

# TOWN OF SEABROOK ISLAND

Board of Zoning Appeals Meeting

October 20, 2020 – 2:30 PM

Virtual Meeting (Zoom)

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



## AGENDA

### CALL TO ORDER

### APPROVAL OF MINUTES

1. Board of Zoning Appeals Meeting: August 26, 2020 [Pages 2–21]

### PENDING VARIANCE REQUESTS

1. Variance # 169 [Pages 22–46]

<b>APPLICANT:</b>	Seabrook Island Property Owners Association
<b>ADDRESS:</b>	2303 Seabrook Island Road (SIPOA Gatehouse)
<b>TAX MAP NUMBER:</b>	147-00-00-001
<b>ZONING DISTRICT:</b>	PDD Planned Development District
<b>PURPOSE:</b>	To reduce the required setback for ground signs from six (6) feet to approximately two (2) feet to allow for installation of two (2) community message board signs with electronic variable message displays on the inbound and outbound lanes of Seabrook Island Road

### ITEMS FOR INFORMATION / DISCUSSION

*There are no Items for Information / Discussion*

### ADJOURN

# TOWN OF SEABROOK ISLAND

## Board of Zoning Appeals Meeting

August 26, 2020 – 2:30 PM

Virtual Meeting Hosted via Zoom

[Live Streamed on YouTube](#)



## MINUTES

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

Absent: None

Guests: Robert Newman (2750 Gnarled Pine), Eric & Elizabeth Bryan (2913 Deer Point Drive), Malcolm Brennan (M. Brennan Architects), Leanne & William Spaide (3557 Seaview Drive), Evan Brandon (Outdoor Spatial Design)

Chairman Sewell called the meeting of the Board of Zoning Appeals to order at 2:32 PM. Zoning Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting was properly posted. Chairman Sewell introduced himself and members of the Board to those watching the meeting remotely and confirmed that a quorum was present.

### APPROVAL OF MINUTES

1. **Board of Zoning Appeals Meeting: August 4, 2020**: Mr. Leggett made a motion to approve the minutes from the August 4, 2020 meeting, as submitted. Ms. Kleinman seconded the motion. The motion was **APPROVED** by a vote of 5-0.

### PUBLIC HEARING ITEMS

1. **Variance #166: 2750 Gnarled Pine (Tax Map # 147-08-00-082)**: Chairman Sewell introduced the pending variance request, which was submitted by Robert and Katherine Newman, the owners of 2750 Gnarled Pine. Chairman Sewell disclosed that members of the Board were encouraged to visit the subject property prior to the hearing for the purpose of viewing existing conditions at the site, as well as neighboring properties. Members of the Board confirmed that they had visited the site prior to the meeting. Chairman Sewell added that no testimony was received during the individual site visits.

Chairman Sewell then called on Zoning Administrator Cronin to provide a brief overview of Variance Application #166. Chairman Sewell administered an oath to Zoning Administrator Cronin and asked him to confirm that the public hearing on the pending variance request was properly advertised, as required by state and local law. Zoning Administrator Cronin responded in the affirmative.

Zoning Administrator Cronin stated that the applicants were seeking approval to construct a wooden deck and steps at the rear of their existing single-family residence. According to Charleston County tax records, the existing home was completed in 1979. Because the town was not incorporated until 1987, the property would have been developed under Charleston County’s zoning requirements. Mr. and Mrs. Newman purchased the property in September of 2019. He added that Section 7.60.60 of the DSO requires a minimum rear yard setback of 15 feet for open decks when abutting open space, such as a golf course. At its closest point, the proposed deck would be located approximately 4 feet from the rear property line.

To allow for construction of the proposed deck, the applicants sought approval from the Board of Zoning Appeals to grant relief from the following requirement, as provided by the town’s DSO:

Type	DSO Reference / Requirement	Variance Requested
Rear Yard Setback (Open Decks)	15 feet (§ 7.60.60)	Reduce the rear yard setback from 15 feet to approximately 4 feet (11-foot encroachment)

As part of their variance request, the applicants stated that strict application of Sec. 7.60.60 would result in an unnecessary hardship. The applicants further argued:

- 1) The existing home was constructed prior to the town’s incorporation, and was built under different (Charleston County) zoning requirements in place at the time;
- 2) The conditions do not apply to other properties in the vicinity due to neighboring homes being constructed at a later date and, therefore, in compliance with the town’s current setback requirements;
- 3) Strict application of the rear yard setback requirement would prohibit the applicants from improving the property and enjoying their backyard; and
- 4) The adjacent property to the rear of the applicants’ property is owned by the Seabrook Island Club, which has submitted a letter in support of the applicants’ variance request, and the deck will still be more than 25 feet away from the currently maintained area of the golf course.

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

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

- Robert Newman: Mr. Newman, the owner of 2750 Gnarled Pine, spoke regarding the variance request. Mr. Newman stated that the existing home pre-dates the town’s

incorporation and was built under a different set of rules than exist today. He stated that the purpose of the request is to allow him and his wife to replace an existing deck which is rotting, unsightly and unsafe. While the proposed deck would be only four feet from the property line, the deck would be approximately 32 feet from the maintained area of the golf course. He added that he was seeking to use the property in a similar manner to neighboring residences.

Ms. Kleinman asked what the plans were for improving drainage on the property and how the proposed upgrades would improve the property overall. Mr. Newman stated that he was working with a contractor to remove built up sand from the property and would also install a cistern with French drains to control the flow of water. He added that he has had ongoing communication with the Seabrook Island Club, which supported his request, and which also plans to remove additional debris and take down one pine tree behind his property.

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

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

- Sean Hardwick: Mr. Hardwick submitted a comment in support of the variance request on behalf of the Seabrook Island Club.
- Jeff Noel: Mr. Noel of 2740 Gnarled Pine submitted a written comment in support of the variance request.
- Lori Porwoll: Ms. Porwoll of 2700 Seabrook Island Road submitted a written comment in opposition to the variance request.

Katrina Burrell participated in the virtual meeting on behalf of SIPOA. Ms. Burrell stated that she did not submit a letter in advance of the meeting because she had not yet received a formal application; however, she did not have concerns with the design, materials or location of the proposed deck. She asked the applicants to clarify what would happen to the tree that was located inside the existing deck. Mr. Newman responded that the new deck would be built around the tree.

Mr. Fox asked Zoning Administrator Cronin if he could show on the screen where the commenters’ property was located. Zoning Administrator Cronin pulled up the aerial image and identified the location of each commenters’ property.

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

Chairman Sewell asked the applicants if they wished to make any additional comments. The applicants did not have any additional comments.

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

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

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

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

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

Chairman Sewell asked if members of the Board had any additional questions or comments prior to voting.

Ms. Kleinman stated that she felt the variance request met each of the four criteria. She stated that there were extraordinary conditions due to the house being built prior to the town's incorporation. The setback requirement would prohibit the owner's use and enjoyment of the property by limiting his ability to replace and expand the deck in a way similar to other homes in the vicinity. Lastly, she added that the letters of support from the club and a neighboring property indicated that the request would not harm the character of the neighborhood.

Mr. Fox, Mr. Leggett and Ms. Gorski expressed agreement with Ms. Kleinman's analysis. Mr. Leggett added that, as a golfer, the deck would not be visible from the golf course and that he was looking forward to that area being cleared up and improved.

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 Ms. Gorski:

- 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;
- 3) The Board finds that relief is warranted in this situation as a result of the following factors:
  - a. The existing home was constructed on the property prior to the Town's incorporation in 1987 and requiring the applicants to meet the current setback requirements would create an unnecessary hardship;
  - b. The conditions applicable to the property do not apply to other properties in the vicinity due to those homes being built after the Town's incorporation and generally consistent with current setback requirements;
  - c. Strict application of the rear yard setback requirement would prohibit the applicants from improving the property and enjoying their rear yard in the same manner as neighboring properties; and
  - d. The granting of the variance will not be detrimental to adjacent properties or the public good because the proposed addition at the rear of the home will not have any adverse impact on the streetscape and the neighboring property owners who would be most impacted by the variance have submitted letters in support of the request; therefore
- 4) The requested variance is hereby approved, as follows: **The 15-foot rear yard setback for open decks, as required by §7.60.60 of the DSO, is hereby reduced to approximately 4 feet to allow for construction of an uncovered wooden deck extension and steps at the rear of the property.**

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

**IN FAVOR (YES)**

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

**OPPOSED (NO)**

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

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

- The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the applicants and reviewed by the Board on August 26, 2020. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the Town's DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.
- The applicants shall prepare and submit to the Zoning Administrator an as-built survey prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final inspection if no Certificate of Occupancy is required). The as-built survey shall be prepared and stamped by a professional land surveyor who is qualified to perform such services in the State of South Carolina.
- The variance shall expire on August 26, 2022 (two years from the date of approval) if the applicants fail to obtain a building permit on or before that date.

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

**IN FAVOR (YES)**

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

**OPPOSED (NO)**

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

Chairman Sewell recessed the meeting at 3:07 PM.

The meeting was reconvened at 3:12 PM.

- Variance #167: 2913 Deer Point Drive (Tax Map # 149-14-00-029):** Chairman Sewell introduced the pending variance request, which was submitted by Eric and Elizabeth Bryan, the owners of 2913 Deer Point Drive. Chairman Sewell disclosed that members of the Board were encouraged to visit the subject property prior to the hearing for the purpose of viewing existing conditions at the site, as well as neighboring properties. Members of the Board confirmed that they had visited the site prior to the meeting. Chairman Sewell added that no testimony was received during the individual site visits.

Chairman Sewell then called on Zoning Administrator Cronin to provide a brief overview of Variance Application #167. Chairman Sewell reminded Zoning Administrator Cronin that he was still under oath and asked him to confirm that the public hearing on the pending variance request was properly advertised, as required by state and local law. Zoning Administrator Cronin responded in the affirmative.

