



**Board of Zoning Appeals
Kiawah Island Municipal Center
December 16, 2024; 1:00PM**

AGENDA

- I. Call to Order**
- II. Roll Call**
- III. Briefing to the Public on Procedures of the BZA**
- IV. Administer the Oath to Those Presenting Testimony**
- V. New Business:**
Review of the following applications:
 - 1) Case #BZA24-000022**
81 Bittern Court – Kiawah Island, SC | TMS# 207-08-00-045
Variance request for the reduction of the required 30' rear setback by approximately 86 square feet for proposed renovations of an existing single-family home.
- VI. Additional Business:**
- VII. Adjournment**



Case #BZA24-000022
Kiawah Island BZA Meeting of December 16, 2024

Applicant/Property Owner: SHERRILL WILLIAM T SHERRILL ANNE P

Representative: Randolph Rice

Property Location: 81 Bittern Court

TMS#: 207-08-00-045

Zoning District: Total: 24,556 sqft (0.57 acres)

Lot Size: R-1, Residential Zoning District

Request: Variance request for the reduction of the rear setback by approximately 86 square feet for proposed renovations of an existing single family home.

Requirement:

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

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 Rear Setback as, "the setback measured from the rear lot line."

Required setbacks: 25' (Bittern); 15' (Side); 30' (Lagoon)

Maximum 33% Lot Coverage

Developed Lands

BITTERN COURT (DEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
77	25 (Bittern)	25 (Surfwatch) 15 (lot 78)	30 (lagoon)
78	25 (Bittern)	15	30 (lagoon)
79-84	25 (Bittern)	15	30 (lagoon)
85	25 (Bittern)	15 (lot 78) 25 (Surfwatch)	30 (lagoon)

BLACK DUCK COURT (DEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
555	25 (Black Duck) 25 (Bufflehead)	15	30 (lagoon)
556	25 (Black Duck)	15	30 (lagoon)
557	25 (Black Duck)	15	30 (lagoon)
558	25 (Black Duck) 25 (Bufflehead)	15	30 (lagoon)

BLUEBILL COURT (DEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
156	25 (Bluebill)	25 (Bluebill) 15 (lot 157)	25 (Flyway)
157-158	25 (Bluebill)	15 (lots)	25 (Flyway)
159	25 (Bluebill)	15 (lot 158) 15 (lot 160) 30 (lagoons)	25 (Flyway)
160-161	25 (Bluebill)	15 (lots)	30 (lagoon)
162-167	25 (Bluebill)	15 (lots)	30 (golf)
168	20 (open space)	20 (open space) 15 (lot 167)	30 (golf)
169	25 (Bluebill)	25 (Flyway) 15 (lot 168)	20 (open space)

BLUE HERON POND ROAD (UNDEVELOPED LANDS)

Because of the limited buildable areas, preservation zones, and selective vista clearing zones associated with these lots, please see the graphics.

BROOMSEDGE LANE (DEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
138	25 (Broomsedge)	30 (lagoon) 15 (lot 139)	20 (lot 139)
139	20 (lot 138)	30 (golf) 15 (lot 140)	30 (golf)
140	20 (lot 141)	15	30 (golf)
141	25 (Broomsedge)	15	20 (lot 140)
142	25 (Broomsedge)	15	20 (lot 143)
143	20 (lot 142)	15	30 (golf)
144	20 (lot 145)	15	30 (golf)
145	25 (Broomsedge)	15	20 (lot 144)
146	20 (lot 147)	15	30 (golf)
147	25 (Broomsedge)	15 (lot 145) 25 (Broomsedge)	20 (lot 146)

Patio Lots

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
148-155	20 (Broomsedge)	3 (r. side w/wall) 7 (l. side)	30 (golf)

BUFFLEHEAD DRIVE (DEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1	25 (Bufflehead)	25 (Flyway) 15 (lot 2)	30 (lagoon)
2-27	25 (Bufflehead)	15 (lots)	30 (lagoon)
28	25 (Bufflehead)	15 (lot 27) 15 (cart path)	30 (lagoon)
29	30 (Bufflehead)	25 (lot 30)	30 (lagoon)
30-32	30 (Bufflehead)	25 (lots)	30 (lagoon)
86	30 (Bufflehead)	25 (lot 87) Lagoon - see plat Bufflehead - see plat	30 (lagoon)
87-89	30 (Bufflehead)	25 (lots)	30 (lagoon)

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

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

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

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

Sec. 12-64. - Setbacks.

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

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

Driveways and walkways may be located within any required setback.

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

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

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

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

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

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

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

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

Staff Review:

The applicant and property owner, William and Anne Sherrill being represented by Randolph Rice of Rice Architecture is requesting a variance for the reduction of the required 30' rear setback by approximately 86 square feet for proposed renovations of an existing single family home at 81 Bittern Court, Kiawah Island, SC (TMS# 207-08-00-045).

The subject property is approximately 24,556 square feet (0.57 acres) in size. The subject property is currently developed and sits adjacent to a lagoon to the north and east. Per Charleston County Records, the lot was acquired by William and Anne Sherrill on May 15, 2009. The home was constructed in 1978 according to Charleston County records. The adjacent properties to the south and west, and across the lagoon are also 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 25' front yard setback off Bittern Court, a 15' side yard setback and a 30' rear yard setback off the lagoon. Pursuant to Sec. 12-64. Setbacks - 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; and uncovered decks may extend up to five feet into any required rear yard setback. The home is currently nonconforming in regards to setbacks.

The applicant's proposed plans include renovations of an existing single-family home including relocating a staircase in the rear yard and converting an existing open deck into conditioned area that is beyond the rear setback. The existing staircase currently encroaches approximately 15' 9" into the required 30' rear setback. The distance from the existing staircase to the rear lot line is 14' 3". The total encroachment of the existing staircase is approximately 70 square feet. The proposed staircase will be relocated further south and will encroach approximately 16' 1" into the required 30' rear setback. The distance from the proposed staircase to the rear lot line is 13' 11". The total encroachment of the proposed staircase is approximately 43 square feet. The proposed plans reduce encroachment by approximately 28 square feet.

The existing open deck extends approximately 5' 5" into the required rear setback. The proposed conditioned/covered space will encroach approximately 5' into the required rear setback. The proposed renovation of the existing deck to screened porch is approximately 11 square feet. The proposed new conditioned area encroachment is approximately 33 square feet. The total square footage encroachment of the existing deck to conditioned or covered space is approximately 44 square feet. The total encroachment of both the staircase and conditioned area is approximately 86 square feet.

The applicant's current total lot coverage is 24.3%. The applicant's proposed plans include 7,283 square feet with a total proposed lot coverage of 29.7%. The subject property is allowed a maximum lot coverage of 33%.

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 Rear Setback as, “setback measured from the rear lot line.”

The applicant has received approval from the Kiawah Island Architectural Review Board (KIARB).

