

Town of Kiawah Island Zoning Ordinance Amendment Request
Case AZO25-000009 Case History

Planning Commission Meeting: September 10, 2025
Town Council Workshop: September 23, 2025
First Reading: October 14, 2025
Public Hearing: November 4, 2025
Planning Commission Workshop: December 3, 2025
Planning Commission Workshop: December 3, 2025
Second Reading:

CASE INFORMATION

Applicant: Town of Kiawah Island

Application: The Town of Kiawah is requesting to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance* to create a beachfront overlay zoning district establishing a consistent visual, spatial and ecological transition buffer zone between the built environment and the beach and dune system.

Kiawah Beachfront Contextual Factors:

- Kiawah's developed beachfront properties are largely single family residential.
- Remaining undeveloped parcels are principally non-single family residential properties owned by Kiawah Island Golf Resort (West Beach - Old Inn Site, East Beach - Sanctuary).
- Recent multifamily developments have created larger massed structures with more prominent visual presence and impact to beach profile.
- The vast majority of Kiawah's beachfront has been conveyed to the Kiawah Island Community Association, adding a unique protection layer.
- Kiawah beachfront uniquely has parcels which extend to the MHW (West End – Timbers, Cape) (Royal Beach).
- Beachfront Setbacks: Rear setbacks vary for properties adjacent to the beachfront. They range from 20' to 120' depending on location and zoning district. Majority of rear setbacks are 25', 30', 50', or 120' measured from the rear property line. Property rear setbacks also factor in height of structures as the oceanfront setbacks for RST-2 Resort Zoning District include tiered heights lower closer to the ocean.
- Beachfront jurisdictional lines encroach in varied locations across the beach and dune system. These include developed lots along Eugenia Ave, which create areas of concern for long-term resiliency.
- TOKI has recently modified its Beachfront Jurisdiction and Management Ordinance, broadening the definition of beach to encompass primary dune.
- 2018 SC Beachfront Jurisdictional Lines provide a mapped reference point.
- South Carolina Code of Laws §48-39-280 requires SCDES BCM to establish and periodically review two beachfront jurisdictional lines - the baseline and the setback line - which delineate the extent of the state's direct permitting authority for activities proposed within the beach/dune system critical area. The baseline is the more seaward (towards the ocean) line, while the setback line is the landward (towards the land) line. South Carolina will be updating the jurisdictional lines in 2026.

The proposed ordinance organizes additional beachfront standards within established buffer zones along the beachfront for the following intent and purposes.

- Establish a consistent visual, spatial, and ecological transition buffer zone between the built environment and the ocean, beach, and dune system;
- Protect Kiawah Island's beachfront profile, view corridor and the ecological function of dune systems and maritime forest habitats;
- Promote coastal resilience and aesthetic compatibility through zoning and vegetation standards; and

- Maintain and enhance ocean views from properties and public vantage points, including boardwalks and beach access paths.

Key Factors of the Proposed Ordinance:

- The two buffer zones are established utilize the 2018 beachfront jurisdictional lines. The 2018 jurisdictional lines represent a consistent, known and measurable line that can be applied to surveys and site plans for proposed developments. It is anticipated that future jurisdictional baselines will not move any closer to the ocean, however, should future baselines move, the 2018 baseline creates a frame of reference for existing and future development as much of the ocean front properties have been developed.
- The ordinance does incorporate a clause should there be a need to reconsider the boundaries of the BOD, that the Planning Commission shall provide a recommendation to Town Council determining any adjustment to the district boundaries.
- The authorized uses of the underlying zoning district remain in place for the BOD.
- Seawalls, bulkheads or other hard erosion control structures are prohibited. Please note the referenced studies which highlight how seawalls increase erosion through wave reflection, reduce biodiversity, starve adjacent beaches of sediment and emphasize the importance of preserving natural dune systems and implementing living shoreline strategies (e.g., oyster reefs, dune restoration) as resilient and ecologically sound alternatives.
 - Seawalls are often considered visually unappealing and detract from the natural beauty of the coastline, which is important for tourism and recreation in coastal towns.
 - Seawalls stop the natural landward migration of the beach, causing it to narrow and eventually disappear in front of the wall as sea levels rise. As beaches narrow due to erosion caused by seawalls, access to the beach can become limited or even unsafe. Wave energy reflected off the seawall can scour the base of the wall and increase erosion on adjacent, unprotected beaches.
 - Seawalls replace natural sandy beach habitat with a hard, artificial structure, negatively impacting plants and animals that depend on the beach for nesting, breeding, and foraging. Studies have shown that beaches with seawalls have fewer and smaller intertidal species and significantly lower numbers of shorebirds and other birds compared to unarmored beaches.
- The ordinance increases oversight of dune and wildlife habitat protection by requiring coordination with the Town's Environmental & Natural Resources Department for development projects impacting the beachfront.
- Existing structures within any of the established buffer zones would be nonconforming and would now be subject to the standards set forth in 12-192. Nonconforming structures.

RECOMMENDATION BY THE PLANNING COMMISSION

Pursuant to §12-158(3) of the *Land Use Planning and Zoning Ordinance* "The Planning Commission shall review the proposed text amendment and/or zoning map amendment and take action, recommending that the Town Council approve or deny the proposed amendment. The Planning Commission may hold a public hearing in accordance with the procedures in section 12-156. The Planning Commission's recommendation shall be based on the approval criteria of subsection (6) of this section. The Planning Commission shall submit its recommendation to the Town Council within 30 working days of the Planning Commission meeting at which the amendment was introduced. A simple majority vote of Planning Commission members present, and voting shall be required to approve the amendment."

DECISION ON AMENDMENT BY THE TOWN COUNCIL

Pursuant to §12-158(5) of the *Land Use Planning and Zoning Ordinance* "After receiving the recommendation of the Planning Commission, the Town Council shall hold one or more public hearings, and any time after the close of the public hearing, take action to approve, approve with modifications, or deny the proposed amendment based on the approval criteria of subsection (6) of this section. A simple majority vote of Town Council members present, and voting shall be required to approve the amendment. Zoning map amendments shall not be approved with conditions. Prior to action on a proposed code text amendment, the Town Council may, in the exercise of its legislative discretion, invoke the "pending ordinance doctrine" by ordinance so that no building permits shall be issued for structures which would be affected by the proposed amendment until the Town Council has rendered its decision on the proposed amendment.

APPROVAL CRITERIA

Pursuant to §12-158(6) of the *Land Use Planning and Zoning Ordinance*, (6) Approval criteria. Text and zoning map amendments to the ordinance may be approved if the following approval criteria have been met:

- a. The proposed amendment is consistent with the purposes and intent of the adopted Town of Kiawah Island Comprehensive Plan;
- b. The proposed amendment is consistent with the purposes and intent of this article;
- c. The purpose of the proposed amendment is to further the general health, safety and welfare of the Town of Kiawah Island;
- d. The proposed amendment corrects an error or inconsistency or meets the challenge of a changed condition.

PLANNING STAFF REVIEW

The proposed ordinance establishes a consistent visual, spatial and ecological transition buffer zone between the built environment and the beach and dune system. The proposed ordinance considers existing structures potentially impacted by proposed standard reinforcing nonconformity status.

Pursuant to SC Code Title 48 - Environmental Protection and Conservation, Chapter 39, Coastal Tidelands and Wetlands, the proposed regulations will require review and approval by the South Carolina Department of Environmental services, specifically the Bureau of Coastal Management.

SECTION 48-39-100. Plan developed in cooperation with local governments.

(A) The management program specified in Section 48-39-90 shall be developed in complete cooperation with affected local governments in the coastal zone. This cooperation shall include, but not be limited to:

(1) Involvement of local governments or their designees in the management program.

(2) Provision of technical assistance and grants to aid local governments in carrying out their responsibilities under this chapter.

(3) Dissemination of improved informational data on coastal resources to local and regional governmental units.

(4) Recommendations to local and regional governmental units as to needed modifications or alterations in local ordinances that become apparent as a result of the generation of improved and more comprehensive information.

(B) Any city or county that is currently enforcing a zoning ordinance, subdivision regulation or building code, a part of which applies to critical areas, shall submit the elements of such ordinances and regulations applying to critical areas to the department for review. The department shall evaluate such ordinances and plans to determine that they meet the provisions of this chapter and rules and regulations promulgated hereunder. Upon determination and approval by the department, such ordinances and regulations shall be adopted by the department, followed by the department in meeting its permit responsibilities under this chapter and integrated into the Department's Coastal Management Program. Any change or modification in the elements of approved zoning ordinances, subdivision regulations or building codes applying to critical areas shall be disapproved by the department if it is not in compliance with the provisions of this chapter and rules and regulations promulgated hereunder.

Planning staff finds the proposed amendment satisfies the approval criteria pursuant to §12-158(6) and recommends approval with the following conditions.

- 1) The South Carolina Department of Environmental Services Bureau of Coastal Management provides, review and affirms required coordination for consistency with its Coastal Management Program.

PLANNING COMMISSION MEETING SEPTEMBER 10, 2025

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

Planning Commission recommend approval by a vote 6 to 0.

The recommendation incorporates some preliminary feedback shared by the Department of Environmental Services Bureau of Coastal Management regarding jurisdictional review authority.

Planning Commission also recommend amending Sec. 12-129. Tree Preservation and Landscaping Standards to address shrub and maritime forest along the ocean front which is anticipated to be brought before the Planning Commission for recommendation at a later date.

TOWN COUNCIL WORKSHOP SEPTEMBER 23, 2025

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

Town Council reviewed and discussed proposed ordinance, discussing nonconforming structures with regard to the proposed beach overlay. Planning staff noted the potential amendments for further discussion and approval at the next Town Council meeting.

TOWN COUNCIL MEETING OCTOBER 14, 2025

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

Town Council voted to approve the proposed ordinance on first reading.

TOWN COUNCIL PUBLIC HEARING NOVEMBER, 4 2025

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

Public Hearing – Supplementary Packet of received written public comments have been included.

Public comments to date involve understanding of the effect of the proposed overlay and concerns from property owners along Eugenia Avenue of existing structures.

PLANNING COMMISSION WORKSHOP DECEMBER 3, 2025

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.

Planning staff presented at the November 10, 2025 Kiawah Island Community Association Board meeting, in which some concerns were raised regarding the implication of the overlay to regular maintenance and view pruning within the proposed buffer zones. Staff recommends the Planning Commission further review the tree preservation and landscaping ordinance to ensure clarity regarding vegetation and the beach overlay zoning district.

PLANNING COMMISSION MEETING DECEMBER 3, 2025

Notifications: Notice of this meeting has been published and posted in accordance with the Freedom of Information Act and the requirements of the Town of Kiawah Island.



Proposed Beachfront Overlay Zoning District

December 3, 2025
Planning Commission Workshop





Proposed Beachfront Overlay Zoning District

Purpose & Intent

- I. Establish a **consistent visual, spatial, and ecological transition** buffer zone between the built environment and the ocean, beach, and dune system;
- II. **Protect Kiawah Island's beachfront profile, view corridor and the ecological function** of dune systems and maritime forest habitats;
- III. **Promote coastal resilience** and aesthetic compatibility through zoning and vegetation standards; and
- IV. **Maintain and enhance ocean views** from properties and public vantage points, including boardwalks and beach access paths

Beachfront overlay zoning districts play a crucial role in balancing development needs with environmental stewardship and community interests along coastal areas, as environmental protection, risk management, and preservation of community character. Additional layers of regulation on top of existing zoning laws enhance protection and help manage dynamic beachfront properties.



Proposed BOD Timeline

- **Planning Commission Meetings:**
 - March 5, 2025 - Introduction
 - August 6, 2025 – PC Discussion
 - September 10, 2025 – PC Recommendation
- **Town Council Workshop: September 23, 2025**
- **First Reading: October 14, 2025**
- **Public Hearing: November 4, 2025**
- **Planning Commission Workshop & Meeting: December 3, 2025**
- **Second Reading: TBD**

**Proposed Beachfront
Overlay Zoning District**



Proposed Beachfront Overlay Zoning District

Key Factors

- Kiawah's developed beachfront properties are **largely single family residential**.
- Remaining **undeveloped parcels are principally non-single family residential** properties owned by Kiawah Island Golf Resort (West Beach - Old Inn Site, East Beach - Sanctuary).
- Recent multifamily developments have created **larger massed structures** with more prominent visual presence and impact to beach profile.
- The vast majority of Kiawah's beachfront has been conveyed to the Kiawah Island Community Association, adding a **unique protection layer**.
- Kiawah beachfront uniquely has parcels which extend to the MHW (West End – Timbers, Cape) (Royal Beach).



