STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	Civil Action No.: 2024-CP-46-02641
COUNTY OF YORK	)	
	)	
Silfab Solar, Inc., and Exeter 7149 Logistics, L.P.,	)	
	)	
Appellants,	)	
	)	
vs.	)	
	)	
York County Board of Zoning Appeals,	)	
	)	
Respondent.	)	
_____	)	
	)	
Walter Buchanan,	)	
	)	
Intervenor.	)	
_____	)	

BRIEF OF RESPONDENT YORK COUNTY BOARD OF ZONING APPEALS

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

INTRODUCTION

Respondent York County Board of Zoning Appeals (the "BZA") submits this Brief in Opposition to Appellants Silfab Solar, Inc.'s ("Silfab") and Exeter 7149 Logistics, L.P. ("Exeter") Brief in Support of their appeal of the BZA's decision to reverse the York County Zoning Administrator's interpretation that solar cell and panel manufacturing is a permitted use in the Light Industrial District under "Computer and Electronic Products Manufacturing." The BZA concluded, based on the evidence in the record, that the solar cell and panel manufacturing is an unlisted, prohibited use not expressly permitted in the Light Industrial District. This finding of fact is entitled to significant deference on appeal, and this Court should affirm the BZA's decision.

FACTS

This zoning appeal arises out of a Zoning Code interpretation issued by York County Zoning Administrator Rachel Grothe on February 16, 2024 (the "Interpretation"). (Record, pp. 740 – 741). The Interpretation was issued in response to a formal request for a Zoning Code interpretation requested by Walter Buchanan ("Buchanan"), the owner of 236 Baxter Lane, Fort Mill, South Carolina 29715 (the "Buchanan Property"). (Record, pp. 742 – 743).

The Buchanan Property is located in close proximity to Silfab's proposed solar cell and panel manufacturing facility in the County located at 7149 Logistics Lane, Fort Mill, SC 29715 (the "Facility"). Buchanan's request for a Zoning Code Interpretation sought to confirm whether Silfab's solar cell and panel manufacturing use complies with all applicable zoning provisions, including the table of uses governing the Light Industrial District where the Facility is located.

The Interpretation concludes, in relevant part, that solar cell and panel manufacturing – specifically the Silfab's proposed facility in the County – falls under the use category "Electrical Equipment, Appliance, and Component Manufacturing" permitted by-right in the Light Industrial

District. (Record, pp. 740 – 741). Section 155.1301 of the Zoning Code defines "Electrical Equipment, Appliance, and Component Manufacturing" as follows:

> Establishments that manufacture products that generate, distribute, and use electrical power, such as electric lamp bulbs, lighting fixtures, and parts; small and major electrical appliances and parts; electric motors, generators, transformers, and switchgear apparatus; and batteries, wire, and wiring devices.

In her analysis, the Zoning Administrator relied exclusively on the North American Industry Classification System ("NAICS"). The Interpretation reads as follows:

> The uses defined in the Zoning Code are informed by the North American Industry Classification System (NAICS). This system is commonly used by jurisdictions across the country to help inform and define uses in zoning code, including York County. While this system was created to track economic activities, it was developed on the principle that businesses that are similar in form or function, or that use similar production processes should be grouped together.
>
> "Solar panel manufacturing", as a narrowly-defined business, is grouped in NAICS under National Industry 334413 Semiconductor and Related Device Manufacturing, which includes fuel cells, semiconductors, microprocessors, photovoltaic cells and devices, silicon wafers, and solar cells, among other related products manufactured by such businesses (see https://www.census.gov/naics). 334413 Semiconductor and Related Device Manufacturing is an industry under the 334 Computer and Electronic Product Manufacturing NAICS subsector.
>
> "Computer and Electronic Product Manufacturing" is also a defined use in the Zoning Code, permitted in the Light Industrial (LI), Industrial (ID), Business and Technology Park (BT), and Urban Development (UD) zoning districts. Therefore, any specific type of manufacturing industry that falls under the 334 Computer and Electronic Product Manufacturing NAICS subsector is a permitted use in those districts.

On March 14, 2024, Buchanan filed an Administrative Appeal application, challenging the Interpretation. (Record, pp. 735 – 739).

