



Case #BZA25-000009
Kiawah Island BZA Meeting of May 19, 2025

Applicant/Property Owner: BROADUS BARRY MICHAEL

Representative: Julie O'Connor of American Vernacular, Inc

Property Location: 14 Oyster Shell Rd

TMS#: 265-01-00-023

Lot Size: Highlands: 25,849 square feet (0.59 acres)
Marsh: 25,800 sqft (0.59 acres)
Total: 51,649 sqft (1.19 acres)

Zoning District: R-1, Residential Zoning District

Request: Variance request for the reduction of the required 20' BCM critical line left side setback and required 15' right side setback by approximately 80 square feet for a proposed single-family home located at 14 Oyster Shell Rd, Kiawah Island, SC (TMS # 265-01-00-023).

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 33% Lot Coverage

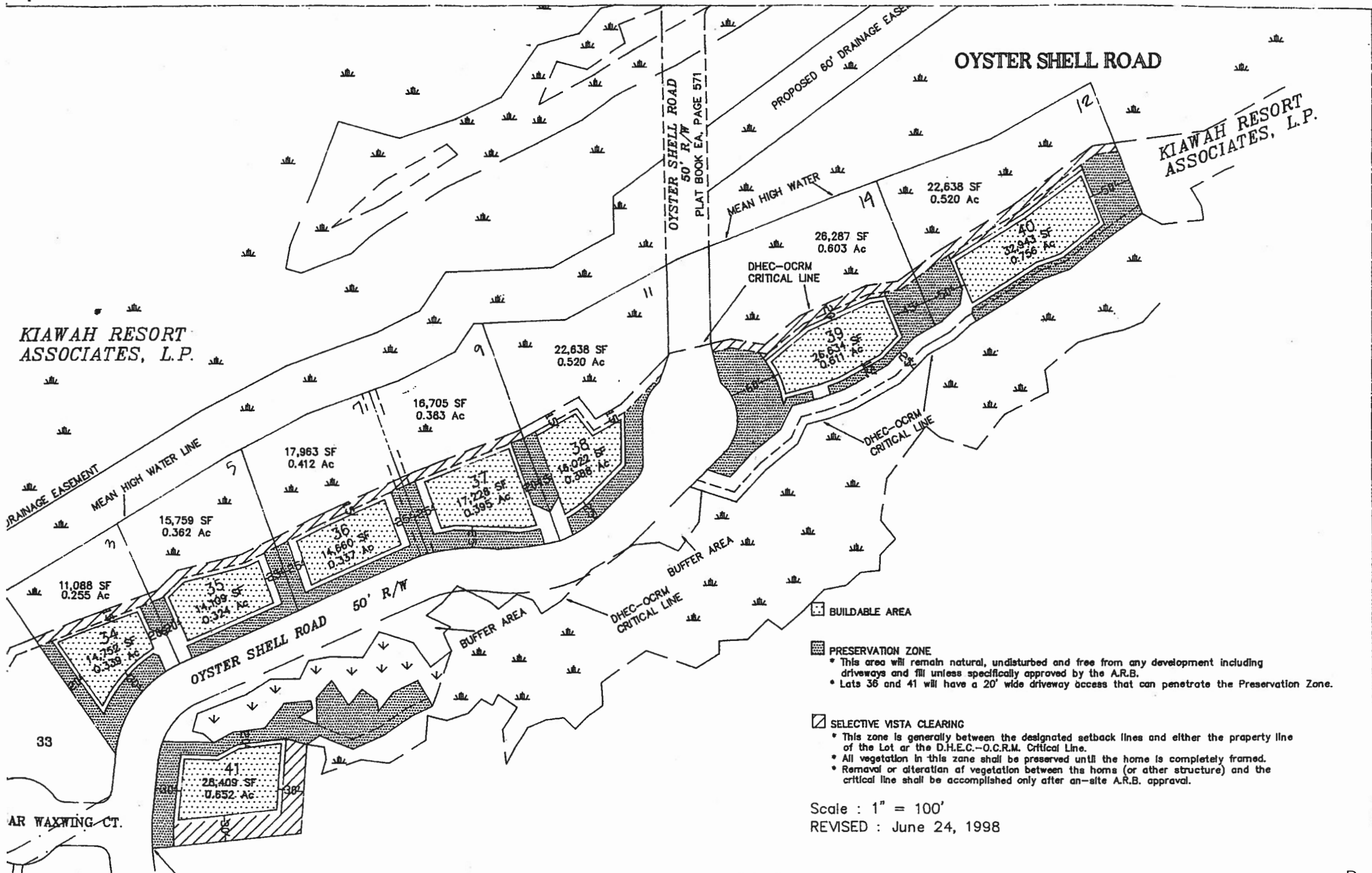
The Ordinance defines Setback as "a required minimum distance from the lot line, or street right-of-way, or OCRM critical line that establishes an area within which a structure shall be erected." The Ordinance defines Side Setback as, "any setback other than a rear or front setback."

