

Permit Application: Restrictive Covenants Affidavit

Town of Kiawah Island

Town of Kiawah Island Municipal Center
Planning Department
4475 Betsy Kerrison Parkway
Kiawah Island, SC 29455
Phone 843-768-9166
Fax 843-768-4764



I, [Print], have reviewed the Restrictive Covenants applicable to Parcel Identification Number(s) , located at (address) , and the proposed permit application is not contrary to, does not conflict with, and is not prohibited by any of the restrictive covenants, as specified in South Carolina Code of Laws, Section 6-29-1145.

	<input type="text" value="7-6-2023"/>
[Signature]	[Date]
<input type="text" value="Ray Pantlik"/>	
[Print Name]	

Explanation:
Effective July 1, 2007, South Carolina Code of Laws Section 6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with or prohibits an activity for which a permit is being sought. [Section 6-29-1145 is copied on the back of this page].

<u>FOR STAFF USE ONLY</u>		
<input type="text"/>	<input type="text"/>	<input type="text"/>
[Received By]	[Date]	[Application #]

Submit Form

Section 6-29-1145

- A. "In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

- B. If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:
 - 1. in the application for the permit;
 - 2. from materials or information submitted by the person or persons requesting the permit;
or
 - 3. from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

- C. As used in this section:
 - 1. 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
 - 2. 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and
 - 3. 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."



May 5, 2023

Kiawah Partners
253 Gardeners Circle, Ste 250
Kiawah Island, SC 29455

Re: **CONCEPTUAL REVIEW**
Construction Address: Beachwalker Drive
ARB Action: Approved – Conditional

To whom it may concern,

Thank you for your submittal to the Kiawah Island Architectural Review Board for Conceptual Review of your multifamily project on Beachwalker Drive. The design of your West End at Beachwalker project is approved to continue to Preliminary Review. As you move forward, please address the following comments and conditions in keeping with the guidelines:

- L1. The proposed site development and described intent to shift buildings as is possible to preserve trees is appreciated. As plans are developed, please study ways to limit the impact of required elements to major site features. We look forward to the on-site stake out to better assess site impact and opportunities.
- A1. Overall, please simplify massing of the buildings with roof lines composed by steeper gabled main roofs, minimizing the foundation expression, and limiting siding treatment to one dominate and one accent material, with shingles being the preferred dominate cladding and paneling for accent forms/elements. Brick as an accent material only at the foundation level is acceptable.
- A2. The ARB prefers the architectural styling direction of the top left and middle images shown on SK14.
- A3. For the 4-Unit Buildings, please study and relocate the stair core so that internal spaces have more access to views.

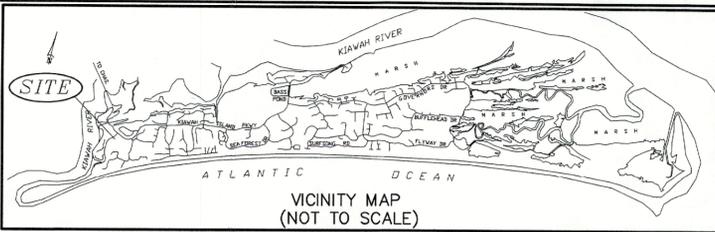
Thank you again for your submittal to the Kiawah Island Architectural Review Board. Please do not hesitate to contact the ARB office if we can be of any assistance during the Review Process for your project.

Sincerely,

Tommy Manuel, Director
On behalf of the KIARB

cc: Property file, ARB Members, MHK Architecture, Surculus Design

Coordination is ongoing and KIU coordination letter will be provided with the next submittal



CURVE	LENGTH	RADIUS	TANGENT	CHORD DISTANCE	BEARING	DELTA
C1	108.77	376.77	55.28	108.36	N68°30'34"E	18°41'31"
C2	265.88	426.73	137.41	261.60	N34°42'18"E	35°41'56"
C3	54.02	462.09	27.04	53.99	N50°43'57"E	8°41'52"