On May 9, 2024, the BZA held a hearing on the Administrative Appeal. Prior to the hearing, the BZA received several hundred e-mails from the public expressing concerns about Silfab's proposed solar cell and panel manufacturing facility and its impact on public health and the environment. (Record, pp. 8 – 656). At the hearing, Buchanan presented his case for overturning

the Interpretation (Record, pp. 749 – 789), and the Zoning Administrator presented her case in support of the Interpretation. (Record, pp. 790 – 856). The BZA also heard several comments from the public. After extensive deliberation, the BZA voted unanimously to reverse the Interpretation and the Interpretation's holding that solar cell and panel manufacturing was a permitted use in the Light Industrial District. (Record, p. 934). The BZA's decision was memorialized in a formal order dated May 9, 2024. (Record, pp. 937 – 938).

On June 28, 2024, the Appellants filed a notice of appeal and demand for pre-litigation mediation. On October 22, 2024, the Court issued an order granting Buchanan's motion to intervene. Mediation was held on April 21, 2025, which resulted in an impasse. On June 2, 2025, Appellants filed their Petition for Appeal. On November 21, 2025, Appellants filed their Brief in Support of their Petition for Appeal along with a refiled Record on Appeal with Bates numbers.

STANDARD OF REVIEW

The BZA's "findings of fact . . . must be treated in the same manner as a finding of fact by a jury, and the court may not take additional evidence." S.C. Code § 6-29-840(A); *Austin v. Bd. of Zoning Appeals*, 362 S.C. 29, 35, 606 S.E.2d 209, 212 (Ct. App. 2004) ("It is well-settled that 'the factual findings of the jury will not be disturbed unless a review of the record discloses that there is no evidence which reasonably supports the jury's findings.'") (citation omitted) (emphasis in original).

Even if this Court disagrees with the decision below, it shall "'refrain from substituting its judgment for that of the reviewing body.'" *Austin*, 362 S.C. at 33, 606 S.E.2d at 211 (citing *Rest. Row Assocs. v. Horry Cnty.*, 335 S.C. 209, 216, 516 S.E.2d 442, 446 (1999)). In zoning appeals, the appellate courts are "obligated to apply the extremely narrow standard of review outlined in *Vulcan Materials Co. v. Greenville County Bd. of Zoning Appeals*, 342 S.C. 480, 536 S.E.2d 892 (Ct. App. 2000)." *Heilker v. Zoning Bd. of Appeals*, 346 S.C. 401, 412, 552 S.E.2d 42, 48 (Ct. App.

2001). "The local zoning boards, and not the courts, are the primary entities responsible for the planning and development of our communities." *Id*. The appellate court gives "great deference to the decisions of those charged with interpreting and applying local zoning ordinances." *Gurganious v. City of Beaufort*, 317 S.C. 481, 487, 454 S.E.2d 912, 916 (Ct. App. 1995).

A decision will only be overturned if it is "arbitrary, capricious, has no reasonable relation to a lawful purpose, or if the board has abused its discretion." *Rest. Row*, 335 S.C. at 216, 516 S.E.2d at 446.

ARGUMENT

i. The Interpretation is binding and enforceable so Buchanan, as a neighboring property owner, had standing to appeal and the BZA had jurisdiction to review the Interpretation.

Appellants argue Buchanan is not an "aggrieved" party under South Carolina Local Government Comprehensive Planning Enabling Act (the "Enabling Act") because the Interpretation is a mere "advisory opinion." S.C. Code Ann. § 6-29-800(B) (appeals to a board of zoning appeals may be taken "by any person aggrieved or by any officer, department, board, or bureau of the municipality or county.") This argument mischaracterizes the binding and enforceable nature of the Interpretation not to mention Buchanan's direct and material interest in the Interpretation as a neighboring property owner. Buchanan possessed standing to appeal the Interpretation, and the BZA possessed jurisdiction to hear it.

The Interpretation is not an "advisory opinion." It is a binding and enforceable zoning interpretation of the Zoning Administrator authorized and governed by the Zoning Code. Subchapter E, Part 11 of the Zoning Code, entitled "Zoning Code Interpretations," allows "[a]ny person" to "submit a written request for a Zoning Code interpretation to the Zoning Administrator regarding any Section of this Chapter." Section 155.1092(A), Zoning Code. Such requests are "to clarify ambiguities in the Zoning Code." Section 155.1090, Zoning Code.

