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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE CIRCUIT COURT
THIRTEENTH JUDICIAL CIRCUIT

COUNTY OF GREENVILLE

Citizens for Quality Rural Living, Inc.,
Appellant/Petitioner,

C.A. No. 2016-CP-23-5425

v.

**NOTICE OF MOTION
AND MOTION TO
ALTER OR AMEND JUDGMENT
AND/OR MOTION FOR
RECONSIDERATION**

Greenville County Planning Commission,
and RMDC, Inc.,
Respondents/Defendants

TO: THE HONORABLE LETITIA H. VERDIN

H. DEAN CAMPBELL, JEFFREY D. WILE AND WILLIAM A. COATES,
Attorneys for the respective Respondents/Defendants.

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney for the Appellant/Petitioner Citizens for Quality Rural Living, Inc., will move before the Honorable Letitia H. Verdin at such time and place as may be set by the Court, for an Order, pursuant to Rule 59(e), SCRCP, altering, amending, and/or reconsidering the Order dismissing this case for lack of standing dated December 7, 2016. Counsel for the Petitioner/Plaintiff received notice of entry of the Order on December 8, 2016.

The Appellant/Plaintiff's motion is based upon the following grounds:

The Order dismissing the case does not address each of the grounds set forth in the pre-trial motions, nor does it specify any particular ground among those argued before the Court and in motion and memoranda upon which the Court's order is based. The purpose of this motion is to respectfully request that the Court address each of the grounds raised by the

parties so that such issues are properly preserved for appellate review. Specifically, the Petitioner requests the Court to issue a ruling on the following grounds:

1. Whether Appellant is a duly incorporated entity in South Carolina representing members who are residents of the County of Greenville owning property in the vicinity of the subdivision approved; whether Appellant's members are impacted by the decision of the Greenville County Planning Commission granting RMDC's preliminary plan to develop a subdivision.

2. Whether Greenville County Land Development Regulations, Article 1, Section 1.5 which, at the time of hearing, read "Any person aggrieved by a decision of the Commission . . . may ... appeal" includes neighbors and surrounding property owners or entities that represent them within the meaning of "any person aggrieved."

3. Whether the Court took into consideration amended Land Development Regulations pending at the time of oral argument.

4. Whether South Carolina Code Section 6-29-1150 D)(1), which reads "An appeal from the decision of the planning commission must be taken to the circuit court within thirty days after actual notice of the decision," allows citizens affected by planning commission decisions or entities representing them to appeal decisions of the Planning Commission, particularly when considered with the following code section which states in part concerning mediation of disputes with the Planning Commission that "[a] person who is not the owner of the property may petition to intervene as a party, and this motion must be

granted if the person has a substantial interest in the decision of the planning commission.”
S. C. Code §6-29-1155.

5. Whether the Appellants/Petitioners have standing under the public interest or public importance standard or the Declaratory Judgment Act to set forth a uniform standard for the application of the Comprehensive Land Use Plan in Planning Commission decisions affecting unzoned areas of the county (approximately 2/3rds of the land mass of Greenville County) and traffic standards.

Wherefore, Appellant/Petitioner respectfully asks the Court to alter or amend its Order to specify with particularity the grounds upon which the Court’s decision was made, or to reconsider its judgment.

Respectfully Submitted,

s/B. Faith Martzin
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December 15, 2016
Greenville, South Carolina