



**Board of Zoning Appeals  
Kiawah Island Municipal Center  
June 17, 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 #BZA24-000006**  
**4113 Summer Duck Way – Kiawah Island, SC | TMS# 209-06-00-013**  
Variance request for the reduction of the required 15’ side setback for approximately 69 square feet encroachment for a proposed bedroom addition and 16 square feet for a proposed bathroom extension
  - 2) Case #BZA24-000007**  
**202 Chinaberry Lane – Kiawah Island, SC | TMS# 265-02-00-119**  
Variance request to exceed the maximum lot coverage of 33% by 3.66% (approx. 531 sqft) to 36.66% for a single-family residence
  - 3) Case #BZA24-000009**  
**202 Chinaberry Lane – Kiawah Island, SC | TMS# 265-02-00-119**  
Variance request for the reduction of the required 30’ front setback for approximately 16 square feet for a proposed generator stand
  - 4) Case #BZA24-000008**  
**35 Painted Bunting – Kiawah Island, SC | TMS# 265-13-00-032**  
Variance request for the reduction of the required 15’ side setback for approximately 18 square feet encroachment for a proposed bathroom extension
- VI. Additional Business**
  - 1) Review and approval of Board of Zoning Appeals Rules of Procedures.**
- VII. Adjournment**



**Case #BZA24-000006**  
**Kiawah Island BZA Meeting of June 17, 2024**

**Applicant/Property Owner:** GIANOUKOS JAMES A, GIANOUKOS LAURA C

**Representative:** Rick Balsh

**Property Location:** 4113 Summer Duck Way

**TMS#:** 209-06-00-013

**Zoning District:** 8,925 sqft (.21 acres)

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

**Request:** Variance request for the reduction of the required 15' side setback for approximately 69 square feet encroachment for a proposed bedroom addition and 16 square feet for a proposed bathroom extension at 4113 Summer Duck Way.

**Requirement:**

Chapter 12. Land Use Planning and Zoning, Art. II. Zoning, Div. 2. Zoning Map/Districts, Sec. 12-66. - R-2, Residential District.

Chapter 12. Land Use Planning and Zoning, Art. II. Zoning, Div. 2. Zoning Map/Districts, Sec. 12-80. - R-2-O, Residential District.

Required setbacks: 25' (Front); 15' (Side); 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 Side Setback as "any setback other than a rear or front setback."

**Sec. 12-66. R-2, Residential District.**

- (a) *Purpose and intent.* The purpose of the R-2 zoning district is to promote stable residential neighborhoods consisting of medium density residences surrounded by parks, golf courses and open spaces. The district is intended for a variety of dwelling unit types. Activities and endeavors which might serve to mitigate against this purpose shall be prohibited or strictly regulated.
- (b) *District regulations.* The following apply to the R-2 zoning district:
  - (1) The maximum density for this district is six dwelling units per acre;
  - (2) All required parking shall be enclosed;
  - (3) Open storage is prohibited;
  - (4) There shall be no more than four dwelling units in any building within this district;
  - (5) 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 2C following subsection (b)(8) of this section;
  - (6) Lot standards (setbacks, lot coverage, etc.) for patio homes, 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 2D following subsection (b)(8) of this section;
  - (7) Lot standards (setbacks, lot coverage, etc.) for patio homes not covered by subsection (b)(6) of this section are listed in table 2D following subsection (b)(8) of this section;
  - (8) Authorized uses are listed in table 3A in section 12-102(c).

Table 2C. Lot Standards for R-2 Single-Family Detached Dwellings								
Lot Size (square feet)	Maximum Lot Coverage	Depth (feet)	Width (Feet) <sup>(1)</sup>	Minimum Yard Setbacks <sup>(2)</sup>			Maximum Height	
				Front <sup>(2)</sup>	Side <sup>(3)</sup>	Rear <sup>(4)</sup>	(stories)	(feet)
6,000—7,999	50 percent	85	55	20	7	20	2.5	40
8,000—11,999	40 percent	100	60	25	15	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.								

Table 2D. Lot Standards for R-2 (Patio Homes, Duplexes and Townhouses)

Sec. 12-80. - R-2-O, Residential Overlay Zoning District.

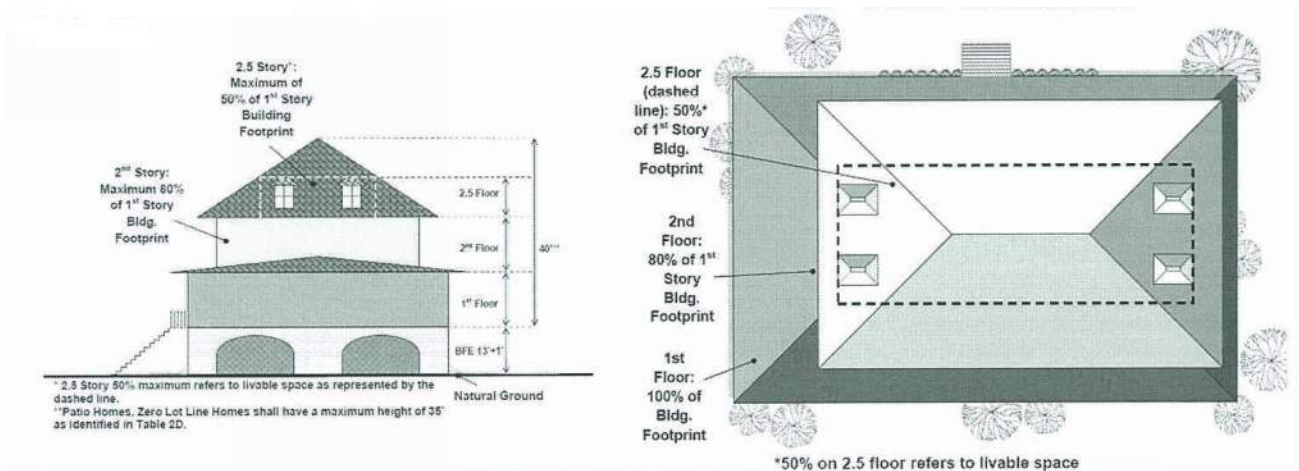
- (a) *Definition.* For purposes of this section, the term "major renovations" means costs of repair or restoration that exceed 50 percent of the appraised value of the structure at the time of zoning and building permit application. Refer to sections 12-192 and 12-193.
- (b) *Purpose and intent.* The purpose and intent of the R-2-O Residential Overlay Zoning District is to promote stable residential neighborhoods consisting of medium density single-family detached residences and patio homes surrounded by parks, golf courses and open spaces. Additionally the purpose and intent is to ensure that new dwelling units and major renovations to existing dwelling units are compatible with the character of existing neighborhoods located within the overlay by permitting consistent dwelling types through the implementation of the R-2-O development standards. Activities and endeavors which might serve to mitigate against this purpose and intent shall be prohibited or strictly regulated.
- (c) *Effect of overlay zoning district.* The R-2-O, Residential Overlay Zoning District regulations of this section apply in addition to the underlying (base) zoning district regulations to impose different development rules for properties within the R-2-O district. In case of conflict between the regulations of this section and other regulations in this article, the regulations of this section shall control.
- (d) *Applicability.* The R-2-O, Residential Overlay Zoning District is illustrated on the attached map. The standards of this section shall apply to all development within the R-2-O district.
- (e) *Development standards.* The following apply to the R-2-O, Residential Overlay Zoning District:
  - (1) The maximum density for this district is six 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 VI of this chapter, the Kiawah Island Property Setback Requirements Appendix dated July 10, 2007, incorporated herein by reference and adopted hereto as article VI of this chapter shall apply in lieu of the setback requirements in table 2C, section 12-66;
  - (5) Lot standards (setbacks, lot coverage, etc.) for patio homes, on existing platted lots that are included in the Kiawah Island Property Setback Requirements Appendix dated July 10, 2007, incorporated herein by reference and adopted hereto as article VI of this chapter shall apply in lieu of the setback requirements in table 2D, section 12-66;
  - (6) Lot standards (setbacks, lot coverage, etc.) for patio homes not covered by subsection (e)(5) of this section are listed in table 2D, section 12-66, excluding duplexes and townhouses;
  - (7) Authorized uses are listed in table 3A in section 12-102(c) except that townhouses and duplexes shall not be permitted uses in the R-2-O, Residential Overlay Zoning District;
  - (8)

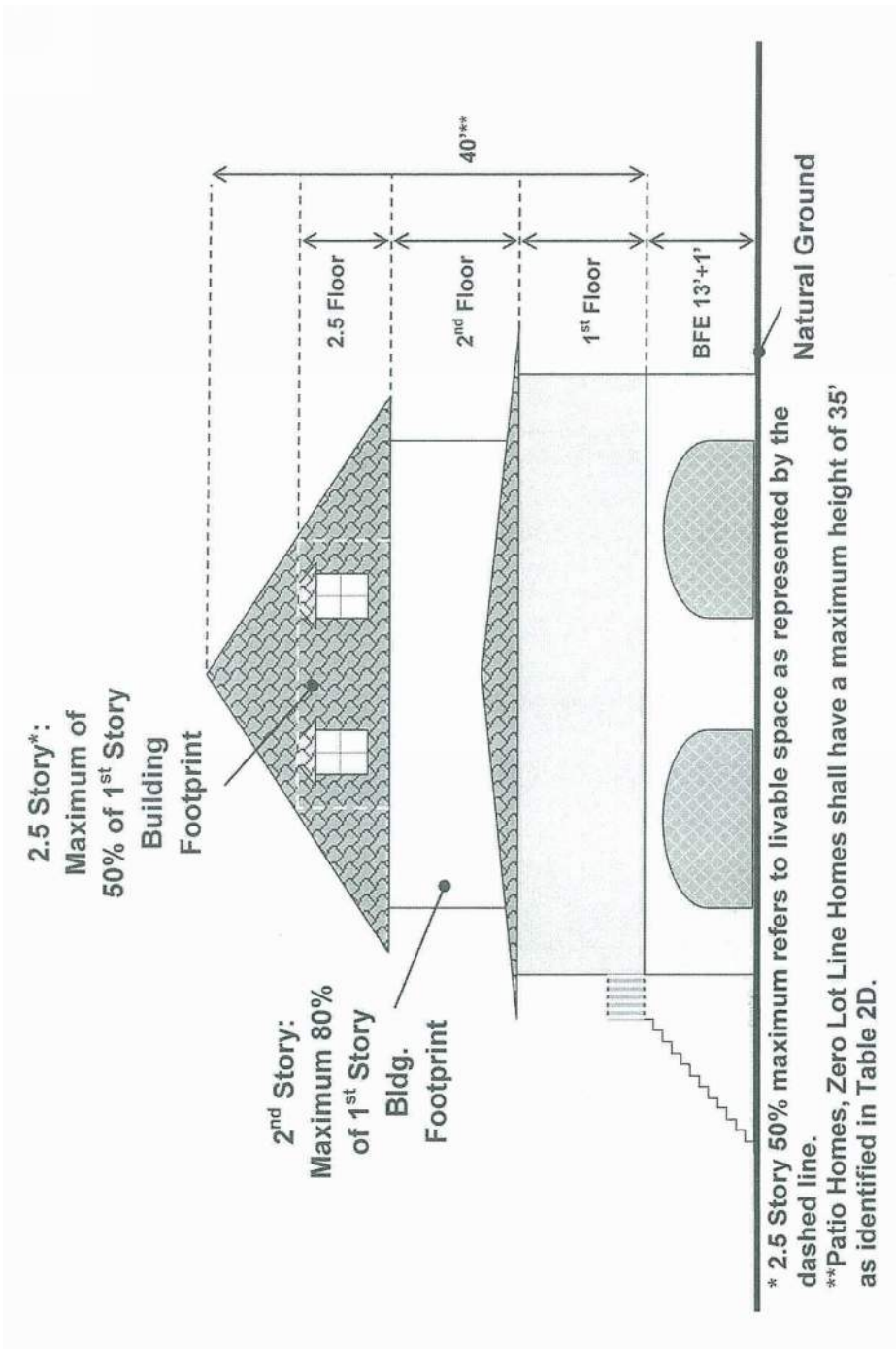
Nonconforming structures and nonconforming uses that were lawfully erected within this overlay district prior to adoption of the R-2-O, Residential Overlay Zoning District, shall comply with sections 12-192 and 12-193; and

- (9) The term "height" means the elevation from ground floor level as measured in feet and stories to the highest point of the roof. The term "building height" does not include chimneys, antennas or ventilation pipes. Height in stories is the number of habitable floors (stories) exclusive of the area below the first finished floor. One-half story is a habitable floor which has heated square footage that is no greater than one-half the heated square footage of the largest story;
- (10) The second story floor area shall not exceed 80 percent of the first story building footprint area. If there is a half story above the second story, it shall not exceed 50 percent of the first story floor area. Graphic 2A and graphic 2B set forth in this subsection illustrate the maximum floor area percentages for single-family detached dwellings.

Graphic 2A, elevation and graphic 2B, plan view: single-family detached maximum height in stories/feet: 2.5;40, illustrating 80 percent maximum second story floor area and 50 percent maximum 2½ story floor area.

(1) Note. Patio homes, zero lot line homes shall have a maximum height of 35 feet as identified in table 2D.





(Ord. No. 2011-06, § 2(12A-221), 10-4-2011)

**SNOWY EGRET LANE (UNDEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
410	25 (Snowy Egret)	15	30 (golf)
411	25 (Snowy Egret)	15	30 (golf)
412-429	25 (Snowy Egret)	15	30 (marsh)
430	25 (Snowy Egret)	15 (lots)	25 (Gov. Dr) 30 (marsh)
431	25 (Snowy Egret)	15	25 (Gov. Dr)
432	25 (Snowy Egret)	15	25 (Gov. Dr) 30 (lagoon)
433-437	25 (Snowy Egret)	15 (lots)	30 (lagoon)
438	25 (Snowy Egret)	15 (lot 437) 25 (Snowy Egret)	30 (lagoon)

**SPARROW HAWK ROAD (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
230	25 (Sparrow Hawk)	30 (golf) 15 (lot 231)	20 (lot 231)
231	20 (lot 230)	30 (golf) 15 (lot 232)	30 (lagoon)
232	25 (Sparrow Hawk)	15 (lot 231) 15 (cart path)	30 (golf)
233	25 (Sparrow Hawk)	15 (lot 234) 15 (cart path)	30 (golf)
234-238	25 (Sparrow Hawk)	15	30 (golf)

**SPARTINA COURT (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
115	25 (Spartina Ct)	25 (Spartina Ct) 15 (lot 116)	20 (lot 114)
116	25 (Spartina Ct)	15	20 (lot 113)
117	25 (Spartina Ct)	15	20 (lot 112) 30 (marsh)
118-128	25 (Spartina Ct)	15 (lots)	30 (marsh)
129	25 (Spartina Ct)	15	20 (lots 141, 142)
130	25 (Spartina Ct)	15	20 (lot 141)

**SPOTTED SANDPIPER COURT (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
70	25 (Spotted Sand)	30 (lagoon) 15 (lot 71)	30 (lagoon)
71-75	25 (Spotted Sand)	15	30 (lagoon)
76	25 (Spotted Sand)	15 (lot 75) 30 (lagoon)	30 (lagoon)

**SUMMER DUCK WAY (NIGHT HERON) (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1	25	15	20
2	15	*	10
3	15	*	10
4	20	7	15
5	15	*	10
6	15	*	10
7	20	7	15
8	20	7	15
9	20	7	15
10-13	25	15	20
14-16	20	7	15
17	15	*	10
18	15	*	10
19	20	7	15
20-24	15	*	10
25	20	7	15
44-46	15	*	10
47	20	7	15
48	25	15	20
59	20	7	15
60-61	20	7	15
62	20	7	15
63	20	7	15
64	25	15	20

**Staff Review:**

The property owners James and Laura Gianoukos being represented by the applicant Rick Balsh are requesting a variance for the reduction of the required 15' side setback for approximately 69 square feet encroachment for a proposed bedroom addition and 16 square feet for a proposed bathroom extension at 4113 Summer Duck Way. (TMS# 209-06-00-013). The subject property is located within the R-2-O, Residential Overlay Zoning District.

The lot is approximately 8,925 square feet (0.21 acres) in size. The existing home on the site was constructed in 1979, according to Charleston County records. The property was acquired by James and Laura Gianoukos in October 2023.

The adjacent properties to the north and south are also located in the R-2-O, Residential Overlay Zoning District. The subject property is located adjacent to a lagoon to the west. Across the lagoon, the property contains storage facilities located within the CS, Community Support Zoning District. The subject property is subject to review by the Kiawah Island Architectural Review Board.

The *Town of Kiawah Island Land Use Planning and Zoning Ordinance* requires a front set back of twenty-five feet (25'), a fifteen foot side yard setback (15') and a twenty-foot rear setback (20'). The subject property has a maximum lot coverage of 40%. The total proposed lot coverage is approximately 31.5%.

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

The applicant's proposed plans include interior renovations which extend a bedroom westward into the required 15-foot side setback by approximately 8 feet 6 inches, flush to the current nonconforming part of the home. The applicant's proposed plans also include a bathroom extension which will extend a bathroom out approximately 10 feet 7 inches into the required 15-foot side setback. The home is currently legally nonconforming regarding setbacks. A portion of the existing home encroaches into the north side of the side yard setback by approximately 54 square feet. A portion of the existing home encroaches into the south side of the side yard setback by approximately 312 square feet. The applicant is requesting a total additional encroachment of 75 square feet.

The applicant applied for a Town zoning permit on April 12, 2024. The applicant was notified through issued comments on April 15, 2024 that a variance was required based on submitted site plans. Planning staff conducted a site visit on April 22, 2024, subsequent the applicant notifying Town staff that construction had already commenced. The applicant informed Town staff that the project received KIARB final approval on January 29, 2024. As a result of the construction starting prior to obtaining required Town zoning and building permits, a stop work order was issued by the Town at the subject property on April 23, 2024.

The applicant has submitted to the Kiawah Island Architectural Review Board (KIARB) for an Improvement Review. The KIARB has granted approval for the variance request October 9, 2023, stating:

*“The Variance Request for the proposed addition to extend into the left side yard setback is approved due to the unique shape of the lot, the post-construction adoption of current setback requirements applied to the property, and that the proposed addition and associated variance is in keeping with other properties in the neighborhood.”*

Please see the attachments for further information regarding this request. A site visit was conducted on May 31, 2024, at which time the following determinations were made regarding the Approval Criteria for Variances, as stated in Chapter 12 of the Town of Kiawah Island *Land Use Planning and Zoning Ordinance*, Article II, Division 5, Section 12-163.(4):

**Staff Findings:**

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

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

**Staff Response:** **There may be extraordinary and exceptional conditions pertaining to the property due to the existing structure placement, the legally nonconforming structure, the shape of the subject property. The subject property is pie shaped, narrow towards the front of the lot. The south side and north side of the home is considered non-conforming in regard to setbacks. Per the applicant’s letter of intent, “at 4113 Sumer Duck way the imposition of setback criteria being added to the property post-construction of the home – essentially forcing the home into a non-conforming status.”**

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

**Staff Response:** **These conditions may be unique to the subject property and may not generally apply to other properties in the vicinity. The subject property is located in the R-2-O, Residential Overlay Zoning District. Adjacent properties are also located in the R-2-O, Residential Overlay Zoning District. Existing structures in the vicinity may or may not have similar encroachments based on current setback standards. Per the applicant’s letter of intent, “The imposition of these setbacks affected individual properties in this neighborhood in an inconsistent manner, making it more difficult or impossible for some to make changes or additions without a variance approval, while not for others.”**

§ 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 4113 Summer Duck Way would prohibit the construction of the proposed additions as the proposed structure encroaches into the required 15' side setback; however, it does not unreasonably restrict the utilization of the property. Per the applicant's letter of intent, "Because of these conditions the application of the setback requirement would unreasonably restrict or prohibit utilization of the property; by eliminating the ability to make simple improvements or modifications to the entire south side of the dwelling."**

§ 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 extension is positioned on the side of the home and encroach minimally past the current nonconforming structure. Per the applicant's letter of intent, "The authorization of a variance will not be of substantial detriment to the adjacent property or the public good, nor will the character of the zoning district be harmed by granting the variance because: the design approach is both fitting to and falls within the existing character of the neighborhood, has minimal visibility from the road and is of minimal additional square footage in order to obtain the most efficient use of space as well as the addition of landscape screening with predominantly native plant material."**

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

**Staff Response:** **Granting of this variance would not allow the establishment of a use not otherwise permitted in this zoning district, extend physically a non-conforming use of land, or change the zoning district boundaries. Per the applicant's letter of intent, "The 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 on the official map. None of the requested variance conditions would result from an approval by the Board of Zoning Appeals."**

§ 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 fact that the property may be used more profitably, should a variance be granted, may not be considered grounds for a variance as the request in this instance is for personal residential use.*”**

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

**Staff Response:** **The need for the variance may be the result of the applicant’s own actions. Per the applicant’s letter of intent, “*The need for a variance shall not be the result of the applicant’s own actions. Because the current owner did not build this home originally or cause the new zoning setback laws to be put in place, this is not the case for the request.*”**

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

**Staff Response:** **Granting of this variance may not be contrary to the public or neighborhood interest, may not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of these regulations. Per the applicant’s letter of intent, “*Granting the variance shall 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 and purpose of these regulations – because the carefulness by which the addition was designed, as well as the addition of landscape screening with predominantly native plant material, take into account, an accord with surrounding dwellings, adjacent properties, and the overall coherence with the existing fabric of the neighborhood.*”**

§ 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*. A portion of the proposed encroachment is flush with the current non-conforming structure. The other portion is encroaching minimally past the current nonconformity by approximately 2 feet. Per the applicant’s letter of intent, “*Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this ordinance. As both the size, placement, and encroachment into the setbacks were***

Kiawah BZA Meeting of June 17, 2024  
Staff Review, Case # BZA24-000006  
*approached with a deliberate minimally impactful approach.”*

**Board of Zoning Appeals' Action:**

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000006 (Variance request for the reduction of the required 15' side setback for approximately 69 square feet encroachment for a proposed bedroom addition and 16 square feet for a proposed bathroom extension) based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

# Town of Kiawah Island Board of Zoning Appeals

JUNE 17, 2024



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

## CASE# BZA24-000006

<b>Applicant/Property Owner:</b>	<b>James Gianoukos &amp; Laura Gianoukos</b>
<b>Representative:</b>	<b>Rick Balsh</b>
<b>Property Location:</b>	<b>4113 Summer Duck Way</b>
<b>TMS#:</b>	<b>209-06-00-013</b>
<b>Zoning District:</b>	<b>R-2-O, Residential Zoning District</b>
<b>Lot Size:</b>	<b>8925 sq. ft. (0.21 acres)</b>
<b>Request:</b>	<b>Variance request for the reduction of the required 15' side setback for approximately 69 square feet encroachment for a proposed bedroom addition and 16 square feet for a proposed bathroom extension.</b>

**CASE# BZA24-000006**

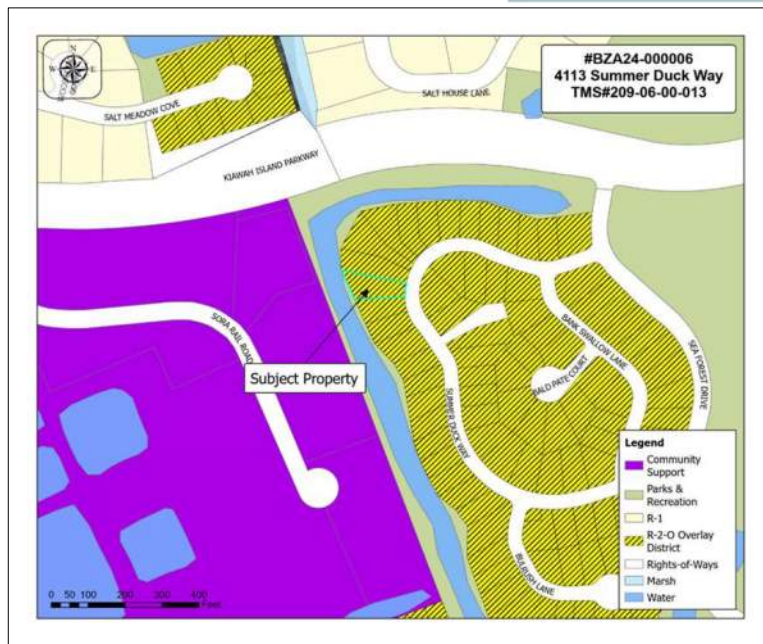
**Chapter 12. Land Use Planning and Zoning, Art. II. Zoning, Div. 2. Zoning Map/Districts, Sec. 12-65. - R-2-O, Residential District.**

**Required setbacks: 25' (Front); 15' (side); 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 Side Setback as “any setback other than a rear or front setback.”**

3



4



**BZA24-000006**

PID: 2090600013

OWNER: GIANOUKOS JAMES A

PLAT BOOK PAGE: AQ-105

DEED BOOK PAGE: 1207-073

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 causes of action which may arise as a consequence of the County providing this information.



**Case # BZA24-000006**  
**BZA Meeting of June 17, 2024**  
**Subject Property: 4113 Summer Duck Way – Kiawah Island**

Variance request for the reduction of the required 15' side setback for approx. 69 SF encroachment for a bedroom addition and 16 SF for a proposed bathroom extension.



### Adjacent Properties



### Adjacent Properties



### Property Side



### Property Rear



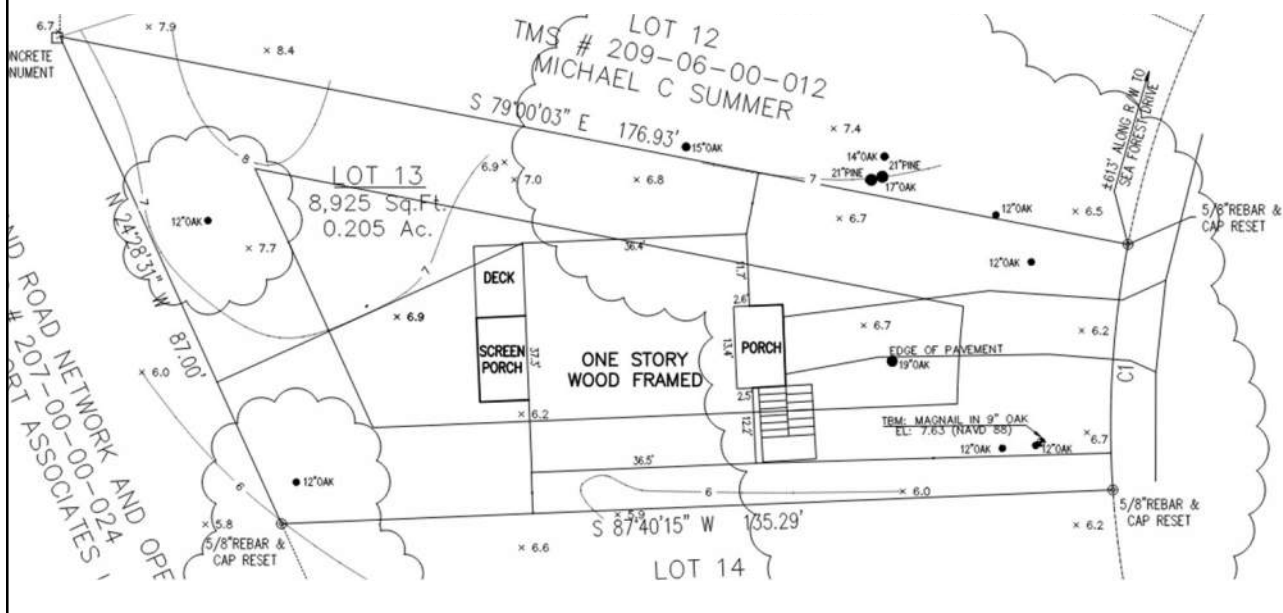
### Stop Work Order Notice



### Subject Property



### Current Site Plan





## 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.

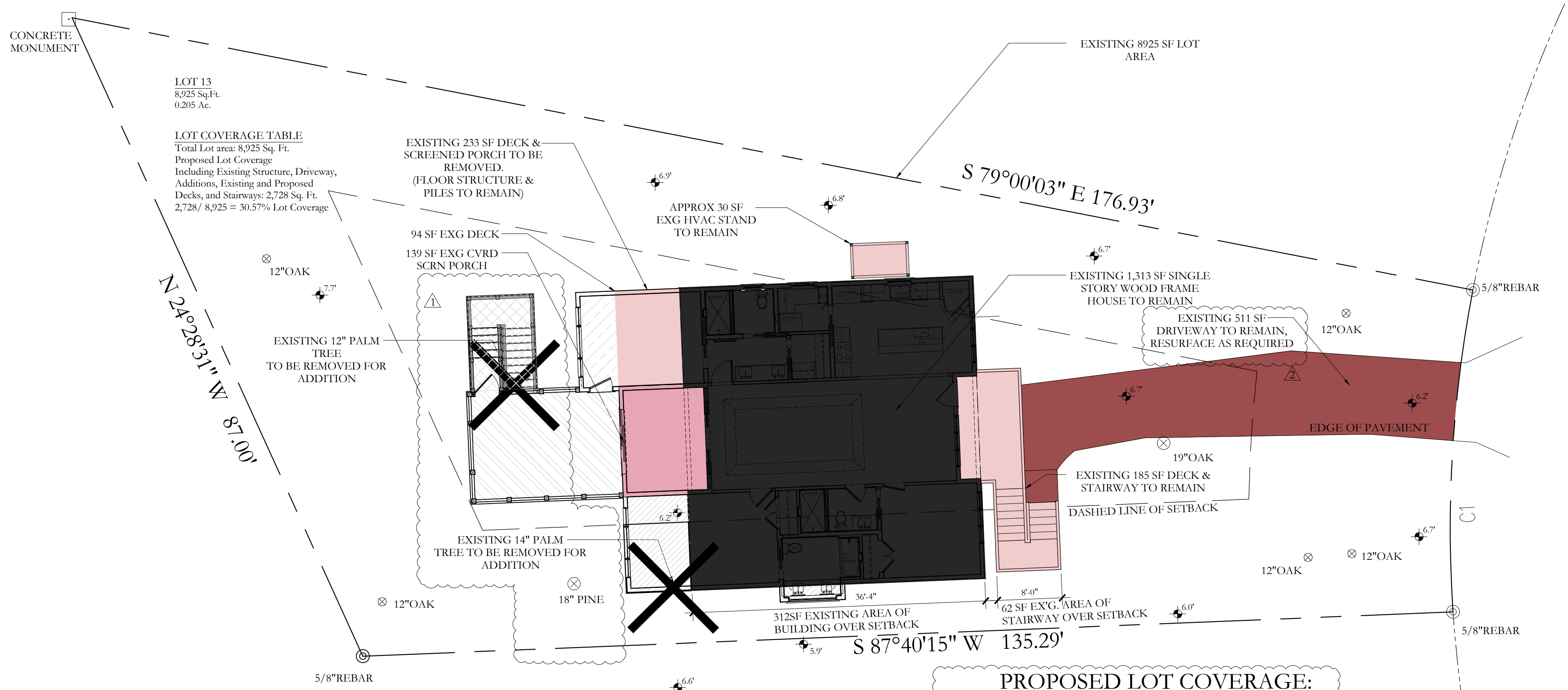
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## Board of Zoning Appeals Action

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000006 (Variance request for the reduction of the required 15' side setback for approximately 69 square feet encroachment for a proposed bedroom addition and 16 square feet for a proposed bathroom extension 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.

18



LOT 13  
8,925 Sq.Ft.  
0.205 Ac.

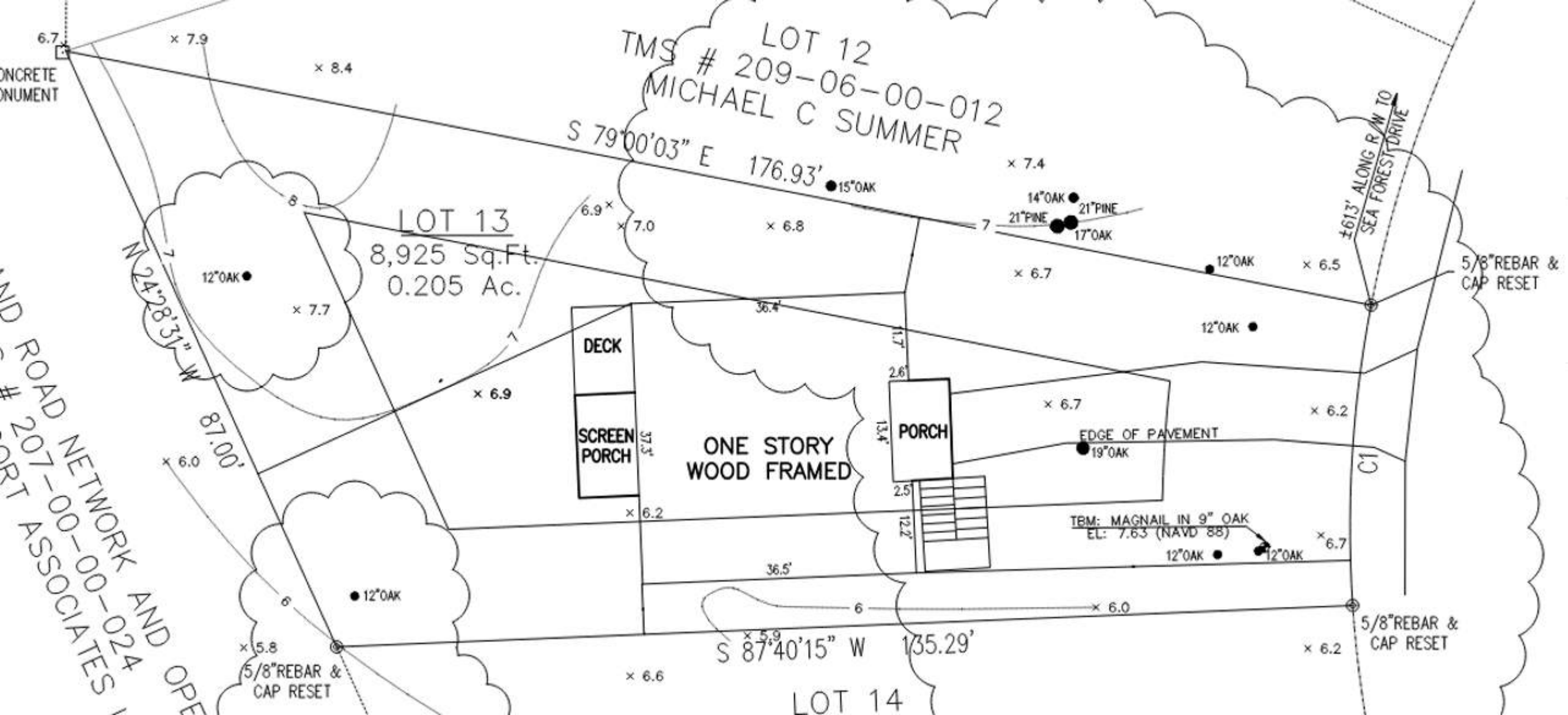
LOT COVERAGE TABLE  
Total Lot area: 8,925 Sq. Ft.  
Proposed Lot Coverage:  
Including Existing Structure, Driveway,  
Additions, Existing and Proposed  
Decks, and Stairways: 2,728 Sq. Ft.  
2,728/ 8,925 = 30.57% Lot Coverage

**PROPOSED LOT COVERAGE:**

LEGEND	
[Solid Black]	EXISTING BLDG FOOTPRINT 1,313 S.F.
[Hatched]	PROPD ADD'L BLDG F'PRINT 156 S.F.
[Pink]	EXISTING SCRND'/COVER'D CONERTED TO LIVING SPACE 139 S.F.
[Light Blue]	EXISTING OPEN DECK COVERTED TO LIVING SPACE 94 S.F.
[Light Green]	PROPD NEW SCRND'/COVER'D 262 S.F.
[Light Purple]	EXISTING OPEN DECK/STRS 185 S.F.
[Light Yellow]	PROPD NEW OPEN DECK/STRS 98 S.F.
[Light Orange]	PRIMARY DRIVE / WALKS 535 S.F.
[Light Red]	HVAC STAND 30 S.F.
<b>TOTAL LOT COVERAGE</b>	<b>2,812 S.F.</b>
ALLOWABLE LOT COV'G	40.0%
PROPOSED LOT COV'G	31.5%
SECONDARY ELEMENTS N/A	
TOTAL ALLOWABLE	40.0%
TOTAL PROPOSED	31.5%

1 LOT COVERAGE DIAGRAM  
LCD1.0 SCALE: 1" = 10'-0"

ISSUE	
DATE	DESCRIPTION
03/04/2024	RE-SUBMIT TO ARL DESIGN CHANGE: REAR COVD' PORCH & STAIR
04/08/2024	RE-SUBMIT TO BUILDING DEPT FOR PERMIT UPDATE



LOT 12  
TMS # 209-06-00-012  
MICHAEL C SUMMER

LOT 13  
8,925 Sq.Ft.  
0.205 Ac.

ONE STORY  
WOOD FRAMED

DECK

SCREEN  
PORCH

PORCH

TBM: MAGNAIL IN 9" OAK  
EL: 7.63 (NAVD 88)

±613' ALONG R/W TO  
SEA FOREST DRIVE

5/8" REBAR &  
CAP RESET

5/8" REBAR &  
CAP RESET

S 79°00'03" E 176.93'

S 87°40'15" W 135.29'

N 24°28'31" W

87.00'

6.7

x 7.9

x 8.4

x 7.4

x 6.7

x 6.5

x 6.2

x 6.2

8

x 7.7

x 6.9

x 7.0

x 6.8

x 6.2

x 6.6

15" OAK

14" OAK

21" PINE

21" PINE

17" OAK

12" OAK

12" OAK

12" OAK

12" OAK

19" OAK

12" OAK

12" OAK

x 5.8

5/8" REBAR &  
CAP RESET

6

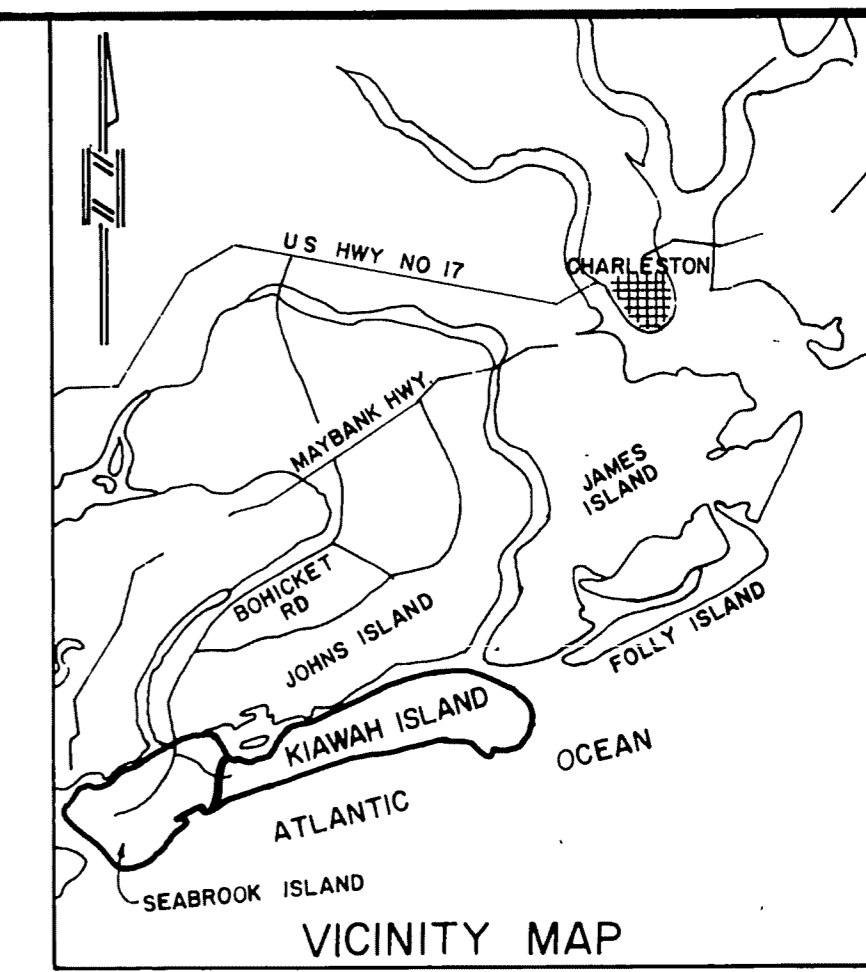
x 6.0

x 5.9

6

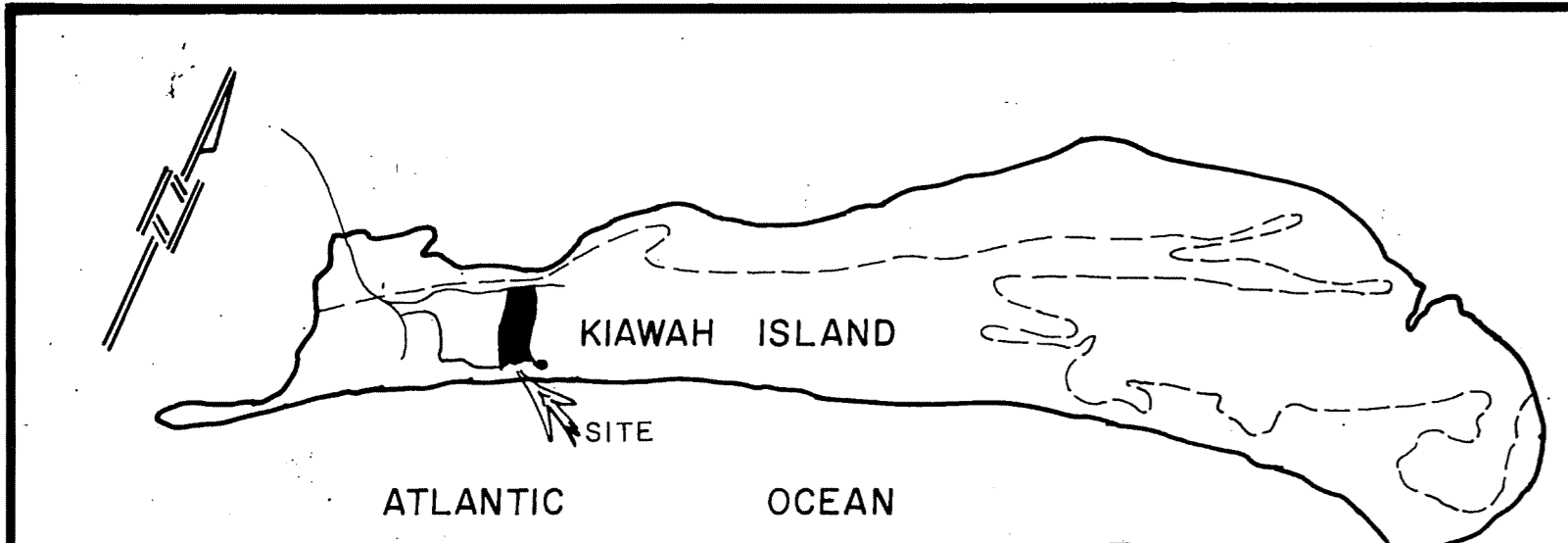
AND ROAD NETWORK AND OPER  
# 207-00-00-00-024  
ASSOCIATES

# NIGHT HERON SUBDIVISION 419-I



PLAT OF:  
NIGHT HERON  
SUBDIVISION  
419-I

LOCATED ON-  
KIAWAH ISLAND,  
CHARLESTON  
COUNTY,  
SOUTH CAROLINA  
OWNED BY-  
KIAWAH ISLAND  
COMPANY, LTD.  
KIAWAH ISLAND,  
S. C. 29455

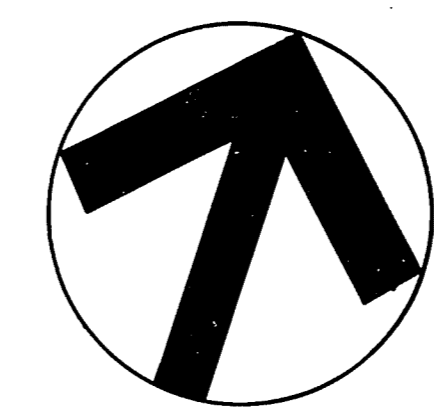


NO.	DELTA	CURVE DATA	ARC	CHORD	TAN	CHORD BRG.
A	19-57-10	197.77'	68.87'	68.52'	34.79'	S01-05-43E
B	80-31-54	15.00'	21.08'	19.39'	12.71'	S29-11-29W
C	09-39-12	194.39'	32.75'	32.71'	16.41'	S74-17-11W
D	15-19-37	194.39'	52.00'	51.85'	26.16'	S86-46-36W
E	18-16-27	194.39'	62.00'	61.74'	31.27'	N76-25-22W
F	07-21-14	155.83'	20.00'	19.99'	10.01'	N70-57-44W
G	19-29-14	155.83'	53.00'	52.74'	26.76'	N84-22-58W
H	18-45-37	155.83'	51.02'	50.80'	25.74'	S76-29-36W
I	14-46-51	155.83'	40.20'	40.09'	20.21'	S59-43-21W
J	13-25-13	155.83'	36.50'	36.42'	18.33'	S45-37-20W
K	07-22-19	155.83'	20.05'	20.04'	10.04'	S35-13-34W
L	07-22-19	155.83'	36.10'	36.02'	20.17'	S03-31-18W
M	13-16-24	155.83'	36.10'	36.02'	20.17'	S03-31-18W
N	14-44-52	155.83'	40.11'	40.00'	21.38'	S11-40-00E
O	15-37-35	155.83'	42.50'	42.37'	21.38'	S11-40-00E
P	15-53-26	155.83'	43.22'	43.08'	21.75'	S27-25-39E
Q	13-24-13	140.62'	32.90'	32.82'	16.52'	S28-40-00E
R	18-53-17	140.62'	46.36'	46.15'	23.39'	S12-31-25E
S	08-52-32	290.50'	45.00'	44.96'	22.55'	S07-30-56E
T	10-39-02	290.50'	54.00'	53.92'	27.08'	S17-16-47E
U	10-15-22	290.50'	52.00'	51.93'	26.07'	S27-43-54E
V	10-50-11	290.50'	54.94'	54.86'	27.55'	S38-16-47E
W	11-13-47	290.50'	56.94'	56.85'	28.56'	S49-18-39E
X	11-36-43	290.50'	58.87'	58.77'	29.54'	S60-43-54E
Y	83-25-16	15.00'	21.84'	19.96'	13.37'	S24-49-38E
Z	21-06-41	118.00'	43.48'	43.23'	21.99'	S06-19-40W
AA	19-13-52	118.00'	39.61'	39.42'	19.99'	S13-50-37E
AB	19-19-34	103.76'	35.00'	34.83'	17.67'	S33-07-22E
AC	25-24-01	103.76'	46.00'	45.62'	23.38'	S55-29-07E
AD	24-40-37	103.76'	44.69'	44.35'	22.70'	S80-31-34E
AE	57-24-51	15.00'	15.03'	14.41'	8.21'	S64-09-12E
AF	60-06-28	50.00'	52.45'	50.08'	28.93'	S65-30-08E
AG	49-54-52	50.00'	43.56'	42.19'	23.27'	S59-29-19E
AH	22-55-06	50.00'	20.00'	19.87'	10.14'	N23-05-42E
AI	31-56-53	50.00'	27.88'	27.52'	14.31'	S04-20-19E
AJ	32-05-08	50.00'	28.00'	27.64'	14.38'	N36-22-20W
AK	45-40-47	50.00'	39.86'	38.82'	21.06'	S82-33-13W
AL	57-25-30	15.00'	10.34'	14.41'	8.22'	S58-25-24W
AM	16-40-58	358.35'	104.34'	103.97'	52.54'	S21-43-27E
AN	07-42-03	358.35'	48.16'	48.13'	24.12'	S09-32-00W
AO	69-24-12	63.76'	77.23'	72.60'	44.15'	S38-09-38E
AP	40-20-33	78.00'	54.92'	53.78'	28.65'	S03-17-19E
AQ	83-25-16	15.00'	21.84'	19.96'	13.37'	S24-49-38E
AR	04-08-31	290.50'	21.00'	21.00'	10.50'	N81-45-58W
AS	11-06-00	290.50'	56.28'	56.19'	28.23'	N84-47-11E
AT	06-07-08	290.50'	31.02'	31.01'	15.53'	N76-10-41E
AU	13-40-32	169.68'	40.50'	40.40'	20.35'	N79-57-20E
AV	12-26-40	169.68'	36.85'	36.78'	18.50'	S86-59-03E
AW	88-32-31	15.00'	23.18'	20.37'	14.62'	S36-29-22E
AX	13-28-03	358.35'	84.23'	84.04'	42.31'	S01-02-42W
AY	85-32-30	15.00'	22.39'	20.37'	13.88'	S56-27-56W
AZ	13-14-32	209.68'	48.46'	48.35'	24.34'	N87-22-59W
BA	28-15-37	15.00'	22.32'	20.32'	13.81'	S51-22-24E
BB	28-34-18	115.62'	57.66'	57.06'	29.44'	S05-32-30W
BC	11-03-57	139.80'	27.00'	26.96'	13.54'	S14-17-39W
BD	05-34-00	247.02'	24.00'	23.99'	12.01'	S10-54-30W
BE	19-28-03	139.80'	47.50'	47.27'	23.98'	S00-58-15E
BF	20-24-41	247.02'	88.00'	87.54'	44.47'	S02-04-45E
BG	19-15-45	139.80'	47.00'	46.78'	23.72'	S20-20-10E
BH	19-08-09	247.02'	82.50'	82.12'	41.64'	S21-51-07E
BI	19-38-01	139.80'	47.91'	47.67'	24.19'	S39-47-03E
BJ	12-45-26	247.02'	55.00'	54.89'	27.61'	S37-47-58E
BK	03-59-33	247.02'	17.21'	17.21'	8.61'	S46-10-21E
BL	05-26-12	197.77'	18.77'	18.76'	9.39'	S45-27-11E
BM	12-43-33	197.77'	43.93'	43.84'	22.05'	S36-22-14E
BN	08-31-56	15.00'	21.08'	19.39'	12.71'	S70-16-23E
BO	09-29-30	234.39'	38.83'	38.79'	19.46'	N74-12-22E
BP	81-55-58	15.00'	21.45'	19.67'	13.02'	N37-58-58E
BQ	46-37-11	86.76'	70.59'	68.66'	37.38'	S26-17-28E
BR	07-00-22	126.76'	15.50'	15.49'	7.76'	S46-05-51E
BS	22-47-31	126.76'	10.42'	10.42'	5.21'	S11-23-30E
BT	16-49-18	126.76'	37.22'	37.08'	18.74'	S11-23-30E
BU	61-55-57	15.00'	21.45'	19.67'	13.02'	N43-56-55E
BV	17-37-41	234.39'	72.11'	71.83'	36.34'	N76-05-57W
BW	19-53-06	115.83'	40.20'	40.00'	20.30'	N77-13-41W
BX	53-15-09	115.83'	107.66'	103.92'	58.07'	S66-12-07W
BY	74-56-42	115.83'	151.51'	140.94'	88.79'	S02-06-09W
BZ	06-20-40	180.62'	20.00'	19.99'	10.01'	S32-11-48E
CA	15-05-58	180.62'	47.60'	47.46'	23.94'	S21-28-31E
CB	10-50-52	180.62'	34.20'	34.15'	17.15'	S08-30-11E
CC	13-43-25	250.50'	60.00'	59.86'	30.14'	S09-56-23E
CD	20-57-37	250.50'	91.64'	91.13'	46.34'	S27-16-38E
CE	22-38-38	250.50'	99.00'	98.36'	50.15'	S49-05-01E
CF	48-45-20	250.50'	82.00'	81.63'	41.37'	S67-47-00E
CG	18-17-53	250.50'	80.00'	79.66'	40.34'	S88-18-37E
CH	09-25-21	250.50'	41.20'	41.15'	20.64'	N77-49-46E
CI	08-18-12	15.00'	21.81'	19.94'	13.34'	N31-27-55E
CJ	20-14-59	155.62'	55.00'	54.71'	27.79'	N00-03-34W
CK	13-09-45	155.62'	26.52'	26.49'	13.29'	N14-56-51E
CL	69-25-46	99.80'	120.93'	113.67'	69.14'	S14-53-12E
CM	90-00-00	15.00'	23.56'	21.21'	15.00'	S85-23-57W
CN	19-28-50	50.00'	17.00'	16.92'	8.58'	S50-08-24W
CO	35-31-24	50.00'	31.00'	30.51'	16.02'	S77-38-26W
CP	30-00-13	50.00'	26.18'	25.89'	13.40'	N69-35-42W
CQ	43-12-21	50.00'	37.70'	36.82'	19.80'	N32-59-25W
CR	40-06-25	50.00'	35.90'	34.29'	18.25'	N08-39-57E
CS	48-07-42	50.00'	42.00'	40.78'	22.33'	S52-47-02E
CT	49-08-29	50.00'	42.88'	41.58'	22.86'	S78-35-00E
CU	85-35-18	15.00'	22.41'	20.38'	13.89'	N83-11-33E
CV	90-00-00	15.00'	23.56'	21.21'	15.00'	N04-36-10W
CW	46-37-11	106.76'	86.87'	84.49'	46.90'	S26-17-28E
CX	39-30-21	214.39'	55.70'	55.44'	33.34'	S78-14-21W
CY	25-41-45	214.39'	96.15'	95.35'	48.90'	N80-08-00W
CA	148-05-03	135.83'	351.06'	261.19'	475.01'	S38-40-20W
CB	32-17-30	160.62'	90.52'	89.33'	46.50'	S19-13-26E



Plat recorded this 19th day of August 1980, and tracing data checked in this office. Drawing copy filed in this office. Original plat (2 copies) delivered to this County Planning Board.

