

**RECEIVED**

**Oct 13 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

Appeal from Charleston County

Mikell R. Scarborough, Master-in-Equity

---

Case No. 2021-CP-10-05211

---

CKC Properties, LLC,

Respondent (Appellant Below),

v.

The Town of Mount Pleasant, South Carolina;  
The Town of Mount Pleasant Board of Zoning Appeals;  
Michael Robertson, in his official capacity as Zoning Administrator;  
Justin O'Toole Lucey; 415 Mill St., Inc; and 69 Scott Street, LLC,

Respondents Below.

Of which The Town of Mount Pleasant, South Carolina, and  
The Town of Mount Pleasant Board of Zoning Appeals are the

Appellants.

---

**NOTICE OF APPEAL**

---

**CLEMENT RIVERS, LLP**

Stephen L. Brown (SC Bar No. 66468)

Stephanie Ramia Sandifer (SC Bar No. 100217)

Brian Lee Quisenberry (SC Bar No. 73637)

Zachary M. Kern (SC Bar No. 103731)

Russell G. Hines (SC Bar No. 72100)

25 Calhoun Street, Suite 400

P.O. Box 993 (29402)

Charleston, South Carolina 29401

(843) 720-5488

*Attorneys for Appellants*

**Other Counsel of Record:<sup>1</sup>**

Ross A. Appel (SC Bar No. 79149)

[ross@mklawsc.com](mailto:ross@mklawsc.com)

MCCULLOUGH KHAN APPEL

2036 eWall Street

Mount Pleasant, South Carolina 29464

(843) 937-0400

*Attorneys for Respondent (Appellant Below)*

*CKC Properties, LLC*

Justin O Lucey (SC Bar No. 15438)

[jlucey@lucey-law.com](mailto:jlucey@lucey-law.com)

JUSTIN O'TOOLE LUCEY, P.A.

415 Mill Street

Mount Pleasant, South Carolina 29464

(843) 849-8400

*Attorneys for Respondents Below*

*Justin O'Toole Lucey; 415 Mill St., Inc.; and  
69 Scott Street, LLC*

Jeffrey S. Tibbals (SC Bar No. 72628)

[jst@bybeetibbals.com](mailto:jst@bybeetibbals.com)

Evan P. Williams (SC Bar No. 101981)

[ewilliams@bybeetibbals.com](mailto:ewilliams@bybeetibbals.com)

BYBEE & TIBBALS, LLC

735 Johnnie Dodds Boulevard, Suite 104

Mount Pleasant, South Carolina 29464

P.O. Box 1542 (29465)

(843) 881-1623

*Attorneys for Respondent Below*

*Justin O'Toole Lucey*

---

<sup>1</sup> Although the case caption has not been amended to reflect it, Michael Robertson, in his official capacity as Zoning Administrator, is no longer a party to this matter, having been dismissed by order filed May 4, 2023.

The Town of Mount Pleasant, South Carolina, and The Town of Mount Pleasant Board of Zoning Appeals (collectively, “Appellants”) hereby appeal the following orders of the Honorable Mikell R. Scarborough, Master-in-Equity, Charleston County:

- **Order Reversing BOZA Order in Part and Affirming in Part**, filed July 14, 2023; and
- **Order [Denying Motions to Reconsider]**, filed September 21, 2023.

Copies of the appealed orders are attached hereto and incorporated herein by reference. Appellants received written notice of entry of the most recent order on September 21, 2023.

Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
Stephen L. Brown (SC Bar No. 66468)  
Stephanie Ramia Sandifer (SC Bar No. 100217)  
Brian Lee Quisenberry (SC Bar No. 73637)  
Zachary M. Kern (SC Bar No. 103731)  
Russell G. Hines (SC Bar No. 72100)  
25 Calhoun Street, Suite 400  
P.O. Box 993 (29402)  
Charleston, South Carolina 29401  
(843) 720-5488  
*Attorneys for Appellants*

Charleston, South Carolina

October 13, 2023

**RECEIVED**

**Oct 13 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

---

Appeal from Charleston County

Mikell R. Scarborough, Master-in-Equity

---

Case No. 2021-CP-10-05211

---

CKC Properties, LLC,

Respondent (Appellant Below),

v.

The Town of Mount Pleasant, South Carolina;  
The Town of Mount Pleasant Board of Zoning Appeals;  
Michael Robertson, in his official capacity as Zoning Administrator;  
Justin O'Toole Lucey; 415 Mill St., Inc; and 69 Scott Street, LLC,

Respondents Below.

Of which The Town of Mount Pleasant, South Carolina, and  
The Town of Mount Pleasant Board of Zoning Appeals are the

Appellants.

