

TOWN OF SEABROOK ISLAND

Planning Commission Regular Meeting

April 14, 2021 – 1:30 PM



Virtual Meeting (Zoom)

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

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

- [Instructions for Joining & Participating in the Virtual Meeting](#)
- **To join by computer, tablet or mobile device:** [Access Zoom Meeting](#)
- **To join by phone:** Call (646) 558-8656 **Please note that long distance rates may apply**
- **Meeting ID:** 874 4494 4633 **Passcode:** 490404

Submit a Written Comment: Individuals who wish to submit a comment in advance of the meeting may do so in writing by 12:00 pm on the day of the meeting using one of the following options:

- **Email:** jcronin@townofseabrookisland.org
- **Mail or Hand Deliver:** 2001 Seabrook Island Road, Seabrook Island, SC 29455

Watch Live Stream Video: The meeting will be live streamed on the town's YouTube channel beginning at 1:30 pm.

- **Watch Live:** [Live Stream Video \(YouTube\)](#)

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Meeting: March 10, 2021

[Pages 3–5]

OLD BUSINESS ITEMS

There are no Old Business Items

NEW BUSINESS ITEMS

1. Rezoning Request: 2344 Andell Way

[Pages 6–18]

An ordinance amending the Zoning Map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 147-02-00-045, containing approximately 0.58 +/- acres located at 2344 Andell Way, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District

2. Rezoning Request: 2905 Seabrook Island Road

[Pages 19–30]

An ordinance amending the Zoning Map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 149-06-00-030, containing approximately 0.29 +/- acres located at 2905 Seabrook Island Road, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District

ITEMS FOR INFORMATION / DISCUSSION

There are no Items for Information / Discussion

ADJOURN

TOWN OF SEABROOK ISLAND

Planning Commission Regular Meeting

March 10, 2021 – 1:30 PM

Virtual Meeting Hosted via Zoom

[Live Streamed on YouTube](#)



MINUTES

Present: Ken Otstot (Chair), Wayne Billian, Jim Newton, Joe Cronin (Town Administrator)

Absent: Stan Ullner, Sharon Welch

Guests: Larry Buchman (Seabrook Island Club), Katrina Burrell (SIPOA)

Chairman Otstot called the meeting to order at 1:32 PM and welcomed everyone in attendance. Town Administrator Cronin confirmed that the requirements of the Freedom of Information Act were fulfilled, and the meeting agenda was properly posted.

APPROVAL OF MINUTES

1. **Regular Meeting: February 10, 2021:** Mr. Newton made a motion to approve the minutes from the February 10, 2021, meeting as submitted. Mr. Billian seconded the motion. The motion was **APPROVED** by a vote of 3-0.

OLD BUSINESS ITEMS

There were no Old Business Items.

NEW BUSINESS ITEMS

1. **Commercial Site Plan Review: Seabrook Island Club Rest Station:** Town Administrator Cronin provided members with a brief overview of the request, the purpose of which was to review and approve a site plan for a proposed rest station (ie. stand-alone restroom facility) on the golf course. The rest station will be located on Charleston County Tax Map # 147-00-00-027, near the intersection of Seabrook Island Road and Oyster Catcher Court, and adjacent to an existing cart pat. He stated that the total area of the proposed building would be approximately 300 square feet. The enclosed part of the rest station would be 14' wide by 13' 4" deep, or 187 square feet, and will include two individual restrooms. A covered entrance, which will be 13' 4" wide by 8' deep, as well as access from the pathway, were also included. From the slab to the top of the roof, the building would be 15' tall.

Mr. Newton stated that he would abstain from voting on the request due to the proximity of the proposed structure to his property, but he would ask a few questions for clarification.

Mr. Newton asked why the existing station was proposed to be removed and reconstructed rather than refurbished. Mr. Larry Buchman, representing the applicant, responded that this would certainly be the more economical option; however, the current station is not on club property and would need significant upgrades. Therefore, it made more sense to reconstruct the facility.

Mr. Newton asked if the new location would have any impact on the horse rides from the equestrian center. Mr. Buchman responded that there would be no impact. The club consulted with the equestrian center, which was okay with the proposed location.

Mr. Billian asked what colors and materials would be used for the structure. Mr. Buchman responded that they would be identical to the club's existing facilities. He added that the proposed rest station would be essentially the same as the one constructed near the driving range a short time ago.

Chairman Otstot asked when construction would commence. Mr. Buchman stated that the project was out for pricing now and would likely commence in approximately 2 months.

