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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
R. Markley Dennis, Jr., Circuit Court Judge

Trial Court Case No. 2015-CP-20-1103

Appellate Case No. 2015-001230

Paul Boehm..... Respondent,

v.

Town of Sullivan's Island Board of Zoning Appeals
And Town of Sullivan's Island.....Appellants.

RECORD ON APPEAL

VOLUME I

G. Trenholm Walker (SC Bar # 5777)
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Appeal Zoning Administrator
Board of Zoning Appeals
Town of Sullivan's Island

Dated Filed:_____ Permit Application No._____ Appeal No._____

The Board of Zoning Appeals held a public hearing on March 13, 2014 to hear the following request: Paul Boehm, applicant and property owner, is appealing Zoning Administrator's decision to deny the following building permit requests for existing nonconforming garage (structure) at 2720-B Goldbug Avenue:

1. Increase of roof height: request made to raise the roof by two feet, violating Sec. 21-150 and Sec. 21-151.

2. Expansion of a deck area: Violations were issued for the following (violating Sec. 21-150 and Sec. 21-151):

- The construction of benches and planters on top of the slat house.
- Removal of a handrail required for elevated walkway.
- Establishment of a permanent connection of the slat house to the rear deck when previous permits required the slat house remain free standing.

3. Building footprint expansion:(violating Sec. 21-150 and Sec. 21-151). *Staff issued approval of permits to extend a roof over the steps and rear* walkway. The contractors went outside of this permitted area of construction effectively expanding the building footprint.

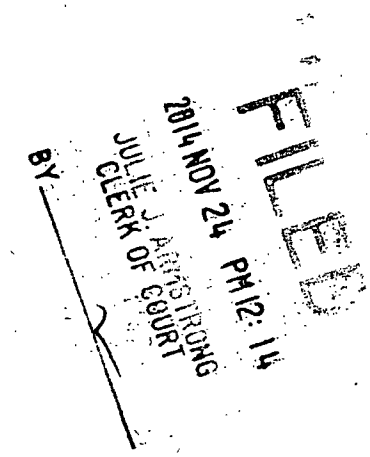
The attached Minutes as Reported by NCRA Registered Professional Reporter Ronda K. Blanton serve as an accurate representation of the public meeting held on March 13, 2014. As stated in said Minutes, motion was made by Board Member Bachman Smith, IV; seconded by Board Member Carlin Timmons, to deny the appeal to overturn the Zoning Administrator's decision, carried unanimously.

Date issued: 4-10-14 Elizabeth M Lyon
Chairman

Date mailed to parties in interest: 4-11-14 Ellen Miller
Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

STATE OF SOUTH CAROLINA PLEAS	)	IN THE COURT OF COMMON
	)	FOR THE NINTH JUDICIAL
CIRCUIT COUNTY OF CHARLESTON	)	CASE NO:2014-CP-10-2623
PAUL BOEHM, Appellant, v. TOWN OF SULLIVAN'S ISLAND BOARD OF ZONING APPEALS And TOWN OF SULLIVAN'S ISLAND, Respondents.	)	



ORDER

This matter came before the Court for a hearing on September 2, 2014, on the Appeal of Paul Boehm from the written Order of the Town of Sullivan's Island Board of Zoning Appeals ("BZA"), dated April 10, 2014. The BZA heard three appeals from Mr. Boehm and denied the appeals after concluding without any factual findings that Mr. Boehm's structure located on 2720B Goldbug Avenue on Sullivan's Island was a nonconforming accessory structure, a garage. The BZA made no factual findings as to why it was a garage in accordance with the terms of the Sullivan's Island Zoning Ordinance. Without factual findings, the Court cannot make a reasoned decision with regard to the pending appeals and, therefore, remands the three appeals to the BZA with the instruction that the BZA make findings of fact based on evidence in the record to support their conclusion that the structure at issue is a garage under the terms of the Zoning Ordinance.

PMOT 1

IT IS, THEREFORE, ORDERED that the pending appeals be remanded to the Town of Sullivan's Island Board of Zoning Appeals which is to make findings of fact based on evidence in the record to support their conclusion that the structure at issue is a garage under the terms of the Zoning Ordinance.

AND IT IS SO ORDERED.

R. MARKLEY DENNIS, JR.
CIRCUIT COURT JUDGE

November 19, 2014
Charleston, SC

RMDJ/2

STATE OF SOUTH CAROLINA PLEAS	)	IN THE COURT OF COMMON
	)	FOR THE NINTH JUDICIAL
CIRCUIT COUNTY OF CHARLESTON	)	CASE NO: 2015-CP-10-1103
PAUL BOEHM, Appellant, v. TOWN OF SULLIVAN'S ISLAND BOARD OF ZONING APPEALS And TOWN OF SULLIVAN'S ISLAND, Respondents.	)	

FILED
2015 MAY -4 AM 12: 22
JULIE J. ARMSTRONG
CLERK OF COURT

ORDER

This matter came before the Court for a hearing on April 7, 2015, on the Appeal of Paul Boehm from the written Orders of the Town of Sullivan's Island Board of Zoning Appeals ("BZA"), dated April 10, 2014 and February 8, 2015. The BZA heard three appeals from Mr. Boehm and denied the appeals after concluding without any factual findings that Mr. Boehm's structure located on 2720B Goldbug Avenue on Sullivan's Island was a nonconforming accessory structure, a garage. By Order, dated November 19, 2014, this Court remanded the matter to the BZA "to make findings of fact based on evidence in the record to support their conclusion that the structure at issue is a garage under the terms of the Zoning Ordinance." On remand, the BZA made "findings of fact" in an Order, dated February 12, 2015. Mr. Boehm appealed from that Order, and that matter is before the Court. After considering the briefs and oral arguments of both parties, the record on appeal, and the terms of the Zoning Ordinance, the Court has

RMDO

determined that the decision of the BZA should be reversed and that the Town of Sullivan's Island should issue the requested permits to Mr. Boehm.

STANDARD OF REVIEW

On appeal, the findings of fact by the BZA shall be treated in the same manner as findings of fact by a jury, and the court may not take additional evidence. S.C. Code Ann. § 6–29–930 (Supp. 2011). "In reviewing the questions presented by the appeal, the court shall determine only whether the decision of the Board is correct as a matter of law." Austin v. Bd. of Zoning Appeals, 362 S.C. 29, 33, 606 S.E.2d 209, 211 (Ct. App. 2004). Furthermore, "[a] court will refrain from substituting its judgment for that of the reviewing body, even if it disagrees with the decision." Restaurant Row Assocs. v. Horry Cty., 335 S.C. 209, 216, 516 S.E.2d 442, 446 (1999). "However, a decision of a municipal zoning board will be overturned if it is arbitrary, capricious, has no reasonable relation to a lawful purpose, or if the board has abused its discretion." Id.

FACTS

The facts are not in dispute. In 2001, Mr. Boehm bought the property designated as 2720 Goldbug Avenue on Sullivan's Island after discussing same with the Town's then Zoning Administrator, who assured him that there were two principal buildings on the lot under the Zoning Ordinance. At that time, there were three structures on the property: the main house (a principal building), a small building containing a two bedroom apartment on the second floor above an enclosed unheated parking/storage area (a second principal building), and a carport for use by the main house (an accessory structure). In 2003, Mr. Boehm divided 2720 Goldbug into two condominiums, selling

the primary residence to his son and retaining the apartment building as 2720B Goldbug Avenue.

In 2001, the Town issued a building permit to Mr. Boehm to build an accessory structure, a slat house adjacent to 2720B Goldbug for use as a deck by that structure. The residents of the apartment/dwelling have used the roof of the slat house as a deck ever since.

In 2009, Mr. Boehm applied for a variance to connect the slat house roof to the walkway at the back of 2720B. The BZA denied this request, relying on the Zoning Ordinance, Sec. 21-150(B) and (F)(3), which apply to "Two or more Principal Buildings on one lot." In the minutes of the meeting, there was no discussion as to whether 2720B was not a principal building.

During the years of his ownership, Mr. Boehm has continuously rented out 2720B as, and has had a rental license for, the dwelling for each of the last fourteen years. The apartment/dwelling has a separate electric meter and is connected to the City sewer system, both of which are not allowed for an accessory structure under the Zoning Ordinance.

In 2013, Mr. Boehm decided to make some improvements to 2720B and applied for a permit to elevate the roof of 2720B. The Town Zoning Administrator denied this request on the ground that 2720B was a garage, an accessory structure, and was already taller than the height restrictions for an accessory structure under the Zoning Ordinance. Mr. Boehm appealed that decision to the BZA.

During that same time period, Mr. Boehm applied for a permit allowing him to extend the existing roof of 2720B Goldbug to cover the exterior stairway and walkways.

RMOD 13

The Zoning Administrator initially granted Mr. Boehm a building permit for these improvements and inspected and approved the posts that were installed but subsequently issued a stop work order, because those same posts were outside the "existing footprint" of 2720B. Mr. Boehm appealed that decision to the BZA.

While inspecting the roof extension, the Zoning Administrator saw furniture installed around the perimeter of the slat house/deck and issued an order requiring that Mr. Boehm remove that furniture. Mr. Boehm had placed the furniture there for safety reasons when the BZA denied his variance request in 2009 asking that he be allowed to place a hand railing around the slat house roof. Mr. Boehm appealed that decision to the BZA.

At the first hearing, the BZA heard all of the above facts and then heard from a BZA member, who had recused himself because he lived next door to the 2720B property. This recused BZA member expressed his personal opinion that Mr. Boehm should not be allowed to improve his property. The BZA determined that the controlling question for all three appeals was whether 2720B was a principal building or an accessory structure and determined that, because it looked like a garage, it was a garage and denied all three appeals.

Subsequently, this Court remanded the matter to the BZA to make findings of fact to support its decision under the Zoning Ordinance. The BZA made six findings, all of which determined that 2720B contained an apartment which is a residence or a dwelling under the Zoning Ordinance. None of these findings supported the BZA's decision that the building containing a residence was a "garage" or an "accessory structure" as defined by the Zoning Ordinance.

RMOB/4

CONCLUSIONS OF LAW

The Sullivan's Island Zoning Ordinance clearly defines a principal building as "any building in which the principal use of the lot is conducted." The principal use of 2720 Goldbug is residential, so any building located on that property in which there is a residence is a principal building. Each and every finding of fact of the BZA found that there was an apartment at 2720B. The Zoning Ordinance defines "residence" and "dwelling" as "a building or portion of a building arranged or designed to provide living quarters for a single family, with no structural features impeding free access throughout the entire structure by all members of the family." Apartment is not defined in the ordinance, but the Court concludes that an apartment is a residence/dwelling under the Zoning Ordinance. The Zoning Ordinance also defines a garage as "an accessory building or portion of a Principal Building used only for the private storage of motor vehicles ..., as an accessory use." Because 2720B contains a residence, it cannot be a garage. Because it contains a residence, it must be a principal building. The Court concludes that 2720B is a principal building under the Town of Sullivan's Island Zoning Ordinance and that the BZA's conclusion is arbitrary, capricious, not based on the law and an abuse of discretion.

The Zoning Ordinance further provides, in Sec. 21-150, "Nonconforming Uses," that "[i]n the event that two or more Principal Buildings occupy a single lot, said occupancy shall constitute a non-conforming use. One structure shall be designated conforming and the other(s) shall be non-conforming ..." The structure with the greatest livable square footage is the conforming use and the other principal building is non-conforming. Thus, 2720B is a nonconforming principal building.

RMOT 5

Principal buildings are allowed to have accessory structures under the Zoning Ordinance. The slat house, which acts as a deck for 2720B, is such an accessory structure to 2720B.

Under Sec. 21-151 of the Zoning Ordinance, "structural alterations, including enlargements, are permitted if the structural alteration does not increase the extent of nonconformity." The nonconformity of 2720B is that it is a second residence on the lot. None of Mr. Boehm's requests will increase the extent of nonconformity, because they are merely improvements to the existing one dwelling and will not increase the extent of the nonconformity. The Court concludes that the Town should issue to Mr. Boehm the permits needed to raise the roof and extend the roof over the existing stairs and walkway and should withdraw its Order to remove the furniture on the slat house roof, because there is no provision of the Zoning Ordinance prohibiting furniture on a slat house roof.

IT IS, THEREFORE, ORDERED that the Town of Sullivan's Island shall record on the Certificate of Occupancy for 2720B Goldbug Avenue that it is a nonconforming Principal Building in accordance with Sec. 21-150.F, Zoning Ordinance; shall issue to Paul Boehm a building permit allowing him to raise the roof of this principal building located on 2720B Goldbug Avenue so long as the raised roof is within the height restrictions for a principal building and issue a building permit to complete the roof extension on the posts previously installed; Thereafter the matter is remanded to the BZA for actions consistent with the Court's order.

AND IT IS SO ORDERED.

RMOOT/6

R. MARKLEY DENNIS, JR.
CIRCUIT COURT JUDGE

April 29, 2015
Charleston, SC

RMD 7/7

Administrative Appeal (Remand from Circuit Court)
Board of Zoning Appeals
Town of Sullivan's Island

Dated Filed:_____ Permit Application No._____ Appeal No._____

The Board of Zoning Appeals held a public hearing on January 8, 2015 for an administrative appeal for 2720-B Goldbug Avenue: Remand from Circuit Court for Findings of Fact based on the record from the Town of Sullivan's Island Board of Zoning Appeals hearing on March 13, 2014. The record from the Town of Sullivan's Island Board of Zoning Appeals hearing on March 13, 2014 is attached to these minutes and has been labeled TOSI-BZA 0001-0469).

Motion was made by Bachman Smith, seconded by Delores Schweitzer, that the Board adopt the following findings of fact in accordance with Judge Dennis' order.

1. The certificate of occupancy for the upstairs living quarters issued November 20, 1989 classified the apartment as an apartment above garage. This certificate of occupancy refers to the structure as a garage and the apartment as being above the garage. This prior classification of the structure as a garage with an apartment unit above it supports the Board's finding that the structure is a non-conforming accessory structure. It shows that the structure is an accessory structure with a non-conforming, but approved, apartment use on the second floor.

2. The inspection ticket issued November 20, 1991 approved the use of apartment over garage. This document shows a request and approval of the use of the apartment over the garage. This prior classification of the structure as a garage and the approval of the use of the second floor as an apartment unit support the Board's finding that the structure is a non-conforming accessory structure. It shows that the structure is an accessory structure with a non-conforming, but approved, apartment use on the second floor.

3. The May 15, 2001 survey of 2720 Goldbug Avenue issued by John E. Wade, Jr., RLS, identifies the structure as garage with apartment. The survey identifies the owner of the property at the time of the survey as Paul Boehm, the applicant. The Board finds that the identification of the building on this survey as a garage with an apartment is further support for the Board's finding that the structure is a non-conforming accessory structure. The survey does not identify the structure as a residence, dwelling, house, principal building or apartment. The survey identifies the structure as a garage, noting that the garage structure includes an apartment. The survey shows that the building is an accessory structure with a non-conforming, but approved, apartment use.

4. The design of the structure, which can be readily observed by reference to the photographs, drawings, documents and testimony in the record, is that of a garage that has an apartment on top. There are two garage doors on the front of the structure, which open to the bays. The only entrance to the apartment above the garage is the staircase on the exterior right side of the structure. The structure is designed for the private storage of cars, boats, trailers, lawn equipment or other recreational items. While there is an apartment on the second story of the structure, the Board finds that these design characteristics of the structure are further support for the Board's finding that the structure is a non-conforming accessory structure. It shows that the structure is an accessory structure with a non-conforming, but approved, apartment use on the second floor.

5. The applicant agreed in his testimony before the Board that the structure is comprised of a garage on the first floor and an apartment on the second floor. The applicant characterized the structure as a dwelling with a garage below it, but did not dispute that the first floor was indeed a garage. In fact, a real estate listing from the applicant's real estate company described the first floor of the secondary structure as follows: "a garage for two cars, a storage/workshop area for your favorite hobbies. Instead of cars put a pool table and ping pong table in the garage." When asked about this listing, the applicant continued to characterize the structure as a dwelling with a garage below it. However, the Board finds that this testimony provides additional support for the Board's finding that the structure is a non-conforming accessory structure and rejects the applicant's subjective classification of the structure.

6. The Board finds that the structure at issue and use of the structure as a garage with a non-conforming apartment on the second story is customarily incidental to the principal use in building located on the lot, a principal building used as a residence. The Board recognizes the structures on the lot are now part of a condo regime, but finds that the establishment of the condo regime does not convert an accessory structure into a second principal building.

Motion carried unanimously with a vote of four (two members, Jimmy Hiers and Sarah Church, had been recused).

Date issued: 2/12/15

Chairman

Date mailed to parties in interest: 2-17-15

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO: 2014-CP-10-2623
PAUL BOEHM,	)	
	)	
Appellant,	)	
	)	NOTICE OF APPEAL
v.	)	PURSUANT TO S.C. CODE §6-29-820
	)	
TOWN OF SULLIVAN'S ISLAND	)	
BOARD OF ZONING APPEALS	)	
And TOWN OF SULLIVAN'S ISLAND,	)	
	)	
Respondents.	)	

2014 APR 22 PM 3:29
JULIE J. ARMSTRONG
CLERK OF COURT
BY

TO: RESPONDENTS ABOVE-NAMED

YOU WILL PLEASE TAKE NOTICE that Appellant, Paul Boehm, pursuant to S.C. Code Ann. § 6-29-820 hereby appeals the Final Order of the Town of Sullivan's Island Board of Zoning Appeals dated April 10, 2014, and mailed to Appellant on April 11, 2014.

ROSEN, ROSEN & HAGOOD, LLC

By: Alice F. Paylor

Alice F. Paylor
P.O. Box 893
Charleston, SC 29402
(843) 577-6726

ATTORNEYS FOR APPELLANT

Charleston, South Carolina
April 22, 2014

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS

PAUL BOEHM)
Plaintiff(s))

CIVIL ACTION COVERSHEET

2014-CP - 10- 2623

vs.)

Town of Sullivan's Island Board of Zoning Appeals and Town of Sullivan's Island)
Defendant(s))

Submitted By: Alice F. Paylor, Esquire
Address: 151 Meeting Street, Suite 400
Charleston, SC 29401

SC Bar #: 4380
Telephone #: 843-577-6726
Fax #: 843-724-8036
Other:
E-mail: apaylor@rrhlawfirm.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (*Check all that apply*)

**If Action is Judgment/Settlement do not complete*

☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (*Check One Box Below*)

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)

Previous Notice of Intent Case # 20___-CP-____-_____
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299)

Torts – Personal Injury
- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Other (399)

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Inmate Petitions
- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Administrative Law/Relief
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
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Judgments/Settlements
- ☐ Death Settlement (700)
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- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☒ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

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- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Sexual Predator (510)

Submitting Party Signature: Alice F. Paylor **Date:**

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.

2. The initial ADR conference must be held within 300 days after the filing of the action.

3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)

4. Cases are exempt from ADR only upon the following grounds:

   a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;

   b. Requests for temporary relief;

   c. Appeals

   d. Post Conviction relief matters;

   e. Contempt of Court proceedings;

   f. Forfeiture proceedings brought by governmental entities;

   g. Mortgage foreclosures; and

   h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.

5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.

6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: **You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO: 2014-CP-10-2623
PAUL BOEHM,	)	
	)	
Appellant,	)	
	)	PETITION
v.	)	
	)	
TOWN OF SULLIVAN'S ISLAND BOARD OF ZONING APPEALS And TOWN OF SULLIVAN'S ISLAND,	)	
	)	
Respondents.	)	

FILED
2014 APR 22 PM 3:29
JULIE ... BROWNING
CLERK OF COURT
BY

For his appeal, Paul Boehm respectfully states:

1. This is an appeal from the Final Order of the Town of Sullivan's Island Board of Zoning Appeals ("BZA") dated April 10, 2014, and mailed on April 11, 2014. This appeal is brought pursuant to S.C. Code Ann. § 6-29-820 and is filed within 30 days after the Final Order was mailed to Appellant.

2. Appellant Paul Boehm is the owner of a residence (apartment over garage) located at 2720 B Goldbug Avenue, Town of Sullivan's Island, South Carolina.

3. Respondent Town of Sullivan's Island ("Town") is a municipal corporation which through its governing council has adopted zoning regulations.

4. Respondent BZA is established under the provisions of §21-172 *et seq.* of the Town's Zoning Ordinance and pursuant to S.C. Code Ann. §§ 6-29-790 *et seq.* Section 21-177 of the Town's Zoning Ordinance allows the owner of a property on Sullivan's Island to appeal to the BZA "an allegation that there is error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Zoning Ordinance".

5. Appellant's residence was built in or around 1989. At that time, John L. Truesdell owned the property and received from the Town a Certificate of Occupancy, dated November 20, 1989, for an "apartment above garage." On November 20, 1991, the Town conducted an inspection and approved the "use of apartment over garage" at 2720 Goldbug Avenue. There was and is another structure containing a residence located on the lot. The Town's Zoning Ordinance only allows one residence per lot so that the second residence on any lot is a nonconforming structure.

6. The second structure, 2720B Goldbug, which is the subject of this appeal, contains a dwelling with two bedrooms, two bathrooms, a kitchen and a great room over a storage room/garage on the ground floor. The dwelling is served by a separate electric meter, and no part of the structure is used as an accessory structure to the other residence. The storage room/garage is not heated and is used as storage for the apartment/dwelling located above it.

7. In 2001, Appellant bought 2720 Goldbug Avenue, which included both structures, after confirming with the then Town's Zoning Administrator, Kent Prause, that there were two dwelling structures under the Town's Zoning Ordinance located on the property. After purchase, Appellant used a horizontal property regime to make two condominiums, so that the two structures could be sold separately. Appellant has continuously rented the apartment in Unit B and paid the required business license to the Town.

8. Shortly after the purchase of the property, the Appellant sought to add a deck onto the smaller structure, and the Zoning Administrator at the time told him that he could not add a deck but could build a "slat house" as an accessory structure to it and use the roof of the slat house as a deck. Appellant built a slat house adjacent to the rear walkway of the second

structure, and the inhabitants of that structure have used that roof as a deck since 2001. Appellant has added furniture to the sides of the roof deck as a safety feature.

9. On August 13, 2009, Appellant submitted a variance request to the Board of Zoning Appeals to connect the "slat house to other deck and house at 2720 Goldbug 'B'." Randy Robinson, the Town Zoning Administrator at that time, denied the request, because the Town Zoning Ordinance, §§ 21-150(B) and (F)(3) "clearly state that a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects," and Mr. Boehm did not meet the requirements to obtain a variance. Sec. 21-150(F)(3) applies when there are "two or more Principal Buildings on one lot." Mr. Boehm appealed that decision to the BZA, which agreed with Mr. Robinson and denied the variance request.

10. Early in 2013, Appellant asked Mr. Robinson if he could raise the roof by two feet (2') in unit B, and Mr. Robinson told him that was allowed by the Zoning Ordinance, because unit B was a dwelling under the ordinance. By the time Mr. Boehm had plans drawn up for the elevation of the roof, Mr. Robinson was no longer the Zoning Officer, having been replaced by Joe Henderson. Mr. Henderson denied Appellant's request for a building permit stating that Building B was a nonconforming garage, because of its exceeding the height requirements for garages and, therefore, Appellant would not be allowed to raise the roof as that would increase the height restriction nonconformity.

11. Appellant did receive permission in 2013 to extend the existing roof of 2720 B to cover the walkways around the structure. He began doing the work, had the initial six piers approved, and subsequently the Town issued a Stop Work Order, because the piers for the roof were outside of the structure's "footprint." In addition, the Town cited Appellant for having

furniture on the roof of the slat house and for not having a railing between the walkway for the structure and the roof of the slat house.

12. Appellant appealed the three decisions of the Town Zoning Administrator to the BZA.

13. On March 13, 2014, the BZA heard Appellant's appeals and found that the second structure was a "garage" under the Town's Zoning Ordinance and verbally affirmed the Zoning Administrator's three decisions refusing to allow Appellant to improve his structure.

14. On April 10, 2014, the BZA issued its Final Decision, which contained no findings of facts or conclusions of law and merely stated that the transcript of the public hearing was accurate and that the motion "to deny the appeal to overturn the Zoning Administrator's decision carried unanimously." A copy is attached hereto as Exhibit A.

15. S.C.Code § 6-29-800(F) provides that "[a]]ll findings of fact and conclusions of law must be separately stated in final decisions or order of the board..." The BZA failed to comply with this code section.

16. The BZA's final decision denying Appellant's right to improve 2720B Goldbug Avenue violates the provisions of the Town's Zoning Ordinance.

17. The Final Decision, which incorporated the transcript of record of the BZA meeting, shows the following violations of the Town's Zoning Ordinance and State law:

a. In providing no findings of fact or conclusions of law for the BZA's denial of the application and thereby ignoring the requirements of S.C. Code Ann. § 6-29-800(F);

b. In failing to base its decision on the provisions of the Town's Zoning Ordinance and, instead, on their individual perceptions of the structure at issue;

c. In acting arbitrarily and capriciously in failing to apply the definitions contained in the Town's Zoning Ordinance, which defines "principal building," "principal use," "garage," "footprint," "dwelling," "accessory use or structure," and other terms, all of which definitions were ignored by the BZA in rendering its determination that 2720B Goldbug was not a "principal building" under the Zoning Ordinance and was, instead, a "garage," solely because the building looks like a garage and an advertisement for the sale of the structure called it a "secondary structure," which is not a term defined in the Zoning Ordinance;

d. In failing to find that 2720B, which contains a dwelling was a "principal building" which is defined as "a building in which the principal use of the lot is conducted, under the Zoning Ordinance;

e. In finding that 2720B, which contains a dwelling, was a "garage," which is defined in the Ordinance as "an accessory building or portion of a Principal Building used only for the private storage of motor vehicles, campers, boats, boat trailers and lawn mowers, as an accessory use;"

f. In relying on Zoning Ordinance Sec. 21-151 to deny Appellant' right to raise the roof, to extend the roof over the exterior walkways and steps of 2720 B, to replace steps that contained rotten wood with new wood and to

find that Appellant could not place furniture or even railings around the roof of the slat house; and

g. In unreasonably exercising and flagrantly abusing its discretion.

18. The decision of the BZA is vague, unspecific, arbitrary and capricious and is without legal or factual support and therefore constitutes an abuse of discretion and is patently unlawful.

19. The BZA's decision was a reaction to public comments from a recused member of the BZA and the Zoning Administrator both of whom gave interpretations of the Zoning Ordinance that are contradicted by the relevant provisions of the Zoning Ordinance.

20. The BZA considered matters outside of the matters that should be considered by the BZA under the Zoning Ordinance and State law.

21. The BZA's decision directly contradicts the intent of the Zoning Ordinance, regarding noncomformities which is to "recognize the interests of landowners in continuing to use their property; promote reuse and rehabilitation of existing buildings; and place reasonable limits on the expansion and alteration of noncomformities that have the potential to adversely affect surrounding properties or the Town as a whole."

22. The Town is estopped from taking a position contrary to the position taken by its Zoning Administrator at the time that Appellant were considering the purchase of 2720 Goldbug and confirmed by the Zoning Administrator and the BZA when Appellant' variance request in 2009 was denied. See Abbeville Arms v. City of Abbeville, 273 S.C. 491, 257 S.E.2d 716 (1979).

23. The denial of Appellant's application should be set aside and this Court should remand the case to the BZA with the specific direction that it grant Appellant's application.

WHEREFORE, Appellant prays:

a. That the Clerk of Court shall provide immediate notice to the Secretary of the Town of Sullivan's Island to file with the Court within 30 days a duly certified copy of the proceedings before the BZA;

b. That the Court upon reviewing the proceedings find that the BZA violated, failed to follow, and acted outside, the provisions of the Zoning Ordinance and reverse the decision of the BZA and order appropriate building permits be granted to Appellant; and

c. That the Court award costs to Appellant.

ROSEN, ROSEN & HAGOOD, LLC

By: _____

Alice F. Paylor
P.O. Box 893
Charleston, SC 29402
(843) 577-6726

ATTORNEYS FOR APPELLANT

Charleston, South Carolina
April 22, 2014

EXHIBIT A

Appeal Zoning Administrator
Board of Zoning Appeals
Town of Sullivan's Island

Dated Filed:_____ Permit Application No._____ Appeal No._____

The Board of Zoning Appeals held a public hearing on March 13, 2014 to hear the following request: Paul Boehm, applicant and property owner, is appealing Zoning Administrator's decision to deny the following building permit requests for existing nonconforming garage (structure) at 2720-B Goldbug Avenue:

1. Increase of roof height: request made to raise the roof by two feet, violating Sec. 21-150 and Sec. 21-151.

2. Expansion of a deck area: Violations were issued for the following (violating Sec. 21-150 and Sec. 21-151):

- The construction of benches and planters on top of the slat house.
- Removal of a handrail required for elevated walkway.
- Establishment of a permanent connection of the slat house to the rear deck when previous permits required the slat house remain free standing.

3. Building footprint expansion:(violating Sec. 21-150 and Sec. 21-151). Staff issued approval of permits to extend a roof over the steps and rear walkway. The contractors went outside of this permitted area of construction effectively expanding the building footprint.

The attached Minutes as Reported by NCRA Registered Professional Reporter Ronda K. Blanton serve as an accurate representation of the public meeting held on March 13, 2014. As stated in said Minutes, motion was made by Board Member Bachman Smith, IV; seconded by Board Member Carlin Timmons, to deny the appeal to overturn the Zoning Administrator's decision, carried unanimously.

Date issued: 4-10-14 Elizabeth M Lizzo
Chairman

Date mailed to parties in interest: 4-11-14 Ellen Miller
Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO: 2014-CP-10-2623
PAUL BOEHM,	)	
Appellant,	)	
v.	)	**CERTIFICATE OF SERVICE**
TOWN OF SULLIVAN'S ISLAND BOARD OF ZONING APPEALS and TOWN OF SULLIVAN'S ISLAND,	)	
Respondents.	)	

FILED
2014 APR 23 PM 2:16
JULIE J. ARMSTRONG
CLERK OF COURT
BY

The undersigned hereby certifies that on the 23rd day of April, 2014 a true and correct filed-stamped copy of Appellant's Notice of Appeal and Petition was placed in an envelope with first class postage prepaid and affixed thereto and mailed to all parties of record.

Town of Sullivan's Island
Board of Zoning Appeals
P. O. Box 427
Sullivan's Island, SC 29482

Town of Sullivan's Island
Post Office Box 427
Sullivan's Island, SC 29482

Deborah Wooten, Legal Assistant

STATE OF SOUTH CAROLINA CONTY OF CHARLESTONS PAUL BOEHM, Appellant, v. TOWN OF SULLIVAN'S ISLAND BOARD OFZONING APPEALS And TOWN OF SULLIVAN'S ISLAND Respondents.	)	IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO.: 2014-CP-10-2623 **ANSWER AND RETURN TO PETITION**

FILED
2014 MAY 28 PM 3:10
JULIE J. ARMSTRONG
CLERK OF COURT
BY

The Respondents, answering and making their Return to the Petition filed herein, allege and state as follows:

1. Each and every allegation of the Petition not hereinafter admitted, qualified, or explained, is deemed to be denied.

2. The Respondents admit the factual allegations of paragraph 1. The remaining allegations assert a conclusion of law that the Respondents are required neither to admit nor deny.

3. As to the allegations of paragraph 2, Respondents admit that Appellant is the owner of the property located at 2720 Goldbug Avenue within the Town of Sullivan's Island.

4. The Respondents admit the allegations of paragraph 3.

5. As to the allegations of paragraph 4, Respondents admit that the Respondent BZA is established under the provisions of the Town's Zoning Ordinance and certain statutory enabling legislation and that both the

Ordinance and the enabling legislation provide for appeals from the BZA. Respondents crave reference to and incorporate those ordinances and statutes and deny any allegations inconsistent therewith.

6. As to the allegations of paragraphs 5-11, Respondents crave reference to the record before the Board of Zoning Appeals that is the basis for the within appeal and deny any allegations inconsistent with the matters in the record and object to any matters that are outside that record.

7. Respondents admit the allegations of paragraph 12.

8. Respondents admit the allegations of paragraph 13, and crave reerence to the transcript and written decision of the BZA as to the substance of the BZA's decision, and deny any allegations inconsistent therewith.

9. As to the allegations of paragraph 14, Respondents admit the BZA issued its final decision on or about April 10, 2014,copy attached as Exhibit A to the Petition, and crave reference to the final decision and transcript, denying any allegations inconsistent therewith.

10. The allegations of paragraph 15 as to the provisions of S.C. Code §6-29-800(F) express a conclusion of law that this Respondent is required neither to admit nor deny. Respondents deny the remaining allegations of said paragraph.

11. Respondents deny the allegations of paragraphs 16, 17, 18, 19, 20, 21, 22, and 23.

WHEREFORE, having answered the Petition herein, Respondents pray that the Petition be dismissed and that they be awarded their costs.

PRATT-THOMAS WALKER, P.A.

By: G. Trenholm Walker

G. Trenholm Walker
John P. Linton
Post Office Drawer 22247
Charleston, SC 29413-2247
Phone: 843.727.2208
gtw@p-tw.com
jpl@p-tw.com

ATTORNEYS FOR RESPONDENTS

Charleston South Carolina

May 27, 2014

CERTIFICATE OF SERVICE

Undersigned certifies that the pleading or paper to which this certificate is affixed was served upon the party(s) to this action by hand, or by depositing a copy of same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record for such other party(s), in a post office or official depository under the exclusive care and custody of the United States Postal Service, on this 27th day of May, 2014, in Charleston, South Carolina.

Yevette Y. Epps

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2015-CP-10-1103

FILED
2015 JUN -8 AM 11:52
JULIE J. ARMSTRONG
CLERK OF COURT

Town of Sullivan's Island Board of Zoning Appeals
And Town of Sullivan's Island, Appellants,

v.

Paul Boehm, Respondent.

NOTICE OF APPEAL

The Town of Sullivan's Island Board of Zoning Appeals and the Town of Sullivan's Island appeal the enclosed Order of the Honorable R. Markley Dennis, Jr. dated April 29, 2015 and filed on May 4, 2015. Appellants received written notice of entry of the Order on May 11, 2015.

G. Trenholm Walker (SC # 5777)
John P. Linton, Jr. (SC Bar # 79130)
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, SC 29413-2247
Attorneys for Appellants

June 4, 2015

Other Counsel of Record:
Alice F. Paylor, Esq.
Rosen, Rosen & Hagood, LLC
P. O. Box 893
Charleston, SC 29402
Attorney for Respondent

STATE OF SOUTH CAROLINA PLEAS	)	IN THE COURT OF COMMON
	)	FOR THE NINTH JUDICIAL
CIRCUIT COUNTY OF CHARLESTON	)	CASE NO: 2015-CP-10-1103
PAUL BOEHM, Appellant, v. TOWN OF SULLIVAN'S ISLAND BOARD OF ZONING APPEALS And TOWN OF SULLIVAN'S ISLAND, Respondents.	)	

FILED
2015 MAY -4 PM 12:22
JULIE J. ARMSTRONG
CLERK OF COURT

ORDER

This matter came before the Court for a hearing on April 7, 2015, on the Appeal of Paul Boehm from the written Orders of the Town of Sullivan's Island Board of Zoning Appeals ("BZA"), dated April 10, 2014 and February 8, 2015. The BZA heard three appeals from Mr. Boehm and denied the appeals after concluding without any factual findings that Mr. Boehm's structure located on 2720B Goldbug Avenue on Sullivan's Island was a nonconforming accessory structure, a garage. By Order, dated November 19, 2014, this Court remanded the matter to the BZA "to make findings of fact based on evidence in the record to support their conclusion that the structure at issue is a garage under the terms of the Zoning Ordinance." On remand, the BZA made "findings of fact" in an Order, dated February 12, 2015. Mr. Boehm appealed from that Order, and that matter is before the Court. After considering the briefs and oral arguments of both parties, the record on appeal, and the terms of the Zoning Ordinance, the Court has

RMDO

determined that the decision of the BZA should be reversed and that the Town of Sullivan's Island should issue the requested permits to Mr. Boehm.

STANDARD OF REVIEW

On appeal, the findings of fact by the BZA shall be treated in the same manner as findings of fact by a jury, and the court may not take additional evidence. S.C. Code Ann. § 6–29–930 (Supp. 2011). "In reviewing the questions presented by the appeal, the court shall determine only whether the decision of the Board is correct as a matter of law." Austin v. Bd. of Zoning Appeals, 362 S.C. 29, 33, 606 S.E.2d 209, 211 (Ct. App. 2004). Furthermore, "[a] court will refrain from substituting its judgment for that of the reviewing body, even if it disagrees with the decision." Restaurant Row Assocs. v. Horry Cty., 335 S.C. 209, 216, 516 S.E.2d 442, 446 (1999). "However, a decision of a municipal zoning board will be overturned if it is arbitrary, capricious, has no reasonable relation to a lawful purpose, or if the board has abused its discretion." Id.

FACTS

The facts are not in dispute. In 2001, Mr. Boehm bought the property designated as 2720 Goldbug Avenue on Sullivan's Island after discussing same with the Town's then Zoning Administrator, who assured him that there were two principal buildings on the lot under the Zoning Ordinance. At that time, there were three structures on the property: the main house (a principal building), a small building containing a two bedroom apartment on the second floor above an enclosed unheated parking/storage area (a second principal building), and a carport for use by the main house (an accessory structure). In 2003, Mr. Boehm divided 2720 Goldbug into two condominiums, selling

RMOO12

the primary residence to his son and retaining the apartment building as 2720B Goldbug Avenue.

In 2001, the Town issued a building permit to Mr. Boehm to build an accessory structure, a slat house adjacent to 2720B Goldbug for use as a deck by that structure. The residents of the apartment/dwelling have used the roof of the slat house as a deck ever since.

In 2009, Mr. Boehm applied for a variance to connect the slat house roof to the walkway at the back of 2720B. The BZA denied this request, relying on the Zoning Ordinance, Sec. 21-150(B) and (F)(3), which apply to "Two or more Principal Buildings on one lot." In the minutes of the meeting, there was no discussion as to whether 2720B was not a principal building.

During the years of his ownership, Mr. Boehm has continuously rented out 2720B as, and has had a rental license for, the dwelling for each of the last fourteen years. The apartment/dwelling has a separate electric meter and is connected to the City sewer system, both of which are not allowed for an accessory structure under the Zoning Ordinance.

In 2013, Mr. Boehm decided to make some improvements to 2720B and applied for a permit to elevate the roof of 2720B. The Town Zoning Administrator denied this request on the ground that 2720B was a garage, an accessory structure, and was already taller than the height restrictions for an accessory structure under the Zoning Ordinance. Mr. Boehm appealed that decision to the BZA.

During that same time period, Mr. Boehm applied for a permit allowing him to extend the existing roof of 2720B Goldbug to cover the exterior stairway and walkways.

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The Zoning Administrator initially granted Mr. Boehm a building permit for these improvements and inspected and approved the posts that were installed but subsequently issued a stop work order, because those same posts were outside the "existing footprint" of 2720B. Mr. Boehm appealed that decision to the BZA.

While inspecting the roof extension, the Zoning Administrator saw furniture installed around the perimeter of the slat house/deck and issued an order requiring that Mr. Boehm remove that furniture. Mr. Boehm had placed the furniture there for safety reasons when the BZA denied his variance request in 2009 asking that he be allowed to place a hand railing around the slat house roof. Mr. Boehm appealed that decision to the BZA.

At the first hearing, the BZA heard all of the above facts and then heard from a BZA member, who had recused himself because he lived next door to the 2720B property. This recused BZA member expressed his personal opinion that Mr. Boehm should not be allowed to improve his property. The BZA determined that the controlling question for all three appeals was whether 2720B was a principal building or an accessory structure and determined that, because it looked like a garage, it was a garage and denied all three appeals.

Subsequently, this Court remanded the matter to the BZA to make findings of fact to support its decision under the Zoning Ordinance. The BZA made six findings, all of which determined that 2720B contained an apartment which is a residence or a dwelling under the Zoning Ordinance. None of these findings supported the BZA's decision that the building containing a residence was a "garage" or an "accessory structure" as defined by the Zoning Ordinance.

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CONCLUSIONS OF LAW

The Sullivan's Island Zoning Ordinance clearly defines a principal building as "any building in which the principal use of the lot is conducted." The principal use of 2720 Goldbug is residential, so any building located on that property in which there is a residence is a principal building. Each and every finding of fact of the BZA found that there was an apartment at 2720B. The Zoning Ordinance defines "residence" and "dwelling" as "a building or portion of a building arranged or designed to provide living quarters for a single family, with no structural features impeding free access throughout the entire structure by all members of the family." Apartment is not defined in the ordinance, but the Court concludes that an apartment is a residence/dwelling under the Zoning Ordinance. The Zoning Ordinance also defines a garage as "an accessory building or portion of a Principal Building used only for the private storage of motor vehicles ..., as an accessory use." Because 2720B contains a residence, it cannot be a garage. Because it contains a residence, it must be a principal building. The Court concludes that 2720B is a principal building under the Town of Sullivan's Island Zoning Ordinance and that the BZA's conclusion is arbitrary, capricious, not based on the law and an abuse of discretion.

The Zoning Ordinance further provides, in Sec. 21-150, "Nonconforming Uses," that "[i]n the event that two or more Principal Buildings occupy a single lot, said occupancy shall constitute a non-conforming use. One structure shall be designated conforming and the other(s) shall be non-conforming ..." The structure with the greatest livable square footage is the conforming use and the other principal building is non-conforming. Thus, 2720B is a nonconforming principal building.

RMDJ 5

Principal buildings are allowed to have accessory structures under the Zoning Ordinance. The slat house, which acts as a deck for 2720B, is such an accessory structure to 2720B.

Under Sec. 21-151 of the Zoning Ordinance, "structural alterations, including enlargements, are permitted if the structural alteration does not increase the extent of nonconformity." The nonconformity of 2720B is that it is a second residence on the lot. None of Mr. Boehm's requests will increase the extent of nonconformity, because they are merely improvements to the existing one dwelling and will not increase the extent of the nonconformity. The Court concludes that the Town should issue to Mr. Boehm the permits needed to raise the roof and extend the roof over the existing stairs and walkway and should withdraw its Order to remove the furniture on the slat house roof, because there is no provision of the Zoning Ordinance prohibiting furniture on a slat house roof.

IT IS, THEREFORE, ORDERED that the Town of Sullivan's Island shall record on the Certificate of Occupancy for 2720B Goldbug Avenue that it is a nonconforming Principal Building in accordance with Sec. 21-150.F, Zoning Ordinance; shall issue to Paul Boehm a building permit allowing him to raise the roof of this principal building located on 2720B Goldbug Avenue so long as the raised roof is within the height restrictions for a principal building and issue a building permit to complete the roof extension on the posts previously installed; Thereafter the matter is remanded to the BZA for actions consistent with the Court's order.

AND IT IS SO ORDERED.

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R. MARKLEY DENNIS, JR.
CIRCUIT COURT JUDGE

April 29, 2015
Charleston, SC

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IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2015-CP-10-1103

FILED
2015 JUN -8 AM 11:53
JULIE J. ARMSTRONG
CLERK OF COURT

Town of Sullivan's Island Board of Zoning Appeals
And Town of Sullivan's Island, Appellants,

v.

Paul Boehm, Respondent.

PROOF OF SERVICE

I, Christine Morrow, of Pratt-Thomas Walker, P.A., hereby certify that I have served a true and accurate copy of the NOTICE OF APPEAL by U.S. Mail on June 4, 2015 to counsel of record as shown below:

Alice F. Paylor, Esq.
Rosen, Rosen & Hagood, LLC
P. O. Box 893
Charleston, SC 29402
(843) 577-6726

Christine Morrow
Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, SC 29413-2247

June 4, 2015
Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
CONTY OF CHARLESTONS	)	CASE NO.: 2014-CP-10-2623
	)	
PAUL BOEHM,	)	
	)	
Appellant,	)	
	)	
v.	)	**CERTIFICATION OF RECORD**
	)	
TOWN OF SULLIVAN'S ISLAND BOARD OFZONING APPEALS And TOWN OF SULLIVAN'S ISLAND	)	
	)	
	)	
Respondents.	)	
	)	

I, Ellen Miller, serve as secretary to the Board of Zoning Appeals of the Town of Sullivan's Island, and do hereby certify that the attached materials numbered TOSI-BZA0001 through 0469 is a true and correct copy of the record of proceedings held before the Board of Zoning Appeals in this matter, including the transcript of evidence before the Board, and the decision of the Board including its finds of fact and conclusions.

BOARD OF ZONING APPEALS OF
THE TOWN OF SULLIVAN'S ISLAND

Ellen Miller

By: Ellen Miller
Its: Secretary

5-23-14
Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing pleading has been served upon opposing counsel by mailing a copy properly addressed with sufficient postage affixed thereto this 27 day of May, 2014

Yevette Y. Epps

Certificate of Occupancy

Department of Building Inspection

This Certificate issued pursuant to the requirements of the Standard Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the Jurisdiction regulating building construction or use. For the following:

Use Classification APARTMENT ABOVE GARAGE Bldg. Permit No. N/A

Group N/A Type Construction WF Fire District SULLIVAN'S ISLAND

Owner of Building JOHN LEO TRUESDELL Address 2720 GOLDBUG AVE

Building Address 2720 GOLDBUG AVE Locality SULLIVAN'S ISLAND, S.C

Frank C. Jinks
Building Official

By: David Conley 11/20/89

Date: Frank C. Jinks 11/20/89

POST IN A CONSPICUOUS PLACE

D-1—Rev. 1.1-85

TOSI-BZA 0001

SULLIVAN'S ISLAND
INSPECTION DEPARTMENT
883-3198

TYPE OF INSPECTION REQUESTED _____

APARTMENT OVER GARAGE

DATE 11/20/91 TIME _____

ADDRESS 2720 GOLDBUG

LOT _____ BLOCK _____

BUILDING PERMIT # _____

PLUMBING PERMIT # _____

ELECTRICAL PERMIT # _____

MECHANICAL PERMIT # _____

INSULATION _____

APPROVED X

REJECTED _____

REMARKS _____

Use of apartment over garage

SIGNED David Cauley DATE 11/20/91

TOSI-BZA 0002

BUILDING PERMIT FOR TOWN OF SULLIVAN'S ISLAND, S.C. PERMIT No.: _____

SCHOOL DISTRICT No. 2 – TAX DISTRICT No. 23 DATE: _____

TAX MAP No.: _____

Name and Address of owner of Real Estate _____

_____

Location of Project: _____

LOT No. _____ BLOCK No. _____

NATURE OF WORK: Construct ( ) Alter ( ) Repair ( ) Add to ( ) Move ( )

Demolish ( ) _____

Use to be made of Improvements: Residential: 1 Family ( ) Duplex ( )

Apartment ( ) Business: _____

Total Floor Area in Sq. Ft. _____ Plot Plan, including Land Elevation, Floor Plan and Building Elevation

Plan attached _____

Type of Construction: _____

(Wood Frame, Fireproof or Fire-resistive, etc.)

Exterior finish: Brick ( ), Conc. Block ( ), Stone ( ), Stucco ( ), Metal ( ), Wood ( ).

Roof: Composition ( ), Built-up ( ), Metal ( ), Slate ( ), Tile or Shingle ( ).

No. of Stories _____. If residential, No. Rooms _____, No. Baths _____, No. Bedrooms _____.

Type of Heating System: Steam ( ), Hot Water ( ), Hot Air ( ), Radiant ( ).

Type of Fuel: Oil ( ), Wood or Coal ( ), Gas ( ), Electricity ( ).

Construction to be in accordance with the Standard Building Code as amended.

REMARKS: _____ Sullivan's Island License No. _____

Completion Date: _____ Cost of Construction: $ _____

Contractor or Builder: _____ Heating: _____

Subcontractors: _____ Masonary: _____

Plumbing: _____ Roofing: _____

Electricians: _____ Other: _____

Permit Fee: $ _____

I hereby signify cognizance, notice and knowledge of the Ordinances of Sullivan's Island and the statutes of the State of South Carolina governing construction on Sullivan's Island.

I hereby grant permission to members of the Governmental Body of Sullivan's Island or any lawful agent of said Body to enter the premises hereinbefore mentioned for the purpose of inspecting the premises and seeing that the terms of this permit, if granted, are being properly carried out, and to cause work to be stopped in the event that this permit is being questioned by said Body or its duly authorized officers and/or agents.

Signed: _____ Permit Issued: _____

(Owner, Contractor, Agent) Building Inspector, Sullivan's Island
Office of Zoning Administrator

Approved: _____ _____

_____ _____

_____ TOSI-BZA 0003 _____

_____ _____

Permit is void if work is not started within six months of date of issue or if work is stopped for a period of one year.

BUILDING PERMIT FOR TOWN OF SULLIVAN'S ISLAND, S.C. PERMIT No.: _____

SCHOOL DISTRICT No. 2 – TAX DISTRICT No. 23 DATE: _____

TAX MAP No.: _____

Name and Address of owner of Real Estate _____

_____

Location of Project: _____

LOT No. _____ BLOCK No. _____

NATURE OF WORK: Construct ( ) Alter ( ) Repair ( ) Add to ( ) Move ( )

Demolish ( ) _____

Use to be made of Improvements: Residential: 1 Family ( ) Duplex ( )

Apartment ( ) Business: _____

Total Floor Area in Sq. Ft. _____ Plot Plan, including Land Elevation, Floor Plan and Building Elevation

Plan attached _____

Type of Construction: _____

(Wood Frame, Fireproof or Fire-resistive, etc.)

Exterior finish: Brick ( ), Conc. Block ( ), Stone ( ), Stucco ( ), Metal ( ), Wood ( ).

Roof: Composition ( ), Built-up ( ), Metal ( ), Slate ( ), Tile or Shingle ( ).

No. of Stories _____. If residential, No. Rooms _____, No. Baths _____, No. Bedrooms _____.

Type of Heating System: Steam ( ), Hot Water ( ), Hot Air ( ), Radiant ( ).

Type of Fuel: Oil ( ), Wood or Coal ( ), Gas ( ), Electricity ( ).

Construction to be in accordance with the Standard Building Code as amended.

REMARKS: _____ Sullivan's Island License No. _____

Completion Date: _____ Cost of Construction: $ _____

Contractor or Builder: _____ Heating: _____

Subcontractors: _____ Masonary: _____

Plumbing: _____ Roofing: _____

Electricians: _____ Other: _____

Permit Fee: $ _____

I hereby signify cognizance, notice and knowledge of the Ordinances of Sullivan's Island and the statutes of the State of South Carolina governing construction on Sullivan's Island.

I hereby grant permission to members of the Governmental Body of Sullivan's Island or any lawful agent of said Body to enter the premises hereinbefore mentioned for the purpose of inspecting the premises and seeing that the terms of this permit, if granted, are being properly carried out, and to cause work to be stopped in the event that this permit is being questioned by said Body or its duly authorized officers and/or agents.

Signed: _____ Permit Issued: _____

(Owner, Contractor, Agent)

Building Inspector, Sullivan's Island
Office of Zoning Administrator

Approved: _____

_____

_____

_____

TOSI-BZA 0004

Permit is void if work is not started within six months of date of issue or if work is stopped for a period of one year.

BUILDING PERMIT FOR TOWN OF SULLIVAN'S ISLAND, S.C. PERMIT No.: 6031

SCHOOL DISTRICT No. 2 – TAX DISTRICT No. 23 DATE: 7-7

TAX MAP No.:

Name and Address of owner of Real Estate

Location of Project:

LOT No. BLOCK No.

NATURE OF WORK: Construct ( ) Alter ( ) Repair ( ) Add to ( ) Move ( )

Demolish ( )

Use to be made of Improvements: Residential: 1 Family ( ) Duplex ( )

Apartment ( ) Business:

Total Floor Area in Sq. Ft. Plot Plan, including Land Elevation, Floor Plan and Building Elevation

Plan attached

Type of Construction:

(Wood Frame, Fireproof or Fire-resistive, etc.)

Exterior finish: Brick ( ), Conc. Block ( ), Stone ( ), Stucco ( ), Metal ( ), Wood ( ).

Roof: Composition ( ), Built-up ( ), Metal ( ), Slate ( ), Tile or Shingle ( ).

No. of Stories , If residential, No. Rooms , No. Baths , No. Bedrooms .

Type of Heating System: Steam ( ), Hot Water ( ), Hot Air ( ), Radiant ( ).

Type of Fuel: Oil ( ), Wood or Coal ( ), Gas ( ), Electricity ( ).

Construction to be in accordance with the Standard Building Code as amended.

REMARKS: Sullivan's Island License No.

Completion Date: Cost of Construction: $

Contractor or Builder: Heating:

Subcontractors: Masonary:

Plumbing: Roofing:

Electricians: Other:

Permit Fee: $

I hereby signify cognizance, notice and knowledge of the Ordinances of Sullivan's Island and the statutes of the State of South Carolina governing construction on Sullivan's Island.

I hereby grant permission to members of the Governmental Body of Sullivan's Island or any lawful agent of said Body to enter the premises hereinbefore mentioned for the purpose of inspecting the premises and seeing that the terms of this permit, if granted, are being properly carried out, and to cause work to be stopped in the event that this permit is being questioned by said Body or its duly authorized officers and/or agents.

Signed: Permit Issued:

(Owner, Contractor, Agent)

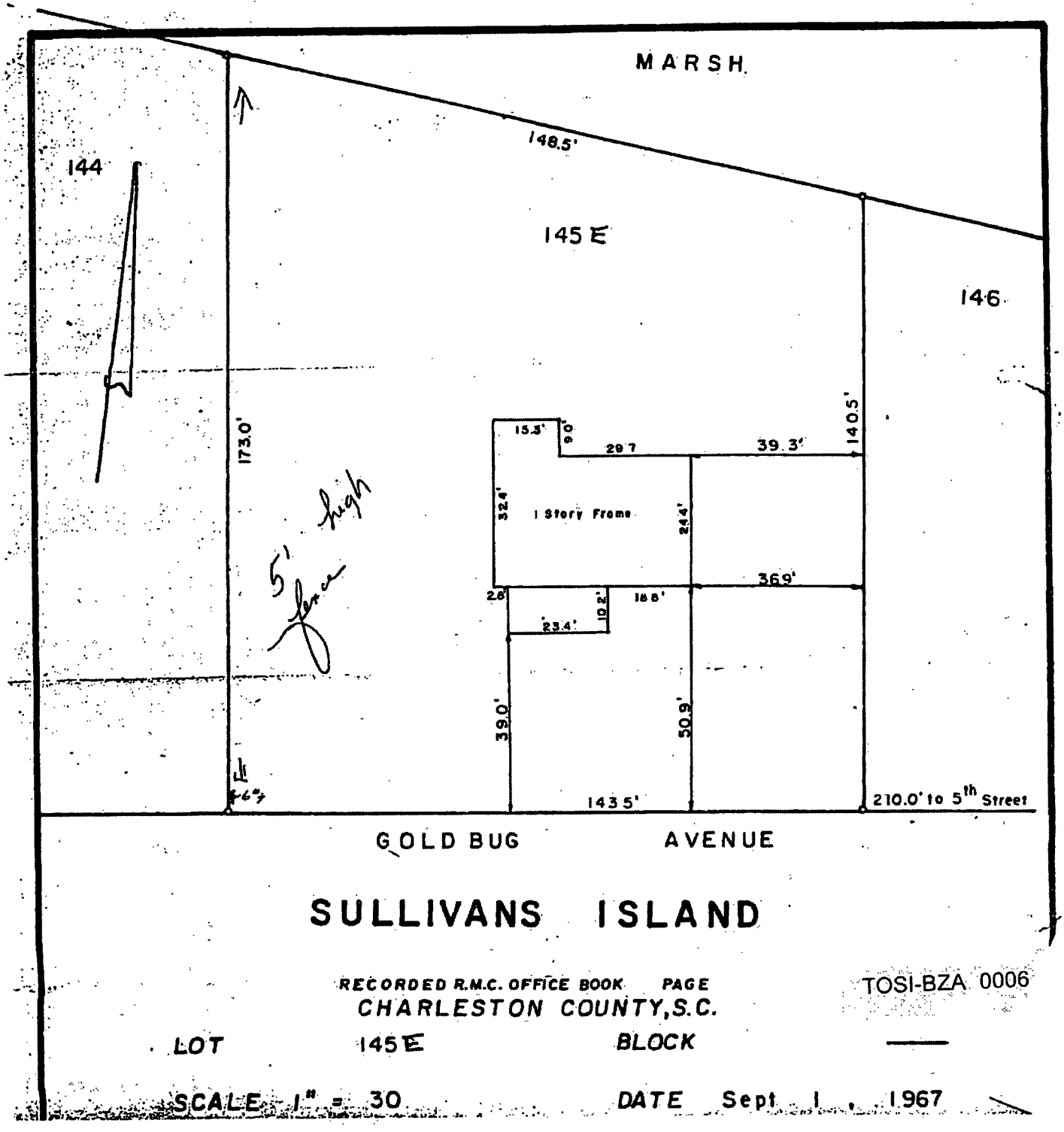
Building Inspector, Sullivan's Island
Office of Zoning Administrator

Approved:

TOSI-BZA 0005

Permit is void if work is not started within six months of date of issue or if work is stopped for a period of one year.

John Lee Trussell
2720 Goldbug



SULLIVANS ISLAND

RECORDED R.M.C. OFFICE BOOK PAGE
CHARLESTON COUNTY, S.C.

TOSI-BZA 0006

LOT 145E BLOCK —

SCALE 1" = 30 DATE Sept 1, 1967

J. MARSHALL STITH
MAYOR

TOWN COUNCIL
CARL J. SMITH, MAYOR PRO-TEM
C. MELVIN ANDEREGG
PENN L. HAGOOD
DEBRA HAZEN-MARTIN
PATRICK K. RUTLEDGE
WILLIAM J. WOOD

TOWN OF SULLIVAN'S ISLAND

P.O. BOX 427
SULLIVAN'S ISLAND, SC 29482

LAWRENCE A. DODDS
TOWN ATTORNEY

DAVID SCARBOROUGH
TOWN ADMINISTRATOR

CAROLYN R. KRUGER
TOWN CLERK

DANIEL J. HOWARD
CHIEF OF POLICE

M. ANTHONY STITH
FIRE CHIEF

TELEPHONE
(843) 883-3198
FAX (843) 883-3009

February 21, 2001

Mary D. Shahid, Chief Counsel
DHEC/Office of Ocean and Coastal Management
1362 McMillian Avenue, Suite 400
Charleston, SC 29405

Re: Paul F. Boehm
2720 Goldbug Ave., Sullivan's Island, SC / Lot 145E

Dear Ms. Shahid:

I have been requested by Mr. Boehm to set out in writing the Town's position as to the property owners rights of access across a narrow strip of land situated between the back property lines of owners of property located on Station 29 and the adjacent marsh bordering the waters of Conch Creek. This is to advise that the Town of Sullivan's Island has agreed to give to Paul F. Boehm and any other owner of 2720 Goldbug Avenue, a right of riparian access across that strip of highland owned by the Town of Sullivan's Island either as a statutory agent of the State of South Carolina or in its own right situated between the rear property line of 2720 Goldbug Avenue and the mean high water mark of Conch Creek. It is the Town's position that the Town's ownership of that strip of highland should not in and of itself preclude Mr. Boehm from obtaining a dock permit from DHEC/OCRM. Provided, however, nothing herein shall be construed to mean that Mr. Boehm's dock permit application conforms to the zoning ordinances for the Town of Sullivan's Island nor that any regulation concerning the construction of docks contained in the Town's ordinances have been waived.

TOSI-BZA 0007

If you have any questions concerning this matter, please feel free to call.

Very truly yours,

Lawrence A. Dodds, Jr.
Town Attorney

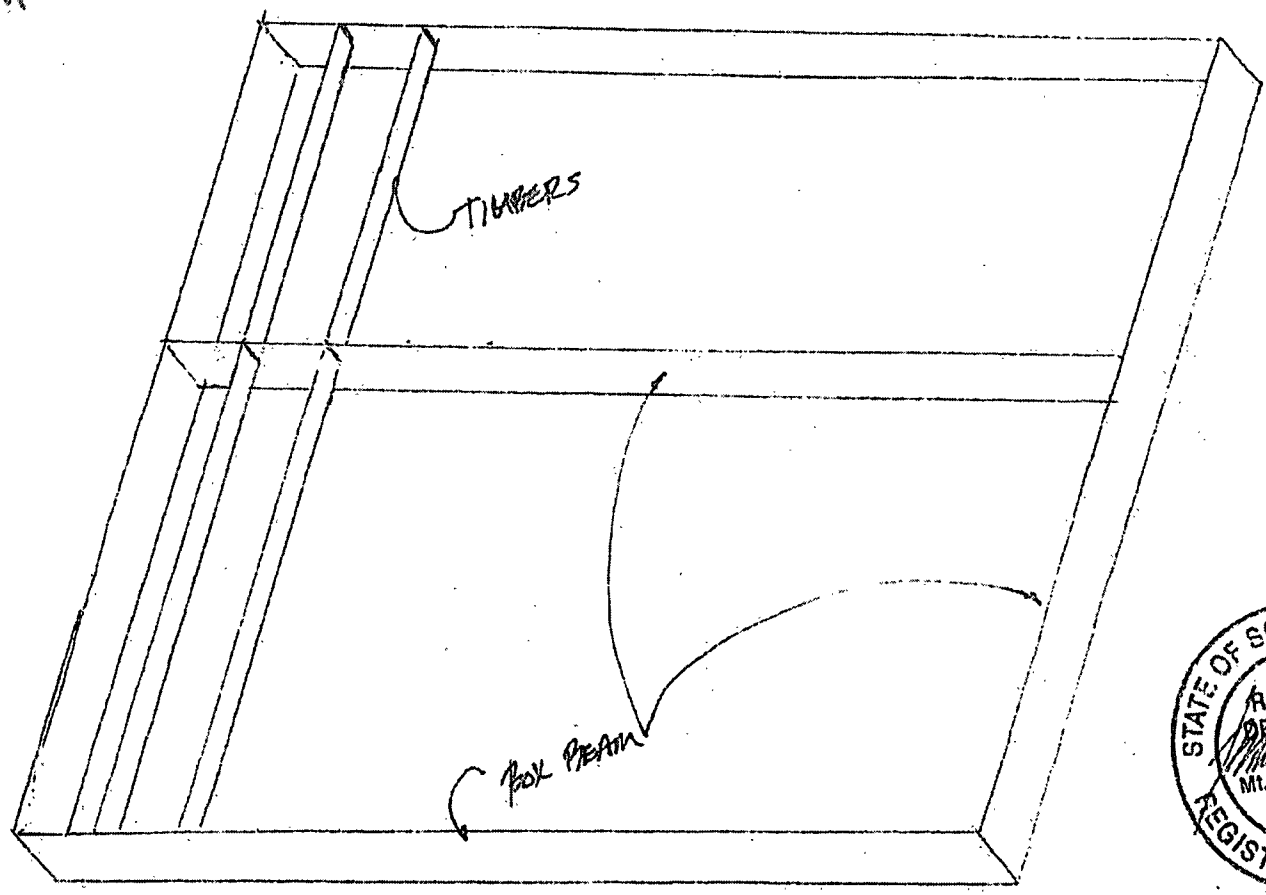
LAD,JR:jly
cc: Paul F. Boehm
Kent Prause
David Scarborough

TOSI-BZA 0008

Boehm plans to raise roof - 10-2013

BOEHM RES. (HAYNES)
2720 GOLDBUG AVE
SULLIVANS ISLAND. SC
10/15/13

received
October 2013



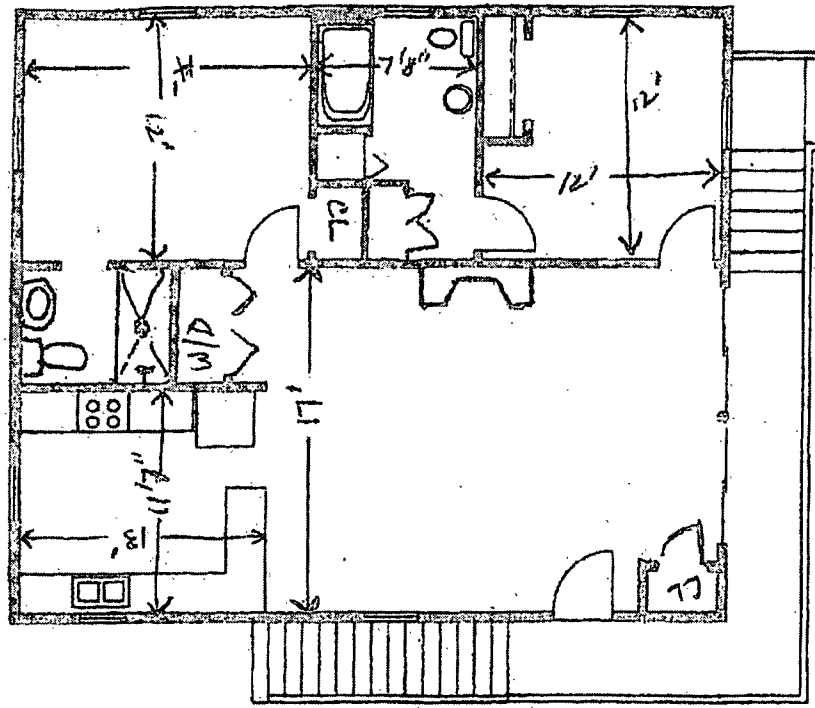
STATE OF SOUTH CAROLINA
RONALD J. BENTON JR.
Mt. Pleasant, S.C.
04204
REGISTERED ARCHITECT

BOX BEAM TO EXTEND ABOUT PERIMETER OF HOUSE & AT INT. BEARING WALL INDICATED. INFILL W/ TIMBERS @ 36" O.C.

EXHIBIT C-6

35.3'

BK K 432PG869



30.5'

FOR DIMENSION PURPOSES

BLDG B
FLOOR PLAN
SCALE: 1/8"= 1'-0"

1 5 10 15 20

STATE OF SOUTH CAROLINA
RONALD J. BENTON, JR.
Mt. Pleasant, S.C.
04204
REGISTERED ARCHITECT

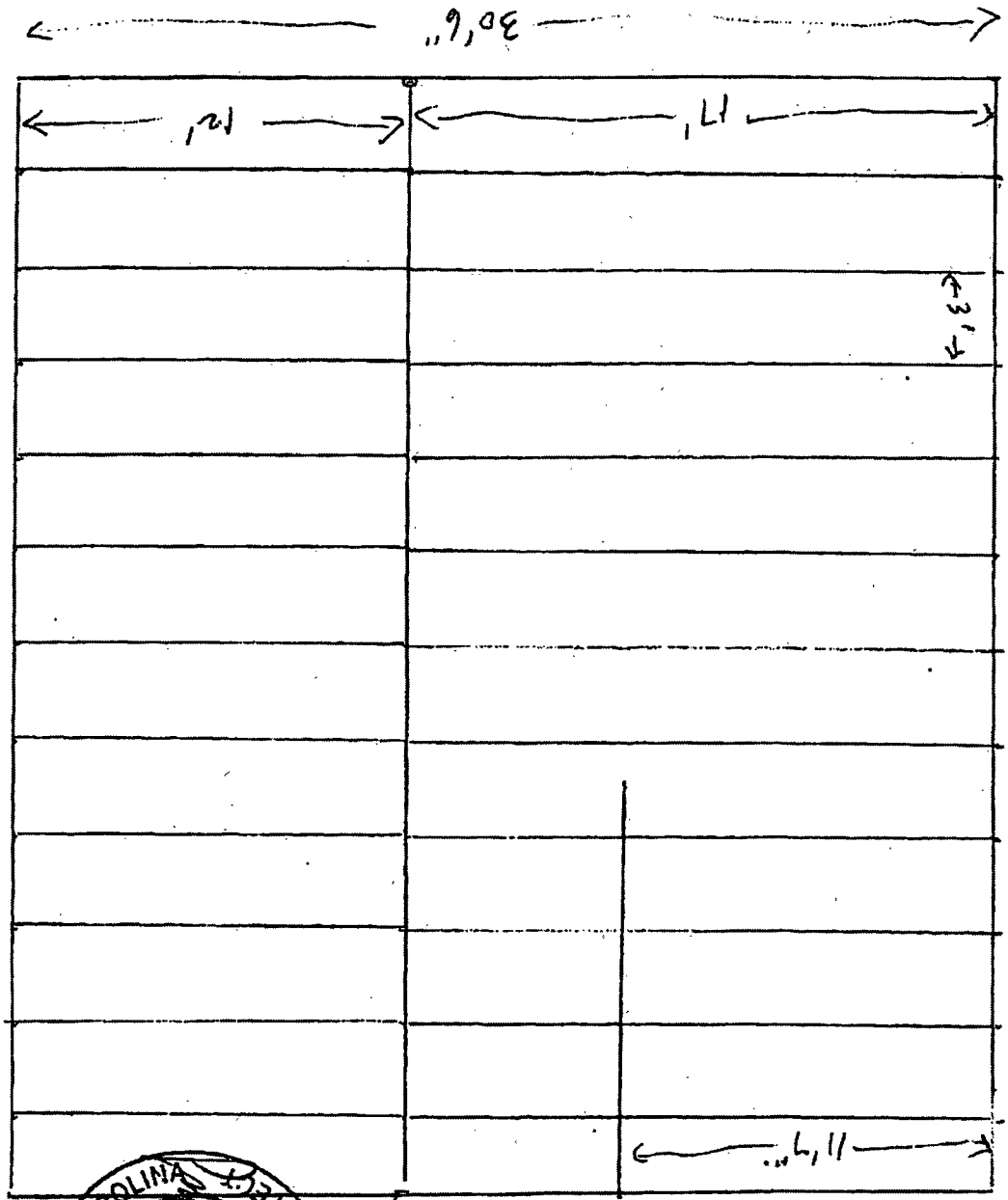
WILLIAM HAYNES, R.A., NCARB
350 HARBOR COVE LANE #300-L
CHARLESTON, S.C. 29412
843-820-7334

RESIDENCE
3720 GOLDBUG AVE
SULLIVANS ISLAND, SC

RB
NB
5/20/01

48

TOSI-BZA 0010



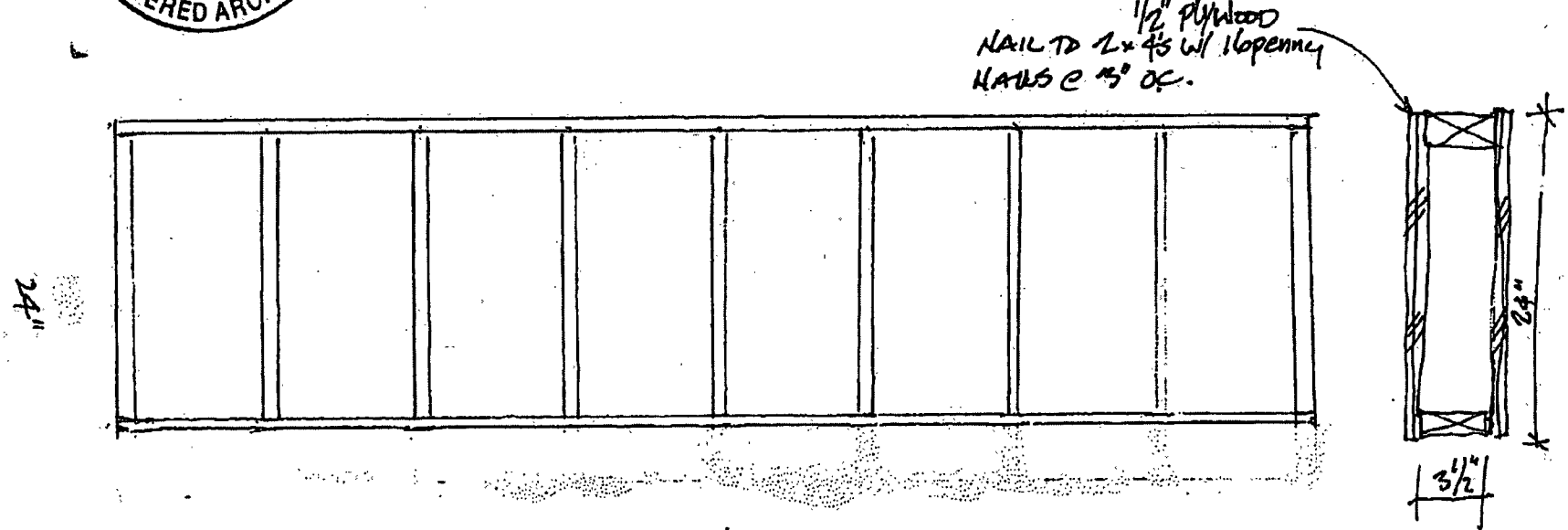
FRAMING SCHEMATIC

STATE OF SOUTH CAROLINA
RONALD J. DENTON JR.
Mt. Pleasant, S.C.
04204
REGISTERED ARCHITECT

TOSI-BZA 0011

③

STATE OF SOUTH CAROLINA
RONALD J. DENTON, JR.
Mt. Pleasant, S.C. 04204
REGISTERED ARCHITECT



APPROX SCALE 1" = 1'

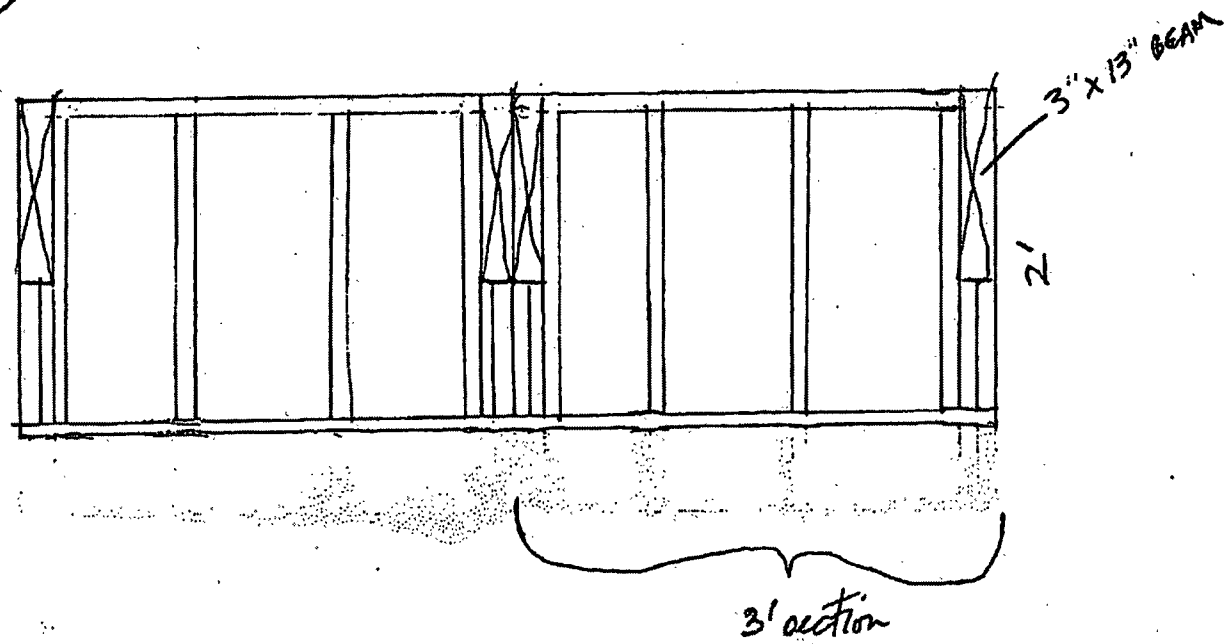
2"x4" END WALL DESIGN. HAVE PLYWOOD (1/2") COVER BOTH SIDES.

50

TOSI-BZA 0012

(14)

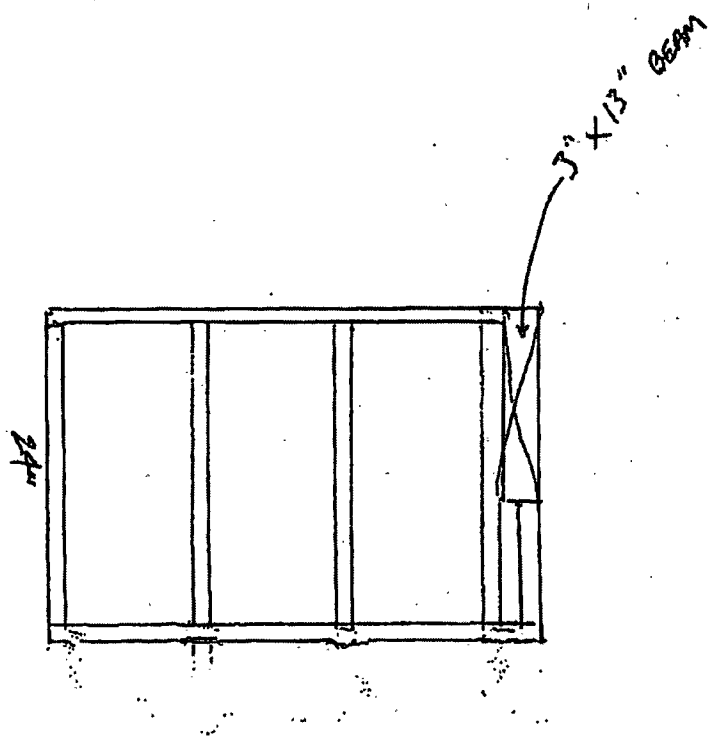
STATE OF SOUTH CAROLINA
RONALD J. DENTON, JR.
Mt. Pleasant, S.C.
04204
REGISTERED ARCHITECT



APPROX SCALE 1" = 1'

THIS IS TO BE USED ON THE INTERIOR WALL WHERE THE TWO BEAMS CROSS

(6)



STATE OF SOUTH CAROLINA
RONALD J. DENTON, JR.
Mt. Pleasant, S.C. 29464
REGISTERED ARCHITECT

APPROX SCALE 1" = 1'

THIS IS TO BE USED ON THE OUTSIDE PERIMETER

BOARD OF ZONING APPEALS
STAFF REPORT

ADMINISTRATIVE APPEAL

2720-B GOLDBUG AVENUE

MARCH 13, 2014

Building & General Administration

Applicant:
Paul Boehm (Alice Paylor, Att.)

Staff:
Ellen Miller, Town Clerk
emiller@sullivansisland-sc.com

Joe Henderson,
Zoning Administrator
jhenderson@sullivansisland-sc.com

Tax ID:
529-07-00-083

Current Zone:
RS

Current Use:
Legal nonconforming apartment over garage

Historic Designation:
None

Applicable Zoning Ordinance Regulations:

- ***Section 21-150 (A) & (B):*** Nonconforming Uses
- ***Section 21-151 (A) to (C):*** Nonconforming Structures

Request

Paul Boehm, applicant and property owner, is appealing staff's decision to deny the following Building Permit requests for an existing nonconforming garage (structure) at 2720-B Goldbug Avenue.

The Following Permit Requests Were Denied:

1. Increase of roof height: request made to raise the roof by two (2) feet, violating **Sec. 21-150** and Sec. **21-151** [see attached plans- Oct. 2013]
2. Expansion of a deck area: Zoning and Building Code violations were issued for the following(violating **Sec. 21-150** and Sec. **21-151**):
   - The construction of benches and planters on top of the slat house (arbor structure); [see slat house pictures]
   - Removal of a handrail required for elevated walkway;[pictures illustrate where handrails were removed to allow the roof of the slat house as a deck **THIS STRUCTURE WAS NOT ENGINEERED TO BE USED AS A DECK & NO PERMITS ISSUED**
   - Establishment of a permanent connection of the slat house (arbor structure) to the rear deck when previous permits required the slat house remain free standing. [Enclosed pictures illustrate the connection on the underside of the slat house. **THIS STRUCTURE WAS NOT ENGINEERED TO BE USED AS A DECK & NO PERMITS ISSUED**
3. Building footprint expansion: (violating **Sec. 21-150** and Sec. **21-151)** Staff issued approval of permits to extend a roof over the steps and rear walkway on February 2013. The contractors went outside of this permitted area of construction effectively expanding the building footprint, which violates Section 21-151 (B) (2). [See attached plans approved by staff with conditions that the footprint could not be expanded which would "increase nonconformity." [Stop Work Order issued because posts placed outside the footprint]

TOSI-BZA 0015

Background on Staff Denial

On October 24, 2013, the staff received a request from Mr. Boehm to raise the roof of a nonconforming garage by two (2) feet in height and expand the building footprint in several ways. After researching documents in Town Hall, the structure was deemed an accessory structure (garage) and revealed that the garage contained a legal but nonconforming apartment located on the second story.

The following documents were used to make the determination that this structure is a nonconforming accessory structure (garage), which subsequently led to denial of permits because 1) expansion of height is an increase in the degree of nonconformity; and 2) the garage already exceeds the height allowable to accessory structures (garages), which is 15' (18' with DRB relief).

- **1989 Certificate of Occupancy**:
  CO was issued for an "apartment above ***garage***"; per 1989 Building Official and Zoning Administrator's determination (Frank Timko and David Cantey). This CO document refers to the structure as a garage or accessory structure shortly after it was constructed, therefore staff cannot consider it a Principle Building (where the principal use of the lot is conducted).

- **1991 Building Department Inspection Request**:
  The inspection was requested for an "apartment over a garage" two years after the CO was issued. This inspection request describes that staff was to inspect new conditions applied to the structure for the "use of apartment over a garage."

- **No Zoning Statement for a Second Principal Building**: Previous staff only refers to this structure as a garage and nowhere do they refer to a Principal Building."

- **No Certificate of Occupancy from 1977**: The applicant claims there was a second principal dwelling that was destroyed. There is no evidence of this.

Timeline of Events

1. **Early 2009**, Mr. Boehm requested to connect slat house to deck to expand the walkway into a deck. This request was denied by staff;
2. **August 2009**, Mr. Boehm appeals staff decision to BZA. BZA upholds staff decision to deny the permit to "connect the slat house to the existing deck," citing that approval of the expansion of a nonconforming use and structure might set a precedent (minutes enclosed);
3. **February 2013**, Staff issued a Building Permit that allowed Mr. Boehm to construct a roof overhang or cover for the existing steps and elevated walkway around the rear of the structure. Staff felt that rebuilding the steps and providing shelter from the rain was a reasonable improvement provided the construction did not increase the existing impervious surface footprint (i.e. building, decks and steps);
4. **October 2013**, Mr. Boehm requests to raise roof by two (2) feet.
5. **January 13, 2014**, Stop Work Order issued for violation of the Building Permit issued roof extension.
6. **January 13, 2014**, Violations discovered on the slat house: No rails; construction no permits;
7. **January 31, 2014**, Cease and desist letter issued to install handrails due to code violations before any further applications or plans can be reviewed.
8. **February 14, 2014**, Board of Zoning Appeals application submitted for March 13, 2014.

TOSI-BZA 0016

2720-B GOLDBUG AVE SULLIVANS ISLAND, SC 29482 LP: $495,000

MLS#:	2811872md- RES - SFD	**Status:**	Withdrawn
Area:	(43) CHS-Sullivan's Island		
TaxDstrct:	CHS - 23 - Sullivan's Island		
Bedrooms:	2	**Apx SqFt:**	1,076
Bths Ful/Hlf:	2/0	**Tax Map#:**	529-07-00-083
Stories:		**Apx YrBlt:**	1988
Address:	2720-B GOLDBUG AVE		
City:	SULLIVANS ISLAND	**Zip:**	29482
Lot Size:		**Acres:**	0.25
Subdiv:	SULLIVANS ISLAND	**Subsec:**	
Grade Sch:	SULLIVANS ISLAND	**Middle Sch:**	LAING
High Sch:	WANDO	**New/Owned:**	Pre-owned
Legal Desc:	UNIT B		

Click photo for additional media and enlargement



Style:		**Fireplace:**	Living Rm	**Special:**	
Roof:	Asphalt Shng	**Foundation:**	Elev Construction	**Floors:**	W/w Carpet, Vinyl
Cooling:	Central	**Heat:**	Heat Pump	**Utilities:**	SCEandG, SI W/S Dist
Parking:	2 Car Garage	**Kind:**			
				SqFt Source:	Hired Measurement **$/Sqft:** $460.04
Auction:		**Auction Type:**		**Reserve Amt:**	

Lot Desc: W/f-shallow, Tidal Creek, Marshfront, Marsh View
Exterior: Wood Siding
Master BR:
Other Rms:
Misc. Int:
Misc. Extt: Enclosed Wood Fence, Deck, Screen Porch, Dock Existng, Lawn Well, Shared Dock
Wat/Sew: Public Water, Public Sewer
Amenities: Dock Facilities
Appliances: Elec Range, Refrigerator, Dishwasher, Washer Conn, Dryer Conn, Whirlpool, Garbage Disp, Ceiling Fan
Green Features:

Directions: From Jasper Blvd. head toward marsh onto Station 28. Road will curve around and house will be the 3rd one on the marsh.

Remarks: PRICE INCLUDES 19 FOOT GRADY WHITE. NEW 3,000LB BOAT LIFT AND WATER AND ELECTRICITY INSTALLED TO THE DOCK IN SEPTEMBER 2010. THIS IS THE SEPARATE GARAGE WITH LIVING SPACE ABOVE THAT IS PART OF A CONDO REGIME. IT HAS EXTRAORDINARY VIEWS OF THE MARSH AND INTRACOASTAL WATERWAY AND SHARES A DOCK OUT TO A TIDAL CREEK. IT IS THE LEAST EXPENSIVE FREE STANDING HOUSE ON THE ISLAND AND IS CUTE AS A BUTTON INSIDE. BECAUSE IT IS THE SECONDARY STRUCTURE ON THE LOT, IT CANNOT BE ENLARGED, BUT OTHERWISE YOU CAN DOLL IT UP INSIDE AND OUT! THE LOWER LEVEL CONTAINS A GARAGE FOR TWO CARS, A STORAGE/WORKSHOP AREA FOR YOUR FAVORITE HOBBIES, AND A SCREENED PORCH FOR JUST KICKING BACK AND RELAXING. INSTEAD OF CARS, PUT A POOL TABLE AND PING PONG TABLE IN THE GARAGE AND YOU HAVE AN ENTERTAINMENT HAVEN FOR GATHERING OF FRIENDS. A NICE SIZE SECTION OF THE YARD IS AVAILABLE FOR YOUR EXCLUSIVE USE, PER THE REGIME DOCUMENTS. IT'S AN EASY WALK TO DOWNTOWN SULLIVAN'S ISLAND AND THE BEACH. HOMEOWNER'S AND WIND & HAIL INSURANCE IS $1286/YEAR. FLOOD INSURANCE IS $253/YEAR. REGIME DOCUMENTS AVAILABLE.
If square footage is important - MEASURE!!

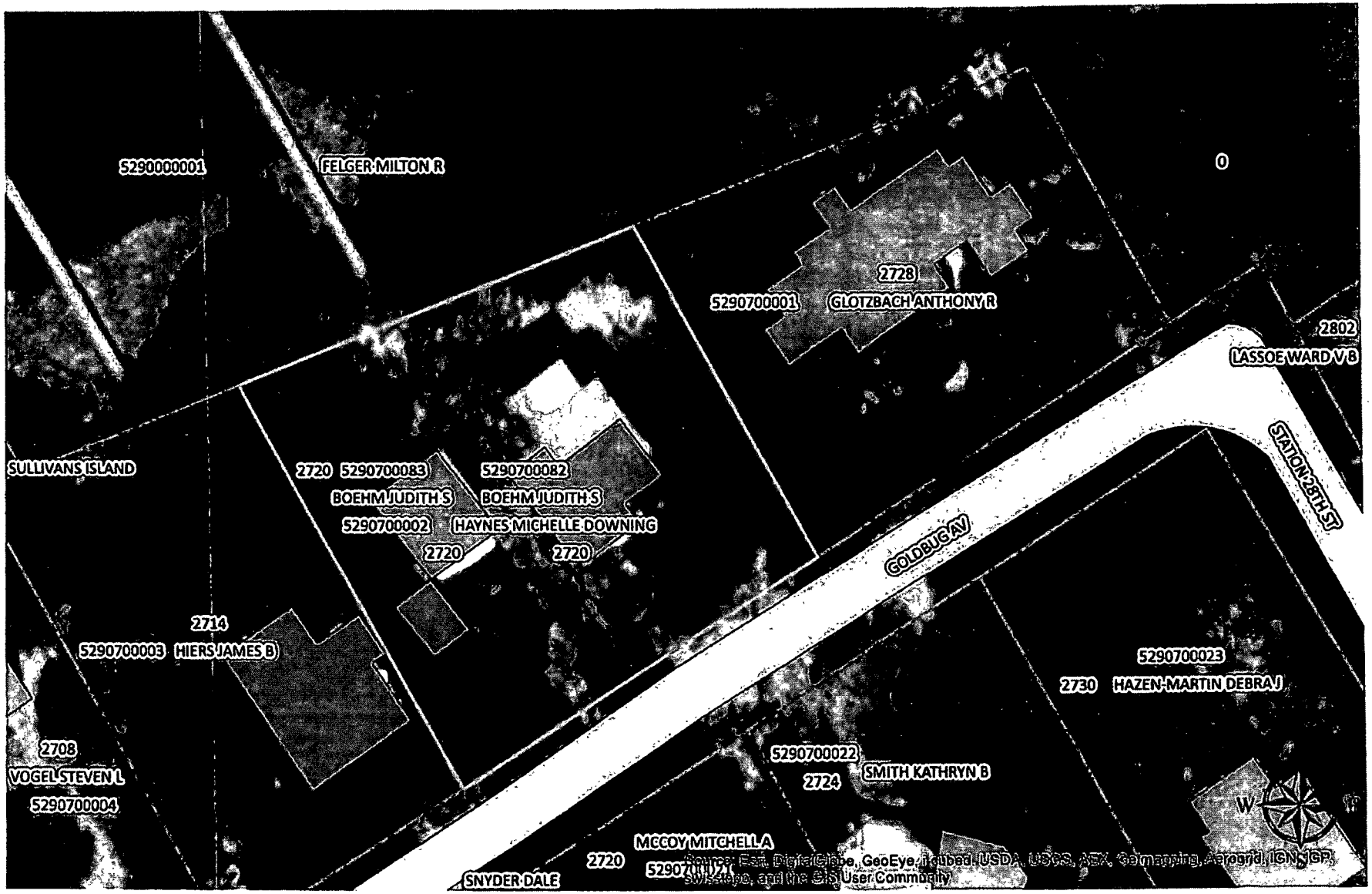
Listing Provided By: (1847) East Islands Real Estate ← Notice #1847 MLS identifies Paul Boehm's business.

Lease/Pur:
Taxes: $5,205
Regime Fee:

–Information deemed reliable nt Multiple Listing Service, Inc.

Above highlighted notes by his office that the structure can't be enlarged!

