



**Board of Zoning Appeals  
Kiawah Island Municipal Center  
November 18, 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 #BZA24-000020**  
**161 High Dunes Lane – Kiawah Island, SC | TMS# 265-16-00-078**  
Variance request for the reduction of the required 20' side setback for approximately 40 square feet for a proposed single-family residence.
- VI. Additional Business:**
- VII. Adjournment**



**Case #BZA24-000020**  
**Kiawah Island BZA Meeting of November 18, 2024**

**Applicant/Property Owner:** HENDERSON DEVIN, HENDERSON HEATHER

**Representative:** Mackenzie Conlon

**Property Location:** 161 High Dunes Lane

**TMS#:** 265-16-00-078

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

**Lot Size:** 29,978 square feet (.69 acres) Total  
21,699 square feet (.50 acres) Highlands  
8,279 square feet (.19 acres) Marshlands

**Request:** Variance request for the reduction of the required 20' side setback for approximately 40 square feet for a proposed single-family residence.

**Requirements:**

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

Required setbacks: 25' (Front); 20' (Side); 25' (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 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
<b>12,000+</b>	<b>33 percent</b>	100	75	<b>25</b>	<b>20</b>	<b>25</b>	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)

Housing Type	Minimum Lot Size (sq. ft.)	Minimum Yard Setbacks (feet)			Maximum Height		Maximum Lot Coverage
		Front	Side <sup>(1)</sup>	Rear	(stories)	(feet)	
Patio homes, zero lot line homes	4,000	20	0/10 <sup>(2)</sup>	20	2.5	35	50 percent
Duplex	6,500	15	7	20	2.5	40	40 percent
Townhouse	2,000	10	See note <sup>(3)</sup>	20	2.5	40	60 percent

<sup>(1)</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>(2)</sup> A total distance of 15 feet is required between buildings with ten feet minimum setback being required on one side of each lot.

<sup>(3)</sup> Where the front, interior side and rear setbacks of the underlying zoning district reduces the buildable width of a lot to less than 40 feet, the Planning Director shall be authorized to reduce the required setbacks as much as necessary. However, no setback reduction granted by the Planning Department shall be for more than 15 feet.

(Code 1993, § 12A-206; Ord. No. 2005-08, § 12A-206, 10-12-2005; Ord. No. 2007-05, § 2(12A-206), 7-10-2007)

Sec. 12-64. - Setbacks.

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

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

Driveways and walkways may be located within any required setback.

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

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

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

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

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

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

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

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

**Staff Review:**

The applicant and property owner, Devin and Heather Henderson being represented by Mackenzie Conlon of Vinyet Architecture, LLC is requesting a variance for the reduction of the required 20' side setback for approximately 40 square feet for a proposed single-family residence located at 161 High Dunes Lane, Kiawah Island, SC. (TMS# 265-16-00-078).

The subject property is approximately 29,978 square feet (0.69 acres) in size. Of which, 21,699 square feet (0.5 acres) is highlands, and 8,279 square feet (0.19 acres) is marshlands. The subject property is currently undeveloped and sits adjacent to critical area to the north. Per Charleston County Records, the lot was acquired by Devin and Heather Henderson April 1, 2024. The adjacent properties to the south, east and west across High Dunes Lane are located in the R-2, 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. 12-66. R-2, Residential District requires a 25' front yard setback, a 20' side yard setback and a 25' rear yard setback.

The applicant's proposed plans include a new single-family home with an attached garage. The proposed attached garage encroaches into the side setback by approximately 4 feet 9 inches. The distance from the proposed garage to the property line is approximately 15 feet 3 inches. The total encroachment into the side setback is approximately 40 square feet.

The applicant's plans include 7,157 square feet of lot coverage (32.9%). The subject property is allowed a maximum lot coverage of 33%

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

The applicant has submitted to the Kiawah Island Architectural Review Board (KIARB) for review. The proposed project received KIARB conditional approval on September 10, 2024.

Please see the attachments for further information regarding this request. A site visit was conducted on November 1, 2024, at which time the following determinations were made regarding the Approval Criteria for Variances, as stated in Chapter 12 of the Town of Kiawah Island *Land Use Planning and Zoning Ordinance*, Article II, Division 5, Section 12-163.(4):

**Staff Findings:**

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

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

**Staff Response:** **There may be extraordinary and exceptional conditions on this property. The large grand oak in the front yard restricts the buildable area of the lot. Per the applicant's letter of intent, "There's a significant 36" oak tree located within the buildable area which we are attempting to preserve. We've included an arborist report in our submittal package which indicates the 36" oak tree is in good condition and should be preserved."**

§ 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-2 Residential Zoning District. Adjacent properties along High Dunes are also located in the R-2 Residential Zoning District. The lot sits adjacent to the critical line to the north. Existing structures in the vicinity may or may not have similar encroachments based on current setback standards. Per the applicant's letter of intent, "While the setbacks may be consistent from lot to lot, the buildable square footage is different, and it's reduced by the impact of preserving the 36" oak tree."**

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

**Staff Response:** **The application of this Ordinance to the subject property may not prohibit or unreasonably restrict the utilization of the property. Per the applicant's letter of intent, "If the entire garage was designed within the buildable area, the backout space would encroach into the tree causing the tree to likely need to be removed."**

§ 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 encroachment is minimal. Per the applicant's letter of**

**intent, “Existing property is vegetated and screened from adjacent properties. The proposed garage would be located 15’-3 ¼” from the property line (less than a 5’ request which equates to approximately 40 sq. ft. or 0.18% of the highland area). There’s currently no house designed on the neighboring lot on the same side of the proposed variance request.”**

§ 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. The property is currently undeveloped. Per the applicant’s letter of intent, “Variance approval would not change the permitted use of the property.”**

§ 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, “Variance approval would not change the value of the property.”**

§ 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. The subject property is currently undeveloped. Per the applicant’s letter of intent, “There has been no work done on the existing lot.”**

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

**Staff Response: Granting of this variance may not be contrary to the public or neighborhood interest, may not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of these regulations. Per the applicant’s letter of intent, “Granting of the variance would not be contrary to the public or the neighborhood nor will it affect other property in the vicinity nor interfere with harmony, spirit, intent and purpose of these regulations. The proposed design of the variance still fits within the spirit and intention of the overall 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.**

**Board of Zoning Appeals' Action:**

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000020 (Variance request for the reduction of the required 20' side setback for approximately 40 square feet for a proposed single-family residence located at 161 High Dunes Lane, Kiawah Island, SC.) Based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

# Town of Kiawah Island Board of Zoning Appeals

## November 18, 2024



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

### **CASE# BZA24-000020**

**Applicant/Property Owner:** HENDERSON DEVIN, HENDERSON HEATHER

**Representative:** Mackenzie Conlon

**Property Location:** 161 High Dunes Lane

**TMS#:** 265-16-00-078

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

**Lot Size:** Total: 29,978 square feet (.69 acres) Total  
Highlands 21,699 square feet (.50 acres)  
Marshlands: 8,279 square feet (.19 acres)

**Request:** Variance request for the reduction of the required 20' side setback for approximately 40 square feet for a proposed single-family residence.

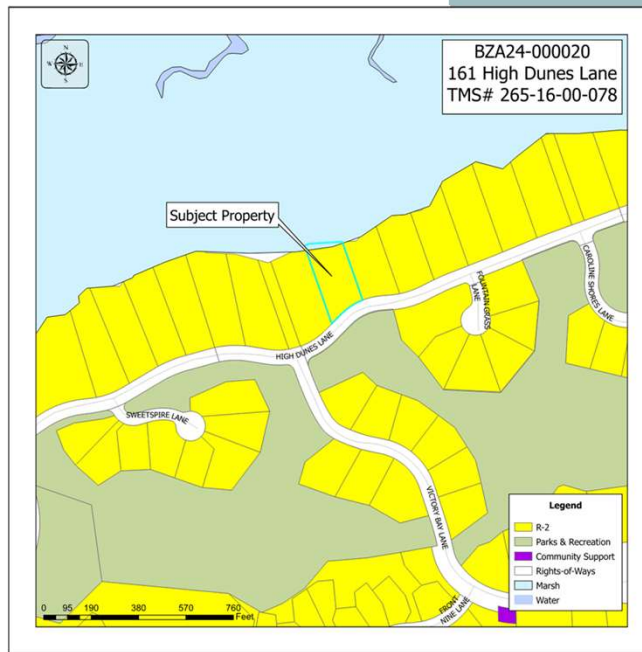
### CASE# BZA24-000020

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

Required setbacks: 25' (Front); 20' (Side); 25' (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 Side Setback as, "any setback other than a rear or front setback.”



