



**Case #BZA24-000009**  
**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

**Zoning District:** Total: 50,201 sqft (1.16 acres)  
Highlands: 14,530 sqft (.33 acres)  
Marsh 35,672 sqft (.82 acres)

**Lot Size:** R-2, Residential Zoning District

**Request:** Variance request for the reduction of the required 30' front setback for approximately 16 square feet for a proposed generator stand 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 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 Front Setback as "the setback measured from all street rights-of-way."

**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) <sup>(1)</sup>	Minimum Yard Setbacks (feet)			Maximum Height	
				Front <sup>(2)</sup>	Side <sup>(3)(5)</sup>	Rear <sup>(4)</sup>	(stories)	(feet)
8,000—11,999	40 percent	100	60	25	10	25	2.5	40
<b>12,000+</b>	<b>33 percent</b>	100	75	25	20	25	2.5	40
<sup>(1)</sup> 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.								
<sup>(2)</sup> 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.								
<sup>(3)</sup> A minimum of 15 feet must be provided between structures.								
<sup>(4)</sup> The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course.								
<sup>(5)</sup> 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)

TOWN OF KIAWAH ISLAND

**ORDINANCE 2022-06**

**AN ORDINANCE TO AMEND CHAPTER 12 – LAND USE PLANNING AND ZONING -  
ARTICLE II. – ZONING - DIVISION 2. ZONING MAP/DISTRICTS SECTION 12.64. –  
SETBACKS.**

WHEREAS, the Town of Kiawah Island Municipal Code currently contains *Chapter 12 - Land Use Planning and Zoning*; and

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance, Sec. 12- 64. Setbacks* to provide administrative relief for minimally encroaching generator stands into setbacks which meet certain conditions; and

WHEREAS, the text amendment would be consistent with the purposes and intent of the adopted Comprehensive Plan and would not be detrimental to the public health, safety, and welfare of the Town of Kiawah Island; and

WHEREAS, the Planning Commission held a meeting on September 7, 2022, at which time a presentation was made by staff, and an opportunity was given for the public to comment on the text amendment request; and

WHEREAS, the Planning Commission, after consideration of the staff report, subsequently voted to recommend to Town Council that the proposed amendment be approved; and

WHEREAS, Town Council held a Public Hearing on October 4, 2022, providing the public an opportunity to comment on the proposed amendment.

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.**

**Section 1                      Purpose**

The purpose of this Ordinance is to amend Chapter 12. Article II. Zoning Division 2. Zoning Map/Districts. Section 12-64. Setbacks.

**Section 2                      Ordinance**

The Town hereby amends Section 12-64. as shown in the attached “Exhibit A”:

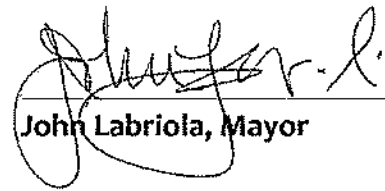
**Section 3                      Severability**

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances

**Section 4                      Effective Date and Duration**

This Ordinance shall be effective upon its enactment by Town Council for the Town of Kiawah Island.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 1<sup>st</sup> DAY OF NOVEMBER 2022.**

  
\_\_\_\_\_  
John Labriola, Mayor

**ATTEST:**

By:   
\_\_\_\_\_  
Petra Reynolds, Town Clerk

1<sup>st</sup> Reading: October 4, 2022

2<sup>nd</sup> Reading: November 1, 2022

## "Exhibit A"

**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.

- (4) HVAC Equipment. 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)~~a. \_\_\_\_\_ 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;

~~b.~~(2) \_\_\_\_\_ Such HVAC equipment cannot reasonably be accommodated in compliance within the setback required by otherwise applicable zoning requirements;

~~(3)~~c. 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)~~d. A Zoning Permit is approved by the Planning Director.

- (5) Generators. In all zoning districts generators and generator stands may extend up to five feet into required side or rear setbacks only when all of the following conditions are met:

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“Exhibit A”

- a. The proposed generator stand is being proposed for an existing home permitted prior to November 1, 2022. Generator stands installed at the time of new construction must meet required setbacks.
- b. The generator cannot reasonably be accommodated in compliance with the setback required by otherwise applicable zoning requirements;
- c. The generator is located to not impede emergency access;
- d. 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 generator 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;
- e. The generator stand is set back a distance of not less than ten feet from the adjacent side or rear property line;
- f. The generator stand is adequately screened with plantings as determined by the Planning Director; and
- g. 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)

**Staff Review:**

The applicant, Mike Creed representing the property owner Jonathan Stewart and Kristin Stewart, is requesting a variance for the reduction of the required 30' front setback for approximately 16 sqft for a proposed generator stand 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 with 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 generator placement from the KIARB April 12, 2023.

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 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 front setback as "the setback measured from all street rights of way".

The *Town of Kiawah Island Land Use Planning and Zoning Ordinance* pursuant to Sec. 12-64 Setbacks.

*"In all zoning districts generators and generator stands may extend up to five feet into required side or rear setbacks only when all of the following conditions are met:*

- a. *The proposed generator stand is being proposed for an existing home permitted prior to November 1, 2022. Generator stands installed at the time of new construction must meet required setbacks.*
- b. *The generator cannot reasonably be accommodated in compliance with the setback required by otherwise applicable zoning requirements;*
- c. *The generator is located to not impede emergency access;*

- d. *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 generator 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;*
- e. *The generator stand is set back a distance of not less than ten feet from the adjacent side or rear property line;*
- f. *The generator stand is adequately screened with plantings as determined by the Planning Director; and*
- g. *A Zoning Permit is approved by the Planning Director.”*

The applicants proposed plans include a generator which encroaches into the required front setback by approximately two feet (2'-0"). The total encroachment is approximately 17 square feet. The proposed generator stand encroaching into the front setback requires a variance from the Board of Zoning Appeals.

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. Per the applicant's letter of intent, "Building**

***area on lot is significantly constrained.”***

§ 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 property is located in the R-1 Residential Zoning District. Adjacent properties along Chinaberry Lane 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 and thus had less restrictive setbacks.”***

§ 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 or restrict the utilization of the property, however the whole home generators can be found throughout the island. Per the letter of intent *“Whole house generators are common additions to homes in the area.”***

§ 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 generator would be approximately 28’ from the front property line adjacent to the street. Per the applicant’s letter of intent, *“Neighboring properties will not be impacted by the variance, as the variance is located on the side of the property adjacent to the street, and that side is shielded from the street by a natural preservation zone.”***

§ 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, “Allowing the construction of a generator in the requested location will not enable the property to be used more profitably, as the purpose of the generator is to provide use similar to the existing use in case of power outages. “**

§ 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. 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 #BZA24-000009 (Variance request reduction of the required 30’ front setback for approximately 16 sqft for a proposed generator stand 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# BZA24-000009

<b>Applicant/Property Owner &amp; Representative:</b>	<b>Jonathan &amp; Kristin Stewart</b>
<b>Property Location:</b>	<b>202 Chinaberry Lane</b>
<b>TMS#:</b>	<b>265-02-00-119</b>
<b>Zoning District:</b>	<b>R-1, Residential Zoning District</b>
<b>Lot Size:</b>	<b>50,201 sq. ft. (1.16 acres)</b>
<b>Request:</b>	<b>Variance request for the reduction of the required 30' front setback for approximately 16 square feet for a proposed generator stand.</b>

**CASE# BZA24-000009**

**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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**EZA14-00097**  
 PID: 200200119  
 OWNER: STEWART JONATHAN G  
 PLAT BOOK PAGE: 07-262  
 DEED BOOK PAGE: 1020-102  
 Jurisdiction: TOWN OF KIAWAH  
 ISLAND

Note: The Charleston County makes every effort possible to produce the most accurate information. The figures contained in the map are for informational purposes only. The Charleston County makes no warranty, express or implied, nor any quantity as to the content, 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 losses, damages, and costs associated with any copies of which may arise as a consequence of the County providing this information.