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

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

Table 2B. Lot Standards for R-1 Single-Family Detached Dwellings								
Lot Size (square feet)	Maximum Lot Coverage	Depth (feet)	Width (feet) ⁽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)



KIAWAH RESORT ASSOCIATES, L.P.

KIAWAH RESORT ASSOCIATES, L.P.

DRAINAGE EASEMENT
MEAN HIGH WATER LINE

OYSTER SHELL ROAD
50' R/W
PLAT BOOK EA, PAGE 571

PROPOSED 60' DRAINAGE EASEMENT

OYSTER SHELL ROAD

MEAN HIGH WATER

DHEC-OCRM CRITICAL LINE

DHEC-OCRM CRITICAL LINE

BUFFER AREA

DHEC-OCRM CRITICAL LINE

BUILDABLE AREA

PRESERVATION ZONE

- * This area will remain natural, undisturbed and free from any development including driveways and fill unless specifically approved by the A.R.B.
- * Lots 36 and 41 will have a 20' wide driveway access that can penetrate the Preservation Zone.

SELECTIVE VISTA CLEARING

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

Scale : 1" = 100'

REVISED : June 24, 1998

AR WAXWING CT.

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, Julie O'Connor of American Vernacular, Inc. representing the property owner Michael Broadus, is requesting a variance for the reduction of the required 20' BCM critical line left side setback and required 15' right side setback by approximately 80 square feet for a proposed single-family home located at 14 Oyster Shell Rd, Kiawah Island, SC (TMS # 265-01-00-023). The subject property is located within the R-1, Residential Zoning District.

The subject property is approximately 51,649 square feet (1.19 acres) in size, containing approximately 25,849 square feet (0.59 acres) of high ground and 25,800 square feet (0.59 acres) of marsh. The subject property is currently undeveloped and sits adjacent to critical area (marsh) to the north. The adjacent properties to the east and west 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 60' front yard setback, a 20' side yard setback from the BCM critical line, a 15' side yard setback, and a 50' rear yard setback with an allowed maximum lot coverage of 33% 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 proposed plans show a staircase extending approximately 4 feet 5 inches into the required 20-foot BCM critical line left side setback, resulting in an encroachment of approximately 27 square feet. Additionally, a portion of the single-family residence extends approximately 2 feet 3 inches into the same setback, contributing an additional 7 square feet of encroachment. On the right side, the plans indicate an encroachment of approximately 3 feet 3 inches into the required 15-foot side setback. The total combined side setback encroachments amount to approximately 80 square feet.

The most recent survey for 14 Oyster Shell Rd, signed and dated October 24, 2022, identifies a portion of the BCM critical line located to the north of the subject property.

According to Charleston County Records, the property was acquired by Michael Broadus on August 19, 2022.

The applicant has submitted to the Kiawah Island Architectural Review Board (KIARB) for review. The KIARB granted preliminary approval on April 4, 2025.

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 shape of the lot, and the unique setbacks required. Per the applicant's letter of intent, "*The size of the lot is very narrow with the buildable width at 40' The shape of the lot is atypical with the frontage being significantly more narrow than the depth. There is an access easement that runs the entire depth of the property for access to 12 Oyster Shell Road that exacerbates the narrowness of the property.*"**

§ 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 Oyster Shell Rd are also located in the R-1 Residential Zoning District. 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, "*The setbacks are very different from other properties in the R1 zoning district. Typically the front and rear setbacks are 25' and the sides are 10'. On this lot, the front setback is 60', the rear setback is 50', the North side setback is 20', and the South side setback is 15'.*"**

§ 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 ordinance may not prohibit development of the property outright, but some specific site constraints—including the irregular lot shape—create challenges that may unreasonably restrict utilization of the property. Per the applicant's letter of intent, "*The application of the ordinance unreasonably restricts the utilization of the property due to the fact that the North side setback is 20' and the South side setback is 15' making the buildable area much more narrow than is typical. The area*"**

where we are requesting the variance is the most narrow with both setbacks converging and one jaggedly entering into the buildable area. “

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

Staff Response: **The authorization of this variance may not be of substantial detriment to the adjacent properties or the public good. The proposed additions encroach minimally into the required setbacks. Per the applicant’s letter of intent, “*The authorization of the South side setback will not be of substantial detriment to the adjacent property because it is not a buildable part of the lot and is simply a shared driveway. The authorization of the variances will not be of substantial detriment to the public good and the character of the district will not be harmed as the house will not be visible from the south side and only visible when heading south on the Terrapin Island bridge.*”**

§ 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 may not allow the establishment of a use not otherwise permitted in this zoning district, extend physically a non-conforming use of land, or change the zoning district boundaries. Per the applicant’s letter of intent, “*The property will be used as a single-family residence.*”**

§ 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 a factor in this request.*”**

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

Staff Response: **The need for the variance may not be the result of the applicant’s own actions. Per Charleston County’s records the property was acquired by Michael Broadus on August 19, 2022.**

§ 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 adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of these regulations. The proposed residence includes minor encroachments into the required side setbacks.