Mr. Billian asked why the club was not going to pave the horse area. Mr. Buchman responded that the unpaved surface was easier for horses to walk upon. He added that this area has also frequently been used as a lay down area for course materials.

Mr. Billian asked if there would be any lights associated with the structure. Mr. Buchman responded that there would be two can lights in the canopy for safety purposes. He added that the rest station was not anticipated to be used at night.

Chairman Otstot asked if the structure would be locked or accessed with a code. Mr. Buchman responded that it would be accessed with a code.

Mr. Billian asked where the sewer would be tied in. Mr. Buchman responded that they would use the existing tie ins for utilities, including the existing electric meter.

There being no further discussion, Mr. Billian made a motion to approve the request as submitted. Chairman Otstot seconded the motion. The motion was **APPROVED** by a vote of 2-0, with Mr. Newton abstaining.

Mr. Billian made a subsequent motion to accept the proposed improvements as "final" approval and waive the required "preliminary" review. Chairman Otstot seconded the motion. The motion was **APPROVED** by a vote of 2-0, with Mr. Newton abstaining.

ITEMS FOR INFORMATION / DISCUSSION

There were no Items for Information.

There being no further business, Chairman Otstot asked for a motion to adjourn. Mr. Billian made a

motion to adjourn the meeting. Mr. Newton seconded the motion. The motion was **APPROVED** by a vote of 3-0, and the meeting was adjourned at 1:53 PM.

Minutes Approved:



Joseph M. Cronin
Town Administrator



MEMORANDUM

TO: Planning Commission Members
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Rezoning Request for 2344 Andell Way
MEETING DATE: April 14, 2021

The Planning Commission is asked to review and provide a recommendation to Town Council on a rezoning request from the Seabrook Island Property Owners Association for Charleston County Tax Map Number 147-02-00-045, containing approximately 0.58 +/- acres located at 2344 Andell Way (Block 3, Lot 1). The applicant is seeking to rezone the property from the SR Single-Family Residential District to the AGC Agricultural-Conservation District.

The property is surrounded on all four sides by parcels zoned SR Single-Family Residential.

Subject to rezoning approval, this property is intended to remain as an undeveloped “open space” lot. Uses permitted within the AGC district are limited to the following:

- (a) Open air recreation uses including swimming areas, fishing, beaches, boat ramp, dock, pier, lifeguard station, restrooms, boardwalks and natural preserve.
- (b) Bulkhead and erosion control devices.

A copy of the draft rezoning ordinance is attached for review.

Staff Recommendation

Staff recommends in favor of **APPROVAL** of the rezoning request.

Respectfully submitted,


Joseph M. Cronin
Town Administrator

Aerial Image



Zoning Map



TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2021-02

ADOPTED _____

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF SEABROOK ISLAND SO AS TO CHANGE THE ZONING DESIGNATION FOR CHARLESTON COUNTY TAX MAP NUMBER 147-02-00-045, CONTAINING APPROXIMATELY 0.58 +/- ACRES LOCATED AT 2344 ANDELL WAY, FROM THE SR SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE AGC AGRICULTURAL-CONSERVATION DISTRICT

WHEREAS, on or about March 19, 2021, the Seabrook Island Property Owners Association filed Rezoning Application #84 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 147-02-00-045, containing approximately 0.58 +/- acres located at 2344 Andell Way, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District; and

WHEREAS, the Seabrook Island Planning Commission reviewed the above referenced rezoning application during its regularly scheduled meeting on April 14, 2021, at which time the Planning Commission made a recommendation to the Mayor and Council that the rezoning request is in the best interest of the Town of Seabrook Island and is consistent with the Town's Comprehensive Plan; and

WHEREAS, a public hearing was held on the above referenced rezoning application on May 25, 2021, as required by law;

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. Zoning Map Amendment. The Official Zoning District Map of the Town of Seabrook Island is hereby amended to change the zoning designation for Charleston County Tax Map Number 147-02-00-045, containing approximately 0.58 +/- acres located at 2344 Andell Way, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District. A map of the property subject to this rezoning ordinance is attached hereto as Exhibit A.

SECTION 2. 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 3. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2021.

