



Case #BZA23-000019
Kiawah Island BZA Meeting of January 22, 2024

Applicant/Property Owner: 213-H GLEN ABBEY LLC, 213-W GLEN ABBEY LLC

Representative: Doug Watts

Property Location: 213 Glen Abbey

TMS#: 265-09-00-014

Zoning District: R-1, Residential Zoning District

Lot Size: 21,901 sq. ft.

Request: Variance request for the reduction of the required 15' side setback for approximately 9 square feet encroachment

Requirement:
Chapter 12. Land Use Planning and Zoning, Art. II. Zoning, Div. 2. Zoning Map/Districts, Sec. 12-65. - R-1, Residential District.

Required setbacks: 25' (Glen Abbey); 15' (Side); 20' (Open Space)
Maximum 33% Lot Coverage

The Ordinance defines Setback as "a required minimum distance from the lot line, or street right-of-way, or OCRM critical line that establishes an area within which a structure shall be erected." The Ordinance defines Side Setback as "any setback other than a rear or front setback."

Sec. 12-65. R-1, Residential District.

- (a) *Purpose and intent.* The purpose of the R-1 zoning district is to promote stable residential neighborhoods consisting of low density, detached, single-family dwellings and surrounding parks, golf courses, and open spaces. Activities and endeavors which might serve to mitigate against this purpose shall be prohibited or strictly regulated.
- (b) *District regulations.* The following apply to all dwelling units in the R-1 zoning district:
 - (1) The maximum density for this district is three dwelling units per acre;
 - (2) All required parking shall be enclosed;
 - (3) Open storage is prohibited;
 - (4) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings on existing platted lots that are included in article VII of this chapter, the Kiawah Island Property Setback Requirements Appendix, dated 7-10-2007, incorporated herein by reference and adopted hereto as said article VII shall apply in lieu of the setback requirements in table 2B following subsection (b)(6) of this section;
 - (5) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings not covered by subsection (b)(4) of this section are listed in table 2B following subsection (b)(6) of this section and table 2C following section 12-66(b)(8);
 - (6) Authorized uses are listed in table 3A in section 12-102(c).

Table 2B. Lot Standards for R-1 Single-Family Detached Dwellings								
Lot Size (square feet)	Maximum Lot Coverage	Depth (feet)	Width (feet) ⁽¹⁾	Minimum Yard Setbacks (feet)			Maximum Height	
				Front ⁽²⁾	Side ⁽³⁾⁽⁵⁾	Rear ⁽⁴⁾	(stories)	(feet)
8,000—11,999	40 percent	100	60	25	10	25	2.5	40
12,000+	33 percent	100	75	25	20	25	2.5	40
⁽¹⁾ For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line. Cul-de-sac lots shall have a minimum width of 25 feet at the street line. The minimum width of any flag lot may be reduced to 20 feet, provided that the minimum width specified in the table is provided at the front building setback line.								
⁽²⁾ On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.								
⁽³⁾ A minimum of 15 feet must be provided between structures.								
⁽⁴⁾ The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course.								
⁽⁵⁾ Minimum setbacks in side yard for lots currently in existence and reflected on the current zoning map and fronting on Eugenia Avenue the side yard setback shall be ten feet.								

(Code 1993, § 12A-205; Ord. No. 2005-08, § 12A-205, 10-12-2005; Ord. No. 2006-10, § 2, 2-6-2007; Ord. No. 2007-05, § 2(12A-205), 7-10-2007)

Sec. 12-64. - Setbacks.

Setback means a required minimum distance from the lot line, or street right-of-way, or OCRM critical line that establishes an area within which a structure shall be erected.

- (1) *Contextual setbacks.* Notwithstanding the front setback requirements of the underlying zoning district, the front building line of any structure or addition to a structure may be as close to the street as the front building line of a structure located on any lot that is immediately adjacent to the subject lot. If the subject lot is located between two developed lots, the front building line of the structure that is set back further from the street shall apply to the subject lot.
- (2) *Setbacks on corner and double frontage lots.* On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principle structure's front main entrance. The side yard setback shall apply to the remaining side(s).
- (3) *Exception to setbacks.* Every part of a required setback must be open and unobstructed from the ground to the sky except as set out in this subsection.

Driveways and walkways may be located within any required setback.

Uncovered stairs or stair landings to building entrances may extend up to five feet into any required setback.

Uncovered, at-grade patios may extend into a required setback; however, they shall maintain a minimum ten-foot distance from the property line.

Uncovered decks may extend up to five feet into any required rear yard setback.

Sills, belt courses, cornices, buttresses, eaves and other architectural features may extend up to two feet into any required setback.

Walls and retaining walls below three feet in height may be located within required setback.

In all zoning districts heating, ventilation and air conditioning (HVAC) equipment and associated HVAC stands may extend up to five feet into required side or rear setbacks only when all of the following conditions are met:

- (1) The HVAC equipment is replacing existing HVAC equipment which was originally placed below an existing structure and/or which HVAC equipment being replaced is now required to be elevated to meet the requirements of the Federal Emergency Management Agency (FEMA) and the Town of Kiawah Island Building Code;
- (2) Such HVAC equipment cannot reasonably be accommodated within the setback required by otherwise applicable zoning requirements;
- (3) The property owner has, through regular mail postmarked no later than five days in advance of applying for a Zoning Permit, notified the affected adjacent property owner(s) that are adjacent to the property line where the proposed HVAC equipment will be located, and has submitted to the Planning Director a signed affidavit stating that such property owner has notified the affected adjacent property owner(s) and proving each name and address to which notice was sent; and
- (4) A Zoning Permit is approved by the Planning Director.

(Code 1993, § 12A-204; Ord. No. 2005-08, § 12A-204, 10-12-2005; Ord. No. 2012-03, § 2, 4-3-2012; Ord. No. [2015-04](#), § 2, 4-14-2015)

GLEN ABBEY (DEVELOPED LANDS) cont.

187	20 (lot 186)	15	30 (lagoon)
188	20 (lot 189)	15 (lot 187) 15 (open space)	30 (lagoon)
189	25 (Glen Abbey)	15 (lot 188) 15 (open space)	20 (lot 188)
200	25 (Glen Abbey)	30 (lagoon) 15 (lot 201)	30 (lagoon)
201-211	25 (Glen Abbey)	15 (lots)	30 (lagoon)
212	20 (lot 213)	15	30 (lagoon)
213	25 (Glen Abbey)	15	20 (open space)
214	25 (Glen Abbey)	15 (lot 213) 25 (Glen Abbey)	20 (open space)
215	25 (Glen Abbey)	30 (golf) 20 (lot 216)	20 (lot 216)
216	20 (lot 215)	30 (golf) 20 (lot 217)	20 (lot 217)
217	20 (lot 216)	30 (golf) 20 (open space)	20 (open space)
229	25 (Glen Abbey)	15 (lot 230) 30 (golf)	30 (golf)
230-234	25 (Glen Abbey)	15 (lots)	30 (golf)
235	25 (Glen Abbey)	25 (Augusta Nat) 30 (lagoon)	20 (lot 159)
236	25 (Glen Abbey)	15 (lot 237) 30 (lagoon)	30 (lagoon)
237-244	25 (Glen Abbey)	15 (lots)	30 (golf)
245	25 (Glen Abbey)	15 (lot 244) 15 (bike path)	30 (golf)
246	25 (Glen Abbey)	15 (bike path) 15 (lot 247)	30 (golf)
247-252	25 (Glen Abbey)	15 (lots)	30 (golf)
253	20 (lot 254)	25 (Surfsong Rd) 15 (lot 252)	30 (golf)
254	25 (Glen Abbey)	25 (Surfsong Rd) 15 (lot 253)	20 (lot 253)

