



Case #BZA25-000011
Kiawah Island BZA Meeting of September 22, 2025

Applicant/Property Owner: GISH DAVID L & GISH CATHERINE E

Representative: Ken Dukes

Property Location: 1031 Warbler Court

TMS#: 207-06-00-032

Lot Size: Total: 4,112.33 sqft (0.09 acres)

Zoning District: R-2-O, Residential Zoning Overlay District

Request: Variance request for the increase in maximum lot coverage by approximately .64% for a proposed addition

Requirement:

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

Required setbacks: 20' (Front); 5' (Side); 10' (Rear)

Maximum 50% Lot Coverage

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

legally nonconforming in regards to setbacks & lot coverage

TURNBERRY LANE (DEVELOPED LANDS) cont.

125-127	25 (Turnberry)	15	30 (golf) 30 (lagoon)
128-133	25 (Turnberry)	15 (lots)	30 (golf)
134	25 (Turnberry)	15 (lot 133) 25 (Pleasant Valley)	30 (golf)

TURTLE BEACH LANE (DEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1-18	10	7.5	30
<i>Note: 10' Rear deck encroachment</i>			

VETCH COURT (OCEANWOODS) (DEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
456	20	7	15
457-460	15	*	10
461	20	7	15
462-463	15	*	10
464	15	*	10
465	25	15	20
466	15	*	10
467	25	15	20

*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.

VIRGINIA RAIL ROAD (DEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
720	25 (Glossy Ibis) 25 (Virginia Rail)	15 (lot 721)	20 (easement)
721	25 (Virginia Rail)	15 30 (marsh)	30 (marsh)
722-723	25 (Virginia Rail)	15	30 (marsh)
724	25 (Virginia Rail)	15 (lot 723)	30 (marsh)
725	25 (Virginia Rail)	20	30
726	20 (lot 727)	20 (lot 725) 30 (golf course)	30 (marsh)
727-731	25 (Virginia Rail)	15	30
732-734	25 (Virginia Rail)	20	30
735	25 (Virginia Rail)	15	30
736 A & B	25 (Virginia Rail)	15	30 (lagoon)

VIRGINIA RAIL ROAD (DEVELOPED LANDS) cont.

736 C	25 (Virginia Rail)	20 (Virginia Rail) 15 (lot 736b)	30
737	25 (Virginia Rail)	20 (lot 738)	30 (lagoon)
738	25 (Virginia Rail)	20	30 (golf/lagoon)
739	25 (Virginia Rail)	20	20
740	25 (Virginia Rail) 25 (Glossy Ibis)	20	20 (lot 741)

WALKER CUP LANE (SEE GRAPHICS ALSO) (UNDEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
346-350	25	See Graphics	See Graphics

WARBLER COURT (SPARROW POND COTTAGES) (DEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1030	20	7	15
1031-1032	15	5	10
1033	20	7	15
1034-1035	15	5	10
1036	20	7	15
1037-1038	15	5	10
1039	20	7	15

WAX MYRTLE COURT - PATIO LOTS (DEVELOPED LANDS)

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
77 (Not a patio lot)	25 (Wax Myrtle Ct)	15 (lot 76) 25 (Gov. Dr)	20 (lot 78)
78	25 (Wax Myrtle Ct)	25 (Wax Myrtle Ct) 3 (r. side w/wall)	20 (lot 77)
79-82	25 (Wax Myrtle Ct)	12 3 (r. side w/wall)	20 (lots)
83	25 (Wax Myrtle Ct)	12 3 (r. side w/wall)	20 (lots 72, 73) 20 (open space)
84	25 (Wax Myrtle Ct)	12 3 (r. side w/wall)	20 (open space)
85	25 (Wax Myrtle Ct)	12 3 (r. side w/wall)	20 (open space) 30 (marsh)
86-91	25 (Wax Myrtle Ct)	12 3 (r. side w/wall)	30 (marsh)

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

- (a) *Purpose and intent.* The purpose of the R-2 zoning district is to promote stable residential neighborhoods consisting of medium density residences surrounded by parks, golf courses and open spaces. The district is intended for a variety of dwelling unit types. Activities and endeavors which might serve to mitigate against this purpose shall be prohibited or strictly regulated.
- (b) *District regulations.* The following apply to the R-2 zoning district:
 - (1) The maximum density for this district is six dwelling units per acre;
 - (2) All required parking shall be enclosed;
 - (3) Open storage is prohibited;
 - (4) There shall be no more than four dwelling units in any building within this district;
 - (5) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings on existing platted lots that are included in article VII of this chapter, the Kiawah Island Property Setback Requirements Appendix, dated 7-10-2007, incorporated herein by reference and adopted hereto as said article VII shall apply in lieu of the setback requirements in table 2C following subsection (b)(8) of this section;
 - (6) Lot standards (setbacks, lot coverage, etc.) for patio homes, on existing platted lots that are included in article VII of this chapter, the Kiawah Island Property Setback Requirements Appendix, dated 7-10-2007, incorporated herein by reference and adopted hereto as said article VII shall apply in lieu of the setback requirements in table 2D following subsection (b)(8) of this section;
 - (7) Lot standards (setbacks, lot coverage, etc.) for patio homes not covered by subsection (b)(6) of this section are listed in table 2D following subsection (b)(8) of this section;
 - (8) Authorized uses are listed in table 3A in section 12-102(c).

Table 2C. Lot Standards for R-2 Single-Family Detached Dwellings								
Lot Size (square feet)	Maximum Lot Coverage	Depth (feet)	Width (Feet) ⁽¹⁾	Minimum Yard Setbacks ⁽²⁾			Maximum Height	
				Front ⁽²⁾	Side ⁽³⁾	Rear ⁽⁴⁾	(stories)	(feet)
6,000—7,999	50 percent	85	55	20	7	20	2.5	40
8,000—11,999	40 percent	100	60	25	15	25	2.5	40
12,000+	33 percent	100	75	25	20	25	2.5	40
⁽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.								

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

Housing Type	Minimum Lot Size (sq. ft.)	Minimum Yard Setbacks (feet)			Maximum Height		Maximum Lot Coverage
		Front	Side ⁽¹⁾	Rear	(stories)	(feet)	
Patio homes, zero lot line homes	4,000	20	0/10 ⁽²⁾	20	2.5	35	50 percent
Duplex	6,500	15	7	20	2.5	40	40 percent
Townhouse	2,000	10	See note ⁽³⁾	20	2.5	40	60 percent
⁽¹⁾ 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.							
⁽²⁾ A total distance of 15 feet is required between buildings with ten feet minimum setback being required on one side of each lot.							
⁽³⁾ Where the front, interior side and rear setbacks of the underlying zoning district reduces the buildable width of a lot to less than 40 feet, the Planning Director shall be authorized to reduce the required setbacks as much as necessary. However, no setback reduction granted by the Planning Department shall be for more than 15 feet.							

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

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

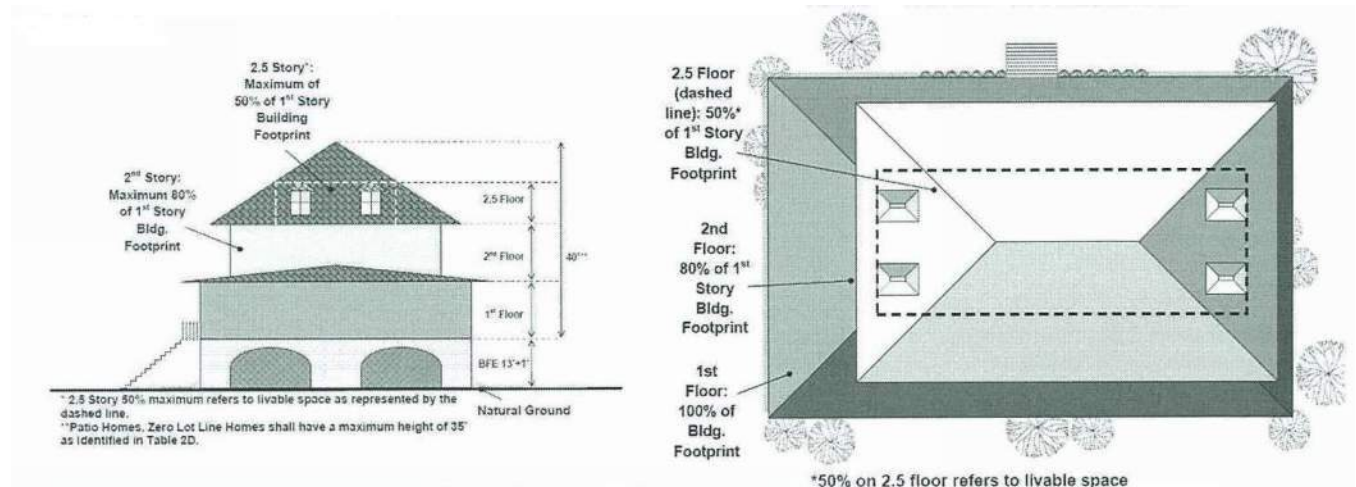
- (a) *Definition.* For purposes of this section, the term "major renovations" means costs of repair or restoration that exceed 50 percent of the appraised value of the structure at the time of zoning and building permit application. Refer to sections 12-192 and 12-193.
- (b) *Purpose and intent.* The purpose and intent of the R-2-O Residential Overlay Zoning District is to promote stable residential neighborhoods consisting of medium density single-family detached residences and patio homes surrounded by parks, golf courses and open spaces. Additionally the purpose and intent is to ensure that new dwelling units and major renovations to existing dwelling units are compatible with the character of existing neighborhoods located within the overlay by permitting consistent dwelling types through the implementation of the R-2-O development standards. Activities and endeavors which might serve to mitigate against this purpose and intent shall be prohibited or strictly regulated.
- (c) *Effect of overlay zoning district.* The R-2-O, Residential Overlay Zoning District regulations of this section apply in addition to the underlying (base) zoning district regulations to impose different development rules for properties within the R-2-O district. In case of conflict between the regulations of this section and other regulations in this article, the regulations of this section shall control.
- (d) *Applicability.* The R-2-O, Residential Overlay Zoning District is illustrated on the attached map. The standards of this section shall apply to all development within the R-2-O district.
- (e) *Development standards.* The following apply to the R-2-O, Residential Overlay Zoning District:
 - (1) The maximum density for this district is six dwelling units per acre;
 - (2) All required parking shall be enclosed;
 - (3) Open storage is prohibited;
 - (4) Lot standards (setbacks, lot coverage, etc.) for single-family detached dwellings on existing platted lots that are included in article VI of this chapter, the Kiawah Island Property Setback Requirements

