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**Apr 16 2026**

**SC Court of Appeals**

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

Diane Schafer Goodstein, Circuit Court Judge

Case No. 2024-CP-08-03363  
Appellate Case No. 2025-000960

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

v.

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

**RECORD ON APPEAL**

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**BERKELEY COUNTY BOARD OF ZONING APPEALS  
ORDER OF ACTION**



REQUEST FOR TMS: 087-00-04-068  
CASE NUMBER: PLVA-048755-2024  
NAME OF APPLICANT: Larry C. Marchant Jr. on behalf of Bliss MK, LLC  
SUMMARY OF REQUEST: FOR A VARIANCE FOR RELIEF OF THE LOCATIONAL CRITERIA FOR AN INTENDED COMMERCIAL LIQUOR STORE, AT/NEAR 2307 N. HWY 17A IN THE MACEDONIA / BONNEAU COMMUNITY  
ARTICLE/ORD. SECTION: §11.4.2

<b>PUBLIC HEARING SET FOR:</b>	<b>OCTOBER 15, 2024</b>		
<b>ADVERTISED IN:</b>	POST AND COURIER	DATE:	9-26-24
<b>PUBLIC HEARING HELD:</b>	BERKELEY COUNTY ADMINISTRATION BUILDING	DATE:	OCTOBER 15, 2024
<b>ACTION:</b>	<input type="checkbox"/> APPROVED	<input checked="" type="checkbox"/> DENIED	<input type="checkbox"/> APPROVED WITH CONDITIONS
<b>Previous Requests for the Same Variance?</b>	YES	NO	If "Yes", Prior Case # and Date of Action:

The Board of Zoning Appeals (BZA) held a Public Hearing on OCTOBER 15, 2024 to consider the application of LARRY C. MARCHANT JR. ON BEHALF OF BLISS MK, LLC for a variance from the applicable Zoning Ordinance affecting the property described on the application filed herein. After consideration of the evidence and the arguments presented, the Board makes the following findings of fact and conclusions:

- The Board concludes that applicant HAS \_\_\_\_ / DOES NOT HAVE X an unnecessary hardship because THERE ARE \_\_\_\_ / ARE NOT X extraordinary and exceptional conditions pertaining to the particular piece of property as described below.  
*The Board found no extraordinary or exceptional conditions that would limit the applicant's ability to establish a conforming use on the property.*
- Board concludes that these conditions **DO NOT** \_\_\_\_ / **DO** X generally apply to other property in the vicinity as described below.  
*GC zoned properties in the vicinity are bound by the same locational criteria applicable to the intended use.*
- The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property **WOULD** \_\_\_\_ / **WOULD NOT** X effectively prohibit or unreasonably restrict the utilization of the property as described below.  
*The Board did not receive evidence sufficient to demonstrate that the applicant is unreasonably restricted or prohibited from the ability to use the subject properties in a manner that conformed to the prescribed requirements.*
- The Board concludes that authorization of the variance **WILL NOT** \_\_\_\_ / **WILL** X be of substantial detriment to adjacent property or to the public good, and the character of the district **WILL NOT** \_\_\_\_ / **WILL** X be harmed by the granting of the variance as described below.  
*The Board found the request to be detrimental to the character of adjacent properties and the public good.*

\*\*\*PER THE SC VESTED RIGHTS ACT, IF APPROVED VARIANCES ARE NOT USED/EXERCISED WITHIN A PERIOD OF 2-YEARS FOLLOWING APPROVAL, VESTING WILL BE LOST\*\*\*

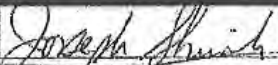

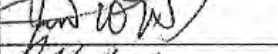
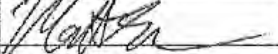
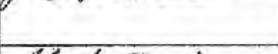

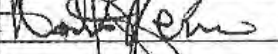
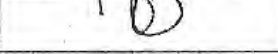
**RECORD OF VOTE FOLLOWS**

ELECTRONICALLY FILED - 2024 Dec 02 12:58 PM - BERKELEY - COMMON PLEAS - CASE#2024CP0803363

**BERKELEY COUNTY BOARD OF ZONING APPEALS**

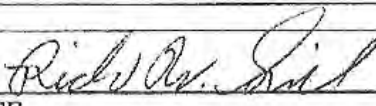
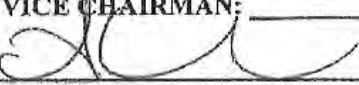
**RECORD OF VOTE**

**OWNER/APPLICANT:** Larry C. Marchant Jr. on behalf of Bliss MK, LLC      PLVA      048755      -      2024  
**TAX MAP #:**      087-00-04-068

NAME	SIGNATURE OF BZA MEMBER	ACTION				
		GRANT	DENY	ABSTAIN	DEFER	RECUSE
Joseph Shirah		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rick Melo		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Mills		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matthew Smith		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Billy Joy		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nicole Burbage		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harold Jefferson		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Richard Smith (when applicable)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THIS 15<sup>th</sup> DAY OF OCTOBER 2024**  
**THE BOARD, THEREFORE, ORDERS THAT THE REQUEST IS**  
**GRANTED  DENIED  DEFERRED**

UPON GRANTING THE VARIANCE, THE BOARD ATTACHED TO IT SUCH CONDITIONS REGARDING THE LOCATION, CHARACTER, OR OTHER FEATURES OF THE PROPOSED BUILDING, STRUCTURE, OR USE THE BOARD CONSIDERED ADVISABLE TO PROTECT ESTABLISHED PROPERTY VALUES IN THE SURROUNDING AREA, OR TO PROMOTE THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE.  
 YES (ENCLOSED)  / NO

SIGNATURE OF RICHARD W. SMITH, CHAIRMAN:   
 OR, IN HIS ABSENCE  
 SIGNATURE OF JOSEPH SHIRAH, VICE CHAIRMAN: \_\_\_\_\_  
 ATTESTED BY BZA SECRETARY:   
 DATE MAILED TO PARTIES IN INTEREST: 10.31.24

\*\*\*\*\* NOTICE OF APPEAL TO CIRCUIT COURT MUST BE FILED WITHIN 30 DAYS AFTER THE DATE THIS ORDER WAS MAILED \*\*\*\*\*

ELECTRONICALLY FILED - 2024 Dec 02 12:58 PM - BERKELEY - COMMON PLEAS - CASE#2024CP0803363

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>

<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

Electronically signed on 2025-04-15 12:44:15 page 5 of 5

ELECTRONICALLY FILED - 2025 Apr 15 3:03 PM - BERKELEY - COMMON PLEAS - CASE#2024CP0803363

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.:
	)	
APPELLANT,	)	
	)	
vs.	)	
	)	NOTICE OF APPEAL
Berkeley County Board of Zoning Appeals,	)	(Petition of Judicial Review)
	)	
RESPONDENT.	)	
_____	)	

NOTICE OF APPEAL

Pursuant to S.C. Code § 6-29-820, and Rule 74, SCRCP, Appellant, Bliss MK, LLC, d/b/a Macedonia Liquors, files this notice of appeal and respectfully petitions the Court for judicial review of the Berkeley County Board of Zoning Appeals decision to deny relief of a local ordinance pertaining to location criteria of the appellant’s liquor store to a church in contradiction of location criteria of S.C. Code 61-6-120, and in violation of S.C. Code 61-2-80.

The attached Order of Action was dated October 31, 2024, and mailed to appellant on November 1, 2024 as evidenced by the postal service stamp. The attached Order is the decision of the Berkeley County Board of Zoning Appels denial of a local zoning variance 11.4.2 (A), (B)(2), and 11.4.2(C) requiring a liquor store to be not less than one-thousand feet from a religious institution and measurement thereof.

BACKGROUND

1. Keval Trivedi is the principal member of Appellant Bliss MK, LLC.
2. Mr. Trivedi owns and operates two (2) convenience stores in Berkeley County for six(6) and three (3) years respectively.
3. Mr. Trivedi purchased an abandoned property, formally a gas station/convenience store,

located at 2307 N. Hwy 17A, Bonneau, South Carolina, 29431.<sup>1</sup>

4. Appellant purchased the building and received all necessary county building permits to renovate the building.
5. Appellant applied and subsequently received on or about June 13, 2024, a retail liquor store license from the South Carolina Department of Revenue.
6. As required, notice was provided as to the application of Appellant to operate a liquor store but there was no protest from the community.
7. Once Appellant passed all county inspections as to the renovations, Appellant was notified by the County of Berkeley that he could not operate a liquor store at the location specifically due to the location being less than one thousand (1,000) feet from the Oak Grove Pentecostal Church.
8. Appellant was informed and believed that the location criteria for a liquor store to a church was three hundred (300) feet<sup>2</sup> pursuant to state law and South Carolina Department of Revenue regulation.
9. Appellant subsequently learned the Berkeley County Zoning Ordinance was not in accordance with the location criteria of the state law and also contrary as to method to determine the distance.<sup>3</sup>
10. Appellant obtained a certified proximity survey that showed his location was just over 1000

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<sup>1</sup> The property was formally a convenience store/gas station that sold beer and wine

<sup>2</sup> The property is located in an unincorporated area with no other zoning requirements or restrictions on the property

<sup>3</sup> SC Department of Revenue requires the proximity measurement as a pedestrian or as vehicle would travel from the liquor store to street, then down street to property line of church. Berkeley County Ordinance measures a straight line (as the crow flies)

feet using the state regulation distance measurement but fell short in the Berkeley County straight line measurement of 892.2, but still almost three (3) times the state law requirement.

11. Notwithstanding the contradictions between state law and the local ordinance, Appellant filed for a variance.
12. Appellant was informed and believed that as a result of being in excess of the state law requirements, and ever so slightly under the proximity of the County ordinance, and no protest was made during his permit application for his retail liquor license, the zoning board would look favorably upon his request to operate.
13. On October 15, 2024, the Berkeley County Board of Zoning Appeals held a hearing on Appellant's variance request.
14. Appellant offered testimony and exhibits including, but not limited to, proximity surveys, the former use of the location as a long-time convenience store that served beer and wine, no other zoning or restrictions with a business being at the location, no protest to the his retail liquor application several months earlier, his prior business experience owning and operating two convenience stores that sold beer and wine with no violations.
15. Appellant is informed and believes that not more than three citizens spoke in opposition.
16. Appellant attempted to offer rebuttal testimony but was denied and the Board of Zoning Appeals unanimously denied Appellant's request to operate with no debate or discussion.

## II. BERKELEY COUNTY ORDINANCE CONTRADICTS STATE LAW

17. By constitutional provision and by statute, the State of South Carolina is charged with 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).

18. By statutory declaration the General Assembly vested the South Carolina Department of Revenue (“Department”) with the “sole and exclusive authority to regulate the operation of all locations authorized to sell beer, wine, or alcoholic liquors...except to as it relates to hours of operation more restrictive than those set forth in this title.” *See* S.C. Code § 61-2-80.
19. State law sets forth a minimum distance for a liquor store license of at least three hundred feet of any church, school, or playground or within a municipality or within five hundred feet of any church, school, or playground situated outside of a municipality. *See* S.C. Code 61-6-120 (A).
20. Additionally, state law prescribes how such distance is to be measured by “...following the shortest route of ordinary pedestrian or vehicular travel along the public throughfare from the nearest point of the grounds in use a part of such church...” *Id.*
21. Berkeley County Zoning Ordinance 11.4.2 requires a business that predominately involves the sale of alcohol to be located in excess of 1,000 feet, in conflict with §61-6-120(A).
22. The Berkeley County Zoning Ordinance 11.4.2 defines measurement to be made in a straight line, without regard to intervening structures or objects from the nearest portion of the liquor store building to the nearest property line of the church, also in conflict with §61-6-120(A).

BERKELEY COUNTY ORDINANCE IS EXPRESSLY PREEMPTED

23. The Berkeley County Zoning Ordinance 11.4.2 is expressively preempted by §61-2-80 of the S.C. Code of Laws.
24. The General Assembly has granted the South Carolina Department of Revenue the sole

and exclusive authority to regulate liquor, with the exception of hours of operation, in which they have expressive given local governments the ability to regulate hours of operation. S. C. Code §61-2-80 states as follows:

“The State, through the department, is the sole and exclusive authority empowered to regulate the operation of all locations authorized to sell beer, wine, or alcoholic liquors, is authorized to establish conditions or restrictions which the department considers necessary before issuing or renewing a license or permit, and occupies the entire field of beer, wine, and liquor regulation except as it relates to hours of operation more restrictive than those set forth in this title...”

25. The Berkeley County Zoning Ordinance 11.4.2 is in direct contradiction of the location requirements of a liquor store to a church, and the measurement thereof, as specifically prescribed under S.C. Code 61-6-120 (A).
26. The Court uses a two-step process<sup>4</sup> in determining whether a local ordinance is valid. *See Buggy's v. City of Myrtle Beach*, 340 S.C. 87, 530 S.E.2d 890 (2000).
27. While Berkeley County has the power to enact zoning ordinances, it's zoning ordinance pursuant to 11.4.2, specifically regulates the distance and measurement of commercial bars and liquors stores selling alcohol.
28. In this instance, Appellant is informed and believes that S. C. Code §61-2-80 preempts Berkeley County to regulate the location of his liquor store by the use of its zoning powers.
29. Appellant is informed and believes that Berkeley County is using it's zoning power to regulate the permitting of a liquor store and the sale of liquor, of which the South Carolina General Assembly has given that power solely and exclusively to the SC Department of Revenue.

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<sup>4</sup> (1) Does the local government have the power to enact the ordinance, and (2) determine whether the ordinance is consistent with constitution and general state law.

30. Appellant's property did not have any other zoning restrictions, met all requirements of state law, and was issued a valid permit to sell and operate a retail liquor store. Furthermore, the property had previously operated as a convenience store that sold beer and wine.
31. Moreover, even if Berkeley County did have such authority, which Appellant does not agree, the ordinance is not consistent with the location requirements specifically prescribed under S.C. Code § 61-6-120 (A).
32. The Berkeley County Board of Zoning Appeals ignored all evidence presented by Appellant concerning his retail liquor store meeting of all other local zoning and other local requirements, as well as the issuance of a state retail liquor store license and all other state requirements.

WHEREFORE Appellant respectfully asks that the decision of the Berkeley County Board of Zoning Appeals be reversed, the provisions of the local zoning ordinance in contradiction to state law be stricken, and the Appellant be given the Authority to open and operate his liquor store in accordance with all state laws and regulations thereof.

Respectfully submitted,

/s/Larry C. Marchant Jr. S.C. Bar No. 102071

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Columbia, South Carolina 29201

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Email: larry@larrycmarchant.com

ATTORNEY FOR THE APPELLANT

Columbia, South Carolina  
December 2, 2024

**BERKELEY COUNTY BOARD OF ZONING APPEALS  
ORDER OF ACTION**



REQUEST FOR TMS: 087-00-04-068  
CASE NUMBER: PLVA-048755-2024  
NAME OF APPLICANT: Larry C. Marchant Jr. on behalf of Bliss MK, LLC  
SUMMARY OF REQUEST: FOR A VARIANCE FOR RELIEF OF THE LOCATIONAL CRITERIA FOR AN INTENDED COMMERCIAL LIQUOR STORE, AT/NEAR 2307 N. HWY 17A IN THE MACEDONIA / BONNEAU COMMUNITY  
ARTICLE/ORD. SECTION: §11.4.2

<b>PUBLIC HEARING SET FOR:</b>	<b>OCTOBER 15, 2024</b>		
<b>ADVERTISED IN:</b>	POST AND COURIER	DATE: 9-26-24	
<b>PUBLIC HEARING HELD:</b>	BERKELEY COUNTY ADMINISTRATION BUILDING	DATE: OCTOBER 15, 2024	
<b>ACTION:</b>	<input type="checkbox"/> APPROVED	<input checked="" type="checkbox"/> DENIED	<input type="checkbox"/> APPROVED WITH CONDITIONS
<b>Previous Requests for the Same Variance?</b>	Yes	No	If "Yes", Prior Case # and Date of Action:

The Board of Zoning Appeals (BZA) held a Public Hearing on OCTOBER 15, 2024 to consider the application of LARRY C. MARCHANT JR. ON BEHALF OF BLISS MK, LLC for a variance from the applicable Zoning Ordinance affecting the property described on the application filed herein. After consideration of the evidence and the arguments presented, the Board makes the following findings of fact and conclusions:

- The Board concludes that applicant **HAS** \_\_\_\_\_ / **DOES NOT HAVE** X an unnecessary hardship because **THERE ARE** \_\_\_\_\_ / **ARE NOT** X extraordinary and exceptional conditions pertaining to the particular piece of property as described below.  
*The Board found no extraordinary or exceptional conditions that would limit the applicant's ability to establish a conforming use on the property.*
- Board concludes that these conditions **DO NOT** \_\_\_\_\_ / **DO** X generally apply to other property in the vicinity as described below.  
*GC zoned properties in the vicinity are bound by the same locational criteria applicable to the intended use.*
- The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property **WOULD** \_\_\_\_\_ / **WOULD NOT** X effectively prohibit or unreasonably restrict the utilization of the property as described below.  
*The Board did not receive evidence sufficient to demonstrate that the applicant is unreasonably restricted or prohibited from the ability to use the subject properties in a manner that conformed to the prescribed requirements.*
- The Board concludes that authorization of the variance **WILL NOT** \_\_\_\_\_ / **WILL** X be of substantial detriment to adjacent property or to the public good, and the character of the district **WILL NOT** \_\_\_\_\_ / **WILL** X be harmed by the granting of the variance as described below.  
*The Board found the request to be detrimental to the character of adjacent properties and the public good.*