**Case # BZA24-000009**  
**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



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### Subject Property



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### Subject Property



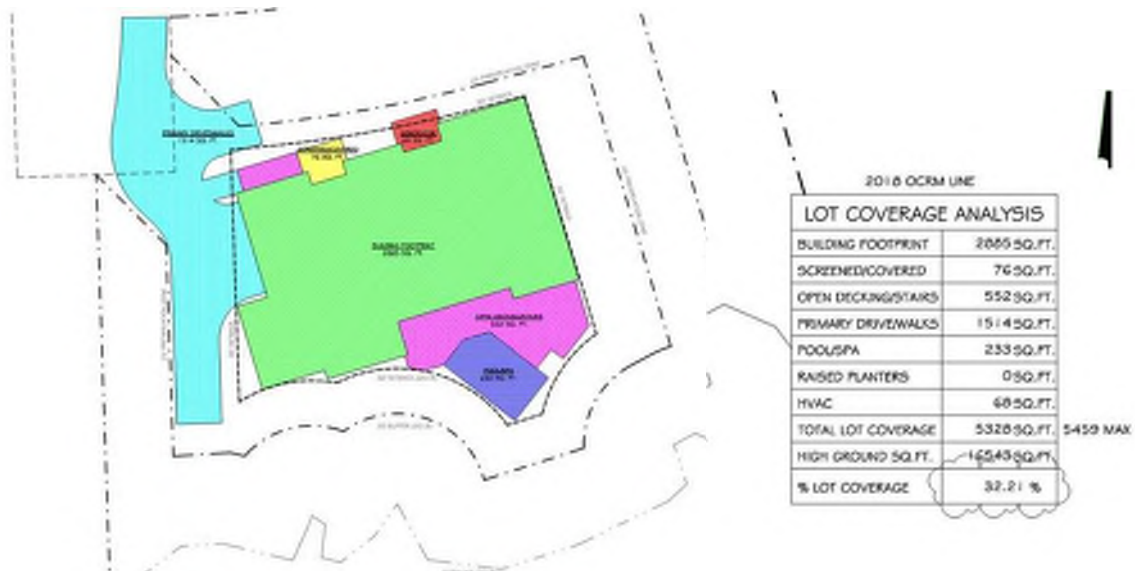
13

### Property Rear



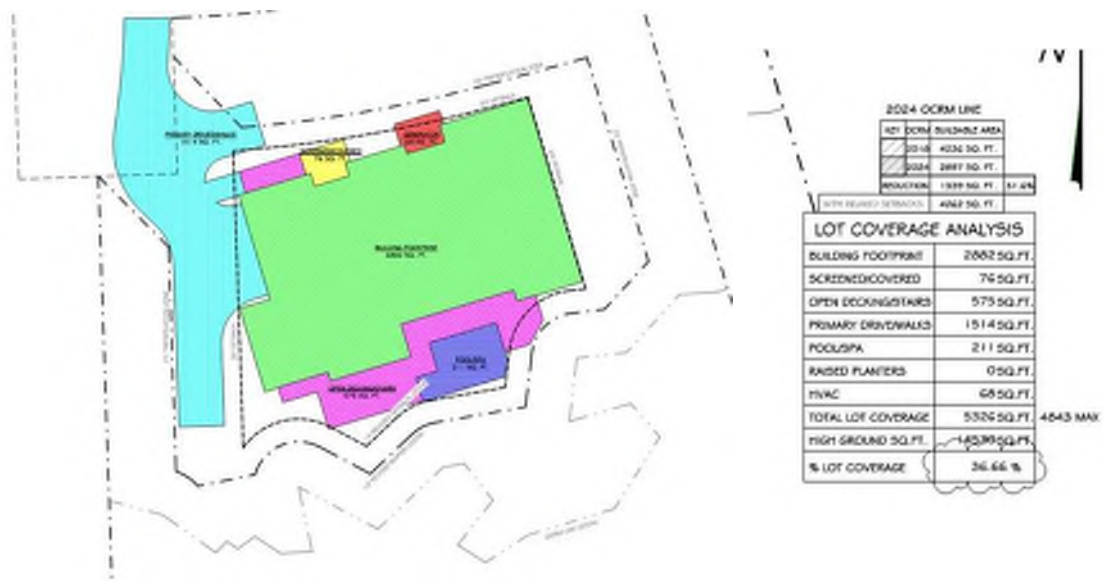
14

### Original Site Plan (with expired OCRM)



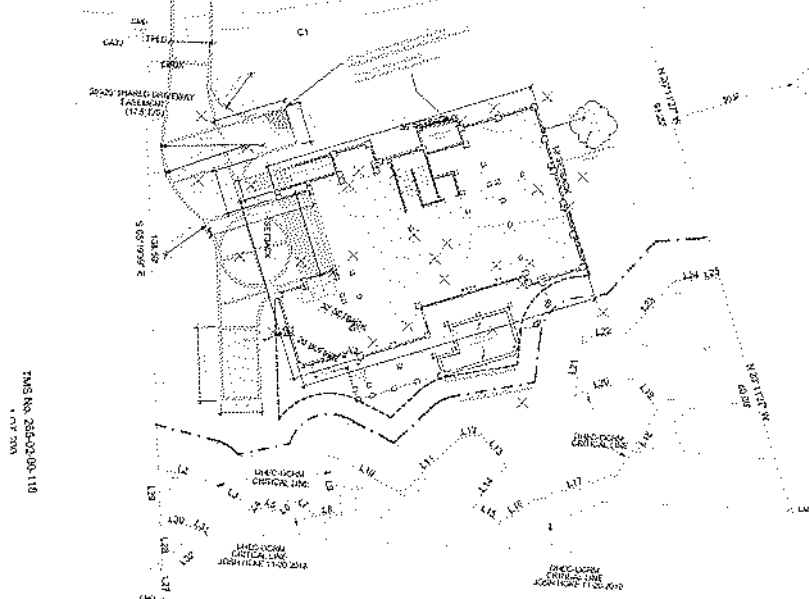
15

### Proposed Site Plan



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## Proposed Site Plan



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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.

## Board of Zoning Appeals Action

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000009 (Variance request for the reduction of the required 30' front setback for approximately 16 square feet for a proposed generator stand) 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.



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

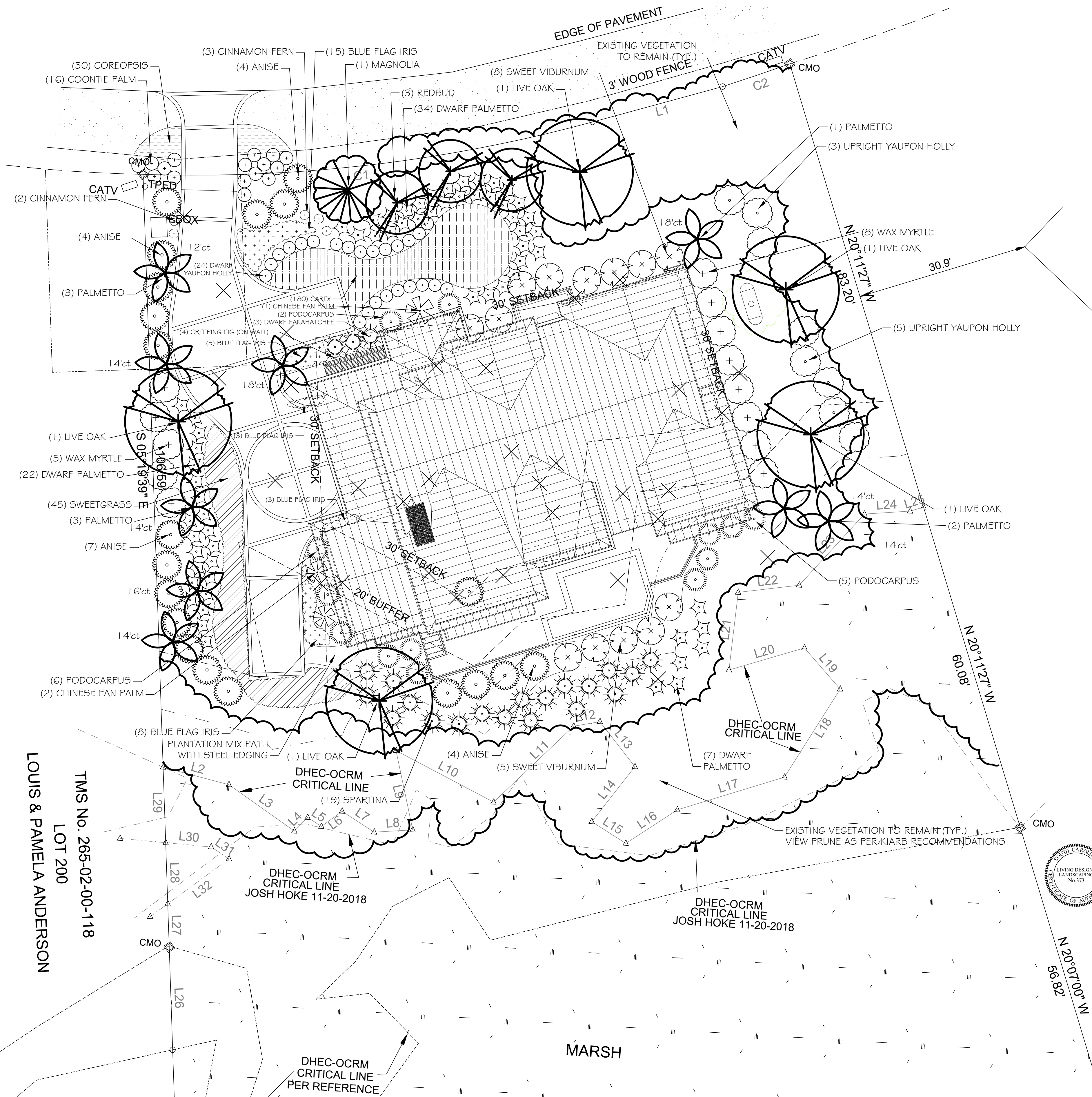
LOT COVERAGE ANALYSIS	
BUILDING FOOTPRINT	2882 SQ.FT.
SCREENED/COVERED	76 SQ.FT.
OPEN DECKING/STAIRS	575 SQ.FT.
PRIMARY DRIVE/WALKS	1514 SQ.FT.
POOL/SPA	211 SQ.FT.
RAISED PLANTERS	0 SQ.FT.
HVAC	68 SQ.FT.
TOTAL LOT COVERAGE	5326 SQ.FT.
HIGH GROUND SQ.FT.	14530 SQ.FT.
% LOT COVERAGE	36.66 %

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

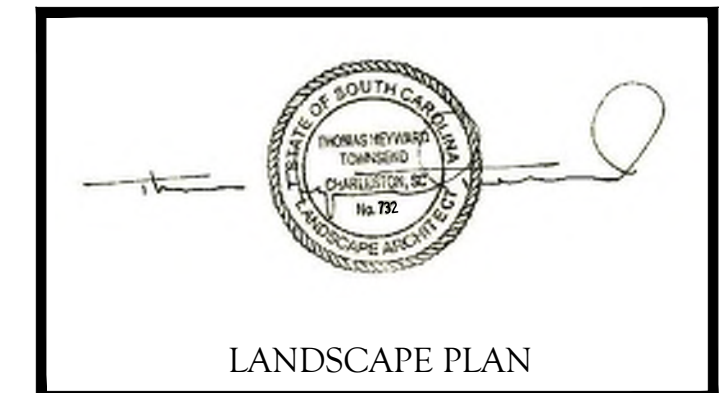
- The landscape contractor is responsible for contacting the cable locator service, P.U.P.S. 1 (800) 922-0983 to locate all existing underground electrical and telephone utilities prior to construction. Contractor to make these contacts prior to beginning work.
- Landscape Contractor shall verify plans 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 pine straw 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



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.
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  
843-243-0799  
www.waynearchitect.com

