

1978 WL 207607 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 24, 1978

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Dear Mr. Jones:

In response to your request for an opinion from this Office as to whether or not the Bluffton Mayor and City Council are authorized to abolish the Bluffton Board of Adjustment which was established pursuant to [Section 5-23-70, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, my opinion is that they are so authorized.

As I understand it, the City of Bluffton has elected to join the Beaufort County Joint Planning Commission and, in connection therewith, the Bluffton Board of Adjustment has been dissolved. Generally, the power to create an office necessarily implies the power to abolish that office. See generally, [Ward v. Waters](#), 184 S.C. 353, 192 S.E. 410 (1937); 1950-51 Ops.Atty.Gen. 108. Therefore, the power which [Section 5-23-70 of the 1976 Code](#) vests in the “local legislative body” to appoint a municipal board of adjustment carries with it the power to abolish that board. Parenthetically, you might note that if the Beaufort County Joint Planning Commission has been created pursuant to [Sections 6-7-310 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, the county governing body and the city governing body may each create a board to be known as either the board of zoning appeals or the zoning board of adjustment or they may jointly create such a board. [§ 6-7-740, CODE OF LAWS OF SOUTH CAROLINA](#), 1976.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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