

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: 400 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 received authorization from the Ocean and Coastal Resources Management division of the South Carolina Department of Health and Environmental Control to remove and existing dock and construct a new structure at 400 Port Republic, a property he owns, by Critical Area Permit #OCRM-15-278-G (attached hereto). Mr. Sonoc is requesting HDRB approval for the structure that has been authorized, consisting of a 4'x 306' walkway with handrails leading to a 16' x 16' fixed pierhead. Channelward of the pierhead, a 3'x 24' ramp will access a 14'x 24' floating dock. Ebb-side of the pierhead, a 3'x 28' catwalk will access a 12'x 13' boatlift. The 4' x 306' walkway with handrails will be built 3' above MHW, except for the central 20' section that will be built 4' above MHW to allow sufficient space for the passage of kayaks and other small watercraft through the tributary spanned by the walkway. 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).

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 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 Sano DATE: 1/15/16
 APPLICANT'S SIGNATURE: Scott Sano DATE: 1/15/14



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

Certificate of Appropriateness:

- | | |
|--|-------------------------------------|
| <input checked="" type="checkbox"/> Staff Review | \$50 |
| <input checked="" type="checkbox"/> <u>Single-family residential projects</u> | |
| <input checked="" 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 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

Exhibit A



400/500
← Port Rep.

Beaufort Historic District





Catherine E. Heigel, Director

Promoting and protecting the health of the public and the environment

*File
Sonoc*

RECEIVED
DEC 18 2015

MEMORANDUM

TO: All Interested Parties

FROM: George J. Madlinger, III, Senior Wetland Project Manager *JS Madlinger*

RE: Scott M. Sonoc
P/N# OCRM-15-278-G

DATE: December 15, 2015

The above referenced permit has been authorized for the removal of an existing dock and the construction of a new structure. The new dock will have a 4'x306' walkway with handrails leading to a 16'x16' fixed pierhead. Channelward of the pierhead, a 3'x24' ramp will access a 14'x24' floating dock. Ebb-side of the pierhead, a 3'x28' catwalk will access a 12'x13' boatlift. The work, as authorized, is for private, recreational use.

Any person adversely affected by this decision has the right to appeal as outlined in the enclosed "Guide to Board Review."

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL
CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

CRITICAL AREA PERMIT & COASTAL ZONE CONSISTENCY CERTIFICATION

Permittee(s): Scott M. Sonoc

Permit Number(s): OCRM-15-278-G

Date of Issuance: December 15, 2015

Expiration Date: December 15, 2020

Location: On and adjacent to Beaufort River at 400 Port Republic Street,
City of Beaufort, Beaufort County, South Carolina

**SEE SPECIAL
CONDITION(S)**

This permit is issued under the provisions of S. C. Code Ann. Section 48-39-10, *et seq.*, and 23A S.C. Code Ann. Regs. 30-1 through 30-18 (Supp. 2005). **Please carefully read the project description and special conditions that appear on this permit/certification as they will affect the work that is allowed and may modify the work from that shown on the submitted plans. All special conditions attached to the permit will take precedent over submitted plans.** The general conditions are also a part of this permit/certification and should be read in their entirety. The S. C. Contractor's Licensing Act of 1999, enacted as S.C. Code Ann. Section 40-11-5 through 430, requires that all construction with a total cost of \$5,000 or more be performed by a licensed contractor with a valid contractor's license for marine class construction, except for construction performed by a private landowner for strictly private purposes. Your signature on and acceptance of this permit denotes your understanding of the stated law regarding use of licensed contractors. **All listed special and general conditions will remain in effect for the life of the permit. This applies to permittee, future property owners, or permit assignees.**

DESCRIPTION OF THE PROJECT, AS AUTHORIZED

The plans submitted by you, attached hereto, show the work consists of removing an existing dock and building a new dock. Specifically, the applicant seeks to remove the existing dock and build a 4' x 306' walkway with handrails leading to a 16' x 16' fixed pierhead. Channelward of the pierhead, a 3' x 24' ramp will access a 14' x 24' floating dock. Ebb-side of the pierhead, a 3' x 28' catwalk will access a 12' x 13' boatlift. The work as described is for private, recreational use.

SPECIAL CONDITIONS

1. The pilings must be placed with a 20' separation under the walkway section which spans the small tributary.

2. The walkway section which spans the small tributary must be constructed a minimum of 4' above MHW.
3. No part of the dock structure shall extend further into the channel than the existing, adjacent dock to the south.
4. An as-built survey of the 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.
5. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicant must notify the State Historic Preservation Office and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic shards, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.