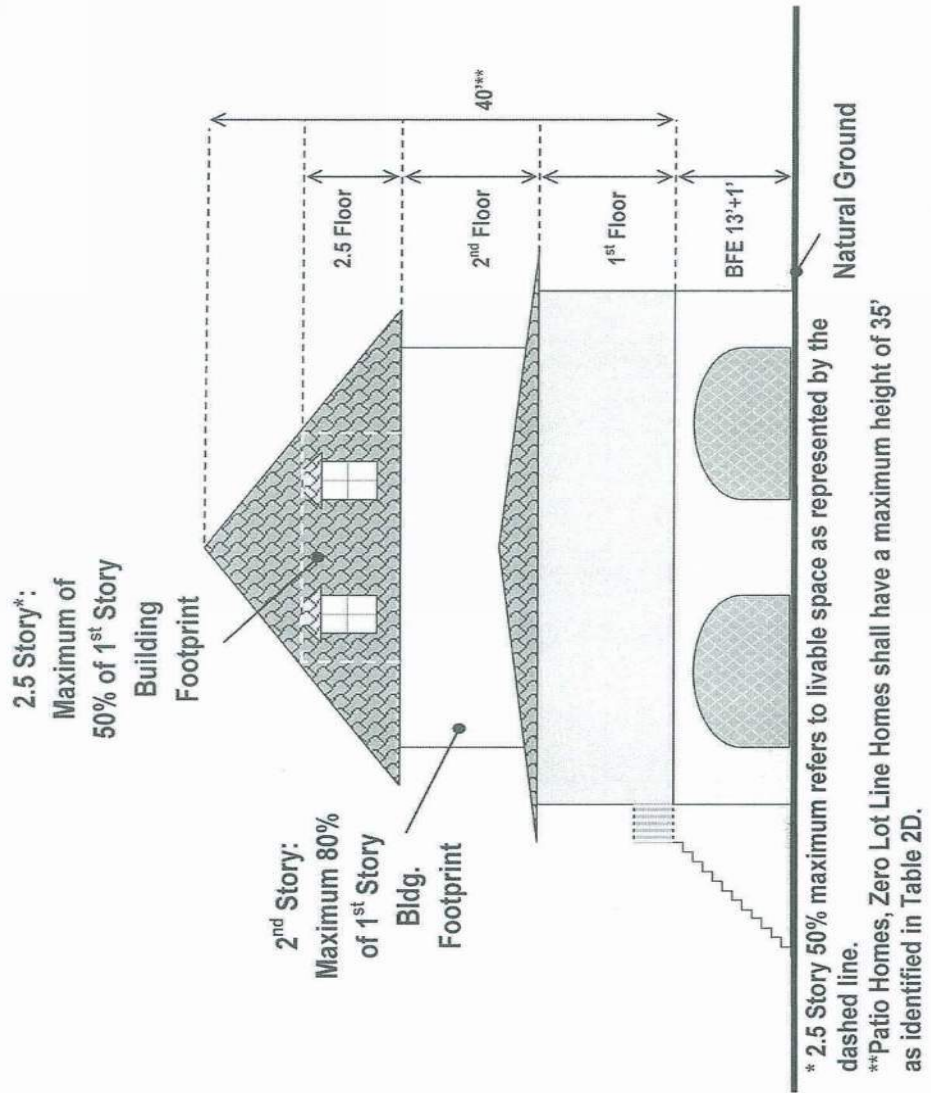
Appendix dated July 10, 2007, incorporated herein by reference and adopted hereto as article VI of this chapter shall apply in lieu of the setback requirements in table 2C, section 12-66;

- (5) Lot standards (setbacks, lot coverage, etc.) for patio homes, on existing platted lots that are included in the Kiawah Island Property Setback Requirements Appendix dated July 10, 2007, incorporated herein by reference and adopted hereto as article VI of this chapter shall apply in lieu of the setback requirements in table 2D, section 12-66;
- (6) Lot standards (setbacks, lot coverage, etc.) for patio homes not covered by subsection (e)(5) of this section are listed in table 2D, section 12-66, excluding duplexes and townhouses;
- (7) Authorized uses are listed in table 3A in section 12-102(c) except that townhouses and duplexes shall not be permitted uses in the R-2-O, Residential Overlay Zoning District;
- (8) Nonconforming structures and nonconforming uses that were lawfully erected within this overlay district prior to adoption of the R-2-O, Residential Overlay Zoning District, shall comply with sections 12-192 and 12-193; and
- (9) The term "height" means the elevation from ground floor level as measured in feet and stories to the highest point of the roof. The term "building height" does not include chimneys, antennas or ventilation pipes. Height in stories is the number of habitable floors (stories) exclusive of the area below the first finished floor. One-half story is a habitable floor which has heated square footage that is no greater than one-half the heated square footage of the largest story;
- (10) The second story floor area shall not exceed 80 percent of the first story building footprint area. If there is a half story above the second story, it shall not exceed 50 percent of the first story floor area. Graphic 2A and graphic 2B set forth in this subsection illustrate the maximum floor area percentages for single-family detached dwellings.

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

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





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

Staff Review:

The property owners, David L. and Catherine E. Gish, represented by the applicant Ken Dukes, are requesting a variance to increase the maximum allowable lot coverage by approximately 0.64% (26 square feet) for a proposed addition located at 1031 Warbler Court, Kiawah Island, SC (TMS #207-06-00-032).

The subject property is approximately 4,112.33 square feet (0.09 acres) in size. According to Charleston County records, the existing home on the site was constructed in 1976. The property was acquired by David and Catherine Gish in 2014.

The subject property is located in the R-2-O, Residential Zoning Overlay District. Adjacent properties to the north, south, east, and west are also zoned R-2-O, Residential Overlay. The surrounding neighborhood is developed primarily with single-family residential homes. The property is subject to review by the Kiawah Island Architectural Review Board (KIARB).

The Town of Kiawah Island Land Use Planning and Zoning Ordinance requires a front setback of twenty feet (20'), side yard setbacks of five feet (5'), and a rear setback of ten feet (10'). The maximum allowable lot coverage for the property is 50%. The current lot coverage is legally nonconforming regarding lot coverage and setbacks. The existing lot coverage is approximately 54.33%. The proposed addition will increase coverage by approximately 0.64%, resulting in a total lot coverage of approximately 54.97%.

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

The applicant's proposed plans include an addition to the existing structure located in the rear of the structure. The size of the new addition is approximately 64 square feet. The applicant's plans also include replacing the existing boardwalk landing located in the front yard. The applicant will replace the boardwalk with a pervious surface, resulting in an offset in primary lot coverage of approximately 38 square feet, or about 0.92% lot coverage. The total proposed increase in primary lot coverage is approximately 54.97%. The total secondary lot coverage is approximately 0.92%. The total lot coverage is approximately 55.89%.

The applicant has submitted to the Kiawah Island Architectural Review Board (KIARB) on for review. The KIARB granted approval on September 4 stating, *"The setback and lot coverage variances are approved as the design is one that is in keeping with patterns present in the neighborhood and the resulting whole is well composed. As designed, the two bedrooms frame the porch in a simple and straightforward manner. Minimal adjustments to meet metrics would negatively impact the appearance of the house and it is preferable as shown. Regarding the setback encroachment, board members considered that if originally proposed, this would have been approved as the area of setback encroachment is in line with what is already over the setback on that side. Regarding the lot coverage variance, other than reducing the area of addition, as*

discussed above, the alternative is to reduce the area of the existing deck. In this neighborhood, the deck extending to the lot line is a well-established pattern and board members found it preferable to leave this undisturbed.”

A site visit was conducted on July 30, 2025. The following findings relate to the variance approval criteria in Chapter 12, Article II, Division 5, Section 12-163(4) of the Town of Kiawah Island Land Use Planning and Zoning Ordinance:

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 small size of the lot, the total lot size is approximately 4,112 square feet. Per the applicant’s letter of intent, “*The unusual condition regarding this property is the lot size related to other properties in the community.*”**

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

Staff Response: **These conditions may be unique to the subject property and may not generally apply to other properties in the vicinity. The subject property is located in the R-2-O, Residential Overlay Zoning District. Adjacent properties and properties across Warbler Court are also located in the R-2-O, Residential Overlay Zoning District. Existing structures in the vicinity may or may not have similar encroachments based on current setback standards. Per the applicant’s letter of intent, “*This condition would not apply to other properties in the vicinity which exceeded the lot coverage restrictions when lot lines were established. Many of the existing properties with similar lot size are smaller two-bedroom cottages which may not exceed lot coverage restrictions.*”**

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

Staff Response: **The application of this Ordinance to 1031 Warbler Court would prohibit the construction of the proposed addition as the proposed structure will increase the lot coverage over the allowable maximum of 50%; However, it does not unreasonably**

restrict the utilization 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 addition is positioned in the rear of the home and does not stretch farther than the existing portion of the rear of the home. Per the applicant's letter of intent, "The addition will only be visible by one of the adjacent properties. That neighbor has voiced non-objection to the planned addition."**

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

Staff Response: **Granting of this variance would not allow the establishment of a use not otherwise permitted in this zoning district, extend physically a non-conforming use of land, or change the zoning district boundaries. Per the applicant's letter of intent, "The planned addition would add approximately 64 sf. to the lot coverage calculation. However, this will be reduced to 26 sf by replacing the front boardwalk with pervious pavers. The lot coverage percentage will slightly increase from 54.33% to 54.97%. "**

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

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

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

Staff Response: **The need for the variance may not be the result of the applicant's own actions. The existing structure is legally nonconforming. The home was constructed in 1976.**

§ 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: **The proposed lot coverage increase is minimal. The applicant is also partially offsetting the new lot coverage by replacing the existing entrance walkway with pervious pavers. Per the applicant's letter of intent, "The planned addition would add**

approximately 64 sf. to the lot coverage calculation. However, this will be reduced to 26 sf by replacing the front boardwalk with pervious pavers. The lot coverage percentage will slightly increase from 54.33% to 54.97%.”

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

Staff Response: Granting of the variance may not substantially conflict with the Comprehensive Plan or the purposes of the Ordinance.