GLEN EAGLE (DEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
312	25 (Glen Eagle)	25 (Surfsong Rd) 15 (lot 313)	30 (golf)
313-319	25 (Glen Eagle)	15 (lots)	30 (golf)
320	25 (Glen Eagle)	15	30 (lagoon)
321	25 (Glen Eagle)	15	30 (lagoon) 30 (golf)
322-327	25 (Glen Eagle)	15 (lots)	30 (golf)
328	25 (Glen Eagle)	25 (Surfsong Rd) 15 (lot 327)	30 (golf)

GLOSSY IBIS LANE (DEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
700	40 (Glossy Ibis)	50 (Gov. Dr) 30 (lot 701)	30 (marsh)
701	40 (Glossy Ibis)	30 (lot 700) 25 (lot 702)	30 (marsh)
702	40 (Glossy Ibis)	25	30 (marsh)
703	40 (Glossy Ibis)	20	30 (marsh)
704-713	25 (Glossy Ibis)	20	30 (marsh)
714-715	25 (Glossy Ibis)	20	30 (marsh)
716	25 (Glossy Ibis)	20 (lot 715)	Contact ARB
717	25 (Glossy Ibis)	Contact ARB	Contact ARB
718	25 (Glossy Ibis)	20 (lot 717) 20 (lot 719)	30 (marsh)
719	25 (Glossy Ibis)	20 (lot 718) 20 (lot 720)	30 (marsh)
741	25 (Glossy Ibis)	20 (lot 742) 20 (easement)	30 (golf)
742-757	25 (Glossy Ibis)	15	30 (golf)
758-760	25 (Glossy Ibis)	15	30 (lot 761)
768	25 (Glossy Ibis)	25 (lot 767) 50 (Glossy Ibis)	50 (Gov. Dr)

GOLDENEYE DRIVE (UNDEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
90	25 (Goldeneye) 25 (Bufflehead)	25	30 (lagoon)
91-100	25 (Goldeneye)	25	30 (lagoon)

Town of Kiawah Island Board of Zoning Appeals

January 22, 2024



Town of Kiawah Island Municipal Center | 4475 Betsy Kerrison Parkway | Kiawah Island, SC 29455

CASE# BZA23-000019

Applicant/Property Owner:	213-H GLEN ABBEY LLC, 213-W GLEN ABBEY LLC
Representative:	Doug Watts
Property Location:	213 Glen Abbey
TMS#:	265-09-00-014
Zoning District:	R-1, Residential Zoning District
Lot Size:	21,901 sq. ft.
Request:	Variance request for the reduction of the required 15' side setback for approximately 9 square feet encroachment

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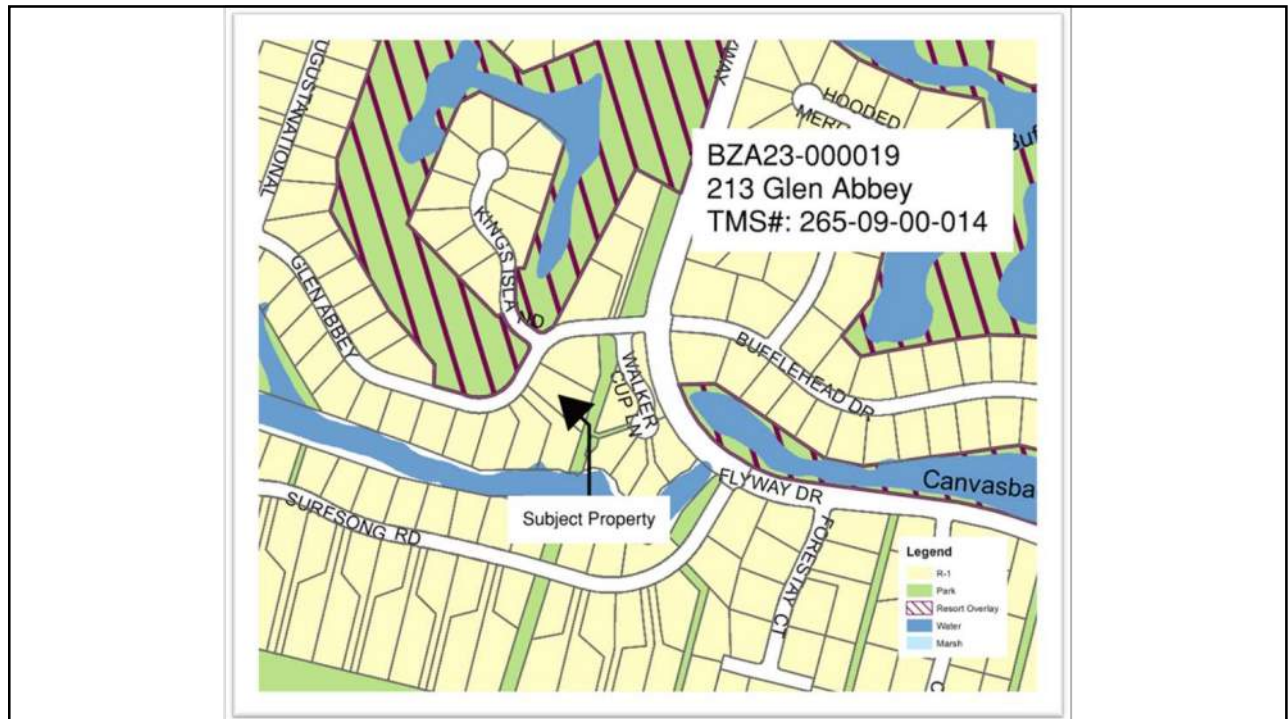
Chapter 12. Land Use Planning and Zoning, Art. II. Zoning, Div. 2. Zoning Map/Districts, Sec. 12-65. - R-1, Residential District.

Required setbacks: 25' (Front-Glen Abbey); 15' (Side); 20' (Rear-Open Space)