\*\*\*PER THE SC VESTED RIGHTS ACT, IF APPROVED VARIANCES ARE NOT USED/EXERCISED WITHIN A PERIOD OF 2-YEARS FOLLOWING APPROVAL, VESTING WILL BE LOST\*\*\*

**RECORD OF VOTE FOLLOWS**

**BERKELEY COUNTY BOARD OF ZONING APPEALS**

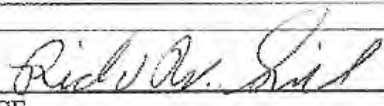

**RECORD OF VOTE**

**OWNER/APPLICANT:** Larry C. Marchant Jr. on behalf of Bliss MK, LLC **PLVA** 048755 - 2024  
**TAX MAP #:** 087-00-04-068

NAME	SIGNATURE OF BZA MEMBER	ACTION				
		GRANT	DENY	ABSTAIN	DEFER	RECUSE
Joseph Shirah		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rick Melo		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Mills		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matthew Smith		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Billy Joy		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nicole Burbage		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harold Jefferson		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Richard Smith (when applicable)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THIS 15<sup>th</sup> DAY OF OCTOBER 2024**  
**THE BOARD, THEREFORE, ORDERS THAT THE REQUEST IS**  
 GRANTED  DENIED  DEFERRED

UPON GRANTING THE VARIANCE, THE BOARD ATTACHED TO IT SUCH CONDITIONS REGARDING THE LOCATION, CHARACTER, OR OTHER FEATURES OF THE PROPOSED BUILDING, STRUCTURE, OR USE THE BOARD CONSIDERED ADVISABLE TO PROTECT ESTABLISHED PROPERTY VALUES IN THE SURROUNDING AREA, OR TO PROMOTE THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE.  
 YES (ENCLOSED)  / NO

SIGNATURE OF RICHARD W. SMITH, CHAIRMAN:   
 OR, IN HIS ABSENCE  
 SIGNATURE OF JOSEPH SHIRAH, VICE CHAIRMAN: \_\_\_\_\_  
 ATTESTED BY BZA SECRETARY:   
 DATE MAILED TO PARTIES IN INTEREST: 10.31.24

\*\*\*\*\* NOTICE OF APPEAL TO CIRCUIT COURT MUST BE FILED WITHIN 30 DAYS AFTER THE DATE THIS ORDER WAS MAILED \*\*\*\*\*

ELECTRONICALLY FILED - 2024 Dec 02 12:58 PM - BERKELEY - COMMON PLEAS - CASE#2024CP0803363

Berkeley County Planning & Zoning

P O Box 6122

Moncks Corner SC 29451

**CERTIFIED MAIL**



7020 2450 0000 9385 6339

2024 PM 12

Larry C. Marchant Jr.

1720 Main St. Ste 301

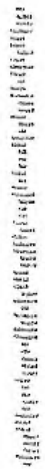
Columbia, SC 29201



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29201-285075



## S.C. Code § 61-2-80 Exclusive Authority to Regulate; Construction

**Library:** South Carolina Statutes  
**Edition:** 2024  
**Currency:** Current through 2024 Act No. 225.  
**Citation:** S.C. Code § 61-2-80  
**Year:** 2024

**Id. vLex Fastcase:** VLEX-977361153

**Link:** <https://fastcase.vlex.com/vid/s-c-code--977361153>

### Text

The State, through the department, is the sole and exclusive authority empowered to regulate the operation of all locations authorized to sell beer, wine, or alcoholic liquors, is authorized to establish conditions or restrictions which the department considers necessary before issuing or renewing a license or permit, and occupies the entire field of beer, wine, and liquor regulation except as it relates to hours of operation more restrictive than those set forth in this title.

Nothing contained in this section may be considered as prohibiting judicial appeals from decisions of the Administrative Law Court, as authorized by Chapter 23 of Title 1, nor as limiting the authority of the courts in interpreting and applying the laws of this State relating to matters administered by the department.

---

**History:** 2003 Act No. 40, Section 5; 1996 Act No. 415, Section 1.

SC Code 61-6-120 Proximity to church, school, or playground; exception (South Carolina Code of Laws (2024 Edition))

**§ 61-6-120. Proximity to church, school, or playground; exception**

(A) The department shall not grant or issue any license provided for in this article, Article 5, or Article 7 of this chapter, if the place of business is within three hundred feet of any church, school, or playground situated within a municipality or within five hundred feet of any church, school, or playground situated outside of a municipality. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of such church, school, or playground, which, as used herein, shall be defined as follows:

- (1) "church", an establishment, other than a private dwelling, where religious services are usually conducted;
- (2) "school", an establishment, other than a private dwelling, where the usual processes of education are usually conducted; and
- (3) "playground", a place, other than grounds at a private dwelling, which is provided by the public or members of a community for recreation.

The above restrictions do not apply to the renewal of licenses and they do not apply to new applications for locations which are licensed at the time the new application is filed with the department.

(B) An applicant for license renewal or for a new license at an existing location shall pay a five dollar certification fee to determine if the exemptions provided for in subsection (A) apply.

(C)

(1) Notwithstanding the provisions of subsection (A), the department may issue a license so long as any church, school, or playground located within the parameters affirmatively states that it does not object to the issuance of a license. This subsection only applies to a permit for on-premises consumption of alcoholic liquor.

(2)

(a) Any applicant seeking to utilize the provisions of this subsection must provide a statement declaring the church, playground, or school does not object to the issuance of the specific license sought, as follows:

- (i) if a church, from the decision-making body of the local church;



SC Code of Law Proximity to Church, school, or playground;  
exemption (South Carolina Code of Laws (2004 Edition))

(ii) if a playground, from the decision-making body of the owner of the playground;

(iii) if a school, from the local school district board of trustees of the local public school, governing board of the charter school, or governing authority of the private school.

(b) If more than one church, school, or playground is located within the parameters set forth in subsection (A), the applicant must provide the statement from all churches, schools, or playgrounds.

(c) At the time of any renewal period for the specific license, a school, from the local school district board of trustees of the local public school, governing board of the charter school, or governing authority of the private school, may withdraw its statement declaring it does not object to the issuance of the specific license sought by notifying the department of its withdrawal.

(3) The department may promulgate regulations necessary to implement the provisions of this subsection.

**History:**

Amended by 2018 S.C. Acts, Act No. 252 (HB 3549), s 2, eff. 5/25/2018.

Amended by 2018 S.C. Acts, Act No. 252 (HB 3549), s 1, eff. 5/25/2018.

Amended by 2014 S.C. Acts, Act No. 253 (HB 4399), s 1, eff. 6/6/2014. 2014 Act No. 253 (H.4399), Section 1, eff 6/6/2014; 1996 Act No. 458, Part II, Section 100; 1996 Act No. 415, Section 1.



**7-303 Measurements from Location to School, Church or Playground.**

**7-303 Measurements from Location to School, Church or Playground.**

Section 61-6-120, provide that a retail liquor license or a possession and consumption license may not be granted if the place of business is within three hundred feet of any church, school, or playground situated within a municipality, or within five hundred feet of any church, school, or playground situated outside of a municipality. This Regulation is for the purpose of further clarifying the distance and how it shall be measured.

With respect to a church or a school, 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 the church or school, or any building in which religious services or school classes are held, whichever is the closer. The South Carolina Department of Revenue has determined that the grounds in use as part of the church or school is restricted to the grounds immediately surrounding the building or buildings which provide ingress or egress to such building or buildings and does not extend to the grounds surrounding the church which may be used for beautification, cemeteries, or any purpose other than such part of the land as is necessary to leave the public thoroughfare and to enter or leave such building or buildings. Only one entrance to the grounds of a church or school shall be considered, to wit: the entrance to the grounds nearest an entrance to the church or school building. Where no fence is involved, the nearest entrance to the grounds shall be in a straight line from the public thoroughfare to the nearest door. The nearest point of the grounds in use as part of a playground shall be limited to the grounds actually in use as a playground and the grounds necessary for ingress or egress to such grounds from the public thoroughfare.

**HISTORY: Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003.**

EXHIBIT  
Berkeley County  
Ordinance 11.4.2

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11.4. Commercial uses.

11.4.2. *Commercial, bar and/or liquor store.*

- A. No establishment or use in which the predominant activity, or the majority of gross sales, involves the sale of alcohol or alcoholic beverages shall be located within 1,000 feet of any other such establishment or use.
- B. A commercial bar and/or liquor store shall not operate within 1,000 feet of:
  - 1. A sexually oriented business, or
  - 2. A religious institution, or
  - 3. A public or private school, or
  - 4. A public park or public recreation area, or
  - 5. A youth activity center, or
  - 6. A public library, or
  - 7. A licensed child care facility.
- C. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a commercial bar and/or liquor store is operated, to the nearest property line of the premises of a religious institution, or public or private school, or public park or public recreation area, or youth activity center, or public library, or child care facility, or to the nearest boundary of any residential district or residential lot.
- D. A commercial bar and/or liquor store lawfully operating as a conforming use is not rendered a nonconforming use by the location of a religious institution, public or private school, boundary of a residential district, public park or recreation area, property line of a lot devoted to residential use, youth activity center, public library or child care facility subsequent to the grant or renewal of a license. This provision only applies to the renewal of a license, and does not apply when an application for a license is submitted after the license has expired or has been revoked.

ELECTRONICALLY FILED - 2024 Dec 02 12:58 PM - BERKELEY - COMMON PLEAS - CASE#2024CP0803363



SOUTH CAROLINA DEPARTMENT OF REVENUE

ABL-567  
(Rev. 23-Sep-2023)

**PRL**

RETAIL LIQUOR STORE

4282  
**25**

Owner Name and Mailing Address

MAHIK LLC



Letter ID L0030023936

LICENSE NO. 115375030-PRL  
FILE NO. 115375030  
DATE ISSUED 06/13/24  
STIPULATIONS: 0

Trade Name and Business Address

MACEDONIA LIQUORS  
2307 N HIGHWAY 17A  
BONNEAU SC 29431-3213

START DATE 06/13/24  
END DATE 02/26/25

**THIS LICENSE IS NOT TRANSFERABLE**

..... You may not transfer this permit or license to another location or to another person.  
If you sell all or a portion of your business, before the buyer can legally sell beer, wine, or liquor, he or she MUST obtain his/her own permit or license. You can be held financially responsible for any violations of the law that take place by any person using your permit and/or license. You may be held financially responsible for injuries due to the negligent sale of the beverages by someone using your permit or license.

\*\*\*\*\* POST THIS IN A CONSPICUOUS PLACE \*\*\*\*\*

If you have any questions concerning this license, contact the South Carolina Department of Revenue ABL Section at 803-898-5864 or by mail at: SCDOR, ABL Section, P.O. Box 125, Columbia, SC 29214-0907.

You may not transfer this permit or license to another location or to another person. If you sell the business or change ownership, name, or business address, you MUST apply for a new ABL license.



**INSTRUCTIONS**

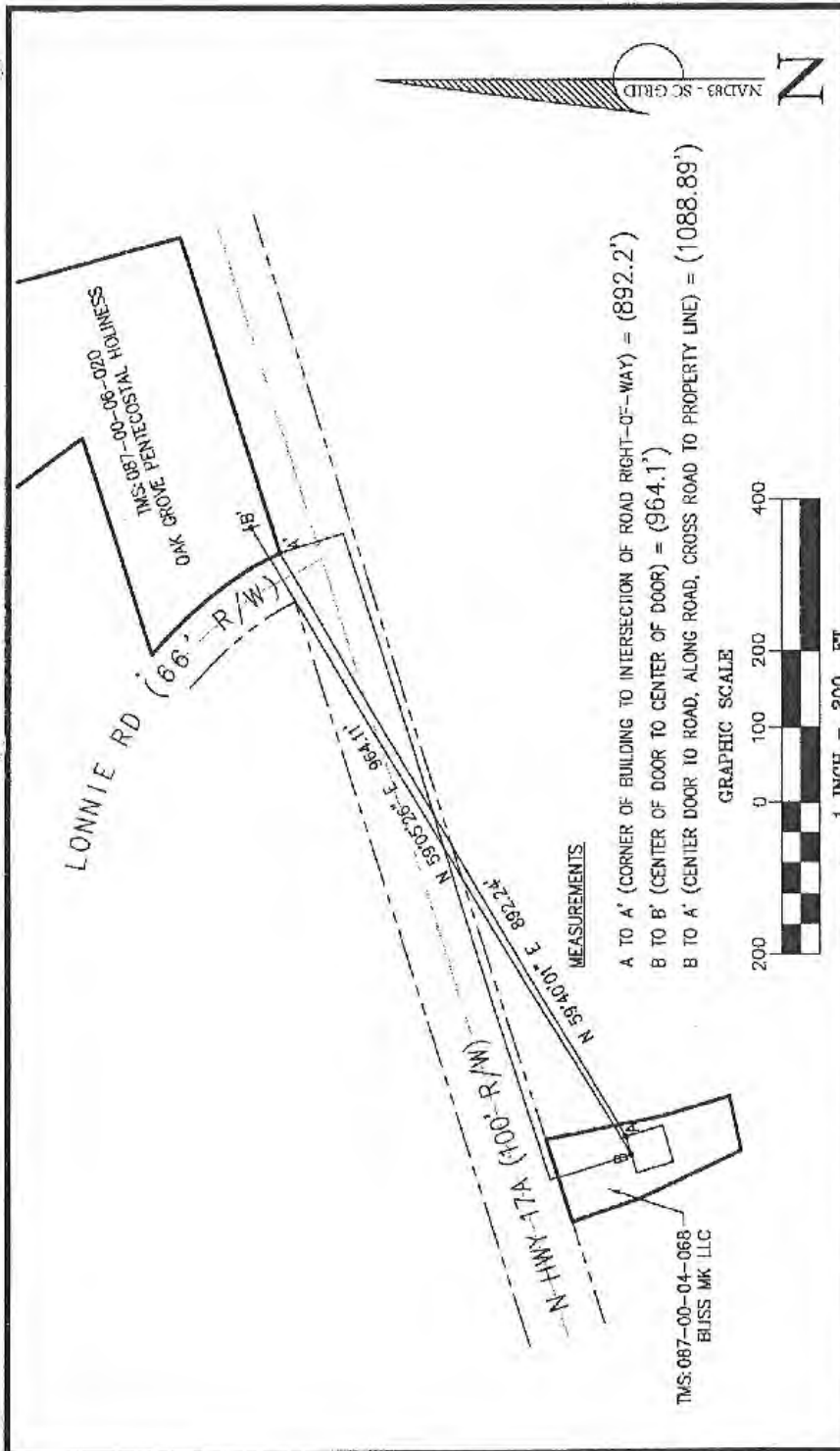
This is your new license. Please fold on the above perforation marks and display in a conspicuous place.

Please visit [dor.sc.gov](http://dor.sc.gov) to download and print the appropriate ABL sign(s), listed below, for the license type shown above and display alongside your license. A violation may be issued for failure to display the required sign(s).