Please see the attachments for further information regarding this request. A site visit was conducted on November 27, 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 on this property. The unique shape of the lot and the orientation of the home on the lot are exceptional conditions. The home is also nonconforming in regards to setbacks. The lagoon is located roughly 52 feet from the required rear 30-foot setback. The space between the rear lot line and the lagoon provides additional screening for the home. Per the applicant’s letter of intent, “The lot is irregular in shape and heavily treed. The organic shape of the easement creates an additional condition of not having a rear lot line that is parallel to the rear of the house frame, and while the house does respond to the change in lot profile, the logical addition fits a 25’ setback much like the existing home. It is possible, due to the large number of trees throughout the site, that the home was simply located in the most “tree friendly” location, and since moving the house closer to the large easement had only a positive effect on it’s neighbors. Regardless there is an extensive nonconformity that exists across much of the rear of this home, resulting in an extraordinary and exceptional condition.”**

§ 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 Bittern Court are also located in the R-1 Residential Zoning District. The lot sits adjacent to a lagoon to the north and east. Properties across the lagoon are located in the R-2-O 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, *"In addition to a setback requirement of 30' to the property line, there is an additional 25' of drainage easement "high ground" before the lagoon actually begins, resulting in an expanse of around 50' along the back of the non-conforming structure as it stands today from building to water. In a sense the home does not abut a lagoon, but an easement. This would indicate a 25' to conditioned structure setback as reasonable given the accommodation that the easement already provides between the home and the lagoon."*

§ 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 subject property may not prohibit or unreasonably restrict the utilization of the property. Per the applicant's letter of intent, "The site location of the existing structure unreasonably restricts the utilization of the property without this variance. It seems clear that during the construction of this home, the ordinance in question was either not in effect or was not applied to the lot, and as the natural evolution of the architecture over time to improve its quality and update its usefulness becomes impossible without the variance."*

§ 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 existing buffer beyond the 30' rear setback is substantial. Per the applicant's letter of intent, "The authorization of this variance will not be a detriment to the adjacent property or to the public good as the area in question is in the rear of the lot, beside a heavily treed lagoon area and out of sight from all adjacent properties. The encroachment into the rear yard would not be any closer than already exists. There is no substantial detriment to the public good as the overall area of new impervious surface in the rear setback is minimal."*

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

Staff Response: **Granting of this variance would not allow the establishment of a use not otherwise permitted in this zoning district, extend physically a non-conforming use of land, or change the zoning district boundaries. Per the applicant's letter of intent, "*The variance if granted would not allow the establishment of a use not otherwise permitted in a zoning district. The current land use is conforming and there would be no change to the zoning map with an approved variance.*"**

§ 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.**

§ 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 subject property is legally nonconforming in regards to setbacks. Per the applicant's letter of intent, "*There has been no work done on the existing lot.*"**

§ 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 applicant's letter of intent, "*There is no contrary effect to the public or neighborhood interest nor will not adversely affect other property in the vicinity, while being in harmony with the spirit, intent, and purpose of these regulations.*"**

§ 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*.**

Board of Zoning Appeals' Action:

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000022 (Variance request for the reduction of the required 30' rear setback by approximately 86 square feet for proposed renovations of an existing single-family home at 81 Bittern Court, Kiawah Island, SC.) Based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

Town of Kiawah Island Board of Zoning Appeals

December 16, 2024



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

CASE# BZA24-000022

Applicant/Property Owner: SHERRILL WILLIAM T SHERRILL ANNE P

Representative: Randolph Rice

Property Location: 81 Bittern Court

TMS#: 207-08-00-045

Zoning District: R-1, Residential Zoning District

Lot Size: Total: 24,556 sqft (0.57 acres)

Request: Variance request for the reduction of the rear setback by approximately 86 square feet for proposed renovations of an existing single-family home.

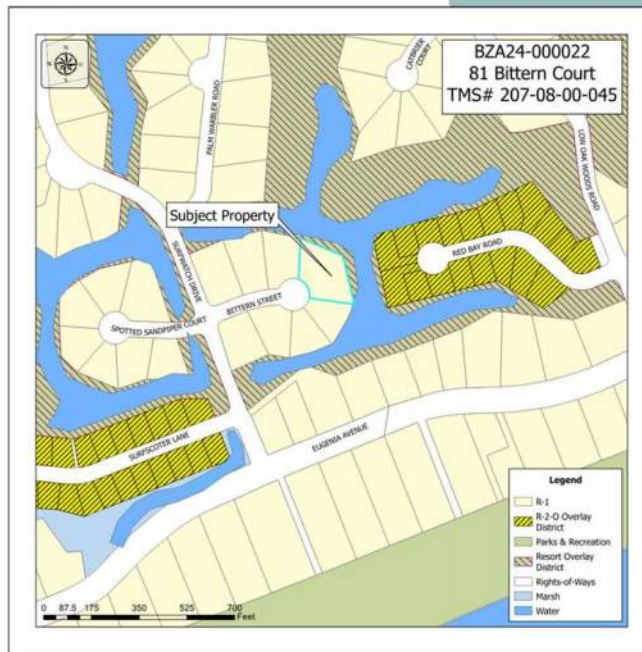
CASE# BZA24-000022

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

Required setbacks: 25' (Bittern); 15' (Side); 30' (Lagoon)

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 Rear Setback as, "the setback measured from the rear lot line."



BZA24-000022
 PID: 2070800045
 OWNER: SHERRILL WILLIAM T
 PLAT BOOK PAGE: AS-80
 DEED BOOK PAGE: 0056-958
 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 information 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 cause of action which may arise as a consequence of the County providing this information.

CHARLESTON COUNTY SOUTH CAROLINA
 Author: Charleston County SC
 Date: 12/8/2024

Case # BZA24-000022
BZA Meeting of December 16, 2024
Subject Property: 81 Bittern Court– Kiawah Island

Variance request for the reduction of the required 30' rear setback by approximately 86 square feet for proposed renovations of an existing single-family home.



Property Front



Adjacent Properties



Subject Property



Property Rear



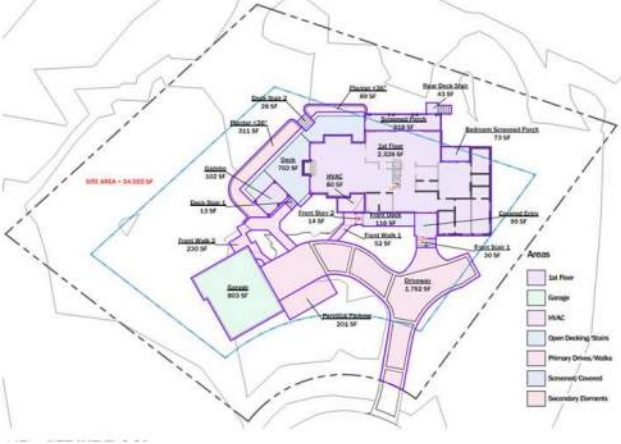
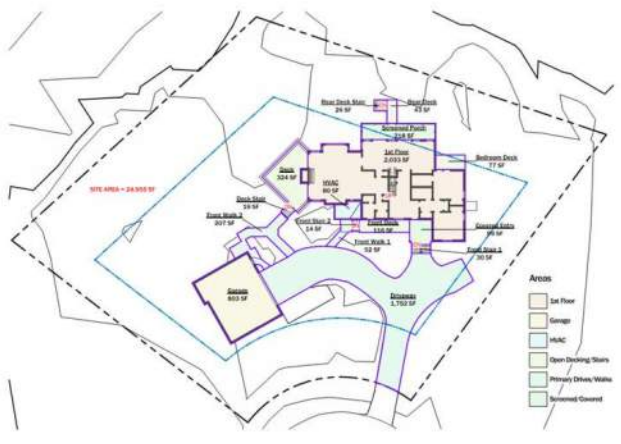
Property Side