Notably, the Zoning Administrator *need not respond to all requests* if he or she believes it is unnecessary to resolve an ambiguity or provide clarification. Section 155.1094(A) (the Zoning Administrator "*may* approve a request if there is any ambiguity or need for the clarification demonstrated by the applicant.") (emphasis added); Section 155.1094(B) (the Zoning Administrator "*may* deny or reject the request if there is no ambiguity or need for the clarification demonstrated by the applicant.") (emphasis added). Here, the issuance of the Interpretation demonstrates that a genuine ambiguity or need for clarification exists. As such, the Interpretation is the complete opposite of an "advisory opinion" – the Zoning Administrator's actions belie any suggestion to the contrary.

Moreover, the Interpretation is both binding and enforceable according to the Zoning Code itself. Section 155.1095(A) confirms a "Zoning Code interpretation **will become effective** upon execution by the Zoning Administrator." (Emphasis added). "Becom[ing] effective" means the Zoning Administrator interpretations issued under Subchapter E, Part 11 of the Zoning Code are not "advisory opinions" – they carry true weight and force. Section 155.1096 establishes specific recordkeeping and indexing requirements for all such interpretations, further illustrating the enforceability and durability of the Interpretation.

Given the binding and enforceable character of these interpretations, a party disputing an interpretation may surely appeal it to the BZA under both S.C. Code Ann. § 6-29-800(A)(1) and Subchapter E, Part 3 of the Zoning Code ("Appeals of Administrative Decisions"). Section 6-29-800(A)(1) empowers the BZA "to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance." Section 155.981 broadly provides that any "order, requirement, decision, or determination made by the Zoning Administrator" is appealable to the

BZA. A Zoning Administrator interpretation issued under Subchapter E, Part 11 is clearly a decision or determination enforcing the zoning ordinance. The Interpretation itself confirms it may be appealed to the BZA, stating as follows:

> If you believe you are aggrieved by this determination, you may elect to submit an administrative appeal application by March 18, 2024. Please be advised appeals of Zoning Code interpretations are heard by the Board of Zoning Appeals at a public hearing.

(Record, p. 741). It would be nonsensical for the Zoning Code to provide a mechanism for the Zoning Administrator to issue binding, enforceable interpretations yet not have an appellate review mechanism. As with any final decision of the Zoning Administrator, it is appealable to the BZA. Therefore, the BZA possessed jurisdiction to hear an appeal challenging the Interpretation.

Buchanan possessed standing to appeal the Interpretation because his property is immediately adjacent to the Facility. It is well recognized that "owners of property adjacent to and in the near vicinity of the [proposed] development" possess a "substantial interest" to appeal a zoning decision. *Spanish Wells Property Owners Association v. Board of Adjustment of Town of Hilton Head Island,* 292 S.C. 542, 544, 357 S.E.2d 487, 488 (Ct. App. 1987), *rev'd on other grounds*, 295 S.C. 67, 367 S.E.2d 160 (1988). As the Facility's neighbor, Buchanan surely has an interest in confirming whether Appellants' solar cell and panel manufacturing use complies with the Zoning Code. If it does not, as the BZA found, interested parties (including Buchanan and, of course, the County) can obtain a court order enjoining the disallowed use as well as other relief. S.C. Code Ann. § 6-29-950 (authorizing both local governments and an "adjacent or neighboring property owner" to sue to enjoin the unlawful use of property).

Buchanan's position is totally unlike that of the Coastal Conservation League in *Beaufort Realty Co. v. Beaufort County*, 346 S.C. 298, 301, 551 S.E.2d 588, 589 (Ct. App. 2001) the case upon which the Appellants heavily rely. That case dealt with an appeal of a subdivision plat. The

Court of Appeals held the "[m]ere filing of plats in itself does not work any injury on the League's members or the public at large. Therefore, the filing of plats and the alleged harm to League members are not causally connected." *Id*. at 303, 551 S.E.2d at 590. This appeal, however, involves a dispute over whether a specific *use* adjacent to Buchanan's property is allowed. As discussed in further detail below, the record reveals ample evidence of how Appellants' solar cell and panel manufacturing use will adversely impact Buchanan and his property interests. Therefore, Buchanan qualifies as an "aggrieved" party for standing purposes.

