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CHARLESTON COUNTY COUNCIL

O.T. WALLACE COUNTY OFFICE BUILDING  
TWO COURTHOUSE SQUARE  
CHARLESTON, SOUTH CAROLINA  
29401

July 14, 1999

In Reply, Refer To:  
Case #2865-C  
TMS #141-00-00-005, 051,  
001, 011, 031, 062, 045 & 030

Mr. John H. Hofford  
**BOTANY ISLAND, LLC**  
17 Lockwood Drive (Rice Mill Blvd.)  
Charleston, SC 29401

Dear Mr. Hofford:

This is to inform you that County Council has granted approval of your request for a change in land classification.

County Council has legislatively amended the Zoning Ordinance to incorporate this change. The effective date of this request was, June 15th, 1999. The land classification has changed from a **Planned Development (PD-10A) District** to a **Planned Development (PD-10B) District**.

This letter will serve as final notification. Zoning permits and necessary building permits must be obtained from the Charleston County Offices of the Planning Department and Building Inspections prior to executing your plans.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly T. Craven", is written over a horizontal line.

Beverly T. Craven  
Clerk of Council

BTC:WWM/MDC

# BOTANY ISLAND, L.L.C.

## BOTANY BAY ISLAND AMENDMENT TO PLANNED DEVELOPMENT DISTRICT DEVELOPMENT SUMMARY

### Statement of Development Objectives

The development objective for Botany Bay Island is to create a small, intimate group of 12 property owners to share in the use of this approximately 250 acre barrier island preserve. The property currently has a Nature Conservancy easement that restricts development. Our plan, which has preliminary approval from The Nature Conservancy, is to abandon the current multi-family zoning, plat 12 one-acre lots (one for each owner), build a main lodge (4,000 sf heated space) which would be shared in use and ownership by the 12 owners, and build a beach front cabana facility for the use of our 12 owners and their families. We will also be building a dock at the main lodge and repairing and upgrading the existing property owners' dock. Except for construction vehicles, all transportation on the island for our group will be golf cart style vehicles.

The objective is to preserve, protect, and enjoy the pristine natural amenities of the island. We will not be implementing any additional man made amenities, and all access to and from the island will be by boat.

The character of the proposed development will be a very low-key, nature oriented environment with every effort made to minimize disturbance of existing maritime forest and wildlife habitat. We are restricting homes to 3,000 sf of heated space; no more than 2,500 sf of footprint on the lot and arranging lot layouts so that every two lots can share a common driveway. The main lodge will be restricted to 4,000 sf of heated space. The main lodge will be owned and used by our 12 property owners.

We will be attempting to preserve the island in its pristine, natural state and we have made a commitment to The Nature Conservancy to assist and support their efforts to preserve and protect endangered species and plants, in particular, nesting turtles and bald eagles.

## Botany Bay Island - Development Summary

April 12, 1999

Page Two

The total number of dwellings for our property (250 acres) would be 14, designated as follows: 12 single family homes on the 12 lots to be platted, one main house owned and used by our 12 owners and a caretaker's home on the designated caretaker's lot. We will also build a beach cabana facility on lot #1. The single family lots will be approximately one acre; the beach cabana lot #1 is 4.5 acres; the main house lot will be approximately two acres; the caretaker's lot is approximately five acres.

All plans will need to be designed by a South Carolina licensed architect and submitted with a detailed site plan. Homes will be required to set back 50 feet into the vegetation line wherever possible, and trees can be trimmed to allow view corridors. All plans must be submitted to the property owners' group for final architectural approval and approval of exterior colors for siding, trim and roofing. All homes will be required to be compatible in design with a "Low Country" style of architecture.

The building setbacks off of property lines are as approved by OCRM are:

- 20' Side Setback
- 50' Ocean/Rear Setback
- 20' Front Setback

A 35' height restriction above base flood elevation will be imposed.

These restrictions will be enforced by our property owners' group, and violations will result in mediation requirements, loss of use of island facilities including the main house and/or fines or liens against the violator's property.

The building of the main house, beach cabana and new dock will begin in 1999 and should be completed by spring of 2000.

Lot owners can proceed with their building plans at any time they choose.

There will not be any landscaping requirements other than a maximum effort to preserve existing trees and vegetation.

