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Oct 09 2024

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Circuit Court Judge

Appellate Case No. 2022-000973

Case No. 2021-CP-10-0555

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

v.

City of Charleston, City of Charleston Board of Zoning Appeals, George Wallace,  
Erika Wallace, and Erika R. Wallace, Trustee of the Erika R. Hayes Revocable  
Trust u/a/d 8-4-2016,.....Respondents.

**RESPONDENTS GEORGE WALLACE, ERIKA WALLACE, AND ERIKA R.  
WALLACE, TRUSTEE OF THE ERIKA R. HAYES REVOCABLE TRUST U/A/D 8-4-  
2016’S MOTION TO DISMISS APPEAL AND MEMORANDUM OF LAW IN SUPPORT**

G. Trenholm Walker (SC Bar #5777)  
Jennifer S. Ivey (SC Bar #102533)  
WALKER GRESSETTE & LINTON, LLC  
66 Hasell Street  
Charleston, South Carolina 29401  
Telephone: 843-727-2200  
Fax: 843-727-2238  
walker@wglfirm.com  
ivey@wglfirm.com

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

October 9, 2024  
Charleston, South Carolina

Respondents George Wallace, Erika Wallace, and Erika R. Wallace, as the Trustee of the Erika R. Wallace Revocable Trust u/a/d 8-4-2016 (the “Wallaces”), respectfully move to dismiss this appeal pursuant to Rule 240, SCACR, on the grounds that the appeal is moot.

This is an appeal of circuit court orders affirming the unanimous decisions of the Board of Zoning Appeals – Zoning of the City of Charleston (the “BZA”), granting the Wallaces a special exception and variance from the City’s Zoning Ordinances to construct a small, rear addition to their home at 62 Church Street in Charleston’s old and historic district. Appellants ask this Court to vacate the circuit court’s orders and remand the matter to the BZA for a new, *de novo* hearing. **(App. Final Br. at pp. 30-31)**. All issues raised by Appellants are now moot; the form of relief Appellants seek and that this Court could grant would have no practical legal effect. The subject addition has been fully constructed, with all necessary approvals and permits, and occupied by the Wallaces for a year. Neither the BZA nor the City would have any means to grant any relief to the Appellants upon remand. This appeal must be dismissed as the issue is moot.

### **BACKGROUND**

In 2021, the Wallaces applied for and obtained a special exception and variance from the BZA from the City’s lot occupancy and side setback requirements so that the Wallaces could build a small addition on the rear of their historic home at 62 Church Street in downtown Charleston. **(R. pp. 3, 19-20)**.

Appellant Teresa Melhado (“Ms. Melhado” and, together with Dane Neller, the “Appellants”) purchased the house next door to the Wallaces at 60 Church Street in 2021, shortly before the BZA considered the Wallaces’ application. **(R. pp. 113, l. 13)**. Appellants opposed the Wallaces’ requests for a special exception and variance, hired counsel, and appeared before the BZA to sound their opposition. **(R. pp. 112, l. 14 – 118, l. 11, 158-165)**.

Appellants were the only people who opposed the Wallaces' application. (**R. pp. 112, ll. 14-16**). Other neighbors sent in letters of support. (**R. pp. 197-199**). The Historic Charleston Foundation, who holds a conservation easement on 62 Church Street, supported the Wallaces' application. (**R. p. 196**). So did the Preservation Society of Charleston. (**Aff. of George Wallace, at ¶10**). The final design of the subject addition reflected the input and feedback from the Historic Charleston Foundation and the Preservation Society through years of design collaboration. (**Id.**). The City Zoning Administrator recommended approval. (**R. p. 104, l. 13**).

Based thereupon, on September 7, 2021, the BZA unanimously granted the Wallaces the variance and special exception, subject to a single condition dealing with their air conditioning units and generator. (**R. p. 3**). Appellants filed a petition for rehearing with the BZA that the BZA unanimously denied at its meeting on October 19, 2021. (**R. pp. 4, 21-24, 33-38**).

