

City of Beaufort Department of Planning and Community Development
Post Office Drawer 1167
1911 Boundary Street
Beaufort, South Carolina 29902
Phone (843) 525-7011 / Fax (843) 986-5606
Website: www.cityofbeaufort.org

See back of application
for fees

CITY OF BEAUFORT HISTORIC DISTRICT REVIEW BOARD PROJECT APPLICATION (Revised – 09/10/2015)

OFFICE USE ONLY

Application #: _____ Date Received: _____ Zoning District: _____

Beaufort County 1997 Historic Survey Listing: Yes. Site No.: _____ No

Property Address: 500 Port Republic Street, Beaufort, SC 29902

Applicant: Scott M. Sonoc Phone: 312-315-6001

Applicant's Address: 500 Port Republic Street, City of Beaufort

Property Owner: Scott M. Sonoc Phone: 312-315-6001

Owner's Address: 500 Port Republic Street, City of Beaufort

Architect*: Duncan O'Quinn Phone: 843-522-3313

*licensed marine contractor

Architect's* Address: O'Quinn Marine Construction, 95 Sheppard Road, Beaufort, SC 29907

*licensed marine contractor

REQUEST FOR: (X) Conceptual Review () Preliminary Review () Bailey Bill Approval*
() Final Approval () Change After Certification
**Requires a Bailey Bill-Part A Preliminary Review Application Form*

NATURE OF WORK: (Check All That Apply)

() Color changes (X) Alterations, Additions () Other: _____
() New Construction _____ Primary Structure _____ Secondary Structure
() Minor/Major Demolition or Relocation _____

DRAWINGS/MATERIALS ACCOMPANYING APPLICATION: (Refer to Appropriate Checklists for Requirements)

() Photographs () Floor/Roof Plans () Color Sample () Elevation Drawings
(X) Site Plan/Plat (X) Detail Drawing () Material Sample () Model/Context Imagery
() Part A Preliminary Review Form for a Rehabilitated Historic Property

EXPLANATION AND DESCRIPTION OF WORK (if requesting Bailey Bill Approval, may leave blank):

Mr. Sonoc has constructed a dock at 500 Port Republic Street pursuant to authorization he was granted by the Ocean and Coastal Resources Management division of the South Carolina Department of Health and Environmental Control in Critical Area Permit #OCRM-09-850-G (attached hereto). The dock was constructed without the boatlift and electricity that were authorized in the Critical Area Permit. Mr. Sonoc now desires to add the boatlift and electricity to the dock and is requesting HDRB approval of same. The boatlift will be a 12'x 13' boatlift with a 3'x 28' catwalk with handrails ebb-side of the pierhead, as described in the Critical Area Permit and depicted in the drawings included in the Critical Area Permit. The handrails shall be limited to a maximum height of 36" above the walkway pursuant to S.C. Code Reg. 30-12(A)(1)(m). The boatlift shall be no higher in elevation above the water than the top of the handrails. Thus, the boatlift shall be no higher than 6' above MHW.

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described in this application? ___ Yes X No

An Application is incomplete until all required information is submitted. Incomplete applications will not be placed on a Board agenda. Applications are reviewed based upon the *Beaufort Preservation Manual and Supplement*, or the *Northwest Quadrant Design Principles* (refer to www.cityofbeaufort.org) which the applicants are strongly encouraged to purchase. Office copies are available for reference. In order that meetings are not excessively long, the Board maintains a strict policy that no more than ten applications are reviewed in any one meeting. If you are under a tight time frame, please be sure to submit your application early. ***SUBMITTAL REQUIREMENTS: 6 hardcopies of ALL documents + a digital copy of ALL documents must be filed by 12:00 noon on the deadline date.** If the applicant or a representative is not present at the meeting, the application will not be reviewed.

OWNER'S SIGNATURE: Scott Sorce DATE: 1/15/16

APPLICANT'S SIGNATURE: Scott Sorce DATE: 1/15/16



HISTORIC REVIEW BOARD FEE SCHEDULE (Updated September 24, 2014)

Certificate of Appropriateness:

- | | |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> Staff Review | \$50 |
| <input type="checkbox"/> <u>Single-family residential projects</u> | |
| <input type="checkbox"/> Certificate of Appropriateness (Board review) | \$100 per meeting |
| <input type="checkbox"/> Bailey Bill Approval | \$150; \$100 per additional meeting |
| <input type="checkbox"/> <u>Multifamily and commercial projects</u> (Board review) | |
| <input type="checkbox"/> Certificate of Appropriateness (Board review) | \$200 per meeting |
| <input type="checkbox"/> Bailey Bill Approval | \$300; \$200 per additional meeting |
| <input checked="" type="checkbox"/> Change after Certification | \$100 |
| <input type="checkbox"/> Bailey Bill Amendment | \$100 |
| <input type="checkbox"/> Demolition (whole structure) | \$250 |
| <input type="checkbox"/> Special Meetings | \$500 |
| <input type="checkbox"/> Post Facto applications shall be twice the normal fee | |

Mary D. Shahid
Member
Admitted in SC

January 18, 2016

BY HAND

City of Beaufort Department of Planning
and Community Development
1911 Boundary Street
Beaufort, SC 29902

Re: Request to be added to agenda for February 10th meeting
400 Port Republic - Dock
500 Port Republic - Dock Addition
(Scott Sonoc and Marsha Williams)

Dear Ma'am or Sir:

This office represents Scott Sonoc and Marsha Williams, who own contiguous properties described as 400 and 500 Port Republic in the City of Beaufort, S. C. The purpose of this letter is to address the response of the City's building official, Martie Kay McTeer, to Mr. Sonoc's request through his agent O'Quinn Marine for building permits to construct a newly permitted dock at 400 Port Republic and to add a boatlift at a newly constructed dock at 500 Port Republic. Ms. McTeer has noted that building permits cannot be issued until the City of Beaufort Historic District Review Board ("HDRB") has approved the construction.