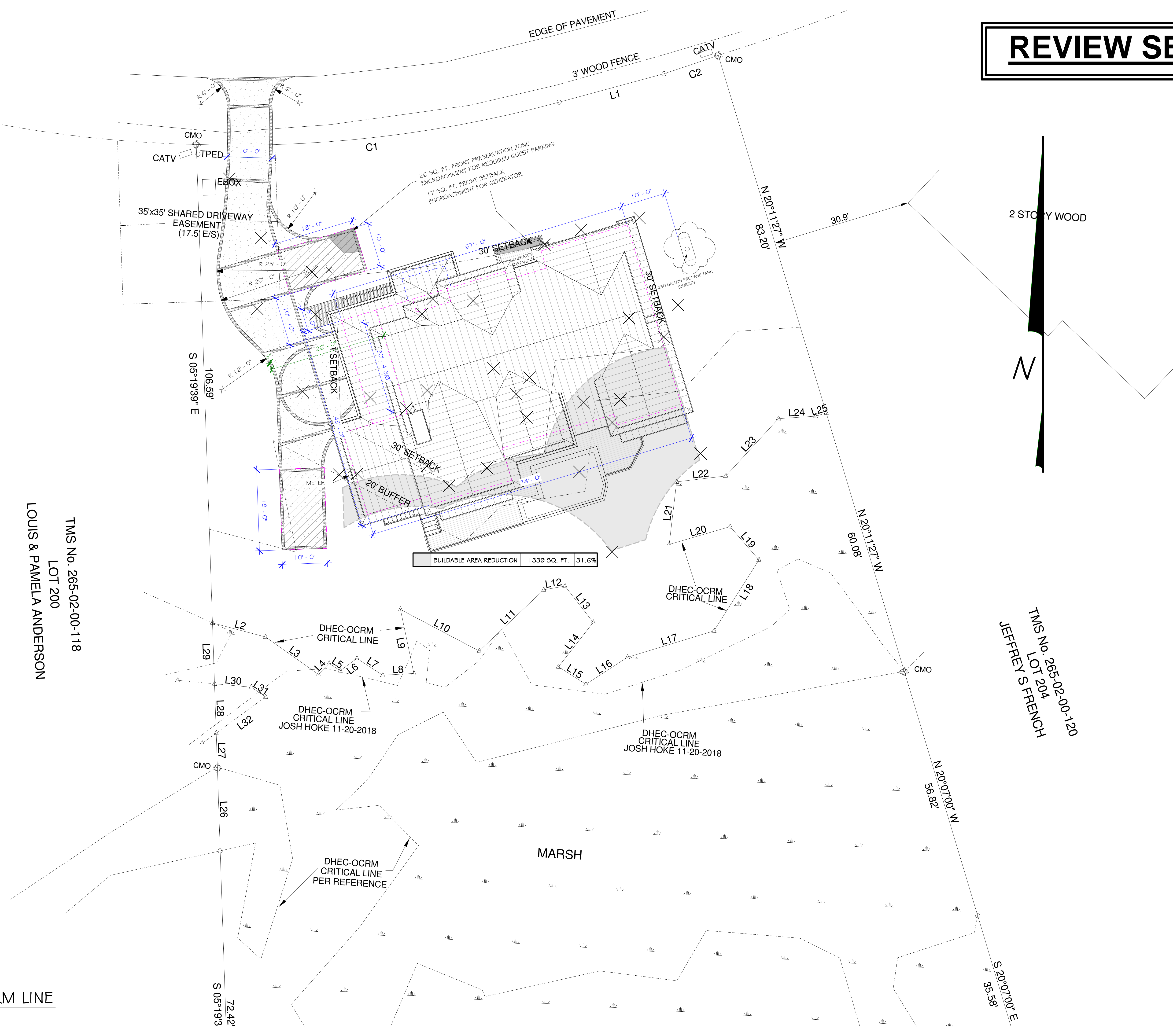
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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
SITE PLAN - NEW 2024 OCRM LINE

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	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**



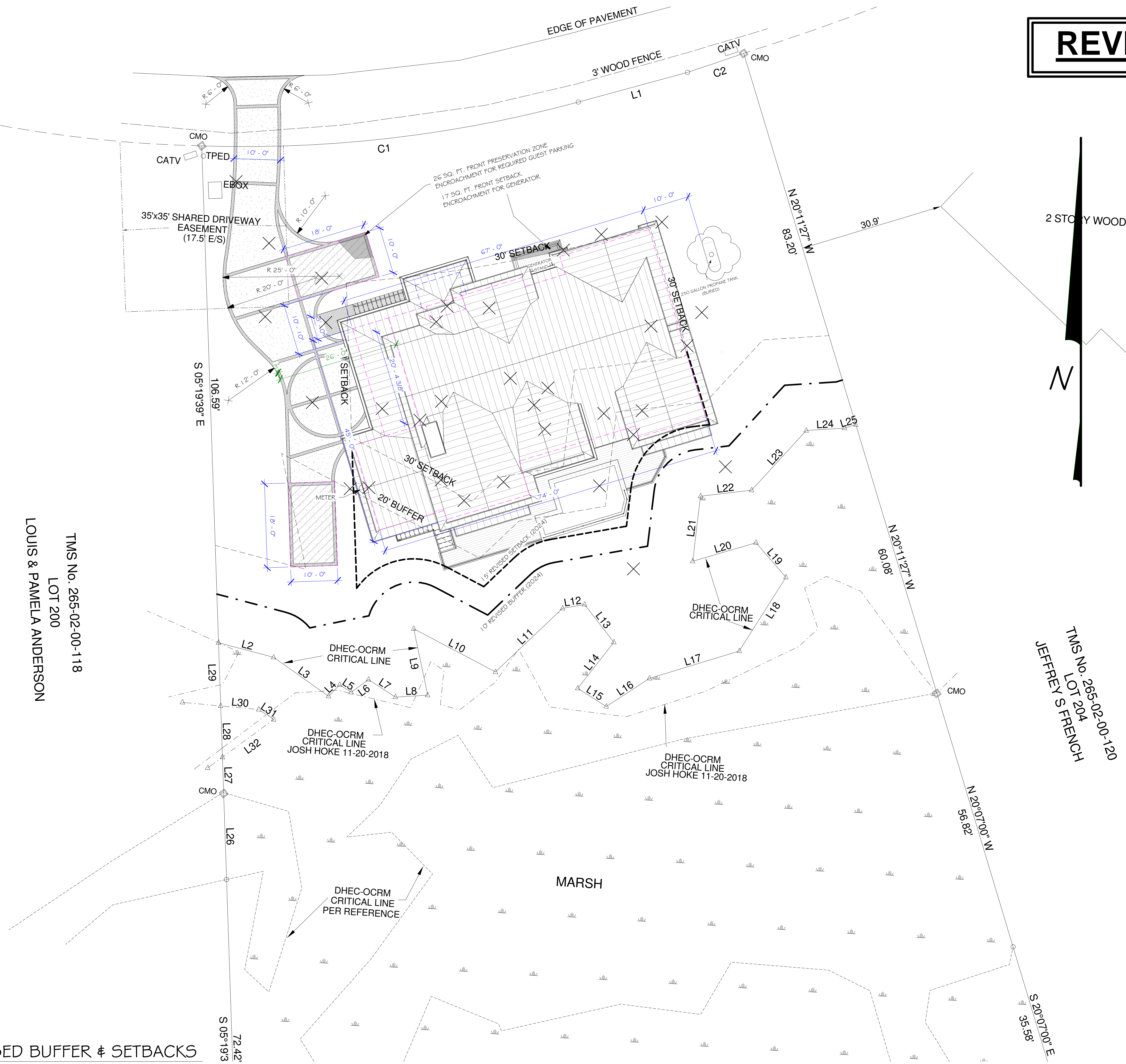
**Wayne Windham**  
ARCHITECT, P.A.  
1779 Main Rd. Johns Island, SC 29485  
843-243-0799  
206 May River Rd. Bluffton, SC 29910  
www.waynearchitect.com

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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



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

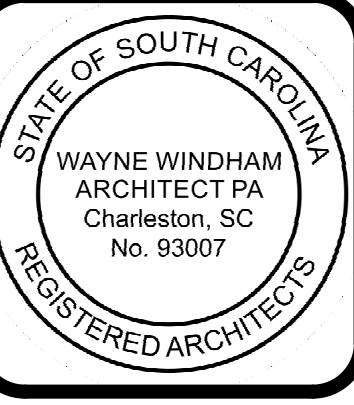
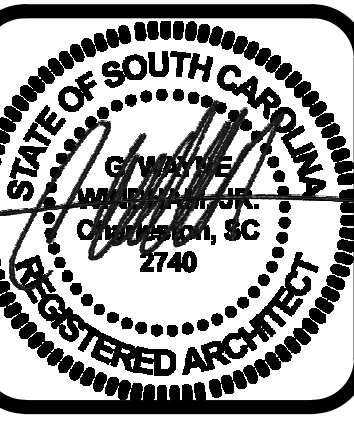
JEFFREY S FRENCH  
LOT 204  
TMS No. 265-02-00-120

SITE PLAN 2024 - REVISED BUFFER & SETBACKS

1" = 10'-0"