**BZA 24-000020**  
 PID: 2651600078  
 OWNERT: HENDERSON DEVIN  
 PLAT BOOK PAGE: L13- 0326  
 DEED BOOK PAGE: 1237-078  
 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.

0 65 130 260 ft  
 1:1000 = 100 feet  
 CHARLESTON COUNTY SOUTH CAROLINA  
 Author: Charleston County SC  
 Date: 11/8/2024



**Case # BZA24-000020**  
**BZA Meeting of November 18, 2024**  
**Subject Property: 161 High Dunes Lane- Kiawah Island**

Variance request for the reduction of the required 20' side setback for approximately 40 square feet for a proposed single-family residence.



### Property Front



### Adjacent Properties



### Subject Property



# Property Rear



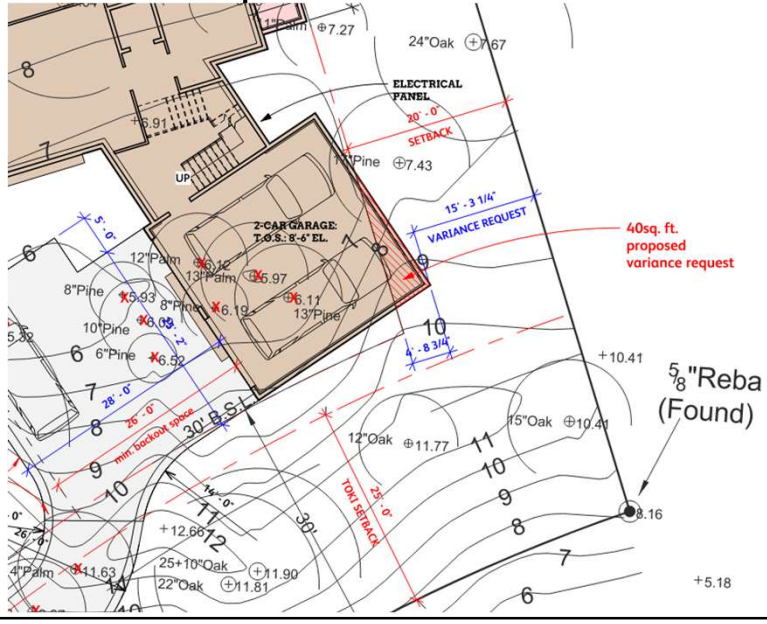
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# Proposed Site Plan



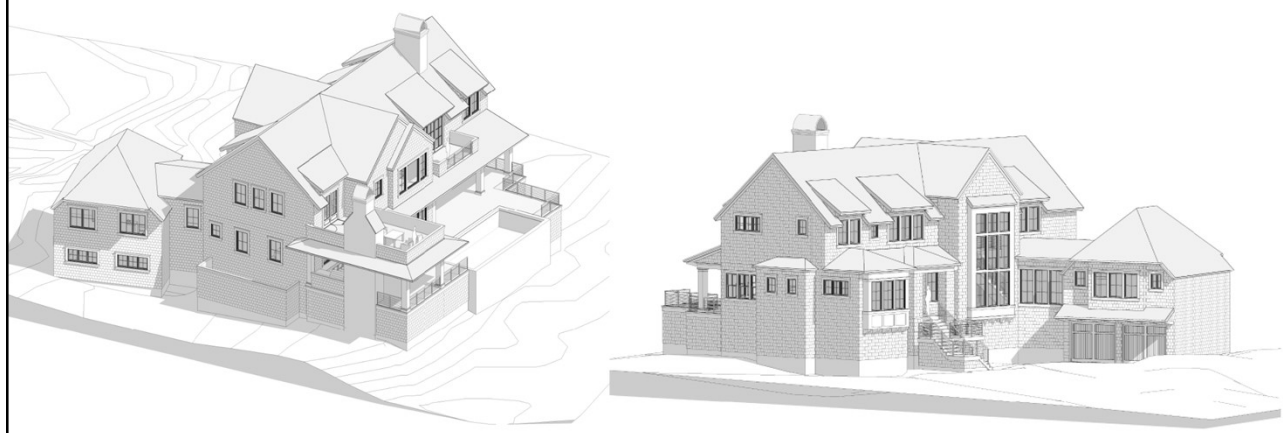
12

### Proposed Site Plan



40sq. ft. proposed variance request

### Proposed Site Plan



## 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.

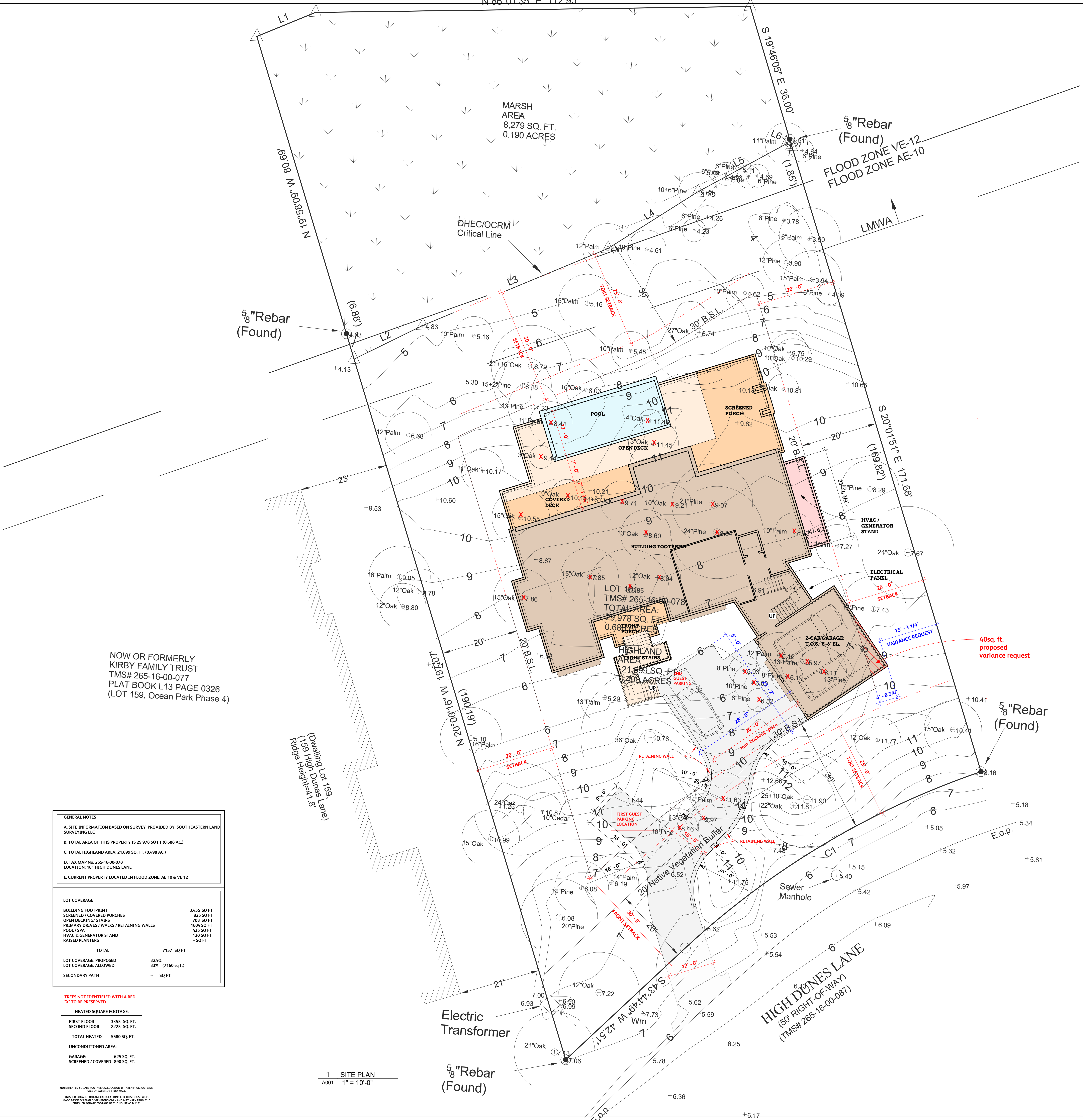
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## **Board of Zoning Appeals Action**

