



**Board of Zoning Appeals  
Kiawah Island Municipal Center  
July 15, 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 #BZA24-000010**  
**39 Burroughs Hall – Kiawah Island, SC | TMS# 264-02-00-059**  
Variance request for the reduction of the required 25' front setback by approximately 27 square feet, the 15' side setback by approximately 102 square feet, and 30' rear OCRM Critical Line setback by approximately 60 square feet for a total encroachment of approximately 189 square feet for a proposed single family residence.
  - 2) **Case #BZA24-000011**  
**16 Rhetts Bluff – Kiawah Island, SC | TMS# 209-11-00-014**  
Variance request for the reduction of the required rear OCRM Critical Line setback for approximately 110 square feet for a proposed single family residence.
- VI. **Additional Business:**
- VII. **Adjournment**

*FOIA: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island. Meeting materials available for public view online at: <https://www.kiawahisland.org/meetings-minutes/board-of-zoning-appeals/>*



**Case #BZA24-000010**  
**Kiawah Island BZA Meeting of July 15, 2024**

**Applicant/Property Owner:** DROBA GREGORY T, DROBA ELAINE

**Representative:** Alex Libengood

**Property Location:** 39 Burroughs Hall

**TMS#:** 264-02-00-059

**Zoning District:** R-1, Residential Zoning District

**Lot Size:** Total: 8,273 sqft (0.19 acres)  
Highlands: 7,737 sqft (0.18 acres)  
Marsh 536 sqft (0.01 acres)

**Request:** Variance request for the reduction of the required 25' front setback by approximately 27 square feet, the 15' side setback by approximately 102 square feet, and 30' rear OCRM Critical Line setback by approximately 60 square feet for a total encroachment of approximately 189 square feet for a proposed single family residence located at 39 Burroughs Hall, 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: 25' (Burroughs Hall); 15 (Side); 30' (Marsh)  
Maximum 40% Lot Coverage

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

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
12,000+	33 percent	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)

**BUFFLEHEAD DRIVE (DEVELOPED LANDS) cont.**

110	25 (Bufflehead)	30 (golf) 15 (lot 111)	30 (golf) 30 (lagoon)
111-113	25 (Bufflehead)	15	30 (lagoon)
114-126	25 (Bufflehead)	15	30 (golf)
127-129	25 (Bufflehead)	15	30 (lagoon)
130	25 (Bufflehead) See Gadwell Lane	25 (golf) 15 (lot 129)	30 (lot 131)
155	25 (Bufflehead)	25 (Flyway Dr) 15 (lot 154)	20 (lots 151, 152)
500	25 (Bufflehead)	15 (lot 501) 30 (lagoon)	30 (lagoon)
501	25 (Bufflehead)	15 (lots 500, 502) 30 (golf)	30 (lagoon)
502	25 (Bufflehead)	15 (lot 501) 15 (cart path)	30 (golf)
503	25 (Bufflehead)	15 (lot 504) 15 (cart path)	30 (lagoon)
504-530	25 (Bufflehead)	15 (lots)	30 (lagoon)
531	25 (Bufflehead)	15 (lot 530) 15 (cart path)	30 (lagoon)
532	25 (Bufflehead)	15 (lot 533) 15 (cart path)	30 (lagoon)
533	25 (Bufflehead)	25 (Gov. Dr) 15 (lot 532)	30 (lagoon)
534	25 (Bufflehead)	15 (lot 535) 25 (Gov. Dr)	30 (lagoon)
535-536	25 (Bufflehead)	15 (lots)	30 (lagoon)
537	25 (Bufflehead)	15 (lot 536) 15 (cart path)	30 (lagoon)
538	25 (Bufflehead)	15 (cart path) 15 (lot 539)	30 (golf)
539-547	25 (Bufflehead)	15 (lots)	30 (lagoon)
552-554	25 (Bufflehead)	15 (lots)	30 (lagoon)
559	25 (Bufflehead)	15	30 (lagoon)
564-565	25 (Bufflehead)	15 (lots)	30 (golf)

**BULRUSH LANE (NIGHT HERON COTTAGES) (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
26	25	15	20
27-30	20	7	15
31	25	15	20
32-33	20	7	15
34	15	*	10
35-36	20	7	15
37-38	25	15	20
39-43	20	7	15

\*Zero lot line homes may be built with no setback on one side of the property, but must have at least a 14 foot separation between buildings.

**BURROUGHS HALL (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
28	25 (Burroughs Hall)	15 (lot 29)	25 (Gov. Dr.)
29-30	25 (Burroughs Hall)	15	25 (Gov. Dr.)
31	25 (Burroughs Hall)	15 (lot 30)	15 (lot 32)
32	25 (Burroughs Hall)	15 (lot 30-34)	25 (Gov. Dr.)
33	25 (Burroughs Hall)	15 (open space)	25 (Gov. Dr.)
34	25 (Burroughs Hall)	15 (lot 33, 35 open space)	30 (marsh)
35-46	25 (Burroughs Hall)	15	30 (marsh)
47-48	25 (Burroughs Hall)	15	15
49	25 (Burroughs Hall)	15 (open space) 15 (lot 48, 50)	25 (Gov. Dr.)
50-51	25 (Burroughs Hall)	15	25 (Gov. Dr.)
52	25 (Burroughs Hall)	20 (lot 55) 15 (lot 51, 53)	25 (Gov. Dr.)
53	25 (Burroughs Hall)	20 (lot 54)	15 (lot 54)
54	25 (Burroughs Hall)	20 (lot 53) 25 (Burroughs Hall)	15 (lot 55)
55	25 (Burroughs Hall)	15 (lot 54) 25 (Gov. Dr)	20 (lot 52)

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, Alex Libengood representing the property owners Gregory and Elaine Droba, is requesting a variance for the reduction of the required 25' front setback for approximately 27 square feet encroachment; reduction of the 15' side setback for approximately 102 square feet encroachment, and the reduction of the 30' rear OCRM Critical Line setback for approximately 60 square feet encroachment for a total encroachment of approximately 189 square feet for a proposed single family residence located at 39 Burroughs Hall, Kiawah Island, SC (TMS# 264-02-00-059). The subject property is located within the R-1, Residential Zoning District.

The subject property is approximately 8,273 square feet (0.19 acres) in size, containing approximately 7,737 square feet (0.18 acres) of high ground and approximately 536 square feet (0.01 acres) of marsh. The subject property is currently undeveloped and sits adjacent to critical area (marsh) to the north. The adjacent properties to the east, west and to the south across Burroughs Hall 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 25' front yard setback, a 15' side yard setback and a 30' rear OCRM critical line yard setback with an allowed maximum lot coverage of 40% for the subject property.

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

The *Town of Kiawah Island Land Use Planning and Zoning Ordinance* pursuant to Sec. 12-64 – Setbacks., states, *"Uncovered stairs or stair landings to building entrances may extend up to five feet into any required setback."*

The applicant's proposed plans include a new single-family residence. The applicant's proposed plans include a staircase and porch that encroaches into the required 25' front setback. The applicants proposed plans include uncovered stairs which extend into the required 25' front setback by approximately 6 feet 8 inches, which exceeds the 5-foot administrative relief by approximately 1 foot 8 inches. The total encroachment of the stairs is approximately 11 square feet. The proposed covered porch extends into the required 25' front setback by approximately 1 foot 6 inches. The total encroachment for the porch is approximately 16 square feet.

The applicant's proposed plans include a 3 foot encroachment into the required 15' side setback to the east for the proposed single family residence in addition to a 4 foot

encroachment into the required 15' side setback for a proposed HVAC stand.

The *Town of Kiawah Island Land Use Planning and Zoning Ordinance* pursuant to Sec. 12-64 – Setbacks. states, *“Uncovered decks may extend up to five feet into any required rear yard setback.”*

The applicant’s plans include an uncovered deck which encroaches into the required 30’ rear OCRM Critical line setback by approximately 9 feet 8 inches. The proposed deck extends approximately 4 feet 8 inches beyond the five feet administrative relief. Additionally, the applicants proposed plans include 3 separate cantilevered structures extending at a maximum of 4 feet 8 inches into the required 30’ rear OCRM Critical Line setback. The footprint of the proposed rear deck sits approximately 20 feet feet from the OCRM Critical Line at its closest point.

The applicant has been submitted to the Kiawah Island Architectural Review Board for review. The proposed project received approval for encroachment into the rear and front setback on April 4, 2024 stating, *“Given the loss of highland area to Critical Line movement, the front and rear setback variances requested are approved.”* The proposed project received approval for encroachment into the side setback on May 15, 2024 stating, *“The Board approves the additional variance to the ARB setback on the right side of the property.”*

Please see the attachments for further information regarding this request. A site visit was conducted on June 28, 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 existing OCRM Critical Line at the rear of the lot. The lot size has decreased by 536 square feet from the movement of the OCRM Critical Line towards the highlands. Per the applicant’s letter of intent, “This lot is 43% smaller than the average lot in the vicinity (out of 178 lots). It is also one of only 2 lots in the area that is this small and has an acute angle at the rear (the OCRM line makes this even more acute), making the buildable area a difficult shape to develop.”**

§ 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 Burroughs Hall 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.**

§ 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 unreasonably restrict the utilization of the property as the subject property is currently undeveloped. Per the applicants letter of intent, *“These conditions would not prohibit, but they do unreasonably restrict the utilization of the property due to the small size and unusual shape.”***

§ 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 additions encroach minimally into the required setbacks and may or may not be visible to neighbors. Per the applicant’s letter of intent, *“This would not be of any detriment to the adjacent property or the public good, and the character of the district would not be harmed by the granting of this variance. The letter of approval from the ARB indicates their agreement.”***

§ 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, *“This would not allow the establishment of a use not otherwise permitted, or extend an existing nonconforming use, or change the boundaries on the zoning map.”***

§ 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, "*Profitability is not the reason for this variance application.*"**

§ 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 lot size has decreased due to the movement of the OCRM Critical Line. Per Charleston County's records the property as acquired by Gregory and Elaine Droba in 2002. Per the applicant's letter of intent, "*The applicant has not acted in a way to cause the need for this variance.*"**

§ 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, "*This would not be contrary to the public or neighborhood interest and would not interfere with the purpose of the regulations. The letter of approval from the ARB indicates their agreement.*"**

§ 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, "*This would not conflict with the Comprehensive Plan, and the mitigations made to the encroachments show good faith to meet the purposes of this Ordinance.*"**

### **Board of Zoning Appeals' Action:**

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000010 (variance for the reduction of the required 25' front setback by approximately 27 square feet, the 15' side setback by approximately 102 square feet, and 30' rear OCRM Critical Line setback by approximately 60 square feet for a total encroachment of approximately 189 square feet for a proposed 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 obtain an as built survey post construction to verify all encroachments match the proposed plans.**

# Town of Kiawah Island Board of Zoning Appeals

JULY 15, 2024



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

1

## CASE# BZA24-000010

<b>Applicant/Property Owner:</b>	<b>Gregory and Elaine Droba</b>
<b>Representative:</b>	<b>Alex Libengood</b>
<b>Property Location:</b>	<b>39 Burroughs Hall</b>
<b>TMS#:</b>	<b>264-02-00-059</b>
<b>Zoning District:</b>	<b>R-1, Residential Zoning District</b>
<b>Lot Size:</b>	<b>Total: 8,273 sqft (0.19 acres) Highlands: 7,737 sqft (0.18 acres) Marsh 536 sqft (0.01 acres)</b>
<b>Request:</b>	<b>Variance request for the reduction of the required 25' front setback by approximately 27 square feet, the 15' side setback by approximately 102 square feet, and 30' rear OCRM Critical Line setback by approximately 60 square feet for a total encroachment of approximately 189 square feet for a proposed single family residence.</b>

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**CASE# BZA24-000010**

**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' (Burroughs Hall); 15' (Side); 30' (Marsh)**

**Maximum 40% Lot Coverage**

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

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**BZA24-000010**  
 PID: 2640200059  
 OWNER: DRGBA GREGORY T  
 PLAT BOOK PAGE: AC-87  
 DEED BOOK PAGE: O416-675  
 Jurisdiction: TOWN OF KIAWAH ISLAND

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



**Case # BZA24-000010**  
**BZA Meeting of July 15, 2024**  
**Subject Property: 39 Burroughs Hall- Kiawah Island**

Variance request for the reduction of the required 25' front setback by approximately 27 square feet, the 15' side setback by approximately 102 square feet, and 30' rear OCRM Critical Line setback by approximately 60 square feet for a total encroachment of approximately 189 square feet for a proposed single family residence.



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### Property Front



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### Adjacent Properties



### Adjacent Properties



### Subject Property



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### Subject Property



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### Subject Property



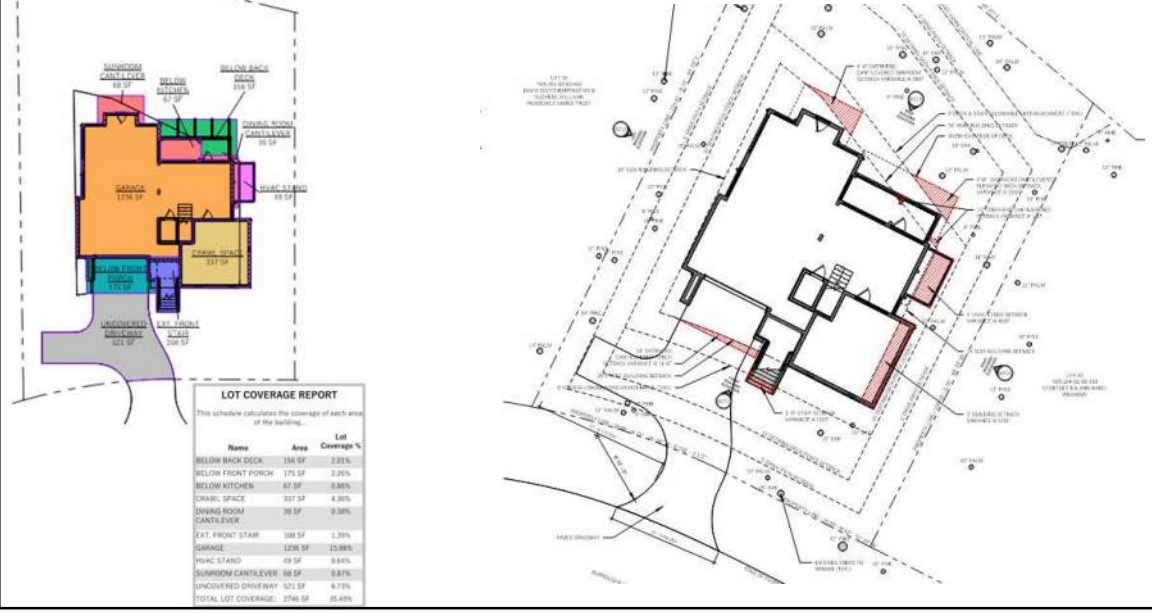
13

### Property Rear

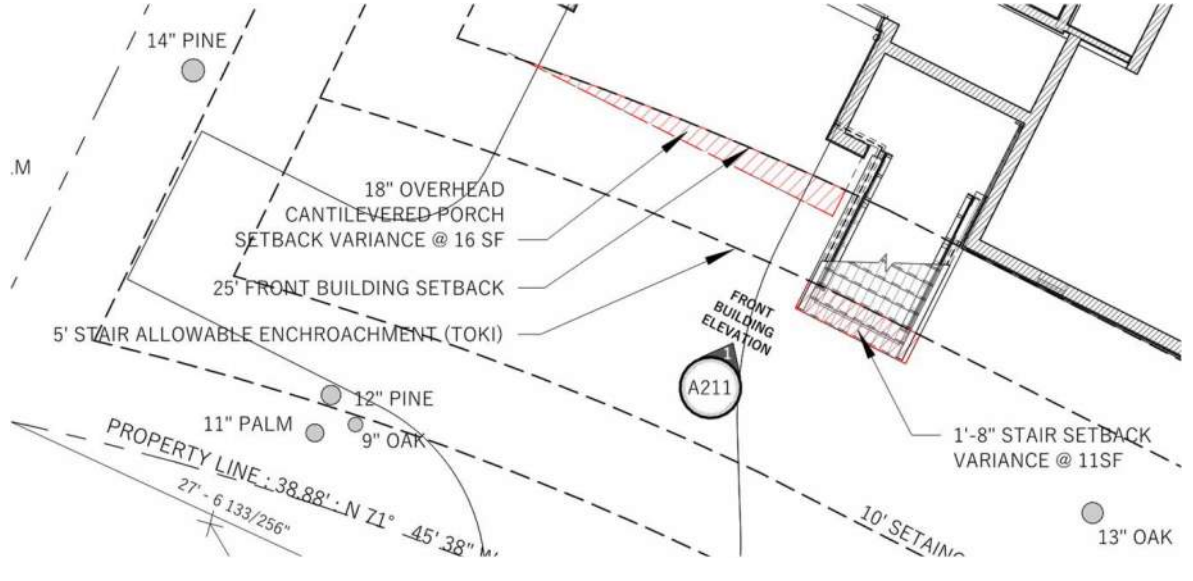


14

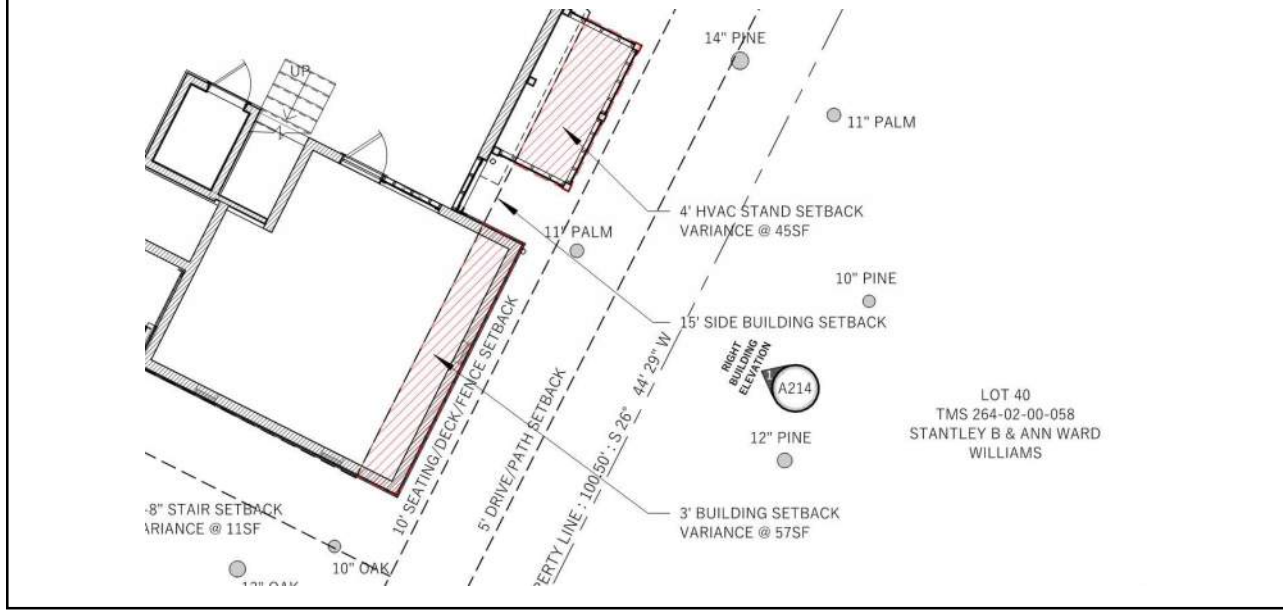
### Proposed Site Plan



### Front Yard Setback Encroachment

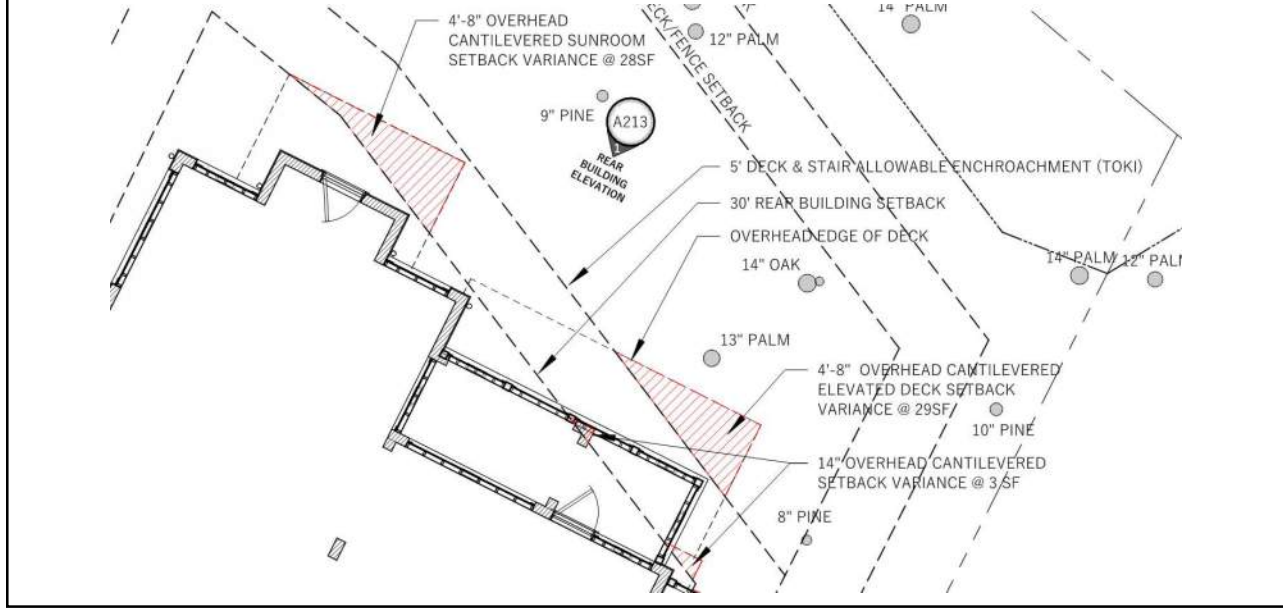


### Side Yard Setback Encroachment



17

### Rear Yard Setback Encroachment



18

## Variance Approval Criteria

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

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

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## Variance Approval Criteria

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

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## Board of Zoning Appeals Action

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000010 (Variance request for the reduction of the required 25' front setback by approximately 27 square feet, the 15' side setback by approximately 102 square feet, and 30' rear OCRM Critical Line setback by approximately 60 square feet for a total encroachment of approximately 189 square feet for a proposed single family residence) based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

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

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

**1. The applicant shall provide an as built survey post construction to ensure the encroachments match the proposed plans.**



## Letter of Intent

June 3, 2024

### **Re: 39 Burroughs Hall Letter of Intent for Board of Zoning Appeals**

Town of Kiawah Island Board of Zoning Appeals,

Gregory Droba & Elaine Markowski, who have been the owners of the undeveloped property at 39 Burroughs Hall since 2002, have engaged us to help them develop plans to construct a new single-family home on their lot. For the past 6 months, we have been working closely with them and the Kiawah Island Architectural Review Board (ARB) to find a design scheme that works on the land and respects the character of its context. We have been through three separate submissions and revisions with the ARB, and we are happy to report that we have been granted Conceptual approval from the ARB, including variances to the building setbacks. These setbacks have been granted to enable the building to adhere to the prescriptive design guidelines set by the ARB. Therefore, we are here to submit to the town to ask that the same setback variances which the ARB has granted to be approved by the Town of Kiawah Island.

The lot at 39 Burroughs Hall was relatively small to begin with, and since it was originally platted, the OCRM critical marsh line has moved inland, restricting the size of the lot even more.

Lot area: 8,274 sf (Average is 14,461 sf – out of 178 lots in a 1,600sf radius of this lot)

OCRM encroachment: 536 sf

Current highland area: 7,737 sf (6.5% reduction)

Total Setback Variance Request: 298 sf (*170 sf beyond Administrative Setback Relief for stairs & decks*)

Proposed Lot Coverage: 35.5% (Allowed 40%)

The lot is shaped trapezoidal, and with the OCRM encroachment, the angle of the rear lot line has grown even more acute, leaving the shape of the buildable area even more challenging.

Due to the restrictive size and shape of the lot at 39 Burroughs Hall, we respectfully ask for the following setback variances:

**Front** – *Established setback is 25' from the property line.*

Requesting encroachment of 1'-8" @ 10 sf past the Administrative Setback Relief for stairs and decks (6'-8" @ 44 sf past the front building setback line). This encroachment is only to allow us to build the entry access to the elevated structure. The number of stairs needed is set by the elevated height of the 1st floor. The height of the 1st floor has been set by the need to park under the structure since there is no room on the site for a detached garage. The stair itself will be built at the minimum tread depth allowed by code (10"), and maximum rise (7 3/4") in order to minimize the intrusion on the front setback.

**Right Side** – *Established covenant setback is 15' from the property line.*

*The town's zoning ordinance sets the side setback for this district at 10' from the property line, but the covenant established when the property was platted supersedes the current zoning ordinance.*

Requesting encroachment of 3'-0" @ 57 sf for the building, and 4'-0" @ 45 sf for the HVAC stand. This setback variance was not part of the original design submission but was added after extensive back and forth with the ARB regarding the design of the building and how it presents itself to the street. The ARB has granted this setback variance in order to simplify the massing of the building, and make sure the volumes presented on the front elevation don't feel too tight. In granting the variance, the ARB has effectively relaxed the site setback established by the covenant, so that it now matches the setback established by the town's zoning ordinance. We are respectfully asking that the town also allow us to use the town's zoning setback here rather than the covenant setback. The adjacent neighboring property on this side is undeveloped.

**Rear** – *Established setback is 30' from the OCRM critical marsh line.*

Requesting encroachment of 4'-8" @ 28 sf past the Administrative Setback Relief for stairs and decks (9'-8" @ 120 sf past the rear building setback line) for the elevated back deck.

Requesting encroachment of 4'-8 @ 28 sf past the rear building setback line for the overhead sunroom.

As a team, we are very sensitive to the natural environment, and even though the marsh has encroached on the property, we want to respect the significance of the marsh as an important contributor to the natural beauty of Kiawah and its environment. For this reason, we have designed these rear encroachments so that they are entirely cantilevered overhead, and the foundation walls themselves do not cross their respective setbacks. This leaves the grade below undisturbed and allows the earth to continue to absorb stormwater and support vegetative growth.

**Left Side** – *Established covenant setback is 15' from the property line.*

Not requesting any setback variance on this side.

In summary, 39 Burroughs Hall is a relatively small lot compared to the lots in its vicinity (43% smaller than average). It is also one of only 2 lots in the area that is this small *and* has an acute angle at the rear property line, making the buildable area quite irregular in shape (see neighborhood lot map). As such, the rear setbacks we are requesting are triangular in shape as we have brought the building up to the setback in one corner and stepped the building to reduce the encroachment to the other corner (see site plan). We have also cantilevered the structure here to limit the impact this would have on the marsh.

We have worked extensively with the ARB to fit the building within the side setbacks, but through the deliberation of 3 board reviews (and additional staff reviews), we came to the agreement that relaxing the covenant side setback on one side to match the setback shown in the town's zoning ordinance was the best compromise to achieve development of this site.

With these mitigations, we feel that authorization of these variances would not be of detriment to adjacent property, the character of the neighborhood and its zoning district, or the environment. Thus, we humbly request that the board agree to the variances already approved by the Kiawah Island ARB. The owner has been holding onto this property for 20+ years and is very much looking forward to finally building their full-time home here. Thank you for your time in reviewing this application, and we are more than willing to answer any questions that may come up.

Respectfully & sincerely,

A handwritten signature in black ink that reads "Alex Libengood". The signature is fluid and cursive.

Alex Libengood | AIA | NCARB

Lead Architect 843.696.0739



## Letter of Intent

June 14, 2024

### **Re: 39 Burroughs Hall Letter of Intent for Board of Zoning Appeals**

Town of Kiawah Island Board of Zoning Appeals,

Gregory Droba & Elaine Markowski, who have been the owners of the undeveloped property at 39 Burroughs Hall since 2002, have engaged us to help them develop plans to construct a new single-family home on their lot. For the past 6 months, we have been working closely with them and the Kiawah Island Architectural Review Board (ARB) to craft a design scheme that works on the land and respects the character of its context. We have been through three separate submissions and revisions with the ARB, and we are happy to report that we have been granted Conceptual approval from the ARB, including variances to the building setbacks. These setbacks have been granted to enable the building to adhere to the prescriptive design guidelines set by the ARB. Therefore, we submit to the Town, asking that the same setback variances which the ARB granted, be approved by the Town of Kiawah Island.

The lot at 39 Burroughs Hall was relatively small to begin with, and since it was originally platted, the OCRM critical marsh line has moved inland, restricting the size of the lot even more.