- All Licenses: ABL-570
- Retail Liquor Stores: ABL-563, ABL-570, and ABL-576

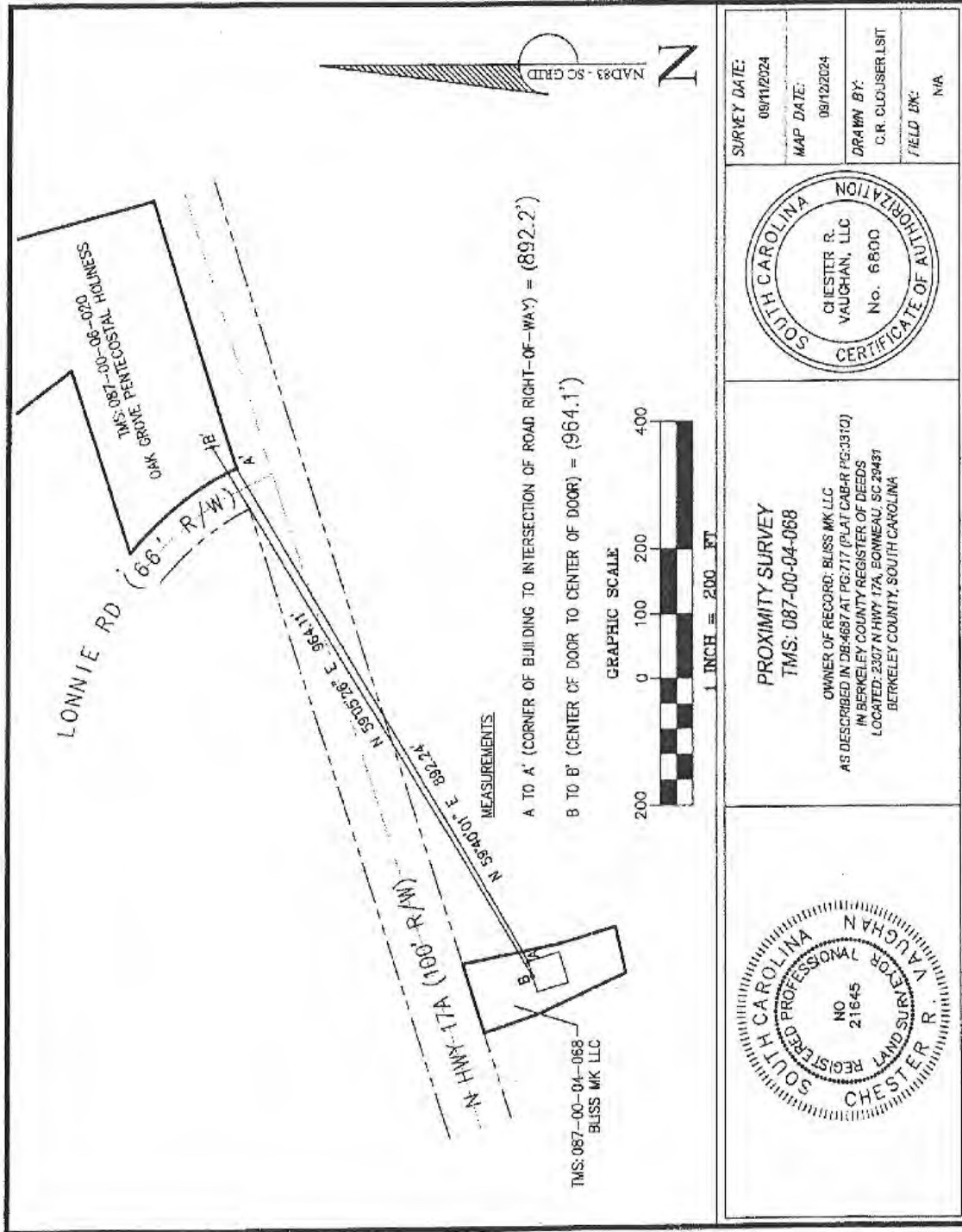
If the business is closed, moved, or sold, you must return the original license immediately. To be refunded the 2nd year of the biennial license, the license must be received by the Department of Revenue with at least a full year (12 months) remaining on the biennial license.

ELECTRONICALLY FILED - 2024 Dec 02 12:58 PM - BERKELEY - COMMON PLEAS - CASE#2024CP0803363



<b>SURVEY DATE:</b> 09/11/2024	
<b>MAP DATE:</b> 10/04/2024	
<b>DRAWN BY:</b> C.R. CLOUSER/LSIT	
<b>FIELD B/C:</b> N/A	
<b>PROXIMITY SURVEY</b> <b>TMS: 087-00-04-068</b>	
<p>OWNER OF RECORD: BLISS MK LLC          AS DESCRIBED IN DB:4687 AT PG:717 (PLAT CAB-R PG:331Q)          IN BERKELEY COUNTY REGISTER OF DEEDS          LOCATED: 2307 N HWY 17A, BONNEAU, SC 29431          BERKELEY COUNTY, SOUTH CAROLINA</p>	

ELECTRONICALLY FILED - 2024 Dec 02 12:58 PM - BERKELEY - COMMON PLEAS - CASE#2024CP0803363



ELECTRONICALLY FILED - 2024 Dec 02 12:58 PM - BERKELEY - COMMON PLEAS - CASE#2024CP0803363

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF BERKELEY	)	CASE NO.: 2024-CP-08-03363
	)	
BLISS MK, LLC, d/b/a Macedonia Liquor,	)	
	)	<b>BERKELEY COUNTY BOARD</b>
Appellant,	)	<b>OF ZONING APPEALS' ANSWER</b>
	)	<b>TO APPEAL</b>
v.	)	
	)	
Berkeley County Board of Zoning Appeals,	)	
	)	
Respondent.	)	
	)	

Respondent Berkeley County Board of Zoning Appeals (BZA), by and through its undersigned attorney, in answering the allegation, responds as follows:

1. Paragraphs 1-3, 8, 9, 14, 15, 17, 24, 26, 28, 29, do not require a response; to the extent a response is required, Respondent denies and demands strict proof thereof.
2. Respondent denies Paragraphs 4, 12, 16, 21-23, 30-32 of Appellant's Complaint and demands strict proof thereof.
3. Respondent is without sufficient information to either admit or deny Paragraphs 5 and 7 of Appellant's Complaint and therefore denies and demands strict proof thereof.
4. Respondent admits to paragraphs 6, 10, 11, 13, 18-20, 25, and 27 of Appellant's Complaint.

**WHEREFORE**, Respondent having answered Appellant's allegation; prays that this Court dismiss the appeal.

Respectfully submitted,

/s Bart J. Stegall

Bart J. Stegall (SC Bar# 101867)  
John O. Williams, II (SC Bar# 78648)  
Berkeley County Legal Department  
1003 Highway 52  
P. O. Box 6122  
Moncks Corner, SC 29461  
Tel. (843) 719-4011 / Fax (843) 719-4306  
bart.stegall@berkeleycountysc.gov  
john.williams@berkeleycountysc.gov

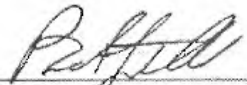
January 3, 2025  
Moncks Corner, South Carolina

ELECTRONICALLY FILED - 2025 Jan 03 10:52 AM - BERKELEY - COMMON PLEAS - CASE#2024CP0903363

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the **BERKELEY COUNTY BOARD OF ZONING APPEALS' ANSWER TO APPEAL** has been served upon Plaintiff by e-mail on the 3<sup>rd</sup> day of January 2025, as follows:

Larry C. Marchant Jr., Esquire  
E-mail: larry@larrycmarchant.com

  
\_\_\_\_\_  
Bart J. Stegall  
Assistant County Attorney  
Berkeley County Legal Department  
1003 Highway 52  
P. O. Box 6122  
Moncks Corner, SC 29461

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THE NINTH JUDICIAL CIRCUIT
COUNTY OF BERKELEY	)	
	)	
Bliss MK, I.L.C, d//b/a Macedonia Liquor,	)	
	)	
APPELLANT,	)	
	)	
vs.	)	
	)	Appellant's Memorandum
Berkeley County Board of Zoning Appeals,	)	in Support of Petition
	)	
RESPONDENT.	)	
_____	)	

South Carolina state law establishes specific proximity requirements for liquor stores, particularly concerning their distance from churches, schools, and playgrounds. Local ordinances that attempt to impose inconsistent or conflicting requirements should be considered void due to the principle of preemption, where state law takes precedence over local regulations in cases of conflict.

By constitutional provision and by statute, the State of South Carolina is charged with 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). Additionally, by statutory declaration the General Assembly vested the South Carolina Department of Revenue (“Department”) with the “sole and exclusive authority to regulate the operation of all locations authorized to sell beer, wine, or alcoholic liquors...except to as it relates to hours of operation more restrictive than those set forth in this title.” *See* S.C. Code § 61-2-80. Also, under South Carolina law, the authority to regulate the manufacture, distribution, and sale of alcoholic beverages is held solely by state government. *See* S.C. Code § 61-6-4490. (Preemption of field.)

However, local governments can impose additional restrictions in addition to those imposed by the state, provided these restrictions do not conflict with state law. In determining whether a local ordinance is a valid exercise of local authority under state law is a two-step process. *See Denene, Inc. v. City of Charleston*, 352 S.C. 208, 211, 574 S.E.2d 196, 198 (2002).

This inquiry includes an examination not only of whether the local government had a general affirmative grant of statutory authority to enact the ordinance, but also of whether the specific subject of the ordinance has been removed from the local government's authority because the field has been preempted by the state. If it is found that the county or municipality had 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 law of the state. *See Denene*, 352 S.C. at 212, 574 S.E.2d at 198.

Additionally, the Court has held certain local ordinances that touch upon the sale of alcohol provided the local ordinance are not in conflict of state law, provided they did not conflict with state law: *See 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 (Cl. App. 2001) (holding the Charleston County zoning ordinance restricting land use around neighborhoods within the municipality did not conflict with the state licensing provisions of the Department of Revenue for issuing beer and wine sales permits.)

Here however, Berkeley County's proximity ordinance was the sole reason for the denial of Appellant to operate a liquor store in the unincorporated area of the county. State law specifically sets forth distance requirements for a liquor store license of at least three hundred feet of any church, school, or playground or within a municipality or within five hundred feet of any church, school, or playground situated outside of a municipality. See S.C. Code 61-6-120 (A).<sup>1</sup> Moreover, state law also prescribes how such distance is to be measured by "...following the shortest route of ordinary pedestrian or vehicular travel along the public throughfare from the nearest point of the grounds in use a part of such church..." *Id.*

Berkeley County Zoning Ordinance 11.4.2 requires a business that predominately involves the sale of alcohol to be located in excess of 1,000 feet, in conflict with §61-6-120(A). Berkeley County Zoning Ordinance 11.4.2 defines measurement to be made in a straight line, without regard to intervening structures or objects from the nearest portion of the liquor store building to the nearest property line of the church, also in conflict with §61-6-120(A).

---

<sup>1</sup> Proximity standards for beer and wine are not specifically mandated but guidance to be used among other factors.

Therefore, unlike other cases above, the Berkeley County Zoning Ordinance 11.4.2 is in direct contradiction of state law and thereby is expressively preempted under §61-2-80 of the S.C. Code of Laws. Moreover, the record is void of any other evidence presented such as the exercise of police power to preserve the peace, or any other special zoning restrictions as to the property. Appellant met all requirements as to location and other requirements required under state law, and was issued a valid permit to sell and operate a retail liquor store by the SC Department of Revenue. Appellant's property is located in an unincorporated area that had previously operated as a gas station/convenience store that sold alcohol, beer and wine.

Moreover, the local ordinance is not consistent with the measurement of liquor store location requirements to a church, as specifically prescribed under S.C. Code § 61-6-120 (A). Ironically, according to proximity maps provided by the Appellant, if the Berkeley County Board of Zoning Appeals would have used the state's measuring requirement, the Appellant's property is just over the 1,000 foot mark.

Appellant respectfully asks that the decision of the Berkeley County Board of Zoning Appeals be reversed, and the local zoning ordinance in contradiction to state law held to be preempted by state law, and declared void, and granting the Appellant the authority to open and operate his liquor store in accordance with all state laws and regulations thereof.

/s/Larry C. Marchant Jr. \_\_\_\_\_  
S.C. Bar No. 102071  
1720 Main Street, Suite 301  
Columbia, SC 29201  
larry@larrycmarchant.com  
ATTORNEY FOR THE APPELLANT

Columbia, South Carolina  
March 17, 2025

Chairman R. Smith inquired as to if there was anyone else present who wished to speak in support of or in opposition to this Variance request, with no response. He then inquired as to if Staff had anything further to add, and Staff did not.

IT WAS MOVED BY BOARD MEMBER BURBAGE AND SECONDED BY BOARD MEMBER M. SMITH TO APPROVE A REQUEST FROM DORIS LOMBARDO FOR A VARIANCE TO §5.3.4 AND §5.3.10 FOR RELIEF OF ACCESSORY STRUCTURE SIZE, PLACEMENT, AND SEQUENCING, AT/NEAR HILDEBRAND DR., BUSH DR. AND CATFISH LANDING CIR. IN THE BONNEAU COMMUNITY (PLVA-048707-2024), WITH THE CONDITION THAT THE PRIMARY STRUCTURE BE CONSTRUCTED WITHIN 5 YEARS AND THE ACCESSORY STRUCTURE MEET 35FT FIRST/SECOND STREET FRONTAGE SETBACK. THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.

Vote result: Approved with Conditions  
 Mover: Nicole Burbage  
 Seconded by: Matthew Smith

Voter	Vote
Nicole Burbage	Yes
Harold Jefferson	Yes
Billy Joy	Not Present
Rick Melo	Yes
Jim Mills	Yes
Joseph Shirah	Yes
Matthew Smith	Yes

b. TMS#: 087-00-04-068. Request from Larry C. Marchant Jr. on behalf of Bliss MK, LLC for a variance to §11.4.2 for relief of the locational criteria for an intended commercial liquor store, at/near 2307 N. Hwy 17A in the Macedonia / Bonneau community (PLVA-048755-2024).

**DETAILS:**

Chairman R. Smith read the request into the record and invited the applicant to the podium.

The applicant, Larry Marchant of 1720 Main St. Suite 301 in Columbia, approached the podium, who is the attorney representing the owner, Bliss MK LLC. He stated that the owner owns 2 convenience stores in the area, the Shell in Moncks Corner for 6 years and the Valero in Macedonia for 3 years. He stated he is requesting a variance to allow a liquor store to be within 1000 ft, as a crow flies, to a church. Mr. Marchant stated that the owner purchased an abandoned convenience store, and he did not have to make many structural improvements, only interior improvements, and was issued a permit from the SC Department of Revenue, which has been supplied, and passed all of their stringent regulations, background checks, etc. He stated there is a conflict between the ordinance and State law concerning how the distance is measured, county ordinance states 1000ft as the crow flies, and State law requires 500 ft in a municipality and 300 ft in an unincorporated area, measured as a pedestrian walks. He stated that they have done the measurements, and they fall short by a hundred and some feet by the county ordinance. He stated that if they did the measurement by the state law, they would meet the 1000ft requirement. Mr. Marchant stated that they are requesting relief of the standard, he stated that when there is a conflict between state and local law things can get messy, and it may be that the state law will take precedence, he is unsure. He

*stated that he has seen cases where the courts have given the test pertaining to liquor stores that are state compelling interests and if there are no specific requirements the locals have always been approved. He stated that this may be an issue of the 300 ft versus the 1000, but he does not believe that needs to be discussed because they are so close to meeting the requirement, and they would meet it with the state law way of measuring. He stated they are well in excess of state law and just short of the county requirement. He stated that when you apply for a retail license with the state, they have a public comment period where they post signs for 30 days and there were no protests at that time. He stated the only concern they are aware of at this point is one of the neighbors is concerned and would like a buffer fence of some sort, and the other two neighbors have voiced no concerns. He stated that this was a convenience store in the past that sold beer and wine, and his client has had no violations, and it will be retail with no loitering. He provided 2 letters of support for the applicants' character and a petition to the Board.*

*Chairman R. Smith inquired as to if there were any questions from the Board.*

*Board Member Jefferson inquired about the difference between pedestrian walking versus the crow fly.*

*The applicant stated as the crow flies is 892.24 ft.*

*Board Member Jefferson inquired that is the distance between the proposed liquor store to the church.*

*The applicant yes, as the crow flies.*

*Board Member Jefferson inquired to the church.*

*The applicant confirmed and stated that as the pedestrian walks, which is the state way of measuring, it is just barely over a thousand feet.*

*Board Member Jefferson inquired if they have support from the church.*

*The applicant stated he was unaware, but when the Department of Revenue posted their signage there was no opposition, other than the neighbor asking for a buffer.*

*Chairman R. Smith inquired as to if there were any further questions from the Board and there were none.*

*Chairman R. Smith inquired as to if there was anyone present who wished to speak in support of or in opposition to this Variance request.*

*Nesbit "Sonny" Dantzer Jr of [REDACTED] approached the podium representing Oak*

Grove Pentecostal Church and stated they are against the request due to the distance, and they have a lot of children that attend the church, and it is not good for them. He stated he serves Jesus Christ, and the people better wake up.

Chairman R. Smith inquired if he is representing the church.

Mr. Dantzer stated that yes, he is a member and is speaking for the church.

Chairman R. Smith inquired as to if there was anyone else present who wished to speak in support of or in opposition to this Variance request.

Alison Brown of [REDACTED] approached the podium and stated she lives right next to this property and stated she had the issue of the bufferzone requirements. She stated that she would like to address some things that the applicant mentioned. She stated that the neighbor to the rear of the store is only not in attendance due to the fact that he is dying from cancer and is on hospice. She stated his daughter is an EMT and is at his bedside, and she also lives at the property, and they would want her to speak on their behalf. The neighbor on the other side of the store is an employee of the owner at the gas station and rents the property from the man behind the store that is dying. She stated that the signage concerning the license was not visible due to the property being on the side of 17A and not being able to see a small paper taped to a window unless you trespassed onto the property, and she lives right across the gravel and did not see the signage. She stated she is strongly opposed to the operation of the liquor store within a 1000 ft of the local church. She stated she wants the Board to respect the codes and why they were written. She stated that they were written to protect the values that churches represent, and allowing this will undermine those ideals. She is also concerned with the increased safety risks to the community due to the nature of these types of businesses. She stated the concern for the ownership of the store and their disregard for following the proper procedures, such as permitting before starting construction and being issued stop work orders and ignoring the rules.

Chairman R. Smith inquired as to if there was anyone else present who wished to speak in support of or in opposition to this Variance request.

