

SUPREME COURT OF SOUTH CAROLINA

McMaster v. Columbia Board of Zoning Appeals, 395 S.C. 499

719 S.E.2d 660 (2011) · No. No. 27075 · Decided December 12, 2011

SUMMARY

The Supreme Court of South Carolina considered whether Columbia's zoning ordinance, which limited occupancy of a single dwelling unit to no more than three unrelated persons, violated the Due Process Clause of the South Carolina Constitution. The court held that the ordinance was rationally related to legitimate governmental interests, including controlling mass student congestion, and affirmed the lower court's judgment.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Pleicones; Justice Beatty; Justice Kittredge; Justice Hearn
JURISDICTION	South Carolina
DECIDED	December 12, 2011
DOCKET	No. 27075
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a circuit court judgment upholding a zoning-violation determination and rejecting a substantive due process challenge to the City's zoning ordinance.
STANDARD OF REVIEW	Interpretation of a legislative enactment is reviewed as a question of law without particular deference to the lower court. A zoning ordinance is presumed constitutional, and the challenger bears the burden of proving its invalidity by clear and convincing evidence. For a substantive due process challenge, the court asks whether the ordinance bears a reasonable relationship to a legitimate governmental interest and whether the challenger was arbitrarily and capriciously deprived of a cognizable property interest rooted in state law.
PRECEDENTIAL VALUE	Published South Carolina Supreme Court opinion; precedential.
PARTIES	Peggy McMaster, d/b/a PJM Properties, Gray McGurn v. Columbia Board of Zoning Appeals, Christopher Barczak, Ernest W. Cromartie,

TOPICS

zoning

substantive due process

rational basis review

municipal law

appellate jurisdiction

PRACTICE AREAS

constitutional law

zoning and land use

municipal law

appellate procedure

QUESTIONS PRESENTED

1. Whether Columbia's zoning ordinance, which defines a single housekeeping unit as no more than three unrelated persons, violates the Due Process Clause of the South Carolina Constitution.
2. Whether the ordinance bears a rational relationship to legitimate governmental interests in controlling the effects of student congestion and preserving residential neighborhood conditions.
3. Whether the appellants' equal protection and privacy challenges were preserved for appellate review.

HOLDINGS

1. The ordinance does not violate the Due Process Clause of the South Carolina Constitution because it bears a rational relationship to legitimate governmental interests.
2. The court declined to address hypothetical applications involving household arrangements not presented by the appellants, because a person to whom an ordinance may constitutionally be applied may not challenge it based on possible unconstitutional applications to others.
3. The equal protection and privacy challenges were not preserved for appellate review because the circuit court did not specifically rule on them and the appellants did not move under Rule 59(e), SCRPC, to obtain a ruling.

KEY QUOTATIONS

“Where the rational relationship standard is utilized, the law must be upheld if it furthers any legitimate governmental purpose.” (508)

“A legislative body does not deny due process simply because it does not permit a landowner to make the most beneficial use of its property.” (505)

FACTUAL BACKGROUND

McMaster owned a single dwelling in Columbia's RD-DP zoning district near the University of South Carolina. The property was occupied by four unrelated undergraduate students, including McGurn; the occupants were friends who shared meals and expenses and operated as a single household. After a neighborhood complaint, the City's Zoning Administrator found that the occupancy violated the ordinance limiting a single housekeeping unit to no more than three unrelated persons.

PROCEDURAL HISTORY

The City's Zoning Administrator determined that four unrelated individuals occupied McMaster's single-family dwelling in violation of the ordinance's three-person limit and directed that occupancy be reduced. The Board of Zoning Appeals affirmed. The circuit court affirmed the Board and held that the ordinance was reasonably related to a legitimate governmental interest and did not violate substantive due process. Because the case challenged the constitutionality of a municipal ordinance, the appeal proceeded directly to the South Carolina Supreme Court.

DISPOSITION

affirmed

CASES CITED

- City of Rock Hill v. Harris, 391 S.C. 149, 152, 705 S.E.2d 53, 54 (2011)
- Town of Scranton v. Willoughby, 306 S.C. 421, 422, 412 S.E.2d 424, 425 (1992)
- Rush v. City of Greenville, 246 S.C. 268, 276, 143 S.E.2d 527, 531 (1965)
- Denene, Inc. v. City of Charleston, 359 S.C. 85, 96, 596 S.E.2d 917, 923 (2004)
- Village of Euclid v. Ambler Realty Co., 272 U.S. 365, 387-388, 47 S. Ct. 114, 71 L. Ed. 303 (1926)
- Harbit v. City of Charleston, 382 S.C. 383, 394-395, 675 S.E.2d 776, 782 (Ct. App. 2009)
- Village of Belle Terre v. Boraas, 416 U.S. 1, 7-9, 94 S. Ct. 1536, 39 L. Ed. 2d 797 (1974)
- Moore v. City of East Cleveland, 431 U.S. 494, 496-500, 97 S. Ct. 1932, 52 L. Ed. 2d 531 (1977)
- Shealy v. Aiken County, 341 S.C. 448, 535 S.E.2d 438 (2000)
- Broadrick v. Oklahoma, 413 U.S. 601, 610, 93 S. Ct. 2908, 37 L. Ed. 2d 830 (1973)
- In the Interest of Amir X.S., 371 S.C. 380, 385, 639 S.E.2d 144, 146 n.2 (2006)
- City of Santa Barbara v. Adamson, 27 Cal. 3d 123, 164 Cal. Rptr. 539, 610 P.2d 436 (1980)
- Delta Charter Township v. Dinolfo, 419 Mich. 253, 351 N.W.2d 831 (1984)
- State v. Baker, 81 N.J. 99, 405 A.2d 368 (1979)
- McMinn v. Oyster Bay, 105 A.D.2d 46, 482 N.Y.S.2d 773 (1984)
- Dinan v. Board of Zoning Appeals, 220 Conn. 61, 595 A.2d 864 (1991)
- Ames Rental Property Association v. City of Ames, 736 N.W.2d 255 (Iowa 2007)
- State v. Champoux, 252 Neb. 769, 566 N.W.2d 763 (1997)
- City of Brookings v. Winker, 554 N.W.2d 827 (S.D. 1996)

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