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THE STATE OF SOUTH CAROLINA **May 15 2025**  
In the Court of Appeals

SC Court of Appeals

APPEAL FROM THE BERKELEY COUNTY  
Court of Common Pleas

The Honorable Diane Schafer Goodstein

C.A. No.: 2024-CP-08-3363

Bliss MK, LLC d/b/a Macedonia Liquor.....Respondent

v.

Berkeley County Board of Zoning Appeals.....Appellant

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**NOTICE OF APPEAL**

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Berkeley County Board of Zoning Appeals hereby appeals the Order Vacating the Decision of the Berkeley County Board of Zoning Appeals in this matter, filed on April 15, 2025 (the “Order”). Bliss MK, LLC d/b/a Macedonia Liquor, by and through its counsel of record, received written notice of the entry of the Order on that same date. A copy of the Order is attached to this Notice as **Exhibit A** and incorporated herein by reference.

*Signature Follows.*

ELECTRONICALLY FILED - 2025 May 15 1:27 PM - BERKELEY - COMMON PLEAS - CASE#2024CP0803363

Respectfully submitted,

**HAYNSWORTH SINKLER BOYD, P.A.**

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Board of Zoning Appeals*

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*Attorney for Respondent  
Bliss MK, LLC d/b/a Macedonia Liquor*

# Exhibit A

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 ) THE NINTH JUDICIAL CIRCUIT  
 COUNTY OF BERKELEY )  
 )  
 Bliss MK, LLC, d//b/a Macedonia Liquor, ) DOCKET NO.: 2024-CP-08-3363  
 )  
 APPELLANT, )  
 )  
 vs. ) ORDER VACATING THE DECISION  
 ) OF THE BERKELEY COUNTY  
 Berkeley County Board of Zoning Appeals, ) BOARD OF ZONING APPEALS  
 )  
 RESPONDENT. )  
 \_\_\_\_\_ )

This appeal involves the enforcement of a local zoning ordinance that requires a Liquor store to be not less than one thousand (1,000) feet from a church. The Berkeley County Board of Zoning Appeals (the "Board") denied an exception request of Bliss MK, LLC, d/b/a Macedonia Liquor. I find the ordinance is in conflict with state law and is therefore void and hereby vacated.

**FACTS/PROCEDURAL BACKGROUND**

Keval Trivedi is the principal member of Appellant Bliss MK, LLC, doing business as Macedonia Liquor, located at 2307 N. Hwy 17A, Bonneau, South Carolina, 29431. On June 13, 2024, the South Carolina Department of Revenue issued a license to Macedonia Liquor to operate a retail liquor store. Appellant was subsequently notified by representatives of Berkeley County that his proposed location for a retail liquor store did not meet the locational criteria pursuant to proximity of a religious institution.

Appellant had met all state requirements for the location and operation of a retail liquor store and was issued a valid permit by the South Carolina Department of Revenue. Appellant's property is in an unincorporated area of the county and had previously operated as a gas station/convenience store selling beer and wine.

Appellant appealed to the Berkeley County Board of Zoning Appeals for a variance and a hearing was held on October 15, 2024. The board denied the variance request based upon the Berkeley County Ordinance §11.4.2(B)(2) which prohibits a retail liquor store from operating less than 1,000 feet of a religious institution, and §11.4.2(C) which establishes a straight-line measurement from the nearest boundaries, and, without regard to intervening structures.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

By constitutional provision and by statute, the State of South Carolina holds nearly exclusive power over the regulation of the manufacture and the sale of alcoholic beverages. *See* Article VIII-A of the SC Constitution and §61-2-80 of the S.C. Code of Laws. (Supp. 2005).