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA24-000020 (Variance request for the reduction of the required 20' side setback for approximately 40 square feet for a proposed single-family residence located at 161 High Dunes Lane, Kiawah Island, SC.) based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

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

N 86°01'35" E 112.95'



5/8" Rebar (Found)

5/8" Rebar (Found)  
FLOOD ZONE VE-12  
FLOOD ZONE AE-10

NOW OR FORMERLY  
KIRBY FAMILY TRUST  
TMS# 265-16-00-077  
PLAT BOOK L13 PAGE 0326  
(LOT 159, Ocean Park Phase 4)

LOT 159  
TMS# 265-16-00-078  
TOTAL AREA:  
29,978 SQ. FT.  
0.688 ACRES

GENERAL NOTES	
A. SITE INFORMATION BASED ON SURVEY PROVIDED BY: SOUTHEASTERN LAND SURVEYING LLC	
B. TOTAL AREA OF THIS PROPERTY IS 29,978 SQ. FT. (0.688 AC.)	
C. TOTAL HIGHLAND AREA: 21,699 SQ. FT. (0.498 AC.)	
D. TAX MAP No. 265-16-00-078 LOCATION: 161 HIGH DUNES LANE	
E. CURRENT PROPERTY LOCATED IN FLOOD ZONE, AE 10 & VE 12	

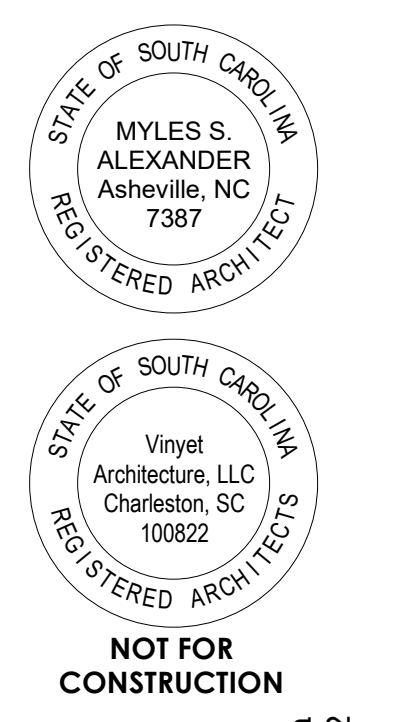
LOT COVERAGE	
BUILDING FOOTPRINT	3455 SQ. FT.
SCREENED / COVERED PORCHES	825 SQ. FT.
OPEN DECKING / STAIRS	700 SQ. FT.
PRIMARY DRIVES / WALKS / RETAINING WALLS	1600 SQ. FT.
POOL / SPA	435 SQ. FT.
HVAC & GENERATOR STAND	130 SQ. FT.
RAISED PLANTERS	-- SQ. FT.
<b>TOTAL</b>	<b>7157 SQ. FT.</b>
LOT COVERAGE PROPOSED	32.9%
LOT COVERAGE ALLOWED	33% (7160 sq ft)
SECONDARY PATH	-- SQ. FT.

TREES NOT IDENTIFIED WITH A RED 'X' TO BE PRESERVED

HEATED SQUARE FOOTAGE:	
FIRST FLOOR	3355 SQ. FT.
SECOND FLOOR	2225 SQ. FT.
<b>TOTAL HEATED</b>	<b>5580 SQ. FT.</b>

UNCONDITIONED AREA:  
GARAGE: 625 SQ. FT.  
SCREENED / COVERED: 890 SQ. FT.

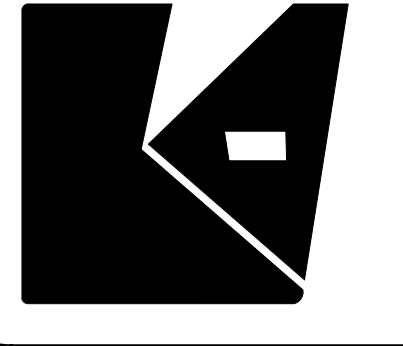
1 SITE PLAN  
A001 1" = 10'-0"



NOT FOR CONSTRUCTION

**vinet architecture**

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charleston  
rock hill  
803.324.5531 828.575.2423 843.619.7462



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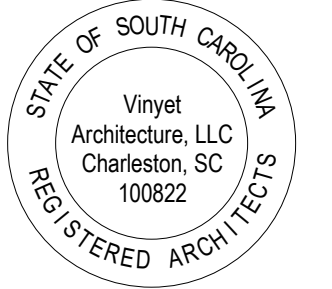
ISSUED FOR CONCEPTUAL: 08.28.24  
ISSUED FOR PRELIMINARY:  
ISSUED FOR FINAL:

**HENDERSON RESIDENCE**  
161 HIGH DUNES LANE  
KIAWAH, SC

Site Plan  
As indicated  
A24060  
10.11.24

**A001**

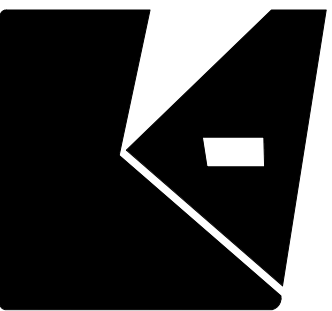




NOT FOR CONSTRUCTION

**vinyet architecture**

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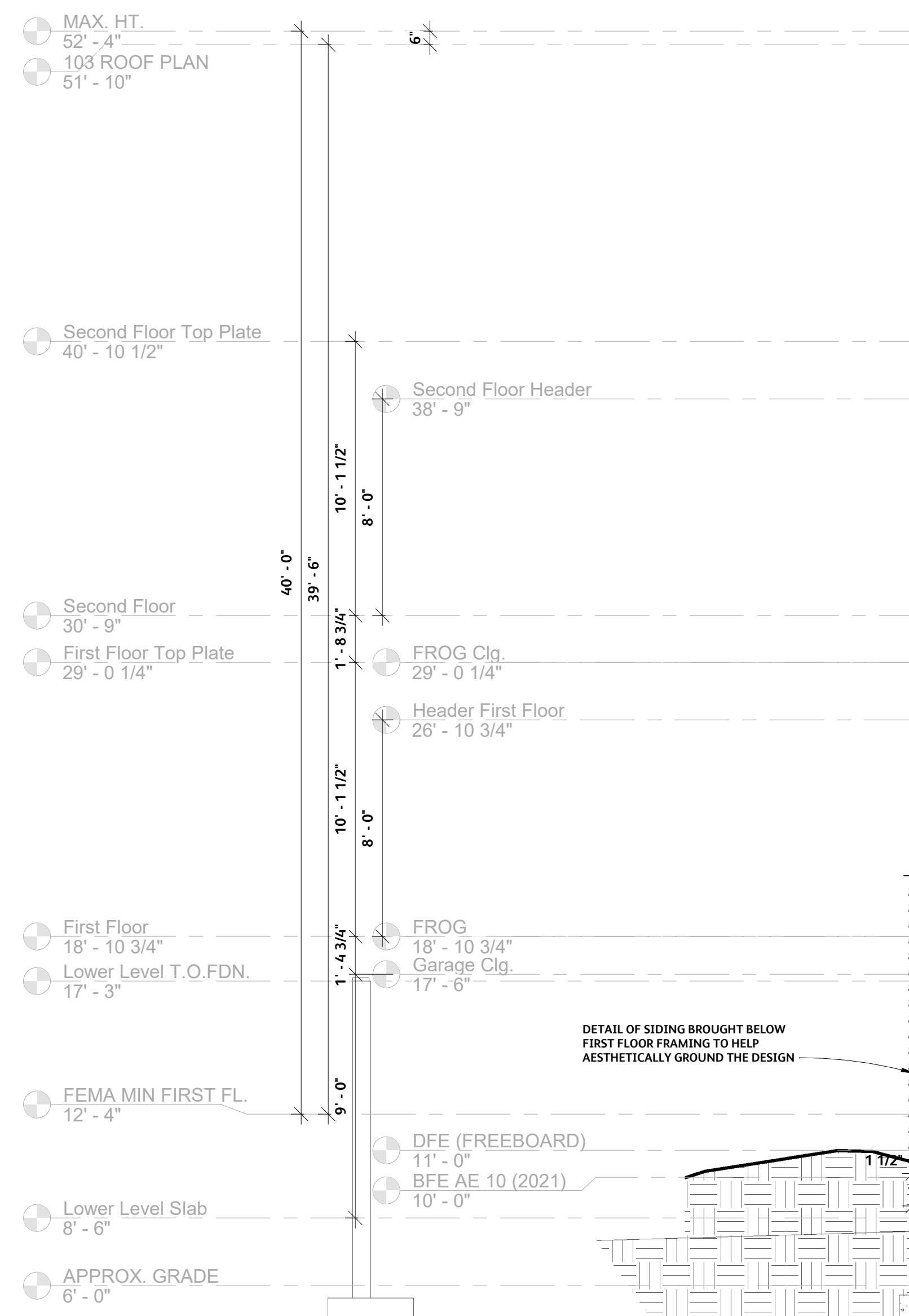