Zoning Administrator Cronin stated that the applicants were seeking approval to construct a new swimming pool at the rear of their residence. He stated that the DSO requires a minimum setback of 25 feet from the OCRM critical line for all structures, excluding open decks which may be 15 feet from the critical line. The proposed swimming pool would be set within a permeable surface. Both the permeable surface and wooden decking would meet the 15-foot setback requirement for open decks. However, the pool itself, which is classified under the DSO as a “structure,” would encroach approximately 6.5 feet into the required 25-foot setback for all other structures. He noted that the existing home encroaches into both the 30-foot front yard setback and the 25-foot marsh setback. When the home was permitted in 2002, the property owners at the time sought and received a variance from the Board to allow these encroachments. Therefore, while the home is non-conforming, it is *legally* non-conforming. He also noted that the proposed pool would be located 18’7” from the OCRM critical line, which is no closer to the marsh than the existing dwelling (18’4”).

To allow for construction of the proposed swimming pool, the applicants sought approval from the Board of Zoning Appeals to grant relief from the following requirement, as provided by the town’s DSO:

Type	DSO Reference / Requirement	Variance Requested
Marsh Setback (Structures, Excluding Open Decks)	25 feet (§ 7.60.50)	Reduce the marsh setback from 25 feet to approximately 18.5 feet (6.5-foot encroachment)

As part of their variance request, the applicants stated that strict application of Sec. 7.60.50 would result in an unnecessary hardship. The applicants further argued:

- 1) The existing home was built by a previous owner and in a manner that would not allow a swimming pool to be added in another location on the lot;



- 2) The home's unique shape and narrowness of the lot, the proximity of the marsh, the home's placement on the lot, and the configuration of the existing home creates a specific hardship that is not found on neighboring properties;
- 3) Strict application of the ordinance would restrict the homeowners' ability to utilize their property for the recreational and therapeutic purposes that other properties are able to utilize; and
- 4) Granting a variance will permit the homeowners to enjoy the same amenities which other property owners enjoy. The portion of the swimming pool encroaching on the 25' setback will be less than 36" above grade, which is as allowed by SIPOA to be 15 feet from the marsh. The swimming pool will be surrounded by permeable decking and will be visually screened from adjacent homes.

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

Ms. Kleinman asked if the decking would be less than 3 feet above grade. Zoning Administrator Cronin responded that this was what was shown on the plan.

Chairman Sewell asked when the critical line was last surveyed. Zoning Administrator Cronin stated that the line was surveyed in 2002 when a building permit was issued. He noted that the survey submitted with the plans was certified by OCRM in August 2020. Mr. Bryan noted that he and his wife also had a survey completed when they purchased the property in 2017.

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.

- Malcolm Brennan: Mr. Brennan of M. Brennan Architects, spoke on behalf of the applicants. Mr. Brennan stated that the relief requested for the swimming pool was less than what was requested when the house was originally built in 2002. He noted that the design was completed based on SIPOA's guidelines, which allows pools 3 feet above grade or less to be 15 feet from the critical line; however, he noted that SIPOA had recommended increasing the elevation of the pool to mitigate flooding risk. He stated that the home was originally built in a location that does not offer any practical option for constructing a pool without a variance. He stated that the unique shape of the lot, the proximity of the marsh and the shape of the home were all unique. He also referenced the criteria used by the Board in granting a variance in 2002. He stated that strict application of the setback requirement would restrict the owners' ability to use the property in a way that neighboring properties are used. He added that the pool would not be visible from the street, would be screened by vegetation, and that the request was supported by neighboring property owners. Lastly, he stated that the variance request was similar to that for 2566 Seabrook Island Road (Variance #159), which was approved by the Board in March 2019.

- Eric Bryan: Mr. Bryan, who owns the property along with his wife, Elizabeth Bryan, also spoke regarding the variance request. He stated that he and his wife have owned property on Seabrook Island since 2004. They had originally planned to build a new home on the island but were fortunate to have the opportunity to purchase this home when it became available. They viewed this home as their “retirement home” and were drawn by the views. He stated that the home wasn’t perfect but was close enough. He stated that his family enjoys spending time outside and was used to having a yard; the proposed swimming pool was intended to provide an opportunity for them to use and enjoy the outdoor space.

Ms. Kleinman asked how stormwater and overflow from the pool would be displaced. Mr. Brennan responded that the pool would be surrounded by permeable decking, which is intended to allow water to pass through the surface to the ground below. He added that there would be drains added to displace water, and that any water would be discharged more than 25 feet from the OCRM critical line.

Ms. Kleinman asked if any existing trees were proposed to be removed. Mr. Brennan responded that no trees would be removed.

Ms. Kleinman asked if the pool could be picked up and moved, or if it would be permanently constructed into the deck. Mr. Brennan responded that the pool would be a permanent structure and could not be moved.

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

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

- David & Susan Whitehouse: Mr. and Ms. Whitehouse of 2919 Deer Point Drive submitted a written comment in support of the variance request.
- Katrina Burrell (SIPOA): Ms. Burrell submitted a letter on behalf of SIPOA stating that that the proposed improvements were consistent with the general requirements of the ARC, but a final decision will not be made until the Board renders a decision on the pending variance request.
- Errol Stuart & Jennifer Passantino: Mr. and Ms. Passantino of 2967 Deer Point Drive submitted a written comment in support of the variance request.

- Steve Berry: Mr. Berry of 3108 Marshgate Drive submitted a written comment in support of the variance request.
- Tad Dickson: Mr. Dickson of 2916 Deer Point Drive submitted questions regarding the variance request. Responses to these questions from Zoning Administrator Cronin were included in the record.
- Pamela & David Parrot: Mr. and Ms. Parrot of 1017 Settlers Ridge Lane, Raleigh, NC (owners of 2915 Deer Point Drive) submitted a written comment in support of the variance request.
- Leo Marien: Mr. Marien of 2927 Deer Point Drive submitted a written comment in support of the variance request.
- Tim & Kathy Morawski: Mr. and Ms. Morawski of 2707 Old Forest Drive submitted a written comment in support of the variance request.
- Paul & Beth Geiss: Mr. and Ms. Geiss of 2947 Deer Point Drive submitted a written comment in support of the variance request.

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

Chairman Sewell asked the applicants if they wished to make any additional comments. The applicants did not have any additional comments.

Chairman Sewell asked members of the Board if they had any additional questions for the applicants.

Ms. Kleinman asked Ms. Burrell to explain why SIPOA's rules were less restrictive than the town's. Ms. Burrell explained that this was a mistake in SIPOA's policies and procedures. The height of a pool is used to determine whether it is considered part of the structure or part of the hardscape for lot coverage purposes and was not intended to conflict with the town's setback requirements. Ms. Burrell added that SIPOA recommended that the height of the pool be increased due to the risk of flooding in the area. Ms. Bryan stated that she had asked the neighbors if they had ever experienced water intrusion and none had. Mr. Bryan stated that flooding hasn't been a problem to date, but they had no objection to raising the deck as it would provide additional flood protection while also enhancing the views of the marsh.

Ms. Kleinman asked Zoning Administrator Cronin why the town has a marsh setback. Zoning Administrator Cronin responded that the marsh setback is intended to minimize the impact of new development on critical areas, while also protecting life and property from the marshes, which are dynamic and can change over time.

Mr. Leggett stated that he has had personal experience with mud inside a pool due to flooding and said that it is better to raise the pool higher, but this was not an issue of life or death.

Hearing no further questions, Chairman Sewell then called on Zoning Administrator Cronin to review the four criteria under state law which must be used by the Board when hearing and deciding variance requests.

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

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

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

Chairman Sewell asked if members of the Board had any additional questions or comments prior to voting.

Mr. Leggett stated that the reasons cited by the Board in 2002 when granting the previous variance were still valid today.

Mr. Fox stated that this was a difficult lot due to its narrow depth. He also noted that the neighbors were supportive of the variance request.

Ms. Kleinman stated that the variance cited earlier in the meeting was not similar to the pending request since that variance was related to a removable "swim spa" and not a permanent structure. She said that the Board needs to be cautious in considering whether a prior variance creates a precedent. If that was the case, then every pool could be located 15 feet from the marsh. While she understood that a pool is essential in the south, the property

owners also had an obligation to understand what they were buying. She added that she was also bothered by the fact that the encroachment was on the marsh side.

Ms. Gorski stated that she agreed with many of Ms. Kleinman's comments; however, the Board must focus on the shape of the lot and whether it creates an actual hardship. She added that she thought the applicants' design was thoughtful and would minimize potential impacts to the marsh area.

Chairman Sewell stated that he was trying to find out why the critical line was where it was, adding that there didn't appear to be any relationship between the line and changes in vegetation.

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

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

- 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 (excluding the above-noted clarification regarding SIPOA setback requirements for pools), the Board finds that the property meets the criteria for approval of a variance, as outlined in §6-29-800(A)(2) of the SC Code of Laws;
- 3) The Board finds that relief is warranted in this situation as a result of the following factors:
  - a. The reasons cited by the Board of Zoning Appeals in granting a variance for this property in 2002 are still valid today, specifically the Board's findings relative to the property's unique size and lack of depth from the street frontage to the marsh at the rear of the lot;
  - b. The conditions applicable to the property do not apply to other properties in the vicinity;
  - c. Strict application of the marsh setback requirement would prohibit the applicants from improving the property and enjoying their rear yard in the same manner as neighboring properties; and
  - d. The granting of the variance will not be detrimental to adjacent properties or the public good because the proposed swimming pool was designed thoughtfully to minimize its impact to neighboring properties and the marsh, and the neighboring property owners who would be most impacted by the variance have submitted letters in support of the request; therefore

- 4) The requested variance is hereby approved, as follows: **The 25-foot marsh setback, as required by §7.60.50 of the DSO, is hereby reduced to approximately 18.5 feet to allow for construction of a proposed swimming pool within a deck to be constructed at the rear of the property.**

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

**IN FAVOR (YES)**

Chairman Sewell  
Mr. Fox  
Ms. Gorski  
Mr. Leggett

**OPPOSED (NO)**

Ms. Kleinman

The motion to approve the variance was **APPROVED** by a vote of 4-1.

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 Ms. Gorski, to attach the following conditions to the approved variance, as allowed by §6-29-800(A)(2)(d)(i) of the South Carolina Code of Laws:

- The approved variance shall apply to the building layout as shown on the site-specific plan prepared by the applicants and reviewed by the Board on August 26, 2020. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the Town’s DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.
- The applicants shall prepare and submit to the Zoning Administrator an as-built survey prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final building inspection if no Certificate of Occupancy is required). The as-built survey shall be prepared and stamped by a professional land surveyor who is qualified to perform such services in the State of South Carolina.
- The variance shall expire on August 26, 2022 (two years from the date of approval) if the applicants fail to obtain a building permit on or before that date.

