

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
J. C. Nicholson, Jr., Circuit Court Judge

Appellate Case No.: 2012-213635

**RECEIVED**  
MAR 31 2014  
SC Court of Appeals

MARY MELINDA BALLARD..... Respondent.

v.

CITY OF CHARLESTON BOARD OF ARCHITECTURAL REVIEW and THE CITY OF  
CHARLESTON ..... Appellants.

CONSENT ORDER AND SETTLEMENT AGREEMENT

Whereas, Melinda Ballard (Ballard) brought an application before the Charleston Board of Architectural Review (BAR) for after-the-fact approval of certain changes that were made to Ms. Ballard's house at 15 Orange Street; and

Whereas, the BAR denied the application for after- the- fact approval of changes and set a schedule for restoration of the property to its original condition; and

Whereas, Ballard appealed this decision to the Circuit Court; and

Whereas, Ballard thereafter applied to demolish the house at 15 Orange Street, , the BAR denied the application to demolish, and Ballard appealed that decision to the Circuit Court; and

Whereas, the Circuit Court reversed the BAR's denial of the demolition application, and the City appealed to the Court of Appeals; and

Whereas, Ballard passed away on or about June 2, 2013; and

Whereas, Colonial Trust Company has been named as Personal Representative of the Estate of Ballard; and

Whereas, Colonial Trust Company wishes to market the house for sale, giving the prospective purchaser the option to demolish the home; and

Whereas, the City is inclined to allow a period of time for demolition, provided the historic walls and carriage house at 15 Orange Street are protected and preserved, provided an alternate structure is approved by the BAR prior to demolition, provided that certain of the unapproved exterior changes to the house at 15 Orange Street, as hereafter set out, are promptly removed; and

Whereas, Colonial Trust Company, on behalf of the Estate of Ballard, and the City of Charleston have agreed to a resolution of the above appeal upon the following terms, which shall be binding on the successors and assigns of each party:

1. Within 90 days of the date of this agreement, the Estate of Ballard shall remove from the house at 15 Orange Street the supports for the urns that were on top of the columns, or if removal cannot be accomplished without endangering the wall or columns, by removing enough of the supports so that the supports cannot be seen from the sidewalk or street.

2. Within 90 days of the date of this agreement, the Estate of Ballard shall remove the door and window surrounds/hoods on the front of the house facing Orange Street, as well as the temporary boards supporting the surrounds/hoods.

3. Within 90 days of the date of this agreement, the Estate of Ballard shall remove the window surrounds/hoods on the north elevation of the building (facing towards Broad Street and the rear of the Governor's House Inn) and shall remove the window surrounds/hoods on the

south elevation of the building which are circled in Exhibit E of the BAR order of April 11, 2012.

4. Within 90 days of the date of this agreement, the front door in the middle of the east facade facing Orange Street shall be removed and replaced with plain doors without ornamentation.

5. Any other alterations to the exterior of the structure visible from the street or sidewalk will be submitted to the BAR for review following the normal rules and processes.

6. The Estate of Ballard, its successors or assigns shall be provided an option of two years to apply for a permit to demolish the main house, which will be granted by the City if the conditions set forth in paragraphs 1 through 5 and of this paragraph 6 are met. As a first condition, an alternate structure must be submitted for review and approved by the BAR pursuant to the BAR's normal procedures and rules. As a second condition, owner and demolition contractor must agree to: (1) follow the Request for Proposal and Scope of Work submitted on behalf of Ballard to the BAR on May 23, 2012; (2) protect the historic structures on the property including the all brick walls and columns, specifically the wall and columns on the east side of the property, the wall on the north side of the property, the wall on the south side of the property and the carriage house structure/dependency in the southwest corner of the property; (3) agree to grade the property after demolition if construction on the new building is not to start immediately; (4) agree to remove the metal atrium unless a new structure approved by the BAR is promptly built which blocks the view of the metal atrium from the street and sidewalk. Any structure to be built on the property after demolition shall be submitted for approval to the BAR through its normal process. After two years from the date of this order, any owner of 15 Orange Street will have to re-apply for permission to demolish the structure which will be considered anew by the BAR based upon information then submitted.

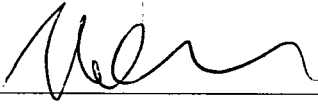
7. The City of Charleston may, at its option, file a lis pendens against 15 Orange Street and reference this case to put any purchaser on notice of the requirements of this Consent Order. The BAR has approved this order and agrees to be bound by this Consent Order.

8. That both parties agree to the dismissal of the appeals in the above captioned matters with each side to bear its own costs and expenses.

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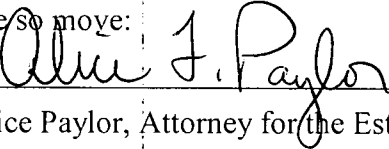
Presiding Justice or Judge

We so move:

A handwritten signature in black ink, appearing to read 'Timothy Domin', written over a horizontal line.

Timothy Domin, Attorney for the City of Charleston and the Board of Architectural Review

We so move:

A handwritten signature in black ink, appearing to read 'Alice J. Paylor', written over a horizontal line.

Alice Paylor, Attorney for the Estate of Ballard

# CLAWSON AND STAUBES LLC

Timothy A. Domin  
tdomin@clawsonandstaubes.com

March 27, 2014

Reply to Charleston Office  
File No.: 2011-0030 tad

**VIA U. S. MAIL**

Jenny A. Kitchings, Clerk  
The South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

RE: Mary Melinda Ballard v. City of Charleston Board of Architectural Review and  
The City of Charleston  
Appellate Case No.: 2012-213635

Dear Ms. Kitchings:


Enclosed please find the original and six copies of a Consent Order and Settlement Agreement regarding the above-referenced case. The enclosed Consent Order and Settlement Agreement resolves this case. We would ask for the court to review the enclosed order and please sign and return the filed-stamped copies to me in the envelope enclosed herewith. If not in agreement, please return order with instructions for revisions and/or suggestions. If there are any questions or concerns, please advise.

Thank you for your assistance in this matter.

With kindest regards, I remain

Very truly yours,

CLAWSON AND STAUBES, LLC

  
Timothy A. Domin

TAD/jct  
Enclosure

cc: Alice F. Paylor, Esquire  
Elizabeth J. Palmer, Esquire

(Via U. S. Mail & with enclosure)

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