RECEIVED
Apr 24 2023
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

---

APPEAL FROM GREENVILLE COUNTY
G.D. Morgan, Jr., Circuit Court Judge

---

Appellate Case No. 2022-001301
Case No. 2021-CP-23-3048

---

Alliance to Preserve the Old White Horse Road Corridor, LLC and Mary Jean Horney, ..... Appellant,

v.

RP&L, LLC and the Greenville County Planning Commission, ..... Respondents.

---

# BRIEF OF RESPONDENT GREENVILLE COUNTY PLANNING COMMISSION

---

ANDREW F. LINDEMANN
LINDEMANN LAW FIRM, P.A.
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

*Counsel for Respondent Greenville County Planning Commission*

## TABLE OF CONTENTS

## TABLE OF AUTHORITIES

### Cases



### Statutes and Rules



### Other Authorities

## STATEMENT OF THE CASE

This is an appeal from the Greenville County Planning Commission which is named as a Respondent on appeal both in the circuit court and in this Court. This land use matter originated on March 31, 2021, when the Respondent RP&L, LLC filed a preliminary subdivision application with the Greenville County Planning Department. (R. 160, 167-168). RP&L, LLC was proposing to subdivide and develop a 43-acre tract of property located at the intersection of Meadow Brook Road and Old White Horse Road in Greenville County, South Carolina. The single-family residential development called "The Stables" was proposed as a cluster development with 73 units on the property and 12.90 acres of open space toward the rear of the property adjacent to the Reedy River, which borders the property to the east.

After receiving comments from the Subdivision Advisory Committee, Kevin Tumblin of Freeland and Associates, the civil engineer for the developer, submitted a revised preliminary plan on April 26, 2021. (R. 96, 172). Ultimately, the request for preliminary plan approval was placed on the agenda for a May 26, 2021 meeting of the Planning Commission. Prior to that date, the Planning Commission and staff received numerous submissions from interested parties, including counsel for the Appellants Mary Jean Horney and Alliance to Preserve Old White Horse Road Corridor, LLC.

At its meeting held on May 26, 2021, the Planning Commission received presentations from interested parties, including the Appellants' counsel, another resident of the area who was aligned with the Appellants, and Kevin Tumblin, the engineer representing the developer's interests. (R. 234-241). The Planning Commission had also received a staff report which recommended the approval of the preliminary plan. (R. 217-218). After receipt of presentations,

which included questions posed by Commission members, the Commission voted 5 to 4 to approve the preliminary plan for the Stables subdivision. (R. 241).

On June 25, 2021, the Appellants filed a notice of appeal to the circuit court in accordance with S.C. Code Ann. § 6-29-1150(D). A hearing was held on July 24, 2022, before Circuit Court Judge G.D. Morgan, Jr. By Order filed August 17, 2022, Judge Morgan affirmed the decision of the Planning Commission. (R. 4-14).

The Appellants did not file any motion to alter or amend pursuant to Rule 59(e), SCRCP. Instead, the Appellants filed a Notice of Appeal to this Court on September 16, 2022. (R. 458)

## STANDARD OF REVIEW

There is an apparent disagreement between the parties as to the applicable standard of review despite the fact that the South Carolina Supreme Court established that standard of review for appeals from a local planning commission in *Kurschner v. City of Camden Planning Commission*, 376 S.C. 165, 656 S.E.2d 346 (2008). In that case, the Supreme Court held that "[b]y statute, the trial court must uphold the Commission's decision unless there is no evidence to support it." 656 S.E.2d at 351. The Supreme Court further explained:

> We refuse to apply a standard of review different from the any evidence standard in this case, for any other standard of review would be contrary to the legislature's intent in granting a planning commission broad discretion in this area. Furthermore, this standard of review does not violate the Kurschner's due process rights.

*Id*. The Supreme Court concluded that the "any evidence" standard had been "consistently utilized in these types of cases." *Id.*

The articulation of the applicable standard of review was reaffirmed five years later in *Town of Hollywood v. Floyd*, 403 S.C. 466, 744 S.E.2d 161 (2013), in which the Supreme Court cited *Kurschner* and defined the standard of review as follows: "By statute, the trial court must uphold a decision by the Planning Commission unless there is no evidence to support it. This Court will uphold the trial judge's decision unless it was based on an error of law or is not supported by the evidence." 744 S.E.2d at 166. (Citation omitted).