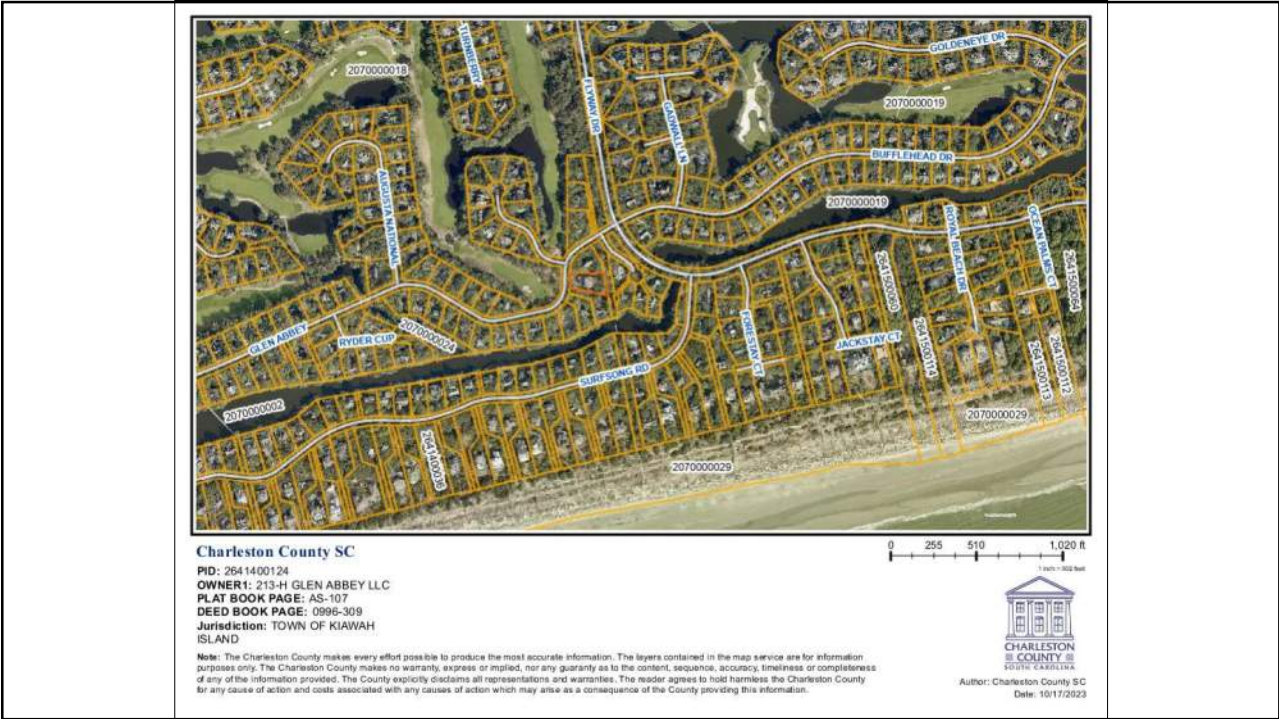
Maximum 33% Lot Coverage

The Ordinance defines Setback as “a required minimum distance from the lot line, or street right-of-way, or OCRM critical line that establishes an area within which a structure shall be erected.” The Ordinance defines Side Setback as “the setback measured from the side lot line.”

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Case # BZA23-000019
BZA Meeting of January 22, 2024
Subject Property: 213 Glen Abbey- Kiawah Island

Variance request for the reduction of the required 15' side setback for approximately 9 square feet encroachment.

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Subject Property



7

Adjacent Properties



8

Property Side



9

Property Rear



10

Subject Property



11

Subject Property

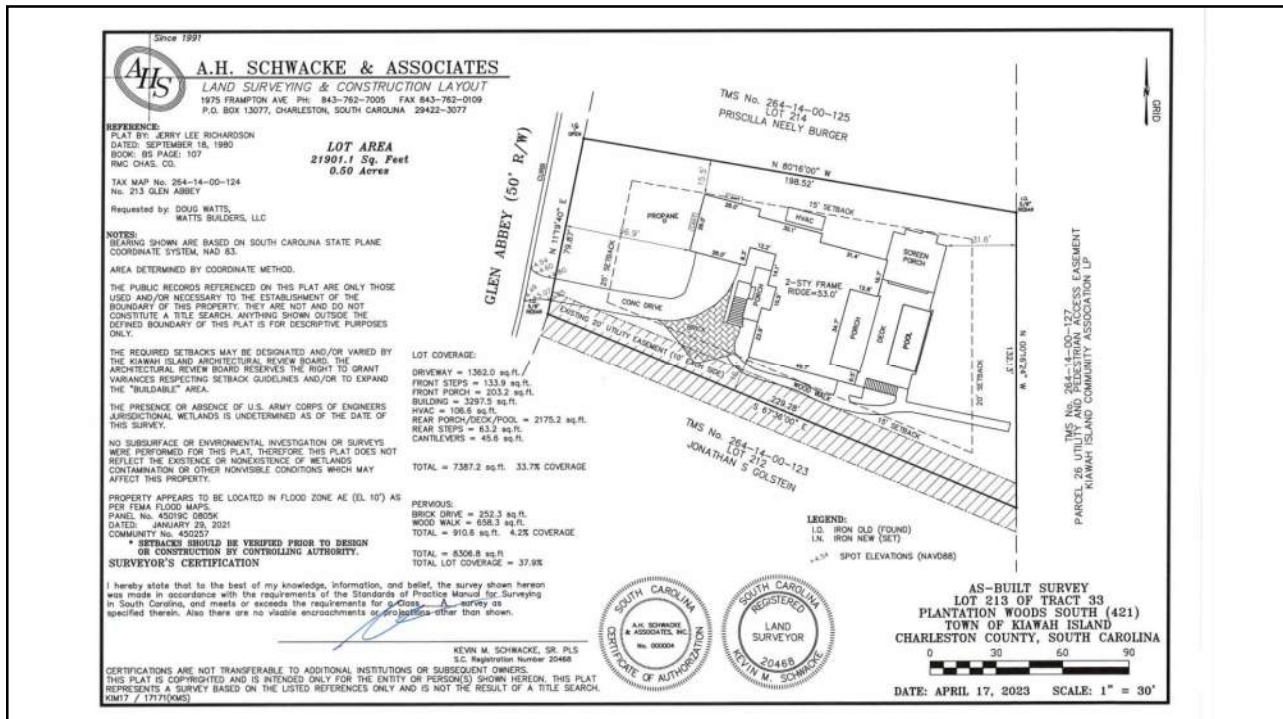


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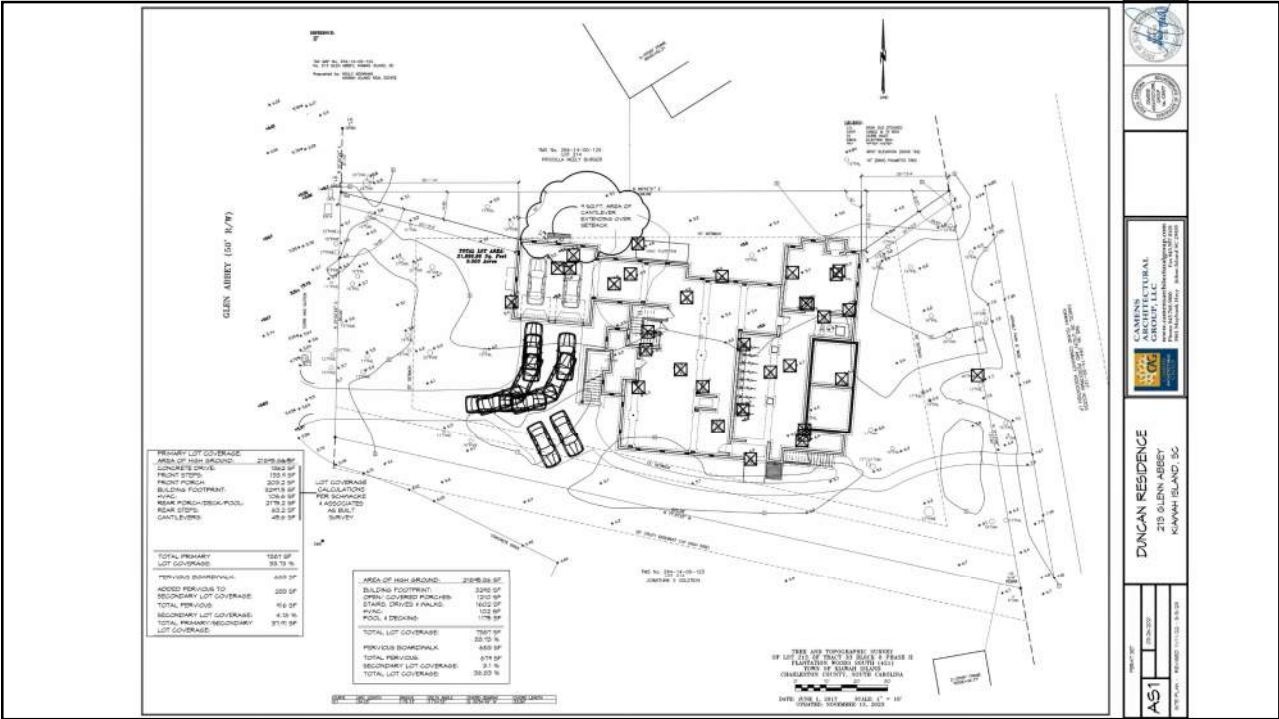
Subject Property



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Variance Approval Criteria

According to Chapter 12 of the Land Use Planning and Zoning Ordinance of the Town of Kiawah Island Code of Ordinances, Section 12-163. Variances (4) Approval Criteria, the Board of Zoning Appeals may grant a variance only if exceptional circumstances exist, and where practical difficulty or unnecessary hardship is so substantial, serious, and compelling that relaxation of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the BZA shall find that:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b) These conditions do not generally apply to other property in the vicinity;
- c) Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
- d) The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;

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Variance Approval Criteria

- e) The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map;
- f) The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;
- g) The need for the variance shall not be the result of the applicant's own actions;
- h) Granting the variance will not be contrary to the public or neighborhood interest nor will not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent and purpose of these regulations;
- i) Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.