The Court has held local governments can impose additional restrictions in addition to those imposed by the state, provided these restrictions do not conflict with state law.<sup>1</sup> In determining whether a local ordinance is a valid exercise of local authority under state law is a two-step process as established in *Denene, Inc. v. City of Charleston*.<sup>2</sup> The first inquiry is whether the county or municipality has the power to enact the ordinance...the second question to be answered is whether the ordinance is consistent with the state constitution and the general laws of the state.<sup>3</sup>

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<sup>1</sup> The Court has upheld local ordinances that touch upon the sale of alcohol provided the local ordinance is not in conflict of state law. *Denene, Inc. v. City of Charleston*, 353 S.C. 208, 574 S.E.2d 196 (2002) (*holding a city ordinance which prohibited businesses from on premises service or consumption of any wines or malt liquors between 1:30 a.m. and 7:30 a.m. did not conflict with a state statute*); *Hospitality Ass'n of S.C., Inc. v. County of Charleston*, 320 S.C. 219, 464 S.E.2d 113 (1995) (*holding local governments the power to enact a fees on rental accommodations and food and beverages, providing the ordinances are not inconsistent with the Constitution or general law of this State*); *Town of Hilton Head Island v. Fine Liquors, Ltd.*, 302 S.C. 550, 397 S.E.2d 662 (1990) (*holding that an ordinance prohibiting internally illuminated signs that are visible from the beach was not preempted by state law and applied to the "red dot" signs of retail liquor stores*); *McKeown v. Charleston County Bd. Of Zoning Appeal*, 347 S.C. 203, 553 S.E.2d 484 (Ct. App. 2001) (*holding the Charleston County zoning ordinance restricted land use within the municipality, and did not conflict with the state licensing provisions of the Department of Revenue for issuing beer and wine sales permit in proximity to residential neighborhood.*)

<sup>2</sup> *Denene, Inc. v. City of Charleston*, 352 S.C. 208, 211, 574 S.E.2d 196, 198 (2002).

<sup>3</sup> *Denene, Inc. v. City of Charleston*, at 198.

The State of South Carolina has established specific proximity requirements for liquor stores concerning their distance from churches, schools, and playgrounds. These requirements are codified in S.C. Code § 61-6-120(A), which mandates the distance of at least 300 feet within a municipality and 500 feet outside a municipality from any church, school, or playground. The state law also prescribes the method of measuring this distance prescribed under S.C. Code Regs § 7-303.<sup>4</sup>

Berkeley County Zoning Ordinance 11.4.2(B)(2) requires a business that predominantly involves the sale of alcohol to be located in excess of 1,000 feet from “a religious institution.” Berkeley County Zoning Ordinance 11.4.2(C) further defines how such measurement is obtained as measured in a straight line without regard to intervening structures. Berkeley County Zoning Ordinance is in conflict with the state law's prescribed distance and method of such measurement.

Berkeley County relies on S.C. Code § 6-29-960, which allows: if local zoning regulations are more restrictive than the state law, the local ordinance prevails. Berkeley County's Ordinance establishes a minimum distance requirement of not less than 1,000 feet. Berkeley County acknowledged that under S.C. Code § 6-29-960, they have the authority to establish a minimum distance of a retail liquor store to a religious institution to a distance greater than the state law, and when questioned by the Court, even up to Fifty (50) miles.

This zoning authority does not authorize a local government to generally regulate commerce of the sale of alcohol under the guise of land use regulations. While Berkeley County has the right to enact zoning ordinances and exercise proper police power concerning the sale of alcohol, their actions must be consistent to the state constitution and the general laws of the state.

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<sup>4</sup> ...the distance shall be measured from the nearest entrance of the place of business by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare to the nearest point of entrance to the grounds of a church...

Here, the principle of preemption dictates that state law takes precedence over the local ordinance where there is a conflict. The Berkeley County Ordinance is in direct conflict with the distance and measurement requirements prescribed under state law. It appears Appellant has met all other local zoning requirements of the county, as the record is void of any additional reasons to deny the operation of a retail liquor store at the proposed location. Appellant has met all state requirements for the location and operation of a retail liquor store and was issued a valid permit by the South Carolina Department of Revenue.

Based on the foregoing findings of fact and conclusions of law, it is hereby ORDERED, ADJUDGED, and DECREED that:

- 1) The decision of the Berkeley County Board of Zoning Appeals is REVERSED.
- 2) Berkeley County Zoning Ordinance 11.4.2 is declared VOID as it is preempted by state law.
- 3) The parties shall proceed in compliance with this Court's order.