Proposed Beachfront Overlay Zoning District

Key Factors

- **Beachfront Setbacks:** Kiawah's beachfront has several different zoning districts. Rear setbacks vary for properties adjacent to the beachfront. They range from 20' to 120' depending on location and zoning district. Majority of rear setbacks are 25', 30', 50', or 120' measured from the rear property line. Property rear setbacks also factor in height of structures as the oceanfront setbacks for RST-2 Resort Zoning District include tiered heights lower closer to the ocean.
- Beachfront jurisdictional lines encroach in varied locations across the beach and dune system. These include developed lots along Eugenia Ave, which create **areas of concern for long-term resiliency**.
- TOKI has recently modified its **Beachfront Jurisdiction and Management Ordinance**, broadening the definition of beach to encompass primary dune.



Proposed Beachfront Overlay Zoning District

Key Factors

- **2018 South Carolina Beachfront Jurisdictional Lines provides a mapped reference point.**
- South Carolina Code of Laws §48-39-280 requires SCDES BCM to establish and periodically review two beachfront jurisdictional lines - the baseline and the setback line - which delineate the extent of the state's direct permitting authority for activities proposed within the beach/dune system critical area.
 - The baseline is the more seaward (towards the ocean) line, while the setback line is the landward (towards the land) line.
 - **South Carolina will be updating the jurisdictional lines in 2026.** The proposed ordinance utilizes the 2018 Jurisdiction Baseline with the requirement that the Planning Commission shall provide a recommendation to Town Council no less than 120 days after review of any new jurisdictional lines established by the state.



Ordinance Structure

- Establishes two (2) buffer zones
 - Buffer Zone A (*Most Restrictive):
 - No Structures shall be permitted in this zone
 - Buffer Zone B
 - Structures within buffer zone shall not exceed maximum building height of 10’.
 - Improved areas shall not exceed 20% of total buffer area of the subject property.
- Prohibits Oceanfront Erosion Control Devices
- Beach walkovers are exempt from the proposed BOD.
 - Walkovers are still subject to SCDES Coastal Division Regulations and the Town of Kiawah Beach Management Ordinance.

**Proposed Beachfront
Overlay Zoning District**



Proposed Beachfront Overlay Zoning District

Ordinance Structure

- Nonconformity: Existing structures legally permitted prior to effective date are deemed nonconforming structures.
 - **A property owner may rebuild back a legally nonconforming structure which is destroyed by casualty “involuntary”** (*including, but not limited to fire, explosion, named storms or other natural forces, act of God, or the public enemy*)
 - *The structure may be replaced with a structure having the same prior nonconforming dimensional states (size, shape, building footprint, height, density, etc.), provided the replaced structure meets all applicable building code requirements.*
- Nonconforming Amended Ordinance 2024-25
- Sec. 12-192. - Nonconforming structures.

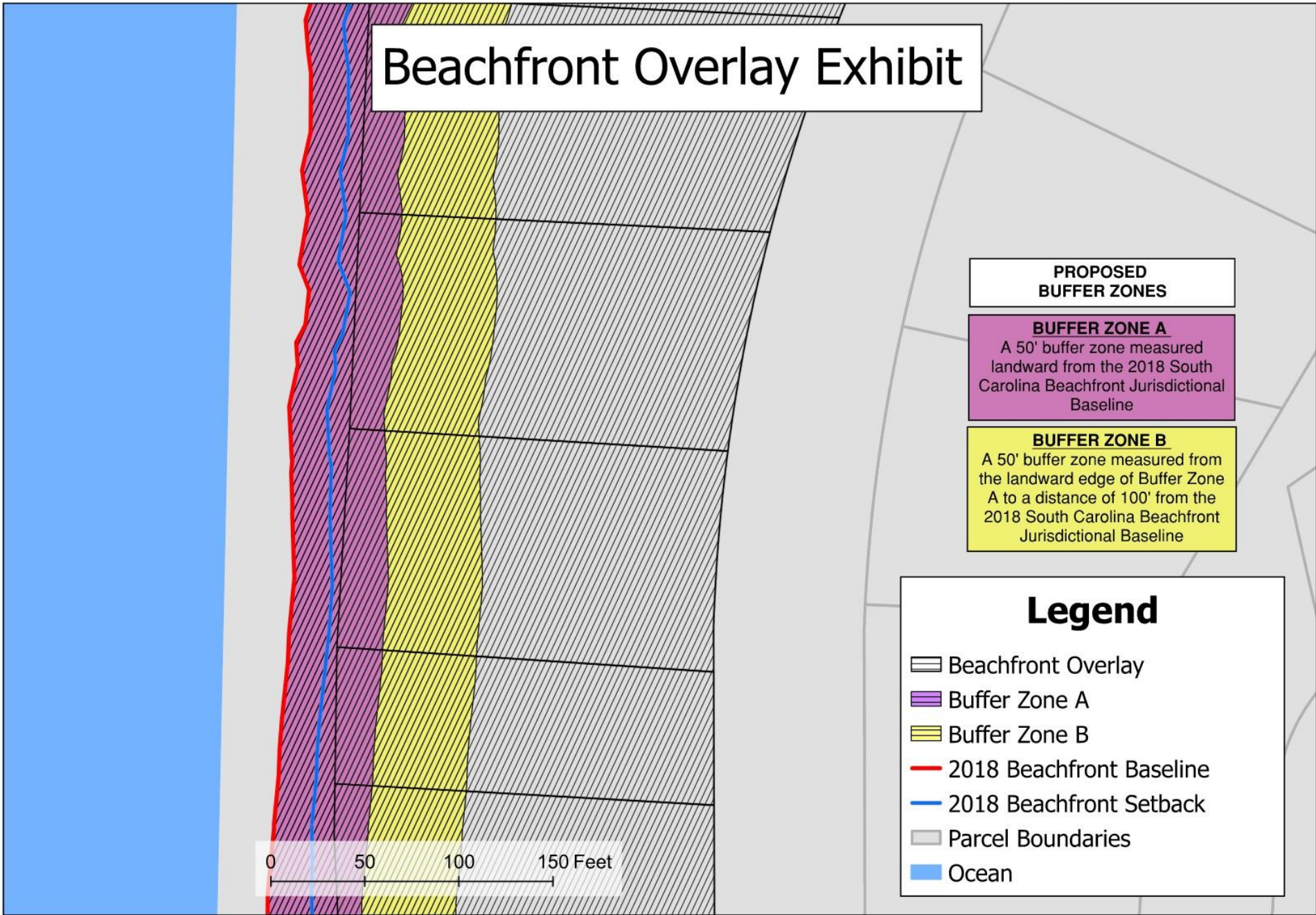


Ordinance Structure

- Landscaping & Tree Preservation – (Tree Preservation & Landscape Ordinance)
 - Only coastal native species may be planted within the proposed buffer zones.
 - Tree removal within the proposed buffer zones are subject to review and approval by the Town
 - Tree pruning shall be kept to a minimum and conform to the existing natural patterns of growth.
 - View corridor pruning shall be subject to review and approval by the Town.

**Proposed Beachfront
Overlay Zoning District**

Beachfront Overlay Exhibit



PROPOSED BUFFER ZONES

BUFFER ZONE A
A 50' buffer zone measured landward from the 2018 South Carolina Beachfront Jurisdictional Baseline

BUFFER ZONE B
A 50' buffer zone measured from the landward edge of Buffer Zone A to a distance of 100' from the 2018 South Carolina Beachfront Jurisdictional Baseline

Legend

- Beachfront Overlay
- Buffer Zone A
- Buffer Zone B
- 2018 Beachfront Baseline
- 2018 Beachfront Setback
- Parcel Boundaries
- Ocean





Proposed Beachfront Overlay Zoning District

Beachfront Overlay Interactive Tool

Written Public Comments:

Persons interested in submitting public comments should email their comments directly to the Planning Department at tokiplanning@kiawahisland.gov referencing the case number (#AZO25-000009) | Proposed Beachfront Overlay Zoning District.

Environmental and Legal Impacts of Seawalls and Hard Erosion Control Structures in South Carolina

South Carolina has conducted extensive research and developed clear policies discouraging the construction of seawalls and other hard erosion-control structures due to their environmental, ecological, and aesthetic impacts.

The South Carolina Beachfront Management Act explicitly states that such structures can exacerbate beach erosion, degrade public access, and create long-term dependency on costly interventions. Studies by SC DHEC, USGS, and environmental organizations such as SCELPA and the Coastal Conservation League highlight how seawalls increase erosion through wave reflection, reduce biodiversity, and starve adjacent beaches of sediment.

State-sponsored monitoring and annual reports emphasize the importance of preserving natural dune systems and implementing living shoreline strategies (e.g., oyster reefs, dune restoration) as resilient and ecologically sound alternatives. These findings are highly relevant for communities like Kiawah Island that are actively pursuing beach resilience and zoning updates.

References:

South Carolina Beachfront Management Act (1988)

This foundational legislation discourages new hard erosion-control structures along the beachfront and highlights their tendency to worsen erosion and degrade beach quality. It promotes soft engineering solutions like dune preservation and natural buffers.

Source: [SC DHEC Beachfront Management](#)

SCDES BCM's [Beach Erosion Research and Monitoring \(BERM\) Explorer Web Application](#).

This application shows monitoring station IDs, locations, and beach profiles. The application also allows users to calculate changes in sand volume between years at each profile and download raw data for additional analysis.

“Seawalls erode public beaches but save private homes” – The State (2024)

This article documents tensions between private property protection and public beach preservation, especially in Charleston, Hilton Head, and the Grand Strand. It outlines ecological consequences and the financial burden of renourishment.

Source: [The State Article](#)

USGS Coastal Erosion Study – Circular 1339

A multi-year study identifying shoreline retreat patterns in northeastern SC. It provides quantitative evidence that seawalls disrupt natural sediment transport, worsening erosion.

Source: [USGS Circular 1339](#)

Shoreline Issues: Past, Present and Future – South Carolina Environmental Law Project & Coastal Conservation League

This legal and policy review criticizes hard armoring for long-term coastal adaptation and promotes alternatives such as managed retreat and living shorelines.

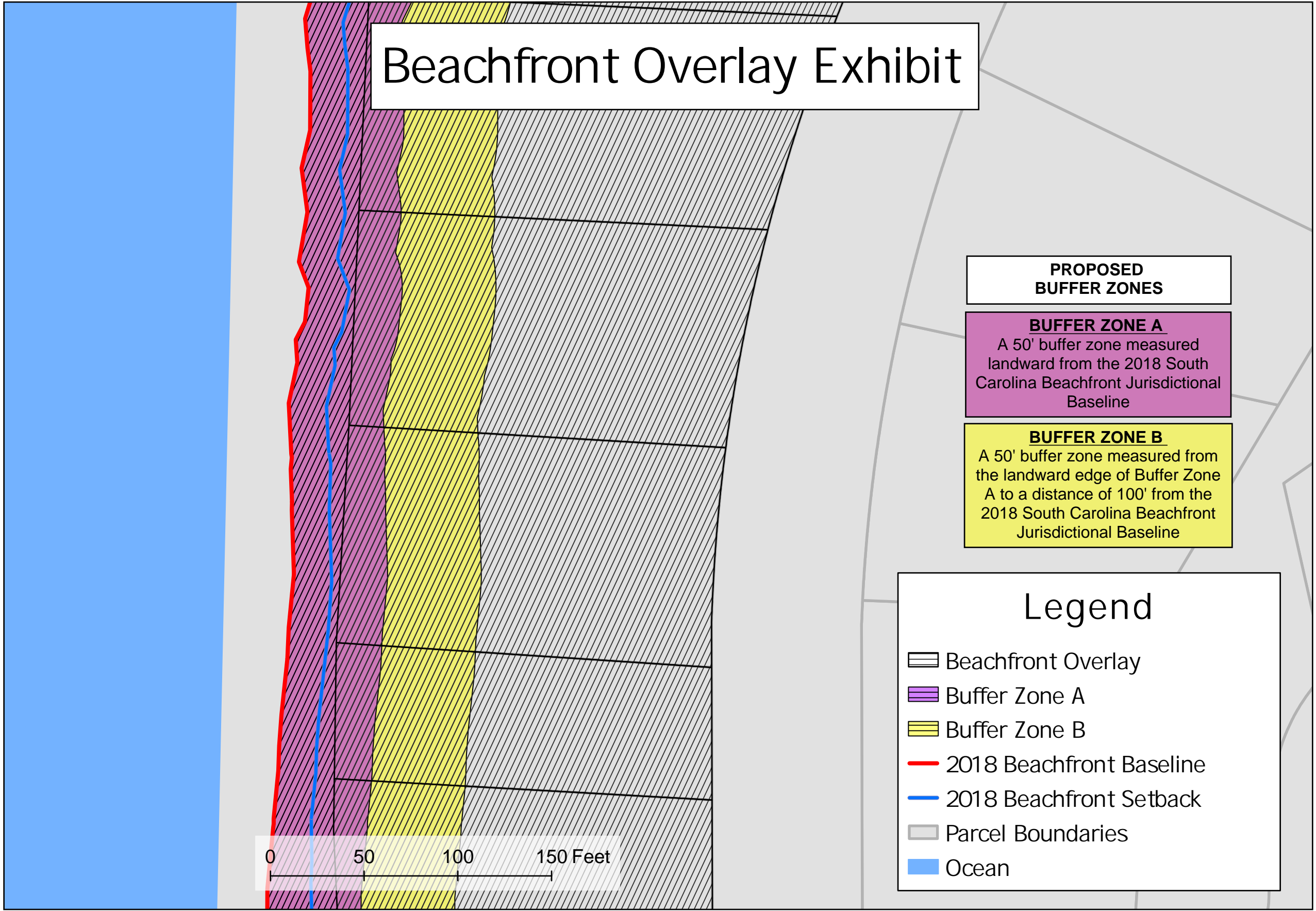
Source: [SCELP Report](#)

NOAA/Nature Conservancy Living Shoreline Projects

This initiative highlights successful nature-based solutions like oyster reefs and marsh edge stabilization, improving biodiversity while reducing erosion.

