

Hopkins, Debbie

From: Pete Balthazor <peteb@rplfirm.com>
Sent: Thursday, May 30, 2019 5:22 PM
To: Barry Stanton; Hopkins, Debbie
Subject: RE: Dortch v. City (Appellate Case 2019-000868) 2009-CP-40-1307/2013-CP-40-2159

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Am I allowed to chime in?

Mr. Stanton has overly complicated a simple question from Mr. Shearouse. The only constitutional issue, if it can be called that, addressed by the circuit court was whether the property's use as a duplex was grandfathered. The Board of Zoning Appeals applied an ordinance stating that a nonconforming use is lost after vacancy, abandonment, or discontinuance for any period of 12 consecutive months. The Board applied an objective standard in determining the use was not grandfathered. The Appellant claims the Board should have taken into account the Appellant's subjective intent not to abandon the use.

The principal issue in this case is not the constitutionality of the law or ordinance. The issue is whether there was evidence presented to the Board of the vacancy, abandonment, or discontinuance of the use.

Thank you.

Sincerely,

Pete Balthazor
Attorney for Respondent

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MAY 30 2019

S.C. SUPREME COURT

From: Barry Stanton [mailto:bstanton@stantonlaw.com]
Sent: Thursday, May 30, 2019 4:39 PM
To: Debbie Hopkins
Cc: Pete Balthazor
Subject: Dortch v. City (Appellate Case 2019-000868) 2009-CP-40-1307/2013-CP-40-2159

Dear Ms. Hopkins:

Thank you for allowing me, on a provisional basis, to respond by this e-mail to Mr. Shearouse's letter of May 24. I have been out of town since last Friday morning, and am still out of town dealing with a project which