David Gaskins of [REDACTED] approached the podium and stated that he lives within 4 miles of this property and is a deacon at the church in question, and he is against the request due to the nature of the business being destructive to families and communities. He stated that he is not against these people and supports the owner's other business but cannot support this request due to the liquor stores not supporting families and encouraging strong relationships due to seeing this in his own family. He stated that they are currently building a new parsonage for their church and are required to follow all the ordinances through the county, not just the state. He stated they need to have the backbone to uphold the requirements of the county. He stated that he owns land directly behind the store that houses families and is responsible for these families.

Pastor Chris Bainbrough [REDACTED] approached the podium and stated that he is the pastor of Oak Grove Pentecostal Church, and they are against the request. He stated that the original

posting when he realized it he called the county to make sure that the church was within the variance area, and was originally told they were not, and that the permit could be a number of things other than a liquor store and they were not sure of what was being put in, which is why there was not a protest at that time. He also stated that he is unaware of it being retail will stop loitering, and that has not been his experience as a consumer. He stated that residents in the area are also concerned of their property values, so his membership is against the request for religious and practical purposes. He stated that the county should uphold the ordinances they have created, and not provide variances due to convenience.

Chairman R. Smith inquired as to if there was anyone else present who wished to speak in support of or in opposition to this Variance request, with no response. He then inquired as to if Staff had anything further to add.

Ms. Simmons stated that late last year a commercial permit was applied for to upfit the space for retail and it was relayed to the contractor at that time that it appeared the proposed liquor store would not meet the separation standards, and in August of this year code enforcement officers noted the store was stocked with alcohol and proceeded with corrective action.

Chairman R. Smith inquired if there was a motion.

Board Member M. Smith made a motion to deny the variance. There was a second by Board Member Jefferson

The applicant inquired if he could give a rebuttal before the vote, strictly on the law.

Chairman R. Smith stated there is already a motion on the table and the only way is if they will withdraw the motion. There was no withdrawal or further discussion.

**IT WAS MOVED BY BOARD MEMBER M. SMITH AND SECONDED BY BOARD MEMBER JEFFERSON TO DENY A REQUEST FROM LARRY C. MARCHANT JR. ON BEHALF OF BLISS MK, LLC FOR A VARIANCE TO §11 A.2 FOR RELIEF OF THE LOCATIONAL CRITERIA FOR AN INTENDED COMMERCIAL LIQUOR STORE, AT/NEAR 2307 N. HWY 17A IN THE MACEDONIA / BONNEAU COMMUNITY (PLVA-048755-2024). THE MOTION TO DENY PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.**

**Vote result: Denied**  
**Mover: Matthew Smith**  
**Seconded by: Harold Jefferson**

1 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS  
2 COUNTY OF BERKELEY CASE NO. 2024CP0803363  
3  
4 BLISS MK, LLC DBA MACEDONIA LIQUOR  
5 Plaintiff,  
6 -vs-  
7 TRANSCRIPT OF RECORD  
8 BERKELEY COUNTY BOARD OF ZONING APPEALS  
9 Defendant.  
10  
11 March 17, 2025  
12 Moncks Corner, SC  
13  
14 BEFORE:  
15 The Honorable Diane Schafer Goodstein, Judge.  
16  
17 APPEARANCES:  
18 Larry Marchant  
19 Attorney for Plaintiff  
20  
21 Bart Stegall  
22 Attorney for Respondent  
23  
24 Emily H. Walker, CVR  
25 Court Reporter

1 THE COURT: Our next matter, Bliss MK, LLC,  
2 plaintiff versus, or et al, versus the Berkeley County  
3 Board of Zoning Appeals. Mr. Marchant, Mr. Stegall,  
4 good morning. Good morning, good morning. Good  
5 morning. All right. Mr. Marchant, this is you.

6 MR. MARCHANT: Yes, Your Honor. I also sent a  
7 brief, a very short memorandum. It's only four pages,  
8 this morning.

9 THE COURT: Wonderful.

10 MR. MARCHANT: And also attached to that is the,  
11 the minutes of the meeting.

12 THE COURT: All right. Give me just a moment and  
13 I will pull that up.

14 MR. MARCHANT: And, Your Honor, I also emailed  
15 them to your administrative assistant, as well.

16 THE COURT: Great.

17 LAW CLERK: Judge, I've located the memorandum and  
18 I've had Ms. --

19 THE COURT: I got it.

20 LAW CLERK: Okay.

21 THE COURT: I got it right now. I'm actually  
22 going through it.

23 (WHEREUPON, the Court reviewed the referenced  
24 documents.)

25 THE COURT: I just went through the memo. And did

1 the respondent, did, let me see. Did the respondent,  
2 did you have a chance to file a memo? I'm taking a  
3 look. All right. I don't see it. Not a problem. All  
4 right. All right. Mr. Marchant, I have read your  
5 memo. Got it. Listen to you. Anything you want to  
6 add to it?

7 MR. MARCHANT: Yes, Your Honor. Just real  
8 quickly, and I think you've got the background in the  
9 complaint and a little bit in that memo, but my client,  
10 Keval, owns and operates two convenience stores in  
11 Berkeley County. No problems whatsoever. He's got  
12 beer and wine permit. There was an abandoned store, a  
13 former gas station, down the street from one of his  
14 current gas stations. He applied for a retail liquor  
15 permit. DOR granted it.

16 He was within all the statutory requirements and  
17 then, and then he later learned when he went to the  
18 county about his operating, that there's an ordinance  
19 in Berkeley County that requires you to be no less than  
20 1,000 feet from a church, which is double the  
21 requirement that the state requires in an  
22 unincorporated area of the county.

23 We met all other zoning requirements. It's zoned  
24 all the, at the very lowest level. It's an  
25 unincorporated area. Bonneau, I believe is the area, I

1 believe. I'm from Columbia, Your Honor, I'm sorry.  
2 But that's kind of the area. Larry (inaudible)  
3 schooled me on that a little bit at one time, so. But  
4 the, so it's, it's basically no restrictions otherwise  
5 on the property.

6 We, we had a proximity survey done, and because we  
7 were so close to even meeting Berkeley County  
8 standards, which we believe were inconsistent with the  
9 state law, we felt like going to the board of zoning  
10 appeals would have been an opportunity for us to work  
11 something out, because even by the Berkeley County  
12 ordinance and our measurements from our engineer, we  
13 were just slightly over 100 feet out of compliance.  
14 Which is still great, greatly over the state  
15 requirements.

16 Then we did an additional survey taking the  
17 thousand feet ordinance and then applying the state  
18 regulated measurement requirements and we met it. So I  
19 was actually a little optimistic that we would be able  
20 to work something out, but unfortunately we were not.

21 There were several people that spoke in  
22 opposition. The minutes will reflect those, but there  
23 were, all the testimony was, was the typical liquor is  
24 bad and we don't want it near the church. There was no  
25 other police issues, there were, there was no any,

1 anything else that would have, I would think, would  
2 validate some reason for Berkeley to do that.

3 Your Honor, there's, there's just two cases that  
4 are probably the closest to these dealing with zoning.  
5 It's the, it's the, I think it's the McKeown. That's  
6 where the, Charleston did the 500 feet close to the  
7 residential. I cited it in the, in the brief. I  
8 didn't go into great details but, Your Honor, they,  
9 they basically used the state requirement of 500 feet,  
10 Charleston. But instead of it applying to a church,  
11 playground or school, they added a residential area.  
12 And the Court said, well, they got, they got the  
13 500 feet right and the statute is silent on  
14 neighborhood (inaudible) it's okay.

15 And then on the Town of Hilton Head versus Fine  
16 Liquor, where the liquor store wanted to illuminate the  
17 dice on the liquor store and they said no. The Court  
18 said, well, there's nothing in the statute that says  
19 how, you know, that you can light or not. Therefore  
20 they have that power in the local governments. And  
21 those really were the only two that was close. I  
22 couldn't find anything on point, Your Honor.

23 We, we believe that because the state is,  
24 specifically requires retail liquor stores be  
25 500 feet -- you know, it's only guidance for beer and

1 wine, the liquor is statutorily required. The  
2 legislature went back and amended it and allowed people  
3 serving liquor by the drink, so it would be a  
4 restaurant, to be able to operate within the 500 feet  
5 provided that the church approves of whatever the  
6 regulated, or the proximity is. Did not say anything  
7 about retail liquor, but kept that fast and steadfast.

8 And they also regulate, the state regulates how  
9 many liquor stores you can own. They regulate how many  
10 liquor stores can be in an area. So I believe that we,  
11 that the state has, singles out liquor, retail liquor  
12 stores and, and would like, because they regulate also  
13 the number and how many you can own if you're an  
14 individual, that they want a statewide comprehensive  
15 issue as it relates to retail liquor stores only.

16 And, and for that reason we believe that the  
17 Berkeley County ordinance is preemptive under the law,  
18 and that it should be declared void and my client  
19 should be able to operate his liquor store.

20 THE COURT: Got it. Thank you, Mr. Marchant.  
21 And, Mr. Stegall, on behalf of the zoning board.

22 MR. STEGALL: Good morning, Your Honor. I hope  
23 you're doing well.

24 THE COURT: Good morning. Yeah. Hope you are.

25 MR. STEGALL: It's, it's the, the county's

1 position that under South Carolina 6-29-960, which  
2 relates with conflict with other laws. This, this  
3 title is under the South Carolina Local Government  
4 Comprehensive Planning Enabling Act. I'm, I'm going to  
5 read it. It's a little wordy but I'm going to read it,  
6 Your Honor.

7 It says, when regulations are made under authority  
8 of this chapter require greater width or size of yards,  
9 courts, or other open spaces, that require a lower  
10 height of building or smaller number of stories, or  
11 require a greater percentage of lot to be left  
12 unoccupied -- here's the important part, or other more  
13 restrictive standards than are required in or under  
14 another statute, or local ordinance and regulation, the  
15 regulations made under authority of this chapter  
16 govern.

17 So it's the state's, or the county's position -- I  
18 apologize, Your Honor, that courts have generally held  
19 that local government ordinance can be more restrictive  
20 than, than state law. So here we've got regulation in  
21 order to obtain a liquor license that gives minimal  
22 length requirements in order to, to get the license.  
23 However, our zoning ordinance is more restrictive than  
24 that and specifically spells out liquor stores, and it  
25 can, you know, cannot be more than a thousand feet, or

1 within a thousand feet from a religious organization.  
2 And here we had it, in the board of zoning appeals, in  
3 my mind, correctly denied their, their request for a, a  
4 relief of the separation standard.

5 (inaudible crosstalk).

6 MR. STEGALL: Yes, ma'am.

7 THE COURT: Go ahead. Yes, sir, Mr. Stegall. I  
8 was going to ask under that theory could Berkeley  
9 County say that you cannot have liquor stores in  
10 Berkeley County located within 50 miles of a church?

11 MR. STEGALL: I mean, technically, yes, Your  
12 Honor. That would be one of our police powers.  
13 However, there's also a, you know, a reasonableness  
14 standard that they try and apply because as you are  
15 aware --

16 THE COURT: Wouldn't that, wouldn't that in  
17 essence, restrict the ability to sell liquor in  
18 Berkeley County if that was allowed? And can Berkeley  
19 County do that? Can Berkeley County restrict the sale  
20 of alcohol? You know, and I guess what that, I guess  
21 the question then is -- what's obviously a very broad  
22 example. But it brings me back to the question whether  
23 or not the location of liquor stores, is it preemptive  
24 or not. Your position is that it is not, but that  
25 counties are allowed to be more restrictive than, than

1 that state statute. Yes?

2 MR. STEGALL: Yes, Your Honor.

3 THE COURT: Okay. Do you have any case law  
4 touching and concerning on the location of liquor  
5 stores that that addresses?

6 MR. STEGALL: Well, like Mr. Marchant said,  
7 there's not a lot of case law out there. I tried to do  
8 some research myself and --

9 THE COURT: Yeah.

10 MR. STEGALL: -- the only thing I found was the  
11 statute, you know, from our state constitution. Which  
12 I, we, we take that as we are allowed to be more  
13 restrictive.

14 THE COURT: Got it. Very well. Thank you  
15 gentlemen. Proposed orders, please, in 30.

16 MR. MARCHANT: I'm sorry, Your Honor?

17 THE COURT: Could I have proposed orders in 30?

18 MR. MARCHANT: Absolutely, Your Honor.

19 THE COURT: Thank you all so much. Thank you.  
20 Let me just tell you, for me, I think, it simply boils  
21 down to preemption. Has the state, has the law, has  
22 the state law preempted the ability of the county to  
23 direct the location of liquor stores? Great. Thank  
24 you so much.

25 END OF TRANSCRIPT OF RECORD.

1 CERTIFICATE OF REPORTER

2

3 STATE OF SOUTH CAROLINA )

4 COUNTY OF BERKELEY )

5 I, the undersigned Emily H. Walker, official  
6 Court Reporter for the 16th Judicial Circuit of the  
7 State of South Carolina, who listened to the digital  
8 recording created by Webex, do hereby certify that said  
9 hearing is a true, correct, and verbatim transcript of  
10 said recorded, discernible proceedings, except for the  
11 portions noted where no transcript was possible due to  
12 the lack of discernible wording, noted by (inaudible),  
13 relative to appeal, in the Court of Common Pleas for  
14 Berkeley County, South Carolina, on the 17th of March,  
15 2025.

16 I do further certify that I am neither kin,  
17 counsel, nor interest to any party hereto.

18 In witness whereof, I have hereunto  
19 subscribed my name, this 30th of August, 2025.

20

21

22

23

Emily H. Walker, CVR

24

Court Reporter

25



# BERKELEY COUNTY SC

## PLANNING AND ZONING DEPARTMENT

Alison Simmons, AICP, Director  
P.O. Box 6122  
1003 Highway 52 • Moncks Corner, SC 29461  
843.719.4095

### APPLICATION FOR VARIANCE

*Of the Berkeley County Zoning Ordinance No. 01-8-35 (as amended)*

**ALL SECTIONS OF THIS APPLICATION ARE REQUIRED TO BE COMPLETED TO BE ACCEPTED**  
Applications are due by COB of the previous month's meeting date, if the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the *Property Owner Authorization* (found on page 3) to designate the Applicant as the Authorized Agent. Application Fee is \$150.00 (Non-Refundable). Cash, Card, and Check Accepted. Checks may be made out to **BERKELEY COUNTY**

#### APPLICANT INFORMATION

PRINTED Name of Applicant:  
Larry C. Marchant, Jr.

Relation to Property Owner (Check One):

I am the Owner  I am the Authorized Agent

#### PROPERTY OWNER'S CONTACT INFORMATION (IF NOT STATED ABOVE)

NAME: PROPERTY OWNERS: BLISS MK, LLC (PROPOSED BUSINESS OWNER MAHIK LLC D/B/A MACEDONIA LIQUORS)

#### BZA MEETING DATE AND EXPECTATIONS

BZA Meeting Date Applied for:

I understand that I will be asked to speak on behalf of my request and that I, or a representative will need to be in attendance. If, for some reason I or a representative will not be able to attend the scheduled meeting, I must submit a written request for deferral to another date in accordance with the adopted Deferral/Deferral Policy or withdraw my application.

Applicant's Initials Here:

#### PROPERTY INFORMATION

TMS#: 087-00-04-068

Lot Size: Approx .03 acres.

Zoning: GC

Physical Address or Location of Subject Property: 2307 N. Hwy 17A Banneau, SC 29431

Present Use of the Property: Former convenience store closed prior to purchase

#### The following information MUST BE submitted with this application:

- 1. SITE PLAN** This should be on a copy of the recorded plat (8"x11"), if available. Sketch showing ALL existing and proposed buildings, bufferyards, roads, driveways, parking spaces, fencing, and other physical improvements in relation to the request.
- 2. OTHER RELEVANT EVIDENCE** The burden of proof to demonstrate a physical hardship falls on the applicant. Please enclose any documents, letters of support, surveys, pictures, or other materials deemed necessary to demonstrate the conditions of the property.

#### SUBMITTAL ENCLOSURES (PLEASE CHECK ALL THAT APPLY)

- Existing Plat of Record
- Site Plan
- Letters of Support from Neighboring Property Owners
- Owner's Notarized Written Authorization (if Owner's Signature Cannot Be Obtained)
- Other (please specify): *Proximity Survey attached*

**RELEVANT FACTORS PERTAINING TO THE VARIANCE**

**I (we) have made (or desire to make) an application for a permit to:**

Owner has renovated formerly vacant convenience store and desires to open and operate a retail liquor store.

**And the Planning and Zoning Department either denied it or stated that it does not conform on the grounds that:**

Property is slightly less than the required 1,000 foot requirement from existing church pursuant to Berkeley County Ordinance 11.4.2

**I request a variance from the Berkeley County Zoning Ordinance to be/have (Be specific with measurements, feet, acreage, numbers of, ratio, etc.):**

Allow owner to open and operate retail liquor store that is +/- 892 foot corner of building to church. Proximity survey attached.

