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**Feb 26 2024**

**SC Court of Appeals**

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

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Appeal from Charleston County  
Mikell R. Scarborough, Master-in-Equity

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Cases Nos. 2021-CP-10-04416 and -05211  
Appellate Case No. 2023-001615

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CKC Properties, LLC,

Respondent,

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;  
The Town of Mount Pleasant Commercial Design Review Board;  
The Town of Mount Pleasant Board of Zoning Appeals;  
Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC, are

Appellants.

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**APPELLANTS' DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL**

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Lucey; 415 Mill St., Inc.; and 69 Scott  
Street, LLC*

Appellants propose the following to be included in the Record on Appeal, with any duplicative matter included in the record only once:

1. Order, filed March 9, 2023;
2. Order granting Motion to Dismiss Respondent Michael Robertson in his capacity as Zoning Administrator, filed May 4, 2023;
3. Order Reversing BOZA Order in part and Affirming in part, filed July 14, 2023;
4. Order filed September 21, 2023;
5. Appeal Hearing Transcript, May 26, 2023;
6. Notice of Appeal, Demand for Pre-Litigation Mediation, and Appeal Petition, filed November 16, 2021;
7. Appeal Petition, filed June 28, 2022;
8. Return and Answer to CKC's Petition and Appeal, filed August 16, 2022;
9. Notice of Opposition to Appeal and Submission of the Record before the Board of Zoning Appeals, filed August 24, 2022;
  - a. Exhibit A, BOZA's Final Order;
  - b. Exhibit B, September 27, 2021 Revised BOZA Meeting Agenda;
  - c. Exhibit C, September 27, 2021 Staff Report;
  - d. Exhibit D, September 27, 2021 BOZA Meeting Minutes;
  - e. Exhibit E, September 27, 2021 Staff Brief 1;
  - f. Exhibit F, September 27, 2021 Staff Brief 2;
  - g. Exhibit G, September 27, 2021 BOZA Meeting Correspondence;
  - h. Exhibit H, August 12, 2021 Letter from Mr. Lucey appealing to BOZA;
  - i. Exhibit I, Town's August 23, 2021 response letter confirming receipt of Mr. Lucey's August 12, 2021 appeal;
10. Consent Order of Reference, filed October 19, 2022;

11. Respondents' Supplement of the Record, filed March 3, 2023;
  - a. Exhibit J, September 24, 2021 Letter from Ross Appel;
  - b. Exhibit K, September 27, 2001 Letter/Outline from Justin Lucey;
  - c. Exhibit L, September 27, 2021 Letter/Memorandum from Colin Colbert;
  - d. Exhibit M, September 27, 2021 Letter from Gabe Joseph;
  - e. Exhibit N, Processing Form for Lucey's Appeal;
12. Respondents' Supplement of the Record;
  - a. Exhibit O, BOZA Rules of Procedure;
  - b. Exhibit P, Mt. Pleasant Code of Ordinances § 156.410 – 413, as of September 27, 2021;
  - c. Exhibit Q, Mt. Pleasant Code of Ordinances § 156.007, as of September 27, 2021;
  - d. Exhibit R, Mt. Pleasant Code of Ordinances § 156.170 – 176, as of September 27, 2021;
  - e. Exhibit S, Transcript of BOZA September 27, 2021 Hearing;
13. Memorandum in Opposition to Appellant's Appeal by Respondents Town of Mount Pleasant and Town of Mount Pleasant Board of Zoning Appeals, filed May 5, 2023;
14. Defendant/Respondent Justin O. Lucey's Notice of Motion and Motion to Reconsider, filed July 24, 2023;
15. The Town of Mount Pleasant and Town of Mount Pleasant Board of Zoning Appeals' Motion to Reconsider, filed July 24, 2023;
16. Notices of Appeal (omitting orders), and Proof of Service.

I certify that this Designation of Matters contains no matter which is irrelevant to this appeal.

Respectfully submitted,  
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Mount Pleasant, South Carolina

February 26, 2024