

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Walton J. McLeod, IV, Circuit Court Judge

---

Civil Action Nos. 2009-CP-40-01307, 2013-CP-40-02159  
Appellate Case No. 2019-000868

---

**RECEIVED**  
OCT 22 2019  
SC Court of Appeals

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

v.

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

---

**RESPONDENT'S RETURN IN OPPOSITION TO  
APPELLANT'S MOTION TO EXCEED PAGE LIMIT**

---

Respondent, pursuant to Rule 240, SCACR, files this return in opposition to Appellant's Motion and Affidavit in Support of Motion to Exceed Page Limit.

Appellant seeks leave from this Court to exceed the 50-page limit for principal briefs set by Rule 208(b)(5), SCACR. Appellant anticipates exceeding this limit by as much as 15 pages, bringing her total principal brief to 65 pages (plus the allotment of 25 pages for reply briefs).

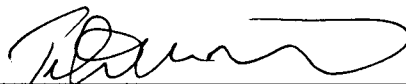
Respondent opposes this motion and asserts the demands of this appeal do not call for exceeding the page limit. This is an appeal from the City of Columbia Board of Zoning Appeals. The substance of this appeal concerns the denial of a request for a variance, and an appeal of the Board's determination that Appellant's property lost its legal nonconforming status. The record on appeal should consist only of the testimony and evidence presented at three zoning hearings, and the subsequent arguments to the circuit court. The factual testimony and evidence

considered by the Board of Zoning Appeals is relatively limited. The present appeal concerns only the merits of the decisions by the Board of Zoning Appeals.

Appellant argues that the ten-year history of the underlying proceedings counsels towards exceeding the page limit. While it is true that procedural wranglings delayed a hearing on the merits of this matter for many years, the current appeal does not concern any previous procedural issues. The current appeal is simply an analysis, based on the record before it, of whether the circuit court correctly affirmed the Board's decisions to deny a variance and to deny grandfather status to Appellant's property. There is no need for lengthy discussions or arguments concerning any other matters such as procedural history.

Fifty pages are more than enough to describe the evidence and testimony heard by the Board, and to discuss whether the decisions were correct as a matter of law. Respondent asserts that Appellant has not shown that the exigencies of this matter require a departure from the 50-page limit.

Respectfully submitted,



---

Peter M. Balthazor, #68244  
RILEY POPE & LANEY, LLC  
2838 Devine Street  
Columbia, South Carolina 29205  
803-799-9993  
peteb@rplfirm.com  
*Attorneys for Respondent*

October 22, 2019  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Walton J. McLeod, IV, Circuit Court Judge

**RECEIVED**  
OCT 22 2019  
SC Court of Appeals

Civil Action Nos. 2009-CP-40-01307, 2013-CP-40-02159  
Appellate Case No. 2019-000868

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

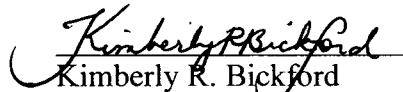
v.

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

**PROOF OF SERVICE**

I certify that on October 21, 2019, I have served all counsel in this action with a copy of the foregoing by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

M. Baron Stanton, Esquire  
STANTON LAW OFFICES, P.A.  
Post Office Box 245  
Columbia, South Carolina 29202  
*Attorneys for Appellant*

  
Kimberly R. Bickford  
Paralegal

October 22, 2019  
Columbia, South Carolina

RILEY  
POPE &  
LANEY  
— LAW —

South Carolina | North Carolina

South Carolina Office:  
2838 Devine Street  
P.O. Box 11412 (29211)  
Columbia, SC 29205  
Phone: 803.799.9993  
Fax: 803.239.1414  
www.rplfirm.com

October 21, 2019

**RECEIVED**  
OCT 22 2019  
SC Court of Appeals

**VIA HAND-DELIVERY**

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

Re: Frieda H. Dortch v. City of Columbia, Planning & Development Services/Zoning Division  
a/k/a City of Columbia Board of Zoning Appeals  
Civil Action Nos.: 2009-CP-40-01307, 2013-CP-40-02159  
Appellate Case No.: 2019-000868  
Our File Nos.: 5253.00614 and 5253.00714

Dear Ms. Kitchings:

Please find enclosed the original and six copies of *Respondent's Return in Opposition to Appellant's Motion to Exceed Page Limit*, with *Proof of Service* in the above-referenced matter. Please file the enclosed documents and return a clocked copy with my runner.

Thank you for your kind assistance in this matter.

Sincerely,



Kimberly R. Bickford  
Paralegal

/krb

Enclosures

Cc: M. Baron Stanton, Esquire