



Case #BZA24-000007
Kiawah Island BZA Meeting of June 17, 2024

Applicant/Property Owner: STEWART JONATHAN G, STEWART KRISTIN G

Representative: Mike Creed

Property Location: 202 Chinaberry Lane

TMS#: 265-02-00-119

Lot Size: Total: 50,201 sqft (1.16 acres)
Highlands: 14,530 sqft (.33 acres)
Marsh 35,672 sqft (.82 acres)

Zoning District: R-2, Residential Zoning District

Request: Variance request to exceed the maximum lot coverage of 33% by 3.66% (approx. 531 sqft) to 36.66% for a single-family residence located at 202 Chinaberry Lane, Kiawah Island, SC.

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: 30' (Front); 30' (Side); 30' (Rear)

Maximum 33% Lot Coverage

The Ordinance defines Lot coverage as “the total percentage of lot area that is impervious to stormwater, including buildings, decks, walls, driveways, front walkways, and other impervious surfaces as defined by this ordinance and determined by the Planning Director.”

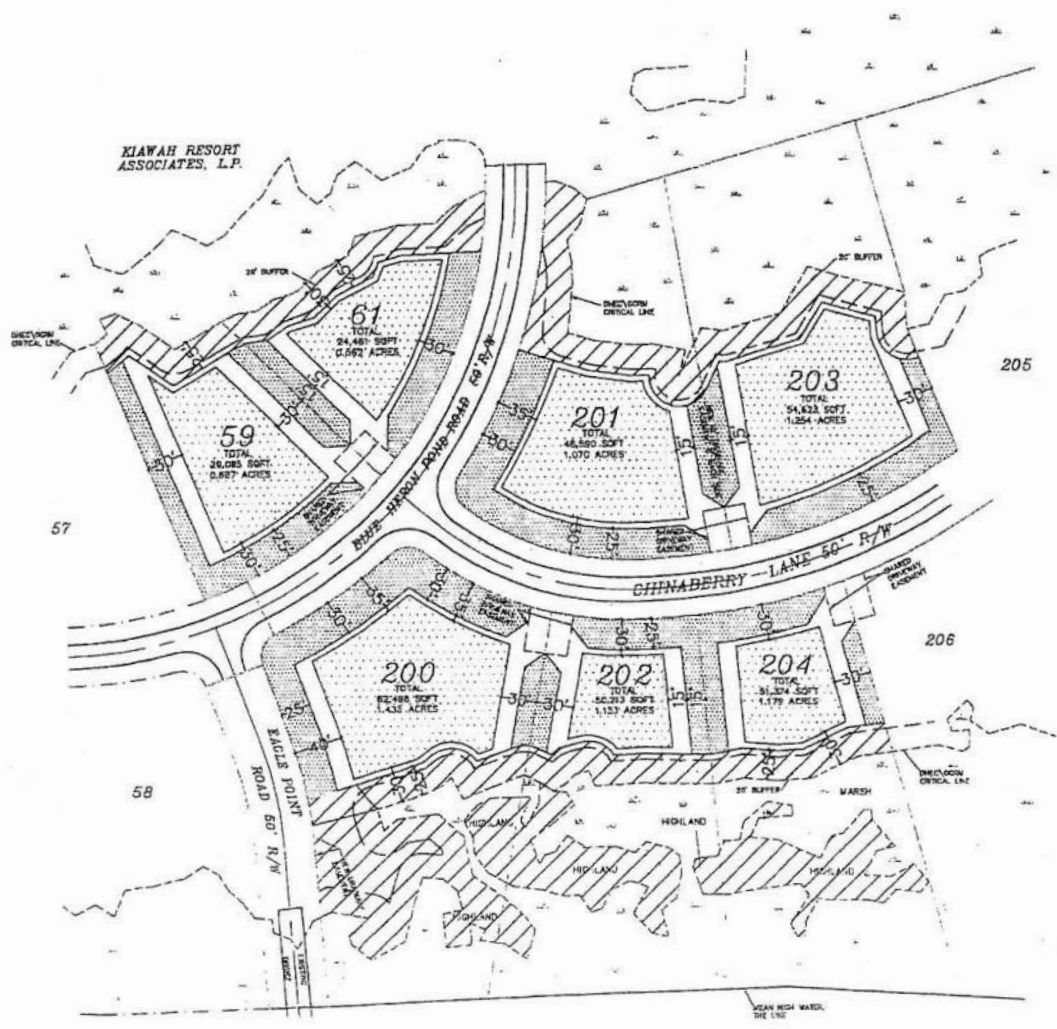
Sec. 12-65. R-1, Residential District.

- (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)


BLUE HERON POND ROAD
and CHINABERRY LANE



 BUILDABLE AREA

 PRESERVATION ZONE

* This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.

 SELECTIVE CLEARING ZONE

* This zone is generally between the designated setback lines and either the property line of the Lot or the D.H.E.C.-O.C.R.M. Critical Line.
* All vegetation in this zone shall be preserved until the home is completely framed.
* Removal or alteration of vegetation between the home (or other structure) and the critical line shall be accomplished only after on-site A.R.B. approval.



Staff Review:

The applicant, Mike Creed representing the property owner Jonathan Stewart and Kristin Stewart is requesting a variance to increase the maximum lot coverage of 33% by 3.66% (approximately 531 sq.ft.) to 36.66% for a proposed single-family residence located at 202 Chinaberry Lane, Kiawah Island, SC (TMS# 265-02-00-119). The subject property is located within the R-1, Residential Zoning District.

The subject property is approximately 50,201 square feet (1.16 acres) in size, containing approximately 14,529.7 square feet (0.38 acres) of high ground and approximately 35,672.0 square feet (0.82 acres) of marsh. The subject property is currently undeveloped and sits adjacent to critical area (marsh) to the south. The adjacent properties to the east, west and to the north across Chinaberry Lane are located in the R-1, Residential 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* pursuant to Sec. 12-65. R-1, Residential District requires a 30' front yard setback, a 30' side yard setback and a 30' rear yard setback with an allowed maximum lot coverage of 33% for the subject property.

The applicant's proposed plans include a new single-family residence including a pool and deck in the rear. The applicant has been submitted to the Kiawah Island Architectural Review Board for review. The proposed project received approval for the lot coverage from the KIARB June 5th, 2024.

On April 10, 2024, the applicant submitted a request for a reduction in the OCRM Critical Line Setbacks per Sec. 12-76 Waterfront Development Standards. The new survey provide is dated April 4, 2024. This request was approved on April 12, 2024 by the Planning Director, establishing a 15' rear setback for the subject property which includes a 10' vegetative buffer along the OCRM Critical Line.

Sec. 12-76 Waterfront Development Standards (Ordinance 2013-01; Article 12, Section 12A-216 (G.), Reductions to OCRM Critical Line Setbacks) states, *"The OCRM Critical Line Setback depth for a parcel may be reduced up to a minimum depth of fifteen (15) feet on residential zoned properties when all of the following criteria and conditions have been met:*

- 1. As of the time the current platted parcel is submitted for development or for changes or additions to the existing development on the parcel, the parcel contains not more than 0.5 highland acres of buildable area; and*
- 2. The Parcel has an OCRM Critical Line delineation depicted on the most recently approved and recorded subdivision plat for that parcel, which OCRM Critical Line delineation is five or more years old (expired); and*
- 3. A new and current OCRM Critical Line delineation has been established*

for the parcel which has changed the linear boundary of the parcel from that depicted on the subdivision plat referred to in subsection (2) above, and fifty percent (50%) or more of the new linear boundary has, in the aggregate, moved toward the highland; and

4. Said new linear boundary of the parcel has also resulted in a decrease in the amount of buildable area contained within the parcel of 25% or more, when the amount of such buildable area as it existed on the subdivision plat referred to in subsection (2) above is compared to such buildable area as defined by said new linear boundary; and

5. The twenty~five per cent (25%) or more reduction in the buildable area of the parcel, relied upon for the above described reduction in depth of the OCRM Critical Line Setback, has been solely the result of change in the parcel's linear boundary occasioned by the change in the parcel's OCRM Critical Line delineation as described in subsections (3) and (4) above; And

6. A plan and depiction of a minimum ten (10) foot vegetated buffer, to be located within the newly established OCRM Critical Line Setback and using existing or native plant material, is submitted for approval by the Planning Director, and, following approval, such buffer is incorporated into the parcel.”

The proposed plans exceed the maximum allowable lot coverage of 33%. The proposed lot coverage is approximately 36.66% (5,326 square feet). The Ordinance defines *Lot coverage* as “the total percentage of lot area that is impervious to stormwater, including buildings, decks, walls, driveways, front walkways, and other impervious surfaces as defined by this ordinance and determined by the Planning Director.”

A site visit was conducted by planning staff on May 31, 2024. The property owner was notified on June 7, 2024 of a zoning violation, pursuant to “Excavation, clearing, and/or grubbing preparatory to constructing a structure for which a building permit is required”. Planning staff is still investigating the violation. The site completed site clearing on March 15, 2024.

Please see the attachments for further information regarding this request. A site visit was conducted on May 31, 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 OCRM Critical Line. The lot size has decreased from the movement of the OCRM Critical Line towards the highlands as illustrated in the updated survey dated April 4, 2024. The buildable area has been reduced by approximately 31.61%. Per the applicant's letter of intent, "The residence was initially designed using the OCRM line from 2018 and this approved design had a lot coverage of 32.21%. However, the OCRM line expired prior to a building permit being granted and as such an updated OCRM survey was requested by the building permit office. This updated OCRM line significantly impacted the buildable area of the lot. We are requesting the overage to bring the buildable area back in line with what it was prior to the OCRM line being shifted so that the previously approved home design can be built."**

§ 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 OCRM Critical Line is unique to individual properties. The property is located in the R-1 Residential Zoning District. Adjacent properties are also located in the R-1 Residential Zoning 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, "The neighboring properties were developed prior to the OCRM line being updated."**

§ 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 the property may not prohibit the utilization of the property but may unreasonably restrict the utilization of the property. Due to the shrinking of the lot size because of the OCRM Critical Line, the proposed residence has been modified to a smaller size than previously designed for. Per the letter of intent "The reduction of buildable area restricts the scope of residence that originally could have occupies the property within the guidelines for "the Preserve"**

neighborhood.

§ 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 proposed plans increase the total lot coverage by approximately 531 square feet (3.66%) from the 33% allowable lot coverage. The home size is not being altered from the original plans. Per the applicant’s letter of intent, “*Neighboring properties will not be impacted by the variance, as we are only requesting an update to bring the undeveloped property closer to its historical condition.*”**

§ 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, “*We are not requesting a use for the property that is different than those permitted.*”**

§ 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, “*increasing the allowable lot coverage will only bring the property back in line with its prior allowable use and will not allow use that in excess of such use.*”**

§ 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 movement of the OCRM Critical Line has caused the need for this variance. Per the applicant’s letter of intent, “*The requested variance is a result of natural changes to the site.*”**

§ 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. Per the letter of intent, “The requested variance will not adversely affect other property in the vicinity, as the request use is one that has a design with prior approval.”**

§ 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. Per the applicant’s letter of intent, “The requested variance does not substantially conflict with the Comprehensive Plan as it does not significantly alter the prior planned use for this lot and does not impact future needs of the island.”**

Board of Zoning Appeals’ Action:

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000007 (Variance request to increase the maximum lot coverage 33% by 3.66% (approximately 531 sqft) to 36.66% for a single-family residence based on the BZA’s “Findings of Fact”, unless additional information is deemed necessary to make an informed decision.

Should the Board of Zoning Appeals consider approval of this variance request, planning staff request the following conditions of approval:

- 1. The applicant shall schedule a site visit with the Town’s Landscape and Tree Specialist within 30 days of installation of the proposed generator to ensure the generator is adequately screened with proper vegetation.**

Town of Kiawah Island Board of Zoning Appeals

JUNE 17, 2024



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

CASE# BZA24-000007

Applicant/Property Owner & Representative:	Jonathan & Kristin Stewart
Property Location:	202 Chinaberry Lane
TMS#:	265-02-00-119
Zoning District:	R-1, Residential Zoning District
Lot Size:	50,201 sq. ft. (1.16 acres)
Request:	Variance request to exceed the maximum lot coverage of 33% by 3.66% (approx. 531 sq.ft.) to 36.66% for a single-family residence.

CASE# BZA24-000007

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

Required setbacks: 30' (Front); 30' (side); 30' (Rear)

Maximum 33% Lot Coverage

The Ordinance defines Lot coverage as “the total percentage of lot area that is impervious to stormwater including building, decks, walls, driveways, front walkways and other impervious surfaces as defined by this ordinance and determined by the Planning Director.

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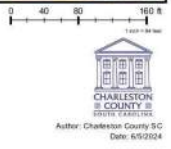


4



BZA24-000007
 PID: 2650200119
 OWNER: STEWART JONATHAN G
 PLAT BOOK PAGE: EF-362
 DEED BOOK PAGE: 1030-702
 Jurisdiction: TOWN OF KIAWAH ISLAND

Note: The Charleston County makes every effort possible to produce the most accurate information. The layers contained in the map service are for informational purposes only. The Charleston County makes no warranty, express or implied, nor any guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the information provided. The County explicitly disclaims all representations and warranties. The reader agrees to hold harmless the Charleston County for any cause of action and costs associated with any causes of action which may arise as a consequence of the County providing this information.



Case # BZA24-000007
BZA Meeting of June 17, 2024
Subject Property: 202 Chinaberry Lane– Kiawah Island

Variance request to exceed the maximum lot coverage of 33% by 3.66% (approx. 531 Sq. ft.) to 36.66% for a single-family residence.