After the BZA denied Appellants' motion for reconsideration, the Wallaces applied for and obtained final review and approval of their plans from the Board of Architectural Review of the City of Charleston ("BAR"). (**Aff. of George Wallace, ¶21(a), Ex. F**).<sup>1</sup> The BAR approved the Wallaces' plans on January 4, 2022. (**Id.**). Appellants did not object to the BAR approval. (**Aff. of George Wallace, ¶24**).<sup>2</sup> Respondent George "Skip" Wallace also applied for and obtained a building and electrical permit from the City of Charleston Building Department. (**Aff. of George Wallace, ¶¶21(b)-(c)**). Appellants did not object to the issuance of a building permit. (**Aff. of**

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<sup>1</sup> The BAR application was submitted on October 20, 2021, almost a month prior to Appellants' filing of the appeal of the BZA decisions to the circuit court. (**Aff. of George Wallace, ¶21(a)**).

<sup>2</sup> The Wallaces posted the BAR approval placard dated January 4, 2022, in the living room window (streetside) of 62 Church Street on January 5, 2022, and remained in the window until the BAR appeal period expired on January 20, 2022. (**Aff. of George Wallace, ¶21(a)**).

**George Wallace, ¶24).**<sup>3</sup> The Wallaces’ contractors began construction in early 2022 after the building permit was issued and all approvals were obtained. (**Aff. of George Wallace, ¶23**).

Appellants appealed the BZA’s decisions to the circuit court on November 18, 2021, pursuant to S.C. Code Ann. § 6-29-820, part of the South Carolina Local Government Comprehensive Planning Act. (**R. p. 39**). “The filing of an appeal in the circuit court from any decision of the board does not ipso facto act as a supersedeas, but the judge of the circuit court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper.” S.C. Code Ann. § 6-29-820 (B).

Almost four months later, on March 16, 2022, Appellants filed a motion for a supersedeas to stay matters affected by their circuit court appeal. **See (App’x to App. Pet. for Writ of Supersedeas, filed July 14, 2022, at 0019-0021).**

The circuit court heard the Appellants’ appeal of the BZA’s decisions on April 20, 2022. (**R. pp. 143-157**). The circuit court affirmed the BZA’s decisions in a 10-page order issued on May 18, 2022. (**R. pp. 5-15**). Having considered and denied the merits of Appellants’ appeal, the circuit court found Appellants’ motion for a supersedeas moot. (**R. p. 5, at n. 1**). The circuit court subsequently denied Appellants’ motion for reconsideration on June 15, 2022. (**R. pp. 16-18**).

Appellants filed their Notice of Appeal in this Court on July 14, 2022. (**Notice of Appeal**). Appellants also filed a Petition to Confirm Automatic Stay, or in the Alternative, for Writ of Supersedeas (the “Motion for a Writ of Supersedeas”). (**App. Pet. for Writ of Supersedeas**).

The Wallaces opposed the Motion for a Writ of Supersedeas. (**Resp. Return to App. Pet. for Writ of Supersedeas, filed July 25, 2022**). The Wallaces submitted the affidavit of

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<sup>3</sup> The building permit was posted in the living room (streetside) window on February 1, 2022, and remained there during the course of the construction. (**Aff. of George Wallace, ¶21(b)**).

Respondent George Wallace and certain exhibits incorporated therein in support of their opposition. *See* (**Aff. of George M. Wallace, Jr., filed July 25, 2022, and Exs. A-K**).

Mr. Wallace attested that approximately half of the Wallaces' project was complete. (**Aff. of George Wallace, ¶23, Ex. H**). The building envelope had been penetrated on both sides, the two-story addition had been framed, the front of the structure was opened for the addition of the new dormer windows, the West side of the property was also framed, and electrical wiring and plumbing work was in progress. (**Aff. of George Wallace, ¶¶23, 27, Ex. I**). The Wallaces had, at this time, invested approximately \$350,000.00 into the project. (**Aff. of George Wallace, ¶31**).