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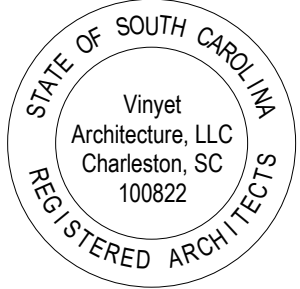
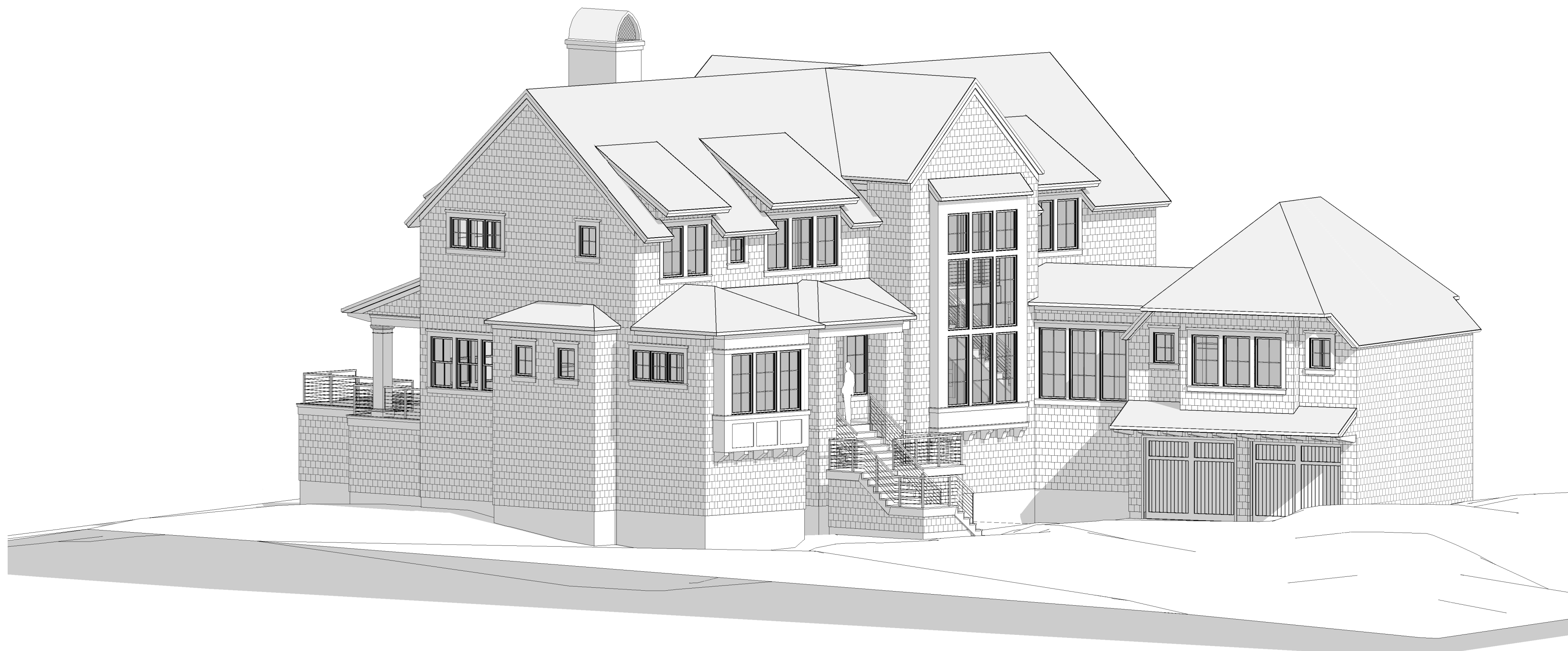
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ISSUED FOR CONCEPTUAL: 08.28.24  
 ISSUED FOR PRELIMINARY:  
 ISSUED FOR FINAL:

**HENDERSON RESIDENCE**  
 161 HIGH DUNES  
 KIAWAH, SC



DETAIL OF SIDING BROUGHT BELOW FIRST FLOOR FRAMING TO HELP AESTHETICALLY GROUND THE DESIGN



NOT FOR CONSTRUCTION

**vinyet architecture**

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 rock hill  
 803.324.5531 828.575.2423  
 charleston  
 843.619.7462

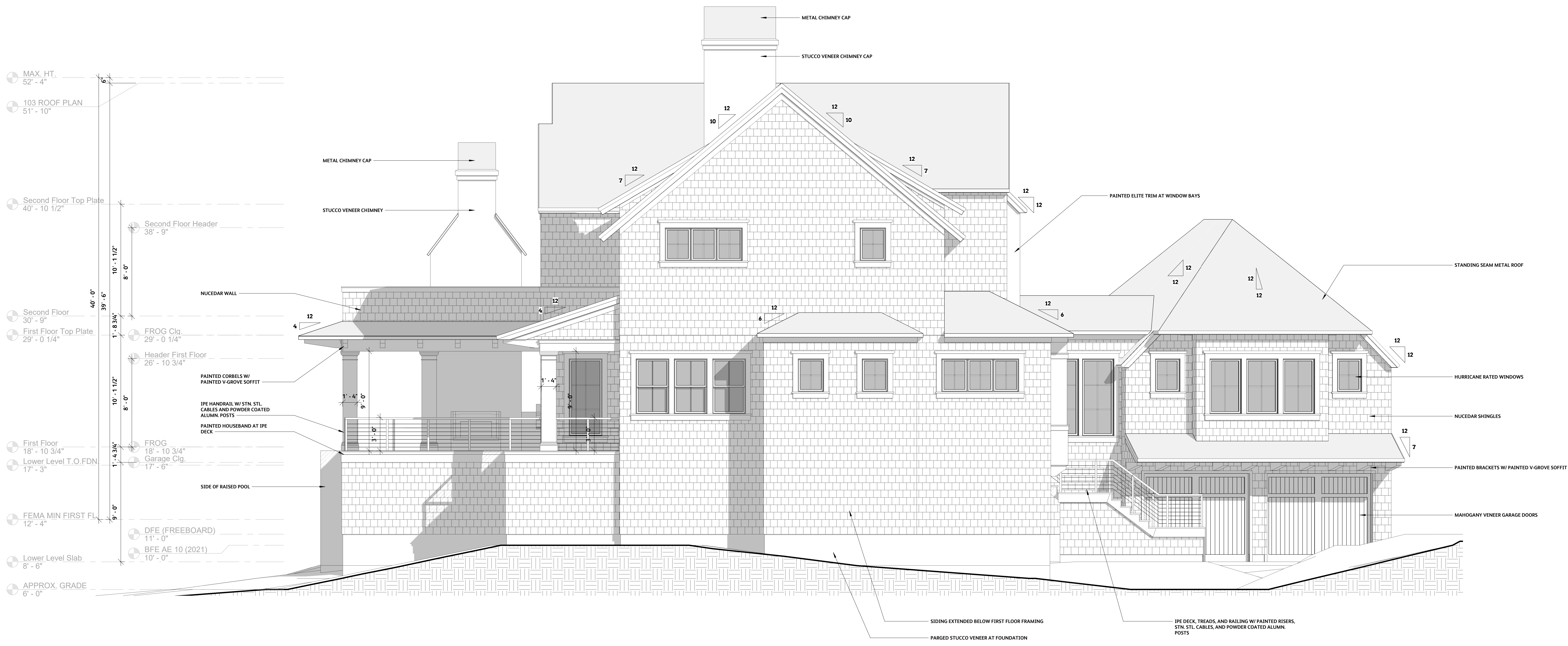


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ISSUED FOR CONCEPTUAL: 08.28.24  
 ISSUED FOR PRELIMINARY:  
 ISSUED FOR FINAL:

**HENDERSON RESIDENCE**  
 161 HIGH DUNES  
 KIAWAH, SC



1 | 2 LEFT ELEVATION  
 A202 | 1/4" = 1'-0"

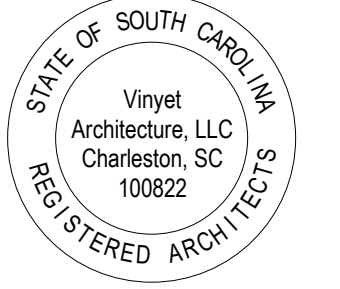
Left Elevation

1/4" = 1'-0"

A24060

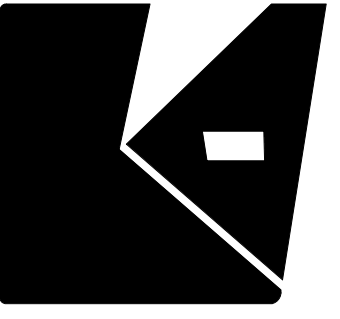
10.01.24

**A202**



NOT FOR CONSTRUCTION

**vinet architecture**



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ISSUED FOR CONCEPTUAL: 08.28.24  
ISSUED FOR PRELIMINARY:  
ISSUED FOR FINAL:

**HENDERSON RESIDENCE**  
161 HIGH DUNES  
KIAWAH, SC

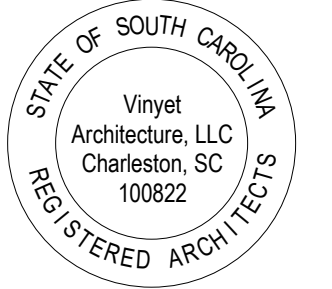
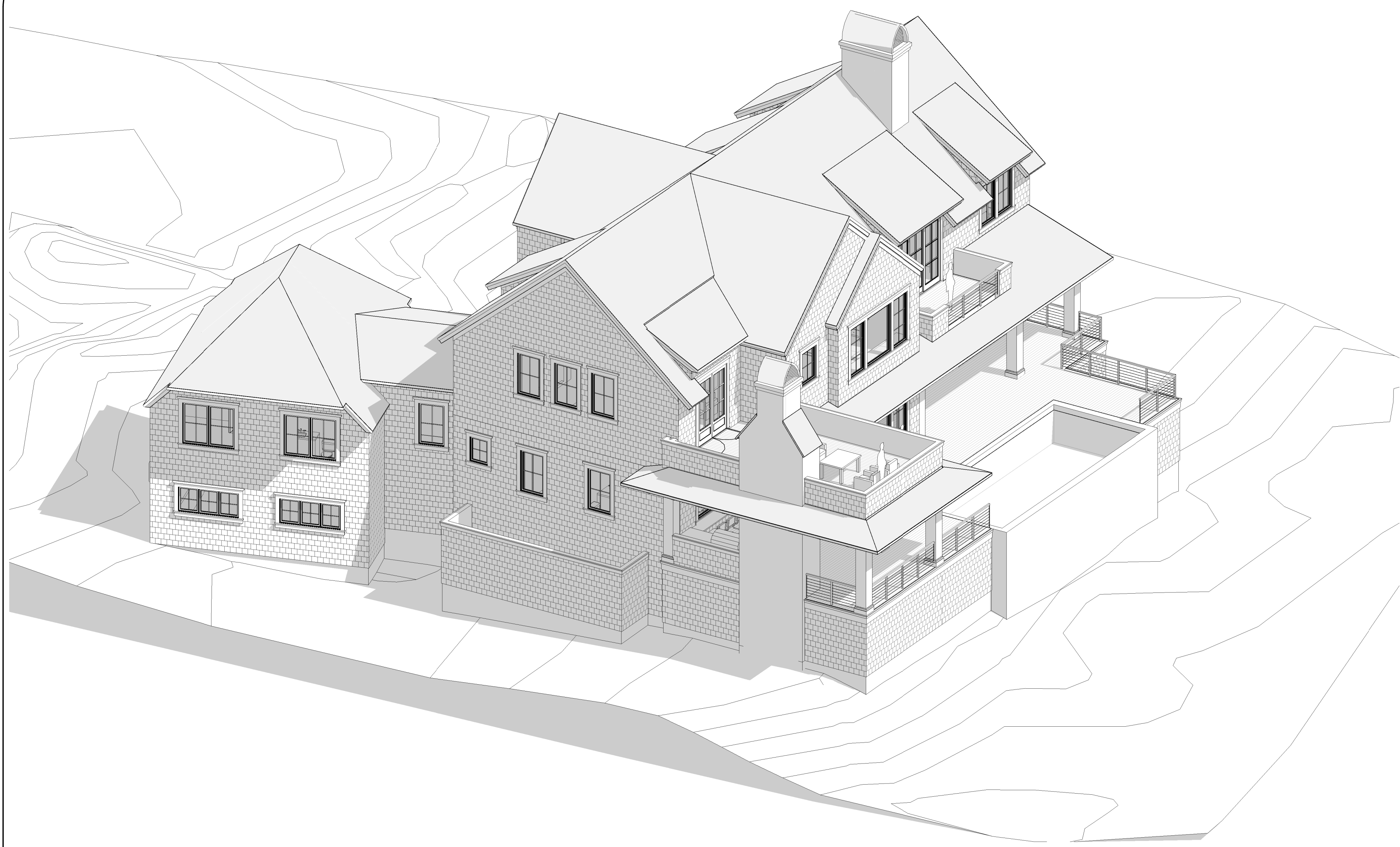
Rear Elevation

1/4" = 1'-0"

A24060

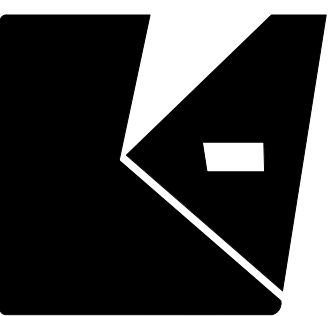
10.01.24

**A203**



NOT FOR CONSTRUCTION

**vinyet architecture**  
 contact@vinyet.com  
 rock hill, sc 29682  
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 803.324.5531 828.575.2423 843.619.7462



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ISSUED FOR CONCEPTUAL: 08.28.24  
 ISSUED FOR PRELIMINARY:  
 ISSUED FOR FINAL:

**HENDERSON RESIDENCE**  
 161 HIGH DUNES  
 KIAWAH, SC



- MAX. HT. 52' - 4"
- 103 ROOF PLAN 51' - 10"
- Second Floor Top Plate 40' - 10 1/2"
- Second Floor Header 38' - 9"
- Second Floor 30' - 9"
- First Floor Top Plate 29' - 0 1/4"
- FROG Clg. 29' - 0 1/4"
- Header First Floor 26' - 10 3/4"
- FROG 18' - 10 3/4"
- Garage Clg. 17' - 6"
- First Floor 18' - 10 3/4"
- Lower Level T.O.FDN. 17' - 3"
- FEMA MIN FIRST FL. 12' - 4"
- DFE (FREEBOARD) 11' - 0"
- BFE AE 10 (2021) 10' - 0"
- Lower Level Slab 8' - 6"