Source: [NOAA Living Shorelines](#)

Beachfront Overlay Exhibit



PROPOSED BUFFER ZONES

BUFFER ZONE A
A 50' buffer zone measured landward from the 2018 South Carolina Beachfront Jurisdictional Baseline

BUFFER ZONE B
A 50' buffer zone measured from the landward edge of Buffer Zone A to a distance of 100' from the 2018 South Carolina Beachfront Jurisdictional Baseline

Legend

- Beachfront Overlay
- Buffer Zone A
- Buffer Zone B
- 2018 Beachfront Baseline
- 2018 Beachfront Setback
- Parcel Boundaries
- Ocean

0 50 100 150 Feet



**Supplementary Packet
Public Comments
Regarding**

**Case #AZO25-000009
Beachfront Overlay Zoning District**

Received as of 11.19.2025

John Taylor

From: susan crafton <secrafton13@gmail.com>
Sent: Wednesday, November 5, 2025 1:15 PM
To: TOKI Planning
Subject: Proposed Beachfront Overlay

Dear Planning Committee,

My husband and I live at 44 A Eugenia Ave. Kiawah Island, SC. We would like to voice our support of #AZO25-000009 | Proposed Beachfront Overlay Zoning District . We feel that it is important to create a consistent visual, spatial, and ecological transition buffer zone between the built structures and the beach and dune system. We are long time property owners and are dismayed to see the blatant disregard for the dunes, and beachfront vegetation- which also impacts wildlife- all in order to improve the ocean view of some of our neighbors. Sand dunes provide natural coastal protection against storm surge and high waves, preventing or reducing coastal flooding and structural damage, as well as providing important ecological habitat. They also act as sand storage areas, supplying sand to eroded beaches. Preserving or enhancing dune systems can help protect coastal property, especially in areas with low or moderate erosion. Protecting dunes is crucial because they act as a natural barrier against erosion, safeguarding properties and infrastructure, while rules for beachfront overlays prevent development that can damage these natural defenses and their ecosystems. By preserving dunes, communities maintain a resilient coastline, protect diverse wildlife habitats, and manage sand resources to replenish beaches during storms. Regulations are necessary to ensure that human activities do not harm this vital coastal protection system, which is increasingly threatened by climate change and rising sea levels.

Your consideration of this matter is greatly appreciated.

Sincerely,
Susan and Boyd Crafton

John Taylor

From: Gee Aldridge <galdridge@aldridgepite.com>
Sent: Sunday, November 2, 2025 5:59 PM
To: TOKI Planning
Cc: Leah Aldridge_Forward; Gee Aldridge; Hamlin Okelley
Subject: 75 Eugenia TOKI Zoning Objection
Attachments: 75 Eugenia TOKI Zoning Objection.pdf

Importance: High

Mr. Belt:

Attached please find the Objection to TOLI's Zoning Proposal (attached) filed by the owner of 75 Eugenia Avenue.

Please be advised we strenuously object and will take every action necessary to stop TOKI from pursuing this meritless and over reaching zoning proposal, including suit against the Town and its administrators. I trust you will act accordingly.

Best, Gee

John G. Aldridge, Jr.*
Aldridge | Pite, LLP
3525 Piedmont Road, N.E.
Building Six
Suite 700
Atlanta, Georgia 30305
Direct: 404-994-7401
Mobile: 404-561-8079
Fax: 888-755-2507

Email: galdridge@aldridgepite.com

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*Licensed in Georgia



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California Debt Collector License Number 10724-99

November 2,2025

Attention: Town of Kiawah Island (TOKI), Mayor D. Belt, Council Members E. Luke Farrell, Lance Spencer, Madeline Kaye; Zoning Planning Committee

Sent by Federal Express

Sent by E-Mail: TokiPlanning@kiawahisland.org

**RE: Proposed TOKI Public Hearing November 4, 2025.
Zoning Map & Zoning Text Amendment: #AZO25-000009
Beach Overlay Zoning District**

Dear Sirs:

This letter is a petition by the JGA Irrevocable Trust (including Gee and Leah Aldridge), owners of property located on 75 Eugenia Avenue on Kiawah Island, SC, hereby known as "Owner," to object to the proposed radical new setback provision proposed by Town of Kiawah Island (TOKI), and specifically along the mid- portion of the island that courses in parallel to Eugenia Avenue. The proposal adversely affects ocean front properties along Eugenia Avenue, including the Owner's property at 75 Eugenia Avenue. It is requested that the proposed change from the historical setback be denied.

The proposed change is a radical departure of the historical setback line and is being arbitrarily and capriciously applied. The proposed Buffer A 50ft and Buffer B 100ft setbacks encroaches onto nearly all of the residential properties along Eugenia Avenue, which are positioned well behind the ecologically protected dune system. This zoning proposal specifically targets the oldest oceanfront neighborhood on Kiawah, whereas the proposed beachfront overlay zoning has no adverse impact on the remaining 80% of oceanfront properties including Surf Song and Fly Away.

The 100ft buffer extends into our main house and partially encompasses the arbor and pool located on our property at 75 Eugenia Avenue. This impact occurs on a substantial percentage of the residential properties located on the ocean side of Eugenia Avenue. There is no objective evidence of significant beach erosion along Eugenia Avenue to justify this new proposal, or evidence that the current structures adversely impact the beach stability in any manner whatsoever.

To the contrary, it is obvious to even the casual observer that the dunes along Eugenia Avenue have remained stable or accreted over the past three decades with an average of 30 to 45 feet since 2001. This is further supported by DHEC-OCRM publications on the state of the beach along Eugenia Avenue that repeatedly described the section as stable or with accretion since 1991, and Kiawah Island as an overall “stable beach” and dune system. The TOKI commissioned 2020 *Local Beach Management Plan* prepared by Dr. Kana similar confirms the stability of beach and dune systems on Kiawah Island other than the dynamic dune systems adjacent to the western and eastern inlets. The DHEC Monument Marker #2660 located along Eugenia Avenue has remained stable from 2014 through 2024 per the OCRM/DHEC publicly published data. In conclusion, there is no reasonable justification to change the setbacks along Eugenia Avenue.

Enactment of the proposal to radically alter the setback line will bisect our (and other owners) longstanding owned residential lots. This action is an involuntary “taking” of private property that will render it in part or fully “valueless”; thereby, placing at financial risk the Town of Kiawah Island and Charleston County of South Carolina to provide “just compensation” for current and/or future losses to the Owner as guaranteed under the Fifth and Fourteenth Amendments of the U.S. Constitution, and supported in a recent U.S. Supreme Court decision regarding setbacks on coastal land.¹ The TOKI proposal would be unconstitutional, illegal and null and void because such an action constitutes a taking of the Owner’s property without first paying fair, adequate and just compensation for such rights, in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. South Carolina OCRM/DHEC has previously proposed similar

¹ Whether intended or not by TOKI’s action, this taking adversely impacts the use and value of properties along Eugenia Avenue. The U.S. Supreme Court decision of *Lucas v. State of South Carolina* indicated that an imposed setback was in essence a taking that prevented the ability to use the property as intended, thereby, rendering the property valueless. The U.S. Supreme Court held that when a property owner suffered a taking, there were no exceptions from common rule (the Takings Clause and the Just Compensation Clause of the fifth and fourteenth amendments). Furthermore, when the state of South Carolina amended their original statute by including provisions that might permit limited construction, the U.S. Supreme Court held that a property owner must still be compensated. Even when legislation later renders the initial act less restrictive, property owners still suffer from the original effects of a taking, thus, just compensation must be rendered.

beachfront setbacks and did not proceed forward with implementation due to concerns of constitutional challenges and prohibitive costs.

Because the proposed action by TOKI may affect a large number of residents on Kiawah Island, the potential financial liability to the TOKI and Charleston County may well approach if not exceed several hundred million dollars to provide just compensation. The action will, furthermore, impair property values on the island that may result in substantial property tax revenue loss to the County of Charleston.

A reasonable alternative is to leave the setback at its current location and to continue to monitor the beach. This decision would not adversely impact property owners on Eugenia Avenue and allow a longer vesting period to review future proposals and their overall impact to the community. The draft zoning document has no rationale with respect to most oceanfront properties and is essentially a moot proposal.

We request that the setback proposal not extend into the property line of 75 Eugenia Avenue, and similarly for the other homes located on Eugenia Avenue. This will in effect have the same null impact as the homes along Surf Song and Fly Away, which collectively do not have the arbitrary and capricious buffer zone bisecting their properties.

Discussion:

I. Beach and Dunes along Eugenia Avenue Have Shown Accretion During Past Three Decades

The proposed change is arbitrary and is not substantiated by objective evidence published by DHEC and OCRM that clearly documents that the dune profile on the mid-portion of Kiawah Island along Eugenia Avenue has been stable over time.^{2,3,4,5} For the past decade the dunes along Eugenia Avenue have not only remained stable, but have grown substantially seaward. The beach in front of 75 Eugenia has accrued new dunes of 40 ft seaward of the 2001 shoreline. The increased width of the beach prompted the TOKI during this interval to notify homeowners to extend their boardwalks to protect the new dunes.

OCRM has stated as recently as in its *2008 Annual State of the Beaches Report*³ that Kiawah is one of the most stable barrier islands in the state and that the area along Eugenia Avenue (Station Monument #2660) has remained stable. In the March 2003 report, it states that the beach along Eugenia Avenue from station 2660 to station 2680 showed that in years 2001-2002 that “*the primary dunes stabilized and the beach seaward of the dune increased in width by 10 to 50 ft.*” Aerial photographs of Kiawah Island have shown that the western mid portion of Kiawah Island (where Eugenia Avenue is now located) has remained stable over the past century. The recent beach renourishment of the far eastern island shoal appears to have resulted in increased sand deposition this winter with the likelihood that the dunes along Eugenia Avenue will expand an additional 10 to 30 feet over the next 12 - 24 months.

