

SUPREME COURT OF SOUTH CAROLINA

Croft v. Town of Summerville

Croft · No. Appellate Case No. 2020-000334 · Decided June 16, 2021

SUMMARY

The South Carolina Supreme Court held that an appeal challenging a municipal architectural review board's approval of a development project was moot after the developer abandoned the project. The court declined to apply the capable-of-repetition and public-interest exceptions to mootness, vacated the Court of Appeals' decision, and dismissed the appeal.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Justice James; Chief Justice Beatty; Justice Kittredge; Justice Hearn; Justice Few
JURISDICTION	South Carolina
DECIDED	June 16, 2021
DOCKET	Appellate Case No. 2020-000334
DISPOSITION	vacated
PROCEDURAL POSTURE	Petitioners appealed the Board of Architectural Review's approval of a development project, the circuit court affirmed, and the court of appeals affirmed. The Supreme Court of South Carolina granted a writ of certiorari and dismissed the appeal as moot after learning that the developer had abandoned the project.
STANDARD OF REVIEW	The court considered whether a justiciable controversy remained and whether recognized exceptions to mootness applied.
PRECEDENTIAL VALUE	Published state supreme court opinion; precedential.
PARTIES	Faye P. Croft, personally and as trustee of the James A. Croft Trust, James A. Croft Trust, William A. Harbeson, Heyward G. Hutson, James Stephen Greene, Jr., South Carolina Public Interest Foundation, Summerville Preservation Society, Dorchester County Taxpayers Association, all others similarly situated v. Town of Summerville, Town of Summerville Board of Architectural Review

TOPICS

mootness

appellate procedure

writ of certiorari

municipal law

ordinances

PRACTICE AREAS

Appellate procedure

Municipal law

Freedom of information and open government

QUESTIONS PRESENTED

1. Whether the developer's abandonment of the proposed development rendered Petitioners' challenge to the Board's approval moot.
2. Whether the capable-of-repetition-yet-evading-review exception permitted the court to decide the merits despite mootness.
3. Whether the public-interest exception to mootness permitted the court to decide alleged Freedom of Information Act and municipal-ordinance violations.

HOLDINGS

1. The appeal was moot because the developer abandoned the project, and a judgment for either party would provide no practical legal relief.
2. The capable-of-repetition-yet-evading-review exception did not apply because the appeal became moot through the developer's abandonment of the project, not because the challenged issues were inherently too short-lived for appellate review.
3. The public-interest exception did not apply because, although public access to governmental activity is important, the case presented no imperative or manifest urgency requiring a ruling on the alleged Freedom of Information Act and ordinance violations.

KEY QUOTATIONS

"A moot case exists where a judgment rendered by the court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the reviewing court." (Discussion, A. Mootness)

"For the foregoing reasons, we vacate the court of appeals' decision and dismiss this appeal as moot." (Conclusion)

FACTUAL BACKGROUND

The Town of Summerville Board of Architectural Review approved a proposed development called The Dorchester, consisting of a conference center, hotel, condominiums, and a parking garage. Petitioners alleged that the Board violated the South Carolina Freedom of Information Act and Summerville ordinances through closed gatherings, inadequate meeting space, and failures to provide public comment. While the appeal was pending, the developer decided not to proceed with the project, eliminating the practical controversy over whether the project could be built under the existing approvals.

PROCEDURAL HISTORY

The circuit court affirmed the Board's approval of the development project. The court of appeals affirmed that decision in *Croft v. Town of Summerville*, 428 S.C. 576, 837 S.E.2d 219 (Ct. App. 2019). The Supreme Court granted certiorari, vacated the court of appeals' decision, and dismissed the appeal because the developer abandoned the project during the appeal.

DISPOSITION

vacated

CASES CITED

- *Sloan v. Friends of the Hunley, Inc.*, 369 S.C. 20, 630 S.E.2d 474 (2006)
- *Curtis v. State*, 345 S.C. 557, 549 S.E.2d 591 (2001)
- *Byrd v. Irmo High School*, 321 S.C. 426, 468 S.E.2d 861 (1996)
- *Sloan v. Greenville County*, 361 S.C. 568, 606 S.E.2d 464 (2004)
- *Croft v. Town of Summerville*, 428 S.C. 576, 837 S.E.2d 219 (Ct. App. 2019)