



Case #BZA25-000006
Kiawah Island BZA Meeting of May 19, 2025

Applicant/Property Owner: HENSLEY JEFFREY S HENSLEY DANIELLE W

Representative: Noel Kade of Method of Design, Inc.

Property Location: 40 Burroughs Hall

TMS#: 264-02-00-058

Lot Size: Highlands: 7,720 square feet (0.18 acres)
Marsh: 25 sqft
Total: 7,745 sqft (0.18 acres)

Zoning District: R-1, Residential Zoning District

Request: Variance request for the reduction of the required 20' side setback and required 30' rear setback by approximately 203 square feet for a new single-family home located at 40 Burroughs Hall, Kiawah Island, SC (TMS # 264-02-00-058).

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' (Front); 15' (Side); 30' (Rear)

Maximum 40% Lot Coverage

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

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

BUFFLEHEAD DRIVE (DEVELOPED LANDS) cont.

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

BULRUSH LANE (NIGHT HERON COTTAGES) (DEVELOPED LANDS)

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

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

BURROUGHS HALL (DEVELOPED LANDS)

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

Sec. 12-64. - Setbacks.

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

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

Driveways and walkways may be located within any required setback.

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

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

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

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

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

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

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

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

Staff Review:

The applicant, Noel Kade of Method of Design, Inc. representing the property owners Jeffrey and Danielle Hensley, is requesting a variance for the reduction of the required 15' side setback and required 30' rear setback by approximately 179 square feet for a proposed single-family home located at 40 Burroughs Hall, Kiawah Island, SC (TMS # 264-02-00-058). The subject property is located within the R-1, Residential Zoning District.

The subject property is approximately 7,745 square feet (0.18 acres) in size, containing approximately 7,720 square feet (0.18 acres) of high ground and approximately 25 square feet of marsh. The subject property is currently undeveloped and sits adjacent to critical area (marsh) to the north. The adjacent properties to the east, west and to the south across Burroughs Hall are also located in the R-1, Residential Zoning District. The subject property is subject to review by the Kiawah Island Architectural Review Board.

The *Town of Kiawah Island Land Use Planning and Zoning Ordinance* pursuant to Sec. 12-65. R-1, Residential District requires a 25' front yard setback, a 15' side yard setback and a 30' rear yard setback with an allowed maximum lot coverage of 40% for the subject property.

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

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

The applicant proposes the construction of a new single-family residence. The proposed plans include an uncovered staircase that encroaches into the required 25-foot front setback. Specifically, the uncovered stairs extend approximately 2.3 feet into the front setback area, which falls within the allowable 5-foot administrative relief. The total area of encroachment by the stairs is approximately 9 square feet.

The proposed plans also include encroachments into the required 15-foot side setback on the eastern side of the property. An open deck is proposed to encroach by approximately 2 feet, with a total encroachment area of approximately 7 square feet. A spa is proposed to encroach by approximately 3.4 feet, with an encroachment area of approximately 20 square feet. The combined area of side setback encroachments is approximately 27 square feet.

The most recent survey for 40 Burroughs Hall, signed and dated April 22, 2025, identifies a portion of the BCM Critical Line located to the northwest of the property.

The plans further include a covered porch, a portion of which is cantilevered, that extends approximately 8 feet into the rear setback. This portion results in an estimated encroachment of 74 square feet. In addition, the proposed pool extends approximately 6.7 feet into the rear setback, resulting in an encroachment of approximately 78 square feet. The total encroachment into the rear setback, combining the covered porch and pool, is approximately 152 square feet.

According to Charleston County Records, this home was acquired by Jeffrey and Danielle Hensley on May 30, 2024. The property contains a BCM Critical Line which was certified on April 24, 2024.

The applicant has submitted to the Kiawah Island Architectural Review Board for review. The proposed project received approval for encroachment into the rear and front setback on March 26, 2025 stating, “Given compression of the lot toward the rear and adjustments made (by) the team to minimize the extent, the ARB approves the variances shown for corners of the pool and spa at the rear and left side of the property.”

Please see the attachments for further information regarding this request. A site visit was conducted on May 2, 2025, 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 unique pie shape of the lot, and the 37” grand oak located at the front of the property. Per the applicant’s letter of intent, “This lot is nearly half the size of the average lot in the vicinity (out of 178 lots). It is also one of only 2 lots in the area that is this small and has an acute angle at the rear (the OCRM line makes this even more acute), making the buildable area a difficult shape to develop.”**

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

Staff Response: **These conditions may be unique to the subject property and may not generally apply to other properties in the vicinity. The property is located in the R-1 Residential Zoning District.**

Adjacent properties along Burroughs Hall are also located in the R-1 Residential Zoning District. The existing structure currently under construction which sits adjacent to the subject property to the west has similar encroachments based on the current setback standards. The adjacent property to the west located at 39 Burroughs Hall received BZA approval for a setback variance on July 15, 2024 for approximately 189 square feet. Other existing structures in the vicinity may or may not have similar encroachments based on current setback standards. Per the applicant's letter of intent, *"Because of these conditions, the application of the ordinance to the piece of property would effectively prohibit or unreasonably restrict the utilization of the property."*

