

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

OCT 22 2019

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable Walton J. McLeod, Circuit Court Judge

CASE NO. 09-CP-40-01307  
CASE NO. 13-CP-40-02159

Frieda H. Dortch, ..... Appellant,

v.

City of Columbia, Planning & Development Services/Zoning Division a/k/a City of Columbia  
Board of Zoning Appeals, ..... Respondent.

APPELLANT'S  
DESIGNATION OF MATTER  
TO BE INCLUDED IN THE  
RECORD ON APPEAL  
(Including Certificate of Counsel)

Appellant Frieda H. Dortch designates the following pursuant to Rule 209, SCACR, and  
its counsel hereby certifies by his signature, that this designation contains no matter which is  
irrelevant to the appeal:<sup>1</sup>

<sup>1</sup> Unless otherwise specified, all designations are without certificates of service, motion  
cover sheets, or civil cover sheets.

### Orders, Decrees, and Decisions

1. Order affirming BOZA in 2008 and 2013 proceedings, dated March 25, 2019.
2. Form order denying motion to reconsider, dated April 15, 2019.
3. Order of Court of Appeals remanding 2013 case for decision of motion in 2009 case, dated November 25, 2015.
4. Order vacating 2009 order dismissing 2009 case, dated September 14, 2017.

### Pleadings

None.

### Transcripts

5. Transcript of Circuit Court hearing of appeal of 2008 and 2013 BOZA proceedings, occurring December 12, 2018.
6. Transcript of Circuit Court hearing of appeal of 2008 and 2013 BOZA proceedings, occurring March 13, 2019.

### Exhibits and Other Materials or Documents

7. Dortch's Petition of Appeal to Circuit Court, dated February 24, 2009.
8. Dortch's Amended Petition of Appeal to Circuit Court, dated February 26, 2010.
9. Dortch Affidavit to Circuit Court, dated February 26, 2010.
10. Dortch's Petition of Appeal to Circuit Court, dated April 11, 2013.

11. Dortch's Appendix to Petition of Appeal (seeking review by Circuit Court in Case No. 13-CP-40-2159 of decision of Columbia Board of Zoning Appeals in its case numbered 12-081-V), dated April 16, 2013, including:
  - a. BOZA and zoning administrator's order, dated Mar. 12, 2013;
  - b. Amended Application of Dortch for Variance and Appeal (including initial Nov. 14, 2012 application), dated Feb. 8, 2013;
  - c. Testimony of Dortch (affirmed at Feb. 12, 2013 meeting);
  - d. Assessor's Data, dated Feb. 8, 2013;
  - e. Map of block from Richland County GIS, dated Feb. 8, 2013;
  - f. Four-page Agenda and Case Summary by unstated author, made available to Dortch at Feb. 12, 2013 meeting, dated Feb. 5, 2013;
  - g. Seventeen-page Agenda and Case Summary (counting various attachments) by unstated author, in possession of BOZA at Feb. 12, 2013 Meeting, dated Feb. 5, 2013; and
  - h. "City of Columbia Board of Zoning Appeals Minutes January 8, 2013" actually pertaining to Feb. 12, 2013 meeting of BOZA (including minutes of Dortch matter) (with no record of adoption, no certification, and no verification as to completeness or accuracy in original, i.e., not omitted in designation for inclusion in Record ), prepared on unknown date.
12. "Copy of the Proceedings" of the BOZA Proceeding February 12, 2013 with no certification or date of preparation, filed by City April 30, 2013 as "Exhibit D" to City motion to dismiss and return.
13. Exhibits A and B to "Motion to Dismiss and Return to Petition of Appeal on Behalf of City of Columbia Board of Zoning Appeals" (in circuit court appeal of BOZA 2013 proceeding), dated April 30, 2013 (Includes BOZA January 16, 2009 letter deciding variance application, and "minutes" of July 8, 2008 BOZA meeting, but not Exhibit C, the order dismissing on basis of res judicata.)