First Reading: April 27, 2021
Public Hearing: May 25, 2021
Second Reading: May 25, 2021

TOWN OF SEABROOK ISLAND

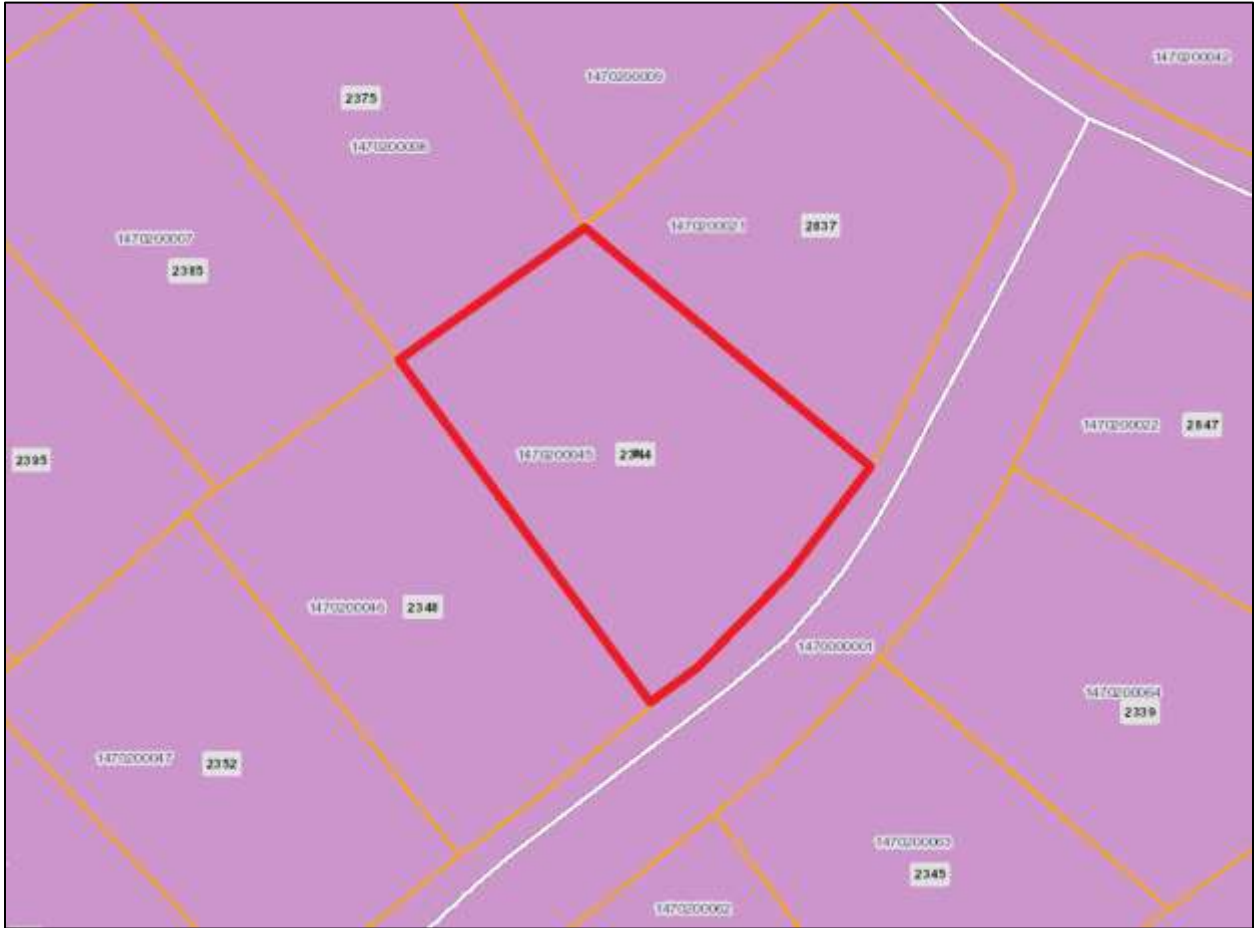
John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk

EXHIBIT A

Property Map
Charleston County Tax Map Number 147-02-00-045



TOWN OF SEABROOK ISLAND
2001 SEABROOK ISLAND ROAD
SEABROOK ISLAND, SC 29455
Phone (843) 768-9121 Fax (843) 768-9830

REZONING APPLICATION NO. 84
DATE 3/19/2021

PROPERTY INFORMATION:

1. Present Zoning SFR
2. Proposed Zoning Agri/Cons
3. Tax Map Number (s) 147-02-00-045
4. Address 2344 Andrew Way
5. Lot Dimensions .58
6. Deed Recorded: Book 0949 Page 397 Date 12/17/20
7. Plat Recorded: Book _____ Page _____ Date _____

APPLICANT/OWNER/REPRESENTATIVE:

8. Applicant SIPAA
Address 1202 Landfall Way
Phone No. (Home) _____ (Business) 843 768 0061
9. Owner(s) (if different from applicant) _____
Address _____
Phone No. (Home) _____ (Business) _____
10. Representative (if different from applicant) Heather Pata
11. I (We) certify that _____ is my (our) authorized representative for this zoning change.