**State Law and the Berkeley County Ordinance requires that the following four (4) facts are sufficiently met in order for a variance to be considered by the BZA. The applicant must prove through fact that the strict application of the ordinance will result in unnecessary hardship. Please provide a response to EACH question provided below and use additional sheets if necessary.**

**THE VARIANCE IS REQUESTED BECAUSE OF THE FOLLOWING REASONS:**

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. There are issues such as size, shape, and topography that prevent compliance with the Ordinance. **NOTE: The BZA REQUESTS precise measurements, either drawn on a map or plat or prepared by a Surveyor or other qualified professional. If insufficient information is presented to the BZA, the applicant risks the Variance being denied or held for a future meeting until the Applicant can provide the necessary evidence.**

See attached via separate document

2. These conditions do not generally apply to other property in the vicinity. The applicant should answer the question: What condition(s) that generally applies only to this property prevents compliance with the ordinance? **A simple example pertaining to lot shape: "The triangular shape makes it impossible for me to meet the requirements. All the adjacent lots around me are square."**

See attached via separate document

3. Because of these conditions, the application of the ordinance effectively prohibits, or unreasonably restricts the utilization of the particular piece of property. The applicant should answer the question: What is the reasoning behind why the ordinance would harm the property's current or future use? **NOTE: Monetary gain or advantage is not to be considered by the board in determining hardship. A simple example pertaining to building a detached garage on a residential lot: "Because of the triangular shape of the lot, a detached garage will not fit within the boundaries of the lot and still adhere to the setback requirements. This prevents the lot from being fully utilized."**

See attached via separate document

4. The authorization of the 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. **Affected/Interested stakeholders, either in support or in opposition, have the privilege to be heard during the Public Hearing.**

See attached via separate document

**ACKNOWLEDGMENTS:  
TERMS OF THIS APPLICATION**

1. Hardship resulting from financial difficulty, and the applicant's own actions are generally not sufficient cause for the board to grant a variance.
2. Although the appeal will be advertised in the local newspaper, and the property posted with a sign concerning the details of the meeting, staff strongly recommend that all neighbors and property owners be contacted, by the applicant, before the application is submitted.
3. The applicant may present, at the discretion of the BZA Chairman, and items and/or individuals he/she believes will help his/her case.
4. Five, of the eight appointed Board members, must be present before action can be taken on the variance, and the concurring vote of majority of the Board present is necessary in order for a Variance to be approved.
5. No Variance, having been denied, shall be resubmitted to the Board for a period of one (1) year, unless conditions have changed substantially and new evidence is received, and the Board votes unanimously to rehear the matter.
6. Any person who may have a substantial interest in any decision of the Board may appeal said decision to a court of competent jurisdiction in and for the county of Berkeley, filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to the law. Such appeal shall be filed within thirty (30) days after the decision of the board is rendered.

**APPLICANT DISCLOSURES**

I, the applicant, hereby acknowledge by my signature that this application is complete and accurate to the best of my knowledge, information, and belief, have read and understand the terms and expectations associated with this Application, hereby release, hold harmless, and indemnify forever Berkeley County, its employees, and agents, both individually and jointly, from any and all liability or responsibility for any foreseen or unforeseen damage, including, but not limited to, death, bodily injury, personal injury, and property damage, arising from the home occupation located at the above-referenced property by adjoining landowners, visitors and/or any user of the home, including, but not limited to, the public at large, am the owner of the subject property or the authorized representative of the owner, authorize the subject property to be posted and/or inspected, AND hereby certify that the tract(s) or parcel(s) of land to which this request pertains is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought, as provided in the South Carolina Code of Laws, Section 6-29-1145, and are exempt per Section 59.35 of the Berkeley County Code of Ordinances.

Signature: [Signature] Date: 9/17/24

**PROPERTY OWNER AUTHORIZATION (IF DIFFERENT FROM APPLICANT)**

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this special exception application.

Property Owner(s) Printed Name: Kenneth Trivedi

Property Owner(s) Signature: [Signature] Date: 9/17/24

**OFFICE USE SECTION**

AMOUNT PAID: \_\_\_\_\_  CHECK # \_\_\_\_\_  CASH;  ONLINE PAYMENT INTENDED  
 DATE RECEIVED: \_\_\_\_\_ ; RECEIPT NUMBER: \_\_\_\_\_  
 DATE FILED: \_\_\_\_\_ ; MEETING DATE: \_\_\_\_\_

\_\_\_\_\_  
ZONING OFFICIAL

\_\_\_\_\_  
DATE

**SUPPLEMENTAL ANSWERS TO APPLICATION FOR VARIANCE<sup>1</sup>**

In re: Bliss MK LLC., 2307 N. Hwy 17A, Bonneau, South Carolina 29431

The Variance is Requested because of the Following Reasons:

**1. There are extraordinary and exceptional conditions pertaining to the particular piece of property. There are issues such as size, shape and topography that prevent compliance with the Ordinance?**

Applicant Bliss MK LLC does not have an extraordinary and exceptional condition as it relates to the size, shape, and/or topography of the particular piece of property per se.

Bliss MK LLC seeks a variance to operate a retail liquor store.

Berkeley County Ordinance 11.4.2 requires a retail liquor store to be 1000 feet from a religious institution. For purposes of measurement, Berkeley County requires the measurement to be made in a straight line without regard to intervening structures from the nearest portion of the store to the property line of the church. Pursuant to this ordinance, Bliss MK is +/- 100 feet short of the required 1000-foot buffer.

The property is otherwise suitable and would not require a variance to sell other alcoholic beverages such as beer and wine. The property was a former gas station/convenience store and is a suitable location for a commercial/retail enterprise. Continuing to operate a commercial/ retail establishment is in concurrence with the property's long-established use. Petitioner's variance is specifically related to the county's more stringent distance requirements to a religious institution explained herein.

**2. These conditions do not generally apply to other property in the vicinity. The applicant should answer the question: What condition(s) that generally applies only to this property prevents compliance with the ordinance?**

As explained above, Applicant Bliss MK LLC, is seeking a variance to ordinance 11.4.2 to operate a retail liquor. Applicant is not aware of any other retail liquor store(s) in close proximity of his property. There are other locations in close proximity that sell beer and wine.

Continued next page

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<sup>1</sup> Page 2 of 3 Berkeley County SC Application for Variance, Planning and Zoning Department

**3. Because of these conditions, the application of the ordinance effectively prohibits, or unreasonably restricts the utilization of the particular piece of property. The applicant should answer the question: What is the reasoning behind why the ordinance would harm the property owners current or future use?**

The principal of Applicant Bliss MK LLC currently owns and operates two (2) convenience stores/gas stations in Berkely County. Applicant purchased the property and made renovations to the existing property in excess of \$250,000.00. He operates his other businesses in compliance of all local, state, and county rules and regulations.

Applicant is in compliance of all state laws relating to the establishment of a retail liquor store and has been approved and has been issued a permit to operate a retail liquor store should his application for a variance be approved. The SC Department of Revenue ("SCDOR") regulates the permitting process of retail liquor stores (as well as other establishments that sell beer and wine, tobacco and the like). The permitting process is stringent, and owners are regularly monitored.

The State has a compelling interest in the regulation alcohol. Applicant meets all state requirements to operate a liquor store on the property located above.

State of South Carolina's Distance Requirements:

Pursuant to SC Code Section 61-6-120, the State's distance requirements of a retail liquor store from a religious institution is 500 feet in an incorporated area (city or town) an 300 feet in an unincorporated area.

Moreover, the calculation of the distance is measured from the entrance of the building and by following the shortest route of ordinary pedestrian or vehicular travel long a public throughfare to the nearest point of entrance to the grounds of the church.

Of note, Applicant is in compliance of the Berkely County Ordinance increasing the distance from 300 as required by the State of South Carolina to that of 1000 feet by local ordinance, if the distance can be calculated as allowed under the aforesaid SC Code.

**4. The authorization of the 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.**

Applicant does not believe is variance request will be a detriment to the adjacent property owners or the public good.

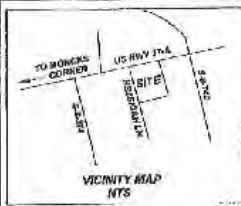
The property has had a long-standing commercial use of a convenience store/gas station that sold alcoholic beverages. The applicant has made substantial improvements to the building and has an established record of being a law-abiding business owner in the county.

Applicant has undergone a stringent application process with the SCDOR, including but not limited to financial, criminal, and other similar background checks.

Applicant has been approached by citizens in the community as to their approval of fixing up the building and opening a liquor store in closer proximity to them.

Applicant respectfully request the opportunity to address the board and supplement his answers accordingly.

Respectfully submitted,  
/s/Larry C. Marchant, Jr.  
For the Applicant Bliss MK LLC



**FLOOD NOTE:**  
 THIS TRACT APPARENTLY LIES IN FLOOD ZONE "X", AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD ZONE.

**REFERENCE:**  
 PLAT BY ROBERT J. SAMPLE, PLS  
 RECORDED CAB R PG 367-A  
 PLAT BY RANDOLPH J. GRICE, PLS  
 RECORDED CAB R PG 68-P

**NOTE:**  
 A-1 & A-1a  
 TMS 087-00-04-068  
 ZONED F-1  
 A-2 & A-2a  
 TMS 087-00-04-068  
 ZONED GC

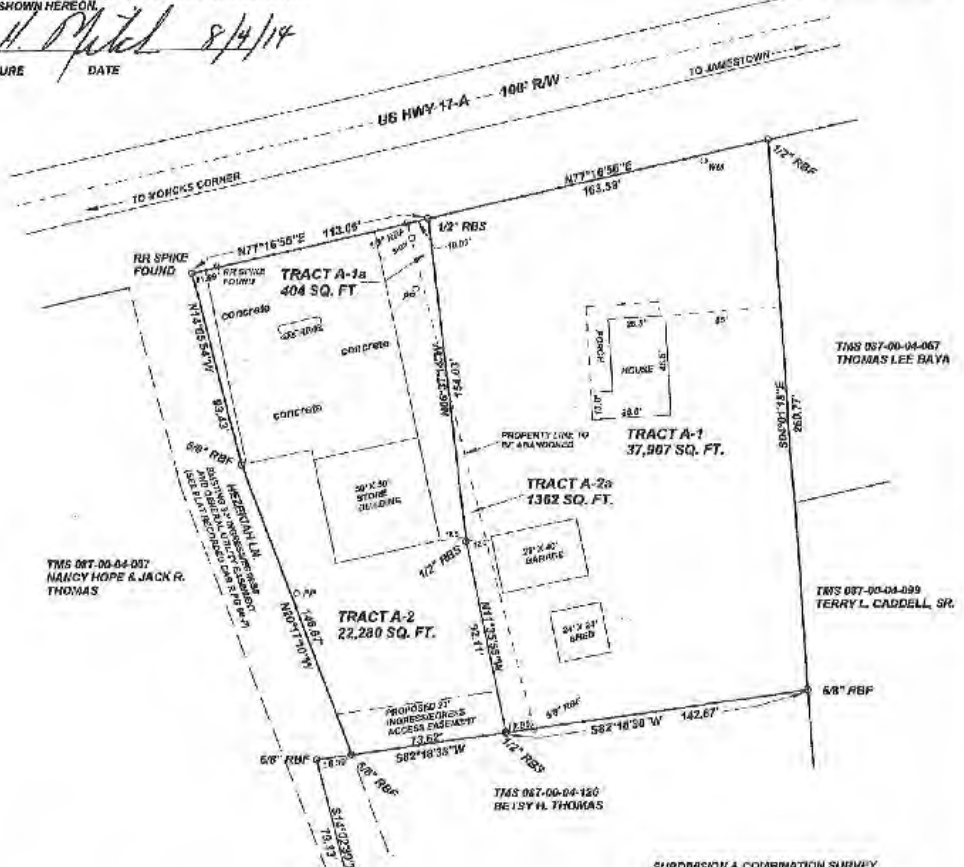
**LEGEND:**  
 IPF=IRON PIPE FOUND  
 RB=REBAR FOUND  
 RB=REBAR SET  
 RW=RIGHT OF WAY  
 NTS=NOT TO SCALE  
 PP=POWERPOLE  
 WM= WATER METER



BY THE RECORDING OF THIS PLAT, I HEREBY DEDICATE THE CONGRESS/CROSS EASEMENT AND GENERAL UTILITY EASEMENT SHOWN HEREON TO ALL PURCHASERS AND SUCCESSORS IN INTEREST OF THIS PROPERTY AND I AM HEREBY DEDICATING THE GENERAL UTILITY EASEMENT SHOWN HEREON TO THOSE ENTITIES WHICH PROVIDE SAID UTILITIES. NOTHING IN THIS DEDICATION SHALL BE CONSTRUED TO IMPLY AN ACCEPTANCE BY BERKELEY COUNTY OF ANY ROADWAYS OR AS CREATING ANY DUTY BY BERKELEY COUNTY TO MAINTAIN ANY ROADWAYS OR RIGHTS-OF-WAYS SHOWN HEREON.

*Ray H. Dentler* 8/4/14  
 SIGNATURE DATE

08020637  
 PLAT 0801NF R PAGE 331-2  
 Filed and Recorded  
 Rec 07/20/14 03:42P  
 Cynthia B. Farle  
 Register of Deeds Berkeley Co. SC



Berkeley County Planning & Zoning  
 EXEMPT  
*Reason:*  
*Car Accessway*  
 8/28/14 DATE

SUBDIVISION & COMBINATION SURVEY  
**PLAT OF TRACT A-1, A-1a, A-2 & A-2a**  
 SURVEYED AT THE REQUEST OF  
**COLE & COURTNEY ENTERPRISES LLC**  
 SURVEYED FOR  
**MATTHEW DENTLER**

