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Dec 13 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County Court of Common Pleas
Honorable Jenifer B. McCoy
Trial Court Case No. 2021-CP-10-02888

Appellant Case No. 2023-000296

J. Doe.....Appellant,

v.

Design Review Board of the Town of Sullivan’s Island
and Town of Sullivan’s Island.....Respondents.

RESPONDENTS’ MOTION TO DISMISS AND MEMORANDUM OF LAW IN
SUPPORT OF MOTION TO DISMISS APPEAL AS MOOT

BACKGROUND

Respondents the Design Review Board of the Town of Sullivan’s Island (the “DRB”) and the Town of Sullivan’s Island (the “Town”) (collectively “Respondents”) hereby move to dismiss this appeal on the ground of mootness. This case involves a challenge to the DRB’s approval of an application to make modifications/alterations to an existing house, at 1608 Poe Avenue, Sullivan’s Island 29482 (the “Property” or “1608 Poe”). The renovations/additions that were approved have been fully completed. A decision on the appeal will have no practical or meaningful effect. In fact, the owners of the Property, who have completed the approved work, are not even parties to the

appeal.¹ Because the work has been completed and the party that received the approval is not even a party to the appeal, the Appellant’s objections to the DRB’s approval are moot.²

Debra S. Nelson and Freddie Nelson (collectively the “Nelsons”) are the owners of 1608 Poe. On March 24, 2021, the Nelsons, by and through their agent, Julie O’Connor, a designer with American Vernacular, LLC, applied to the DRB to make renovations/additions to the Property. See Ex. 1 (Wurthmann Aff. ¶ 4). Only two aspects of the proposed project required DRB approval: (1) an adjustment of the lot’s principal coverage and (2) an adjustment of the lot’s side setback. Ex. 1 (Wurthmann Aff. ¶ 5). On May 19, 2021, after reviewing the application, the DRB approved the project finding that the plans complied with applicable zoning ordinances and the Standards for Neighborhood Compatibility. Ex. 1 (Wurthmann Aff. ¶ 6).

Appellant then appealed to the circuit court. In the circuit court, after a series of filings, the Honorable Jennifer B. McCoy, issued an Order dismissing the appeal because Appellant failed to join a necessary party, the Nelsons. See (Appellant’s Notice of Appeal, Attachment 1: Dec. 07, 2022, Order Dismissing Appeal 1-2, filed on Feb. 27, 2023). Appellant filed two Motions for Reconsideration, which were both denied via Order by Judge McCoy. See (Appellant’s Notice of Appeal, Attachment 2: Jan. 23, 2023, Order Den. Appellant’s Mot. to Recons. 1, filed on Feb.

¹ As an additional reason that this appeal should be dismissed, Appellant failed to name the permittees, the Nelsons, as a party in this suit. A “permittee is a necessary party to an appeal of its permit.” Spanish Wells Prop. Owners Ass’n, Inc. v. Bd. of Adjustment of Town of Hilton Head Island, 295 S.C. 67, 68-69, 367 S.E.2d 160, 161-62 (1988) (“Designating the permittee a necessary party insures the most vitally interested party’s participation in the appellate process.”).

² This Court previously dismissed a different appeal by this same Appellant on the grounds of mootness. In Appellate Case No. 2019-001671, Appellant opposed a decision of the DRB that approved the construction of a house. See Ex. 2 (Order Dismissing Appellate Case No. 2019-001671 for Mootness at 1-2, filed Mar. 31, 2022). The Court of Appeals issued an Order dismissing that appeal for mootness because the “house [had] been fully built and occupied for two years” by the time the case reached the court. Ex. 2 (Order Dismissing Appellate Case No. 2019-001671 for Mootness at 1-2, filed Mar. 31, 2022).

27, 2023). This appeal followed. See (**Appellant’s Notice of Appeal, filed on Feb. 27, 2023**); (**Appellant’s Am. Notice of Appeal, filed on July 27, 2023**).

Appellant did not move for supersedeas at any time. Under South Carolina law, “[t]he filing of an appeal in the circuit court from any decision of the board [or architectural review] 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 § 6-29-920(B). As such, the Nelsons, who are nonparties, were free to proceed with the work as authorized by valid approvals and permits. In fact, the Nelsons received all necessary approvals/permits *and* fully constructed the addition. Ex. 1 (**Wurthmann Aff. ¶¶ 7-8, Exs. 1-4**).

Mark Woodrow Ellis (S.C. PLS #131164), a licensed surveyor with RLA Associates, completed a survey that shows the relocation of the driveway has been complete for some time. See (**Wurthmann Aff. ¶¶ 8-9, Ex. 3 (the “As-Built Survey”)**). Max Wurthmann, the Town’s Building Inspector, personally visited the Property and confirmed the additions/alterations were complete and complied with the plans that had been approved. See (**Wurthmann Aff. ¶¶ 10-11, Ex. 4**).

As explained below, because the approved work has been completed, the appeal is moot, and this Court should dismiss the appeal.

ARGUMENT

Appellant seeks through this appeal to reverse the decision of the circuit court dismissing Appellant’s case for failure to join a necessary party subject. (**Appellant’s Notice of Appeal, Attachment 1: Dec. 07, 2022, Order Dismissing Appeal 1-2, filed on Feb. 27, 2023**). In her Initial Brief, Appellant makes unsupported claims and unclear arguments as to why the circuit court and DRB should be reversed. See (**Appellant’s Initial Br.**). However, none of the relief Appellant seeks will have any practical effect because the work has already been completed and

the innocent property owners are not even parties to the appeal. (**Wurthmann Aff.** ¶¶ 10-11, Ex. 4).

Perhaps Justice Holmes said it best in Wingert v. First Nat. Bank., a case seeking to enjoin the construction of a new bank building, which was built while the case was pending: “***It is enough to say that the whole case is disposed of by the erection of the new bank***” 223 U.S. 670. 32 S.Ct. 391 (1912) (double emphasis added).

South Carolina courts recognize that “[a] threshold inquiry for any court is a determination of justiciability, i.e., whether the litigation presents an active case or controversy.” Holden v. Cribb, 349 S.C. 132, 137, 561 S.E.2d 634, 637 (Ct. App. 2002) (citing Lennon v. S.C Coastal Council, 330 S.C. 414, 415, 498 S.E.2d 906, 906 (Ct. App. 1998). “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.” Id. (quoting Byrd v. Irmo High Sch., 321 S.C. 426, 430-31, 468 S.E.2d 861, 864 (1996). “The concept of justiciability encompasses the doctrines of ripeness, ***mootness***, and standing.” Id. (citation omitted) (double emphasis added). “A case becomes moot when judgment, if rendered, will have no practical effect upon [an] existing controversy.” Seabrook v. City of Folly Beach, 337 S.C. 304. 306, 523 S.E.2d 462, 463 (1999) (quoting Mathis v. S.C. State Highway Dep’t, 260 S.C. 344. 346, 195 S.E.2d 713, 715 (1973).

This Court previously held that the demolition of a building, that was the subject of the controversy, rendered a case moot because a decision in the plaintiff’s favor would have no practical effect on an existing controversy:

McMillan argues Judge Thomas erred in denying his motion for a preliminary injunction. Specifically, he contends he had “a valid, enforceable long-term lease and met the test for issuance of a preliminary injunction.”

* * *

Here. McMillan sought a preliminary injunction to restrain BCG from demolishing the building, turning off the utilities, and otherwise interfering with his quiet enjoyment of the property. The parties, however, both state in their briefs that the leased premises at issue in this appeal have been demolished. Thus, even if we were to find Judge Thomas erred in denying McMillan's motion, *it would have no practical effect on this controversy*. Because a decision on this issue would not grant McMillan any effectual relief, we hold the issue is moot.

McMillan v. BCG Properties, LLC, 2007 WL 8326632, *3 (Ct. App. 2007) (double emphasis added); See also, Mathis v. South Carolina State Highway Dept., 260 S.C. 344, 345- 46, 195 S.E.2d 713, 714 (1973); Treasured Arts, Inc. v. Watson, 319 S.C. 560, 563, 463 S.E.2d 90, 92 (1995)

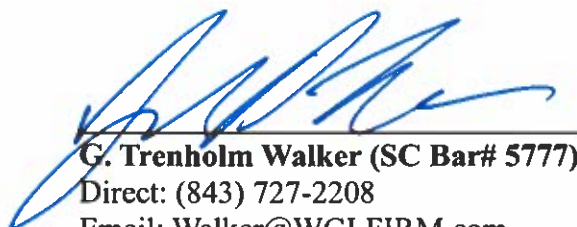
In this case, even if there had been a justiciable controversy when Appellant initiated this appeal (which is denied), the completion of construction of the work at 1608 Poe has rendered the appeal moot and dismissal is appropriate.

CONCLUSION

For the reasons stated above, the appeal should be dismissed as moot.

Respectfully submitted,

December 13, 2024
Charleston, South Carolina


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WALKER GRESSETTE & LINTON, LLC
Mail: P.O. Box 22167, Charleston, SC 29413
Office: 66 Hasell Street, Charleston, SC 29401
Phone: (843) 727-2200

ATTORNEYS FOR RESPONDENTS

EXHIBIT 1

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

Appeal from Charleston County Court of Common Pleas
Honorable Jenifer B. McCoy
Trial Court Case No. 2021-CP-10-02888

Appellant Case No. 2023-000296

J. Doe..... Appellant,

v.