14. All attachments to “Respondent’s Memorandum in Support of Motion to Dismiss” in circuit court appeal of BOZA 2013 proceeding, filed July 29, 2013 (Includes May 14, 2008 Application for Certification of Zoning Compliance, June 11, 2008 Application for Variance, “Case Summary” prepared August 20, 2008 by unstated author for September 9, 2008 BOZA meeting, Dortch’s appeal of zoning administrator’s determination, January 16, 2009 letter of BOZA denying appeal of Dortch from zoning administrator, February 26, 2010 Affidavit of Dortch, and “minutes” of July 8, 2008 BOZA meeting without certification or date of preparation.)
15. Notice of Filing dated January 3, 2018, Certification dated January 2, 2018, “Copy of Proceedings” of BOZA on July 8, 2008 and September 9, 2008, and Certificate of Service dated January 5, 2018.
16. Dortch’s brief to Circuit Court, of appeals of 2008 and 2013 BOZA proceedings, dated December 5, 2018.
17. Exhibit 1 of City’s December 11, 2018 brief opposing Dortch’s appeals of 2008 and 2013 BOZA proceedings, plus signature and date page of brief and page mentioning exhibit. (Exhibit is BOZA 2/11/97 Rules and Regulations.)
18. Dortch’s reply brief to Circuit Court pertaining to appeals of 2008 and 2013 BOZA proceedings, dated February 11, 2019, with Exhibits A and B.
19. Dortch’s proposed order submitted March 14, 2019.

20. Dortch's motion to reconsider Circuit Court's ruling on appeals of 2008 and 2013 BOZA proceedings, dated March 29, 2019.
21. Letter of clerk of court of S.C. Sup. Ct. Inquiring about location of circuit judge's rulings on constitutional issues, dated May 24, 2019.
22. Dortch's counsel's permitted e-mail response to the above.

Not currently designated, but suggested to Respondent's counsel will be an appendix and stipulation to allow of judicial notice of certain ordinances, as listed in the Appellant's Brief.



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bstanton@stantonlaw.com

Date:

October 17, 2019

ATTORNEY FOR APPELLANT  
FRIEDA H. DORTCH

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable Walton J. McLeod, Circuit Court Judge

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CASE NO. 09-CP-40-01307  
CASE NO. 13-CP-40-02159

Frieda H. Dortch, ..... Appellant,

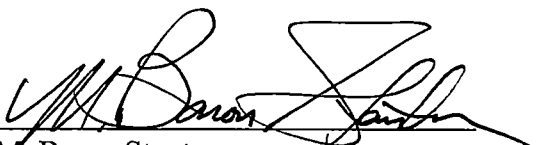
v.

City of Columbia, Planning & Development Services/Zoning Division a/k/a City of Columbia  
Board of Zoning Appeals, ..... Respondent.

CERTIFICATE OF SERVICE

I, M. Baron Stanton, do hereby certify that I have, on October 17, 2019,  
served the foregoing **Appellant's Designation of Matter to be Included in the Record on  
Appeal** upon the Respondent by causing a copy thereof to be mailed with proper postage to the  
address indicated below:

Peter M. Balthazor, Esquire  
P. O. Box 11412  
Columbia, SC 29211

  
M. Baron Stanton

STANTON LAW OFFICES, P.A.

POST OFFICE BOX 245  
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1728 MAIN STREET  
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October 17, 2019

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M. BARON STANTON  
ATTORNEY AT LAW

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

Re: **Frieda H. Dortch**, Appellant v. City of Columbia, Planning & Development  
Services/Zoning Division a/k/a City of Columbia Board of Zoning Appeals,  
Respondent  
Case No. 09-CP-40-1307  
Case No. 13-CP-40-02159  
Appellate Case No. 2019-000868

Dear Ms. Kitchings:

We enclose the following:

1. Initial Appellant's Brief of Frieda Dortch (with certificate of service); and
2. Designation of Matter (with certificate of service).

Thank you for your assistance.

With kind regards,

Yours very truly,

  
M. Baron Stanton

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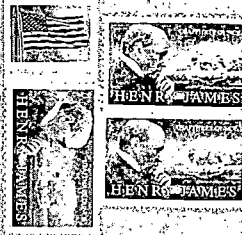
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MBS:dmy  
Enclosures

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

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