§ 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: **While the ordinance does not prohibit development of the property outright, the specific site constraints—including the grand oak, and irregular lot shape—create challenges that may unreasonably restrict utilization of the property. Per the applicant's letter of intent, *"These conditions would not be prohibited, but they do unreasonably restrict the utilization of the property due to the location of the grand oak tree and to the small size and triangular shape 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 this variance may not be of substantial detriment to the adjacent properties or the public good. The proposed additions encroach minimally into the required setbacks. Per the applicant's letter of intent, *"This would not be of any detriment to the adjacent property or the public good, and the character of the district would not be harmed by the granting of this variance. The letters of approval from the ARB from Conceptual to Interim to Preliminary approval indicate the board's agreement."***

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

Staff Response: **Granting of this variance would not allow the establishment of a use not otherwise permitted in this zoning district, extend**

physically a non-conforming use of land, or change the zoning district boundaries. Per the applicant's letter of intent, *"This would not allow the establishment of a use not otherwise permitted, or extend existing nonconforming use, or change the boundaries on the zoning map."*

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

Staff Response: **The BZA may not consider profitability when considering this variance request. Per the applicant's letter of intent, *"Profitability is not the reason for this variance application."***

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

Staff Response: **The need for the variance may not be the result of the applicant's own actions. Per Charleston County's records the property was acquired by Jeffrey and Danielle Hensley on May 30, 2024. Per the applicant's letter of intent, *"The applicant has not acted in a way to cause the need for this variance."***

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

Staff Response: **Granting of this variance may not be contrary to the public or neighborhood interest, may not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of these regulations. Per the letter of intent, *"This would not be contrary to the public or neighborhood interest and would not interfere with the purpose of the regulations. The letters of approval from the ARB from Conceptual to Interim to Preliminary approval indicate the board's agreement."***

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

Staff Response: **Granting of the variance may not substantially conflict with the *Comprehensive Plan* or the purposes of the *Ordinance*. Per the applicant's letter of intent, *"This would not conflict with the Comprehensive Plan."***

Board of Zoning Appeals' Action:

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA25-000006 (variance for the reduction of the required 15' side setback and required 30' rear setback by approximately 179 square feet for a new single-family home located at 40 Burroughs Hall, Kiawah Island, SC (TMS # 264-02-00-058) 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 submit a landscape plan providing appropriate screening for all areas of encroachment.**
- 2. The applicant shall obtain an as-built survey upon completion of construction to verify that all encroachments are consistent with the proposed plans.**

Town of Kiawah Island Board of Zoning Appeals

May 19, 2025



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

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CASE# BZA25-000006

Applicant/Property Owner: Jeffrey and Danielle Hensley

Representative: Noel Kade of Method of Design, Inc.

Property Location: 40 Burroughs Hall

TMS#: 264-02-00-058

Zoning District: R-1, Residential Zoning District

Lot Size: Highlands: 7,720 square feet (0.18 acres)
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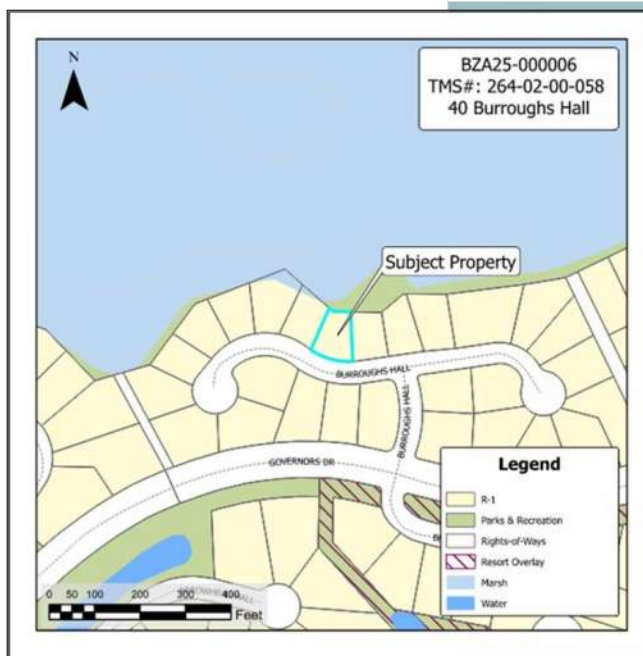
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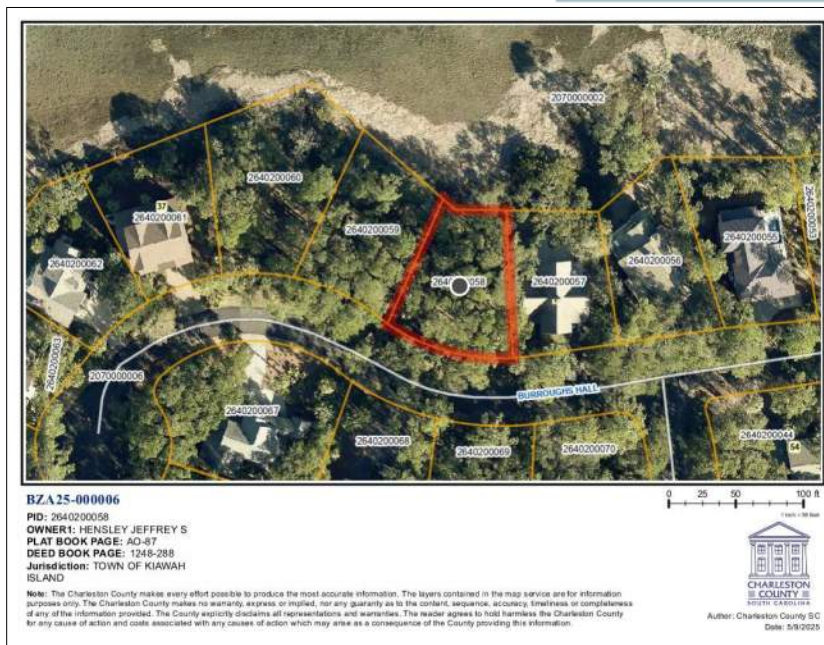
CASE# BZA25-000006