Signature of Owner(s)/Date

Heather Pata 3/17/21

Signature of Applicant/Date
and/or representative if different from owner

**A copy of an approved recorded plat showing present boundaries of the property to be rezoned and the appropriate fee is required upon application.

Property accepted by SIPAA Board 2/8/21

Since 1991



A.H. SCHWACKE & ASSOCIATES

LAND SURVEYING & CONSTRUCTION LAYOUT

1975 FRAMPTON AVE PH: 843-762-7005 FAX 843-762-0109
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

REFERENCE:

PLAT BY: E.M. SEABROOK, JR. TAX MAP No. 147-02-00-045
 DATED: APRIL 15, 1975 No. 2344 ANDELL WAY
 BOOK: AE PAGE: 123
 RMC CHAS. CO. Requested by: SEABROOK ISLAND GREENSPACE CONSERVANCY

NOTES:

BEARING SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83.

AREA DETERMINED BY COORDINATE METHOD.

THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED BY THE SEABROOK ISLAND ARCHITECTURAL REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY.

NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT, THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS CONTAMINATION OR OTHER NONVISIBLE CONDITIONS WHICH MAY AFFECT THIS PROPERTY.

PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE (EL 13') AS PER FEMA FLOOD MAPS.
PANEL No. 45019C 0785J
DATED: NOVEMBER 17, 2004
COMMUNITY No. 450256

• SETBACKS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION BY CONTROLLING AUTHORITY.

SURVEYOR'S CERTIFICATION

LEGEND:

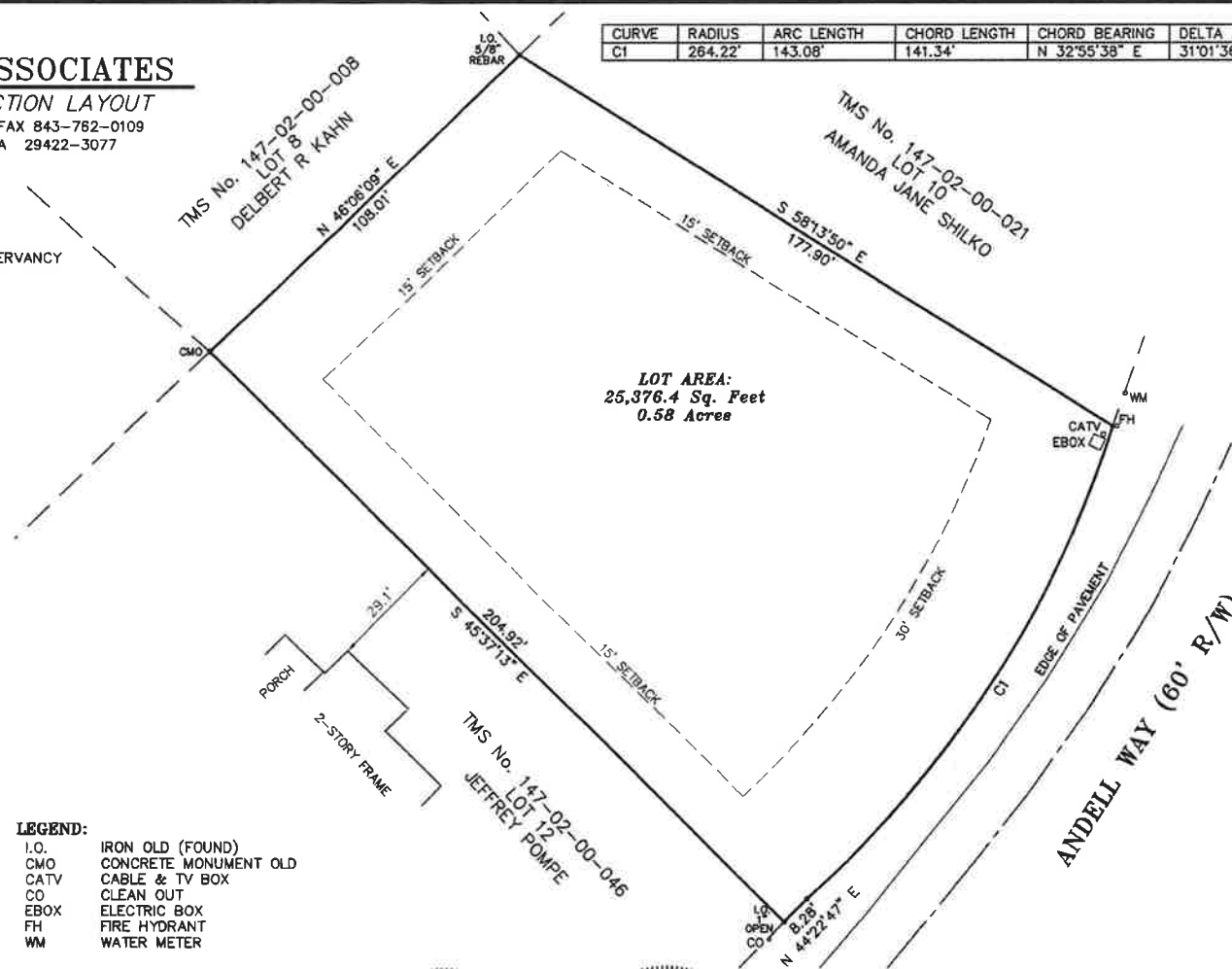
- I.O. IRON OLD (FOUND)
- C.M.O. CONCRETE MONUMENT OLD
- CATV CABLE & TV BOX
- CO CLEAN OUT
- EBOX ELECTRIC BOX
- FH FIRE HYDRANT
- WM WATER METER