TOSI-BZA 0017



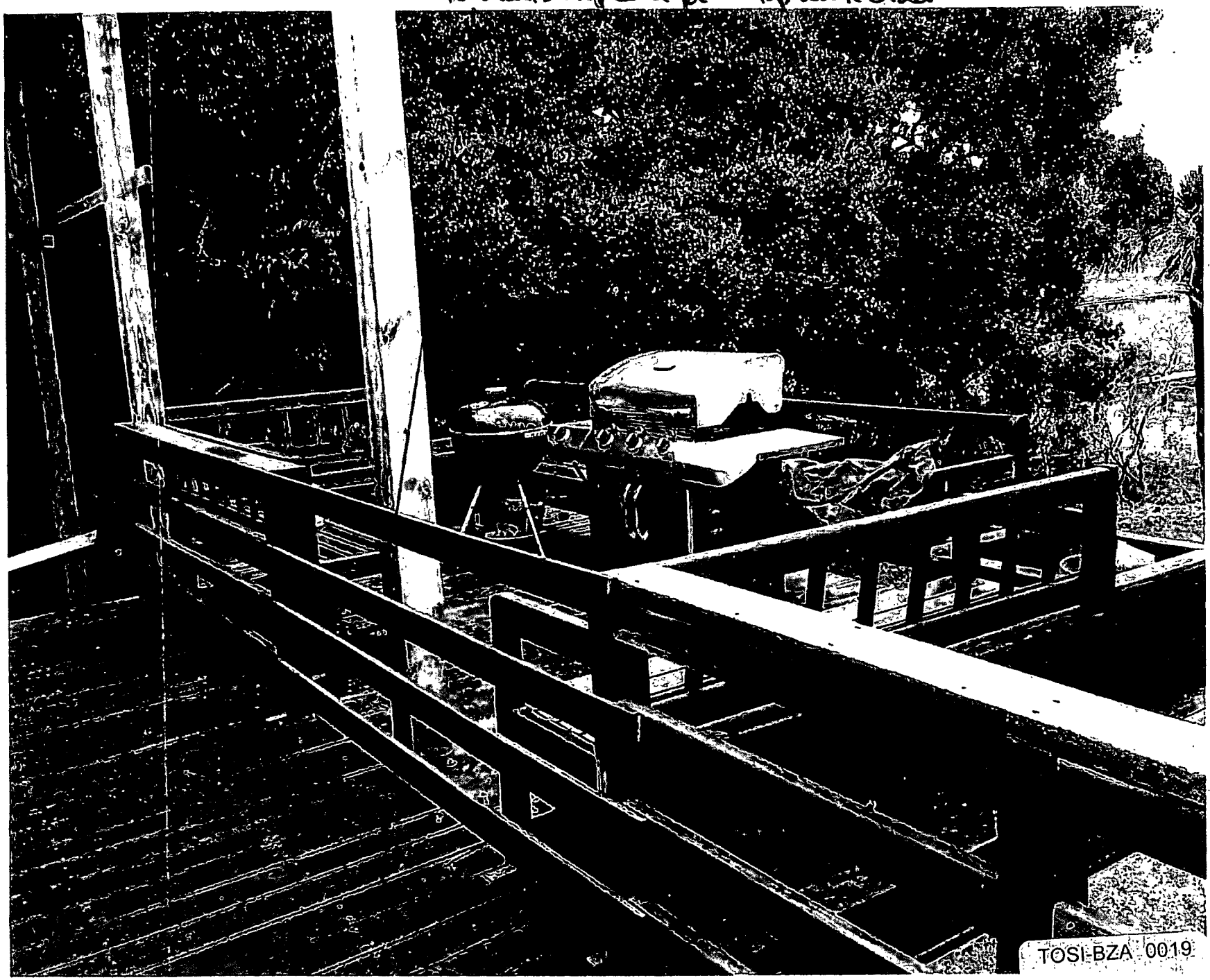
Department of Building & General Administration

2720-B Goldbug Avenue: Paul Boehm

GIS Standard Map Disclaimer:
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

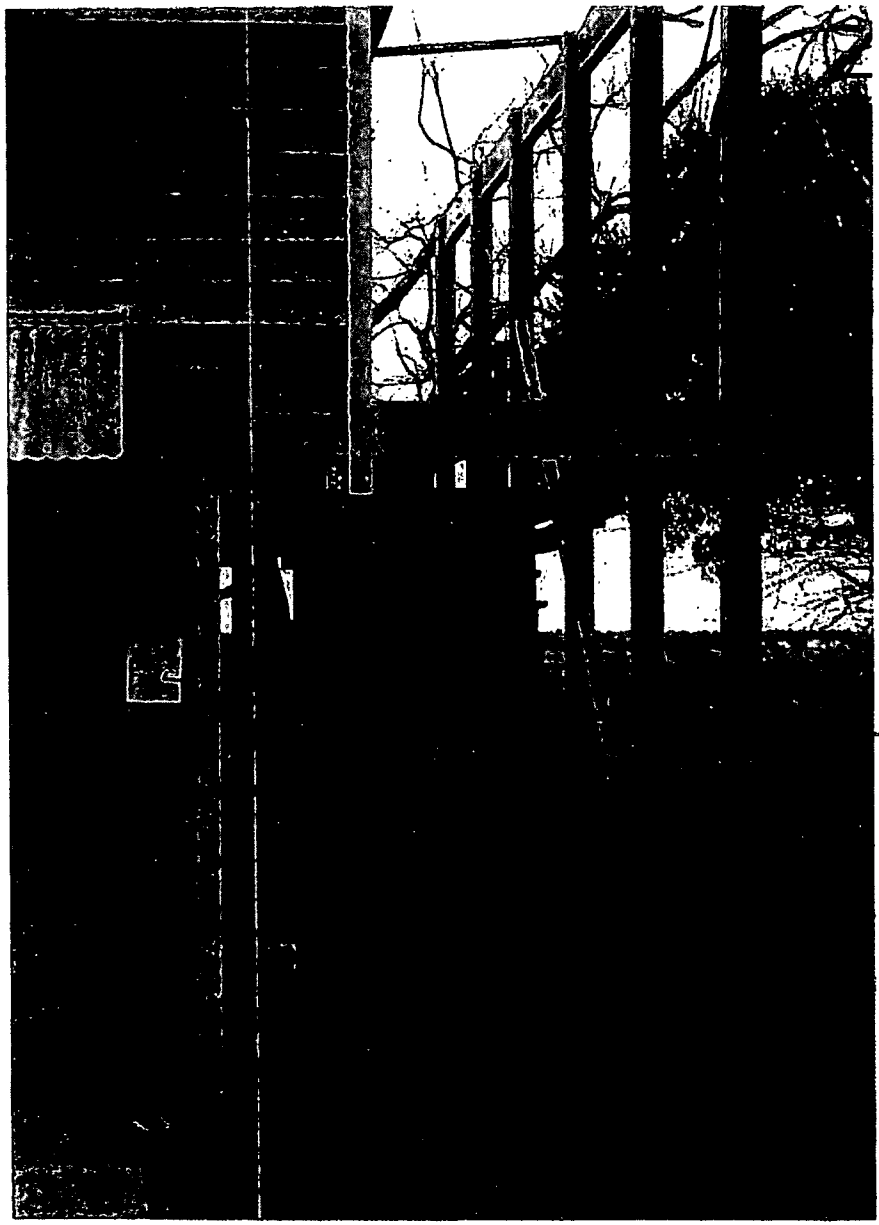
TOSI-BZA 0018

Handrails Replaced per Stop Work Order



TOSI-BZA 0019

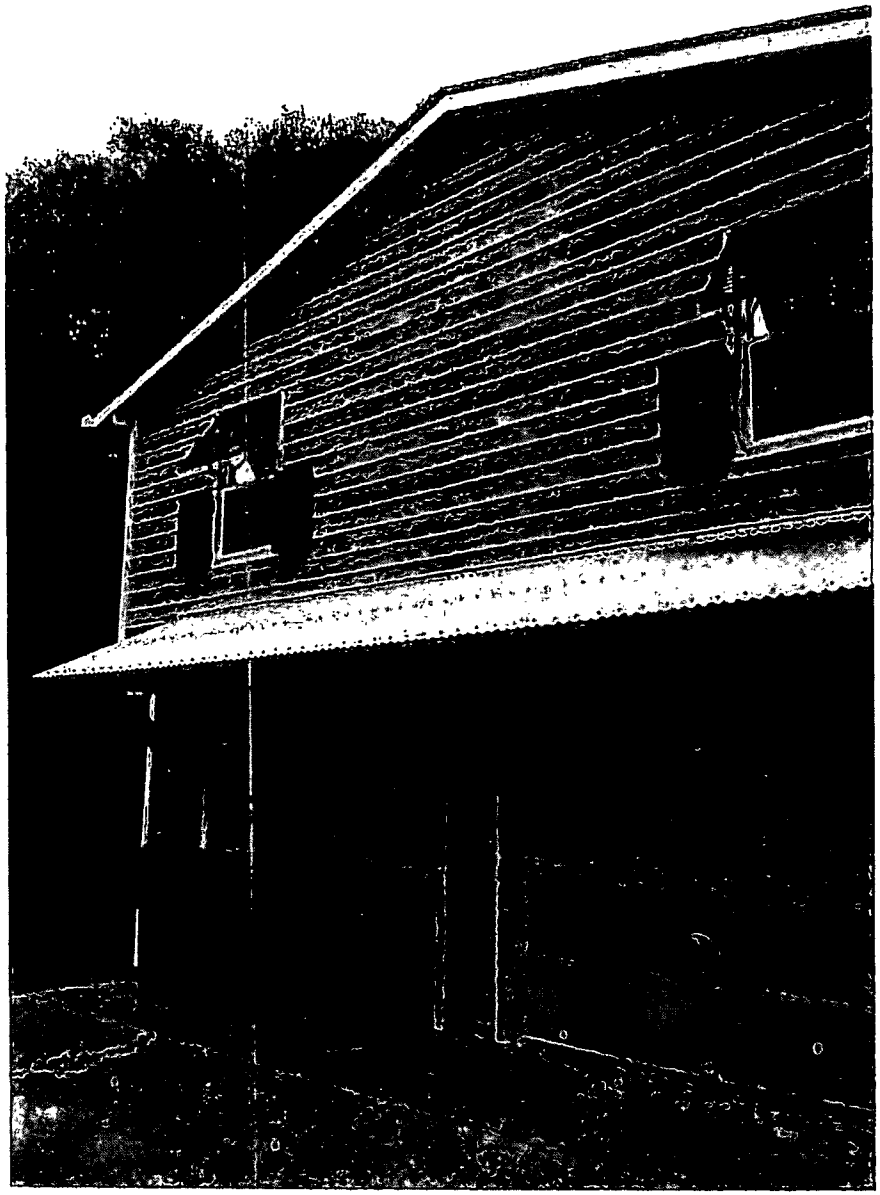
57



Stop work issued for construction falling outside footprint. January 13, 2014

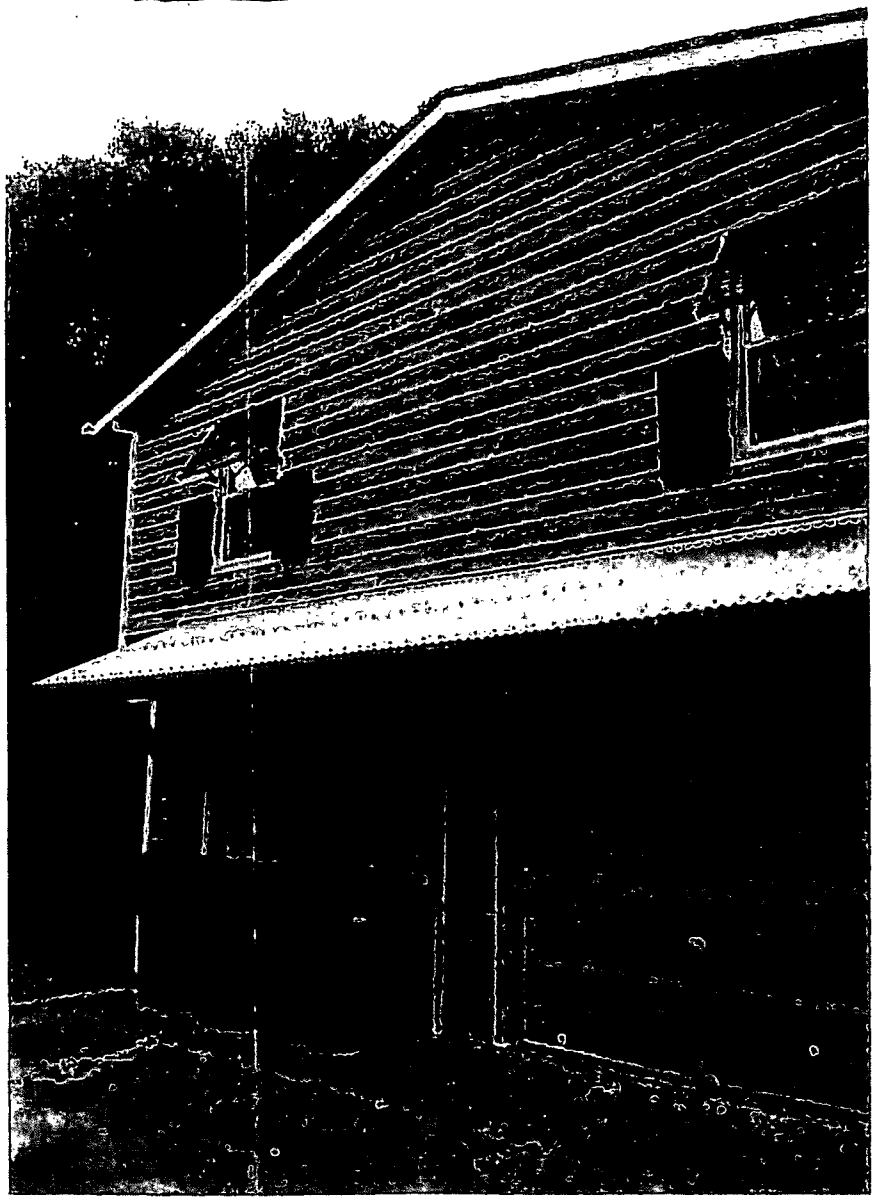
Slat House Connection: BZA Denied Action







Front Elevations of Garage



TOSI-BZA 0023

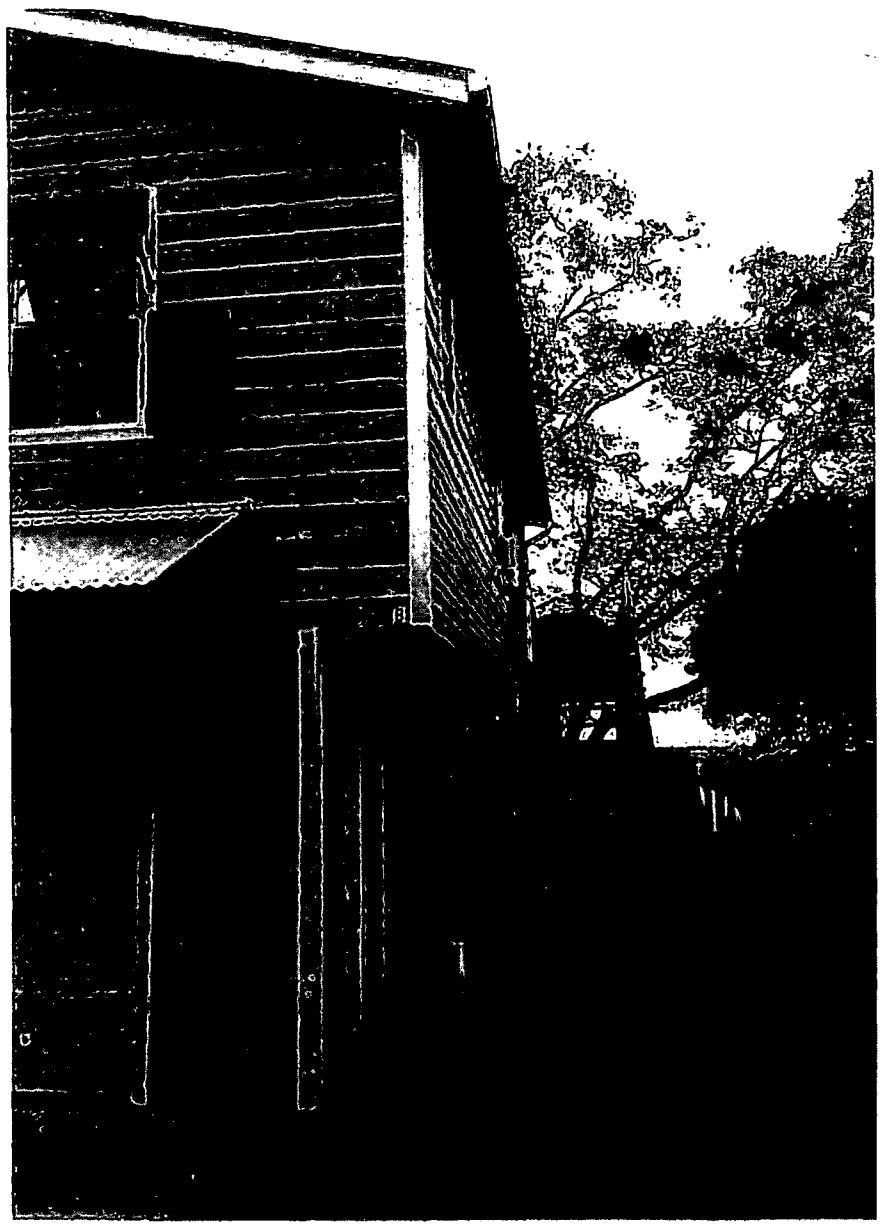
Slat House: Non-permitted Improvements






Removed
Handrails

TOSI-BZA 0025





ARTICLE XVI. Nonconformities.

Sec. 21-149. General.

A. Scope.

The regulations of this Article govern "nonconformities" which are uses, structures, lots, signs and other situations that came into existence legally but that do not conform to one or more requirements of this Zoning Ordinance. These are referred to in this Zoning Ordinance as "nonconformities." Nonconformities are legal situations and have legal status under this Zoning Ordinance.

B. General policy.

In order to encourage development consistent with this Zoning Ordinance and provide landowners with reasonable use of their land, it is the general policy of the Town to allow uses, structures, signs, lots and other situations that came into existence legally, in conformance with then-applicable requirements, to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible.

C. Intent.

The regulations of this Article are intended to:

(1) Recognize the interests of landowners in continuing to use their property;

(2) Promote reuse and rehabilitation of existing buildings; and

(3) Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the Town as a whole.

D. Authority to continue.

Any nonconformity that came into existence lawfully and continues to be a lawful use a t the time of adoption of this Ordinance or that becomes nonconforming upon the adoption of any amendment to this Zoning Ordinance may be continued in accordance with the provisions of this Article.

E. Determination of nonconformity status.

The burden of proving that nonconformity existed prior to the adoption of this Ordinance or subsequent amendments rests with the subject landowner.

F. Repairs and maintenance.

(1) Incidental repairs and normal maintenance necessary to keep a Nonconforming Structure in sound condition are permitted unless such repairs are otherwise expressly prohibited by this Zoning Ordinance.

(2) Nothing in this Article will be construed to prevent Structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

G. Change of tenancy or ownership.

Nonconformity status runs with the land and is not affected by changes of tenancy, ownership, or management.

H. Historic buildings.

Buildings designated as historic through the process set forth in the HP Historic Preservation Overlay District, ARTICLE XI shall be considered conforming to this Ordinance as hereinafter provided. This conforming status shall only apply to height, setback, yard, area and other dimensional requirements as found by the Design Review Board to be of historic significance in the designation process. Such finding shall supersede any conflicting standard set forth in the zoning district in which the building is located and shall be applied to the building and the site in making future determinations of conformity as to the existing building or any changes consistent with an approved Certificate of Appropriateness (see Historic Preservation Overlay District, Article XI). Notwithstanding anything to the contrary herein, alteration or removal of architectural features and/or historic fabric considered instrumental in the original designation by the Design Review Board may, at the option of the Design Review Board, result in the loss of historic designation and conforming status. (1/20/09)

Sec. 21-150. Nonconforming uses.

A. Definition.

A Nonconforming Use is a land use that was legally established but that is no longer allowed by the use

TOSI-BZA 0027

regulations of the Zoning District in which it is located.

B. Expansion.

A Nonconforming Use shall not be expanded except to eliminate or reduce the nonconforming aspects.

C. Moving.

A Nonconforming Use shall not be moved in whole or in part to another location on the lot unless the movement or relocation eliminates or decreases the extent of nonconformity.

D. Damage or destruction of a nonconforming use.

(1) When a building or structure containing a Nonconforming Use is damaged by intent or by neglect, not caused by natural disaster, civil strife or uncontrollable accident, to the extent of more than fifty percent (50%) of its assessed value based on the most recent property assessment, the use shall not be restored except in conformity with the regulations this Zoning Ordinance.

(2) When a building or structure containing a Nonconforming Use is damaged by natural disaster, civil strife or uncontrollable accident to the extent of more than fifty percent (50%) of its assessed value based on the most recent property assessment, the use may be restored in as close conformity with the regulations of this Zoning Ordinance as possible. A Certificate of Zoning Compliance and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2) years from the date of the occurrence of such damage.

(3) When a building or structure containing a Nonconforming Use is damaged by less than fifty percent (50%) of its assessed value, a Certificate of Zoning Compliance and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2) years from the date of the occurrence of such damage.

E. Abandonment of a nonconforming use.

(1) A Nonconforming Use shall be considered abandoned when any of the following occurs:

(a) The intent of the owner to discontinue the use is apparent;

(b) The use has been discontinued for a period of twelve (12) months or more;

(c) A demolition permit has been applied for;

(d) The characteristic equipment and furnishings associated with the Nonconforming Use have been removed from the premises and have not been replaced by similar equipment within 90 days, unless other facts show intention to resume the Nonconforming Use;

(e) The Nonconforming Use has been replaced by a conforming use; or

(f) A Certificate of Zoning Compliance nor a Building Permit to reconstruct a damaged nonconforming use has been secured within twelve (12) months of the date of occurrence of such damage nor has construction been diligently pursued and completed within three (3) years from the date of the occurrence of such damage.

(2) Once a Nonconforming Use is abandoned, the use's nonconforming status shall be lost and any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.

F. Two or more Principal Buildings on one lot

In the event that two or more Principal Buildings occupy a single lot, said occupancy shall constitute a non-conforming use. One structure shall be designated conforming and the other(s) shall be non-conforming under the following procedure:

(1) If a request to improve the property is received, the Zoning Administrator shall designate the Principal Building with the greatest livable square footage, including porches, as a conforming use and the other Principal Buildings as non-conforming.

(2) The designation of conforming and non-conforming Principal Buildings shall be recorded on the Certificate of Occupancy that is on file in the Town Hall.

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(3) A Building Permit for improvements to the designated conforming Principal Building may be considered favorably, provided all other requirements of the Town Ordinances are met. The non-conforming structure(s) shall be regulated in accordance with Subsections A – E.

G. Vacation rental.

Nothing contained herein shall be construed to allow the continued use of a Vacation Rental after damage or destruction of greater than fifty percent (50%) of its assessed value, regardless of reason for such damage or destruction.

H. Accessory uses.

A use accessory to a principal Nonconforming Use may not be continued after the principal use has been abandoned, unless the use is a permitted Accessory Use in the base zoning district and any applicable overlay district.

Sec. 21-151. Nonconforming structures.

A. Definition.

A Nonconforming Structure is any building or structure that was legally established but no longer complies with the density, lot coverage, floor area, height and dimensional standards of this Zoning Ordinance. Nonconforming Structures may remain, subject to the regulations of this Article.

B. Structural alterations.

(1) Structural alterations, including enlargements, are permitted if the structural alteration does not increase the extent of nonconformity.

(2) When a structure is nonconforming because it encroaches into a required Side or Rear Yard Setback, this provision shall be interpreted as allowing other portions of the structure to be expanded out to the extent of the existing encroachment, as long as there is no greater encroachment into a required Setback.

(3) When a structure is nonconforming because it encroaches into a required Front Yard Setback, this provision shall be interpreted as prohibiting other portions of the structure from being expanded out to the extent of the existing encroachment.

C. Moving.

A Nonconforming Structure may be moved in whole or in part to another location only if the movement or relocation decreases or eliminates the nonconformity.

D. Damage or destruction of a nonconforming structure.

(1) When a Nonconforming Structure is damaged or destroyed by natural disaster, civil strife or uncontrollable accident, by more than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure may be repaired in accordance with its pre-existing footprint, square footage, setbacks, and lot coverage. The Zoning Administrator shall rely on all credible information provided by the owner and/or available from the Town, to establish the damaged or destroyed structure's pre-existing condition and lot location. A Certificate of Zoning Compliance and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2)) years from the date of the occurrence of such damage. If FEMA regulations require the structure's foundation to be elevated over fifty percent (50%) above its original elevation, the Design Review Board shall determine whether or not the reconstruction shall be required to meet the current Zoning Ordinance's Setback requirements.

(2) When a Nonconforming Structure is damaged by intent or by neglect, by more than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure shall be restored in conformity with the Zoning Ordinance in effect at the time a building permit is issued.

(3) When a Nonconforming Structure is damaged by less than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure may be reconstructed in accordance with its pre-existing footprint, height, square footage, setbacks, and lot coverage. The Zoning Administrator shall rely on all credible information provided by the owner and/or available from the Town, to establish the damaged structure's pre-existing condition and lot location. A Certificate of Zoning Compliance and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2) years from the date of the occurrence of such damage. If FEMA regulations require the structure's foundation to be

TOSI-BZA 0029

elevated over fifty percent (50%) above its original elevation, the Design Review Board shall determine whether or not the reconstruction shall be required to meet the current Zoning Ordinance's Setback requirements.

E. Abandonment of a nonconforming structure.

(1) A Nonconforming Structure will be considered abandoned when any of the following occurs:

(a) The owner has discontinued all use of the structure for a period of 12 months or more;

(b) A demolition permit has been applied for; or

(c) A Certificate of Zoning Compliance or a Building Permit to reconstruct a damaged Nonconforming Structure has not been secured within twelve (12) months of the date of occurrence of such damage, nor has construction under said permit been diligently pursued and completed within three (3) years from the date of the occurrence of such damage.

(2) Once a Nonconforming Structure shall be deemed abandoned, its nonconforming status shall be lost and the structure, or any replacement, shall comply with the regulations of the zoning district in which it is located.

Sec. 21-152. Nonconforming lots.

A. Definition.

A Nonconforming Lot is a duly recorded lot of record established prior to adoption of the Town's first Zoning Ordinance that does not comply with the minimum Lot Area, lot width or lot depth requirements of this Zoning Ordinance.

B. Use of nonconforming lots.

(1) A Nonconforming Lot may be developed to the extent that the development can be accomplished in accordance with the standards set out in this Zoning Ordinance.

(2) This Article shall not protect Nonconforming Lots that have access only to a paper, unimproved street. Owners of such lots shall replat such lots in conformity with the subdivision regulations and the applicable regulations of this Zoning Ordinance before seeking a Certificate of Zoning Compliance and a Building Permit or otherwise seeking to use one or more of such lots.

(3) No action shall be taken that further reduces the Lot Area of a Nonconforming Lot. Any such action may be prosecuted as a violation of this Zoning Ordinance and shall deprive the owner and any subsequent owner of the protection afforded by this Zoning Ordinance.

Sec. 21-153. Other nonconformities.

A. Examples.

The types of other nonconformities include but are not necessarily limited to: landscaping, screening, parking and other nonconformities not involving structural aspects of a building, location of a building on a lot, lot dimensions or land or building use.

B. Increase prohibited.

As buildings, lots or parking areas are redeveloped, it is the intent of this Zoning Ordinance to encourage the reduction of nonconformities to the maximum extent feasible. When redevelopment occurs, the extent of the nonconformity shall not be increased or modified in any manner that would increase the degree of nonconformance.

Sec. 21-154. Reserved.

Sec. 21-155. Reserved.

Sec. 21-156. Reserved.

TOSI-BZA 0030

MICHAEL PERKIS
MAYOR

TOWN COUNCIL
JERRY KAYNARD, MAYOR PRO TEM
CHAUNCEY CLARK
HARTLEY COOPER
SUSAN MIDDAUGH
PATRICK O'NEIL
MARY JANE WATSON

TOWN OF SULLIVAN'S ISLAND

BUILDING DEPARTMENT

ANDY BENKE
TOWN ADMINISTRATOR

JASON BLANTON
COMPTROLLER

LAWRENCE A. DODDS
TOWN ATTORNEY

GREG GRESS
WATER AND SEWER MANAGER

JOE HENDERSON
ZONING ADMINISTRATOR

DANIEL S. HOWARD
CHIEF OF POLICE

ELLEN MILLER
TOWN CLERK

RANDY ROBINSON
BUILDING OFFICIAL

M. ANTHONY STITH
FIRE CHIEF

February 3, 2014

Paul Boehm
3209 Middle Street
Sullivan's Island, SC 29482

Re: Stop Work Order and Code Violations at 2720-B Goldbug Avenue, Sullivan's Island, SC

Dear Mr. Boehm,

On January 13, 2014, Building Department staff conducted an inspection of 2720-B Goldbug Avenue to ensure compliance with Building Permit # 2013-2510, which authorized the construction of a stairway overhang along the structure's second story access and rear walkway. During this inspection, staff found that the posts installed as part of the overhang support system falls outside of the permitted area of construction as illustrated on the enclosed permit drawings dated February 7, 2013. These posts must be relocated to their permitted location or revised engineered plans must be resubmitted for zoning and building staff review.

Additionally, staff noticed several other zoning and building code violations in connection with the subject structure. The newly installed support posts for the stair and walkway overhang are encroaching into the footprint of existing slat house structure, which is adjacent to the rear walkway. On August 13, 2009, the Board of Zoning Appeals (BZA) denied your request to connect the structure (slat house) to the existing rear walkway. Minutes from this meeting have been enclosed for your review. Since August 13, 2009, this structure has been modified without permits in the following ways:

- A connection has been made to the slat house, which was originally denied by the BZA 8-13-2009;
- A portion of the handrail was removed from the second story rear walkway;
- Wooden benches were constructed and anchored to the roof of the slat house;
- Wooden planters were installed and anchored to the roof of the slat house;
- Additional wood planks/ slats were installed onto the roof of the slat house, which is now illegally being used as a deck surface.

The above noted handrail must be immediately reconstructed within seven (7) days of the receipt of this letter to discourage the use of the slat house roof as a deck. The wooden benches and planters must be removed within thirty (30) days of the receipt of this letter. Your immediate compliance in this matter is required to ensure the public health, safety, and welfare of the citizens of Sullivan's Island. Should you continue to

TOSI-BZA 0031

P.O. BOX 427 • SULLIVAN'S ISLAND, SC 29482
(843) 883-3198 • FAX (843) 883-3009 • WWW.SULLIVANSISLAND-SC.COM

violate the Town's Zoning Ordinance and Building Codes, a Uniform Ordinance Summons will be issued to you. Please feel free to contact me should need to discuss this issue further.

Sincerely,

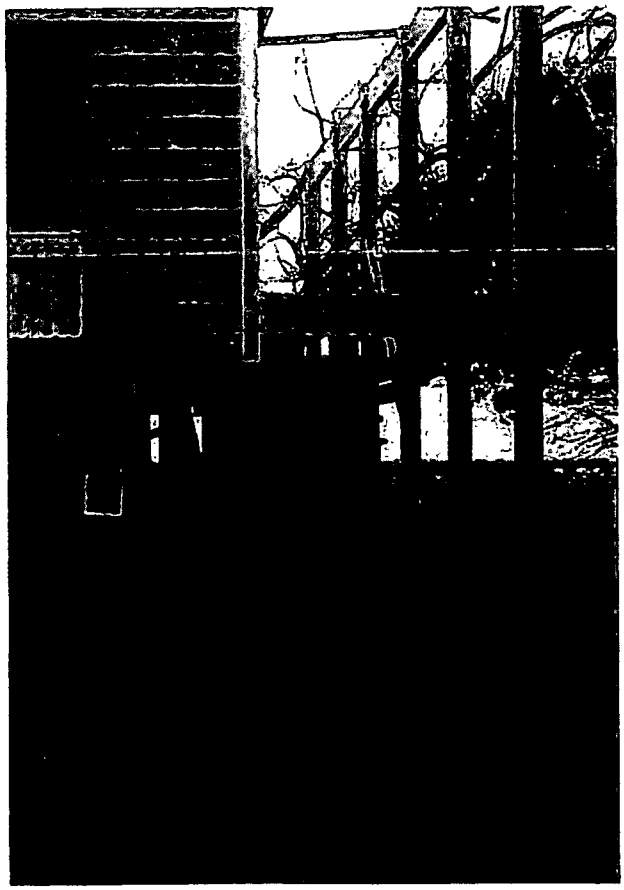
Joe Henderson, AICP
Zoning Administrator

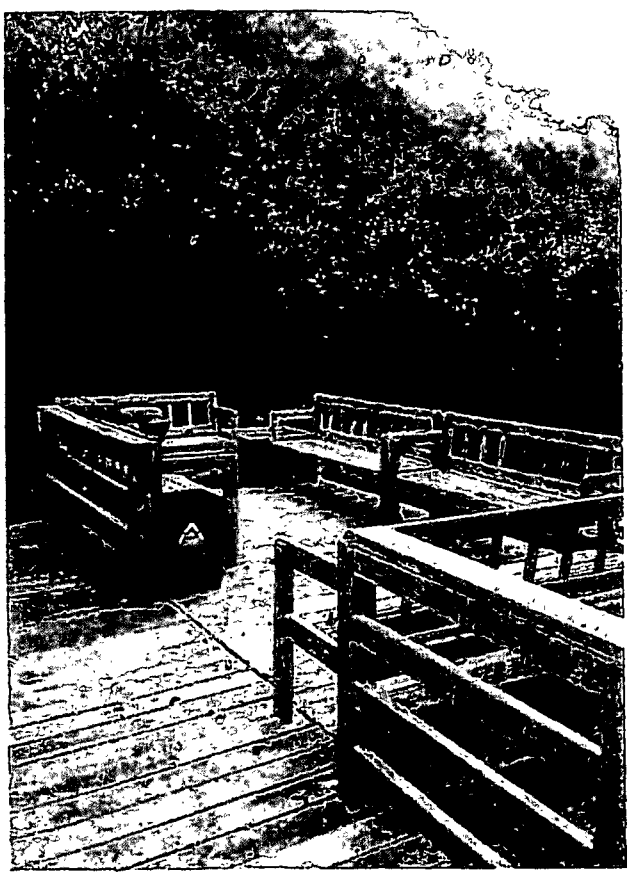
Cc: Andy Benke, Town Administrator
Randy Robinson, Building Official
File

Enclosures: Photographs of violations
Building Permit and site plan, elevations, staff notes
Zoning Ordinance Section 21-185: Certificate of Zoning Compliance Required
International Residential Code Section R312.1: Hand Rails Required
Board of Zoning Appeals minutes: August 13, 2009

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TOSI-BZA 0033

TOWN OF SULLIVAN'S ISLAND

RESIDENTIAL PERMIT

PO BOX 427 SULLIVAN'S ISLAND, SC 29482

Phone: 843-883-3198 FAX: 843-883-3009 http://sullivansisland-sc.com/

DATE ISSUED: 02/13/2013 PERMIT #: 2013- 2510

		DISTRICT	TAX MAP PARCEL#
LOCATION	2720 GOLDBUG AVE		5290700002
	2720 GOLDBUG AVE	LOT CCC	ZONING DISTRICT
OWNER:	PAUL BOEHM		
CONTRACTOR:			TOTAL VALUATION $ 5,000

SUBCONTRACTOR ID/NAME	SUBCONTRACTOR TYPE

TYPE CONSTRUCTION: ALTERATION OCCUPANCY GROUP: SINGLE FAMILY

FEE CODE	FEE
BUILDING - GENERAL/ISSUE FEE	24.00
BUILDING - GENERAL/BUILDING PERMIT FEE	82.50
BUILDING - GENERAL/PLAN REVIEW FEE	41.25

TOTAL PAID: 147.75 **PAID IN FULL** TOTAL AMOUNT: 147.75

REMARKS: SEE ATTACHED PAPERWORK

PERMIT IS NOT CONSIDERED ISSUED UNTIL PERMIT IS PAID IN FULL.

Approved as per notes on plans.
Roof over Stairs + Walk only.

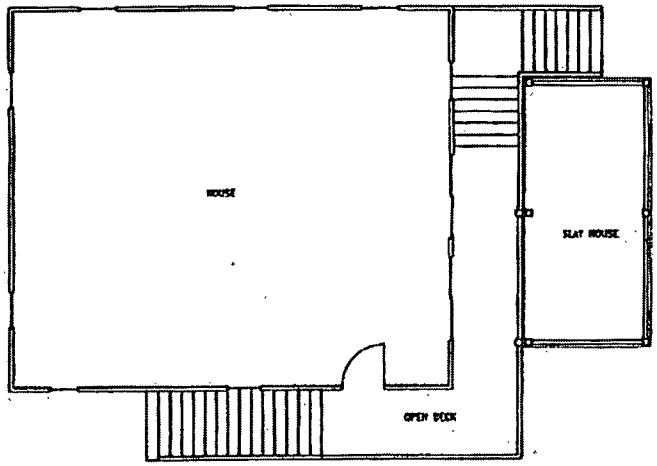
S. A. Robertson — BUILDING OFFICIAL — 02/14/13 DATE

ZONING ADMINISTRATOR — DATE

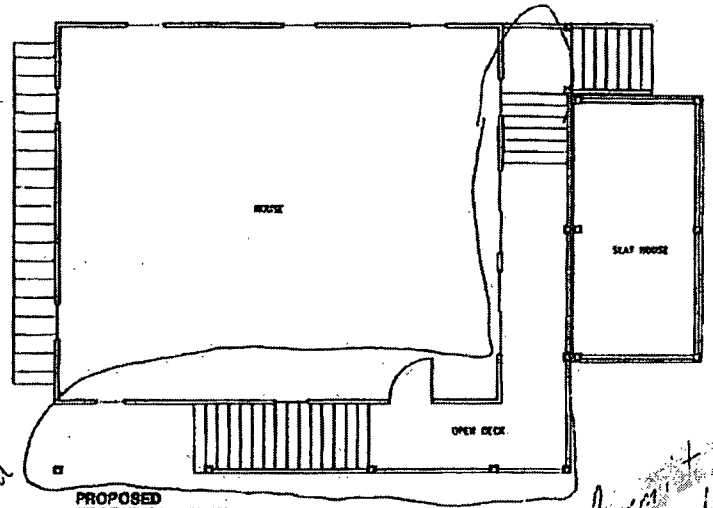
Paul Boehm — CONTRACTOR/OWNER — DATE

Kat Kenyon — ISSUED BY — 2/14/13 DATE

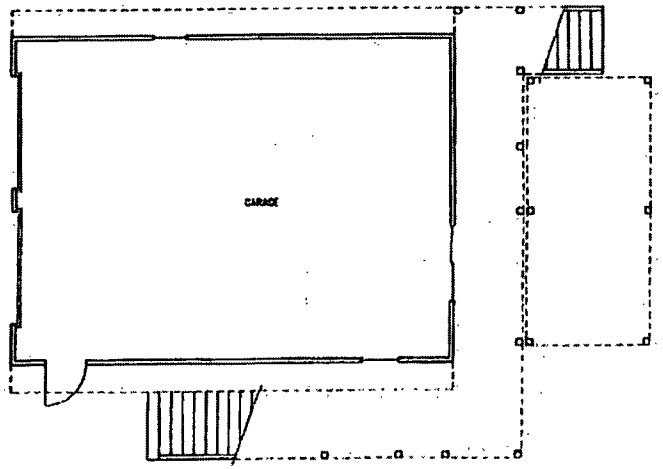
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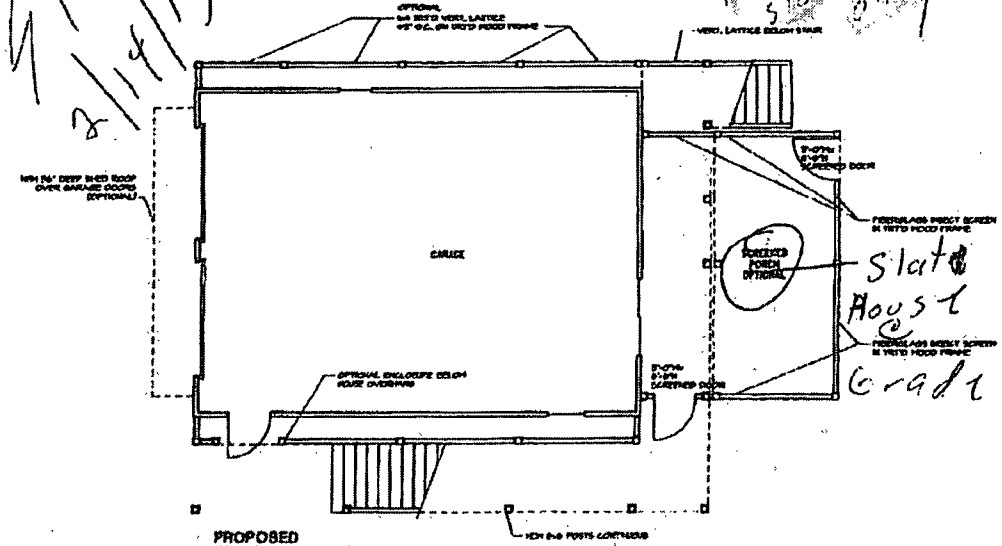
EXISTING
FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



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



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



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

REVISIONS

BOEHM RES. ADDTION
2720 GOLDBUG AVE.
SULLIVAN'S ISLAND, SOUTH CAROLINA
FLOOR PLANS

COPYRIGHT 2013

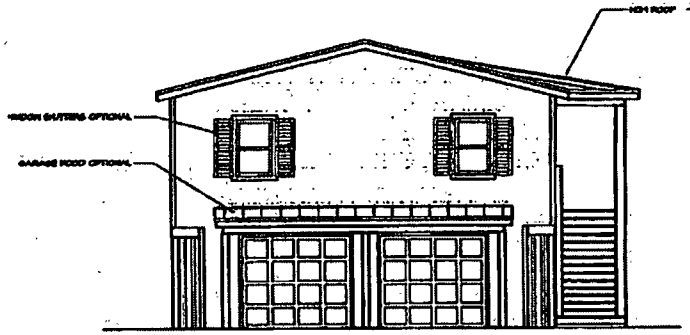
DATE: 2/7/13
PROJECT NO.:

DESIGN: RJD
DRAWN: RJD
CHECKED: RJD

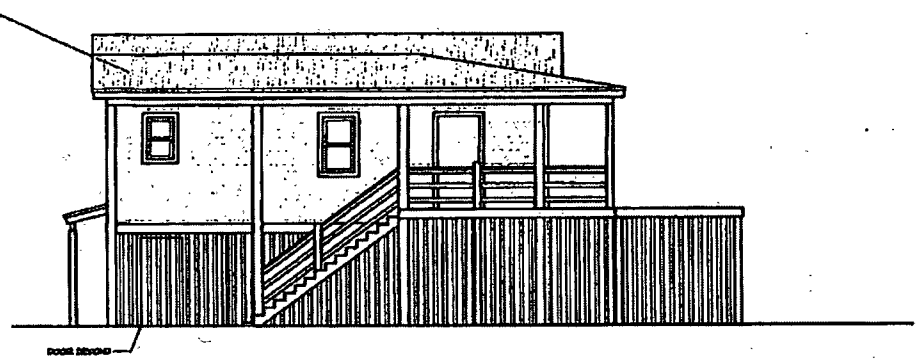
A1

73

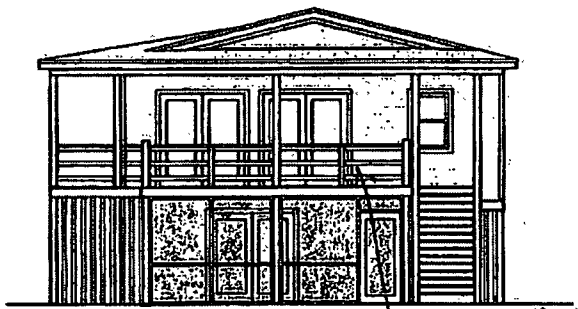
TOSI-BZA 0035



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FRONT ELEVATION
SCALE: 1/4" = 1'-0"

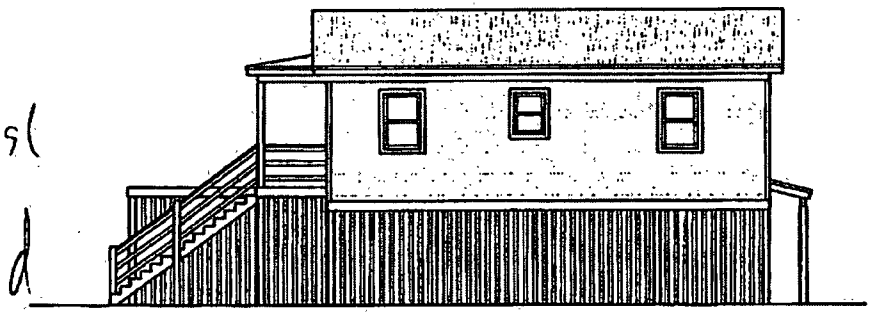


PROPOSED
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
REAR ELEVATION
SCALE: 1/4" = 1'-0"

Railing above slat hoosi not approved



PROPOSED
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

TOSI-BZA 0036

REVISIONS

ID	DATE

Elliston Architecture
3416 North Shoulders Blvd.
Mt. Pleasant, SC 29464
(843) 884-4316

BOEHM RES. ADDITION
2720 GOLDBUG AVE.
SULLIVAN'S ISLAND, SOUTH CAROLINA
PROPOSED ELEVATIONS

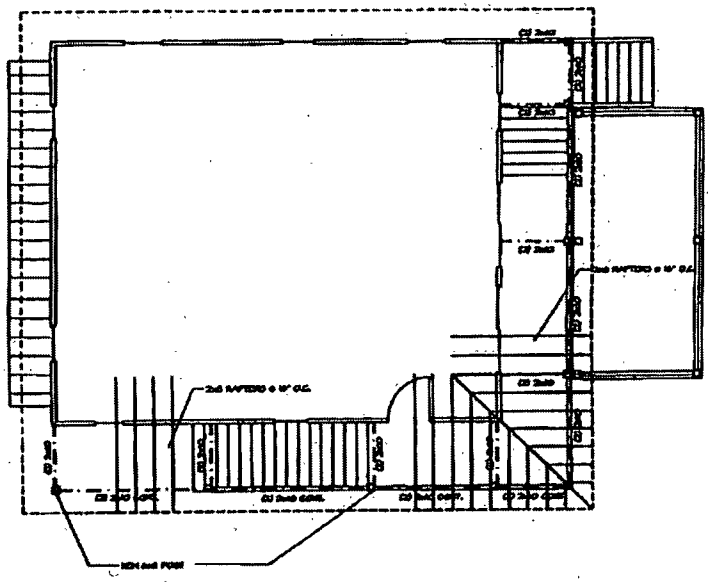
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DATE:
8/7/08
PROJECT NO.:

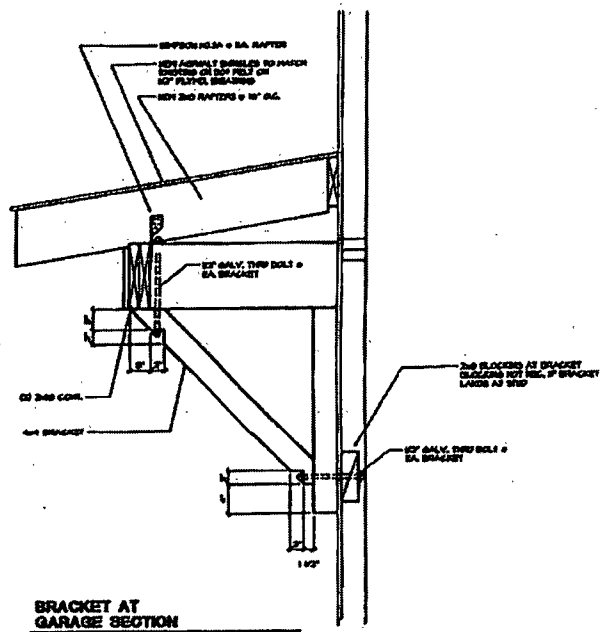
DESIGN RJD
DRAWN RJD
CHECKED RJD

A2

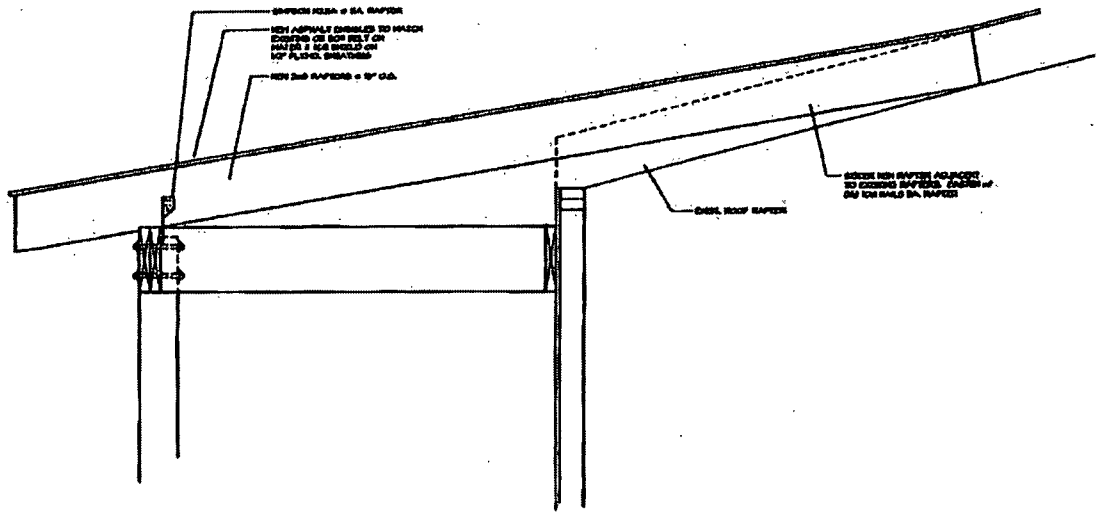
SHEET OF



PROPOSED
ROOF PLAN
SCALE: 1/4" = 1'-0"



BRACKET AT
GARAGE SECTION
SCALE: 1 1/2" = 1'-0"



ROOF CONNECTION SECTION
SCALE: 1 1/2" = 1'-0"

TOSI-BZA 0037

REVISIONS

NO.	DATE

Mungo ARCHITECTURE
211 Rutledge Ave. Charleston, SC 29401
(843) 958-0300

BOEHM RES. ADDITION
2720 GOLDBUG AVE.
SULLIVAN'S ISLAND, SOUTH CAROLINA
PLANS, DETAILS

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DATE:
5/7/16

PROJECT NO.:

DESIGN: RJD
DRAWN: RJD
CHECKED: RJD

A3

SHEET OF

ARTICLE XIX. Administration and Enforcement.

Sec. 21-184. Administration officer; powers and duties.

A. Authority of zoning administer.

The Zoning Administrator shall be appointed by the Town Council and shall have the authority to administer and enforce the provisions of this Zoning Ordinance. In cases where the Zoning Administrator is not available, the Building Official shall be authorized to sign on behalf of the Zoning Administrator.

B. Powers of zoning administrator.

The Zoning Administrator shall have the power to

(1) Review, approve, approve with conditions, or deny any application for a Certificate of Zoning Compliance for

(a) Permitted uses or conditional uses that do not involve exterior construction; and,

(b) Construction that does not require a Building Permit or expand or enlarge the interior living space.

(2) Process applications to the Design Review Board for Certificates of Zoning Compliance and upon approval, issue the certificates;

(3) Process applications to the Design Review Board for Certificates of Appropriateness (HP Historic Overlay District) and upon approval, issue the certificates;

(4) Process applications or appeals to the Board of Zoning Appeals for Special Exceptions, Variances and administrative appeals;

(5) Process applications to the Tree Commission for Category I trees and issue permits or denials at the direction of the Tree Commission;

(6) Review and approve or deny all Category II tree and palmetto permit applications;

(7) Review and approve or deny Certificates of Zoning Compliance for permitted Vacation Rentals;

(8) Review and approve or deny Certificates of Zoning Compliance for signs, parking and other accessory structures and uses as provided for in ARTICLE XV; and,

(9) Review and approve or deny, in collaboration with the Building Official, Certificates of Occupancy; and,

(10) Interpret and enforce the provisions of the Zoning Ordinance.

Sec. 21-185. Certificate of zoning compliance required.

A. No building, sign or other structure shall be erected, moved, added to, or structurally altered without obtaining a Certificate of Zoning Compliance issued by the Zoning Administrator. The Certificate of Zoning Compliance confirms that the improvement is in conformity with the Zoning Ordinance.

B. Any structure being occupied by a new use or business shall first obtain a Certificate of Zoning Compliance that confirms the use is in conformity with the Zoning Ordinance.

Sec. 21-186. Application and procedures for certificate of zoning compliance.

A. Applications.

All applications for a Certificate of Zoning Compliance (and Building Permit) shall be accompanied by plans in triplicate, drawn to scale showing the following:

(1) With graphic and written scale indicated

(2) Surveyed dimensions and shape of the lot to be built upon;

(3) Existing buildings' square footage, lot coverage, setbacks, elevations and locations and indication of which buildings are to be retained;

(4) Existing location of Category I and II trees and palmettos on site plans with existing buildings and plans showing improvements;

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recess area on both sides of the profile. The finger recess shall begin within a distance of $^3/_4$ inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least $^5/_{16}$ inch (8 mm) within $^7/_8$ inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least $^3/_8$ inch (10 mm) to a level that is not less than $1^3/_4$ inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be $1^1/_4$ inches (32 mm) to a maximum of $2^3/_4$ inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

R311.5.7 Illumination. All stairs shall be provided with illumination in accordance with Section R303.6.

R311.5.8 Special stairways. Spiral stairways and bulkhead enclosure stairways shall comply with all requirements of Section R311.5 except as specified below.

R311.5.8.1 Spiral stairways. Spiral stairways are permitted, provided the minimum width shall be 26 inches (660 mm) with each tread having a $7^1/_2$-inches (190 mm) minimum tread depth at 12 inches from the narrower edge. All treads shall be identical, and the rise shall be no more than $9^1/_2$ inches (241 mm). A minimum headroom of 6 feet 6 inches (1982 mm) shall be provided.

R311.5.8.2 Bulkhead enclosure stairways. Stairways serving bulkhead enclosures, not part of the required building egress, providing access from the outside grade level to the basement shall be exempt from the requirements of Sections R311.4.3 and R311.5 where the maximum height from the basement finished floor level to grade adjacent to the stairway does not exceed 8 feet (2438 mm), and the grade level opening to the stairway is covered by a bulkhead enclosure with hinged doors or other approved means.

R311.6 Ramps.

R311.6.1 Maximum slope. Ramps shall have a maximum slope of one unit vertical in twelve units horizontal (8.3-percent slope).

Exception: Where it is technically infeasible to comply because of site constraints, ramps may have a maximum slope of one unit vertical in eight horizontal (12.5 percent slope).

R311.6.2 Landings required. A minimum 3-foot-by-3-foot (914 mm by 914 mm) landing shall be provided:

1. At the top and bottom of ramps.
2. Where doors open onto ramps.
3. Where ramps change direction.

R311.6.3 Handrails required. Handrails shall be provided on at least one side of all ramps exceeding a slope of one unit vertical in 12 units horizontal (8.33-percent slope).

R311.6.3.1 Height. Handrail height, measured above the finished surface of the ramp slope, shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

R311.6.3.2 Handrail grip size. Handrails on ramps shall comply with Section R311.5.6.3.

R311.6.3.3 Continuity. Handrails where required on ramps shall be continuous for the full length of the ramp. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrails.

SECTION R312
GUARDS

R312.1 Guards. Porches, balconies, ramps or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads.

Porches and decks which are enclosed with insect screening shall be equipped with guards where the walking surface is located more than 30 inches (762 mm) above the floor or grade below.

R312.2 Guard opening limitations. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches (102mm) or more in diameter.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere 6 inches (152 mm) cannot pass through.
2. Openings for required guards on the sides of stair treads shall not allow a sphere $4^3/_8$ inches (107 mm) to pass through.

SECTION R313
SMOKE ALARMS

R313.1 Smoke detection and notification. All smoke alarms shall be listed in accordance with UL 217 and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.

Household fire alarm systems installed in accordance with NFPA 72 that include smoke alarms, or a combination of smoke detector and audible notification device installed as required by this section for smoke alarms, shall be permitted. The household fire alarm system shall provide the same level of smoke detection and alarm as required by this section for smoke alarms in the event the fire alarm panel is removed or the system is not connected to a central station.

R313.2 Location. Smoke alarms shall be installed in the following locations:

1. In each sleeping room.

TOSI-BZA 0039

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PAUL BOEHM
3209 MIDDLE ST
SULLIVAN'S ISLAND
SC 29482

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Address

B. Received by (Printed Name) P Boehm C. Date of Deliv 9/22/09

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

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandi
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7005 1820 0004 3026 7117

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1

7005 1820 0004 3026 7117

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SULLIVANS ISLAND SC 29482

OFFICIAL USE

Postage	$	$0.44
Certified Fee		$2.30
Return Receipt Fee (Endorsement Required)		$2.30
Restricted Delivery Fee (Endorsement Required)		$0.00
Total Postage & Fee	$	$5.04

0482 06 Postmark Here
USPS SULLIVANS ISLAND SC
SEP 21 2009

Sent To Paul Boehm
Street, Apt. No.; or PO Box No. 3209 Middle St
City, State, ZIP+4 Sullivans Island

PS Form 3800, June 2002 See Reverse for Instructions

78

Order on Appeal From Action of Zoning Official – Form 5

Board of Zoning Appeals

Town of Sullivan's Island

Dated Filed:_____ Permit Application No._____ Appeal No._____

The Board of Zoning Appeals held a public hearing on August 13, 2009 to consider Paul Boehm's appeal of Building Official's denial to permit connecting slat house to other deck and house at 2720 Goldbug "B".

After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

Jimmy Hiers recused himself from this application, as he lives directly next door, but he will comment as a citizen. Mr. Hiers also respectfully asked Brian Hellman to recuse himself, as he might also have a conflict of interest. Mr. Hellman responded while one of his clients is involved with Mr. Boehm, there is no financial interest. Chairwoman Paylor asked Building Official Randy Robinson to present. Mr. Robinson stated that Section 21-150 (F) (3) and 21-150 (B) clearly state that a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects. Chairwoman Paylor stated for the record that correspondence was received from Martine Hiers, 2714 Goldbug and Shay Molony, 2707 Goldbug, opposing the variance. Aussie Geer, 2702 Goldbug, was present and expressed concern that granting this variance would set a precedent. Jimmy Hiers, 2714 Goldbug, asked Chairwoman Paylor to read the letter sent to the Board from his wife, Martine Hiers, opposing the variance. Roy Williams, 2513 I'on Avenue, stated that the screen porch would not damage the neighborhood.

Attorney Bill Barr represented Mr. Boehm. Mr. Barr presented photographs to the Board, and stated the slat house was built in 2001. In Mr. Barr's opinion, there is an ambiguity between Sections 21-150 and 21-151. The terms "use" and "structure" are muddled in the ordinance. It is a non-conforming structure and should be governed under Section 21-151. Mr. Boehm is requesting a screen porch – to put a roof and screen on the current slat house, which is not a deck; it is actually a free-standing deck. Mr. Boehm stated that Section 21-149 (C) (3) states that the ordinance intends to place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the Town as a whole; therefore, he believes the variance should be granted.

Motion was made by Susan Middaugh, seconded by Betsy Richardson, that the Board affirms the decision of the Zoning Administrator, carried unanimously.

THE BOARD, THEREFORE, ORDERS that the administrative official's determination that a permit be denied to connect the slat house to the other deck and house be affirmed and the permit as proposed shall be **denied**.

TOSI-BZA 0041

Date issued: 9/10/09

Barbara S. Smith III
Vice. Chairman

Date mailed to parties in interest: 9/21/09

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

Section 21-175 G.(2) of the Town of Sullivan's Island Zoning Code requires application for either a Certificate of Zoning Compliance or a Building Permit within one year from the date of authorization of special exception approval. If no such application is made, then such authorization shall be null and void.

TOSI-BZA 0042

TOWN OF SULLIVAN'S ISLAND

STOP WORK ORDER

OFFICE OF BUILDING OFFICIAL/CODES ENFORCEMENT OFFICE

NOTICE

This Property has been inspected and is in violation of

Exceeding scope of work

CORRECTION REQUIRED

Contact Building Inspector/Codes Enforcement Officer before any work is performed on this site. Failure to do so may result in a fine of $1035 and other legal action. 1/13/14 E.R.R.

Date Inspector

Do Not Remove This Notice

DETACH and bring this portion of this card with you to
1610 Middle St. or call 843-883-5727 for more information.

Location 2720 B Goldbug

Date 1/13/14 Inspector E.R.R.

Violation Exceeding scope of work

TOSI-BZA 0043

Order on Appeal From Action of Zoning Official – Form 5

Board of Zoning Appeals

Town of Sullivan's Island

Dated Filed:_____ Permit Application No._____ Appeal No._____

The Board of Zoning Appeals held a public hearing on August 13, 2009 to consider Paul Boehm's appeal of Building Official's denial to permit connecting slat house to other deck and house at 2720 Goldbug "B".

After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

Jimmy Hiers recused himself from this application, as he lives directly next door, but he will comment as a citizen. Mr. Hiers also respectfully asked Brian Hellman to recuse himself, as he might also have a conflict of interest. Mr. Hellman responded while one of his clients is involved with Mr. Boehm, there is no financial interest. Chairwoman Paylor asked Building Official Randy Robinson to present. Mr. Robinson stated that Section 21-150 (F) (3) and 21-150 (B) clearly state that a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects. Chairwoman Paylor stated for the record that correspondence was received from Martine Hiers, 2714 Goldbug and Shay Molony, 2707 Goldbug, opposing the variance. Aussie Geer, 2702 Goldbug, was present and expressed concern that granting this variance would set a precedent. Jimmy Hiers, 2714 Goldbug, asked Chairwoman Paylor to read the letter sent to the Board from his wife, Martine Hiers, opposing the variance. Roy Williams, 2513 I'on Avenue, stated that the screen porch would not damage the neighborhood.

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Motion was made by Susan Middaugh, seconded by Betsy Richardson, that the Board affirms the decision of the Zoning Administrator, carried unanimously.

THE BOARD, THEREFORE, ORDERS that the administrative official's determination that a permit be denied to connect the slat house to the other deck and house be affirmed and the permit as proposed shall be **denied**.

TOSLBZA 0044

Date issued:_____ _____
Chairman

Date mailed to parties in interest:_____ _____
Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

Section 21-175 G.(2) of the Town of Sullivan's Island Zoning Code requires application for either a Certificate of Zoning Compliance or a Building Permit within one year from the date of authorization of special exception approval. If no such application is made, then such authorization shall be null and void.

MICHAEL PERKIS
MAYOR

TOWN COUNCIL
JERRY KAYNARD, MAYOR PRO TEM
CHAUNCEY CLARK
HARTLEY COOPER
SUSAN MIDDAUGH
PATRICK O'NEIL
MARY JANE WATSON

TOWN OF SULLIVAN'S ISLAND

BUILDING DEPARTMENT

ANDY BENKE
TOWN ADMINISTRATOR

JASON BLANTON
COMPTROLLER

LAWRENCE A. DODDS
TOWN ATTORNEY

GREG GRESS
WATER AND SEWER MANAGER

JOE HENDERSON
ZONING ADMINISTRATOR

DANIEL S. HOWARD
CHIEF OF POLICE

ELLEN MILLER
TOWN CLERK

RANDY ROBINSON
BUILDING OFFICIAL

M. ANTHONY STITH
FIRE CHIEF

March 10, 2014

Paul Boehm
3209 Middle Street
Sullivan's Island, SC 29482

Re: Building Permit Request 2013-2510 (2720-B Goldbug Avenue, Sullivan's Island, SC)

Dear Mr. Boehm,

This letter is in response to your recently submitted Building Permit Application and plans to work on the structure located at 2720-B Goldbug Avenue. On February 28, 2014, you submitted plans to extend the roof overhang beyond the existing footprint of the deck and side access staircase by placing new 6" x 6" posts outside of the staircase and walkway structure (footprint). Expanding the footprint of this nonconforming structure is in direct conflict with Zoning Ordinance Section 21-151 (Nonconforming Structures), which prohibits structural alterations that would increase the extent of the nonconformity. On January 13, 2014, staff issued a Stop Work Order for the same reasons cited above.

At your convenience, please revise your plans to show that the posts will be placed within the original footprint of the side stairs and rear walkway. A "red lined" copy of your plans will be available at Town Hall for your reference and collection. Please feel free to contact me should need to discuss this issue further.

Sincerely,

Joe Henderson, AICP, CFM, ISA
Zoning Administrator

Cc: Randy Robinson, Building Official
File

Enclosures: Building Permit Application 2-28-2014 (Construction drawings, site plan, elevations, staff notes)
Zoning Ordinance Section 21-151 Nonconforming Structures

TOSI-BZA 0046

P.O. BOX 427 • SULLIVAN'S ISLAND, SC 29482
(843) 883-3198 • FAX (843) 883-3009 • WWW.SULLIVANSISLAND-SC.COM

(3) A Building Permit for improvements to the designated conforming Principal Building may be considered favorably, provided all other requirements of the Town Ordinances are met. The non-conforming structure(s) shall be regulated in accordance with Subsections A – E.

G. Vacation rental.

Nothing contained herein shall be construed to allow the continued use of a Vacation Rental after damage or destruction of greater than fifty percent (50%) of its assessed value, regardless of reason for such damage or destruction.

H. Accessory uses.

A use accessory to a principal Nonconforming Use may not be continued after the principal use has been abandoned, unless the use is a permitted Accessory Use in the base zoning district and any applicable overlay district.

Sec. 21-151. Nonconforming structures.

A. Definition.

A Nonconforming Structure is any building or structure that was legally established but no longer complies with the density, lot coverage, floor area, height and dimensional standards of this Zoning Ordinance. Nonconforming Structures may remain, subject to the regulations of this Article.

B. Structural alterations.

(1) Structural alterations, including enlargements, are permitted if the structural alteration does not increase the extent of nonconformity.

(2) When a structure is nonconforming because it encroaches into a required Side or Rear Yard Setback, this provision shall be interpreted as allowing other portions of the structure to be expanded out to the extent of the existing encroachment, as long as there is no greater encroachment into a required Setback.

(3) When a structure is nonconforming because it encroaches into a required Front Yard Setback, this provision shall be interpreted as prohibiting other portions of the structure from being expanded out to the extent of the existing encroachment.

C. Moving.

A Nonconforming Structure may be moved in whole or in part to another location only if the movement or relocation decreases or eliminates the nonconformity.

D. Damage or destruction of a nonconforming structure.

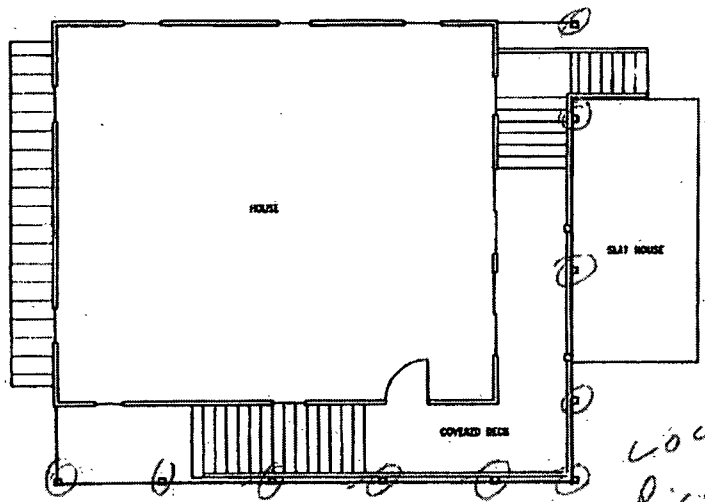
(1) When a Nonconforming Structure is damaged or destroyed by natural disaster, civil strife or uncontrollable accident, by more than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure may be repaired in accordance with its pre-existing footprint, square footage, setbacks, and lot coverage. The Zoning Administrator shall rely on all credible information provided by the owner and/or available from the Town, to establish the damaged or destroyed structure's pre-existing condition and lot location. A Certificate of Zoning Compliance and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2)) years from the date of the occurrence of such damage. If FEMA regulations require the structure's foundation to be elevated over fifty percent (50%) above its original elevation, the Design Review Board shall determine whether or not the reconstruction shall be required to meet the current Zoning Ordinance's Setback requirements.

(2) When a Nonconforming Structure is damaged by intent or by neglect, by more than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure shall be restored in conformity with the Zoning Ordinance in effect at the time a building permit is issued.

(3) When a Nonconforming Structure is damaged by less than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure may be reconstructed in accordance with its pre-existing footprint, height, square footage, setbacks, and lot coverage. The Zoning Administrator shall rely on all credible information provided by the owner and/or available from the Town, to establish the damaged structure's pre-existing condition and lot location. A Certificate of Zoning Compliance and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2) years from the date of the occurrence of such damage. If FEMA regulations require the structure's foundation to be

TOSI-BZA 0047

COPY

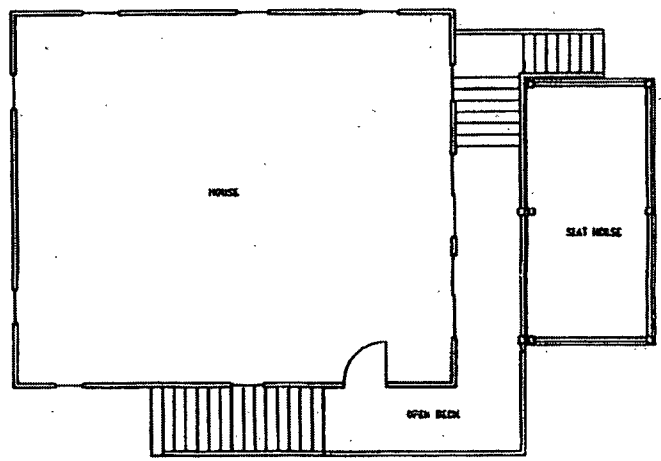


FIRST FLOOR DECK PLAN
SCALE: 1/4" = 1'-0"

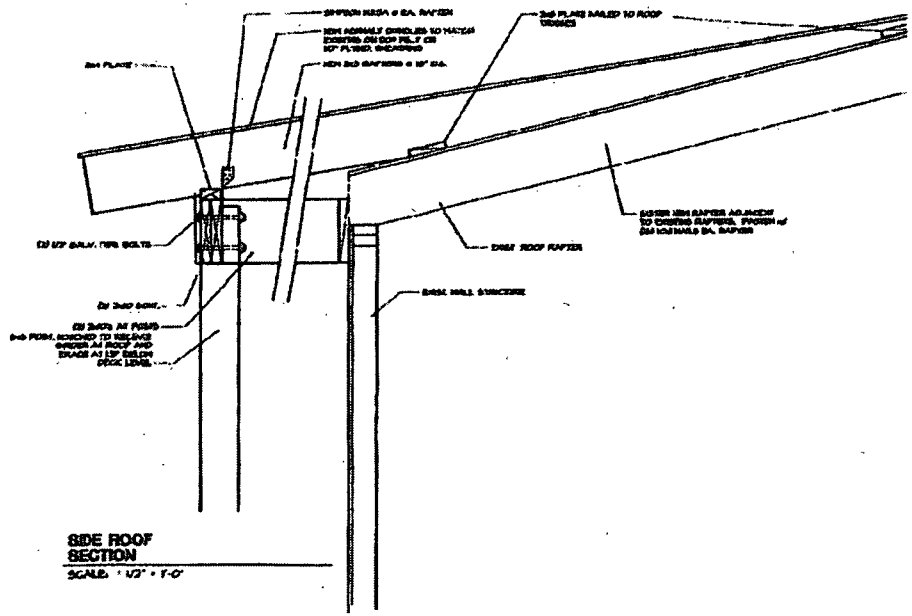
Location of Piers outside of original deck.

Piers must be located @ location of original Piers

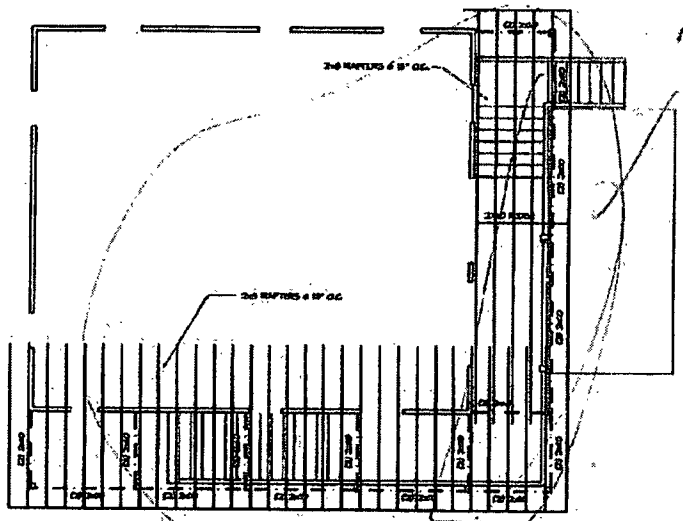
T.R.A. 3/4/14



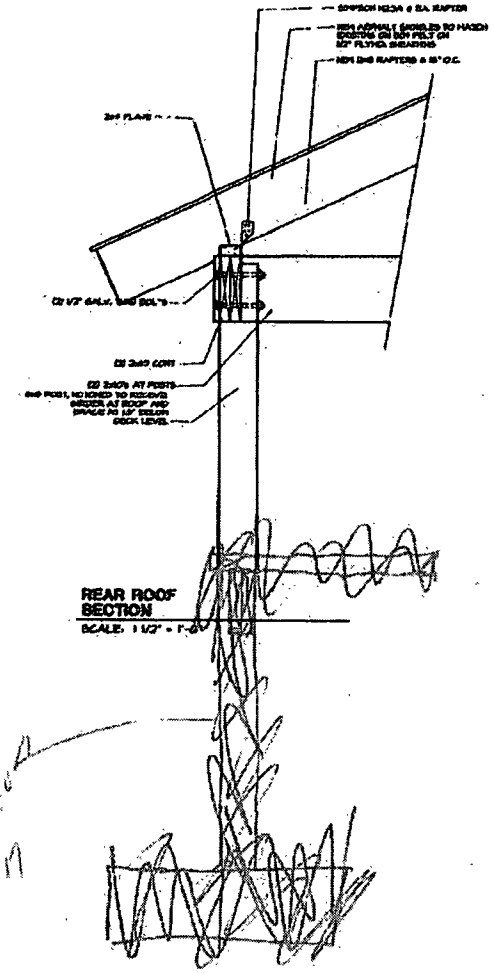
EXISTING
FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



SIDE ROOF
SECTION
SCALE: 1 1/2" = 1'-0"



ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"



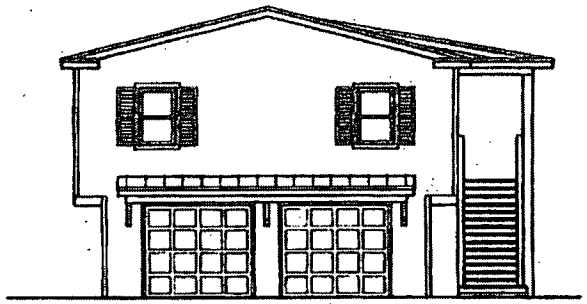
REAR ROOF SECTION
SCALE: 1 1/2" = 1'-0"

Need foundation Plan

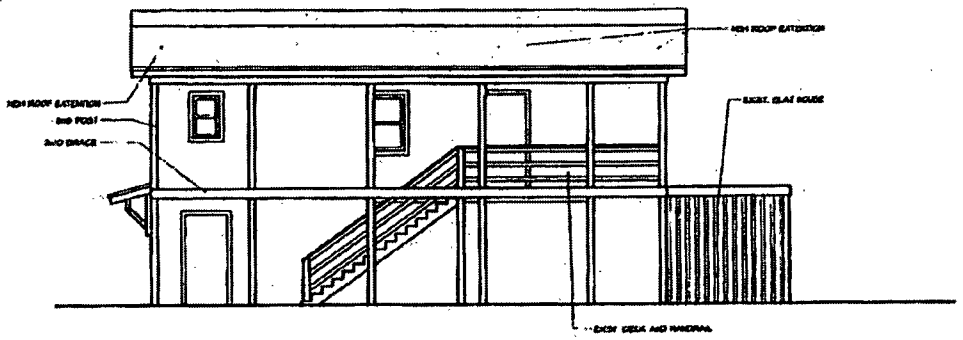
COPY

TOSI-BZA 0048

COPY



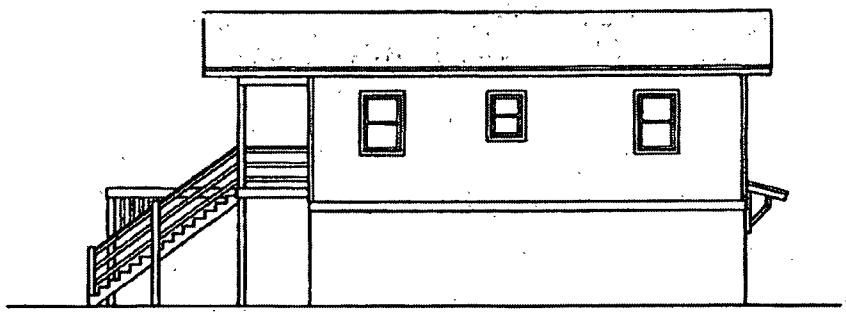
PROPOSED
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

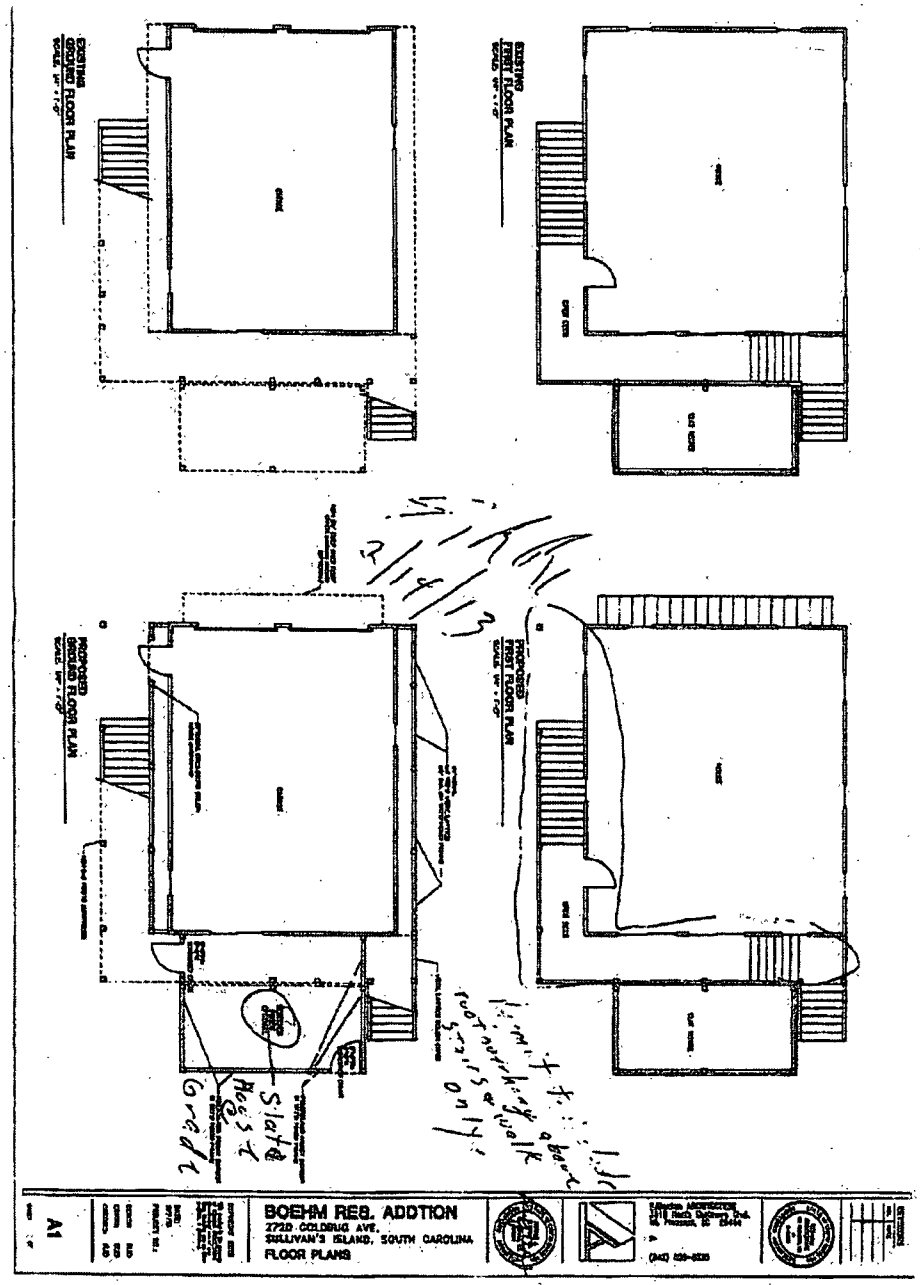


PROPOSED
REAR ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

TOSI-BZA 0050



TOSI-BZA 0051

COPY

Town of Sullivan's Island

Sullivan's Island, South Carolina

BUILDING PERMIT APPLICATION

received Feb 28 2014

Sullivan's Island Building Department
2050-B Middle Street

Phone: (843) 883-3198
Sullivan's Island South Carolina

FAX: (843) 883-3009

Address of Work Site: 2720 B Goldbug TMS# 529 07 00 002 Zoning:

Owner of Property: Paul Boetton Mailing Address: 3209 MIDDLE ST

Phone #: 810 0571 Fax #: SULLIVANS ISLAND SC 29482

Contractor: Pool Systems of Chas Mailing Address: P.O. Box 358

Phone #: 708 0478 Fax#: ADENDALE SC 29429

City Business License #: State License #: B/04672 Expiration Date: 10/31/2014

Architect/Designer: RON BENTON Mailing Address: 806 Johnnie Dodd Blvd Suite 203

Phone #: 856 8395 Fax#: Mt Pleasant SC 29464

Engineer: Mailing Address:

Phone #: Fax#:

Type of Work : New ☐ Addition ☐ Alteration ☐ Repair ☐ Move ☐ Remove ☐ Other ☐
Commercial ☐ Residential ☐ Other ☐

Explain Scope of Work : ROOF OVERHANG OVER WALKWAY

Signature of Contractor or Authorized Agent

L. Daugherty
Print Name

Signature of Owner (if Builder)

Print Name

VALUATION OF WORK: $ 5,000 00

Valuation on Building Permits will be calculated by Building Department. Separate permits may be required. Subcontractor information must be provided.

NOTE: ALL SEWER & WATER FEES MUST BE PAID PRIOR TO THE ISSUANCE OF PERMITS ON NEW CONSTRUCTION.

41.25

Approvals	Building	Zoning
Building Permit	$	
Electrical Permit		
Plumbing Permit		
Mechanical Permit		
Gas Permit		
Sign Permit		
Plan Review Fee		
Fire Sprinklers		
Other		
Total Amount Due $		

Total Sq. Ft.	Total Impervious	Total Heated Sq. Ft.
Lot Sq. Ft.	Const. Type	Occupancy
# Stories	# Dwelling Unit	# Bedrooms
# Bathrooms	Elec. Amp	HVAC
Flood Elevation	Fire Sprinklers	# of Seats

Date Issued:

Issued By:

Permit # Permit Amt $

TOSI-BZA 0052

TOWN OF SULLIVAN'S ISLAND

RESIDENTIAL PERMIT

PO BOX 427 SULLIVAN'S ISLAND, SC 29482

Phone: 843-883-3198 FAX: 843-883-3009 http://sullivansisland-sc.com/

COPY

DATE ISSUED: 02/13/2013

PERMIT #: 2013- 2510

LOCATION	2720 GOLDBUG AVE	DISTRICT	TAX MAP PARCEL# 5290700002
	2720 GOLDBUG AVE	LOT CCC	ZONING DISTRICT
OWNER:	PAUL BOEHM		
CONTRACTOR:			TOTAL VALUATION $ 5,000

SUBCONTRACTOR ID/NAME

SUBCONTRACTOR TYPE

TYPE CONSTRUCTION: ALTERATION

OCCUPANCY GROUP: SINGLE FAMILY

FEE CODE	FEE
BUILDING - GENERAL/ISSUE FEE	24.00
BUILDING - GENERAL/BUILDING PERMIT FEE	82.50
BUILDING - GENERAL/PLAN REVIEW FEE	41.25

TOTAL PAID: 147.75 **PAID IN FULL** TOTAL AMOUNT: 147.75

REMARKS: SEE ATTACHED PAPERWORK

PERMIT IS NOT CONSIDERED ISSUED UNTIL PERMIT IS PAID IN FULL.

Approved as per notes on plans.
Roof over Stairs + walk only.

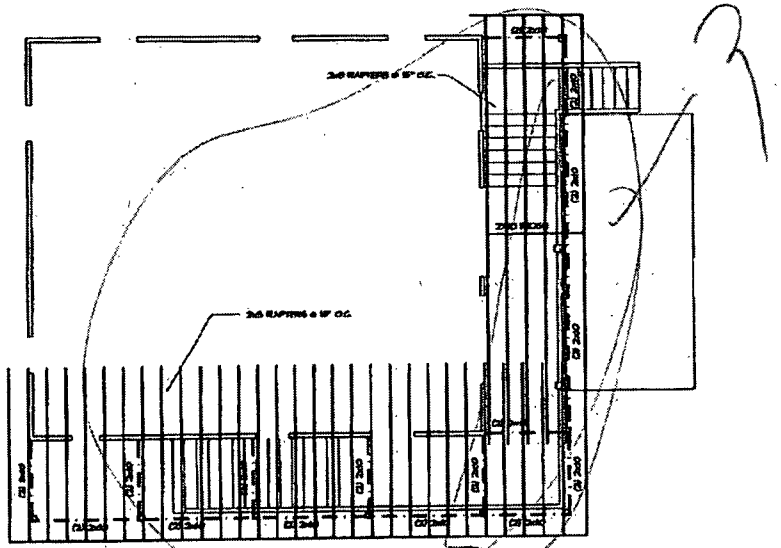
BUILDING OFFICIAL — DATE 02/14/13

ZONING ADMINISTRATOR — DATE

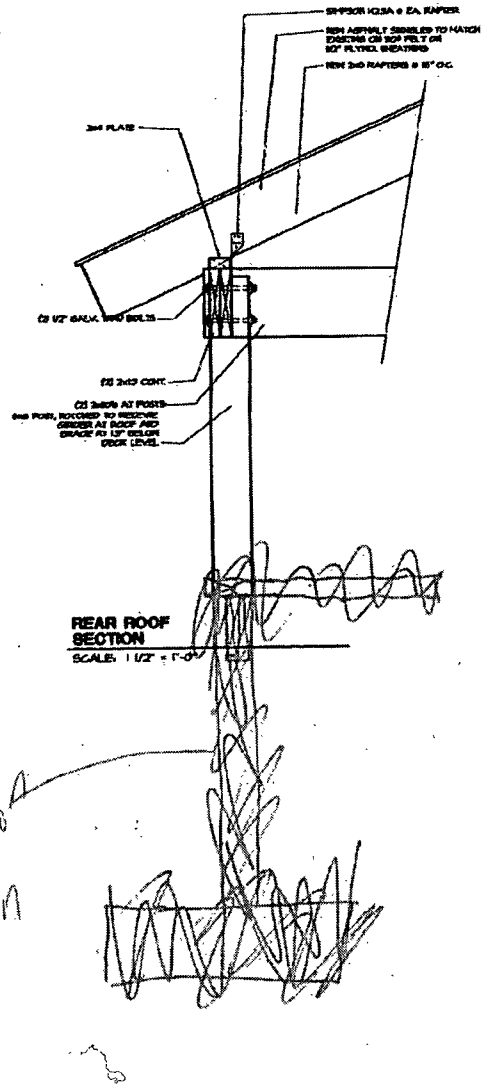
CONTRACTOR/OWNER — DATE

ISSUED BY — DATE 2/14/13

TOSI-BZA 0053



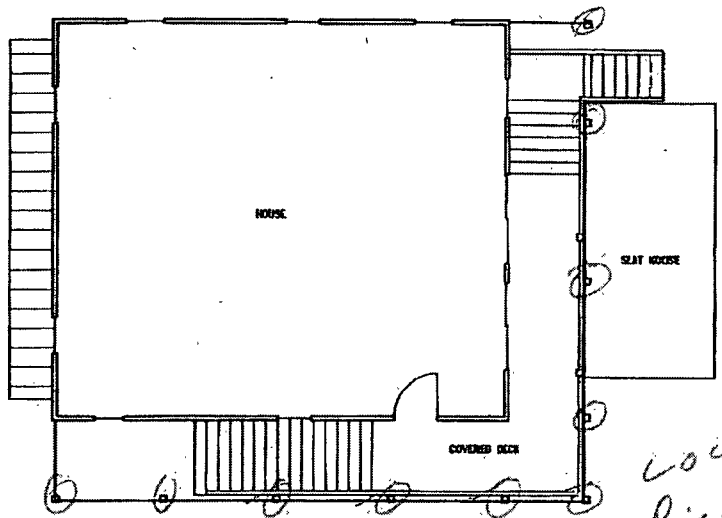
ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"



REAR ROOF SECTION
SCALE: 1 1/2" = 1'-0"

Need foundation plan

TOSI-BZA 0054

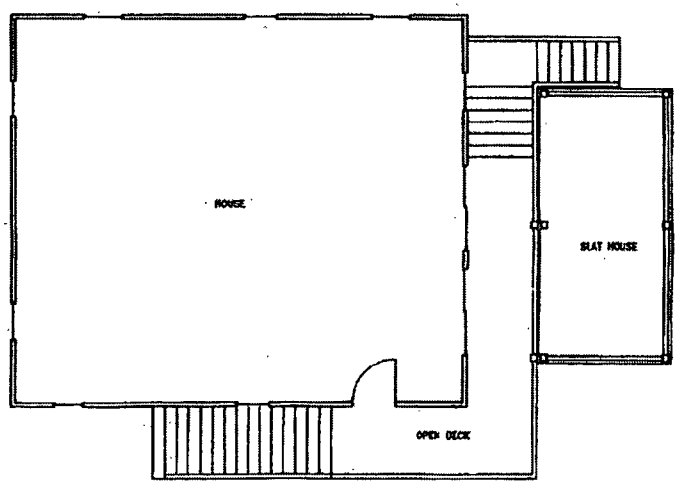


FIRST FLOOR DECK PLAN
SCALE: 1/4" = 1'-0"

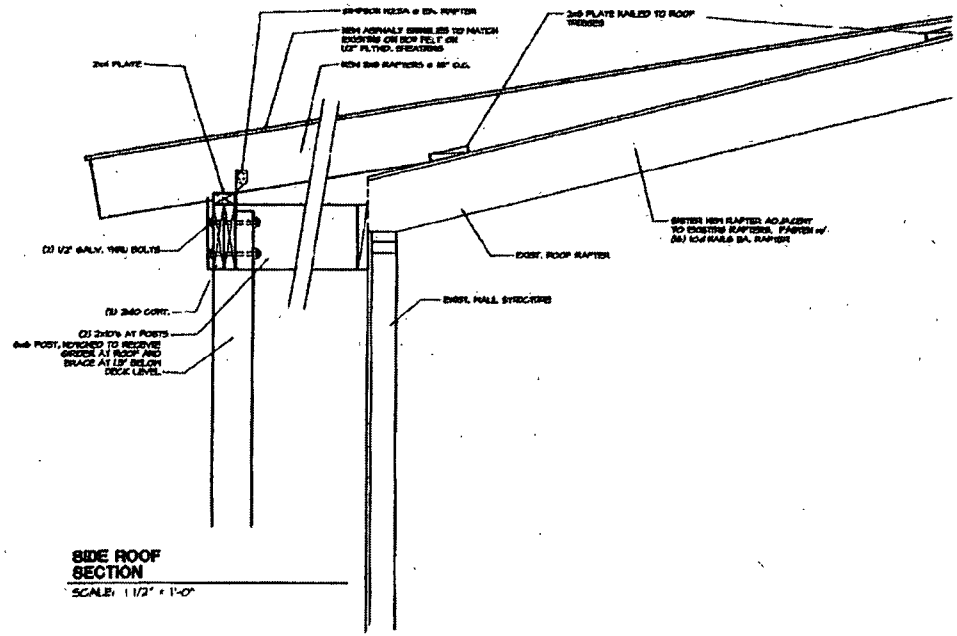
Location of Piers outside of original deck.

Piers must be located @ location of original Piers.

S.R.R 3/4/14

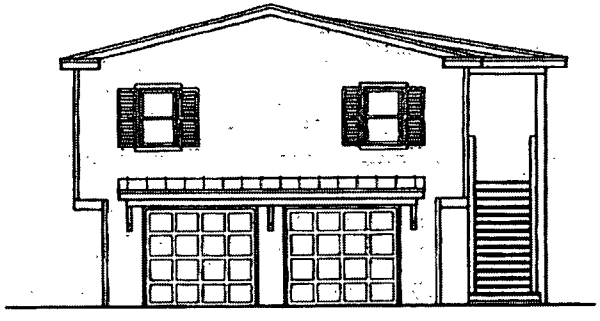


EXISTING
FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

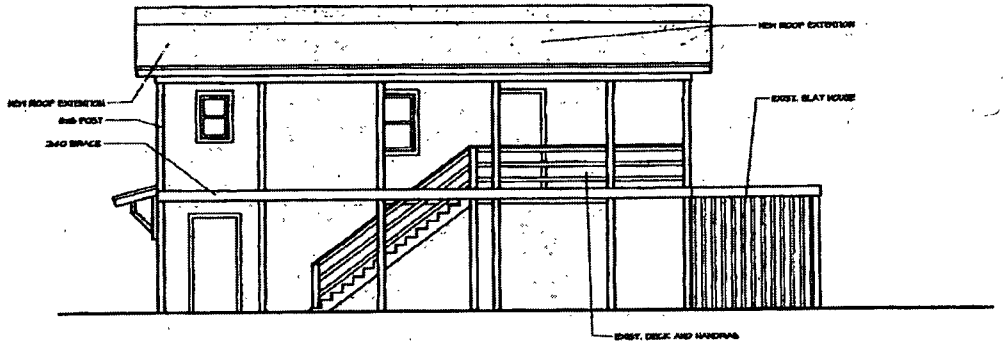


SIDE ROOF
SECTION
SCALE: 1 1/2" = 1'-0"

TOSI-BZA 0055



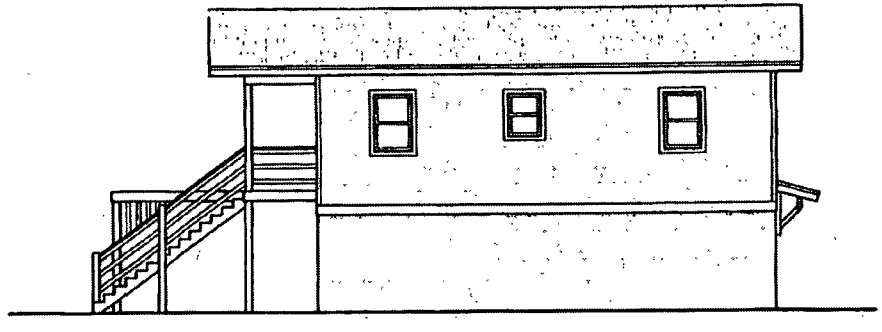
PROPOSED
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



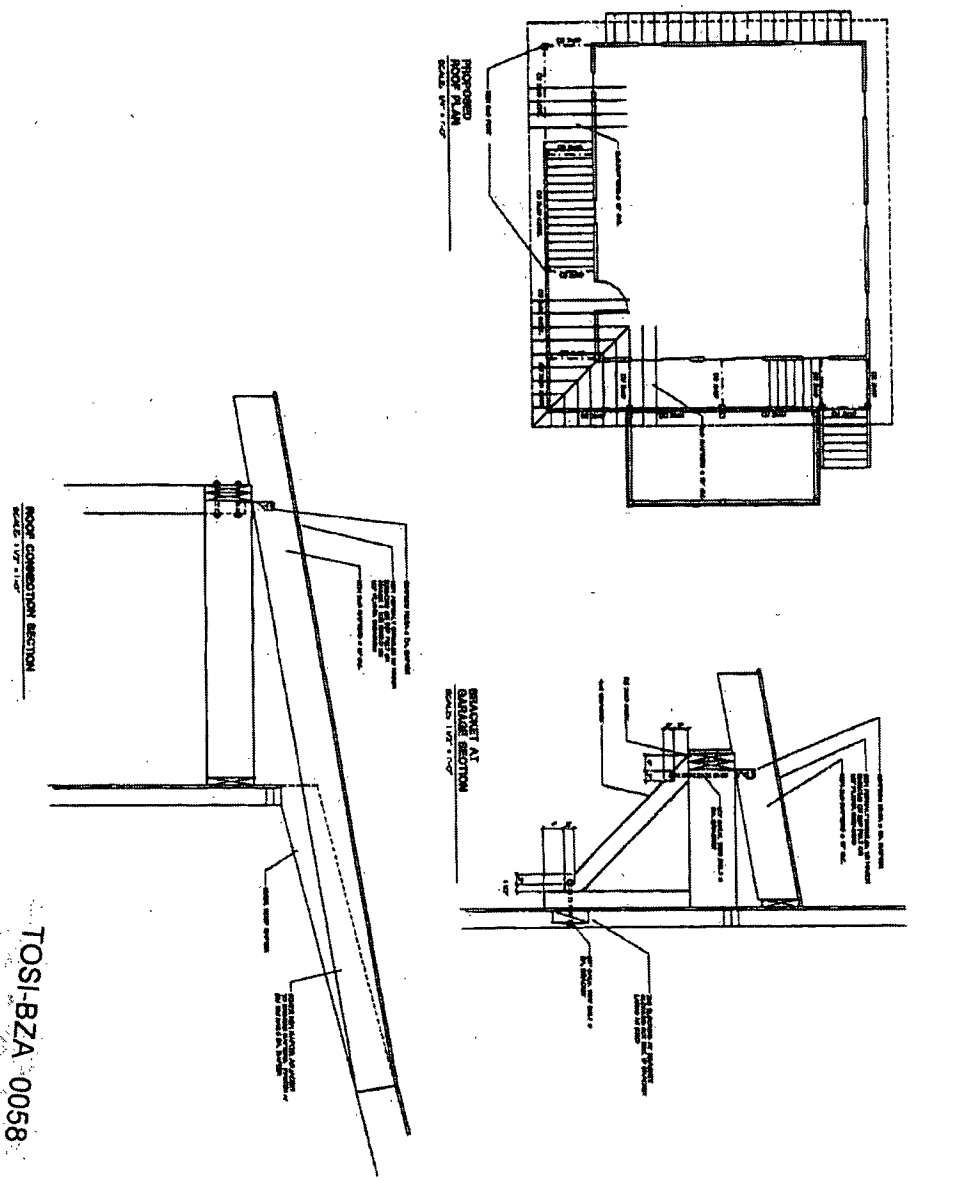
PROPOSED
REAR ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

TOSI-BZA 0056

TOSI-BZA 0057



BOEHM RES. ADDTION
2720 GOLDBUG AVE.
SULLIVAN'S ISLAND, SOUTH CAROLINA
PLANS, DETAILS

A3

TOSI-BZA 0058

Town of Sullivan's Island
NOTICE OF APPEAL-FORM 1
BOARD OF ZONING APPEALS

Date Filed: _____ Permit Application No. _____ Appeal No.