11/17/24 10:51:54 AM

# REVIEW SET

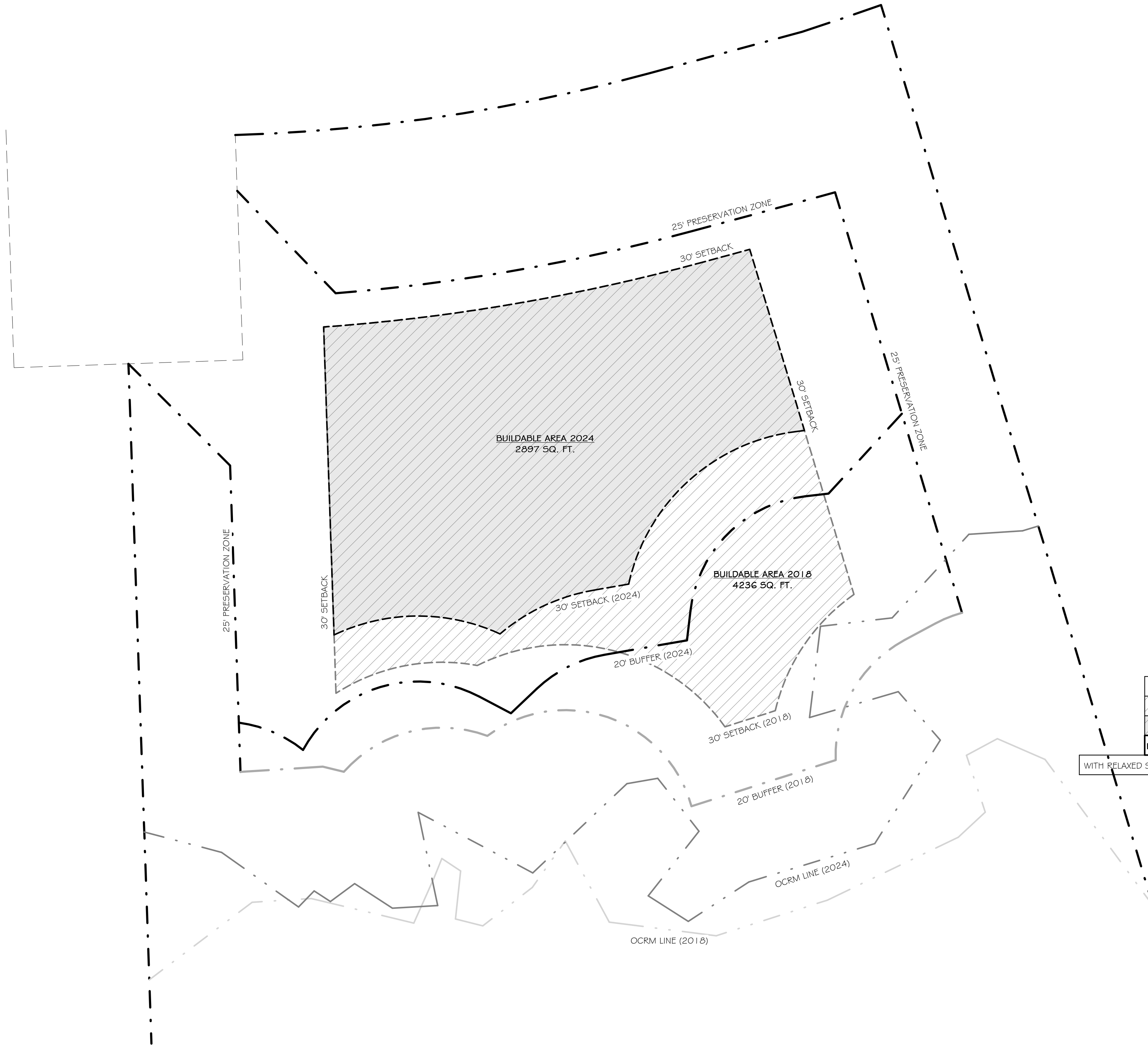


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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
**BUILDABLE AREA CHANGE**

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

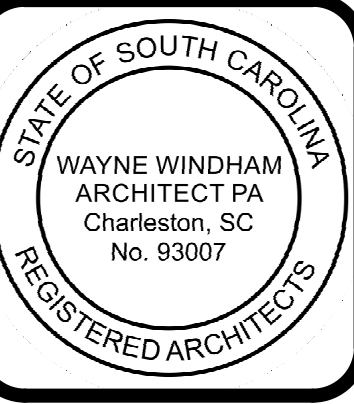
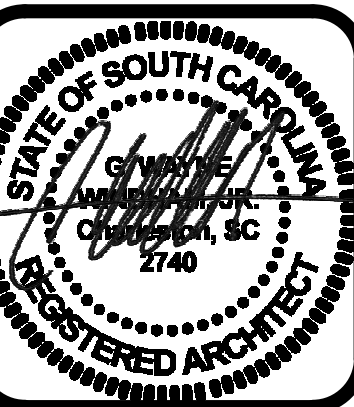


KEY	OCRM	BUILDABLE AREA	
	2018	4236 SQ. FT.	
	2024	2897 SQ. FT.	
	REDUCTION	1339 SQ. FT.	31.6%
	WITH RELAXED SETBACKS:	4262 SQ. FT.	



4/12/2024 10:51:55 AM

# REVIEW SET



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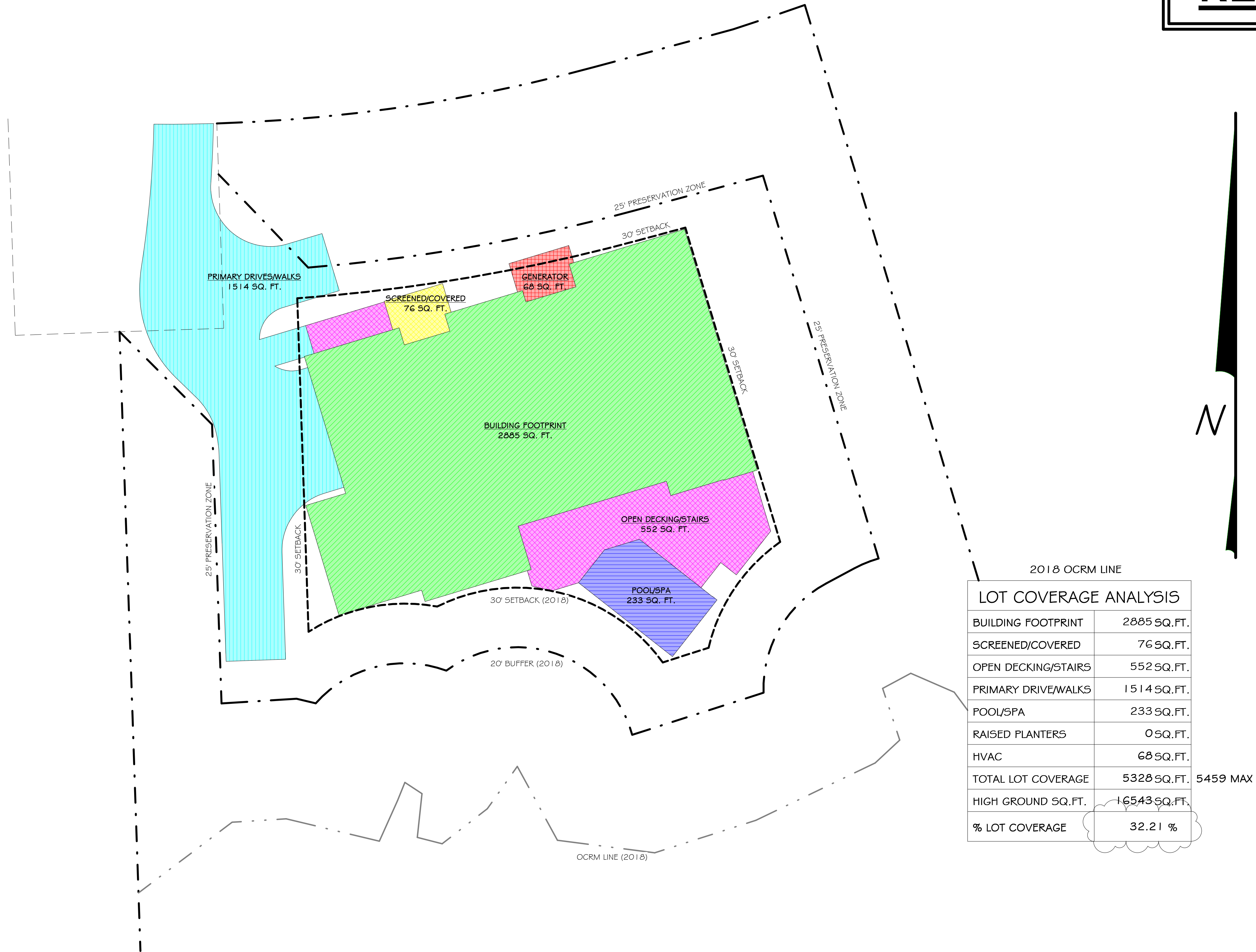
**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
LOT COVERAGE - 2018 OCRM

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**

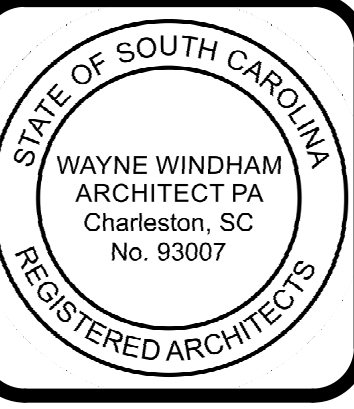
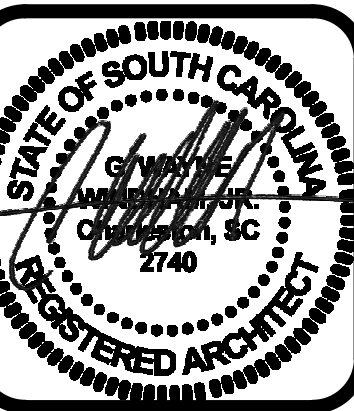
PROJECT NO. 202122  
DRAWN BY: MAC