Mr. Wallace, a licensed architect, further explained there was no way to suspend the work at 62 Church Street pending this court's judgment without losing the value of the work that had been completed at that time, causing significant damage to 62 Church Street, and an unpleasant sight for neighbors and the public. (**Aff. of George Wallace, ¶¶28-31**). The open penetration to the roof on the East side of 62 Church Street, alone, was a 15' by 15' breach. (**Aff. of George Wallace, ¶27**).

The Honorable Chief Judge H. Bruce Williams entered an Order on August 1, 2022, denying Appellants' application for a Writ of Supersedeas. (**Order Aug. 1, 2022**). The Order states as follows:

Appellants have filed a petition to confirm the existence of an automatic stay or to impose a supersedeas. After careful consideration of the parties' filings and the facts in this case, this court denies Appellants' motion. The underlying orders on appeal shall not be stayed pending appeal.

**(Id.)**.

The parties proceeded to brief the case after the Order was entered. Briefing concluded on June 19, 2023. This Court requested additional bound copies on September 3, 2024. An initial conflict letters for a February term has issue, but oral argument has not yet been set.

## ARGUMENT

This case should be dismissed because the issues involved in this appeal have been rendered moot by a) the construction of the approved and permitted addition, and b) changes to the BZA procedures during the pendency of this appeal.

**I. The appeal should be dismissed because remanding this matter to the BZA for a new, *de novo* hearing would not have any practical legal effect; the building that was subject to BZA approval has been completely constructed.**

This appeal should be dismissed because the issues involved in this appeal have been rendered moot by the construction of the approved addition during this appeal. “A case becomes moot when judgment, if rendered, will have no practical legal effect upon [the] existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief.” Byrd v. Irmo High Sch., 321 S.C. 426, 431, 468 S.E.2d 861, 864 (1996) (quoting Mathis v. South Carolina State Hwy. Dep’t, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973)). Any judgment issued by this Court in Appellants’ favor would have no practical legal effect. The City has no authority to require the Wallaces to tear down a structure the City approved and permitted the Wallaces to build.

The undisputed facts are that the Wallaces were issued a special exception and variance by the BZA, BAR approval, and building and electrical permits by the building department to construct the rear addition to their home at 62 Church Street. (**Aff. of George Wallace ¶¶21(a)-(c), Exs. F & G**).<sup>4</sup> With all necessary approvals and permits in hand, the construction proceeded

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<sup>4</sup> Mr. Wallace attested to these facts and the related timeline in the Affidavit he filed on July 25, 2022, in support of the Wallaces’ Return to the Appellants’ Application for a Writ of Supersedeas. Several days later, on July 29, 2022, Ms. Melhado submitted a supplemental Affidavit with the Reply. She does not dispute that the Wallaces’ project was approved by BAR, that the City issued building and electrical permits, and that she did not object to any of these approvals or permits. **See (Second Aff. of Teresa Melhado).**

through licensed and qualified contractors. (**Id. at ¶22**). The construction was completed in November 2023, and the City issued a Certificate of Occupancy on November 21, 2023. (**Supp. Aff. of George Wallace, ¶¶ 9-10, Ex. A**). In total, the Wallaces invested approximately \$850,000.00 into the project. (**Supp. Aff. of George Wallace, ¶ 12**).

The issuance of a building permit, construction of improvements, and the issuance of the Certificate of Occupancy are the type of intervening events that make it impossible for the court reviewing a local board's decision to grant effectual relief, rendering the issues moot. See Christ Central Ministries v. City of Columbia Bd. of Zoning Appeals, 424 S.C. 358, 818 S.E.2d 30 (Ct. App. 2018); Earley v. City of Woodruff, No. 2017-002095, 2019 WL 7369298 (Ct. App. Dec. 31, 2019); see also Brownlow v. Schwartz, 261 U.S. 216, 43 S.Ct. 263, 67 L.Ed. 620 (1923).

