

**From:** [John Taylor](#)  
**To:** [Petra Reynolds](#)  
**Subject:** Town of Kiawah Island Board of Zoning Appeals April Meeting Decision Notification: BZA20-000003  
**Date:** Monday, March 9, 2020 4:17:06 PM  
**Attachments:** [image001.png](#)

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To: Kiawah Community Interest Group  
TOWN OF KIAWAH ISLAND CLERK Attn: PETRA REYNOLDS

March 9, 2020

Refer to Board of Zoning Appeals **Case # BZA20-000003**

Recently you were notified of The Town of Kiawah Island Board of Zoning Appeals (BZA) public hearing held on **February 24, 2020** regarding a Variance application for the installation of a fence within the required 5' minimum property line distance located at 23 Eugenia Avenue (TMS# 207-08-00-014). This variance was **disapproved**. Please find below a copy of the Order on Variance Application # **BZA20-000003**.

Sincerely,



John Taylor, Jr.  
BZA Secretary

Cc: Petra Reynolds, Town Clerk  
File BZA20-000003

**Town of Kiawah Island  
Board of Zoning Appeals Final Decision and Order on  
Variance Application # BZA20-000003  
for property located at 23 Eugenia Avenue**

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Findings of Fact

The Town of Kiawah Island Board of Zoning Appeals ("BZA") makes the following findings of fact pursuant to S.C. Code Ann. §6-29-800 and the *Town of Kiawah Island Code of Ordinances*, Chapter 12 *Land Use Planning and Zoning Ordinance* §12-163. Based on the evidence presented at the hearing held on February 24, 2020 and pursuant to §12-163. (4) of the Town's Code of Ordinances, the Town of Kiawah Island BZA finds that Cindy Cline, ("the Applicant") and designated agent for Blackbird LLC ("the Property Owner") filed an application January 23, 2020 for a Zoning Variance for property identified as TMS # 207-08-00-014 and located at 23 Eugenia Avenue, Town of Kiawah Island, Charleston County, South Carolina. The Applicant requested a Zoning Variance for the installation of a fence within the required five foot minimum property line distance.

The BZA finds that the need for the variance is the result of the applicant's own actions since the existing residence is permitted without the proposed fence and the proposed fence could be modified to be integrated with the site design outside of the required 5' minimum property line distance.

The BZA also finds that granting of this variance would be contrary to the public or neighborhood interest, would adversely affect other property in the vicinity, and interfere with the harmony, spirit, intent, and purpose of these regulations. The proposed plans differ from existing patterns of adjacent boardwalk and beach access pathways on Kiawah Island. All other beach access pathways along Eugenia Avenue with the exception of the pathway adjacent to the Kiawah Island Community Association's Sandcastle Community Clubhouse do not contain fences along the property line. The fence located at the Sandcastle is adjacent to the parking lot in which Eugenia Avenue terminates. Additionally, the Kiawah Island Community Association opposed the proposed fence stating, "*KICA feels that a fence so close to the KICA trail, and boardwalk will detract from the aesthetic, natural look, and does not conform to Kiawah's unique 'Designing With Nature' ideals, and members family and guests beach experience.*"

The BZA also finds that granting of the variance would substantially conflict with the *Comprehensive Plan* or the purposes of the *Ordinance*. The granting of the variance would substantially conflict with the purposes of the ordinance as the proposed fence would place negative visual impact on the existing neighborhood.

Conclusions of Law

The BZA is authorized pursuant to S.C. Code Ann. §6-29-800 and the *Town of Kiawah Island Code of Ordinances*, Chapter 12 *Land Use Planning and Zoning Ordinance* §12-163 to hear and approve, approve with conditions, or deny zoning variances. Based upon the findings of fact, the Board of Zoning Appeals concludes as a matter of law that the applicant's request for the zoning variance dissatisfies the Approval Criteria in the *Land Use Planning and Zoning Ordinance* §12-163.(4).

A party in interest may appeal this decision to the Circuit Court of Charleston County within 30 calendar days after the decision of the Board of Zoning Appeals is mailed.

**THEREFORE**, the Town of Kiawah Island Board of Zoning Appeals **disapproves** this zoning variance request for the installation of a fence within the required 5' minimum property line distance.



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John Taylor, Jr.  
BZA Secretary

Date issued: February 24, 2020  
Date mailed to parties in interest: March 6, 2020