

# **Bond Case Briefs**

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## **ZONING & PLANNING - SOUTH CAROLINA**

### **Grays Hill Baptist Church v. Beaufort County**

**Supreme Court of South Carolina - September 16, 2020 - S.E.2d - 2020 WL 5542089**

Church appealed County Planning Commission's decision to deny church a construction permit to build a fellowship hall adjacent to its existing sanctuary.

The Circuit Court reversed. County and the United States, which had intervened, appealed, and the Court of Appeals reversed and reinstated the Planning Commission's decision. The Supreme Court granted the church's petition for writ of certiorari.

The Supreme Court held that:

- Fellowship hall was approved for development in original development permit;
- Certificate of compliance issued for church construction project did not effectively "close out" church's development permit; and
- Church had right to construction permit to build fellowship hall.

Church fellowship hall was approved for development in original development permit, where permit approved development of the church's entire 9.35 acre property as depicted in plat, and the narrative included in the permit application described both the church and the fellowship hall.

Certificate of compliance issued for church construction project did not effectively "close out" church's development permit and preclude church from constructing fellowship hall as provided for in permit application and plat; permit itself indicated that it remained valid if substantial improvement occurred within two years of its issuance, and certificate of compliance did not state that its issuance served to close out the development permit.

Pursuant to development permit application, which contemplated phased construction of two church buildings, church had right to construction permit to build fellowship hall which was grandfathered by virtue of the continued validity of the original development permit, and was therefore not subject to new airport overlay district ordinance restriction; church sought a permit for the development of one, unified project consisting of church and fellowship hall as shown in plat, and church made substantial improvements toward both the construction of the church as well as the proposed construction of the fellowship hall, including paving roadways, constructing all of the parking, and installing storm water management, septic tanks, and drain fields for both buildings.