Design Review Board of the Town of Sullivan’s Island
and Town of Sullivans Island..... Respondents.

**AFFIDAVIT OF MAX WURTHMANN IN SUPPORT OF RESPONDENTS’ MOTION
TO DISMISS APPEAL**

PERSONALLY appeared before **Max Wurthmann**, who, being duly sworn, avers and states as follows:

1. I am over eighteen years of age and, excepting any matters stated upon information and belief, I make this affidavit upon my own personal knowledge.
2. I am the Building Inspector for the Town of Sullivan’s Island, South Carolina.
3. I have worked for the Town of Sullivan’s Island since 2018 and received my license as a Residential Building Inspector in 2019.
4. This affidavit is related to the above captioned appeal of the Town of Sullivan’s Island (“the Town”) Design Review Board’s (“DRB”) approval of a final application to make additions to a non-historic home located at 1608 Poe Avenue, Sullivan’s Island 29482 (“the Property”). The application in question was submitted on March 24, 2021, by Julie O’Connor, a designer from American Vernacular, LLC, on behalf of the homeowners, Debra S. Nelson and Freddie Nelson (“Homeowners”).
5. The application sought approval to alter the existing principal building coverage and side setback. The Homeowners’ plans included the alteration of the existing structure and the removal and subsequent relocation of their then existing driveway.

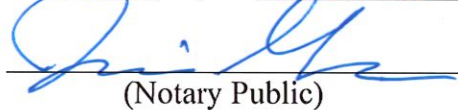
6. The Homeowners obtained approval from the DRB to make modifications to the Property on May 19, 2021. The DRB found the application was complete and the proposed work complied with the Standards for Neighborhood Compatibility.
7. The Town issued the proper permits for the work. The permitted plans are attached hereto as Exhibits 1 and 2.
8. The project, as shown in Exhibits 1 and 2, has been fully completed.
9. After the completion of the work, Mark Woodrow Ellis (S.C. PLS #13164), a licensed surveyor with RLA Associates, PA, conducted a physical survey (the "As-Built Survey") of 1608 Poe Avenue on August 30, 2022. A true and accurate copy of the As-Built Survey is attached hereto as Exhibit 3.
10. I have personally visited the Property and confirmed the work had all been completed as approved by the DRB.
11. Attached as Exhibit 4 is a true and accurate photograph of the exterior of the Property showing the work approved by the DRB was completed.

FURTHER AFFIANT SAITH NOT!



Max Wurthmann

Subscribed and sworn to me
this 11 day of December 2021.



(Notary Public)



My commission expires: 3/17/2027

EXHIBIT 1

EXISTING	
LOT SIZE	12801 SF
LOT COVERAGE	4124 SF
(INCLUDES PORCHES, DRIVEWAY/ WALKWAYS)	
(ALLOWED):	3607 (BP)
BUILDING COVERAGE	1981 SF
(ALLOWED):	2431 (BP)
BUILDING S.F.	2712 SF
(ALLOWED):	3188 (BP)

PROPOSED	
LOT SIZE	12801 SF
LOT COVERAGE	3688 SF
(INCLUDES HOUSE, WALKWAYS, DRIVEWAY)	
(ALLOWED):	3607 (BP)
BUILDING COVERAGE	2745 SF
(ALLOWED):	2421 (BP)
BUILDING S.F.	2678 SF
(ALLOWED):	3188 (BP)



Because of small lot width, total side setbacks need to equal 34.75' (with no one side being less than 10')

SCALE: 1" = 10'-0"



GRAPHIC SCALE

POE AVENUE 50' RW

1" = 10' SCALE



AMERICAN VERMICULITE
 151 Shreveport Blvd.
 Shreveport, Louisiana 71207
 843-966-8818
 www.americanvermiculite.com

ISSUE SHEET NO.	
10/1/20	AS BUILTS
12/22/20	244 MATRICA
3/18/21	BUILDING PERMIT

Nelson Residence
 1608 Poe Ave
 Sullyvans Island, South Carolina
 SITE PLAN

SCALE: 1" = 10'-0"
 DATE: March 18, 2021
 SITE PLAN
T002

EXHIBT 1

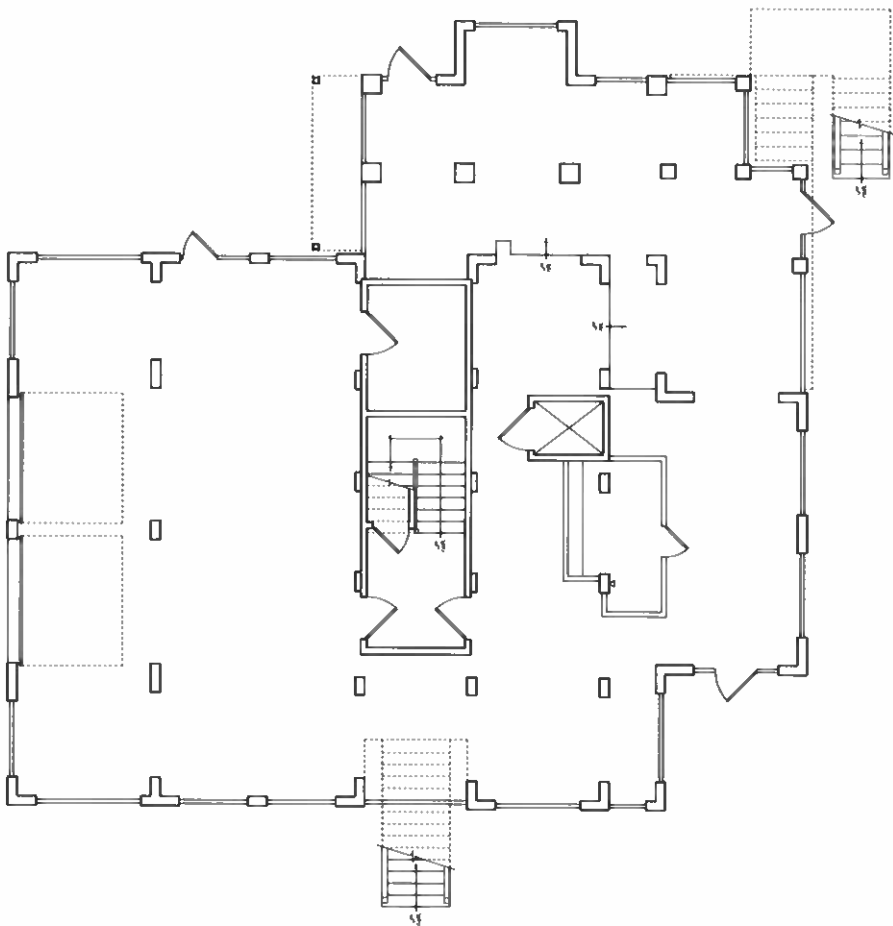


AMERICAN VERNACULAR
1111 Stuyvesant St.
Spartanburg, SC 29303
864-534-1111
www.americanvernacular.com

TABLE REVISIONS	DATE	AS BUILT	SCHEMATIC	DATE	AS BUILT
	12/14/20		17/22/20		
			3/18/21		

Nelson Residence
1608 Poe Ave
Sullivan's Island, South Carolina
GROUND FLOOR PLAN AS BUILT