Board of Zoning Appeals' Action:

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA25-000011 (Variance request to increase the maximum allowable lot coverage by approximately 0.64% for a proposed addition located at 1031 Warbler Court, Kiawah Island, SC (TMS #207-06-00-032)) based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

Town of Kiawah Island Board of Zoning Appeals

September 22, 2025



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

CASE# BZA25-000011 & 13

Applicant/Property Owner:	GISH DAVID L & GISH CATHERINE E
Representative:	Ken Dukes
Property Location:	1031 Warbler Court
TMS#:	207-06-00-032
Lot Size:	Total: 4,112.33 sqft (0.09 acres)
Zoning District:	R-2-O, Residential Zoning Overlay District
Requests:	<p>1) Variance request for the increase in maximum lot coverage by approximately .64% (26 square feet) for a proposed addition.</p> <p>2) Variance for the reduction of the required 5' side setback for approximately 31 square feet for a proposed addition.</p>

CASE# BZA24-000011 & 13

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

Required setbacks: 20' (Front); 5' (Side); 10' (Rear)

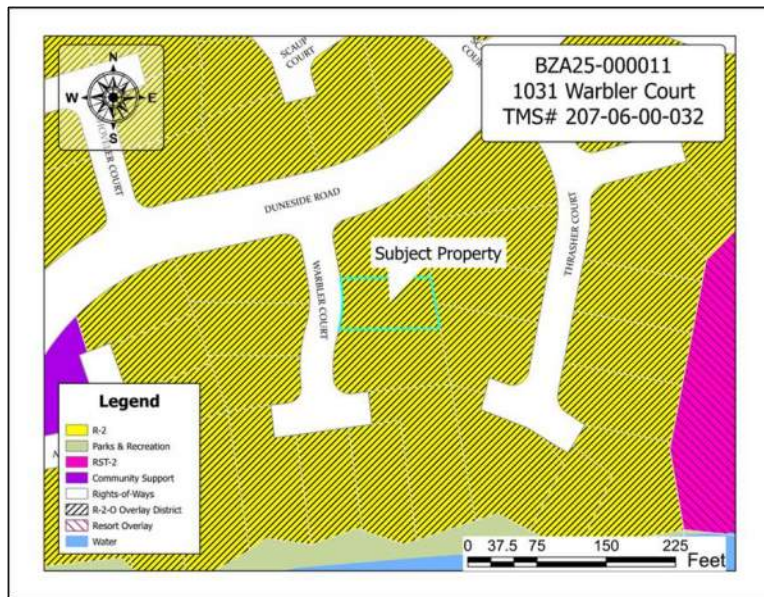
Maximum 50% Lot Coverage

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

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

Subject Property is legally nonconforming in regards to setbacks & lot coverage.

3



4



5

Case # BZA25-000011 & 13
BZA Meeting of September 22, 2025
Subject Property: 1031 Warbler Court- Kiawah Island

Variance request for the increase in maximum lot coverage by approximately .64% (26 square feet) for a proposed addition located at 1031 Warbler Court, Kiawah Island, SC (TMS # 207-06-00-032)
 Variance for the reduction of the required 5' side setback for approximately 31 square feet for a proposed addition.



6

Property Front



Adjacent Properties



Adjacent Properties



Property Rear

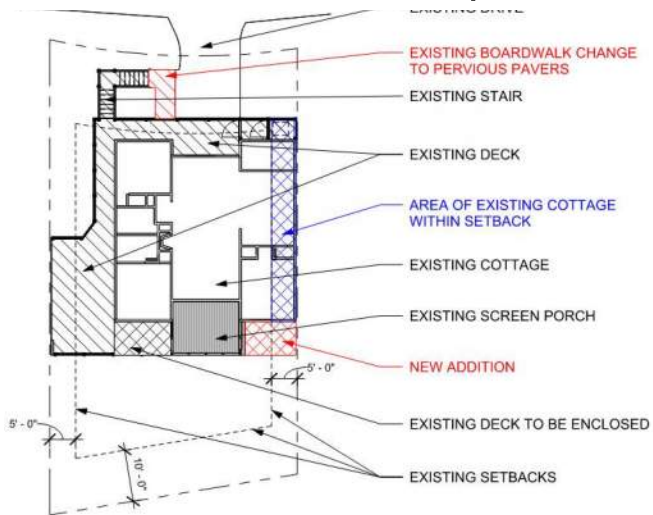


Subject Property



11

Proposed Site Plan



① Site Plan
1/16" = 1'-0"

SPARROW POND

SQUARE FOOTAGE LEGEND

PROPERTY	4,112.33 SF
EXISTING COVERAGE	
MAIN HOUSE	1,158.93 SF
SCREENED PORCH	145.38 SF
DECK	627.40 SF
HVAC AREA	24.02 SF
STAIR & LANDING	57.76 SF
DRIVE & BOARDWALK	220.92 SF
EXISTING TOTAL	2,234.41 SF
EXISTING LOT COVERAGE 54.33%	
NEW ADDITION	64.02 SF
CHANGE TO PERVIOUS BOARDWALK	-38.00 SF
TOTAL COVERAGE WITH ADDITION	2,260.43 SF

AREA OF EXISTING COTTAGE CURRENTLY WITHIN THE SIDE SETBACK	185.29 SF
AREA OF NEW ADDITION WITHIN THE SIDE SETBACK	30.65 SF

12

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.

14

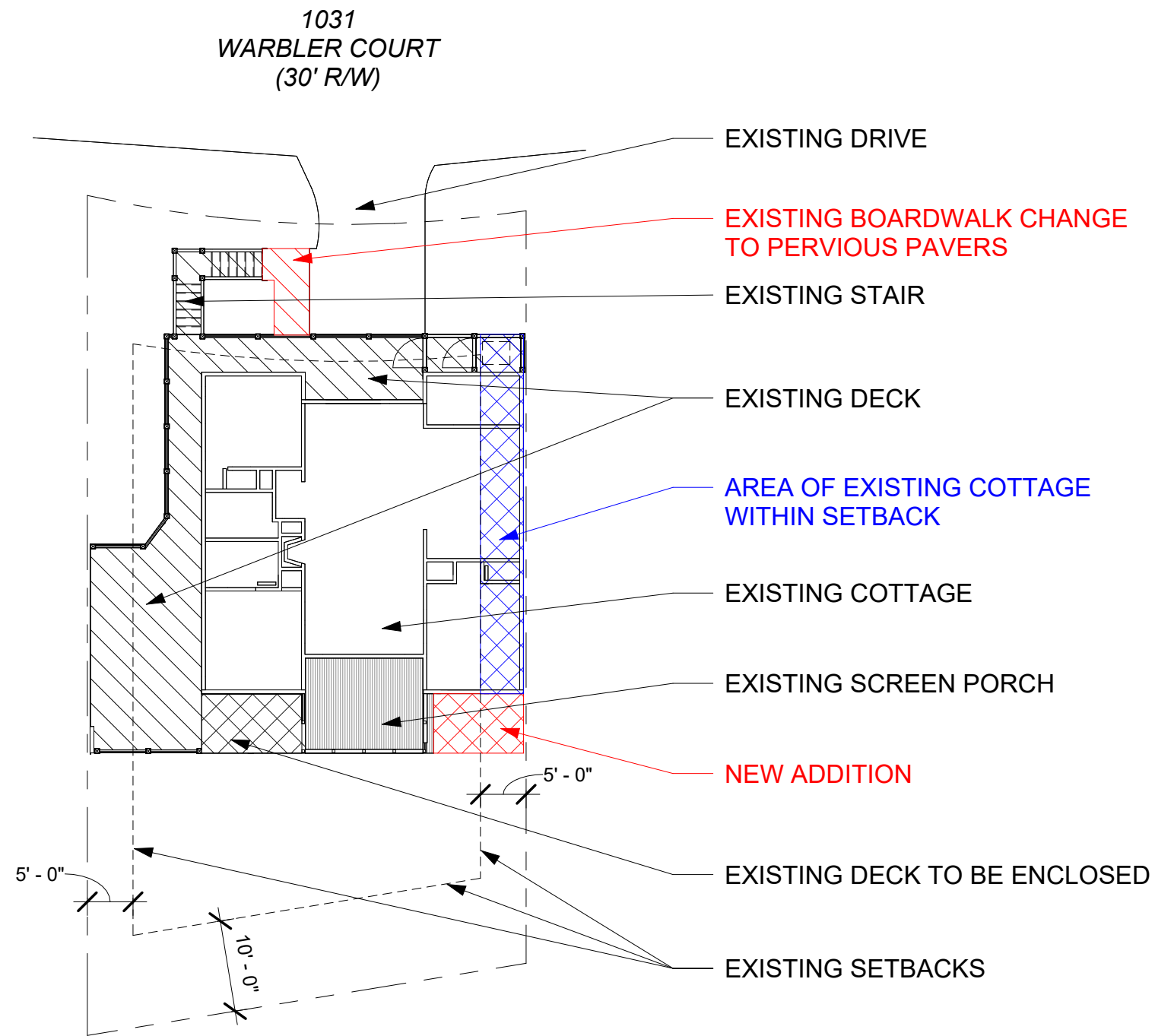
Board of Zoning Appeals Action

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA25-000011 (Variance request for the increase in maximum lot coverage by approximately .64% (26 square feet) for a proposed addition located at 1031 Warbler Court, Kiawah Island, SC (TMS # 207-06-00-032) & Case #BZA25-000013 (Variance for the reduction of the required 5' side setback for approximately 31 square feet for a proposed addition located at 1031 Warbler Court, Kiawah Island, SC (TMS # 207-06-00-032) 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 the variance, planning staff requests the BZA consider the following conditions:

- 1) The applicant shall provide an as-built survey to the Planning Director, ensuring the proposed addition conforms to the requested and approved encroachment.
- 2) Prior to the issuance of a zoning permit and construction, the applicant shall provide a landscape plan to be approved by the Planning Director showing enhanced landscaping corresponding to the proposed additions which provides buffering to the street and adjacent property.