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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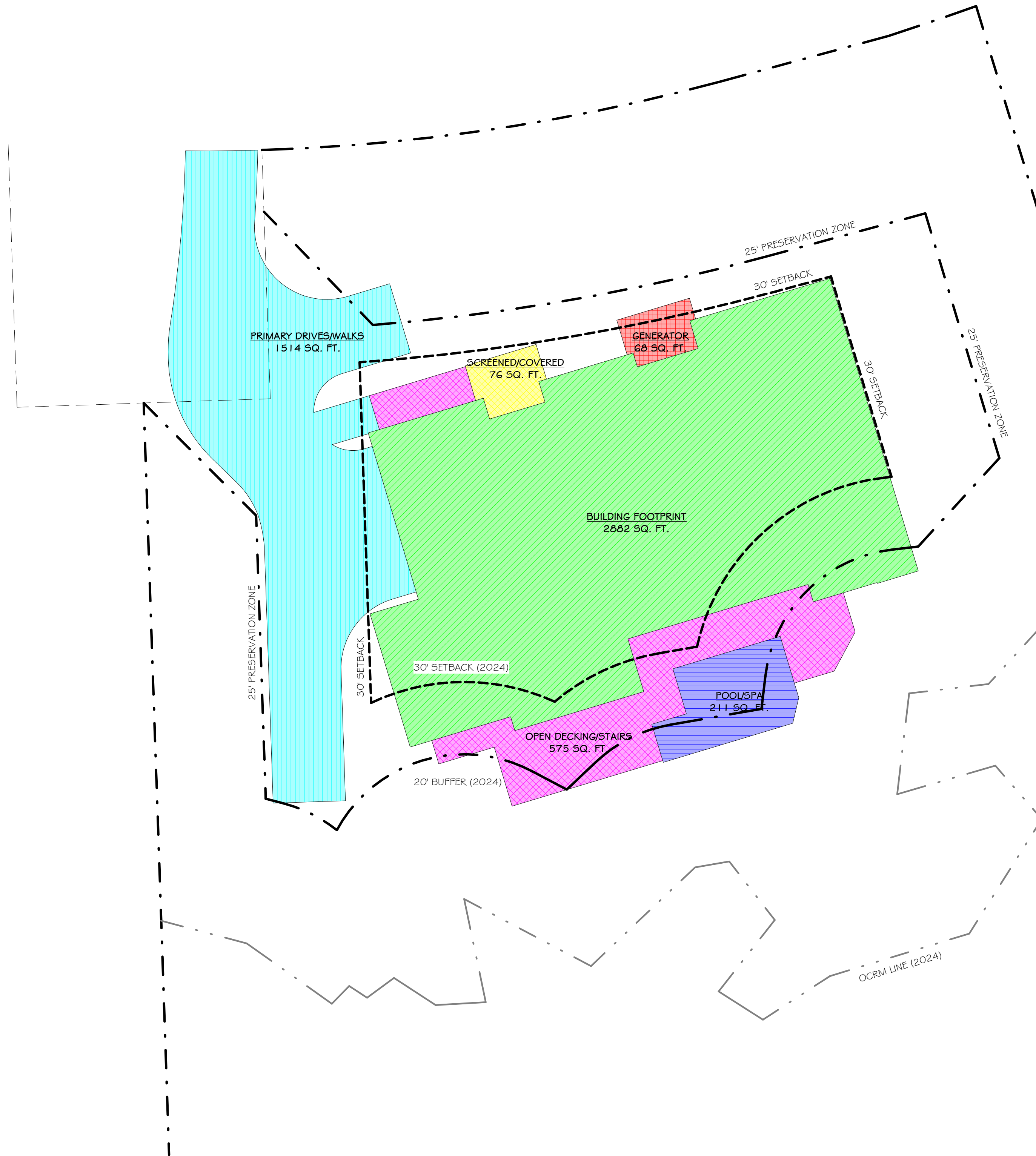
STEWART RESIDENCE  
202 CHINABERRY LANE  
KIAWAH, SC

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 %

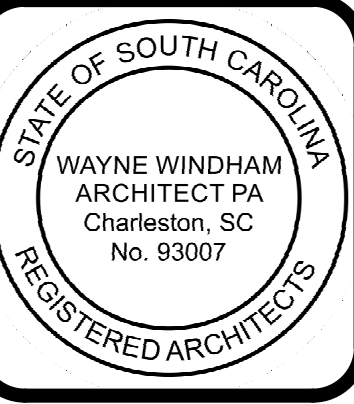
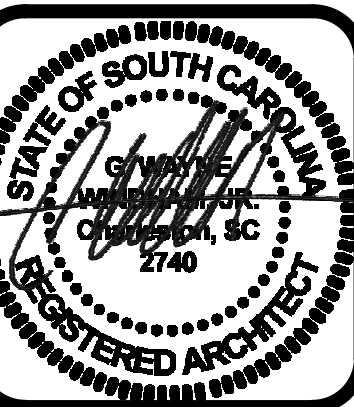


4/12/2024 10:51:57 AM

## SITE PLAN - LOT COVERAGE GRAPHIC 2024 OCRM

1" = 10'-0"

# REVIEW SET

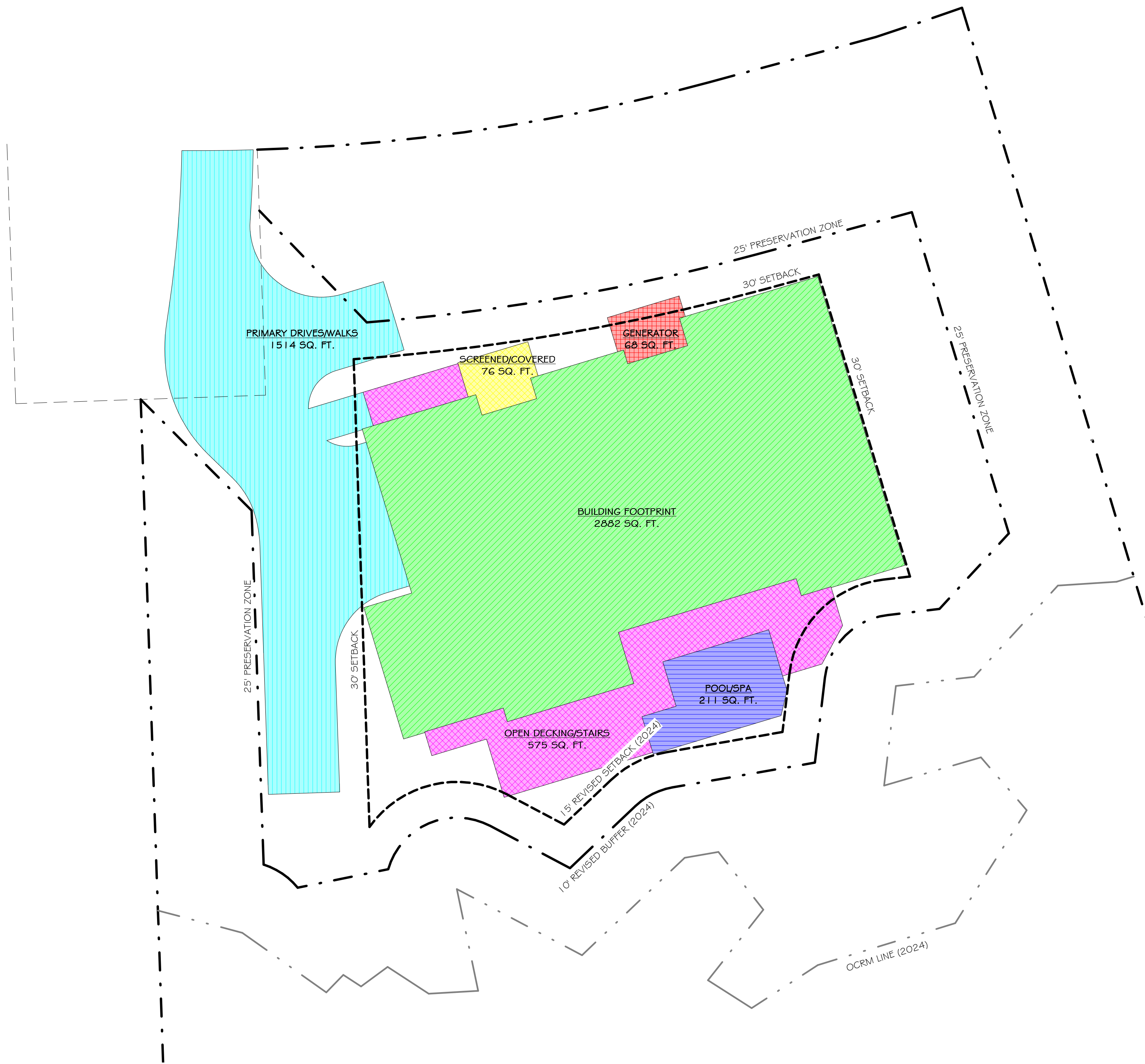


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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
**2024 RELAXED BUFFER & SETBACKS**

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



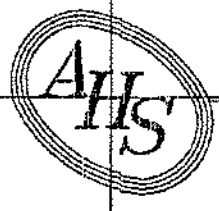
### 2024 OCRM LINE

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. 255-02-00-119  
No. 202 CHINABERRY LANE

Requested by: MIKE CREED

**TOTAL LOT AREA:**  
50,201.76 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. 255-02-00-118  
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°03'06" 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 60°19'13" E	6.88'
L8	S 83°13'40" W	6.93'
L9	S 15°14'50" E	14.58'
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"

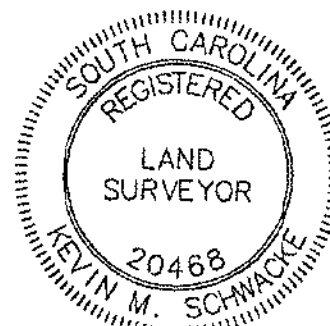
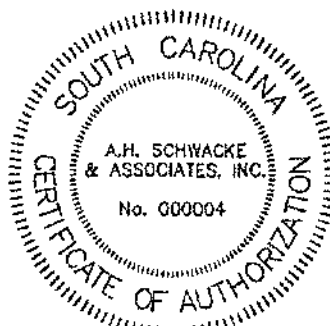
### SURVEYOR'S CERTIFICATION

