval of the Architectural Review Committee of Seabrook Island and The Town of Seabrook.

I am forwarding this letter to Architectural Review Board of Seabrook Island for their review. Please contact the ARC Administrator for approval information.

If I can be of any help with this process, please let me know.

Best Regards,



Amber Neale, CMCA

Community Manager

3714 Betsy Kerrison Parkway, Suite I

Johns Island, SC 29455

P: (843) 768-7185

F: (843) 768-7186

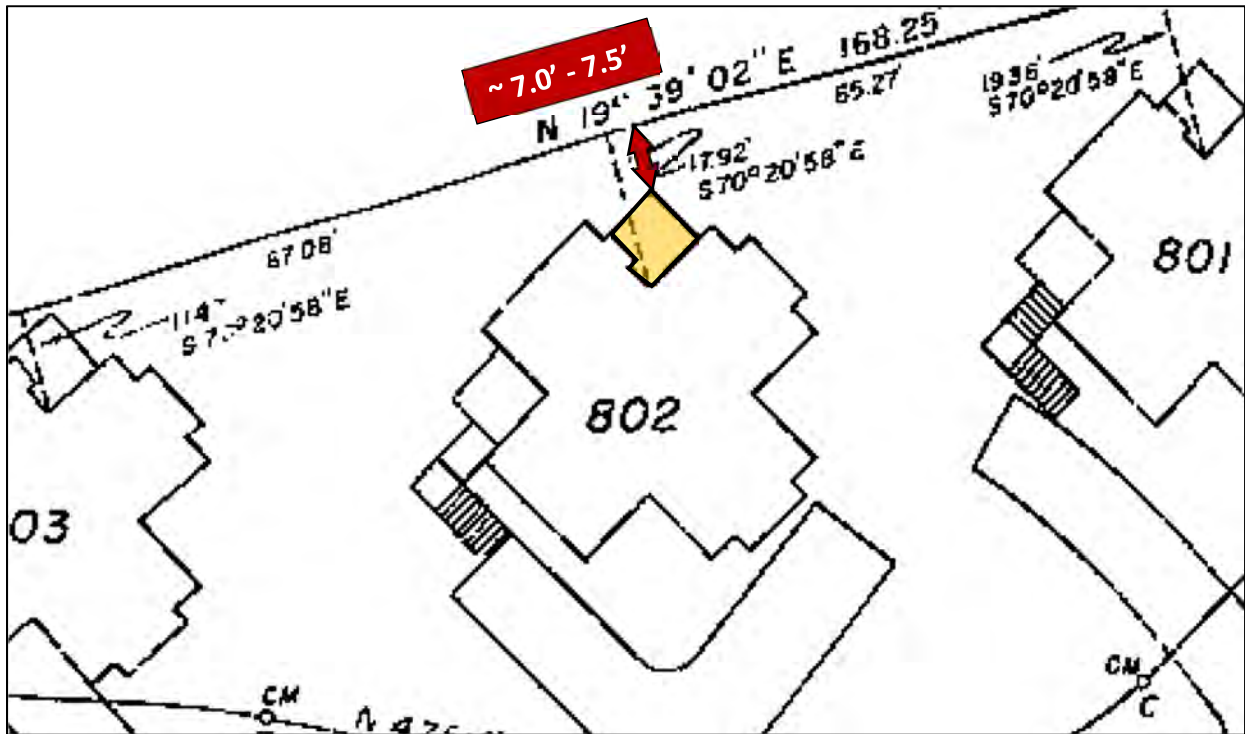
cc: Katrina Burrell- SIPOA
Steve Hildreth- Tree loft Villas Board President



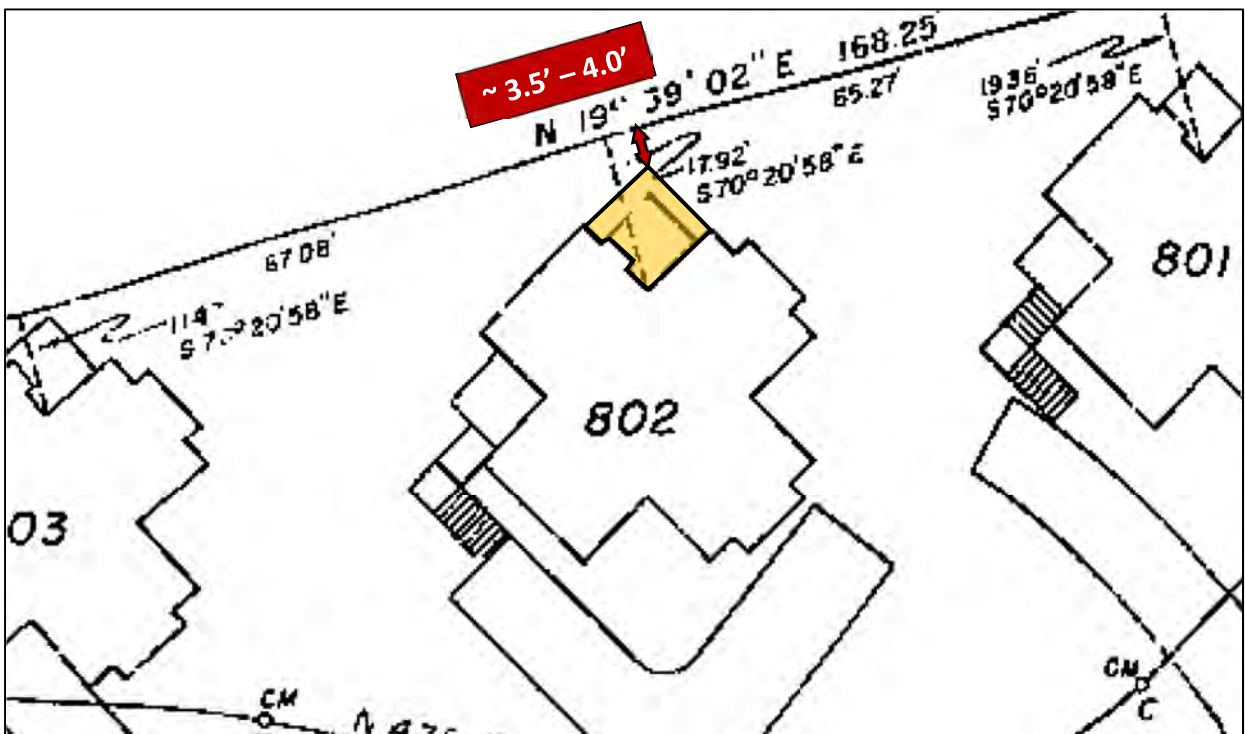
ATTACHMENT #3

Site Plan: Original & Proposed

Original



Proposed

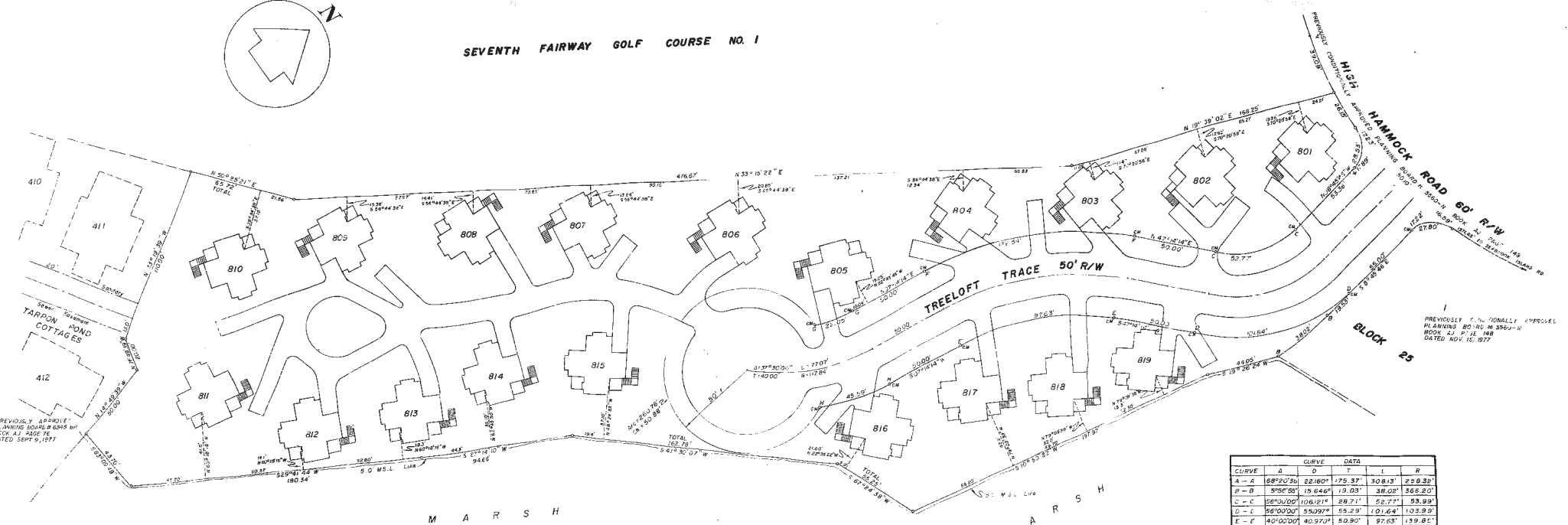
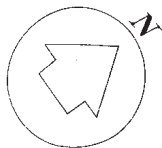




ATTACHMENT #4

Subdivision Plat (1978)

SEVENTH FAIRWAY GOLF COURSE NO. 1



PREVIOUSLY APPROVED PLANNING 801-819 IN 550'-W BLOCK AS P.L. 148 DATED NOV. 10, 1977

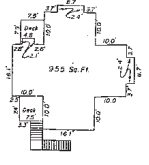
CURVE	Δ	D	T	L	R
A - A	68°20'35"	22.180'	175.37'	308.13'	258.82'
B - B	57°50'50"	19.646'	19.03'	38.02'	366.20'
C - C	56°00'00"	108.214'	28.71'	52.77'	53.99'
D - D	56°00'00"	55.097'	15.27'	101.64'	103.97'
E - E	40°00'00"	40.973'	50.50'	87.63'	139.65'
F - F	40°00'00"	20.120'	55.10'	132.54'	169.85'
G - G	13°36'24"	61.717'	11.08'	82.05'	92.24'
H - H	18°17'12"	40.113'	22.95'	45.59'	142.84'

NOTE: ALL STREETS AND EASEMENTS SHOWN ON THIS PLAT ARE PRIVATE AND ARE TO BE MAINTAINED BY SEABROOK ISLAND COMPANY, ITS SUCCESSORS OR ASSIGNS.

TREELIFT VILLAS

SEABROOK ISLAND, CHARLESTON COUNTY, S.C.
PLAT OF LOTS 801-819

SCALE 1" = 30' JUNE 30, 1978



- NOTES
- ALL CORNERS MARKED WITH PIPES UNLESS NOTED OTHERWISE
 - ALL CURVE MEASUREMENTS ARE ARC LENGTHS
 - OWNED BY SEABROOK ISLAND COMPANY
 - ACREAGE - 2.253 AC.
 - ALL LOTS SHOWN HEREON ARE ABOVE ELEVATION 5.0' MEAN SEA LEVEL.
 - EACH UNIT IS A TWO BEDROOM UNIT
 - 15 UNITS HAVE ONE PARKING SPACE (10' X 20') PROVIDED BENEATH BUILDING
 - LOT DIMENSIONS WILL FOLLOW SHIP LINE OF STRUCTURES
 - LAYOUT OF UNITS 808 & 816 ARE REVERSED

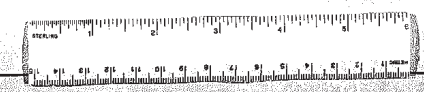
Charleston, South Carolina
Office of Registrar Henry Convergence
Plat recorded this 5th day of July, 1978 at 3:45 o'clock in Plat Book #... Page 30, and tracing cloth copy filed in File... of Drawer... Foldered... Drawing No. ... Original plus (with prints) delivered to the County Planning Board

APPROVED

 June 18, 1978
 # 6757-PA

E. M. SEABROOK, JR., a Registered Surveyor of the State of South Carolina, hereby certifies that I have surveyed the property shown hereon, that this plat shows the true dimensions of the property, that all necessary notices have been published and the precision is 1/5000.

