ELECTRONICALLY FILED - 2024 Apr 30 8:55 AM - GREENVILLE - COMMON PLEAS - CASE#2022CP2305361

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

G. D. Morgan, Jr., Circuit Court Judge

Case No. 2022-CP-23-05361

Letchworth Properties, LLC…....……………………………………………… Appellant,

v.

City of Greer, South Carolina, and Greer Board of Zoning Appeals...………Respondents.

NOTICE OF APPEAL

Letchworth Properties, LLC appeals the Order of the Honorable G. D. Morgan, Jr., denying Appellant's appeal from the Greer BZA and also from the Order denying Appellant's Motion to Alter, Amend or Reconsider that Order. The court filed a **Form 4 Order** on January 22, 2024 with a notation a Formal Order would follow. The **Formal Order** was signed on February 4, 2024 and electronically filed on February 5, 2024. Petitioner timely filed its Motion to Alter, Amend or Reconsider on February 12, 2024 which the court denied via a **Form 4 Order** dated April 3, 2024. Appellant received electronic notice of the entry of this Order on April 3, 2024. Copies of the orders on appeal are attached hereto as **Exhibits A**, **B** and **C**, respectively.

Respectfully submitted

/s/ J. Marshall Lawson

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April 30, 2024

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Attorney for Respondents

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EXHIBIT A

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP2305361

Letchworth Properties Llc
PLAINTIFF(S)

City Of Greer et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

This matter is before the Court on Appellant's Appeal of the decision by the Board of Zoning Appeals for the City of Greer. Based on a review of the file, submissions of the parties, and oral arguments, the decision is affirmed. Counsel for the Respondent is to prepare a formal order.

It is so ordered.

ORDER INFORMATION

This order ☑ ends ☐ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/22/2024 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2024 Apr 30 [illegible] - GREENVILLE - COMMON PLEAS - CASE#2022CP2305361

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Greenville Common Pleas

Case Caption: Letchworth Properties Llc VS City Of Greer , defendant, et al

Case Number: 2022CP2305361

Type: Order/Electronic Form 4

So Ordered

G.D. Morgan Jr.

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EXHIBIT B

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	C.A. NO.: 2022-CP-23-05361
Letchworth Properties, LLC, Appellant,	)	**FINAL ORDER**
v.	)	
City of Greer and City of Greer Board of Zoning Appeals Respondents.	)	Appeal from City of Greer Board of Zoning Appeals Docket No. BZVA 22-06

THIS MATTER came before the Court on January 10, 2024 at a regularly scheduled term of non-jury motions pursuant to an Appeal from the Greer Board of Zoning Appeals. Present before the Court were J. Marshall Lawson, attorney for the Appellant, and Daniel R. Hughes, Attorney for the Respondents, City of Greer ("City") and City of Greer Board of Zoning Appeals ("BZA"). Upon the Court's careful consideration of the pleadings and legal memorandum, relevant case law, arguments of counsel, the Record on Appeal, the BZA hearing transcript, and the entire record herein, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Appellant owns the property known as the Historic Greer Depot located at 300 Randall Street, Greer, South Carolina 29651. This property is located in the Downtown Greer Overlay District (R. p. 11).

2. On or about April 13, 1999, the City Council for the City adopted a zoning ordinance and within that zoning ordinance established several overlay districts, one of which was the Downtown Greer Overlay District (DT) (hereinafter "Downtown District") that applied to the properties located in the Downtown District, including the Appellant's property.

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3. The Downtown District's regulations were codified in Section 5.18 of the City of Greer Zoning Ordinance[1] (hereinafter the "Downtown District Regulations"), a copy of which is attached hereto as **Exhibit "A."** Section 5.18.1 of the Downtown District Regulations (R. p. 13) provided the City's purpose for adopting the Downtown District Regulations as follows:

> 5:18.1.
> *Purpose.* The purpose of the Downtown Greer Overlay District (DT) is to promote harmonious and compatible development within the Downtown Greer Central Business District which compliments the character and charm of this unique mixed-use center.

4. The Downtown District Regulations provide permitted and conditional uses, and provide for certain design and architectural standards, including standards that apply to accessory structures such as fences.