This form must be completed on a hearing on appeal from action of a zoning official, application for a variance, or application for special exception. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent.
An accurate, legible plot plan showing property dimensions and locations of structures and improvements must be attached to an application for variance or special exception.

THE APPLICANT HEREBY APPEALS [indicate one]:

- ____ From action of a zoning official as stated on attached Form 2
- ____ For a variance as stated on attached Form 3
- ____ For a special exception as stated on attached Form 4

APPLICANT [print] PAUL BOEHM

MAILING ADDRESS: 3209 MIDDLE ST, S.I., S.C. 29482

Telephone 810 0571 [work] 883 3791 [home]

Interest: _____ Owner(s): _____ Adjacent Owner(s) Other: _____

[Use reverse side if more space is needed]

PROPERTY ADDRESS: 2720 B Goldbug

Lot _____ Block _____ Subdivision _____

Tax Map No. 529 07 00 083 Plat Book _____ Page _____

Lot Dimesions: _____ Area: _____

DESIGNATION OF AGENT [complete only if owner is not applicant]: I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date: _____

_____
Owner Signature(s)

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

Date: 2/14/14

Paul Boehm

Applicant Signature(s)

TOSI-BZA 0059

TOWN OF SULLIVAN'S ISLAND

Appeal from Action of Zoning Official – Form 2

Board of Zoning Appeals

Date Filed ____ Permit Application No. _____ Appeal No. _____

1. Applicant hereby appeals to the Board of Zoning Appeals from the action of the Zoning Official affecting the property described in the Notice of Appeal [Form 1] on the grounds that:

___ granting ___ denial of an application for a permit to _____ was erroneous and contrary to provisions of the zoning ordinance in Section: or other action or decision of the Zoning Official was erroneous as follows:

SEE ATTACHED SHEETS

2. Applicant is aggrieved by the action or decision in that:

SEE ATTACHED SHEETS

3. Applicant contends that the correct interpretation of the zoning ordinance as applied to the property is :

SEE ATTACHED SHEETS

4. Applicant requests the following relief:

SEE ATTACHED SHEETS

Date: 2/14/14

Paul Boehm
Applicant's Signature

TOSI-BZA 0060

COUNTY OF CHARLESTON	)	
	)	BEFORE THE SULLIVAN'S ISLAND
STATE OF SOUTH CAROLINA	)	BOARD OF ZONING APPEALS
In re:	)	
	)	
2720B Goldbug Ave.	)	
	)	
Owner: Paul and Judith Boehm	)	
	)	

NOTICE OF APPEAL FROM DECISION OF ZONING ADMINISTRATOR

Paul and Judith Boehm, owners of the property located at 2720B Goldbug Avenue on Sullivan's Island hereby appeal certain decisions of the Zoning Administrator relative to this property and the dwelling located thereon.

FACTS

On November 20, 1989, the Town of Sullivan's Island gave John L. Truesdell, the owner of 2720 Goldbug Avenue, a Certificate of Occupancy for an "apartment above garage." See Exhibit A. On November 20, 1991, the Town of Sullivan's Island conducted an inspection and approved the "use of apartment over garage" at 2720 Goldbug Avenue. See Exhibit B attached hereto. As Mr. Frank Timko, the Building Official in 1989, has recently written to the Town, "Both David Cantey [zoning officer] and I determined that the property at 2720 Goldbug prior to [Hurricane Hugo] had 2 habitable dwelling structures." One of those structures was the principal dwelling, and the other was the "garage apartment." See Exhibit C attached hereto. The structure in question contains a dwelling with two bedrooms, a kitchen and a great room over a storage room on the ground floor. The dwelling is served by a separate electric meter and is not used as an accessory to the main building. The room on the ground is not heated and is used as storage for the dwelling located above it.

TOSI-BZA 0061

Paul Boehm bought the property in 2001 after confirming with the then Zoning Administrator, Kent Prause, that there were two dwelling structures located at 2720 Goldbug Avenue. Mr. Boehm would not have purchased the property without the assurance of Mr. Prause that the two structures were principal buildings under the then Zoning Ordinance. Shortly after buying the property in 2001, Mr. Boehm asked Mr. Prause if he could add a deck onto the secondary principal building, and Mr. Prause told him, that, because that secondary principal building was the non-conforming principal building, he could not add a deck. However, Mr. Prause told Mr. Boehm that he could erect, as an accessory structure, a "slat house" or a structure with a roof, adjacent to the smaller dwelling so that the roof could act as a deck, and Mr. Boehm did that. The inhabitants of 2720 B Goldbug have used that roof as a deck ever since. Several years ago, Mr. Boehm put some planters and benches on the slat house roof to enhance the safety of it. The roof is structurally sound to hold those items as well as people.

On August 13, 2009, Paul Boehm, the owner then and now, submitted a variance request to the Board of Zoning Appeals to connect the "slat house to other deck and house at 2720 Goldbug 'B'." Randy Robinson, the Zoning Administrator, denied the request, because Sec. 21-150(B) and (F)(3) "clearly state that a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects." Sec. 21-150(F)(3) applies when there are "Two or more Principal Buildings on one lot." Mr. Boehm appealed that decision to the Board of Zoning Appeals, which agreed with Mr. Robinson and denied the appeal. See Order attached as Exhibit D hereto.

Early in 2013, Mr. Boehm asked Mr. Robinson if he could raise the roof by two feet (2') in building B, the smaller dwelling structure, at 2720 Goldbug, and Mr. Robinson told him that was allowed by the Zoning Ordinance, because Building B was a nonconforming dwelling under

TOSI-BZA 0062

the ordinance. By the time Mr. Boehm had plans drawn up for the raising of the roof, Mr. Robinson was no longer the Zoning Officer, having been replaced by Joe Henderson. Mr. Henderson denied Mr. Boehm's request for a building permit stating that Building B was a nonconforming garage, because of its exceeding the height requirements for garages and, therefore, could not be raised as that would increase the nonconformity.

Mr. Boehm did receive permission in 2013 to extend the roof of 2720 B to cover the walkways around the structure. He began doing that and received a Stop Work Order, because the piers for the roof were outside of the structure's footprint. In addition, Mr. Henderson has cited the Owner for having furniture on the roof of the slat house and for not having a railing between the walkway for the structure and the roof of the slat house.

The Owners are appealing the three decisions of Mr Henderson as being in error under the Zoning Ordinance, as follows:

1. The Zoning Administrator's determination that the roof on the structure located on 2720B Goldbug Avenue may not be raised in accordance with the Zoning Ordinance, because it is a "garage" and not a principal building under the Sullivan's Island Zoning Ordinance, and, even if it is a principal building, the owners may not raise the roof of the structure, because it will "expand" the nonconforming use.

2. The Zoning Administrator's determination that the piers supporting the roof over the walkways and staircase of 2720B have to be within the existing footprint and not to the side of the structure, because that is an expansion of a nonconforming use of an accessory structure.

3. The Zoning Administrator's determination that the Owners are not allowed to have "furniture" on the roof of the accessory structure slat house.

LEGAL ARGUMENT

I. THE ROOF ON THE STRUCTURE MAY BE RAISED UNDER THE SULLIVANS'S ISLAND ZONING ORDINANCE.

A. THE STRUCTURE LOCATED AT 2720 B GOLDBUG IS NOT A "GARAGE" AND, INSTEAD, IS A NONCONFORMING SECOND PRINCIPAL BUILDING UNDER THE ZONING ORDINANCE

The Sullivan's Island Zoning Ordinance, Sec. 21-203, defines a "garage" as "an accessory building or ***portion of a Principal Building*** used ***only*** for the private storage of motor vehicles, campers, boats, boat trailers and lawn mowers, as an accessory use." [Emphasis added.] An "accessory use or structure" is defined as "a use or structure subordinate to the Principal Building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot." 2720 B Goldbug is not a "garage" or an "accessory use or structure" as defined by the Zoning Ordinance. Its primary use is as a dwelling. The "garage" portion is located on the ground floor . The structure is not "used ***only*** for the private storage of motor vehicles..." It is not a "structure subordinate to the Principal Building ... and used for purposes customarily incidental to the main or principal use..." The B Building is not even used as a garage, because motor vehicles, etc., are not stored in it, and it is not used in any way by the A Building on the lot. Instead, it is a separate dwelling, which the ordinance defines in Sec. 21-203 as "a building or portion of a building arranged or designed to provide living quarters for a single family, with no structural features impeding free access throughout the entire structure by all members of the family." The Ordinance further defines a "Principal Building" in Sec. 21-203 as "a building in which the principal use of the lot is conducted." The "Principal Use", which the Ordinance defines in Sec. 21-203 as "[t]he specific, primary purpose for which land or a building is used," of 2720 Goldbug is residential. Therefore, 2720 Goldbug has two Principal Buildings, rather than a Principal Building and an accessory use as determined

TOSI-BZA 0064

by the Zoning Administrator. This accords with the information obtained from the forming Zoning Administrator prior to the Owners' purchase of the property, as well as the Order of the Board of Zoning Appeals, dated in September of 2009, in which the then Building Official and the Board of Zoning Appeals designated the structure located at 2720 B Goldbug as a "house" and as a nonconforming use under Section 21-150(F)(3), entitled "Two or more Principal Buildings on one lot."

The Zoning Administrator takes the position that the original Certificate of Occupancy from 1989 and 1991 stated that the structure was a "garage" when it actually stated that it was an "apartment over garage" and that there was no Certificate of Occupancy in which the Zoning Administrator had designated the two buildings as conforming and non-conforming Principal Buildings in accordance with Sec. 21-150(F(2), so the B building cannot be a principal building. This position is clearly erroneous under the terms of the Zoning Ordinance and the fact that a previous official of the Town did not comply with this ordinance cannot prejudice the current Owners.

In addition, the Town of Sullivan's Island is estopped from taking a position that is contrary to the position taken by Kent Prause at the time that the Owners were contemplating the purchase of the property and upon which they relied in making the purchase. This position was also adopted in 2009 when a variance request was made to, and denied by, the Board of Zoning Appeals. See *Abbeville Arms v. City of Abbeville*, 273 S.C. 491, 257 S.e.2d 716 (1979) (city was estopped from denying building permit on basis of a corrected zoning to medium density residential after discovering that official zoning map had been made up defectively).

The Board of Zoning Appeals should reverse the decision that the structure located at 2720 B Goldbug is a "garage" and subject to the height restrictions of a garage.

TOSI-BZA 0065

B. RAISING THE ROOF WITHIN A BUILDING'S HEIGHT RESTRICTIONS IS NOT AN EXPANSION OF A NONCONFORMING USE.

As a noncomforming use, Principal Building B is governed by Article XVI "Noncomformities." As stated in Sec. 21-149, the intent of the sections of the Zoning Ordinance regarding noncomformities is to "recognize the interests of landowners in continuing to use their property; promote reuse and rehabilitation of existing buildings; and place reasonable limits on the expansion and alteration of noncomformities that have the potential to adversely affect surrounding properties or the Town as a whole." The Owners desire to continue to use the dwelling located at 2720 B Goldbug, and, to do that, they want to rehabilitate the structure by improving the dwelling by raising the roof two (2') feet. Raising the roof on this structure will not adversely affect surrounding properties or the Town as a whole.

Sec. 21-150 (F) applies to 2720 Goldbug, because it has "two or more principal buildings on one lot." A request to improve the non-conforming structure, which is defined as any structure other than "the Principal Building with the greatest livable square footage," which, in our case, is Building B, "shall be regulated in accordance with Subsections A-E [of Sec. 21-150]." The only one of these subsections that concerns improvements to the non-conforming structure is Subsection B, which states that "a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects.." "Nonconforming Use" is defined as "[a] land use that was legally established but that is no longer allowed by the use regulations of the Zoning District in which it is located." The only nonconforming aspect of 2720 Goldbug is that there are two principal buildings. Raising the roof of the second Principal Building by 2 feet will not expand the use, which will still be a second dwelling on the property. Mr. Henderson has previously acknowledged that, if Building B is not an accessory structure that is taller than the height restriction, then Mr. Boehm has the right to raise his roof. See Email from Henderson

TOSI-BZA 0066

attached as Exhibit E. Also, see Sec. 21-151(B), which states: "Structural alterations, including enlargements, are permitted if the structural alteration does not increase the extent of noncomformity." Indeed, the argument could even be made that the Owners have the right to increase the footprint of Building B so long as that expansion does not increase the extent of noncomformity – e.g., by exceeding the height restriction for a dwelling; by going over a setback line; or by exceeding the maximum square footage allocated for the lot.

The Zoning Ordinance clearly allows the Owners to raise the roof of this second Principal Building, and the Town of Sullivans Island has routinely allowed second Principal Buildings to be raised over the years.

The determination of the Zoning Administrator that the Owners of 2720 B Goldbug are prohibited from raising the roof of the second Principal Building is clearly erroneous, and the decision of the Zoning Administrator must be reversed to allow the Owners to raise the roof as requested.

II. THE ZONING ORDINANCE DOES NOT PROHIBIT THE OWNERS FROM INSTALLING FURNITURE OR A HANDRAIL ON THE ROOF OF A SLAT HOUSE.

Article XV of the Zoning Ordinance governs "accessory uses and structures" on Sullivan's Island. The current Zoning Ordinance does not mention a "slat house." However, the prior ordinance that was in effect in 2001 listed a "slat house" as an "accessory use/structure." In the current version of the ordinance, it does lists types of accessory structures, including a "cabana, garage, gazebo ... and any other structure having a roof." Sec. 21-138(B).

Sec. 21-138(A) sets forth the requirements for accessory structures. The slat house with the furniture or a handrail on its roof meets every requirement. The Zoning Administrator has no

TOSI-BZA 0067

basis for ordering the Owners to remove the furniture located on the roof of 2720 B or from prohibiting the installation of a handrail.

The Board of Zoning Appeals must reverse the decision of the Zoning Administrator with regard to the Owners' ability to use the roof of the slat house as a deck for the adjoining dwelling.

III. THE ROOF PIERS THAT ARE LOCATED A FEW INCHES OUTSIDE OF THE FOOTPRINT OF BUILDING B ARE NOT AN EXPANSION OF THE NONCONFORMING USE AND ARE NOT PROHIBITED BY THE ZONING ORDINANCE.

The Owners received permission to build a roof structure over the existing staircase and walkways around 2720 B Goldbug. When reviewing the work, the Town issued a stop work order, because the roof piers were 5 ½ inches outside of the existing footprint.

Improvements to the "nonconforming structure" when there are two principal buildings on a lot are governed by Sec. 21-150 (A) – (E). See Sec. 21-150 (F)(3). The only prohibition with regard to improving a non-conforming structure is that it "shall not be expanded except to eliminate or reduce the nonconforming aspects." As discussed above, the nonconforming aspect is that this is a second dwelling on a single lot. There is no expansion of the heated square feet or of the footprint. In order to build the roof, the piers must be placed adjacent to the existing staircase and walkways, so they have to extend outside of the original footprint although only 5 ½ inches.

There has been no expansion of the nonconforming aspects, so the decision of the Zoning Administrator must be reversed. In the alternative, the Owners are entitled to a variance should the Board determine that this *de minimis* extension outside of the footprint amounts to an expansion of the nonconforming use. In any event, the Stop Work Order should be removed, and the Owners should be allowed to finish their work.

TOSI-BZA 0068

EXHIBIT A

Certificate of Occupancy

Department of Building Inspection

This Certificate issued pursuant to the requirements of the Standard Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the Jurisdiction regulating building construction or use. For the following:

Use Classification APARTMENT ABOVE GARAGE Bldg. Permit No. N/A

Group N/A Type Construction WF Fire District SULLIVAN'S ISLAND

Owner of Building JOHN LEO TRUESDELL Address 2720 GOLDBUG AVE

Building Address 2720 GOLDBUG AVE Locality SULLIVAN'S ISLAND, S.C

Frank C. Jimeno
Building Official

By: David Conley 11/20/89

Date: Frank C. Jimeno 11/20/89

POST IN A CONSPICUOUS PLACE

D-1—Rev. 11-85

EXHIBIT B

SULLIVAN'S ISLAND
INSPECTION DEPARTMENT
883-3198

TYPE OF INSPECTION REQUESTED APARTMENT OVER GARAGE

DATE 11/20/91 TIME

ADDRESS 2720 GOLDBUG

LOT BLOCK

BUILDING PERMIT #

PLUMBING PERMIT #

ELECTRICAL PERMIT #

MECHANICAL PERMIT #

INSULATION

APPROVED X

REJECTED

REMARKS Use & Maintenance Inspection

SIGNED David Conley DATE 11/20/91

TOSI-BZA 0069

EXHIBIT C

Town of Sullivan's Island

P.O. Box 427

Sullivan's Island, S.C. 29482

Attn: Mr. Joseph Henderson

Zoning Officer

Nov. 1, 2013

Re: 2720 Goldbug Ave.

Sullivan's Island, S.C.

Dear Mr. Henderson:

I am forwarding a response to a request by Mr. Paul Boehm. This is regarding the property located at 2720 Goldbug Avenue.

Prior to Hurricane Hugo I was the part-time Building Official on Sullivan's Island. Immediately after Hurricane Hugo I became the full-time Building Official. Please note for the record that when I became the part-time Building Official there were little to no records regarding Building Permits and Zoning Records on the properties on Sullivan's Island. After Hurricane Hugo what records existed were destroyed in the Hurricane when Town Hall was flooded.

For the record prior to the Hurricane I became deeply involved with updating property records and had worked very closely with the then Mayor Anderegg obtaining as much information as possible updating our files regarding the Island's properties.

I am now in charge of Construction of the new Post Exchange at Fort Meade in Maryland and I would have come into your office to directly

TOSI-BZA 0070

speak with you regarding this property but since I'm not in South Carolina I thought that I might write this letter instead.

Please note that it was of upmost importance after Hurricane Hugo that both the zoning officer and Building Official had to determine which properties had legal multiple dwellings as FEMA was investigating all non-conforming legal dwellings which were below the flood zones. This was especially important since they drastically increased the elevations on the island, just 2 weeks after the Hurricane. FEMA had forwarded new Flood Maps after Hurricane Hugo.

Both David Cantey and I determined that the property at 2720 Goldbug prior to the storm had 2 habitable dwelling structures. The main house, where Mr. John Leo Truesdell lived with his wife, was determined to be the conforming principle building. The garage apartment, which was occupied by Mr. Truesdell's son living independently, was determined to be the non-conforming principle building.

Without hesitation, I can unequivocally assure you that this is absolutely correct. With over 700 structures damaged due diligence was in order as FEMA representatives were constantly reviewing our Island.

Please note that I am including my cell phone number should you have any further questions.

Sincerely,

Frank C. Tomko

Cell: 843-408-5383

TOSI-BZA 0071

EXHIBIT D

Order on Appeal From Action of Zoning Official – Form 5

Board of Zoning Appeals

Town of Sullivan's Island

Dated Filed:_____ Permit Application No._____ Appeal No._____

The Board of Zoning Appeals held a public hearing on August 13, 2009 to consider Paul Boehm's appeal of Building Official's denial to permit connecting slat house to other deck and house at 2720 Goldbug "B".

After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

Jimmy Hiers recused himself from this application, as he lives directly next door, but he will comment as a citizen. Mr. Hiers also respectfully asked Brian Hellman to recuse himself, as he might also have a conflict of interest. Mr. Hellman responded while one of his clients is involved with Mr. Boehm, there is no financial interest. Chairwoman Paylor asked Building Official Randy Robinson to present. Mr. Robinson stated that Section 21-150 (F) (3) and 21-150 (B) clearly state that a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects. Chairwoman Paylor stated for the record that correspondence was received from Martine Hiers, 2714 Goldbug and Shay Molony, 2707 Goldbug, opposing the variance. Aussie Geer, 2702 Goldbug, was present and expressed concern that granting this variance would set a precedent. Jimmy Hiers, 2714 Goldbug, asked Chairwoman Paylor to read the letter sent to the Board from his wife, Martine Hiers, opposing the variance. Roy Williams, 2513 I'on Avenue, stated that the screen porch would not damage the neighborhood.

Attorney Bill Barr represented Mr. Boehm. Mr. Barr presented photographs to the Board, and stated the slat house was built in 2001. In Mr. Barr's opinion, there is an ambiguity between Sections 21-150 and 21-151. The terms "use" and "structure" are muddled in the ordinance. It is a non-conforming structure and should be governed under Section 21-151. Mr. Boehm is requesting a screen porch – to put a roof and screen on the current slat house, which is not a deck; it is actually a free-standing deck. Mr. Boehm stated that Section 21-149 (C) (3) states that the ordinance intends to place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the Town as a whole; therefore, he believes the variance should be granted.

Motion was made by Susan Middaugh, seconded by Betsy Richardson, that the Board affirms the decision of the Zoning Administrator, carried unanimously.

THE BOARD, THEREFORE, ORDERS that the administrative official's determination that a permit be denied to connect the slat house to the other deck and house be affirmed and the permit as proposed shall be **denied**.

TOSI-BZA 0072

Date issued: 9/10/09

Bach S. Smith III
Vice. Chairman

Date mailed to parties in interest: 9/21/09

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

Section 21-175 G.(2) of the Town of Sullivan's Island Zoning Code requires application for either a Certificate of Zoning Compliance or a Building Permit within one year from the date of authorization of special exception approval. If no such application is made, then such authorization shall be null and void.

TOSI-BZA 0073

From: Paul Boehm [mailto:paulboehm0@yahoo.com]
Sent: Tuesday, October 22, 2013 8:38 AM
To: Joe Henderson
Subject: 2720 Goldbug

EXHIBIT E

Joe, Thanks for meeting me today at Goldbug. I will forward the plans to raise the ceiling/roof and want to address the issues we discussed. This structure is not an accessory structure as defined in the current ordinances, but rather a secondary dwelling (see Sec 21-150 F). There are a number of these around the island, some historic, some not. They are considered non-conforming and legal and there are circumstances where they can be expanded. You have probably already run into this with historic structures where the living spaces are enlarged. Traditionally on the island, an expansion meant an increase of the footprint of a structure which included increasing heated square footage, or enlarging a deck. Whereas, elevating a non-conforming secondary dwelling to comply with flood laws was not an expansion. I can show you at least two of these that were done after Hugo and there will probably be more due to the new flood laws. If increasing the volume by elevating a structure is permissible, why wouldn't it be OK to raise the roof height? Additionally, if covering a walkway with a roof is permissible, why is not raising the already existing roof permissible? The structure at Goldbug is non-conforming because it is a secondary dwelling. There would be no expansion of its non-conformity by simply raising the roof.

Thank you,

TOSI-BZA 0074

Subject: RE: 2720 Goldbug

From: Joe Henderson (jhenderson@sullivansisland-sc.com)

To: paulboehm0@yahoo.com;

Date: Thursday, October 24, 2013 9:33 AM

Hi Paul,

Thanks again for meeting me this past Monday to give me a sense of what you're requesting at 2720 Goldbug Avenue.

First, I agree with your assessment that this structure is considered a legal but nonconforming use. I found the attached Certificate of Occupancy from 1989, which would allow the continuation of use for the "apartment above the garage" (as stated on the CO document). I would however, disagree with your assessment that this structure is not an accessory structure to the principal building. From what I understand of the history of this property, the original structure or principal building to this parcel is a traditional single-family detached home that is located to the right of the garage/ nonconforming unit. You confirmed during our conversation yesterday that the home predates the construction of the detached garage and unit, which you mentioned was built after Hurricane Hugo (inspection ticket from 1991 notes and inspection was conducted of the apartment conversion two years after CO for the garage).

In my view, the nonconforming unit over the garage does not pertain to Z.O. Section 21-150.F (*Two or more Principal Buildings on one lot*) because the unit is not considered a "Principal Building" but is instead a retrofitted space within an accessory structure (detached garage). The form and construction of the garage is also telling in its original use and function as an accessory use or structure to the principal building. The two vehicle doors in the front indicate that it is not a principal building but is instead intended for use as a garage. I've attached a John Wade survey from 1991 that reiterates this original use as a "garage w/ apt" and not a second principal building.

Because accessory structures are permitted a maximum height of 18 feet, the detached garage/unit is already exceeding the maximum height allowed (22-24 feet), and therefore would not allow your requested height increase of two feet. Section 21-150.B (Nonconforming Uses-Expansion) describes that a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects. You are proposing to raise the roof and expand its overall height. Further, Section 21-151.B (Nonconforming Structures-Structural Alterations) describes that structural alterations, including enlargements, are permitted if the structural alteration does not increase the degree of nonconformity. Raising the roof's overall height, well over the allowed 18' feet, is an increase in the extent of the nonconformity.

Please let me know if you have any questions about my decision regarding this matter.

TOSI-BZA 0075

From: Paul Boehm [mailto:paulboehm0@yahoo.com]
Sent: Thursday, October 24, 2013 10:43 AM
To: Joe Henderson
Subject: Re: 2720 Goldbug

I have to disagree with your conclusion. Sec 21-150 F pertains to two dwelling units on one lot and does not specify when either was built. You could easily have a small cottage built first, say in 1930, and then have another dwelling with a garage under it built in 1960. With two similar sized dwellings on a lot, it was up to the owner to decide which was the principal dwelling. Be that as it may, I will leave the roof raising alone for now.

Thank you,

From: Paul Boehm [mailto:paulboehm0@yahoo.com]
Sent: Thursday, October 24, 2013 3:32 PM
To: Joe Henderson
Subject: Re: 2720 Goldbug

Joe, I do have a question. You have stated that you are turning down my request to raise the roof based on the structure being an accessory structure. If it was considered a non-conforming Principal Building, would it then be OK to raise the roof?

Thank you,

TOSI-BZA 0076

Subject: RE: 2720 Goldbug

From: Joe Henderson (jhenderson@sullivansisland-sc.com)

To: paulboehm0@yahoo.com;

Date: Friday, October 25, 2013 11:02 AM

Paul,

If you were requesting to modify a non-conforming principal building you could make an expansion of the roof only in compliance with Section 21-151.B (Nonconforming Structures-Structural Alterations). This would allow you to raise the roof only if you did not exceed the height limitation for a principal building, which is 38 feet in RS zoning. Thus, the structural alterations would only be allowed for a nonconforming principal building, including enlargements, provided they don't increase the degree of nonconformity (say if you only were deemed nonconforming only by way of setback encroachment).

There are many properties that were deemed to have two principal buildings however, they are mostly historic single-family dwellings that were either allowed by special exception to construct a second home, or if the property was issued a C.O. in 1977 and was determined then to have two principal buildings (i.e. home with servants quarters, mother in-law suite that was converted prior to 1977).

All the documentation we have on file clearly indicates that this garage (accessory structure) was allowed to have an apartment in 1989. This act did not deem the garage as a second principal building.

F. Two or more Principal Buildings on one lot

In the event that two or more Principal Buildings occupy a single lot, said occupancy shall constitute a non-conforming use. One structure shall be designated conforming and the other(s) shall be non-conforming under the following procedure:

(1) If a request to improve the property is received, the Zoning Administrator shall designate the Principal Building with the greatest livable square footage, including porches, as a conforming use and the other Principal Buildings as non-conforming.

(2) The designation of conforming and non-conforming Principal Buildings shall be recorded on the Certificate of Occupancy that is on file in the Town Hall.

(3) A Building Permit for improvements to the designated conforming Principal Building may be considered favorably, provided all other requirements of the Town Ordinances are met. The non-conforming structure(s) shall be regulated in accordance with Subsections A – E.

TOSI-BZA 0077

Subject: accessory structures

From: Paul Boehm (paulboehm0@yahoo.com)

To: jhenderson@sullivansisland-sc.com; rrobinson@sullivansisland-sc.com; abenke@sullivansisland-sc.com;

Date: Friday, November 15, 2013 1:37 PM

Joe, I just read the code concerning accessory structures "garage" and there is no way my structure is one of those. My building is too large, too wide, too deep, too tall and has a separate electric meter, which garages were prohibited from having, and is connected to the sewer, which garages were prohibited from doing. You are misinterpreting the wording in the CO. You are assuming that the garage came first and the living quarters came second. That is incorrect. This is a two bedroom dwelling that was elevated above flood requirements in order to provide for parking and storage underneath just like every other non-conforming dwelling reconstructed after Hugo. Examples of this are at 956 Middle St, 1851 Flag St, 1857 Flag St, and 2805 Atlantic and there may be more. It's construction using trusses for the floor joists and trusses for the roof structure shows that it was intended to be living space from its conception. As to it being designated a non-conforming structure under 21-150F, you have Frank Timko's letter, Kent Prouse's email and Randy's testimony stating that my building is subject to 21-150F at the variance hearing in 2009 as the reason for turning down my request. It seems disingenuous to say that it is a garage now in order to refuse my request . If possible, I would like to meet with you and Randy and Andy Benke on Monday to see if we can resolve this issue.

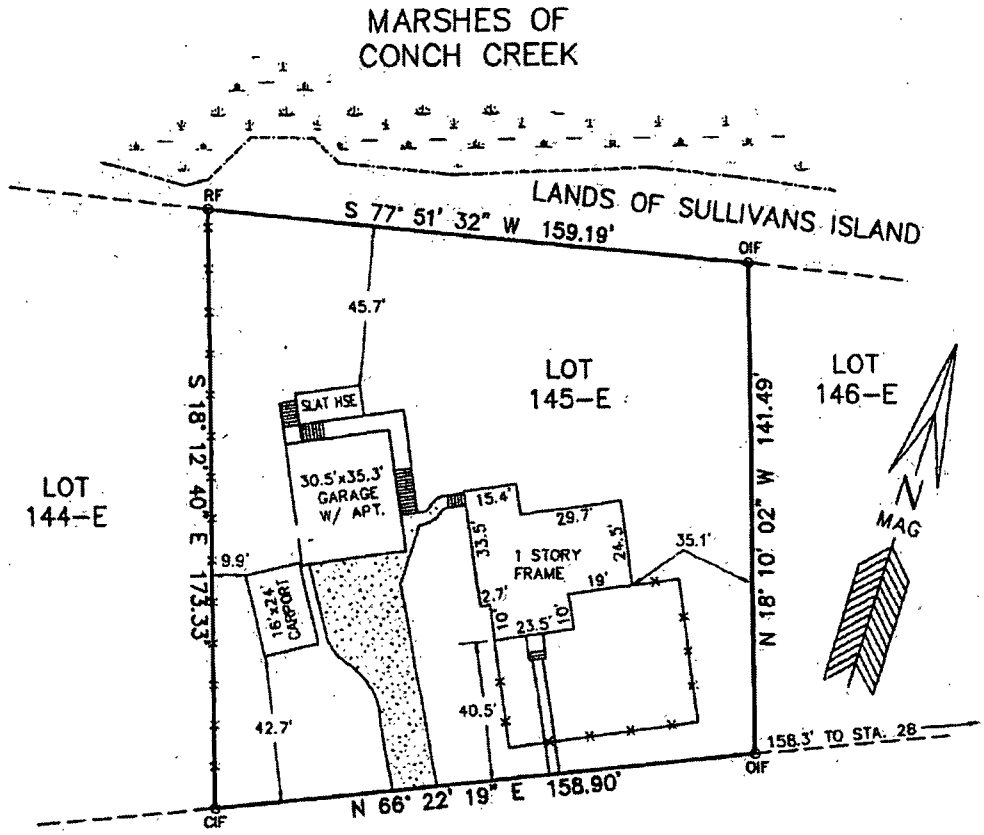
Thank you,

TOSI-BZA 0078

EXHIBIT F

THIS SURVEY IS BASED ON THE REFERENCES SHOWN AND IN NO WAY CONSTITUTES A TITLE SEARCH. THE BEARINGS SHOW

ANYTHING OUTSIDE THE PRESCRIBED BOUNDARIES IS SHOWN FOR DESCRIPTIVE PURPOSES ONLY



GOLDBUG AVENUE 40' R/W

2720 GOLDBUG AVENUE
ATLANTICVILLE
TOWN OF SULLIVANS ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA

TOSI-BZA 0079

NOTES
1) REFERENCE PLAT BOOK AE PAGE 127 & D=184
2) TMS # 529-07-00-002
3) PROPERTY OWNED BY: PAUL BOEHM

DATE: MAY 15, 2001
SCALE: 1" = 40'

40 0 40

LEGEND
OIF 1"OPEN IRON FOUND
CIF 1"CRIMPED IRON FOUND
RF #5 REBAR FOUND
X 6' CHAIN LINK FENCE

SUBJECT PROPERTY LOCATED IN FLOOD ZONE AE ELEV 13' FIRM PANEL 455418-0001-D DATED MARCH 18, 1991

JOHN E. WADE JR., RLS
POST OFFICE BOX 686
ISLE OF PALMS
SOUTH CAROLINA, 29451
(843) 886-6262

FILE #060-01

SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR REG. NO. 13171 JOHN E. WADE JR.

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

JOHN E. WADE JR., R.L.S.
SOUTH CAROLINA REG. NO. 13171

MICHAEL PERKIS
MAYOR

TOWN COUNCIL
JERRY KAYNARD, MAYOR PRO TEM
CHAUNCEY CLARK
HARTLEY COOPER
SUSAN MIDDAUGH
PATRICK O'NEIL
MARY JANE WATSON

TOWN OF SULLIVAN'S ISLAND

BUILDING DEPARTMENT

ANDY BENKE
TOWN ADMINISTRATOR

JASON BLANTON
COMPTROLLER

LAWRENCE A. DODDS
TOWN ATTORNEY

GREG GRESS
WATER AND SEWER MANAGER

JOE HENDERSON
ZONING ADMINISTRATOR

DANIEL S. HOWARD
CHIEF OF POLICE

ELLEN MILLER
TOWN CLERK

RANDY ROBINSON
BUILDING OFFICIAL

M. ANTHONY STITH
FIRE CHIEF

April 21, 2014

Paul Boehm
3209 Middle Street
Sullivan's Island, SC 29482

Re: Board of Zoning Appeals Affirmation of Staff Stop Work Order and Code Violations at 2720-B Goldbug Avenue, Sullivan's Island, SC 29582

Dear Mr. Boehm,

On March 13, 2014, the Sullivan's Island Board of Zoning Appeals heard your administrative appeal of several staff issued zoning and building code violations; a staff issued "Stop Work Order"; and several staff issued decisions relating to the expansion of the garage structure at 2720-B Goldbug Avenue (BZA Final Order attached). According to our records, Town staff has not received an inspection request of the below noted code violations (in violation of Z.O. Section 21-185):

- The existing deck and walkway, surrounding the garage's second story, must have a permanent handrail in place along the entire deck. Previously, a portion of this handrail was removed in order to use the roof of the "slat house" accessory structure as a deck;
- The support posts for the staircase and walkway overhang are currently outside the permitted area of construction. All posts must be removed and constructed as originally permitted on February 7, 2013;
- The "slat house" accessory structure must be a stand-alone structure and may not be used as a deck surface. The grill, planters, benches, and any other permanent or movable objects must be removed from the roof of the "slat house" accessory structure within fifteen (15) days of the receipt of this letter.

Please be advised that any person violating any provision of the Town's Zoning Ordinance shall be guilty of a misdemeanor offense, and each day such violation continues shall constitute a separate offence. Should you continue to violate the Zoning Ordinance, and any other applicable Building Code, a Uniform Ordinance Summons will be issued to you. Please feel free to contact me should need to discuss this issue further.

Sincerely,

Joe Henderson, AICP, CFM, ISA
Zoning Administrator

Cc: Randy Robinson, Building Official
File

Enclosures: ***Zoning Ordinance*** Section 21-185: Certificate of Zoning Compliance Required
Zoning Ordinance Section 21-192: Penalties for Violation
Board of Zoning Appeals Final Order: March 13, 2014

TOSI-BZA 0080

P.O. BOX 427 • SULLIVAN'S ISLAND, SC 29482
(843) 883-3198 • FAX (843) 883-3009 • WWW.SULLIVANSISLAND-SC.COM

COPY

Appeal Zoning Administrator
Board of Zoning Appeals
Town of Sullivan's Island

Dated Filed:_____ Permit Application No._____ Appeal No._____

The Board of Zoning Appeals held a public hearing on March 13, 2014 to hear the following request: Paul Boehm, applicant and property owner, is appealing Zoning Administrator's decision to deny the following building permit requests for existing nonconforming garage (structure) at 2720-B Goldbug Avenue:

1. Increase of roof height: request made to raise the roof by two feet, violating Sec. 21-150 and Sec. 21-151.

2. Expansion of a deck area: Violations were issued for the following (violating Sec. 21-150 and Sec. 21-151):

- **The construction of benches and planters on top of the slat house.**
- **Removal of a handrail required for elevated walkway.**
- **Establishment of a permanent connection of the slat house to the rear deck when previous permits required the slat house remain free standing.**

3. Building footprint expansion:(violating Sec. 21-150 and Sec. 21-151). Staff issued approval of permits to extend a roof over the steps and rear walkway. The contractors went outside of this permitted area of construction effectively expanding the building footprint.

The attached Minutes as Reported by NCRA Registered Professional Reporter Ronda K. Blanton serve as an accurate representation of the public meeting held on March 13, 2014. As stated in said Minutes, motion was made by Board Member Bachman Smith, IV; seconded by Board Member Carlin Timmons, to deny the appeal to overturn the Zoning Administrator's decision, carried unanimously.

Date issued: 4-10-14 Elizabeth M Lizzo
Chairman

Date mailed to parties in interest: 4-11-14 Ellen Miller
Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

TOSI-BZA 0081

COPY

ARTICLE XIX. Administration and Enforcement.

Sec. 21-184. Administration officer; powers and duties.

A. Authority of zoning administer.

The Zoning Administrator shall be appointed by the Town Council and shall have the authority to administer and enforce the provisions of this Zoning Ordinance. In cases where the Zoning Administrator is not available, the Building Official shall be authorized to sign on behalf of the Zoning Administrator.

B. Powers of zoning administrator.

The Zoning Administrator shall have the power to

(1) Review, approve, approve with conditions, or deny any application for a Certificate of Zoning Compliance for

(a) Permitted uses or conditional uses that do not involve exterior construction; and,

(b) Construction that does not require a Building Permit or expand or enlarge the interior living space.

(2) Process applications to the Design Review Board for Certificates of Zoning Compliance and upon approval, issue the certificates;

(3) Process applications to the Design Review Board for Certificates of Appropriateness (HP Historic Overlay District) and upon approval, issue the certificates;

(4) Process applications or appeals to the Board of Zoning Appeals for Special Exceptions, Variances and administrative appeals;

(5) Process applications to the Tree Commission for Category I trees and issue permits or denials at the direction of the Tree Commission;

(6) Review and approve or deny all Category II tree and palmetto permit applications;

(7) Review and approve or deny Certificates of Zoning Compliance for permitted Vacation Rentals;

(8) Review and approve or deny Certificates of Zoning Compliance for signs, parking and other accessory structures and uses as provided for in ARTICLE XV; and,

(9) Review and approve or deny, in collaboration with the Building Official, Certificates of Occupancy; and,

(10) Interpret and enforce the provisions of the Zoning Ordinance.

Sec. 21-185. Certificate of zoning compliance required.

A. No building, sign or other structure shall be erected, moved, added to, or structurally altered without obtaining a Certificate of Zoning Compliance issued by the Zoning Administrator. The Certificate of Zoning Compliance confirms that the improvement is in conformity with the Zoning Ordinance.

B. Any structure being occupied by a new use or business shall first obtain a Certificate of Zoning Compliance that confirms the use is in conformity with the Zoning Ordinance.

Sec. 21-186. Application and procedures for certificate of zoning compliance.

A. Applications.

All applications for a Certificate of Zoning Compliance (and Building Permit) shall be accompanied by plans in triplicate, drawn to scale showing the following:

(1) With graphic and written scale indicated

(2) Surveyed dimensions and shape of the lot to be built upon;

(3) Existing buildings' square footage, lot coverage, setbacks, elevations and locations and indication of which buildings are to be retained;

(4) Existing location of Category I and II trees and palmettos on site plans with existing buildings and plans showing improvements;

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COPY

A. The applicant may appeal a determination based upon an interpretation of the Design Standards to the Design Review Board. The Design Review Board shall have final authority to interpret and apply the Design Standards.

B. The applicant may appeal a determination based upon an interpretation of the Zoning Standards to the Board of Zoning Appeals. The Board of Zoning Appeals shall have final authority to interpret and apply the Zoning Standards.

C. In case of any conflict between a Zoning Standard and a Design Standard, or where it is unclear as to the determination being a Zoning or Design Standard, the Board of Zoning Appeals shall have final authority in such appeals.

Sec. 21-191. Complaints regarding violations.

A. The Town of Sullivan's Island shall provide for the enforcement of the Zoning Ordinance by means of the withholding of a Certificate of Zoning Compliance, a Building Permit or Certificate of Occupancy, or all. The Town may issue stop work orders against any entity not having a proper Certificate of Zoning Compliance or a Building Permit, or both. The Town may refuse to issue a Certificate of Occupancy or repeal the Certificate of Occupancy if it finds the building or structure is not fit for occupancy or is in violation of any of the Town's ordinances, or both.

B. It shall be unlawful to construct, reconstruct, alter, demolish, change the use of or occupy any land, building, or other structure without first obtaining the appropriate approvals. No permit may be issued or approved unless the requirements of this Zoning Ordinance or any ordinance adopted by the Town are complied with.

C. It shall be unlawful for other officials to issue any permit for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure without the approval of the Zoning Administrator and/or Building Official.

D. If the Zoning Administrator shall find that any of the provisions of this Zoning Ordinance are being violated, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuances of improper uses of land, buildings, or structures, removal of improper buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this Zoning Ordinance to ensure compliance with or to prevent violations of its provisions.

E. Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator or his/her designee. The compliant shall be immediately investigated and action taken as provided by this Zoning Ordinance.

F. In a case where a building, structure, or land is or is proposed to be used in violation of this Ordinance, the Zoning Administrator or other appropriate administrative officer, Town attorney, or other appropriate authority of the Town or an adjacent or neighboring property owner who would be specially damaged by the violation may in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land.

G. In a case where a building, structure, or land is or is proposed to be used in violation of this Ordinance, the Zoning Administrator or other designated administrative officer may in addition to other remedies issue and serve upon a person pursuing the activity or activities a stop order requiring that entity stop all activities in violation of the Zoning Ordinance.

Sec. 21-192. Penalties for violation.

Any person violating any provision of this Zoning Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined and/or imprisoned, as determined by the Municipal Court for each offense, in an amount of no more than $500.00 or imprisonment for 30 days or both. Each day such violation continues shall constitute a separate offense. In addition, the Court may order restitution in an amount not to exceed $5,000.00. In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the Order. In addition, the judge may set an appropriate payment schedule. A Municipal Judge may hold a party in contempt for failure to pay the restitution ordered if the judge finds the party has the ability to pay.

Nothing herein contained shall prevent the Zoning Administrator, or other appropriate administrator or officer, Town Attorney, or other appropriate authority of the Town or an adjacent or neighboring property owner who would

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be specifically damaged by the violation from pursuing any other remedy available as set out hereinabove or in accordance with the laws of the State of South Carolina.

Sec. 21-193. Reserved.

Sec. 21-194. Reserved.

Sec. 21-195. Reserved.

TOSI-BZA 0084

REC'D APR 24 2014

ROSEN | HAGOOD

Alice F. Paylor
apaylor@rrhlawfirm.com
(843) 266-8105

April 23, 2014

Town of Sullivan's Island
Board of Zoning Appeals
P. O. Box 427
Sullivan's Island, SC 29482

Town of Sullivan's Island
Post Office Box 427
Sullivan's Island, SC 29482

Re: Paul Boehm Town of Sullivan's Island Board of Zoning Appeals
and Town of Sullivan's Island
2014-CP-10-2623

Dear Sir or Madam:

Enclosed and hereby served upon you is a filed-stamped copy of Appellant's Notice of Appeal, Petition and Certificate of Service for the above-referenced matter.

Sincerely yours,

Alice F. Paylor

Alice F. Paylor

AFP/dlw
Enclosures

TOSI-BZA 0085

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)	CASE NO: 2014-CP-10-2623
PAUL BOEHM,)	
Appellant,)	
v.)	NOTICE OF APPEAL
)	PURSUANT TO S.C. CODE §6-29-820
TOWN OF SULLIVAN'S ISLAND)	
BOARD OF ZONING APPEALS)	
And TOWN OF SULLIVAN'S ISLAND,)	
Respondents.)	

FILED
2014 APR 22 PM 3:29
JULIE J. ARMSTRONG
CLERK OF COURT
BY

TO: RESPONDENTS ABOVE-NAMED

YOU WILL PLEASE TAKE NOTICE that Appellant, Paul Boehm, pursuant to S.C. Code Ann. § 6-29-820 hereby appeals the Final Order of the Town of Sullivan's Island Board of Zoning Appeals dated April 10, 2014, and mailed to Appellant on April 11, 2014.

ROSEN, ROSEN & HAGOOD, LLC

By: Alice F. Paylor

Alice F. Paylor
P.O. Box 893
Charleston, SC 29402
(843) 577-6726

ATTORNEYS FOR APPELLANT

Charleston, South Carolina
April 22, 2014

TOSI-BZA 0086

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS

PAUL BOEHM)
Plaintiff(s))

CIVIL ACTION COVERSHEET

vs.

2014-CP-10- 2623

Town of Sullivan's Island Board of Zoning Appeals and Town of Sullivan's Island)
Defendant(s))

Submitted By: Alice F. Paylor, Esquire
Address: 151 Meeting Street, Suite 400
Charleston, SC 29401

SC Bar #: 4380
Telephone #: 843-577-6726
Fax #: 843-724-8036
Other:
E-mail: apaylor@rrhlawfirm.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (*Check all that apply*)

***If Action is Judgment/Settlement do not complete*

☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (*Check One Box Below*)

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- Previous Notice of Intent Case # 20____-CP-____-_____
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299)

Torts – Personal Injury
- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Other (399)

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Inmate Petitions
- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Administrative Law/Relief
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture--Consent Order
- ☐ Other (899)

Judgments/Settlements
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Other (799)

Appeals
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☒ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Sexual Predator (510)

Submitting Party Signature: Alice F. Paylor **Date:**

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.

2. The initial ADR conference must be held within 300 days after the filing of the action.

3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)

4. Cases are exempt from ADR only upon the following grounds:

   a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;

   b. Requests for temporary relief;

   c. Appeals

   d. Post Conviction relief matters;

   e. Contempt of Court proceedings;

   f. Forfeiture proceedings brought by governmental entities;

   g. Mortgage foreclosures; and

   h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.

5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.

6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: **You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO: 2014-CP-10-2623
PAUL BOEHM,	)	
	)	
Appellant,	)	
	)	PETITION
v.	)	
	)	
TOWN OF SULLIVAN'S ISLAND BOARD OF ZONING APPEALS And TOWN OF SULLIVAN'S ISLAND,	)	
	)	
Respondents.	)	

FILED
2014 APR 22 PM 3:29
JULIE ... CLERK OF COURT
BY ____

For his appeal, Paul Boehm respectfully states:

1. This is an appeal from the Final Order of the Town of Sullivan's Island Board of Zoning Appeals ("BZA") dated April 10, 2014, and mailed on April 11, 2014. This appeal is brought pursuant to S.C. Code Ann. § 6-29-820 and is filed within 30 days after the Final Order was mailed to Appellant.

2. Appellant Paul Boehm is the owner of a residence (apartment over garage) located at 2720 B Goldbug Avenue, Town of Sullivan's Island, South Carolina.

3. Respondent Town of Sullivan's Island ("Town") is a municipal corporation which through its governing council has adopted zoning regulations.

4. Respondent BZA is established under the provisions of §21-172 *et seq.* of the Town's Zoning Ordinance and pursuant to S.C. Code Ann. §§ 6-29-790 *et seq.* Section 21-177 of the Town's Zoning Ordinance allows the owner of a property on Sullivan's Island to appeal to the BZA "an allegation that there is error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Zoning Ordinance".

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5. Appellant's residence was built in or around 1989. At that time, John L. Truesdell owned the property and received from the Town a Certificate of Occupancy, dated November 20, 1989, for an "apartment above garage." On November 20, 1991, the Town conducted an inspection and approved the "use of apartment over garage" at 2720 Goldbug Avenue. There was and is another structure containing a residence located on the lot. The Town's Zoning Ordinance only allows one residence per lot so that the second residence on any lot is a nonconforming structure.

6. The second structure, 2720B Goldbug, which is the subject of this appeal, contains a dwelling with two bedrooms, two bathrooms, a kitchen and a great room over a storage room/garage on the ground floor. The dwelling is served by a separate electric meter, and no part of the structure is used as an accessory structure to the other residence. The storage room/garage is not heated and is used as storage for the apartment/dwelling located above it.

7. In 2001, Appellant bought 2720 Goldbug Avenue, which included both structures, after confirming with the then Town's Zoning Administrator, Kent Prause, that there were two dwelling structures under the Town's Zoning Ordinance located on the property. After purchase, Appellant used a horizontal property regime to make two condominiums, so that the two structures could be sold separately. Appellant has continuously rented the apartment in Unit B and paid the required business license to the Town.

8. Shortly after the purchase of the property, the Appellant sought to add a deck onto the smaller structure, and the Zoning Administrator at the time told him that he could not add a deck but could build a "slat house" as an accessory structure to it and use the roof of the slat house as a deck. Appellant built a slat house adjacent to the rear walkway of the second

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structure, and the inhabitants of that structure have used that roof as a deck since 2001. Appellant has added furniture to the sides of the roof deck as a safety feature.

9. On August 13, 2009, Appellant submitted a variance request to the Board of Zoning Appeals to connect the "slat house to other deck and house at 2720 Goldbug 'B'." Randy Robinson, the Town Zoning Administrator at that time, denied the request, because the Town Zoning Ordinance, §§ 21-150(B) and (F)(3) "clearly state that a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects," and Mr. Boehm did not meet the requirements to obtain a variance. Sec. 21-150(F)(3) applies when there are "two or more Principal Buildings on one lot." Mr. Boehm appealed that decision to the BZA, which agreed with Mr. Robinson and denied the variance request.

10. Early in 2013, Appellant asked Mr. Robinson if he could raise the roof by two feet (2') in unit B, and Mr. Robinson told him that was allowed by the Zoning Ordinance, because unit B was a dwelling under the ordinance. By the time Mr. Boehm had plans drawn up for the elevation of the roof, Mr. Robinson was no longer the Zoning Officer, having been replaced by Joe Henderson. Mr. Henderson denied Appellant's request for a building permit stating that Building B was a nonconforming garage, because of its exceeding the height requirements for garages and, therefore, Appellant would not be allowed to raise the roof as that would increase the height restriction nonconformity.

11. Appellant did receive permission in 2013 to extend the existing roof of 2720 B to cover the walkways around the structure. He began doing the work, had the initial six piers approved, and subsequently the Town issued a Stop Work Order, because the piers for the roof were outside of the structure's "footprint." In addition, the Town cited Appellant for having

furniture on the roof of the slat house and for not having a railing between the walkway for the structure and the roof of the slat house.

12. Appellant appealed the three decisions of the Town Zoning Administrator to the BZA.

13. On March 13, 2014, the BZA heard Appellant's appeals and found that the second structure was a "garage" under the Town's Zoning Ordinance and verbally affirmed the Zoning Administrator's three decisions refusing to allow Appellant to improve his structure.

14. On April 10, 2014, the BZA issued its Final Decision, which contained no findings of facts or conclusions of law and merely stated that the transcript of the public hearing was accurate and that the motion "to deny the appeal to overturn the Zoning Administrator's decision carried unanimously." A copy is attached hereto as Exhibit A.

15. S.C.Code § 6-29-800(F) provides that "[a]]ll findings of fact and conclusions of law must be separately stated in final decisions or order of the board..." The BZA failed to comply with this code section.

16. The BZA's final decision denying Appellant's right to improve 2720B Goldbug Avenue violates the provisions of the Town's Zoning Ordinance.

17. The Final Decision, which incorporated the transcript of record of the BZA meeting, shows the following violations of the Town's Zoning Ordinance and State law:

a. In providing no findings of fact or conclusions of law for the BZA's denial of the application and thereby ignoring the requirements of S.C. Code Ann. § 6-29-800(F);

b. In failing to base its decision on the provisions of the Town's Zoning Ordinance and, instead, on their individual perceptions of the structure at issue;

c. In acting arbitrarily and capriciously in failing to apply the definitions contained in the Town's Zoning Ordinance, which defines "principal building," "principal use," "garage," "footprint," "dwelling," "accessory use or structure," and other terms, all of which definitions were ignored by the BZA in rendering its determination that 2720B Goldbug was not a "principal building" under the Zoning Ordinance and was, instead, a "garage," solely because the building looks like a garage and an advertisement for the sale of the structure called it a "secondary structure," which is not a term defined in the Zoning Ordinance;

d. In failing to find that 2720B, which contains a dwelling was a "principal building" which is defined as "a building in which the principal use of the lot is conducted, under the Zoning Ordinance;

e. In finding that 2720B, which contains a dwelling, was a "garage," which is defined in the Ordinance as "an accessory building or portion of a Principal Building used only for the private storage of motor vehicles, campers, boats, boat trailers and lawn mowers, as an accessory use;"

f. In relying on Zoning Ordinance Sec. 21-151 to deny Appellant' right to raise the roof, to extend the roof over the exterior walkways and steps of 2720 B, to replace steps that contained rotten wood with new wood and to

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find that Appellant could not place furniture or even railings around the roof of the slat house; and

g. In unreasonably exercising and flagrantly abusing its discretion.

18. The decision of the BZA is vague, unspecific, arbitrary and capricious and is without legal or factual support and therefore constitutes an abuse of discretion and is patently unlawful.

19. The BZA's decision was a reaction to public comments from a recused member of the BZA and the Zoning Administrator both of whom gave interpretations of the Zoning Ordinance that are contradicted by the relevant provisions of the Zoning Ordinance.

20. The BZA considered matters outside of the matters that should be considered by the BZA under the Zoning Ordinance and State law.

21. The BZA's decision directly contradicts the intent of the Zoning Ordinance, regarding noncomformities which is to "recognize the interests of landowners in continuing to use their property; promote reuse and rehabilitation of existing buildings; and place reasonable limits on the expansion and alteration of noncomformities that have the potential to adversely affect surrounding properties or the Town as a whole."

22. The Town is estopped from taking a position contrary to the position taken by its Zoning Administrator at the time that Appellant were considering the purchase of 2720 Goldbug and confirmed by the Zoning Administrator and the BZA when Appellant' variance request in 2009 was denied. See Abbeville Arms v. City of Abbeville, 273 S.C. 491, 257 S.E.2d 716 (1979).

23. The denial of Appellant's application should be set aside and this Court should remand the case to the BZA with the specific direction that it grant Appellant's application.

WHEREFORE, Appellant prays:

a. That the Clerk of Court shall provide immediate notice to the Secretary of the Town of Sullivan's Island to file with the Court within 30 days a duly certified copy of the proceedings before the BZA;

b. That the Court upon reviewing the proceedings find that the BZA violated, failed to follow, and acted outside, the provisions of the Zoning Ordinance and reverse the decision of the BZA and order appropriate building permits be granted to Appellant; and

c. That the Court award costs to Appellant.

ROSEN, ROSEN & HAGOOD, LLC

By: _____

Alice F. Paylor
P.O. Box 893
Charleston, SC 29402
(843) 577-6726

ATTORNEYS FOR APPELLANT

Charleston, South Carolina
April 22, 2014

TOSI-BZA 0095

EXHIBIT A

TOSI-BZA 0096

Appeal Zoning Administrator
Board of Zoning Appeals
Town of Sullivan's Island

Dated Filed:_____ Permit Application No._____ Appeal No._____

The Board of Zoning Appeals held a public hearing on March 13, 2014 to hear the following request: Paul Boehm, applicant and property owner, is appealing Zoning Administrator's decision to deny the following building permit requests for existing nonconforming garage (structure) at 2720-B Goldbug Avenue:

1. Increase of roof height: request made to raise the roof by two feet, violating Sec. 21-150 and Sec. 21-151.

2. Expansion of a deck area: Violations were issued for the following (violating Sec. 21-150 and Sec. 21-151):

- **The construction of benches and planters on top of the slat house.**
- **Removal of a handrail required for elevated walkway.**
- **Establishment of a permanent connection of the slat house to the rear deck when previous permits required the slat house remain free standing.**

3. Building footprint expansion:(violating Sec. 21-150 and Sec. 21-151). *Staff issued approval of permits to extend a roof over the steps and rear walkway.* The contractors went outside of this permitted area of construction effectively expanding the building footprint.

The attached Minutes as Reported by NCRA Registered Professional Reporter Ronda K. Blanton serve as an accurate representation of the public meeting held on March 13, 2014. As stated in said Minutes, motion was made by Board Member Bachman Smith, IV; seconded by Board Member Carlin Timmons, to deny the appeal to overturn the Zoning Administrator's decision, carried unanimously.

Date issued: 4-10-14 Elizabeth M. Lyon
Chairman

Date mailed to parties in interest: 4-11-14 Ellen Killer
Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

TOSI-BZA 0097

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	CASE NO: 2014-CP-10-2623
PAUL BOEHM,	)	
Appellant,	)	**CERTIFICATE OF SERVICE**
v.	)	
TOWN OF SULLIVAN'S ISLAND BOARD OF ZONING APPEALS and TOWN OF SULLIVAN'S ISLAND,	)	
Respondents.	)	

FILED
2014 APR 23 PM 2:16
JULIE J. ARMSTRONG
CLERK OF COURT
BY

The undersigned hereby certifies that on the 23rd day of April, 2014 a true and correct filed-stamped copy of Appellant's Notice of Appeal and Petition was placed in an envelope with first class postage prepaid and affixed thereto and mailed to all parties of record.

Town of Sullivan's Island
Board of Zoning Appeals
P. O. Box 427
Sullivan's Island, SC 29482

Town of Sullivan's Island
Post Office Box 427
Sullivan's Island, SC 29482

Deborah Wooten, Legal Assistant

TOSI-BZA 0098

(4)

TOWN OF SULLIVAN'S ISLAND

RESIDENTIAL PERMIT

PO BOX 427 SULLIVAN'S ISLAND, SC 29482
Phone: 843-883-3198 FAX: 843-883-3009 http://sullivansisland-sc.com/

DATE ISSUED: 02/13/2013

PERMIT #: 2013- 2510

		DISTRICT	TAX MAP PARCEL#
LOCATION	2720 GOLDBUG AVE		5290700002
	2720 GOLDBUG AVE	LOT CCC	ZONING DISTRICT
OWNER:	PAUL BOEHM		
CONTRACTOR:			TOTAL VALUATION $ 5,000

SUBCONTRACTOR ID/NAME	SUBCONTRACTOR TYPE

TYPE CONSTRUCTION: ALTERATION — OCCUPANCY GROUP: SINGLE FAMILY

FEE CODE	FEE
BUILDING - GENERAL/ISSUE FEE	24.00
BUILDING - GENERAL/BUILDING PERMIT FEE	82.50
BUILDING - GENERAL/PLAN REVIEW FEE	41.25

TOTAL PAID: 147.75 **PAID IN FULL** TOTAL AMOUNT: 147.75

REMARKS: SEE ATTACHED PAPERWORK

PERMIT IS NOT CONSIDERED ISSUED UNTIL PERMIT IS PAID IN FULL.

Approved as per notes on plans.
Roof over stairs + walk only.

BUILDING OFFICIAL — DATE 02/14/13

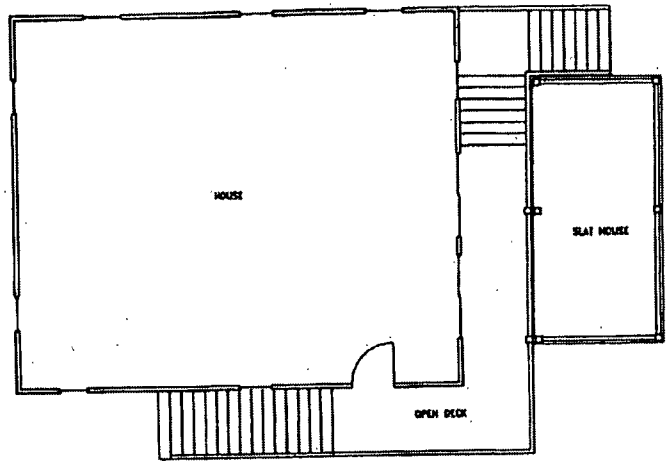
ZONING ADMINISTRATOR — DATE

CONTRACTOR/OWNER — DATE

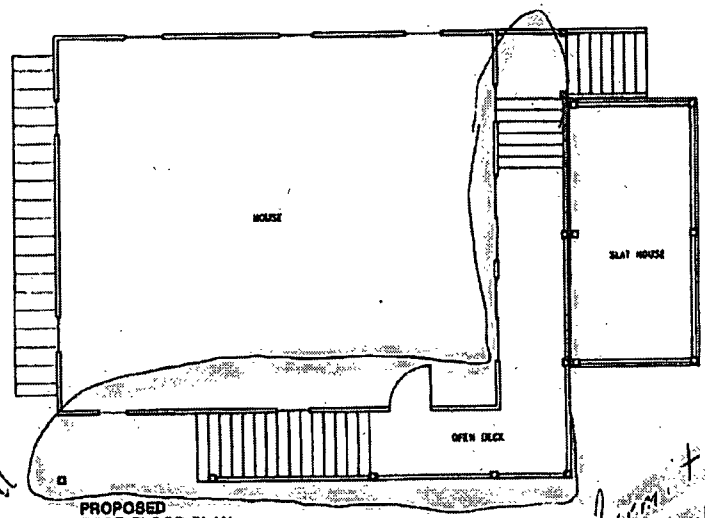
ISSUED BY — DATE 2/14/13

TOSI-BZA 0099

① Boehm plans to extend walkway cover. Issued 2-2013 APPROVED Feb 14th 2013 as noted per Comments



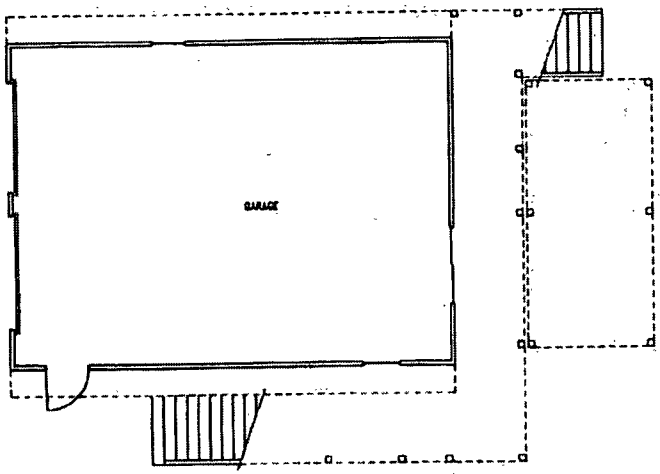
EXISTING
FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



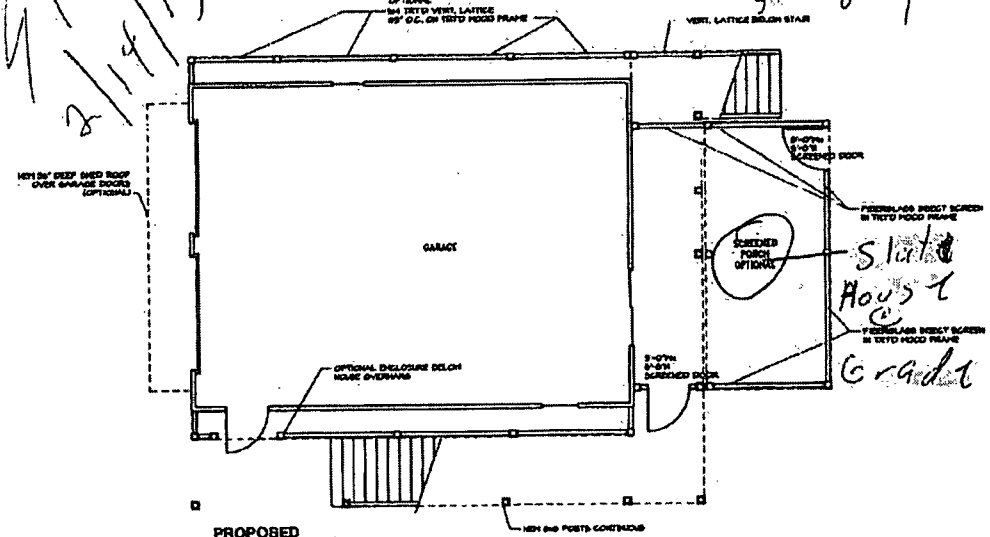
PROPOSED
FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

Remove + replace roof to match existing & walk to stairs only

2/14/13



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



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

REVISIONS
NO. DATE

BOEHM RES. ADDTION
2720 GOLDBUG AVE.
SULLIVAN'S ISLAND, SOUTH CAROLINA
FLOOR PLANS

COPYRIGHT 2012

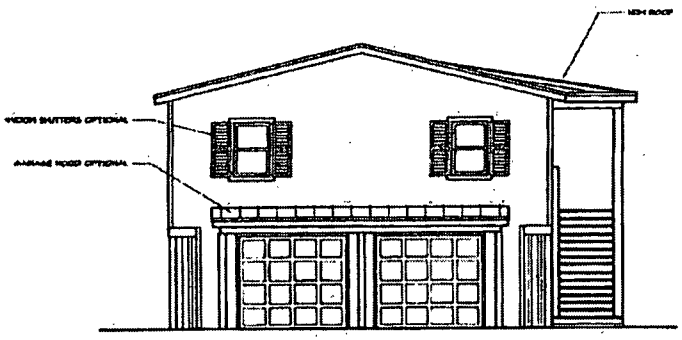
DATE: 2/7/13
PROJECT NO.:
DESIGN: RJD
DRAWN: RJD
CHECKED: RJD

A1

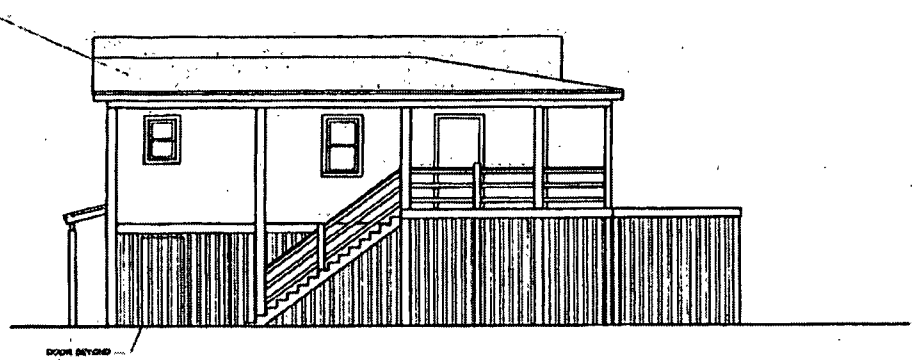
138

TOSI-BZA 0100

(2)



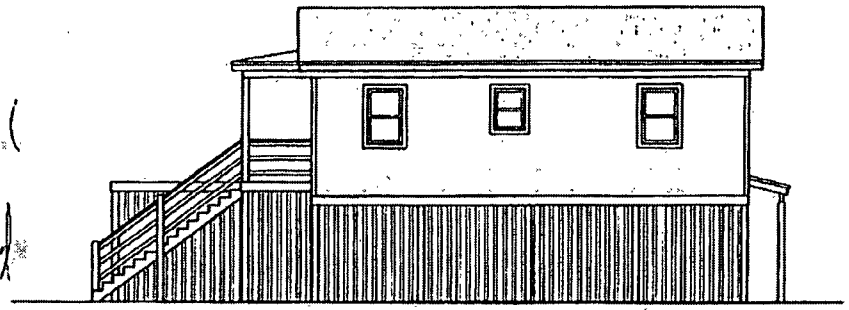
PROPOSED
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
REAR ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

Railing above slat heights not approved

TOSI-BZA 0101

REVISIONS

NO.	DATE

S. Bynum ARCHITECTURE
3418 Rivers Commons Blvd.
Mt. Pleasant, SC 29464
(843) 856-8355

BOEHM RES. ADDITION
2720 GOLDBUG AVE.
SULLIVAN'S ISLAND, SOUTH CAROLINA
PROPOSED ELEVATIONS

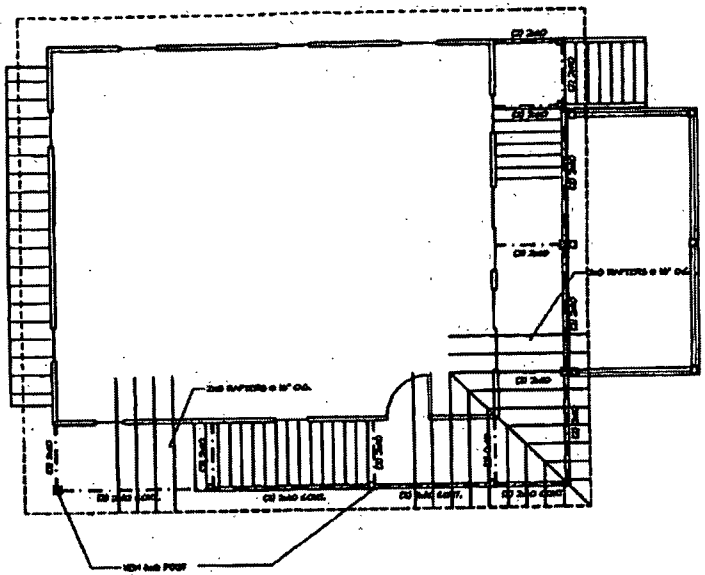
COPYRIGHT 2013

DATE:
2/7/13
PROJECT NO.:

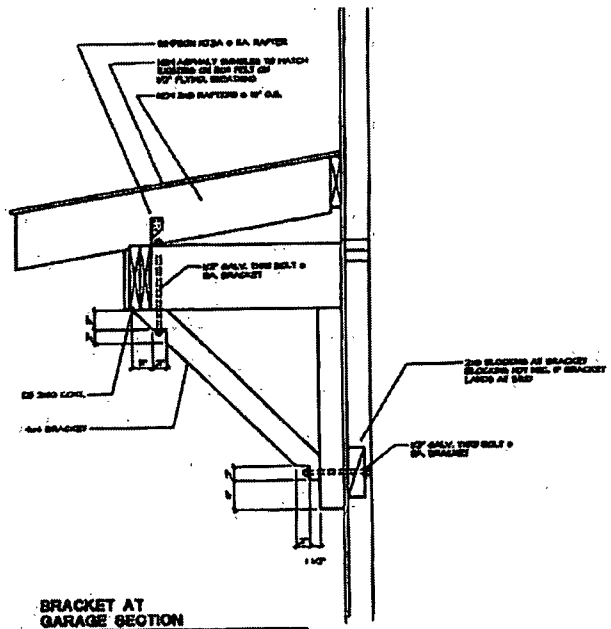
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CHECKED: SJB

A2

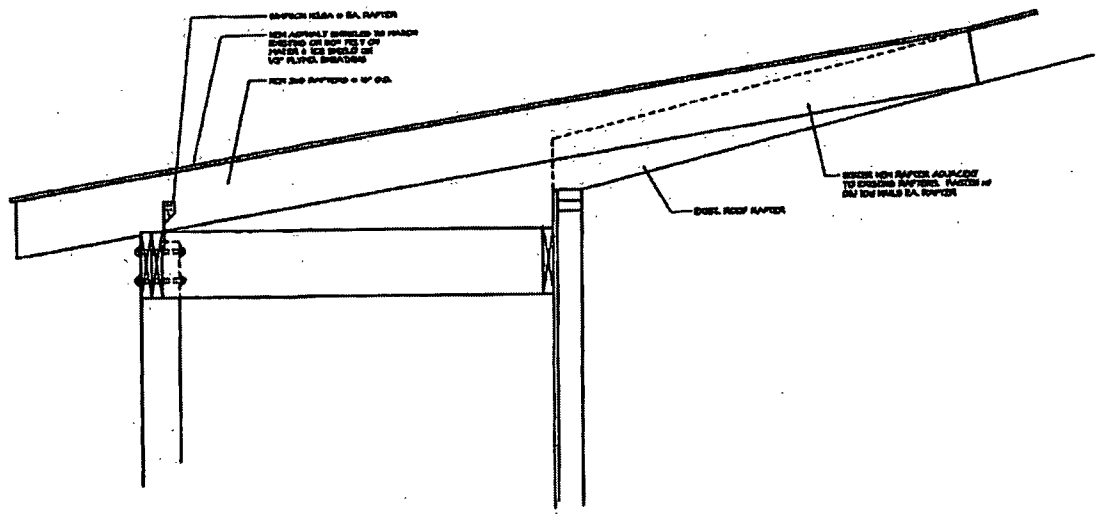
139



PROPOSED
ROOF PLAN
SCALE: 1/4" = 1'-0"



BRACKET AT
GARAGE SECTION
SCALE: 1 1/2" = 1'-0"



ROOF CONNECTION SECTION
SCALE: 1 1/2" = 1'-0"

REVISIONS

BOEHM RES. ADDTION
2720 GOLDBUG AVE.
SULLIVAN'S ISLAND, SOUTH CAROLINA
PLANS, DETAILS

DATE:
8/7/19
PROJECT NO.:

DESIGN RJD
DRAWN RJD
CHECKED RJD

A3

140

TOSI-BZA 0102

Appeal Zoning Administrator
Board of Zoning Appeals
Town of Sullivan's Island

Dated Filed:_____ Permit Application No._____ Appeal No._____

The Board of Zoning Appeals held a public hearing on March 13, 2014 to hear the following request: Paul Boehm, applicant and property owner, is appealing Zoning Administrator's decision to deny the following building permit requests for existing nonconforming garage (structure) at 2720-B Goldbug Avenue:

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2. Expansion of a deck area: Violations were issued for the following (violating Sec. 21-150 and Sec. 21-151):

- **The construction of benches and planters on top of the slat house.**
- **Removal of a handrail required for elevated walkway.**
- **Establishment of a permanent connection of the slat house to the rear deck when previous permits required the slat house remain free standing.**

3. Building footprint expansion:(violating Sec. 21-150 and Sec. 21-151). Staff issued approval of permits to extend a roof over the steps and rear walkway. The contractors went outside of this permitted area of construction effectively expanding the building footprint.

The attached Minutes as Reported by NCRA Registered Professional Reporter Ronda K. Blanton serve as an accurate representation of the public meeting held on March 13, 2014. As stated in said Minutes, motion was made by Board Member Bachman Smith, IV; seconded by Board Member Carlin Timmons, to deny the appeal to overturn the Zoning Administrator's decision, carried unanimously.

Date issued: 4-10-14 Elizabeth M Lenz
Chairman

Date mailed to parties in interest: 4-11-14 Ellen Miller
Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

TOWN OF SULLIVANS ISLAND
BOARD OF ZONING APPEALS
MARCH 13, 2014

DATE: March 13, 2014
TIME: 6 P.M.
LOCATION: TOWN OF SULLIVANS ISLAND
SULLIVANS ISLAND, SOUTH CAROLINA

REPORTED BY: RONDA K. BLANTON, RPR
NCRA REGISTERED PROFESSIONAL REPORTER
CLARK & ASSOCIATES, INC.
P.O. BOX 73129
CHARLESTON, SC 29415
843-762-6294
office@clark-associates.com
WWW.CLARK-ASSOCIATES.COM

APPEARANCES
BOARD MEMBERS PRESENT:
Carlin Timmons
Delores Schweitzer
Bachman Smith, IV
Elizabeth Tezza
Jimmy Hiers
STAFF MEMBERS PRESENT:
Randy Robinson
Joe Henderson
Ellen Miller
ON BEHALF OF THE LANDOWNER:
ROSEN HAGOOD, LLC
BY: ALICE F. PAYLOR, ESQ.
151 Meeting Street, Suitre 400
Charleston, SC 29401

- - -

TOSI-BZA 0104

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Examination by Mr. Henderson 49
JOE HENDERSON
Examination by Ms. Paylor 61

CERTIFICATE OF NCRA REGISTERED PROFESSIONAL REPORTER 103

EXHIBITS
BZA HEARING VOLUME I 03/13/2014

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Exhibit No. 3 14
Exhibit No. 4 16
Exhibit No. 5 20
Exhibit No. 6 44
Exhibit No. 7 23
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Exhibit No. 21 46

PROCEEDINGS

MS. TEZZA: Would anyone who was going to speak before the Board please stand and raise your right hand, if you're going to speak.

(Witnesses are sworn.)

MS. TEZZA: Thank you. Okay. We -- the variance request for 3001 Marshall Boulevard has been deferred to the next meeting.

MR. HENDERSON: That's correct.

MS. TEZZA: So we will work on Item E. Joe Henderson to present.

MR. HENDERSON: Okay. Very good. Thank you members of the Board. Our one and only agenda item is the administrative appeal.

This is regarding an appeal of several staff decisions as they relate to 2720-B Goldbug Avenue. The property owner, Paul Boehm, is the applicant.

What I would like to do is go through some of the site conditions, the existing site conditions, and then move on to staff position. Currently you have two structures on the property. You have 2720 and then 2720-B.

If you look at this photograph, you have a single-family detached home on the

Page 5

right-hand side; and then on the left-hand side you have a detached garage, what staff perceives to be a detached garage. Here's a closer photograph of that. (Indicating.)

Within this detached garage, we have a legal but nonconforming apartment unit; and we have made this determination because we have two documents that were drafted, one in 1989, and then another one in 1991 that established that this is a garage with an apartment on top, which is what it states.

Apartment above garage, and then an inspection ticket from 1991 that states "apartment over garage." So these are signed by David Canty and Frank Tymco.

So because we made this determination that this structure, the garage, was an accessory structure, we made several determinations about Mr. Boehm's permit request. His first request when I first met him -- and that was October of 2013, Mr. Boehm requested to raise the roof of this garage structure by 2 feet.

And so because this is in conflict of our zoning ordinance, Section 21-150 and 21-151, which addresses nonconforming structures and

Page 6

nonconforming uses -- and I have a copy of this. That permit request was denied.

MS. PAYLOR: What was the section? I'm sorry.

MR. HENDERSON: 21-150 and 21-151. So that's 21-150 is actually nonconforming uses, and 21-151 is nonconforming structures. So by raising the roof, he would be expanding the nonconforming use and also expanding the nonconforming structure. Again, this is an accessory structure garage.

Mr. Boehm also requested to expand his building footprint. In February of 2013 our staff issued a permit to establish a roof overhang to come over the steps that come up the side and then around the back of this structure.

What Mr. Boehm did when he constructed this is he actually placed the posts outside of the area that he showed on his plans. The only reason that we issued these permits to Mr. Boehm was so that -- was in, I guess, with the condition that he not expand beyond the existing building footprint.

So this is something that Randy wanted to offer a little flexibility for. He understood

Page 7

that the folks living in the nonconforming apartment needed some cover when they go up the steps carrying groceries, and it's raining. It's a reasonable sort of permit to issue.

When we went out on site to do an inspection, we realized that he put the posts outside of that building footprint so we issued a stop work order. In addition to that we noticed that there was several alterations made to the back deck. This alteration was the removal of handrails and actually structures, benches and planters; and you can see here's a grill was placed on top of what we permitted to be an arbor or a slat house.

And so none of these things had permits issued for it, and I can pass these around. (Indicating.)

MS. TEZZA: 'Cause I saw the copy.

MR. HENDERSON: So, again, recap, the staff position is very simple here. What Mr. Boehm has asked to do is to modify a nonconforming use by raising the roof, expanding the usable square footage of this legal and nonconforming use which is prohibited by our Zoning Ordinance; and he's also expanded the roof

Page 8

overhang, and he's gone beyond the scope of those plans. He's also expanded the original footprint for the deck onto this slat house.

Now, we also required him to put up those handrails and keep them there because we don't think that the slat house has been engineered to withstand the weight of folks walking around on it; and there's some big open gaps underneath the -- the benches that were constructed, and we think that that's a safety hazard as well.

So in a nutshell, that's why we denied permits; and I'll defer to you, Madam Chair.

MS. TEZZA: Before we go further, I have a recusal statement from Jim Hiers because he lives contiguous to the property that we're discussing so he says he's -- he lives directly next door so I will accept this recusal, and Jimmy will step to the audience.

MR. HIERS: I -- I -- in researching this recusal, I asked the Town if -- if I could recuse myself and if I could also speak as a citizen. They got a ruling from the South Carolina Ethics Board that, in fact, I could recuse myself and speak as a citizen. So I'm

TOSI-BZA 0105

going to reserve the right to -- to speak as a -- as a citizen.

MS. TEZZA: And I will note that even with that recusal, we do still have a quorum present.

MR. SMITH: I'd like -- before we continue just so it's all on the table, I had no intention of recusing myself; but I do live immediately across the street from this property. I don't think it's going to affect my decision one way or the other but -- and would let us know where I stand and where we live.

MS. TEZZA: Thanks, Bachman. We will now hear from the applicant.

MS. PAYLOR: Thank you. I'm Alice Paylor. I'm here representing the owner of 2720-B, which is the dwelling that is above a storage area; and this is an appeal. It's not a variance request. So we are here appealing the three rulings made by the Zoning Administrator because they are not in accordance with the Zoning Ordinance itself.

And it's our position that the Zoning Ordinance controls, and that's what we're going to do. And I do have a court reporter here

'cause we're going to make a record; and if there's an appeal, then we'll have a transcript of exactly what was presented.

I'm going to call my first witness, Mr. Paul Boehm, and he's already sworn in.

PAUL BOEHM,

having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. PAYLOR:

Q. Paul, will you tell the Board who you are. You can sit down.

A. I'm Paul Boehm. I live at 3209 Middle Street; and I own 2720-B Goldbug next door to my son, Ashley Haynes.

Q. Okay. And is that property part of a condominium regime?

A. It is.

Q. And when did you condo it?

A. 2003.

Q. Okay. When did you buy the property?

A. In 2001.

Q. And what was on the lot that -- at the time that you were considering purchasing it?

A. The main house, the next door structure, which is a dwelling, and a car port.

Q. Okay. And -- and I believe that this is a picture that the Town put in. On the right, is that the main house? (Indicating.)

A. That's -- that's the main house on the right.

Q. And on the second, is that another dwelling? (Indicating.)

A. Another dwelling, yes.

Q. Okay. And main house, dwelling right there. (Indicating.) Or secondary dwelling.

Did you talk to the Town of Sullivans Island regarding the impact of its Zoning Ordinance on your ability to use this property prior to your actually purchasing it?

A. Yes. I came to see Kent Prause, who at the time was the Zoning Administrator; and I asked Kent what it meant to have these two separate dwellings on the property, and he explained to me that the larger of the two dwellings would be the conforming dwelling, and the smaller of the two dwellings, which is the called the garage apartment on the CO or apartment above garage, would be the

nonconforming dwelling.

Q. And would you have bought this if this was an accessory structure, the second building?

A. I wouldn't.

Q. Would not.

A. I would not.

Q. Did you rely on what Mr. Prause told you when you made your purchase?

A. Yes.

Q. And I'm going to hand you a notebook that's got our exhibits in it, and these are the originals which we'll provide. And in front of y'all are two notebooks that I hope I can share because that's all I have, but I'm going to refer to the exhibits in there.

Look at Exhibit 1 in the notebook.

A. (Complies with request.)

Q. Can you tell -- did you get that out of the files of the Town of Sullivans Island?

A. Yes. Kent gave me this document when I came to see him about the two structures.

Q. And one of them is a Certificate of Occupancy; is that correct?

A. Correct.

Q. And it says, "apartment above garage";

TOSI-BZA 0106

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correct?
A. Correct.
Q. Prior to Mr. Henderson's recently taking the position that the second building was an accessory structure, a garage, had anyone with the Town ever told you that it was not a principal building?
A. Never.
Q. Had you applied for a variance -- did you apply for a variance in 2009?
A. Yes.
Q. And what -- and I've got that Exhibit 2 in there is the order that was in the file here, and did Mr. Robinson make the presentation to the Board at that hearing?
A. Yes.
Q. And did he rely on Section 21-151 when he asked the Board to turn down your variance request?
A. Yes.
Q. Did he rely on Section 21-150(f) when he asked the Board to deny your variance request?
A. Yes.
Q. Okay. And I'm going to go to that section of the Zoning Ordinance, and what is the

Page 14

title -- I'm going to hand it to you -- what is the title of Section 21-150(f)?
A. Two or more principal buildings on one lot.
Q. Okay. Does that discuss having a principal building and an accessory structure on a lot?
A. It does not.
Q. And was your variance request denied?
A. It was.
Q. And that's Exhibit 2. I'm going to move all these into evidence.
Look at Exhibit 3.
A. (Complies with request.)
Q. Is that a picture of the structure?
A. Yes.
Q. Have you ever considered this to be a garage?
A. Not just a garage. Obviously, a dwelling over a garage.
Q. Okay. And do you -- what do you do with the dwelling?
A. I rent it out. It's been rented by -- by my sons initially for about five years and by regular tenants for the last nine years.

Page 15

Q. Do you have a rental license to rent this structure as a dwelling?
A. I do.
Q. Have you had one every year that you've owned it?
A. I have.
MS. PAYLOR: Okay. And he brought them with you if you have any questions about that.
A. 14 years.
Q. Does that structure have a separate electric meter on it?
A. It does.
Q. Does this structure have a separate sewer system? Tied into the sewer?
A. Tied into the city sewer.
Q. Is it used only for the storage of motor vehicles and that type of thing?
A. It is not. It actually is used for storage of my junk, furniture, et cetera.
Q. Okay. And has it ever -- to your knowledge, has it ever been used as a garage for the principal building, the other principal building on the lot?
A. It has not.
Q. Have you made improvements to Building B,

Page 16

this building, over the years of your ownership?
A. Yes, numerous improvements.
Q. Okay. And Exhibit 4 has got a stop work order there which we'll talk about, but are these some of the permits that you've had to do work on 2720-B?
A. Yes.
Q. How many construction permits have you received for improvements to this nonconforming principal building?
A. I've gotten seven. The next door dwelling where Ashley lives now and owns has gotten four or five; and then there's a couple of permits that were issued for the overall property, the dock, and the fence.
Q. If this were an accessory structure, would you have received those permits?
A. I don't think so.
Q. If this were a garage, would you have been entitled to a rental permit?
A. I would not.
Q. As the owner of the larger -- pardon me. Did the Town ever issue a Certificate of Occupancy providing that Building B was the nonconforming principal building when the permits

Page 17

were requested as the Zoning Ordinance requires in Section 20-150?
A. They were not.
Q. Did you have -- was that because of anything that you did?
A. Absolutely not.
Q. Did you ever prevent them from performing their job under the Zoning Ordinance?
A. No.
Q. And I'll ask y'all to look at the Zoning Ordinance, 20-150(f), says, "In the event that two or more principal buildings occupy a single lot, said occupancy shall constitute a nonconforming use. One structure shall be designated conforming and the other shall be nonconforming under the following procedure: If a request to improve the property is received, the Zoning Administrator shall," it's mandatory, "designate the principal building, the greatest liveable square footage, including porches as a conforming use and the other principal building as nonconforming."
So which building had the most liveable square footage?
A. Where Ashley lives now.

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Q. All right. Which is the building on the right in that picture? (Indicating.)
A. Correct.
Q. Have you ever gotten another Certificate of Occupancy other than the one saying it's an apartment over garage?
A. I have not.
Q. Has -- when -- when the owner of 2720, the main building, has applied, has there ever been a -- have they ever been given a Certificate of Occupancy?
A. Not to my knowledge.
Q. In 2001 did you build an accessory structure adjacent to the rear deck on Building B?
A. I did.
Q. Tell the Board how that occurred.
A. Well, Ashley had moved into the apartment; and we spent some time there and pretty well determined that that -- the back walkway -- there was a walkway that came up alongside the house and turned around to the back and went down some back steps. Really wasn't adequate to sit outside so I came to Kent to ask him if it was possible to add onto the deck.

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And he said it was not, but he said I have a suggestion for something that you can do. And that is you could construct a slat house adjacent to the existing deck, and that would serve the same purpose.
Q. Did you know what a slat house was?
A. Had no idea what a slat house was.
Q. Did you ask Mr. Prause what a slat house was?
A. I did. And he told me it was a garden structure that if I built it the same height as the existing walkway/deck, that it would serve the purpose of a deck.
Q. Okay. And so did you do that?
A. I did.
Q. Did you get a building permit for that?
A. I did.
Q. And did they inspect it and do all the stuff that they had to do?
A. Yes. Randy inspected it.
Q. Okay. And that was an accessory structure to what building?
A. To the Building B.
Q. Okay. And it's not used at all by the primary building; correct?

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A. It is not.
Q. So let's look at Exhibit 5.
A. (Complies with request.)
Q. There's a plat, the first document, and does it show the slat house back there?
A. It does.
Q. Okay. And it's -- it's adjacent to that building, and it abuts to your walkway; is that correct?
A. Correct, correct.
Q. And what was your purpose in building that slat house?
A. For someone to use it as a deck.
Q. Okay. And how did the occupants get access to it?
A. They actually climbed over the rail.
Q. Have you had discussions with Randy Robinson about the slat house over the years?
A. Yes.
Q. Did he give you permission to screen in the slat house?
A. He did. In 2010.
Q. Now, have you installed furniture on the slat house roof?
A. Yes. It's treated, for lack of a better

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word, garden furniture, something you could leave outside.
Q. And why did you do that?
A. For people to be able to sit outside for one; but also it occurred to me that we needed some kind of protection around the perimeter of the slat house deck, slat house roof to keep someone from getting too close to the edge.
Q. So it was basically a safety rail?
A. It was.
Q. And have they told you you could not put a railing around that slat house roof?
A. They have, yes.
Q. And what was the basis for that? Did they ever tell you what that was?
A. No.
Q. So they told you you could put up a slat house, and they could use it as a deck; but you couldn't have a safety railing around it. Is that correct?
A. Correct, that's correct.
Q. Has the Town ever provided any basis in the Zoning Ordinance for your not being allowed to have furniture on the slat house roof?
A. No.

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Q. In early 2013 did you meet with Mr. Robinson about elevating the roof of Building B?
A. I did.
Q. And was he the Zoning Administrator at the time?
A. He was.
Q. Okay. And what did he tell you?
A. He told me that I could elevate the ceiling/roof by 2 feet. He suggested that I contact Rusty Shumpert at Carolina House Movers to get a quote to do it. He told me that he had considered doing exactly the same thing at his house in Mount Pleasant and had decided not to do it, but I did contact Rusty. He came over, looked at the dwelling, gave me an estimate; and, unfortunately, I had not gotten the plans drawn up in time before Joe became the new Zoning Administrator.
Q. And then did you apply -- did you make application with him?
A. I did make the application with Joe with a set of plans, and he refused me.
Q. And was that because he said this was a garage?

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A. He did. He said it was a garage, and I couldn't elevate it any further.
Q. Okay. Did you contact Sullivans Island's former building official, Frank Tymco, who issued the Certificate of Occupancy in 1989?
A. I did.
Q. And did he send the letter to Mr. Henderson?
A. He did.
Q. And is that Exhibit 7?
A. Yes.
Q. Okay. And in this letter, did he -- did he say that there were two principal buildings on -- at 2720 Goldbug?
A. He did. He said that.
Q. Okay. Did the Town -- did Mr. Henderson change his mind about whether or not this was an accessory structure or a principal building?
A. He did not.
Q. Now, has Mr. Henderson told you that if Building B is a principal building, you would be allowed to raise the roof under the Zoning Ordinance?
A. He did tell me that.
Q. And did he do that in an e-mail?

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A. He did.
Q. And is that found in Exhibit 8?
A. Yes.
Q. Have you reviewed the Zoning Ordinance, Mr. Boehm?
A. Yes.
Q. Is there a definition of "garage" in there?
A. There is.
Q. Okay. And I think it's -- it's at the very back, although exactly under several places; but I'm going to show you it's page 98 and Section 21-203.
But I want to read the preamble of 21. This says, "Except as specifically defined herein, all words used in the Zoning Ordinance have their customary definitions. For the purpose of this Zoning Ordinance, certain words or terms herein are defined as follows:" And one of them is "garage private." Can you read the definition of "garage private" there?
A. "Accessory building or portion of a principal building used only for the private storage of motor vehicles, campers, boats, boat trailers, and lawn mowers as an accessory use."

Q. Okay. Is Building B only used for the private storage of motor vehicles, campers, boats, boat trailers, and lawn mowers?
A. No.
Q. To your knowledge, has Building B ever been used as an accessory building for the conforming principal building on 2027 Goldbug?
A. No.
Q. Have you reviewed the prior versions of the Zoning Ordinance?
A. Yes.
Q. Do they all define "garage" in the same way?
A. They do.
Q. Do you rent out Building B?
A. Yes.
Q. And you have a building -- you have a business license; correct?
A. Correct.
Q. Would you be allowed to rent a garage to tenants to use as a dwelling?
A. I would not.
Q. Look at Section 21-138 of the code.
A. (Complies with request.)
MR. HENDERSON: I'm sorry. Could you

repeat that?
MS. PAYLOR: 21-138.
Q. Okay. And this is in Article 15 entitled "Accessory Uses and Structures." Okay. That's 21-138. And does this section that I just gave you, does that discuss accessory structures?
A. It does.
Q. Are accessory structures allowed to have a separate electric meter?
A. They are not.
Q. Does Building B have a separate electric meter?
A. It does.
Q. Are accessory structures allowed to be connected to the sanitary sewer system?
A. They are not.
Q. Is Building B connected to the sanitary sewer system?
A. It is.
Q. What is the nonconforming use with regard to Building B? What is its use?
A. It's a dwelling.
Q. Okay. And you're not supposed to have more than one dwelling on a lot; correct?
A. Correct, correct.