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

**IN FAVOR (YES)**

Chairman Sewell  
Mr. Fox

**OPPOSED (NO)**

Ms. Kleinman

Ms. Gorski  
Mr. Leggett

The motion to attach the conditions to the variance was **APPROVED** by a vote of 4-1.

Chairman Sewell recessed the meeting at 4:25 PM.

The meeting was reconvened at 4:30 PM.

- 3. Variance #168: 3557 Seaview Drive (Tax Map # 147-11-00-049):** Chairman Sewell introduced the pending variance request, which was submitted by Leanne and William Spaide, the owners of 3557 Seaview Drive. Chairman Sewell disclosed that members of the Board were encouraged to visit the subject property prior to the hearing for the purpose of viewing existing conditions at the site, as well as neighboring properties. Members of the Board confirmed that they had visited the site prior to the meeting. Chairman Sewell added that no testimony was received during the individual site visits.

Chairman Sewell then called on Zoning Administrator Cronin to provide a brief overview of Variance Application #168. Chairman Sewell reminded Zoning Administrator Cronin that he was still under oath and asked him to confirm that the public hearing on the pending variance requests was properly advertised, as required by state and local law. Zoning Administrator Cronin responded in the affirmative.

Zoning Administrator Cronin stated that the applicants were requesting two variances. The first was a reduction in the 30-foot front yard setback requirement to allow for construction of a retaining wall in an area with steep topography and a grand oak tree. The applicants were also seeking a reduction in the 15-foot rear yard setback requirement to allow for construction of new terraced steps and additional decking in a location that also has topographical challenges. He stated that, according to Charleston County tax records, the existing home was completed in 1984, which was prior to the town's incorporation. He noted that the DSO requires a minimum front yard setback of 30 feet for retaining walls and most other structures. Open decks and similar pervious structures may encroach into a rear yard provided that they are at least 15 feet from the rear property line. At its closest point, the proposed retaining wall would essentially be situated on the front property line. The terraced steps and decking at the rear of the residence would be located approximately 8 feet from the rear property line at their closest point.

In order to allow for construction of the proposed retaining wall, replacement steps and decking, the applicants sought approval from the Board of Zoning Appeals to grant relief from the following requirement, as provided by the town's DSO:

Type	DSO Reference / Requirement	Variance Requested
Minimum Setback (Front)	30 feet (§ 7.60.20.10)	Reduce the front yard setback from 30 feet to approximately 0 feet (30-foot encroachment)

Rear Setback (Open Space Lots)	15 feet for Open Decks (§ 7.60.60)	Reduce the rear yard setback for open decks and permeable surfaces from 15 feet to approximately 8 feet (7-foot encroachment)
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As part of their variance request, the applicants stated that strict application of Sec. 7.60.20.10 and Sec. 7.60.60 would result in an unnecessary hardship. The applicants further argued:

- 1) The existing home was constructed prior to the town's incorporation, and was built under different (Charleston County) zoning requirements in place at the time;
- 2) There is a 26" oak tree on top of a sand dune in the front yard. Lack of maintenance by previous owners and ongoing erosion of the dune has resulted in significant instability of the hill. Without a retaining wall, this grand tree will likely need to be removed due to safety and liability concerns. In the rear yard, there is a significant slope that is continuing to erode, rendering the backyard unsafe and unusable;
- 3) A retaining wall at the front of the property will allow for stabilization of the grand oak tree and dune and will reduce further erosion and possible loss of the tree. At the rear, the proposed steps and decking will replace those which are already encroaching into the rear yard setback; and
- 4) The authorization of these variances will not be of substantial detriment to adjacent property or to the public good because the proposed retaining wall at the front of the property will ensure the continued health and safety of the grant tree and neighboring property owners, and the proposed steps and decking at the rear will be screened by thick vegetation that obscures views from neighboring properties.

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

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

- William Spaide: Mr. Spaide, who owns the property along with his wife, Leanne Spaide, spoke regarding the variance requests. He began by thanking the Board for the opportunity to participate. He stated that he and his wife arrived in July 2018, right before Hurricane Florence, and they are happy to be full-time residents of Seabrook Island. He stated that the home is unique and offers a unique location. The home was built in 1984 on a lot which contains a large sand dune. Over time, the dune has deteriorated and both he and his wife were now concerned with the health and stability of a large oak tree at the front of the lot, adding that this was both a safety and liability concern. He stated that their primary goals were to repair the existing damage while maintaining the uniqueness of the lot. The proposed retaining wall would shore up the area around the tree, address the ongoing erosion issue, and



eliminate the tree root exposure. At the rear of the lot, there exists a steep slope and a dense thicket, both of which render the rear yard unusable. He stated that they were seeking to replace the existing steps with terraced steps and plantings to improve both the usability and aesthetic of the rear yard.

- Evan Brandon: Mr. Brandon of Outdoor Spatial Designs, also spoke on behalf of the applicants. Mr. Brandon showed several photos of the existing conditions at the front and rear of the property, as well as renderings of the proposed improvements. Mr. Brandon stated that the proposed retaining wall would be a “sloppy v” vertical timber retaining wall, which would follow the natural topography and be less invasive than other types of walls. He added that the proposed wall would be no greater than 3 feet in height and would be landscaped with native ornamental grasses. He noted that similar walls were used at Freshfields, and both the Ocean Course and the Sanctuary in Kiawah Island. The proposed terrace and steps at the rear of the property were designed to look like railroad ties but would be made of concrete. All of the landings would be pervious. The slope at the rear would also be planted with native ornamental grasses. He stated that the proposed steps would have the smallest footprint possible and would respect the landscape while at the same time addressing the safety and usability issues in the rear yard.

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

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

- Lynn & Jack Williams: Mr. and Ms. Williams of 3558 Seaview Drive submitted a written comment in support of the variance requests.
- Sarah Jane & John Foltz: Mr. and Ms. Foltz of 3555 Seaview Drive submitted a written comment in support of the variance requests.
- Donna & Paul Reinbolt: Mr. and Ms. Reinbolt of 3559 Seaview Drive submitted a written comment in support of the variance requests.

Katrina Burrell participated in the virtual meeting on behalf of SIPOA. Ms. Burrell stated that SIPOA had no problems with the proposed improvements as long as the variance requests were approved by the Board.

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

Chairman Sewell asked the applicants if they wished to make any additional comments. The applicants did not have any additional comments.

Chairman Sewell asked members of the Board if they had any additional questions for the applicants.

Hearing no further questions, Chairman Sewell then called on Zoning Administrator Cronin to review the four criteria under state law which must be used by the Board when hearing and deciding variance requests.

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

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

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

Chairman Sewell asked if members of the Board had any additional questions or comments prior to voting.

Ms. Kleinman stated that these variance requests fell squarely within the four criteria. The home was constructed prior to the town's incorporation under a different set of rules. The conditions affecting the property were unique to this specific lot. She understood the desire to preserve the beautiful oak tree, and the current conditions at the rear of the property were an eyesore. She noted that the tree posed a safety threat if it was not stabilized and would likely either need to be removed or could potentially fall in the future. The proposed improvements at the rear of the property would allow the owners to shore up safety

concerns. Lastly, she stated that these improvements would enhance not only the applicants' the property, but also the safety and aesthetic of the entire street.

Mr. Leggett and Mr. Fox stated that they concurred with Ms. Kleinman's conclusions.

Mr. Fox noted that the proposed steps would be replacing the existing steps at the rear of the property. He added that this was a unique lot within the town.

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, Ms. Gorski made the following motion, 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;
- 3) The Board finds that relief is warranted in this situation as a result of the following factors:
  - a. The existing home was constructed on the property prior to the Town's incorporation in 1987 and requiring the applicants to meet the current setback requirements would create an unnecessary hardship;
  - b. The conditions applicable to the property do not apply to other properties in the vicinity due to the unique topographical features on the lot;
  - c. Strict application of the front and rear yard setback requirement would prohibit the applicants from preserving the existing grand tree at the front of the property and from enjoying their rear yard in the same manner as neighboring properties; and
  - d. The granting of the variance will not be detrimental to adjacent properties or the public good because the proposed improvements will reduce the likelihood of the grand tree falling onto neighboring properties or the street right-of-way and will enhance the aesthetic value of surrounding properties; therefore
- 4) The requested variances are hereby approved, as follows:
  - a. **The 30-foot front yard setback, as required by §7.60.20.10 of the DSO, is hereby reduced to 0 feet to allow for construction of a retaining wall around the grand tree at the front of the property; and**

- b. The 15-foot rear yard setback for open decks and permeable surfaces, as required by §7.60.60 of the DSO, is hereby reduced to approximately 8 feet to allow for construction of terraced steps and additional wood decking at the rear of the property.**

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

**IN FAVOR (YES)**

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

**OPPOSED (NO)**

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

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

- The approved variances shall apply to the building layout as shown on the site-specific plan prepared by the applicants and reviewed by the Board on August 26, 2020. Any modification to this site-specific plan prior to the issuance of a zoning permit, with the exception of minor corrections and/or modifications which conform to the requirements of the Town’s DSO, shall require further review and approval by the Board of Zoning Appeals prior to permitting.
- The applicants shall prepare and submit to the Zoning Administrator an as-built survey prior to the issuance of a Certificate of Occupancy (or within 30 days of passing the final building inspection if no Certificate of Occupancy is required). The as-built survey shall be prepared and stamped by a professional land surveyor who is qualified to perform such services in the State of South Carolina.
- The variances shall expire on August 26, 2022 (two years from the date of approval) if the applicants fail to obtain a building permit on or before that date.

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

**IN FAVOR (YES)**

Chairman Sewell

**OPPOSED (NO)**

Ms. Kleinman  
Mr. Fox  
Ms. Gorski  
Mr. Leggett

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

**4. ITEMS FOR INFORMATION / DISCUSSION**

*There were no Items for Information / Discussion*

There being no further business, Ms. Gorski made a motion to adjourn the meeting. Mr. Fox seconded the motion. The motion was **APPROVED** by a vote of 5-0 and the meeting was adjourned at 5:01 PM.