Each home will have its own septic tank permitted by Charleston County Health Dept. And meeting all SC DHEC requirements.

## Botany Bay Island - Development Summary

April 12, 1999

Page Three

Each home will have its own deep well; however, two homes will be permitted to share one well if they so choose. We will be installing a General Electric whole house treatment system on the main house and will recommend this system to anyone building their own home. There is a large, deep well with an outdated treatment plant on the island; however, we have no plans to activate this.

The existing 2.5 miles of paved roads will be used for pedestrian and golf cart circulation. These roads will also be used for construction activities. Since The Nature Conservancy easement prohibits any new hard paved surfaces, we will maintain the existing roads with a stockpile of ROC road base to be applied as needed. Any driveways to homes will be ROC base with pine straw, oyster shell, or similar natural materials for topping.

There is currently underground electrical service provided by Berkeley Electric Co-op. I have discussed our development plans with Dickey Walker at Berkeley Electric and have confirmed with him that Berkeley Electric is in a position to provide single phase power to all of our residential lots.

There is no phone service at this time; we will use cell phones for our homes.

There is no cable service on the island; we will use a satellite dish for television feed.

The St. Paul's Fire District includes Botany Bay Island. I have contacted St. Paul's's Fire Dept. and talked with the assistant Chief Doc Matthews, who informed me that St. Paul's Fire Dept. has an action plan for responding to Botany Bay Island. This includes small truck access through Botany Plantation on Edisto Island, men and "carry equipment" ready to respond. St. Paul's action plan also includes a mutual aid agreement with Edisto Beach Fire Dept. located in Colleton county. I have also contacted St. John's Fire Dept. and discussed our future activity with Chief Sadler. Chief Sadler informed me that we were not in his district; however, St. John's Dept. does have a marine team with two boats and is willing to help in the event of an emergency.

Additionally, we have agreed with St. Paul's Fire District to provide a pump on a trailer with 300' of hose that can be moved to anywhere on the island.

We will be installing a residential sprinkler system when we construct our main house. We will also be using a fireproof cement board siding and 5/8" fire rated sheetrock in our construction. We will have at least ten large, hand held fire extinguishers on the job during construction.

Botany Bay Island - Development Summary  
 April 12, 1999  
 Page Four

We will have several boats for passenger access to Botany Bay Island, and we will keep at least two boats at Bohicket Marina. Most of our property owners have their own boat. Emergency transport will be either by boat or helicopter evacuation. There is a paved helicopter landing pad on Botany Bay Island near the property owners' dock. Emergency vehicles can access the island

via the causeway through Botany Plantation and then up the beach. A four-wheel drive would probably be necessary to make this route. The public boat landing at Rockville is available for trailer launched boats. Also, Botany Bay Marina is located on Wadmalaw Island and is available for use. Bohicket Marina will be our primary point of embarkation to Botany Bay Island.

The schedule for this development is as follows:

1. Purchase land December 1998
2. Survey the island and submit a current plat to the County Planning Dept. for review. Once approved, record plat.
3. Amend Planned Development District to allow for single family lots.
4. Submit plats for approval for single family lots.
5. Accomplish steps one through four by March 1999 so that we can proceed with permit applications for the construction of:
  - A. Main house
  - B. Beach cabana
  - C. New dock and upgrade existing dock
6. Construction of the main house will take approximately 12 months.
7. Construction of the beach cabana will require approximately six months.
8. The dock construction will require approximately 90 days once permits are obtained from all governing agencies.

Botany Bay Island - Development Summary

April 12, 1999

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In summary, we plan to maintain Botany Bay Island in its pristine natural state. We are working closely with The Nature Conservancy, specifically Willis Yarberry, to successfully integrate our use with their goals and objectives. We take our responsibility to protect this unique natural resource very seriously, and we are committed to being the best stewards possible for this island.