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Board of Zoning Appeals Action

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA23-000019 (Variance request for the reduction of the required 15' side setback for approximately 9 square feet encroachment) based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.

In the even that the Board considers approval of this requested variance, staff ask that the following conditions be considered:

- 1. Install the three varied height re-foliated Cabbage Palms conditioned by the Kiawah Island Architectural Review Board in the location shown by the Kiawah Island Architectural Review Board.**

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Staff Review:

The applicant and property owner 213-H Glen Abbey LLC and 213-W Glen Abbey LLC being represented by Doug Watts are requesting a variance for the reduction of the required 15' side setback for approximately 9 square feet encroachment located at 213 Glen Abbey(TMS# 265-09-00-014). The subject property is located within the R-1, Residential District.

The lot is approximately 21,901 (.50 acres) in size. Per Town of Kiawah Island records, the single family residence was constructed in 2022. The subject property underwent zoning review in 2021 and was issued zoning approval on April 5, 2021 (ZON21-000077). The subject property underwent building review also in 2021, where the Town of Kiawah Island Building Department issued a building permit on April 22, 2021 (BLD21-000224) and issued a Certificate of Occupancy on January 9, 2023. The adjacent properties to the north and south, are also located in the R-1, Residential Zoning District. The adjacent property to the east is located in the Parks and Recreation Zoning District. The adjacent property to the west across Glen Abbey is Turtle Point Golf Course, located in the Parks and Recreation Zoning District within the Resort Overlay Zoning District. The subject property is subject to review by the Kiawah Island Architectural Review Board.

The *Town of Kiawah Island Land Use Planning and Zoning Ordinance* requires a front set back of twenty-five (25) feet, fifteen (15) foot side yard setbacks, and a twenty (20) foot rear setback. The subject property has a maximum lot coverage 33%. A portion of the existing single-family residence encroaches into the required side setback. The subject property is legally non-conforming with regards to setbacks and lot coverage. The existing lot coverage is approximately 36.83%.

The Ordinance defines Setback as “a required minimum distance from the lot line, or street right-of-way, or OCRM critical line that establishes an area within which a structure shall be erected.” The Ordinance defines Side Setback as “any setback other than a rear or front setback.”

The applicant’s plans include a portion of the existing house that encroaches approximately nine square feet into the required 15-foot side setback by approximately one foot six inches. The structure was constructed as permitted, however an encroachment into the side setback which is cantilevered exist. This cantilevered element of the submitted plans is located on the north side of the garage. The applicant brought this oversight to the attention of the Kiawah Island Architectural Review Board and the Town’s Planning Department.

The applicant submitted to the Kiawah Island Architectural Review Board (KIARB) for the review. The KIARB on July 21, 2023 granted approval for a setback variance, stating “*The Board approves the variance request for the setback encroachment with following the conditions: 1. Please install three varied-height re-foliated Cabbage Palms in the locations shown, or one 6”-8” caliper native hardwood, at the front right corner of the garage.*”

This case was previously scheduled to be heard by the Board of Zoning of Appeals on November 13, 2023. This case deferred by the Board of Zoning Appeals to the next due

to the applicant not being present.

Please see the attachments for further information regarding this request. A site visit was conducted on October 27, 2023 and January 5, 2024 at which time the following determinations were made regarding the Approval Criteria for Variances, as stated in Chapter 12 of the Town of Kiawah Island *Land Use Planning and Zoning Ordinance*, Article II, Division 5, Section 12-163.(4):

Staff Findings:

The BZA may grant a variance only if exceptional circumstances exist, and where practical difficulty or unnecessary hardship is so substantial, serious, and compelling that relaxation of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the BZA shall find that:

§ 12-163.(4)a.: *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

Staff Response: **There may be extraordinary and exceptional conditions pertaining to the property due to the irregular shape of the lot. The subject property is more narrow at the front than the rear. There is also an existing 20' utility easement located to the south. Per the applicant's letter of intent, "*The unusual condition regarding this property is the narrowing of the lot at the front of the property.*"**

§ 12-163.(4)b.: *These conditions do not generally apply to other property in the vicinity;*

Staff Response: **These conditions may be unique to the subject property and may not generally apply to other properties in the vicinity. The subject property is located in the R-1, Residential Zoning District. The adjoining adjacent properties to the north, and south are also located in the R-1, Residential Zoning District. The adjacent property to the east and is located within the Parks and Recreation Zoning District. Th property to the west across Glen Abbey is located within the Parks and Recreation Zoning District with a Resort Overlay District. Existing structures in the vicinity may or may not have similar encroachments based on current setback standards. Per the applicant's letter of intent, "*We are not aware of a similar lot condition in the immediate area. This condition would only apply to other properties in the vicinity which the front property line narrows down on the lot.*"**

§ 12-163.(4)c.: *Because of these conditions, the application of this Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;*

Staff Response: **The application of this *Ordinance* to 213 Glen Abbey would prohibit the construction of the cantilevered structure as a portion of the structure encroaches into the required 15' foot**

side yard setback. However, it does not unreasonably restrict the utilization of the property. Per the applicant's letter of intent, ***"An unnecessary hardship is present when the front of the property narrows down the width to the entrance of the property."***

§ 12-163.(4)d.: *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by the granting of the variance;*

Staff Response: **The authorization of this variance may not be of substantial detriment to the adjacent properties or the public good. The subject property is legally non-conforming with regards to setbacks which the existing structure encroaches into the setback. The proposed structure encroaches minimally into the side setback by approximately 1 foot 6 inches, with a total encroachment of 9 square feet. The structure was constructed as permitted in 2021. The subject property is properly screened with dense vegetation on the north side from the adjacent property to the north. The area in question is not visible from the street right of way. Per the applicant's letter of intent, ***"The portion that is encroaching the setback is only visible from one of the adjacent properties. There is natural vegetation and added vegetation between portion of home and the side property line."*****

§ 12-163.(4)e.: *The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map;*

Staff Response: **Granting of this variance would not allow the establishment of a use not otherwise permitted in this zoning district, extend physically a non-conforming use of land, or change the zoning district boundaries. Per the applicant's letter of intent, ***"The granting of this variance will not allow for a use not permitted by the ordinance."*****

§ 12-163.(4)f: *The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;*

Staff Response: **The BZA may not consider profitability when considering this variance request. Per the applicant's letter of intent, ***"The sole purpose for the variance is to enhance the livability and functionality of the entrance to the property."*****

§ 12-163.(4)g.: *The need for the variance shall not be the result of the applicant's own actions;*

Staff Response: **The need for the variance may not be the result of the applicant's own actions. The existing structure was constructed**

as permitted by the Town of Kiawah Island as well as the Kiawah Island Architectural Review Board. This subject property is legally nonconforming with regards to the setbacks. Per the applicant's letter of intent, *"The need for the variance was due to the result in the ARB asking for the house to be moved for functionality, not a request by the owner."*

§ 12-163.(4)h.: *Granting the variance will not be contrary to the public or neighborhood interest nor will not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent and purpose of these regulations;*