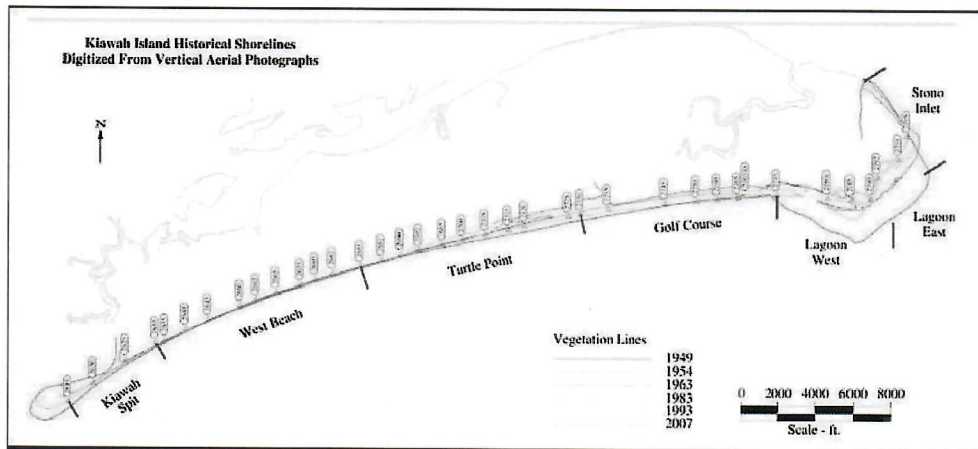


Figure 1. Aerial photographs digitalized of Kiawah Island from 1949 through 2007. Overlap of lines document that the West Beach (Eugenia Avenue) has remained stable with no erosion. The red line represents the most recent 2007 analysis and overlaps all prior lines. Aerial photographs of Kiawah Island since 1949 have consistently shown that the West Beach (includes Eugenia Avenue) and the adjacent mid-western island Turtle Point has remained stable with no evidence for beach erosion over 58 years.⁶

The aerial photograph analysis shows that the West Beach (Eugenia Avenue) and Turtle Point portions of the island have remained stable if not expanding is further confirmed by objective beach measurements during the past decade. Analysis of the National Geodetic Vertical Datum (NGVD), a fixed reference adopted by the U. S. Government as a standard geodetic datum for vertical elevations, documents that since 1991 through 1997 there has been a net gain of 950,000 cubic feet of beach acreage along the western portion of the island that includes Turtle Point, West Beach (Eugenia Avenue) and Kiawah Spit. (figure 2):

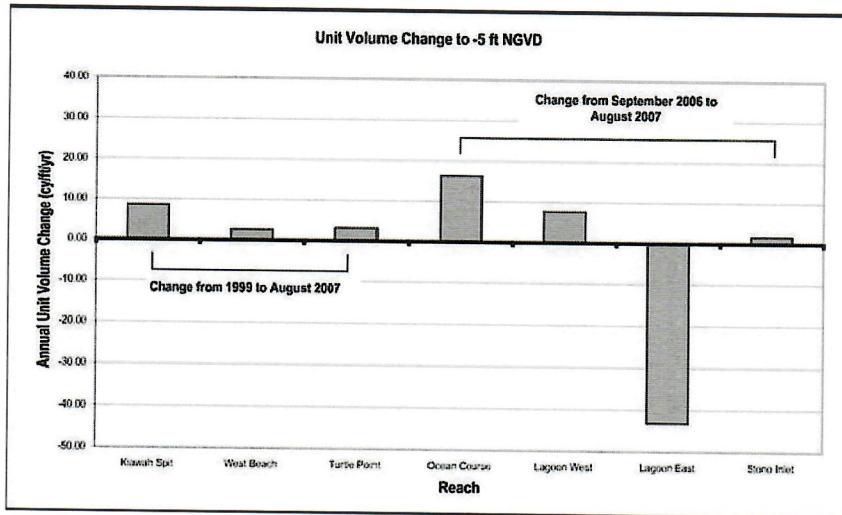


Figure 2. Annual unit volume change of beach/dunes between 1999 to August 2007 is shown on the left-half of the graph for Kiawah Spit, West Beach (Eugenia Ave.) and Turtle Point. There has been a net accretion of beach representing 950,000 cubic ft. during this time span. All three regions have shown beach accretion.⁷

The residential ocean front lots along Eugenia Avenue have the highest elevation on the Kiawah Island approaching 15-20 feet above sea level. Most of the lots were deeded in the 1970s or earlier, and all structures erected lie well behind the ecologically seaward foredunes and are required to have elevated boardwalk structures to minimize injury to the dune ecosystem.

In Dr. Kana's 2020 Beach Management Plan sanctioned by the TOKI, the report on pages 38-39 concludes that "Kiawah Island is one of the most stable barrier islands in the state" other than the eastern and western ends, which are more dynamic due to proximity to their inlets (Figure A below):

Despite the string of storm impacts, the island has generally been in a state of beach recovery since 2016 (Figure A).

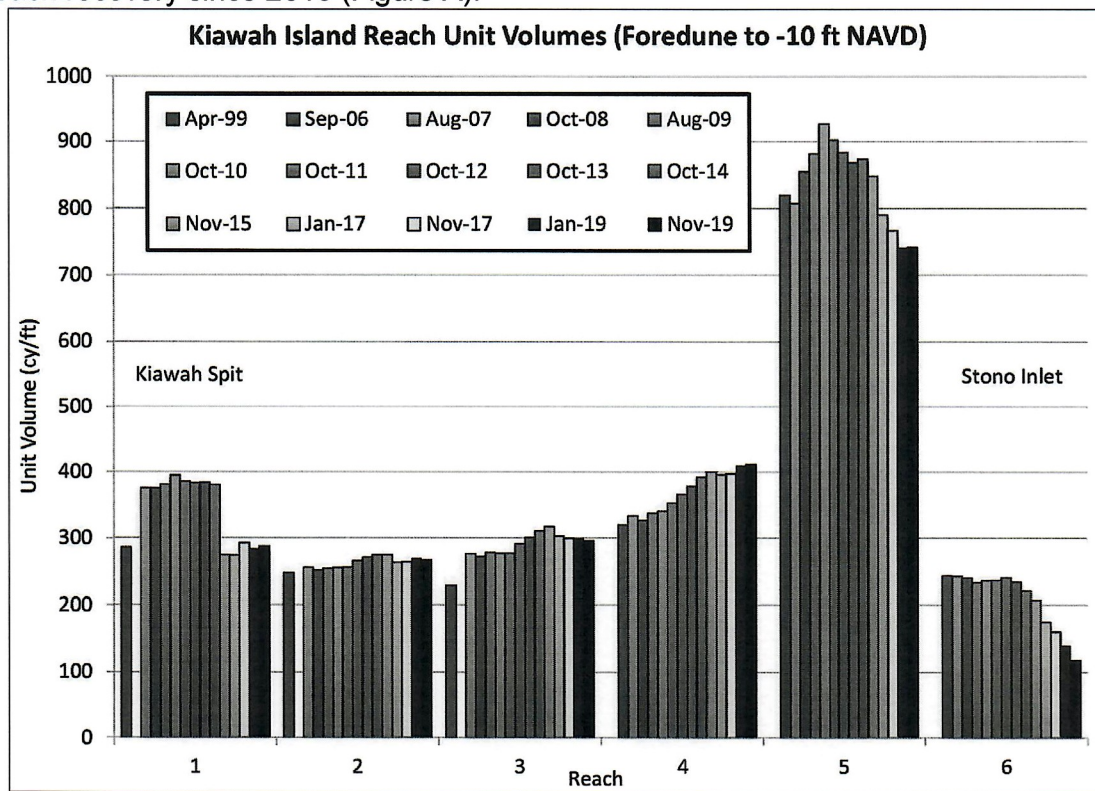


FIGURE A. Unit volumes as measured by reach since April 1999 (September 2006 along the Ocean Course and East End). Overall, the beach had less sand in November 2019 than October 2008 as a result of ~7 years of accretion followed by ~5 years of erosion (on average). However, as this figure illustrates, more than half of the island had more sand on the beach above -10 ft NAVD as of November 2019 than in September 2006 (April 1999 for the three westernmost reaches – Turtle Point, West Beach, and Kiawah Spit). (Dr. Kana's *Beach Management Plan* report from year 2020).⁸

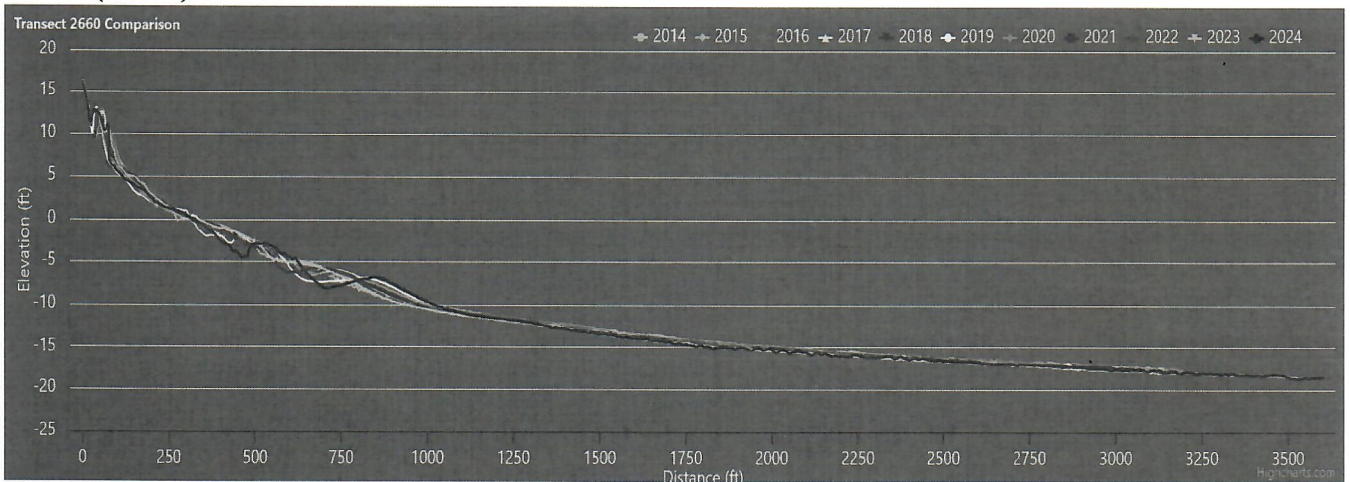
State of South Carolina OCRM/DEHC for past decade post Kiawah Island beach NGVD elevation measurements annually from the Monument Stations including Station Monument #2660 along Eugenia Avenue (Figure 3 and Figure 4). This data is accessible using the B.E.R.M. Explorer (<https://gis.des.sc.gov/bermexplorer/>). For the past decade (2014 – 2024) the beach elevations extending along Eugenia Avenue has remained stable.



Figure 3. South Carolina OCRM/DEHC BERM Map Explorer⁹ (<https://gis.des.sc.gov/bermexplorer/>). This screen shot shows Monument Marker #2660 along Eugenia Avenue documenting elevation changes for each year between 2014 through 2024. There dune/beach region shows no significant change in elevation and beach sand volume during the 10-year interval.

Using the BERM Explorer calculator, the Reach Sand Volume at Monument Station #2660 (Foredune to -10 ft NAVD) was 262.41 yds³ in 2014, 253.76 yds³ in 2019 and 261.59 yds³ in 2024. Over this past decade there has been no significant change.

Figure 4: Station Monument #2660 Elevation from Foredune seaward. Years 2014 through 2024. (BERM).⁹



In summary, the objective evidence supports the conclusion that the beach/dune area along Eugenia Avenue has been stable over time, with the primary dune accreting seaward during the past 75 years. DHEC/OCRM published data during the past three decades supports the conclusion that the beach/dune areas along Eugenia Avenue have been consistently stable portion of Kiawah Island.

Recommendation:

A reasonable alternative is to leave the setback at its current location and to continue to monitor the beach. This decision would not adversely impact property owners on Eugenia Avenue and allow a longer vesting period to review future proposals and its overall impact to the community. We request that the setback proposal not extend into the property line of our home at 75 Eugenia Avenue, and similarly for the other homes located on Eugenia Avenue.

II. 75 Eugenia Avenue and Adverse “Value” Impact of Proposed Setback Line

The proposed 100 ft set back is a taking of residential property and will depreciate the home values along Eugenia Avenue. In regard to our home on 75 Eugenia Avenue, the impact on the value of the property would be severe. The proposed setback bisects our property acreage by nearly one-half.

Taking and Just Compensation: The enactment of the proposed setback will adversely affect home values on Eugenia Avenue in historical relationship to ocean front properties on Kiawah Island.

Whether intended or not by TOKI’s action, this taking adversely impacts the use and value of the property. The U.S. Supreme Court decision of *Lucas v. State of South Carolina* indicated that an imposed setback was in essence a taking that prevented the ability to use the property as intended, thereby, rendering the property valueless. The U.S. Supreme Court held that when a property owner suffered a taking, there were no exceptions from common rule (the Takings Clause and the Just Compensation Clause of the fifth and fourteenth amendments). Furthermore, when the state of South Carolina amended their original statute by including provisions that might permit limited construction, the U.S. Supreme Court held that a property owner must still be compensated. Even when legislation later renders the initial act less restrictive, property owners still suffer from the original effects of a taking, thus, just compensation must be rendered.

Under the current proposal, the new setback taking would render depreciation in the value of the property, and it is reasonable to conclude that TOKI and Charleston County would be required to compensate the property owner for the fair market value loss to the property resulting from the Zoning proposal.

III. Current Structures: The proposed set back affects both of our structures (see attached photo from TOKI Interactive Map)

- Main House
The Owner’s lot acreage is bisected in half by the proposed setback line, which includes the line partially bisecting the Main House. Our home’s seaward

side already sits back farther than the adjacent homes on Eugenia. Future planned expansion of the home will be prohibited towards the ocean (*see attached photos*).