Property Front



Adjacent Properties



Adjacent Properties



Proposed Generator Stand



11

Subject Property



12

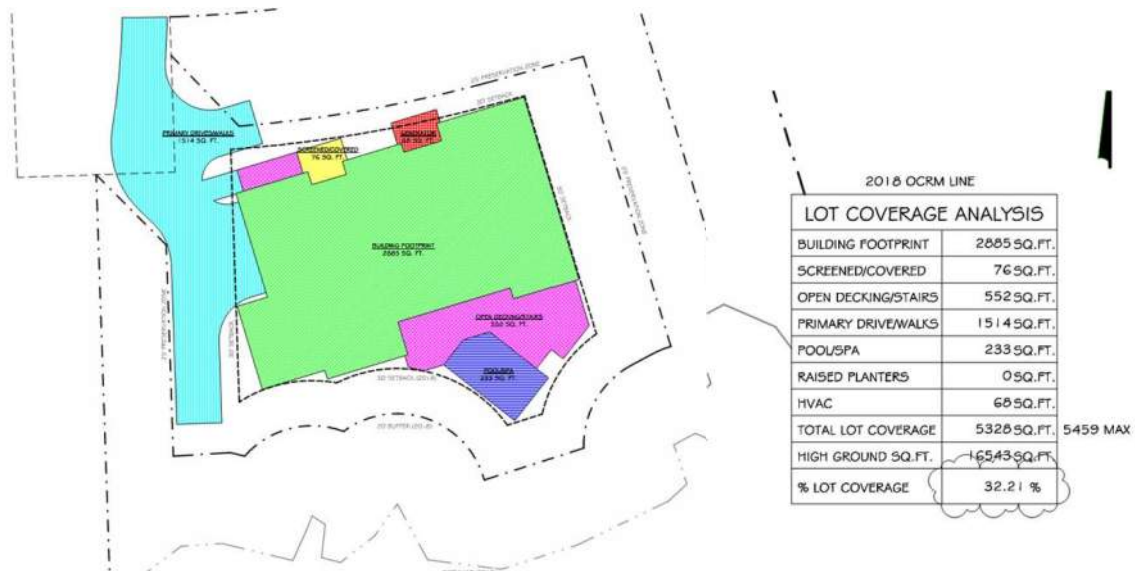
Subject Property



Property Rear

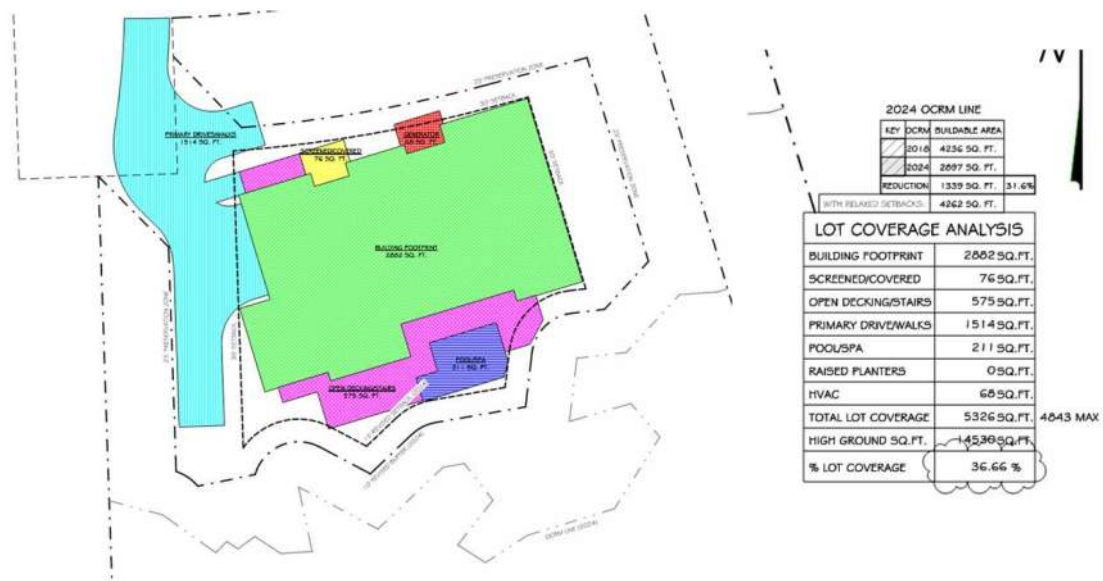


Original Site Plan (with expired OCRM)



15

Proposed Site Plan



16

Proposed Site Plan



17

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.

Board of Zoning Appeals Action

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000007 (Variance request to exceed the maximum lot coverage of 33% by 3.66% (approx. 531 Sq. ft.) to 36.66% for a single-family residence) 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.

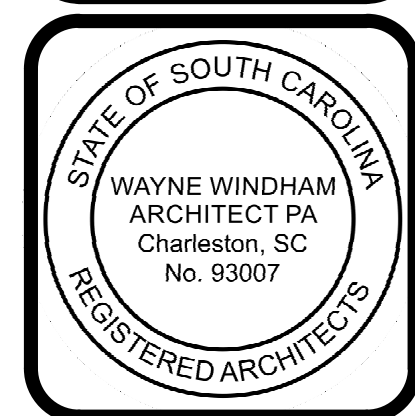
In the event that the Board considers approval of this requested variance, staff ask that the following conditions of approval be considered:

- 1. The applicant shall schedule a site visit with the Town's Landscape and Tree Specialist within 30 days of installation of the proposed generator to ensure the generator is adequately screened with proper vegetation.**

LOT COVERAGE ANALYSIS

BUILDING FOOTPRINT	2882 SQ.FT.
SCREENED/COVERED	76 SQ.FT.
OPEN DECKING/STAIRS	575 SQ.FT.
PRIMARY DRIVE/WALKS	1514 SQ.FT.
POOL/SPA	211 SQ.FT.
RAISED PLANTERS	0 SQ.FT.
HVAC	68 SQ.FT.
TOTAL LOT COVERAGE	5326 SQ.FT.
HIGH GROUND SQ.FT.	14530 SQ.FT.
% LOT COVERAGE	36.66 %

REVIEW SET



Wayne Windham
ARCHITECT, P.A.
1779 Main Rd. Johns Island, SC 29485
206 May River Rd. Bluffton, SC 29910
843-243-0790
www.waynearchitect.com

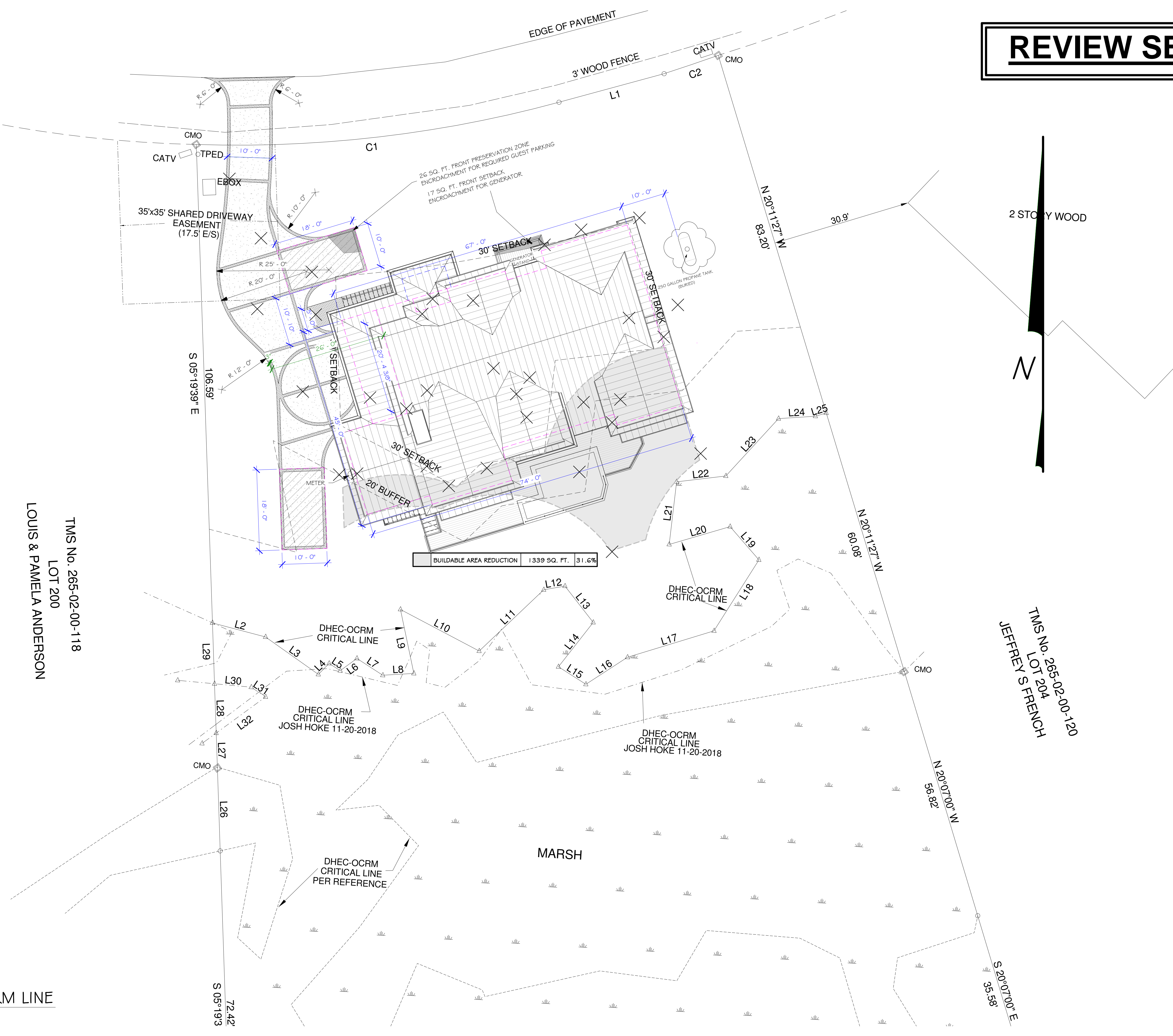
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STEWART RESIDENCE
202 CHINABERRY LANE
KIAWAH, SC
SITE PLAN - NEW 2024 OCRM LINE

REVISIONS

PRELIM ARB:	2-24-23
FINAL ARB:	4-15-23
PRICING SET:	
PERMIT SET:	3-26-24
ISSUED FOR CONSTRUCTION:	
REVISIONS:	3-26-24
REVISIONS:	4-10-24

SHEET:
ST104
PROJECT NO. 202122
DRAWN BY: MAC

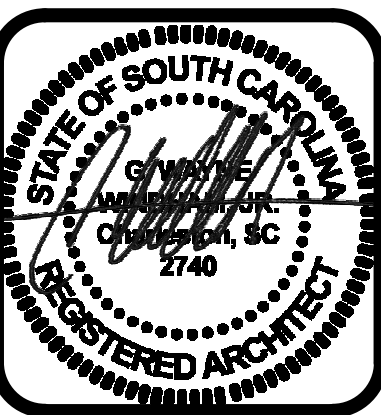


LOUIS & PAMELA ANDERSON
LOT 200
TMS No. 265-02-00-118

JEFFREY S FRENCH
LOT 204
TMS No. 265-02-00-120

LOT COVERAGE ANALYSIS	
BUILDING FOOTPRINT	2882 SQ. FT.
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REVIEW SET



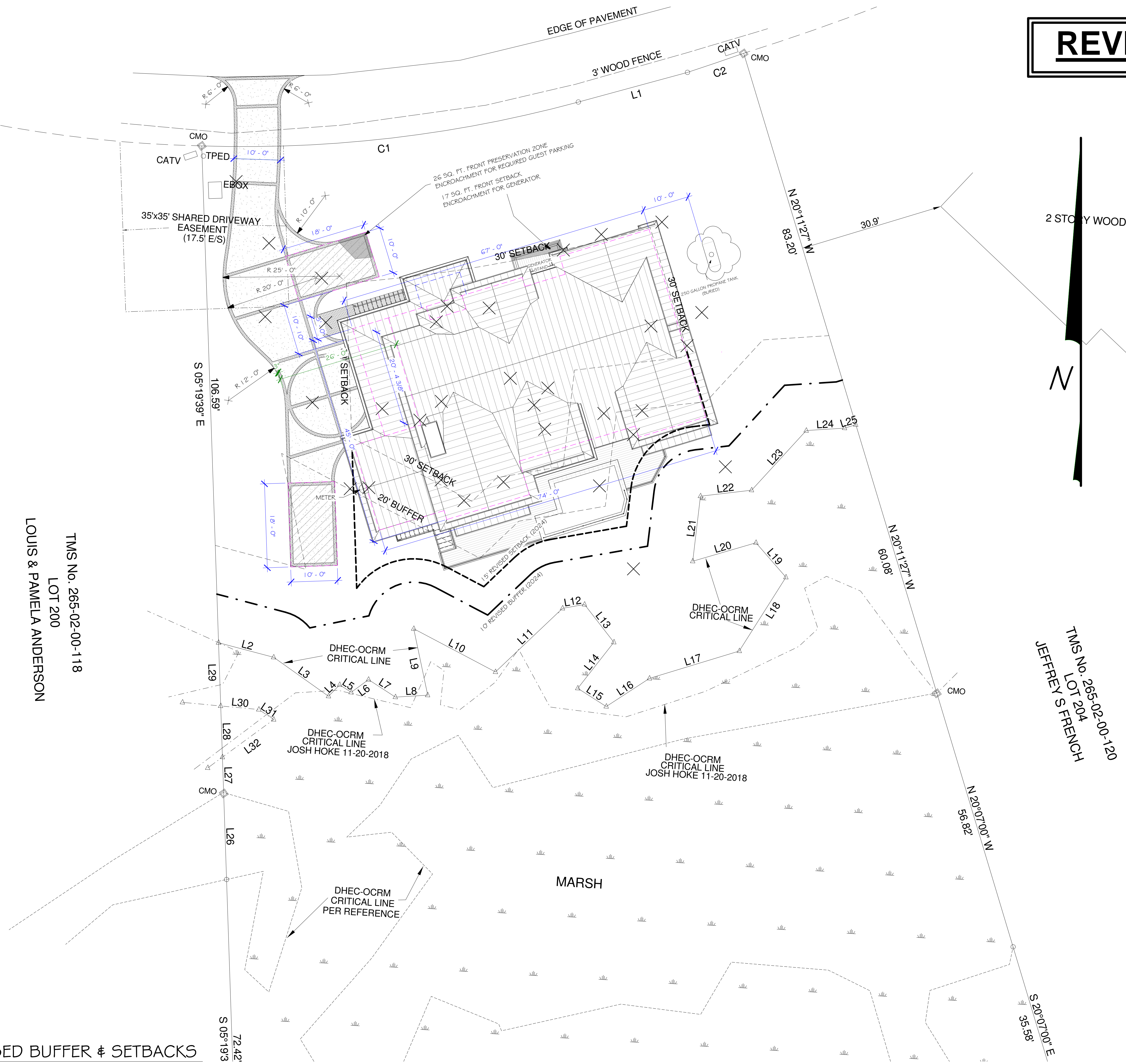
Wayne Windham
ARCHITECT, P.A.
1779 Main Rd. Johns Island, SC 29485
843-243-0790
206 May River Rd. Bluffton, SC 29910
www.waynearchitect.com