For the above reasons, Appellants' jurisdictional arguments fail. Buchanan had standing to appeal the Interpretation to the BZA, and the BZA possessed jurisdiction to hear it.

ii. The record supports the BZA's decision that solar cell and panel manufacturing is an unlisted, prohibited use of a heavy industrial nature; therefore, the BZA's decision must be affirmed under the extremely narrow standard of review governing zoning appeals.

Having established the BZA's appellate authority to review the Interpretation, the BZA now responds to Appellants' substantive challenge to the BZA's decision that solar cell and panel manufacturing in an unlisted, prohibited use of a heavy industrial nature. Under the exceedingly narrow and deferential standard of review governing zoning appeals, this Court may only reverse the BZA's use determination, a finding of fact, if there is "no evidence" in the record supporting the BZA's decision. This Court should affirm the BZA's use determination because Appellants cannot demonstrate "no evidence" in the record supporting its decision. In fact, there is ample evidence in the record supporting the BZA's decision.

South Carolina law is crystal clear that a use determination is a finding of fact entitled to tremendous deference on appeal. A use in the zoning context "is '[t]he purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.'" *Boehm v. Town of Sullivan's Island Bd. of Zoning Appeals*, 423 S.C.

169, 185, 813 S.E.2d 874, 882 (Ct. App. 2018) (citing *Heilker*, 346 at 407, 552 S.E.2d at 45). "A determination by a zoning board that a particular purpose or activity does or does not constitute a 'use' is a finding of fact." *Heilker*, 346 S.C. at 412, 552 S.E.2d at 48. In an appeal from the BZA to this Court, "findings of fact . . . must be treated in the same manner as a finding of fact by a jury, and the court may not take additional evidence." S.C. Code § 6-29-840(A); *Austin*, 362 S.C. at 35, 606 S.E.2d at 212 ("It is well-settled that 'the factual findings of the jury will not be disturbed unless a review of the record discloses that there is no evidence which reasonably supports the jury's findings.'") (citation omitted) (emphasis in original). Furthermore, the appellate court must give "great deference to the decisions of those charged with interpreting and applying local zoning ordinances," here, the BZA. *Gurganious v. City of Beaufort*, 317 S.C. 481, 487, 454 S.E.2d 912, 916 (Ct. App. 1995).

Furr v. Horry Cty. Zoning Bd. of Appeals, 411 S.C. 178, 767 S.E.2d 221 (Ct. App. 2014) illustrates the proper standard of review and analytical approach when an appellate court confronts a dispute over whether an unlisted, proposed use falls under one zoning category (a permitted use) or another (a prohibited use). The following excerpt from *Furr* is instructive:

> In this case, Horry County ordinances do not specifically permit or prohibit a hospice in a CFA zone. Therefore, the parties asked the Board to determine whether the MCH facility was more comparable to a nursing home or group housing, permitted uses, or a hospital, a prohibited use. **That required a factual inquiry to discern the type of care, staffing, and activity that would be involved at the MCH facility along with consideration of the relevant ordinances**. Based on that information and analysis, the Board determined the MCH facility fell within the permitted uses and approved construction in the CFA Zone. Consequently, **we find the circuit court should have given deference to the Board's decision because its decision was based upon appropriate findings of fact which are supported by the record**.

Id. at 185, 767 S.E.2d at 225. (Emphasis added).

The BZA correctly observed, and the Appellants concede in this appeal,[1] that solar cell and panel manufacturing is not expressly listed as a permitted use in the Zoning Code's use table. This means that, as in *Furr*, the BZA's task was to review the Zoning Code to determine whether this novel use is allowed based on a careful examination of its characteristics.

Guiding this analysis is Section 155.270(G) of the Zoning Code, which provides that "[a]ny use not listed for an applicable zoning district in the Use Table is prohibited." This language establishes a rule of strict construction in the Zoning Code that ensures County Council – not the Zoning Administrator – controls which uses are allowed in each zoning district.[2] After carefully reviewing the evidence, the BZA found solar cell and panel manufacturing, based on its unique characteristics, does not fit within the definition of "Electrical Equipment, Appliance, and Component Manufacturing." Section 155.1301 of the Zoning Code defines this use as follows:

> Establishments that manufacture products that generate, distribute, and use electrical power, such as electric lamp bulbs, lighting fixtures, and parts; small and major electrical appliances and parts; electric motors, generators, transformers, and switchgear apparatus; and batteries, wire, and wiring devices.