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

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

Permit Number: OCRM-15-278-G

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

**BEE SPECIAL
CONDITION(S)**

Scott Sonoc
(PERMITTEE(S))

12/18/15
(DATE)

Scott M. Sonoc

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

George J. Madlinger, III
(SENIOR WETLAND PROJECT MANAGER)

December 15, 2015
(DATE)

George J. Madlinger, III
Or Other Authorized State Official

SEE SPECIAL
CONDITION(S)

GENERAL CONDITIONS:

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

1. The permittee, in accepting this permit, covenants and agrees to comply with and abide by the provisions and conditions herein and assumes all responsibility and liability and agrees to save OCRM and the State of South Carolina, its employees or representatives, harmless from all claims of damage arising out of operations conducted pursuant to this permit.
2. If the activity authorized herein is not constructed or completed within five years of the date of issuance, this permit shall automatically expire. A request, in writing, for an extension of time shall be made not less than thirty days prior to the expiration date.
3. All authorized work shall be conducted in a manner that minimizes any adverse impact on fish, wildlife and water quality.
4. This permit does not relieve the permittee from the requirements of obtaining a permit from the U. S. Army Corps of Engineers or any other applicable federal agency, nor from the necessity of complying with all applicable local laws, ordinances, and zoning regulations. This permit is granted subject to the rights of the State of South Carolina in the navigable waters and shall be subject, further, to all rights held by the State of South Carolina under the public trust doctrine as well as any other right the State may have in the waters and submerged lands of the coast.
5. This permit does not convey, expressly or impliedly, any property rights in real estate or material nor any exclusive privileges; nor does it authorize the permittee to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public; nor shall this permit be interpreted as appropriating public properties for private use.
6. The permittee shall permit OCRM or its authorized agents or representatives to make periodic inspections at any time deemed necessary in order to ensure that the activity being performed is in accordance with the terms and conditions of this permit.
7. Any abandonment of the permitted activity will require restoration of the area to a satisfactory condition as determined by OCRM.
8. This permit may not be transferred to a third party without prior written notice to OCRM, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit and thereby agreeing to comply.
9. If the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and special signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
10. The permit construction placard or a copy of the placard shall be posted in a conspicuous place at the project site during the entire period of work.
11. The structure or work authorized herein shall be in accordance with the permit, as issued, and shall be maintained in good condition. Failure to build in accordance with the permit, as issued, or failure to maintain the structure in good condition, shall result in the revocation of this permit.
12. The authorization for activities or structures herein constitutes a revocable license. OCRM may require the permittee to modify activities or remove structures authorized herein if it is determined by OCRM that such activity or structures violates the public's health, safety, or

**SEE SPECIAL
CONDITION(S)**

welfare, or if any activity is inconsistent with the public trust doctrine. Modification or removal under this condition shall be ordered only after reasonable notice stating the reasons therefore and provision to the permittee of the opportunity to respond in writing. When the Permittee is notified that OCRM intends to revoke the permit, Permittee agrees to immediately stop work pending resolution of the revocation.

13. OCRM shall have the right to revoke, suspend, or modify this permit in the event it is determined the permitted structure (1) significantly impacts the public health, safety and welfare, and/or is violation of Section 48-39-150, (2) adversely impacts public rights, (3) that the information and data which the permittee or any other agencies have provided in connection with the permit application is either false, incomplete or inaccurate, or (4) that the activity is in violation of the terms and/or conditions, including any special conditions of the permit. That the permittee, upon receipt of OCRM's written intent to revoke, suspend, or modify the permit has the right to a hearing. Prior to revocation, suspension, or modification of this permit, OCRM shall provide written notification of intent to revoke to the permittee, and permittee can respond with a written explanation to OCRM. (South Carolina Code Section 1-23-370 shall govern the procedure for revocation, suspension or modification herein described).
14. Any modification, suspension or revocation of this permit shall not be the basis of any claim for damages against OCRM or the State of South Carolina or any employee, agent, or representative of OCRM or the State of South Carolina.
15. All activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with all applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to applicable federal, state and local laws.
16. Extreme care shall be exercised to prevent any adverse or undesirable effects from this work on the property of others. This permit authorizes no invasion of adjacent private property, and OCRM assumes no responsibility or liability from any claims of damage arising out of any operations conducted by the permittee pursuant to this permit.