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



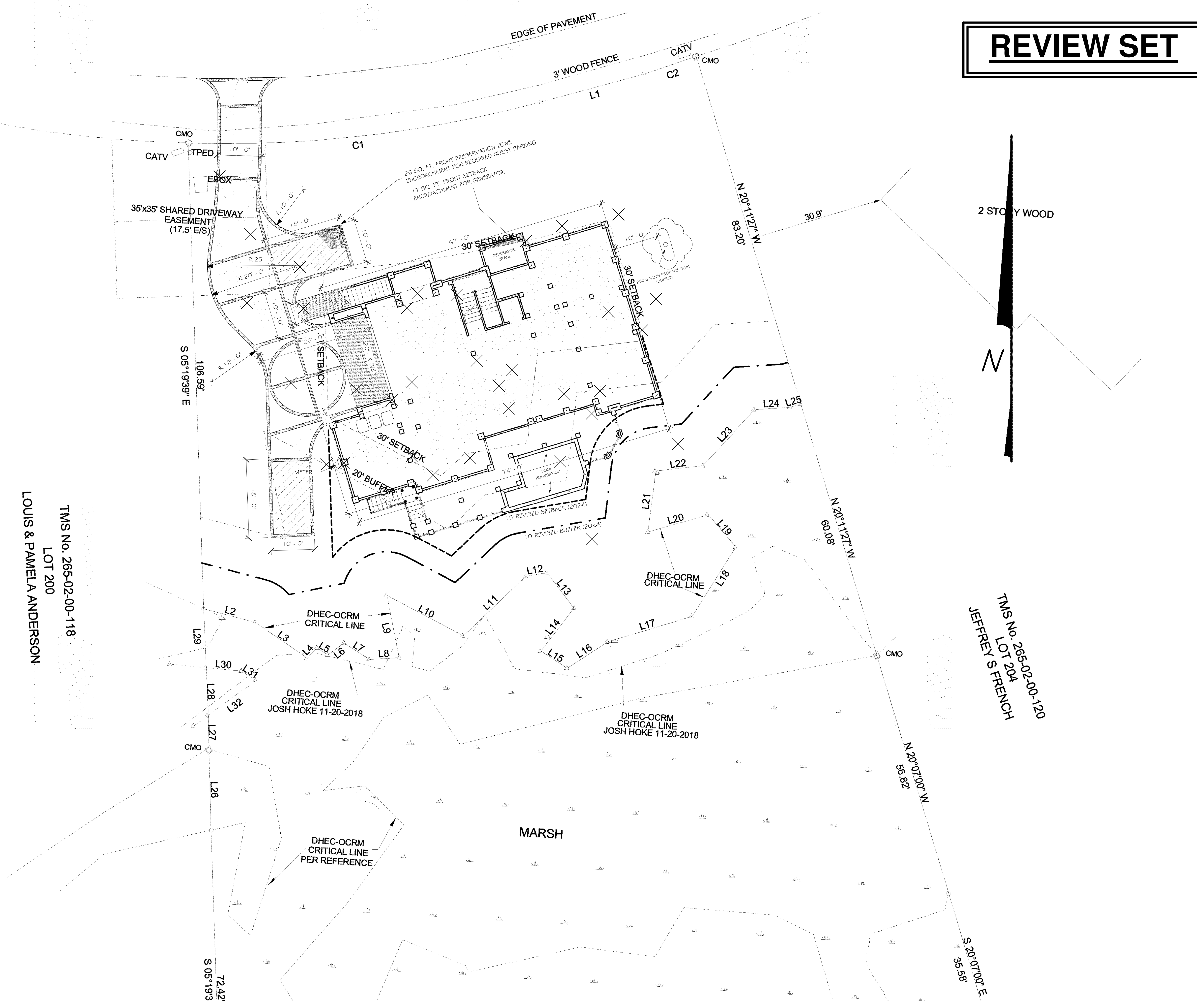
THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION 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.

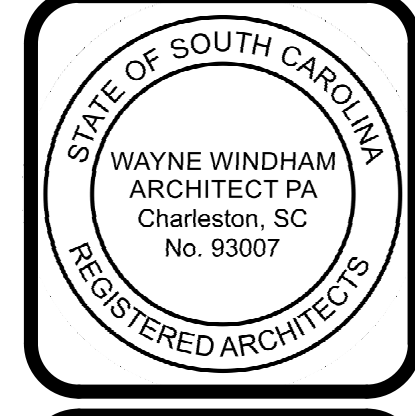
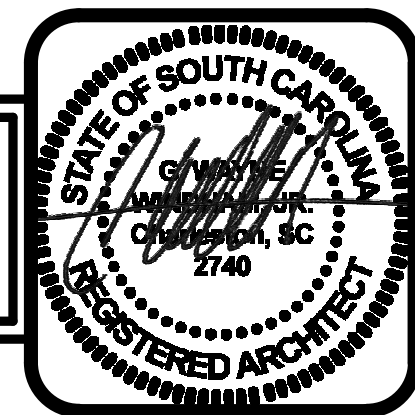
**CRITICAL LINE SURVEY  
OF LOT 202  
THE PRESERVE  
TOWN OF KIAWAH ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA**

0' 20' 40' 60'  
DATE: APRIL 1, 2024 SCALE: 1" = 20'

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  
 843-243-0799  
 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.
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.
HIGH GROUND SQ.FT.	16543 SQ.FT.
% LOT COVERAGE	32.21 %

**REVIEW SET**



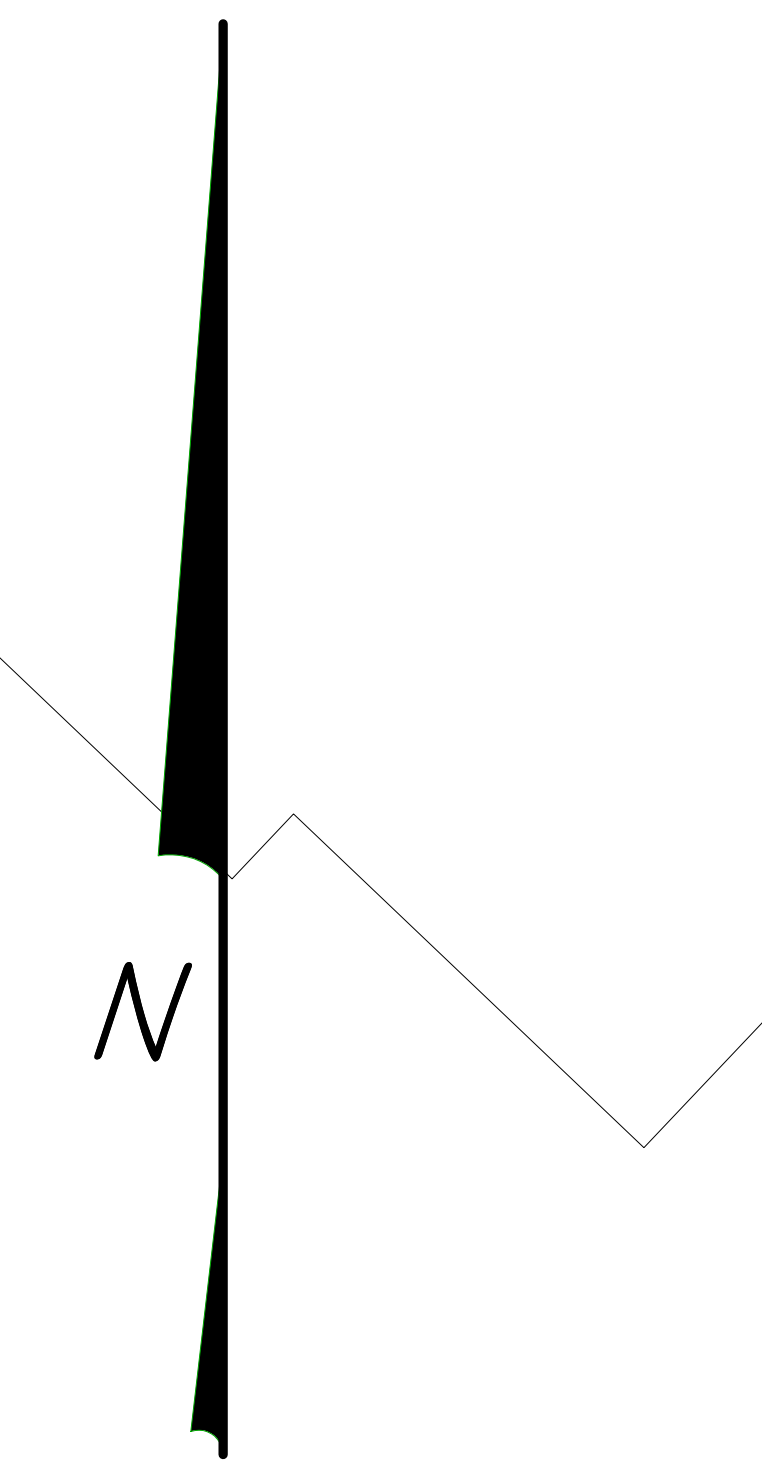
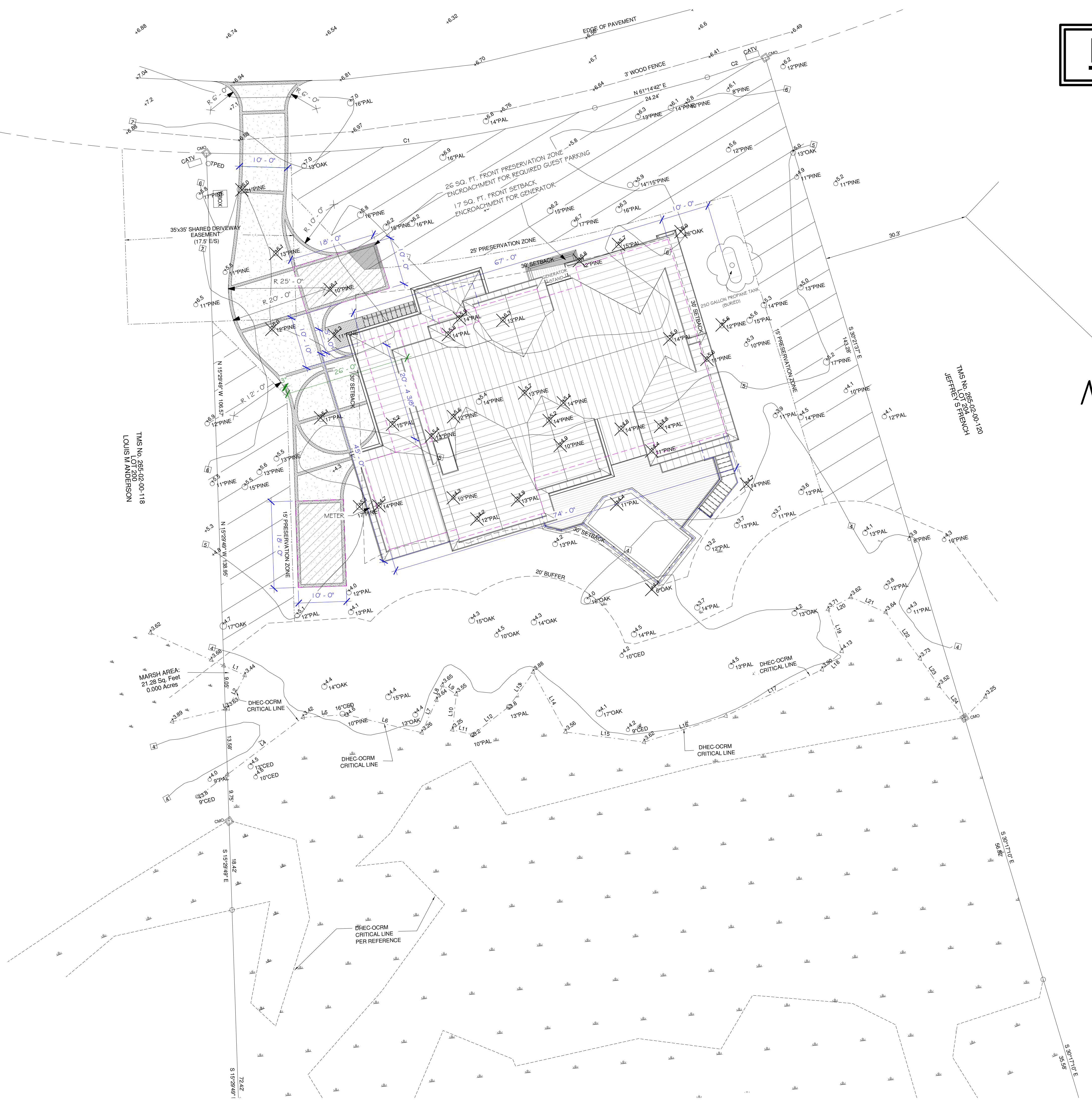
**Wayne Windham**  
ARCHITECT, P.A.  
1779 Main Rd. Johns Island, SC 29485  
205 May River Rd. Bluffton, SC 29910  
843-243-7799  
www.waynearchitect.com