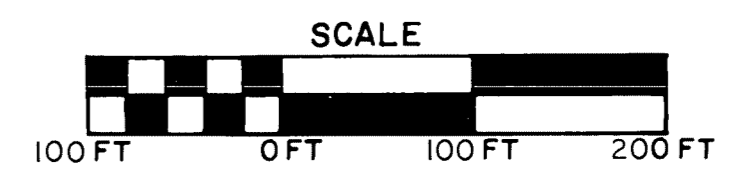
*Robert J. Richardson*  
Surveyor



SCALE: 1" = 100'

APPROVED FINAL PLAT  
CLERK CHARLESTON COUNTY COURSE  
DIRECTOR OF PLANNING  
CHARLESTON COUNTY PLANNING BOARD  
DATE: AUGUST 5, 1980  
# 7945/88

- LEGEND:
- CONCRETE MONUMENT WITH BRASS PIN
  - PROPERTY LINE
  - AREA IN SQUARE FEET
  - EASEMENT RESERVED FOR DRAINAGE, UTILITY, LEISURE TRAIL, OPEN SPACE OR ANY COMBINATION THERE OF
  - O.S. OPEN SPACE
  - (21) DESIGNATES NUMBER FOR REFERENCE IN TABLE OF CENTERLINES & BOUNDARIES
  - (B3) DESIGNATES LETTER FOR REFERENCE TO CURVE DATA
  - MAILING RECEIPTAL OR LINEN BUILDING (10'x20')
  - D.E. ABBREVIATION FOR DRAINAGE EASEMENT



COASTAL SURVEYING CO., INC.  
BEACHWALKER OFFICE PARK  
KIAWAH ISLAND, S.C.

I, JERRY L. RICHARDSON, A REGISTERED 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 THE PRECISION IS 1/20,000

*Jerry L. Richardson*  
S.C. REG. NO. 4784  
SUITE 6-A  
BEACHWALKER OFFICE PARK  
KIAWAH ISLAND, S.C. 29455

SHEET 1 OF 1

TOTAL ACREAGE  
REG LOTS 14 893 AC.  
PATIO LOTS 0.000 AC.  
ROADS 2.996 AC.  
OTHER 6.589 AC.  
TOTAL 24.478 AC.

7/21/80 SUBMITTED FOR APPROVAL

RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

CO	PROJ	TYPE	NO	REV
01	419		89	

JOB NO.: CH-1323

DATE 12 OCTOBER 1979

FIELD CK. *[Signature]*

OFFICE CK. *[Signature]*

DEVELOPMENT CK. *[Signature]*

LAND CK. \_\_\_\_\_

EXECUTIVE CK. \_\_\_\_\_

LEGAL CK. TGB

REVISIONS:

- 19 OCTOBER 1979
- 22 OCTOBER 1979
- 20 NOVEMBER 1979
- 10 JULY 1980
- 13 & 14 ADDED TO NOTES

TOTAL LOTS THIS SHEET 89



June 4, 2024

Re: 4113 Summer Duck Way – Zoning Variance request

Dear Town of Kiawah Zoning Board Representatives,

We are requesting a variance for 4113 Summer Duck Way. We request relief of the 15-foot side-yard setback to allow for two small areas of additional square footage. The first is a 68 square foot area, aligned with the existing wall of the home and continues the existing encroachment of 8'-6" into the side yard. The second is a 16 square foot, 2ft deep, cantilevered addition from the existing side wall and fits underneath (does not push past) the existing roof overhang.

We are requesting this variance to address the setback requirements that were imposed in this neighborhood after the homes were originally constructed. As a result, the existing home, while originally built as a conforming structure, is now non-conforming to said setbacks. We propose an addition to increase the size of the existing bedrooms as a continuation of the existing volume of the home to not make the addition 'appear like an addition' such that it would conform to the style and volume massing of the existing dwelling.

We find the following criteria to be applicable to this property:

- a. There are extraordinary and exceptional conditions pertaining to this piece of property such that: at 4113 Summer Duck Way the imposition of setback criteria being added to the property post-construction of the home – essentially forcing the home into a non-conforming status.
- b. These conditions generally do not apply to other property in the vicinity; However, the imposition of these setbacks affected individual properties in this neighborhood in an inconsistent manner, making it more difficult or impossible for some to make changes or additions without a variance approval, while not for others.
- c. Because of these conditions the application of the setback requirement would unreasonably restrict or prohibit utilization of the property; by eliminating the ability to make simple improvements or modifications to the entire south side of the dwelling.
- d. The authorization of a variance will not be of substantial detriment to the adjacent property or the public good, nor will the character of the zoning district be harmed by granting the variance because: the design approach is both fitting to and falls within the existing character of the neighborhood, has minimal visibility from the road and is of minimal additional square footage in order to obtain the most efficient use of space as well as the addition of landscape screening with predominantly native plant material.

2311 E. Broad Street, Richmond, Virginia 23223

IslandArchitects.com



- 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 on the official map. None of the requested variance conditions would result from an approval by the Board of Zoning Appeals/.
- f. The fact that the property may be used more profitably, should a variance be granted, may not be considered grounds for a variance as the request in this instance is for personal residential use.
- g. The need for a variance shall not be the result of the applicant's own actions. Because the current owner did not build this home originally or cause the new zoning setback laws to be put in place, this is not the case for the request.
- h. Granting the variance shall 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 and purpose of these regulations – because the carefulness by which the addition was designed, as well as the addition of landscape screening with predominantly native plant material, take into account, an accord with surrounding dwellings, adjacent properties, and the overall coherence with the existing fabric of the neighborhood; and
- i. Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this ordinance. As both the size, placement, and encroachment into the setbacks were approached with a deliberate minimally impactful approach.

Thank you. We appreciate your time and consideration in this request.

Matt Sargent, Partner  
Island Architects



October 9, 2023

Mr. and Mrs. Gianoukos  
62 Indigo Point Drive  
Charleston, SC 29407

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

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

Re: **IMPROVEMENT REVIEW**  
Address: 4113 Summer Duck Way  
ARB Action: Approved – Conditional

Dear Mr. and Mrs. Gianoukos,

Thank you for your submittal to the Kiawah Island Architectural Review Board for review of improvements to your home at 4113 Summer Duck Way. The improvements are approved to continue to the permit submittal with the following comments and conditions in keeping with the guidelines:

- L1. The Variance Request for the proposed addition to extend into the left side yard setback is approved due to the unique shape of the lot, the post-construction adoption of current setback requirements applied to the property, and that the proposed addition and associated variance is in keeping with other properties in the neighborhood.
  - L2. A proposed landscape plan, showing revegetation of areas impacted by construction and new plantings as needed to meet current ARB Standards and Guidelines, should be submitted for review and approval 60 days prior to landscape installation.
  - L3. For the permit submittal, please provide a current as-built survey dated within 12 months. Due to the proposed change in footprint, please be reminded that an as-built survey will be required for the final inspection at the conclusion of construction.
  - L4. Due to the scope of the improvement, please provide a tree protection plan with the permit set and install tree protection fencing onsite at time of permit submittal.
- 
- A1. All exterior materials, colors, and other finishes should match those of the existing house. If different materials or colors are proposed, please submit a material and color palette for approval. Prior to commencement of work, please submit an Onsite Color Review Form and provide accessible color samples of proposed materials and finishes onsite for field review. Please refer to the Design Guidelines, *Designing with Nature*, when making color selections. The design guidelines can be downloaded at [KiawahARB.com](http://KiawahARB.com).
  - A2. Please note that exterior light fixtures are required to screen any direct view of light bulbs. Fixtures designed to display light bulbs are required to use obscure glass. A maximum number of two switched floodlights, or similar types of lighting attached to soffits and fascias, when allowed, must be hooded, low voltage, and approved in advance. All new and existing exterior fixtures at your property should conform to these requirements. Please submit cut sheets for proposed new and replacement fixtures. ARB staff will be looking for exterior lighting to be compliant at the final inspection.

For the Permit Submittal, please submit one (1) digital copy of sealed drawings, a completed Construction Application Deposit & Agreement Form, review fee and construction deposit(s), and a KICA Encroachment Permit to this office at [ARB@Kiawah.com](mailto:ARB@Kiawah.com). If tree protection fencing is required above, it must be installed at the time of Permit Submittal. When these items are received and reviewed, an ARB approval stamp and Building Permit will be issued for the project.

Thank you again for your submittal to the Kiawah Island Architectural Review Board. Please contact the ARB office if we can be of any assistance during the Permit Process for your home improvements.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tommy Manuel', with a stylized flourish at the end.

Tommy Manuel, Director  
On behalf of the KIARB

cc: Property File, Island Architects, Westcreek Home Builders

encl: Construction Application Deposit & Agreement Form



Sign in

4113 Summer Duck ARB Permit PDF



# BUILDING PERMIT

TO BE POSTED ONSITE

ONCE PROJECT IS COMPLETE, PLEASE REQUEST A FINAL INSPECTION BY EMAIL TO [ARB@KIAWAH.COM](mailto:ARB@KIAWAH.COM)

**ADDRESS:** 4113 Summer Duck

**CONTRACTOR:** Westcreek Home Builders

**CONTRACTOR PHONE:** 843-224-8174

**OWNER:** Jimmie & Laura Gianoukos

**ISSUE DATE:** 1/29/2024

**PERMIT NO.:** 19682-24

**BY:** *Dmitri Grigorieff*

**SCOPE OF WORK:** Addition of bathroom, extension of existing bedrooms, common area, and covered porch and deck stair area, pour leveling slab on ground area



KIAWAH ISLAND  
**COMMUNITY**  
ASSOCIATION

## ENCROACHMENT PERMIT

PERMIT NO. EN23-002305  
ISSUED TO: Westcreek Home Builders, LLC  
WORKSITE: 4113 Summer Duck Way  
TYPE OF WORK: Exterior/Interior Renovation

---

Jobsite Foreman: Ricky Balch  
Start Date: 12/04/2023  
Completion Date: 07/19/2024

### CONDITIONS OF PERMIT

Kiawah Island is a private community. The roads and right-of-ways are owned and maintained by the Kiawah Island Community Association (KICA). They are NOT public domain. Any unauthorized work will be treated as trespassing on private property and dealt with accordingly. You are liable for damages to the property of others resulting from your actions.

- Permit must be displayed on the job site at all times.
- Contractors and sub-contractors will abide by all rules and regulations of KICA.
- No boring under paved areas without prior written approval from KICA.\*
- No cutting or excavation of pavement without prior written approval from KICA.\*
- No pruning of the dunes without prior written approval from ARB.
- No alteration of drainage system without written approval from KICA.\*
- Workers must immediately report any damages to utility lines, streets, pavements or drainage systems to KICA's Livability Director at 708-3611 or the Main Security Gate at 768-5566.
- As a condition of issuance of the "Encroachment Permit" the contractor agrees to the revocation of vehicle access passes and decals should the contractor fail to complete job, including restoration to the satisfaction of KICA.
- Notify KICA Livability office at 725-5560 or via email at [livability@kica.us](mailto:livability@kica.us) immediately upon completion of work.

\*Requires additional written approval from KICA after review of plans and details.

**NOTE: Permit must be visibly posted at work site.**  
Any questions, please call the Livability office at (843) 725-5560.



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

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

**Representative:** Mike Creed

**Property Location:** 202 Chinaberry Lane

**TMS#:** 265-02-00-119

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

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

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

**Requirement:**

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

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

Maximum 33% Lot Coverage

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

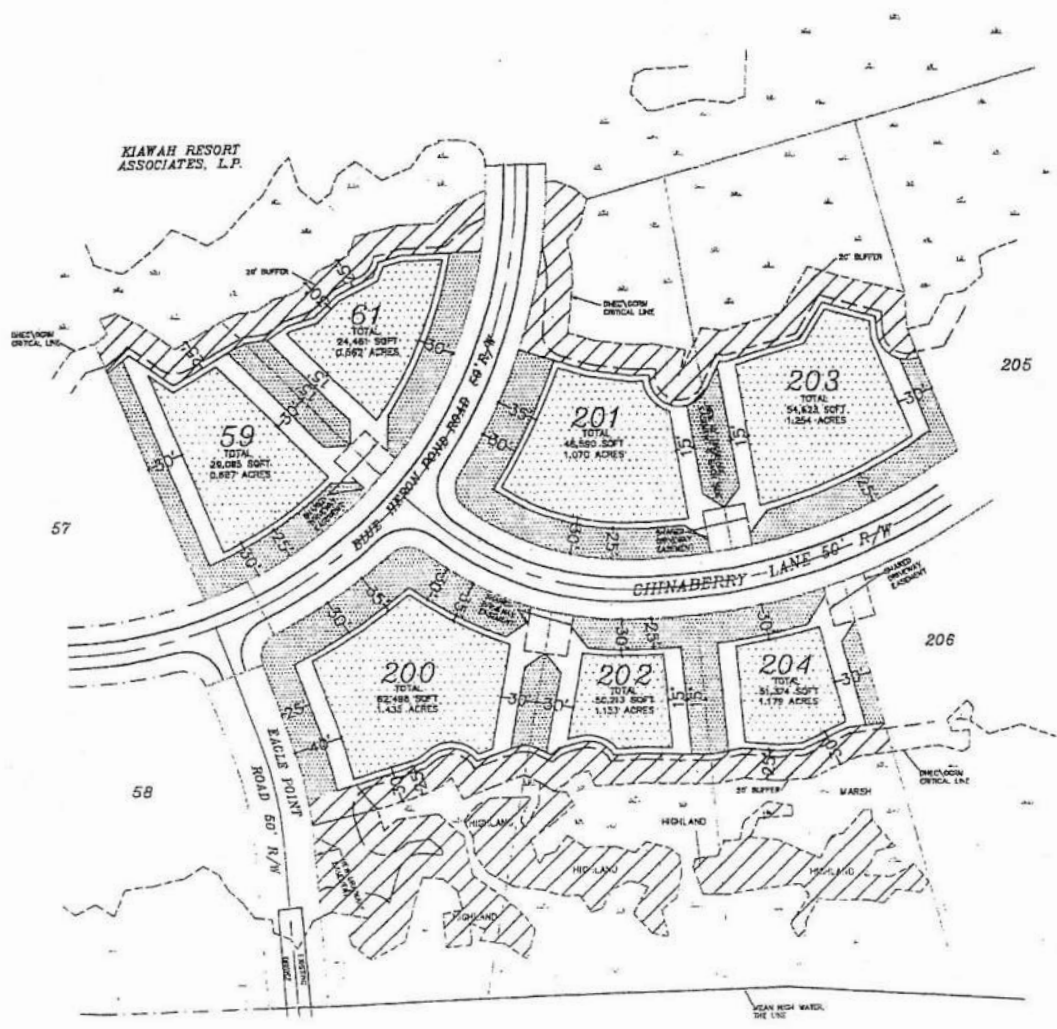
**Sec. 12-65. R-1, Residential District.**

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


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

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


BLUE HERON POND ROAD  
and CHINABERRY LANE



 BUILDABLE AREA

 PRESERVATION ZONE

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

 SELECTIVE CLEARING ZONE

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



**Staff Review:**

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

The subject property is approximately 50,201 square feet (1.16 acres) in size, containing approximately 14,529.7 square feet (0.38 acres) of high ground and approximately 35,672.0 square feet (0.82 acres) of marsh. The subject property is currently undeveloped and sits adjacent to critical area (marsh) to the south. The adjacent properties to the east, west and to the north across Chinaberry Lane are located in the R-1, Residential Zoning District. The subject property is subject to review by the Kiawah Island Architectural Review Board.

The *Town of Kiawah Island Land Use Planning and Zoning Ordinance* pursuant to Sec. 12-65. R-1, Residential District requires a 30' front yard setback, a 30' side yard setback and a 30' rear yard setback with an allowed maximum lot coverage of 33% for the subject property.

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

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

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

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

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

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

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

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

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

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

Please see the attachments for further information regarding this request. A site visit was conducted on May 31, 2024, at which time the following determinations were made regarding the Approval Criteria for Variances, as stated in Chapter 12 of the Town of Kiawah Island *Land Use Planning and Zoning Ordinance*, Article II, Division 5, Section 12-163.(4):

**Staff Findings:**

The BZA may grant a variance only if exceptional circumstances exist, and where practical difficulty or unnecessary hardship is so substantial, serious, and compelling that

relaxation of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the BZA shall find that:

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

**Staff Response:** **There may be extraordinary and exceptional conditions pertaining to the property due to the OCRM Critical Line. The lot size has decreased from the movement of the OCRM Critical Line towards the highlands as illustrated in the updated survey dated April 4, 2024. The buildable area has been reduced by approximately 31.61%. Per the applicant's letter of intent, "The residence was initially designed using the OCRM line from 2018 and this approved design had a lot coverage of 32.21%. However, the OCRM line expired prior to a building permit being granted and as such an updated OCRM survey was requested by the building permit office. This updated OCRM line significantly impacted the buildable area of the lot. We are requesting the overage to bring the buildable area back in line with what it was prior to the OCRM line being shifted so that the previously approved home design can be built."**

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

**Staff Response:** **These conditions may be unique to the subject property and may not generally apply to other properties in the vicinity. The OCRM Critical Line is unique to individual properties. The property is located in the R-1 Residential Zoning District. Adjacent properties are also located in the R-1 Residential Zoning District. Existing structures in the vicinity may or may not have similar encroachments based on current setback standards. Per the applicant's letter of intent, "The neighboring properties were developed prior to the OCRM line being updated."**

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

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

***neighborhood.***

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

**Staff Response:** **The authorization of this variance may not be of substantial detriment to the adjacent properties or the public good. The proposed plans increase the total lot coverage by approximately 531 square feet (3.66%) from the 33% allowable lot coverage. The home size is not being altered from the original plans. Per the applicant's letter of intent, "*Neighboring properties will not be impacted by the variance, as we are only requesting an update to bring the undeveloped property closer to its historical condition.*"**

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

**Staff Response:** **Granting of this variance would not allow the establishment of a use not otherwise permitted in this zoning district, extend physically a non-conforming use of land, or change the zoning district boundaries. Per the applicant's letter of intent, "*We are not requesting a use for the property that is different than those permitted.*"**

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

**Staff Response:** **The BZA may not consider profitability when considering this variance request. Per the applicant's letter of intent, "*increasing the allowable lot coverage will only bring the property back in line with its prior allowable use and will not allow use that in excess of such use.*"**

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

**Staff Response:** **The need for the variance may not be the result of the applicant's own actions. The movement of the OCRM Critical Line has caused the need for this variance. Per the applicant's letter of intent, "*The requested variance is a result of natural changes to the site.*"**

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

*of these regulations;*

**Staff Response:** **Granting of this variance may not be contrary to the public or neighborhood interest, may not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of these regulations. Per the letter of intent, “The requested variance will not adversely affect other property in the vicinity, as the request use is one that has a design with prior approval.”**

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

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

**Board of Zoning Appeals’ Action:**

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

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

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

# Town of Kiawah Island Board of Zoning Appeals

**JUNE 17, 2024**



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

## **CASE# BZA24-000007**

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

**CASE# BZA24-000007**

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

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

**Maximum 33% Lot Coverage**

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

3



4



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

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



Author: Charleston County SC  
 Date: 6/9/2024



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

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



### Property Front



### Adjacent Properties



### Adjacent Properties



### Proposed Generator Stand



11

### Subject Property



12

### Subject Property



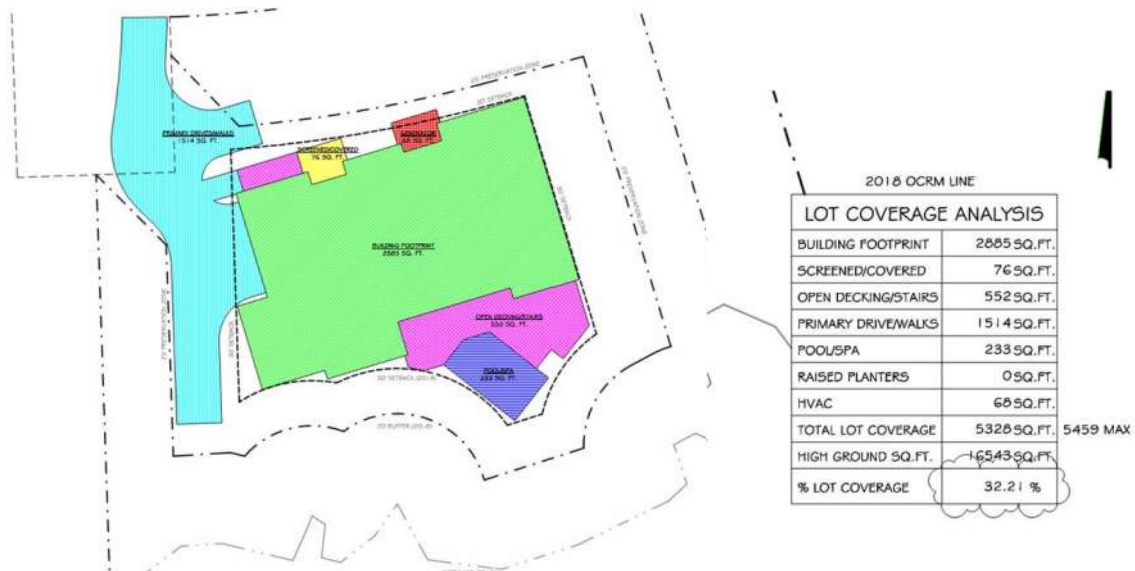
13

### Property Rear



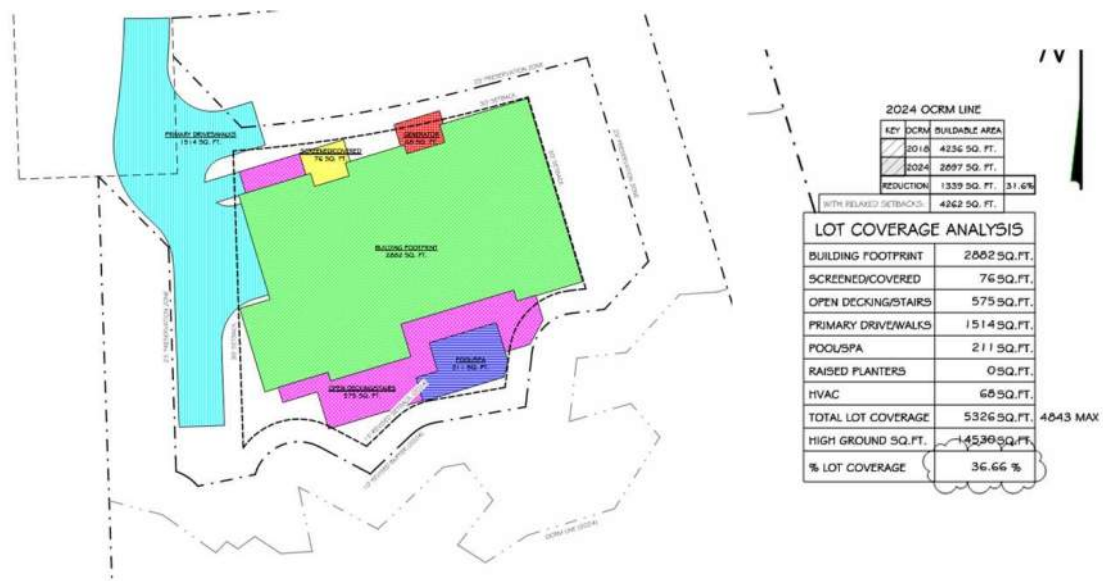
14

### Original Site Plan (with expired OCRM)



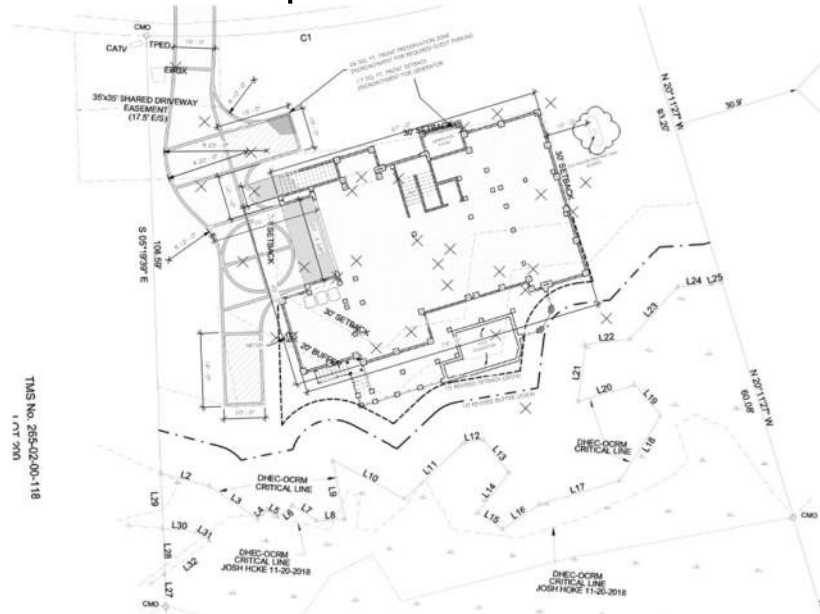
15

### Proposed Site Plan



16

## Proposed Site Plan



17

## Variance Approval Criteria

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

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

18

## Variance Approval Criteria

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

## Board of Zoning Appeals Action

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

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

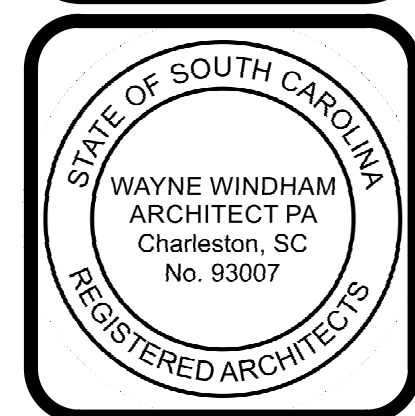
**In the event that the Board considers approval of this requested variance, staff ask that the following conditions of approval be considered:**

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

LOT COVERAGE ANALYSIS

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

**REVIEW SET**



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

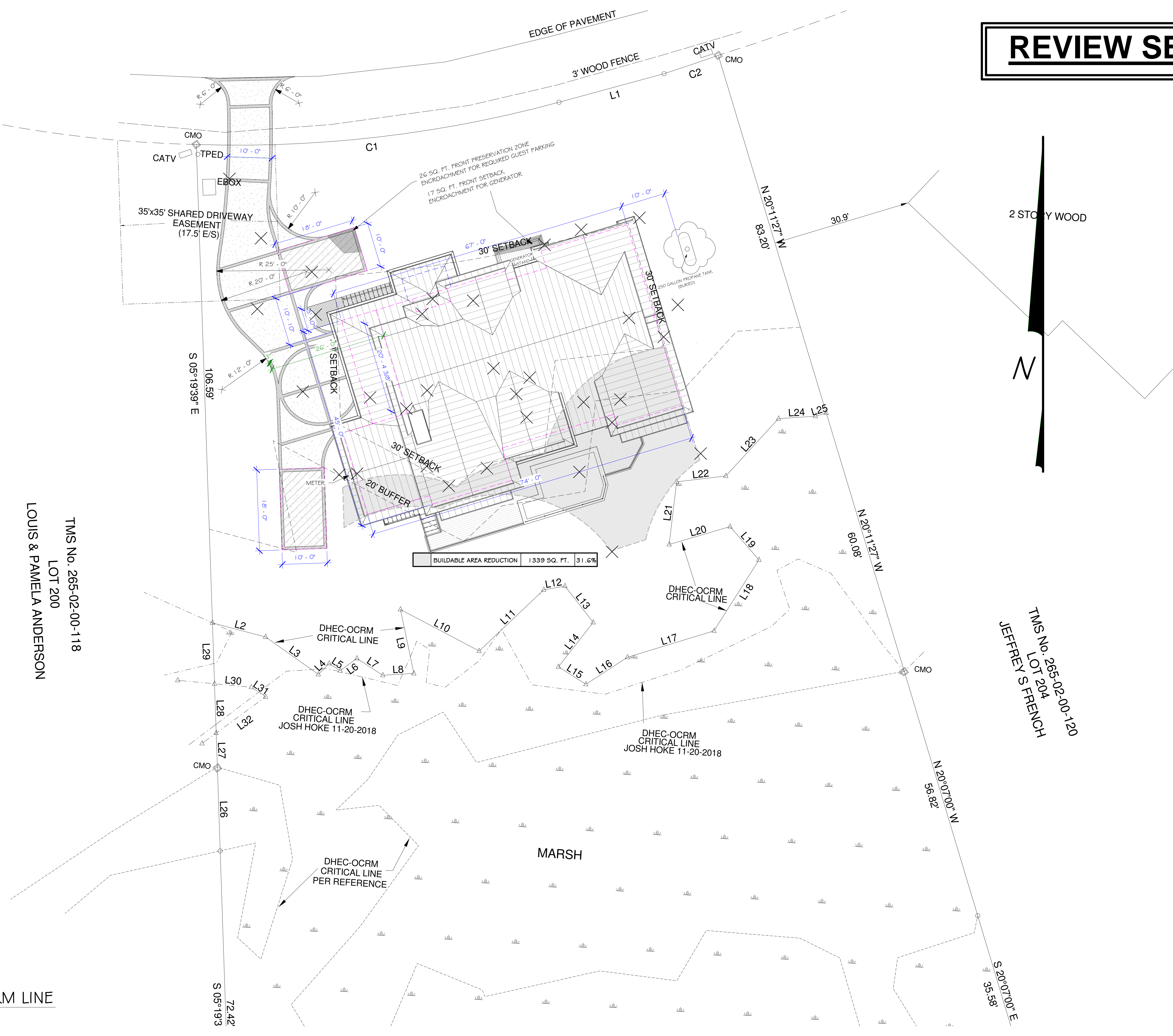
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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
SITE PLAN - NEW 2024 OCRM LINE

REVISIONS

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

SHEET:  
**ST104**  
PROJECT NO. 202122  
DRAWN BY: MAC



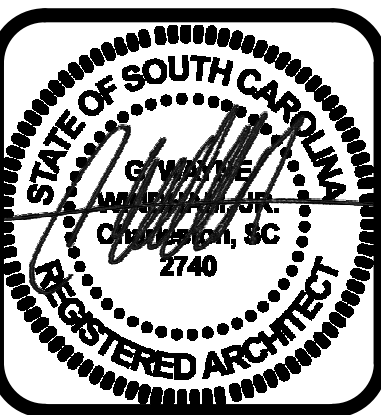
BUILDABLE AREA REDUCTION 1339 SQ. FT. 31.6%

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

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

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

**REVIEW SET**



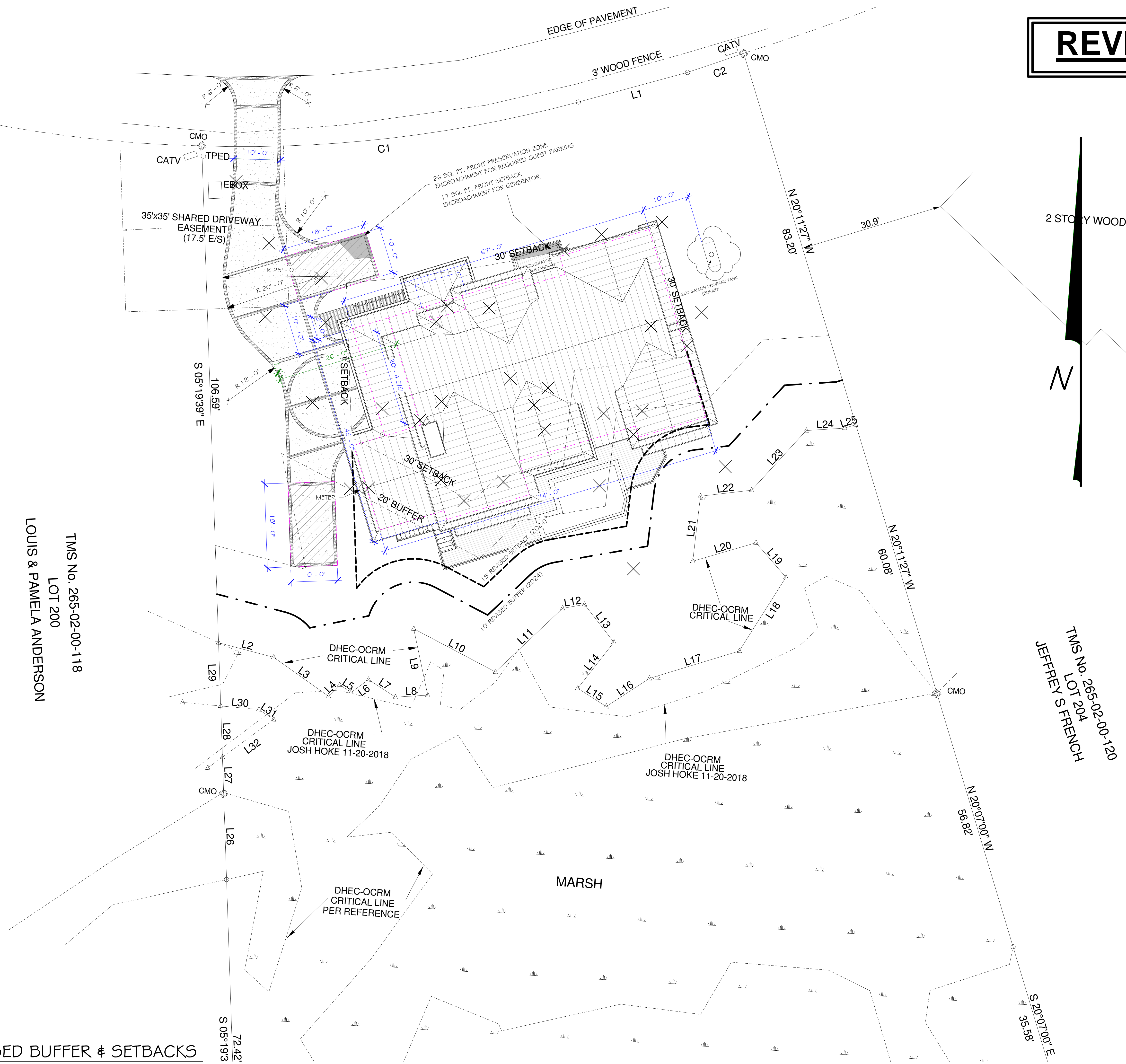
**Wayne Windham**  
ARCHITECT, P.A.  
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843-243-0790  
206 May River Rd. Bluffton, SC 29910  
www.waynearchitect.com

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

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

SHEET:  
**ST105**  
PROJECT NO. 202122  
DRAWN BY: MAC



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

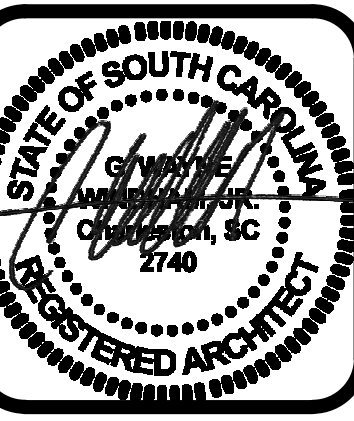
JEFFREY S FRENCH  
LOT 204  
TMS No. 265-02-00-120

SITE PLAN 2024 - REVISED BUFFER & SETBACKS

1" = 10'-0"

11/17/2024 10:51:54 AM

# REVIEW SET

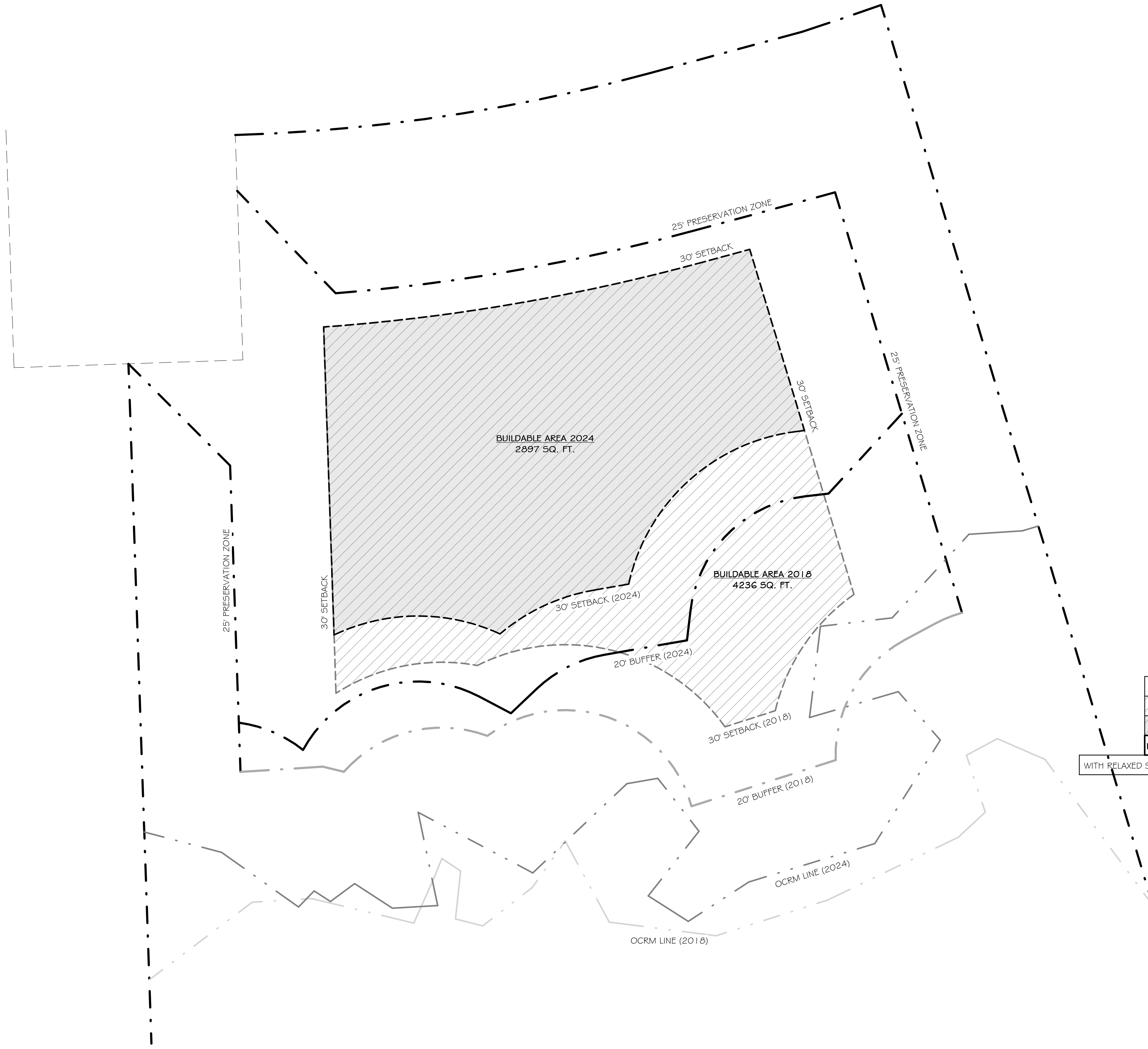


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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
**BUILDABLE AREA CHANGE**

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

SHEET:  
**ST106**  
PROJECT NO. 202122  
DRAWN BY: MAC



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

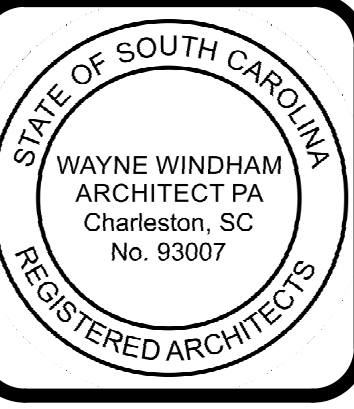
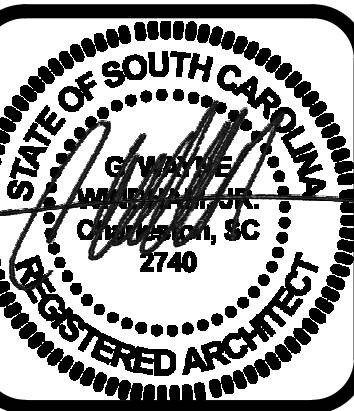


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## SITE PLAN - BUILDABLE AREA CHANGE

1" = 10'-0"

# REVIEW SET



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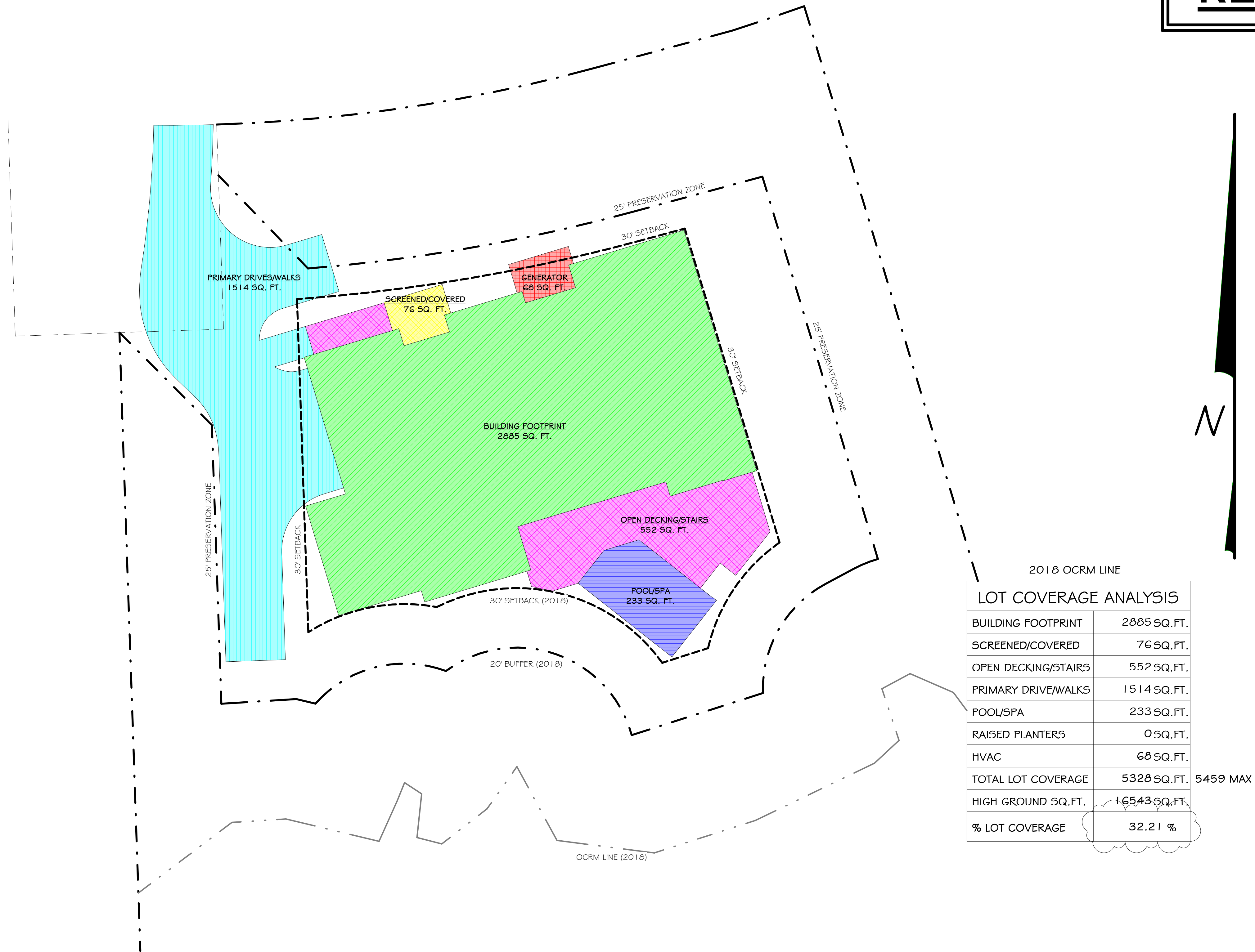
**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
LOT COVERAGE - 2018 OCRM

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

SHEET:

**ST107**

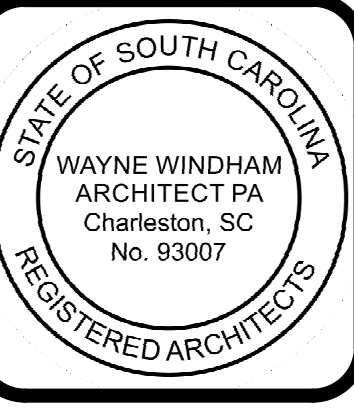
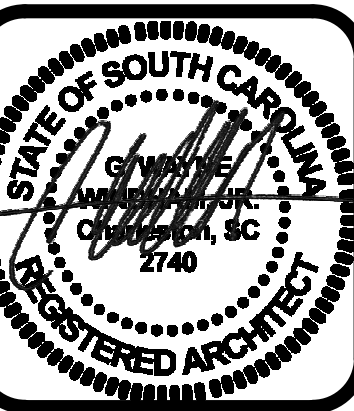
PROJECT NO. 202122  
DRAWN BY: MAC



2018 OCRM LINE

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

# REVIEW SET

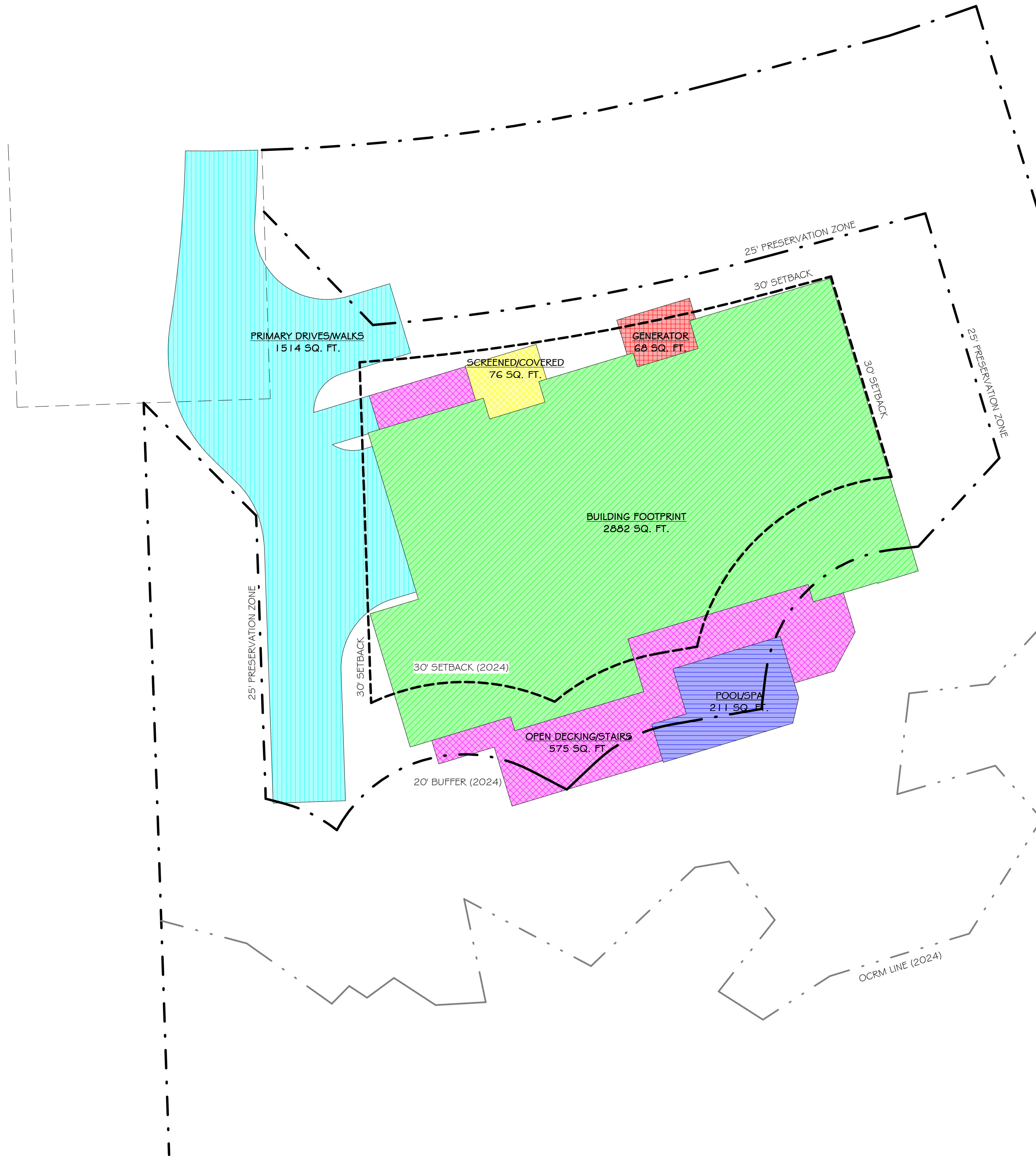


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STEWART RESIDENCE  
202 CHINABERRY LANE  
KIAWAH, SC  
LOT COVERAGE - 2024 OCRM

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

SHEET:  
**ST108**  
PROJECT NO. 202122  
DRAWN BY: MAC



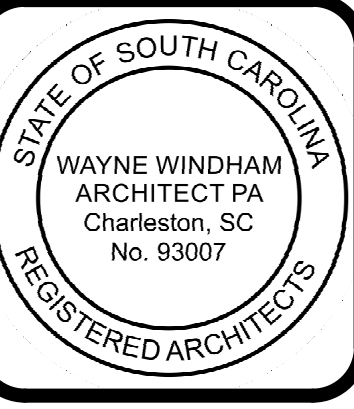
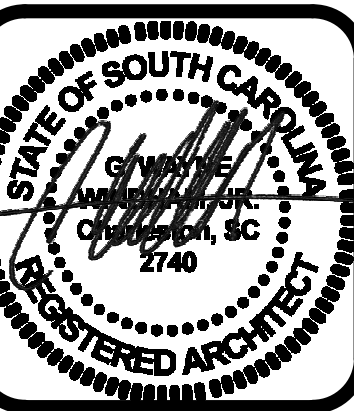
2024 OCRM LINE

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



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# REVIEW SET

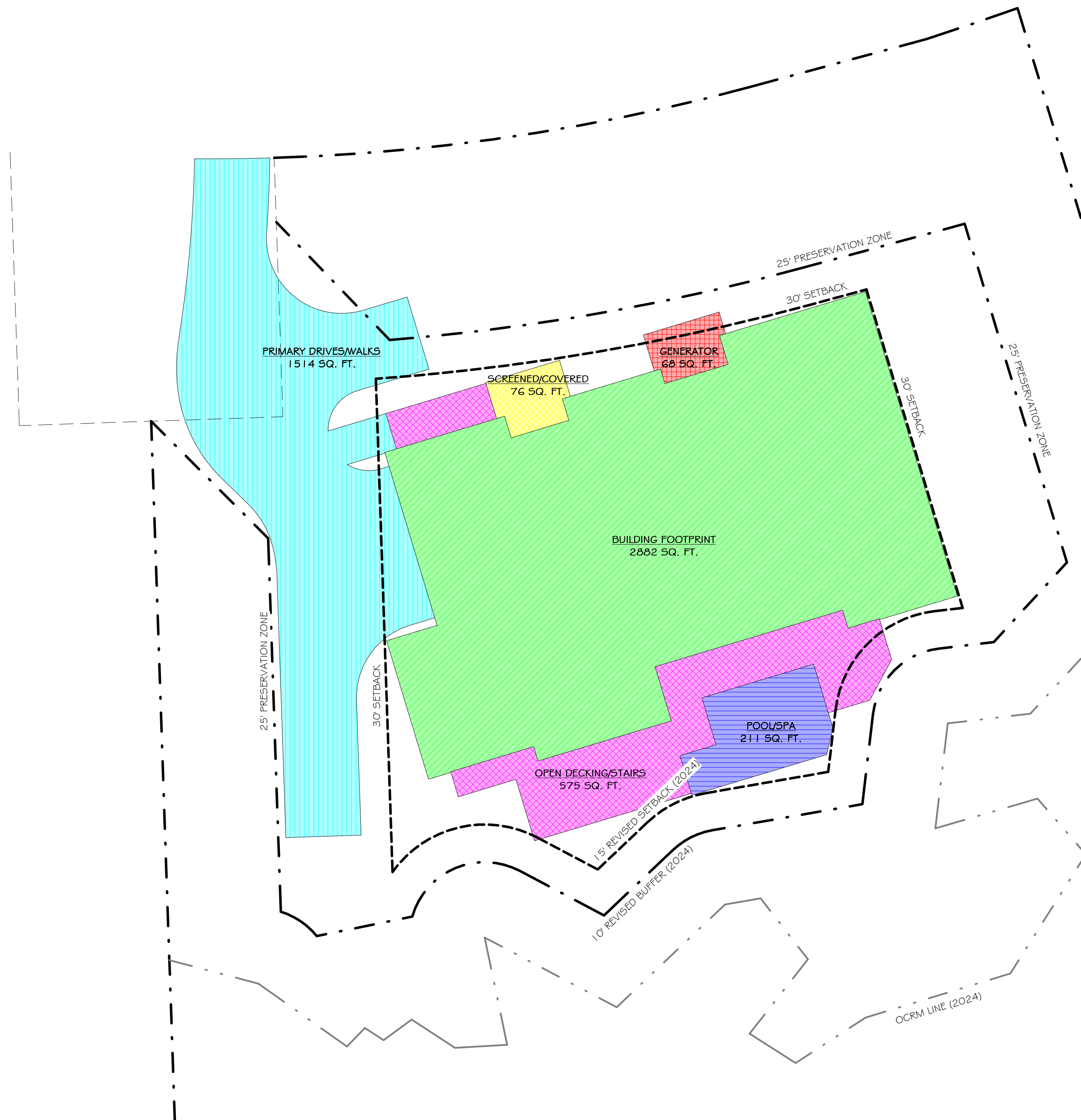


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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
**2024 RELAXED BUFFER & SETBACKS**

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

SHEET:  
**ST109**  
PROJECT NO. 202122  
DRAWN BY: MAC



### 2024 OCRM LINE

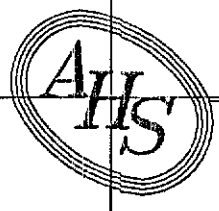
KEY	OCRM	BUILDABLE AREA
2018		4236 SQ. FT.
2024		2897 SQ. FT.
REDUCTION:		1339 SQ. FT. 31.6%

WITH RELAXED SETBACKS: 4262 SQ. FT.