Lot area: 8,274 sf (Average is 14,461 sf – out of 178 lots in a 1,600sf radius of this lot)

OCRM encroachment: 536 sf

Current highland area: 7,737 sf (6.5% reduction)

Total Setback Variance Request: 317 sf (*189 sf beyond Administrative Setback Relief for stairs & decks*)

Proposed Lot Coverage: 35.5% (Allowed 40%)

The lot is shaped trapezoidal, and with the OCRM encroachment, the angle of the rear lot line has grown even more acute, leaving the shape of the buildable area even more challenging.

Due to the restrictive size and shape of the lot at 39 Burroughs Hall, we respectfully ask for the following setback variances:

**Front** – *Established setback is 25' from the property line.*

Requesting encroachment of 1'-8" @ 10 sf past the Administrative Setback Relief for stairs and decks (6'-8" @ 44 sf past the front building setback line). This encroachment is only to allow us to build the entry access to the elevated structure. The number of stairs needed is set by the elevated height of the 1st floor. The height of the 1st floor has been set by the need to park under the structure since there is no room on the site for a detached garage. The stair itself will be built at the minimum tread depth allowed by code (10"), and maximum rise (7 3/4") in order to minimize the intrusion on the front setback.

Requesting encroachment of 1'-2" @ 16 sf past the front building setback for the front porch which is cantilevered overhead so that the foundation does not encroach.

**Right Side** – *Established covenant setback is 15' from the property line.*

*The town's zoning ordinance sets the side setback for this district at 10' from the property line, but the covenant established when the property was platted supersedes the current zoning ordinance.*

Requesting encroachment of 3'-0" @ 57 sf for the building, and 4'-0" @ 45 sf for the HVAC stand. This setback variance was not part of the original design submission but was added after extensive back and forth with the ARB regarding the design of the building and how it presents itself to the street. The ARB granted this setback variance in order to simplify the massing of the building, and make sure the volumes presented on the front elevation don't feel too tight. In granting the variance, the ARB effectively relaxed the site setback established by the covenant, so that it would match the setback established by the town's zoning ordinance. We respectfully ask that the town also allow us to abandon the covenant's 15' side setback and instead use the 10' side setback established in the town's current zoning ordinance for this district. The adjacent neighboring property on this side is undeveloped.

**Rear** – *Established setback is 30' from the OCRM critical marsh line.*

Requesting encroachment of 4'-8" @ 28 sf past the Administrative Setback Relief for stairs and decks (9'-8" @ 120 sf past the rear building setback line) for the elevated back deck.

Requesting encroachment of 4'-8" @ 28 sf past the rear building setback line for the overhead sunroom.

Requesting encroachment of 14" @ 3 sf past the rear building setback line for the back corners of the kitchen and dining room above, both of which are cantilevered overhead so the foundation does not encroach on the setback.

As a team, we are very sensitive to the natural environment, and even though the marsh has encroached on the property, we want to respect the significance of the marsh as an important contributor to the natural beauty of Kiawah and its environment. For this reason, we have designed these rear encroachments so that they are cantilevered overhead, and the foundation walls

themselves do not cross their respective setbacks. This leaves the grade below undisturbed and allows the earth to continue to absorb stormwater and support vegetative growth.

**Left Side** – *Established covenant setback is 15' from the property line.*

Not requesting any setback variance on this side.

In summary, 39 Burroughs Hall is a relatively small lot compared to the lots in its vicinity (43% smaller than average). It is also one of only 2 lots in the area that is this small *and* has an acute angle at the rear property line, making the buildable area quite irregular in shape (see neighborhood lot map). As such, the rear setbacks we are requesting are triangular in shape as we have brought the building up to the setback in one corner and stepped the building to reduce the encroachment to the other corner (see site plan). We have also cantilevered the structure here to limit the impact on the marsh.

We have worked extensively with the ARB to fit the building within the side setbacks, but through the deliberation of 3 board reviews (and additional staff reviews), we came to the agreement that relaxing the covenant side setback on one side to match the setback shown in the town's zoning ordinance was the best compromise to achieve development of this site.


With these mitigations, we feel that authorization of these variances would not be of detriment to adjacent property, the character of the neighborhood and its zoning district, or the environment. Thus, we humbly request that the Board of Zoning Appeals agree to the variances approved by the Kiawah Island ARB. The owner has been holding onto this property for 20+ years and very much looks forward to finally building their full-time home here. Thank you for reviewing this application, and we are more than willing to answer any questions that may arise.

Responses to BZA Variance Approval Criteria:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - This lot is 43% smaller than the average lot in the vicinity (out of 178 lots). It is also one of only 2 lots in the area that is this small and has an acute angle at the rear (the OCRM line makes this even more acute), making the buildable area a difficult shape to develop.
- b) These conditions do not generally apply to other property in the vicinity;
  - See item A – these conditions do not generally apply to other property in the vicinity.
- 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;
  - These conditions would not prohibit, but they do unreasonably restrict the utilization of the property due to the small size and unusual shape.

- 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;
  - This would not be of any detriment to the adjacent property or the public good, and the character of the district would not be harmed by the granting of this variance. The letter of approval from the ARB indicates their agreement.
- 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;
  - This would not allow the establishment of a use not otherwise permitted, or extend an existing nonconforming use, or change the boundaries on the 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;
  - Profitability is not the reason for this variance application.
- g) The need for the variance shall not be the result of the applicant's own actions;
  - The applicant has not acted in a way to cause the need for this variance.
- 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; and
  - This would not be contrary to the public or neighborhood interest and would not interfere with the purpose of the regulations. The letter of approval from the ARB indicates their agreement.
- i) Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.
  - This would not conflict with the Comprehensive Plan, and the mitigations made to the encroachments show good faith to meet the purposes of this Ordinance.

Respectfully & sincerely,

A handwritten signature in black ink that reads "Alex Libengood".

Alex Libengood | AIA | NCARB  
Lead Architect 843.696.0739



# ARB LETTER #1 OF 3

April 4, 2024

Elaine Markowski & Greg Broba  
2366 N. Short Hills Dr.  
Akron, OH 44333

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

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

Re: **CONCEPTUAL REVIEW and VARIANCE**  
Construction Address: 39 Burroughs Hall  
ARB Action: Variance Approved  
Conceptual Design Approved with Interim Review

Dear Ms. Markowski and Mr. Broba,

Thank you for your submittal and presentation to the Kiawah Island Architectural Review Board for Conceptual Review of your home at 39 Burroughs Hall. The design of your home is approved to continue to the Preliminary submittal upon approval of the required Interim Review. As you move forward, please address the following comments and conditions in keeping with the guidelines:

- L1. Although there are many trees on-site which will ultimately be removed for various reasons, indicate on plans only the trees to be removed that are impacted by construction. Please indicate the trees to remain and the trees to be removed on the Site Plan for the next submittal. Also, provide information relative to the condition of the trees which are proposed to be removed.
- L2. Further develop the landing areas for each entry area stairway. Provide dimensions for hardscape features, including guest parking and drive areas.
- L3. Please ensure the ROW grading information is sent to KICA and demonstrates that stormwater conveyance within the KICA easement will not be impeded. Grading information should include spot elevations for the driveway at regular intervals where it meets the property line and the street and at center of paving.

A1. Given the loss of highland area to Critical Line movement, the front and rear setback variances requested are approved. These may also require approval by the Town of Kiawah.

- A2. The clarity of the drawings and presentation were much appreciated.
- A3. The intent to reduce the apparent mass of the house by breaking it into smaller pieces is appreciated. Each piece is well-designed, however the composition is complex and dynamic from a massing perspective and is therefore more visually impactful than is consistent with DWN principles. There are 4 apparent floors above the full ground level and with the windows in the stair might be seen as having more. The highest part of the mass on the street side is also projecting forward with the cantilevered area. This elevation has too great an impact on the street. Please study ways to simplify and reduce the visual impact on the street. The Board

- members appreciated the concept of a strong vertical core around which the smaller elements of the house are organized. Please study a simpler stair tower with a reduced or no cantilevered element.
- A4. Given the complexity of the forms, please consider the use of two rather than three forms of siding.
- A5. Appreciating the clarity that differentiation in colors gives to the presentation, please note that a white or light color for the siding as shown on the stair will not be approvable. Contrast should be within three steps on the ARB value finder. The darker and natural finishes indicated are more in keeping with the darker value range required for siding.
- A6. Please continue to study the foundation. Is breakaway construction indicated for this lot? Consider opportunities for more areas of solid foundation walls.

Thank you again for your submittal to the Kiawah Island Architectural Review Board. Please do not hesitate to contact the ARB office if we can be of any assistance during the Review Process for your home.

Sincerely,

A handwritten signature in cursive script that reads "Jane Maybank". The signature is written in black ink and is positioned below the word "Sincerely,".

Jane Maybank, Director  
On behalf of the KIARB

cc: Property file, ARB members

encl: Checklist



# ARB LETTER #2 OF 3

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

April 22, 2024

Elaine Markowski & Greg Droba  
2366 N. Short Hills Dr.  
Akron, OH 44333

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

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

Re: **INTERIM CONCEPTUAL REVIEW**  
Construction Address: 39 Burroughs Hall  
ARB Action: Interim Review

Dear Mrs. Markowski and Mr. Droba,

Thank you for your submittal to the Kiawah Island Architectural Review Board for Conceptual Review of your home on 39 Burroughs Hall. The design of your home is approved to continue to the Preliminary submittal upon approval of your interim submittal addressing the following comments and conditions in keeping with the guidelines:

- L1. As discussed during the presentation, integrate the hardscape stair-landings, drive layout and materials with the landscape design to take advantage of the limited available space for site development to lessen the impact from the street.
- L2. Please ensure the ROW grading information is sent to KICA and demonstrates that stormwater conveyance within the KICA easement will not be impeded. Grading information should include spot elevations for the driveway at regular intervals where it meets the property line and the street and at center of paving.

A1. The board appreciates the quality of the design and presentation but continues to have concerns regarding the expression of mass on the street side. We will be in touch with the design team for a meeting to discuss further.

Thank you again for your submittal to the Kiawah Island Architectural Review Board. Please do not hesitate to contact the ARB office if we can be of any assistance during the Review Process for your home.

Sincerely,

Jane Maybank, Director  
On behalf of the KIARB

cc: Property file, ARB members

encl: Checklist



# ARB LETTER #3 OF 3 CONCEPTUAL APPROVAL

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

May 15, 2024

Elaine Markowski & Greg Droba  
2366 N. Short Hills Drive  
Akron, OH 44333

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

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

Re: **CONCEPTUAL REVIEW**  
Construction Address: 39 Burroughs Hall  
ARB Action: Approved

Dear Ms. Markowski and Mr. Droba,

Thank you for your submittal and presentation to the Kiawah Island Architectural Review Board for Conceptual Review of your home on 39 Burroughs Hall. The design of your home is approved to continue to the Preliminary submittal. As you move forward, please address the following comments and conditions in keeping with the guidelines:

L1. No Comments

- A1. The Board approves the additional variance to the ARB setback on the right side of the property.
- A2. Thank you for adjustments to address massing comments. The Preliminary review will focus on questions of smaller scale. We look forward to your next submission.

Thank you again for your submittal to the Kiawah Island Architectural Review Board. Please do not hesitate to contact the ARB office if we can be of any assistance during the Review Process for your home.

Sincerely,

Jane Maybank, Director  
On behalf of the KIARB

cc: Property file, ARB members

encl: Checklist

# MARKOWSKI/DROBA RESIDENCE

## PROJECT DATA

- General Information:**

Address: 39 Burroughs Hall  
Johns Island, SC 29455

TMS number: 2640200059

Neighborhood: Plantation Woods

Jurisdiction: Town of Kiawah Island  
Kiawah Island Architectural Review Board  
Charleston County
- Site & Property Information**

Source: taken from survey dated 10/31/2023 by Kevin M. Schwacke PLS, S.C. Reg. No. 20468

Property Area: 8,274 SF

Highlands Area: 7,737.5 SF

Flood Zone: AE (EL 12) - FEMA Flood Panel 45019C0805K

Base Flood Elev: 12', 2021, '88 Datum  
Limit of Moderate Wave Action (LiMWA) zone

Base Building Height Elevation (BBHE): 13' (2004 Flood Elevation)  
(FEMA Flood Panel 45019C0805J)
- Zoning & ARB Requirements:** *\*text in italics indicates data is unique to this neighborhood and different from the general zoning ordinance*

Zoning Class.: R-1 (Single Family Residential)

Rear Setback: 30' (except on golf courses)

Side Setbacks: 15' (ARB), 10' (Town of Kiawah Island)

Front Setback: 25'

Ent. Walk Min. Width: 54"

Drive Min. Width: 10' straight  
12' curved (15' radius)  
18' @ street

Drive/Path Setback: 5'

Seating/Deck Setback: 10'

Fence Setback: 10'

Max. Building Height (from BBHE): 40' in developed lands,  
45' in undeveloped lands

Min. Main House Area: N/A

Max. Main House Area: N/A

Min. Ancillary Building Area: N/A

Max. Ancillary Building Area: N/A

	General	Lot < 12k sf	Lot < 8K sf
Max. Impervious Coverage:	33%	40%	50%
Max. Total Coverage:	39.67%	46%	55%
- Building Information:**

Use and Occupancy: Single-family residential

Fire Protection: N/A

Construction Type:
- Building Size:**

Proposed Building Coverage: 2,089 sf

Proposed Impervious Coverage: 882 sf

Proposed Total Site Coverage: 2,971 sf

Proposed Total Heated Area: 3,371 sf
- Construction:**

1st Floor Finish Elev: 14'-4" @ GUEST SUITE  
17'-8.25" @ MAIN FLOOR

Ridge Height: 40' (from BBHE)

Roof Material: 40-year architectural asphalt shingles

Exterior Finish: Fiber Cement Siding (Painted)  
Cedar Shake Siding (Natural)  
Stucco @ Foundation

Roof R-Value: R-30

Wall R-Value: R-19



## DRAWING LIST

- A000 COVER/TITLE SHEET
- A005 NEIGHBORHOOD LOT MAP
- A010 EXISTING SURVEY
- A012 SITE PLAN
- A110 GARAGE FLOOR PLAN
- A111 1ST FLOOR PLAN
- A112 2ND FLOOR PLAN
- A113 CUPOLA FLOOR PLAN
- A114 ROOF PLAN
- A220 SITE ELEVATIONS
- A230 EXTERIOR 3D VIEWS

## CODE NOTES

This scope of work shall maintain code compliance with the following codes as adopted by the South Carolina Building Codes Council:

2021 South Carolina Building Code  
or the 2021 International Building Code with SC modifications

2021 South Carolina Residential Code  
or the 2021 International Residential Code with SC modifications

2021 South Carolina Fire Code  
or the 2021 International Fire Code with SC modifications

2021 South Carolina Plumbing Code  
or the 2021 International Plumbing Code with SC modifications

2021 South Carolina Mechanical Code  
or the 2021 International Mechanical Code with SC modifications

2021 South Carolina Fuel Gas Code  
or the 2021 International Fuel Gas Code with SC modifications

2020 National Electrical Code (NFPA 70) with SC modifications

2009 International Energy Conservation Code (Energy Standard Act)  
ANSI A117.1 2017 Edition - Accessible & Usable Buildings & Facilities  
Federal Emergency Management Agency (FEMA)

## CONTACTS

- Client:**  
Elaine Markowski  
Gregory Droba  
2366 North Short Hills Drive  
Akron, OH 44333
- Architect/Builder:**  
Dolphin Architects & Builders  
3730 Bohicket Rd Suite 6  
Johns Island, SC 29455  
843.768.2404
- Land Surveying:**  
Schwacke & Associates  
1975 Frampton Avenue  
Charleston, SC 29412  
843.762.7005
- Landscape Architect:**  
Heyward Townsend  
Living Designs Landscaping  
P.O. Box 867  
Johns Island, SC 29457  
843.640.3761
- Structural Engineer:**  
Kelsey Powell, PE  
Powell Engineering, LLC  
Charleston, SC 29407  
843.763.7864
- Alex Libengood, AIA**  
Project Architect  
843.696.0739  
alibengood@dolphinbuilders.com
- Johnathan Marshall**  
VP of Construction  
843.696.0368  
jmarshall@dolphinbuilders.com

## GENERAL SPECIFICATIONS

THIS DRAWING SET IS TO BE PAIRED WITH PROVIDED OUTLINE SPECIFICATIONS DOCUMENT. NEITHER THE DRAWINGS OR THE OUTLINE SPECIFICATIONS DOCUMENT ARE INTENDED TO BE CONSIDERED IN ISOLATION OF ONE ANOTHER. BOTH THE DRAWINGS AND THE OUTLINE SPECIFICATIONS DOCUMENTS ARE TO BE CONSIDERED IN THE SCOPE OF WORK FOR THIS PROJECT.

## SCOPE OF WORK DESCRIPTION

- SCOPE OF WORK FOR THIS PROJECT INCLUDES:
- CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENTIAL BUILDING ON THE CURRENTLY UNDEVELOPED LOT AT THE PROPERTY ADDRESS.
- SEE THE DRAWINGS AND SPECIFICATIONS HEREIN FOR FULL SCOPE OF WORK

## LOCATION MAP





APPLICANT LOT



LOTS SAMPLED FOR AVERAGE AREA CALCULATION



REFERENCE:  
 PLAT BY: JOSIAH M. WILLIAMS III  
 DATED: OCTOBER 12, 1978  
 BOOK: AO PAGE: 087  
 RMC CHAS. CO.

TAX MAP No. 264-02-00-059  
 No. 39 BURROUGHS HALL  
 Requested by: DOLPHIN BUILDERS

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	156.21	36.94	36.86	N 71°48'38" W	141°75'1"	119.19

LINE	BEARING	DISTANCE
L1	S 35°48'40" E	10.89'
L2	S 52°33'24" E	13.29'
L3	S 51°00'35" E	16.69'
L4	S 37°14'30" E	36.06'
L5	S 68°51'49" E	17.42'

**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.  
 TREES LABELED GENERAL TYPES WITH DIAMETER SIZE SHOWN IN INCHES. AN ARBORIST OR LANDSCAPE ARCHITECT SHOULD BE CONSULTED IF SPECIFIC NAMES OR OTHER DETAILS ARE NEEDED.  
 THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARYED 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 ZONES SHOWN AS PER FEMA FLOOD MAPS.  
 PANEL No. 45019C OROBK  
 DATED: JANUARY 29, 2021  
 COMMUNITY No. 450257

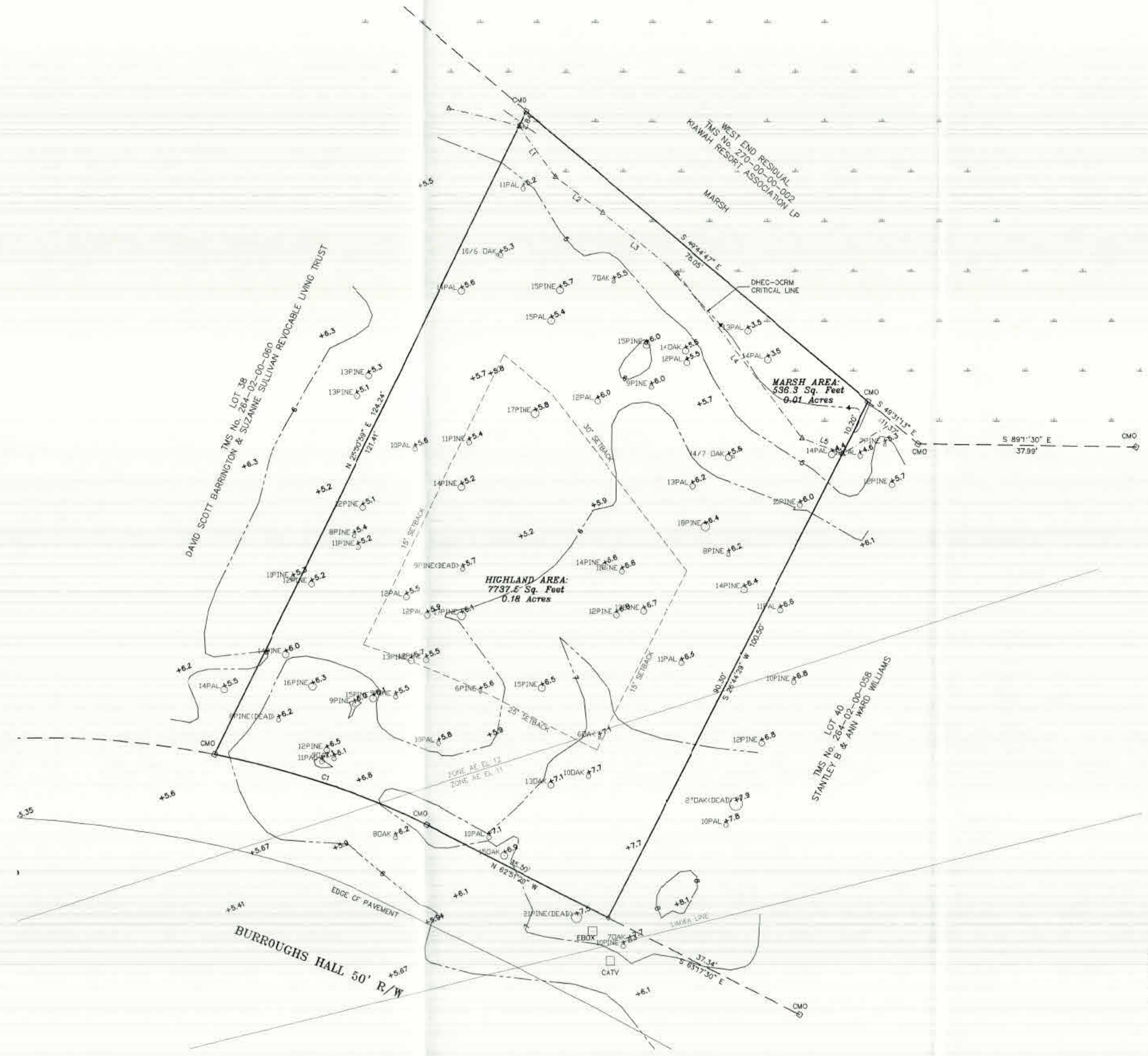
\* SETBACKS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION BY CONTROLLING AUTHORITY.

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

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



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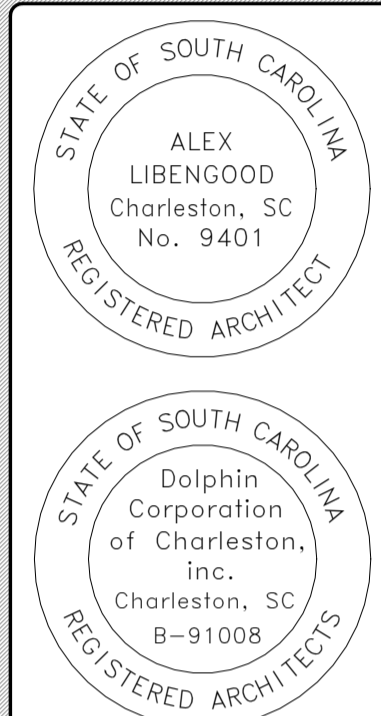
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SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
 The critical line shown on this plot is valid for five years from the date of this signature, subject to the cautionary language above.

**LEGEND:**  
 I.O. IRON OLD (FOUND)  
 I.N. IRON NEW (SET)  
 CMO CONCRETE MONUMENT OLD  
 C CURB INLET  
 EBOX ELECTRIC BOX  
 J JUNCTION BOX  
 +6.9 SPOT ELEVATION (NAVD '88)  
 15DAK 15" (DBH) OAK TREE

**TREE & TOPOGRAPHIC SURVEY**  
 LOT 39 TRACT 31 BLOCKS 2 & 3  
 PLANTATION WOODS (433)  
 TOWN OF KIAWAH ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

DATE: OCTOBER 31, 2023 SCALE: 1" = 10'



**MARKOWSKI/DROBA**  
 RESIDENCE  
 Dolphin Corporation of Charleston, Inc.  
 Charleston, SC B-91008  
 39 Burroughs Hall  
 Johns Island, SC 29455

**BZA APPLICATION**

PROJ. NO.  
 ISSUE DATE: 06.03.2024

REVISIONS		
#	DATE	NOTES

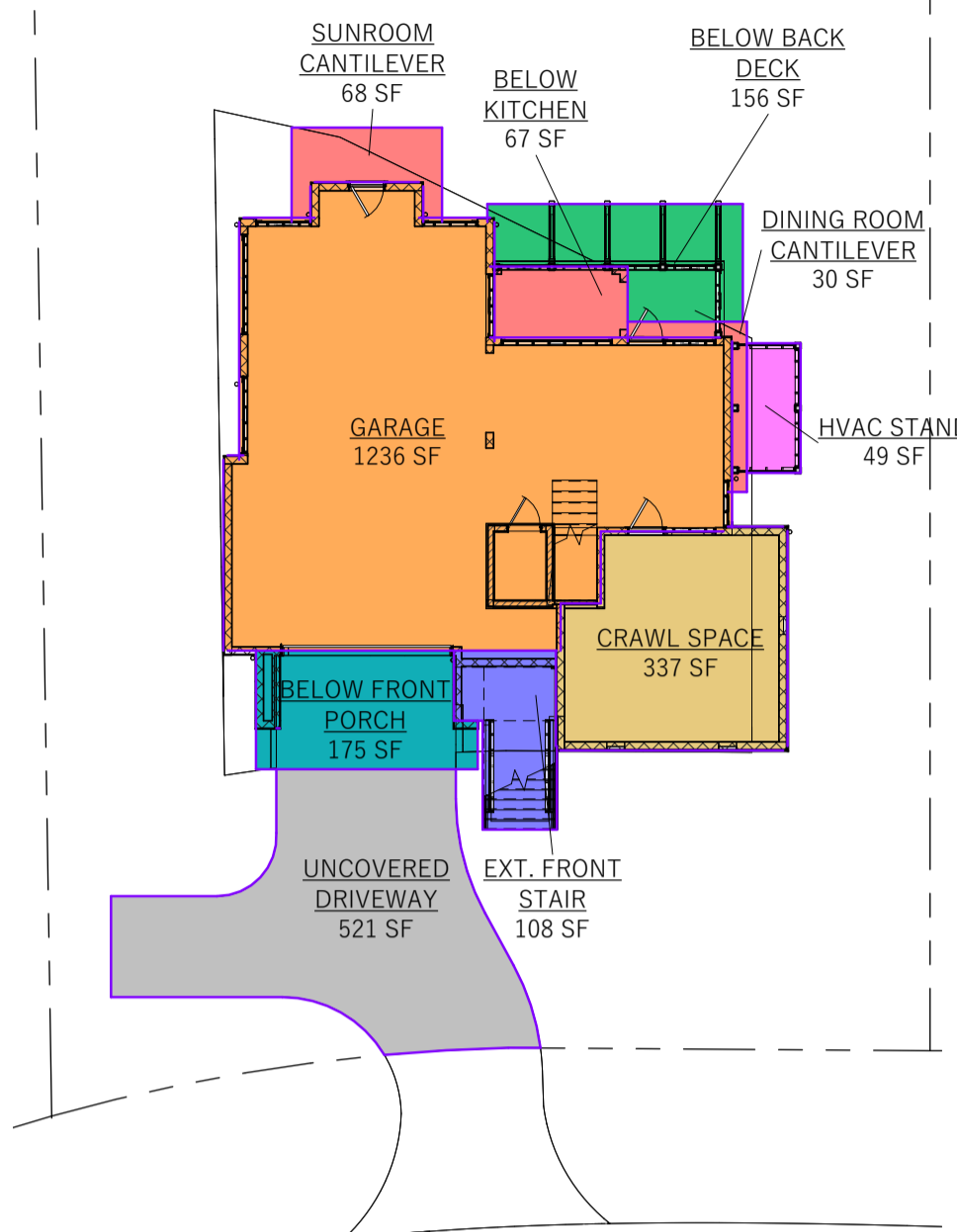
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EXISTING SURVEY  
**A010**  
 Page 34 of 43

**NET SQUARE FOOTAGE REPORT**

This schedule calculates the area of all occupiable spaces (totalling building area not including walls or attics)