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' (Rear)
Maximum 40% Lot Coverage**

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





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Case # BZA25-000006
BZA Meeting of May 19, 2025
Subject Property: 40 Burroughs Hall– Kiawah Island

Variance request for the reduction of the required 15' side setback and required 30' rear setback by approximately 179 square feet for a new single-family home.



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Property Front



Adjacent Properties



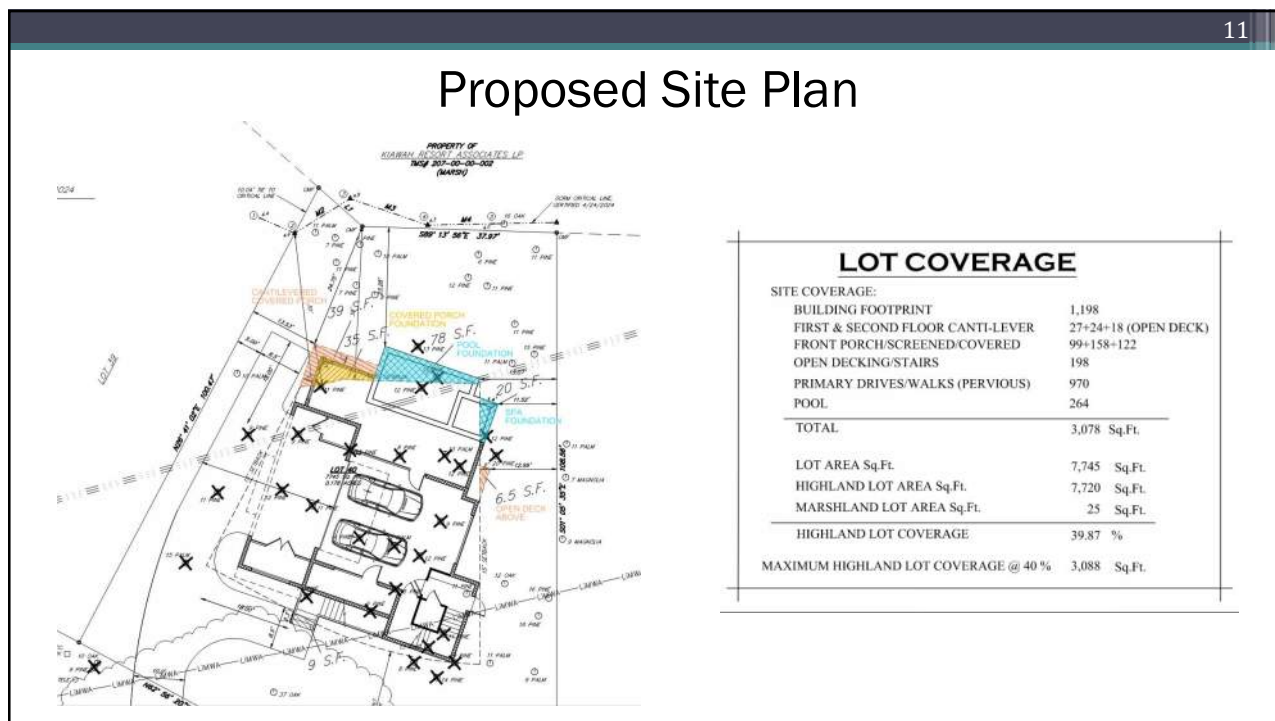
Subject Property



Property Rear



Proposed Site Plan



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Variance Approval Criteria

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

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

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Variance Approval Criteria

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

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Board of Zoning Appeals Action

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA25-000006 (Variance request for the reduction of the required 15' side setback and required 30' rear setback by approximately 179 square feet for a new single-family home located at 40 Burroughs Hall, 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.