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STEWART RESIDENCE
202 CHINABERRY LANE
KIAWAH, SC
SITE PLAN - UPDATED OCRM SETBACK

REVISIONS	
PRELIM ARB:	2-24-23
FINAL ARB:	4-15-23
PRICING SET:	
PERMIT SET:	3-26-24
ISSUED FOR CONSTRUCTION:	
REVISIONS:	3-26-24
REVISIONS:	4-10-24

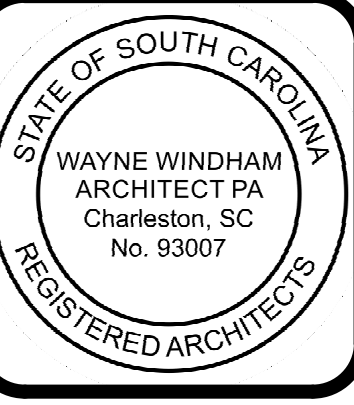
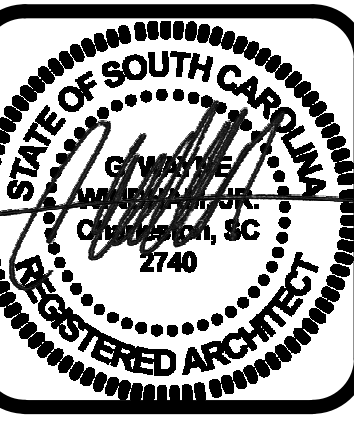
SHEET:
ST105
PROJECT NO. 202122
DRAWN BY: MAC



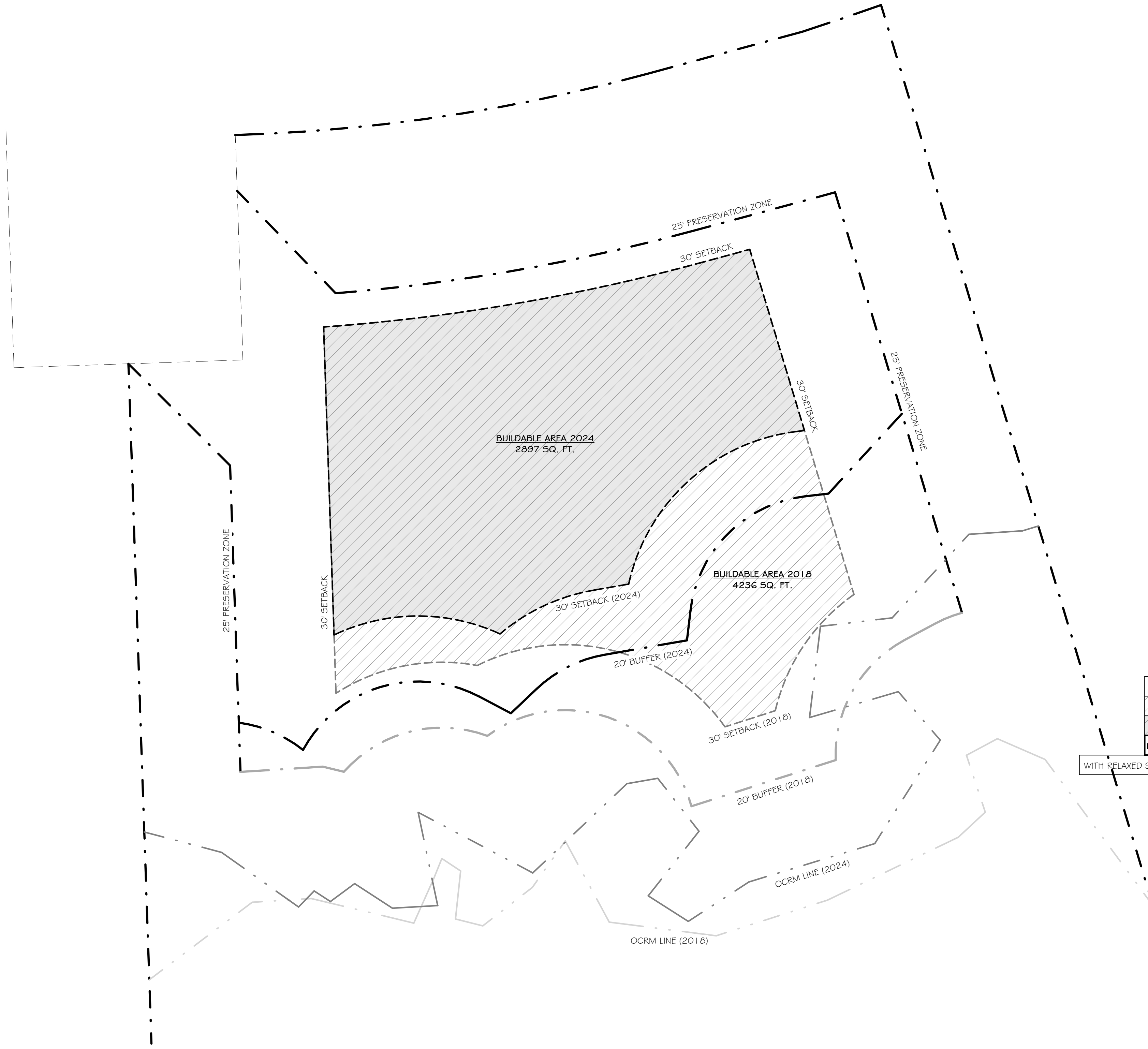
SITE PLAN 2024 - REVISED BUFFER & SETBACKS
1" = 10'-0"

11/17/2024 10:51:54 AM

REVIEW SET



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KEY	OCRM	BUILDABLE AREA
	2018	4236 SQ. FT.
	2024	2897 SQ. FT.
	REDUCTION	1339 SQ. FT. 31.6%
	WITH RELAXED SETBACKS:	4262 SQ. FT.



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SITE PLAN - BUILDABLE AREA CHANGE

1" = 10'-0"

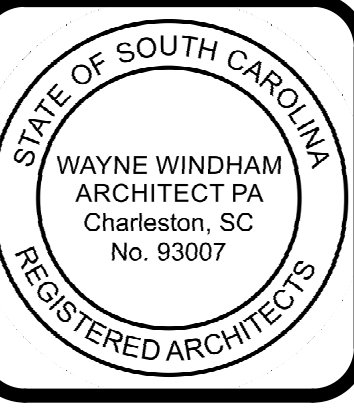
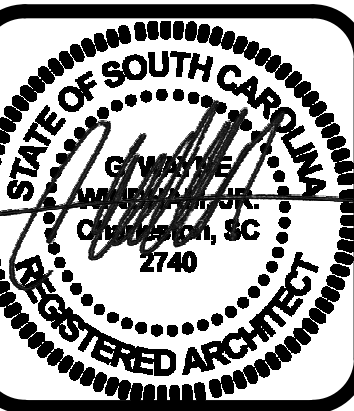
STEWART RESIDENCE
202 CHINABERRY LANE
KIAWAH, SC
BUILDABLE AREA CHANGE

REVISIONS

PRELIM ARB:	2-24-23
FINAL ARB:	4-15-23
PRICING SET:	
PERMIT SET:	3-26-24
ISSUED FOR CONSTRUCTION:	
REVISIONS:	3-26-24
REVISIONS:	4-10-24

SHEET:
ST106
PROJECT NO. 202122
DRAWN BY: MAC

REVIEW SET



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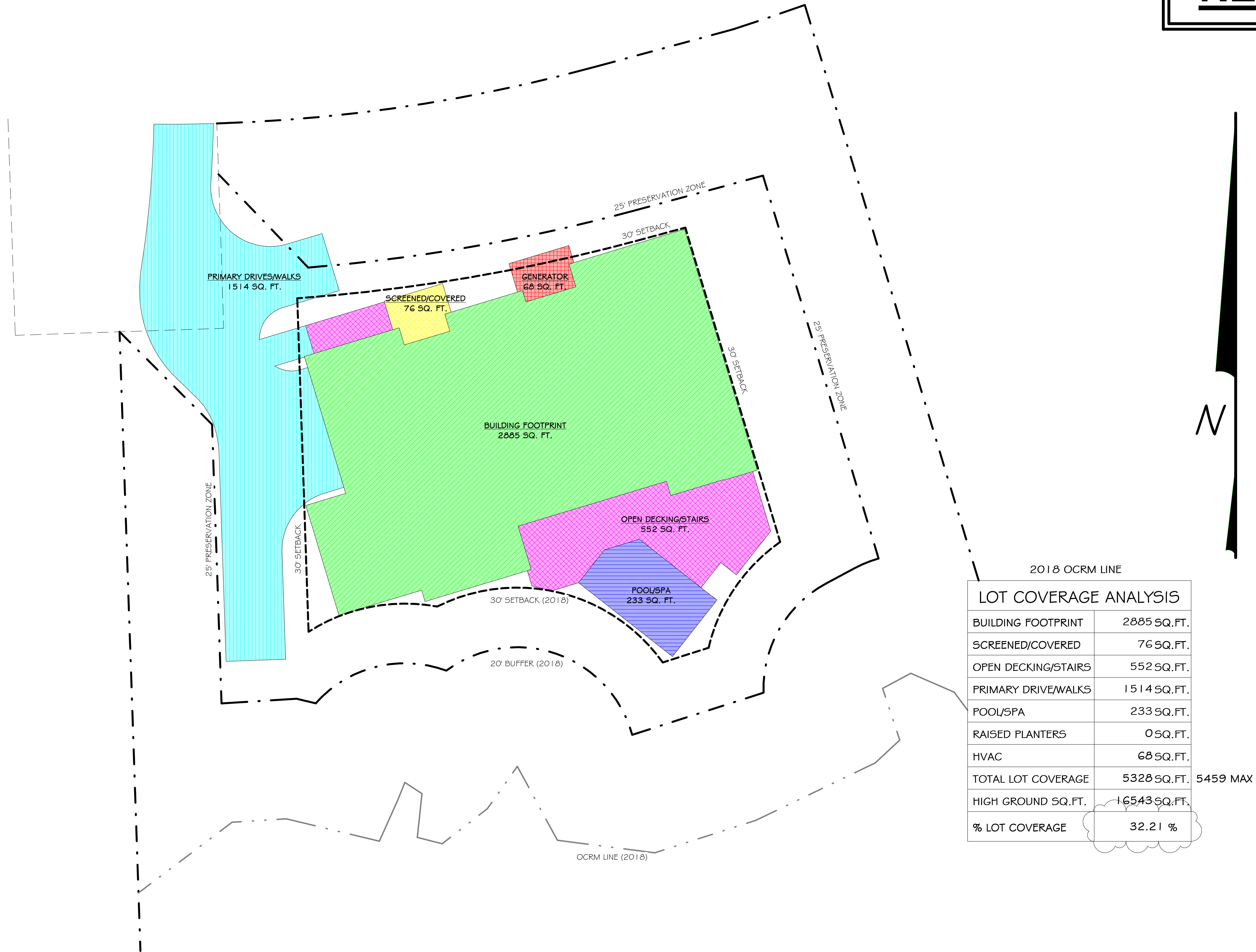
STEWART RESIDENCE
202 CHINABERRY LANE
KIAWAH, SC
LOT COVERAGE - 2018 OCRM

REVISIONS	
PRELIM ARB:	2-24-23
FINAL ARB:	4-15-23
PRICING SET:	
PERMIT SET:	3-26-24
ISSUED FOR CONSTRUCTION:	
REVISIONS:	3-26-24
REVISIONS:	4-10-24

SHEET:

ST107

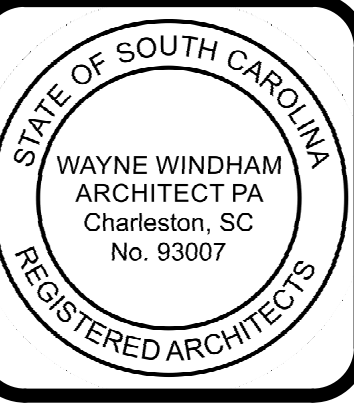
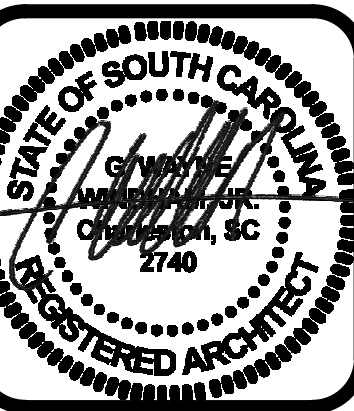
PROJECT NO 202122
DRAWN BY: MAC



2018 OCRM LINE

LOT COVERAGE ANALYSIS	
BUILDING FOOTPRINT	2885 SQ. FT.
SCREENED/COVERED	76 SQ. FT.
OPEN DECKING/STAIRS	552 SQ. FT.
PRIMARY DRIVE/WALKS	1514 SQ. FT.
POOL/SPA	233 SQ. FT.
RAISED PLANTERS	0 SQ. FT.
HVAC	68 SQ. FT.
TOTAL LOT COVERAGE	5328 SQ. FT. 5459 MAX
HIGH GROUND SQ. FT.	16543 SQ. FT.
% LOT COVERAGE	32.21 %