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

*Homer P. Mason*  
 HOMER P. MASON  
 P.L.S. NO. 1551  
 1014 BIRCHMOUNT FOREST ROAD  
 MONCK'S CORNER, S.C. 29461

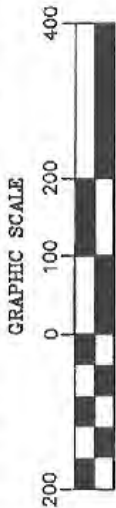
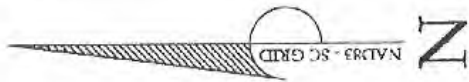
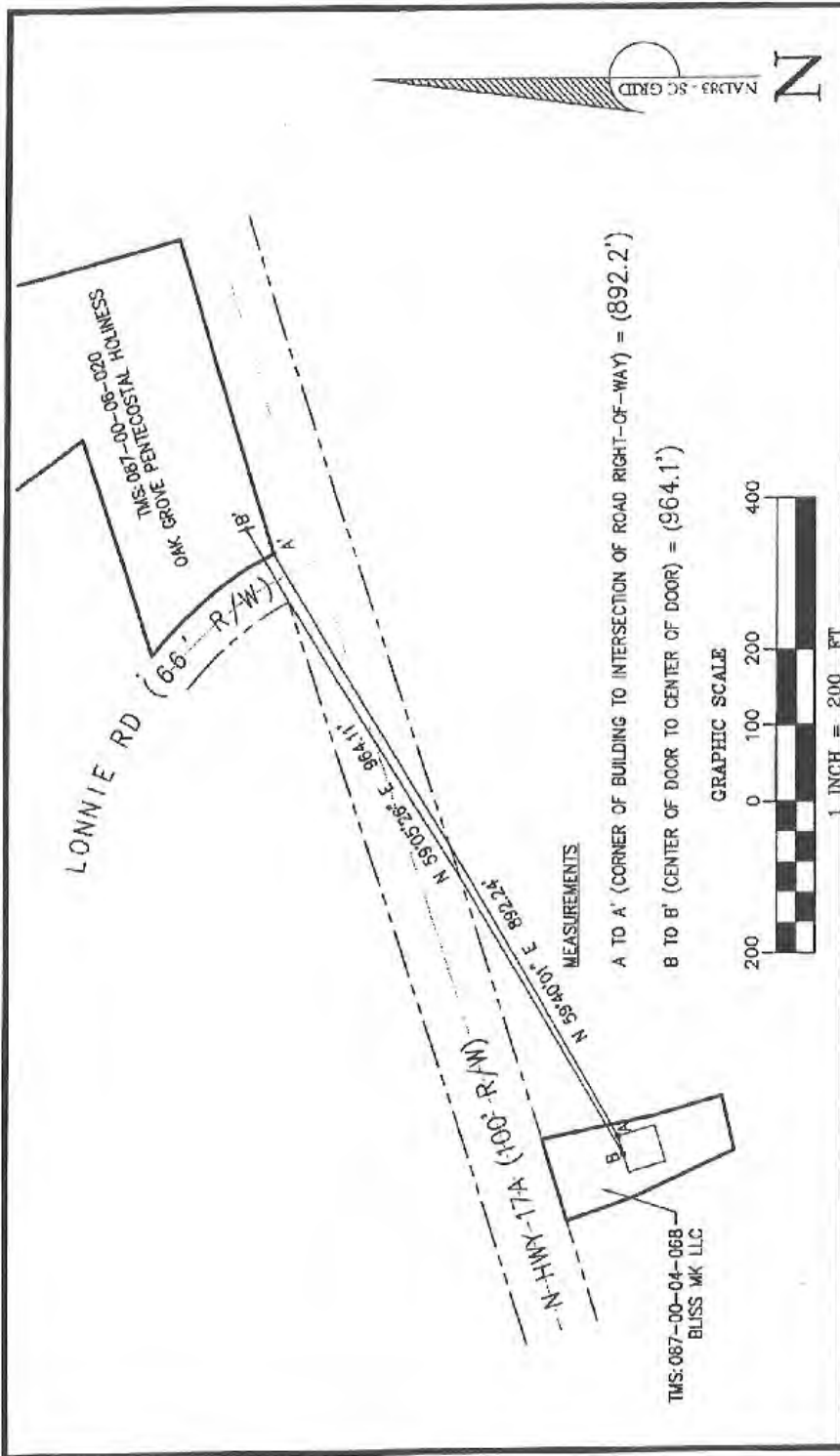
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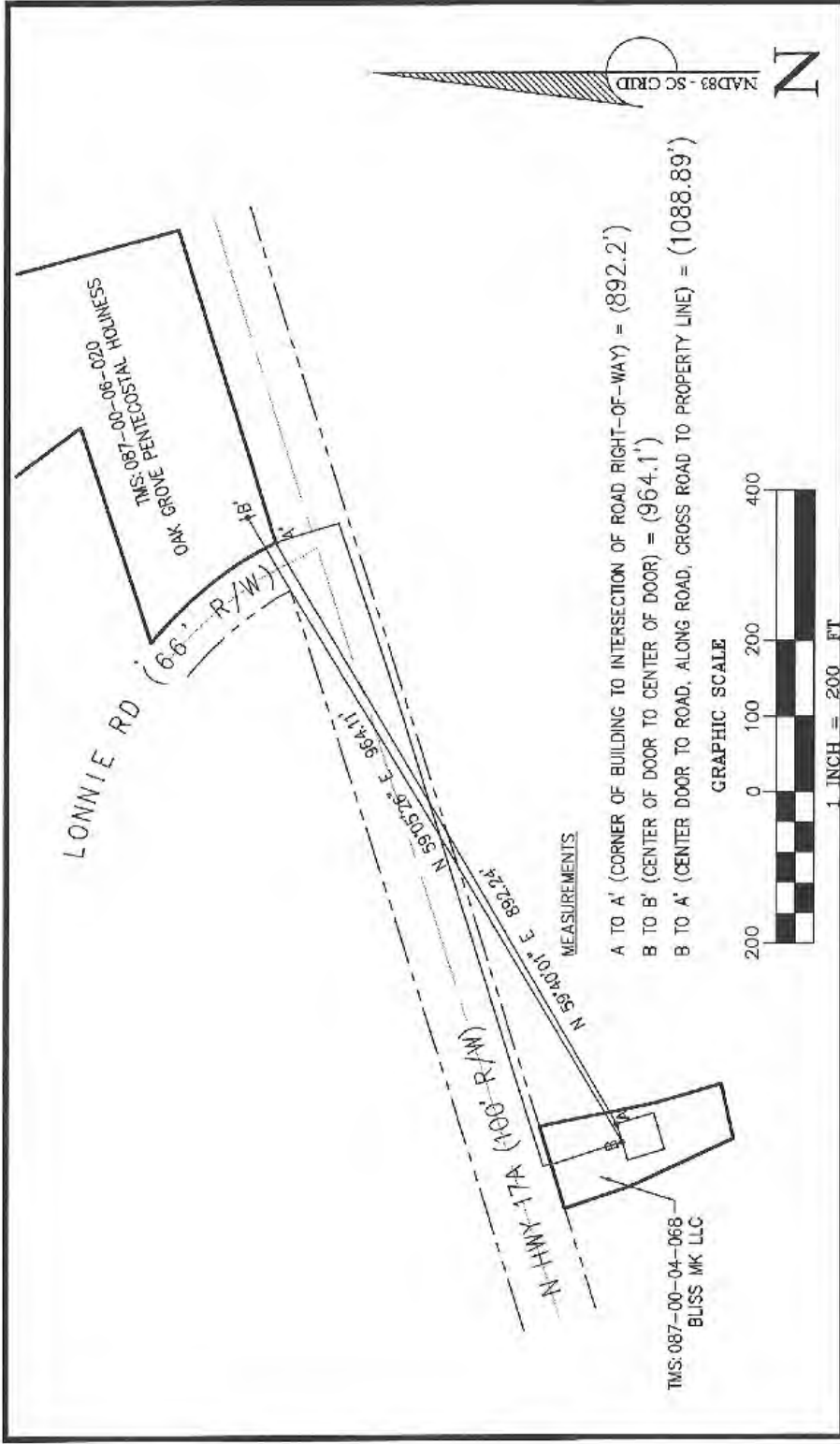
MACEDONIA AREA  
 BERKELEY COUNTY SOUTH CAROLINA  
 DATE OF SURVEY APRIL 3, 2014

MASON PROFESSIONAL LAND SURVEYOR, LLC  
 1014 BIRCHMOUNT FOREST ROAD  
 MONCK'S CORNER, SC 29461





		SURVEY DATE: 09/11/2024
PROXIMITY SURVEY TMS: 087-00-04-068		MAP DATE: 09/12/2024
OWNER OF RECORD: BLISS MK LLC AS DESCRIBED IN DB-4687 AT PG-717 (PLAT CAB-R PG-3310) IN BERKELEY COUNTY REGISTER OF DEEDS LOCATED: 2307 N HWY 17A, BONNEAU, SC 29431 BERKELEY COUNTY, SOUTH CAROLINA		DRAWN BY: C.R. CLOUSER:LSIT
		FIELD BK: N/A

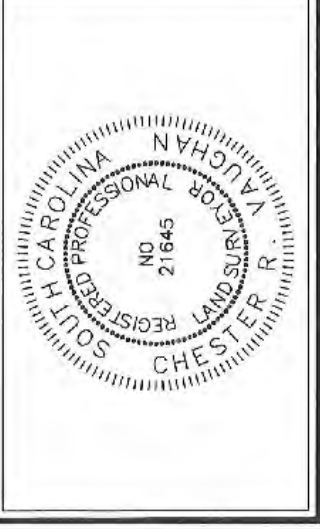


SURVEY DATE:	09/11/2024
MAP DATE:	10/04/2024
DRAWN BY:	C.R. CLOUSER/LSIT
FIELD BK:	N/A



**PROXIMITY SURVEY**  
**TMS: 087-00-04-068**

OWNER OF RECORD: BLISS MK LLC  
 AS DESCRIBED IN DB-4687 AT PG.717 (PLAT CAB-R PG.331Q)  
 IN BERKELEY COUNTY REGISTER OF DEEDS  
 LOCATED: 2307 N HWY 17A, BONNEAU, SC 29431  
 BERKELEY COUNTY, SOUTH CAROLINA





SOUTH CAROLINA DEPARTMENT OF REVENUE

ABL-567  
(Rev  
28-Sep-2023)

4282

PRL

RETAIL LIQUOR STORE

25

Owner Name and Mailing Address

MAHIK LLC



Letter ID: L0030023936

LICENSE NO: 115375030-PRL  
FILE NO: 115375030  
DATE ISSUED: 06/13/24  
STIPULATIONS: 0

Trade Name and Business Address

MACEDONIA LIQUORS  
2307 N HIGHWAY 17A  
BONNEAU SC 29431-3213

START DATE: 06/13/24  
END DATE: 02/28/25

**THIS LICENSE IS NOT TRANSFERABLE**

..... You may not transfer this permit or license to another location or to another person. ....  
if you sell all or a portion of your business, before the buyer can legally sell beer, wine, or liquor, he or she MUST obtain his/her own permit or license. You can be held  
financially responsible for any violations of the law that take place by any person using your permit and/or license. You may be held financially responsible for injuries due to  
the negligent sale of the beverages by someone using your permit or license.

..... POST THIS IN A CONSPICUOUS PLACE .....

If you have any questions concerning this license, contact the South Carolina Department of Revenue ABL Section at 803-898-5864 or by mail at SCDOR, ABL Section, P.O. Box 125, Columbia, SC 29214-0907.

You may not transfer this permit or license to another location or to another person. If you sell the business or change ownership, name, or business address, you MUST apply for a new ABL license.



**INSTRUCTIONS**

This is your new license. Please fold on the above perforation marks and display in a conspicuous place.

Please visit [dor.sc.gov](http://dor.sc.gov) to download and print the appropriate ABL sign(s), listed below, for the license type shown above and display alongside your license. A violation may be issued for failure to display the required sign(s).

- All Licenses: ABL-570
- Retail Liquor Stores: ABL-563, ABL-570, and ABL-578

If the business is closed, moved, or sold, you must return the original license immediately. To be refunded the 2nd year of the biennial license, the license must be received by the Department of Revenue with at least a full year (12 months) remaining on the biennial license.

087-00-04-068



1 inch = 83 feet



Date: 9/18/2024

Berkeley County GIS



The county of Berkeley and its GIS Department disclaims accountability for this product and makes no warranty express or implied concerning the accuracy thereof. Responsibility for interpretation and application of this product lies with the user.

Aug 22, 2024 at 11:28:00 AM  
2307 Alt US-17  
Bonneau SC 29431  
United States



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BERKELEY COUNTY GOVERNMENT  
BOARD OF ZONING APPEALS BZA MEETING MINUTES

October 15, 2024

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County Administration Building

6:00 PM

1003 Hwy 52, Moncks Corner, SC 29461

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**ROLL CALL**

Name	Attendance
Nicole Burbage	Present
Harold Jefferson	Present
Billy Joy	Absent
Rick Melo	Present
Jim Mills	Present
Joseph Shirah	Present
Richard Smith	Present
Matthew Smith	Present

**Roll Call Notes:**

PRESENT: Mr. Richard Smith, Chairman, Council District No. 1, Ms. Nicole Burbage, Board Member, Council District No. 2, Mr. Jim Mills, Board Member, Council District No. 3; Mr. Rick Melo, Board Member, Council District No. 4; Mr. Matthew Smith, Board Member, Council District 5; Mr. Harold Jefferson, Board Member, Council District No. 7 and Mr. Joseph Shirah, Vice Chairman, Council District No. 8. Mr. Billy Sunday Joy, Board Member, Council District No. 6 was excused.

Electronic Participation Authorized

**1. CALL TO ORDER**

*During periods of discussion and/or presentations, minutes are condensed and paraphrased. Video coverage of the full meeting is available on the Berkeley County Government website.*

*Chairman Richard Smith called the meeting to order.*

*In accordance with the Freedom of Information Act, the electronic and print media were duly notified.*

**2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

*Board Member Jefferson provided the Invocation, which was followed by the Pledge of Allegiance to the Flag of the United States of America.*

**3. CONSIDERATION OF MINUTES**

a. Meeting Minutes: Board of Zoning Appeals - BZA Meeting 9/17/2024

DETAILS:

*Chairman R. Smith asked for approval of minutes from the Board of Zoning Appeals meeting held on September 17, 2024*

*IT WAS MOVED BY BOARD MEMBER M. SMITH AND SECONDED BY BOARD MEMBER MELO TO APPROVE THE MINUTES AS PRESENTED. THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.*

*Vote result: Approved  
Mover: Matthew Smith  
Seconded by: Rick Melo*

<b>Voter</b>	<b>Vote</b>
Nicole Burbage	Yes
Harold Jefferson	Yes
Billy Joy	Not Present
Rick Melo	Yes
Jim Mills	Yes
Joseph Shirah	Yes
Matthew Smith	Yes

**4. REQUESTS FOR SPECIAL EXCEPTION**

*Chairman R. Smith swore in all attendees who will be seeking an Administrative Appeal, Special Exception, or Variance, or who will be speaking either in support of or in opposition to any requests on this evening's agenda.*

a. TMS#: 222-15-00-028. Request from Erik West of EMC Towing for a special exception to §7.2.6(1) to establish an outdoor storage primary use, at/near 127 Wide Awake Cir. in the Summerville community (PLSX-048746-2024).

DETAILS:

*Chairman R. Smith read the request into the record and invited the applicant to the podium.*

*The applicant, Erik West of [REDACTED] in Summerville approached the podium and stated he wishes to expand his towing business and needs the special exception to be able to use more than just a quarter of the property for his storage.*

*Chairman R. Smith inquired if this will be storage for wrecked cars.*

*The applicant stated whatever tows come in through the Highway Department or the County.*

*Chairman R. Smith inquired what will be the hours of operation.*

*The applicant stated 8-5.*

*Chairman R. Smith inquired if a car is towed at 2am will they be accessing the site.*

*The applicant stated yes, they have 24-hour service, but the typical hours of operation will be 8-5.*

*Chairman R. Smith inquired that if a wreck happens at 2am they will bring the car into the lot, which the applicant confirmed, and stated this is a side street that will not disturb anyone.*

*Chairman R. Smith inquired if a plan has been provided.*

*The applicant stated he has, and it should have been presented.*

*Chairman R. Smith inquired of Staff if the operations plan has been provided.*

*Ms. Simmons stated the department has not received a plan to her knowledge.*

*The applicant stated he has worked with Caleb who helped him with what was needed to be provided.*

*Chairman R. Smith inquired concerning the map showing this being right next to church property.*

*The applicant stated it will be 20 to 30 feet from the church property.*

*Chairman R. Smith inquired of Staff if he is aware it would need to be 500ft.*

*Ms. Simmons stated there is an explicit separation standard that can be waived with augmented screening standards per the ordinance. She stated the plan should show specifics of bufferyards and screening.*

*Chairman R. Smith inquired as to if there were any further questions from the Board.*

*Board Member M. Smith inquired if they are currently using ¼ acre.*

*The applicant confirmed, and that within general commercial he is given that much area for storage. He stated that he is hoping to grow the business and would need the special exception to have more area for storage available.*

*Board Member M. Smith inquired that the intent is to utilize the entirety of the yard for car storage.*

*The applicant confirmed and stated that a 12ft fence will be required and they will follow the hours*

*of operation.*

*Chairman R. Smith inquired of the measurement of the area he intends to store cars.*

*The applicant stated 1.17 acre. He stated it is 293 across the right side, 214 along the front, and 329 on the left side.*

*Chairman R. Smith inquired if this is just for the 1 acre.*

*The applicant stated it is for the entire TMS.*

*Chairman R. Smith stated that in the future if you expand you will use the whole parcel.*

*The applicant stated that he also owns 2 acres on the other side of the property, so he may need to go into that property one day as well, but for now it will just be this one property.*

*Chairman R. Smith inquired if the buffers and fencing will be met for the entire parcel, which the applicant confirmed.*

*Chairman R. Smith inquired as to if there were any further questions from the Board.*

*Board Member Burbage inquired how soon he plans to use the property and to ensure he understands that all fencing and buffers will be required first, which the applicant confirmed.*

*Chairman R. Smith inquired as to if there were any further questions from the Board and there were none.*

*Chairman R. Smith inquired as to if there was anyone present who wished to speak in support of or in opposition to this Special Exception request, with no response. He then inquired as to if Staff had anything further to add.*

*Ms. Simmons stated that per the ordinance the hours of operation would be from 6am to 10pm, and no junk or salvage vehicles could be stored and cannot be used as a junkyard. She also stated that the adjoining property owned by Mr. West is zoned residential and would need to be rezoned to be used.*

*Chairman R. Smith inquired of Staff that prior to beginning he will have to have a plan of operation submitted.*

*Ms. Simmons stated a site plan will be required to be reviewed by the necessary departments.*

Chairman R. Smith inquired of Staff that he will have to abide by all the special exception rules in 7.2.6 which will include the hours of operation being 6am to 10pm, which Staff confirmed.

The applicant stated that he will make it work.

Chairman R. Smith inquired if he has spoken with the church next door, which the applicant confirmed and stated they have no opposition.

**IT WAS MOVED BY VICE CHAIRMAN SHIRAH AND SECONDED BY BOARD MEMBER MILLS TO APPROVE A REQUEST FROM ERIK WEST OF EMC TOWING FOR A SPECIAL EXCEPTION TO §7.2.6(1) TO ESTABLISH AN OUTDOOR STORAGE PRIMARY USE, AT/NEAR 127 WIDE AWAKE CIR. IN THE SUMMERVILLE COMMUNITY (PLSX-048746-2024). THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.**

**Vote result:** Approved  
**Mover:** Joseph Shirah  
**Seconded by:** Jim Mills

<b>Voter</b>	<b>Vote</b>
Nicole Burbage	Yes
Harold Jefferson	Yes
Billy Joy	Not Present
Rick Melo	Yes
Jim Mills	Yes
Joseph Shirah	Yes
Matthew Smith	Yes

## 5. REQUESTS FOR VARIANCE

a. TMS#: 068-08-00-065. Request from Doris Lombardo for a variance to §5.3.4 and §5.3.10 for relief of accessory structure size, placement, and sequencing, at/near Hildebrand Dr., Bush Dr. and Catfish Landing Cir. in the Bonneau community (PLVA-048707-2024).

### DETAILS:

Chairman R. Smith read the request into the record and invited the applicant to the podium.