**SEE SPECIAL
CONDITION(S)**



GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS

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

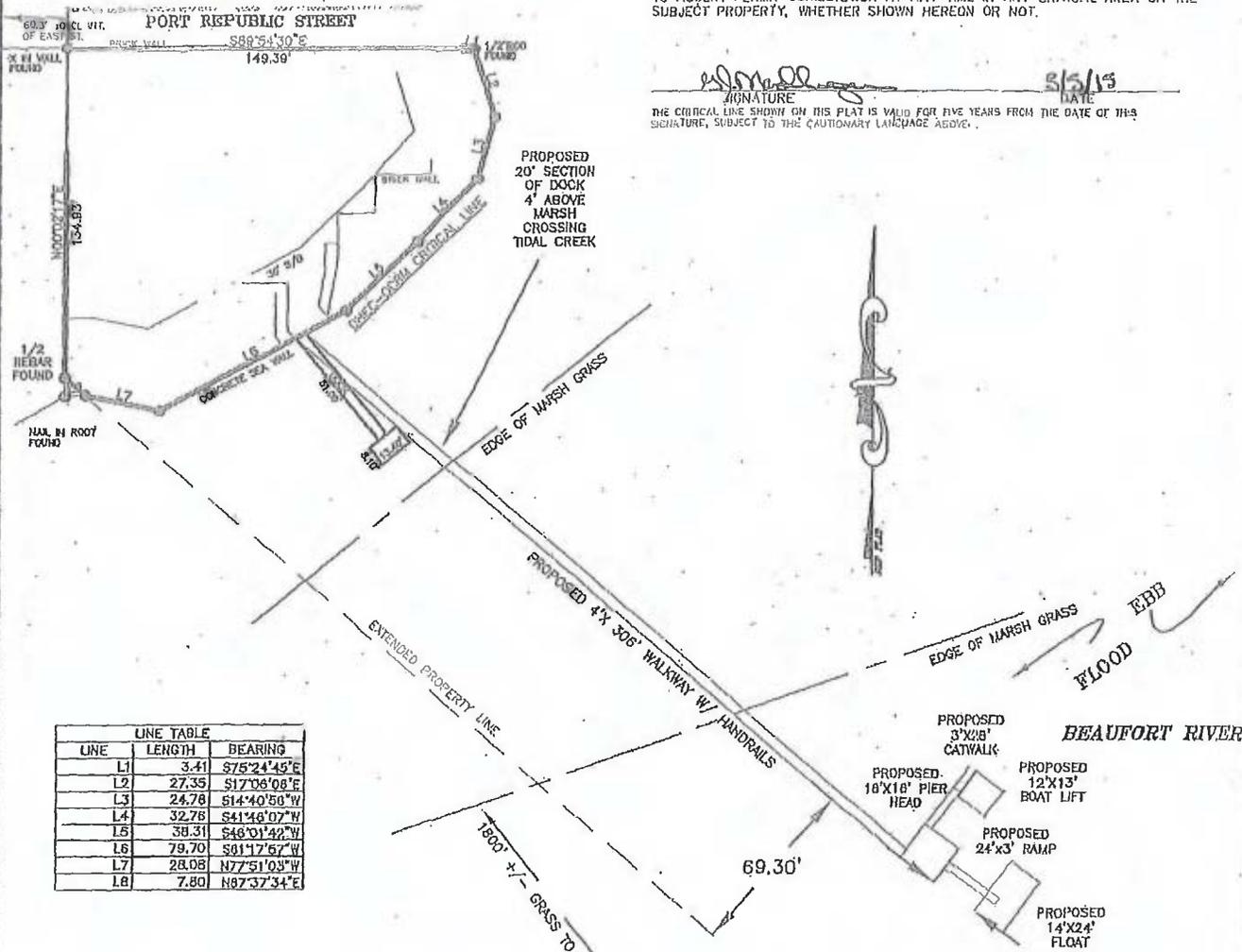
**SEE SPECIAL
 CONDITION(S)**

DHEC-QCRM CRITICAL LINE

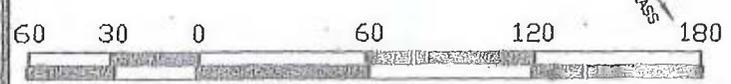
THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION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

Scott Sonoc
 SIGNATURE DATE 8/14/15

THE CRITICAL LINE SHOWN ON THIS PLAT IS VALID FOR FIVE YEARS FROM THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTIONARY LANGUAGE ABOVE.