The Appellants argued that the "any evidence" standard applies only to "zoning matters" and not to subdivision land development regulations. There is no distinction to be made between zoning and planning in this context, and the Appellants present no authority to support the application of any different standard of review. Notably, in *Kurschner*, the Supreme Court was

reviewing an appeal from an application to subdivide property. Similarly, in *Town of Hollywood*, the Supreme Court was reviewing a municipal planning commission's review of a subdivision application. Both cases make it abundantly clear that the "any evidence" standard of review governs a circuit court's review on appeal as well as the appellate court's review. Those decisions are controlling, and accordingly, the lower court did not err in the standard of review that was applied in this case.

## ARGUMENTS

### I. The lower court correctly ruled that a local planning commission is not required to issue a formal written decision with findings of fact and conclusions of law.

The Appellants contend that the Planning Commission erred in failing to make findings of fact and conclusions of law in approving the preliminary plan for the Stables subdivision. The lower court disagreed, and in reviewing the applicable statutory requirements, reached the "inescapable conclusion" that "the Commission is not required to issue findings of fact and conclusions of law." (R. 8). The lower court further determined that "the Commission's meeting minutes, the transcript of the meeting, and the file material, which includes written opposition to the proposed subdivision, provides the record of the Commission actions and grounds for approval satisfying the requirements of S.C. Code Ann. § 6-29-1150(B)." (R. 8). The decision of the Circuit Court should be affirmed.

An analysis of this issue necessarily begins with the applicable statute governing the conduct of a local planning commission. S.C. Code Ann. § 6-29-1150(B) provides: "A record of all actions on all land development plans and subdivision plats with the grounds for approval or disapproval and any conditions attached to the action must be maintained as a public record. In addition, the developer must be notified in writing of the actions taken." S.C. Code Ann. § 6-29-1150(B). The statute makes no express requirement that a planning commission prepare a formal written decision with findings of fact and conclusions of law.

To address this issue, the lower court examined other parts of the same statutory scheme, namely the South Carolina Local Government Comprehensive Planning Enabling Act, which are *in pari materia* and should be construed together. *See, Joiner ex rel. Rivas v. Rivas*, 342 S.C. 102, 109, 536 S.E.2d 372, 375 (2000) ("it is well settled that statutes dealing with the same subject

matter are *in pari materia* and must be construed together, if possible, to produce a single, harmonious result"). As this Court has instructed, "[s]tatutes must be read as a whole and sections that are part of the same statutory scheme must be construed together." *Myat v. Tuomey Regional Medical Center*, 427 S.C. 601, 832 S.E.2d 306, 311 (Ct. App. 2019). As the lower court recognized, within the same statutory scheme, the General Assembly expressly included language requiring a board of zoning appeals to provide on appeal "the decision of the board including its findings of fact and conclusions." S.C. Code Ann. § 6-29-830(A). That same requirement, however, was not made of a local planning commission, likely in recognition of the differing roles the two bodies play. Importantly, the absence of the requirement for a formal decision with findings of fact and conclusions of law in the statute governing a local planning commission demonstrates, as the trial court found, that the General Assembly did not intend to require such a formal decision on each matter addressed by a planning commission.

Moreover, our appellate courts have recognized that "detailed orders" with findings of fact and conclusions of law are not necessary to ensure meaningful appellate review. In *Porter v. Labor Depot*, 372 S.C. 560, 643 S.E.2d 96 (Ct. App. 2007), this Court recognized that "not all situations require a detailed order, and the circuit court's form order may be sufficient if the appellate court can ascertain the basis for the circuit court's ruling from the record on appeal." 643 S.E.2d at 100. This Court further acknowledged that "courts reviewing the decisions of administrative agencies may look to written documents as well as records of proceedings as sufficient formats for final decisions." *Id.*

In support of their position that specific findings of fact and conclusions of law must be made by a local planning commission, the Appellants cite only to two decisions of the circuit court which they erroneously refer to as "circuit court precedent." *See*, Appellants' Brief, p. 12.

However, it is well settled that the decisions of a circuit court judge are not controlling precedent in any instance. *See, Ford v. Beaufort County Assessor,* 398 S.C. 508, 730 S.E.2d 335, 339, n.1 (Ct. App. 2012) ("[t]rial or inferior court decisions are not precedents binding other courts, including appellate courts or other judges of the same trial court"). Thus, the Appellants' reliance on the circuit court decisions is misplaced and should be rejected. Notably, the Appellants rely on no appellate decisions – that being actual legal precedent – to support their position.