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

KEVIN M. SCHWACKE, SR. PLS
S.C. Registration Number 20468

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.
KIM20 / 20379

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	264.22'	143.08'	141.34'	N 32°55'38" E	31°01'36"



BOUNDARY SURVEY
 LOT 11 BLOCK 3
 TOWN OF SEABROOK ISLAND
 CHARLESTON COUNTY, SOUTH CAROLINA



DATE: NOVEMBER 11, 2020 SCALE: 1" = 30'



BP0949397

PGS:

6

PREPARED BY:
Buist, Byars & Taylor, LLC
130 Gardener's Circle
PMB# 138
Johns Island, SC 29455
File No. 1558.0021

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

KNOW ALL MEN BY THESE PRESENTS, that **Joshua Shilko and Amanda Shilko** ("Grantor"), in the State aforesaid, for/and in consideration of the sum of FIVE AND 00/100 DOLLARS (\$5.00), to us in hand paid at and before the sealing of these Presents by **Seabrook Island Green Space Conservancy, Inc.**, in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said **Seabrook Island Green Space Conservancy, Inc.**, a **South Carolina Corporation**, the following described property, to-wit:

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

TMS Number: 147-02-00-045

Address of Grantee(s): 130 Gardeners Circle, PMB 521

Johns Island, SC 29455

This is the same property conveyed to Grantor by deed from Barbara F. Fultz and Thomas A. Fultz dated October 20, 2020 and recorded October 27, 2020 in Book 0929, page 676, Charleston County Recording Office.

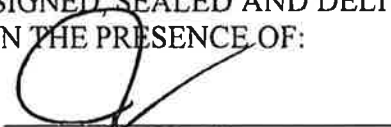
TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anyway incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said **Seabrook Island Green Space Conservancy, Inc.**, a **South Carolina Corporation**, its successors and assigns, forever.

AND subject to the exceptions set forth above, Grantor does hereby bind ourselves and our heirs, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said **Seabrook Island Green Space Conservancy, Inc.**, its successors and assigns, against us and our heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS our hand and seal this 16th day of December, 2020.


SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:




Witness #1



Joshua Shilko



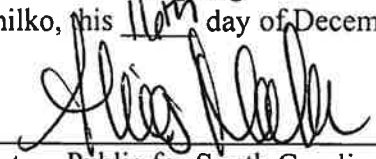
Witness #2



Amanda Shilko

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me by Joshua Shilko and Amanda Shilko, this 16th day of December, 2020.



Notary Public for South Carolina
My commission expires: _____



EXHIBIT A

ALL that certain Lot, piece or parcel of land, situate, lying and being on Seabrook Is land, Charleston County, State of South Carolina, and known and designated as Lot 11, Block 3, on a plat by EM Seabrook, Jr , CE & LS, dated February 23, 1976 and recorded in the Charleston County RMC Office in Plat Book AG, Page 50.

Said lot having the size, shape, dimensions, buttings and boundings, more or less as are shown on said plat, which is specifically incorporated herein by reference.

THIS CONVEYANCE IS SUBJECT TO

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

Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.