Minutes Approved: Pending



Joseph M. Cronin  
Zoning Administrator



## PUBLIC HEARING NOTICE

**TO:** Neighboring Property Owners  
**FROM:** Joseph M. Cronin, Town Administrator/Zoning Administrator  
**SUBJECT:** Variance Request for 2303 Seabrook Island Road / SIPOA Gatehouse Area (Variance #169)  
**DATE:** October 1, 2020

---

Dear Property Owner,

The purpose of this letter is to notify you that the owners of **2303 SEABROOK ISLAND ROAD** have requested a **VARIANCE** from the zoning requirements of the Town's Development Standards Ordinance (DSO). The purpose of the variance request is **TO REDUCE THE REQUIRED SETBACK FOR GROUND SIGNS FROM SIX (6) FEET TO APPROXIMATELY TWO (2) FEET TO ALLOW FOR INSTALLATION OF TWO (2) COMMUNITY MESSAGE BOARD SIGNS WITH ELECTRONIC VARIABLE MESSAGE DISPLAYS ON THE INBOUND AND OUTBOUND LANES OF SEABROOK ISLAND ROAD.** A copy of the variance application is enclosed for your information.

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

**PUBLIC HEARING DATE:** Mon. November 2, 2020  
**PUBLIC HEARING TIME:** 2:30 PM  
**PUBLIC HEARING LOCATION:** Live Stream on Town YouTube Page  
<https://www.youtube.com/channel/UCIkF87knEApHD1q0kGlaGZg>

Individuals who wish to submit a public comment on the variance request may do so in writing by 12:00 pm on Mon. November 2, 2020, using one of the following options:

**ONLINE:** [www.townofseabrookisland.org/variance-169.html](http://www.townofseabrookisland.org/variance-169.html)  
**BY E-MAIL:** [jcronin@townofseabrookisland.org](mailto: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](mailto:jcronin@townofseabrookisland.org).

Sincerely,

Joseph M. Cronin  
Town Administrator/Zoning Administrator



**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 \$150.00 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](mailto:jcronin@townofseabrookisland.org).

**1. PROPERTY INFORMATION**

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

Property Address	Rights of way near 2200 Seabrook Island Rd. (Gatehouse)		
Tax Map Number	147000001	Block	Lot
Lot Size (Square Feet)	na		
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)	SIPOA - Heather Paton
Applicant Address	1202 Landfall Way
Applicant Phone Number	843.768.0061
Applicant Email Address	hpaton@sipoa.org
If the Applicant is <b>NOT</b> an owner of the property, what is the relationship to the Property Owner(s)?	Executive Director

**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	
<b>Designation of Agent (Required if the Applicant(s) is(are) NOT a Property Owner):</b> 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)	<i>Heather Paton</i> Date 9/28/20
	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)	<i>Heather Paton</i> Date 9/28/20
	Date

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

## 5. VARIANCE REQUEST

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

Installation of Electronic Message Boards in inbound and outbound rights of way.

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): 12.120(e)

2) DSO Requirement(s): 6' setback from property line

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:

Because of the roadway width and 2' curb on both inbound and outbound lanes at the gatehouse, the grass portion of the right of way is narrow and doesn't provide a 6' distance to the property lines.

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

The terms of the ordinance limit the installation of message boards based on location, type of street and speed limit. 16.10.40.10 permits message boards only in a location between Long Bend Dr. and the traffic circle. 12.60.70.20.d(1) permits message boards only in a location where there is a 15mph speed limit. Other properties don't meet these criteria.

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:

SIPOA message boards are intended to replace the message board that was in place in 2016 prior to gatehouse construction and to provide timely and important information to residents, guests and contractors. Utility services and conduits were installed in 2016, and cannot be relocated due to the many utilities in the area.

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:

These signs were approved and included as part of the gatehouse renovation in 2016. The requirements for message boards prevent interference with other properties. The message boards are intended for the public good to keep residents and others informed of emergency and other important information.



## 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.
- \$150.00 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:

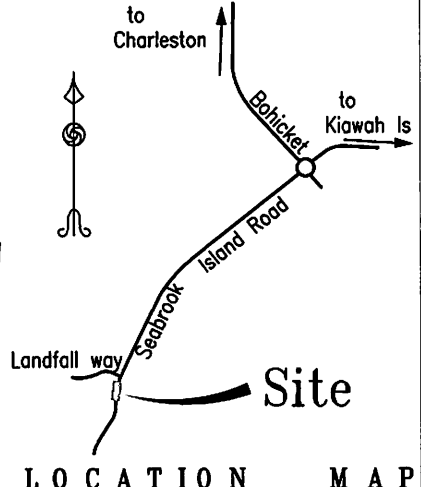
- (a) there are **extraordinary and exceptional conditions** pertaining to the particular piece of property;
- (b) these conditions **do not generally apply to other property** in the vicinity;
- (c) because of these conditions, the application of the ordinance to the particular piece of property would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

# PLAT OF SURVEY

Showing a portion of Seabrook Island Road TMS# 147-00-00-001, an Existing Road, & Proposed Location of New Sign, Property of Seabrook Island Property Owners Association, located on Seabrook Island, Charleston County, South Carolina. Surveyed at the Request of Seabrook Island POA, Director of Engineering. Sept. 2020

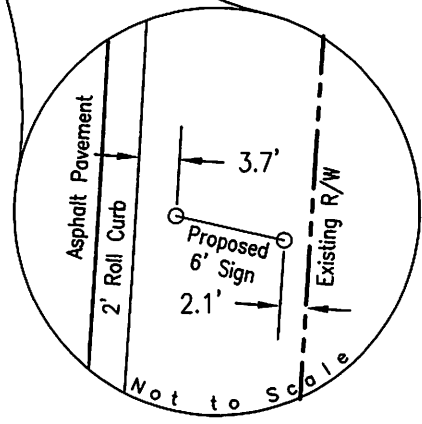
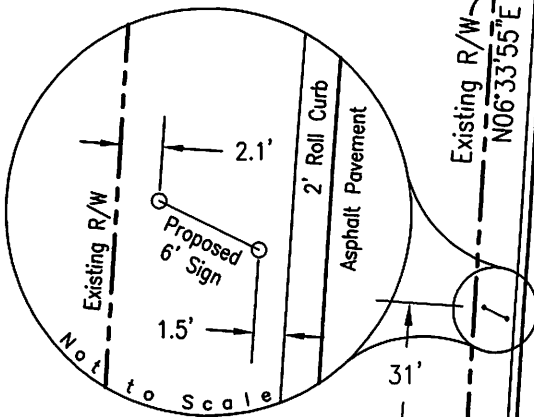


N/F Marshland Trust Inc  
TMS# 147-00-00-029

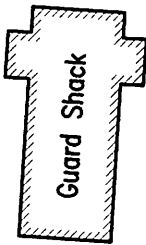
Adjacent Property Line

N/F Charles Towne Place HOA Inc  
TMS# 149-01-00-168

N/F The Club at Seabrook Island  
TMS# 147-00-00-022



Seabrook Island Road  
Property of:  
Seabrook Island Property Owners Association  
TMS# 147-00-00-001 (100' R/W)



$\Delta=034^{\circ}04'26''$  R=602.67 L=358.41  
Ch B=S23°36'10"W Ch L=353.15  
Curve #3 as surveyed on  
Reference Plat #1

S40°38'21"W  
164.18

Adjacent Property Line  
#5 Rebar found at intersection  
of R/W and southern property  
line of Charles Towne Place  
HOA Inc property

How High Am I?

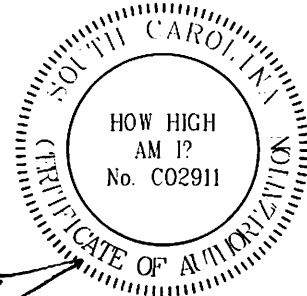
671 Clearview Drive  
James Island, SC 29412  
(843) 864-9353

Job NO. 20-86  
Date 19SEP20  
Scale 1"=40'



## REFERENCE DOCUMENTS BK & PG

1. E M Seabrook, Jr Inc. June 10, 1974 AD-77
2. Josiah M Williams III Jan. 30, 1985 BD-164
3. Andrew C Gillette Jan. 24, 2000 Ed-825