11

Existing Site Plan

Proposed Site Plan

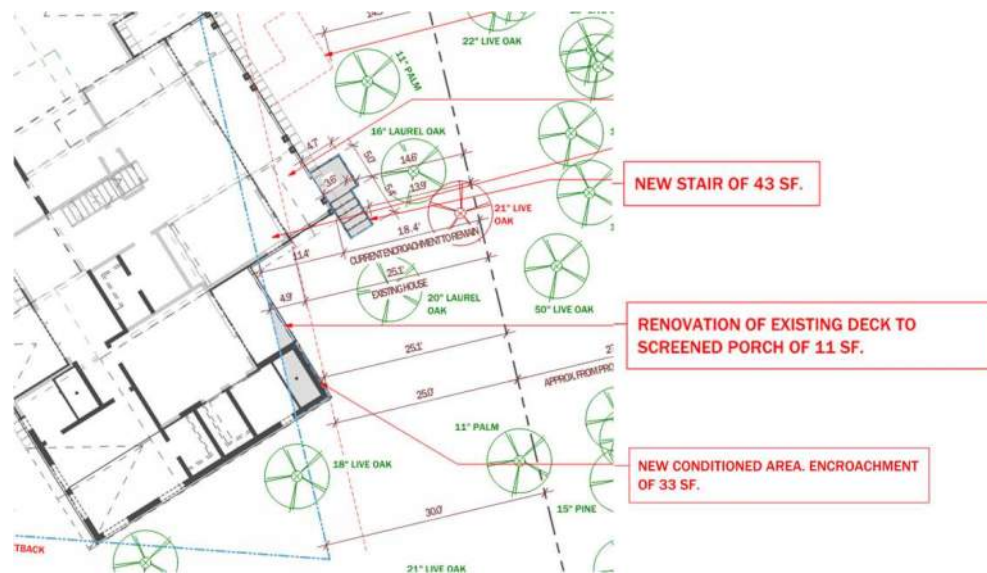


SITE AREA = 24,555 SF
EXISTING LOT COVERAGE:
 24,555/5,892 = 24.0%

SITE AREA = 24,555 SF
NEW LOT COVERAGE:
 PRIMARY: 24,555/6,883 = 28.0%
 SECONDARY: 24,555/7,283 = 29.7%

12

Proposed Site Plan



13

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:

- There are extraordinary and exceptional conditions pertaining to the particular piece of property;
- These conditions do not generally apply to other property in the vicinity;
- 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;
- 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 #BZA24-000022 (Variance request for the reduction of the required 30' rear setback by approximately 86 square feet for proposed renovations of an existing single-family home located at 81 Bittern Court, Kiawah Island, SC.) 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.

THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH THE SC BLDG CODE & MEETS THE REQUIREMENTS OF SECTION 1606 SC BLDG CODE 2021

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT & MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION

AR 9507

DATE	COMMENT

RICE
ARCHITECTURE + INTERIORS
L.L.C. 4250 Hope Plantation Dr Johns Island, SC 29455 P 845-514-1879

SHERILL RESIDENCE
81 Bittern Ct
Johns Island, SC 29455

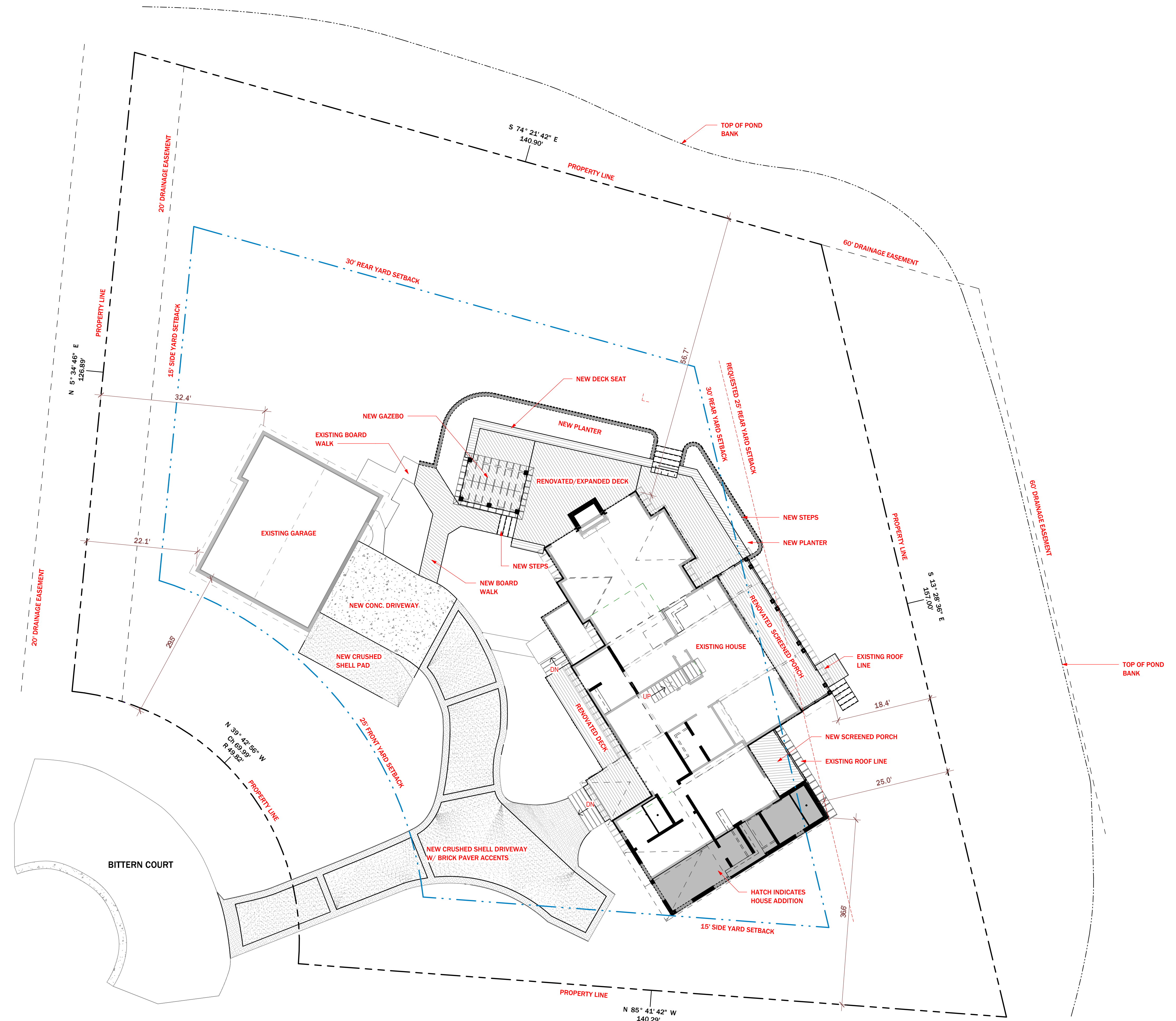
PROJECT: 23062.0
DATE: 12.04.2024
DRAWN BY: cem

DESCRIPTION:
PROPOSED SITE PLAN

SHEET:

A0.3

PROJECT STATUS: CONSTRUCTION DOCUMENTS / NOT VALID WITHOUT SEAL



1
A0.3
PROPOSED - SITE PLAN
SCALE: 1" = 10'-0"

Keynote Legend	
Key Value	Keynote Text
N31	New cabinets, counter, and sink. Color and style by owner.
N32	New linen shelves.
N39	New walls, 2x6 studs, 7/16" P.T. Sheathing, Hardi siding to match existing, R19 batt insulation, 1/2" gypsum board.
N40	New 2x4 studs, 1/2" gypsum board on each side.
N43	Over frame existing porch to match level of existing floor.

