



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

April 04, 2025

The Honorable Jerri Ann Roseneau  
PO Box 1128  
Beaufort SC 29901-1128

## REMITTITUR

Re: West Street Farms, LLC v. City of Beaufort  
Lower Court Case No. 2021CP0700663  
Appellate Case No. 2023-000953

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

  
CLERK

Enclosure

cc: W. Andrew Gowder, Jr., Esquire  
Benjamin Edward Nicholson, V, Esquire  
Lawrence Emile Flynn, III, Esquire  
Virginia Patterson Bozeman, Esquire  
Alexis Kaylor Lindsay, Esquire

# The Supreme Court of South Carolina

West Street Farms, LLC and Mix Farms, LLC,  
Petitioners,

v.

City of Beaufort, Beaufort Inn, LLC, and 303 Associates,  
LLC, Respondents.

Appellate Case No. 2024-002136

**RECEIVED**

**Apr 02 2025**

**SC Court of Appeals**

---

ORDER

---

Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY   
CLERK

Columbia, South Carolina

April 2, 2025

cc:

Benjamin Edward Nicholson, V

Lawrence Emile Flynn, III

Virginia Patterson Bozeman

Alexis Kaylor Lindsay

W. Andrew Gowder, Jr.

The Honorable Jenny Abbott Kitchings

# The South Carolina Court of Appeals

West Street Farms, LLC and Mix Farms, LLC,  
Appellants,

v.

City of Beaufort, Beaufort Inn, LLC, and 303 Associates,  
LLC, Respondents.

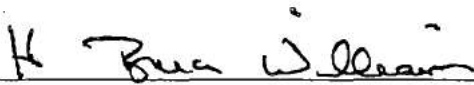
Appellate Case No. 2023-000953


---


## ORDER

---

After careful consideration of the petition for rehearing, this court has discovered no material fact or principle of law that has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

  
\_\_\_\_\_ C.J.

  
\_\_\_\_\_ J.

  
\_\_\_\_\_ J.

Columbia, South Carolina

cc:

W. Andrew Gowder, Jr., Esquire  
Benjamin Edward Nicholson, V, Esquire  
Lawrence Emile Flynn, III, Esquire  
Virginia Patterson Bozeman, Esquire  
Alexis Kaylor Lindsay, Esquire

**FILED**  
**Nov 19 2024**

---

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

West Street Farms, LLC and Mix Farms, LLC,  
Appellants,

v.

City of Beaufort, Beaufort Inn, LLC, and 303 Associates,  
LLC, Respondents.

Appellate Case No. 2023-000953

---

Appeal From Beaufort County  
R. Scott Sprouse, Circuit Court Judge

---

Unpublished Opinion No. 2024-UP-373  
Heard September 24, 2024 – Filed October 30, 2024

---

**AFFIRMED**

---

W. Andrew Gowder, Jr., of Austen & Gowder, LLC, of  
Charleston, for Appellants.

Lawrence Emile Flynn, III, Alexis Kaylor Lindsay, and  
Virginia Patterson Bozeman, all of Pope Flynn, LLC, of  
Columbia, for Respondent City of Beaufort.

Benjamin Edward Nicholson, V, of Burr & Forman,  
LLP, of Columbia, for Respondents Beaufort Inn, LLC  
and 303 Associates, LLC.

---

**PER CURIAM:** Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *Med. Univ. of S.C. v. Taylor*, 294 S.C. 99, 102–03, 362 S.E.2d 881, 883 (Ct. App. 1987) (holding that a decision on whether to grant or deny a declaratory judgment "rests within the sound discretion of the circuit court" and "will not be disturbed on appeal, absent a clear showing of an abuse of discretion"); *id.* at 103, 362 S.E.2d at 883 ("The general rule followed by most jurisdictions is that a court will not entertain a declaratory judgment action 'if there is pending, at the time of the commencement of the declaratory action, another action or proceeding to which the same persons are parties [and] in which are involved and may be adjudicated the same identical issues that are involved in the declaratory judgment action.'" (alteration in original) (quoting Annot., 135 A.L.R. 934–35 (1941))); *id.* at 103, 362 S.E.2d at 883–84 ("The general rule is especially applicable 'where a special statutory remedy has been provided, or where another remedy will be more . . . appropriate under the circumstances.'" (quoting *Williams Furniture Corp. v. S. Coatings & Chem. Co.*, 216 S.C. 1, 7, 56 S.E.2d 576, 578–79 (1949))); *id.* at 103–04, 362 S.E.2d at 884 ("[W]here an administrative agency is vested with primary jurisdiction of the question in issue, the courts ordinarily will not grant injunctive relief prior to a decision by the agency [and] the availability of an adequate administrative remedy precludes the granting of injunctive relief." (quoting 73 C.J.S. *Pub. Admin. L. and Proc.* § 45 at 481 (1983))); *see also Fullbright v. Spinnaker Resorts, Inc.*, 420 S.C. 265, 280 n.10, 802 S.E.2d 794, 802 n.10 (2017) ("*Taylor* stands for the proposition that courts should not interfere with proceedings that are already underway in 'the administrative agency vested with primary jurisdiction of the question in issue.' Simply put, the *Taylor* court held that parties are required to follow the review procedures established by statute." (citation omitted) (quoting *Taylor*, 294 S.C. at 105, 362 S.E.2d at 884–85)); *Hyde v. S.C. Dep't of Mental Health*, 314 S.C. 207, 208, 442 S.E.2d 582, 582–83 (1994) ("Whether administrative remedies must be exhausted is a matter within the trial judge's sound discretion and his decision will not be disturbed on appeal absent an abuse thereof."); *id.* at 208, 442 S.E.2d at 583 ("The general rule is that administrative remedies must be exhausted absent circumstances supporting an exception to application of the general rule."); *id.* at 209, 442 S.E.2d at 583 ("A trial judge must have a sound basis for excusing the failure to exhaust administrative relief."); *Equivest Fin., LLC v. Ravenel*, 422 S.C. 499, 505–06, 812 S.E.2d 438, 441 (Ct. App. 2018) ("[S]hort, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review." (quoting *Glasscock, Inc. v. U.S. Fid. & Guar. Co.*, 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct.

App. 2001)))"; *Kurschner v. City of Camden Plan. Comm'n*, 376 S.C. 165, 171, 656 S.E.2d 346, 350 (2008) ("The fundamental requirements of due process include notice, an opportunity to be heard in a meaningful way, and judicial review." (citing S.C. Const. art. 1, § 22)); *id.* ("Due process does not require a trial-type hearing in every conceivable case of government impairment of a private interest."); *id.* at 172, 656 S.E.2d at 350 ("Rather, due process is flexible and calls for such procedural protections as the particular situation demands.").

**AFFIRMED.**

**WILLIAMS, C.J., and KONDUROS and GEATHERS, JJ., concur.**