

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS
FRIST JUDICIAL CIRCUIT

Barbara Richardson and Kimberly
Marchand,

Case No. 2023-CP-18-00594

Plaintiff,

TRIAL ORDER

vs.

Town of Ridgeville, the Florence B.
Appleby Family Ltd. Partnership, Eugene
M. Varn and David L. Johns as Trustees
for the W.H. Varn, Jr. Trust,

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SC Court of Appeals

Defendants.

This matter came before the Court on September 19, 2024, by way of a nonjury trial on the merits. Present before the Court were W. Andrew Gowder, Jr., Esquire and W. Jefferson Leath, Jr., Esquire, counsel for Plaintiffs Barbara Richardson ("Richardson") and Kimberly Marchand; Virginia Spencer, Esquire, counsel for the Town of Ridgeville (the "Town"); Cheryl D. Shoun, Esquire, counsel for The Florence B. Appleby Family Limited Partnership, erroneously identified as The Florence B. Appleby Family Ltd. Partnership ("Appleby") and E. Brandon Gaskins, Esquire, counsel for Eugene M. Varn and David L. Johns, as Trustees for the W. H. Varn, Jr. Trust ("Varn"). Also present was Rebecca Vance, AICP, ICMA-CM, who, at the relevant times, was acting as the Planning Director for The Town, and was the only testifying witness in the trial.

Prior to trial, counsel for Plaintiffs and for Defendants stipulated as to exhibits, including certain excerpts from the deposition of Richardson, without challenge as to their authenticity, all of which were electronically provided to the Court, and further agreed that

counsel would have the opportunity to present argument to the Court, relying, at their discretion, upon various exhibits.

After the Court's consideration of the record in this case, the evidence presented to the Court by way of exhibits, the testimony of Ms. Vance, and argument of counsel, the Court makes the following findings of fact and conclusions of law, in favor of Defendants.

I. FINDINGS OF FACT

A. The Town of Ridgeville

The Town is a small, rural town in central Dorchester County. (Ex. 2, p.1.)¹ Because of its rural nature, there are extremely few commercial opportunities and even fewer professional services available within the Town. (*Id.* at pp. 18, 61, 68; Ex. 50, pp. 87-91.) As a result, Ridgeville's residents must often travel to Summerville or Charleston for medical care, medication, and groceries, as well as other basic needs. (Ex. 1, p. 47.) Also, the Town's relatively small population has deprived the Town of the tax base needed to adequately fund essential governmental services. (*Id.* at pp. 43-49; Ex. 50, pp. 87-91.) Indeed, the Town has limited basic services provided by a total of five employees, two of whom are part time. (Ex. 2, pp. 43, 46, 49.)

Despite experiencing years of little population growth and development, the Town now faces the certainty of increased residential and industrial development. (*Id.* at pp. 9, 18, 21, 57.) For example, major employers, such as Wal-Mart and Volvo, have recently located near Ridgeville given its proximity to Interstate 26 and Highway 78 and its railroad access, which makes the Town an increasingly appealing and convenient place to live for

¹ The findings of fact are also based on the trial testimony of Ms. Vance. However, because the transcript of the trial has not been prepared, this Order contains no specific references to her testimony.

many workers. (*Id.* at pp. 35, 40, 69-70.) As a result, the Town of Ridgeville has been forced to plan for the inevitable growth that continues to advance towards and around the Town. (*Id.* at pp. 21, 33, 51, 57-58.)

Pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code Ann. §§ 6-29-310, *et seq.* (the "Act"), the Town has developed a local comprehensive plan, which is intended to "to guide the development and redevelopment of its area of jurisdiction." S.C. Code Ann. § 6-29-510(A). The comprehensive plan applicable to the actions challenged in this case was adopted in 2016. (*Id.* at p.1.) While the Town was in the process of considering the annexations and rezonings discussed below, the Town also began reviewing its comprehensive plan, and ultimately, the Town updated the plan in 2023. (Exs. 17, 23, 25, 26, 30.)

In the comprehensive plan adopted in 2016, the Town recognized that it "has the potential to grow significantly in the coming years" and embarked on "proactive steps to direct future growth to meet its vision and goals while ensuring a high quality of life for its residents." (Ex. 2, p. 1.) In that same plan, the Town articulated its vision of maintaining "its peaceful, small-town feel and affordability while enhancing and expanding its public facilities and services and attracting new businesses that serve the community." (*Id.* at p. 4.) To bring this vision to fruition, the Town adopted guiding principles, which include "pursu[ing] an annexation strategy to create logical borders for the Town of Ridgeville to increase efficiency in the provision of services, and allow for future land uses to meet the needs of area residents and businesses." (*Id.* at p. 5.)