### LOT COVERAGE ANALYSIS

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

Since 1991



# A.H. SCHWACKE & ASSOCIATES

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

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

## CHINABERRY LANE (50' R/W)

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

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

Requested by: MIKE CREED

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

**HIGHLAND AREA:**  
14,529.7 Sq. Feet  
0.33 Acres

**MARSH AREA:**  
36,672.0 Sq. Feet  
0.82 Acres

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

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

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

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

AREA DETERMINED BY COORDINATE METHOD.

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

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

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

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

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

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

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

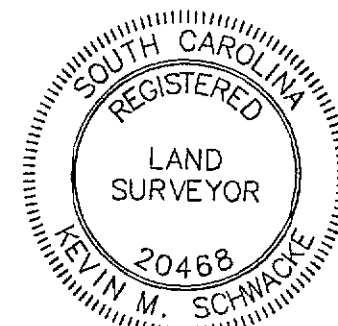
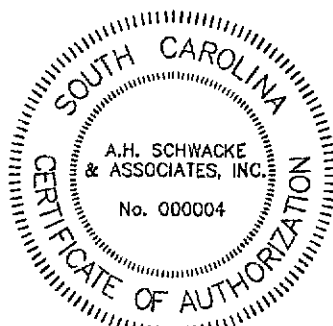
### SURVEYOR'S CERTIFICATION

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

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

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

BMG22/ 22233



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

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

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

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



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

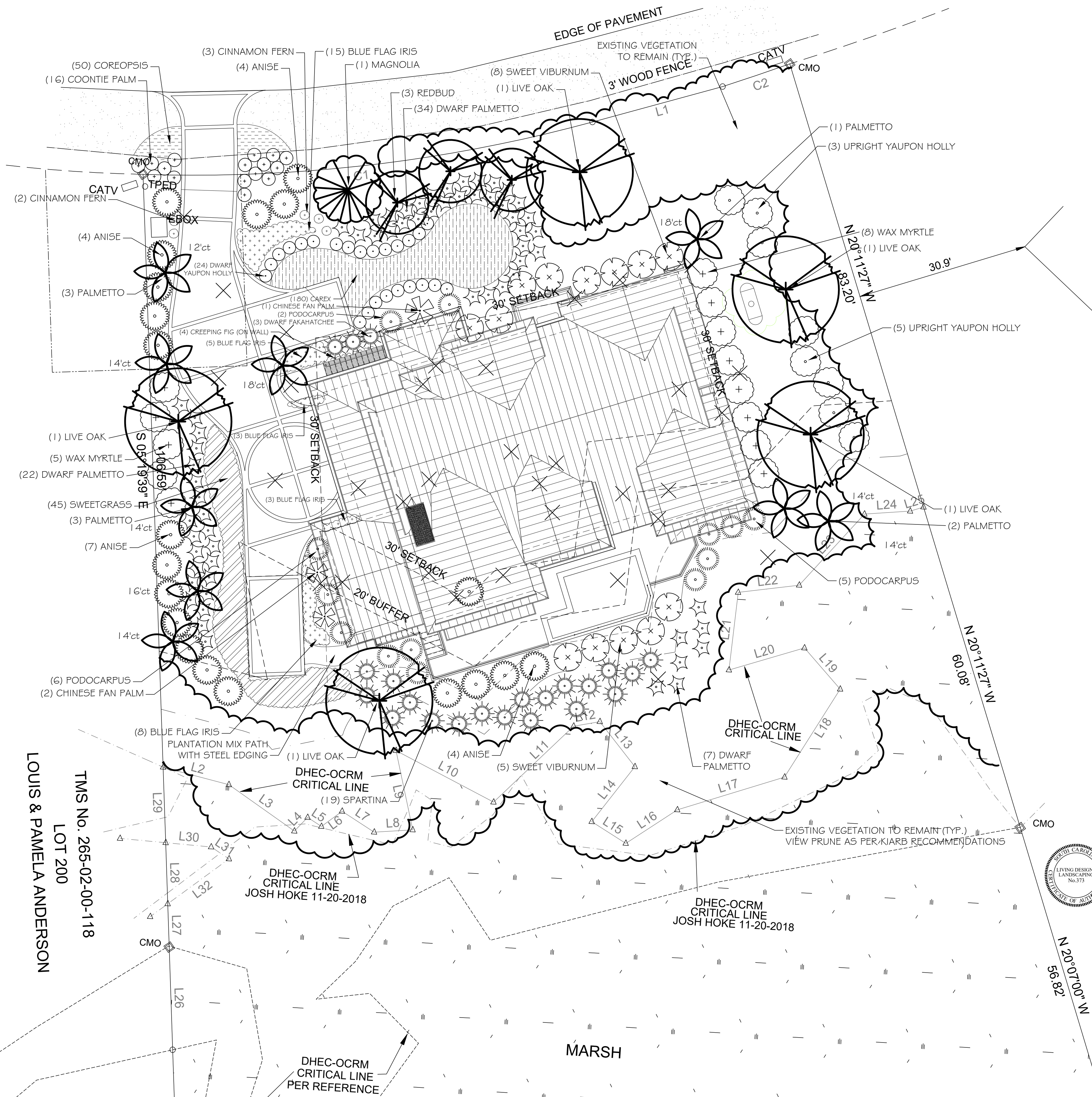
LOT COVERAGE ANALYSIS	
BUILDING FOOTPRINT	2882 SQ.FT.
SCREENED/COVERED	76 SQ.FT.
OPEN DECKING/STAIRS	575 SQ.FT.
PRIMARY DRIVE/WALKS	1514 SQ.FT.
POOL/SPA	211 SQ.FT.
RAISED PLANTERS	0 SQ.FT.
HVAC	68 SQ.FT.
TOTAL LOT COVERAGE	5326 SQ.FT.
HIGH GROUND SQ.FT.	14530 SQ.FT.
% LOT COVERAGE	36.66 %

Plant Schedule

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

PLANTING NOTES

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



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

STEWART RESIDENCE  
 202 CHINABERRY LANE  
 KIAWAH ISLAND, SOUTH CAROLINA

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

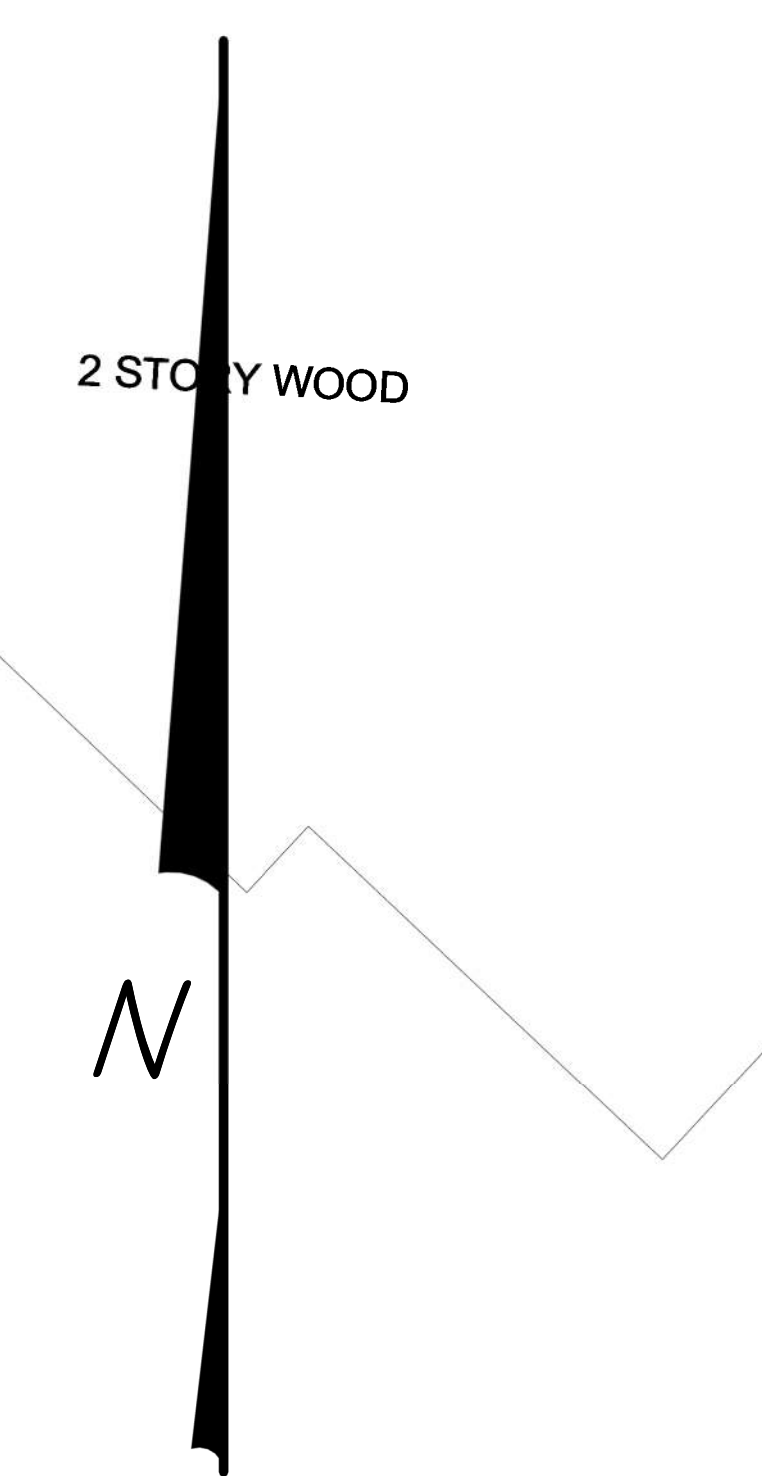
LANDSCAPE PLAN

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

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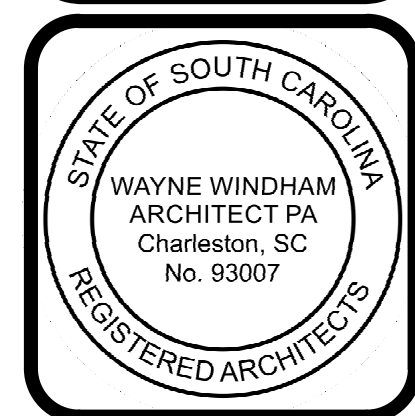


**REVIEW SET**



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

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



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

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

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

SHEET:  
**ST101**  
PROJECT NO. 202122  
DRAWN BY: MAC

LOT COVERAGE ANALYSIS	
BUILDING FOOTPRINT	2885 SQ.FT.
SCREENED/COVERED	76 SQ.FT.
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**REVIEW SET**



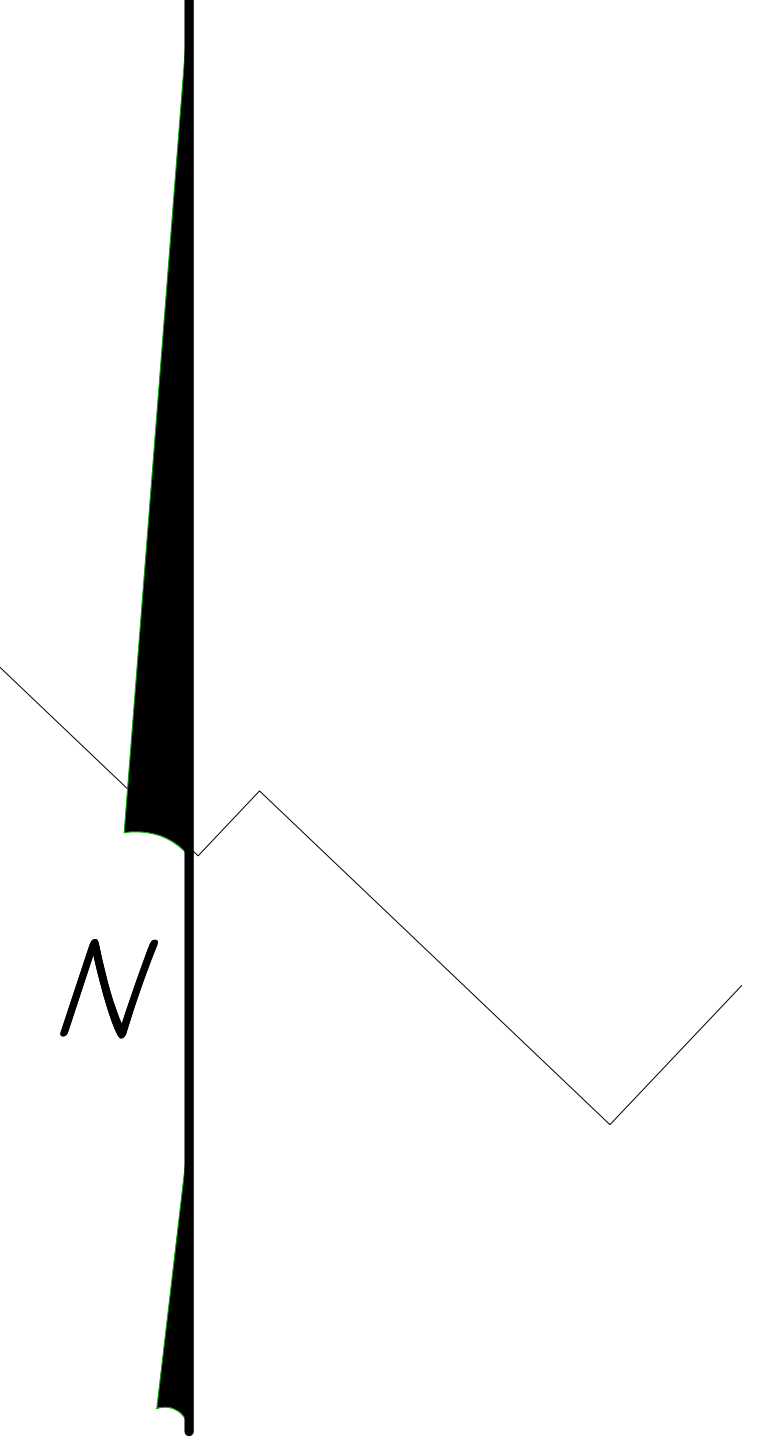
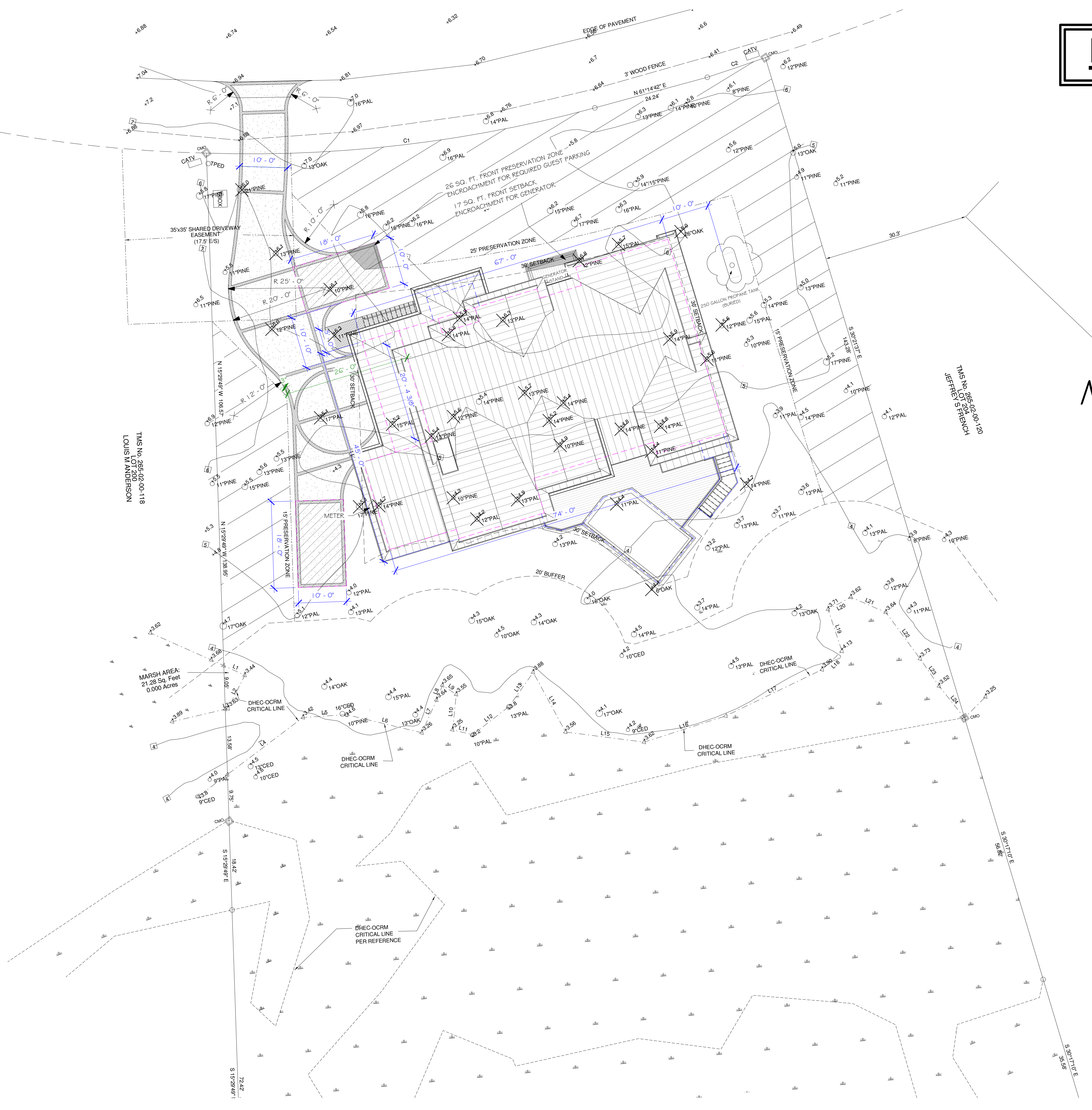
**Wayne Windham**  
ARCHITECT, P.A.  
1779 Main Rd. Johns Island, SC 29485  
206 May River Rd. Bulliton, SC 29910  
843-243-0790  
www.windhamarchitect.com

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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
SITE PLAN

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

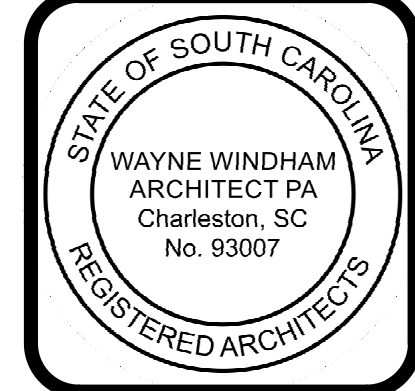
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PROJECT NO 202122  
DRAWN BY: MAC



LOT COVERAGE ANALYSIS

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SCREENED/COVERED	76 SQ.FT.
OPEN DECKING/STAIRS	552 SQ.FT.
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% LOT COVERAGE	36.67 %

**REVIEW SET**



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

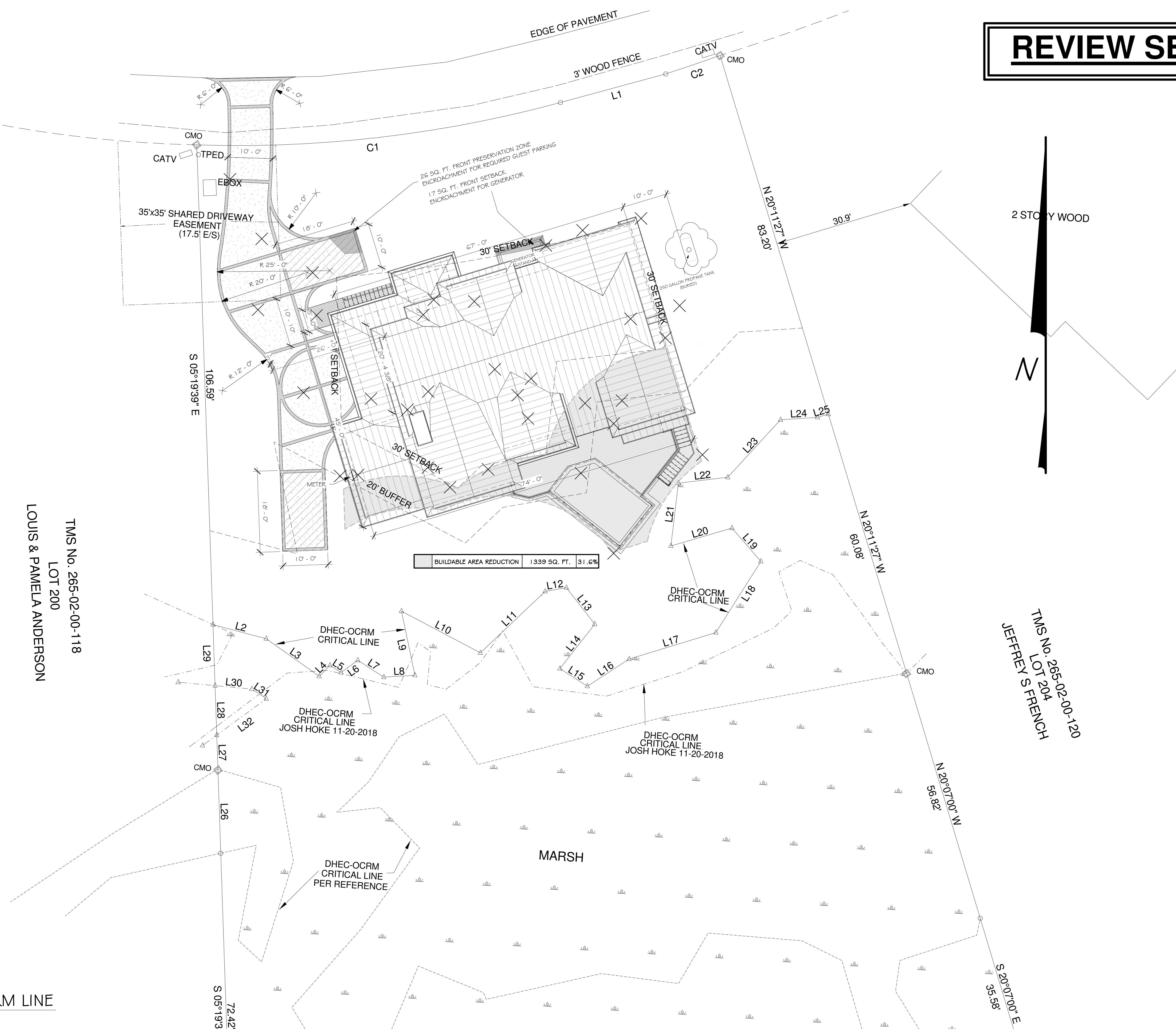
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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
SITE PLAN - NEW 2024 OCRM LINE

REVISIONS

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

SHEET:  
**ST104**  
PROJECT NO. 202122  
DRAWN BY: MAC



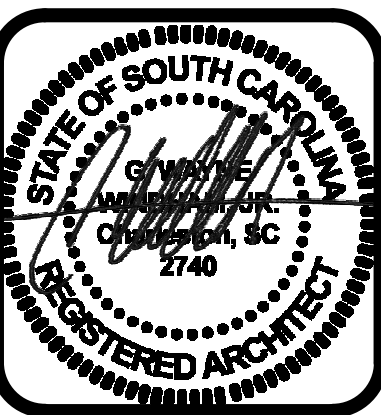
BUILDABLE AREA REDUCTION 1339 SQ. FT. 31.6%

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

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

LOT COVERAGE ANALYSIS	
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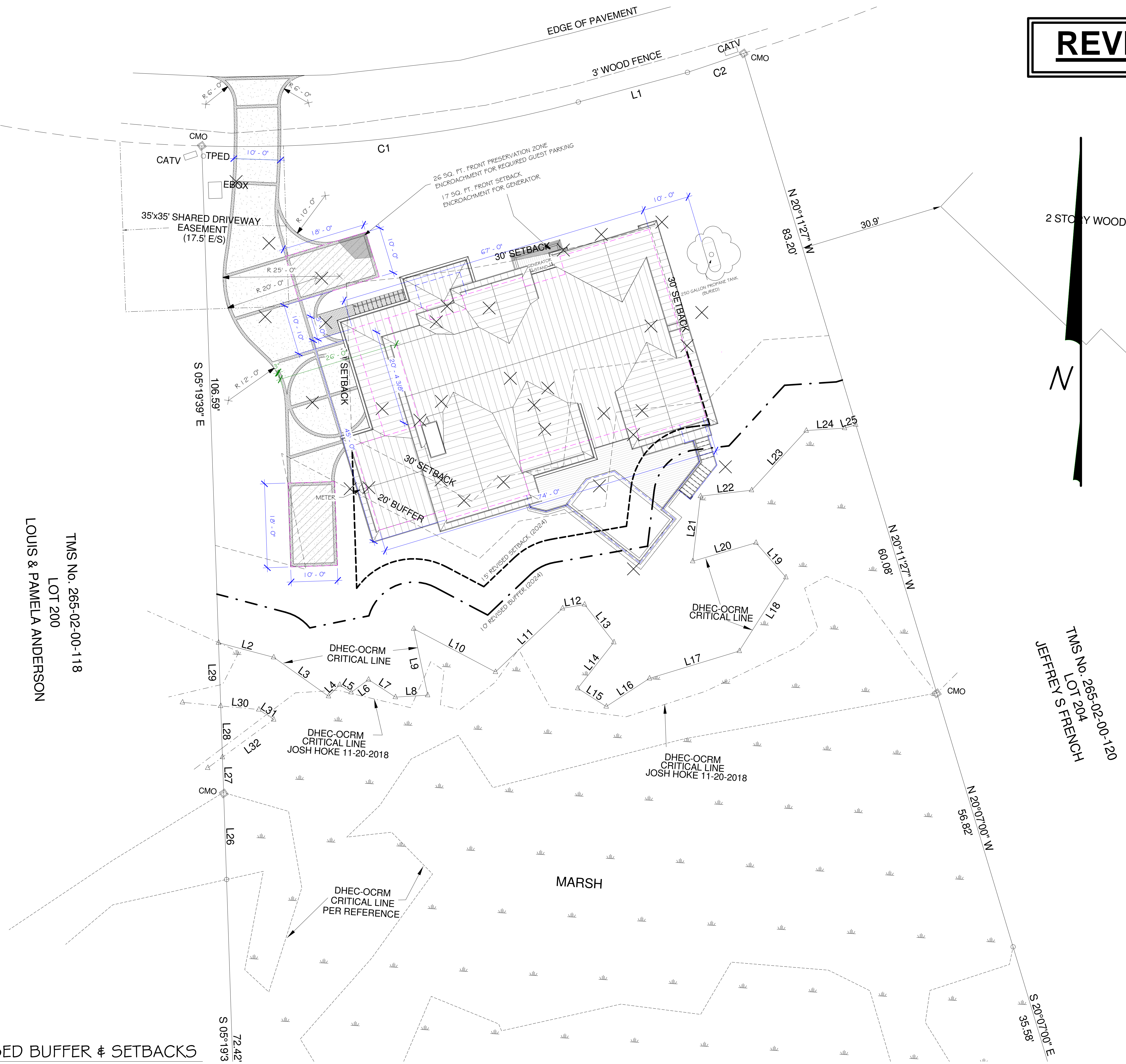
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206 May River Rd. Bluffton, SC 29910  
www.waynearchitect.com

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

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

SHEET:  
**ST105**  
PROJECT NO. 202122  
DRAWN BY: MAC



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

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

SITE PLAN 2024 - REVISED BUFFER & SETBACKS

1" = 10'-0"

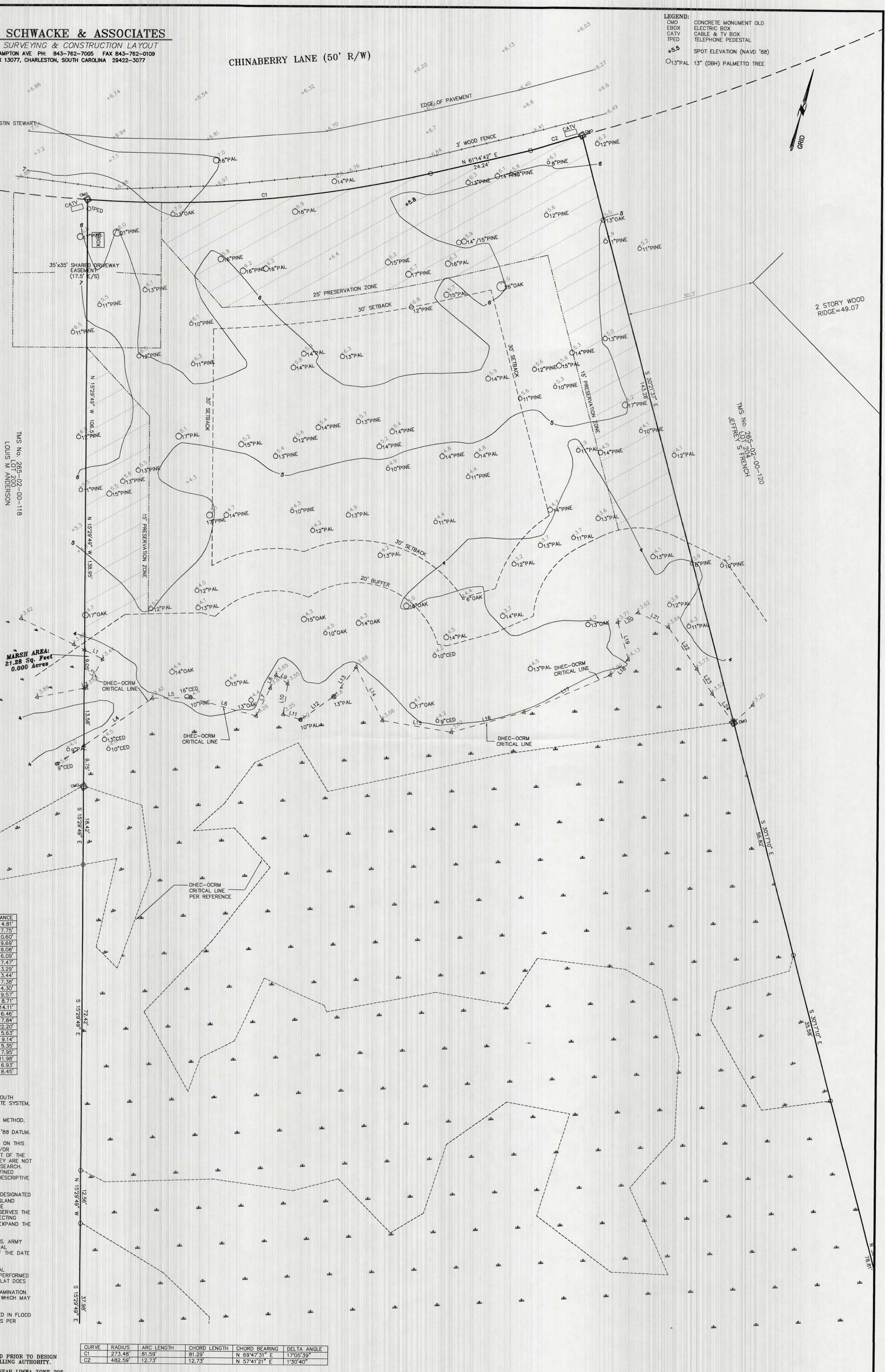
4/10/2024 4:52:59 PM

**CHINABERRY LANE (50' R/W)**

**LEGEND:**  
 CMO CONCRETE MONUMENT OLD  
 EBOX ELECTRIC BOX  
 CATV CABLE & TV BOX  
 TPED TELEPHONE PEDESTAL  
 +5.5 SPOT ELEVATION (NAVD '88)  
 O13" PAL 13" (DBH) PALMETTO TREE

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

**TOTAL LOT AREA:**  
 60,201.76 Sq. Feet  
 1.152 Acres  
  
**HIGHLAND AREA:**  
 16,642.7 Sq. Feet  
 0.38 Acres



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

**NOTES:**  
 BEARING SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83.  
 AREA DETERMINED BY COORDINATE METHOD.  
 ELEVATIONS ARE BASED ON NAVD '88 DATUM.  
 THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.  
 THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED BY THE KIAWAH ISLAND ARCHITECTURAL REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.  
 THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY.  
 NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS CONTAMINATION OR OTHER NONVISIBLE CONDITIONS WHICH MAY AFFECT THIS PROPERTY.  
 PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE (EL 11') & AE (EL 12') AS PER FEMA FLOOD MAPS. PANEL No. 45019C 0668K DATED: JANUARY 29, 2021 COMMUNITY No. 450257  
 \* SETBACKS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION BY CONTROLLING AUTHORITY.  
 \* THIS PROPERTY FALLS IN OR NEAR LIMWA ZONE 206.

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

**SURVEYOR'S CERTIFICATION**

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

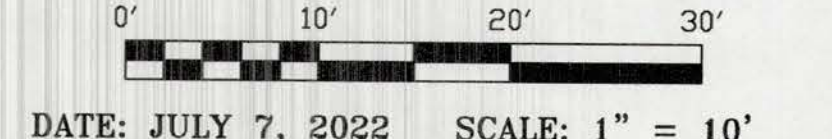
CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH. BM022 / 22233



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

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

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



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



May 6, 2024

Kiawah BZA  
4475 Betsy Kerrison Pkwy  
Kiawah Island, SC 29455

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

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

Variance Approval Criteria:

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

---

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

wayne@waynewindhamarchitect.com

www.waynewindhamarchitect.com

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

Sincerely,

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



Mike Creed, Project Manager



Wayne Windham, Architect



June 4, 2024

Kiawah BZA  
4475 Betsy Kerrison Pkwy  
Kiawah Island, SC 29455

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

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

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

Sincerely,

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

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

Mike Creed, Project Manager

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

Wayne Windham, Architect

**Permit Application: Restrictive Covenants Affidavit**

**Town of Kiawah Island**

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



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

applicable to Parcel Identification Number(s) 2650200119, located

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

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

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

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

**FOR STAFF USE ONLY**

[Received By]	[Date]	[Application #]

# Variance Request Form

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

**Address of Project** \_\_\_\_\_

**Owner** \_\_\_\_\_ **Architect** \_\_\_\_\_

Telephone \_\_\_\_\_ Telephone \_\_\_\_\_

Email \_\_\_\_\_ Email \_\_\_\_\_

**Landscape Architect** \_\_\_\_\_ **Contractor** \_\_\_\_\_

Telephone \_\_\_\_\_ Telephone \_\_\_\_\_

Email \_\_\_\_\_ Email \_\_\_\_\_

**Does the neighborhood have Supplemental Guidelines?**  Yes, \_\_\_\_\_  No

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

**Height Restriction:** \_\_\_\_\_  Above Base Flood Elevation  Above Grade

**Lot Coverage Max:** \_\_\_\_\_

**Setbacks**

Front \_\_\_\_\_

Sides \_\_\_\_\_

\_\_\_\_\_

Rear \_\_\_\_\_

**Building Sq. Footage Calculations  
Conditioned**

Building Footprint \_\_\_\_\_

First Floor \_\_\_\_\_

Second Floor \_\_\_\_\_

Third Floor \_\_\_\_\_

Ancillary Structure \_\_\_\_\_

**Total Conditioned** \_\_\_\_\_

Screened/Covered \_\_\_\_\_

Garage/Carport \_\_\_\_\_

**Lot Coverage Calculations**

Screened/Covered \_\_\_\_\_

Open Decking/Stairs \_\_\_\_\_

Primary Drives/Walks\* \_\_\_\_\_

Raised Planters \_\_\_\_\_

Pool/Spa \_\_\_\_\_

HVAC \_\_\_\_\_

**Total Lot Coverage Sq. Ft** \_\_\_\_\_

**Highland Area** \_\_\_\_\_

**Lot Coverage %** \_\_\_\_\_

Secondary Sq. Ft \_\_\_\_\_

Primary + Secondary % \_\_\_\_\_

**Restrictions**

Min. Sq. Ft

Main House \_\_\_\_\_

Ancillary \_\_\_\_\_

Max. Sq. Ft

Main House \_\_\_\_\_

Ancillary \_\_\_\_\_

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

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

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

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

**ARB ACTION**  Approved  Disapproved

**ARB Representative** \_\_\_\_\_ *Jane Maybank* \_\_\_\_\_

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

# Variance Request Form

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

**Address of Project** 202 Chinaberry Lane

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

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

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

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

**Setbacks**

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

**Building Sq. Footage Calculations**

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

**Lot Coverage Calculations**

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

**Restrictions**

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

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

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

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

ARB ACTION     Approved     Disapproved      ARB Representative Parker Ranspach  
FOR JANE MAYBANK  
DIRECTOR KIARB

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

MAYOR:  
Bradley D. Belt

MAYOR PRO TEMPORE:  
Dr. Michael Heidingsfelder

TOWN ADMINISTRATOR:  
Stephanie Tillerson

TOWN ATTORNEY:  
Stafford J. McQuillin III



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

April 12, 2024

202 Chinaberry Lane  
Kiawah Island, SC 29455  
via Mike Creed, Wayne Windham Architect [mikecreed@waynewindhamarchitect.com](mailto:mikecreed@waynewindhamarchitect.com)

**RE: 202 Chinaberry Lane Confirmation of Building Setbacks**

**CRITICAL LINE SETBACK REDUCTION**

Dear Mike Creed,

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

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

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

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

John Taylor, Jr.  
Planning Director

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



**Case #BZA24-000008**  
**Kiawah Island BZA Meeting of June 17, 2024**

**Applicant/Property Owner:** LOGAN JOHN C JR, LOGAN THERESA C

**Representative:** Megan Burns

**Property Location:** 35 Painted Bunting

**TMS#:** 207-07-00-057

**Zoning District:** 12,842 sqft (.29 acres)

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

**Request:** Variance request for the reduction of the required 15' side setback for approximately 18 square feet encroachment for a proposed bathroom extension located at 35 Painted Bunting, 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 (Painted Bunting); 15' (Side); 30' (lagoon/golf)

Maximum 33% Lot Coverage

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

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

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

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

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

**OTTER ISLAND ROAD (SEE GRAPHICS ALSO) (UNDEVELOPED LANDS) cont.**

73	15	20 (lot 72) 15 (easement)	10
74	See Graphics	20	See Graphics
75	25	20	30
76	25	20	See Graphics
77	40	20	See Graphics
78	See Graphics	20	See Graphics
79	See Graphics	20	See Graphics
88	25	See Graphics	See Graphics
89	25	See Graphics	See Graphics
90	25	See Graphics	See Graphics

**OYSTER RAKE (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
530	25 (Oyster Rake)	15 (lot 531) 25 (K.I. Pkwy)	30 (golf)
531-543	25 (Oyster Rake)	15 (lots)	30 (golf)
544-548	25 (Oyster Rake)	15	30 (marsh)
549-552	25 (Oyster Rake)	15	30 (open space)
553-571	25 (Oyster Rake)	15	50 (K.I. Pkwy)
572	25 (Oyster Rake)	15 (lot 571) 25 (Oyster Rake)	50 (K.I. Pkwy)
573	25 (Oyster Rake)	25 (Oyster Rake) 15 (lot 597)	20 (open space)
574-584	25 (Oyster Rake)	15	20 (open space)
585	25 (Oyster Rake)	15 (lot 584) 25 (Oyster Rake)	20 (open space)
586-597	25 (Oyster Rake)	15	20 (open space)

**OYSTER SHELL ROAD (UNDEVELOPED LANDS)**

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

**PAINTED BUNTING LANE (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
32	25 (Painted Bunting)	25 (Greensward) 15 (lot 33)	30 (lagoon)
33-37	25 (Painted Bunting)	15	30 (lagoon/golf)
38	25 (Painted Bunting)	15 (lot 37) 25 (Greensward)	30 (lagoon)

**PALM WARBLER ROAD (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
303	25 (Palm Warbler)	25 (Surfwatch) 15 (lot 304)	30 (lagoon)
304-309	25 (Palm Warbler)	15	30 (lagoon/golf)
310	25 (Palm Warbler)	15 (lot 309) 15 (cart path)	30 (golf)
311	25 (Palm Warbler)	15 (cart path) 15 (lot 312)	30 (golf)
312	25 (Palm Warbler)	15	30 (golf)
313	25 (Palm Warbler)	15 (lot 312) 15 (bike path)	30 (golf) 20 (bike path)
314	25 (Palm Warbler)	15 (lot 315) 15 (bike path)	20 (bike path)
315-316	25 (Palm Warbler)	15	30 (golf)
317	25 (Palm Warbler)	15 (lot 316) 15 (cart path)	30 (golf)
318	25 (Palm Warbler)	15 (cart path) 15 (lot 319)	30 (golf)
319-323	25 (Palm Warbler)	15	30 (golf)
324	25 (Palm Warbler)	15 (lot 323) 30 (lagoon)	30 (golf)

**PEPPER VINE (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
70-71	15	*	10
72-75	20	7	15
76	25	15	20
77	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.

**Staff Review:**

The applicant and property owner John and Theresa Logan being represented by Megan Burns are requesting a variance for the reduction of the required 15' side setback for approximately 18 square feet encroachment for a proposed bathroom extension located at 35 Painted Bunting (TMS# 207-07-00-057). The subject property is located within the R-1, Residential District.

The lot is approximately 12,842 square feet (0.29 acres) in size. Per Charleston County records, the single-family residence was constructed in 1977. The adjacent properties to the north and south are also located in the R-1, Residential Zoning District. The subject property sits adjacent to Cougar Point Golf Course to the west. The adjacent property to the west is zoned PR, Park and Recreation. The subject property is legally nonconforming with regards to setbacks. The subject property is subject to review by the Kiawah Island Architectural Review Board.

The *Town of Kiawah Island Land Use Planning and Zoning Ordinance* requires a twenty-five (25) foot front setback off Painted Bunting, fifteen (15) foot side setbacks, and a thirty (30) foot rear setback. The subject property has a maximum lot coverage 33%.

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

The applicant’s plans include removing the existing shed on the south side of the property (side setback) which will remove approximately 18 square feet and adding a bathroom addition totaling approximately 28 square feet. The applicants proposed plans also include reducing the HVAC stand on the south side of the property which will remove approximately 18 square feet. The net reduction in square feet is approximately 9 square feet. The proposed bathroom addition encroaches into the required setback by approximately 5 feet. The existing shed encroaches into the side setback by approximately 6 feet, 6 inches. The applicants’ plans also include a new garage addition and driveway addition. The existing lot coverage is approximately 31.14%. The proposed lot coverage is 33.59%.

The applicant submitted to the Kiawah Island Architectural Review Board (KIARB) for review. The KIARB on April 4, 2024 granted approval for variance submittal stating,

*“The board reviewed the setback variance request at the 03/20/24 meeting and provided the proposed encroachment is no greater than existing, and no windows on this element will face the neighbors to the left, the variance is approved given the reduction in the distance of the existing encroachment from the setback and the improvements to the appearance of this element.”*

Please see the attachments for further information regarding this request. A site visit was conducted on May 31, 2024, at which time the following determinations were made regarding the Approval Criteria for Variances, as stated in Chapter 12 of the Town of

Kiawah Island *Land Use Planning and Zoning Ordinance*, Article II, Division 5, Section 12-163.(4):

**Staff Findings:**

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

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

**Staff Response:** **There may be extraordinary and exceptional conditions pertaining to the property due to the non-conformity of the existing home. The proposed plans reduce the encroachment amount by approximately 9 square feet. Per the applicant's letter of intent, "*The requested variance pertains to a small area that will exceed the setback requirements on the left side of the house. The construction plans do not extend the location of the existing shed on the property which has been there since the property's construction in 1977. The plans remove the existing shed and build an accessible master bath in its place. The new exterior and roof lines will be consistent with the existing structure and will enhance the overall appearance of the property.*"**

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

**Staff Response:** **Existing structures in the vicinity may or may not have similar circumstances based on current setback standards. These conditions may be unique to the subject property and may not generally apply to other properties in the vicinity. Per the applicant's letter of intent, "*The location of the current shed/proposed primary bath is on the left side of the house. The lot is at the top of a cul-de-sac. The improvement will not be visible from the street and will not impede on its neighbor's use of their house and lot.*"**

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

**Staff Response:** **The application of this *Ordinance* to 35 Painted Bunting would restrict the construction of the proposed addition as the existing and proposed structure encroaches into the required 15-foot rear setback. However, it does not unreasonably restrict the utilization of the property. Per the applicant's letter of intent, "*The application of the ordinance, at this time, would restrict the property use from its current utilization. Given there is a***

***structure sitting over the setback, it seems that denying the enhancement of the existing structure (the shed) would be an unreasonable restriction on the use of the property.”***

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

**Staff Response:** **The authorization of a variance may not be of substantial detriment to adjacent property or to the public good, and the character of the zoning district may not be harmed by the granting of this variance. The proposed addition encroaches into the setback by approximately 5 feet. The existing structure encroaches into the setback by approximately 6 feet 6 inches. The total square footage encroachment is being reduced by approximately 9 square feet due to the reduction of the HVAC stand, Per the applicant’s letter of intent, “*The planned structure is a replacement of the existing shed on the property. The property renovations will bring the exterior walls and roof line in line with the rest of the property. These renovations will enhance the overall appearance of the house.*”**

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

**Staff Response:** **Granting of this variance would not allow the establishment of a use not otherwise permitted in this zoning district, extend physically a non-conforming use of land, or change the zoning district boundaries. Per the applicant’s letter of intent, “*The planned structure is consistent with the use permitted in the property’s zoning district. The planned structure will not extend physically nonconforming use of the land as the planned use is conforming. The planned structure will not change the zoning district boundaries as shown 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:** **Profitability may not be considered grounds for this variance request. Per the applicant’s letter of intent, “*The planned construction is to enhance the property for the enjoyment of the owners who will be living in it full time once the project is completed. The current master bath is small and not accessible whereas the new plan allows for aging in place.*”**

§ 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 Charleston County records, the property was acquired by John Logan Jr. & Theresa Logan in 2010. Per the applicant's letter of intent, "*The owners have been working on this plan over the course of two years and have not forced the design to encroach into the setback. They have, in fact, reduced the encroached area with the master bath and by reworking the HVAC stand.*"

§ 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 the variance may 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; Per the applicant's letter of intent, "*The renovation has been designed and engineered to blend in with other properties in the immediate vicinity. The renovations are consistent with the public and neighborhood interests and will not adversely affect other properties in the vicinity, interfere with the harmony, spirit and purpose of these regulations. The area that will encroach into the setback on the left side of the house falls between the owner's house and the garage wall of the residence located at 34 Painted Bunting. There is no path or foot traffic between the houses, and this will not limit their enjoyment of or use of their house.*"**

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

**Staff Response:** **Granting of the variance may not substantially conflict with the *Comprehensive Plan* or the purposes of the *Ordinance*. The applicant's proposed plans do not exceed the maximum lot coverage. The existing encroachment is being reduced to achieve greater conformity with existing standards. Per the applicant's letter of intent, "*Granting the variance to construct a master bathroom in place of the existing shed does not conflict with the Comprehensive plan or purposes of this ordinance.*"**

**Board of Zoning Appeals' Action:**

The Board of Zoning Appeals may approve, approve with conditions, or deny Case #BZA24-000008 (variance request for the reduction of the required 15' side setback for approximately 18 square feet encroachment for a proposed bathroom extension) based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

# Town of Kiawah Island Board of Zoning Appeals

JUNE 17, 2024



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

## CASE# BZA24-000008

<b>Applicant/Property Owner:</b>	<b>John &amp; Theresa Logan</b>
<b>Representative:</b>	<b>Megan Burns</b>
<b>Property Location:</b>	<b>35 Painted Bunting</b>
<b>TMS#:</b>	<b>207-07-00-057</b>
<b>Zoning District:</b>	<b>R-1, Residential Zoning District</b>
<b>Lot Size:</b>	<b>12,842 sq. ft. (0.29 acres)</b>
<b>Request:</b>	<b>Variance request for the reduction of the required 15' side setback for approximately 18 square feet encroachment for a proposed bathroom extension.</b>

**CASE# BZA24-000008**

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

**Required setbacks: 25' (Front); 15' (side); 30' (lagoon/golf)**

**Maximum 33% Lot Coverage**

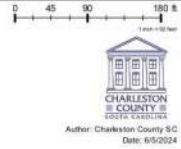
**The Ordinance defines Setback as “a required minimum distance from the lot line, or street right-of-way, or OCRM critical line that establishes an area within which a structure shall be erected.” The Ordinance defines Side Setback as “any setback other than a rear or front setback.”**





**BZA24-00008**  
**PID:** 2070700057  
**OWNER:** LOGAN JOHN C JR  
**PLAT BOOK PAGE:** AH-66  
**DEED BOOK PAGE:** 0112-597  
**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 causes of action which may arise as a consequence of the County providing this information.



**Case # BZA24-000008**  
**BZA Meeting of June 17, 2024**  
**Subject Property: 35 Painted Bunting – Kiawah Island**

Variance request for the reduction of the required 15' side setback for approx. 18 SF encroachment for a proposed bathroom extension.



### Subject Property



### Adjacent Properties



### Property Side



### Property Rear



11

12

### Subject Property



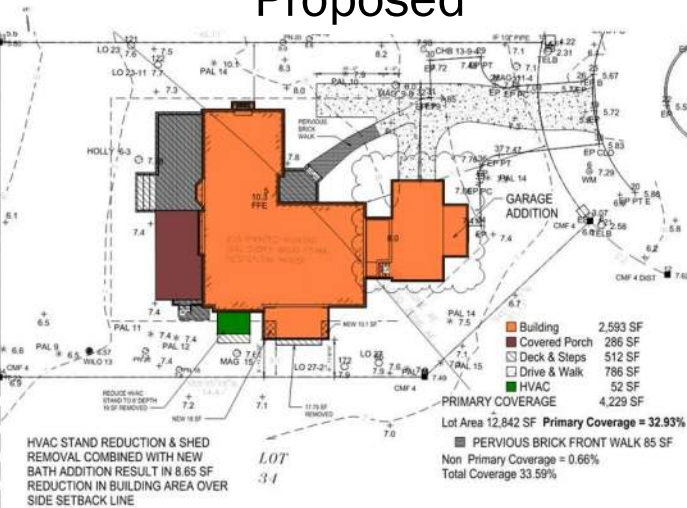
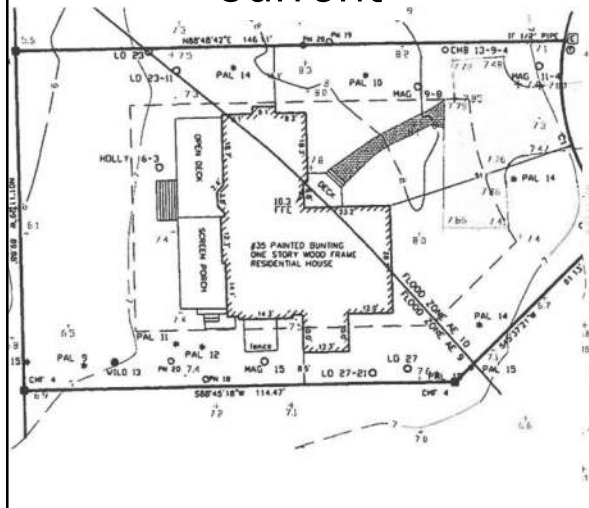
12

# Subject Property



## Current

## Proposed



## 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;

15

## 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.

16

## **Board of Zoning Appeals Action**

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000008 (Variance request for the reduction of the required 15' side setback for approximately 18 square feet encroachment for a proposed bathroom extension.) 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.