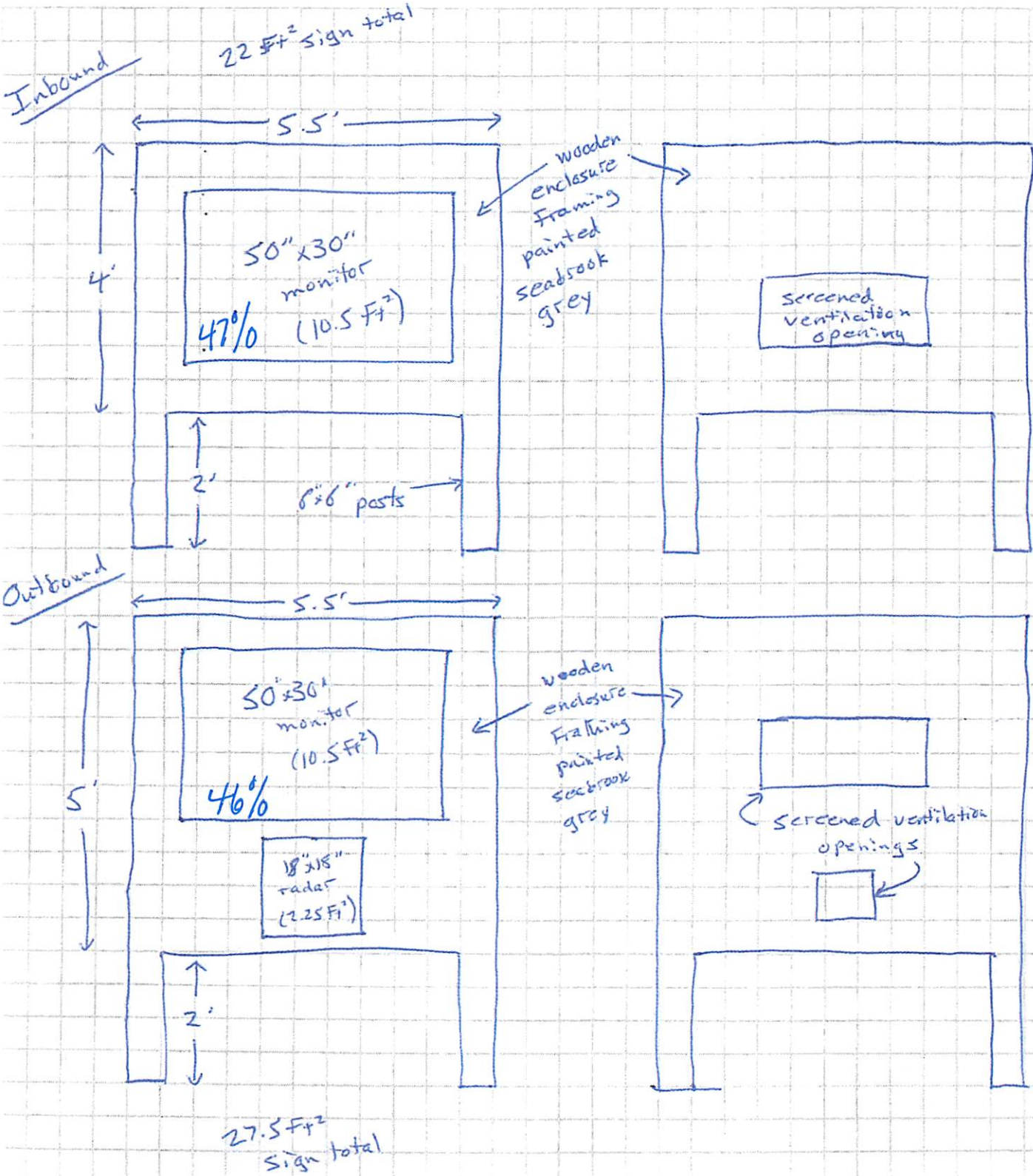
*Handwritten signature*



# VAG<sup>®</sup> Valve and Gate Group

GA Industries, Rodney Hunt, and Fontaine are part of the Valve and Gate Group. Visit us on the web at [www.vag-usa.com](http://www.vag-usa.com).

Job \_\_\_\_\_  
Sheet No. \_\_\_\_\_ of \_\_\_\_\_  
Calculated by \_\_\_\_\_ Date \_\_\_\_\_  
Checked by \_\_\_\_\_ Date \_\_\_\_\_  
Scale \_\_\_\_\_



### SXOBH-55-XTR

#### 55" Outdoor Waterproof Sunlight Readable LCD Monitor/TV



- 2,500 Nits Brightness, and Optically Bonded, For Use in Direct Sunlight
- IP 68/NEMA 6 Fully-Sealed Enclosure
- Full HD Resolution: 1920 x 1080 (1080p/60)
- Maintenance-Free: No Vents, Fans or Filters
- Ambient Light Sensor Adjusts Screen Brightness Automatically
- Anti-Reflective, Impact-Resistant Safety Glass, Rated IK10
- Remote Diagnostics (SNMP Protocol)
- Auto Re-Start After Power Loss
- Built-in TV Tuner
- 12 VDC and 5 VDC Power Outputs
- KeyLock Function
- Made in USA

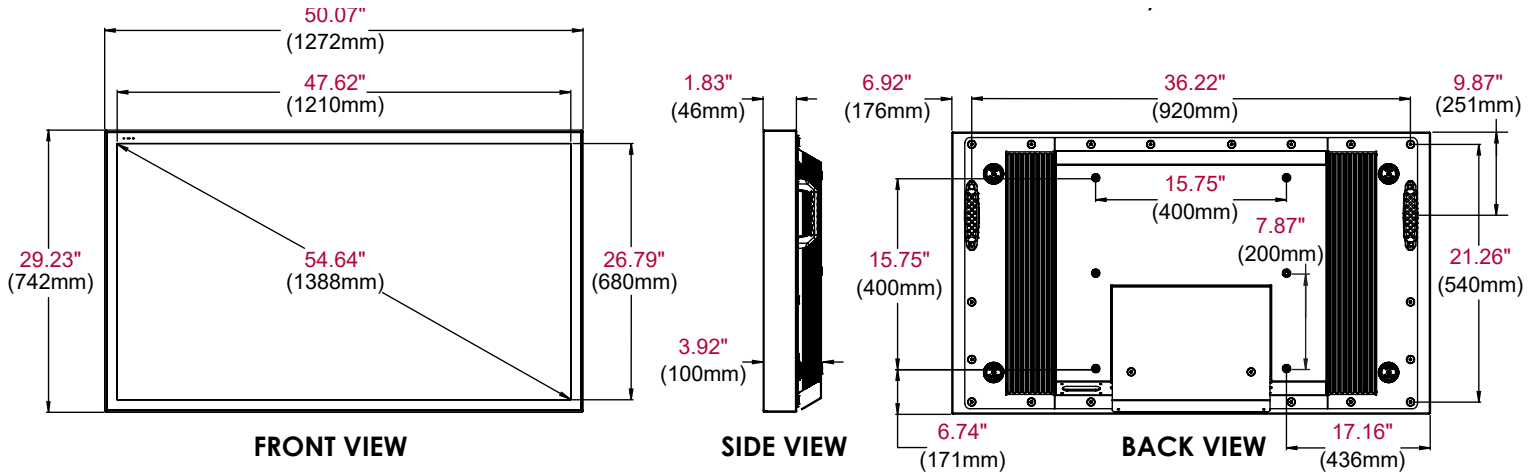
The SXOBH-55-XTR Sunlight Readable Waterproof LCD monitor/TV represents the most advanced technology available today. The Optically Bonded high-brightness (2,500 nits) screen enables users to see clear, sharp video images even with bright sunlight directly on the screen. The Anti-Reflective, UV-protective 5mm safety glass reduces glare and reflections while protecting the screen.

The SXOBH-55-XTR features a fully-sealed, corrosion-resistant enclosure, rated IP68/NEMA 6. There are no air vents, filters or fans as with other monitors, making them completely maintenance-free. They are completely sealed against water, dust, sand, metal shavings and any other airborne particulates. This is the ultimate solution for use outdoors, or in challenging industrial environments.

	Specifications
<b>MODEL</b>	<b>SXOBH-55-XTR</b>
<b>LCD Panel</b>	55" IPS Panel
<b>Display Resolution</b>	1920 x 1080p Full HD
<b>Viewable Area</b>	47.62" (W) x 26.79" (H) (1210 x 680mm)
<b>Display Orientation</b>	Landscape or Portrait Mode
<b>Pixel Pitch</b>	.210 x .630mm
<b>Display Colors</b>	8 Bit, 16.7 Million Colors
<b>Aspect Ratio</b>	16:9
<b>Brightness</b>	2,500 nits
<b>Contrast Ratio</b>	1,300:1
<b>Ambient Light Sensor</b>	Standard
<b>Optical bonding</b>	Standard
<b>Viewing Angle</b>	178° (H) x 178° (V)
<b>Response Time</b>	12ms (Gray to Gray)
<b>Video Inputs</b>	VGA, HDMI (x3), Composite, YPbPr, DisplayPort, Coax, USB
<b>Audio Inputs</b>	VGA Stereo Audio 3.5mm (x1)
<b>Control</b>	Remote Control with IR extender; RS-232 Control
<b>Power Requirement</b>	100 VAC to 240 VAC
<b>Power Consumption</b>	186W
<b>Enclosure / IP Rating</b>	Rugged Corrosion-Resistant Aluminum; IP68/NEMA 6 Waterproof
<b>Protective Glass</b>	5mm Tempered Anti-Reflective Glass (IK10)
<b>Mounting</b>	400mm x 200mm , 400mm x 400mm VESA Hole Pattern
<b>Operating Temperature</b>	-31°F to +140°F (-35°C to +60°C)
<b>Dimensions</b>	50.07" (W) x 29.23" (H) x 3.92"(D) (1272x742x100mm)
<b>Net Weight</b>	133 lb (60kg)
<b>Warranty</b>	2 Years

## SXOBH-55-XTR

55" Outdoor Waterproof Sunlight Readable LCD Monitor/TV



### Standard Accessories:

- AC Power Cord
- IR Extender
- Remote Control

### Available Options:

- Outdoor Sound Bar (SB 88)
- External Media Player Enclosure
- Advanced Replacement Warranty
- Ambient Light Sensor Extender (ALS-E)
- Outdoor Universal Tilt Wall Mount (MB-6500T)
- Outdoor Universal Wind-Rated Tilt Wall Mount (MB-6500 WR)
- Outdoor Articulating Wall Mount (MB-267)
- Wind-Rated Pedestal Mount- 5 Ft. (MB-GPM05)
- Wind-Rated Pedestal Mount- 6 Ft. (MB-GPM06)

# PMD 10 & 12

## Portable RADAR Displays



*These lightweight, highly visible, portable RADAR speed displays enhance driver awareness and are ideal for community relations.*

### Highly Visible, Full Featured

- Two sizes available: 10" or 12" characters
- Flashing digit violator alert
- Red-Blue light bar violator alert
- White LED strobe violator alert
- Interchangeable MUTCD signs: Your Speed (included); School Zone, Work Zone, and Speed Limit (optional)
- Traffic Data included
- Digital posted speed limit mode

### Lightweight and Portable

- Weighing less than 20 pounds, the PMD 10/12 are easily installed and moved by one person
- Rugged aluminium construction
- Easy relocation from site to site
- Secure, lockable mount
- IP56 weather resistant
- EN 12966-1 compliant

### Long Run Time

- Rechargeable battery delivers a typical 5 to 7 day run time (depending on traffic density)
- Kustom Signals low power K-band RADAR
- Optional 50W solar panel

### Easy Programming

- Simple manual push button and Bluetooth wireless programming included
- Android & PC app make setup easy
- Easy download of traffic data

Configuration and specification subject to change



Highly visible

Lightweight & portable

Saves lives

# PMD 10 & 12

## Portable RADAR Displays



**More than 30% of fatalities are due to excessive speed. Now you have a better tool to save lives.** (Source: NHTSA)

### Features

- Kustom Signals low power K-band RADAR
- Latest generation high intensity Amber LEDs
- Automatic intensity adjustment to ambient light
- High/Low speed blanking
- Covert data collection selectable
- Variable speed limit display

