



**Case #BZA25-000016**  
**Kiawah Island BZA Meeting of October 20, 2025**

**Applicant/Property Owner:** Craig Rowitz

**Property Location:** 82 River Marsh Lane

**TMS#:** 209-10-00-011

**Lot Size:** Total: 22,175 sqft (.51 acres)

**Zoning District:** R-1, Residential Zoning Overlay District

**Request:** Variance request for the reduction of the required 15' side setback for approximately 342 square feet for a proposed single-family residence

**Requirement:**

Chapter 12. Land Use Planning and Zoning, Art. II. Zoning, Div. 2. Zoning Map/Districts, Sec. 12-65. - R-1, Residential Zoning 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) <sup>(1)</sup>	Minimum Yard Setbacks (feet)			Maximum Height	
				Front <sup>(2)</sup>	Side <sup>(3)(5)</sup>	Rear <sup>(4)</sup>	(stories)	(feet)
8,000—11,999	40 percent	100	60	25	10	25	2.5	40
12,000+	33 percent	100	75	25	20	25	2.5	40
<sup>(1)</sup> For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line. Cul-de-sac lots shall have a minimum width of 25 feet at the street line. The minimum width of any flag lot may be reduced to 20 feet, provided that the minimum width specified in the table is provided at the front building setback line.								
<sup>(2)</sup> On corner and double-frontage lots, front setback standards will apply to each lot line that borders a street right-of-way. The rear yard setback shall apply to the opposite side of the principal structure's front main entrance. The side yard setback shall apply to the remaining sides.								
<sup>(3)</sup> A minimum of 15 feet must be provided between structures.								
<sup>(4)</sup> The minimum yard requirements shall be increased to 30 feet from any lot or parcel boundary which abuts a golf course.								
<sup>(5)</sup> Minimum setbacks in side yard for lots currently in existence and reflected on the current zoning map and fronting on Eugenia Avenue the side yard setback shall be ten feet.								

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

**RED CEDAR LANE (DEVELOPED LANDS) cont.**

150	25 (Red Cedar)	15 (lot 149) 30 (marsh)	30 (marsh)
151	25 (Red Cedar)	30 (marsh) 15 (lot 153)	30 (lagoon)
152	25 (Red Cedar)	15	30 (lagoon)
153	25 (Red Cedar)	15 (lot 152) 25 (Sawgrass Ln)	30 (lagoon)

**RHETT'S BLUFF ROAD (UNDEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
7	20 (Rhett's Bluff)	15	25 (marsh)
8	20 (Rhett's Bluff)	15	20 (marsh)
9	20 (Rhett's Bluff)	15	20 (marsh)
10	20 (Rhett's Bluff)	15	20 (marsh)
11	20 (Rhett's Bluff)	15	L-20, R-10
12	20* (Rhett's Bluff)	15	10 (marsh)
13	20* (Rhett's Bluff)	15**	10 (marsh)
14	20* (Rhett's Bluff)	15**	10 (marsh)
15	20* (Rhett's Bluff)	15**	10 (marsh)
16	20* (Rhett's Bluff)	15**	L-10, R-20
17	20 (Rhett's Bluff)	15	20 (marsh)
18	20 (Rhett's Bluff)	15	L-20, R-25
19-28	20 (Rhett's Bluff)	15	25 (marsh)
29	20* (Rhett's Bluff)	15**	15 (Kiawah River)
30	20* (Rhett's Bluff)	15**	15 (Kiawah River)
31	20* (Rhett's Bluff)	15**	15 (Kiawah River)
32	20* (Rhett's Bluff)	15**	15 (Kiawah River)
33	20* (Rhett's Bluff)	15**	15 (Kiawah River)
34	20 (Rhett's Bluff)	15	L-40, R-15
35	50 (Rhett's Bluff)	15	L-50, R-40
95	See Graphics	See Graphics 15 (lot 96)	25 (marsh)
96-98	See Graphics	15	25 (marsh)

**RHETT'S BLUFF ROAD (UNDEVELOPED LANDS) cont.**

99***	See Graphics	15 See Graphics	25 (marsh)
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\* A one story element may be allowed to encroach to within 10' of the front property line.  
 \*\* Decks of reduced height may be allowed to encroach into the setback.  
 \*\*\* Lot 99, there is a no construction zone on the easement side of the lot; there is to be no roof overhang nor footings in this area.

**RIVER MARSH LANE (SEE GRAPHICS ALSO) (UNDEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
41	100	15	See Graphics
42-44	50	15	50
45	50	15	See Graphics
46	50	15	50
47	50	15	See Graphics
48-55	50	15	50
56	50	15	See Graphics
57	25 (lot 58)	15 (lot 56) See Graphics	50
58-59	See Graphics	See Graphics	See Graphics
60	80	15 (lot 59, See Graphics) 25 (lots 62, 61)	See Graphics
61	50 (River Marsh)	50 (New Settlement)	25 (lot 60)
80	25	<del>25 (lot 60)</del> 15 (lot 81) 20 (wetland)	30
81	25	15	30
82	25	15	30

**ROYAL BEACH DRIVE (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1	25 (Royal Beach)	25 (Flyway) 15 (lot 2)	20 (open space)
2-6	25 (Royal Beach)	15 (lots)	20 (open space)
7	20 (lot 6)	15	See Plat
8	20 (lot 7)	15	See Plat
9	20 (lots 8, 10) 25 (Royal Beach)	15	See Plat

Sec. 12-64. - Setbacks.

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

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

Driveways and walkways may be located within any required setback.

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

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

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

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

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

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

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

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

**Staff Review:**

The applicant and property owner of 82 River Marsh Lane, Craig Rowitz, is requesting a variance for the reduction of the required 15-foot side setback by approximately 342 square feet for a proposed single-family residence located at 82 River Marsh Lane, Kiawah Island, SC (TMS # 209-10-00-011). The subject property is located within the R-1, Residential Zoning District.

The subject property is approximately 22,175 square feet (0.51 acres) in size and is currently undeveloped. The parcel is located within the R-1, Residential Zoning District and is subject to review by the Kiawah Island Architectural Review Board (ARB). The property is located on River Marsh Lane, with adjacent parcels to the north and west also zoned R-1, Residential. The parcel is bordered by a single-family residential property to the west side. Bordering the south of the subject property is open space owned by the Kiawah Island Community Association (KICA). The adjacent property (Rhett's Bluff Boat Landing) to the east is zoned PR, Parks and Recreation, and is owned by the Kiawah Island Community Association. Located at the front of the property is a 10' leisure trail easement containing a pedestrian path. The subject property is subject to review by the Kiawah Island Architectural Review Board.

The *Town of Kiawah Island Land Use Planning and Zoning Ordinance* pursuant to Sec. 12-65. R-1, Residential District requires a 25' front yard setback, a 15' side yard setback and a 25' rear yard setback with an allowed maximum lot coverage of 33% for the subject property.

According to Charleston County records, this home was acquired by Craig and Lisa Rowitz on August 8, 2018 (Book 0739, Page 139). The subject property is currently undeveloped.

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

The applicant's proposed plans include a new single-family residence. The submitted plans show an encroachment into the required 15-foot side setback on the eastern side of the property. Specifically, the proposed structure extends approximately 11 feet 5½ inches into the 15-foot setback, placing it approximately 3 feet 6½ inches from the property line. The total area of the encroachment within the required side setback is 342 square feet. The Subject Property includes a 61 inch live oak located in the front buildable area of the lot, and a cluster consisting of a 32 inch live oak and a 26 inch live oak in the rear buildable area of the lot. The proposed lot coverage is 30.62%.

There is an existing easement located on Rhett's Bluff Boat Landing (TMS# 209-11-00-040) granting the owner of the subject property (82 River Marsh Lane) rights to encumber KICA's Rhett's Bluff Landing Property only with respect to a fifteen feet (15') wide strip along the border of the Rhett's Bluff Landing Property with the adjoining property (82 River

Marsh Lane) for the limited purpose of allowing the property owners of 82 River Marsh Lane access during regular Landing hours to plant and maintain vegetation approved by KICA and the Kiawah Island Architectural Review Board, to serve as a vegetative screen for the dwelling and improvements constructed on the adjacent property (82 River Marsh Lane). This easement was signed and executed on August 28, 2013.

The applicant provided a letter dated September 10, 2025 from Shannon M. White, Chief Operating Officer of KICA addressed to the applicant, Mr. Craig W. Rowitz, stating that, *"In response to the request from the Town of Kiawah Island's Board of Zoning Appeals, this letter confirms the Grant of Easement granted to 82 River Marsh Lane in 2013. In March 2013, the KICA Board of Directors approved the use of a small portion of its Rhett's Bluff Boat Landing property for the purpose of providing vegetative screening for 82 River Marsh Lane. At that time, the Board directed the COO to negotiate the terms of the Grant of Easement. The Grant of Easement was executed by the Chair of the KICA Board of Directors and subsequently recorded with Charleston County. The recorded document specifies that the easement also benefits "subsequent purchasers" of 82 River Marsh Lane. Accordingly, this easement remains in effect for the property."*

A variance for the subject property was granted on May 20, 2013 by the Town of Kiawah Island, Case # BZAV-4-13-15973. The variance application was for the reduction of the required 15 ft. side yard setback by 13 ft. to 2 ft. for approximately 600 square feet encroachment of a proposed single family residence and screened in porch for the subject property located at 82 River Marsh Lane (TMS# 209-10-00-011). The variance expired on May 20, 2014.

The applicant has submitted to the Kiawah Island Architectural Review Board for review. The ARB stated in a letter dated May 4, 2023, *"The ARB continues to support the previously approved (2013) East side setback variance due to grand Oak tree preservation but is not open to increasing the amount of encroachment due to the impact of the mass on the tree canopy. Please revise the proposed site development to locate the newly added structure within the buildable area. Please also include detailed tree canopy information on the elevations and provide a clear picture of which limbs are proposed to remain and be removed on the site plan in order to confirm extent of remaining canopy for trees being preserved."*

The applicant provided ARB conditional approval dated September 17, 2025. The conditions include: Builder must submit site clearing photos and a foundation survey prior to first floor framing; Final landscaping plan submittal due 60 days prior to completion; A sample board must be erected to show the proposed colors on the proposed materials for onsite review from the ARB; Builder must submit an as built survey, landscape certification form, KICA encroachment inspection letter, and color photos of all elevations.

Please see the attachments for further information regarding this request. A site visit was conducted on October 3, 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 large clusters of live oaks located in the buildable area at the front of the property and towards the rear of the property that limit options for the placement of a single family residence. A 61 inch live oak is located at the front portion of the buildable area of the Subject Property. Additionally, a 26 and 31 inch live oak tree is located at the rear portion of the subject property. Per the applicant's letter of intent, "*There are multiple large live oak trees within the buildable area and near the center of the property that significantly limit the footprint of a home without removal of the most publicly visible clusters either at the rear (Rhett's Bluff Rd. site line) or front (River Marsh Ln. site line). The front and rear of this property are uniquely visible from two streets and adjacent recreational paths. Additionally, the side setback encroachment request is on the property line with Rhett's Bluff boat launch and recreational area, the only such property on the island.*"**

§ 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, however the adjacent properties are located within the PR, Parks and Recreation Zoning District. Rhetta Bluff Boat Landing is located to the east of the subject property. There is also a 10 foot trail easement located at the front of the property. Adjacent properties along River Marsh are also located in the R-1 Residential Zoning District. Per the applicant's letter of intent, "*The size and location of these trees within the central buildable area do not generally apply to other properties in the area.*"**

§ 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 does not prohibit development of the property outright. However, the specific site constraints including the grand oak clusters create challenges that may unreasonably restrict utilization of the property. Per the applicant's letter of intent, *"The presence, size and location of the large live oak trees within the central buildable area restricts the potential home location on the lot and the size of the home needed to maintain the high standard and character of the Rhetts Bluff neighborhood."*

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

**Staff Response:** The authorization of this variance may not be of substantial detriment to the adjacent properties or the public good. The applicant has provided letters of the confirmation and acknowledgement of the easement located on the adjacent property at Rhetts Bluff Landing.

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

**Staff Response:** Granting of this variance would not allow the establishment of a use not otherwise permitted in this zoning district, extend physically a non-conforming use of land, or change the zoning district boundaries. Per the applicant's letter of intent, *"We are not requesting a use for the property that is different than those permitted. We are building 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, *"We have been designing for 2.5 years, have our builder under contract, and we are on the schedule to proceed immediately upon BZA approval."*

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

**Staff Response:** The need for the variance may be the result of the applicant's own actions as the current property is undeveloped. Per Charleston County's records the property was acquired by Craig and Lisa Rowitz on August 8, 2018, However the subject property contains several mature trees which traverse the

**building envelope. Per the applicant’s letter of intent, “The parcel has never been developed and the need for the easement and variance to preserve the oak trees was a known challenge from the initiation of the project.”**

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

**Staff Response:** **Granting of this variance may not be contrary to the public or neighborhood interest, may not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of these regulations. The proposed structure is positioned towards the rear of the lot and is also buffered by open space at the rear of the property from Rhetts Bluff Road. The proposed encroachment is adjacent to Rhetts Bluff Boat Landing. Per the letter of intent, “This project has proceeded with the full consultation of the ARB and KICA.”**

§ 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 requested variance for a single family home does not exceed the maximum allowed lot coverage. Additionally, the effected neighboring property is designated for Park and Recreation use and the required side yard setback of any future building on that site is 25 ft. resulting in a 28 ft. separation between the proposed home at 82 River Marsh Ln.”**

**Board of Zoning Appeals’ Action:**

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA25-000016 (variance for the reduction of the required 15-foot side setback by approximately 342 square feet for a proposed single-family residence located at 82 River Marsh Lane, Kiawah Island, SC (TMS # 209-10-00-011) 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 the proposed encroachment.**

# Town of Kiawah Island Board of Zoning Appeals

October 20, 2025



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

**CASE# BZA25-000016**

<b>Applicant/Property Owner:</b>	<b>Craig Rowitz</b>
<b>Representative:</b>	<b>Craig Rowitz</b>
<b>Property Location:</b>	<b>82 River Marsh Lane</b>
<b>TMS#:</b>	<b>209-10-00-011</b>
<b>Lot Size:</b>	<b>Total: 22,175 sqft (.51 acres)</b>
<b>Zoning District:</b>	<b>R-1, Residential Zoning Overlay District</b>
<b>Request:</b>	<b>Variance request for the reduction of the required 15' side setback for approximately 342 square feet for a proposed single-family residence</b>

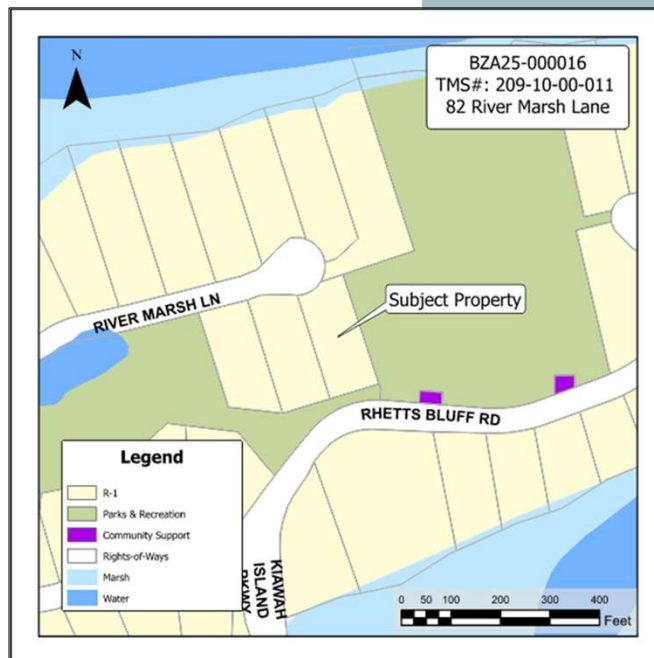
**CASE# BZA25-000016**

**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**





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**BZA25-000016**  
 PID: 2091000011  
 OWNER: ROWITZ CRAIG W  
 PLAT BOOK PAGE: EA-90  
 DEED BOOK PAGE: 0739-159  
 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.



Author: Charleston County SC  
 Date: 10/8/2025

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**Case # BZA25-000016**  
**BZA Meeting of October 20, 2025**  
**Subject Property: 82 River Marsh Lane- Kiawah Island**

Variance request for the reduction of the required 15' side setback for approximately 342 square feet for a proposed single-family residence.



### Property Front



### Adjacent Properties



### Subject Property

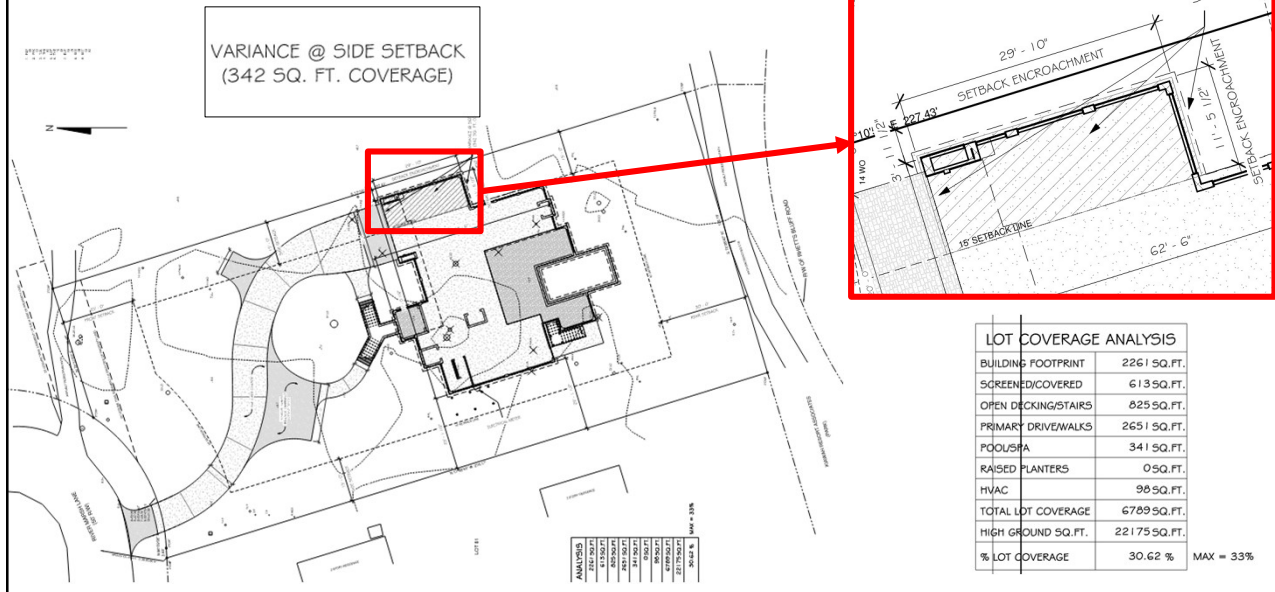


### Subject Property



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### Proposed Site Plan



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## Variance Approval Criteria

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

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

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## Variance Approval Criteria

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

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

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

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

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

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## **Board of Zoning Appeals Action**

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA25-000016 (Variance request for the reduction of the required 15' side setback for approximately 342 square feet for a proposed single-family residence located at 82 River Marsh Lane, Kiawah Island, SC (TMS# 209-10-00-011) based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

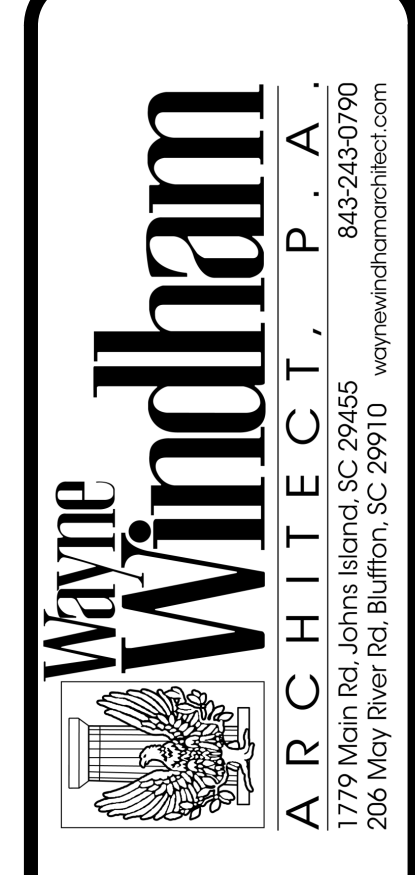
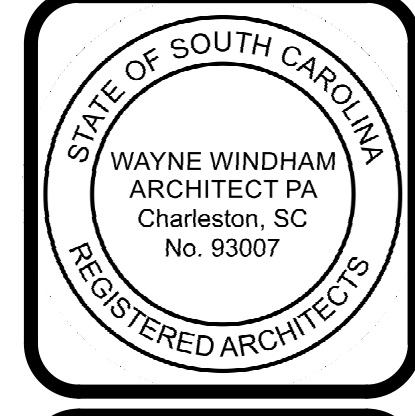
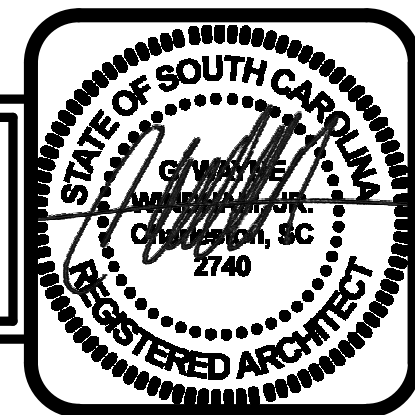
In granting a variance, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public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



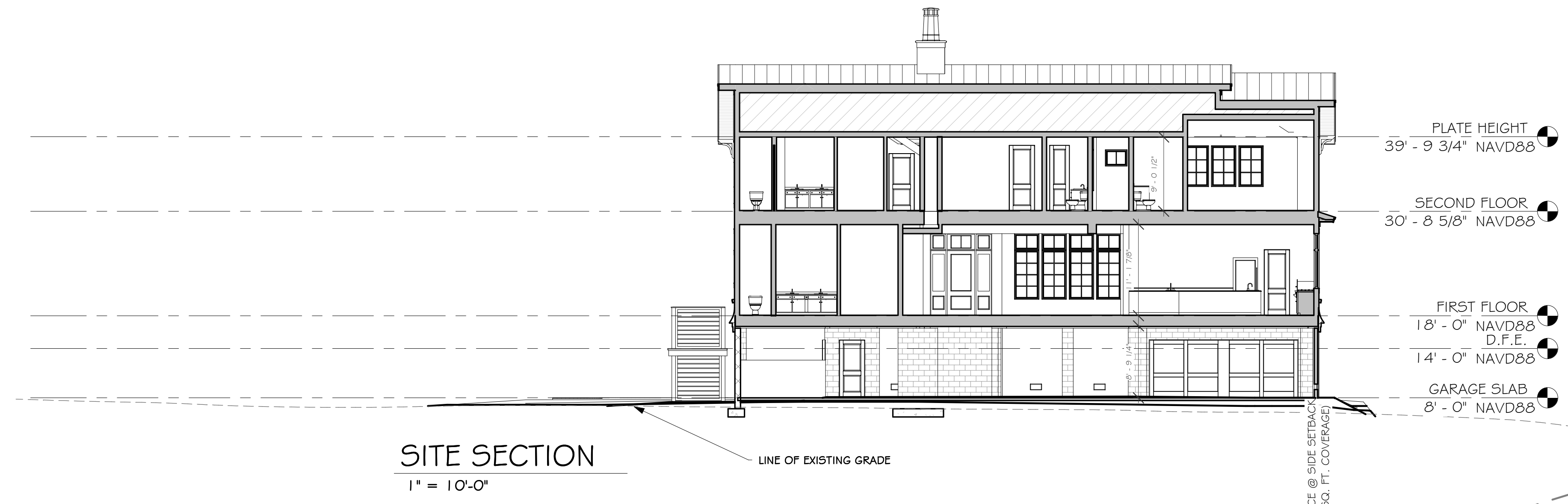
# PERMIT SET



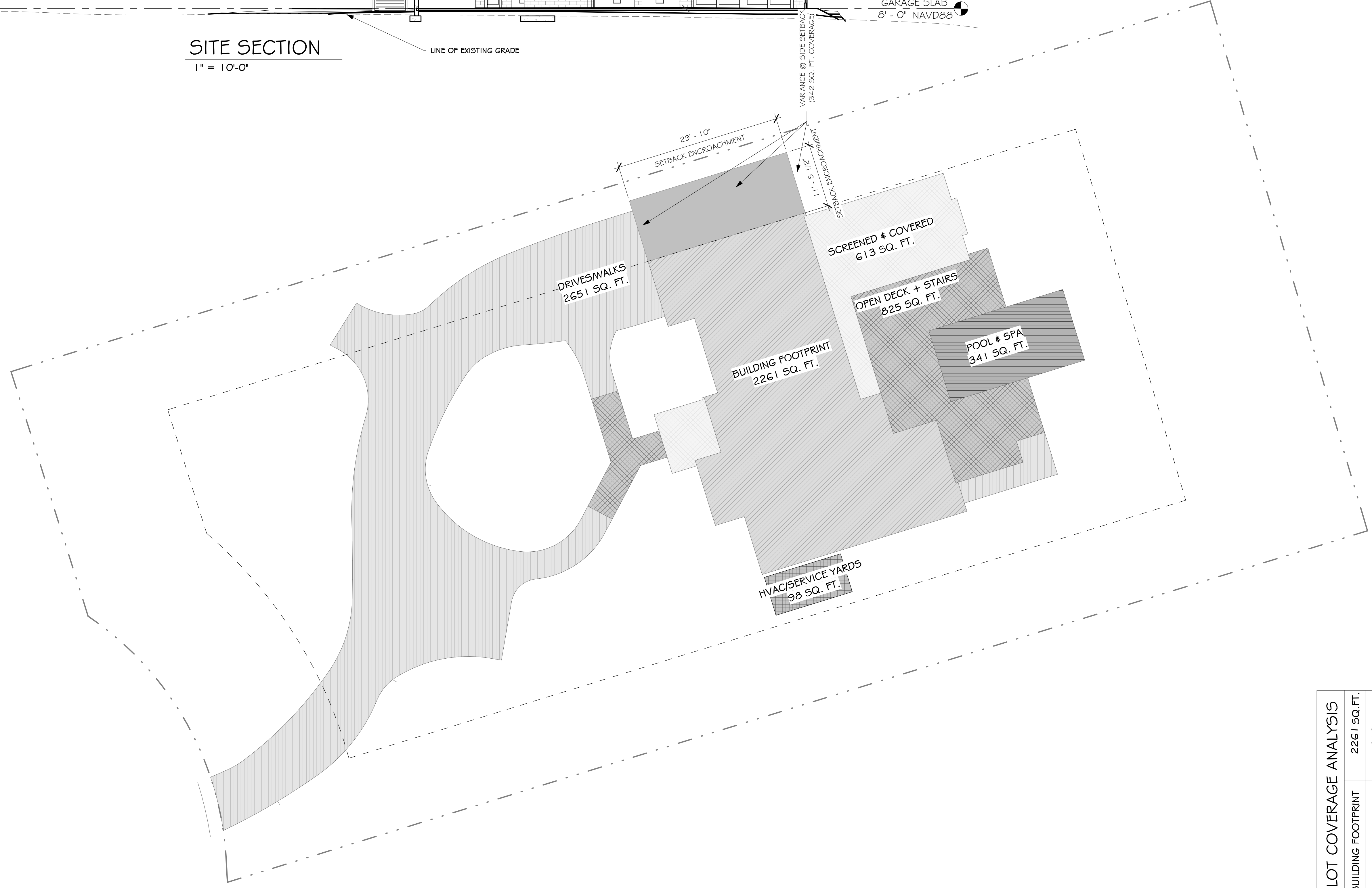
THESE DRAWINGS ARE THE PROPERTY OF WAYNE WINDHAM ARCHITECT, P.A. AND ARE NOT TO BE USED FOR MAKING ANY REPRODUCTION THEREOF OR FOR CONSTRUCTING ANY BUILDING WITHOUT FIRST OBTAINING WRITTEN AUTHORIZATION FROM THE COPYRIGHT OWNER WAYNE WINDHAM ARCHITECT, P.A.

**ROWITZ RESIDENCE**  
82 RIVER MARSH LANE  
KIAWAH ISLAND, SC

**SITE SECTION & COVERAGE GRAPHIC**



**SITE SECTION**  
1" = 10'-0"



LOT COVERAGE ANALYSIS	
BUILDING FOOTPRINT	2261 SQ. FT.
SCREENED/COVERED	613 SQ. FT.
OPEN DECKING/STAIRS	825 SQ. FT.
PRIMARY DRIVEN/WALKS	2651 SQ. FT.
POOL/SPA	341 SQ. FT.
RAISED PLANTERS	0 SQ. FT.
HVAC	98 SQ. FT.
<b>TOTAL LOT COVERAGE</b>	<b>6789 SQ. FT.</b>
HIGH GROUND SQ. FT.	22175 SQ. FT.
<b>% LOT COVERAGE</b>	<b>30.62 %</b>

MAX = 33%

REVISIONS	
PRELIM ARB:	11-6-24
FINAL ARB:	12-19-24
PRICING SET:	2-12-25
PERMIT SET:	6-23-25

ISSUED FOR CONSTRUCTION:  
REVISIONS: 5-15-25  
REVISIONS: 9-4-25

SHEET:  
**ST102**

PROJECT NO. 2022208  
DRAWN BY: MAC



# Attached Document Summary

82 River Marsh Lane Rowitz Family Residence

Below you will find a brief description of the supporting documents attached. These documents are presented to provide history, detail and current communication regarding this project. As a zoning variance that was both closer to the property line and larger in square footage was previously approved, I hope these documents will demonstrate satisfaction of previously raised concerns. From day 1, this project was intended to preserve front and rear property clusters of large live oaks, utilizing a smaller, yet similar side setback variance pushing the home closer to the Rhett's Bluff Boat Launch area and further away from the neighbor at 81 River Marsh Lane.

**Doc 2 – KICA Letter RE Grant of Easement:** This letter is dated 9/10/2025 and is the result of a conversation with Kevin Donlon, KICA Board President and drafted by Shannon White, KICA COO. As KICA's Rhett's Bluff Boat Launch area is the "neighbor" effected by this zoning variance request, this letter acknowledges the existence of the easement to maintain vegetative screening on that side of the property.

**Doc 3 – KICA Meeting Minutes March 4, 2013:** Shannon White, KICA COO provided these meeting minutes from the 2013 board meeting where this variance was discussed, and the easement was unanimously approved.

**Doc 4 – Grant of Easement & Covenants:** This is a copy of the executed easement that is recorded with Charleston County. Even though the previously approved variance request has expired, the Easement is a legal document that remains in effect and runs the land.

**Doc 5 – Town of Kiawah Variance Approval Letter:** This is simply a copy of the approval letter from May of 2013 approving a 600 sq.ft. encroachment of the side yard set back by 13 ft. to 2 ft. The current request is 12 ft. to 3 ft. and 342 sq. ft.

**Doc 6 – ARB Letter May 4, 2023:** This project enjoyed 7 submissions to the ARB. This letter is presented because it demonstrates clear reference to and support of the variance request. This design version and submission, both a rear AND side variance was considered, but further design revisions resulted in only the side variance being needed as all other setbacks are respected.

Sincerely,



Craig Rowitz, Owner/Applicant

KIAWAH ISLAND  
COMMUNITY  
ASSOCIATION

September 10, 2025

Mr. Craig W. Rowitz  
3002 Paxton Knoll Ln  
Cincinnati, OH 45208-2800

RE: 82 River Marsh Lane / Grant of Easement

Dear Mr. Rowitz,

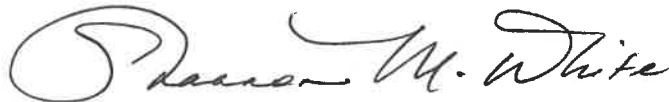
In response to the request from the Town of Kiawah Island's Board of Zoning Appeals, this letter confirms the Grant of Easement granted to 82 River Marsh Lane in 2013.

In March 2013, the KICA Board of Directors approved the use of a small portion of its Rhett's Bluff Boat Landing property for the purpose of providing vegetative screening for 82 River Marsh Lane. At that time, the Board directed the COO to negotiate the terms of the Grant of Easement.

The Grant of Easement was executed by the Chair of the KICA Board of Directors and subsequently recorded with Charleston County. The recorded document specifies that the easement also benefits "subsequent purchasers" of 82 River Marsh Lane. Accordingly, this easement remains in effect for the property.

Please let me know if I may be of further assistance.

Sincerely,



Shannon M. White  
Chief Operating Officer





**Board Meeting  
Monday, March 4, 2013  
2 p.m. – Sandcastle**

**Minutes**

**Attendance:**

Craig Weaver, Chair  
Dan Hubbard, Vice Chair  
John Connolly, Director  
Dave Schoenholz, Treasurer  
Joan Avioli, Secretary  
Sue Schaffer, Director  
Buddy Darby, Developer Director

Staff: Jimmy Bailey, COO  
Carrie Newbern, Exec Office Administrator  
Tammy McAdory, Exec Director  
Maggie Hawkins, Director HR  
Shannon White, Director Operations  
Deborah Retalis, Controller

**Absent:**

- 1. Call to Order.** Chair Weaver called the meeting to order at 2 p.m. with a quorum of directors.
- 2. Chair's Opening Comments.** Chair Weaver reminded the audience that the KICA annual meeting is Friday, Mar. 8 at 2p.m at the Sandcastle. Quorum has been reached. Chair Weaver also recapped the successful First Congressional District Open House that took place on Wednesday, Feb. 27.  
  
Director Darby arrived at 2:02p.m.
- 3. Approval of January 7, 2013 board meeting minutes** (enclosure). **Director Avioli moved to approve the January 7 board minutes as submitted. Director Hubbard seconded the motion. The vote carried unanimously.**
- 4. Treasurer's Report.** Director Schoenholz reported that KICA's annual audit is complete and has a clean, unqualified opinion with no surprises. The highlight is the 2012 annual fund surplus of over \$400k for a total fund balance of \$15 million. Director Schoenholz also reported on KICA's financials. January CTR's were \$51k less than the \$83k budgeted. February CTR's are estimated at \$65k, compared to the \$57k budgeted. KICA billed \$6.8 million in assessments and has collected about 95%, which is in line with prior years.

**5. Unfinished Business.**

- A. Kiawah Island Utility Update.** COO Jimmy Bailey reviewed the status of KIU's second water line. A loan is in progress and KIU is seeking possible easements to put forth to PSC.
- B. Boardwalk Update.** The Town of Kiawah Island revised its boardwalk ordinance in 2012. While KICA agrees with the premise to protect the dunes, it did have some questions and concerns about the ordinance. COO Jimmy Bailey reviewed the ordinance and KICA's questions. Currently town council has put the ordinance into abeyance until it has more answers. KICA looks forward to actively contributing to the solution.

**6. New Business.**

- A. Rhetts Bluff Easement** (enclosure). The owners of 82 River Marsh requested to encroach on KICA's Rhetts Bluff land for the purpose of a vegetative screening of their proposed home. After some discussion, **Director Hubbard moved to authorize the COO to negotiate an easement for the owners in perpetuity with the objective, responsibilities, cost and all additional details now and in the future to be outlined in the agreement. Director Schaffer seconded the motion. The vote carried unanimously.**
- B. Annual Meeting Agenda** (enclosure). Included as information only.
- C. Board Consent Agenda.**
1. Sandcastle's Window and Siding Repairs - COO Bailey reviewed the emergency repairs to the Sandcastle windows and siding and requested approval of the \$30,951 repairs with staff making every effort to recoup money from the contractor. **Director Schoenholz moved to approve the emergency item as requested. Director Hubbard seconded the motion. The vote carried unanimously.**
  2. Drainage Repair on Broomsedge Lane - **Director Hubbard moved approval of the repair to the junction box and grate inlet on Broomsedge for a cost of \$3,350 using Three Oaks Contractors. John Connolly seconded the motion. The vote carried unanimously.**
  3. Replacement of Newell Posts - COO Jimmy Bailey reviewed the unbudgeted expense to replace, not repair the newell posts and cable railing on the Sandcastle verandah. **Director Schoenholz moved approval of the replacement at a cost of \$11,385. Director Connolly seconded the motion. The vote carried unanimously.**
- D. AT&T Access Easement** (enclosure). AT&T has requested an access easement on KICA's Kiawah Island Parkway right-of-way located near the entrance of Indigo Park. After some discussion, **Director Schaffer moved to give the COO the authority to negotiate a grant of easement on behalf of KICA. Director Hubbard seconded the motion. The vote carried unanimously.**

**7. Reports.**

**A. West Beach Task Force.** Director Connolly thanked the task force and reviewed the goals to improve West Beach neighborhoods and to serve as a model for future aging infrastructure. The task force has completed its visionary goals and passed on the operational tasks to staff. The task force plans to meet again in about a year to review the status of the projects.

**8. Other Board Member Comments.**

- A. Director Schaffer asked a hypothetical question about emergency repairs and what if the board doesn't approve them. The directors' consensus was that the board's vote is a way for the board to pass judgment on staff's actions.
- B. Director Connolly noted Kiawah Cares was mentioned in a Raleigh, NC newspaper.
- C. Chair Weaver thanked Director Avioli for her service to the community association and for her many accomplishments. Director Avioli reciprocated with thanks to Craig for his service.

**9. Adjournment**

There being no further business to conduct, the meeting was adjourned on motion duly made and seconded, at 3:01 p.m.

Submitted by:

Carrie Newbern

Carrie Newbern, Exec Office Administrator

Joan Avioli

Joan Avioli, Secretary

Dated: 5/8/13

Dated: 5/14/13

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )



# PGS:  
14

**GRANT OF EASEMENT  
AND COVENANT RUNNING WITH LAND**

WHEREAS, KIAWAH ISLAND COMMUNITY ASSOCIATION, INC., a South Carolina non-profit corporation (hereinafter sometimes referred to as "KICA"), acquired certain property on Kiawah Island, South Carolina, known as the "Rhett's Bluff Landing" from KIAWAH RESORT ASSOCIATES, L.P. a Delaware limited partnership, by deed of conveyance recorded in Book T251, page 81, in the R.M.C. Office for Charleston County, South Carolina (hereafter sometimes referred to the "Rhett's Bluff Landing Property");

WHEREAS, pursuant to the Declaration of Covenants and Restrictions of the Kiawah Island Community Association, Inc. (hereinafter sometimes referred to as the "Covenants"), recorded February 19, 1976, in Book T108, page 337 in the R.M.C. Office, KICA manages the Common Property of the Association, including, but not limited to, the Rhett's Bluff Landing Property for the enjoyment of its members and members' guests as well as for the preservation of wildlife habitat on Kiawah Island;

WHEREAS, Barbara Chamberlin Daugherty and David R. Daugherty, as trustees, of the Barbara Chamberlin Daugherty Trust Under Agreement Dated December 12, 1997, and David R. Daugherty and Barbara Chamberlin Daugherty, as trustees, of the David R. Daugherty Trust Under Agreement Dated December 12, 1997 (hereinafter sometimes collectively referred to as the "GRANTEES"), acquired certain property on Kiawah Island, South Carolina, known as Lot Number Eighty Two (82), Tract 26, Phase 2A, Rhett's Bluff Subdivision, by deed of conveyance recorded in Book K318, page 143, in the R.M.C. Office for Charleston County, South Carolina;

WHEREAS, in order to preserve grand oak trees situated on their property GRANTEES petitioned and received variances from the local building setback requirements for dwellings and improvements from both the Kiawah Island Architectural Review Board and the Town of Kiawah Island Board of Zoning Appeals on the property of GRANTEES, however, the variances were subject to a condition that the GRANTEES procure an easement from KICA to satisfy vegetative screening requirements for their property;

WHEREAS, KICA desires and intends by this instrument to create and record an easement in favor of GRANTEES encumbering KICA's Rhett's Bluff Landing Property only with respect to a fifteen feet (15') wide strip along the border of the Rhett's Bluff Landing Property with the adjoining property owned by GRANTEES for the limited purpose of allowing GRANTEES access during regular Landing hours to plant and maintain vegetation approved by KICA and the Kiawah Island Architectural Review Board to serve as a vegetative screen for the dwelling and improvements constructed on the adjacent property of GRANTEES;

WHEREAS, GRANTEES desire and intend by this instrument to grant a covenant running with their land imposing an affirmative obligation upon GRANTEES, the aforementioned Trusts, the trustees, beneficiaries, successors, assigns, and subsequent purchasers of GRANTEES' property to plant and maintain vegetation within the easement area approved by KICA and the Kiawah Island Architectural Review Board to serve as a vegetative screen for the dwelling and improvements constructed on the property of GRANTEES;

KNOW ALL MEN BY THESE PRESENTS, that **KIAWAH ISLAND COMMUNITY ASSOCIATION, INC.**, in the State aforesaid, for/and in consideration of the sum of Five Dollars and No Cents (\$5.00), and the mutual benefits and promises herein, to it in hand paid at and before the sealing of these presents, the receipt whereof is hereby acknowledged, has granted and by these presents does grant unto **GRANTEES** and their assigns, a non-exclusive easement (the "Easement") only with respect to a fifteen feet (15') wide strip of land running along the border the Rhett's Bluff Landing Property (as more particularly described in the attached Exhibit "A") with the adjoining property owned by GRANTEES (as more particularly described in the attached Exhibit "B") for the limited purposes of access during regularly observed Landing hours, planting, and maintenance of vegetation in the Easement area, said vegetation to be approved by KICA and the Kiawah Island Architectural Review Board to serve as a vegetative screen for the dwelling and improvements constructed on the property of GRANTEES;

**SEE ATTACHED EXHIBIT "A" FOR DESCRIPTION OF  
THE PROPERTY ENCUMBERED BY THE EASEMENT**

Note: The TMS Number for Rhett's Bluff Landing Property is 209-11-00-040.

ALSO

KNOW ALL MEN BY THESE PRESENTS, that **BARBARA CHAMBERLIN DAUGHERTY AND DAVID R. DAUGHERTY, AS TRUSTEES, OF THE BARBARA CHAMBERLIN DAUGHERTY TRUST UNDER AGREEMENT DATED DECEMBER 12, 1997, AND DAVID R. DAUGHERTY AND BARBARA CHAMBERLIN DAUGHERTY, AS TRUSTEES, OF THE DAVID R. DAUGHERTY TRUST UNDER AGREEMENT DATED DECEMBER 12, 1997** in the State aforesaid, in consideration of the grant of Easement by **KIAWAH ISLAND COMMUNITY ASSOCIATION, INC.**, and for other good and valuable consideration received by **GRANTEES** and before the sealing of these presents, the receipt whereof is hereby acknowledged, promise and covenant (the "Covenant") for **GRANTEES**, the Trusts, the trustees, beneficiaries, successors, assigns, and subsequent purchasers of GRANTEES' property to plant and maintain, at their expense, a vegetative screen as required by KICA and the Kiawah Island Architectural Review Board within, and only within, the aforesaid Easement area on Rhett's Bluff Landing;

**SEE ATTACHED EXHIBIT "B" FOR THE DESCRIPTION OF THE PROPERTY  
ENCUMBERED BY THE COVENANT RUNNING WITH THE LAND**

Note: The TMS Number for the GRANTEES' property is 209-10-00-0-11

GRANTEES, for themselves, the Trusts, the trustees, beneficiaries, successors, assigns, and subsequent purchasers, hereby acknowledge and agree that the Covenant encumbers, touches and concerns their property and that they intend for it to be a covenant running with their property described in Exhibit "B" and that they shall be responsible for the costs of planting and maintenance of vegetation in the Easement area.

GRANTEES for themselves, the Trusts, the trustees, beneficiaries, successors, assigns, and subsequent purchasers, hereby acknowledge and agree that the Rhett's Bluff Landing Property and the Easement are subject to all covenants, property interests, encumbrances, and matters of record on file with the R.M.C. Office for Charleston County, SC.

GRANTEES, for themselves, the Trusts, the trustees, beneficiaries, successors, assigns, and subsequent purchasers, hereby acknowledge that the Rhett's Bluff Landing Property is a facility and boat launch owned and maintained by KICA as a Common Property for the benefit of all members of the Association and that the Property is subject to the use of all members in good standing of the Association in accordance with the Covenants and KICA's Rules and Regulations as may be amended from time to time.

GRANTEES, for themselves, the Trusts, the trustees, beneficiaries, successors, assigns, and subsequent purchasers, hereby forever release and waive any claims they may have now or in the future in any way arising from or relating to (1) the close proximity of the dwelling and improvements constructed on the property of GRANTEES described in Exhibit "B" within the normal local setbacks relative to the Rhett's Bluff Boat Landing Property described in Exhibit "A" which is regularly used by Association's members as a KICA facility and boat launch, (2) the vegetation planted and maintained by GRANTEES in the Easement area.

Portions of the Rhett's Bluff Landing Property encumbered by this Easement are further subject to any lawful, constitutional interest in either the State of South Carolina or Federal Government created, or limitations on use imposed, by the Federal Coastal Management Act or other Federal law or by S. C. Code Sections 48-39-10 through 48-39-220, as amended, and Sections 48-39-250 through 48-39-360, as amended, or any regulations promulgated pursuant to said State or Federal laws, inclusive of the South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management ("DHEC-OCRM"), and U.S. Army Corps of Engineers' regulations.

Portions of the Rhett's Bluff Landing Property encumbered by this Easement are further subject to the DHEC-OCRM Critical Line, as the same may vary from time to time.

KICA expressly retains the right to further adjust or modify the boundaries or terms of the Easement described and conveyed herein, provided first that any necessary permits and variances from the governmental authorities and the Kiawah Architectural Review Board are obtained and complied with, and reasonable written notice is given to GRANTEES. Any such further adjustment or modification of the boundaries or terms of the Easement, if any, encumbering the Rhett's Bluff Landing Property described herein shall be set forth in duly recorded instrument in the R.M.C. Office for Charleston County, S.C.

KICA shall have the right to prevent GRANTEES, their successors and assigns, or third persons from conducting any activity on or otherwise using the Rhett's Bluff Landing Property, including, without limitation, the Easement area, in any manner that is inconsistent with the purpose of the Easement and not permitted hereunder, the Covenants, and KICA's Rules and Regulations as may be amended from time to time.

KICA makes no representations as to the condition of the Rhett's Bluff Landing Property or any improvements thereon within the Easement.

Address of KICA: Kiawah Island Community Association, Inc.  
23 Beachwalker Drive  
Kiawah Island, SC 29455

Address of GRANTEES: Barbara Chamberlin Daugherty  
David R. Daugherty, as trustees  
810 8th Street SW  
Rochester, MN 55902

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

TO HAVE AND TO HOLD, the said Easement above granted unto the said GRANTEES, their successors and assigns, forever.

TO HAVE AND TO HOLD, the said Covenant above granted unto the said KIAWAH ISLAND COMMUNITY ASSOCIATION, INC., its successors and assigns, forever.

IN WITNESS WHEREOF, the KIAWAH ISLAND COMMUNITY ASSOCIATION, INC. has caused these presents to be executed in its name by its directors and officer(s) thereunto duly authorized, and its seal to be hereunto affixed, this 25 day of August, 2013.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

KIAWAH ISLAND COMMUNITY  
ASSOCIATION, INC.

(SEAL)

Ursula Solera  
Carolyn K. [Signature]  
Michael P. [Signature]  
Ursula Solera

By: [Signature]  
John Connolly  
Its: Chairman of the Board

By: [Signature]  
Susan Schaffer  
Its: Secretary



SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

BARBARA CHAMBERLIN DAUGHERTY  
TRUST

(SEAL)

Lynette J. Tentis  
Lynette J. Tentis

By: Barbara Chamberlin Daugherty  
Barbara Chamberlin Daugherty  
Its: Trustee

Rachonda J. B.

Sherrill A. B.

By: David R. Daugherty  
David R. Daugherty  
Its: Trustee

Cheryl A. B.

Rachonda J. B.

ACKNOWLEDGMENT

STATE OF MINNESOTA )  
 )  
COUNTY OF OLMSTED )

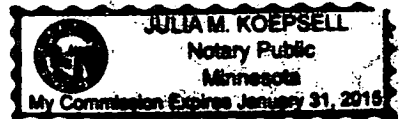
PERSONALLY appeared before me the undersigned witness, who made oath that (s)he saw the within named Barbara Chamberlin Daugherty Trust, by Barbara Chamberlin Daugherty, its Trustee, sign and seal the within written instrument, and said corporation by said officer did deliver the same, and that he with the other witness appearing above witnessed the execution thereof.

Julia M. Koepsell (SEAL)

Sworn to before me this

30th day of September, 2013.

Julia M. Koepsell  
Notary Public for Minnesota  
My commission expires: 1-31-2015



STATE OF MINNESOTA )  
 )  
COUNTY OF OLMSTED )

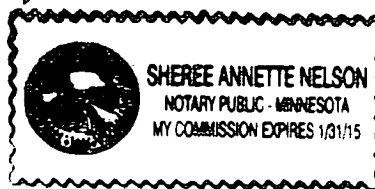
PERSONALLY appeared before me the undersigned witness, who made oath that (s)he saw the within named Barbara Chamberlin Daugherty Trust, by David R. Daugherty, its Trustee, sign and seal the within written instrument, and said corporation by said officer did deliver the same, and that he with the other witness appearing above witnessed the execution thereof.

Cheryl Leibel (SEAL)

Sworn to before me this

27 day of September, 2013.

Cheryl Leibel  
Notary Public for Minnesota  
My commission expires: 1/31/15



SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

DAVID R. DAUGHERTY TRUST

(SEAL)

Lynette J. Tentis  
Lynette J. Tentis

By: Barbara Chamberlin Daugherty  
Barbara Chamberlin Daugherty  
Its: Trustee

Rashonda J. B.

Cheryl Webb

By: David R. Daugherty  
David R. Daugherty  
Its: Trustee

Cheryl Webb

Rashonda J. B.

ACKNOWLEDGMENT

STATE OF MINNESOTA )  
 )  
COUNTY OF OLMSTED )

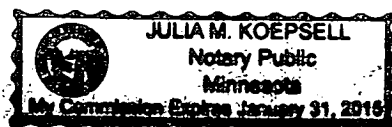
PERSONALLY appeared before me the undersigned witness, who made oath that (s)he saw the within named David R. Daugherty Trust, by Barbara Chamberlin Daugherty, its Trustee, sign and seal the within written instrument, and said corporation by said officer did deliver the same, and that he with the other witness appearing above witnessed the execution thereof.

Shirley J. Jants (SEAL)

Sworn to before me this

30th day of September, 2013.

Julia M. Koepsell  
Notary Public for Minnesota  
My commission expires: 1-31-2015



STATE OF MINNESOTA )  
 )  
COUNTY OF OLMSTED )

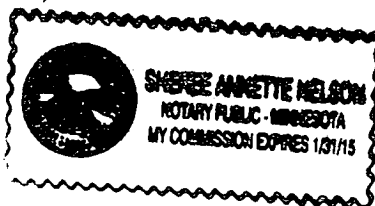
PERSONALLY appeared before me the undersigned witness, who made oath that (s)he saw the within named David R. Daugherty Trust, by David R. Daugherty, its Trustee, sign and seal the within written instrument, and said corporation by said officer did deliver the same, and that he with the other witness appearing above witnessed the execution thereof.

Cheryl Stoll (SEAL)

Sworn to before me this

27 day of September, 2013.

Cheryl Stoll  
Notary Public for Minnesota  
My commission expires: 1/31/15



**EXHIBIT "A"**

All that certain piece, parcel or lot of land, together with the buildings and improvements located thereon, and associated with or extending therefrom (e.g., piers, boat access landing, etc.) situate, lying and being in the Town of Kiawah Island, County of Charleston, State of South Carolina, known generally as the "Rhett's Bluff Boat Landing" containing 6.402 Acres, more or less, and shown and designated as "6.402 ACRES TOTAL" on a plat by Southeastern Surveying, Inc., entitled "*A PLAT OF A 6.402 ACRE TRACT OF LAND LOCATED IN RHETT'S BLUFF SUBDIVISION OWNED BY KIAWAH RESORT ASSOCIATES, L.P. LOCATED IN THE TOWN OF KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA*", dated June 22, 1994, and recorded in Plat Book EA, page 385, in the R.M.C. Office for Charleston County, South Carolina, said parcel having such location, butts and bounds, metes, courses and distances as will by reference to said plat more fully appear (the highland and all improvements, whether or not depicted on the aforesaid plats, hereinafter referred to as the "Property").

TMS Number: 209-11-00-040

**EXHIBIT "B"**

All that certain, piece, parcel or lot of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, known and designated as Lot Number Eighty Two (82), Tract 26, Phase 2A, Rhett's Bluff Subdivision, and shown on a plat by Southeastern Surveying, Inc. entitled "*A FINAL PLAT OF RHETT'S BLUFF SUBDIVISION (424) TRACT 26 PHASE 2A LOTS 41 THRU 52 AND LOTS 73 THRU 82 NEW SETTLEMENT ROAD AND RIVER MARSH LANE OWNED BY KIAWAH RESORT ASSOCIATES, L.P. LOCATED IN THE TOWN OF KIAWAH ISLAND CHARLESTON COUNTY, SOUTH CAROLINA*" dated April 19, 1994, and recorded in Plat Book EA at pages 80-83, in the office of the Register of Mesne Conveyances for Charleston County, S.C., (hereinafter the "R.M.C. Office") (the "Plat"), said lot having such location, butts and bounds, metes, courses and distances as will by reference to said plat more fully appear (the "Property").

TMS Number: 209-10-00-011



7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as an authorized agent of the Grantor.

8. Check if Property other than Real Property is being transferred on this Deed.

a) \_\_\_\_\_ Mobile Home

b) \_\_\_\_\_ Other

9. DEED OF DISTRIBUTION - ATTORNEY'S AFFIDAVIT: Estate of \_\_\_\_\_ deceased CASE NUMBER \_\_\_\_\_.

Personally appeared before me the undersigned attorney who, being duly sworn, certified that (s)he is licensed to practice law in the State of South Carolina; that (s)he has prepared the Deed of Distribution for the Personal Rep. in the Estate of \_\_\_\_\_ deceased and that the grantee(s) therein are correct and confirm to the estate file for the above named decedent.

10. 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.

Sworn before me this 28 day of August, 2013.

Signed: John V. Connolly  
Grantor, Grantee, or Attorney that prepared this form

Cindy E. Eberhart  
Notary Public For State of South Carolina

Print or Type Name here  
(SEAL)

My Commission Expires: 11-21-23

# RECORDER'S PAGE



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

*dh*

*Legal bot*

Filed By:

KIAWAH ISLAND COMMUNITY ASSOCIATION  
23 BEACHWALKER DRIVE  
KIAWAH ISLAND, SC 29455 (MAILBACK)

## RECORDED

Date:	October 24, 2013	
Time:	4:36:09 PM	
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Charlie Lybrand, Register Charleston County, SC		

**MAKER:**

KIAWAH ISLAND COMM ETC

# of Pages: 14

Note:

**RECIPIENT:**

DAUGHTERY B C TR AL

Recording Fee	\$ 10.00
State Fee	<EXEMPT>
County Fee	<EXEMPT>
Extra Pages	\$ 9.00
Postage	\$ -
Chattel	\$ -
<b>TOTAL</b>	<b>\$ 19.00</b>

Original Book:

Original Page:

DRAWER **Drawer 1**  
CLERK **KLH**

AUDITOR STAMP HERE

PID VERIFIED BY ASSESSOR

REP \_\_\_\_\_

DATE \_\_\_\_\_



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TOWN OF KIAWAH ISLAND

21 BEACHWALKER DRIVE • KIAWAH ISLAND, SC 29455 • (843) 708-8100 • FAX (843) 768-4764

David R. Daugherty  
810 8<sup>th</sup> Street SW  
Rochester, MN 55902

Charles R. Lipuma, Mayor

Council Members

Mary Q. Johnson  
John D. Labriola  
Richard E. Murphy  
Lauren N. Patch

Town Administrator

Tumiko Rucker

May 31, 2013

Refer to **Board of Zoning Appeals Case # BZAV-4-13-15973**

The Town of Kiawah Island Board of Zoning Appeals (BZA) held a public hearing on **May 20, 2013** to review your request for a Variance. The Variance application for the reduction of the required 15 ft. side yard setback by 13 ft. to 2 ft. for approximately 600 sq. ft. encroachment of a proposed single family residence and screened-in porch for the property located at 82 River Marsh Lane (TMS# 209-10-00-011) was **approved**. Please find an enclosed copy of the Order on Variance Application # **BZAV-4-13-15973**.

Sincerely,

Daniel C. Pennick, AICP  
BZA Secretary

DCP/jmm  
Cc: File BZAV-4-13-15973  
Enclosure

**Town of Kiawah Island  
Board of Zoning Appeals Final Decision and Order on  
Variance Application # BZAV-4-13-15973 for property  
located at 82 River Marsh Lane**

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Findings of Fact

The Town of Kiawah Island Board of Zoning Appeals ("BZA") makes the following findings of fact pursuant to S.C. Code Ann. §6-29-800 and Article 12 of the *Town of Kiawah Island Code of Ordinances*, Article 12A *Land Use Planning/Zoning Ordinance* §12A-509. Based on the evidence presented at the hearing held May 20, 2013, to include the Planning Department's staff review and pursuant to §12A-509.4 of the Town's Code of Ordinances, the Town of Kiawah Island BZA finds that Wayne Windham ("the Applicant" and "the Representative") and designated agent for David R. Daugherty ("the Property Owner") filed an application on April 18, 2013, for a Zoning Variance for property identified as TMS # 209-10-00-011 and located at 82 River Marsh Lane, Town of Kiawah Island, Charleston County, South Carolina. The Applicant requests a Zoning Variance for the reduction of the required 15 ft. side yard by 13 ft. to 2 ft. for approximately 600 sq. ft. encroachment of a proposed single family residence and screened-in porch.

The BZA finds that there are extraordinary and exceptional conditions pertaining to the subject property. There are several large live oak trees within the buildable area and near the center of the property that significantly limit the options for placement of the proposed structure without the necessity of removing a number of significant live oak trees. Additionally the subject property is located next to Rhett's Bluff boat landing and recreational area, the only such community facility on Kiawah Island.

The BZA also finds that this condition concerning the number, size, and location of trees do not generally apply to other property in the vicinity.

The BZA also finds that the location of these large live oak trees within the buildable area restricts the potential home sites on the property.

The BZA also finds that the authorization of this variance will not be of substantial detriment to the adjacent properties or the public good. The adjacent property to the east is most impacted by the encroachment and is owned and maintained by KICA. The conceptual approval letter dated April 11, 2013 explains, "*KICA and ARB agreed conceptually with the idea that a variance should be sought for the purpose of saving the trees, though if granted, it would require an easement on KICA's property at the Rhett's Bluff boat launch in order to satisfy landscape screening requirements. At the March 4, 2013 KICA Board Meeting, the directors unanimously approved a motion to authorize the COO to negotiate an easement with the Daugherty's, should they receive ARB and BZA approval.*" Furthermore, "*The purpose of this letter is to inform you that we, the neighboring property owner, support the Daugherty's request. The unique conditions of their lot justify the request, and we can determine no manner in which it negatively impacts the current or future use of our property. Further, we share in their desire to preserve as many grand trees as can reasonably be accomplished.*"

The BZA also finds that granting of this variance would not allow the establishment of a use not otherwise permitted in this zoning district, extend physically a non-conforming use of land, or change the zoning district boundaries.

The BZA also finds that the fact that the property may be utilized more profitably, by granting the variance, was not a consideration for this variance approval.

The BZA also finds that the need for the variance is not the result of the applicant's own actions. The applicant's letter of intent explains, "This lot has never been built on and houses 19 specimen oak trees with extensive canopies."

The BZA also finds that granting of this variance will not be contrary to the public or neighborhood interest, will not adversely affect other property in the vicinity, nor interfere with the harmony, spirit, intent, and purpose of these regulations. The KIARB has conceptually approved the side yard variance, as stated in their email dated April 17, 2013, "...in order to preserve the numerous live oaks on the property, specifically the 18"/20" tree."

The BZA also finds that granting of this variance does not substantially conflict with the *Comprehensive Plan* or the purposes of this *Ordinance* because the total proposed lot coverage will remain under the maximum lot coverage allowed of 33%. In addition, the purpose and intent of setback requirements, which is to provide for separation between buildings, has been met because the adjacent KICA owned property in the Parks and Recreation District requires a 25' side yard setback. Therefore, there will be a minimum of a 27' separation between any future buildings.

#### Conclusions of Law

The BZA is authorized pursuant to S.C. Code Ann. §6-29-800 and Article 12 of the *Town of Kiawah Island Code of Ordinances*, Article 12A *Land Use Planning/Zoning Ordinance* §12A-509 to hear and approve, approve with conditions, or deny zoning variances. Based upon the findings of fact, the Board of Zoning Appeals concludes as a matter of law that the applicant's request for the zoning variance satisfies the Approval Criteria in the *Land Use Planning/Zoning Ordinance* §12A-509.4. A party in interest may appeal this decision to the Circuit Court of Charleston County within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

**THEREFORE**, the Town of Kiawah Island Board of Zoning Appeals approves this zoning variance request for the reduction of the required 15 ft. side yard setback by 13 ft. to 2 ft. for approximately 600 sq. ft. encroachment of a proposed single family residence and screened-in porch at 82 River Marsh Lane.



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Daniel C. Pennick, AICP  
BZA Secretary

Date issued: May 20, 2013

Date mailed to parties in interest: May 31, 2013



May 4, 2023

Mr. and Mrs. Rowitz  
3002 Paxton Knoll Lane  
Cincinnati, OH 45208

Re: **CONCEPTUAL REVIEW**  
Construction Address: 82 River Marsh  
ARB Action: Not Approved – Resubmittal Requested

Dear Mr. and Mrs. Rowitz,

Thank you for your submittal to the Kiawah Island Architectural Review Board for Conceptual Review of your home on River Marsh Lane. Unfortunately, the design of your home is not approved to continue to the Preliminary Review. Please resubmit addressing the following comments and conditions in keeping with the guidelines:

- L1. The ARB continues to support the previously approved (2013) East side setback variance due to grand Oak tree preservation but is not open to increasing the amount of encroachment due to the impact of the mass on the tree canopy. Please revise the proposed site development to locate the newly added structure within the buildable area. Please also include detailed tree canopy information on the elevations and provide a clear picture of which limbs are proposed to remain and be removed on the site plan in order to confirm extent of remaining canopy for trees being preserved.
- A1. At the Front Elevation, please study the interior layout at the first floor to simplify and better compose the massing over the garage doors.
- A2. At the rear of the home, look at flipping the location of the screen porch and pool and reduce the size of the pool to eliminate the additional encroachments.
- A3. At the next submission, please show tree limbs on the elevations and what impact the massing will have on them.

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,

Tommy Manuel, Director  
On behalf of the KIARB

cc: Property file, ARB Members, Wayne Windham, Heyward Townsend

PHYSICAL ADDRESS

253 Gardeners Circle, Suite 200  
Johns Island, SC 29455

MAILING ADDRESS

130 Gardeners Circle, Suite 123  
Johns Island, SC 29455



September 12, 2025

Mr. Craig Rowitz  
3002 Paxton Knoll Lane  
Cincinnati, OH 45208

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

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

Re: **INTERIM FINAL REVIEW**  
Construction Address: 82 River Marsh  
ARB Action: Approved

Dear Mr. Rowitz,

Thank you for your submittal to the Kiawah Island Architectural Review Board for Final Review of your home at 82 River Marsh. The design of your home is approved to continue to the Permit Submittal. As you move forward, please address the following comments and conditions in keeping with the guidelines:

- L1. Thank you for adjustments in response to comments.
- L2. Natural areas to remain within the property-lines to be assessed at Final Landscape Plan Review. It may be necessary to add native screening materials if existing materials are not sufficient to meet guideline requirements.
- A1. Please note that the digital color board submitted shows a siding color that is too light for composite shingles. The Final Review form lists different colors. Materials and colors will be further reviewed onsite. Composite shingles should be a minimum value of 5 on the KIARB value finder with no more than three steps of contrast with trim. Please submit the Onsite Color Review form once materials and colors are mocked up onsite.
- A2. Please note that electric fixtures will be required to screen the view of bulbs as called for in the guidelines.

To apply for your permit, please submit one (1) digital copy of sealed drawings to this office to obtain our approval stamp. The Town of Kiawah Island requires one (1) digital set of stamped drawings for their Zoning and Building Permits. The contractor must submit a completed Construction Application Deposit and Agreement Form along with the required construction deposits and obtain the Kiawah Island Community Association Encroachment Permit. Tree Protection fencing must be installed at the time of Permit Submittal. Once the ARB approval stamp has been given, a Kiawah Island ARB Building Permit will be issued for the project.

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 Permit Process for your home.

Sincerely,

Jane Maybank, Director  
On behalf of the KIARB

cc: Property file, ARB Members, Wayne Windham, Heyward Townsend



# ARB PERMIT

TO BE POSTED ONSITE

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

**ADDRESS:** 82 River Marsh

**CONTRACTOR:** Koenig Homes, LLC

**CONTRACTOR PHONE:** 843-212-2009

**OWNER:** Craig Rowitz

**ISSUE DATE:** 9/17/2025

**PERMIT NO.:** 19877-25

**BY:** *Dmitri Grigorieff*

**SCOPE OF WORK:** New home construction

**First Inspection:** Builder must submit site clearing photos prior to construction commencing and a Foundation Survey prior to first floor framing. Survey should depict the location of the setbacks and show the distances from all foundation corners to adjacent property lines. ARB staff will inspect site to ensure survey was submitted prior to first floor framing and to inspect site conditions.

**Second Inspection:** A sample board must be erected to show the proposed colors on the proposed materials for onsite review from the ARB. Once the sample board has been finalized and is ready for review, an Onsite Color Review Form must be completed and submitted to the ARB. ARB staff will review for compliance with color and material guidelines.

**Third Inspection:** The final landscape plan submittal is due sixty (60) days prior to the substantial completion. Requirements for the final landscape plan are similar to the schematic landscape plan submitted during Final Review, however, please note that the schematic landscape plan is not to be used in place of the final landscape plan. The Landscape Architect and ARB representative will meet on site to review.

**Fourth Inspection:** Builder must submit an as-built survey, Landscape Certification Form, KICA Encroachment inspection letter, color photos of all elevations, and copy of the Onsite Color Review Form to the ARB to request the final inspection of the newly completed home. ARB staff will inspect and send notice to the Owner and Builder noting final approval or required items to be corrected.

September 12, 2025

Kiawah BZA

4475 Betsy Kerrison Pkwy

Kiawah Island, SC 29455

82 River Marsh Lane - Rowitz Residence

TMS# 209-10-00-011

Craig Rowitz Owner/Applicant

My wife Lisa and I are requesting a variance to reduce the required 15 ft. side yard set back by 12 ft. to 3 ft. for approximately 342 sq. ft. encroachment for a proposed single family residence at 82 River Marsh Lane. This side setback reduction is on the property line shared with the Rhetts Bluff boat launch area. This request is similar, yet smaller in scope, to a previously approved variance for the preservation of multiple large live oak trees within the building portion of the lot. The previous variance, granted in May of 2013, allowed encroachment of 600 sq. ft. and 2 ft. setback, but expired when construction did not proceed on the lot.

Lisa and I have owned 82 River Marsh Lane since August of 2018 and have enjoyed over 40 years of vacation life on Kiawah with shared ownership with her family of multiple properties, past and currently on the island including current ownership of a home on Augusta National and a Condominium in Windswept. With light at the end of the college tuition tunnel, we engaged Wayne Windham in May of 2022 to begin this design project not only for his keen eye for island home design, but also for his familiarity with this parcel and the unique challenges the spectacular live oaks presented. Our goal with the purchase of this parcel is to showcase the large live oaks that are visible from the rear of the property on Rhetts Bluff Rd. and in the front of the home on River Marsh Ln. To preserve these trees and design a home meeting the high standards of the neighborhood, shifting the home away from the existing neighbor at 81 River Marsh Ln. and towards the wooded portion of the boat launch still remains the most viable proposal.

Our extensive work with the ARB through 7 submissions has resulted in proposed design that requests a smaller variance than previously approved. Additionally, the extensive work in 2013 to obtain, execute, and record an easement allowing for the maintenance of vegetative screening on the boat launch side of the property is settled law and has been reacknowledged by KICA with the supporting documentation included with this application.

Variance Approval Criteria:

a. *Extraordinary/exceptional conditions pertaining to this particular piece of property:*

**There are multiple large live oak trees within the buildable area and near the center of the property that significantly limit the footprint of a home without removal of the most publicly visible clusters either at the rear (Rhetts Bluff Rd. site line) or front (River Marsh Ln. site line). The front and rear of this property are uniquely visible from two streets and adjacent recreational paths. Additionally, the side setback encroachment request is on the property line with Rhetts Bluff boat launch and recreational area, the only such property on the island.**

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

**The size and location of these trees within the central buildable area do not generally apply to other properties in the area.**

c. *Conditions unreasonably restrict utilization of the property:*

**The presence, size and location of the large live oak trees within the central buildable area restricts the potential home location on the lot and the size of the home needed to maintain the high standard and character of the Rhett's Bluff neighborhood.**

d. *The authorization of a variance will not be of substantial detriment to adjacent property:*

**The property adjacent to 82 River Marsh Ln. on the east side where the encroachment is requested is owned and maintained by KICA. The minutes of the May 4, 2013 KICA Board Meeting have been attached to this application. At that meeting, the board voted unanimously to approve an easement to allow vegetative cover planting and maintenance of a home to be built 2 feet from the shared property line where a BZA variance was granted. An easement was negotiated, executed and recorded with Charleston County that is a legal document and runs with the land. This easement is currently in force and allows the owners of 82 River Marsh Ln. to access a 15 foot strip of the Rhett's Bluff boat launch property for the purpose of planting and maintaining vegetative screening. This document is also attached to this application. Finally, a letter from the current KICA COO, Shannon White, dated September 10, 2025 acknowledges the easement and previous board decisions.**

e. *The establishment of a use not otherwise permitted:*

**We are not requesting a use for the property that is different than those permitted. We are building a single family residence.**

f. *Property may be used more profitably should a variance be granted:*

**While not exactly being utilized more profitably, granting the variance allows a home of appropriate square footage and character to be constructed, protecting the value of neighborhood. Additionally, this property changed hands from the Daughertys to the Rices to the Rowitzes from 2016 to 2018. It was expressed to us during the negotiation of the purchase that the Rice family was not interested in addressing the challenges to developing this lot in the timeframe needed by their family. We have been designing for 2.5 years, have our builder under contract, and we are on the schedule to proceed immediately upon BZA approval.**

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

**The parcel has never been developed and the need for the easement and variance to preserve the oak trees was a known challenge from the initiation of the project.**

h. *Granting the variance will not be contrary to the public or neighborhood interest:*

**This project has proceeded with the full consultation of the ARB and KICA.**

i. *Granting this variance does not substantially conflict with the Comprehensive Plan:*

**This requested variance for a single family home does not exceed the maximum allowed lot coverage. Additionally, the effected neighboring property is designated for Park and Recreation use and the required side yard setback of any future building on that site is 25 ft. resulting in a 28 ft. separation between the proposed home at 82 River Marsh Ln.**

Sincerely,



Craig Rowitz, Owner/Applicant



WITNESS the Hand and Seal of Steven H. Rice and Carole G. Rice this 24<sup>th</sup> of July 2018 and in the Two Hundred Forty-Third (243rd) year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered  
in the presence of:

Patricia A. Schepny  
Witness No. 1

Steven H. Rice  
Steven H. Rice

John A. [Signature]  
Witness No. 2 (NOTARY)

Carole G. Rice  
Carole G. Rice

STATE OF New York

COUNTY OF Westchester

I, the undersigned, a Notary Public for the County of Westchester and State of New York, do hereby certify that Steven H. Rice and Carole G. Rice personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 24<sup>th</sup> day of July 2018.

Linda Fensore  
Notary Public

My Commission Expires: 3/26/19

(SEAL)



## Exhibit "A"

ALL that certain piece, parcel and lot of land situate, lying and being in the Town of Kiawah Island, Charleston County, South Carolina, known and designated as **Lot Number Eighty-Two (82), Tract 26, Phase 2A, Rhett's Bluff Subdivision** and shown on a plat by Southeastern Surveying, Inc., entitled "**A FINAL PLAT OF RHETT'S BLUFF SUBDIVISION (424) TRACT 26, PHASE 2A, LOTS 41 THRU 52 AND LOTS 73 THRU 82 NEW SETTLEMENT ROAD AND RIVER MARSH LANE OWNED BY KIAWAH RESORT ASSOCIATES, LOCATED IN THE TOWN OF KIAWAH ISLAND, CHARLESTON COUNTY, SOUTH CAROLINA**" dated April 19, 1994, recorded in Plat Book EA at pages 80-83 in the Office of the Register of Mesne Conveyances for Charleston County, S. C., (hereinafter the "R.M.C. Office"); said lot having such location, butts and bounds, metes, courses and distances as will by reference to said plat more fully appear. This property is further subject to an easement recorded in Book 0369 at page 735 in the aforesaid RMC Office.

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

THIS BEING the same property conveyed to the Grantor(s) by Deed of David R. Daugherty and Barbara Chamberlin Daugherty, Trustees of the Barbara Chamberlin Daugherty Trust Under Agreement dated December 12, 1997 AND David R. Daugherty and Barbara Chamberlin Daugherty as Trustees of the David R. Daugherty Trust Under Agreement dated December 12, 1997 dated the 4th day of October 2016 and recorded on October 14, 2016 in Book 0589 at page 751 in the RMC Office for Charleston County, SC.

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 was transferred by Steven H. Rice and Carole G. Rice  
to Craig W. Rowitz and Lisa Rowitz on August 8, 2018.

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): \_\_\_\_\_ (Explanation required)  
(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 \$359,000.00.
- (B)  The fee is computed on the fair market value of the realty which is \_\_\_\_\_.
- (C)  The fee is computed on the fair market value of the realty as established for property tax purposes which is \_\_\_\_\_.
5. Check YES  or NO  to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding 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: \$359,000.00
- (B) Place the amount listed in item 5 above here: \$0.00
- (If no amount is listed, place zero here.)
- (C) Subtract Line 6(b) from Line 6(a) and place the result here: \$359,000.00

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is:  
\$1328.30

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

9. I understand that a person required to furnish this affidavit who wilfully 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.

Responsible Person Connected with the Transaction

Bruce Adams Jayville  
Print or Type Name Here

Sworn this 8 day of August, 2018

Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_, 20\_\_\_\_

**KRISTIN M. BRADSHAW**  
Notary Public, South Carolina  
My Commission Expires  
August 19, 2024

# RECORDER'S PAGE



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

**Filed By:**

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

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0739	159	Deed
Elaine H. Bozman, Register Charleston County, SC		

**MAKER:**

RICE STEVEN H AL

**RECIPIENT:**

ROWITZ CRAIG W AL

# of Pages: 5

Note:

Recording Fee	\$ 10.00
State Fee	\$ 933.40
County Fee	\$ 394.90
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
<b>TOTAL</b>	<b>\$ 1,338.30</b>

**Original Book:**

**Original Page:**

**DRAWER** Drawer 1  
**CLERK** KLH

AUDITOR STAMP HERE  
 RECEIVED From ROD  
 Aug 14, 2018  
 Peter J. Tecklenburg  
 Charleston County Auditor

PID VERIFIED BY ASSESSOR  
 REP MKD  
 DATE 08/14/2018  
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0739  
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