The Town's comprehensive plan also envisions that the land use goals expressed therein should be informed by collaboration with Dorchester County, which governs the

unincorporated areas surrounding the Town. (*Id.* at pp. 23-34.) The Town's Comprehensive Plan contemplates the Town will "[w]ork in partnership with Dorchester County to anticipate growth outside the Town boundaries to ensure that adequate infrastructure and services are available." (*Id.* at p. 21.) Also, the Town's Comprehensive Plan requires the Town to "[w]ork with Dorchester County and property owners to identify areas with potential for annexation; ensure that land uses and densities in this area are consistent with the Town's existing character and scale and with the Future Land Use Map." (*Id.* at p. 34.) The Town's Plan provides that "as Dorchester County reviews and updates its rural land use and zoning, the [future land use] map can serve as a reference to show how the Town of Ridgeville envisions development around the Town." (*Id.* at p. 30.) For its part in planning for future growth and development in the Ridgeville area, Dorchester County adopted the Ridgeville/Givhans Area Growth Management Plan. (Ex. 31.) This plan called for the creation of an Urban Growth Boundary Line around the Town of Ridgeville. (*Id.* at pp. 10-11.) As the plan explains, an "Urban Growth Boundary Line is a tool used to manage growth and limit sprawl by allowing land within its boundaries to develop under urban/suburban standards while preserving the land outside the boundary for natural area or agricultural." (*Id.* at p. 10.) Under this plan, rezoning requests in the "immediate vicinity of the Town of Ridgeville" could be allowed to support growth, while rezoning requests outside the boundary would likely be denied. (*Id.* at pp. 10, 11.)

B. Annexation and Rezoning of Appleby and Varn Tracts

Appleby owns approximately 446 acres of property designated and referred to as TMS Nos.: 109-00-00-050 and 109-00-00-052 (the "Appleby Tract"). (Ex. 3, p. 1.) Varn owns approximately 632 acres of property designated and referred to as TMS No.: 108-

00-00-055 (the "Varn Tract"). (Ex. 4, p. 1.) Appleby and Varn both applied to the Town to have their respective properties rezoned to a "planned development"² (PD) district, with simultaneous annexation of both tracts into the Town. (Exs. 14, 43, 46.)

At the time Appleby and Varn sought annexation into the Town, both tracts were zoned Agricultural-Residential under Dorchester County's zoning code. (Exs. 43, 46.) Despite this zoning, the Varn Tract was designated for "Transit Oriented Development" in Dorchester County's comprehensive plan, and the Appleby Tract was designated for a combination of "Transit Oriented Development", "Medium Density Traditional Neighborhood," and "Low Density Traditional Neighborhood" in that plan. (Ex. 3, p. 1; Ex. 4, p. 1; Exs. 32, pp. 17-18.) According to the County's comprehensive plan, "Transit Oriented Development" should be characterized as "[h]igher density/mixed density" with "[t]ownhouses and multifamily" residential developments and "employment uses of all types." (Ex. 32, p. 25.) "Medium Density Traditional Neighborhood" is characterized as areas "which surround existing towns" and "higher levels of density" which supports "parks, neighborhood commercial developments, amenities, and services." (*Id.* at p. 23.) Residential developments include "single family homes, townhouses and multifamily" with both "suburban and urban block patterns and sizes." (*Id.*) Non-residential uses include "open space, parks, schools, services, neighborhood retail, small scale employment, and small office institutions." (*Id.*) "Low Density Traditional Neighborhood" is characterized as "primarily single family homes and limited multifamily and townhouse communities." (*Id.* at p. 22.) Also, both the Appleby and Varn Tracts were located within the County's Urban

² Under the Act, a "planned development" is type of zoning district "comprised of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments." S.C. Code Ann. § 6-29-720(C)(4).

Growth Boundary in its Ridgeville/Givhans Area Growth Management Plan, which, as discussed above, calls for property within its boundary to be developed “under urban/suburban standards.” (Ex. 31 at p. 10.)