§ 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 request is for 2 very small encroachments on side setbacks that do not abut other buildable properties."*

Board of Zoning Appeals' Action:

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA25-000009 (variance for the reduction of the required 20' BCM critical line left side setback and required 15' right side setback by approximately 80 square feet for a proposed single-family home located at 14 Oyster Shell Rd, Kiawah Island, SC TMS # 265-01-00-023) 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 to be approved by the Planning Director providing appropriate screening for all areas of encroachment prior to issuance of zoning permit and any site construction**
- 2. The applicant shall obtain an as-built survey upon completion of construction to verify that all encroachments are consistent with the proposed plans.**
- 3. The applicant shall ensure silt fencing is installed at the preservation zone adjacent to the Critical Line to ensure the preservation zone is not disturbed during construction.**

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

CASE# BZA25-000009

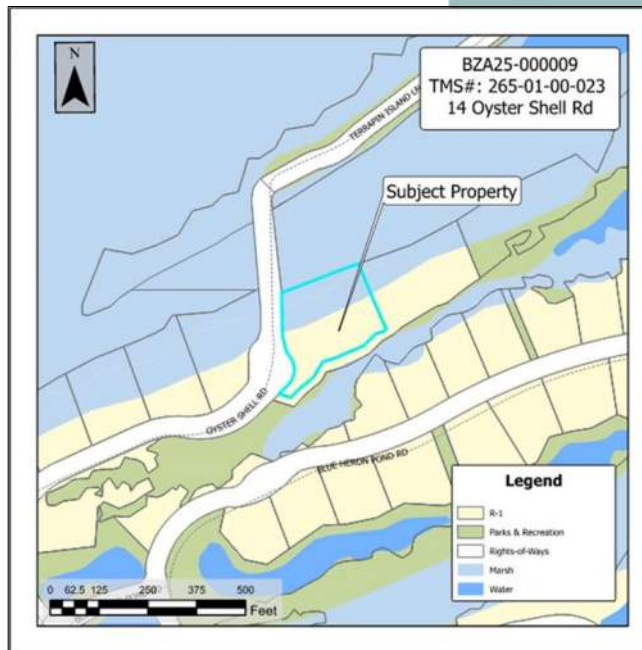
Applicant/Property Owner:	BROADUS BARRY MICHAEL
Representative:	Julie O'Connor of American Vernacular, Inc
Property Location:	14 Oyster Shell Rd
TMS#:	265-01-00-023
Lot Size:	Highlands: 25,849 square feet (0.59 acres) Marsh: 25,800 sqft (0.59 acres) Total: 51,649 sqft (1.19 acres)
Zoning District:	R-1, Residential Zoning District
Request:	Variance request for the reduction of the required 20' BCM critical line left side setback and 15' right side setback by approximately 80 square feet for a new single-family home.

CASE# BZA25-000009

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

**Required setbacks: 60' (Front); 20' (Marsh); 15' (Side); 50' (Rear)
Maximum 33% Lot Coverage**

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





BZA 25-000009
 PID: 2650100023
 OWNER: BRODADUS BARRY MICHAEL
 PLAT BOOK PAGE: L18- 0245
 DEED BOOK PAGE: 1133-522
 Jurisdiction: TOWN OF KIAWAH ISLAND

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

Case # BZA25-000009
BZA Meeting of May 19, 2025
Subject Property: 14 Oyster Shell Rd- Kiawah Island

Variance request for the reduction of the required 20' BCM critical line left side setback and 15' right side setback by approximately 80 square feet for a new single-family home.