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AR 9507

DATE	COMMENT

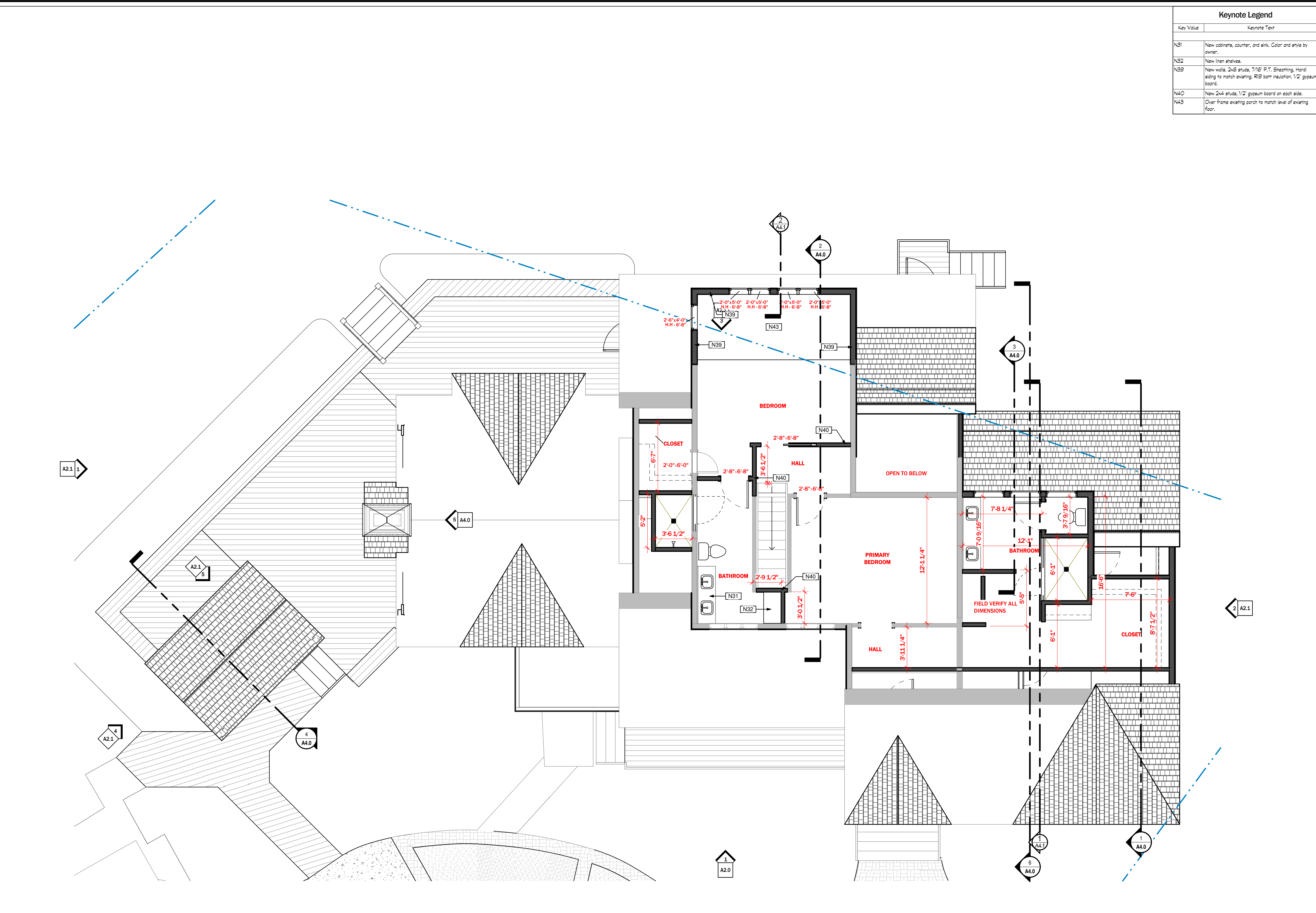
RICE
ARCHITECTURE + INTERIORS
LLC. 4250 Hope Plantation Dr. Johns Island, SC 29455 P 845-514-1879

SHERILL RESIDENCE
81 Bittern Ct
Johns Island, SC 29455

PROJECT STATUS: CONSTRUCTION DOCUMENTS / NOT VALID WITHOUT SEAL

PROJECT:	29062.0
DATE:	12.04.2024
DRAWN BY:	cm
DESCRIPTION:	SECOND FLOOR PLAN

SHEET:
A1.1



1 PROPOSED - 2ND FLOOR PLAN
SCALE: 1/4" = 1'-0"

Keynote Legend	
Key Value	Keynote Text
G02	Field verify existing roof slope.
N20	Hatch indicates new curved roof (typical).
N33	New chimney and chimney cap.
N34	New architectural shingles on peel and stick underlayment with 7/16" OSB, R30 batt insulation, 1x fascia to match existing. See structural for framing.

THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH THE SC BLDG CODE & MEETS THE REQUIREMENTS OF SECTION 1606 SC BLDG CODE 2021

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT & MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION

AR 9507

DATE	COMMENT

RICE
ARCHITECTURE + INTERIORS
LLC 4250 Hope Plantation Dr Johns Island, SC 29455 P 845-514-1879