In the Town’s comprehensive plan, the Appleby Tract was designated on the Future Land Use Map for “Agricultural” land use but is located immediately adjacent to the areas designated “rural residential.” (Ex. 2, p. 30; Ex. 1.) And the Varn Tract was designated for the “Rural Residential” future land use classification, which was the only primarily residential land use designation for properties outside of Town limits in the comprehensive plan at that time. (*Id.*) The comprehensive plan provided that land in the “Rural Residential” category should include “residential dwellings as the predominant use,” while also allowing for “some commercial and agricultural uses . . . when consistent with the character of the area.” (Ex. 2, p. 32.) The Plan further provides that the designation of “agricultural” in the future land use map is based on “limited access points to roads and public facilities such as water and sewer.” (*Id.* at p. 30.) During trial, Ms. Vance testified that the land use classifications in the Town’s comprehensive plan are not designed to be applied strictly and are only to serve as a guide to future development. This testimony was supported by the text of the plan itself, which expressly states:

- “The Future Land Use Map **conceptually** illustrates areas for particular categories of land uses within the incorporated area and land surrounding the Town. . . . The plan also does not imply that the Town will not be open to any **flexibility** regarding the proposed land use boundaries on the Future Land Use Map.” (*Id.* at p. 29) (emphasis added).
- “The Future Land Use Map helps provide **direction** for how annexed land **might** be utilized and zoned if [it] is brought into the Town of Ridgeville.” (Emphasis added.) (*Id.* at p. 30) (emphasis added).
- “Recognizing that there is great potential for development in and around the Town of Ridgeville, the Future Land Use map demonstrates how residential, commercial, and other types of development **could** be laid out in a way that

maintains the Town's character while accommodating growth." (*Id.* at p. 34) (emphasis added).

The PD zoning proposed by Appleby includes a maximum of 1,200 single-family dwelling units, including single family detached and single family attached (townhomes) over 408.09 acres, or 2.9 units per acre, and 120,000 square feet of general commercial uses. (Ex. 3, p. 2.) The Appleby PD requires that 20% of the upland acreage (roughly 85.6 acres) must be reserved for open space. (*Id.* at p. 7.) Combined with the wetlands, approximately 30% of the Appleby Tract is reserved for open space. (*Id.* at p. 3.) The Appleby Master Plan and PD also call for a donation of 5.0 acres for a Town Park. (*Id.*)

The PD zoning proposed by Varn includes a maximum of 1,400 single-family dwelling units, including single-family detached units and townhomes, which equates to a density of 2.2 units per acre and 120,000 square feet of general commercial uses. (Ex. 4, p. 2.) As with the Appleby PD, the Varn PD requires that 20% of the total upland acreage (approximately 99 acres) must be reserved for open space and spread throughout the site, which, when combined with the 139 acres of wetlands on the space, means that just under 40% of the Varn Tract will be reserved for open space. (*Id.* at pp. 1, 4.) The Varn PD also requires the dedication of a 6.8-acre Town park and a 3-acre parcel of civic space, which can be used for a fire station, EMS facility, government offices, or other civic and public uses. (*Id.* at p. 3.)

The applications for annexation and rezoning of both the Appleby and Varn Tracts were considered by the Town's Planning Commission on June 8, 2022. (Ex. 41.) Following discussion on October 2, 2022, the Planning Commission voted, by a 3-1 vote, to approve the requested rezonings on behalf of Appleby and Varn. (Ex. 42.)

The Town Council for the Town first addressed the rezoning applications for the Appleby and Varn Tracts by way of first reading on January 10, 2023. (Exs. 35, 36.) There was public comment before Council at the time of that first reading. (*Id.*) On January 24, 2023, pursuant to a properly noticed special meeting, the Town Council voted to approve the rezoning applications of Appleby and Varn. (Ex. 39.) Thereafter, on February 14, 2023, Town Council approved the rezonings of the Appleby and Varn Tracts to PD, upon second and final reading. (Exs. 14, 16, 37, 38.)

At the same meeting that the Town approved the annexation and rezoning of the Appleby and Varn Tracts, the Town also approved development agreements with Appleby and Varn, which are intended to ensure the zoning will remain in place throughout the development phases. (Exs. 37, 38.) The development agreements include several benefits to the Town, including: (1) contributions to help fund a new downtown master plan; (2) contributions to help fund the extension of sidewalks to the Town's downtown area; and (3) a commitment to cooperate with governmental entities to foster and encourage infrastructure growth, such as a municipal improvement district. (Exs. 45, 48.)