This Court addressed a conceptually similar situation in Christ Central Ministries v. City of Columbia Bd. of Zoning Appeals, 424 S.C. 358, 818 S.E. 2d 30 (Ct. App 2018). The City of Columbia Board of Zoning Appeals (the "City") denied an application by Christ Central Ministries to replace an existing billboard on its property with a changeable copy billboard. Id. at 360, 31. Christ Central Ministries appealed the decision to the circuit court, who ruled in favor of Christ Central Ministries, reversing the City's denial of the zoning permit. Id. The City requested the circuit court stay its order requiring it to issue Christ Central Ministries the zoning permit. Id. at 361, 31. The circuit court denied the request for a stay. Id. The City issued the zoning permit, as required, and appealed the circuit court's decisions to this Court. Id. The changeable copy billboard was constructed, at a significant cost, during the pendency of the City's appeal to this Court. Id. at 361, 31. This Court dismissed the appeal, upon motion by Christ Central Ministries, finding the granting of the permit and subsequent construction of the billboard "has made 'any grant of

effectual relief impossible for the reviewing court.” Id. (quoting Seabrook v. Knox, 369 S.C. 191, 631 S.E.2d 907 (2006)).<sup>5</sup>

In 2019, this Court dismissed a neighboring homeowners’ appeal of the City of Woodruff (the “City”) rezoning a parcel of land for the development of duplex housing as moot because by the time the appeal was set for oral argument, the duplexes had been fully developed. Earley v. City of Woodruff, No. 2017-002095, 2019 WL 7369298 (Ct. App. Dec. 31, 2019).

This Court provided the same result again in the case of J. Doe v. Design Review Board (DRB) of the Town of Sullivans Island (S.I) et al., appellate case no. 2019-001671.<sup>6</sup> There, the Appellant (identified as a property owner in the neighbor of the subject property), challenged the decision of the Design Review Board of the Town of Sullivan’s Island (the “DRB”) approving plans for construction of a house on Sullivan’s Island. See Order entered Mar. 31, 2022.

Appellant appealed the DRB’s decision to the circuit court and sought a preliminary injunction halting the construction of the approved house. Id. The circuit court denied Appellant’s motion for a preliminary injunction (in essence, a motion for a stay pending appeal), and the homeowner-Respondents proceeded with construction of the home. Id. After the construction was completed, the Respondents moved to dismiss the appeal pending in this Court. Id. The Honorable Chief Judge H. Bruce Williams dismissed the case based on these developments by way of an order entered on March 31, 2022:

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<sup>5</sup> The intervening event in Seabrook v. Knox was the City of Folly Beach’s rezoning of the applicant’s property to residential use during the pendency of the appeal (that is rezoning the applicant requested and had been denied). Seabrook v. Knox, 369 S.C. 191, 197, 631 S.E.2d 907, 911 (2006) (finding the issue was moot “because the Seabrook property was rezoned . . . [and] Respondents have already received the appropriate procedural relief”).

<sup>6</sup> This case is not cited for precedential value, but to show there is no distinction between the facts that present here (a neighbor disputing the approval of another neighbor’s construction) and Christ Central Ministries (the City as the objector).

Respondents have now informed this court that the building permit for construction of the house was issued in 2019, and a certificate of occupancy was issued in 2020. The house has been fully built and occupied for two years. Because any judgment by this court will have no practical legal effect, Respondents' motion to dismiss is granted.

Id.

This case is completely analogous. The only difference that can be said is that Appellants did not object to Wallaces' application for final BAR approval, or their request for a building permit, and then, waited *four months* to seek a stay of construction pursuant to S.C. Code Ann. § 6-29-830(B) after taking up the BZA decisions at the circuit court level, thereby creating their own dilemma.

The Wallaces were legally entitled to proceed with construction of this small, residential addition, and did nothing wrong by proceeding with the fully approved work during the pendency of Appellants' successive appeals (which lack any merit). With the rear addition and other improvements now completely constructed and occupied, a justiciable controversy has ceased to exist.