Property Front



Adjacent Properties



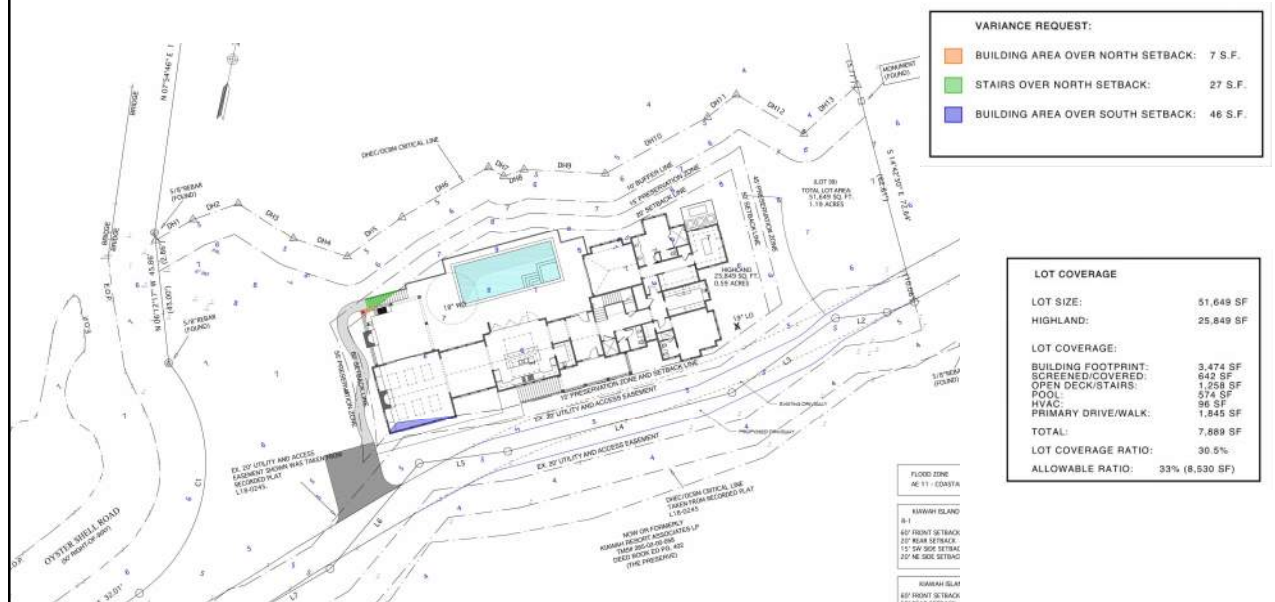
Subject Property



Property Rear



Proposed Site Plan



11

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

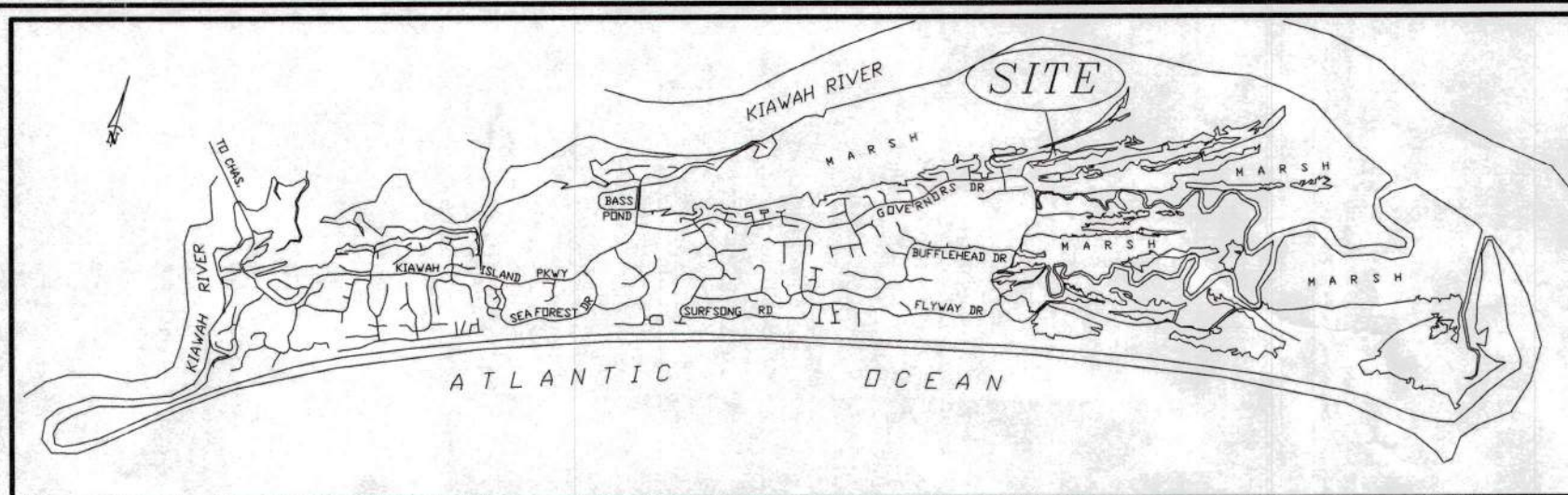
The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA25-000009 (Variance request for the reduction of the required 20' BCM critical line left side setback and required 15' right side setback by approximately 80 square feet for a proposed single-family home located at 14 Oyster Shell Rd, 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 to be approved by the Planning Director providing appropriate screening for all areas of encroachment prior to issuance of zoning permit and any site construction
2. The applicant shall obtain an as-built survey upon completion of construction to verify that all encroachments are consistent with the proposed plans.
3. The applicant shall ensure silt fencing is installed at the preservation zone adjacent to the Critical Line to ensure the preservation zone is not disturbed during construction.

14



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 R-1. 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-11 (BASE FLOOD ELEVATIONS DETERMINED) AND WITHIN THE LHMVA AS SHOWN ON MAP NUMBER 45019C0668K, PANEL 668 OF 855 DATED JANUARY 29, 2021.
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 TAKEN FROM RECORDED PLAT L18, PAGE 0245 AND SHOULD BE VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION ACTIVITIES.
9. BUFFER LINE, PRESERVATION ZONE AND UTILITY/ACCESS EASEMENT SHOWN WAS TAKEN FROM RECORDED PLAT L18, PAGE 0245 AND SHOULD BE VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION ACTIVITIES.