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
CCL1	N 49°23'07" E	71.24'	DE1	N 59°35'23" E	47.44'
CCL2	N 64°00'06" E	43.10'	DE2	N 59°35'23" E	108.11'
CCL3	N 88°47'39" E	44.89'	DE3	N 12°47'23" E	75.99'
CCL4	N 61°22'28" E	12.38'	DE4	N 41°45'53" W	145.31'
CCL5	N 82°33'03" E	19.35'	DE5	N 00°20'29" W	15.91'
CCL6	N 04°36'17" E	16.38'	DE6	N 82°32'47" W	111.31'
CCL7	N 63°51'51" E	12.31'	DE7	N 84°48'08" W	56.25'
CCL8	N 57°50'33" E	19.81'	DE8	N 25°11'52" E	16.00'
CCL9	N 42°23'29" E	20.19'	DE9	S 64°48'08" E	53.75'
CCL10	N 50°26'28" E	14.75'	DE10	S 82°32'47" E	48.70'
CCL11	N 50°26'28" E	5.59'	DE11	N 57°03'57" E	24.23'
CCL12	N 61°25'30" E	26.90'	DE12	N 83°28'39" E	86.51'
CCL13	N 70°17'47" E	2.60'	DE13	S 63°28'39" W	71.32'
CCL14	N 70°17'47" E	31.54'	DE14	S 57°03'57" W	88.84'
CCL15	N 65°44'30" E	18.91'	DE15	S 41°45'53" E	174.35'
CCL16	N 81°48'01" E	30.28'	DE16	S 12°47'23" W	150.89'
CCL17	N 60°30'45" E	19.56'	DE17	S 59°35'23" W	32.40'
CCL18	N 61°27'05" E	13.93'	DE18	N 71°52'13" E	77.35'
CCL19	N 44°10'16" E	12.84'	DE19	N 71°52'13" E	128.53'
CCL20	N 13°01'50" E	10.18'			
CCL21	N 04°49'16" E	12.92'			
CCL22	N 02°31'11" E	12.92'			
CCL23	N 18°07'29" W	18.51'			
CCL24	N 28°48'52" W	19.23'			
CCL25	N 29°54'13" W	21.16'			
CCL26	N 34°43'53" W	61.10'			
CCL27	N 34°01'47" W	28.28'			
CCL28	N 32°37'59" W	29.23'			
CCL29	N 21°16'43" W	21.04'			
CCL30	N 19°04'28" W	20.84'			
CCL31	N 05°28'08" W	33.00'			
CCL32	N 03°05'35" E	12.94'			
CCL33	N 00°54'24" E	20.98'			
CCL34	N 22°12'28" E	17.84'			
CCL35	N 42°00'06" E	25.24'			
CCL36	N 56°20'56" E	52.88'			
CCL37	N 70°38'49" E	33.42'			
CCL38	N 82°14'27" E	22.84'			
CCL39	S 84°05'36" E	23.19'			
CCL40	S 36°58'53" E	22.90'			

LINE	BEARING	DISTANCE
L1	S 71°52'13" W	59.09'
L2	S 02°24'18" E	66.32'
L3	S 38°57'38" W	48.23'
L4	S 45°21'23" W	49.21'
L5	S 65°44'07" W	56.25'
L6	S 63°38'36" W	52.15'
L7	S 53°59'17" W	33.54'
L8	S 37°21'16" W	23.80'
L9	N 16°51'17" E	71.80'
L10	S 05°57'32" E	61.66'
L11	S 10°13'32" E	59.07'
L12	N 84°18'26" W	46.29'

LEGEND:

- PARCEL CORNERS
- PROPERTY LINE
- - - ADJOINER LINE
- - - DHEC-OCRM CRITICAL LINE
- - - EXISTING DRAINAGE EASEMENT LINE
- - - EXISTING UTILITY EASEMENT LINE
- - - EXISTING ROAD CENTERLINE
- - - DRAINAGE EASEMENT BEING ABANDONED

- NOTE:**
- ANYTHING SHOWN OUTSIDE THE DEFINED BOUNDARY OF THIS PLAT IS FOR DESCRIPTIVE PURPOSES ONLY.
 - AREA DETERMINED BY COORDINATE (DMO) METHOD.
 - THE PUBLIC RECORDS REFERENCED ON THE PLAT ARE ONLY THOSE USED AND NECESSARY FOR THE ESTABLISHMENT OF THE BOUNDARY OF THIS PROPERTY. THEY ARE NOT AND DO NOT CONSTITUTE A TITLE SEARCH.
 - BEARINGS ARE BASED ON NAD 1983
 - ELEVATIONS ARE BASED ON NGVD 29
 - THIS PROPERTY MAY BE SUBJECT TO VARIOUS UTILITY EASEMENTS THAT WERE NOT NOTED IN THE REFERENCED PLATS. THE UTILITIES SHOWN HEREON ARE BASED ON FIELD SURFACE LOCATIONS, AND WERE NOT VERIFIED AS TO DEPTH, SIZE, OR MATERIAL. THIS SURVEY DOES NOT SHOW SUBTERRANEAN CONDITIONS.
 - AS PER FLOOD INSURANCE RATE MAP (FIRM) THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE-10 AND SHADED GRAY (BASE FLOOD ELEVATIONS DETERMINED) SHOWN ON MAP NUMBER 43019C0785K, PANEL 785 OF 855 DATED JANUARY 29, 2021.
 - ANY FRESHWATER WETLAND BOUNDARIES OR DHEC-OCRM CRITICAL LINE SHOWN ON THIS SURVEY SHOULD NOT BE CONSIDERED AS A FINAL DEFINED LINE UNLESS THE APPROPRIATE AUTHORITY HAS CERTIFIED THEM ON THIS PLAT.
 - PARCELS ARE LOCATED WITHIN R2/COMMERCIAL AND R3/COMMERCIAL PER KIAWAH ISLAND ZONING MAP ADOPTED OCTOBER 5, 2010.
 - TREES SHOWN ON SURVEY WERE TAKEN FROM A TREE AND TOPOGRAPHICAL SURVEY DONE IN 2016 AND SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION OR EARTHMOVING ACTIVITIES.