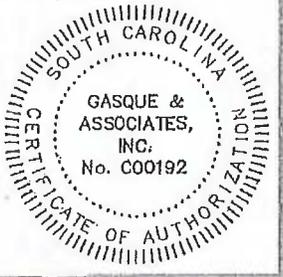
LINE	LENGTH	BEARING
L1	3.41	S75°24'45"E
L2	27.35	S17°08'08"E
L3	24.78	S14°40'50"W
L4	32.78	S41°48'07"W
L5	38.31	S48°01'42"W
L6	79.70	S01°17'52"W
L7	28.08	N77°51'03"W
L8	7.80	N07°37'34"E



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.

<p>ADJACENT PROPERTY OWNERS</p> <p>1. R120 004 000 0962 0000 THOMAS D ROBSON QUALIFIED PERSONAL R 201 NEW STREET BEAUFORT SC 29902</p> <p>2. R120 004 000 903A 0000 ESH DYASTY QPRT HARNETT ESTHER SHAVER 401 PPORT REPUBLIC STREET BEAUFORT S.C. 29902</p>	<p>PROPOSED PRIVATE DOCK</p> <p>PREPARED FOR</p> <p>R120 004 000 0964 0000 SCOTT SONOC 400 PORT REPUBLIC STREET BEAUFORT S.C. 29902</p> <p>DCRM-15-278-G1</p>	<p>DOCK PERMIT</p> <p>IN: BEAUFORT RIVER</p> <p>AT: CITY OF BEAUFORT</p> <p>COUNTY OF: BEAUFORT STATE: SOUTH CAROLINA APPLICATION BY: SCOTT SONOC</p> <p>JOB# 43607 DATE: 8/14/2015</p>
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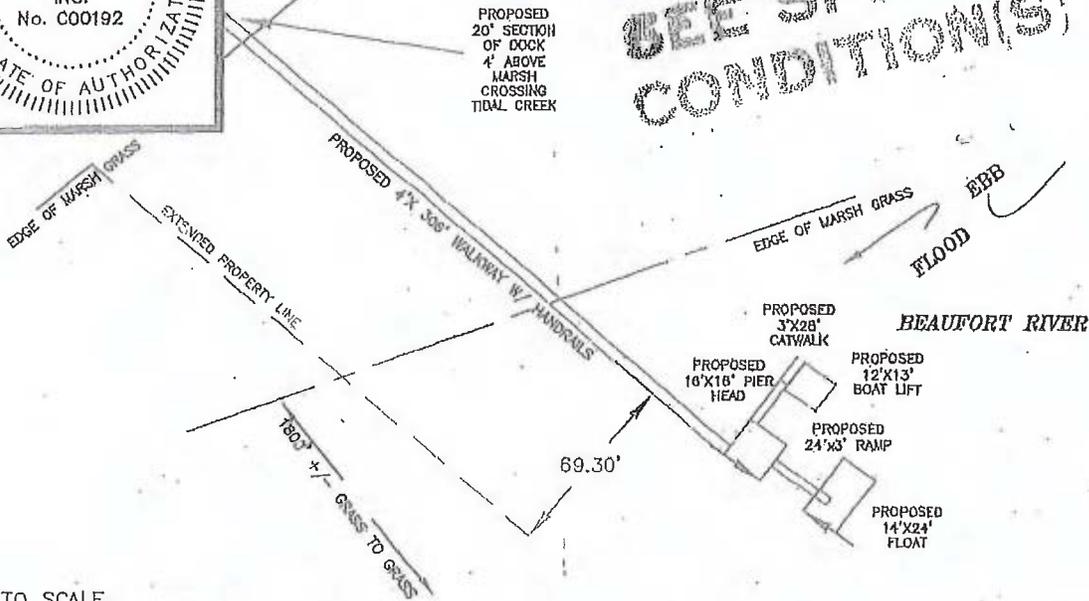
60810