---

**PROOF OF SERVICE**

---

CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

Stephanie Ramia Sandifer (SC Bar No. 100217)

Brian Lee Quisenberry (SC Bar No. 73637)

Zachary M. Kern (SC Bar No. 103731)

Russell G. Hines (SC Bar No. 72100)

25 Calhoun Street, Suite 400

P.O. Box 993 (29402)

Charleston, South Carolina 29401

(843) 720-5488

*Attorneys for Appellants*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellants' **NOTICE OF APPEAL** was served on all parties to this matter on October 13, 2023, by emailing (see attached email) a copy of the same to counsel of record:

Ross A. Appel, Esquire  
[ross@mklawsc.com](mailto:ross@mklawsc.com)  
MCCULLOUGH KHAN APPEL  
Mount Pleasant, South Carolina

*Attorneys for Respondent  
(Appellant Below)  
CKC Properties, LLC*

Justin O Lucey, Esquire  
[jlucey@lucey-law.com](mailto:jlucey@lucey-law.com)  
JUSTIN O'TOOLE LUCEY, P.A.  
Mount Pleasant, South Carolina

*Attorneys for Respondents Below  
Justin O'Toole Lucey; 415 Mill St., Inc.;  
and 69 Scott Street, LLC*

Jeffrey S. Tibbals, Esquire  
[jst@bybeetibbals.com](mailto:jst@bybeetibbals.com)  
Evan P. Williams, Esquire  
[ewilliams@bybeetibbals.com](mailto:ewilliams@bybeetibbals.com)  
BYBEE & TIBBALS, LLC  
Mount Pleasant, South Carolina

*Attorneys for Respondent Below  
Justin O'Toole Lucey*

I also certify that a copy of Appellants' **NOTICE OF APPEAL** was today, October 13, 2023, E-Filed with the lower court (see attached NEF), which also, i.e., in addition to service by email, effected service of the notice today on the above-identified counsel of record via the E-Filing System.

Respectfully submitted,  
CLEMENT RIVERS, LLP

By: s/Russell G. Hines  
Russell G. Hines (SC Bar No. 72100)  
*Attorneys for Appellants*

Charleston, South Carolina

October 13, 2023

**From:** [Hines, Russell](#)  
**To:** ["ross@mklawsc.com"](#); [Lucey, Justin](#); ["jst@bybeetibbals.com"](#); ["ewilliams@bybeetibbals.com"](#)  
**Cc:** [Quisenberry, Brian](#); [Kern, Zachary \(Zach\)](#); [Sandifer, Stephanie](#); [Justman, Barbara](#); [Justman, Aimee](#); [Bell, Pollyana \(Polly\)](#); [Brown, Stephen L.](#)  
**Subject:** CKC Properties v. Mt. Pleasant (BOZA Appeal) (Case No. 2021-CP-10-05211) -- Notice of Appeal  
**Date:** Friday, October 13, 2023 5:37:30 PM  
**Attachments:** [image001.png](#)  
[CKC v. Town \(Case No. 2021-CP-10-05211\) -- Notice of Appeal.pdf](#)  
[2023 07-14 -- BOZA Appeal -- Order Reversing BOZA in Part and Affirming in Part.pdf](#)  
[2023 09-21 -- BOZA Appeal -- Order Denying Mot. to Reconsider.pdf](#)

---

Attached for service please find our **Notice of Appeal** (and copies of the **Appealed Orders** attached thereto) in the above-referenced matter.

Russell G. Hines  
CLEMENT RIVERS, LLP  
[www.ycrlaw.com](http://www.ycrlaw.com)  
25 Calhoun Street, Suite 400  
Charleston, South Carolina 29401  
P.O. Box 993 (29402)  
Phone: (843) 720-5488  
Fax: (843) 579-1327  
Email: [rhines@ycrlaw.com](mailto:rhines@ycrlaw.com)



**CLEMENT RIVERS, LLP**  
25 Calhoun Street • Suite 400 • Charleston, SC 29401  
[ycrlaw.com](http://ycrlaw.com)



\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]

---

**A filing has been submitted to the court RE:** 2021CP1005211

**Official File Stamp:** 10-13-2023 05:42:46 PM  
**Court:** CIRCUIT COURT  
Common Pleas  
Charleston  
**Case Caption:** Ckc Properties Llc VS Mount Pleasant South Carolina Town Of The , defendant, et al  
**Event(s):** Notice/Notice of Appearance  
**Document(s) Submitted:** Appeal/Notice of Appeal to Court of Appeals  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
**Filed by or on behalf of:** Russell Grainger Hines

This notice was automatically generated by the Court's auto-notification system.

---

**The following people were served electronically:**

Justin O'Toole Lucey for 69 Scott Street Llc, 415 Mill St Inc, Justin O'Toole Lucey  
Jeffrey Scott Tibbals, Sr. for Justin O'Toole Lucey  
Brian Lee Quisenberry for Mount Pleasant South Carolina Town Of The, Mount Pleasant Board Of Zoning Appeals Town Of The  
Ross A. Appel for Ckc Properties Llc  
Zachary Meade Kern for Mount Pleasant South Carolina Town Of The, Mount Pleasant Board Of Zoning Appeals Town Of The  
Stephanie Ramia Sandifer for Mount Pleasant South Carolina Town Of The, Mount Pleasant Board Of Zoning Appeals Town Of The

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**