

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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Appellate Case No. 2019-000125

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**RECEIVED**  
MAY 28 2019  
SC Court of Appeals

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

vs.

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 ON APPEAL OF RESPONDENTS**

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Respondents propose the following matter to be included in the Record on Appeal:

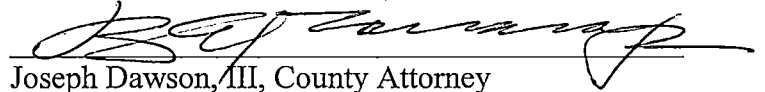
1. Form 4 Order Denying Appellant's Motion to Reconsider, Alter or Amend filed with the Charleston County Clerk of Court on January 9, 2019;
2. Appellant's Notice of Motion and Motion to Reconsider, Alter, or Amend filed with the Charleston County Clerk of Court on January 7, 2019;
3. Final Order and Decision of the Honorable Jennifer B. McCoy filed with the Charleston County Clerk of Court on December 28, 2018;
4. Consent Stipulation of Dismissal Without Prejudice as to the Declaratory Judgment Cause of Action Only filed with the Charleston County Clerk of Court on December 12, 2018;
5. Notice of Dismissal Without Prejudice as to the Declaratory Judgment Cause of Action Only filed with the Charleston County Clerk of Court on December 5, 2018;

6. Transcript of hearing before the Honorable Jennifer B. McCoy on September 27, 2018;
7. Respondents' Memorandum of Law in Opposition to Appellant's Zoning Appeal Petition filed with the Charleston County Clerk of Court on September 27, 2018;
8. Respondents' Return to Zoning Appeal Petition and Notice of Motion and Motion to dismiss Complaint Pursuant to Rule 12(b)(1) and 12(b)(8), S.C.R.C.P. filed with the Charleston County Clerk of Court on September 18, 2018;
9. Appellant's Summons, Zoning Appeal Petition and Complaint with Exhibits A-S filed with the Charleston County Clerk of Court on August 29, 2018;
10. Proof of ADR filed with the Charleston County Clerk of Court on August 21, 2018;
11. Board of Zoning Appeals Final Decision and Order on Appeal dated June 4, 2018 and filed with the Charleston County Clerk of Court on July 12, 2018;
12. Appellant's Request for Pre-Litigation Mediation filed with the Charleston County Clerk of Court on June 28, 2018;
13. Appellant's Notice of Appeal Pursuant to S.C. Code Ann. Section 6-29-820(b)92) filed with the Charleston County Clerk of Court on June 28, 2018;
14. Certified Record from hearing before the Board of Zoning Appeals on June 4, 2018, that includes:
  - (1) Transcript of hearing (pp. 2-84)
  - (2) Board of Zoning Appeals Final Decision and Order on Appeal dated June 4, 2018 (p. 85)
  - (3) Charleston County Board of Zoning Appeals Summary of June 4, 2018 Meeting (pp. 86-87)
  - (4) Case # BZA-04-18-00258 Presentation (pp. 88-96)
  - (5) Chronology Summary and List of Exhibits (pp. 97-98)
  - (6) Exhibits 1-7 (pp. 99-350)
    - a. Exhibit 1 (pp. 99-114)
    - b. Exhibit 2 (pp. 115-117)
    - c. Exhibit 3 (pp. 118-126)
    - d. Exhibit 4 (pp. 127-128)
    - e. Exhibit 5 (pp. 129-130)
    - f. Exhibit 6 (pp. 131-132)
    - g. Exhibit 7 (pp. 133-350)
15. Appellant's Letter in Support of Appeal from Zoning Administrator with Exhibits A-N dated May 25, 2018;

16. Appellant's Email Correspondence dated March 9, 2018, from Reggie McNeil, Executive Director of Capital Programs, to Sally Brooks, Planner for the Charleston County Zoning and Planning Department.

I hereby certify that pursuant to Rule 209(c), S.C.R.A.P., the Designation of Matter to be Included in the Record on Appeal does not contain any matter irrelevant to this appeal.

Respectfully submitted,



Joseph Dawson, III, County Attorney  
Bernard E. Ferrara, Jr., Deputy County Attorney  
CHARLESTON COUNTY ATTORNEY'S OFFICE  
Lonnie Hamilton, III Public Services Building  
4045 Bridge View Drive  
North Charleston, South Carolina 29405  
(843) 958-4010

Attorneys for Respondents

May 24, 2019  
Charleston, South Carolina

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In the Court of Appeals

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**PROOF OF SERVICE**

I certify that I have served the **Initial Brief of Respondents** and **Designation of Matter to be Included in the Record of Appeal** upon the Appellant Charleston County School District by depositing a copy of the same in the United States Mail, postage prepaid, on May 24, 2019, addressed to counsel of record as follows:

Jamie A. Khan, Esquire  
Ross A. Appel, Esquire  
MCCULLOUGH KHAN, LLC  
359 King Street, Suite 200  
Charleston, South Carolina 29401  
Attorneys for Appellant

  
Amanda D. Turner, Advanced Certified Paralegal  
CHARLESTON COUNTY ATTORNEY'S OFFICE

**BERNARD E. FERRARA, JR.**  
CHIEF DEPUTY COUNTY ATTORNEY



CHARLESTON COUNTY ATTORNEY'S OFFICE  
Lonnie Hamilton, III Public Services Building  
4045 Bridge View Drive  
North Charleston, South Carolina 29405-7464  
Telephone: 843.958.4014  
Facsimile: 843.958.4017  
bferrara@charlestoncounty.org

May 24, 2019

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

**RECEIVED**  
MAY 28 2019  
SC Court of Appeals

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  
Appellate Case No. 19-000125

Dear Ms. Kitchings:

I have enclosed for filing pursuant to Rules 208 and 209, SCACR, the original and one (1) copy of the Initial Brief of Respondents and the Designation of Matter to be included in the Record on Appeal regarding the above referenced appellate case. I would appreciate your acknowledging receipt of these documents by date-stamping the extra copies of the enclosed and returning them to me in the enclosed envelope.

By copy of this letter, I am serving counsel for Appellant Charleston County School District with these documents and enclose a Proof of Service to that effect. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

CHARLESTON COUNTY ATTORNEY'S OFFICE

Bernard E. Ferrara, Jr.

BEFJR/adt

Enclosures

cc: Jamie A. Khan, Esquire  
Ross A. Appel, Esquire

RETURN SERVICE  
REQUESTED

FIRST CLASS



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OFFICE OF THE COUNTY ATTORNEY  
4045 Bridge View Drive, B-314  
North Charleston, S.C. 29405-7464

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MAY 20 2019

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
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Columbia, South Carolina 29211



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