#	Name	Area (Conditioned)	Area (Unconditioned)
<b>00 - GARAGE SLAB</b>			
001	GARAGE	0 SF	1086 SF
002	CRAWL SPACE	0 SF	293 SF
003	ELEVATOR	26 SF	0 SF
004	BELOW BACK DECK	0 SF	105 SF
		26 SF	1485 SF
<b>01 - GUEST SUBFLOOR</b>			
006	GUEST CLOSET	8 SF	0 SF
101	MUDROOM	127 SF	0 SF
102	GUEST BEDROOM	159 SF	0 SF
103	GUEST BATH	38 SF	0 SF
		332 SF	0 SF
<b>01 - 1ST SUBFLOOR</b>			
007	HALL	8 SF	0 SF
100	FRONT PORCH	0 SF	190 SF
106	FOYER	108 SF	0 SF
107	POWDER	55 SF	0 SF
108	CLOSET	6 SF	0 SF
109	CLOSET	18 SF	0 SF
110	PANTRY	5 SF	0 SF
111	ELEVATOR	25 SF	0 SF
112	LIVING	387 SF	0 SF
113	SUNROOM	86 SF	0 SF
114	KITCHEN	295 SF	0 SF
115	DINING	173 SF	0 SF
116	BACK DECK	0 SF	153 SF
		1167 SF	343 SF
<b>02 - 2ND FLR SUBFLOOR</b>			
005	PRIMARY CLOSET	65 SF	0 SF
200	HALL	193 SF	0 SF
201	ELEVATOR	25 SF	0 SF
202	PRIMARY BEDROOM	181 SF	0 SF
203	PRIMARY ENSUITE	106 SF	0 SF
204	LINEN	3 SF	0 SF
205	HALL CLOSET	5 SF	0 SF
206	LAUNDRY	64 SF	0 SF
207	LAUNDRY CLOSET	6 SF	0 SF
208	LINEN CLOSET	4 SF	0 SF
209	BEDROOM 1	181 SF	0 SF
210	CLOSET 1	16 SF	0 SF
211	BEDROOM 2	148 SF	0 SF
212	CLOSET 2	12 SF	0 SF
213	BATHROOM	62 SF	0 SF
214	BALCONY	0 SF	66 SF
303	WATER CLOSET	17 SF	0 SF
		1085 SF	66 SF
<b>03 - CUPOLA LANDING</b>			
008	CUPOLA LANDING	110 SF	0 SF
		110 SF	0 SF
<b>03 - CUPOLA SUBFLOOR</b>			
300	CUPOLA ROOM	155 SF	0 SF
301	ELEVATOR	25 SF	0 SF
302	CUPOLA BALCONY	0 SF	81 SF
		180 SF	81 SF
<b>TOTAL SQUARE FOOTAGE (NET):</b>			
		2900 SF	1974 SF



② 00 - LOT COVERAGE DIAGRAM  
1/16" = 1'-0"

**GROSS SQUARE FOOTAGE REPORT**

This schedule calculates the coverage of each area of the building (to the face of exterior walls, and encompassing interior walls)

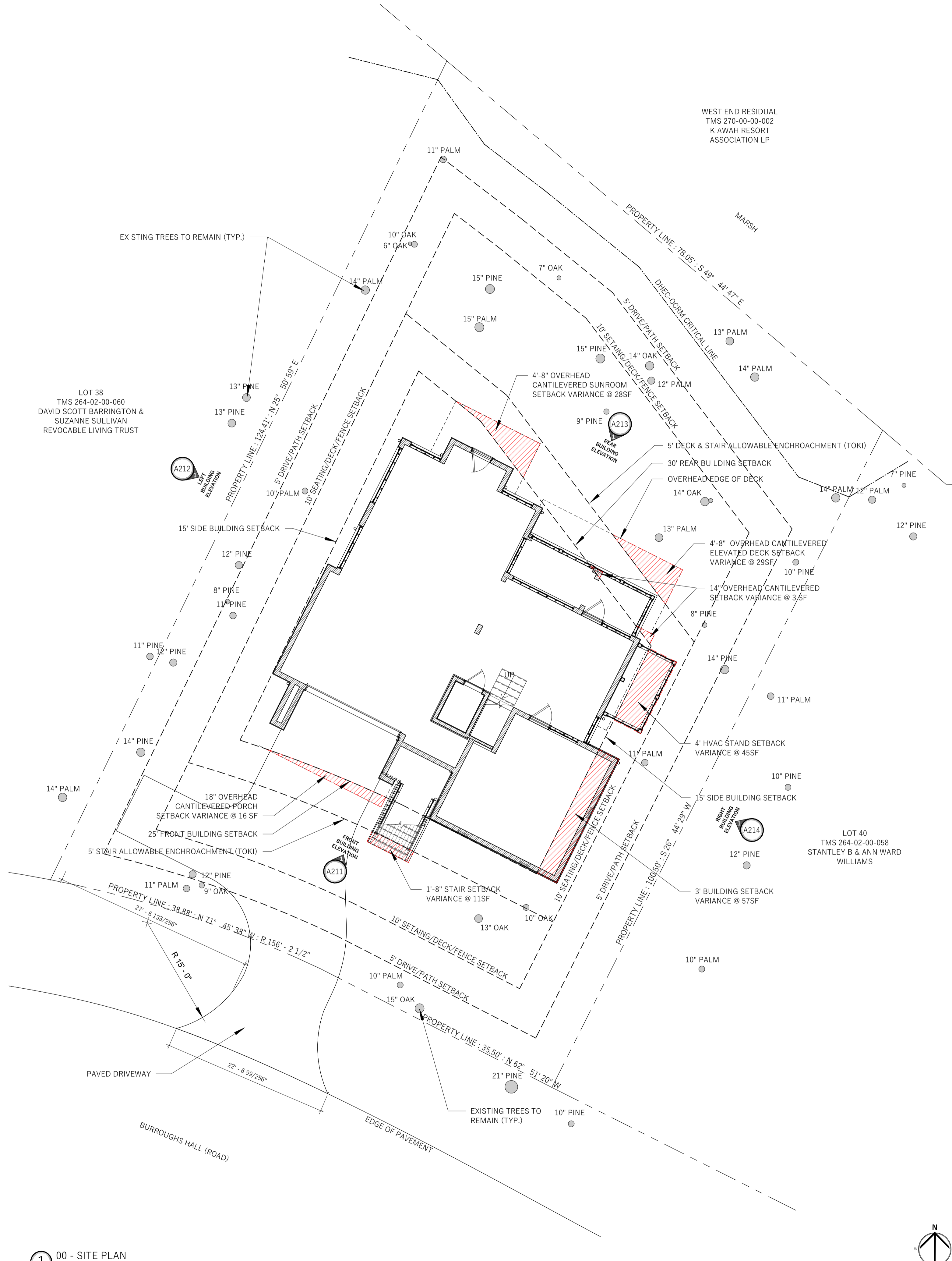
Area Type	Heated	Name	Area (Heated)	Area (Non-Heated)	Lot Coverage
<b>00 - GARAGE SLAB</b>					
Exterior Area	No	HVAC STAND	49 SF		Yes
Exterior Area	No	EXT. FRONT STAIR	108 SF		Yes
Exterior Area	No	BELOW KITCHEN	67 SF		Yes
Exterior Area	No	SUNROOM CANTILEVER	68 SF		Yes
Exterior Area	No	BELOW BACK DECK	156 SF		Yes
Exterior Area	No	DINING ROOM CANTILEVER	30 SF		Yes
Exterior Area	No	BELOW FRONT PORCH	175 SF		Yes
Exterior Area	No	UNCOVERED DRIVEWAY	521 SF		Yes
Gross Building Area	No	GARAGE	1236 SF		Yes
Gross Building Area	No	CRAWL SPACE	337 SF		Yes
			0 SF	2746 SF	
<b>01 - 1ST SUBFLOOR</b>					
Exterior Area	No	FRONT PORCH	190 SF		No
Exterior Area	No	BACK DECK	153 SF		No
Gross Building Area	Yes	1ST FLR BLDG ENVELOPE	1738 SF		No
			1738 SF	343 SF	
<b>02 - 2ND FLR SUBFLOOR</b>					
Exterior Area	No	BALCONY	65 SF		No
Gross Building Area	Yes	2ND FLR BLDG ENVELOPE	1274 SF		No
			1274 SF	65 SF	
<b>03 - CUPOLA SUBFLOOR</b>					
Exterior Area	No	CUPOLA DECK	90 SF		No
Gross Building Area	Yes	CUPOLA BLDG ENVELOPE	356 SF		No
			356 SF	90 SF	
<b>TOTAL SQUARE FOOTAGE (GROSS):</b>					
			3368 SF	3244 SF	

**LOT COVERAGE REPORT**

This schedule calculates the coverage of each area of the building...

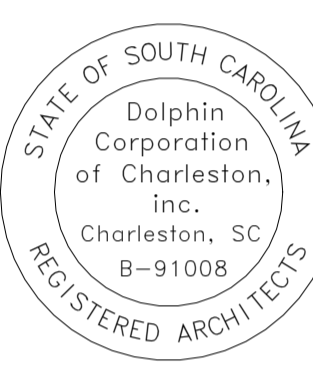
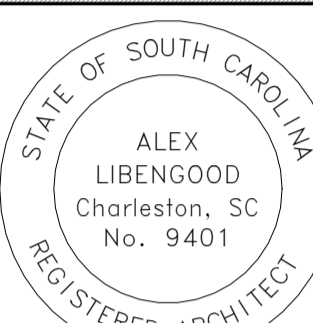
Name	Area	Lot Coverage %
BELOW BACK DECK	156 SF	2.01%
BELOW FRONT PORCH	175 SF	2.26%
BELOW KITCHEN	67 SF	0.86%
CRAWL SPACE	337 SF	4.36%
DINING ROOM CANTILEVER	30 SF	0.38%
EXT. FRONT STAIR	108 SF	1.39%
GARAGE	1236 SF	15.98%
HVAC STAND	49 SF	0.64%
SUNROOM CANTILEVER	68 SF	0.87%
UNCOVERED DRIVEWAY	521 SF	6.73%
TOTAL LOT COVERAGE:	2746 SF	35.49%

① 00 - SITE PLAN  
1/8" = 1'-0"



**PROJECT DATA**

- General Information:**  
Address:  
TMS number: 264020059  
Neighborhood: Plantation Woods  
Jurisdiction: Town of Kiawah Island  
Kiawah Island Architectural Review Board  
Charleston County
- Site & Property Information**  
Source: taken from survey dated 10/31/2023 by Kevin M. Schwacke PLS, S.C. Reg. No. 20468  
Property Area: 8,274 SF  
Highlands Area: 7,737.5 SF  
Flood Zone: AE (EL 12) - FEMA Flood Panel 45019C0805K  
Base Flood Elev: 12', 2021, '88 Datum  
Limit of Moderate Wave Action (LimWA) zone  
Base Building Height Elevation (BBHE): 13' (2004 Flood Elevation) (FEMA Flood Panel 45019C0805J)
- Zoning & ARB Requirements:** \*text in italics indicates data is unique to this neighborhood and different from the general zoning ordinance  
Zoning Class.: R-1 (Single Family Residential)  
Rear Setback: 30'  
Side Setbacks: 15'  
Front Setback: 25'  
Ent. Walk Min. Width: 54"  
Drive Min. Width: 10' straight  
12' curved (15' radius)  
18' @ street  
Drive/Path Setback: 5'  
Seating/Deck Setback: 10'  
Fence Setback: 10'  
Max. Building Height (from BBHE): 40' in developed lands,  
45' in undeveloped lands  
Min. Main House Area: N/A  
Max. Main House Area: N/A  
Min. Ancillary Building Area: N/A  
Max. Ancillary Building Area: N/A  
Max. Impervious Coverage: 50% (ARB), 40% (TOKI)  
Max. Total Coverage: 55% (ARB & TOKI)
- Building Information:**  
Use and Occupancy: Single-family residential  
Fire Protection: N/A  
Construction Type:
- Building Size:**  
Proposed Building Coverage: 2,089 sf  
Proposed Impervious Coverage: 882 sf  
Proposed Total Site Coverage: 2,971 sf  
Proposed Total Heated Area: 3,371 sf
- Construction:**  
1st Floor Finish Elev: 14'-4" @ GUEST SUITE  
17'-8.25" @ MAIN FLOOR  
Ridge Height: 40' (from BBHE)  
Roof Material: 40-year architectural asphalt shingles  
Exterior Finish: Fiber Cement Siding (Painted)  
Cedar Shake Siding (Natural)  
Stucco @ Foundation  
Roof R-Value: R-30  
Wall R-Value: R-19



MARKOWSKI/DROBA  
RESIDENCE  
39 Burroughs Hall  
Johns Island, SC 29455

BZA  
APPLICATION

PROJ. NO.  
ISSUE DATE: 06.14.2024

REVISIONS		
#	DATE	NOTES

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SITE PLAN  
A012  
Page 35 of 43

**NET SQUARE FOOTAGE REPORT - GARAGE**

This schedule calculates the area of all occupiable spaces (totaling building area not including walls or attics)

#	Name	Area (Conditioned)	Area (Unconditioned)
00 - GARAGE SLAB			
001	GARAGE	0 SF	1086 SF
002	CRAWL SPACE	0 SF	293 SF
003	ELEVATOR	26 SF	0 SF
004	BELOW BACK DECK	0 SF	105 SF
GARAGE FLR TOTAL (NET):		26 SF	1485 SF

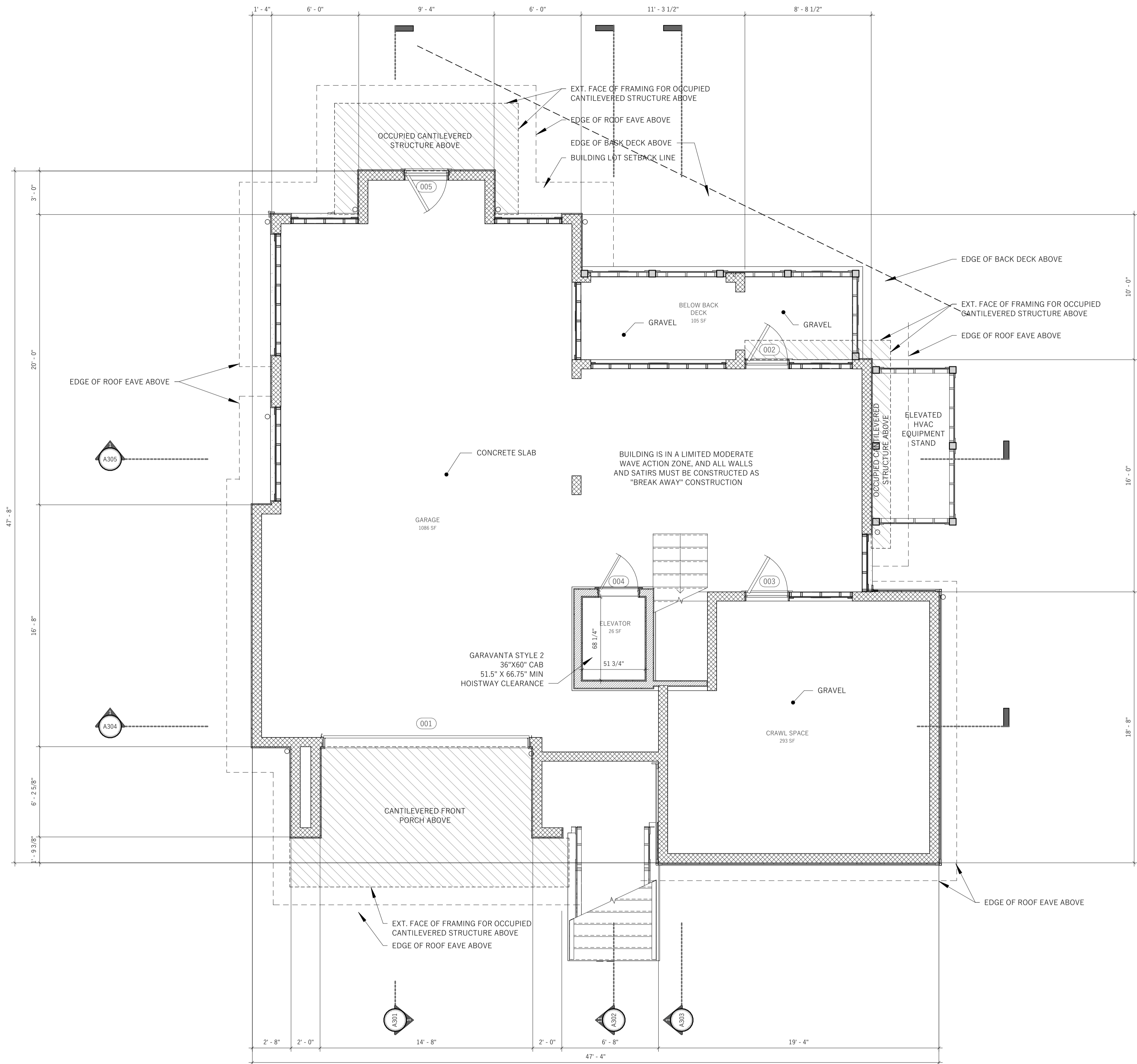
**GROSS SQUARE FOOTAGE REPORT - GARAGE**

This schedule calculates the coverage of each area of the building (to the face of exterior walls, and encompassing interior walls)

Area Type	Heated	Name	Area
Exterior Area	No	HVAC STAND	49 SF
Exterior Area	No	EXT. FRONT STAIR	108 SF
Exterior Area	No	BELOW KITCHEN	67 SF
Exterior Area	No	SUNROOM CANTILEVER	68 SF
Exterior Area	No	BELOW BACK DECK	156 SF
Exterior Area	No	DINING ROOM CANTILEVER	30 SF
Exterior Area	No	BELOW FRONT PORCH	175 SF
Exterior Area	No	UNCOVERED DRIVEWAY	521 SF
Gross Building Area	No	GARAGE	1236 SF
Gross Building Area	No	CRAWL SPACE	337 SF
GARAGE FLR TOTAL (GROSS):		10	2746 SF

**GENERAL FLOOR PLAN NOTES**

- EXISTING WALLS ARE DIMENSIONED TO FACE OF WALL FINISH
- EXISTING DOORS AND WINDOWS ARE DIMENSIONED TO FINISHED OPENING
- NEW WALLS ARE DIMENSIONED TO FACE OF STUD OR MASONRY
- NEW DOORS ARE DIMENSIONED TO ROUGH OPENING
- NEW WINDOWS ARE DIMENSIONED TO ROUGH OPENING
- GRADE SPOT ELEVATIONS ARE FROM EXISTING 1ST FLOOR



1 00 - GARAGE FLR PLAN  
1/4" = 1'-0"



FRONT ELEVATION - A210



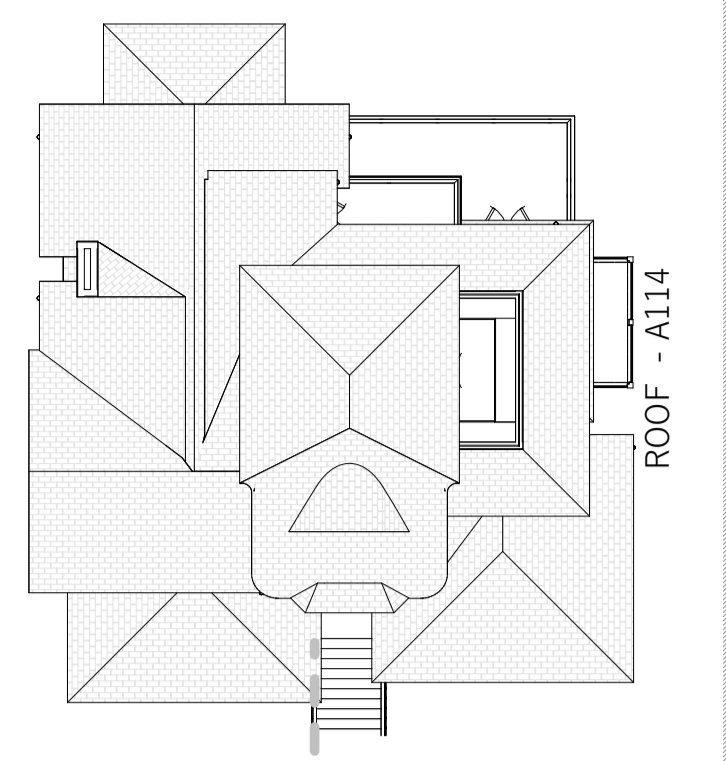
LEFT ELEVATION - A211



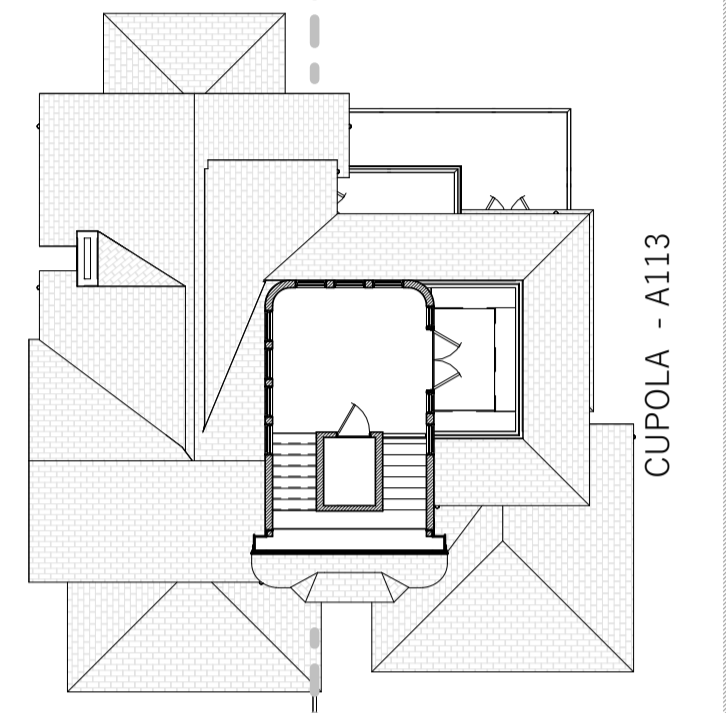
REAR ELEVATION - A212



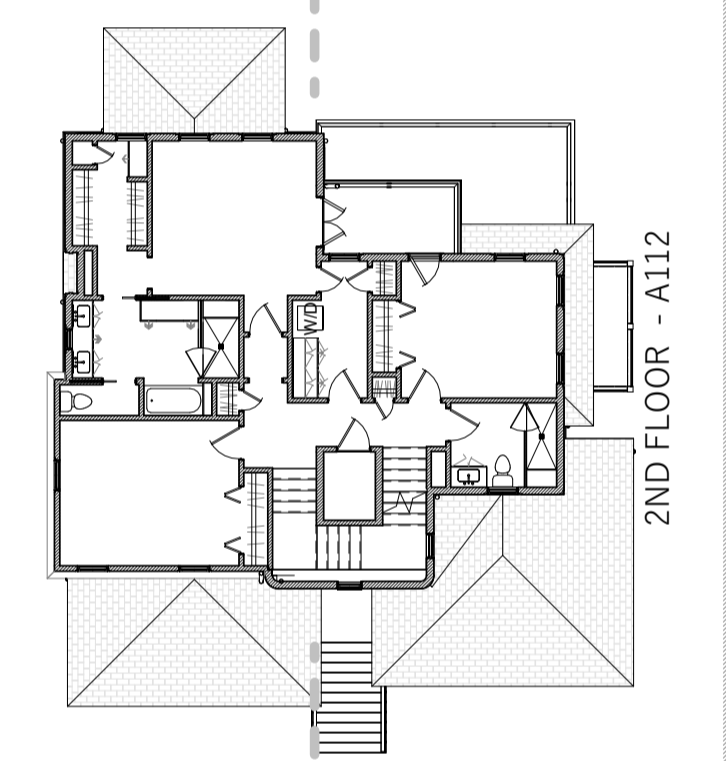
RIGHT ELEVATION - A213



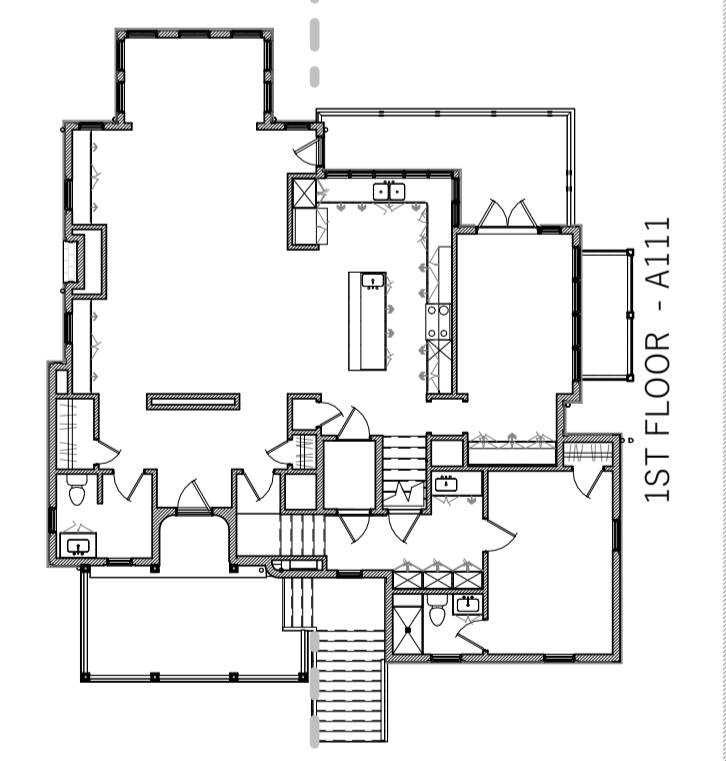
ROOF - A114



CUPOLA - A113



2ND FLOOR - A112



1ST FLOOR - A111

GARAGE SLAB

**DOLPHIN**  
ARCHITECTS + BUILDERS  
3730 BOHICKET ROAD | SUITE 6 | JOHNS ISLAND, SC 29455 | 843.768.2404

STATE OF SOUTH CAROLINA  
ALEX LIBENGOOD  
Charleston, SC  
No. 9401  
REGISTERED ARCHITECT

STATE OF SOUTH CAROLINA  
Dolphin Corporation of Charleston, Inc.  
Charleston, SC  
B-91008  
REGISTERED ARCHITECTS

**MARKOWSKI/DROBA**  
RESIDENCE  
39 Burroughs Hall  
Johns Island, SC 29455

BZA APPLICATION

PROJ. NO. 06.03.2024  
ISSUE DATE: 06.03.2024

REVISIONS

#	DATE	NOTES

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GARAGE FLOOR PLAN

**A110**  
Page 36 of 43

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SCALE SHOWN ON DRAWINGS IS ONLY CORRECT IF THIS SHEET IS PRINTED AT 24"X36"













1 3D View 1



2 3D View 2

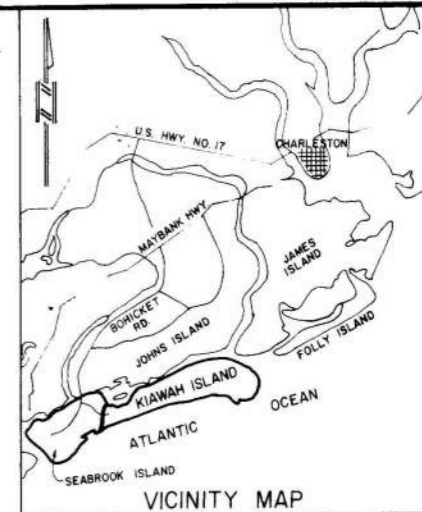
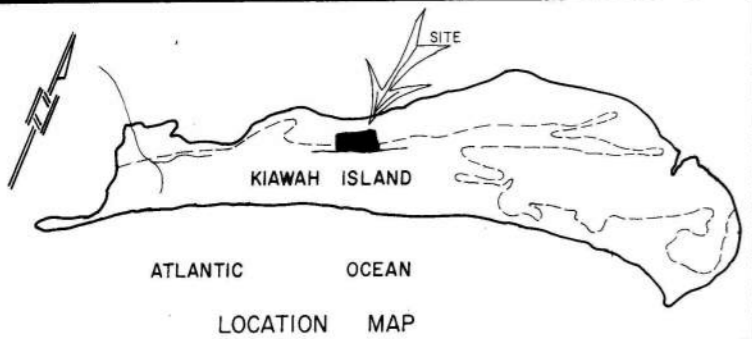


3 3D View 3



4 3D View 4

# PLANTATION WOODS 433



PLAT OF TRACT 31 BLOCKS 2 & 3 433 SUBDIVISION PLANTATION WOODS LOCATED ON KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA OWNED BY KIAWAH ISLAND COMPANY, LTD. KIAWAH ISLAND, S.C. 29455