**LEGEND:**

- SEWER CLEAN-OUT/SERVICE
- WATER VALVE
- IS 5/8"RB (IRON SET) SIZE/TYPE NOTED
- IF (IRON FOUND) SIZE/TYPE NOTED
- △ PK NAIL SET
- ▲ PK NAIL FOUND
- ⊙ WATER METER
- ⊠ ELECTRICAL TRANSFORMER
- ⊠ ELECTRICAL BDX
- ⊠ TELEPHONE BDX
- + SPOT ELEVATION
- POWER POLE
- ⊙ WATER SERVICE
- LOT LINE
- DMCC-OCRM (MARSH CROSS LINE)
- ADJACENT LOT LINE
- X - X - FENCE
- \* PAL PALMETTO
- OAK
- LO LIVE OAK
- PN PINE

**NOTES:**

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAN, 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.

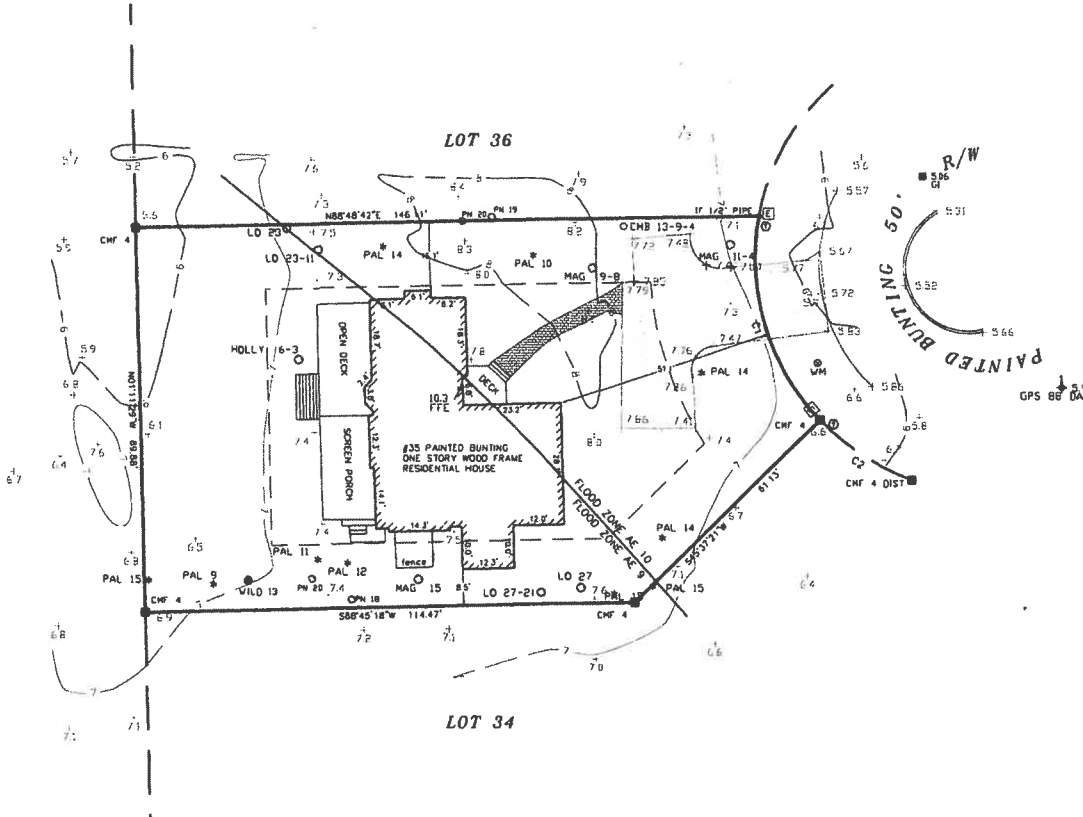
**REFERENCE:**

1) PLAT BOOK AH AT PAGE 66 SHOWING MIDDLEWOODS WEST

**FLOOD NOTE:**

THIS LOT IS SITUATED IN A FLOOD ZONE AE 10, AND AE 9 AS PER SCALING FROM FEMA FIRM MAP NUMBER 45019C0805K DATED REVISED JANUARY 29, 2021.

COUGAR POINT GOLF COMPANY LLC



Area	Sq. Feet	Acres	Lot Description
A2	137	0.00	BRICK WALK
A3	1020	0.02	CONCRETE DRIVE
A1	2770	0.06	HOUSE/DECKS/PORCHES/STEPS
Total	3927	0.09	

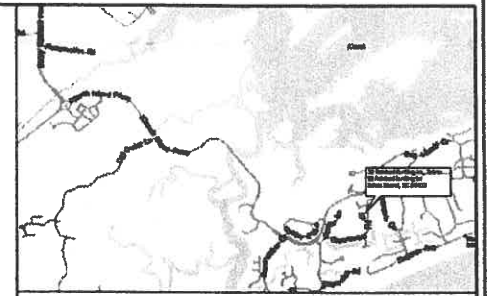
Area	Sq. Feet	Acres	Lot Description
A4	12842	0.29	LOT 35

30.6% LOT COVERAGE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	54.92	51.57	49.70	S18°15'05\" E	53°48'22\"
C2	54.92	25.58	25.35	S56°29'51\" E	126°41'11\"

**DATUM:**

THE BEARINGS SHOWN HEREON ARE SOUTH CAROLINA GRID NAD 1983 (2011) MODEL. VERTICAL DATUM IS BASED ON NAVD 1988. CONTOUR INTERVAL IS AT ONE FOOT.



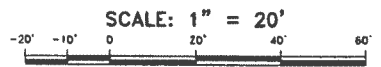
**LOCATION MAP N.T.S.**

**BRITT LAND SURVEYING, INC.**  
 P.O. BOX 80333  
 CHARLESTON, SC 29416  
 843-810-8771  
 WWW.BRITTSURVEYINGINC.COM



I, Dean L. Britt, a Registered Professional Land Surveyor in the State of South Carolina, certify to owner(s) shown herein that this survey shown herein 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: / /  
**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 AND TOPOGRAPHIC SURVEY SHOWING**  
**LOT 35 TRACT 11 BLOCK 9**  
**MIDDLEWOODS (411)**  
**PREPARED FOR:**  
**John Logan**  
**LOCATED IN THE TOWN OF KIAWAH**  
**KIAWAH ISLAND**  
**CHARLESTON COUNTY - SOUTH CAROLINA**

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

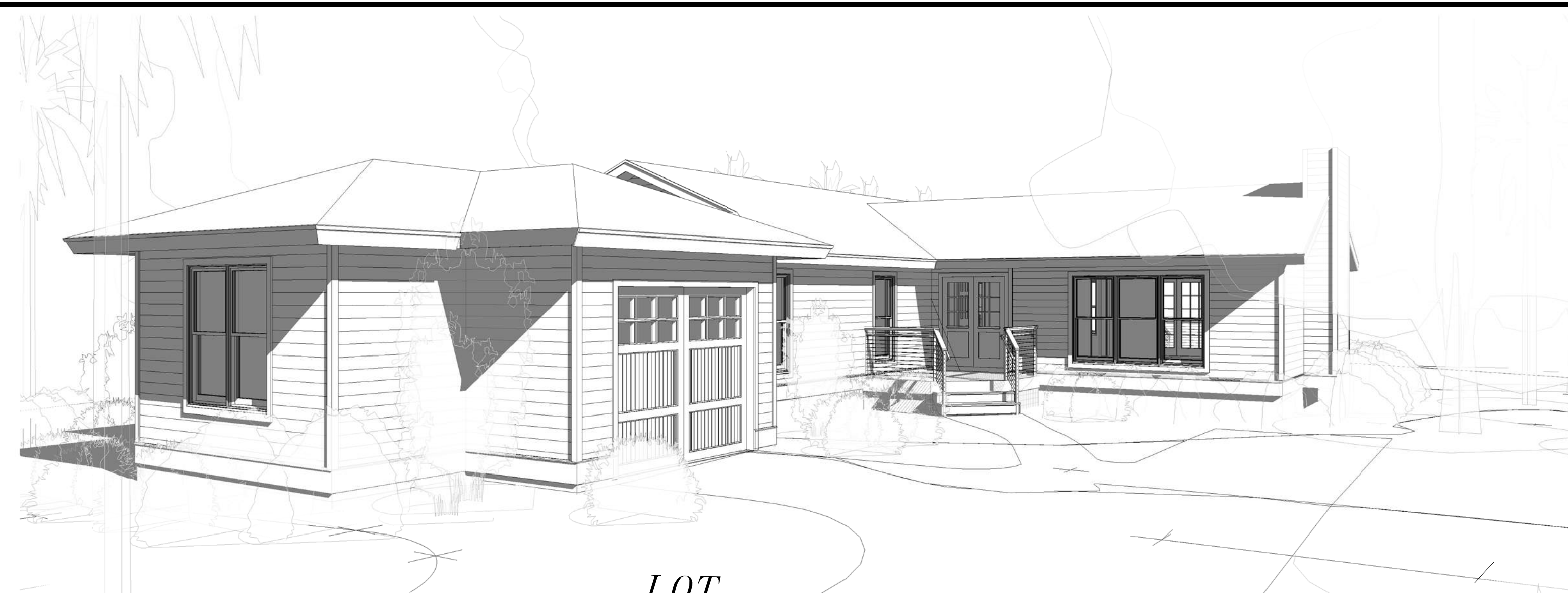
LOCATION:	35 PAINTED BUNTING - 2945S
TAX MAP #	207-07-00-057
DATE:	MAY 12, 2021
FIELD DATE:	APRIL 27, 2021
JOB NO.	213375
COUNTY/STATE	CHARLESTON, S.C.



# 35 Painted Bunting

RENOVATION & GARAGE ADDITION

PERMIT DOCUMENTS - 16, MAY 2024



1 Front Sketch  
A-1.00

Sheet Number	Sheet Name
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Sheet Number	Sheet Name
--------------	------------

**01 Architectural**

A-1.00	Site
A-1.01	Main Level Plan
A-1.02	Architectural Foundation Plan
A-2.00	Elevations
A-3.01	Building Sections
A-7.00	Schedules

**02 Electrical**

E-1.01	Electrical Plan
--------	-----------------

**03 Existing Conditions**

X-1.00	Existing Lot Coverage
X-1.01	Existing Plan
X-2.01	Existing Elevations

**04 Structural**

S0.1	Structural Cover
S1.1	Foundation Plan
S1.2	Roof Framing Plan
S1.3	Structural Details

**PROJECT DATA**

NAME OF PROJECT: 35 Painted Bunting - Renovation  
 PROJECT ADDRESS: 35 Painted Bunting, Kiawah Island, SC  
 PROPOSED USE: Single Family Residence  
 OWNER CONTACT: John Logan  
 CONTRACTOR:  
 CODE ENFORCEMENT  
 JURISDICTION: TOWN OF KIAWAH ISLAND  
 BUILDING CODE: 2021 SOUTH CAROLINA RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS

**DESIGNERS OF RECORD**

ARCHITECT	FIRM	LICENSE NO.	TELEPHONE NO.
ARCHITECT	ARCHITRAVE, LLC	B88021	(803) 252-6636
STRUCTURAL ENGINEER	ADC ENGINEERING	00253	(843) 566-0161

**BUILDING AREA SUMMARY AFTER RENOVATION**

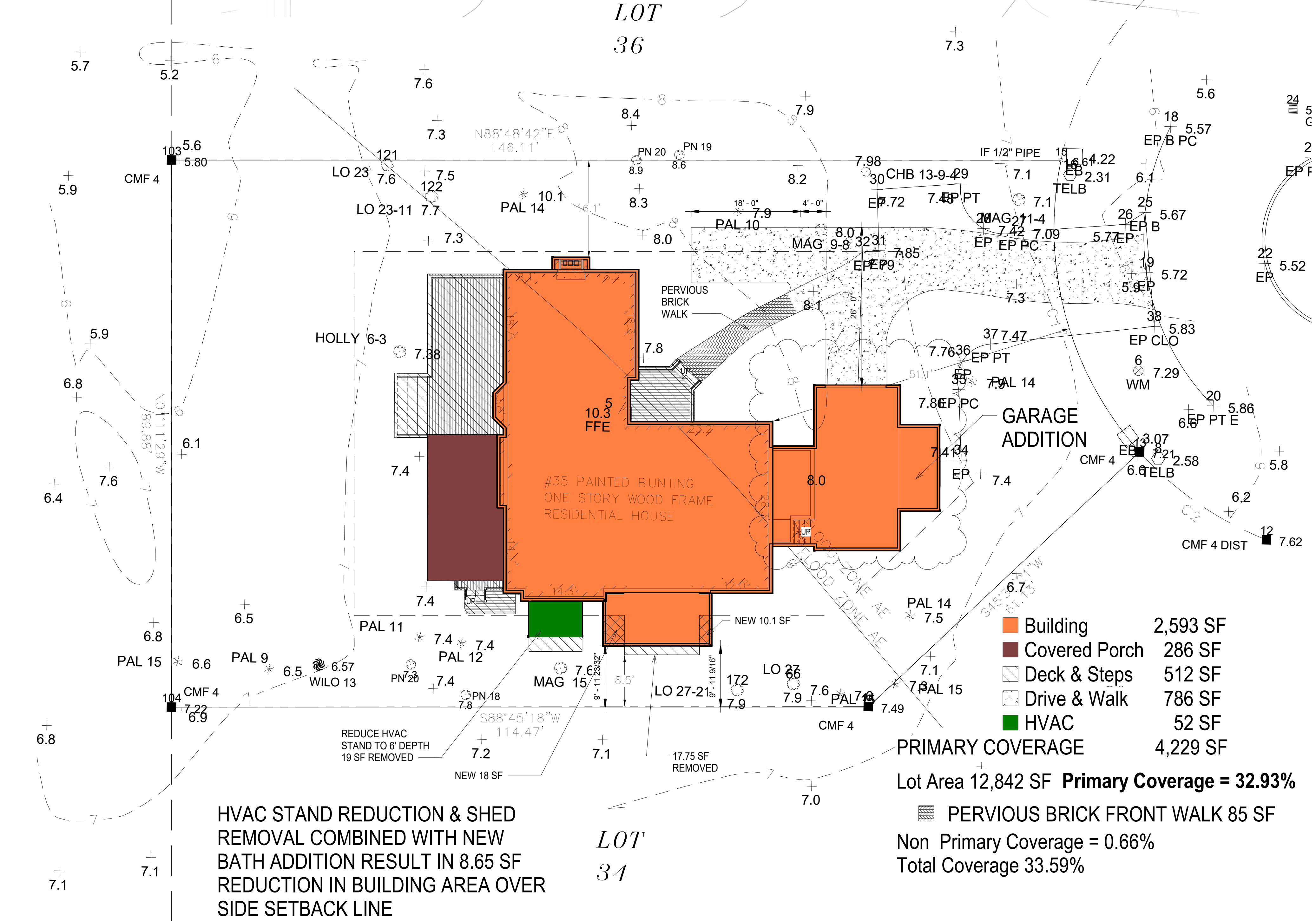
BUILDING FOOTPRINT	2,593 SF
SCREENED/COVERED	286 SF
OPEN DECK/STAIRS	512 SF
DRIVE & WALKS	786 SF
HVAC	52 SF
TOTAL COVERAGE	4,229 SF
LOT AREA	12,842 SF
PRIMARY LOT COVERAGE	32.93%
Pervious Brick Front Walk	85 SF
Non Primary Coverage	0.66%
Total Coverage	33.59%

**FLOOD ELEVATION**

BASE FLOOD ELEVATION AE/9' & AE/10'

**CONSTRUCTION TYPE**

TYPE VB



HVAC STAND REDUCTION & SHED REMOVAL COMBINED WITH NEW BATH ADDITION RESULT IN 8.65 SF REDUCTION IN BUILDING AREA OVER SIDE SETBACK LINE

- Building 2,593 SF
- Covered Porch 286 SF
- Deck & Steps 512 SF
- Drive & Walk 786 SF
- HVAC 52 SF

**PRIMARY COVERAGE** 4,229 SF  
 Lot Area 12,842 SF **Primary Coverage = 32.93%**  
 Pervious Brick Front Walk 85 SF  
 Non Primary Coverage = 0.66%  
 Total Coverage 33.59%

2 Proposed Site Coverage  
A-1.00 1" = 10'-0"

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PROJECT  
35 Painted Bunting  
SHEET TITLE  
Site

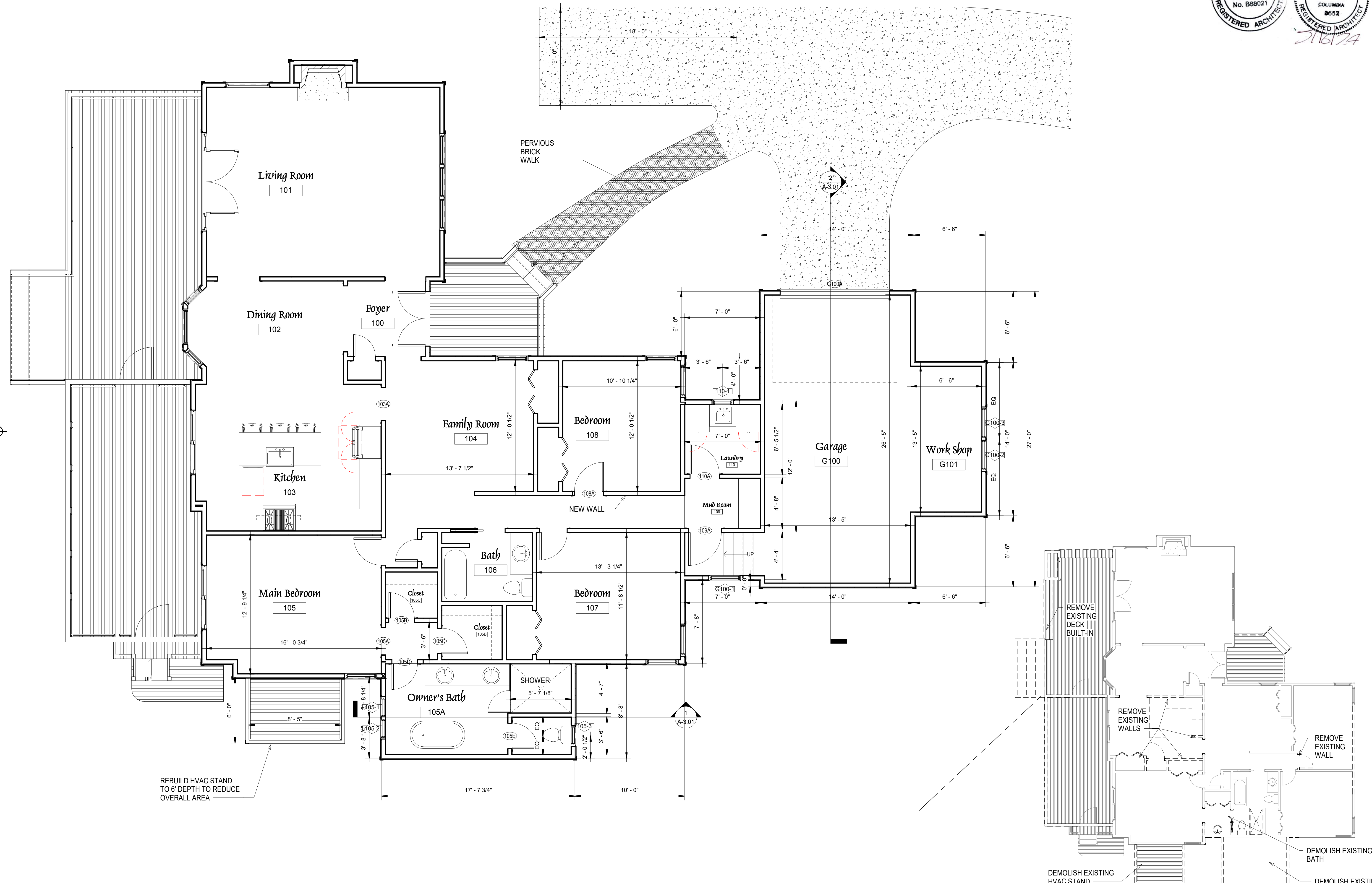
SHEET ISSUED	REVISION	DESCRIPTION
05/16/24	Revision 1	Revision 1

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 DRAWN BMM  
 DATE: 5/16/2024 7:49:13 PM

DRAWING NO:  
**A-1.00**



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1 Proposed Main Level  
A-1.01/ 1/4" = 1'-0"

2 Demolition Main Level  
A-1.01/ 1/8" = 1'-0"

PROJECT  
35 Painted Bunting

SHEET TITLE  
Main Level Plan

SHEET ISSUED	REVISION	DESCRIPTION
05/16/24		

Z:\DRAWING FILES M-PPainted  
Bunting Lot 35\05-16-24-35 Painted  
Bunting.rvt

DRAWN  
Bathor  
DATE:  
5/16/2024 7:49:15 PM

DRAWING NO:  
**A-1.01**



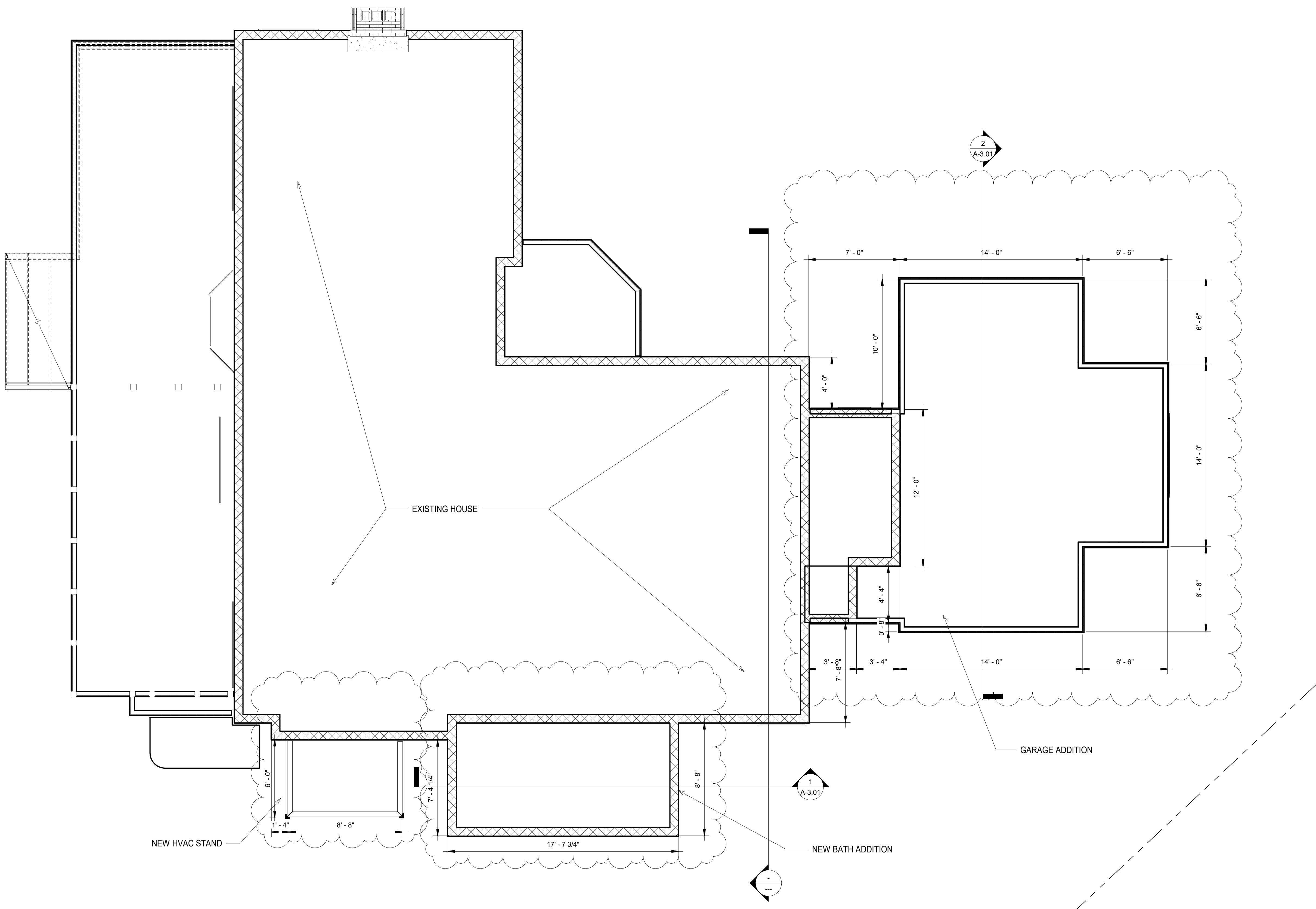
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PROJECT	35 Painted Bunting
SHEET TITLE	Architectural Foundation Plan

SHEET ISSUED	REVISION	DESCRIPTION
05/16/24	Revision 1	
	Revision 1	

Z:\DRAWING FILES M-PPainted Bunting Lot 35\05-16-24-35 Painted Bunting.rvt  
DRAWN: Bhor  
DATE: 5/16/2024 7:49:16 PM

DRAWING NO:  
**A-1.02**



**1** Proposed Architectural Foundation Plan  
A-1.02 1/4" = 1'-0"



**ARCHITRAVE LLC**  
ARCHITECTURE • PLANNING • PRESERVATION

730 Blanding Street  
Columbia, SC 29201  
COLUMBIA 803.252.6636  
CHARLESTON 843.768.2004  
FAX 803.779.1739  
EMAIL dalemarshall@architraveonline.com

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PROJECT  
**35 Painted Bunting**  
SHEET TITLE  
**Elevations**

SHEET ISSUED	REVISION	DESCRIPTION
05/16/24		

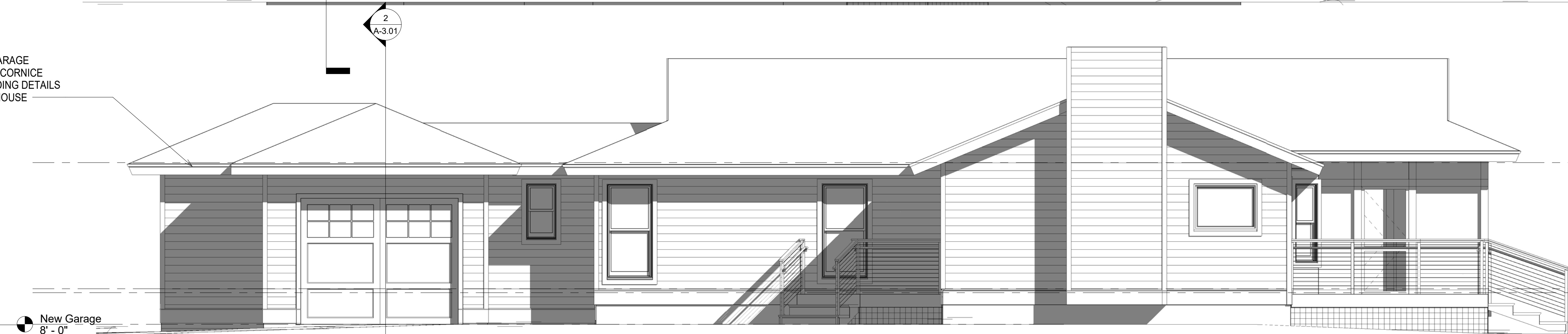
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**A-2.00**



**1**  
A-2.00  
**Proposed Front Elevation**  
1/4" = 1'-0"

Main Level 10' - 3"  
AE/10 10' - 0"  
New Garage 8' - 0"



**4**  
A-2.00  
**Proposed Right Elevation**  
1/4" = 1'-0"

New Garage 8' - 0"

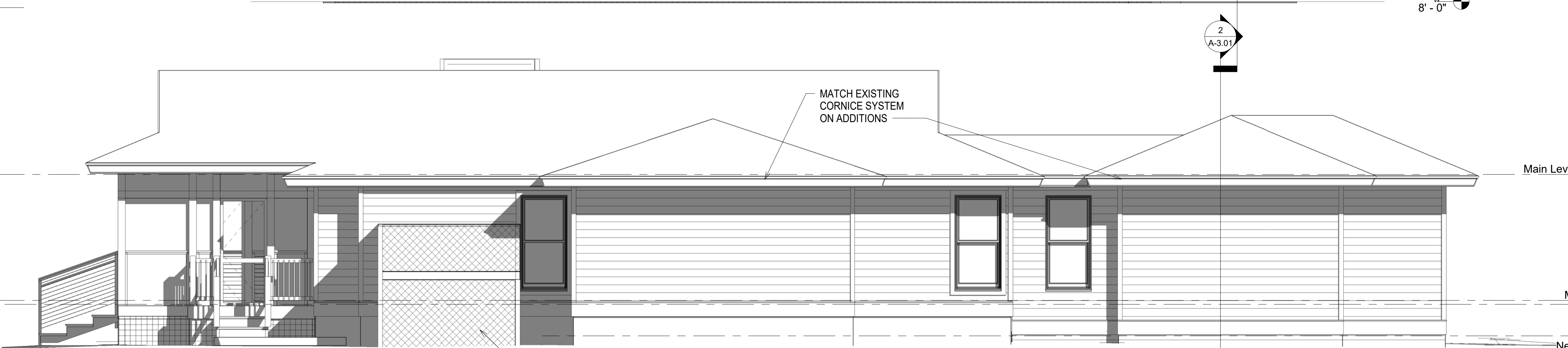
Main Level Bearing 18' - 3"  
Main Level 10' - 3"  
AE/10 10' - 0"



**3**  
A-2.00  
**Proposed Rear Elevation**  
1/4" = 1'-0"

NEW CABLE RAIL SYSTEM

Main Level Bearing 18' - 3"  
Main Level 10' - 3"  
AE/10 10' - 0"  
New Garage 8' - 0"



**2**  
A-2.00  
**Proposed Left Elevation**  
1/4" = 1'-0"

Main Level Bearing 18' - 3"  
Main Level 10' - 3"  
AE/10 10' - 0"  
New Garage 8' - 0"

REDUCE EXISTING HVAC STAND TO 6' DEPTH



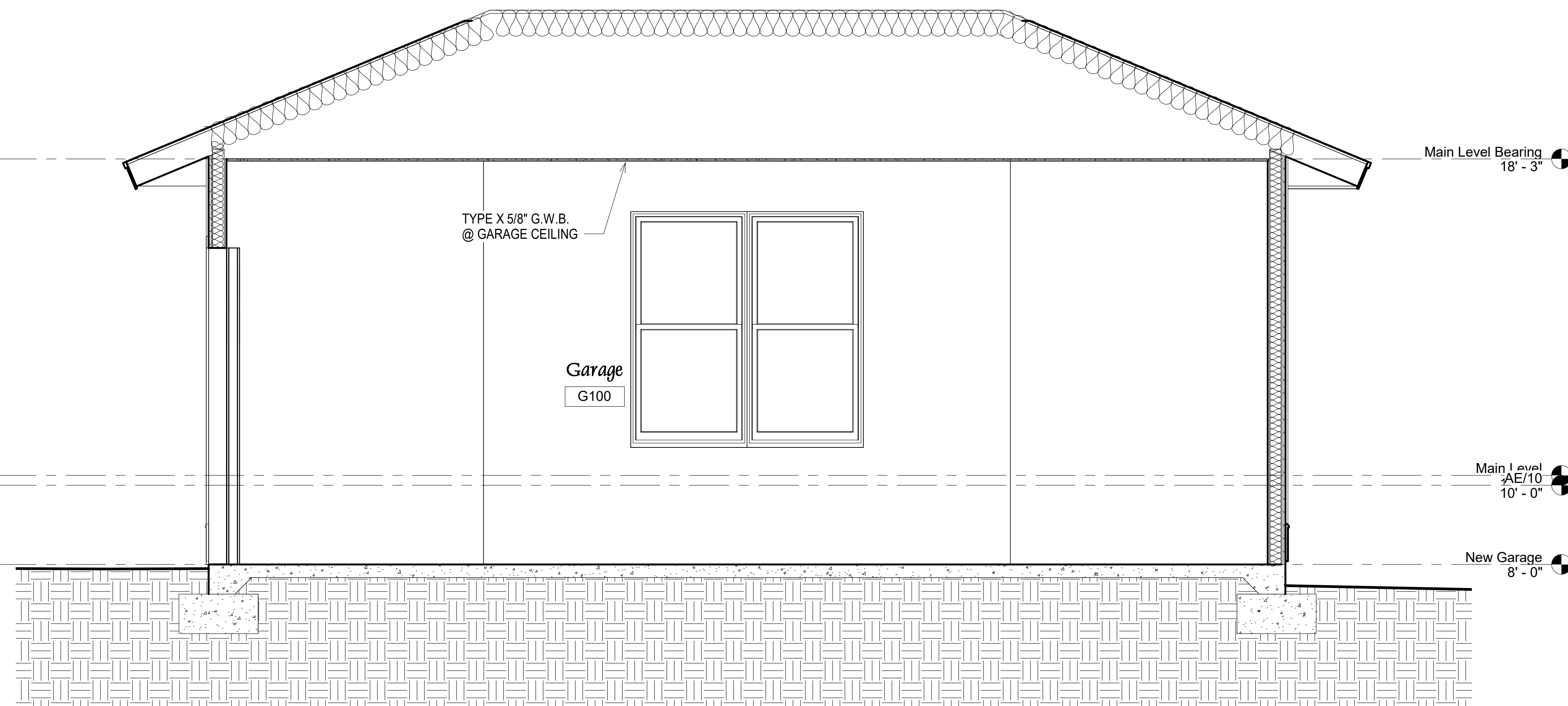
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PROJECT  
**35 Painted Bunting**  
SHEET TITLE  
**Building Sections**

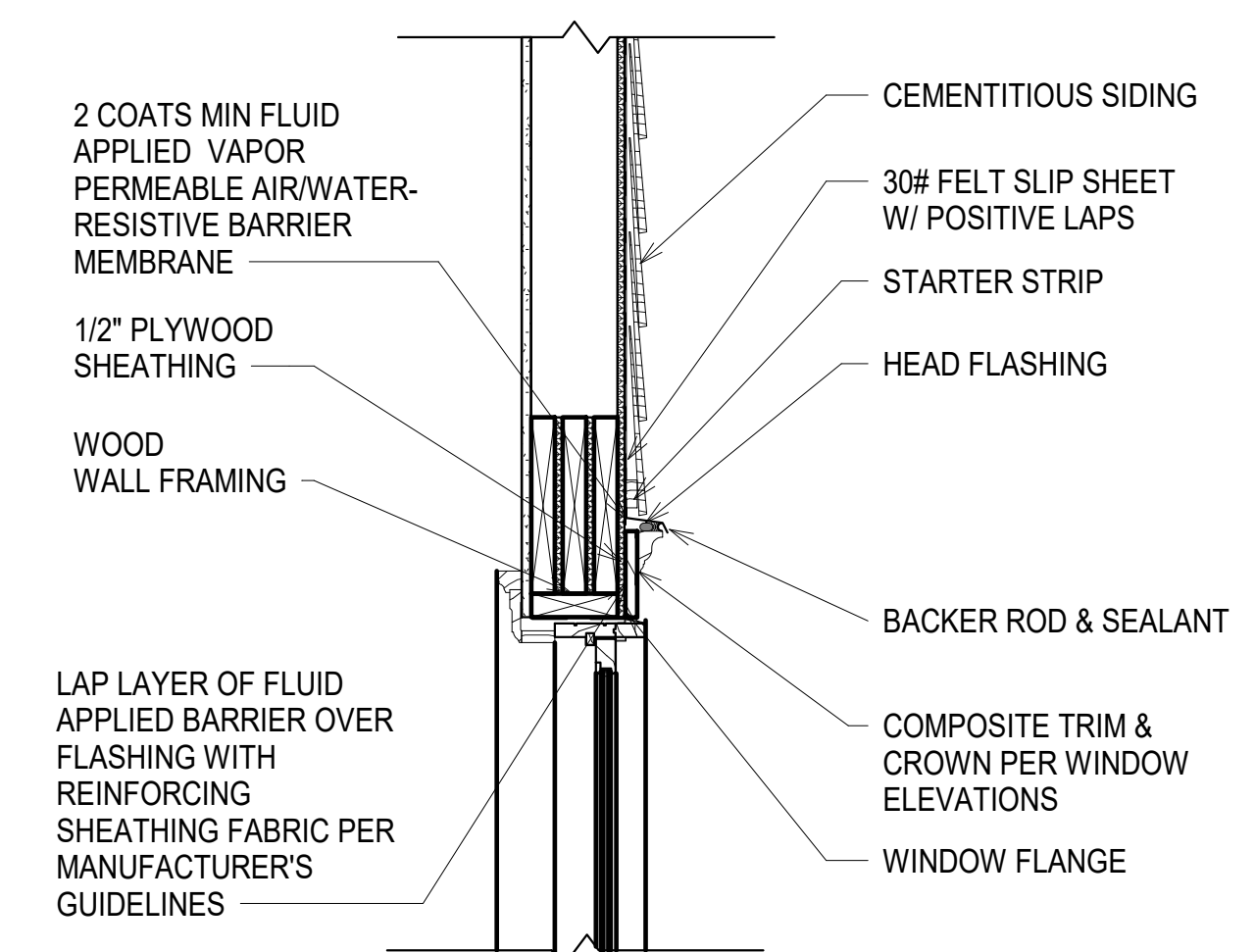
SHEET ISSUED	REVISION	DESCRIPTION
05/16/24		

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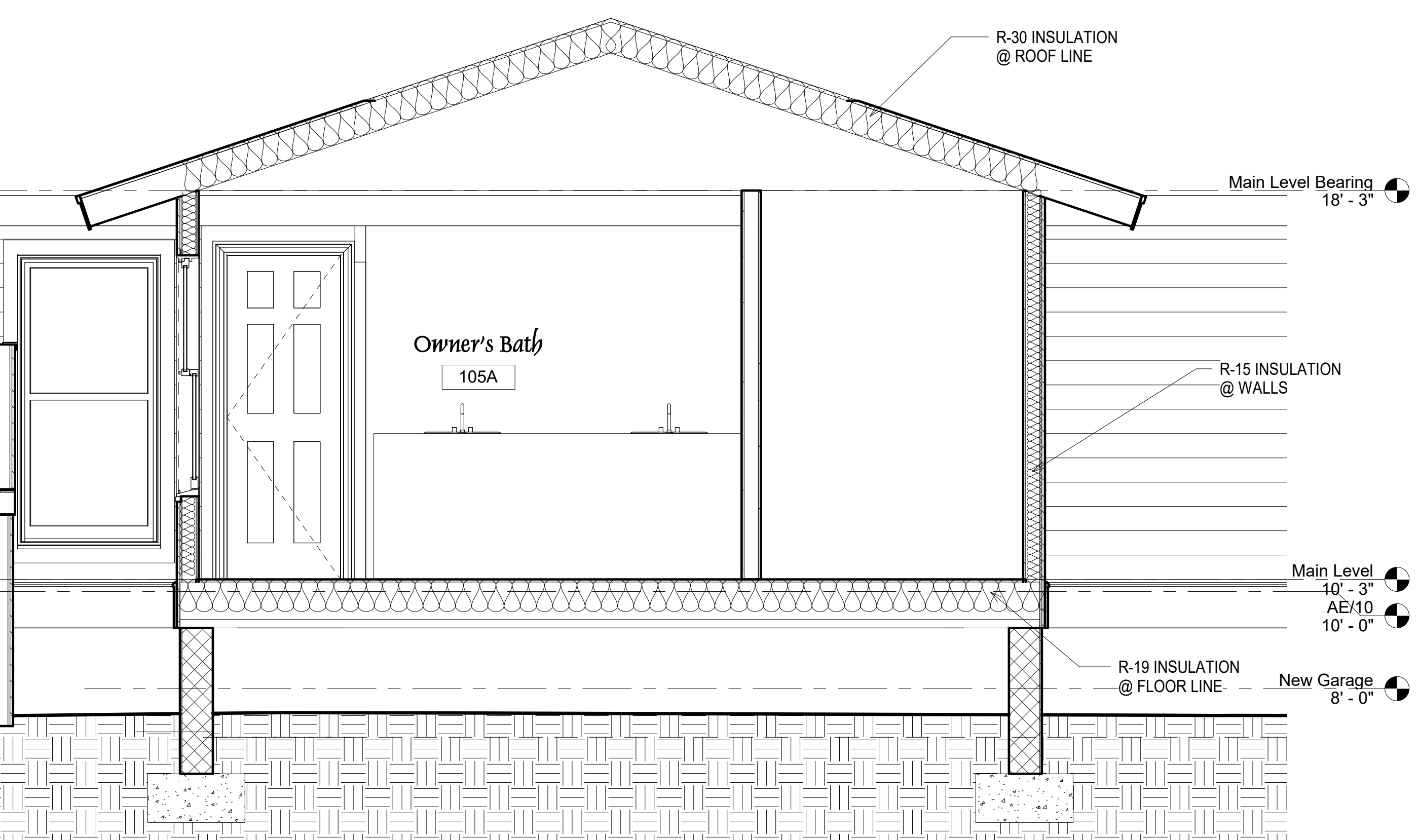
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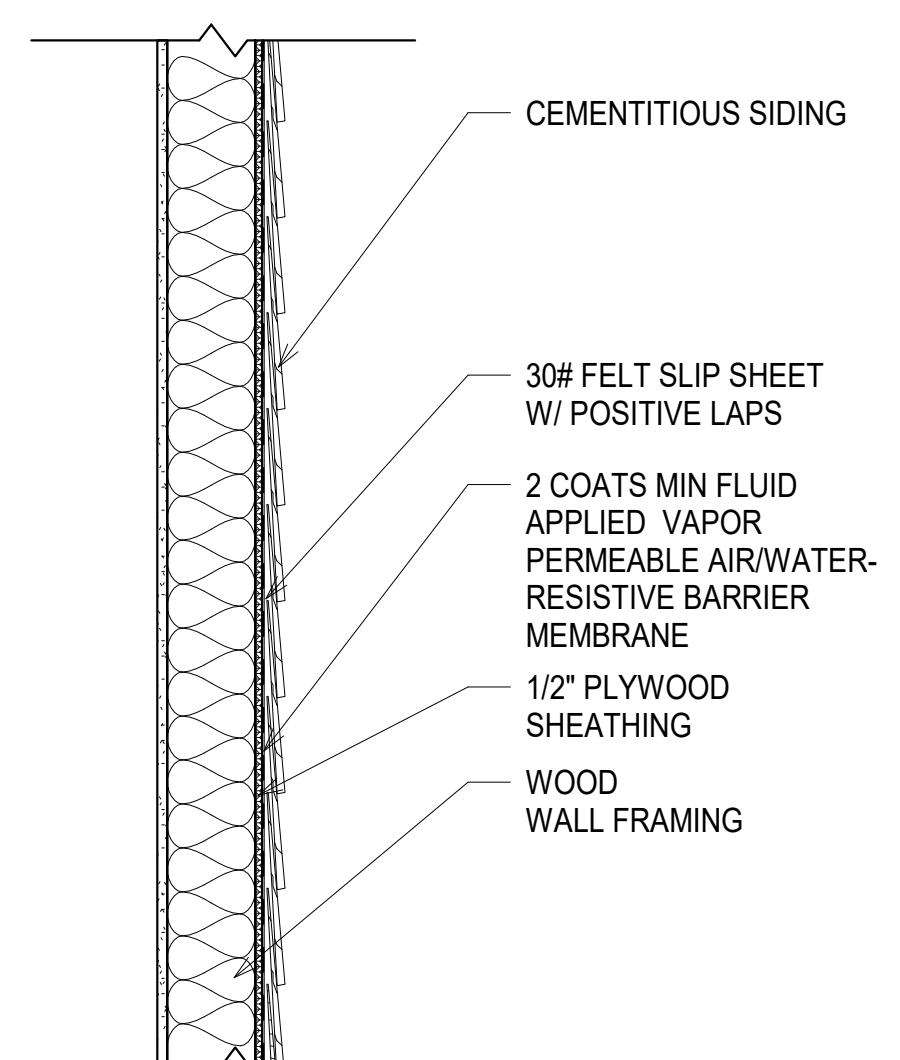
**2**  
Section Through New Garage  
1/2" = 1'-0"



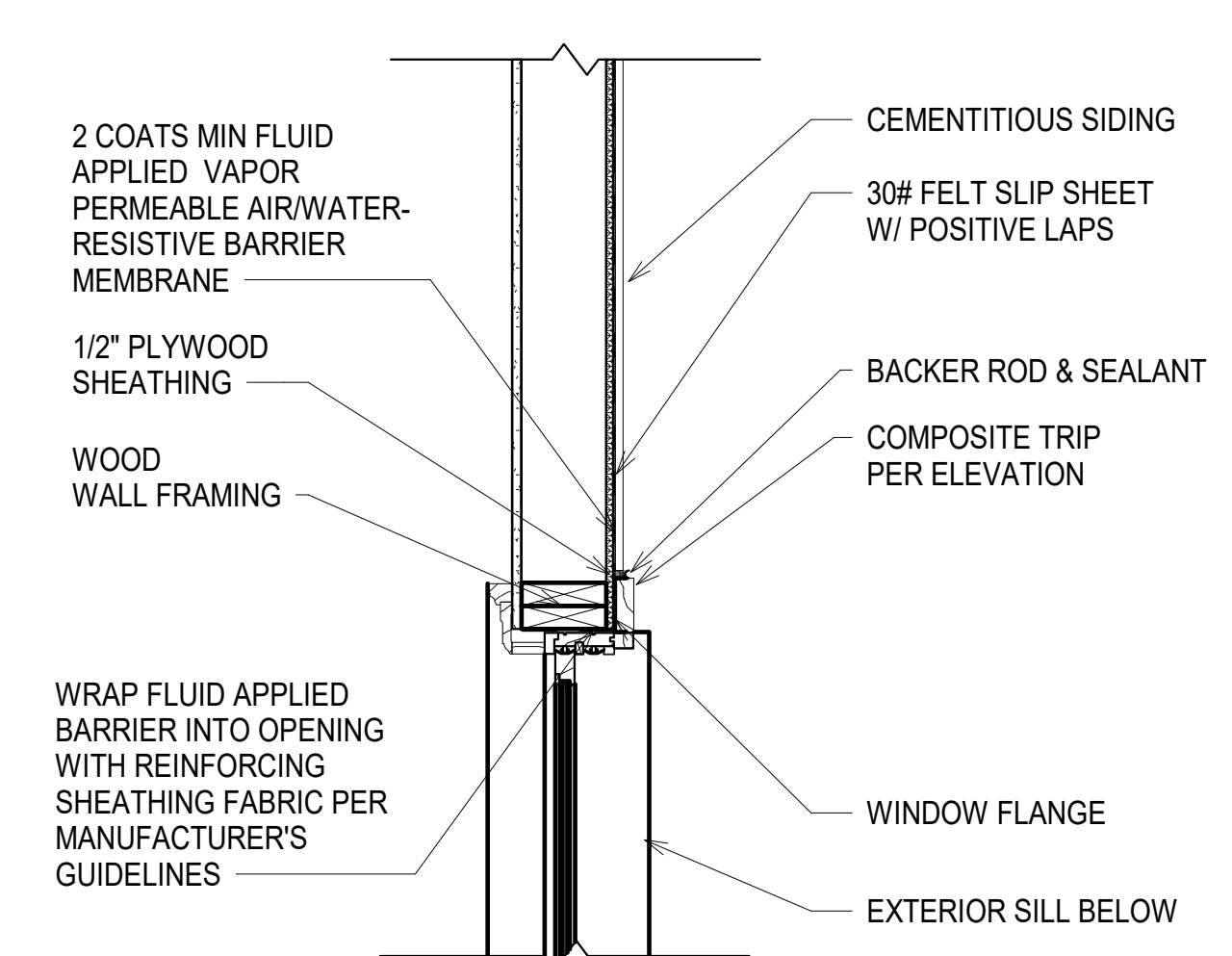
**4**  
Siding Wall Window Header Detail  
1" = 1'-0"



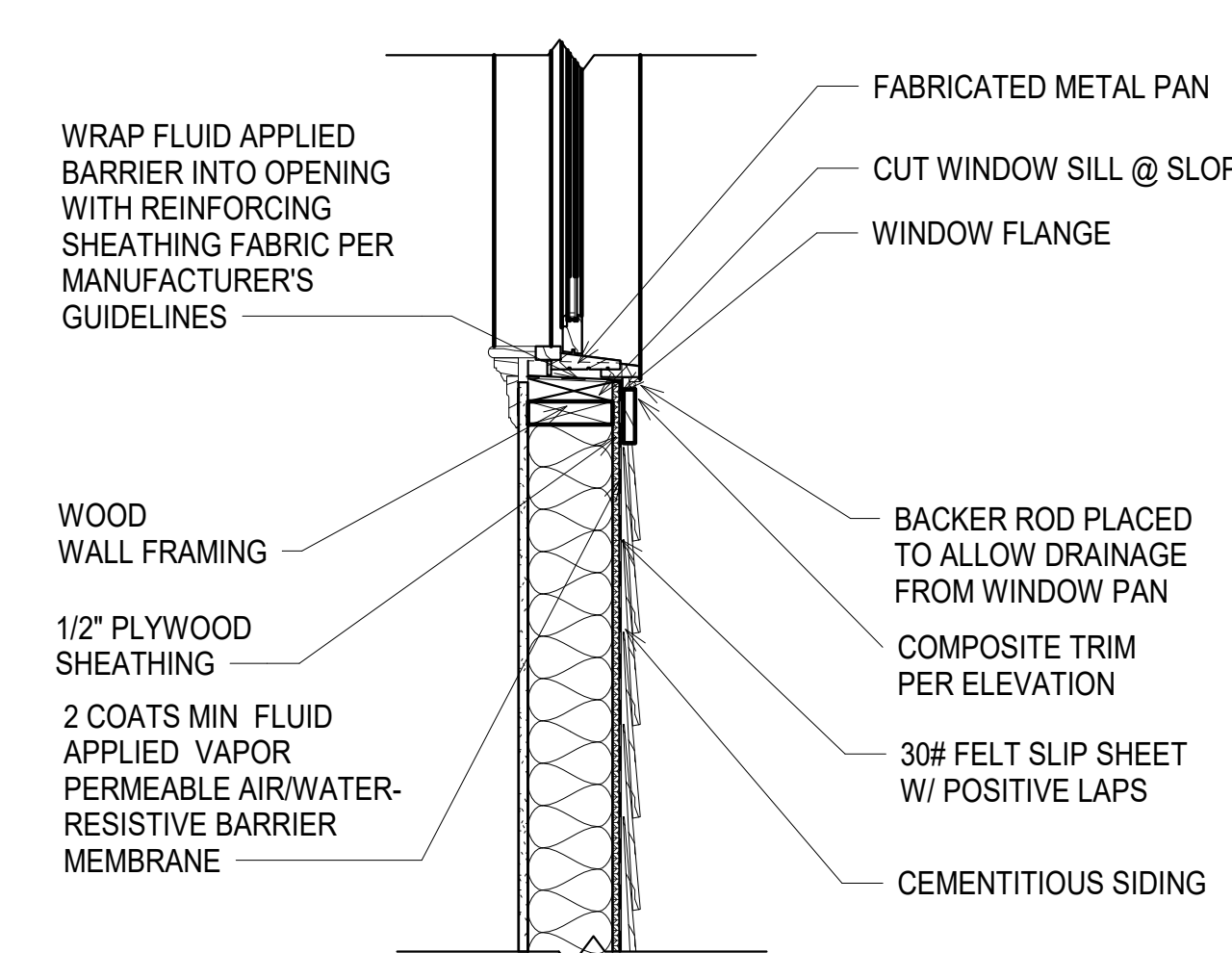
**1**  
Section Through New Bath  
1/2" = 1'-0"



**3**  
Siding Wall Section  
1" = 1'-0"



**5**  
Siding Wall Window Jamb Detail  
1" = 1'-0"



**6**  
Siding Wall Window Sill Detail  
1" = 1'-0"

Room Schedule					
Room No.	Name	Floor Finish	Wall Finish	Ceiling Finish	Comments
New Garage					
G100	Garage				
G101	Work Shop				
Main Level					
100	Foyer	Existing			
101	Living Room	Existing			
102	Dining Room	New Hardwood to Match Existing			
103	Kitchen	New Hardwood to Match Existing			
104	Family Room	Existing			
105	Main Bedroom	Existing			
105A	Owner's Bath	Ceramic Tile			
105B	Closet	New Hardwood to Match Existing			
105C	Closet	New Hardwood to Match Existing			
106	Bath	Existing			
107	Bedroom	Existing			
108	Bedroom	Existing			
109	Mud Room	New Hardwood to Match Existing			
110	Laundry	Ceramic Tile			