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

1. The applicant shall submit a landscape plan providing appropriate screening for all areas of encroachment.
2. The applicant shall obtain an as-built survey upon completion of construction to verify that all encroachments are consistent with the proposed plans.

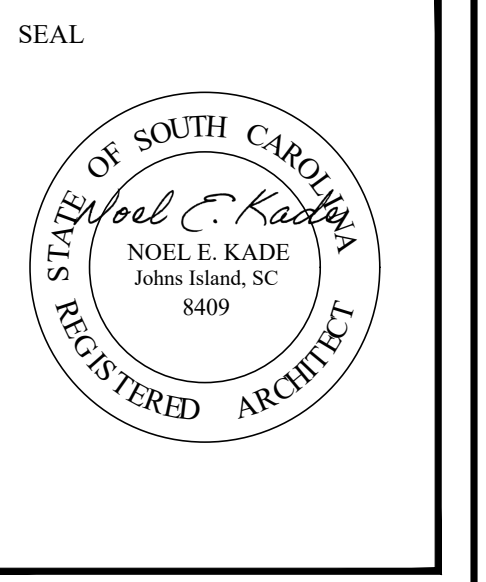
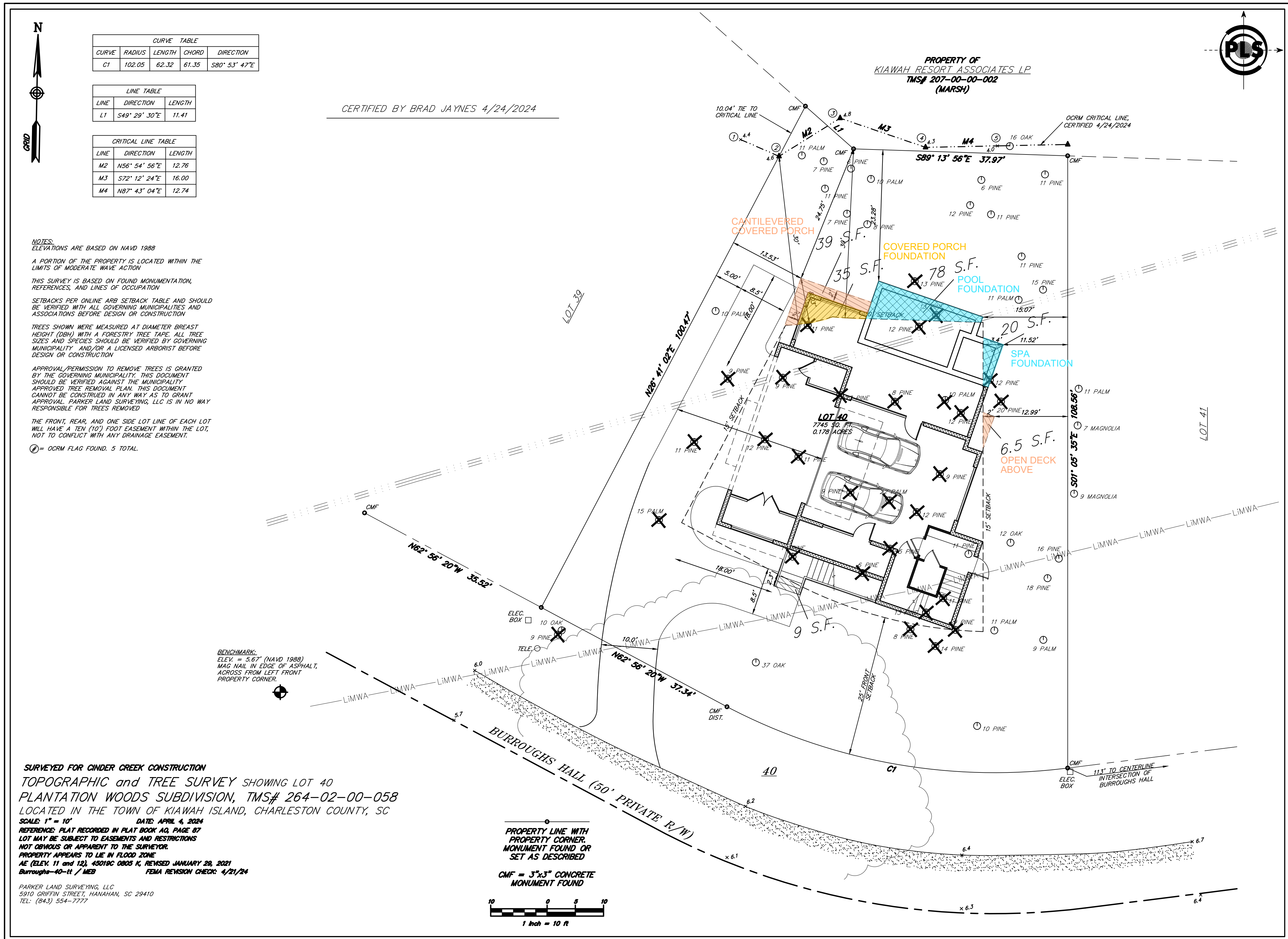
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LOT COVERAGE