BOOK 1120 PAGE 70

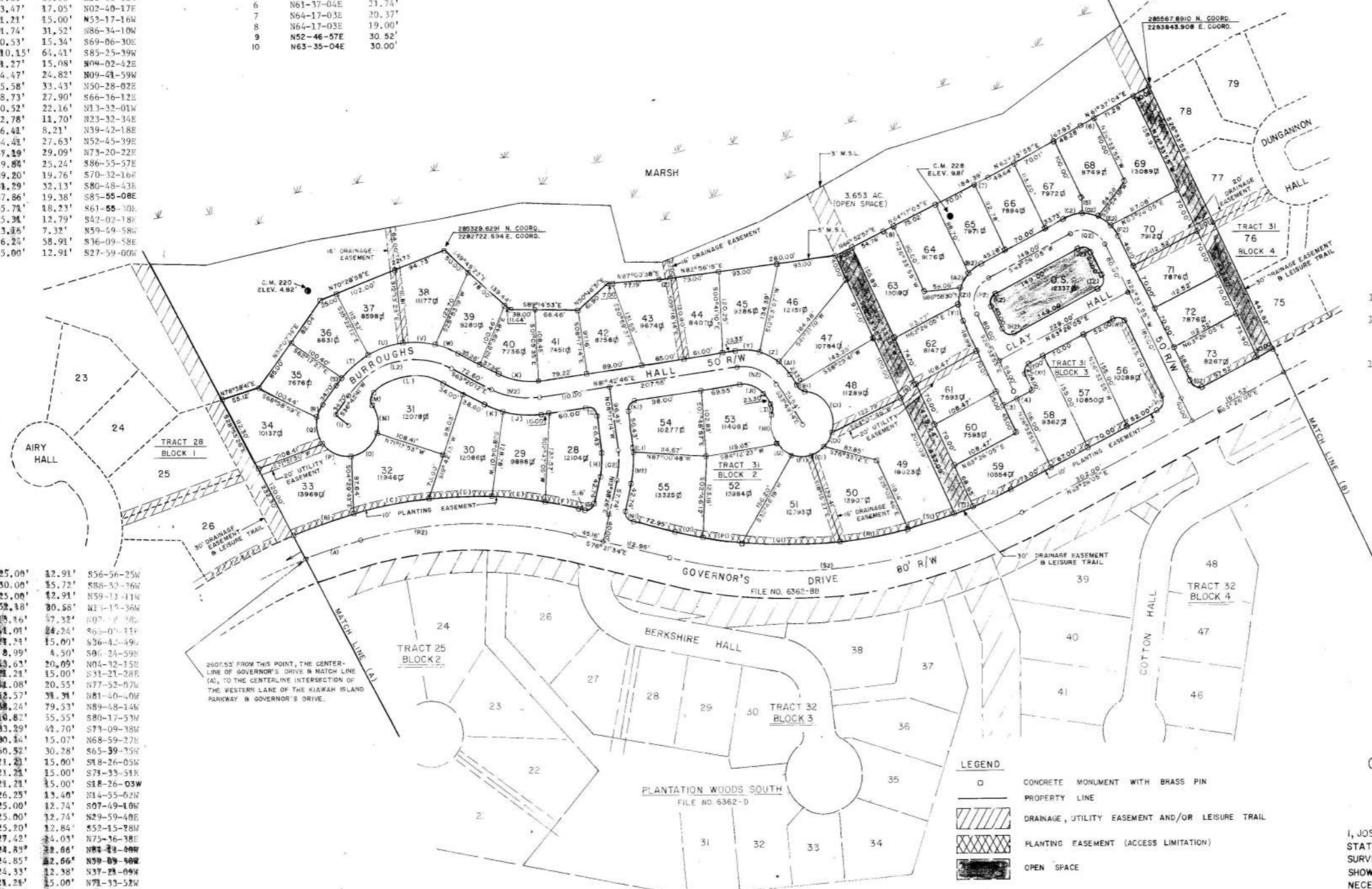
CURVE DATA

NO.	DELTA	RAD.	ARC.	CHORD	TAN	CHORD BEG.
A	05-19-25	995.91	92.53'	46.30'	N71-46-41E	75.00'
B	05-18-05	1035.91	80.88'	101.84'	N71-37-22E	15.00'
C	09-10-45	706.87'	107.25'	117.12'	N79-11-31E	25.00'
D	08-16-28	706.87'	102.08'	108.99'	N88-04-52E	15.00'
E	06-46-21	706.87'	83.55'	83.50'	S84-23-42E	22.14'
F	04-36-19	706.87'	57.36'	57.35'	S78-41-02E	21.74'
G	90-00-00	15.00'	23.56'	21.21'	N58-18-22E	20.37'
H	21-55-40	87.99'	33.67'	33.47'	N02-40-17E	19.00'
I	90-00-00	15.00'	23.56'	21.21'	N53-17-16W	30.52'
J	23-25-39	152.05'	62.17'	61.74'	S86-34-10W	30.00'
K	11-11-28	152.05'	30.58'	30.53'	N53-17-16W	23.64'
L	62-28-17	108.21'	115.80'	110.15'	S85-25-39W	15.08'
M	90-00-00	15.00'	23.56'	21.27'	N04-02-42E	48.47'
N	52-18-45	50.00'	48.08'	44.47'	N09-41-59W	33.43'
O	62-31-31	50.00'	58.93'	55.58'	S50-28-02E	48.73'
P	58-19-43	50.00'	50.96'	48.73'	S66-36-12E	40.52'
Q	47-48-15	50.00'	43.72'	40.52'	S13-32-01W	11.70'
R	26-19-27	50.00'	22.99'	22.78'	N23-32-34E	8.23'
S	06-04-12	156.21'	16.41'	16.44'	S39-42-18E	27.63'
T	20-05-15	156.21'	54.69'	54.48'	N52-45-39E	19.76'
U	21-05-17	156.21'	57.52'	59.19'	N73-20-22E	25.24'
V	19-21-36	156.21'	50.06'	49.88'	S86-55-57E	19.76'
W	14-24-58	156.21'	39.30'	39.20'	S70-32-16E	32.13'
X	11-29-02	102.05'	62.25'	61.29'	S80-48-43E	12.79'
Y	21-47-15	88.44'	38.16'	37.86'	S85-55-08E	18.23'
Z	11-27-56	88.44'	35.96'	35.74'	S61-55-10E	12.91'
AA	11-27-56	88.44'	25.39'	25.34'	S42-02-18E	7.32'
AB	51-51-29	15.00'	13.62'	13.26'	N59-49-58E	58.91'
AC	90-00-00	50.00'	86.70'	76.23'	S36-09-58E	12.91'
AD	28-57-19	50.00'	25.27'	25.00'	S27-59-00E	

CENTERLINES AND BOUNDARIES

NO.	BEARING	DISTANCE
1	S53-17-19E	75.00'
2	N82-56-13E	15.00'
3	N63-26-05E	25.00'
4	N63-26-05E	15.00'
5	S01-13-47E	22.14'
6	N61-37-04E	21.74'
7	N64-17-03E	20.37'
8	N64-17-03E	19.00'
9	N52-46-57E	30.52'
10	N63-35-04E	30.00'

12.45  
Nov 87  
Co Planning  
Board





**Case #BZA24-000011**  
**Kiawah Island BZA Meeting of July 15, 2024**

**Applicant/Property Owner:** HUNT CLIFTON

**Representative:** Kenneth Wiland

**Property Location:** 16 Rhetts Bluff

**TMS#:** 209-11-00-014

**Zoning District:** R-1, Residential Zoning District

**Lot Size:** Total: 15,676 sqft (0.36 acres)  
Highlands: 11,962 sqft (0.28 acres)  
Marsh 3,714 sqft (.08 acres)

**Request:** Variance request for the reduction of the required rear OCRM Critical Line setback for approximately 110 square feet for a proposed single family residence located at 16 Rhetts Bluff, 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: 20' (Rhett's Bluff); 15' (Side); Left-10' Right-20' (Rear)  
Maximum 40% 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."

**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
12,000+	33 percent	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)

**RED CEDAR LANE (DEVELOPED LANDS) cont.**

150	25 (Red Cedar)	15 (lot 149) 30 (marsh)	30 (marsh)
151	25 (Red Cedar)	30 (marsh) 15 (lot 153)	30 (lagoon)
152	25 (Red Cedar)	15	30 (lagoon)
153	25 (Red Cedar)	15 (lot 152) 25 (Sawgrass Ln)	30 (lagoon)

**RHETT'S BLUFF ROAD (UNDEVELOPED LANDS)**

Lot	Front	Side	Rear
7	20 (Rhett's Bluff)	15	25 (marsh)
8	20 (Rhett's Bluff)	15	20 (marsh)
9	20 (Rhett's Bluff)	15	20 (marsh)
10	20 (Rhett's Bluff)	15	20 (marsh)
11	20 (Rhett's Bluff)	15	L-20, R-10
12	20* (Rhett's Bluff)	15	10 (marsh)
13	20* (Rhett's Bluff)	15**	10 (marsh)
14	20* (Rhett's Bluff)	15**	10 (marsh)
15	20* (Rhett's Bluff)	15**	10 (marsh)
16	20* (Rhett's Bluff)	15**	L-10, R-20
17	20 (Rhett's Bluff)	15	20 (marsh)
18	20 (Rhett's Bluff)	15	L-20, R-25
19-28	20 (Rhett's Bluff)	15	25 (marsh)
29	20* (Rhett's Bluff)	15**	15 (Kiawah River)
30	20* (Rhett's Bluff)	15**	15 (Kiawah River)
31	20* (Rhett's Bluff)	15**	15 (Kiawah River)
32	20* (Rhett's Bluff)	15**	15 (Kiawah River)
33	20* (Rhett's Bluff)	15**	15 (Kiawah River)
34	20 (Rhett's Bluff)	15	L-40, R-15
35	50 (Rhett's Bluff)	15	L-50, R-40
95	See Graphics	See Graphics 15 (lot 96)	25 (marsh)
96-98	See Graphics	15	25 (marsh)

**RHETT'S BLUFF ROAD (UNDEVELOPED LANDS) cont.**

99***	See Graphics	15 See Graphics	25 (marsh)
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\* A one story element may be allowed to encroach to within 10' of the front property line.  
 \*\* Decks of reduced height may be allowed to encroach into the setback.  
 \*\*\* Lot 99, there is a no construction zone on the easement side of the lot; there is to be no roof overhang nor footings in this area.

**RIVER MARSH LANE (SEE GRAPHICS ALSO) (UNDEVELOPED LANDS)**

Lot	Front	Side	Rear
41	100	15	See Graphics
42-44	50	15	50
45	50	15	See Graphics
46	50	15	50
47	50	15	See Graphics
48-55	50	15	50
56	50	15	See Graphics
57	25 (lot 58)	15 (lot 56) See Graphics	50
58-59	See Graphics	See Graphics	See Graphics
60	80	15 (lot 59, See Graphics) 25 (lots 62, 61)	See Graphics
61	50 (River Marsh)	50 (New Settlement)	25 (lot 60)
80	25	25 (lot 60) 15 (lot 81) 20 (wetland)	30
81	25	15	30
82	25	15	30

**ROYAL BEACH DRIVE (DEVELOPED LANDS)**

Lot	Front	Side	Rear
1	25 (Royal Beach)	25 (Flyway) 15 (lot 2)	20 (open space)
2-6	25 (Royal Beach)	15 (lots)	20 (open space)
7	20 (lot 6)	15	See Plat
8	20 (lot 7)	15	See Plat
9	20 (lots 8, 10) 25 (Royal Beach)	15	See Plat

**Staff Review:**

The applicant, Kenneth Wiland representing the property owner Clifton Hunt, is requesting a variance for the reduction of the required rear OCRM Critical Line setback for approximately 110 square feet for a proposed single-family residence located at 16 Rhetts Bluff, Kiawah Island, SC (TMS# 209-11-00-014). The subject property is located within the R-1, Residential Zoning District.

The subject property is approximately 15,676 square feet (0.36 acres) in size, containing approximately 11,962 square feet (0.28 acres) of high ground and approximately 3,714 square feet (0.08 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 Rhetts Bluff 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 20' front yard setback, a 15' side yard setback and a 30' rear OCRM critical line yard setback with an allowed maximum lot coverage of 40% for the subject property. Per Charleston County Records, the property was acquired by Clifton Hunt on January 13, 2023.

The applicant's proposed plans include a new single-family residence with an elevated pool and raised planters located in the rear of the property. The proposed lot coverage is 40.65%.

The Town of Kiawah Island Land Use Planning Zoning Ordinance pursuant to Sec. 12-63 – Description of zoning districts and regulations grants an allowable increase in lot coverage up to 15 percent of the 40 percent maximum allowed lot coverage if the items qualify. The applicant's plans include 4,770 square feet (39.87%) of primary lot coverage including the building footprint and driveway. The applicant's plans also include 93 square feet (0.77%) of pervious material including pervious deck located at the rear of the property and a pervious walkway at the entrance of the single-family home.

The applicant has been submitted to the Kiawah Island Architectural Review Board (KIARB) for review. The proposed project received KIARB conceptual approval on March 20, 2024 for encroachment into the rear setback. The KIARB granted conceptual approval stating, *"The design of your home is approved to continue to Preliminary submittal."*

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."*

The applicant's proposed plans include a pool and raised planters located in the rear of the property. The proposed raised planters encroach into the required rear setback by approximately 2 feet 2 inches and is raised approximately 8 feet 6 inches above slab

grade. The raised pool located between the two raised planters encroaches into the rear setback by approximately 3 feet 2 inches and is approximately 10 feet above slab grade.

Please see the attachments for further information regarding this request. A site visit was conducted on June 28, 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 existing trees on the subject property including a grand tree (40" live oak) along the front setback line. Per the applicant's letter of intent, "There is a 40" grand live oak tree located along the front setback line with a significant canopy that extends into the buildable area. Furthermore, the lot size (11,962 SF or 0.275 acres) and buildable area (5,612 SF or 0.139 acres) are small comparatively speaking and offer little alternates in terms of house placement and/or design.**

§ 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 Rhett's Bluff 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. Properties in the vicinity are developed, where this property is undeveloped. Per the applicant's letter of intent, "The degree of canopy encroachment of the 40" grand live oak tree into the buildable area of the property is not a condition that generally applies to other properties in the area."**

§ 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 unreasonably restrict the utilization of the property as the subject property is undeveloped. Per the applicant's letter of intent, *"Given the size of the property and buildable area, the degree of canopy encroachment into the buildable area made it unreasonably restrictive to design a four bedroom home with a rear deck, screened porch, and pool on this property without some type of variance request. The degree of the setback variance being requested, limited to 110SF and an encroachment no greater than 3'-3", was my best effort to design a home that preserves the 40" grand live oak while minimizing the amount of setback encroachment needed."*

§ 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 additions encroach minimally into the required rear setback. The applicant is also saving a large grand oak tree by pushing the home farther back into the lot. Per the applicant's letter of intent, *"There will not be a substantial detriment to any adjacent properties or to the public good, and the character of the zoning district will not be harmed should the BZA grant this variance. Efforts were made to minimize the degree of setback encroachment and limit it to the center rear of the property. A valid argument can be made that the preservation of the 40" grand live oak tree at the front of the property, which a rear setback variance will allow, would actually be of substantial benefit to the public good and character of the neighborhood."***

§ 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.**

§ 12-163.(4)f:

*The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;*

**Staff Response:**

**The BZA may not consider profitability when considering this variance request. Per the applicant's letter of intent, *"The owners are not requesting this variance as a means for profit. They purchased the lot hoping to build a home they and their***

***family can enjoy. The screened porch, elevated deck, and elevated pool off the rear of the home are important elements of the design to the owners given the property's proximity to the salt marsh behind the lot."***

§ 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 owners did create the specific site conditions driving the need for this setback variance. To the contrary, their willingness to build a home in which the design responds to the specific site conditions is worth noting."**

§ 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.**

§ 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. Even though single family residential developments are not subject to the landscape and tree preservation ordinance, the proposed plans to preserve the significant live oak along the front setback is consistent with the purposes of the ordinance.**

**Board of Zoning Appeals' Action:**

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000011 (Variance request for the reduction of the required rear OCRM Critical Line setback for approximately 110 square feet for a proposed single family residence located at 16 Rhetts Bluff, Kiawah Island, SC). 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 obtain an as built survey post construction to verify all encroachments match the proposed plans.**

# Town of Kiawah Island Board of Zoning Appeals

JULY 15, 2024



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

1

## **CASE# BZA24-000011**

**Applicant/Property Owner:** Clifton Hunt

**Representative:** Kenneth Wiland

**Property Location:** 16 Rhetts Bluff

**TMS#:** 209-11-00-014

**Zoning District:** R-1, Residential Zoning District

**Lot Size:** Total: 15,676 sqft (0.36 acres)  
Highlands: 11,962 sqft (0.28 acres)  
Marsh 3,714 sqft (.08 acres)

**Request:** Variance request for the reduction of the required rear OCRM Critical Line setback for approximately 110 square feet for a proposed single family residence.

2

**CASE# BZA24-000011**

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

**Required setbacks: 20' (Rhett's Bluff); 15' (Side); Left-10' Right-20' (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 Rear Setback as, "the setback measured from the rear lot line."**

3



4

**BZ A24-000011**  
 PID: 2091100014  
 OWNER: HUNT CLIFTON  
 PLAT BOOK PAGE: CD-115  
 DEED BOOK PAGE: 1161-449  
 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 NORTH CAROLINA  
 Author: Charleston County SC  
 Date: 7/10/2014

5



6

Case # BZA24-000011  
BZA Meeting of July 15, 2024  
Subject Property: 39 Burroughs Hall- Kiawah Island

Variance request for the reduction of the required rear OCRM Critical Line setback for approximately 110 square feet for a proposed single family residence



7

### Property Front



8

### Adjacent Properties



### Adjacent Properties



### Subject Property



11

### Subject Property

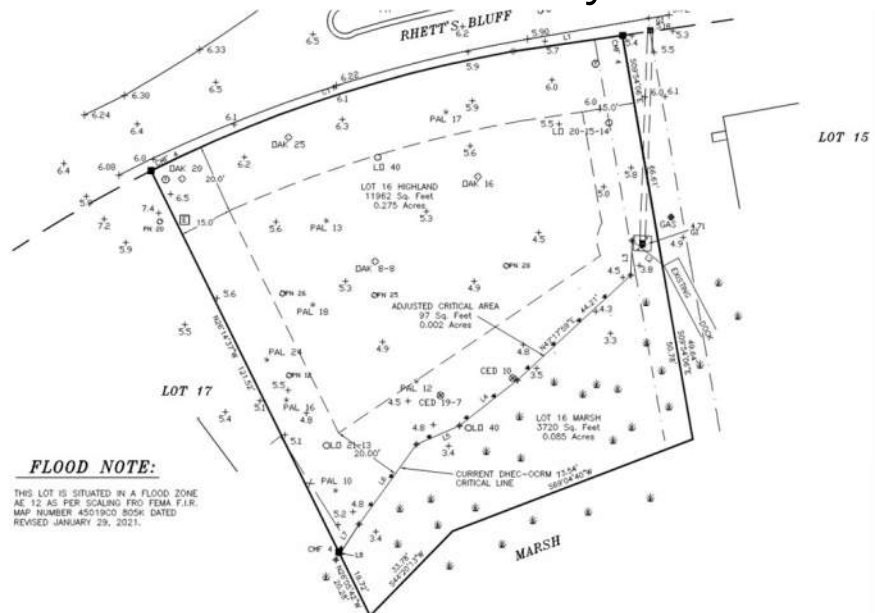


12

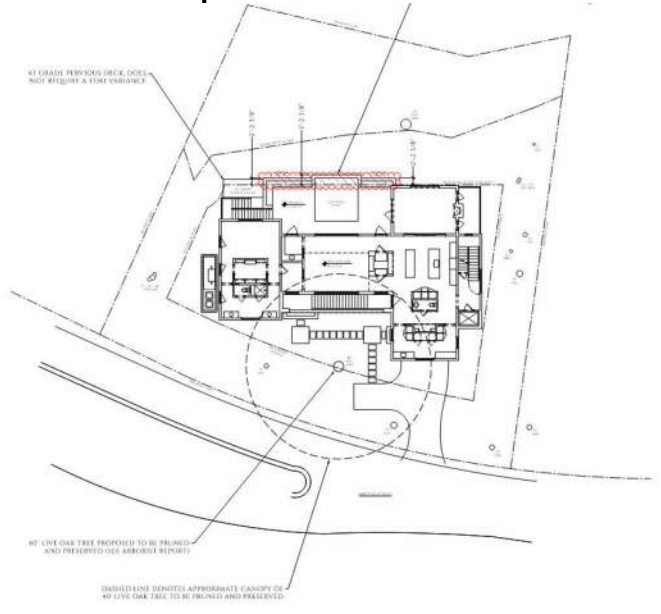
# Property Rear



# Current Survey



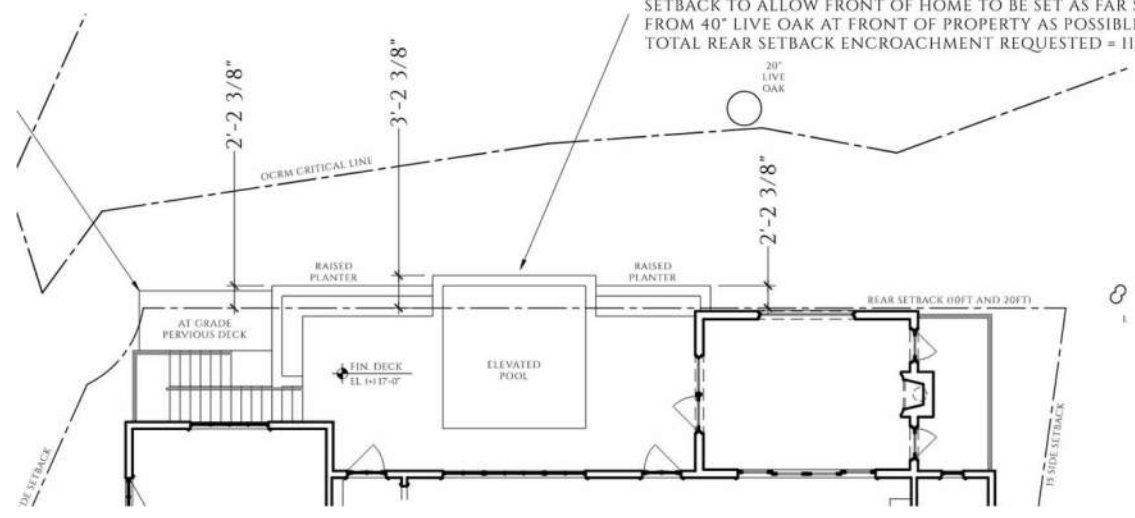
### Proposed Site Plan



15

### Proposed Site Plan

VARIANCE REQUESTED TO ALLOW ELEVATED POOL (EL. 17'-0") AND (2) RAISED PLANTERS (EL. 15'-6") TO ENCROACH OVER REAR SETBACK TO ALLOW FRONT OF HOME TO BE SET AS FAR SOUTH FROM 40" LIVE OAK AT FRONT OF PROPERTY AS POSSIBLE. TOTAL REAR SETBACK ENCROACHMENT REQUESTED = 110SF.



16

## 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;

17

## 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.

18

## Board of Zoning Appeals Action

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000011 (Variance request for the reduction of the required 25' front setback by approximately 27 square feet, the 15' side setback by approximately 102 square feet, and 30' rear OCRM Critical Line setback by approximately 60 square feet for a total encroachment of approximately 189 square feet for a proposed single family residence) based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

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

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

- 1. The applicant shall obtain an as built survey post construction to verify all encroachments match the proposed plans.**

K E N N E T H W I L A N D  
A R C H I T E C T

June 07, 2024

Town of Kiawah Island, Board of Zoning Appeals  
Kiawah Island Municipal Center  
4475 Betsy Kerrison Parkway  
Kiawah Island, SC 29455

Re: Letter of Intent, 16 Rhetts Bluffs Road

To Whom It May Concern,

This letter is written on behalf of Cliff and Louise Hunt who own 16 Rhetts Bluff Road, an undeveloped lot on Kiawah Island, and would like to build a new home on the property. We are asking for a rear setback encroachment variance as described below.

Summary

There is a 40” grand live oak in the front yard of the property with a significant canopy that extends into buildable area. The lot is relatively small at 11,962 SF (0.275 acres) with a buildable area of 5,612 SF (0.139 acres).

The design for a new home on this property was driven by a desire to preserve the 40” grand live oak tree and has been approved at the Conceptual Review level by the Kiawah Island Architectural Review Board (ARB), including the variance we are now seeking with the Town of Kiawah Island for an elevated pool and (2) raised planters to encroach over the rear setback line up to 3’-3”. The elevated pool and raised planters are proposed to be located in the center of the rear of the property so as to mitigate the impact of a setback encroachment upon either side neighbor, which was suggested by Jen Hayes of the ARB, and the overall encroachment totals 110SF.

The footprint of the proposed home was located as far south (away from) the grand live oak tree as possible, and the massing of the home, with a one-story center wing flanked by two-story wings on either side, was designed to mitigate the impact to the tree to the greatest extent possible. Laster, a letter from a certified arborist recommending how this tree can be pruned and preserved throughout the construction process is attached.

Approval Criteria

*A. There are extraordinary and exceptional conditions pertaining to the particular piece of property.*

There is a 40” grand live oak tree located along the front setback line with a significant canopy that extends into the buildable area. Furthermore, the lot size (11,962 SF or 0.275 acres) and buildable area (5,612 SF or 0.139 acres) are small comparatively speaking and offer little alternates in terms of house placement and/or design.

*B. These conditions do not generally apply to other property in the area.*

The degree of canopy encroachment of the 40” grand live oak tree into the buildable area of the property is not a condition that generally applies to other properties in the area.

*C. Because of these conditions, the applicant of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

K E N N E T H W I L A N D

A R C H I T E C T

Given the size of the property and buildable area, the degree of canopy encroachment into the buildable area made it unreasonably restrictive to design a four bedroom home with a rear deck, screened porch, and pool on this property without some type of variance request. The degree of the setback variance being requested, limited to 110SF and an encroachment no greater than 3'-3", was my best effort to design a home that preserves the 40" grand live oak while minimizing the amount of setback encroachment needed.

*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.*

There will not be a substantial detriment to any adjacent properties or to the public good, and the character of the zoning district will not be harmed should the BZA grant this variance. Efforts were made to minimize the degree of setback encroachment and limit it to the center rear of the property. A valid argument can be made that the preservation of the 40" grand live oak tree at the front of the property, which a rear setback variance will allow, would actually be of substantial benefit to the public good and character of the neighborhood.

*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 non-conforming use of land, or to change the zoning district boundaries shown on the official zoning map.*

The setback variance being requested does not, to my knowledge, do any of the above.

*F. The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.*

The owners are not requesting this variance as a means for profit. They purchased the lot hoping to build a home they and their family can enjoy. The screened porch, elevated deck, and elevated pool off the rear of the home are important elements of the design to the owners given the property's proximity to the salt marsh behind the lot.

*G. The need for the variance shall not be the result of the applicant's own actions.*

The owners did create the specific site conditions driving the need for this setback variance. To the contrary, their willingness to build a home in which the design responds to the specific site conditions is worth noting.

*H. Granting the variance shall not be contrary to the public or neighborhood interest nor will not adversely affect the other property in the vicinity, nor interfere with the harmony, spirit, intent and purpose of these regulations.*

The setback variance being requested does not, to my knowledge, do any of the above.

*I. Granting of the variance does not substantially conflict with the Comprehensive Plan or the purpose of this Ordinance.*

The setback variance being requested does not, to my knowledge, do the above.

Summary

We appreciate your consideration of this variance request and review of the design proposal put forth.