As Ms. Vance explained during her testimony, the Town's decision to approve the annexation and rezoning of the Appleby and Varn Tracts was largely based on the desire to control development of the properties, while also expanding the Town's tax base and population. The expanded tax and residential base will facilitate increased and improved governmental services and attract businesses that can provide essential goods and services to the Town's citizens. In making this decision, the Town recognized that, if the properties were not annexed into the Town, their developments would likely be approved

by Dorchester County because they were consistent with the County's comprehensive plan and the Ridgeville/Givhans Area Growth Management Plan. (Ex. 36, p. 6.)

C. Plaintiffs' Challenge to the Rezoning

Following the annexation and rezoning of the Appleby and Varn Tracts, Plaintiffs, who are citizens and residents of Dorchester County, South Carolina, initiated this action challenging the Town's rezoning. Richardson owns and resides at 129 Brown Deer Run, Ridgeville, South Carolina ("Richardson Tract"). The Richardson Tract abuts a section of the property owned by Varn but does not abut or adjoin any property owned by Appleby, which is approximately two miles from the Richardson Tract. Marchand owns and resides at 131 Campbell Road, Ridgeville, South Carolina ("Marchand Tract"). The Marchand Tract does not abut or adjoin any property owned by either Appleby or Varn and is located in excess of two miles from the properties owned by Appleby and by Varn. Neither Plaintiff resides nor owns property within the Town of Ridgeville.

In their complaint, Plaintiffs challenge the rezoning of the Appleby and Varn Tracts by seeking a declaratory judgment that the rezoning of the Appleby Tract and the Varn Tract was contrary to the Comprehensive Plan adopted by the Town; that the rezoning of the subject tracts is inconsistent with the general character of the adjacent surrounding land uses; and that the rezoning of the subject tracts will result in unspecified damage to the surrounding parcels of land. Plaintiffs seek invalidation of the rezonings and injunctive relief prohibiting the Town from issuing any approval of plans or submissions for development upon the subject tracts and Appleby and Varn from developing their respective properties as well as an award of attorneys' fees pursuant to S.C. Code. Ann § 15-77-300. To the extent Plaintiffs' Complaint challenges the annexation of the Appleby

and Varn Tracts, such challenges were withdrawn and thereby forfeited, at the time of this nonjury trial.

Based upon the excerpts of her deposition, Richardson expresses concerns as to the development of the Appleby and the Varn Tracts but offers no factual or objective proof as to any detrimental effects upon her property or the property of others. (Ex. 50, pp. 24, 30-31, 45-46, 48, 58-59, 63-64, 114-116, 119-120, 126-127, 132, 134-135, 140-142.)

II. CONCLUSIONS OF LAW

“The burden of establishing the invalidity of a zoning ordinance is on the party attacking it to establish by clear and convincing evidence that the acts of the [city] council were arbitrary, unreasonable, and unjust.” *Ani Creation, Inc. v. City of Myrtle Beach Bd. of Zoning Appeals*, 440 S.C. 266, 279 (2023). “Zoning is a legislative act which will not be interfered with by the courts unless there is a clear violation of citizens’ constitutional rights. In order to successfully assault a city’s zoning decision, a citizen must establish that the decision was arbitrary and unreasonable.” *Knowles v. Aiken*, 305 S.C. 216, 224, 407 S.E.2d 639, 642 (1991). As a result, a court cannot disturb a local government’s zoning decision “if the propriety of that decision is even ‘fairly debatable.’” *Id.* at 223, 407 S.E.2d at 642.

While the Court finds that Plaintiffs have standing to bring this action³, Plaintiffs fail to meet the substantial burden of establishing, by clear and convincing evidence, that rezoning of the Appleby and Varn Tracts should be invalidated upon any basis. Plaintiffs have presented no evidence establishing that the Town’s approval of the subject

³ Defendants challenged the standing of each Plaintiff to initiate the Complaint.

rezonings was arbitrary and capricious. Rather, this Court finds the Town's rezoning of the Appleby and Varn Tracts was reasonable, especially considering the Town's belief that the developments would occur in Dorchester County if annexation was denied. In which case, the Town would have no control over and receive no tax revenue from the development of the properties. At a minimum, its approval of the rezoning of the Appleby and Varn Tracts was fairly debatable.

