

The South Carolina Court of Appeals

Crescent Homes SC, LLC, Appellant,

v.

City of Charleston Board of Zoning Appeals-Zoning,
Respondent.

Appellate Case No. 2022-000092

ORDER

Appellant sought a building permit for a residential dwelling (the Property). Respondent denied the building permit on the ground that the proposed design violated a zoning ordinance. Respondent subsequently granted a variance, allowing Appellant to utilize the proposed design on the Property. Appellant also sought variances for two additional properties utilizing the same design as the Property; Respondent denied the variance requests.

Appellant appealed Respondent's decision to deny the building permit and the requested variances to the circuit court. The circuit court affirmed both of Respondent's decisions. Appellant asks this court to review *only* the findings related to the Property's building permit—which was granted with a variance—not the denial of the other requested variances.

Because Respondent granted a variance and Appellant did not appeal the denial of the requested variances, any judgment by this court in the current appeal would not offer Appellant practical relief, and this appeal is moot. *See Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973) ("A case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy. This is true when some event occurs making it impossible for reviewing Court to grant effectual relief."). Accordingly, the appeal is dismissed. *See Byrd v. Irmo High Sch.*, 321 S.C. 426, 430, 468 S.E.2d 861, 864 (1996) ("Before any action can be maintained, there must exist a justiciable controversy."); *id.* at 431, 468 S.E.2d at 864 ("This Court will not pass on moot and academic questions or

make an adjudication where there remains no actual controversy."). The remittitur will be sent as provided by Rule 221(b), SCACR.

Paul W. Thomas

J.

A. K.

J.

John D. Beatty

J.

Columbia, South Carolina

cc:

E. Brandon Gaskins, Esquire
Timothy Alan Domin, Esquire

FILED
Nov 08 2023