### Specifications

- 12VDC (Lithium-ion battery)
- 50 W solar with 12VDC lead acid battery (optional)
- Input/Output: RS232, Bluetooth
- Regulatory: EN 12966-1:2005+A1:2009

### Environmental Data

- Temperature range: -40°F to +140°F (-40°C to +60°C )
- Humidity: up to 100%
- Mechanical protection: P3 (EN 12966-1);
- Environment: IP56 (IEC / EN 60529)

### Mechanical Information

- Lockable mount: On the rear side
- Case dimensions: 17.7 x 17.3 x 9.8"  
45 x 44 x 25 cm

### Secure Locking Mount



### Command Console App



Traffic data



Program calendar



Deploy in any weather

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2020-07**

**ADOPTED SEPTEMBER 22, 2020**

**AN ORDINANCE AMENDING THE DEVELOPMENT STANDARDS ORDINANCE OF THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; ARTICLE 12, SIGNS; SO AS TO CREATE NEW CLASSIFICATIONS OF SIGNS TO BE CALLED "COMMUNITY MESSAGE BOARD SIGNS" AND "ELECTRONIC VARIABLE MESSAGE DISPLAYS"; TO PERMIT ELECTRONIC VARIABLE MESSAGE DISPLAYS TO BE AFFIXED TO COMMUNITY MESSAGE BOARD SIGNS UNDER CERTAIN CONDITIONS; AND OTHER MATTERS RELATED THERETO; AND ARTICLE 16; DESIGN AND IMPROVEMENT STANDARDS; SECTION 16.10, SUBDIVISION DESIGN STANDARDS; SUBSECTION 16.10.40, ARTERIAL STREETS; SO AS TO MODIFY THE DESIGNATION OF ARTERIAL STREETS WITHIN THE TOWN; AND OTHER MATTERS RELATED THERETO**

**WHEREAS**, Article 12 of the Development Standards Ordinance of the Town of Seabrook Island (the "DSO") outlines the general requirements for all signs within the Town of Seabrook Island; and

**WHEREAS**, the Mayor and Council for the Town of Seabrook Island desire to amend the town's sign requirements so as to create new classifications of signs to be called "Community Message Board Signs" and "Electronic Variable Message Displays," and to permit Electronic Variable Message Displays to be affixed to Community Message Board signs under certain conditions; and

**WHEREAS**, Subsection 16.10.40.10 of the DSO currently designates only "[t]hat portion of Seabrook Island Road (Road S-1875) lying between the end of Town maintenance at Landfall Way and Kiawah Island Parkway" as an "arterial street"; and

**WHEREAS**, the Mayor and Council for the Town of Seabrook Island desire to extend the designation of an "arterial street" so as to include those portions of Seabrook Island Road lying between Landfall Way and Long Bend Drive; and

**WHEREAS**, the Seabrook Island Planning Commission reviewed the proposed amendments during a duly called meeting on August 12, 2020, at which time the Planning Commission made a recommendation to the Mayor and Council in favor of approving the proposed amendments; and

**WHEREAS**, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on September 22, 2020; and

**WHEREAS**, the Mayor and Council believe it is fitting and proper to amend the Development Standards Ordinance to achieve the objectives referenced above;

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

**SECTION 1. Amending Article 12 of the Development Standards Ordinance.**



The Development Standards Ordinance of the Town of Seabrook Island, South Carolina; Article 12, Signs; is hereby amended to read as follows:

**ARTICLE 12. - SIGNS**

**Sec. 12.10. - Definitions.**

Unless otherwise expressly stated, the following terms, for the purpose of this Article, shall have the meanings herein indicated:

- (a) *Approved Combustible Material.* Wood or material less combustible than wood and located at a safe distance from electrical equipment. The term "noncombustible material" means any material which will not ignite or actively support combustion in a surrounding temperature of twelve hundred degrees (1,200) Fahrenheit during an exposure of five (5) minutes.
- (b) *Business Sign.* Any sign which directs attention to a business, industry, profession, entertainment or service that is conducted, maintained, sold or offered on the premises where the sign is located.
- (c) *Decorative Trim.* The molding, battens, capping, nailing strips or representations in cutout or irregular form which are attached to the sign.
- (d) *Electronic Variable Message Display.* A sign or portion thereof containing a screen, panel or other area upon which alphanumeric characters, graphics or symbols are projected by illuminating devices including, but not limited to, light emitting diodes (LEDs), backlighted liquid crystal display (LCDs), plasma display panels (PDPs), fiber optics or light bulbs.
- (e) *Erect.* To build, construct, attach, hand, place, suspend or affix, and shall also include the painting of wall signs. It shall not mean or include repairs.
- (f) *Illuminated Sign.* Any sign which has characters, letters, figures, designs or outlines illuminated or motivated by electricity.
- (g) *Location.* Any lot, premises, building wall or any structure whatsoever upon which a sign is erected, constructed, painted or maintained. Two (2) street fronts shall be deemed two (2) locations.
- (h) *Person.* Any agent, lessee, individual, person, firm, partnership, association, corporation, company or organization of any kind.
- (i) *Sign.* Every sign, ground, pole, wall or roof sign, electronic variable message display, illuminated sign, projecting sign, temporary sign, portable sign, marquee sign, awning, canopy, exterior clock or thermometer, and shall include any announcement, declaration, demonstration, display, illustration, device, insignia or symbol used to identify and promote the interest of any person, business, corporation or group, when the same is placed in view of the general public.

- (j) *Sign Area.* The total area made available by a sign for the purpose of displaying the advertising message, excluding decorative trim.

**Sec. 12.20. - General Provisions.**

No sign shall be erected or maintained in the Town of Seabrook Island except in conformity with the provisions of this Article.

**Sec. 12.30. - Exempt Signs.**

§ 12.30.10. *Street Signs.* Street signs for traffic, direction and names in all areas of the Town shall be exempt from the provisions of this article.

§ 12.30.20. *Government Signs.* Any signs or legal notices which are installed by the Town or any duly authorized agency or department of the State of South Carolina or United States government are exempt from the provisions of this article.

**Sec. 12.40. - Applicability of Other Ordinances.**

The erection of all signs shall be subject to all applicable Town ordinances. Whenever a conflict exists, the most restrictive requirement shall control.

**Sec. 12.50. - Prohibited Signs.**

Except as specifically allowed by sections 12.60.110 and 12.60.70.20, no flashing, rotating or animated signs or devices shall be erected, constructed or maintained nor shall any such signs or devices be installed on, within or behind any window, door, building, façade or store front so as to be visible to the general public. This requirement shall apply to all existing as well as new uses. No neon, day glow or similar hue will be permitted to be installed on, within or behind any window, door, building façade or store front so as to be visible from outside the establishment.

**Sec. 12.60. - Allowable Signs.**

§ 12.60.10. *Real estate signs.* Real estate signs, not exceeding five (5) square feet in area, which advertise the sale, rental or lease of only the premises upon which the signs are located and where allowed by subdivision covenants.

§ 12.60.20. *Identification Signs.*

§ 12.60.20.10. Identification signs not over twenty (20) square feet in area each for public, charitable or religious institutions when such signs are located on the premises of the institutions.

§ 12.60.20.20. All new single-family construction projects shall have a sign that, at a minimum, names the general contractor performing such work. Signs denoting the owner of the project, architect, and general contractor, when placed upon work under construction, shall be limited to one (1) sign each per location.

- (a) Such signs shall not exceed sixteen (16) square feet in area per sign.
- (b) Placement of the sign is to be on the street frontage only and is to be located not less than one (1) foot nor more than ten (10) feet from the property line.
- (c) The sign shall be fabricated to the specifications on file with the Zoning Administrator, and shall be comprised of two (2) - four (4) inch by four (4) inch treated wood posts, with eased edges at the top, on each end of the sign.
- (d) The display area of the sign will be comprised of a plywood sheet measuring forty-eight (48) inches by thirty (30) inches by three-quarters ( $\frac{3}{4}$ ) inches, treated with acrylic paint.
- (e) All building permits and other approvals shall be placed on the rear of the sign, and shall not be discernable from an area used by the general public.
- (f) The job site sign shall be removed from the premises prior to requesting final review and inspection of the premises.

§ 12.60.30. *[Reserved.]*

§ 12.60.40. *Memorial Signs.* Memorial signs or tablets, names of buildings, and dates of erection, cut into masonry or noncombustible material not to exceed two (2) square feet in area.

§ 12.60.50. *Directional Signs.* Directions, phone, public conveniences, areas of public interest, and similar public facility signs not exceeding six (6) square feet in area for a ground sign or two (2) square feet in area for any other type of public sign.

§ 12.60.60. *Political Signs.* Political signs not to exceed five (5) square feet are allowed subject to the following:

- (a) Such signs may only be erected on private property with the consent of the owner(s); and
- (b) Such signs shall not block or impede the site lines of anyone utilizing any roadway or path within the Town or impact public health and safety; and
- (c) No political signs shall be allowed on any property or right of way owned, operated, maintained or under the jurisdictional control of the Town; and
- (d) No such sign shall be placed in a location which is otherwise prohibited by any Town law, ordinance or regulation.

§ 12.60.70. *Community Signs.*

§ 12.60.70.10. *Community Identification Signs.* Community identification signs which display the name of the community or development upon which they are placed are allowed at strategic, highly visible locations along the primary access routes to or through the Town. Community identification signs shall not advertise anything more than the areas or communities upon which they are located, and shall be consistent with the general character and appearance of other community identification signs found in the Town. All community identification signs shall meet the requirements for Ground Signs, as outlined in section 12.120.10

§ 12.60.70.20. *Community Message Board Signs.* Community message board signs which are intended to convey messages of a non-commercial nature may be located at the primary entry and exit points to any approved Planned Development District, as set forth in Article 6 of this ordinance. Community message board signs shall be subject to the following conditions:

- (a) The maximum number of community message board signs permitted at the primary entry and exit points shall be:
  - (1) one (1) if the community message board sign is double sided; or
  - (2) two (2) if both community message board signs are single sided.
- (b) Community message board signs are permitted in addition to all other permitted sign types and shall not be counted toward the maximum number of signs allowed on the premises.
- (c) All community message board signs shall meet the requirements for ground signs, as outlined in section 12.120.10, unless expressly modified herein.
- (d) A community message board sign may contain an electronic variable message display, subject to the following conditions:
  - (1) The community message board sign to which the electronic variable message display is affixed must be located on property immediately adjacent to an arterial street, as that term is defined in section 16.10.40.10 of this ordinance, and the posted speed limit of the arterial street shall not exceed fifteen (15) miles per hour in the vicinity of the sign. The community message board sign shall be located at least six (6) feet from the arterial street right-of-way; provided, however, if the right-of-way for the arterial street (or portion thereof) is privately owned, the community message board sign may be located within the street right-of-way as long as the location of the sign will not block visibility or create a safety hazard to motorists, bicyclists or pedestrians.
  - (2) The community message board sign upon which the electronic variable message display is affixed shall be constructed of the same materials required by section 12.110.10.20. The electronic variable

message display shall be fully enclosed by, or encased within, the community message board sign so that only the screen, panel or other area upon which a message may be projected shall be visible from the street.