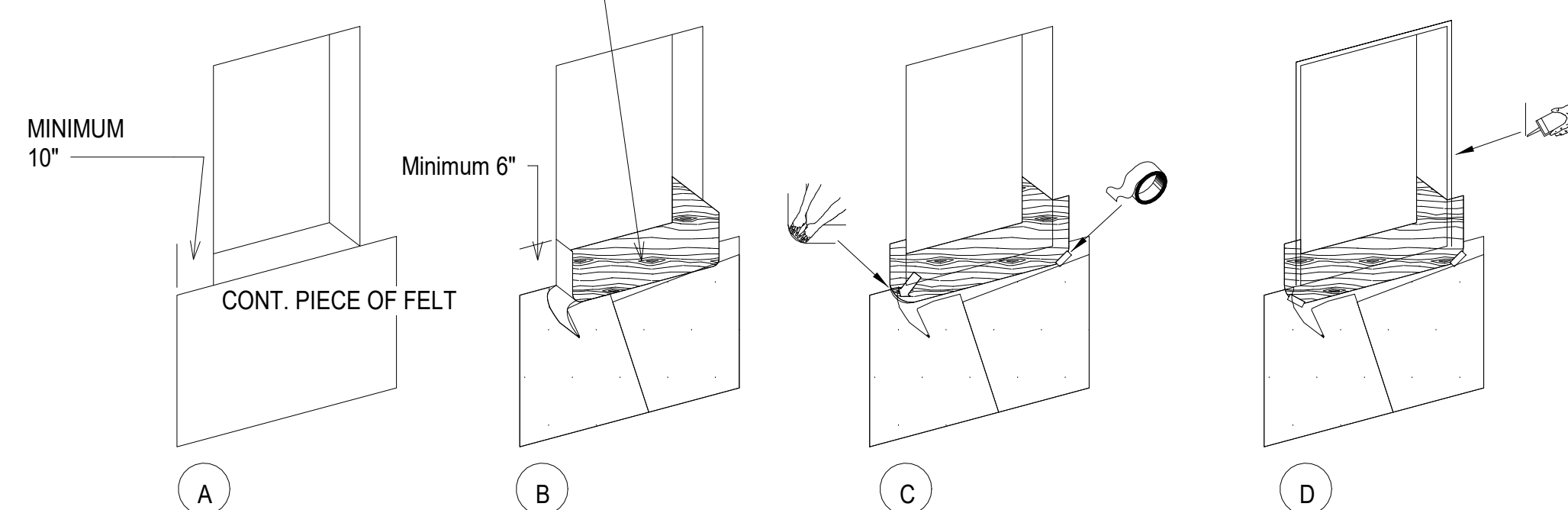
Door Schedule					
NO.	Description	DOOR			REMARKS
		W	H	T	
New Construction					
New Garage					
G100A	Carriage Style Overhead Door Impact Rated	10' - 0"	8' - 0"		
Main Level					
103A	Cased Opening Trim to Match Existing	3' - 0"	6' - 8"		
105A	Cased Opening Trim to Match Existing	2' - 6"	6' - 8"		
105B	New Door to Match Existing	2' - 4"	6' - 8"	0' - 1 3/4"	
105C	New Door to Match Existing	2' - 4"	6' - 8"	0' - 1 3/4"	
105D	New Door to Match Existing	2' - 4"	6' - 8"	0' - 1 3/4"	
105E	New Door to Match Existing	2' - 4"	6' - 8"	0' - 1 3/4"	
108A	New Door to Match Existing	2' - 8"	6' - 8"	0' - 1 1/2"	
109A	New S.C. Door to Match Existing	3' - 0"	6' - 8"	0' - 2"	
110A	New Door to Match Existing	2' - 8"	6' - 8"	0' - 1 1/2"	

Window Schedule				
Mark	Description	Width	Height	Comments
New Construction				
Main Level				
105-1	Clad Wood Double Hung W/ Low E , Insulated, Impact Glazing	1' - 11 1/4"	4' - 11 1/2"	
105-2	Clad Wood Double Hung W/ Low E , Insulated, Impact Glazing	1' - 11 1/4"	4' - 11 1/2"	
105-3	Clad Wood Double Hung W/ Low E , Insulated, Impact Glazing	1' - 11 1/4"	4' - 11 1/2"	
110-1	Clad Wood Double Hung W/ Low E , Insulated, Impact Glazing	1' - 11 1/4"	3' - 6"	
G100-1	Clad Wood Double Hung W/ Low E , Insulated, Impact Glazing	2' - 11 1/4"	5' - 11 1/2"	
G100-2	Clad Wood Double Hung W/ Low E , Insulated, Impact Glazing	2' - 11 1/4"	5' - 11 1/2"	
G100-3	Clad Wood Double Hung W/ Low E , Insulated, Impact Glazing	2' - 11 1/4"	5' - 11 1/2"	

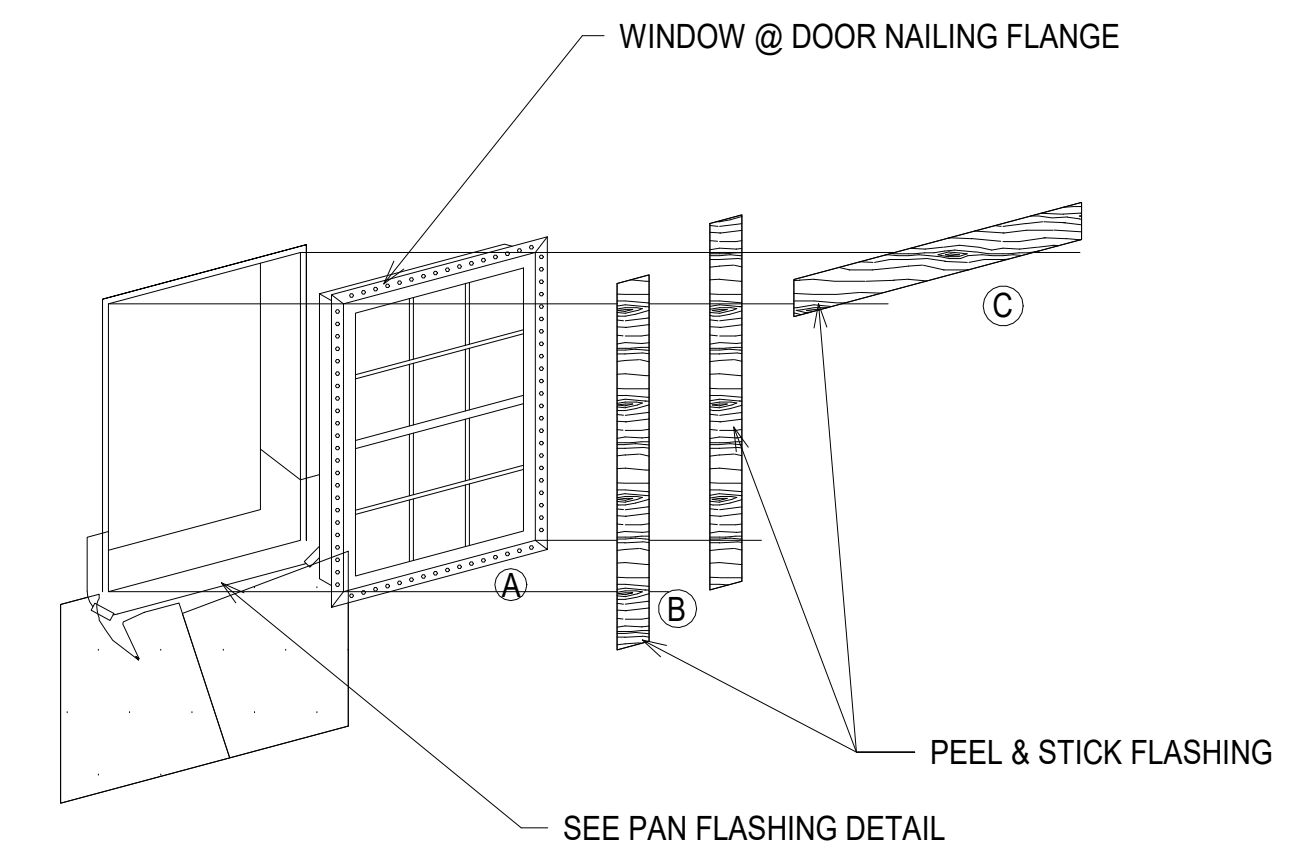
GLAZING NOTE: FOLLOW ALL PROVISIONS OF SECTION R308 OF THE 2021 SOUTH CAROLINA RESIDENTIAL CODE PROVIDE SAFETY GLAZING COMPLIANT WITH SCRC 2021 TABLE 308.3 FOR:

- GLAZING IN SWINGING DOORS
- GLAZING IN FIXED AND SLIDING PANELS OF SLIDING DOOR ASSEMBLIES AND BIFOLD DOOR ASSEMBLIES
- GLAZING IN STORM DOORS
- GLAZING IN ALL UNFRAMED SWINGING DOORS.
- GLAZING IN DOORS AND ENCLOSURES FOR HOT TUBS, WHIRLPOOLS, SAUNAS, AND TUBS AND ALL GLAZING IN WALLS ENCLOSING THESE ELEMENTS WHERE THE BOTTOM EXPOSED EDGE IS 60" OR LESS ABOVE THE STANDING OR WALKING SURFACE.
- GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE PANEL ADJACENT TO A DOOR WHERE THE NEAREST VERTICAL EDGE IS WITHIN A 24" ARC OF THE DOOR IN A CLOSED POSITION AND WHOSE BOTTOM EDGE IS LESS THAN 60" ABOVE THE FLOOR OR WALKING SURFACE.
- GLAZING IN A FIXED OR OPERABLE PANEL THAT MEETS ALL OF THE FOLLOWING CONDITIONS.
  - INDIVIDUAL PANE LARGER THAN 9 SQUARE FEET
  - BOTTOM EDGE LESS THAN 18" ABOVE FLOOR
  - TOP EDGE MORE THAN 36" ABOVE THE FLOOR
  - ONE OR MORE WALKING SURFACES WITHIN 36" HORIZONTALLY OF THE GLAZING.
- ALL GLAZING IN RAILINGS
- GLAZING IN WALLS OR FENCES ENCLOSING POOLS, SPAS, TUBS WHERE THE BOTTOM EDGE OF THE GLAZING IS LESS THAN 60" ABOVE THE FLOOR.
- GLAZING ADJACENT TO STAIRS, LANDINGS, AND RAMPS WHERE THE EXPOSED SURFACE OF THE GLASS IS LESS THAN 36" ABOVE THE ADJACENT WALKING SURFACE.
- GLAZING ADJACENT TO STAIRWAYS WITHIN 60" HORIZONTALLY OF THE BOTTOM TREAD IN ANY DIRECTION WHEN THE EXPOSED SURFACE OF THE GLASS IS LESS THAN 36" ABOVE THE NOSE OF THE TREAD.

UTILIZE BITUTHENE IMPREGNATED FLASHING MEMBRANE TO CREATE PAN @ BASE OF ALL FRAMED OPENINGS



2 Pan Flashing Detail  
A-7.00/ N.T.S.



3 Wrap Flashing Details  
A-7.00/ N.T.S.



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PROJECT	35 Painted Bunting
SHEET TITLE	Schedules

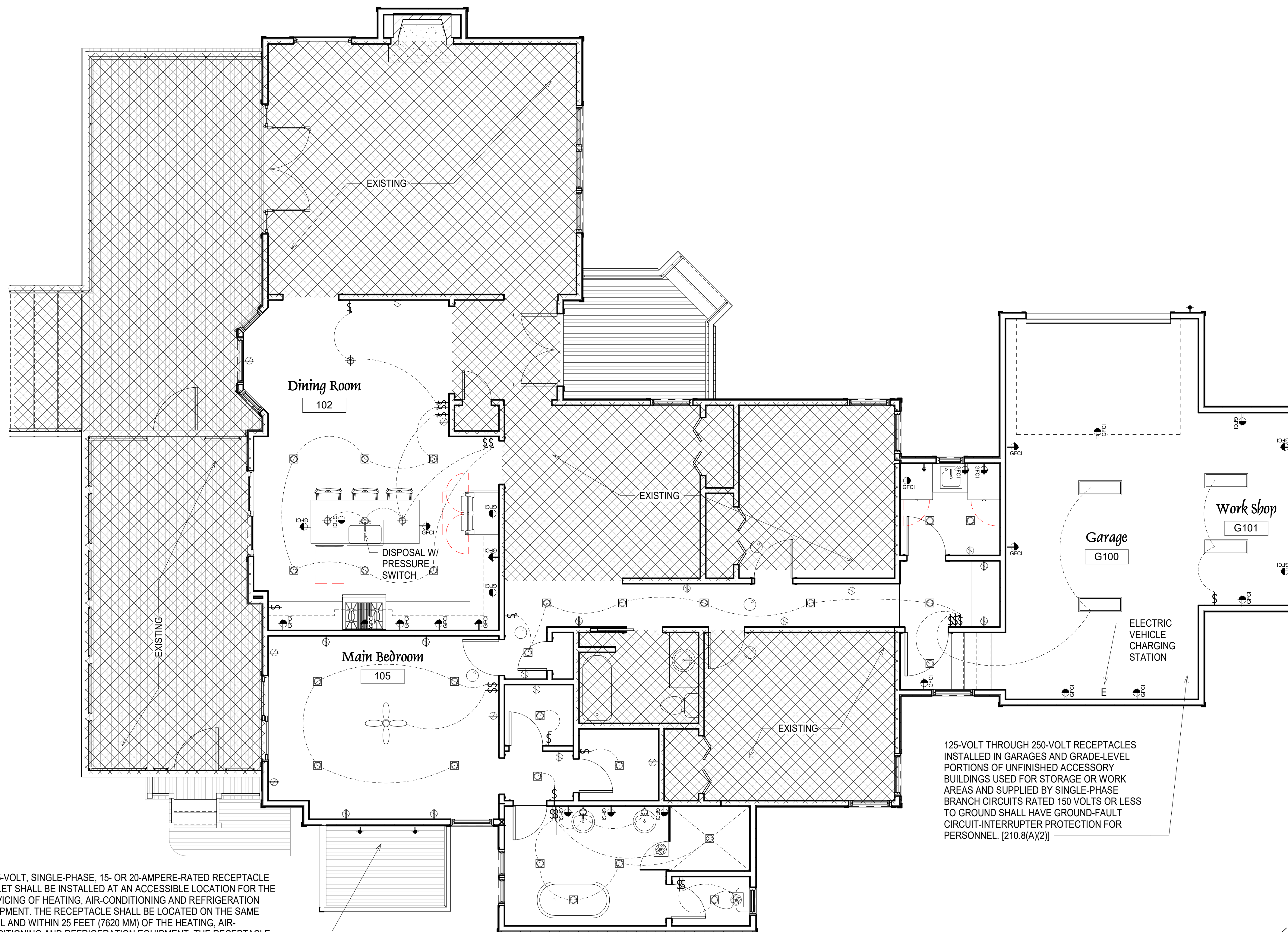
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A 125-VOLT, SINGLE-PHASE, 15- OR 20-AMPERE-RATED RECEPTACLE OUTLET SHALL BE INSTALLED AT AN ACCESSIBLE LOCATION FOR THE SERVICING OF HEATING, AIR-CONDITIONING AND REFRIGERATION EQUIPMENT. THE RECEPTACLE SHALL BE LOCATED ON THE SAME LEVEL AND WITHIN 25 FEET (7620 MM) OF THE HEATING, AIR-CONDITIONING AND REFRIGERATION EQUIPMENT. THE RECEPTACLE OUTLET SHALL NOT BE CONNECTED TO THE LOAD SIDE OF THE HVAC EQUIPMENT DISCONNECTING MEANS. (210.63)

RECEPTACLES SHALL HAVE GROUND-FAULT CIRCUIT-INTERRUPTER PROTECTION. [210.8(E)]

125-VOLT THROUGH 250-VOLT RECEPTACLES INSTALLED IN GARAGES AND GRADE-LEVEL PORTIONS OF UNFINISHED ACCESSORY BUILDINGS USED FOR STORAGE OR WORK AREAS AND SUPPLIED BY SINGLE-PHASE BRANCH CIRCUITS RATED 150 VOLTS OR LESS TO GROUND SHALL HAVE GROUND-FAULT CIRCUIT-INTERRUPTER PROTECTION FOR PERSONNEL. [210.8(A)(2)]

ELECTRICAL LEGEND	
	DUPLEX
	SPLIT WIRED DUPLEX
	SPCL OR 220 V OUTLET
	EXT WATERPROOF OUTLET
	FLOOR MOUNTED OUTLET
	ARC FAULT OUTLET
	GFCI OUTLET
	ROCKER ARM SWITCH
	3WAY OR 4WAY
	SPECIAL SWITCH
	DIMMER WITH ON/OFF
	SURFACE OR CEILING MOUNT
	WALL MOUNTED LIGHT FIXTURE
	RECESSED STAIR LIGHT
	RECESSED CAN LIGHT
	UNDER CABINET LIGHTING
	FAN BOX
	TRACK LIGHTING
	VENTILATION FAN
	SMOKE & CO2 DETECTOR
	FUSE BOX
	METER BOX
	MULTIMEDIA CONNECTION
	LED LIGHT FIXTURE
	CEILING FAN

Branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas and similar rooms or areas shall be protected in accordance with: Section E3902.20 of the SC Residential Code.

Section E4002.14 of the 2021 SC Residential Code requires Tamper-resistant receptacles. 15- and 20-ampere, 125- and 250-volt nonlocking-type receptacles shall be listed tamper-resistant receptacles.

1 Proposed Electrical Plan  
E-1.01 1/4" = 1'-0"

PROJECT  
35 Painted Bunting  
SHEET TITLE  
Electrical Plan

SHEET ISSUED	REVISION	DESCRIPTION
05/16/24		

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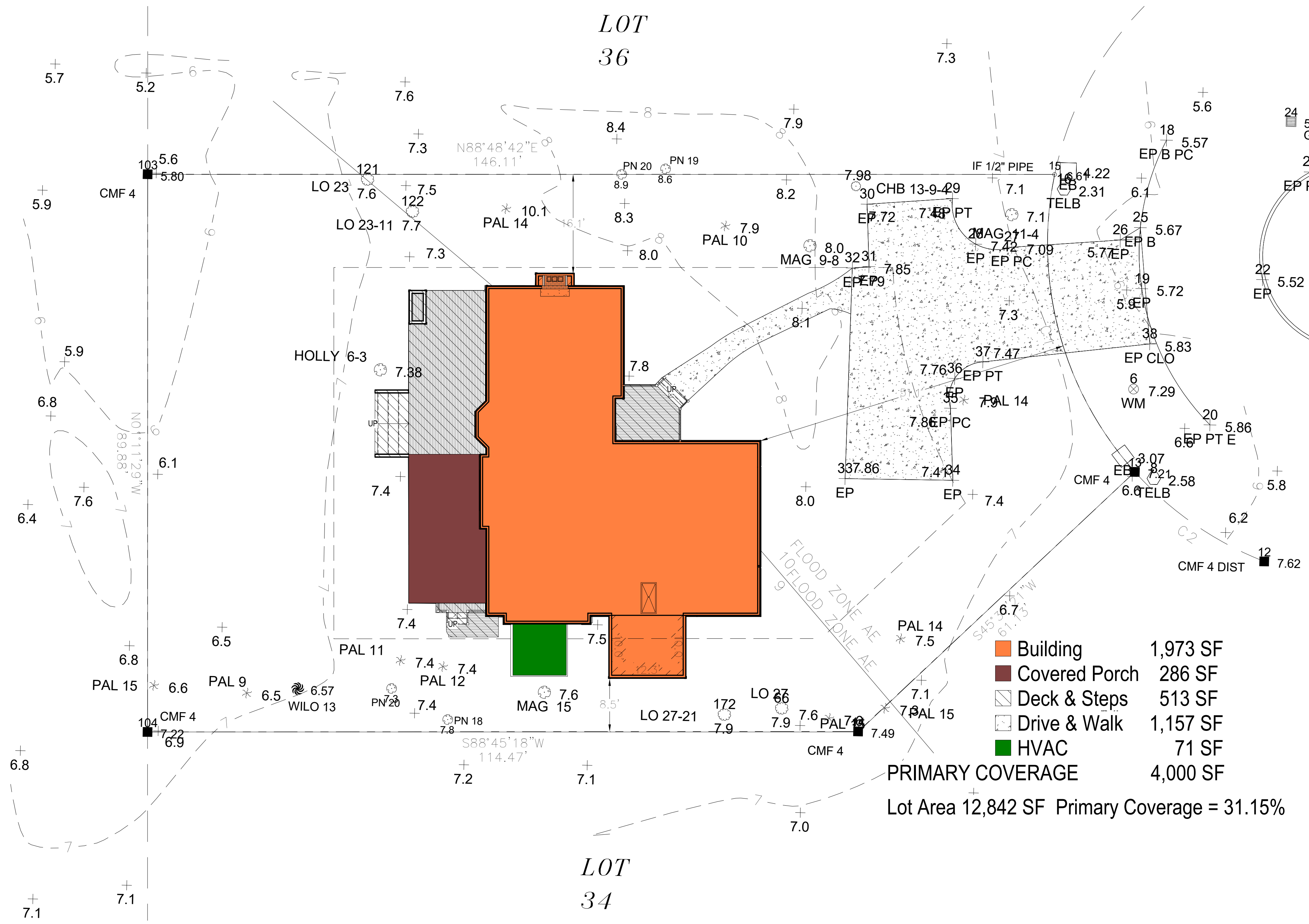
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- Building 1,973 SF
- Covered Porch 286 SF
- Deck & Steps 513 SF
- Drive & Walk 1,157 SF
- HVAC 71 SF

PRIMARY COVERAGE 4,000 SF  
Lot Area 12,842 SF Primary Coverage = 31.15%

1 Existing Site Coverage  
X-1.00 1" = 10'-0"

PROJECT 35 Painted Bunting
SHEET TITLE Existing Lot Coverage

SHEET ISSUED	REVISION	DESCRIPTION
05/16/24		

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Bunting Lot 35\05-16-24-35 Painted  
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Author  
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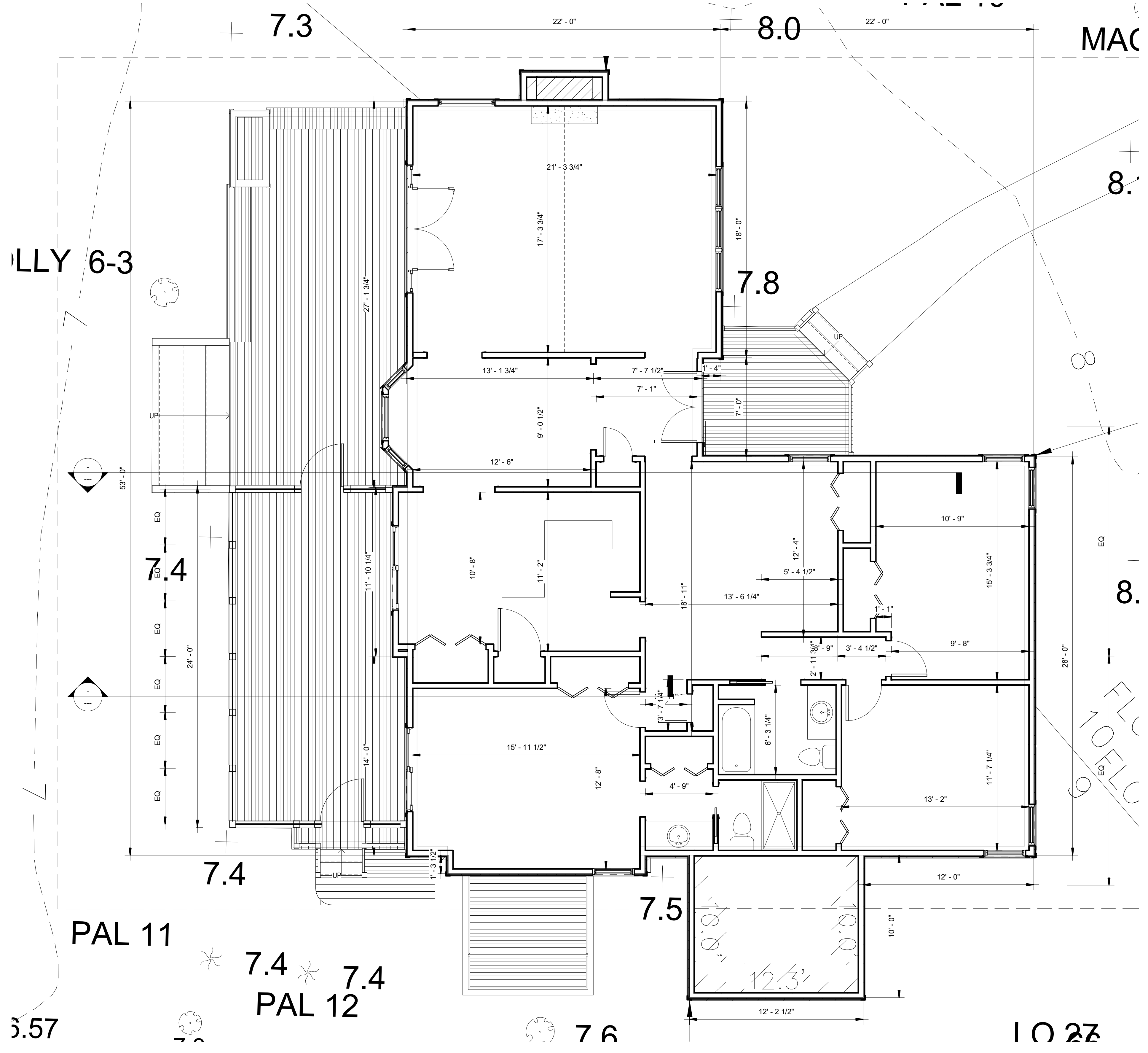
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PROJECT	35 Painted Bunting
SHEET TITLE	Existing Plan

REVISION	DATE	DESCRIPTION
	05/16/24	

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**X-1.01**





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PROJECT  
**35 Painted Bunting**  
 SHEET TITLE  
**Existing Elevations**

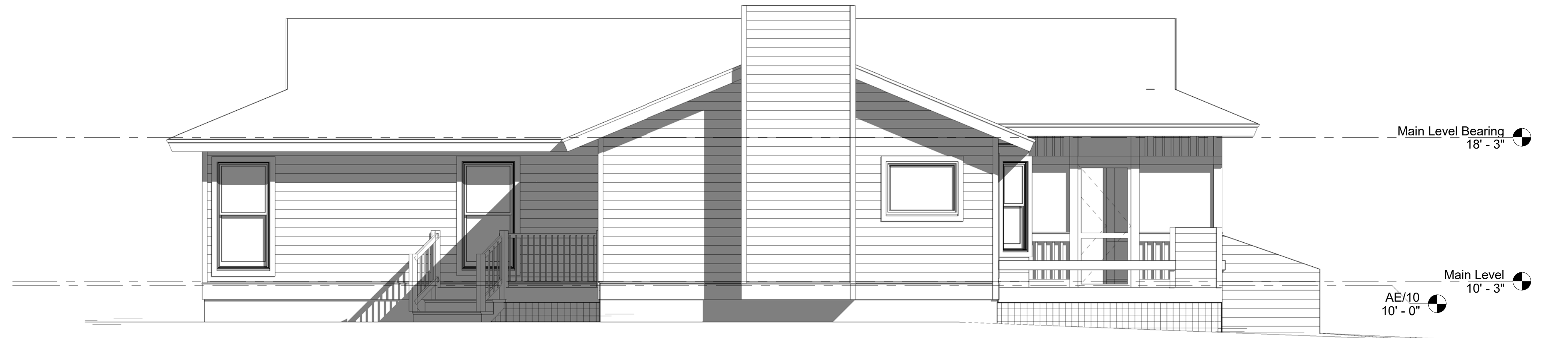
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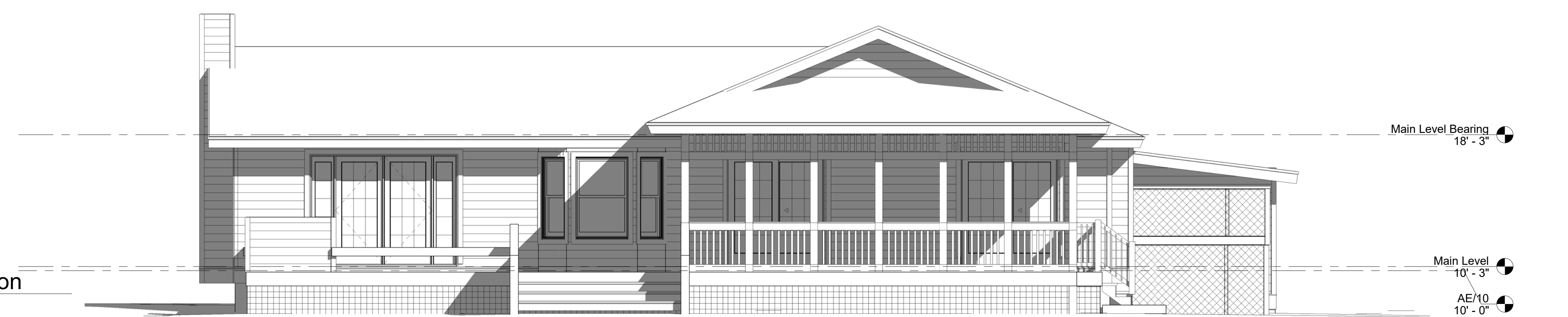
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**X-2.01**



1 Existing Front Elevation  
 X-2.01 1/4" = 1'-0"



2 Existing Right Elevation  
 X-2.01 1/4" = 1'-0"



3 Existing Rear Elevation  
 X-2.01 1/4" = 1'-0"



4 Existing Left Elevation  
 X-2.01 1/4" = 1'-0"

**ABBREVIATIONS:**

AB ANCHOR BOLT	LB POUND
ADJ ADJACENT	LG LONG
AESS ARCHITECTURALLY EXPOSED STRUCTURAL STEEL	LIVE LOAD
AFF ABOVE FINISHED FLOOR	LLBS LONG LEG BACK TO BACK
AHU AIR HANDLING UNIT	LLH LONG LEG HORIZONTAL
ALUM ALUMINUM	LLV LONG LEG VERTICAL
ALT ALTERNATE	LONG LONGITUDINAL
APPD APPROVED	LSL LONG SLOTTED HOLES
APPROX APPROXIMATE	LT LIGHT
ARCH ARCHITECT	LTWT LIGHTWEIGHT
B/ BOTTOM OF	MAS MASONRY
BLDG BUILDING	MAX MAXIMUM
BM BEAM	MECH MECHANICAL
BOT BOTTOM	MEZZ MEZZANINE
BRDG BRIDGING	MFR MANUFACTURER
BRG BEARING	MID MIDDLE
BLK BLOCK	MIN MINIMUM
BTWN BETWEEN	MISC MISCELLANEOUS
CANT CANTILEVER	MJ MASONRY JOINT
C/C CENTER TO CENTER	MO MASONRY OPENING
CHAM CHAMFER	N NORTH
CIRC CIRCULAR	NIC NOT IN CONTRACT
CJ CONTROL JOINT	NO NUMBER
CLR CLEAR	NOM NOMINAL
CMU CONCRETE MASONRY UNITS	NS NEAR SIDE
COL COLUMN	NTS NOT TO SCALE
CONC CONCRETE	O/O OUT TO OUT
CONN CONNECTION	OC ON CENTER
CONST CONSTRUCTION	OD OUTSIDE DIAMETER
CONT CONTINUOUS	OF OUTSIDE FACE
CONTR CONTRACTOR	OPNG OPENING
COORD COORDINATE	OPP OPPOSITE
CTRD CENTERED	OW OPEN WEB
D DEPTH	PAF POWDER ACTUATED FASTENER
DBE DECK BEARING ELEVATION	PL PLATE
DBL DOUBLE	PLF POUNDS PER LINEAL FOOT
DET DETAIL	PROJ PROJECTION
DIA DIAMETER	PSF POUNDS PER SQUARE FOOT
DIAG DIAGONAL	PSI POUNDS PER SQUARE INCH
DIM DIMENSION	PT PRESSURE TREATED
DL DEAD LOAD	
DWGS DRAWINGS	
E EAST	RAD RADIUS
EA EACH	REF REFERENCE
EB EXPANSION BOLT	REINF REINFORCEMENT
EF EACH FACE	RET RETURN
EJ EXPANSION JOINT	REV REVISION
EL ELEVATION	RP RADIUS POINT
ELEV ELEVATOR	RT RIGHT
EMBED EMBEDMENT	RTU ROOF TOP UNIT
ENGR ENGINEER	S SOUTH
EOS EDGE OF SLAB	SA SLEEVE ANCHOR
EQ EQUAL	SB SLAB BOLSTER
EQUIP EQUIPMENT	SCHED SCHEDULE
EQUIV EQUIVALENT	SECT SECTION
ES EACH SIDE	SF- STEP FOOTING
EW EACH WAY	SIM SIMILAR
EXP EXPANSION	SPEC SPECIFICATIONS
EXIST EXISTING	SP SPACING ES
EXT EXTERIOR	SQ SQUARE
FC FILLED CELL	SSL SHORT SLOTTED HOLES
FF FINISHED FLOOR	SS STAINLESS STEEL
FIN FINISH	STD STANDARD
FLR FLOOR	STIFF STIFFENERS
FDN FOUNDATION	STL STEEL
FRMG FRAMING	SYMM SYMMETRICAL
FT FEET	
FTG FOOTING	T/ TOP OF
FV FIELD VERIFY	TB TIE BEAM
GALV GALVANIZED	TC TIE COLUMN
GA GAUGE	TCX TOP CHORD EXTENSION
HORIZ HORIZONTAL	T&B TOP AND BOTTOM
HSA HEADED STUD ANCHOR	TEMP TEMPORARY
HSB HIGH STRENGTH BOLT	TRAN TRANSVERSE
HT HEIGHT	TS TUBE STEEL
ID INSIDE DIAMETER	TYP TYPICAL
IF INSIDE FACE	UNO UNLESS NOTED OTHERWISE
IN INCH	VERT VERTICAL
INCL INCLUDE, ING	W WEST
INT INTERIOR	W/ WITH
JBE JOIST BEARING ELEVATION	W/O WITHOUT
	WP WORK POINT
	WT WEIGHT
	WWW WELDED WIRE MESH

**ROUGH CARPENTRY**

- ALL ROUGH CARPENTRY SHALL CONFORM TO SPECIFICATION IBC2018 & NDS 2018
- ALL PILES OF MULTI-PLY MEMBERS (DBL, TRPL, ETC.) SHALL BE GLUED TOGETHER WITH WATERPROOF CONSTRUCTION ADHESIVE AND FASTENED WITH (2)-ROWS OF 16D "SINKER" NAILS AT 9" O.C. UNO
- ALL CONNECTIONS FOR WOOD MEMBERS SHALL BE PER IBC 2018 TABLE 2304.10.1 EXCEPT WHERE NOTED OTHERWISE
- ALL CLIPS AND HANGERS SHALL BE INSTALLED WITH MAX NAILS OF NUMBER AND SIZE AS INDICATED IN MANUFACTURER'S CATALOG UNO
- THE BASIS OF DESIGN PRODUCT IS LISTED FOR ALL METAL FRAMING ANCHORS. CONTRACTOR MAY SUBMIT EQUIVALENT PROPRIETARY CONNECTORS FOR USE SUBJECT TO EOR APPROVAL. SEE SPECIFICATIONS FOR SUBSTITUTION SUBMITTAL REQUIREMENTS.
- WOOD SCREWS SHALL BE INSTALLED USING A LEAD HOLE WITH DIAMETER EQUAL TO 70% OF THE SCREW ROOT DIAMETER. SCREWS SHALL BE INSERTED INTO THE HOLE WITH A TURNING ACTION AND NOT A DRIVING ACTION. THE MINIMUM EMBEDMENT INTO THE MAIN MEMBER FOR WOOD SCREWS SHALL BE SIX TIMES THE SCREW DIAMETER UNO
- LAG SCREWS SHALL BE INSTALLED USING A LEAD HOLE WITH DIAMETER EQUAL TO 75% OF THE LAG SCREW SHANK DIAMETER AND A CLEARANCE HOLE EQUAL TO 100% OF THE LAG SCREW SHANK DIAMETER. THE LEAD HOLE SHALL BE OF DEPTH EQUAL TO THE EMBEDMENT OF THE LAG SCREW, AND THE CLEARANCE HOLE SHALL BE OF DEPTH EQUAL TO THE LENGTH OF UNTHREADED SHANK. LAG SCREWS SHALL BE INSERTED INTO THE HOLE WITH A TURNING ACTION AND NOT A DRIVING ACTION. THE MINIMUM EMBEDMENT INTO THE MAIN MEMBER FOR LAG SCREWS SHALL BE FOUR TIMES THE SCREW DIAMETER UNO.
- ALL BOLTS CONNECTING ROUGH CARPENTRY SHALL HAVE AN ASTM F844 WASHER BENEATH BOTH THE HEAD AND THE NUT.

**GENERAL NOTES**

- STRUCTURAL DRAWINGS ARE TO BE USED IN CONJUNCTION WITH THE ENTIRE SET OF PROJECT DRAWINGS, PROJECT MANUAL, AND ALL SHOP DRAWING SUBMITTALS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING AND COORDINATING DIMENSIONS, CLEARANCES AND ALL OTHER COORDINATION ISSUES WITH OTHER TRADES.
- IN CASE OF CONFLICT BETWEEN VARIOUS STRUCTURAL DRAWINGS, STRUCTURAL PLANS, OR STRUCTURAL DETAILS THE MORE STRINGENT SHALL GOVERN. THE CONTRACTOR SHALL MAKE ALLOWANCE IN HIS BID FOR THE MORE COSTLY CONDITION.
- IN CASE OF CONFLICT BETWEEN DRAWINGS, DRAWING NOTES, AND SPECIFICATIONS THE MORE STRINGENT SHALL GOVERN. THE CONTRACTOR SHALL MAKE ALLOWANCE IN HIS BID FOR THE MORE COSTLY CONDITION.
- WORK NOT INDICATED ON THE DRAWINGS, BUT REASONABLY IMPLIED TO BE SIMILAR TO THAT SHOWN AT CORRESPONDING PLACES SHALL BE REPEATED.
- ALL NOTES, DETAILS AND SECTIONS ARE INTENDED TO BE TYPICAL FOR THE GENERAL CONDITIONS INDICATED OR REFERENCED. ALL NOTES, DETAILS AND SECTIONS SHALL APPLY TO ANY SIMILAR SITUATION THROUGHOUT THE ENTIRE PROJECT UNLESS A SEPARATE NOTE, DETAIL OR SECTION IS PROVIDED.
- REVIEW ALL PROJECT DOCUMENTS PRIOR TO FABRICATION AND START OF CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE OWNER OR OWNER'S REPRESENTATIVE PRIOR TO PROCEEDING WITH WORK.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT EXISTING AND IN PLACE WORK OR UTILITIES DURING CONSTRUCTION.
- COORDINATE STRUCTURAL DRAWINGS WITH OTHER CONTRACT DRAWINGS, SPECIFICATIONS, OR SHOP DRAWINGS WHICH MAY AFFECT THE STRUCTURAL WORK.
- USE OF REPRODUCED CONTRACT DRAWINGS IN PART OR WHOLE FOR THE PURPOSE OF SHOP DRAWING PREPARATION SHALL NOT RELIEVE THE CONTRACTOR OR SUBCONTRACTOR FROM THE REQUIREMENT TO ACCURATELY LAYOUT, COORDINATE, DETAIL, FABRICATE AND INSTALL A COMPLETE STRUCTURE.
- ALL SUBMITTALS SHALL BE REVIEWED BY THE SUBCONTRACTOR AND CONTRACTOR FOR CONFORMANCE TO THE CONTRACT DOCUMENTS, FOR COMPLETENESS, AND TO RESPOND TO CONTRACTOR COORDINATION RELATED QUESTIONS PRIOR TO SUBMITTING FOR APPROVAL. ALL SHEETS SHALL BE STAMPED AND INITIALED BY THE CONTRACTOR INDICATING SUCH A REVIEW HAS BEEN COMPLETED PRIOR TO ISSUING SUBMITTAL FOR APPROVAL.
- CONTRACTOR SHALL MAKE NO DEVIATIONS FROM THE CONTRACT DOCUMENTS WITHOUT WRITTEN APPROVAL.
- ALL ELEVATIONS INDICATED IN STRUCTURAL DRAWINGS ARE IN REFERENCE TO A GROUND FLOOR FINISHED SLAB ELEVATION OF 0'-0" UNLESS NOTED OTHERWISE. SEE CIVIL FOR GROUND FLOOR FINISHED SLAB ELEVATION.

**CONCRETE**

- TYPICAL 28 DAY CONCRETE COMPRESSIVE STRENGTH (FC).

LOCATION	FC(Psi)
SLAB ON GRADE	3000 (NW)
GRADE BEAMS/ FOUNDATIONS	3000 (NW)

- NOTE: ALL CONCRETE SHALL BE NORMAL WEIGHT UNLESS NOTED OTHERWISE.
- REINFORCING STEEL: ASTM A 615, GRADE 60. MINIMUM LAP SHALL BE 40 BAR DIAMETERS OR 24 INCHES MINIMUM, U.N.O.
  - WELDED WIRE FABRIC: ASTM A 185 OR ASTM A 497. LAP ALL EDGES 1'-0" MESH MINIMUM.
  - CONCRETE COVER: FOUNDATIONS 3". SLABS: LOCATE WWF 1.5" FROM TOP OF SLAB (U.N.O.)
  - VIBRATORY SLED OR TAMPER SHOULD BE USED TO DENSIFY ANY SOILS IN THE BOTTOM OF THE FOOTING TRENCHES LOOSENEED DURING THE EXCAVATION OPERATION.
  - CONTRACTOR IS RESPONSIBLE FOR ADEQUATELY PROTECTING ALL EXCAVATION SLOPES.
  - ALL CONTINUOUS REINFORCING SHALL BE LAPPED ACCORDING TO LAP SPLICE AND EMBEDMENT REQUIREMENTS PER ACI 318, CURRENT EDITION.
  - REINFORCEMENT SHALL BE SECURELY HELD IN PLACE WHILE PLACING CONCRETE. IF REQUIRED, ADDITIONAL BARS AND STIRRUPS SHALL BE PROVIDED BY THE CONTRACTOR TO FURNISH SUPPORT FOR BARS.
  - THE DESIGN AND CONSTRUCTION OF FORMS SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:
    - FORMS SHALL CONFORM TO SHAPE, FORM AND LINES ON DRAWINGS.
    - ADEQUATE BRACING SHALL BE USED.
    - FORMS SUPPORTED ON GROUND SHALL HAVE ADEQUATE MUDSILLS.
  - QUALIFIED WORKMEN SHALL CONSTANTLY OBSERVE AND ADJUST, AS REQUIRED, ALL SHORES DURING CONCRETE PLACING.
  - THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE ADEQUATE DESIGN AND CONSTRUCTION OF ALL FORMS.
  - SPECIAL ATTENTION IS DIRECTED TO THE REQUIREMENT THAT THE CONTRACTOR MUST ADJUST THE SHORING, USING SURVEYING INSTRUMENTS, DURING AND IMMEDIATELY AFTER PLACING OF CONCRETE FOR SLABS. THIS ADJUSTMENT MUST NOT BE ATTEMPTED AFTER THE INITIAL SET OF CONCRETE.
  - SHORING SHALL REMAIN IN PLACE UNTIL CONCRETE HAS ATTAINED 75% OF ITS 28-DAY STRENGTH.
  - CONTRACTOR SHALL MAKE NO DEVIATIONS FROM DESIGN DRAWINGS WITHOUT WRITTEN APPROVAL OF THE EOR
  - PROVIDE CONCRETE MIX DESIGN FOR REVIEW AND APPROVAL PRIOR TO CONCRETE PLACEMENT. PROVIDE MIX DESIGNS FOR FOOTING AND FOR SLABS
  - PROVIDE REBAR PLACEMENT SHOP DRAWINGS FOR REVIEW AND APPROVAL PRIOR TO REBAR FABRICATION. SHOP DRAWING SHALL INDICATE REBAR SIZE, LOCATION, EXTENT, GRADE AND QUANTITY
  - DOWELS SHALL MATCH PIER REINFORCING.
  - ALL SLABS SHALL HAVE A BROOM FINISH.
  - CONTRACTOR SHALL REPAIR ALL DEFECTS TO THE SLAB FLOOR FINISH CAUSED BY CONSTRUCTION TRAFFIC PRIOR TO PLACEMENT OF THE FLOOR FINISH.
  - STRUCTURAL CONCRETE SHALL CONFORM TO ACI 301 AND HAVE THE FOLLOWING REQUIREMENTS"
 

FOOTINGS AND CMU PIER FILL: -	SLAB ON GRADE: -
3000-PSI NORMAL WEIGHT	3000-PSI NORMAL WEIGHT
AGGREGATES: 3/4" MAX AGGREGATE SIZE.	AGGREGATES: 3/4" MAX AGGREGATE SIZE.
AIR CONTENT: = 5% +/- 1.5%	AIR CONTENT: = 3% +/- 0%
WATER/ CEMENT RATIO: .5 MAX.	WATER/ CEMENT RATIO: .5 MAX.
WEIGHT: 145-PCF	WEIGHT: 145-PCF
SLUMP: = 4"	SLUMP: = 4"
	MIN. CEMENTITIOUS CONTENT: = 540-LBS/CF

**MASONRY**

- MASONRY CONSTRUCTION SHALL CONFORM TO ACI "BUILDING CODE REQUIREMENTS FOR MASONRY STRUCTURES" (ACIASCE 530) AND "SPECIFICATIONS FOR MASONRY STRUCTURES" (ACIASCE 530.1) EXCEPT AS AMENDED BELOW.
- USE TYPE "S" MORTAR WITH MINIMUM COMPRESSIVE STRENGTH OF 1500 PSI.
- MASONRY UNITS SHALL CONFORM TO ASTM C90 WITH A MINIMUM COMPRESSIVE STRENGTH OF 1900 PSI UNO NET SECTION, TO PROVIDE NET AREA COMPRESSIVE STRENGTH OF MASONRY (FM) OF 1500 PSI.
- PROVIDE FILLED CELLS AS SHOWN ON PLANS.
- PROVIDE FULL MORTAR BEDDING.
- REINFORCING FOR FILLED CELLS SHALL CONFORM TO ASTM A615, GRADE 60.
- CONCRETE FOR FILLED CELLS SHALL BE VIBRATED DURING PLACEMENT USING A "PENCIL" TYPE VIBRATOR.

**STRUCTURAL WOOD SHEATHING**

- ALL STRUCTURAL WOOD SHEATHING SHALL CONFORM TO IBC2018 & NDS 2018.
- MINIMUM WIDTH OF SHEATHING PANELS SHALL BE 24" UNLESS NOTED OTHERWISE.
- STAGGER SHEATHING JOINTS UNLESS NOTED OTHERWISE
- SPACE PANEL EDGES 1/8" APART
- SEE TYPICAL DETAILS FOR FASTENING REQUIREMENTS FOR SPECIFIC SHEATHING APPLICATIONS

**STRUCTURAL DESIGN CRITERIA**

- FOUNDATION DESIGN VALUES:  
ALLOWABLE BEARING CAPACITY 1500 PSF (ASSUMED)

GRAVITY LOAD DESIGN VALUES: IBC-2018 / ASCE 7-16

FLOOR LIVE LOADS:  
RESIDENTIAL 40-PSF

ROOF LIVE LOADS:  
FLAT ROOF 20-PSF

GROUND SNOW LOADS:  
SNOW 5-PSF

DEAD LOADS:  
ACTUAL MATERIAL WEIGHTS PER ASCE 7-16, SEE ARCHITECTURAL DRAWINGS FOR ROOF, WALL, AND FLOOR CONSTRUCTION

RAIN LOAD DESIGN VALUES: IBC-2018 / ASCE 7-16  
60 MIN. SURATION/100 YEAR MEAN RECURRENTANCE:  
INTENSITY (i) = 4.47 IN/HR

SEISMIC DESIGN VALUES: IBC-2018 / ASCE 7-16  
Ss = 1.20g  
S1 = 0.37g  
Sds = 0.96g  
Sd1 = 0.41g  
SITE CLASS: "D" (DEFAULT)  
BUILDING RISK CATEGORY: "II"  
IMPORTANCE FACTOR: I<sub>p</sub> = 1.0  
SEISMIC DESIGN CATEGORY: "D"  
ANALYSIS PROCEDURE: EQUIVALENT LATERAL FORCE  
SEISMIC FORCE RESISTING SYSTEM:  
-LIGHT FRAMED WOOD SHEAR WALLS SHEATHED W/ WOOD STRUCTURAL PANELS  
RESPONSE MODIFICATION FACTOR: R = 6.5  
DEFLECTION AMPLIFICATION FACTOR: Cd = 4.0  
SYSTEM OVERSTRENGTH FACTOR: OMEGA = 3.0

ALLOWABLE INTERSTORY DRIFT: 0.020 Hsx

WIND LOAD DESIGN VALUES: IBC-2018 / ASCE 7-16  
V = 147 mph (3-sec gust)  
BUILDING RISK CATEGORY: "II"  
IMPORTANCE FACTOR: I<sub>w</sub> = 1.0  
EXPOSURE CATEGORY: "B"  
ENCLOSURE CLASSIFICATION: ENCLOSED

WIND DIRECTIONALITY FACTOR: K<sub>d</sub> = 0.85  
TOPOGRAPHIC FACTOR: K<sub>z1</sub> = 1.0  
VELOCITY EXPOSURE COEFFICIENT: K<sub>z</sub> = .673  
VELOCITY PRESSURE: q = 30.77 PSF

INTERNAL PRESSURE COEFFICIENT: GCp<sub>i</sub> = +/- 0.18

ALLOWABLE INTERSTORY DRIFT: 0.0025 Hsx @ 10 YEAR MRI WIND PRESSURES

**TIMBER**

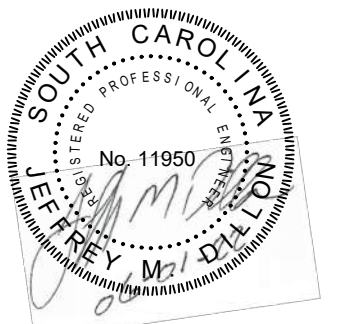
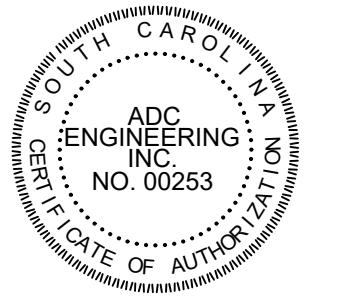
- STRUCTURAL TIMBERS SHALL BE SOUTHERN YELLOW PINE.
- TIMBER CONNECTORS SHALL BE SIMPSON STRONG TIE CONNECTORS, AND THE CONNECTION REQUIREMENTS SHALL BE PER SIMPSON'S SPECIFICATIONS.
- TIMBER DESIGNATED AS "WOOD OR TIR" SHALL BE PRESSURE TREATED IN ACCORDANCE WITH AWPA STANDARD C2. ALL TIMBER USED IN DECKS AND PORCHES AND OTHER EXPOSED AREAS SHALL BE PRESSURE TREATED.
- ALL STEEL SHAPES, PLATES & BOLTS SHALL BE GALVANIZED.
- ALL LVL LUMBER SHALL BE 2.0E W/ MIN. PROPERTY VALUES: Fb = 2600 PSI Fv = 285 PSI Fc = 750 PSI E = 2,000,000 PSI
- AT TOP FL. SL. PLYWOOD TO LAP OVER HURRICANE CLIPS AND THEN ATTACHED TO TOP PL. ALL STEEL SHAPES, PLATES & BOLTS SHALL BE GALVANIZED.
- ALL MULTIPLE MEMBER 2X HEADERS/BEAMS SHALL BE NAILED TOGETHER (STAGGERED), UNLESS NOTED OTHERWISE ON PLAN OR IN DETAILS AND SECTIONS
- ALL ROOF SHEATHING SHALL BE MINIMUM 19/32" SHEATHING SHALL BE ATTACHED WITH 10D RING SHANKED NAILS @ 4" O.C. AROUND THE PERIMETER (MAX.), AND 6" O.C. @ THE INTERIOR (MAX.) UNO
- FOR ALL ROOF AND WALL SHEATHING, SOLID BLOCKING SHALL INSTALLED BETWEEN STUDS AND RAFTERS, ALONG ALL PANEL EDGES. DO NOT SPLICE PLYWOOD AT FLOOR LEVELS. PLYWOOD SHEATHING SHALL LAP FROM FIRST FLOOR WALLS OVER THE SECOND FLOOR TRUSS AND ON TO THE SECOND FLOOR WALLS, AND ALL SHEATHING SHALL BE NAILED TO EACH SILL AND TOP PLATES @ 4" O.C.
- UNLESS NOTED OTHERWISE ON PLAN, ALL LVL BEAMS/HEADERS SHALL BEAR ON A TRIPLE STUD COLUMN, 4X4 POST OR 6X6 POST. ALL PARALLAMS SHALL BE FASTENED TO POSTS, STUDS, OR BEAMS WITH 2-CS16 STRAPS, OR SIMPSON COT TYPE CONK. SEE TYP. DETAIL, AT EACH END, ALL TRIPLE STUD AND POST BASES SHALL BE ATTACHED TO THE POSTS STRUCTURAL SUPPORT MEMBER W/ 2HS AND 2-CS16 STRAPS AT EACH POST, OR A SIMPSON TYPE COLUMN BASE CONK.
- UNLESS NOTED OTHERWISE ON PLAN, ALL BUILT-UP 2X HEADERS SHALL BEAR ON A DOUBLE JACK STUDS, W/ A DOUBLE KING STUD, NAIL KING STUDS TO THE END OF EACH HEADER, W/ A MIN. 8-16D NAILS
- PROVIDE MIN. TRIPLE STUDS @ ALL BEAM BEARING LOCATIONS
- ALL PLYWOOD SHALL HAVE A MIN SPAN RATING OF 4024 (UNO)
- ALL NAILS USED IN PRESSURE TREATED LUMBER SHALL BE HOT DIPPED GALVANIZED (HDG)

**WOOD TRUSS FRAMING**

- ALL WOOD TRUSSES SHALL CONFORM TO IBC 2018 & NDS 2018.
- TRUSS LAYOUT, INSTALLATION, CONNECTIONS AND BRACING SHALL BE IN STRICT ACCORDANCE WITH APPROVED SHOP DRAWINGS.
- DO NOT FIELD MODIFY TRUSSES WITHOUT SUBMITTING SUPPORTING DOCUMENTATION FOR EOR APPROVAL. SUBMITTED DOCUMENTATION SHALL INCLUDE SIGNED AND SEALED CALCULATIONS PROVIDED BY THE TRUSS DESIGNER.
- ALL PILES OF MULTI-PLY MEMBERS SHALL BE FASTENED TOGETHER IN ACCORDANCE WITH APPROVED SHOP DRAWINGS.
- ALL CLIPS AND HANGERS SHALL BE INSTALLED WITH MAX NAILS OF NUMBER AND SIZE AS INDICATED IN MANUFACTURER'S CATALOG UNO
- THE ERECTOR SHALL PROVIDE TEMPORARY BRIDGING, BRACING, AND GUYS TO STABILIZE TRUSSES UNTIL PERMANENT BRACING IS INSTALLED AND SHEATHING OR DECKING IS IN PLACE AND FASTENED.