Staff Response: **Granting of this variance may not be contrary to the public or neighborhood interest, may not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of these regulations. The cantilevered area encroaches minimally and is not visible from the street. The subject property has dense vegetation planting adjacent to the area in question. Per the applicant's letter of intent, *"The Owner will be notifying the neighbors regarding the BZA meeting and intent of the meeting."***

§ 12-163.(4)i.: *Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.*

Staff Response: **Granting of the variance may not substantially conflict with the *Comprehensive Plan* or the purposes of the *Ordinance*. The applicant's proposed plans meet the lot coverage requirement for the subject property. The cantilever minimally encroaches into the side setback (to the north). Per the applicant's letter of intent, *"Granting this variance, we believe will not conflict with the comprehensive plan or the purposes of the ordinance due to the small amount being over the setback and that shifting the home towards the setback allows for a grander, non-constricted entrance to this magnificent home."***

Board of Zoning Appeals' Action:

The Board of Zoning Appeals may approve, approve with conditions, or deny Case #BZA23-000019 (Variance request for the reduction of the required 15' side setback for approximately 9 square feet encroachment) based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

In the event that the Board considers approval of this requested variance, staff ask that the following conditions be considered:

- 1. Provide a landscape plan for review by the Town's Planning Director.**

2. **Install the three varied height re-foliated Cabbage Palms conditioned by the Kiawah Island Architectural Review Board in the location shown by the Kiawah Island Architectural Review Board.**

LETTER OF INTENT

213 GLENN ABBEY

This letter of intent is describing the project at 213 Glenn Abbey which results in an application for a variance to the side setback restrictions. The proposal is to allow the 9 square feet of cantilevered heated space to encroach the 15' building setback by 18" at the furthest projection. When the project was going through the Kiawah Island ARB submittals it was recommended that the garage portion of the house be moved closer to the setback to allow for a more functional driveway turning radius to access the garage. When the house was shifted to the side 15' setback this is when we submitted and received approval from the ARB the variance for the 9 feet of cantilevered heated space to encroach into the side setback, see attached approval letter.

- A. **The Owners have an extraordinary and exceptional condition pertaining to this particular piece of property;** The unusual condition regarding this property is the narrowing of the lot at the front of the property.
- B. **These conditions do not generally apply to other property in the vicinity;** We are not aware of a similar lot condition in the immediate area. This condition would only apply to other properties in the vicinity which the front property line narrows down on the lot.
- C. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonable restrict the utilization of the property;** An unnecessary hardship is present when the front of the property narrows down the width to the entrance of the property.
- D. **The authorization of the variance will not be a substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by granting the variance;** The portion that is encroaching the

setback is only visible from one of the adjacent properties. There is natural vegetation and added vegetation between portion of home and the side property line.

- E. **The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map;** The granting of this variance will not allow for a use not permitted by the ordinance.

- F. **The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;** The sole purpose for the variance is to enhance the livability and functionality of the entrance to the property.

- G. **The need for a variance shall not be the result of the applicants own actions;** The need for the variance was due to the result in the ARB asking for the house to be moved for functionality, not a request by the owner.

- H. **Granting the variance will not be contrary to the public or neighborhood interest nor will not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent and purpose of these regulations;** The Owner will be notifying the neighbors regarding the BZA meeting and intent of the meeting.

- I. **Granting this variance, we believe will not conflict with the comprehensive plan or the purposes of the ordinance due to the small amount being over the setback and that shifting the home towards the setback allows for a grander, non-constricted entrance to this magnificent home.**



p: 843-768-3419
f: 843-768-0517
e: ARB@kiawahisland.com

July 21, 2023

Mr. and Mrs. Duncan
7835 Royal Sydney Drive
Gainesville, VA 20155

PHYSICAL ADDRESS
253 Gardeners Circle, Suite 200
Johns Island, SC 29455

MAILING ADDRESS
130 Gardeners Circle, Suite 123
Johns Island, SC 29455

Re: Variance Request for Setback Encroachment after Completion of Home

Construction Address: 213 Glen Abbey
ARB Action: Approved Conditional

Dear Mr. and Mrs. Duncan,

Thank you for your submittal to the Kiawah Island Architectural Review Board (KIARB) regarding your variance request at 213 Glen Abbey. This was an Item of Discussion at the July 19th meeting.

In considering this request, the board appreciates that your architect acknowledged their oversight in not identifying and requesting this variance during the normal review of the home. For the reasons described on the Variance Request Form, the Board approves the variance request for the setback encroachment with following the conditions:

1. Please install three varied-height re-foliated Cabbage Palms in the locations shown, or one 6"-8" caliper native hardwood, at the front right corner of the garage (see attached image).

The setback variance may also require approval from the Town of Kiawah Board of Zoning Appeals.

Once again, thank you for your submittal to the ARB. Please let us know how we can assist you moving forward.

Sincerely,

Tommy Manuel, Director
On Behalf of the Kiawah Island Architectural Review Board

cc: Property file, John Taylor, Camens Architectural Group, Three Oaks, Watts Builders



Please install three varied-height refoliated Cabbage Palms in the locations shown or one 6"-8" caliper native hardwood at this corner of the garage.



TOWN OF
Kiawah Island

Zoning Permit
Permit # ZON21-000077

BUILDING SERVICES
4475 Betsy Kerrison Parkway, Kiawah Island, SC 29455
Phone: 843-768-9166
<https://www.kiawahisland.org/>

Application Date: 03/31/2021
Issuance Date: 04/05/2021

Property Address: 213 GLEN ABBEY TMS: 2641400124 Property Owner Name: DUNCAN GEORGE A DUNCAN DEADRA A Applicant Information: Doug Watts Address: Phone Number: Contractor(s): Watts Builders Address: 1070 Main Rd Phone Number: 8432002079	Scope of Work: New Single Family Dwelling
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Type and Value of the Structure	
Proposed Use:	New Single-family Dwelling
Lot Coverage:	35.88%
Valuation:	0.00
Zoning District:	

Fees			
Quantity	Description	Amount	Total Cost
1.0	Residential Zoning Permit	25.00	25.00

The applicant, or agents and employees of, all shall comply with all of the rules, regulations and requirements of the Town of Kiawah Island, including Zoning regulations, Building Code Regulations, Town Ordinances, and all State Statutes and Regulations governing all aspects of the above proposed scope of work as presented, for which, the permit is granted. The Town or its agents are authorized to order the immediate cessation of construction at anytime a violation of the codes or regulations appear to have occurred. Violations of any of the regulations and or laws stated above may lead to the revocation of this permit. Buildings **MUST** conform with submitted and approved plans. Any revisions of the plans must be approved in writing by both the architect/engineer of record and this department prior to making such change. Any project involving a change of occupancy classification type shall be approved by this department prior to the issuance of a permit. If no building permit is obtained within 12 months, permit is considered void, and contractor shall resubmit. At no time are permits transferable. The Town of Kiawah Island shall not be liable for workmanship flaws. Nor shall the town enter into contract disputes between the owners and contractors, such cases shall be resolved in a court of law.

Approved By:  Planning Director



TOWN OF
Kiawah Island

Residential Building Permit
BLD21-000224

SC Contractor's License #
21553

COMMUNITY DEVELOPMENT
4475 Betsy Kerrison Parkway, Kiawah Island, SC 29455
Phone: 843-768-9166
<https://www.kiawahisland.org/>

Application Date: 03/31/2021
Issuance Date: 04/22/2021

Property Address:	213 GLEN ABBEY	Scope of Work: New Single Family Dwelling
TMS:	2641400124	
Owner Name:	DUNCAN GEORGE A DUNCAN DEADRA A	
Contractor:	WATTS BUILDERS, LLC	
Address:	1070 MAIN RD.	
Phone Number:	(843) 278-5849	

Type and Value of the Project	
Construction Type:	VB
Occupancy Classification:	
Valuation:	\$2,334,381.00

Fees			
Quantity	Description	Amount	Total Cost
1.0	Building Permit Fee	8,407.50	8,407.50
1.0	Floodplain Management Compliance Inspection	85.00	85.00
1.0	Plan Check Fee	4,203.75	4,203.75
1.0	Administrative Processing Fee	30.00	30.00
1.0	Construction in a Flood Zone	25.00	25.00

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Bruce D. Spicker Building Official

Curt Watts

Applicant



Residential Certificate of Occupancy

This certificate is issued pursuant to the requirements of the adopted building code, certifying that at the time of issuance this structure was in compliance with the various laws and requirements governing the construction of such in the jurisdiction known as the Town of Kiawah Island.

