

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Benjamin H. Culbertson, Circuit Court Judge

RECEIVED

MAR 22 2019

Civil Action No.: 2016-CP-26-02377
Appellate Case No.: 2018-002332

SC Court of Appeals

In Re: Venture Engineering, agent for DT LLCRespondent,

vs.

Horry County Zoning Board of AppealsAppellant.

**RESPONDENT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

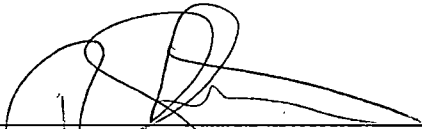
Respondent proposes the following be included in the Record on Appeal:

1. Order Denying Respondent's Motion to Reconsider dated June 12, 2018
2. Order Granting Appellant's Motion for Costs dated June 12, 2018
3. Order Reversing May 11, 2016 and March 14, 2016 Orders of the Horry County Zoning Board of Appeals dated April 5, 2018
4. Order Denying Respondent's Motion to Strike dated October 13, 2016 *In Re: Venture Engineering, agent for DT, LLC v. Horry County Zoning Board of Appeals*
5. Order Denying Respondent's Motion to Strike dated October 12, 2016 in *Dennis Thompkins-Bellamy Law Firm, agent for DT, LLC v. Horry County Zoning Board of Appeals*
6. Order to Consolidate Actions dated October 12, 2016
7. Form 4 Judgement dated May 31, 2018
8. Horry County Board of Zoning Appeals Order dated March 9, 2015, mailed on April 14, 2015, and received on April 16, 2015
9. Horry County Board of Zoning Appeals Order dated May 11, 2015
10. Horry County Board of Zoning Appeals Order dated March 14, 2016
11. Pleadings in the *Dennis Thompkins-Bellamy Law Firm, agent for DT, LLC v. Horry County Zoning board of Appeals, Civil Action No.: 2015-CP-26-3791*

- a. Plaintiff's Notice of Appeal of Order of Horry County Board of Zoning Appeals dated May 21, 2015 and Exhibits
 - b. Answer and Return to Notice of Appeal of Order of Horry County Board of Zoning Appeals dated June 18, 2015
 - c. [Second] Notice of Appeal filed December 4, 2015 and Exhibits
 - d. Defendant's Motion to Strike and Disallow the Second Notice of Appeal and Exhibits filed by Plaintiff on December 4, 2015, dated December 28, 2015 and Memorandum in Support
 - e. Answer and Return to Notice of Appeal Filed December 4, 2015, dated December 28, 2015 and Exhibits
 - f. Form 4 Order granting continuance dated January 5, 2016
 - g. Plaintiff's Response to Defendant's Motion to Strike dated January 18, 2016
 - h. Form 4 Order staying Defendant Horry County Zoning Board of Appeals Motion to Strike pending rezoning variance dated January 27, 2016
 - i. Joint Motion of Plaintiff and Defendant for Scheduling Order dated March 4, 2016
 - j. Plaintiff's Notice of Motion and Motion to Consolidate Actions dated June 6, 2016
 - k. Respondent Horry County's Response to Appellant's Motion to Consolidate dated July 12, 2016
 - l. Appellants' Reply to Respondent's Response to Motion to Consolidate Actions dated August 16, 2016
 - m. Form 4 Order granting continuance of Plaintiff's Motion to Consolidate and Defendant's Motion to Strike dated August 3, 2016
12. Pleadings in the *In Re: Venture Engineering, agent for DT, LLC v. Horry County Zoning Board of Appeals, Civil Action No.: 2016-CP-26-02377*
- a. Plaintiff's Notice of Appeal of Order of Horry County Board of Zoning Appeals dated April 14, 2016 and Exhibits
 - b. Answer and Return of Respondent Horry County Zoning Board of Appeals dated May 26, 2016
 - c. Horry County's Motion to Strike Portion of Appellant's Appeal Pursuant to SCRCP 12(f) dated May 26, 2016 and Memorandum in Support
 - d. Notice of Motion and Motion to Consolidate Actions dated June 6, 2016
 - e. Appellant's Response to Respondent's Motion to Strike dated June 15, 2016
 - f. Horry County's Response to Motion to Consolidate dated July 12, 2016
 - g. Appellants' Reply to Respondent's Response to Motion to Consolidate Actions dated August 16, 2016
 - h. Respondent Horry County Zoning Board of Appeals Notice of Motion and Motion to Reconsider Pursuant to Rule 59(e) SCRCP dated April 16, 2018
 - i. Appellant's Reply to Respondent's Motion to Reconsider dated May 15, 2018
 - j. Plaintiff's Motion for Costs dated April 16, 2018
 - g. Venture Engineering's Exhibits C, D, E, F-1, G-5, H-1, J and K to Memorandum in Support of Appellant's Appeal of Respondent's May 11, 2015 and March 14, 2016 decisions.
13. Transcript of Hearing held 5/31/18