Because the appeal is moot, this court lacks subject matter jurisdiction. A court's jurisdiction is limited to actions in which a justiciable controversy exists. "A justiciable controversy is a real and substantial controversy which is appropriate for judicial determination, as distinguished from a dispute or difference of a contingent, hypothetical, or abstract character." Byrd v. Irmo High Sch., 321 S.C. 426, 430-31, 468 S.E.2d 861, 864 (1996).

South Carolina appellate courts will not pass on disputes or differences between litigants that are academic, hypothetical, contingent or abstract in character. Id.; see also Waters v. South Carolina Land Resources Conservation Comm'n, 321 S.C. 219, 467 S.E.2d 913 (1996); Jones v. Dillon-Marion Human Resources Dev. Comm'n, 277 S.C. 533, 291 S.E.2d 195 (1982); Guimarin

& Doan, Inc. v. Georgetown Textile Mfg. Co., 249 S.C. 561, 155 S.E.2d 618 (1967); Sloan v. Greenville Cnty., 356 S.C. 531, 590 S.E.2d 338 (Ct. App. 2003) (“The function of appellate courts is not to give opinions on merely abstract or theoretical matters, but only to decide actual controversies injuriously affecting the rights of some party to the litigation.”). As the United States Supreme Court put it in a case challenging the issuance of a building permit by the Commissions of the District of Columbia: “A reversal would ostensibly avoid an event which had already passed beyond recall. One would be as vain as the other.” Brownlow v. Schwartz, 261 U.S. 216, 218, 43 S.Ct. 263, 265, 67 L.Ed. 620 (1923).<sup>7</sup>

The development at 62 Church Street has passed beyond recall. The most that Appellants could ever obtain here, for argument’s sake, is ceremonial reversal by the BZA of its prior decisions. This hypothetical reversal would be a legal nullity, though. The BZA cannot order the addition or added dormer to be demolished, nor can the City order revocation of the building permit, which was not appealed, and upon which the Wallaces fairly relied upon when it went forward with its construction and invested a significant amount of money into. There is no need for this Court to take up this nonjusticiable controversy.

This appeal should be dismissed because any judgment by this Court, if rendered, would not have any practical legal effect thereby eliminating any justiciable controversy.

**II. Appellants’ concerns relating to BZA’s procedures have also been rendered moot by procedural changes.**

Much of Appellants’ focus in this appeal is on the BZA’s alleged procedural shortcomings. **See (App. Final Br. at pp. 20-29).** The essence of Appellants’ argument is that because

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<sup>7</sup> The United States Supreme Court dismissed this appeal as moot because “the permit, the issuance of which constituted the sole relief sought by petitioner, has been issued and the building to which it related has been completed.” 261 U.S. at 218, 43 S.Ct. at 265.

Appellants’ counsel could not interrupt the Wallaces’ during their allotted time for reply at the BZA hearing, or the BZA in subsequently discussing the matter, due to the BZA’s use of the Zoom® Webinar platform and its Zoom® Meeting Protocol, they were “technologically gagged and ousted” and deprived of due process (**Id. at pp. 21, 24**).

BZA procedures have changed since it held its meeting on this matter by using a remote platform made necessary by the COVID 19 pandemic. Specifically, the BZA-Z has been able to resume its pre-pandemic procedures of conducting its meetings in-person. (**Supp. Aff. of George Wallace, ¶16**). As such, there is no Zoom® Webinar platform and its Zoom® Meeting Protocol presently employed by the BZA.

As such, the “due process” question is purely a hypothetical, academic one. This Court does not need to pass on this academic question or make any adjudication about the procedures the BZA temporarily employed during the pandemic. The procedural issue has been rendered moot for this additional ground. Byrd v. Irmo High Sch., 321 S.C. 426, 430-31, 468 S.E.2d 861, 864 (1996); Jones v. Dillon-Marion Human Resources Dev. Comm’n, 277 S.C. 533, 291 S.E.2d 195 (1982); Marion Human Resources Dev. Comm’n, 277 S.C. 533, 291 S.E.2d 195 (1982)).

