Zoning board sides with church

BY MIKE EADS
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WALHALLA — A zoning bid on Lake Keowee may, or may not, be headed to the Oconee County Council, Planning Commission, Circuit Court or who knows where.

The county's Board of Zoning Appeals (BZA) voted 4-3 Thursday to side with St. Johns Lutheran Church in Wahalla to zoning of land it owns near Biggerstaff Road. The BZA voted 4-3 for church attorney Larry Brandt's contention that there were not enough valid petitions for Ordinance 2012-12 to move forward.

As of Friday afternoon, no one could say for sure what will happen next.

Brandt feels some empathy for the planning staff, calling the whole matter "a mess."

"They had no guidance," Brandt said Friday. "Nobody ever stopped to think about what they were doing."

County Zoning Administrator Josh Stephens was still running down options Friday.

"I am double-checking procedurally and legally," was about all Stephens could say.

Stephens did acknowledge that Brandt and the BZA were right about some of the petitions being invalid.

Brandt welcomed the ruling, but in his appeal he insisted that the BZA has no standing in the case.

"To attempt to 'pass the buck' to the Board of Zoning Appeals, which clearly does not have jurisdiction of this matter, and to charge fees and costs to a citizen objecting to the legislative process, constitutes an unlawful taking of property, a denial of due process and equal protection of the laws," Brandt wrote in the appeal.

The attorney also claimed that the County Council is the only proper body to consider the ordinance.

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BIGGERSTAFF: County Council set to meet on Sept. 4, Planning Commission on Sept. 17

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Ordinance 2012-12 has already gotten first reading from the County Council and was sent back to county planners for examination. The request, initiated by nearby resident Mike Smith, includes 457 parcels on 570 acres near Biggerstaff Road. It would put the control-free land into Residential, Lake Residential and/or Agricultural Residential zoning – none of which would allow for commercial use.

Brandt insists any further appeals of this action go automatically into circuit court, according to the law.

The County Council is scheduled to meet again on Sept. 4, and the planning commission meets Sept. 17. Further action could come from either, or both, of those bodies next month.

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