OWNER OF RECORD:

MULLEN JOHN CHRISTOPHER
MULLEN DEBORAH LONG
13118 DARBY CHASE DRIVE
CHARLOTTE NC 28277

PROPERTY ADDRESS:

14 OYSTER SHELL ROAD
KIAWAH ISLAND SC 29455

OWNER REFERENCES:

TMS# 265-01-00-023
PLAT BOOK L18 PAGE 0245
THE PRESERVE PHASE 1B, LOT 39

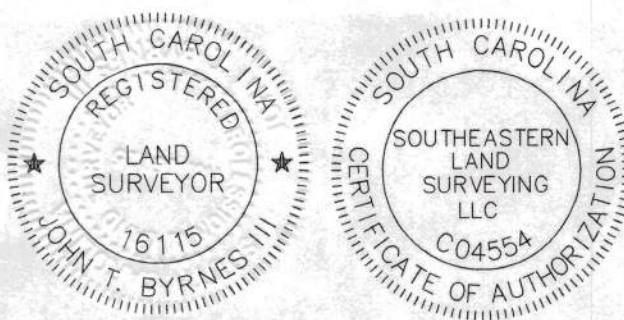
PLAT REFERENCES:

ED 402
L18 0245

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT (SCDHEC OCRM) 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 SCDHEC OCRM, SCDHEC OCRM 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.

John T. Byrnes III 1/24/2022
SIGNATURE DATE

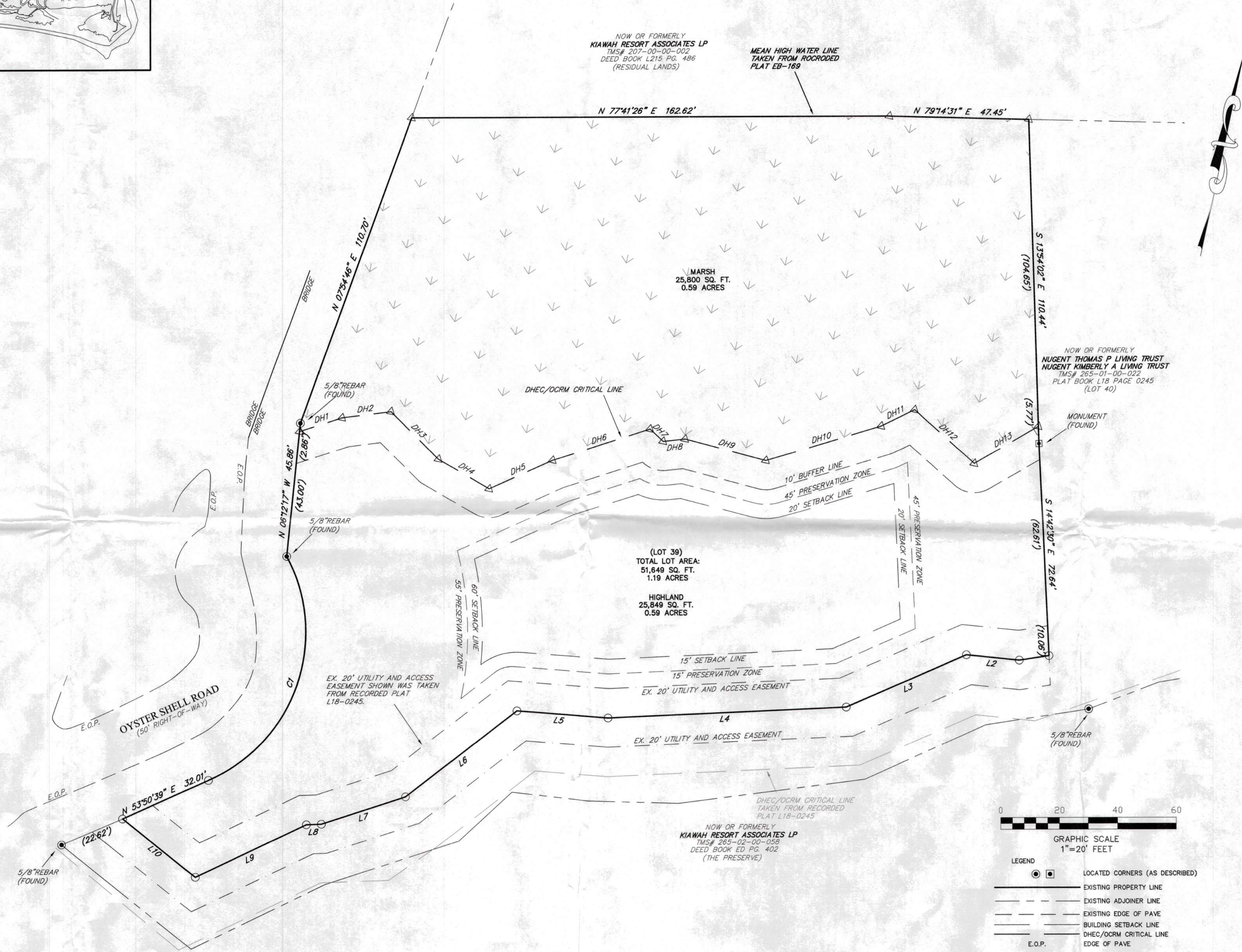
The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.