PLAT REFERENCES:
 PLAT BOOK AJ PAGE 104 DATED 09/28/1977, PREPARED BY COASTAL SURVEYING COMPANY
 PLAT BOOK BU PAGE 078 DATED 11/29/1986, PREPARED BY DAVIS AND FLOYD, INC.
 PLAT BOOK EA PAGE 147 DATED 05/09/1994, PREPARED BY SOUTHEASTERN SURVEYING INC.
 PLAT BOOK BM PAGE 076 DATED 11/28/1988, PREPARED BY SOUTHEASTERN SURVEYING INC.
 PLAT BOOK BS PAGE 021 DATED 05/20/1988, PREPARED BY SOUTHEASTERN SURVEYING INC.
 PLAT BOOK AG PAGE 104 DATED 09/28/1977, PREPARED BY COASTAL SURVEYING COMPANY
 PLAT BOOK L17 PAGE 0673 DATED 10/3/2017, PREPARED BY SWA SURVEYING, LLC

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT (SCDHEC OCRM) PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY DELINEATING THE PERMIT AUTHORITY OF SCDHEC OCRM, SCDHEC OCRM IN NO WAY WAIVES THE RIGHT TO ASSERT PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREIN OR NOT.

John T. Byrnes III 08/29/2022
 SIGNATURE DATE
 The critical line shown on this plot is valid for five years from the date of this signature, subject to the cautionary language above.

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



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

PLANNING AND RMC USE ONLY

**APPROVED PRELIMINARY PLAT
 NOT FOR RECORDING**

CHAIRMAN, TOWN OF KIAWAH ISLAND
 PLANNING COMMISSION

APPLICATION# _____ DATE _____

ACREAGE CHART

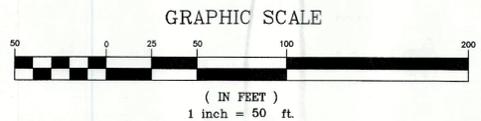
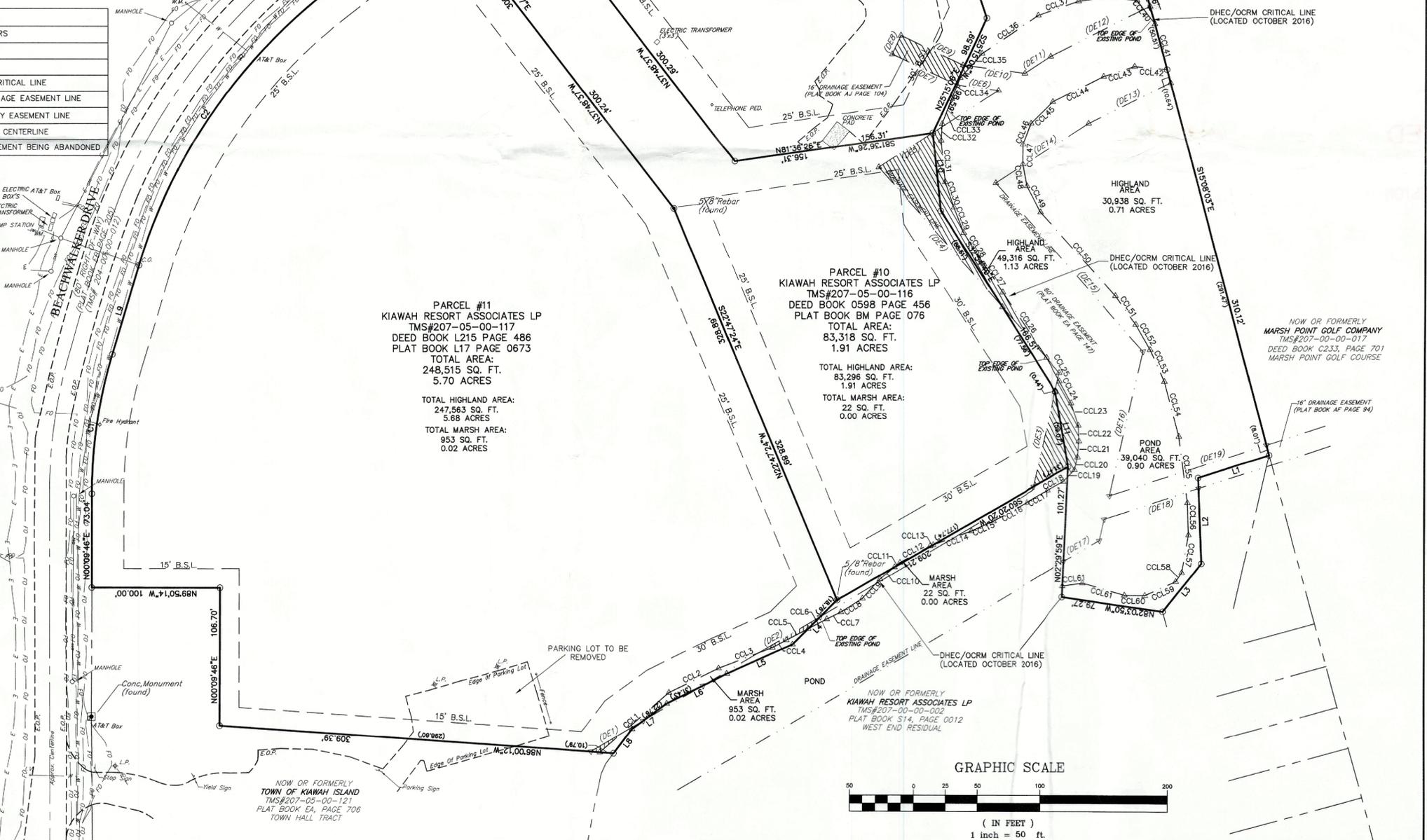
PARCEL #	TMS#	ACRES
PARCEL #9	TMS: 207-05-00-004	1.74
HIGHLAND AREA		-
MARSH AREA		-
TOTAL ACREAGE:		1.74
PARCEL #10	TMS: 207-05-00-116	1.91
HIGHLAND AREA		1.91
MARSH AREA		0.00
TOTAL ACREAGE:		1.91
PARCEL #11	TMS: 207-05-00-117	5.68
HIGHLAND AREA		5.68
MARSH AREA		0.02
TOTAL ACREAGE:		5.70
PARCEL #8	TMS: 207-05-00-120	1.84
HIGHLAND AREA		1.84
POND AREA		0.90
TOTAL ACREAGE:		2.74

