

The South Carolina Court of Appeals

J. Doe, Appellant,

v.

Design Review Board (DRB) of the Town of Sullivans Island (S.I.), Svjetlana Bilic Damjanovic, Individually and d/b/a Alka Construction Co., Branko Damjanovic, Individually and d/b/a Alka Construction Co., Kenneth Craft, III, Individually and d/b/a Craft Design Co., and Alka Construction Co., Respondents.

Appellate Case No. 2019-001671

ORDER

First, Appellant's motion for a panel to reconsider the single-judge order denying her motion to exceed the page limit is denied. *See* Rule 240(i), SCACR ("The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.").

Second, Respondents have filed a motion to dismiss this appeal based on mootness. Here, Appellant has appealed an order of the circuit court denying her motion for a preliminary injunction in 2019. The underlying issue involved a final decision of the Design Review Board approving plans for construction of a house. Appellant had sought the preliminary injunction to halt the construction of the approved house. Respondents have now informed this court that the building permit for construction of the house was issued in 2019, and a certificate of occupancy for the house was issued in 2020. The house has been fully built and occupied for two years. Because any judgment by this court will have no practical legal effect, Respondents' motion to dismiss is granted. *See Curtis v. State*, 345 S.C. 557, 549 S.E.2d 591 (2001), *cert. denied*, 535 U.S. 926, 122 S.Ct. 1295, 152 L.Ed.2d 208 (2002) (case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy); *Waters v. South Carolina Land*

Resources Conservation Comm'n, 321 S.C. 219, 467 S.E.2d 913 (1996) (justiciable controversy is real and substantial controversy appropriate for judicial determination, as opposed to dispute or difference of contingent, hypothetical or abstract character). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

FILED
Mar 31 2022

cc:
Cynthia Holmes
Benjamin Alexander Crute Traywick, Esquire
Alexandra Scott Williams, Esquire
John Phillips Linton, Jr., Esquire
George Trenholm Walker, Esquire