The applicant, Peter Lombardo of [REDACTED] approached the podium and stated they acquired the property through the delinquent tax sale, and they plan to retire to Bonneau Beach and will use this property. He stated that they no longer need a setback variance for the intended accessory structure, they only need to build it prior to the primary structure. They will build the primary in a couple of years once they retire.

Chairman R. Smith inquired if the applicant could move the garage to not need the 30ft setback on one side.

The applicant stated he thought the setback was supposed to be 30ft for accessory structures but

*yes, he can move it 5ft over.*

*Chairman R. Smith inquired about the 15ft setback from the rear and explained that this building will have to meet primary structure setback requirements instead of accessory requirements.*

*The applicant clarified 15ft from the shared property line, and he can move that as well.*

*Chairman R. Smith stated that that setback is fine and inquired that the applicant will be moving there in 4 years, and does not have a problem with the Board placing a time limit on the variance.*

*The applicant stated that they understand and would say within 5 years.*

*Chairman R. Smith inquired if they plan to place a mobile home on the property once they retire.*

*The applicant stated that is the plan right now, or modular.*

*Chairman R. Smith inquired what side will the front door face.*

*The applicant stated it will front Hildebrand.*

*Chairman R. Smith stated that the garage cannot be in the front yard, so the home will have to face that direction.*

*Chairman R. Smith inquired that they could shift the building 5ft to meet both setbacks, which the applicant confirmed.*

*Chairman R. Smith inquired as to if there were any further questions from the Board and there were none.*

*Chairman R. Smith inquired as to if there was anyone else present who wished to speak in support of or in opposition to this Variance request.*

*Joyce Conklin of [REDACTED] and Mary Robertson of [REDACTED] approached the podium and stated they live next to this property and that since the buildup of the dirt on this parcel her drainage has been a problem, and her septic is not draining. She stated she is not opposed to them placing anything on the property, she is just concerned because now her septic system that was replaced in 2021 is not draining properly. She stated they have not had any problems until the applicants have disturbed the land and disrupted the drainage of the land starting in June. She stated that she needs to know who can help her fix this so they can use their septic system, they have contacted plumbers and the septic company. She stated that the dirt that was brought in goes from Hildebrand to Bush, so it is not allowing any drainage off her property.*

*Chairman R. Smith stated that he understands the problem and wishes he could help, but this is not something the Board can assist with. He stated the only thing the Board is hearing is allowing the garage before the primary structure. He stated if the applicant has damaged your septic system in some way that is not something this Board can assist with, it would possibly be a civil issue.*

*Ms. Robertson inquired even for adding drainage to the sides.*

*Chairman R. Smith stated that this is not something the Board can assist with.*

*Ms. Robertson stated that they have already spoken to Stormwater and DHEC and inquired as to who they should go to. She stated they all said to come here, because if he places this garage, it will create an even larger problem once the concrete and everything is laid.*

*Chairman R. Smith stated he understands and is sorry for the problem, but this Board cannot help with this issue, and he cannot tell her who she needs to speak to for this issue.*

*Ms. Conklin stated if they approve the garage, it will cause more problems on her property.*

*Chairman R. Smith stated that if the Board denies the variance, he still will build on his property in 4 years when he moves to Bonneau. He stated this would only delay the problem, and once he has a trailer on the property, he can move the garage to only 5ft from the property line.*

*Ms. Conklin stated that she does not care what he places on the property, she just wants to be able to use her services without having drainage problems. She stated is there something the applicant can do that may make the drainage better. She stated that her property is in the middle of the section, so all the runoff goes through her property, and one drain all the way at the end.*

*Chairman R. Smith stated he understands and is sorry for the problem, but this Board cannot help with this issue.*

*Ms. Conklin stated she appreciates the Board hearing her concerns, and if anyone knows who she should contact to please let her know.*

*Ms. Robertson stated they have talked to Stormwater already to see if they can place another drain closer to her property.*

*Chairman R. Smith that the best way to approach that would be to contact their councilman for the area and explain the problem, and he can then go to Stormwater.*

*Ms. Conklin stated she is not opposed to what they place on the property, they keep it well maintained and it looks good, she just needs the drainage to be addressed.*

Chairman R. Smith inquired as to if there was anyone else present who wished to speak in support of or in opposition to this Variance request, with no response. He then inquired as to if Staff had anything further to add, and Staff did not.

**IT WAS MOVED BY BOARD MEMBER BURBAGE AND SECONDED BY BOARD MEMBER M. SMITH TO APPROVE A REQUEST FROM DORIS LOMBARDO FOR A VARIANCE TO §5.3.4 AND §5.3.10 FOR RELIEF OF ACCESSORY STRUCTURE SIZE, PLACEMENT, AND SEQUENCING, AT/NEAR HILDEBRAND DR., BUSH DR. AND CATFISH LANDING CIR. IN THE BONNEAU COMMUNITY (PLVA-048707-2024), WITH THE CONDITION THAT THE PRIMARY STRUCTURE BE CONSTRUCTED WITHIN 5 YEARS AND THE ACCESSORY STRUCTURE MEET 35FT FIRST/SECOND STREET FRONTAGE SETBACK. THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.**

**Vote result:** *Approved with Conditions*

**Mover:** *Nicole Burbage*

**Seconded by:** *Matthew Smith*

<b>Voter</b>	<b>Vote</b>
Nicole Burbage	Yes
Harold Jefferson	Yes
Billy Joy	Not Present
Rick Melo	Yes
Jim Mills	Yes
Joseph Shirah	Yes
Matthew Smith	Yes

b. TMS#: 087-00-04-068. Request from Larry C. Marchant Jr. on behalf of Bliss MK, LLC for a variance to §11.4.2 for relief of the locational criteria for an intended commercial liquor store, at/near 2307 N. Hwy 17A in the Macedonia / Bonneau community (PLVA-048755-2024).

**DETAILS:**

*Chairman R. Smith read the request into the record and invited the applicant to the podium.*

*The applicant, Larry Marchant of 1720 Main St. Suite 301 in Columbia, approached the podium, who is the attorney representing the owner, Bliss MK LLC. He stated that the owner owns 2 convenience stores in the area, the Shell in Moncks Corner for 6 years and the Valero in Macedonia for 3 years. He stated he is requesting a variance to allow a liquor store to be within 1000 ft, as a crow flies, to a church. Mr. Marchant stated that the owner purchased an abandoned convenience store, and he did not have to make many structural improvements, only interior improvements, and was issued a permit from the SC Department of Revenue, which has been supplied, and passed all of their stringent regulations, background checks, etc. He stated there is a conflict between the ordinance and State law concerning how the distance is measured, county ordinance states 1000ft as the crow flies, and State law requires 500 ft in a municipality and 300 ft in an unincorporated area, measured as a pedestrian walks. He stated that they have done the measurements, and they fall short by a hundred and some feet by the county ordinance. He stated that if they did the measurement by the state law, they would meet the 1000ft requirement. Mr. Marchant stated that they are requesting relief of the standard, he stated that when there is a conflict between state and local law things can get messy, and it may be that the state law will take precedence, he is unsure. He*

stated that he has seen cases where the courts have given the test pertaining to liquor stores that are state compelling interests and if there are no specific requirements the locals have always been approved. He stated that this may be an issue of the 300 ft versus the 1000, but he does not believe that needs to be discussed because they are so close to meeting the requirement, and they would meet it with the state law way of measuring. He stated they are well in excess of state law and just short of the county requirement. He stated that when you apply for a retail license with the state, they have a public comment period where they post signs for 30 days and there were no protests at that time. He stated the only concern they are aware of at this point is one of the neighbors is concerned and would like a buffer fence of some sort, and the other two neighbors have voiced no concerns. He stated that this was a convenience store in the past that sold beer and wine, and his client has had no violations, and it will be retail with no loitering. He provided 2 letters of support for the applicants' character and a petition to the Board.

Chairman R. Smith inquired as to if there were any questions from the Board.

Board Member Jefferson inquired about the difference between pedestrian walking versus the crow fly.

The applicant stated as the crow flies is 892.24 ft.

Board Member Jefferson inquired that is the distance between the proposed liquor store to the church.

The applicant yes, as the crow flies.

Board Member Jefferson inquired to the church.

The applicant confirmed and stated that as the pedestrian walks, which is the state way of measuring, it is just barely over a thousand feet.

Board Member Jefferson inquired if they have support from the church.

The applicant stated he was unaware, but when the Department of Revenue posted their signage there was no opposition, other than the neighbor asking for a buffer.

Chairman R. Smith inquired as to if there were any further questions from the Board and there were none.

Chairman R. Smith inquired as to if there was anyone present who wished to speak in support of or in opposition to this Variance request.

Nesbit "Sonny" Dantzer Jr of [REDACTED] approached the podium representing Oak

*Grove Pentecostal Church and stated they are against the request due to the distance, and they have a lot of children that attend the church, and it is not good for them. He stated he serves Jesus Christ, and the people better wake up.*

*Chairman R. Smith inquired if he is representing the church.*

*Mr. Dantzler stated that yes, he is a member and is speaking for the church.*

*Chairman R. Smith inquired as to if there was anyone else present who wished to speak in support of or in opposition to this Variance request.*

*Alison Brown of [REDACTED] approached the podium and stated she lives right next to this property and stated she had the issue of the bufferzone requirements. She stated that she would like to address some things that the applicant mentioned. She stated that the neighbor to the rear of the store is only not in attendance due to the fact that he is dying from cancer and is on hospice. She stated his daughter is an EMT and is at his bedside, and she also lives at the property, and they would want her to speak on their behalf. The neighbor on the other side of the store is an employee of the owner at the gas station and rents the property from the man behind the store that is dying. She stated that the signage concerning the license was not visible due to the property being on the side of 17A and not being able to see a small paper taped to a window unless you trespassed onto the property, and she lives right across the gravel and did not see the signage. She stated she is strongly opposed to the operation of the liquor store within a 1000 ft of the local church. She stated she wants the Board to respect the codes and why they were written. She stated that they were written to protect the values that churches represent, and allowing this will undermine those ideals. She is also concerned with the increased safety risks to the community due to the nature of these types of businesses. She stated the concern for the ownership of the store and their disregard for following the proper procedures, such as permitting before starting construction and being issued stop work orders and ignoring the rules.*

*Chairman R. Smith inquired as to if there was anyone else present who wished to speak in support of or in opposition to this Variance request.*

*David Gaskins of [REDACTED] approached the podium and stated that he lives within 4 miles of this property and is a deacon at the church in question, and he is against the request due to the nature of the business being destructive to families and communities. He stated that he is not against these people and supports the owner's other business but cannot support this request due to the liquor stores not supporting families and encouraging strong relationships due to seeing this in his own family. He stated that they are currently building a new parsonage for their church and are required to follow all the ordinances through the county, not just the state. He stated they need to have the backbone to uphold the requirements of the county. He stated that he owns land directly behind the store that houses families and is responsible for these families.*

*Pastor Chris Bainbrough [REDACTED] approached the podium and stated that he is the pastor of Oak Grove Pentecostal Church, and they are against the request. He stated that the original*

posting when he realized it he called the county to make sure that the church was within the variance area, and was originally told they were not, and that the permit could be a number of things other than a liquor store and they were not sure of what was being put in, which is why there was not a protest at that time. He also stated that he is unaware of it being retail will stop loitering, and that has not been his experience as a consumer. He stated that residents in the area are also concerned of their property values, so his membership is against the request for religious and practical purposes. He stated that the county should uphold the ordinances they have created, and not provide variances due to convenience.

Chairman R. Smith inquired as to if there was anyone else present who wished to speak in support of or in opposition to this Variance request, with no response. He then inquired as to if Staff had anything further to add.

Ms. Simmons stated that late last year a commercial permit was applied for to upfit the space for retail and it was relayed to the contractor at that time that it appeared the proposed liquor store would not meet the separation standards, and in August of this year code enforcement officers noted the store was stocked with alcohol and proceeded with corrective action.

Chairman R. Smith inquired if there was a motion.

Board Member M. Smith made a motion to deny the variance. There was a second by Board Member Jefferson

The applicant inquired if he could give a rebuttal before the vote, strictly on the law.

Chairman R. Smith stated there is already a motion on the table and the only way is if they will withdraw the motion. There was no withdrawal or further discussion.

**IT WAS MOVED BY BOARD MEMBER M. SMITH AND SECONDED BY BOARD MEMBER JEFFERSON TO DENY A REQUEST FROM LARRY C. MARCHANT JR. ON BEHALF OF BLISS MK, LLC FOR A VARIANCE TO §11.4.2 FOR RELIEF OF THE LOCATIONAL CRITERIA FOR AN INTENDED COMMERCIAL LIQUOR STORE, AT/NEAR 2307 N. HWY 17A IN THE MACEDONIA / BONNEAU COMMUNITY (PLVA-048755-2024). THE MOTION TO DENY PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.**

**Vote result: Denied**  
**Mover: Matthew Smith**  
**Seconded by: Harold Jefferson**

Voter	Vote
Nicole Burbage	Yes
Harold Jefferson	Yes
Billy Joy	Not Present
Rick Melo	Yes
Jim Mills	Yes
Joseph Shirah	Yes
Matthew Smith	Yes

c. TMS#: 233-05-10-026. Request from Isaac Rosario for a variance to §5.1.9 for relief of setback/placement requirements for an intended carport, at/near 112 Traders Station Rd. in the Sangaree community (PLVA-048609-2024).

**DETAILS:**

*Chairman R. Smith read the request into the record and invited the applicant to the podium.*

*The applicant, Isaac and Marie Rosario of [REDACTED] approached the podium and stated they are requesting relief of setback and placement requirements for a carport at their home.*

*Chairman R. Smith inquired that the request is for the carport to be in the front yard.*

*The applicant stated they want it on the driveway, not the yard.*

*Chairman R. Smith inquired it is front of the house, which the applicant confirmed and stated that is the only place they can put it.*

*Chairman R. Smith inquired if this is in Sangaree, which the applicant confirmed.*

*Chairman R. Smith inquired of Staff if the Sangaree subdivision asked Council if they can hire a code enforcement officer to prevent from having garages or awnings in the front yard, and he believes that the Board has denied quite a few of them because of that.*

*Ms. Simmons stated she believes the prevailing sentiment in the past has been to avoid accessory structures in the front yards.*

*Chairman R. Smith inquired as to if there were any further questions from the Board and there were none.*

*The applicant stated that driving around Sangaree you can see quite a few carports that are in the front of the properties. He also stated that the gentleman that assisted with completing the application went through all the possibilities of placement and they just can not place it in the back. He stated that the reason for the need of the carport in the front is due to the extreme heat and needing to cover his van that he uses for work to keep things cooler. He stated that he has no room to place on the side of the house either.*

Chairman R. Smith stated that existing carports in the neighborhood may have been grandfathered, or may have had a special reason, such as handicap, etc. He stated that the Board is not privy to know how or why they were placed. Chairman R. Smith inquired that there is not enough room between the house and the property line to place the carport.

The applicant stated that there is no room to place it anywhere else, sides or back.

Chairman R. Smith inquired as to if there were any further questions from the Board and there were none.

Chairman R. Smith inquired as to if there was anyone present who wished to speak in support of or in opposition to this Variance request, with no response. He then inquired as to if Staff had anything further to add, and Staff did not.

**IT WAS MOVED BY VICE CHAIRMAN SHIRAH AND SECONDED BY BOARD MEMBER M. SMITH TO DENY A REQUEST FROM ISAAC ROSARIO FOR A VARIANCE TO §5.1.9 FOR RELIEF OF SETBACK/PLACEMENT REQUIREMENTS FOR AN INTENDED CARPORT, AT/NEAR 112 TRADERS STATION RD. IN THE SANGAREE COMMUNITY (PLVA-048609-2024). THE MOTION TO DENY PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.**

**Vote result:** Denied

**Mover:** Joseph Shirah

**Seconded by:** Matthew Smith

<b>Voter</b>	<b>Vote</b>
Nicole Burbage	Yes
Harold Jefferson	Yes
Billy Joy	Not Present
Rick Melo	Yes
Jim Mills	Yes
Joseph Shirah	Yes
Matthew Smith	Yes

d. TMS#: 234-01-08-017. Request from Ty M. Taylor for a variance to §5.1.9 for relief of setback requirements for an intended porch addition, at/near 146 Kingsbridge Dr. in the Goose Creek community (PLVA-048538-2024).

**DETAILS:**

Chairman R. Smith read the request into the record and invited the applicant to the podium.

The applicant, Ty Taylor of [REDACTED] Goose Creek approached the podium and stated that he is requesting relief for a covered porch to encroach into the setback by 6.2 ft and the steps to encroach by 9.2 ft.

Chairman R. Smith inquired how close you are to the road right of way.

The applicant stated 20.8 to the steps and 23.8 to the porch.

Chairman R. Smith inquired of Staff that the request shows relief of 9.2 from the 30ft and not allowing 9.2ft from the road right of way.

Ms. Simmons stated 9.2 into the 30ft setback.

Chairman R. Smith inquired as to if there were any further questions from the Board.

Board Member Burbage stated that page 140 shows the house encroaching into the setback also, which is not the applicant's fault, and does not leave much room to improve.