Additionally, the Appellants failed to provide the Court with the critical procedural history of the *Northern Greenville County Rural Landowners v. Vicars Construction, LLC* appeal. In that matter, while the Planning Commission's motion for reconsideration was pending as to the order referenced, Judge Edward Miller issued a subsequent order dismissing the appeal as moot. Thus, the order on which the Appellants erroneously rely as "circuit court precedent" was not even a final order. This highlights the reasons that circuit court decisions should not be cited or relied on as precedent or even as persuasive authority. Such decisions have not been fully vetted through the appeals process, as is required for legal precedent under our system of justice.

In sum, the lower court correctly ruled that the Planning Commission was not required to issue a formal written decision with findings of fact and conclusions of law. Instead, the minutes and transcript of the meeting and submittals to the Planning Commission provide a sufficient record to allow for a meaningful review of the Commission's decision.

**II. The Appellants' challenge to the evidentiary support for the three review criteria set forth in LDR Article 3.1 was not addressed by the lower court and is not preserved for appellate review. However, even if that issue is deemed preserved, there is sufficient evidence in the record for the Planning Commission to conclude that each of the review criteria was sufficiently met.**

The Appellants also challenge the evidentiary basis for the Planning Commission's decision granting preliminary subdivision approval of the Stables subdivision. As an initial argument, the Appellants contend that the record lacks any evidence to support favorable findings under the three review criteria set forth in LDR Article 3.1. (R. 372).[1] That position lacks merit on both procedural and substantive bases.

As a threshold matter, the Appellants have not preserved this issue for appellate review. In *Elam v. South Carolina Dept. of Transportation*, 361 S.C. 9, 602 S.E.2d 772 (2004), the Supreme Court explained that "[i]ssues and arguments are preserved for appellate review only when they are raised to and ruled on by the lower court." 602 S.E.2d at 779-780. "Error preservation requirements are intended 'to enable the lower court to rule properly after it has considered all relevant facts, law, and arguments.'" *Ellie, Inc. v. Miccichi*, 358 S.C. 78, 594 S.E.2d 485, 498 (Ct. App. 2004), *citing I'On v. Town of Mt. Pleasant*, 338 S.C. 406, 526 S.E.2d 716, 724 (2000). "It is well settled that an appellate court cannot address an issue unless it was raised to, *and ruled upon by*, the trial court." *Id.* (Emphasis in original). While the Appellants did raise issues related to LDR Article 3.1 in their notice of appeal to the circuit court, the lower court did not address those issues in its order filed August 17, 2022, and the Appellants failed to file a Rule 59(e) motion requesting the lower court to address and specifically rule on those issues. As a result, those issues have been waived for appellate review.

Nonetheless, even if this Court finds the issue to be properly preserved, the Appellants'

[1] "LDR" is a reference to the Greenville County Land Development Regulations.

position lacks merit as there exists sufficient evidence in the record to support a determination that the Stables subdivision meets the LDR Article 3.1 review criteria.

The first criterion requires consideration that "[a]dequate existing infrastructure and transportation systems exist to support the project." (R. 372). On appeal, the Appellants argue that the roads are insufficient to support the subdivision, and more particularly, they criticize the Planning Commission for not ordering a traffic impact study prior to making a decision. As to the latter point, LDR Article 9.1 addresses when a traffic impact study is required, and for single family developments, the study is only required where there are at least 90 units. (R. 383). The Stables subdivision with its 73 units did not meet that threshold. Nonetheless, the Appellants argue that the Planning Commission erred in failing to exercise its discretion to order a traffic impact study. On this point, the Appellants make inconsistent arguments. On one hand, they argue that "the Planning Commission is allowed broad discretion to order a TIS under the LDR Article 9." *See*, Appellants' Brief, p. 15. Thereafter, they concede that Article 9 does not explicitly grant that authority, but "nothing in Article 9 states the Planning Commission lacks the authority to order a TIS for developments of less than 90 homes." *See*, Appellants' Brief, p. 15. At any rate, whether to request a traffic impact study is at the very least discretionary, and the Planning Commission did not commit any error of law in following the requirements of LDR Article 9.1, which mandates a traffic impact study only for single family developments of 90 or more units.

