Civil conspiracy?

Local zoning petitioner sees parallels with Horry County intrigue

BY CARLOS GALARZA
THE JOURNAL

What do the records say?



Saturday: Did county officials cross the line to help private interests effect change?

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Horry officials held a special meeting in which they approved first reading of an ordinance limiting the height of new construction in the Little River area to 60 feet.

After the Horry Planning Department initially accepted the sketch plans for the development, county officials flipped-flopped and told Cricket Cove representatives they could not review their plans because the proposed new construction would exceed 60 feet.

Cricket Cove took its grievance to court. The lawsuit claimed the county and council were acting on an invalid pending ordinance and were violating Cricket Cove's vested right to have its plan reviewed.

Subsequently, Cricket Cove amended its complaint to accuse the council chair, another council member and others engaged in a civil conspiracy to harm the developer.

A circuit judge dismissed the case, but in December 2010, the South Carolina Court of Appeals restored the civil conspiracy case and returned it to Horry County where it is still active in circuit court after almost six years of litigation.

McMahan said he came across the lawsuit while searching on the Internet after he had put his children to bed.

"I found it to be very similar to what went on here," McMahan said.

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To read the emails and attachments provided by Oconee County and referred to in this story go to: http://upstatetoday.com/index.php/rezoning

WALHALLA — When Jean Jennings began collecting signatures from her North Fairview neighbors for her petition to have their properties rezoned Traditional Rural District, she had every expectation that playing by the rules would get her what she wanted in the end.



The process started off smoothly enough with the Oconee County Council approving her request on first reading in April 2010.

Eight months would go by before County Council would again act on Jennings' request. By the end of the second vote, it had become clear that her request had been flipped in an unpleasant turnaround.

Jennings felt she had played by Oconee County's zoning rules and the system had failed her.

Instead of getting the TRD zoning she requested, she had a more restrictive Agricultural Residential classification handed to her that did not even exist when she began collecting signatures in her community.



How transparent do you feel the county has been?

Jennings and her neighbors David and Michelle McMahan, who also were handed the unwanted AgRes label, have doggedly sought to make sense of what happened to their petition since that first reading in April 2010.

The trio joined The Journal in requesting emails from the county related to their petition and that of the rival North Cane Creek community on Lake Keowee through a Freedom of Information Act request.

After reading the emails, the North Fairview neighbors have cried foul.

In their opinion, they see a pattern of county officials working hand-in-hand with the North Cane Creek group to thwart their TRD request.

David McMahan is convinced that AgRes "was forced on our community."

McMahan came across a "civil conspiracy" case against members of the Horry County Council that he thinks parallels the one-sided way the North Fairview request was handled.

The case McMahan references deals with Cricket Cove Ventures, LLC, a company that wanted to build two high-rise developments on 27-acres in the Little River area of Horry County zoned for Resort Commercial where construction height was unlimited.

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ZONING: 'I found it to be very similar to what went on here'