5. Fences are allowed in the Downtown District provided that the fence meets the following standards:

> 5:18.4.5.
> *Accessory Structures.*
> …
> B. Fences and Walls—Fences and walls shall be constructed of a permanent material such as masonry, brick, and wrought iron. Chain link fencing shall not be allowed. Fences and walls may extend to the property line (underline added).
>
> 5:18.5.5.
> *Exterior Facade—Visible Attachments.* Acceptable visible attachment (chimney, flues, decks, balconies, signs, awnings, railings) finish materials are:
> …
> G. Railings and Fencing—painted metal, brick or ornamental iron (no chain link fencing). (R. p. 13) (underline added).

6. On or about July 19, 2022, Appellant began construction of a black powder coated

[1] On November 28, 2023, the City of Greer adopted a Unified Development Ordinance that retained the use of the Greer Downtown Overlay District in Section 3.2 of the UDO, including the prohibition of chain link fences in the Downtown District. During all times relevant hereto the applicable zoning ordinance is contained within the prior version of the City of the Greer Zoning Ordinance in Section 5.18.

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chain link fence (R. p. 29) without first obtaining a permit for the construction of the fence from the City (BZA Hearing Transcript p. 48, lns. 11-20). Appellant testified that he erroneously reviewed the "Residential Code" before construction of the fence. (BZA Hearing Transcript p. 11, lns. 16-23; p. 38, lns. 13-23; p. 52, ln.13-23).

7. On or about August 2, 2022, the City notified Appellant that the fence did not comply with the Downtown District Regulations, which specifically prohibit chain link fences (BZA Hearing Transcript p. 10, ln. 23 – p. 11, ln. 3). On or about August 19, 2022, Appellant submitted his request for a variance to allow the chain link fence (R. p. 1).

8. On September 12, 2022, a hearing regarding the request for variance was held before the BZA (R. p. 6). At the outset of the hearing, Ashley Kaade, the City's Planning Manager, advised the BZA that the purpose of the hearing was to consider the Appellant's request to allow a chain link fence (BZA Hearing Transcript p. 5, ln. 1 – p. 7, ln. 7).

9. Mrs. Kaade provided the BZA with a summary report of the request (R. pp. 6-19), the applicable standards, including Section 5.18.4.5 of the Downtown District Regulations and the criteria that the BZA must use to analyze a variance set forth in S.C. Code §6-29-800(A)(2), which provides as follows:

> (A) The board of appeals has the following powers:
> (2) to hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:
> (a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
> (b) these conditions do not generally apply to other property in the vicinity;
> (c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
> (d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance. (R. p. 6).

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10. The City's Planning Staff also included its analysis of the variance request considering the criteria set forth by S.C. Code §6-29-800 (A)(2), and considering the analysis, its recommendation of denial of the request (R. p. 15; Transcript pp. 26-32).

11. Steven Hawkins, the owner of Letchworth Properties, LLC, and its attorney, J. Marshall Lawson, appeared at the BZA hearing on behalf of the Appellant. Mr. Lawson presented Appellant's argument and Mr. Hawkins testified as to why Appellant should be entitled to a variance (R. pp. 26-73; BZA Hearing Transcript pp. 7-24). Appellant argued that it was entitled to a variance considering the criteria provided by S.C. §6-29-800(A)(2). It further argued that it was cost prohibitive for the Appellant to have to remove and replace the fence with a fence allowed under the Downtown District Regulations.

12. At the conclusion of Appellant's case, the BZA asked questions of the City and the Appellant. Appellant does not deny that it constructed the fence without a permit from the City (BZA Hearing Transcript p. 48, lns. 11-20). It further admitted that it made a mistake by not consulting the City's zoning ordinance prior to construction and that the fence violated the Downtown District Regulations (R. p. 45; BZA Hearing Transcript p. 53, lns. 17-20).

13. Following some discussion by the BZA, Board Member, Ms. Tsemeloglou, made a motion to deny the variance, followed by a second, and the motion passed by a vote of 5-1 (R. pp. 21-25; Transcript pp. 53-55).

14. On September 28, 2022, Appellant filed this appeal, and on October 4, 2022, its Petition for Appeal, setting forth two (2) grounds for reversal – (1) that the BZA misapprehended or ignored the correct legal standards in analyzing each of the criteria set forth in S.C. Code §6-29-800(A)(2) and (2) insufficient due process.

