

**RECEIVED**

**Dec 28 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Former Circuit Court Judge

Case No. 2021-CP-1005255  
Appellate Case No. 2022-000973

Teresa Melhado and Dane Neller.....Appellants,

v.

City of Charleston, City of Charleston  
Board of Zoning Appeals, George Wallace,  
Erika Wallace, Erika R. Hayes, Trustee of the  
Erika R. Hayes Revokable Trust u/a/d 8-42016..... Respondents,

**APPELLANTS’ INITIAL DESIGNATION OF MATTER  
TO BE INCLUDED IN RECORD ON APPEAL**

Appellants submit the following designation of matter to be included in the record on appeal, pursuant to Rule 209, SCACR.

**ORDERS**

1. Board of Zoning Appeals Order dated September 7, 2021
2. Board of Board of Zoning Appeals Order dated October 19, 2021
3. Circuit Court Order dated May 18, 2022
4. Circuit Court Order dated June 15, 2022

**PLEADINGS/MOTIONS/NOTICES**

5. Application to Board of Zoning Appeals dated May 27, 2021

6. Appellants' Appeal for Reconsideration to the Board of Zoning Appeals dated September 13, 2021
7. Appellants' Reply to Return to Appeal for Reconsideration to the Board of Zoning Appeals
8. Notice of Appeal to Circuit Court dated November 18, 2021
9. Appellants' Petition in Support of Appeal to Circuit Court dated November 18, 2021
10. Appellants' Supplement to Appeal Petition dated April 17, 2022
11. Appellants' Reply Brief dated April 19, 2022
12. Appellants' Motion for Reconsideration dated May 27, 2022
13. Appellants' Notice of Appeal to Court of Appeals dated July 14, 2022

#### TRANSCRIPTS

14. Board of Zoning Appeals Transcript for September 7, 2021
15. Board of Zoning Appeals Transcript for October 19, 2021
16. Circuit Court Transcript for April 20, 2022

#### OTHER

17. Board of Zoning Appeals Zoom Meeting Protocol for September 7, 2021
18. Board of Zoning Appeals Materials Presented on September 7, 2021
19. Board of Zoning Appeals Video Recording for September 7, 2021

#### CERTIFICATION

The undersigned certifies that this designation of matter to be included in the record on appeal contains no matter which is irrelevant to the appeal.

Dated: December 23, 2022

Respectfully submitted,

/s/ Jason S. Smith

Brian A. Hellman (72399)

Jason S. Smith (80700)

HELLMAN & YATES, PA

105 Broad Street, Third Floor

Charleston, South Carolina 29401

Telephone: (843) 266-9099

Facsimile: (843) 266-9188

bh@hellmanyates.com

js@hellmanyates.com

*Counsel for Appellants*

**PROOF OF SERVICE**

I, Jason S. Smith, certify that the foregoing brief was served on the following counsel of record by e-mail on this day, December 23, 2022:

G. Trenholm Walker, Esq.  
Jennifer S. Ivey, Esq.  
Walker Gressette & Linton, LLC  
P.O. Box 22167  
Charleston, South Carolina 29413  
(843) 727-2200  
walker@wglfirm.com  
ivey@wglfirm.com

**RECEIVED**  
**Dec 28 2022**  
**SC Court of Appeals**

Attorneys for Respondents George Wallace, Erika Wallace, and Erika R. Hayes, Trustee of the Erika R. Hayes Revocable Trust u/a/d 8-4-2016

Timothy A. Domin, Esq.  
Clawson and Staubes, LLC  
126 Seven Farms Drive, Suite 200  
Charleston, South Carolina 29492-8144  
(843) 577-2026  
tdomin@clawsonandstaubes.com

Attorney for Respondents City of Charleston  
and City of Charleston Board of Zoning Appeals

*/s/ Jason S. Smith*