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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY)	CIVIL ACTION NO. 2016-CP-26-2377
)	
In re: Venture Engineering,)	
agent for DT, LLC,)	
)	
Appellant,)	
)	
vs.)	ORDER DENYING RESPONDENT'S
)	MOTION TO STRIKE
Horry County Zoning Board of Appeals,)	
)	
Respondent.)	

2016 OCT 17 PM 11:10
 Horry County
 Clerk of Court

This matter is before the Court on brief by agreement of counsel, pursuant to the Motion to Strike filed by Respondent on or about May 26, 2016. In its Motion, Respondent alleges Appellant Venture's Notice of Appeal, filed December 4, 2015, ("Notice") should be stricken, or, in the alternative, several enumerated paragraphs in Appellant's Motion should be stricken. Alternatively, Respondent argues in its Motion that Appellant's matter could be remanded to the Zoning Board of Appeals for rehearing. Appellant is being represented by Robert S. Shelton, Esq. of the Bellamy Law Firm, and Respondent is being represented by Emma Ruth Brittain, Esq. of the Thomas and Brittain Law Firm.

Having fully considered the Record as presented to the Court by Respondent, Respondent's Motion, and Appellant's Response in Opposition to Respondent's Motion, the Motion to Strike is hereby **DENIED**.

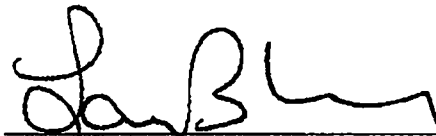
This matter is an appeal of a denial of a variance by the Horry County Zoning Board of Appeals and involves a piece of property also involved in 2015-CP-26-3791, which is an appeal from a decision of the Horry County Zoning Administrator. In the earlier matter, Respondent also argued the Appeal was untimely. That is not an issue in the present matter.

As to the exhibits to which Respondent takes exception, the Record as provided by the County under S.C. Code Ann. Section 6-29-830 includes all the documentation to which Respondent objects. Moreover, it is clear that all of the exhibits objected to by Respondent have either been created by the Respondent or have been in its possession since prior to the hearing from which the present Appeal derives.

Thus, after thorough review of Respondent's Motion and Appellant's Response, this Court agrees with Appellant's arguments that the Appeal is both appropriate and timely and that the exhibits are properly included in the Record before the Court, as they were clearly considered by the Board in rendering its decision below.

THEREFORE, for the foregoing reasons, Respondent's Motion to Strike is hereby **DENIED.**

IT IS SO ORDERED.



The Honorable Larry B. Hyman, Jr.
Fifteenth Judicial Circuit

Conway, South Carolina

~~September~~, 2016

10-13-16