15. On February 8, 2023, Respondent filed its findings of fact and conclusions of law

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with the Court, a copy of which is attached hereto as **Exhibit "B."**

STANDARD OF REVIEW

In reviewing the questions presented by a zoning appeal, the court shall determine only whether the decision of the Board is correct as a matter of law. Furthermore, "[a] court will refrain from substituting its judgment for that of the reviewing body, even if it disagrees with the decision." *Restaurant Row Assocs. v. Horry County*, 335 S.C. 209, 216, 516 S.E.2d 442, 446 (1999). "However, a decision of a municipal zoning board will be overturned if it is arbitrary, capricious, has no reasonable relation to a lawful purpose, or if the board has abused its discretion." *Id.*; *Austin v. Board of Zoning Appeals*, 362 S.C. 29, 606 S.E.2d 209 (Ct. App. 2004).

South Carolina Code §6-29-840 prescribes the standard of review a circuit court should apply when considering an appeal from a local zoning board. In pertinent part, the statute provides: "The findings of fact by the board of appeals must be treated in the same manner as a finding of fact by a jury, and the court may not take additional evidence." S.C. Code Ann. § 6-29-840. And, it is well-settled that "the factual findings of the jury will not be disturbed unless a review of the record discloses that there is no evidence which reasonably supports the jury's findings." *Sterling Dev. Co. v. Collins*, 309 S.C. 237, 240, 421 S.E.2d 402, 404 (1992).

Specifically, as to a variance request, the BZA has the power to hear and decide requests for variances when strict application of the zoning ordinance would result in unnecessary hardship. S.C. Code § 6-29-800(A)(2). A variance allows the board to modify an otherwise legitimate zoning restriction when, due to unusual conditions, the restriction may be more burdensome than was intended. To obtain a variance on the ground of unnecessary hardship, *there must at least be proof* that a particular property suffers a singular disadvantage through the operation of a zoning regulation. *Colbert v. Krawcheck*, 299 S.C. 299, 384 S.E.2d 710 (1989); *Restaurant Row Assocs.*,

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335 S.C. 209 at 216, 516 S.E.2d 442 at 446 (1999) (italics added).

Furthermore, an owner is not entitled to relief from a zoning regulation through a variance from a self-created or self-inflicted hardship. A claim of unnecessary hardship cannot be based on conditions created by the owner, nor can one who purchases property after the enactment of a zoning regulation complain that the nonconforming use would work a hardship upon him. *Rush v. City of Greenville*, 246 S.C. 268, 143 S.E.2d 527 (1965); *Georgetown County Building Official v. Lewis*, 290 S.C. 513, 351 S.E.2d 584 (1986).

Finally, the fact that the property may be used more profitably if a variance is granted may not be considered as grounds for a variance. *See Groves v. Charleston*, 226 S.C. 459, 85 S.E.2d 708 (1955); S.C. Code §6-29-800(A)(2)(d)(I).

CONCLUSIONS OF LAW

Based upon the foregoing findings of facts, standard of review, and applicable law, the Court makes the following conclusions of law:

1. Appellant created the hardship from which it now seeks relief. Appellant admits that it made a mistake by failing to consult the City's Zoning Ordinance prior to construction of the fence and that the fence violates the Downtown District Regulations. (R. p. 45; Transcript p. 11, lns. 16-23; p. 38, lns. 13-23; p. 52, ln.13-23). Therefore, pursuant to the holdings in *Rush v. City of Greenville and Georgetown County Building Official v. Lewis*, cited *supra*, the Appellant's variance request fails because the hardship was self-inflicted.

2. Furthermore, in analyzing the criteria established by S.C. Code 6-29-800(A)(2) Appellant fails to meet its burden of proof that the BZA's decision to deny the variance request was arbitrary, capricious, had no reasonable relation to a lawful purpose, or that the BZA abused its discretion." *Austin v. Board of Zoning Appeals*, 362 S.C. 29, 606 S.E.2d 209 (Ct. App. 2004).