While we do not dispute the HDRB's authority to review proposals for construction and renovations of structures within the City's historic district, it is our position that this authority does not extend out into the Beaufort River. The HDRB is a creature of statute as authorized by S. C. Code Ann. Sec. 6-29-870. In accordance with Sec. 6-29-870(A): "A local government which enacts a zoning ordinance which makes specific provision for the preservation and protection of historic and architecturally valuable districts and neighborhoods or significant or natural scenic areas, or protects or provides, or both, for the unique, special, or desired character of a defined district, corridor, or development area or any combination of it, by means of restrictions and conditions governing the right to erect, demolish, remove in whole or in part, or alter the exterior appearance of all buildings or structures within the areas,

Charleston

Charlotte

Columbia

Greensboro

Greenville

Hilton Head

Myrtle Beach

Raleigh

205 King Street
Suite 400 (29401)
PO Box 486
Charleston, SC 29402
www.nexsenpruet.com

T 843.720.1788
F 843.414.8242
E MShahid@nexsenpruet.com
Nexsen Pruet, LLC
Attorneys and Counselors at Law

may provide for appointment of a board of architectural review or similar body.” Within the City of Beaufort, the historic district is defined by way of a zoning map, a copy of which is attached as Exhibit A to this letter. Importantly the boundary of the historic district excludes the marshes, tributary and adjacent Beaufort River, and conforms with the upland boundaries of 400 and 500 Port Republic.

In accordance with Article 2, Section 7 of the City’s Unified Development Ordinance “[t]he Historic District Review Board shall review and approve new construction and changes to the exterior of any structure located **within the Beaufort Historic District.**” “The Historic District Review Board shall have jurisdiction **throughout the Beaufort Historic District.**” (Emphasis added.) The dock construction at 400 Port Republic and the addition of a boatlift at 500 Port Republic will take place outside of the mapped boundaries of the Beaufort Historic District and outside of the jurisdiction of the HDRB. In accordance with Article 4 Section 3, Rules for Interpretation of District Boundaries, “Boundaries indicated as approximately following plotted lot or tract lines shall be construed as following such lines, whether public or private.” The boundary depicted on the Zoning Map of the Historic District conforms with the erosion control walls located along 400 and 500 Port Republic, landward of the marsh, tributary, and river.

The standards applied to evaluate construction and renovation in the Beaufort Historic District are set forth in *The Beaufort Preservation Manual* (1979) and *Preservation Manual Supplement* (1990). A review of both manuals supports our position that dock construction is outside of the jurisdiction of the HDRB. While both manuals have chapters devoted to standards for landscaping and site amenities there is no mention of standards associated with dock construction.

Consequently we disagree with Ms. McTeer’s assertion that HDRB review is a necessary prerequisite to a building permit. However, we appreciate the sensitive nature of development in the Historic District. Please find attached two applications – one for the addition of a boatlift at 500 Port Republic¹ and the other for construction of the dock recently authorized at 400 Port Republic. In submitting these applications Mr. Sonoc and Ms. Williams are not waiving their position that the HDRB lacks authority to consider construction that occurs outside of the boundaries of the historic district. As relates to the request to add a boatlift to the dock at 500 Port Republic, there are at least two other boatlifts located on docks in the immediate vicinity of the dock at 500 Port Republic. As relates to the request to allow construction of a dock at 400 Port Republic that extends to the Beaufort River, such construction has been

¹ In 2009 the HDRB reviewed construction of a dock, consisting of a floating dock and pierhead, at 500 Port Republic. In 2015, SCDHEC-OCRM authorized extension of that dock into the Beaufort River and the addition of a boatlift.

City of Beaufort Department of Planning
and Community Development
January 18, 2016
Page 3

authorized by the S. C. Department of Health and Environmental Control in implementation of an Order executed by the S. C. Administrative Law Court in which SCDHEC consented and agreed that an intervening tributary between 400 and 500 Port Republic and the Beaufort River was no longer navigable.

We can envision no basis upon which the HDRB could deny these requests. We look forward to receipt of approval of these requests following the meeting scheduled for February 10, 2016. I plan to appear as representative for Scott Sonoc and Marsha Williams at the meeting scheduled for February 10, 2016. In the meantime, if you have any question regarding these applications please give me a call.

Very truly yours,



Mary D. Shahid

MS/mds

cc: Scott Sonoc and Marsha Williams
O'Quinn Marine Construction
Martie Kay McTeer, City of Beaufort





Catherine E. Helgel, Director

Promoting and protecting the health of the public and the environment

July 15, 2015

Scott Sonoc
500 Port Republic Street
Beaufort, SC 29902

SEE SPECIAL
CONDITIONS

Re: P/N# OCRM-09-850-G, amendment

Dear Mr. Sonoc:

The above referenced permit has been amended to authorize the proposed modifications to an existing private use dock pursuant to the Consent Order issued by the Administrative Law Court on June 22, 2015. Specifically, the permittee is authorized to lengthen the walkway 202' for a total walkway length of 306', add handrails to the walkway, relocate the pierhead to the end of the walkway, enlarge the pierhead to 16'x16', add a 3'x24' ramp to a proposed 14'x24' floating dock channelward of the pierhead and add a 12'x13' boatlift with a 3'x28' catwalk ebb-side of the pierhead. Please see the attached consent order and associated drawings. The activity is for private, recreational use.