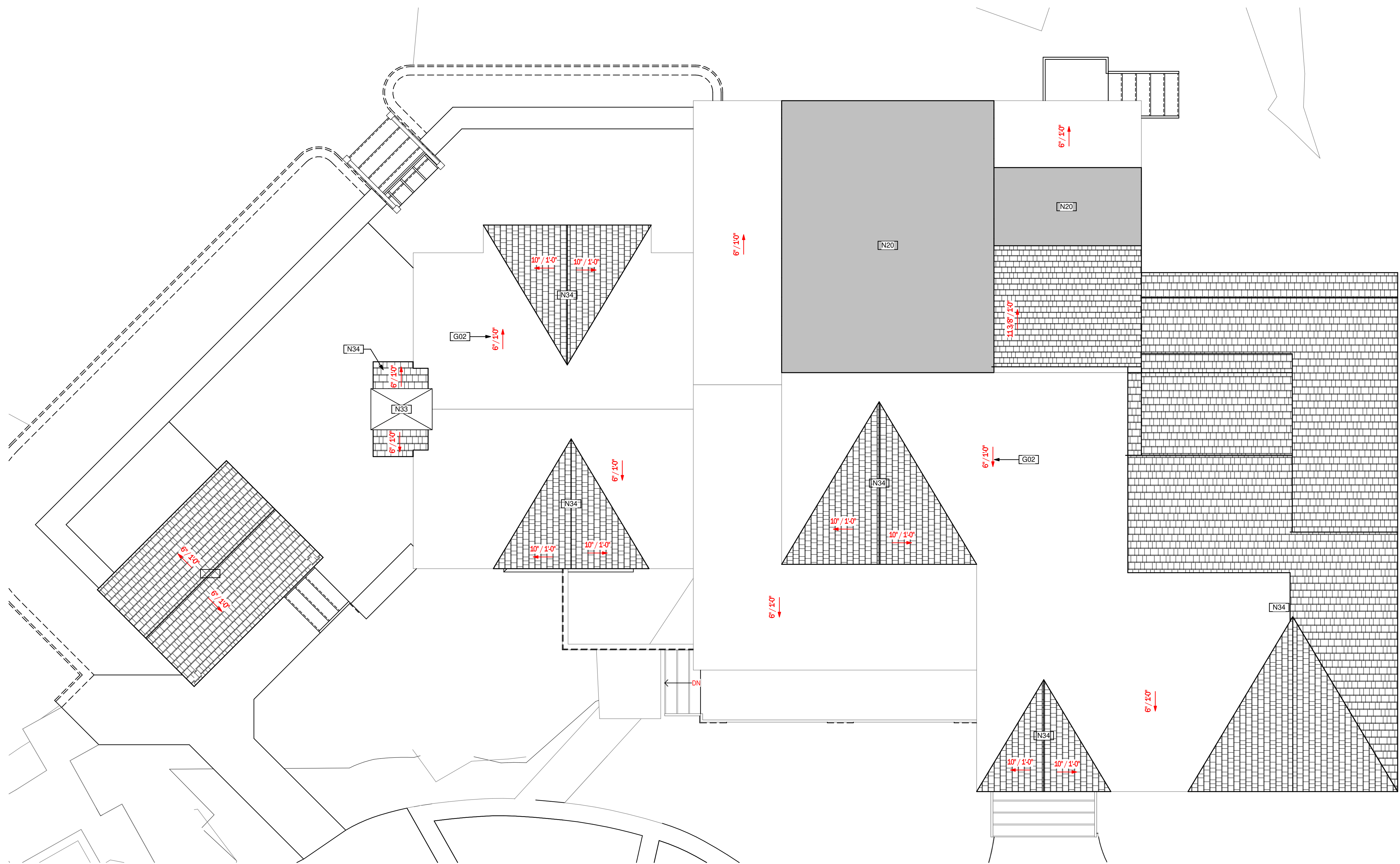
SHERILL RESIDENCE
81 Bittern Ct
Johns Island, SC 29455

PROJECT: 23062.0
DATE: 12.04.2024
DRAWN BY: cem

DESCRIPTION:
ROOF PLAN

SHEET:
A1.2

PROJECT STATUS: CONSTRUCTION DOCUMENTS / NOT VALID WITHOUT SEAL



1
A1.2 PROPOSED - ROOF PLAN
SCALE: 1/4" = 1'-0"

THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE WITH THE SC BLDG CODE & MEETS THE REQUIREMENTS OF SECTION 1606 SC BLDG CODE 2021

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT & MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION

AR 9507

DATE	COMMENT

RICE
ARCHITECTURE + INTERIORS
LLC - 4250 Hope Plantation Dr, Johns Island, SC 29455 P:845-514-1879

SHERILL RESIDENCE
81 Bittern Ct
Johns Island, SC 29455

PROJECT: 23062.0
DATE: 12.04.2024
DRAWN BY: cem

DESCRIPTION:
ELEVATIONS

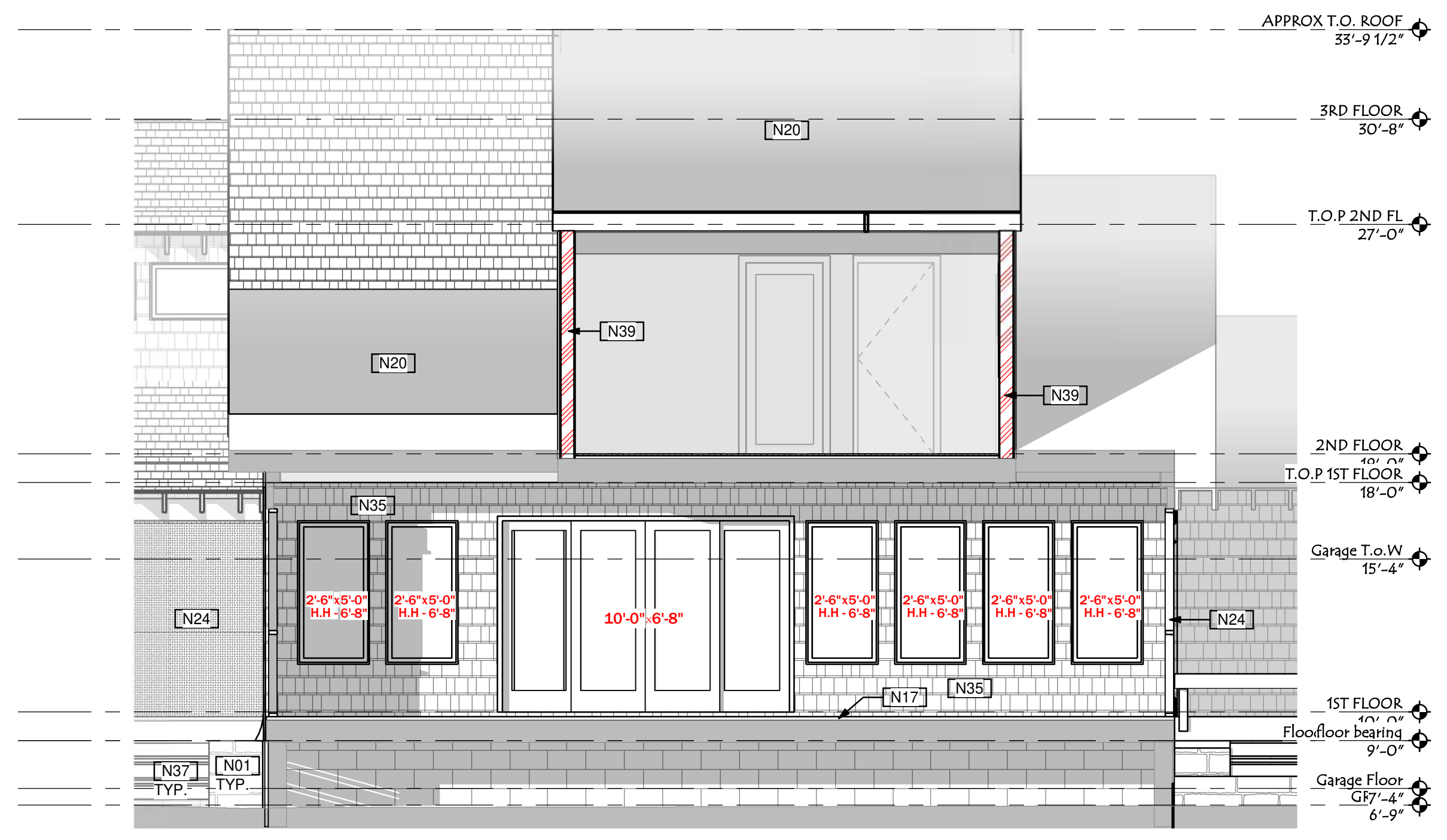
SHEET:

A2.1

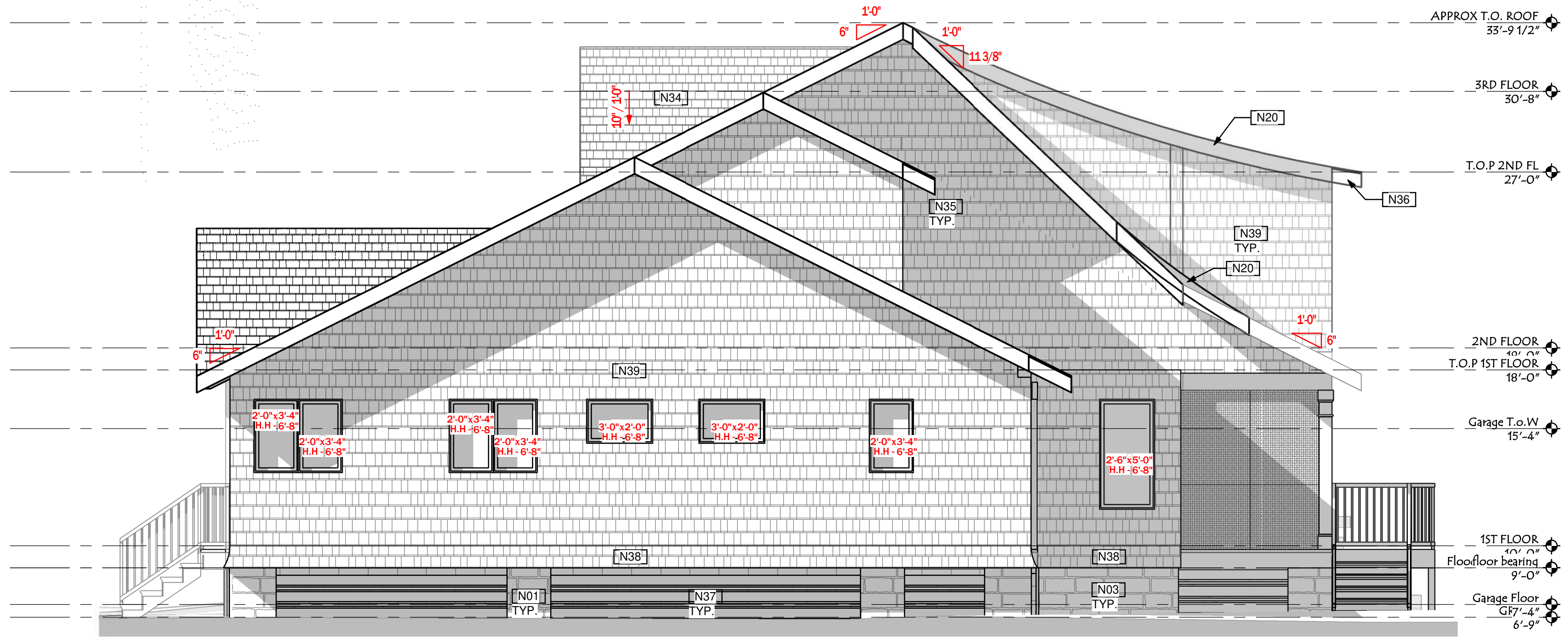
PROJECT STATUS: CONSTRUCTION DOCUMENTS / NOT VALID WITHOUT SEAL

Keynote Legend	
Key Value	Keynote Text
N01	New walls, 8" CMU w/ coquina stone veneer on 24" x 12" concrete footing w/ (3) #5s.
N03	New coquina stone veneer on existing foundation wall.
N17	New IPE or equal decking on existing framing.
N18	New deck expansion with IPE or equal decking on new P.T. framing.
N19	New P.T. 8x8 post.
N20	Hatch indicates new curved roof (typical).
N22	New deck bench seat to match existing construction. Use IPE or equal deck for seat surface, 2x P.T. for seat framing members, and P.T. 4x4 for post supports.
N23	New steps and railing.
N24	New screening and P.T. framing.

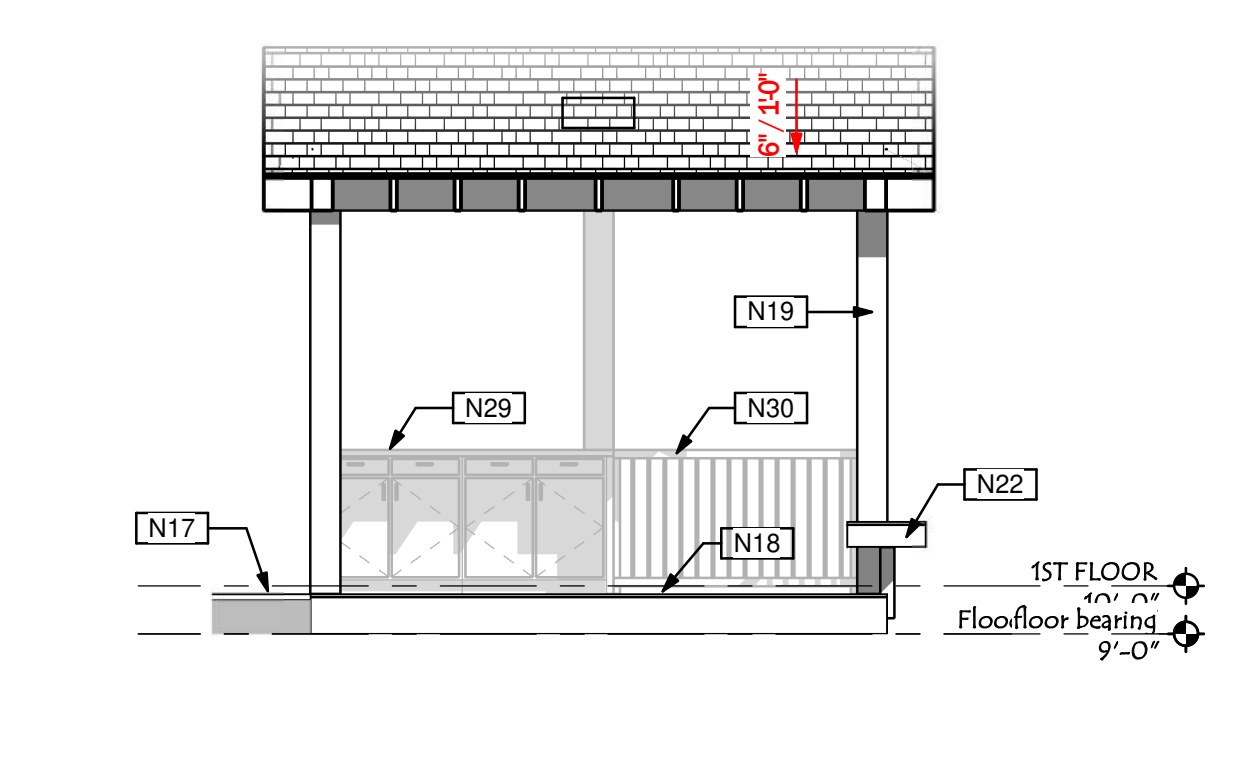
Keynote Legend	
Key Value	Keynote Text
N29	New exterior grade cabinets and counter. Color and style by owner.
N30	New railing.
N33	New chimney and chimney cap.
N34	New architectural shingles on peel and stick underlayment with 7/16" OSB, R30 batt insulation, 1x fascia to match existing. See structural for framing.
N35	New shake siding.
N36	New exposed rafter tails.
N37	New P.T. foundation in-fill detail.
N38	New shake wall fair or bottom of wall at foundation.
N39	New walls, 2x6 studs, 7/16" P.T. Sheathing, Hardi siding to match existing, R19 batt insulation, 1/2" gypsum board.