SITE COVERAGE:	
BUILDING FOOTPRINT	1,198
FIRST & SECOND FLOOR CANTI-LEVER	27+24+18 (OPEN DECK)
FRONT PORCH/SCREENED/COVERED	99+158+122
OPEN DECKING/STAIRS	198
PRIMARY DRIVES/WALKS (PERVIOUS)	970
POOL	264
TOTAL	3,078 Sq.Ft.
LOT AREA Sq.Ft.	7,745 Sq.Ft.
HIGHLAND LOT AREA Sq.Ft.	7,720 Sq.Ft.
MARSHLAND LOT AREA Sq.Ft.	25 Sq.Ft.
HIGHLAND LOT COVERAGE	39.87 %
MAXIMUM HIGHLAND LOT COVERAGE @ 40 %	3,088 Sq.Ft.

BUILDING RESTRICTIONS

SETBACK REQUIREMENTS:	
FRONT	25'
SIDE	15'
SIDE	15'
REAR	30'
MAX. BUILDING HEIGHT	40' A.B.F.E.
MAX. LOT COVERAGE	40 %



A NEW HOME AT:
40 BURROUGHS HALL
KIWAH ISLAND
SOUTH CAROLINA

PHASE	DATE ISSUED
CONCEPTUAL	06.25.24
PRELIMINARY	04.16.25
FINAL	
CONSTRUCTION	
REVISION	
REVISION	
SHEET TITLE:	
PROJECT NUMBER:	

SHEET NUMBER

OF

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Letter of Intent

Re: 40 Burroughs Hall – Board of Zoning Appeals

Town of Kiawah Island – Board of Zoning Appeals/John Taylor:

I am writing to you on behalf of my clients Jeffrey and Danielle Hensley to request the Board's consideration and approval of rear and side setback variances at their property located at 40 Burroughs Hall, Kiawah Island.

I have been engaged by Mr. and Mrs. Hensley, in partnership with Cinder Creek Construction, to design a single-family residence. Since last Spring 2024, we have worked diligently with the Kiawah Island Architectural Review Board (ARB) to design a home that meets the design requirements and intent of the ARB as well as feature the unique characteristics of this lot, while creating a custom home to meet the needs of the Hensley family. Through the process with the Hensley family and the ARB, we found that due to the restrictive size and shape of the lot and the location of the 37" grand live oak tree at the front of the property, we needed to ask the ARB for rear and side setbacks to accommodate the program on the lot. The ARB has worked with us through several submissions including Site Analysis, Conceptual, Interim and Preliminary ARB reviews. Through this process, the ARB has approved our proposed side and rear setback variance requests, as illustrated in the provided review letters (attached). The current design including the setback variances have been approved by the ARB (per the provided letters attached) to enable the building, driveway and site development to meet the design requirements of the Kiawah Island Design Guidelines. We now seek for these same variance requests to be reviewed and approved by the Town of Kiawah Island and respectfully submit the required documentation for your consideration.

In addition, we are providing an arborist report that notes the condition of the 37" grand Live Oak tree, located at the front of the property that will be maintained as a significant lot feature.

Lot Information:

Property Location: 40 Burroughs Hall

TMS #: 207-00-00-002

Zoning District: R-1, Residential Zoning District

Lot Size: Total: 7,745 sq ft (0.178 acres) or 7,720 sf of Highland Area and 25 sf of Marshland Area

Flood Zone: AE-11 and AE-12

Property is located within a LIMWA

Method of Design, Inc.

A 37" grand live oak tree is located at the center, front of the property with a large, tall tree canopy. The location of the tree, canopy and overall root structure, limit the ability to access site. Therefore, careful consideration of the drive entry location, garage and parking led to the need to provide a side-loaded garage and parking configuration to limit disturbance at the front of the lot. In addition, the overall shape of the lot is triangular, and the side setbacks greatly narrow from the front to the rear of the property, leaving buildable area challenging. The size of the lot is nearly half the size of typical lots for this area of the island.

Due to the grand oak tree, restrictive size and shape of the lot at 40 Burroughs Hall, we offer the following Setback Variances for Consideration:

Left Setback– Established setback is 15' from the property line. See attached setback information from the Town of Kiawah.

Requesting encroachment of 6.5 sf of elevated open deck above and 20 sf of spa/foundation. The town's zoning ordinance sets the side setback for this district at 10' from the property line, but the covenant established when the property was platted supersedes the current zoning ordinance. The ARB has granted this setback variance to simplify the massing of the building. In granting the variance, the ARB has effectively relaxed the site setback established by the covenant, so that it now matches the setback established by the town's zoning ordinance. We are respectfully asking that the town also allow us to use the town's zoning setback here rather than the covenant setback. The adjacent neighboring property on this side is developed.