REVIEW SET

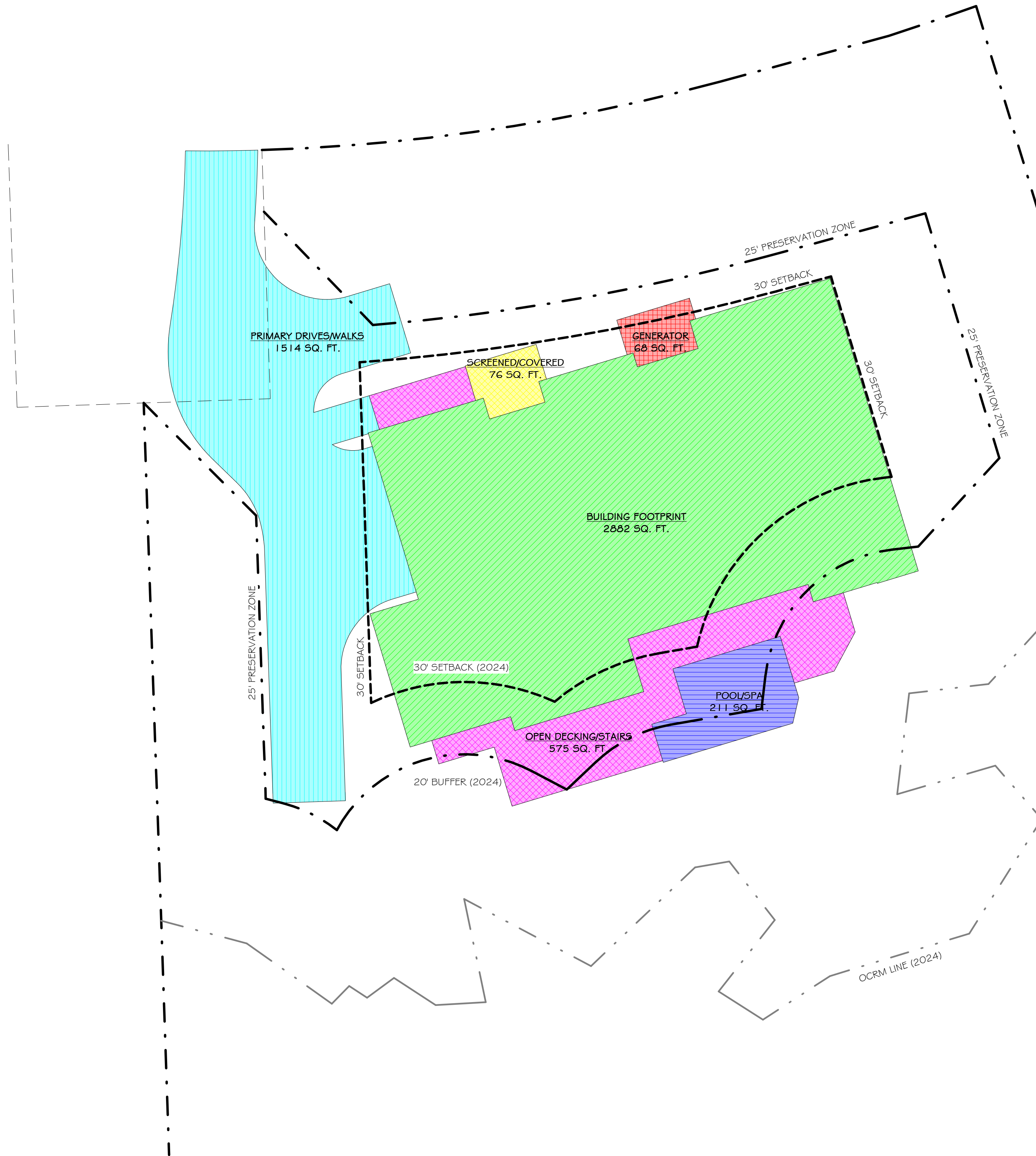


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STEWART RESIDENCE
202 CHINABERRY LANE
KIAWAH, SC
LOT COVERAGE - 2024 OCRM

REVISIONS	
PRELIM ARB:	2-24-23
FINAL ARB:	4-15-23
PRICING SET:	
PERMIT SET:	3-26-24
ISSUED FOR CONSTRUCTION:	
REVISIONS:	3-26-24
REVISIONS:	4-10-24

SHEET:
ST108
PROJECT NO. 202122
DRAWN BY: MAC



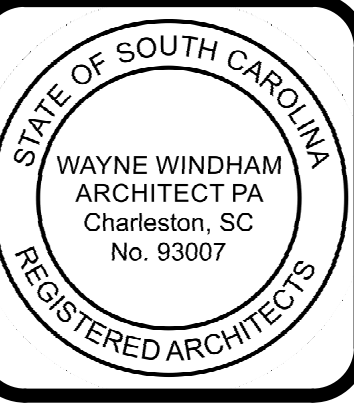
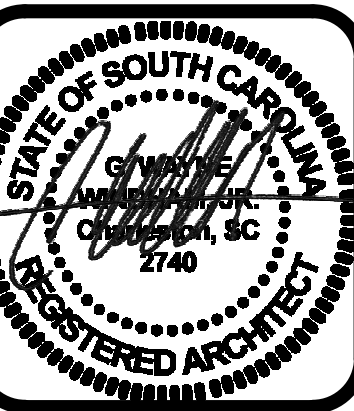
2024 OCRM LINE

LOT COVERAGE ANALYSIS	
BUILDING FOOTPRINT	2882 SQ.FT.
SCREENED/COVERED	76 SQ.FT.
OPEN DECKING/STAIRS	575 SQ.FT.
PRIMARY DRIVE/WALKS	1514 SQ.FT.
POOL/SPA	211 SQ.FT.
RAISED PLANTERS	0 SQ.FT.
HVAC	68 SQ.FT.
TOTAL LOT COVERAGE	5326 SQ.FT.
HIGH GROUND SQ.FT.	14530 SQ.FT.
% LOT COVERAGE	36.66 %



4/12/2024 10:51:57 AM

REVIEW SET

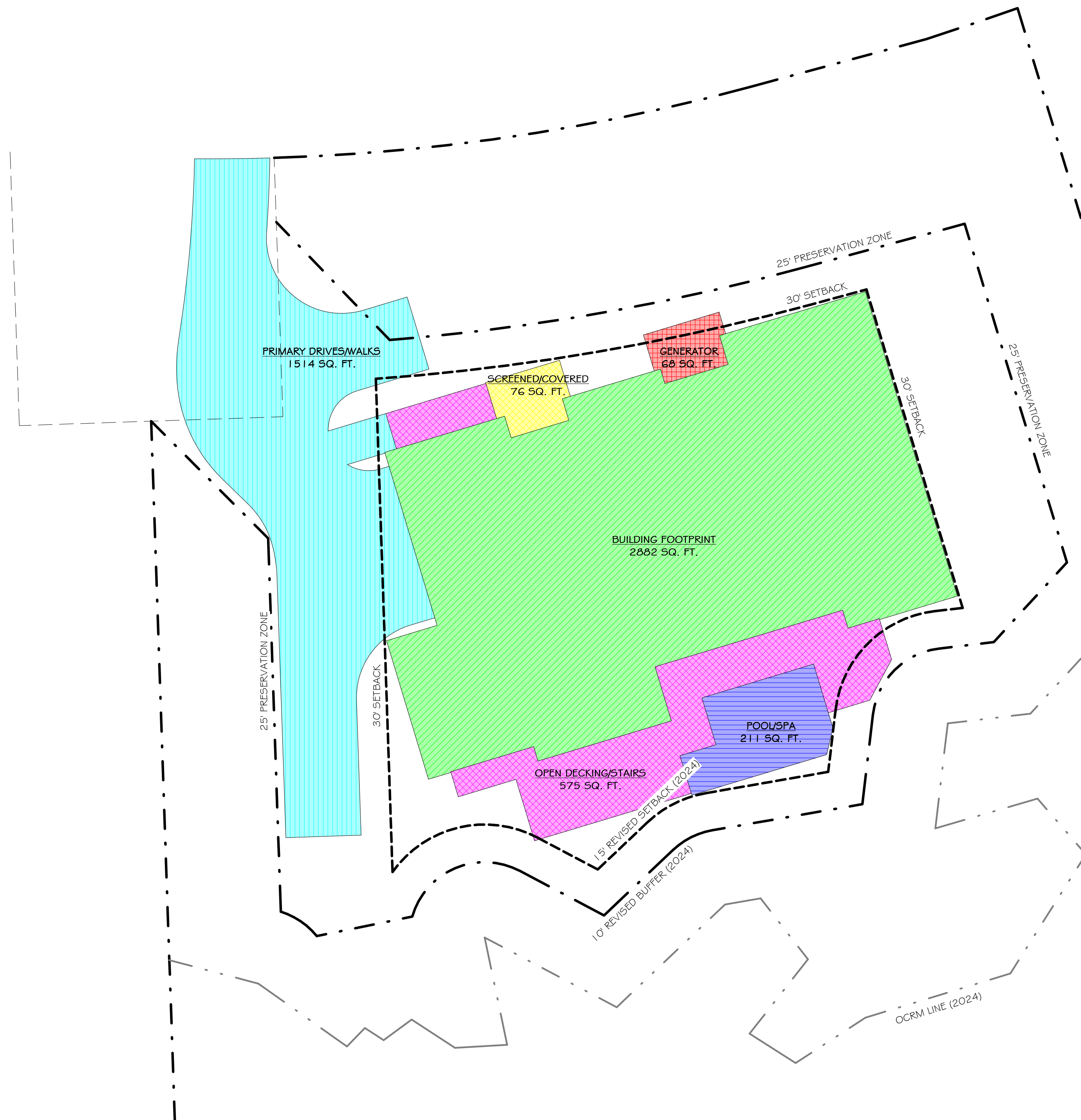


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STEWART RESIDENCE
202 CHINABERRY LANE
KIAWAH, SC
2024 RELAXED BUFFER & SETBACKS

REVISIONS	
PRELIM ARB:	2-24-23
FINAL ARB:	4-15-23
PRICING SET:	
PERMIT SET:	3-26-24
ISSUED FOR CONSTRUCTION:	
REVISIONS:	3-26-24
REVISIONS:	4-10-24

SHEET:
ST109
PROJECT NO. 202122
DRAWN BY: MAC



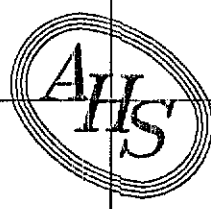
2024 OCRM LINE

KEY	OCRM	BUILDABLE AREA
2018	4236 SQ. FT.	
2024	2897 SQ. FT.	
REDUCTION:		1339 SQ. FT. 31.6%

WITH RELAXED SETBACKS: 4262 SQ. FT.

LOT COVERAGE ANALYSIS	
BUILDING FOOTPRINT	2882 SQ. FT.
SCREENED/COVERED	76 SQ. FT.
OPEN DECKING/STAIRS	575 SQ. FT.
PRIMARY DRIVE/WALKS	1514 SQ. FT.
POOL/SPA	211 SQ. FT.
RAISED PLANTERS	0 SQ. FT.
HVAC	68 SQ. FT.
TOTAL LOT COVERAGE	5326 SQ. FT. 4843 MAX
HIGH GROUND SQ. FT.	1,4530 SQ. FT.
% LOT COVERAGE	36.66 %

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

LEGEND:
I.O. IRON OLD (FOUND)
CMO CONCRETE MONUMENT OLD
EBOX ELECTRIC BOX
CATV CABLE & TV BOX
TPED TELEPHONE PEDESTAL

CHINABERRY LANE (50' R/W)

REFERENCE:
PLAT BY: MARK S. BUSEY
DATED: OCTOBER 30, 2001
BOOK: EF PAGE: 362
RMC CHAS. CO.

TAX MAP No. 265-02-00-119
No. 202 CHINABERRY LANE

Requested by: MIKE CREED

TOTAL LOT AREA:
60,201.76 Sq. Feet
1.162 Acres

HIGHLAND AREA:
14,529.7 Sq. Feet
0.33 Acres

MARSH AREA:
36,672.0 Sq. Feet
0.82 Acres

TMS No. 265-02-00-118
LOT 200
LOUIS & PAMELA ANDERSON

TMS No. 265-02-00-120
LOT 204
JEFFREY S FRENCH

LINE	BEARING	DISTANCE
L1	S 71°24'52" W	24.24'
L2	N 78°36'12" W	12.22'
L3	N 58°03'05" W	14.42'
L4	N 40°50'44" E	3.42'
L5	N 60°15'05" W	2.96'
L6	S 50°18'22" W	4.61'
L7	S 80°19'13" E	6.88'
L8	S 83°13'40" W	6.93'
L9	S 15°14'50" E	14.56'
L10	N 65°32'22" W	19.82'
L11	S 43°07'35" W	19.82'
L12	S 76°44'24" W	4.79'
L13	N 41°15'32" W	10.25'
L14	N 34°43'16" E	12.55'
L15	N 60°50'34" W	7.25'
L16	S 53°34'09" W	11.05'
L17	S 69°39'29" W	20.11'
L18	S 28°56'53" W	18.72'
L19	S 44°19'57" E	9.79'
L20	N 70°20'28" E	14.12'
L21	N 03°22'05" E	14.04'
L22	S 79°53'34" W	11.04'
L23	N 39°08'56" E	17.34'
L24	S 82°55'00" W	8.23'
L25	S 69°48'33" W	2.51'
L26	S 05°19'39" E	18.42'
L27	N 05°19'39" W	7.82'
L28	S 05°19'39" E	10.98'
L29	S 05°19'39" E	13.55'
L30	N 88°03'10" W	8.21'
L31	S 59°28'43" E	3.86'
L32	N 50°22'09" E	13.64'

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 11') & AE (EL 12') AS PER FEMA FLOOD MAPS.
PANEL No. 45019C 0668K
DATED: JANUARY 29, 2021
COMMUNITY No. 450257

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

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	273.48'	81.59'	81.29'	S 79°57'41" W	17°05'39"
C2	482.59'	12.73'	12.73'	S 67°51'31" W	1°30'40"

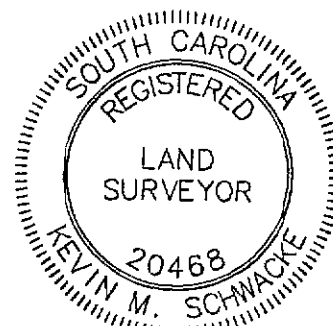
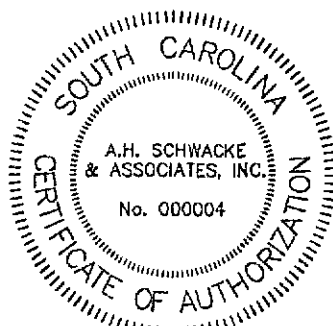
SURVEYOR'S CERTIFICATION

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.