Sincerely,

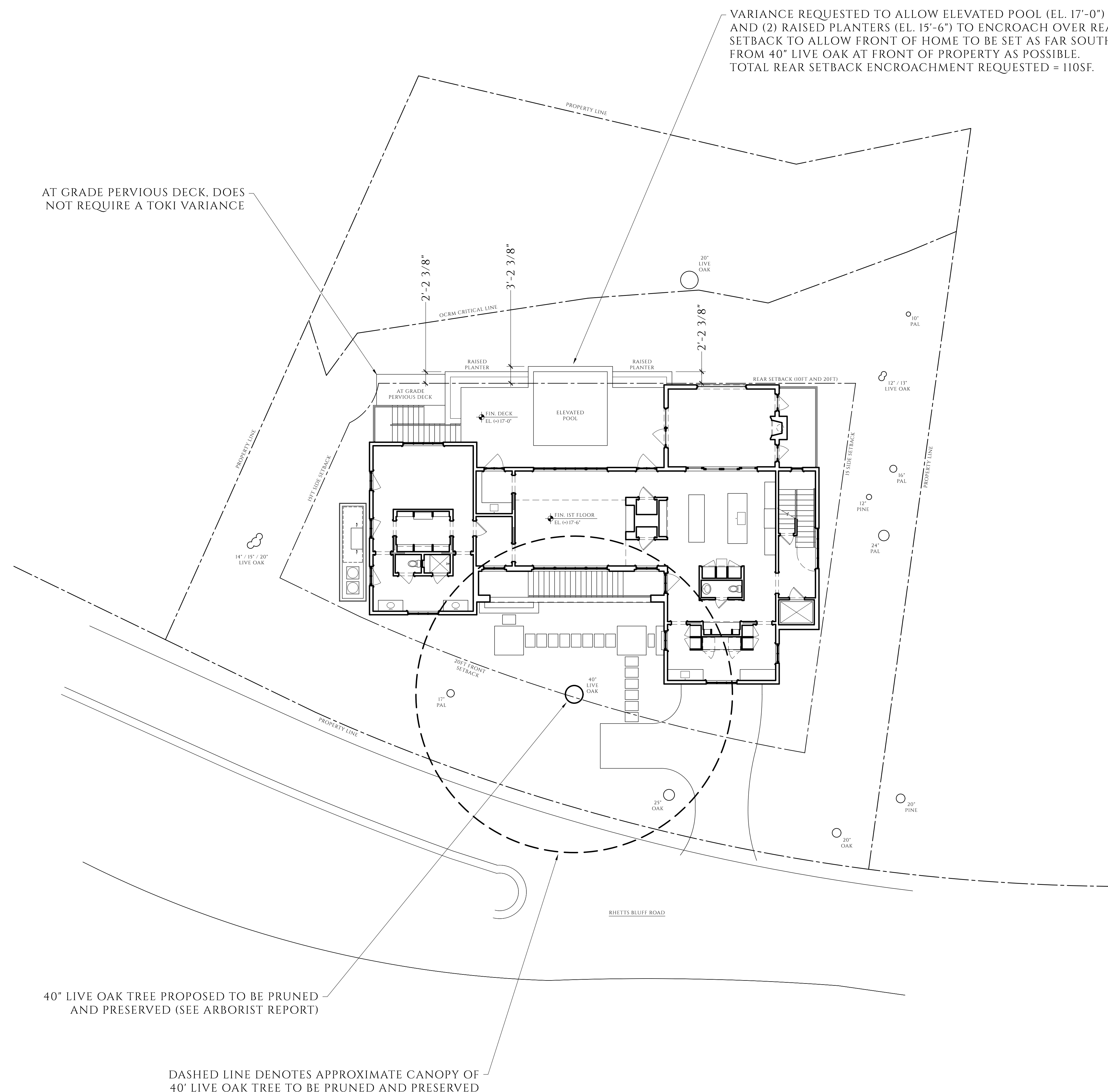
Kenneth Wiland  
Kenneth Wiland Architect, LLC

16 RHETT'S BLUFF ROAD

JOHNS ISLAND, SOUTH CAROLINA 29455

FOR REVIEW
JUNE 07, 2024

SITE PLAN  
**A1.0**



1 SITE PLAN  
A1.0 SCALE: 1" = 10'-0"

**Permit Application: Restrictive Covenants Affidavit**

**Town of Kiawah Island**

Submit applications via email to  
jtaylor@kiawahisland.org or  
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, KENNETH WILAND, have reviewed the restrictive covenants  
[Print Name] (ARCHITECT)  
applicable to Parcel Identification Number(s) 209-11-00-014, located  
at (address) 16 RHETTS BLUFF, and the proposed permit application is not  
ROAD KIAWAH ISLAND SC 29455  
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.

KENNETH WILAND (ARCHITECT)  
[Print Name]  
[Signature] [Date] 6.6.2024

**Explanation:**

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

[Section 6-29-1145 is copied on the back of this page].

**FOR STAFF USE ONLY**

[Received By]	[Date]	[Application #]
---------------	--------	-----------------

**Submit Form**



WITNESS my hand and seal this 13<sup>th</sup> day of January, 2023.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

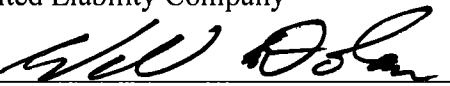


Witness #1



Witness #2

16 Rhett's Bluff LLC, a South Carolina  
Limited Liability Company

By: 

William C. Dolan

Its: Sole Member

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

The foregoing instrument was acknowledged before me by 16 Rhett's Bluff LLC, a South Carolina Limited Liability Company, by William C. Dolan, its Sole Member, this 13<sup>th</sup> day of January, 2023.



(SEAL)

Notary Public for SOUTH CAROLINA  
My commission expires: 10-18-22

**SABRINA C. LORSON**  
Notary Public - State of South Carolina  
My Commission Expires  
October 18, 2022

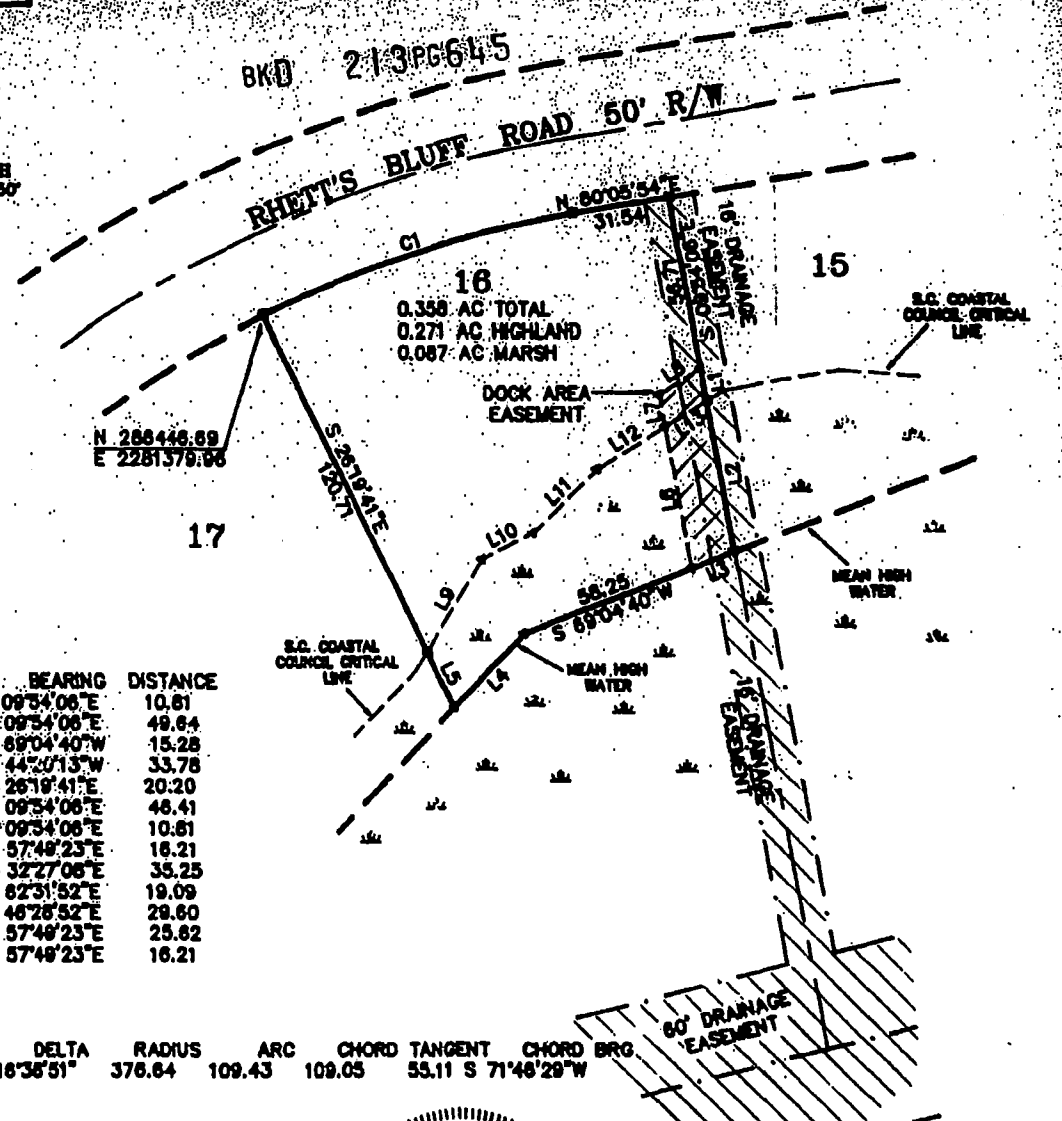
**EXHIBIT A**

All that certain piece, parcel or lot of land situate, lying and being on Kiawah Island, Charleston County, South Carolina, known and designated as Lot Number 16 Rhetts Bluff on a plat entitled "A FINAL PLAT OF RHETT'S BLUFF SUBDIVISION 424 TRACT 26 PHASE I LOTS 7-40 OWNED BY KIAWAH RESORT ASSOCIATES LOCATED IN THE TOWN OF KIAWAH ISLAND CHARLESTON COUNTY, SOUTH CAROLINA" prepared by Southeastern Surveying, Inc. dated April 10, 1991, and having latest revision date of June 10, 1991, and recorded in Plat Book CD, at Page 117 in the RMC office for Charleston County, South Carolina, said lot having such size, shape, location, butts, bounds, courses and distances as will by reference to said plat more fully appear, (the "Property").

TOGETHER with a non-exclusive, appurtenant, perpetual, permanent and assignable commercial easement extending over, upon and across the portion of Lot 15, Rhetts Bluff Subdivision, which adjoins the Property, designated as the "Dock Easement Area", and shown on Exhibit "A" attached to that certain deed of conveyance from Kiawah Resort Associates (a South Carolina Joint Venture) to John F. Kinney and Sylvia A. Kinney, recorded April 27, 1992 in Book D213, page 637, in the Charleston County RMC Office, which said easement is for pedestrian access to and from the Property and any dock constructed and/or used jointly by the Grantee herein and the owner(s) of said adjoining Lot 15. The easement granted herein is for the benefit of the Grantee, their heirs and assigns, guests and invitees, and shall be and is hereby deemed to be integral to, inhering in and essential to Grantee's commercial purposes in connection with the Property and shall with the title to the above property.

Reserving unto Kiawah Resort Associates, its successors and assigns, a non-exclusive, appurtenant, perpetual, permanent and assignable commercial easement extending over, upon and across the portion of the Property designated as the "Dock Easement Area", and shown on an Exhibit "B" attached hereto and hereto made a part hereof by reference, which said easement is for pedestrian access to and from the said adjoining Lot 15, Rhetts Bluff Subdivision and any dock constructed and/or used jointly by the Grantee herein to the owner(s) of the adjoining Lot 15. The easement herein reserved is for the benefit of Kiawah Resort Associates, its successors and assigns; guests and invitees and shall be and is hereby deemed to be integral to, inhering in and essential to Kiawah Resort Associate's commercial purposes in connection with the said adjoining Lot 15, and shall run with the title to the said adjoining Lot 15.

Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.



LINE	BEARING	DISTANCE
1	S 09°34'06" E	10.61
2	S 09°34'06" E	49.64
3	S 69°04'40" W	15.28
4	S 44°27'13" W	33.78
5	S 26°19'41" E	20.20
6	S 09°34'06" E	46.41
7	S 09°34'06" E	10.61
8	N 57°49'23" E	16.21
9	N 32°27'06" E	35.25
10	N 62°31'52" E	19.09
11	N 46°28'52" E	29.60
12	N 57°49'23" E	25.62
13	N 57°49'23" E	16.21

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
1	18°36'51"	376.64	109.43	109.05	55.11 S 71°48'29" W	

REFERENCE:  
PLAT BK. 82, PG. 135

**LEGEND**  
 □ CONCRETE MONUMENT  
 △ MEANDER POINT, NO CORNER SET



DATE: OCT. 17, 1990 SCALE: 1"=60'

I HEREBY CERTIFY THAT THE MEASUREMENTS AS SHOWN ABOVE ARE CORRECT AND THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

MARK S. BUSEY S.C. REG. NO. 10032

**A PLAT OF  
 LOT 16 - PHASE I  
 SUBDIVISION 424  
 LOCATED IN THE TOWN OF KIAWAH ISLAND,  
 CHARLESTON COUNTY, SOUTH CAROLINA**

**Southeastern Surveying, Inc.**  
 147 Wiggins Creek Drive - Suite 202  
 Charleston, South Carolina 29412  
 (803) 756-5889

**AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS**

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

- 1. I have read the information on this Affidavit and I understand such information.
- 2. The property being transferred is located at 16 Rhetts Bluff Road, Kiawah Island, SC 29455 bearing Charleston County Tax Map Number 209-11-00-014, was transferred by **16 Rhetts Bluff LLC** to **Clifton Hunt** on January 24, 2023.
- 3. Check one of the following: The deed is
  - (a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b) \_\_\_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
  - (c) \_\_\_\_\_ exempt from the deed recording fee because (See Information section of affidavit): \_\_\_\_\_ ( If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes \_\_\_\_\_ or No \_\_\_\_\_

- 4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):
  - (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$1,400,000.00
  - (b) \_\_\_\_\_ The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_.
  - (c) \_\_\_\_\_ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_

5. Check YES \_\_\_\_\_ or NO X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.) If "Yes," the amount of the outstanding balance of this lien or encumbrance is: \_\_\_\_\_.

- 6. The deed recording fee is computed as follows:
  - (a) Place the amount listed in item 4 above here: 1,400,000.00
  - (b) Place the amount listed in item 5 above here: \_\_\_\_\_  
(If no amount is listed, place zero here.)
  - (c) Subtract line 6(b) from Line 6(a) and place result here: 1,400,000.00

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as : Legal Representative

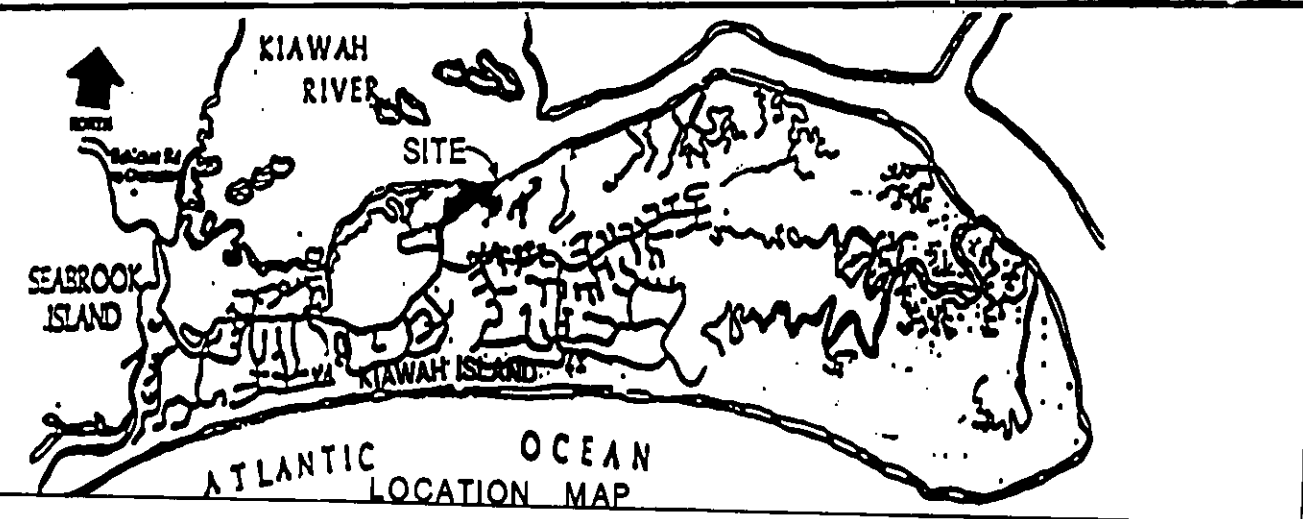
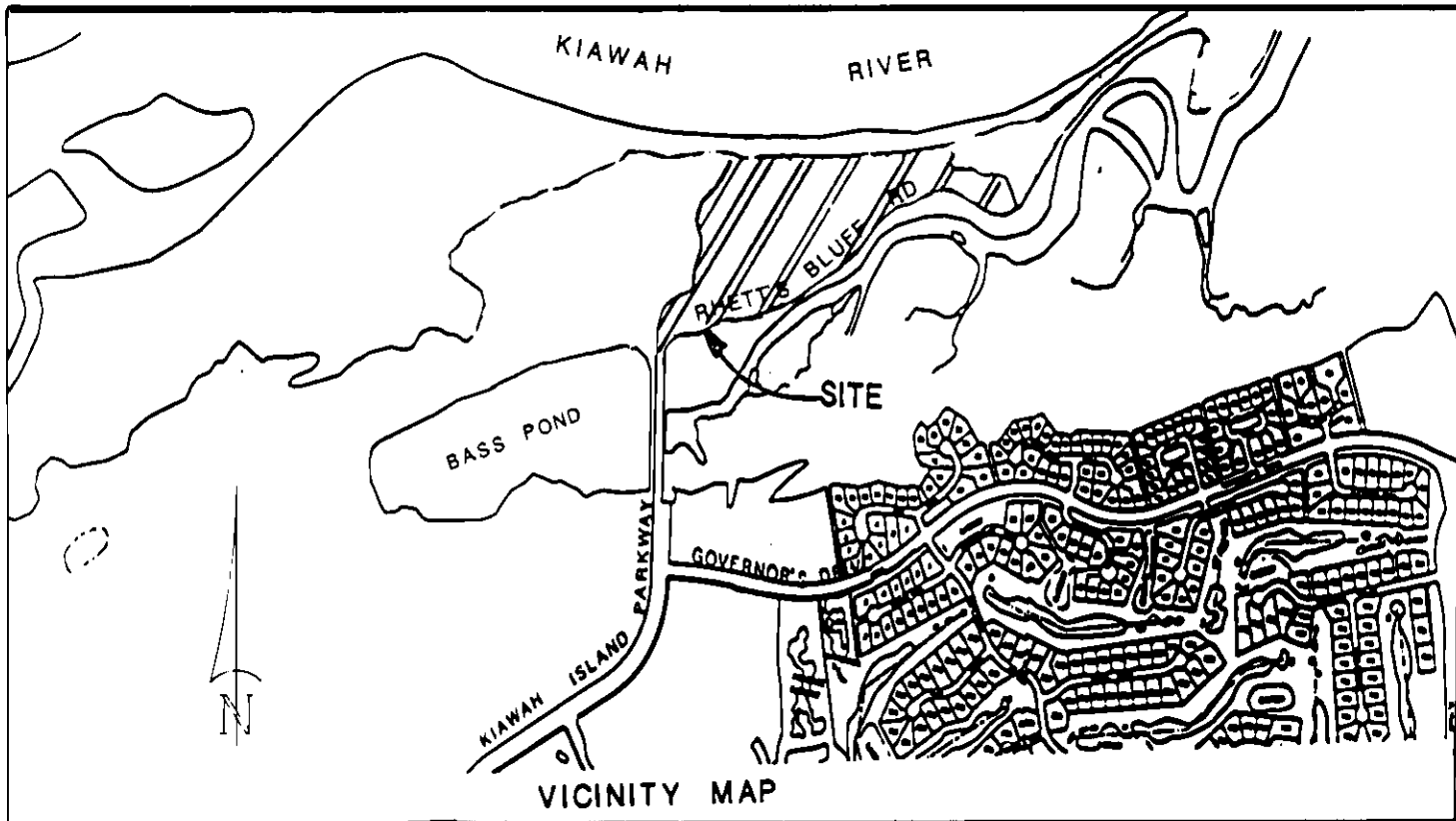
8. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

\_\_\_\_\_  
BUIST BYARS & TAYLOR, LLC

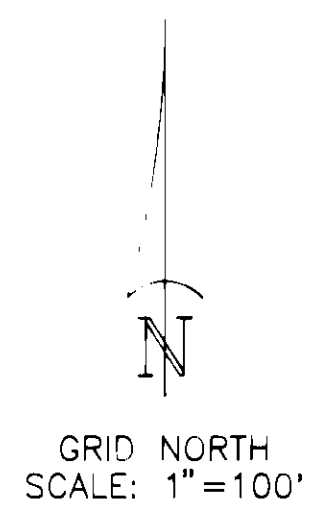
Sworn to before me this 24<sup>th</sup> day of January, 2023.

S. Lorson  
Notary Public for South Carolina  
My Commission Expires: 10.18.22

**SABRINA C. LORSON**  
Notary Public - State of South Carolina  
My Commission Expires  
October 18, 2032

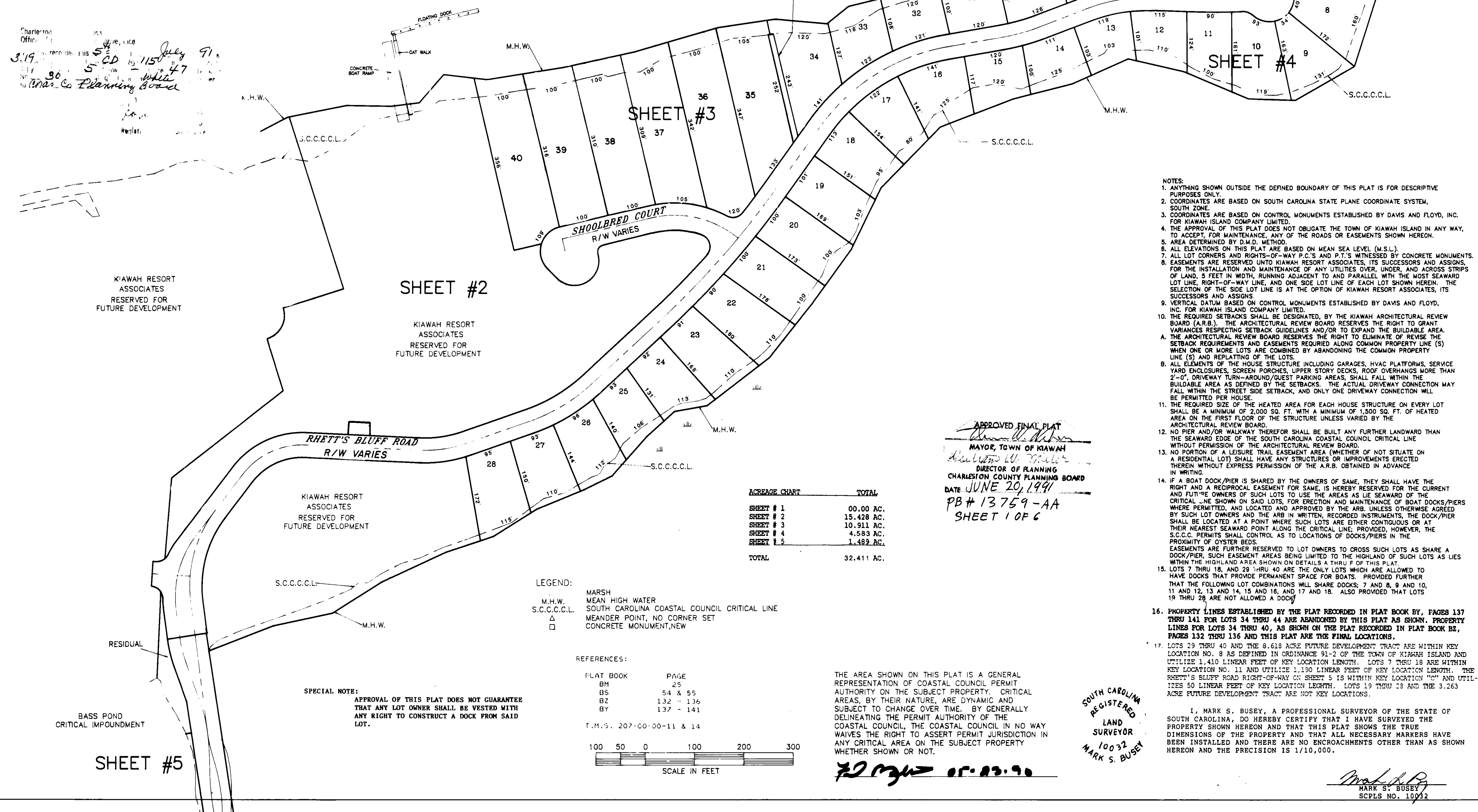


BKE 204PG269



KIAWAH RESORT ASSOCIATES RESERVED FOR FUTURE DEVELOPMENT

Charleston Office  
 3.19.90  
 5 CD  
 115  
 July 91  
 47  
 Planning Board



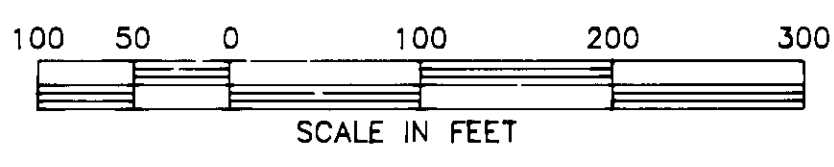
- NOTES:
1. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
  2. COORDINATES ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.
  3. COORDINATES ARE BASED ON CONTROL MONUMENTS ESTABLISHED BY DAMS AND FLOYD, INC. FOR KIAWAH ISLAND COMPANY LIMITED.
  4. THE APPROVAL OF THIS PLAT DOES NOT OBLIGATE THE TOWN OF KIAWAH ISLAND IN ANY WAY, TO ACCEPT, FOR MAINTENANCE, ANY OF THE ROADS OR EASEMENTS SHOWN HEREON.
  5. AREA DETERMINED BY D.M.D. METHOD.
  6. ALL ELEVATIONS ON THIS PLAT ARE BASED ON MEAN SEA LEVEL (M.S.L.).
  7. ALL LOT CORNERS AND RIGHTS-OF-WAY P.C.'S AND P.T.'S WITNESSED BY CONCRETE MONUMENTS.
  8. EASEMENTS ARE RESERVED UNTO KIAWAH RESORT ASSOCIATES, ITS SUCCESSORS AND ASSIGNS, FOR THE INSTALLATION AND MAINTENANCE OF ANY UTILITIES OVER, UNDER, AND ACROSS STRIPS OF LAND, 5 FEET IN WIDTH, RUNNING ADJACENT TO AND PARALLEL WITH THE MOST SEAWARD LOT LINE, RIGHT-OF-WAY LINE, AND ONE SIDE LOT LINE OF EACH LOT SHOWN HEREIN. THE SELECTION OF THE SIDE LOT LINE IS AT THE OPTION OF KIAWAH RESORT ASSOCIATES, ITS SUCCESSORS AND ASSIGNS.
  9. VERTICAL DATUM BASED ON CONTROL MONUMENTS ESTABLISHED BY DAMS AND FLOYD, INC. FOR KIAWAH ISLAND COMPANY LIMITED.
  10. THE REQUIRED SETBACKS SHALL BE DESIGNATED, BY THE KIAWAH ARCHITECTURAL REVIEW BOARD (A.R.B.). THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE BUILDABLE AREA.
  11. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO ELIMINATE OR REVISE THE SETBACK REQUIREMENTS AND EASEMENTS REQUIRED ALONG COMMON PROPERTY LINE (S) WHEN ONE OR MORE LOTS ARE COMBINED BY ABANDONING THE COMMON PROPERTY LINE (S) AND REPLATTING OF THE LOTS.
  12. ALL ELEMENTS OF THE HOUSE STRUCTURE INCLUDING GARAGES, HVAC PLATFORMS, SERVICE YARD ENCLOSURES, SCREEN PORCHES, UPPER STORY DECKS, ROOF OVERHANGS MORE THAN 2'-0", DRIVEWAY TURN-AROUND/GUEST PARKING AREAS, SHALL FALL WITHIN THE BUILDABLE AREA AS DEFINED BY THE SETBACKS. THE ACTUAL DRIVEWAY CONNECTION MAY FALL WITHIN THE STREET SIDE SETBACK, AND ONLY ONE DRIVEWAY CONNECTION WILL BE PERMITTED PER HOUSE.
  13. THE REQUIRED SIZE OF THE HEATED AREA FOR EACH HOUSE STRUCTURE ON EVERY LOT SHALL BE A MINIMUM OF 2,000 SQ. FT. WITH A MINIMUM OF 1,500 SQ. FT. OF HEATED AREA ON THE FIRST FLOOR OF THE STRUCTURE UNLESS VARIED BY THE ARCHITECTURAL REVIEW BOARD.
  14. NO PIER AND/OR WALKWAY THEREFOR SHALL BE BUILT ANY FURTHER LANDWARD THAN THE SEAWARD EDGE OF THE SOUTH CAROLINA COASTAL COUNCIL CRITICAL LINE WITHOUT PERMISSION OF THE ARCHITECTURAL REVIEW BOARD.
  15. NO PORTION OF A LEISURE TRAIL EASEMENT AREA (WHETHER OF NOT SITUATE ON A RESIDENTIAL LOT) SHALL HAVE ANY STRUCTURES OR IMPROVEMENTS ERECTED THEREIN WITHOUT EXPRESS PERMISSION OF THE A.R.B. OBTAINED IN ADVANCE IN WRITING.
  16. IF A BOAT DOCK/PIER IS SHARED BY THE OWNERS OF SAME, THEY SHALL HAVE THE RIGHT AND A RECIPROCAL EASEMENT FOR SAME, IS HEREBY RESERVED FOR THE CURRENT AND FUTURE OWNERS OF SUCH LOTS TO USE THE AREAS AS LIE SEAWARD OF THE CRITICAL LINE SHOWN ON SAID LOTS, FOR ERECTION AND MAINTENANCE OF BOAT DOCKS/PIERS WHERE PERMITTED, AND LOCATED AND APPROVED BY THE A.R.B. UNLESS OTHERWISE AGREED BY SUCH LOT OWNERS AND THE A.R.B. IN WRITING, RECORDED INSTRUMENTS, THE DOCK/PIER SHALL BE LOCATED AT A POINT WHERE SUCH LOTS ARE EITHER CONTIGUOUS OR AT THEIR NEAREST SEAWARD POINT ALONG THE CRITICAL LINE; PROVIDED, HOWEVER, THE S.C.C.C.C.L. PERMITS SHALL CONTROL AS TO LOCATIONS OF DOCKS/PIERS IN THE PROXIMITY OF OYSTER BEDS.
  17. EASEMENTS ARE FURTHER RESERVED TO LOT OWNERS TO CROSS SUCH LOTS AS SHARE A DOCK/PIER, SUCH EASEMENT AREAS BEING LIMITED TO THE HIGHLAND OF SUCH LOTS AS LIES WITHIN THE HIGHLAND AREA SHOWN ON DETAILS A THRU F OF THIS PLAT.
  18. LOTS 7 THRU 18, AND 29 THRU 40 ARE THE ONLY LOTS WHICH ARE ALLOWED TO HAVE DOCKS THAT PROVIDE PERMANENT SPACE FOR BOATS. PROVIDED FURTHER THAT THE FOLLOWING LOT COMBINATIONS WILL SHARE DOCKS: 7 AND 8, 9 AND 10, 11 AND 12, 13 AND 14, 15 AND 16, AND 17 AND 18. ALSO PROVIDED THAT LOTS 19 THRU 28 ARE NOT ALLOWED A DOCK.
  19. PROPERTY LINES ESTABLISHED BY THE PLAT RECORDED IN PLAT BOOK BY, PAGES 137 THRU 141 FOR LOTS 34 THRU 44 ARE ABANDONED BY THIS PLAT AS SHOWN. PROPERTY LINES FOR LOTS 34 THRU 40, AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK B2, PAGES 132 THRU 136 AND THIS PLAT ARE THE FINAL LOCATIONS.
  20. LOTS 29 THRU 40 AND THE 8.618 ACRE FUTURE DEVELOPMENT TRACT ARE WITHIN KEY LOCATION NO. 8 AS DEFINED IN ORDINANCE 91-2 OF THE TOWN OF KIAWAH ISLAND AND UTILIZE 1,410 LINEAR FEET OF KEY LOCATION LENGTH. LOTS 7 THRU 18 ARE WITHIN KEY LOCATION NO. 11 AND UTILIZE 1,190 LINEAR FEET OF KEY LOCATION LENGTH. THE RHETT'S BLUFF ROAD RIGHT-OF-WAY ON SHEET 5 IS WITHIN KEY LOCATION "11" AND UTILIZES 50 LINEAR FEET OF KEY LOCATION LENGTH. LOTS 19 THRU 28 AND THE 3.263 ACRE FUTURE DEVELOPMENT TRACT ARE NOT KEY LOCATIONS.