Rear Setback– Established setback is 30' from the OCRM critical marsh line. See attached setback information from the Town of Kiawah.

Requesting encroachment of 35 sf of covered porch overhang, 39 sf of covered porch/foundation and 78 sf of pool foundation. The ARB has granted this setback variance to allow for the pool, spa and open decks to align with the overall dimensions of the building. Per ARB comments, we have adjusted our design to reduce the request for foundation encroachment across the rear setback at the screened porch by using cantilever detailing for a portion of the screened porch. We are respectfully asking that the town also consider this setback variance.

Responses to BZA Variance Approval Criteria:

a) There are extraordinary and exceptional conditions pertaining to this piece of property.

- This lot is nearly half the size of the average lot in the vicinity (out of 178 lots). It is also one of only 2 lots in the area that is this small and has an acute angle at the rear (the OCRM line makes this even more acute), making the buildable area a difficult shape to develop.

b) These conditions do not generally apply to other properties in the vicinity.

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

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

- These conditions would not be prohibited, but they do unreasonably restrict the utilization of the property due location of the grand oak tree and to the small size and triangular shape 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.

- This would not be of any detriment to the adjacent property or the public good, and the character of the district would not be harmed by the granting of this variance. The letters of approval from the ARB from Conceptual to Interim to Preliminary approval indicate the board's agreement.

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

- This would not allow the establishment of a use not otherwise permitted, or extend existing nonconforming use, or change the boundaries on the zoning map.

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

- Profitability is not the reason for this variance application.

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

- The applicant has not acted in a way to cause the need for this variance.

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

- This would not be contrary to the public or neighborhood interest and would not interfere with the purpose of the regulations. The letters of approval from the ARB from Conceptual to Interim to Preliminary approval indicate the board's agreement.

Method of Design, Inc.

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

- This would not conflict with the Comprehensive Plan.

40 Burroughs Hall is a small lot compared to the average lot in this area of the island, making the buildable area challenging (see the neighborhood lot map). As such, the right and rear setback variances we are requesting are triangular in shape and are limited in overall size. We have also cantilevered the porch and open deck above to limit the impact on the marsh. We have worked extensively with the ARB to design a home that meets the needs of our client as well as satisfy the design requirements of the ARB. We feel that approval of these variances would not be of detriment to surrounding properties, alter the fabric of the neighborhood and its zoning district, or negatively impact the environment. Therefore, we ask that the Board of Zoning Appeals consider approving the variance requests as stated above and as approved by the Kiawah Island ARB.

Thank you for your time and consideration of our request. On behalf of Jeff and Danielle Hensley and our design team.

Noel E. Kade

Noel Kade, AIA, NCARB
Method of Design, Inc.
843.830.2703



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

September 11, 2024

Danielle and Jeff Hensley
127 Lochwood West Drive
Cory, NC 27518

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

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

Re: **PRE-CONCEPTUAL REVIEW**
Construction Address: 40 Burroughs Hall
ARB Action: Adjustments Required

Dear Mr. & Ms. Hensley,

Thank you for your submittal and presentation to the Kiawah Island Architectural Review Board for Pre-Conceptual Review of your home at 40 Burroughs Hall. The site approach will require adjustments for the Conceptual Submittal. As you move forward, please address the following comments and conditions in keeping with the guidelines:

- L1. Given compression of the lot toward the rear, the ARB's is open to consideration of some variance to the rear setback. As shown, there is more encroachment over the rear setback than the board will approve. Open decking at grade can be approved up to 5' beyond the setback. Reduce the encroachment at the left side.
- L2. This will be a variance from TOKI also. Please verify this possibility prior to resubmission.
- L3. The garage access and parking do not appear functional and a straight shot continuously 5' off the property line is not desirable. The board is open to front-facing garage doors for this lot.
- A1. Architectural changes to address siting comments are anticipated, therefore the architectural direction was not reviewed.

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

Sincerely,

A handwritten signature in black ink that reads "Jane Maybank".

Jane Maybank, Director
On behalf of the KIARB

cc: Property file, ARB members
encl: Checklist



January 23, 2025

Danielle and Jeff Hensley
127 Lochwood West Drive
Cary, NC 27518

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

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

Re: **INTERIM CONCEPTUAL REVIEW**
Construction Address: 40 Burroughs Hall
ARB Action: Approved - Conditional

Dear Mr and Mrs Hensley,

Thank you for your submittal to the Kiawah Island Architectural Review Board (ARB) for Interim Conceptual Review of your home at 40 Burroughs Hall. The design of your home is approved to continue to the Preliminary Review. As you move forward, please address the following comments and conditions in keeping with the guidelines:

- L1. Thank you for the paving adjustments. Please do not locate paving adjacent to the foundation wall, and wrap the front foundation plant bed around the corner at the Northwest/side foundation wall.
- A1. Please study flipping the tilt direction of the central form to simplify and incorporate the small shed on the third floor right side.
- A2. Please study windows on the left side elevations. It's hoped that the reversed tilt will provide room for taller windows at the upper level on the left side. Please consider taller windows on the second floor as well. As shown, the horizontal window in the dining area is not helping the composition. Please use taller windows similar to others on this floor.
- A3. Please consider using glass rather than horizontal infill paneling at the top of the stairs.
- A4. The graphic representation may be more pronounced than reality here, but please study balancing the horizontal joints in foundation walls with some vertical treatment to relate these elements more to each other.
- A5. The Garage opening elevation does not coordinate with the plan (shower not shown).