This amendment is made a part of your original permit issued June 24, 2009, and is subject to the full terms of said permit and special conditions stated below.

Critical Area Permit Special Conditions:

1. The dock must be constructed in accordance with the terms and conditions of the Consent Order issued by the Administrative Law Court dated June 22, 2015.
2. Pilings must be placed with a 20' separation under the walkway section which spans the small tributary. *Permit cond*
3. The walkway section which spans the small tributary must be constructed 4' above MHW.
4. An as-built survey of the authorized structure(s) must be submitted to the Department within 90 days from completion of construction. The survey must be performed by a registered land surveyor, must show all components of the structure(s), and must list the starting and ending coordinates of the structure(s) in the SC State Plane Coordinate System, which can be obtained by survey-grade Global Positioning System equipment.

This letter does not relieve you of the responsibility of acquiring any other applicable federal or local permits that may be required.

Page Two
Scott Sonoc; OCRM-09-850-G amendment
July 15, 2015

SEE SPECIAL
CONDITIONS

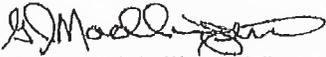
Please find enclosed a "request for construction placard" card. You must submit this completed card to the Department prior to the start of construction. The Department will provide you a construction placard that must be posted at the construction site.

Please sign the attached copy of this letter indicating your acceptance of these terms and return the signed copy to:

DHEC-OCRM
104 Parker Drive
Beaufort, SC 29906

If this amendment letter is not signed and returned within thirty (30) days of issuance the Department reserves the right to cancel this permit amendment.

Sincerely,



George J. Madlinger, III
Senior Wetland Project Manager

Permittee

Enclosure

Date

cc: Nathan Haber, Counsel
Blair Williams, Wetland Section Manager
Gasque & Associates, Inc.
O'Quinn Marine Construction, Inc.



GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS

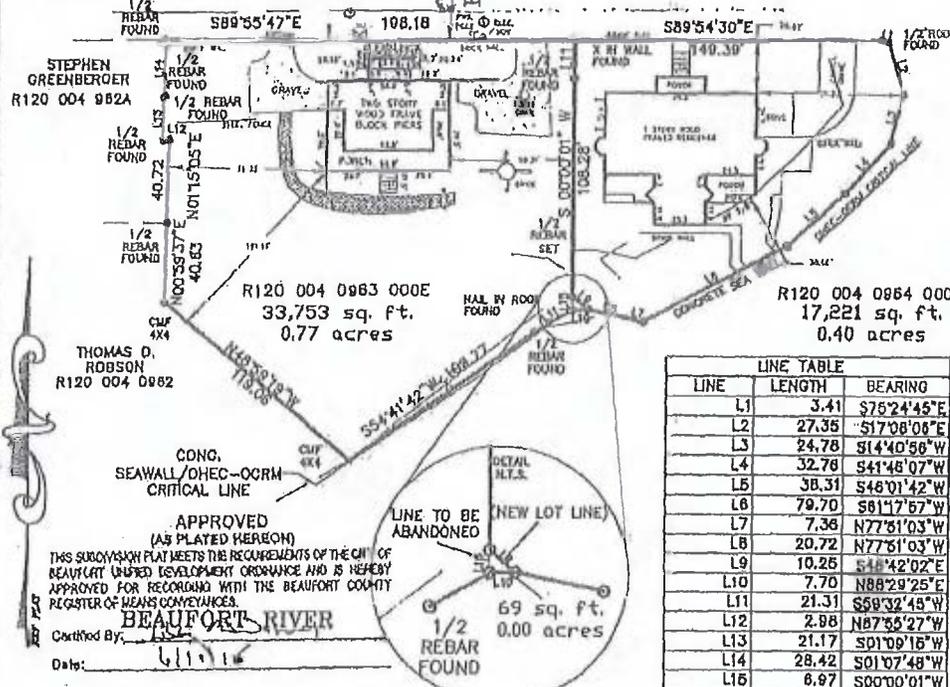
28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
 P.O. BOX 1363, BEAUFORT, S.C.
 PHONE (843) 622-1788

DISCLAIMER

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY SIGNING THIS PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

NEIGHBOR MAP NOT TO SCALE
 BEAUFORT COUNTY SC-ROD
 BK 141 Pg 21
 INST# 2015030402 RCPT#778471
 DATE: 06/18/2015 11:44:28 AM
 REC FEE#15.00
 C040.00 B190.00 T190.00

PORT REPUBLIC ST. 30' R/W



LINE	LENGTH	BEARING
L1	3.41	S75°24'45"E
L2	27.35	S17°08'08"E
L3	24.78	S14°40'58"W
L4	32.78	S41°48'07"W
L5	38.31	S48°01'42"W
L6	79.70	S61°17'57"W
L7	7.36	N77°51'03"W
L8	20.72	N77°51'03"W
L9	10.25	S48°42'02"E
L10	7.70	N88°29'25"E
L11	21.31	S58°32'45"W
L12	2.88	N87°55'27"W
L13	21.17	S01°09'15"W
L14	28.42	S01°07'48"W
L15	6.97	S00°00'01"W

