

1973 WL 26977 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 19, 1973

***1 re: Zoning Regulations for City of Bluffton**

Mr. George A. Payton, Jr.
Attorney and Counsellor at Law
65 Spring Street
Charleston, South Carolina 29403

Dear Mr. Payton:

Thank you for your letter of November 9 referring to your previous letter of October 15, and requesting my opinion as to the validity of the zoning regulations now enforced for the City of Bluffton.

I have had a policy in this Office of referring municipal, county, and school district matters to the attorneys for those respective entities if they have attorneys and responding to any requests by such attorneys should they care to desire to request an opinion from this Office. I have made this procedure effective to avoid some embarrassing situations which have arisen and have assured the city and county attorneys in their meetings that this procedure would be followed. Consequently, I respectfully request that this matter be handed to the attorney for the City of Bluffton and if he wishes any action by this Office, I will be pleased to comply. I am sure that you will understand the reasons for this procedure.

In any event, consideration of the zoning ordinance you have submitted would undoubtedly require consideration of factual matters, as well as consideration of the respective positions that might be taken by proponents and opponents of the zoning plan. I have glanced through 58 Am. Jur. Zoning ¶¶32, et seq., and, in particular, Sections 34 and 39, as well as Section 42. Apparently, there is involved the problem of block or spot zoning, which would clearly call for consideration of the issues referred to.

Please advise the City Attorney that I will be pleased to render any opinion or expression of views which he may care to request.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

P. S. I am retaining in the files in this Office the copies of the documents which you submitted and they will be returned to you should you so desire.

D.R.M.

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