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, Method of Design, Living Designs Landscaping, Cinder Creek Construction
encl: Checklist



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

February 21, 2025

Danielle and Jeff Hensley
127 Lochwood West Drive
Cary, NC 27518

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

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

Re: **PRELIMINARY REVIEW**
Construction Address: 40 Burroughs Hall
ARB Action: Approved Conditionally

Dear Mr. and Mrs. Hensley,

Thank you for your submittal to the Kiawah Island Architectural Review Board for Preliminary Review of your home at 40 Burroughs Hall. The design of your home is conditionally approved to continue to the Final Review. As you move forward, please address the following comments and conditions in keeping with the guidelines:

- L1. Please adjust Tree-Protection fencing to be farther-off property-lines where it is feasible.
- L2. Further study the 8.5 slab elevation and the adjacent drive along the property-line, regarding the adjacent lot elevation(s) and streetside elevation.
- L3. Prior-to tree removals, engage with a Certified Arborist regarding the two streetside Oak trees (to remain) and the existing pine tree to be removed. One concern is for the Oaks to be protected during construction and prevent broken limbs and roots from equipment conflicts.
- L4. Further study the stair landing and walkway to secondary access. Avoid wrapping proposed walk around structure.
- A1. Please study reversing the pitch of the top roof and associated window adjustments commented on in the Interim Conceptual letter. What would the height be with this change?

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

Sincerely,

A handwritten signature in black ink that reads "Jane Maybank".

Jane Maybank, Director
On behalf of the KIARB

cc: Property file,

encl: Checklist



March 26, 2025

Danielle and Jeff Hensley
127 Lochwood West Drive
Cary, NC 27518

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

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

Re: **PRELIMINARY INTERIM REVIEW and VARIANCE**
Construction Address: 40 Burroughs Hall
ARB Action: Approved

Dear Mr. and Mrs. Hensley,

Thank you for your submittal to the Kiawah Island Architectural Review Board for Preliminary Review of your home at 40 Burroughs Hall. The design of your home is approved to continue to the Final Review. As you move forward, please address the following comments and conditions in keeping with the guidelines:

- L1. Given compression of the lot toward the rear and adjustments made by the team to minimize the extent, the ARB approves the variances shown for corners of the pool and spa at the rear and left side of the property.
- A1. Thank you for adjustments to the roof pitch.

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,

encl: Checklist

Prepared By:
Bradshaw & Company, LLC
147 Wappoo Creek Drive
Suite 605
Charleston, SC 29412



BP1248288

PGS:

5

-----Space Above This Line For Recording Data-----

**TITLE OR REAL ESTATE
GENERAL WARRANTY DEED**

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

KNOW ALL MEN BY THESE PRESENTS, THAT **Stantley B. Williams and Ann Ward Williams** (GRANTOR) in the State aforesaid, for and in consideration of the sum of **FOUR HUNDRED FIFTEEN THOUSAND AND 00/100 DOLLARS (\$415,000.00)** and no other consideration to Grantor in hand paid by

Jeffrey S. Hensley and Danielle W. Hensley (GRANTEE),
joint tenants with rights of survivorship, and not as tenants in common

in the State aforesaid, the receipt whereof is hereby acknowledged, has/have granted, bargained, sold and released and by these presents does/do grant, bargain, sell and release, subject to the easements, restrictions, reservations and conditions set forth below unto the said Grantee, joint tenants with rights of survivorship, and not as tenants in common unto the said Grantee their heirs and assigns forever in fee simple, the following described property, to-wit:

FOR PROPERTY DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TMS Number: **264-02-00-058**

Address of GRANTEE(S): **127 Lochwood West Drive, Cary, NC 27518**

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned, unto the Grantee, joint tenants with rights of survivorship, and not as tenants in common, their heirs and assigns forever; subject, however, to the rights, conditions and restrictions that constitute covenants running with the land, all as set forth herein.

AND Grantor does hereby bind themselves and their heirs, assigns, executors, and administrators to warrant and forever defend, all and singular, the said premises unto the said Grantee, their heirs, assigns, executors, and administrators, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

[Signatures to appear on following page.]

WITNESS this 17th day of May, 2024.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
WITNESS

[Signature]
WITNESS

GRANTOR(S)

Stantley B. Williams
Stantley B. Williams

Ann Ward Williams
Ann Ward Williams

STATE OF GA
COUNTY OF Dekalb

The foregoing instrument was acknowledged before me this 17th day of May, 2024 by Stantley B. Williams and Ann Ward Williams.