In their efforts to prove otherwise, Plaintiffs singularly focus on alleged inconsistencies between the prospective developments under their respective PD zonings and the tracts' future land use designations in the Town's comprehensive plan. However, the Court rejects Plaintiffs' attempt to selectively isolate provisions of the comprehensive plan that they contend are favorable to their position and ignore the goals of the comprehensive plan as a whole.

As Ms. Vance testified and the Act requires, a comprehensive plan consists of multiple elements, including consideration of population, economic development, natural resources, cultural resources, community facilities, housing, land use, transportation, priority investment, and resiliency. Ms. Vance further testified that due to these multiple elements, the goals and objectives may be inconsistent within a single plan, requiring a local government to weigh sometimes competing priorities. When all of these elements contained in the Town's comprehensive plan are considered, the rezoning of the Appleby and Varn Tracts is consistent with the Comprehensive Plan.

Specifically, approval of the rezonings will serve many of the "Guiding Principles" of the Town's comprehensive plan by facilitating residential growth that will support the "development of businesses in targeted locations to give residents access to daily needs,

provide jobs, and increase the Town's tax base;" increasing the tax base that will promote the Town's efforts "to offer high quality and effective services;" and expanding "infrastructure systems that adequately serve residents and businesses," such as road improvements, sidewalks, and increased water and sewer capacity. Similarly, these benefits also promote the goals of the comprehensive plan's population, community facilities, housing, and economic development elements.

But even if the Court was to look only at the rezonings' consistency with the comprehensive plan's future land use element, as Plaintiffs suggest, Plaintiffs still have not met their burden of showing by clear and convincing evidence that the Town's approval was arbitrary and unreasonable. As one court has stated, the provisions of a comprehensive plan "are to be used as a planning guide, not a land use decision-making tool. In other words, strict adherence is not required. The plan is only a general blueprint and thus only general conformance is necessary." *Oyster Growers Ass'n v. Moby Dick Corp.*, 115 Wn. App. 417, 429, 62 P.3d 912, 918 (Wn. Ct. App. 2003). And just as the Act provides that a comprehensive plan is "to guide the development and redevelopment of its area of jurisdiction," (S.C. Code Ann. § 6-29-510(A)), the Town's comprehensive plan expressly envisions that the future land use map is to be applied flexibly and conceptually, as discussed above. When these principles are applied to the future land use map and element of the comprehensive plan, it is at least fairly debatable whether the Appleby and Varn PDs were consistent with them.

With respect to the Varn PD, it is at least fairly debatable that it is consistent with its future land use designation of "Rural Residential," which envisions "residential dwellings as the predominant use." The Varn PD provides for only single-family

residential units at a low density of 2.2 units per acre and reserves nearly 40% of the site for open space. Also, the Rural Residential land use classification does not establish a maximum proposed density for properties or include any type of limitations that would preclude a development like the one established under the Varn PD. In fact, Plaintiff admitted that it was “debatable” whether the development established under the Varn PD falls under the Rural Residential future land use classification. (Ex. 50, pp. 121-126.) This admission alone shows that the Town’s adoption of the Varn PD was not arbitrary or unreasonable, and therefore, Plaintiff cannot meet the high standard of establishing by clear and convincing evidence that the Varn PD should be invalidated.

With regard to the Appleby PD, it is also at least fairly debatable that it is consistent with the Town’s plan. While the future land use map in the Comprehensive Plan designates contemplated areas, the Plan also acknowledges that this map “does not imply that the Town will not be open to any flexibility regarding the proposed land use boundaries on the Future Land Use Map.” The Appleby Tract is denoted as an “agricultural” use on the land use map but is located immediately adjacent to the areas designated “rural residential.” In describing this use, the plan notes “a focus of this plan is to encourage other types of development within Town limits.” However, this use “would allow for some low density residential development.” The Appleby PD similarly provides for only single-family residential units at a low density of 2.9 units per acre, with thirty percent of the site reserved for open space in addition to a five-acre town park. As noted in the Town’s plan, the “agricultural” designation does not preclude residential development. Under the Town’s residential zoning ordinances, residential development can have a maximum density of 4 units per acre, which is greater than the 2.9 units per

acre under the Appleby PD. As such, it was neither arbitrary nor unreasonable for the Town to adopt the Appleby PD. By adopting the Appleby PD, the Town was able to exercise greater control over the manner and phase of development, while also securing additional benefits that will improve the Town. Therefore, Plaintiff cannot demonstrate by clear and convincing evidence that the Appleby PD should be invalidated.