Section 155.1301, Zoning Code. The Interpretation and the Zoning Administrator's presentation at the hearing relies entirely on an analysis of the NAICS – not the particular characteristics of solar cell and panel manufacturing. As such, the BZA's order found "staff presented insufficient evidence that any analysis independent of NAICS was utilized in making the determination that Solar Panel Manufacturing fits within the Computer and Electronic Products Manufacturing Use." (Record, p. 938). There is no language in the Zoning Code authorizing the Zoning Administrator to consider the NAICS when deciding whether a particular use is permitted or not. The text of the

[1] "[S]olar cell and panel manufacturing is not expressly listed in the use table." (Appellants' Brief, p. 12).

[2] County Council could have, at any time, amended the Zoning Code to permit solar cell and panel manufacturing in the Light Industrial District, but this never occurred.

Zoning Code controls – not outside sources like the NAICS. Therefore, the BZA correctly found that the Interpretation was based on a fundamentally flawed analytical approach and that the Zoning Administrator offered no evidence to support her conclusion that solar cell and panel manufacturing satisfies the definition of "Computer and Electronic Products Manufacturing."

In analyzing the definition of "Computer and Electronics Manufacturing," it is proper to consider other relevant language in the Zoning Code to ascertain the legislative intent of County Council. "All rules of statutory construction are subservient to the one that legislative intent must prevail if it can be reasonably discovered in the language used, and that language must be construed in light of the intended purpose of the statute." *Eagle Container Co. v. Cty. of Newberry*, 379 S.C. 564, 570, 666 S.E.2d 892, 895 (2008). "'[W]ords in a statute must be construed in context,' and 'the meaning of particular terms in a statute may be ascertained by reference to words associated with them in the statute.'" *Id.*at 570, 666 S.E.2d at 895-96 (alteration by court) (quoting *S. Mut. Church Ins. Co. v. S.C. Windstorm & Hail Underwriting Ass'n,* 306 S.C. 339, 342, 412 S.E.2d 377, 379 (1991)). "The language must also be read in a sense [that] harmonizes with its subject matter and accords with its general purpose." *Id.* at 570, 666 S.E.2d at 896 (quoting *Hitachi Data Sys. Corp. v. Leatherman,* 309 S.C. 174, 178, 420 S.E.2d 843, 846 (1992)).

The following definitions found in Section 155.1301, though not regulatory in and of themselves, are nonetheless instructive in determining County Council's legislative intent when it comes to distinguishing light industrial from heavy industrial uses:

> ***INDUSTRIAL, HEAVY.*** The assembly, fabrication, finishing, manufacturing, packaging, processing, or distribution of goods and materials by means that ordinarily have greater than average impacts on the use and enjoyment of adjacent property in terms of noise, fumes, odors, glare, health, and safety hazards, or that otherwise does not constitute "light manufacturing."
>
> ***INDUSTRIAL, LIGHT.*** The assembly, fabrication, or processing of goods and materials by means that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where the assembly, fabrication, or processing takes place; where the processing is housed entirely within a building. ***LIGHT INDUSTRIAL*** does not include hazardous material treatment and storage facilities, plating or enameling, or petroleum and gas refining.

The BZA's decision finds further support in evidence in the record demonstrating that solar cell and panel manufacturing involves heavy industrial characteristics in light of the above definitions.[3] Specifically, the record confirms the proposed use will create smoke, fumes, oders, and other health or safety hazards. For example, the record contains excerpts from a Construction Air Permit Application prepared for Silfab Solar and submitted to SCDES (Record, pp. 750 – 758) as well as SCDES' responses to public comments submitted in response (Record, pp. 341 – 363). These documents confirm toxic air pollutants will be released including, but not limited to, hydrogen fluoride at the 85% rural threshold and 68% urban threshold. (Record, p. 755). Hydrogen fluoride, according to the Centers for Disease Control and Prevention, "can irritate the eyes, nose, and respiratory tract" at low levels and "can cause death from an irregular heartbeat or from flue buildup in the lungs" at heigh levels. (Record, p. 765). Further, the Construction Air Permit Application states "[t]he facility increased the proposed stack heigh for the acid scrubber stack from 19.7 ft to 70 ft subsequent to the analysis summarized above." (Record, p. 755). While mitigation and controls are required as part of the SCDES permit, the nature of the use is fundamentally more intensive that the Zoning Code's definition of "Light Industrial." As BZA

