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May 22, 2019

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M. BARON STANTON
ATTORNEY AT LAW

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P. O. Box 11330
Columbia, SC 29211

Re: **Frieda H. Dortch** v. City of Columbia, Planning & Development
Services/Zoning Division
Richland County Court of Common Pleas
Case No. 09-CP-40-1307
Case No. 13-CP-40-02159

RECEIVED

MAY 24 2019

Dear Mr. Shearouse:

S.C. SUPREME COURT

We enclose the following:

1. The Notice of Appeal, with proof of service;
2. Copies of our correspondence with the court reporters requesting transcripts;
3. A copy of the orders of the Honorable Walton J. McLeod, appealed herein; and
4. A check for the \$250.00 filing fee.

We electronically filed a copy of the Notice of Appeal with the lower court on April 15, 2015, which process automatically served it on the other party to the appeal. We also mailed a copy to the other party.

The Court Administration and the opposing party were also copied with our correspondence with the court reporters.

These two cases were consolidated in the Circuit Court and involve the same parties and the same property and many of the same issues. Each of the orders appealed from address both cases.

Direct appeal to this Court is pursuant to S.C. Code Ann. §14-8-200(b)(3), pertaining to a final judgment involving a challenge on state or federal grounds, to the constitutionality of a state law or county or municipal ordinance where the principal issue is one of the constitutionality of

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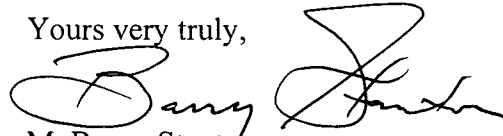
the law or ordinance.

Here, the principal issue is the constitutionality under the state constitution, of a City of Columbia ordinance. The ordinance is construed by the City to terminate Appellant's vested right to use Appellant's property in a manner legally commenced prior to the enactment of a different section of the ordinance, but alleged to not conform to that different section of the ordinance. The challenged ordinance's termination of Appellant's vested rights is based on an objective, bright-line passage of time of alleged "vacancy" not depending on Appellant's subjective intent to abandon the use of the property and not depending upon destruction of a majority of the property constituting the use. The challenged ordinance's termination of Appellant's vested rights is based on a condition of alleged "vacancy" caused by and thereafter remaining under control of the City.

This is the principal issue, but there are federal grounds as well. There are also other constitutional challenges, such as, among others, whether the ordinance with which the property allegedly does not conform is void for vagueness, whether the variance provisions in the ordinance are void for vagueness, and whether the procedures used by the board of zoning appeals and the procedures afforded by the State for review thereof, including the scope of review, violate the Administrative Procedures Clause of the state constitution.

Thank you for your assistance.

With kind regards,

Yours very truly,

M. Baron Stanton

MBS:abt

cc w/out encl.: Peter M. Balthazor, Esquire



The Supreme Court of South Carolina

Stanton Law Offices, P.A.

05/24/2019

RECEIPT #89852

Case No: 2019-000868
Case Short Title: Frieda H. Dortch v. City of Columbia
Event:
Fee Type: Case Initiation Fee Filed After 10-15-18
Amount: \$250.00
Payment Type: Check
Reference No: 6058
Check/Money Order Date: 05/22/2019
Comments: