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Oct 07 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable G.D. Morgan, Judge

Appellate Case No: 2024-000727

Letchworth Properties, LLC.....Appellant

v.

City of Greer and City of Greer Board of Zoning
Appeals..... Respondents

RESPONDENTS' OBJECTION TO APPELLANT'S DESIGNATION OF MATTER

Respondent, City of Greer, hereby objects to the following items listed in the Appellant's Designation of Matter filed July 9, 2024 and Appellant's Amended Designation of Matter filed September 19, 2024. This matter involves an appeal from the City of Greer Board of Zoning Appeals ("BZA"). On February 8, 2023, the Respondent filed the Record on Appeal with the Circuit Court (the "Record"). The Record included all evidence presented to the BZA. The Appellant did not make a motion or request to add anything else to the Record. Pursuant to S.C. Code Ann. § 6-29-840, "[t]he findings of fact by the board of appeals must be treated in the same manner as a finding of fact by a jury, and the court may not take additional evidence." The following items in the Appellant's designation of matter filed July 9, 2024 were not presented to the BZA:

- 13. Deed into Station One Partnership, LLC recorded January 2, 1987.

14. Email and proposed Easement for Public parking to the City Attorney dated March 30, 2018.
17. Email and Letter to City Council regarding, inter alia, fence location dated December 1, 2023.
18. Email from CSXT Attorney regarding trespass issue dated January 8, 2024.

Furthermore, both items in the Appellant's Amended Designation of Matter filed September 19, 2024, 2024 were not presented to the BZA:

1. Appendix A to the Greer Code of Ordinances, Zoning, ARTICLE 1 PURPOSE, AUTHORITY Section 1:1
2. Federal Railroad Administration (2018), National Strategy to Prevent Trespassing on Railroad Property, Washington, DC: USDOT.

Accordingly, Respondent respectfully requests for the foregoing items to be stricken from the Record on Appeal.

Respectfully submitted,

DUGGAN & HUGHES, LLC

s/Daniel R. Hughes

DANIEL R. HUGHES (SC Bar #72547)

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ATTORNEYS FOR RESPONDENTS

Dated: October 7, 2024
Greer, South Carolina

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Via Email to ctappfilings@sccourts.org

Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
P.O. Box 11629
Columbia, SC 29211

RE: Letchworth Properties, LLC v. City of Greer et al.
Appellate Case No. 2024-000727

Dear Sir or Madam:

Enclosed herewith please find Respondents' Objection To Appellant's Designation Of Matter.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

DUGGAN & HUGHES, LLC



Daniel R. Hughes
dhughes@dugganhughes.com

DRH/anm
Enclosure (Respondents' Objection To Appellant's Designation Of Matter)

cc: J. Marshall Lawson
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