E. M. SEABROOK, JR., INC.
ENGINEERS - SURVEYORS - PLANNERS





ATTACHMENT #5

Property Photos









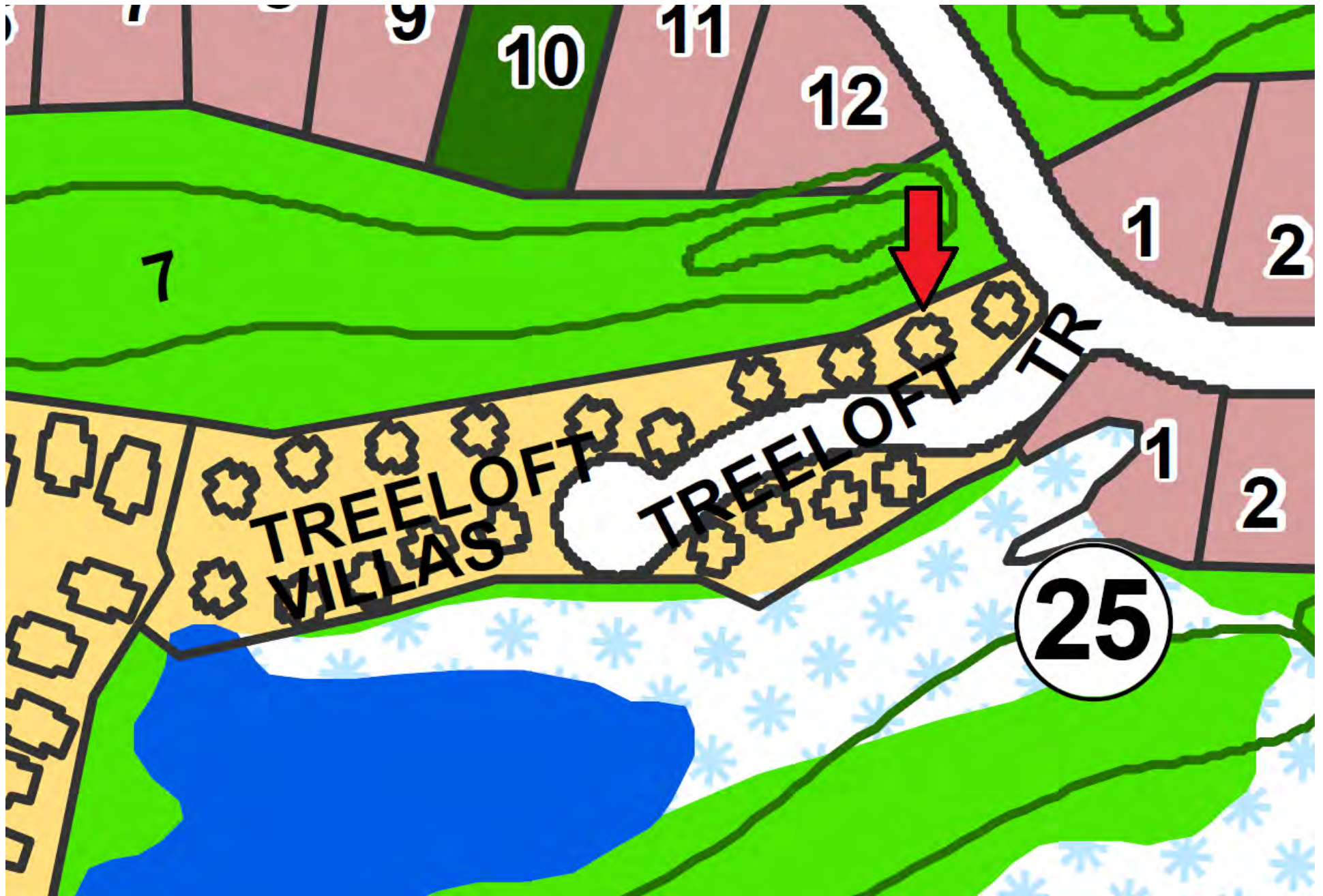






ATTACHMENT #6

Zoning Map



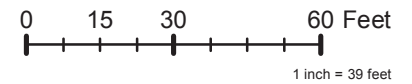


ATTACHMENT #7

Aerial Image



802 Tree loft Trace



Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for information purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.

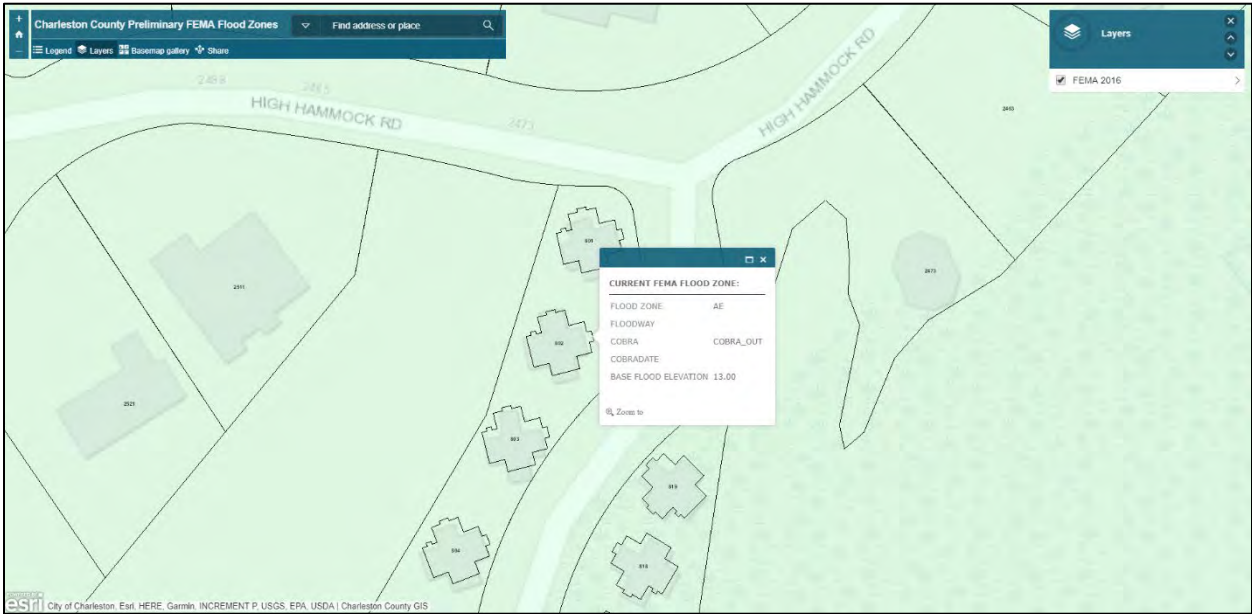
Author: Charleston County SC
Date: 4/18/2019



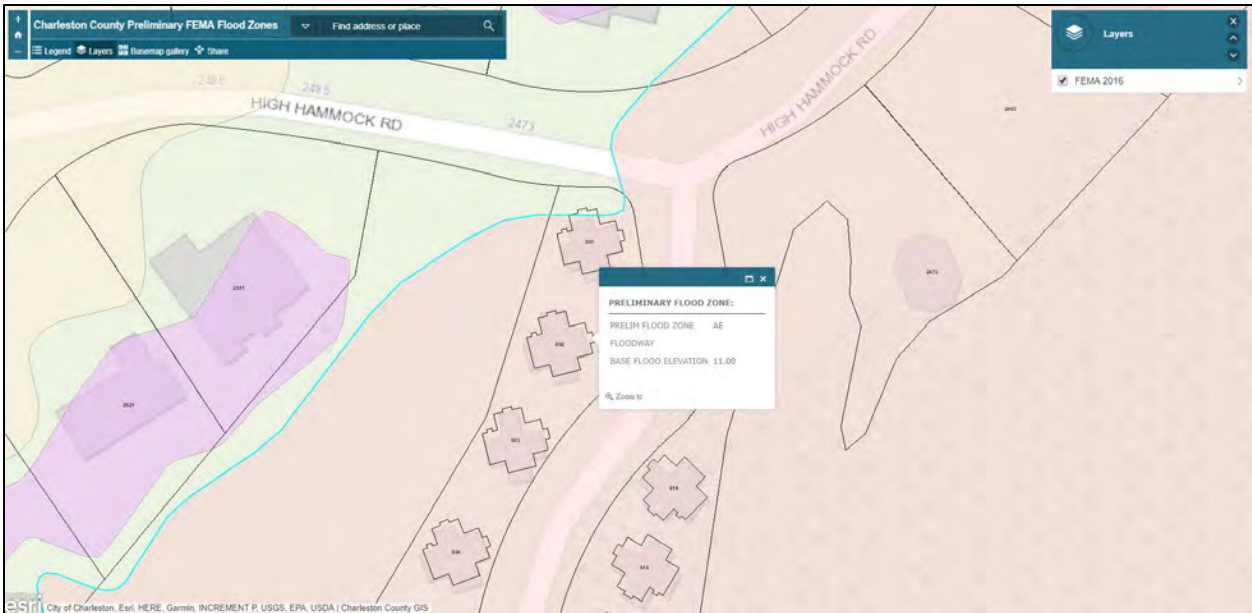
ATTACHMENT #8

FEMA Base Flood Elevations
(Current & Preliminary)

FEMA Base Flood Elevation (Current) AE-13



FEMA Base Flood Elevation (Preliminary) AE-11





ATTACHMENT #9

Title to Real Estate



BP0495357

PGS:

5

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS that I, Ronald E. Brune, Trustee, or his successor in trust, under the R.E.B. Living Trust, dated March 4, 2002, as Grantor, in exercise of all powers me enabling, in implementation of the contract between us, and for and in consideration of the sum of Two Hundred Thousand and 00/100 DOLLARS (\$200,000.00) to me in hand paid by CYNTHIA H. REDDERSEN and ROBERT S. REDDERSEN, the Grantees, on the delivery of this deed, the receipt and sufficiency of which are acknowledged, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell, and release unto CYNTHIA H. REDDERSEN and ROBERT S. REDDERSEN, the Grantees, as joint tenants with right of survivorship and not as tenants in common, the Property described as follows:

ALL that certain lot, piece, or parcel of land, with the buildings and improvements thereon, situate, lying and being on Seabrook Island, Charleston County, S.C., and shown and designated as Lot 802, Treeloft Villas, Seabrook Island, South Carolina, on a plat by E.M. Seabrook Jr., C.E. & L.S., dated June 30, 1978, and recorded in the RMC Office for Charleston County in Plat Book AL, Page 30. Said lot having such size, shape, dimensions, buttings and boundings, more or less, as are shown on the plat which is specifically incorporated herein by reference and made a part hereof.

ALSO: AN EASEMENT for utilities, including without limitation, electricity, water and sewerage and an easement for ingress and egress on, over, and across and in the case of the utilities easement, under, the tract of land shown on the plat by E.M. Seabrook, Jr., dated June 30, 1978, and recorded in the RMC Office for Charleston County in Plat Book AL, Page 30, SAVING, EXCEPTING AND

EXCLUDING from this description the parcels of land designated on said plat as Lots 801 through 819, inclusive, which said easements shall be appurtenant, perpetual and appendant to the above described lot of land, are to run with said lot and be transferable with said lot and are essentially necessary to the enjoyment of the premises and to the convenient and proper use thereof.

This conveyance is subject to the following: SUBJECT to easements for ingress, egress, and utilities over, across and in the case of utilities, under, the tract of land shown on the plat by E.M. Seabrook Jr., C.E. and L.S., dated June 30, 1978, and recorded in Plat Book AL, Page 30, RMC Office for Charleston County,

SAVING, EXCEPTING AND EXCLUDING from this description the parcels of land designated on said plat as Lots 801 and 819, inclusive, which said easements are appurtenant to the remaining lots shown on said plat and not hereby conveyed.

Subject further to the restrictions, covenants, reservation, and charges applicable to said premises and contained in the protective covenants dated April 22, 1974, and recorded in the RMC Office for Charleston County in Book M105, Page 194, and the Modification thereto dated October 29, 1976, and recorded in the RMC Office for Charleston County in Book Y110, Page 145, and subject to the rules, regulations, conditions, requirements and charges of Seabrook Island Property Owners Association as contained in the By-Laws of the Association of record in the RMC Office for Charleston County in Book S109, at Page 2, and to any easements of record. Further, this conveyance is subject to the provisions, contained in the Covenants of Treeloft Villas, Seabrook Island, and By-Laws of Treeloft Villas Owners Association recorded in the RMC Office for Charleston County in Book U116, Page 91.

BEING the same property conveyed to the Grantor by deed from Ronald E. Brune dated August 30, 2002, and recorded September 4, 2002, in Deed Book D417, page 092 in the RMC Office for Charleston County.

