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STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 LITTLE LEARNER'S LODGE, INC., )  
 )  
 Appellant, )  
 )  
 versus )  
 )  
 TOWN OF MOUNT PLEASANT BOARD )  
 OF ZONING APPEALS, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 FOR THE NINTH JUDICIAL CIRCUIT  
 CASE NO. 2001-CP-10-3837

FILED  
 2002 MAR -6 PM 1:44  
 JULIE A. ANDERSON  
 CLERK OF COURT  
 BY \_\_\_\_\_

**ORDER**

This matter came before the court on appeal from the Town of Mount Pleasant Board of Zoning Appeals (hereinafter "BOZA"). Appellant Little Learner's Lodge, Inc. contends that BOZA erred in determining that a school is not a "civic use" as that term is found in Town of Mount Pleasant Ordinance 97010. After reviewing the record and hearing argument of counsel, the court reverses the BOZA decision for the reasons set forth below.

On appeals from boards of zoning appeals, this court may reverse the board where the findings of fact have no evidentiary support or the board commits on error of law. Charleston County Parks and Recreation Commission v. Somers, et al., 319 S.C. 65; 459 S.E.2d (1995); *see also* in Peterson Outdoor Advertising v. City of Myrtle Beach, 327 S.C. 230, 489 S.E.2d 630 (1997); Vulcan Materials Co. v. Greenville Co. Bd. of Zoning Appeals, 342 S.C. 480, 488 (Ct. App. 2000). Where the court is called upon to interpret an ordinance, the court is given "broader and more independent review," although deference is given to the decision below. Id.

At issue here is the definition of the term "civic use." The applicable ordinance provides that civic uses include " . . . specific sites which are designated for civic buildings-neighborhood


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clubhouses, a scout den hut, churches, and other civic uses,” and “civic buildings for assembly, or for other civic purposes, sighted to act as visual landmarks and symbols of identity within the community.” The appellant relies on the phrases “other civic uses” and “other civic purposes” to support their position that a school is allowed on property designated for “civic use.” The respondent held that because ‘school’ was not specifically stated in 97010, it is not a “civic use.”

In my view, BOZA’s decision violates its own Planned Development ordinance and the restriction of “civic use” as decided below is a legal error. The board does not have the authority by the Town’s own ordinances to exclude a school on the basis that a school is not specifically listed in the ordinance. To hold otherwise would give no value to the phrase “other civic uses.” Because the court finds this violation, the decision is reversed.

Pursuant to S.C. Code § 6-29-840, all costs are awarded to the appellant.

THEREFORE, IT IS ORDERED that the decision of BOZA is reversed and the costs are awarded to the appellant.

  
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The Honorable Victor Rawl  
Presiding Judge

At Charleston, South Carolina

This 6 day of March, 2002