EXHIBIT A

ALL that certain Lot, piece or parcel of land, situate, lying and being on Seabrook Island, Charleston County, State of South Carolina, and known and designated as Lot 11, Block 3, on a plat by EM Seabrook, Jr., CE & LS, dated February 23, 1976 and recorded in the Charleston County RMC Office in Plat Book AG, Page 50.

Said lot having the size, shape, dimensions, buttings and boundings, more or less as are shown on said plat, which is specifically incorporated herein by reference.

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Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

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

1. I have read the information on this Affidavit and I understand such information.
2. The property located at 2344 Andell Way, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 147-02-00-045, was transferred by Joshua Shilko and Amanda Shilko to Seabrook Island Green Space Conservancy, Inc. on December 17, 2020.
3. Check one of the following: The deed is

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

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

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

- (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ 5.00
- (b) _____ The fee is computed on the fair market value of the realty which is \$ _____.
- (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.

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

6. The deed recording fee is computed as follows:

- (a) Place the amount listed in item 4 above here: 5.00
- (b) Place the amount listed in item 5 above here: \$0
(If no amount is listed, place zero here.)
- (c) Subtract line 6(b) from Line 6(a) and place result here: 5.00

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

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

Legal Representative _____
Print Name Paula Payne & Taylor, LLC

Sworn to before me this 17th day
of December, 2020

Notary Public for _____
My Commission Expires: _____



RECORDER'S PAGE



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

Filed By:

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

RECORDED		
Date:	January 11, 2021	
Time:	12:40:17 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0949	397	Deed
Michael Miller, Register Charleston County, SC		

MAKER:

SHILKO JOSHUA AL

Note:

RECIPIENT:

SEABROOK ISLD GREEN ETC

of Pages:

Recording Fee	\$ 15.00
State Fee	<EXEMPT>
County Fee	<EXEMPT>
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 15.00

Original Book:

Original Page:

DRAWER
CLERK

AUDITOR STAMP HERE
 RECEIVED From ROD
 Feb 02, 2021
 Peter J. Tecklenburg
 Charleston County Auditor

PID VERIFIED BY ASSESSOR
REP MKD
DATE 02/02/2021
 42



0949
Book



397
Page



01/11/2021
Recorded Date



6
Pgs



Original Book



Original Page



D
Doc Type



12:40:17
Recorded Time



MEMORANDUM

TO: Planning Commission Members
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Rezoning Request for 2905 Seabrook Island Road
MEETING DATE: April 14, 2021

The Planning Commission is asked to review and provide a recommendation to Town Council on a rezoning request from the Seabrook Island Property Owners Association for Charleston County Tax Map Number 149-06-00-030, containing approximately 0.29 +/- acres located at 2905 Seabrook Island Road (Block 40, Lot 31). The applicant is seeking to rezone the property from the SR Single-Family Residential District to the AGC Agricultural-Conservation District.

The property is surrounded on all three sides by parcels zoned SR Single-Family Residential. One parcel across the street, 2906 Seabrook Island Road, is also zoned AGC. The property also backs up to a lake at the rear.

Subject to rezoning approval, this property is intended to remain as an undeveloped “open space” lot. Uses permitted within the AGC district are limited to the following:


- (a) Open air recreation uses including swimming areas, fishing, beaches, boat ramp, dock, pier, lifeguard station, restrooms, boardwalks and natural preserve.
- (b) Bulkhead and erosion control devices.

A copy of the draft rezoning ordinance is attached for review.

Staff Recommendation

Staff recommends in favor of **APPROVAL** of the rezoning request.

Respectfully submitted,


Joseph M. Cronin
Town Administrator

Aerial Image



Zoning Map



TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2021-03

ADOPTED _____

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF SEABROOK ISLAND SO AS TO CHANGE THE ZONING DESIGNATION FOR CHARLESTON COUNTY TAX MAP NUMBER 149-06-00-030, CONTAINING APPROXIMATELY 0.29 +/- ACRES LOCATED AT 2905 SEABROOK ISLAND ROAD, FROM THE SR SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE AGC AGRICULTURAL-CONSERVATION DISTRICT

WHEREAS, on or about March 19, 2021, the Seabrook Island Property Owners Association filed Rezoning Application #85 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 149-06-00-030, containing approximately 0.29 +/- acres located at 2905 Seabrook Island Road, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District; and

WHEREAS, the Seabrook Island Planning Commission reviewed the above referenced rezoning application during its regularly scheduled meeting on April 14, 2021, at which time the Planning Commission made a recommendation to the Mayor and Council that the rezoning request is in the best interest of the Town of Seabrook Island and is consistent with the Town's Comprehensive Plan; and

WHEREAS, a public hearing was held on the above referenced rezoning application on May 25, 2021, as required by law;

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. Zoning Map Amendment. The Official Zoning District Map of the Town of Seabrook Island is hereby amended to change the zoning designation for Charleston County Tax Map Number 149-06-00-030, containing approximately 0.29 +/- acres located at 2905 Seabrook Island Road, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District. A map of the property subject to this rezoning ordinance is attached hereto as Exhibit A.