TMS # 147-10-00-055

Grantees' Address: 5226 Olley Lane, Burke, VA 22015-1750

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

TO HAVE AND TO HOLD, all and singular, the Property unto the Grantees, their heirs and assigns forever, as joint tenants with right of survivorship and not as tenants in common.

AND the Grantor does hereby bind himself and his successors in office and assigns to warrant and forever defend, all and singular, the Property unto the Grantees and their heirs and assigns, against himself and his successors in office and assigns lawfully claiming or to claim the same or any part thereof.

WITNESS the hand of the Grantor on 7-20, 2015.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

R.E.B. Living Trust dated March 4, 2002

[Signature]
[Signature]

By Ronald E Brune
Ronald E. Brune, Trustee Trustee

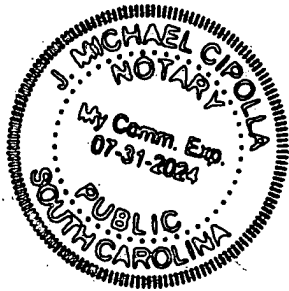
STATE OF SOUTH CAROLINA)
COUNTY OF Charleston)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me on July 20th, 2015,
by Ronald E. Brune, Trustee, or his successor in trust, under the R.E.B. Living Trust, dated
March 4, 2002.

[Signature]

Notary Public for the State of South Carolina
My commission expires: 7-31-2024



Deed/brune

STATE OF SOUTH CAROLINA

)

Date of Transfer of Title

) AFFIDAVIT

July 20, 2015

COUNTY OF CHARLESTON

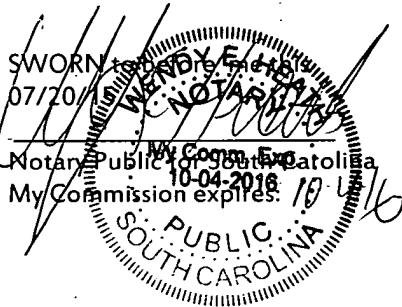
)

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

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred by Ronald E. Brune, Trustee, or his successor in trust, under the R.E.B. Living Trust, dated March 4, 2002 to Robert S. Reddersen and Cynthia H. Reddersen on 07/20/15.
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 a distribution to a trust beneficiary.
 - (c) EXEMPT from the deed recording fee because (Exemption n/a) (Explanation, if required: n/a If exempt, please skip items 4-6 and go to Item #7 of this affidavit.
4. Check one of the following if either item 3(a) or item 3(b) above has been checked.
 - (a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$200,000.00
 - (b) The fee is computed on the fair market value of the realty, which is n/a
 - (c) The fee is computed on the fair market value of the realty as established for property tax purposes which is n/a
5. Check YES or NO to the following: A lien or encumbrance existed on the land, tenement or realty before the transfer and remained on the land, tenement or realty after the transfer. If "YES", the amount of the outstanding balance of this lien or encumbrance is n/a.
6. The DEED Recording Fee is computed as follows:
 - (a) ~~\$200,000.00~~ the amount listed in Item #4 above
 - (b) 0.00 the amount listed on Item #5 above (no amount, please zero)
 - (c) ~~\$200,000.00~~ subtract Line 6(b) from Line 6(a) and place the result here.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as closing attorney.
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.

 Grantor, Grantee or Legal Representative
 Connected with this Transaction

 J. T. Cox
 Print or Type Name Here



RECORDER'S PAGE



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

Filed By:

MANAKER CIPOLLA AND ASSOCIATES LLC

RECORDED		
Date:	August 4, 2015	
Time:	2:10:24 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0495	357	Deed
Charlie Lybrand, Register Charleston County, SC		

MAKER:

R E B LIVING TRUST AL

of Pages: 5

Note:

RECIPIENT:

REDDERSEN CYNTHIA H AL

Recording Fee	\$ 10.00
State Fee	\$ 520.00
County Fee	\$ 220.00
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 750.00

Original Book:

Original Page:

DRAWER Drawer 1
CLERK TPS

AUDITOR STAMP HERE
RECEIVED From RMC
AUG 05 2015
PETER J. TECKLENBURG
Charleston County Auditor

PIE VERIFIED BY ASSESSOR
ASTRJB
REP
DATE AUG 06 2015
4



0495
Book



357
Page



08/04/2015
Recorded Date



5
Pgs



Original Book



Original Page



D
Doc Type



14:10:24
Recorded Time



ATTACHMENT #10

Property Information Card

Charleston County, South Carolina

generated on 5/24/2019 8:31:41 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
1471000055		802 TREELOFT CE TR, SEABROOK ISLAND	5/21/2019	2018	2018

Current Parcel Information

Owner	REDDERSEN CYNTHIA H REDDERSEN ROBERT S	Property Class Code	101 - RESID-SFR
Owner Address	5226 OLLEY LN BURKE VA 22015	Acreage	.0000
Legal Description	Subdivision Name -TREELOFT VILLAS Description -LOT 802 PlatSuffix AL-30 PolTwp 009		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2018	\$100,000	\$100,000	\$200,000	\$2,782.20	\$2,782.20
2017	\$100,000	\$100,000	\$200,000	\$2,708.20	\$2,708.20
2016	\$100,000	\$100,000	\$200,000	\$2,605.40	\$2,605.40
2015	\$100,012	\$110,500	\$210,512	\$2,597.20	\$2,597.20

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
R E B LIVING TRUST	0495 357	7/20/2015	Ge		\$200,000
BRUNE RONALD E	D417 092	8/30/2002	Ge		\$1
	N173 816	3/3/1988	Ge		\$50,000

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1978	1.0	02	1,269	



ATTACHMENT #11

Public Hearing Notice:
Letter to Neighboring Property Owners



PUBLIC HEARING NOTICE

TO: Neighboring Property Owners
FROM: Joseph M. Cronin, Town Administrator/Zoning Administrator
SUBJECT: Variance Request #161 - 802 Treeloft Trace
DATE: April 19, 2019

Dear Property Owner,

The purpose of this letter is to notify you that the owners of **802 TREELOFT TRACE** have requested a **VARIANCE** from the zoning requirements of the Town's Development Standards Ordinance (DSO). The purpose of the variance request is to **REDUCE THE REAR YARD SETBACK REQUIREMENT FROM 15 FEET TO APPROXIMATELY 3.5 FEET TO ALLOW FOR THE EXPANSION OF AN EXISTING NON-CONFORMING OPEN DECK (§ 7.60.40.30)**. A copy of the variance application is enclosed for your information.

The Town's Board of Zoning Appeals has scheduled a **PUBLIC HEARING**, during which time the Board will hear testimony from any individual who wishes to speak regarding the variance request. This notification is being provided to you pursuant to Section § 19.30.20.30 of the DSO.

PUBLIC HEARING DATE: Tues. May 28, 2019
PUBLIC HEARING TIME: 1:00 PM
PUBLIC HEARING LOCATION: Seabrook Island Town Hall
2001 Seabrook Island Road
Seabrook Island, SC 29455

In addition to attending the public hearing, interested parties may submit written comments in advance of the public hearing, as follows:

ONLINE: www.townofseabrookisland.org (Through 12:00 PM on May 21, 2019)
BY E-MAIL: jcronin@townofseabrookisland.org
BY MAIL: Town of Seabrook Island, Attn: Zoning Administrator
2001 Seabrook Island Road, Seabrook Island, SC 29455

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



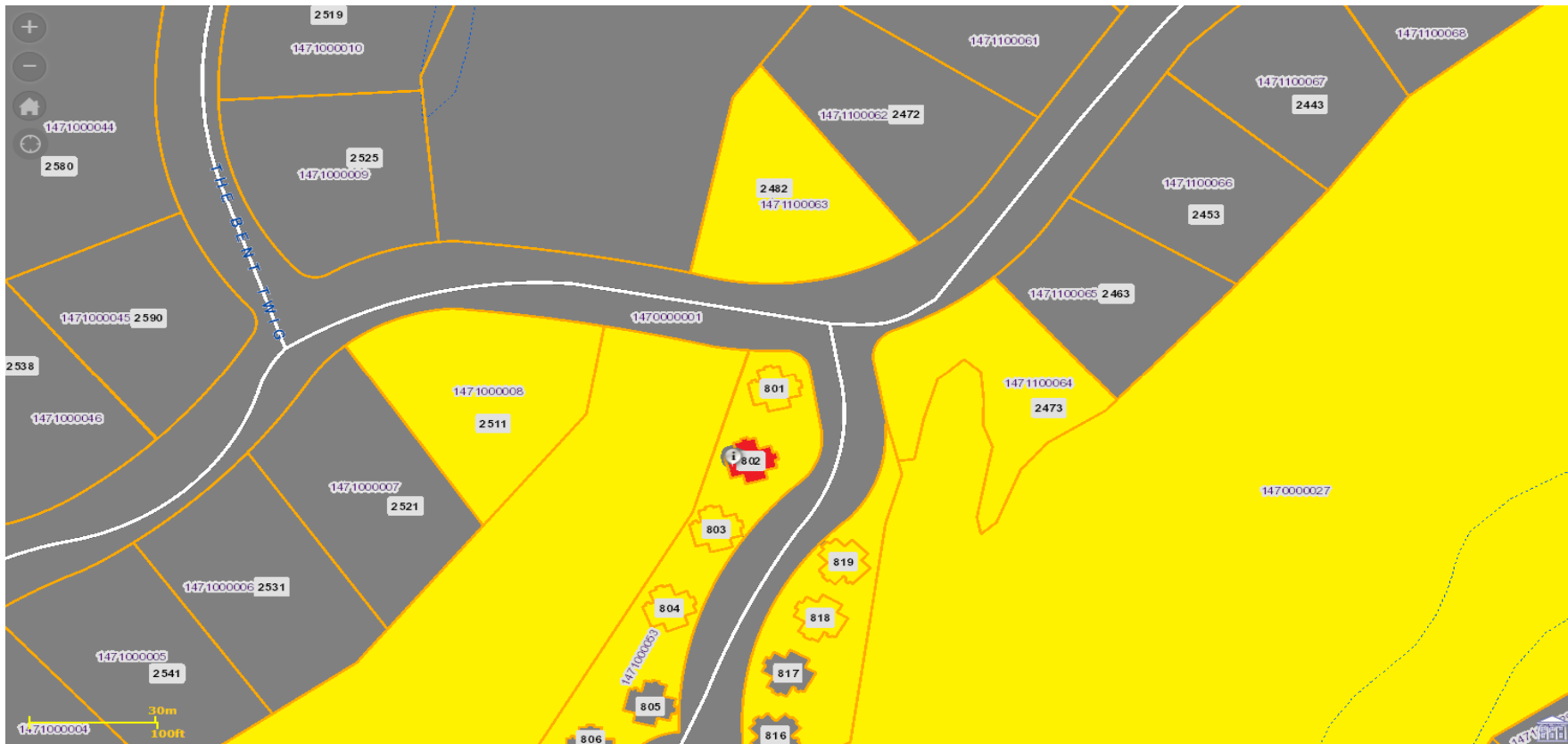
ATTACHMENT #12

Public Hearing Notice:
List of Neighboring Property Owners

Variance Notification List

802 Treeloft Trace

Property Address	Owner(s) of Record	Mailing Address	City	State	Zip
2473 High Hammock Road	Glenn A. Boesger Trust	2531 Dorset Road	Columbus	OH	43221
2482 High Hammock Road	Robert & Mary King	2998 East Avenue	Rochester	NY	14610
2511 High Hammock Road	Kevin & Mary Brown	1023 Englewood Ct	Summerville	SC	29483
801 Treeloft Trace	Thomas & Lindsay Yancey	801 Treeloft Trace	Seabrook Island	SC	29455
803 Treeloft Trace	Richard & Carole Heilman	11402 Stonewood Ln	Rockville	MD	20852
804 Treeloft Trace	FIFE 2005 Trust	804 Treeloft Trace	Seabrook Island	SC	29455
818 Treeloft Trace	Richard & Sandra Allen	818 Treeloft Trace	Seabrook Island	SC	29455
819 Treeloft Trace	Donald Bouder	1262 Tumblestone Drive	Mount Joy	PA	17552
TM # 147-00-00-027	The Club at Seabrook Island	1002 Landfall Way	Seabrook Island	SC	29455
Property Owners Association	Seabrook Island Property Owners Association	1202 Landfall Way	Seabrook Island	SC	29455
Regime	Treeloft Villas Owners Association	3741 Betsy Kerrison Pkwy, Suite	Johns Island	SC	29455