14. Transcript of Hearing held 1/5/17
15. Transcript of Zoning Board of Appeals hearing held March 14, 2016
16. Transcript of Zoning Board of Appeals hearing held May 11, 2015
17. Transcript of Zoning Board of Appeals hearing held April 13, 2015
18. Transcript of Zoning Board of Appeals hearing held March 9, 2015
19. Transcript of Zoning Board of Appeals hearing held February 9, 2015
20. Certified Record on Appeal filed May 20, 2016 in *DT, LLC v. Horry County Zoning Board of Appeals, Civil Action No.: 2016-CP-26-02377*
21. Certified Record on Appeal dated and filed June 11, 2015 in *Dennis Thompkins-Bellamy Law Firm, agent for DT, LLC v. Horry County Zoning Board of Appeals, Civil Action No.: 2015-CP-26-03791*
22. Horry County Code of Ordinances, §717
23. Horry County Code of ordinances, No. 67-88, 4-18-89, 20 §401.5

March 21, 2019



Robert S. Shelton, Esq., SCB # 68543
BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.
1000 29th Avenue North
Myrtle Beach, SC 29577
Phone: (843) 448-2400
Fax: (843) 448-3022
Email: RShelton@BellamyLaw.com
Attorneys for Respondant

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SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Benjamin H. Culbertson, Circuit Court Judge

Case No. 2016-CP-26-02377
Appellate Case No. 2018-001221

In Re: Venture Engineering, agent for DT LLC*Respondent,*

v.

Horry County Zoning Board of Appeals*Appellant.*

PROOF OF SERVICE

I certify that I have served the **Respondent's Designation of Matter to be Included in the Record on Appeal** in the above-captioned matter on the following individuals by depositing a copy in the United States Mail, with sufficient first-class postage affixed, addressed as follows:

Emma Ruth Brittain, Esq.
Matthew R. Magee, Esq.
Thomas & Brittain, P.A.
P.O. Box 1290
Myrtle Beach, SC 29578



Nicole M. Richardson
Paralegal to Robert S. Shelton, Esq.
BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.
P.O. Box 357
Myrtle Beach, SC 29578
(843)448-2400

Myrtle Beach, South Carolina
Dated: March 21, 2019

HOWELL V. BELLAMY, JR.
EDWARD B. BOWERS, JR.*
BRADLEY D. KING
M. EDWIN HINDS, JR.
DAVID J. GUNDLING+ **
DAVID B. MILLER+
C. WINFIELD JOHNSON, III
DOUGLAS M. ZAYICEK
MARTIN C. DAWSEY*
ROBERT S. SHELTON+
HOWELL V. BELLAMY, III
ASHLEY P. MORRISON

* LLM TAXATION
** LICENSED IN SC & NC
+ CERTIFIED MEDIATOR
** CERTIFIED ARBITRATOR



THE **BELLAMY**
LAW FIRM

OFFICES IN MYRTLE BEACH & PAWLEYS ISLAND

WWW.BELLAMYLAW.COM

GEORGE W. REDMAN, III + ** **
BENJAMIN A. BAROODY + **
PHILLIP H. ALBERGOTTI* **
HAYES K. STANTON + **
KARA J. KEITH **
HOLLY M. LUSK
LAUREN BREARLEY BENTON
JON CRAIG HOWELL, JR.
JAMES C. SPEARS, III *
ZACHARY J. CROWL
BRUCIE H. SMITH

RETIRED:
JOHN K. RUTENBERG (1939-2012)
JOHN E. COPELAND
CLAUDE M. EPPS, JR.
DAVID R. GRAVELY
JILL F. GRIFFITH

Writer's Direct Dial: 843-916-7163
Writer's Email: RShelton@BellamyLaw.com

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SC Court of Appeals

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

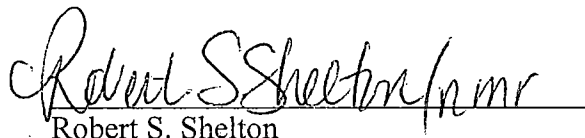
Re: In Re: Venture Engineering, agent for DT LLC v. Horry County Zoning Board of Appeals
Appellate Case No.: 2018-001221

Dear Ms. Kitchings:

Enclosed for filing is one (1) original and one (1) copy of Respondent's Designation of Matter to be Included in the Record on Appeal and Proof of Service in the above referenced matter. Please clock the copies and return the same in the enclosed self-addressed, stamped envelope provided for your convenience. Please do not hesitate to contact me should you have any questions.

With kindest regards, I am

Yours very truly,
BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.


Robert S. Shelton

RSS:nmr

Enclosure as noted

cc: Client

Emma Ruth Brittain, Esq.

Matthew R. Magee, Esq.

**BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.**
ATTORNEYS AT LAW
P.O. Box 357
MYRTLE BEACH, SOUTH CAROLINA 29578

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Columbia, SC 29201