Q. So is that the nonconforming use?
A. It is.
Q. Have you ever proposed to expand the nonconforming use?
A. No.
Q. Have you ever requested that you be allowed to add another dwelling in this building?
A. No.
Q. Are there other properties on Sullivans Island that have more than one dwelling located on a single lot?
A. Yes. Quite a few.
Q. Has the Town allowed some of those property owners to increase the size of their nonconforming uses without obtaining a variance?
A. They have.
Q. Has the Town allowed some of those property owners to add onto the existing footprint?
A. Yes.
Q. All right. I'm going to ask you to look at Exhibit 9.
A. (Complies with request.)
Q. Did you -- this has to do with 2805 Atlantic Avenue. Did you get a copy of the

Town's file regarding this property?
A. I did.
Q. Go through what we've got. Were there two dwellings on this single-family lot?
A. There were two dwellings on the property, one the conforming dwelling, the other the nonconforming dwelling.
Q. Okay. And at some point, I believe it was 1998, was a variance request presented to the Board of Zoning Appeals?
A. It was.
Q. And did the Board of Zoning Appeals determine that they didn't need a variance in order to elevate, add on, and improve this nonconforming use?
A. That's correct.
Q. Now, in here there's some pictures. I'd like you to kind of go through those. There's -- there's a drawing that shows the house before.
A. There's a drawing of the original structure, a before drawing. That was obtained from the Town.
MS. PAYLOR: Go right to the next page. Go right to the next page, and you'll be -- no. I'll show you. I'm sorry. It's right after the

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minutes. Okay. Certificate of Occupancy.
Q. Okay. This is a plat showing -- or drawing showing the house before; right?
A. Before, correct.
Q. And there are some pictures also that are -- that are in here.
A. There's some elevations that were done by the architect, although they don't show the house elevated as high as it is today; and there's a new layout plan approved by Kent, and then there are photographs of the structure being elevated and added onto. And then there's some photographs of the finished structure as well.
Q. Do you know what the square -- the heated square footage of the original house was?
A. It was, according to the County, 198 square feet. Basically 10 by 20 so 200 square feet.
Q. And do you know how many heated square feet there are in the house now?
A. According to the County it is 485 square feet.
Q. Okay. And was that house elevated?
A. It was elevated above the required flood elevation in order to provide for parking and

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storage underneath.
Q. And if you look at the minutes of the Board of Zoning Appeals, they determined that because the footprint was not going to change, the number of bedrooms was not going to change, the size and quote enclosed space was not going to change, there was no variance needed.
A. That's correct.
Q. Do you -- with regard to your request, is your footprint as defined in the Zoning Ordinance rather than as defined by Mr. Henderson, is that going to change?
A. It is not.
Q. Is the number of bedrooms going to change?
A. They are not.
Q. Is the size and enclosed space going to change?
A. Only the interior volume.
Q. And what do you mean by "volume"?
A. Going up 2 more feet would increase the cubic feet inside the dwelling.
Q. Is your request any different than what the owners of 2805 Atlantic Avenue were allowed to do?

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A. No.
Q. You're actually not asking for what they got.
A. They actually got more heated square footage, and I'm not asking for that.
Q. Okay. Let's look at 1851 Flag Street, which is Exhibit 10.
A. (Complies with request.)
Q. Did you get copies of the County's and the Town's files on this property?
A. I did.
Q. And is the first sheet there kind of your summary of what you found?
A. Yes.
Q. Okay. Tell the -- tell the Board about this -- is this another property that had two dwellings on it?
A. It is. And this is the nonconforming structure. The -- the property was condoed in 1987; and as a result of that, there was a file with the County for what the structure looked exactly like, the size of it, the elevation of it, in 1987 before Hurricane Hugo, the property was damaged in Hugo and was subsequently demolished and a new house was built.

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Q. And how -- and so -- I believe in all of this, Building A is the smaller of the two; is that correct? They call it Building A?
A. Building A is the smaller of the two, correct.
Q. How many stories was Building A in 1985?
A. It was a single story.
Q. Was it elevated off the ground?
A. It was elevated a few feet.
Q. In your review of the Town files, did you find any variance allowing the owners to increase the footprint of that nonconforming use?
A. I did not.
Q. Was there a variance allowing the house to be moved away from the property line?
A. There was.
Q. Did it address anything about any other changes?
A. It did not.
Q. And is that included in what was provided here, Exhibit 10?
A. Yes.
Q. How many square feet was Building A in 1985?
A. 804 square feet.

Q. And in 1990 a Certificate of Occupancy was issued, which is in there. Did it provide that the living area could not be expanded beyond 1,080 square feet?
A. It did.
Q. Was there any variance with regard to allowing that expansion?
A. No.
Q. Did that Certificate of Occupancy allow for a two-story frame house?
A. There is a two-story frame house there. The Certificate of Occupancy doesn't address whether it's two stories or not.
Q. Okay. Did you locate a variance allowing the house to be elevated so that it would have two stories?
A. No.
Q. Did you see any variance allowing the square footage to be increased?
A. No.
Q. Have you found a plat from 2004, or did you find an additional plat recently that showed the much greater square footage than the 1,080?
A. Well, according to the County records -- I thought there was a plat here somewhere, isn't

there? Yes, I'm sorry. Here it is.
The 2004 plat calls for Building A to have 1456 square feet heated.
Q. Did you ever find a variance allowing the increase from the 1,080 square feet from 1990?
A. No. And by the way, on this plat it does call it existing two-story frame house.
Q. Okay. Have the decks and porches changed?
A. They have increased.
Q. Any variances allowing those?
A. No.
Q. Do you know when those changes were made?
A. The roof deck was put on the property with a new construction. The screened porch was expanded with the new construction, and the last deck that was added was done in 2006.
Q. Is this structure subject to the same provisions of the Zoning Ordinance as is 2720-B?
A. It is.
Q. Let's go to Exhibit 11.
A. (Complies with request.)
Q. This is 956 Middle Street. Can you go through that for us.
A. (Complies with request.) Again, the

property was condoed in 1987. So there's a set of documents that exists that show the square footage as it was in 1987. It was a single-story dwelling, had 1139 square feet of heated footprint, which is the total square footage. Had a 213 square foot porch and a 160 square foot deck.
Q. Was there a variance allowing these increases?
A. Well, it's increased from that; but there is no variance allowing it to be increased.
Q. Okay. So what -- so what has it been increased to?
A. The current square footage is about 2200 square feet. It has a roof deck of 800 square feet, covered porch of 192 square feet, and additional deck of 133 square feet.
Q. Okay. And does -- and there's a picture in here. Does that --
A. No, that's not it.
Q. Okay. And you could find no variance for that; is that correct?
A. There's no variance for it.
Q. Okay. Let's go to Exhibit 12 which is 1121 Middle Street, Unit 5.

A. (Complies with request.) Yes.
Q. Okay. What did you discover about this dwelling? Is this also -- are there two principal buildings on that one?
A. There are two buildings on the lot. This is the nonconforming dwelling constructed pre 1977, pre Town Zoning Ordinances being passed. It was damaged in Hugo but not destroyed. It was condoed in 1987. So, again, there are drawings that exist of the -- of the structure before it was elevated above parking and expanded.
Q. And were -- was a second floor added?
A. There was already a second floor, but the useable square footage was significantly diminished because of the design of the house; and I actually have some drawings here I could show.
Q. Well, just tell them what happened. They -- they added on --
A. They were allowed to increase the side walls from about 2-and-a-half feet of height up to 8 feet 9 inches. As a result of that, the useable square footage approximately doubled. The volume of the second floor completely doubled.

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Q. Was there a variance given for that?
A. There was not.
Q. And did the Town attorney work out a -- basically a deal which is set forth in the letter in here that allowed this owner to do that?
A. That's correct.
Q. Has the owner also put a roof deck up?
A. Yes. As part of the new construction when it was elevated, there was a roof deck added above the porch that's accessed from the second floor; and then there's an additional roof deck on top of the house that was also added.
Q. Okay. And there's a brochure in here, apparently was on the market; and it shows the back with these decks and the spiral up to the other roof deck. Correct?
A. Correct. It also shows the elevation of the second floor roof or ceiling so you can see what happened.
Q. Was there a variance ever given for any of these changes to this nonconforming structure?
A. There was not.
Q. Let's go to Exhibit 13.
A. (Complies with request.)
Q. This is 2102 I'On Street. Can you tell

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the Board what you found about this property that had two dwellings located on it?
A. It started out in 1979 according to the County records as 254 square feet with a screened porch of 124 square feet and a sun deck of 41 square feet. It was renovated in 1986 before Hurricane Hugo. It was also low to the ground, by the way.
Renovated in '86 and expanded to a heated footprint of 510 square feet and had a sun deck of 59 square feet added to the property. Then after Hurricane Hugo, it was elevated well above the required flood elevation to allow for storage underneath; and the deck was expanded to 214 square feet.
Q. Was there a variance allowing any of this work?
A. No.
Q. All right. Let's go to Exhibit 14.
A. (Complies with request.)
Q. This is 2263 I'On. Tell the Board what you found about this property that had two dwellings located on it.
A. The only records I found were from the County that showed that the original dwelling was

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511 square feet of heated footprint and that after hurricane -- it was, again, damaged in Hugo. Demolished. After Hurricane Hugo, it was allowed to be increased to 620 square feet.
Q. Okay. Was -- are you aware of any variance that was given?
A. There was not one.
Q. And let's look at the picture which is the second page of that. Does that look somewhat like your --
A. Looks a lot like it to me.
Q. Like an apartment over a garage?
A. It sure does.
Q. And that's a nonconforming dwelling; correct?
A. It is, yes.
Q. Okay. Let's look at Exhibit 15.
A. (Complies with request.)
Q. Which is 2523 --
A. Myrtle.
Q. -- Myrtle. Okay. Can you tell the Board about this property that has two dwellings located on it?
A. Yes. This is the nonconforming secondary dwelling; and the only thing that they did

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according to the County was add two small decks, front and rear, in 1990-'91, a four by eight size for an increase of the deck of 64 square feet.
Q. Okay. And are you aware of any variance that they got to do that?
A. They did not.
Q. In your review of the Zoning Ordinance, have you found anything that would prohibit an owner from putting a deck onto an -- a nonconforming structure?
A. I have not.
Q. Let's look at Exhibit 17.
A. (Complies with request.)
Q. There's no Exhibit 16, by the way. This is 1820 Central Avenue. Tell the Board about this property that has two dwellings located on it.
A. The original structure that became the secondary dwelling, nonconforming dwelling, was originally a commercial building that sat up on the front of the property. In 1983 the owner asked for permission to move it to the back of the lot and elevate it and make it a dwelling.
So there was a variance request for the ability to move it to the back of the lot and

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elevate it and make it into a dwelling. But it started life as 800 square feet, was not to be expanded, and since then the -- the property -- the heated footprint has expanded to 1176 square feet, and a very large porch was added to the front of the house of 520 square feet; and an additional 100 square feet of deck was added to the side of the house so it significantly increased in size.

Q. So are there pictures in here? Is this the way it looks now? (Indicating.)

A. That's the way it looks now, yes.

Q. And before it had no porches or decks on it?

A. Had no porch or decks at all.

Q. Okay. Did you see any variance that was granted to allow that?

A. No.

Q. Let's go to Exhibit 18, which is 1857 Flag Street.

A. (Complies with request.)

Q. Explain to the Board about this property that has two dwellings located on it.

A. Well, this property is -- was a nonconforming dwelling on the lot. It was

damaged in Hurricane Hugo so it was replaced. It was a few feet off the ground initially and had about 850 square feet of heated space.

The new dwelling was elevated above parking. Approximately the same size; however, the roof was allowed to be elevated so that you could -- you could have a loft inside the structure. So it increased in size. Overall square footage increased by 410 square feet.

Q. And it's also got a loft in it; correct?

A. Has a loft.

Q. And did you see any evidence of a variance with regard to this?

A. There was not one.

Q. Okay. And the last one we're going to look at is Exhibit 19. 1856 I'On. Is this another property on which two dwellings are located?

A. It is.

Q. Tell the Board about this one.

A. Well, this structure in 1976, according to Charleston County, was a -- a single-story elevated structure, had a heated footprint according to Charleston County of 940 square feet. The ground floor was enclosed with

concrete blocks for storage.

In 1973 there was a Certificate of Occupancy issued by the Town that referenced the fact that it was a rental cottage behind the main house. By March of 1979, according to Charleston County, the ground floor had become living area. The structure had become a duplex so basically it doubled in size, and somewhere over the years a second electric meter has been added to it. In addition to that, a deck has expanded and a screened porch was added underneath.

Q. And what is the total square footage of the two-story dwelling now?

A. According to the County, it's 1860 square feet; and the deck was enlarged by 138 square feet.

Q. Okay. Did you see any evidence of a variance allowing that?

A. There was not one.

Q. Did you get permission from the Town to extend the existing roof on your Building B over the existing stairs and walkways?

A. Yes.

Q. And is that Exhibit 20? Well, this is the permit.

A. That's the permit, yes.

Q. So what has happened with regard to that? Did you start building it?

A. We started building it. The footers were put in last summer. They were inspected by Randy and approved. I should say the side 6 footers were put in, inspected by Randy, and approved. Then in January the posts were installed for the side 6 footers, and the 4 footers in the back were dug. And Randy came and inspected the existing six posts and their connection to the footer and inspected the footers, the 4 footers in the back.

Q. And did he approve those?

A. He did.

Q. What has happened since then?

A. Well, he approved them on Thursday, that Thursday in January. We poured the footers the next day. We installed the posts, the four posts, in the back on Saturday; and then by Monday, Randy posted a stop work order.

Q. Okay. And is that Exhibit 6? Did you get a letter also from Mr. Henderson?

A. Yes.

Q. And there are -- and at this point he

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also pointed out that the connection has been made to the slat house, which was originally denied by the Board of Zoning Appeals. A portion of the handrail was removed from the second story rear walkway. Wooden benches were constructed and anchored. Wooden planters were installed. Additional wood plank slats were installed onto the roof of the slat house, which is now illegally being used as a deck surface.

Does he cite any code section for that being a violation of the Zoning Ordinance?

A. He does not.

Q. Did you subsequently obtain a letter from architect Ron Denton to address the placement of the roof posts?

A. Yes.

Q. And is that -- that's in Exhibit 20? The last two pages of that?

A. Yes.

Q. And did he say in here that it was needed for the structural integrity of the existing deck walkway?

A. He did.

Q. And have you -- and that was submitted to Mr. Robinson; correct?

A. Correct.

Q. And has anyone said that you can go forward with your --

A. No, as a matter of fact.

Q. -- extension, roof extension?

A. As a matter of fact, I requested a review of the new drawing that was provided by Mr. Denton and was, again, turned down.

Q. Okay. And is that Exhibit 21, which is a loose exhibit in there.

A. Yes.

Q. Is that the letter you got?

A. Yes.

Q. From Mr. Henderson?

A. Yes.

Q. And he says in here that "expanding the footprint of this nonconforming structure is in direct conflict with Zoning Ordinance Section 21-151."

Is that the basis for his denial?

A. It is.

Q. Okay. Is "footprint" defined in the zoning code?

A. It is.

Q. All right. Let's go to it. Okay. In

the -- in the definitions it says "building footprint," and it refers you to "building coverage area principal."

Can you read that? It's the very first one at the top of the page.

A. The lot area covered by the principal building measured vertically downward from the principal building's exterior walls to the ground but excludes, one, accessory structures not readily useable as living space; two, exterior portions and decks; and, three, exterior stairs.

Q. So the footprint is from the walls of the house, not from the -- the stairs and the walkway; correct?

A. Correct, correct.

Q. Are you aware of any other definition of "footprint" in there?

A. No.

Q. And I understand that you're appealing basically three rulings. First of all, that Building B, which is an apartment, which has a storage area underneath, is a garage. That's not true, is it?

A. That is not correct.

Q. You're also appealing and because it's a

garage, you can't raise your roof; correct?

A. Correct.

Q. If it's a principal building, you can raise your roof; correct?

A. Correct.

Q. You're also appealing the furniture -- the order to remove the furniture; is that correct?

A. Correct, yes.

Q. Are you aware of any portion of the Zoning Ordinance which would not allow you to have a railing or furniture on the roof of a slat house?

A. I'm not.

Q. And has anyone ever pointed out one to you?

A. No.

Q. And, lastly, are you appealing the decision not to allow you to -- to use these roof posts that are outside of the stairway and the existing walkway?

A. Correct, yes.

Q. And is the basis for that because they are not the existing walkway, and the stairway is not part of the footprint?

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A. Correct.
MS. PAYLOR: Okay. I don't have any further questions. Do you have any questions for Mr. Boehm?
MR. HENDERSON: Sure, if I could.
MS. PAYLOR: You got it.

EXAMINATION
BY MR. HENDERSON:
Q. Paul, did -- you mentioned you talked to Kent Prause, the previous Zoning Administrator.
A. For years, yes.
Q. Did he ever issue you a permit to expand any portion of this structure?
A. No.
Q. He didn't. Did he ever issue you a Statement of Zoning Compliance or any other zoning statement that -- that called this a principal -- a second principal building?
A. No.
Q. Okay. Did Randy ever issue you a permit to expand any portion of this structure?
A. The roof but I'm not sure what you call that.
Q. Why did he allow you to ex- -- to extend

this roof?
A. I requested it.
Q. Was it because he considered the -- the steps part of the building footprint and, therefore, he was applying what he thought was a little flexibility in allowing you --
A. I couldn't tell you that.
Q. -- to go to the edge?
A. I couldn't tell you what Randy's intent was. He just told me I could do a roof over the walkway on the side and the rear of the building.
Q. Okay. When -- when we were talking about the slat house, when permits were issued for the slat house, were the rails part of that permit?
A. I didn't request rails.
Q. Okay. You just built the slat house; right?
A. Uh-huh, yes.
Q. And then at what point did you remove the handrails? You said that you and Kent talked about building the slat house so that people could jump over the rails and use it as a deck; right?
A. I said that's how they accessed the slat house. They went over the rail.

Q. And the Zoning Administrator said that was a good plan. Is that what you're saying?
A. He suggested it.
Q. Okay. When did you -- when did you construct the bench and the planter, and when did you cut out the rail so that you could access the roof of the slat house?
A. Those were added about 1910 when we did -- I mean, 2010, sorry. When we did the improvements to the downstairs area as well as the framing for the screen porch.
Q. Was that permitted, the framing for the screen porch and the enclosure?
A. Yes.
Q. Why didn't you get permits for the benches and the --
A. I didn't think I needed a permit for those. Why would I need a permit to put furniture up on a slat house?
Q. Why would you need permits to enclose the bottom?
A. Because --
Q. Why would you do one and not the other? Did you get permits to connect the slat house to the deck?

A. No.
Q. The request that was denied by the BZA?
A. No, no.
Q. You didn't get permits to connect that?
A. No.
Q. What did you request from the BZA in 2009?
A. I requested a roof over the slat house and a rail around the slat house. I could -- actually requested that the entire slat house roof be able to be screened in.
Q. I believe as part of that request in 2009, it was to connect the slat house to the deck, if I'm not mistaken.
MR. ROBINSON: Probably to make it a deck.
MS. PAYLOR: Okay. He can be a witness in a minute.
MR. HENDERSON: Okay. So, I have two more things. I just want to kind of go through very carefully here with y'all. Under nonconforming structures, there's been a lot of discussion about --
MS. PAYLOR: I'm presenting my case now. You can do your closing at the end. I know

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you're not a lawyer. I'm just telling you because I got a couple more witnesses.

MR. SMITH: With all due respect, it's not a court of law either. You've elicited a not of hearsay. Right now we're going down a path of everyone else got to do it. So I want to do it. Let's stick to what we've got here.

MR. HENDERSON: And I know that's just a voluntary -- there's no cross-examination allowed. It can be voluntary from what I understand from the Rules of Procedure.

MS. TEZZA: Yes.

MR. HENDERSON: Okay. Just to recap, in our Ordinance under nonconforming structures, it states verbatim, "Structural alterations including enlargements are permitted if the structural alteration does not increase the extent of the nonconformity."

Mr. Boehm's request is to take his structure with a roof and raise that roof up 2 feet. So you said it yourself. You're increasing the volume of that; correct?

MS. TEZZA: Yes.

MR. HENDERSON: So what's keeping him from going up 10 feet? If you do go up 10 feet,

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then what are you doing to the inside space of that structure? Can you then put in a loft? Could you then put additional shelves, or could you put additional bunk beds? I don't know.

This I would think would be an increase to the extent of the nonconformity, and I think the key point that you're making is that increasing the height is not an increase in the extent of the nonconformity. I would disagree. I think height is very relevant here.

And so I -- without having the documentation that calls this a second principal building, having the documentation that calls this a garage from Town staff, Mr. Tymco that contradicts himself later in the letter that he sent to me and then calls it a principal building.

I'm going with the official document. In fact, I think that's hearsay. Is that the term? Regarding the historic -- the intent of allowing second principal buildings on one parcel, I think the spirit of the Ordinance -- and correct me if I am wrong, Randy, is to allow two situations. A special exception to help preserve existing cottages and smaller structures

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on the island and then build your big house somewhere else on the lot.

And to, also, allow -- I have some photographs here. And allow historic properties that have multiple dwellings on them. I'm thinking specifically of Steve Herlong's property at 22 -- I'm sorry. 226 Station 19, I believe. There are three structures on that. Historically there have always been three dwellings on there.

MS. TEZZA: Since 1902.

MR. HENDERSON: I don't think that it's the intent of the ordinance to allow new constructions to be considered to be allowed to have multiple principal buildings on them, and I would -- I would just leave you with one more -- one more item here, and if I could ask one more question to Paul Boehm.

BY MR. HENDERSON:

Q. Mr. Boehm, you have a -- a business; correct?

A. Yes.

Q. You have a business. Is that on Isle of Palms? What's the name of that business?

A. It's East Island Real Estate, and it's licensed on both Isle of Palms and Sullivans

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Island.

Q. You mentioned that you bought it in 2001, this structure in 2001?

A. Correct.

Q. And you bought it because you thought it was a second house basically; right?

A. Correct.

Q. Second principal building.

A. Correct.

Q. Have you ever thought otherwise?

A. No.

Q. Have you ever thought about this structure in another way?

A. No.

Q. You haven't. Have you ever seen this MLS listing? (Indicating.)

MR. HENDERSON: What I've just pointed out is an MLS listing that states -- and it's referring to this structure, the garage, and it's listed by Paul Boehm of East Island Real Estate under PaulBoehm0@Yahoo.com. Has his contact information.

States, when giving remarks about this structure, he states, verbatim, "Because it is the second structure of the lot, it cannot be

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enlarged but otherwise you can doll it up inside and out. The lower level contains a garage for two cars, a storage workshop area for your favorite hobbies." And this was -- there are some dates on the back of this MLS listing, and it begins at 2008 and goes to 2012.

So this is a fairly recent note that was made here. And from what I understand of MLS, it's a very exclusive ability to tap into this. You have to be a real estate agent, and so I would ask if you've ever seen this.

A. Oh, sure, I've seen it.

Q. Did you type this?

A. No. Probably Bradley did, my son Bradley.

Q. So somebody in your office believed that this was a garage secondary structure that can't be enlarged?

MS. PAYLOR: Object to the form. That's not what it says anyway.

A. That's not what it is. It's a dwelling -- two-bedroom dwelling at the top of a listing with 1,076 square feet. It's not saying it's a garage. It's saying it has a garage underneath the dwelling.

Q. Would you think "enlarge," what does that mean? Does that mean expanding?

A. "Enlarge" to me means expanding the footprint.

Q. The footprint being --

A. You couldn't add on sideways and increase the heated footprint. That's what it meant to me.

MR. HENDERSON: Okay. Randy do, you have any issues?

MR. ROBINSON: You know, the only -- the only thing I'd like to say here is, you know, Paul made some statements about what I said and also about some other structures. You know, that was -- and I don't know exactly how to say it except that that was history according to Paul.

You know, if you -- if we dissect every different property and every different situation, they're all different. You know, he stated that I was going to raise my roof at my house and have, you know, company do it. I never intended to raise the roof to the house. I intended to raise the ceiling in my house.

You know, the way Paul interprets and the way I interpret it could be two different

things. And until a permit is applied for, reviewed, and approved, you don't have approval. You can come talk to me about something, and I will tell you what I think; but then until it's applied for and approved, we don't know if we're on the same page, you know. So I think that's really about all I have to say.

MS. TEZZA: I'm going to ask one question before we'll let you finish. Most of the -- the properties in the exhibits seem to be pre Hugo historic properties, historically had dependencies. The history of this garage, I believe, is such that we do not believe it predates Hurricane Hugo, but is there an aerial photo?

MR. HENDERSON: That's correct, we do have some aerials.

MS. TEZZA: Because this garage -- I just want to point out the fact that this was not a structure that existed before Hurricane Hugo.

MR. HENDERSON: We don't have any evidence that shows we -- we asked several of the long-time residents of the neighborhood if they remember a structure being there. Nobody could tell us there was one.

MS. TEZZA: We know that one was built post Hugo. We know that, but we don't know that there was a structure before Hugo.

MR. HENDERSON: That's correct. So what I've done is I've pulled a photograph from just before. This is from February of 1989. Of course, Hugo was September of 1989. And we can't identify -- if you notice there's a house there. There's no garage. This is Goldbug so that's kind of the house that I identified. (Indicating.)

MS. TEZZA: Thank you. Okay. Before we ask any questions, I'll ask Alice to go ahead and do a summation or a final statement; and then we I'll ask the -- I'll ask the Board if they have any questions. And/or should we take statements from the -- does anybody else in the audience want to make a statement or -- about this property?

Both of you do. Okay. Alice, why don't you go ahead. Then we'll take those statements. Then the Board will ask any questions.

MS. PAYLOR: Okay. I would actually would like to call Mr. Henderson as a witness, if

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that's okay.
MS. TEZZA: You may ask him any question you want.
MS. PAYLOR: Thank you very much.

EXAMINATION

BY MS. PAYLOR:

Q. How long have you been with the Town of Sullivans Island?
A. About nine months.
Q. And you weren't here in the 1990s, 1980s when 2027 Goldbug was constructed; correct?
A. No.
Q. And what is your understanding of what was there?
A. When?
Q. When it was first built. What was it? Was it ever something different from what it is today?
A. Well, this -- when it was built, the document says that it was a garage.
Q. Well, it says "apartment above a garage." Does it not?
A. Uh-huh.
Q. So it doesn't say it's a garage. Says

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"apartment above garage"; correct?
A. That's right, which infers that it's a garage and not a house; right?
Q. Any way you want. I mean, I understand where you -- I understand what you're saying. I don't believe it's in accordance with the Zoning Ordinance.
A. Wouldn't there be a CO for a house if it were not a garage?
Q. Well, it's a CO for an apartment, isn't it?
A. Okay.
Q. And isn't an apartment a dwelling?
A. An apartment is a dwelling but this -- if it were as you said a principal building, wouldn't this be a CO for a house? I mean, it would be a new construction; right?
Q. I'm asking you questions. Is that what your opinion is? It would have to be a house on there? Is that what you're saying?
A. To be a principal building? To be considered a principal building and not a garage? It would not -- it would have to not say "garage."
Q. Okay. Are you aware in the Zoning

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Ordinance where it says that a garage can be part of a principal dwelling, of a principal building?
A. I don't know specifically whether it says that.
Q. Well, it does. I just have to find it. Here it is. Section 21-203.
A. Is that definitions?
Q. Yeah. Right back there. (Indicating.)
A. I'm sorry. What are we defining?
Q. Garage.
A. Garage?
Q. Uh-huh.
MR. SMITH: Or rather whether it can be part of a principal building is the question.
Q. Well, let's look at the definition now. Are you to interpret the Zoning Ordinance, is that your --
A. Yes, ma'am, uh-huh.
Q. Okay. So when you look at the definition, it says, "an accessory building or portion of a principal building." Isn't that right? A garage?
A. Uh-huh.
Q. You deny that's what that says?
A. No. I -- I agree that it says an

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accessory building or a portion of a principal building.
Q. Okay. So it can only be two things; right? Either an accessory building or a portion of a principal building; correct?
A. I suppose, yeah.
Q. Okay. Thank you.
And if you look at the definition of "accessory structures," they cannot have an electric meter, can they? You want to go look under the accessory structure?
A. I think if they're newly constructed, no, they can't have an electrical meter.
Q. Well, this is -- this is what was in effect when this was constructed in 1989-'90; correct? An accessory structure could not have a separate electrical meter?
MR. ROBINSON: Just for history purposes, we -- we have not allowed a second meter on a lot since 1975-'77 when our original Zoning Ordinance was put into place.
MS. PAYLOR: So for an accessory structure, it specifically says in the Zoning Ordinance that an accessory structure shall not have an electric meter; correct?

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MR. ROBINSON: A separate meter, and it has said that since 1975-'77.
Q. Okay. And you agree with me that this apartment has a separate electric meter; correct?
A. That's what you said. I think you confirmed that it does have one, yes. I haven't confirmed that.
Q. You don't -- but he's -- he's testified to that. You don't have any reason to not believe that.
A. I don't have any reason to doubt him, no.
Q. And an accessory structure cannot have -- be -- be connected to the sewer system, can it, under the Ordinance?
A. Not legal, but, yeah, it's a nonconforming structure, right.
Q. No. It's not a nonconforming structure. It's a nonconforming use. Well, maybe it's a nonconforming structure.
A. It's definitely a nonconforming structure.
MS. TEZZA: It's a nonconforming use of a nonconforming structure is actually what it is.
A. It's both. It can actually be both. They're not mutually exclusive.

MS. TEZZA: That's my read.
Q. Okay. Have you looked at the definition for "principal building"? How about looking at Section 21-25.
A. (Complies with request.)
Q. Do you see that? 21-25?
A. Building principal, yeah.
Q. Okay. Let's look. There's definitions under Subsection A. Do you see that?
A. You're looking at "building principal."
Q. I'm looking at "principal building coverage area," Section 21-25.
A. Oh, you're looking in the body of the Ordinance now.
Q. I am.
A. I'm sorry. I'm trying to keep up with you.
Q. I'm sorry. Actually it says it in both places. That's on page 16.
A. (Complies with request.) Okay.
Q. Have you got that? And it's got definitions, and it's got a definition of the principal building. "A building or buildings in which the principal use of the lot is conducted."
Would you agree with me that the

principal use of 2720 Goldbug is residential?
A. Yes.
Q. Okay. And would you agree with me that the use of that apartment is residential?
A. Yes.
Q. So that is a principal building under this Ordinance; correct?
A. No, not necessarily. No, it -- it could be -- we have lots of structures on the island that have illegal uses. They could be an illegal use. It could be a nonconforming use.
Q. It's a residential use, isn't it?
A. So there's nothing --
MR. ROBINSON: Anything -- anything --
MS. PAYLOR: Randy, I'll get to you in a minute.
MR. ROBINSON: Thank you.
A. He can't help me out? I mean, this isn't a court of law. We're staff.
Q. Y'all go for it.
MS. TEZZA: Excuse me. This isn't a court; and so if Randy has something germane to the discussion, I'm going to let him answer.
MS. PAYLOR: I apologize. I'm used to being in court. If I say stuff like that, it's

just my habit. I apologize.
MR. HENDERSON: I think it's a voluntary cross-examination from your rules of procedure so I, you know.
MS. TEZZA: So Randy predates Joe, and that is why it's important for him to be here because many statements have been made about what Randy said; and so that's why they're working together on this. It's the staff supporting the Board of Zoning Appeals.
MR. HENDERSON: But to answer your question, we have on this island, I recently did some GIS work, Geographic Information System dropping dots on every illegal and nonconforming extra dwelling on a lot. We got lots of them. We have lots of people using structures on this island as dwelling units that are illegal, that they have knowledge about; and that's why it's so critical that we get this right. Alice, that we don't allow the increase of these uses and the expansion of these uses. If we overturn this decision, then that sets the standard for doing it across the board for all of these structures.
If you have a garage on your property and 20 years down the road, five Zoning

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Administrators later, probably ten, you know, it -- it's just we need to hold the line with -- with not allowing this use to expand, not allowing this footprint to expand. And that's -- that's why this is critical for us.
Q. And what's the use? Residential?
A. It's a legal nonconforming residential use.
Q. Okay.
A. Yeah.
Q. It's residential.
A. Uh-huh.
Q. And it's legal; right? This isn't illegal as you were just saying; correct?
A. Well, yeah. It's -- it has a Certificate of Occupancy issued in 1989, which is strange because all of them were issued in 1977.
Q. These are the Town's records. Mr. Boehm did not have anything to do with this property in 1989.
A. Okay. Well, we have a CO. That's right.
Q. So you have a Certificate of Occupancy showing apartment above the garage. So you're not telling the Board that this is an illegal use, are you?

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A. No. He can continue this legal but nonconforming use.
Q. Okay.
A. It's nonconforming.
Q. And the use is residential; correct?
A. That's right, uh-huh.
Q. Okay. Tell the Board how he's expanding the residential use by raising the roof 2 feet. Is he adding any bedrooms on?
A. He's -- he's increasing the volume and the square footage, the useable square footage in that dwelling.
Q. What useable square footage? The 2 feet that goes up?
A. Well, when you say "square footage," you're taking a measurement length by width; right?
Q. Correct.
A. So you don't --
Q. Where do you increase?
A. When you walk around in a space, you're not sliding around on the floor. You're up top; right? So you're using what's above the floor. So if you raise the roof, you're increasing the area that you can use within that dwelling unit.

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Q. And is there anything in the Zoning Ordinance which leads you to that conclusion? Is there anything talking about expanding by going up? Aren't there lots of cases in here?
A. There's lots of case law out there. I'm not an attorney, but there's lots of case law out there that would describe that the increase in height is an intensification of a use and that's a -- that's very common in zoning regulation. After all, that's why we have maximum heights for structures.
Q. Okay. And that's why I'm asking you what's in your Zoning Ordinance, not --
A. We have maximum heights in our Zoning Ordinance.
Q. -- and not what is in anybody else's Zoning Ordinance because this is what you're supposed to interpret; right?
A. We only have maximum heights in the Zoning Ordinance. Why do we have a limitation on height?
Q. And a nonconforming -- a legal nonconforming structure like this dwelling with the garage underneath it can have a deck on it, can't it? Is there any prohibition in the Zoning

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Ordinance from having a deck on it?
A. On a legal nonconforming use?
Q. Legal nonconforming dwelling structure.
A. There would be a prohibition on expanding the structure or anything attached to that structure.
Q. Have you --
A. That's why --
Q. Have you looked in the Zoning Ordinance for that? Is there any prohibition in the Zoning Ordinance from having an accessory use, an accessory structure on an accessory use to a legal nonconforming dwelling?
A. It doesn't specifically call that out, but we just went through the section that describes legal -- or nonconforming structures which you guys admit it's a nonconforming structure; right?
Q. It's a legal --
A. You can't expand a nonconforming structure, period.
Q. It's a legal nonconforming structure -- well, where does it say you can't expand the structure? Where does it say you can't expand the use? And I'll -- I'll call you to 21-150.

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A. I'm looking at 151.
Q. 151. Whatever it is.
MR. SMITH: 151 is nonconforming structures. 150 is nonconforming uses.
A. That's right. Structural alterations including enlargements are permitted if the structural alteration does not increase the extent of nonconformity.
I would say that when you build a wall out to expand that square footage or if you expand the roof, you increase the height of the roof, then you increase the volume or the useable area within that dwelling; and that's an increase, in my interpretation.
Q. Well, let's go back to -- okay. Are you in 150 or 151?
A. 151.
Q. Let's go back to 150 because these are nonconforming uses; correct?
A. They're both nonconforming use and --
Q. And in 150 it talks about two or more principal buildings on one lot; correct? (F). Do you see that?
A. That's right.
Q. And it says -- in (f) talks about having

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two or more, and it says a building permit for improvements to the designated conforming principal building may be considered favorably so that would be --
A. The house.
Q. -- the regular house; correct? Provided all other requirements of the Town Ordinances are met, the nonconforming structures shall be regulated in accordance with Subsections A through E of Section 150; correct?
A. (Nods head.)
Q. So if you look, the only one that talks about it is B; correct? Expansion.
A. Uh-huh. But, again --
Q. A nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects.
A. But you've never been issued a Certificate of Zoning Compliance for this to be a principal building.
Q. And whose responsibility was that?
A. The Town's. If it really was a principal building, but it's a garage. That's why it wasn't issued.
Q. Okay. All right. I'm -- this is a

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purely legal interpretation of what your Zoning Ordinance says, and -- all right. Let me go to your letter that you sent. That's Exhibit 21. Okay. Is that a letter that you sent to Mr. Boehm on March 10?
A. Yes, it is.
Q. And in here you say, "Expanding the footprint of this nonconforming structure is in direct conflict with Zoning Ordinance Section 21-151."
A. Uh-huh.
Q. Now, "footprint" is defined in Section 21-25 as well as in the definitions section; correct?
A. Yes.
Q. And the footprint does not extend to the decks, walkways, or stairs, does it?
A. It doesn't, and, therefore, we probably shouldn't have issued the permits for the roof extension to go over your stairs either. So I think that may have been an error on our -- my part, our part.
Q. So you're in error in this because the footprint does not include that; correct?
A. Again, I think that we were just trying

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to work with Mr. Boehm and -- we were -- because the decks in our Ordinance are considered impervious surfaces; right? We were considering that area, the steps and the rear deck, as an impervious surface for the footprint. Isn't that why we were trying to work with him to give him the expansion over the stairs?
MR. ROBINSON: Oh, yeah.
A. But, you know, I -- I think that you could -- you could say, you know, by using our definitions, taking the more -- more strict interpretation of the Ordinance, someone would have probably denied your request to extend that roof over your stairs.
Q. Under what provision of the Zoning Ordinance would that be prohibited?
A. Under the nonconforming structure section.
Q. What does it say?
A. Structural alterations, including enlargements, are permitted if the structural alteration does not increase the extent of the nonconformity. I guess the extent of the nonconformity would be, you know.
Q. It's the dwelling.

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A. Right. The usability of that structure so you could probably deny the permit based upon that. But, again, I think that we are trying to make an effort to -- to work with Paul on that --
Q. And --
A. -- when we issued the permit.
Q. -- how was putting a roof over the walkway and the stairways an extension of the nonconformity? How could that possibly be an extension of the nonconformity?
A. Well, it's a nonconforming structure, nonconforming use. I think the stairs going up the side to the -- to the entrance, that's a characteristic of the use because you have folks that are using that structure. Accessing the structure there, and you're -- and you're building on. You're intensifying that staircase. Right? You're making it stronger. You're making it last longer. You actually replaced all the stairs; right? In that permit. Didn't you replace the staircase?
MR. BOEHM: Yes.
MR. HENDERSON: Okay. So intensification of the use, rebuilding it, you're basically allowing that nonconforming structure,

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the stairs are part of the structure, to live longer so I think that would be an intensification. I don't even know if the stairs should have been rebuilt either if it's a nonconforming use.
Q. So you're going to take a position that you cannot maintain a legal nonconforming use?
A. You can maintain it; but reconstruct it, I think, is something different.
Q. Replacing the stairs.
A. Why don't you tear the whole house down and build it back.
Q. You're saying that cannot happen? I just want to be clear on, you know, how you're interpreting the Zoning Ordinances.
MS. PAYLOR: I have no further questions.
MS. TEZZA: Okay. Is there any public comment?
MR. HENDERSON: Oh, here are your exhibits back. I'm sorry.
MS. TEZZA: If you will state your name and address for the record, please.
MS. GEAR: My name is Aussie Gear. I live at 2702 Goldbug. I'm not really speaking as

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a neighbor, even though I'm in the neighborhood. I'm speaking -- I am a very strong proponent of the Ordinance for the Town. I am no longer on the Planning Commission, but I was for seven years so I don't necessarily understand all the legal, but I -- I really feel very strongly about the Ordinance.
And the thing that -- that concerned me, which is something that you will have to determine and not me -- if, indeed, this is enlarging the usability by using -- expanding the deck over the slat house, what precedent it would set as far as interpretation of Ordinance.
We have restaurants that are nonconforming structures, nonconforming uses; but they then say, hey, have more decks. We have garages or apartments over garages. We have houses that are nonconforming structures.
And I guess my concern is if, once you start reinterpreting without rewriting, which can be done by Council and can be done through Planning; but if you start edging away at the Ordinance, then you just open a very large can of worms possibly.
MS. TEZZA: Thank you for your

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comments.
MS. GEAR: Thank you.
MS. TEZZA: Jimmy.
MR. HIERS: Yes. I'm James Hiers. I live next door at 2714 Goldbug, and I'm going to violate the first rule of a good public speaker. I'm going to read part of a letter because I think it's important, and we live at 2714 Goldbug directly next door to 2720 Goldbug. We'd like to make the following comments regarding the application to overrule it.
We would ask the Board not to grant the request to overrule the Zoning Official who denied the application regarding 2720-B, and I guess I'd like to state I'm really going to make it clear to the Board; and for the record, I'm speaking as a next-door neighbor as a citizen, not as anyone that's ever been on the Board for the Town.
We've lived in our house since 1992, and we've always had the clear understanding that the garage and garage apartment next door were nonconforming and could not be expanded or increased. I'm asking to keep in mind the four following points regarding the property at 2720

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Goldbug.
The property at 2720 Goldbug consists of one lot which contains one house and one garage with a living space above. We believe that the garage was built in 1989 without the proper building permits. The garage called 2720-B has clearly always been treated as a nonconforming property by all parties in the past.
No. 2, there are no restrictions on increasing the size of the -- of the main house at 2720 Goldbug. It can certainly be expanded. The roof can be raised. It could be doubled in size and could have several additional porches and decks. Under past and current Town Ordinances, the nonconforming garage on the property could not be expanded or increased.
Despite these facts, the applicant, Mr. Boehm, has made -- has made several attempts to expand the garage; and written records will show that he has been turned down by Town officials as well as by the BZA. And at this point I'd like to note that in Mr. Boehm's 2009 application to overrule the Zoning Administrator, the BZA voted unanimously not to overturn the

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Zoning Administrator.
And at that time Mr. Boehm -- Mr. Boehm's present counselor was -- was the chair of the Sullivans Island BZA in its own record of voting against overruling the Town Administrator.
MS. PAYLOR: I can speak up and say it was not an overruling of the Town Administrator.
MR. HIERS: Let me finish, please.
MS. PAYLOR: It was an --
MR. HIERS: Would you let me finish, please.
MS. PAYLOR: It was a variance request. Go ahead.
MR. HIERS: Anything else?
MS. PAYLOR: I just wanted to make it clear it was a variance request.
MR. HIERS: We believe that this application is the latest attempt to test both the new BZA and the new Zoning Administrator. So for the past several -- No. 3, for the past several years, the garage called 2720-B has been offered for sale as a condominium, which we believe goes against both the spirit and intent of the Town zoning laws.

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2720-B has been described in real estate advertising as a secondary structure on the lot. It has also been described in real estate advertising as the garage with living space above it, and it also has been described by stating it cannot be enlarged.
No. 4, we believe that -- and when I say "we," I'm speaking for my wife and myself. We believe that the reason the slat house was installed by the current property owners was because under Town Zoning Ordinances, they were not allowed to install a deck or a porch and that the slat house is an attempt to circumvent these Ordinances.
Under the rules in place, it seems clear that a slat house nor any other structure at the rear of the garage should be allowed to be attached, railed, screened, redecked, raised, or connected in any way. And the roof piers at the rear of the property for the new -- the new roof that was going in, the roof piers were put through the slat house thereby attaching the slat house to the structure which was what Mr. Boehm was denied in his request to do in 2009.
I would just like to finish to say we

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agree with the staff decision; and we also believe that since our house and 2720-B are very closely located to one another, any expansion of 2720-B would be of substantial detriment to our adjacent property.
I'd like to ask the Town a question. I think I know the answer to it. But does 2720-B have a separate water meter?
MR. ROBINSON: Do not know.
MR. HENDERSON: I'm not sure.
MR. HIERS: Well, I'd like to know that it does. We've heard it has a separate electric meter but how about the water meter? I would like to see if we can determine that. Mr. Boehm, would you -- would you tell me if you have a separate water meter?
MS. PAYLOR: There's no -- I don't know if he does or he doesn't.
MR. BOEHM: Am I allowed to answer this question?
MS. PAYLOR: If you want to. You don't have to.
MR. BOEHM: As -- as all condominiums on the island, there is one water meter. We actually separate the bill for the garage

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internally.
MS. TEZZA: You have a sub meter?
MR. BOEHM: We have our own meter for the garage, and it's calculated -- it's used separately.
MS. TEZZA: So it's like a sub meter.
MR. BOEHM: Sub meter, yes.
MR. HIERS: In any event, I'd just like to say that Sullivans Island is a -- most of us in this room live on Sullivans Island. It's a special place, and I think it's a very special place because the Town has had strict Zoning Ordinances trying to preserve lot size and lot coverages. A lot of the barrier islands don't have these rules in place.
And I think there's -- there's a reason -- there's a reason that these rules are in place, and that's -- that's to maintain the quality of life that's existed here, and I believe that this -- this application is a -- is -- is really just to try to make the property -- the garage more salable as a -- as a condominium. Of course, even on Sullivans Island, it's hard to sell a garage.
We all like to make money. If we

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didn't, we'd live in Venezuela or in Cuba; but I think it's -- I think you -- for me I draw the line making money and being a decent neighbor. So it's a very -- it's a very difficult thing to have to speak before this Board as -- as someone objecting to something going on next door. It's -- it's clear that it's a -- it's clear to me that -- that it -- that this -- this structure was built without a permit in 1989 and that it was -- it was built illegally.
Now, the CO, don't know how that was gotten; but how do you get -- how does Mr. Tymco, who's written this letter, how does he defend being his own administrator when you have something built, a structure like this built, with no building permit?
So in any event, y'all have got a difficult task and just look at the facts and do the best you can.
MS. TEZZA: Thank you, Mr. Hiers.
I'm going to -- does anybody on the -- before we close comments, does anybody on the Board have a question of the applicant? We can't -- we can ask staff questions about any details we've --

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MR. SMITH: I have a couple of questions. Is the slat house currently attached to the garage apartment?
MR. BOEHM: No.
MR. SMITH: It's just freestanding?
MR. BOEHM: Yes.
MS. PAYLOR: But it abuts to the wall.
MR. SMITH: Is there --
MR. HENDERSON: I have a picture here that shows it is attached. I believe.
MR. BOEHM: I don't think you do.
MS. PAYLOR: It abuts.
MR. HENDERSON: It actually looks like a two by four or some structure that is nailed up, and the slat house is leaning against it.
MR. BOEHM: Well, it's currently supported by two by fours until the -- until the balance of the roof is built, until this issue of where the posts go is resolved; but it's not permanently attached. Those are -- that's like a batter board, I think they call them. What do you call those things, Randy, when you're supporting a temporary post?
MR. ROBINSON: What I saw has been there a long time.

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MS. TEZZA: Well, what I see is that the bench that's supposedly furniture but looks to me like it was put there also as a railing, is attached to the slat house; and it is also attached to the garage wall. Right here. (Indicating.)
MR. SMITH: Okay.
MS. TEZZA: I mean, it is attached.
MR. SMITH: Looks like we have conflicting opinions of whether it's attached or not.
MS. TEZZA: Yeah.
MS. TIMMONS: You would fall -- excuse me. There's enough space to slip through between the walkway and the deck.
MS. PAYLOR: No, no.
MS. TEZZA: It's -- it's touching.
MS. TIMMONS: Yes, yes.
MS. PAYLOR: Right.
MR. SMITH: I noticed RJ Denton's letter, he asserted that the reason the posts -- the six by's had to be put where they were was so that it wouldn't disturb the structural integrity of the slat house. Did I read that correct?
MR. BOEHM: I think he said the

TOSI-BZA 0125

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walkway. The walkway, yeah. I didn't have a permit to replace the walkway. The permit I had was for the roof structure; and the roof structure, by the way, includes everything to do with how you build it, the footer, all the way up to the roof rafters and the eave. All of those things extend well beyond the posts.

MR. SMITH: And then would the -- the -- the roof if it were built and extended out like that, would -- would those posts that are now attached to the slat house, would that, then, connect the slat house --

MR. BOEHM: No.

MR. SMITH: -- to --

MR. BOEHM: No. The posts are freestanding, come up between the existing deck and the slat house. The slat house and the framing of the slat house and the deck are two separate things.

MR. SMITH: Right.

MR. BOEHM: The only things that come close together, they are separated by air, are the deck surfaces.

MR. SMITH: Right.

MR. BOEHM: So those things come close

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together. Otherwise, the posts simply come up between the framing.

MR. SMITH: But if this project were to continue, what you're seeking to do is extend -- raise the roof and extend out. You've got these six by's. Clearly they're going to be tied into something.

MR. BOEHM: They're tied into the house.

MR. SMITH: Tied into the house but then they go around to the --

MR. BOEHM: And the deck, yeah.

MR. SMITH: So then the deck -- is the slat house and the deck two different things?

MR. BOEHM: Two different things completely.

MR. SMITH: So this slat house in no, way, shape, or form will be -- taking your contention that it's not attached right now, after all this is done, you're telling me that the slat house will not be connected to the building.

MR. BOEHM: That's correct.

MR. SMITH: And we're looking at photographs that appear to show the six by

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sixes --

MS. TEZZA: Going right through the slat house roof.

MR. BOEHM: They do. Sure, they do.

MS. TEZZA: So they're connected.

MR. BOEHM: No, they don't. They're not connected at all. They just go through the roof. How are they connected? We cut -- we cut the roof of the slat house away and a portion of the deck away to slide those six by six posts down through the hole. They're not connected at all.

MS. TEZZA: What did that do to the structural integrity to the slat house?

MR. BOEHM: Nothing. Slat house was a freestanding structure. It was built to have people walk on it, built to have furniture sitting on top of it. You could put 20 people out there. The posts are six by six posts. The frame is two by eight. If you needed some kind of a statement from an engineer or an architect, I could get that for you. Randy inspected it.

MR. SMITH: Yeah. Those are my questions. Thanks.

MS. TEZZA: Okay. Do either you -- do

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you have any questions of applicants?

MS. TIMMONS: No, I don't.

MS. TEZZA: Okay. If y'all have no more questions, I don't have any more questions so I'm going to close the public comment.

And we shall -- who wants to open the discussion?

MS. PAYLOR: Could I make a closing statement just to tie together the Zoning Ordinance, or you don't care. I mean, it's legally just --

MS. TEZZA: A short one.

MS. PAYLOR: Very short.

MS. TEZZA: You may make a short statement, Miss Paylor.

MS. PAYLOR: Thank you. I apologize. I remember being on this, and I did not like long meetings so I understand that.

MS. TEZZA: On the record books.

MS. PAYLOR: There have been some statements that Mr. Truesdale didn't have a building permit. That's not in the record. There's no record of it. I mean, I asked the Town for the full file; and they said they've lost all kinds of stuff.

TOSI-BZA 0126

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Mr. Boehm bought it well after the fact of its being built so he didn't have anything to do with constructing an illegal structure as Mr. Hiers would like you to believe.

The building in question contains a dwelling. Because it contains a dwelling, it is a principal building under your Zoning Ordinance. As a principal building, you can have an accessory use. You can also -- the only thing that you can't expand the use, and that was what was so important about the first house that we went through -- that I went through with Mr. Boehm.

The Board of Zoning Appeals said they didn't need a variance because they were not expanding the use. You look at it as Exhibit 9. Said footprint was not going to change; and the footprint, remember, is the exterior wall right here. (Indicating.)

Doesn't have anything to do with the stairways or the walkways. The footprint was not going to change. They're not adding any bedrooms. The same number of bedrooms are going to be there. The enclosed space is not going to change. There was no variance needed.

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And I'm -- that's the way I read the Zoning Ordinance. It says that if you don't -- that you cannot expand the use. It doesn't talk about the structure; and I don't believe raising the roof which happened in basically every one of these that we had where the Town allowed it without a variance, I don't think a variance was needed under the Zoning Ordinance.

They were allowed to -- because there's a height restriction of 38 feet. This is a principal building. It's well within the 38 feet. I think if you look at the Zoning Ordinance, it clearly says that he can raise, elevate his roof, on a principal building. Even Mr. Henderson said that in the e-mail that he sent to him.

Every -- there's no question about it except now there's -- he's trying to come up with a reason why, you know, he can't have, you know, what he's entitled to.

This is a principal building. It can be elevated. He's not asking for anything other than raising the roof 2 feet so he can raise the ceiling in the apartment by 2 feet. There's no other expansion. There's no expansion of the use

Page 95

itself. And when you look at the -- putting a roof over, there's nothing in the Zoning Ordinance that prohibits him from putting a roof over an existing stairway and the walkway.

I don't think there's anything in the Zoning Ordinance that prohibits him from putting a deck on it. Now, if you go back, it was a variance request; and as we all know when you ask for a variance, you have to show hardship and that type of thing.

Well, I don't -- I don't know he could show hardship because he didn't have a deck back there. So I guess what I'm saying is: We did not and I was on that, and I think that was the right decision because I don't think he needed a variance.

I think he could have put a deck out there under the Zoning Ordinance the way it's drafted. And that -- that's where we are. And I know that, you know, Mr. Boehm, you know, this is an appeal. It is not a variance request. He doesn't have to show a hardship.

So we're asking that Mr. Boehm be allowed to raise his roof by 2 feet so he can increase the ceiling height in his apartment.

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Asking that you find that this is a principal building; and really it's up to the Zoning Administrator to give a Certificate of Occupancy that says this is the nonconforming use on the lot, nonconforming secondary building.

We don't believe that there's anything in the Zoning Ordinance that prohibits the placement of furniture on a slat house roof or the placement of a safety rail around the slat house roof because it's still within the height restriction, even with the rail, of accessory because that's 15 feet; and it's nowhere close to 15 feet now high.

And the roof piers, they don't have to be within the existing footprint. If they did, they would have to be -- you'd have to take part of the building out to put them in. So we're asking that you reverse the decision of the Zoning Administrator. I believe that none of this is a precedent for anything. I think it's been done. I think that's why it was done in all these other cases, because the Zoning Ordinance allowed it. I don't -- I don't think they had any reason to get a variance because the Zoning Ordinance allowed what they did.

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Thank you.
MS. TEZZA: Thank you. I'm going to allow Jimmy to speak since I allowed you to speak.
MR. HIERS: I would like to ask the chair if she would open the conversation back up for a brief statement.
MS. TEZZA: I will.
MR. HIERS: Thank you. I'd just like to state for the record that I never said Mr. Boehm nor did I apply that Mr. Boehm had anything to do with this structure being built illegally. This -- that occurred before Mr. Boehm bought the property.
However, I would like to add this: I spoke with Kent Prause today by phone and read him this sentence from page 2 of Mr. Boehm's application. Mr. Boehm would not have purchased the property without the assurance of Mr. Prause that the two structures were principal buildings under the then Zoning Ordinance. Mr. Prause said --
MS. PAYLOR: I object because this is hearsay. Just putting it on the record. Now you can read it.

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MS. TEZZA: This is not a court of law.
MR. HIERS: Ms. Paylor, would you let me finish before you -- this is the second time you interrupted me. This is not court.
MS. PAYLOR: I'm making my objection before you say it. It's for the record.
MS. TEZZA: And for the record, this is not a court of law.
MS. PAYLOR: I know, but this appeal is going up.
MS. TEZZA: That's fine. You don't know what we're going to do yet.
MR. HIERS: May I proceed?
MS. TEZZA: You may proceed.
MR. HIERS: Mr. Prause stated that he is sure that he never said nor assured Mr. Boehm that the two structures were both principal buildings. He said, in fact, that he did not see how they could both be principal buildings.
MS. TEZZA: Thank you. The public comment is now closed.
Carlin, do you have any --
MS. TIMMONS: Well --
MS. TEZZA: I think the issue is, is this a principal building? Is there are -- there

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two principal buildings on this lot?
MS. TIMMONS: Uh-huh, yes.
MS. TEZZA: And I think that's the first question that we have to ask. Are you in agreement, Bachman?
MR. SMITH: I'm in agreement. Unfortunately, I think the waters are sufficiently muddied that a decision at this -- this evening is probably not in the best interests of the Board; however, that said, I mean, I'm okay with making a decision, leaving it up -- open to come back and revisit it later or however we want to do it.
There's unanswered questions here; but as it stands, I'm going to have the -- I'm going to, you know. I'm okay with going forward, but we just spent a lot of time talking about a lot of things that -- that might not have a lot to do with what we're here to decide.
MS. TIMMONS: Right.
MS. TEZZA: Right.
MR. SMITH: That's a little bit unfortunate, but that is where we are now. So with that said, I would agree with you that the first question is to decide if there are two

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principal structures up there.
And I even submit that in the applicant's own facts, one of those structures was the principal dwelling; and the other was the garage apartment. They state it right there that one's a principal and one's not, and I don't see a way to get around that one.
MS. TIMMONS: Right.
MS. TEZZA: And -- and all of these exhibits are -- those are dependency. They're not garages, I don't think. I think most of them are dependencies. I know the one that -- this nine, I know -- I know that little house, and that was a cottage. So we're talking about a cottage versus a post storm garage that was probably built. So in the -- the spirit and the intent of the ordinance to allow variance -- variance requests for nonconforming structures was to preserve cottages.
MS. TIMMONS: Right.
MS. TEZZA: In my view.
MS. TIMMONS: Yeah, I think and -- to me, I have trouble when it's like your aunt, when you can look and what you see, you know, is one thing, you know. What your brain recognizes is a

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two-car garage with an apartment up top and whoever's renting it now wasn't told to keep that door down 'cause when I rode my bike by, it -- the one on the right was up. And there was nothing in there but some bikes at the back and a golf cart right in front ready to drive in, you know. So that's what I saw, Paul.

You know, and one's obviously a little house; and the other's a nice apartment. I mean, if it was just a couple of folks, it would be great, you know. I mean, but -- I mean, I -- obviously, y'all are building a case; and that's fine. But I know what my eyes see and I know where it says a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects to, you know, the decks, the walkways around the back, you know, to get the view, you know. Where are you going? Where's your door? You know, it's kind of put two and two together, you know. So I --

MS. TEZZA: Is this still on the market? Is this on the market right now?

MR. BOEHM: No.

MS. TIMMONS: Anyway, yeah.

MS. SCHWEITZER: I'm in agreement with

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you that this is the key issue that needs to be decided. I -- I saw what Carlin saw when I drove by as well.

MS. TEZZA: And I went by as well. I knew the house. I just drove by it get to make sure.

MS. TIMMONS: Yeah.

MS. TEZZA: But it -- it looks like a garage. It is referred to as a garage. It is called a secondary structure in the applicant's own documents. So I think that's fairly clear. And it's not our job to suppose what might happen based on our decision. It's our job to make the best decision that we can make according to what we see and how -- how we interpret the Zoning Ordinance as written.

MS. TIMMONS: Right.

MS. TEZZA: So -- would anyone like to make a motion?

MR. SMITH: I'll make a motion to deny the appeal.

MS. TEZZA: Is there a second?

MS. TIMMONS: I'll second it.

MS. TEZZA: Any further discussion?

(No response.)

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MS. TEZZA: All in favor, signify by saying aye.

(All Member respond aye.)

MS. TEZZA: Opposed. Like sign.

(No response.)

MS. TEZZA: The motion to overturn the Zoning Administrator is denied.

MS. PAYLOR: And is that as to all three of the issues?

MS. TEZZA: Yes.

MS. PAYLOR: Okay. Thank you.

(Proceedings concluded at 8 p.m.)

- - -

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

I, Ronda K. Blanton, a Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing proceedings were taken at the time and location therein stated; that all statements made at the time of the proceedings were recorded stenographically by me and were thereafter transcribed by computer-aided transcription; that the foregoing is a full, complete, and true record of the proceedings.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal on March 31, 2014, at Charleston, Charleston County, South Carolina.

Ronda K. Blanton, RPR
Notary Public, South Carolina
My Commission expires:
May 14, 2018.

TOSI-BZA 0129

RECUSAL STATEMENT

Member Name: James Hicks

Meeting Date: 3/13/14

Agenda Item: **Section** _____ **Number:** _____

Topic: 2720-B Goldbug Ave, Appealing Staff Decision

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

_____ **Professionally employed by or under contract with principal**

_____ **Owns or has vested interest in principal or property**

K **Other:** I live directly next door to applicant property

Date: 3/13/14 S.I. B.Z.A. **Member**

Approved by ~~Parliamentarian~~: CHAIRMAN Elizabeth M Lyon

TOSI-BZA 0130

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Alice Payne
Rosen Hagood
151 Meeting St. Suite 400
Charleston SC 29401

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) [illegible] C. Date of Delivery 4-14

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

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7009 2250 0000 9304 6111

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

169

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Paul Boehm
3209 Middle St
Sullivans Island SC
29482

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery 4/12/07

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

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7009 2250 0000 9304 6104

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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SCANNED

Martine and James Hiers
2714 Goldbug Avenue
Sullivan's Island

received
3/13/14

To : Sullivan's Island BZA
March 11 , 2014

Dear Chair Tezza ,

We live at 2714 Goldbug directly next door to 2720 Goldbug and would like to make the following comments regarding the current application before the BZA for 2720 B Goldbug .
We would ask the board not to grant the requests to overrule the Zoning Official who denied the applications regarding 2720 B Goldbug .
We have lived in our house since 1992 and have always had the clear understanding that the garage and garage apartment next door were non conforming and could not be expanded or increased . Please keep in mind the following four points regarding the property at 2720 Goldbug which we believe are relevant :
#1 The property at 2720 Goldbug consists of one lot which contains one house and one garage with a living space above . We believe that the garage was built in 1988 or 1989 without the proper building permits . The garage called 2720 B has clearly been treated as a non conforming property by all parties in the past .
#2 There are no restrictions on increasing the size of the house at 2720 Goldbug - it certainly can be expanded , the roof can be raised , it could easily be doubled in size and could have several additional porches and decks . Under past and current Town Ordinances the non conforming garage on the property cannot be expanded or increased . Despite these facts the applicant has made several attempts to expand the garage and written records show that he has been turned down by Town Officials and as well as by the BZA . We believe that this application is the latest attempt to test both the new BZA and the new Zoning Administrator .
#3 For the past several years the garage called 2720 B has been offered for sale as a condominium which we believe goes against both the spirit and intent of Town Zoning laws . 2720 B has been described in real estate advertising as the secondary structure on the lot and one which cannot be enlarged .
#4 We believe that the reason the slat house was installed by the current property owners was because under Town Zoning Ordinances they were not allowed to install a deck or a porch and that the slat house is an attempt to circumvent these ordinances . Under the rules in place it seems clear that the slat house nor any other structure at the rear of the garage should be allowed to be attached, railed , screened , re-decked , roofed or connected in any way . It also appears that the roof piers can be easily connected to the existing steps and deck without going outside the footprint .
We agree with the staff decision to deny the building permits on 2720 Goldbug . We also believe that since our house and 2720 B are very closely located to one another any expansion of 2720 B would be of substantial detriment to our adjacent property .

Sincerely yours ,
James and Martine Hiers

TOSI-BZA 0133

To : Sullivans Island BOARD of Zoning Appeals
March 10 , 2014

We the undersigned would respectfully request that the BZA not overrule the Zoning Official who denied the building permits associated with 2720-B Goldbug Avenue . We believe that any overule of the three permit denials would not be in the best interest of the Island or the neighborhood.

_____	2678 Goldbug Ave
_____	2420 Raven Drive
_____	2730 Jasper Blvd.
_____	2707 Goldbug Avenue

_____

TOSI-BZA 0134

COPY

TOWN OF SULLIVANS ISLAND
BOARD OF ZONING APPEALS
MARCH 13, 2014

DATE: March 13, 2014
TIME: 6 P.M.
LOCATION: TOWN OF SULLIVANS ISLAND
SULLIVANS ISLAND, SOUTH CAROLINA

REPORTED BY: RONDA K. BLANTON, RPR
NCRA REGISTERED PROFESSIONAL REPORTER
CLARK & ASSOCIATES, INC.
P.O. BOX 73129
CHARLESTON, SC 29415
843-762-6294
office@clark-associates.com
WWW.CLARK-ASSOCIATES.COM

EXHIBITS

TOSI-BZA 0135

COUNTY OF CHARLESTON	)	
	)	**BEFORE THE SULLIVAN'S ISLAND**
STATE OF SOUTH CAROLINA	)	**BOARD OF ZONING APPEALS**
In re:	)	
	)	
2720B Goldbug Ave.	)	
	)	
Owner: Paul and Judith Boehm	)	
	)	

EXHIBITS 1 – 20

ORIGINALS

TOSI-BZA 0136

INDEX OF EXHIBITS
APPEAL OF PAUL AND JUDY BOEHM
RE: 2720B GOLDBUG AVE.

TAB	DESCRIPTION	DATE
1	Certificate of Occupancy Sullivan's Island Inspection Dept. Form	11/20/89 11/20/91
2	BZA Order on Appeal from Action of Zoning Official	2009
3	Color Photos of 2720 Goldbug Avenue	
4	Stop Work Order Notice and Building Permits	
5	Plat for 2720 Goldbug Avenue	
6	Joe Henderson letter to Boehm re: Stop Work Order	2/3/14
7	Frank Timco letter to Joe Henderson re: prior position as SI Building Official	11/1/13
8	Joe Henderson/Paul Boehm e-mail string	10/25/13
9	File on 2805 Atlantic Avenue	
10	File on 1851 "A" Flag Street	
11	File on 956 Middle Street	
12	File on 1121 Middle Street	
13	File on 2102 I'On Street	
14	File on 2263 I'On Street	
15	File on 2523 Goldbug Avenue a/k/a 2524 Myrtle	
16	File on 2314 Middle Street	
17	File on 1820 Central Avenue	
18	File on 1857 Flag Street	
19	File on 1856 I'On Street	
20	SI Building Permit for roof over stairs and walk only	2/13/13

TOSI-BZA 0137

SULLIVAN'S ISLAND
INSPECTION DEPARTMENT
883-3198

TYPE OF INSPECTION REQUESTED _____

APARTMENT OVER GARAGE

DATE 11/20/91 TIME _____

ADDRESS 2720 GOLDBUG

LOT _____ BLOCK _____

BUILDING PERMIT # _____

PLUMBING PERMIT # _____

ELECTRICAL PERMIT # _____

MECHANICAL PERMIT # _____

INSULATION _____

APPROVED X

REJECTED _____

REMARKS _____

Use of apartment over garage

SIGNED David Cautley DATE 11/20/91

TOSI-BZA 0138

EXHIBIT 1

Certificate of Occupancy

Department of Building Inspection

This Certificate issued pursuant to the requirements of the Standard Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the Jurisdiction regulating building construction or use. For the following:

Use Classification APARTMENT ABOVE GARAGE Bldg. Permit No. N/A

Group N/A Type Construction WF Fire District SULLIVAN'S ISLAND

Owner of Building JOHN LEO TRUESDELL Address 2720 GOLDBUG AVE

Building Address 2720 GOLDBUG AVE Locality SULLIVAN'S ISLAND, S.C.

Charles C. Tindal
Building Official

By David Cautley 11/20/89

Date Issued 11/20/89

POST IN A CONSPICUOUS PLACE

D-1—Rev. 11/85

Order on Appeal From Action of Zoning Official – Form 5

Board of Zoning Appeals

Town of Sullivan's Island

Dated Filed:_____ Permit Application No._____ Appeal No._____

The Board of Zoning Appeals held a public hearing on August 13, 2009 to consider Paul Boehm's appeal of Building Official's denial to permit connecting slat house to other deck and house at 2720 Goldbug "B".

After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

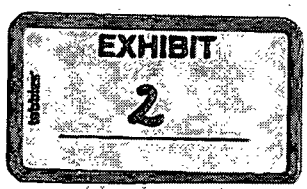
Jimmy Hiers recused himself from this application, as he lives directly next door, but he will comment as a citizen. Mr. Hiers also respectfully asked Brian Hellman to recuse himself, as he might also have a conflict of interest. Mr. Hellman responded while one of his clients is involved with Mr. Boehm, there is no financial interest. Chairwoman Paylor asked Building Official Randy Robinson to present. Mr. Robinson stated that Section 21-150 (F) (3) and 21-150 (B) clearly state that a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects. Chairwoman Paylor stated for the record that correspondence was received from Martine Hiers, 2714 Goldbug and Shay Molony, 2707 Goldbug, opposing the variance. Aussie Geer, 2702 Goldbug, was present and expressed concern that granting this variance would set a precedent. Jimmy Hiers, 2714 Goldbug, asked Chairwoman Paylor to read the letter sent to the Board from his wife, Martine Hiers, opposing the variance. Roy Williams, 2513 Pon Avenue, stated that the screen porch would not damage the neighborhood.

Attorney Bill Barr represented Mr. Boehm. Mr. Barr presented photographs to the Board, and stated the slat house was built in 2001. In Mr. Barr's opinion, there is an ambiguity between Sections 21-150 and 21-151. The terms "use" and "structure" are muddled in the ordinance. It is a non-conforming structure and should be governed under Section 21-151. Mr. Boehm is requesting a screen porch – to put a roof and screen on the current slat house; which is not a deck; it is actually a free-standing deck. Mr. Boehm stated that Section 21-149 (C) (3) states that the ordinance intends to place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the Town as a whole; therefore, he believes the variance should be granted.

Motion was made by Susan Middaugh, seconded by Betsy Richardson, that the Board affirms the decision of the Zoning Administrator, carried unanimously.

THE BOARD, THEREFORE, ORDERS that the administrative official's determination that a permit be denied to connect the slat house to the other deck and house be affirmed and the permit as proposed shall be **denied**.

TOSI-BZA 0139



Date issued:_____ _____
Chairman

Date mailed to parties in interest:_____ _____
Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

Section 21-175 G.(2) of the Town of Sullivan's Island Zoning Code requires application for either a Certificate of Zoning Compliance or a Building Permit within one year from the date of authorization of special exception approval. If no such application is made, then such authorization shall be null and void.

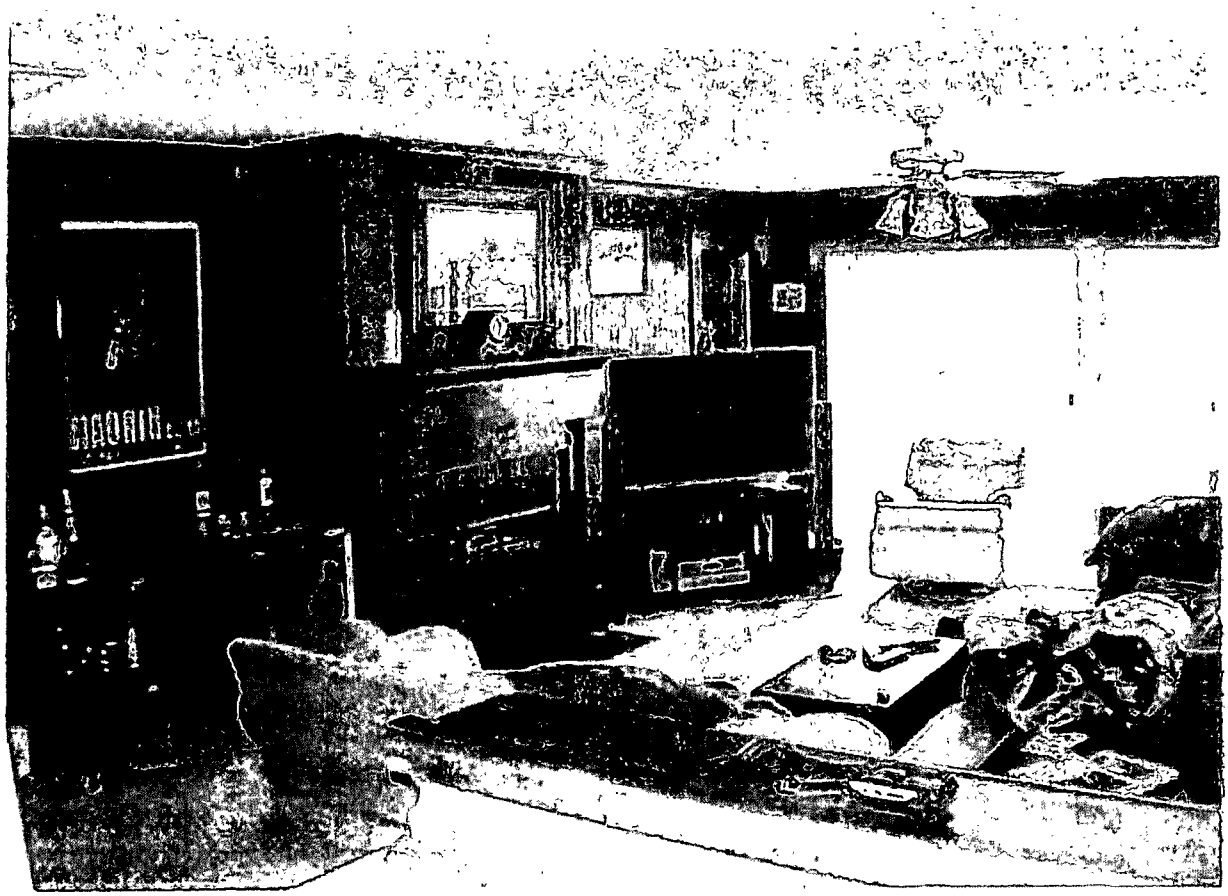
TOSI-BZA 0140



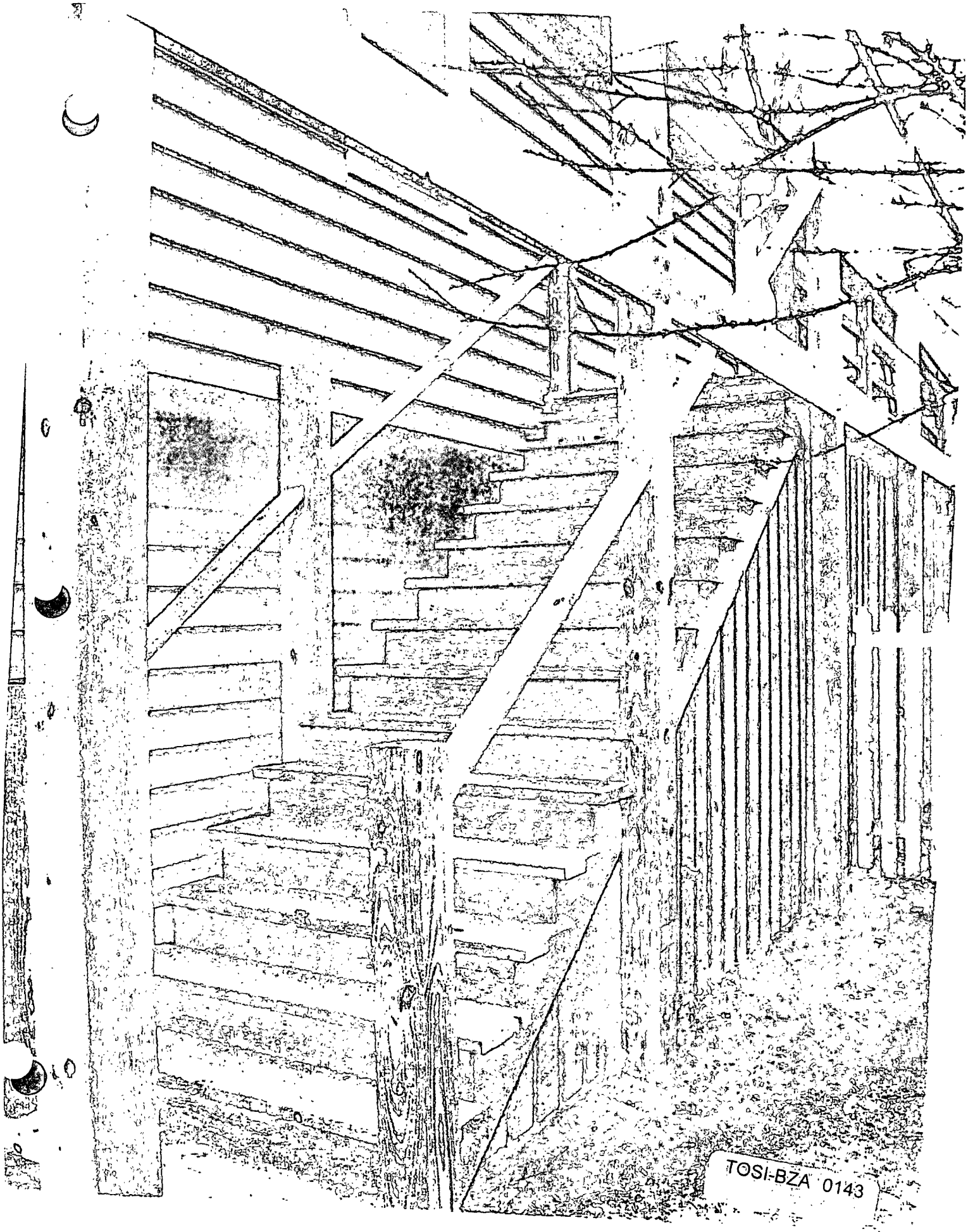
TOSI-BZA_0141

EXHIBIT 3

http://ctarmls.com/CharlestonReports/Media/2811872_0257500.jpg 3/10/2014

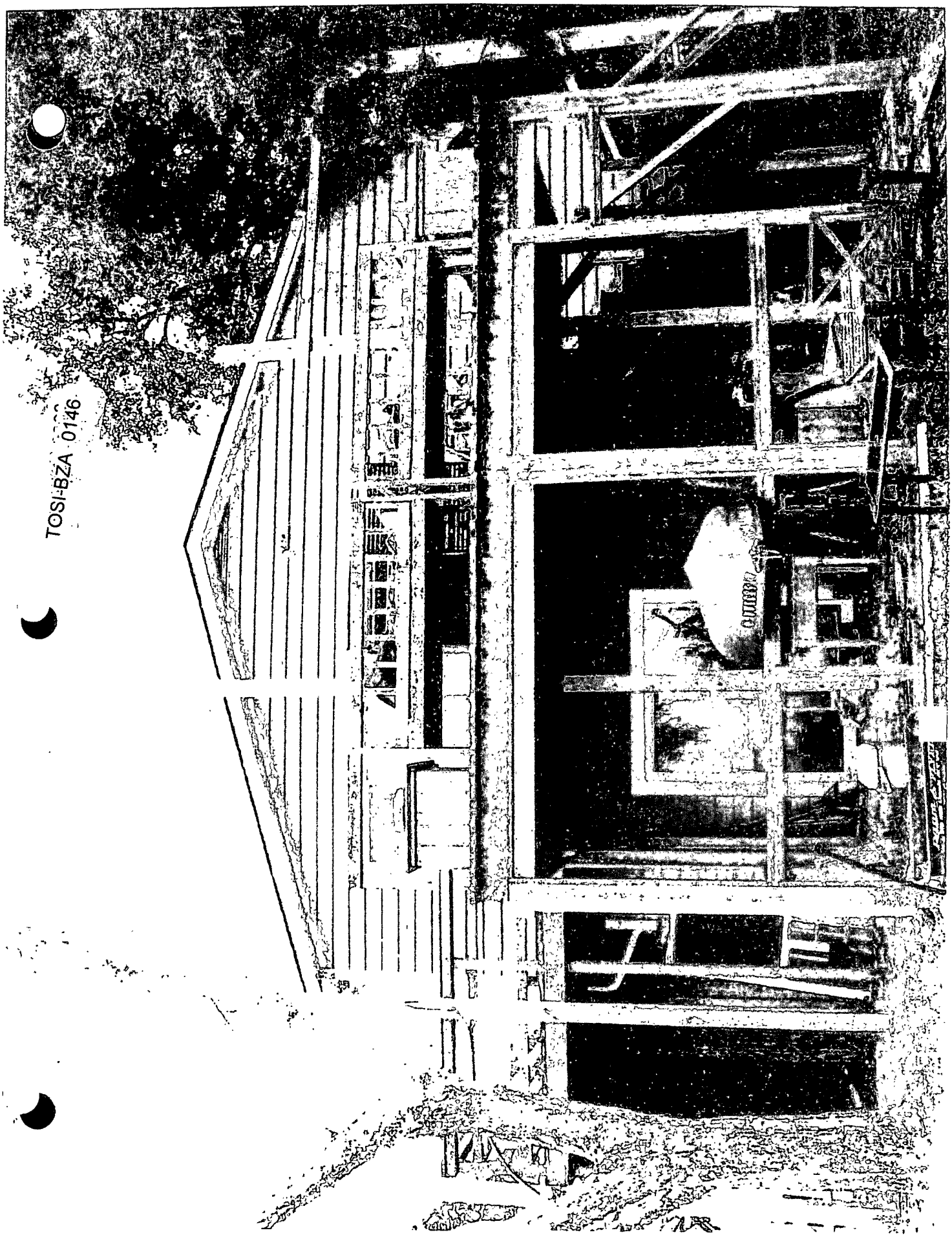


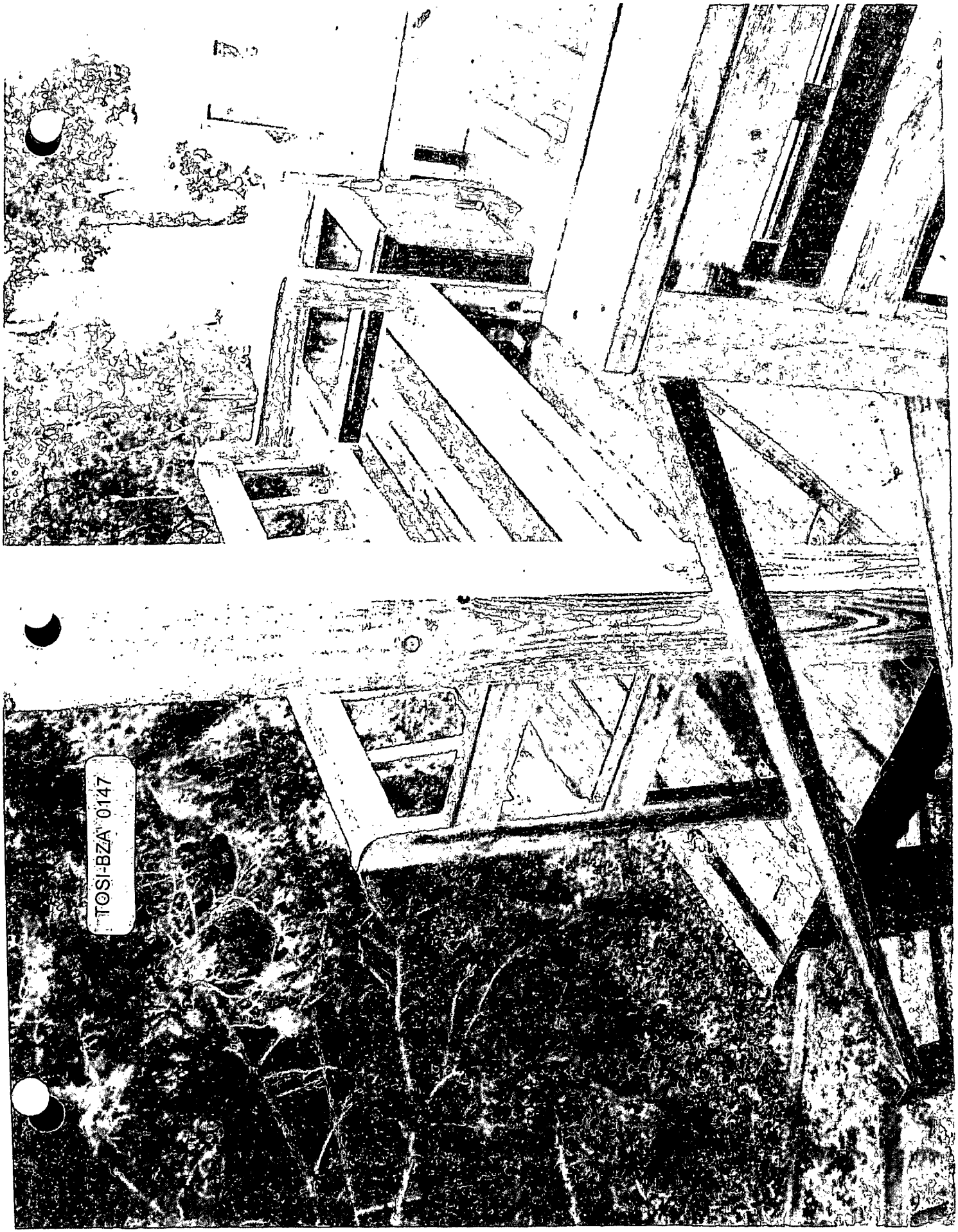
TOSI-BZA 0142

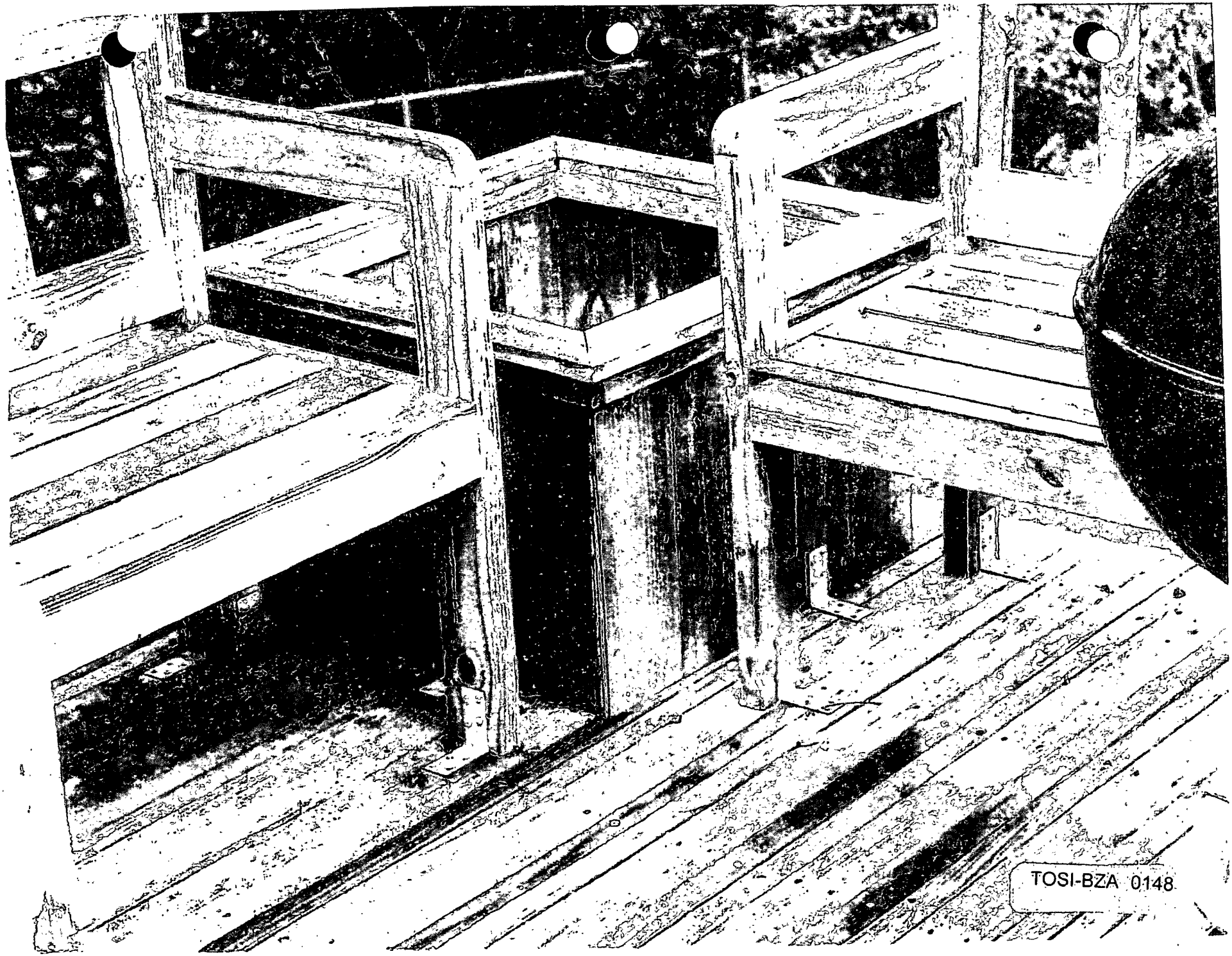

TOSI-BZA 0143

TOSI-BZA 0144

TOSI-BZA 0145

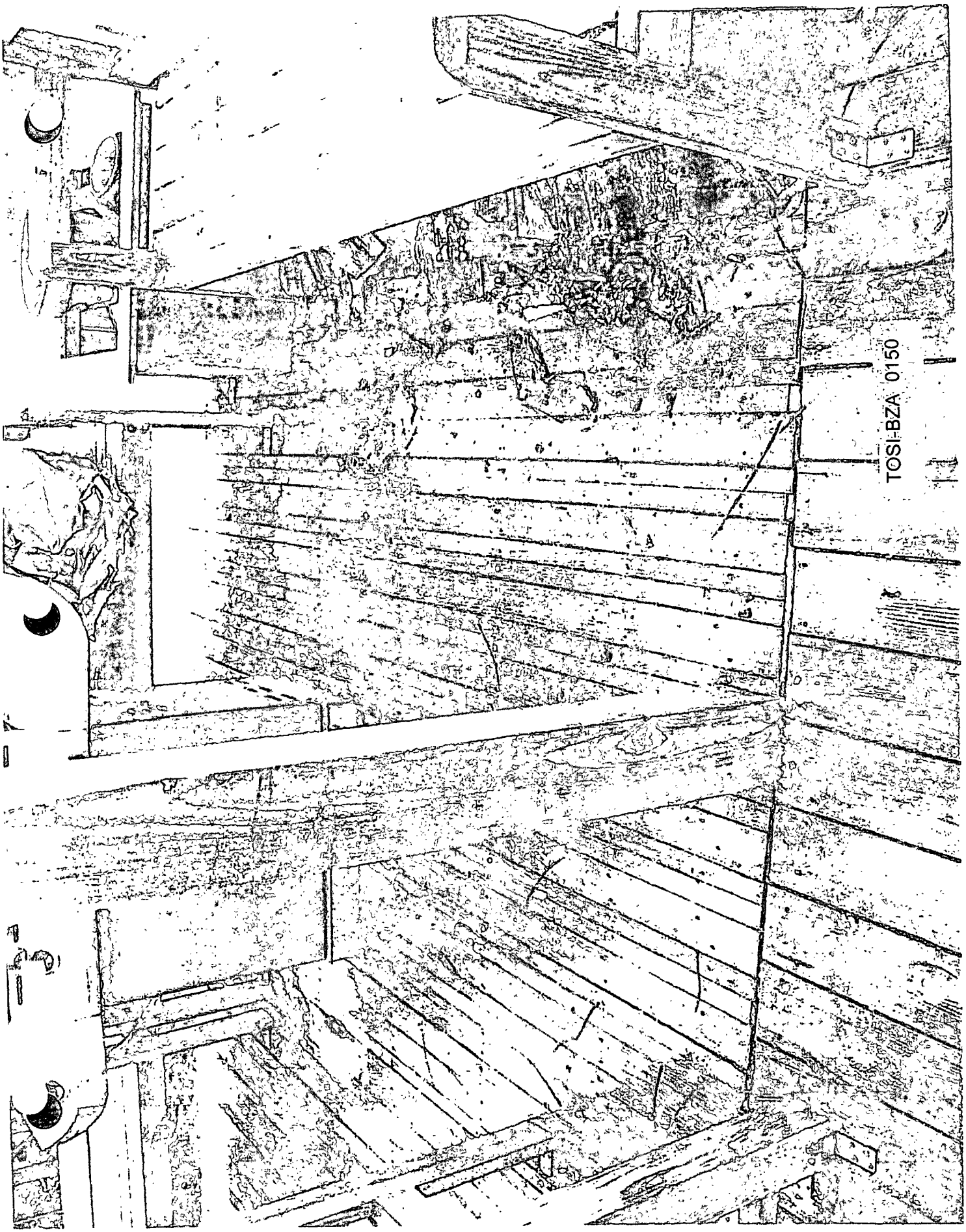

TOSI-BZA 0146

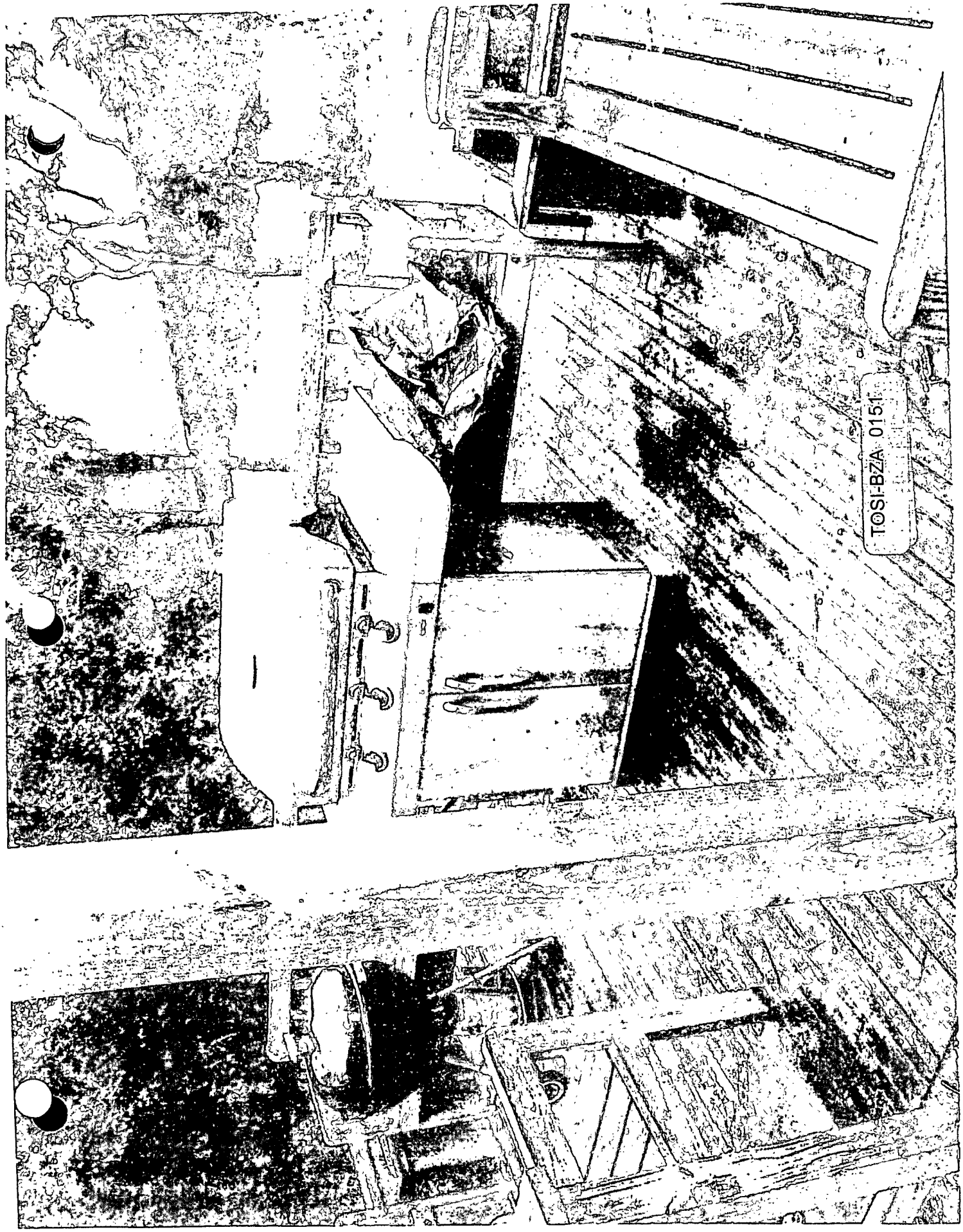

TOSI-BZA 0147



TOSI-BZA 0148

TOSI-BZA 0149


TOSI-BZA 0150


TOSI-BZA 0151

TOWN OF SULLIVAN'S ISLAND

STOP WORK ORDER

OFFICE OF BUILDING OFFICIAL/CODES ENFORCEMENT OFFICE

NOTICE

This Property has been inspected and is in violation of

_____

_____

_____

_____

_____

CORRECTION REQUIRED

Contact Building Inspector/Codes Enforcement Officer before any work is performed on this site. Failure to do so may result in a fine of $1035 and other legal action. _____

Date Inspector

Do Not Remove This Notice

DETACH and bring this portion of this card with you to 1610 Middle St. or call 843-883-5727 for more information.