ATTACHMENT #13

Public Hearing Notice:
U.S.P.S. Certified Mail Receipts

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee \$ **3.50**

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ **2.80**

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ **.80**

Total Postage and Fees \$ **7.10**

Sent To **Robert & Mary King**
Street and Apt. No., or PO Box No.
2998 East Ave
City, State, ZIP+4®
Rockwell, NY 14610

Postmark Here
APR 19 2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ **2.80**

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ **.80**

Total Postage and Fees \$ **7.10**

Sent To **Glenn Boesger Trust**
Street and Apt. No., or PO Box No.
2331 Dorset Rd
City, State, ZIP+4®
Columbus, OH 43221

Postmark Here
APR 19 2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt (hardcopy) \$ **2.80**

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ **.80**

Total Postage and Fees \$ **7.10**

Sent To **Kevin & Mary Brown**
Street and Apt. No., or PO Box No.
1023 Englewood Ct
City, State, ZIP+4®
Summerville, SC 29483

Postmark Here
APR 19 2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt (hardcopy) \$ **2.80**

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ **.80**

Total Postage and Fees \$ **7.10**

Sent To **Richard & Carole Heilmann**
Street and Apt. No., or PO Box No.
11402 Stonewood Ln
City, State, ZIP+4®
Rockville, MD 20852

Postmark Here
APR 19 2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ **.80**

Total Postage and Fees \$ **7.10**

Sent To **Thomas & Lindsay Vancey**
Street and Apt. No., or PO Box No.
804 Treloff Trace
City, State, ZIP+4®
Seabrook Island, SC 29455

Postmark Here
APR 19 2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt (hardcopy) \$ **2.80**

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ **.80**

Total Postage and Fees \$ **7.10**

Sent To **FIFE 2005 Trust**
Street and Apt. No., or PO Box No.
804 Treloff Trace
City, State, ZIP+4®
Seabrook Island, SC 29455

Postmark Here
APR 19 2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt (hardcopy) \$ **2.80**

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ **.80**

Total Postage and Fees \$ **7.10**

Sent To **Richard & Sandra Allen**
Street and Apt. No., or PO Box No.
818 Treloff Trace
City, State, ZIP+4®
Seabrook Island, SC 29455

Postmark Here
APR 19 2019

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Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ **.80**

Total Postage and Fees \$ **7.10**

Sent To **Donald Boyder**
Street and Apt. No., or PO Box No.
1267 Tumblestone Dr
City, State, ZIP+4®
Mount Joy, PA 17552

Postmark Here
APR 19 2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt (hardcopy) \$ **2.80**

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ **.80**

Total Postage and Fees \$ **7.10**

Sent To **The Club at Seabrook Island**
Street and Apt. No., or PO Box No.
1002 Landfall Way
City, State, ZIP+4®
Seabrook Island, SC 29455

Postmark Here
APR 19 2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ **.80**

Total Postage and Fees \$ **7.10**

Sent To **SIPOA**
Street and Apt. No., or PO Box No.
1202 Landfall Way
City, State, ZIP+4®
Seabrook Island, SC 29455

Postmark Here
APR 19 2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee \$ **3.50**

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ **2.80**

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ **.80**

Total Postage and Fees \$ **7.10**

Sent To **Treloff Villas Owners Association**
Street and Apt. No., or PO Box No.
814 Betty Morrison Pkwy, Suite 1
City, State, ZIP+4®
Johns Island, SC 29455

Postmark Here
APR 19 2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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OFFICIAL USE

Certified Mail Fee \$ **3.50**

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ **2.80**

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$ **.80**

Total Postage and Fees \$ **7.10**

Sent To **The Club at Seabrook Island**
Street and Apt. No., or PO Box No.
1002 Landfall Way
City, State, ZIP+4®
Seabrook Island, SC 29455

Postmark Here
APR 19 2019

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Kevin & Mary Brown
1023 Englewood Ct
Summerville, SC 29483

9590 9402 4602 8278 8536 47

2. Article Number (Transfer from service label)
7018 2290 0002 2810 1018

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Signature] Agent Addressee

B. Received by (Printed Name) *Kevin & Mary Brown* C. Date of Delivery *4/24/19*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard & Carole Heilman
11402 Stonewood Ln
Rockville, MD 20852

9590 9402 4602 8278 8536 23

2. Article Number (Transfer from service label)
7018 2290 0002 2810 1032

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Signature] Agent Addressee

B. Received by (Printed Name) *Carole Heilman* C. Date of Delivery *4/24/19*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FIFE 2005 Trust
804 Treeloft Trace
Seabrook Island, SC 29455

9590 9402 4602 8278 8536 16

2. Article Number (Transfer from service label)
7018 2290 0002 2810 1049

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Signature] Agent Addressee

B. Received by (Printed Name) *FIFE 2005 Trust* C. Date of Delivery *4/24*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Donald Boudier
1262 Tumblestone Drive
Mount Joy, PA 17552

9590 9402 4602 8278 8535 93

2. Article Number (Transfer from service label)
7018 2290 0002 2810 1063

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Signature] Agent Addressee

B. Received by (Printed Name) *Donald Boudier* C. Date of Delivery

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

The Club at Seabrook Island
1002 Landfall Way
Seabrook Island, SC 29455

9590 9402 4602 8278 8535 86

2. Article Number (Transfer from service label)
7018 2290 0002 2810 1070

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Signature] Agent Addressee

B. Received by (Printed Name) *Sharkene Mack* C. Date of Delivery *4-22-19*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Seabrook Island Property Owners Association
1202 Landfall Way
Seabrook Island, SC 29455

9590 9402 4602 8278 8535 79

2. Article Number (Transfer from service label)
7018 2290 0002 2810 2008

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Signature] Agent Addressee

B. Received by (Printed Name) *Allison Townsley* C. Date of Delivery *4/22/19*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Treeloft Villas Owners Association
3741 Betsy Kerrison Pkwy, Suite 1
Johns Island, SC 29455

9590 9402 4602 8278 8535 62

2. Article Number (Transfer from service label)
7018 2290 0002 2810 2015

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Signature] Agent Addressee

B. Received by (Printed Name) *[Name]* C. Date of Delivery *4-22-19*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

CERTIFIED MAIL



7018 2290 0002 2810 1001



US POSTAGE \$007.10⁰
02 1P 0001219818 APR 19 2019
MAILED FROM ZIP CODE 29455

Town of Seabrook Island
2001 Seabrook Island Rd
Seabrook Island, SC 29455

Robert & Mary King
2998 East Avenue
Rochester, NY 14610

*KL
LW
4-22-19* *5-16-19*

NIXIE 146 DE 1 0005/12/19

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC

29455>6321

146103321 0014

BC: 29455632101 *1154-04531-19-44

CERTIFIED MAIL



7018 2290 0002 2810 1025



US POSTAGE \$007.10⁰
02 1P 0001219818 APR 19 2019
MAILED FROM ZIP CODE 29455

Town of Seabrook Island
2001 Seabrook Island Rd
Seabrook Island, SC 29455

NIXIE 296 DE 1 0005/12/19

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 29455632101 *1988-03888-12-28

*U
11-5/19*

5/19

UNC

29455>6321

CERTIFIED MAIL



7018 2290 0002 2810 0998

FIRST-CLASS



US POSTAGE \$007.10⁰
02 1P 0001219818 APR 19 2019
MAILED FROM ZIP CODE 29455

Town of Seabrook Island
2001 Seabrook Island Rd
Seabrook Island, SC 29455

Glenn A. Boesger Trust
2531 Dorset Road
Columbus, OH 43221

VPO

NIXIE 430 FE 1 0005/04/19

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

UTC

29455>6321

43221-304331

BC: 29455632101 *2927-08854-19-38

CERTIFIED MAIL



7018 2290 0002 2810 1056



US POSTAGE \$007.10⁰
02 1P 0001219818 APR 19 2019
MAILED FROM ZIP CODE 29455

Town of Seabrook Island
2901 Seabrook Island Rd
Seabrook Island, SC 29455

Richard & Sandra Allen
818 Treeloft Trace
Seabrook Island, SC 29455

4-20

*4-20
4-25
5-5*

NIXIE 296 DE 1 0005/05/19

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC

29455>6321
29455-511618

BC: 29455632101 *2927-08223-19-38



ATTACHMENT #14

Public Hearing Notice:
Post & Courier Legal Ad

TOWN OF SEABROOK ISLAND
2001 SEABROOK ISLAND RD
JOHNS ISLAND SC 29455
Attn: Faye Allbritton

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):

04/25/19 Thu PC
04/25/19 Thu CNW

at a cost of \$103.28
Account# 108294
Order# 1785336
P.O. Number:

Subscribed and sworn to before me this 25th day of April A.D. 2019

Elizabetta W. Morrison
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 pm on Tuesday, May 28, 2019, 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 # 161
APPLICANT: ROBERT & Cynthia Reddersen
LOCATION: 802 Treeloft Trace
TAX MAP #: 147-10-00-055
ZONING DISTRICT: PDD/Multi-Family
VARIANCE(S) REQUESTED: To reduce the rear yard setback requirement from 15 feet to approximately 3.5 feet to allow for the expansion of an existing non-conforming open deck (\$ 7.60.40.30)
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.
For more information, please call (843) 768-9121. AD# 1785336





ATTACHMENT #15

Public Hearing Notice:
Property Posting

NOTICE
Board of Zoning Appeals Hearing

The Board of Zoning Appeals of the Town of Seabrook Island, SC will hold a public hearing at 1:00 PM on May 28 at Town Hall

PUBLIC INVITED

Property Owner is seeking variance front Section 7-6.2 of the Zoning Ordinance

VARIANCE IS TO ALLOW Reduction in rear yard setback req. from 15' to ~35' to allow for the expansion of an existing non-conforming open deck.

Documents related to this appeal may be viewed at the Town of Seabrook Town Hall

**THIS NOTICE SHALL NOT BE REMOVED OR DEFACED
UNDER PENALTY OF LAW**



ATTACHMENT #16

Typical Unit
(TreeLoft Villas)



ATTACHMENT #17

Regime Standard for Deck Replacements
(Tree loft Villas)

Architectural Modifications

Deck Extensions

Over the years, a number of Treeloft owners have extended the size of their decks to provide additional space for furniture or seating. In 2008, Treeloft association invested in the preparation of deck extension plans for owners who wish to do so. **Attachment A** to this document show these plans, which provide options for two sizes of deck extensions: 8' X 10' or 10' X 10'. Using the latter size on the entrance deck requires the reconstruction of the access stairway. The plans have been pre-approved by Treeloft Board and the ARC.

The plans are available through Greg Hider, (843) 437-8845, at a cost of \$275. Such plans need to be submitted by Marshland Communities to the ARC for approval and to the Town of Seabrook for a construction permit.

HVAC enclosures

Enclosures are required for any exterior, ground-mounted HVAC equipment adjacent to the villa. These enclosures should follow a similar appearance and structure as the trash closets, and plans must be submitted to the Treeloft Board and the ARC prior to construction. See below for guidelines.

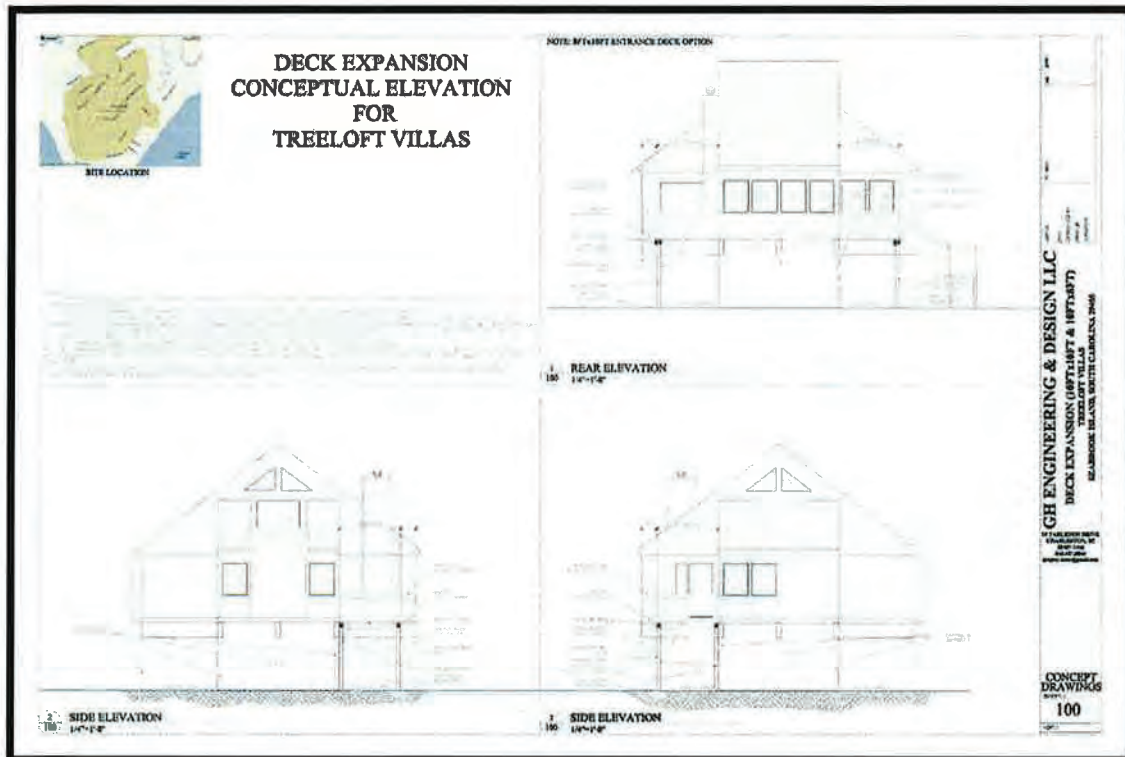
A May 5, 2011 letter to owners describes the need for any HVAC replacement to be in compliance with County Flood Ordinance 1526, effective January 6, 2008.