Chairman R. Smith stated that the constructor may have had a variance for the 3.3 ft but we do not know that, Staff may know.

The applicant stated that they have not found a variance.

Chairman R. Smith inquired as to if there were any further questions from the Board and there were none.

Chairman R. Smith inquired as to if there was anyone present who wished to speak in support of or in opposition to this Variance request, with no response. He then inquired as to if Staff had anything further to add, and Staff did not.

**IT WAS MOVED BY BOARD MEMBER MILLS AND SECONDED BY BOARD MEMBER BURBAGE TO APPROVE A REQUEST FROM TY M. TAYLOR FOR A VARIANCE TO §5.1.9 FOR RELIEF OF SETBACK REQUIREMENTS FOR AN INTENDED PORCH ADDITION, AT/NEAR 146 KINGSBRIDGE DR. IN THE GOOSE CREEK COMMUNITY (PLVA-048538-2024). THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.**

**Vote result:** *Approved*

**Mover:** *Jim Mills*

**Seconded by:** *Nicole Burbage*

<b>Voter</b>	<b>Vote</b>
Nicole Burbage	Yes
Harold Jefferson	Yes
Billy Joy	Not Present
Rick Melo	Yes
Jim Mills	Yes
Joseph Shirah	Yes
Matthew Smith	Yes

e. TMS#: 241-00-02-019. Request from Blanca Hernandez on behalf of Salvador Morales for a variance to §5.3.10 for relief of accessory structure placement requirements, respectively, at/near

731 Katy Ln. in the Huger community (PIVA-048734-2024).

DETAILS:

*Chairman R. Smith read the request into the record and invited the applicant to the podium.*

*The applicant, Blanca Hernandez of [REDACTED] approached the podium representing the owner, Salvador Morales. She stated they are requesting the variance for the accessory structure that they already purchased that they did not know they needed a permit for. She stated that once they applied it was denied due to the size. She stated that they use the building for the construction company that they own, and they cannot store everything outside due to theft in the area.*

*Chairman R. Smith inquired as to what type of construction business they operate.*

*The applicant stated commercial construction.*

*Chairman R. Smith stated that the applicants would have known they would have to get permits for the structure.*

*The applicant stated this is on their home property, so they did not think they needed one.*

*Chairman R. Smith inquired how far the new garage is from the front road on the 6 acres of land.*

*The applicant stated she is not sure, she turned in all the paperwork at submittal and did not keep copies. She stated that the measurements were written on the pictures that were turned in.*

*Chairman R. Smith inquired that the applicant does not know how far away it is.*

*Chairman R. Smith inquired as to if there were any further questions from the Board and there were none.*

*Chairman R. Smith stated that Ms. Burbage shared it is 150ft.*

*Chairman R. Smith inquired as to if there were any further questions from the Board and there were none.*

*Chairman R. Smith inquired as to if there was anyone present who wished to speak in support of or in opposition to this Variance request, with no response. He then inquired as to if Staff had anything further to add.*

*Ms. Simmons stated that the garage cannot be used for commercial business indoor storage, only for personal storage, as it is located in the R-2 residential zoning district.*

*The applicant stated that it has some company stuff but home storage also, she stated that it is so*

big, so they are using it to store many things. She stated that the company related things are things like lawnmowers or leftover tile, etc. She stated that 731 Katy Ln had code violations due to having storage units with work materials, so they bought the building to fit the things they need to store. She stated it is a mixture of stored things.

Chairman R. Smith inquired if this is a metal shed, which the applicant confirmed.

Chairman R. Smith inquired if it was bought used.

The applicant stated that it was bought new from a company.

Chairman R. Smith inquired as to if there were any further questions from the Board and there were none.

**IT WAS MOVED BY BOARD MEMBER MILLS AND SECONDED BY VICE CHAIRMAN SHIRAH TO APPROVE A REQUEST FROM BLANCA HERNANDEZ ON BEHALF OF SALVADOR MORALES FOR A VARIANCE TO §5.3.10 FOR RELIEF OF ACCESSORY STRUCTURE PLACEMENT REQUIREMENTS, RESPECTIVELY, AT/NEAR 731 KATY LN. IN THE HUGER COMMUNITY (PLVA-048734-2024). BOARD MEMBER BURBAGE VOTED NAY. THE MOTION PASSED BY MAJORITY VOICE VOTE OF THE BOARD.**

**Vote result:** Approved

**Mover:** Jim Mills

**Seconded by:** Joseph Shirah

<b>Voter</b>	<b>Vote</b>
Nicole Burbage	No
Harold Jefferson	Yes
Billy Joy	Not Present
Rick Melo	Yes
Jim Mills	Yes
Joseph Shirah	Yes
Matthew Smith	Yes

f. TMS#: 275-00-00-085. Request from Peter Washington for a variance to §5.2.8 for relief of the minimum lot size standards for an intended subdivision, at/near 110 Collins Hill Ln. in the Wando community (PLVA-048729-2024).

**DETAILS:**

Chairman R. Smith read the request into the record and invited the applicant to the podium.

The applicants, Peter Washington and Peter Washington Jr approached the podium and stated they are requesting relief to place another dwelling at [REDACTED] so their son can move home and be closer. He stated that they do not have any other property to use, and everything is so expensive off of Clements Ferry Rd that they cannot afford anything. He stated they are getting older and would love to have their son closer to home and not in Baltimore. The son stated that he has been gone for 20 years, but now can work remotely with his company, so he would like to move back

home to be near his parents.

Chairman R. Smith inquired who owned the property originally.

The applicant stated Alice Washington owned the property and passed to his father.

Chairman R. Smith inquired how many times the property has been divided.

The applicant stated half went to his brother Franklin and the other half is his fathers.

Chairman R. Smith inquired as to what section they are intending to divide to place the home, 1A1 or 1A2.

The applicant stated at [REDACTED] which has public sewer and water services.

Ms. Simmons stated it is on lot 1A1 on the plat.

Chairman R. Smith inquired if there is an existing home on the property.

The applicant stated there is a mobile home.

Chairman R. Smith inquired if the variance is granted will the existing home meet all of the requirements.

The applicant stated yes it will.

Chairman R. Smith inquired as to if there were any further questions from the Board and there were none.

Chairman R. Smith inquired as to if there was anyone present who wished to speak in support of or in opposition to this Variance request, with no response. He then inquired as to if Staff had anything further to add, and Staff did not.

**IT WAS MOVED BY BOARD MEMBER JEFFERSON AND SECONDED BY BOARD MEMBER MILLS TO APPROVE A REQUEST FROM PETER WASHINGTON FOR A VARIANCE TO §5.2.8 FOR RELIEF OF THE MINIMUM LOT SIZE STANDARDS FOR AN INTENDED SUBDIVISION, AT/NEAR 110 COLLINS HILL LN. IN THE WANDO COMMUNITY (PLVA-048729-2024). THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.**

**Vote result:** Approved  
**Mover:** Harold Jefferson  
**Seconded by:** Jim Mills

<b>Voter</b>	<b>Vote</b>
Nicole Burbage	Yes
Harold Jefferson	Yes
Billy Joy	Not Present
Rick Melo	Yes
Jim Mills	Yes
Joseph Shirah	Yes
Matthew Smith	Yes

**6. DEPARTMENTAL UPDATES**

*Ms. Simmons stated that the department will host another continuing education opportunity on October 22nd at 4:30 before the Planning Commission meeting, and the opportunities in November will be the last ones of the year.*

**7. ADMINISTRATIVE**

**8. CLOSING REMARKS AND ADJOURNMENT**

*IT WAS MOVED BY BOARD MEMBER M. SMITH AND SECONDED BY BOARD MEMBER JEFFERSON TO ADJOURN THE BOARD OF ZONING APPEALS MEETING. THE MOTION PASSED BY UNANIMOUS VOICE VOTE OF THE BOARD.*

*The meeting adjourned at 7:16 PM*

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2024CP0803363

**Official File Stamp:** 04-01-2025 05:02:08 PM

**Court:** CIRCUIT COURT

Common Pleas

Berkeley

**Case Caption:** Bliss Mk, Llc , plaintiff, et al VS Berkeley County Board Of Zoning Appeals

**Event(s):**

Order/Order Cover Sheet \$25.00

**Document(s) Submitted:** Proposed Order/Other

**Filed by or on behalf of:** Larry Conrad Marchant, Jr.

This notice was automatically generated by the Court's auto-notification system.

-

**The following people were served electronically:**

Bart Jackson Stegall for Berkeley County Board Of Zoning Appeals

Larry Conrad Marchant, Jr. for Bliss Mk, Llc

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

Macedonia Liquor

ELECTRONICALLY FILED - 2025 Apr 02 9:19 AM - BERKELEY - COMMON PLEAS - CASE#2024CP0803363

## Certificate of Electronic Notification

### Recipients

**Larry Marchant** - Notification transmitted on 04-01-2025 05:02:45 PM.

**Bart Stegall** - Notification transmitted on 04-01-2025 05:02:45 PM.

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 Berkely 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 1000 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 Appellant, Bliss MK, LLC, is granted the authority to open and operate its liquor store in accordance with all applicable state laws and regulations.

**AND IT IS SO ORDERED**

*/s/*  
The Honorable Diane Schafer Goodstein  
Presiding Judge, Ninth Judicial Circuit

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*

NOTICE OF ELECTRONIC FILING [NEF]

-

A filing has been submitted to the court RE: 2024CP0803363

Official File Stamp: 04-10-2025 11:12:42 AM

Court: CIRCUIT COURT

Common Pleas

Berkeley

Case Caption: Bliss Mk, Llc , plaintiff, et al VS Berkeley County Board Of Zoning Appeals

Event(s):

Order/Order Cover Sheet \$25.00

Document(s) Submitted: Proposed Order/Other

Filed by or on behalf of: Bart Jackson Stegall

This notice was automatically generated by the Court's auto-notification system.

-

The following people were served electronically:

Bart Jackson Stegall for Berkeley County Board Of Zoning Appeals

Larry Conrad Marchant, Jr. for Bliss Mk, Llc

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Macedonia Liquor

ELECTRONICALLY FILED - 2025 Apr 10 11:16 AM - BERKELEY - COMMON PLEAS - CASE#2024CP0803363

**Certificate of Electronic Notification**

<b>Recipients</b>
<b>Larry Marchant</b> - Notification transmitted on 04-10-2025 11:14:52 AM.
<b>Bart Stegall</b> - Notification transmitted on 04-10-2025 11:14:52 AM.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF BERKELEY	)	CASE NO.: 2024-CP-08-03363
	)	
BLISS MK, LLC, d/b/a Macedonia Liquor,	)	
	)	ORDER
Appellant,	)	
	)	
v.	)	
	)	
Berkeley County Board of Zoning Appeals,	)	
	)	
Respondent.	)	
	)	

APPEARANCES: For Appellant: Larry Marchant, Esquire  
For Respondent: Bart J. Stegall, Esquire

**PROCEDURAL HISTORY**

This matter comes before this Court to be heard on March 17, 2025, by way of an appeal from a decision of the Berkeley County Board of Zoning Appeals (“BZA”). On October 15, 2024, the BZA conducted a hearing to address Appellant’s request for a variance from Berkeley County Zoning Ordinance 11.4.2. That ordinance prohibits liquor stores from operating within 1,000 feet from a religious institution. After considering evidence (including a certified proximity survey) and testimony from concerned members of the community and the Appellant, the BZA unanimously voted to deny Appellant’s variance request. Appellant now seeks judicial review of that determination.

**FACTS**

Appellant is the principal member of Bliss MK, LLC. Appellant purchased an abandoned convenience store located at 2307 N. Hwy 17A, Bonneau, SC 29431. Appellant applied and received a retail liquor license from the Department of Revenue on or about June 13, 2024. Appellant posted notice to operate a liquor store as required by statute, however the notice was not posted in a conspicuous place.<sup>1</sup> Appellant began operating the space as a liquor store, but was subsequently informed by Berkeley County that his store does not meet the distance requirement under Berkeley County Ordinance 11.4.2, which states “A commercial bar and/or

<sup>1</sup> Several concerned citizens appeared at the BZA hearing in opposition. There was testimony that they never saw the notice Appellant claimed to have posted.

liquor store shall not operate within 1,000 feet of a religious institution.” County officials informed appellant that he was within 1,000 feet of the Oak Grove Pentecostal Holiness Church. Ordinance 11.4.2, part B states, “For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a commercial bar and/or liquor store is operated, to the nearest property line of the premises of a religious institution...” Appellant obtained a certified proximity survey that showed the distance from his liquor store to Oak Grove to be 892.2 feet. Appellant relied on SC § 61-6-120 (A), which sets a minimum distance requirement for a liquor store license to be three hundred (300) feet of any church within a municipality or five hundred (500) feet of any church outside of a municipality. Appellant argues that the Department of Revenue statute regarding distance requirements for liquor stores should preempt county ordinances. Respondent disagrees.

### CONCLUSIONS OF LAW

This Court has jurisdiction to hear appeals from the Berkeley County Board of Zoning Appeals pursuant to S.C. Code Ann. § 6-29-820 and the South Carolina Rules of Civil Procedure. This Court will uphold the BZA’s findings if they are supported by substantial evidence and if the Board’s exercise of police power was not arbitrary and has not reasonable relation to a lawful purpose. Town of Hilton Head Island v. Fine Liquors, Ltd., 302 S.C. 550, 554, 397 S.E. 2d 662, 664 (1990). Berkeley County Ordinance 11.4.2 specifically prohibits the operation of a liquor store within 1,000 feet of a “religious institution. This Court finds that the ordinance is valid on its face as a legitimate exercise of the county’s zoning power. The 1,000-foot buffer requirement is reasonably related to the county’s interests in buffering churches and similar institutions from the secondary effects that may be associated with the sale of alcoholic beverages. Appellant has not challenged the reasonableness or constitutionality of the ordinance, rather the alleged conflict with state law. Appellant’s argument centers on S.C. Code Ann. § 61-6-120(A), a provision of the South Carolina Alcoholic Beverage Control Act, which provides that the Department of Revenue (“DOR”) “shall not grant or issue” a retail liquor license if the proposed location is within 300 feet of any church, school, or playground within a municipality, or within 500 feet of any church, school, or playground outside of a municipality. It is undisputed that Appellant’s store location (approximately 892 feet from the church) satisfied the state minimum distance requirements, which is why the DOR issued the state liquor license. Appellant interprets § 61-6-120(A) as indicating the maximum distance the State intended to impose, implying that any local law requiring a greater separation is in conflict with or preempted by the state statute. There is no language in § 61-6-120 that expressly preempts local regulation of the location of liquor stores. The statute only speaks to the DOR’s licensing criteria; it does not purport to occupy the field of land use or zoning. Moreover, the Berkeley County ordinance does not conflict with SC Code Ann. § 61-6-120(A). A conflict between a state statute and a local ordinance occurs only when both contain either express or implied conditions which are inconsistent or irreconcilable with each other. Fine Liquors, Ltd., 302 S.C. 550, 553, 397 S.E. 2d 662, 664 (1990). Here, the state statute forbids the State from licensing any liquor store within 500 feet of a church, but it does not forbid the State from licensing stores beyond that distance. The county ordinance forbids the operation of a liquor store within 1,000

feet of a church. These provisions can operate concurrently. A proposed liquor store must be at least 500 feet from a church to get a license *and* at least 1,000 feet from a church to comply with local zoning. A business that meets the stricter local standard will, by definition, meet the less restrictive state standard. The fact that the ordinance is more restrictive than state law does not, by itself, create a conflict. As the South Carolina Supreme Court has stated, “mere differences in detail do not render laws conflicting. If either the state law or the ordinance is silent where the other speaks, there is no conflict, and both laws stand. Fine Liquors, Ltd., 302 S.C. 550, 553, 397 S.E. 2d 662, 664 (1990). Obtaining a state liquor license is a necessary step to operate a liquor store, but it is not sufficient on its own to authorize the operation of that business at a given location. Businesses must comply with all applicable laws, including state licensing laws *and* local zoning regulations. The issuance of a retail liquor license by the DOR simply indicates that, under state standards, the applicant and the location meet the minimum statutory requirement. However, a state license does not confer immunity from zoning or entitle the licensee to violate local land-use restrictions. The South Carolina Supreme Court has made it clear that state alcohol laws should not be interpreted as “diminishing the power conferred upon local governments to regulate land use.” Fine Liquors, 302 S.C. at 552, 397 S.E.2d at 664 (1990). Lastly, the Court stated that “Municipalities have a broad grant of power to enact ordinances ‘respecting any subject as shall appear to them necessary and proper for the security, general welfare and convenience of such municipalities.’” Fine Liquors 302 S.C. at 553, 397 S.E.2d at 664 citing S.C. Code Ann. § 5-7-30 (1976). Here, it is clear the zoning ordinance was enacted for with the “general welfare and security” of Berkeley County in mind.

As a result, the decision of the Berkeley County Board of Zoning Appeals is affirmed, and the Appeal of the Appellant is dismissed.

**AND IT IS SO ORDERED!**

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Diane S. Goodstein  
Circuit Court Judge

This \_\_\_\_\_ day of April, 2025, at  
Moncks Corner, South Carolina.