SURVEYORS CERTIFICATION:

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

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



LEGEND

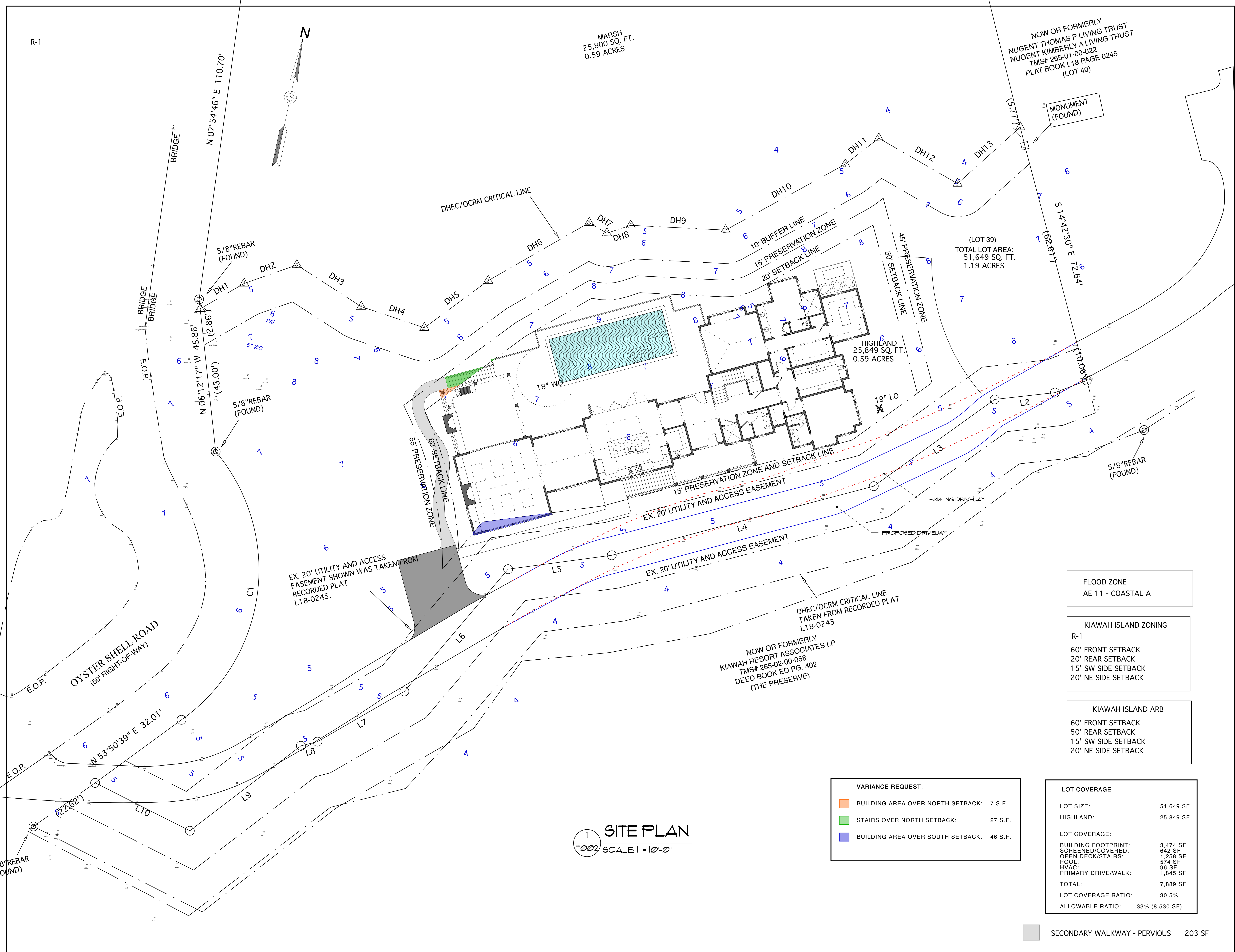
	LOCATED CORNERS (AS DESCRIBED)
	EXISTING PROPERTY LINE
	EXISTING ADJOINER LINE
	EXISTING EDGE OF PAVE
	BUILDING SETBACK LINE
	DHEC/OCRM CRITICAL LINE
	EDGE OF PAVE

NO.	DATE	DESCRIPTION	BY

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

**A DHEC/OCRM CRITICAL LINE SURVEY OF
TMS# 265-01-00-023
14 OYSTER SHELL ROAD
LOCATED IN THE TOWN OF KIAWAH ISLAND
CHARLESTON COUNTY, SOUTH CAROLINA**

DATE: JULY 25, 2022
DRAWN: K.KUZIO
CHECK: JB
CC: STEVE R.
JOB: 22184
DWG: 22184-TT
SHEET: 1 OF 1



1 SITE PLAN
 T002 SCALE: 1" = 10'-0"

VARIANCE REQUEST:

■ BUILDING AREA OVER NORTH SETBACK:	7 S.F.
■ STAIRS OVER NORTH SETBACK:	27 S.F.
■ BUILDING AREA OVER SOUTH SETBACK:	46 S.F.