Moreover, there is sufficient evidence in the record to support a finding that the transportation infrastructure will support the project. The ingress and egress from the subdivision is onto Meadow Brook Road, which is a county road. Kevin Tumblin of Freeman and Associates, the civil engineer for the developer, testified that improvements would be made

to Meadow Brook Road. (R. 239-240). Thus, there is evidence of improvements to the infrastructure from the engineer. Additionally, the Commission was advised that there were no concerns from the South Carolina Department of Transportation (R. 239), and the staff recommended approval as well. (R. 218). Accordingly, there is sufficient evidence in the record to support a finding that the first criterion is satisfied.

The second criterion requires that "[t]he project is compatible with the surrounding land use density." (R. 372). The Appellants argue that the project is not compatible with the uses of adjoining tracts, which are primarily agricultural or equestrian uses. The criterion, however, addresses land use *density*. Nonetheless, the subject property, like the surrounding properties, is zoned Residential-Suburban (R-S), the purpose of which is "to provide reasonable safeguards for areas in the process of development with predominantly single family dwellings, but are generally still rural in character." (R. 234). The zoning district therefore anticipates single family residential development within a rural area. The recommended density is zero to one dwelling per acre. (R. 234). The evidence reflects that the Stables subdivision has a density of 1.7 units per acre which is not within the recommended parameters but is permitted under the R-S zoning for a cluster development. *See*, Zoning Ordinance, § 7:2 (Table 7.1). (R. 401). The staff recommended approval of the project, and given the evidence in the record, the majority of the Commission properly concluded that the second criterion was sufficiently met.

The third criterion requires that the project be "compatible with the site's environmental conditions, such as but not limited to, wetlands, flooding, endangered species and/or habitat, and historic sites and/or cemeteries." (R. 372). As Kevin Tumblin testified, the project was designed as a cluster development to create open spaces to the rear of the property and to create a 750 foot buffer from the Reedy River. (R. 238). In addition, the Commission received testimony from

Tumblin that flooding and stormwater management is not an issue in that the design will include a stormwater detention pond and that water currently flowing to an existing pond on the property will be redirected to the detention pond. (R. 239). He opined that "any flooding for that pond should improve." (R. 239). In contrast, the Appellants rely on an email from Donald Woodward on the stormwater issue, but according to the email, Woodward has no engineering or subject matter expertise. He is identified as the "proprietor" of Firstfruits Farm of South Carolina, LLC, and holds an undergraduate degree in zoology and a masters degree in biochemistry. (R. 191-192). Woodward did not testify or speak at the Planning Commission hearing. In sum, there is sufficient evidence in the record to support a finding that the third criterion is satisfied.

Although the lower court did not address any issues related to LDR Article 3.1, the record demonstrates nonetheless that there is sufficient evidence for the Planning Commission to conclude that each of the review criteria was sufficiently met.

## III. The lower court correctly ruled that there was sufficient evidence in the record to demonstrate that issues related to fire safety and access by the fire department were considered by the Planning Commission.

The Appellants also argue that the preliminary plan for the Stables subdivision was erroneously approved without input from the fire department or consideration of fire safety issues. The lower court correctly rejected that argument. During the May 26, 2021 meeting of the Planning Commission, the issue of access for first responders, including the fire department, was addressed. In response to questioning on this issue, Kevin Tumblin explained that "the fire department's main access would be on Meadowbrook Road[.] [T]hey are going to widen and then into our subdivision, so there won't be a 16 foot access. Then we have a secondary access, maybe halfway down the road that they would only use in an emergency if the front entrance

was blocked." (R. 240). Tumblin was then asked, "Is there any reason to believe there's a fire safety access issue?" to which he replied: "No. After we do the improvements to the front entrance and widen it, what the county recommends, there won't be an issue." (R. 240). In sum, the fire safety and access issues were raised and addressed. Accordingly, as the lower court correctly ruled, there is sufficient evidence in the record to support the decision of the Planning Commission to grant preliminary approval for the subdivision.

## IV. The lower court correctly ruled that the evidence in the record supports the discretionary decision by the Planning Commission that the preliminary plan met the cluster development requirements set forth in LDR Article 11.

The Appellants further argue that there is no evidence that the preliminary plan for the Stables subdivision complied with LDR Article 11 which governs cluster developments. In making their arguments, the Appellants rely primarily on a property survey dated June 17, 2021, which post-dates the Planning Commission meeting on May 26, 2021 and the decision made on that date. It is elementary that such new evidence is not probative to show that the Planning Commission committed an error of law in its decision.