**RENOVATION & GARAGE ADDITION**

**35 PAINTED BUNTING,  
KIAWAH ISLAND, SC**

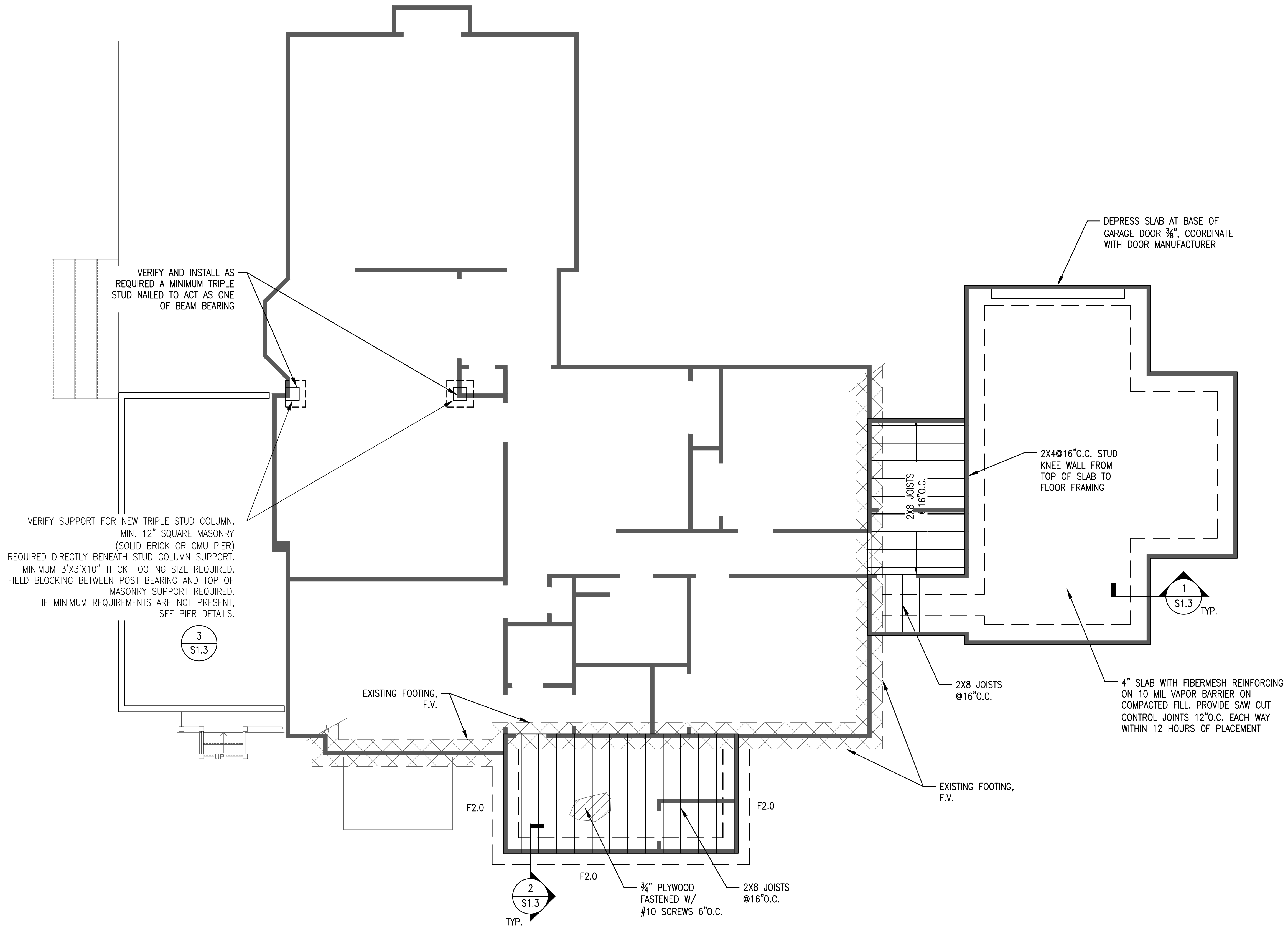


1226 YEAMANS HALL ROAD  
HANAHAN, SC 29410  
843-566-0161  
ADCENGINEERING.COM

DATE: \_\_\_\_\_  
ADC PROJECT #: 06/01/2022  
DESIGNED: 22022  
CHECKED: JMD  
DRAWN: JMD  
REVISION: AO

**GENERAL NOTES**

**S0.1**



VERIFY AND INSTALL AS REQUIRED A MINIMUM TRIPLE STUD NAILED TO ACT AS ONE OF BEAM BEARING

VERIFY SUPPORT FOR NEW TRIPLE STUD COLUMN.  
MIN. 12" SQUARE MASONRY (SOLID BRICK OR CMU PIER) REQUIRED DIRECTLY BENEATH STUD COLUMN SUPPORT.  
MINIMUM 3'X3'X10" THICK FOOTING SIZE REQUIRED.  
FIELD BLOCKING BETWEEN POST BEARING AND TOP OF MASONRY SUPPORT REQUIRED.  
IF MINIMUM REQUIREMENTS ARE NOT PRESENT, SEE PIER DETAILS.

DEPRESS SLAB AT BASE OF GARAGE DOOR  $\frac{3}{8}$ ", COORDINATE WITH DOOR MANUFACTURER

2X4@16"O.C. STUD KNEE WALL FROM TOP OF SLAB TO FLOOR FRAMING

2X8 JOISTS @16"O.C.

1  
S1.3  
TYP.

4" SLAB WITH FIBERMESH REINFORCING ON 10 MIL VAPOR BARRIER ON COMPACTED FILL. PROVIDE SAW CUT CONTROL JOINTS 12"O.C. EACH WAY WITHIN 12 HOURS OF PLACEMENT

2X8 JOISTS @16"O.C.

EXISTING FOOTING, F.V.

EXISTING FOOTING, F.V.

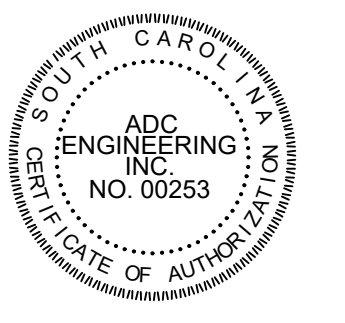
2X8 JOISTS @16"O.C.

$\frac{3}{4}$ " PLYWOOD FASTENED W/ #10 SCREWS 6"O.C.

2  
S1.3  
TYP.

3  
S1.3

**1** FOUNDATION PLAN  
SCALE: 1/4" = 1'-0"

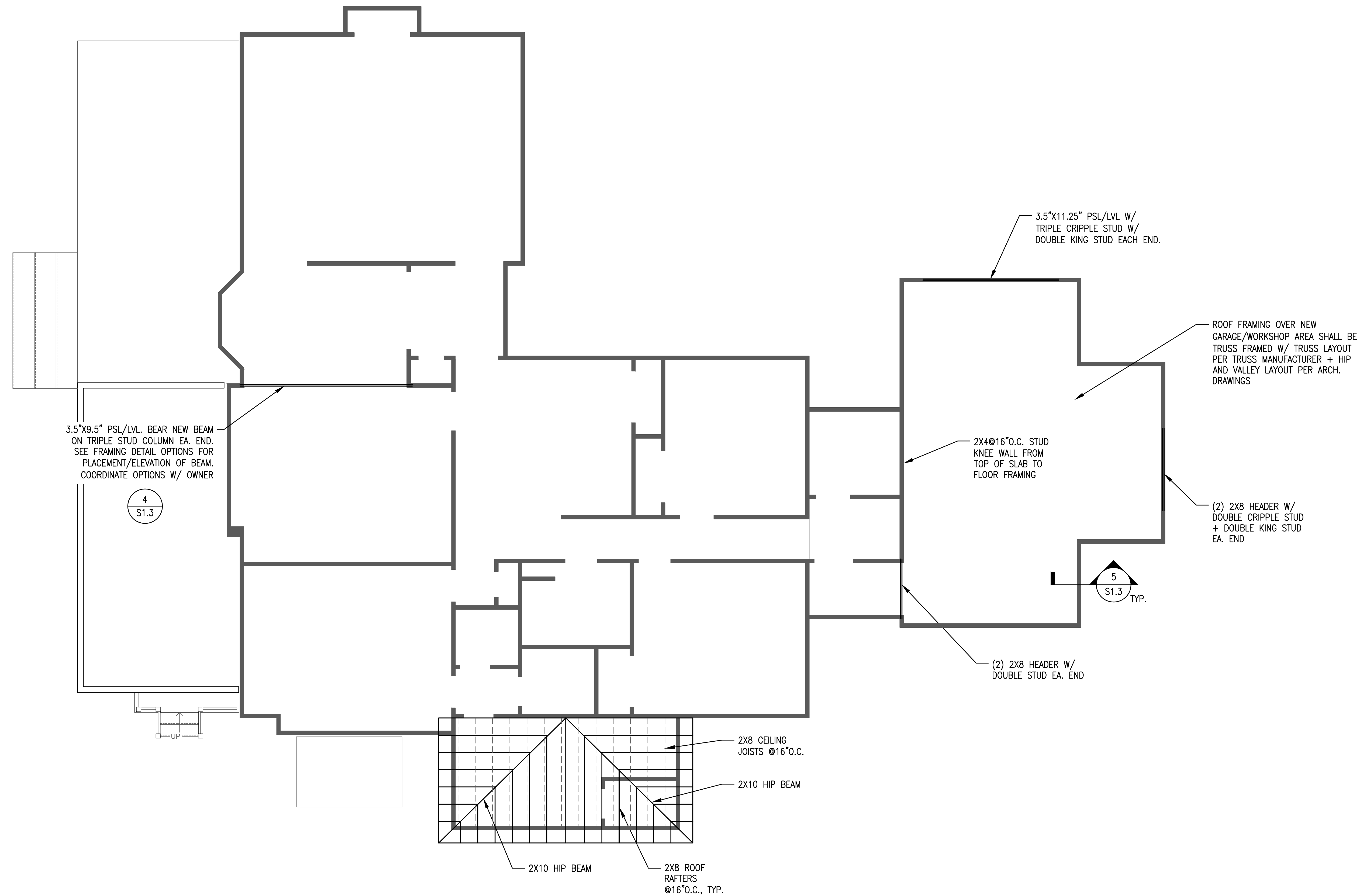


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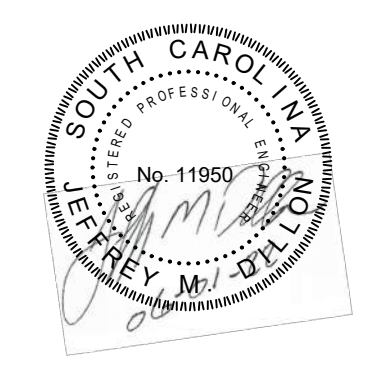
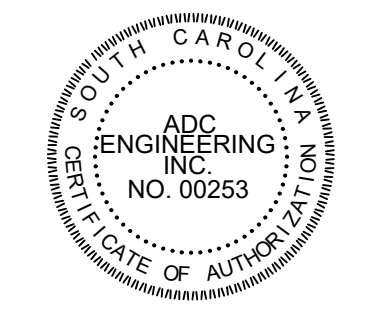
DATE:	06/01/2022
ADC PROJECT #:	22022
DESIGNED:	JMD
CHECKED:	JMD
DRAWN:	AO
REVISION:	

PLANS

S1.1



**1** ROOF FRAMING PLAN  
 SCALE: 1/4" = 1'-0"

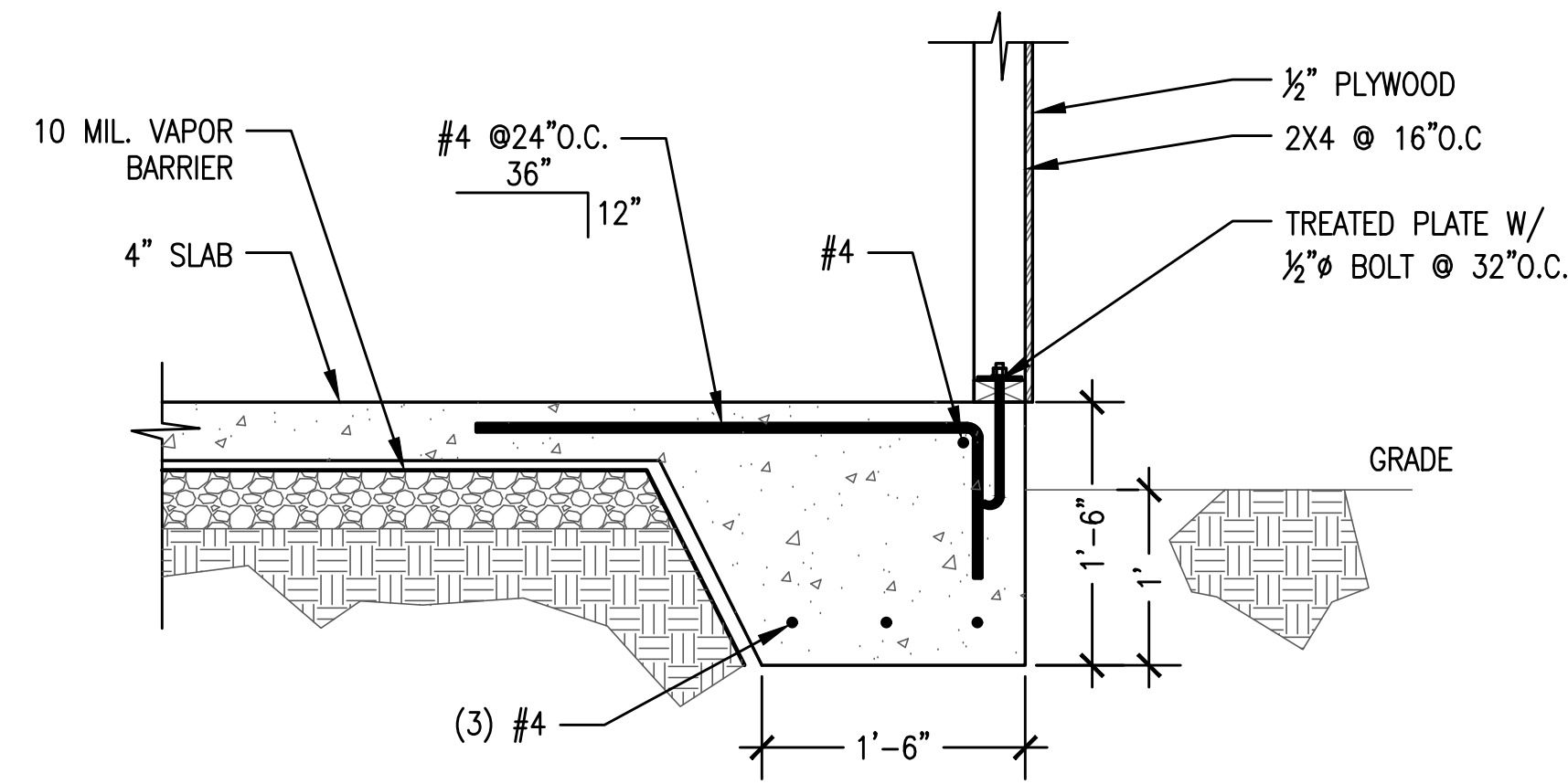


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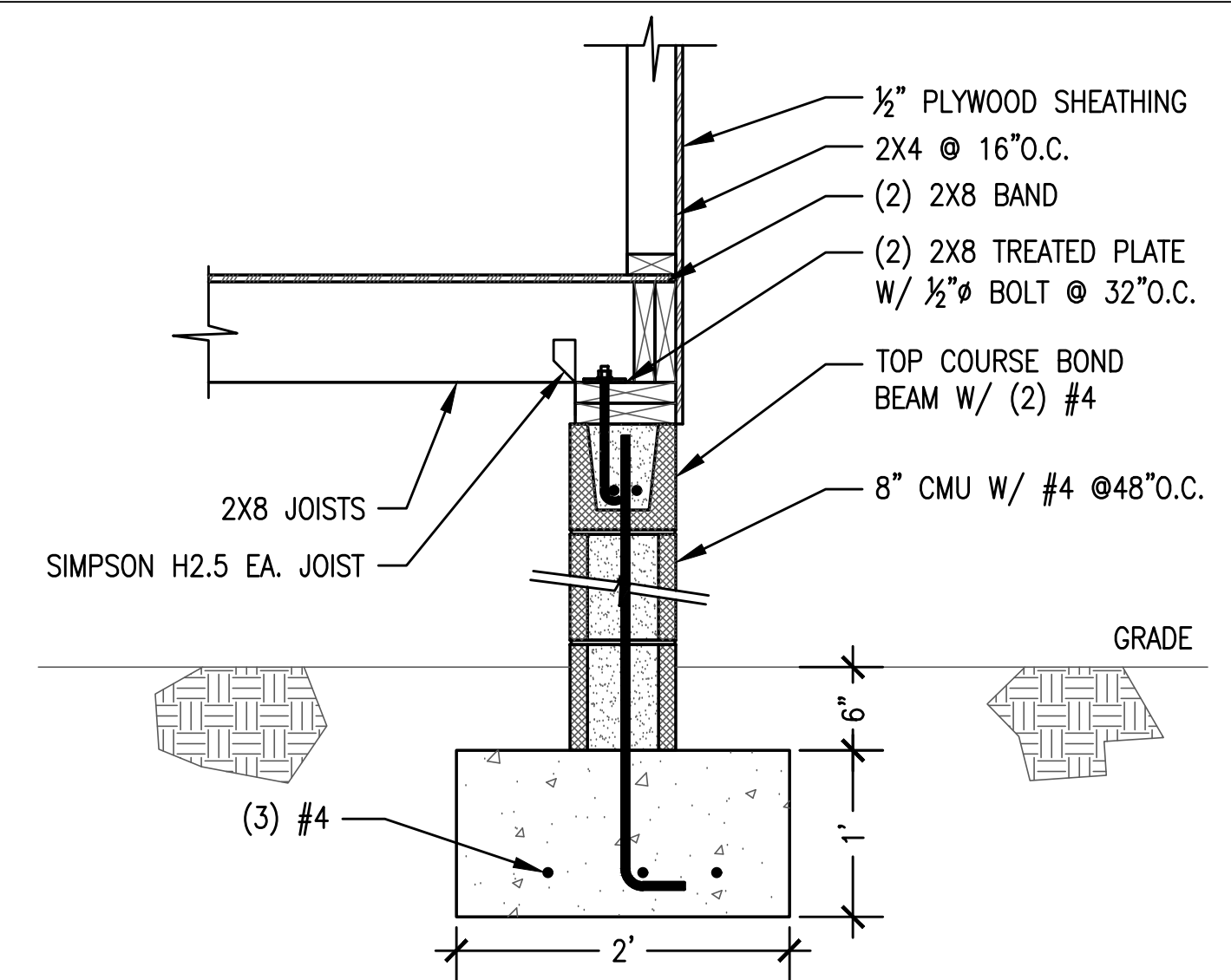
DATE:	06/01/2022
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REVISION:	

PLANS

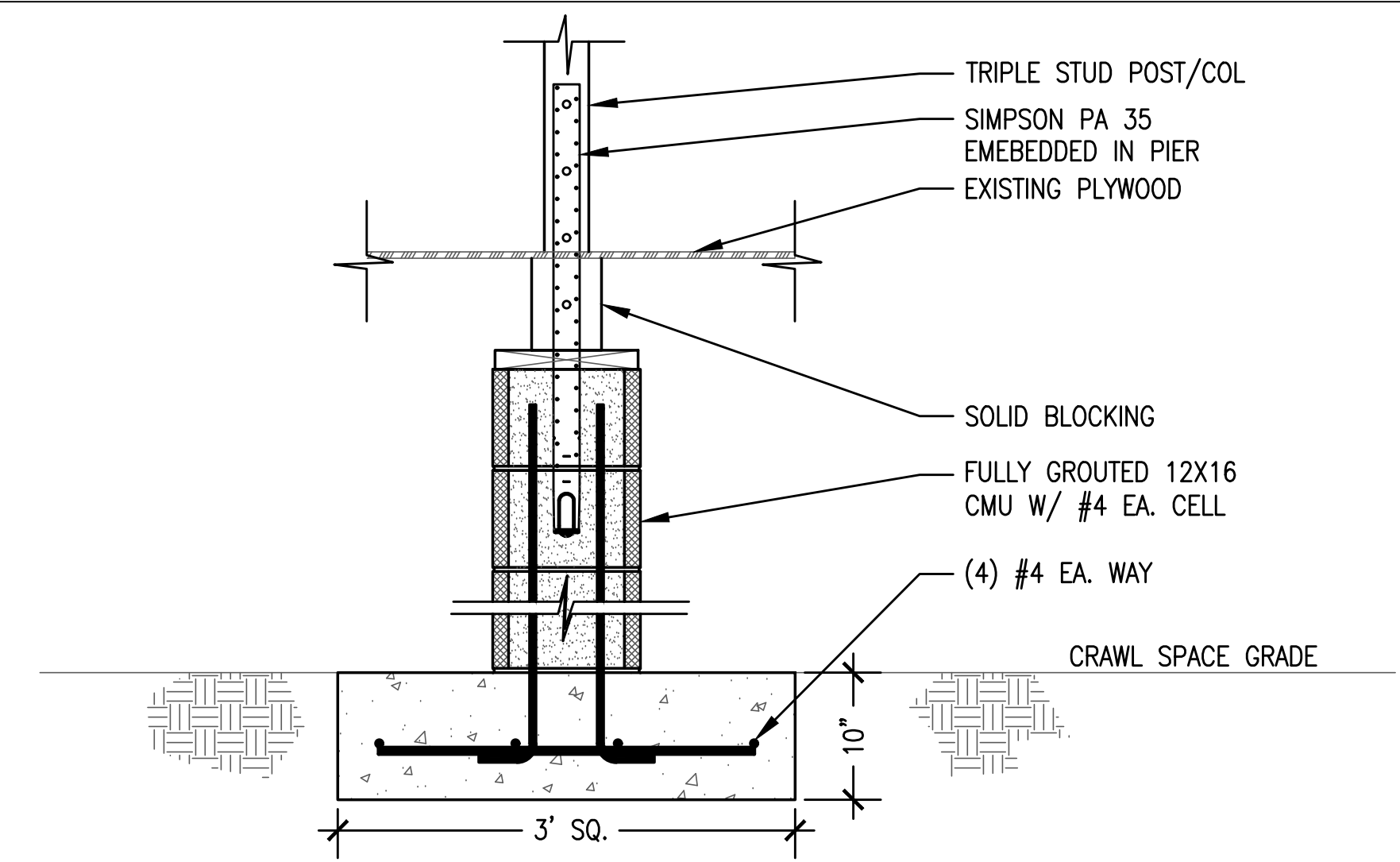
S1.2



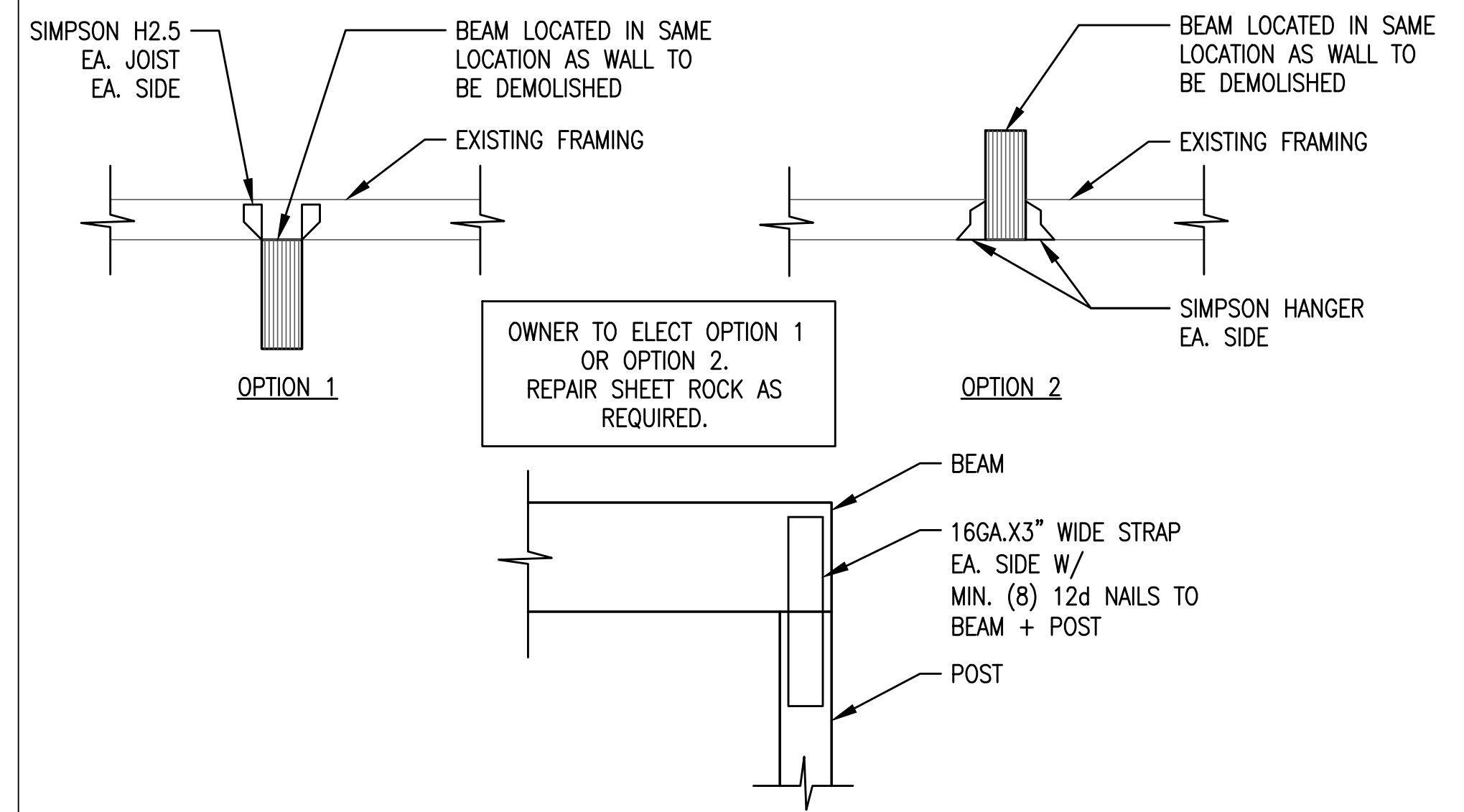
**1 THICKENED SLAB EDGE @ GARAGE**  
SCALE: 1" = 1'-0"



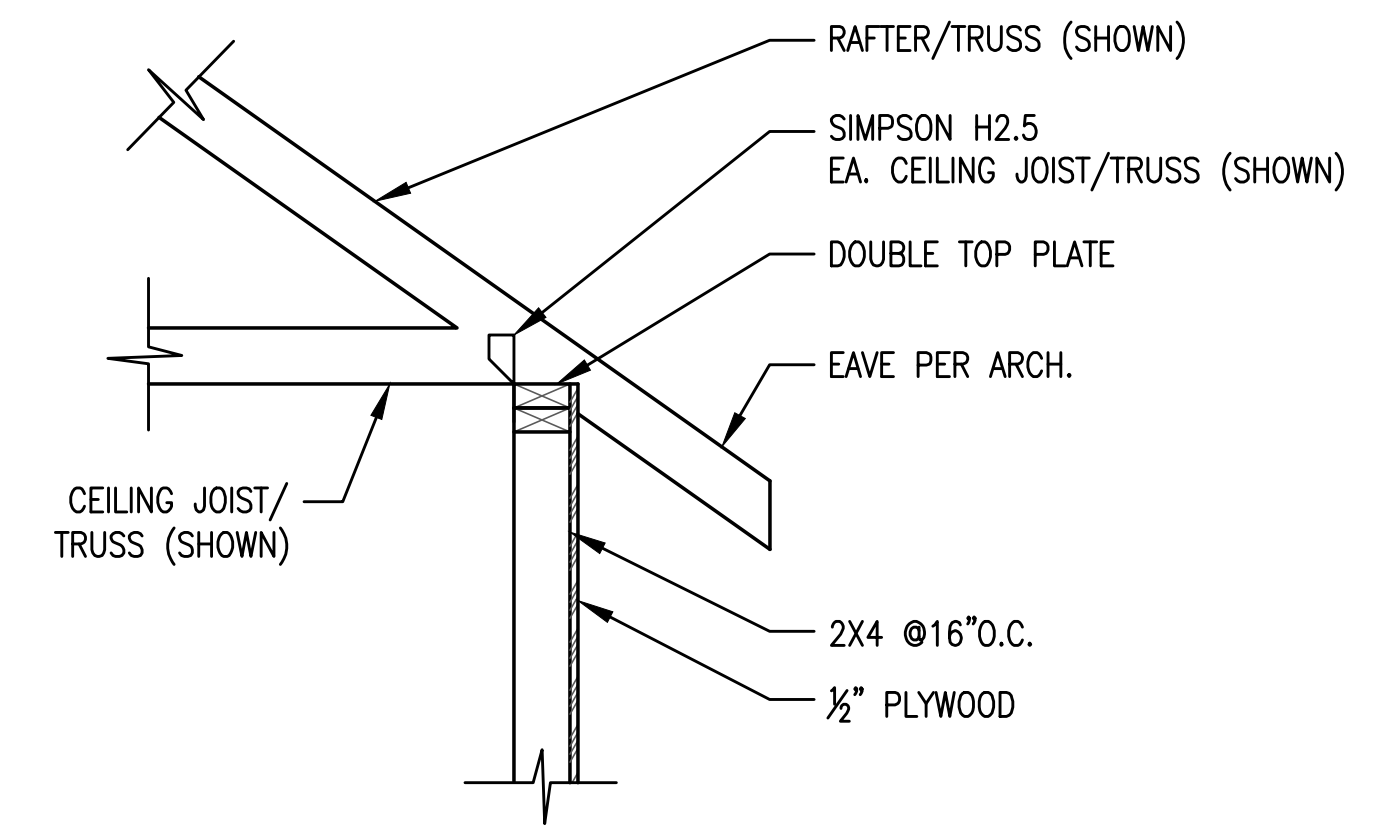
**2 DETAIL @ BATH**  
SCALE: 1" = 1'-0"



**3 DETAIL @ DINING ROOM POST**  
SCALE: 1" = 1'-0"



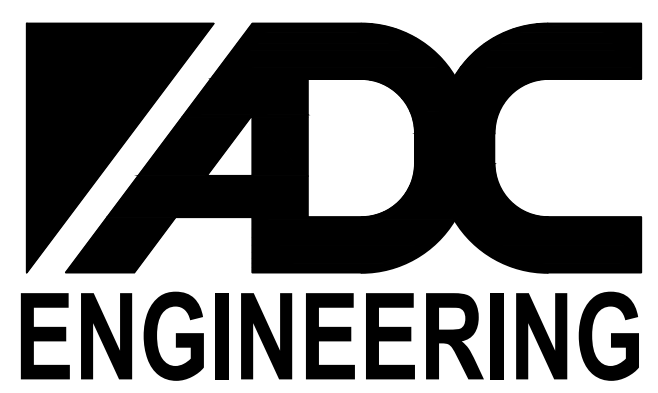
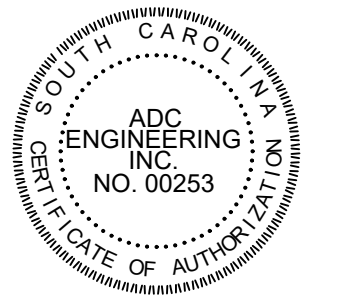
**4 DINING ROOM BEAM DETAIL**  
SCALE: 1" = 1'-0"



**5 ROOF TO WALL DETAIL**  
SCALE: 1" = 1'-0"

RENOVATION & GARAGE ADDITION

35 PAINTED BUNTING, KIAWAH ISLAND, SC



1226 YEAMANS HALL ROAD  
HANAHAN, SC 29410  
843-566-0161  
ADCENGINEERING.COM

DATE:	06/01/2022
ADC PROJECT #:	22022
DESIGNED:	JMD
CHECKED:	JMD
DRAWN:	AO
REVISION:	

SECTIONS AND DETAILS

S1.3

# Major Improvement Review

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

**Address of Project** \_\_\_\_\_

**Owner** \_\_\_\_\_ **Architect** \_\_\_\_\_

Telephone \_\_\_\_\_ Telephone \_\_\_\_\_

Email \_\_\_\_\_ Email \_\_\_\_\_

**Landscape Architect** \_\_\_\_\_ **Contractor** \_\_\_\_\_

Telephone \_\_\_\_\_ Telephone \_\_\_\_\_

Email \_\_\_\_\_ Email \_\_\_\_\_

**Type of Improvement** \_\_\_\_\_

DRAWINGS ARE REQUIRED FOR REVIEW- EACH SHEET MUST BE STAMPED AND SIGNED BY THE SC REGISTERED ARCHITECT, LANDSCAPE ARCHITECT, OR ENGINEER.

**Does the neighborhood have Supplemental Guidelines?**  Yes, \_\_\_\_\_  No

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

**Are there any Variance Requests?**  Yes, Request Form Attached  No

**Height Restriction:** \_\_\_\_\_  Above Base Flood Elevation  Above Grade

**Total Highland Area:** \_\_\_\_\_ **Lot Coverage Maximum:** \_\_\_\_\_

**Building Square Footage Calculations**

<b>Conditioned</b>	Existing	Proposed
First Floor	_____	_____
Second Floor	_____	_____
Third Floor	_____	_____
Ancillary Structure	_____	_____
<b>Total Conditioned</b>	_____	_____
Additional Screened/Covered Garage/Carport	_____	_____

**Setbacks**

Front \_\_\_\_\_ Sides \_\_\_\_\_  
 Rear \_\_\_\_\_

**Existing Bed/Bath** \_\_\_\_\_  
**Proposed Bed/Bath** \_\_\_\_\_

**Primary Lot Coverage Calculations**

	Existing	Proposed
Building Footprint	_____	_____
Screened/Covered	_____	_____
Open Decking/Stairs	_____	_____
Primary Drives/Walks*	_____	_____
Raised Planters (≥ 36")	_____	_____
Pool/Spa	_____	_____
HVAC Stand	_____	_____
<b>Primary Lot Coverage Sq. Ft</b>	_____	_____
<b>Lot Coverage Percentage</b>	_____	_____
Secondary Elements	_____	_____
Primary + Secondary Total %	_____	_____

**Building Detail\*\***

	Existing	Proposed
Foundation Material	_____	_____
Siding Material	_____	_____
Trim Material	_____	_____
Window Material	_____	_____
Roofing Material	_____	_____
Garage Door Material	_____	_____
Paved Areas	_____	_____
Other _____	_____	_____

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

Approved  
 Disapproved

Review Fee \$ 1,000  
 Deposit Amount \$ 7,500 \$3,750 Contractor & \_\_\_\_\_ Owner

Jane Maybank 4/4/24  
 ARB Representative Date

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

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



April 4, 2024

Theresa and John Logan  
35 Painted Bunting  
Kiawah Island, SC 29455

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

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

Re: **IMPROVEMENT REVIEW and VARIANCE**  
Address: 35 Painted Bunting  
ARB Action: Approved - Conditional

Dear Mr. and Mrs. Logan,

Thank you for your submittal to the Kiawah Island Architectural Review Board for review of Improvements to your home at 35 Painted Bunting. The additions of a garage and master bath to your home are approved to continue to the permit submittal with the following comments and conditions in keeping with the guidelines:

- L1. VARIANCE: The board reviewed the setback variance request at the 03/20/24 meeting and provided the proposed encroachment is no greater than existing, and no windows on this element will face the neighbors to the left, the variance is approved given the reduction in the distance of the existing encroachment from the setback and the improvements to the appearance of this element.
  - L2. A proposed landscape plan, showing revegetation of areas impacted by construction and new plantings as needed to meet current ARB Standards and Guidelines, should be submitted for review and approval 60 days prior to landscape installation. Please review the landscape requirements of the Design Guidelines.
  - L3. Please note that no trees have been approved for removal. If you propose tree removals or major impact to trees, this should be submitted for approval to the ARB.
  - L4. Due to the proposed change in footprint, please be reminded that an as-built survey will be required for the final inspection at the conclusion of construction.
- 
- A1. The Variance is granted with the proviso that there be no windows facing the neighbor. Please revise the design of this piece in your Permit drawings to reflect this.
  - A2. Please note that floodlights are discouraged on homes at Kiawah Island. Please limit the use of flood lights to no more than two fixtures, located in areas of pedestrian traffic. Alternate exterior lighting may be more appropriate at some existing floodlight locations.
  - A3. Please note that exterior light fixtures other than flood lights are required to screen any direct view of light bulbs. Fixtures designed to display light bulbs are required to use obscure glass. All new and existing exterior fixtures at your property should conform to this requirement. Please submit cut sheets for proposed new and replacement fixtures.
  - A4. All exterior materials, colors, and other finishes should match those of the existing house. If different materials or colors are proposed, please submit a material and color palette for approval. Prior to commencement of work, please submit an Onsite Color Review Form and provide accessible color samples of proposed materials and finishes onsite for field review. Please refer to the Design Guidelines, *Designing with Nature*, when making color

- selections. The design guidelines can be downloaded at [KiawahARB.com](http://KiawahARB.com).
- A5. Should a total repaint of the home in the current color palette be desired, please note that existing colors will need to be evaluated for compliance with ARB guidelines. Should a repaint of the home in a new color palette be desired, please submit a color palette for approval. Prior to commencement of work, please submit an Onsite Color Review Form and provide accessible color samples of proposed materials and finishes onsite for field review. Please refer to your neighborhood's approved colors when making color selections.
  - A6. Color Guidelines – Cementitious siding products must be a minimum value of 5 on the ARB Value Finder and trim color must be within 3 values of siding color. Bandboards must be painted to match either the foundation or the siding color and is not permitted to be the trim color. Additionally, corner boards must be painted out in the siding color and HVAC stand and any downspouts must be painted out in the color of the material to which they are adjacent. Garage doors and garage door trim must be painted to match the color of the foundation.
  - A7. Exterior Lighting – Floodlights are almost never permitted. A maximum number of two switched floodlights, or similar types of lighting attached to soffits and fascias, when allowed, must be hooded, low voltage, and approved in advance.
  - A8. Please note that exterior light fixtures other than flood lights are required to screen any direct view of light bulbs. Fixtures designed to display light bulbs are required to use ribbed or other obscure glass. All new and existing exterior fixtures at your property should conform to this requirement. Please submit cut sheets for proposed new and replacement fixtures.
  - A9. Please note that chimney caps are needed for exposed spark arrestors if any.
  - A10. Tankless water heaters are required to be architecturally screened or located in an area where they are not visible.

For the Permit Submittal, please submit one (1) digital copy of sealed drawings including a Tree Protection Plan, a completed Construction Application Deposit & Agreement Form, construction deposits, the Review Fee, and a KICA Encroachment Permit to this office at [ARB@Kiawah.com](mailto:ARB@Kiawah.com). Tree Protection fencing must be installed at time of Permit Submittal. When these items are received and Tree Protection fencing is verified, an ARB approval stamp and Building Permit will be issued for the project.

Thank you again for your submittal to the Kiawah Island Architectural Review Board. Please contact the ARB office if we can be of any assistance during the Permit Process for your home improvements.

Sincerely,



Jane Maybank, Director  
On behalf of the KIARB

cc: Property File



KIAWAH ISLAND

# COMMUNITY

ASSOCIATION

## APPLICATION TO KICA FOR ENGINEERING APPROVAL

Members seeking to perform construction activities within or into the Kiawah Island Community Association's (KICA's) right-of-way or associated easements, must make application with appropriate construction documents certified by a licensed professional engineer (SC) or state approved equivalent. Following an on-site inspection & review of submitted construction documents by KICA's Major Repair & Replacement (MR&R) department, a recommendation will be made to KICA's director of Major Repairs for approval or disapproval. Member will promptly be notified in writing of decision. Member agrees to meet all conditions established by KICA based on review of the proposed encroachment.

DATE: April 24, 2024 KIAWAH ADDRESS: 35 Painted Bunting

MEMBER INFORMATION	CONTRACTOR INFORMATION
NAME <u>John + Theresa Logan</u>	NAME <u>Reliable Home Mgmt.</u>
ADDRESS <u>35 Painted Bunting</u>	ADDRESS <u>3714 Betsy Kerrison Pkwy</u>
CITY, STATE ZIP <u>Kiawah Isl., SC 29455</u>	CITY, STATE ZIP <u>Suite 1</u> <u>Johns Island, SC 29455</u>
DAY PHONE <u>704 - 232 - 3782</u>	DAY PHONE <u>843.768.7185</u>
E-MAIL <u>jlogan41@comcast.net</u>	E-MAIL <u>patti@reliablehomesc.com</u>

DESCRIPTION OF ENCROACHMENT (attach photos if applicable):

Garage addition and new driveway and walkway to front entry

In the event KICA approves this application, member agrees that approval is subject to the following conditions:

1. Member and KICA agree that work may not begin until KICA has been provided with all of the requested design/construction documents.
2. KICA reserves the right to monitor and/or inspect, at any time, the encroachment activities as it ties into KICA's existing infrastructure. KICA must sign off on final approval under its encroachment program.
3. Should it be determined the construction activity has deviated from the encroachment plans approved by KICA, at any time, member agrees to undertake associated repairs within a reasonable time.
4. By allowing the member to encroach within KICA right-of-way and associated easements, KICA does not undertake any duty or responsibility with respect to its property or the member's property.
5. Member is responsible for all landscaping installation and/or repair, both on initial construction and ongoing.
6. Member agrees to keep KICA apprised of any alterations made to the proposed encroachment activity, particularly as it may affect KICA's storm water management system, the surrounding environment, and/or surrounding members.
7. Please direct any questions to Ryan Ellmers, KICA Civil Engineer, at KICA Maintenance, by phone at 843-768-2315 or by email at [ryan.ellmers@kica.us](mailto:ryan.ellmers@kica.us).

**AGREED:**

John+Theresa Logan  
Member's Printed Name

[Signature] 04/24/24  
Inspected by KICA Rep Date

[Signature] 4.24.24  
Member's Signature Date  
as agent for

**KICA ONLY - check one each below:**

Inspection:  Passed  Failed  
Recommend:  Approval  Disapproval  
Plans Received:  Yes  No

**COMMENTS:**

NOTE APPROVAL BASED ON KICA'S REVIEW FOR  
DRIVEWAY ENCROACHMENT ONLY

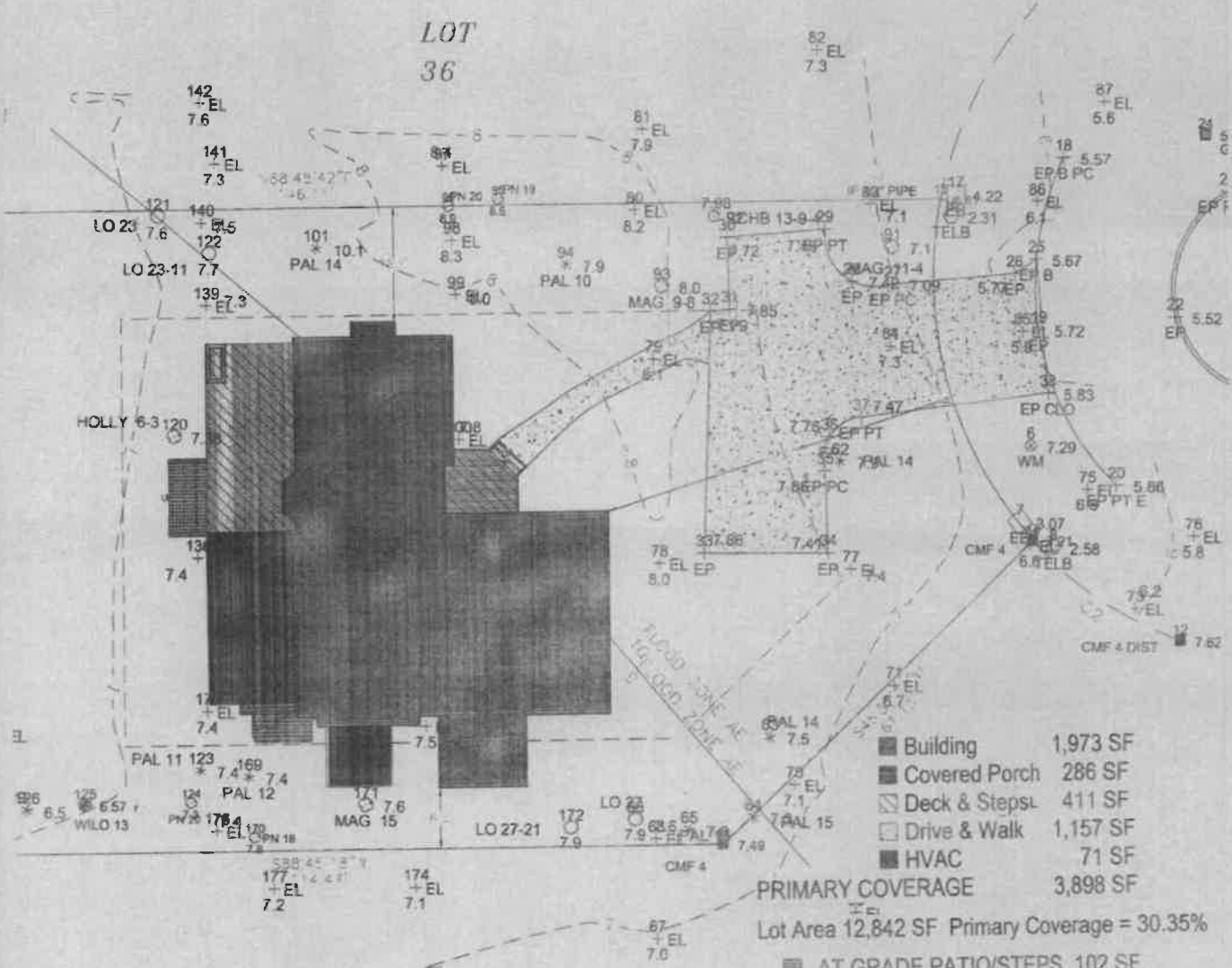
**APPROVED:**

KIAWAH ISLAND COMMUNITY ASSOCIATION

[Signature] 04/24/24  
Ryan K. Ellmers, PE Date  
KICA Civil Engineer

Cc: executed document:  Member File  WC/NS  Easement File

LOT  
36



- Building 1,973 SF
- Covered Porch 286 SF
- ▨ Deck & Steps 411 SF
- Drive & Walk 1,157 SF
- HVAC 71 SF
- PRIMARY COVERAGE 3,898 SF**

Lot Area 12,842 SF Primary Coverage = 30.35%  
 ■ AT GRADE PATIO/STEPS 102 SF  
 Non Primary Coverage = 0.79%  
 Total Coverage 31.14%

LOT  
34

Coverage

PROJECT	35 Painted Bunting
SHEET TITLE	Existing Lot Coverage

This drawing and the design herein are copyrighted and are the property of Architrave, LLC.  
 The reproduction, copying, or use of this drawing without the written consent of Architrave, LLC is prohibited and may result in legal action.

200 Building Street  
 Columbia, SC 29201  
 (803) 733-1111  
 www.architrave.com

**ARCHITRAVE** LLC  
 ARCHITECTURE • PLANNING • PRESERVATION



**35 PAINTED BUNTING CT**  
ENCROACHMENT - DRIVEWAY



110 P

35 PAINTED BUNTING CT

Greensward Rd

Greensward Rd

Painted Bunting Ct

Pond 012

KICA Leisure Trail

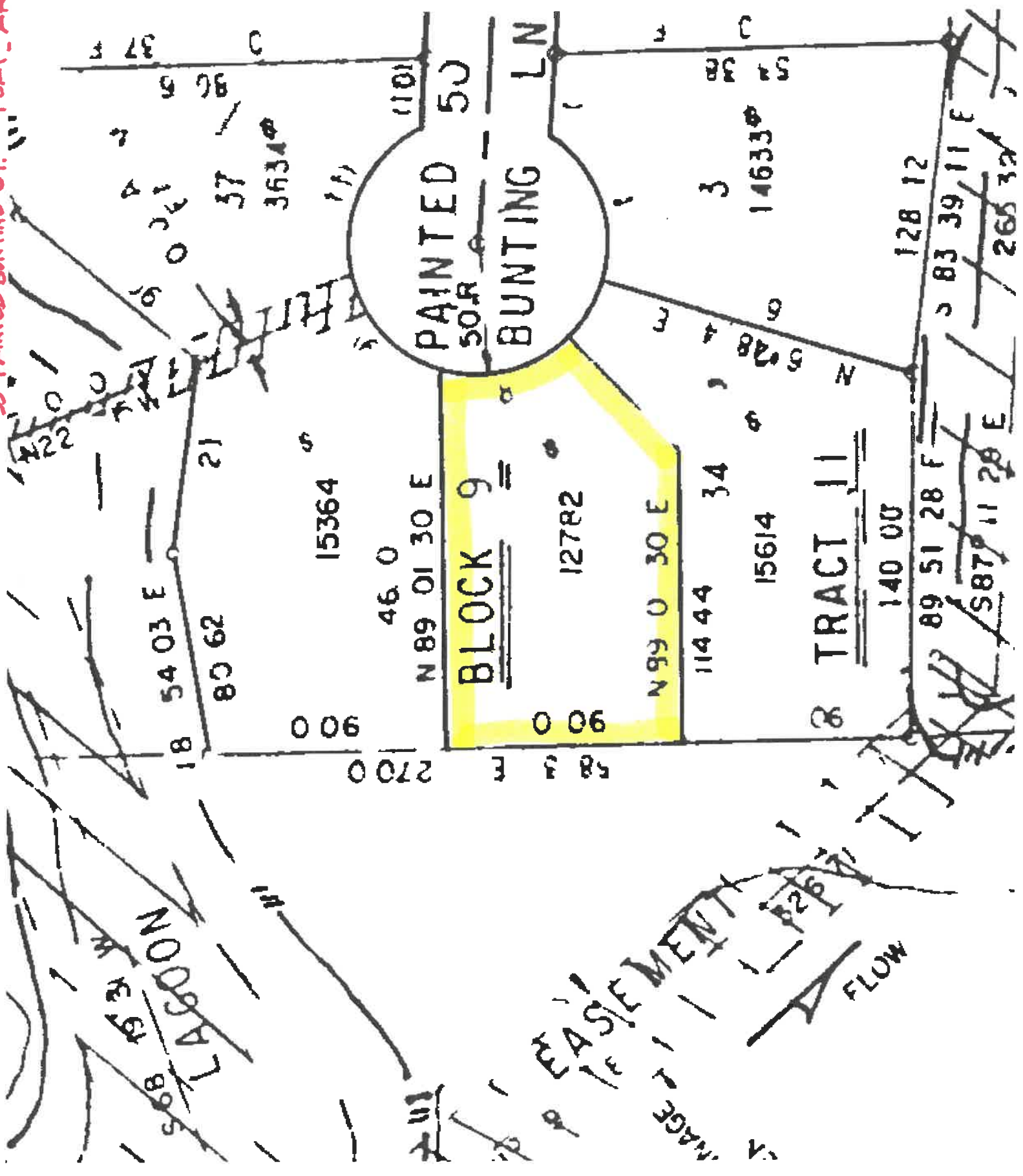
Google Earth

Image © 2024, Airbus



100 ft

35 PAINTED BUNTING CT. PLAT - A466



LACEDON

PAINTED BUNTING LN  
50 R

BLOCK 9

TRACT II

DRAINAGE EASEMENT

FLOW

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N 89 01 30 E

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## 35 Painted Bunting Encroachment - Engineering Review

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**Patti Tuggle** <patti@reliablehomesc.com>

Wed, Apr 24, 2024 at 9:56 AM

To: ryan.ellmers@kica.us, dana@kica.us

Cc: Sean Burns <sean@reliablehomesc.com>, Megan Burns <megan@reliablehomesc.com>, Karina DiPippo

<karina@reliablehomesc.com>

Good morning,

Attached is the architectural drawing of the new driveway for this address. Let me know if you need anything else.