BMG22/ 22233



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.

SIGNATURE _____ DATE _____

The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.

**CRITICAL LINE SURVEY
OF LOT 202
THE PRESERVE
TOWN OF KIAWAH ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA**



DATE: APRIL 1, 2024 SCALE: 1" = 20'



P.O. Box 867
 Johns Island, SC 29457
 Ph. (843) 214-0150

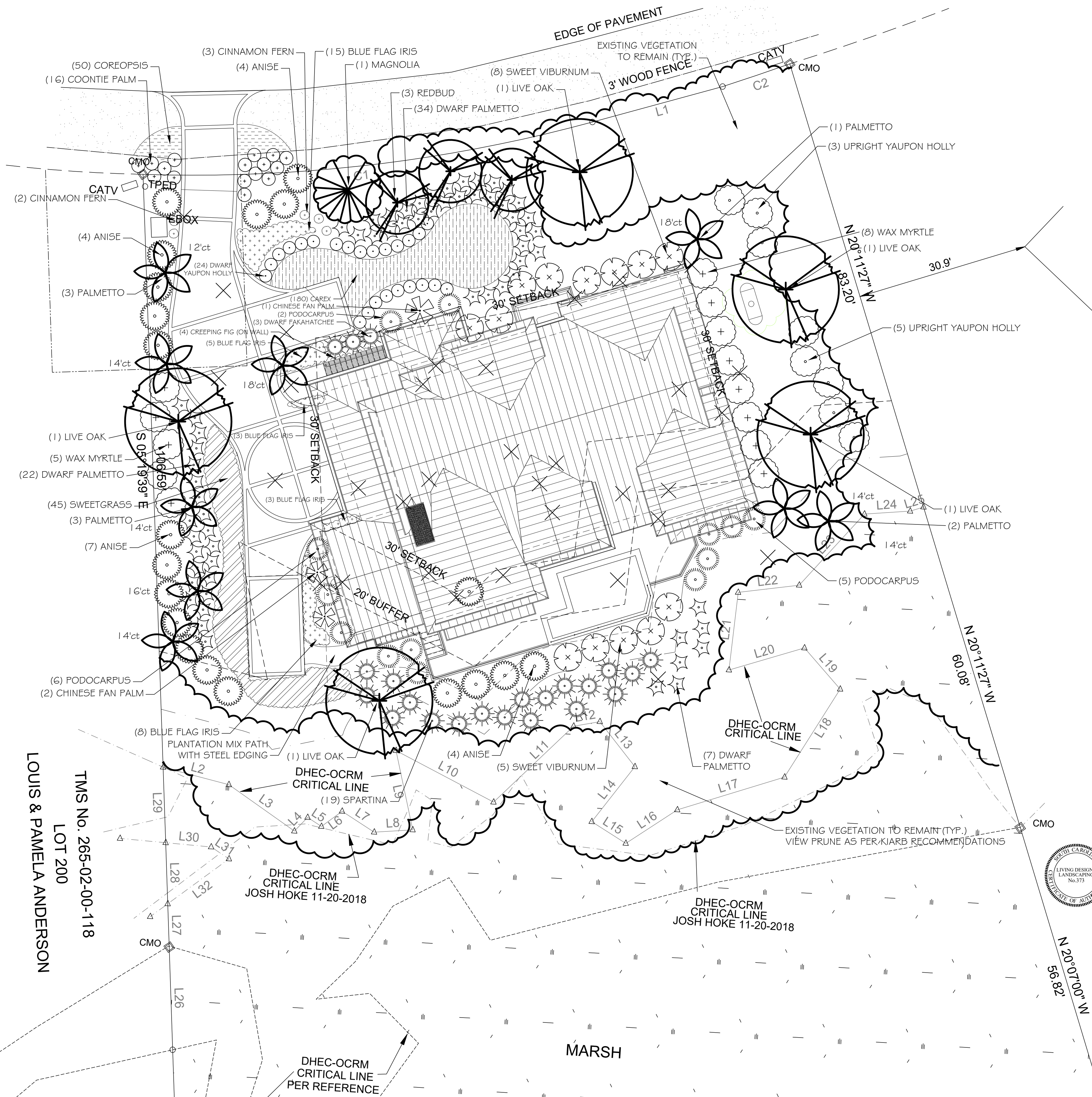
LOT COVERAGE ANALYSIS	
BUILDING FOOTPRINT	2882 SQ.FT.
SCREENED/COVERED	76 SQ.FT.
OPEN DECKING/STAIRS	575 SQ.FT.
PRIMARY DRIVE/WALKS	1514 SQ.FT.
POOL/SPA	211 SQ.FT.
RAISED PLANTERS	0 SQ.FT.
HVAC	68 SQ.FT.
TOTAL LOT COVERAGE	5326 SQ.FT.
HIGH GROUND SQ.FT.	14530 SQ.FT.
% LOT COVERAGE	36.66 %

Plant Schedule

QTY	Botanical Name	Common Name	Size	Notes
5	Quercus virginiana	Live Oak	3" cal.	Healthy, vigorous
9	Sabal palmetto	Cabbage palmetto	hts. vary	Healthy, vigorous
1	Magnolia grandiflora	Magnolia	10-12' ht.	Healthy, vigorous
3	Cercis canadensis	Red Bud	6-8' ht.	Healthy, vigorous
19	Illicium anisatum	** Anise	15 gal.	Healthy, vigorous
3	Livistonia chinensis	** Chinese Fan Palm	15 gal.	Healthy, vigorous
13	Podocarpus maki	** Podocarpus	15 gal.	Healthy, vigorous
13	Myrica cerifera	** Wax Myrtle	15 gal.	Healthy, vigorous
13	Viburnum odoratissimum	** Sweet viburnum	15 gal.	Healthy, vigorous
8	Ilex vomitoria	Upright Yaupon Holly	15 gal.	Healthy, vigorous
16	Zamia integrifolia	Coontie Palm	3 gal.	Healthy, vigorous
63	Sabal minor	Dwarf Palmetto	3 gal.	Healthy, vigorous
24	Ilex vomitoria 'nana'	Dwarf Yaupon Holly	3 gal.	Healthy, vigorous
3	Tripsacum floridanum	Dwarf Fakahatchee	3 gal.	Healthy, vigorous
50	Coreopsis verticillata 'Moonbeam'	Coreopsis	1 gal.	Healthy, vigorous
34	Iris virginiana	Blue Flag Iris	1 gal.	Healthy, vigorous
5	Osmunda cinnamomea	Cinnamon Fern	1 gal.	Healthy, vigorous
4	Ficus pumila	Creeping Fig	1 gal.	Healthy, vigorous
180	Carex oshimensis 'Everillo'	Carex	1 gal.	Healthy, vigorous
19	Spartina bakerii	Spartina	1 gal.	Healthy, vigorous
45	Muhlenbergia filipe	Sweetgrass	1 gal.	Healthy, vigorous

PLANTING NOTES

- The landscape contractor is responsible for contacting the cable locator service, P.U.P.S. 1 (800) 922-0983 to locate all existing underground electrical and telephone utilities prior to construction. Contractor to make these contacts prior to beginning work.
- Landscape Contractor shall verify plans in the field and notify Landscape Architect of any discrepancies prior to construction.
- All plantings and bed lines shall be staked by Landscape Contractor for Landscape Architect's approval prior to installation. The Landscape Architect reserves the right to make adjustments to planting locations as needed.
- Add pinestraw mulch to all beds at a 3 inch depth.
- Landscape Contractor to guarantee plant material for (1) one year from the date of job completion.
- Plant material list is prepared for estimating purposes only. Contractors shall make their own quantity takeoffs using drawings to determine quantities to their satisfaction, reporting any discrepancies that may affect bidding to Landscape Architect.
- All plant material to meet or exceed AAN standards.
- Final cleanup of site as a result of landscape operations and all fine grading shall be the responsibility of the Landscape Contractor.
- 100% of installed plant material is to be covered by irrigation unless otherwise stated.
- All construction shall conform to city, county, state and federal requirements.
- The owner has the right to reject any and all bids.
- Foundation plants shall be evergreens a minimum of 1/2 ht. the foundation at time of installation.



LOUIS & PAMELA ANDERSON
 TMS No. 265-02-00-118
 LOT 200

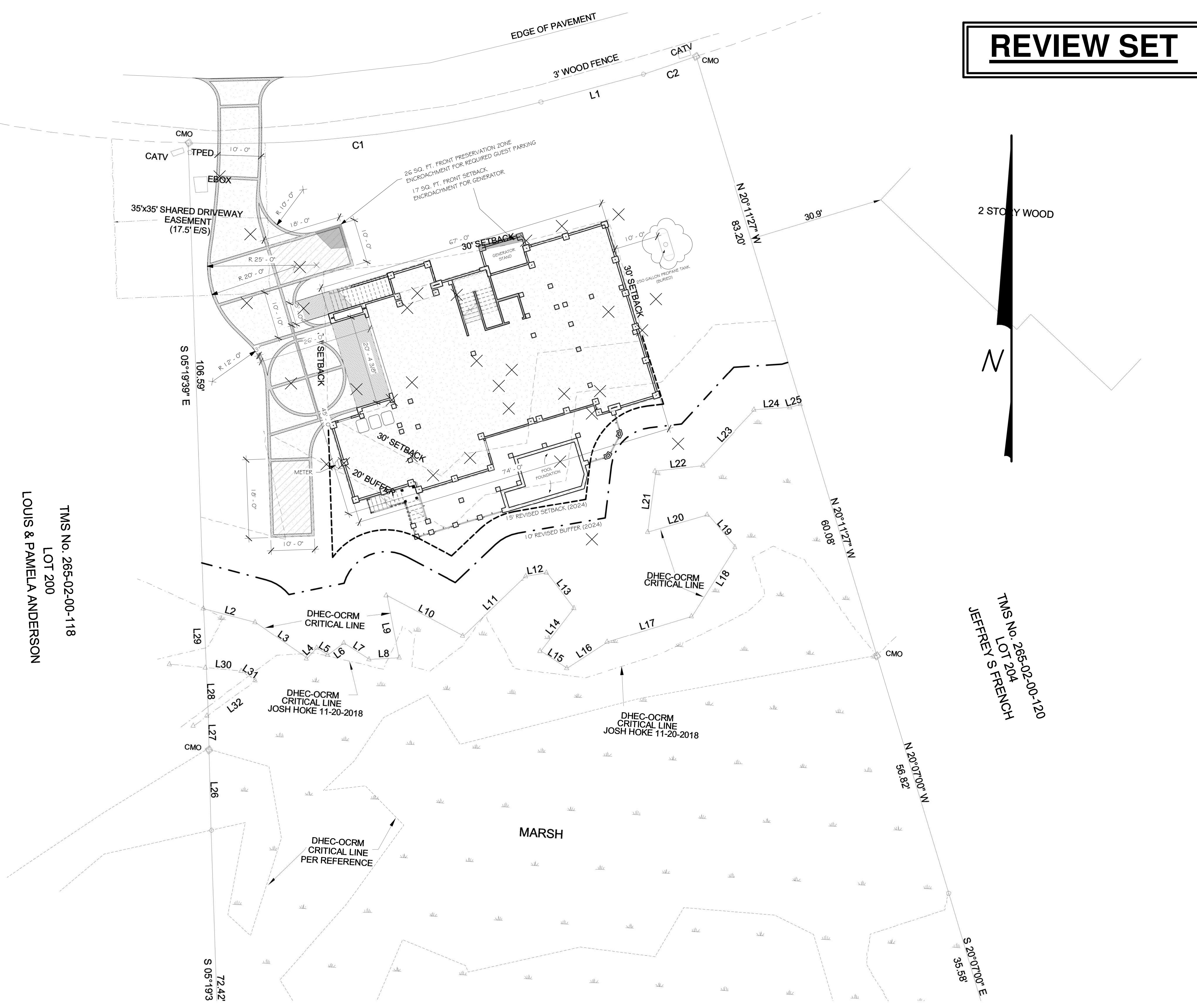
STEWART RESIDENCE
 202 CHINABERRY LANE
 KIAWAH ISLAND, SOUTH CAROLINA

2	Revise rear as per OCRM line	5.8.24
1	Address 4.21.23 ARB comments	4.26.23
No.	Revision/Issue	Date

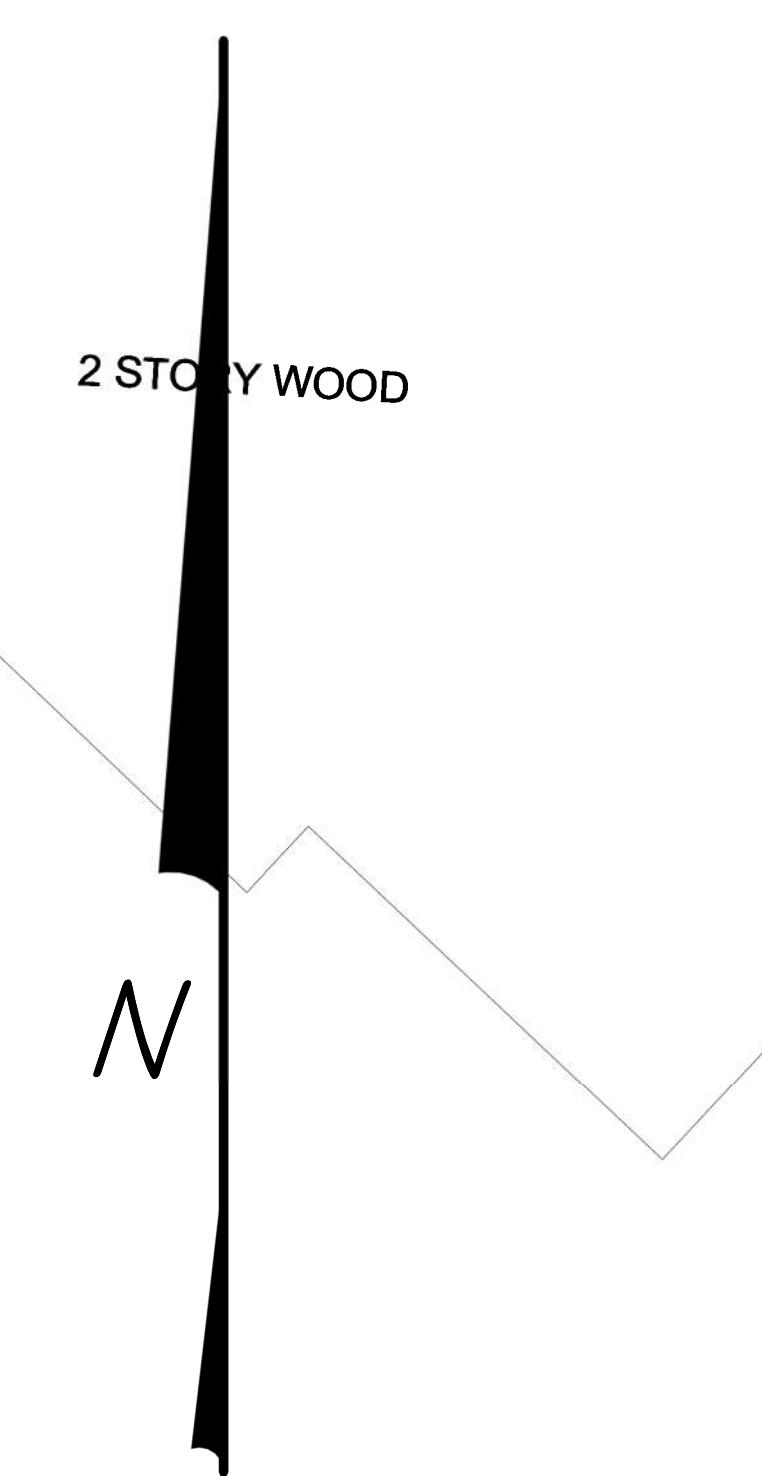
LANDSCAPE PLAN

Project	Stewart	Sheet	L-1
Date	4.12.23		
Scale	1"=10'-0"		