[Signature]

Signature of Person Taking Acknowledgment

Title or Rank Notary Public

Serial Number N/A

Commission Expires: 3/7/28

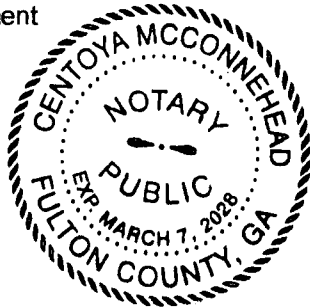


EXHIBIT "A"

ALL that certain piece, parcel or lot of land, together with the buildings and improvements located thereon, situate, lying and being on Kiawah Island, Charleston County, State of South Carolina, known and designated as Lot Number Forty (40), Tract 31, Block 2 on a plat of Tract 31, Block 2, Plantation Woods Subdivision (433), made by Coastal Surveying Co., Inc., dated January 25, 1978, and recorded in Plat Book AK at Page 90, in the ROD Office for Charleston County, S.C., said property having such location, buttings, bounds, courses and distances as will by reference to said plat more fully appear.

SUBJECT to any and all Restrictions, Covenants, Conditions, Easements, Rights of Way, and any and all other matters affecting subject property, of record in the Office of the ROD for Charleston County, South Carolina.

THIS being the same property conveyed to Stantley B. Williams by deed of David J. Shaw and Patricia K. Shaw, dated April 15, 1986 and recorded April 17, 1986 in Book G-153, Page 846 of the Charleston County ROD Office; FURTHER conveyed to Stantley B. Williams and Ann Ward Williams by deed of Stantley B. Williams dated November 23, 2015 and recorded December 10, 2015 in the aforesaid ROD Office in Book 0522 at Page 670.

TMS No. 264-02-00-058

Prepared By:

Bradshaw & Company, LLC
147 Wappoo Creek Drive
Suite 605
Charleston, SC 29412

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF CHARLESTON) **AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS**

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

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred is located at 40 Burroughs Hall, Kiawah Island, SC 29455 bearing Charleston County Tax Map Number 264-02-00-058, was transferred by Stantley B. Williams and Ann Ward Williams to Jeffrey S. Hensley and Danielle W. Hensley on May 30, 2024.
3. Check one of the following: The DEED is:
 - a. subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - b. subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or a distribution to a trust beneficiary.
 - c. EXEMPT from the deed recording fee because (see information section of affidavit):
_____. (If exempt, please skip items 4-7 and go to item 8 of this affidavit.)

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

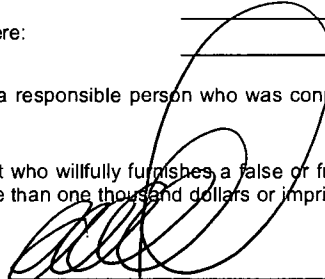
4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
 - a. The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$415,000.00.
 - b. The fee is computed on the fair market value of the realty which is \$ _____.
 - c. The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.
5. Check YES or NO to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If YES, the amount of the outstanding encumbrance is \$ _____.

6. The deed recording fee is computed as follows:

a. Place the amount listed in item 4 above here:	\$415,000.00
b. Place the amount listed in item 5 above here: (If no amount is listed, place zero here.)	\$0.00
c. Subtract Line 6(b) from Line 6(a) and place the result here:	\$415,000.00

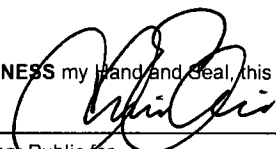
7. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as:
Recording Attorney

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

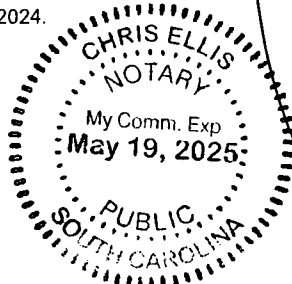


Eric J. Bradshaw

WITNESS my hand and Seal, this 30th day of May, 2024.



Notary Public for
My Commission Expires



RECORDER'S PAGE



NOTE: This page **MUST** remain with the original document

Filed By:

BRADSHAW & COMPANY, LLC
 147 WAPPOO CREEK DR.
 SUITE 605
 CHARLESTON SC 29412 (BOX)

RECORDED		
Date:	June 3, 2024	
Time:	3:51:12 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
1248	288	Deed
Karen Hollings, Register of Deeds Charleston County, SC		

MAKER:

WILLIAMS STANTLEY B AL

Note:

RECIPIENT:

HENSLEY JEFFREY S AL

of Pages:

Recording Fee	\$ 15.00
State Fee	\$ 1,079.00
County Fee	\$ 456.50
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 1,550.50

Original Book:

Original Page:

DRAWER
CLERK

AUDITOR STAMP HERE
 RECEIVED From ROD
 Jun 05, 2024
 Peter J. Tecklenburg
 Charleston County Auditor

PID VERIFIED BY ASSESSOR
 REP RJB
 DATE 06/07/2024



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