Thank you,

Patti



**Patti J. Tuggle**

Design Portfolio Manager

SC Residential Builder Lic #50102

3714 Betsy Kerrison Parkway, Suite I

Johns Island, SC 29455

P: (843) 768-7185



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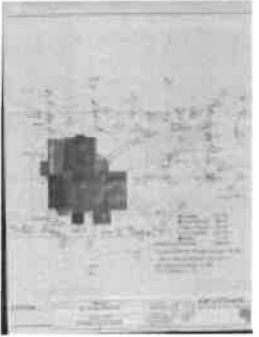
**3 attachments**



**Image\_00853.jpg**  
240K



**Image\_00854.jpg**  
241K



**Image\_00855.jpg**  
249K



**Case #BZA24-000009**  
**Kiawah Island BZA Meeting of June 17, 2024**

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

**Representative:** Mike Creed

**Property Location:** 202 Chinaberry Lane

**TMS#:** 265-02-00-119

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

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

**Request:** Variance request for the reduction of the required 30' front setback for approximately 16 square feet for a proposed generator stand located at 202 Chinaberry Lane, Kiawah Island, SC.

**Requirement:**

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

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

Maximum 33% Lot Coverage

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

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

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

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

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



Sec. 12-64. - Setbacks.

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

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

Driveways and walkways may be located within any required setback.

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

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

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

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

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

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

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

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

## TOWN OF KIAWAH ISLAND

**ORDINANCE 2022-06****AN ORDINANCE TO AMEND CHAPTER 12 – LAND USE PLANNING AND ZONING -  
ARTICLE II. – ZONING - DIVISION 2. ZONING MAP/DISTRICTS SECTION 12.64. –  
SETBACKS.**

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

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

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

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

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

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

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

**Section 1**                      **Purpose**

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

**Section 2**                      **Ordinance**

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

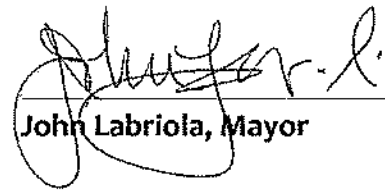
**Section 3**                      **Severability**

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

**Section 4                    Effective Date and Duration**

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

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

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

**ATTEST:**

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

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

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

## "Exhibit A"

**Sec. 12-64. Setbacks.**

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

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

Driveways and walkways may be located within any required setback.

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

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

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

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

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

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

~~(1)~~a. \_\_\_\_\_ The HVAC equipment is replacing existing HVAC equipment which was originally placed below an existing structure and/or which HVAC equipment being replaced is now required to be elevated to meet the requirements of the Federal Emergency Management Agency (FEMA) and the Town of Kiawah Island Building Code;

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

~~(3)~~c. The property owner has, through regular mail postmarked no later than five days in advance of applying for a Zoning Permit, notified the affected adjacent property owner(s) that are adjacent to the property line where the proposed HVAC equipment will be located, and has submitted to the Planning Director a signed affidavit stating that such property owner has notified the affected adjacent property owner(s) and proving each name and address to which notice was sent; and

~~(4)~~d. A Zoning Permit is approved by the Planning Director.

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

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“Exhibit A”

- a. The proposed generator stand is being proposed for an existing home permitted prior to November 1, 2022. Generator stands installed at the time of new construction must meet required setbacks.
- b. The generator cannot reasonably be accommodated in compliance with the setback required by otherwise applicable zoning requirements;
- c. The generator is located to not impede emergency access;
- d. The property owner has, through regular mail postmarked no later than five days in advance of applying for a Zoning Permit, notified the affected adjacent property owner(s) that are adjacent to the property line where the proposed generator will be located, and has submitted to the Planning Director a signed affidavit stating that such property owner has notified the affected adjacent property owner(s) and proving each name and address to which notice was sent;
- e. The generator stand is set back a distance of not less than ten feet from the adjacent side or rear property line;
- f. The generator stand is adequately screened with plantings as determined by the Planning Director; and
- g. A Zoning Permit is approved by the Planning Director.

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

**Staff Review:**

The applicant, Mike Creed representing the property owner Jonathan Stewart and Kristin Stewart, is requesting a variance for the reduction of the required 30' front setback for approximately 16 sqft for a proposed generator stand for a proposed single-family residence located at 202 Chinaberry Lane, Kiawah Island, SC (TMS# 265-02-00-119). The subject property is located within the R-1, Residential Zoning District.

The subject property is approximately 50,201 square feet (1.16 acres) in size, containing approximately 14,529.7 square feet (0.38 acres) of high ground and approximately 35,672.0 square feet (0.82 acres) of marsh. The subject property is currently undeveloped and sits adjacent to critical area (marsh) to the south. The adjacent properties to the east, west and to the north across Chinaberry Lane are located in the R-1, Residential Zoning District. The subject property is subject to review by the Kiawah Island Architectural Review Board.

The *Town of Kiawah Island Land Use Planning and Zoning Ordinance* pursuant to Sec. 12-65. R-1, Residential District requires a 30' front yard setback, a 30' side yard setback and a 30' rear yard setback with an allowed maximum lot coverage of 33% for the subject property.

The applicant's proposed plans include a new single-family residence with a pool and deck in the rear.

The applicant has been submitted to the Kiawah Island Architectural Review Board for review. The proposed project received approval for the generator placement from the KIARB April 12, 2023.

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

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

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

3. *A new and current OCRM Critical Line delineation has been established for the parcel which has changed the linear boundary of the parcel from that depicted on the subdivision plat referred to in subsection (2) above, and fifty percent (50%) or more of the new linear boundary has, in the aggregate, moved toward the highland; and*
4. *Said new linear boundary of the parcel has also resulted in a decrease in the amount of buildable area contained within the parcel of 25% or more, when the amount of such buildable area as it existed on the subdivision plat referred to in subsection (2) above is compared to such buildable area as defined by said new linear boundary; and*
5. *The twenty-five per cent (25%) or more reduction in the buildable area of the parcel, relied upon for the above described reduction in depth of the OCRM Critical Line Setback, has been solely the result of change in the parcel's linear boundary occasioned by the change in the parcel's OCRM Critical Line delineation as described in subsections (3) and (4) above; And*
6. *A plan and depiction of a minimum ten (10) foot vegetated buffer, to be located within the newly established OCRM Critical Line Setback and using existing or native plant material, is submitted for approval by the Planning Director, and, following approval, such buffer is incorporated into the parcel."*

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

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

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

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

- d. *The property owner has, through regular mail postmarked no later than five days in advance of applying for a Zoning Permit, notified the affected adjacent property owner(s) that are adjacent to the property line where the proposed generator will be located, and has submitted to the Planning Director a signed affidavit stating that such property owner has notified the affected adjacent property owner(s) and proving each name and address to which notice was sent;*
- e. *The generator stand is set back a distance of not less than ten feet from the adjacent side or rear property line;*
- f. *The generator stand is adequately screened with plantings as determined by the Planning Director; and*
- g. *A Zoning Permit is approved by the Planning Director.”*

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

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

Please see the attachments for further information regarding this request. A site visit was conducted on May 31, 2024, at which time the following determinations were made regarding the Approval Criteria for Variances, as stated in Chapter 12 of the Town of Kiawah Island *Land Use Planning and Zoning Ordinance*, Article II, Division 5, Section 12-163.(4):

**Staff Findings:**

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

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

**Staff Response:** **There may be extraordinary and exceptional conditions pertaining to the property due to the OCRM Critical Line. The lot size has decreased from the movement of the OCRM Critical Line towards the highlands as illustrated in the updated survey dated April 4, 2024. Per the applicant's letter of intent, "Building**

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

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

**Staff Response:** **These conditions may be unique to the subject property and may not generally apply to other properties in the vicinity. The property is located in the R-1 Residential Zoning District. Adjacent properties along Chinaberry Lane are also located in the R-1 Residential Zoning District. Existing structures in the vicinity may or may not have similar encroachments based on current setback standards. Per the applicant’s letter of intent, *“The neighboring properties were developed prior to the OCRM line being updated and thus had less restrictive setbacks.”***

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

**Staff Response:** **The application of this Ordinance to the property may not prohibit or restrict the utilization of the property, however the whole home generators can be found throughout the island. Per the letter of intent *“Whole house generators are common additions to homes in the area.”***

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

**Staff Response:** **The authorization of this variance may not be of substantial detriment to the adjacent properties or the public good. The proposed generator would be approximately 28’ from the front property line adjacent to the street. Per the applicant’s letter of intent, *“Neighboring properties will not be impacted by the variance, as the variance is located on the side of the property adjacent to the street, and that side is shielded from the street by a natural preservation zone.”***

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

**Staff Response:** **Granting of this variance would not allow the establishment of a use not otherwise permitted in this zoning district, extend physically a non-conforming use of land, or change the zoning district boundaries. Per the applicant’s letter of intent, *“We are not requesting a use for the property that is different than those permitted.”***

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

**Staff Response:** **The BZA may not consider profitability when considering this variance request. Per the applicant’s letter of intent, “Allowing the construction of a generator in the requested location will not enable the property to be used more profitably, as the purpose of the generator is to provide use similar to the existing use in case of power outages. “**

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

**Staff Response:** **The need for the variance may not be the result of the applicant’s own actions. Per the applicant’s letter of intent, “The requested variance is a result of natural changes to the site. “**

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

**Staff Response:** **Granting of this variance may not be contrary to the public or neighborhood interest, may not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of these regulations. Per the letter of intent, “The requested variance will not adversely affect other property in the vicinity, as the request use is one that has a design with prior approval.”**

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

**Staff Response:** **Granting of the variance may not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance. Per the applicant’s letter of intent, “The requested variance does not substantially conflict with the Comprehensive Plan as it does not significantly alter the prior planned use for this lot and does not impact future needs of the island. “**

**Board of Zoning Appeals’ Action:**

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000009 (Variance request reduction of the required 30’ front setback for approximately 16 sqft for a proposed generator stand for a single-family residence). Based on the BZA’s “Findings of Fact”, unless additional information is deemed necessary to make an informed decision.

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

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

# Town of Kiawah Island Board of Zoning Appeals

JUNE 17, 2024



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

## CASE# BZA24-000009

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

**CASE# BZA24-000009**

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

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

**Maximum 33% Lot Coverage**

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

3



4



**Case # BZA24-000009**  
**BZA Meeting of June 17, 2024**  
**Subject Property: 202 Chinaberry Lane– Kiawah Island**

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



### Property Front



### Adjacent Properties



### Adjacent Properties



### Proposed Generator Stand



11

### Subject Property



12

### Subject Property



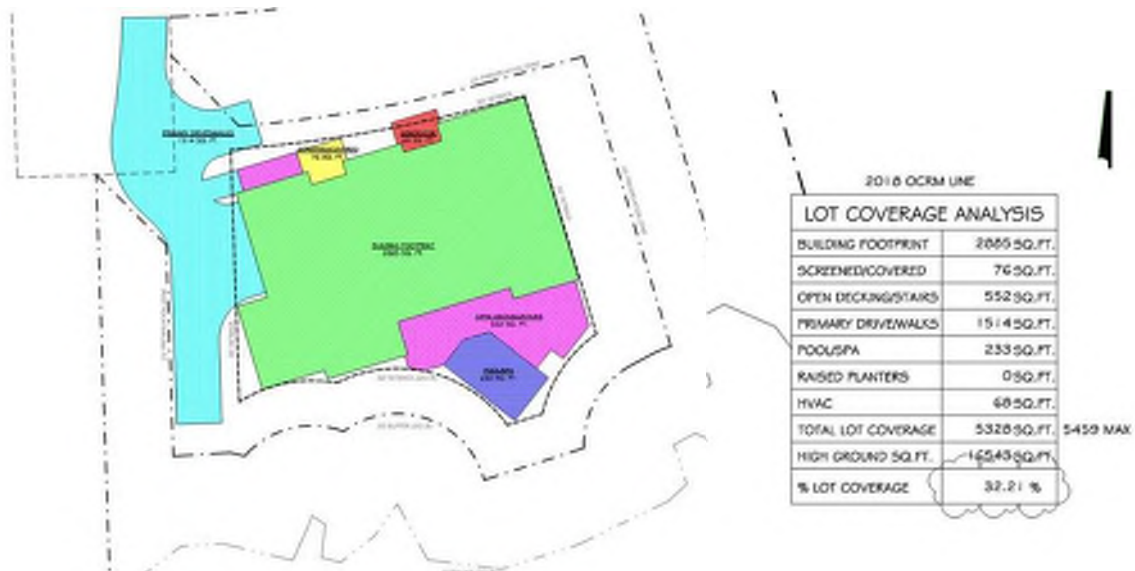
13

### Property Rear



14

### Original Site Plan (with expired OCRM)



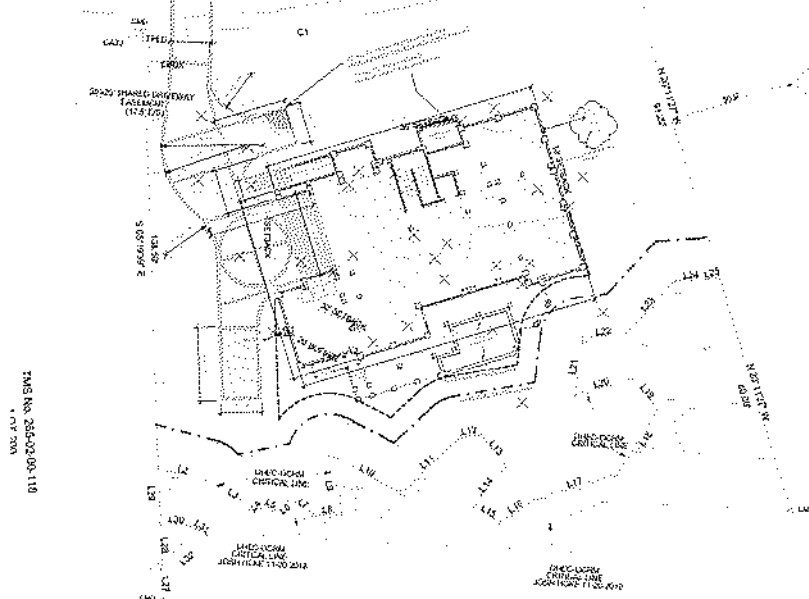
15

### Proposed Site Plan



16

## Proposed Site Plan



17

## Variance Approval Criteria

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

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

18

## Variance Approval Criteria

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

## Board of Zoning Appeals Action

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000009 (Variance request for the reduction of the required 30' front setback for approximately 16 square feet for a proposed generator stand) based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

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

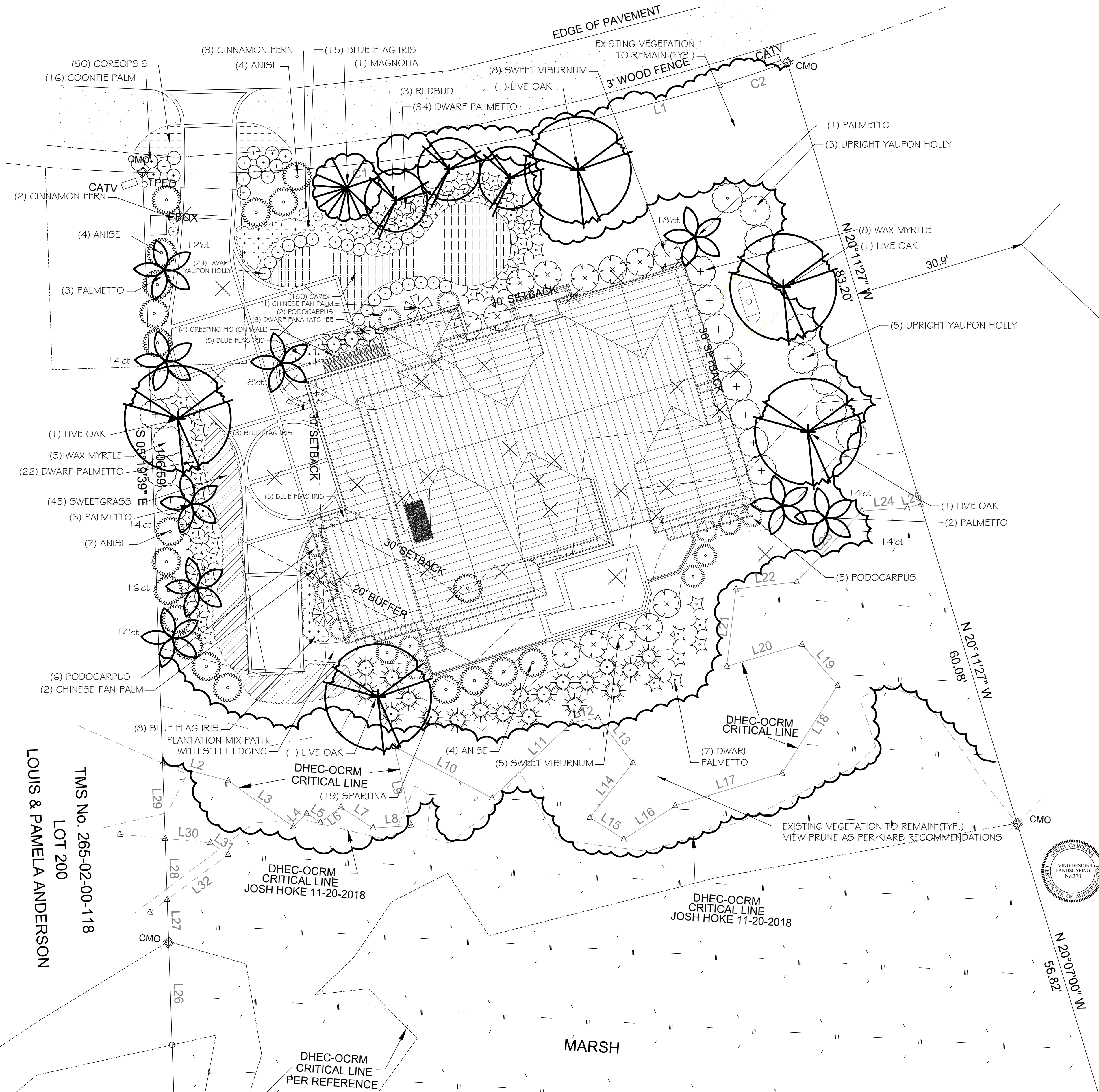
**In the event that the Board considers approval of this requested variance, staff ask that the following conditions of approval be considered:**

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



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

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



Plant Schedule

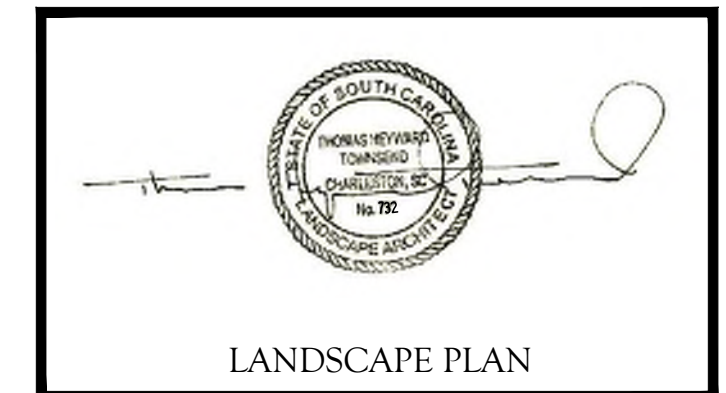
QTY	Botanical Name	Common Name	Size	Notes
5	Quercus virginiana	Live Oak	3" cal.	Healthy, vigorous
9	Sabal palmetto	Cabbage palmetto	hts. vary	Healthy, vigorous
1	Magnolia grandiflora	Magnolia	10-12' ht.	Healthy, vigorous
3	Cercis canadensis	Red Bud	6-8' ht.	Healthy, vigorous
19	Illicium anisatum	** Anise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

PLANTING NOTES

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

STEWART RESIDENCE  
 202 CHINABERRY LANE  
 KIAWAH ISLAND, SOUTH CAROLINA

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

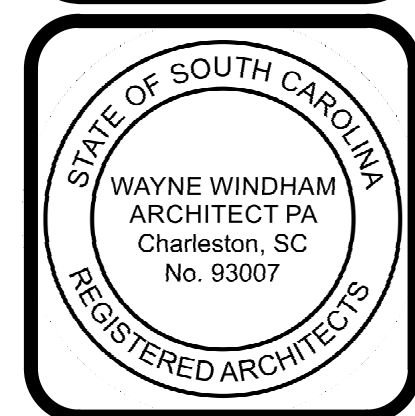


Project	Stewart	Sheet	L-1
Date	4.12.23		
Scale	1"=10'-0"		

LOT COVERAGE ANALYSIS

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

**REVIEW SET**



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

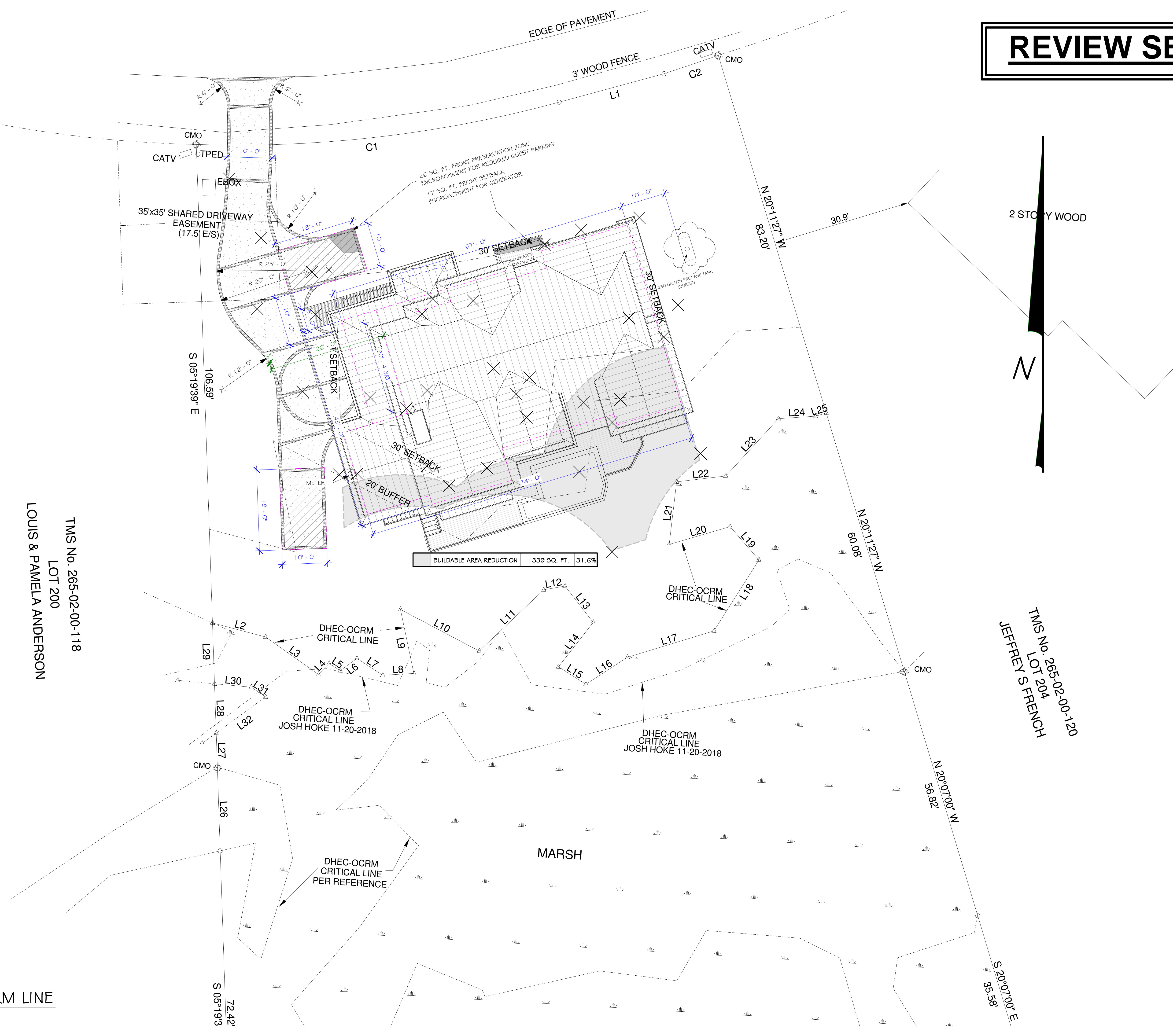
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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
SITE PLAN - NEW 2024 OCRM LINE

REVISIONS

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

SHEET:  
**ST104**  
PROJECT NO. 202122  
DRAWN BY: MAC

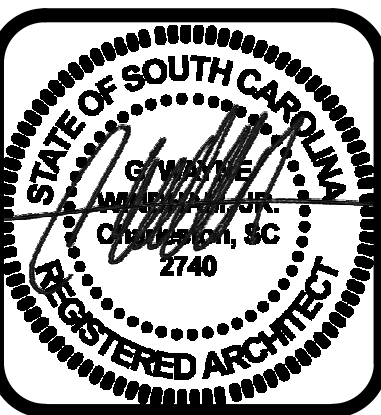


LOUIS & PAMELA ANDERSON  
LOT 200  
TMS No. 265-02-00-118

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

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

**REVIEW SET**



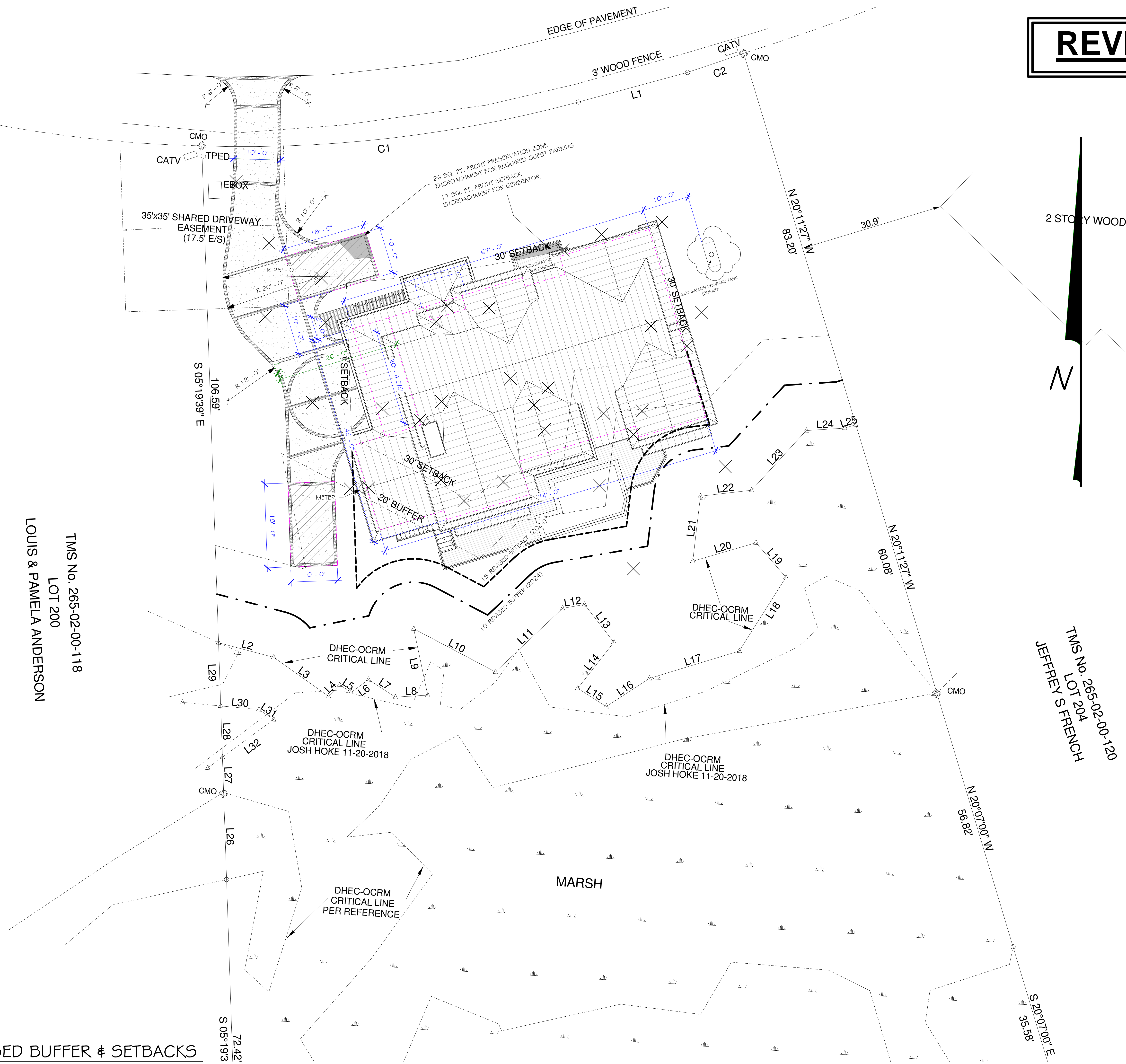
**Wayne Windham**  
ARCHITECT, P.A.  
1779 Main Rd. Johns Island, SC 29485  
843-243-0799  
206 May River Rd. Bluffton, SC 29910  
www.waynearchitect.com

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

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

SHEET:  
**ST105**  
PROJECT NO. 202122  
DRAWN BY: MAC



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

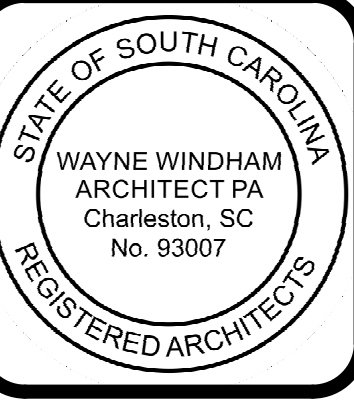
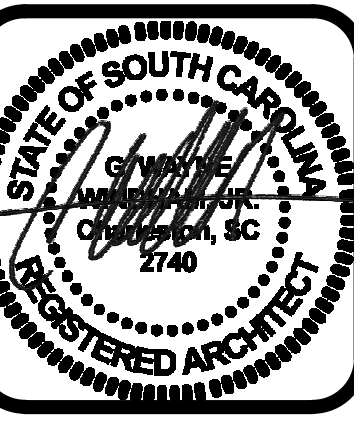
JEFFREY S FRENCH  
LOT 204  
TMS No. 265-02-00-120

SITE PLAN 2024 - REVISED BUFFER & SETBACKS

1" = 10'-0"

4/11/24 10:51:54 AM

# REVIEW SET

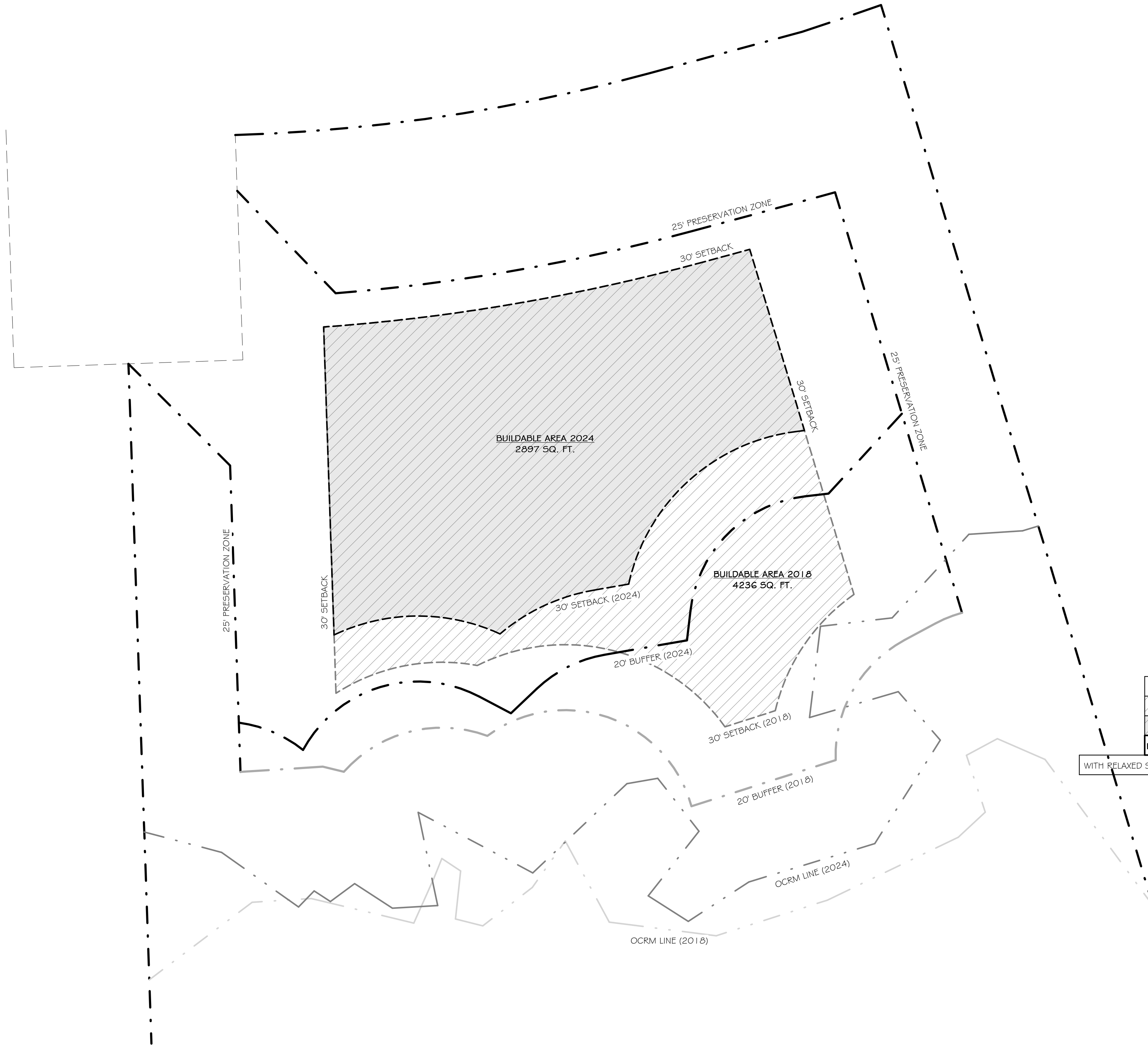


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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
**BUILDABLE AREA CHANGE**

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

SHEET:  
**ST106**  
PROJECT NO. 202122  
DRAWN BY: MAC



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

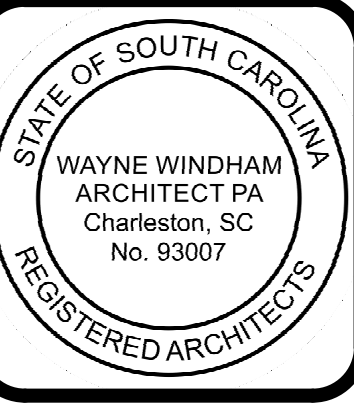
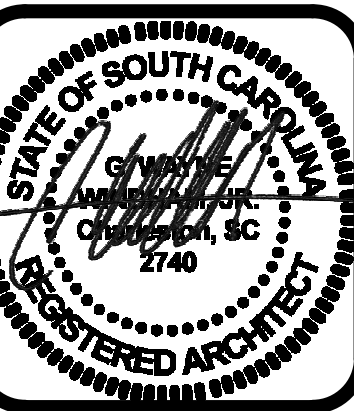


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## SITE PLAN - BUILDABLE AREA CHANGE

1" = 10'-0"

# REVIEW SET



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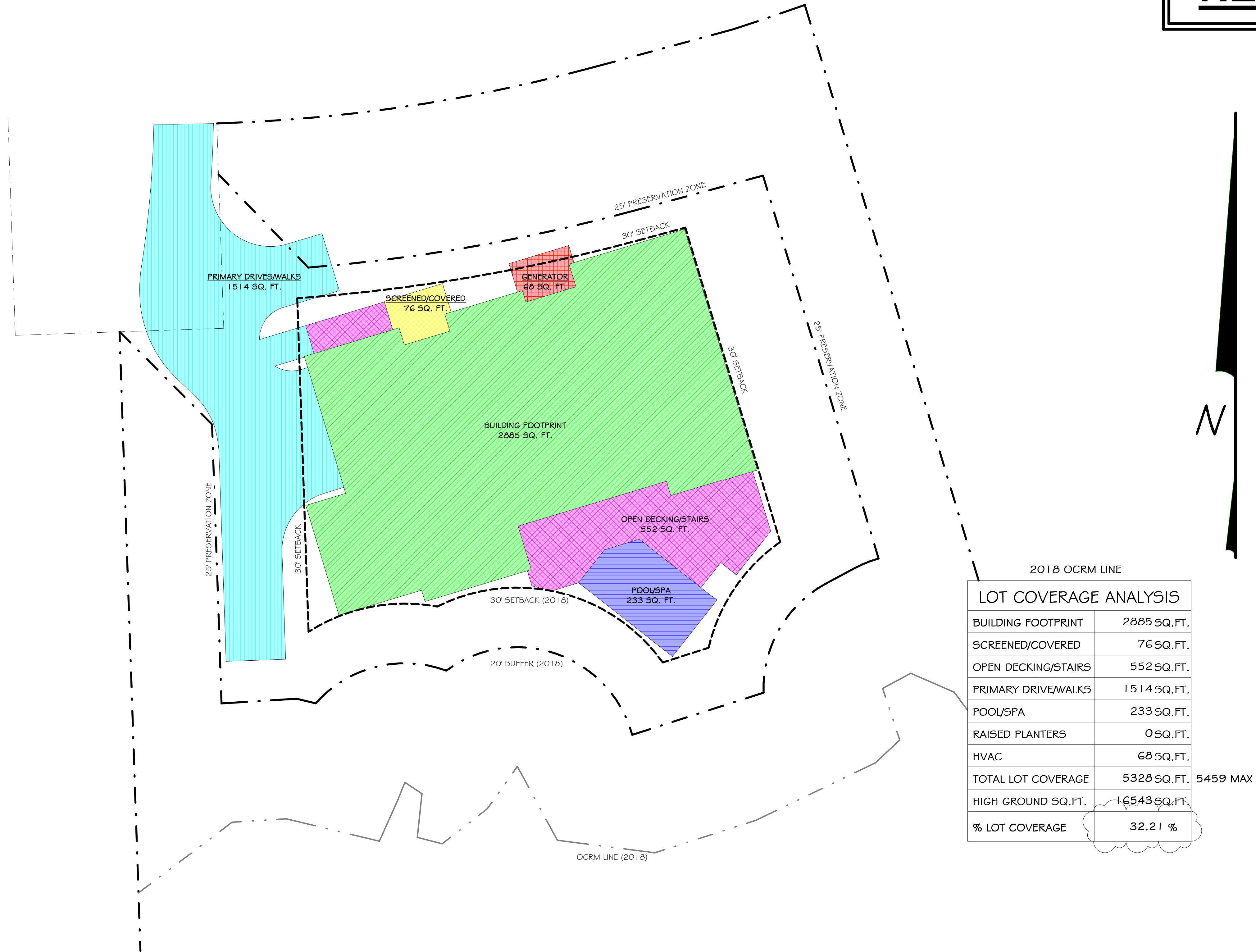
STEWART RESIDENCE  
202 CHINABERRY LANE  
KIAWAH, SC  
LOT COVERAGE - 2018 OCRM

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

SHEET:

ST107

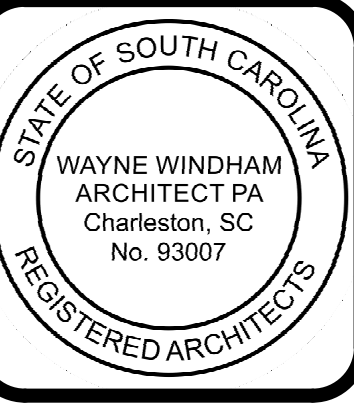
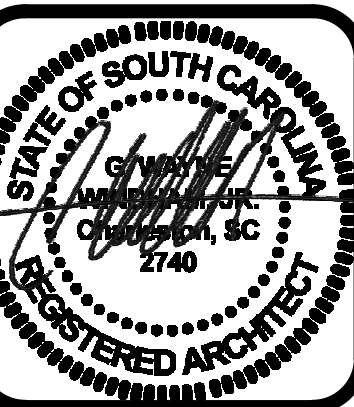
PROJECT NO 202122  
DRAWN BY: MAC



2018 OCRM LINE

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

# REVIEW SET



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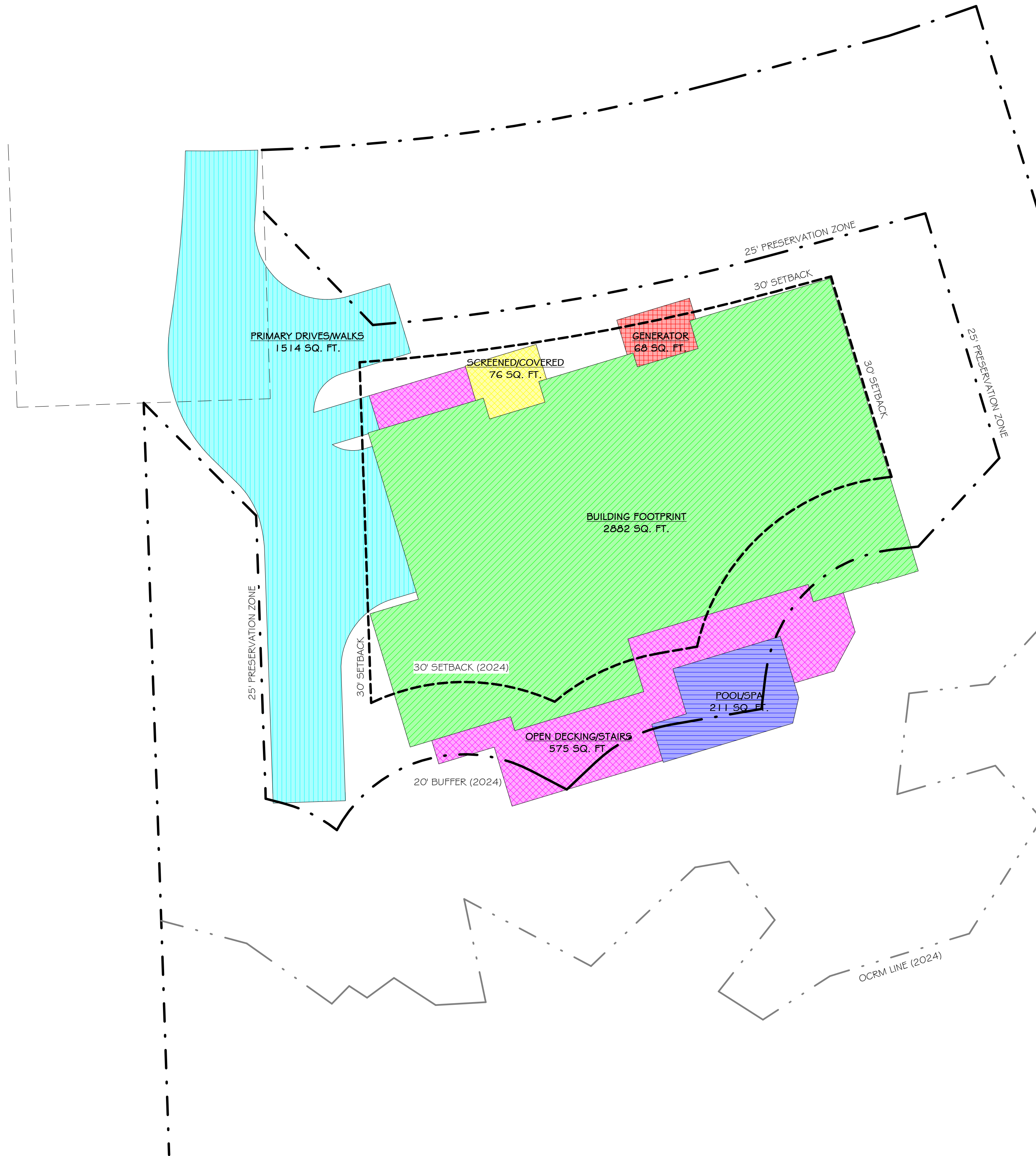
STEWART RESIDENCE  
202 CHINABERRY LANE  
KIAWAH, SC  
LOT COVERAGE - 2024 OCRM

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

SHEET:

ST108

PROJECT NO. 202122  
DRAWN BY: MAC



2024 OCRM LINE

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

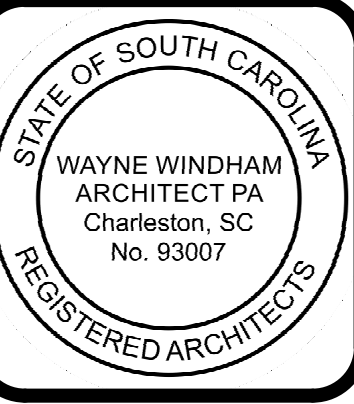
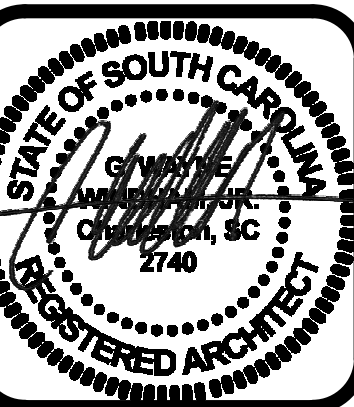


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## SITE PLAN - LOT COVERAGE GRAPHIC 2024 OCRM

1" = 10'-0"

# REVIEW SET

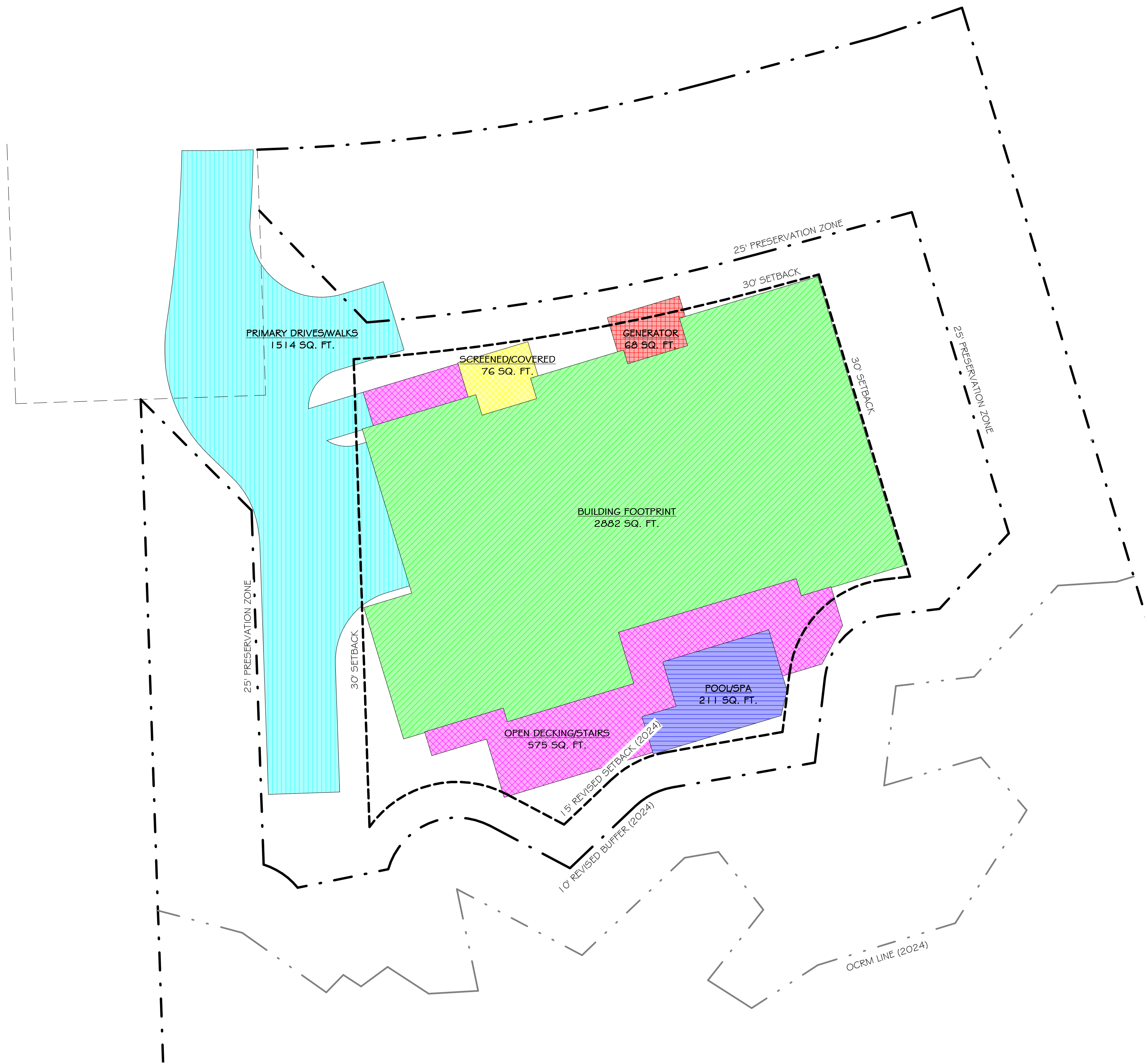


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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
**2024 RELAXED BUFFER & SETBACKS**

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

SHEET:  
**ST109**  
PROJECT NO. 202122  
DRAWN BY: MAC



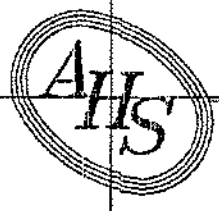
### 2024 OCRM LINE

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

WITH RELAXED SETBACKS: 4262 SQ. FT.