### **CONCLUSION**

The issuance of the building permits, special exception, variance, construction of the addition, and issuance of the Certificate of Occupancy are precisely the type of intervening events that meet the fundamental test for mootness. The decision of the appeal by this Court cannot result in any practical legal relief. For reasons cited herein and any additional bases asserted by co-Respondent, the City of Charleston and the City of Charleston Board of Zoning Appeals, this appeal should be dismissed as moot.

*[Signature page follows]*

Respectfully Submitted,

WALKER GRESSETTE & LINTON, LLC

*s/ Jennifer S. Ivey*

\_\_\_\_\_  
G. Trenholm Walker, Esquire (SC Bar No. 5777)

Jennifer S. Ivey, Esquire (SC Bar No.

Walker Gressette & Linton, LLC

P.O. Box 22167

Charleston, SC 29413

(843) 727-2200

Walker@wglfirm.com

Ivey@wglfirm.com

Attorneys for Respondents George Wallace, Erika Wallace,  
Erika R. Wallace, Trustee of the Erika R. Hayes Revocable  
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**SUPPLEMENTAL AFFIDAVIT OF GEORGE M. WALLACE, JR.**

PERSONALLY appeared before me, George M. Wallace, Jr., who, being first duly sworn,  
states as follows:

1. I am over the age of 18 years and competent to make this Affidavit.
2. I have personal knowledge of the facts stated herein.
3. I live at 62 Church Street in Charleston County, South Carolina.
4. I am also an architect, licensed in the State of South Carolina for the last thirty-seven (37) years. I am a principal in Island Architects LLC, headquartered and based in Richmond, Virginia.
5. By and through Island Architects LLC, I designed the rear addition and modifications to 62 Church Street and assisted with the approval and permitting process, part of

which is the subject of this appeal (specifically, the Board of Zoning Appeals – Zoning of the City of Charleston (“BZA”) decisions, later affirmed by the circuit court).

6. The BZA approved our application for the necessary variance and special exception at its meeting on September 7, 2021.

7. My wife and I contracted with qualified and licensed residential contractors to complete this project. After the BZA approved our application, we obtained all necessary approvals and permits before any work began on our property, including approval by the City of Charleston Board of Architectural Review (“BAR”) and electrical and building permits from the City of Charleston Development and Construction Services division. I previously submitted the records related thereto to this Court in my Affidavit filed on July 25, 2022, which I reference and incorporate herein.

8. Construction on our project at 62 Church Street began after the building permit was issued on January 31, 2022.

9. Construction was substantially completed in November 2023.

10. The City of Charleston issued a Certificate of Occupancy on November 21, 2023. A true and correct copy of the Certificate of Occupancy is attached hereto as **Exhibit A**.

11. My wife and I have finished the space inside this addition, moved our personal belongings in, and have enjoyed the use of the newly-added laundry room, storage space, and master bedroom walk-in closet, for almost a year now.

12. In total, my wife and I invested approximately \$850,000.00 in this project, not taking into account the legal fees and costs we have incurred in defending the BZA court’s decisions and the circuit court’s orders affirming those decisions (significant in their own right) and how this process has taxed us personally.

13. The final design, now constructed, is shown in the photographs that I have attached hereto as **Exhibit B**. The character of this addition, the integration of added elements with the existing structure, and the landscaping design are specifically purposed to preserve the historic character of 62 Church Street and this historic district.

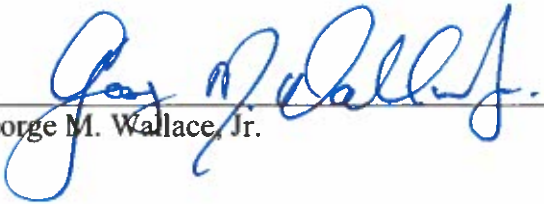
14. As reflected in my prior testimony and initial Affidavit submitted to this Court, the Historic Charleston Foundation (“HCF”), who holds a conservation easement on this property, was integrally involved in the design of this space and my wife and I incorporated their input into this design in what was a four-year process of collaboration. The Preservation Society of Charleston also reviewed all of the design documents and enthusiastically endorsed the project. Our property is featured in the HCF’s Spring Festival of Homes, and, for years, HCF has highlighted our collaborative work with them for the design of this addition as the model example of carrying out their mission of making a historic home livable by modern standards, while preserving history. On Friday, October 18, 2024, the Preservation Society of Charleston has a special presentation of our home as part of their lecture series titled “Pivotal Preservation Projects.” The tour and lecture will focus on “architecture, preservation ethics, and interior design.”