SCALE: 1/4" = 1'-0"
DATE: March 16, 2021
GROUND FLOOR PLAN AS BUILT
A100



1 GROUND FLOOR PLAN AS-BUILT
A100 SCALE: 1/4" = 1'-0"

EXHIBIT 1



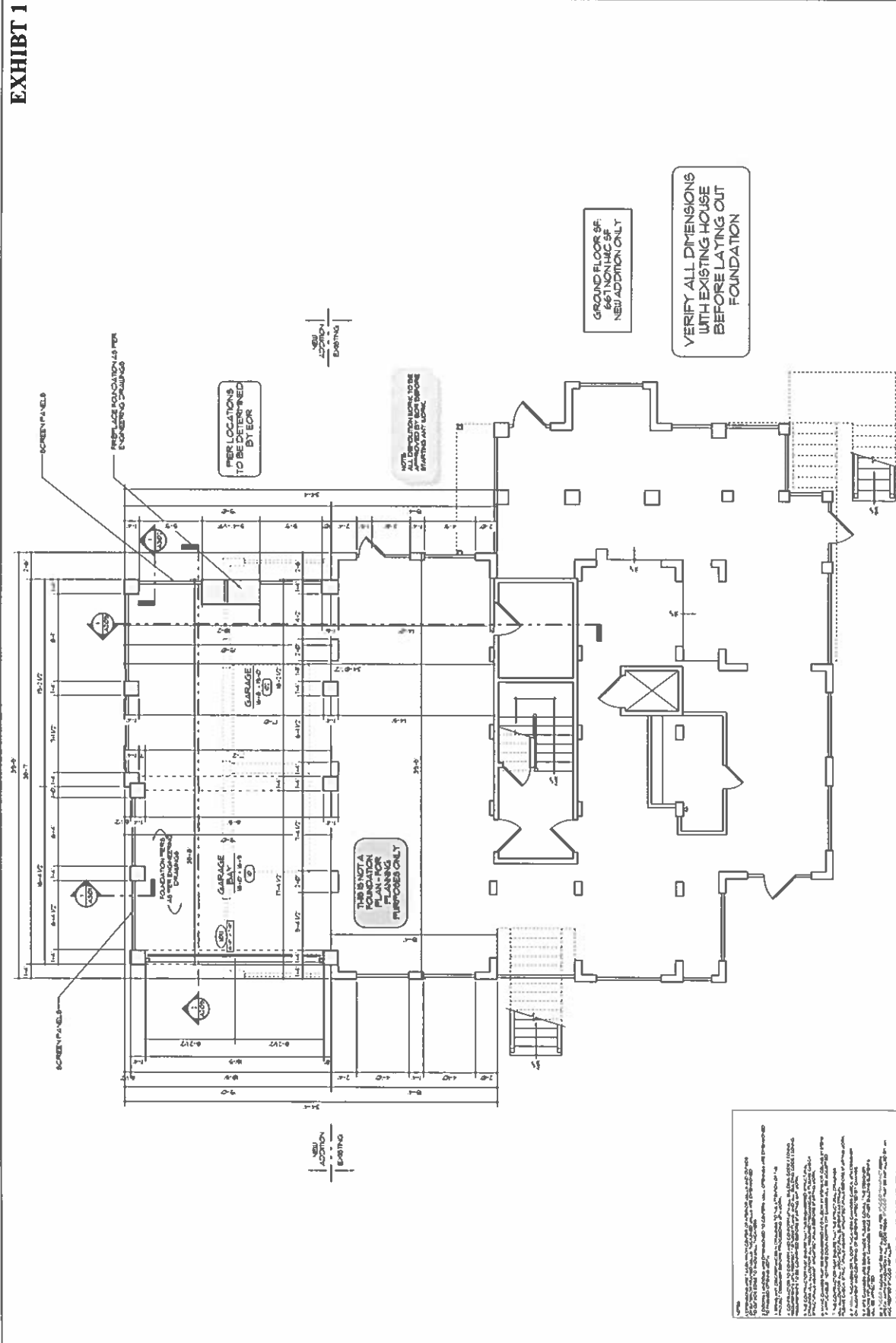
AMERICAN VERNACULAR
 111 S. 1st Street, Suite 200
 Raleigh, NC 27601
 919.833.1111
 www.americanvernacular.com

DATE	DESCRIPTION
12/2/20	AS BUILT
12/22/20	SCHEMATIC
3/18/21	EXHIBIT 1

Nelson Residence
 1608 Poe Ave
 Sullivan's Island, South Carolina
GROUND FLOOR PLAN-PROPOSED

SCALE: 1/4" = 1'-0"
 DATE: March 18, 2021

GROUND FLOOR PLAN PROPOSED
A100-A



1 GROUND FLOOR PLAN - PROPOSED
 SCALE 1/4" = 1'-0"

NOTES:

1. ALL DIMENSIONS ARE TO BE DETERMINED BY THE ENGINEER OF RECORD (EOR) BEFORE STARTING ANY WORK.
2. VERIFY ALL DIMENSIONS WITH EXISTING HOUSE BEFORE LAYING OUT FOUNDATION.
3. THIS IS NOT A FOUNDATION PLAN - FOR PLANNING PURPOSES ONLY.
4. GROUND FLOOR SF: 661' NON-HIC SF NEW ADDITION ONLY.
5. SCREEN P. & S.E.B. (SCREENING PANEL AND STRUCTURAL ELEMENT BOUNDARY) IS NOTED IN TWO LOCATIONS.
6. PRELIMINARY FOUNDATION AS PER CONSULTING ENGINEER.
7. PER LOCATIONS TO BE DETERMINED BY EOR.
8. NOTE: ALL DIMENSIONS ARE TO BE DETERMINED BY EOR BEFORE STARTING ANY WORK.
9. THIS IS NOT A FOUNDATION PLAN - FOR PLANNING PURPOSES ONLY.
10. GROUND FLOOR SF: 661' NON-HIC SF NEW ADDITION ONLY.
11. VERIFY ALL DIMENSIONS WITH EXISTING HOUSE BEFORE LAYING OUT FOUNDATION.
12. THIS IS NOT A FOUNDATION PLAN - FOR PLANNING PURPOSES ONLY.
13. GROUND FLOOR SF: 661' NON-HIC SF NEW ADDITION ONLY.
14. SCREEN P. & S.E.B. (SCREENING PANEL AND STRUCTURAL ELEMENT BOUNDARY) IS NOTED IN TWO LOCATIONS.
15. PRELIMINARY FOUNDATION AS PER CONSULTING ENGINEER.
16. PER LOCATIONS TO BE DETERMINED BY EOR.
17. NOTE: ALL DIMENSIONS ARE TO BE DETERMINED BY EOR BEFORE STARTING ANY WORK.
18. THIS IS NOT A FOUNDATION PLAN - FOR PLANNING PURPOSES ONLY.
19. GROUND FLOOR SF: 661' NON-HIC SF NEW ADDITION ONLY.
20. VERIFY ALL DIMENSIONS WITH EXISTING HOUSE BEFORE LAYING OUT FOUNDATION.

EXHIBT 1

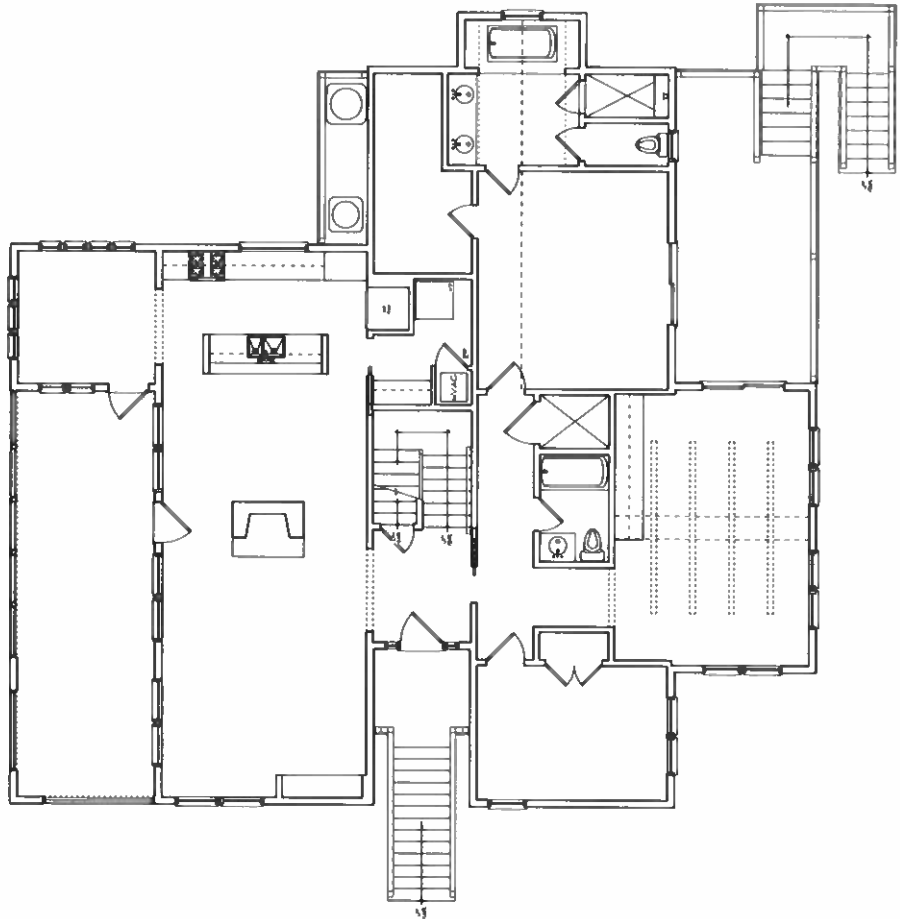


AMERICAN VERMACULAR
151 Sheppard St.
Sullivan's Island, South Carolina
29683
843-888-4818
www.americanvermacular.com

ISSUE	DATE	AS BUILT	SCHEMATIC
12-4-20	12-22-20	3-18-21	

Nelson Residence
1608 Poe Ave
Sullivan's Island, South Carolina
FIRST FLOOR PLAN AS BUILT

SCALE: 1/4" = 1'-0"
DATE: March 16, 2021
FIRST FLOOR PLAN AS BUILT
A101



EXISTING HIC SQUARE FOOTAGE
 EXISTING 1ST FLR HIC 9F: 1981
 EXISTING 2ND FLR HIC 9F: 131
 TOTAL HIC 9F: 772

FIRST FLOOR PLAN AS-BUILT

A101 SCALE: 1/4" = 1'-0"