- Due to the bending of Eugenia Avenue starting at 75 Eugenia and eastward, the lots have significantly less depth. This has required that the home be located substantially closer to the street than other ocean front homes. It is, therefore, not amenable to further expansion of the home towards the street.

IV. Lot and Splitting into Ocean Front and Back Lot

- The proposed 100 ft setback bisects the property by approximately 50%. This will adversely affect our ability to re-plat the property into an “ocean front” and “back ocean” lot, as is permitted. (e.g. 75 Eugenia Avenue split to front ocean and back ocean lots).
-

Thank you for reviewing our objections to the proposed Zoning setback proposal.

Sincerely,

 Leah S. Aldridge, Trustee

The JGA Irrevocable Trust

John G. Aldridge, Jr., Esq.
Leah S. Aldridge, Esq.

75 Eugenia Avenue Kiawah Island, SC 29455
gee@thealdriged.net

CC: Hamlin O'Kelley, Esq, Buist & Byers

References

¹*Lucas v. South Carolina Coastal Council* United States Supreme Court Decision, June 29, 1992. (The Court ruled that the South Carolina Coastal Council change of “critical area” set back line onto private ocean front property resulted in the petitioner suffering a “taking” of his property by the State Of South Carolina and the property was rendered “valueless” by the state statute and Lucas was entitled to “just compensation.”

Although the South Carolina Supreme Court decided that state regulations “were designed to prevent serious public harm,” the

U.S. Supreme Court held that when a property owner suffered a “taking,” there were no exceptions from common rule (the Takings Clause and the Just Compensation Clause). Furthermore, when the state of South Carolina amended their original statute by including provisions that might permit limited construction, the U.S. Supreme Court held that a property owner must still be compensated. Even when legislation later renders the initial act less restrictive, property owners still suffer from the original effects of a taking, thus, just compensation must be rendered.

²South Carolina’s Annual State of The Beaches Report March 2003

⁴South Carolina’s Annual State of The Beaches Report March 2006 South ⁵

⁵South Carolina’s Annual State of The Beaches Report March 2008

Measurement of new dunes in March 2009 in comparison to 2001 along the mid-section of Eugenia Avenue including 37 Eugenia demonstrates accrual of new dunes 35 to 50 feet seaward of the 2001 shoreline. In addition, the dry bern measures an additional 45 to 60 feet. Based upon recent shoal beach renourishment project at the eastern end of Kiawah Island, it appears that an additional 15 to 20 feet will be added in the upcoming 18 to 24 months.

⁶Aerial photographs digitalized of Kiawah Island from 1949 through 2007. Provided courtesy of Dr. Kana, presentation of the State of the Beach at Kiawah Island 2008.

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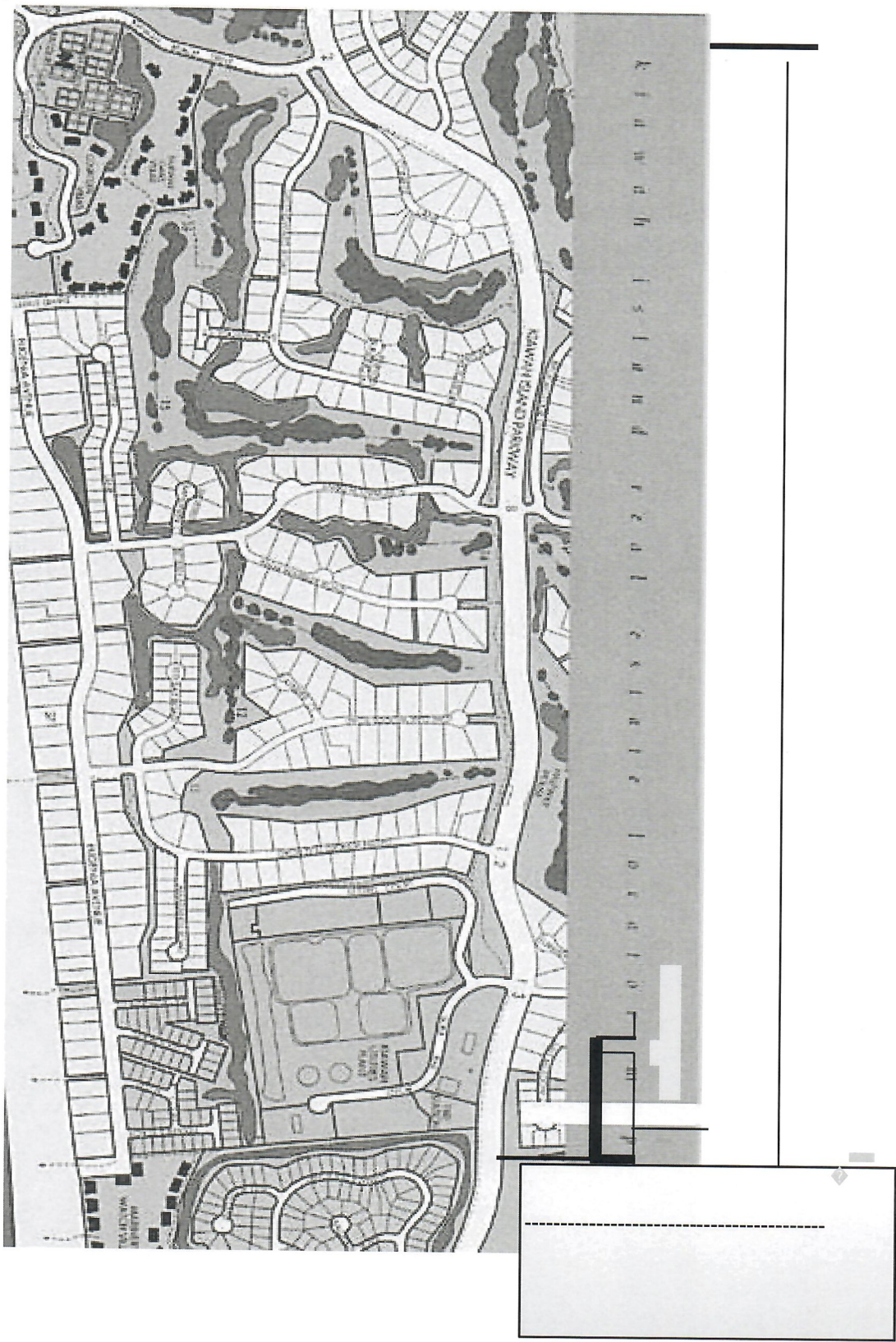
⁸Dr.Kana’s 2020 Beach Management Plan for Kiawah Island.

⁹BERM Map Explorer (2014 – 2024), [g e e @ t h e a l d r i d g e s . n e t https://gis.des.sc.gov/bermexplorer/](https://gis.des.sc.gov/bermexplorer/)

¹⁰ **National Geodetic Vertical Datum (NGVD)** - means a fixed reference adopted by the U. S. Government as a standard geodetic datum for vertical elevations. Graph provided courtesy of Dr. Kana, presentation of the State of the Beach at Kiawah Island 2008. Data provided by state. Data shows beach along West Beach (Eugenia Avenue) has a net accretion between 1999 – 2007 at a rate of approximately 2.5 – 3 cy/ft/yr.

¹¹Town of Kiawah Island Interactive Map for Proposed Beachfront Overlay Zoning (Screenshot for 37 Eugenia Avenue. In Appendix Secction)

Eugenia Avenue



Beach Overlay Zone Eugenia Avenue TOKI Interactive Map



John Taylor

From: Nicole Rubin <rubinsf@aol.com>
Sent: Thursday, October 30, 2025 8:03 PM
To: TOKI Planning
Subject: Comments re: Case ##AZO25-000009

I am writing to indicate on the record that we are not in favor of the proposed beachfront overlay zoning district. We believe this has too large of a footprint on our property located at 57 Eugenia and will diminish the value of our home substantially. Our area, West Beach, is impacted most heavily if this ordinance is passed. We believe it will make our property much more difficult to sell in the future with such zoning restrictions. Thank you for the opportunity to comment.

Nicole and Amir Dan Rubin
57 Eugenia Avenue
Kiawah Island, SC 29455
rubinsf@aol.com

John Taylor

From: Kevin Story <kevin.c.story@gmail.com>
Sent: Saturday, October 18, 2025 5:42 PM
To: TOKI Planning
Subject: #AZO25-000009 Comments

Dear TOKI Planning Commission,

We have concerns about the new beachfront overlay districts.

The overlays significantly alter the property values of any homes affected by the overlay districts. Homeowners of existing homes on Eugenia in the overlay district (which will now be classified as non-conforming structures) will face hardship in selling their property in the future as the buildable area will be significantly reduced. While the current number of homes impacted is small, this number will certainly grow in the years to come as beach erosion takes place.

Additionally, the Beachfront Jurisdiction Baseline fails to follow the dune-line, creating buffer-zones which extend far beyond current dune lines. While non-impacting current homes, this will create issues in the future. Please see the below image where the buffer-zones jut inward irrespective of the beach line.



As with almost all residents on Kiawah, we recognize the beach as essential to our community and believe stewardship is incredibly important but also something that homeowners already take very seriously. We believe this ordinance represents significant overreach and causes undue hardship for homeowners whose properties are impacted.

Thank you for your time,
Kevin Story

49 Surfsong Rd

October 14,2025

Attention: Town of Kiawah Island (TOKI), Mayor D. Belt, Council Members E. Luke Farell, Lance Spencer, Madeline Kaye; Zoning Planning Committee

Sent by Federal Express

Sent by E-Mail: TokiPlanning@kiawahisland.org

**RE: Proposed TOKI Public Hearing November 4, 2025.
Zoning Map & Zoning Text Amendment: #AZO25-000009
Beach Overlay Zoning District**

Dear Sirs:

This letter is a petition by Henry and Eva Holland, owners of property located on 37 Eugenia Avenue on Kiawah Island, SC, hereby known as "Owner," to object to the proposed radical new setback provision proposed by Town of Kiawah Island (TOKI), and specifically along the mid-portion of the island that courses in parallel to Eugenia Avenue. The proposal adversely affects ocean front properties along Eugenia Avenue, including the Owner's property at 37 Eugenia Avenue. It is requested that the proposed change from the historical setback be denied.

The proposed change is a radical departure of the historical setback line and is being arbitrarily and capriciously applied. The proposed Buffer A 50ft and Buffer B 100ft setbacks encroaches onto nearly all of the residential properties along Eugenia Avenue, which are positioned well behind the ecologically protected dune system. This zoning proposal specifically targets the oldest oceanfront neighborhood on Kiawah, whereas the proposed beachfront overlay zoning has no adverse impact on the remaining 80% of oceanfront properties including Surf Song and Fly Away.

The 100 ft buffer extends into our main house and fully encompasses the original second residential structure, arbor and pool located on our property at 37 Eugenia Avenue. This impact occurs on a substantial percentage of the residential properties located on the ocean side of Eugenia Avenue. There is no objective evidence of significant beach erosion along Eugenia Avenue to justify this new proposal, or evidence that the current structures adversely impact on the beach stability.

To the contrary, it is obvious to even the casual observer that the dunes along Eugenia Avenue have remained stable or accreted over the past three decades with an average of 30 to 45 feet since 2001. This is further supported by DHEC-OCRM publications on the state of the beach along Eugenia Avenue that repeatedly described the section as stable or with accretion since 1991, and Kiawah Island as an overall “stable beach” and dune system. The TOKI commissioned *2020 Local Beach Management Plan* prepared by Dr. Kana similar confirms the stability of beach and dune systems on Kiawah Island other than the dynamic dune systems adjacent to the western and eastern inlets. The DHEC Monument Marker #2660 located along Eugenia Avenue has remained stable from 2014 through 2024 per the OCRM/DHEC publicly published data. In conclusion, there is no reasonable justification to change the setbacks along Eugenia Avenue.