- (3) The total area of the electronic variable message display shall not exceed fifty percent (50%) of the overall sign area of the community message board sign to which it is affixed.
- (4) The electronic variable message display must remain static at all times, except when transitioning between messages. Messages shall not transition at intervals of less than eight (8) seconds. All message transitions shall be instantaneous; scrolling, blinking, flashing, rotation, animation and/or movement of any kind shall be prohibited. The requirements of this paragraph shall not apply to time, temperature or radar speed displays of less than five (5) square feet in area. The Zoning Administrator shall have the authority to modify or suspend the requirements of this paragraph during any state of emergency which has been declared pursuant to section 2-27 of the Town Code when he or she determines that the transition of messages at intervals of less than eight (8) seconds is in the interest of public health and safety.
- (5) The electronic variable message display shall exhibit low intensity, night dimming lighting. All alphanumeric text, graphics and symbols shall be red, white, yellow or amber in color on a plain black background.
- (6) The electronic variable message display shall be oriented so as to minimize its visibility from neighboring residences. The Zoning Administrator shall have the authority to require additional landscaping, screening or buffering when deemed necessary to prohibit light spill onto neighboring residential properties.

§ 12.60.80. *Commercial Area Signs.* Each commercial area of the Town may erect signs which identify and direct customers to the businesses, goods and services available in that area. The signs shall be of approved size and color as allowed by this chapter.

§ 12.60.90. *Layout/Map Signs.* Each commercial area of the Town may erect a layout or map of the area which identifies and directs customers to the businesses, goods and services available within that area.

§ 12.60.100. *Vending Machine Signs.* Vending machine signs are to be only those signs that are incorporated in their manufacture. Internally illuminated signs or signs that contain a visible light source are prohibited.

§ 12.60.110. *Door Entry Signs.* Each place of business within the Town may utilize a door entry for sign for each public entry door. Door signs shall not contain any information

other than the name of the business, its address, hours of operation, and marketing information of the business. Entry signs may not exceed twenty-five (25) percent in area of the door or adjacent window. Illuminated signs may be permitted as "open" signs, but shall not be visible to residential areas.

Each place of business may have one hanging sign over each door entry above the walkway listing the name of the business only. The size may not exceed four (4) feet long by eight (8) inches wide.

§ 12.60.120. *Food Service Establishment Signs.* A food service establishment may place one (1) sign not exceeded twelve (12) square feet on or near each entry door to the establishment. Such sign must comply with the requirements of section 12.110 of this ordinance. *EXHIBIT 1.* Such sign may only contain the name, address, hours, operations, menus (food and wine), and pertinent marketing information of the business.

§ 12.60.130. *Temporary Signs.* Temporary signs may be permitted by the Zoning Administrator for a period of three (3) months or less when the application indicates the proposed life of the sign. Temporary signs must be maintained in as new condition during the entire period of display.

§ 12.60.140. *Boat Sales/Charter/Rental Signs.*

*Boat Sales Signs:* "FOR SALE" signs may be affixed to the boats for sale in the marina. The sign may not exceed three (3) square feet and must be of professional quality material as approved by the Zoning Administrator. The sign shall be positioned at the dockside location on the boat. (*EXHIBIT 2 & 3*)

*Boat Sales/Charter Burgee (Flag):* "For Sale," "Charter" burgee (flag) may be affixed to the boats for sale in the marina. The sign shall be positioned at the dockside location on the boat. The sign may not exceed six (6) square feet and must be of professional quality material as approved by the Zoning Administrator. (*EXHIBIT 2 & 3*)

*Boat Rental Signs:* Boat Rental Signs may be placed in the front console of the boats for rent. The signs may not exceed 12 inches by 24 inches and must be of professional quality with background and lettering that complies with the requirements of this ordinance. Such signs are limited to one (1) sign per boat. (*EXHIBIT 10*)

§ 12.60.150. *Take Away Flier Boxes.*

*Charter Sales/Boat Rental Fliers:* "Take Away" boxes for charter and boat rental information may be affixed to the post at the entrance of A-Dock. The boxes may not exceed 8.5 x 11" and must be made of clear plexiglass with hinged covers. (*EXHIBIT 4*)

*Service Establishment Fliers:* "Take Away" boxes may be affixed next to the entrance door of service establishments. The boxes may not exceed 8.5 inches by 11 inches and must be made of clear Plexiglas with hinged covers. (*EXHIBIT 5*)

§ 12.60.160. *Real Estate Display sign at Real Estate Office.*

*Real Estate Property For Sale Signs:* Signs depicting homes/property for sale may be positioned in the inside of the primary two (2) windows adjacent to the entrance door. The signs may not exceed six (6) square feet each and must be of professional quality as approved by the Zoning Administrator. (EXHIBIT 6)

§ 12.60.170. *[Reserved.]*

§ 12.60.180. *Promotional/Marketing Signs.*

Promotional/Marketing Signs may be located in the main breezeway of the marina. All merchants may submit one sign to be displayed in one of the three (3) sign frames. These sign frames, not to exceed twelve (12) square feet each, represent the three (3) categories of merchants (i.e. restaurants, shopping, and services).

Each place of business is also permitted the use of one A/sandwich board marketing sign to display promotional information pertinent to their business. This sign/board may not exceed 2 × 3 feet, cannot impede regular foot traffic near entrances or through walkways, and must be stored at the close of business hours at an interior location.

§ 12.60.190. *Reserved Parking.*

Reserved Parking Signs for specific merchants may be placed in no more than two (2) parking spaces per merchant during times of over capacity and special events. The sign shall be no higher than 31 inches above the grade of the sidewalk and in the form of an 18-inch by 12-inch sign attached to 4-inch by 4-inch treated wood timber and supported by same material. The sign and the mounting post shall be painted to match the color of the building in front of which it is placed. Lettering of the sign shall be white and the sign material shall meet the requirements of this ordinance. (EXHIBIT 9)

§ 12.60.200. *Awning Signs.*

A sign may be placed on awnings in areas zoned for commercial use only as set forth in this section. All lettering may not be greater than ten (10) inches in height and may only be printed on the vertical, non-sloping area of the awning.

**Sec. 12.70. - Permits Required.**

It is unlawful for any person to erect, repair, alter, relocate or display within the Town of Seabrook Island, any sign or other advertising device as defined in this article without first obtaining a sign permit from the Zoning Administrator and paying all fees as required by this chapter. Permits shall not be required for ordinary repair and maintenance of a sign. Such ordinary repair and maintenance includes changing of light bulbs, painting (provided the sign's legend is not changed), and other minor work which does not involve structural or color changes.

**Sec. 12.80. - Permit Applications.**

Applications for sign permits shall be filed with the Zoning Administrator. Applications shall include the following, in addition to information required by the Town:

- (a) A working drawing of the proposed sign, showing all colors to be used, shall be submitted at the time of application, and no work shall proceed until a sign permit has been approved.
- (b) A plan drawing showing fonts and sizes of letters; and specifications for the sign, including material to be used and details of construction; and methods of attachment of the sign applied for to the building or to the ground. Similar information, as appropriate, is to be submitted with awning permit applications.
- (c) If the applicant is not the owner of the building, structure or land upon which or on which the sign is to be erected, written consent from the owner shall be filed with the application.
- (d) An illustration of the proposed sign and a color photograph(s) of the area and, if applicable, the building facade upon which the proposed sign is to be erected shall be submitted with each sign application, showing in detail the physical conditions within the sign area, as well as the facades of any adjoining buildings.
- (e) In instances when the proposed sign will be freestanding (ie. not attached to any existing building or structure) a site plan showing the proposed location of the sign; setback measurements from the proposed sign to all property lines, street rights-of-way and edges of pavement; location and description of all existing structures, easements and utilities; and any other proposed improvements or modifications, including, but not limited to, landscaping, buffering and screening; shall be filed with the application.

**Sec. 12.90. - Permit Fees.**

Every applicant, before being granted a permit hereunder, shall pay to the Town a fee as required by the Town's adopted fee schedule for each sign.

**Sec. 12.100. - Approval.**

All signs must be approved by the Zoning Administrator before a permit may be issued. The following procedures shall apply to all applications for the placement of signs within the Town:

§ 12.100.10. An applicant shall file all information and specifications required by this article along with the applicable fee with the Zoning Administrator. The Zoning Administrator shall review the application to determine its technical compliance with this article.

§ 12.100.20. At all times, the Zoning Administrator shall determine the appropriateness of a proposed sign by utilizing the following criteria:



- (a) Whether the sign is appropriate in size, shape and scale for its location;
- (b) Whether the sign detracts from or otherwise affects the harmonious appearance and development of the Town and/or the commercial area;
- (c) Whether the sign in any manner affects public health or safety; and
- (d) Whether the sign properly reflects the aesthetic theme of the community as a whole.

§ 12.100.30. Upon compliance by an applicant with the terms of this chapter and the requirements of the Zoning Administrator, the Zoning Administrator shall issue all necessary permits.

§ 12.100.40. Identification. The Zoning Administrator is granted the discretion to make as a condition of the issuance of a sign permit, the requirement that each sign erected, constructed or maintained shall be plainly and permanently marked with the name of the person erecting, constructing or maintaining such sign.

§ 12.100.50. Any person aggrieved by the decision of the Zoning Administrator may file an appeal in accord with the provisions of section 19.40 of this Ordinance.

