



**SOUTH CAROLINA
ENVIRONMENTAL
LAW PROJECT**

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April 24, 2023

VIA E-FILING

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RECEIVED
May 01 2023
SC Court of Appeals

Re: City of Folly Beach et al. v. State of South Carolina et al.
Appellate Case No. 2020-000937, Supplemental Authority

Dear Madame Clerk:

I am writing on behalf of the Appellants to ensure the Court is alerted to the recent South Carolina Supreme Court opinion in the case of *Braden’s Folly, LLC v. City of Folly Beach*, Appellate Case No. 2022-000020, Op. No. 28148, filed April 5, 2023. In that opinion, the Court addressed properties on Folly Beach, known as “super-beachfront” lots, in the context of the City’s amendment of an ordinance governing such lots. Those same properties are at the center of this case. While not legally dispositive, the Supreme Court’s opinion is certainly relevant to the proceedings here, as both cases are driven by the City of Folly Beach’s efforts to deal with significant erosion on a particular stretch of its beachfront.

In reversing the Court of Appeals, the Supreme Court in its unanimous opinion recognized the unique character of Folly Beach and held, “Folly Beach’s ordinance is a reasonable land-use regulation.” It recognized, “Braden’s Folly’s super-beachfront house is one of a handful in Folly Beach that are unintentionally threatening the continued existence of the beach as a whole.” Opinion at p. 35.

Additionally, the Court described the City’s enforcement of the avulsion doctrine at issue in the instant appeal as being “in tandem” with the City’s ordinance amendment. Opinion at FN 13.

Respectfully,

A handwritten signature in blue ink that reads "Leslie S. Lenhardt". The signature is written in a cursive style with a large initial "L".

Leslie S. Lenhardt
Senior Managing Attorney

Cc: Counsel of Record
Joseph Wilson, Esq.