Attorney rips zoning process

Challenges legality of Biggerstaff request on Lake Keowee

BY CARLOS GALARZA
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WALHALLA — An attorney representing a local church that owns property caught up in a Lake Keowee rezoning petition shot holes at the process and is challenging its legality.



Brandt

Larry Brandt, a member of the church he is representing — St. John's Lutheran in Walhalla — told Oconee County Planning Commission members that the Biggerstaff rezoning request does not comply with Oconee's zoning law.

"I'm here to lodge an official challenge," Brandt said.

Specifically, Brandt claims that the petition failed to muster the 51 percent of signatures from parcel owners in the area to be rezoned. The 51 percent is the minimum required by Oconee's zoning law for a petition to be considered by County Council.

Brandt argued that signatures collected go back to 2008, yet the county's Zoning Enabling Ordinance did not go into effect until May 1, 2009.

According to a review of signed petitions by Brandt, which the Planning Department furnished, 24 of them indicated that the person signing owned the parcel, but failed to state whether they were in favor of the petition.

The attorney also put in question petitions that referred to the name of a specific subdivision and not the Biggerstaff rezoning petition.

"It's ambiguous and vague," Brandt said of the procedures.

Furthermore, Brandt brought up the case of a property owner who signed the petition in 2009 and died two years later.

"The heirs did not sign the petition ...," Brandt argued. "They don't have the 51 percent ... I challenge the entire process."

Planning Commission member Howard Moore asked Planning Department Director Art Holbrooks whether Brandt's claims have been taken into account. Holbrooks said nothing has been updated.

Commission Chairman Ryan Honea said that it's difficult to determine whether the 51 percent was achieved by looking at a map of the parcels in favor and those against the petition.

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Honea said it was the worst case he's seen of a petition in which a small area branches out to take in other parcels that don't want to be in the rezoning request.

New Zoning Administrator Josh Stephens said the petition is "very close to the 51 percent" and that one or two parcels could change the outcome.

Holbrooks said that the signed petitions were verified "to the best of our ability."

Planners voted to table the request and recommended that County Attorney Tom Martin review Brandt's claims.

In a previous appearance before the Planning Commission in April, Brandt said that the church wants to keep its Biggerstaff property zoned as Control Free District. According to Brandt, the church wants to someday build a retreat center at the site, but has not finalized plans or designs.

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