Enactment of the proposal to radically alter the setback line will bisect our (and other owners) longstanding owned residential lots. This action is an involuntary “taking” of private property that will render it in part or fully “valueless”; thereby, placing at financial risk the Town of Kiawah Island and Charleston County of South Carolina to provide “just compensation” for current and/or future losses to the Owner as guaranteed under the Fifth and Fourteenth Amendments of the U.S. Constitution, and supported in a recent U.S. Supreme Court decision regarding setbacks on coastal land.¹ The TOKI proposal would be unconstitutional, illegal, null and void because such an action constitutes a taking of the Owner’s property without first paying fair, adequate and just compensation for such rights, in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. South Carolina OCRM/DHEC has previously proposed similar

¹ Whether intended or not by TOKI’s action, this taking adversely impacts the use and value of properties along Eugenia Avenue. The U.S. Supreme Court decision of *Lucas v. State of South Carolina* indicated that an imposed setback was in essence a taking that prevented the ability to use the property as intended, thereby, rendering the property valueless. The U.S. Supreme Court held that when a property owner suffered a taking, there were no exceptions from common rule (the Takings Clause and the Just Compensation Clause of the fifth and fourteenth amendments). Furthermore, when the state of South Carolina amended their original statute by including provisions that might permit limited construction, the U.S. Supreme Court held that a property owner must still be compensated. Even when legislation later renders the initial act less restrictive, property owners still suffer from the original effects of a taking, thus, just compensation must be rendered.

beachfront setbacks and did not proceed forward with implementation due to concerns of constitutional challenges and prohibitive costs.

Because the proposed action by TOKI may affect a large number of residents on Kiawah Island, the potential financial liability to the TOKI and Charleston County may well approach if not exceed several hundred million dollars to provide just compensation. The action will, furthermore, impair property values on the island that may result in substantial property tax revenue loss to the County of Charleston.

A reasonable alternative is to leave the setback at its current location and to continue to monitor the beach. This decision would not adversely impact property owners on Eugenia Avenue and allow a longer vesting period to review future proposals and their overall impact to the community. The draft zoning document has no rationale with most oceanfront properties and is essentially a moot proposal.

We request that the setback proposal not extend into the property line of 37 Eugenia Avenue, and similarly for the other homes located on Eugenia Avenue. This will in effect have the same null impact as the homes along Surf Song and Fly Away, which collectively do not have the arbitrary and capricious buffer zone bisecting their properties.

Discussion:

I. Beach and Dunes along Eugenia Avenue Have Shown Accretion During Past Three Decades

The proposed change is arbitrary and is not substantiated by objective evidence published by DHEC and OCRM that clearly documents that the dune profile on the mid-portion of Kiawah Island along Eugenia Avenue has been stable over time.^{2,3,4,5} For the past decade the dunes along Eugenia Avenue have not only remained stable, but have grown substantially seaward. The beach in front of 37 Eugenia has accrued new dunes of 40 ft seaward of the 2001 shoreline. The increased width of the beach prompted the TOKI during this interval to notify homeowners to extend their boardwalks to protect the new dunes.

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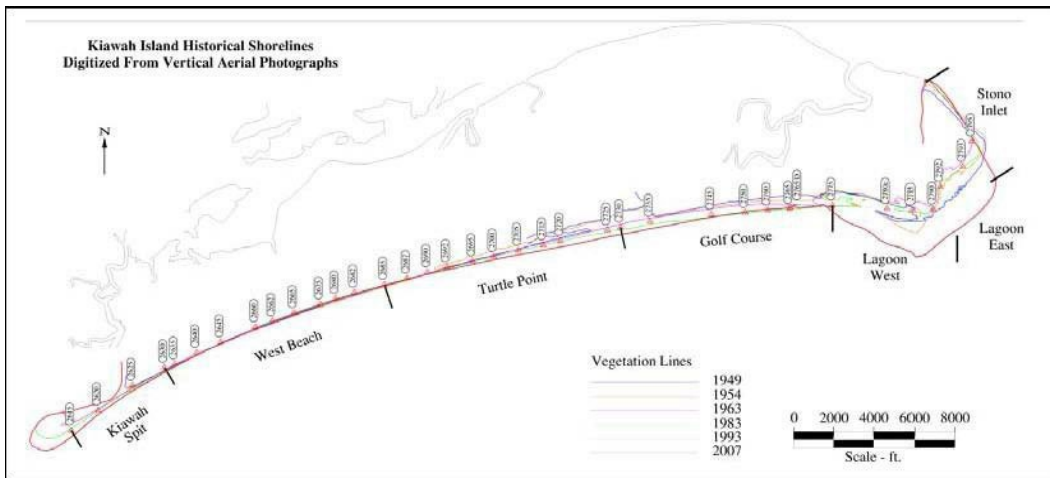


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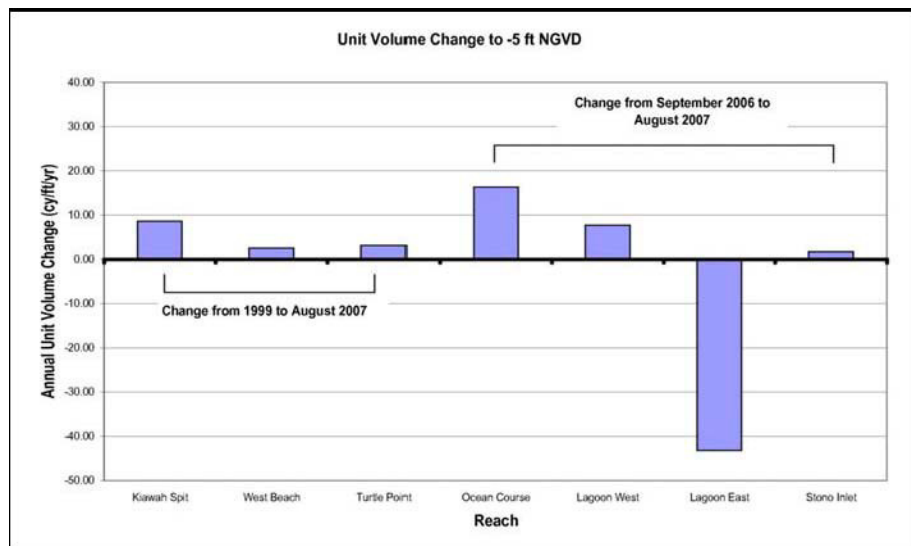


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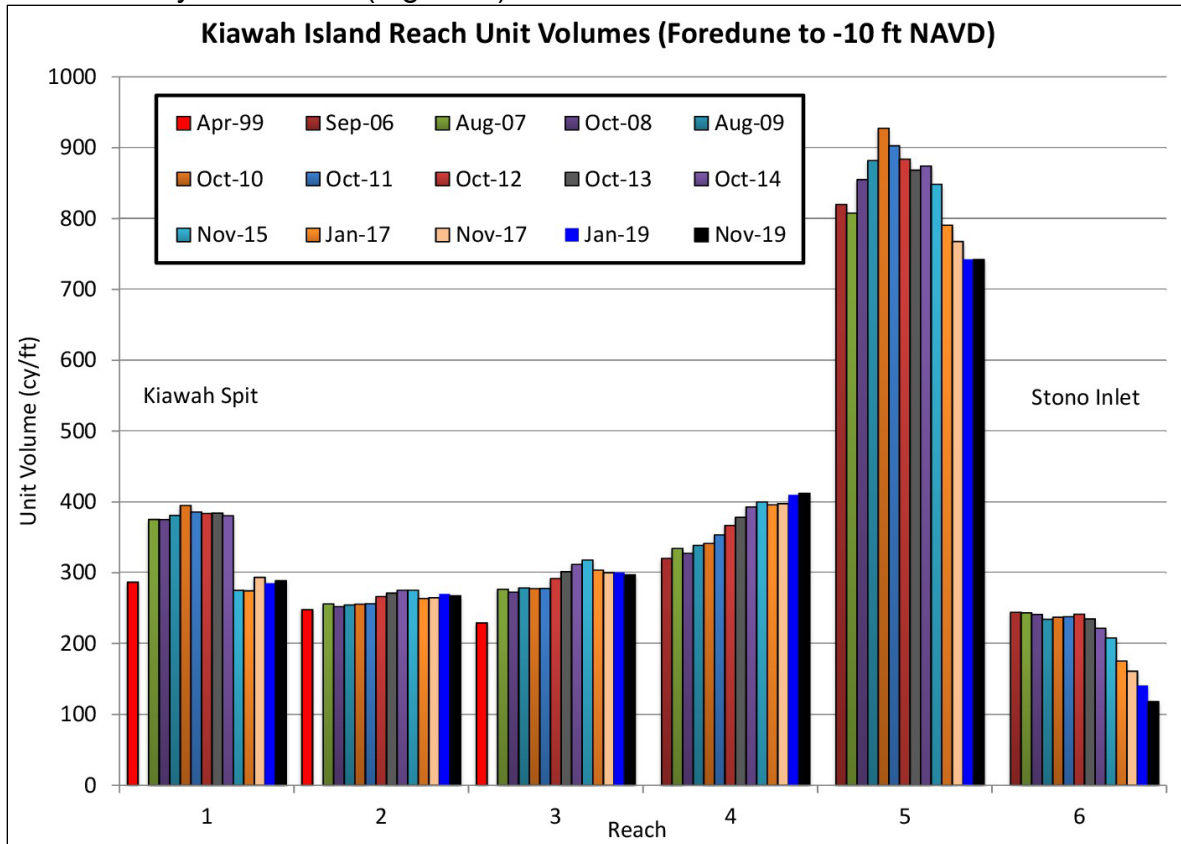


FIGURE A. Unit volumes as measured by reach since April 1999 (September 2006 along the Ocean Course and East End). Overall, the beach had less sand in November 2019 than October 2008 as a result of ~7 years of accretion followed by ~5 years of erosion (on average). However, as this figure illustrates, more than half of the island had more sand on the beach above -10 ft NAVD as of November 2019 than in September 2006 (April 1999 for the three westernmost reaches – Turtle Point, West Beach, and Kiawah Spit). (Dr. Kana’s *Beach Management Plan* report from year 2020).⁸

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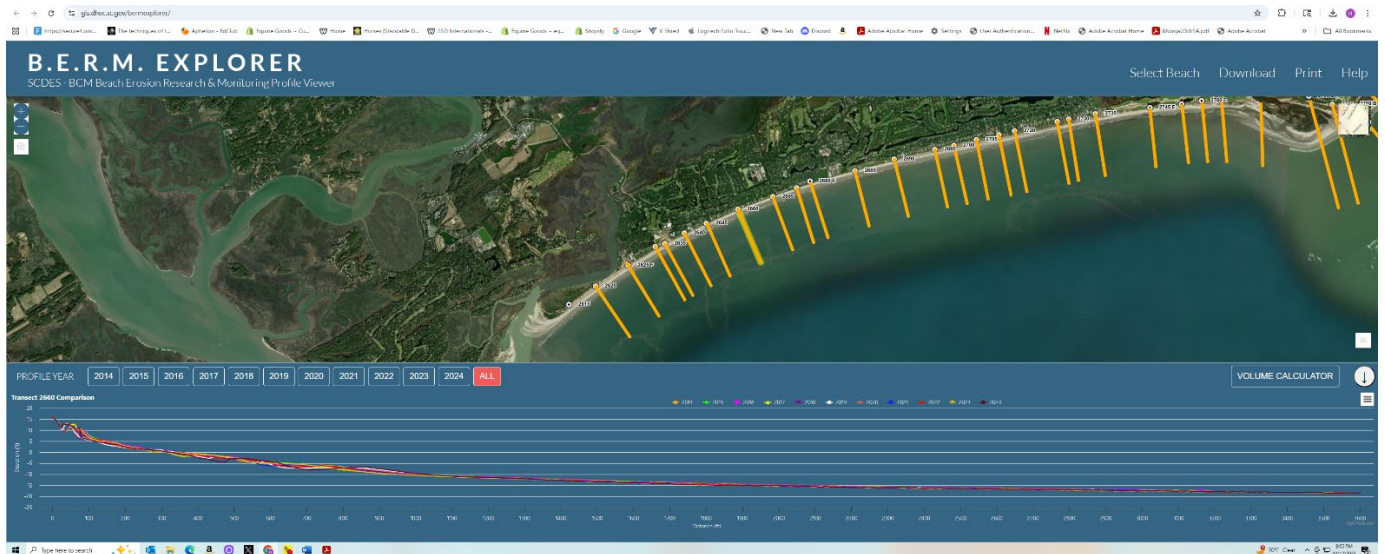
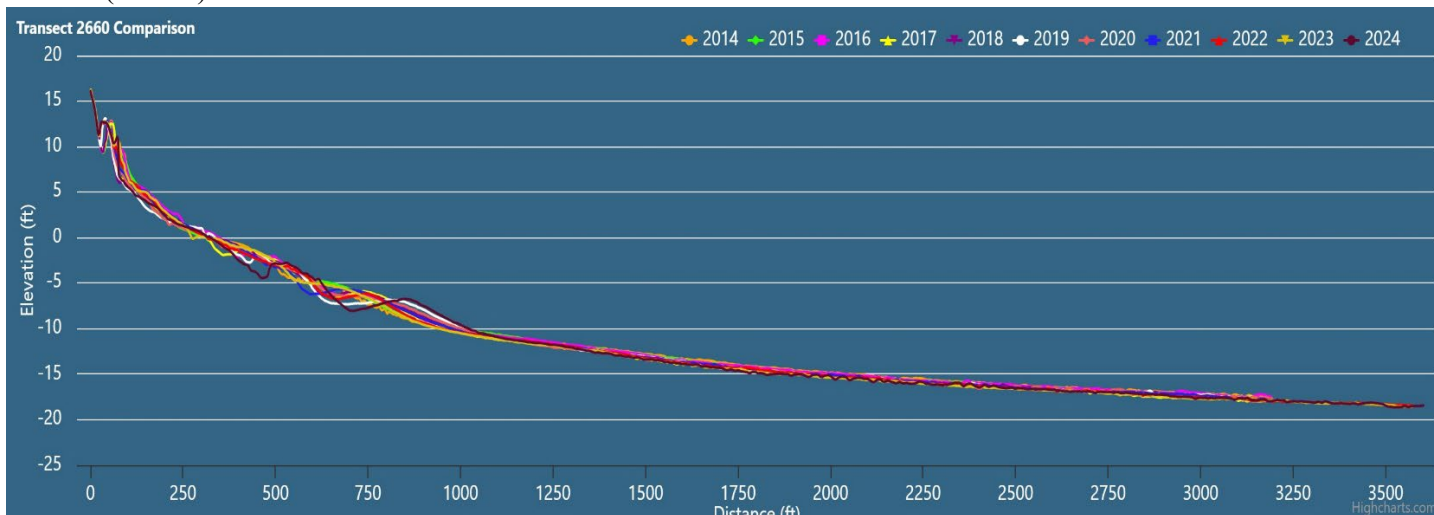


