FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2025CP3001031

Veranda Homes, Llc et al
PLAINTIFF(S)

Laurens County, South Carolina et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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

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

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

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

☐ **STAYED DUE TO BANKRUPTCY**

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

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

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

Please see page 2 attached below.

RECEIVED
Jun 09 2026
SC Court of Appeals

ORDER INFORMATION

This order ☑ ends ☐ does not end the case.

☑ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 04/07/2026 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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

This matter came before the Court on Veranda Homes, LLC, Veranda Land Entitlement LLC, and Bush River Sporting Clays Properties, LLC's Appeal of the Laurens County Planning Commission's decision to deny the Cambridge Farms preliminary plat.

The general standard of review in an appeal from a local zoning board is stated in S.C. Code § 6-29-840, which provides that "[t]he findings of fact by the board of appeals must be treated in the same manner as a finding of fact by a jury, and the court may not take additional evidence." This is what is known as the "any evidence standard," as "a jury's factual findings will not be disturbed on appeal unless the record contains no evidence reasonably supporting the jury's findings." See, e.g., Boehm v. Town of Sullivan's Island Board of Zoning Appeals, 813 S.E.2d 874, 880 (Ct. App. 2018) (applying S.C. Code § 6-29-840). However, it is well recognized that "a decision of a municipal zoning board will be overturned if it is arbitrary, capricious, has no reasonable relation to a lawful purpose, or if the board has abused its discretion." See Boehm, 813 S.E.2d at 880. This limitation was recognized by the South Carolina Supreme Court in the case of Hodge v. Pollock, 223 S.C. 342, 348, 75 S.E.2d 752, 754–55 (1953) (holding that a "decision of the zoning board will not be upheld where it is based on errors of law, or fraud, or where there is no legal evidence to support it, or where the board acts arbitrarily or unreasonably, or in a discriminatory manner or where, in general, the board has abused its discretion." The Supreme Court has applied this limitation specifically to county planning commissions. See, e.g., Grays Hill Baptist Church v. Beaufort Cnty., 431 S.C. 630, 637, 850 S.E.2d 29, 33 (2020) (confirming that a decision "will be overturned if it is arbitrary, capricious, has no reasonable relation to a lawful purpose, or if the board has abused its discretion.") "Although great deference is accorded the decisions of those charged with interpreting and applying local zoning ordinances, 'a broader and more independent review is permitted when the issue concerns the construction of an ordinance.'" Charleston Cnty. Parks & Recreation Comm'n v. Somers, 319 S.C. 65, 67, 459 S.E.2d 841, 843 (1995) (internal citation omitted). Subsequent decisions continue to apply this principle. See, e.g., Christ Cent. Ministries v. City of Columbia Bd. of Zoning Appeals, 424 S.C. 358, 361, 818 S.E.2d 30, 31 (Ct. App. 2018) ("Issues involving the construction of an ordinance are reviewed as a matter of law under a broader standard of review than is applied in reviewing issues of fact."). Lastly, the any evidence standard applies to findings of fact, not questions of law. Arkay, LLC v. City of Charleston, 418 S.C. 86, 91–92, 791 S.E.2d 305, 308 (Ct. App. 2016)(stating that "[t]his court will not reverse a zoning board's decision unless the board's findings of fact have no evidentiary support or the board commits an error of law" and confirming that "issues involving the construction of an ordinance are reviewed as a matter of law under a broader standard of review than is applied in reviewing issues of fact"). Furthermore, when the issue involves a zoning ordinance, an additional modification to the standard of review for a decision from a zoning board applies: [O]rdinances in derogation of natural rights of persons over their property are to be strictly construed as they are in derogation of the common law right to use private property so as to realize its highest utility and should not be impliedly extended to cases not clearly within their scope and purpose. It follows that the terms limiting the use of the property must be liberally construed for the benefit of the property owner. See Purdy v. Moise, 223 S.C. 298, 302, 75 S.E.2d 605, 607 (1953).

The Court finds that the Petitioners' rights vested on June 23, 2025, upon approval by the Technical Review Committee. The Court agrees with the Petitioners' reading of the County Ordinance. Ordinance. No. 926, Division 9 (a) (1) states that a preliminary plat approval means an approval by "the staff of the planning and public works departments and/or the county planning commission which documents for the subdivider that their proposed subdivision is in accordance with applicable regulations, and that construction of the subdivision may proceed". If "and/or" were read to require both Staff and the Planning Commission, then "or" becomes meaningless. Furthermore, Ordinance No. 926, Division 9 (a) (4) states that "the Technical Review Committee may approve a Preliminary Plat and/ or Construction Site Plan without the review of the Planning Commission after approvals are received from all other departments and agencies and provided the Plat and/or Plan meets the requirements of the County's Code of Ordinance and does not include a request for a variance." The Technical Review Committee has clear legal authority to approve preliminary plats that do not involve a request for a variance. This is further demonstrated by the flowchart prepared by the County to guide applicants through the subdivision approval process which shows that the only instance in which an applicant must go before the Planning Commission after TRC approval of a preliminary plat is when a variance has been requested. Therefore, the decision to require duplicate approval was contrary to the plain wording of the County's Ordinance. The Court finds that the Petitioners complied with every applicable requirement of the ordinances and regulations of Laurens County.

The Court further finds that the Planning Commission's decision to deny the Cambridge Farms preliminary plat was arbitrary and capricious. The County relied on five primary grounds in denying the application: (1) the project's withdrawal from the City of Clinton; (2) traffic concerns; (3) annexations concerns; (4) the failure to provide an electrical will-serve letter; and (5) stormwater and other environmental considerations. The Court finds that these grounds do not support denial. The fact that the City of Clinton did not approve or participate in the project is irrelevant to the County's determination. The record reflects that SCDOT approved the plan, thereby addressing the County's traffic concerns. Although the electrical will-serve letter was not provided at the initial hearing, the County received the necessary documentation by August 19, 2025, when the application was ultimately denied. All parties were aware that electrical service would be provided and understood who the provider would be, as reflected in the record. The Court further finds that annexation concerns do not provide a valid basis for denial, as potential home buyers will have the option whether to proceed with the home purchase with knowledge of the disclosed annexation agreement. Finally, as Senior Planner Lisa Wargo explained during the July 15, 2025, hearing, stormwater review occurs at the construction site plan stage which is the next step after preliminary plat approval. Denying a preliminary plat based on stormwater concerns that are addressed at a later stage is arbitrary and without legal basis.

The Court considered all arguments presented by both parties in oral arguments and in memoranda. The Court specifically finds that the moratorium does not apply because it was imposed after the County received the complete application on June 16, 2025, and approved it on June 23, 2025.

Therefore, the decision by the County to deny the Preliminary Plat is Reversed. The Second Revised Major Subdivision Preliminary Plat for Cambridge Farms is hereby, Approved. Counsel for the Petitioner is to prepare a formal order limited to the findings herein.

And it is so Ordered.

Laurens Common Pleas

Case Caption:	Veranda Homes, Llc , plaintiff, et al VS Laurens County, South Carolina , defendant, et al
Case Number:	2025CP3001031
Type:	Order/Electronic Form 4

So Ordered

Patrick C. Fant, III