- METAL CHIMNEY CAP
- STUCCO VENEER CHIMNEY
- LIMESTONE
- NUCCEDAR SHINGLES W/ SCUPPERS AT DECK
- PAINTED CORBELS W/ PAINTED V-GROVE CLG.
- PAINTED HOUSEBAND AT IPE DECK
- SIDE OF RAISED POOL STUCCO VENEER

1 4 RIGHT ELEVATION  
 1/4" = 1'-0"

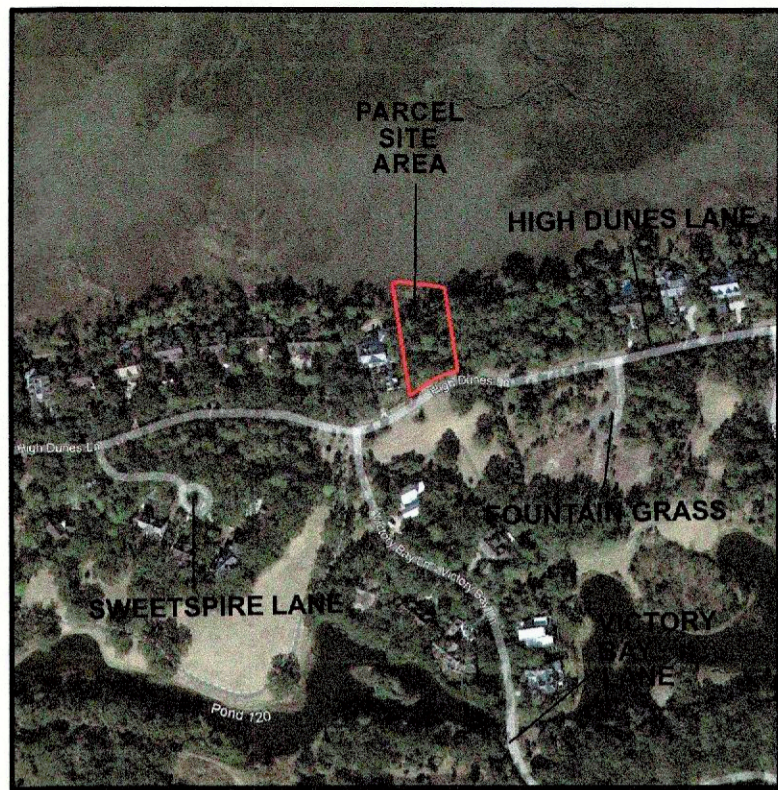
Right Elevation

1/4" = 1'-0"

A24060

10.01.24

**A204**



VICINITY MAP  
(NOT TO SCALE)

NOTE:

1. ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
2. AREA DETERMINED BY COORDINATE (DMD) METHOD.
3. THE PUBLIC RECORDS REFERENCED ON THE PLAT ARE ONLY THOSE USED AND NECESSARY FOR THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
4. BEARINGS ARE BASED ON SOUTH CAROLINA STATE PLANE GRID NAD83
5. PARCEL SHOWN IS ZONED PLANNED DEVELOPMENT. ZONING SHOULD BE VERIFIED PRIOR TO ANY EARTHMOVING OR CONSTRUCTION.
6. AS PER FLOOD INSURANCE RATE MAP (FIRM) THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE-10/VE-12 (BASE FLOOD ELEVATIONS DETERMINED) SHOWN ON MAP NUMBER 45019C0810K, PANEL 810 OF 855 DATED JANUARY 29, 2021. PORTION OF PARCEL IS LOCATED WITHIN AN LMWA AND CBRA.
7. ANY FRESHWATER WETLAND BOUNDARIES OR DHEC-OCRM CRITICAL LINE SHOWN ON THIS SURVEY SHOULD NOT BE CONSIDERED AS A FINAL DEFINED LINE UNLESS THE APPROPRIATE AUTHORITY HAS CERTIFIED THEM ON THIS PLAT.
8. BUILDING SETBACK INFORMATION WAS PROVIDED BY KIAWAH ISLAND ARB AND SHOULD BE VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION ACTIVITIES.
9. ELEVATIONS BASED ON NAVD 88.

OWNER OF RECORD:  
BOYD NORMAN L, BOYD COLLEEN M  
9145 OLD SOUTHWICK PASS  
ALPHARETTA GA 30022

PROPERTY ADDRESS:  
161 HIGH DUNES LANE  
KIAWAH ISLAND SC 29455

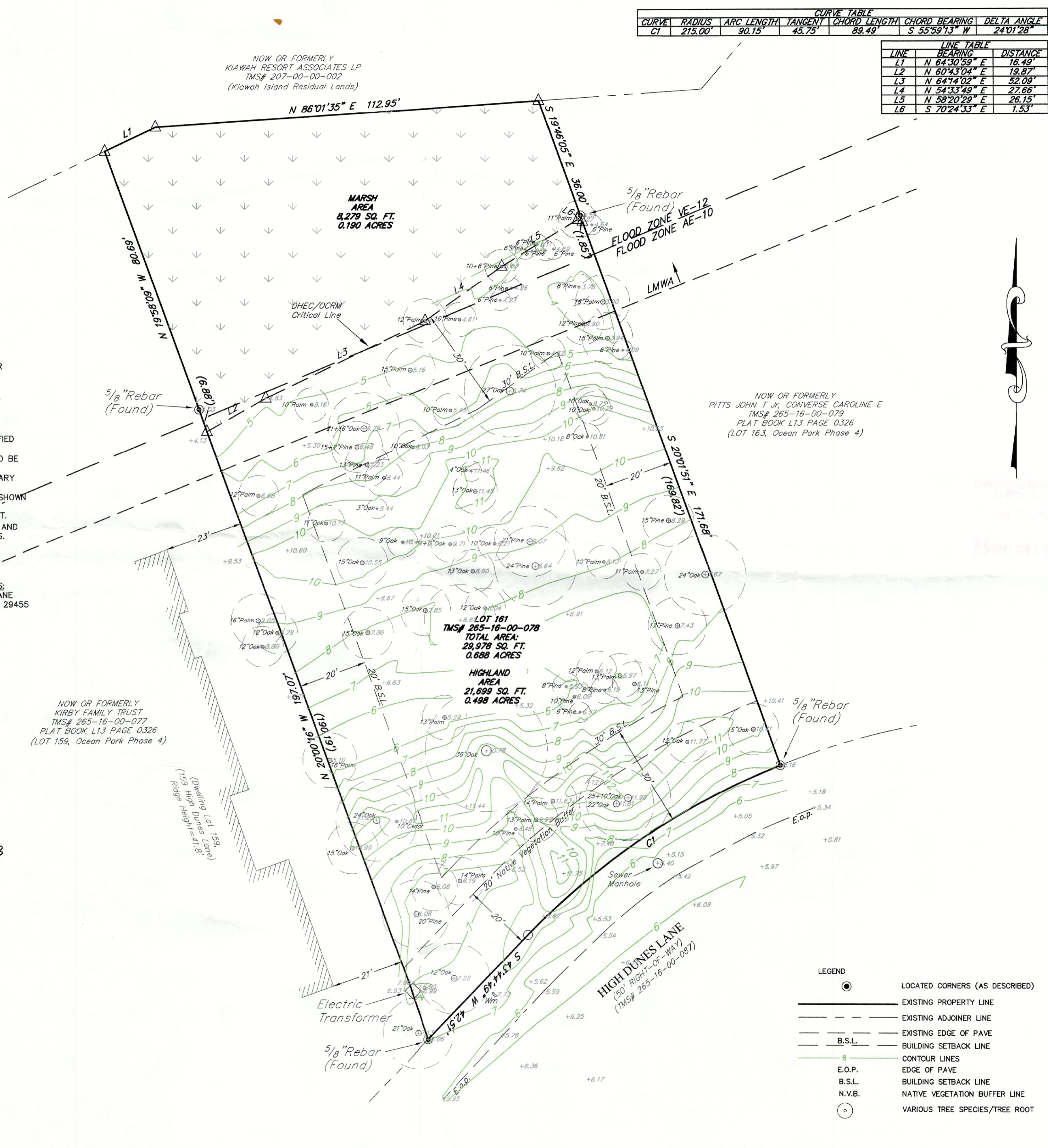
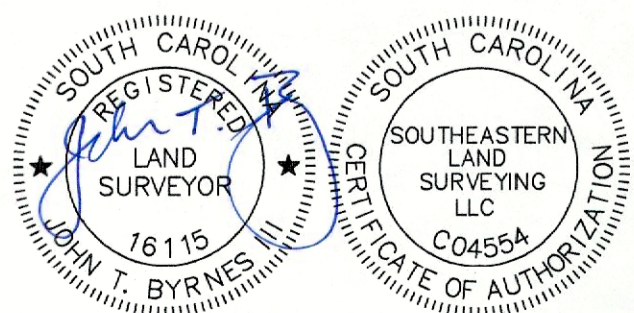
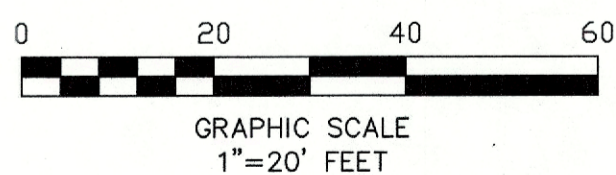
OWNER REFERENCES:  
TMS: 265-16-00-078  
PLAT BOOK L13 PAGE 0326  
OCEAN PARK PHASE 4, LOT 161

PLAT REFERENCES:  
L13 0326

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 THE RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREIN OR NOT.