JHH/dl

Apr-09-99 13:12

APR 09 '99

South Carolina  
**DHEC**

Department of Health and Environmental Control  
1362 McMillan Avenue, Suite 400  
Charleston, SC 29405  
(803)744-5838 Fax (803)744-5847

Commissioner: Douglas E. Bryant

Board: John H. Burrise, Chairman  
William M. Hull, Jr., MD, Vice Chairman  
Roger Leake, Jr., Secretary

Promoting Health, Protecting the Environment

Richard E. Jabbar, DDS  
Cyndi C. Montellier  
Brian K. Smith  
Rodney L. Grandy

P.02

**Office of Ocean and Coastal Resource Management**  
Christopher L. Brooks, Bureau Chief

April 9, 1999

Mr. Mark Ellis  
American Surveying Co., Inc.  
1309 Ashley River Rd.  
Charleston, SC 29407

RE: Botany Bay Island

Dear Mr. Ellis;

I am writing as a follow-up to your recent letter concerning the ability to obtain special permits for construction of single-family residential homes seaward of the OCRM baseline on Botany Bay Island. As I stated in our phone conversation, all permit applications are judged on their individual merits, and the issuance of a permit can not be guaranteed. In general, it is OCRM's policy to issue special permits for single-family residential structures seaward of the baseline as long as the structure is located on high ground, landward of the primary sand dune (the dune closest to the ocean). The attached OCRM Regulation 30-15(F) provides additional documentation on OCRM's policies regarding special permits.

Please feel free to contact me if you require any additional information.

Sincerely,



William C. Eiser  
Staff Oceanographer

cc: Christopher L. Brooks

- (a) Wingwalls;
- (b) Deadmen;
- (c) Tiebacks.

(2) Assessment of damage to swimming pools that occurred between July 1, 1988, and July 1, 1990, will be judged by the following criteria. Swimming pools shall be considered destroyed beyond repair if either of the following exists:

(a) Undermining of the pool support which causes severe cracks in the pool walls and floors.

(i) Severe cracks shall be those which produce a loss of structural integrity causing a portion of a structural element (i.e. wall or floor) of the pool to be replaced rather than repaired.

(ii) Greater than ten percent (10%) of any one structural element (i.e. wall or floor) shall render the pool destroyed beyond repair.

(iii) If the addition of an insert is required to make the pool functional, then the crack shall be considered severe and the pool shall be declared destroyed beyond repair.

(iv) If a pool has been assessed and repair procedures require the removal of ten percent (10%) of any one structural element, then the pool shall be declared destroyed beyond repair at the time of the removal of the element.

(b) Hydrostatic pressure beneath the pool which causes the pool to be lifted up more than six inches. Hydrostatic pressure beneath the side of the pool produces severe cracks as delineated in (a)(iv) above shall mean that the pool is destroyed beyond repair.

1. Procedure for Removal of Structures Located on the Active Beach: The Department shall employ the following procedures for determining when a structure located on the active beach must be removed: (Note: This section only applies to those structures approved by the Department via special permit.)

(1) If a major storm event or chronic, long-term beach erosion causes a structure to become located on the active beach, as defined in R. 30-1(C)(32), the Department will monitor the beach fronting the structure for a minimum of one year.

(2) Monitoring of the beach will include the collection and analysis of beach profile data, and visual inspections.

(3) The Department will consider all available information including pending renourishment projects, long-term erosion/accretion trends for the area, and shoal attachment cycles prior to determining whether a structure will be permanently located on the active beach.

(4) Upon determining that a structure is permanently located on the active beach, the Department will notify the property owner and require that the structure be removed or relocated landward by the owner.

### 30-15. ACTIVITIES ALLOWED SEAWARD OF BASELINE.

#### A. Wooden Walkways:

Wooden walkways no larger in width than six feet are the only structures allowed seaward of the baseline that do not require a SCDHEC-OCRM permit. See R 30-13(O)(1).

B. Small Wooden Decks:

Wooden decks seaward of the baseline require a SCDHEC-OCRM permit. These decks should be no larger than one hundred and forty-four square feet. See R.30-13(H)(2)

C. Fishing Piers:

(1) New fishing piers require a SCDHEC-OCRM permit and must be open to the public. See R.30-13(R).

(2) Those fishing piers with their associated structures including, but not limited to, bait shops, restrooms, restaurants, and arcades which existed September 21, 1989, may be rebuilt if they are constructed to the same dimensions and utilized for the same purposes and remain open to the public. In addition, those fishing piers with their associated structures which existed on September 21, 1989, that were privately owned, privately maintained, and not open to the public on this date may be rebuilt and used for the same purposes if they are constructed to the same dimensions. A SCDHEC-OCRM permit is required.

D. Golf Courses:

Golf Courses require a SCDHEC-OCRM permit pursuant to the criteria set forth in R.30-13(Q).