Permit Number: BLD21-000224

Project Address: 213 GLEN ABBEY

Zoning District:

TMS: 2641400124

Construction Type: VB

Owner Name: DUNCAN GEORGE A DUNCAN
DEADRA A

Occupancy Classification:

Contractor: WATTS BUILDERS, LLC

Stipulations:

Code Edition: 2018 IRC

Description: New Single Family Dwelling

Bruce D. Spicker

01/09/2023

Building Official

Date

Since 1991



A.H. SCHWACKE & ASSOCIATES

LAND SURVEYING & CONSTRUCTION LAYOUT

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

REFERENCE:

PLAT BY: JERRY LEE RICHARDSON
DATED: SEPTEMBER 18, 1980
BOOK: BS PAGE: 107
RMC CHAS. CO.

LOT AREA
21901.1 Sq. Feet
0.50 Acres

TAX MAP No. 264-14-00-124
No. 213 GLEN ABBEY

Requested by: DOUG WATTS,
WATTS BUILDERS, LLC

NOTES:

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

AREA DETERMINED BY COORDINATE METHOD.

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

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

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

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

PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE (EL 10') AS PER FEMA FLOOD MAPS.

PANEL No. 45019C 0805K
DATED: JANUARY 29, 2021
COMMUNITY No. 450257

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

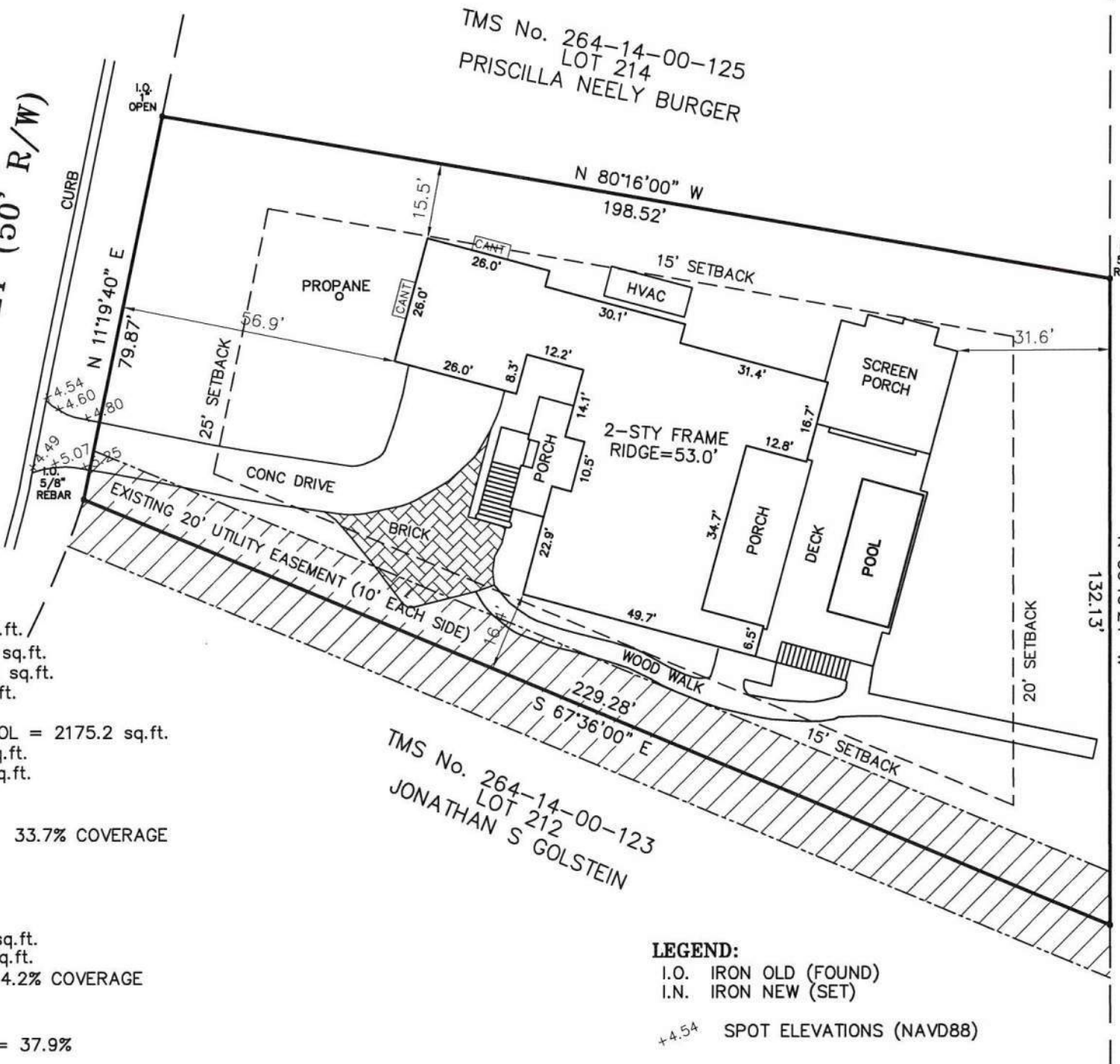
SURVEYOR'S CERTIFICATION

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

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

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH. KIM17 / 17171(KMS)

GLEN ABBEY (50' R/W)



LOT COVERAGE:

DRIVEWAY = 1362.0 sq.ft.
FRONT STEPS = 133.9 sq.ft.
FRONT PORCH = 203.2 sq.ft.
BUILDING = 3297.5 sq.ft.
HVAC = 106.6 sq.ft.
REAR PORCH/DECK/POOL = 2175.2 sq.ft.
REAR STEPS = 63.2 sq.ft.
CANTILEVERS = 45.6 sq.ft.

TOTAL = 7387.2 sq.ft. 33.7% COVERAGE

PERVIOUS:

BRICK DRIVE = 252.3 sq.ft.
WOOD WALK = 658.3 sq.ft.
TOTAL = 910.6 sq.ft. 4.2% COVERAGE

TOTAL = 8306.8 sq.ft
TOTAL LOT COVERAGE = 37.9%

LEGEND:

I.O. IRON OLD (FOUND)
I.N. IRON NEW (SET)
+4.54 SPOT ELEVATIONS (NAVD88)



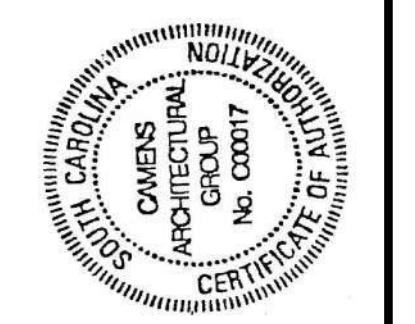
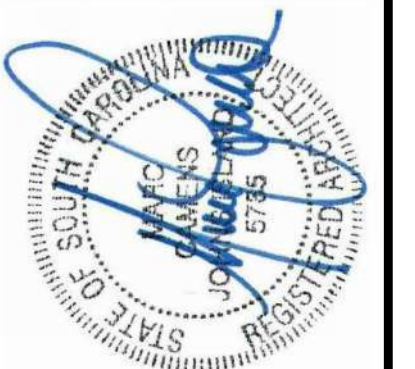
AS-BUILT SURVEY
LOT 213 OF TRACT 33
PLANTATION WOODS SOUTH (421)
TOWN OF KIAWAH ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA



DATE: APRIL 17, 2023 SCALE: 1" = 30'

TMS No. 264-14-00-127
PARCEL 26 UTILITY AND PEDESTRIAN ACCESS EASEMENT
KIAWAH ISLAND COMMUNITY ASSOCIATION LP

GRID

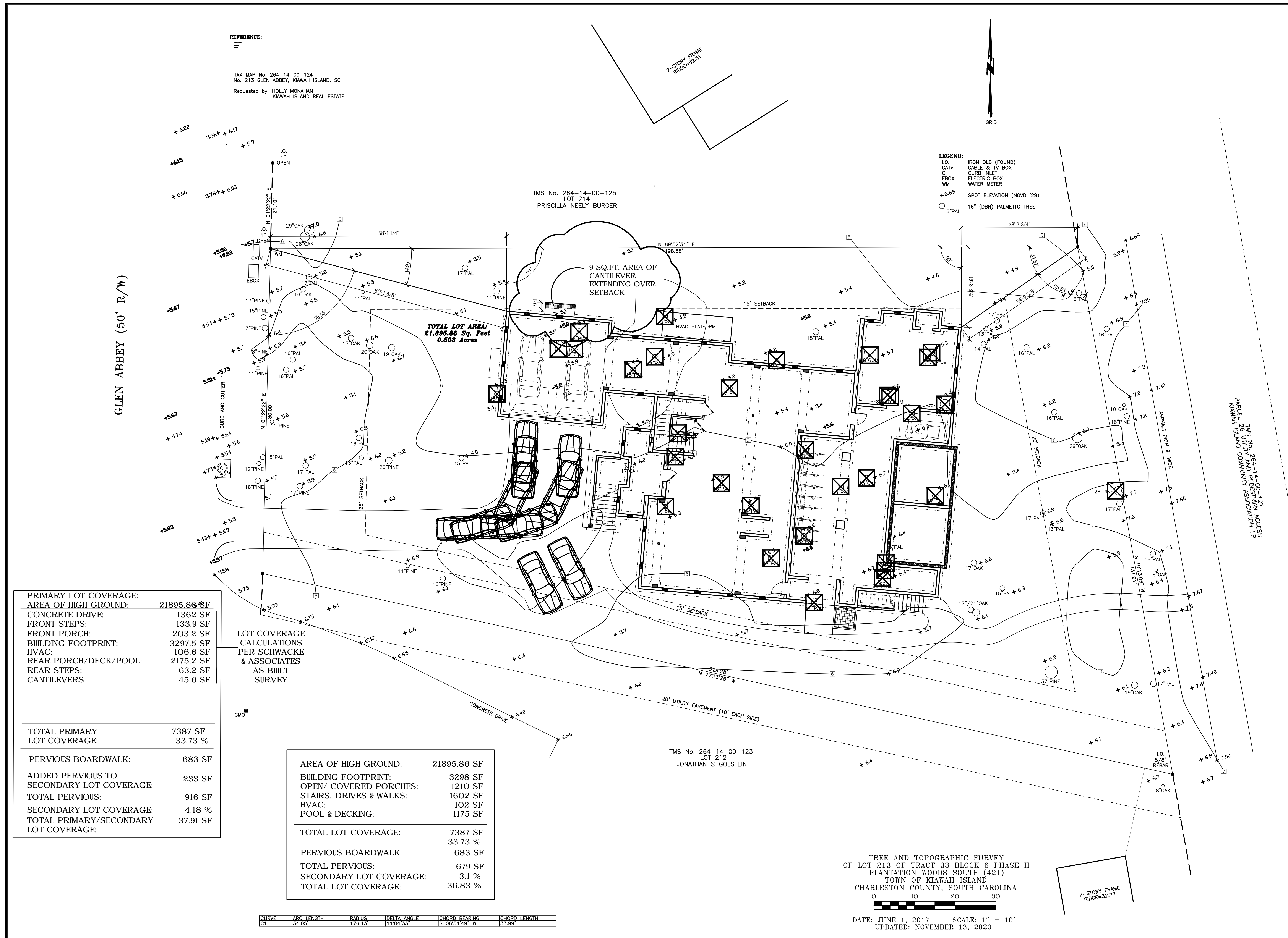


CAMENS ARCHITECTURAL GROUP, LLC
 www.camensarchitecturalgroup.com
 Phone 843.768.3800 Fax 843.557.0101
 3461 Maybank Hwy Johns Island SC 29455



DUNCAN RESIDENCE
 213 GLENN ABBEY
 KIAWAH ISLAND, SC

PERMIT SET
 03/26/2021
ASI
 SITE PLAN - REVISED 11/11/22 - 3/3/23



REFERENCE:
 TAX MAP No. 264-14-00-124
 No. 213 GLENN ABBEY, KIAWAH ISLAND, SC
 Requested by: HOLLY MONAHAN
 KIAWAH ISLAND REAL ESTATE

TMS No. 264-14-00-125
 LOT 214
 PRISCILLA NEELY BURGER

TOTAL LOT AREA:
 21,895.86 Sq. Feet
 0.603 Acres

LOT COVERAGE
 CALCULATIONS
 PER SCHWACKE
 & ASSOCIATES
 AS BUILT
 SURVEY

PRIMARY LOT COVERAGE:	
AREA OF HIGH GROUND:	21895.86 SF
CONCRETE DRIVE:	1362 SF
FRONT STEPS:	133.9 SF
FRONT PORCH:	203.2 SF
BUILDING FOOTPRINT:	3297.5 SF
HVAC:	106.6 SF
REAR PORCH/DECK/POOL:	2175.2 SF
REAR STEPS:	63.2 SF
CANTILEVERS:	45.6 SF

TOTAL PRIMARY LOT COVERAGE:	7387 SF
33.73 %	

PERVIOUS BOARDWALK:	683 SF
ADDED PERVIOUS TO SECONDARY LOT COVERAGE:	233 SF
TOTAL PERVIOUS:	916 SF
SECONDARY LOT COVERAGE:	4.18 %
TOTAL PRIMARY/SECONDARY LOT COVERAGE:	37.91 %

AREA OF HIGH GROUND:	21895.86 SF
BUILDING FOOTPRINT:	3298 SF
OPEN/ COVERED PORCHES:	1210 SF
STAIRS, DRIVES & WALKS:	1602 SF
HVAC:	102 SF
POOL & DECKING:	1175 SF
TOTAL LOT COVERAGE:	7387 SF
33.73 %	
PERVIOUS BOARDWALK	683 SF
TOTAL PERVIOUS:	679 SF
SECONDARY LOT COVERAGE:	3.1 %
TOTAL LOT COVERAGE:	36.83 %

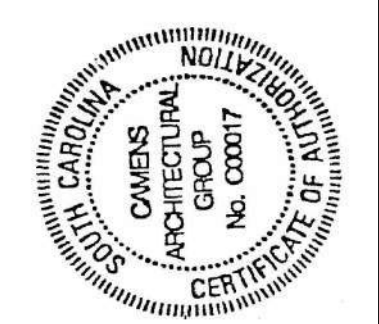
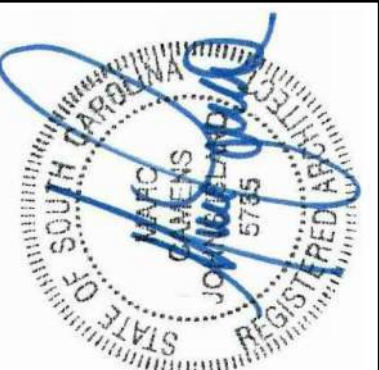
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	34.05'	176.13'	11°04'33"	S 06°54'49" W	33.99'