[3] When reviewing a board of zoning appeals decision, an appellate court may look beyond the four corners of the board's written order to the hearing transcript and other material in the record. *DT LLC v. Horry Cty. Zoning Bd. of Appeals (In re Venture Eng'g)*, 433 S.C. 419, 433, 858 S.E.2d 638, 646 (Ct. App. 2021) (citing *Austin v. Bd. of Zoning Appeals*, 362 S.C. 29, 35, 606 S.E.2d 209, 212 (Ct. App. 2004)).

Chair Jeff Blair aptly put it at the hearing, "when you have a production facility … that has a rather lengthy pollution scrubber … I begin to question whether or not it's truly a light industrial use." (Record p. 932).

Based on the above, the Appellants cannot shoulder the heavy burden of showing "no evidence" exists in the record to support the BZA's decision. This Court should reject Appellants' invitation to relitigate the factual merits of the competing use interpretations presented to the BZA.

Additionally, this Court should ignore Appellants' attempts to inject matters not in the Record on Appeal and never presented to the BZA into this dispute. These include, most notably, information pertaining to the Fee in Lieu of Tax and Incentive (FILOT) agreement with the County and Appellants' investment into the Facility. The Court should decline to take judicial notice of these matters as requested by the County, as they are outside the scope of this Court's review in this zoning appeal. S.C. Code Ann. § 6-29-840(A) ("the presiding judge of the circuit court of the county must proceed to hear and pass upon the appeal on the certified record of the board proceedings.").

At the end of the day, there is ample evidence in the record supporting the BZA's decision, and this Court should affirm consistent with the exceedingly narrow scope of review in zoning appeals.

iii. Appellants' constitutional arguments are not properly before this Court but, in any event, the BZA's decision is not unconstitutional because it in no way bans solar cell and panel manufacturing everywhere in the County.

Appellants claim the effect of the BZA's decision is to unconstitutionally ban solar cell and panel manufacturing everywhere in the County.

As a threshold matter, Appellants' constitutional challenge is not properly before this Court. As discussed above, the Court's role in this zoning appeal is limited to reviewing the BZA's

decision for errors of law (made by the BZA in interpretating and applying the Zoning Code) or an abuse of discretion (if the BZA's decision is supported by "no evidence"). The BZA, since it is not a court, lacks jurisdiction to rule on constitutional matters. Therefore, there are no constitutional matters for this Court to review on appeal. The Planning Act contemplates subsequent litigation on constitutional matters, outside the board of zoning appeals' jurisdiction, but those claims have yet to be filed and a necessary party, namely York County itself, is not party to this litigation. See, S.C. Code Ann. § 6-29-840(B) ("Nothing in this subsection prohibits a property owner from *subsequently* electing to assert a pre-existing right to trial by jury of any issue *beyond the subject matter jurisdiction of the board of appeals*, such as, but not limited to, a determination of the amount of damages due for an unconstitutional taking.") (Emphasis added). Therefore, the Court may not take up and rule on these constitutional claims at this juncture.

Assuming Appellants' constitutional challenge is properly before the Court, which it is not, the BZA's decision in no way bans solar cell and panel manufacturing from the entirety of the County. First, the BZA's decision makes no such sweeping pronouncement. The sole issue before the BZA was whether solar cell and panel manufacturing meets the definition of "Electrical Equipment, Appliance, and Component Manufacturing." The BZA concluded it did not based on the record before it. The BZA was not asked to and it did not decide whether this use was prohibited in other zoning districts or fell under other use categories in the Zoning Code. Moreover, the BZA's order in no way precludes County Council from amending its Zoning Code to clarify where solar cell and panel manufacturing uses are allowed and under what conditions. Therefore, the BZA has not unconstitutionally banned this particular use from the County.

CONCLUSION

For the foregoing reasons, the BZA respectfully requests this Court affirm the BZA's decision.

Respectfully submitted,

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