15. Lastly, in my professional work, I submit plans, drawings, and/or applications for approval before local zoning boards and design review boards. I am personally familiar with the procedures of the BZA, including the manner in which they now conduct their meetings. The meetings, including BZA-Z meetings are held in-person now, negating the need for use of a Zoom® platform or the employment of the BZA’s Zoom® Meeting Protocol. The BZA’s meetings are recorded and available via YouTube® at the following website:

<https://www.youtube.com/playlist?list=PLGUA48ej2R6tg9CLDa9inEqODFIcrqJEy>

They show the live, in-person discourse.

Sworn to by me, the Affiant:

  
George M. Wallace, Jr.

Charleston, South Carolina

SWORN TO BEFORE ME THIS 3rd  
DAY OF OCTOBER, 2024

  
Loretta Shumro

Notary Public for South Carolina

My Commission Expires: 3-11-2031

EXHIBIT A TO SUPPLEMENTAL AFFIDAVIT OF GEORGE M. WALLACE, JR.

# City of Charleston

## Certificate of Construction Completion

**Property Address:** 62 CHURCH ST

**TMS No.:** C4581301097

**Property Owner:** Erika R Wallace

**Permit Number:** SF2021-14185

**Property Owner Address:** 62 CHURCH ST

**Code Edition:** 2018

**Stipulations, Conditions, Variances:**

**Description of Work:** Single Family/Duplex Dwelling - Addition, Addition on rear of Garden Room with Master Closet above; attach existing shed to South side; Add dormer to West façade (street side); alter existing Screened porch by removing screens, adding window to west wall, add louvers to West end.

This certificate issued pursuant to the requirements of the South Carolina Building Codes certifying that, at the time of issuance, this structure was in compliance with the South Carolina Building Codes and the City of Charleston Code of Ordinances regulating building construction and use.



\_\_\_\_\_  
**Chief Building Official**

\_\_\_\_\_  
November 21, 2023

**Finalized Date**

EXHIBIT B TO SUPPLEMENTAL AFFIDAVIT OF GEORGE M. WALLACE, JR.























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Trust u/a/d 8-4-2016 .....Respondents.

**PROOF OF SERVICE**

I certify that the foregoing **Motion to Dismiss** and the **Supplemental Affidavit of George M. Wallace, Jr., with exhibits**, submitted by Respondents George Wallace, Erika Wallace, and Erika R. Wallace, Trustee of the Erika R. Hayes Revocable Trust u/a/d 8-4-2016 were served on the following counsel of record by electronic mail on this 9<sup>th</sup> day of October, 2024.

Brian A. Hellman  
Jonathan L. Yates  
Jason S. Smith  
HELLMAN & YATES, PA  
105 Broad Street, Third Floor  
Charleston, SC 29401  
[bh@hellmanyates.com](mailto:bh@hellmanyates.com)  
[jly@hellmanyates.com](mailto:jly@hellmanyates.com)  
[js@hellmanyates.com](mailto:js@hellmanyates.com)  
*Counsel for Appellants*

Timothy A. Domin  
CLAWSON AND STAUBES, LLC  
126 Seven Farms Drive, Suite 200  
Charleston, SC 29492-8144  
[tdomin@clawsonandstaubes.com](mailto:tdomin@clawsonandstaubes.com)  
*Counsel for Respondents City of Charleston  
and City of Charleston Board of Zoning  
Appeals*

  
\_\_\_\_\_  
Nancy Jane Dennis, Paralegal