Suit seeks to block dollar store

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WALHALLA — A group of lakefront property owners are suing to appeal a ruling by Oconee's zoning board that would allow a Dollar General store to be built in their community.

The suit was filed May 24 in Oconee by Walhalla attorney Larry Brandt on behalf of 22 plaintiffs against the county's Board of Zoning Appeals, as well as the county itself, the property owner and the developer, Patton Development.

The lawsuit alleges the seven-member BZA's decision to grant the special exception "constitutes an abuse of discretion, is arbitrary, capricious, clearly erroneous, contrary to law and without adequate evidence or basis in law or fact."

A special exception would allow Patton to build a 9,100-square-foot Dollar General within the county's traditional rural zoning district (TRD) and Lake Overlay Zone, and, according to the lawsuit, the plaintiffs have property interests within the same neighborhood near the intersection of S.C. Highway 188 (Keowee School Road) and Ebenezer Road.

The more specific grounds for the appeal listed in the lawsuit include that the board failed to discuss any findings as to the effect the project would have upon the water quality of Lake Keowee and that there is no evidence the project would have a "positive impact upon the lifestyles" of those within the Lake Overlay District.

"The overwhelming evidence shows that the project would indeed have a negative impact upon those living near the lakeshore, as well as residents in the neighborhood," the lawsuit states.

The suit presents 23 specific grounds for the appeal, all told, including that there is "no evidence whatsoever as to the affect (sic) any lighting would have on the neighborhood,

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traffic and pedestrian travel and/or security of the neighborhood as no lighting plans were presented" to the BZA.

The lawsuit also claims there is no evidence of the impact of the increase in traffic on Keowee School and Ebenezer roads that the store would generate on weekend or during the peak season from Memorial Day to Labor Day, nor is there evidence the project could safely accommodate 18-wheelers delivering merchandise to the store.

On Dec. 10, the BZA voted down a special exception to Patton for a retail establishment more than 5,000 feet in the Traditional Rural District in the northwest quadrant of the intersection between Keowee School Road and Ebenezer Road.

At that time, the board ruled that the project was not in accordance with Oconee's comprehensive plan, not in the best interests of the county, not suitable in terms of effects on traffic and safety and would not have a positive impact upon the general health, safety and welfare of the residents of Oconee County.

But on April 25, another special exception was requested by Patton within the TRD and the Lake Overlay at another site at the same intersection about a quarter-mile from the site that had been denied five months earlier.

This time, the board unanimously granted the special exception, ordering that the project is in accordance with the comprehensive plan, is in the best interests of the county, is suitable in terms of effects on highway traffic, parking and safety, and would have a positive impact upon the general health, safety and welfare of county residents.

The variance was granted under the conditions that: it meets Appendix A of Chapter 38 of county code, be developed as depicted on the site plan, limited to only one monument sign and one wall sign, be constructed with brick or stone masonry and wood doors be used in front of the dumpster area, and the rear façade be constructed in a manner consistent with three other facades that were submitted as renderings.

The civil action seeks a non-jury trial; no hearing date has yet been set.

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