

Danny C. Crowe  
Matthew C. LaFave  
Robert D. Garfield  
Mary D. LaFave  
Lee Ellen Bagley

**CROWE**  
**LAFAVE** LLC  
ATTORNEYS AT LAW

Danny C. Crowe  
danny@crowelafave.com  
Direct: 803.724.5728  
Fax: 803.724.5730

January 8, 2020

Nathan A. Earle, Esquire  
1541 Wade Hampton Blvd., Suite E  
Greenville, SC 29609

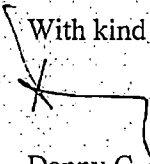
Re: Elizabeth Earley, et al. v. The City of Woodruff, SC, et al.  
Civil Action No. 2016-CP-42-03288

**RECEIVED**  
JAN 09 2020  
SC Court of Appeals

Dear Nathan:

We noticed the unusual address for you on the enclosed cover letter from the Court of Appeals. To ensure that you receive a copy of the Court's Opinion, I am providing a copy of the cover letter and Opinion I received on January 2, 2020.

With kind regards,

  
Danny C. Crowe

DCC/dmb  
Enclosure

cc: V. Claire Allen, Deputy Clerk  
Terry F. Clark (via email only)  
Michael A. Graham, Esquire



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## The South Carolina Court of Appeals

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FAX: (803) 734-1839  
www.sccourts.org

December 31, 2019

Mr. Nathan A. Earle, Esquire  
137 Ridge Rd  
PA Furnace PA 16865

Mr. Michael Andrew Graham, Esquire  
PO Box 433  
Columbia SC 29202

Mr. Danny Calvert Crowe, Esquire  
PO Box 1149  
Columbia SC 29202

Mr. Terry F. Clark, Esquire  
PO Box 1389  
Woodruff SC 29388

Re: Elizabeth Earley v. The City of Woodruff, SC  
Appellate Case No. 2017-002095

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

cc: The Honorable J. Derham Cole

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Elizabeth Earley, John Earley, Lloyd Wilkins, Henry  
Kerns, Margie Mills Kerns, Donna Pearson, and Bruce  
Pearson, Appellants,

v.

The City of Woodruff and the Terraces at Woodruff, a  
South Carolina Limited Liability Company, Respondents.

Appellate Case No. 2017-002095

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Appeal From Spartanburg County  
J. Derham Cole, Circuit Court Judge

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Unpublished Opinion No. 2019-UP-421  
Heard November 6, 2019. – Filed December 31, 2019

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**AFFIRMED**

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Nathan A. Earle, of Nathan A. Earle, Attorney at Law, of  
Greer, for Appellants.

Danny Calvert Crowe, of Crowe LaFave, LLC, of  
Columbia, and Terry F. Clark, of Woodruff, for  
Respondent The City of Woodruff; Michael Andrew  
Graham, of D'Alberto & Graham, LLC, of Columbia, for  
Respondent the Terraces at Woodruff.

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**PER CURIAM:** The appellants are homeowners in a neighborhood near a parcel of land rezoned by the City of Woodruff (the City) for the development of duplex housing by The Terraces at Woodruff (the Terraces). The appellants (Homeowners) appeal the circuit court's order dismissing their suit against the City and the Terraces. We affirm.

1. We construe Homeowners' allegations the 2005 official Woodruff Zoning Map is illegitimate as seeking a determination the 2005 zoning changes are invalid. Section 6-29-760(D) of the South Carolina Code (2004) time bars such a determination. *See Mishoe v. Atl. Coast Line R. Co.*, 186 S.C. 402, 412, 197 S.E. 97, 101-02 (1938) (noting "[t]his court looks to the substance and not to the shadows" when evaluating issues raised to it); S.C. Code Ann. § 6-29-760(D) ("No challenge to the adequacy of notice or challenge to the validity of a regulation or map, or amendment to it, whether enacted before or after the effective date of this section, may be made sixty days after the decision of the governing body if there has been substantial compliance with the notice requirements of this section or with established procedures of the governing authority or the planning commission."). Homeowners suggest the City failed to properly maintain its records, but do not allege the City failed to substantially comply with the procedures for amending the map in 2005.