APPROVED (AS PLATED HEREON)
 THIS SURVEYING PLAT MEETS THE REQUIREMENTS OF THE CITY OF BEAUFORT UNITED DEVELOPMENT ORDINANCE AND IS HEREBY APPROVED FOR RECORDING WITH THE BEAUFORT COUNTY REGISTER OF DEEDS COMMISSIONERS.
 Certified By: [Signature]
 Date: 6/18/15

LOT LINE ADJUSTMENT PREPARED FOR
SCOTT SONOC
 BEING TAX MAP NUMBER 120-004-0984 & 120-004-0983 AS SHOWN ON A PLAT BY ZYAD A. KHALIL DATED 10, 9, 1997 AND IS RECORDED IN PLAT BOOK 82 PAGE 148 BEAUFORT COUNTY R.M.C. OFFICE LOCATED IN THE CITY OF BEAUFORT, BEAUFORT COUNTY SOUTH CAROLINA TAX MAP 120-004-0984 & 120-004-0983

THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS; AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.
 CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
 THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HERE ON.
 THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.
 BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY BEAUFORT COUNTY BUILDING CODES PHONE NUMBER (843) 470-2884.
 THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE A-11 EL. 13.00' AS DETERMINED BY F.E.M.A. FIRM COMM-PLAN# NUMBER 460028 0006 D DATED 06/29/88 (INDEX DATE 11/04/82)
 THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH THE BEAUFORT COUNTY DEVELOPMENT STANDARDS ORDINANCE

I, DAVID E. GASQUE, HEREBY CERTIFY TO SCOTT SONOC 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. WHEN THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN, THIS SURVEY IS NOT VALID UNLESS IT BEAR THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL. AREA DETERMINED BY COORDINATE METHOD.

60 30 0 60 120 180
 SCALE 1"=60' SCALE IN FEET DATE 6/3/2015
 DAVID E. GASQUE, R.L.S. JOB # 42028COMP
 S.C. REGISTRATION NUMBER 787886/CO DSGN#
 THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.