*Brody J. Jager* 03/31/2023  
SIGNATURE DATE

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



CURVE TABLE						
CURVE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	215.00'	90.15'	45.75'	89.49'	S 55°59'13" W	24°01'28"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 64°30'59" E	16.49'
L2	N 60°43'04" E	19.87'
L3	N 64°4'02" E	52.09'
L4	N 54°33'49" E	27.66'
L5	N 58°20'29" E	26.15'
L6	S 70°24'33" E	1.53'

NO.	DATE	DESCRIPTION	BY

**SOUTHEASTERN**  
LAND SURVEYING LLC

1035-B JENKINS ROAD  
CHARLESTON SC 29407  
(843) 795-9330

**A TREE AND TOPOGRAPHICAL SURVEY OF  
TMS# 265-16-00-078  
161 HIGH DUNES LANE  
BOYD NORMAN L, BOYD COLLEEN M  
LOCATED IN THE TOWN OF KIAWAH ISLAND  
CHARLESTON COUNTY, SOUTH CAROLINA**

DATE: MARCH 21, 2023
DRAWN: K.KUZIO
CHECK: JB
CC: STEVE R.
JOB: 23040
DWG: 23040-TT
SHEET: 1 OF 1

MEMO

843.619.7662  
56 Broad Street - Third Floor  
Charleston, South Carolina  
contact@vin-yet.com



October 11th, 2024

Town of Kiawah Island  
4475 Betsy Kerrison Parkway  
Johns Island, SC 29455  
Attn: Board of Zoning Appeals

Re: Variance Request  
161 High Dunes Lane  
Kiawah, SC 29455

Dear Board Members,

Please accept this letter and associated design drawings on behalf of our client, Devin Henderson, owner of 161 High Dunes Lane, Kiawah Island. The purpose of this letter is to request a variance to allow approximately 40 sq. ft. (0.18% of the highland area) of the proposed garage structure to encroach in the side yard setback.

With our current design, a significant 36" oak tree, located within the buildable area, would be preserved. If the entire garage was designed within the buildable area, the backout space would encroach in the tree causing extreme damage or need to be removed. The side yard setback is 20' and the garage would be located 15'-3 1/4" from the side property line (less than 5' request).

This variance request has been reviewed and approved by the Kiawah Island Architectural Review board.

Your attention to our request for a variance is sincerely appreciated.

Sincerely,

*Bill Senst*

Bill Senst  
Vinyet Architecture

## Variance Approval Criteria

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

There's a significant 36" oak tree located within the buildable area which we are attempting to preserve. We've included an arborist report in our submittal package which indicates the 36" oak tree is in good condition and should be preserved.

**b. These conditions do not generally apply to other property in the vicinity**

While the setbacks may be consistent from lot to lot, the buildable square footage is different, and it's reduced by the impact of preserving the 36" oak tree.

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

If the entire garage was designed within the buildable area, the backout space would encroach into the tree causing the tree to likely need to be removed.

**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**

Existing property is vegetated and screened from adjacent properties. The proposed garage would be located 15'-3 1/4" from the property line (less than a 5' request which equates to approximately 40 sq. ft. or 0.18% of the highland area). There's currently no house designed on the neighboring lot on the same side of the proposed variance request.

**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 be extend physically a non-conforming use of land, or to change the zoning district boundaries shown on the official zoning map**

Variance approval would not change the permitted use of the property.

**f. The fact that property may be utilized more profitably, should a variance be granted, may not be considered ground for a variance**

Variance approval would not change the value of the property.

**g. The need for the variance shall not be the result of the applicants own actions**

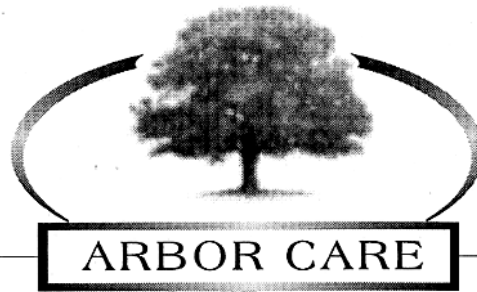
There has been no work done on the existing lot.

**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**

Granting of the variance would not be contrary to the public or the neighborhood nor will it affect other property in the vicinity nor interfere with harmony, spirit, intent and purpose of these regulations. The proposed design of the variance still fits within the spirit and intention of the overall neighborhood.

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

Granting of the variance does not conflict with the Comprehensive Plan or purpose of this ordinance.



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

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

### Arborist Report

**Location:** 161 High Dunes, Kiawah Island, SC 29455

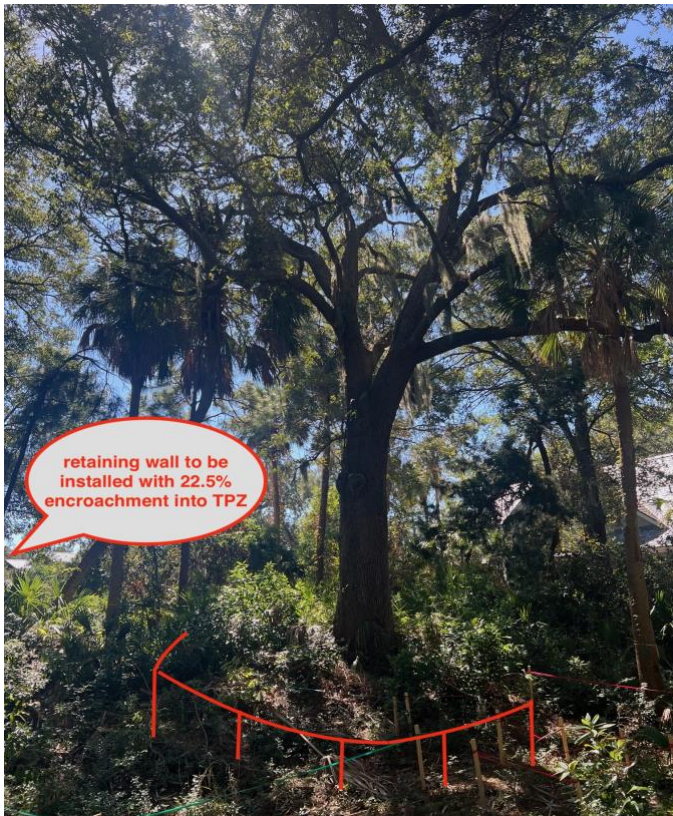
**10-10-24**

**Regarding:** Trees on lot, preconstruction consultation and evaluation.

**Assessment/Evaluation:** At the above location, I met on site with Taylor Fehmel of Remark Studios in regards to the health of the larger oaks on the lot. The main discussion was regarding a 36" Live oak on the southwest corner of the lot and future home. We also discussed a 25"/10" oak, 22" oak and 12" oak on the berm or "high dune" of the lot on the south side of the lot. We also discussed a 27" live oak on the north side of the lot.