APPROVED FINAL PLAT  
 Mayor, TOWN OF KIAWAH  
 DIRECTOR OF PLANNING  
 CHARLESTON COUNTY PLANNING BOARD  
 DATE JUNE 20, 1991  
 PB # 13759-AA  
 SHEET 1 OF 6

SHEET #	ACREAGE	TOTAL
SHEET # 1	00.00 AC.	
SHEET # 2	15.428 AC.	
SHEET # 3	10.911 AC.	
SHEET # 4	4.583 AC.	
SHEET # 5	1.489 AC.	
<b>TOTAL</b>		<b>32.411 AC.</b>

LEGEND:  
 MARSH  
 M.H.W. MEAN HIGH WATER  
 S.C.C.C.C.L. SOUTH CAROLINA COASTAL COUNCIL CRITICAL LINE  
 Δ MEANDER POINT, NO CORNER SET  
 □ CONCRETE MONUMENT, NEW

REFERENCES:  
 FLAT BOOK PAGE  
 BH 25  
 BS 54 & 55  
 BZ 132 - 136  
 BY 137 - 141  
 T.M.S. 207-00-00-11 & 14



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

SOUTH CAROLINA REGISTERED LAND SURVEYOR  
 10032  
 MARK S. BUSEY

I, MARK S. BUSEY, A PROFESSIONAL SURVEYOR OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON AND THAT THIS PLAT SHOWS THE TRUE DIMENSIONS OF THE PROPERTY AND THAT ALL NECESSARY MARKERS HAVE BEEN INSTALLED AND THERE ARE NO ENCROACHMENTS OTHER THAN AS SHOWN HEREON AND THE PRECISION IS 1/10,000.

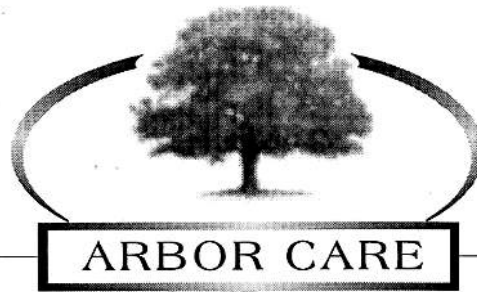
MARK S. BUSEY  
 SCPLS NO. 10032

Southeastern Surveying, Inc.  
 147 Wappoo Creek Drive, Suite 102 • Charleston, South Carolina 29412  
 803-795-9330

A FINAL PLAT OF  
 RHETT'S BLUFF SUBDIVISION ( 424 )  
 TRACT 26, PHASE 1, LOTS 7 THRU 40  
 OWNED BY KIAWAH RESORT ASSOCIATES  
 LOCATED IN THE TOWN OF KIAWAH ISLAND  
 CHARLESTON COUNTY, SOUTH CAROLINA

DATE: 10 APRIL 1991  
 DRAWN: LES  
 CHECK: RAW  
 REV: 8 MAY 1991  
 10 JUNE 1991

FILE: 9275-11  
 DISC:  
 JOB: 89275  
 SHEET 1 OF 6



BRIAN MILLEMAN - 843.729.8358  
DANNY MILLEMAN - 843.834.5999  
SAMMY MILLEMAN - 843.834.5600

I.S.A. CERTIFIED ARBORIST # S.O. - 0226  
I.S.A. CERTIFIED ARBORIST # S.O. - 5307A  
I.S.A. CERTIFIED ARBORIST # S.O. - 5720A

### Arborist Report

**Location:** 16 Rhett's Bluff, Kiawah Island, SC 29455

**3-1-23**

**Regarding:** 40" Live oak, (20", 15", 14") Live oak, 10" Cedar, 19"-7" Cedar

**Assessment/Evaluation:** at 16 Rhett's Bluff on Kiawah Island, the architects are trying to lay out a footprint for a future home. I was asked to evaluate the health of some of the trees and to look at removal of some limbs to help fit the home into the natural landscape of the lot. Below are a list of trees, with comments and recommendations for the trees to maintain their health during and post construction.

#### **40" Live oak NW side of lot:**

The tree is very healthy and has a full canopy. There are multiple leaders throughout the canopy of the tree and the canopy is very wide spreading in nature. This tree takes up the most area on the lot and encompasses much of the buildable area of the lot. There are three phases of limbs that reach towards the south side of the tree and grow towards a pine tree that will need to be removed or pruned back in order to fit a home on the lot. These limbs represent 35-40% of the tree's canopy. I do feel the tree will be fine with their removal, if staged properly in attempt to not stress the tree by removing the limbs all at one time. Below is a picture with descriptions of three phases of pruning.



The general rule of thumb is to not remove more than 30% of the living canopy from a tree at one time. Doing so can result in stressing the tree. When trees become stressed, they are susceptible to ambrosia beetle attacks, which can kill trees.

#### **Phase 1:**

I am recommending removal up to 30% of the canopy now, so the tree can have more time to acclimate to the loss of the limbs, prior to construction. This would include the removal of a double leader growing towards the center of the lot.

I am also recommending fertilization to help in restoring lost stored nutrients and to bolster the roots system prior to construction. As well as spraying the trunk of the oak for ambrosia beetles with insecticide as a preventative measure.

## 10" Cedar, 19"-7" Cedar on S side of lot:

There are two cedars growing close to a grand live oak on the marsh side of the lot. These two trees are encroaching in to the canopy of the grand live oak. The 10" cedar has a curve at the base of the tree and leans towards the marsh. While the larger (19", 7" cedar) has a co-dominant leader with a cavity and has a very large and full canopy. These two trees are seen in the picture below.



This picture shows the live oak in the middle growing out towards the marsh. My recommendation would be to remove these two cedars, as they are encroaching into the grand live oak and causing it to grow towards the marsh. If these two trees were removed, the live oak canopy could potentially fill out some towards the center of the lot. It is also going to be very difficult to prune through these two trees for the desired view from the back of the home to the water.

The picture below shows a cavity at the location of the circle on the picture.

**Phase 2:** This would be done when the lot is being cleared and the site work is being done, approximately 8-10 months in the future. Phase 2 pruning would include the removal of one limb growing towards the southwest side of the lot. This limb is approximately 5% of the tree canopy. This limb is marked on the picture above. The tree should also be sprayed with insecticide for ambrosia beetles and fertilized at this time.

**Phase 3:** This pruning would take place during the framing of the home, if needed. The limb may need to be removed, but designing the home with minimal pruning of the limb would be ideal. In the event this limb does need to be removed, it would compromise another 5% of the tree canopy. This limb is marked on the picture above.

By staging the removal of the limbs, we are allowing the tree more time to acclimate to the loss of roughly 30-40% of the canopy. The projected start time for lot clearing, site work is in the Winter of 2023 to Spring of 2024. If we are allowed to prune the tree now, well in advance of site work and treating as recommended, we give this tree a much higher chance at not stressing during the construction process. This will also allow the tree to be pruned as needed when the home is being framed to make sure there is adequate room from the structure to the tree.

**(20", 15", 14") Live oak on the NE side of the lot:**

This multi-leader oak is very close to the property line and extends slightly towards the center of the lot. The tree is in average condition and does have a couple lower limbs that could be removed. The picture below shows these limbs.



These limbs grow towards the center of the lot and towards the buildable area. This is a marsh front lot and the lot is wider than it is deep.

The removal of these limbs will allow the design of the home to encompass more of the lot and gives the architects more space to design within the buildable area of the lot.

These limbs do not come close to the 30% threshold discussed on the previous tree.

I am recommending that the tree be fertilized as well as sprayed with insecticide as a preventative measure.

With the pruning of the limbs now and recommended treatments, this tree should do well during the construction of the new home.



The picture to the left is of the 19”-7” Cedar. The main stem of the cedar breaks into two larger leaders, which is known as co-dominance. When there is co-dominance in a central leader, the tree can develop structural defects with included bark, or cavities.

This structural defect can allow for decay and fungus to spread internally in the trunk of the tree, allowing for the threat of the tree to break at this weak point in a storm event.


It is my recommendation that this tree be removed from the site due to its structural defects and shading of the grand live oak.

In addition to the removal of the cedars, I am recommending that the grand live oak be fertilized in efforts to help the canopy fill out faster and to prepare the root system for construction.

With the proper pruning, treatments and care during the construction process I feel that the dominant oaks on the property can remain in place and thrive into the future with a new home in place.

Sammy Milleman  
Arbor Care  
I.S.A. Certified Arborist # S. O. 5720A

[www.TheArborCare.com](http://www.TheArborCare.com)

ARBOR CARE  “Serving The Islands For More Than 20 Years”

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P.O. Box 1510, Johns Island, SC 29457  843.768.7229 office  843.768.0960 fax



March 20, 2024

Louise & Cliff Hunt  
4210 Woodmere Cove  
Memphis, TN 38117

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

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

Re: **CONCEPTUAL REVIEW**  
Construction Address: 16 Rhett's Bluff  
ARB Action: Approved

Dear Mrs. and Mr. Hunt,

Thank you for your submittal and presentation to the Kiawah Island Architectural Review Board for Conceptual Review of your home on 16 Rhett's Bluff. The design of your home is approved to continue to the Preliminary submittal. As you move forward, please address the following comments and conditions in keeping with the guidelines:

- L1. Please further study the arrival-sequence from the entry drive and guest parking area to the home's main entrance. Consulting with the Landscape Architect, consider reversing the guest parking and possible slight adjustment to the entry drive location (to the west) without adversely affecting the 40" Oak. As the site is further developed, consider how the home's overall main entrance area presents itself to the street and relates to the 40" Oak.
- L2. Regarding the various certified-arborist's recommendations for existing trees, we will assess these removals, pruning and treatments in the context of the required on-site Preliminary Plan Stake-Out and review.
- L3. Please ensure the ROW grading information is sent to KICA and demonstrates that stormwater conveyance within the KICA easement will not be impeded. Grading information should include spot elevations for the driveway at regular intervals where it meets the property line and the street and at center of paving.
  
- A1. The board members appreciated the responsiveness of the architectural approach to the site and trees, and approved the massing approach and architectural direction.
- A2. Please continue to study the central bay on the front elevation and consider alternative strategies for the large, framed opening, stair and entry sequence.

Thank you again for your submittal to the Kiawah Island Architectural Review Board.  
Please do not hesitate to contact the ARB office if we can be of any assistance during the  
Review Process for your home.

Sincerely,

A handwritten signature in cursive script that reads "Jane Maybank". The signature is written in black ink and is positioned below the word "Sincerely,".

Jane Maybank, Director  
On behalf of the KIARB

cc: Property file, ARB members

encl: Checklist

# Conceptual Review 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** 16 Rhetts Bluff, Kiawah Island, SC 29455

**Owner** Cliff & Louise Hunt  
 Address 4210 Woodmere Cove  
Memphis, TN ZIP 38117  
 Telephone 901.237.5575  
 Email cliffh@standardconstructiongroup.com

**Architect** Kenneth Wiland Architect  
 Address 9 Wesley Drive  
Charleston, SC ZIP 29407  
 Telephone 843.323.5642  
 Email kenneth@kennethwiland.com

**Landscape Architect** Three Oaks  
 Address 5629 Savannah Highway  
Ravenel, SC ZIP 29470  
 Telephone 843.991.1877  
 Email mwilson@threoakscontracting.com

**Contractor** River Creek Construction  
 Address 355 Confederate Circle  
Charleston, SC ZIP 29407  
 Telephone 843.514.6487  
 Email colin@rivercreekconstruction.com

**Does the neighborhood have Supplemental Guidelines?**  Yes, Rhetts Bluff  No  
**Height Restriction:** 40'-0"  Above Base Flood Elevation  Above Grade  
**Lot Coverage Max:** 40.0%  
**Are there any Variance Requests?**  Yes, Form Attached  No  Previously Approved

**Setbacks**

Front 20'-0"  
 Sides 15'-0"  
15'-0"  
 Rear 10'-0" / 20'-0"

**Restrictions**

Min. Sq. Ft Main House \_\_\_\_\_ Ancillary \_\_\_\_\_  
 Max. Sq. Ft Main House \_\_\_\_\_ Ancillary \_\_\_\_\_

**Building Square Footage Calculations**

**Conditioned**

First Floor 2,425 sf  
 Second Floor 2,340 sf  
 Third Floor \_\_\_\_\_  
 Ancillary Structure \_\_\_\_\_

**Total Conditioned** 4,765 sf  
 Additional Screened/Covered 340 sf  
 Garage/Carport \_\_\_\_\_

**Rooms**

Bedrooms 4.0  
 Bathrooms 4.5

**Exterior Materials\*\***

Foundation Tabby Concrete / Wood Boards  
 Siding Cedar Shingle or Clapboard  
 Trim Painted Wood  
 Windows Metal Clad  
 Roofing Aluminum  
 Garage Painted Wood  
 Paved Areas Concrete  
 Other \_\_\_\_\_

**Lot Coverage Calculations**

Building Footprint 3,990 sf  
 Screened/Covered \_\_\_\_\_  
 Open Decking/Stairs \_\_\_\_\_  
 Primary Drives/Walks\* 692 sf  
 Raised Planters \_\_\_\_\_  
 Pool/Spa \_\_\_\_\_  
 HVAC 88 sf

**Total Lot Coverage Sq. Ft** 4,770 sf  
**Highland Area** 11,962 sf  
**Lot Coverage Percentage** 39.88 %  
 Secondary Elements Sq. Ft 93 sf  
 Primary + Secondary Total % 40.65 %

**ARB Action** (see official letter for details)

Approved  
 Interim Submittal Required  
 Disapproved

\* PRIMARY DRIVES AND WALKS INCLUDE PERVIOUS AND IMPERVIOUS MATERIALS.

\*\* BUILDING MATERIALS & FINISHES REQUIRE A COMPLETED ONSITE COLOR REVIEW FORM & ONSITE SAMPLE BOARD FOR FINAL APPROVAL

# 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** 16 Rhett's Bluff, Kiawah Island, SC 29455

**Owner** Cliff & Louise Hunt **Architect** Kenneth Wiland Architect  
 Telephone 901.237.5575 Telephone 843.323.5642  
 Email cliffh@standardconstructiongroup.com Email kenneth@kennethwiland.com  
**Landscape Architect** Three Oaks **Contractor** River Creek Construction  
 Telephone 901.237.5575 Telephone 843.514.6487  
 Email mwilson@threoakscontracting.com Email colin@rivercreekconstruction.com

**Does the neighborhood have Supplemental Guidelines?**  Yes, Rhett's Bluff  No

**Is Regime Approval Needed?**  Yes, Approval Attached  No

**Height Restriction:** 40'-0"  Above Base Flood Elevation  Above Grade

**Lot Coverage Max:** 40.0%

**Setbacks**

Front 20'-0"  
 Sides 15'-0"  
15'-0"  
 Rear 10'-0" / 20'-0"

**Building Sq. Footage Calculations  
 Conditioned**

Building Footprint 3,990 sf  
 First Floor 2,425 sf  
 Second Floor 2,340 sf  
 Third Floor \_\_\_\_\_  
 Ancillary Structure \_\_\_\_\_  
**Total Conditioned** 4,765 sf  
 Screened/Covered 340 sf  
 Garage/Carport \_\_\_\_\_

**Lot Coverage Calculations**

Screened/Covered \_\_\_\_\_  
 Open Decking/Stairs \_\_\_\_\_  
 Primary Drives/Walks\* 692 sf  
 Raised Planters \_\_\_\_\_  
 Pool/Spa \_\_\_\_\_  
 HVAC 88 sf  
**Total Lot Coverage Sq. Ft** 4,770 sf  
**Highland Area** 11,962 sf  
**Lot Coverage %** 39.88 %  
 Secondary Sq. Ft 93 sf  
 Primary + Secondary % 40.65 %

**Restrictions**

Min. Sq. Ft  
 Main House \_\_\_\_\_  
 Ancillary \_\_\_\_\_  
 Max. Sq. Ft  
 Main House \_\_\_\_\_  
 Ancillary \_\_\_\_\_

**Variance Request** \_\_\_\_\_

Elevated swimming pool to encroach over rear setback by up to 3'-7".

Raised planters beside swimming pool to encroach over rear setback by up to 2'-9".

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

Preservation of 40" live oak tree at front of property. Desire to mitigate impact of home on 40" live oak and it's canopy by locating the house as far south as possible. Intentionally located encroachment within center area of lot / rear setback to mitigate impact on neighbors on each side of property.

**ARB ACTION**  Approved  Disapproved **ARB Representative** \_\_\_\_\_

\* PRIMARY DRIVES AND WALKS INCLUDE PERVIOUS AND IMPERVIOUS MATERIALS.

**LEGEND:**

- CMF CONCRETE MONUMENT FOUND 4"
- IS 5/8" RBS (REBAR SET)
- IF (IRON FOUND) SIZE/TYPE NOTED
- △ PK NAIL SET
- ▲ PK NAIL FOUND
- ⊗ WATER VALVE
- ⊗ WATER METER
- ⊠ ELECTRICAL TRANSFORMER
- ⊠ ELECTRICAL BOX
- ⊠ TELEPHONE BOX
- ⊠ SPOT ELEVATION
- ⊠ POWER POLE
- ⊠ SEWER CLEANOUT - SEWER TAP
- LOT LINE
- ⊕ DHEC-OCRM (MARSH GRASS LINE)
- ADJACENT LOT LINE
- X - X - FENCE

**DATUM:**

THE BEARINGS SHOWN HEREON ARE SOUTH CAROLINA GRID NAD 1983 (2011) MODEL.

**NOTES:**

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

THE SURVEY SHOWN HEREON REFLECTS THE ABOVE RECORDED REFERENCES.

BUILDING SETBACKS SHOULD BE VERIFIED BY THE GOVERNING BODY PRIOR TO ANY DESIGN OR CONSTRUCTION. THE SETBACKS SHOWN WERE PROVIDED BY THE TOWN OF KIAWAH ON JANUARY 05, 2023.

**REFERENCE:**

- 1) PLAT BOOK CD AT PAGE 115-116.
- 2) DEED BOOK 0758-101.

**FLOOD NOTE:**

THIS LOT IS SITUATED IN A FLOOD ZONE AE 12 AS PER SCALING FRO FEMA F.I.R. MAP NUMBER 45019C0 805K DATED REVISED JANUARY 29, 2021.

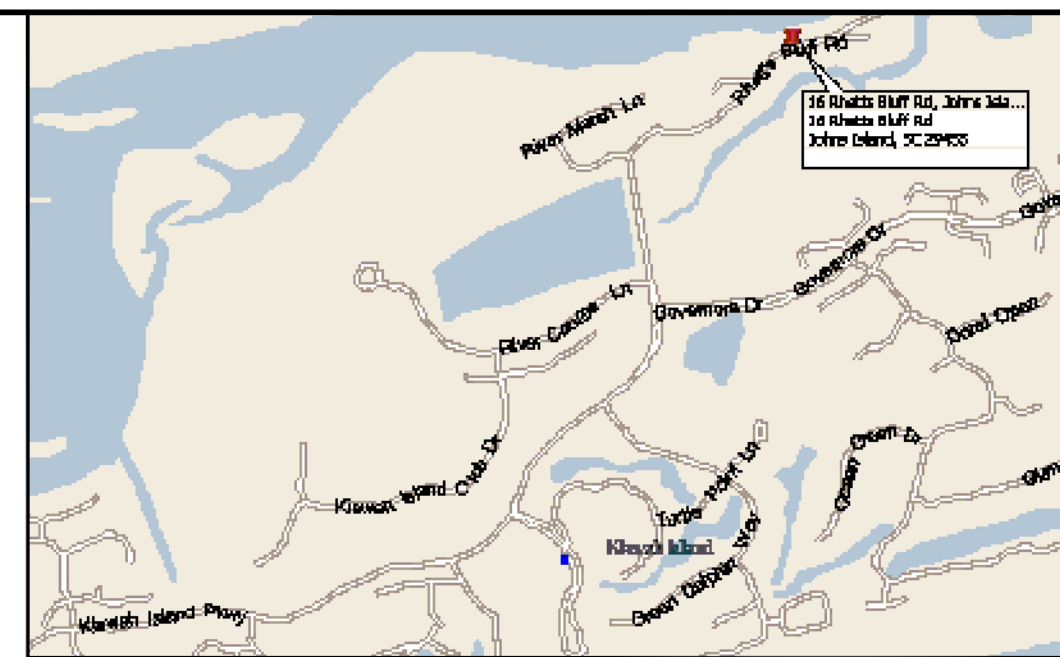
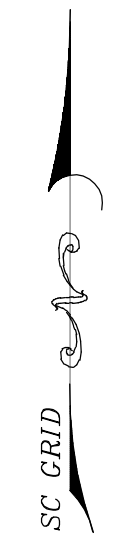
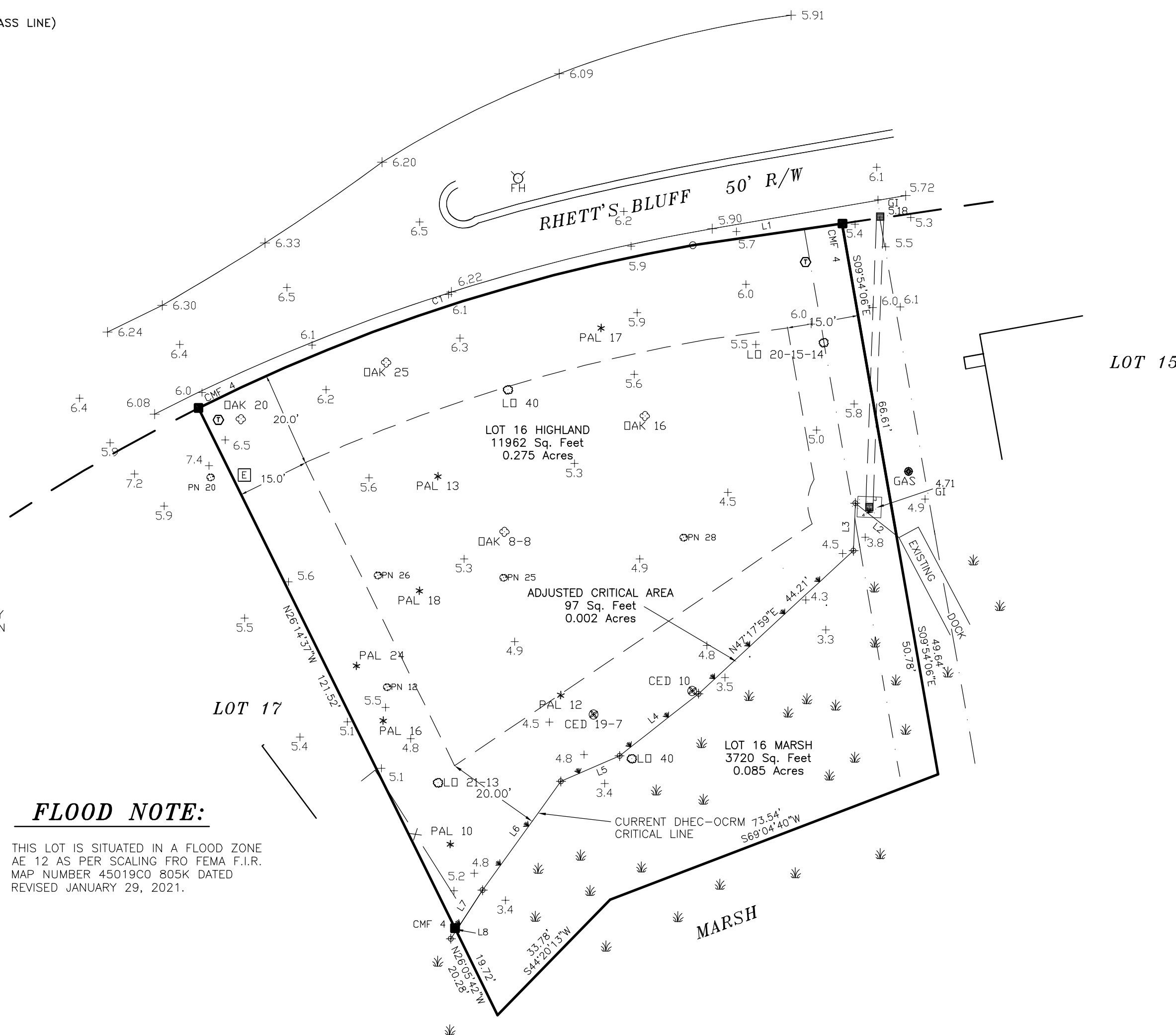
**DHEC OCRM:**

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, WETHER SHOWN HEREON OR NOT.

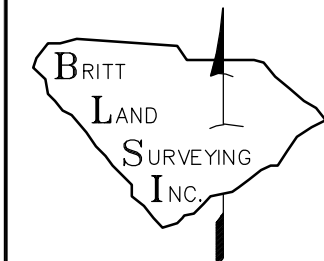
SIGNATURE

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.



**LOCATION MAP N.T.S.**



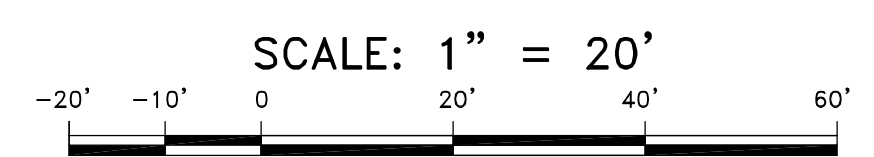
**BRITT LAND SURVEYING, INC.**  
 P.O. BOX 80333  
 CHARLESTON, SC 29416  
 843-810-6771  
 WWW.BRITTSURVEYINGINC.COM



I, Dean L. Britt, a Registered Professional Land Surveyor in the State of South Carolina, certify to owner(s) shown hereon that this survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a class    survey as specified therein.

Date: APRIL 22, 2024  
 DEAN L. BRITT PLS S.C. REG. NO. 15792

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.



PLAT OF:  
**TREE, TOPOGRAPHIC, AND BOUNDARY SURVEY**  
 SHOWING LOT 16 OF RHETT'S BLUFF  
 PREPARED FOR:  
**CLIFTON HUNT**  
 LOCATED IN THE  
 TOWN OF KIAWAH ISLAND  
 CHARLESTON COUNTY - SOUTH CAROLINA  
 REVISED APRIL 22, 2024 PER TOWN OF KIAWAH, AND ARB BOARD  
 DATA PROVIDED BY:  
 Kenneth Wiland Architect, LLC

THIS SURVEY IS THE PROPERTY OF BRITT LAND SURVEYING, INC., AND IS PROVIDED AS A SERVICE TO CLIFTON HUNT. THIS SURVEY IS NOT FOR THE USE OF MARKETING, NOR IS IT TRANSFERABLE / SELLABLE, AND IS ONLY INTENDED FOR THE NAME SHOWN HEREON.

