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SC Court of Appeals

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

Appeal from Charleston County
Court of Common Pleas
Honorable Bentley Price

Trial Court Case No. 2022-CP-10-01493

Pacaso, Inc. and 2 SC Lighthouse, LLC,

Appellants,

vs.

Town of Sullivan's Island, South Carolina;
Town of Sullivan's Island Board of Zoning Appeals;
and Charles Drayton, in his official capacity as Zoning Administrator;

Respondents.

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

Appellants Pacaso, Inc. and 2 SC Lighthouse, LLC propose the following to be included in the Record on Appeal:

Orders:

1. BZA Final Order concerning Appellants' Administrative Appeal for 3115 I'On Avenue, dated March 9, 2023 and mailed on March 10, 2023.
2. Circuit Court Order Affirming the Decision of the BZA and Dismissing the Petition for Appeal, filed December 6, 2023.
3. Circuit Court Order Denying Appellants' Motion to Reconsider, filed January 17, 2024.

Pleadings:

4. Appellants' Notice of Appeal and Demand for Pre-Litigation Mediation, filed March 27, 2023.
5. Acceptances of Service signed by Counsel for Respondents, filed April 3, 2023 and April 4, 2023.
6. Respondents' Return to Notice of Appeal and Demand for Pre-Litigation Mediation, filed May 3, 2023.
7. Proof of ADR, filed August 7, 2023.
8. Appellants' Petition for Appeal, filed August 16, 2023.
9. Respondents' Certification and Record on Appeal, filed October 16, 2023.
 - a. Zoning Map [PACASO 0001]
 - b. BZA Hearing Minutes (February 9, 2023) [PACASO 0002 to 0007].
 - c. Town Zoning Ordinance, Article XIII ("Vacation Rentals") [PACASO 0008 to 0010].
 - d. E-Mails [PACASO 0011 to 0024].
 - e. BZA Agenda (February 9, 2023) [PACASO 0025].
 - f. January 23, 2023 Hearing Notice Letter [PACASO 0026 to 0027].
 - g. Appellants' Administrative Appeal dated November 18, 2022 [PACASO 0028 to 0033].
 - h. Correspondence for February 9, 2023 BZA Hearing [PACASO 0034 to 0040].
 - i. Affidavit of Publication and Notice of Hearing [PACASO 0041 to 0047].
 - j. BZA Final Order concerning Appellants' Administrative Appeal for 3115 I'On Avenue, dated March 9, 2023 and mailed on March 10, 2023 [PACASO 0048].
 - k. *PACASO 0049 to 0078 contain duplicate copies of the above materials.*

- l. Proposed Memorandum of Understanding between the Town of Sullivan’s Island and Pacaso, Inc. [PACASO 0079 to 0082].
 - m. Public Comment Sign in Sheet for February 9, 2023 BZA Hearing [PACASO 0083].
 - n. Pacaso, Inc. Power Point Presentation dated July 13, 2022 [PACASO 0084 to 0103].
 - o. Emails [PACASO 0104 to 0105].
 - p. Town Zoning Ordinance, Sec. 21-19, *et seq.* (“RS Single Family District”) [PACASO 0106 to 0110].
 - q. Town Zoning Ordinance, Sec. 21-177 (“Administrative Appeal”) [PACASO 0111].
 - r. Zoning Administrator Staff Report and Exhibits for February 9, 2023 BZA Hearing [PACASO 0112 to 0190].
 - s. BZA Hearing Transcript (February 9, 2023) [PACASO 0191 to 0328].
 - t. Photographs [PACASO 0329 to 0338]
 - u. September 27, 2022 Letter from Charles Drayton with Excerpts from Zoning Ordinance [PACASO 0339 to 0347]
 - v. October 7, 2022 Letter from Charles Drayton with Excerpts from Zoning Ordinance [PACASO 0348 to 0357]
 - w. October 21, 2022 Letter from Charles Drayton with Excerpts from Zoning Ordinance [PACASO 0358 to 0366]
10. Respondents’ Answer and Return to Appellants’ Petition for Appeal, filed October 16, 2023.

11. Appellants' Motion to Supplement the Record on Appeal with Exhibits, filed October 26, 2023.
 - a. Exhibit A – Zoning Administrator E-Mail dated June 9, 2022.
 - b. Exhibit B – Zoning Administrator E-Mail dated April 5, 2023.
 - c. Exhibit C – Appellants' Letter in Support of Administrative Appeal with Exhibits, dated February 8, 2023.
12. Appellants' Memorandum in Support of Petition for Appeal and Motion to Supplement the Record on Appeal, filed November 14, 2023.
13. Respondents' Certification of Supplement to Record, filed November 14, 2023.
 - a. Appellants' Letter in Support of Administrative Appeal with Exhibits, dated February 8, 2023 [TOSI-PACASO 0367 – 0385].
14. Respondents' Brief in Opposition to Appellants' Petition for Appeal, filed November 14, 2023.
15. Respondents' Response in Opposition to Appellants' Motion to Supplement the Record, filed November 14, 2023.
16. Respondents' Proposed Order Denying Appeal, filed November 20, 2023.
17. Appellants' Motion to Reconsider, filed December 15, 2023.
18. Respondents' Response to Motion for Reconsideration, filed December 29, 2023.
19. Notice of Appeal (Omitting Orders), filed January 30, 2024, and Proof of Service.

Transcript:

20. Circuit Court Hearing Transcript (November 15, 2023).

Other Material:

21. Sullivan's Island Board of Zoning Appeals Rules of Procedure

Respectfully submitted,

McCULLOUGH ▪ KHAN ▪ APPEL

s/Ross A. Appel

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