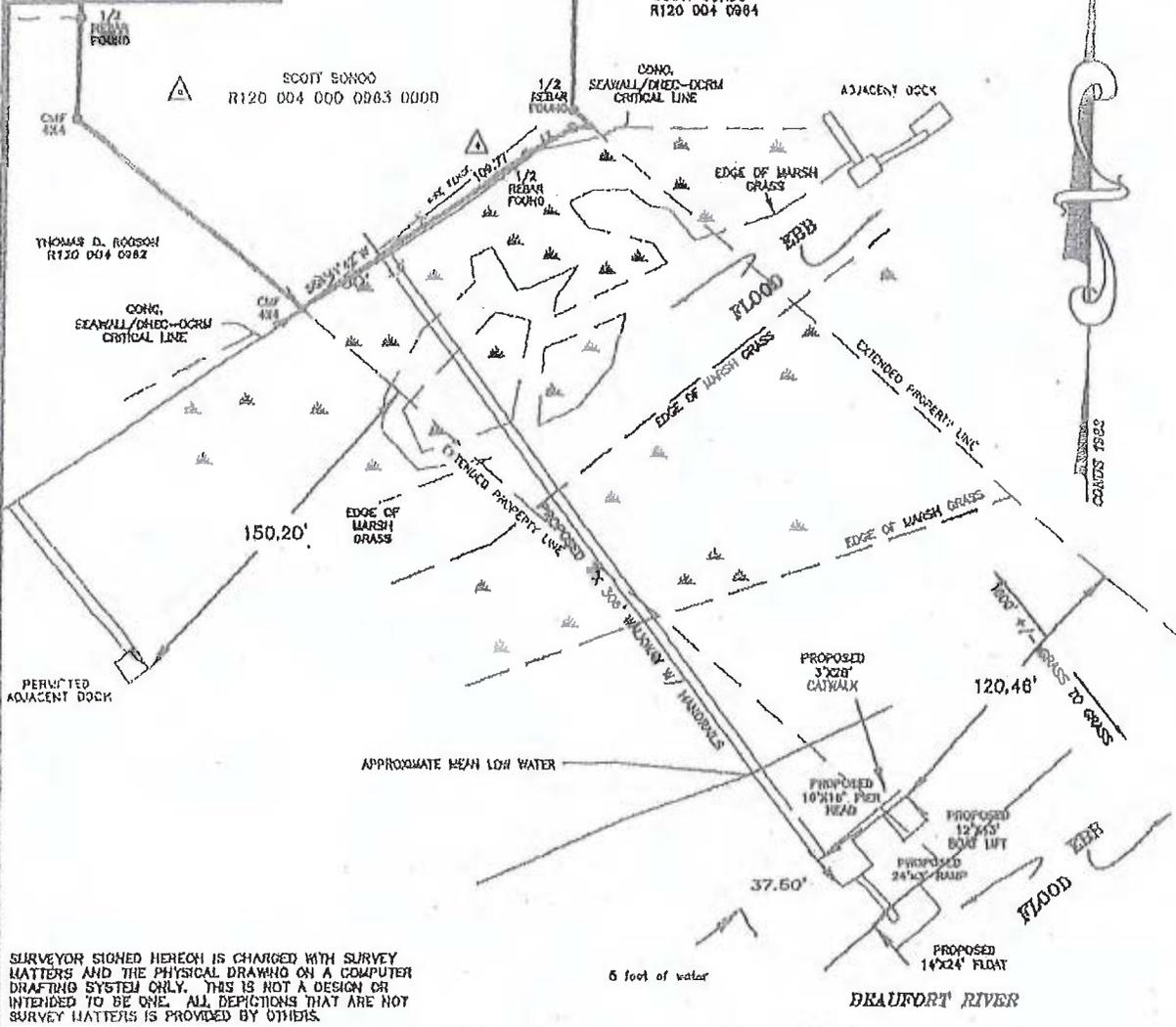
GASQUE & ASSOCIATES INC. LAND SURVEYORS & PLANNERS

28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
P.O. BOX 1383, BEAUFORT, S.C.
PHONE (843) 522-1798

SEE SPECIAL
CONDITIONS



SCOTT SONOC
R120 004 0984



SURVEYOR SIGNED HEREON IS CHARGED WITH SURVEY MATTERS AND THE PHYSICAL DRAWING ON A COMPUTER DRAFTING SYSTEM ONLY. THIS IS NOT A DESIGN OR INTENDED TO BE ONE. ALL DEPICTIONS THAT ARE NOT SURVEY MATTERS IS PROVIDED BY OTHERS.

- ADJACENT PROPERTY OWNERS:
1. THOMAS D. ROBSON
R120 004 0982
153 PARK AVE,
MANHASSETT NY, 11030
 2. JAMES W. MOZLEY JR.
R120 004 0964
400 PORT REPUBLIC ST.
BEAUFORT SC, 29901

0 30 60 120

SCALE: 1"=60'

R120 004 000 0963 0000
SCOTT SONOC & MARSHA WILLIAMS
500 PORT REPUBLIC STREET
BEAUFORT SC, 29902

DOCK PERMIT SURVEY

IN: BEAUFORT RIVER
AT: CITY OF BEAUFORT

COUNTY OF: BEAUFORT
STATE: SOUTH CAROLINA

JOB# 40198EX USDN 7 DATE: 6/3/2015

FILED

JUN 22 2015

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SC ADMIN. LAW COURT

Scott Sonoc,

Petitioner,

v.

The South Carolina Department of Health and
Environmental Control,

Respondent.

Docket No. 14-ALJ-07-0002-CC

**CONSENT ORDER OF SETTLEMENT
AND DISMISSAL OF CONTESTED
CASE WITH PREJUDICE**

This matter is before me upon Motion and Consent of Petitioner Scott Sonoc and Respondent the South Carolina Department of Health and Environmental Control ("SCDHEC" or "the Department") for entry of a Consent Order of Settlement in accordance with the agreement of the parties as set forth below. The parties' consent to entry of this Consent Order and to dismissal of this contested case is indicated by their signatures below.

Petitioner has an existing, permitted dock, identified as permit # OCRM-09-850-G, located on a tributary of the Beaufort River, at his property at 500 Port Republic Street, Beaufort, South Carolina, Tax Map No. R1200-004-000-0963. Based on conditions within the tributary, described more fully herein, Petitioner sought authorization from the Department in 2013 to amend OCRM-09-850-G to extend the dock over the tributary and into the Beaufort River. Specifically, Petitioner sought to modify the existing dock by lengthening the walkway, relocating and enlarging the pierhead and floating dock, and adding a ramp, boatlift, and catwalk. This contested case arose from a denial by the Department's Office of Ocean and Coastal Management ("OCRM") of this request for amendment. The amendment request was denied based on the impact that the extension of the dock may have on the tributary and based on the

Department's conclusions that the Petitioner's property did not qualify as waterfront on the Beaufort River.

After the permit was denied, Petitioner filed a request for Final Review Conference with the Board of Health and Environmental Control on November 5, 2013. The Board declined to conduct a Final Review Conference of the permit decision on December 4, 2013, and Petitioner filed a Notice of Contested Case thereafter, on January 2, 2014. Several parties moved to intervene in this contested case and this Court issued its Order Denying Motion to Intervene on July 17, 2014. No appeal was taken of that Order.

Petitioner challenged the Department's denial of the permit on the basis of S. C. Code Ann. Reg. 30-12(A)(1)(n). S.C. Code Ann. Reg. 30-12 addresses Specific Project Standards for Tideland and Coastal Waters, and sets forth the requirements for construction projects occurring in these areas, as follows:

(1) The following standards are applicable for construction of all docks and piers:

* * *

(n) Docks must extend to the first navigable creek, within extensions of upland property lines or corridor lines, that has a defined channel as evidenced by a significant change in grade with the surrounding marsh; or having an established history of navigational access or use. Such creeks may only be bridged/crossed when there are, rare geographic circumstances, such as very close proximity of a significantly larger creek within extensions of property or corridor lines, may warrant dock extension to a creek other than the first navigable creek. A creek with an established history of navigational use may also be considered as navigable. In exceptional cases, the Department may allow an open water channel to be bridged if current access is prohibited by other man made or natural restrictions or if site-specific conditions warrant such a crossing.