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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

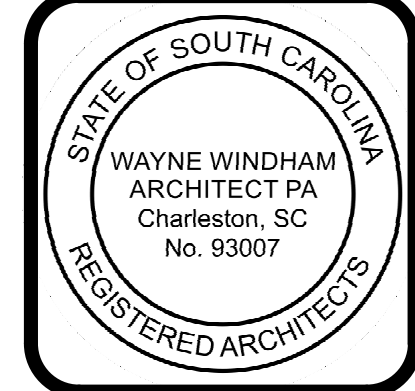
SHEET:  
**ST102**  
PROJECT NO 202122  
DRAWN BY: MAC



LOT COVERAGE ANALYSIS

BUILDING FOOTPRINT	2885 SQ.FT.
SCREENED/COVERED	76 SQ.FT.
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.
HIGH GROUND SQ.FT.	14530 SQ.FT.
% LOT COVERAGE	36.67 %

**REVIEW SET**



**Wayne Windham**  
ARCHITECT, P.A.  
1779 Main Rd. Johns Island, SC 29485  
843-243-0799  
206 May River Rd. Bluffton, SC 29910  
www.waynearchitect.com

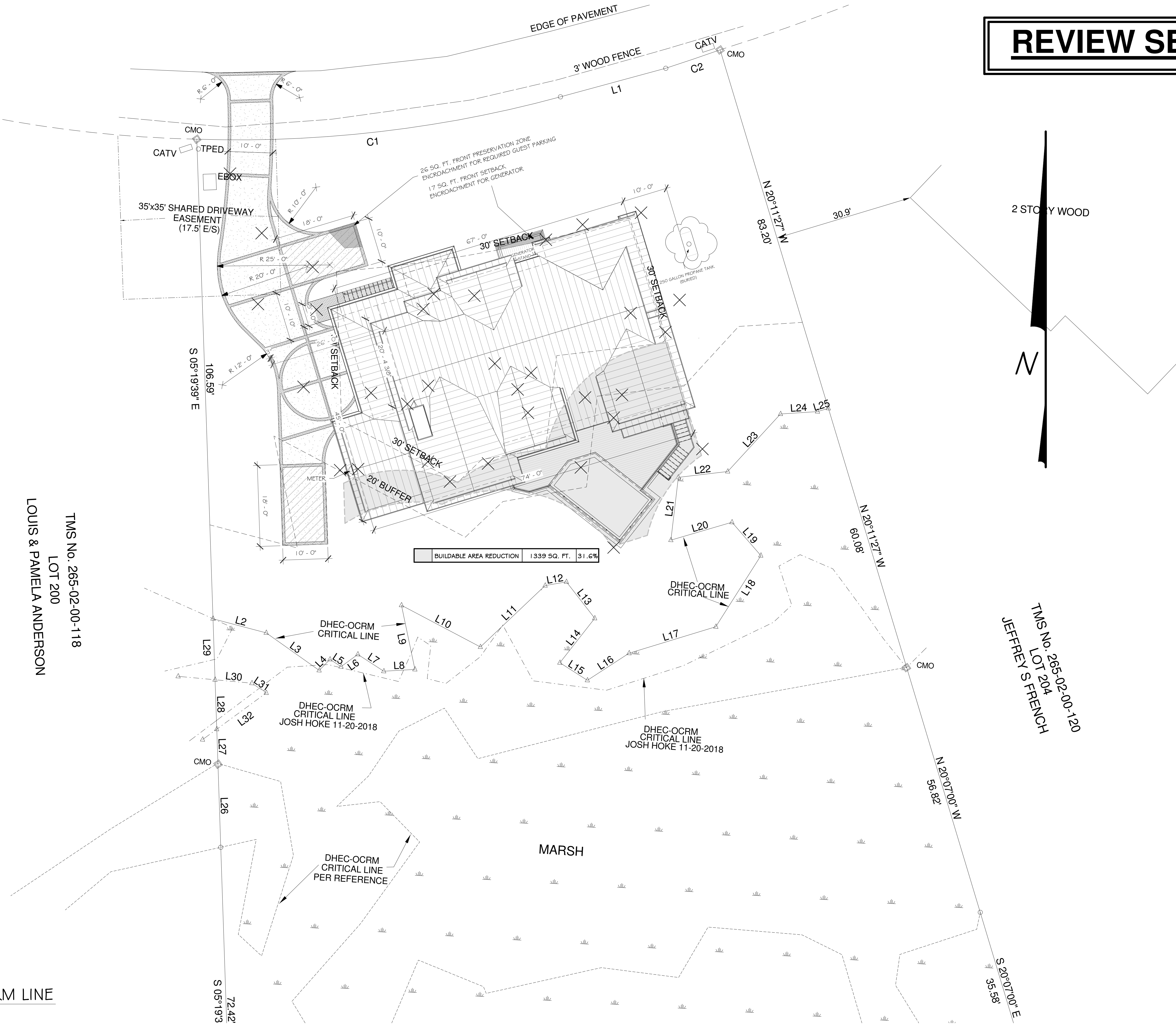
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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
SITE PLAN - NEW 2024 OCRM LINE

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

1	1"	1"
2	1/2"	1/2"
3	3/4"	3/4"
4	1/4"	1/4"
5	1/8"	1/8"
6	1/16"	1/16"
7	1/32"	1/32"
8	1/64"	1/64"
9	1/128"	1/128"
10	1/256"	1/256"
11	1/512"	1/512"
12	1/1024"	1/1024"
13	1/2048"	1/2048"
14	1/4096"	1/4096"
15	1/8192"	1/8192"
16	1/16384"	1/16384"
17	1/32768"	1/32768"
18	1/65536"	1/65536"
19	1/131072"	1/131072"
20	1/262144"	1/262144"
21	1/524288"	1/524288"
22	1/1048576"	1/1048576"
23	1/2097152"	1/2097152"
24	1/4194304"	1/4194304"
25	1/8388608"	1/8388608"
26	1/16777216"	1/16777216"
27	1/33554432"	1/33554432"
28	1/67108864"	1/67108864"
29	1/134217728"	1/134217728"
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# REVIEW SET