TREE AND TOPOGRAPHIC SURVEY
 OF LOT 213 OF TRACT 33 BLOCK 6 PHASE II
 PLANTATION WOODS SOUTH (421)
 TOWN OF KIAWAH ISLAND
 CHARLESTON COUNTY, SOUTH CAROLINA

DATE: JUNE 1, 2017 SCALE: 1" = 10'
 UPDATED: NOVEMBER 13, 2020

GLENN ABBEY (50' R/W)

TMS No. 264-14-00-127
 PARCEL 28 UTILITY AND PEDESTRIAN ACCESS
 KIAWAH ISLAND COMMUNITY ASSOCIATION LP



CAMENS ARCHITECTURAL GROUP, LLC
 www.camensarchitecturalgroup.com
 Phone 843.768.3800 Fax 843.557.0101
 3461 Maybank Hwy Johns Island SC 29455



DUNCAN RESIDENCE
 213 GLENN ABBEY
 KIAWAH ISLAND, SC

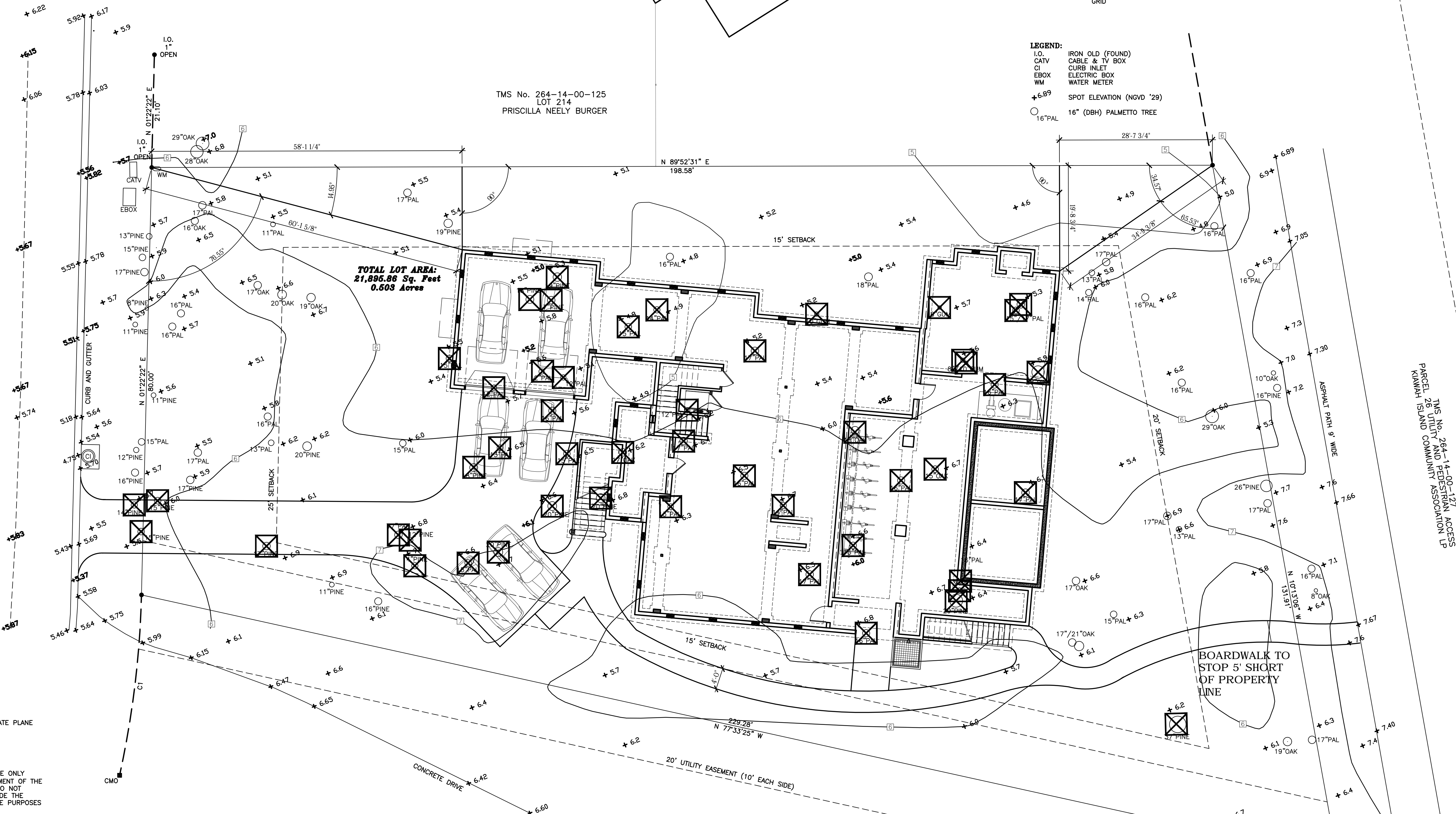
PERMIT SET
 03/26/2021
ASI
 SITE PLAN

REFERENCE:

TAX MAP No. 264-14-00-124
 No. 213 GLEN ABBEY, KIAWAH ISLAND, SC
 Requested by: HOLLY MONAHAN
 KIAWAH ISLAND REAL ESTATE

- LEGEND:**
- I.O. IRON OLD (FOUND)
 - CATV CABLE & TV BOX
 - CI CURB INLET
 - EBOX ELECTRIC BOX
 - WM WATER METER
 - +6.89 SPOT ELEVATION (NGVD '29)
 - 16" PAL 16" (DBH) PALMETTO TREE

GLENN ABBEY (50' R/W)



NOTES:
 BEARING SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83.
 AREA DETERMINED BY COORDINATE METHOD.
 ELEVATIONS ARE BASED ON NGVD '29 DATUM.
 THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
 THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARY BY THE KIAWAH ISLAND ARCHITECTURAL REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.
 THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY.
 TREES LABELED GENERAL TYPES WITH DIAMETER SIZE SHOWN IN INCHES. AN ARBORIST OR LANDSCAPE ARCHITECT SHOULD BE CONSULTED IF SPECIFIC NAMES OR OTHER DETAILS ARE NEEDED.
 NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS CONTAMINATION OR OTHER NONVISIBLE CONDITIONS WHICH MAY AFFECT THIS PROPERTY.
 PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE (EL 14') AS PER FEMA FLOOD MAPS.
 PANEL No. 45019C 0805J
 DATED: NOVEMBER 17, 2004
 COMMUNITY No. 450257
 * SETBACKS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION BY CONTROLLING AUTHORITY.

AREA OF HIGH GROUND:	21895.86 SF
BUILDING FOOTPRINT:	3300 SF
OPEN/ COVERED PORCHES:	1212 SF
STAIRS, DRIVES & WALKS:	1509 SF
HVAC:	
POOL & DECKING:	1175 SF
<hr/>	
TOTAL LOT COVERAGE:	7196 SF
	32.86 %
PERVIOUS BOARDWALK:	662 SF
SECONDARY TOTAL:	3.02 %
TOTAL LOT COVERAGE:	35.88 %

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
61	34.05	176.13	110.433	S 06°54.49' W	33.99

TREE AND TOPOGRAPHIC SURVEY
 OF LOT 213 OF TRACT 33 BLOCK 6 PHASE II
 PLANTATION WOODS SOUTH (421)
 TOWN OF KIAWAH ISLAND
 CHARLESTON COUNTY, SOUTH CAROLINA

DATE: JUNE 1, 2017 SCALE: 1" = 10'
 UPDATED: NOVEMBER 13, 2020