

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

Point Farm Investors, LLC,)
)
Plaintiff/Appellant,)
)
vs.)
)
Charleston County Board of Zoning)
Appeals and County of Charleston,)
)
Defendants/Respondents.)
)
In Re: BZA-02-22-561, 02-22-562)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
Case No. 2022-CP-10-02182

**ORDER DENYING COASTAL
CONSERVATION LEAGUE’S MOTION
TO INTERVENE**

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Dec 12 2022

SC Court of Appeals

This matter comes before the Court upon motion of the Coastal Conservation League (“CCL”) to intervene as a party in the above-captioned zoning appeal.

This action began on May 10, 2022, by Plaintiff/Appellant Point Farm Investors, LLC’s (“Point Farm”) filing of a notice of appeal accompanied by a request for pre-litigation mediation pursuant to S.C. Code Ann. § 6-29-825. Point Farm is appealing the decisions of Defendant/Respondent Charleston County Board of Zoning Appeals (the “Board”) issued on April 12, 2022, whereby the Board denied two variances requested by Point Farm.

On June 6, 2022, CCL moved pursuant to S.C. Code Ann. § 6-29-825(A) to intervene in this action. Point Farm and Defendant/Respondent County of Charleston (“County”) responded in opposition to CCL’s motion on the ground that CCL lacks standing to intervene because CCL lacks a substantial interest in the decisions of the Board as is required by S.C. Code Ann. § 6-29-825(A).

On October 24, 2022, the Court held a hearing on CCL’s motion to intervene, and heard arguments from the parties as to whether CCL had a substantial interest in the Board’s decisions on appeal sufficient to establish standing to intervene. After carefully considering the arguments

of counsel at the October 24, 2022 hearing, the parties' briefs, and the filings of record in this appeal, this Court finds that CCL has not satisfied the statutory standing requirement of S.C. Code Ann. § 6-29-825(A), as CCL does not possess a substantial interest in the Board's decisions on appeal.

WHEREFORE, based on the foregoing,

IT IS ORDERED that CCL's Motion to Intervene is **DENIED**;

IT IS FURTHER ORDERED that any pre-litigation mediation conducted in accordance with S.C. Code Ann. § 6-29-825 be conducted within ninety (90) days from the date this order is entered. Additionally, if this case is not disposed of by way of pre-litigation mediation, the Court will re-hear CCL's Motion to Intervene without the need for CCL to re-file the Motion.

IT IS SO ORDERED.

The Honorable Bentley Price



Charleston Common Pleas

Case Caption: Point Farm Investors Llc VS Board Of Zoning Appeals Charleston County , defendant, et al
Case Number: 2022CP1002182
Type: Order/Intervene

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766