SECTION 2. 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 3. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2021.

First Reading: April 27, 2021
Public Hearing: May 25, 2021
Second Reading: May 25, 2021

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk

EXHIBIT A

Property Map
Charleston County Tax Map Number 149-06-00-030



TOWN OF SEABROOK ISLAND
2001 SEABROOK ISLAND ROAD
SEABROOK ISLAND, SC 29455
Phone (843) 768-9121 Fax (843) 768-9830

REZONING APPLICATION NO. 25

DATE 3/19/21

PROPERTY INFORMATION:

1. Present Zoning SFR
2. Proposed Zoning Agr/Cons
3. Tax Map Number (s) 749-06-00-030
4. Address 2905 Seabrook Island Rd.
5. Lot Dimensions .25 acres
6. Deed Recorded: Book 0951 Page 292 Date 1/14/21
7. Plat Recorded: Book _____ Page _____ Date _____

APPLICANT/OWNER/REPRESENTATIVE:

8. Applicant SIPAA
Address 1202 Landfall Way
Phone No. (Home) _____ (Business) 843 768 0061
9. Owner(s) (if different from applicant) _____
Address _____
Phone No. (Home) _____ (Business) _____
10. Representative (if different from applicant) Deanne Paton
11. I (We) certify that _____ is my (our) authorized representative for this zoning change.

Signature of Owner(s)/Date

Deanne Paton 3/17/21

Signature of Applicant/Date
and/or representative if different from owner

**A copy of an approved recorded plat showing present boundaries of the property to be rezoned and the appropriate fee is required upon application.

Property accepted by SIPAA Board 3/15/21

Since 1991



A.H. SCHWACKE & ASSOCIATES

LAND SURVEYING & CONSTRUCTION LAYOUT

1975 FRAMPTON AVE PH: 843-762-7005 FAX 843-762-0109
P.O. BOX 13077, CHARLESTON, SOUTH CAROLINA 29422-3077

REFERENCE:

PLAT BY: E.M. SEABROOK, JR.
DATED: JANUARY 14, 1985
BOOK: BO PAGE: 022
RMC CHAS. CO.

TAX MAP No. 149-06-00-030
No. 2905 SEABROOK ISLAND RD

Requested by: GREEN SPACE

NOTES:

BEARING SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83.

AREA DETERMINED BY COORDINATE METHOD.

THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.

THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED BY THE SEABROOK ISLAND ARCHITECTURAL REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.

THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY.

NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT, THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS CONTAMINATION OR OTHER NONVISIBLE CONDITIONS WHICH MAY AFFECT THIS PROPERTY.

PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE (EL 12') AS PER FEMA FLOOD MAPS.
PANEL No. 45019C 0785J
DATED: NOVEMBER 17, 2004
COMMUNITY No. 450257

PRELIM FLOOD ZONE (EFF 1/29/2021) AE (EL 10')

- SETBACKS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION BY CONTROLLING AUTHORITY.

SURVEYOR'S CERTIFICATION

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

KEVIN M. SCHWACKE, SR. PLS
S.C. Registration Number 20468

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH. KIM21 / 21030

LEGEND:

- | | |
|------|--------------------------|
| I.O. | IRON OLD (FOUND) |
| CATV | CABLE & TV BOX |
| CI | CURB INLET |
| EBOX | ELECTRIC BOX |
| IV | IRRIGATION VALVE |
| ICV | IRRIGATION CONTROL VALVE |
| UGSP | UNDERGROUND SEWER PIPE |
| WM | WATER METER |

POND

TMS No. 149-06-00-029
LOT 32
WALTER R. TROGNITZ

TMS No. 149-06-00-031
LOT 30
JAMES E. JONES



BOUNDARY SURVEY
LOT 31 BLOCK 40
PART SEABROOK ISLAND
TOWN OF SEABROOK ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA



DATE: JANUARY 25, 2021 SCALE: 1" = 30'

GRID



BP0951292

PGS:

5

PREPARED BY:
Buist, Byars & Taylor, LLC
130 Gardener's Circle
PMB# 138
Johns Island, SC 29455
File No. 7510.0001