E. Normal Landscaping:

Normal landscaping requires a SCDHEC-OCRM permit pursuant to the criteria set forth in R.30-13(F).

F. Special Permits:

The Department shall consider applications for special permits

Special permits are to be issued only in situations where without such a permit, the property owner would have no reasonable use of his property, or when an overriding public benefit can be demonstrated.

When issuing special permits, the Department shall consider the legislative findings and policies as set forth in Sections 48-39-30, 48-39-250 and 48-39-260. Specifically, the following criteria shall serve as guidelines when issuing special permits:

(1) The property suffers a singular disadvantage through the operation of this Act, which disadvantage does not apply to neighboring properties, and because of this disadvantage, the property owner is unable to make any reasonable use of the affected property.

(2) A structure cannot be constructed or reconstructed on a primary oceanfront dune or on the active beach, and in the event that the beach erodes so that in the future the permitted habitable structure is located on the active beach, the property owner agrees to remove the structure at his own expense.

(3) The decision to grant a special permit shall not be based purely on economic considerations.

(4) There shall be no adverse impact on the stated policies of the Beachfront Management Act, including the policies protecting the sand dunes and preservation of the dry sand beach.

(5) The granting of a special permit shall not create a situation contrary to the public health, safety or welfare.

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HPK 07 37 10-30PM 0001 0000 000 000 000

(6) In determining whether or not a permit is contrary to the public health, safety or welfare, the Department shall consider a) the erosion rate at the site, b) how soon the structure will be located on the active beach, c) whether or not the proposed structure meets American National Standards Institute building standards, and/or d) the potential cumulative effect that similar structures will have upon the beach/dune system.

(7) Necessary components of habitable structures, such as sewer lines, septic tanks and utilities, do not require separate special permits. However, decking, patios, driveways, etc., are not considered as necessary components of habitable structures and therefore these items must be shown on the permit application.

(8) Generally, the Department considers special permits only under extraordinary circumstances. Three specific areas, however, where the Department deems that special permits are more appropriate include:

(a) Habitable Structures Seaward of the Baseline: The Department may grant a special permit to construct a single-family house seaward of the baseline where such permit meets the conditions of F(1) - (7) and:

(i) The house is no larger than the similar structures in the general neighborhood;

(ii) The house is no further seaward than the houses on either side unless this would preclude a house from being constructed on the lot;

(iii) The permittee agrees to remove the home when it comes on to the active beach;

(iv) The permittee agrees to such other conditions as the Department deems are appropriate to promote the policies of the Act.

(b) Pools: The Department may grant a special permit to reconstruct a pool seaward of a commercial structure where such permit meets the conditions of F(1) - (7) and:

(i) There is no other location on the property suitable for construction of a pool;

(ii) The commercial viability of the project is directly related to the presence of the proposed pool;

(iii) The pool is not constructed upon the active beach and the owner agrees to remove same when it comes onto the active beach;

(iv) The project is constructed so that there are no erosion control devices built as part of the pool structure and the design meets approval of the Department;

(v) The pool is no larger than is deemed necessary by the Department;

(vi) The permittee agrees to conditions as the Department deems appropriate to promote the policies of the Act.

(c) Parking Lots and Drainage Devices: The Department may grant special permits for commercial properties for reconstruction of parking lots and drainage devices seaward of the baseline which are absolutely necessary for the economic viability of the project where such permit meets the conditions of F(1) - (7) and:

(i) Special permits for parking lots can only be issued for reconstruction of parking lots no larger than existed prior to destruction;



March 24, 1999

American Surveying Company, Inc.  
1128 Lango Ave.  
Charleston, SC 29406

ATTENTION: Mr. Mark Ellis, P.L.S.

Reference: WETLAND IDENTIFICATION AND DELINEATION  
Botony Bay - Charleston County South Carolina  
S&ME, Inc. Project No. 1134-99-186

Dear Mr. Ellis:

As you requested, S&ME, Inc. (S&ME) performed a wetland identification and delineation of jurisdictional freshwater wetlands. S&ME identified and delineated the jurisdictional wetlands associated with the proposed 12 one-acre lots, the lot for a lodge, and a cabana lot (totaling approximately 13.5-acres) by positively identifying hydrology, hydric soils and hydrophytic vegetation at the site.