LOT COVERAGE ANALYSIS	
BUILDING FOOTPRINT	2882 SQ.FT.
SCREENED/COVERED	76 SQ.FT.
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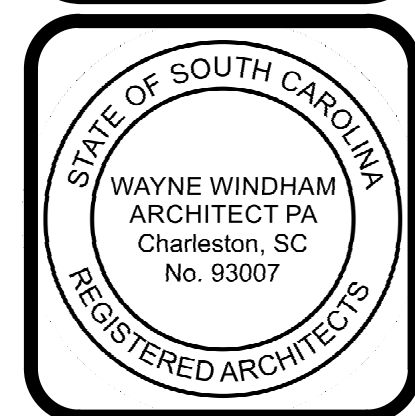


REVIEW SET



LOUIS & PAMELA ANDERSON
LOT 200
TMS No. 265-02-00-118

JEFFREY S FRENCH
LOT 204
TMS No. 265-02-00-120



Wayne Windham
ARCHITECT, P.A.
1779 Main Rd. Johns Island, SC 29485
843-243-0790
206 May River Rd. Bulliton, SC 29910
www.waynearchitect.com

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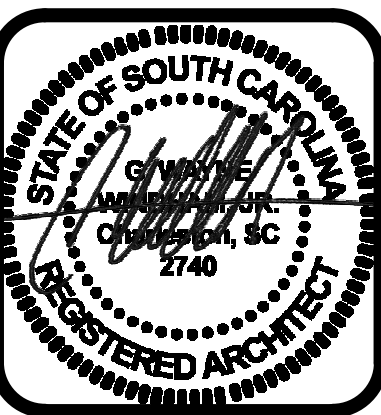
STEWART RESIDENCE
202 CHINABERRY LANE
KIAWAH, SC
SITE PLAN (FOUNDATION)

REVISIONS	
PRELIM ARB:	2-24-23
FINAL ARB:	4-15-23
PRICING SET:	
PERMIT SET:	3-26-24
ISSUED FOR CONSTRUCTION:	
REVISIONS:	3-26-24
REVISIONS:	4-10-24

SHEET:
ST101
PROJECT NO. 202122
DRAWN BY: MAC

LOT COVERAGE ANALYSIS	
BUILDING FOOTPRINT	2885 SQ.FT.
SCREENED/COVERED	76 SQ.FT.
OPEN DECKING/STAIRS	552 SQ.FT.
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REVIEW SET



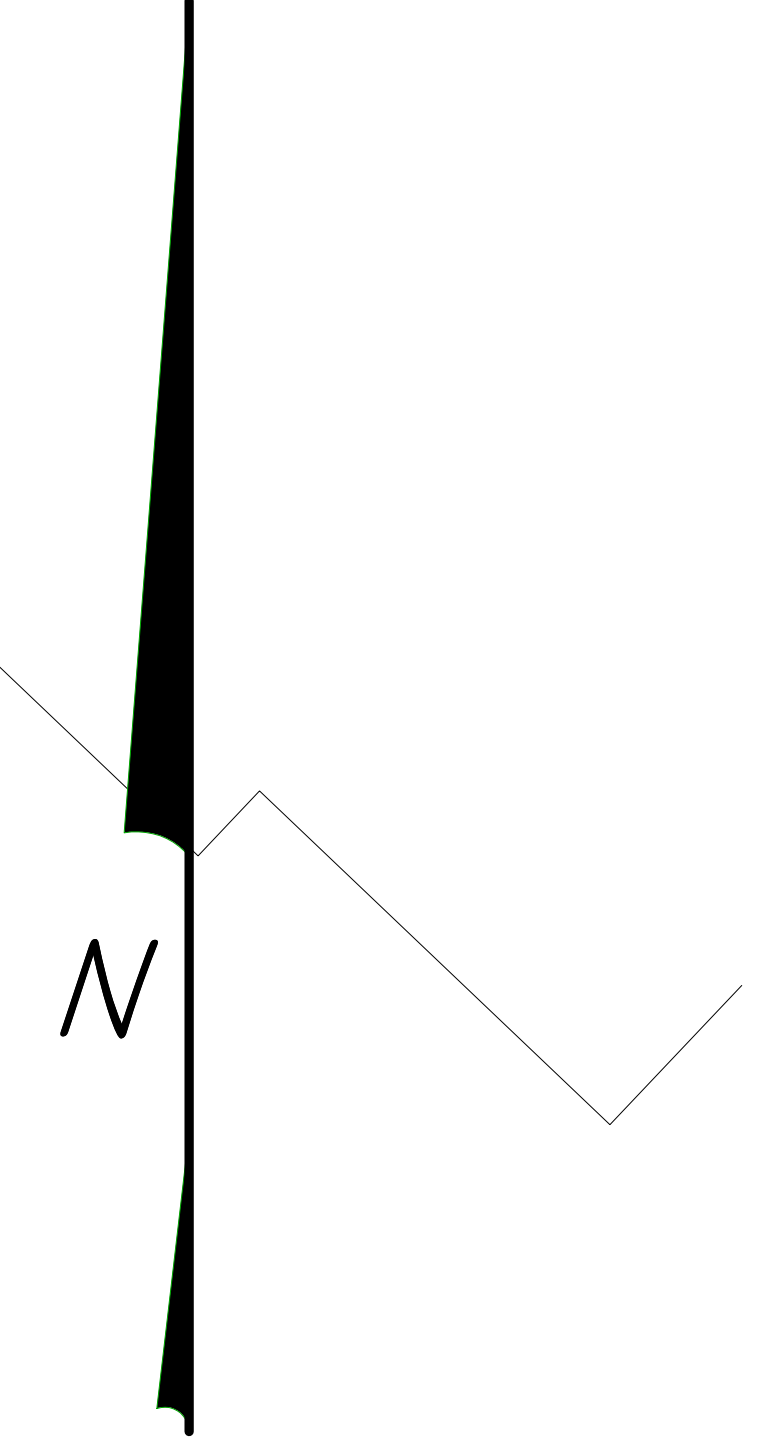
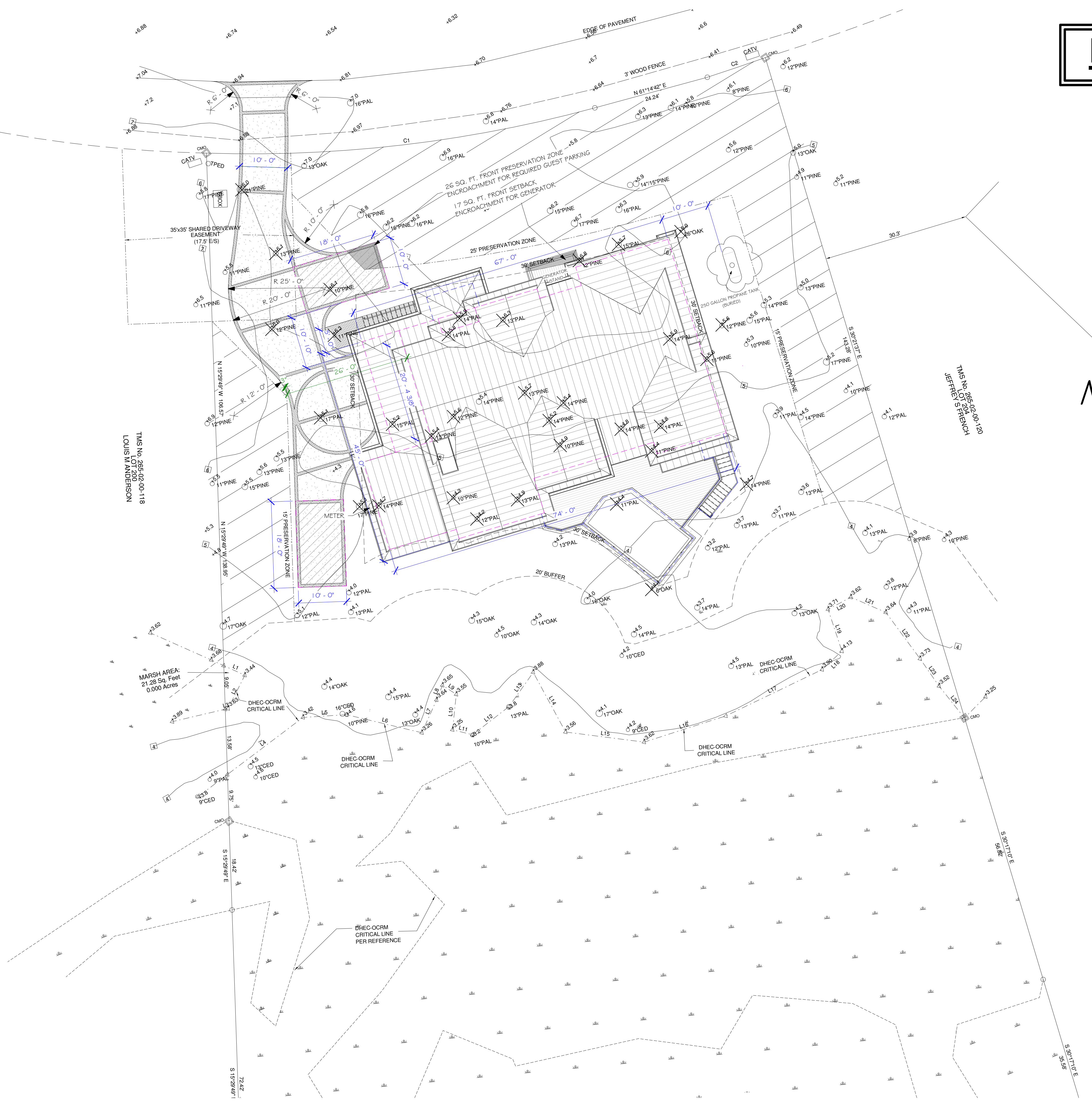
Wayne Windham
ARCHITECT, P.A.
1779 Main Rd. Johns Island, SC 29485
843-243-0790
206 May River Rd. Bulliton, SC 29910
www.windhamarchitect.com

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STEWART RESIDENCE
202 CHINABERRY LANE
KIAWAH, SC
SITE PLAN

REVISIONS	
PRELIM ARB:	2-24-23
FINAL ARB:	4-15-23
PRICING SET:	
PERMIT SET:	3-26-24
ISSUED FOR CONSTRUCTION:	
REVISIONS:	3-26-24
REVISIONS:	4-10-24

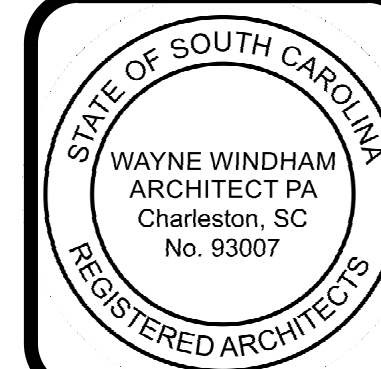
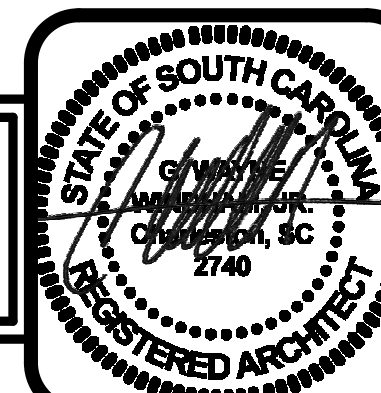
SHEET:
ST102
PROJECT NO 202122
DRAWN BY: MAC



LOT COVERAGE ANALYSIS

BUILDING FOOTPRINT	2885 SQ.FT.
SCREENED/COVERED	76 SQ.FT.
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TOTAL LOT COVERAGE	5328 SQ.FT.
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% LOT COVERAGE	36.67 %

REVIEW SET



Wayne Windham
ARCHITECT, P.A.
1779 Main Rd. Johns Island, SC 29485
206 May River Rd. Bluffton, SC 29910
843-243-0790
www.waynearchitect.com