#### **36" Live oak on southwest side of lot:**

This oak is the dominant oak on the lot. It sits slightly elevated on the backside of a berm. It is currently in good condition and healthy. There is a co-dominant main leader, but this oak is not currently showing any signs of included bark or any structural defects to list. The oaks root system will be slightly encroached on by the driveway, and a retaining wall will need to be installed to allow the roots to be stabilized when the driveway is graded through the berm. The picture below shows the oak and a rough sketch of the location of the proposed retaining wall.

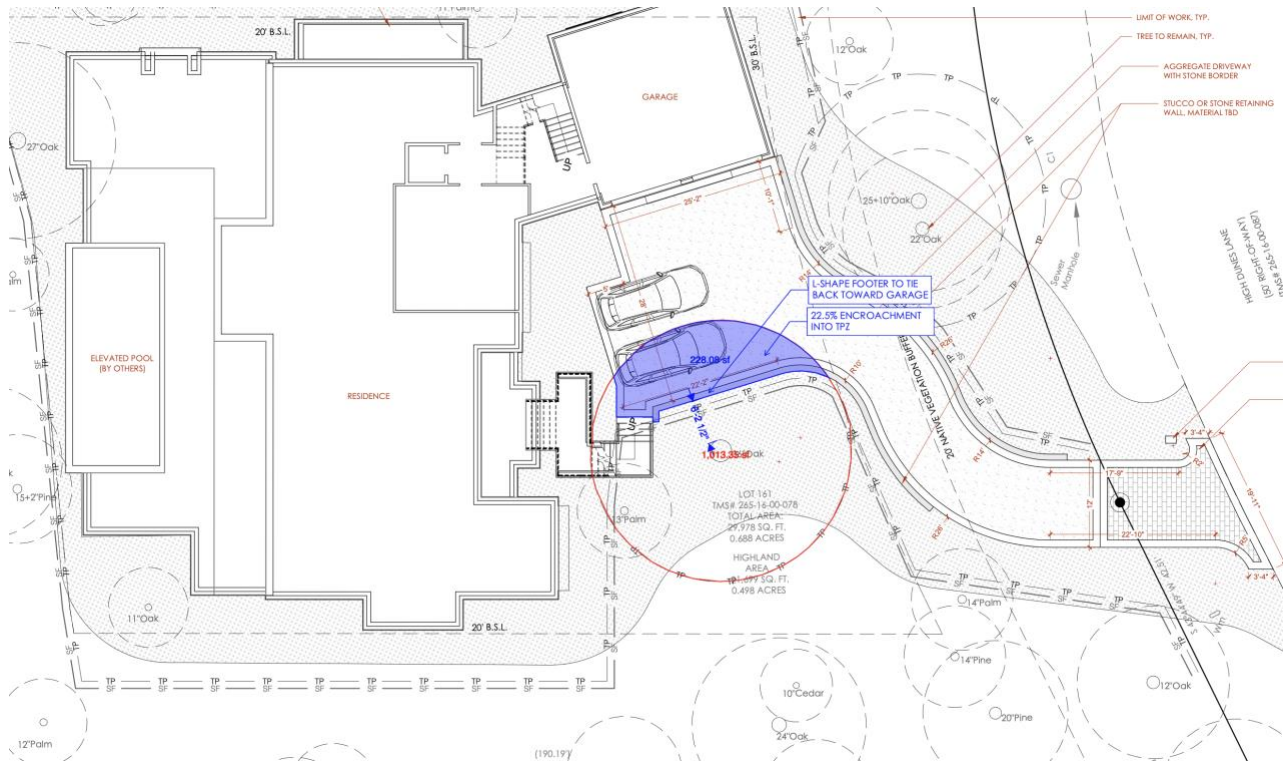


The red lines on the picture to the left are a rough sketch of the location of a proposed retaining wall. This will encroach into the Tree Protection Zone (TPZ) by 22.5%. The threshold for encroachment on grand oak trees is 25%. So, this is a reasonable amount to encroach into the root zone, while still allowing enough roots to not be impacted by construction.

It is highly recommended that this tree be fertilized prior to, during and after construction for some time to replenish beneficial nutrients and allow the tree to replace stored nutrients that will be lost by way of root disruption. This tree should also be sprayed with insecticide along the trunk as a preventative measure to ambrosia beetles.

Fill dirt, should not be added on the inside of this proposed retaining wall as that will compact soils and restrict oxygen to the root zone.

The drawing below shows the shaded area where the encroachment into the rootzone will be located along with the location of the driveway and home. As stated above, the 22.5% encroachment is under the 25% threshold and the tree should survive with proper care and preservation of the remaining roots.



**22", 25"/10", and 12" Oaks on berm:**

The front of the lot has a large berm or "high dune" that is a very neat feature to the lot, however it does create some issues with accessing the lot with a driveway. The drawing above shows the location of the proposed driveway. On the south side of the driveway, between High Dunes Lane and the drive sit four oak trees. One is a 12" live oak that is in very poor shape. This tree leans heavily and has a very small canopy. The canopy also has 2 large cavities in the main stem of the tree. Below is a picture of this tree. This tree is not worth preserving as it is in poor condition and has structural defects.



12" oak on berm is in very poor shape and has two large cavities on main trunk. This tree should not be preserved.

On the same berm, and closer to the proposed driveway is a group of three oak trees. One 10" Laurel oak that is growing into the trunk of a 25" Live oak. This 10" Oak should be removed to allow the 25" Live oak room to grow. Below is a picture of how tight these trees are growing together.



The 25" Live oak is really the only tree on this berm that would potentially be of value to the lot, as it has a better chance of survival with a driveway being cut into the berm. The other oak on the berm is a 22" laurel oak. This tree would be the closest to the proposed driveway and grade change. Laurel oaks do not do well with grade change and root loss. They are prone to root rot disease and are prone to uprooting in high winds. The pictures below show these oaks.




**27” Live oak on north side of lot closer to marsh:**

This oak is in good condition and is currently located away from the foundation and decking of the home. This tree should do fine with construction, however I do recommend that it be fertilized as a way to add nutrients to the soil and keep the tree healthy throughout the construction process. This tree should also be sprayed with insecticide as a preventative to ambrosia beetles.

In summary, the berm on the front of the lot does pose some potential issues with cutting access for a driveway. The large 36” Live oak on the southwest side of the lot should be fine with minimal disruption to the root zone. Where the group of three oaks on the opposite side of the driveway are not as hearty as the 36” live oak to be preserved. Laurel oaks do not do well with grade changes and are prone to root rot disease and uprooting, so cutting access for a driveway may pose future issues with these trees. The 12” live oak on the far side of the berm should be removed as well as the 10” laurel oak growing into the 25” Live oak. All Oaks that are to be preserved should have adequate tree protection fencing installed and should be fertilized and sprayed as a preventative nature.

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

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

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



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

September 10, 2024

Devin Henderson  
161 High Dunes Lane  
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: **CONCEPTUAL REVIEW and VARIANCE**  
Construction Address: 161 High Dunes  
ARB Action: Interim Required

Dear Mr. Henderson,

Thank you for your submittal and presentation to the Kiawah Island Architectural Review Board for Conceptual Review of your home at 161 High Dunes Lane. An Interim submittal is required prior to the Preliminary submittal. As you move forward, please address the following comments and conditions in keeping with the guidelines:

- L1. As the area between the garage and front steps is developed, please identify that area as a motor-court and not a guest parking area.
- L2. For the preliminary submittal, identify potential limb impacts that the stake-out may reveal.
  
- A1. The Board is open to a Variance to preserve the significant trees at the front of the lot. Please note that this will also be a variance for the Town of Kiawah.
- A2. Please study refinements to unify the design of the front entry stair and parking / motor court and enhance the experience of the tree.
- A3. Break out the ancillary from main house heated area on the form. Conditioned area is over the limit.
- A4. Building height should be calculated from TOKI BBHE.
- A5. Please adjust the design of the garage including its roof, complexity, massing and fenestration to be more in keeping with and secondary to the main house. Consider visual mitigation of the tall blank wall facing the street.
- A6. The side gables combined with the nested gables at rear and the stair piece are presenting more two-story expression than is consistent with the second floor within roof requirement. Please study adjustments

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

Sincerely,

Jane Maybank, Director  
On behalf of the KIARB

cc: Property file, ARB members  
encl: Checklist