The following is an excerpt from the County regulations (Charleston County Ordinance 1526 "Flood Damage Prevention & Protection") as it pertains to new & replacement installations of electrical/mechanical equipment:

1. All new construction and substantial improvements within the areas of special flood hazard shall:

- a. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and debris impact,
- b. be constructed with Class 4 or 5 materials resistant to flood damage as per FEMA Technical Bulletin 2-93, entitled "Flood-Resistant Materials Requirements for Buildings Located in Special Flood Hazard Areas", incorporated herein by reference, in all areas below one foot above the base flood elevation,
- c. be constructed by methods and practices that minimize potential for flood damages, and
- d. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are located so as to prevent water from entering or accumulating within the components during**

Attachment A Dwg. 100 (10X10 rear deck; 8X10 front deck)



Dwg 101 (10X10 front deck with revised stairway)

NOTE: DETAIL IN BRACKET DECK OPTION

1. REAR ELEVATION
1/8" = 1'-0"

CH ENGINEERING & DESIGN LLC
BRICK REPUBLIC (CORPORATE & RESIDENTIAL)
SEASIDE, CALIFORNIA 92083

CONCEPT DRAWINGS
101



ATTACHMENT #18

Photos of Original Deck & New Regime Standard
(Tree Loft Villas)







ATTACHMENT #19

Photos of Neighboring Properties:
801 & 803 Treeloft Trace



801
Treeloft Trace



803
Treeloft Trace



ATTACHMENT #20

Setback Illustration for Treeloft Villas

TREELOFT VILLAS



Setback lines are approximate



ATTACHMENT #21

Letter from Treeloft Villas Owners Association
(April 10, 2019)

Tree loft Villas Owners Association

Board of Directors

Stephen Hildreth – *President*

Robert Newman – *Vice President*

Robert Fine – *Treasurer*

Mark Prestero – *Secretary*

Robert Reddersen – *At Large*

April 10, 2019

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

RE: Variance Request from 802 Tree loft Trace

To Whom It May Concern:

Please allow this letter to serve as formal notice that the Tree loft Villas Owners Association Board of Directors is in favor of a variance being granted by the Board of Zoning Appeals to the owner of 802 Tree loft Trace with regard to the construction of a deck extension pursuant to the specifications further described below.

In 2008, the Tree loft Board prepared a set of deck expansion plans to serve as a guide for all Tree loft owners and to ensure that deck improvements were uniform across all Tree loft properties. These plans were approved by the SIPOA Architectural Review Committee. There have been several owners in the Tree loft Association who have taken advantage of this standard upgrade. The extension does not extend further than the width of the actual villa itself; it only allows an owner to extend their deck roughly two feet to the edge of the villa. When the Tree loft Board adopted this standard, it was the intent that all owners would be allowed to make this modification should they wish to do so. In addition, the Board worked hard to choose plans for extending one's deck which were modest and in good taste with the overall appearance of the community. *See* attached photos of an original deck and one that has been extend per the Tree loft Standard, as well as the SIPOA ARC approved plans.

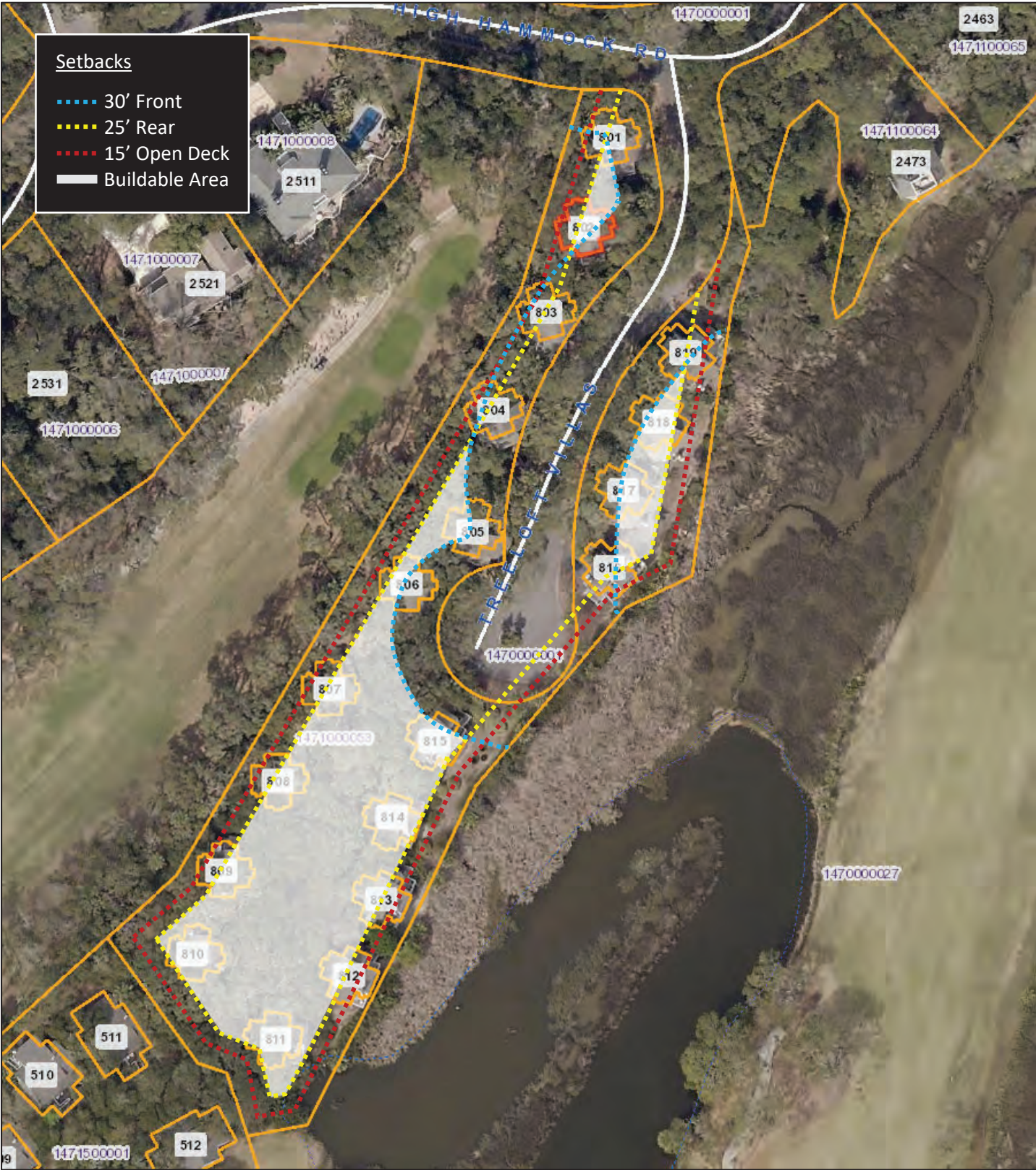
Recently, the Tree loft Board was provided with the attached map showing the "buildable area" highlighted in white. As you will see, at least eight (8) villas would not be allowed to extend their decks per the approved Tree loft standard due to setbacks. In principal, the Board would, in the future, be in favor of variances being granted by the Board of Zoning Appeals to all Tree loft homeowners currently impacted by setbacks to extend their decks pursuant to the deck extension plans referenced above.

Please do not hesitate to contact me should you have any questions or need any further information.

Sincerely,

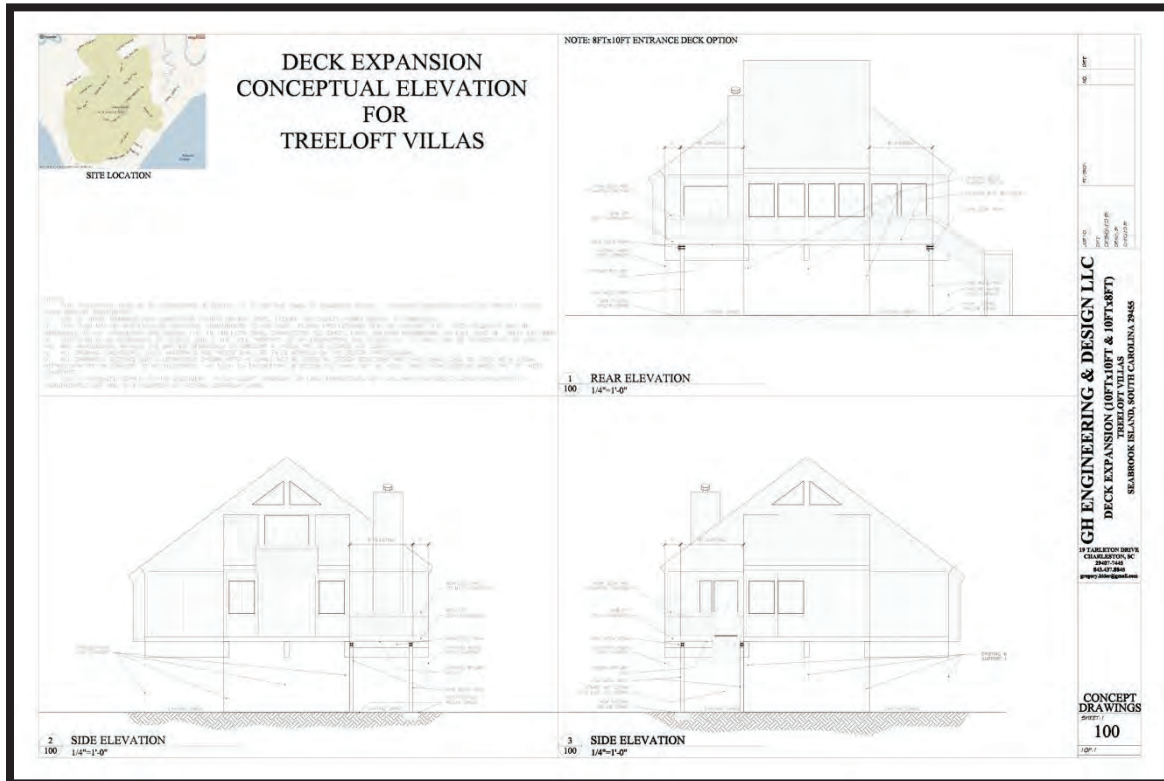
Stephen Hildreth
Board President for Tree loft Villas O.A.

TREELOFT VILLAS



Setback lines are approximate

Attachment A Dwg. 100 (10X10 rear deck; 8X10 front deck)



Dwg 101 (10X10 front deck with revised stairway)



804-0
04/03/2019



04/03/2019



ATTACHMENT #22

Letter from Seabrook Island Club
(April 18, 2019)

Joe Cronin

From: Caleb Elledge <celledge@discoverseabrook.com>
Sent: Thursday, April 18, 2019 12:53 PM
To: Joe Cronin
Cc: mhdohoney@aol.com; Sean Hardwick
Subject: Treeloft

Hello Joe,

Mike Dohoney met with Sean Hardwick and me last week regarding a deck he has or is putting on a home on Treeloft. I believe the issue is that it crosses or comes too close to the Club's property line. For what it is worth, Sean and I are fine with this and have no issues at all if the deck were to cross onto club property in this particular location. I meant to mention this to you at Town Hall last week at the emergency planning meeting, but it slipped my mind. Please let me know if you have any questions. Thanks!