LOT COVERAGE

LOT SIZE:	51,649 SF
HIGHLAND:	25,849 SF
LOT COVERAGE:	
BUILDING FOOTPRINT:	3,474 SF
SCREENED/COVERED:	642 SF
OPEN DECK/STAIRS:	1,258 SF
POOL:	574 SF
HVAC:	96 SF
PRIMARY DRIVE/WALK:	1,845 SF
TOTAL:	7,889 SF
LOT COVERAGE RATIO:	30.5%
ALLOWABLE RATIO:	33% (8,530 SF)

■ SECONDARY WALKWAY - PVIOUS 203 SF

- FLOOD ZONE
AE 11 - COASTAL A
- KIAWAH ISLAND ZONING
R-1
60' FRONT SETBACK
20' REAR SETBACK
15' SW SIDE SETBACK
20' NE SIDE SETBACK
- KIAWAH ISLAND ARB
60' FRONT SETBACK
50' REAR SETBACK
15' SW SIDE SETBACK
20' NE SIDE SETBACK

ARCHITECT
SWALLOWTAIL
 ARCHITECTURE
 202 S. MAIN ST.
 SUMMERVILLE, SC 29586
 (803) 547-1000
 LICENSED PROFESSIONAL ARCHITECT
 STATE OF SOUTH CAROLINA
 NO. 10078

RACHEL BEVERLY
 ARCHITECT
 202 S. MAIN ST.
 SUMMERVILLE, SC 29586
 (803) 547-1000
 LICENSED PROFESSIONAL ARCHITECT
 STATE OF SOUTH CAROLINA
 NO. 8440

ISSUES/REVISIONS

DATE	REVISIONS	BY
12/1/23	SCHEMATICS	VJ
2/5/24	REVISIONS	VJ
9/24/24	REVISIONS	VJ
10/18/24	REVISIONS	JS
10/29/24	ARB CONCEPTUAL	JS/VJ
1/10/25	REVISIONS	JS
1/24/25	REVISIONS	JS
2/24/25	REVISIONS	JS
3/11/25	ARB PRELIM.	JS
3/24/25	REVISIONS	JS
4/7/25	REVISIONS	JOC

Broadus Residence
 14 Oyster Shell Road,
 Kiawah Island, South Carolina
SITE PLAN

DESIGNER

av

AMERICAN VERNACULAR
 151 Sheppard St.
 Charleston
 South Carolina
 29403
 843-856-4818
 www.americanvernacular.com

f i h

DRAWINGS AND THE DESIGN ARE THE PROPERTY OF THE DESIGNER. WHETHER PREPARED BY THE DESIGNER OR NOT, THE PROJECT IS EXCLUDED OR NOT. THE DRAWINGS SHALL NOT BE USED BY THE PROJECT OWNER OR ANYONE ELSE FOR ANY OTHER PROJECT. THESE DRAWINGS CANNOT BE CHANGED OR REPRODUCED WITHOUT WRITTEN CONSENT OF THE DESIGNER.

SCALE: 1" = 10' - 0"

DATE: April 14, 2025

SITE PLAN

T002



April 4, 2025

Barry and Donna Broadus
24 Marsh Edge
Kiawah Island, SC 29455

Re: **PRELIMINARY REVIEW**
Construction Address: 14 Oyster Shell
ARB Action: Approved - Conditional

Dear Mr. and Mrs. Broadus,

Thank you for your submittal to the Kiawah Island Architectural Review Board (ARB) for Preliminary Review of your home at 14 Oyster Shell. The design of your home is approved to continue to the Final Submittal. As you move forward, please address the following comments and conditions in keeping with the guidelines:

- L1. Please reduce paving by shortening the garage area guest parking to be a back-out only.
- L2. Adjust grades to reduce impact around the home, in the front Preservation zone and in the shared driveway by considering lowering of the foundation walls and use of short retaining walls. Please increase the distance between the entry walk and shared driveway.
- L3. Please provide more information regarding the shared drive redevelopment, including cross-slope, tree removal, proposed materials, neighbor access, retaining-walls and elevations.
 - A1. The roof ridge heights of connecting areas Dining Room and Entry Foyer should be the same. Please lower the former and raise the latter.
 - A2. Roof height should be shown from TOKI BBHE.
 - A3. Please reduce foundation expression by bringing siding lower. Simplify foundation expression with the use of more substantial piers at the corners of individual elements and the elimination of intermediate piers where possible.

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, Sean O'Brien Architect, Heyward Townsend
encl: Checklist

PHYSICAL ADDRESS

253 Gardeners Circle, Suite 200
Johns Island, SC 29455

MAILING ADDRESS

130 Gardeners Circle, Suite 123
Johns Island, SC 29455



We are requesting a zoning variance to the 15' South side setback and the 20' North side setback on 14 Oyster Shell Road. Neither of these setbacks abut a buildable lot. The South side abuts a utility and access easement which is a shared driveway with 12 Oyster Shell Road. The North side is on the marsh. Due to the long and narrow building site, we are asking for a 1'-6" (at most) corner of a one story screened porch to extend past the 20' North side setback along with a 3'-6" (at most) encroachment for stairs to the back door and a 6" corner of the open deck. On the South side, we are asking for a 3'-2" (at most) encroachment over the 15' side setback for a one story element of the house. We have applied to the Kiawah Island ARB and have received their approval for the project and for the variance requests.