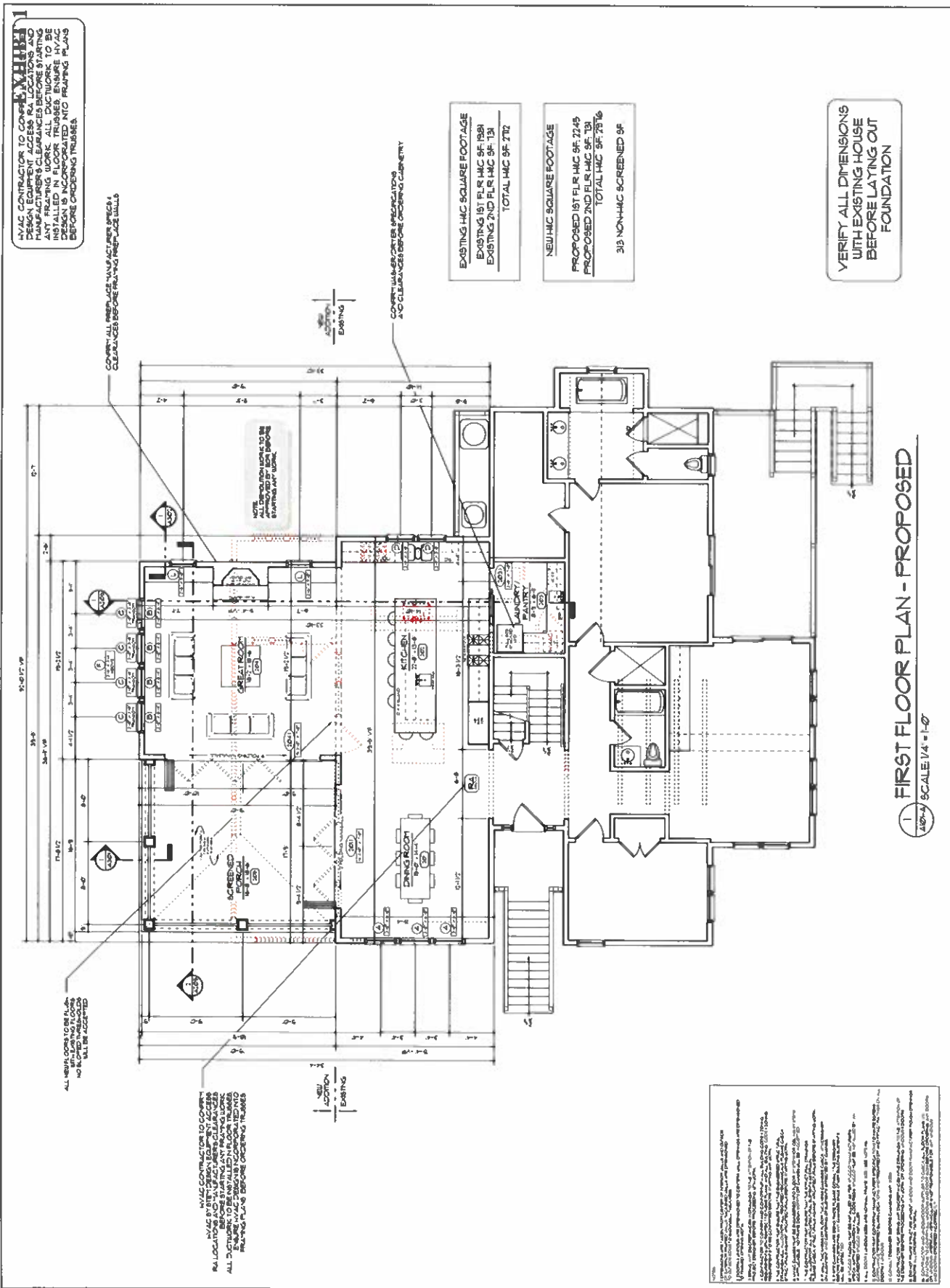


AMERICAN VERMACULAR
 115 Standard St
 Raleigh, NC 27607
 919.888.4119
 www.americanvermacular.com

DATE	DESCRIPTION
12/22/20	AS BUILTS
3/16/21	BUILDER SET

Nelson Residence
 1608 Poe Ave
 Sullivan's Island, South Carolina
FIRST FLOOR PLAN - PROPOSED

SCALE: 1/4" = 1'-0"
 DATE: March 19, 2021
FIRST FLOOR PLAN - PROPOSED
A101-A



EXHIBT 1



AMERICAN VERNACULAR
1515 Woodland St.
Spartanburg, SC 29303
843-584-1413
www.americanvernacular.com

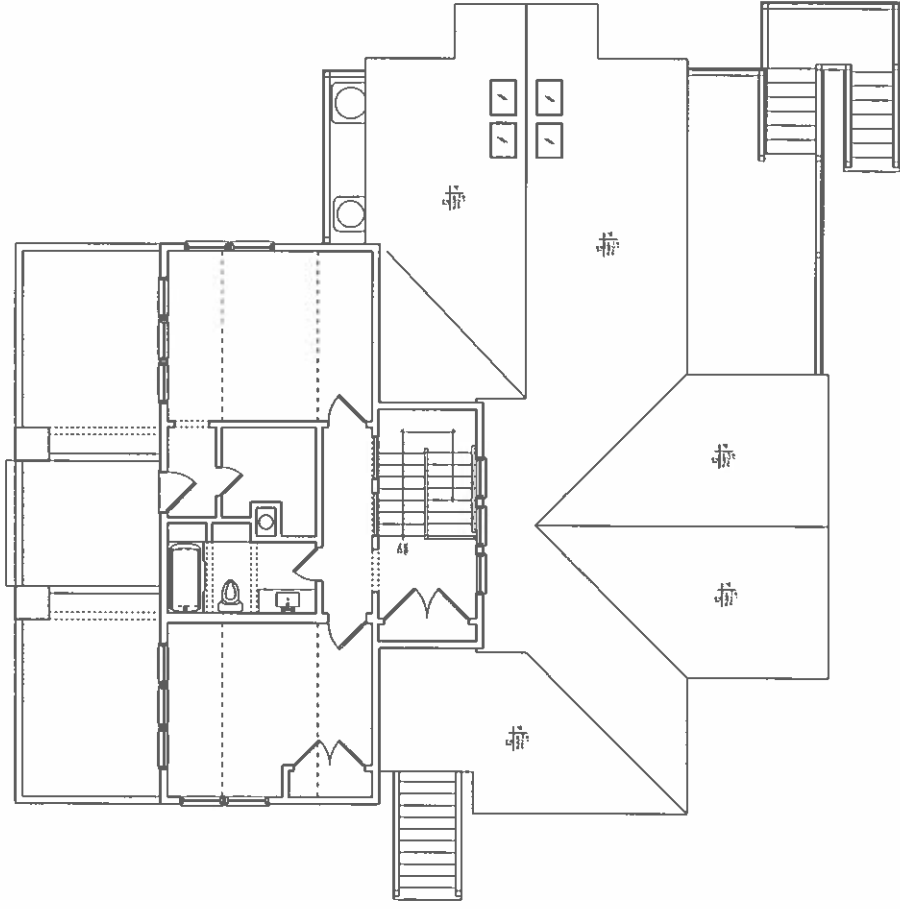
DATE	12/04/20
AS BUILT	12/22/20
SCHEMATICS	3/18/21
BUILDER SET	

Nelson Residence
1608 Poe Ave
Sullivan's Island, South Carolina
SECOND FLOOR PLAN AS BUILT

SCALE: 1/4" = 1'-0"
DATE: March 18, 2021

SECOND FLOOR PLAN AS BUILT

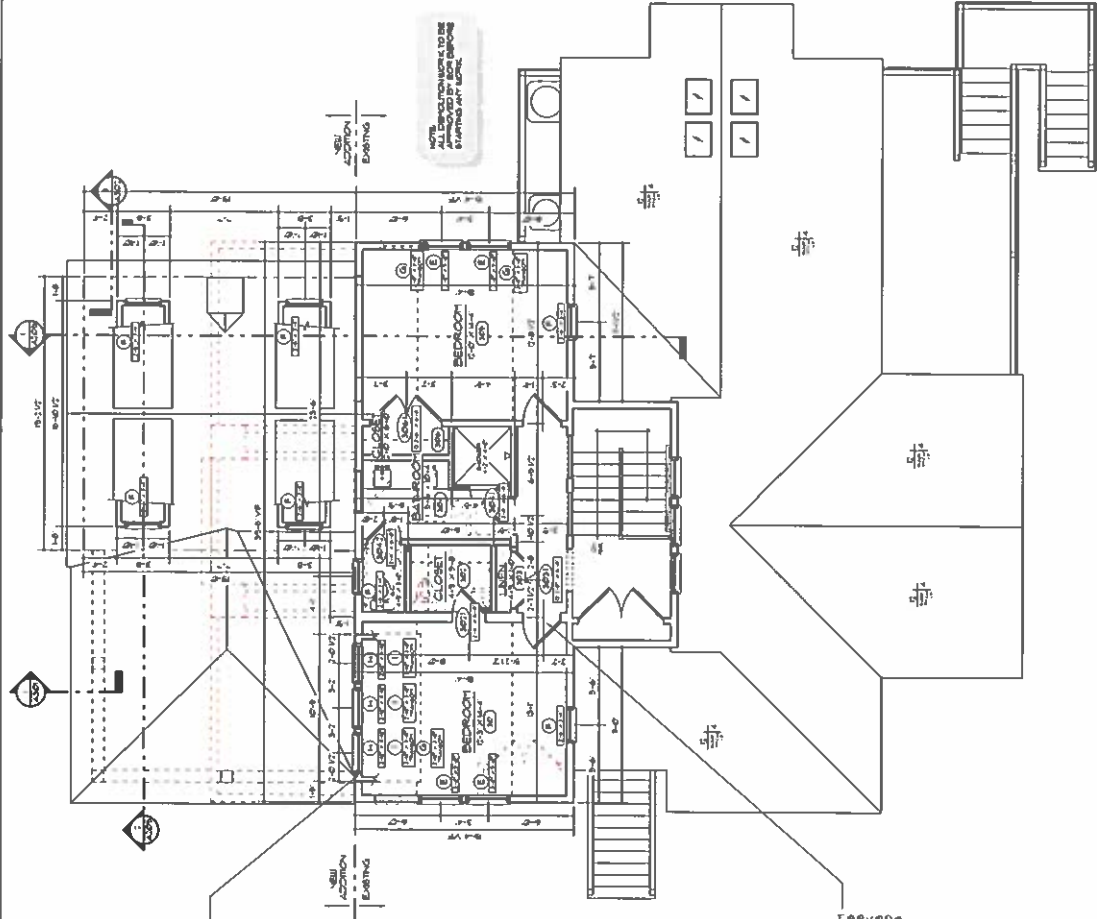
A102



EXISTING HMC SQUARE FOOTAGE
EXISTING 1ST FLR HMC SF: 1961
EXISTING 2ND FLR HMC SF: 731
TOTAL HMC SF: 2732

1 SECOND FLOOR PLAN AS-BUILT
A102 / SCALE 1/4" = 1'-0"

NOTES:
 HVAC CONTRACTOR TO CONSULT WITH MECHANICAL ENGINEER FOR ALL HVAC SYSTEMS. ALL HVAC SYSTEMS TO BE INSTALLED IN FLOOR TRUSSES BEFORE STARTING ANY FRAMING WORK. ALL DUCTWORK TO BE INSTALLED IN FLOOR TRUSSES BEFORE STARTING ANY FRAMING WORK. ALL DUCTWORK TO BE INSTALLED IN FLOOR TRUSSES BEFORE STARTING ANY FRAMING WORK. ALL DUCTWORK TO BE INSTALLED IN FLOOR TRUSSES BEFORE STARTING ANY FRAMING WORK.



VERIFY CORNER DEPTH WITH REQUIRED BURIED CORNER WOOD ONE-WOOD-VENT CORNER WALLS

NEW CONSTRUCTION TO COMPLY WITH ALL CITY AND COUNTY ORDINANCES AND REGULATIONS. ALL DUCTWORK TO BE INSTALLED IN FLOOR TRUSSES BEFORE STARTING ANY FRAMING WORK.

EXISTING HVAC SQUARE FOOTAGE
 EXISTING 1ST FLR HVAC SF: 1981
 EXISTING 2ND FLR HVAC SF: 131
 TOTAL HVAC SF: 2112

NEW HVAC SQUARE FOOTAGE
 PROPOSED 1ST FLR HVAC SF: 2245
 PROPOSED 2ND FLR HVAC SF: 131
 TOTAL HVAC SF: 2376
 313 NON-HVC SCREENED SF.

NOTE: THIS PROJECT IS TO BE APPROVED BY BOTH BUILDING DEPARTMENT AND FIRE DEPARTMENT.

SCALE 1/4" = 1'-0"

DATE: March 10, 2021

SECOND FLOOR PLAN - PROPOSED

A102-A



AMERICAN VERMACOLOR
 111 Eastwood Dr
 South Carolina
 29627
 803-684-1119
 www.americanvermacolor.com

DATE	DESCRIPTION
12/14/20	AS BUILTS
12/22/20	REVISED PLAN
3/10/21	REVISED SET

Nelson Residence
 1608 Poe Ave
 Sullivan's Island, South Carolina
 SECOND FLOOR PLAN - PROPOSED

AMERICAN VERMACOLOR, INC.
 111 Eastwood Dr
 South Carolina
 29627
 803-684-1119
 www.americanvermacolor.com

EXHIBT 1



AMERICAN VENEER
15 Emerald St
South Carolina
29627
www.americanveneer.com
803-552-6116

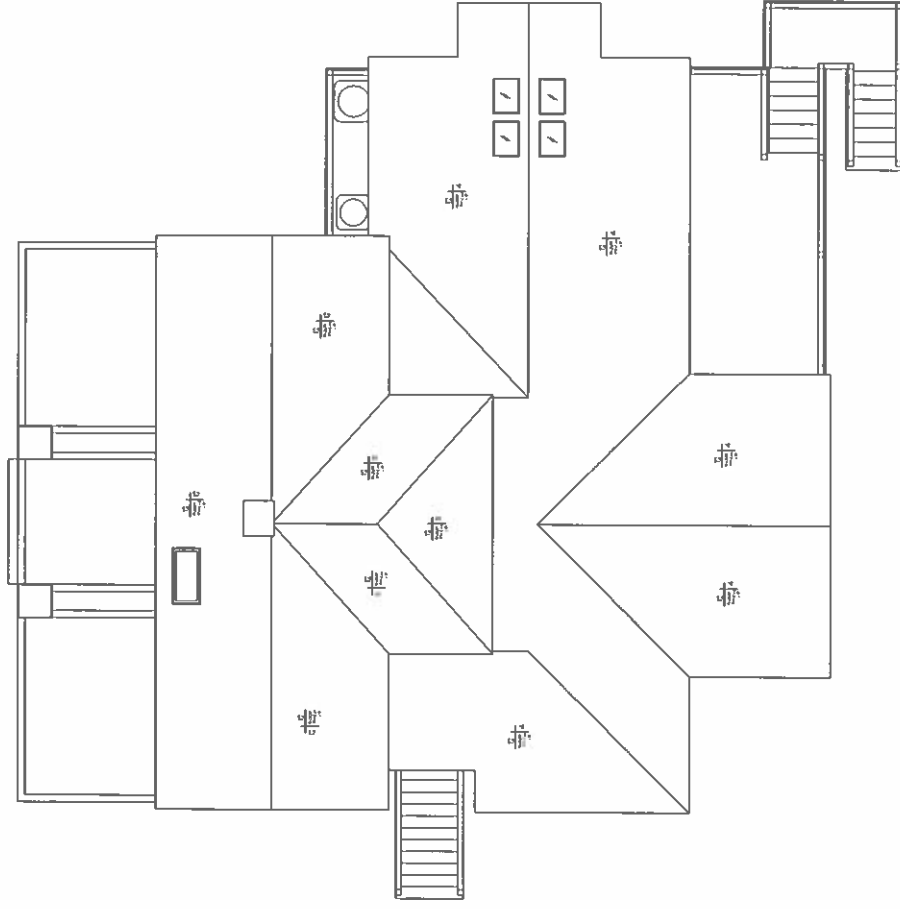
BOARD LIST (SIZES)	
12x20	AS BUILTS
12x20	SCHEMATIC
3/4x21	BOARD LIST

Nelson Residence
1608 Poe Ave
Sullivans Island, South Carolina
ROOF PLAN-AS BUILT

SCALE: 1/4" = 1'-0"
DATE: March 16, 2021

ROOF PLAN
AS BUILT

A103



1
A103) ROOF PLAN-AS BUILT
SCALE: 1/4" = 1'-0"

EXHIBIT 1



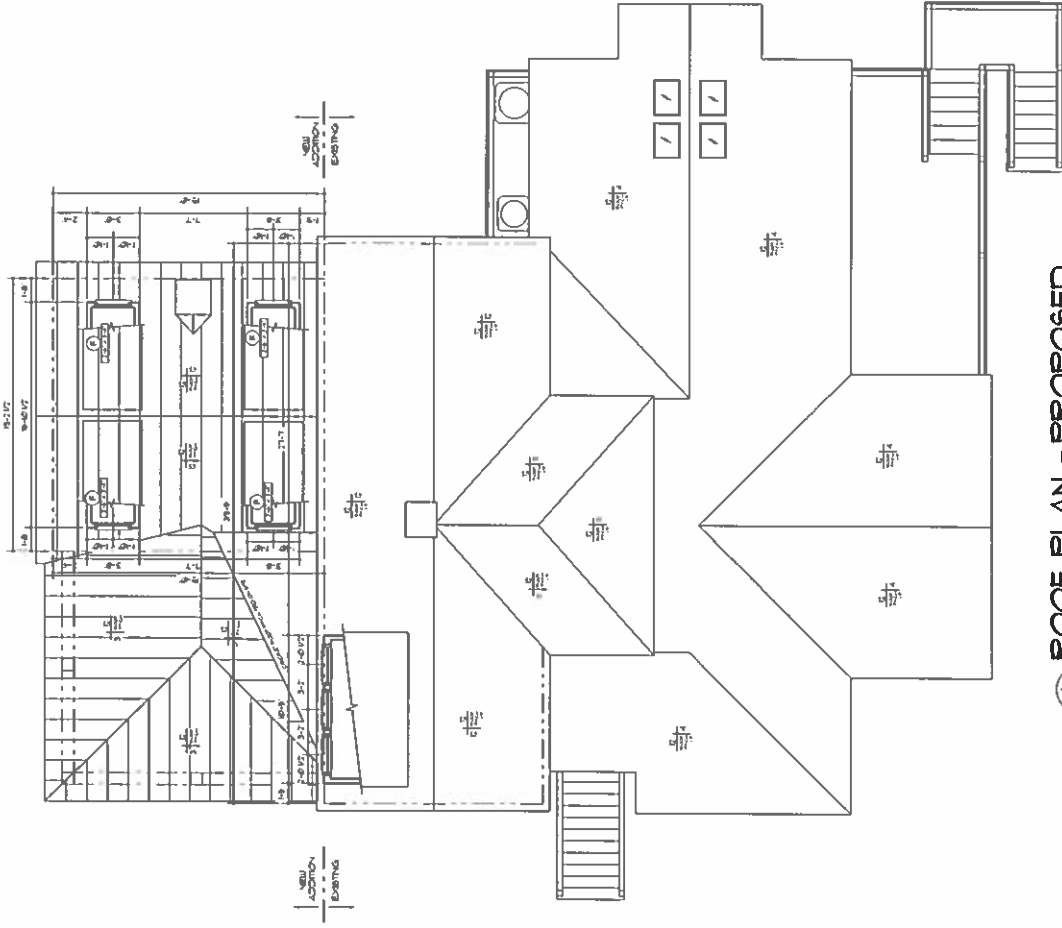
AMERICAN VERNACULAR
151 Chestnut St
Spartanburg, SC 29302
803-536-4111
www.americanvernacular.com

TABLE OF REVISIONS	
12/17/20	AS BUILTS
12/22/20	SCHEMATICS
3/15/21	BUILDER SET

Nelson Residence
1608 Poe Ave
Sullivan's Island, South Carolina
ROOF PLAN - PROPOSED

SCALE: 1/4" = 1'-0"
DATE: March 16, 2021

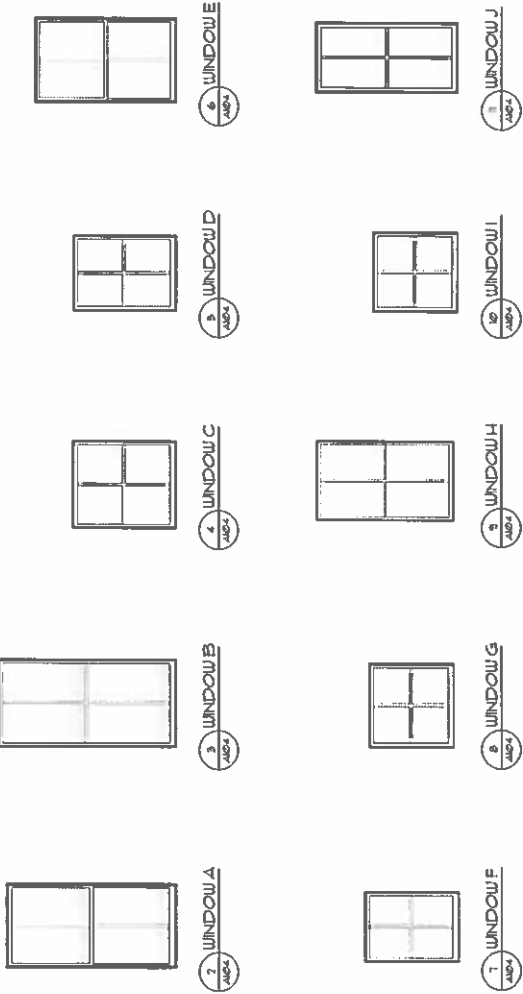
ROOF PLAN
PROPOSED
A103-A



EXHIBT 1

WINDOW SCHEDULE										
DO NOT ORDER WINDOWS UNTIL MANUFACTURER SIZES ARE CONFIRMED AND VERIFIED ON FLOOR PLANS AND ELEVATIONS/WORKING SITE CONDITIONS. SPECIFY FINISHES AND SIZES FOR WINDOWS TO BE ORDERED FOR THIS PROJECT.										
KEY	TYPE	MANF./MODEL	FRAME SIZE	GLAZING	FINISH/COLOR	ENERGY	COPIENTS			
A	DOUBLE HUNG	TBD - ALUPRINT CLAD	3'-0" X 6'-0"	27LT MULTIPLY TO MATCH SITE	27LT MULTIPLY TO MATCH SITE	NO	NO	NO	NO	NO
B	PIED	TBD - ALUPRINT CLAD	3'-0" X 6'-0"	4LT MULTIPLY TO MATCH SITE	4LT MULTIPLY TO MATCH SITE	NO	NO	NO	NO	NO
C	PIED	TBD - ALUPRINT CLAD	3'-0" X 3'-0"	4LT MULTIPLY TO MATCH SITE	4LT MULTIPLY TO MATCH SITE	NO	NO	NO	NO	NO
D	CASSETT	TBD - ALUPRINT CLAD	2'-0" X 3'-0"	4LT MULTIPLY TO MATCH SITE	4LT MULTIPLY TO MATCH SITE	NO	NO	NO	NO	NO
E	DOUBLE HUNG	TBD - ALUPRINT CLAD	3'-0" X 3'-0"	27LT MULTIPLY TO MATCH SITE	27LT MULTIPLY TO MATCH SITE	NO	NO	NO	NO	NO
F	PIED	TBD - ALUPRINT CLAD	2'-0" X 3'-0"	4LT MULTIPLY TO MATCH SITE	4LT MULTIPLY TO MATCH SITE	NO	NO	NO	NO	NO
G	PIED	TBD - ALUPRINT CLAD	2'-0" X 4'-0"	4LT MULTIPLY TO MATCH SITE	4LT MULTIPLY TO MATCH SITE	NO	NO	NO	NO	NO
H	PIED	TBD - ALUPRINT CLAD	2'-0" X 3'-0"	4LT MULTIPLY TO MATCH SITE	4LT MULTIPLY TO MATCH SITE	NO	NO	NO	NO	NO
I	PIED	TBD - ALUPRINT CLAD	2'-0" X 3'-0"	4LT MULTIPLY TO MATCH SITE	4LT MULTIPLY TO MATCH SITE	NO	NO	NO	NO	NO
J	PIED	TBD - ALUPRINT CLAD	2'-0" X 3'-0"	4LT MULTIPLY TO MATCH SITE	4LT MULTIPLY TO MATCH SITE	NO	NO	NO	NO	NO

1 WINDOW SCHEDULE



NOTES:
 ALL DOOR & WINDOW SIZES ARE NOMINAL - DO NOT ORDER BEFORE CONFIRMING ALL SIZES PER MANF. R.O. SIZES, ETC.
 CONTRACTOR MUST CONFIRM W/ MANUFACTURER SPECIFICATIONS TO INSURE EGRESS COMPLIANCE. ALL DOORS MUST BE ORDERED WITH REQUIRED DP AND IMPACT RATINGS ON ALL DOORS & WINDOWS.
 CONSULT DESIGNER BEFORE CHANGING ANY SIZES.
 CONTRACTOR MUST BRING ANY DISCREPANCIES IN THE DIMENSIONS OR LOCATION OF THE DESIGNER BEFORE PROCEEDING WITH WORK OR ORDERING WINDOWS & DOORS.
 DO NOT FRAME STRUCTURE WITHOUT WINDOW AND DOOR MANUFACTURER ROUGH OPENINGS.
 CONTRACTOR AND WINDOW/DOOR SUPPLIER TO CHECK ALL FLOOR PLANS VS ELEVATIONS TO CONFIRM ALL WINDOWS AND DOOR SIZES BEFORE ORDERING ANY DOORS OR WINDOWS.
 DO NOT ORDER DOORS AND WINDOWS UNTIL ALL FINISHES, WINDOW SIZES, WINDOW COORDINATES, FLOOR PLANS AND ELEVATIONS/WORKING SITE CONDITIONS. AMERICAN VERNACULAR IS NOT RESPONSIBLE FOR DOORS & WINDOWS ORDERED INCORRECTLY.



AMERICAN VERNACULAR
 111 S. W. 10th St.
 South Carolina
 29505-1111
 www.americanvernacular.com

UNITS	AS BUILT
12/4/20	AS BUILT
12/22/20	SCHEDULES
3/19/21	BUILDER SET

Nelson Residence
 1608 Poe Ave
 Sullivan's Island, South Carolina
 WINDOW SCHEDULE

SCALE: 1/2" = 1'-0"
 DATE: March 18, 2021
 WINDOW SCHEDULE
 A104

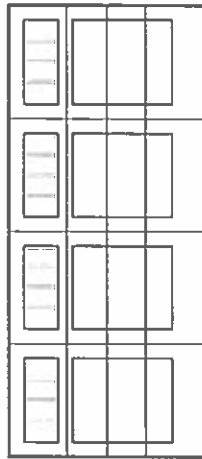
EXHIBT 1

DOOR SCHEDULE

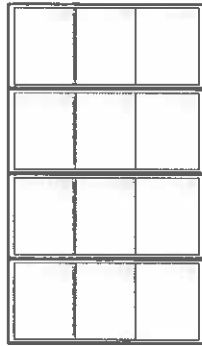
DO NOT ORDER DOORS UNTIL ALL MANUFACTURER'S ARE CONFIRMED AND VERIFIED WITH FLOOR PLANS AND ELEVATIONS/WORKING ART CONDITIONS. ALL DOOR SCHEDULES ARE SUBJECT TO CHANGE WITHOUT NOTICE.