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In summary, the objective evidence supports the conclusion that the beach/dune area along Eugenia Avenue has been stable over time, with the primary dune accreting seaward during the past 75 years. DHEC/OCRM published data during the past three decades supports the conclusion that the beach/dune areas along Eugenia Avenue have been consistently stable portion of Kiawah Island.

Recommendation:

A reasonable alternative is to leave the setback at its current location and to continue to monitor the beach. This decision would not adversely impact property owners on Eugenia Avenue and allow a longer vesting period to review future proposals and its overall impact to the community. We request that the setback proposal not extend into the property line of our home at 37 Eugenia Avenue, and similarly for the other homes located on Eugenia Avenue.

II. 37 Eugenia Avenue and Adverse “Value” Impact of Proposed Setback Line

The proposed 100 ft set back is a taking of residential property and will depreciate the home values along Eugenia Avenue. In regard to our home on 37 Eugenia Avenue, the impact on the value of the property would be severe. The proposed setback bisects our property acreage by nearly one-half.

Taking and Just Compensation: The enactment of the proposed setback will adversely affect home values on Eugenia Avenue in historical relationship to ocean front properties on Kiawah Island.

Whether intended or not by TOKI’s action, this taking adversely impacts the use and value of the property. The U.S. Supreme Court decision of *Lucas v. State of South Carolina* indicated that an imposed setback was in essence a taking that prevented the ability to use the property as intended, thereby, rendering the property valueless. The U.S. Supreme Court held that when a property owner suffered a taking, there were no exceptions from common rule (the Takings Clause and the Just Compensation Clause of the fifth and fourteenth amendments). Furthermore, when the state of South Carolina amended their original statute by including provisions that might permit limited construction, the U.S. Supreme Court held that a property owner must still be compensated. Even when legislation later renders the initial act less restrictive, property owners still suffer from the original effects of a taking, thus, just compensation must be rendered.

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- Main House
The Owner’s lot acreage is bisected in half by the proposed setback line, which includes the line partially bisecting the Main House. Our home’s seaward

side already sits back farther than the adjacent homes on Eugenia. Future planned expansion of the home will be prohibited towards the ocean (*see attached photos*).

- Due to the bending of Eugenia Avenue starting at 35 Eugenia and eastward, the lots have significantly less depth. This has required that the home be located substantially closer to the street than other ocean front homes. It is, therefore, not amenable to further expansion of the home towards the street.
- Secondary Structure/Cottage
 - Our secondary structure/cottage is completely located within the proposed set back zone (*see attached photos*)
 - Pool is located within the 100 ft setback
 - Arbor located with the 100 ft setback

IV. Lot and Splitting into Ocean Front and Back Lot

- The proposed 100 ft setback bisects the property by approximately 50%. This will adversely affect our ability to re-plat the property into an “ocean front” and “back ocean” lot, as is permitted. (e.g. 35 Eugenia Avenue split to front ocean and back ocean lots).

Thank you for reviewing our objections to the proposed Zoning setback proposal.

Sincerely,

Henry Kent Holland, MD, BSE
Eva M. Holland, Esq.
37 Eugenia Avenue Kiawah Island, SC 29455

*Send Correspondence to Mailing Address: 924 Springdale RD NE, Atlanta GA 30306.

kholland@bmtga.com

CC: Hamlin O'Kelley, Esq, Buist & Byers

References

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⁵South Carolina’s Annual State of The Beaches Report March 2008

Measurement of new dunes in March 2009 in comparison to 2001 along the mid-section of Eugenia Avenue including 37 Eugenia demonstrates accrual of new dunes 35 to 50 feet seaward of the 2001 shoreline. In addition, the dry berm measures an additional 45 to 60 feet. Based upon recent shoal beach renourishment project at the eastern end of Kiawah Island, it appears that an additional 15 to 20 feet will be added in the upcoming 18 to 24 months.

⁶Aerial photographs digitalized of Kiawah Island from 1949 through 2007. Provided courtesy of Dr. Kana, presentation of the State of the Beach at Kiawah Island 2008.

⁷Provided courtesy of Dr. Kana, presentation of the State of the Beach at Kiawah Island 2008.

⁸Dr.Kana’s 2020 Beach Management Plan for Kiawah Island.

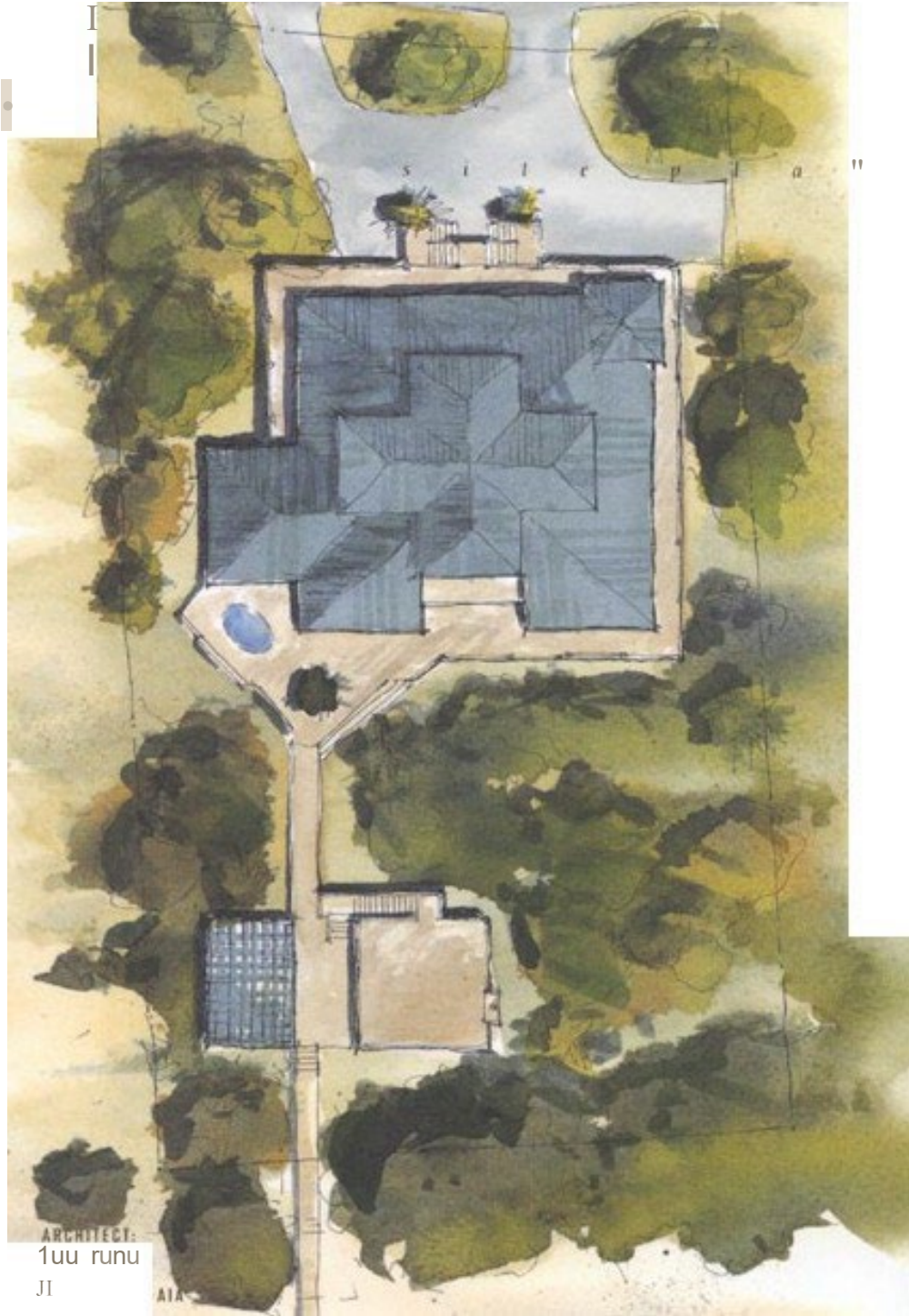
⁹BERM Map Explorer (2014 – 2024), <https://gis.des.sc.gov/bermexplorer/>

¹⁰**National Geodetic Vertical Datum (NGVD)** - means a fixed reference adopted by the U. S. Government as a standard geodetic datum for vertical elevations. Graph provided courtesy of Dr. Kana, presentation of the State of the Beach at Kiawah Island 2008. Data provided by state. Data shows beach along West Beach (Eugenia Avenue) has a net accretion between 1999 – 2007 at a rate of approximately 2.5 – 3 cy/ft/yr.

¹¹Town of Kiawah Island Interactive Map for Proposed Beachfront Overlay Zoning (Screenshot for 37 Eugenia Avenue. In Appendix Section)

APPENDIX





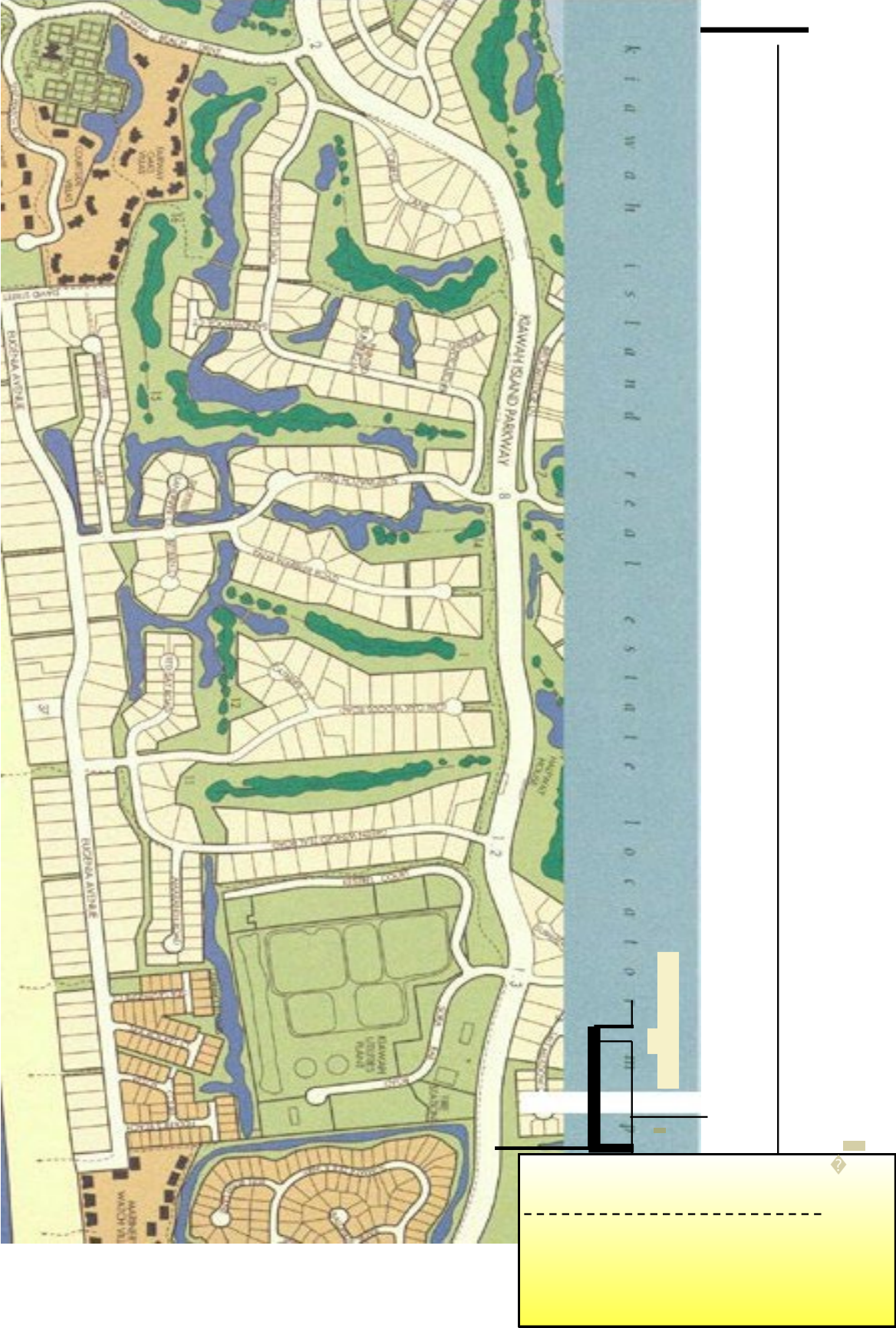
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37 Eugenia Avenue