EXHIBIT 4

Location _____

Date _____ Inspector _____

Violation _____ TOSI-BZA 0152

SULLIVAN'S ISLAND, S.C.

TYPE: Roof overhang

PERMIT

No. 2510

Has Been Issued To

OWNER'S NAME: Boehm

LOCATION: 2720 Goldbug

CONTRACTOR NAME: owner

Issued by: Kat Kenyon
Office of Building Official

Date: 2/14/13 TIME ISSUED:

INSPECTIONS

For Inspections call: 843-883-5727

Foundation / Slab:

Frame / Rough:

Insulation:

Final:

FLOOD ZONE:

THIS CARD MUST BE DISPLAYED IN FRONT OF BUILDING AT THE LOCATION STATED ABOVE. MUST BE PROTECTED FROM WEATHER AND ACCESSIBLE FOR INSPECTION SIGN-OFFS.

TOSI-BZA 0153

TOWN OF SULLIVAN'S ISLAND

RESIDENTIAL PERMIT

PO BOX 427 SULLIVAN'S ISLAND, SC 29482

Phone: 843-883-3198 FAX: 843-883-3009 http://sullivansisland-sc.com/

DATE ISSUED: 02/13/2013 PERMIT #: 2013- 2510

		DISTRICT	TAX MAP PARCEL#
LOCATION	2720 GOLDBUG AVE		5290700002
	2720 GOLDBUG AVE	LOT CCC	ZONING DISTRICT
OWNER:	PAUL BOEHM		
CONTRACTOR:			TOTAL VALUATION $ 5,000

SUBCONTRACTOR ID/NAME SUBCONTRACTOR TYPE

TYPE CONSTRUCTION: ALTERATION OCCUPANCY GROUP: SINGLE FAMILY

FEE CODE	FEE
BUILDING - GENERAL/ISSUE FEE	24.00
BUILDING - GENERAL/BUILDING PERMIT FEE	82.50
BUILDING - GENERAL/PLAN REVIEW FEE	41.25

TOTAL PAID: 147.75 **PAID IN FULL** TOTAL AMOUNT: 147.75

REMARKS: SEE ATTACHED PAPERWORK

PERMIT IS NOT CONSIDERED ISSUED UNTIL PERMIT IS PAID IN FULL.

BUILDING OFFICIAL _____ DATE _____

ZONING ADMINISTRATOR _____ DATE _____

CONTRACTOR/OWNER _____ DATE _____

ISSUED BY _____ DATE _____

TOSI-BZA 0154

TOWN OF SULLIVAN'S ISLAND

RESIDENTIAL PERMIT

PO BOX 427 SULLIVAN'S ISLAND, SC 29482
Phone: 843-883-3198 FAX: 843-883-3009 http://sullivansisland-sc.com/

DATE ISSUED: 01/28/2013 PERMIT #: 2013- 2503

		DISTRICT	TAX MAP PARCEL#
LOCATION	2720 GOLDBUG AVE		5290700002
	2720 GOLDBUG AVE	LOT CCC	ZONING DISTRICT
OWNER:	PAUL BOEHM		
CONTRACTOR:			TOTAL VALUATION $ 2,660

SUBCONTRACTOR ID/NAME SUBCONTRACTOR TYPE

TYPE CONSTRUCTION: ACCESSORY STRUCTURE OCCUPANCY GROUP: MULTI-FAMILY

FEE CODE	FEE
BUILDING - GENERAL/ISSUE FEE	24.00
BUILDING - GENERAL/BUILDING PERMIT FEE	69.50

TOTAL PAID: 93.50 **PAID IN FULL** TOTAL AMOUNT: 93.50

REMARKS: 8X12 UTILITY BUILDING

PERMIT IS NOT CONSIDERED ISSUED UNTIL PERMIT IS PAID IN FULL.

BUILDING OFFICIAL DATE

ZONING ADMINISTRATOR DATE

CONTRACTOR/OWNER DATE

ISSUED BY DATE

TOSI-BZA 0155

SULLIVAN'S ISLAND, S.C.

TYPE: Add/Ren

PERMIT

No. 1566

Has Been Issued To

OWNER'S NAME: Boehm

LOCATION: 2720 Goldbug

CONTRACTOR NAME: Archer

Issued by: Kat Grayson
Office of Building Official

Date: 1-26-2010 TIME ISSUED: 2:

INSPECTIONS

For Inspections call: 843-883-5727

Foundation / Slab:

Frame / Rough:

Insulation:

Final:

FLOOD ZONE:

THIS CARD MUST BE DISPLAYED IN FRONT OF BUILDING AT THE LOCATION STATED ABOVE, MUST BE PROTECTED FROM [illegible] AND ACCESSIBLE FOR INSPECTION [illegible]

TOSI-BZA 0156

TOWN OF SULLIVAN'S ISLAND

RESIDENTIAL PERMIT

PO BOX 427 SULLIVAN'S ISLAND, SC 29482

Phone: 843-883-3198 FAX: 843-883-3009 http://sullivansisland-sc.com/

DATE ISSUED: 01/26/2010 PERMIT #: 2010- 1566

		DISTRICT	TAX MAP PARCEL#
LOCATION	2720 GOLDBUG AVE		5290700002
	2720 GOLDBUG AVE	LOT CCC	ZONING DISTRICT
OWNER:	PAUL BOEHM		
CONTRACTOR:	1795 ARCHER CONSTRUCTION 8 GILLOW ST CHARLESTON, SC 29401		TOTAL VALUATION $ 4,250
	PHONE: 843-200-2540		
	SUBCONTRACTOR ID/NAME		SUBCONTRACTOR TYPE

TYPE CONSTRUCTION: ADDITION/REMODEL OCCUPANCY GROUP: SINGLE FAMILY

FEE CODE	FEE
BUILDING - GENERAL/ISSUE FEE	24.00
BUILDING - GENERAL/BUILDING PERMIT FEE	82.50

TOTAL PAID: 106.50 **PAID IN FULL** TOTAL AMOUNT: 106.50

REMARKS: SEE ATTACHED PAPERWORK

PERMIT IS NOT CONSIDERED ISSUED UNTIL PERMIT IS PAID IN FULL.

BUILDING OFFICIAL — DATE 1/26/2010

ZONING ADMINISTRATOR — DATE

CONTRACTOR/OWNER — DATE 1-26-2010

ISSUED BY — DATE 1-26-2010

TOSI-BZA 0157

Town of Sullivan's Island
PO Box 427
Sullivan's Island, SC 29482

Phone: (843) 883-3198
Fax: 843) 883-3009

Paid Invoice

DATE	INVOICE#
5/24/2007	07*000166
PAID DATE	5/24/2007
Check	1073
PERMIT NUMBER	07-0146

2720 Goldbug Ave
Sullivan's Island, SC

ACCOUNT:

Paul F Boehm
2720 Goldbug Ave #a G
Sullivans Island SC "2948

Phone:

Date	FeeCat	Description	Amount
5/24/2007	100	Permit Issuing Fee	20.00
5/24/2007	100	Building Department Fees.	20.00

Total 40.00

TOSI-BZA 0158

Sullivan's Island
Building Permit

BLDG - General Building Permit

P.O. Box 427
Sullivan's Island, SC 29482
(843) 883-3198 .Office
(843) 883-3009 .Fax

PERMIT NUMBER	MASTER PERMIT NUM	DATE ISSUED	FEE	VALUATION	ISSUED BY
07-0146		05/24/2007	$ 40.00	$ 2,000.00	kat

APPLICANT

LOCATION: 2720 Goldbug Ave
Sullivan's Island, SC

PIN: 5290700002
SUBDIVISION:
LOT #: CCC
PROPERTY SIZE: Sq. Ft.

OWNER: Paul F Boehm

2720 Goldbug Ave
Sullivans Island SC "2948

CONTRACTOR: Paul F Boehm

2720 Goldbug Ave #a
Sullivans Island SC "2948

LICENSE NO.:

CHARACTERISTICS OF WORK

NATURE OF WORK
Addition/Remodel

DESCRIPTION OF WORK
interior fireplafe * trim

OCCUPANCY TYPE
Residential Single Family Residence (Good)

REPORT CODE
101 Single Family Houses Detached

DIMENSIONS

NO. OF FLOORS	0	
TOTAL FLOOR AREA OF NEW CONST.	0	Sq. Ft.
SQ. FT. BASEMENT	0	Sq. Ft.
ACCESSORY STRUCTURES	0	
# FIREPLACES		

SINGLE FAMILY ONLY

NO. OF BATHROOMS	0	
NO. OF BEDROOMS	0	
TOTAL ROOMS	0	

AFFIDAVIT OF APPLICANT

Persons signing this permit agrees to post same on front of lot visible from road or street.
This permit expires 6 months from date of issuance. All building or parts thereof to be completed before occupied.

Issuing Officer / Permit Clerk

Signature of Applicant

5-24-07
Date

Zoning Approval — Date

Building Approval — Date

TOSI-BZA-0159

DJL-BLDGPerm

Town of Sullivan's Island
PO Box 427
Sullivan's Island, SC 29482

Phone: (843) 883-3198
Fax: 843) 883-3009

Paid Invoice

DATE	INVOICE #
6/22/2005	05*000152
PAID DATE	6/22/2005
Check	875

PERMIT NUMBER	05-10493

ACCOUNT:

Paul F Boehm
2720 Goldbug Ave #a
Sullivans Island SC "2948

Phone:

2720 Goldbug Ave
Sullivan's Island, SC

Date	FeeCat	Description	Amount
6/22/2005	100	Permit Issuing Fee	20.00
6/22/2005	100	Building Department Fees.	15.00
6/22/2005	400	Planning Department Fees	17.50

Total 52.50

TOSI-BZA 0160

Building Permit

BLDG - General Building Permit

P.O. Box 427
Sullivan's Island, SC 29482
(843) 883-3198 .Office
(843) 883-3009 .Fax

PERMIT NUMBER	MASTER PERMIT NUM	DATE ISSUED	FEE	VALUATION	ISSUED BY
05-10493		06/22/2005	$ 52.50	$ 1000.00	kat

NAME + ADDRESS

LOCATION 2720 Goldbug Ave
Sullivan's Island, SC

PIN 5290700002
SUBDIVISION
LOT # CCC
PROPERTY SIZE Sq. Ft.

OWNER Paul F Boehm

2720 Goldbug Ave #a
Sullivans Island SC "2948

CONTRACTOR Paul F Boehm

2720 Goldbug Ave #a
Sullivans Island SC "2948

LICENSE NO.

CHARACTERISTICS OF WORK

NATURE OF WORK
Addition/Remodel

DESCRIPTION OF WORK
fence front/side yards

OCCUPANCY TYPE
Residential Single Family Residence (Good)

REPORT CODE
101 Single Family Houses Detached

DIMENSIONS

NO. OF FLOORS	0	
TOTAL FLOOR AREA OF NEW CONST.	0	Sq. Ft.
SQ. FT. BASEMENT	0	Sq. Ft.
ACCESSORY STRUCTURES	0	
# FIREPLACES		

SINGLE FAMILY ONLY

NO. OF BATHROOMS	0	
NO. OF BEDROOMS	0	
TOTAL ROOMS	0	

AFFIDAVIT OF APPLICANT

Persons signing this permit agrees to post same on front of lot visible from road or street.

This permit expires 6 months from date of issuance. All building or parts thereof to be completed before occupied.

Issuing Officer / Permit Clerk

Signature of Applicant

Date 6/22/05

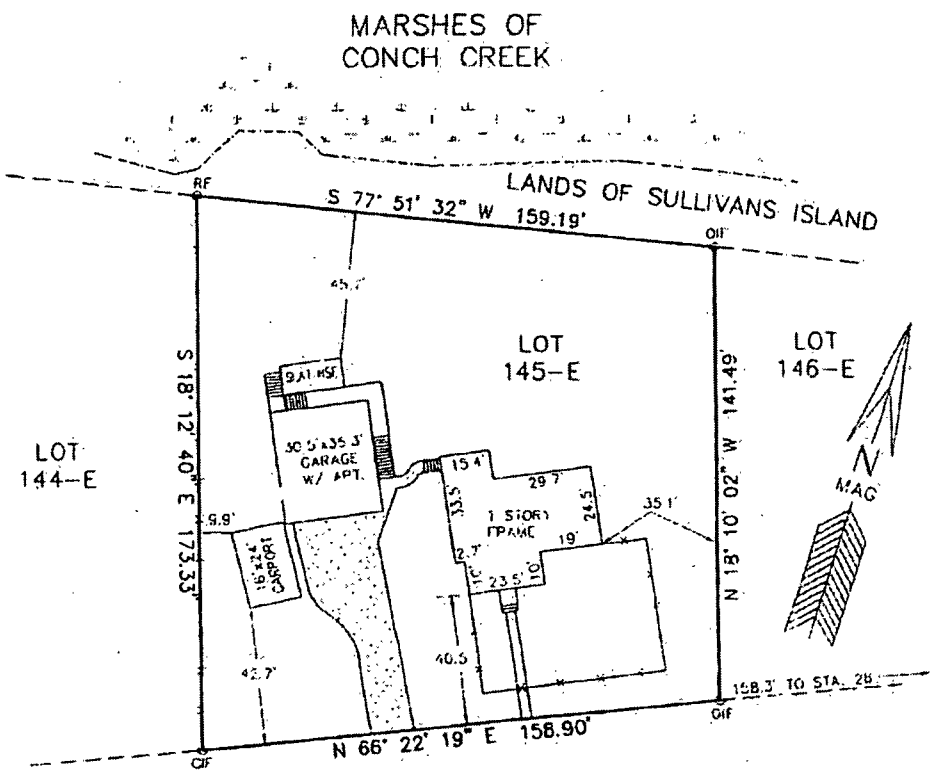
TOSI-BZA 0161

You can manage your Sullivan's Island permit online using your BuildingDepartment.com Project Page. If you have an account, simply log in and add this property (2720 Goldbug Ave) to your Project Page. If you do not have a BuildingDepartment.com account, ask the permit clerk to begin the sign-up process for you.

http://BuildingDepartment.com/login

For more information, call BuildingDepartment.com at (888) 350-9950 or visit http://BuildingDepartment.com

THIS SURVEY IS BASED ON THE REFERENCES SHOWN AND IN NO WAY CONSTITUTES A TITLE SEARCH. THE BEARINGS SHOWN ARE BASED ON THE PRESCRIBED BOUNDARIES AS SHOWN FOR DESCRIPTIVE PURPOSES ONLY.



GOLDBUG AVENUE 40' R/W

2720 GOLDBUG AVENUE
ATLANTICVILLE
TOWN OF SULLIVANS ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA

NOTES
1) REFERENCE PLAT BOOK AE PAGE 127 & D=184
2) TMS # 529-07-00-002
3) PROPERTY OWNED BY: PAUL BOEHM

DATE: MAY 15, 2001
SCALE: 1" = 40'

40 0 40

LEGEND
OIF 1"OPEN IRON FOUND
CIF 1"CRIMPED IRON FOUND
RF #5 REBAR FOUND
X 6' CHAIN LINK FENCE

SUBJECT PROPERTY LOCATED IN FLOOD ZONE AE ELEV 13 FIRM PANEL #55418-0001-D DATED MARCH 16, 1991

JOHN E. WADE JR., RLS
POST OFFICE BOX 686
ISLE OF PALMS
SOUTH CAROLINA, 29451
(843) 886-6262

FILE #060-01

SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR REG. NO. 13171 JOHN E. WADE JR.

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

JOHN E. WADE JR., R.L.S.
SOUTH CAROLINA REG. NO. 13171

EXHIBIT S

TOSI-BZA 0162

MICHAEL PERKIS
MAYOR

TOWN COUNCIL
GARY KAWARD, MAYOR PRO TEM
CHAUNCEY CLARK
HARTLEY COOPER
SUSAN MIDDAUGH
PATRICK O'NEIL
MARY JANE WATSON

TOWN OF SULLIVAN'S ISLAND

BUILDING DEPARTMENT

ANDY BENDT
TOWN ADMINISTRATOR

JASON BLANTON
COMPTROLLER

LAWRENCE A. HEBBS
TOWN ATTORNEY

GREG GRESS
WATER AND SEWER MANAGER

JOE HENDERSON
ZONING ADMINISTRATOR

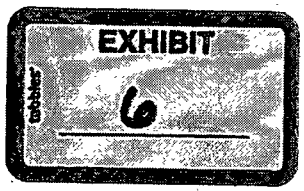
DANIEL S. HOWARD
CHIEF OF POLICE

ELLEN MILLER
TOWN CLERK

RANDY ROBINSON
BUILDING OFFICIAL

M. ANTHONY STITH
FIRE CHIEF

February 3, 2014



Paul Boehm
3209 Middle Street
Sullivan's Island, SC 29482

Re: Stop Work Order and Code Violations at 2720-B Goldbug Avenue, Sullivan's Island, SC

Dear Mr. Boehm,

On January 13, 2014, Building Department staff conducted an inspection of 2720-B Goldbug Avenue to ensure compliance with Building Permit # 2013-2510, which authorized the construction of a stairway overhang along the structure's second story access and rear walkway. During this inspection, staff found that the posts installed as part of the overhang support system falls outside of the permitted area of construction as illustrated on the enclosed permit drawings dated February 7, 2013. These posts must be relocated to their permitted location or revised engineered plans must be resubmitted for zoning and building staff review.

Additionally, staff noticed several other zoning and building code violations in connection with the subject structure. The newly installed support posts for the stair and walkway overhang are encroaching into the footprint of existing slat house structure, which is adjacent to the rear walkway. On August 13, 2009, the Board of Zoning Appeals (BZA) denied your request to connect the structure (slat house) to the existing rear walkway. Minutes from this meeting have been enclosed for your review. Since August 13, 2009, this structure has been modified without permits in the following ways:

- A connection has been made to the slat house, which was originally denied by the BZA 8-13-2009;
- A portion of the handrail was removed from the second story rear walkway;
- Wooden benches were constructed and anchored to the roof of the slat house;
- Wooden planters were installed and anchored to the roof of the slat house;
- Additional wood planks/ slats were installed onto the roof of the slat house, which is now illegally being used as a deck surface.

The above noted handrail must be immediately reconstructed within seven (7) days of the receipt of this letter to discourage the use of the slat house roof as a deck. The wooden benches and planters must be removed within thirty (30) days of the receipt of this letter. Your immediate compliance in this matter is required to ensure the public health, safety, and welfare of the citizens of Sullivan's Island. Should you continue to

P.O. BOX 427 • SULLIVAN'S ISLAND, SC 29482
(843) 883-3198 • FAX (843) 883-3009 • WWW.SULLIVANSISLAND-SC.COM

TOSI-BZA 0163

violate the Town's Zoning Ordinance and Building Codes, a Uniform Ordinance Summons will be issued to you. Please feel free to contact me should need to discuss this issue further.

Sincerely,

Joe Henderson, AICP
Zoning Administrator

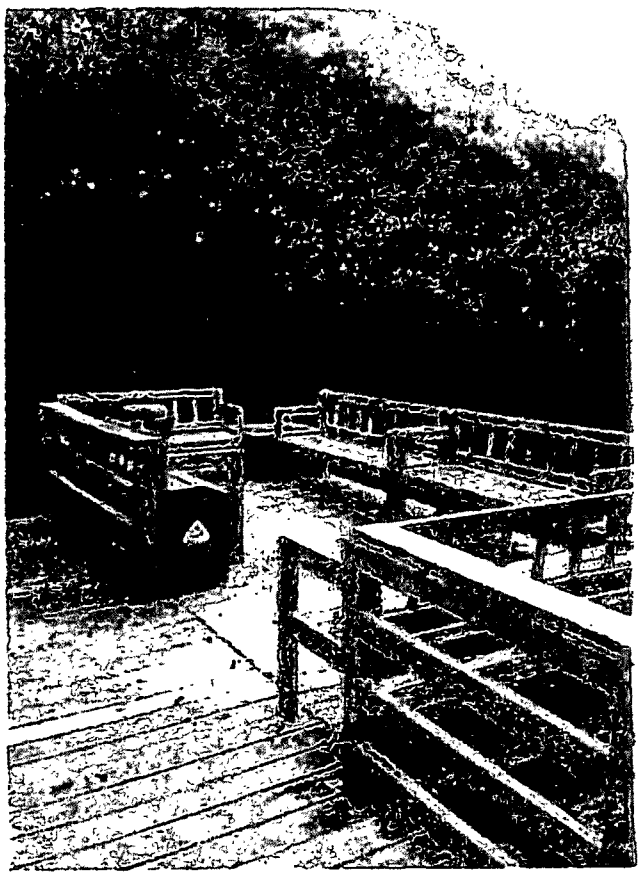
Cc: Andy Benke, Town Administrator
Randy Robinson, Building Official
File

Enclosures: Photographs of violations
Building Permit and site plan, elevations, staff notes
Zoning Ordinance Section 21-185: Certificate of Zoning Compliance Required
International Residential Code Section R312.1; Hand Rails Required
Board of Zoning Appeals minutes: August 13, 2009

TOSI-BZA 0164







TOSI-BZA 0165

TOWN OF SULLIVAN'S ISLAND

RESIDENTIAL PERMIT

PO BOX 427 SULLIVAN'S ISLAND, SC 29482

Phone: 843-883-3198 FAX: 843-883-3009 http://sullivansisland-sc.com/

DATE ISSUED: 02/13/2013 PERMIT #: 2013- 2510

		DISTRICT	TAX MAP PARCEL#
LOCATION	2720 GOLDBUG AVE		5290700002
	2720 GOLDBUG AVE	LOT CCC	ZONING DISTRICT
OWNER:	PAUL BOEHM		
CONTRACTOR:			TOTAL VALUATION $ 5,000

SUBCONTRACTOR ID/NAME	SUBCONTRACTOR TYPE

TYPE CONSTRUCTION: ALTERATION OCCUPANCY GROUP: SINGLE FAMILY

FEE CODE	FEE
BUILDING - GENERAL/ISSUE FEE	24.00
BUILDING - GENERAL/BUILDING PERMIT FEE	82.50
BUILDING - GENERAL/PLAN REVIEW FEE	41.25

TOTAL PAID: 147.75 **PAID IN FULL** TOTAL AMOUNT: 147.75

REMARKS: SEE ATTACHED PAPERWORK

PERMIT IS NOT CONSIDERED ISSUED UNTIL PERMIT IS PAID IN FULL.

Approved as per notes on plans.
Roof over Stairs + Walk only.

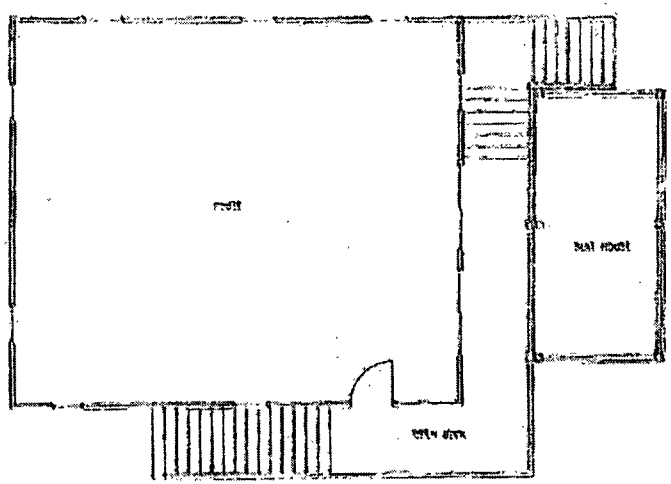
S. A. Robertson — BUILDING OFFICIAL — 02/14/13 DATE

ZONING ADMINISTRATOR — DATE

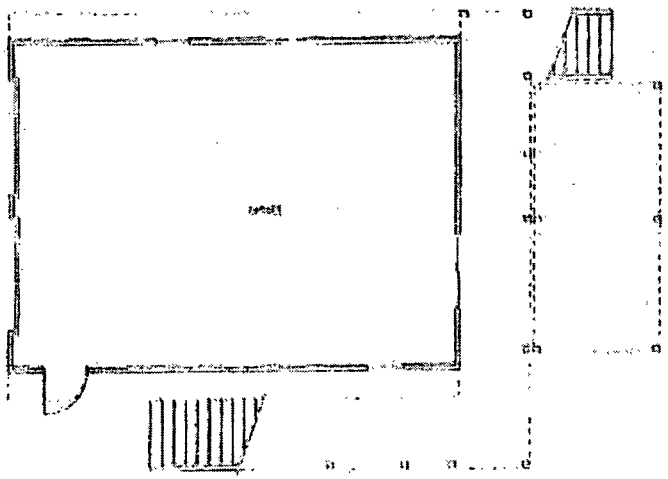
CONTRACTOR/OWNER — DATE

Kat Kenyon — ISSUED BY — 2/14/13 DATE

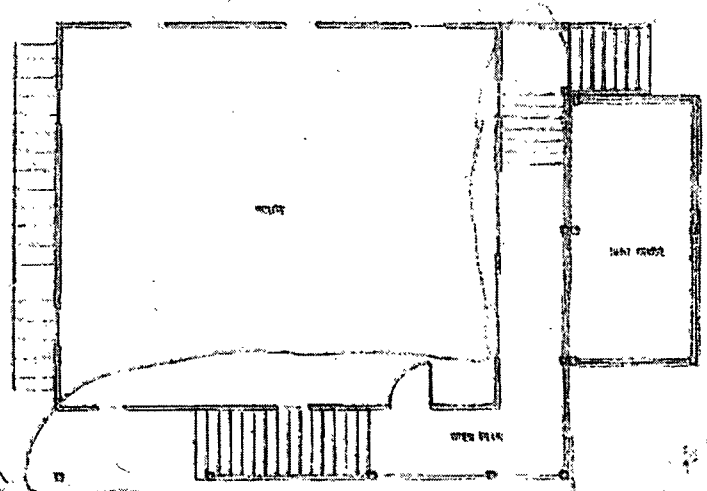
TOSI-BZA 0166



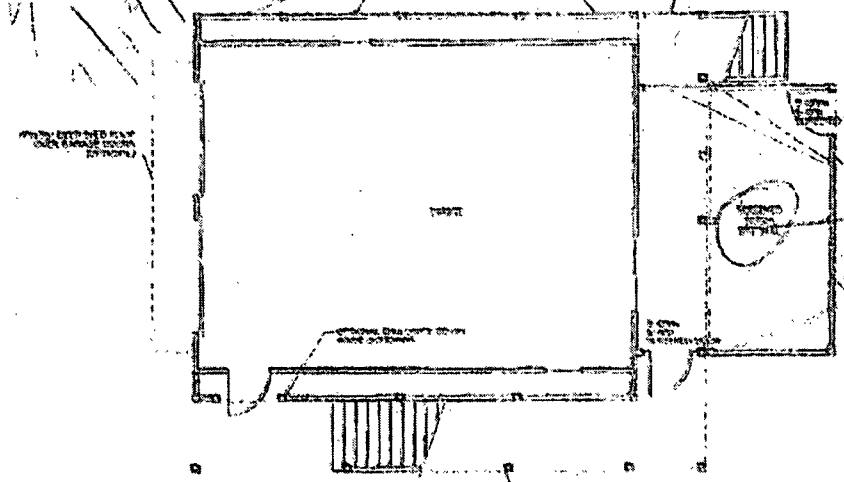
EXISTING
FIRST FLOOR PLAN



EXISTING
GROUND FLOOR PLAN



PROPOSED
FIRST FLOOR PLAN

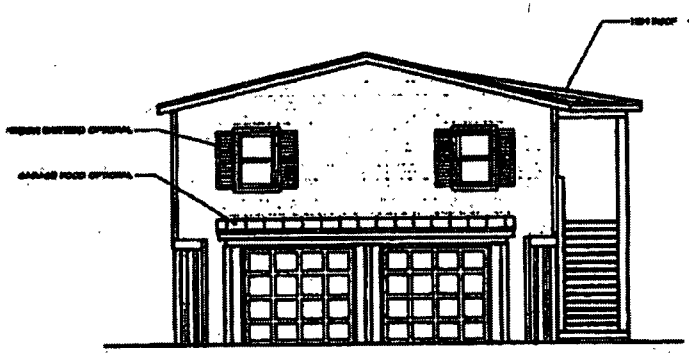


PROPOSED
GROUND FLOOR PLAN

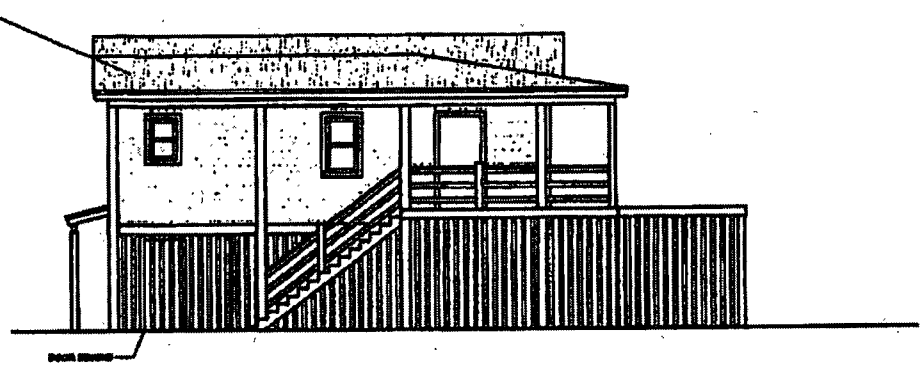
BOEHM RES. ADDITION

FLOOR PLANS

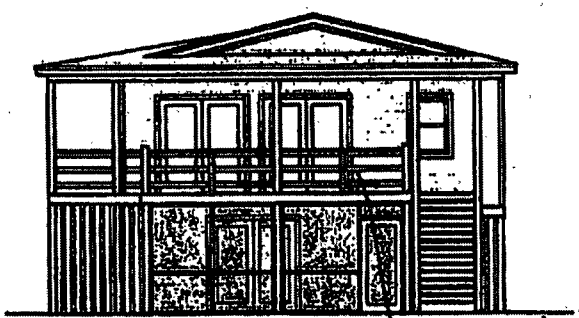
A1



PROPOSED
FRONT ELEVATION
SCALE: 1/4" = 1'-0"

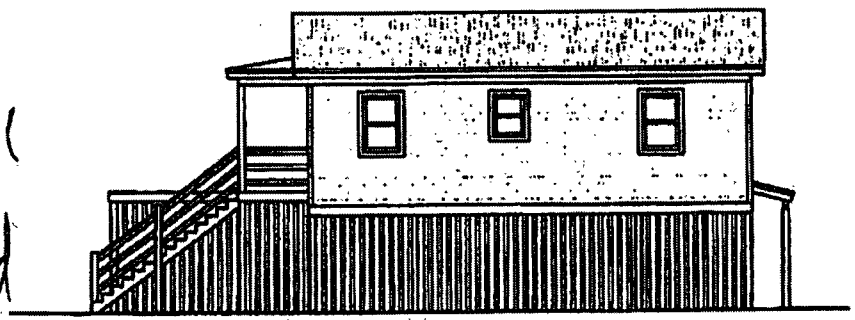


PROPOSED
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
REAR ELEVATION
SCALE: 1/4" = 1'-0"

Railing about slat hoos(
not approved



PROPOSED
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

TOSI-BZA 0168

206

BOEHM RES. ADDITION
2720 GOLDBUG AVE.
SULLIVAN'S ISLAND, SOUTH CAROLINA
PROPOSED ELEVATIONS

DATE:
5/7/18

A2

ARTICLE XIX. Administration and Enforcement.

Sec. 21-184. Administration officer; powers and duties.

A. Authority of zoning administer.

The Zoning Administrator shall be appointed by the Town Council and shall have the authority to administer and enforce the provisions of this Zoning Ordinance. In cases where the Zoning Administrator is not available, the Building Official shall be authorized to sign on behalf of the Zoning Administrator.

B. Powers of zoning administrator.

The Zoning Administrator shall have the power to

(1) Review, approve, approve with conditions, or deny any application for a Certificate of Zoning Compliance for

(a) Permitted uses or conditional uses that do not involve exterior construction; and,

(b) Construction that does not require a Building Permit or expand or enlarge the interior living space.

(2) Process applications to the Design Review Board for Certificates of Zoning Compliance and upon approval, issue the certificates;

(3) Process applications to the Design Review Board for Certificates of Appropriateness (HP Historic Overlay District) and upon approval, issue the certificates;

(4) Process applications or appeals to the Board of Zoning Appeals for Special Exceptions, Variances and administrative appeals;

(5) Process applications to the Tree Commission for Category I trees and issue permits or denials at the direction of the Tree Commission;

(6) Review and approve or deny all Category II tree and palmetto permit applications;

(7) Review and approve or deny Certificates of Zoning Compliance for permitted Vacation Rentals;

(8) Review and approve or deny Certificates of Zoning Compliance for signs, parking and other accessory structures and uses as provided for in ARTICLE XV; and,

(9) Review and approve or deny, in collaboration with the Building Official, Certificates of Occupancy; and,

(10) Interpret and enforce the provisions of the Zoning Ordinance.

Sec. 21-185. Certificate of zoning compliance required.

A. No building, sign or other structure shall be erected, moved, added to, or structurally altered without obtaining a Certificate of Zoning Compliance issued by the Zoning Administrator. The Certificate of Zoning Compliance confirms that the improvement is in conformity with the Zoning Ordinance.

B. Any structure being occupied by a new use or business shall first obtain a Certificate of Zoning Compliance that confirms the use is in conformity with the Zoning Ordinance.

Sec. 21-186. Application and procedures for certificate of zoning compliance.

A. Applications.

All applications for a Certificate of Zoning Compliance (and Building Permit) shall be accompanied by plans in triplicate, drawn to scale showing the following:

(1) With graphic and written scale indicated

(2) Surveyed dimensions and shape of the lot to be built upon;

(3) Existing buildings' square footage, lot coverage, setbacks, elevations and locations and indication of which buildings are to be retained;

(4) Existing location of Category I and II trees and palmettos on site plans with existing buildings and plans showing improvements;

TOSI-BZA 0169

recess area on both sides of the profile. The finger recess shall begin within a distance of 7/8 inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (10 mm) to a level that is not less than 1 3/4 inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1 1/4 inches (32 mm) to a maximum of 2 3/4 inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

R311.5.7 Illumination. All stairs shall be provided with illumination in accordance with Section R303.6.

R311.5.8 Special stairways. Spiral stairways and bulkhead enclosure stairways shall comply with all requirements of Section R311.5 except as specified below.

R311.5.8.1 Spiral stairways. Spiral stairways are permitted, provided the minimum width shall be 26 inches (660 mm) with each tread having a 7 1/2-inches (190 mm) minimum tread depth at 12 inches from the narrower edge. All treads shall be identical, and the rise shall be no more than 9 1/2 inches (241 mm). A minimum headroom of 6 feet 6 inches (1982 mm) shall be provided.

R311.5.8.2 Bulkhead enclosure stairways. Stairways serving bulkhead enclosures, not part of the required building egress, providing access from the outside grade level to the basement shall be exempt from the requirements of Sections R311.5.3 and R311.5 where the maximum height from the basement finished floor level to grade adjacent to the stairway does not exceed 8 feet (2438 mm), and the grade level opening to the stairway is covered by a bulkhead enclosure with hinged doors or other approved means.

R311.6 Ramps.

R311.6.1 Maximum slope. Ramps shall have a maximum slope of one unit vertical in twelve units horizontal (8.3-percent slope).

Exception: Where it is technically infeasible to comply because of site constraints, ramps may have a maximum slope of one unit vertical in eight horizontal (12.5 percent slope).

R311.6.2 Landings required. A minimum 36-inch-by-36-inch (914 mm by 914 mm) landing shall be provided:

1. At the top and bottom of ramps.
2. Where doors open onto ramps.
3. Where ramps change direction.

R311.6.3 Handrails required. Handrails shall be provided on at least one side of all ramps exceeding a slope of one unit vertical in 12 units horizontal (8.33-percent slope).

R311.6.3.1 Height. Handrail height, measured above the finished surface of the ramp slope, shall be not less than 34 inches (864 mm) and not more than 38 inches (965 mm).

R311.6.3.2 Handrail grip size. Handrails on ramps shall comply with Section R311.5.6.3.

R311.6.3.3 Continuity. Handrails where required on ramps shall be continuous for the full length of the ramp. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrails.

SECTION R312
GUARDS

R312.1 Guards. Porches, balconies, ramps or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads.

Porches and decks which are enclosed with insect screening shall be equipped with guards where the walking surface is located more than 30 inches (762 mm) above the floor or grade below.

R312.2 Guard opening limitations. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches (102 mm) or more in diameter.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere 6 inches (152 mm) cannot pass through.
2. Openings for required guards on the sides of stair treads shall not allow a sphere 4 3/8 inches (107 mm) to pass through.

SECTION R313
SMOKE ALARMS

R313.1 Smoke detection and notification. All smoke alarms shall be listed in accordance with UL 217 and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.

Household fire alarm systems installed in accordance with NFPA 72 that include smoke alarms, or a combination of smoke detector and audible notification device installed as required by this section for smoke alarms, shall be permitted. The household fire alarm system shall provide the same level of smoke detection and alarm as required by this section for smoke alarms in the event the fire alarm panel is removed or the system is not connected to a central station.

R313.2 Location. Smoke alarms shall be installed in the following locations:

1. In each sleeping room.

TOSI-BZA 0170

Order on Appeal From Action of Zoning Official – Form 5

Board of Zoning Appeals

Town of Sullivan's Island

Dated Filed:_____ Permit Application No._____ Appeal No._____

The Board of Zoning Appeals held a public hearing on August 13, 2009 to consider Paul Boehm's appeal of Building Official's denial to permit connecting slat house to other deck and house at 2720 Goldbug "B".

After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

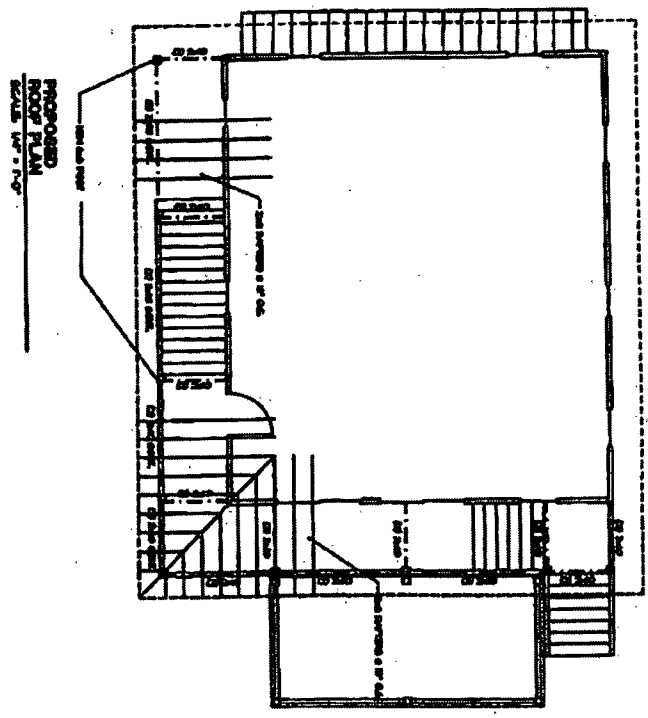
Jimmy Hiers recused himself from this application, as he lives directly next door, but he will comment as a citizen. Mr. Hiers also respectfully asked Brian Hellman to recuse himself, as he might also have a conflict of interest. Mr. Hellman responded while one of his clients is involved with Mr. Boehm, there is no financial interest. Chairwoman Paylor asked Building Official Randy Robinson to present. Mr. Robinson stated that Section 21-150 (F) (3) and 21-150 (B) clearly state that a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects. Chairwoman Paylor stated for the record that correspondence was received from Martine Hiers, 2714 Goldbug and Shay Molony, 2707 Goldbug, opposing the variance. Aussie Geer, 2702 Goldbug, was present and expressed concern that granting this variance would set a precedent. Jimmy Hiers, 2714 Goldbug, asked Chairwoman Paylor to read the letter sent to the Board from his wife, Martine Hiers, opposing the variance. Roy Williams, 2513 I'on Avenue, stated that the screen porch would not damage the neighborhood.

Attorney Bill Barr represented Mr. Boehm. Mr. Barr presented photographs to the Board, and stated the slat house was built in 2001. In Mr. Barr's opinion, there is an ambiguity between Sections 21-150 and 21-151. The terms "use" and "structure" are muddled in the ordinance. It is a non-conforming structure and should be governed under Section 21-151. Mr. Boehm is requesting a screen porch – to put a roof and screen on the current slat house, which is not a deck; it is actually a free-standing deck. Mr. Boehm stated that Section 21-149 (C) (3) states that the ordinance intends to place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the Town as a whole; therefore, he believes the variance should be granted.

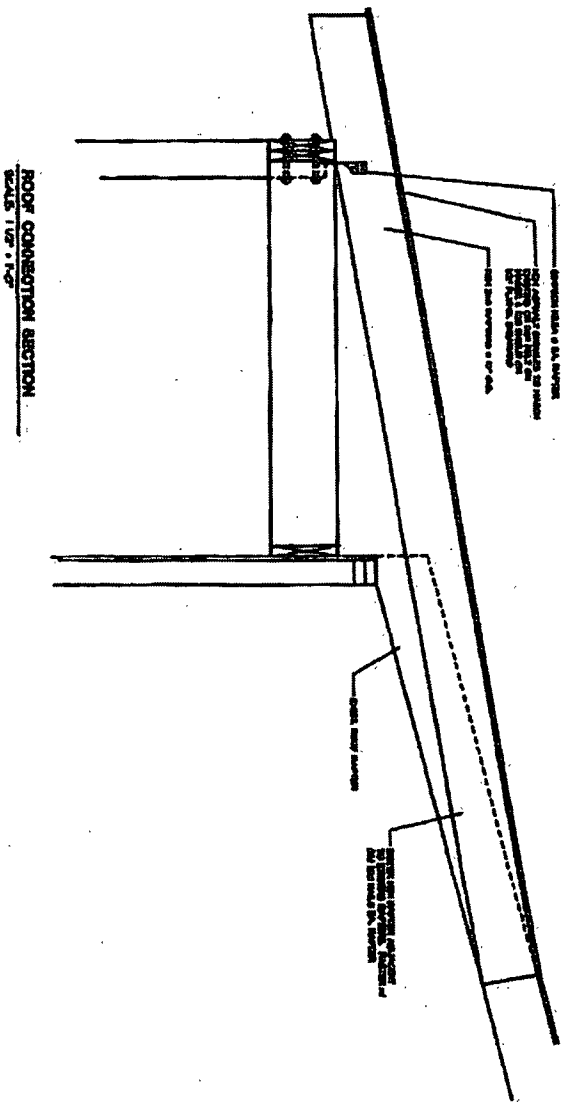
Motion was made by Susan Middaugh, seconded by Betsy Richardson, that the Board affirms the decision of the Zoning Administrator, carried unanimously.

THE BOARD, THEREFORE, ORDERS that the administrative official's determination that a permit be denied to connect the slat house to the other deck and house be affirmed and the permit as proposed shall be **denied**.

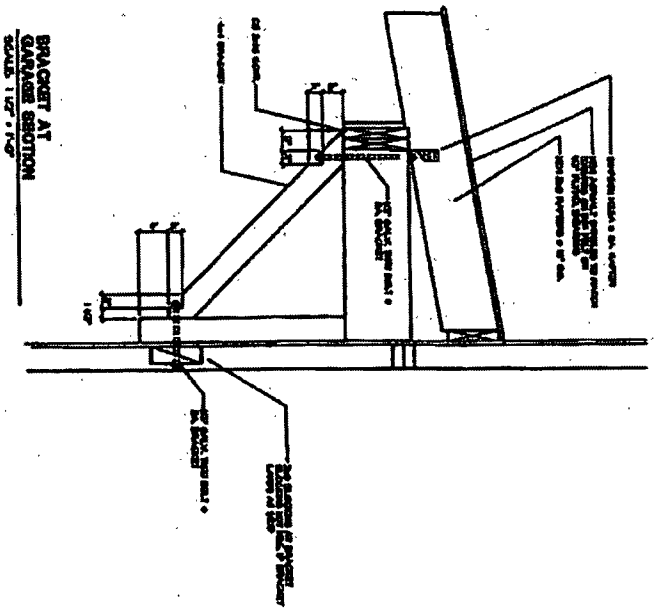
TOSI-BZA 0171



PROPOSED ROOF PLAN



ROOF CONNECTION SECTION



BRACKET AT GARAGE SECTION

TOSI-BZA 0172

A3		BOEHM RES. ADDTION 2720 GOLDBUG AVE. SULLIVAN'S ISLAND, SOUTH CAROLINA PLANS, DETAILS	

211

TOSI-BZA 0173

DER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PAUL BOEHM
3209 MIDDLE ST
SULLIVAN'S ISLAND
SC 29482

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Address

B. Received by (Printed Name) [illegible] C. Date of Deliv

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

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandi
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7005 1820 0004 3026 7117

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1

7005 1820 0004 3026 7117

U.S. Postal Service™
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Return Receipt Fee (Endorsement Required)	$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	$0.00	
Total Postage & Fees	$ 5.54	09/21/2009

Sent To: Paul Boehm
Street, Apt. No.; or PO Box No. 3209 Middle St
City, State, ZIP+4 Sullivans Island
PS Form 3800, August 2006 See Reverse for Instructions

Town of Sullivan's Island

P.O. Box 427

Sullivan's Island, S.C. 29482

Attn: Mr. Joseph Henderson

Zoning Officer

Nov. 1, 2013

Re: 2720 Goldbug Ave.

Sullivan's Island, S.C.

Dear Mr. Henderson:

I am forwarding a response to a request by Mr. Paul Boehm. This is regarding the property located at 2720 Goldbug Avenue.

Prior to Hurricane Hugo I was the part-time Building Official on Sullivan's Island. Immediately after Hurricane Hugo I became the full-time Building Official. Please note for the record that when I became the part-time Building Official there were little to no records regarding Building Permits and Zoning Records on the properties on Sullivan's Island. After Hurricane Hugo what records existed were destroyed in the Hurricane when Town Hall was flooded.

For the record prior to the Hurricane I became deeply involved with updating property records and had worked very closely with the then Mayor Anderegg obtaining as much information as possible updating our files regarding the Island's properties.

I am now in charge of Construction of the new Post Exchange at Fort Meade in Maryland and I would have come into your office to directly

TOSI-BZA 0174

EXHIBIT 7

speak with you regarding this property but since I'm not in South Carolina I thought that I might write this letter instead.

Please note that it was of upmost importance after Hurricane Hugo that both the zoning officer and Building Official had to determine which properties had legal multiple dwellings as FEMA was investigating all non-conforming legal dwellings which were below the flood zones. This was especially important since they drastically increased the elevations on the island, just 2 weeks after the Hurricane. FEMA had forwarded new Flood Maps after Hurricane Hugo.

Both David Cantey and I determined that the property at 2720 Goldbug prior to the storm had 2 habitable dwelling structures. The main house, where Mr. John Leo Truesdell lived with his wife, was determined to be the conforming principle building. The garage apartment, which was occupied by Mr. Truesdell's son living independently, was determined to be the non-conforming principle building.

Without hesitation, I can unequivocally assure you that this is absolutely correct. With over 700 structures damaged due diligence was in order as FEMA representatives were constantly reviewing our Island.

Please note that I am including my cell phone number should you have any further questions.

Sincerely,

Frank C. Timko

Cell: 843-408-5383

TOSI-BZA 0175

Alice Paylor

From: Paul Boehm [paulboehm0@yahoo.com]
Sent: Thursday, January 16, 2014 9:11 AM
To: Alice Paylor
Subject: Fw: 2720 Goldbug

Thank you,

Paul Boehm, BIC

Boehm & Haynes
East Islands Real Estate, Inc.
29 JC Long Blvd., Isle of Palms, SC 29451
(843) 886-8114 (office)
(843) 810-0571 (mobile)
(843) 886-8145 (fax)
www.eastislandsrealestate.com



----- Forwarded Message -----
From: Joe Henderson <jhenderson@sullivansisland-sc.com>
To: Paul Boehm <paulboehm0@yahoo.com>
Sent: Friday, October 25, 2013 11:02 AM
Subject: RE: 2720 Goldbug

Paul,
If you were requesting to modify a non-conforming principal building you could make an expansion of the roof only in compliance with Section 21-151.B (Nonconforming Structures-Structural Alterations). This would allow you to raise the roof only if you did not exceed the height limitation for a principal building, which is 38 feet in RS zoning. Thus, the structural alterations would only be allowed for a nonconforming principal building, including enlargements, provided they don't increase the degree of nonconformity (say if you only were deemed nonconforming only by way of setback encroachment).

There are many properties that were deemed to have two principal buildings however, they are mostly historic single-family dwellings that were either allowed by special exception to construct a second home, or if the property was issued a C.O. in 1977 and was determined then to have two principal buildings (i.e. home with servants quarters, mother in-law suite that was converted prior to 1977).

All the documentation we have on file clearly indicates that this garage (accessory structure) was allowed to have an apartment in 1989. This act did not deem the garage as a second principal building.

F. Two or more Principal Buildings on one lot
In the event that two or more Principal Buildings occupy a single lot, said occupancy shall constitute a non-conforming use. One structure shall be designated conforming and the other(s) shall be non-conforming under the following procedure:

(1) If a request to improve the property is received, the Zoning Administrator shall designate the Principal Building with the greatest livable square footage, including porches, as a conforming use and the other Principal Buildings as non-conforming.
(2) The designation of conforming and non-conforming Principal Buildings shall be recorded on the Certificate of Occupancy that is on file in the Town Hall.
(3) A Building Permit for improvements to the designated conforming Principal Building may be considered favorably, provided all other requirements of the Town Ordinances are met. The non-conforming structure(s) shall be regulated in accordance with Subsections A – E.

TOSI-BZA 0176

Joe Henderson, AICP
ning Administrator
own of Sullivan's Island
2050-B Middle Street | P.O. Box 427
Tel 843.883.5731| Fax 843.883-3009
jhenderson@sullivansisland-sc.com

From: Paul Boehm [mailto:paulboehm0@yahoo.com]
Sent: Thursday, October 24, 2013 3:32 PM
To: Joe Henderson
Subject: Re: 2720 Goldbug

Joe, I do have a question. You have stated that you are turning down my request to raise the roof based on the structure being an accessory structure. If it was considered a non-conforming Principal Building, would it then be OK to raise the roof?

Thank you,

Paul Boehm, BIC

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ast Islands Real Estate, Inc.
JC Long Blvd., Isle of Palms, SC 29451
(843) 886-8114 (office)
(843) 810-0571 (mobile)
(843) 886-8145 (fax)
www.eastislandsrealestate.com

From: Joe Henderson <jhenderson@sullivansisland-sc.com>
To: Paul Boehm <paulboehm0@yahoo.com>
Sent: Thursday, October 24, 2013 10:46 AM
Subject: RE: 2720 Goldbug

Paul, please let me know if you have any questions going forward.

Thanks,

Joe

Joe Henderson, AICP
Zoning Administrator
Town of Sullivan's Island
2050-B Middle Street | P.O. Box 427
Tel 843.883.5731| Fax 843.883-3009
jhenderson@sullivansisland-sc.com

From: Paul Boehm [mailto:paulboehm0@yahoo.com]
Sent: Thursday, October 24, 2013 10:43 AM
To: Joe Henderson
Subject: Re: 2720 Goldbug

I have to disagree with your conclusion. Sec 21-150 F pertains to two dwelling units on one lot and does not specify when either was built. You could easily have a small cottage built first, say in 1930, and then have another dwelling with a garage under it built in 1960. With two similar sized dwellings on a lot, it was up to the owner to decide which was the principal dwelling. Be that as it may, I will leave the roof raising alone for now.

Thank you,

Paul Boehm, BIC

Boehm & Haynes
East Islands Real Estate, Inc.
29 JC Long Blvd., Isle of Palms, SC 29451
(843) 886-8114 (office)
(843) 810-0571 (mobile)
(843) 886-8145 (fax)
www.eastislandsrealestate.com

From: Joe Henderson <jhenderson@sullivansisland-sc.com>
To: "paulboehm0@yahoo.com" <paulboehm0@yahoo.com>
Sent: Thursday, October 24, 2013 9:33 AM
Subject: RE: 2720 Goldbug

Hi Paul,

Thanks again for meeting me this past Monday to give me a sense of what you're requesting at 2720 Goldbug Avenue.

First, I agree with your assessment that this structure is considered a legal but nonconforming use. I found the attached Certificate of Occupancy from 1989, which would allow the continuation of use for the "apartment above the garage" (as stated on the CO document). I would however, disagree with your assessment that this structure is not an accessory structure to the principal building. From what I understand of the history of this property, the original structure or principal building to this parcel is a traditional single-family detached home that is located to the right of the garage/ nonconforming unit. You confirmed during our conversation yesterday that the home predates the construction of the detached garage and unit, which you mentioned was built after Hurricane Hugo (inspection ticket from 1991 notes and inspection was conducted of the apartment conversion two years after CO for the garage).

In my view, the nonconforming unit over the garage does not pertain to Z.O. Section 21-150.F (*Two or more Principal Buildings on one lot*) because the unit is not considered a "Principal Building" but is instead a retrofitted space within an accessory structure (detached garage). The form and construction of the garage is also telling in its original use and function as an accessory use or structure to the principal building. The two vehicle doors in the front indicate that it is not a principal building but is instead intended for use as a garage. I've attached a John Wade survey from 1991 that reiterates this original use as a "garage w/ apt" and not a second principal building.

TOSI-BZA 0178

Because accessory structures are permitted a maximum height of 18 feet, the detached garage/unit is already exceeding the maximum height allowed (22-24 feet), and therefore would not allow your requested height increase of two feet. Section 21-150.B (Nonconforming Uses-Expansion) describes that a nonconforming use shall not be expanded except to eliminate or reduce the nonconforming aspects. You are proposing to raise the roof and expand its overall height. Further, Section 21-151.B (Nonconforming Structures-Structural Alterations) describes that structural alterations, including enlargements, are permitted if the structural alteration does not increase the degree of nonconformity. Raising the roof's overall height, well over the allowed 18' feet, is an increase in the extent of the nonconformity.

Please let me know if you have any questions about my decision regarding this matter.

Sincerely,

Joe Henderson, AICP
Zoning Administrator
Town of Sullivan's Island
2050-B Middle Street | P.O. Box 427
Tel 843.883.5731| Fax 843.883-3009
jhenderson@sullivansisland-sc.com

From: Paul Boehm [mailto:paulboehm0@yahoo.com]
Sent: Tuesday, October 22, 2013 8:38 AM
To: Joe Henderson
Subject: 2720 Goldbug

Joe, Thanks for meeting me today at Goldbug. I will forward the plans to raise the ceiling/roof and want to address the issues we discussed. This structure is not an accessory structure as defined in the current ordinances, but rather a secondary dwelling (see Sec 21-150 F). There are a number of these around the island, some historic, some not. They are considered non-conforming and legal and there are circumstances where they can be expanded. You have probably already run into this with historic structures where the living spaces are enlarged. Traditionally on the island, an expansion meant an increase of the footprint of a structure which included increasing heated square footage, or enlarging a deck. Whereas, elevating a non-conforming secondary dwelling to comply with flood laws was not an expansion. I can show you at least two of these that were done after Hugo and there will probably be more due to the new flood laws. If increasing the volume by elevating a structure is permissible, why wouldn't it be OK to raise the roof height? Additionally, if covering a walkway with a roof is permissible, why is not raising the already existing roof permissible? The structure at Goldbug is non-conforming because it is a secondary dwelling. There would be no expansion of its non-conformity by simply raising the roof.

Thank you,

Paul Boehm, BIC

Boehm & Haynes
Sea Islands Real Estate, Inc.
1504 C Long Blvd., Isle of Palms, SC 29451
(843) 886-8114 (office)
(843) 810-0571 (mobile)

TOSI-BZA 0179

(843) 886-8145 (fax)
http://www.eastislandsrealestate.com/

Total Control Panel Login

To: apaylor@rrhlawfirm.com
From: paulbochm0@yahoo.com

Message Score: 45
My Spam Blocking Level: High

Block this sender
Block yahoo.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

TOSI-BZA 0180

2805 East Atlantic Avenue TMS# 529 11 000 049

The small structure at the corner of the lot at East Atlantic and Station 18 is the non-conforming dwelling on the lot. It was originally built in 1932 and had 198 sq. ft. of heated footprint before it was elevated and renovated in 1998.

The attached photos and drawings show the original house, it being elevated and the current house.

It was elevated several feet above the required flood elevation in order to have a garage and storage underneath.

The heated footprint was allowed to be enlarged to 485 square feet, an increase of 287 sq. ft. or 145%.

Exhibits:

Charleston County "Overview"
" " Review 11/3/83

Sullivan's Island Building Permit
" " Certificate of Occupancy
" " Certificate of Occupancy
" " BZA request Feb. 12, 1998

Plans and photos from Beau Clowney
Photos from Paul Boehm

EXHIBIT
9

TOSI-BZA 0181

CHARLESTON COUNTY, SC

Site Provided governmax

Overview

Records

Overview

Parcel

Land

Improvements

Sales Disclosure

Pay Taxes

Search by

Property ID (PIN)

Street Address

LegalDescription

Sales

Owner Name

Functions

Homepage

Real Property

Personal Property

Motor Vehicle

Shopping Cart

Help

Feedback

Query Login

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Date Processed As Of	Assess Year	Pay Year
5291100049		2805 E ATLANTIC AVE, SULLIVANS ISLAND	2/11/2014	2013	2013

Current Parcel Information

Owner	POPE ADELE J	**Property Class Code**	101 - RESID-SFR
Owner Address	1228 WALNUT ST NEWBERRY SC 29108-3554	**Acreage**	.0000

Legal Description Description -LT 207 E PlatSuffix D-184 PolTwp 002

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2013	$1,050,000	$200	$1,050,200	$12,414.62	$12,414.62
2012	$1,050,000	$200	$1,050,200	$12,410.42	$12,410.42
2011	$1,050,000	$200	$1,050,200	$12,387.33	$12,387.33
2010			$1,105,000	$12,982.26	$12,982.26

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
POPE ADELE J	V271 399	7/18/1996	G		$5
POPE THOMAS H III	Y173 760	4/15/1988	G		$0

Improvement

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1920	1.0	03	1,838	
R02	DWELL	Dwelling	1932	1.0	01	485	

Charleston County makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. All data is subject to change.

TOSI-BZA 0182

Request for variance from Board of Adjustment

12/30/97
(Date)

Property owner : Tom and Adele Pope

Property address : 2805 E. Atlantic Avenue

Lot Number : 207 E Permit Number :

Section(s) of Zoning/Building Ordinance in violation:

2 dwellings on lot - both rented at times

Description of variance request:

continued right to occupy, fix up and rent both dwellings

Justification of hardship:

A. Exceptional conditions due to size, shape, or topography

This is a legal non-conforming use which has existed since long before the zoning ordinance took effect.

B. Application of requirement creates unnecessary hardship

See "A" above

, and

C. Conditions are particular to this piece of property

See "A" above

, and

D. Relief would not cause substantial detriment to the public good or impair the purposes and intent of the ordinance

See "A" above

M. C. Tanenbaum for The owner
(signature of applicant)

Address all communication concerning this application to:

Name : M. C. Tanenbaum Phone # 577-5100

Address : Post Office Box 20757
Charleston, SC 29413-0757

Received from , $50.00 to cover cost of advertising and other administrative expenses associated with processing this application.

, 19

Town Clerk

TOSI-BZA 0183

DEC-03-97 17:17 P.01

February 12, 1998

The Board of Adjustment for the Town of Sullivan's Island met on the above date at Town Hall, all requirements of the Freedom of Information Act having been satisfied.

Present were: Michael Cole, Chairman
Bill Barr
Jay Keenan
Gail Rahn
Thom Hiers

Upon motion by Ms. Rahn, seconded by Mr. Keenan, the December 11, 1997 minutes were approved as written.

Mr. Pierre Manigault, 2429 Atlantic Ave., petitioned for a variance to allow him to trim the myrtle bushes in front of his residence to 3 1/2 feet. The Board discussed the fact that Mr. McCutchen has been granted the same type of variance every year because his house is only slightly above grade. Mr. Manigault pointed out the fact that his house and lot are lower than Mr. McCutchen's. Motion was made by Dr. Hiers, seconded by Ms. Rahn, that consistent with the rationale with which the board granted the McCutchen variance, the variance be granted, carried unanimously.

Mr. Thomas Waring, representing Jane McCutchen, 2525 Atlantic Ave., requested a variance to allow them to once again trim the myrtle bushes to 3 1/2 feet. Motion was made by Mr. Keenan, seconded by Dr. Hiers, to grant the variance, carried unanimously.

Mr. Mark Tanenbaum, representing Tom and Adele Pope, 2805 Atlantic Ave., petitioned for a variance to allow them to improve the smaller house on the property. The Board discussed the fact that a Certificate of Occupancy was never issued to Mrs. Eason, who was the owner at the time the Zoning Ordinance was adopted. Mr. Tanenbaum pointed out the fact that Mr. & Mrs. Pope have always bought a business license to rent the property and were unaware of the fact that they would have a problem renovating the smaller building. Mr. Tanenbaum presented an affidavit from a tenant who has rented this building for nine years and evidence that a business license has been purchased. Mr. Prause stated that the Building Inspector had put a stop work order on the building when he saw that work had commenced without a permit. Mr. Prause added that, at the time he saw the structure, it appeared that a porch was being enclosed. Mrs. Pope stated that the porch had always been closed in with valence windows and it was used as a sleeping area. Mr. Prause advised the Board that this is a rudimentary structure, has weather board siding, no insulation, no doors to the kitchen and bathroom, no heat or air conditioning, the shower is outside, but it does have a separate electric meter. Given these facts Mr. Prause had denied the permit because he felt that this would constitute a substantial improvement to a secondary structure. Mr. Tanenbaum added that the Pope's did not plan to change the footprint of the structure and all of the structural components will remain intact. Motion was made by Mr. Barr, seconded by Mr. Keenan, that given the history of

TOSI-BZA 0184

the structure and that it appears to have been occupied for 65 years and it is separately metered, a Certificate of Occupancy should be issued, carried unanimously.

After further discussion Mr. Cole stated that, given that the footprint is not going to change, the number of bedrooms is not going to change, the size and enclosed space is going to be the same, no load bearing walls are going to change, he fees that this is not a structural improvement that will need a variance. Motion was made by Mr. Keenan, seconded by Mr. Barr, to respectfully overrule the decision of the Zoning Administrator, carried unanimously.

There being no further business to come before the Board, the meeting was duly adjourned.

Respectfully submitted,

Carolyn R. Kruger

Carolyn R. Kruger
Town Clerk

Approved:

_____
Chairman

Date: _____

TOSI-BZA 0185

TOWN OF SULLIVAN'S ISLAND

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

Certificate of Occupancy

Office of Zoning Administrator

This certificate issued pursuant to the requirements of Section 803 of the Zoning Ordinance of the Town of Sullivan's Island, Charleston County, South Carolina, certifying that at the time of issuance this structure was in compliance with the various requirements of the Town of Sullivan's Island regulating building construction or use, or in the case of a non-conforming structure in existence at the time of the enactment of the aforementioned Zoning Ordinance, that the non-conforming use can be maintained, renewed, changed or extended only in the manner specifically stated in this Certificate of Occupancy as being non-conforming with the Zoning Ordinance. This Certificate is issued subject to the conditions and safeguards set out below for the protection and safety of the occupants and the public.

Bldg. Permit No. _____

Use Classification Non-conforming Use SEPARATE RENTAL PERMITTED SUBJECT TO APPLICABLE REQ'MTS.
(new construction, alteration, repair, non-conforming use, etc.)

Owner:

Name Thomas S. Pope, III

Address 1228 Walnut Street
Newberry, SC 29108

Applicant's name _____

Contractor/Builder: _____

Building Address 2805 Atlantic Ave.
Sullivan's Island, SC

TMS # 529-11-0/49

Type of building _____

Area/Block # _____ Lot # 207

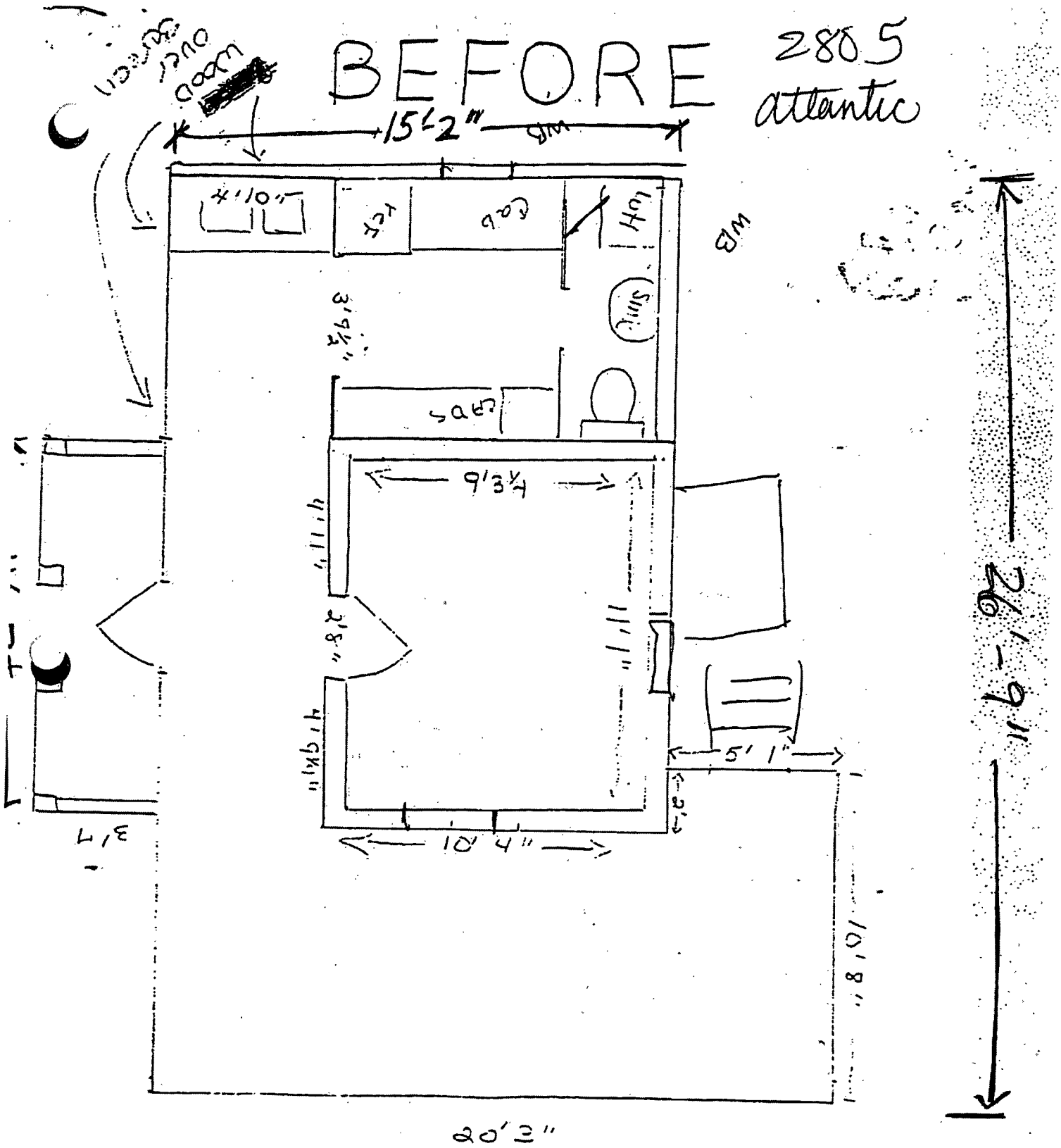
Special Conditions FOOTPRINT DIMENSIONS AS SHOWN ON ATTACHED DRAWING-
LABELED "BEFORE", 2805 ATLANTIC.

By W. Keith Pitts
Zoning Administrator

Date: 2-11-98

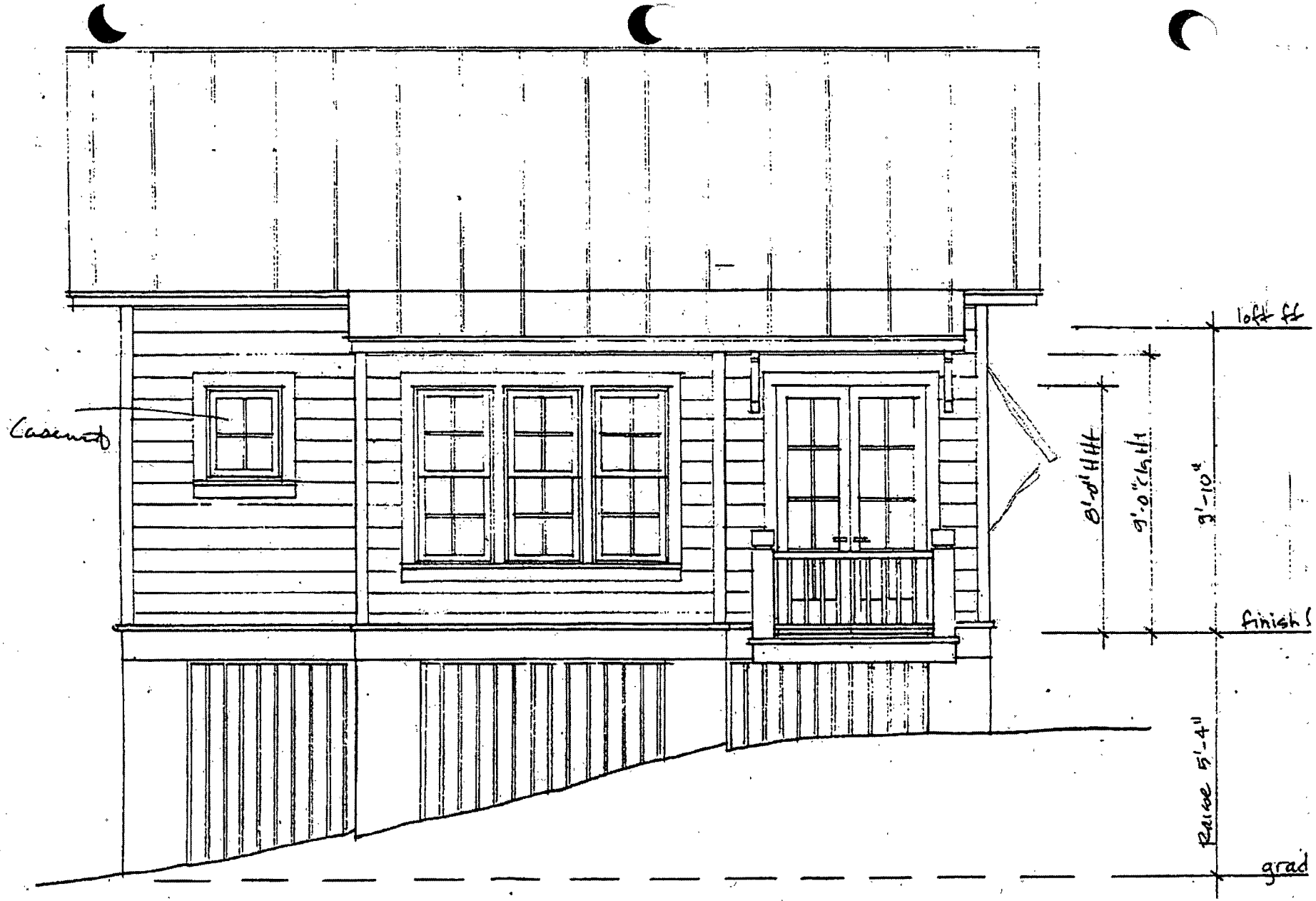
POST IN A CONSPICUOUS PLACE

TOSI-BZA 0186



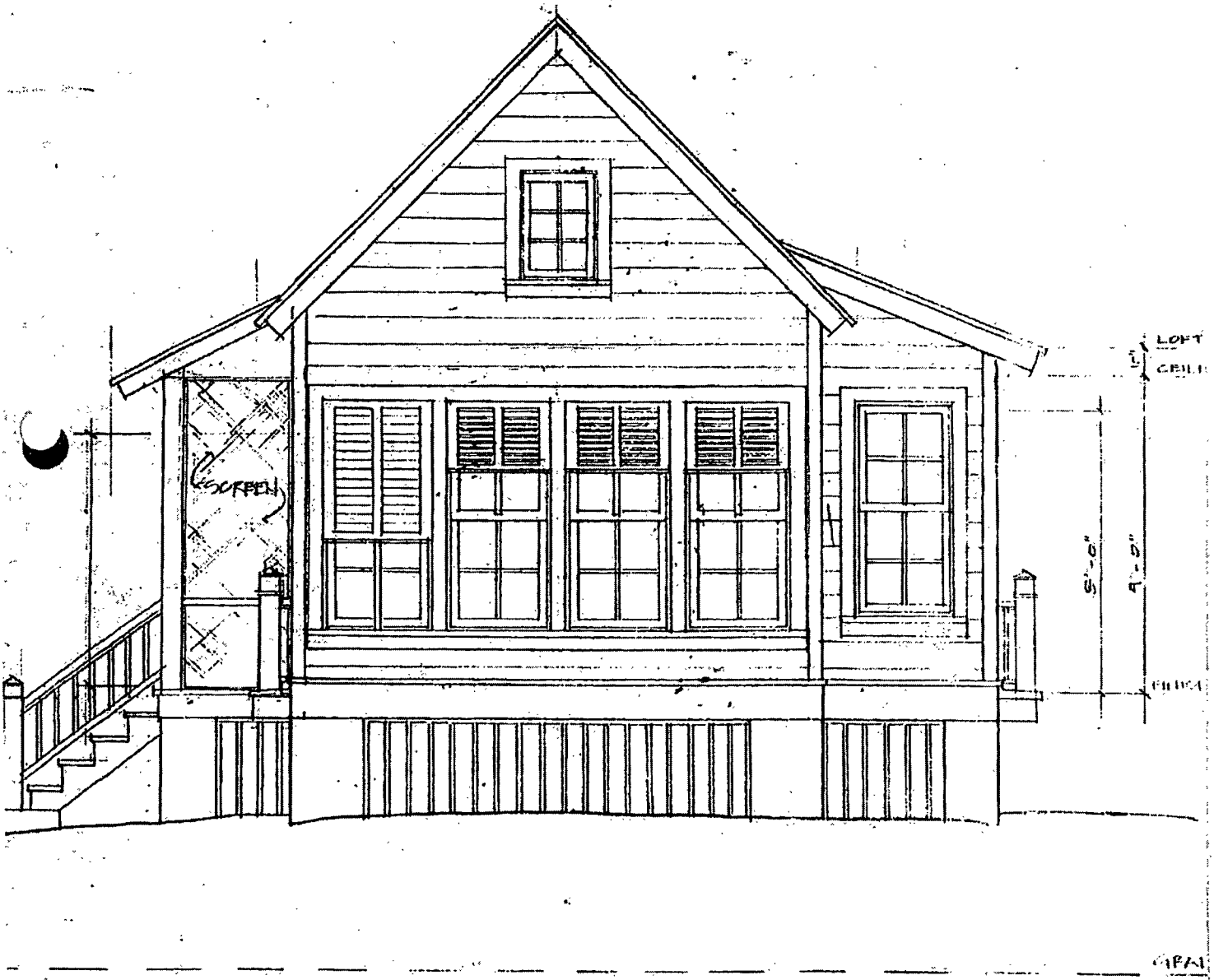
ATTACH TO CO — NON-CONF USE "POSTAGE STAMP" COTTAGE

TOSI-BZA 0187

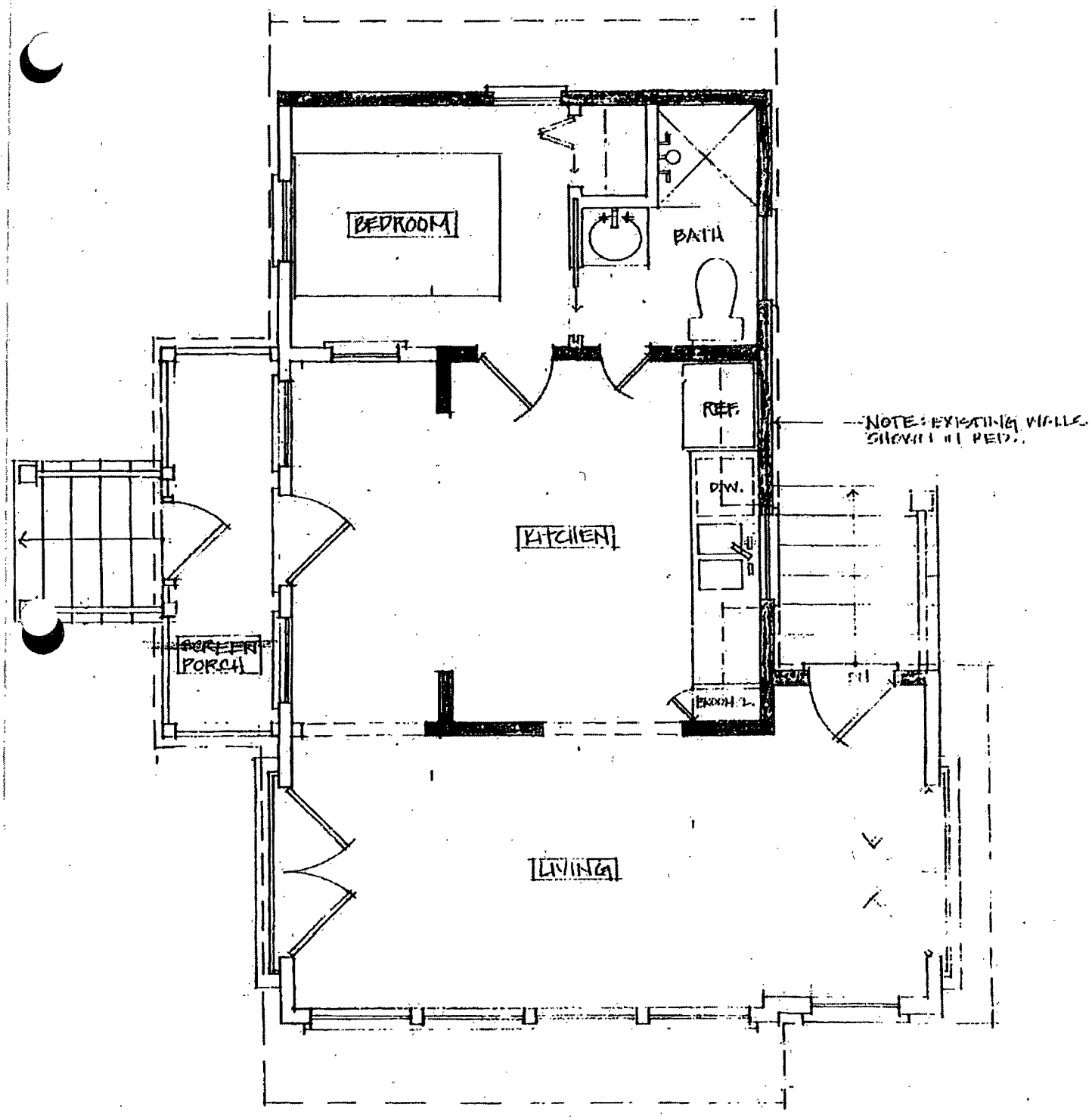


TOSI-BZA 0188

POSTAGE STAMP
SIDE ELEVATION
SCALE = 1/4" = 1'-0"
3-12-98 REV. 3-16-98



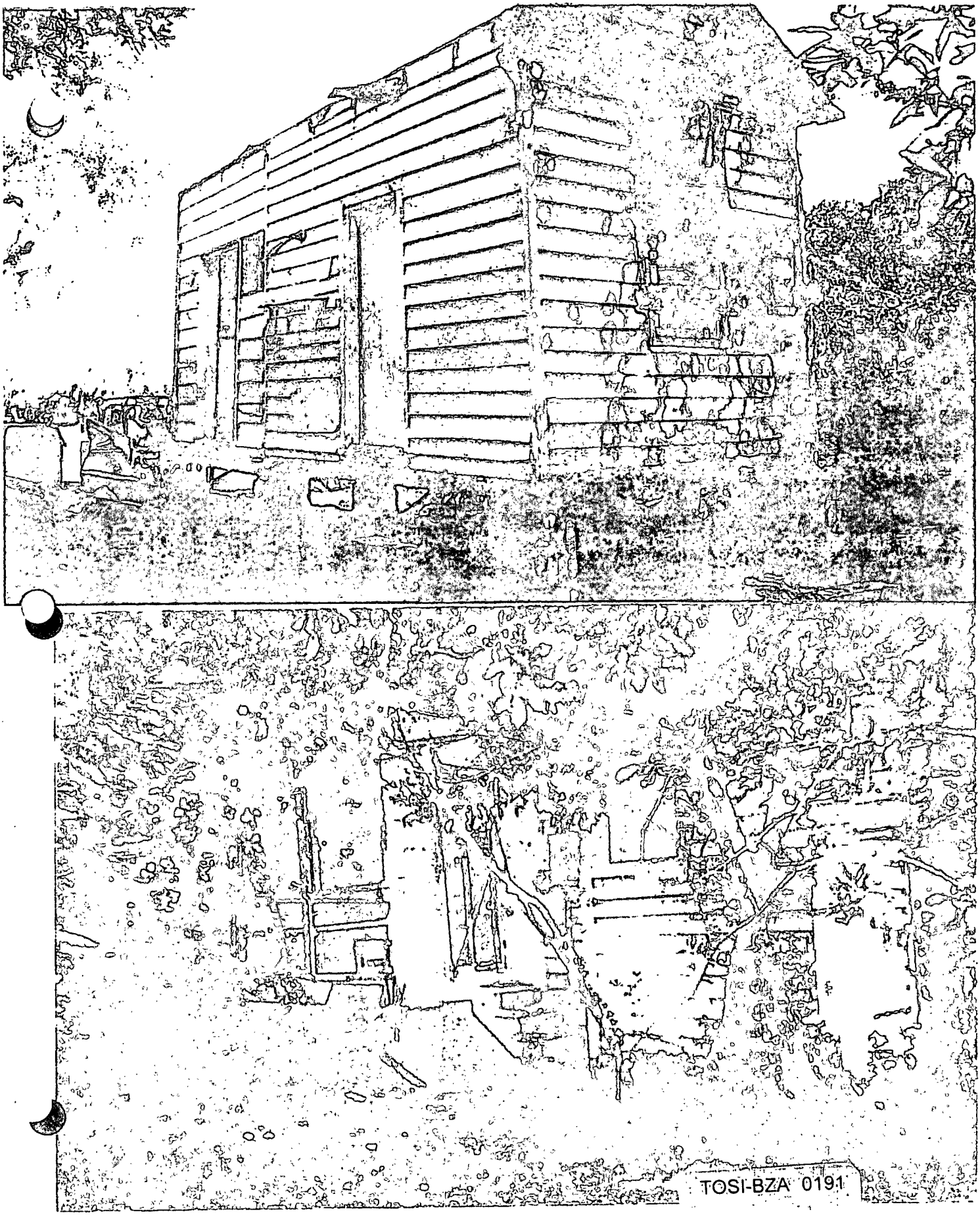
TOSI-BZA 0189



Layout plan approved
WTB 5/5/98

POSTAGE STAMP
PLAN SCALE = 1/4"
3-11 98 REV. 5-1

TOSI-BZA 0190


TOSI-BZA 0191



TOSI-BZA 0192



TOSI-BZA 0193

TOSI-BZA 0194

TOWN OF SULLIVAN'S ISLAND

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

Certificate of Occupancy

Office of Zoning Administrator

This certificate issued pursuant to the requirements of Section 803 of the Zoning Ordinance of the Town of Sullivan's Island, Charleston County, South Carolina, certifying that at the time of issuance this structure was in compliance with the various requirements of the Town of Sullivan's Island regulating building construction or use, or in the case of a non-conforming structure in existence at the time of the enactment of the aforementioned Zoning Ordinance, that the non-conforming use can be maintained, renewed, changed or extended only in the manner specifically stated in this Certificate of Occupancy as being non-conforming with the Zoning Ordinance. This Certificate is issued subject to the conditions and safeguards set out below for the protection and safety of the occupants and the public.

Bldg. Permit No. 7931

Use Classification Renovation of existing carriage house
(new construction, alteration, repair, non-conforming use, etc.)

Owner:

Name Thomas S. Pope

Address

Applicant's name

Contractor/Builder: Daly and Sawyer

Building Address 2805 Atlantic Ave.
Sullivan's Island, SC

TMS # 529-11-00/49

Type of building NON-CONFORMING USE

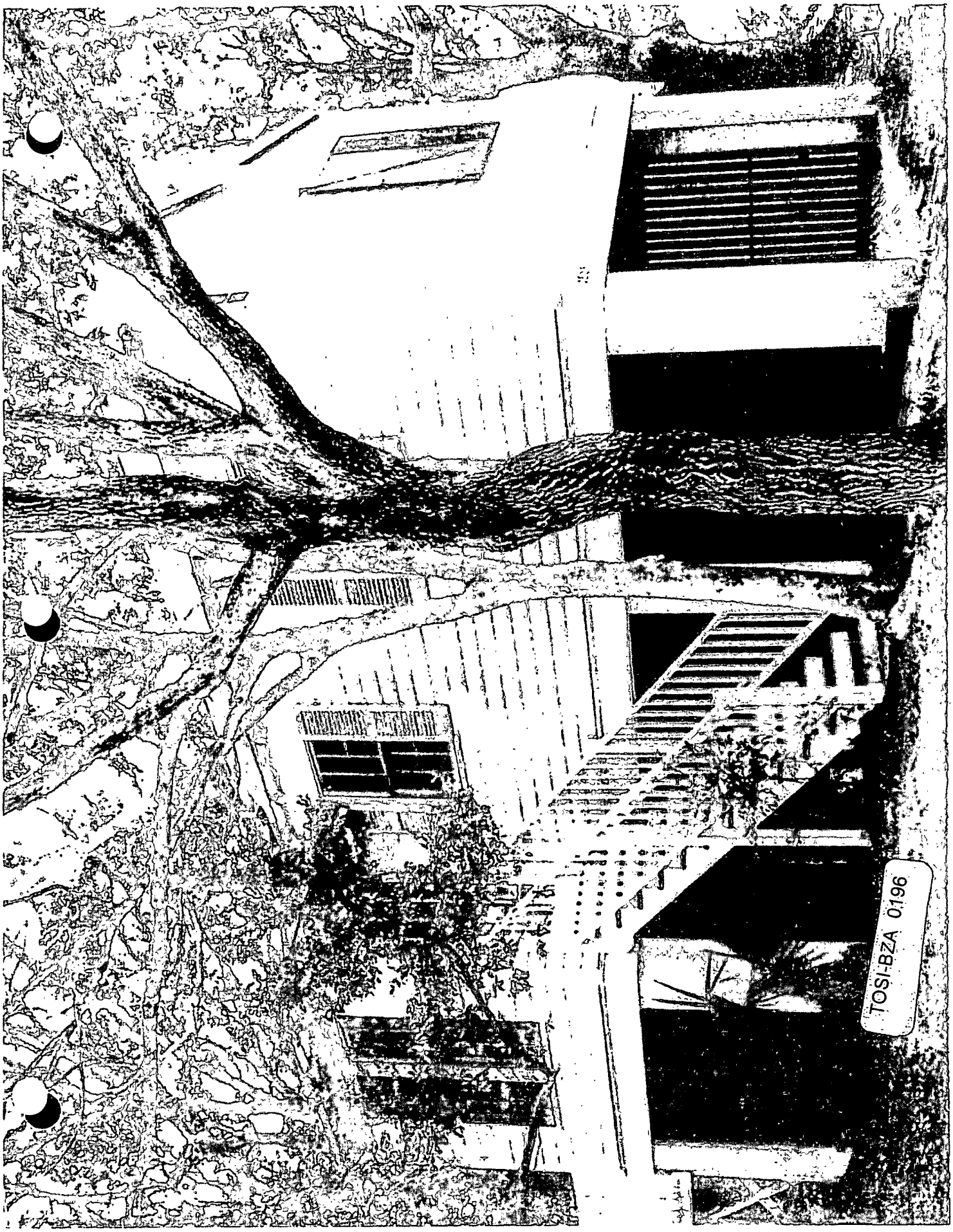
Area/Block # Lot # 207

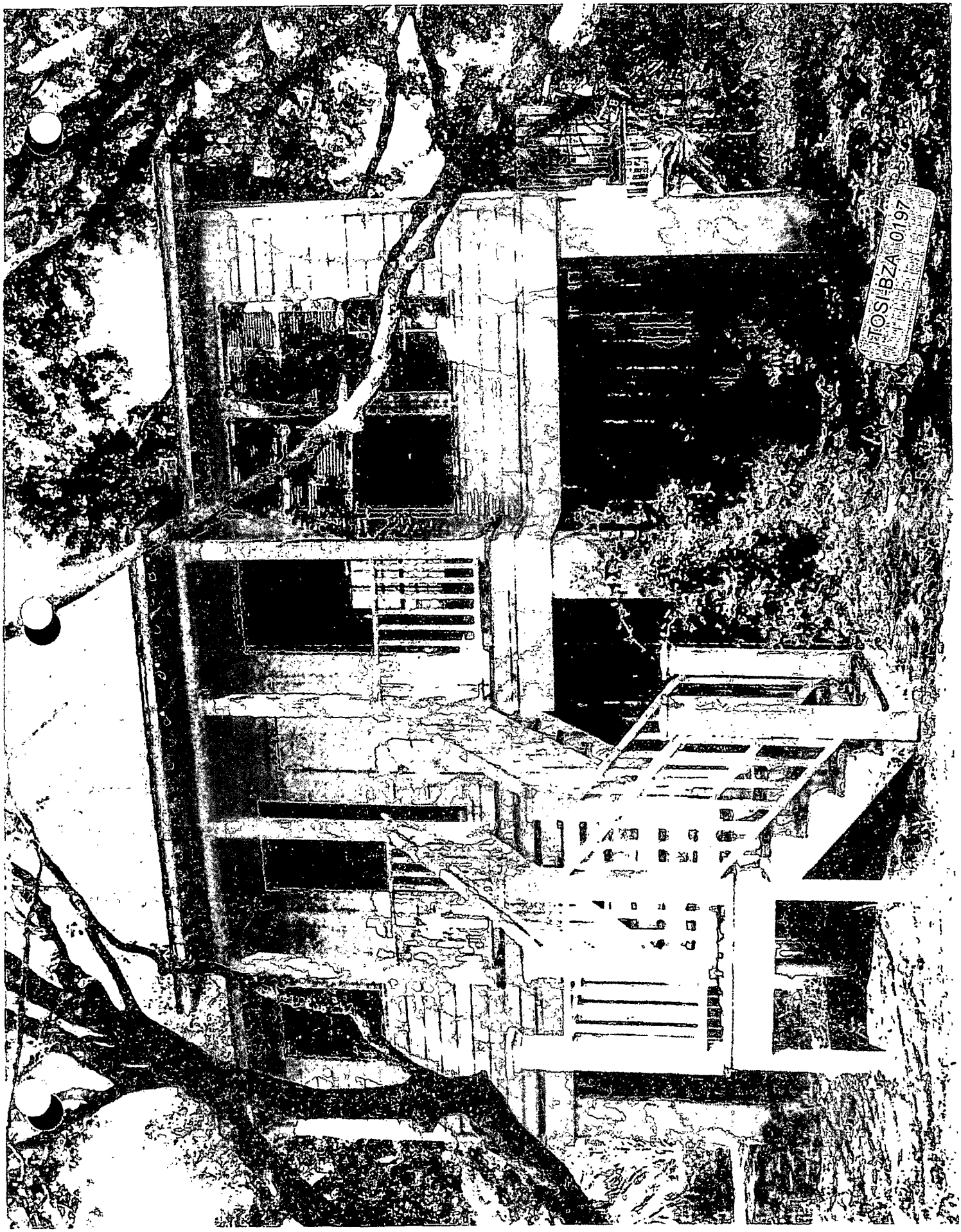
Special Conditions ANY FUTURE USE OR IMPROVEMENTS ARE SUBJECT TO APPLICABLE NON-CONFORMING USE PROVISIONS OF ZONING CODE.