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The BZA applied the correct law, and its decision was supported by the evidence based upon the following:

a. The terms of the Downtown District Regulations prohibiting a chain link fence are clear and unambiguous. *See* Greer Zoning Ordinance Sec. 5:18.1.

b. As to the criteria set forth in S.C. Code §6-29-800(A)(2)(a) and (b), the evidence supports the BZA's findings that extraordinary and exceptional conditions do not pertain to the Appellant's property and that the conditions apply to other property in the vicinity. Appellant fails to present sufficient evidence that its property suffers a *singular* disadvantage through the operating of the zoning regulation. *See Colbert v. Krawcheck*, 299 S.C. 299, 384 S.E.2d 710 (1989); *Restaurant Row Assocs.*, 335 S.C. 209 at 216, 516 S.E.2d 442 at 446 (1999). Appellant argues that its property is disadvantaged because it is a commercial venue that borders a railroad. However, as shown by the zoning map of the Downtown District (R. p. 11), the Appellant's property is one of many that border the railroad. Two rail lines run through the Downtown District owned by Norfolk Southern and CSX. There are many commercial properties that border or are adjacent to these railroads. Furthermore, the Downtown District Regulations do not prevent Appellant from having a fence, only the type of fence.

At the hearing, City staff stated as follows:

> And so staff now -- since staff is recommending denial of this variance, we do disagree with the -- the analysis that's been brought forward by the applicant for the criteria for the variance, one being that they're extraordinary or exceptional conditions pertaining to this particular piece of property. As you saw from the overlay map, there are many properties that have a boundary with the railroad. This is not unique in that factor. And again, we're not saying that they cannot have a fence. It is purely about the material of the fence that is laid out. (Transcript p. 28, ln. 17 – p. 29, ln. 6)

Therefore, the Court finds that the BZA's conclusions as to S.C. Code §6-29-800(A)(2)(a) and (b) (*See* Exhibit B, BZA's Conclusions Nos. 1 and 2) are supported by the record herein.

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c. As to S.C. Code §6-29-800(A)(2)(c), the BZA found that the zoning requirement does not effectively prohibit or unreasonably restrict the utilization of the Property (Exhibit B, Conclusion No. 3). This conclusion is also supported by the evidence. Appellant argues that the BZA's conclusion as to this particular criteria is improper because it disregards the safety concerns presented by having a building and pedestrians so close to a rail line. However, the fencing regulation does not prevent Appellant from utilizing its property as a commercial venue. And, the City is not prohibiting the Appellant from having a fence. Rather, the City is merely regulating the type of fence.

d. As to S.C. Code §6-29-800(A)(2)(d), the BZA found that request for variance did not meet the requirement that authorization of the variance would not be a substantial detriment to adjacent property or to the public good, and the character of the development would be not harmed by the variance. The BZA concluded that the "variance request [did] not meet this requirement" because "properties within the overlay district are held to the same standards to promote harmonious and compatible development within the Downtown Greer Central Business District, which protects the character and charm of this unique mixed center." (*See* **Exhibit B**, Conclusion No. 4). The BZA's conclusion as to this criterion is also proper and supported by the evidence. It is well within the BZA's discretion to determine that a chain link fence, which is specifically prohibited by the Downtown District Regulations, are contrary to the stated purpose of the Downtown District Regulations to preserve and promote certain designs and appearances desired by the City (*See* Greer Zoning Ordinance Section 5.18.1, *supra*).

e. Appellant claims that the BZA's decision creates a hardship for Appellant because it deprives Appellant of the economically viable use of its property. However, as set forth *supra*, S.C. Code §6-29-800(A)(2)(d)(i) specifically provides that the BZA "may not grant a variance, the

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effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, *may not be considered* grounds for a variance." (italics added).

Based upon the foregoing, Appeallant fails to make any showing that would make the BZA's decision to deny the variance pursuant to the criteria established by S.C. Code §6-29-800(A)(2) arbitrary, capricious, with no reasonable relation to a lawful purpose, or an abuse of discretion.

3. Appellant also argues that the BZA deprived it of due process. Due process requires (1) adequate notice; (2) adequate opportunity for a hearing; (3) the right to introduce evidence; and (4) the right to confront and cross examine witnesses. *Clear Channel v. Myrtle Beach*. 642 S.E.2d 565,372 S.C. 230 (2007).

The Court reviewed the BZA hearing transcript. The Court finds that there was no hindrance of Appellant's right to present its case. There was no limitation as to time imposed and no interruption of its presentation. Appellant never requested to cross-examine the City Planning Staff and was even allowed to interject additional arguments during the Board's consideration of the motion to deny their request. Furthermore, the Planning Staff presented the applicable law, standards, photographs, and historical information to the BZA, including Appellant's power point presentation to the BZA (R. pp. 26-73). Appellant never argued to the BZA at the hearing that it was prevented from introducing any evidence.