Rerecorded to correct Grantee's name

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

KNOW ALL MEN BY THESE PRESENTS, that **William J.M. Bissenas, Jr. and Gina G. Mason** ("Grantor"), in the State aforesaid, for/and in consideration of the sum of FIFTY TWO THOUSAND AND 00/100 DOLLARS (\$52,000.00), to us in hand paid at and before the sealing of these Presents by ***Green Space Conservancy**, in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said ***Green Space Conservancy Inc., a South Carolina Corporation**, the following described property, to-wit:

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

TMS Number: 149-06-00-030
Address of Grantee(s): 130 Gardeners Circle, PMB 521
Johns Island, South Carolina 29455

This is the same property conveyed to Grantor by deed from Gary A. Wadman, as successor Trustee to Michael E. Moritz, original Trustee of the Catherine Hamilton Kessler Trust UTA Dated June 19, 1986 dated November 3, 1993 and recorded December 10, 1997 in Book E294, page 905, Charleston County Recording Office.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said ***Green Space Conservancy Inc., a South Carolina Corporation**, its successors in office and assigns, forever.

AND subject to the exceptions set forth above, Grantor does hereby bind ourselves and our heirs, executors, and administrators, to warrant and forever defend, all and singular, the premises before mentioned unto the said ***Green Space Conservancy**, its successors in office and assigns, against us and our heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

***Seabrook Island Green Space Conservancy, Inc.**

WITNESS our hand and seal this 14th day of December, 2020.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Tiseer M. Osman
Witness #1

Falena Marui
Witness #2

William J.M. Bissenas, Jr.
William J.M. Bissenas, Jr.

Gina G. Mason
Gina G. Mason

STATE OF Maryland)
)
COUNTY OF Prince Georges)

The foregoing instrument was acknowledged before me by William J.M. Bissenas, Jr. and Gina G. Mason, this 14th day of December, 2020.

[Signature] (SEAL)
Notary Public for PG, MD
My commission expires: 05/08/2023

TISEER M. OSMAN
Notary Public
Prince George's County
Maryland
My Commission Expires May 08, 2023

EXHIBIT A

ALL that certain lot, piece or parcel of land, situate, lying and being on Seabrook Island, Charleston County, State of South Carolina, and known and designated as LOT 31, BLOCK 40, on a plat by E.M. Seabrook, Jr., C.E. & L.s., dated August 25, 1982, last revised January 14, 1985, and recorded in the Charleston County RMC Office in Plat Book BD, at Page 22.

Said lot having such size, shape, dimensions, buttings and boundings more or less as are shown on said plat, which is specifically incorporated herein by reference.

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

Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

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

- 1. I have read the information on this Affidavit and I understand such information.
- 2. The property located at 2905 Seabrook Island Road, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 149-06-00-030, was transferred by **William J.M. Bissenas, Jr. and Gina G. Mason** to ***Green Space Conservancy** on December 17, 2020.
***Seabrook Island Green Space Conservancy, Inc.**

3. Check one of the following: The deed is

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

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

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

- (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$52,000.00
- (b) _____ The fee is computed on the fair market value of the realty which is \$ _____.
- (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.

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

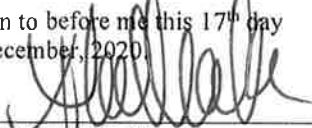
6. The deed recording fee is computed as follows:

- (a) Place the amount listed in item 4 above here: 52,000.00
- (b) Place the amount listed in item 5 above here: \$0
- (If no amount is listed, place zero here.)
- (c) Subtract line 6(b) from Line 6(a) and place result here: 52,000.00

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

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

Legal Representative _____
Print Name Subst. Byas & Tayla, LLC

Sworn to before me this 17th day
of December, 2020.


Notary Public for South Carolina
My Commission Expires: _____



RECORDER'S PAGE



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

Filed By:

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

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Date:	January 14, 2021	
Time:	12:13:42 PM	
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Michael Miller, Register Charleston County, SC		

MAKER:

BISSENAS W J M JR AL

of Pages: 5

Note:

RECIPIENT:

GREEN SPACE ETC

Recording Fee	\$ 15.00
State Fee	\$ 135.20
County Fee	\$ 57.20
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 207.40

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CLERK SLW

AUDITOR STAMP HERE
 RECEIVED From ROD
 Feb 05, 2021
 Peter J. Tecklenburg
 Charleston County Auditor

PID VERIFIED BY ASSESSOR
 REP MKD
 DATE 02/08/2021



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