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

Since 1991



# A.H. SCHWACKE & ASSOCIATES

## LAND SURVEYING & CONSTRUCTION LAYOUT

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

### LEGEND:

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

### REFERENCE:

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

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

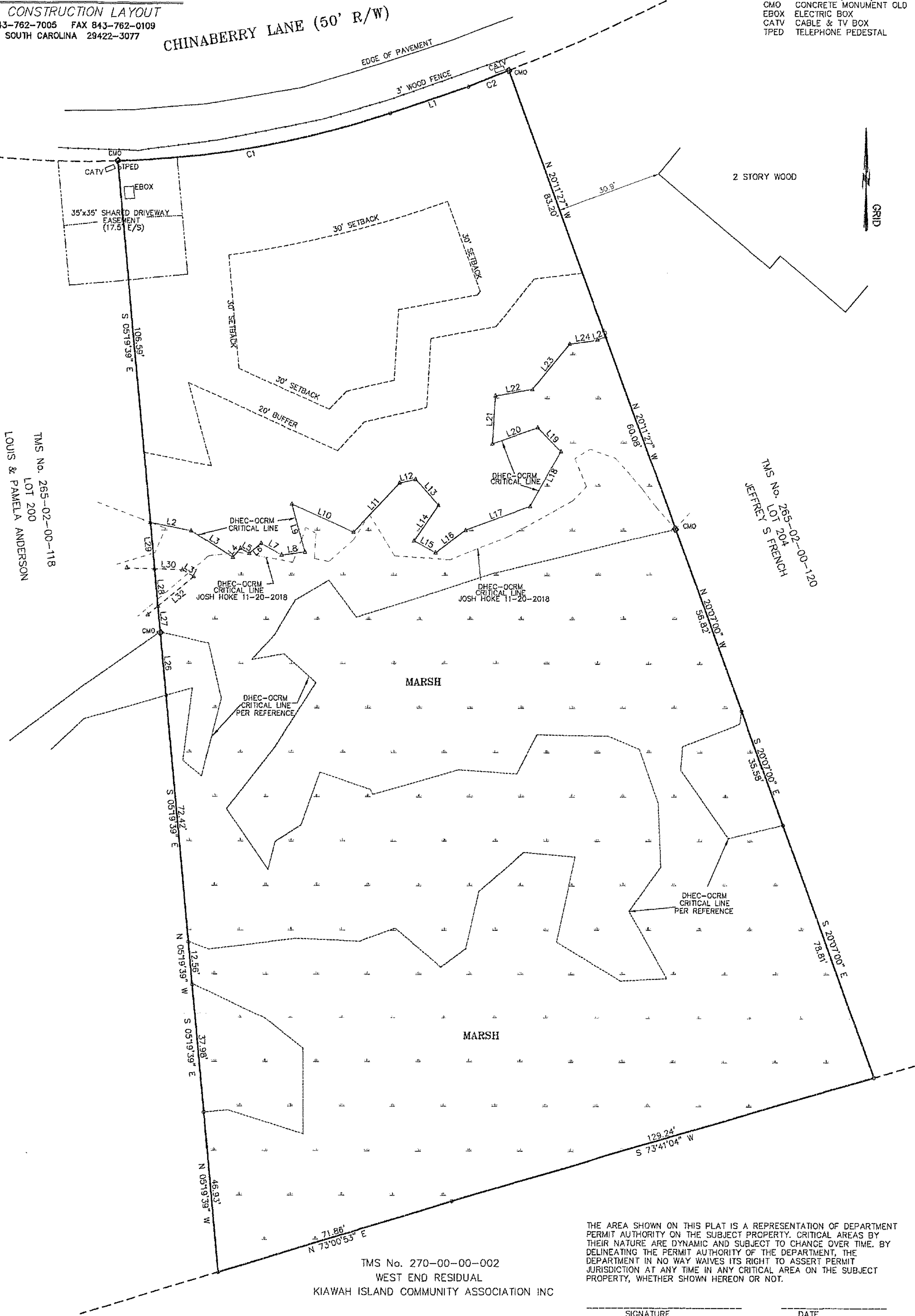
Requested by: MIKE CREED

**TOTAL LOT AREA:**  
50,201.76 Sq. Feet  
1.162 Acres

**HIGHLAND AREA:**  
14,529.7 Sq. Feet  
0.33 Acres

**MARSH AREA:**  
36,672.0 Sq. Feet  
0.82 Acres

### CHINABERRY LANE (50' R/W)



LINE	BEARING	DISTANCE
L1	S 71°24'52" W	24.24'
L2	N 78°36'12" W	12.22'
L3	N 58°03'06" W	14.42'
L4	N 40°50'44" E	3.42'
L5	N 60°15'05" W	2.96'
L6	S 50°18'22" W	4.61'
L7	S 60°19'13" E	6.88'
L8	S 83°13'40" W	6.93'
L9	S 15°14'50" E	14.58'
L10	N 65°32'22" W	19.82'
L11	S 43°07'35" W	19.82'
L12	S 76°44'24" W	4.79'
L13	N 41°15'32" W	10.25'
L14	N 34°43'16" E	12.55'
L15	N 60°50'34" W	7.25'
L16	S 53°34'09" W	11.05'
L17	S 69°39'29" W	20.11'
L18	S 28°56'53" W	18.72'
L19	S 44°19'57" E	9.79'
L20	N 70°20'28" E	14.12'
L21	N 03°22'05" E	14.04'
L22	S 79°53'34" W	11.04'
L23	N 39°08'56" E	17.34'
L24	S 82°55'00" W	8.23'
L25	S 69°48'33" W	2.51'
L26	S 05°19'39" E	18.42'
L27	N 05°19'39" W	7.82'
L28	S 05°19'39" E	10.98'
L29	S 05°19'39" E	13.55'
L30	N 88°03'10" W	8.21'
L31	S 59°28'43" E	3.86'
L32	N 50°22'09" E	13.64'

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

AREA DETERMINED BY COORDINATE METHOD.

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

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

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

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

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

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

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

### SURVEYOR'S CERTIFICATION

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

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



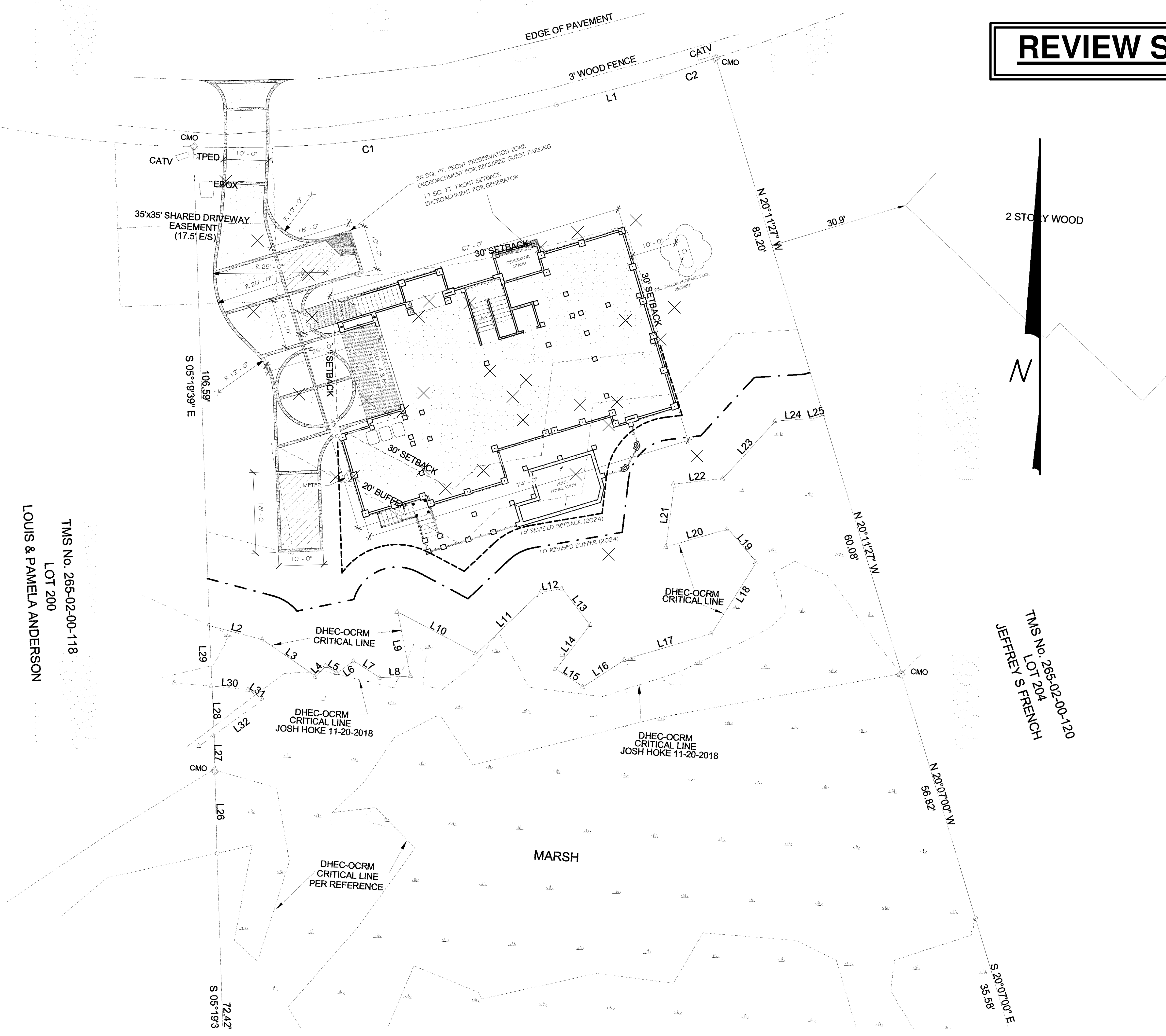
THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION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

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

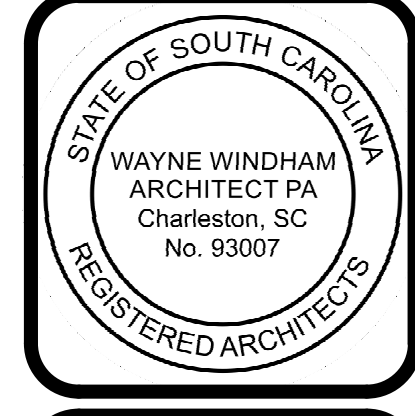
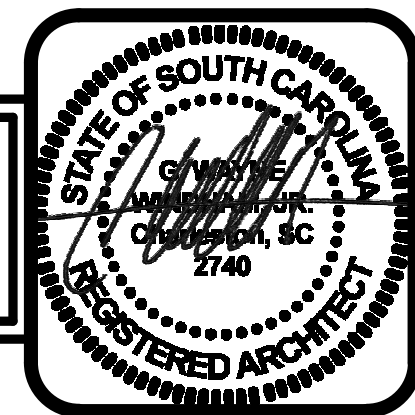
**CRITICAL LINE SURVEY  
OF LOT 202  
THE PRESERVE  
TOWN OF KIAWAH ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA**

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

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



**REVIEW SET**



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

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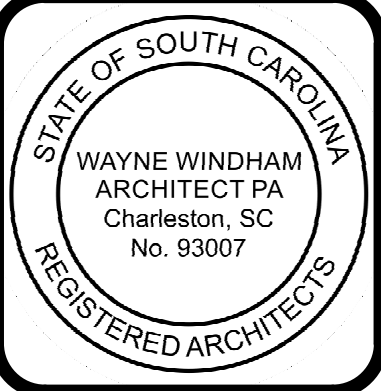
**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
SITE PLAN (FOUNDATION)

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

SHEET:  
**ST101**  
PROJECT NO. 202122  
DRAWN BY: MAC

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

**REVIEW SET**



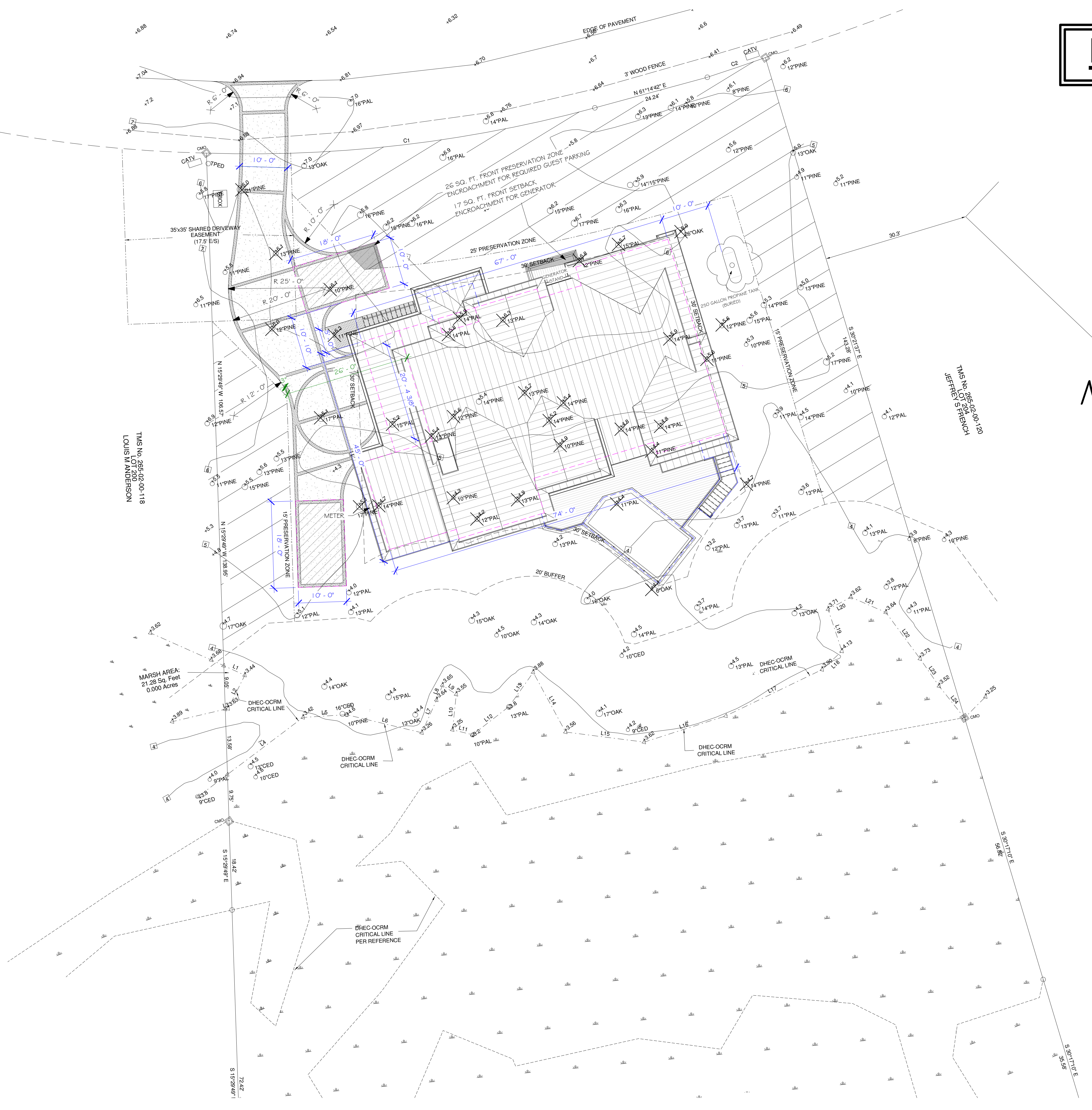
**Wayne Windham**  
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206 May River Rd. Bluffton, SC 29910  
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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
SITE PLAN

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

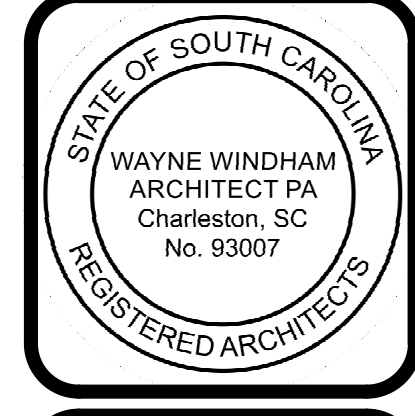
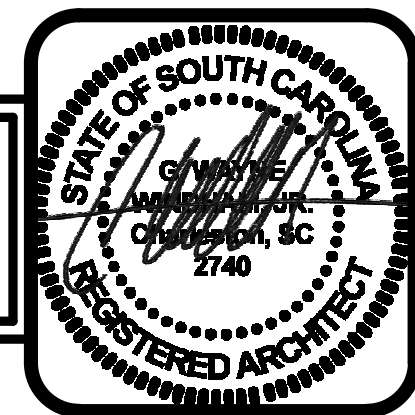
SHEET:  
**ST102**  
PROJECT NO 202122  
DRAWN BY: MAC



LOT COVERAGE ANALYSIS

BUILDING FOOTPRINT	2885 SQ.FT.
SCREENED/COVERED	76 SQ.FT.
OPEN DECKING/STAIRS	552 SQ.FT.
PRIMARY DRIVE/WALKS	1514 SQ.FT.
POOL/SPA	233 SQ.FT.
RAISED PLANTERS	0 SQ.FT.
HVAC	68 SQ.FT.
TOTAL LOT COVERAGE	5328 SQ.FT.
HIGH GROUND SQ.FT.	14530 SQ.FT.
% LOT COVERAGE	36.67 %

**REVIEW SET**



**Wayne Windham**  
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206 May River Rd. Bluffton, SC 29910  
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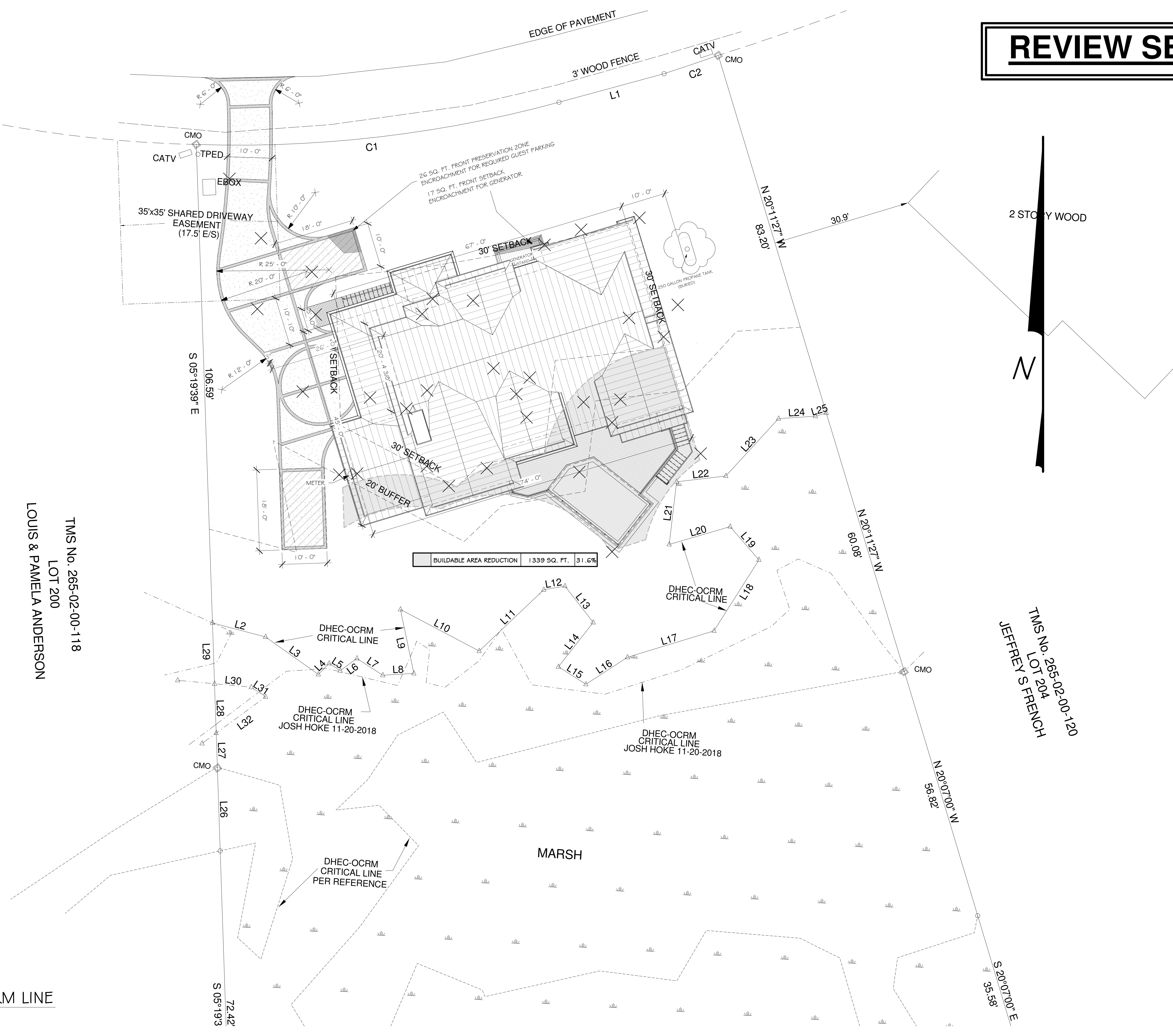
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**STEWART RESIDENCE**  
202 CHINABERRY LANE  
KIAWAH, SC  
SITE PLAN - NEW 2024 OCRM LINE

REVISIONS

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

SHEET:  
**ST104**  
PROJECT NO. 202122  
DRAWN BY: MAC



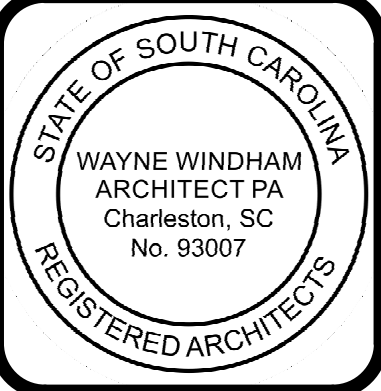
BUILDABLE AREA REDUCTION 1339 SQ. FT. 31.6%

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

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

1	1"	1"
2	1/2"	1/2"
3	3/4"	3/4"
4	1/4"	1/4"
5	1/8"	1/8"
6	1/16"	1/16"
7	1/32"	1/32"
8	1/64"	1/64"
9	1/128"	1/128"
10	1/256"	1/256"
11	1/512"	1/512"
12	1/1024"	1/1024"
13	1/2048"	1/2048"
14	1/4096"	1/4096"
15	1/8192"	1/8192"
16	1/16384"	1/16384"
17	1/32768"	1/32768"
18	1/65536"	1/65536"
19	1/131072"	1/131072"
20	1/262144"	1/262144"
21	1/524288"	1/524288"
22	1/1048576"	1/1048576"
23	1/2097152"	1/2097152"
24	1/4194304"	1/4194304"
25	1/8388608"	1/8388608"
26	1/16777216"	1/16777216"
27	1/33554432"	1/33554432"
28	1/67108864"	1/67108864"
29	1/134217728"	1/134217728"
30	1/268435456"	1/268435456"
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# REVIEW SET



**Wayne Windham**  
ARCHITECT, P.A.  
1779 Main Rd., Johns Island, SC 29455  
206 May River Rd., Bluffton, SC 29910  
843-243-0799  
www.windhamarchitect.com

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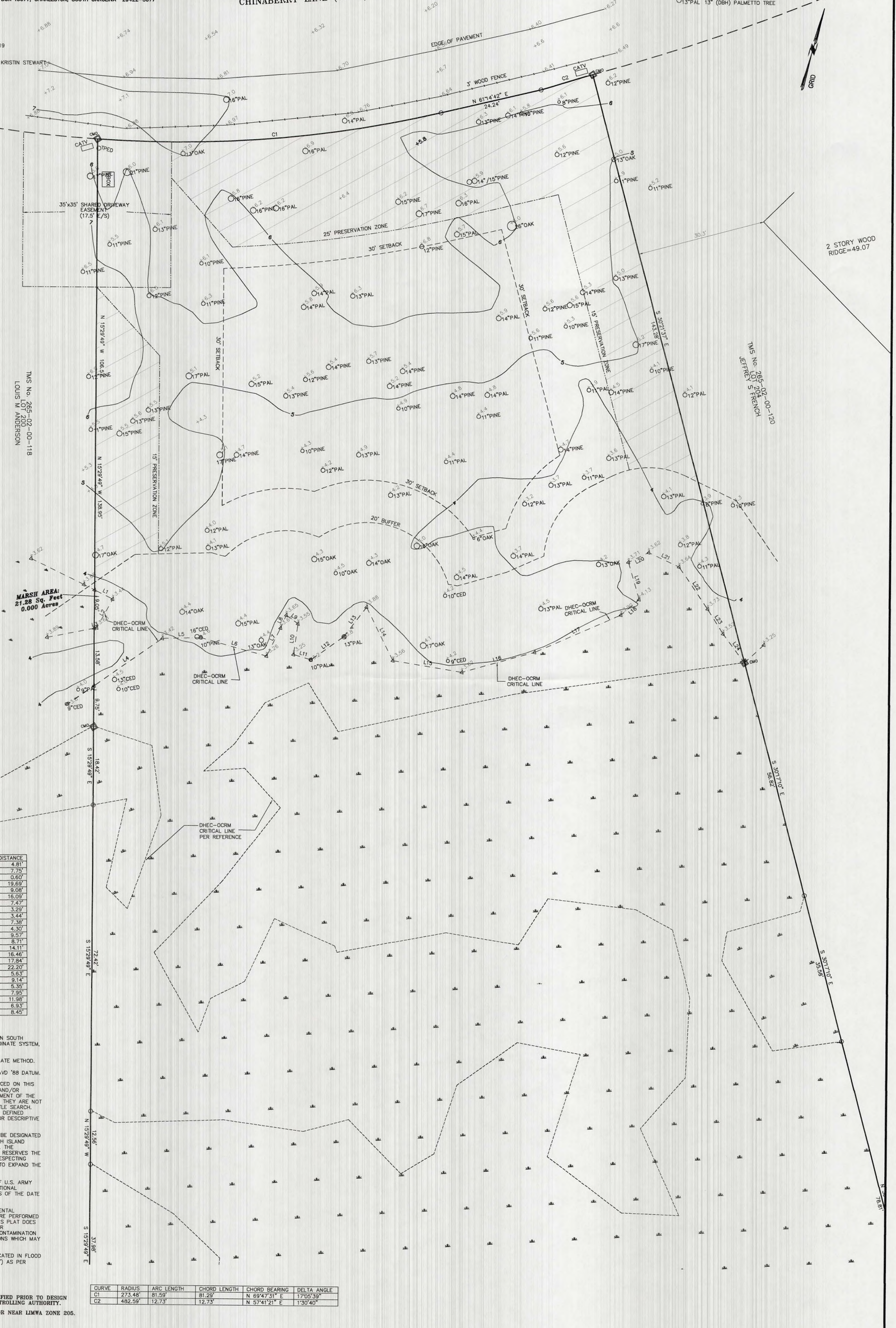
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42	1/1099511627776"	1/1099511627776"
43	1/2199023255552"	1/2199023255552"
44	1/4398046511104"	1/4398046511104"
45	1/8796093022208"	1/8796093022208"
46	1/17592186044416"	1/17592186044416"
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48	1/70368744177664"	1/70368744177664"
49	1/140737488355328"	1/140737488355328"
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51	1/562949953421312"	1/562949953421312"
52	1/1125899906842624"	1/1125899906842624"
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56	1/18014398509481984"	1/18014398509481984"
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58	1/72057594037927936"	1/72057594037927936"
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95	1/99035203142830421990857284208"	1/99035203142830421990857284208"
96	1/198070406285660843981715688	

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

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

HIGHLAND AREA:  
 16,542.7 Sq. Feet  
 0.38 Acres

MARSH AREA:  
 21.28 Sq. Feet  
 0.000 Acres



LINE	BEARING	DISTANCE
L1	S 70°09'06" E	4.81'
L2	S 131°13'01" W	7.73'
L3	S 63°13'08" W	0.60'
L4	N 39°24'43" E	19.69'
L5	S 72°50'55" W	9.08'
L6	N 89°53'32" E	15.09'
L7	N 10°34'09" E	7.47'
L8	N 08°26'31" E	3.29'
L9	S 70°05'43" E	3.44'
L10	S 07°30'06" E	7.38'
L11	S 89°23'59" E	4.30'
L12	N 38°40'23" E	9.57'
L13	S 21°44'30" W	8.71'
L14	S 42°02'57" E	14.11'
L15	S 83°44'13" W	16.46'
L16	S 58°35'56" W	17.84'
L17	S 50°45'18" W	22.20'
L18	S 33°28'41" W	5.63'
L19	N 31°49'31" W	9.14'
L20	N 48°10'32" E	5.35'
L21	S 80°07'02" E	7.95'
L22	S 49°59'52" E	11.98'
L23	S 48°18'31" E	6.93'
L24	S 52°11'17" E	8.45'

NOTES:  
 BEARING SHOWN ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD 83.  
 AREA DETERMINED BY COORDINATE METHOD.  
 ELEVATIONS ARE BASED ON NAVD '88 DATUM.  
 THE PUBLIC RECORDS REFERENCED ON THIS PLAT ARE ONLY THOSE USED AND/OR NECESSARY TO THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.  
 THE REQUIRED SETBACKS MAY BE DESIGNATED AND/OR VARIED BY THE KIAWAH ISLAND ARCHITECTURAL REVIEW BOARD. THE ARCHITECTURAL REVIEW BOARD RESERVES THE RIGHT TO GRANT VARIANCES RESPECTING SETBACK GUIDELINES AND/OR TO EXPAND THE "BUILDABLE" AREA.  
 THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS IS UNDETERMINED AS OF THE DATE OF THIS SURVEY.  
 NO SUBSURFACE OR ENVIRONMENTAL INVESTIGATION OR SURVEYS WERE PERFORMED FOR THIS PLAT. THEREFORE THIS PLAT DOES NOT REFLECT THE EXISTENCE OR NONEXISTENCE OF WETLANDS CONTAMINATION OR OTHER NONVISIBLE CONDITIONS WHICH MAY AFFECT THIS PROPERTY.  
 PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE (EL 11') & AE (EL 12') AS PER FEMA FLOOD MAPS. PANEL No. 45019C 0668K DATED: JANUARY 29, 2021 COMMUNITY No. 450257  
 \* SETBACKS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION BY CONTROLLING AUTHORITY.  
 \* THIS PROPERTY FALLS IN OR NEAR LIMWA ZONE 206.

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

**SURVEYOR'S CERTIFICATION**

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

CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. THIS PLAT IS COPYRIGHTED AND IS INTENDED ONLY FOR THE ENTITY OR PERSON(S) SHOWN HEREON. THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH. BMG22 / 22233



THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT, THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.  
 JOSH HOKE  
 SIGNATURE \_\_\_\_\_ DATE 11-20-2018  
 The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.

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

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



May 16, 2024

Kiawah BZA  
4475 Betsy Kerrison Pkwy  
Kiawah Island, SC 29455

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

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

Variance Approval Criteria:

- a. *Extraordinary/exceptional conditions pertaining to this particular piece of property:*  
**Buildable area on lot is significantly constrained.**
- b. *These conditions do not generally apply to other properties in the vicinity:*  
**The neighboring properties were developed prior to the OCRM line being updated and thus had less restrictive setbacks.**
- c. *Conditions unreasonably restrict utilization of the property:*  
**Whole house generators are common additions to homes in the area.**
- d. *The authorization of a variance will not be of substantial detriment to adjacent property:*  
**Neighboring properties will not be impacted by the variance, as the variance is located on the side of the property adjacent to the street, and that side is shielded from the street by a natural preservation zone.**
- e. *The establishment of a use not otherwise permitted:*  
**We are not requesting a use for the property that is different than those permitted.**
- f. *Property may be used more profitably should a variance be granted:*  
**Allowing the construction of a generator in the requested location will not enable the property to be used more profitably, as the purpose of the generator is to provide use similar to the existing use in case of power outages.**
- g. *The need for the variance shall not be the result of the applicant's own actions:*  
**The requested variance is a result of natural changes to the site.**
- h. *Granting the variance will not be contrary to the public or neighborhood interest:*  
**The requested variance will not adversely affect other property in the vicinity, as the requested use is one that has a design with prior approval.**

---

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

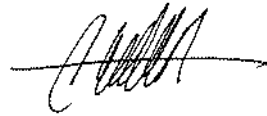
- i. *Granting the variance does not substantially conflict with the Comprehensive Plan:*  
**The requested variance does not substantially conflict with the Comprehensive Plan as it does not significantly alter the prior planned use for this lot and does not impact future needs of the island.**

Sincerely,

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



Mike Creed, Project Manager



Wayne Windham, Architect



June 4, 2024

Kiawah BZA  
4475 Betsy Kerrison Pkwy  
Kiawah Island, SC 29455

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

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

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

Sincerely,

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

A handwritten signature in black ink, appearing to be "Mike Creed", written in a cursive style.

Mike Creed, Project Manager

A handwritten signature in black ink, appearing to be "Wayne Windham", written in a cursive style.

Wayne Windham, Architect

**Permit Application: Restrictive Covenants Affidavit**

**Town of Kiawah Island**

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



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

applicable to Parcel Identification Number(s) 2650200119, located

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

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

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

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

FOR STAFF USE ONLY		
[Received By]	[Date]	[Application #]

# Variance Request Form

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

**Address of Project** \_\_\_\_\_

**Owner** \_\_\_\_\_ **Architect** \_\_\_\_\_

Telephone \_\_\_\_\_ Telephone \_\_\_\_\_

Email \_\_\_\_\_ Email \_\_\_\_\_

**Landscape Architect** \_\_\_\_\_ **Contractor** \_\_\_\_\_

Telephone \_\_\_\_\_ Telephone \_\_\_\_\_

Email \_\_\_\_\_ Email \_\_\_\_\_

**Does the neighborhood have Supplemental Guidelines?**  Yes, \_\_\_\_\_  No

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

**Height Restriction:** \_\_\_\_\_  Above Base Flood Elevation  Above Grade

**Lot Coverage Max:** \_\_\_\_\_

**Setbacks**

Front \_\_\_\_\_

Sides \_\_\_\_\_

\_\_\_\_\_

Rear \_\_\_\_\_

**Building Sq. Footage Calculations  
Conditioned**

Building Footprint \_\_\_\_\_

First Floor \_\_\_\_\_

Second Floor \_\_\_\_\_

Third Floor \_\_\_\_\_

Ancillary Structure \_\_\_\_\_

**Total Conditioned** \_\_\_\_\_

Screened/Covered \_\_\_\_\_

Garage/Carport \_\_\_\_\_

**Lot Coverage Calculations**

Screened/Covered \_\_\_\_\_

Open Decking/Stairs \_\_\_\_\_

Primary Drives/Walks\* \_\_\_\_\_

Raised Planters \_\_\_\_\_

Pool/Spa \_\_\_\_\_

HVAC \_\_\_\_\_

**Total Lot Coverage Sq. Ft** \_\_\_\_\_

**Highland Area** \_\_\_\_\_

**Lot Coverage %** \_\_\_\_\_

Secondary Sq. Ft \_\_\_\_\_

Primary + Secondary % \_\_\_\_\_

**Restrictions**

Min. Sq. Ft

Main House \_\_\_\_\_

Ancillary \_\_\_\_\_

Max. Sq. Ft

Main House \_\_\_\_\_

Ancillary \_\_\_\_\_

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

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

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

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

**ARB ACTION**  Approved  Disapproved

**ARB Representative**       *Jane Maybank*      

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

# Variance Request Form

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

Address of Project 202 Chinaberry Lane

Owner Jonathan and Kristin Stewart

Telephone 843-568-2433

Email kristinstewart@bellsouth.net

Landscape Architect Heyward Townsend

Telephone 843-998-2914

Email heyward@livingdesignslandscaping.com

Architect Wayne Windham

Telephone 843-243-0790

Email Wayne@WayneWindhamArchitect.com

Contractor Chris Brassfield

Telephone 843-559-2804

Email cbrassfield1@gmail.com

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

Is Regime Approval Needed?  Yes, Approval Attached  No

Height Restriction: 40'  Above Base Flood Elevation  Above Grade

Lot Coverage Max: 33%

### Setbacks

Front 30'

Sides 30'

30'

Rear 30'

### Building Sq. Footage Calculations

#### Conditioned

Building Footprint 2882

First Floor 2861

Second Floor 1899

Third Floor N/A

Ancillary Structure N/A

**Total Conditioned** 4760

Screened/Covered 76

Garage/Carport 474

### Lot Coverage Calculations

Screened/Covered 76

Open Decking/Stairs 575

Primary Drives/Walks\* 1514

Raised Planters 0

Pool/Spa 211

HVAC 68

**Total Lot Coverage Sq. Ft** 5326

**Highland Area** 14530

**Lot Coverage %** 36.66%

Secondary Sq. Ft 0

Primary + Secondary % 36.66%

### Restrictions

Min. Sq. Ft

Main House 2,500

Ancillary \_\_\_\_\_

Max. Sq. Ft

Main House 5,000

Ancillary \_\_\_\_\_

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

Rear Setback: 15' with 10' no-build buffer off of OCRM line vs 30'

Lot Coverage: 36.66% MAX vs 33% due to high ground reduction caused by OCRM line change (proposed coverage sq. ft. of prior approved plans is unchanged). Prior lot coverage was 32.54% with similar lot coverage sq. ft.

### Reasoning for Request & Variance Criteria Used

OCRM line shifted significantly in 2024, making lot unbuildable with existing setback criteria

ARB ACTION  Approved  Disapproved

ARB Representative

*Parker Ranspach*  
*FOR JANE MAYBANK*  
*DIRECTOR KIARB*

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



**Kiawah Island  
Board of Zoning Appeals  
Meeting of June 17, 2024**

**Public Comments Regarding  
Case #BZA24-000007 &  
Case #BZA24-000009**

## John Taylor

---

**From:** Petra Reynolds  
**Sent:** Tuesday, June 11, 2024 8:54 AM  
**To:** John Taylor; Daniel Vincent  
**Subject:** FW: BZA24-000007 and BZA24-000009

Could you please respond to this email?

Thanks,

Petra

-----Original Message-----

**From:** S Nesbitt <slnotb@gmail.com>  
**Sent:** Sunday, June 9, 2024 12:59 PM  
**To:** Petra Reynolds <preynolds@kiawahisland.org>  
**Cc:** Nesbitt Ellen <emnbos@gmail.com>  
**Subject:** BZA24-000007 and BZA24-000009

IMs Petra Reynolds,

I am very opposed to these variance requests for the following reasons. First the rules are the rules. We all have to abide by them, for better or worse, now and in the future.

The rules are in place for many reasons, including ensuring reasonably uniform appearance island wide. The aesthetics of setback requirements prevents the appearance of homes being too close to the road, homes taking over the view, and allows for plant and tree screening to lessen the impact of the growing number of buildings on the island. And the idea that the purpose of the request is to place a generator street side is absurd at best. This placement is aesthetically ridiculous and would add to the sound impact of the generator on the neighborhood.

The size increase request is also absurd. Not only would this structure be too close to the road, it would also be comparatively oversized. The size restriction rules prevents the negative impact of structures overtaking the islands appearance. The size rule also prevents negative impact on drainage and loss of wildlife habitat.

Once these kind of variances are allowed for one home, others in the future will feel entitled to similar exceptions. All of us who have supported these rules in the past, sometimes to our detriment or dislike, have done so with the expectations that these rules will continue to be observed. The idea that the last 10-20% of the homes built will not have to observe our rules will work to the detriment of the other 80% of owners and will have a detrimental impact in the island and our property values.

Stephen Nesbitt  
203 Chinaberry Lane

Sent from my ipad mini 6

## John Taylor

---

**From:** Mark Anderson <manderson@alpineintel.com>  
**Sent:** Thursday, June 6, 2024 8:05 PM  
**To:** Daniel Vincent  
**Cc:** Petra Reynolds; John Taylor  
**Subject:** Re: Variance Request - BZA-24-000009

Mr Vincent,

Thank you for providing this information. We want to confirm that they will provide the proper screening in the setback areas. Otherwise, we have no objections to the variances.

Please let me know if you need anything further from us.

Regards,

Mark and Paula Anderson

On Thu, Jun 6, 2024 at 8:58 AM Daniel Vincent <[dvincent@kiawahisland.org](mailto:dvincent@kiawahisland.org)> wrote:

Hello Mr. Anderson,

The full set of materials for the BZA will be posted on our website by end of the day tomorrow. Please see site plan attached to this email. The proposed generator stand is located north and encroaches into the front setback. The side setback to 200 Chinaberry is 30' and there is no proposed encroachment of that side setback.

Let me know if you have any further questions,



### Daniel Vincent Planner I

Direct: 843-768-5112  
Dvincent@kiawahisland.org  
www.kiawahisland.org  
4475 Betsy Kerrison Parkway  
Kiawah Island, SC 29455

---

**From:** Petra Reynolds <[preynolds@kiawahisland.org](mailto:preynolds@kiawahisland.org)>  
**Sent:** Thursday, June 6, 2024 8:15 AM  
**To:** John Taylor <[jtaylor@kiawahisland.org](mailto:jtaylor@kiawahisland.org)>; Daniel Vincent <[dvincent@kiawahisland.org](mailto:dvincent@kiawahisland.org)>  
**Subject:** FW: Variance Request - BZA-24-000009

Good Morning!

Could you please send Mr. Anderson the documents he is requesting?

Thanks,

*Petra*

---

**From:** Mark Anderson <[manderson@alpineintel.com](mailto:manderson@alpineintel.com)>  
**Sent:** Thursday, June 6, 2024 8:10 AM  
**To:** Petra Reynolds <[preynolds@kiawahisland.org](mailto:preynolds@kiawahisland.org)>  
**Subject:** Variance Request - BZA-24-000009

Ms Reynolds,

Me and my wife are the property owners at 200 Chinaberry Lane. We received notice of the two variance requests for 202 Chinaberry Lane. When I search the URL listed in the letter for the applicant's submittal documents, the search returns a record not found message. Can you email me the graphic drawings submitted by the applicant showing the location of the generator and sizing of the house? Currently the construction drive and related clearing is up to our property line. We are concerned with the sizing of the project and its proximity to our property line. Obviously building inside the setback further impacts us.

Thanks in advance for your assistance.

## Daniel Vincent

---

**From:** Petra Reynolds  
**Sent:** Thursday, June 13, 2024 11:32 AM  
**To:** John Taylor; Daniel Vincent  
**Subject:** FW: Variance Requests: 202 Chinaberry

I see this was also sent to the Toki email, but I wanted to make sure that you had received it.

Thanks,

*Petra*

---

**From:** Jeffrey French <frenchjeff76@gmail.com>  
**Sent:** Thursday, June 13, 2024 11:29 AM  
**To:** Petra Reynolds <preynolds@kiawahisland.org>; TOKI Planning <tokiplanning@kiawahisland.org>  
**Subject:** Variance Requests: 202 Chinaberry

I am the property owner, along with my wife Anne, of 204 Chinaberry, next door to the subject property.

We have reviewed the available materials, and we offer our support of the applicant's variance requests. To summarize my observations:

1. I find the consequences of the setback encroachments to be insignificant and believe they will be barely noticeable upon completion of construction and landscaping.
2. While the generator location is unconventional and would be no one's first choice, I certainly prefer it to being on our side of the property! It appears to be tucked into the facade, and with proper landscape screening, along with the anticipated infrequent number of times it will even run, it simply is not objectionable to us.
3. I understand that granting variances provokes concerns about precedent, but my focus is on Chinaberry specifically. The homes vary significantly up and down the street in terms of street setback dimension, all influenced by the depth of the lots themselves, and providing variety which I find positive, not negative. A street facing garage, not generally preferred by the ARB or anyone, was allowed down the street, for example, undoubtedly due to buildable area depth constraints on that particular lot. It negatively impacts no one. And there are VERY few remaining undeveloped lots on the street for which any precedent could impact new construction.
4. At the risk of editorializing beyond the scope - I appreciate the courtesy extended in inviting our comments at all - I do believe that periodic redefining of the OCRM lines raises important issues. I might have a different reaction if this lot had been purchased, and the home designed, in defiance and violation of the "rules" from the start. My understanding is that the rules here were changed in the middle of the game. OCRM line updates occur periodically, but that does not change the fact that a lot can be acquired - at a particular price - with buildable area expectations. It appears, from what I believe I have learned, that the proposed home's lot coverage would have been compliant had it been constructed a few years ago. I find it unfair to the homeowner to suggest they pay the architect to redesign a home that is not the home they anticipated getting when they paid what they paid for the lot. I emphasize this in the

context of believing the encroachments are insignificant anyway, and that good and fair judgment must be applied, even to rules, especially if Kiawah is permitted to say these rules are always in a state of flux.

In summary, we have no objection to these variance requests.

Jeffrey S. French, FAIA  
Retired Architect  
204 Chinaberry Lane

**Town of Kiawah Island  
Board of Zoning Appeals**

**Rules of Procedure**

The Board of Zoning Appeals (BZA) of the Town of Kiawah Island is a quasi-judicial body established to interpret and grant relief from the Town of Kiawah Island Land Use Planning/Zoning Ordinance. The administrative office of the BZA shall be located in the Town Hall office. The actions of the BZA are governed by the Town of Kiawah Island Land Use Planning/Zoning Ordinance contained in Article 12 of the Town of Kiawah Island Municipal Code and the South Carolina Code of Laws, Chapter 29, Article 5, Sections 6-29-780 through 6-29-860 et seq. All actions of the BZA and its members shall be taken in compliance with Robert's Rules of Order unless such rules are in conflict with the adopted BZA Rules of Procedure. The BZA Rules of Procedure shall always be available to the public upon request.

The BZA has decision making authority over three (3) types of applications:

1. Appeal of an Administrative Decision may be filed when there is an alleged error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the Land Use Planning/Zoning Ordinance.
2. Variances may be filed when strict application of the zoning ordinance would cause an unnecessary hardship. The BZA's actions on such variance requests must be based on the specific standards contained in the Land Use Planning/Zoning Ordinance.
3. Special Exceptions allow the BZA to permit uses if certain terms and conditions in the Land Use Planning/Zoning Ordinance are satisfied.

In each case, the BZA is authorized to approve, to approve with conditions or to deny a request. The BZA is authorized to refer the application to staff or to defer action if additional information is deemed necessary.

**MEMBERSHIP**

1. The BZA shall consist of seven (7) members, a majority of which constitutes a quorum, to be appointed by the Mayor with the consent of the Town Council. At least (5) of the members shall be residents of the Town of Kiawah Island. A resident member shall mean a **property owner** who resides permanently in the Town of Kiawah Island for not less than 6 (six) months of each calendar year and is registered to vote on Kiawah Island. Of the seven (7) members, the BZA may consist of as many as two (2) members who own property in the Town of Kiawah Island but are not "residents." The term of office shall be for three years. No member shall serve more than three consecutive terms of office; provided, however, that such member shall be eligible to hold such office after a break in service of twenty-four months. Any vacancy shall be filled for the unexpired term by an individual appointed by the Mayor with the consent of the Council. All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties, provided Council has approved such expenditures.

2. The Mayor and Town Council of Kiawah Island determines members of the BZA and their tenure for their specific expertise, community knowledge, and concern for the future welfare of the total community and its citizens. They shall represent a broad cross section of community interest, concerns and professions.
3. Should a vacancy occur in the membership of the BZA, the Chairperson of the BZA, for the purpose of appointing a replacement member, will give immediate notice to the Clerk of Town Council. In November of each year the Town Clerk shall provide the BZA a written document setting forth the terms of the existing members.
4. No member shall hold an elected public office in the Town of Kiawah Island or Charleston County.
5. Members who resign by absenteeism or due to holding dual offices must vacate their seat immediately upon resignation. Members who are no longer qualified to serve per the Town's volunteer policy, state law requirements, and members who are not reappointed shall serve until their successors are appointed and qualified.

### **OFFICERS**

1. **CHAIRPERSON** - At the first scheduled meeting of the BZA in any calendar year, the BZA shall elect one (1) of its members to serve as Chairperson. The duration of the term shall be one (1) year. The Chairperson may be reelected. The Chairperson shall be a voting member of the BZA.
2. **VICE-CHAIRPERSON** - At the first scheduled meeting of the BZA in any calendar year, the BZA shall elect one (1) of its members to serve as vice-chairperson. The duration of this term shall be one (1) year. The Vice-Chairperson may be re-elected.
3. In the event that both the Chair and the Vice-Chair are absent from a meeting, the legal staff shall conduct an election from among those members present to determine who shall conduct that meeting.
4. **SECRETARY**- The Planning Director shall serve as Secretary to the Board.

Should a vacancy occur among the officers of the BZA, an election shall be held at the next regularly scheduled meeting to fill the unexpired term of that officer.

### **BOARD MEMBER ATTENDANCE**

1. All members are expected to attend at least eighty (80%) percent of the scheduled and held meetings each calendar year.
2. It is most important that members of the Board be present at meetings. When a member is to be tardy or not able to attend a meeting of the Board, said member should so notify the Town Clerk in advance. Staff will inform the Chair of the anticipated tardiness or absence.

3. If votes are to be taken on an application, Board members must be physically present in order to participate. A board member who is unable to be physically present may attend virtually via video conference where exceptional circumstances exist.

## MEETINGS

1. Each December, the BZA shall establish its schedule of meetings for the next calendar year. The time and place of the meetings shall be specified in the schedule.
2. A quorum is necessary in order for the BZA to conduct business. A quorum shall consist of a simple majority of the total membership of the BZA.
3. Should an emergency situation arise that cannot be addressed by Planning Staff, Staff may ask the Chairperson to call a special meeting to address that specific situation when waiting until the next regularly scheduled meeting of the BZA will dangerously and seriously affect an applicant or the general welfare of the community. A special meeting may be called at the discretion of the Chairperson. Alternatively, such a special meeting may be called upon the request of two (2) members of the BZA to the Chairperson. Three (3) working days notice shall be given to the BZA members and the public.
4. When a regularly scheduled meeting is canceled as a result of an emergency situation, a substitute meeting may be held after three (3) working days notice to the BZA and the public.
5. Members of the BZA shall not discuss any pending application outside of the public hearing. If a proponent or opponent approaches a member regarding an application, he/she shall disclose that information to the BZA meeting when the matter is called.
6. A member may disqualify her/himself from discussion and voting when any proponent or opponent of an application has sought to influence the vote in any forum outside of the application process.
7. A member of the BZA shall recuse her/himself from participating in any matter in which she/he has a financial or personal interest in the property or action concerned or will be directly affected by the decision.
8. Swearing of witnesses by the Secretary of the Board, or their designee, may be done individually or as a group. All persons addressing the BZA to give testimony or evidence must be sworn. All persons addressing the BZA to give testimony or evidence shall state their full name and current address.
9. Public hearings of the BZA shall be conducted in accordance with these Rules of Procedure and all applicable laws. Applications for consideration shall be presented to the BZA in the following manner:

- a. Presentation of Application by Staff;
  - b. Questions to Staff by BZA;
  - c. Presentation of Application by Applicant;
  - d. Questions to the Applicant by BZA;
  - e. Presentation of information either in support of or in opposition to the Application;
  - f. Applicant's Reply to Opposition;
  - g. BZA Motions Concerning Application, stating specific findings of fact and conclusions of law; and
  - h. BZA action concerning the Application.
10. Time limits on presentations may be proposed by the Chairperson and approved by the BZA.
  11. All applications for Appeals, Variances and Special Exceptions that are to be considered by the BZA must be completed and filed at the administrative office no less than thirty (30) days prior to the meeting at which they will be considered. **The BZA shall receive the applications and staff reports at least five (5) working days prior to the public hearing.**
  12. All written material submitted either in support of or in opposition to an application that is not supported by witness testimony must be received by the administrative office of the Planning Department at least five (5) working days prior to the public hearing during which the application is to be considered and shall be delivered to the members of the BZA at least two (2) working days before the meeting. The BZA may at their discretion accept and consider written material submitted either in support of or in opposition to an application less than five (5) working days prior to the public hearing.
  13. At the public hearing, the case file prepared by the staff shall be entered into the official records of the BZA. In accordance with items 11 and 12, the BZA may accept affidavits, testimony or other evidence that may be presented by the proponents or opponents. All new evidence – shall be entered into the records by the BZA.
  14. The BZA, by its own motion, may certify contempt to the Circuit Court if false, misleading, or incomplete statements are made by any person presenting information to the BZA.
  15. The BZA, by its own motion, may call additional witnesses. The BZA has authority to subpoena witnesses.
  16. After each case has been voted on, the Chairperson shall announce into the record how each member voted.
  17. Cases to be heard by the BZA may be deferred for a period of time not to exceed ninety (90) days. For the record, the reason given for postponement must be clearly stated in the motion for deferral.

18. The BZA may reconsider a case under the following circumstances:
  - a. A case may be reconsidered upon the receipt of new evidence that has not been entered into the record of the decided case, or that it has been acknowledged submitted evidence of a decided case has erred in its application or matter, as determined by the BZA Secretary and or legal staff, only within seventy-two (72) hours from the date of the decided vote. The BZA Secretary and or legal staff shall make a determination of the new evidence submitted within ten (10) calendar days. If it is determined that new evidence has been found, the BZA must have a majority vote to have the case be reconsidered. The case may be scheduled and heard by the BZA at the next available BZA public hearing provided all required notifications have been met. A case may still be reconsidered only once.
19. The Chairperson or her/his designee shall sign all orders.
20. Board members may participate virtually in meetings where no applications are to be considered.
21. Executive Sessions – It is a violation of the Town’s Code of Ordinances for a member of the Board of Zoning Appeals or person in attendance to disclose to another person or make public any matter discussed in executive session. If the Board enters executive session during a meeting, a member attending virtually shall adhere to executive session privileges, ensure that no other person can hear the executive session, and shall acknowledge upon request that there are no other persons present or able to hear the executive session. Failure to protect the privileged discussions of an executive session can result in the member’s removal from the Board.

### **ADDITIONS, DELETIONS OR MODIFICATIONS**

Additions, deletions or modifications to these procedures may be adopted by the BZA at a regular meeting when such changes have been previously presented and discussed at a prior BZA meeting.

### **SEVERABILITY**

If a court of competent jurisdiction determines that any provision of these Rules of Procedure is invalid, that ruling shall apply only to the provision in question and will not invalidate any other provision of these Rules of Procedure. If any court of competent jurisdiction rules invalid a specific application of any provision of these Rules of Procedure, that ruling will not affect the application of these Rules of Procedure in other instances.

**Date adopted:** \_\_\_\_\_

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**Signature of BZA Chairperson**

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**Signature of the Secretary of the BZA**

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**Signature of the Attorney for the BZA**

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