Caleb Elledge, CCM
General Manager/Chief Operating Officer



Seabrook Island, South Carolina
www.discoverseabrook.com



ATTACHMENT #23

Letter from Stewart Fife
(April 24, 2019)

Joe Cronin

From: "stewart.fife@gmail.com" <no-reply@weebly.com>
Sent: Wednesday, April 24, 2019 12:31 PM
To: Joe Cronin
Subject: New Form Entry: Public Comments - Variance #161

You've just received a new submission to your [Public Comments - Variance #161](#).

Submitted Information:

Name

Stewart Fife

Address

804 Treeloft Trace Seabrook Island, SC 29455

Email Address

stewart.fife@gmail.com

Do you support the approval of Variance #161?

Yes - In Favor

Comment

Dear Sir or Madam, I'm writing in strong support of the Reddersen's appeal and respectfully request that you please consider reducing the rear yard setback requirement in order to allow the Reddersens to expand their deck in the same manner in which other Treeloft Villa decks have been expanded.

Thank you for taking my comment into consideration.

Best wishes,
Stewart Fife



ATTACHMENT #24

Letter from Heather Fife
(April 24, 2019)

Joe Cronin

From: "heather_fife@hotmail.com" <no-reply@weebly.com>
Sent: Wednesday, April 24, 2019 12:36 PM
To: Joe Cronin
Subject: New Form Entry: Public Comments - Variance #161

You've just received a new submission to your [Public Comments - Variance #161](#).

Submitted Information:

Name

Heather Fife

Address

804 Treeloft Trace Seabrook Island, SC 29455

Email Address

heather_fife@hotmail.com

Do you support the approval of Variance #161?

Yes - In Favor

Comment

I am strongly in favor of the Reddersen's appeal. By reducing the rear yard setback requirement, they will be able to expand their rear deck and bring it into conformance with other Treeloft Villas.

Best,
Heather Fife



ATTACHMENT #25

Letter from Richard Heilman
(May 1, 2019)

Joe Cronin

From: "rheilman@his.com" <no-reply@weebly.com>
Sent: Wednesday, May 1, 2019 3:14 PM
To: Joe Cronin
Subject: New Form Entry: Public Comments - Variance #161

You've just received a new submission to your [Public Comments - Variance #161](#).

Submitted Information:

Name

Richard Heilman

Address

803 Treeloft Trace

Email Address

rheilman@his.com

Do you support the approval of Variance #161?

Yes - In Favor

Comment

As the owner of the neighboring villa at 803 Treeloft, our property falls into the same setback restrictions as 802 Treeloft. We were never advised of such restrictions when purchasing and I'm now shocked to learn of the setback situation. The Reddersens are correct to note that the setback restrictions were put in place retroactively long after the construction of the houses. As with other situations of which I'm aware on the island, our villas should be grandfathered in and thus not encumbered by the now current setback rules.



ATTACHMENT #26

Letter from Steve Hildreth
(May 16, 2019)

Joe Cronin

From: "Shildrethsr@aol.com" <no-reply@weebly.com>
Sent: Thursday, May 16, 2019 8:18 AM
To: Joe Cronin
Subject: New Form Entry: Public Comments - Variance #161

You've just received a new submission to your [Public Comments - Variance #161](#).

Submitted Information:

Name

Steve

Address

Hildreth

Email Address

Shildrethsr@aol.com

Do you support the approval of Variance #161?

Yes - In Favor

Comment



ATTACHMENT #21

Letter from Joanne Fagan
(May 22, 2019)

Joe Cronin

From: no-reply@weebly.com
Sent: Wednesday, May 22, 2019 5:29 AM
To: Joe Cronin
Subject: New Form Entry: Public Comments - Variance #161

You've just received a new submission to your [Public Comments - Variance #161](#).

Submitted Information:

Name

Joanne Fagan

Address

813 Treeloft Trace

Email Address

Joanne.fagan@comcast.net

Do you support the approval of Variance #161?

Yes - In Favor

Comment

I am in favor of this variance being passed, as it will benefit all Treeloft and Sealoft homeowners. As these setback standards were implemented after incorporation of the Town of Seabrook Island, it is only fair that homeowners in these communities be grandfathered to perform improvements to their homes under the guidelines of the particular regime and ARC approval.



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 \$350.00 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			
Tax Map Number	Block	Lot	
Lot Size (Square Feet)			
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)			
Applicant Address			
Applicant Phone Number			
Applicant Email Address			
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)			
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 accurate to the best of my (our) knowledge.

Applicant Signature(s)	Date		
	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:

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):

2) DSO Requirement(s):

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:

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

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:

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:

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.

\$350.00 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.

Joe Cronin

From: Lynda Stearns
Sent: Wednesday, May 22, 2019 10:23 AM
To: Joe Cronin
Subject: FW: 2016-09-29 Amendment to Conservation Easement.PDF
Attachments: 2016-09-29 Amendment to Conservation Easement.PDF

From: David Maybank III <dmaybank3@maybankproperties.com>
Sent: Tuesday, May 21, 2019 5:45 PM
To: Lynda Stearns <Lstearns@townofseabrookisland.org>
Subject: 2016-09-29 Amendment to Conservation Easement.PDF

Lynda,

I received your letter regarding the septic tank on Cotton Island. At the date of our purchase of the island, there was no septic system in place. I have attached a copy of the amended conservation easement that was recorded on September 30, 2016 at the Charleston County ROD at Book 0587 Page 109. Paragraph 3 of this easement amendment prohibits, among other things, the construction of septic systems. Based on the amended conservation easement, I believe the concern outlined in your letter is moot.

Please let me know if you have any additional questions.

Best regards,

David

-- --

David Maybank III
Maybank Properties LLC
P.O. Box 20397
Charleston, SC 29413-0397

(843) 740-9200 (main number)
(843) 740-9201 (my office direct)
(843) 720-1061 (office fax)
(843) 813-2815 (mobile)
dmaybank3@MaybankProperties.com

www.MaybankProperties.com

unenclosed camping and wildlife observation shelter and shall not include any structure used as a permanent or temporary **Residential Structure**.

2. Paragraph 5, Restrictions and Limitations, Subparagraphs B, B(I), B(II), B(III), and B(IV) in the Conservation Easement are hereby deleted and the following Paragraph 5, Restrictions and Limitations, Subparagraphs B, B(I), B(II), B(III), and B(IV) are substituted in lieu thereof:

(B) Structural Limitations. The construction, enlargement and replacement of structures are subject to the following limitations:

I. Total **Impervious Surface** on the Protected Property shall not exceed a maximum square footage of four hundred (400) square feet in the aggregate.

II. No **Agricultural Structure** shall be permitted on the Protected Property.

III. No **Residential Structure** or **Related Outbuilding** shall be permitted on the Protected Property.

IV. One (1) **Recreational Structure** may be constructed, repaired, replaced and maintained. All or a portion of the **Recreational Structure's** floor may be elevated; however, the **Recreational Structure** must be constructed so that no portion of the structure, including the roof, extends above Cotton Island's highest vegetation. The **Recreational Structure** may be used for short-term camping. The **Recreational Structure** shall be designed and built of materials that blend in with the vegetative cover and cause the least impact on the Conservation Values of the Protected Property as practicable.

3. Paragraph 5, Restrictions and Limitations, Subparagraph 5(G) Services in the Conservation Easement is hereby deleted and the following Subparagraph 5(G) Services is substituted in lieu thereof:

(G) Services. Construction of water wells, septic systems, above-ground fuel storage tanks, underground liquefied petroleum (LP) and gas storage tanks and utility services is prohibited with the exception of **Grantor's** right to drill, install, repair and maintain one (1) well equipped with a hand operated or 12-volt battery operated pump.

4. Paragraph 5, Restrictions and Limitations, Subparagraph 5(Q) Lighting in the Conservation Easement is hereby deleted and the following Subparagraph 5(Q) Lighting is substituted in lieu thereof:

(Q) Lighting. All lighting must be down shielded to the maximum extent possible to prevent intrusion of the lighting onto the Protected Property, the adjacent lands of the Bohicket River and marshes. Permitted lighting is limited to portable lanterns and lighting provided by a portable generator not to exceed 5Kw in capacity. No light fixtures shall be permanently attached to the **Recreational Structure**.

GRANTOR HEREBY WARRANTS and represents that the Grantor is seized of the Protected Property in fee simple and has good right to grant and convey this Amendment, that the Protected Property is free and clear of any and all encumbrances, except easements of record and prescriptive easements, if any, and that

the Grantee and its successors and assigns shall have the use of and enjoy all of the benefits derived from and arising out of the Conservation Easement and this Amendment.

REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK

IN WITNESS WHEREOF, Grantor and Grantee have executed this Amendment to the Conservation Easement as of the date referenced above.

GRANTOR:

Horse Island, LLC

Barbara G Holmes

Witness 1

By: David Maybank III

Kate Kelly

Witness 2

Its: Manager

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

ACKNOWLEDGMENT

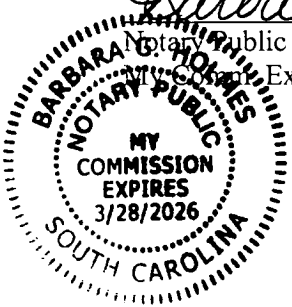
The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the above named David Maybank III personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

SWORN to before me this 29th day of September, 2016.

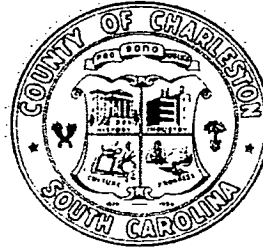
Barbara G Holmes

Notary Public for South Carolina

My Comm. Expires: March 28, 2026



RECORDER'S PAGE



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

Filed By:

COUNTER CUSTOMER
 LOWCOUNTRY LAND TRUST
 43 WENTWORTH STREET
 CHARLESTON, SC 29401

RECORDED		
Date:	September 30, 2016	
Time:	11:25:02 AM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0587	109	Misc/Amend
Charlie Lybrand, Register Charleston County, SC		

MAKER:

HORSE ISLAND LLC

of Sats: # of Pages:
 # of References:

RECIPIENT:

LOWCOUNTRY LAND TRUST INC

Note:

Recording Fee	\$ 10.00
Extra Reference Cost	\$ -
Extra Pages	\$ 1.00
Postage	\$ 0.50
Chattel	\$ -
TOTAL	\$ 11.50

Original Book:

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**South Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resource Management
CRITICAL AREA PERMIT**

Permittee(s): **John Maybank**
Permit Number(s): **OCRM-03-357-M**
Date of Issuance: **October 12, 2004**
Expiration Date: **October 12, 2009**
Location: **Cotton Island,
Charleston County, South Carolina
Bohicket Creek**

**SEE SPECIAL
CONDITION(S)**

This permit is issued under the provisions of S. C. Code Ann. Section 48-39-10, *et. seq.*, and R.30-1 through R.30-20. Please carefully read the project description and any Special Conditions that may appear on this permit/certification as they will affect the work which is allowed. If there are no Special Conditions, then the work is authorized as described in the project description. The general conditions are also a part of this permit/certification and should be read in their entirety. The S. C. Contractor's Licensing Act of 1999, enacted as Section 40-11-5 through 430, requires that all construction with a total cost of \$5,000 or more be performed by a licensed contractor with a valid contractor's license for marine class construction, except for construction performed by a private landowner for strictly private purposes. Your signature on and acceptance of this permit denotes your understanding of the stated regulations regarding use of licensed contractors. **All listed special and general conditions will remain in effect for the life of the project, if work commences during the life of the permit. This applies to both permittee and/or future property owners or permit assignees.**

DESCRIPTION OF THE AUTHORIZED PROJECT

This permit has been issued as requested, which consists of a 4' by 350' walkway leading to a 12' by 20' fixed pierhead. On the downstream side of the proposed pierhead a ramp will lead to a 10' by 40' floating dock. However, the dock height must be lowered to be level with the top of marsh vegetation with adequate deck board spacing to lessen the impact to the Rockville National Register of historic places. The purpose of the described activity is for the applicant's private, recreational use.

SPECIAL CONDITIONS

1. Provided the walkway and fixed pierhead height are lowered to be level of 18" MHW. To offset the lowered structure, a 1 ½" deck board spacing must be implemented.