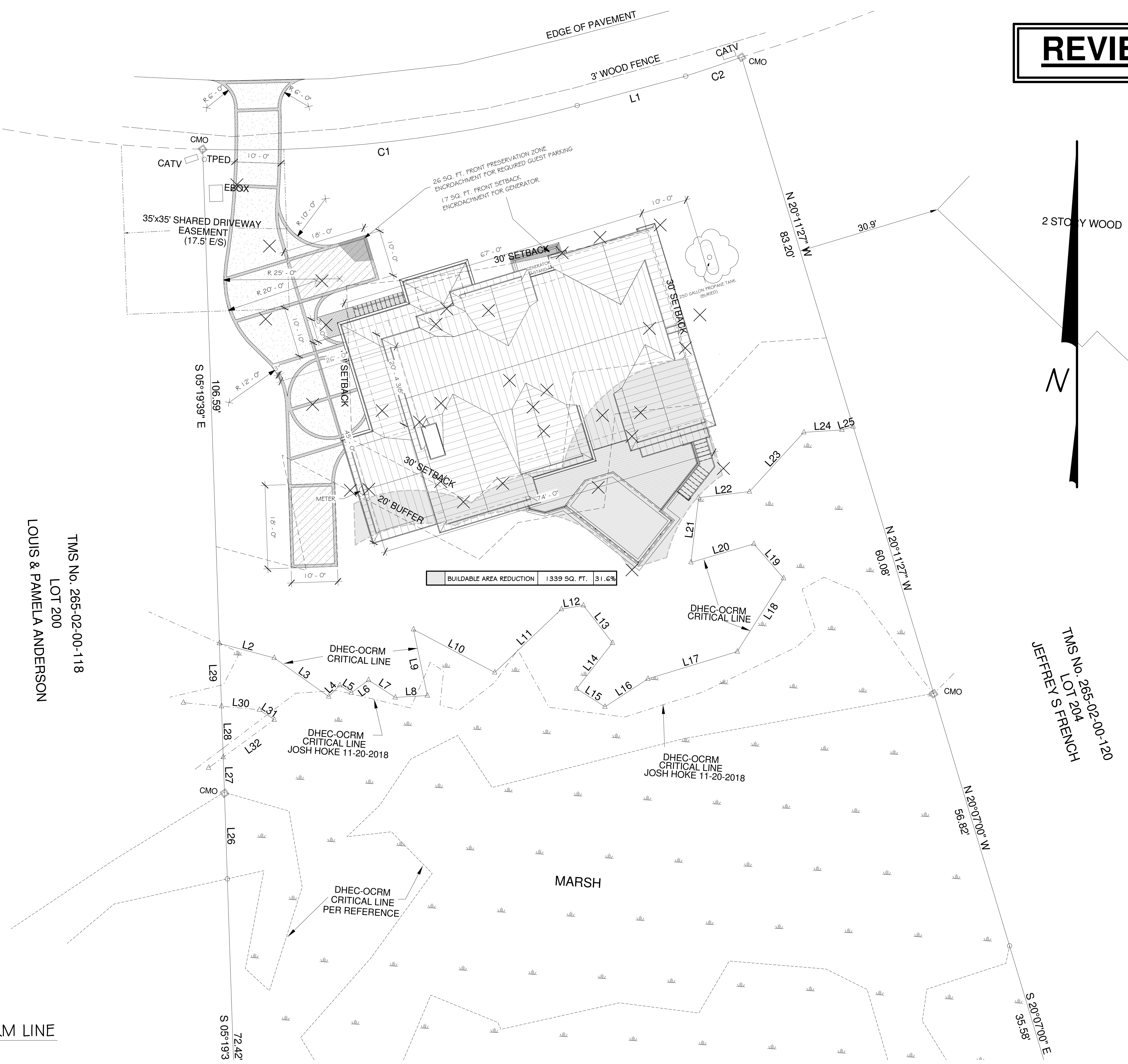
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STEWART RESIDENCE
202 CHINABERRY LANE
KIAWAH, SC
SITE PLAN - NEW 2024 OCRM LINE

REVISIONS

PRELIM ARB:	2-24-23
FINAL ARB:	4-15-23
PRICING SET:	
PERMIT SET:	3-26-24
ISSUED FOR CONSTRUCTION:	
REVISIONS:	3-26-24
REVISIONS:	4-10-24

SHEET:
ST104
PROJECT NO 202122
DRAWN BY: MAC



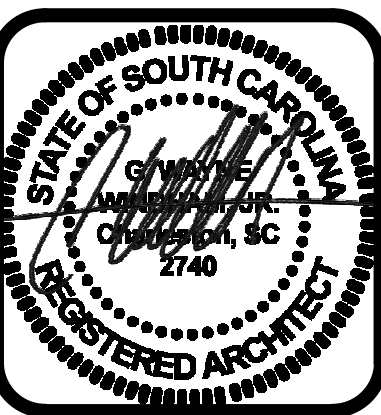
BUILDABLE AREA REDUCTION 1339 SQ. FT. 31.6%

LOUIS & PAMELA ANDERSON
LOT 200
TMS No. 265-02-00-118

JEFFREY S FRENCH
LOT 204
TMS No. 265-02-00-120

LOT COVERAGE ANALYSIS	
BUILDING FOOTPRINT	2885 SQ. FT.
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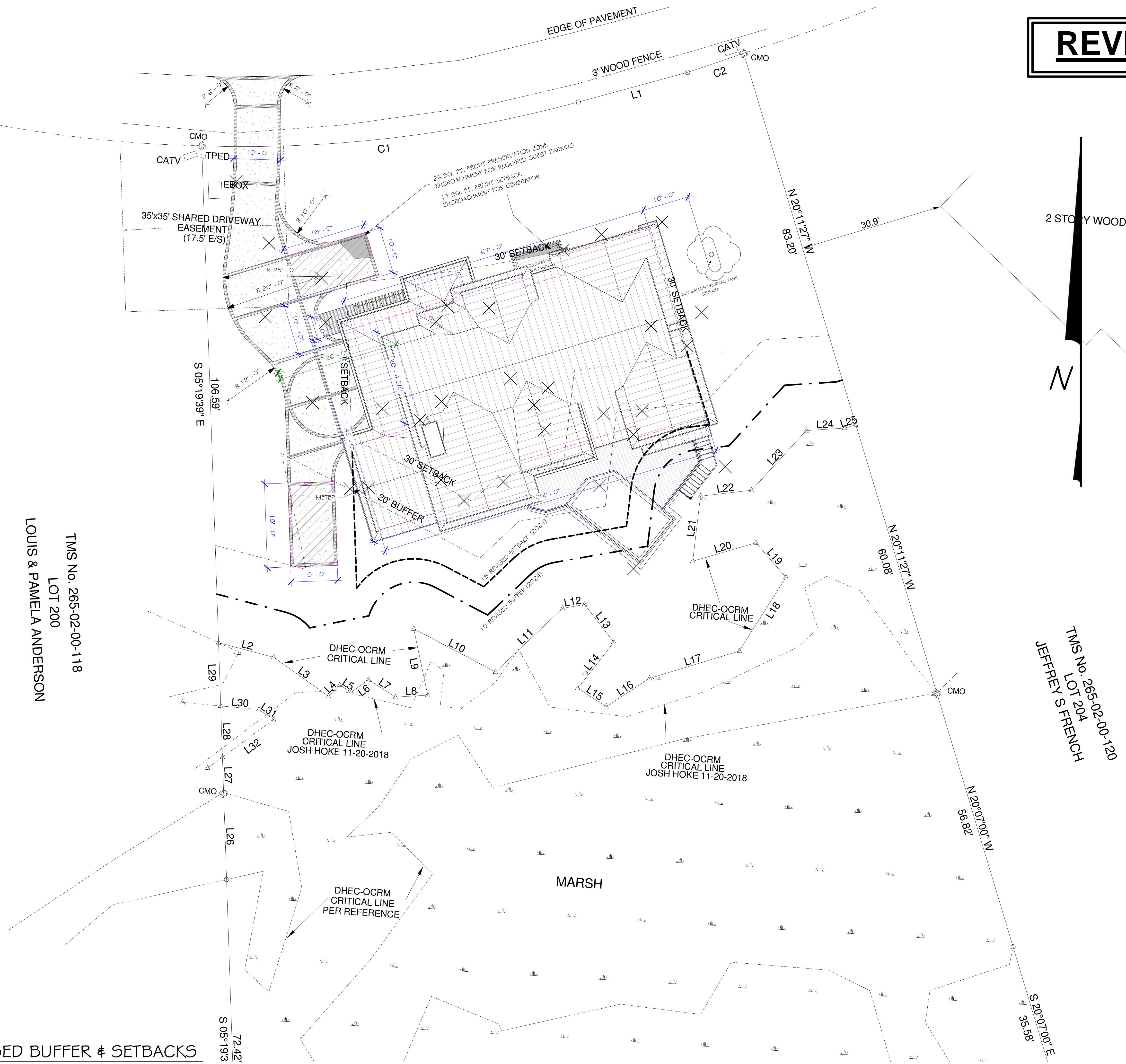
Wayne Windham
ARCHITECT, P.A.
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STEWART RESIDENCE
202 CHINABERRY LANE
KIAWAH, SC
SITE PLAN - UPDATED OCRM SETBACK

REVISIONS	
PRELIM ARB:	2-24-23
FINAL ARB:	4-15-23
PRICING SET:	
PERMIT SET:	3-26-24
ISSUED FOR CONSTRUCTION:	
REVISIONS:	3-26-24
REVISIONS:	4-10-24

SHEET:
ST105
PROJECT NO. 202122
DRAWN BY: MAC



LOUIS & PAMELA ANDERSON
TMS No. 265-02-00-118
LOT 200

JEFFREY S FRENCH
TMS No. 265-02-00-120
LOT 204

SITE PLAN 2024 - REVISED BUFFER & SETBACKS

1" = 10'-0"

4/10/2024 4:52:59 PM

REFERENCE:
 PLAT BY: MARK S. BUSEY
 DATED: OCTOBER 30, 2001
 BOOK: EF PAGE: 362
 RMC CHAS. CO.
 TAX MAP No. 265-02-00-119
 No. 202 CHINABERRY LANE
 Requested by: JONATHAN & KRISTIN STEWART

TOTAL LOT AREA:
 60,201.76 Sq. Feet
 1.152 Acres

HIGHLAND AREA:
 16,642.7 Sq. Feet
 0.38 Acres

MARSH AREA:
 21.28 Sq. Feet
 0.000 Acres

LINE	BEARING	DISTANCE
L1	S 78°09'06" E	4.81'
L2	S 131°13'01" W	7.73'
L3	S 63°13'08" W	0.60'
L4	N 39°24'43" E	19.69'
L5	S 72°50'55" W	9.08'
L6	N 89°53'32" E	15.09'
L7	N 10°34'09" E	2.47'
L8	N 08°26'31" E	3.29'
L9	S 70°05'43" E	3.44'
L10	S 07°30'06" E	7.38'
L11	S 89°23'59" E	4.30'
L12	N 38°40'23" E	9.57'
L13	S 21°44'30" W	8.71'
L14	S 42°02'57" E	14.11'
L15	S 83°44'13" W	16.46'
L16	S 58°30'56" W	17.84'
L17	S 50°45'18" W	22.20'
L18	S 33°28'41" W	5.63'
L19	N 31°49'31" W	9.14'
L20	N 48°10'32" E	5.35'
L21	S 80°07'02" E	7.95'
L22	S 49°59'52" E	11.98'
L23	S 48°18'31" E	6.93'
L24	S 52°11'17" E	8.45'

NOTES:
 BEARING SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83.
 AREA DETERMINED BY COORDINATE METHOD.
 ELEVATIONS ARE BASED ON NAVD '88 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 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 11') & AE (EL 12') AS PER FEMA FLOOD MAPS. PANEL No. 45019C 0668K DATED: JANUARY 29, 2021 COMMUNITY No. 450257
 * SETBACKS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION BY CONTROLLING AUTHORITY.
 * THIS PROPERTY FALLS IN OR NEAR LIMWA ZONE 206.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	273.48'	81.59'	81.29'	N 69°47'31" E	17°05'39"
C2	482.59'	12.73'	12.73'	N 57°41'21" E	1°30'40"

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.

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. BM022/22233

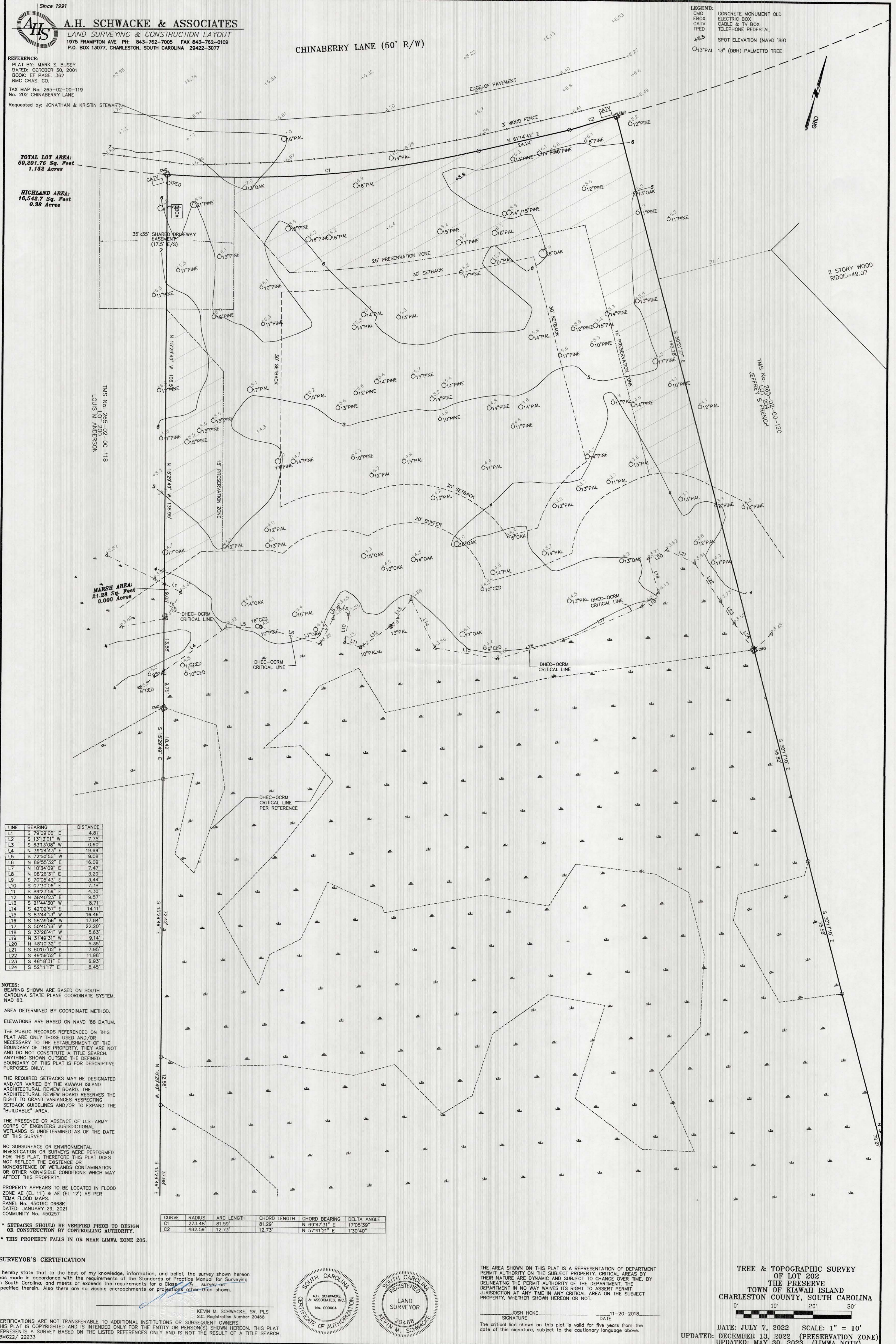


THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION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

JOSH HOKE
 SIGNATURE
 DATE: 11-20-2018
 The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.

