

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Jennifer B. McCoy, Circuit Court Judge

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Case No.: 2018-CP-10-3307

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**RECEIVED**  
APR 02 2019  
SC Court of Appeals

The Charleston County School District.....Appellant,

v.

Charleston County, South Carolina; The Charleston County Board of Zoning Appeals; and Joel Evans in his capacity as Director of the Charleston County Zoning and Planning Department.....Respondents.

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**DESIGNATION OF MATTER TO BE INCLUDED IN  
THE RECORD OF APPEAL OF APPELLANT  
CHARLESTON COUNTY SCHOOL DISTRICT**

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Appellant Charleston County School District (the "School District") proposes the following matter to be included in the Record on Appeal:

**Orders:**

1. BZA Order
2. Circuit Court Final Order and Decision
3. Form 4 Order Denying Appellant's Motion to Reconsider

**Pleadings:**

1. School District's Notice of Appeal
2. School District's Request for Pre-Litigation Mediation

3. Acceptance of Service
4. Proof of ADR
5. School District's Zoning Appeal Petition with Exhibits and Summons and Complaint
6. Charleston County's Return to Zoning Appeal Petition and Motion to Dismiss Complaint
7. Charleston County's Memorandum of Law in Opposition to Zoning Appeal Petition
8. Consent Stipulation of Dismissal *without Prejudice* as to the DJ Cause of Action Only
9. School District's Motion to Reconsider, Alter or Amend

**Transcripts:**

1. Certified Record and BZA Hearing Transcript from June 4, 2018, p. 1-350<sup>1</sup>
  - a. BZA Hearing Transcript [p. 2-84]
  - b. BZA Order [p. 85]
  - c. June 4, 2018 BZA Hearing Minutes [p. 86-87]
  - d. Charleston County's Staff Report Presented to BZA [p. 88-96]
  - e. Charleston County's Chronology Summary & List of Exhibits [p. 97-350]
    - i. Charleston County's Site Plan Application [p. 99-114]
    - ii. Charleston County Letter [p. 115-117]
    - iii. Site Plan Signed "Approved" By Charleston County [p. 118-126]
    - iv. Site Plan Approval Letter [p. 127-128]
    - v. Site Plan Revocation Letter [p. 129-130]
    - vi. Accessory Use Reinterpretation [p. 131-132]
    - vii. School District's Application for Appeal of Administrative Decision [p. 133-136]
    - viii. Charleston County Presentation to BZA [p.137-171]
    - ix. James Island Elementary School Bus Parking Facility (Full Permit Set) [p.172-350]
2. Transcript of Record from September 27, 2018 Circuit Court Hearing, p. 1-67

**Other Materials and Documents:**

1. Charleston County's Memorandum and Exhibits E-Mailed to Charleston County on May 25, 2018 and Presented at BZA Hearing
2. My Cases Notification

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<sup>1</sup> The following subsections identify the various constituent parts of the Certified Record filed by Charleston County with the Circuit Court.

3. Court Plus Notices

I certify that this designation contained no matter which is irrelevant to this appeal.



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Ross A. Appel (SC Bar #79149)  
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**ATTORNEYS FOR APPELLANT**

3/29, 2019

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PROOF OF SERVICE

I hereby certify that a true and correct copy of the *Initial Brief of Appellant and Designation of Matter to be Included in the Record of Appeal* has been served upon the following by mailing a copy, properly addressed and with sufficient postage affixed thereto, on this 29th day of March, 2019.

Bernard W. Ferrara, Jr., Esq.  
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March 29, 2019

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

**Re: The Charleston County School District v. Charleston County, South Carolina;  
the Charleston County Board of Zoning Appeals; and Joel Evans in his  
capacity as Director of the Charleston County Zoning and Planning  
Department  
Case No.: 2018-CP-10-3307**

Dear Ms. Kitchings:

I hope this letter finds you well. Enclosed for filing please find the original and one (1) copy of the Initial Brief of Appellant, Charleston County School District as well as the Designation of Matter to be Included in the Record on Appeal and the Proof of Service regarding the above-referenced matter. Please file the originals and return a clocked copy to our office in the enclosed self-addressed stamped envelope. By copy of this correspondence to counsel for the Respondents, I am serving him with the same.

Thanks in advance for your assistance and please do not hesitate to contact me if you have any questions or need anything further. With kind regards, I remain

Sincerely yours,

McCULLOUGH KHAN, LLC

  
Ross A. Appel

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APR 02 2019

SC Court of Appeals

RAA/kbn  
Enclosures  
cc: Bernard W. Ferrara, Jr., Esq.

PRIORITY MAIL



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359 King Street, Suite 200 • Charleston, SC 29401

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