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APPEARANCES

BOARD MEMBERS PRESENT:

FRANK CASSIDY, Chairman
LIN O'LEARY
J. JAY LEWIS (via Zoom)
J. PHILLIP ADAMS (via Zoom)
LARRY ROSENFELD

STAFF MEMBERS PRESENT:

JOHN TAYLOR, JR., planning director
DANIEL VINCENT, planning staff
BOONE AIKEN, Town attorney

1 CHAIRMAN CASSIDY: I'd like to call
2 to order this July 21st, 2025, meeting of the
3 Town of Kiawah Island Board of Zoning Appeals.

4 I'm Frank Cassidy, the board chair. In
5 addition to myself, members hearing your case
6 today are -- here with us are Lin O'Leary and
7 Larry Rosenfeld, and online Phil Adams and Jay
8 Lewis. We're also expecting Morris Hanan, but we
9 haven't seen him yet.

10 Staff members present are John Taylor,
11 our planning director; Dan Vincent, our planning
12 staff; and Boone Aiken, our Town attorney.

13 MR. ROSENFELD: Recently married.

14 CHAIRMAN CASSIDY: Our case rulings
15 for this and any BZA meeting are available for
16 public review and inspection during normal
17 business hours at the Town Hall. Since our
18 meeting is being conducted virtually via Zoom,
19 please be reminded that in order to obtain a
20 clean and clear record for persons listening
21 live, it's important to all participants not
22 speak over one another.

23 If you'd like to speak, please raise
24 your hand. I'll recognize you, and you can come
25 to the mike.

1 At this time, I'd like to explain to the
2 public the workings of the BZA. The board of
3 zoning appeals is a quasi-judicial body
4 established to interpret and grant relief from
5 the zoning ordinance.

6 The Board of Zoning Appeals has
7 jurisdiction over three types of cases: Appeals,
8 variances, and special exceptions. Appeals are
9 heard regarding administrative actions or
10 decisions by the zoning administrator or staff.
11 Variances may be granted when strict application
12 of the zoning ordinance would cause an
13 unnecessary hardship.

14 This board's actions must be based on
15 specific standards as contained in SC Local
16 Government Planning Enabling Act of 1994 and the
17 Town of Kiawah Island zoning ordinance.

18 Special exceptions allow the board to
19 permit uses if certain conditions as contained in
20 the zoning ordinance are met.

21 A simple majority vote of the quorum
22 present is required to grant a variance or to
23 overturn the decision of the zoning administrator
24 in an appeal or to grant a special exception.

25 Today's hearing is a public fact-finding

1 meeting, and we are in compliance with the
2 Freedom of Information Act and SC Code 6-29-70.
3 15 days prior to this hearing an announcement was
4 printed in the Post and Courier, a sign was
5 posted on or near the designated property, and a
6 notice was mailed to the applicant or
7 representative, to residents within 500 feet of
8 the application, and to parties of interest.

9 Persons, organizations, and the news
10 media that have requested declaration of our
11 meeting have also been notified. FOIA does not
12 require any further notification.

13 Our purpose today is for interested
14 parties to be heard in order to assist the board
15 in gathering evidence pertinent to each case. If
16 the members of the BZA feel the need for further
17 information to clarify a case, the board has the
18 authority to subpoena witnesses.

19 In addition to your testimony, our board
20 has been presented written information submitted
21 to the staff by the applicant or their agent for
22 each case.

23 This information is now considered to be
24 evidence and is entered into the permanent record
25 of this body. It is assumed to be complete,

1 true, and accurate.

2 Also, we've been presented data
3 assembled by the staff for the purpose of
4 clarifying the location and the effect on
5 surrounding properties.

6 Our board is empowered to approve,
7 approve with conditions, or to deny your request.
8 In granting a variance, the Board of Zoning
9 Appeals may attach to it such conditions
10 regarding location, character, or other features
11 of the proposed building structure or use as the
12 board may consider advisable to protect
13 established property values in the surrounding
14 area or to promote the public health, safety, or
15 general welfare.

16 We are also authorized to defer a case
17 should there be a need to obtain additional
18 information.

19 If an applicant's request is approved
20 for a special exception, a variance, or an appeal
21 of a decision by the zoning administrator, they
22 must go to the Town of Kiawah Island to apply for
23 permits. Variances and special exceptions
24 granted by the BZA are valid for 12 months after
25 this meeting.

1 However, if an applicant's request is
2 disapproved and they wish to appeal the decision
3 of this board concerning their case, appeals must
4 be addressed to the Circuit Court. SC Code
5 6-29-820 states that the appeal must be filed by
6 the applicant within 30 days after the decision
7 of the board is mailed to them. Failure to file
8 an appeal within the time limit deprives the
9 Court of jurisdiction to hear this matter.

10 For each case, staff will present
11 information, the applicant will present their
12 case, and we'll hear from others who wish to
13 speak. Be reminded to direct your comments to
14 the board, not to the applicant or other
15 speakers.

16 To expedite this meeting, I'd ask all
17 persons who intend to speak today on any of the
18 cases -- we only have one case today -- to stand,
19 and Boone will administer the oath. So please
20 stand.

21 MR. AIKEN: Good afternoon,
22 everyone. If you wouldn't mind raising your
23 right hand, please.

24 (Oath administered to all
25 speakers.)

1 MR. AIKEN: Thanks, everyone.

2 Mr. Chair, back to you.

3 CHAIRMAN CASSIDY: Thank you,
4 Boone.

5 I shall now call case BZA25-000010 at
6 52 Salt Cedar. First we'll hear from staff, then
7 the applicant, then others. All speakers should
8 come to the podium, state your name and current
9 address for the record before presenting
10 testimony.

11 I'll limit comments by the public to
12 three minutes, and the applicant will have a
13 chance for rebuttal, if necessary.

14 Dan, are you on for this case?

15 MR. VINCENT: Yes, sir. Thank you,
16 Mr. Chair.

17 Members of the BZA, our first and only
18 case today is case number BZA25-000010. Property
19 owners John and Gail Baron, represented by the
20 applicant, Tyler A. Smyth, are requesting a
21 variance to reduce the required 20-foot side
22 setback by approximately 93.7 square feet for a
23 proposed guesthouse addition located at 52 Salt
24 Cedar Lane.

25 The property is located in the R-1

1 residential zoning district. The lot size is
2 approximately 25,363 square feet, which consists
3 of 15,548 square feet of highlands and 9,815
4 square feet of marshlands. TMS number is
5 265-07-00-021.

6 The Town of Kiawah Island's land use
7 planning and zoning ordinance requires a front
8 setback of 25 feet, side yard setbacks of 20
9 feet, and a 30-foot rear setback from the
10 critical line. The maximum lot coverage allowed
11 is 33 percent, and the current lot coverage is
12 about 28.13 percent.

13 This is a zoning map of the subject
14 property. GIS aerial view. I'll pull up some
15 site pictures real quick.

16 So the current property is developed.
17 The site was constructed in 1997 in accordance to
18 Charleston County records. The property was
19 acquired by John Baron in June of 2013. The
20 applicant's proposed plans include construction
21 of a guesthouse that encroaches 5 feet into the
22 required 20-foot side yard setback on the west
23 side of the subject property, which is this
24 little blue box up here to the north, northwest
25 on your screen.

1 The proposed guesthouse is located
2 approximately 15 feet from the western property
3 line at its closest point. The existing home is
4 currently legally nonconforming with regards to
5 setbacks. Portions of the existing home,
6 including segments of the pool and rear screen
7 porch, encroach into the rear setback by
8 approximately 3 feet. The total encroachment
9 into the rear setback is approximately 35 square
10 feet.

11 The applicant is also proposing to
12 convert a portion of their existing driveway into
13 pervious coverage for guest parking, which
14 results in a 91-square-foot reduction in
15 impervious coverage.

16 The applicant has submitted to the
17 Kiawah Island Architectural Review Board on
18 May 8th, 2025, and received approval with
19 conditions on June 12th, 2025. Those conditions
20 include final landscaping and providing an
21 as-built survey upon completion of construction.

22 A site visit was conducted on June 16th,
23 2025, and here are a few site photos from that
24 site visit. Here's a lot coverage table. The
25 proposed lot coverage is approximately 34.06

1 percent, which consists of 32.56 percent of
2 impervious coverage and 1.5 percent of pervious
3 coverage.

4 I'll move on to the variance approval
5 criteria. Criteria A, there are extraordinary
6 and exceptional conditions pertaining to the
7 particular piece of property. There may be
8 extraordinary and exceptional conditions
9 pertaining to the particular piece of property
10 due to the adjacent dock access easement located
11 west of the subject property and the irregular
12 shape of the lot.

13 Subject property is irregularly shaped
14 with a larger buildable area towards the front.
15 There's also a 20-foot access easement located to
16 the west side of the property, which provides
17 additional screening from neighbors.

18 Per the applicant's letter of intent,
19 quote, This property has exceptional conditions
20 due to a pinched front corner where the front and
21 side setbacks converge, leaving a limited and
22 irregular buildable area.

23 Additionally, a 17-inch live oak in the
24 front of the house further restricts placement
25 options. Finally, there is a 20-foot-wide

1 property between 52 and 42 Salt Cedar Lane under
2 ownership by KICA for access to a community dock.
3 This property is seldom used by observation and
4 provides a buffer between 52 and 42 Salt Cedar
5 Lane. These unique site conditions, particularly
6 the tree, make it difficult to design a normally
7 shaped house -- guesthouse without the requested
8 encroachment.

9 Criteria B: These conditions may be
10 unique to the subject property -- excuse me.

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

13 These conditions may be unique to the
14 subject property and may not generally apply to
15 other properties in the vicinity. The subject
16 property is located in the R-1 residential zoning
17 district. Adjacent properties are also located
18 in the R-1 residential zoning district. Existing
19 structures in the vicinity may or may not have
20 similar encroachments based on the current
21 setbacks.

22 Per the applicant's letter of intent,
23 quote, Unlike neighboring lots, this property has
24 side property lines that are not parallel,
25 creating an irregular and narrowing buildable

1 area, particularly in the front corner where the
2 setbacks converge. This geometry, combined with
3 the presence of the live oak, presents unique
4 constraints not commonly found on surrounding
5 parcels.

6 Also, the KICA-owned parcel along the
7 affected sideline provides an additional buffer
8 to the nearest residence, which is unique in the
9 neighborhood.

10 Criteria C: The application of this
11 ordinance to the particular piece of property
12 would effectively prohibit or unreasonably
13 restrict the utilization.

14 The application of this ordinance to
15 52 Salt Cedar would prohibit the construction of
16 the proposed addition, as the proposed structure
17 encroaches into that required 20-foot side
18 setback. However, it does not unreasonably
19 restrict the utilization of the property.

20 Per the applicant's letter of intent,
21 quote, The irregular lot shape, nonparallel
22 sidelines, and the location of the live oak
23 significantly limit the buildable area in a way
24 that would not accommodate a regularly shaped
25 structure.

1 Criteria D: The authorization of a
2 variance will not be of substantial detriment to
3 the adjacent property or to the public good, and
4 the character of the zoning district will not be
5 harmed by the granting of this variance.

6 The authorization of this variance may
7 not be of substantial detriment to the adjacent
8 properties or the public good. The proposed
9 addition is positioned to the left side of the
10 home and encroaches minimally into that required
11 20-foot side setback. Additionally, the 20-foot
12 dock access easement provides an additional
13 screening buffer.

14 Per the applicant's letter of intent,
15 quote, The 5-foot adjustment is modest and is
16 buffered by a dock access easement between the
17 subject property and the neighboring lot,
18 minimizing its impact. The guesthouse will
19 remain consistent with the residential character
20 of the neighborhood.

21 Criteria E: The BZA shall not grant a
22 variance the effect of which would allow the
23 establishment of a use not otherwise permitted in
24 a zoning district, to extend physically a
25 nonconforming use of land, or to change the

1 zoning district boundaries shown on the official
2 zoning map.

3 Granting of this variance would not
4 allow the establishment of a use not otherwise
5 permitted in the zoning district, extend
6 physically a nonconforming use of land, or change
7 the zoning district boundaries.

8 Per the applicant's letter of intent,
9 quote, The proposed guesthouse remains a
10 permitted residential use within the zoning
11 district. The variance is solely for the purpose
12 of accommodating the unique site constraints,
13 ensuring the property can be used in a manner
14 consistent with the existing zoning regulations.

15 Criteria F: The fact that the property
16 may be utilized more profitably should a variance
17 be granted may not be considered grounds.

18 The BZA may not consider profitability
19 when considering this variance request.

20 Per the applicant's letter of intent,
21 quote, The request for a variance is not based on
22 the potential for increased profitability or
23 financial gain.

24 Criteria G: The need for the variance
25 shall not be the result of the applicant's own

1 actions.

2 The need for the variance may be the
3 result of the applicant's own actions. The
4 existing structure is legally nonconforming.

5 Per the applicant's letter of intent,
6 quote, The unique site conditions, including the
7 irregular lot shape, nonparallel side property
8 lines, and the location of the mature live oak
9 are inherent to this property. The homeowners
10 are seeking this variance solely to accommodate
11 these pre-existing constraints while preserving
12 the tree and maintaining a functional design for
13 the guesthouse.

14 Criteria H: Granting the variance will
15 not be contrary to the public or neighborhood
16 interests nor will not adversely affect other
17 property in the vicinity, nor interfere with the
18 harmony, spirit, intent, and purposes of these
19 regulations.

20 This variance is not expected to
21 negatively impact neighboring properties or the
22 intent of the zoning regulations. The proposed
23 encroachment is minimal and abuts a 20-foot-wide
24 trail access easement rather than a residential
25 parcel.

1 Per the applicant's letter of intent,
2 quote, The 5-foot adjustment is minimal and will
3 not adversely affect neighboring properties or
4 the character of the area. The proposed guest
5 home will blend with the surrounding residential
6 homes and will be designed in a manner that
7 preserves the integrity of the neighborhood.

8 Additionally, maintaining the live oak
9 will enhance the property's landscape and
10 contribute positively to the area's aesthetic,
11 ensuring the intent and spirit of the zoning
12 regulations are upheld.

13 And lastly is I, Granting of this
14 variance does not substantially conflict with the
15 comprehensive plan.

16 Granting of the variance may not
17 substantially conflict with the comprehensive
18 plan or the purposes of this ordinance.

19 Per the applicant's letter of intent,
20 quote, Granting the requested variance does not
21 substantially conflict with the comprehensive
22 plan or the purposes of this ordinance.

23 The BZA may approve, approve with
24 conditions, or deny case number BZA25-000010.
25 Again, this request is for the reduction of the

1 required 20-foot side setback by approximately
2 93.7 square feet for a proposed guest home
3 addition.

4 Should the Board of Zoning Appeals
5 consider approval for the variance, planning
6 staff requests the BZA consider the following
7 conditions:

8 Number one, the applicant shall provide
9 an as-built survey to the planning director,
10 ensuring the proposed addition conforms to the
11 requested and approved encroachment.

12 And number two, prior to the issuance of
13 a zoning permit, the applicant shall provide a
14 landscape plan to be approved by the planning
15 director showing enhanced landscaping
16 corresponding to the proposed additions which
17 provides buffering to the street and the adjacent
18 property.

19 This concludes staff's presentation.

20 CHAIRMAN CASSIDY: Thank you, Dan.

21 Questions from the board for Dan? I have one --

22 MR. ADAMS: Frank -- no, go ahead.

23 CHAIRMAN CASSIDY: Go ahead.

24 MR. ADAMS: Dan, I think I heard

25 and I may have misheard you refer to the adjacent

1 property to the east as being owned by the
2 community association. Is that right, or is it
3 that the community association has an easement
4 which burdens both this property and the property
5 next door?

6 MR. VINCENT: So you are referring
7 to that property on the west side?

8 MR. ADAMS: Yeah. The one where
9 the easement is.

10 MR. VINCENT: Right. So that's the
11 west side of the property.

12 MR. ADAMS: I beg your pardon, the
13 west side. I misspoke. You're right.

14 MR. VINCENT: So that property is
15 owned by the community association. That is the
16 property owner. And they are using it as a dock
17 easement to access that shared dock.

18 MR. ADAMS: Okay. So, I mean,
19 there -- the next house in that direction is
20 number 42, right?

21 MR. VINCENT: Correct.

22 MR. ADAMS: Is there a lot in
23 between the two, or is there a strip of property
24 in between the two that's owned by the community
25 association?

1 MR. VINCENT: It's a strip of
2 property in between those two.

3 MR. ADAMS: And it is owned
4 separately from these two -- from this property
5 and the one next to it; it's not just simply an
6 easement that burdens the properties owned by our
7 applicants and by the owner of 42?

8 MR. VINCENT: That is correct. It
9 is a separate property with its own TMS number.

10 MR. ADAMS: Okay.

11 CHAIRMAN CASSIDY: Dan, I see in
12 the rear where this property is not conforming.
13 Is that because there was a previous variance
14 granted, because it predates the zoning
15 ordinance, or because the OCRM line moved?

16 MR. VINCENT: I can let the owners
17 speak to this. Based on the graphic shown in the
18 survey provided, it's most likely due to that BCM
19 line moving forward into that property.

20 MR. SMYTH: Correct. That is true.

21 MR. ADAMS: As a follow-up to my
22 note, I assume because we otherwise would have
23 seen it, that the community association has
24 not offered any opinion with respect to this
25 application one way or the other.

1 MR. VINCENT: I'll let the
2 applicant speak. We haven't received anything
3 from the community association.

4 MR. ADAMS: Right.

5 CHAIRMAN CASSIDY: Anything else
6 for Dan?

7 Okay. Mr. Smyth, are you speaking for
8 the applicant?

9 MR. SMYTH: I am, yes, sir.

10 My name is Tyler Smyth. I'm working
11 with Gail and John Baron. This is Gail Baron
12 sitting here today. John is back in his home
13 office working. They've owned this house for 12
14 years. They raised their kids here in their
15 summers as teenagers.

16 And they have three kids, grown, in
17 their 20s now, and they're getting married and
18 starting to have some kids. They just had their
19 first grandchild three months ago. And the
20 Barons would like to have a somewhat larger house
21 so that they can host more of their family at the
22 same time.

23 It's a four-bedroom house now, and
24 adding in the two bedrooms in the guesthouse,
25 they would have a total of six bedrooms in the

1 house.

2 They -- it's a house that they've never
3 rented, never intend to rent, so there's no
4 intent to profit off of this by having a larger
5 house.

6 We're asking for a 5-foot setback relief
7 into the 20-foot side setback. There is, as was
8 just pointed out, a roughly 20-foot-wide access
9 easement to the dock that sits behind their home.

10 By observation, it's not used very
11 often. They spend time at the back of their
12 house at the second level, which is where their
13 kitchen is, and they generally see someone there
14 about once a week or once every other week, so
15 it's not like it's an oft-used pathway coming in
16 and out.

17 May also be worth noting that the access
18 pathway to the dock actually cuts across the
19 corner of the Barons' lot, which they're okay
20 with, but it actually cuts across their lot. I'm
21 not sure when they laid that out, but it's
22 something that they're okay with.

23 But there is a nice 17-inch live oak on
24 the property. It's near the stair. And I
25 believe there's a site -- can I toggle through

1 this to advance to where the site plan is that
2 shows the trees?

3 Okay. The 17-inch live oak is right --
4 does that -- how does this -- I want to make sure
5 folks can see this as well.

6 MS. O'LEARY: Had a big orange tag
7 in the front.

8 MR. ROSENFELD: It's to the left of
9 that staircase?

10 MR. SMYTH: It is, yeah. I just
11 wanted to point it out as an exhibit here. The
12 17-inch live oak is a nice tree. It sort of
13 comes straight up, and then it has a nice crown
14 at the top. It will be well clear of the new
15 guesthouse as we have it planned. And being able
16 to keep 9 feet from the root flare to the new
17 guesthouse really allows this tree an opportunity
18 to thrive. And we really like it as a foreground
19 tree.

20 There's another smaller oak tree that's
21 nearby that has a disease. There's an issue with
22 that, and it needs to be pulled out anyway, as
23 our arborist as pointed out.

24 Again, this -- so the things that really
25 make this a unique case is that we have, you

1 know, only a small opportunity to put this
2 guesthouse. The front left side of the lot is
3 where it makes sense.

4 Pulling it farther off to the left
5 allows the massing of the house to appear more
6 broken down, so having the smaller guesthouse
7 pulled to the side and out helps to break down
8 the total massing of the house plus the
9 guesthouse in a way that we really like.

10 This shared easement over here reduces
11 the impact of any nearby residents, which is
12 number 42, was just pointed out a little bit ago.

13 And we really hope that this would be
14 approved, and I'd be happy to answer any further
15 questions that you have.

16 CHAIRMAN CASSIDY: Thank you,
17 Mr. Smyth. Questions?

18 MR. ROSENFELD: How many square
19 feet is the existing house now?

20 MR. SMYTH: Good question. It's
21 about 4,200 square feet. I think that's about --
22 less?

23 MS. BARON: Just right around
24 4,000.

25 MR. SMYTH: It's around 4,000, I'm

1 sorry. 4,000 square feet, yes, sir.

2 MR. ROSENFELD: Multiple-story?

3 MR. SMYTH: It's a two-story --
4 well, two-and-a-half-story residence over
5 parking. Yeah, the master is on the third level.

6 MS. O'LEARY: And how big is the
7 guesthouse? I couldn't -- I saw --

8 MR. ROSENFELD: How many square
9 feet?

10 MR. SMYTH: The square footage of
11 the guesthouse is about 1,100 square feet.

12 MS. O'LEARY: I have a quick
13 question. I may be reading this incorrectly, but
14 in section B, These conditions do not generally
15 apply to other property in the vicinity, did you
16 guys take into account the community dock right
17 up the street from -- on Falcon Point? Because
18 there's two of them in your community.

19 MR. SMYTH: Is that more of an
20 easement or a larger property with the dock
21 that's more of a --

22 MS. O'LEARY: It's a community
23 dock, so I'm just familiar as a community dock.

24 MR. SMYTH: Yeah. So we are aware
25 that there is another dock available. I guess,

1 the narrow easement here in this case to a dock
2 that's much farther back from the street I think
3 makes it more of a unique case. And even if it's
4 not a one-of-one, it's a one-of-two docks in the
5 area.

6 MS. O'LEARY: Had you considered
7 reducing the size of this guesthouse not to meet
8 the variance? I mean, it's two stories. It
9 looked like it was pretty large when I had looked
10 at all these specifications.

11 MR. SMYTH: Yes, ma'am.

12 MS. O'LEARY: It's not just
13 bedrooms because it's a gym. It's an office.
14 It's more of a multi-functional piece of
15 property.

16 MR. SMYTH: It's true. There's a
17 smaller home gym there, and there's a home
18 office. John Baron does work full-time, and
19 oftentimes he needs a place to be to get away
20 from all the noise and all of that. But we have
21 mainly two guest suites. That's the main point
22 of it.

23 And then fit in some other smaller
24 functions to fill in gaps that the home doesn't
25 have already. We did look at making it smaller,

1 and we think that it's not -- the massing of it
2 and the way that we're able to pull it off and
3 away from the house with this sort of opening in
4 here, again, helps to break down the massing of
5 the house.

6 We could have fully attached it, but we
7 think that that would have been overall a
8 negative, to make a single building look larger.
9 And we do believe that the way that we have
10 arrived at this makes the most sense.

11 CHAIRMAN CASSIDY: Any other
12 questions?

13 MR. ADAMS: When you say negative,
14 you mean negative from an aesthetic point of
15 view?

16 MR. SMYTH: No, sorry, this
17 negative space here, where the house is pulled
18 out and away. Can you see my cursor here?

19 MR. ADAMS: Yes.

20 MR. SMYTH: Yeah. That is what I
21 meant by negative, the kind of void, the negative
22 space in between the existing house and the
23 proposed guesthouse.

24 MR. ADAMS: So but you were
25 explaining why pulling it into -- back into that

1 area would have been less desirable.

2 MR. SMYTH: Yeah, correct. And the
3 reason for that is that it would make, it
4 appears, one larger and more massive house. We
5 would rather it be the main existing house as it
6 is now with a truly separate guesthouse, only
7 linked by a narrow hallway, linking out to it, to
8 break down the overall massing, which is a common
9 tactic we take when designing houses here on the
10 island. It's oftentimes what the ARB encourages.

11 MR. ROSENFELD: But isn't that
12 section basically hidden from the road
13 completely? So if you built it, it would not --
14 you wouldn't see it as you drove by. You'd have
15 to literally be trespassing on their property to
16 see the inclusion of that space into a more
17 massive structure, you know, abutting the house.

18 MR. ADAMS: I'm sorry. I beg your
19 pardon. Apologize for the interruption. Frank,
20 is there any way for someone to turn up the
21 volume on the mikes? I'm having a tough time
22 hearing the people, the members. I can hear --

23 CHAIRMAN CASSIDY: I'll just ask
24 everybody to speak into the mikes, get closer to
25 them.

1 MR. ROSENFELD: Okay. My question
2 was, if that gap space is virtually invisible
3 from the street, you have to be trespassing on
4 their property to see that gap, and admittedly
5 even the people who pass by who they say are
6 maybe once every week or two weeks somebody walks
7 down, I mean, it's basically invisible. By
8 closing that area out, I think you could move the
9 guesthouse closer.

10 MR. SMYTH: Well, what we're also
11 trying to do is guarantee a better quality of
12 light inside, more windows, by pulling this thing
13 apart to get more light into the house. We also
14 have rooflines and overhangs. We designed this
15 so that we have staggered rooflines.

16 Let's see. Daniel, how can I advance
17 this to the elevation drawings?

18 MR. ROSENFELD: But in reference to
19 criterion C, because of these conditions, the
20 application of this ordinance to this particular
21 piece of property would effectively prohibit or
22 unreasonably restrict the utilization of the
23 property, they already admit it would not
24 unreasonably restrict the utilization of the
25 property, so therefore, the other option, it

1 would prohibit. It would not prohibit it either.

2 So on my -- I know I'm always the gadfly
3 in this group, but to me, criterion C immediately
4 negates the ability to build a guesthouse, which
5 is not my intention. I mean, if they want to
6 build a guesthouse, more power to them.

7 But I still think that these setbacks
8 were designed and set up for a valid reason, and
9 to suddenly take 25 percent of the setback into a
10 guesthouse is a significant amount. It's not a
11 small encroachment. It's 25 percent of the
12 setback. And that's what I find difficult by
13 going in 5 feet.

14 And I think if you could restructure the
15 shape of the guesthouse and move some of it into
16 that empty area that is obviously going to be
17 basically useless, there would be some way that
18 you could figure out to move it, maybe not 5 feet
19 over but 3 feet over, and reduce the amount of
20 encroachment.

21 CHAIRMAN CASSIDY: They do have the
22 problem with the tree and the odd shape of this
23 lot.

24 MR. ROSENFELD: But the tree is in
25 front. The tree is not in that area.

1 CHAIRMAN CASSIDY: I understand.
2 And the dock access provides an additional
3 screening. It's a small area. To me, it's a
4 reasonable accommodation.

5 MS. O'LEARY: Boone, does KICA need
6 to weigh in on any of this because they're trying
7 to go in more towards their setback than the
8 Town's setback?

9 MR. AIKEN: There is no
10 requirement, Lin. That's a great question.
11 Ideally, if there was some insight, that would be
12 beneficial, but there's no requirement that I'm
13 aware of for them to have to weigh in prior to a
14 decision being rendered.

15 MS. O'LEARY: Because we are --
16 they are looking to encroach into their property,
17 so we're approving them to go into KICA property;
18 is that correct?

19 MR. VINCENT: It's their setback.

20 MS. O'LEARY: But it's their
21 setback to their property, so --

22 MR. VINCENT: It's setback of 52.

23 MS. O'LEARY: Of 52, okay.

24 MR. SMYTH: Yeah.

25 MR. ADAMS: And --

1 MR. SMYTH: Go ahead.

2 MR. ADAMS: Go ahead.

3 MR. SMYTH: What I was going to say
4 is that it is the tree, the 17-inch tree, that's
5 the most important reason why we're trying to
6 pull it over; the internal way that the
7 guesthouse is also laid out in what we think to
8 be a fairly efficient way so it's not any larger
9 than it is; and, you know, the fact that we do
10 have the unique case of this 20-foot other
11 easement that is in between this residence and
12 the next makes it a case where, while there is
13 a -- we're asking for a 5-foot setback variance
14 out of the 20 feet, there's another 20 feet in
15 between this property and the next.

16 MS. O'LEARY: But you're using it
17 as -- if I understand it correctly, you're using
18 this as it's unique, but yet, there's another
19 dock up the street that has that same setback.
20 So then is it actually a unique consideration,
21 Boone?

22 MR. AIKEN: That is certainly a
23 factor to weigh, Lin. Unfortunately, I can't
24 render my opinion here, but that is certainly an
25 element to be considered by the board before

1 making its decision.

2 MS. O'LEARY: Okay.

3 MR. SMYTH: Isn't the other dock a
4 longer lot, sort of parallel to the street? Am I
5 wrong about -- I don't know very much about that
6 one, I'll be honest with you. But isn't it
7 almost like a lot, not very deep but wide where
8 that --

9 MS. O'LEARY: The only reason I'm
10 bringing it up, Tyler, honestly, is because
11 you're calling for your piece of property to be
12 unique, that, you know, you don't have -- there's
13 no one else in the area that necessarily has
14 this, and that's one of the fundamental things
15 that we look at, right?

16 So if there is another dock and if it
17 has setbacks, how does that affect your
18 uniqueness because they have those similar
19 restrictions?

20 MR. SMYTH: I understand.

21 CHAIRMAN CASSIDY: Phil, you had
22 another question?

23 MR. ADAMS: Yeah. And this is
24 maybe for Boone. And I apologize. It's been
25 over 50 years since I studied property law, but

1 my understanding of a -- and we keep using the
2 term easement. My understanding of an easement
3 is that it is a right that is granted to some
4 third party to use or cross over or otherwise
5 take advantage to some extent of property owned
6 by another, right, as opposed to the ownership of
7 property.

8 If this is an easement, I guess my
9 question is, whose property is burdened by the
10 easement? I mean, if I grant the water company
11 an easement to run a water line across my
12 property, it's still my property. They just --
13 I've just given them the legal right to run a
14 water line across it.

15 And so is this an easement in the legal
16 sense, or is this a fee ownership of that strip
17 of land by another party?

18 CHAIRMAN CASSIDY: Go ahead, John.

19 MR. TAYLOR: So I wanted to
20 reference, I think, just to add a little bit more
21 clarity in the parcel adjacent to the subject
22 parcel. Just one moment.

23 So it is a separate TMS number first, so
24 it is two distinct parcels. The subject property
25 where we're in question of the proposed

1 guesthouse sits adjacent to that property. That
2 property is owned by the community association.

3 To Mr. Adams' question regarding the
4 easement, the easement is a pedestrian access
5 easement located on this site. So I don't have
6 the language of that easement, but the property
7 itself is owned by the community association.

8 CHAIRMAN CASSIDY: It sounds to me,
9 John --

10 MR. ADAMS: Okay. Understood. And
11 so KICA owns the property, and that property has
12 been burdened by an easement granting the public
13 the right to cross KICA's property to get to the
14 dock, if that sort of is a fair --

15 MR. TAYLOR: That would -- I would
16 say that's a fair statement.

17 CHAIRMAN CASSIDY: Okay. Other
18 questions? If not, I'd entertain a motion.

19 MS. BARON: Can I -- excuse me.

20 CHAIRMAN CASSIDY: Oh, yes.

21 MS. BARON: Would it be okay if I
22 spoke briefly?

23 CHAIRMAN CASSIDY: Oh, sure. I
24 apologize. I should have asked.

25 MS. BARON: Do you want me over

1 here?

2 CHAIRMAN CASSIDY: Please.

3 MS. BARON: I just wanted to very
4 briefly just give you our sort of personal take
5 on this.

6 CHAIRMAN CASSIDY: Please state
7 your name.

8 MS. BARON: I'm sorry. Gail Baron.
9 I'm one of the two property owners. My husband
10 couldn't be here today. And I just wanted to
11 say, first, from a personal perspective and then
12 just to address one or two things that you
13 mentioned.

14 We've owned this house, as we said,
15 since 2013. We raised our family in Charlotte,
16 and both of us worked. I worked until very
17 recently. My husband still works full-time. We
18 are in the process of selling our home in
19 Charlotte, plan to relocate here to Kiawah
20 full-time.

21 So part of this motivation is to
22 accommodate our growing family and have a place
23 for our family to congregate in a reasonably
24 comfortable way.

25 And secondly it is to make this our

1 full-time residence, where my husband has a
2 comfortable space to work on an ongoing basis.
3 And also that small exercise room is because he
4 has some health constraints and isn't -- doesn't
5 normally use a public gym facility, even though
6 it is available to us as island residents.

7 So the bedrooms, that's why. It's
8 mainly a guesthouse, but it is also something
9 that we hope to use. And, as you know, when
10 you're renovating an older property, it always
11 comes with a lot of constraints.

12 As far as the -- you know, we plan to be
13 long-term members of the Kiawah community and
14 contribute back in whatever ways that we can that
15 we have not been as full-time residents, so I
16 hope you'll take that into consideration as well.

17 I wanted to also just correct. We did,
18 when we very first owned the property, lease
19 it -- rent it out a tiny bit through Akers Ellis,
20 maybe eight or maximum -- probably maximum eight
21 weeks a year, but we have not done that in
22 probably eight years or more and don't intend to
23 ever do that again now that we've done some
24 improvements to the house, and, again, as it will
25 be our full-time -- we will be full-time

1 residents.

2 And as far as the -- what seems like a
3 large -- taking away a large portion of an
4 easement, that 5 feet is not going to restrict
5 anybody accessing that dock, and it won't
6 encroach on my neighbor's property in any way,
7 shape, or form. We will landscape it according
8 to your preferences and the ARB. As we did when
9 we did a renovation before, we completely
10 relandscaped the property.

11 And, really, we're taking into account
12 the landscaping in designing this to not -- you
13 know, to meet the arborist's request that it stay
14 within a certain distance from the existing live
15 oak.

16 But if we were to be encroaching on my
17 next-door neighbor's property or inhibiting
18 somebody else's access to the dock, I would very
19 much understand you objecting to this. And while
20 we might not be 100 percent unique, I think it is
21 an unusual circumstance to have a Kiawah-owned --
22 KICA-owned property abutting ours as an easement.

23 So, again, I hear what you're saying
24 about unique, and I know you have strict
25 adherences you want to stick to, but it is highly

1 unusual. And it's also unusual that they
2 encroach on our property as well, but we don't
3 care that much that they do so.

4 That's kind of all I wanted to say, and
5 thanks for your time in considering this.

6 CHAIRMAN CASSIDY: Thank you,
7 Ms. Baron.

8 Any other questions?

9 All right. Now I'll entertain a motion.

10 MR. ROSENFELD: I'll make a motion.
11 I know it goes against my nature, but I agree. I
12 think the additional easement buffer gives
13 sufficient room for space. It won't intrude on
14 the neighbor's property.

15 As much as I'd like you to move the
16 thing over a little bit into that gap, you've
17 already got your plans drawn with an expense that
18 you don't need to do, so I make a motion to allow
19 the variance.

20 MS. O'LEARY: I second.

21 CHAIRMAN CASSIDY: We have a motion
22 made and seconded.

23 Can I just ask Larry, is it okay if we
24 append to that motion these two conditions?

25 MR. ROSENFELD: Oh, I assume that

1 was part also, yes.

2 CHAIRMAN CASSIDY: Okay. So the
3 conditions of the as-built survey and the
4 landscape plan as stated in the documents are
5 incorporated into Larry's motion.

6 Any further discussion?

7 Okay. I'll call the roll.

8 Phil?

9 MR. ADAMS: Yes.

10 CHAIRMAN CASSIDY: Jay?

11 MR. LEWIS: Yes.

12 CHAIRMAN CASSIDY: Lin?

13 MS. O'LEARY: Yep.

14 CHAIRMAN CASSIDY: Larry?

15 MR. ROSENFELD: Yes, begrudgingly.

16 CHAIRMAN CASSIDY: And Frank, yes.

17 So it's unanimous. The variance is
18 approved due to a combination of the buffer
19 that's provided by the dock access, the location
20 of that tree, and the odd shape of the lot, so --

21 MR. SMYTH: Thanks so much.

22 CHAIRMAN CASSIDY: I think we are
23 done. Thank you.

24 John, any other business?

25 MR. TAYLOR: Just want to briefly

1 update you guys on a macro level. We are
2 approaching the time of beginning the adoption
3 phase of our comprehensive plan. I think that's
4 been a long time coming, so I just wanted to
5 update what is going on as part of that process.

6 Planning commission did recommend
7 approval, and so that'll be moving to Town
8 Council for consideration of our comprehensive
9 plan update.

10 As part of that, the next stage is, for
11 our internal planning department, we want to look
12 at an overhaul of our entire zoning code, and so
13 there might be some things in our zoning code
14 that we look at to modify as an ongoing process,
15 so that'll be tangentially related to your review
16 for different cases in the future. And so I just
17 wanted to kind of bring that to you guys'
18 attention. That's all.

19 The only other thing, I just asked
20 Daniel. We don't have any cases right now
21 scheduled for next month. So I'll continue to
22 send out a reminder to make sure you guys have
23 your continuing ed completed before the end of
24 the year. That's all.

25 CHAIRMAN CASSIDY: Thank you, John.

1 MR. ROSENFELD: The September
2 meeting, if there is one, would be the 15th or
3 the 21st? Because I have both of them on my
4 calendar for some reason.

5 MR. TAYLOR: I'll have that date
6 for you before you leave today.

7 MR. ROSENFELD: Thank you.

8 CHAIRMAN CASSIDY: I think it's --
9 you're talking about September?

10 MR. ROSENFELD: September.

11 CHAIRMAN CASSIDY: 22nd, I think.

12 MR. VINCENT: 22nd.

13 CHAIRMAN CASSIDY: Yes?

14 MR. VINCENT: Yes.

15 CHAIRMAN CASSIDY: All right. Any
16 further business?

17 All right. Then we stand adjourned.
18 Thank you, everyone.

19 (The proceedings were concluded at
20 1:52 P.M.)

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REPORTER'S CERTIFICATE

I, TERI L. KENNELLY, Registered Professional Reporter and Notary Public in and for the State of South Carolina at Large, do hereby certify that I correctly reported the within-entitled matter and that the foregoing is a full, true and correct transcription of my shorthand notes of the testimony and/or other oral proceedings had in the said matter.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 4th day of August, 2025, at Charleston, Charleston County, South Carolina.

Teri L. Kennelly, RPR, CRR
My commission expires
January 8, 2029

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scheduled (1)	solely (2)	summers (1)	two-story (1)
screen (2)	somebody (2)	sure (4)	TYLER (4)
screening (3)	somewhat (1)	surrounding (4)	types (1)
seal (1)	sorry (4)	survey (4)	< U >
second (2)	sort (5)	< T >	unanimous (1)
seconded (1)	sounds (1)	table (1)	understand (4)
secondly (1)	South (3)	tactic (1)	understanding (2)
section (2)	space (6)	tag (1)	Understood (1)
see (8)	speak (7)	take (6)	Unfortunately (1)
seeking (1)	speakers (3)	talking (1)	unique (15)
seen (2)	speaking (1)	tangentially (1)	uniqueness (1)
segments (1)	special (5)	TAYLOR (6)	unnecessary (1)
seldom (1)	specific (1)	teenagers (1)	unreasonably (4)
selling (1)	specifications (1)	TERI (3)	unusual (3)
send (1)	spend (1)	term (1)	update (3)
sense (3)	spirit (2)	testimony (3)	upheld (1)
separate (3)	spoke (1)	Thank (9)	use (10)
separately (1)	square (12)	Thanks (3)	useless (1)
September (3)	STAFF (10)	thereof (1)	uses (1)
set (1)	staff's (1)	thing (3)	utilization (4)
setback (20)	stage (1)	things (4)	utilized (1)
setbacks (7)	staggered (1)	think (16)	< V >
shape (7)	stair (1)	third (2)	valid (2)
shaped (3)	staircase (1)	three (4)	values (1)
shared (2)	stand (3)	thrive (1)	variance (28)
shorthand (1)	standards (1)	time (8)	variances (3)
showing (1)	starting (1)	tiny (1)	vicinity (5)
shown (2)	state (3)	TMS (4)	view (2)
shows (1)	stated (1)	today (8)	VINCENT (15)
side (18)	statement (1)	Today's (1)	virtually (2)
sideline (1)	states (1)	toggle (1)	visit (2)
sidelines (1)	stay (1)	top (1)	void (1)
sign (1)	stick (1)	total (3)	volume (1)
significant (1)	stories (1)	tough (1)	vote (1)
significantly (1)	straight (1)	Town (8)	< W >
similar (2)	street (6)	Town's (1)	walks (1)
simple (1)	strict (2)	trail (1)	want (6)
simply (1)	strip (3)	transcription (1)	wanted (8)
single (1)	structure (5)	tree (12)	
sir (3)	structures (1)	trees (1)	
	studied (1)		

water (3)
way (11)
ways (1)
week (3)
weeks (2)
weigh (3)
welfare (1)
well (6)
We're (9)
west (6)
western (1)
we've (3)
wide (1)
windows (1)
wish (2)
within-entitled (1)
Witness (1)
witnesses (1)
work (2)
worked (2)
working (2)
workings (1)
works (1)
worth (1)
written (1)
wrong (1)
**WWW.CLARKBOL
EN.COM** (1)

< Y >

yard (2)
Yeah (8)
year (2)
years (3)
Yep (1)

< Z >

ZONING (34)
Zoom (3)