At any rate, the Appellants' position focuses on the delineation of both developed and undeveloped open spaces. LDR Article 11.1 provides that "[h]ome sites are clustered to preserve open space for recreation, environmental, or ecological reasons." (R. 387). The Appellants insist that there is no evidence that the open space, which is located at the rear of the property towards the Reedy River, is intended for recreation, environmental, or ecological reasons; yet, the very nature of that open space, which the Appellants describe in their brief as a "dense forest" and areas within the immediate floodplain of the Reedy River, support a finding that the open space could be used for any or all of those reasons.

The Appellants also complain that the preliminary plan does not satisfy LDR Article 11.4 addressing access to the open areas. Yet, a review of the revised preliminary plan (updated April 26, 2021) shows that the open spaces at the rear of the property are accessible to non-adjoining lots through access provided at a cul-de-sac. By way of the access through the cul-de-sac, there will be direct access for the residents of the Stables subdivision.

Lastly, the Appellants contend that the amount of open space is insufficient. Based on information available to the Planning Commission, the tract was described as 43.0 acres, which under Open Space Residential Development, Option #1, required that there be thirty percent of common open space. *See*, Zoning Ordinance, § 7:2 (Table 7.2). (R. 401). Thus, the 43.0 acre development required 12.9 acres of open space, both developable and undevelopable. The staff reported to the Planning Commission that the proposed preliminary plan included "12.90 acres of required open space," thereby providing evidence in the record to support the Commission's approval. (R. 217-218). Note that under Option #1, "the required open space may include both developable and undevelopable land." *See*, Zoning Ordinance, § 7:2.4-6. (R. 399). Therefore, it is inconsequential whether the open space is developable, undevelopable, or a combination of the two. Nonetheless, the delineation of the open space was included on the revised preliminary plan (updated April 26, 2021), which is what the Commission approved on May 26, 2021. (R. 96).

As mentioned above, the Appellants rely on a property survey dated June 17, 2021, to argue (1) that some of the "developable open space" may include wetlands and (2) that the property is actually 43.6989 acres, which would require 13.1 acres of open space. In addition to the obvious fact that a survey that came into existence after the Planning Commission's decision has no bearing on the propriety of its decision, these are two meritless points that are raised. If

the "developable open space" includes wetlands, it would still qualify as "undevelopable open space" and can be recategorized as such, but by ordinance "the required open space may include both developable and undevelopable land." *See*, Zoning Ordinance, § 7:2.4-6. (R. 399). Thus, that is a non-issue. Second, if the dimensions of the property are determined to be actually larger than 43.0 acres, which was the acreage provided to the Planning Commission when it made its decision, that is harmless error, as the lower court noted, and it can be corrected before final development plan approval. (R. 12). Such "after-discovered evidence," so to speak, does not negate the decision made by the Planning Commission which is obviously and necessarily based on the evidence presented at the time of the decision. The lower court therefore was correct in affirming the Planning Commission's approval of the preliminary plan, including the cluster development requirements under LDR Article 11.

## V. The lower court correctly rejected the Appellants' claim that they were denied procedural due process.

Lastly, the Appellants argue that the Planning Commission violated their procedural due process rights by not placing the preliminary plan (updated April 26, 2021) on its website prior to the May 26, 2021 meeting. The lower court was correct in rejecting that argument.

In *Kurschner v. City of Camden Planning Commission*, 376 S.C. 165, 656 S.E.2d 346 (2008), the Supreme Court established the parameters for the due process to which parties to a local planning commission proceeding are entitled. As an initial observation, the Supreme Court explained that "due process does not require a trial-type hearing in every conceivable case of government impairment of a private interest. Rather, due process is flexible and calls for such procedural protections as the particular situation demands." 656 S.E.2d at 350. The Court then

concluded that "due process does not require the full gamut of rules and procedures to which the Kurschners claim they were entitled. While due process may require a trial-type hearing in fact-specific, adjudicatory decisions of an administrative body, the power exercised by the Commission and the individual interests at stake in this case are very different." *Id.* The Court recognized that a decision on a subdivision application or plan is "an exercise of discretionary authority, as opposed to adjudicatory power" on the basis that "[t]he legislature expressly granted this discretionary authority in the area of local planning to the Commission." *Id.*

In short, the Supreme Court in *Kurschner* held that "[t]he fundamental requirements of due process include notice, an opportunity to be heard in a meaningful way, and judicial review." *Id.* The Court rejected the request for an array of due process protections and focused on the requirement that the parties be afforded "a meaningful opportunity to be heard." *Id.*

In applying these basic principles of law to the present case, it is abundantly clear that that the Appellants received a meaningful opportunity to be heard. The Appellants were represented by counsel at the May 26, 2021 meeting, and their counsel made a presentation to the Planning Commission. (R. 234-235). Another interested property owner, who was aligned with the Appellants, also made a lengthy presentation. (R. 235-238). The Appellants' counsel also submitted a six-page letter to the Planning Commission prior to the meeting. (R. 90-95). Other property owners submitted correspondence and emails stating their position. In addition, the Appellants have been provided judicial review at the circuit court level and now to this Court.