SQUARE FOOTAGE LEGEND	
PROPERTY	4,112.33 SF
EXISTING COVERAGE	
MAIN HOUSE	1,158.93 SF
SCREENED PORCH	145.38 SF
DECK	627.40 SF
HVAC AREA	24.02 SF
STAIR & LANDING	57.76 SF
DRIVE & BOARDWALK	220.92 SF
EXISTING TOTAL	2,234.41 SF
EXISTING LOT COVERAGE 54.33%	
NEW ADDITION	
NEW ADDITION	64.02 SF
CHANGE TO PERVIOUS BOARDWALK	-38.00 SF
TOTAL COVERAGE WITH ADDITION	2,260.43 SF
NEW LOT COVERAGE 54.97%	
AREA OF EXISTING COTTAGE CURRENTLY WITHIN THE SIDE SETBACK 185.29 SF	
AREA OF NEW ADDITION WITHIN THE SIDE SETBACK 30.65 SF	

1 Site Plan
1/16" = 1'-0"
SPARROW POND

1031 Warbler Ct
Kiawah Island SC

Gish Residence
HOUSE OF BARTLETT
ARCHITECTS PA

No.	Description	Date
1	Added New Side Setback	07/23/2025

Site Plan		S2
Project number	-	
Date	07/11/25	
Drawn by	HOB	
Checked by	HOB	
Scale 1/16" = 1'-0"		

CERTIFICATION

I HEREBY CERTIFY THAT THE BEST OF MY KNOWLEDGE AND INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA AND THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.

LEGEND

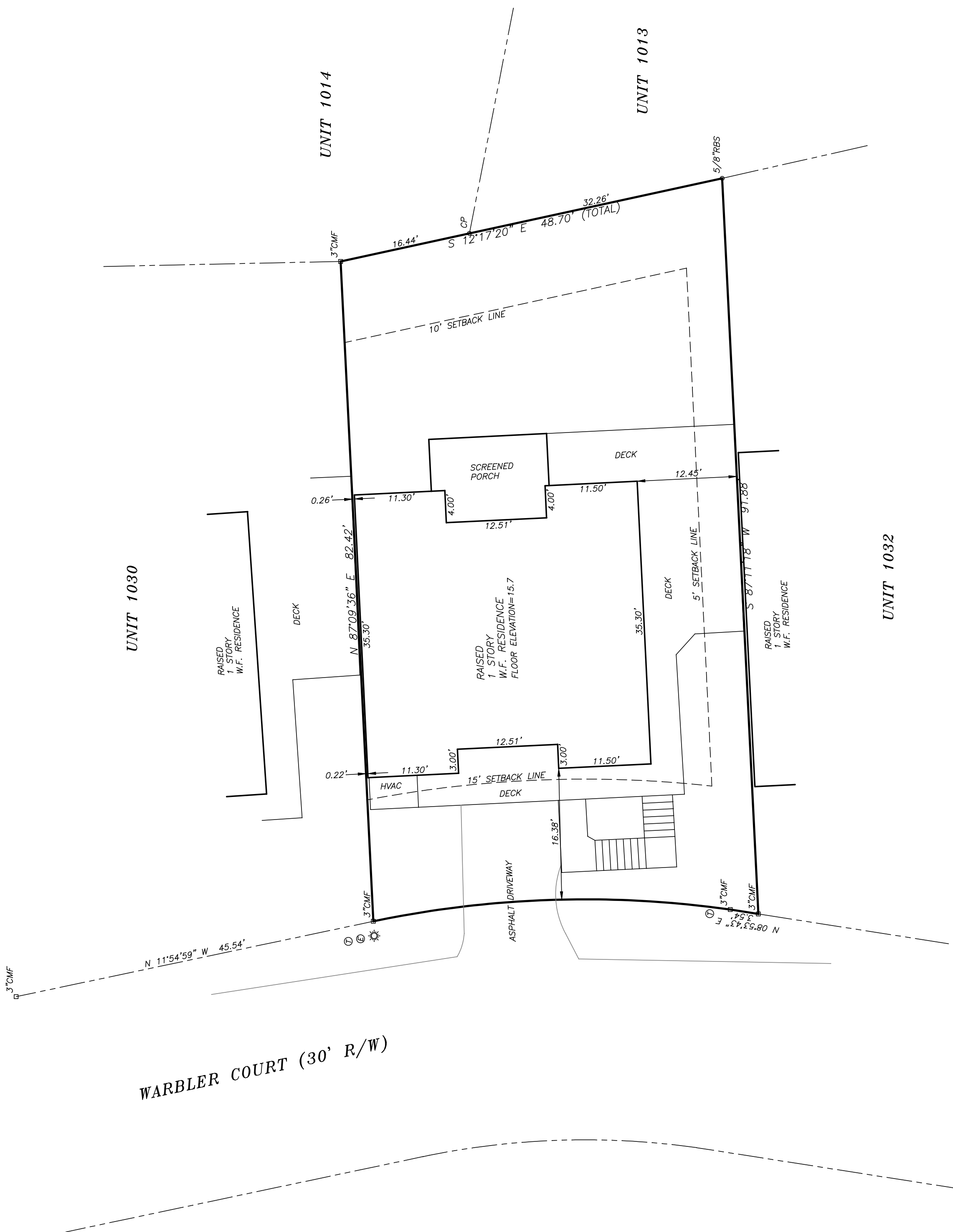
- RBS = REBAR (SET)
- CMF = CONCRETE MONUMENT (FOUND)
- CP = CALCULATED POINT
- ☉ = LIGHT POLE
- ⊕ = ELECTRIC PEDESTAL
- ⊙ = TELEPHONE PEDESTAL

NOTES

1. REF.: PLAT BOOK AG, PAGE 128 REED BOOK 0393, PAGE 821
2. PROPERTY OWNERS: DAVID GISH AND CATHERINE E. GISH
3. T.M.S. NO. 207-06-00-032
4. THE ADDRESS IS: 1031 WARBLER COURT KIAWAH ISLAND, SC 29455.
5. LOT AREA = 4112.33 SqFt (0.09 AC)
6. THE PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE-10, AS SHOWN ON MAP 45019C 0785 K, DATED JAN.29.2021.
7. ELEVATIONS SHOWN HEREON ARE IN THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD'88)
8. SEE REFERENCE PLAT FOR ALL OTHER GENERAL NOTES AND ANY SPECIAL NOTES.
9. SETBACK INFORMATION SHOULD BE CONFIRMED BY THE TOWN OF KIAWAH ISLAND.

LOT COVERAGE

FIRST FLOOR	= 1156.83 Sq. Feet
SCREENED PORCH	= 852.46 Sq. Feet
DECK	= 202.46 Sq. Feet
HVAC	= 24.02 Sq. Feet
STEPS & LANDINGS	= 57.76 Sq. Feet
DRIVEWAY & SIDEWALKS	= 220.92 Sq. Feet
TOTAL COVERAGE ON LOT	= 2234.41 SQ.FT.
LOT AREA	= 4112.33 SQ.FT.
LOT COVERAGE	= 54.33%

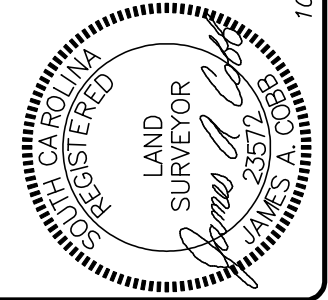
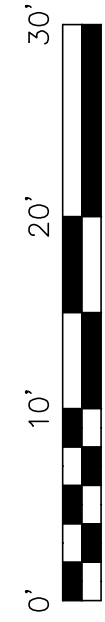
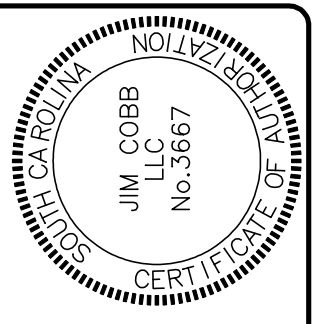


WARBLER COURT (30' R/W)

AS-BUILT SURVEY
 UNIT 1031
 SPARROW POND COTTAGES
 THE TOWN OF KIAWAH ISLAND

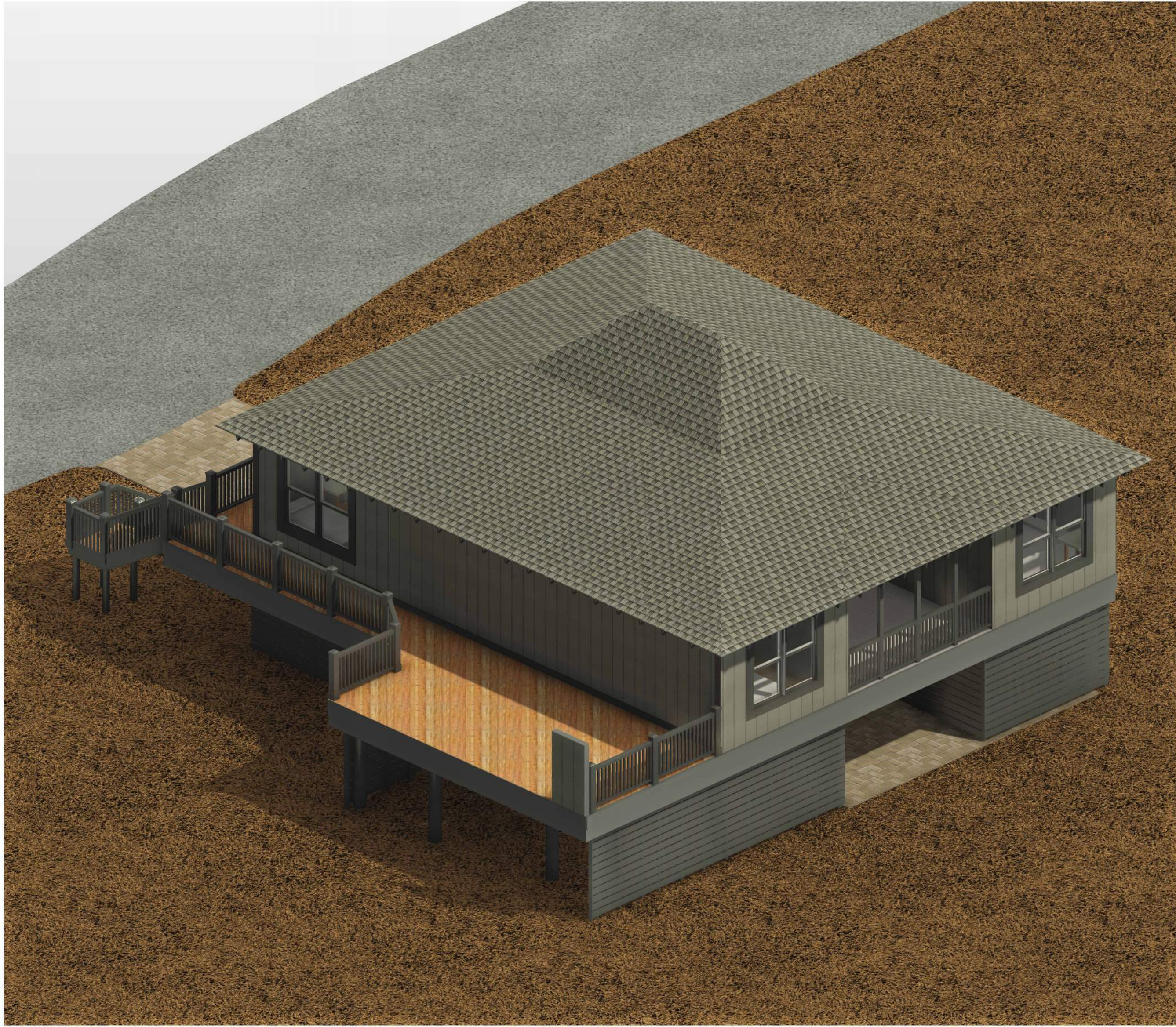
DATE: JULY 10, 2025
 SCALE: 1"=10'