OWNER OF RECORD:
 KIAWAH RESORT ASSOCIATES LP
 1 KIAWAH ISLAND PKY
 KIAWAH ISLAND SC 29455
PROPERTY ADDRESS:
 BEACHWALKER ROAD
 KIAWAH ISLAND SC 29455
OWNER REFERENCES:
 TMS: 207-05-00-117
 PLAT BOOK L17 PAGE 0673
 DEED BOOK: L215 PAGE 486

OWNER OF RECORD:
 KIAWAH RESORT ASSOCIATES
 1 KIAWAH ISLAND PARKWAY
 KIAWAH ISLAND SC 29455
PROPERTY ADDRESS:
 KIAWAH ISLAND PARKWAY
 KIAWAH ISLAND SC 29455
OWNER REFERENCES:
 TMS: 207-05-00-120
 PLAT BOOK AJ PAGE 147
 DEED BOOK: NONE LISTED

OWNER OF RECORD:
 BEACHWALKER OFFICE PARK LLC
 1 KIAWAH ISLAND PARKWAY
 KIAWAH ISLAND SC 29455
PROPERTY ADDRESS:
 2 BEACHWALKER ROAD
 KIAWAH ISLAND SC 29455
OWNER REFERENCES:
 TMS: 207-05-00-004
 PLAT BOOK AJ PAGE 104
 DEED BOOK: V663, PAGE 863

OWNER OF RECORD:
 KIAWAH RESORT ASSOCIATES LP
 1 KIAWAH ISLAND PKY
 KIAWAH ISLAND SC 29455
PROPERTY ADDRESS:
 9 BEACHWALKER ROAD
 KIAWAH ISLAND SC 29455
OWNER REFERENCES:
 TMS: 207-05-00-116
 PLAT BOOK BM PAGE 076
 DEED BOOK: 0588 PAGE 456



NO.	DATE	DESCRIPTION	BY

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

**A PRELIMINARY PLAT OF
 BEACHWALKER COMMONS
 TMS# 207-05-00-004, 116, 117 AND 120
 LOCATED IN THE TOWN OF KIAWAH ISLAND
 CHARLESTON COUNTY, SOUTH CAROLINA**

DATE: JULY 6, 2022
 DRAWN: K.KUZIO
 CHECK: J.BYRNES
 CC: DARIN K.
 JOB: 16160
 DWG: 16160 P-PLAT
 SHEET: 2 OF 2