2. Provided that this structure does not unduly restrict or impede navigation at any stage of the tidal cycle.
3. Provided that the dock should be located in a manner so as to minimize disturbance to shellfish resources or in an area void of shellfish resources. If this requires the relocation of this dock, notification to OCRM is required and written approval for the relocation must be received from OCRM prior to construction.
4. Provided that if archaeological or paleontological remains are encountered prior to or during construction, we request that work stop and the State Historic Preservation Office be notified at 803-734-8615. If these materials include any underwater archaeological or paleontological remains the permittee should also notify the SC Institute of Archaeology and Anthropology at 803-777-8170 pursuant to SC Code of Laws 54-7-400, et seq. Archaeological remains consist of any materials made or altered by man which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures or nonrecent (i.e., older than 100 years) vessels ruins. Paleontological remains consist of old animals remains, original or fossilized, such as teeth, tusks, bone or entire skeletons.

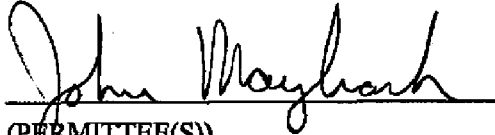
PERMITTEE'S ATTENTION IS DIRECTED TO GENERAL CONDITIONS NUMBERS FOUR (4) AND FIVE (5). BY ACCEPTANCE OF THIS PERMIT, PERMITTEE IS PLACED ON NOTICE THAT THE STATE OF SOUTH CAROLINA, BY ISSUING THIS PERMIT, DOES NOT WAIVE ITS RIGHTS TO REQUIRE PAYMENT OF A REASONABLE FEE FOR USE OF STATE LANDS AT A FUTURE DATE IF SO DIRECTED BY STATUTE.

THE PERMITTEE, BY ACCEPTANCE OF THIS PERMIT AGREES TO ABIDE BY THE TERMS AND CONDITIONS CONTAINED HEREIN AND TO PERFORM THE WORK IN STRICT ACCORDANCE WITH THE PLANS AND SPECIFICATIONS ATTACHED HERETO AND MADE A PART HEREOF. ANY DEVIATION FROM THESE CONDITIONS, TERMS, PLANS AND SPECIFICATIONS SHALL BE GROUNDS FOR REVOCATION, SUSPENSION OR MODIFICATION OF THIS PERMIT AND THE INSTITUTION OF SUCH LEGAL PROCEEDINGS AS THE DEPARTMENT MAY CONSIDER APPROPRIATE.

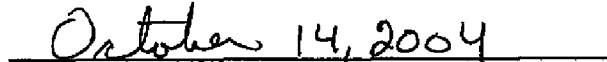
CAUTION: Section 48-39-150(D) allows any person adversely affected by the issuance of this permit to appeal the decision by filing a written Notice of Intent to Appeal within 30 days after notification of the permit's issuance. In the event of an appeal, the Department reserves the right to order a stay of any use or activity authorized herein pending a final decision, when, in the judgement of the Department, the interests of the public would be best served. Pursuant to Temporary Amendments of the Rules of the Administrative Law Court, the Court requires a \$250.00 filing fee to be submitted with any written request for an appeal of a final agency decision. The written request for an appeal must be filed with OCRM and a copy of the request, with the \$250.00 fee, sent directly to the Administrative Law Court at P.O. Box 11667, Columbia, SC, 29211. The Administrative Law Court will not process the appeal unless the fee is submitted to them.

Permit Number: OCRM-03-357-M

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE(S))
John Maybank



(DATE)

This permit becomes effective when the State official, designated to act for the Office of Ocean and Coastal Resource Management, has signed below.



(MANAGER, CRITICAL AREA PERMITTING)
Curtis M. Joyner
Or his Designee
Other Authorized State Official



(DATE)

GENERAL CONDITIONS:

SEE SPECIAL
CONDITIONS(S)

This construction and use permit is expressly contingent upon the following conditions which are binding on the permittee.

1. That the permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save the South Carolina Coastal OCRM, the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.
2. That if the activity authorized herein is not constructed or completed within five years of the date of issuance, this permit shall automatically expire. A request, in writing, for an extension of time shall be made not less than sixty days prior to the expiration date.
3. That all authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
4. That this permit does not relieve the permittee from the requirements of obtaining a permit from the U. S. Army Corps of Engineers or any other applicable federal agency, nor from the necessity of complying with all applicable local laws, ordinances, and zoning regulations. This permit is granted subject to the rights of the State of South Carolina in the navigable waters and shall be subject, further to all rights held by the State of South Carolina under the public trust doctrine as well as any other right the State may have in the waters and submerged lands of the coast.
5. That this permit does not convey, expressly or impliedly, any property rights in real estate or material nor any exclusive privileges; nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.
6. That the permittee shall permit the OCRM or its authorized agents or representatives to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed is in accordance with the terms and conditions of this permit.
7. That any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by the OCRM.
8. That this permit may not be transferred to a third party without prior written notice to the OCRM, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferred subscribing to this permit and thereby agreeing to comply.
9. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and special signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
10. That the permit placard or a copy of the placard shall be posted in a conspicuous place at the project site during the entire period of work.
11. That the structure or work authorized herein shall be in accordance with the plans and drawing attached hereto, and shall be maintained in good condition. Failure to build in accordance with the plans and drawings attached hereto, or failure to maintain the structure in good condition shall result in the revocation of this permit.
12. That the authorization for activities or structures herein constitutes a revocable license. The OCRM may require the permittee to modify activities or remove structures authorized herein if it is determined by the OCRM that such activity or structures violates the public's health, safety, or welfare, or if any activity is inconsistent with the public trust doctrine. Modification or removal under this condition shall be ordered only after reasonable notice stating the reasons therefore and provision to the permittee of the opportunity to respond in writing. When the Permittee is notified that OCRM intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.
13. That the OCRM shall have the right to revoke, suspend, or modify this permit in the event it is determined the permitted structure (1) significantly impacts the public health, safety and welfare, and/or is violation of Section 48-39-150, (2) adversely impacts public rights, (3) that the information and data which the permittee or any other agencies have provided in connection with the permit application is either false, incomplete or inaccurate, or (4) that the activity is not in compliance with the drawings submitted by the applicant. That the permittee, upon receipt of the Coastal OCRM's written intent to revoke, suspend, or modify the permit has the right to a hearing. Prior to revocation, suspension, or modification of this permit, the OCRM shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to the OCRM. (South Carolina Code Section 1-023-370 shall govern the procedure for revocation, suspension or modification herein described).
14. That any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against the OCRM or the State of South Carolina or any employee, agent, or representative of the Coastal OCRM or the State of South Carolina.
15. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to applicable federal, state and local laws.
16. That extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the project or other. This permit authorizes no invasion of adjacent or private property, and OCRM assumes no responsibility or liability from any claims of damage arising out of any operations conducted by the permittee pursuant to this permit.

A A.H. SCHWACKE & ASSOCIATES, INC.
H Land Surveying & Construction Layout
S P.O. Box 13077 Charleston, S.C. 29422
 Phone 843 762-7005 Fax 843 762-01019

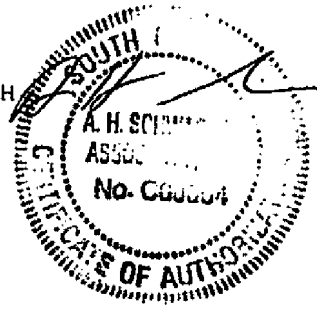
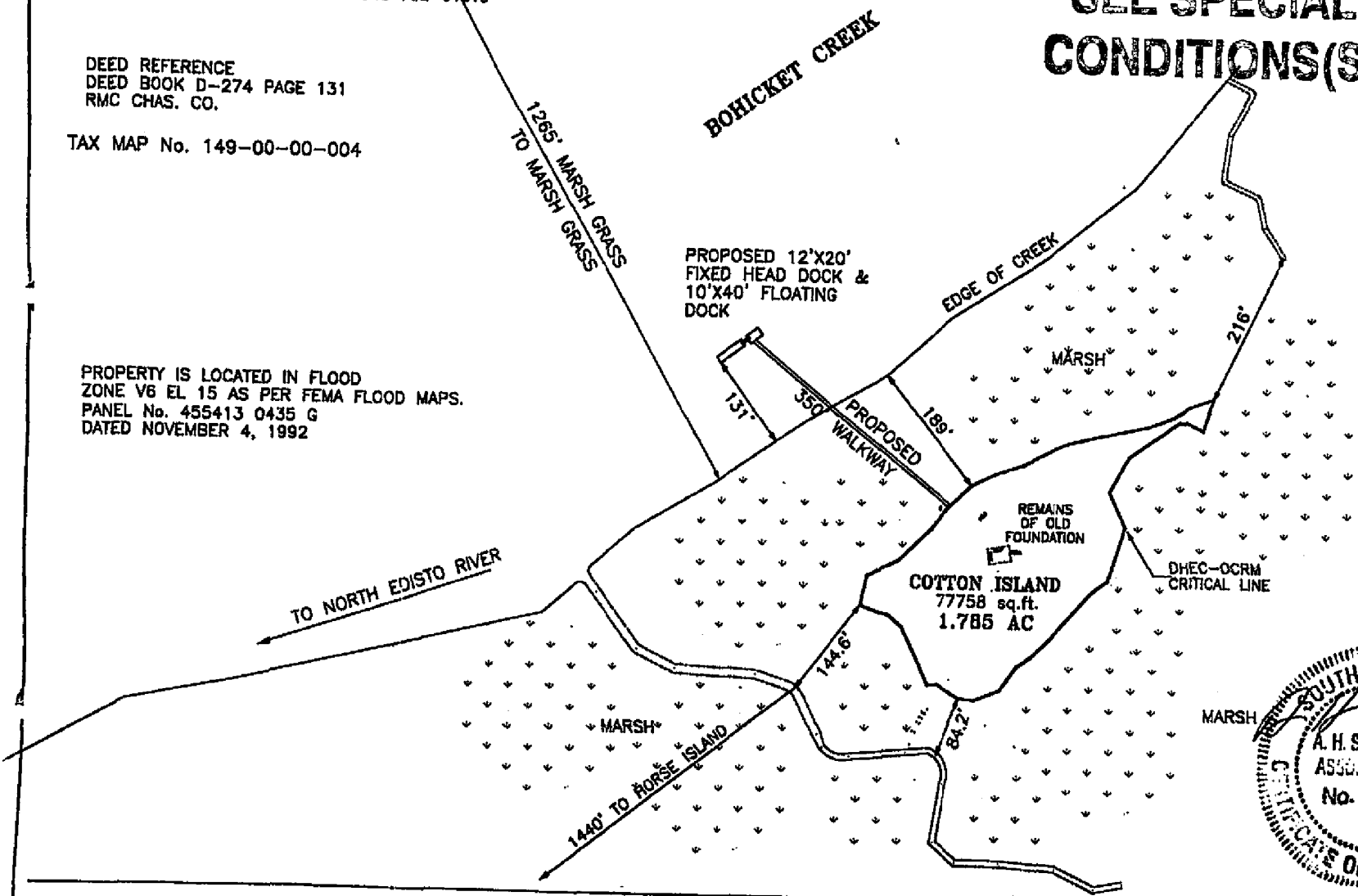
**SEE SPECIAL
 CONDITIONS(S)**



DEED REFERENCE
 DEED BOOK D-274 PAGE 131
 RMC CHAS. CO.