JIM COBB L.L.C.
 LAND SURVEYING
 420 PRIESTLY ST., CHARLESTON, SC 29412
 PHONE (843) 303-6678

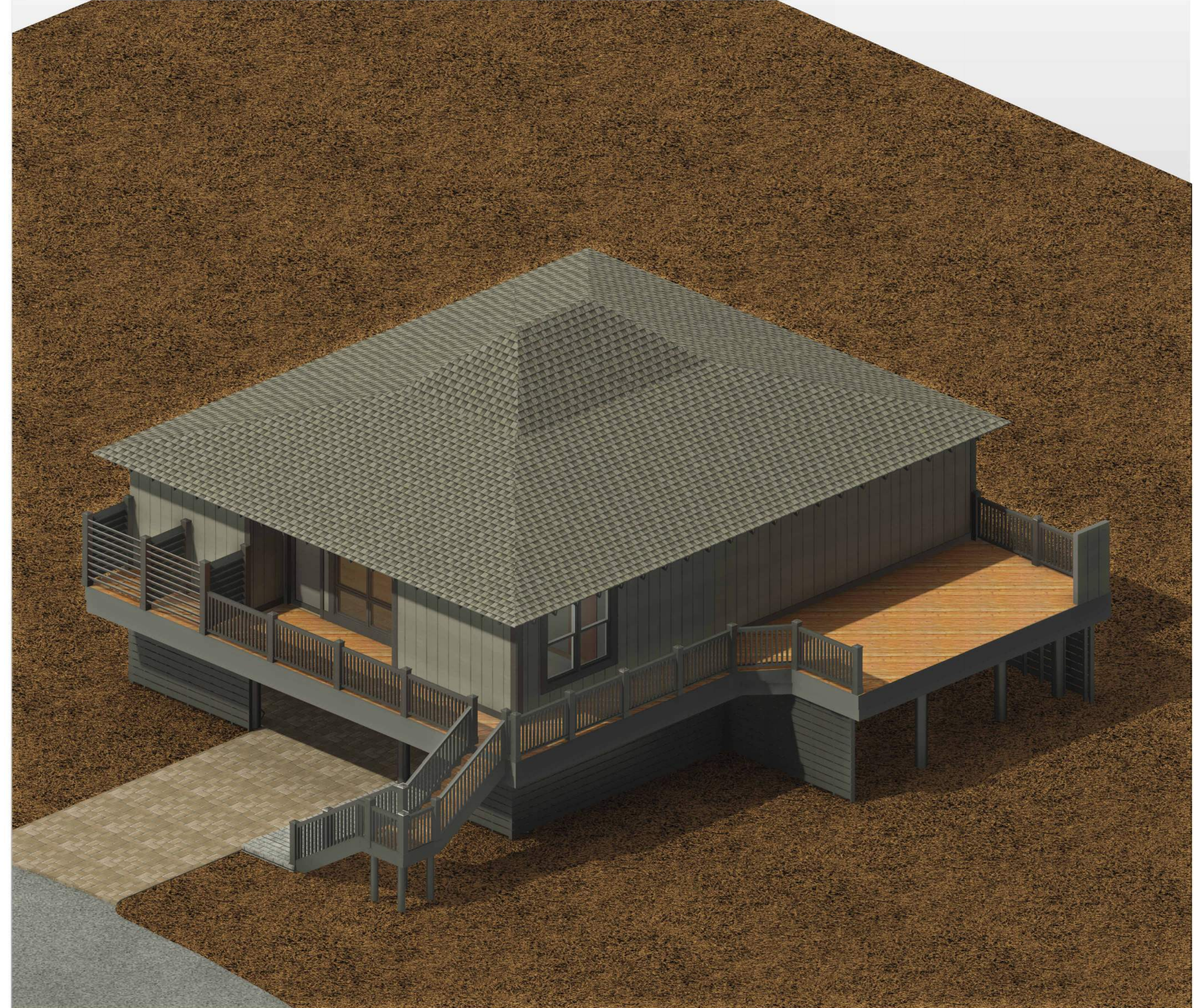


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B
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1 Rear View



2 Front View

1031 WARBLER COURT

1031
WARBLER COURT
Kiawah Island SC

**PRELIMINARY
NOT FOR CONSTRUCTION**

No.	Issuance / Revision	Date

SPARROW POND COTTAGES
1031 Warbler Court Kiawah Island, SC
29455
Cover

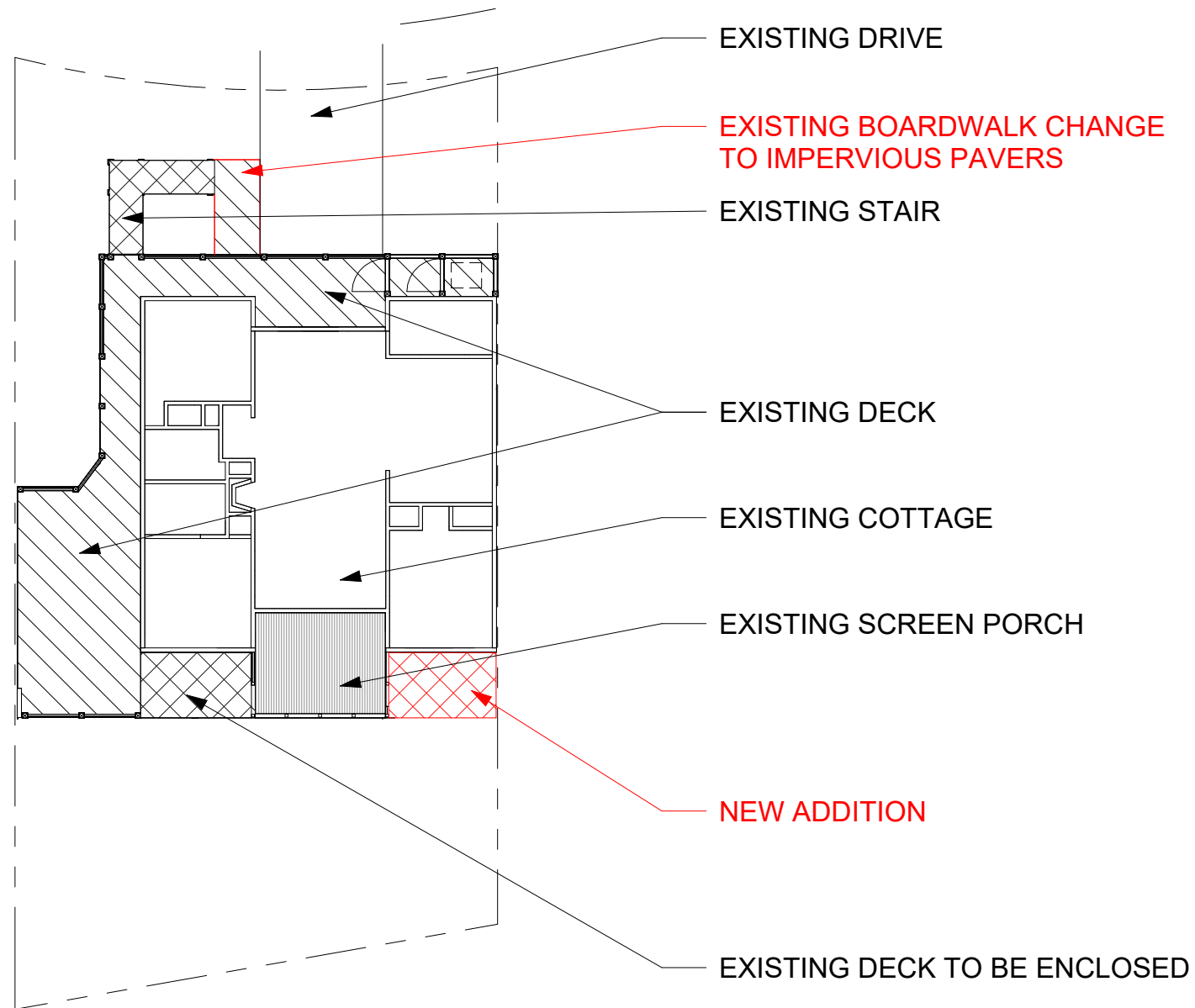
Drawing Date:
07/09/2025

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1031
WARBLER COURT
(30' R/W)



SQUARE FOOTAGE LEGEND	
PROPERTY	4,110 SF
EXISTING COVERAGE	
HOUSE	1,136 SF
SCREENED PORCH	137 SF
DECK	559 SF
STAIR	55 SF
BOARDWALK	35 SF
DRIVE	198 SF
EXISTING TOTAL	2,120 SF
EXISTING LOT COVERAGE	52%
NEW ADDITION	
NEW ADDITION	69 SF
CHANGE TO IMPERVIOUS BOARDWALK	-35 SF
TOTAL COVERAGE WITH ADDITION	2,154 SF
NEW LOT COVERAGE	52%

1 Site Plan
1/16" = 1'-0"

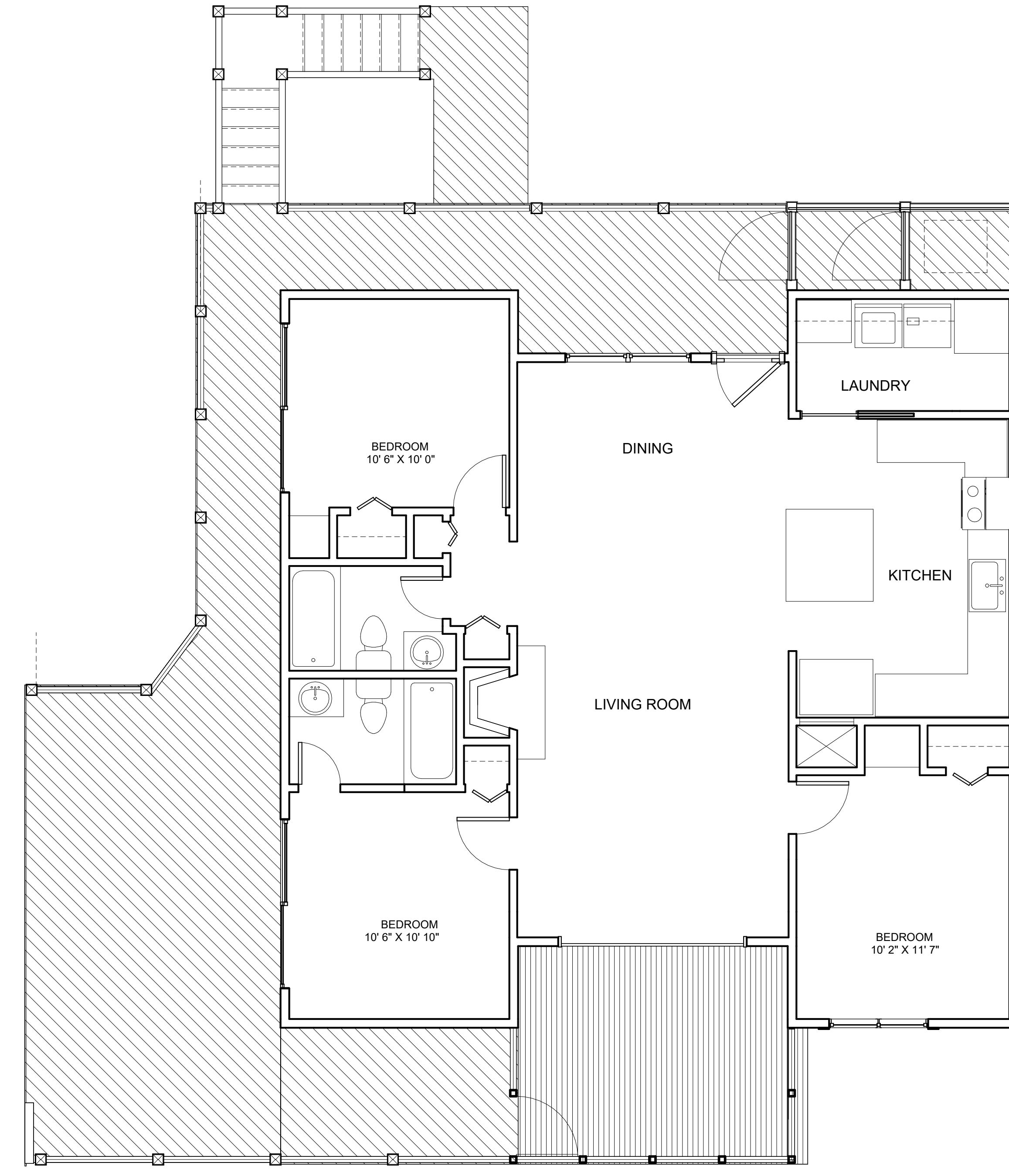
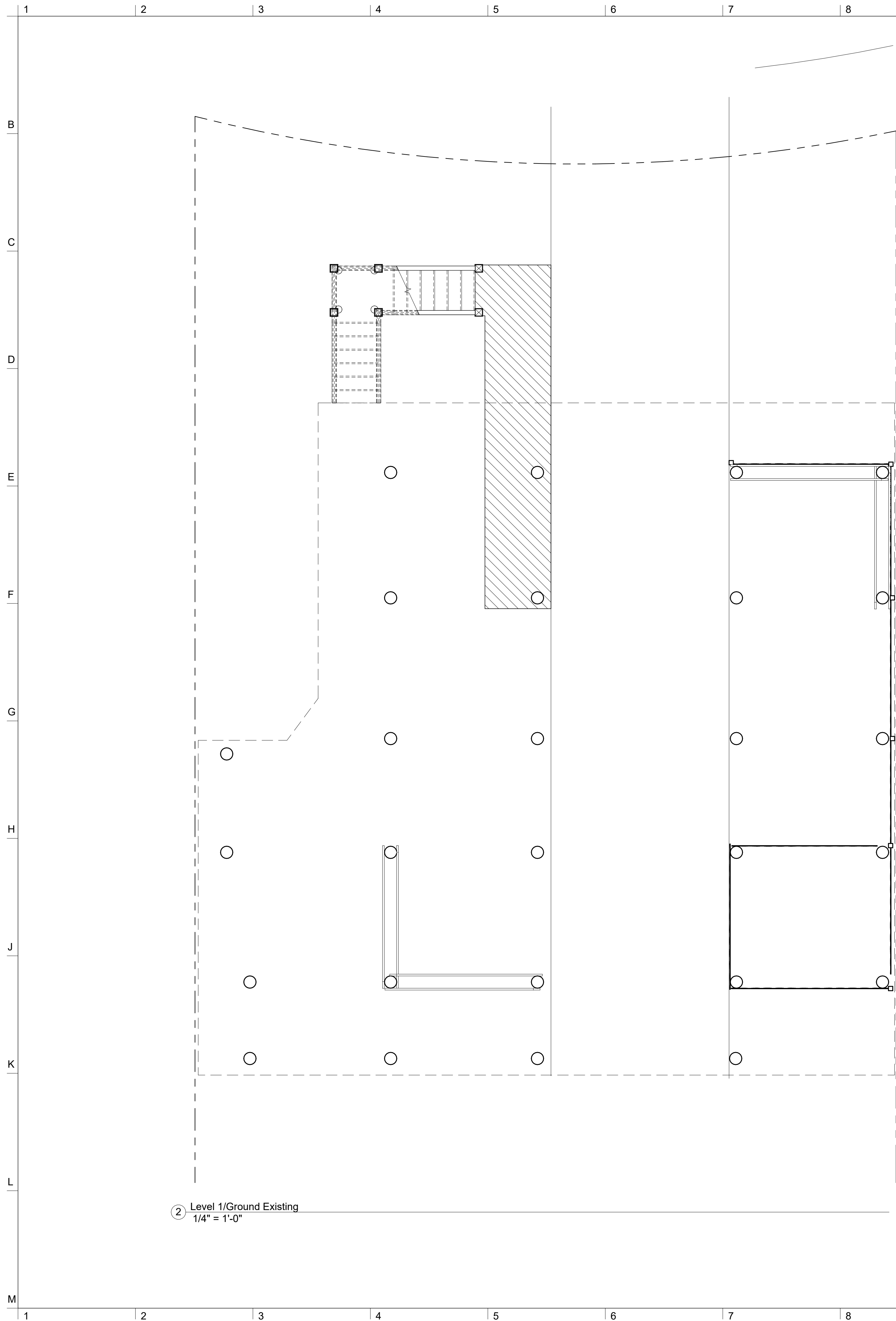
SPARROW POND

1031 Warbler Ct
Kiawah Island SC

Gish Residence
Sparrow Pond Cottage

No.	Description	Date

Site Plan	
Project number	-
Date	07/09/2025
Drawn by	HOB
Checked by	HOB
S2	
Scale 1/16" = 1'-0"	



1031
WARBLER COURT
 Kiawah Island SC

PRELIMINARY
NOT FOR CONSTRUCTION

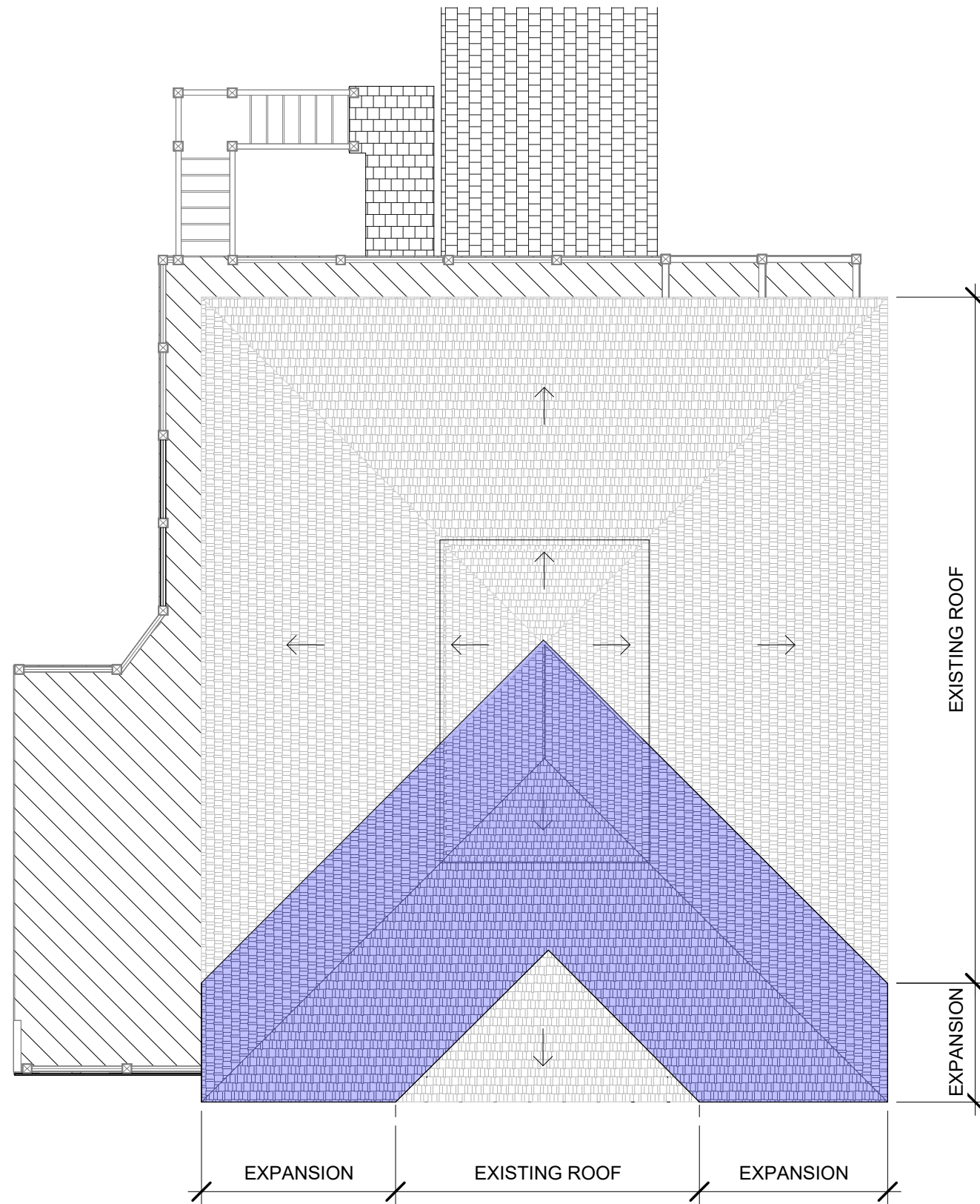
No.	Description/Revision	Date

SPARROW POND COTTAGES
 1031 Warbler Court Kiawah Island, SC
 29455
 Existing Floor Plans

Drawing Date:
 07/09/2025

EX101

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1 Roof Plan
1/8" = 1'-0"

1031 Warbler Ct
Kiawah Island SC

Gish Residence
Sparrow Pond Cottage

No.	Description	Date

Roof Plan

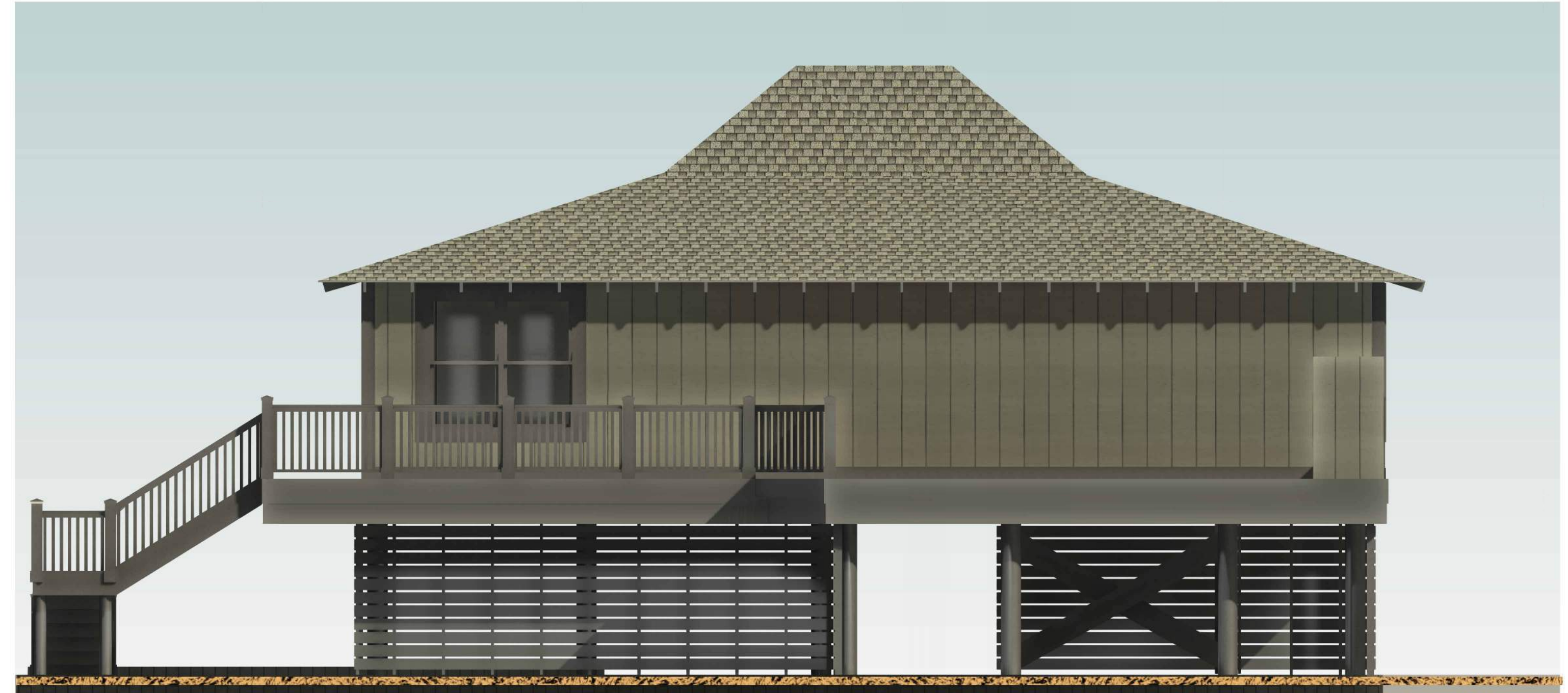
Project number -
Date 07/09/2025
Drawn by -
Checked by -

A108

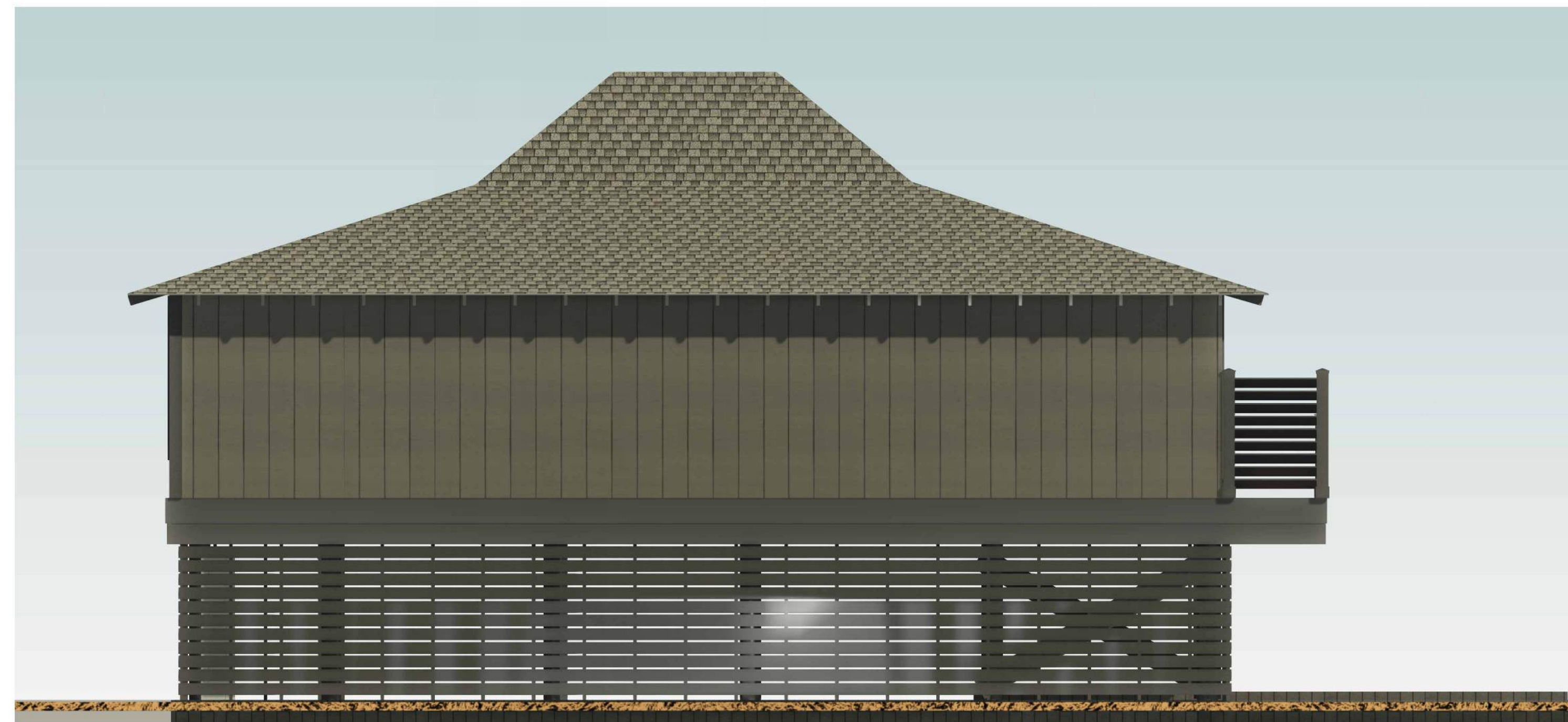
Scale 1/8" = 1'-0"



3 Front Elevation
1/4" = 1'-0"



4 Right Side Elevation
1/4" = 1'-0"



1 Left Side Elevation
1/4" = 1'-0"



2 Rear Elevation
1/4" = 1'-0"

1031
WARBLER COURT
Kiawah Island SC

**PRELIMINARY
NOT FOR CONSTRUCTION**

No.	Issuance / Revision	Date

SPARROW POND COTTAGES
1031 Warbler Court Kiawah Island, SC
29455
Elevations

Drawing Date:
07/09/2025

A102

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1031 THRASHER CT – SPARROW POND COTTAGES

LETTER OF INTENT

This project is for an addition and remodel of the cottage at 1031 Warbler Ct. in the Sparrow Pond cottages. The intent is to make an addition adjacent to the screened porch at the rear of the cottage. The addition will bring the left side of the cottage out even with the screened porch and allow space on the interior for an additional bathroom. The addition will involve an encroachment into the current 5' setback on this side of the cottage. This is the reason for this Variance Application.

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

The setback lines for the property were established years after the cottage was built. Since the property has zero lot lines on both sides with the adjacent properties, the existing setback lines show the house to be invading the setback areas on both sides. The planned addition will simply extend this by approximately 6 feet on the left side.

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

Since other properties in the vicinity generally have at least one side of the house that is not a zero lot line, the condition of having both sides of the house encroaching setback areas is unique.

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

The ability to have an additional bathroom greatly increases the livability of the cottage. There is no bathroom on the left side of the house.

d. The authorization of the variance will not be of substantial detriment to adjacent properties or the public good, and the character of the zoning district will not be harmed by granting of the variance.

A large percentage of the cottages in Sparrow Pond have made this addition. The addition is located at the rear of the cottage and is not visible from the street. The addition fits well into the overall design of the cottage and matches existing colors and roof.

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

nonconforming use of land, or to change the zoning district boundaries shown of the official zoning map.

No zoning boundaries will change as a result of this project. The use of the property will continue to be that of a vacation home with periodic rentals.

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

The sole reason for the variance is to make the property more livable and to enhance its comfort and appearance. It will also add to the appearance of the community by upgrading windows, doors, and walkways.

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

The need for this variance is the result of the setbacks that were established after the property was built upon and placed the house structure inside the setbacks.

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

Granting the variance will allow significant improvement in the appearance of a property built approximately 45 years ago and continue to foster the improvements that have been made and are being made in the Sparrow Pond community.

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

This variance has been granted several times where the setbacks previously established several years ago in the Sparrow Pond cottages conflict with the overall enhancement of the community and do not seem logical. The approval of the Kiawah Island Cottage Owners Association has been given.

EXHIBIT A

ALL that certain piece, parcel or lot of land with the buildings and improvements thereon, situate, lying and being in the County of Charleston, State of South Carolina, and known and designated as Unit 1031, on a plat by Coastal Surveying Co., Inc., dated May 5, 1976, and revised May 14, 1976, and September 2, 1976, entitled "PLAT OF A PORTION OF SPARROW POND COTTAGES LOCATED ON KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA, OWNED BY KIAWAH ISLAND COMPANY, INC., 67 BROAD STREET, CHARLESTON, SC 29401", recorded in Plat Book AG, at page 128, in the RMC Office for Charleston County, SC and having such location, buttings, boundings, dimensions, courses and distances as will by reference to said plat more fully appear.

This conveyance is made subject to the following:

- (a) All covenants, obligations, restrictions and limitations as contained in the Declaration of Covenants and Restrictions of the Kiawah Island Community Associates, Inc., recorded in Book T-108, page 337, in the RMC Office for Charleston County, SC.
- (b) All covenants, obligations, restrictions, and limitations applicable to Kiawah Island Company, Inc. properties as contained in the Declaration of Rights, Restrictions, Affirmative Obligations and Conditions recorded in Book T-108, page 338, in the RMC Office for Charleston County, SC;
- (c) All covenants, obligations, restrictions and limitations applicable to Class "A" Residential Areas of Kiawah Island, all as contained in the Declaration of the Kiawah Island Company, Inc., recorded in Book T-108 at Page 339, in the RMC Office for Charleston County, SC;
- (d) Declaration of Covenants and Restrictions for Kiawah Island Cottages, Kiawah Island, S.C. dated October 29, 1976, and Provisions for the Kiawah Island Cottage Owners' Association, Inc., and By-Laws therefore, recorded in Book V-110 at Page 117, in the RMC Office for Charleston County, SC, as amended in Book Y-183 at Page 346;
- (e) All easements as shown on the aforesaid plat by Coastal Surveying Co., Inc.
- (f) The Zoning Ordinances of the Town of Kiawah Island, South Carolina.

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 1031 Warbler Court, Kiawah Island bearing Charleston, County Tax Map Number 207-06-00-032, was transferred by **Michael Houghton and Leigh S. Houghton** to **David L. Gish and Catherine E. Gish** on March 14, 2014.
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 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) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$427,500.00
 - (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 \$_____.

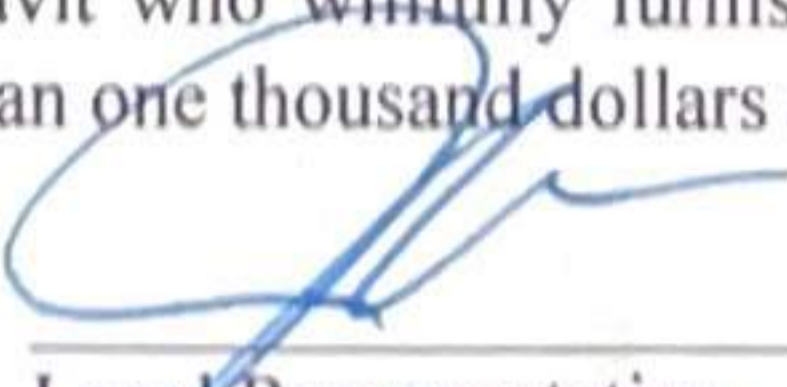
5. Check YES ___ or NO to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If YES, the amount of the outstanding balance of this lien or encumbrance is \$_.

6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: 427,500.00
 - (b) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
 - (c) Subtract line 6(b) from Line 6(a) and place result here: 427,500.00

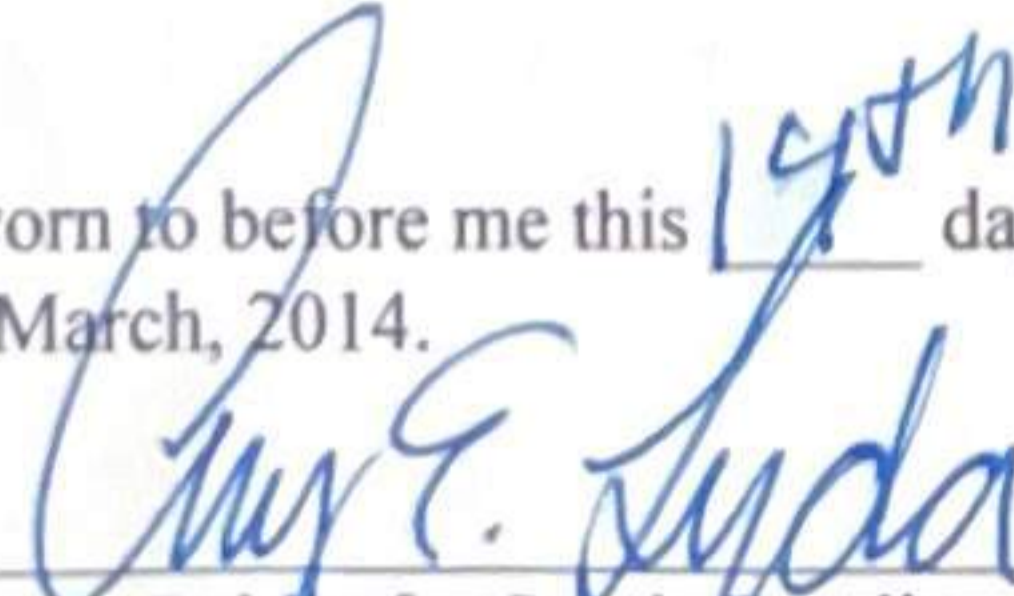
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$1,581.75.

8. 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

9. 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
Burt Byars & Taylor, LLC
Print Name

Sworn to before me this 14th day
of March, 2014.


Notary Public for South Carolina
My Commission Expires: _____

AMY E. LYDA
Notary Public, South Carolina
My Commission Expires
August 17, 2021

RECORDER'S PAGE



NOTE: This page MUST remain with the original document

abi

Filed By:

BUIST, BYARS, & TAYLOR, LLC
 FRESHFIELDS VILLAGE
 130 GARDNER'S CR PMB 138
 JOHNS ISLAND SC 29455 (BOX)

RECORDED		
Date:	March 17, 2014	
Time:	10:44:04 AM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0393	821	Deed
Charlie Lybrand, Register Charleston County, SC		

GMT

MAKER:

HOUGHTON MICHAEL AL

Note:

RECIPIENT:

GISH DAVID L AL

of Pages:

Original Book:

Original Page:

Recording Fee	\$ 10.00
State Fee	\$ 1,111.50
County Fee	\$ 470.25
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 1,591.75

DRAWER
 CLERK

AUDITOR STAMP HERE

RECEIVED FROM RMC

MAR 18 2014

PETER J. TECKLENBURG
 CHARLESTON COUNTY AUDITOR

PID VERIFIED BY ASSESSOR

REP *PKJ*

DATE *3/19/14*

4



0393
Book



821
Page



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September 4, 2025

Mr. and Mrs. David Gish
1031 Warbler Court
Kiawah Island, SC 29455

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

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

Re: **MAJOR IMPROVEMENT REVIEW and VARIANCE**
Address: 1031 Warbler Court
ARB Action: Approved

Dear Mr. and Mrs. Gish,

Thank you for your submittal to the Kiawah Island Architectural Review Board for review of Improvements to your home at 1031 Warbler Court. The additions to your home are approved to continue to the permit submittal with the following comments and conditions in keeping with the guidelines:

- L1. A proposed landscape plan, showing revegetation of areas impacted by construction and new plantings as needed to meet current ARB Standards and Guidelines, should be submitted for review and approval 60 days prior to landscape installation. Please review the landscape requirements of the Design Guidelines.
- L2. Please note that if you propose tree removals or major impact to trees, this should be submitted for review by the ARB.
- L3. Due to the proposed change in footprint, please be reminded that an as-built survey will be required for the final inspection at the conclusion of construction.

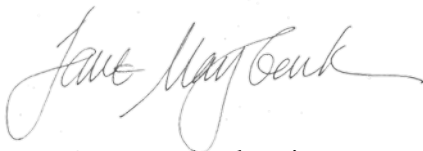
- A1. The setback and lot coverage variances are approved as the design is one that is in keeping with patterns present in the neighborhood and the resulting whole is well composed. As designed, the two bedrooms frame the porch in a simple and straightforward manner. Minimal adjustments to meet metrics would negatively impact the appearance of the house and it is preferable as shown. Regarding the setback encroachment, board members considered that if originally proposed, this would have been approved as the area of setback encroachment is in line with what is already over the setback on that side. Regarding the lot coverage variance, other than reducing the area of addition, as discussed above, the alternative is to reduce the area of the existing deck. In this neighborhood, the deck extending to the lot line is a well-established pattern and board members found it preferable to leave this undisturbed.
- A2. Please note that floodlights are discouraged on homes at Kiawah Island. Please limit the use of flood lights to no more than two fixtures, located in areas of pedestrian traffic. Alternate exterior lighting may be more appropriate at some existing floodlight locations.
- A3. Please note that exterior light fixtures other than flood lights are required to screen any direct view of light bulbs. Fixtures designed to display light bulbs should not be used. All new and existing exterior fixtures at your property should conform to this requirement. Please submit cut sheets for proposed new and replacement fixtures.

- A4. All exterior materials, colors, and other finishes should match those of the existing house. If different materials or colors are proposed, please note that the neighborhood uses a pre-approved color palette and be sure to submit any change to your regime board for approval prior to repaint.
- A5. Please refer to your neighborhood's approved colors when making color selections.
- A6. Bandboards must be painted to match either the foundation or the siding color and are not permitted to be the trim color. Additionally, corner boards must be painted out in the siding color and HVAC stand and any downspouts must be painted out in the color of the material to which they are adjacent.
- A7. HVAC equipment, tankless water heaters and propane tanks, if any, are required to be architecturally screened or located in an area where they are not visible.

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

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

Sincerely,



Jane Maybank, Director
On behalf of the KIARB

cc: Property File
encl: Construction Application and Deposit Form