Eugenia Avenue



Beach Overlay Zone 37 Eugenia Avenue

TOKI Interactive Map



TOWN OF KIAWAH ISLAND

ORDINANCE 2025-21

An Ordinance to Amend Chapter 12 – Land Use Planning and Zoning Ordinance Article II. Zoning, Division 2. Zoning Map/Districts establishing Section 12-81. Beachfront Overlay Zoning District. to create a consistent visual, spatial and ecological transition buffer zone between the built environment and the beach and dune system.

WHEREAS, the Town of Kiawah Island Municipal Code currently contains *Chapter 12 - Land Use Planning and Zoning*; and

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to amend the *Town of Kiawah Island Land Use Planning and Zoning Ordinance* to establish a consistent visual, spatial and ecological transition buffer zone between the built environment and the beach and dune system; and

WHEREAS, the text amendment would be consistent with the purposes and intent of the adopted Comprehensive Plan and would not be detrimental to the public health, safety, and welfare of the Town of Kiawah Island; and

WHEREAS, the Planning Commission held a meeting on September 10, 2025 and December 3, 2025 at which time a presentation was made by staff, and an opportunity was given for the public to comment on the text amendment request; and

WHEREAS, the Planning Commission, after consideration of the staff report, subsequently voted to recommend to Town Council that the proposed amendment be approved; and

WHEREAS, Town Council held a Public Workshop on September 23, 2025 providing the public an opportunity to comment on the proposed amendment.

WHEREAS, Town Council held a Public Hearing on November 4, 2025 providing the public an opportunity to comment on the proposed amendment.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 Purpose

The purpose of this Ordinance is to amend Chapter 12 - Land Use Planning and Zoning Ordinance to establish a Beachfront Overlay Zoning District.

Section 2 Ordinance

- (1) The Town hereby amends Division 2. Zoning Map/Districts establishing Sec. 12-81. Beachfront Overlay Zoning District as shown in the attached **“Exhibit A”** which is hereby incorporated herein by reference.

- (2) The boundaries of the established Beachfront Overlay Zoning District are depicted in the Town of Kiawah Island Beachfront Overlay Zoning District Map as shown in the attached “**Exhibit B**” which is hereby incorporated herein by reference.
- (3) The Town hereby amends the official zoning map to incorporate the established Town of Kiawah Island Beachfront Overlay Zoning District.

Section 3 Severability

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

Section 4 Effective Date and Duration

This Ordinance shall be effective upon its enactment by Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS XX DAY OF XXXX, 2025.

Bradley D. Belt, Mayor

ATTEST:

By: _____
Petra Reynolds, Town Clerk

1st Reading: October 14, 2025

2nd Reading:

Sec. 12-81. Beachfront Overlay Zoning District.

(a) Purpose and intent. The purpose and intent of the Beachfront Overlay Zoning District (BOD) is to:

- (1) Establish a consistent visual, spatial, and ecological transition buffer zone between the built environment and the ocean, beach, and dune system;
- (2) Protect Kiawah Island's beachfront profile, view corridor and the ecological function of dune systems and maritime forest habitats;
- (3) Promote coastal resilience and aesthetic compatibility through zoning and vegetation standards; and
- (4) Maintain and enhance ocean views from properties and public vantage points, including boardwalks and beach access paths.

Activities or uses that would compromise these purposes and intents shall be prohibited or strictly regulated within the BOD.

(b) Effect & Applicability of overlay zoning district. The BOD shall apply to all properties within the established district boundaries as depicted on the official zoning map titled, "Town of Kiawah Island Beachfront Overlay Zoning District."

- (1) The BOD regulations of this section apply in addition to the underlying (base) zoning district regulations. In case of conflict between the regulations of this section and other regulations in this chapter, the regulations of this section shall prevail.
- (2) The Bureau of Coastal Management has direct permitting authority over three beachfront critical areas of the state, the Beach/Dune System, Beaches, and Coastal Waters, pursuant to statutory provisions in S.C. Code Ann. § 48-39-10, et. Seq, and the SCDES's Coastal Division Regulations S.C. Code Reg. §30-1 et. Seq. as amended.

(c) District boundaries. The BOD includes parcels located within one hundred and fifty (150) feet of the 2018 South Carolina Beachfront Jurisdictional Setback Line, as established by the State of South Carolina, or parcels adjacent to the primary dune line of the beachfront as determined by the Town of Kiawah Island Beachfront Overlay Zoning District Boundaries. The official zoning map may be supplemented by a GIS overlay to refine exact boundaries.

- (1) No less than 120 calendar days after the South Carolina Department of Environmental Bureau of Coastal Management reviews and establishes the position of the beachfront jurisdictional lines, the Planning Commission shall provide a recommendation to the Town Council determining any adjustment to the district boundaries or established buffer zones of the Beachfront Overlay District.

(d) Authorized and prohibited uses.

- (1) Authorized uses. All uses permitted in the underlying zoning district shall be permitted unless otherwise restricted by the provisions of this article.
- (2) Beach walkovers shall be exempt from the provisions of this article and may be permitted in accordance with the Town of Kiawah Island Municipal Code Article 16 Beach Management. Beach walkovers must meet the statutory and regulatory requirements and criteria in S.C. Code Ann. § 48-39-10, et. Seq, and the SCDES's Coastal Division Regulations S.C. Code Reg. §30-1 et. Seq.

(3) Prohibited uses. Seawalls, bulkheads, and other hard erosion control structures shall be prohibited.

(e) Buffer Zones.

(1) Buffer Zone A: A fifty (50) foot buffer zone shall be established landward from the 2018 South Carolina Beachfront Jurisdictional Baseline, as depicted in the Town of Kiawah Island Beachfront Overlay Zoning Map. Buffer Zone A shall be measured from the baseline to fifty feet (50') landward from the baseline.

a. No structures, including pools, shall be permitted within Buffer Zone A.

(2) Buffer Zone B: A fifty (50) foot buffer zone shall be established extending from the landward edge of Buffer Zone A (50 feet from the baseline) to a distance of one hundred (100) feet from the 2018 South Carolina Beachfront Jurisdictional Baseline, as depicted in the Town of Kiawah Island Beachfront Overlay Zoning Map. Buffer Zone B shall be measured fifty feet (50') from the baseline measured landward to one hundred feet (100') from the baseline.

a. Structures within Buffer Zone B shall not exceed a maximum building height of ten (10) feet as measured from the base building height elevation.

b. Improved areas within Buffer Zone B shall not exceed 20% of the total Buffer Zone B area of the subject property. For purposes of application, improved areas includes any physical alteration to the existing site involving construction, as structures, paving, hardscapes, whether impervious or pervious as determined by the Planning Director.

(f) Building height. Developments within the BOD should incorporate varied heights of a building's elements or sections, rather than maintaining a uniform height throughout the structure, to reduce visual massing toward the ocean.

(g) Dune protection. No alteration, grading or site work shall impact the primary dune without prior coordination and written approval from the Town's Environmental & Natural Resources Department. Any activity impacting the primary oceanfront dune requires South Carolina Department of Environmental Service's Bureau of Coastal Management review and authorization, in addition to local approval from the Town's Environmental/Natural Resources Department.

(h) Tree preservation and landscaping.

(1) Tree Protection and Landscaping Standards (Sec. 12-129) shall apply to the Beachfront Overlay District.

(2) Only native South Carolina coastal species may be planted within established Buffer Zones A and B.

(3) Invasive plant species are prohibited.

(i) Lighting. All lighting within the BOD shall comply with the standards of the Town of Kiawah Island Municipal Code Article 16 Beach Management.

(j) Nonconformities. Existing structures legally established prior to the adoption of this article shall be deemed nonconforming.

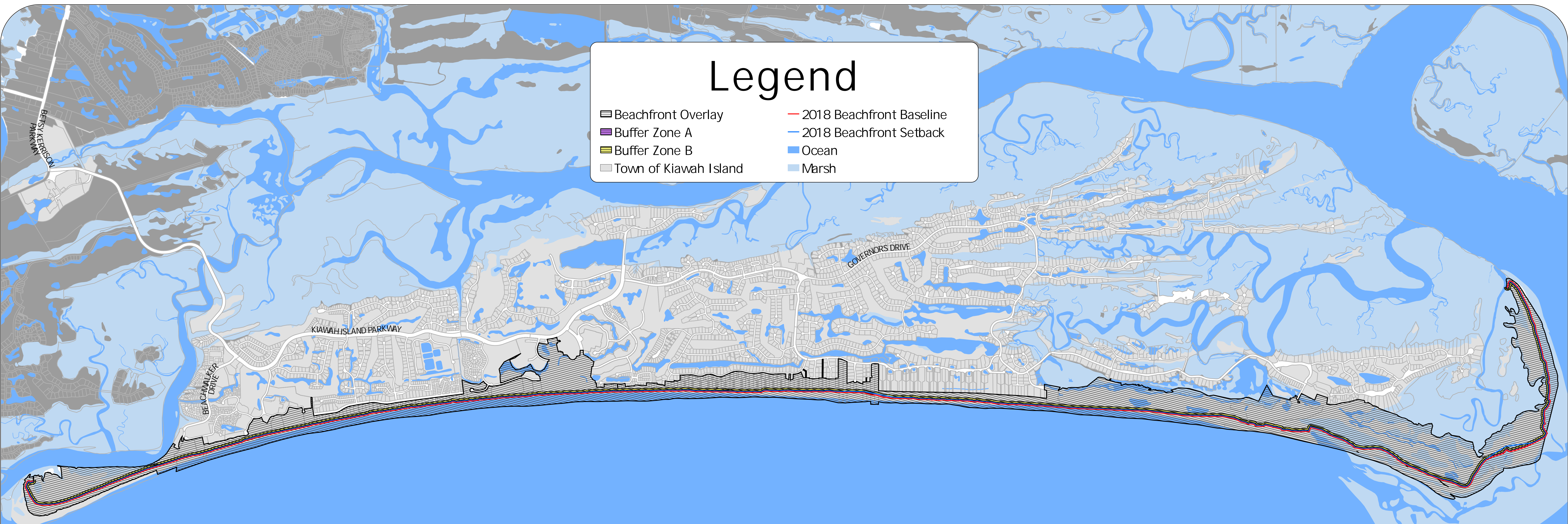
DRAFT 09.30.25

(k) Variances. Relief from the provisions of this section may be granted by the Board of Zoning Appeals where strict application would result in undue hardship, provided such relief does not compromise the public interest or the purposes of this section.

DRAFT

Legend

- Beachfront Overlay
- Buffer Zone A
- Buffer Zone B
- Town of Kiawah Island
- 2018 Beachfront Baseline
- 2018 Beachfront Setback
- Ocean
- Marsh



Town of Kiawah Island Beachfront Overlay

Effective Date: 9/12/2025
Town of Kiawah Island Planning and Zoning Department
File: TOKI_Beachfront_Overlay_Exhibit
User: dvincent