Petitioner engaged Applied Technology and Management, Inc., ("ATM") a coastal engineering firm, to evaluate the navigability of the tributary that runs between Petitioner's property and the Beaufort River.¹ ATM had previously studied the tributary, and the process which was causing siltation and potential closure of the tributary, in 2008. At Petitioner's request ATM re-assessed the area and found a continued accretional trend with growth in marsh vegetation and shoaling resulting in migration of the channel entrance. The results of the study are fully documented in a report prepared on April 25, 2014, and entitled "Shoaling Analysis at Baxter Creek, Beaufort SC."

Also, after filing Notice of the Request for Contested Case, Petitioner purchased the parcel of property adjacent to 500 Port Republic Street, said property being Tax Map No. R120-004-0964 and known by the address 400 Port Republic Street. 500 and 400 Port Republic Street share a common boundary line. After purchasing 400 Port Republic Street, Petitioner proposed a recombination of the two lots by adjusting the shared boundary line. The recombination is illustrated in the plat prepared by Gasque & Associates on June 3, 2015, which has been approved by the City of Beaufort and is recorded with the Beaufort County Register of Deeds. ² Based on the reconfigured shared boundary line, 500 Port Republic satisfies the definition of waterfront property in S. C. Code Ann. Reg. 30-1(D)(53) in that a "straight line extension of both, generally shore perpendicular, upland property lines" reach the Beaufort River within a 1000 feet of the marsh critical line.

The parties have agreed and I hereby FIND:

1. After reconfiguration of the lot line shared between, Petitioner's property at 500 Port Republic Street, Tax Map No. R120-004-000-0963 and the adjacent parcel at

¹ This tributary has been colloquially referred to as Baxter's Creek.

² The plat illustrating reconfiguration of the lot line is attached hereto as Ex. A.

400 Port Republic Street, Tax Map No. R120-004-0964, Petitioner's property satisfies the regulatory definition of "Waterfront Property"³ for purposes of constructing a dock to the Beaufort River.

2. S. C. Code Ann. Reg. 30-12(A)(1)(n) provides for two specific situations where the first navigable creek may be bridged or crossed. Specifically, such creeks may be bridged or crossed (1) "when there are, rare geographic circumstances, such as very close proximity of a significantly larger creek within extensions of property or corridor lines" and (2) "[I]n exceptional cases, the Department may allow an open water channel to be bridged if current access is prohibited by other man made or natural restrictions or if site-specific conditions warrant such a crossing."
3. Petitioner's property at 500 Port Republic Street, Tax Map No. R120-004-000-096 is in very close proximity to the Beaufort River.
4. Conditions in the tributary running between Petitioner's property and the Beaufort River have changed over time and continued accretion at the western entrance to the tributary has progressed towards Woods Memorial Bridge (SC Highway 21) and Henry C. Chambers Waterfront Park. Due to this continued accretion current access is now considered prohibited due to a combination of man-made and natural restrictions.
5. The continued closure of the western entrance to the tributary and the reconfiguration of the boundary line at 500 Port Republic Street eliminates the impediments to Petitioner's request to amend OCRM-09-850-G previously identified by the Department.

³ See S. C. Code Ann. Reg. 30-1(D)(53).

6. Petitioner's request for amendment of OCRM-09-850-G is consistent with S. C. Code Ann. Reg. 30-12(A)(1)(n) and 30-1(D)(53).
7. Petitioner has prepared a depiction of the proposed dock utilizing the plat of the recombination of the 500 Port Republic Street and 400 Port Republic Street.⁴ The parties agree that the dock may be constructed in accordance with this depiction. Petitioner agrees in constructing the dock as depicted on Exhibit B sufficient space will be allowed between the pilings under the walkway to allow passage of kayaks and other small watercraft through the tributary. Sufficient space for these purposes in this matter will be considered a separation of twenty (20) feet between pilings situated to preserve the most navigable portion of the channel. The walkway shall be constructed at a minimum of 4 feet above MHW as it spans over the tributary.⁵

Therefore, it is ORDERED:

That this contested case be, and it is hereby, dismissed with prejudice. SCDHEC shall issue a permit within thirty days of the date of Petitioner's submittal of final drawings reflecting the conditions set forth above. The permit will authorize Petitioner to construct the dock as depicted on Exhibit B of this Order.

⁴ *See* "Dock Permit Survey" prepared by Gasque & Associates, Inc., dated June 3, 2015, attached hereto as Ex. B.

⁵ If it is determined that construction of the walkway 4' over MHW negatively affects the historic district view-shed then the applicant is authorized to reduce the walkway to 3' over MHW.

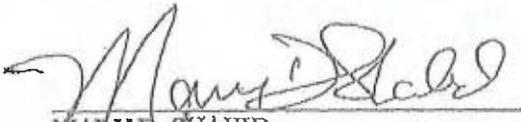
AND IT IS SO ORDERED,


The Honorable Shirley C. Robinson
S.C. Administrative Law Court

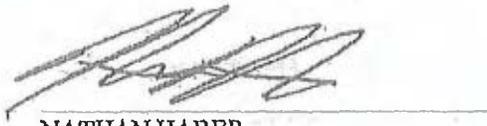
Columbia, South Carolina

This day 22 of June, 2015

WE SO MOVE AND CONSENT:


MARY D. SHAHID
ATTORNEY FOR PETITIONER

Date: 6/17/15


NATHAN HABER
ATTORNEY FOR RESPONDENT

Date: 6/17/15

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Intercity Mail Service addressed to the party(ies) or their attorney(s).