PLAN VIEW

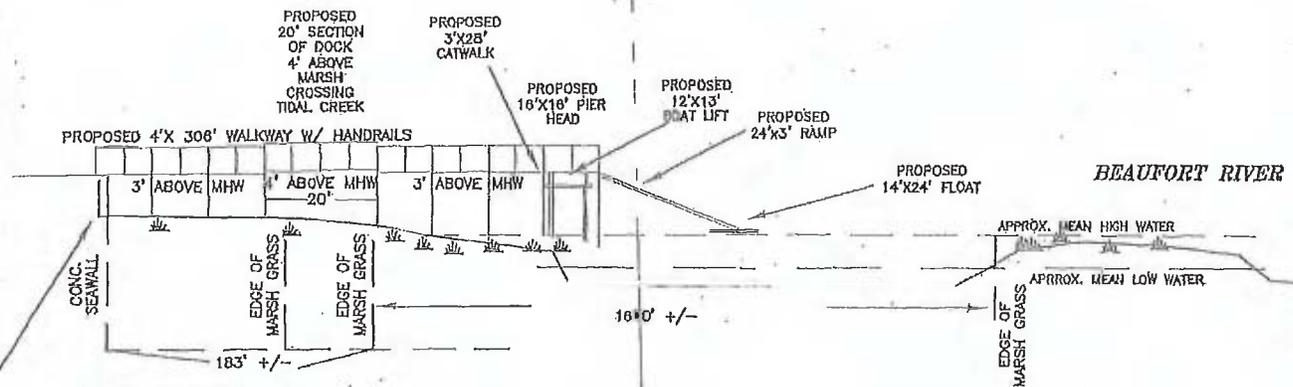
SHEET # 2 OF 3

SEE SPECIAL CONDITION(S)



NOT TO SCALE

PROFILE VIEW



(CONC. SEA WALL)
DHEC-OCRM CRITICAL LINE
GEORDIE MADLINGER
OCRM 8/5/15

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.

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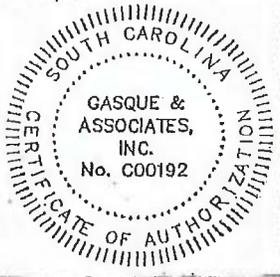
PROPOSED PRIVATE DOCK

PREPARED FOR
R120 004 000 0964 0000
SCOTT SONOC
400 PORT REPUBLIC STREET
BEAUFORT S.C. 29902

OCRM-15-278-G

DOCK PERMIT SURVEY

IN: BEAUFORT RIVER
AT: CITY OF BEAUFORT
COUNTY OF: BEAUFORT
STATE: SOUTH CAROLINA
APPLICATION BY: SCOTT SONOC
JOB# 43607 DATE: 8/14/2015

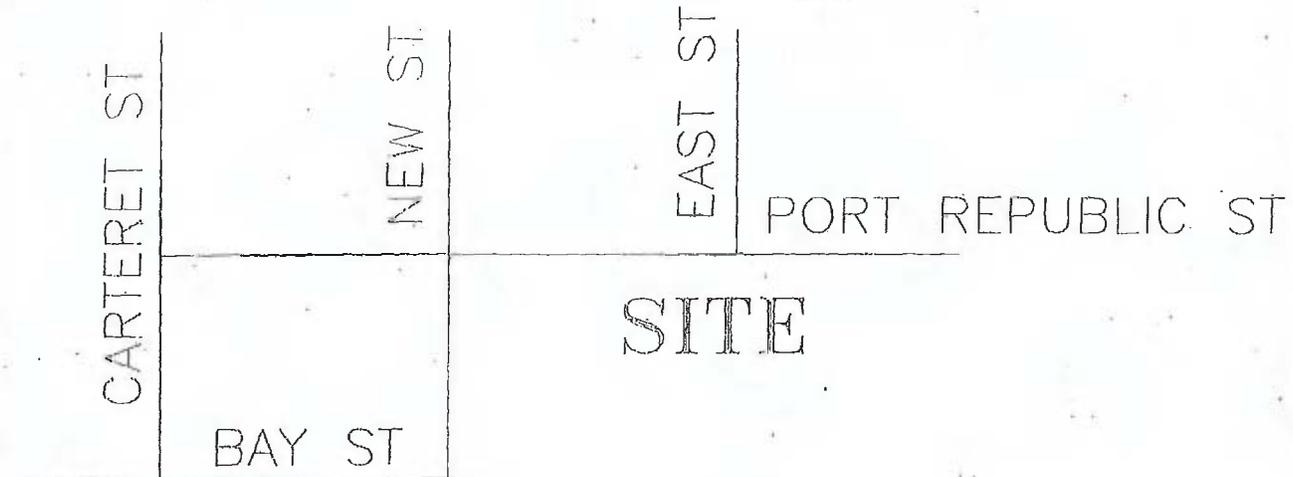


**GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS**

SHEET # 3 OF 3

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

**SEE SPECIAL
CONDITION(S)**



NOT TO SCALE

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ADJACENT PROPERTY OWNERS.