TAX MAP No. 149-00-00-004

PROPERTY IS LOCATED IN FLOOD
 ZONE V6 EL 15 AS PER FEMA FLOOD MAPS.
 PANEL No. 455413 0435 G
 DATED NOVEMBER 4, 1992



**GENERAL AREA 1.785 AC COTTON ISLAND (FORMERLY PORTION OF JENKINS POINT)
 SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA**

ADJACENT PROPERTY OWNERS

1. (TMS #149-00-00-003) LAWRENCE K. BRADHAM (HORSE ISLAND)
2. (TMS #149-00-00-002) PATRICIA W. WHEELER (2830 JENKINS PT RD)

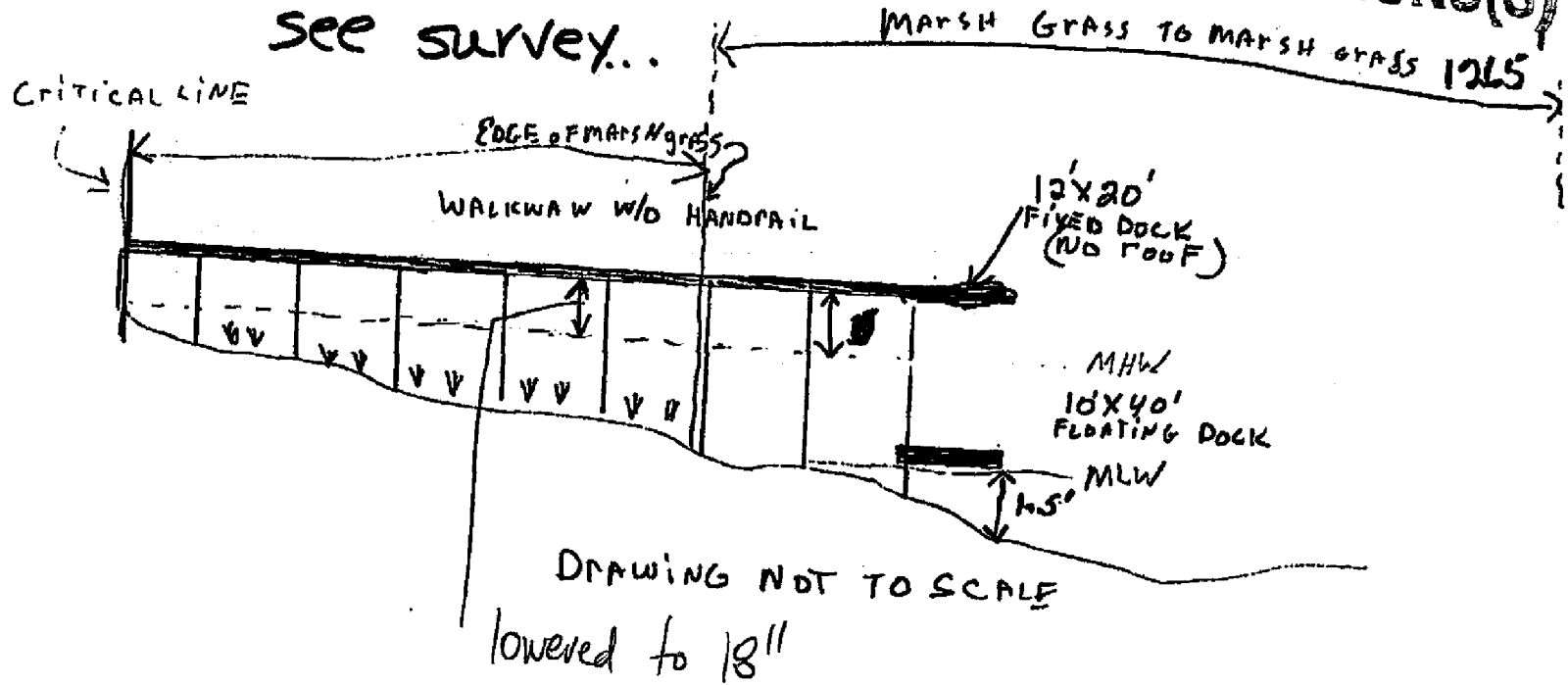
PROPOSED ACTIVITY
 CONSTRUCT PRIVATE/RESIDENTIAL DOCK
 CHARLESTON COUNTY

APPLICANT: FRANCES W. JENKINS
 Requested by: Johnny Maybank

OCRM-03-357-M

NOT TO SCALE

SEE SPECIAL
CONDITIONS(S)



APPLICANT: JOHNNY MAYBANK

ACTIVITY: PRIVATE RECREATIONAL
DOCK

P/N# OCRM-03-357-M

LOCATION: COTTON ISLAND
BOHICKET CREEK, SC

COUNTY: CHARLESTON

DATE: OCTOBER 7, 2003

ADJACENT PROPERTY OW

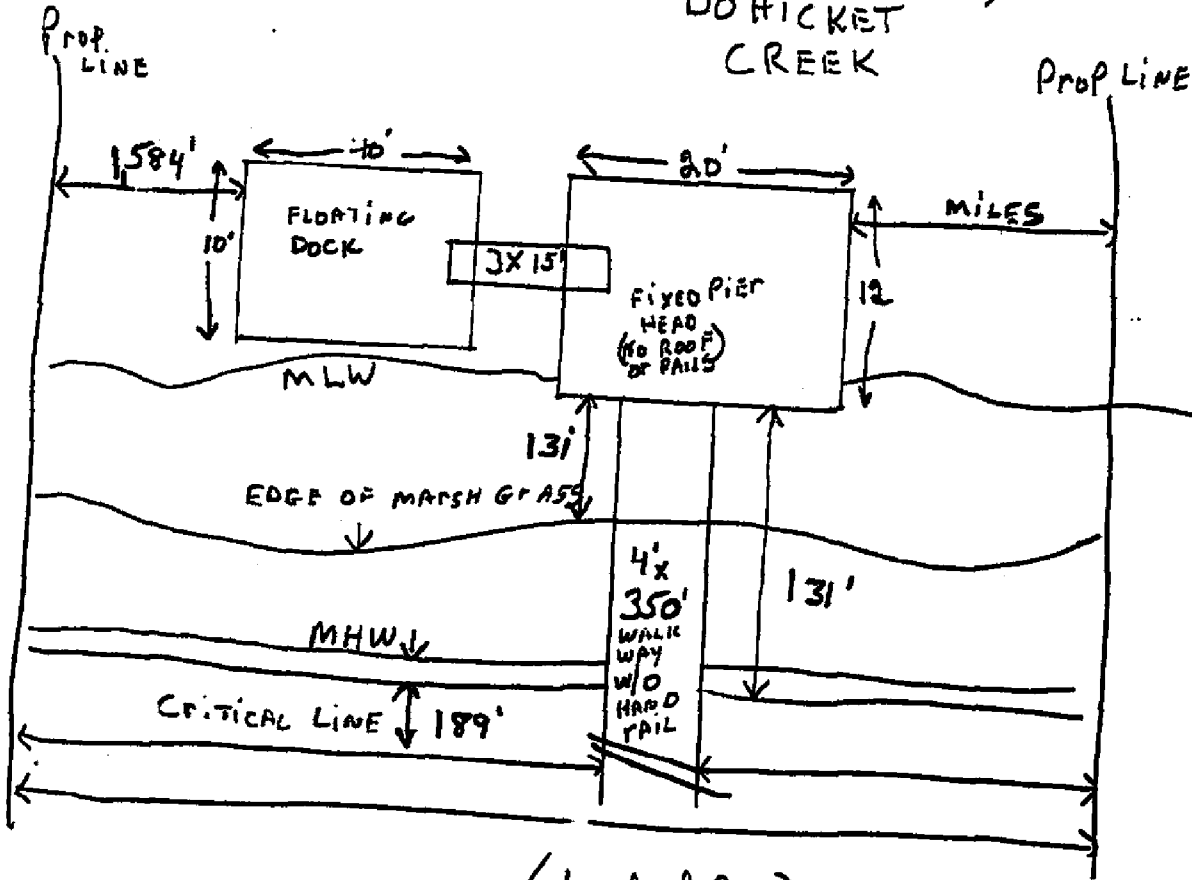
I. LAWRENCE K. BRADHAM
HORSE ISLAND

TMS# 149-00-00-003

SEE SPECIAL CONDITIONS(S)

DRAWING NOT TO SCALE

BOHICKET
CREEK



(at critical line)

CLIENT: JOHNNY
MAYBANK

LOCATION: COTTON ISLAND
BOHICKET CREEK, SC

ADJACENT PROPERTY OWNER

ACTIVITY: PRIVATE
RECREATIONAL DOCK

COUNTY: CHARLESTON

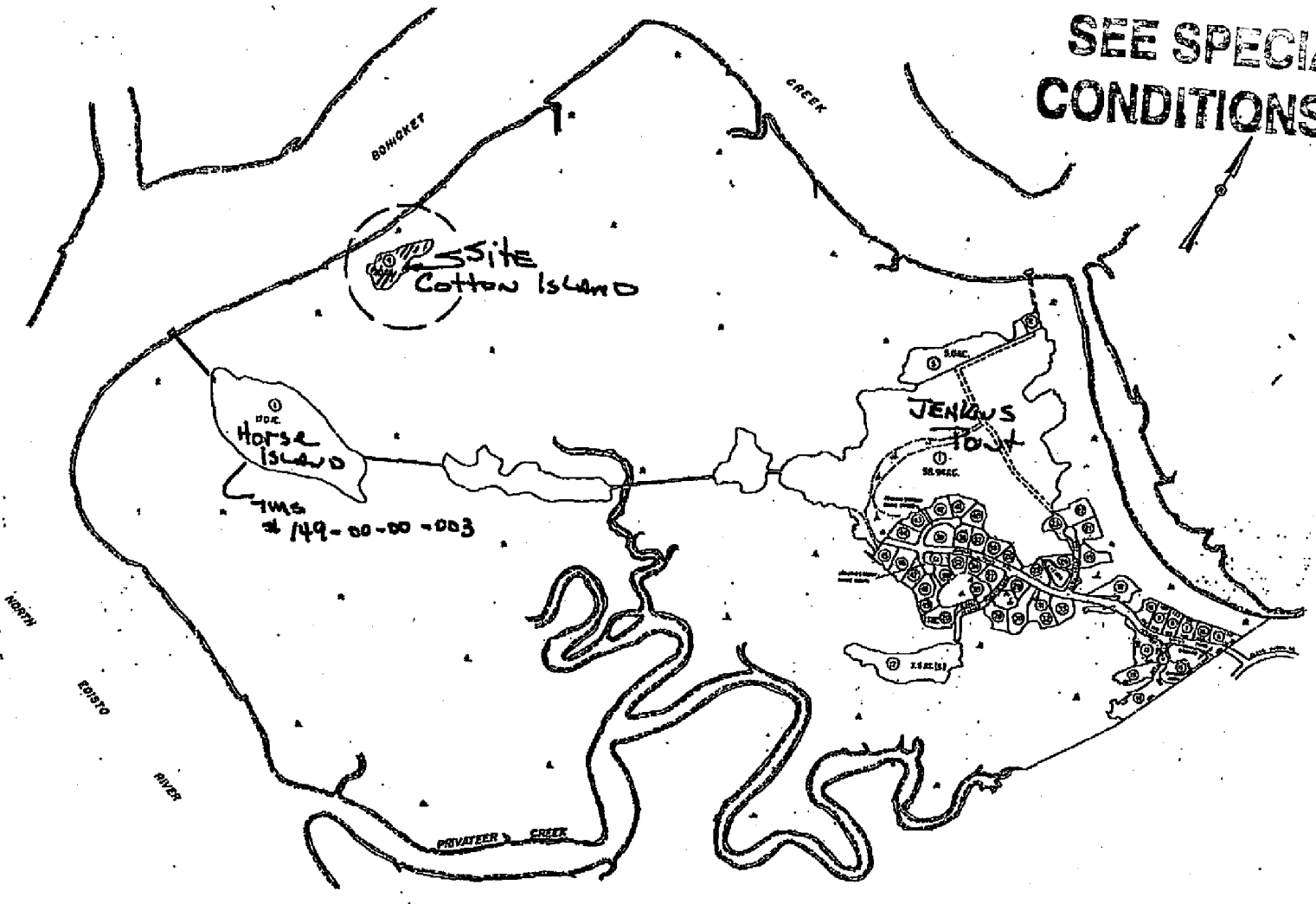
1. LAWRENCE K. BRADHAM Horse Island
TMS # 149-00-00-003

OCRM-03-357-M

DATE: OCTOBER 7, 2003

2. PATRICIA WHEELER
TMS # 149-00-00-002

**SEE SPECIAL
CONDITIONS(S)**



**GENERAL AREA 1.785 AC COTTON ISLAND (FORMERLY PORTION OF JENKINS POINT)
SEABROOK ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA**

ADJACENT PROPERTY OWNERS

1. (TMS #149-00-00-003) LAWRENCE K. BRADHAM (HORSE ISLAND)
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**PROPOSED ACTIVITY
CONSTRUCT PRIVATE/RESIDENTIAL DOCK
CHARLESTON COUNTY**

**APPLICANT: FRANCES W. JENKINS
Requested by: Johnny Maybank**

OCRM-03-357-M

APPLICANT: JOHNNY
MAYBANK
ACTIVITY: PRIVATE
RECREATIONAL DOCK

LOCATION: COTTON ISLAND
30 HICKET CREEK, SC

ADJACENT PROPERTY OWNERS:
1. LAWRENCE K. BRADHAM
TMS # 149-00-00-003
2. PATRICIA WHEELER
TMS # 149-00-00-002

PN# DCRM-03-357-M

DATE: OCTOBER 7, 2003

COUNTY: CHARLESTON