**Sec. 12.110. - General Requirements.**

§ 12.110.10. *Construction.*

§ 12.110.10.10. *Wind loads.* All signs exposed to wind pressure must be so constructed as to withstand a minimum wind pressure of not less than thirty (30) pounds per square foot area or the minimum wind load requirements of the Standard Building Code whichever is greater.

§ 12.110.10.20. *Materials.* All permanent signs shall be constructed of treated wood, cedar or redwood, either sandblasted or routed or aluminum painted to resemble the appearance of the approved woods. Any other material having the appearance of wood that satisfies the terms of the article may also be used with the written consent of the Zoning Administrator. Electronic variable message displays may be permitted only on community message board signs, subject to the requirements of section 12.60.70.20. Where an electronic variable message display is included, glass, plexiglass or similar materials of a transparent nature may be used to encase the electronic display.

§ 12.110.20. *Design.*

§ 12.110.20.10. *Lettering.* All lettering shall be proportioned in size to the size of the sign erected, except in the case of window and entry door signs, whose letters shall not, under any circumstances, exceed five (5) inches in height.

§ 12.110.20.20. *Tinting.* No neon, day glow or similar tint will be permitted on any sign, nor shall a sign be permitted to display colors which may be confusing to emergency equipment operators. Company logos may be used provided the Zoning Administrator determines their use is in accordance with the provisions of section 12.100.20 of this ordinance.

§ 12.110.30. *Placement.* No sign shall be erected, maintained or constructed so as to obstruct any fire passage, egress window, door or other required opening.

§ 12.110.40. *Maintenance.* The owner of any sign as defined and regulated by this chapter shall properly maintain such sign. All signs, together with their framing, supports, braces, guys and anchors shall be kept in repair and proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times, free from paint scaling or breaks, tears and defacing.

**Sec. 12.120. - Requirements for Specific Sign Types.**

§ 12.120.10. *Ground Signs.*

- (a) Ground signs shall include any sign supported by one (1) or more uprights upon the ground with or without braces and not attached to any building or structure.
- (b) Ground signs may be erected to a height not to exceed eight (8) feet above the average grade of the ground level at the base of the uprights.
- (c) Every ground sign having an area in excess of twelve (12) square feet shall have an open space of not less than two (2) feet between the lower edge of such sign and the average grade of the ground level at the base of the uprights and shall be landscaped. The Zoning Administrator may waive the two (2) foot open space requirement for any community message board sign which contains an electronic variable message display if the applicant can demonstrate to the satisfaction of the Zoning Administrator that a solid base is necessary to sustain the additional weight of the electronic variable message display.
- (d) Ground signs in excess of twelve (12) square feet may only be lighted by landscaped up lighting with a proper reflective shield. This requirement shall not apply to any electronic variable message display which is duly permitted pursuant to the requirements of section 12.60.70.20.
- (e) No ground sign shall be permitted closer than six (6) feet to the property line adjacent to the sign. In case of a natural obstruction, the Zoning Administrator may permit a change in the location of the sign.
- (f) Ground signs shall be securely built, constructed, and erected upon two (2) posts or standards which shall be adequately anchored to the ground.
- (g) Only one (1) ground sign shall be permitted for each building location or premises, per public street frontage. Community message board signs which are duly

permitted pursuant to section 12.60.70.20 shall not be counted toward the maximum number of ground signs allowed on the premises.

- (h) A ground sign shall not exceed forty-eight (48) square feet in area on any one (1) side, and shall not exceed twelve (12) feet in one (1) dimension.

**§ 12.120.20. Wall Signs.**

- (a) Any outdoor sign recessed or affixed in any manner to any wall of a building or to any structure, except roofs, shall be considered a wall sign. Signs shall not be painted directly onto the outside face of any building, part of a building or wall without the permission of the property owner.
- (b) No sign or supporting framing shall project above the eave or above the roofline of the building.
- (c) In shopping complexes with individual stores that exceed one hundred (100) lineal feet or front façade, a wall sign may be erected, but shall not exceed fifty (50) square feet in size and may be painted on the roof.

**Sec. 12.130. - Existing Signs and Compliance.**

§ 12.130.10. All existing signs erected prior to the date when this ordinance becomes effective shall comply with and be subject to all of the provisions of this article with respect to annual inspections, maintenance and safety, and all replacements or reconstructions of such existing signs shall comply with this chapter.

§ 12.130.20. All nonconforming signs currently displayed shall be authorized to remain in place until such time as it shall require maintenance, repair, or replacement, or for a period of one (1) year, whichever occurs sooner.

**Sec. 12.140. - Unlawful Signs.**

§ 12.140.10. Any outdoor sign erected, constructed or maintained subsequent to the adoption of this ordinance or date, not in compliance with the provisions of this chapter shall be considered an unlawful sign.

§ 12.140.20. The Zoning Administrator shall notify by mail, the person who maintains any such unlawful sign, to correct specified violations or omissions so as to comply with this chapter or remove such sign within ten (10) days from the date of such notice, in default of which the Zoning Administrator may remove such sign or make the sign comply with this chapter at the expense of such person.

**Sec. 12.150. - Unsafe Outdoor Signs.**

§ 12.150.10. Should, in the opinion of the Zoning Administrator, any outdoor sign be or become insecure or in danger of falling or otherwise become dangerous or unsafe, the person owning or maintaining the same shall, upon written notice from the Zoning

Administrator, forthwith secure the same in a manner approved by the Zoning Administrator in conformity with the provisions of this chapter or cause the same to be removed.

§ 12.150.20. Should the sign owner fail to remove an unsafe sign as ordered or, whenever in the opinion of the Zoning Administrator, a violation of this chapter exists which requires immediate action to abate a direct hazard or immediate danger to the health and safety of the occupants of a building or of the public, the Zoning Administrator may, without prior notice, take such direct action as is necessary to abate the hazard or danger.

**Sec. 12.160. - Recovery of Expenses.**

Expenses incurred pursuant to section 12.150 of this article shall be paid by the owner of the sign or by the owner of the property should the sign owner refuse to pay. Town Council may institute a suit in the name of the Town to recover such expenses against any person liable for such expenses or may cause such expenses to be charged and assessed against the property as a lien.

**SECTION 2. Amending Subsection 16.10.40 of the Development Standards Ordinance.**

The Development Standards Ordinance of the Town of Seabrook Island, South Carolina; Article 16, Design and Improvement Standards; Section 16.10, Subdivision Design Standards; Subsection 16.10.40, Arterial Streets; is hereby amended to read as follows:

**§ 16.10.40. Arterial Streets.**

§ 16.10.40.10. Designation. That portion of Seabrook Island Road (Road S-1875), lying between its intersection with Long Bend Drive and the roundabout located at its intersection with Betsy Kerrison Parkway, Kiawah Island Parkway and Village Green Lane, is hereby designated as an arterial street.

§ 16.10.40.20. Design. For arterial streets, the use of divided highways, with turning lanes, is preferred. Pursuant to section 16.10.40.30, the use of divided highways may warrant additional points of access provided that the safe and uncongested flow of vehicles is maintained.

§ 16.10.40.30. Limited Accessibility. It shall be the policy of the Town to minimize the number of new points of access to arterial streets. The Town encourages the use of feeder streets and neighborhood road networks in order to minimize the number of roads and driveways intersecting with arterial streets.

- (a) For purposes of this section, points of vehicular access shall be defined to include streets intersecting with (i.e., providing ingress to and egress from) an arterial street, driveways, and any other curb cut
- (b) To the extent feasible, properties abutting arterial streets shall not have direct access to such arterial streets, but shall be provided with street frontage on interior, collector roads.

- (c) To the extent feasible, tract property abutting an arterial street shall be provided with one (1) point of vehicular access to the tract. Subdivision of property subsequent to the effective date of this section shall not entitle the owner(s) of subdivided property to direct access to arterial streets if alternative access through interior roads is either available or feasible.
- (d) To the extent feasible, vehicular access to arterial streets shall be limited to no more than one (1) point of access per every half mile when the proposed access point is located within or adjacent to a public right-of-way.

§ 16.10.40.40. Alternatives. In determining feasibility of alternative points of access to any given property, the criteria set forth Article 20 for consideration of a PD in this Ordinance shall apply.

§ 16.10.40.50. Studies and improvements required. For every new or modified road which intersects an arterial street that is located within or adjacent to a public right-of-way, the Town may require the owner or developer to take any or all of the following actions before an encroachment permit is issued pursuant to Article 13:

- (a) Conduct and submit to the Town a traffic flow and volume study, to the Town's specifications;
- (b) Conduct and submit to the Town a drainage study, to the Town's specifications, to identify any drainage modifications, structures or improvements needed in the arterial street drainage system to accommodate flows from the new road/development;
- (c) If warranted by the traffic study, widen the arterial street to construct turning lane(s) to/from the new or modified road, to the Town's specifications; or alternatively, make payment to the Town to defray the entire cost of the Town's construction of such improvements;
- (d) Place signs and/or signals on the arterial street right-of-way, as determined by the Town and to the Town's specifications, to facilitate the safe and unimpeded flow of traffic; or alternatively, make payment to the Town to defray the entire cost of placing such signs and/or signals as deemed necessary by the Town;
- (e) If warranted by the drainage study, place or modify drainage control structures or improvements in the arterial street right-of-way, as determined by the Town and to the Town's specifications, to handle any increased demand on the roadway drainage system that may be caused by the new road; or alternatively, make payment to the Town to defray the entire cost of such drainage improvements as deemed necessary by the Town.

**SECTION 3. Severability.**

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

**SECTION 4. Conflicting Ordinances Repealed.**

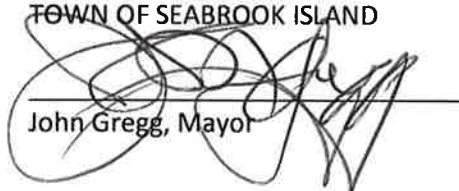
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 5. Effective Date.**

This ordinance shall be effective from and after the date of adoption.

**SIGNED AND SEALED** this 24th day of September, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the 22nd day of September, 2020.

First Reading: August 25, 2020  
Public Hearing: September 22, 2020  
Second Reading: September 22, 2020

TOWN OF SEABROOK ISLAND  
  
\_\_\_\_\_  
John Gregg, Mayor

ATTEST

  
\_\_\_\_\_  
Faye Allbritton, Town Clerk