This 22 day of June 2015
By: Yeeba A. Henderson
Yeeba A. Henderson

EXHIBIT

A



GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS

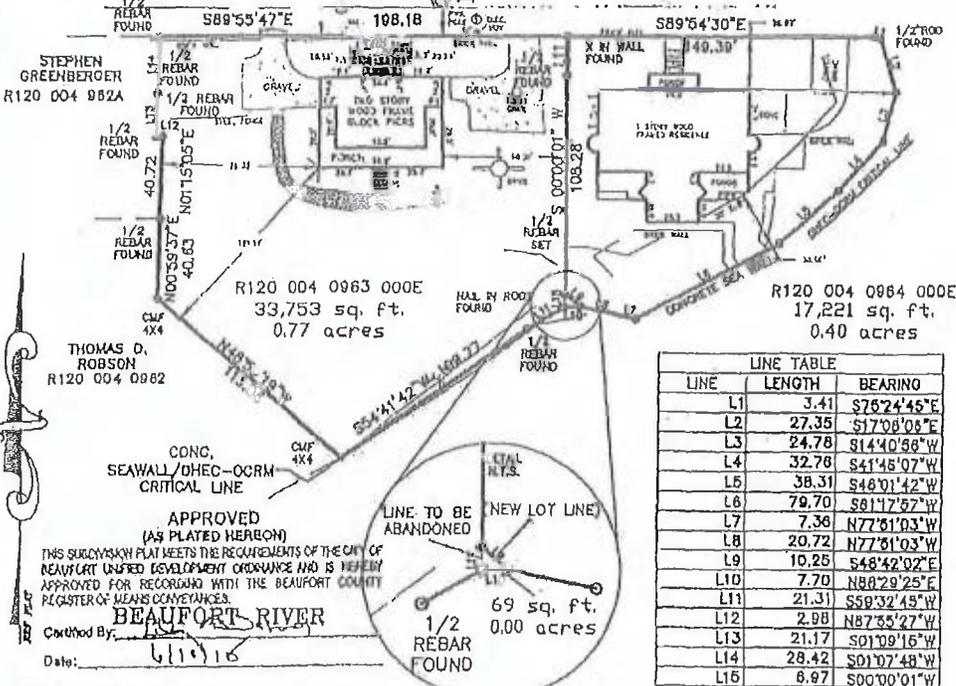
28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
P.O. BOX 1363, BEAUFORT, S.C.
PHONE (843) 822-1788

ONE-CORNER CRITICAL LINE

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSESS PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

VICINITY MAP NOT TO SCALE
BEAUFORT COUNTY SC-ROD
BK 141 Pg 21
INST# 2015030402 RCPT#778471
DATE: 06/16/2015 11:44:28 AM
REC FEES: \$5.00
C040.00 \$150.00 TR\$50.00

PORT REPUBLIC ST. 30' R/W



LINE	LENGTH	BEARING
L1	3.41	S78°24'45"E
L2	27.35	S17°08'08"E
L3	24.78	S144°0'36"W
L4	32.78	S41°48'07"W
L5	38.31	S48°01'42"W
L6	79.70	S81°7'57"W
L7	7.36	N77°51'03"W
L8	20.72	N77°51'03"W
L9	10.25	S48°42'02"W
L10	7.70	N88°29'25"E
L11	21.31	S59°32'45"W
L12	2.98	N87°33'27"W
L13	21.17	S01°09'16"W
L14	28.42	S01°07'48"W
L15	8.97	S00°00'01"W

LOT LINE ADJUSTMENT PREPARED FOR

SCOTT SONOG

BEING TAX MAP NUMBER 120-004-0964 & 120-004-0963 AS SHOWN ON A PLAT BY ZYAD A. KHALIL DATED 10, 9, 1997 AND IS RECORDED IN PLAT BOOK 62 PAGE 148 BEAUFORT COUNTY R.M.C. OFFICE LOCATED IN THE CITY OF BEAUFORT, BEAUFORT COUNTY SOUTH CAROLINA TAX MAP 120-004-0964 & 120-004-0963

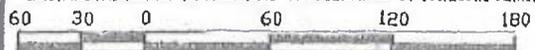
THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS: AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.

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

BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY BEAUFORT COUNTY BUILDING CODES PHONE NUMBER (843)-470-2884. THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE A-1 15' 18' 00" AS DETERMINED BY F.S.M.A. FIRM COMM-PANEL NUMBER 450028 0005 D DATED 06/23/88 (INDEX DATE 11/04/88)

THE UNDERSIGNED DOES NOT CERTIFY THAT THE PROPERTY SHOWN HEREON COMPLIES WITH THE BEAUFORT COUNTY DEVELOPMENT STANDARDS ORDINANCE

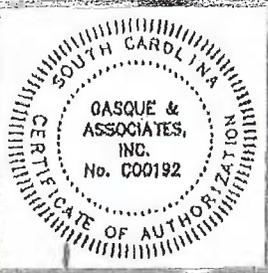
I, DAVID E. GASQUE, HEREBY CERTIFY TO SCOTT SONOG THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SET FORTH THEREIN. THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN. THIS SURVEY IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE AND HAS AN EMBOSSED SEAL. AREA DETERMINED BY COORDINATE METHOD.



SCALE 1"=60' SCALE IN FEET DATE 6/3/2015

DAVID E. GASQUE, R.L.S. JOB # 42925COMP
S.C. REGISTRATION NUMBER 14300-78/88/CC DSCN#7
THIS PLAT IS NOT BINDING UNLESS ACCOMPANIED BY AN ORIGINAL SIGNATURE AND AN EMBOSSED SEAL.