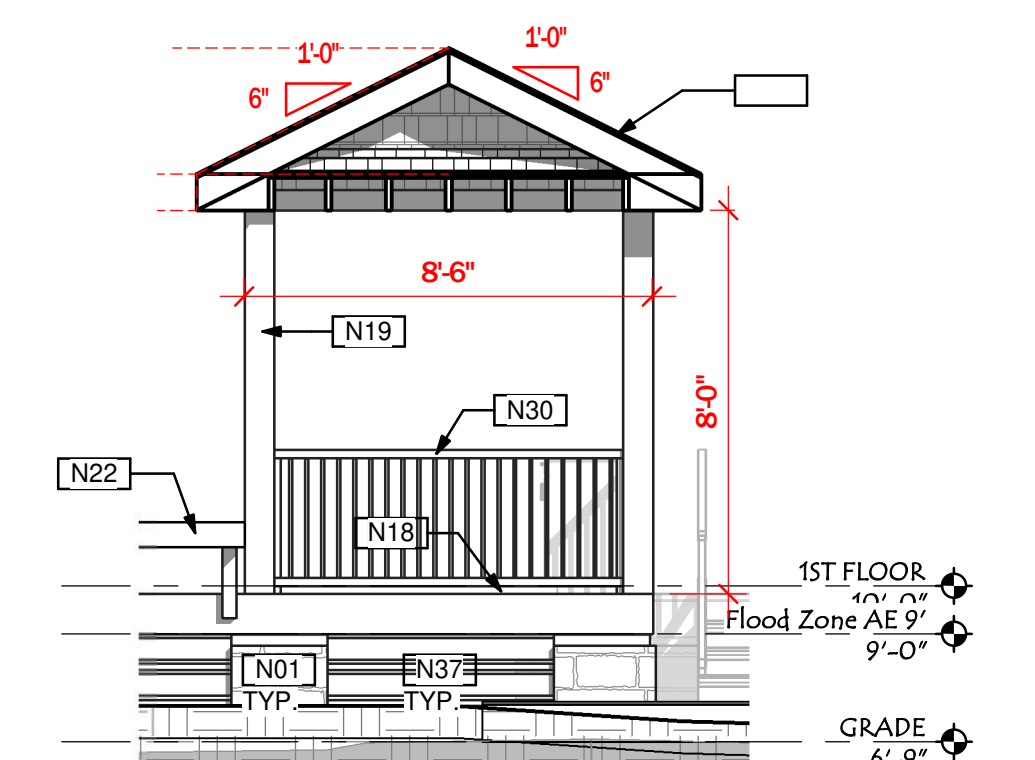
3 REAR ELEVATION - PROPOSED2
A2.1 SCALE: 1/4" = 1'-0"



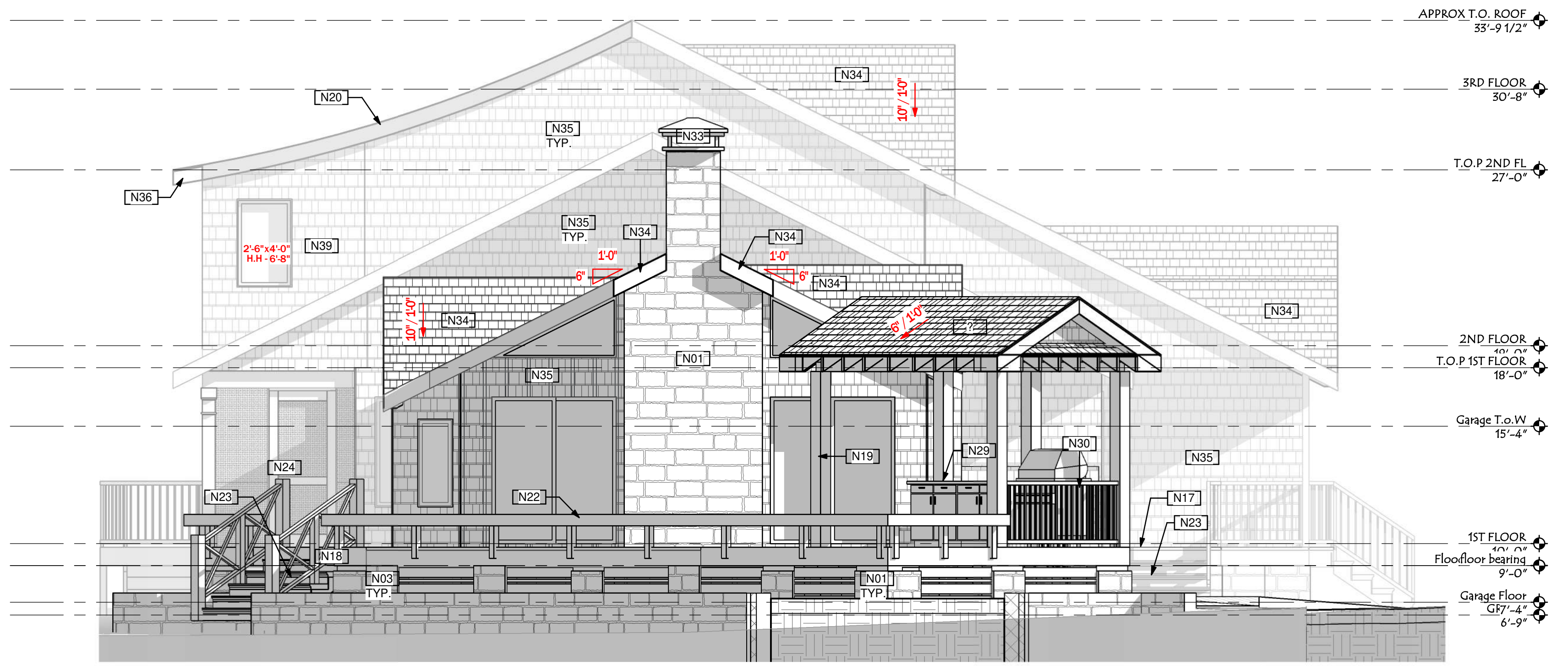
2 RIGHT ELEVATION - PROPOSED
A2.1 SCALE: 1/4" = 1'-0"



5 GAZEBO ELEV. 02
A2.1 SCALE: 1/4" = 1'-0"

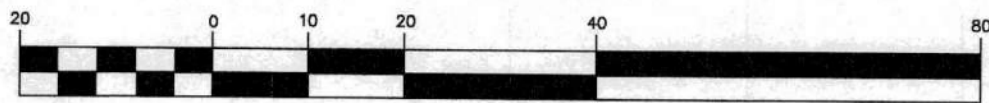


4 GAZEBO ELEV. 01
A2.1 SCALE: 1/4" = 1'-0"



1 LEFT ELEVATION - PROPOSED
A2.1 SCALE: 1/4" = 1'-0"

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	49.82'	77.59'	49.16'	69.99'	N 39°42'56" W	89°14'31"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 74°47'05" E	0.85'

TMS #207-00-00-017
COUGAR POINT
GOLF COMPANY LLC
C233/701

LOT 79
TMS #207-08-00-047
BACH PETERSEN FAMILY KIAWAH LLC
D546/775

IMPERVIOUS LOT COVERAGE

HOUSE & STEPS	2592 SF
DECKS & STEPS	524 SF
HVAC STAND	20 SF
GARAGE	786 SF
ASPHALT DRIVEWAY	1798 SF
BOARDWALKS	242 SF
TOTAL	5962 SF