FLOOR	DOOR #	LOCATION	DOOR SIZE	TYPE	MANUFACTURER/ MODEL NUMBER	DOOR MATERIAL	ACTION	COMMENTS
GROUND FLOOR	3001	GARAGE	6'-0" x 7'-0"	1	CLAYCOG 1000-1	OVERHEAD DOOR OR EQUAL	OPN	OVERHEAD
	3002	FRONT PORCH	6'-0" x 7'-0"	2	MANUFACTURER OR EQUAL	8" PB, 1 1/2" FT	OPN	HOLDING
	3003	REAR PORCH	6'-0" x 7'-0"	3	MANUFACTURER OR EQUAL	8" PB, 1 1/2" FT	OPN	HOLDING
	3004	REAR PORCH	6'-0" x 7'-0"	4	MANUFACTURER OR EQUAL	8" PB, 1 1/2" FT	OPN	HOLDING
SECOND FLOOR	3005	HALL	7'-0" x 8'-0"	5	MANUFACTURER OR EQUAL	8" PB, 1 1/2" FT	OPN	HOLDING
	3006	HALL	7'-0" x 8'-0"	6	MANUFACTURER OR EQUAL	8" PB, 1 1/2" FT	OPN	HOLDING
	3007	BATH	7'-0" x 8'-0"	7	MANUFACTURER OR EQUAL	8" PB, 1 1/2" FT	OPN	HOLDING
	3008	BATH	7'-0" x 8'-0"	8	MANUFACTURER OR EQUAL	8" PB, 1 1/2" FT	OPN	HOLDING

1. DOOR SCHEDULE
A109 / NO SCALE



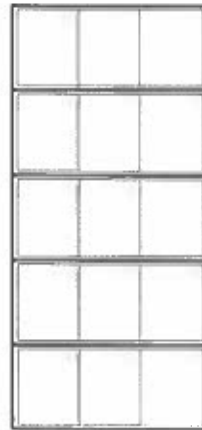
2. DOOR #1
A109 / NO SCALE



3. DOOR #2
A109 / NO SCALE



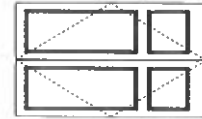
4. DOOR #3
A109 / NO SCALE



5. DOOR #4
A109 / NO SCALE



6. DOOR #5
A109 / NO SCALE



7. DOOR #6
A109 / NO SCALE

***NOTES:**

ALL DOOR & WINDOW SIZES ARE NOMINAL - DO NOT ORDER BEFORE CONFIRMING ALL SIZES PER MANUF. RO SIZES ETC

CONTRACTOR MUST CONFIRM WITH MANUFACTURER SPECIFICATIONS TO INSURE EGRESS COMPLIANCE

TEMPERED GLASS LOCATIONS AND REQUIRED DP AND IMPACT RATINGS ON ALL DOORS & WINDOWS

CONSULT DESIGNER BEFORE CHANGING ANY SIZES

CONTRACTOR MUST BRING ANY DISCREPANCIES IN THE DRAWINGS TO THE ATTENTION OF THE DESIGNER BEFORE PROCEEDING WITH WORK OR ORDERING WINDOWS & DOORS

DO NOT FRAME STRUCTURE WITHOUT WINDOW AND DOOR MANUFACTURER ROUGH OPENINGS

CONTRACTOR AND WINDOW/DOOR SUPPLIER TO CHECK ALL FLOOR PLANS VS ELEVATIONS TO CORRECT ALL WINDOWS AND DOOR SIZES BEFORE ORDERING ANY DOORS OR WINDOWS

DO NOT ORDER DOORS AND WINDOWS UNTIL ALL MANUFACTURER SIZES ARE CONFIRMED AND VERIFIED WITH FLOOR PLANS AND ELEVATIONS/EXISTING SITE CONDITIONS. AMERICAN VERNACULAR IS NOT RESPONSIBLE FOR DOORS & WINDOWS ORDERED INCORRECTLY.



AMERICAN VERNACULAR
15 Commerce St
Spartanburg, SC 29303
803-533-4119
www.americanvernacular.com

REVISIONS

12/2/20	AS BUILT
12/22/20	SCHEDULES
3/19/21	RAISER SET

Nelson Residence
1608 Poe Ave
Sullivan's Island, South Carolina
DOOR SCHEDULE

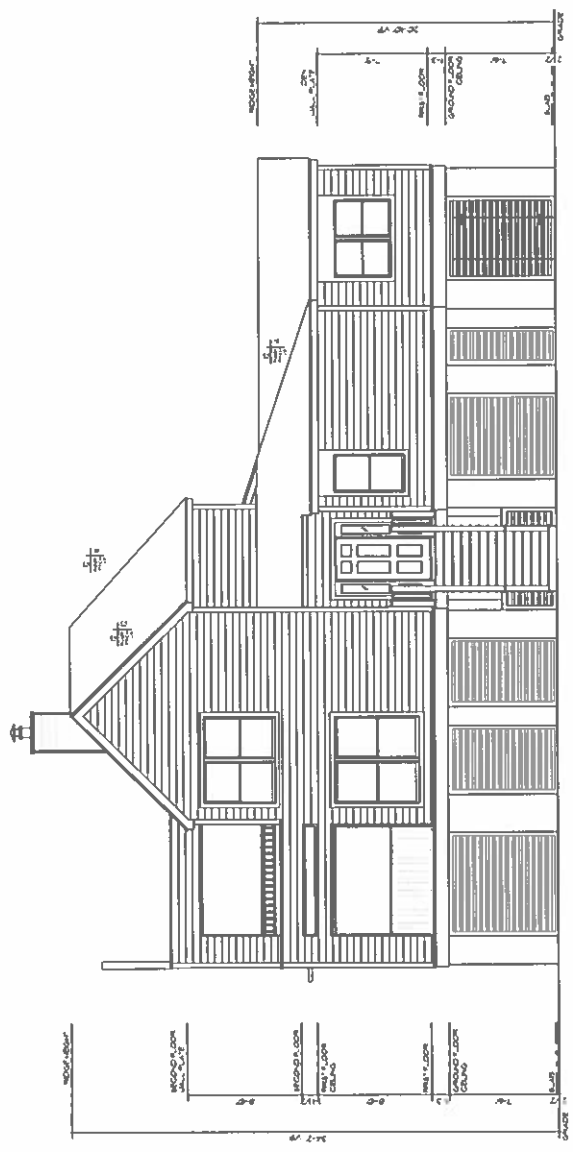
SCALE: 1/2" = 1'-0"

DATE: March 18, 2021

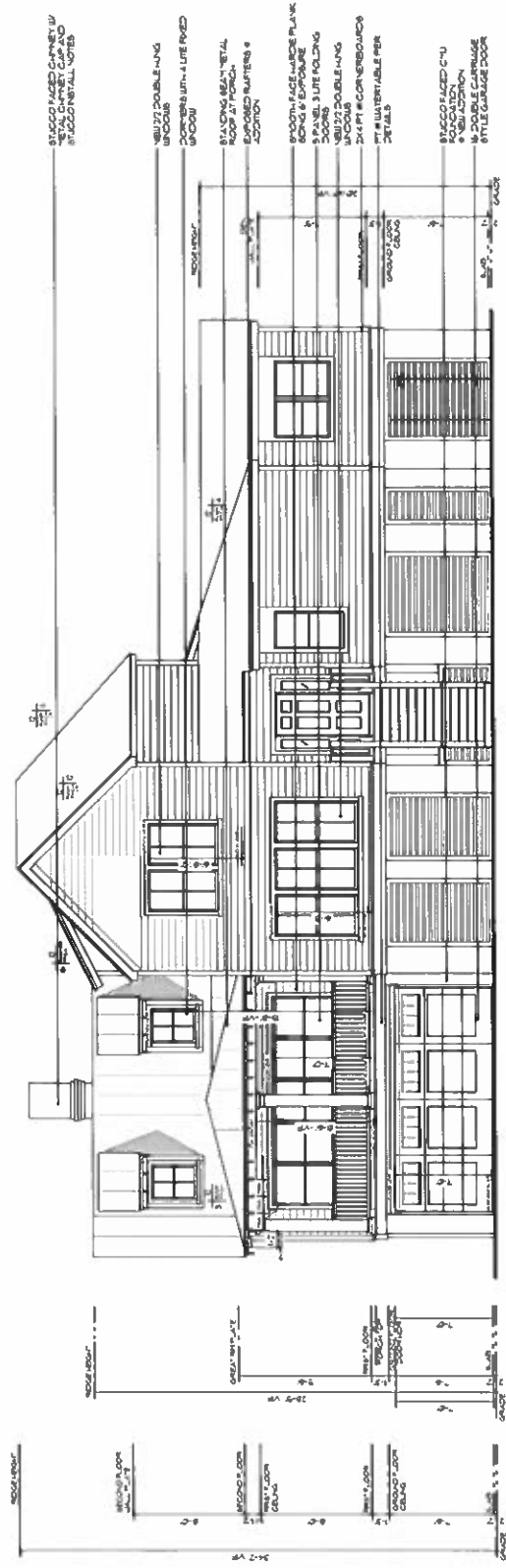
DOOR SCHEDULE

A105

EXHIBIT 1



1 EAST ELEVATION - AS BUILT
 A207 SCALE 1/4" = 1'-0"



2 EAST ELEVATION - OPTION B
 A207 SCALE 1/4" = 1'-0"



AMERICAN VERNACULAR
 101 Shoppert St.
 Asheville, NC 28801
 828-686-8815
 www.americanvernacular.com