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PERSONAL R
201 NEW STREET BEAUFORT SC 29902

2. R120 004 000 903A 0000
ESH DYASTY QPRT HARNETT. ESTHER
SHAVER
401 PPORT REPUBLIC STREET
BEAUFORT S.C. 29902

PROPOSED PRIVATE DOCK

PREPARED FOR

R120 004 000 0964 0000.
SCOTT SONOC
400 PORT REPUBLIC STREET
BEAUFORT S.C. 29902

002M-15-278-G

DOCK PERMIT SURVEY

IN: BEAUFORT RIVER

AT: CITY OF BEAUFORT

COUNTY OF: BEAUFORT

STATE: SOUTH CAROLINA

APPLICATION BY: SCOTT SONOC

JCB// 43607

DATE: 8/14/2015

South Carolina Board of Health and Environmental Control

Guide to Board Review

Pursuant to S.C. Code Ann. § 44-1-60

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation or settlement discussions during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference. In matters pertaining to decisions under the South Carolina Mining Act, appeals should be made to the South Carolina Mining Council.

I. Filing of Request for Final Review

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15th day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
2. RFRs shall be in writing and should include, at a minimum, the following information:
 - The grounds for amending, modifying, or rescinding the staff decision;
 - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
 - the relief requested;
 - a copy of the decision for which review is requested; and
 - mailing address, email address, if applicable, and phone number(s) at which the requestor can be contacted.

3. RFRs should be filed in person or by mail at the following address:

South Carolina Board of Health and Environmental Control
Attention: Clerk of the Board
2600 Bull Street
Columbia, South Carolina 29201

Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).

4. The filing fee may be paid by cash, check or credit card and must be received by the 15th day.
5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor. All personal and financial identifying information will be redacted from the RFR and accompanying documentation before the RFR is released to the Board, Department staff or the public.
7. If an RFR pertains to an emergency order, the Clerk will, upon receipt, immediately provide a copy of the RFR to all Board members. The Chairman, or in his or her absence, the Vice-Chairman shall based on the circumstances, decide whether to refer the RFR to the RFR Committee for expedited review or to decline in writing to schedule a Final Review Conference. If the Chairman or Vice-Chairman determines review by the RFR Committee is appropriate, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response and RFR Committee review will be provided on an expedited schedule defined by the Chairman or Vice-Chairman.
8. The Clerk will email the RFR to staff and Office of General Counsel and request a Department Response within eight (8) working days. Upon receipt of the Department Response, the Clerk will forward the RFR and Department Response to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within a twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will

respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. Contested case guidance will be included within the letter.

NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.

9. If the RFR is to be considered by the RFR Committee, the Clerk will notify the Presiding Member of the RFR Committee and the Chairman that further review is requested by the Board. RFR Committee meetings are open to the public and will be publicly noticed at least 24 hours in advance.
10. Following RFR Committee or Board consideration of the RFR, if it is determined no Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Conference. Contested case guidance will be included within the letter.

II. Final Review Conference Scheduling

1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
2. The Clerk will request Department staff provide the Administrative Record.
3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publically noticed and should:
 - o include the place, date and time of the Conference;
 - o state the presentation times allowed in the Conference;
 - o state evidence may be presented at the Conference;
 - o If the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
 - o inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

III. Final Review Conference and Decision

1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
 - o Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
 - o Type of decision (permit, enforcement, etc.) and description of the program.
 - o Parties.
 - o Description of facility/site
 - o Applicable statutes and regulations
 - o Decision and materials relied upon in the administrative record to support the staff decision.
 - o Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] *NOTE: The burden of proofs is on the Requestor(s)*
 - o Rebuttal by Department staff [15 minutes]
 - o Rebuttal by Requestor(s) [10 minutes]

Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
3. At any time during the conference, the officers conducting the Conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the Conference.
4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
5. All Conferences are open to the public.
6. The officers may deliberate in closed session.
7. The officers may announce the decision at the conclusion of the Conference or it may be reserved for consideration.
8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court or in matters pertaining to decisions under the South Carolina Mining Act, to request a hearing before the South Carolina Mining Council. The FAD will be sent by certified mail, return receipt requested.
9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.