69-15



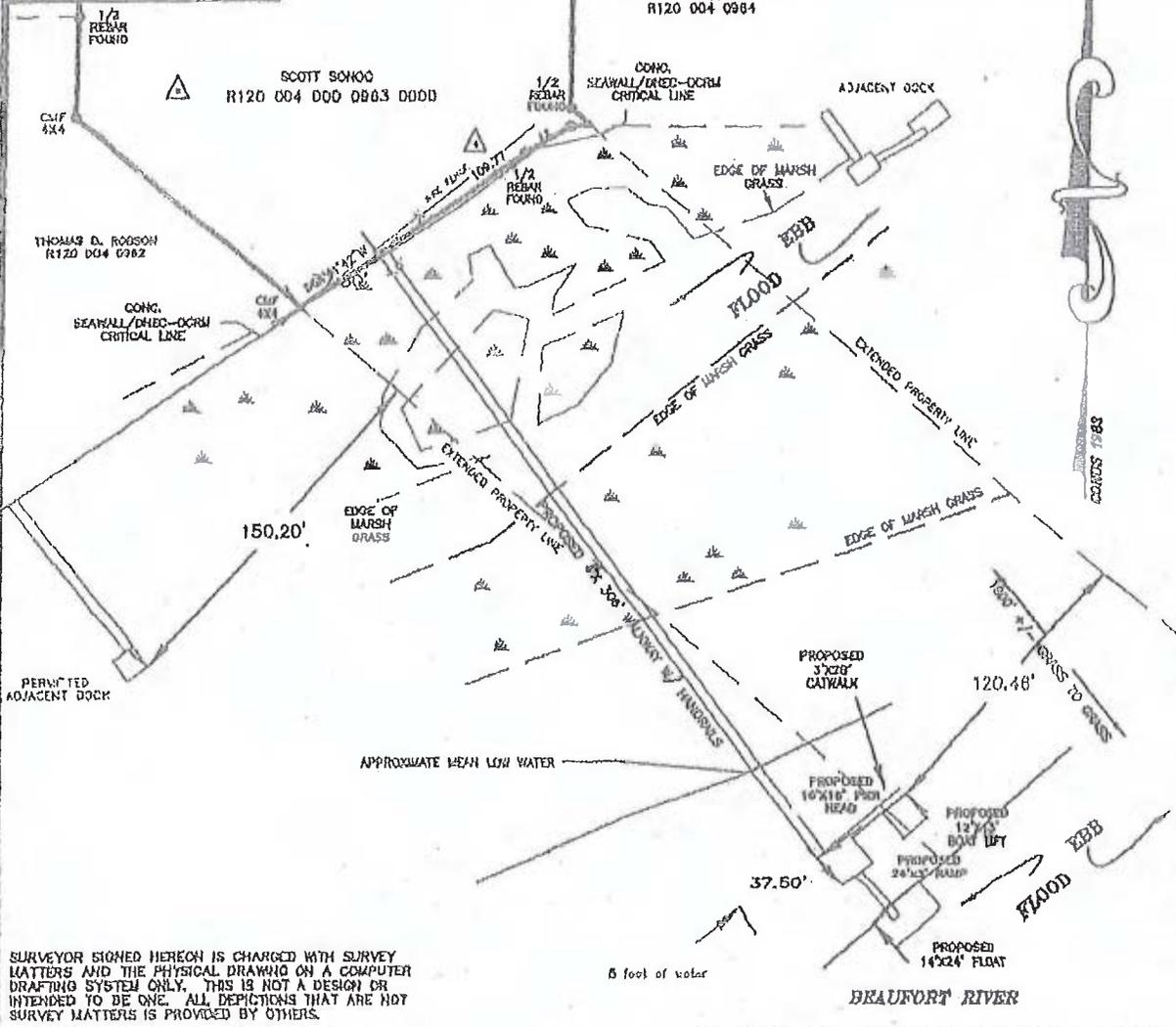
GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS

26 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
P.O. BOX 1363, BEAUFORT, S.C.
PHONE (843) 522-1798

SEE SPECIAL CONDITION

EXHIBIT
B

SCOTT SONOC
R120 004 0984



SURVEYOR SIGNED HEREON IS CHARGED WITH SURVEY MATTERS AND THE PHYSICAL DRAWING ON A COMPUTER DRAFTING SYSTEM ONLY. THIS IS NOT A DESIGN OR INTENDING TO BE ONE. ALL DEPICTIONS THAT ARE NOT SURVEY MATTERS IS PROVIDED BY OTHERS.

- ADJACENT PROPERTY OWNERS:
1. THOMAS D. ROBSON
R120 004 0982
153 PARK AVE,
MANHASSETT NY, 11030
 2. JAMES W. MOZLEY JR.
R120 004 0964
400 PORT REPUBLIC ST.
BEAUFORT SC, 29901

0 30 60 120

SCALE: 1"=60'

R120 004 000 0963 0000
SCOTT SONOC & MARSHA WILLIAMS
500 PORT REPUBLIC STREET
BEAUFORT SC, 29902

DOCK PERMIT SURVEY

IN: BEAUFORT RIVER
AT: CITY OF BEAUFORT

COUNTY OF: BEAUFORT
STATE: SOUTH CAROLINA

JOB# 40198EX 05DN 7 DATE: 6/3/2015