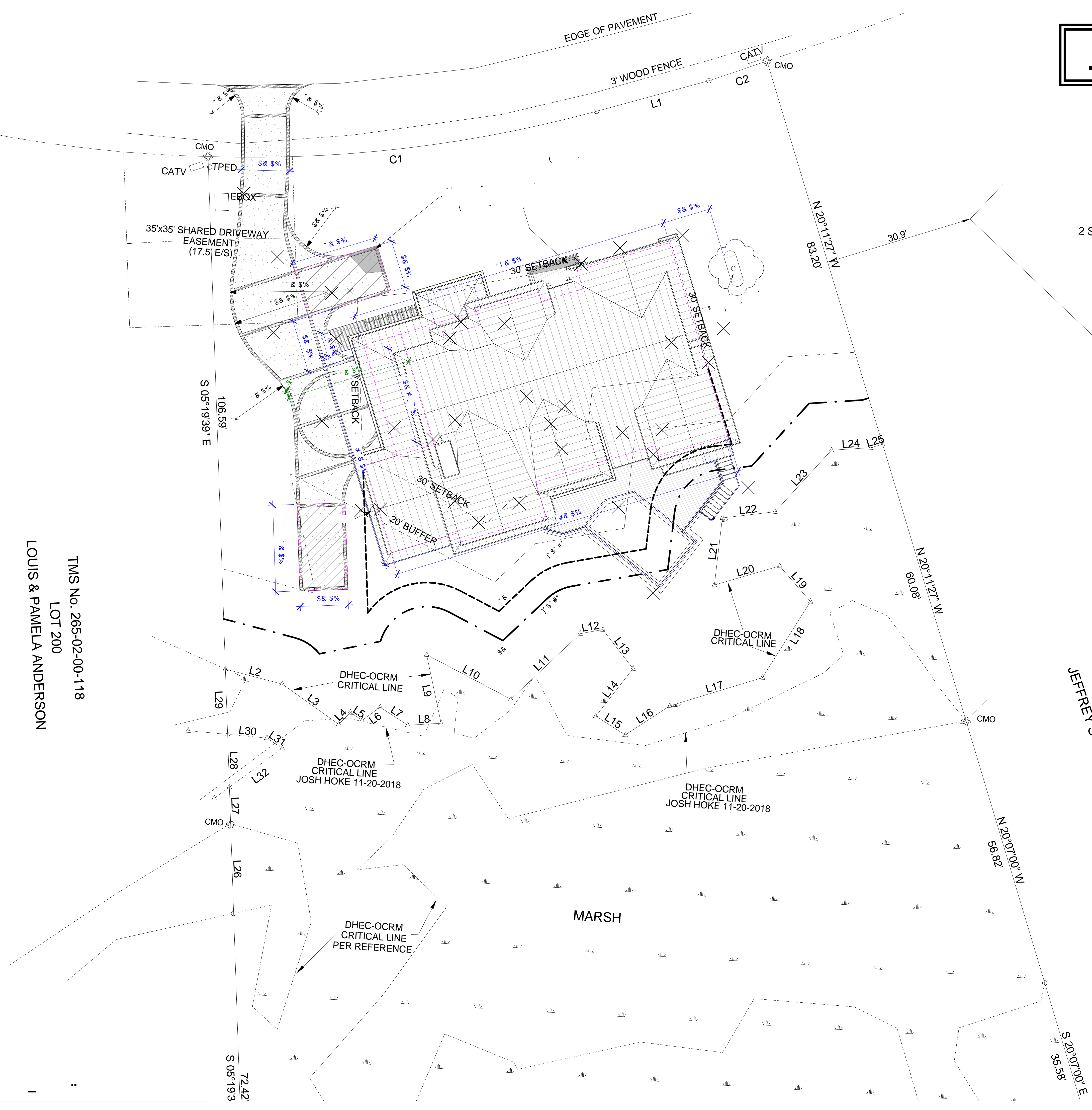


**Wayne Windham**  
ARCHITECT, P.A.  
1779 Main Rd., Johns Island, SC 29485  
206 May River Rd., Bluffton, SC 29910  
843-243-0790  
www.windhamarchitect.com

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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:	
PROJECT NO.:	
DRAWN BY:	



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

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

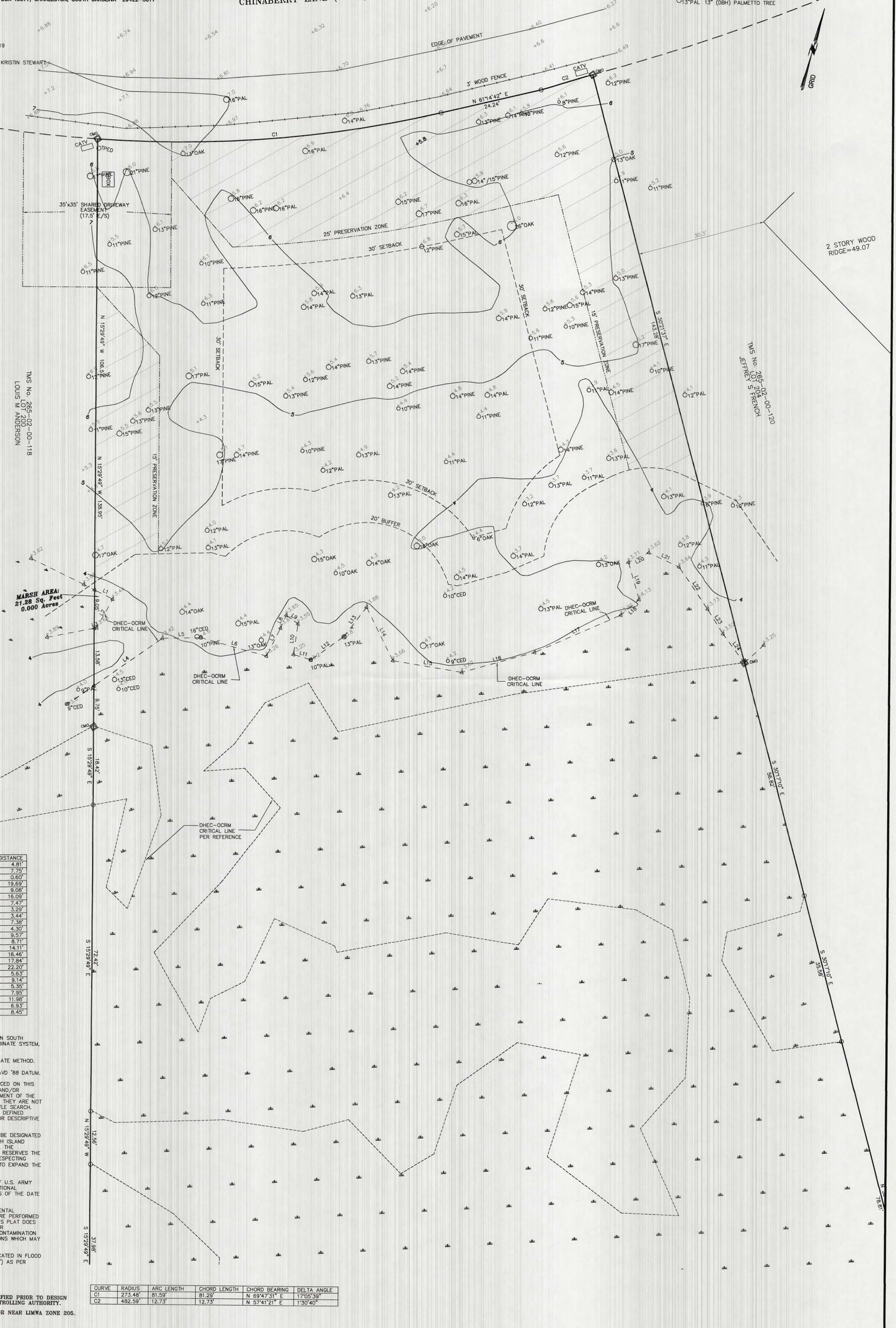
1" = 10' 0"

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:  
 16,542.7 Sq. Feet  
 0.38 Acres

MARSH AREA:  
 21.28 Sq. Feet  
 0.000 Acres



LINE	BEARING	DISTANCE
L1	S 70°09'06\"	4.81'
L2	S 131°13'01\"	7.73'
L3	S 63°13'08\"	0.60'
L4	N 39°24'43\"	19.69'
L5	S 72°50'55\"	9.08'
L6	N 89°53'32\"	15.09'
L7	N 10°34'09\"	7.47'
L8	N 08°26'31\"	3.29'
L9	S 70°05'43\"	3.44'
L10	S 07°30'06\"	7.38'
L11	S 89°23'59\"	4.30'
L12	N 38°40'23\"	9.57'
L13	S 21°44'30\"	8.71'
L14	S 42°02'57\"	14.11'
L15	S 83°44'13\"	16.46'
L16	S 58°35'56\"	11.74'
L17	S 50°45'18\"	22.20'
L18	S 33°28'41\"	5.63'
L19	N 31°49'31\"	9.14'
L20	N 48°10'32\"	5.35'
L21	S 80°07'02\"	7.95'
L22	S 49°59'52\"	11.98'
L23	S 48°18'31\"	6.93'
L24	S 52°11'17\"	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\"	17°05'39\"
C2	482.59'	12.73'	12.73'	N 57°41'21\"	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. 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.  
 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**

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



May 16, 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 proposed generator stand to encroach across the front setback by 2'-0". The total encroachment into the setback has a coverage of 17 Sq. Ft. A whole-house back-up generator was requested after the house was designed. The setbacks at other areas of the home are more restrictive and would require a greater encroachment to provide the clearances required by the generator proposed generator.

Variance Approval Criteria:

- a. *Extraordinary/exceptional conditions pertaining to this particular piece of property:*  
**Buildable area on lot is significantly constrained.**
- 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 and thus had less restrictive setbacks.**
- c. *Conditions unreasonably restrict utilization of the property:*  
**Whole house generators are common additions to homes in the area.**
- 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 the variance is located on the side of the property adjacent to the street, and that side is shielded from the street by a natural preservation zone.**
- 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:*  
**Allowing the construction of a generator in the requested location will not enable the property to be used more profitably, as the purpose of the generator is to provide use similar to the existing use in case of power outages.**
- 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.**
- 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.**

---

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

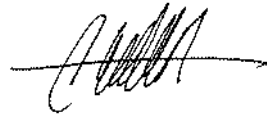
- i. *Granting the variance does not substantially conflict with the Comprehensive Plan:*  
**The requested variance does not substantially conflict with the Comprehensive Plan as it does not significantly alter the prior planned use for this lot and does not impact future needs of the island.**

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, have reviewed the Restrictive Covenants  
[Print]

applicable to Parcel Identification Number(s) 2650200119, located

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

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.

Jonathan G Stewart [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].

<b>FOR STAFF USE ONLY</b>		
[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](http://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** \_\_\_\_\_

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**Reasoning for Request & Variance Criteria Used** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ARB ACTION**  Approved  Disapproved

**ARB Representative** \_\_\_\_\_ *Jane 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](http://www.KiawahARB.com)

**Address of Project** 202 Chinaberry Lane

**Owner** Jonathan and Kristin Stewart

**Telephone** 843-568-2433

**Email** kristinstewart@bellsouth.net

**Landscape Architect** Heyward Townsend

**Telephone** 843-998-2914

**Email** heyward@livingdesignslandscaping.com

**Architect** Wayne Windham

**Telephone** 843-243-0790

**Email** Wayne@WayneWindhamArchitect.com

**Contractor** Chris Brassfield

**Telephone** 843-559-2804

**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 30'

Sides 30'

30'

Rear 30'

### Building Sq. Footage Calculations

#### Conditioned

Building Footprint 2882

First Floor 2861

Second Floor 1899

Third Floor N/A

Ancillary Structure N/A

**Total Conditioned** 4760

Screened/Covered 76

Garage/Carport 474

### Lot Coverage Calculations

Screened/Covered 76

Open Decking/Stairs 575

Primary Drives/Walks\* 1514

Raised Planters 0

Pool/Spa 211

HVAC 68

**Total Lot Coverage Sq. Ft** 5326

**Highland Area** 14530

**Lot Coverage %** 36.66%

Secondary Sq. Ft 0

Primary + Secondary % 36.66%

### Restrictions

Min. Sq. Ft

Main House 2,500

Ancillary \_\_\_\_\_

Max. Sq. Ft

Main House 5,000

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.