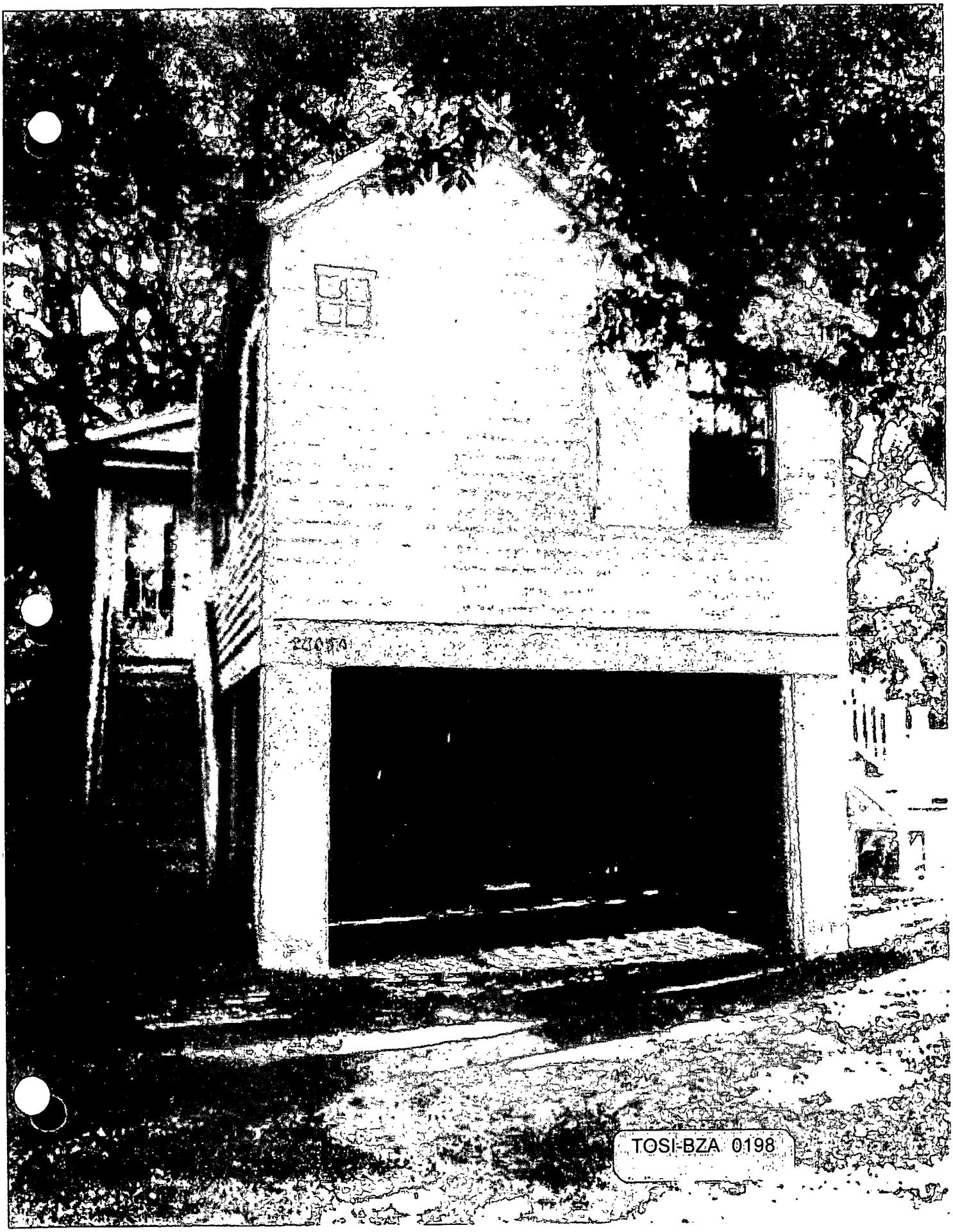
By W. Thomas Sawyer Date: 3-16-99
Zoning Administrator

POST IN A CONSPICUOUS PLACE

TOSI-BZA 0195


TOSI-BZA 0196


TSOIBZA-01947


TOSI-BZA 0198

TOSI-BZA 0199

1851 "A" Flag Street TMS # 529 09 00 082

This is the non-conforming dwelling on this lot.

In 1987, the original single story dwelling had 804 sq. ft of heated footprint. In 1987 the property was condoed and a drawing of the structure, floor plan and survey were recorded as part of the master deed. The dwelling in 1987 had a 284 sq. ft. screened porch and a 100 sq. ft. deck. It was damaged in Hugo and demolished.

The new dwelling allowed to be constructed has a heated footprint of 1107 sq. ft. and a partial 2nd story of 573 sq. ft. for a total of 1680 heated square feet (an increase of 876 sq. ft.) The screened porch (now enclosed) was allowed to be 357 sq. ft. (an increase of 73 sq. ft.) and the roof deck was allowed to be approx. 240 sq. ft. (an increase of 140 sq. ft.)

The dwelling was elevated above the required flood elevation to allow for parking and storage underneath.

Sometime after 1987, a 770 sq. ft. deck at grade was added to the ocean side of the dwelling.

In 2006, the town approved a new deck of 432 sq. ft. to be added to the main level of the dwelling and allowed it to be attached to the structure. The decks have a 3' safety rail around them.

The deck at grade was removed.

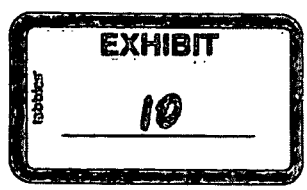
Exhibits:

Charleston County "Overview"
" " Recorded 1987 Elevations, Floor Plans, and Plat
" " Assessor's Office Drawing 1979
" " Assessor's Office Drawing 1987

Sullivan's Island Certificate of Occupancy with attached plat
" " Survey 1/18/2004
" " Setback Variance May 10, 1990
" " Building Permit 1990
" " Elevation Certificate 1990
" " emails 2006
" " Building Permit deck 2006
" " Building Plans new deck 2006

House Photos from rental site

TOSI-BZA 0200



CHARLESTON COUNTY ASSESSOR'S OFFICE
Charleston, S. C.

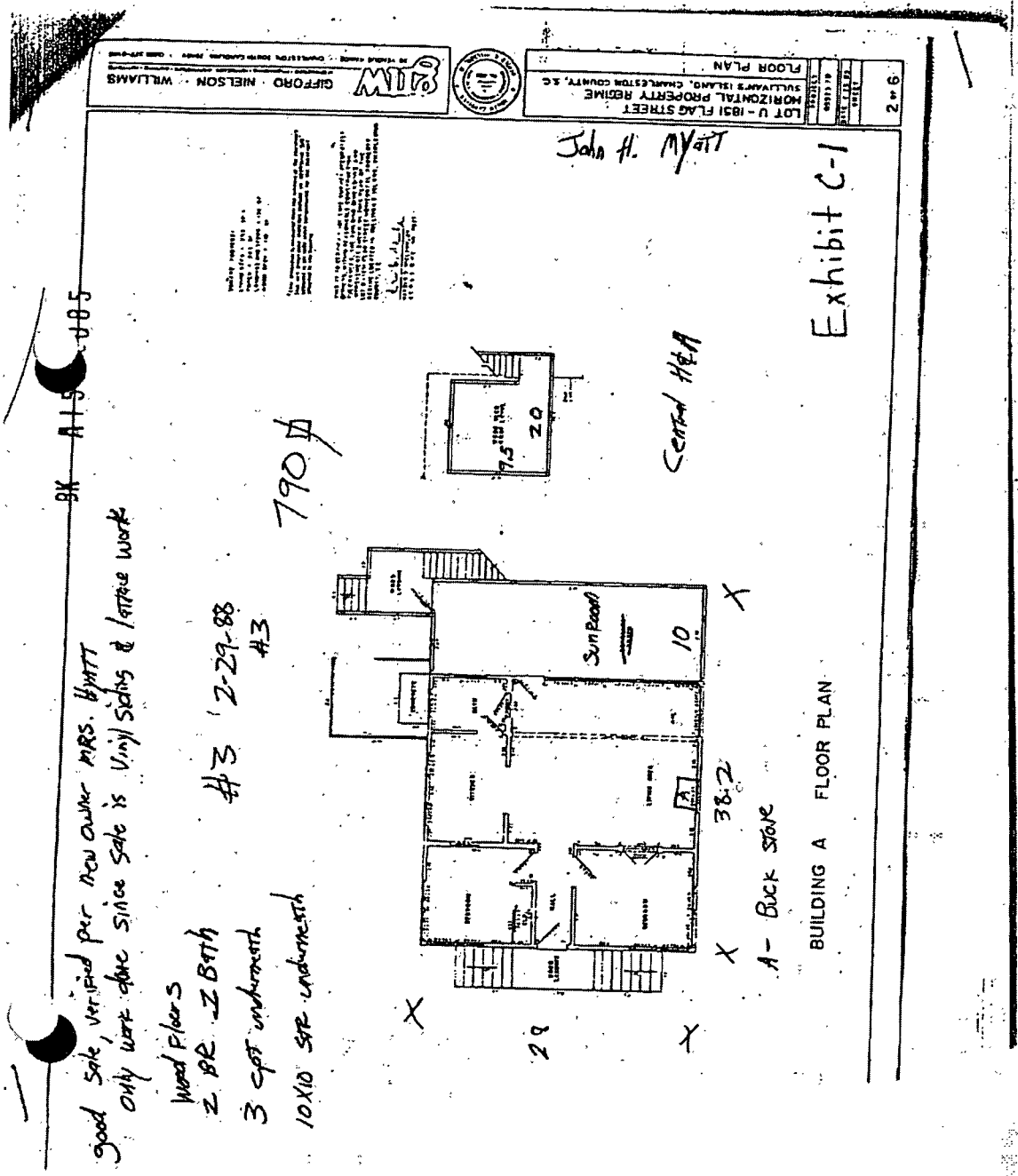
TMS 529 9 0 LOT 82

3 Units or Less TD ____ AD ____ ZONING ____

1. Name on Mail Box or Owner: MYATT 2. Person talked to: Mrs MYATT 4% ( )
3. [illegible] p. Loc. #: 1851 Flag St. - Apt. A
4. [illegible]rox. Yr. Bldg. Blt: ( ) 6. Contractor: Precision Bld.
5. [illegible]. of Baths: (/) 8. No. of Bed Rms.: 2 9. Duct Heat: Yes ✓ No ( ) or other
10. Full A/C: Yes ✓ No ( ) 11. Septic Tank: Yes ( ) No ✓ 12. Water: City ✓; Private ✓ S.I.
13. Yr. of Purchase: 1988 January 14. Cost: Lt $____ Bldg. $____ or Total $____
15. Inside Inspection Made: Yes ✓ No ( ) 16. Permission to Measure Bldg. asked ✓
17. Rent $____ Mo. Includes ____

When Measuring Note the Following:

18. Type Wall Const: Brick Veneer ( ); Wood Siding ( ); Alum. Siding ( ); Asb. Siding ( ); Concrete Blk ( ) and/or Stuccoed: Yes ( ); Vinyl Siding ✓; Other; ____
19. Floor Construction: Wood Joists ✓; Concr. Slab ( ); Piling ( ); Other; ____
20. Floor Covering: Carpet ( ); Wood ✓; Other; ____
21. Type Fuel: Oil ( ); Gas ( ); Elec. ✓; Other; ____
22. Show in sketch: Basement - BSMT; Breezeway - BWY; Carport - CPT; Covered Porch - CPO; Garage - GAR; Metal Fence - MF; Patio - PAT; Screen Porch - SCP; Storage Room - STR; Swimming Pool - SWP.



TOSI-BZA 0201

May 10, 1990

The Board of Adjustment for the Town of Sullivan's Island met on the above date.

Motion was made by Dr. Hiers, seconded by Ms. Hawkins, to accept the Minutes of April 12, 1990, as corrected, carried unanimously.

Dr. Hiers addressed the matter of granting variances for restoration of historic structures. His opinion is that the Board should add the stipulation that the structure not be modified or added to when such a variance has been granted without coming to the Board for another variance. All of the Board members were in agreement with Dr. Hiers.

Mr. & Mrs. Dale Kimball, 2657 I'on Ave., petitioned for a variance to allow them to add to an accessory structure (shed). The building was knocked off of the foundation during the hurricane and the only way they were able to move it back onto the lot was to place it on two of the existing pilings, they want to enlarge the shed which allow them to attach it to the other two existing pilings. The Board felt reluctant to allow enlargement when new pilings can be put down to give the shed structural integrity. Motion was made by Dr. Hiers, seconded by Ms. Hawkins, to deny the variance, carried unanimously.

Mrs. Janyce McMenamin, 2520 I'on Ave., petitioned for a variance to allow her to retain the bathroom which was illegally added to an accessory structure. She stated that the original structure had running water and a corner sink. Motion was made by Ms. Hawkins, seconded by Dr. Hiers, to deny the variance, carried unanimously.

Mr. & Mrs. Stephen Adams, 210 Sta. 28 1/2 St., petitioned for a setback variance for a pool and decking. They stated that the proposed house is designed at an angle to allow for an ocean view and to take advantage of the breeze, also taking into consideration that the existing garage was not damaged by the hurricane and the angle of the house keeps it from being built too near the garage. This leaves a side yard which will not accommodate a standard pool without infringing on the 20 foot setback lane which means that they will have to bear the extra expense of a custom built pool. The Board expressed concern about setting a precedent as pools are considered to be structures. Motion was made by Dr. Hiers, seconded by Ms. Hawkins, to deny this variance, carried unanimously.

Mr. & Mrs. John Myatt, 1851 Flag St., petitioned for a setback variance on a non-conforming structure and to be allowed to increase the size. The existing house is only 4 inches off of the property line and they would like to rebuild 6 feet from the line. There was confusion as to the size of the existing house and proposed house. Mr. & Mrs. Myatt were advised to request only a setback variance and meet with Mr. Cantey when they establish the size of the structures as there is a possibility that a variance may not be required. Motion was made by Mr. Rowe, seconded by Dr. Hiers, to grant a setback variance to move from 4 inches to 6 feet without moving to the required 10 foot setback line, carried unanimously.

TOSI-BZA 0202

Alice N. Burress, AIA, petitioned for a setback variance on behalf of Mr. James B. Connelly, 3103 Marshall Blvd. Ms. Burress stated that this is a "dead zone" hardship, the Coastal Council required a decrease in square footage and that the proposed structure should be constructed further landward. She pointed out that the right-of-way is approximately 40 feet from the center of the road, granting a 10 foot setback variance would bring the steps 40 feet from the edge of the road. Motion was made by Mr. Cole, seconded by Dr. Hiers, to grant a 10 foot setback variance based on the fact that the right-of-way is 20 feet from the edge of the road, coupled with the fact that it is desirable for both ecologic and safety reasons to move back from the dunes - all of the houses in this area have been destroyed by the hurricane and each will be voted upon on a case by case basis, carried unanimously.

Mrs. Amalie L. Walker, 1102 Osceola Ave., petitioned for a variance to allow her to restore a historical structure that was severely damaged by the hurricane, this structure will be put back to the original height and position. Motion was made by Dr. Hiers, seconded by Mr. Rowe, to grant the variance with the stipulation that no additions or structural modifications can be made without a variance from the Board, carried unanimously.

Mr. Russell Bennett, 3124 Marshall Blvd., petitioned for a variance to allow on addition to s non-conforming use structure. Mr. Bennett stated that he would like to made a 700 sq. ft. addition of a bedroom and bath to the main part of the house, no changes will be made to the apartments on the ground floor. If the structure was not non-conforming there would be no need to request a variance. Mr. Cole stated that he is of the opinion that an addition to the main structure is not the same as an addition to an apartment, if it were two separate buildings the main structure would be considered conforming and the apartments non-conforming. Motion was made by Ms. Hawkins, seconded by Mr. Rowe, to grant the variance, carried unanimously.

There being no further business to come before the Board, the meeting was duly adjourned.

Respectfully submitted,

Carolyn R. Kruger

Carolyn R. Kruger
Town Clerk

TOSI-BZA 0203

TOWN OF SULLIVAN'S ISLAND

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

Certificate of Occupancy

Office of Zoning Administrator

This certificate issued pursuant to the requirements of Section 803 of the Zoning Ordinance of the Town of Sullivan's Island, Charleston County, South Carolina, certifying that at the time of issuance this structure was in compliance with the various requirements of the Town of Sullivan's Island regulating building construction or use, or in the case of a non-conforming structure in existence at the time of the enactment of the aforementioned Zoning Ordinance, that the non-conforming use can be maintained, renewed, changed or extended only in the manner specifically stated in this Certificate of Occupancy as being non-conforming with the Zoning Ordinance. This Certificate is issued subject to the conditions and safeguards set out below for the protection and safety of the cupants and the public.

Bldg. Permit No. 5367

Use Classification New construction
(new construction, alteration, repair, non-conforming use, etc.)

Owner:

Name John H. & Kathryn Myatt

Address 1215 Manor Lane

Mt. Pleasant, SC 29464

Applicant's name

Contractor/Builder: Self

Building Address 1851 Flag St.

Sullivan's Island, Sc

TMS # 529-09-0/82

Type of building Single family residential

Area/Block # Lot # U

Special Conditions Designated non-conforming use structure - secondary dwelling on SF zoned lot. Living area cannot be expanded beyond 1080 sq. ft. as per approved plans dated 8-7-90.

By Zoning Administrator W. Kent Krause Date: 12-17-91

POST IN A CONSPICUOUS PLACE

TOSI-BZA 0204

Request of non-conforming use for [illegible] secondary dwelling unit on SF zoned lot, [illegible] expanded living area 1086 sq ft as per approved plans dated 8-7-90.

12-12-91

Ms. Kruger:

Please add this note to the CO before I sign it.

Thank you

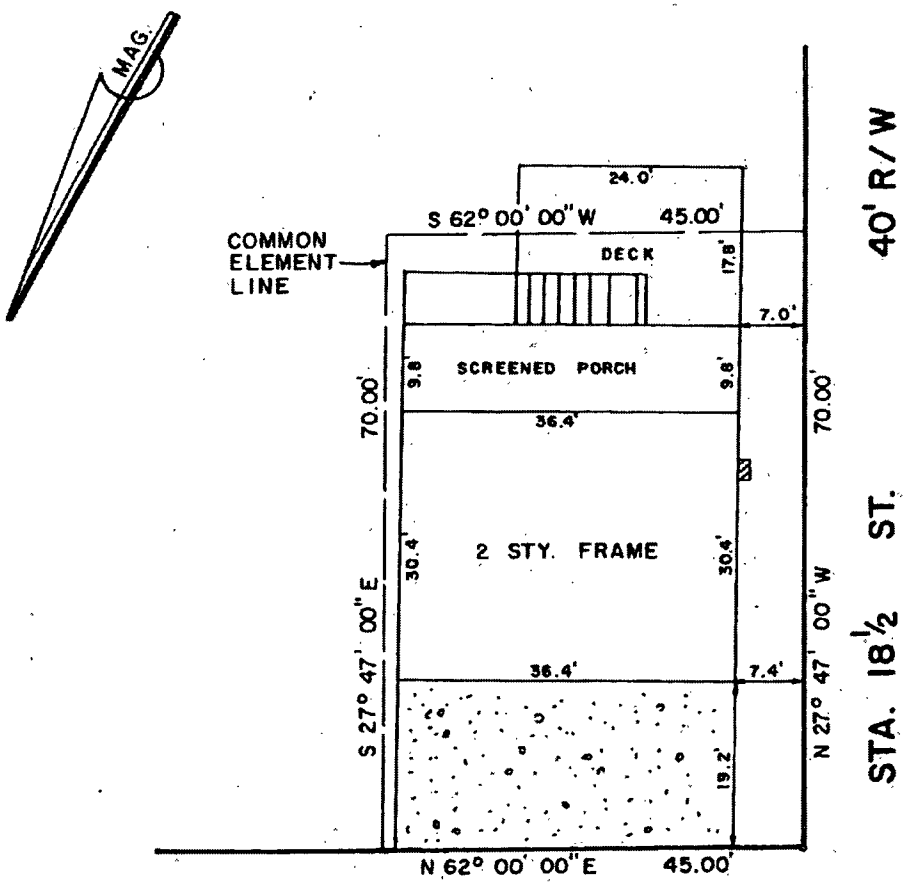
TOSI-BZA 0205

ARC Surveying Company, Inc.

P.O. Box 1054, Mt. Pleasant, South Carolina 29465
Office Location 2183 Hwy. 17 North 29464

Phone: (803) 881-4913
Facsmile: (803) 849-6120

MATT 1851 Flag St



REF. DEED REC. IN BK. A156 PG.52
REF. PLAT REC. IN BK. E PG. 32

THIS PROPERTY IS LOCATED IN FLOOD ZONE VE (EL. 16)

TOSI-BZA 0206

SULLIVANS ISLAND

CHARLESTON COUNTY, S.C.

PLAT OF PART OF LOT U

I hereby certify that this is a true and correct survey, made on the ground under my supervision, and that there are no encroachments either way over property lines unless shown hereon.

SOUTH CAROLINA REGISTERED LAND SURVEYOR 11078 PENOLIA A. VAN BUREN

Penolia A. Van Buren, R.L.S.

F.B.# 20 11 Date JUNE 3, 1991

JOB # Scale 1" = 20'

ELEVATION CERTIFICATE

FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM

EXPIRES: JUNE 30 1998

This form is to be used for: 1) Post-FIRM construction only when the base flood information is available for the building site; and 2) Pre-FIRM buildings rated using Post-FIRM rules. Instructions for completing this form can be found on the reverse side.

BUILDING OWNER'S NAME: Kathy Wyatt

POLICY NUMBER:

STREET ADDRESS: 1851 Flag Street

Apt.-A/Unit-U Suite-S/Bldg.-B | NO. | ROUTE | BOX NUMBER

OTHER DESCRIPTION (Block and lot numbers.. etc.)

CITY: Sullivans Island | STATE: S.C. | ZIP CODE:

This form is to be completed by a land surveyor, engineer, or architect who is authorized by state law to certify elevation information when the elevation information for zones A1-A30, AE, AH, A(with BFE), V1-V30, VE, and V(with BFE) is required. In the case of zone AO, the building official, the property owner, or the owner's representative should complete the information in Section I and may also complete the certification. Community officials who are authorized by local law or ordinance to provide floodplain management information may also complete this form.

SECTION I BUILDING ELEVATION INFORMATION

1. Using the Flood Insurance Manual or the NFIP Flood Insurance Application—Part 2 Worksheet, indicate the proper diagram number 5
2. FIRM Zones A1-A30, AE, AH, and A (with BFE). The top of the reference level floor from the selected diagram is at an elevation of 14.54 feet NGVD. (or other datum–see #5)
3. FIRM Zones V1-V30, VE, and V (with BFE). The bottom of the lowest horizontal structural member of the reference level floor from the selected diagram is at an elevation of _____ feet NGVD (or other datum–see #5).
4. FIRM Zone AO. The floor used as the reference level from the selected diagram is ☐☐ feet above highest natural grade next to the building (also enter in line 8). This value must be equal to or greater than the AO Zone flood depth number listed below. If no flood depth number is available, is the building's lowest floor (or reference level) elevated in accordance with the community's floodplain management ordinances? ☐Yes ☐No ☐Unknown
5. Indicate the elevation datum system used in determining the above reference level elevations: ☑NGVD ☐Other (describe on back)
6. Indicate the elevation datum system used on the FIRM for base flood elevations: ☑NGVD ☐Other (describe on back)

(ATTENTION: If the elevation datum used in measuring the elevations is different than that used on the FIRM, then the elevations provided must be converted to the datum system used on the FIRM.)

Is the reference level based on actual construction? ☑Yes ☐No*

* A "No" answer is only valid if the building does not have the reference level floor in place. Fill in the elevation based on construction drawings and do not complete question #8. If "No" is checked, this certification will be valid only for buildings in the course of construction. After construction of the reference level floor is completed, a post-construction elevation certificate will be required for continued flood insurance coverage.

8. Provide the following measurements using the natural grade next to the building (round to the nearest foot).

a. The reference level is:	b. The garage floor (if applicable) is:
07 feet ☑above ☐below (check one) the highest grade.	☐☐ feet ☐above ☐below (check one) the highest grade.
07 feet ☑above ☐below (check one) the lowest grade.	☐☐ feet ☐above ☐below (check one) the lowest grade.

SECTION II FLOOD INSURANCE RATE MAP INFORMATION

Provide the following from the proper FIRM (see Instructions on back–Date of FIRM) and accompanying insurance application:

COMMUNITY NO.	PANEL NO.	SUFFIX	DATE OF FIRM	FIRM ZONE	BASE FLOOD ELEV. (In AO Zone, use depth)	COMMUNITY ESTIMATED BASE FLOOD ELEVATION ESTABLISHED FOR ZONE A OR ZONE V, IF AVAILABLE
455418	0001	C	10/17/86	A8	13	

Elevation reference mark used appears on FIRM ☐Yes ☐No (See reverse side for details)

SECTION III CERTIFICATION

This certification is to be signed by a land surveyor, engineer, or architect who is authorized by state law to certify elevation information when the elevation information for zones A1-A30, AE, AH, A(with BFE), V1-V30, VE, and V(with BFE) is required. In the case of zone AO, the building official, the property owner, or the owner's representative can sign the certification. Community officials who are authorized by local law or ordinance to provide floodplain management information, may also sign the certification. I certify that the information on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

CERTIFIER'S NAME: Penolia A Van Buren | LICENSE NUMBER (or Affix Seal): 11075

TITLE: Land Surveyor | COMPANY NAME: Arc Surveying Company, Inc.

ADDRESS: P.O. Box 1054 | CITY: Mt. Pleasant | STATE: SC | ZIP: 29465

SIGNATURE: Penolia A Van Buren | DATE: 8/29/98 | PHONE: 884-2944

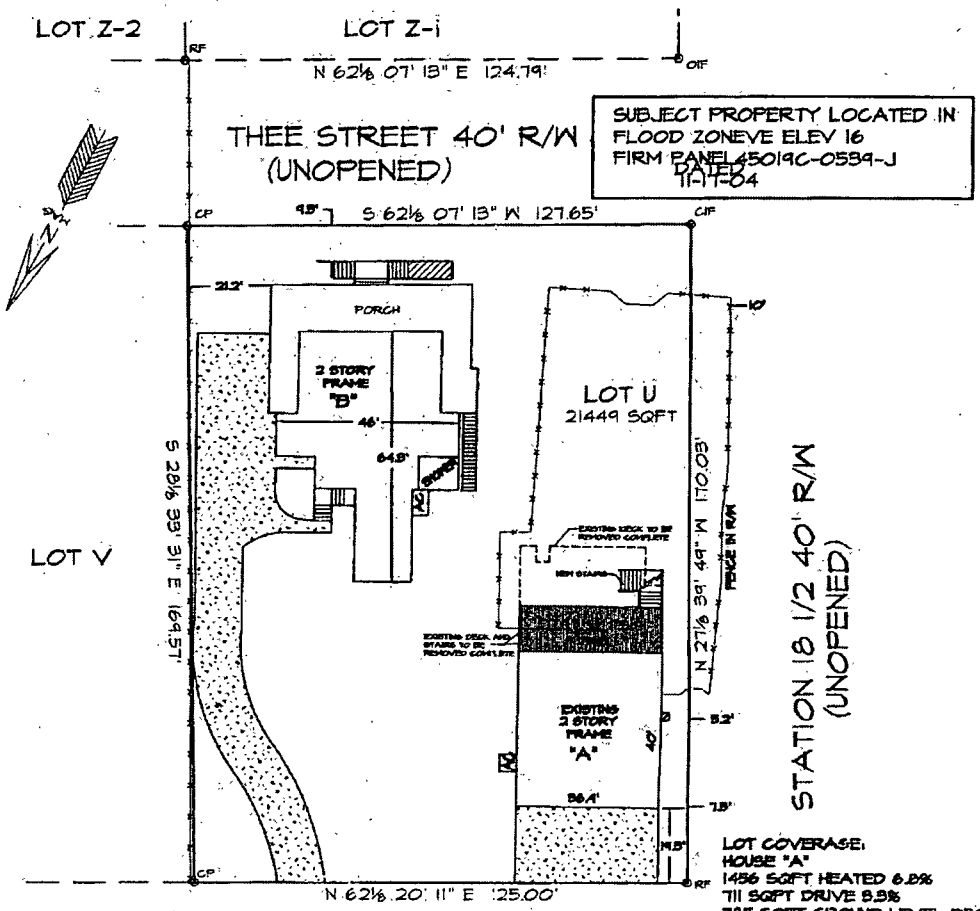
SOUTH CAROLINA REGISTERED LAND SURVEYOR 11075 PENOLIA A. VAN BUREN

The insurance agent should complete this form to the flood insurance policy application. The second copy should be supplied to the policyholder. TOSI-BZA 0207 The fourth copy is for the local community permit office, if required. THIS FORM MAY BE REPRODUCED.

FOR OPTIONAL COMMUNITY USE: Is also the lowest floor under the community's floodplain management ordinances?

☐YES ☐NO If NO the elevation of the lowest floor is _____ feet NGVD.

TOSI-BZA 0209



FLAG STREET 40' R/W

1851 A & B FLAG STREET
TOWN OF SULLIVANS ISLAND
CHARLESTON COUNTY
SOUTH CAROLINA

LOT COVERAGE:
HOUSE "A"
1456 SQFT HEATED 6.8%
711 SQFT DRIVE 3.3%
785 SQFT GROUND LEVEL DECK 3.6%
150 SQFT STEPS LANDING & AC 0.7%
HOUSE "B"
1820 SQFT HEATED 8.5%
2350 SQFT DRIVE & SHOWER 10.9%
495 SQFT PORCH 4.5%
303 SQFT STEPS LANDING & AC 1.4%
7105 SQFT IMPERVIOUS 88.9%
785 SQFT PERVIOUS 3.6%
TOTAL 94.5% COVERAGE

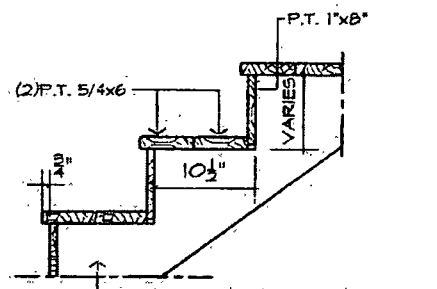
NOTES
1) REFERENCE PLAT BOOK PAGE 32
2) TMS # 529-09-00-082
3) REQUESTED BY: KATHY MYATT

SURVEY BY:
JOHN E. WADE JR., RLS
POST OFFICE BOX 686
ISLE OF PALMS
SOUTH CAROLINA, 29451
(843) 886-6262

LEGEND
OIF 1"OPEN IRON FOUND
CIF 1"CRIMPED IRON FOUND
RF #5 REBAR FOUND
RS #5 REBAR SET
CP COMPUTED POINT

SITE PLAN
SCALE: 1" = 30'-0"

DATE: JANUARY 18, 2004



P.T. 2x12 STRINGERS & SUPPORTS
PROVIDE INTERMEDIATE
SUPPORTS @ 16" O.C. MAX.

EXTERIOR STEP DETAIL

TOSI-BZA 0210

Charleston County, South Carolina

generated on 3/10/2014 10:02:29 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
5230600071		956 MIDDLE ST, SULLIVANS ISLAND	3/8/2014	2013	2013

Current Parcel Information

Owner	JNE REALTY LLC	Property Class Code	160 - RESID-CNU
Owner Address	122 15TH ST #U DEL MAR CA 92014	Acreage	.0000
Legal Description	Subdivison Name -956 MIDDLE STREET Description -UNIT B % OWNERSHIP COMMON ELEMENT 50% PlatSuffix XXX-S175349 PolTwp 002		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2013	$682,000	$557,000	$1,239,000	$14,568.48	$14,568.48
2012	$682,000	$557,000	$1,239,000	$14,563.53	$14,563.53
2011			$1,239,000	$14,536.29	$14,536.29
2010			$1,077,000	$12,616.11	$12,616.11

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
BREWER LEILANI R	M402 734	4/8/2002	G		$975,000
MEISELMAN JENNY E	F403 699	4/8/2002	G		$975,000
BREWER CHARLES W	X224 420	3/18/1993	G		$10
PARKER TEMPERANCE B	G192 719	4/6/1990	G		$110,000
PRESSON EVERETT V	Z182 532	3/22/1989	G		$118,250

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1991	2.0	03	2,270	

TOSI-BZA-0211

EXHIBIT 11

956 "A" Middle Street TMS# 523 06 00 071

This is the non-conforming dwelling on the lot. The original residence was destroyed in Hugo.

The property was condoed in 1987. According to the documents recorded in 1987 as part of the master deed, the original dwelling was single story and had 1139 sq. ft. of heated footprint, a 213 sq. ft. porch and a 160 sq. ft. deck.

The dwelling constructed in 1991 was allowed to be two stories and allowed to have a heated footprint of 1472 sq. ft., a second floor with 672 sq. ft., a roof deck of 800 sq. ft. (with a safety rail), a covered porch of 192 sq. ft., and a deck of 133 sq. ft.

It was elevated above the required flood elevation to allow for parking and storage underneath. By 2002, the back deck was converted to a screened porch and a deck of 156 sq. ft. was added.

Exhibits:

Charleston County "Overview"
" " Assessor's Office Drawing
" " Recorded Drawings

Sullivan's Island Certificate of Occupancy 5/8/91
" " Variance BZA request
" " Building Permit

Photo

TOSI-BZA 0212

CHARLESTON COUNTY ASSESSOR'S OFFICE
Charleston, S. C.

TMS 523 6 0 LOT ~~10~~ 71

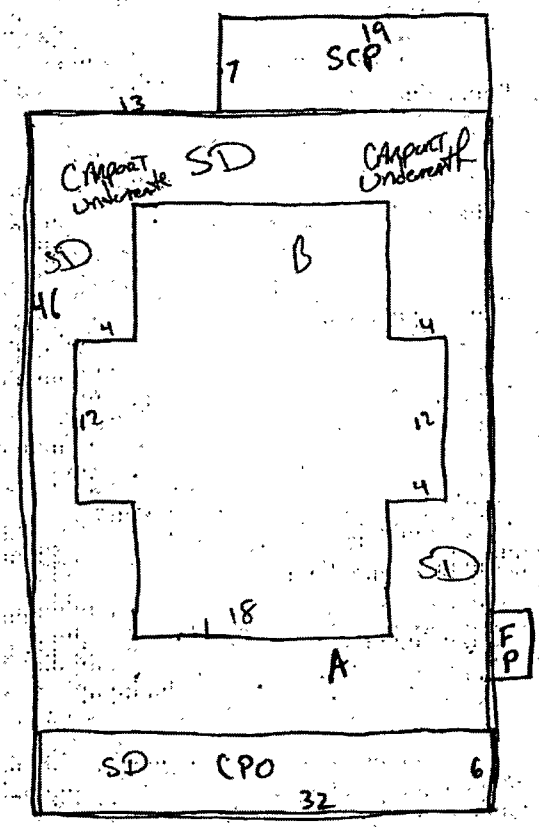
5 3 Units or Less TD _____ AD _____ ZONING _____

1. Name on Mail Box or Owner: _____ 2. Person talked to: _____ 4% ( )
3. Prop. Loc. #: 956A Albright
5. Approx. Yr. Bldg. Blt: (_____) 6. Contractor: _____
7. No. of Baths: ( ) 8. No. of Bed Rms.: 9. Duct Heat: Yes ( ) No ( ) or other
10. Full A/C: Yes ( ) No ( ) 11. Septic Tank: Yes ( ) No ( ) 12. Water: City ( ); Private ( )
13. Yr. of Purchase: ____ 14. Cost: Lt $_____ Bldg. $_____ or Total $_____
15. Inside Inspection Made: Yes ( ) No ( ) 16. Permission to Measure Bldg. asked ( )
17. Rent $_____ Mo. Includes _____

When Measuring Note the Following:

18. Type Wall Const: Brick Veneer ( ); Wood Siding ( ); Alum. Siding ( ); Asb. Siding ( ); Concrete Blk ( ) and/or Stuccoed: Yes ( ); Vinyl Siding ( ); Other;
19. Floor Construction: Wood Joists ( ); Concr. Slab ( ); Piling ( ); Other;
20. Floor Covering: Carpet ( ); Wood ( ); Other;
21. Type Fuel: Oil ( ); Gas ( ); Elec. ( ); Other;
22. Show in sketch: Basement - BSMT; Breezeway - BWY; Carport - CPT; Covered Porch - CPO; Garage - GAR; Metal Fence - MF; Patio - PAT; Screen Porch - SCP; Storage Room - STR; Swimming Pool - SWP.

Bldgs Left of Lot



A 32x46 1472
B 18x32 576
C (4x12)x2 96 672

2144

UPDATED ASTVLF 6/9/92

Copy made for Paul Boehm 11/13/13 #32

TOSI-BZA 0213

23. Date Measured: 5/28/92 Team 37 SQ. Computed By: _____ Date ___/___/___

24. Remarks: _____

TMS 523-6-0-71

CHARLESTON COUNTY ASSESSOR'S OFFICE
Charleston, S. C.

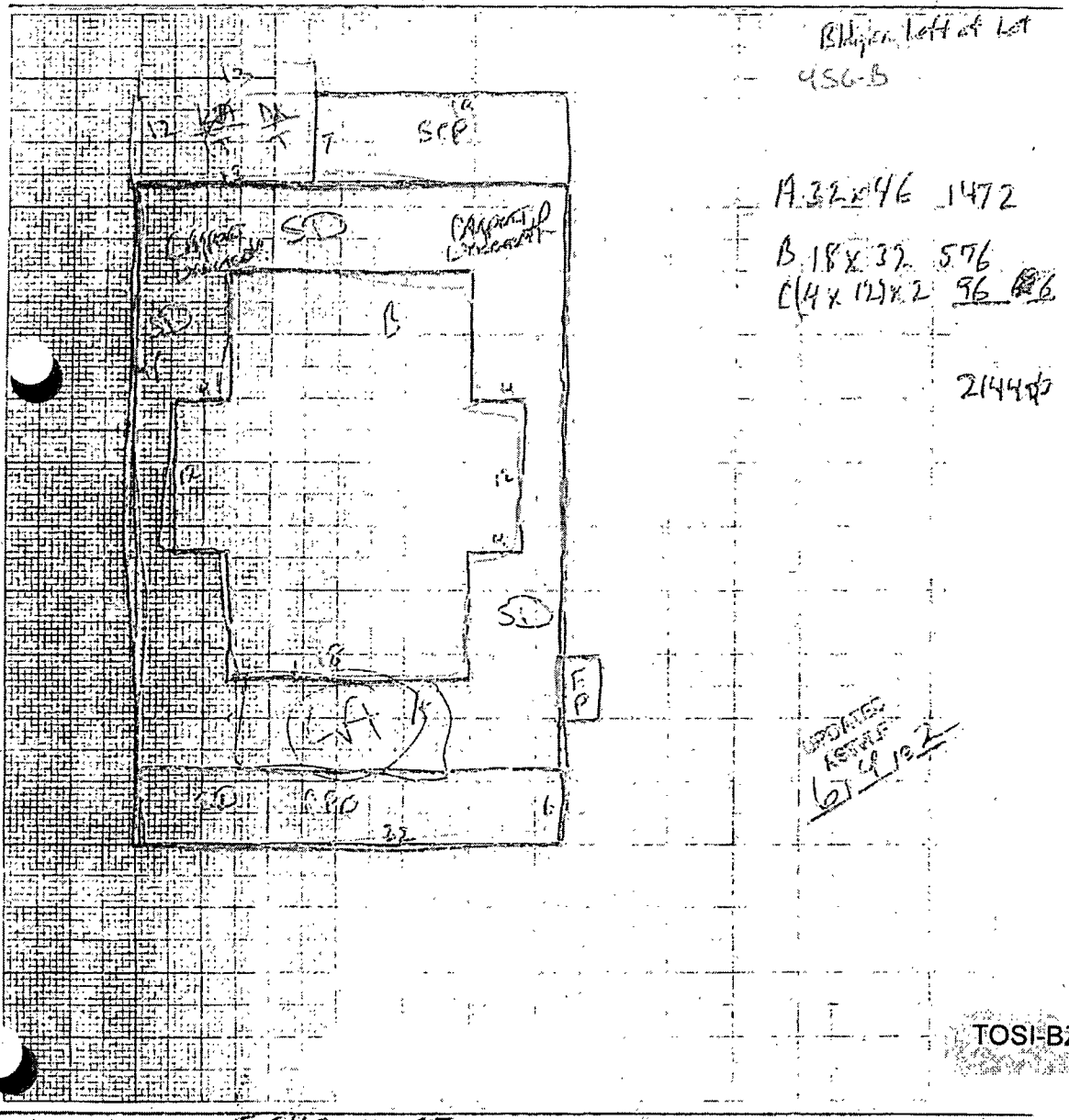
TMS 922 16 12 LOT 456 11

3 Units or Less TD _____ AD _____ ZONING _____

1. Name on Mail Box or Owner: _____ 2. Person talked to: 6% ( )
3. Prop. Loc. #: 456 B Bldg on left
Approx Yr. Bldg. Blt: (_____) 6. Contractor: _____
No. of Baths: ( ) 8. No. of Bed Rms.: 9. Duct Heat: Yes ( ) No ( ) or other
10. Full A/C: Yes ( ) No ( ) 11. Septic Tank: Yes ( ) No ( ) 12. Water: City ( ); Private ( )
13. Yr. of Purchase: ____ 14. Cost: Lt $_____ Bldg. $_____ or Total $_____
15. Inside Inspection Made: Yes ( ) No ( ) 16. Permission to Measure Bldg. asked ( )
17. Rent $_____ Mo. Includes _____

When Measuring Note the Following:

18. Type Wall Const: Brick Veneer ( ); Wood Siding ( ); Alum. Siding ( ); Asb. Siding ( ); Concrete Blk ( ) and/or Stuccoed: Yes ( ); Vinyl Siding ( ); Other; _____
19. Floor Construction: Wood Joists ( ); Concr. Slab ( ); Piling ( ); Other; _____
20. Floor Covering: Carpet ( ); Wood ( ); Other; _____
21. Type Fuel: Oil ( ); Gas ( ); Elec. ( ); Other; _____
22. Show in sketch: Basement - BSMT; Breezeway - BWY; Carport - CPT; Covered Porch - CPO; Garage - GAR; Metal Fence - MF; Patio - PAT; Screen Porch - SCP; Storage Room - STR; Swimming Pool - SWP.



TOSI-BZA 0214

23. Date Measured: 5 28 92 Team: 37 SQ. Computed By: _____ Date ___/___/___

24. Remarks: _____

TOWN OF SULLIVAN'S ISLAND

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

Certificate of Occupancy

Office of Zoning Admininstrator

This certificate issued pursuant to the requirements of Section 803 of the Zoning Ordinance of the Town of Sullivan's Island, Charleston County, South Carolina, certifying that at the time of issuance this structure was in compliance with the various requirements of the Town of Sullivan's Island regulating building construction or use, or in the case of a non-conforming structure in existence at the time of the enactment of the aforementioned Zoning Ordinance, that the non-conforming use can be maintained, renewed, changed or extended only in the manner specifically stated in this Certificate of Occupancy as being non-conforming with the Zoning Ordinance. This Certificate is issued subject to the conditions and safeguards set out below for the protection and safety of the occupants and the public.

Building Permit No. 5110

Use Classification New construction
(new construction, alteration, repair, non-conforming use, etc.)

Owner:

Name Charles W. Brewer

Address

Applicant's name

Contractor/Builder: Self

Building Address 956 MIddle St. "B"
Sullivan's Island SC

TMS # 523-6-0/10

Type of building Single family residential

Area/Block # Lot # 45

Special Conditions Non-conforming structure - secondary structure on lot, may not be enlarged.

By W. Kent Krause
Zoning Administrator

Date: 5-8-91

POST IN A CONSPICUOUS PLACE

TOSI-BZA 0215

1121 Middle Street, Unit 5 TMS# 523 07 00 123

This non-conforming dwelling on the lot was constructed pre 1977 and was originally 1420 sq. ft. of usable heated space in two stories. It was damaged, but not destroyed in Hurricane Hugo.

It was condoed in 1987 and these drawings of the structure and floor plans were recorded as part of the master deed.

In 1991, the house was moved on the lot and was elevated.

In a negotiation with the town, the roof was raised thus increasing the 2nd floor "livable space" and "giving additional floor use". The usable square footage went from approximately 356 sq. ft. on the second floor to 608 sq. ft., or an increase of 252 sq. ft. The interior volume, or cubic feet, more than doubled.

Exhibits:

Charleston County "Overview"
" " Drawing
" " Deed Drawings

Sullivan's Island Certificate of Occupancy 1978
" " Certificate of Occupancy 1978
" " Attorney Letter and Deed Restriction
" " Construction Permit for deck, roof, etc. 1991
" " Construction Permit 1993 to raise roof
" " Construction Permit 1994 to finish interior

ARC Surveys

Contractor Drawing of new 2nd floor

Photo

Agents Brochure

TOSI-BZA 0216

EXHIBIT 12

Charleston County, South Carolina

generated on 3/10/2014 10:08:36 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
5230700123		1121 MIDDLE ST, SULLIVANS ISLAND	3/8/2014	2013	2013

Current Parcel Information

Owner	LAMBERSON ELENA P LAMBERSON GARY R	Property Class Code	160 - RESID-CNU
		Acreage	.0000
Owner Address	4129 CHISOLM RD JOHNS ISLAND SC 29455-7720		
Legal Description	Subdivison Name -1121 MIDDLE STREET Description -UNIT 5 BLDG 2 % OWNERSHIP COMMON ELEM 20% PlatSuffix XXX-H192388 PolTwp 002		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2013	$700,000	$175,000	$875,000	$10,332.25	$10,332.25
2012	$700,000	$175,000	$875,000	$10,328.75	$10,328.75
2011			$1,035,000	$12,169.98	$12,169.98
2010			$900,000	$10,560.80	$10,560.80

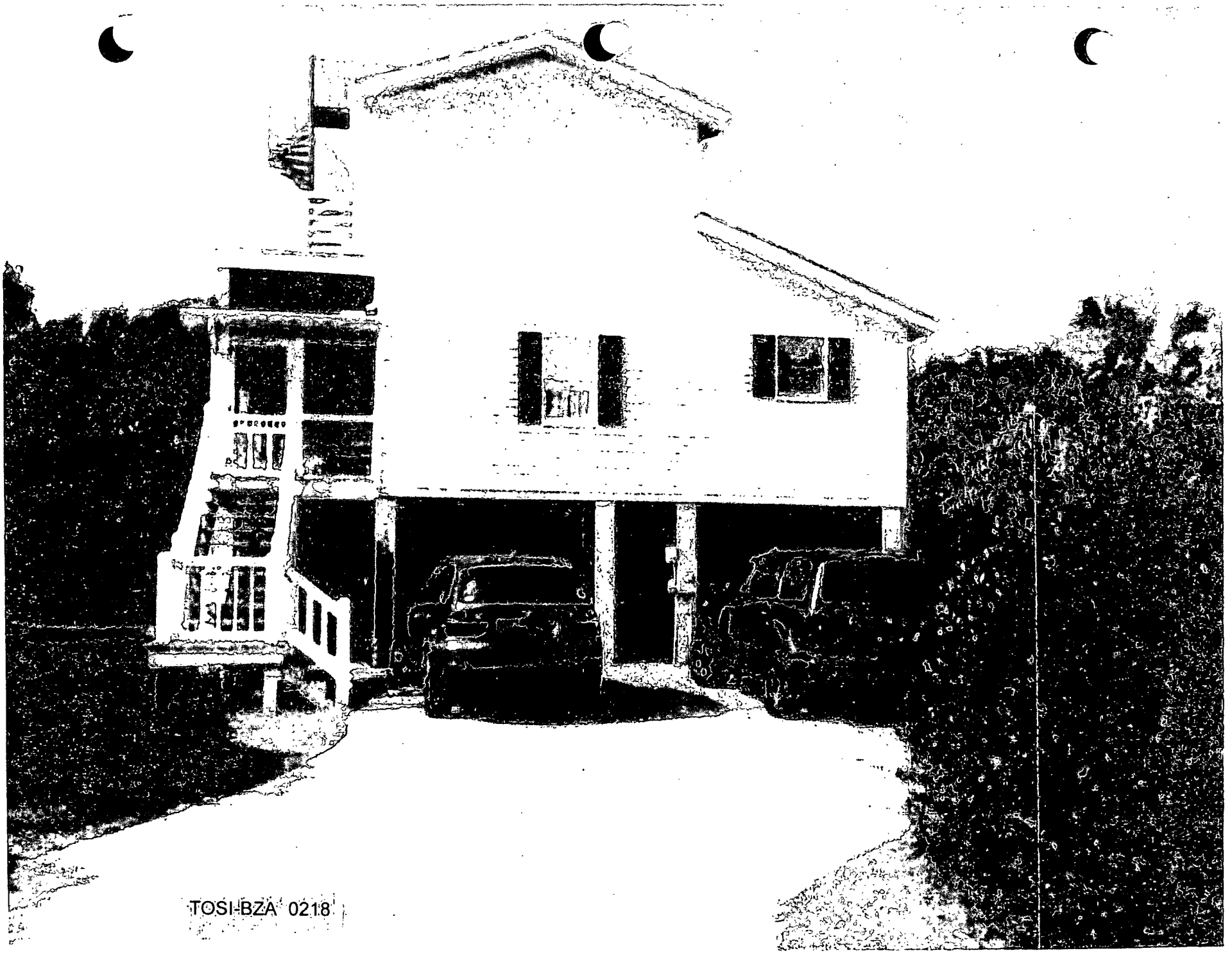
Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
LAMBERSON GARY R	T452 529	5/15/2003	G		$10
LORENZ GRACE	G280 190	2/14/1997	G		$313,000
LINDSAY INC	U201 205	4/10/1991	G		$168,500

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1989	2.0	03	1,684	

TOSI-BZA 0217



TOSI-BZA 0218

DODDS and HENNESSY
ATTORNEYS AT LAW
CHARLESTON, SOUTH CAROLINA

North Adgers Wharf
Office Box 298
Charleston, S.C. 29402
(803) 577-3025
FAX (803) 577-3027

WILLIAM J. HENNESSY, JR.
LAWRENCE A. DODDS, JR.

409 Coleman Blvd. – Suite 101
Post Office Box 1126
Mt. Pleasant, S.C. 29464
(803) 881-1022
FAX (803) 884-0351

WILLIAM J. HENNESSY, JR.
LAWRENCE A. DODDS, JR.

REPLY TO MT. PLEASANT ADDRESS
October 25, 1991

Kathleen I. Cantwell, Mayor
Town of Sullivan's Island
P.O. Box 427
Sullivan's Island, SC 29482

Linda L. Tucker, Adm. Asst.
Town of Sullivan's Island
P.O. Box 427
Sullivan's Island, SC 29482

Re: Grace Lorenz, Station 12

Dear Kathleen and Linda:

Enclosed please find a Declaration of Restrictive Covenant and Agreement executed by Grace Lorenz. Grace Lorenz owns the property adjacent to Mrs. Godwin on Station 12. It is a front beach piece of property that has one building with three dwelling units and a small independent house. Kent Prause had previously taken the position, with my advice, that the building with the three units could not be enlarged because each one of these individual units was the smaller unit. We also attempted to take the position that the independent house was the smaller unit also because we did not want that enlarged. Obviously, we could not say that all four units were the smaller unit, and none could be enlarged. Therefore, Kent and I reached an agreement with Grace Lorenz whereby she agreed to raise her residence to meet flood regulations and that she could also raise her walls on the second floor which would give her more livable space and could also add a widow's walk. No further structural alterations could be made except purely for safety measures. This was a decision made by the Zoning Administrator with my consent and participation.

I have drafted deed restrictions which Mrs. Lorenz has executed, and they now need to be executed by you. You may then forward them back to me and I will have them recorded. Carolyn should likewise retain a copy in the files, as should Frank Timco and Kent Pruase.

If you have any questions, please feel free to call. I remain,

Very truly yours,
DODDS & HENNESSY

Lawrence A. Dodds, Jr.

LAD,JR:psm
Enclosure

TOSI-BZA 0219

STATE OF SOUTH CAROLINA)
) DECLARATION OF RESTRICTIVE
COUNTY OF CHARLESTON) COVENANT AND AGREEMENT

WHEREAS, GRACE LORENZ, is the owner of a certain portion of property located in the Town of Sullivan's Island, County of Charleston, State of South Carolina, as hereinafter more fully described; and

WHEREAS, the Property contains two (2) structures, one (1) with four dwelling units and the other with only one (1) dwelling unit. The entire property located at 1121 Middle Street, Sullivan's Island, South Carolina has been converted to a condominium regime under Section 27-31-10 of the South Carolina Code of Laws. Nevertheless, under the zoning ordinances of the Town of Sullivan's Island, the occupancy and existence of two buildings used for residences on one lot constitutes a non-conforming use; and non-conforming uses are prohibited from being enlarged or structurally altered; and

WHEREAS, GRACE LORENZ desires to add to the structure with only one (1) dwelling, additional living space on the second floor by raising the walls and also to add a widows walk; and

WHEREAS, as a compromise between the Town of Sullivan's Island and GRACE LORENZ, the Town of Sullivan's Island has agreed to issue a permit to GRACE LORENZ for the aforesaid described construction when so applied, provided, they meet all other building and zoning requirements; and GRACE LORENZ agrees to put on the public records for the County of Charleston, State of South Carolina, a Restrictive Covenant mandating that the structure, being the structure with only one (1) dwelling now designated as

TOSI-BZA 0220

Unit 5 of the condominium regime will not hereinafter be further enlarged nor shall any further structural additions or structural alterations be made except purely for safety measures.

NOW, THEREFORE, in consideration of the above recitals, GRACE LORENZ does hereby declare that the property described in Paragraph 1 herein shall be subject to the covenants and restrictions contained in this Declaration, and that the covenants and restrictions herein shall touch, concern and run with the title to the property described herein, and said covenants and restrictions herein shall be binding on GRACE LORENZ and her respective successors, assigns, heirs, devisees or fiduciary representatives.

1. The property subject to the within covenant and restriction is described as:

SEE Exhibit A attached hereto and incorporated herein by reference.

2. The structure on the Property described in Paragraph 1 that is situate on the portion of the lot nearest to Middle Street and is depicted on the sketch attached hereto as Exhibit "B" as "Structure Subject to Declaration" shall not be further enlarged, nor undergo any further additions or structural alterations other than as shown on the attached sketch (Exhibit "B") which provides for the raising of the walls on the second floor (not adding any additional floor space but giving additional floor use) and the right to erect a widows walk, provided the additions shown on the attached sketch meet all other building and

TOSI-BZA 0221

zoning ordinances for the Town of Sullivan's Island. Nothing herein shall prohibit the owner from making the structural changes absolutely necessary for safety measures.

3. These covenants and restriction shall run with the land and shall not be modified or amended in any manner without the concurrence of the Town of Sullivan's Island and the then record owners of said property.

4. The within covenant and restriction shall be binding upon GRACE LORENZ, and her respective heirs, assigns, and successors and to any and all other parties claiming by or through the said GRACE LORENZ.

WITNESS our hands and seals this 15th day of ~~August~~ October, 1991.

WITNESS:

Grace Lorenz

FOR THE TOWN OF SULLIVAN'S ISLAND:

BY: _____
KATHLEEN I. CANTWELL, AS MAYOR

WITNESS:

_____

_____

TOSI-BZA 0222

STATE OF CALIFORNIA

COUNTY OF RIVERSIDE PROBATE

PERSONALLY appeared before me the undersigned witness, and made oath that (s)he saw the within named **GRACE LORENZ** sign, seal and as her act and deed deliver the within restrictive covenant; and that (s)he with the other witness witnessed the execution thereof.

SWORN to before me this 15th day of October, 1991.

NOTARY PUBLIC FOR CALIFORNIA
MY COMMISSION EXPIRES: 10-10-92

OFFICIAL SEAL
SONA DIMIRDJIAN
NOTARY PUBLIC-CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires Oct 10, 1992

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON PROBATE

PERSONALLY appeared before me the undersigned witness, and made oath that (s)he saw the within named KATHLEEN I. CANTWELL sign, seal and as her act and deed deliver the within restrictive covenant; and that (s)he with the other witness witnessed the execution thereof.

SWORN to before me this _____ day of October, 1991.

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: _____

TOSI-BZA 0223

INDENTURE DEED

DESCRIPTION:

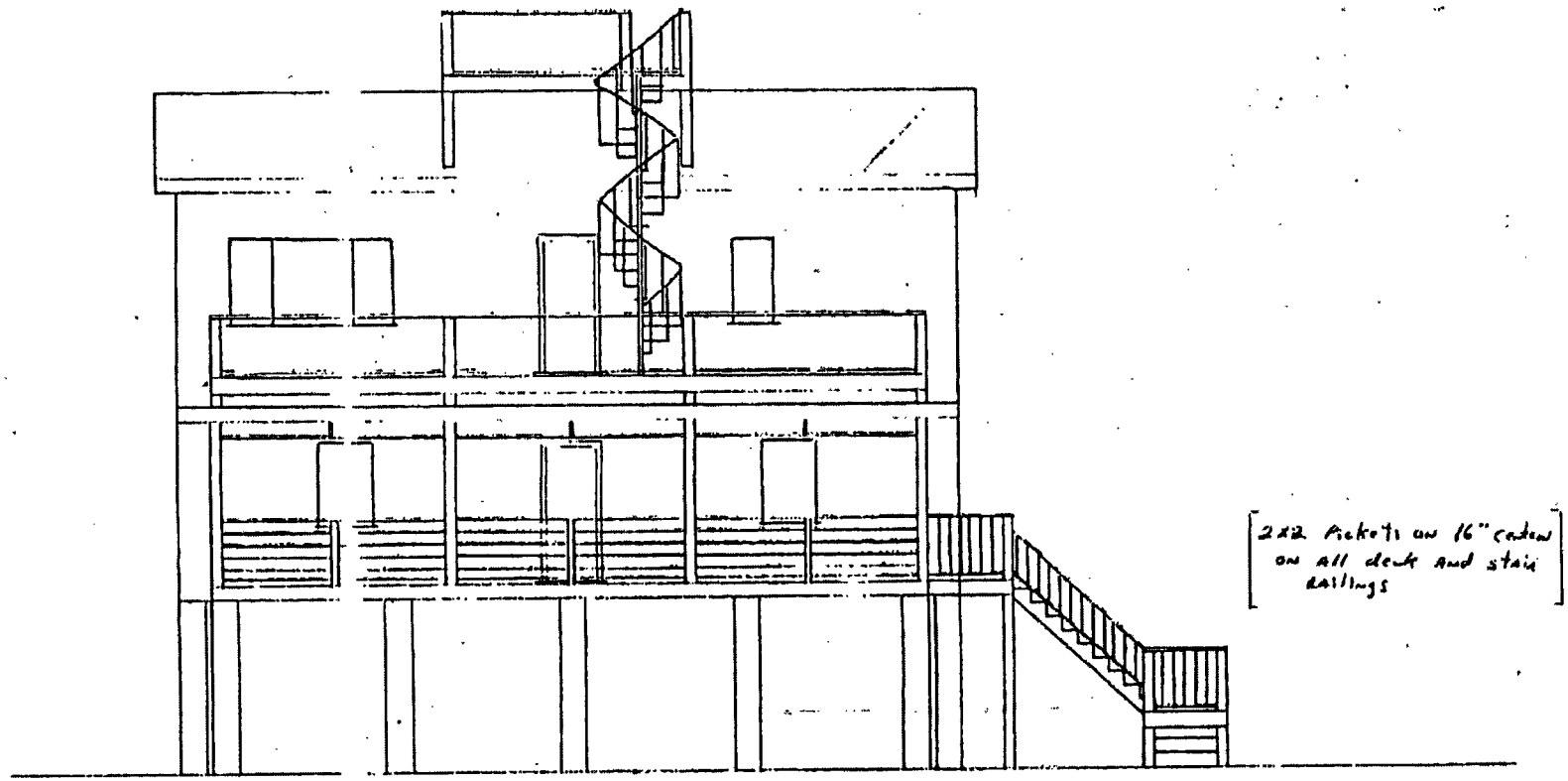
ALL that certain unit known as Unit 5 in The 1121 Middle Street Horizontal Property Regime, a horizontal property regime established by the Grantor pursuant to the South Carolina Horizontal Property Act, Section 27-31-10, et seq., South Carolina Code of Laws, as amended; Said Units having such location, size, shape, metes, bounds, buttings and dimensions as shown in the Exhibits attached to that certain Master Deed executed by Lindsay, Inc. on April 10, 1990 and recorded April 11, 1990 in the R.M.C. Office for Charleston County, South Carolina in Book H-192, at Page 388;as amended by First Amendment to the Master Deed, dated February 14, 1991 and recorded February 19, 1991 in Book M-200, at Page 210 of said R.M.C. Office; and as amended by Second Amendment to the Master Deed, dated March 22, 1991 and recorded April 11, 1991 in the said R.M.C. Office in Book U201 at Page 168.

DERIVATION CLAUSE:

Being the same property conveyed to Grace Lorenz by Indenture Deed of LINDSAY, INC., dated April 10, 1991, and recorded in Book U201 at Page 205 on April 12, 1991.

TOSI-BZA 0224

EXHIBIT "B"



Ocean Side

(STRUCTURE SUBJECT TO DECLARATION)

Lambeason Residence

SCALE: 1/4" = 1'
DATE: 8-9-91
APPROVED BY
DRAWN BY S.W. Johnson

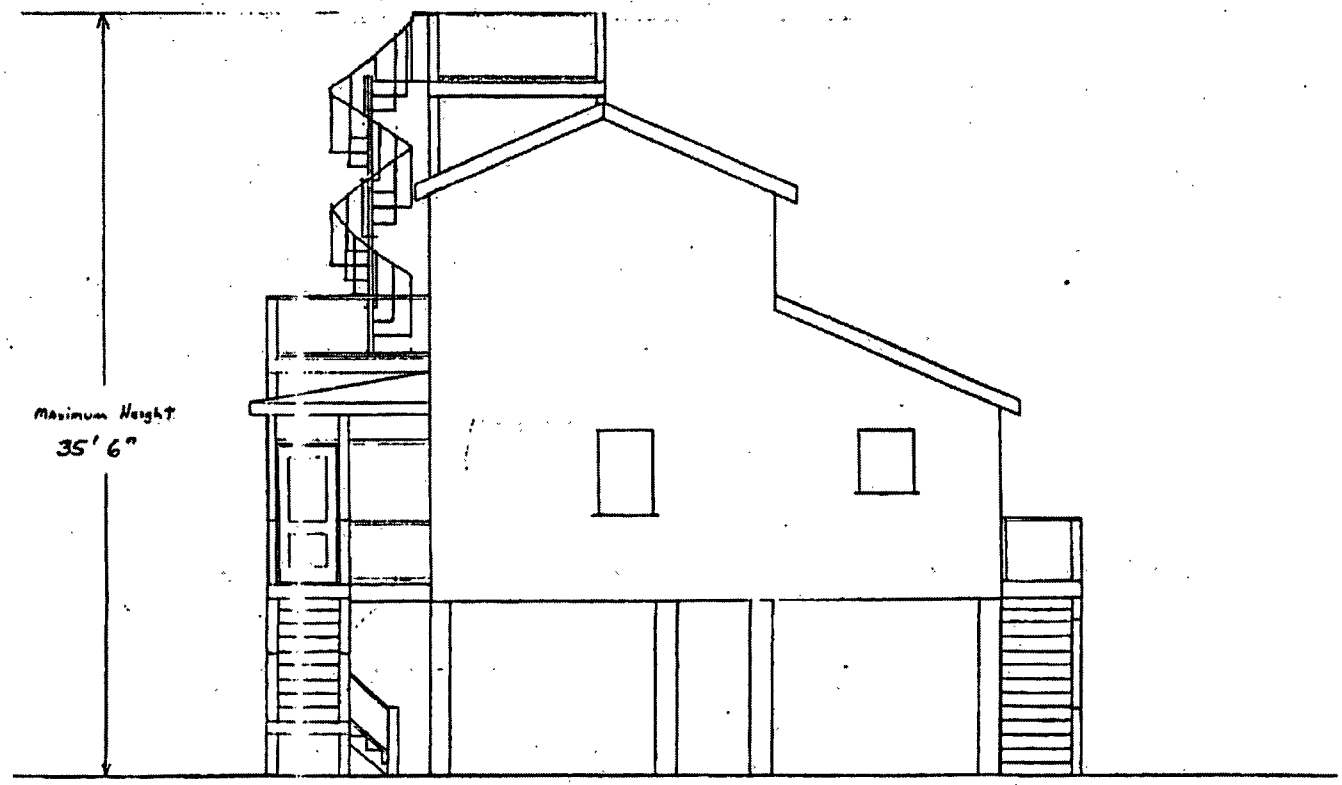
Stewart W. Johnson Co.

DRAWING NUMBER 2

TOSI-BZA 0225

262

EXHIBIT "B"



EAST END

(STRUCTURE SUBJECT TO DECLARATION)

TOSI-BZA 0226

Lamberson Residence

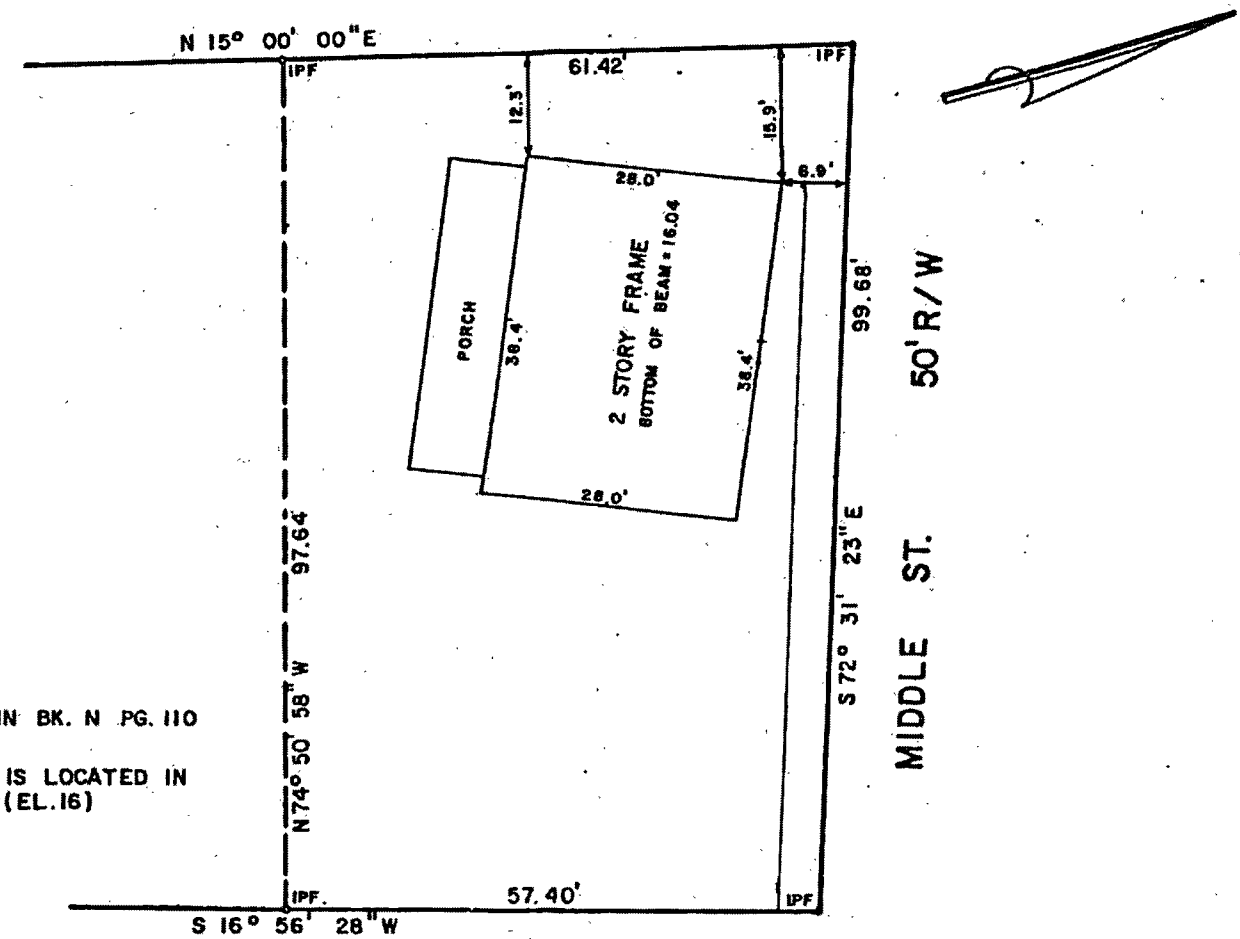
Stewart W. Johnson Co.

ARC Surveying Company, Inc.

P.O. Box 1054, Mt. Pleasant, South Carolina 29465
Office Location 2183 Hwy. 17 North 29464

Phone: (803) 881-4913
Facsmile: (803) 849-6120

LOT 76



WEST FORT ST.

REF. PLAT REC. IN BK. N PG. 110

THIS PROPERTY IS LOCATED IN FLOOD ZONE VE (EL. 16)

MOULTRIEVILLE

SULLIVANS ISLAND, CHARLESTON COUNTY, S. C.

PLAT FOR No. 1121 A MIDDLE STREET

I [illegible] certify that this is a true and correct survey, made on the ground under my supervision, and that the [illegible] no encroachments either way over property lines unless shown hereon.

TOSI-BZA 0227

F.B.# .....
JOB # .....

Date JULY 24, 1991

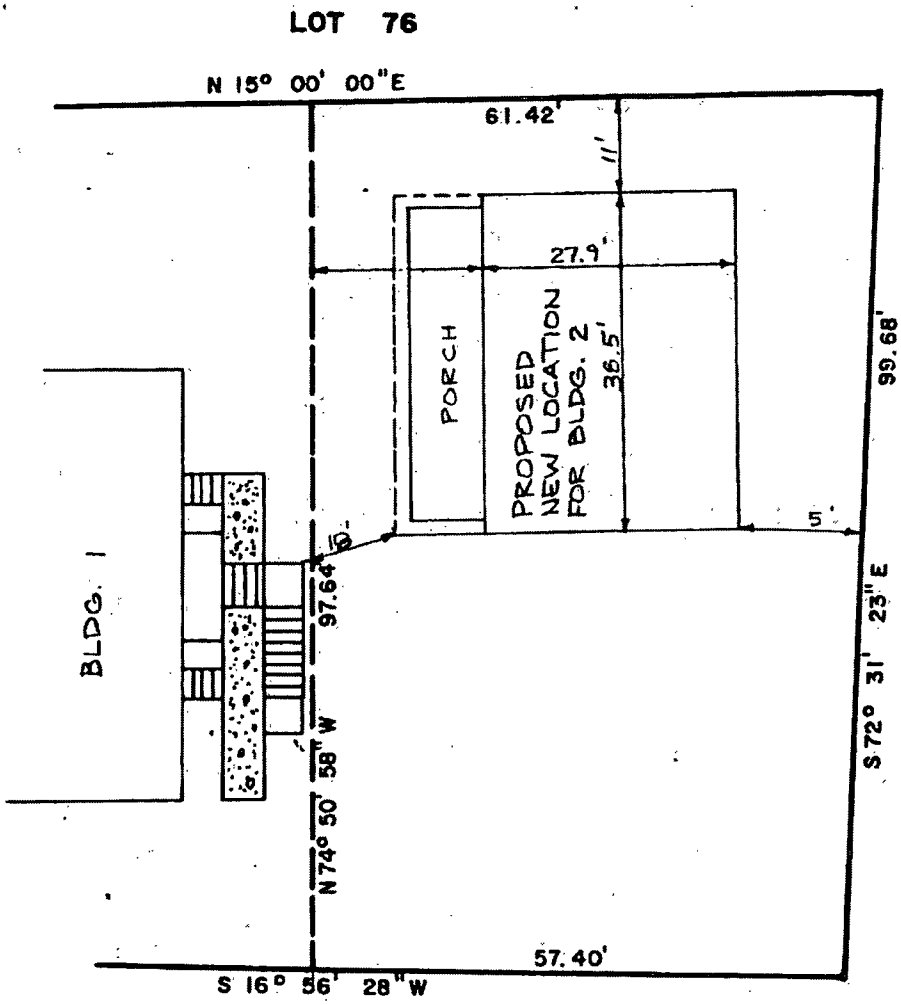
SCALE: 1" = 20'

.....
Penrolin A. Van Buren, R.L.S.
S.C. Reg. No. 11075

ARC Surveying Company, Inc.

P.O. Box 1054, Mt. Pleasant, South Carolina 29465
Office Location 2183 Hwy. 17 North 29464

Phone: (803) 881-4913
Facsmile: (803) 849-6120



Site Plan NTS
5' front setback and 11' side setback per variance granted 6-19-91

W.K.S.
6-27-91

MOULTRIEVILLE

SULLIVANS ISLAND, CHARLESTON COUNTY, S. C.

SITE PLAN FOR BLDG. 2 AT No. 1121 MIDDLE ST.

I hereby certify that this is a true and correct survey, made on the ground under my supervision, and that there are no encroachments either way over property lines unless shown hereon.

TOSI-BZA 0228

F.B.# .....
JOB # .....

Date JUNE 4, 1991
SCALE 1" = 20'

Penolin A. Van Buren, R.L.S.
S.C. Reg. No. 11075

TOWN OF SULLIVAN'S ISLAND

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

Certificate of Occupancy

Office of Zoning Admininstrator

This certificate issued pursuant to the requirements of Section 803 of the Zoning Ordinance of the Town of Sullivan's Island, Charleston County, South Carolina, certifying that at the time of issuance this structure was in compliance with the various requirements of the Town of Sullivan's Island regulating building construction or use, or in the case of a non-conforming structure in existence at the time of the enactment of the aforementioned Zoning Ordinance, that the non-conforming use can be maintained, renewed, changed or extended only in the manner specifically stated in this Certificate of Occupancy as being non-conforming with the Zoning Ordinance. This Certificate is issued subject to the conditions and safeguards set out below for the protection and safety of the occupants and the public.

Bldg. Permit No. _____

Use Classification Non-conforming use - Rental
(new construction, alteration, repair, non-conforming use, etc.)

Owner:

Name George E. Newton

Address 320 Winterberry Drive

Athens, Ga., 30606

Applicant's name George E. Newton

Contractor/Builder: _____

Building Address 1121 Middle Street

Sullivan's Island, SC, 29482

TMS # 523-07-00-081

Type of building Single Family Residence & Multi-family dwelling (4 Apts

Area/Block # _____ Lot # 77

Special Conditions Rental of one single family dwelling and one multi-family dwelling consisting of 4 apartments, pre-existing.

By W. Lloyd Fleming, Jr.
Zoning Administrator

Date: April 7, 1978

POST IN A CONSPICUOUS PLACE

TOSI-BZA 0229

TOWN OF SULLIVAN'S ISLAND

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

Certificate of Occupancy

Office of Zoning Administrator

This certificate issued pursuant to the requirements of Section 803 of the Zoning Ordinance of the Town of Sullivan's Island, Charleston County, South Carolina, certifying that at the time of issuance this structure was in compliance with the various requirements of the Town of Sullivan's Island regulating building construction or use, or in the case of a non-conforming structure in existence at the time of the enactment of the aforementioned Zoning Ordinance, that the non-conforming use can be maintained, renewed, changed or extended only in the manner specifically stated in this Certificate of Occupancy as being non-conforming with the Zoning Ordinance. This Certificate is issued subject to the conditions and safeguards set out below for the protection and safety of the occupants and the public.

Bldg. Permit No. _____

Use Classification Non-conforming use - Rental
(new construction, alteration, repair, non-conforming use, etc.)

Owner:

Name George E. & Judith K. Newton

Address PO Box 155

Sullivan's Island, SC

Applicant's name George E. Newton

Contractor/Builder: _____

Building Address 1121 Middle Street

Sullivan's Island, SC

TMS # 523-07-00-081

Type of building Two Residences

Area/Block # _____ Lot # 77

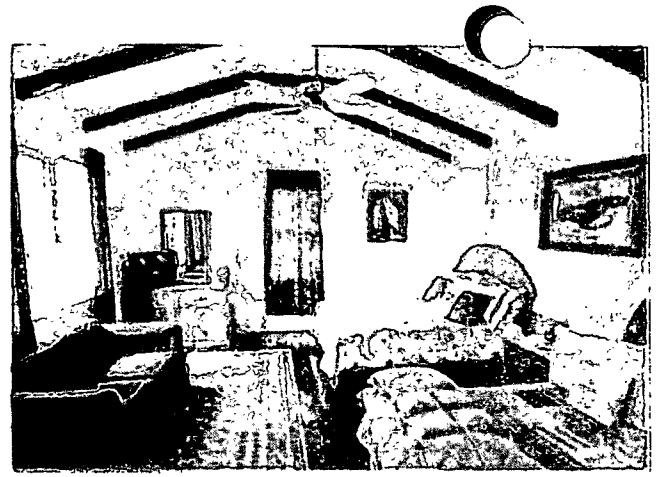
Special Conditions Main house sub-divided into 4 rental apartments. Smaller house is owner occupied; however, will be rental after 1 April 1978. Apartments ~~existed prior to 1 August 1977.~~

By _____ Date: January 17, 1978
Zoning Administrator W. Lloyd Fleming, Jr.

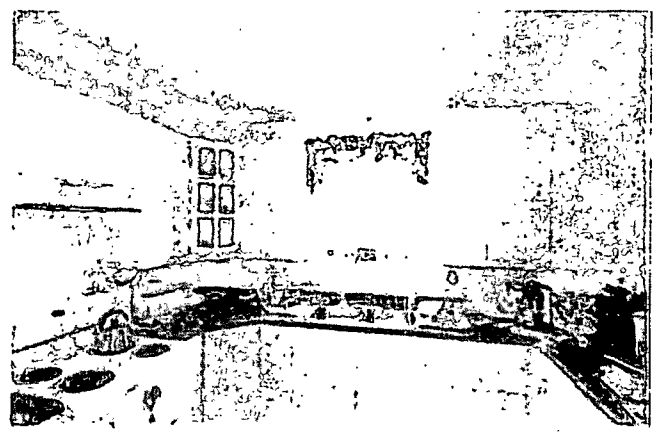
POST IN A CONSPICUOUS PLACE

TOSI-BZA 0230









1121 MIDDLE STREET
SULLIVANS ISLAND
$795,000

APPROX. 1,483 SQ.FT.
3 Bedrooms | 2 Bathrooms
Tax Map # 523-07-00-123
.66 Acres.

OFFERED BY:
ALTON BROWN, BROKER/SALES ASSOCIATE
abrown@carriageprop.com

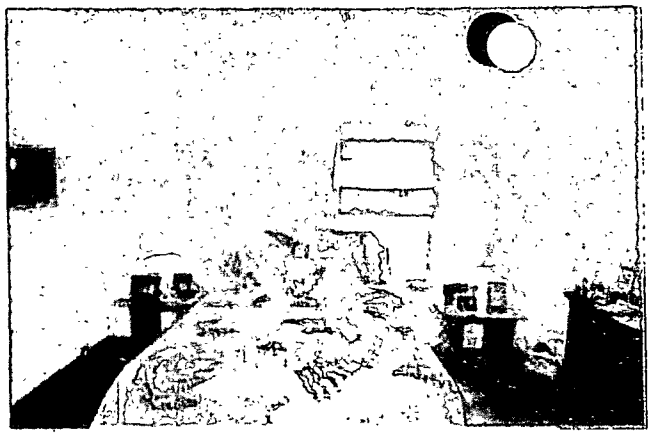
TOSI-BZA 0232

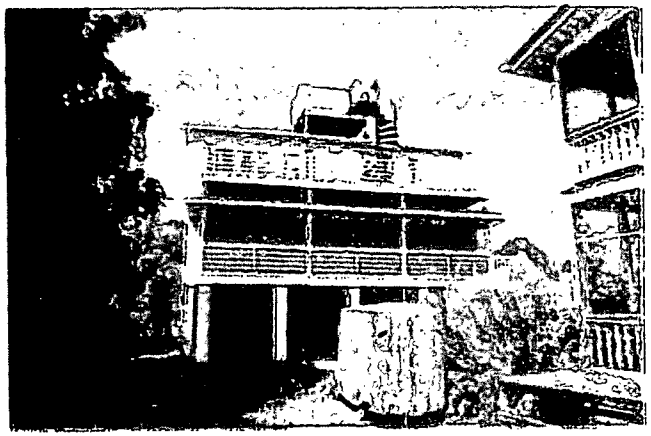
Great elevated Sullivan's Island cottage on south end beach lot with panoramic views of ocean, Morris Island, Fort Sumter, and the mouth of the Charleston Harbor.

Watch ships and dolphins from the porch or rooftop deck as the sun sets.

This cottage was built in the 1940's, elevated and renovated in the 90's.







It has 3 bedrooms, 2 full baths, pine floors and bead board character. This is a great casual house with potential to update or enjoy as it is.

The owner installed a new roof in 2013. This is a freestanding house but part of an HOA Regime (4 units in the main house with red roof, and this freestanding house).

Ample covered parking and beach access to the waterfront. The only shared expense are approximately $40 per month for water and regime insurance of $1591 per year.

Currently rented month to month. 24 hours notice to show. Sullivans Island boat ramp a few blocks away. Taxes should go down due to current high appraised value.



CARRIAGE
PROPERTIES

CARRIAGEPROP.COM

FOR MORE INFORMATION CALL:
Alton Brown, Broker/Sales Associate
abrown@carriageprop.com

843.266.8009 Direct
843.478.0768 Cell



19 EXCHANGE STREET | CHARLESTON
843.266.8000 | CARRIAGEPROP.COM

THE FINEST REAL ESTATE
IN TOWN AND COUNTRY









TOSI-BZA-0234

BUILDING PERMIT FOR TOWN OF SULLIVAN'S ISLAND, S.C. PERMIT No.: № 5988

SCHOOL DISTRICT No. 2 – TAX DISTRICT No. 23 DATE: 6-27-91

Gary Adam Larson [redacted] TAX MAP No.: 523-7-021

Name and Address of owner of Real Estate GRACE Lorenz / Lindsey Sachs

N 1121 B Middle St. Assess 92 (#32 (33)

Location of Project: 1121 B Middle

LOT No. _____ BLOCK No. _____

NATURE OF WORK: Construct ( ) Alter (✓) Repair ( ) Add to (✓) Move ( )

Demolish ( ) Add deck to front porch roof and access door in gable & rear access steps & Rebuild front porch & steps

Use to be made of Improvements: Residential: 1 Family (✓) Duplex ( )

Apartment ( ) Business: _____

Total Floor Area in Sq. Ft. _____ Plot Plan, including Land Elevation, Floor Plan and Building Elevation

Plan attached _____

Type of Construction: _____

(Wood Frame, Fireproof or Fire-resistive, etc.)

Exterior finish: Brick ( ), Conc. Block ( ), Stone ( ), Stucco ( ), Metal ( ), Wood ( ).

Roof: Composition ( ), Built-up ( ), Metal ( ), Slate ( ), Tile or Shingle ( ).

No. of Stories _____. If residential, No. Rooms _____, No. Baths _____, No. Bedrooms _____.

Type of Heating System: Steam ( ), Hot Water ( ), Hot Air ( ), Radiant ( ).

Type of Fuel: Oil ( ), Wood or Coal ( ), Gas ( ), Electricity ( ).

Construction to be in accordance with the Standard Building Code as amended.

COMPUTERIZED

JAN 03 1992

REMARKS: _____ Sullivan's Island License No. by B. R.

Completion Date: _____ Cost of Construction: $ 6000

Contractor or Builder: Self Heating: COMPUTERIZED

Subcontractors: _____ Masonary: _____

Plumbing: _____ Roofing: SEP 13 1991

Electricians: _____ Other: by SO

Permit Fee: $ 42.00

I hereby signify cognizance, notice and knowledge of the Ordinances of Sullivan's Island and the statutes of the State of South Carolina governing construction on Sullivan's Island.

I hereby grant permission to members of the Governmental Body of Sullivan's Island or any lawful agent of said Body to enter the premises hereinbefore mentioned for the purpose of inspecting the premises and seeing that the terms of this permit, if granted, are being properly carried out, and to cause work to be stopped in the event that this permit is being questioned by said Body or its duly authorized officers and/or agents.

Signed: Grace Lorenz by [illegible] Permit Issued: Mark C. Sinko 6-28-91

(Owner, Contractor, Agent) Building Inspector, Sullivan's Island
Office of Zoning Administrator

Approved: _____

W. Kent Pearse 6-27-91

Copy Made for P. Boehm 11/19/13 #32

TOSI-BZA 0235

Permit is void if work is not started within six months of date of issue or if work is stopped for a period of one

BUILDING PERMIT FOR TOWN OF SULLIVAN'S ISLAND, S.C. PERMIT No.: 6604

SCHOOL DISTRICT No. 2 – TAX DISTRICT No. 23 DATE: June 24, 1993

Siding + Decks only — Assess 94 1-594 RLL

TAX MAP No.: 523-07-0/24

Name and Address of owner of Real Estate Gary Lambeson/Grace Lorenz 123

Location of Project: 1128 Middle St. Bldg #2

LOT No. 77 BLOCK No.

NATURE OF WORK: Construct ( ) Alter (X) Repair ( ) Add to ( ) Move ( )

Demolish ( ) Raise roof, build decks, install windows & siding – no finish work at this time

Use to be made of Improvements: Residential: 1 Family (X) Duplex ( )

Apartment ( ) Business:

Total Floor Area in Sq. Ft. Plot Plan, including Land Elevation, Floor Plan and Building Elevation

Plan attached yes

COMPUTERIZED

Type of Construction: (Wood Frame, Fireproof or Fire-resistive, etc.)

JAN 5 1994

Exterior finish: Brick ( ), Conc. Block ( ), Stone ( ), Stucco ( ), Metal ( ), Wood ( ).

Roof: Composition ( ), Built-up ( ), Metal ( ), Slate ( ), Tile or Shingle ( ).

by SO

No. of Stories . If residential, No. Rooms , No. Baths , No. Bedrooms .

Type of Heating System: Steam ( ), Hot Water ( ), Hot Air ( ), Radiant ( ).

Type of Fuel: Oil ( ), Wood or Coal ( ), Gas ( ), Electricity ( ).

Construction to be in accordance with the Standard Building Code as amended + local ordinances

REMARKS: Sullivan's Island License No. 2975

Completion Date: Cost of Construction: $ 36,871.00

Contractor or Builder: Stewart Johnson Heating:

Subcontractors: Masonary: COMPUTERIZED

Plumbing: Roofing: OCT 19 1993

Electricians: Other: by SO

Permit Fee: $ 124.50 + 107.30 = 231.80

I hereby signify cognizance, notice and knowledge of the Ordinances of Sullivan's Island and the statutes of the State of South Carolina governing construction on Sullivan's Island.

I hereby grant permission to members of the Governmental Body of Sullivan's Island or any lawful agent of said Body to enter the premises hereinbefore mentioned for the purpose of inspecting the premises and seeing that the terms of this permit, if granted, are being properly carried out, and to cause work to be stopped in the event that this permit is being questioned by said Body or its duly authorized officers and/or agents.

Signed: Stewart W. Johnson (Owner, Contractor, Agent)

Permit Issued: Thomas A. Johnson Building Inspector, Sullivan's Island Office of Zoning Administrator

Approved: No elec, Mech, Plumb. below Base Flood Elevation. Copy Made for P. Boehm 11/19/93 #32

W. Kent Pearce 6-24-93

TOSI-BZA 0236

523-07-00-123

Permit is void if work is not started within six months of date of issue or if work is stopped for a period of one year.

BUILDING PERMIT FOR TOWN OF SULLIVAN'S ISLAND, S.C.

SCHOOL DISTRICT No. 2 – TAX DISTRICT No. 23

PERMIT No.: 6776

DATE: 4/5/94

Assess 95 - Dbl. SFR on Middle St - 12/14/94 #32

TAX MAP No.: 523-07-0/37

Name and Address of owner of Real Estate Gary Lamberson/Grace Lorenz

Location of Project: 1121 Middle St.

LOT No. (77) Unit 5 Bldg 2 BLOCK No.

NATURE OF WORK: Construct ( ) Alter (✓) Repair ( ) Add to ( ) Move ( )

Demolish ( ) Finish work

Use to be made of Improvements: Residential: 1 Family ( ) Duplex ( )

Apartment ( ) Business:

Total Floor Area in Sq. Ft. Plot Plan, including Land Elevation, Floor Plan and Front Elevation

COMPUTERIZED AUG 1 1994 by SO

Plan attached

Type of Construction: Finish interior

(Wood Frame, Fireproof or Fire-resistive, etc.)

Exterior finish: Brick ( ), Conc. Block ( ), Stone ( ), Stucco ( ), Metal ( ), Wood ( ).

Roof: Composition ( ), Built-up ( ), Metal ( ), Slate ( ), Tile or Shingle ( ).

No. of Stories . If residential, No. Rooms , No. Baths , No. Bedrooms .

Type of Heating System: Steam ( ), Hot Water ( ), Hot Air ( ), Radiant ( ).

Type of Fuel: Oil ( ), Wood or Coal ( ), Gas ( ), Electricity ( ).

Construction to be in accordance with the Standard Building Code as amended.

REMARKS: Sullivan's Island License No. 3411

Completion Date: Cost of Construction: $ 42,684

Contractor or Builder: Stewart Johnson Heating:

Subcontractors: Masonary:

COMPUTERIZED BY BR 12-20-94

Plumbing: Roofing:

Electricians: Other:

Permit Fee: $ 139.00 + L 124.70

I hereby signify cognizance, notice and knowledge of the Ordinances of Sullivan's Island and the statutes of the State of South Carolina governing construction on Sullivan's Island.

I hereby grant permission to members of the Governmental Body of Sullivan's Island or any lawful agent of said Body to enter the premises hereinbefore mentioned for the purpose of inspecting the premises and seeing that the terms of this permit, if granted, are being properly carried out, and to cause work to be stopped in the event that this permit is being questioned by said Body or its duly authorized officers and/or agents.

Signed: Stewart W. Johnson (Owner, Contractor, Agent)

Permit Issued: Thomas A. Nelson Building Inspector, Sullivan's Island Office of Zoning Administrator

Approved:

W. Kent Pearse 4-12-94

copy made for P. Bochm 11/9/13 #32

TOSI-BZA 0237

Permit is void if work is not started within six months of date of issue or if work is stopped for a period of one

2102 ION Avenue TMS# 529 09 00 019

In 1979, according the Charleston County, the non-conforming dwelling on this lot had a heated footprint of 254 sq. ft., a screened porch of 124 sq. ft. and a sun deck of 41 sq. ft.

It was renovated in 1986 and expanded to a heated footprint of 510 sq. ft. (an increase of 250 sq. ft.) and had a sun deck of 59 sq. ft. (an increase of 18 sq. ft.).

In 1990, the dwelling was elevated above the required flood elevation to allow for storage underneath and the deck was expanded to approximately 214 sq. ft. (an increase of 173 sq. ft. from 1979) The new deck has a safety rail around it.

Exhibits:

Charleston County "Overview"
" " Assessor's Office drawing 1979
" " Assessor's Office drawing 1987
" " Assessor's Office drawing 1988

Sullivan's Island Building Permit 1990
" " Building Permit 1990
" " Certificate of Occupancy (no date)

Owner's Survey 3/14/90

Elevation Certificate

Photos

TOSI-BZA 0238

EXHIBIT 13

CHARLESTON COUNTY, SC

Site Provided by Vermont

Overview

5290900019	2102 ION AVE, SULLIVANS ISLAND		3/1/2014	2013

Owner	GRAHAM RICHARD A	Property Class Code	101 - RE
Owner Address	PO BOX 448 SULLIVANS ISLAND SC 29482-0448	Acreage	.0000

Legal Description Description -LT 271 PlatSuffix R-93 PolTwp 002

Street Address

Tax Year	Land	Improvements	Market	Taxes	I
2013	$876,000	$59,000	$935,000	$3,379.31	$
2012	$876,000	$59,000	$935,000	$3,401.75	$
2011	$876,000	$59,000	$935,000	$3,484.03	$
2010			$890,000	$3,283.80	$

Real Property

Grantor	Book & Page	Date	Deed	Vacant	S
GRAHAM ANNE L	P524 131	1/26/2005	G		$1
GRAHAM ANNE LIMOGES	T462 050	8/11/2003	G		

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Impr
R01	DWELL	Dwelling	1990	1.0	03	1,444	
R02	DWELL	Dwelling	1990	1.0	02	504	

Charleston County makes every effort to produce the most accurate information possible. N warranties, expressed or implied are provided for the data herein, its use or interpretation is subject to change.

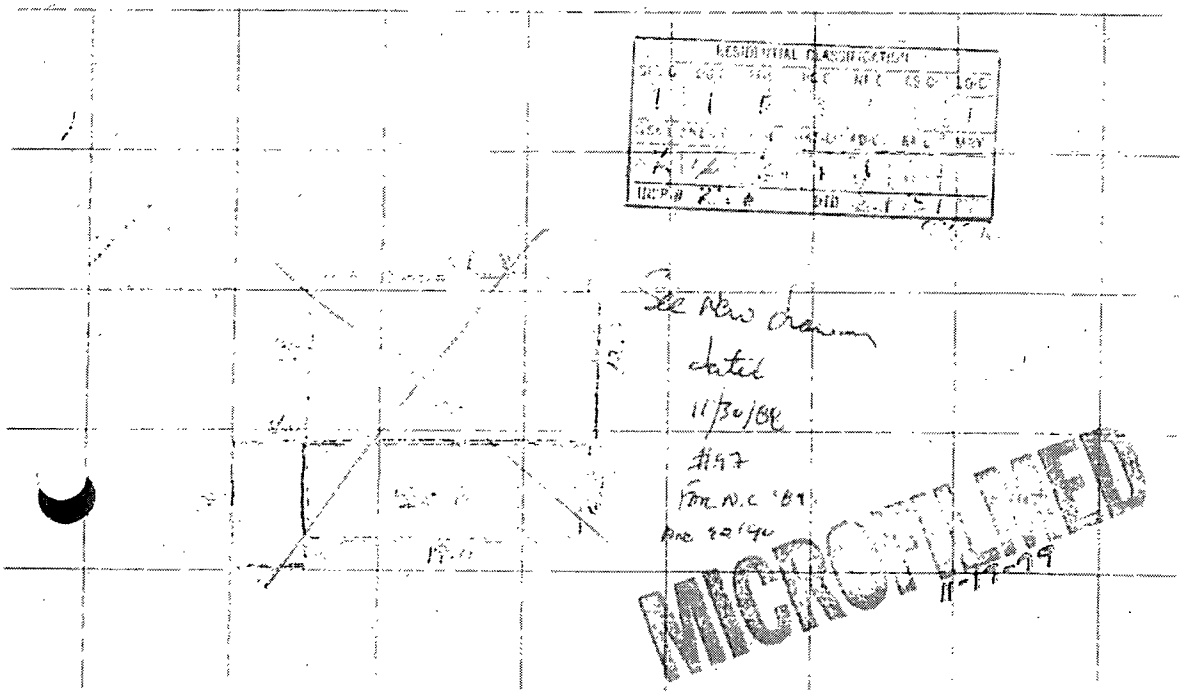
TOSI-BZA 0239

Charleston, S. C.
SINGLE FAMILY APPRAISAL FORM

NEW TMS____ - ____ - ____ LOT____

1. Name on Mail Box or Owner:____ 2. Person talked to:____
3. Prop. Loc. #:____ 4. M. A.____
5. Approx. Yr. Bldg. Blt: (1920) 6. Contractor:____
7. No. Baths: (____) 8. No. of Bed Rms.: (____) 9. Duct Heat: Yes ( ) No ( ) 10. Other:____
11. Fireplace: Yes ( ) No (1) 11. Septic Tank: Yes ( ) No ( ) 12. Water Supply: City ( ) or Private Well ( )
13. Yr. Purchase:____ 14. Cost: Lot $____ Bldg. $____ or Total $____ Remarks:____
15. Was an Inside Inspection of the Residence Made: Yes ( ) No ( )

16. Ask for Permission to Measure the Building. When Measuring Note the Following:
17. Type Wall Const: Brick Veneer ( ); Wood Siding ( ); Aluminum Siding ( ); Asbestos Siding ( ); Concrete Blk ( ) and/or Stuccoed: Yes ( ); Other:____
18. Floor Construction: Wood Joists ( ); Concrete Slab ( ); Other:____
19. Type Fuel: Oil ( ); Gas ( ); Elec. ( ), Other:____ 20. Full A/C: Yes ( ) No ( )
21. Show in Sketch: Basement — BSMT; Breezeway — BWY; Carport — CPT; Covered Porch — CPO; Garage — GAR; Metal Fence — MF; Patio — PAT; Screen Porch — SCP; Storage Room — STR; Swimming Pool — SWP.