ISSUE DATE/VERSION	AS BUILT
12/2/20	SCHEMATICS
12/22/20	PERMITS
3/18/21	AS BUILT SET

Nelson Residence
 1608 Poe Ave
 Sullivan's Island, South Carolina
 EXTERIOR ELEVATIONS

SCALE 1/4" = 1'-0"
 DATE: March 18, 2021

EXTERIOR ELEVATIONS

A202

EXHIBIT 2



LAND STUDIO
landstudio.com
info@landstudio.com
401.531.1111




N E L S O N
1 6 0 8 P O E A V E N U E
S U L L I V A N ' S I S L A N D , S C 2 9 4 8 2

PROJECT NO: 22004

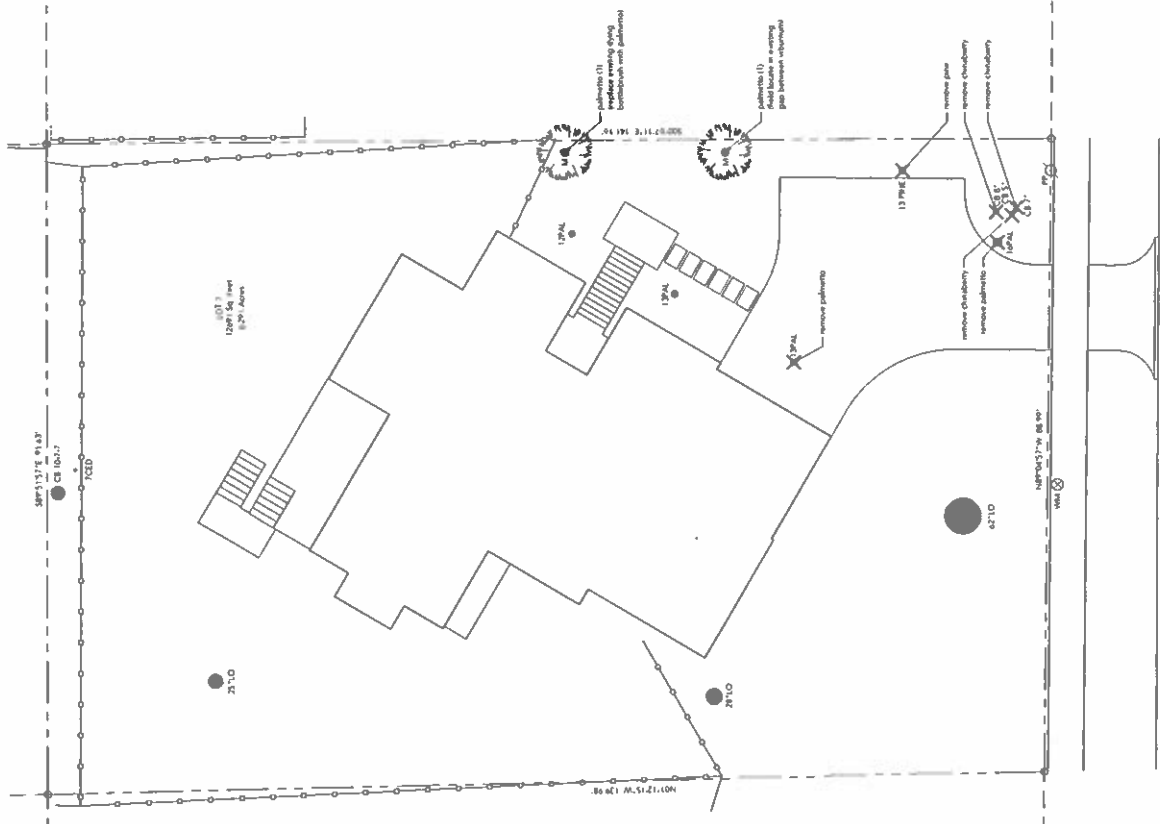
DATE: 05.23.2022

DRAWN BY: LDR

REVISIONS: 06.01.2022
06.07.2022

TREE MITIGATION
FOR APPROVAL

L103



- GENERAL NOTES:**
1. BASE INFORMATION FROM A SURVEY BY ERIC LAND SURVEYING, INC. AND A SITE VISIT PERFORMED BY LAND STUDIO, LLC. LAND STUDIO ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THIS INFORMATION.
 2. HOUR FEES BASED ON ARCHITECTURAL PLANS BY AMERICAN VENTHURCAP, INC.
 3. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING THE CABLE LOCATOR SERVICE BY 1 TO LOCATE ALL EXISTING UNDERGROUND ELECTRICAL AND TELEPHONE UTILITIES PRIOR TO CONSTRUCTION.
 4. THE CONTRACTOR SHALL REVIEW PLANS AND NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.
 5. CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL NECESSARY LICENSES, PERMITS, AND INSURANCE TO COMPLETE WORK.

TREE MITIGATION LEGEND

X	TREE REMOVAL
	MITIGATED PALMETTO

NOTE: ALL OTHER TREES ON SITE TO REMAIN UNLESS OTHERWISE NOTED

MITIGATION CALCULATIONS:

TREE REMOVAL TYPE	QUANTITY	ACTION REQUIRED
COARSE BARK PALMETTO	3	NOISE
FINE	1	AND 7 PALMETTOS PANT TREE BANK

PRE TREE MITIGATION CALCULATIONS:
12' PALM TREE TYPICAL - 100% TO TREE BANK

PLANT SCHEDULE


TREES	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	REMARKS
	COARSE PALMETTO	PALMETTO	12'-14' HT	AS SHOWN	3	HAUL BOGTED

EXHIBIT 4



EXHIBIT 2

The South Carolina Court of Appeals

J. Doe, Appellant,

v.

Design Review Board (DRB) of the Town of Sullivans Island (S.I.), Svjetlana Bilic Damjanovic, Individually and d/b/a Alka Construction Co., Branko Damjanovic, Individually and d/b/a Alka Construction Co., Kenneth Craft, III, Individually and d/b/a Craft Design Co., and Alka Construction Co., Respondents.

Appellate Case No. 2019-001671

ORDER

First, Appellant's motion for a panel to reconsider the single-judge order denying her motion to exceed the page limit is denied. *See* Rule 240(i), SCACR ("The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.").

Second, Respondents have filed a motion to dismiss this appeal based on mootness. Here, Appellant has appealed an order of the circuit court denying her motion for a preliminary injunction in 2019. The underlying issue involved a final decision of the Design Review Board approving plans for construction of a house. Appellant had sought the preliminary injunction to halt the construction of the approved house. Respondents have now informed this court that the building permit for construction of the house was issued in 2019, and a certificate of occupancy for the house 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. *See Curtis v. State*, 345 S.C. 557, 549 S.E.2d 591 (2001), *cert. denied*, 535 U.S. 926, 122 S.Ct. 1295, 152 L.Ed.2d 208 (2002) (case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy); *Waters v. South Carolina Land*

Resources Conservation Comm'n, 321 S.C. 219, 467 S.E.2d 913 (1996) (justiciable controversy is real and substantial controversy appropriate for judicial determination, as opposed to dispute or difference of contingent, hypothetical or abstract character). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

FILED
Mar 31 2022

cc:

Cynthia Holmes

Benjamin Alexander Crute Traywick, Esquire

Alexandra Scott Williams, Esquire

John Phillips Linton, Jr., Esquire

George Trenholm Walker, Esquire

RECEIVED

Dec 13 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County Court of Common Pleas
Honorable Jenifer B. McCoy
Trial Court Case No. 2021-CP-10-02888

Appellant Case No. 2023-000296

J. Doe.....Appellant,

v.

Design Review Board of the Town of Sullivan's Island
and Town of Sullivan's Island.....Respondents.

PROOF OF SERVICE

I certify that I have served the **RESPONDENTS' MOTION TO DISMISS AND MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS APPEAL AS MOOT** by depositing a copy in the United States Mail, postage prepaid, on December 13, 2024, addressed to:

C. Holmes
P.O. Box 187
Sullivans Island, SC 29482-0187

and by electronic mail addressed to:

Cynthia Holmes
rule410retired@yahoo.com


Nancy Jane Dennis, Paralegal