The delineation points illustrating the wetland inventory in relation to the subject site have been surveyed by American Surveying Company, Inc. S&ME has prepared the submittal to the US Army Corps of Engineers, Charleston District - Regulatory Branch (USACOE) requesting delineation certification.

Typically, the USACOE certification process takes 2-3 weeks. If necessary, S&ME can provide the appropriate permitting and mitigation services for the subject site.

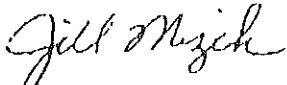
S&ME, Inc.  
840 Low Country Boulevard  
Mt. Pleasant, South Carolina 29464

(843) 884-0003  
(843) 881-6149 fax  
[www.emeinc.com](http://www.emeinc.com)

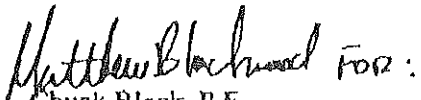
Mr. Mark Elliot  
March 24, 1999  
Page 2 of 2

We appreciate the opportunity to provide quality environmental services on this project. If you have any comments or questions, please contact me at (843) 884-0005.

S&ME, Inc.



Jill Mizek  
Environmental Scientist



Chuck Black, P.E.  
Environmental Services Manager

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**Office of Ocean and Coastal  
Resource Management**

1362 McMillan Avenue, Suite 400  
Charleston, SC 29405

(803) 744-5838 FAX (803) 744-5847

March 25, 1999

Mr. John H. Hofford  
The Bennett Hofford Company  
17 Lockwood Drive  
Charleston, S.C. 29401

Re: Botany Bay Island  
Charleston County  
Proof of Coordination

Dear Mr. Hofford:

The above referenced project will need a Stormwater Management and Sediment Control permit from DHEC-OCRM prior to any land disturbing activity on the site. However, the submitted plan appears amenable to the existing DHEC-OCRM regulatory constraints. The site contains wetlands; thus a wetland delineation and Army Corps verification will be required.

Ms. Barbara Neale, at 747-4323 ext. 126, will be available to review more detailed plans of the project as it progresses. Presently, it appears you are aware of the various requirements relating to DHEC-OCRM approval of the project.

Sincerely,

Joseph Fersner, P.E.  
Manager, Engineering  
and State Certifications

jff/cert-let/proof

cc: Mr. Christopher L. Brooks  
Mr. H. Stephen Snyder  
Ms. Barbara Neale

## ST. PAUL'S FIRE DISTRICT

### COMMISSIONERS

John Aiston, Jr., Chairman  
James Hamilton, Vice-Chairman  
Irvin Gadsden, Secretary  
Harry Griffin  
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Bertha North  
Michael Rohaus

6468 Hwy 162  
P.O. Box 65  
Hollywood, SC 29449-0065  
(843) 889-8874 or 889-6450  
Facsimile (843) 889-6459

Franklin R. Burke, Jr., Fire Chief  
Doc M. Matthews, Jr., Assistant Chief  
Unda S. Lombard, Attorney  
Mary Adams, Clerk

March 22, 1999

Mr. John H. Hofford  
The Bennett Hofford Company  
17 Lockwood Drive  
Charleston, SC 29401

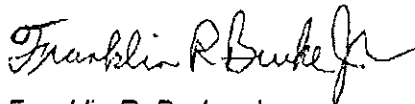
Dear Sir:

As per our conversation on 3/19/99, this letter is to notify anyone concerned, that we have developed a fire protection plan for your Botany Bay Island project. The plan is for you to sprinkle the building and to provide a fire pump with attached suction hose on a portable trailer for use on any part of the island. As the island is inaccessible by our fire apparatus, the St. Paul's Fire District will utilize a four-wheel drive pick-up truck to get personnel to the island with hand carried hose, nozzle and related tools to be utilized with the pump. The District would also utilize the marine units of the St. John's Fire District, through our Mutual Aid Policy to assist in the fire suppression activities if needed.

The plan is developed with the understanding by all parties concerned, that there will be a delayed response over normal response procedures by the St. Paul's Fire District.

If you need any further assistance please give me a call.