22. Date Measured: / / Team / Info. Reviewed By: / Date / /

23. Class of Construction:____ 24. Condition: Exec. ( ); Good ( ); Average ( ); Fair ( ); Poor ( ).
Circle Grade: +, A, -

25. Cost Approach	Sq. Ft.	x	OBC U. Price	=	Total
Main Floor		x		=	$
Second Floor		x		=	
Tri. Lv.-Lw. Fl		x		=	
CPT or GAR		x		=	
Storage		x		=	
CPO		x		=	
SCP		x		=	
Patio		x		=	
Driveway		x		=	
		x		=	
Indicated Total Cost of Bldg					$
Estimated Land Value					
Q. Ft. Comp. By / /			TOTAL		

26. Fair Market Value (Based on Observed Condition and Area Comparisons)

Lot: 1 x $____ = $____
No. of 1 Bldgs.
Total $____

Comments: Conformity, Comparables, etc:____

Appr. # / Date / /
Reviewed by:____ Date / /

27. Assessor's Market Value Estimate for Assessment Purposes

Lot Value $____
No. of____ Bldgs.
Total $____

Comments:____

Initial____
Date / /

28. Owner:____ DB____ P____ DTD____ /SUBD:____ Lot____
Indicated Purchase Price____ Cash $____ A/H $____ Remarks:____
29. Data: Permit #____ Date / / Work:____ Est. Cost $____
30. Data: Value $____ x ____ % = $____ less lot asmt. $____ = Bldg. Asmt. $____ Yr.____
31. Posted to Appraisal List by:____ Tax Dist. #____ TMC____ BLK____ Lot____

Form 1 AF (5-67)

AERIAL PHOTO # ____ New TMS____ - ____ - ____ LOT____

TOSI-BZA 0240

C .RLESTON COUNTY ASSESSOR'S OFFICE
Charleston, S. C.

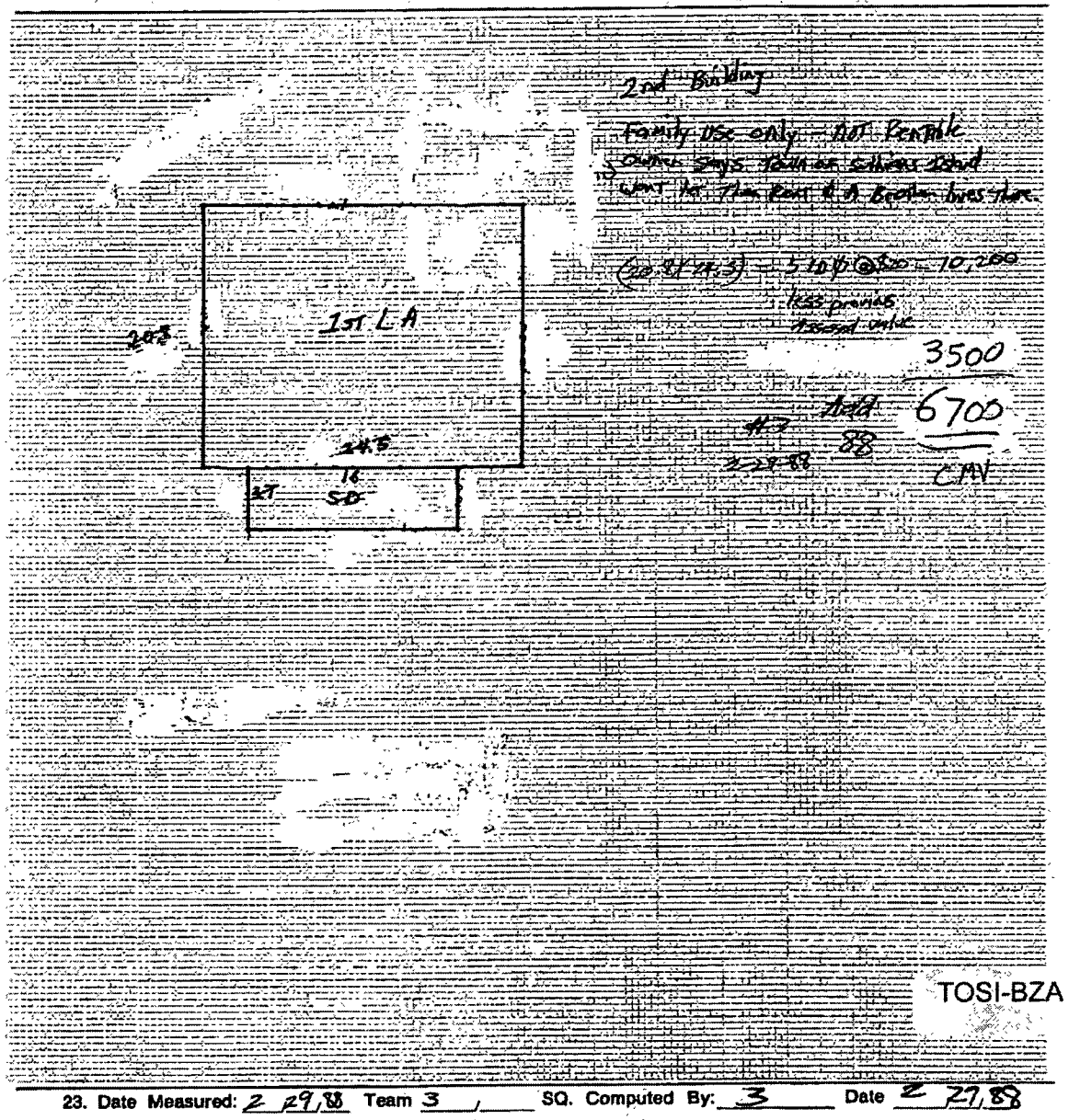
TMS 529 9 0 19 LOT ~~11~~

3 Units or Less TD _____ AD _____ ZONING _____

1. Name on Mail Box or Owner: _____ 2. Person talked to: _____
3. Prop. Loc. #: _____ 4. M.A. _____
5. Approx. Yr. Bldg. Blt: (Rent. $7) 6. Contractor: _____
7. No. of Baths: (1) 8. No. of Bed Rms.: (9. Duct Heat: Yes ( ) No ( ) or other _____
10. Full A/C: Yes ( ) No ( ) 11. Septic Tank: Yes ( ) No ( ) 12. Water: City ( ); Private ( )
13. Yr. of Purchase: ____ 14. Cost: Lt $_____ Bldg. $_____ or Total $_____
15. Inside Inspection Made: Yes ( ) No (✓) 16. Permission to Measure Bldg. asked ~~✓~~
17. Rent $_____/Mo. Includes _____

When Measuring Note the Following: _____

18. Type Wall Const: Brick Veneer ( ); Wood Siding (✓); Alum. Siding ( ); Asb. Siding ( ); Concrete Blk ( ) and/or Stuccoed: Yes ( ); Other: _____
19. Floor Construction: Wood Joists (✓); Concr. Slab ( ); Other: _____
20. Type Fuel: Oil ( ); Gas ( ); Elec. ( ); Other _____
21. Full A/C: Yes ( ) No ( )
22. Show in sketch: Basement - BSMT; Breezeway - BWY; Carport - CPT; Covered Porch - CPO; Garage - GAR; Metal Fence - MF; Patio - PAT; Screen Porch - SCP; Storage Room - STR; Swimming Pool - SWP.



TOSI-BZA 0241

23. Date Measured: 2-29-88 Team 3 SQ. Computed By: 3 Date 2-29-88

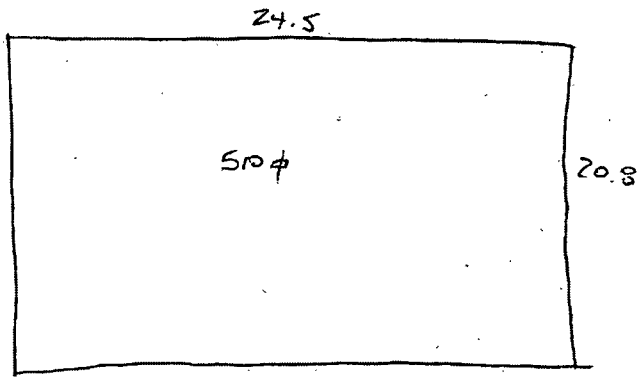
24. Owner: _____ DB _____ P _____ DTE _____ /SUBD: _____ Lot: _____
INDICATED PURCHASE PRICE _____ Cash $_____ A/M $_____
25. Data: Permit # _____ Date __/__/__ Work: _____ Est. Cost $_____
FORM IAF REVISED 10-10-84

Copy made for
P. Boehm
3/6/14
scanned + emailed

203

New drawing
11/30/33
#97

ZoFZ



Joists
Wood siding
Central H/AC
1 Bath ?
1 Deck ?
Like-New condition

TOSI-BZA 0242

ELEVATION CERTIFICATE

FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM

OMB 3067-007
EXPIRES: JUNE 30 1990

This form is to be used for: 1) Post-FIRM construction only when the base flood information is available for the building site; and 2) Pre-FIRM buildings rated using Post-FIRM rules. Instructions for completing this form can be found on the reverse side.

Graham
BUILDING OWNER'S NAME — POLICY NUMBER

2102 I'On Avenue
STREET ADDRESS

Apt.-A/Unit-U Suite-S/Bldg.-B — NO. — ROUTE — BOX NUMBER

Lot 271, Moultrieville
OTHER DESCRIPTION (Block and lot numbers, etc.)

Sullivans Island, S.C. 29482
CITY — STATE — ZIP CODE

This form is to be completed by a land surveyor, engineer, or architect who is authorized by state law to certify elevation information when the elevation information for zones A1-A30, AE, AH, A(with BFE), V1-V30, VE, and V(with BFE) is required. In the case of zone AO, the building official, the property owner, or the owner's representative should complete the information in Section I and may also complete the certification. Community officials who are authorized by local law or ordinance to provide floodplain management information may also complete this form.

SECTION I BUILDING ELEVATION INFORMATION

1. Using the Flood Insurance Manual or the NFIP Flood Insurance Application—Part 2 Worksheet, indicate the proper diagram number___.
2. FIRM Zones A1-A30, AE, AH, and A (with BFE). The top of the reference level floor from the selected diagram is at an elevation of 18.9 feet NGVD. (or other datum–see #5)
3. FIRM Zones V1-V30, VE, and V (with BFE). The bottom of the lowest horizontal structural member of the reference level floor from the selected diagram is at an elevation of_____feet NGVD (or other datum–see #5).
4. FIRM Zone AO. The floor used as the reference level from the selected diagram is ☐☐ feet above highest natural grade next to the building (also enter in line 8). This value must be equal to or greater than the AO Zone flood depth number listed below. If no flood depth number is available, is the building's lowest floor (or reference level) elevated in accordance with the community's floodplain management ordinances? ☐Yes ☐No ☐Unknown
5. Indicate the elevation datum system used in determining the above reference level elevations: ☒NGVD ☐Other (describe on back)
6. Indicate the elevation datum system used on the FIRM for base flood elevations: ☒NGVD ☐Other (describe on back)

(ATTENTION: If the elevation datum used in measuring the elevations is different than that used on the FIRM, then the elevations provided must be converted to the datum system used on the FIRM.)

7. Is the reference level based on actual construction? ☒Yes ☐No*
   * A "No" answer is only valid if the building does not have the reference level floor in place. Fill in the elevation based on construction drawings and do not complete question #8. If "No" is checked, this certification will be valid only for buildings in the course of construction. After construction of the reference level floor is completed, a post-construction elevation certificate will be required for continued flood insurance coverage.
8. Provide the following measurements using the natural grade next to the building (round to the nearest foot).

a. The reference level is:
☐☐ feet ☒ above ☐ below (check one) the highest grade. average
☐☐ feet ☐ above ☐ below (check one) the lowest grade.

b. The garage floor (if applicable) is:
☐☐ feet ☐ above ☐ below (check one) the highest grade.
☐☐ feet ☐ above ☐ below (check one) the lowest grade.

SECTION II FLOOD INSURANCE RATE MAP INFORMATION

Provide the following from the proper FIRM (see Instructions on back–Date of FIRM) and accompanying insurance application:

COMMUNITY NO.	PANEL NO.	SUFFIX	DATE OF FIRM	FIRM ZONE	BASE FLOOD ELEV. (In AO Zone, use depth)	COMMUNITY ESTIMATED BASE FLOOD ELEVATION ESTABLISHED FOR ZONE A OR ZONE V, IF AVAILABLE
455418	0001	C	10/17/86	A8	13.0'M.S.L.	

Elevation reference mark used appears on FIRM ☐Yes ☐No (See reverse side for details)

SECTION III CERTIFICATION

This certification is to be signed by a land surveyor, engineer, or architect who is authorized by state law to certify elevation information when the elevation information for zones A1-A30, AE, AH, A(with BFE), V1-V30, VE, and V(with BFE) is required. In the case of zone AO, the building official, the property owner, or the owner's representative can sign the certification. Community officials who are authorized by local law or ordinance to provide floodplain management information, may also sign the certification. I certify that the information on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Charles F. Dawley, Jr. — 9314
CERTIFIER'S NAME — LICENSE NUMBER (or Affix Seal)

R.L.S. — Dawley Surveying
TITLE — COMPANY NAME

P. O. Box 231 — Mt. Pleasant, S.C. 29465
ADDRESS — CITY — STATE — ZIP

SIGNATURE — 9/26/90 — DATE — (803)884-4931 PHONE

The insurance agent should attach the original copy of the completed form to the flood insurance policy application. The second copy should be supplied to the policyholder and the third copy retained by the agent. The fourth copy is for the local community permit office, if required.
THIS FORM MAY BE REPRODUCED.

FOR OPTIONAL COMMUNITY USE: Is the reference level also the lowest floor under the community's floodplain management ordinances?
☐YES ☐NO If NO the elevation of the lowest floor is_____feet NGVD.

FEMA FORM 81-31 (10/87) — 593-117 (6/87)

TOSI-BZA 0243

BUILDING PERMIT FOR TOWN OF SULLIVAN'S ISLAND, S.C.
SCHOOL DISTRICT No. 2 – TAX DISTRICT No. 23

PERMIT No.: № 4787
DATE: 3-13-90
TAX MAP No.: 19/529-9-0

Name and Address of owner of Real Estate Ann Graham

Location of Project: 2102 Ion Ave

LOT No. 271 BLOCK No. ____

NATURE OF WORK: Construct ( ) Alter ( ) Repair ( ) Add to ( ) Move ( )

Demolish ( ) Foundation 20 x 24

Use to be made of Improvements: Residential: 1 Family ( ) Duplex ( )

Apartment ( ) Business: ____

Total Floor Area in Sq. Ft. ____ Plot Plan, including Land Elevation, Floor Plan and Building Elevation

Plan attached ____

Type of Construction: ____
(Wood Frame, Fireproof or Fire-resistive, etc.)

Exterior finish: Brick ( ), Conc. Block ( ), Stone ( ), Stucco ( ), Metal ( ), Wood ( ).
Roof: Composition ( ), Built-up ( ), Metal ( ), Slate ( ), Tile or Shingle ( ).

No. of Stories ____. If residential, No. Rooms ____, No. Baths ____, No. Bedrooms ____.
Type of Heating System: Steam ( ), Hot Water ( ), Hot Air ( ), Radiant ( ).
Type of Fuel: Oil ( ), Wood or Coal ( ), Gas ( ), Electricity ( ).
Construction to be in accordance with the Standard Building Code as amended.

REMARKS: ____ Sullivan's Island License No. ____

Completion Date: ____ Cost of Construction: $ 1200 —

Contractor or Builder: Self Heating: ____

Subcontractors: ____ Masonary: ____

Plumbing: ____ Roofing: ____

Electricians: ____ Other: ____

Permit Fee: $ 30.00 (pd)

I hereby signify cognizance, notice and knowledge of the Ordinances of Sullivan's Island and the statutes of the State of South Carolina governing construction on Sullivan's Island.

I hereby grant permission to members of the Governmental Body of Sullivan's Island or any lawful agent of said Body to enter the premises hereinbefore mentioned for the purpose of inspecting the premises and seeing that the terms of this permit, if granted, are being properly carried out, and to cause work to be stopped in the event that this permit is being questioned by said Body or its duly authorized officers and/or agents.

Signed: Richard A Graham
(Owner, Contractor, Agent)

Permit Issued: 3-19-90
Frank C. Jenkins
Building Inspector, Sullivan's Island
Office of Zoning Administrator

Approved: ____

TOSI-BZA 0244

Permit is void if work is not started within six months of date of issue or if work is stopped for a period of one year

BUILDING PERMIT FOR TOWN OF SULLIVAN'S ISLAND, S.C.
SCHOOL DISTRICT No. 2 – TAX DISTRICT No. 23

PERMIT No.: № 5345
DATE: August 2, 1990
TAX MAP No.: 529-9-0/19

Name and Address of owner of Real Estate Ann L. Graham

Location of Project: 2102 1/2 Ion Avenue

LOT No. 271 BLOCK No. _____

NATURE OF WORK: Construct ( ) Alter ( ) Repair ( ) Add to ( ) Move ( )

Demolish ( ) rebuild deck

Use to be made of Improvements: Residential: 1 Family ( ) Duplex ( )

Apartment ( ) Business: _____

Total Floor Area in Sq. Ft. _____ Plot Plan, including Land Elevation, Floor Plan and Building Elevation

Plan attached _____

Type of Construction: _____
(Wood Frame, Fireproof or Fire-resistive, etc.)

Exterior finish: Brick ( ), Conc. Block ( ), Stone ( ), Stucco ( ), Metal ( ), Wood ( ).
Roof: Composition ( ), Built-up ( ), Metal ( ), Slate ( ), Tile or Shingle ( ).

No. of Stories _____. If residential, No. Rooms _____, No. Baths _____, No. Bedrooms _____.
Type of Heating System: Steam ( ), Hot Water ( ), Hot Air ( ), Radiant ( ).
Type of Fuel: Oil ( ), Wood or Coal ( ), Gas ( ), Electricity ( ).
Construction to be in accordance with the Standard Building Code as amended.

REMARKS: _____ Sullivan's Island License No. _____

Completion Date: _____ Cost of Construction: $ 370.00

Contractor or Builder: self Heating: _____

Subcontractors: _____ Masonary: _____

Plumbing: _____ Roofing: _____

Electricians: _____ Other: _____

Permit Fee: $ 20.00

I hereby signify cognizance, notice and knowledge of the Ordinances of Sullivan's Island and the statutes of the State of South Carolina governing construction on Sullivan's Island.

I hereby grant permission to members of the Governmental Body of Sullivan's Island or any lawful agent of said Body to enter the premises hereinbefore mentioned for the purpose of inspecting the premises and seeing that the terms of this permit, if granted, are being properly carried out, and to cause work to be stopped in the event that this permit is being questioned by said Body or its duly authorized officers and/or agents.

Signed: Richard A Graham (Owner, Contractor, Agent)

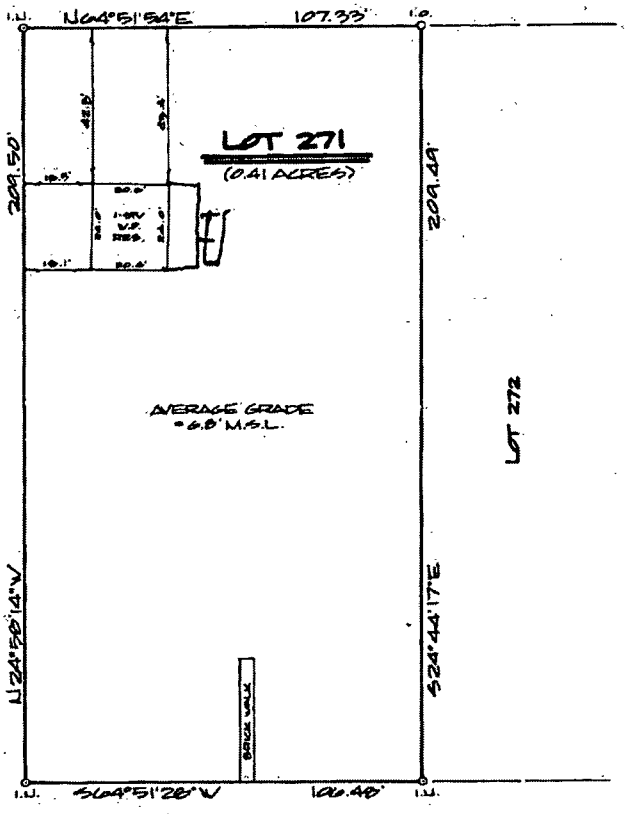
Permit Issued: Frank C. Jenko 8-2-90
Building Inspector, Sullivan's Island
Office of Zoning Administrator

Approved: _____

TOSI-BZA 0245

Permit is void if work is not started within six months of date of issue or if work is stopped for a period of one year.

MIDDLE STREET 60' R/W



I'ON AVENUE 40' R/W

I hereby certify that the property shown hereon is in a special flood hazard area, according to F.I.A. and H.U.D. Flood hazard boundary maps.

I hereby certify that the measurements as shown above are correct and there are no encroachments or projections other than shown.

REF: 1) T.M.S. 529-04-00-014
2) DEED BOOK "P-64" PAGE 111
3) PLAT BOOK "D" PAGE 184
4) PLAT BOOK "R" PAGE 49

PLAT

SHOWING LOT 271, OF MOULTRIEVILLE S/D. IN THE TOWN OF SULLIVANS ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA.

PRESENTLY OWNED BY: ANNE LINDSEY GRAHAM

SCALE: 1" = 30'

MARCH 14, 1990

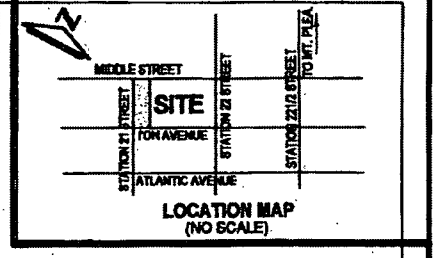
SOUTH CAROLINA REGISTERED NO. 9314 LAND SURVEYOR CHARLES F. DAWLEY, JR.

CHARLES F. DAWLEY, JR. R.L.S.
S.C. REGISTRATION NO. 9314
P.O. BOX 251
MT. PLEASANT, SC 29465
(803) 884-4451

TOSI-BZA 0246

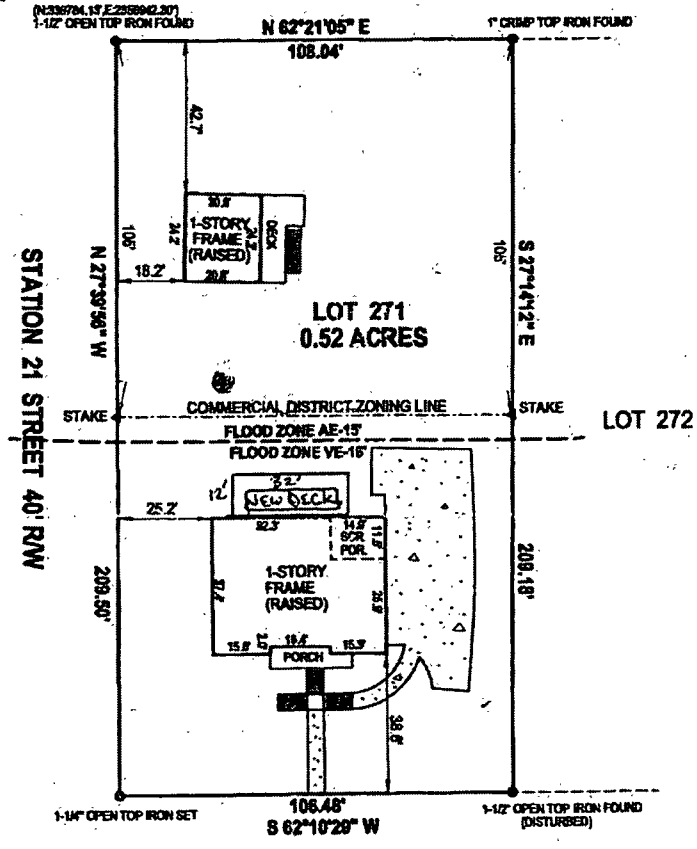
NOTE:
THIS PROPERTY IS LOCATED IN FLOOD ZONES AE-15 AND VE-15', ACCORDING TO N.F.I.P.F.I.R.M. 45019C (455415)-0539-J-11/17/04.

GRID
N.A.D. 1983 (2007)
DISTANCES SHOWN ARE HORIZONTAL
COMBINED FACTOR = .999901454



LOCATION MAP
(NO SCALE)

MIDDLE STREET 60' R/W



I'ON AVENUE 40' R/W

SOUTH CAROLINA
DAWLEY SURVEYING COMPANY LLC
NO. 3726
CERTIFICATE OF AUTHORIZATION

SOUTH CAROLINA
REGISTERED
NO. 9314
LAND SURVEYOR
CHARLES F. DAWLEY, JR.

PLAT SHOWING

LOT 271, #2102 I'ON AVENUE MOULTRIEVILLE

SULLIVAN'S ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA.

PRESENTLY OWNED BY RICHARD A. GRAHAM

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 MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

CHARLES F. DAWLEY, JR., R.L.S.
S.C. REGISTRATION NO. 9314
991 HIGHER GROUND ROAD
MOUNT PLEASANT, S.C. 29464
843-884-5221

REFERENCES:
T.M.S. 529-09-00-019
DEED BOOK "P-524", PAGE 131
PLAT BOOK "D", PAGE 184
PLAT BOOK "R", PAGE 93

DATE: JANUARY 8, 2009
SCALE: 1" = 30'

0 15 30 60 90

TOSI-BZA 0247

C. MELVIN ANDEREGG
MAYOR

TOWN COUNCIL
KATHLEEN I. CANTWELL, MAYOR PRO-TEM
[illegible]N W. AILSTOCK
[illegible]NCE M. McMANUS
[illegible]ERT A. SMITH
J. MARSHALL STITH
WILLIAM J. WOOD

TOWN OF SULLIVAN'S ISLAND

LAWRENCE A. DOD
TOWN ATTORNEY

DAVID P. REESE, J
ADMIN. ASSISTANT

CAROLYN R. KRUGE
TOWN CLERK

J.E. LILIENTHAL
CHIEF OF POLICE

M.A. STITH
FIRE CHIEF

TELEPHONE
(803) 883-3198

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

AUGUST 20, 1986

MR. RICHARD GRAHAM
PO BOX 431
SULLIVAN'S ISLAND, SC. 29482

DEAR MR. GRAHAM,

THE BOARD OF ADJUSTMENT, AFTER CONSULTING WITH THE TOWN ATTORNEY, HAS AGREED TO ALLOW CONSTRUCTION TO CONTINUE ON THE SMALL STRUCTURE NEAR THE PROPERTY LINE (STA. 21) AT 2102 I'ON AVE. BASED UPON THE CONDITION THAT MR. LAWRENCE A. DODDS, JR., TOWN ATTORNEY FOR SULLIVAN'S ISLAND, SHALL WRITE THE DEED RESTRICTIONS AS AGREED UPON BY MRS. ANN GRAHAM AT OUR MEETING ON AUGUST 14, 1986. THE INTENT OF THESE DEED RESTRICTIONS IS TO INSURE THAT THE PROPERTY AT 2102 I'ON COMPLY WITH SECTION 21-36 OF THE ZONING ORDINANCE OF SULLIVAN'S ISLAND.

SINCERELY,

CARL SMITH
FOR THE BOARD OF ADJUSTEMENT
OF SULLIVAN'S ISLAND.

CJS/CK

TOSI-BZA 0248

TOWN OF SULLIVAN'S ISLAND

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

Certificate of Occupancy

Office of Zoning Admininstrator

This certificate issued pursuant to the requirements of Section 803 of the Zoning Ordinance of the Town of Sullivan's Island, Charleston County, South Carolina, certifying that at the time of issuance this structure was in compliance with the various requirements of the Town of Sullivan's Island regulating building construction or use, or in the case of a non-conforming structure in existence at the time of the enactment of the aforementioned Zoning Ordinance, that the non-conforming use can be maintained, renewed, changed or extended only in the manner specifically stated in this Certificate of Occupancy as being non-conforming with the Zoning Ordinance. This Certificate is issued subject to the conditions and safeguards set out below for the protection and safety of the occupants and the public.

Bldg. Permit No. 5231

Use Classification New construction
(new construction, alteration, repair, non-conforming use, etc.)

Owner:

Name Ann L. Graham

Address PO Drawer 807

Sullivan's Island, SC 29482

Applicant's name

Contractor/Builder:

Building Address 2102 Ion Ave.

Sullivan's Island, SC

TMS # 529-9-0/19

Type of building Single family residential

Area/Block # Lot # 271

Special Conditions The two residences on Lot 271 constitute a non-conforming use. The structure with the greatest livable area is designated as the conforming use. The secondary structure is non-conforming and may only be altered in accordance with the appropriate zoning code provisions.

By Date:
Zoning Administrator

POST IN A CONSPICUOUS PLACE

TOSI-BZA 0249

TOSI-BZA 0250

TOSI-BZA 0251

2263 ION TMS# 529 10 00 051

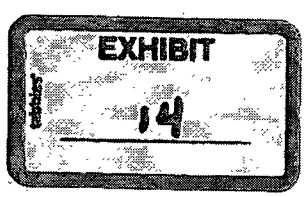
The original non-conforming dwelling on the lot, pre-Hugo, was 511 sq. ft. of heated footprint.

The dwelling constructed after Hugo was allowed to be 620 sq. ft. of heated footprint which is an increase of 119 sq. ft.

Exhibits:

Charleston County "Overview"
" " Assessor's Office "Single Family Appraisal Form"
" " Assessor's Office drawing

Sullivan's Island Building Permit



TOSI-BZA 0252

CHARLESTON COUNTY, SC

Overview

5291000051	2763 ION AVE, SULLIVANS ISLAND	3/1/2014	2013	2013

Street Address

Owner	BERETTA ROBERT E ETAL TRUSTEES	Property Class Code	101 - RESID-SFR
Owner Address	2 KING ST CHARLESTON SC 29401	Acreage	.0000

Legal Description Description -LT 313 PlatSuffix D-189 PolTwp 002

Real Property

Tax Year	Land	Improvements	Market	Taxes	Payment
2014	$1,135,001	$1,100	$1,136,101	$12,416.96	$13,416.96
2012	$1,135,001	$1,100	$1,136,101	$13,412.41	$13,412.41
2011	$1,135,001	$1,100	$1,136,100	$13,387.41	$13,387.41
2010			$1,082,000	$12,715.17	$12,715.17

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
DAWSON C STUART	T232 320	1/21/1993	G		$25

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1915	1.5	03	2,498	
R02	DWELL	Dwelling	1980	1.0	02	620	

Charleston County makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. All data is subject to change.

TOSI-BZA 0253

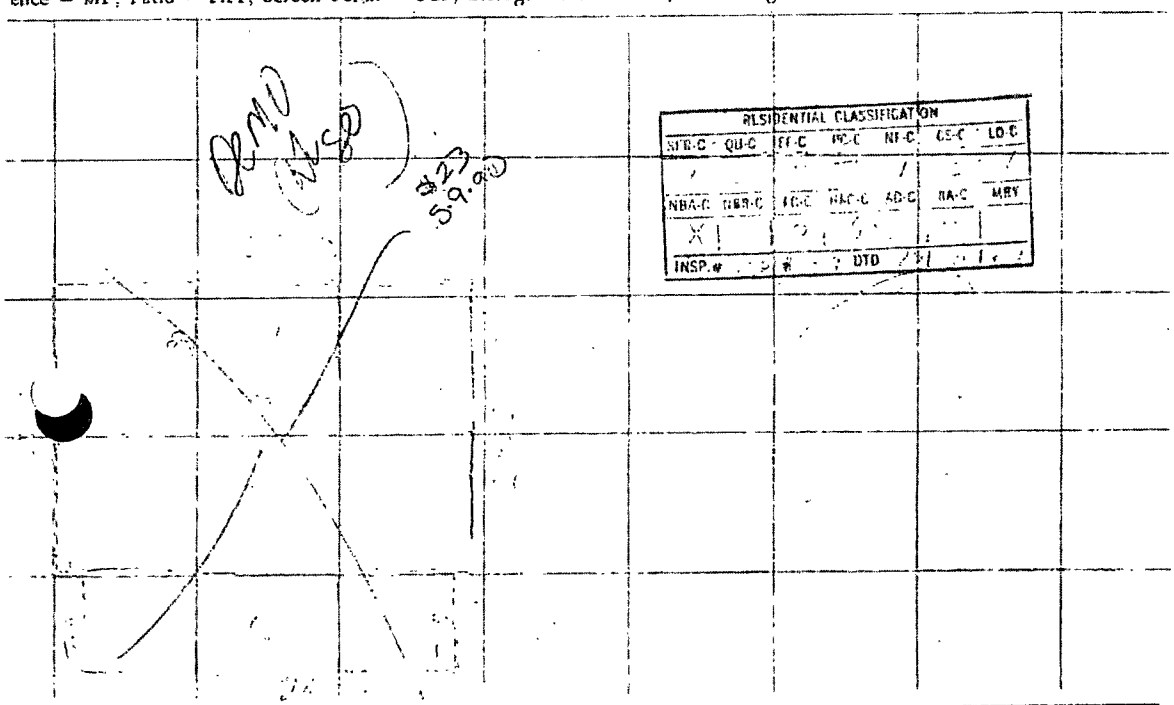
2263

CHARLESTON COUNTY ASSESSOR'S OFFICE — TAX DIST. ____ OLD TMS. ____ BLK ____ LOT ____
Charleston, S. C.
SINGLE FAMILY APPRAISAL FORM — NEW TMS. ____ LOT ____

Name & Mail Box or Owner: ____ 2. Person talked to: ____
Prop. #: ____ 4. M. A. ____
Approx. Yr. Bldg. Blt: (____) 6. Contractor: ____
No. of Baths: (____) 8. No. of Bed Rms.: (____) 9. Duct Heat: Yes ( ) No ( ) or Other: ____
Full A/C: Yes ( ) No ( ) 11. Septic Tank: Yes ( ) No ( ) 12. Water Supply: City ( ) or Private Well ( )
Yr. of Purchase: ____ 14. Cost: Lot $ ____ Bldg. $ ____ or Total $ ____ Remarks: ____
Was an Inside Inspection of the Residence Made: Yes ( ) No ( )

Ask for Permission to Measure the Building. When Measuring Note the Following:

Type Wall Const: Brick Veneer ( ); Wood Siding (✓); Aluminum Siding ( ); Asbestos Siding ( ); Concrete Blk ( ) and/or Stuccoed: Yes ( ); Other: ____
Floor Construction: Wood Joists ( ); Concrete Slab ( ); Other: ____
Type Fuel: Oil ( ); Gas ( ); Elec. ( ); Other: ____ 20. Full A/C: Yes ( ) No ( )
Show in Sketch: Basement — BSMT; Breezeway — BWY; Carport — CPT; Covered Porch — CPO; Garage — GAR; Metal Fence — MF; Patio — PAT; Screen Porch — SCP; Storage Room — STR; Swimming Pool — SWP.



Date Measured: / / Team / Info. Reviewed By: Date / /

Class of Construction: ____ 24. Condition: Exec. ( ); Good ( ); Average ( ); Fair ( ); Poor ( )
Circle Grade: +, A, —

Cost Approach	Sq. Ft.	x	OBS. U. V.	=	Total
Main Floor		x		=	$
Second Floor		x		=	
Tri. Lv.-Lw Fl		x		=	
CPT or GAR		x		=	
Storage		x		=	
CPO		x		=	
SCP		x		=	
Patio		x		=	
Driveway		x		=	
		x		=	

Indicated Total Cost of Bldg $ ____
Estimated Land Value ____
For Comp. By ____ TOTAL $ ____

26. Fair Market Value (Based on Observed Condition and Area Comparisons)

Lot: ____ x $ ____ = $ ____
No. of ____ Bldgs. ____
Total $ ____

Comments: Conformity, Comparables, etc.: ____

Appr. # ____ / ____ Date ____ / ____ / ____
Reviewed by ____ Date ____ / ____ / ____

27. Assessor's Market Value Estimate for Assessment Purposes.

Lot Value $ ____
No. of ____ Bldgs ____
Total $ ____

Comments: ____

Initial ____
Date ____ / ____ / ____

Owner ____ /SUBD: ____ Lot ____
Indicated Selling Price ____ Cash ____ A/M $ ____ Remarks: ____
Const. Permit # ____ Date ____ Est. Cost $ ____
Asmt. Land ____ less lot asmt. $ ____ = Bldg. Asmt. $ ____ Yr. ____
Posted to Appraisal List by ____ Tax Dist. # ____ TMS ____ BLK ____ Lot ____
n 1 AF (5-87) AERIAL PHOTO # ____ New TMS ____ LOT ____

MODIFIED

TOSI-BZA 0255

Charleston, S. C. TMS [illegible] LOT [illegible]

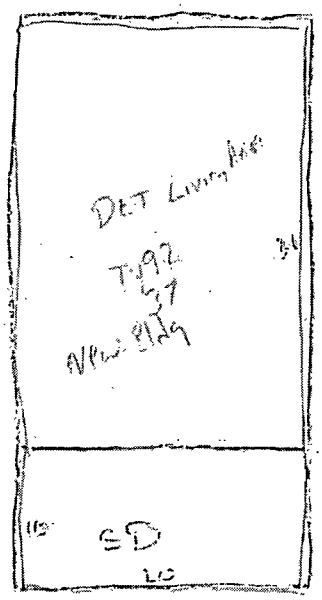
3 Units or Less TD _____ AD _____ ZONING _____

1. Name on Mail Box or Owner: _____ 2. Person talked to: _____ 4%( )
3. Prop. Loc. #: 2262 Bishop
5. Approx. Yr. Bldg. Blt: (1951) 6. Contractor: _____
7. No. of Baths: ( ) 8. No. of Bed Rms.: 9. Duct Heat Yes ( ) No ( ) or other
10. Cent. A/C. Yes ( ) No ( ) 11. Septic Tank: Yes ( ) No ( ) 12. Water: City ( ); Private ( )
13. Yr. of Purchase: ____ 14. Cost: Lt $_____ Bldg. $_____ or Total $_____
15. Inside Inspection Made: Yes ( ) No ( ) 16. Permission to Measure Bldg. asked ( )
17. Rent $_____ Mo. Includes _____

When Measuring Note the Following:

18. Type Wall Const. Brick Veneer ( ); Wood Siding ( ); Alum. Siding ( ); Asb. Siding ( ); Concrete Blk ( ) and/or Stuccoed: Yes ( ); Vinyl Siding ( ); Other; _____
19. Floor Construction: Wood Joists ( ); Concr. Slab ( ); Piling ( ); Other; _____
20. Floor Covering: Carpet ( ); Wood ( ); Other; _____
21. Type Fuel: Oil ( ); Gas ( ); Elec. ( ); Other; _____
22. Show in sketch: Basement - BSMT; Breezeway - BWY; Carport - CPT; Covered Porch - CPO; Garage - GAR; Metal Fence - MF; Patio - PAT; Screen Porch - SCP; Storage Room - STR; Swimming Pool - SWP.

Bldg 2 of 2
(Smaller Home)



A 10431 = 640 ft

Main House
not to scale

23. Date Measured: 5/26/92 Team 27 SC. Computed By: _____ Date ____/____/____

24. Remarks: _____

TMS 529-10-0-51

TOSI-BZA 0256

2523 Goldbug Avenue AKA 2524 Myrtle TMS# 529 06 00 054

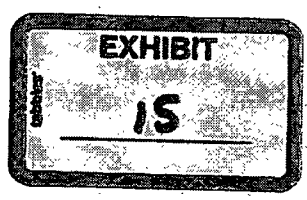
This is the non-conforming dwelling on the lot. Town construction permits refer to it as 2524 Myrtle. In 1990/1991 two 4' x 8' sun decks were added to the dwelling, one at the front and one at the rear, for an increase of 64 sq. ft.

Exhibits:

Charleston County "Overview"
" " "Parcel Listing"
" " "Single Family Appraisal Form"
" " "Legal Residence" Form
" " "Legal Residence 4%" Form

Sullivan's Island Certificate of Occupancy

TOSI-BZA 0257



Charleston County, South Carolina

generated on 3/10/2014 10:17:32 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
5290600054		2523 GOLDBUG AVE, SULLIVANS ISLAND	3/8/2014	2013	2013

Current Parcel Information

Owner	HOWLE MARGUERITE	Property Class Code	101 - RESID-SFR
Owner Address	2523 GOLDBUG AVE SULLIVANS ISLAND SC 29482-9607	Acreage	.0000
Legal Description	Description -LT 51 E PlatSuffix Q-31 PolTwp 002		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2013	$524,000	$71,000	$595,000	$3,022.30	$3,022.30
2012	$524,000	$71,000	$595,000	$3,204.55	$3,204.55
2011	$524,000	$71,000	$595,000	$3,243.82	$3,243.82
2010			$566,500	$3,062.54	$3,062.54

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
HOWLE MARGUERITE	M376 784	7/3/2001	G		$214,642
KEYSERLING MARY BETH	H211 428	2/28/1992	G		$195,000

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1997	1.5	03	1,680	
R02	DWELL	Dwelling	1940	1.0	02	597	

TOSI-BZA 0258

PARCEL ID: 97529-06-00-054- SALE DATE: 0000 (CONTINUED)

**** LAND # 1 LAST UPDATED : 9/ 3/97

LAND-TYPE	P - PRIMARY	TOPOGRAPHY	H - HIGH-LEVEL	VISIT-DATE	40497
NUM-LOTS	1	LANDSCAPING	A - AVERAGE	COLLECTOR-ID	84
EFF-FRONTAGE	105	INFO-SOURCE	T - TENANT	VALUE-METHOD	S - SQ-FEET
EFF-DEPTH	210	ENTRANCE	X - EXTERIOR-INS	LAND-VALUE	90224
SQUARE-FEET	22050	INSP-REASON	R - REVALUATION		

**** RESIDENCE # 1 LAST UPDATED : 9/ 3/97

SKETCH	SKETCH-OK	CENTRAL-A/C	N - NO	COLLECTOR-ID	84
NUM-FAMILIES	1	PREFAB-FRPLC	0	COMMENT-1	4X8 SD ADDED IN FRON
BSC-BLDG-STY	SD - BUNGALOW	MASNRY-FRPLC	0		1 AND BACK-REPT SPAN
BLDG-STY-INF	CO - CONVENTIONAL	NUM-BEDROOMS	2	COMMENT-2	L COTTAGE OUT AND LI
QUALITY	FA - FAIR-AVERAGE	FULL-BATHS	1		VE IN OTHER
CONDITION	A - AVERAGE	EXT-BATH-FIX	1	COMMENT-3	EXTRA BATH FIXTURE 1
YEAR-BUILT	1940	>>TOTAL-ROOMS	MISSING		S OUTSIDE SHOWER
YR-RENOVATED	1990	CEILING-HGHT	8	RCN	26050
NUM-STORIES	1	ATTIC	N - NO	RCNLD	14328
FOUNDATION	JS - JOIST	INCOME-FLAG	0 -	TOTL-FN-AREA	597
EXT-WALL-TYP	AS - ASBESTOS	ENTRANCE	X - EXTERIOR-INS	SQ-FOOT-CODE	1 - 400-800
ROOF-TYPE	G - GABLE	INFO-SOURCE	N - NONE	MAIN-FN-AREA	597
ROOFING	AS - ASPHALT-SHNG	INSPECT-REAS	C - RECOLLECTION	SCRN-PRCH-SF	96
HEAT-TYPE	BH - BASEBOARD-HT	VISIT-DATE	40497	SUNDECK-SF	44
FUEL-TYPE	G - GAS	MEAS-DATE	121791	PRSRVTN-EAS	0 -

**** RESIDENCE # 2 LAST UPDATED : 9/ 3/97

SKETCH	SKETCH-OK	FUEL-TYPE	G - GAS	INSPECT-REAS	C - RECOLLECTION
NUM-FAMILIES	1	CENTRAL-A/C	N - NO	VISIT-DATE	40497
BSC-BLDG-STY	BG - BUNGALOW	PREFAB-FRPLC	0	COLLECTOR-ID	84
BLDG-STY-INF	CO - CONVENTIONAL	MASNRY-FRPLC	1	COMMENT-1	HARDWOOD FLOORS
QUALITY	FA - FAIR-AVERAGE	NUM-BEDROOMS	2	COMMENT-2	UNIT-A(2524)
CONDITION	A - AVERAGE	FULL-BATHS	1	RCN	48244
YEAR-BUILT	1868	>>TOTAL-ROOMS	MISSING	RCNLD	23157
NUM-STORIES	1	CEILING-HGHT	8	TOTL-FN-AREA	1212
FOUNDATION	JJ - JOIST	WOOD-FLOORS	A - 1-30%	SQ-FOOT-CODE	3 - 1201-1600
EXT-WALL-TYP	AS - ASBESTOS	ATTIC	N - NO	MAIN-FN-AREA	1212
ROOF-TYPE	G - GABLE	INCOME-FLAG	0 -	OVRD-PRCH-SF	77
ROOFING	AS - ASPHALT-SHNG	ENTRANCE	X - EXTERIOR-INS	SCRN-PRCH-SF	144
HEAT-TYPE	FD - FORCED-DUCT	INFO-SOURCE	N - NONE	PRSRVTN-EAS	0 -

--> THE PRECEDING PARCEL HAS 11 SERIOUS ERRORS AND 0 WARNINGS.

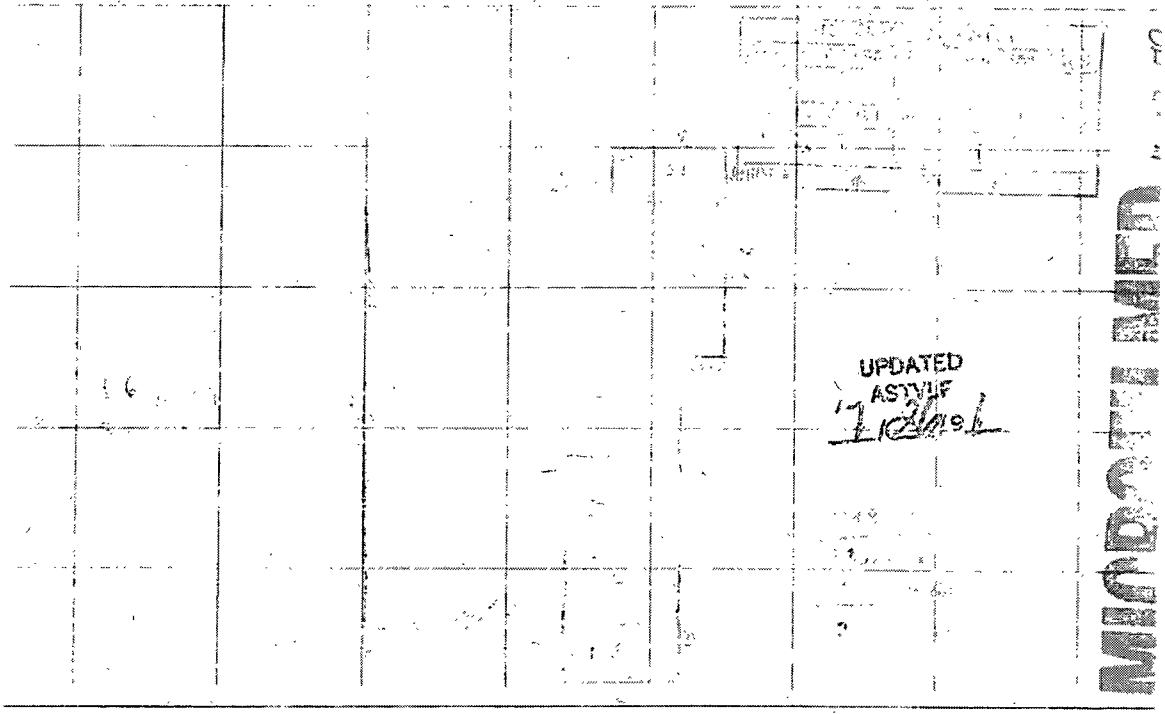
TOSI-BZA 0259

CHARLESTON COUNTY ASSESSOR'S OFFICE — TAX DIST. ____ OLD TMS ____ BLK ____ LOT ____
Charleston, S. C.
SINGLE FAMILY APPRAISAL FORM — NEW TMS ____ - ____ - ____ LOT ____

Name on Mail Box or Owner: ____ 2. Person talked to: ____
Prop. Loc. #: ____ 4. M. A. ____
Approx. Yr. Bldg. Blt: ( ) 6. Contractor: ____
No. of Baths: ( ) 8. No. of Bed Rms.: ( ) 9. Duct Heat: Yes ( ) No ( ) or Other: ____
Full A/C: Yes ( ) No ( ) 11. Septic Tank: Yes ( ) No ( ) 12. Water Supply: City ( ) or Private Well ( )
Yr. of Purchase: ____ 14. Cost: Lot $ ____ Bldg. $ ____ or Total $ ____ Remarks: ____
Was an Inside Inspection of the Residence Made: Yes ( ) No ( )

Ask for Permission to Measure the Building. When Measuring Note the Following:

Type Wall Const: Brick Veneer ( ); Wood Siding ( ); Aluminum Siding ( ); Asbestos Siding ( ); Concrete Blk ( ) and/or Stuccoed: Yes ( ); Other: ____
Floor Construction: Wood Joists ( ); Concrete Slab ( ); Other: ____
Type Fuel: Oil ( ); Gas ( ); Elec. ( ); Other: ____ 26. Full A/C: Yes ( ) No ( )
Show in Sketch: Basement – BSMT; Breezeway – BWY; Carport – CPT; Covered Porch – CPO; Garage – GAR; Metal Fence – MF; Patio – PAT; Screen Porch – SCP; Storage Room – STR; Swimming Pool – SWP.



Date Measured: / / Team / || Info. Reviewed By: ____ Date / /

Class of Construction: ____ 24. Condition: Exec. ( ); Good ( ); Average ( ); Fair ( ); Poor ( ).
Circle Grade: +, A, –

Cost Approach	Sq. Ft.	x	OBS. U. V.	=	Total
Main Floor		x		= $	
Second Floor		x		=	
Tri. Lv.-Lw Fl		x		=	
CPT or GAR		x		=	
Storage		x		=	
CPO		x		=	
SCP		x		=	
Patio		x		=	
Driveway		x		=	
		x		=	

Indicated Total Cost of Bldg $ ____
Estimated Land Value
Ft. Comp. By
dt / /
TOTAL $ ____

26. Fair Market Value (Based on Observed Condition and Area Comparisons)

Lot: x $ = $ ____
No. of Bldgs.
Total $ ____

Comments: Conformity, Comparables, etc.: ____

Appr. # / Date / /
Reviewed by Date / /

27. Assessor's Market Value Estimate for Assessment Purposes.

Lot Value $ ____
No. of Bldgs
Total $ ____

Comments: ____

Initial
Date / /

Owner: ____ DB ____ P ____ DTD ____ /SUBD: ____ Lot ____
Indicated Purchase Price ____ || Cash $ ____ A/M $ ____ Remarks: ____
Const. Data: Permit # ____ Date / / Work: ____ Est. Cost $ ____
Asmt. Data: Value $ ____ x ____ % = $ ____ less lot asmt. $ ____ = Bldg. Asmt. $ ____ Yr. ____
Posted to Appraisal List by ____ Tax Dist. # ____ TMS ____ BLK ____ Lot ____
rm 1 AF (5-67)
AERIAL PHOTO # ____ New TMS 589 - 06 - 052 LOT 047

TOSI-BZA 0260

TOWN OF SULLIVAN'S ISLAND

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

Certificate of Occupancy

Office of Zoning Administrator

This certificate issued pursuant to the requirements of Section 803 of the Zoning Ordinance of the Town of Sullivan's Island, Charleston County, South Carolina, certifying that at the time of issuance this structure was in compliance with the various requirements of the Town of Sullivan's Island regulating building construction or use, or in the case of a non-conforming structure in existence at the time of the enactment of the aforementioned Zoning Ordinance, that the non-conforming use can be maintained, renewed, changed or extended only in the manner specifically stated in this Certificate of Occupancy as being non-conforming with the Zoning Ordinance. This certificate is issued subject to the conditions and safeguards set out below for the protection and safety of the occupants and the public.

Bldg. Permit No. 7570

Use Classification New construction
(new construction, alteration, repair, non-conforming use, etc.)

Owner:

Name Meg G. Howle

Address

Applicant's name

Contractor/Builder: Swan Builders

Building Address 2523 Goldbug Ave.
Sullivan's Island, SC 29482

TMS # 529-05-00/54

Type of building Single family residential

Area/Block # Lot # 51 East

Special Conditions The larger of the two (1) story wood frame houses must be removed from the lot within 90 days.

By W. Kent Krause Date: 12-16-97
Zoning Administrator

This CO is for the 2 story wood frame house.

POST IN A CONSPICUOUS PLACE

TOSI-BZA 0261

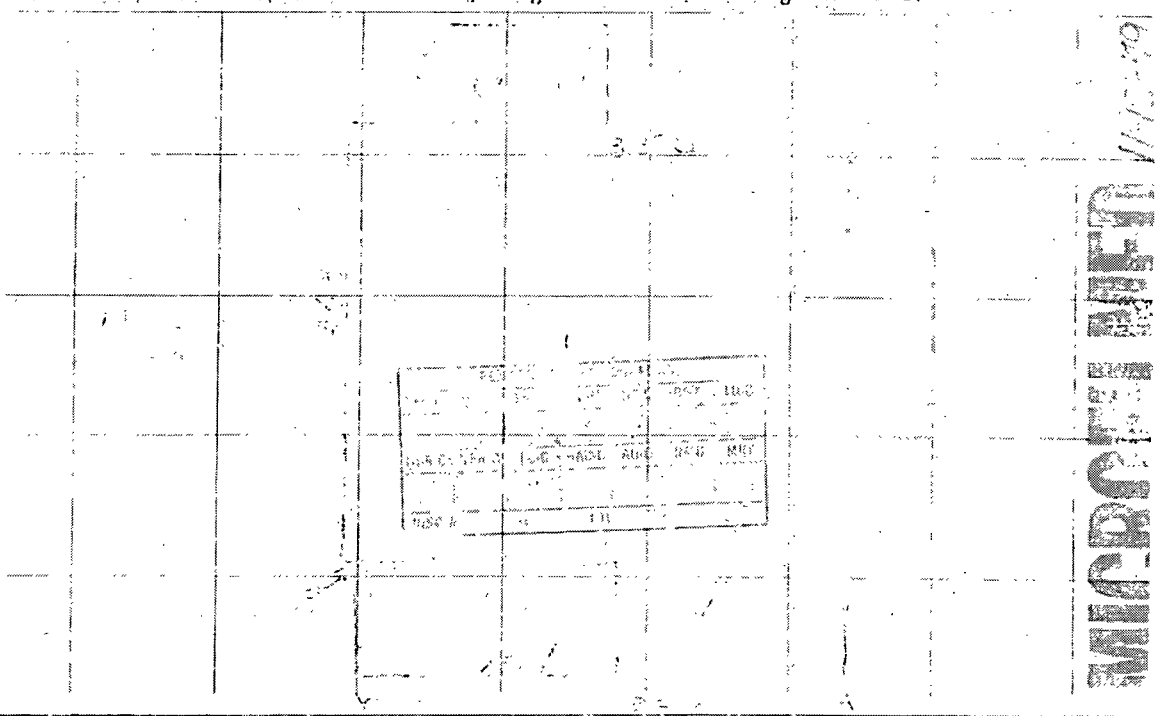
CHARLESTON COUNTY ASSESSOR'S OFFICE
Charleston, S. C.
SINGLE FAMILY APPRAISAL FORM

TAX DIST. ..... OLD TMS. ..... BLK. ..... LOT. .....
NEW TMS. ..... - ..... - ..... LOT .....

Name on Mail Box or Owner: ..... 2. Person talked to: .....
Prop. Loc. #: ..... 4. M. A. .....
Approx. Yr. Bldg. Bit: (.....) 6. Contractor: .....
No. of Baths: (.....) 8. No. of Bed Rms.: (.....) 9. Duct Heat: Yes ( ) No ( ) or Other: .....
Full A/C: Yes ( ) No ( ) 11. Septic Tank: Yes ( ) No ( ) 12. Water Supply: City ( ) or Private Well ( )
Yr. of Purchase: ..... 14. Cost: Lot $ ..... Bldg. $ ..... or Total $ ..... Remarks: .....
Was an Inside Inspection of the Residence Made: Yes ( ) No ( )

Ask for Permission to Measure the Building. When Measuring Note the Following:

Type Wall Const: Brick Veneer ( ); Wood Siding ( ); Aluminum Siding ( ); Asbestos Siding ( ); Concrete Blk ( ) and/or Stuccoed: Yes ( ); Other: .....
Floor Construction: Wood Joists ( ); Concrete Slab ( ); Other: .....
Type Fuel: Oil ( ); Gas ( ); Elec. ( ); Other: ..... 20. Full A/C: Yes ( ) No ( )
Show in Sketch: Basement — BSMT; Breezeway — BWY; Carport — CPT; Covered Porch — CPO; Garage — GAR; Metal Fence — MF; Patio — PAT; Screen Porch — SCP; Storage Room — STR; Swimming Pool — SWP.



Date Measured: / / Team / || Info. Reviewed By: Date / /

Class of Construction: ..... 24. Condition: Exec. ( ); Good ( ); Average ( ); Fair ( ); Poor ( ).
Circle Grade: +, A, —

Cost Approach	Sq. Ft.	x	OBC U. V.	=	Total
Main Floor		x		=	$
Second Floor		x		=	
Tri. Lv.-Lw Fl		x		=	
CPT or GAR		x		=	
Storage		x		=	
CPO		x		=	
SCP		x		=	
Patio		x		=	
Driveway		x		=	
		x		=	

Indicated Total Cost of Bldg $
Estimated Land Value
. Ft. Comp. By
dt. / /
TOTAL $

26. Fair Market Value (Based on Observed Condition and Area Comparitons)

Lot: x $ = $
No. of Bldgs.
Total $

Comments: Conformity, Comparables, etc.:

Appr. # / Date / /
Reviewed by Date / /

27. Assessor's Market Value Estimate for Assessment Purposes.

Lot Value $
No. of Bldgs.
Total $

Comments:

Initial
Date / /

. Owner: ..... DB ..... P ..... DTD ..... /CUBD: ..... Lot .....
Indicated Purchase Price ..... || Cash $ ..... A/M $ ..... Remarks: .....
. Const. Data: Permit # ..... Date ..... / / Work: ..... Est. Cost $ .....
. Asmt. Data: Value $ ..... x ..... % = $ ..... less lot asmt. $ ..... = Bldg. Asmt. $ ..... Yr. .....
. Posted to Appraisal List by ..... Tax Dist. # ..... TMS ..... BLK ..... Lot .....
rm 1 AF (5-67)

AERIAL PHOTO # ..... New TMS 529 - 06 - 00 LOT 05

TOSI-BZA 0262

BUILDING PERMIT FOR TOWN OF SULLIVAN'S ISLAND, S.C. PERMIT No.: 61

SCHOOL DISTRICT No. 2 – TAX DISTRICT No. 23 DATE:

TAX MAP No.:

Name and Address of owner of Real Estate

Location of Project:

LOT No. BLOCK No.

NATURE OF WORK: Construct ( ) Alter ( ) Repair ( ) Add to ( ) Move ( )

Demolish ( )

Use to be made of Improvements: Residential: 1 Family ( ) Duplex ( )

Apartment ( ) Business:

Total Floor Area in Sq. Ft. Plot Plan, including Land Elevation, Floor Plan and Building Elevation

Plan attached

Type of Construction:

(Wood Frame, Fireproof or Fire-resistive, etc.)

Exterior finish: Brick ( ), Conc. Block ( ), Stone ( ), Stucco ( ), Metal ( ), Wood ( ).

Roof: Composition ( ), Built-up ( ), Metal ( ), Slate ( ), Tile or Shingle ( ).

No. of Stories . If residential, No. Rooms , No. Baths , No. Bedrooms .

Type of Heating System: Steam ( ), Hot Water ( ), Hot Air ( ), Radiant ( ).

Type of Fuel: Oil ( ), Wood or Coal ( ), Gas ( ), Electricity ( ).

Construction to be in accordance with the Standard Building Code as amended.

REMARKS: Sullivan's Island License No.

Completion Date: Cost of Construction: $ 2,500

Contractor or Builder: Heating:

Subcontractors: Masonary:

Plumbing: Roofing:

Electricians: Other:

Permit Fee: $ 33.00 + 7.20 = 40.20

I hereby signify cognizance, notice and knowledge of the Ordinances of Sullivan's Island and the statutes of the State of South Carolina governing construction on Sullivan's Island.

I hereby grant permission to members of the Governmental Body of Sullivan's Island or any lawful agent of said Body to enter the premises hereinbefore mentioned for the purpose of inspecting the premises and seeing that the terms of this permit, if granted, are being properly carried out, and to cause work to be stopped in the event that this permit is being questioned by said Body or its duly authorized officers and/or agents.

Signed:
(Owner, Contractor, Agent)

Permit Issued: Frank C. Tuttle
Building Inspector, Sullivan's Island
Office of Zoning Administrator

Approved:

TOSI-BZA 0263

Permit is void if work is not started within six months of date of issue or if work is stopped for a period of one

BUILDING PERMIT FOR TOWN OF SULLIVAN'S ISLAND, S.C.
SCHOOL DISTRICT No. 2 – TAX DISTRICT No. 23

PERMIT No.: 52
DATE: July 12, 1994
TAX MAP No.: 529-06-

Name and Address of owner of Real Estate Mary Beth Kingsley

Location of Project: 2524 Augusta Ave.

LOT No. 51 BLOCK No.

NATURE OF WORK: Construct ( ) Alter ( ) Repair (X) Add to ( ) Move ( )

Demolish ( ) and Reconstruct

Use to be made of Improvements: Residential: 1 Family ( ) Duplex ( )

Apartment ( ) Business:

Total Floor Area in Sq. Ft. Plot Plan, including Land Elevation, Floor Plan and Building Elevation

Plan attached

Type of Construction:
(Wood Frame, Fireproof or Fire-resistive, etc.)

Exterior finish: Brick ( ), Conc. Block ( ), Stone ( ), Stucco ( ), Metal ( ), Wood ( ).
Roof: Composition ( ), Built-up ( ), Metal ( ), Slate ( ), Tile or Shingle ( ).

No. of Stories . If residential, No. Rooms, No. Baths, No. Bedrooms .
Type of Heating System: Steam ( ), Hot Water ( ), Hot Air ( ), Radiant ( ).
Type of Fuel: Oil ( ), Wood or Coal ( ), Gas ( ), Electricity ( ).
Construction to be in accordance with the Standard Building Code as amended.

REMARKS: Sullivan's Island License No. 969

Completion Date: Cost of Construction: $ 12,000.00

Contractor or Builder: Rollins Const. Heating:

Subcontractors: Masonary:

Plumbing: Roofing:

Electricians: Other:

Permit Fee: $ 60.00 Tot. $28.80

I hereby signify cognizance, notice and knowledge of the Ordinances of Sullivan's Island and the statutes of the State of South Carolina governing construction on Sullivan's Island.

I hereby grant permission to members of the Governmental Body of Sullivan's Island or any lawful agent of said Body to enter the premises hereinbefore mentioned for the purpose of inspecting the premises and seeing that the terms of this permit, if granted, are being properly carried out, and to cause work to be stopped in the event that this permit is being questioned by said Body or its duly authorized officers and/or agents.

Signed:
(Owner, Contractor, Agent)

Permit Issued:
Building Inspector, Sullivan's Island
Office of Zoning Administrator

Approved:

TOSI-BZA 0264

Permit is void if work is not started within six months of date of issue or if

TOSI-BZA 0265

1820 Central Avenue TMS# 529 05 00 054

The non-conforming dwelling at this address was built in 1907. Over the years, according to the owner, it was used both residentially and commercially.

It sat vacant for many years until a request was made to the BZA in 1983 to move it, elevate it, add a small addition to the footprint and make it back into a dwelling.

It was elevated above flood requirements in order to have parking and storage underneath.

In 1983 it was 800 sq. ft. and had no front porch. Since 1983, the heated footprint has increased to 1176 square feet (an increase of 376 sq. ft.) with additions to the side and rear of the property.

From no front porch in 1983, the front porch has increased to 520 sq. ft. with an additional 120 square feet of decks.

The porches and decks have 3' safety rails around them.

Exhibits:

Charleston County "Overview"
" " Assessor's Office Drawings 1985/86
" " Assessor's Office Drawings 1992

Sullivan's Island "Building Permit" including estimate and drawing
" " BZA request including ruling, letters and drawing

Owner's Survey 1983



TOSI-BZA 0266

Charleston County, South Carolina

generated on 3/10/2014 10:10:00 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
5290500054		1820 CENTRAL AVE, SULLIVANS ISLAND	3/8/2014	2013	2013

Current Parcel Information

Owner	MCINERNY LAWRENCE B	Property Class Code	101 - RESID-SFR
Owner Address	PO BOX 441 SULLIVANS ISLAND SC 29482-0441	Acreage	.0000
Legal Description	Description -LT 191 PlatSuffix R-93 PolTwp 002		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2013	$565,000	$126,000	$691,000	$4,478.08	$4,478.08
2012	$565,000	$126,000	$691,000	$4,488.06	$4,488.06
2011	$565,000	$126,000	$691,000	$4,519.84	$4,519.84
2010			$658,000	$4,346.70	$4,346.70

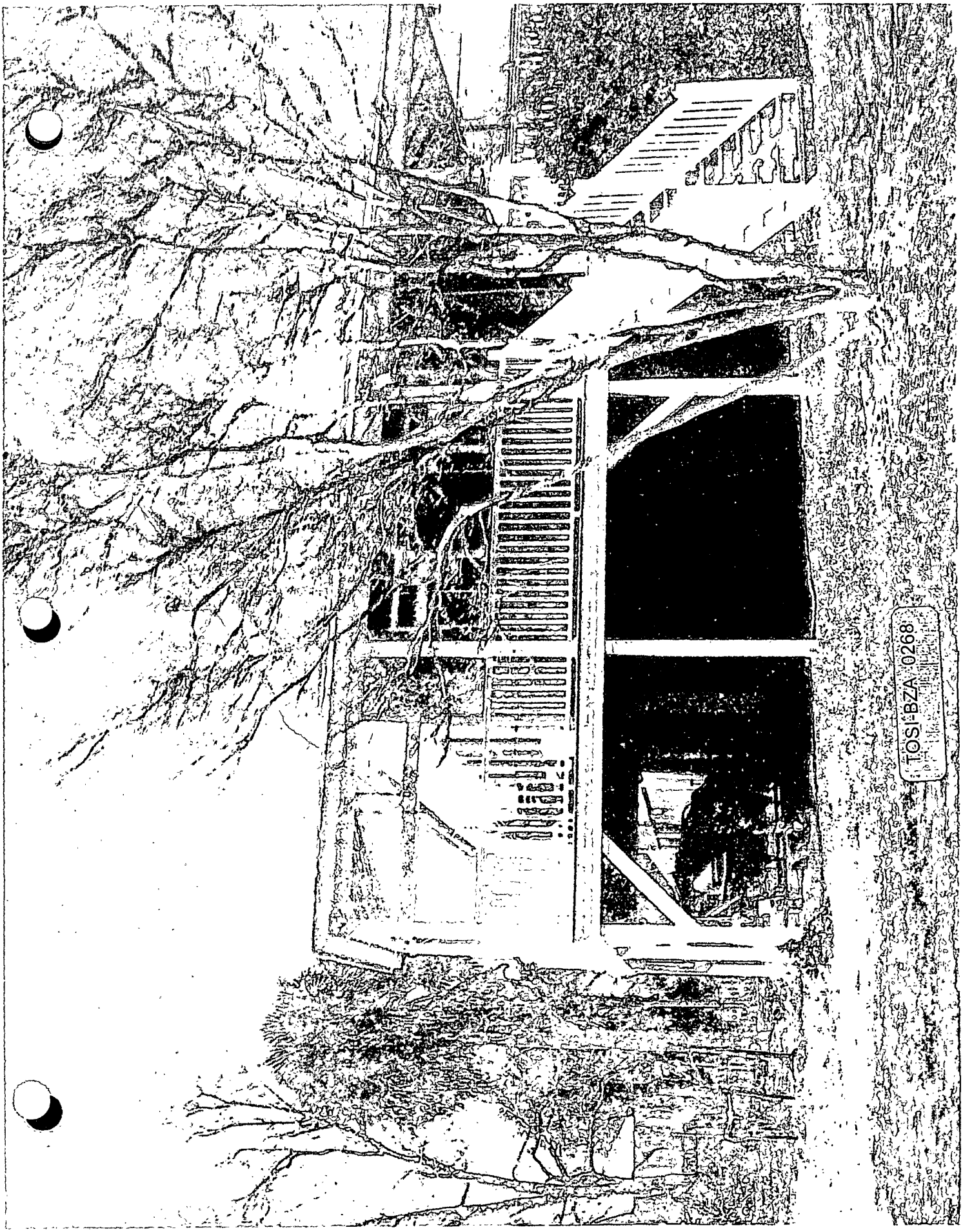
Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
MCINERNY M CECILIA	J301 832	4/23/1998	G		$9
MCINERNY M CECILIA ETAL	O220 125	11/19/1992	G		$9

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1890	2.0	04	2,992	
R02	DWELL	Dwelling	1907	1.0	02	1,176	
R01	DETGAR	Residential Detached Garage	1970	0	0		200

TOSI-BZA 0267


TÖSI-BZA 0268

TOSI-BZA 0269

Charleston, S.C. TMS 2[illegible] LOT [illegible]

3 Units or Less TD ____ AD ____ ZONING ____

1. Name on Mail Box or Owner: ____ 2. Person talked to: ____
3. Prop. Loc. #: ____ 4. M.A. ____
5. Approx. Yr. Bldg. Blt: (85) 6. Contractor: ____
7. No. Baths: (1½) 8. No of Bed Rms.: 2 9. Duct Heat: Yes ( ) No ( ) or other ____
10. A/C: Yes ( ) No ( ) 11. Septic Tank: Yes ( ) No ( ) 12. Water: City ( ); Private ( )
13. Yr. of Purchase: ____ 14. Cost: Lt $____ Bldg. $____ or Total $____
15. Inside Inspection Made: Yes ( ) No ( ) 16. Permission to Measure Bldg. asked ( )
17. Rent $____/Mo. Includes ____

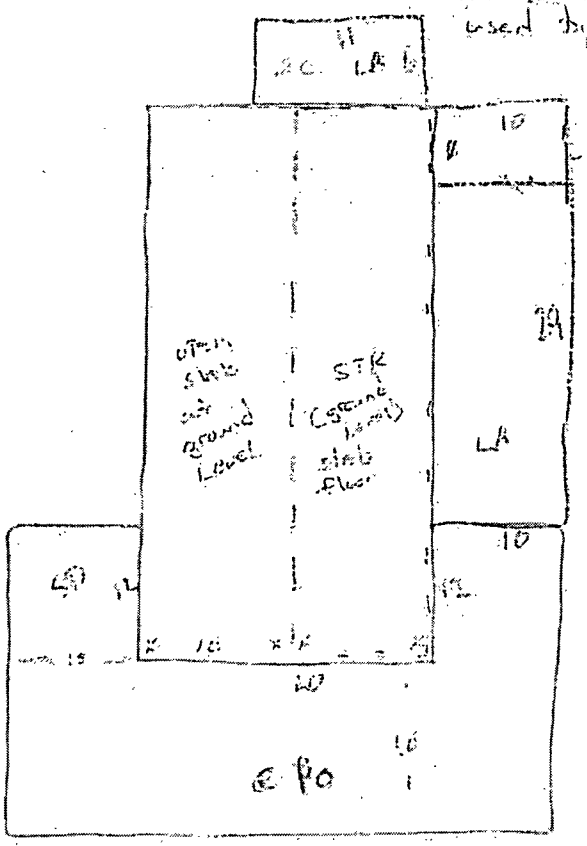
When Measuring Note the Following:

8. Type Wall Const: Brick Veneer ( ); Wood Siding ( ); Alum. Siding ( ); Asb. Siding ( ); Concrete Blk ( ) and/or Stuccoed: Yes ( ); Other: ____
9. Floor Construction: Wood Joists ( ); Concr. Slab ( ); Other: ____
10. Type Fuel: Oil ( ); Gas ( ); Elec. ( ); Other ____
11. Full A/C: Yes ( ) No ( )
12. Show in sketch: Basement - BSMT; Breezeway - BWY; Carport - CPT; Covered Porch - CPO; Garage - GAR; Metal Fence - MF; Patio - PAT; Screen Porch - SCP; Storage Room - STR; Swimming Pool - SWP.

Errors 6-12-86

For BS only pool on at 1st page of. Field inspected 8/28 - will pool on 100% Complete. House is used by nephew on weekends.

of 2


LA
10
STR
(second floor)
slab floor
LA
10
10
10

CHARLESTON COUNTY ASSESSOR'S OFFICE
Charleston, S. C.

TMS 459 5 6 LOT 67

3 Units or Less TD _____ AD _____ ZONING _____

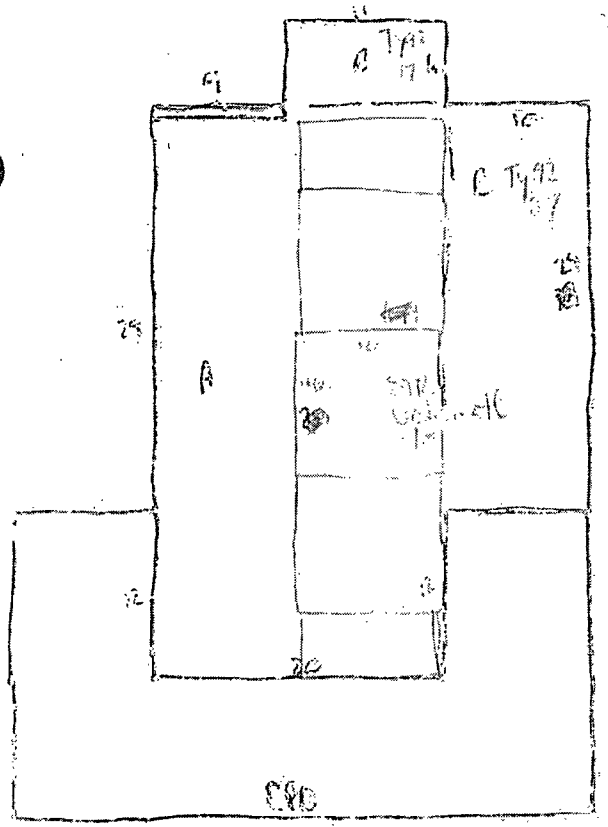
1. Name on Mail Box or Owner: _____ 2. Person talked to: _____ 4% ( )
3. Prop. Loc. #: 1226 Central
5. Ar[illegible]x. Yr. Bldg. Blt. (_____) 6. Contractor: _____
7. N[illegible] Baths: ( ) 8. No. of Bed Rms. 9. Duct Heat: Yes ( ) No ( ), or other
0. F[illegible]/C. Yes ( ) No ( ) 11. Septic Tank: Yes ( ) No ( ) 12. Water: City ( ); Private ( )
3. Yr. of Purchase: ____ 14. Cost: Li $_____ Bldg. $_____ or Total $_____
5. Inside Inspection Made: Yes ( ) No ( ) 16. Permission to Measure Bldg. asked ( )
7. Rent $_____ Mo. Includes _____

When Measuring Note the Following:

8. Type Wall Const: Brick Veneer ( ); Wood Siding ( ); Alum. Siding ( ); Asb. Siding ( ); Concrete Blk ( ) and/or Stuccoed: Yes ( ), Vinyl Siding ( ); Other: _____
9. Floor Construction: Wood Joists ( ); Concr. Slab ( ); Piling (V); Other: _____
0. Floor Covering: Carpet ( ); Wood ( ); Other: _____
1. Type Fuel: Oil ( ); Gas ( ); Elec. ( ); Other; _____
2. Show in sketch: Basement - BSMT; Breezeway - BWY; Carport - CPT; Covered Porch - CPO; Garage - GAR; Metal Fence - MF; Patio - PAT; Screen Porch - SCP; Storage Room - STR; Swimming Pool - SWP.

1 of 2

A 26 x 41 874
B 11 x 6 66
C 10 x 29 290
1 1176

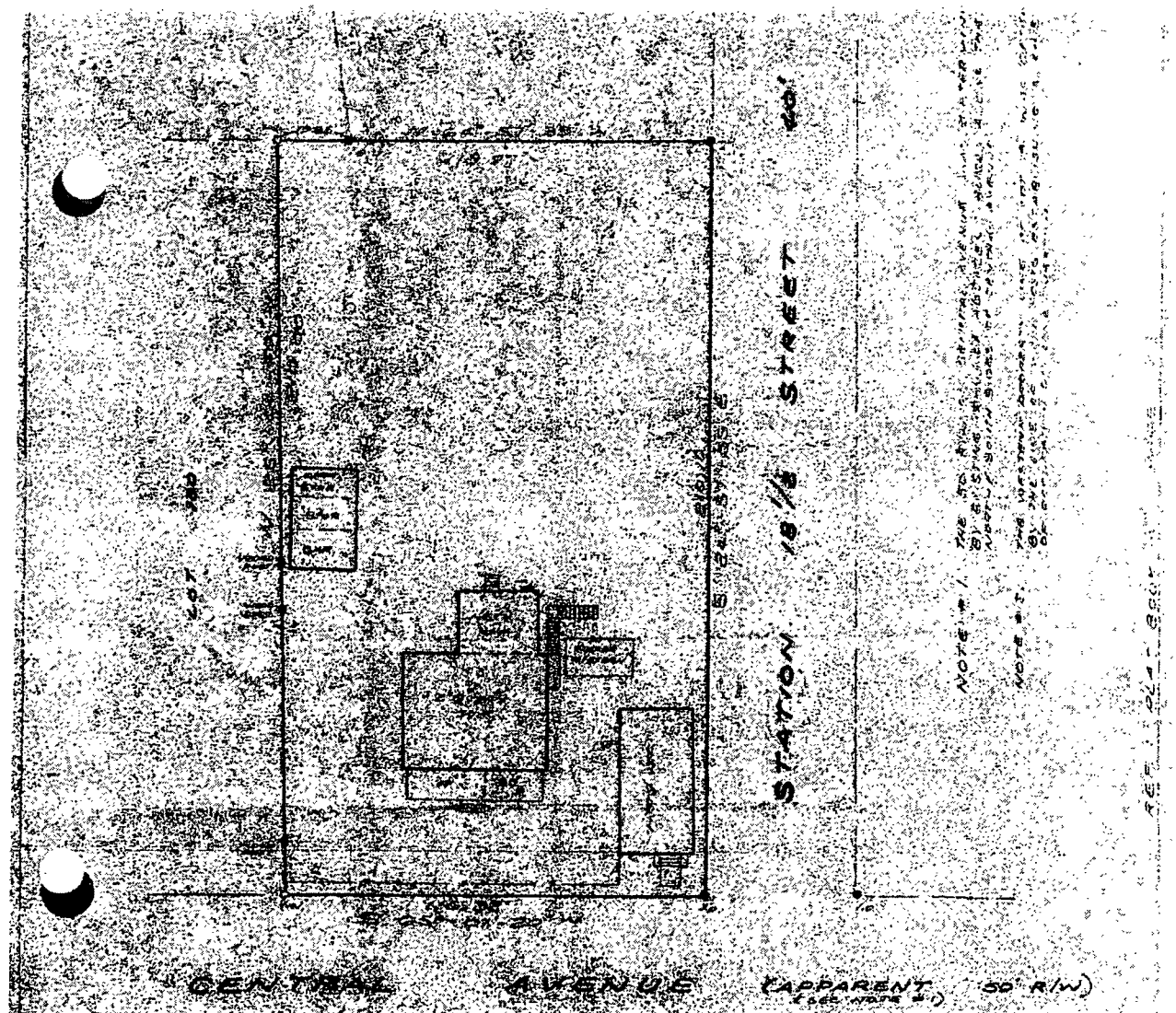


23. Date Measured: 5 2002 Team 27 SQ. Computed By: _____ Date ___/___/___

24. Remarks: _____

TMS 459 - 05 - 06 - 67

TOSI-BZA 0271



PLAT

OF A SURVEY OF OCCUPATION

LOT 151, TOWNSHIP OF SULLIVAN'S ISLAND,

ON ASHLEY RIVER, COUNTY OF CHARLESTON, SOUTH CAROLINA

SURVEYED FOR: THE HONORABLE LAWRENCE MAHONEY

SCALE: 1" = 20'

JANUARY, 1980

TOSI-BZA 0272

Station 18 1/2
Sullivan's Island, SC
December 27, 1982

Mrs. Carolyn R. Kruger, Town Clerk
Sullivan's Isld. Town Hall
Sullivan's Isld., SC

Dear Mrs. Kruger,

After talking to you and Mr. Ford, I am writing to set forth the reasons behind my request for a permit to move and repair our building on Lot 191 (1820 Central Ave., Station 18 1/2.) I hope that you can convey this information to the board set up to arbitrate such matters.

PAST HISTORY The background of the building is this: Around the turn of the century, my family, like many others, was forced by the U.S. Government to sell its home down the Island to allow for the expansion of Ft. Moultrie. They moved to the present location at Station 18 1/2. My great-grandfather, a local builder, erected this building on the corner to house my grandfather's store, formerly at Station 14. In the years since, this building has been used as post office for a few years, residence for a good number of years, as a laundry business for about 15 years, and is presently used by me.

Regarding its residential status: after the post office closed there around 1933, the building was used as a residence until 1950. As a matter of fact, the town had zoned it as a "dwelling." In 1950, when my father wanted to start a laundry business in it, it required the intervention of Mr. John E. Blanchard on the Township Commission to persuade the town to permit a business in this dwelling, owing to its historical use as a business and in accord with a "Grandfather's clause." The names of the people who have lived there cannot all be now recalled, but among them were Sgt. and Mrs. Myers and family, as well as Mr. and Mrs. Henry Ward, Sr. and some of their children. If necessary, I believe I can obtain an affidavit from Mrs. Ward to that effect.

Historically, then, the building has served as both residence and business. When the present zoning law was passed in the 70's, someone advised me to seek a waiver to continue its zoning as a business. I did not as there was not a business operative at the time, and I agreed with the law's intention of regulating commercialization. Since the building had been zoned as a business and a residence over the years, and its business zoning was being removed, I concluded that certainly it would continue as a dwelling. No one notified us that if we couldn't afford to spend a lot of money converting it into a first-class residence within one year that we could lose its use. Therefore, I was quite surprised to hear that my present application to improve the building would have to be arbitrated.

If the present law does, indeed, prohibit such a permit, it certainly works a hard-- ship. When the business zoning was taken away, the building lost one aspect of its value

TOSI-BZA 0273

id use. To deny me its use as a residence practically destroys its total value. I realize that the zoning law is intended to control the density of buildings on the Island and <u>future</u> development. I am not asking to <u>add</u> to the density or construct a new building; I'm only asking for the continued use of what is there. As a matter of fact, if this permit is given I expect to <u>decrease</u> the density, as I would hope to tear down an unsightly boat shed if I can raise this building to where my small boat can be stored underneath it.

<u>PRESENT SITUATION</u> The building is presently in need of painting and repair. The wiring in it is very old; it was one of the first business or residential buildings on the Island to be electrified. While the wiring does not go back that far, it is still pretty old. Likewise, the plumbing is antiquated. It is presently heated by a combination wood/oil stove that I installed after the Launderette closed. There are beds in it which have been there for about 10 years. The kitchen sink should be replaced and modern fixtures installed. The building is presently too close to the property line and does not meet modern set-back requirements. It is probably too close to the main building for fire safety (20') and is below flood-level.

I am asking for a permit to move the building back on the lot so that it does not obstruct the view of the main house as it presently does. I wish also to raise it above flood level, replace antiquated galvanized or lead plumbing with PVC, replace all present wiring, electrical fixtures, and fuse box with new materials, and to restore the small porch once on the front. In raising it, I do <u>not</u> want to put living space under it, only to get it above flood level, and have a place to store my small boat. Nor do I ask to convert the attic to quarters or add wings or any additions of any sort. I mention these things because I want to emphasize that I am not asking to add one square foot of living space to lot 191, only to improve what is already there.

This would seem, to me, to be in accord with the intention of the framers of the zoning law --- not to add to the Island's density. If I am not granted this permit, the building will only deteriorate. It will become an eyesore and perhaps a safety hazard. This would seem to be against the intent of any zoning law.

<u>THE FUTURE</u> I realize that there are people on the Island today with a lot more money than me who are only out to make a "fast-buck" in real estate. They would take anything, a garage, boat-shed, or chicken coop and try to convert it to residential-rental use. What I am taking about is historically a <u>bona fide</u> residence. Please let me point out where I am coming from. For over one hundred and fourty years my family has lived on and loved Sullivan's Island. Part of what they have passed on to me is some little property and a great love for Island life. If this zoning law says I cannot use what my forefathers built and passed on, I say it does more than work a hardship, it works an injustice. A lot of people have come here recently and I think they found we had a pretty good life. In their zeal to preserve this life, they have my support, but if that zeal would destroy what was already here, something is out of balance.

This building was built in accord with the law of its time and taxes on it have been paid regularly. I asked someone what we were expected to do with this building if the permit is denied. The suggestion was "Tear it down." That just doesn't make sense.

TOSI-BZA-0274

It needs paint, but the building is well-framed with heart of pine joists on 14" centers. I have absolutely no intention of tearing it down. It was built by my great-grandfather, housed my grandfather's store and the town post office, as well as my father's business, in addition to its residential use through the years. Perhaps our zoning laws, like many other towns, need to afford protection for buildings over 50 years of age as part of the patrimony and history of a community. As far as I am concerned, the building has historic significance, sentimental value to me, as well as its intrinsic value as a well-constructed building. How can the law deny me that? I would hope that my application would be gladly received as I try to bring the building into conformity with health and safety codes of today and improve its appearance.

In case anyone has any doubts as to my intentions regarding this building, let me say now that I want to make these improvements for my personal use. In June 1984 when I complete my present studies, I hope to be stationed in Charleston permanently. As you may or may not know, priests usually live where they work, i.e. in Church rectories. I would like to have this quiet place, repaired safely and comfortably, to spend my one night off per week as well as my summer vacations. I am prepared to give whatever assurances of this, verbal or written, as may be deemed necessary.

In closing, I wish to thank the members of this board for their civic contribution in giving their time to try to apply the law, safeguard our community, and avoid hardships that may be worked by the law. It takes a lot of time and is probably a thankless task. I ask only for their just consideration of my dilemma. If the law removes a building's business status and I can't do the repairs to make it a safer, more convenient residence, I would ask, "What am I to do?"

For clarification or additional information on these points, I can be reached at 722-7574 from 9 to 5 from Jan. 3 to 7. From Jan. 9 through 13, I will be on retreat at Mepkin Abbey in Moncks Corner. I hope that we can meet on Jan. 13 as I must return to Washington on the 15th to continue my studies in Church Law. With thanks to the members of the Board for their consideration, and with personal regards to you, Carolyn, I remain ---

Yours sincerely,

Lawrence B. McInerny

(Rev.) Lawrence B. McInerny

cc

My mailing address:

P.O. Box 441
Sullivan's Island, SC 29482

TOSI-BZA 0275

January 13, 1983

The Board of Adjustment for the Town of Sullivan's Island was held on the above date at Town Hall.

PRESENT WERE: Michael Cole
Carol Smith
Jesse Harris

The first appeal to be heard was Mrs Mary Andrews request to subdivide her property at 1002 Middle Street. Mrs Andrews stated that there are two entirely seperate homes on this lot which seems to indicate that, at one time, these had been two seperate lots. Allowing her to subdivide would enable her to sell one house and the entire neighborhood would be brought into conformance. Mrs Andrews contends that maintenance on both houses has created a financial hardship and she is faced with having to give up her home.

Joel Ford, Zoning Administrator, stated that subdivision of this lot would not meet the minimum lot size regulation of ½ acre lot as established in the Sullivan's Island Zoning Ordinance Section 21-2 and 21-28A minimum lot area in a residential zone.

This request was denied and Mrs Andrews notified, copy of letter attached.

The next appeal was heard from Patrick Ilderton requesting a variance on the 35ft. hight restriction on his proposed house at 2504 Goldbug Ave. Mr. Ilderton stated that he purchased the lot from the Town of Sullivan's Island for $50,000.00 with the provision that he would be able to construct a 32ft. house. This is a heavily wooded area and the house would not be seen above the highest tree, nor would it decrease the value of the property in that area.

Joel Ford stated that Sullivan's Island uses the street grade to measure height. This lot is 15 ft. above street grade and consequently the house would be 45 ft. above street grade. The ISO,

TOSI-BZA 0276

which sets insurance guidelines on Fire Insurance, used 35ft. as a guideline for small communities and measures from the grade of the lot.

This request granted and Mr. Ilderton notified, copy of letter attached.

The last appeal to be heard was Rev. Lawrence McInerny requesting a variance that would permit the extra building at 1820 Central Ave. to be rennovated and used again as a residence. Father McInerny gave a brief history of the building from the time that it was built as a store in 1904 through the present time. At the time that the building was no longer used as a business the owners felt that it would automatically revert back to a residence and did not file for a Certificate of Occupancy for non-conforming use. The building has wiring, plumbing and heating facilities and, if permitted to be used as a dwelling, the building would be put onto compliance with the Town set-back restrictions and the FEMA regulations.

Joel Ford stated that, if a variance was granted for non-conforming use, the application for a Building Permit would not be a problem.

This request was granted under the condition that a deed restriction be placed on the property stating that it can never be rented separately from the main house nor can it ever be subdivided. Copy ofletter attached.

Respectfully submitted,

Carolyn R. Kruger

Carolyn R. Kruger
Town Clerk

TOSI-BZA 0277

January 14, 1983

Reverend Lawrence B. McInerny
P.O. Box 441
Sullivan's Island, South Carolina 29482

Dear Rev. McInerny:

This is to inform you that The Board of Adjustment has granted your request to move and repair your building on Lot 191, 1820 Central Avenue, Station 18 1/2. The conditions upon which the request was granted are that a deed restriction be placed on the property stating that it can never be rented separately from the main house nor can it ever be subdivided.

Sincerely,

Michael T. Cole
Chairman

cc: J.C. Ward
Jesse R. Harris
Carl J. Smith
Lawrence A. Dodds, Esq.

MTC:jys

TOSI-BZA 0278

BOA

Saint
Thomas More
Friary

650 Jackson St. Northeast
District of Columbia 20017

January 20, 1983

Mrs. Carolyn R. Kruger, Town Clerk
Sullivan's Isld. Town Hall
Sullivan's Island, SC 29482

Dear Mrs. Kruger,

Mr. Cole of the Board of Adjustment has written to inform me of the Board's affirmative decision regarding my request for a building permit. In his letter he mentioned a deed restriction. Can you let me know what must next be done in order to secure the permit? Does Mr. Ford need to act again, or what?

If you will drop a line to me at the above address, I will be glad to proceed. I'd like to take this opportunity to thank you again for all of your help and patient assistance as I prepared my "case."

With warm regards, I remain ---

Yours truly,

Larry

(Rev.) Lawrence B. McInerny

cc

George --

[illegible] to Mr. Ford to submit for this [illegible]?

TOSI-BZA 0279

C. MELVIN ANDEREGG
MAYOR

TOWN COUNCIL

ROGER E. BECK
[illegible]ILEEN I. CANTWELL
[illegible]NCE M. McMANUS
[illegible]ERT A. SMITH
J. MARSHALL SMITH
WILLIAM J. WOOD, MAYOR PRO-TEM

TOWN OF SULLIVAN'S ISLAND

LAWRENCE A. DODDS
TOWN ATTORNEY

I.C. WARD
ADMIN. ASSISTANT

CAROLYN R. KRUGER
TOWN CLERK

J.E. LILIENTHAL
CHIEF OF POLICE

TELEPHONE:
(803) 883-3198

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

27 January 1983

Rev. Lawrence B. McInerny
St. Thomas More Friary
650 Jackson St., N.E.
District of Columbia, 20017

Dear Father McInerny,

Your building permit has been approved, and will be available to your contractor at Town Hall.

I have enclosed an Elevation Certificate which you will need an architect, surveyor, or engineer to certify for you after construction. The base flood elevation of your property is 12 feet (based on mean sea level).

As to the Deed Restriction, I would suggest you contact Larry Dodds as to how to "word" and "record" the deed.

