

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

John Warren Floyd, Trustee of the Declaration of Trust of John Warren Floyd dated February 8, 2012, as amended and restated on October 25, 2016, and Nealie Littlejohn Floyd, Trustee of the Declaration of Trust of Nealie Littlejohn Floyd dated February 8, 2012, Pamela P. Showalter, William J. Showalter, and 6 Dock Church, LLC,

Appellants,

vs.

Town of McClellanville, South Carolina Architectural/Design Review Board, Faye Lynnette Shepherd, Alan Dee Shepherd, and Kevin Ashley Shepherd.

Respondents.

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Case No.:2026-CP-10-\_\_\_\_\_

**NOTICE OF APPEAL FROM  
DECISION OF TOWN OF  
MCCLELLANVILLE  
ARCHITECTURAL/DESIGN REVIEW  
BOARD**

1. Pursuant to the Town of McClellanville Zoning and Land Development Ordinance Adopted September 13, 2004 (the "Ordinance"), §12.4.11, and the authority granted pursuant to S.C. Code Ann. §6-29-900, the above named Appellants, hereby appeal the February 24, 2026 decision (the "Subject Decision") of the Town of McClellanville Architectural/Design Review Board (the "Board") that was set forth as a result of the Board's Special Meeting held February 24, 2026. A copy of the Minutes of the Special Meeting of February 24, 2026, purportedly memorializing the Board's action is attached hereto as Exhibit A.

2. Appellants are owners of property located within the McClellanville Historic District in the Town of McClellanville, having a substantial interest in the Subject Decision of the Board.

3. The Subject Decision forming the basis of this Appeal is relative to certain property likewise located in the McClellanville Historic District and designated as PID 7660200039 and commonly known as 618 Thomas Pinckney Court, McClellanville, South Carolina (the "Property").

4. Faye Lynnette Shepherd, Alan Dee Sheherd, and Kevin Ashley Shepherd are the owners of the Property.

5. The Ordinance sets forth the purpose and intent of the Historic District:

The purpose of the Historic (H) District is to protect and preserve the historic character and enhance the distinctive architectural heritage of the Town of McClellanville; . . . to ensure the *harmonious*, orderly and efficient growth and development of the municipality, to encourage new buildings and developments that will be *harmonious* with the existing structures and sites; . . .

It is the further intention of the Town of McClellanville in creating this district to encourage a *harmonious outward appearance* of structures within the locally designated historic district. (*emphasis added*).

Town of McClellanville Zoning and Land Development Ordinance, §5.1.1.

6. Pursuant to the Ordinance, the Town of McClellanville has identified the Historic District as an overlay zone. As a result, the regulations identified for application within the Historic District, along with existing zoning designations and regulations attendant thereto, govern properties within the Historic District. Town of McClellanville Zoning and Land Development Ordinance, §5.1.4

7. The Town of McClellanville Zoning and Land Development Ordinance further provides that prior to the construction of a new structure within the Historic District, a Certificate of Appropriateness (“COA”) from the Architectural Review Board shall be obtained in accord with §12.4 of the Ordinance. Before issuing a COA, the effect of the proposed work on the character of the District must be considered, along with the standards of the adopted Design Guidebook, in addition to effects on streetscape. Town of McClellanville Zoning and Land Development Ordinance §5.1.7.

8. Section 12.4.8(b) of the Ordinance sets forth the documents to be considered by the Board in evaluation of an application for a COA, providing that the required data must be made available to the Board members within five (5) days of receipt. In reviewing the criteria for COA, the Board shall consider impacts of the proposed action upon the *streetscape*. (emphasis added). Town of McClellanville Zoning and Land Development Ordinance, §12.4.8(d)(3). One element of inappropriateness of a proposed action to a property is whether a new building is coherent with the prevailing character of the neighborhood. Town of McClellanville Zoning and Land Development Ordinance §12.4.8(d)(5).

9. Pursuant to the Ordinance, the Town of McClellanville has created and adopted, for application within the Historic District, the Historic District Design Review Manual (“Design Review Manual”).

10. The Design Review Manual, addressing the necessity of and application for the required COA, provides, in pertinent part, that an application therefore must include photographs of the site location, *showing contiguous properties and streetscapes*. (emphasis added). Design Review Manual, pg. 8. The Basic Standards of the Design

Review Manual provides: *The directional expression of new construction will be compatible with existing buildings within the same streetscape.* Design Review Manual, pg. 12.

11. If there is a conflict between any provision of the Ordinance with the provisions of any other lawful ordinance, regulation or resolution, the more restrictive provision will be applicable. Town of McClellanville Zoning and Land Development Ordinance §1.4.

12. Despite the requirement thereof, the Board's staff failed to adhere to the relevant ordinances when it conditionally approved the location of the structure on the Property, pending a survey, dependent on the location of the structure fourteen (14') feet from the critical line setback, without regard to the streetscape.

13. With consideration of the foregoing, the Town of McClellanville Zoning and Land Development Ordinance, and the Historic District Design Review Manual, Appellants seek a determination that the Board erred in the following:

- a. Granting conditional approval to the location of a structure upon the Property while failing:
  - i. To properly follow both the Ordinance and the Design Review Manual, requiring specific consideration of and coherence with the existing streetscape and instead conditionally allowing the structure to be located upon the Property at an inappropriate distance from the street thereby creating an incompatible, incoherent, and improper streetscape;

- ii. To require the applicant to provide all requisite materials to the Board, including, without limitation, photographs showing the contiguous properties and the streetscape;
- iii. To require the applicant to demonstrate the location of the structure upon the Property in such a fashion as to allow the confirmation that the location of the structure will be compatible, coherent, and consistent with the existing streetscape. This includes, but is not limited to, failing to require applicants to locate the structure in conjunction with the street, and instead, instructing applicants to locate the structure consistent with a distance from the critical line setback at the rear of the Property; and
- iv. To require the official location of the critical line, allowing the accurate measurement therefrom of the requisite setback, thus allowing required consideration of the location of the structure as related to the streetscape.

SIGNATURE PAGE FOLLOWS

*s/Cheryl D. Shoun*

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March 26, 2026  
Charleston, South Carolina

*Attorneys for Appellants*