TREE & TOPOGRAPHIC SURVEY OF LOT 202 THE PRESERVE TOWN OF KIAWAH ISLAND CHARLESTON COUNTY, SOUTH CAROLINA

0' 10' 20' 30'
 DATE: JULY 7, 2022 SCALE: 1" = 10'
 UPDATED: DECEMBER 13, 2022 (PRESERVATION ZONE)
 UPDATED: MAY 30, 2023 (LIMWA NOTE)





May 6, 2024

Kiawah BZA
4475 Betsy Kerrison Pkwy
Kiawah Island, SC 29455

202 Chinaberry Lane – Stewart Residence
TMS#: 265-02-00-119

We are requesting a variance to allow a lot coverage of 36.66% which is 3.66% (531 SQ. FT.) over the typically allowable lot coverage. The residence was initially designed using the OCRM line from 2018 and this approved design had a lot coverage of 32.21%. However, the OCRM line expired prior to a building permit being granted, and as such an updated OCRM survey was requested by the building permit office. This updated OCRM line significantly impacted the buildable area of the lot. We are requesting the overage to bring the buildable area back in line with what it was prior to the OCRM line being shifted so that the previously approved home design can be built. The rear deck and pool have been redesigned to accommodate the updated setbacks where necessary. The redesigned pool and rear deck retain the same coverage as the originally approved pool and rear deck. Options to further reduce lot coverage have been explored, but all impact the previously approved design of the home.

Variance Approval Criteria:

- a. *Extraordinary/exceptional conditions pertaining to this particular piece of property:*
A shift of the OCRM line caused a significant change to the setbacks and buildable area.
- b. *These conditions do not generally apply to other properties in the vicinity:*
The neighboring properties were developed prior to the OCRM line being updated.
- c. *Conditions unreasonably restrict utilization of the property:*
The reduction of buildable area restricts the scope of residence that originally could have occupied the property within the guidelines for 'The Preserve' neighborhood.
- d. *The authorization of a variance will not be of substantial detriment to adjacent property:*
Neighboring properties will not be impacted by the variance, as we are only requesting an update to bring the undeveloped property closer to its historical condition.
- e. *The establishment of a use not otherwise permitted:*
We are not requesting a use for the property that is different than those permitted.
- f. *Property may be used more profitably should a variance be granted:*
Increasing the allowable lot coverage will only bring the property back in line with its prior allowable use and will now allow use that is in excess of such use.
- g. *The need for the variance shall not be the result of the applicant's own actions:*
The requested variance is a result of natural changes to the site.

1779 Main Road • Johns Island, SC 29455 • (843) 243-0790
11 Buckhead Bay Road • Suite 1104 • Bluffton, SC 29910 • (843) 815-3266

wayne@waynewindhamarchitect.com

www.waynewindhamarchitect.com

- h. *Granting the variance will not be contrary to the public or neighborhood interest:*
The requested variance will not adversely affect other property in the vicinity, as the requested use is one that has a design with prior approval.
- i. *Granting the variance does not substantially conflict with the Comprehensive Plan:*
The requested variance does not substantially conflict with the Comprehensive Plan as it does not significantly alter the prior planned use for this lot and does not impact future needs of the island.

Sincerely,

Mike Creed acting on behalf of Wayne Windham for Jonathan and Kristin Stewart



Mike Creed, Project Manager



Wayne Windham, Architect



June 4, 2024

Kiawah BZA
4475 Betsy Kerrison Pkwy
Kiawah Island, SC 29455

202 Chinaberry Lane – Stewart Residence
TMS#: 265-02-00-119

We are addressing the criteria for the reduction to the OCRM Critical Line Setbacks:

- 1. The parcel contains not more than 0.5 highland acres of buildable area:*
Buildable area on lot is 0.097 acres or 4236 sq. ft.
- 2. The OCRM Critical Line delineation is five or more years old:*
The initial OCRM line is dated 11-20-2018.
- 3. A new and current OCRM Critical Line delineation has been established for the parcel which has changed the linear boundary of the parcel from that depicted on the subdivision plat referred to in subsection (2) above, and fifty percent (50%) or more of the new linear boundary has, in aggregate, moved toward the highland boundary:*
A new OCRM line dating 4-5-2024 was established and it has moved toward the highland boundary over greater than 50% of its length.
- 4. New Linear Boundary of parcel has resulted in a decrease in the buildable area contained within the parcel of 25% or more:*
Buildable area has been reduced to .067 acres or 2897 sq. ft. which is a 31.61% reduction.
- 5. The 25% or more reduction is solely the result of change in the parcel's boundary as a result of the OCRM Critical Line delineation changing:*
No other boundary changes are present.
- 6. A plan and depiction of a minimum 10' vegetated buffer to be located within the newly established OCRM Critical Line Setback is submitted for approval and upon approval incorporated into the parcel:*
A Landscape Plan provided by Living Designs Landscaping dated 5-8-24 will be incorporated into the parcel upon approval.

Sincerely,

Mike Creed acting on behalf of Wayne Windham for Jonathan and Kristin Stewart

A handwritten signature in black ink, appearing to be "Mike Creed".

Mike Creed, Project Manager

A handwritten signature in black ink, appearing to be "Wayne Windham".

Wayne Windham, Architect

Permit Application: Restrictive Covenants Affidavit

Town of Kiawah Island

Town of Kiawah Island Municipal Center
Planning Department
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455
Phone 843-768-9166
Fax 843-768-4764



I, Jonathan G Stewart [Print], have reviewed the Restrictive Covenants

applicable to Parcel Identification Number(s) 2650200119, located

at (address) 202 Chinaberry Lane
Johns Island, SC, and the proposed permit application is not

contrary to, does not conflict with, and is not prohibited by any of the restrictive covenants, as specified in South Carolina Code of Laws, Section 6-29-1145.

[Signature] [Signature] | Jonathan G Stewart [Print Name] | 4/24/2024 [Date]

Explanation:
Effective July 1, 2007, South Carolina Code of Laws Section 6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with or prohibits an activity for which a permit is being sought. [Section 6-29-1145 is copied on the back of this page].

FOR STAFF USE ONLY

[Received By]	[Date]	[Application #]

Variance Request Form

Kiawah Island Architectural Review Board • 253 Gardeners Circle, Suite 200 • Johns Island SC 29455 • 843.768.3419 • 843.768.0517 (fax)
Mailing Address: 130 Gardeners Circle, Suite 123 • Johns Island SC 29455 • arb@kiawah.com • www.KiawahARB.com

Address of Project _____

Owner _____ **Architect** _____

Telephone _____ Telephone _____

Email _____ Email _____

Landscape Architect _____ **Contractor** _____

Telephone _____ Telephone _____

Email _____ Email _____

Does the neighborhood have Supplemental Guidelines? Yes, _____ No

Is Regime Approval Needed? Yes, Approval Attached No

Height Restriction: _____ Above Base Flood Elevation Above Grade

Lot Coverage Max: _____

Setbacks

Front _____

Sides _____

Rear _____

**Building Sq. Footage Calculations
Conditioned**

Building Footprint _____

First Floor _____

Second Floor _____

Third Floor _____

Ancillary Structure _____

Total Conditioned _____

Screened/Covered _____

Garage/Carport _____

Lot Coverage Calculations

Screened/Covered _____

Open Decking/Stairs _____

Primary Drives/Walks* _____

Raised Planters _____

Pool/Spa _____

HVAC _____

Total Lot Coverage Sq. Ft _____

Highland Area _____

Lot Coverage % _____

Secondary Sq. Ft _____

Primary + Secondary % _____

Restrictions

Min. Sq. Ft

Main House _____

Ancillary _____

Max. Sq. Ft

Main House _____

Ancillary _____

Variance Request _____

Reasoning for Request & Variance Criteria Used _____

ARB ACTION Approved Disapproved

ARB Representative _____

Janis Maybank

* PRIMARY DRIVES AND WALKS INCLUDE PERVIOUS AND IMPERVIOUS MATERIALS.

Variance Request Form

Kiawah Island Architectural Review Board • 253 Gardeners Circle, Suite 200 • Johns Island SC 29455 • 843.768.3419 • 843.768.0517 (fax)
 Mailing Address: 130 Gardeners Circle, Suite 123 • Johns Island SC 29455 • arb@kiawah.com • www.KiawahARB.com

Address of Project 202 Chinaberry Lane

Owner Jonathan and Kristin Stewart **Architect** Wayne Windham
 Telephone 843-568-2433 Telephone 843-243-0790
 Email kristinstewart@bellsouth.net Email Wayne@WayneWindhamArchitect.com

Landscape Architect Heyward Townsend **Contractor** Chris Brassfield
 Telephone 843-998-2914 Telephone 843-559-2804
 Email heyward@livingdesignslandscaping.com Email cbrassfield1@gmail.com

Does the neighborhood have Supplemental Guidelines? Yes, The Preserve No

Is Regime Approval Needed? Yes, Approval Attached No
 Height Restriction: 40' Above Base Flood Elevation Above Grade
 Lot Coverage Max: 33%

Setbacks

Front	<u>30'</u>
Sides	<u>30'</u>
	<u>30'</u>
Rear	<u>30'</u>

Building Sq. Footage Calculations

Conditioned	
Building Footprint	<u>2882</u>
First Floor	<u>2861</u>
Second Floor	<u>1899</u>
Third Floor	<u>N/A</u>
Ancillary Structure	<u>N/A</u>
Total Conditioned	<u>4760</u>
Screened/Covered	<u>76</u>
Garage/Carport	<u>474</u>

Lot Coverage Calculations

Screened/Covered	<u>76</u>
Open Decking/Stairs	<u>575</u>
Primary Drives/Walks*	<u>1514</u>
Raised Planters	<u>0</u>
Pool/Spa	<u>211</u>
HVAC	<u>68</u>
Total Lot Coverage Sq. Ft	<u>5326</u>
Highland Area	<u>14530</u>
Lot Coverage %	<u>36.66%</u>
Secondary Sq. Ft	<u>0</u>
Primary + Secondary %	<u>36.66%</u>

Restrictions

Min. Sq. Ft	
Main House	<u>2,500</u>
Ancillary	_____
Max. Sq. Ft	
Main House	<u>5,000</u>
Ancillary	_____

Variance Request Rear Setback Revision and Lot Coverage Adjustment due to OCRM line shifting after Final ARB Approval but prior to Building Permit being issued.

Rear Setback: 15' with 10' no-build buffer off of OCRM line vs 30'
Lot Coverage: 36.66% MAX vs 33% due to high ground reduction caused by OCRM line change (proposed coverage sq. ft. of prior approved plans is unchanged). Prior lot coverage was 32.54% with similar lot coverage sq. ft.

Reasoning for Request & Variance Criteria Used
OCRM line shifted significantly in 2024, making lot unbuildable with existing setback criteria

ARB ACTION Approved Disapproved

ARB Representative Parker Ranspach
FOR JANE MAYBANK
DIRECTOR KIARB

* PRIMARY DRIVES AND WALKS INCLUDE PERVIOUS AND IMPERVIOUS MATERIALS.

MAYOR:
Bradley D. Belt

MAYOR PRO TEMPORE:
Dr. Michael Heidingsfelder

TOWN ADMINISTRATOR:
Stephanie Tillerson

TOWN ATTORNEY:
Stafford J. McQuillin III



COUNCIL MEMBERS:
Russell A. Berner
E. Luke Farrell
Madeleine Kaye

April 12, 2024

202 Chinaberry Lane
Kiawah Island, SC 29455
via Mike Creed, Wayne Windham Architect mikecreed@waynewindhamarchitect.com

RE: 202 Chinaberry Lane Confirmation of Building Setbacks

CRITICAL LINE SETBACK REDUCTION

Dear Mike Creed,

Upon review of the requested administrative adjustment to the setbacks of the subject property, 202 Chinaberry Lane, Kiawah Island, SC (TMS# 265-02-00-119), the Town of Kiawah Island Planning Department has approved a reduction of the Office of Coastal and Resource Management (OCRM) Critical Line required 30' setback according to *Article 12, Section 12A-216 (G.) Reductions to OCRM Critical Line Setback of the Town of Kiawah Island Land Use Planning and Zoning Ordinance*.

Having met the requirements of this article, the Town approves a **15' rear setback** from the OCRM Critical Lines for the subject property. The subject property retains all other existing setbacks. Please provide the new and current OCRM Critical Line delineation established for the parcel which describes the changed linear boundary; and a plan depiction of a minimum ten (10) foot vegetated buffer to be located within the newly established OCRM Critical Line Setback, using existing or native plant material, as you submit development plans for permitting.

If you have questions pertaining to this information, please contact our office at 843-768-9166.

A handwritten signature in black ink, appearing to read "John Taylor, Jr.".

John Taylor, Jr.
Planning Director

Cc: Jane Maybank, KIARB
Sharon Johnson, Town of Kiawah Island
Daniel Green, Town of Kiawah Island
Bruce Spicher, Town of Kiawah Island