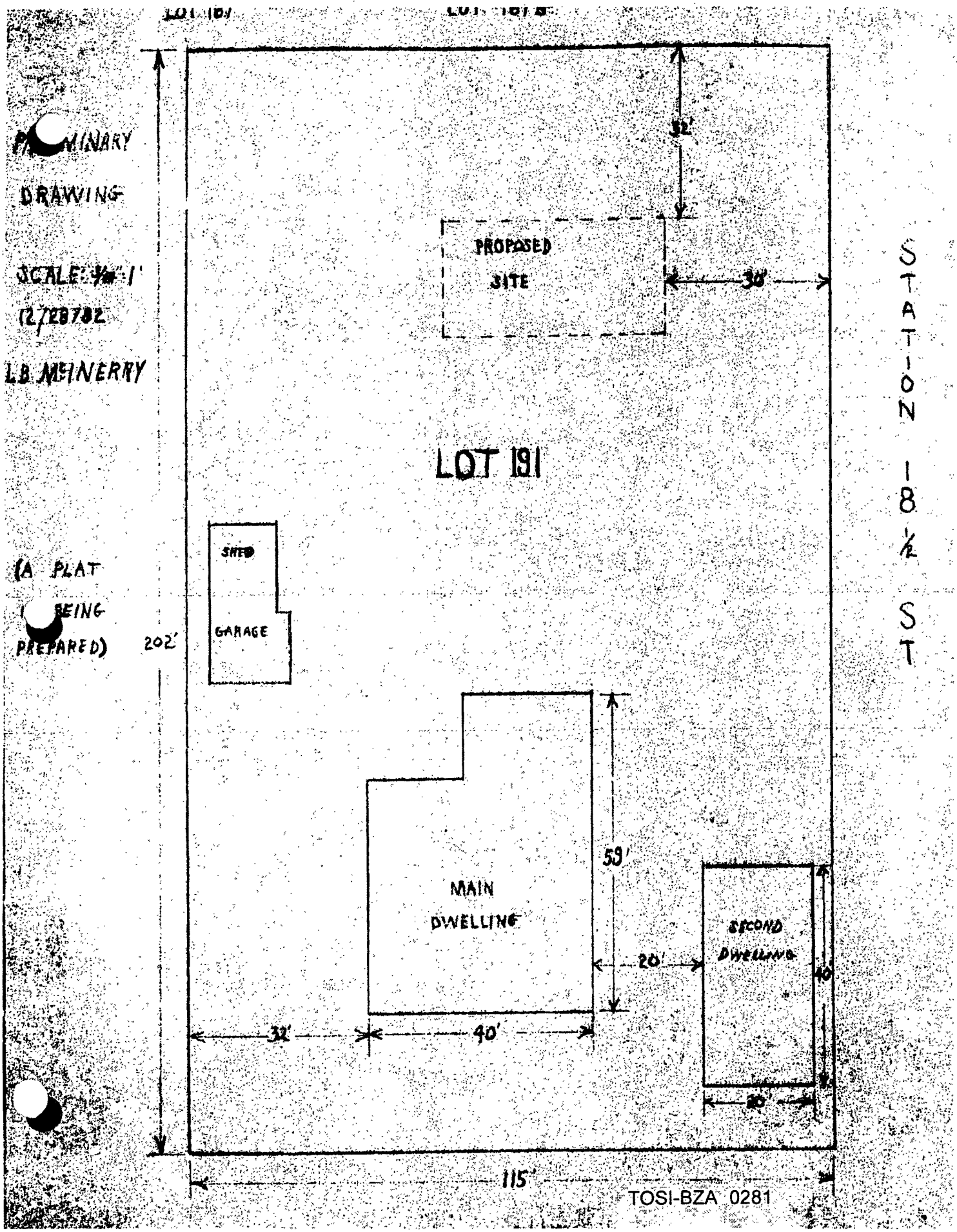
Yours truly,

Carolyn R. Kruger

S/ Joel P. Ford
Zoning Administrator

JPF/ck

TOSI-BZA 0280



TOSI-BZA 0281

1857 Flag Street TMS# 529 09 00 081

The non-conforming dwelling at this address was damaged in Hurricane Hugo and subsequently demolished. In 1987, the single story dwelling was a few feet above grade and had approximately 850 sq. ft. of heated space.

The new dwelling is approximately the same footprint, 844 sq. ft., and was elevated above the required flood elevation to allow for parking and storage underneath.

The ceiling and roof were allowed to be elevated in order to have a partial second story and higher ceilings in the living room.

According to Charleston County records, the new heated square footage is 1260 sq. ft., or an increase of approximately 410 sq. ft.

The interior volume (cubic feet) in the living room has increased by at least 80%.

Exhibits:

Charleston County "Overview"
" " Assessor's Office "Single Family Appraisal Form"
" " Plat "File Sketch"
" " Assessor's Office plan of "small house"

Sullivan's Island Certificate of Occupancy "Elevation Certificate"
" " Building Permit
" " "As Built" survey

TOSI-BZA 0282

EXHIBIT
18

Charleston County, South Carolina

generated on 3/10/2014 10:11:56 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
5290900081		1857 FLAG ST, SULLIVANS ISLAND	3/8/2014	2013	2013

Current Parcel Information

Owner	SCHIRMER ROBERT SAMUEL AND GINA WARE	Property Class Code	101 - RESID-SFR
		Acreage	.0000
Owner Address	1857 FLAG ST SULLIVANS ISLAND SC 29482-9723		
Legal Description	Description -LT V PlatSuffix E-32 PolTwp 002		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2013	$1,300,000	$1,200,000	$2,500,000	$11,209.40	$11,209.40
2012	$1,218,000	$428,000	$1,646,000	$7,474.21	$7,474.21
2011	$1,218,000	$428,000	$1,646,000	$7,597.32	$7,597.32
2010			$1,568,000	$7,192.66	$7,192.66

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
SCHIRMER LUCILLE S	D168 179	8/12/1987	G		$175,000

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1990	2	05	4,854	
R02	DWELL	Dwelling	1990	1.35	02	1,260	

TOSI-BZA 0283

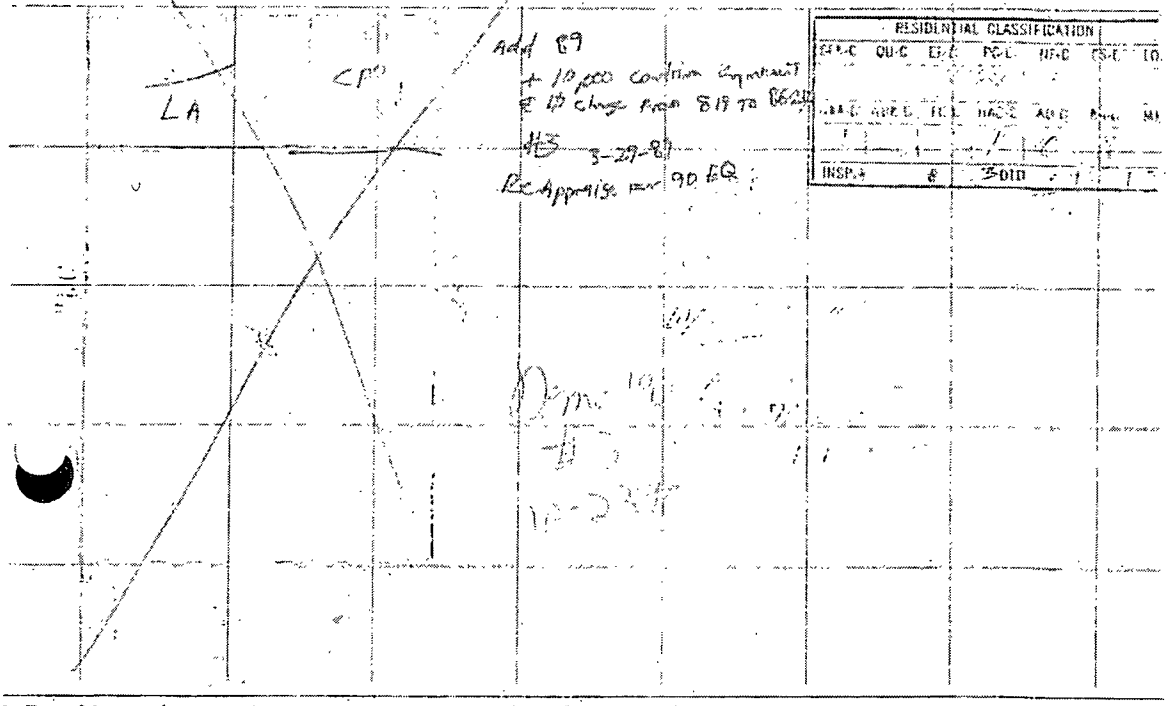
CHARLESTON COUNTY ASSESSOR'S OFFICE
Charleston, S. C.
SINGLE FAMILY APPRAISAL FORM

TAX DIST. 2 OLD TMS. ... BLK ... LOT ...
NEW TMS. ... LOT 1

1. Name on Mail Box or Owner: ... 2. Person talked to: ...
3. Prop. Loc. #: ... 4. M. A. ...
5. Approx. Yr. Bldg. Blt: ( ) 6. Contractor: ...
7. Baths: ( ) 8. No. of Bed Rms.: ( ) 9. Duct Heat: Yes (✓) No ( ) or Other: ...
10. A/C: Yes ( ) No (✓) 11. Septic Tank: Yes (✓) No ( ) 12. Water Supply: City (✓) or Private Well ( )
13. Yr. of Purchase: ... 14. Cost: Lot $ ... Bldg. $ ... or Total $ ... Remarks: ...
15. Was an Inside Inspection of the Residence Made: Yes ( ) No ( )

B. Ask for Permission to Measure the Building. When Measuring Note the Following:

17. Type Wall Const: Brick Veneer ( ); Wood Siding ( ); Aluminum Siding ( ); Asbestos Siding ( ); Concrete Blk ( ) and Stuccoed: Yes ( ); Other: ...
18. Floor Construction: Wood Joists (✓); Concrete Slab ( ); Other: ...
19. Type Fuel: Oil (✓); Gas ( ); Elec. ( ); Other: ... 20. Full A/C: Yes ( ) No (✓)
21. Show in Sketch: Basement – BSMT; Breezeway – BWY; Carport – CPT; Covered Porch – CPO; Garage – GAR; Hobby – HBY; Fence – HF; Patio – PAT; Screen Porch – SCP; Storage Room – STR; Swimming Pool – SWP.



22. Date Measured: / / Team / Info. Reviewed By: Date / /
23. Class of Construction: ... 24. Condition: Exec. ( ); Good ( ); Average ( ); Fair ( ); Poor ( ). Circle Grade: +, A, –

25. Cost Approach	Sq. Ft.	x	OBS. U. V.	=	Total
Main Floor	1215	x	[illegible]	=	$ [illegible]
Second Floor		x		=	
Tri. Lv.-Lw Fl		x		=	
CPT or GAR		x		=	
Storage		x		=	
CPO	108	x		=	
SCP	135	x		=	
Patio		x		=	
Driveway		x		=	
		x		=	
Indicated Total Cost of Bldg					$ [illegible]
Estimated Land Value					
Sq. Ft. Comp. By			TOTAL		$

26. Fair Market Value (Based on Observed Condition and Area Comparisons)
Lot: ... x $ ... = $ ...
No. of ... Bldgs.
Total $ ...
Comments: Conformity, Comparables, etc.: ...
Appr. # ... / ... Date ... / ... / ...
Reviewed By: ... Date / / ...

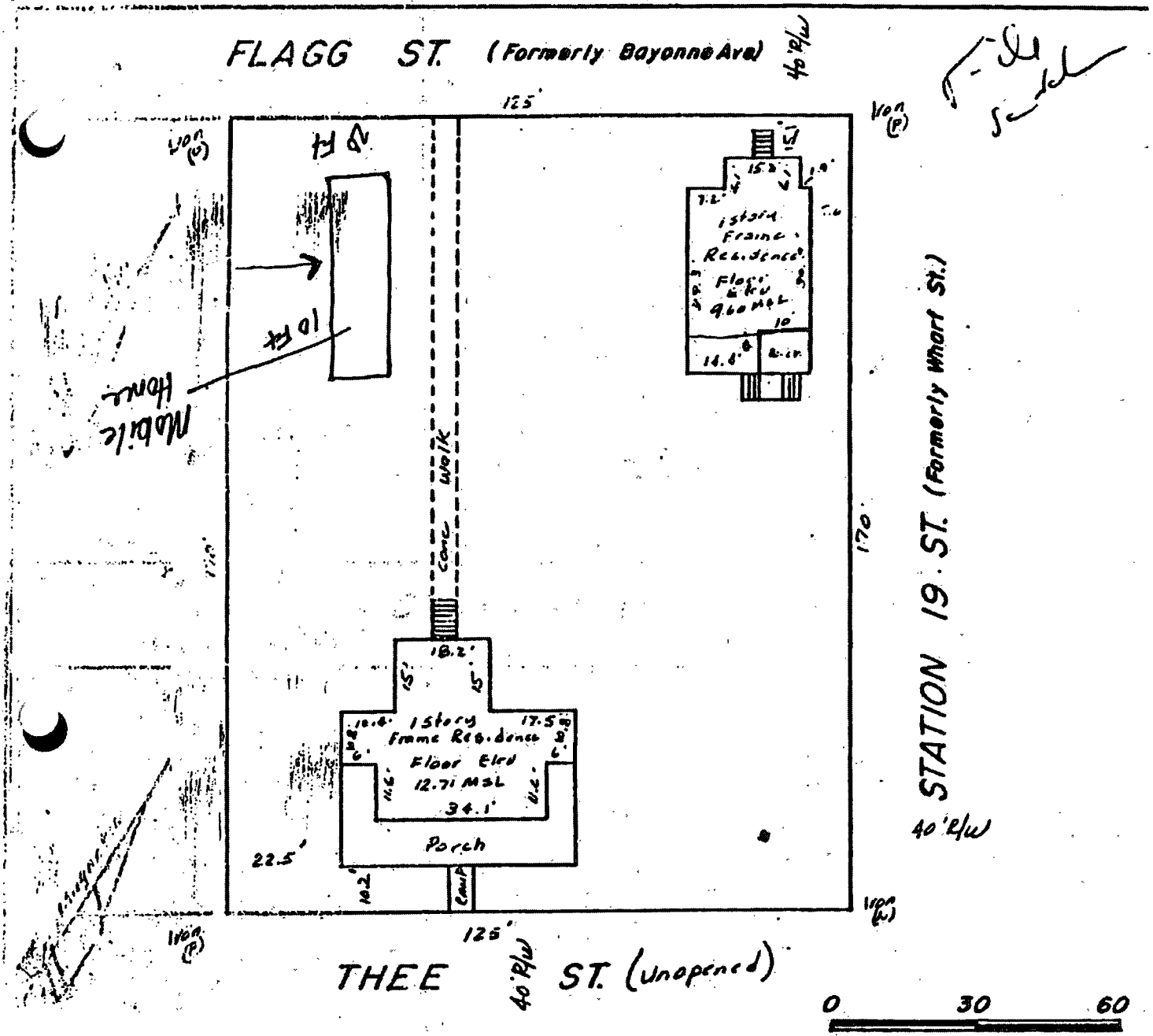
27. Assessor's Market Value Estimate for Assessment Purposes.
Lot Value $ ...
No. of ... Bldgs ...
Total $ ...
Comments: ...
Initial ...
Date / / ...

MICROFILMED

28. Owner: ... /CUBD: ... Lot ...
29. Located by Map # ... Block ... Lot ... Remarks: ...
30. Appr. Date: Permit # ... Date ... Mark ... Est. Cost $ ...
31. Appr. Data: Value $ ... x ... % = $ ... less lot asmt. $ ... = Bldg. Asmt. $ ... Yr. ...
32. Posted to Appraisal List by ... Tax Dist. # ... TMS ... BLK ... Lot ...

Form 3 AF (5-87)
AERIAL PHOTO # ... New TMS 526-00-00 018 ... LOT ...

TOSI-BZA 0284



State of South Carolina
County of Charleston
Town of Sullivans Island

SOUTH CAROLINA REGISTERED NO. 1536 LAND SURVEYOR JAMES F. BENNETT

ROBERT SAMUEL SCHIRMER
AND
GINA WARE SCHIRMER

PREMISES AT
1856 THEE ST
LOT V
SULLIVANS ISLAND

Reference Plat recorded..
Book E, page 32

I hereby certify that this is a true and correct survey made on the ground, the improvements are as shown and there are no encroachments either way, over property lines or set back lines, unless shown

James F Bennett
James F Bennett
Surveyor - S C Reg 1536

TOSI-BZA 0285

TOWN OF SULLIVAN'S ISLAND

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

Certificate of Occupancy

Office of Zoning Administrator

This certificate issued pursuant to the requirements of Section 803 of the Zoning Ordinance of the Town of Sullivan's Island, Charleston County, South Carolina, certifying that at the time of issuance this structure was in compliance with the various requirements of the Town of Sullivan's Island regulating building construction or use, or in the case of a non-conforming structure in existence at the time of the enactment of the aforementioned Zoning Ordinance, that the non-conforming use can be maintained, renewed, changed or extended only in the manner specifically stated in this Certificate of Occupancy as being non-conforming with the Zoning Ordinance. This Certificate is issued subject to the conditions and safeguards set out below for the protection and safety of the occupants and the public.

Bldg. Permit No. 4099

Use Classification: New construction
(new construction, alteration, repair, non-conforming use, etc.)

Contractor/Builder: Self

Owner:
Name: Robert S. Schirmer
Address: 1657 Flag St.
Sullivan's Island, SC 29482

Building Address: 1856 Thee St. "B"
Sullivan's Island, Sc

Applicant's name:

TMS # 529-9-0/81

Type of building: Single family residential

Area/Block #: Lot # V

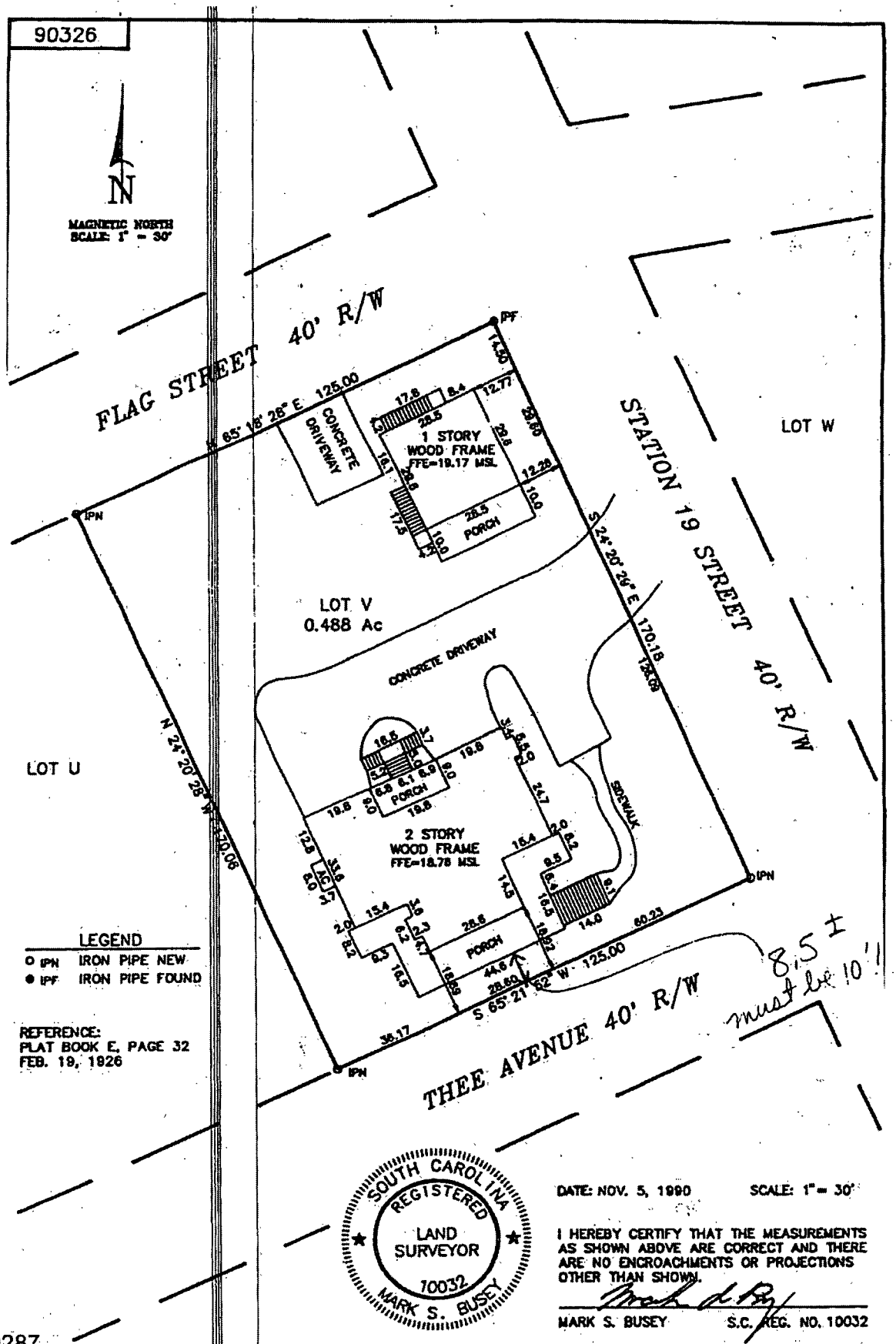
Special Conditions: Secondary structure on lot — non-conforming structure

W. Kent Pearse
Zoning Administrator

Date: 1-3-91

POST IN A CONSPICUOUS PLACE

TOSI-BZA 0286



TOSI-BZA 0287

AN AS BUILT OF
LOT 1857 FLAG STREET

Southeastern Surveying, Inc.
147 Wappoo Creek Drive – Suite 102

TOSI-BZA 0288

TOSI-BZA 0289

1856 ION Avenue TMS# 529 09 00 006

The original non-conforming dwelling on this lot dates from 1930.

In 1976, according to a Charleston County drawing, the non-conforming dwelling was an elevated one-story structure and had a heated footprint of 940 sq. ft. The ground floor was enclosed storage.

On December 23, 1977, a Certificate of Occupancy was issued. There was no mention of a duplex.

By 3/7/79, according to a Charleston County drawing, the ground floor had become living area and the structure had become a duplex with a single electric meter.

On 1/1/93, according to the owner"s survey, the ground floor had become living space and the structure was 2-story with an 8' x 10' deck (80 sq. ft.)

On 3/18/93 Sullivan's Island issued a new certificate of occupancy

Today, the 2-story dwelling is 1860 sq. ft. of heated space has 2 electric meters and has a deck footprint of approximately 12' x 18' (216 sq. ft.). The area under the deck has become a screened porch.

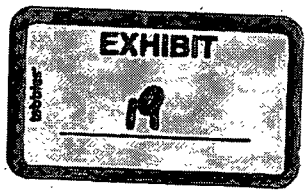
The dwelling has been enlarged by 930 sq. ft. and the deck has been enlarged by 138 sq. ft.

Exhibits:

Charleston County "Overview"
" " Assessor's Drawing 1976
" " Assessor's Drawing 1979

Sullivan's Island Certificate of Occupancy December 23, 1977
" " Certificate of Occupancy March 18, 1993 with owner's survey attached

Photos



TOSI-BZA 0290

Charleston County, South Carolina

generated on 3/10/2014 10:13:46 AM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
5290900006		1856 ION AVE, SULLIVANS ISLAND	3/8/2014	2013	2013

Current Parcel Information

Owner	BONIFACE FAMILY LP THE	Property Class Code	130 - RESID-DUP/TRI
Owner Address	1856 ION AVE SULLIVANS ISLAND SC 29482-8718	Acreage	.0000
Legal Description	Description -LT 206 Site Name -COR STA NINETEEN ST PlatSuffix R-93 PolTwp 002		

Historic Information

Tax Year	Land	Improvements	Market	Taxes	Payment
2013	$787,000	$279,000	$1,066,000	$12,669.17	$12,669.17
2012	$787,000	$279,000	$1,066,000	$12,664.89	$12,664.89
2011	$787,000	$279,000	$1,066,000	$12,641.46	$12,641.46
2010			$927,000	$10,985.31	$10,985.31

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
BONIFACE KENNETH J	O352 593	7/27/2000	G		$10

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Bedrooms	Finished Sq. Ft.	Improvement Size
R01	DWELL	Dwelling	1992	1.5	04	3,590	
R02	DWELL	Dwelling	1930	2.0	02	1,860	

TOSI-BZA 0291

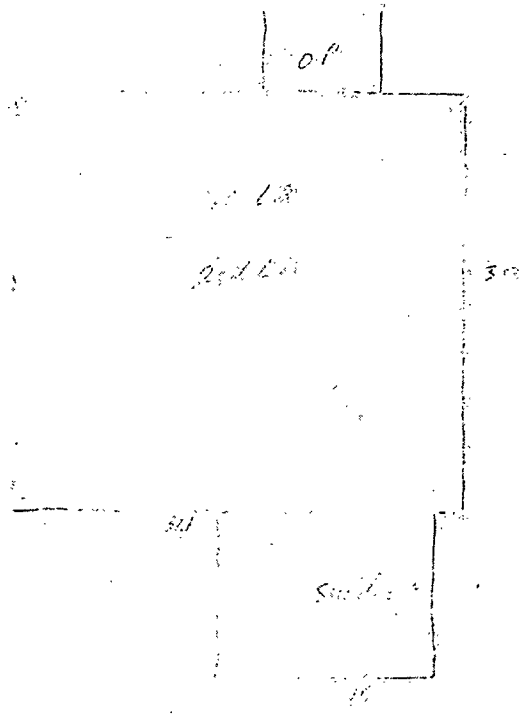
Charleston, S. C. TMS ___ ___ ___ LOT ___

S Units of Lee TD ___ AD ___ ZONING ___

1. Name on Mail Box or Owner: ___ 2. Person talked to: ___
3. Prop. Loc. #: ___ 4. M.A. ___
Approx. Yr. Bldg. Blt: (___) 5. Contractor: ___
No. of Baths: ( ) 8. No. of Bed Rms.: ___ 9. Duct Heat: Yes (✓) No ( ) or other ___
10. Full A/C: Yes ( ) No (✓) 11. Septic Tank: Yes ( ) No ( ) 12. Water: City ( ); Private ( )
13. Yr. of Purchase: ___ 14. Cost: Lt $___ Bldg. $___ or Total $___
15. Inside Inspection Made: Yes ( ) No ( ) 16. Permission to Measure Bldg. asked ( )
17. Rent $___/Mo. Includes ___

When Measuring Note the Following:

18. Type Well Const: Brick Veneer ( ); Wood Siding ( ); Alum. Siding ( ); Asb. Siding ( ); Concrete Blk (✓) and/or Stuccoed: Yes ( ); Other: ___
19. Floor Construction: Wood Joists ( ); Concr. Slab (✓); Other: ___
20. Type Fuel: Oil ( ); Gas (✓); Elec. ( ); Other ___
21. Full A/C: Yes ( ) No ( )
22. Show in sketch: Basement - BSMT; Breezeway - BWY; Carport - CPT; Covered Porch - CPO; Garage - GAR; Metal Fence - MF; Patio - PAT; Screen Porch - SCP; Storage Room - STR; Swimming Pool - SWP.



UPDATED
ASSTG
__/__/19__

MICROFILMED

23. Date Measured: __/__/__ Team ___ SQ. Computed By: ___ Date __/__/__

24. Owner: ___ DS ___ F ___ DTE ___ ISSUED: ___ Lot: ___
INDICATED PURCHASE PRICE ___ Cash $___ A/M $___
25. Date: Permit # ___ Date __/__/__ Work: ___ Est. Cost $___

TOSI-BZA 0292

TMS 529 9 0 LOT 06

26. LAND VALUE: VALUE 5,40 = 20000

REMARKS: Duplex 1 motor hut 2 apts one yr 1 car Blown

COMPARABLES: 1 of 2

27. MARKET DATA APPROACH

	SUBJECT	COMPARABLE	COMPARABLE	COMPARABLE
	SQ. FT. HEATED	523-7-0-113	- - -	- - -
		SQ. FT. HEATED	SQ. FT. HEATED	SQ. FT. HEATED
	1866	2144		
CC	ITEM	CODE ADJUSTMENTS	CODE ADJUSTMENTS	CODE ADJUSTMENTS
29	SIZE	-4200		
30	QU	—		
31	EF	—		
32	PC	+4000		
33	NF	—		
34	CS	—		
35	LOT	+5000		
36	NBA	—		
37	NBR	—		
38	FC	—		
39	HAC	—		
40	AD	—		
41	RA			
18	MRY			
	AGE			
	M/I			
	LOC			
	TIME	+4900		
	COMP. TO SUB.	SUPO SIMO INFO	SUPO SIMO INFO	SUPO SIMO INFO
	SALES PRICE	48100		
	TOTAL NET ADJUSTMENTS	PLUS ☑ MINUS ☐ 9700	PLUS ☐ MINUS ☐	PLUS ☐ MINUS ☐
	INDICATED VALUE OF SUBJECT	57800		
	YR. SALE			
	TYPE TRANSFER			

28. INCOME APPROACH

MO. RENT

X GRM

TOT. VALUE

LESS LAND

IMP

GRM COMP.:

REMARKS:

INDICATED VALUE MARKET APPROACH

1 of 2

L & IMP 57800

LESS LAND 20000

VALUE IMP. 37800

REMARKS:

29. COST APPROACH 2 of 2 very bad condition No Comps

	SQ. FT.	x	UNIT VALUE	=	TOTAL
MAIN FL.	1210 / 750	x	8.00	=	15700
FL.		x		=	
FL.		x		=	
CPT. GAR		x		=	
STORAGE		x		=	
CPO		x		=	
SCP		x		=	
		x		=	
		x		=	
		x		=	

TOTAL REPLACEMENT COST

EFFECTIVE AGE

LESS DEPRECIATION

DEPRECIATED COST OF IMP.

ADD LAND VALUE

TOTAL VALUE 15700

REMARKS:

COMPARABLE: - - -

30. CORRELATED VALUE

	MARKET VALUE	CMV
1 of 2 IMP.	37800	
2 of 2 IMP.	15700	
LAND	20000	
TOTAL	73500	
APPR.	74	/
DATE	3.7.79	/ /

31. REVIEW: MV.

		CMV
LAND		
IMP		
TOTAL		
APPR.	/	/
DATE	/ /	/ /

32. Comments:

Copy Scanned to P. Boehm 3/6/14

TOSI-BZA 0293

33. Posted to Appraisal Listing Initial Dated

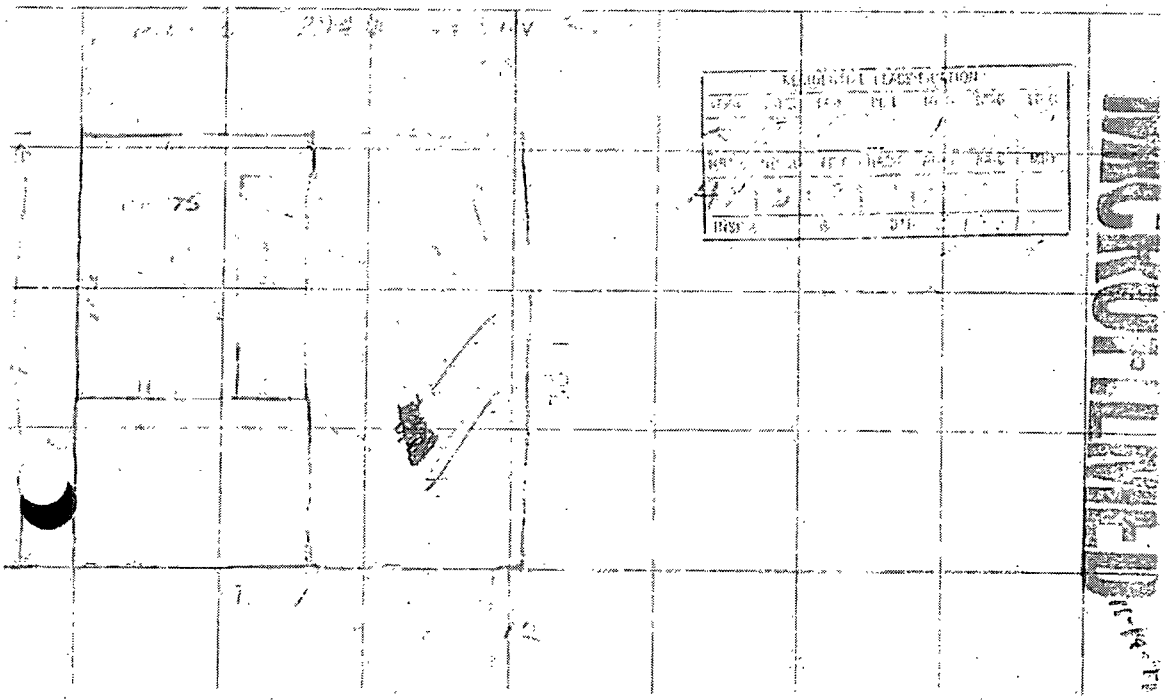
529 09 00 006

SINGLE FAMILY APPRAISAL FORM — NEW TMS. ... LOT. ...

1. Name on Mail Box or Owner: ... 2. Person talked to: ...
Prop. Loc. #: ... 4. M. A. ...
Approx. Yr. Bldg. Blt: (....) 6. Contractor: ...
No. of Baths: (....) 8. No. of Bed Rms.: (....) 9. Duct Heat: Yes ( ) No ( ) or Other: ...
A/C: Yes ( ) No ( ) 11. Septic Tank: Yes ( ) No ( ) 12. Water Supply: City ( ) or Private Well ( )
Date Purchase: .... 14. Cost: Lot $ .... Bldg. $ .... or Total $.... Remarks: ...
Was an Inside Inspection of the Residence Made: Yes ( ) No ( )

Ask for Permission to Measure the Building. When Measuring Note the Following:

Type Wall Const: Brick Veneer ( ); Wood Siding ( ); Aluminum Siding ( ); Asbestos Siding ( ); Concrete Blk ( ) and/or Stuccoed: Yes ( ); Other: ...
Floor Construction: Wood Joists ( ); Concrete Slab ( ); Other: ...
Type Fuel: Oil ( ); Gas ( ), Elec. ( ); Other: .... 20. Full A/C: Yes ( ) No ( )
Show in Sketch: Basement — BSMT; Breezeway — BRW; Carport — CPT; Covered Porch — CPO; Garage — GAR; Heated Fence — HF; Patio — PAT; Screen Porch — SCP; Storage Room — STR; Swimming Pool — SWP.



Date Measured: ... Team ... || Info. Reviewed By: ... Date ...

Class of Construction: .... 24. Condition: Exec. ( ); Good ( ); Average ( ); Fair ( ); Poor ( ).
Circle Grade: +, A, —

25. Cost Approach	Sq. Ft.	x	OBS. U. %	=	Total
Main Floor		x		=	$
Second Floor		x		=	
Tri. Lv.-Lw. Fl		x		=	
CPT or GAR		x		=	
Storage		x		=	
CPO		x		=	
SCP		x		=	
Patio		x		=	
Driveway		x		=	
		x		=	
Indicated Total Cost of Bldg					$
Estimated Land Value					
Ft. Comp. By			TOTAL		$

26. Fair Market Value (Based on Observed Condition and Area Comparisons)

Lot: .... x $.... = $....
No. of .... Bldgs. ....
Total $....

Comments: Conformity, Comparables, etc: ...

Appr. #.... Date.../.../...
Reviewed by.... Date.../.../...

27. Assessor's Market Value Estimate for Assessment Purposes.

Lot Value $....
No. of .... Bldgs ....
Total $....

Comments: ...

Initial....
Date.../.../...

Owner: .... DB.... P.... DTD..../SUBD:.... Lot ....
Indicated Purchase Price.... || Cash $.... A/M $.... Remarks: ...
Permit: Permit #.... Date.../.../... Work: .... Est. Cost $....
Sale Data: Value $.... x .... % = $.... less lot asmt. $.... = Bldg. Asmt. $....
Entered to Appraisal List by.... Tax Dist. # .... TMC.... BLK .... Lot ....

Form 1 AF (5-57)

AERIAL PHOTO #.... New TMS.... LOT....

TOSI-BZA 0294

TOWN OF SULLIVAN'S ISLAND

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

Certificate of Occupancy

Office of Zoning Admininstrator

This certificate issued pursuant to the requirements of Section 803 of the Zoning Ordinance of the Town of Sullivan's Island, Charleston County, South Carolina, certifying that at the time of issuance this structure was in compliance with the various requirements of the Town of Sullivan's Island regulating building construction or use, or in the case of a non-conforming structure in existence at the time of the enactment of the aforementioned Zoning Ordinance, that the non-conforming use can be maintained, renewed, changed or extended only in the manner specifically stated in this Certificate of Occupancy as being non-conforming with the Zoning Ordinance. This Certificate is issued subject to the conditions and safeguards set out below for the protection and safety of the occupants and the public.

Bldg. Permit No. _____

Use Classification Non-conforming use - Rental
(new construction, alteration, repair, non-conforming use, etc.)

Owner:

Name Mr. Kenneth J. Boniface

Address 30 Bee Street

Charleston, SC, 29403

Applicant's name Mr. Kenneth J. Boniface

Contractor/Builder: _____

Building Address 1856-A & B I'On Avenue

Sullivan's Island, SC

TMS # 529-09-00-006

Type of building Residence & cottage

Area/Block # _____ Lot # 206

Special Conditions Rental of main house except caretaker's room and rental of cottage behind main house.

By W. Lloyd Fleming, Jr.
Zoning Administrator

Date: December 23, 1977

POST IN A CONSPICUOUS PLACE

TOSI-BZA 0295

TOWN OF SULLIVAN'S ISLAND

P.O. BOX 427
SULLIVAN'S ISLAND, S.C. 29482

Certificate of Occupancy

Office of Zoning Administrator

This certificate issued pursuant to the requirements of Section 803 of the Zoning Ordinance of the Town of Sullivan's Island, Charleston County, South Carolina, certifying that at the time of issuance this structure was in compliance with the various requirements of the Town of Sullivan's Island regulating building construction or use, or in the case of a non-conforming structure in existence at the time of the enactment of the aforementioned Zoning Ordinance, that the non-conforming use can be maintained, renewed, changed or extended only in the manner specifically stated in this Certificate of Occupancy as being non-conforming with the Zoning Ordinance. This certificate is issued subject to the conditions and safeguards set out below for the protection and safety of the occupants and the public.

Bldg. Permit No. 6122

Use Classification New construction
(new construction, alteration, repair, non-conforming use, etc.)

Owner:
Name Kenneth J. Boniface, MD
Address _____

Contractor/Builder: Self

Building Address 1856 I'on Ave.
Sullivan's Island, SC 29482

Applicant's name _____

TMS # 529-09-00/006

Type of building Single family residential

Area/Block # _____ Lot # 206

Special Conditions Elevated one story frame structure is CONFORMING USE
Two story CMU structure is non-conforming USE AS SHOWN ON THE

By W. Kent Sauve Date: 3-18-93
Zoning Administrator

FOLLOWING PLAT:
PLAT OF 1856 I'ON AVE
LOT 206 MOULTRIEVILLE
S.I. CHAS. CO, S.C.
TMS NO 529-09-00-006
by F. Elliotte Quim III RLS NO. 10292

POST IN A CONSPICUOUS PLACE

TOSI-BZA 0296

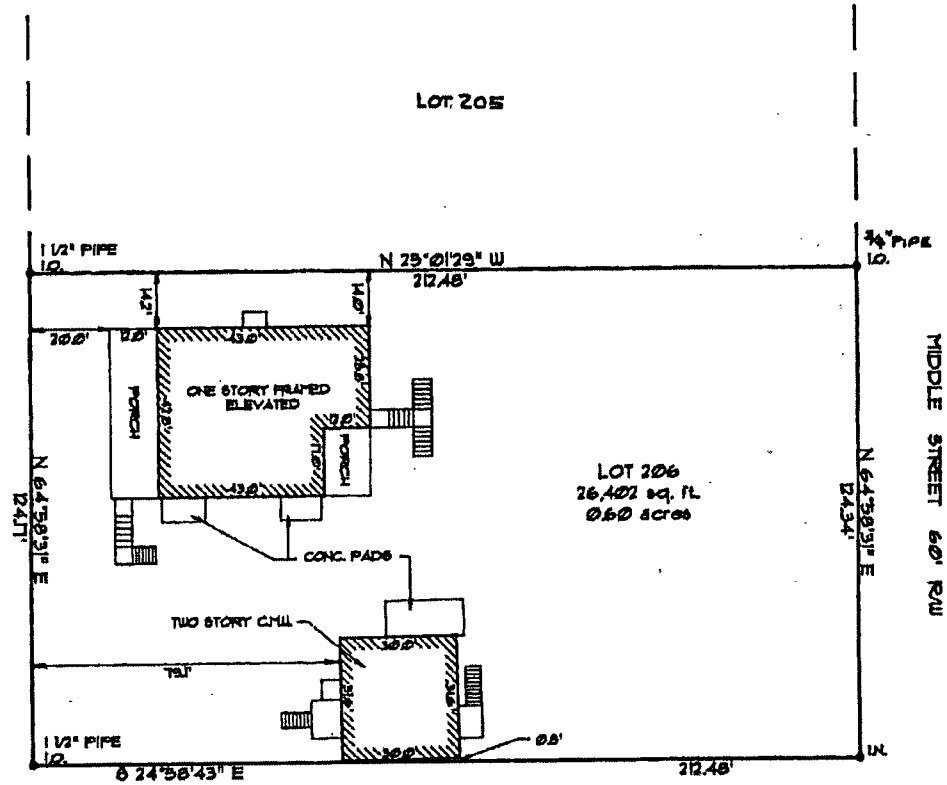
334

TOSI-BZA 0297



PLAT OF 1856 I'ON AVE.
LOT 206
MOULTRIEVILLE
SULLIVANS ISLAND
CHARLESTON COUNTY
SOUTH CAROLINA
T.M.S. No. 529-09-00-006

EFERENCE:
DEED BOOK M-76, PAGE 88
PLAT BOOK R, PAGE 93
RMC CHARLESTON COUNTY



STATION 19 STREET 40' R/W
(FORMERLY WHARF STREET)

EGEND:
I.O. DENOTES IRON PIN OLD
I.N. DENOTES IRON PIN NEW (½" REBAR)
»p DENOTES OVER-HEAD POWER LINES

THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS PER F.I.A FLOOD MAPS
HE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
HIS PLAT REPRESENTS A SURVEY BASED ON THE ABOVE LISTED REFERENCE(S) ONLY, AND IS
NOT THE RESULT OF A TITLE SEARCH.

reby certify to the owner(s) shown hereon that to the best of my knowledge, information and belief, the survey shown hereon was made in cordance with the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements a Class survey as specified therein; also that there are no visible encroachments or projections other than shown.

Elliotte Quinn, III, RLS S.C. No. 10782

his plat not a valid, true copy unless bearing
ne raised, embossed seal of the surveyor.

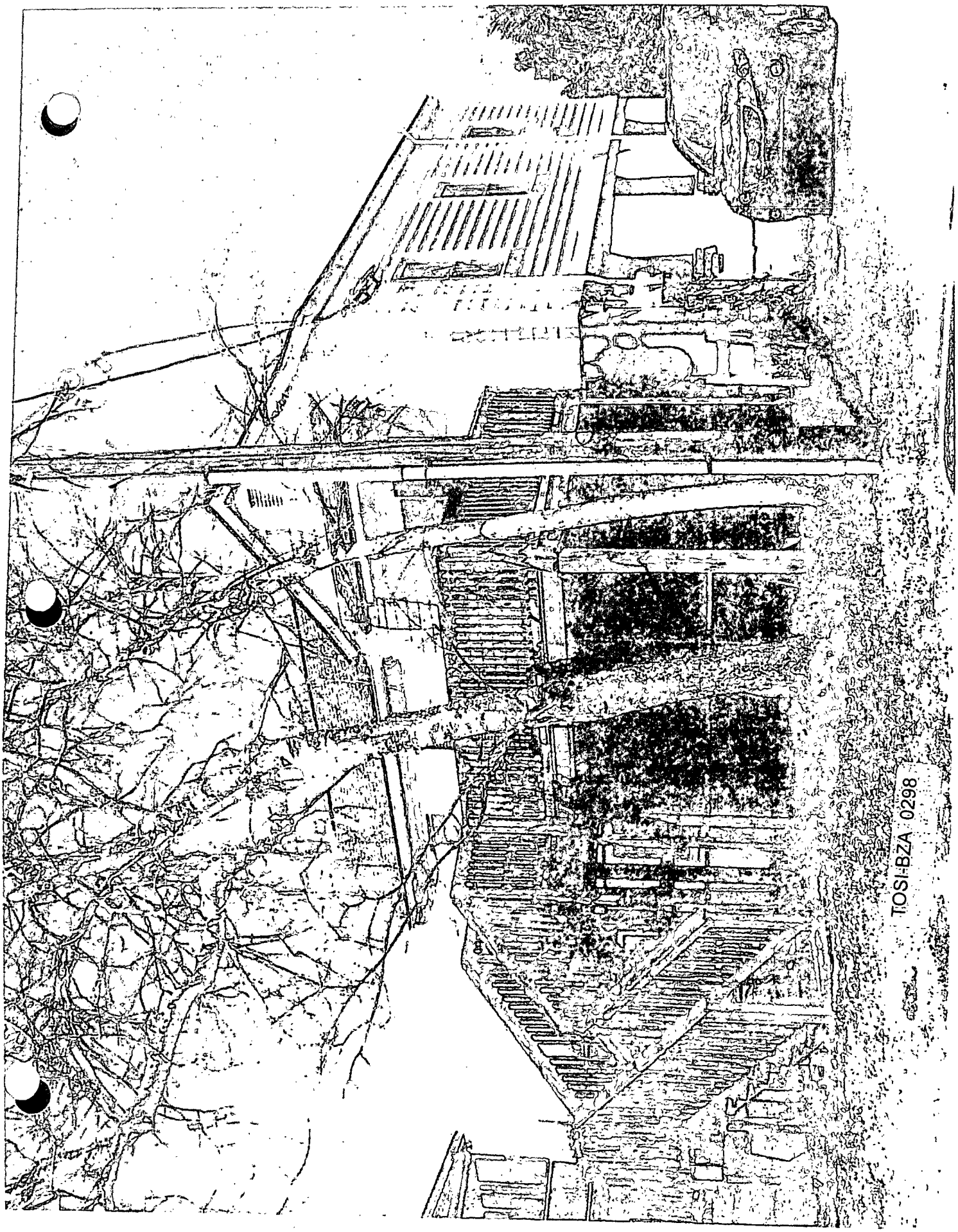
J.N. 13332 P.B. 100 PG. 1
DATE: 1/1/93 SCALE: 1"=30'

30 15 0 30

OWNED BY
KENNETH J. BONIFACE

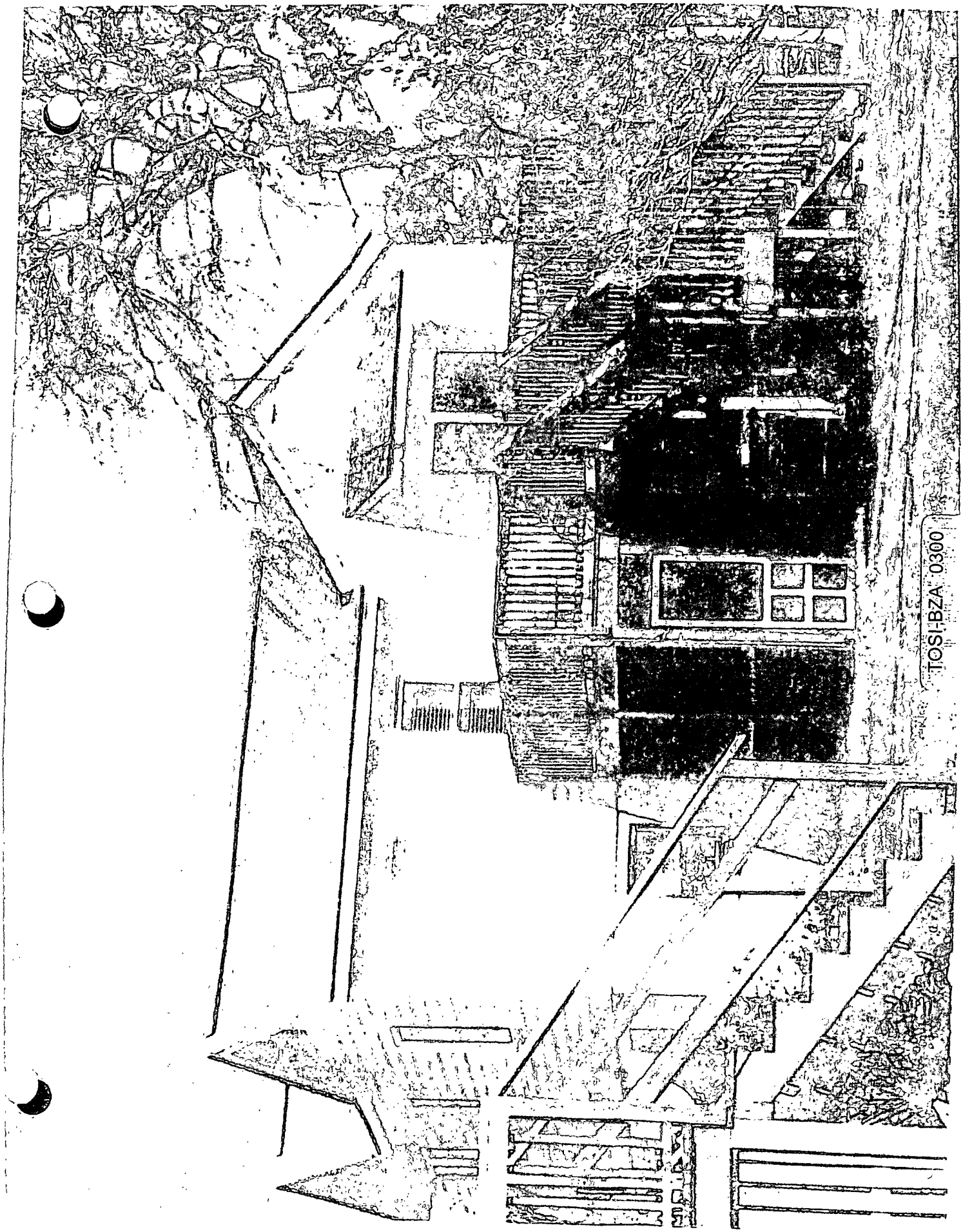
GEORGE A.Z. JOHNSON, JR., INC.
LAND SURVEYORS
301 CALHOUN STREET
CHARLESTON, S.C. 29401
(803) 722-2870

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TOSI-BZA 0298

TOSI-BZA 0299


TOSI-BZA 0300

TOWN OF SULLIVAN'S ISLAND

RESIDENTIAL PERMIT

PO BOX 427 SULLIVAN'S ISLAND, SC 29482

Phone: 843-883-3198 FAX: 843-883-3009 http://sullivansisland-sc.com/

DATE ISSUED: 02/13/2013 PERMIT #: 2013- 2510

		DISTRICT	TAX MAP PARCEL#
LOCATION	2720 GOLDBUG AVE		5290700002
	2720 GOLDBUG AVE	LOT CCC	ZONING DISTRICT
OWNER:	PAUL BOEHM		
CONTRACTOR:			TOTAL VALUATION $ 5,000

SUBCONTRACTOR ID/NAME SUBCONTRACTOR TYPE

TYPE CONSTRUCTION: ALTERATION OCCUPANCY GROUP: SINGLE FAMILY

FEE CODE	FEE
BUILDING - GENERAL/ISSUE FEE	24.00
BUILDING - GENERAL/BUILDING PERMIT FEE	82.50
BUILDING - GENERAL/PLAN REVIEW FEE	41.25

TOTAL PAID: 147.75 **PAID IN FULL** TOTAL AMOUNT: 147.75

REMARKS: SEE ATTACHED PAPERWORK

PERMIT IS NOT CONSIDERED ISSUED UNTIL PERMIT IS PAID IN FULL.

EXHIBIT 20

Approved as per notes on plans.
Roof over Stairs + walk only.

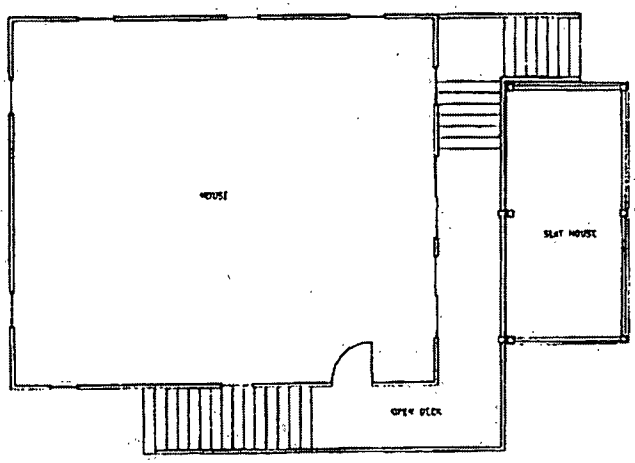
BUILDING OFFICIAL — DATE 02/14/13

ZONING ADMINISTRATOR — DATE

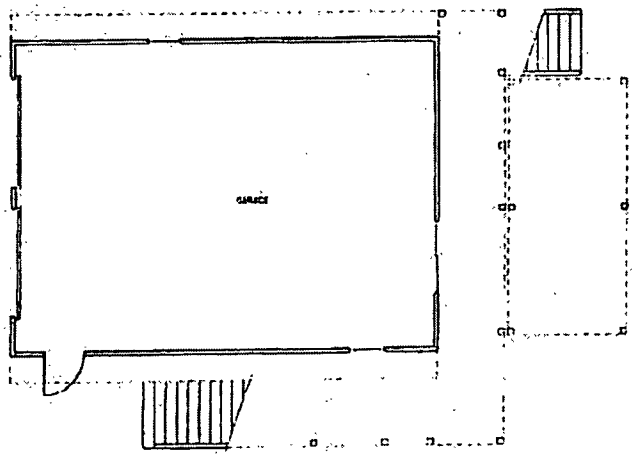
CONTRACTOR/OWNER — DATE

ISSUED BY — DATE 2/14/13

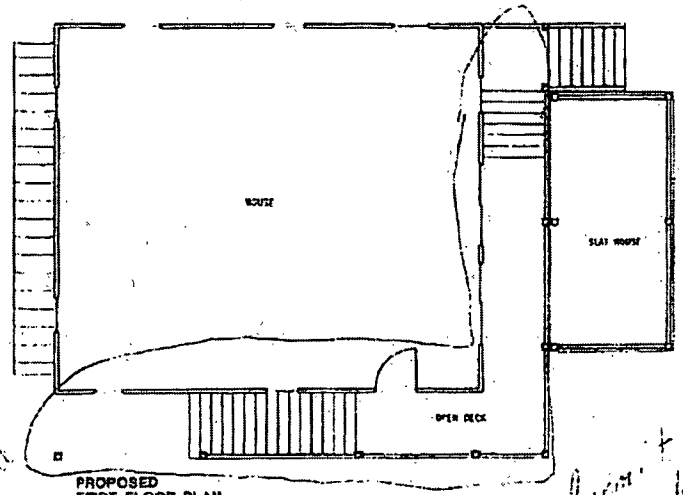
TOSI-BZA 0301



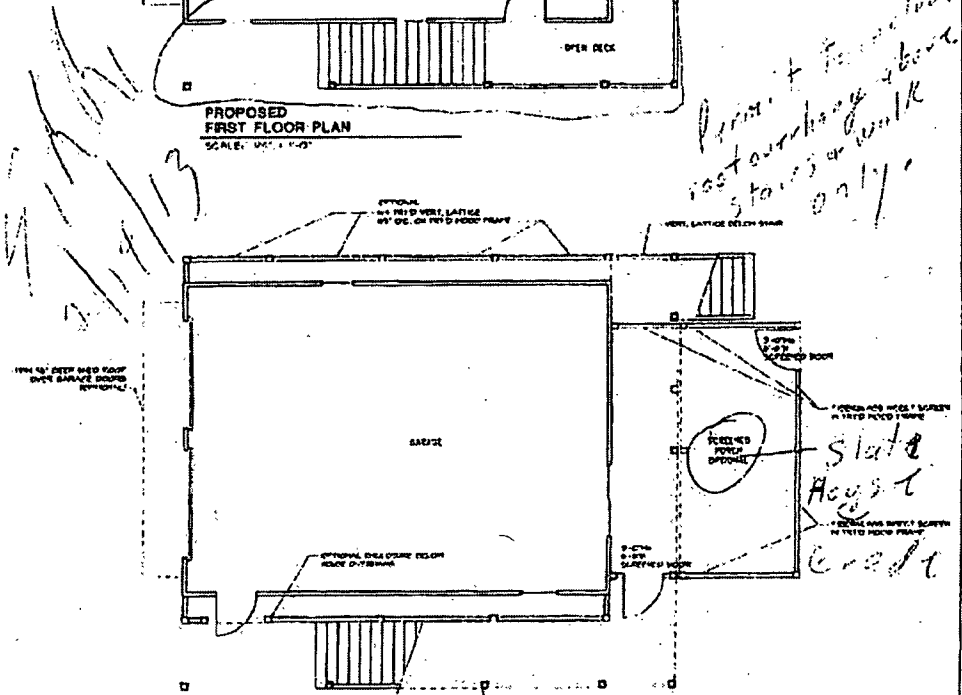
EXISTING
FIRST FLOOR PLAN



EXISTING
GROUND FLOOR PLAN



PROPOSED
FIRST FLOOR PLAN



PROPOSED
GROUND FLOOR PLAN

Permit for roof over back stairs & walk only!

REVISIONS

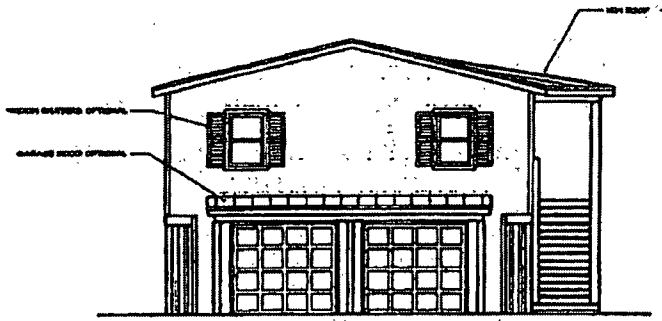
BOEHM RES. ADDTION
2720 GOLDBUG AVE.
SULLIVAN'S ISLAND, SOUTH CAROLINA
FLOOR PLANS

A1

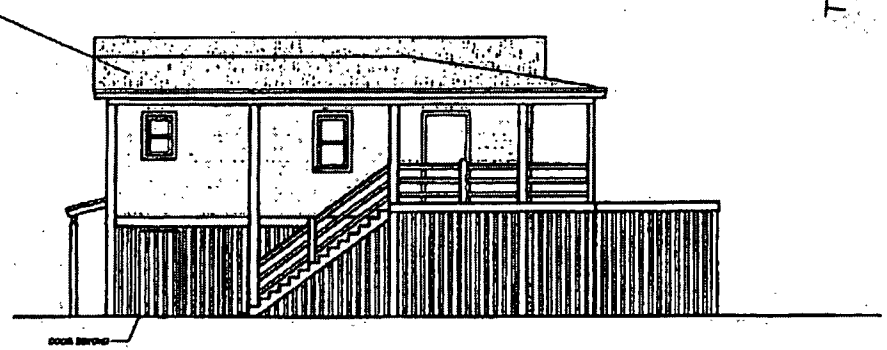
339

TOSI-BZA 0302

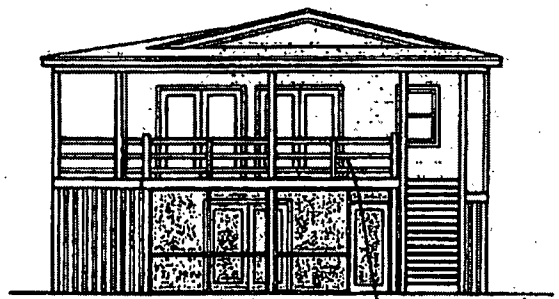
TOSI-BZA 0303



PROPOSED
FRONT ELEVATION
SCALE: 1/4" = 1'-0"

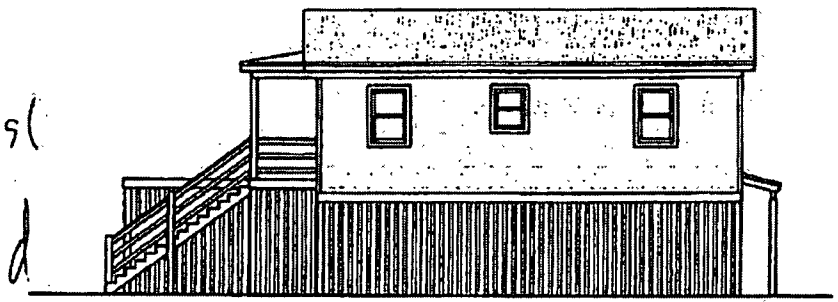


PROPOSED
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
REAR ELEVATION
SCALE: 1/4" = 1'-0"

Railing about slat hoos(not approved



PROPOSED
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

REVISIONS

BOEHM RES. ADDITION
2720 GOLDBUG AVE.
SULLIVAN'S ISLAND, SOUTH CAROLINA
PROPOSED ELEVATIONS

DATE:
5/7/15

A2

340

R. J. Denton ARCHITECTURE
I'On Square

January 16, 2014

Randy Robinson
Building Official
Town of Sullivan's Island
Sullivan's Island, SC

Re: Boehm Residence
2720 Goldbug Avenue
Sullivan's Island, SC

Dear Mr. Robinson:

I have visited the site at 2720 Goldbug Avenue due to your concerns regarding the placement of the 6x6 posts which will be supporting the new roof addition to the existing structure.

This field modification from the drawings was made so that we did not damage the structural integrity of the existing deck/walkway and create a potential safety issue. The posts are attached to the exterior face of the existing band and are bolted through. A single 2x10 was notched into the outside of these 6x6 posts to further strengthen the structure by shortening the effective length of the post. This 2x10 band sits about 1" above the existing deck so that there could be no attempt to expand the deck beyond its existing footprint. The rear posts were set in the same relative positions except for the end posts which are free standing. Once the structure is completed with the roof, the design will provide superior structural integrity.

As for your concern that the posts resting on the exterior of the existing walkway creates an addition of the walkway, I would offer that this structure provides no useable liveable or useable space. These posts constitute a footprint addition of only 2 1/2 square feet while leaving the integrity of the area of the existing deck as existing. Placement of these posts to the interior of the deck band would diminish the useable square footage of the deck and walkway to a much greater extent.

I ask that you consider these comments when you review the placement of these posts.

806 Johnnie Dodds Boulevard Suite 203 Mount Pleasant, South Carolina 29464 phone: 843.856.8395

TOSI-BZA-0304

Please feel free to contact this office should you have any further questions or comments regarding this letter. Thank you for your assistance.

Sincerely,

Ronald J. Denton, Jr., RA, NCARB

806 Johnnie Dodds Boulevard Suite 203 Mount Pleasant, South Carolina 29464 phone: 843.856.8395

TOSI-BZA 0305

2720-B GOLDBUG AVE SULLIVANS ISLAND, SC 29482 LP: $495,000

MLS#:	2811872md - RES - SFD	**Status:**	Withdrawn
Area:	(43) CHS-Sullivan's Island		
TaxDstrct:	CHS - 23 - Sullivan's Island		
Bedrooms:	2	**Apx SqFt:**	1,076
Bths Ful/Hlf:	2/0	**Tax Map#:**	529-07-00-083
Stories:		**Apx YrBlt:**	1988
Address:	2720-B GOLDBUG AVE		
City:	SULLIVANS ISLAND	**Zip:**	29482
Lot Size:		**Acres:**	0.25
Subdiv:	SULLIVANS ISLAND	**Subsec:**	
Grade Sch:	SULLIVANS ISLAND	**Middle Sch:**	LAING
High Sch:	WANDO		
Possessn:	At Closing	**New/Owned:**	Pre-owned
Legal Desc:	UNIT B		

CMA

CloudCMA

Market Monitor

Click photo for additional media and enlargement



Style:		**Fireplace:**	Living Rm	**Special:**	
Roof:	Asphalt Shng	**Foundation:**	Elev Construction	**Floors:**	W/w Carpet, Vinyl
Cooling:	Central	**Heat:**	Heat Pump	**Utilities:**	SCEandG, SI W/S Dist
Parking:	2 Car Garage				
				SqFt Source:	Hired Measurement **$/Sqft:** $460.04
Auction:		**Auction Type:**		**Reserve Amt:**	

Lot Desc: W/f-shallow, Tidal Creek, Marshfront, Marsh View
Exterior: Wood Siding
Master BR:
Other Rms:
Misc. Int:
Misc. Extt: Enclosed Wood Fence, Deck, Screen Porch, Dock Existng, Lawn Well, Shared Dock
Wat/Sew: Public Water, Public Sewer
Amenities: Dock Facilities
Appliances: Elec Range, Refrigerator, Dishwasher, Washer Conn, Dryer Conn, Whirlpool, Garbage Disp, Ceiling Fan
Green Features:

Directions: From Jasper Blvd. head toward marsh onto Station 28. Road will curve around and house will be the 3rd one on the marsh.
Showing: Contact L/o, Key In Offic, Apptmnt Only, 24 Hr Notice
Remarks: PRICE INCLUDES 19 FOOT GRADY WHITE. NEW 3,000LB BOAT LIFT AND WATER AND ELECTRICITY INSTALLED TO THE DOCK IN SEPTEMBER 2010. THIS IS THE SEPARATE GARAGE WITH LIVING SPACE ABOVE THAT IS PART OF A CONDO REGIME. IT HAS EXTRAORDINARY VIEWS OF THE MARSH AND INTRACOASTAL WATERWAY AND SHARES A DOCK OUT TO A TIDAL CREEK. IT IS THE LEAST EXPENSIVE FREE STANDING HOUSE ON THE ISLAND AND IS CUTE AS A BUTTON INSIDE. BECAUSE IT IS THE SECONDARY STRUCTURE ON THE LOT, IT CANNOT BE ENLARGED, BUT OTHERWISE YOU CAN DOLL IT UP INSIDE AND OUT! THE LOWER LEVEL CONTAINS A GARAGE FOR TWO CARS, A STORAGE/WORKSHOP AREA FOR YOUR FAVORITE HOBBIES, AND A SCREENED PORCH FOR JUST KICKING BACK AND RELAXING. INSTEAD OF CARS, PUT A POOL TABLE AND PING PONG TABLE IN THE GARAGE AND YOU HAVE AN ENTERTAINMENT HAVEN FOR GATHERING OF FRIENDS. A NICE SIZE SECTION OF THE YARD IS AVAILABLE FOR YOUR EXCLUSIVE USE, PER THE REGIME DOCUMENTS. IT'S AN EASY WALK TO DOWNTOWN SULLIVAN'S ISLAND AND THE BEACH. HOMEOWNER'S AND WIND & HAIL INSURANCE IS $1286/YEAR. FLOOD INSURANCE IS $253/YEAR. REGIME DOCUMENTS AVAILABLE.
If square footage is important - MEASURE!!
Agnt Notes: CALL LISTING AGENT/OWNER FOR DETAILS. PLEASE CONTACT LISTING OFFICE FOR SHOWINGS @ 886-8114. CAN ONLY BE SHOWN IN AFTERNOONS WITH 24 HOUR NOTICE. TENANTS LEASING UNTIL AUGUST 31, 2010. THERE IS A FRIENDLY DOG IN THE HOUSE. PLEASE DON'T LET HIM OUT. CONTACT LISTING OFFICE AT 886-8114 FOR REGIME DOCUMENTS. Buyer to verify lot dimensions, square footage, and acreage. We will only compensate buyer brokers who have a buyer agency agreement executed prior to the prospective buyer viewing the house. Listing agent is owner. Click here to report incomplete or inaccurate information

Lease/Pur:		**Prospect Ex:**		**Financing:**	Conventional	**Assumable:**	No
Taxes:	$5,205	**HOA Fee:**		**Assmt Ratio:**		**SpAssmt:**	
Owner:		**Regime Fee:**		**List Date:**	4/11/2008	**Exp Date:**	10/11/2013
C/R:		**CntngncyRsn:**		**Potential Short Sale:**			

List Agent:	(1968) Paul Boehm		**Type/Comp/SubAccept:**	Exclusive Right to Sell/3 %/N	
List Office:	(1847) East Islands Real Estate		**Variable:**	N	
Team:			**Limited Svc:**	Y	
Co-Off:	(1847) East Islands Real Estate		**Co-Agt:**	(12804) BRADLEY HAYNES	
Contacts:	Agent Office Direct (843) 886-8114	Agent Mobile (843) 810-0571	Agent Home (843) 883-3791	Office Ph (843) 886-8114	Agent Email paulboehm0@yahoo.com

TOSI-BZA 0306

CRS PowerTool Real Estate

Property Report

hursday, March 13, 2014

2720 Goldbug Nue Ave, Sullivans Island, SC 29482
Charleston County, SC parcel# 529-07-00-083

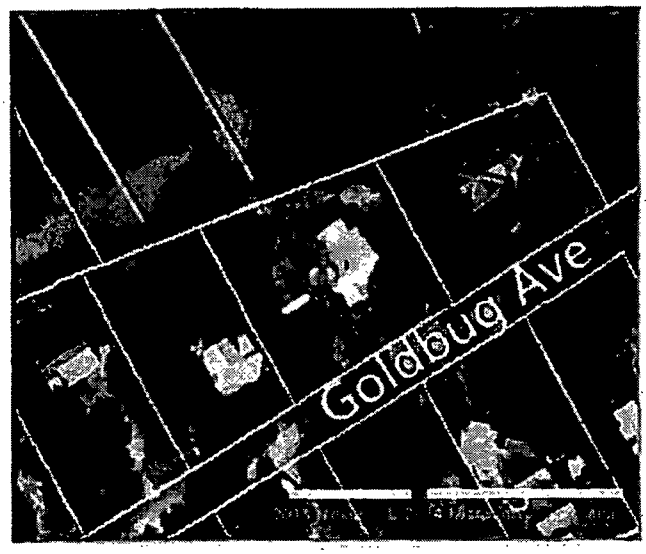
Property Report

Property Address	2720 Goldbug Nue Ave Sullivans Island, SC 29482
Subdivision	2720 Goldbug Hpr
County	Charleston County, SC

Name	Boehm Judith S
Mailing Address	3209 Middle St Sullivans Island, SC 29482-8650

Property Summary

Property Type	Residential
Land Use	Resid-Condo Unit
Improvement Type	Dwelling
Square Feet	980 sf



General Parcel Information

Parcel/Tax ID	529-07-00-083
Alternate Parcel ID	
Account Number	
District/Ward	2-3
2010 Census Trct/Blk	48/1

Sale History Information

Date	Amount	Buyer/Owners	Buyer/Owners 2	Instrument	Quality	Book/Page or Document#
09/20/2012	**$5**	Boehm Judith S				0279/811
02/23/2001		Boehm Paul F				Y364/405

Tax Assessment

Appraisals	Amount	Taxes	Amount	Jurisdiction	Rate
Tax Year	2012	**City Taxes**	$843.63	Sullivans Island	28.7
Appraised Land	$495,000	**County Taxes**	$1,281.22	Charleston	180.3
Appraised Improvements	$28,800	**Total Taxes**	**$6,231.95**		
Total Tax Appraisal	$523,800	**Exempt Amount**			
Total Assessment	$31,400	**Exempt Reason**			
Assessment Rate	6 %				

Mortgage History

No mortgages were found for this parcel.

TOSI-BZA 0307

MICHAEL PERKIS
MAYOR

TOWN COUNCIL
JERRY KAYNARD, MAYOR PRO TEM
CHAUNCEY CLARK
HARTLEY COOPER
SUSAN MIDDAUGH
PATRICK O'NEIL
MARY JANE WATSON

TOWN OF SULLIVAN'S ISLAND

BUILDING DEPARTMENT

ANDY BENKE
TOWN ADMINISTRATOR

JASON BLANTON
COMPTROLLER

LAWRENCE A. DODDS
TOWN ATTORNEY

GREG GRESS
WATER AND SEWER MANAGER

JOE HENDERSON
ZONING ADMINISTRATOR

DANIEL S. HOWARD
CHIEF OF POLICE

ELLEN MILLER
TOWN CLERK

RANDY ROBINSON
BUILDING OFFICIAL

M. ANTHONY STITH
FIRE CHIEF

March 10, 2014

Paul Boehm
3209 Middle Street
Sullivan's Island, SC 29482

Re: Building Permit Request 2013-2510 (2720-B Goldbug Avenue, Sullivan's Island, SC)

Dear Mr. Boehm,

This letter is in response to your recently submitted Building Permit Application and plans to work on the structure located at 2720-B Goldbug Avenue. On February 28, 2014, you submitted plans to extend the roof overhang beyond the existing footprint of the deck and side access staircase by placing new 6" x 6" posts outside of the staircase and walkway structure (footprint). Expanding the footprint of this nonconforming structure is in direct conflict with Zoning Ordinance Section 21-151 (Nonconforming Structures), which prohibits structural alterations that would increase the extent of the nonconformity. On January 13, 2014, staff issued a Stop Work Order for the same reasons cited above.

At your convenience, please revise your plans to show that the posts will be placed within the original footprint of the side stairs and rear walkway. A "red lined" copy of your plans will be available at Town Hall for your reference and collection. Please feel free to contact me should need to discuss this issue further.

Sincerely,

Joe Henderson, AICP, CFM, ISA
Zoning Administrator

Cc: Randy Robinson, Building Official
File

Enclosures: Building Permit Application 2-28-2014 (Construction drawings, site plan, elevations, staff notes)
Zoning Ordinance Section 21-151 Nonconforming Structures

TOSI-BZA 0308

P.O. BOX 427 • SULLIVAN'S ISLAND, SC 29482
(843) 883-3198 • FAX (843) 883-3009 • WWW.SULLIVANSISLAND-SC.COM

EXHIBIT 21
3-13-14 RLR

(3) A Building Permit for improvements to the designated conforming Principal Building may be considered favorably, provided all other requirements of the Town Ordinances are met. The non-conforming structure(s) shall be regulated in accordance with Subsections A – E.

G. Vacation rental.

Nothing contained herein shall be construed to allow the continued use of a Vacation Rental after damage or destruction of greater than fifty percent (50%) of its assessed value, regardless of reason for such damage or destruction.

H. Accessory uses.

A use accessory to a principal Nonconforming Use may not be continued after the principal use has been abandoned, unless the use is a permitted Accessory Use in the base zoning district and any applicable overlay district.

Sec. 21-151. Nonconforming structures.

A. Definition.

A Nonconforming Structure is any building or structure that was legally established but no longer complies with the density, lot coverage, floor area, height and dimensional standards of this Zoning Ordinance. Nonconforming Structures may remain, subject to the regulations of this Article.

B. Structural alterations.

(1) Structural alterations, including enlargements, are permitted if the structural alteration does not increase the extent of nonconformity.

(2) When a structure is nonconforming because it encroaches into a required Side or Rear Yard Setback, this provision shall be interpreted as allowing other portions of the structure to be expanded out to the extent of the existing encroachment, as long as there is no greater encroachment into a required Setback.

(3) When a structure is nonconforming because it encroaches into a required Front Yard Setback, this provision shall be interpreted as prohibiting other portions of the structure from being expanded out to the extent of the existing encroachment.

C. Moving.

A Nonconforming Structure may be moved in whole or in part to another location only if the movement or relocation decreases or eliminates the nonconformity.

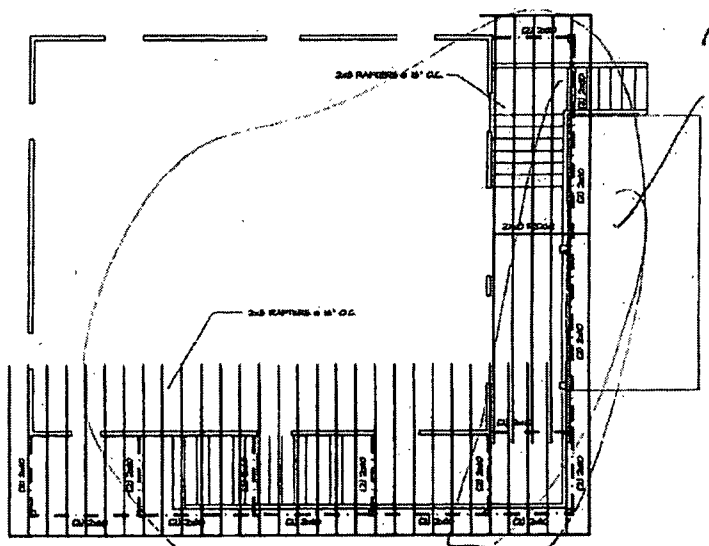
D. Damage or destruction of a nonconforming structure.

(1) When a Nonconforming Structure is damaged or destroyed by natural disaster, civil strife or uncontrollable accident, by more than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure may be repaired in accordance with its pre-existing footprint, square footage, setbacks, and lot coverage. The Zoning Administrator shall rely on all credible information provided by the owner and/or available from the Town, to establish the damaged or destroyed structure's pre-existing condition and lot location. A Certificate of Zoning Compliance and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2)) years from the date of the occurrence of such damage. If FEMA regulations require the structure's foundation to be elevated over fifty percent (50%) above its original elevation, the Design Review Board shall determine whether or not the reconstruction shall be required to meet the current Zoning Ordinance's Setback requirements.

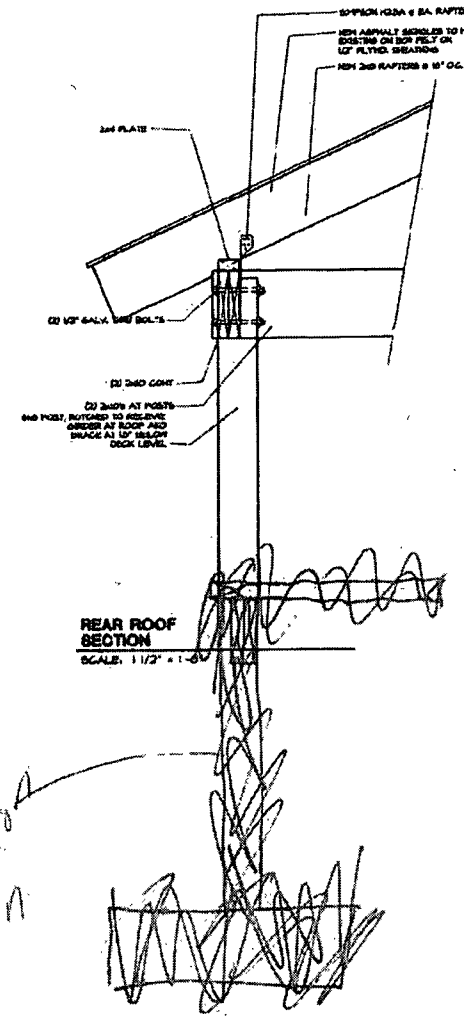
(2) When a Nonconforming Structure is damaged by intent or by neglect, by more than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure shall be restored in conformity with the Zoning Ordinance in effect at the time a building permit is issued.

(3) When a Nonconforming Structure is damaged by less than fifty percent (50%) of its assessed value based on the most recent property assessment, the structure may be reconstructed in accordance with its pre-existing footprint, height, square footage, setbacks, and lot coverage. The Zoning Administrator shall rely on all credible information provided by the owner and/or available from the Town, to establish the damaged structure's pre-existing condition and lot location. A Certificate of Zoning Compliance and a Building Permit shall be obtained within twelve (12) months of the date of occurrence of such damage, and once issued, construction shall be diligently pursued and completed within two (2) years from the date of the occurrence of such damage. If FEMA regulations require the structure's foundation to be

TOSI-BZA 0309



ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"



REAR ROOF SECTION
SCALE: 1 1/2" = 1'-0"

Need Foundation Plan

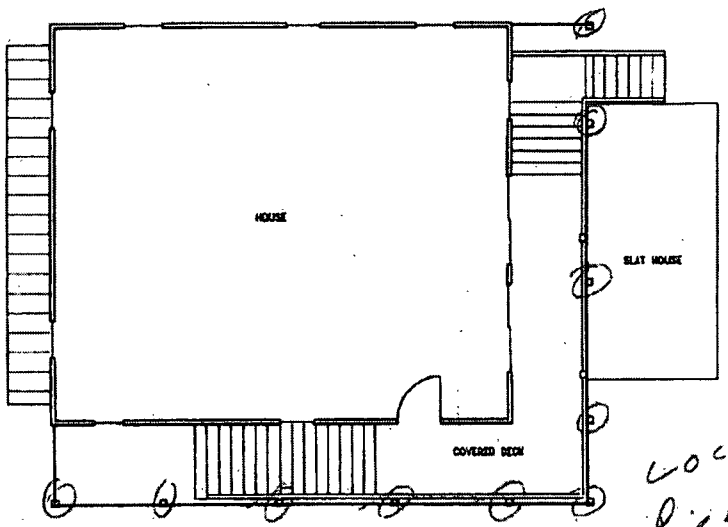
COPY

TOSI-BZA 0310

347

TOSI-BZA 0311

COPY

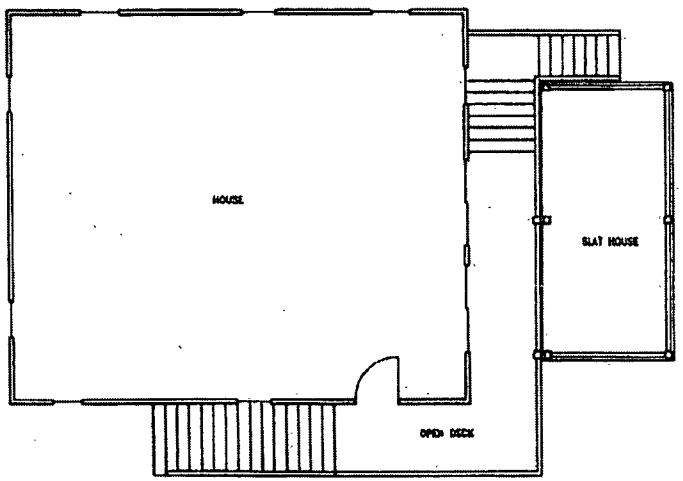


FIRST FLOOR DECK PLAN
SCALE: 1/4" = 1'-0"

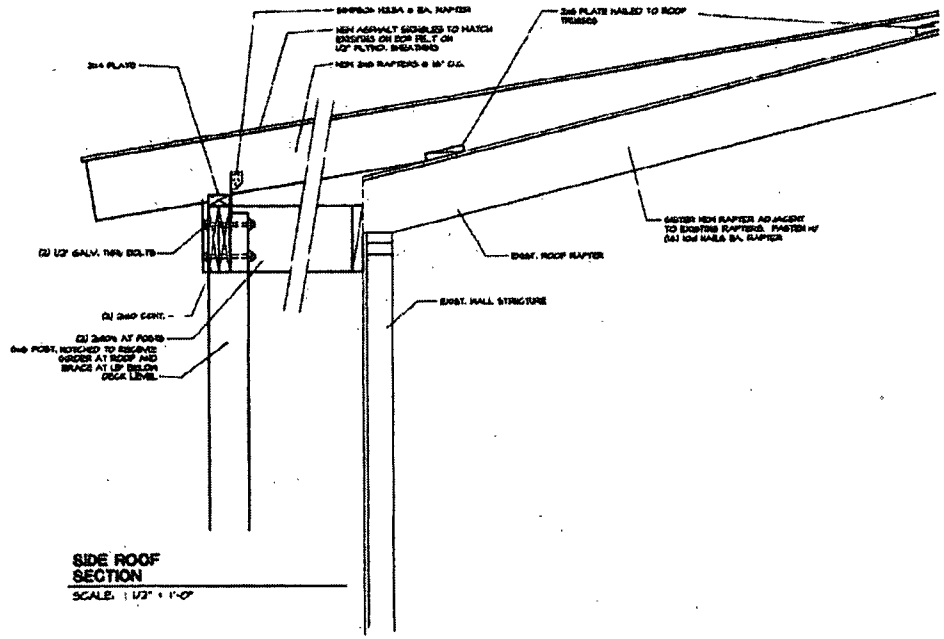
Location of Piers outside of original deck.

Piers must be located @ location of original Piers

S.K.A 3/4/14



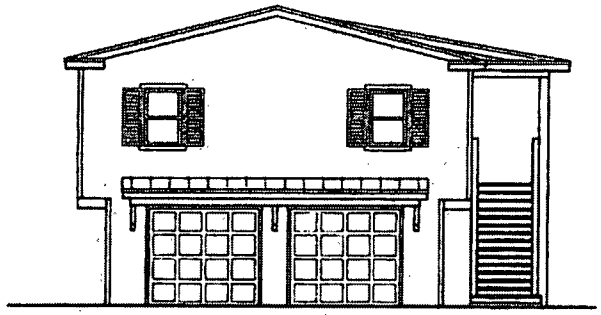
EXISTING
FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



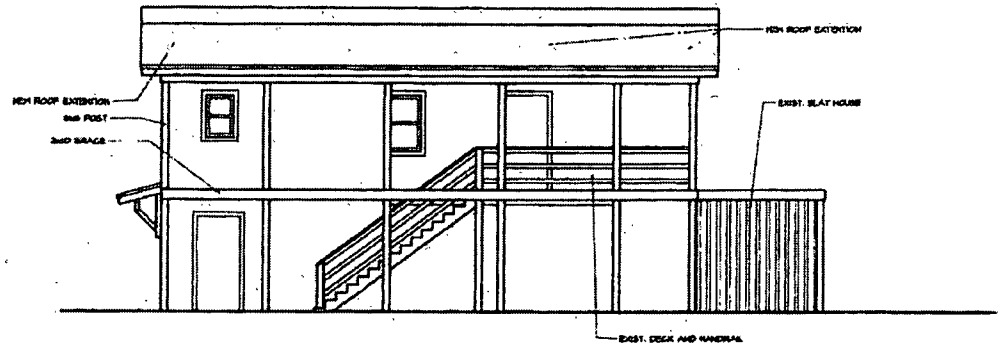
SIDE ROOF
SECTION
SCALE: 1 1/2" = 1'-0"

348

COPY



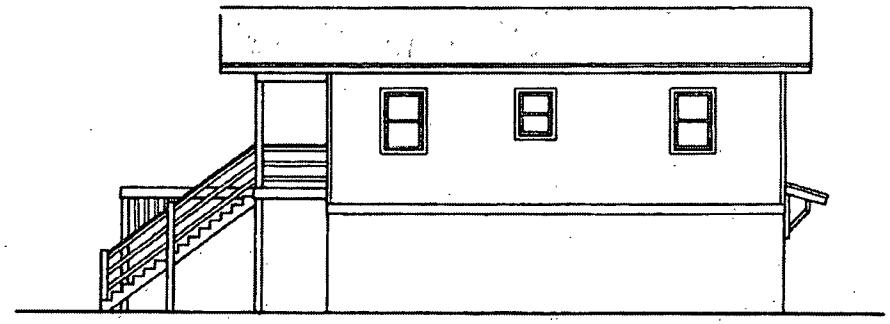
PROPOSED
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



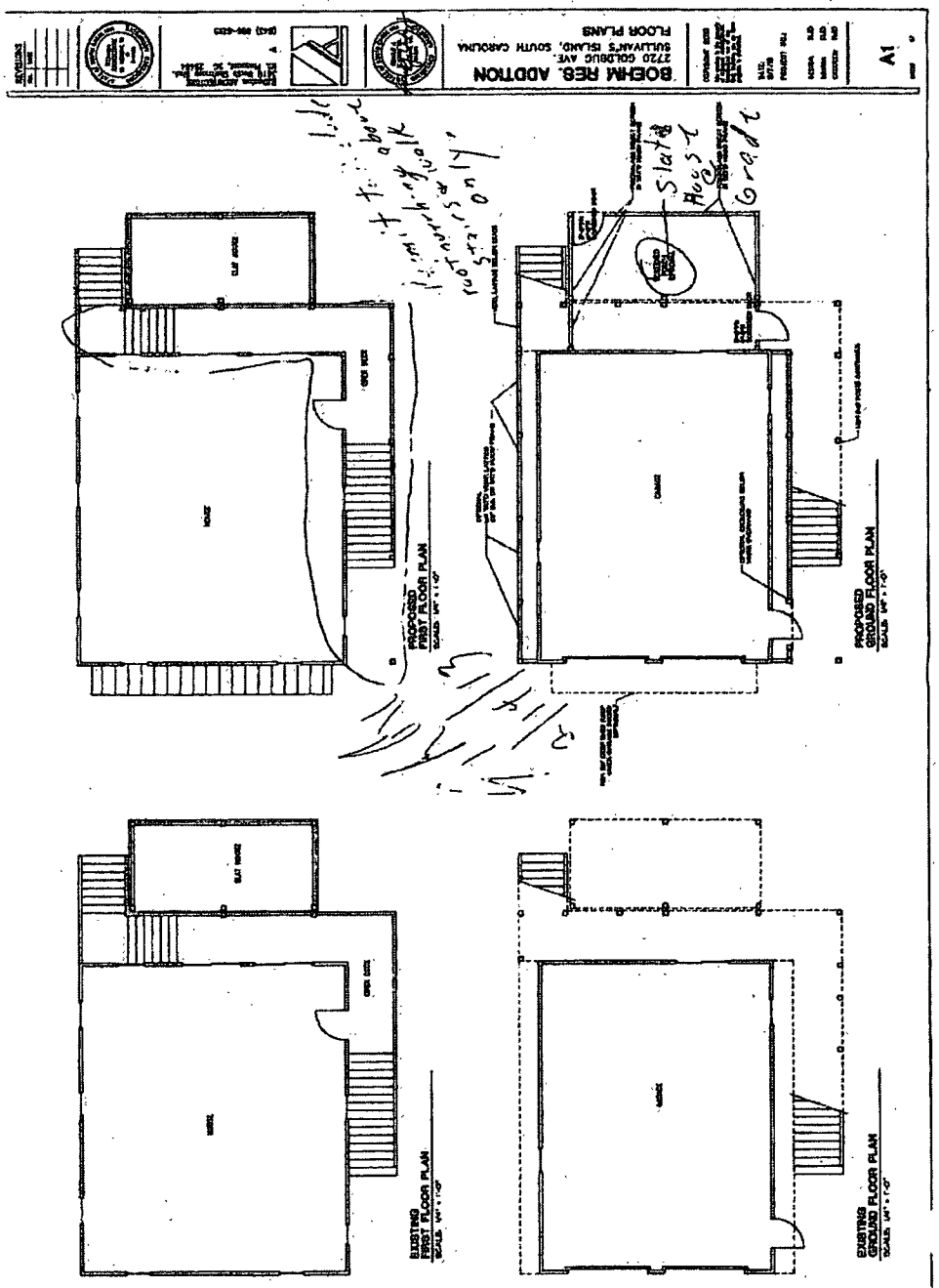
PROPOSED
REAR ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

TOSI-BZA-0312

COPY



TOSI-BZA 0313

Town of Sullivan's Island

Sullivan's Island, South Carolina

BUILDING PERMIT APPLICATION

COPY

Received Feb 28 2014

Sullivan's Island Building Department
2050-B Middle Street

Phone: (843) 883-3198
Sullivan's Island South Carolina

FAX: (843) 883-3009

Address of Work Site: 2720 B GOLDBUG TMS# 529 07 00002 Zoning:

Owner of Property: PAUL BOEHM Mailing Address: 3209 MIDDLE ST

Phone #: 810 0571 Fax #: SULLIVANS ISLAND SC 29482

Contractor: POOL SYSTEMS OF CHAS Mailing Address: P.O. BOX 358

Phone #: 708 0478 Fax#: ADENDALE SC 29429

City Business License #: State License #: G104672 Expiration Date: 10/31/2014

Architect/Designer: RON DENTON Mailing Address: 806 Johnnie Dodds Blvd Suite 203

Phone #: 856 8395 Fax#: Mt Pleasant SC 29464

Engineer: Mailing Address:

Phone #: Fax#:

Type of Work : New ☐ Addition ☐ Alteration ☐ Repair ☐ Move ☐ Remove ☐ Other ☐
Commercial ☐ Residential ☐ Other ☐

Explain Scope of Work : ROOF OVERHANG OVER WALKWAY

Signature of Contractor or Authorized Agent

L. DOUGHERTY
Print Name

Signature of Owner (if Builder)

Print Name

VALUATION OF WORK: $ 5,000.00

Valuation on Building Permits will be calculated by Building Department. Separate permits may be required. Subcontractor information must be provided.

NOTE: ALL SEWER & WATER FEES MUST BE PAID PRIOR TO THE ISSUANCE OF PERMITS ON NEW CONSTRUCTION.

41.25

Approvals	Building	Zoning
Building Permit	$	
Electrical Permit		
Plumbing Permit		
Mechanical Permit		
Gas Permit		
Sign Permit		
Plan Review Fee		
Fire Sprinklers		
Other		
Total Amount Due $		

Total Sq. Ft.	Total Impervious	Total Heated Sq. Ft.
Lot Sq. Ft.	Const. Type	Occupancy
# Stories	# Dwelling Unit	# Bedrooms
# Bathrooms	Elec. Amp	HVAC
Flood Elevation	Fire Sprinklers	# of Seats

Date Issued:

Issued By:

Permit # Permit Amt $

TOSI-BZA 0314

TOWN OF SULLIVAN'S ISLAND

STOP WORK ORDER COPY

OFFICE OF BUILDING OFFICIAL/CODES ENFORCEMENT OFFICE

NOTICE

This Property has been inspected and is in violation of

Exceeding scope of work

CORRECTION REQUIRED

Contact Building Inspector/Codes Enforcement Officer before any work is performed on this site. Failure to do so may result in a fine of $1035 and other legal action. 1/13/14 Date E. R. R. Inspector

Do Not Remove This Notice

DETACH and bring this portion of this card with you to
1610 Middle St. or call 843-883-5727 for more information.

Location 2720 B Goldbug

Date 1/13/14 Inspector E. R. R.

Violation Exceeding scope of work

TOSI-BZA 0315

TOWN OF SULLIVAN'S ISLAND

RESIDENTIAL PERMIT

PO BOX 427 SULLIVAN'S ISLAND, SC 29482

Phone: 843-883-3198 FAX: 843-883-3009 http://sullivansisland-sc.com/

COPY

DATE ISSUED: 02/13/2013

PERMIT #: 2013- 2510

LOCATION	2720 GOLDBUG AVE	DISTRICT	TAX MAP PARCEL# 5290700002
	2720 GOLDBUG AVE	LOT CCC	ZONING DISTRICT
OWNER:	PAUL BOEHM		
CONTRACTOR:			TOTAL VALUATION $ 5,000

SUBCONTRACTOR ID/NAME

SUBCONTRACTOR TYPE

TYPE CONSTRUCTION: ALTERATION

OCCUPANCY GROUP: SINGLE FAMILY

FEE CODE	FEE
BUILDING - GENERAL/ISSUE FEE	24.00
BUILDING - GENERAL/BUILDING PERMIT FEE	82.50
BUILDING - GENERAL/PLAN REVIEW FEE	41.25

TOTAL PAID: 147.75 **PAID IN FULL** TOTAL AMOUNT: 147.75

REMARKS: SEE ATTACHED PAPERWORK

PERMIT IS NOT CONSIDERED ISSUED UNTIL PERMIT IS PAID IN FULL.

Approved as per notes on plans.
Roof over Stairs + walk only.

BUILDING OFFICIAL — DATE 02/14/13

ZONING ADMINISTRATOR — DATE

CONTRACTOR/OWNER — DATE

ISSUED BY — DATE 2/14/13

TOSI-BZA 0316