The Appellants, nonetheless, contend that they were denied due process because the preliminary plan (updated April 26, 2021) was not made available on the Planning Commission's website prior to the meeting. The original preliminary plan was available, but the developer then updated the preliminary plan on April 26, 2021, following receipt of the Subdivision Advisory

Committee comments. The revisions were minimal, and the Appellants have not demonstrated any prejudice that resulted from having first reviewed the updated preliminary plan at the May 26, 2021 meeting. In fact, the Appellants did not raise any due process concerns at the meeting itself, which is indicative of the lack of prejudice. Indeed, this was an issue raised for the first time on appeal, which renders it untimely. But nonetheless, the Appellants' position is untenable in that they could have accessed the file for this project which was available to the public for inspection as a public record. Rashida Jeffers-Campbell, who is the Subdivision Administrator for Greenville County, attests as follows:

> 4. In my position at Greenville County, I am familiar with Subdivision File PP-2021-075 (The Stables). This file is a public record concerning The Stables subdivision that is kept and maintained in Greenville County's Subdivision Administration office at 301 University Ridge, Suite 4600, Greenville, South Carolina 29601. As a public record, this file is and has always been accessible to the public at the Subdivision Administration office since the file was opened on March 31, 2021.
>
> 5. The subdivision file, which is also a business record of Greenville County, consists of multiple records, including the original Preliminary Plan filed by the developer on March 31, 2021 and the Updated Preliminary Plan filed with the Subdivision Administration office on April 26, 2021. The[] file also contains, among other things, the developer's application, Subdivision Advisory Committee comments and report, and subdivision staff reports, none of which are available on the internet, but all of which are available for public inspection in the County's Subdivision Administration office.

(R. 451-452). Moreover, according to Jeffers-Campbell, "[t]he Updated Preliminary Plan has been available to the public from April 26, 2021 to the present in the Subdivision Administration Office. In fact, the entire subdivision file, including the Updated Preliminary Plan, has been available for review to any member of the public during normal Greenville County business hours without the need of filing a Freedom of Information Act request." (R. 453).

In sum, as the lower court correctly concluded, the availability of the file for review and the Appellants' failure to review the updated preliminary plan that was available since April 26, 2021 was "fatal to this argument." (R. 10). The Appellants have not demonstrated a due process violation that warrants the reversal of the Planning Commission's approval of the preliminary plan.

## CONCLUSION

Based on the foregoing discussion and analysis, the Respondent Greenville County Planning Commission respectfully requests that the Court affirm the Order of Circuit Court Judge G.D. Morgan, Jr. which affirmed the May 26, 2021 decision of the Greenville County Planning Commission.

Respectfully submitted,

LINDEMANN LAW FIRM, P.A.

BY: *s/ Andrew F. Lindemann*

ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

*Counsel for Respondent Greenville County Planning Commission*

April 24, 2023

RECEIVED
Apr 24 2023
SC Court of Appeals

**CERTIFICATE OF COUNSEL**

The undersigned counsel for the Respondent Greenville County Planning Commission certifies that the Final Brief of Respondent Greenville County Planning Commission complies with Rule 211(b), SCACR.

LINDEMANN LAW FIRM, P.A.

BY: *s/ Andrew F. Lindemann*

ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

*Counsel for Respondent Greenville County Planning Commission*

April 24, 2023

RECEIVED
Apr 24 2023
SC Court of Appeals

## CERTIFICATE OF COMPLIANCE

The undersigned counsel for the Respondent Greenville County Planning Commission certifies that the Final Brief of Respondent Greenville County Planning Commission complies with the Supreme Court's Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings, issued April 15, 2014.

LINDEMANN LAW FIRM, P.A.

BY: *s/ Andrew F. Lindemann*

ANDREW F. LINDEMANN #13030
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, South Carolina 29260
(803) 881-8920

*Counsel for Respondent Greenville County Planning Commission*

April 24, 2023