**AND IT IS SO ORDERED**

/s/

The Honorable Diane Schafer Goodstein  
Presiding Judge, Ninth Judicial Circuit



Berkeley Common Pleas

**Case Caption:** Bliss Mk, Llc , plaintiff, et al VS Berkeley County Board Of Zoning Appeals  
**Case Number:** 2024CP0803363  
**Type:** Order/Other

It is so Ordered!

s/Diane S. Goodstein

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM THE BERKELEY COUNTY  
Court of Common Pleas

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The Honorable Diane Schafer Goodstein

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C.A. No.: 2024-CP-08-3363

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Bliss MK, LLC d/b/a Macedonia Liquor.....Respondent

v.

Berkeley County Board of Zoning Appeals.....Appellant

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**PROOF OF SERVICE**

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I certify that I have served the *Notice of Appeal* on all attorneys of record by electronic mail on

May 15, 2025, addressed to:

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1720 Main St. Suite 301  
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Haynsworth Sinkler Boyd, P.A.

64-60/611  
342037

SYNOVUS BANK  
CHARLESTON, SC

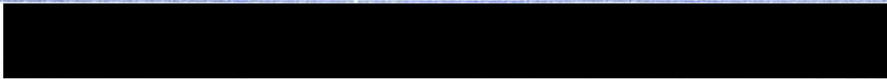
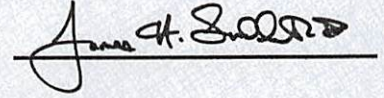
Operating Account  
P.O. Box 340  
Charleston, South Carolina 29402

Date  
May 15, 2025

Amount

PAY EXACTLY Two hundred fifty and 00/100 \$ 250.00

TO THE ORDER OF SC Court of Appeals  
1220 Senate St.  
Columbia, SC 29201



Date May 15/25 Check Number: 342037  
VENDOR # 01417

| Invoice Num  | Invoice Date | Reference                | Invoice Amount | Amount Paid | Discount Taken | Payment Amt |
|--|--------------|--------------------------|----------------|-------------|----------------|-------------|
| 05152025   | 5/15/2025    |                          | 250.00         | 250.00      |                | 250.00      |
| Disb Date  | Disb ID      | Disbursement Description | Client         | Matter      | Amount         |             |
| 5/15/2025  | 3549260      | Filing Fee               | 06247          | 0245        | 250.00         |             |
| Case No: 2024-CP-08-03363 - Filing Fee for Appeal VENDOR: SC Court of Appeals; INVOICE#: 05152025; DATE: 5/15/2025; Hannah |              |                          |                |             |                |             |
| Disbursement Invoice Total:  |              |                          |                |             |                | \$250.00    |
| Totals:  |              |                          | \$250.00       | \$250.00    | \$0.00         | \$250.00    |



**HAYNSWORTH  
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**RECEIVED**

**May 15 2025**

**SC Court of Appeals**

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May 15, 2025

**VIA EMAIL AND U.S. MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: *Bliss MK, LLC d/b/a Macedonia Liquor v. Berkeley County Board of Zoning Appeals*  
C. A. No. 2024-CP-08-3363

Dear Ms. Kitchings:

Enclosed please find the following for filing in regards to the above referenced matter:

- (1) Notice of Appeal with attachments;
- (2) Proof of Service;
- (3) Our firm's check in the amount of \$250.00 for the filing fee (with mailed copy); and
- (4) Transcript Request Form ordering the transcript of the last hearing held in this matter.

The Notice of Appeal has been filed electronically with the lower court (copy of filed document attached).

Please return a clocked copy to me by email.

Sincerely yours,

HAYNSWORTH SINKLER BOYD, P.A.



J. Boone Aiken IV

Enclosures

cc: Larry C. Marchant Jr. (via email [larry@larrycmarchant.com](mailto:larry@larrycmarchant.com))