LOT AREA 24,556 SF

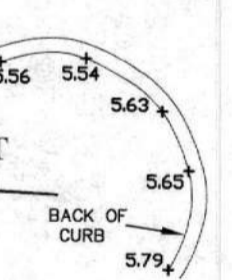
5,962 SF / 24, 556 SF = 24% COVERAGE

ELECTRIC BOX

TELECOMMUNICATION BOX

BITTERN COURT

50' R/W



303.6' ALONG THE R/W TO THE R/W OF SURFWATCH DRIVE

LOTS 80 & 81

TMS #207-08-00-045
WILLIAM T. AND ANNE P. SHERRILL
0056/958
24,556 SF
0.564 AC

LOT 82

TMS #207-08-00-044
RUSHMOREHILLS LLC
T620/201

NOTES:

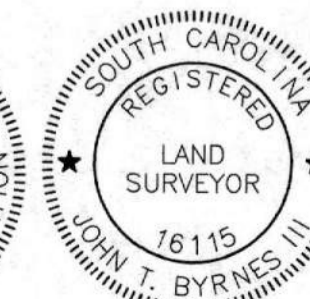
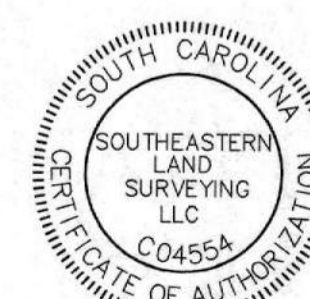
1. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PROPERTY IS FOR DESCRIPTIVE PURPOSES ONLY.
2. AREA DETERMINED BY D.M.D. METHOD.
3. ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 1988. SCGS MONUMENT 10 166
4. THIS PROPERTY IS LOCATED IN FLOOD ZONE AE (EL 9') AS SHOWN ON F.I.R.M. PANEL #45019C 0805 K, DATED JANUARY 29, 2021. BEFORE ANY DESIGN OR CONSTRUCTION AN APPROPRIATE OFFICIAL WITH THE TOWN OF KIAWAH ISLAND SHOULD BE CONTACTED TO VERIFY THE FLOOD ZONE.
5. THE FRONT, REAR AND ONE SIDE LOT LINE OF LOT 81 HAS A 10' EASEMENT WITHIN THE LOT, NOT TO CONFLICT WITH ANY DRAINAGE EASEMENTS.

REFERENCES

PLAT BOOK	PAGE
AS	80
AH	42

LEGEND

●	1/2" REBAR FOUND
■ cmf	CONCRETE MONUMENT FOUND
○	5/8" REBAR SET
p	PINE
pa	PALM
lo	MAGNOLIA
la	LIVE OAK
lau	LAUREL OAK
wo	WATER OAK



I HEREBY STATE 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 LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

JOHN T. BYRNES III
S.C.P.L.S. No. 16115

NO.	DATE	DESCRIPTION	BY

SOUTHEASTERN LAND SURVEYING LLC
1035-B JENKINS ROAD
CHARLESTON SC 29407
(843)795-9330

A TREE AND TOPOGRAPHIC SURVEY OF
LOTS 80 AND 81 BITTERN COURT
MIDDLEWOODS WEST SUBDIVISION
OWNED BY WILLIAM T. & ANNE P. SHERRILL
LOCATED IN THE TOWN OF KIAWAH ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA

DATE: MAY 15, 2023
DRAWN: JTB
CHECK: JTB
CC: JEP
JOB: 23072
DWG: 23072.dwg
SHEET: 1 OF 1



November 08, 2024

Attention:

Town of Kiawah Island Municipal C
Planning Department
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455

Project Address:

81 Bittern Ct.
Johns Island, SC 29455

Variance Summary:

Owner wishes to build an addition to their existing home, sited on an irregularly shaped lot behind a lagoon with an extensive drainage easement. It appears the original home was designed with a smaller rear yard setback requirement, or was sited to accommodate the property's trees. The original home was built within what appears is a 25' conditioned space setback, with unconditioned space having an 18' setback. (Approx)

It is the owner's desire to update their home in ways that minimize tree removal and graciously evolve the home to their current requirements. To do this, parts of the home that are currently encroaching into the 30' rear yard set back requirement would be altered and expanded. This new work requires a variance to build in the rear yard per the attached exhibits, resulting in additions within the same nonconforming setback.

The encroachment elements include a raised planter area 45 sf, a new deck 12 sf, a rebuilt and reconfigured exterior stair 70 sf, an existing deck rebuilt and converted to a screened patio 11 sf, and a renovation and new extension to an existing guest bedroom wing 40 sf.

APPLICANT'S CASE:

a) There are extraordinary and exceptional conditions pertaining to the particular piece of property:

The lot in question is located at the end of a cul-de-sac on a lagoon. The lot is irregular in shape and heavily treed. There is a 60' drainage easement to the rear of the property, creating a natural area between the lagoon feature of at least 25' (approx). The nearest existing built structure is another 18', resulting in over 40' of setback from the structure to the lagoon.

The organic shape of the easement creates an additional condition of not having a rear lot line that is parallel to the rear of the house frame, and while the house does respond to the change in lot profile, the logical addition fits a 25' setback much like the existing home. If the existing home had been designed with respect to a 30' setback, instead of 25', the addition would be conforming.

It is possible, due to the large number of trees throughout the site, that the home was simply located in the most "tree friendly" location, and since moving the house closer to the large easement had only a positive effect on it's neighbors. Regardless there is an extensive nonconformity that exists across much of the rear of this home, resulting in an extraordinary and exceptional condition.

b) These conditions do not generally apply to other property in the vicinity:

In addition to a setback requirement of 30' to the property line, there is an additional 25' of drainage easement "high ground" before the lagoon actually begins, resulting in an expanse of around 50' along the back of the non conforming structure as it stands today from building to water. In a sense the home does not abut a lagoon, but an easement. This would indicate a 25' to conditioned structure setback as reasonable given the accommodation that the easement already provides between the home and the lagoon.

c) Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property:

The site location of the existing structure unreasonably restricts the utilization of the property without this variance. It seems clear that during the construction of this home, the ordinance in question was either not in effect or was not applied to the lot, and as the natural evolution of the architecture over time to improve its quality and update its usefulness becomes impossible without the variance.

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

The authorization of this variance will not be a detriment to the adjacent property or to the public good as the area in question is in the rear of the lot, beside a heavily treed lagoon area and out of sight from all adjacent properties. The encroachment into the rear yard would not be any closer than already exists. There is no substantial detriment to the public good as the overall area of new impervious surface in the rear setback is minimal.

e) The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map

The variance if granted would not allow the establishment of a use not otherwise permitted in a zoning district. The current land use is conforming and there would be no change to the zoning map with an approved variance.

f) The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance

This does not apply to this variance request. There would not be a more profitable use as a result of this variance

g) The need for the variance shall not be the result of the applicant's own actions: The site dynamic previously described has been inherited from the original design process, not as a 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:

There is no contrary effect to the public or neighborhood interest nor will not adversely affect other property in the vicinity, while being in harmony with the spirit, intent, and purpose of these regulations.

i) Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance:

There is no substantial conflict with the comprehensive plan or the purposes of the ordinance.

The above encroachments have been approved by the Kiawah Island ARB. Many thanks for your consideration.

Best,

A handwritten signature in black ink, appearing to read 'Rice', with a stylized, overlapping structure.

Randolph L. Rice, AIA NCARB
AR9507
Rice Architecture + Interiors