2. The circuit court found the City substantially complied with the notice and hearing procedures in section 6-29-760(A) in 2016, and its ruling is the law of the case as the issue is abandoned on appeal based on vague argument unsupported by authority. *See Shirley's Iron Works, Inc. v. City of Union*, 403 S.C. 560, 573, 743 S.E.2d 778, 785 (2013) ("An unappealed ruling is the law of the case and requires affirmance."); *see also Cannon v. Cannon*, 321 S.C. 44, 54, 467 S.E.2d 132, 138 (Ct. App. 1996) (concluding an issue not argued in brief is deemed abandoned on appeal); *Stier, Kent & Canady, Inc. v. Jackson*, 317 S.C. 179, 183, 452 S.E.2d 606, 609 (Ct. App. 1994) (concluding when only argument in appellants' brief regarding issue appeared once in footnote and no authority was cited, argument was so conclusory as to be deemed abandoned).

3. Homeowners' allegations the property at issue was subject to illegal spot zoning are moot. *See Byrd v. Irmo High Sch.*, 321 S.C. 426, 431, 468 S.E.2d 861, 864 (1996) ("A case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy. This is true when some event occurs making it impossible for [the] reviewing [c]ourt to grant effectual relief."). At oral argument the parties acknowledged the Terraces has fully developed the property

at issue in the case. Consequently, this court's "enjoining the implementation of the zoning change," as requested by Homeowners in their complaint, cannot provide the relief sought—the cessation of the construction of the duplexes on the property. *See Christ Church Cent. Ministries v. City of Columbia Bd. of Zoning Appeals*, 424 S.C. 358, 361, 818 S.E.2d 30, 31 (Ct. App. 2018) (holding when city issued permit allowing erection of electronic sign and did not request stay of circuit court's order on appeal and sign was erected at significant costs and involvement of a third party, any grant of effectual relief to city regarding propriety of issuing permit was moot).

4. We decline to address Homeowners' arguments as to standing because the prior determination of the issues is dispositive. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (holding appellate court need not address remaining issues when determination of prior issue is dispositive).

**AFFIRMED.**

**LOCKEMY, C.J., and KONDUROS and HILL, JJ., concur.**

IN THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

J. Derham Cole, Circuit Court Judge

Case No. 2017-002095

Elizabeth Earley, John Earley, Lloyd Wilkins,  
Henry Kerns, Margie Mills Kerns, Donna Pearson,  
and Bruce Pearson,

Appellants,

v.

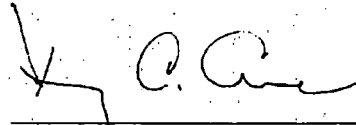
The City of Woodruff, SC, and the Terraces at  
Woodruff, a South Carolina Limited Liability Company,

Respondents.

PROOF OF SERVICE

I certify that I have served the Unpublished Opinion No. 2019-UP-421 dated December 31, 2019, on the attorney for the Appellants by causing a copy of it to be deposited in the United States Mail, postage prepaid, on January 8, 2020, addressed to Nathan A. Earle, Esquire, 1541 Wade Hampton Boulevard, Suite E, Greenville, South Carolina 29609.

January 8, 2020



Danny C. Crowe  
Crowe LaFave, LLC  
P.O. Box 1149  
500 Taylor Street, Suite 401  
Columbia, South Carolina 29202  
803-724-5728

Attorney for Respondent  
City of Woodruff

Crowe LaFave, LLC  
P.O. Box 1149  
Columbia, SC 29202

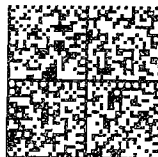
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**SC Court of Appeals**

V. Claire Allen, Deputy Clerk  
The South Carolina Court of Appeals  
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