LOCATION:	16 RHETT'S BLUFF - 29455
TAX MAP #	209-11-00-014
DATE:	AUGUST 02, 2023 / UPDATED CRITICAL LINE
FIELD DATE:	DECEMBER 19, 2022
JOB NO.	223761
COUNTY/STATE	CHARLESTON, S.C.

LINE	BEARING	DISTANCE
L1	N81°44'59"E	31.55'
L2	N51°44'15"W	11.60'
L3	S02°07'59"W	9.94'
L4	S51°44'46"W	21.06'
L5	S66°26'40"W	13.39'
L6	S35°46'21"W	28.09'
L7	S33°13'42"W	10.09'
L8	N26°05'42"W	0.56'

**LEGEND:**

- CMF CONCRETE MONUMENT FOUND 4"
- IS 5/8" RBS (REBAR SET)
- IF (IRON FOUND) SIZE/TYPE NOTED
- △ PK NAIL SET
- ▲ PK NAIL FOUND
- ⊕ WATER VALVE
- ⊗ WATER METER
- ⊠ ELECTRICAL TRANSFORMER
- ⊞ ELECTRICAL BOX
- ⊚ TELEPHONE BOX
- + SPOT ELEVATION
- ⌘ POWER POLE
- ⊙ SEWER CLEANOUT - SEWER TAP
- LOT LINE
- ⊕ ⊖ DHEC-OCRM (MARSH GRASS LINE)
- ADJACENT LOT LINE
- X - X - FENCE

**DATUM:**

THE BEARINGS SHOWN HEREON ARE SOUTH CAROLINA GRID NAD 1983 (2011) MODEL.

**NOTES:**

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THE SURVEY SHOWN HEREON REFLECTS THE ABOVE RECORDED REFERENCES.

BUILDING SETBACKS SHOULD BE VERIFIED BY THE GOVERNING BODY PRIOR TO ANY DESIGN OR CONSTRUCTION. THE SETBACKS SHOWN WERE PROVIDED BY THE TOWN OF KIAWAH ON JANUARY 05, 2023.

**REFERENCE:**

- 1) PLAT BOOK CD AT PAGE 115-116.
- 2) DEED BOOK 0758-101.

**FLOOD NOTE:**

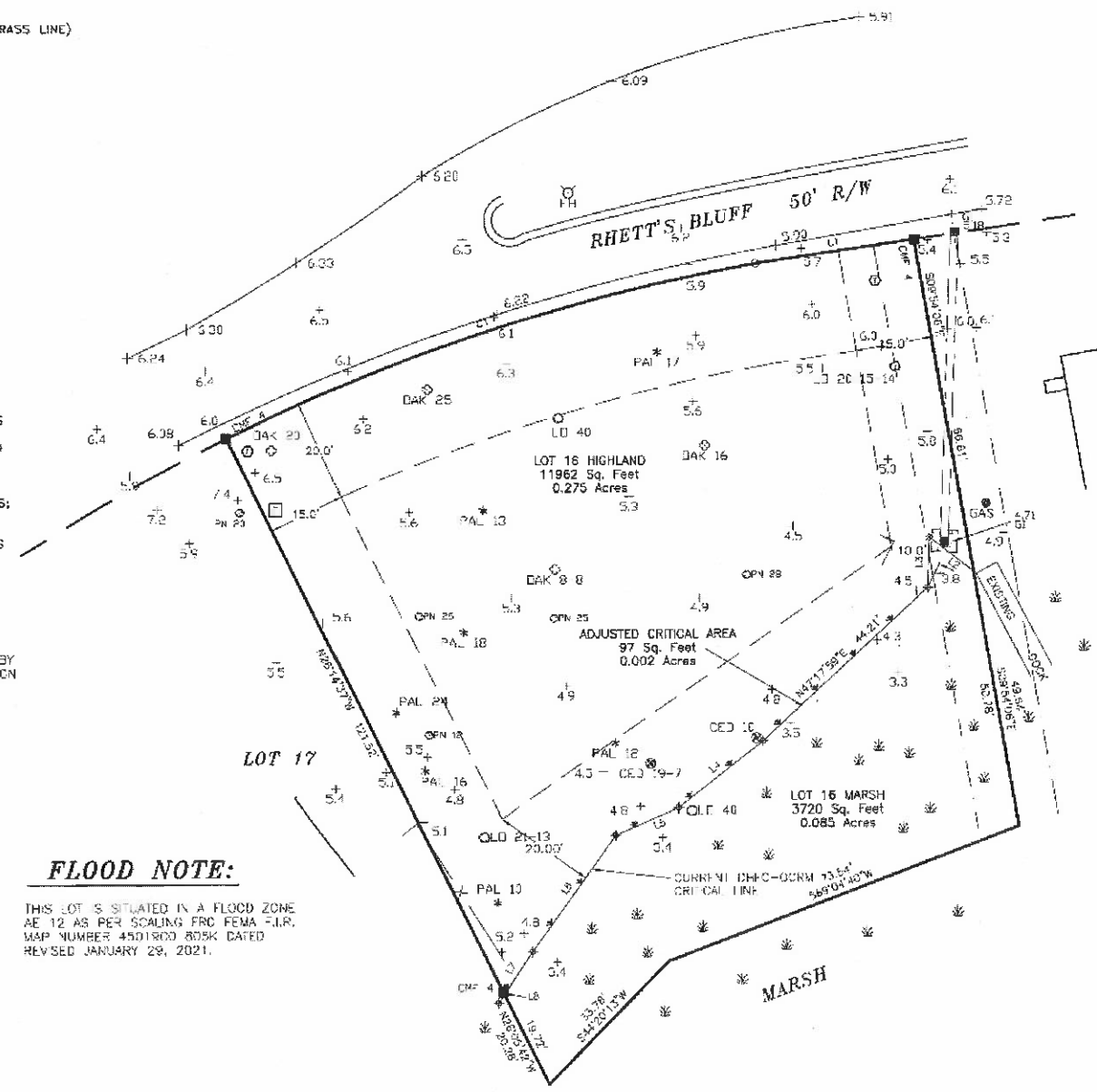
THIS LOT IS SITUATED IN A FLOOD ZONE AE 12 AS PER SCALING FRC FEMA F.I.R. MAP NUMBER 4501800 B03K DATED REVISED JANUARY 29, 2021.

**DHEC OCRM:**

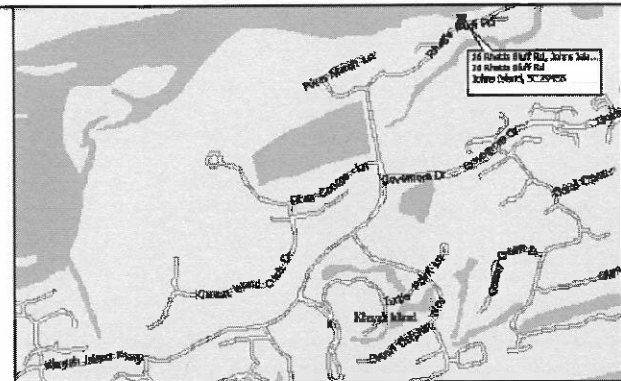
THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION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

*Brody J. Jolley* 08/03/2023  
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.



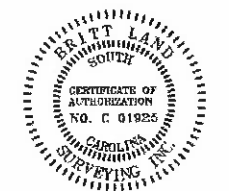
LINE	BEARINGS	DISTANCE
L1	N81°44'52"E	31.55'
L2	N51°44'15"W	11.80'
L3	S02°07'59"W	9.94'
L4	S51°44'46"W	21.06'
L5	S69°26'40"W	13.39'
L6	S35°48'21"W	28.09'
L7	S33°13'42"W	10.09'
L8	N26°05'42"W	0.58'



**LOCATION MAP N.T.S.**



**BRITT LAND SURVEYING, INC.**  
P.O. BOX 80333  
CHARLESTON, SC 29416  
843-810-6771  
WWW.BRITTSURVEYINGINC.COM



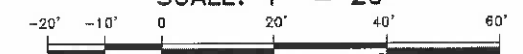
I, Dean L. Britt, a Registered Professional Land Surveyor in the State of South Carolina, certify to owner(s) shown hereon that this survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a class 2 survey as specified therein.

Date: AUGUST 02, 2023

DEAN L. BRITT PLS S.C. REG. NO. 15792

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

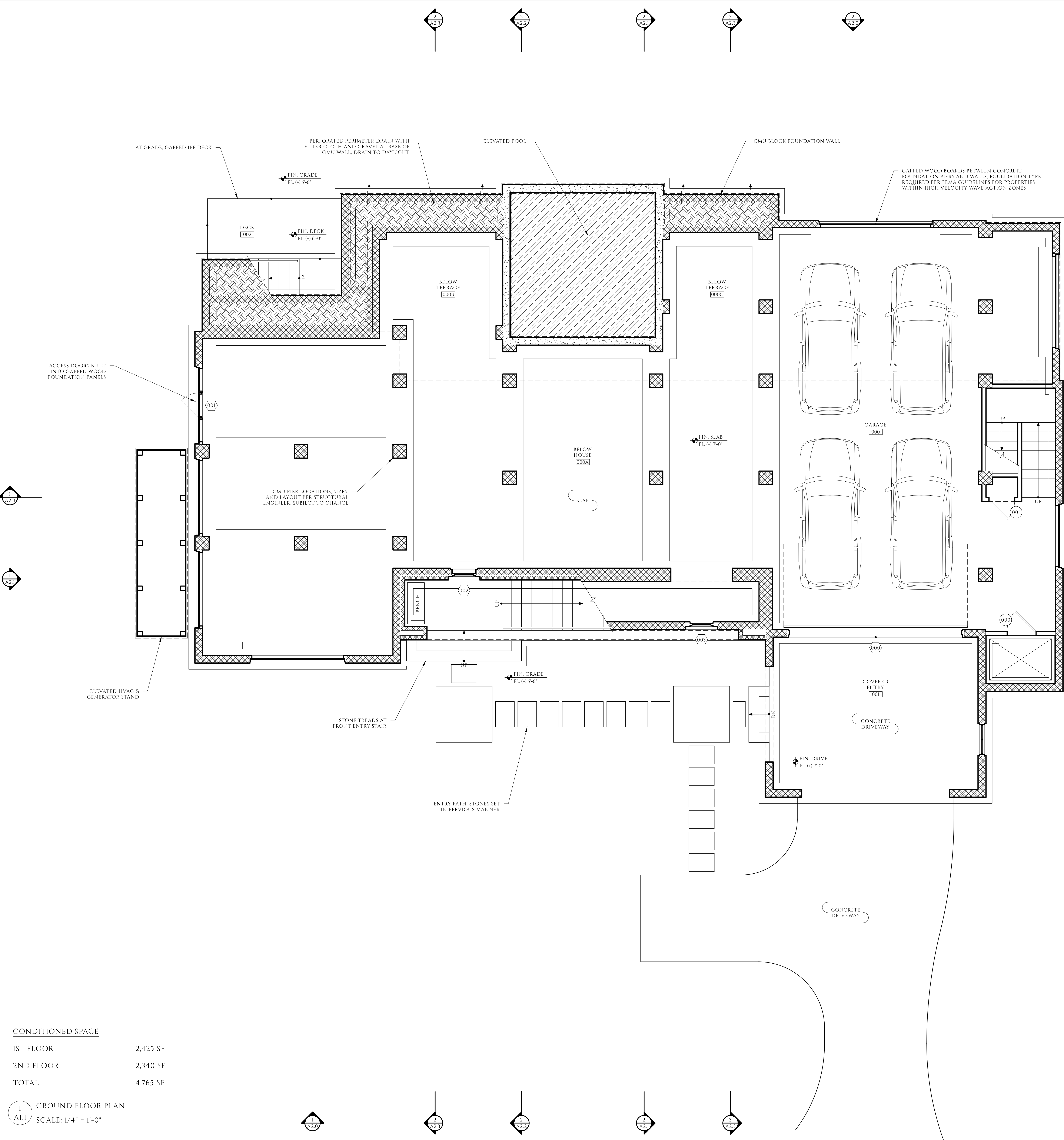
SCALE: 1" = 20'



**PLAT OF:**  
**TREE, TOPOGRAPHIC, AND BOUNDARY SURVEY**  
**SHOWING LOT 16 OF RHETT'S BLUFF**  
**PREPARED FOR:**  
**CLIFTON HUNT**  
**LOCATED IN THE**  
**TOWN OF KIAWAH ISLAND**  
**CHARLESTON COUNTY - SOUTH CAROLINA**  
REVISED JANUARY 05, 2023 TO REFLECT BUILDING SETBACKS PROVIDED BY THE TOWN OF KIAWAH ISLAND

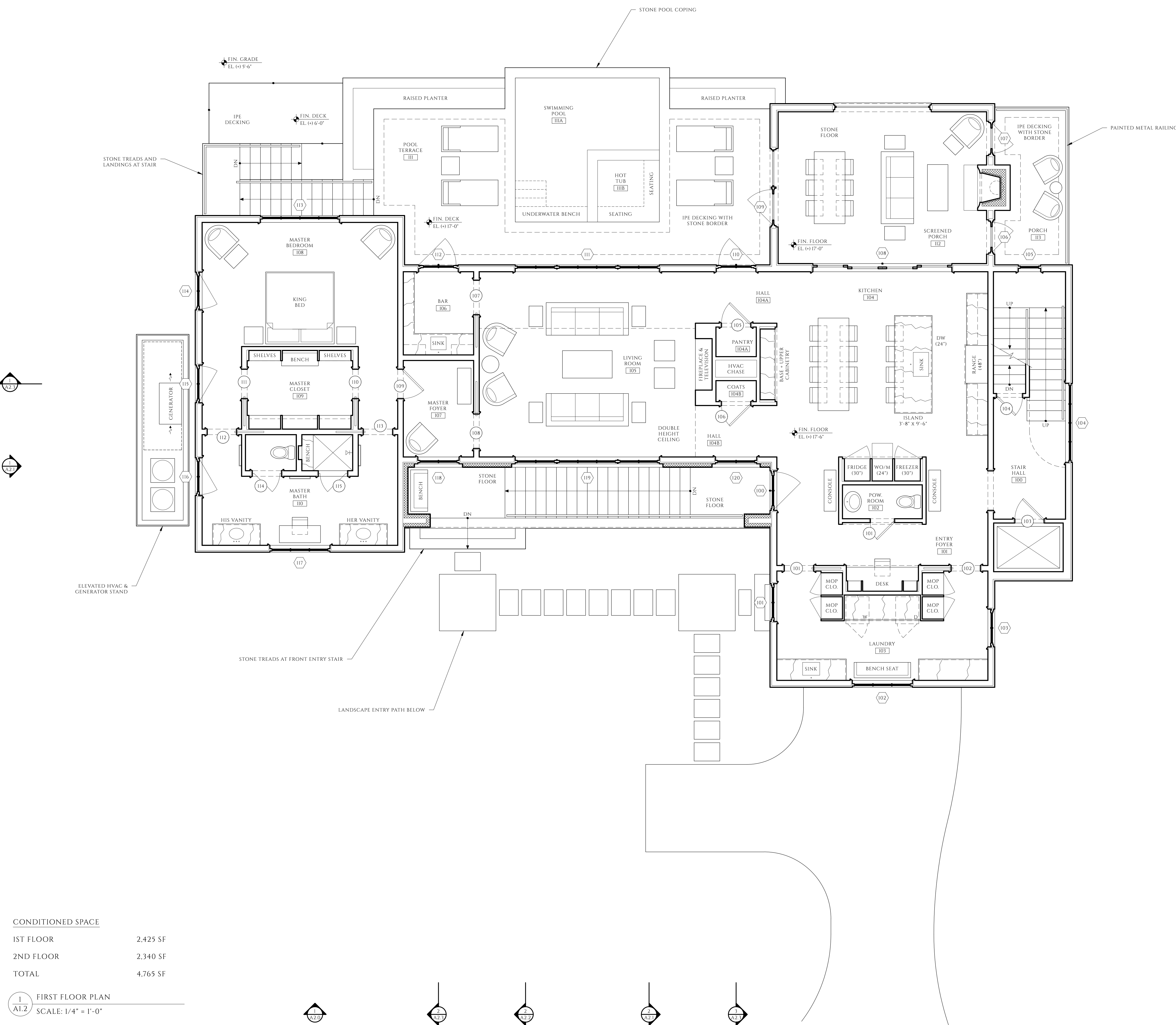
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LOCATION:	16 RHETT'S BLUFF - 29455
TAX MAP #	209-11-00-014
DATE:	AUGUST 02, 2023 / UPDATED CRITICAL LINE
FIELD DATE:	DECEMBER 19, 2022
JOB NO.	223761
COUNTY/STATE	CHARLESTON, S.C.