Appellant alleges that its due process rights were violated because the BZA (1) failed to make any findings whatsoever regarding whether fence design regulations could/should be classified as a "use" or an "area" variance (or neither) and (2) failed to consider whether a fence

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was a permitted use subject to a variance regarding design criteria. First, these arguments do not pertain to Appellant's due process rights. Second, and more importantly, as a matter of law, the BZA is bound to analyze a variance request pursuant to S.C. Code §6-29-800(A)(2) and make its findings of fact and conclusions of law, which occurred in this case. It is not required to make a determination of whether the requests should be classified as a "use" or an "area" variance or whether it is a "permitted use." Appellant cites no case law in support of these arguments and, in fact, S.C. Code §6-29-800(A)(2)(d) precludes the BZA from making a "use" variance.

Further, any alleged due process issues must have been raised by the Appellant before the BZA. If the Appellant was entitled to additional due process, it should have stated so at the hearing. This Court is acting within its appellate authority over the decision of the Board in the same way that the Court of Appeals acts within its appellate authority over the decision of the Circuit Court. "Issue preservation rules are designed to give the trial court a fair opportunity to rule on the issues, and thus provide us with a platform for meaningful appellate review." *Queen's Grant II Horizontal Prop. Regime v. Greenwood Dev. Corp.,* 368 S.C. 342, 373, 628 S.E.2d 902, 919 (Ct.App.2006). At a minimum, issue preservation requires that an issue be raised to and ruled upon by the trial judge. *Wilder Corp. v. Wilke,* 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998). It is "axiomatic that an issue cannot be raised for the first time on appeal." *Id.* Imposing such a requirement on the appellant "is meant to enable the lower court to rule properly after it has considered all relevant facts, law, and arguments." *I'On, L.L.C. v. Town of Mt. Pleasant,* 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000); *Herron v. Century BMW*, 395 S.C. 461, 465, 719 S.E.2d 640, 642 (2011).

This Court finds that Respondent provided Appellant with due process and Appellant did not raise any objection as to a due process violation at the hearing.

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CONCLUSION

Based upon the foregoing, the Appellant fails to establish its burden of proof by showing that the BZA's decision was arbitrary, capricious, with no reasonable relation to a lawful purpose, or an abuse of discretion. The BZA properly evaluated the variance request in light of the criteria provided by S.C. Code §6-29-800(A)(2). Furthermore, the Appellant admits that it made a mistake by failing to consult the City of Greer Zoning Ordinance and it further admits that the fence violates the regulation prohibiting chain link fences and the Appellant cannot obtain a variance based upon a hardship it created.

The record also reflects that the BZA provided Appellant with sufficient due process. Furthermore, Appellant never raised the issue regarding due process to the BZA, and therefore, this argument is not preserved for review by this Court.

The decision by the Greer Board of Zoning Appeals is hereby affirmed.

IT IS SO ORDERED.

{JUDGE'S SIGNATURE PAGE TO FOLLOW}

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Greenville Common Pleas

Case Caption: Letchworth Properties Llc VS City Of Greer , defendant, et al

Case Number: 2022CP2305361

Type: Order/Other

So Ordered

G.D. Morgan Jr.

Electronically signed on 2024-02-04 10:07:27 page 12 of 12

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EXHIBIT C

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP2305361

Letchworth Properties Llc
PLAINTIFF(S)

City Of Greer et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

This matter is before the Court on Plaintiff's Motion to Reconsider Judgement and Alter or Amend Order. Based on a review of the file and submissions of the parties, the Plaintiff's motion is respectfully denied. No hearing is necessary pursuant to Rule 59(f) SCRCP.

It Is So Ordered.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 04/03/2024 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2024 Apr 03 8:55 AM - GREENVILLE - COMMON PLEAS - CASE#2022CP2305361

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Greenville Common Pleas

Case Caption: Letchworth Properties Llc VS City Of Greer , defendant, et al

Case Number: 2022CP2305361

Type: Order/Electronic Form 4

So Ordered

G.D. Morgan Jr.