- a. There are several extraordinary and exceptional conditions on this lot.
 1. The size of the lot very narrow with the buildable width at 40'
 2. The shape of the lot is atypical with the frontage being significantly more narrow than the depth.
 3. There is an access easement that runs the entire depth of the property for access to 12 Oyster Shell Road that exacerbates the narrowness of the property.
- b. These conditions do not generally apply to other properties
 1. The setbacks are very different from other properties in the R1 zoning district. Typically the front and rear setbacks are 25' and the sides are 10'. On this lot, the front setback is 60', the rear setback is 50', the North side setback is 20', and the South side setback is 15'
- c. Because of these existing conditions, the application of the ordinance would unreasonably restrict the ability to improve the property.
 1. The application of the ordinance unreasonably restricts the utilization of the property due to the fact that the North side setback is 20' and the South side setback is 15' making the buildable area much more narrow than is typical.
 2. The area where we are requesting the variance is the most narrow with both setbacks converging and one jaggedly entering into the buildable area.
- d. The authorization of the variance would not be a detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by granting the variance.
 1. The authorization of the North side setback variance will not be of substantial detriment to an adjacent property because there is no adjacent property. The

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authorization of the South side setback will not be of substantial detriment to the adjacent property because it is not a buildable part of the lot and is simply a shared driveway.

2. The authorization of the variances will not be of substantial detriment to the public good and the character of the district will not be harmed as the house will not be visible from the south side and only visible when heading south on the Terrapin Island bridge.

- 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.
 1. The property will be used as a single family residence.

- f. The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.
 1. Profitability is not a factor in this request.

- g. The need for the variance is not the result of the applicant's own actions, but is the result of the unusual shape of the lot when platted.

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

- i. Granting this variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.
 1. This request is for 2 very small encroachments on side setbacks that do not abut other buildable properties.

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EXHIBIT A

ALL that certain piece, parcel, or lot of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, containing 1.214 acres, more or less, known and designated as Lot Thirty Nine (39), in The Preserve, Phase 1B, Parcel 30, Subdivision 432 (a/k/a 14 Oyster Shell Road), and shown on a plat by Anderson & Associates Land Surveying and Planning, Inc., entitled, "PLAT SHOWING THE PROPERTY LINE ADJUSTMENT BETWEEN LOTS 39 AND 40, THE PRESERVE, PHASE 1B, PARCEL 30, TOWN OF KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA", dated November 16, 2017, recorded in Plat Book L18, at Page 0245, (the "Plat"), in the office of the Register of Mesne Conveyances for Charleston County, SC, (hereinafter the "R.M.C. Office", said lot having such locations, butts and bounds, metes, courses, and distances as will by reference to said plat more fully appear (the "Property").

TOGETHER WITH a non-exclusive, perpetual, permanent, assignable, transmissible and commercial easement over, upon, across and under the portion of Lot 40, in The Preserve, Phase 1B (a/k/a 12 Oyster Shell Road) and hereinafter sometimes referred to as "Lot 40"), which adjoins the Property, designated as "20' Utility and Access Easement" as shown on the Plat which is incorporated herein by reference; which said non-exclusive easement is for the construction, use and maintenance of a common driveway to be utilized jointly by the Grantee and the owner(s) of adjoining Lot 40, and is for pedestrian and vehicular access, ingress and egress to and from the Property and Oyster Shell Road. The easement herein granted shall be for the use and benefit of the Grantee, their guests and invitees, successors, successors-in-title and assigns, shall be and is hereby deemed to be integral to, inhering in and essential for the Grantee's commercial purposes in connection with the Property and shall run with the title to the Property.

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

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 located at 14 Oyster Shell Road, Kiawah Island, SC 29455 bearing Charleston County Tax Map Number 265-01-00-023, was transferred by **John Christopher Mullen and Deborah Long Mullen** to **Barry Michael Broadus** on August 19, 2022.
3. Check one of the following: The deed is
 - (a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (c) _____ exempt from the deed recording fee because (See Information section of affidavit): _____ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

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

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):
 - (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$615,000.00
 - (b) _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.

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

6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: 615,000.00
 - (b) Place the amount listed in item 5 above here: \$0
(If no amount is listed, place zero here.)
 - (c) Subtract line 6(b) from Line 6(a) and place result here: 615,000.00

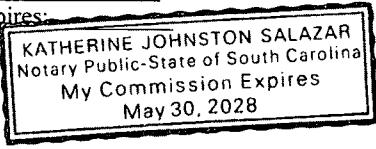
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as : Legal Representative

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

Legal Representative
BUIST BYARS & TAYLOR, LLC

Sworn to before me this 19th day
of August, 2022.

Notary Public for
My Commission Expires:



Original Page:

[Redacted]

[Redacted]

PID VERIFIED BY ASSESSOR

REPJBA

DATE 1/04/2022