CONDITIONED SPACE	
1ST FLOOR	2,425 SF
2ND FLOOR	2,340 SF
TOTAL	4,765 SF

1 ALL GROUND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



CONDITIONED SPACE

1ST FLOOR	2,425 SF
2ND FLOOR	2,340 SF
TOTAL	4,765 SF

1 FIRST FLOOR PLAN  
A1.2 SCALE: 1/4" = 1'-0"

FOR REVIEW

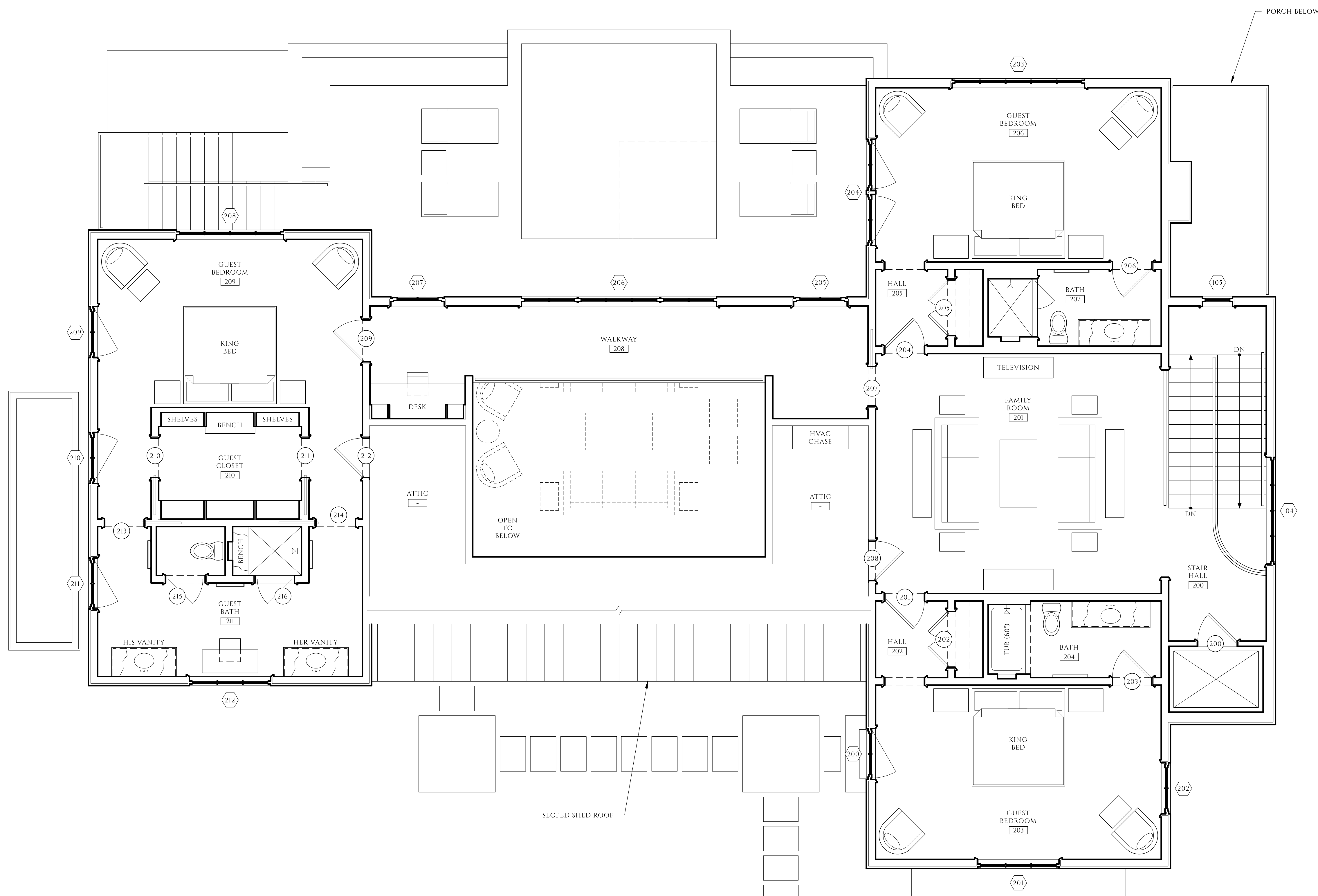
JUNE 07, 2024

FLOOR PLAN

A1.2
------

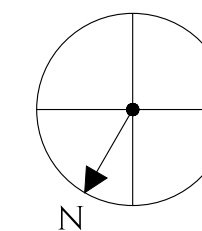
16 RHETT'S BLUFF ROAD

JOHNS ISLAND, SOUTH CAROLINA 29455



CONDITIONED SPACE	
1ST FLOOR	2,425 SF
2ND FLOOR	2,340 SF
TOTAL	4,765 SF

1 SECOND FLOOR PLAN  
A1.3 SCALE: 1/4" = 1'-0"



FOR REVIEW  
JUNE 07, 2024

FLOOR PLAN  
A1.3



CONDITIONED SPACE

1ST FLOOR	2,425 SF
2ND FLOOR	2,340 SF
TOTAL	4,765 SF

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

STANDING SEAM ALUMINUM ROOF

STAINED CEDAR SHINGLE CHIMNEY  
WITH METAL CHIMNEY SHROUD

16 RHETT'S BLUFF ROAD

JOHNS ISLAND, SOUTH CAROLINA 29455

FOR REVIEW  
JUNE 07, 2024

ELEVATIONS & SECTIONS  
A2.0

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



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



16 RHETT'S BLUFF ROAD

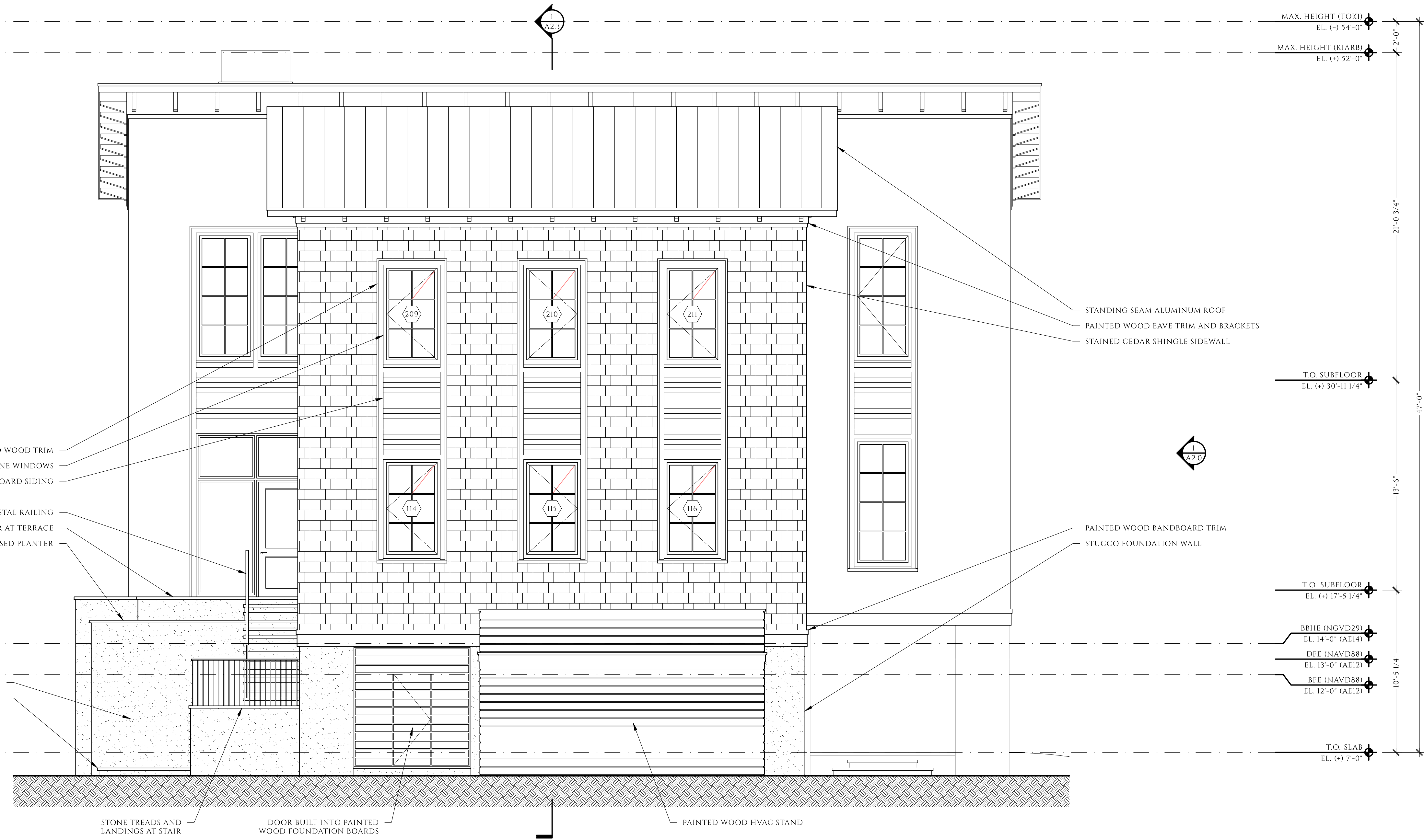
JOHNS ISLAND, SOUTH CAROLINA 29455

FOR REVIEW  
JUNE 07, 2024

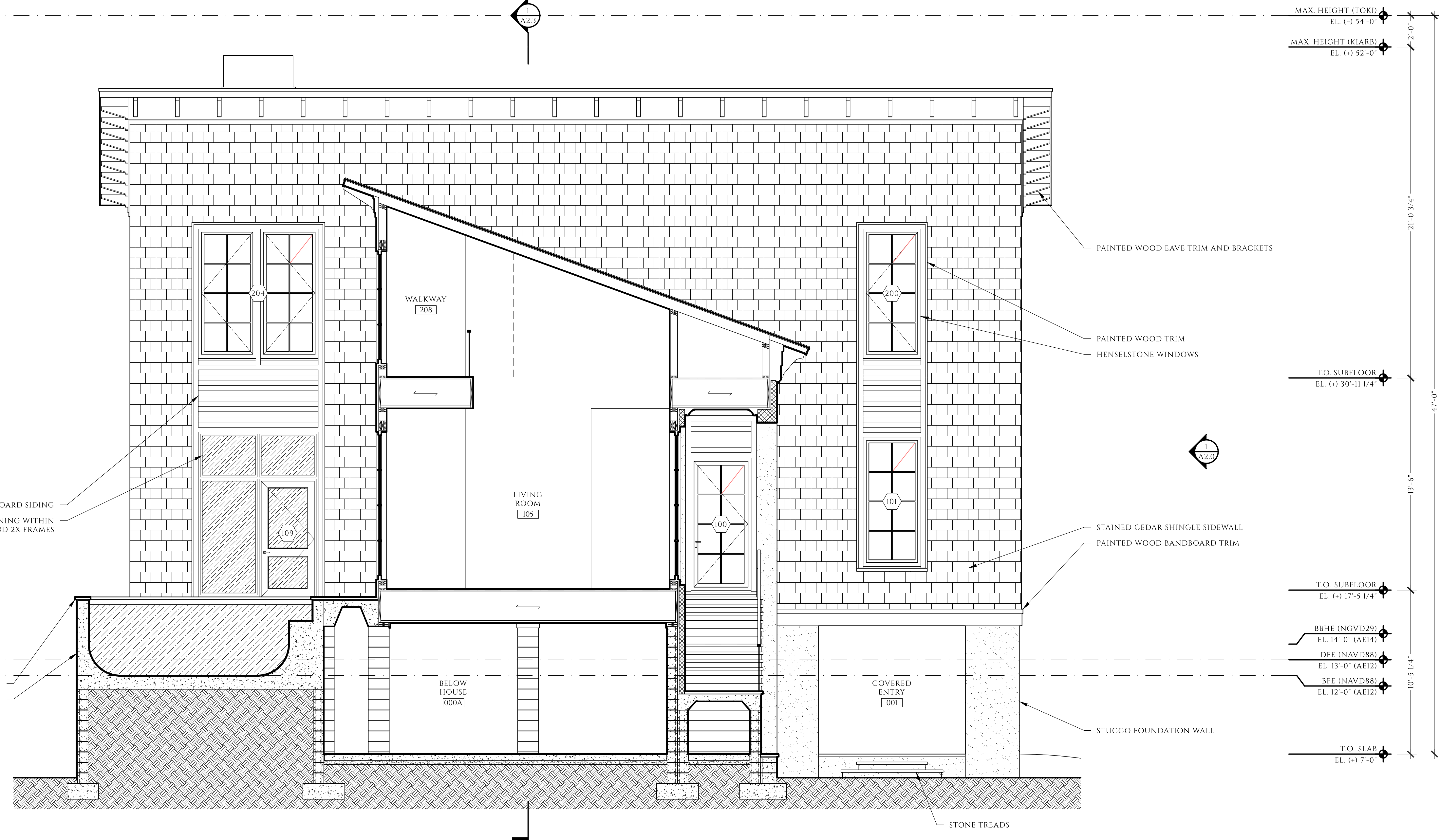
ELEVATIONS & SECTIONS

A2.1

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



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



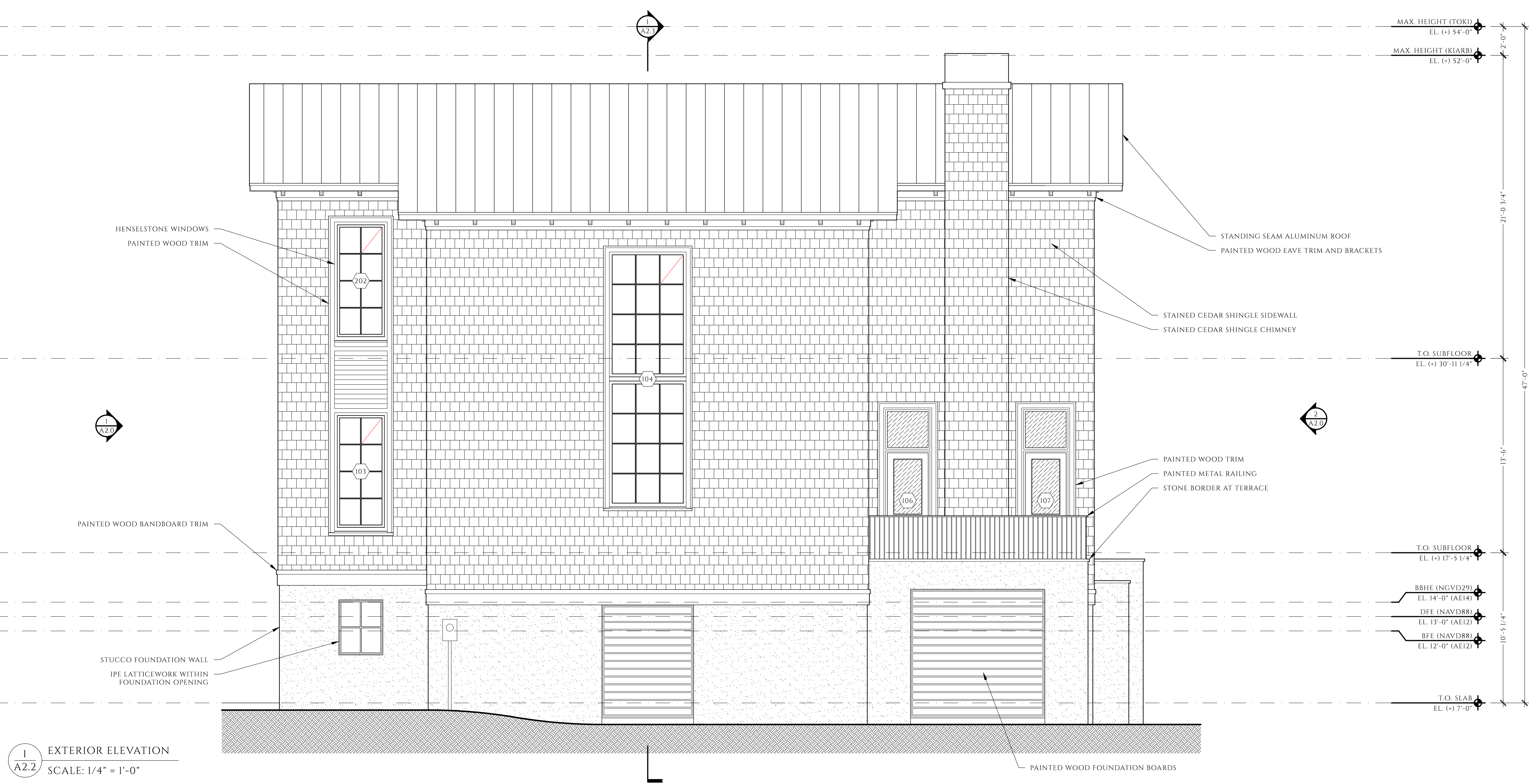
16 RHETT'S BLUFF ROAD

JOHNS ISLAND, SOUTH CAROLINA 29455

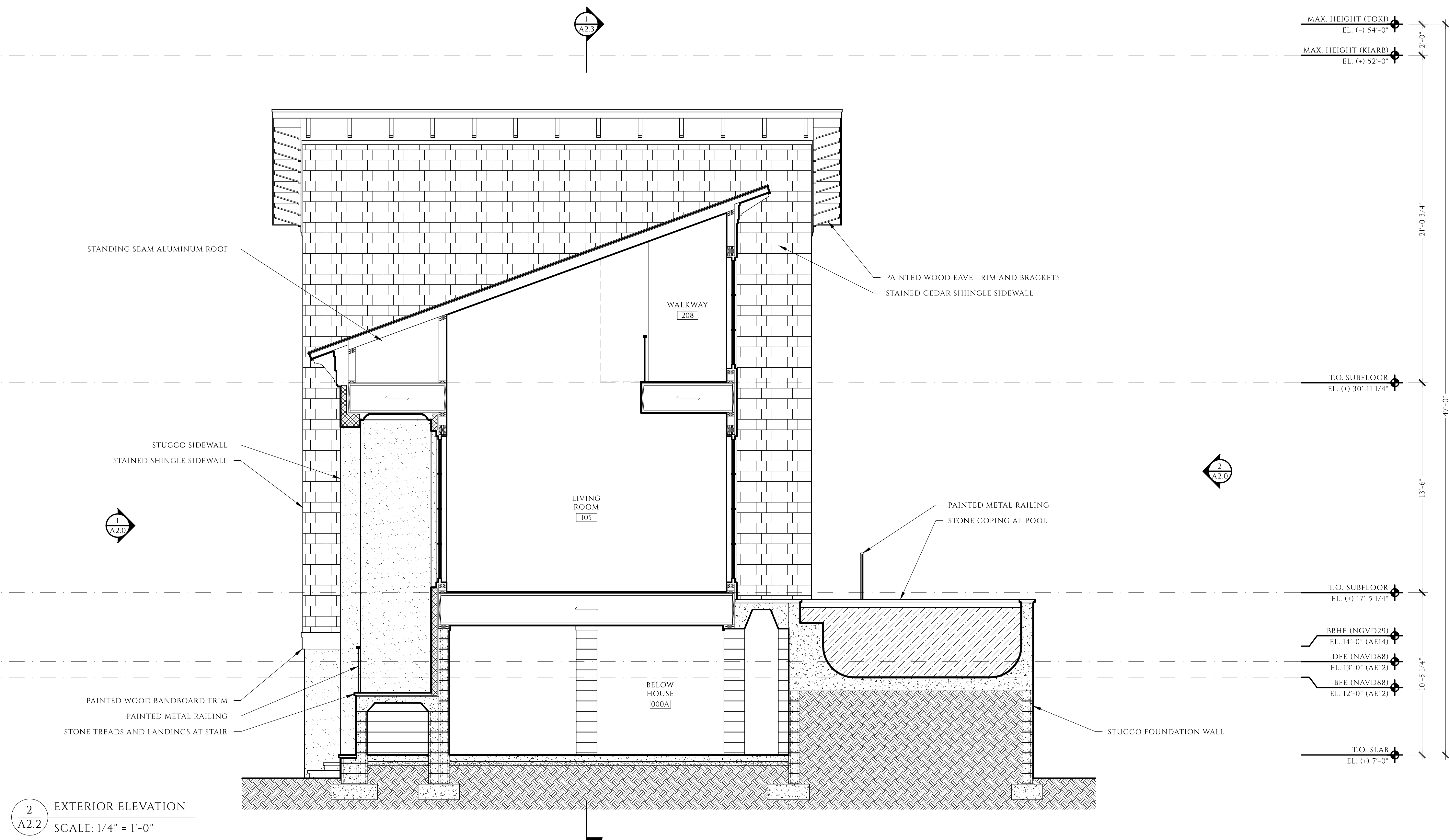
FOR REVIEW
JUNE 07, 2024

ELEVATIONS & SECTIONS

A2.2



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

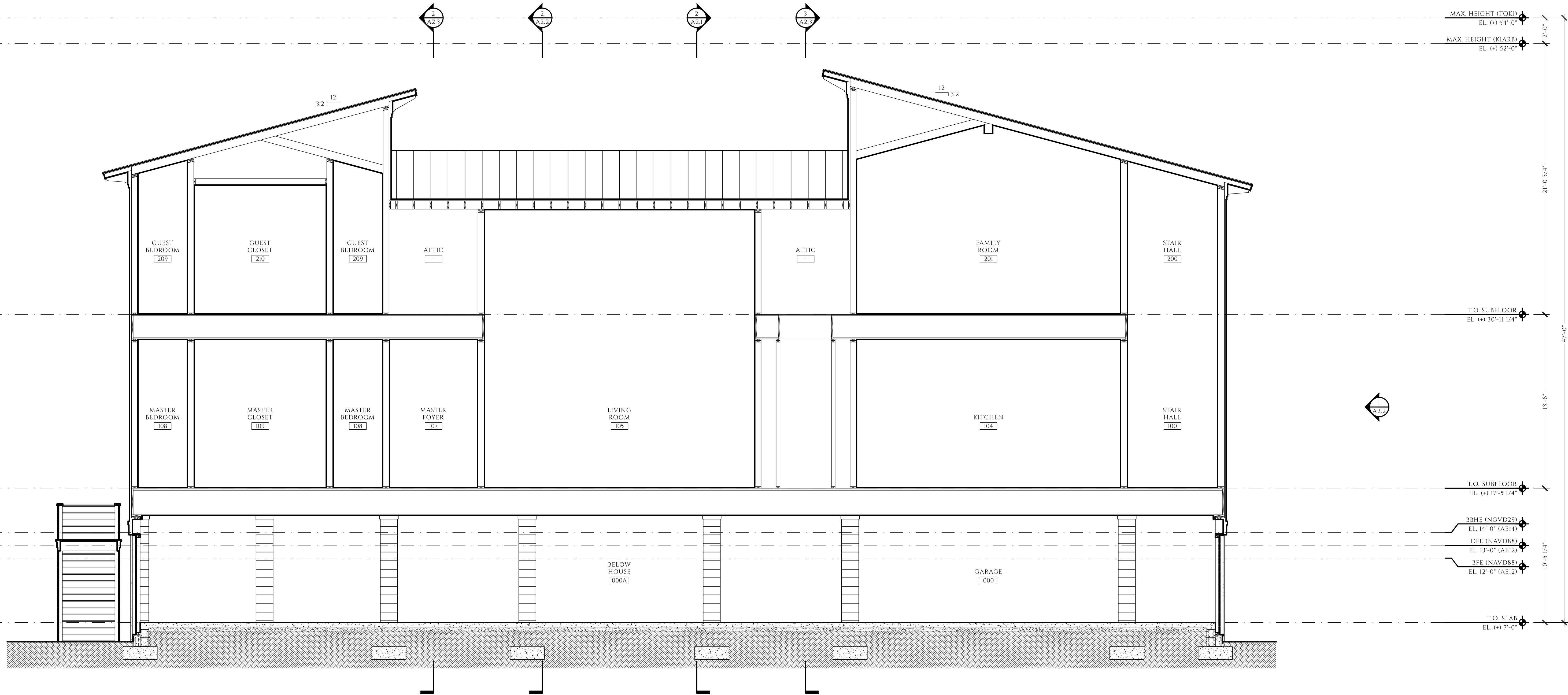


2  
A2.2  
EXTERIOR ELEVATION  
SCALE: 1/4" = 1'-0"

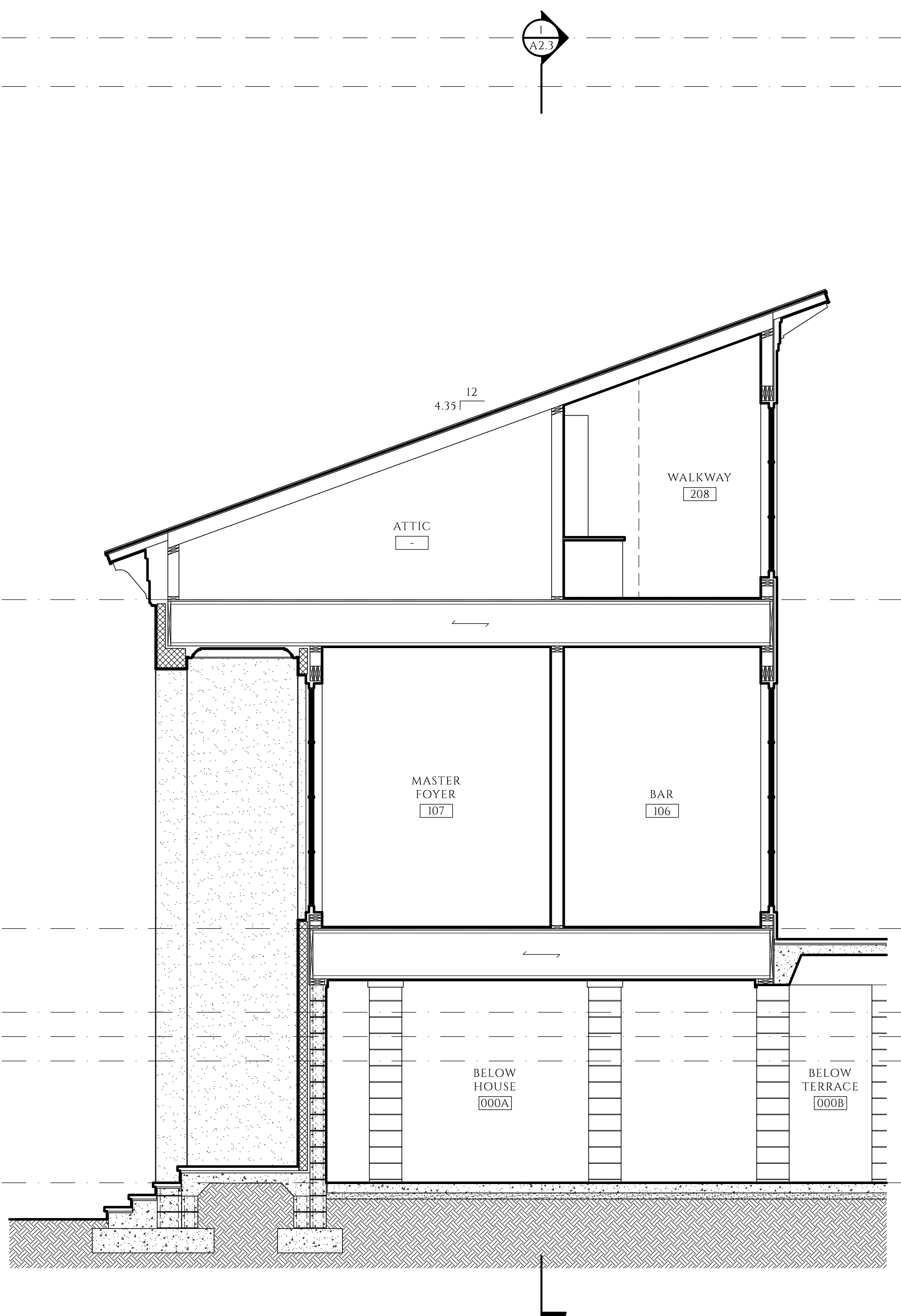
16 RHETT'S BLUFF ROAD

JOHNS ISLAND, SOUTH CAROLINA 29455

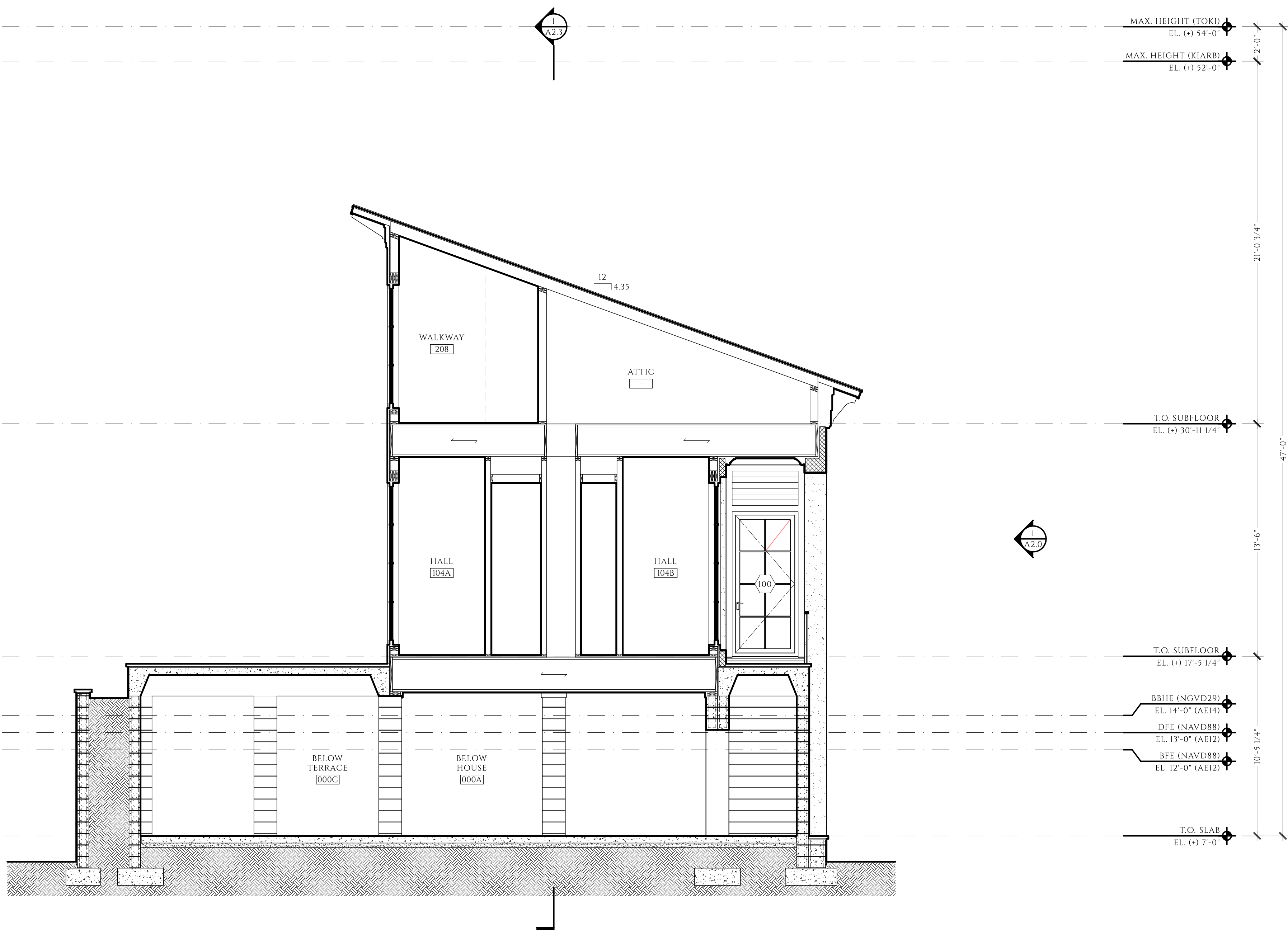
1  
A2.3 BUILDING SECTION  
SCALE: 1/4" = 1'-0"



2  
A2.3 EXTERIOR ELEVATION  
SCALE: 1/4" = 1'-0"



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



FOR REVIEW

JUNE 07, 2024

ELEVATIONS & SECTIONS  
**A2.3**



# **Supplementary Packet**

**Board of Zoning Appeals**

**July 15, 2024**

**BZA24-000011**

**Written Public Comments**

7-11-24

To Whom It May Concern,

Re: Rezoning #16 Rhett's Bluff Rd

We are the Mortons at #9 Rhett's Bluff Rd and just wanted to share our thoughts about the variance on #16. We have owned #9 for over 30 years and built our home in 2018. We have witnessed more flooding and erosion especially the past several years at the "mid section" of Rhett's Bluff Rd to Schoolbred Road happening most often during high tides and tidal surges. We are concerned with the well being of the shoreline of the Creek with the increase of building and removal of trees. We are actively informed and volunteer with SCDNR so we understand the critical risk to our marshes and ecosystem that we are blessed to a part of. We sincerely hope the architect will be able to come up with an alternative solution.

Thank You for your consideration,  
Debora & Harry Morton

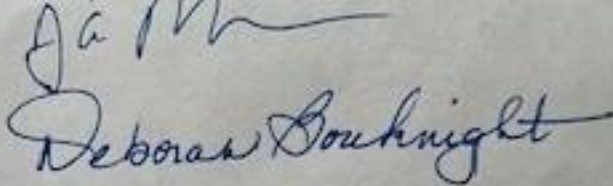
July 13, 2024

To: The Town of Kiawah Island

Re: Zoning Notice, Parcel # TMS 209-11-00-014, Case # BZA 24-000011

We are property owners on Rhett's Bluff and wish to express our concern about the request for a zoning variance for the above-captioned property (16 Rhett's Bluff Road). We are not conversant with all the facts concerning this variance request. However, this is an area of Rhett's Bluff that is susceptible to flooding. We suggest that the Town should be hesitant to grant any variance request that involves incremental encroachment on the wetlands that abut Rhett's Bluff.

Respectfully submitted,



Deborah Bouknight

Lon and Deborah Bouknight  
10 Rhett's Bluff Road  
Kiawah Island

Cliff and Louise Hunt  
4210 Woodmere Cove  
Memphis, TN 38117

July 14, 2024

RE: 16 Rhetts Bluff

Dear Board of Zoning Appeals Members,

Regarding our hearing tomorrow requesting a variance for a setback reduction near the rear OCRM Critical Line, unfortunately I will not be able to attend the meeting, but Kenneth Wiland our architect will be there to represent us and our request. He knows much more about the lot, footprint, setback, plans, etc. than I know anyway.

What Kenneth does not know is that our first grandchild was born 13 years ago with serious brain development issues, seizures, and other health issues. She has minimal ambulatory ability and is non-verbal. She will be this way all of her life.

If we lose the 3 ½ feet setback reduction we are requesting, the only useful space lost will be in the pool area. This is important because a smaller pool footprint may not be obtainable. My understanding from Kenneth is that it is not as simple as just pushing the pool back from the rear lot line because the house cannot move closer to the large live oak tree at the front of the lot and we need a path between the pool and the house.

The importance to maintaining a decent size pool area is that one of the things our granddaughter absolutely loves is simply splashing in the water. Our intention with the size pool as submitted is to be able to put in a sun shelf for her to sit on and have some regular pool area for others. A lesser pool size may limit us to only one of these functional areas.

Thank you for listening to our request and to our personal story.

Sincerely,

Cliff and Louise Hunt (owners) and Family

**From:** Frank Cassidy <frankkcd@gmail.com>  
**Sent:** Sunday, July 14, 2024 6:53 AM  
**To:** Daniel Vincent; John Taylor  
**Subject:** Fwd: Variance-16 Rhett's Bluff

FYI  
Sent from my iPhone

Begin forwarded message:

**From:** Gail Roddey <[gailroddey@msn.com](mailto:gailroddey@msn.com)>  
**Date:** July 13, 2024 at 11:26:50 PM EDT  
**To:** [abfarabee@bellsouth.net](mailto:abfarabee@bellsouth.net), Cassidy Frank and kathy <[fcassidy@comcast.net](mailto:fcassidy@comcast.net)>, [revjjlewis@gmail.com](mailto:revjjlewis@gmail.com), [phillipadams47@gmail.com](mailto:phillipadams47@gmail.com), [larry@rosenfeldandco.com](mailto:larry@rosenfeldandco.com), [linnieo@me.com](mailto:linnieo@me.com), [mvhanan@gmail.com](mailto:mvhanan@gmail.com)  
**Subject: Variance-16 Rhett's Bluff**

I am Gail Roddey original owner and occupier of 17 Rhett's Bluff. I am writing to each of you to express my profound concern regarding the Proposed Variance for 16 Rhett's Bluff.

I share the concern of others about the impact of the variance on the fragile marsh ecosystem . This ecosystem is a value added intangible for Rhett's Bluff.

In addition I worry that granting the variance will increase flood risks for adjoining properties and my property. Lot # 16 is so shallow that any encroachment over the critical line ,creek side ,will increase flood risks and be detrimental to all the neighbors on Rhett's Bluff. At high tides and surge tides #16 is underwater from marsh and spills into adjoining properties.

Any variance granted to one property which detreminally affects neighboring properties should not be allowed.

I am also concerned over trees marked to be removed , trimmed severely may damage roots causing erosion.

I request this memorandum be considered and put into file/ minutes regarding proposed variance.

Sincerely,  
Gail Roddey

**From:** Randy Cowart <rcowart@powellvalves.com>  
**Sent:** Monday, July 8, 2024 12:33 PM  
**To:** Daniel Vincent; Petra Reynolds  
**Cc:** Gail Roddey  
**Subject:** Variance-Case BZA24-000011, TMS#: 209-11-00-014 -16 Rhett's Bluff Road

Dear Daniel and Ms. Reynolds,

My comments concerning the house construction planned are as follows:

1. Land variance for the reduction of the required rear critical line setback is not consistent with past practices of TOKI or the ARB?

2. This lot floods during king tides. If this lot is raised for the build the neighbors will be damaged. More details from the architect and builder should be requested.

3. Arborist report:

Arbor Care is a very professional company. Their report is nicely detailed, but, I really question the severe limb removal and potential root damage that could occur with the house construction will just doom the Grand Old 40" live oak tree.

I wish the owners of lot 16 the best with what I see as a very difficult lot to build on.

Randy Cowart 33 Rhett's Bluff Road.

Sincerely,

**Randy Cowart**

CEO / Chairman

**The Wm. Powell Company**

T: 513.852.2021

F: 513.852.2048

C: 513.382.7853

[rcowart@powellvalves.com](mailto:rcowart@powellvalves.com)

[powellvalves.com](http://powellvalves.com)



**Please note our new address for our Cincinnati, Ohio office as follows:**  
**3261 Spring Grove Avenue, Cincinnati, Ohio 45225**

**From:** Gail Roddey <gailroddey@msn.com>  
**Sent:** Monday, July 8, 2024 6:11 PM  
**To:** Daniel Vincent; Petra Reynolds  
**Subject:** Fwd: Variance-Case BZA24-000011, TMS#: 209-11-00-014 -16 Rhett's Bluff Road

Sent from my iPhone

Begin forwarded message:

**From:** Joe Roddey <[joeroddey5@gmail.com](mailto:joeroddey5@gmail.com)>  
**Date:** July 8, 2024 at 5:40:58 PM EDT  
**To:** Gail Roddey <[gailroddey@msn.com](mailto:gailroddey@msn.com)>  
**Cc:** Gardiner Roddey <[groddey@hotmail.com](mailto:groddey@hotmail.com)>, Hardie Jackson <[hjackson22@bellsouth.net](mailto:hjackson22@bellsouth.net)>, John Blumer <[jinjblumer@gmail.com](mailto:jinjblumer@gmail.com)>  
**Subject: Re: Variance-Case BZA24-000011, TMS#: 209-11-00-014 -16 Rhett's Bluff Road**

Please add that we are very interested in the storm water plan, how water will be routed, difference between current flow and the proposed, and are they planning on building up their sea wall.

On Mon, Jul 8, 2024 at 5:11 PM Gail Roddey <[gailroddey@msn.com](mailto:gailroddey@msn.com)> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** Randy Cowart <[rcowart@powellvalves.com](mailto:rcowart@powellvalves.com)>  
**Date:** July 8, 2024 at 12:32:54 PM EDT  
**To:** Daniel Vincent <[dvincent@kiawahisland.org](mailto:dvincent@kiawahisland.org)>, [preynolds@kiawahisland.org](mailto:preynolds@kiawahisland.org)  
**Cc:** Gail Roddey <[gailroddey@msn.com](mailto:gailroddey@msn.com)>  
**Subject: Variance-Case BZA24-000011, TMS#: 209-11-00-014 -16 Rhett's Bluff Road**

Dear Daniel and Ms. Reynolds,