Also, the Appleby and Varn PDs are consistent with Dorchester County's Ridgeville/Givhans Area Growth Management Plan, which should be considered under the Town's comprehensive plan. The plan calls for the Town to "[w]ork in partnership with Dorchester County to anticipate growth outside the Town boundaries to ensure that adequate infrastructure and services are available" and to "[w]ork with Dorchester County and property owners to identify areas with potential for annexation; ensure that land uses and densities in this area are consistent with the Town's existing character and scale and with the Future Land Use Map." Because the future land use element of the Town's comprehensive plan envisions the Town's decisions being informed by the County's plans, it was not arbitrary and unreasonable for the Town to consider the proposed developments of the Appleby and Varn Tracts under the Ridgeville/Givhans Area Growth Management Plan.

Regardless, any purported inconsistency between the Town's future land use element of the comprehensive plan and rezonings of the Appleby and Varn Tracts was later cured by the Town's subsequent update to its plan. At the time of the applications on behalf of Appleby and Varn for the rezoning of their respective properties to PUD, the 2016 comprehensive plan was in the process of being reviewed, and it was later updated in 2023. Thus, to the extent there may have been any inconsistencies with the 2016

Comprehensive Plan, there are none demonstrated as to the 2023 Comprehensive Plan. Thus, the Court finds, to the extent applicable, a ratification of Council's approval of the rezoning, consistent with the 2023 Comprehensive Plan.

Next, there is no evidence to suggest the rezoning of the subject properties was accomplished for the mere private gain of Appleby or Varn as Plaintiffs argue. Rather, there is abundant evidence in the record, including the testimony of Ms. Vance, demonstrating that both the Appleby Tract and the Varn Tract are uniquely situated for economic development opportunities, including housing.

The population of Ridgeville roughly doubled between 2010 and 2020. The demographics of the Town are primarily African-American, with relatively lower incomes. The rezoning of the Appleby and Varn Tracts will afford opportunity to the Town to address housing that may be obtained by those employed in the local, or nearby, workforce. It will also allow the Town to expand its basic services offered to its citizens. In addition, the rezonings will preserve open space, require the dedication of additional civic space, expand water and sewer infrastructure and capacity, and help fund improvements to the Town's sidewalk system and redevelopment of its downtown.

Likewise, there is no objective evidence that the rezonings will be detrimental to adjacent properties or the general character of the area. Richardson testified, in her deposition, about her personal concerns of how the development that will be allowed pursuant to the rezoning of the subject tracts will affect the community.⁴ Such concerns

⁴ Although Richardson expressed concerns about the prospective developments, she also acknowledged that some aspects of the developments would promote the common welfare and that it was within Town Council's discretion to determine in the developments' benefits outweighed their potential costs. (Ex. 50, pp. 141-146.)

include traffic, potential effects upon wildlife and overall inconsistency with the surrounding area. While perhaps these concerns are genuinely held by Richardson, who again is not a resident of the Town, such concerns are speculative and conjectural. As a result, the Court cannot invalidate a valid legislative action of the Town's democratically elected leaders based on the speculative concerns of a single individual who is not a resident of the Town.

III. CONCLUSION

THEREFORE, based upon this Court's considered evaluation of the record, the record in this case, the evidence presented to the Court by way of exhibits, including selected sworn testimony of Richardson, and the testimony of Ms. Vance, and argument of counsel, this Court finds and it so holds that judgment be and is hereby entered in favor of the Town or Ridgeville, The Florence B. Appleby Family Limited Partnership, and Eugene M. Varn and David L. Johns, as Trustees for the W. H. Varn, Jr. Trust. Plaintiffs' pursuit of declaratory judgment invalidating the rezoning of the Appleby Tract and the Varn Tract on any basis is DENIED. Further Plaintiffs' pursuit of injunctive relief enjoining and/or restraining the Town and/or Appleby or Varn from development in accordance with the rezoning accomplished is likewise DENIED.

AND IT IS SO ORDERED.



Dorchester Common Pleas

Case Caption: Barbara Richardson , plaintiff, et al VS Town Of Ridgeville ,
defendant, et al
Case Number: 2023CP1800594
Type: Order/Judgment and Form 4

So Ordered

The Honorable Courtney Clyburn Pope