Sincerely,



Franklin R. Burke, Jr.  
Fire Chief



MAR 25 1999

EMERGENCY MEDICAL SERVICE  
MARK CLARK BUSINESS PARK  
3870 LEEDS AVENUE SUITE 104  
NORTH CHARLESTON, SC 29405

(843) 740-3252

*County of Charleston*  
*Charleston, South Carolina*

March 23, 1999

Mr. John H. Hofford  
President  
Bennett Hofford Construction Co., Inc.  
17 Lockwood Drive  
Charleston SC 29401

Dear Mr. Hofford:

I reviewed the potential problems regarding the Ems ability to respond to an emergency on Botany Bay Island. Any EMS response will need the support of other agencies with resources not controlled by EMS.

In the event EMS received a request for medical aid on Botany Bay Island, the EMS dispatcher would contact the one of several agencies to make arrangements for use of their boats. The EMS unit from the station near the junction of the roads leading to Kiawah Island and Scabrook Island would report to the Bohicket Marina from which it would embark. Provided the unit is at the station, response time to the Marina should be approximately four minutes. The estimated water time from Bohicket Marina to Botany Bay Island is fifteen minutes based on the figure given in your letter. Additional time may be incurred in getting the boat on location and ready to launch.

If the EMS unit at the station across from Johns Island High School was needed to respond, the unit would have to travel to Rockville with a response time of approximately eighteen minutes. Again, there is the time consideration of water time of approximately eleven minutes and time incurred in getting a boat on location and ready to launch. If this EMS unit were to leave from the Bohicket Marina, the road time from their station would be approximately twenty minutes.

Unfortunately, EMS does not have access to helicopter service to get to Botany Bay Island in a timely manner, but we would use the Medical University's helicopter to evacuate a patient provided the helicopter was available and not on another assignment. If not available, the patient would be evacuated by boat and transferred to an ambulance at the dock.

EMS will respond, but, as you can see, timeliness may present a problem, especially in the case of severe illness or major trauma. Please call me if you have additional questions about EMS response.

Sincerely,

R.G. Graham  
Director

RGG/kfo



**TRIDENT HEALTH DISTRICT**  
 Perimeter Center  
 4050 Bridge View Drive, Suite 600  
 North Charleston, SC 29405  
 803-740-0800 Fax: 803-740-0814

March 26, 1999

Mr. Hank Hafford  
 REF: TMS# 141-00-00-001

Hank:

We are currently reviewing your proposed re-subdivision of those lots on Botany Bay Is. We do not expect any difficulty in working with these lots, this is based on other evaluations performed recently on the Island. We do support the proposed reduction of total number of lots that this proposal infers.

Sincerely,

  
 Stephen H. Calk REHS,APM

District Headquarters  
 4050 Bridge View Drive  
 Suite 600  
 N. Charleston, SC 29405  
 803-740-0800  
 Fax - 740-0814

Moncks Corner Clinic  
 109 W. Main Street  
 Moncks Corner, SC 29461  
 803-719-4600 or 803-723-3800  
 Fax - 719-4656

St. George Clinic  
 201 Gavin Street  
 St. George, SC 29477  
 803-832-0107  
 Fax - 832-0147

Northwoods Clinic  
 2070-A Northbrook Blvd.  
 N. Charleston, SC 29406  
 803-764-1732  
 Fax - 764-4719

Summerville Clinic  
 500 North Main Street, Box 9  
 Summerville, SC 29483  
 803-873-1241  
 Fax - 851-9735

James Island Clinic  
 1483 Folly Road  
 Charleston, SC 29412  
 803-795-6273  
 Fax - 762-9775

Charleston Clinic  
 334 Calhoun Street  
 Charleston, SC 29401  
 803-724-5800  
 Fax - 724-5814

North Area Clinic  
 3963 Whipper Barony Lane  
 Charleston, SC 29405  
 803-740-1580  
 Fax - 744-3671

Ravenel Clinic  
 5962 Highway 165  
 Ravenel, SC 29470  
 803-889-6842

St. Stephen Clinic  
 Highway 52  
 St. Stephens, SC 29479  
 803-567-3733  
 Fax - 567-7909

Goose Creek Clinic  
 106 Westview Drive  
 Goose Creek, SC 29455  
 803-572-3313 or 572-7818  
 Fax - 572-6812

Mt. Pleasant Clinic  
 1189 Iron Bridge Road #100  
 Mt. Pleasant, SC 29464  
 803-856-1210  
 Fax - 856-1189

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL