



**Case #BZA25-000011**  
**Kiawah Island BZA Meeting of August 18, 2025**

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

**Representative:** Ken Dukes

**Property Location:** 1031 Warbler Court

**TMS#:** 207-06-00-032

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

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

**Request:** Variance request for the increase in maximum lot coverage by approximately .64% (26 square feet) for a proposed addition.

**Requirement:**

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

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

Maximum 50% Lot Coverage

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

legally nonconforming in regards to setbacks & lot coverage

**TURNBERRY LANE (DEVELOPED LANDS) cont.**

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

**TURTLE BEACH LANE (DEVELOPED LANDS)**

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

**VETCH COURT (OCEANWOODS) (DEVELOPED LANDS)**

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

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

**VIRGINIA RAIL ROAD (DEVELOPED LANDS)**

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

**VIRGINIA RAIL ROAD (DEVELOPED LANDS) cont.**

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

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

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

**WARBLER COURT (SPARROW POND COTTAGES) (DEVELOPED LANDS)**

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

**WAX MYRTLE COURT - PATIO LOTS (DEVELOPED LANDS)**

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

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

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

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

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

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

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

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

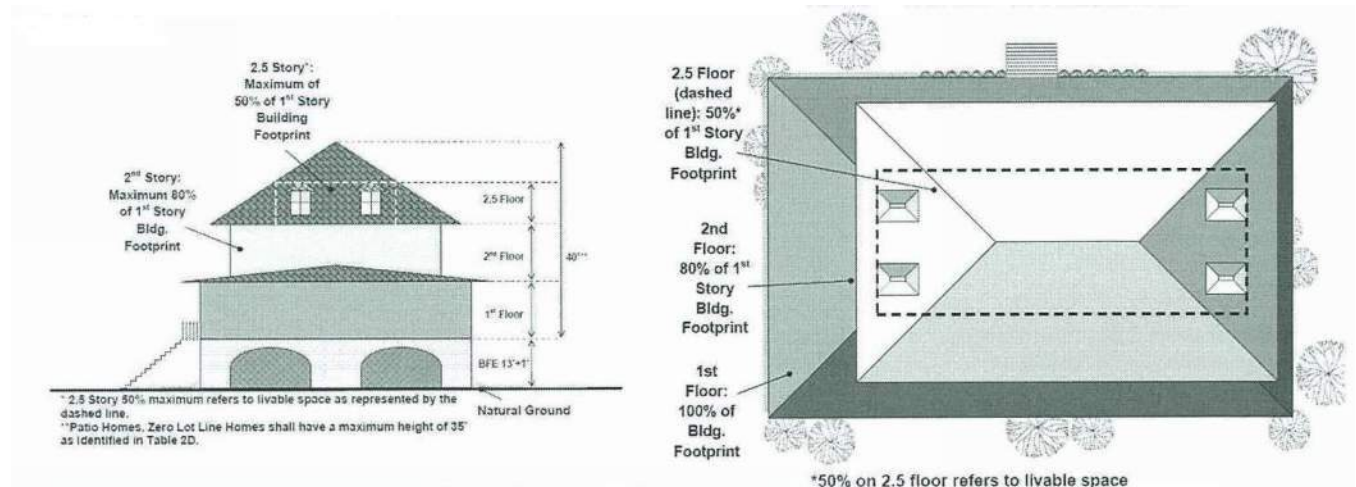
- (a) *Definition.* For purposes of this section, the term "major renovations" means costs of repair or restoration that exceed 50 percent of the appraised value of the structure at the time of zoning and building permit application. Refer to sections 12-192 and 12-193.
- (b) *Purpose and intent.* The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

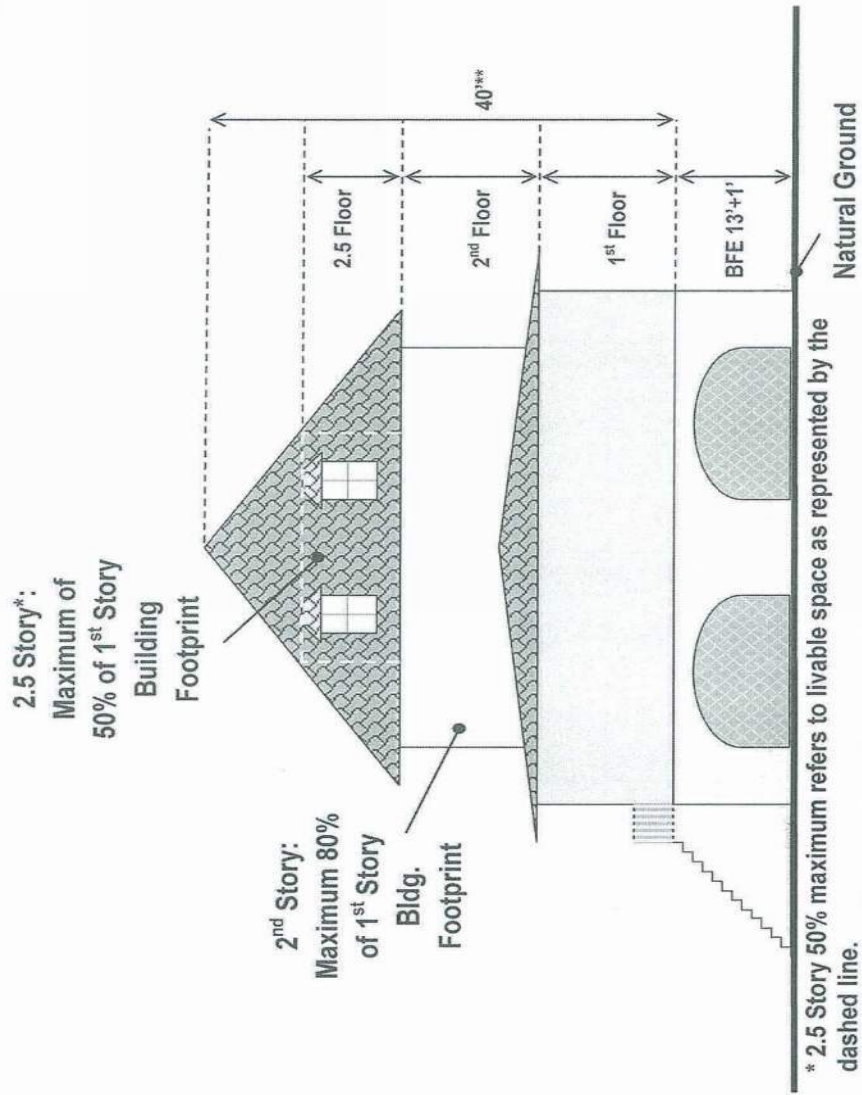
Appendix dated July 10, 2007, incorporated herein by reference and adopted hereto as article VI of this chapter shall apply in lieu of the setback requirements in table 2C, section 12-66;

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

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

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





\* 2.5 Story 50% maximum refers to livable space as represented by the dashed line.

\*\*Patio Homes, Zero Lot Line Homes shall have a maximum height of 35' as identified in Table 2D.

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

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

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

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

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

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

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

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

**Staff Findings:**

The BZA may grant a variance only if exceptional circumstances exist, and where practical difficulty or unnecessary hardship is so substantial, serious, and compelling that relaxation of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the BZA shall find that:

§ 12-163.(4)a.: *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

**Staff Response:** **There may be extraordinary and exceptional conditions pertaining to the property due to the small size of the lot, the total lot size is approximately 4,112 square feet. Per the applicant's letter of intent, "*The unusual condition regarding this property is the lot size related to other properties in the community.*"**

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

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

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

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

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

**Staff Response:** **The authorization of this variance may not be of substantial detriment to the adjacent properties or the public good. The proposed addition is positioned in the rear of the home and does not stretch farther than the existing portion of the rear of the home. Per the applicant's letter of intent, "*The addition will only be visible by one of the adjacent properties. That neighbor has voiced non-objection to the planned addition.*"**

§ 12-163.(4)e.: *The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise*

*permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map;*

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

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

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

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

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

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

**Staff Response:** **The proposed lot coverage increase is minimal. The applicant is also partially offsetting the new lot coverage by replacing the existing entrance walkway with pervious pavers. Per the applicant's letter of intent, "The planned addition would add approximately 64 sf. to the lot coverage calculation. However, this will be reduced to 26 sf by replacing the front boardwalk with pervious pavers. The lot coverage percentage will slightly increase from 54.33% to 54.97%."**

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

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

**Board of Zoning Appeals' Action:**

The Board of Zoning Appeals may approve, approve with conditions or deny Case

Kiawah BZA Meeting of August 18, 2025

Staff Review, Case # BZA25-000011

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

# Town of Kiawah Island Board of Zoning Appeals

August 18, 2025



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

## **CASE# BZA25-000011**

<b>Applicant/Property Owner:</b>	<b>GISH DAVID L &amp; GISH CATHERINE E</b>
<b>Representative:</b>	<b>Ken Dukes</b>
<b>Property Location:</b>	<b>1031 Warbler Court</b>
<b>TMS#:</b>	<b>207-06-00-032</b>
<b>Lot Size:</b>	<b>Total: 4,112.33 sqft (0.09 acres)</b>
<b>Zoning District:</b>	<b>R-2-O, Residential Zoning Overlay District</b>
<b>Request:</b>	<b>Variance request for the increase in maximum lot coverage by approximately .64% (26 square feet) for a proposed addition located at 1031 Warbler Court, Kiawah Island, SC (TMS # 207-06-00-032)</b>

**CASE# BZA24-000011**

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

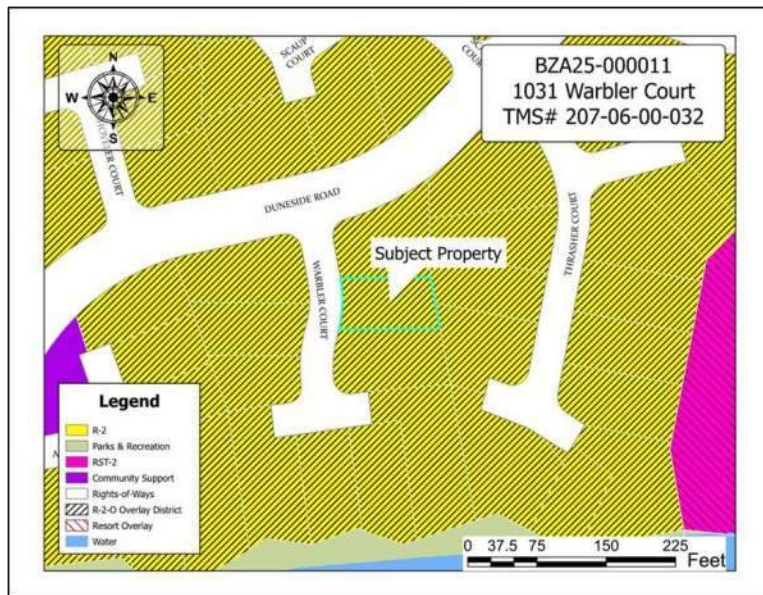
**Required setbacks: 20' (Front); 5' (Side); 10' (Rear)**

**Maximum 50% Lot Coverage**

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

**legally nonconforming in regards to setbacks & lot coverage**

3



4



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**Case # BZA25-000011**  
**BZA Meeting of August 18, 2025**  
**Subject Property: 1031 Warbler Court– Kiawah Island**

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



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### Property Front



### Adjacent Properties



### Adjacent Properties



### Property Rear

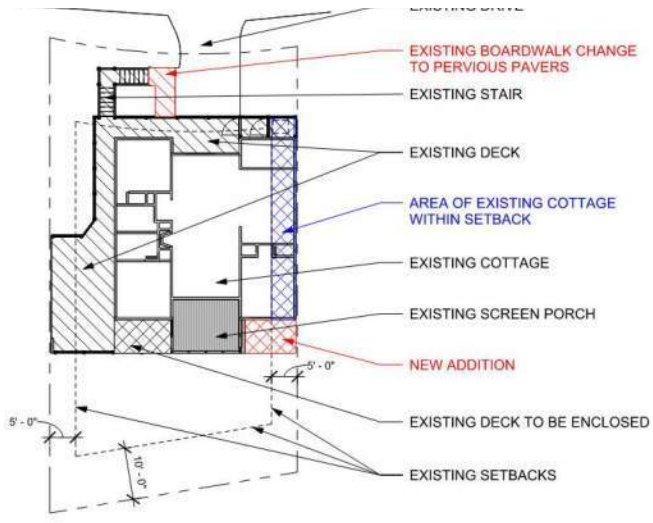


## Subject Property



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## Proposed Site Plan



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

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

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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.

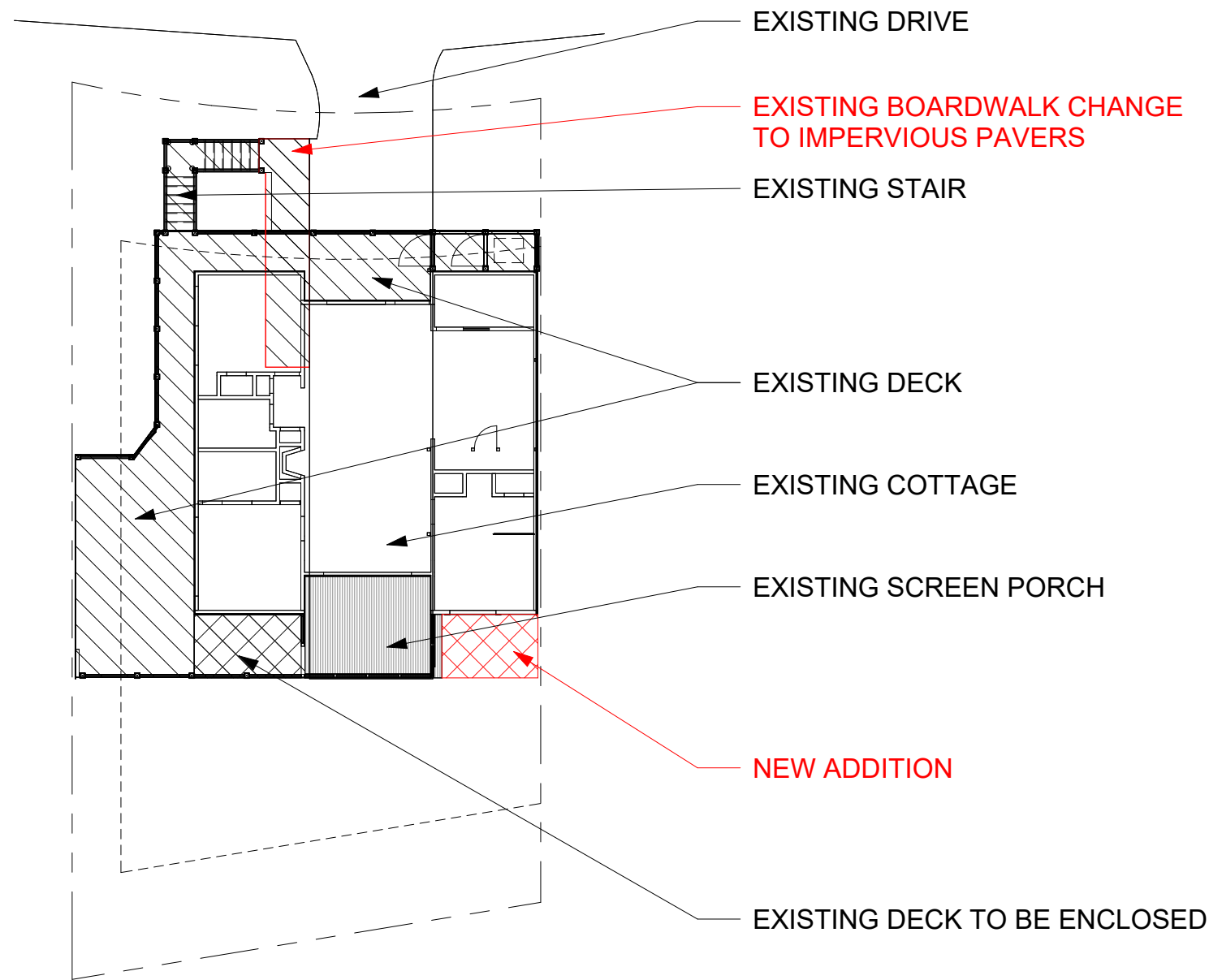
14

## **Board of Zoning Appeals Action**

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA25-000011 (Variance request for the increase in maximum lot coverage by approximately .64% (26 square feet) for a proposed addition located at 1031 Warbler Court, Kiawah Island, SC (TMS # 207-06-00-032) 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.

1031  
WARBLER COURT  
(30' R/W)



SQUARE FOOTAGE LEGEND	
<b>PROPERTY</b>	<b>4,112.33 SF</b>
<b>EXISTING COVERAGE</b>	
MAIN HOUSE	1158.93 SF
SCREENED PORCH	145.38 SF
DECK	627.40 SF
HVAC AREA	24.02 SF
STAIR & LANDING	57.76 SF
DRIVE & BOARDWALK	220.92 SF
<b>EXISTING TOTAL</b>	<b>2234.41 SF</b>
<b>EXISTING LOT COVERAGE 54.33%</b>	
<b>NEW ADDITION 64.02 SF</b>	
CHANGE TO IMPERVIOUS BOARDWALK	-38.00 SF
<b>TOTAL COVERAGE WITH ADDITION</b>	<b>2260.43 SF</b>
<b>NEW LOT COVERAGE 54.97%</b>	

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

1031 Warbler Ct  
Kiawah Island SC

Gish Residence  
Sparrow Pond Cottage

No.	Description	Date

Site Plan	
Project number	-
Date	07/10/2025
Drawn by	HOB
Checked by	HOB
<b>S2</b>	
Scale 1/16" = 1'-0"	

**CERTIFICATION**

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

**LEGEND**

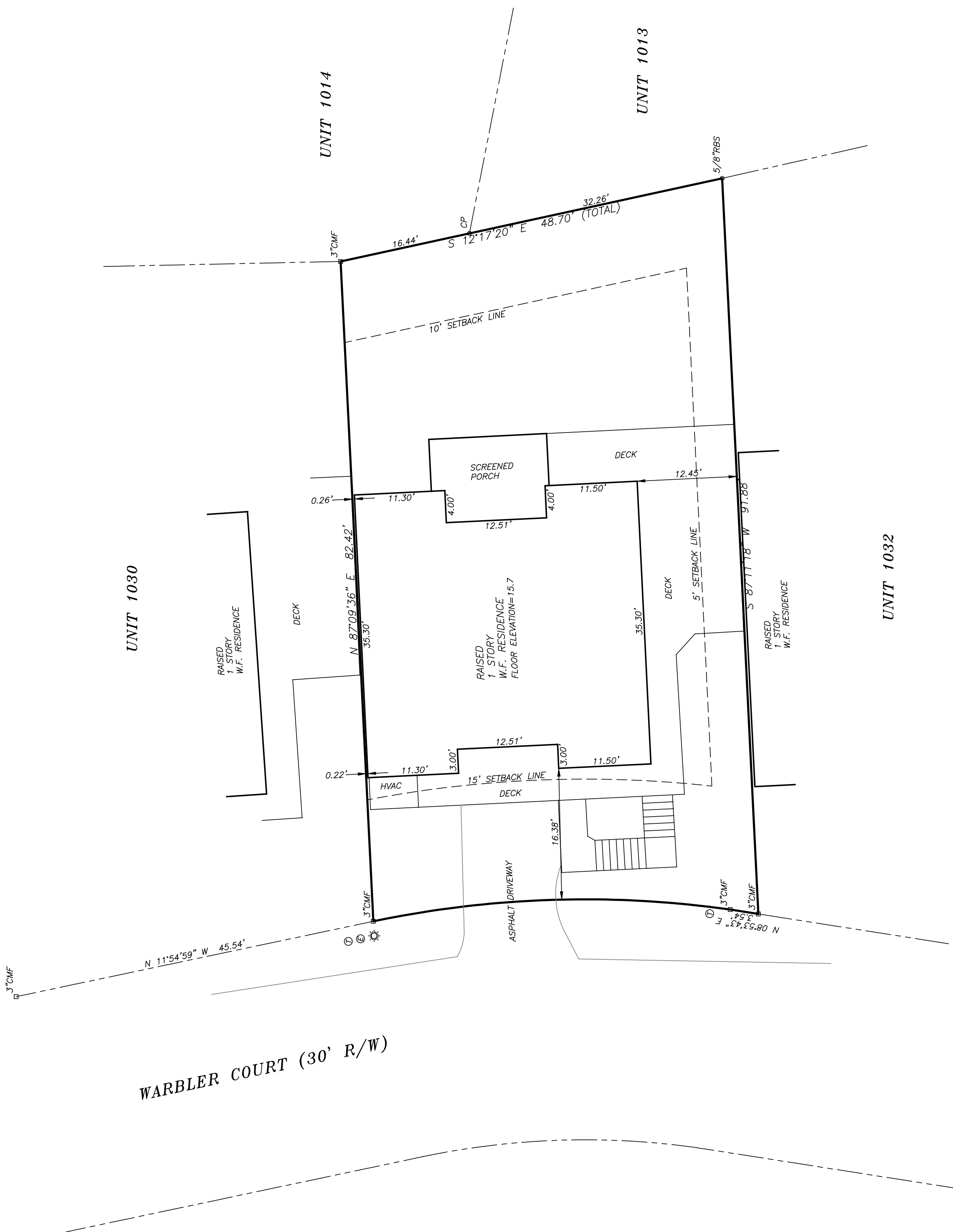
- RBS = REBAR (SET)
- CMF = CONCRETE MONUMENT (FOUND)
- CP = CALCULATED POINT
- ☉ = LIGHT POLE
- ⊕ = ELECTRIC PEDESTAL
- ⊙ = TELEPHONE PEDESTAL

**NOTES**

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

**LOT COVERAGE**

FIRST FLOOR	= 1156.83 Sq. Feet
SCREENED PORCH	= 82.46 Sq. Feet
DECK	= 24.02 Sq. Feet
HVAC	= 24.02 Sq. Feet
STEPS & LANDINGS	= 57.76 Sq. Feet
DRIVEWAY & SIDEWALKS	= 220.92 Sq. Feet
TOTAL COVERAGE ON LOT	= 2234.41 SQ.FT.
LOT AREA	= 4112.33 SQ.FT.
LOT COVERAGE	= 54.33%



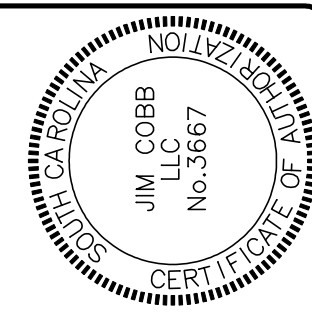
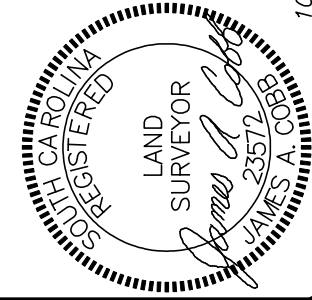
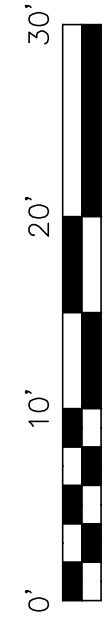
WARBLER COURT (30' R/W)

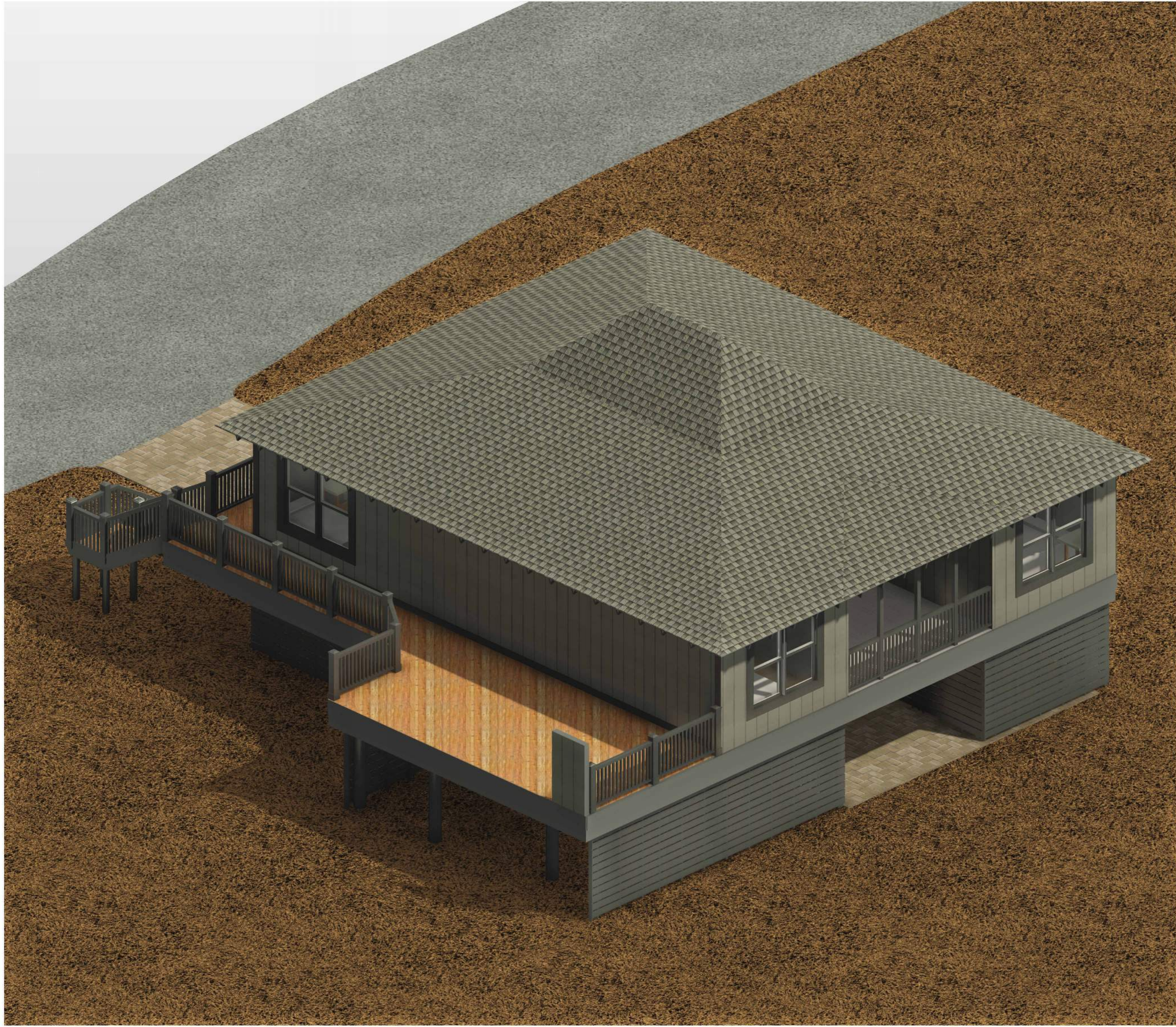
**AS-BUILT SURVEY**  
 UNIT 1031  
 SPARROW POND COTTAGES  
 THE TOWN OF KIAWAH ISLAND

CHARLESTON COUNTY  
 SOUTH CAROLINA

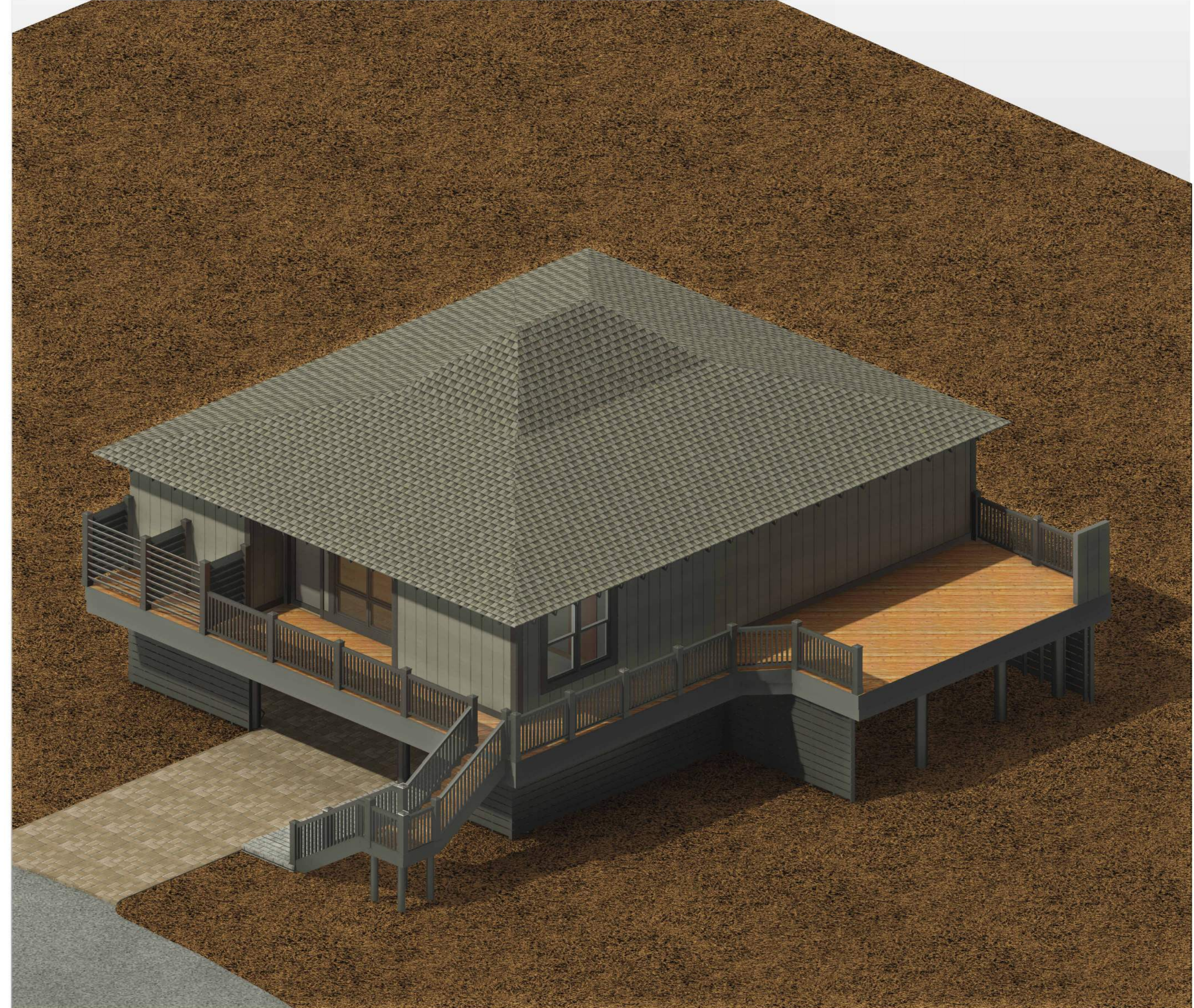
**JIM COBB L.L.C.**  
 LAND SURVEYING  
 420 PRIESTLY ST., CHARLESTON, SC 29412  
 PHONE (843) 303-6678

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





1 Rear View



2 Front View

# 1031 WARBLER COURT

1031  
WARBLER COURT  
Kiawah Island SC

**PRELIMINARY  
NOT FOR CONSTRUCTION**

No.	Issuance / Revision	Date

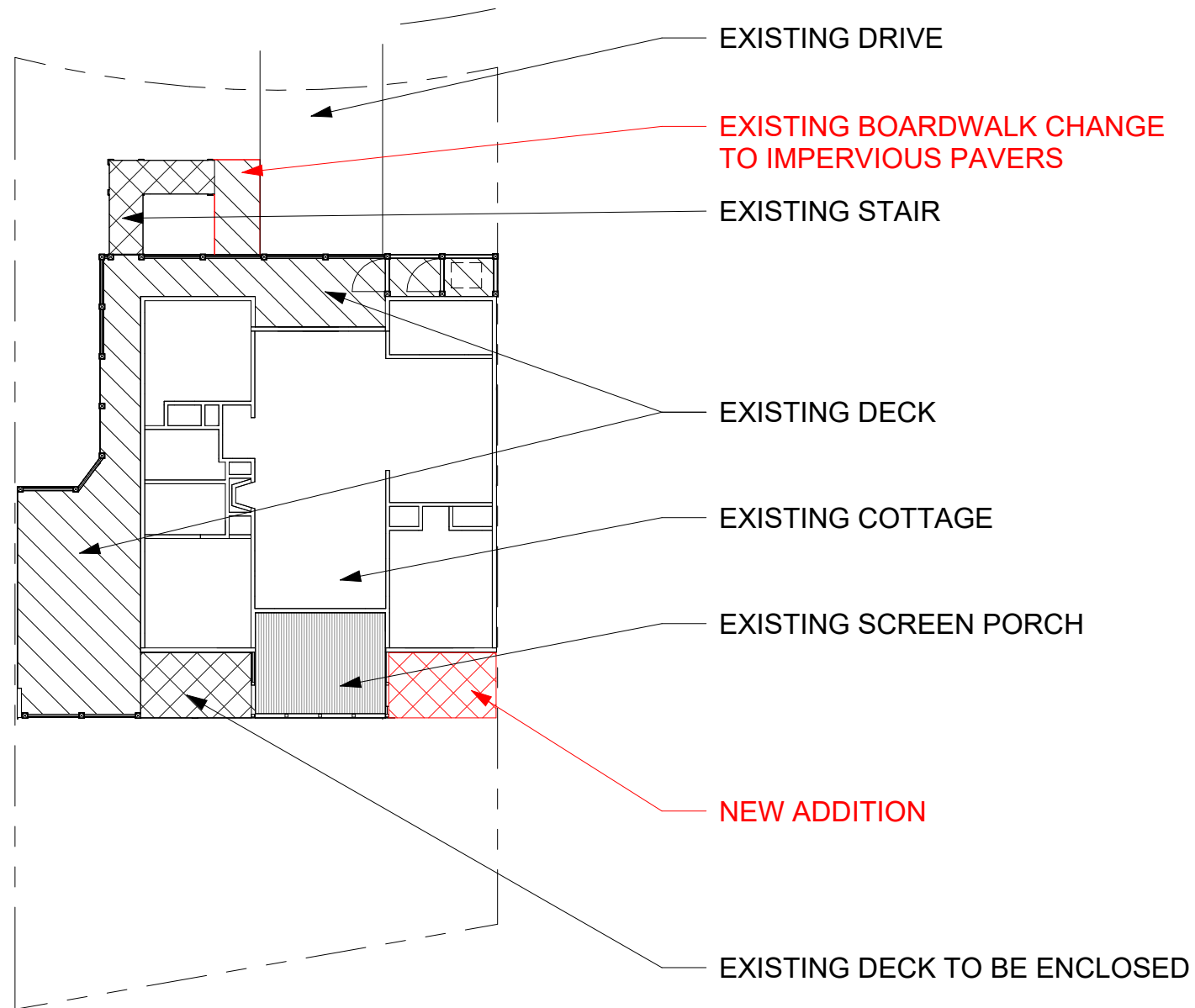
SPARROW POND COTTAGES  
1031 Warbler Court Kiawah Island, SC  
29455  
Cover

Drawing Date: 07/09/2025

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7/10/2025 3:06:58 PM

1031  
WARBLER COURT  
(30' R/W)



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

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

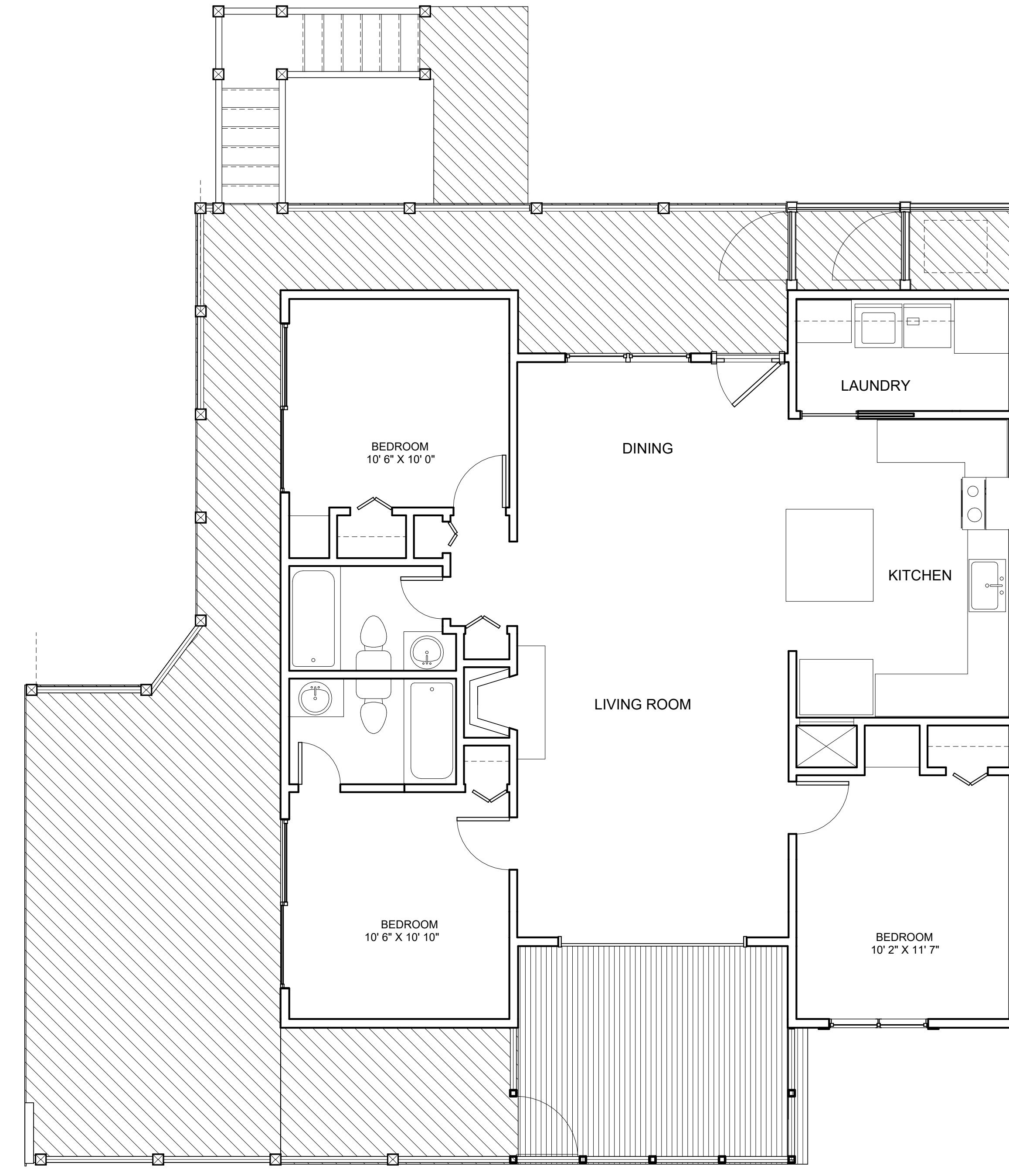
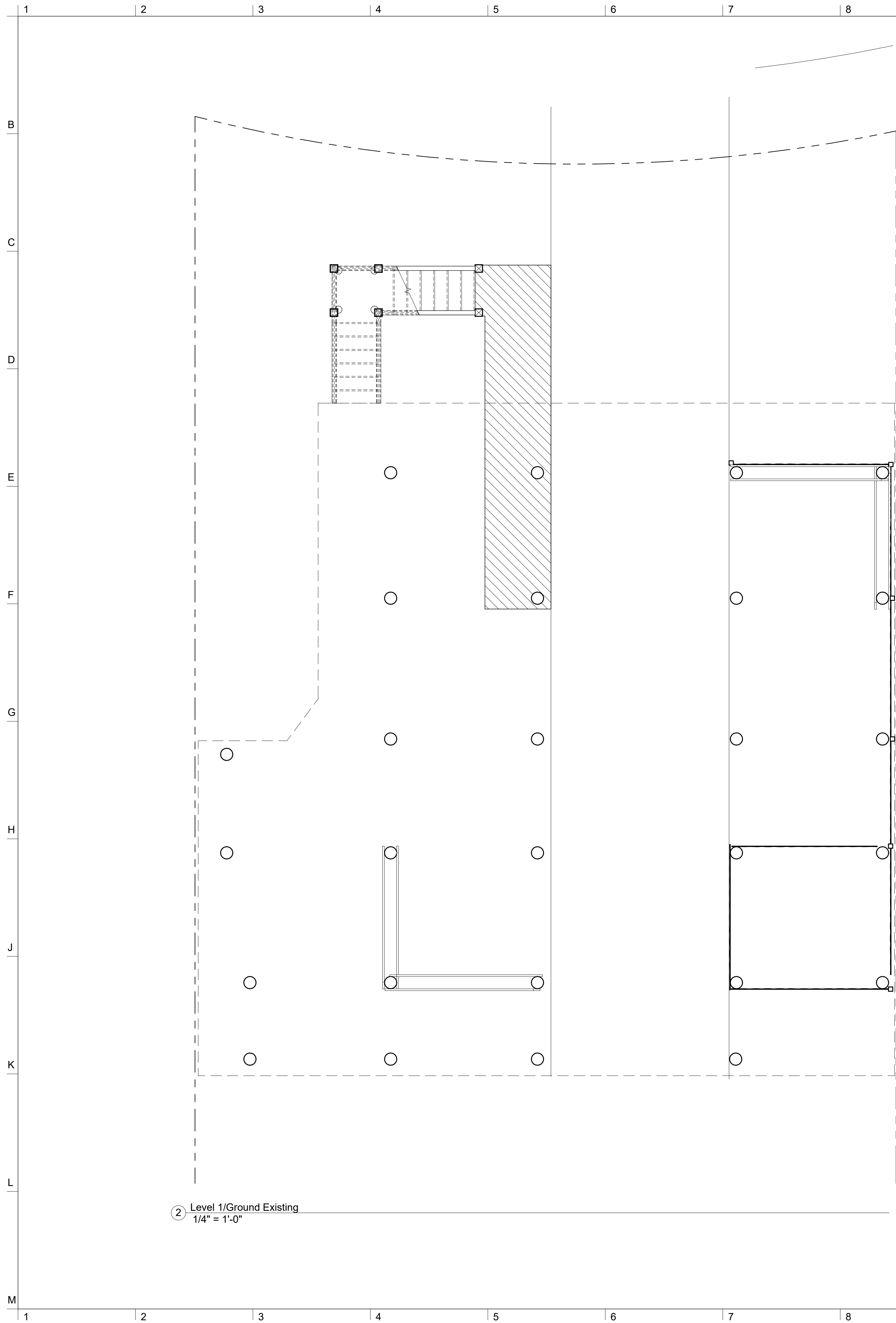
SPARROW POND

1031 Warbler Ct  
Kiawah Island SC

Gish Residence  
Sparrow Pond Cottage

No.	Description	Date

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



1031  
WARBLER COURT  
Kiawah Island SC

**PRELIMINARY  
NOT FOR CONSTRUCTION**

No.	Description/Revision	Date

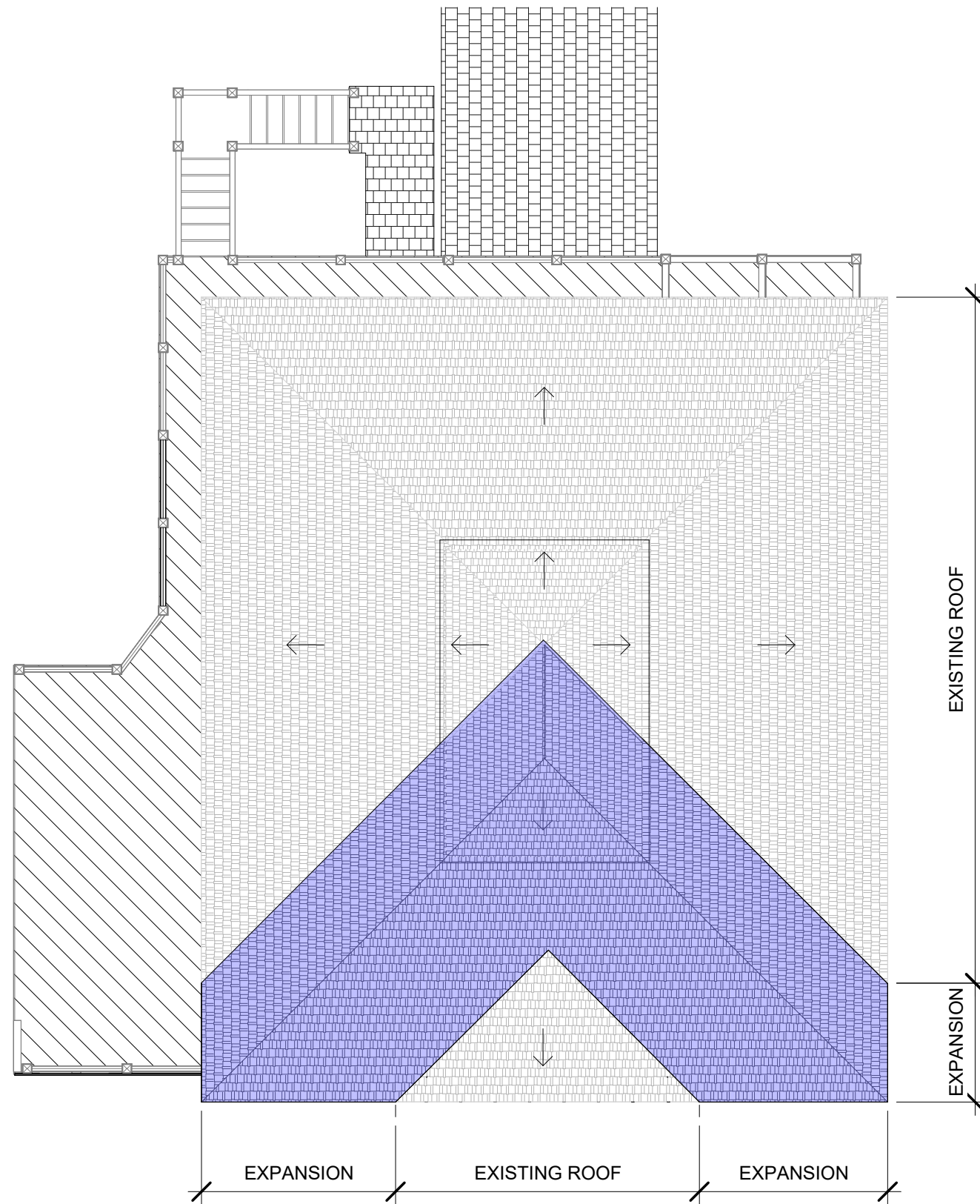
SPARROW POND COTTAGES  
1031 Warbler Court Kiawah Island, SC  
29455  
Existing Floor Plans

Drawing Date:  
07/09/2025

EX101

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

1031 Warbler Ct  
Kiawah Island SC

Gish Residence  
Sparrow Pond Cottage

No.	Description	Date

Roof Plan

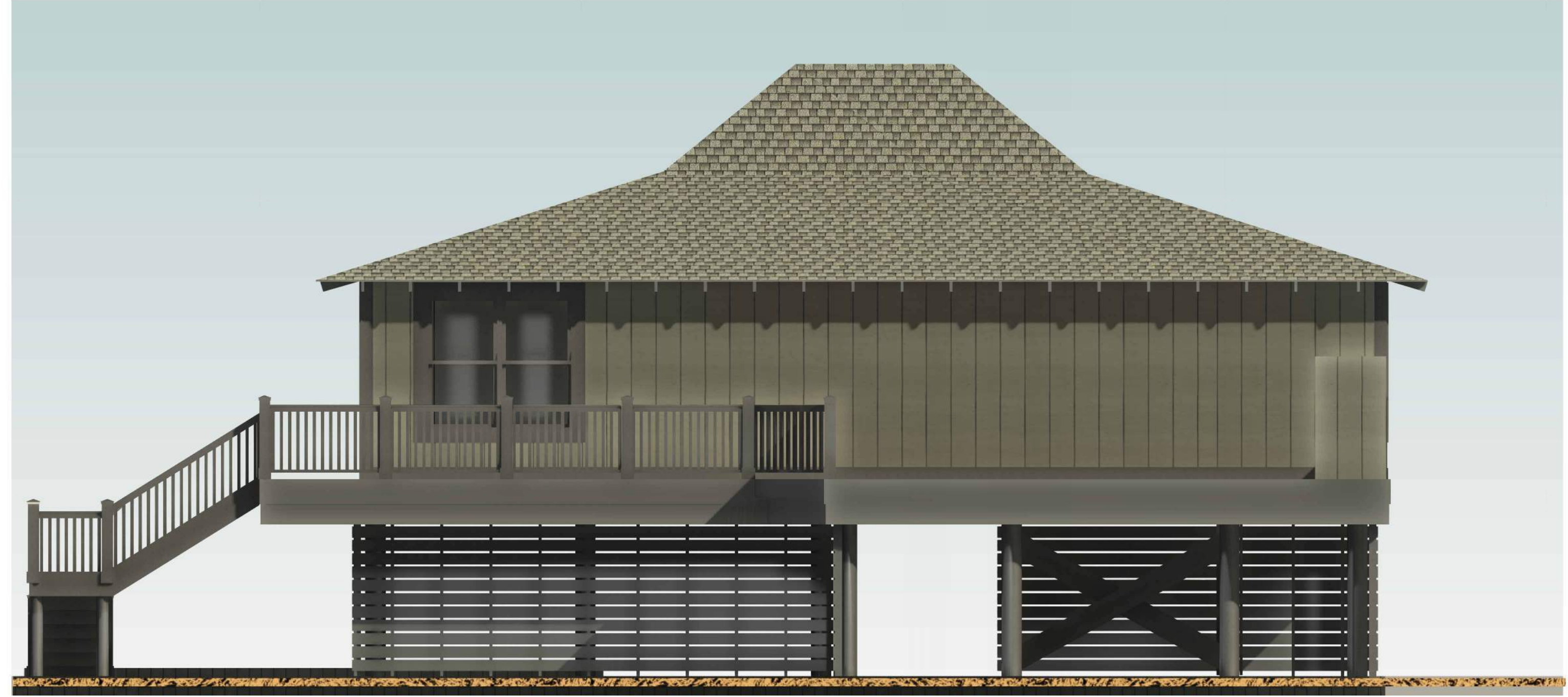
Project number -  
Date 07/09/2025  
Drawn by -  
Checked by -

A108

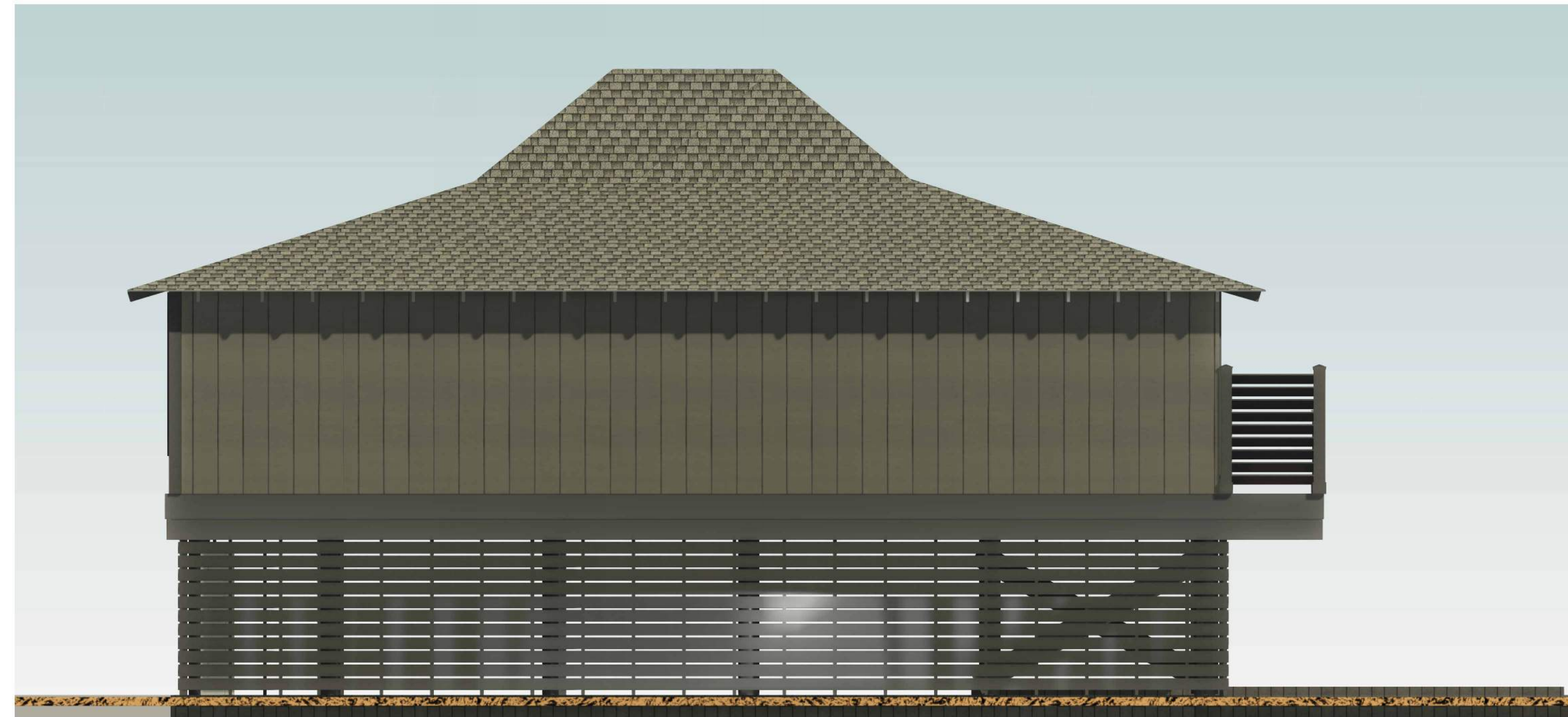
Scale 1/8" = 1'-0"



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



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



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



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

1031  
WARBLER COURT  
Kiawah Island SC

**PRELIMINARY  
NOT FOR CONSTRUCTION**

No.	Issuance / Revision	Date

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

Drawing Date:  
07/09/2025

A102

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## 1031 THRASHER CT – SPARROW POND COTTAGES

### LETTER OF INTENT

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

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

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

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

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

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

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

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

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

e. The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend

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

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

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

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

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

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

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

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

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

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





EXHIBIT A

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

This conveyance is made subject to the following:

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

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

**AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS**

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

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred is located at 1031 Warbler Court, Kiawah Island bearing Charleston, County Tax Map Number 207-06-00-032, was transferred by **Michael Houghton and Leigh S. Houghton** to **David L. Gish and Catherine E. Gish** on March 14, 2014.
3. Check one of the following: The deed is
  - (a)  subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b)  subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
  - (c)  exempt from the deed recording fee because (See Information section of affidavit): \_\_\_\_\_ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

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

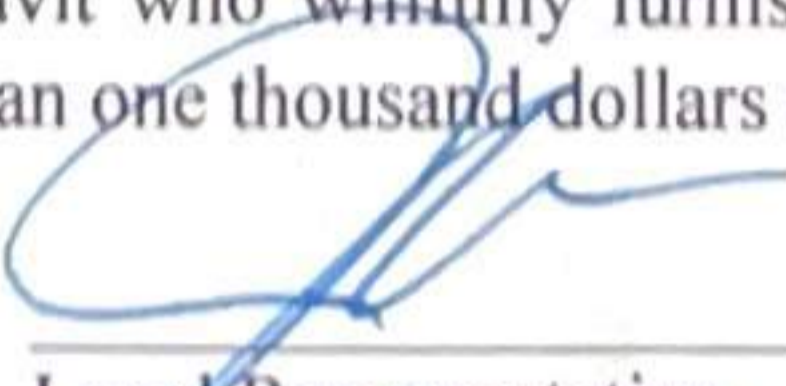
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):
  - (a)  The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$427,500.00
  - (b)  The fee is computed on the fair market value of the realty which is \$\_\_\_\_\_.
  - (c)  The fee is computed on the fair market value of the realty as established for property tax purposes which is \$\_\_\_\_\_.
5. Check YES \_\_\_ or NO  to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If YES, the amount of the outstanding balance of this lien or encumbrance is \$\_.

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

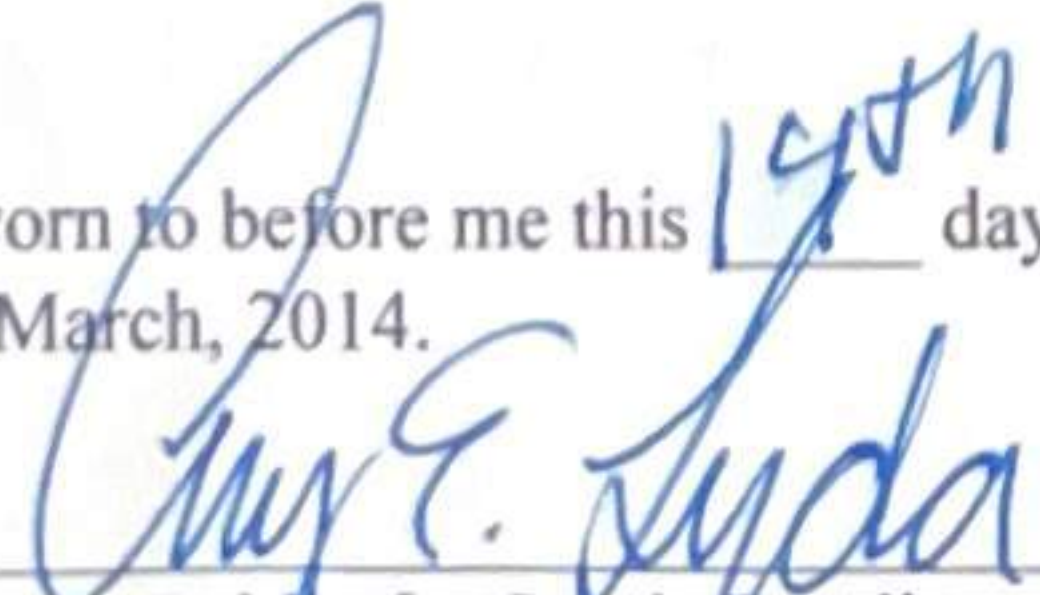
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$1,581.75.

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

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

  
\_\_\_\_\_  
Legal Representative  
Burt Byars & Taylor, LLC  
Print Name

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

  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

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

# RECORDER'S PAGE



NOTE: This page MUST remain with the original document

*abi*

**Filed By:**

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

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

*GMT*

**MAKER:**

HOUGHTON MICHAEL AL

Note:

**RECIPIENT:**

GISH DAVID L AL

# of Pages:

**Original Book:**

**Original Page:**

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

DRAWER   
 CLERK

AUDITOR STAMP HERE

RECEIVED FROM RMC

MAR 18 2014

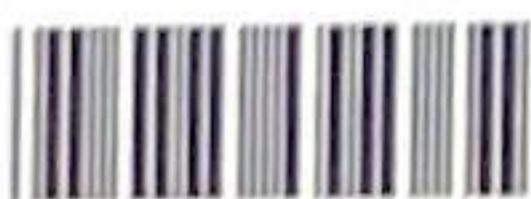
PETER J. TECKLENBURG  
 CHARLESTON COUNTY AUDITOR

PID VERIFIED BY ASSESSOR

REP *PKJ*

DATE *3/19/14*

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**Case #BZA25-000013**  
**Kiawah Island BZA Meeting of August 18, 2025**

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

**Representative:** Ken Dukes

**Property Location:** 1031 Warbler Court

**TMS#:** 207-06-00-032

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

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

**Request:** Variance request for the reduction of the required 5' side setback for approximately 31 square feet for a proposed addition.

**Requirement:**

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

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

Maximum 50% Lot Coverage

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

legally nonconforming in regards to setbacks & lot coverage

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

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

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

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

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

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

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

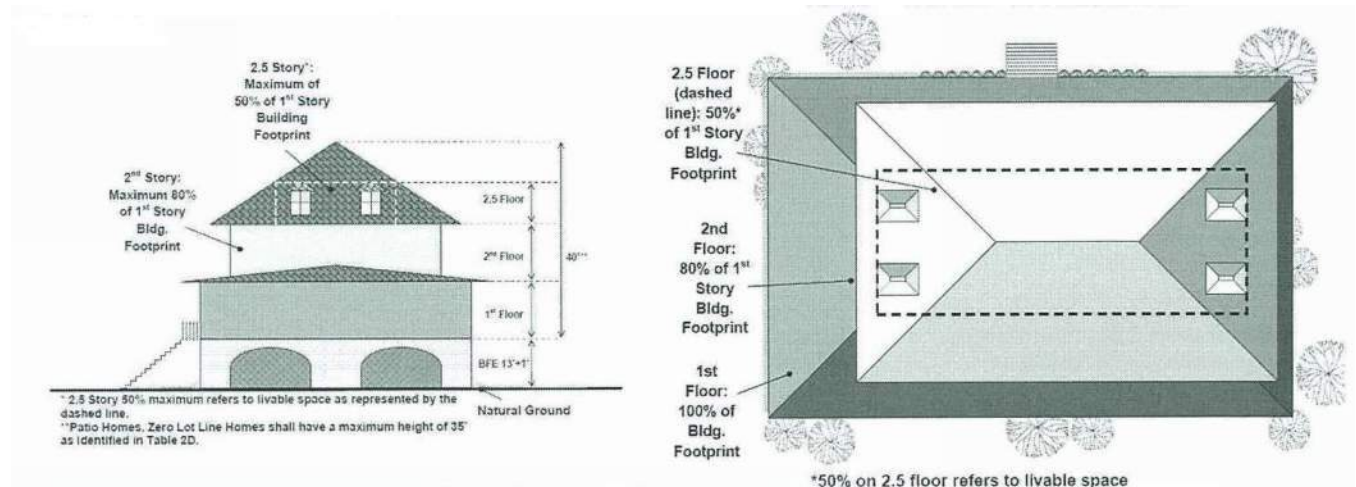
- (a) *Definition.* For purposes of this section, the term "major renovations" means costs of repair or restoration that exceed 50 percent of the appraised value of the structure at the time of zoning and building permit application. Refer to sections 12-192 and 12-193.
- (b) *Purpose and intent.* The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

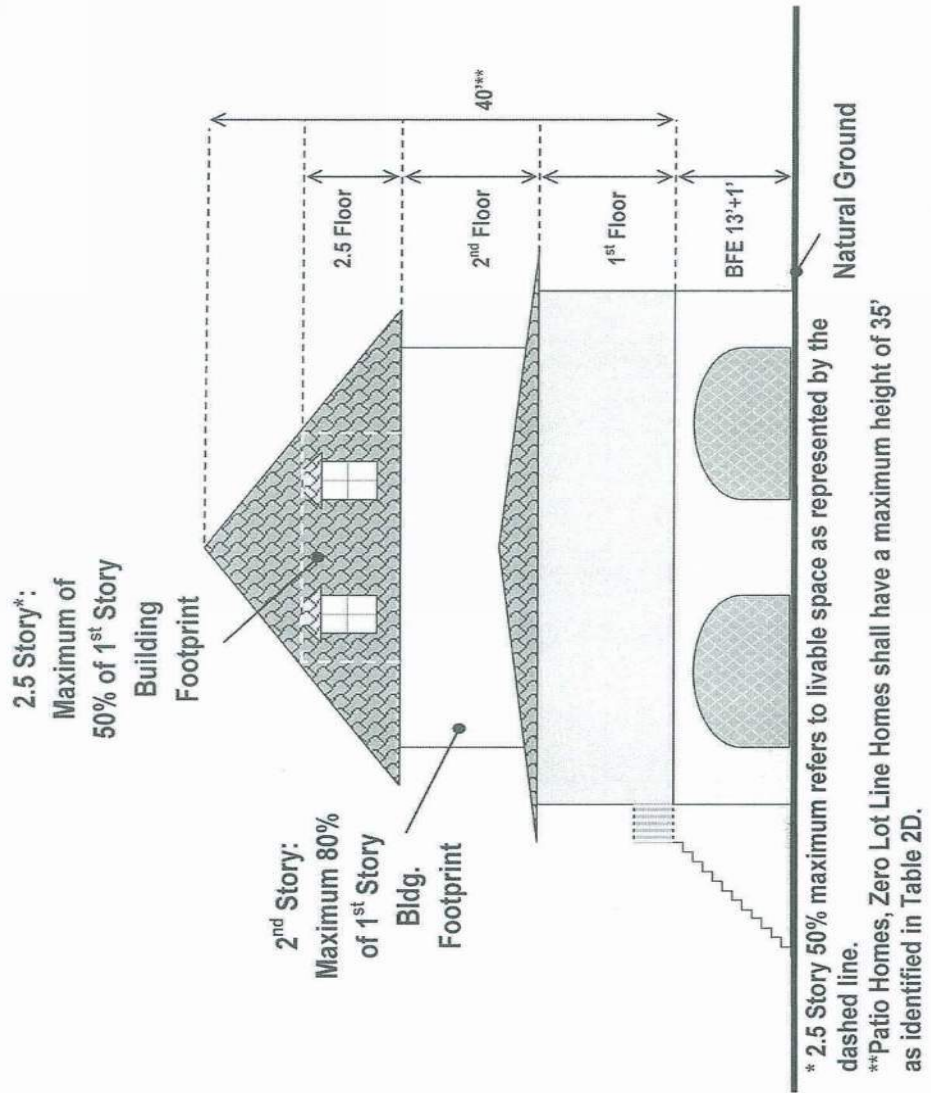
Appendix dated July 10, 2007, incorporated herein by reference and adopted hereto as article VI of this chapter shall apply in lieu of the setback requirements in table 2C, section 12-66;

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

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

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





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

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 property owners, David L. and Catherine E. Gish, represented by the applicant Ken Dukes, are requesting a variance for the reduction of the required 5' side setback for approximately 31 square feet encroachment for a proposed addition located at 1031 Warbler Court, Kiawah Island, SC (TMS #207-06-00-032).

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

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

The Town of Kiawah Island Land Use Planning and Zoning Ordinance requires a front setback of twenty feet (20'), side yard setbacks of five feet (5'), and a rear setback of ten feet (10'). The maximum allowable lot coverage for the property is 50%. The current lot coverage is legally nonconforming regarding lot coverage and setbacks. Portions of the existing home encroach into the required 5' side yard setbacks by approximately 4.7 feet. The maximum encroachment is approximately 5 feet. The existing lot coverage is approximately 54.33%.

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 an addition to the existing structure located in the rear of the structure. The size of the new addition is approximately 64 square feet. Portions of the new addition will encroach into the side setback by approximately 31 square feet. At its furthest point of encroachment, the proposed structure encroaches approximately 4.7 feet into the required 5-foot side yard setback. The applicant's plans also include replacing the existing landing located in the front yard. The applicant will replace the boardwalk with a pervious surface, resulting in an offset in primary lot coverage of about 38 square feet, or about .92% lot coverage. The total proposed increase in primary lot coverage is approximately 54.97%. The total secondary lot coverage is approximately .92%. The total lot coverage is approximately 55.89%.

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

**Staff Findings:**

The BZA may grant a variance only if exceptional circumstances exist, and where practical difficulty or unnecessary hardship is so substantial, serious, and compelling that

relaxation of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the BZA shall find that:

§ 12-163.(4)a.: *There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

**Staff Response:** There may be extraordinary and exceptional conditions pertaining to the property due to the setback lines of the property being established after construction of the property. The residence was constructed in 1976, and the recorded plat dated June 2, 1976, indicates a zero-lot line on the left side of the property. Under current regulations, the Kiawah Island Property Setbacks Appendix requires 5-foot side setbacks on both sides. Per the applicant's letter of intent, "*The setback lines for the property were established years after the cottage was built. Since the property has zero lot lines on both sides with the adjacent properties, the existing setback lines show the house to be invading the setback areas on both sides.*"

§ 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. While all currently developed lots on Warbler Court are subject to either a 5-foot or 7-foot side yard setback requirement, the recorded plat reflects a zero-lot line condition on one side of each lot. The majority of developed lots on Warbler Court utilize one side as a zero-lot line. The subject parcel is zoned R-2-O, Residential Overlay District, consistent with adjacent properties. Existing structures in the vicinity may or may not have similar encroachments based on current setback standards. Per the applicant's letter of intent, "*the condition of having both sides of the house encroaching setback areas is unique.*"

§ 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:** Application of the Ordinance to the subject property would prohibit the construction of the proposed addition due to the encroachment into the required 5-foot side yard setback. However, such application does not appear to unreasonably restrict the overall use of the property. Per the applicant's letter of intent, "*The ability to have an additional bathroom greatly increases the livability of the cottage. There is no bathroom on the left side of the house.*"

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

*zoning district will not be harmed by the granting of the variance;*

**Staff Response:** **The authorization of this variance may not be of substantial detriment to the adjacent properties or the public good. The proposed addition is located at the rear of the structure and does not extend beyond the existing rear building line of the existing home. Per the applicant's letter of intent, "A large percentage of the cottages in Sparrow Pond have made this addition. The addition is located at the rear of the cottage and is not visible from the street. The addition fits well into the overall design of the cottage and matches existing colors and roof."**

§ 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 result in the establishment of a use not otherwise permitted in the R-2-O, Residential Overlay Zoning District, would not physically extend a nonconforming use of land, nor alter any zoning district boundaries. Per the applicant's letter of intent, "No zoning boundaries will change as a result of this project. The use of the property will continue to be that of a vacation home with periodic rentals."**

§ 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 potential for increased profitability shall not be considered grounds for granting a variance. Per the applicant's letter of intent, "The sole reason for the variance is to make the property more livable and to enhance its comfort and appearance."**

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

**Staff Response:** **The need for the variance may not be directly attributable to the applicant's own actions. The structure was built prior to the implementation of the current setback regulations and is considered legally nonconforming. Per the applicant's letter of intent, "The need for this variance is the result of the setbacks that were established after the property was built upon and placed the house structure inside the setbacks."**

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

**Staff Response:** **The requested variance does not appear to adversely affect**

neighboring properties, nor does it conflict with the intent or purpose of the applicable regulations. The proposed side setback encroachment does not exceed the extent of the existing structure. Per the applicant's letter of intent, *"Granting the variance will allow significant improvement in the appearance of a property built approximately 45 years ago and continue to foster the improvements that have been made and are being made in the Sparrow Pond community."*

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

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

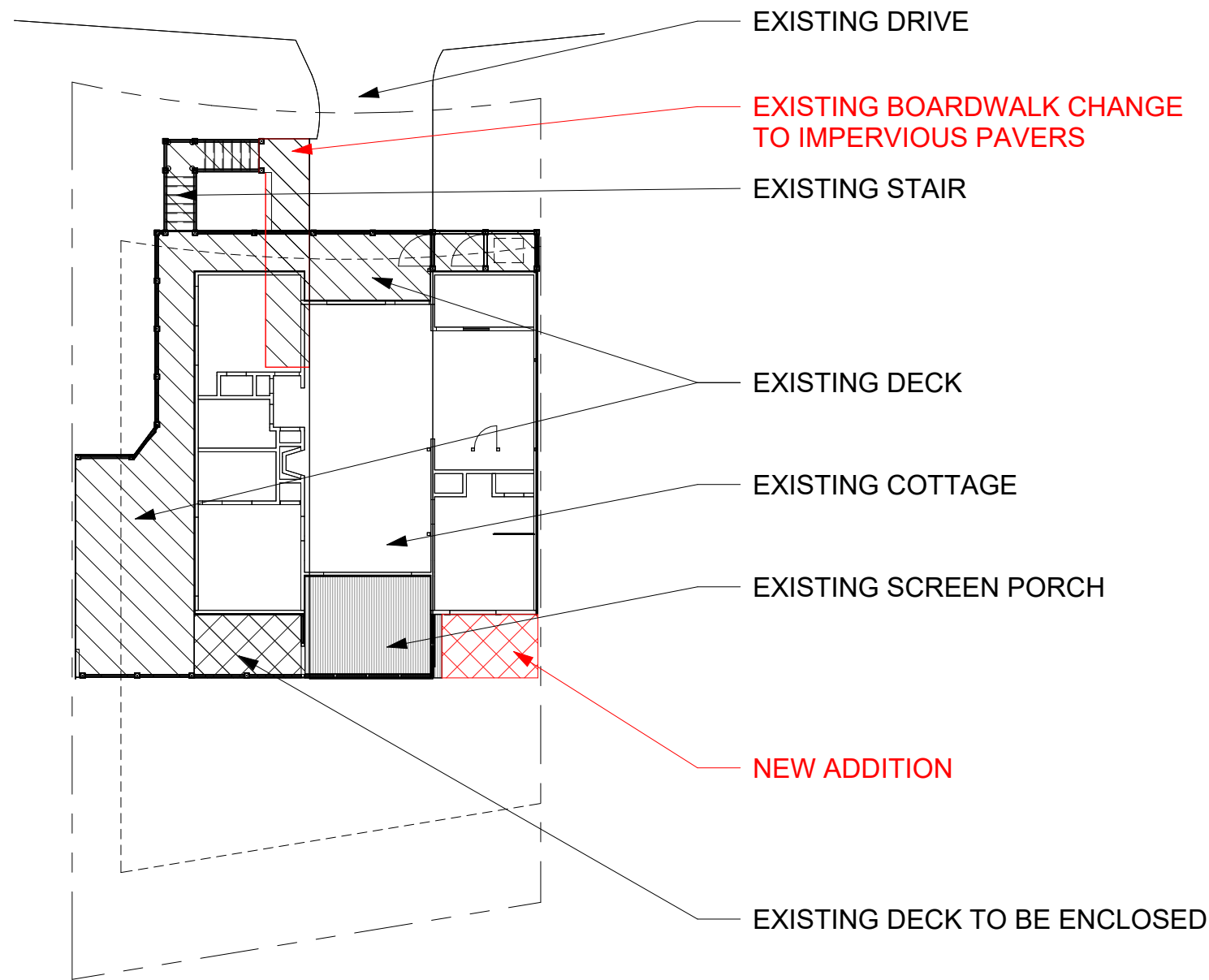
**Board of Zoning Appeals' Action:**

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA25-000013 (Variance request for the reduction of the required 5' side setback for approximately 31 square feet for a proposed addition located at 1031 Warbler Court, Kiawah Island, SC (TMS # 207-06-00-032)) based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

**Should the Board of Zoning Appeals consider approval of the variance, planning staff requests the BZA consider the following conditions:**

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

1031  
WARBLER COURT  
(30' R/W)



SQUARE FOOTAGE LEGEND	
<b>PROPERTY</b>	<b>4,112.33 SF</b>
<b>EXISTING COVERAGE</b>	
MAIN HOUSE	1158.93 SF
SCREENED PORCH	145.38 SF
DECK	627.40 SF
HVAC AREA	24.02 SF
STAIR & LANDING	57.76 SF
DRIVE & BOARDWALK	220.92 SF
<b>EXISTING TOTAL</b>	<b>2234.41 SF</b>
<b>EXISTING LOT COVERAGE 54.33%</b>	
<b>NEW ADDITION 64.02 SF</b>	
CHANGE TO IMPERVIOUS BOARDWALK	-38.00 SF
<b>TOTAL COVERAGE WITH ADDITION</b>	<b>2260.43 SF</b>
<b>NEW LOT COVERAGE 54.97%</b>	

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

1031 Warbler Ct  
Kiawah Island SC

Gish Residence  
Sparrow Pond Cottage

No.	Description	Date

Site Plan	
Project number	-
Date	07/10/2025
Drawn by	HOB
Checked by	HOB
<b>S2</b>	
Scale 1/16" = 1'-0"	

**CERTIFICATION**

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

**LEGEND**

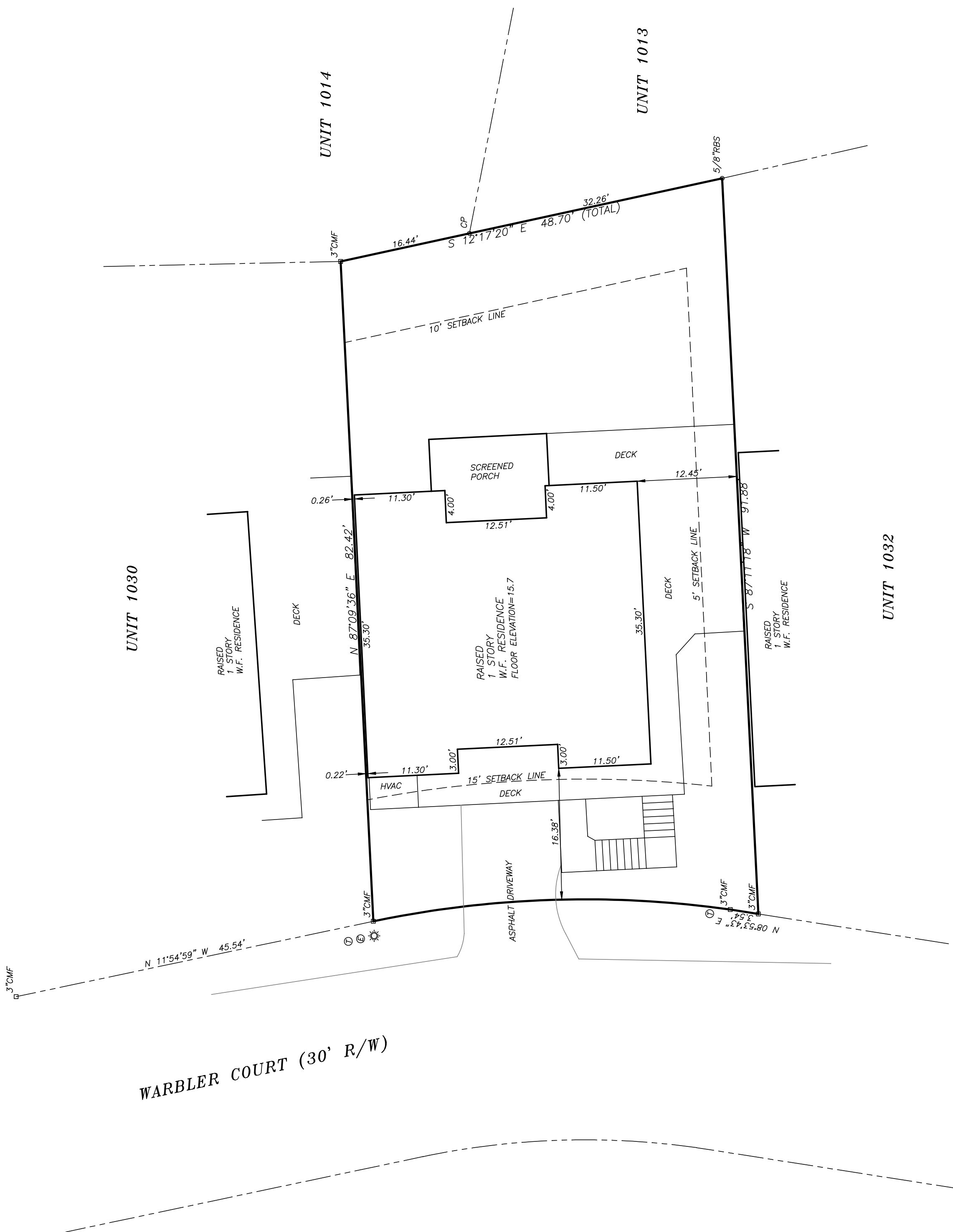
- RBS = REBAR (SET)
- CMF = CONCRETE MONUMENT (FOUND)
- CP = CALCULATED POINT
- ☉ = LIGHT POLE
- ⊕ = ELECTRIC PEDESTAL
- ⊙ = TELEPHONE PEDESTAL

**NOTES**

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

**LOT COVERAGE**

FIRST FLOOR	= 1156.83 Sq. Feet
SCREENED PORCH	= 82.26 Sq. Feet
DECK	= 24.02 Sq. Feet
HVAC	= 24.02 Sq. Feet
STEPS & LANDINGS	= 57.76 Sq. Feet
DRIVEWAY & SIDEWALKS	= 220.92 Sq. Feet
TOTAL COVERAGE ON LOT	= 2234.41 SQ.FT.
LOT AREA	= 4112.33 SQ.FT.
LOT COVERAGE	= 54.33%

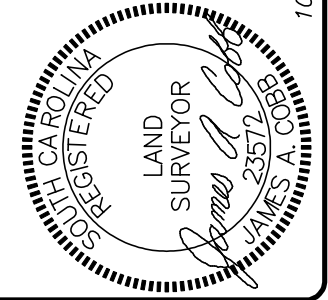
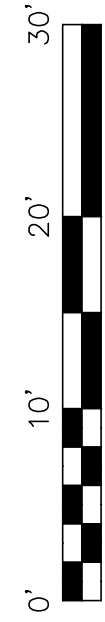
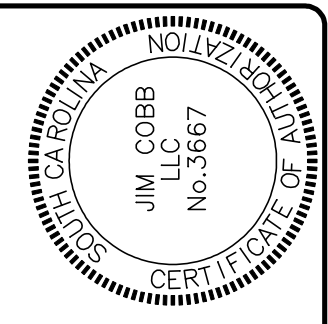


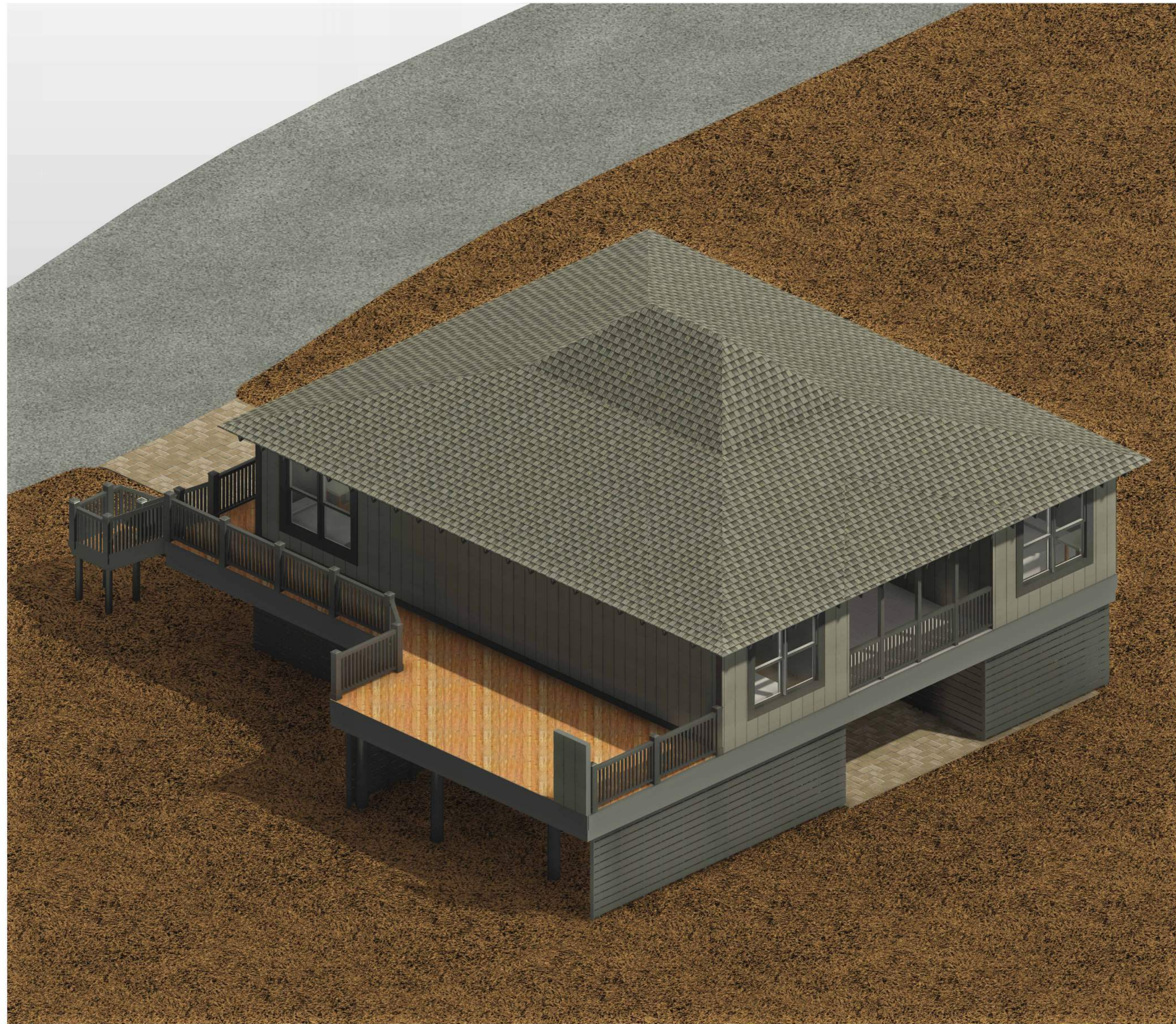
WARBLER COURT (30' R/W)

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

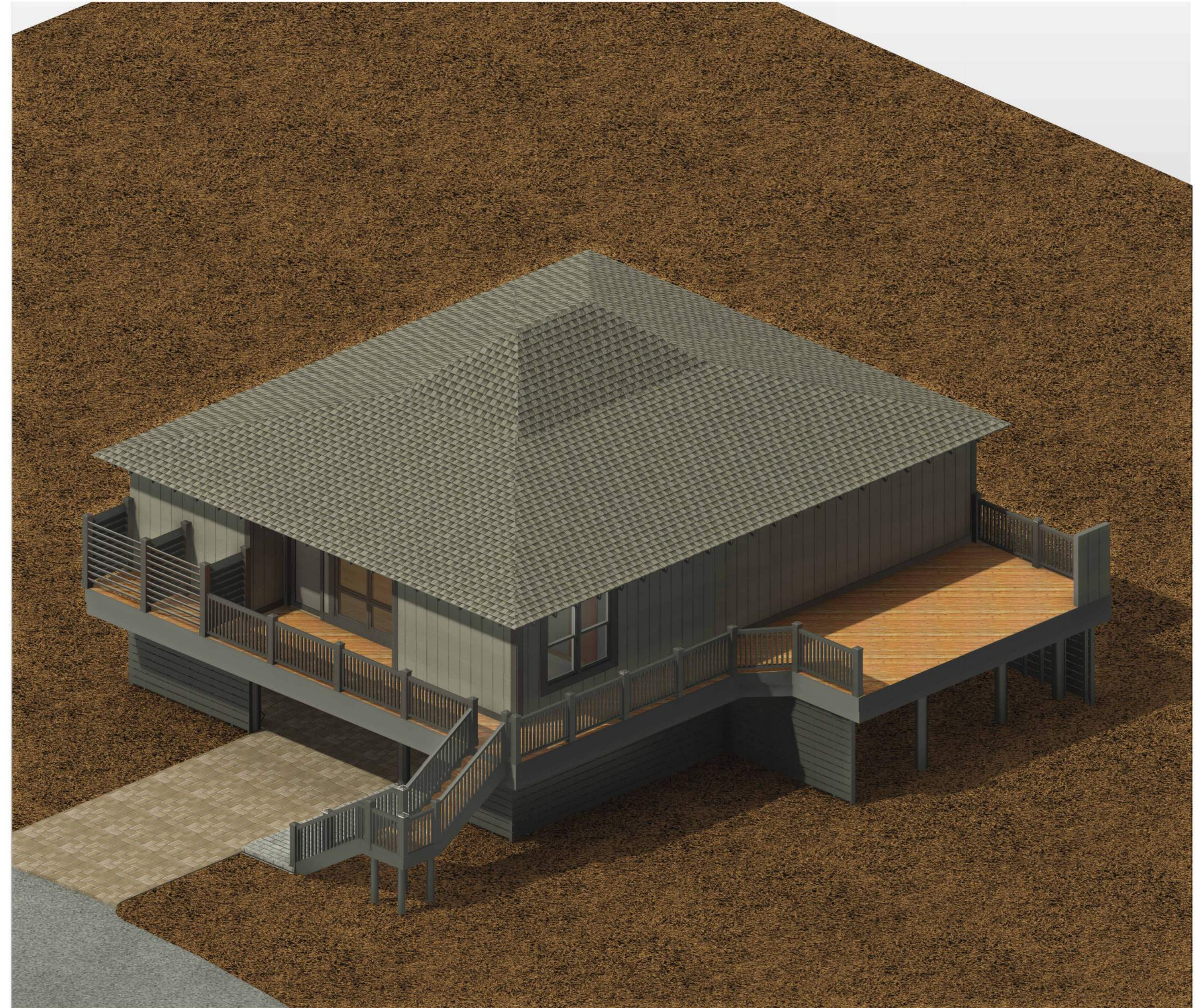
DATE: JULY 10, 2025  
 SCALE: 1"=10'

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





① Rear View



② Front View

# 1031 WARBLER COURT

1031  
WARBLER COURT  
Kiawah Island SC

**PRELIMINARY  
NOT FOR CONSTRUCTION**

No.	Issuance / Revision	Date

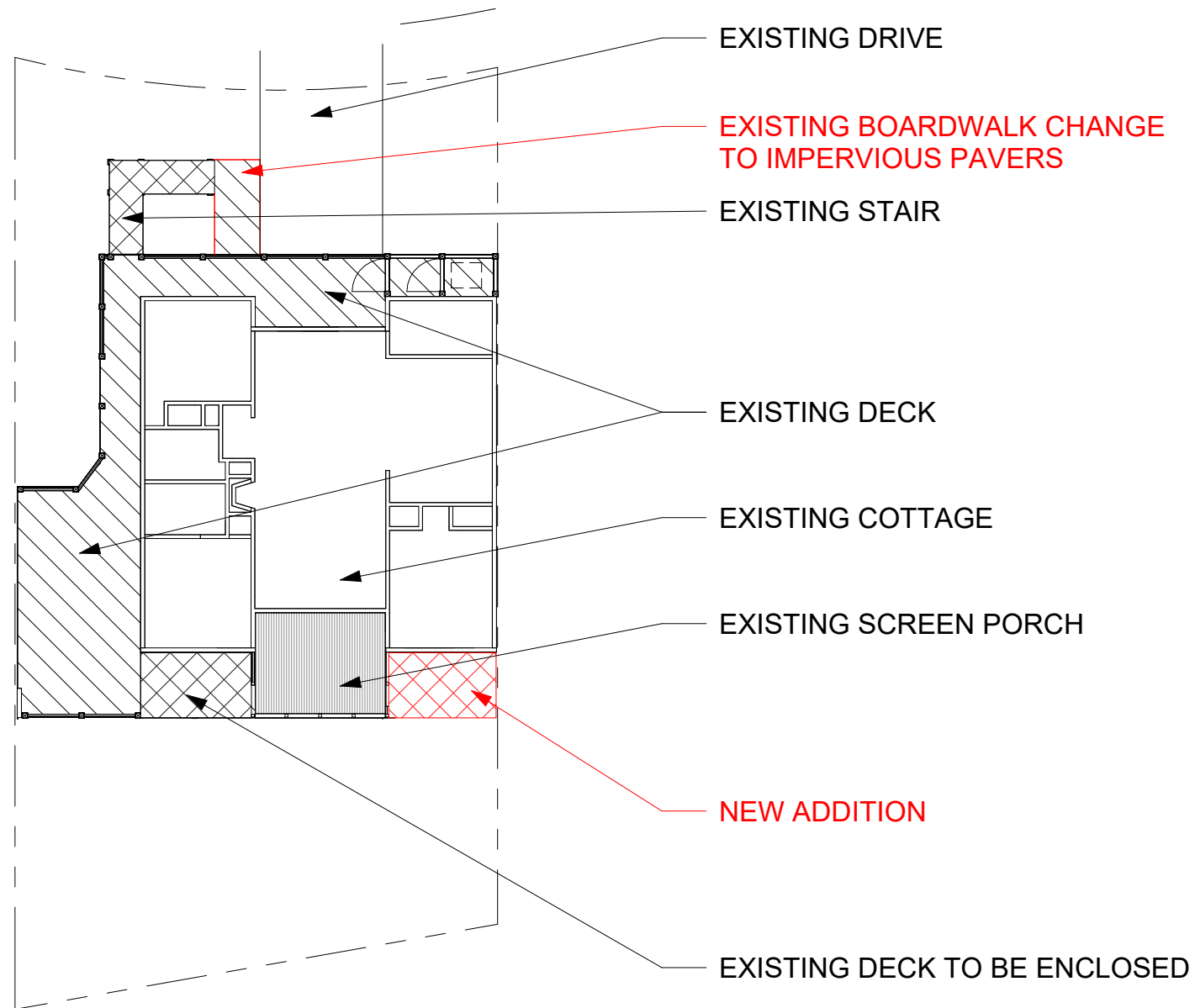
SPARROW POND COTTAGES  
1031 Warbler Court Kiawah Island, SC  
29455  
Cover

Drawing Date:  
07/09/2025

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1031  
WARBLER COURT  
(30' R/W)



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

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

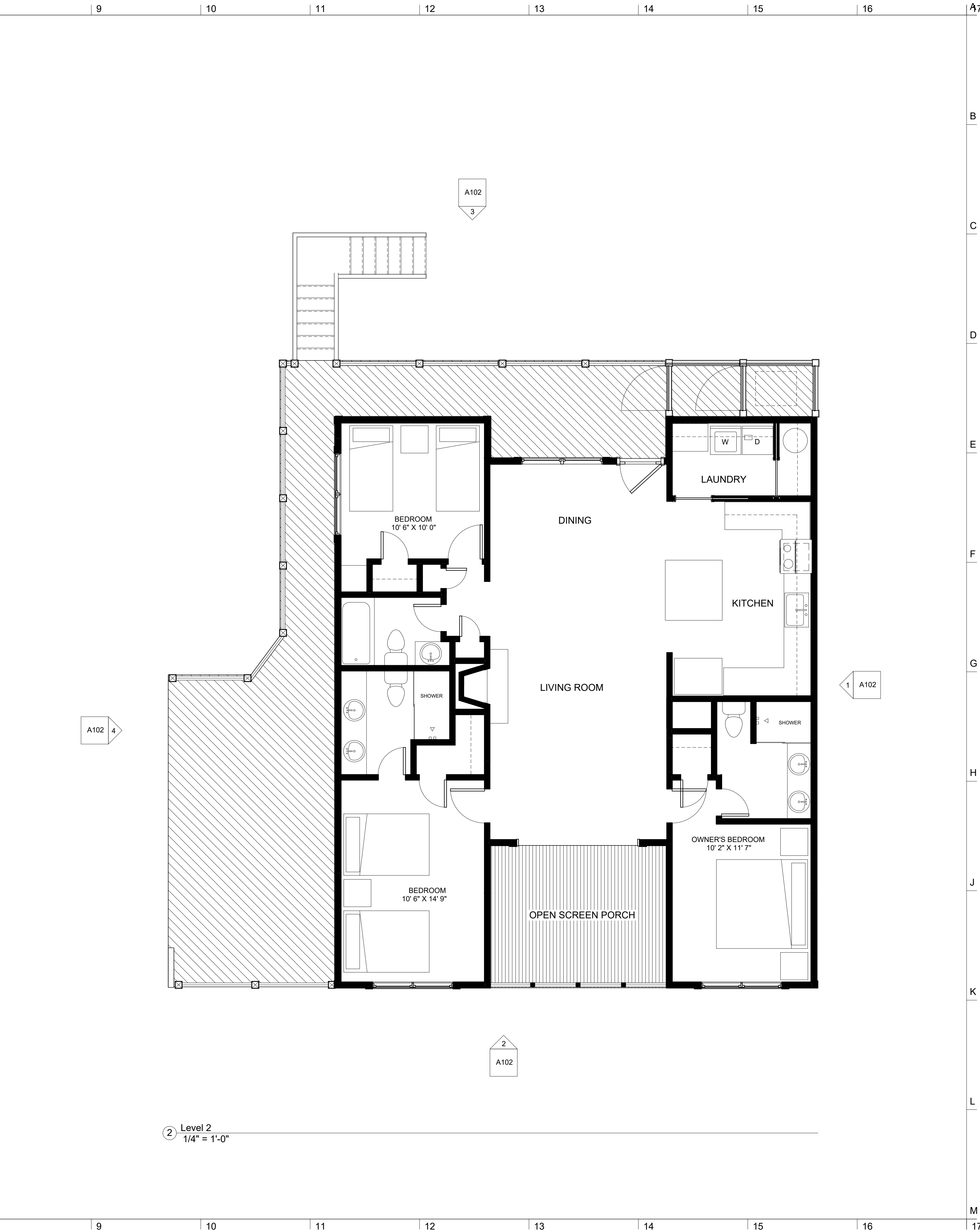
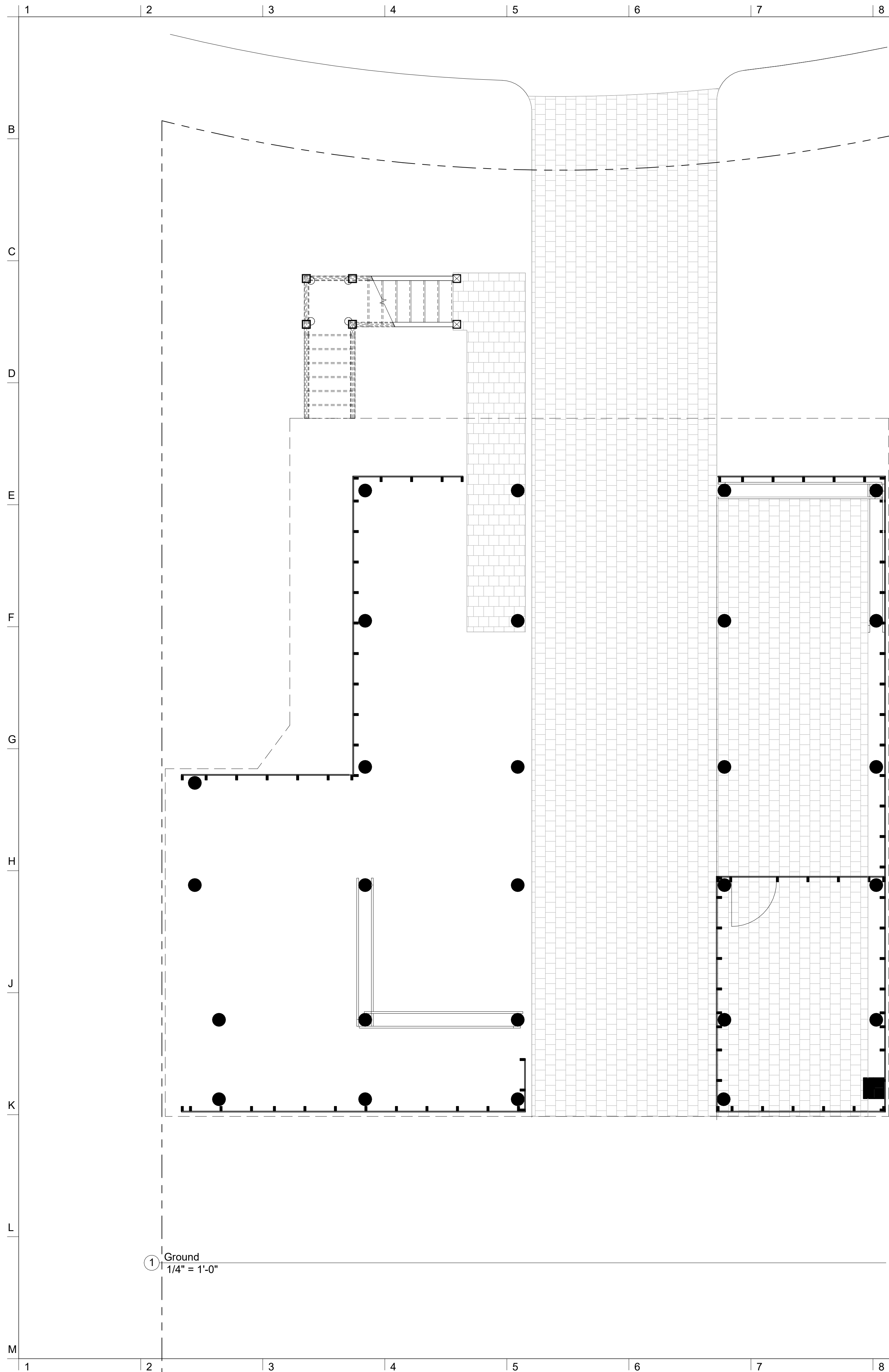
1031 Warbler Ct  
Kiawah Island SC

Gish Residence  
Sparrow Pond Cottage

No.	Description	Date

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





1031  
WARBLER COURT  
Kiawah Island SC

**PRELIMINARY  
NOT FOR CONSTRUCTION**

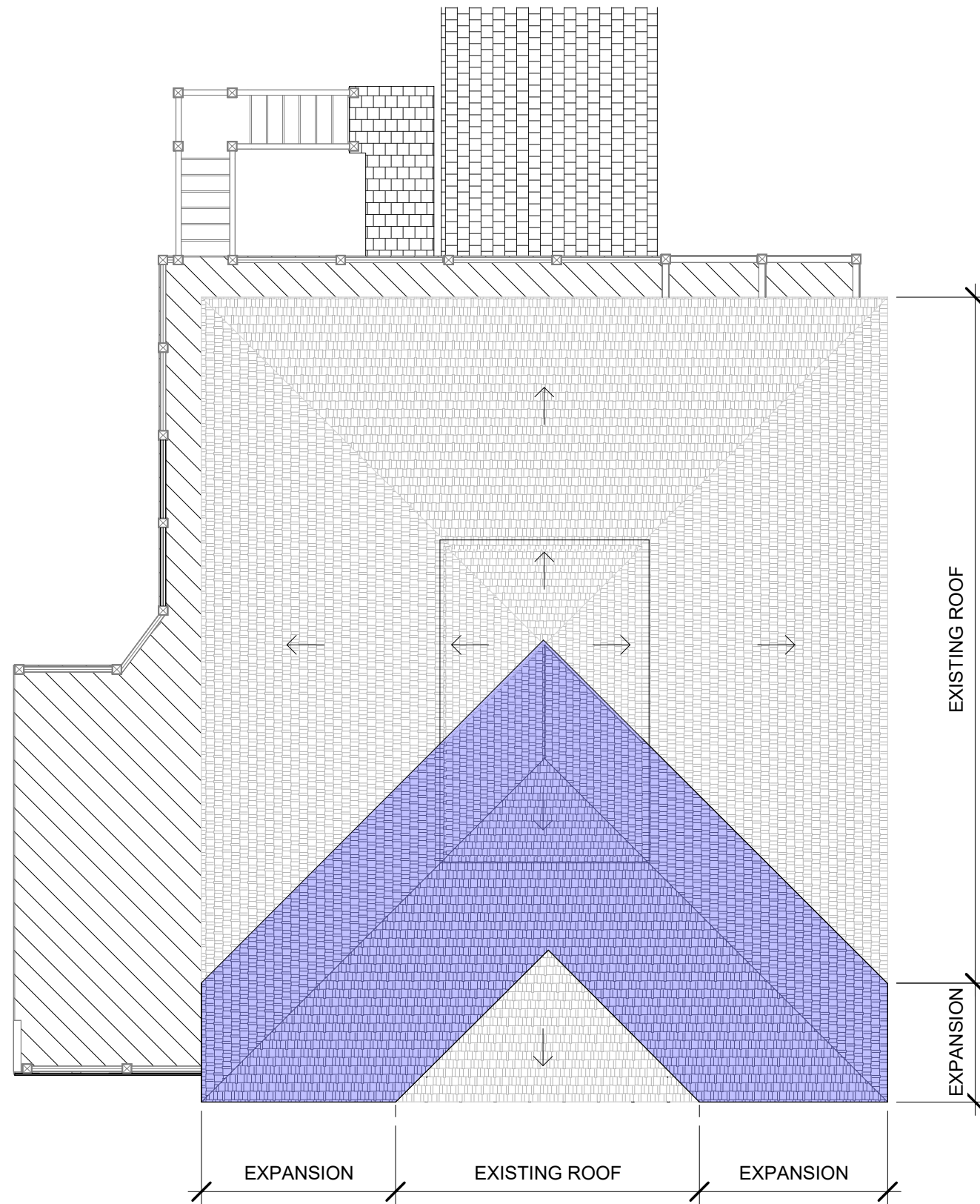
No.	Description/Revision	Date

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

Drawing Date:  
07/09/2025

A101

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

1031 Warbler Ct  
Kiawah Island SC

Gish Residence  
Sparrow Pond Cottage

No.	Description	Date

Roof Plan

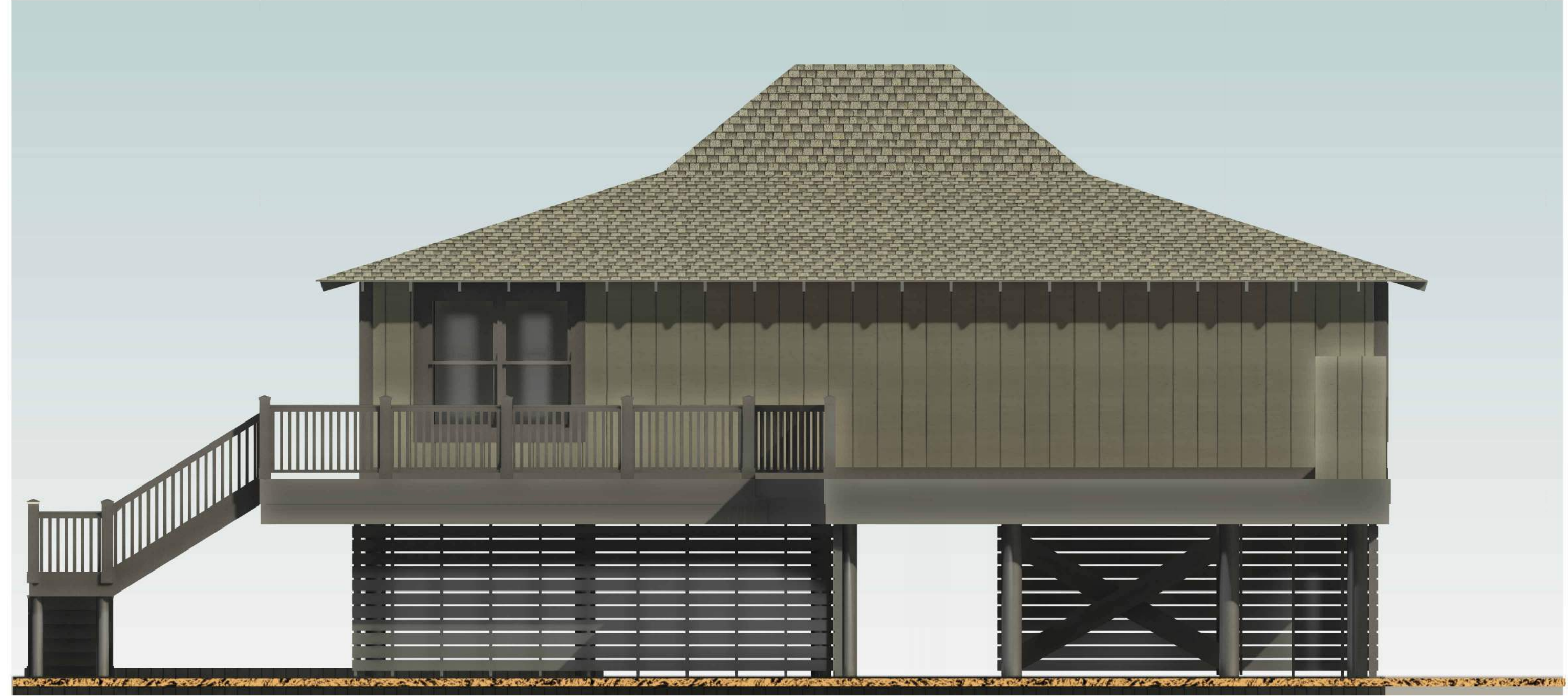
Project number -  
Date 07/09/2025  
Drawn by -  
Checked by -

A108

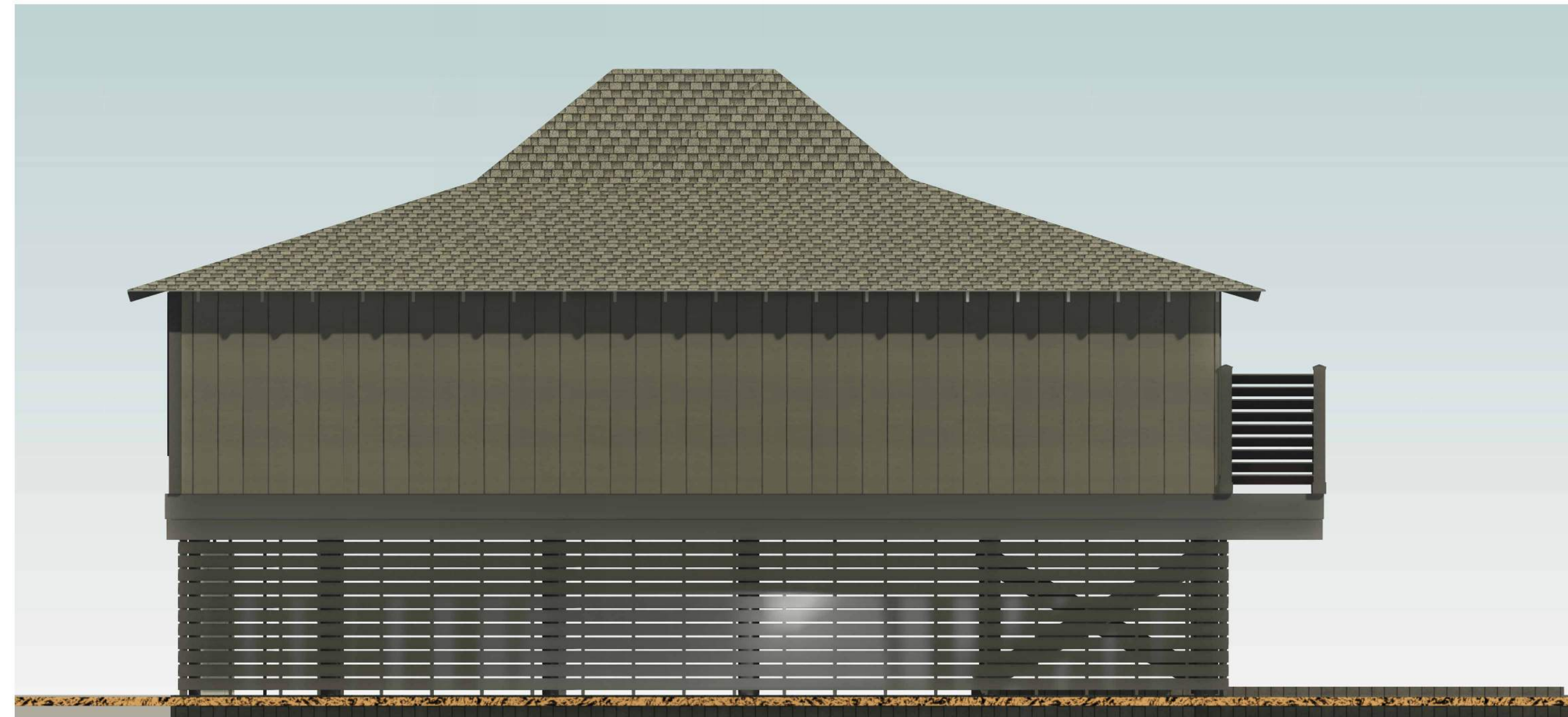
Scale 1/8" = 1'-0"



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



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



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



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

1031  
WARBLER COURT  
Kiawah Island SC

**PRELIMINARY  
NOT FOR CONSTRUCTION**

No.	Issuance / Revision	Date

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

Drawing Date:  
07/09/2025

A102

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Ken Dukes

14 Harleston Pl, Charleston, SC 29401

krdukes@gmail.com

843-670-2566

July 7,2025

Kiawah Island Planning and Zoning Department

Daniel Vincent

Planner

4475 Betsy Kerrison

Kiawah Island, SC 29455

Subject: Letter of Intent

Dear Mr. Vincent,

I am writing to express my intent to represent the homeowners of the property in a proposed project at 1031 Warbler Ct. in the Sparrow Pond Cottages which results in an application for a variance to the lot coverage restriction included in the Land Use Planning and Zoning Ordinance. The proposal is to make two additions at the rear of the cottage. The additions will bring the right and left side of the cottage out even with the screened porch. The addition on the right side will replace the existing deck in that area and does not impact the percent of lot coverage. The addition on the left side will be new construction. Each addition will be identical in size and appearance. The new area on the left side adds approximately 64 sf of coverage. This will be reduced by 38 sf by replacing the front boardwalk with pervious pavers making the additional coverage 26 sf. The existing lot coverage for the property is 54.33% which exceeds the 50% coverage restriction. This lot coverage is a result of how the original lot boundary lines were established. The increase

in lot coverage is the reason for requesting a variance to the lot coverage restriction. The new lot coverage will slightly increase to 54.97%.

## Background

-The unusual condition regarding this property is the lot size related to other properties in the community. The area lot size is 4112 sf. The lot coverage for the property exceeded restrictions when the lot lines were originally established.

-This condition would not apply to other properties in the vicinity which exceeded the lot coverage restrictions when lot lines were established. Many of the existing properties with similar lot size are smaller two-bedroom cottages which may not exceed lot coverage restrictions.

-The planned addition will allow a third bathroom to be installed, allowing much improved livability. The addition has been made on many of the Sparrow Pond Cottages.

- The sole purpose for the addition is to enhance the livability of the property by having a the use of a third bath adjacent to the existing third bedroom.

- The addition will only be visible by one of the adjacent properties. That neighbor has voiced non-objection to the planned addition.

-The addition being planned is not for profitability.

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

## Conclusion

As requested, I am including this Letter of Intent in the Formal Application Submittal for the variance. Thank you for your time and attention. Please do not hesitate to contact me should you require additional information or wish to discuss this matter further.

Yours sincerely,

Ken Dukes

You may reach me at 843-670-2566 or [krdukes@gmail.com](mailto:krdukes@gmail.com) at your convenience. I am available for further discussion and am open to arranging a meeting at a time that suits your schedule.

## 1031 THRASHER CT – SPARROW POND COTTAGES

### LETTER OF INTENT

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

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

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

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

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

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

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

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

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

e. The Board of Zoning Appeals shall not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend

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

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

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

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

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

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

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

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

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

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





EXHIBIT A

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

This conveyance is made subject to the following:

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

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

**AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS**

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

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred is located at 1031 Warbler Court, Kiawah Island bearing Charleston, County Tax Map Number 207-06-00-032, was transferred by **Michael Houghton and Leigh S. Houghton** to **David L. Gish and Catherine E. Gish** on March 14, 2014.
3. Check one of the following: The deed is
  - (a)  subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b)  subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
  - (c)  exempt from the deed recording fee because (See Information section of affidavit): \_\_\_\_\_ (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

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

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):
  - (a)  The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$427,500.00
  - (b)  The fee is computed on the fair market value of the realty which is \$\_\_\_\_\_.
  - (c)  The fee is computed on the fair market value of the realty as established for property tax purposes which is \$\_\_\_\_\_.

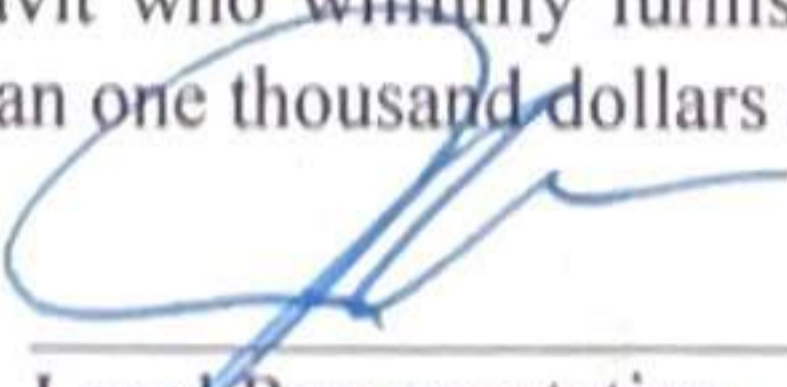
5. Check YES \_\_\_ or NO  to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If YES, the amount of the outstanding balance of this lien or encumbrance is \$\_.

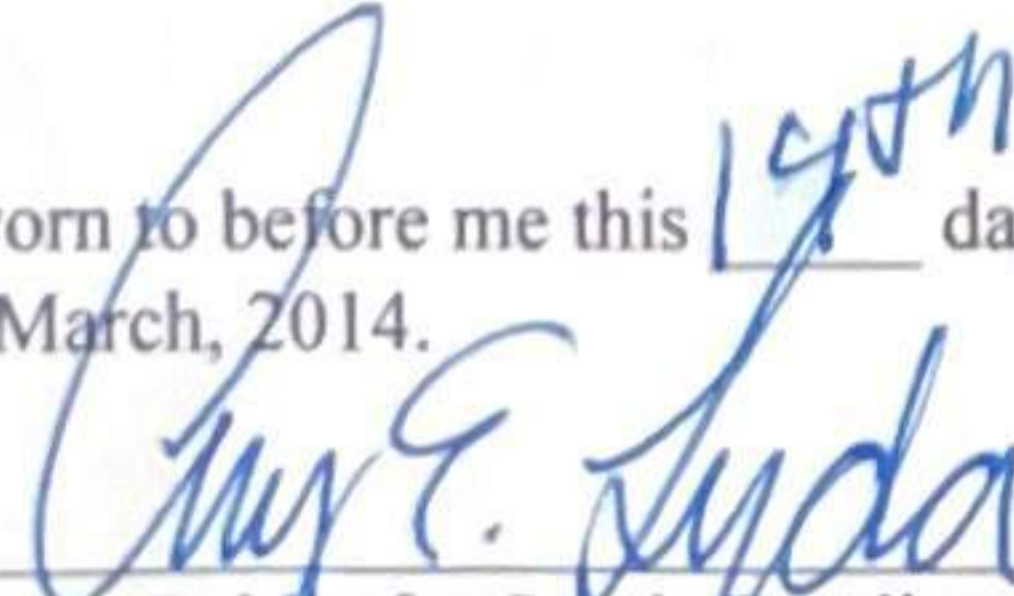
6. The deed recording fee is computed as follows:
  - (a) Place the amount listed in item 4 above here: 427,500.00
  - (b) Place the amount listed in item 5 above here: \_\_\_\_\_  
(If no amount is listed, place zero here.)
  - (c) Subtract line 6(b) from Line 6(a) and place result here: 427,500.00

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

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

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

  
\_\_\_\_\_  
Legal Representative  
Burt Byars & Taylor, LLC  
Print Name

Sworn to before me this 14<sup>th</sup> day  
of March, 2014.  
  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

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

# RECORDER'S PAGE



NOTE: This page MUST remain with the original document

*abi*

**Filed By:**

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

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Date:	March 17, 2014	
Time:	10:44:04 AM	
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Charlie Lybrand, Register Charleston County, SC		

*GMT*

**MAKER:**

HOUGHTON MICHAEL AL

Note:

**RECIPIENT:**

GISH DAVID L AL

# of Pages:

Recording Fee	\$ 10.00
State Fee	\$ 1,111.50
County Fee	\$ 470.25
Extra Pages	\$ -
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MAR 18 2014

PETER J. TECKLENBURG  
 CHARLESTON COUNTY AUDITOR

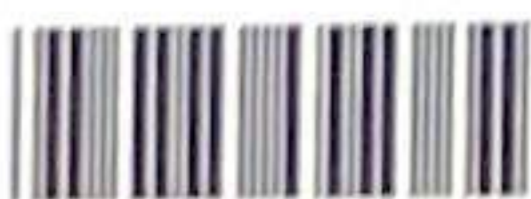
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**Case #BZA25-000012**  
**Kiawah Island BZA Meeting of August 18, 2025**

**Applicant/Property Owner:** Mr. Peter Collins & Mrs. Mary Anne Collins

**Representative:** Curt Watts

**Property Location:** 1053 Shoveler Court

**TMS#:** 207-06-00-054

**Lot Size:** Total: 3,471 sqft (.08 acres)

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

**Request:** Variance request for the increase in maximum lot coverage by approximately .35% (12 square feet) for a proposed AC Stand.

**Requirement:**

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

Required setbacks: 15' (Front); \*' (Side); 10' (Rear)

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

Maximum 50% Lot Coverage

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

legally nonconforming in regards to lot coverage

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<b>Patio Lots</b>			
156-159	20 (Sea Marsh Dr)	3 (r. side w/wall) 7 (l. side)	30 (golf)
<b>Not Patio Lots</b>			
201	25 (Sea Marsh Dr)	15 (lot 207) 30 (marsh)	30 (marsh)
207,209,211,213, 215,217,219,220,222	25 (Sea Marsh Dr)	15	30 (marsh)
206,208,210,212, 214,216,218,221,223	25 (Sea Marsh Dr)	15	30 (lagoon/golf)
227	25 (Sea Marsh Dr)	15 (lot 229) 25 (Sea Myrtle)	25 (Sea Marsh Dr)
228	25 (Sea Marsh Dr)	15 (lot 223) 25 (Sparrow Hawk)	30 (golf)
229	25 (Sea Marsh Dr)	15	20 (open space)
239-242,250,* 252-254,261-264	25 (Sea Marsh Dr)	15	30 (golf)

**SEA MARSH DRIVE (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
249	25 (Sea Marsh Dr)	15 (lot 251) 25 (Saltgrass)	20 (lot 248)
251	25 (Sea Marsh Dr)	15	20 (lot 248)
260	25 (Sea Marsh Dr)	15	20 (lot 489)
265	25 (Sea Marsh Dr)	15 (lot 264) 15 (open space)	30 (golf)
266	25 (Sea Marsh Dr)	15 (open space) 15 (lot 267)	30 (golf)
267-268	25 (Sea Marsh Dr)	15	30 (golf)
287-288	25 (Sea Marsh Dr)	15	30 (open space)

**SEA MYRTLE COURT (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
224-225	25 (Sea Myrtle)	15	30 (marsh)
226	25 (Sea Myrtle) 20 (open space)	15	30 (marsh)

**SEA LAVENDER COURT (OCEAN WOODS) (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
424-435	15	*	10
436	25	15	20

**SEA LAVENDER COURT (OCEAN WOODS) (DEVELOPED LANDS) cont.**

437	20	7	15
438	20	7	15
439	20	7	15

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

**SEA ROCKET COURT OCEAN WOODS (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
440-453	15	*	10
454	20	7	15

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

**SHOOLBRED COURT (UNDEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
36-40	50 (Shoolbred)	15	50 (Kiawah River)
100	25 (Shoolbred)	15 (lot 101) 20 KICA	See Graphics
101	25 (Shoolbred)	15 (lot 100)	40

**SHOVELER COURT (SPARROW POND) (DEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
1050	20	7	15
1051-1057	15	*	10

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

**SKIMMER COURT (UNDEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
548	25 (Skimmer) 25 (Bufflehead)	15	30 (lagoon)
549-550	25 (Skimmer)	15	30 (lagoon)
551	25 (Skimmer) 25 (Bufflehead)	15	30 (lagoon)

**SNOWY EGRET LANE (UNDEVELOPED LANDS)**

<u>Lot</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
400	25 (Snowy Egret)	25 (Snowy Egret) 15 (lot 401)	30 (lagoon)
401-409	25 (Snowy Egret)	15 (lots)	30 (lagoon)

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

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

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

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

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

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

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

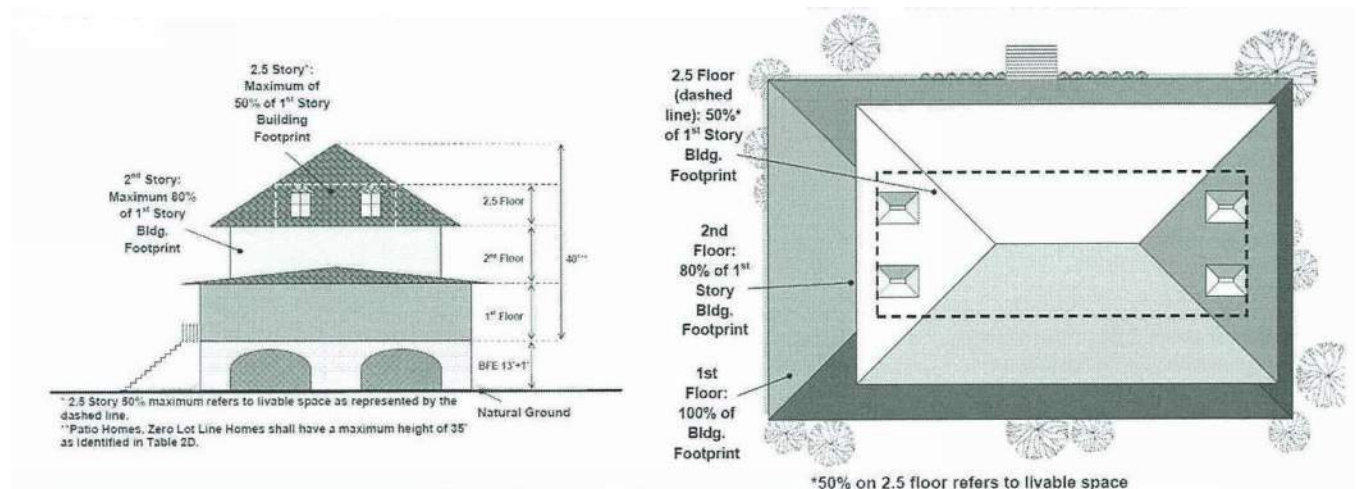
- (a) *Definition.* For purposes of this section, the term "major renovations" means costs of repair or restoration that exceed 50 percent of the appraised value of the structure at the time of zoning and building permit application. Refer to sections 12-192 and 12-193.
- (b) *Purpose and intent.* The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

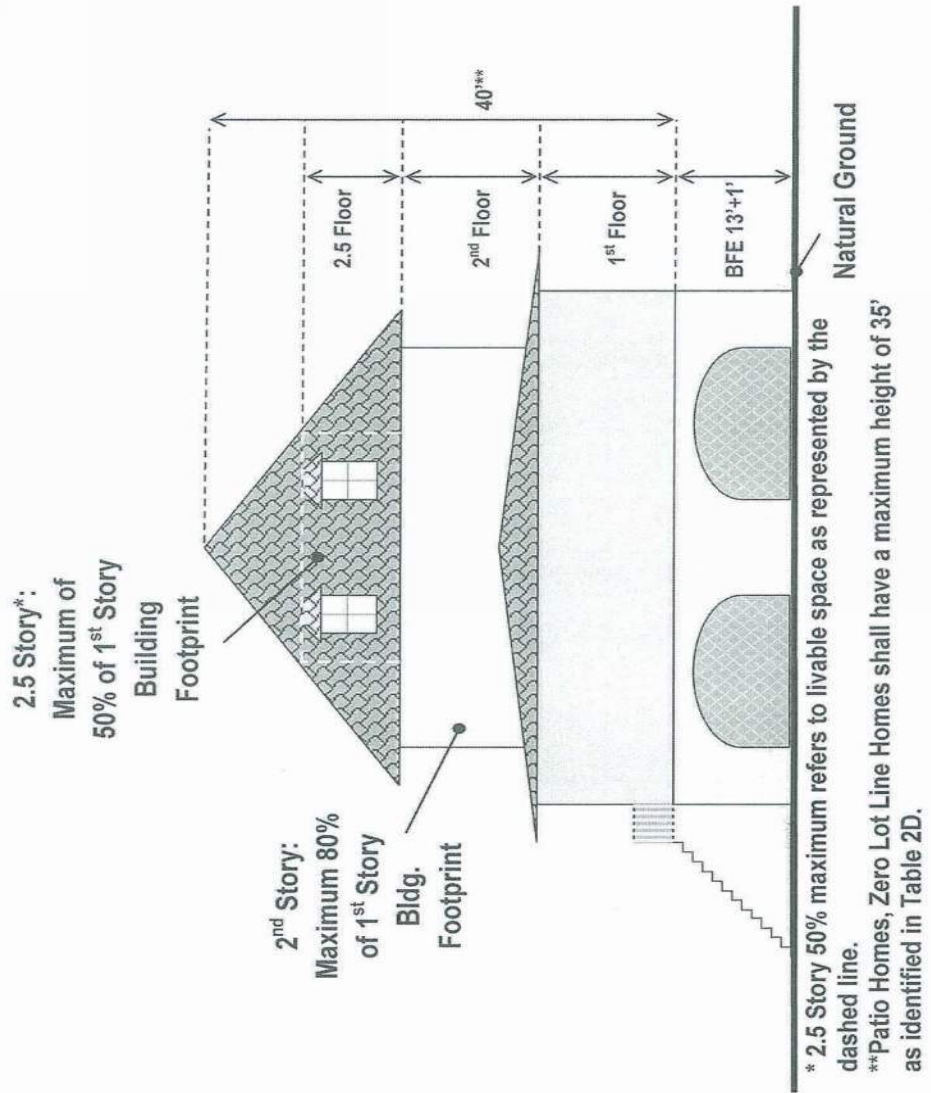
Appendix dated July 10, 2007, incorporated herein by reference and adopted hereto as article VI of this chapter shall apply in lieu of the setback requirements in table 2C, section 12-66;

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

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

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





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

**Staff Review:**

The applicant, Curt Watts, is representing the property owners, Peter Collins and Mary Anne Collins, in requesting a variance to increase the existing lot coverage by approximately 0.35% (12 square feet) for the installation of a proposed AC stand at the subject property, 1053 Shoveler Court, Kiawah Island, SC (TMS# 207-06-00-054). The subject property is located within the R-2-O, Residential Overlay Zoning District of Kiawah Island.

The subject property is approximately 3,471 square feet (0.08 acres) in size. Per Charleston County records, the existing residence was previously constructed in 1976 and is legally nonconforming with respect to lot coverage. The subject property was acquired by Peter Collins and Mary Anne Collins in 2022. The surrounding properties are also located in the R-2-O, Residential Overlay Zoning District. The subject property is subject to review by the Kiawah Island Architectural Review Board.

The Town of Kiawah Island Land Use Planning and Zoning Ordinance allows a maximum lot coverage of 50% for the subject property. The Ordinance defines lot coverage as *“the total percentage of lot area that is impervious to stormwater, including buildings, decks, walls, driveways, front walkways, and other impervious surfaces as defined by this ordinance and determined by the Planning Director.”*

The applicant’s proposed plans updates and existing HVAC system located beneath the home. A new HVAC stand is proposed to the rear east side of the existing residence. The proposed HVAC stand would add approximately 22 square feet of impervious area, increasing the total lot coverage by approximately 0.35%. The existing lot coverage is 66.7% and the proposed lot coverage is 67.05%. The proposed HVAC stand encroaches into the required rear setback by approximately 1 foot 8 inches. The ordinance allows administrative relief of a side or rear setback of up to five (5) feet for the construction of a HVAC setbacks if all conditions are met per Sec. 12-64. - Setbacks The applicant filed a separate zoning permit on July 31, 2025, for the encroachment of the HVAC stand into the required rear setback. All conditions have been met, and the zoning permit remains pending, subject to approval of the lot coverage variance.

The applicant has submitted the proposed plans to the Kiawah Island Architectural Review Board (KIARB) for Variance Review. The KIARB approved the variance stating, *“Due to the existing building extending past the setback line shown in construction drawings, a variance review is requested.”*

Please see the attachments for additional information regarding this request. A site inspection was conducted on July 30, 2025. During the inspection, staff observed active construction activities on the property. The construction of the AC stand was not in the scope of work being done at the time of the site visit. Staff notified the applicant, Mr. Curt Watts, of a violation pertaining to unpermitted work being conducted without an approved zoning permit. The applicant submitted a zoning permit application on July 31, 2025. The scope of work included interior renovations within the existing building footprint, installation of new windows, and minor repairs to siding and decking. The zoning permit was subsequently approved on Monday, August 4, 2025. 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 legally nonconforming status of the property regarding lot coverage. The existing lot coverage is 66.7% and the proposed lot coverage is 67.05%. Per the applicant's letter of intent, "*The natural trees retained in the front present a natural buffer to the street and allow the home to be secluded visually from the street. This adds greatly to the streetscape and community ambiance.*"**

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

**Staff Response:** **These conditions may be unique to the subject property and may not generally apply to other properties in the vicinity. The subject property is located in the R-2-O, Residential Overlay Zoning District. Adjacent properties across & along Warbler Court are also located in the R-2-O, Residential Overlay Zoning District. Existing structures in the vicinity may or may not have similar encroachments based on current setback standards. Per the applicant's letter of intent, "*We are not aware of a similar non-conforming lot condition in the immediate area. Each individual property has special attributes in shape, size, and orientation. We have included pictures illustrating similar structures in the neighborhood. However, the status of their conformity is unknown.*"**

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

**Staff Response:** **The application of this Ordinance to 1053 Shoveler Court would prohibit the construction of the proposed addition as the proposed structure will increase the lot coverage over the allowable maximum of 50%. However, it does not unreasonably restrict the utilization of the property.**

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

*zoning district will not be harmed by the granting of the variance;*  
**Staff Response:** **The authorization of this variance may not be of substantial detriment to the adjacent properties or the public good. The proposed addition is positioned in the rear of the home, and will be screened from neighbors on the right side of the property, directly adjacent to the proposed AC deck. Per the applicant's letter of intent, "The residential character of the property is very secluded from the adjacent neighbors to the west. Visibility is also very well natively screened and heavily canopied by existing natural vegetation. The east side neighbor is connected with an adjoining deck; the equipment is not visible from the deck."**

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

**Staff Response:** **Granting of this variance would not allow the establishment of a use not otherwise permitted in this zoning district, extend physically a non-conforming use of land, or change the zoning district boundaries. Per the applicant's letter of intent, "The granting of this variance will not allow for a use not permitted by the ordinance."**

§ 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.**

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

**Staff Response:** **The need for the variance may not be the result of the applicant's own actions. The existing structure is legally nonconforming in regards to lot coverage. The existing lot coverage is 66.7%. The applicant purchased the property in 2022. The home was constructed in 1976. Per the applicant's letter of intent, "The owners purchased the property in its current form and had no prior involvement in the existing non-conforming encroachments now in place."**

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

**Staff Response:** **The proposed lot coverage increase is minimal. The applicant is also partially offsetting the new lot coverage by replacing the existing entrance walkway with pervious pavers. Per the**

applicant's letter of intent, ***“Granting the variance will actually enhance the individual property and ultimately lead to an overall improvement of the community aesthetic and allow the owners to upgrade/maintain their property over time as is possible with adjacent properties that do not experience this particular hardship.”***

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

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

**Board of Zoning Appeals' Action:**

The Board of Zoning Appeals may approve, approve with conditions or deny Case #BZA25-000012 (Variance to increase the existing lot coverage by approximately 0.35% (12 square feet) for the installation of a proposed HVAC stand at the subject property, 1053 Shoveler Court, Kiawah Island, SC (TMS# 207-06-00-054) based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.

# Town of Kiawah Island Board of Zoning Appeals

August 18, 2025



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

## CASE# BZA25-000012

<b>Applicant/Property Owner:</b>	<b>Mr. Peter Collins &amp; Mrs. Mary Anne Collins</b>
<b>Representative:</b>	<b>Curt Watts</b>
<b>Property Location:</b>	<b>1053 Shoveler Court</b>
<b>TMS#:</b>	<b>207-06-00-054</b>
<b>Lot Size:</b>	<b>Total: 3,471 sqft (.08 acres)</b>
<b>Zoning District:</b>	<b>R-2-O, Residential Zoning Overlay District</b>
<b>Request:</b>	<b>Variance request for the increase in maximum lot coverage by approximately .35% (12 square feet) for a proposed AC stand.</b>

### CASE# BZA25-000012

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

Required setbacks: 15' (Front); \*' (Side); 10' (Rear)

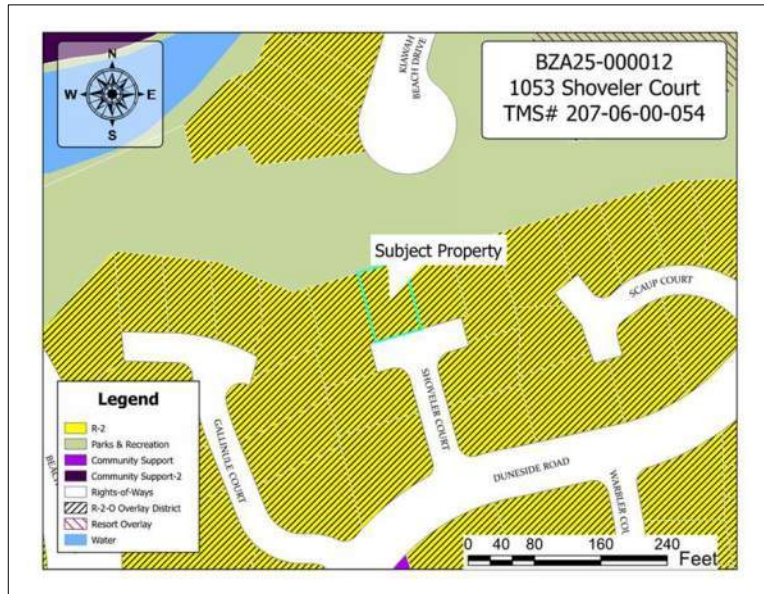
\*Zero lot line homes may be built with no setback on one side of the property but must have at least a 14 separation between buildings.

Maximum 50% Lot Coverage

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

legally nonconforming in regards to lot coverage

3



4



**BZA25-00012**  
 PID: 2070600054  
 OWNER: COLLINS PETER ERIC  
 PLAT BOOK PAGE: AH-65  
 DEED BOOK PAGE: 1136-540  
 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: 8/18/2025

5

**Case # BZA25-000012**  
**BZA Meeting of August 18, 2025**  
**Subject Property: 1053 Shoveler Court– Kiawah Island**

Variance to increase the existing lot coverage by approximately 0.35% (12 square feet) for the installation of a proposed AC stand.



6

### Property Front



### Adjacent Properties



### Property Side



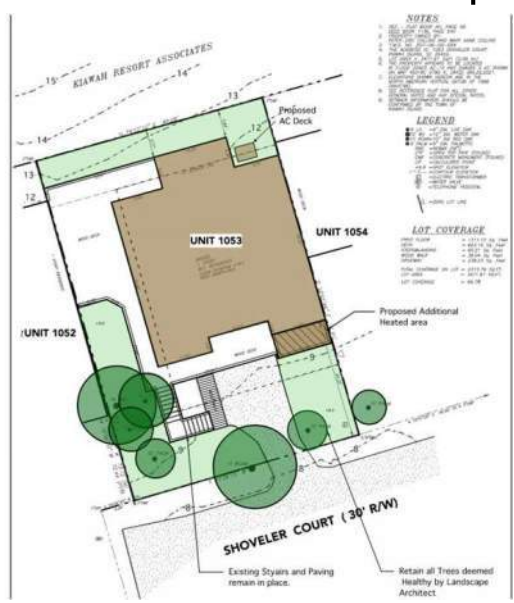
### Property Rear



### Subject Property



### Proposed Site Plan



**LOT COVERAGE**

FIRST FLOOR	= 1311.15 Sq. Feet
DECK	= 663.16 Sq. Feet
STEPS&LANDING	= 65.21 Sq. Feet
WOOD WALK	= 38.04 Sq. Feet
DRIVEWAY	= 238.23 Sq. Feet
<b>TOTAL COVERAGE ON LOT</b>	<b>= 2315.79 SQ.FT.</b>
<b>LOT AREA</b>	<b>= 3471.61 SQ.FT.</b>
<b>LOT COVERAGE</b>	<b>= 66.7%</b>

**Note:**

1. The proposed new heated area occurs over an existing deck area , so there is NOT any additional lot coverage added.
2. New Survey provided by Jim Cobb LLC dated May 6, 2024.
3. AC deck relocated 05/13/2025 by approval from Regime/TOKI as required. The lot coverage will be increased by 12 Square feet to 2,327.79 SF to 67.05%.

## 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;

13

## 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 #BZA25-000012 (Variance to increase the existing lot coverage by approximately 0.35% (12 square feet) for the installation of a proposed HVAC stand at the subject property, 1053 Shoveler Court, Kiawah Island, SC (TMS# 207-06-00-054)) 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.



### CERTIFICATION

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

### NOTES

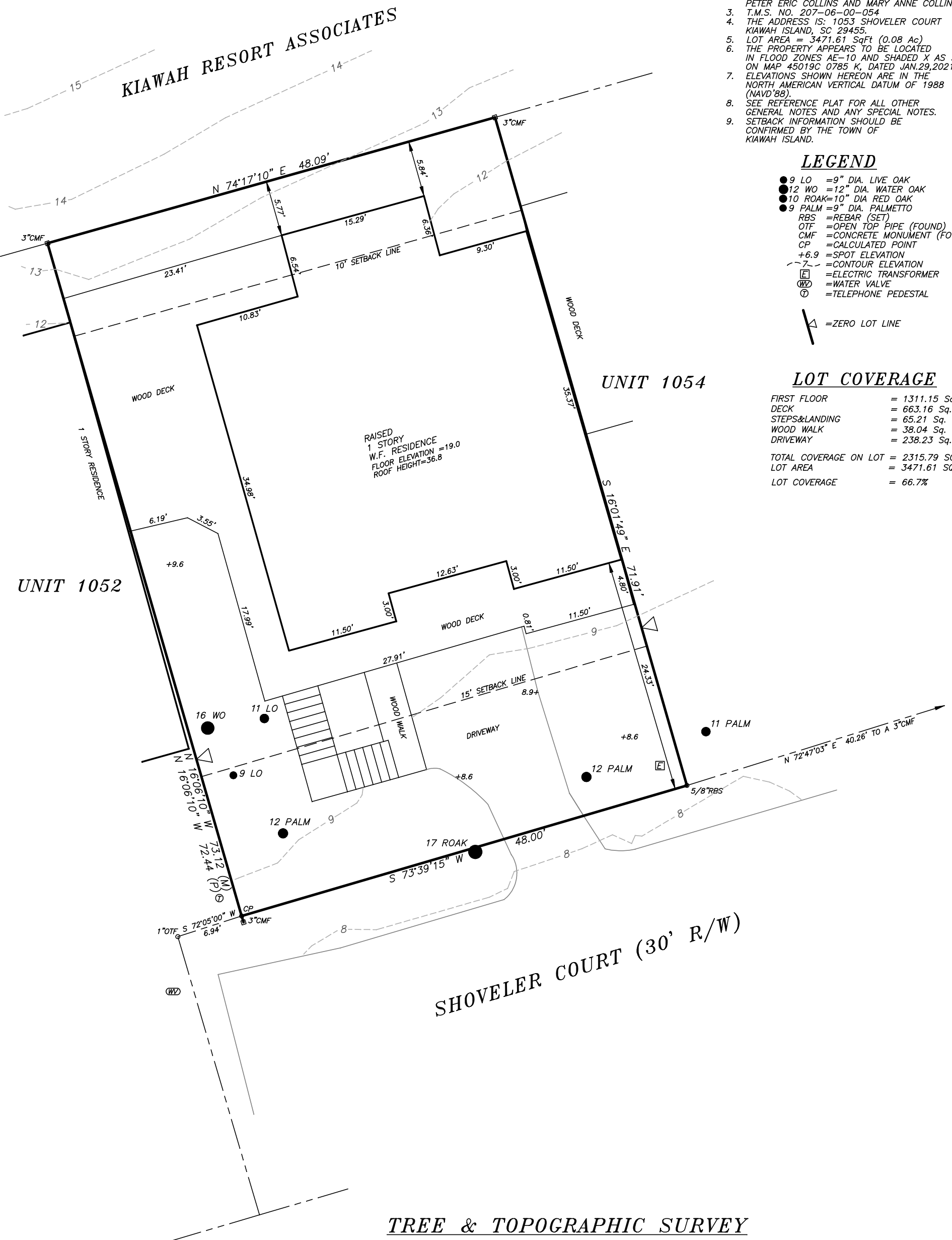
- REF. : PLAT BOOK AH, PAGE 65  
DEED BOOK 1136, PAGE 540
- PROPERTY OWNED BY:  
PETER ERIC COLLINS AND MARY ANNE COLLINS
- T.M.S. NO. 207-06-00-054
- THE ADDRESS IS: 1053 SHOVELER COURT  
KIAWAH ISLAND, SC 29455.
- LOT AREA = 3471.61 SqFt (0.08 Ac)
- THE PROPERTY APPEARS TO BE LOCATED  
IN FLOOD ZONES AE-10 AND SHADED X AS SHOWN  
ON MAP 45019C 0785 K, DATED JAN.29.2021.
- ELEVATIONS SHOWN HEREON ARE IN THE  
NORTH AMERICAN VERTICAL DATUM OF 1988  
(NAVD'88).
- SEE REFERENCE PLAT FOR ALL OTHER  
GENERAL NOTES AND ANY SPECIAL NOTES.
- SETBACK INFORMATION SHOULD BE  
CONFIRMED BY THE TOWN OF  
KIAWAH ISLAND.

### LEGEND

- 9 LO = 9" DIA. LIVE OAK
- 12 WO = 12" DIA. WATER OAK
- 10 ROAK = 10" DIA. RED OAK
- 9 PALM = 9" DIA. PALMETTO
- RBS = REBAR (SET)
- OTF = OPEN TOP PIPE (FOUND)
- CMF = CONCRETE MONUMENT (FOUND)
- CP = CALCULATED POINT
- +6.9 = SPOT ELEVATION
- 7.1 = CONTOUR ELEVATION
- [E] = ELECTRIC TRANSFORMER
- [WV] = WATER VALVE
- [T] = TELEPHONE PEDESTAL
- △ = ZERO LOT LINE

### LOT COVERAGE

FIRST FLOOR	= 1311.15 Sq. Feet
DECK	= 663.16 Sq. Feet
STEPS&LANDING	= 65.21 Sq. Feet
WOOD WALK	= 38.04 Sq. Feet
DRIVEWAY	= 238.23 Sq. Feet
TOTAL COVERAGE ON LOT	= 2315.79 SQ.FT.
LOT AREA	= 3471.61 SQ.FT.
LOT COVERAGE	= 66.7%



### TREE & TOPOGRAPHIC SURVEY

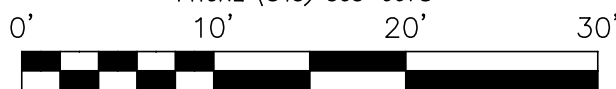
UNIT 1053  
SPARROW POND COTTAGES, PHASE II  
THE TOWN OF KIAWAH ISLAND

DATE: MAY 6, 2024  
SCALE: 1"=10'

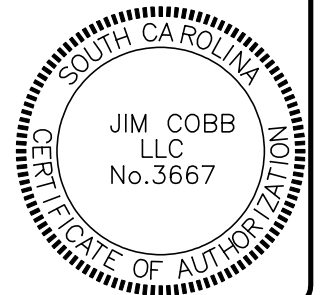
CHARLESTON COUNTY  
SOUTH CAROLINA

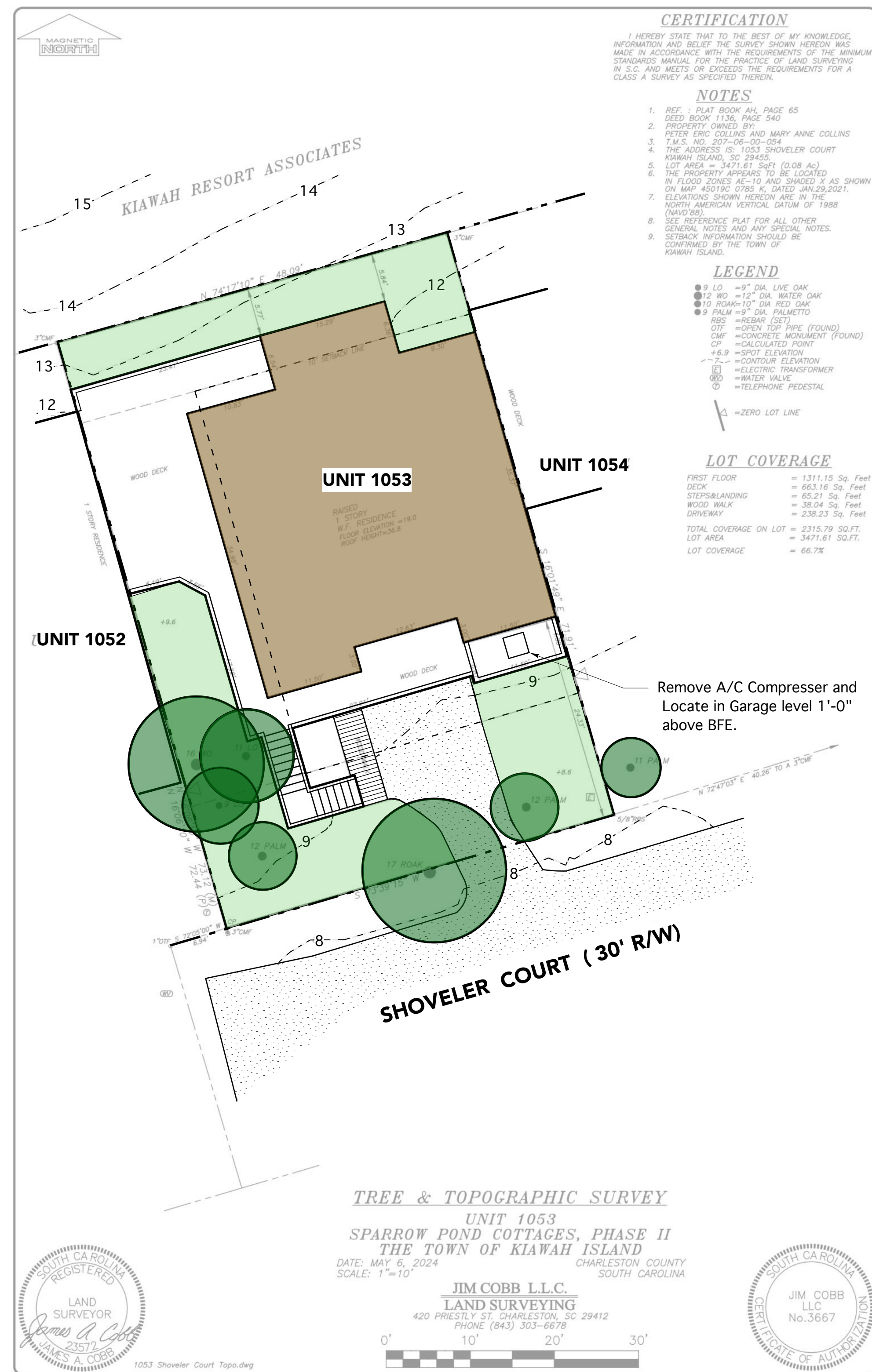
**JIM COBB L.L.C.**  
**LAND SURVEYING**

420 PRIESTLY ST. CHARLESTON, SC 29412  
PHONE (843) 303-6678

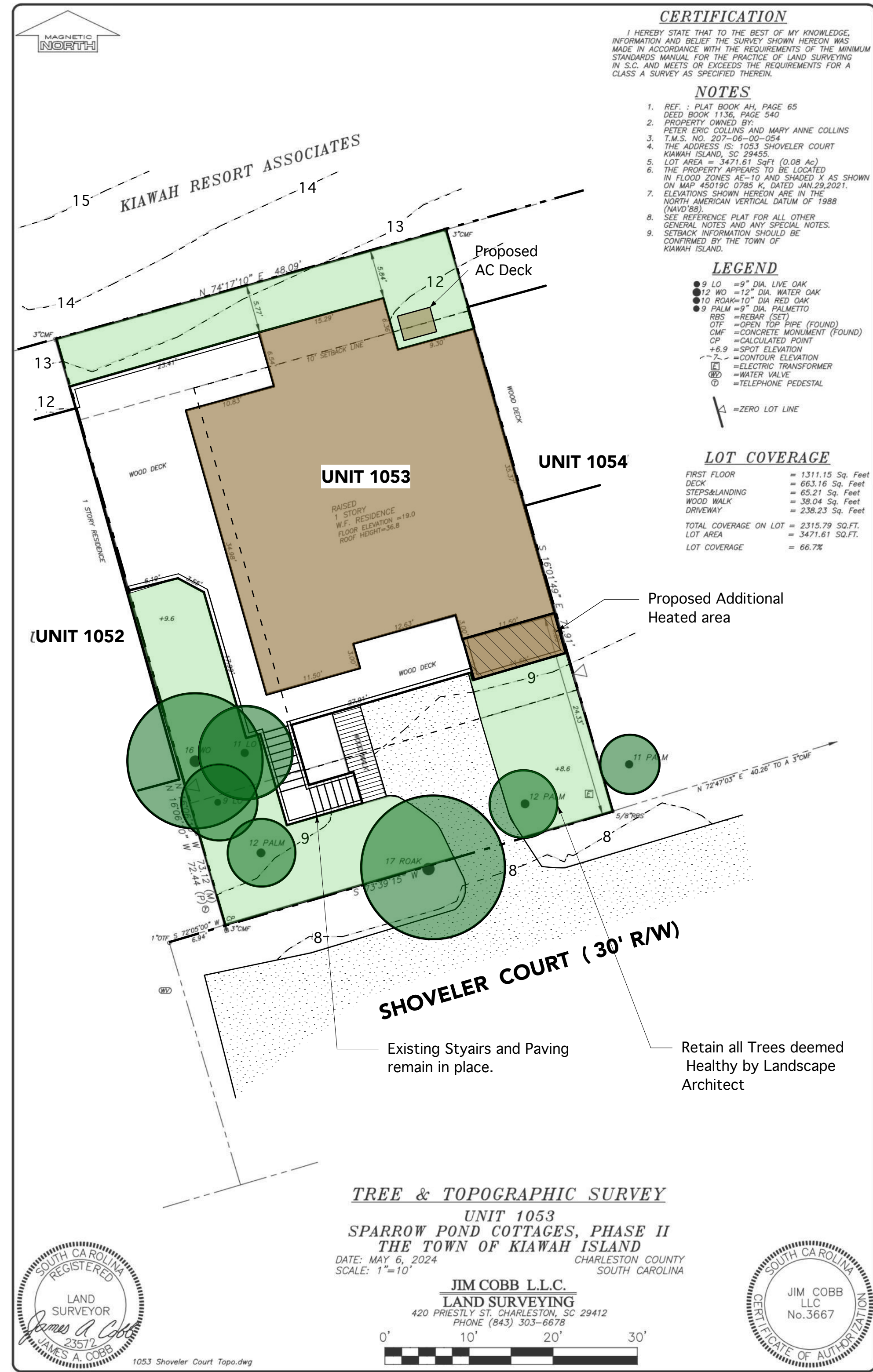


1053 Shoveler Court Topo.dwg





**EXISTING SITE PLAN**  
Scale: 1" = 10'-0"



**PROPOSED SITE PLAN**  
Scale: 1" = 10'-0"

**Note:**  
1. The proposed new heated area occurs over an existing deck area, so there is NOT any additional lot coverage added.  
2. New Survey provided by Jim Cobb LLC dated May 6, 2024.  
3. AC deck relocated 05/13/2025 by approval from Regime/TOKI as required. The lot coverage will be increased by 12 Square feet to 2,327.79 SF to 67.05%.

Graphic Scale :  
Scale: 1" = 10'-0"

RIBA #1  
AIA  
ARCHITECTURE +  
Charleston + Kiawah Island + West Indies  
1044 E. Montague, Ste. 201, N. Charleston, SC 29492  
Tel: N 1-843-562-7881, Tim  
tim@architecturaplus.com  
www.architecturaplus.com

Firm Seal:  
STATE OF SOUTH CAROLINA  
ARCHITECTURE PLUS SC LLC  
Charleston, SC  
No. 100784  
REGISTERED ARCHITECTS

Seal:  
STATE OF SOUTH CAROLINA  
ARCHITECTURE PLUS SC LLC  
REGISTERED ARCHITECTS

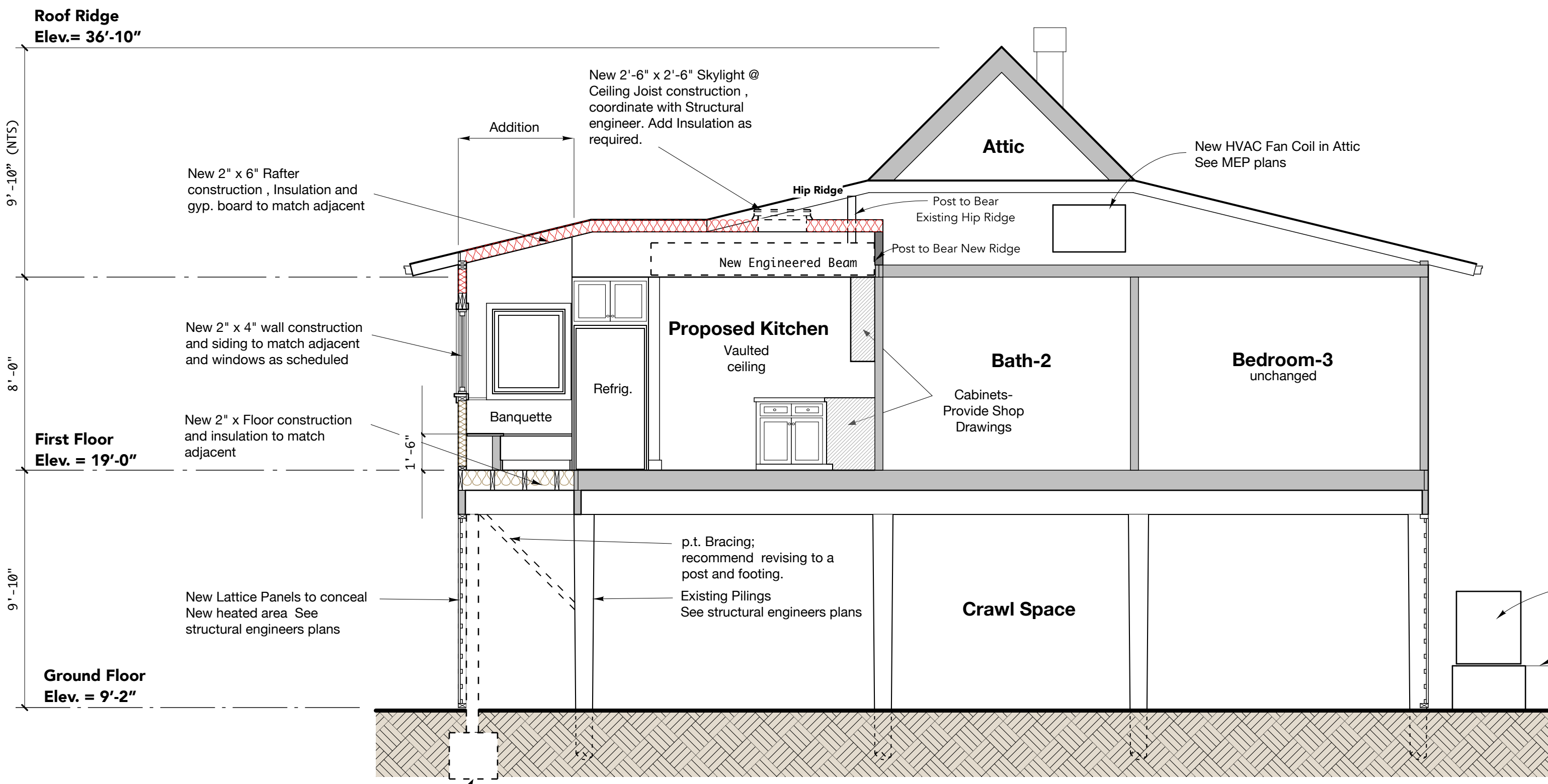
**COLLINS RESIDENCE  
RENOVATION**  
1053 Shoveler Court  
Kiawah Island  
South Carolina, 29455

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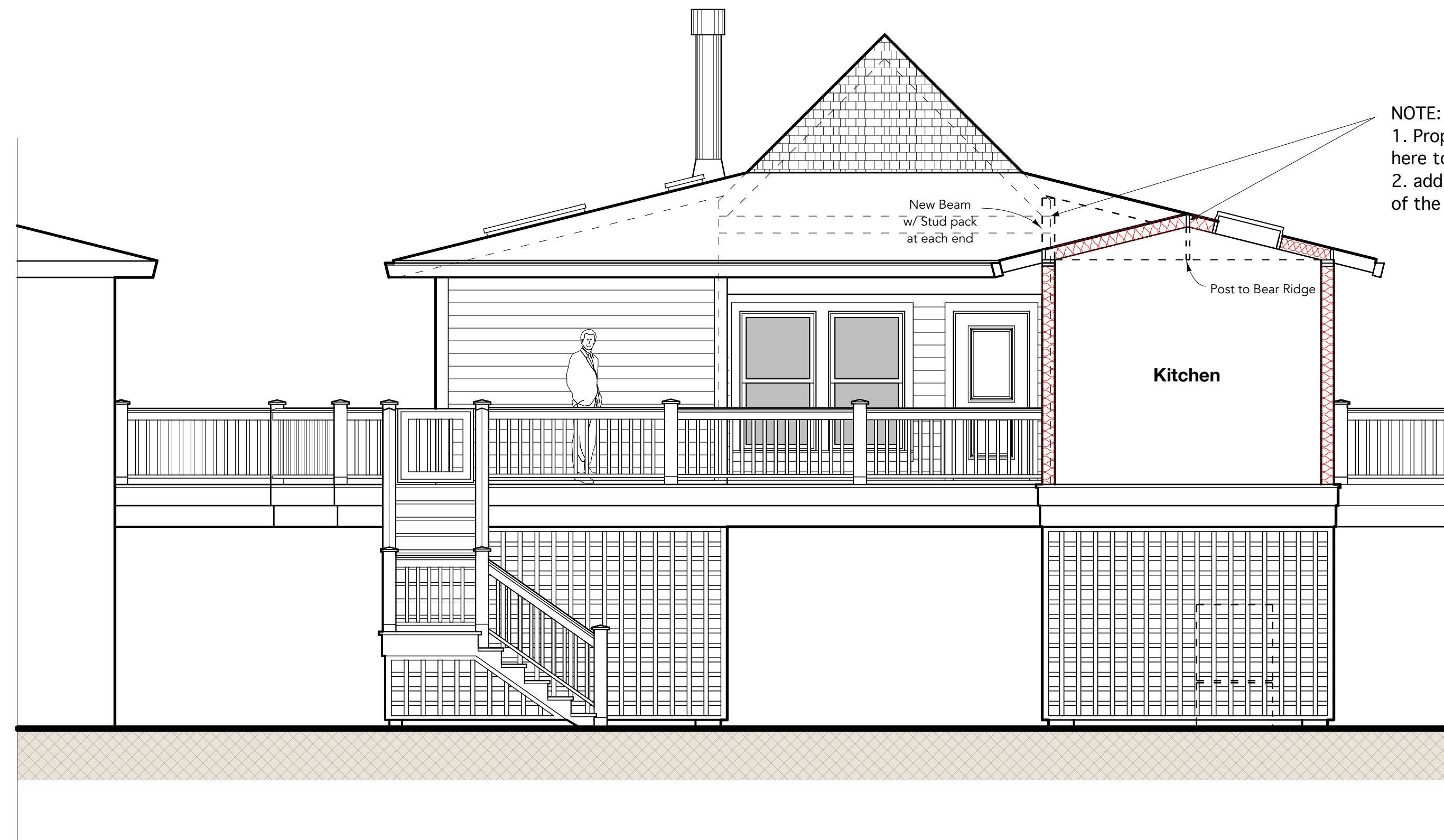
- Project Progression :**
- Conceptual Design
  - Preliminary Review
  - Design Dev./ Bidding
  - Final Review
  - Permitting
  - Construction

**General Contractor :**  
WATTS BUILDERS

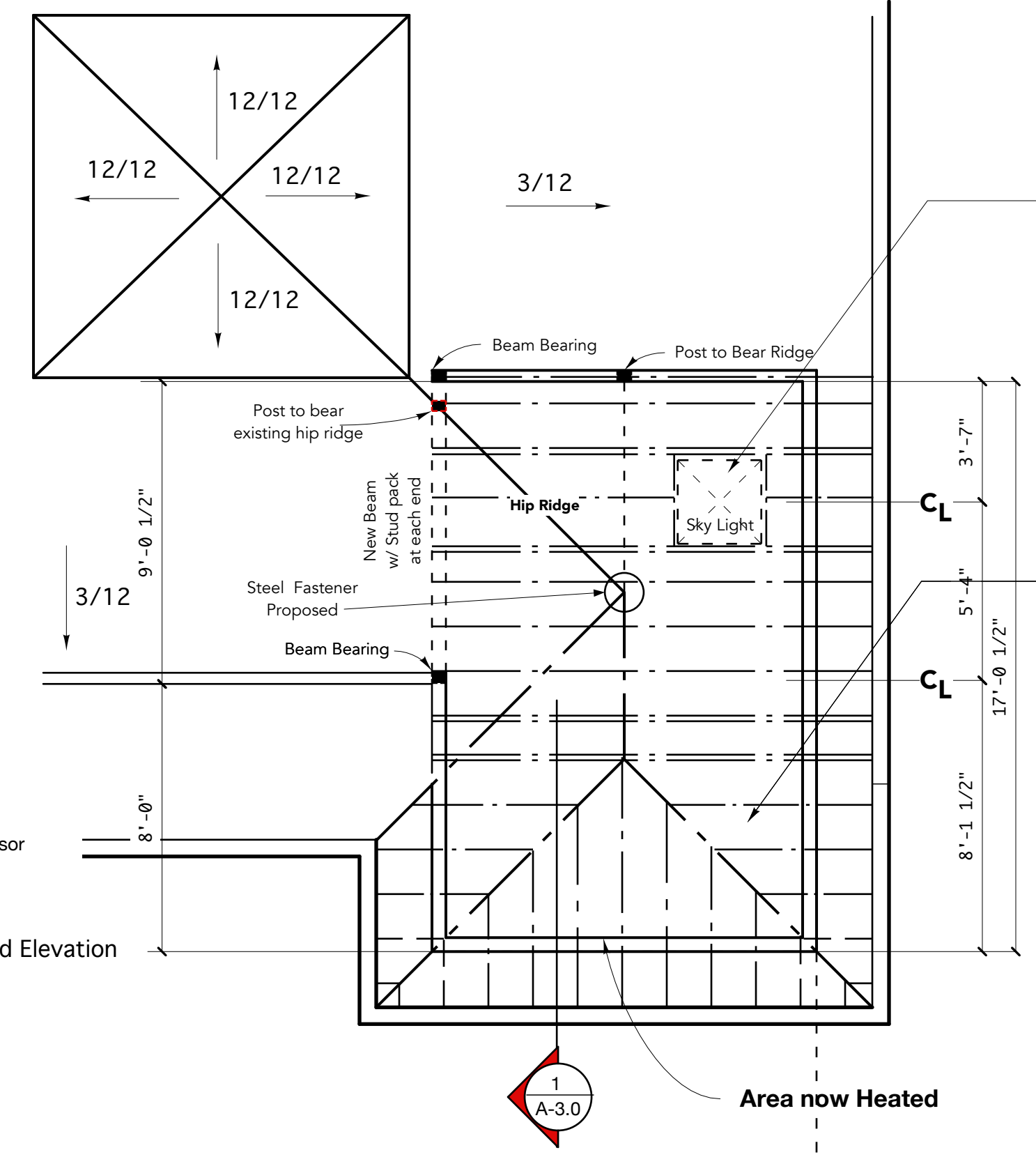
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**Existing & Proposed Site Plan**  
Sheet N° :  
**AS-1.0**  
Project N°1053SC\_2024 06.09.2025



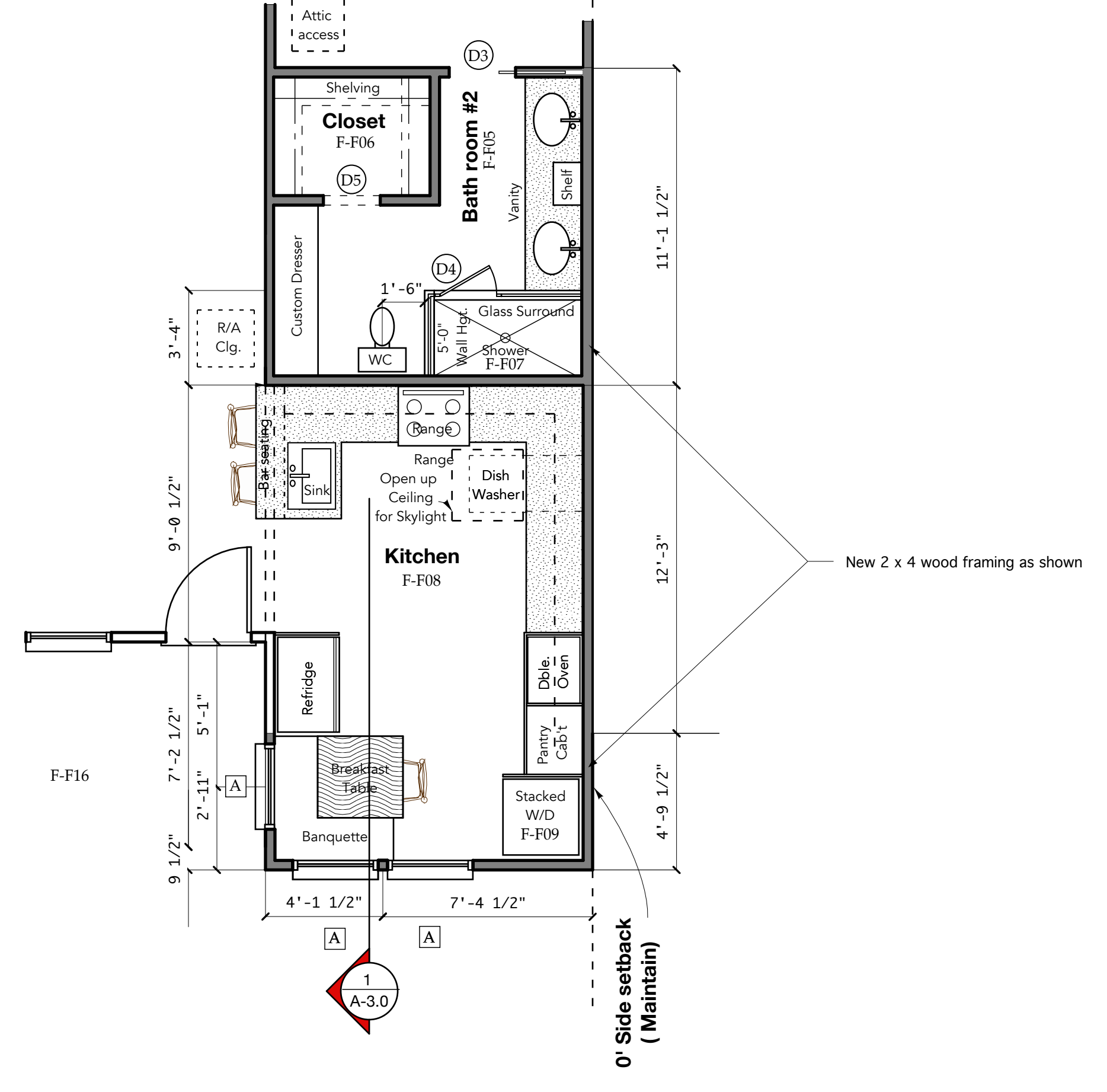
**1 BUILDING SECTION**  
Scale: 1/4"=1'-0"



**2 BUILDING SECTION**  
Scale: 1/4"=1'-0"



**4 ROOF PLAN**  
Scale: 1/4"=1'-0"

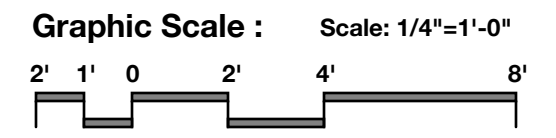


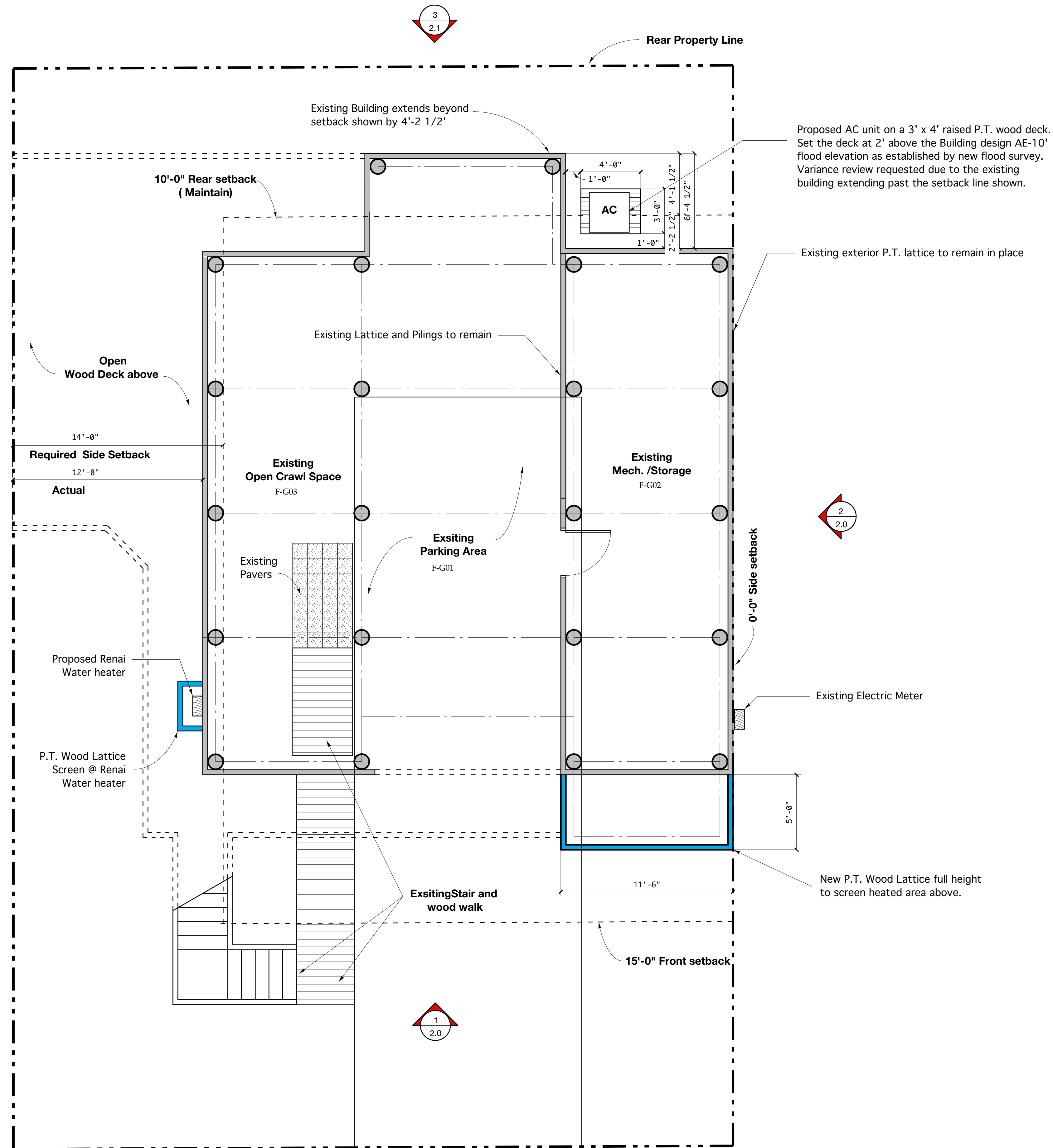
**3 FLOOR PLAN**  
Scale: 1/4"=1'-0"

Provide Vaulted ceiling in new kitchen area with new skylight- Verify skylight openings and confirm opening locations w/owners

Proposed New Framing and Shingle Roofing to cover new Heated area proposed Approx. 58 SF. Match Existing

NOTE:  
1. Propose revising the roof framing here to match existing.  
2. add a beam to catch the bearing of the existing Hip Ridge.  
3. Revisions 05/13/2025, documented for Owne and Builder .

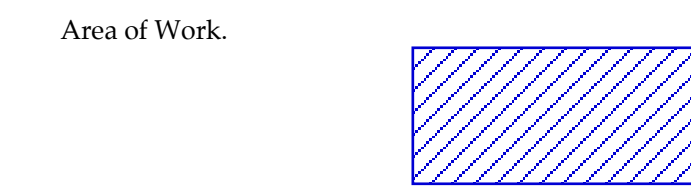




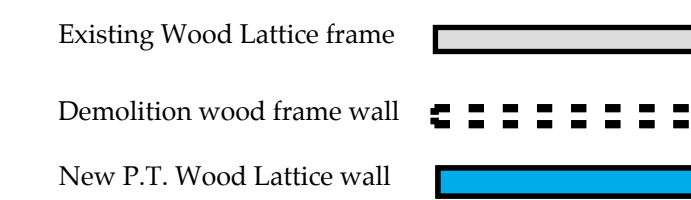
**General Demolition Notes :**

1. Contractor shall verify all dimensions and notify Architect of any discrepancies immediately.
2. Contractor shall verify all wall construction types and notify Architect of any discrepancies immediately.
3. Contractor shall protect necessary surfaces to avoid damage prior to demolition.
4. Items to be salvaged or reused shall be stored in a clean, dry, protected space away from construction activity.
5. Coordinate with Structural Engineering for extent of demolition.
6. Dashed lines indicate item to be removed. -----

**Legend :**



**Wall Legend :**



**Demolition Key Notes :**

1. Remove wall system where indicated. Prepare to receive new construction.
2. Remove door and frame in their entirety.
3. Remove floor finish material.
4. Remove Plumbing Fixture complete.
5. Remove Cabinetry in entirety.
6. Remove Appliances complete.
7. Remove roof areas to be re-built.
8. Remove slab area for new construction.

Note:  
1. Revisions documented for Owners and Builder 05/13/2025

RIBA #1  
Royal Institute of British Architects  
AIA  
**ARCHITECTURE +**  
Charleston + Kiawah Island + West Indies  
1044 E. Montague, Ste. 201, N. Charleston, SC 29492  
Tel. N° 1-843-562-7881, Tim  
tim@architectureplus.com  
www.architectureplus.com

Firm Seal:

Seal:

**COLLINS RESIDENCE  
RENOVATION  
1053 Shoveler Court  
Kiawah Island  
South Carolina, 29455**

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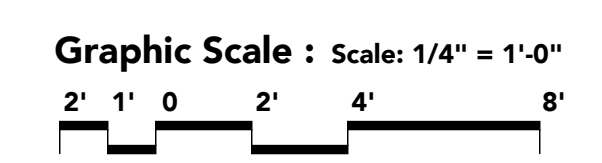
Please consider the environment before printing this sheet

- Project Progression :
- Conceptual Design
  - Preliminary Review
  - Design Dev./ Bidding
  - Final Review
  - Permitting
  - Construction

General Contractor :

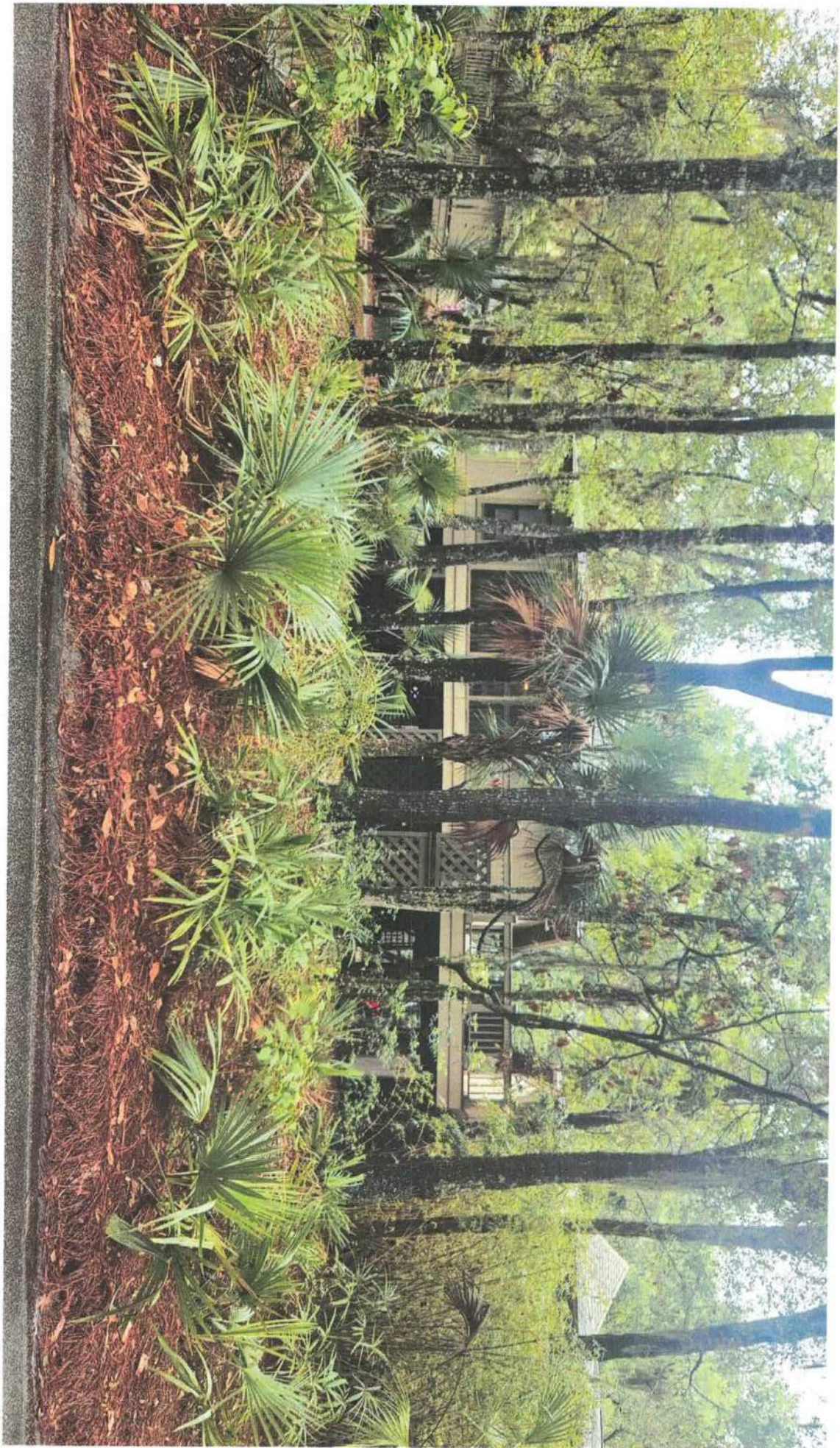
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**Existing Ground Floor Plan**  
Sheet N° :  
**A-1.0**  
Project N°324 PW\_2024 05.13.2025

**EXISTING GROUND FLOOR PLAN**  
1,306 Square Feet  
Scale: 1/4" = 1'-0"

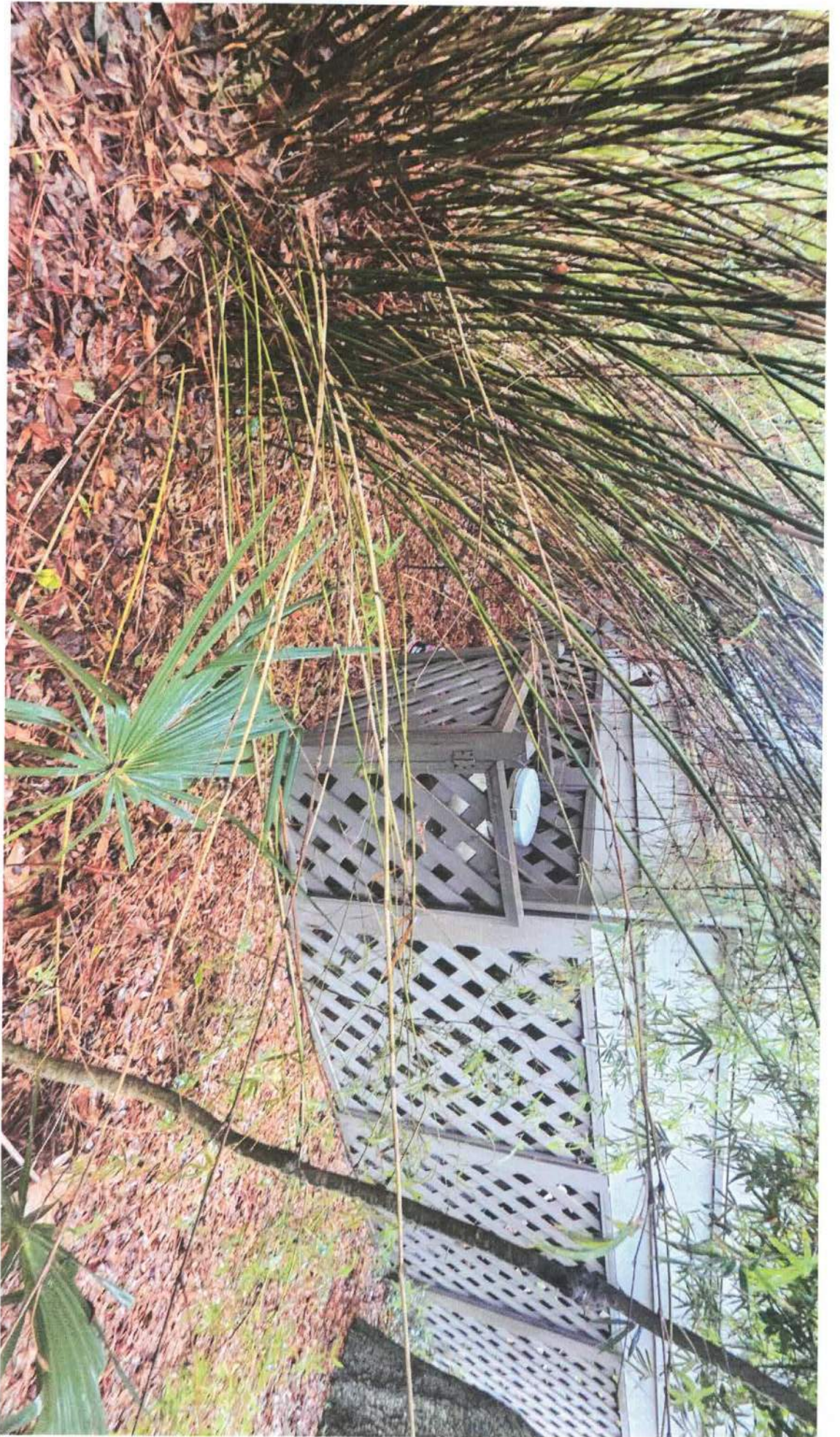




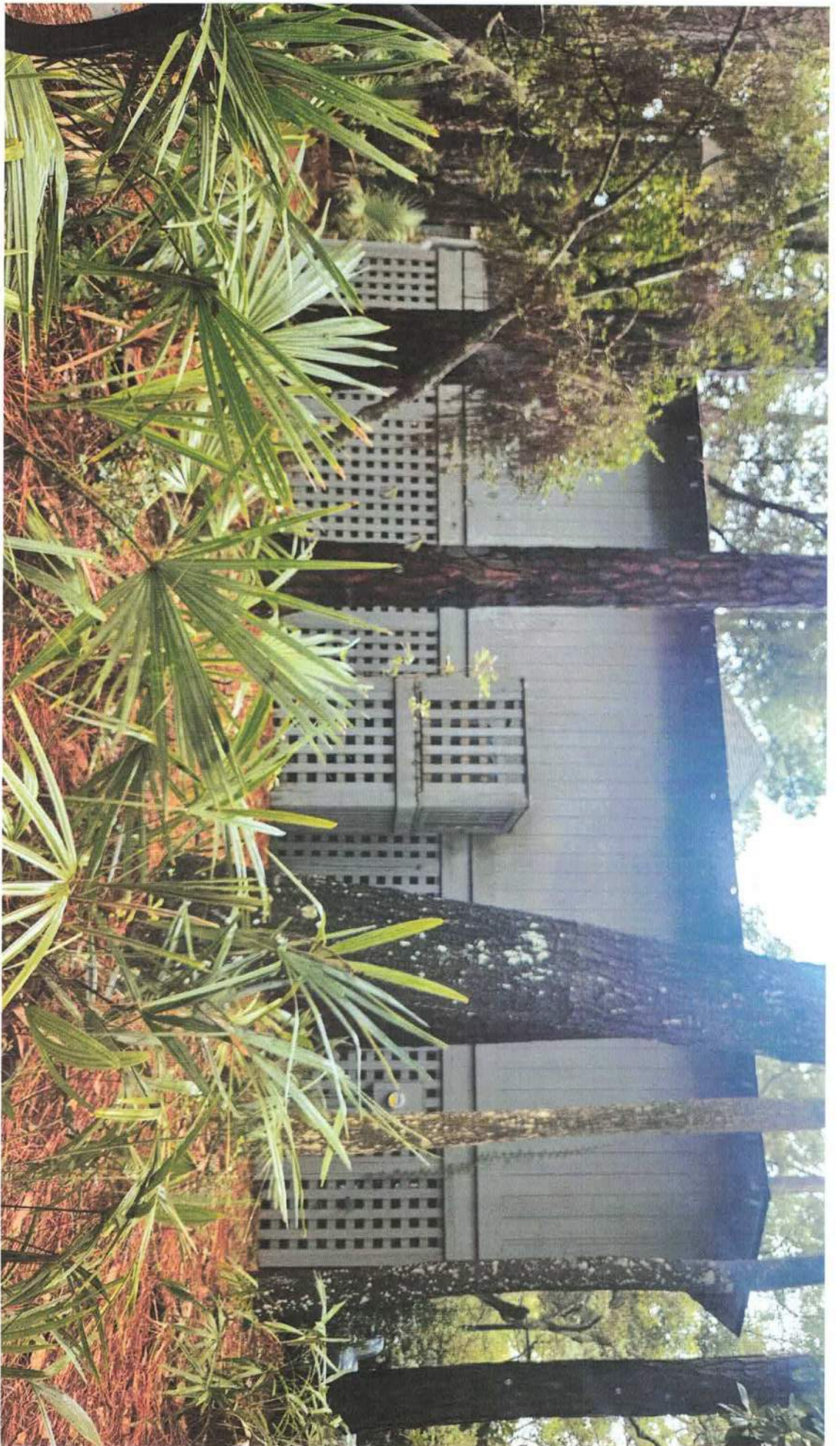
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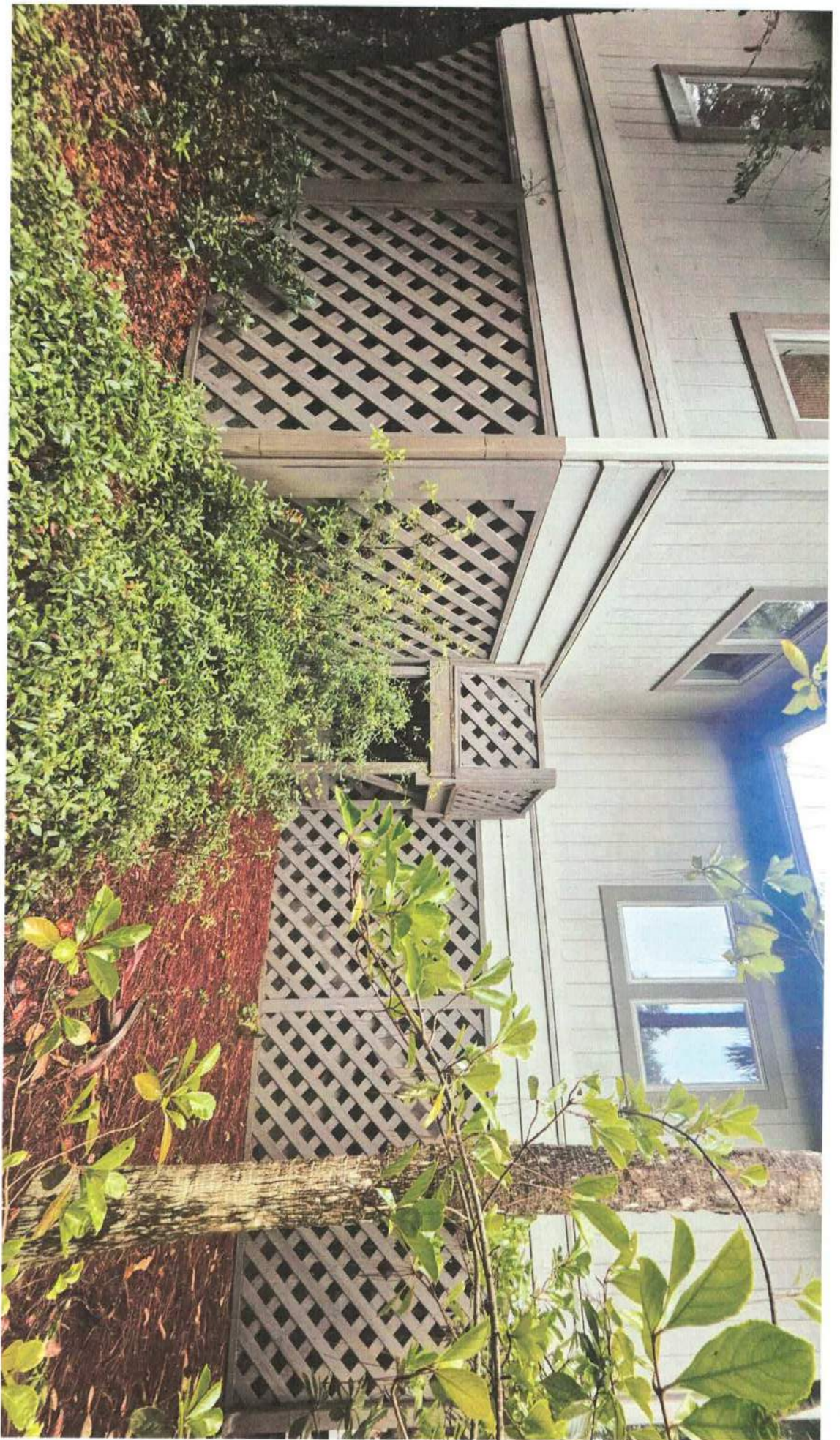
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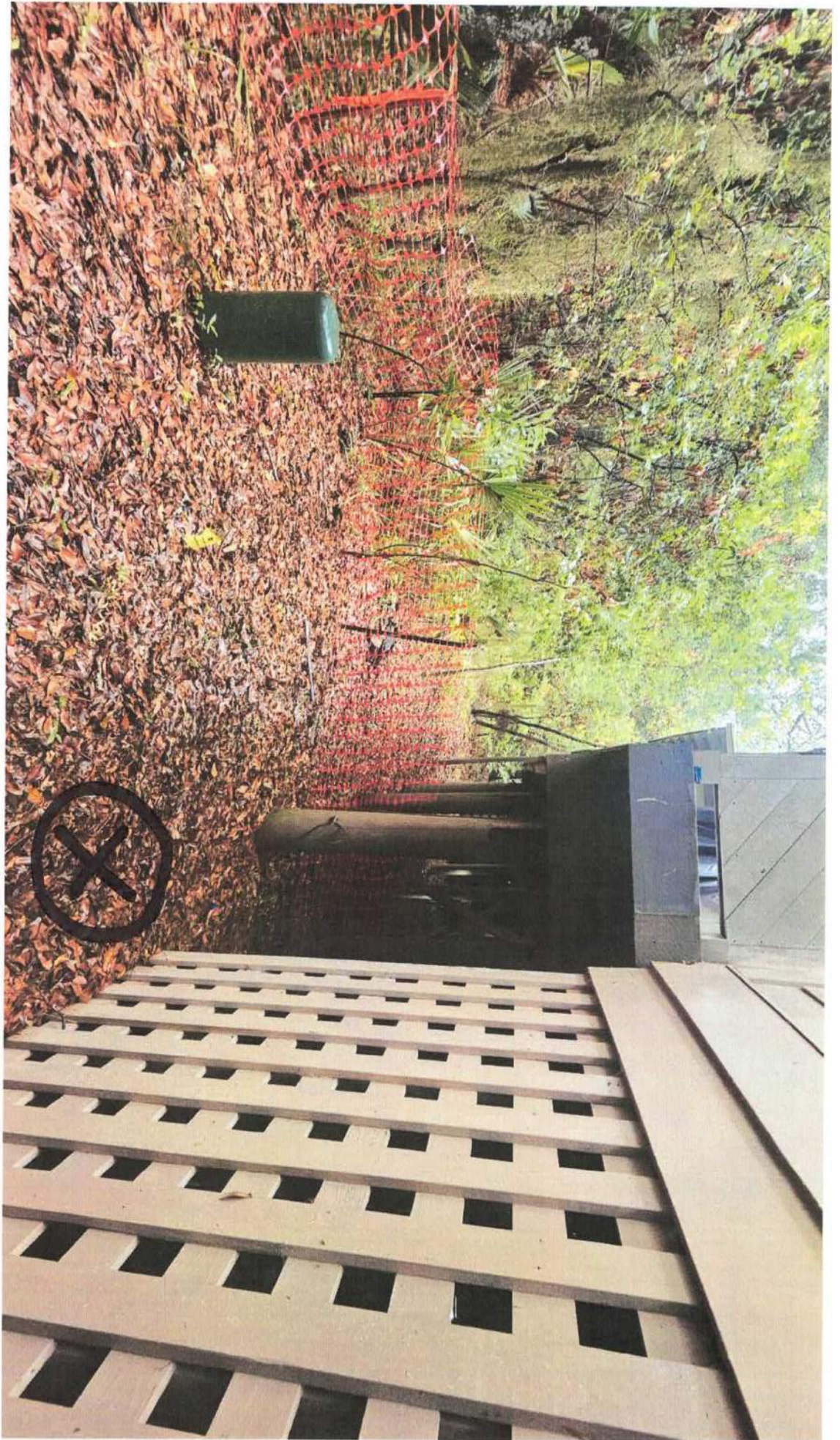


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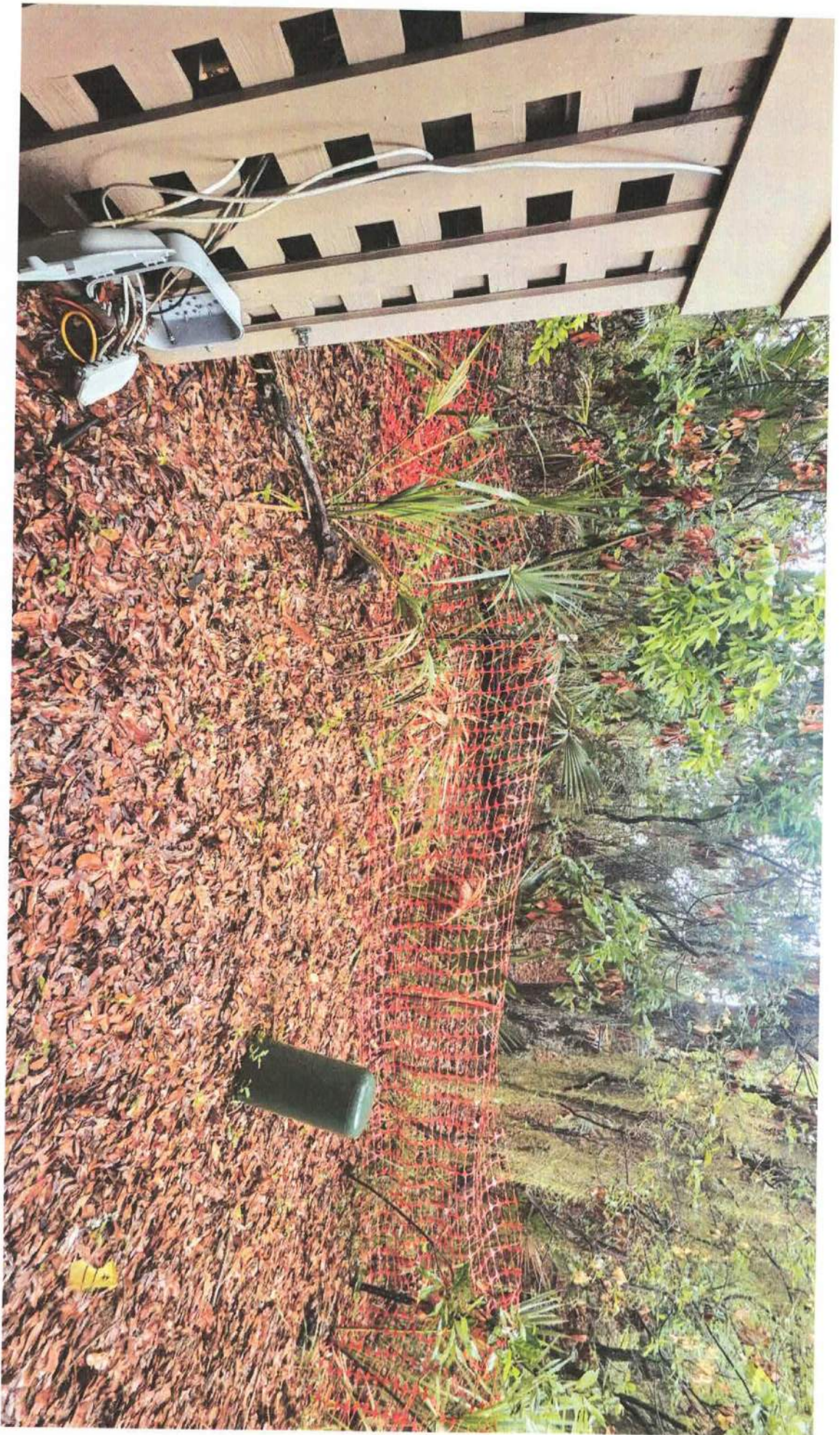


5





⑦





8



**WATTS BUILDERS**

1070 Main Road  
Johns Island, SC 29455  
843.200.2079 843.277.0029 fax

Letter of Intent – TOKI BZA Variance Request  
July 9, 2025

**Client:** Mr. Peter Collins and Mrs. Mary Anne Collins  
1053 Shovelers Court  
Kiawah Island, SC 29455  
[macollins@freehillventures.net](mailto:macollins@freehillventures.net)  
[peterecollins@gmail.com](mailto:peterecollins@gmail.com)

**Builder:** Watts Builders, LLC  
1070 Main Road  
Johns Island, SC 29455  
[curtcwatts@gmail.com](mailto:curtcwatts@gmail.com)

**For the following project:** **1053 Shovelers Court – Variance Request**  
**Town of Kiawah Island BZA**  
**For a private residence at:**  
1053 Shovelers Court  
Kiawah Island, SC 29455

**Letter of Intent:**

The owners, Peter and Mary Anne Collins, purchased the property in 2022. The owners desire to update their HVAC system as part of their home improvement plan. Currently, HVAC equipment is located beneath the home.

The update to the HVAC system requires the addition of an at-grade equipment deck to be in character with the existing building. The new HVAC deck will extend beyond the 10’ rear setback by about 18 inches and be approximately 12 square feet over the existing lot coverage. The new equipment location does not project beyond the furthest rear footprint of the structure. The KIARB and KICOA have recognized the owner’s unique hardship, and due to the original home already being set well beyond the rear setback, have granted the owners’ approval of their variance request.

We had a Pre-Application phone call on 7/8/2025 with Daniel Vincent of the TOKI Planning and Zoning department. Curt Watts explained our need for the variance, and Daniel Vincent advised us of the BZA process for which we are now applying.

Enumeration of pictures:

- ①-④ Similar conditions of external equipment structures
- ⑤-⑥ 1053 Shovelers Court proposed equipment location
- ⑦ View from rear facing North
- ⑧ 1053 Shovelers Court front view under construction



**WATTS BUILDERS**

1070 Main Road  
Johns Island, SC 29455  
843.200.2079 843.277.0029 fax

**THIS REQUEST SHOULD BE GRANTED:**

- a. **The owners have an extraordinary and exceptional condition pertaining to this particular piece of property;**  
The natural trees retained in the front present a natural buffer to the street and allow the home to be secluded visually from the street. This adds greatly to the streetscape and community ambiance.
- b. **These conditions do not generally apply to other property in the vicinity;**  
We are not aware of a similar non-conforming lot condition in the immediate area. Each individual property has special attributes in shape, size, and orientation. We have included pictures illustrating similar structures in the neighborhood. However, the status of their conformity is unknown.
- c. **Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;**  
An unnecessary hardship is present when the general rear 10’ setback is applied to the home today given that the existing home encroaches into the setback.
- d. **The authorization of the variance will not be a substantial detriment to adjacent property or to the public good, and the character of the zoning district will not be harmed by granting the variance;**  
The residential character of the property is very secluded from the adjacent neighbors to the west. Visibility is also very well natively screened and heavily canopied by existing natural vegetation. The east side neighbor is connected with an adjoining deck; the equipment is not visible from the deck. The property adjoining the rear of the home to the north where the HVAC equipment will be installed is a natural buffer. (See picture ⑦)
- 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;**  
The granting of this variance will not allow for a use not permitted by the ordinance.
- f. **The fact that property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance;**  
The property will be able to be used to the extent permitted by the lot coverage size by KIARB and TOKI requirements and ordinances.
- g. **The need for the variance shall not be the result of the applicant’s own actions;**  
The owners purchased the property in its current form and had no prior involvement in the existing non-conforming encroachments now in place.



**WATTS BUILDERS**

1070 Main Road  
Johns Island, SC 29455  
843.200.2079 843.277.0029 fax

- 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; and**  
Granting the variance will actually enhance the individual property and ultimately lead to an overall improvement of the community aesthetic and allow the owners to upgrade/maintain their property over time as is possible with adjacent properties that do not experience this particular hardship.
- i. Granting of the variance does not substantially conflict with the Comprehensive Plan or the purposes of this Ordinance.**  
Granting the variance, relaxing the setback at the rear, and the de minimis encroachment on lot coverage of the lot does not conflict with the comprehensive plan in this unique application.

Kiawah Island Cottage Owners Association  
635 Rutledge Ave., Ste. 105  
Charleston, South Carolina 29403

Pete and Mary Anne Collins  
1053 Shoveler Court  
Kiawah Island, South Carolina 29455

Property Address: 1053 Shoveler Court  
Account #: KIC1053  
RE: Architectural Review Application

May 23, 2025

Dear Pete and Mary Anne,

The Kiawah Island Cottage Owners Board of Directors has reviewed and **APPROVED AS SUBMITTED** the application for the following improvement(s) for 1053 Shoveler Court with the following contingencies: **Approved color palette guidelines. Recorded ARB guidelines.**

***APPLICATION FOR PROJECT: DRAWINGS SUBMITTED BY CURT WATTS FOR HVAC ENCLOSURE***

Please note the below required completion dates which is a contingency of the Board's approval:

Repainting, reroofing, open picket rails, etc.: 60 days

Extensive work and/or renovation: 1 year

In addition to this approval, please provide a full submittal to the Kiawah Island Architectural Review Board for their review. Please feel free to contact them at 843-768-3419, should you have any questions.

Upon approval from the Kiawah Architectural Review Board, your contractor will need to obtain a Town of Kiawah Business License, a permit from the Town of Kiawah Island, and a Kiawah Island Contractors pass for the vehicle.

Please do not hesitate to contact me with any questions.

Respectfully,

Autumn Coxe, CMCA  
Association Manager  
Kiawah Island Cottage Owners Association  
direct: 843.937.6861  
main office: 843.853.5300  
email: autumn@postoncm.com

# Variance Request Form

Kiawah Island Architectural Review Board • 253 Gardeners Circle, Suite 200 • Johns Island SC 29455 • 843.768.3419 • 843.768.0517 (fax)  
 Mailing Address: 130 Gardeners Circle, Suite 123 • Johns Island SC 29455 • arb@kiawah.com • [www.KiawahARB.com](http://www.KiawahARB.com)

**Address of Project** 1053 Shovelers Court

**Owner** Mr. and Mrs. Peter Collins  
 Telephone 615-948-0600  
 Email macollins@freehillventures.net  
**Landscape Architect** \_\_\_\_\_  
 Telephone \_\_\_\_\_  
 Email \_\_\_\_\_

**Architect** Architecture Plus, SC LLC  
 Telephone 843-718-3416  
 Email kevinw@architectureplusllc.com  
**Contractor** Watts Builders, LLC  
 Telephone 843-200-2079  
 Email curtcwatts@gmail.com

**Does the neighborhood have Supplemental Guidelines?**  Yes, R-2-0 Zoning/Patio  No

**Is Regime Approval Needed?**  Yes, Approval Attached  No

**Height Restriction:** 35'  Above Base Flood Elevation  Above Grade

**Lot Coverage Max:** 50%

**Setbacks**

Front 15'  
 Sides 0'  
14'  
 Rear 10'

**Building Sq. Footage Calculations Conditioned**

Building Footprint 1311.15  
 First Floor 1311.15  
 Second Floor N/A  
 Third Floor N/A  
 Ancillary Structure N/A  
**Total Conditioned** 1311.15  
 Screened/Covered N/A  
 Garage/Carport 1311.15

**Lot Coverage Calculations**

Screened/Covered N/A  
 Open Decking/Stairs 728.37  
 Primary Drives/Walks\* 238.23  
 Raised Planters N/A  
 Pool/Spa N/A  
 HVAC N/A  
**Total Lot Coverage Sq. Ft** 2277.75  
**Highland Area** 3471  
**Lot Coverage %** 65.5%  
 Secondary Sq. Ft 38.04  
 Primary + Secondary % 66.7%

**Restrictions**

Min. Sq. Ft  
 Main House \_\_\_\_\_  
 Ancillary \_\_\_\_\_  
 Max. Sq. Ft  
 Main House \_\_\_\_\_  
 Ancillary \_\_\_\_\_

**Variance Request** Proposed AC unit on a 3' x 4' raised PT wood deck, set at 2' above the building design AE-10' flood elevation as established by new flood survey.

**Reasoning for Request & Variance Criteria Used**

Due to the existing building extending past the setback line shown in construction drawings, a variance review is requested.

**ARB ACTION**  Approved  Disapproved

**ARB Representative** Charles Quinn

\* PRIMARY DRIVES AND WALKS INCLUDE PERVIOUS AND IMPERVIOUS MATERIALS.

**Buist, Byars & Taylor, LLC**

130 Gardener's Circle, PMB #138

Johns Island, SC 29455

92776001



BP1136540

# PGS:

5

Prepared By:

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

STATE OF SOUTH CAROLINA

)

**GENERAL WARRANTY DEED**

)

COUNTY OF CHARLESTON

)

The designation Grantor and Grantee as used herein shall include the named parties and their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

**KNOW ALL MEN BY THESE PRESENTS**, that **David W. Bowers and Joanne M. Bowers**, in the State aforesaid, for and in consideration of the sum of EIGHT HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$825,000.00), the receipt and sufficiency of which is here acknowledged, has granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said:

**Peter Eric Collins and Mary Anne Collins, as Joint Tenants with Rights of Survivorship and NOT as Tenants in Common**

All Grantor's right, title and equitable or legal interest in and to:

See Exhibit "A" attached hereto and made a part hereof.

Charleston County Tax Map No.: 2070600054

Common Address: 1053 Shoveler Court, Kiawah Island, SC 29455

Grantee Address: 9017 Ford Dr., Brentwood, TN 37027


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

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said Grantee, and Grantee's heirs and assigns forever.


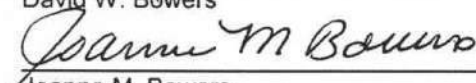
**AND GRANTOR DOES** hereby promise, for themselves and Grantor's heirs, successors, assigns, and representatives, to warrant and forever defend the above premises unto the Grantee, Grantee's heirs and assigns, against the Grantor and Grantor's heirs, successors, assigns, and representatives and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the Hand and Seal of David W. Bowers and Joanne M. Bowers this 10th day of August, 2022.

Signed, Sealed and Delivered  
in the presence of:

  
\_\_\_\_\_  
Witness No. 1

  
\_\_\_\_\_  
Witness No. 2 (NOTARY)

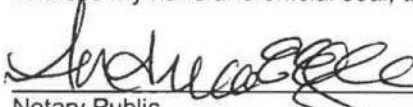
  
\_\_\_\_\_  
David W. Bowers  
  
\_\_\_\_\_  
Joanne M. Bowers

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, The Undersigned, a Notary Public for the County of Charleston and State of South Carolina, do hereby certify that David W. Bowers and Joanne M. Bowers personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 10th of August, 2022.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

(SEAL)

Andrea E. Egan  
Notary Public, State of South Carolina  
My Commission Expires 01/07/2032

Prepared By:

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

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**AFFIDAVIT FOR TAXABLE OR  
EXEMPT TRANSFERS**

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

1. I have read the information on this Affidavit and I understand such information.
2. The property is being transferred is located at 1053 Shoveler Court, Kiawah Island, SC 29455 bearing Charleston County Tax Map Number 2070600054, was transferred by David W. Bowers and Joanne M. Bowers to Peter Eric Collins and Mary Anne Collins, as Joint Tenants with Rights of Survivorship and NOT as Tenants in Common on September 10, 2022.
3. Check one of the following: The DEED is:
  - a.  subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - b.  subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or a distribution to a trust beneficiary.
  - c.  EXEMPT from the deed recording fee because (see information section of affidavit): \_\_\_\_\_ . (If exempt, please skip items 4-7 and go to item 8 of this affidavit.)

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

4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
  - a.  The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$825,000.00.
  - b.  The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_.
  - c.  The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_.
5. Check YES  or NO  to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If YES, the amount of the outstanding encumbrance is \$ \_\_\_\_.
6. The deed recording fee is computed as follows:
 

a. Place the amount listed in item 4 above here:	\$ _____ 825,000.00
b. Place the amount listed in item 5 above here: (If no amount is listed, place zero here.)	\$ _____ 0.00
c. Subtract Line 6(b) from Line 6(a) and place the result here:	\$ _____ 825,000.00

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$3,052.50.

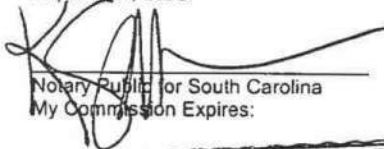
8. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as:  
Closing Attorney

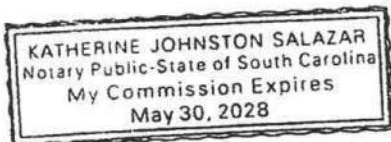
9. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Closing Attorney

Brist Byars & Taylor, LLC  
Print or Type Name Here

Witness my hand and official seal, this the 10<sup>th</sup> of  
September, 2022.

  
Notary Public for South Carolina  
My Commission Expires:



## Exhibit "A"

ALL that certain piece, parcel, or lot of land, with the buildings and improvements thereon, situate, lying and being on Kiawah Island, County of Charleston, State of South Carolina, and known and designated as **Unit 1053** on a plat of Coastal Surveying Co. Inc., dated June 17, 1976, and revised July 2, 1976, August 24, 1976, and January 18, 1977, entitled **"Plat of Phase II of Sparrow Pond Cottages Located on Kiawah Island, Charleston County, South Carolina, owned by Kiawah Island Company, Inc., 67 Broad Street, Charleston, S.C. 29401,"** recorded in Plat Book AH, at Page 65 in the Office of the ROD for Charleston County, South Carolina, and having such location, buttings, boundings, dimensions, courses and distances as will by reference to said plat more fully appear.

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

THIS being the same property as conveyed to David W. Bowers and Joanne M. Bowers, by Deed of Robert A. Doll and Katherine G. Doll, dated August 14, 2001, and duly recorded August 29, 2001, in the Office of ROD for Charleston County, South Carolina, in Book Y380, at Page 553.

TMS No.: 207-06-00-054

# 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 (COURIER)

RECORDED		
Date:	September 9, 2022	
Time:	11:21:52 AM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
1136	540	Deed
Michael Miller, Register Charleston County, SC		

**MAKER:**

BOWERS DAVID W AL

Note:

**RECIPIENT:**

COLLIINS PETER E AL

# of Pages:

Recording Fee	\$ 15.00
State Fee	\$ 2,145.00
County Fee	\$ 907.50
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
<b>TOTAL</b>	<b>\$ 3,067.50</b>

**Original Book:**

**Original Page:**

**DRAWER**   
**CLERK**

**AUDITOR STAMP HERE**  
 RECEIVED From ROD  
 Nov 28, 2022  
 Peter J. Tecklenburg  
 Charleston County Auditor

**PID VERIFIED BY ASSESSOR**  
 REP RJB  
 DATE 11/28/2022



1136  
Book



540  
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09/09/2022  
Recorded Date



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