

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY)	CIVIL ACTION NO. 2016-CP-26-02377
In re: Venture Engineering,)	
agent for DT LLC,)	
)	
Appellant,)	
)	
v.)	ORDER DENYING
)	RESPONDENT'S MOTION
)	TO RECONSIDER
Horry County Zoning Board of Appeals,)	
)	
)	
Respondent.)	
)	

This case is a consolidation of two appeals filed by Appellants, Dennis Thompkins-Bellamy Law Firm, agent for DT LLC (“Appellant Thompkins-Bellamy”), and Venture Engineering, agent for DT LLC (“Appellant Venture”). Both appeals arise out of identical facts regarding Respondent’s, Horry County Zoning Board of Appeals (“the Board”), disallowance of Appellant’s business’ right to receive loads of C&D and/or concrete materials from outside sources.

On January 5, 2017, this Court heard both appeals. After thorough review of the Record, South Carolina case law, and oral arguments made by counsel at the hearing, the Court reversed Respondent’s May 11, 2015 and March 14, 2016 Orders and set forth the basis for such reversal fully in its Order of April 6, 2018. On April 16, 2016, Respondent filed a Motion to Reconsider the April 6, 2018 Order pursuant to SCRCF Rule 59(e).

Respondent’s Motion to Reconsider was heard on May 31, 2018. Robert S. Shelton, Esq. appeared as counsel for the Appellant and Matthew Magee, Esquire appeared as counsel for the Respondent.

Respondent brought its reconsideration motion alleging the Court “failed to give the requisite deference to the factual determinations of the Board and reviewed and considered certain evidence outside the requisite records on appeal.” (Respondent’s Motion, Page 2) In that regard, Respondent alleges the Court substituted its own judgment for the judgment of the Board. Respondent’s position in this regard is incorrect. On December 29, 2015, Respondent filed a Motion to Strike the very evidence of which it now again complains. A hearing on Respondent’s Motion to Strike was heard on August 4, 2016 and, subsequently, Circuit Court Judge Larry B. Hyman, Jr. denied Respondent’s Motion. The Order Denying Respondent’s Motion to Strike was filed October 13, 2016. Moreover, I conducted my own legal analysis of the record and fully considered and addressed the specifics of each appeal both during the Hearing on this consolidated matter and in the April 6, 2018 Order.

Respondent also alleged the Court erred in granting Appellant’s Motion to Consolidate. The Order of Circuit Court Judge Larry B. Hyman, Jr. consolidating the actions in this matter was filed October 13, 2016. I have reviewed the Order consolidating these two appeals and find it to be appropriate in this case. Judge Hyman properly addressed the relevant considerations and correctly consolidated these matters pursuant to Rule 42 of the South Carolina Rules of Civil Procedure.

Respondent specifically limited its Motion to Reconsider to the two issues raised therein. Those issues have been fully addressed by this Honorable Court, and therefore, Respondent’s Motion is hereby Denied.

IT IS SO ORDERED.

The Honorable Benjamin H. Culbertson
Fifteenth Judicial Circuit

Conway, South Carolina
June _____, 2018



Horry Common Pleas

Case Caption: Venture Engineering , plaintiff, et al VS Horry County Zoning Board of Appeals
Case Number: 2016CP2602377
Type: Order/Other

Presiding Circuit Court Judge

s/Benjamin H. Culbertson, Judge Code 2148