

# BZA tables Seneca subdivision proposal

## Board chair: Two sides must resolve ownership issue

BY LAUREN PIERCE  
THE JOURNAL

ALHALLA — The Oconee County Board of Zoning Appeals voted to

table a variance request for a proposed 19-home subdivision on Ellenburg Road in Seneca after a debate during a nearly three-hour meeting Tuesday.

The request from Ridge-water Engineering and Surveying for developer and Lake Keowee Real Estate broker in charge Andy Lee and realtor

Reah Smith called for an adjustment from the 50-foot right of way for the entrance into the proposed subdivision. However, John's Ma-

rine Service's Jimmy Ratliff said in a letter last week that approval of the request would hinder his business of more than 20 years on Ellenburg Road. The developers offered to extend a concrete pad from John's Marine to meet the roadway to help

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business, but Ratliff's attorney, Rick McDuff, questioned the "legal issues" that would stem from it.

"In order to extend that concrete pad to meet what's now the proposed

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new roadway, which is going to be wholly on the developer's property as a result of this modification of this alleged easement, is that in order to do that, the concrete pad and access is going to have to be on property owned by the development," he said. "So, in other words, there's going to be who's going to own and have the right to it. We haven't heard an offer that there's going to be an easement granted. ... We haven't heard anything about an offer to transfer ownership of a portion of the title to the property. ... Otherwise, without that legal right, without some sort of identifiable, recordable legal interest in that property, it's a bare promise."

"Nobody can say I've got a prescriptive easement over somebody else's property without a court determining you have a prescriptive easement," McDuff added. "It doesn't happen because somebody said so."

Larry Brandt, the attorney for the developers, countered McDuff's statement.

"The issue here tonight is not whether or not I think there's an easement there," Brandt said. "There clearly is, because nobody's challenged that. The question is, from the end of that public roadway, would they be entitled to a variance of the 50 feet, and that's what it is. ... Maybe some further dialogue between the parties might be able to work something out."

Lee added he had "no desire to have a 2-inch or 4-inch strip of property separating the road" from Ratliff.

"I told you in the beginning that I was going to shift that road as far over as I could in order to help him out," he said.

Board chairman Jim Codner moved to table the variance at the end of the meeting with the caveat of asking the county planning department to "help us resolve the ownership issue," which was met with a unanimous vote.

"The two parties to this (need to) get together to resolve their issues and come back holding hands," Codner said. "And especially to resolve the deeding issue."

His motion included revisiting the topic "at a future date."

### SUBDIVISION CONCERNS

Approximately 120 people were in the audience to witness the night unfold, with traffic and road safety at the forefront of public comment.

"I think the real issue is how do you address traffic in such an unusual

situation? .... When you're looking at the safety of travel of cars' ingress and egress into the development, with or without boat trailers, please, I encourage you to visit the site and look at it," county resident Chris Holder said. "The radius deviating around the southern area to get the road to stay within the property lines of the developer's property and then deviate that north will cause traffic accidents. There will be automobiles that will interfere with each other. I'm not aware of any other subdivision development where y'all have approved the access based on such

curvature being in place as part of the subdivision plan."

Lee agreed traffic would increase on the road, but argued the road into the proposed development is a "dead end."

"There is no through traffic from the other 42 neighborhoods on this side or the town of Seneca or closer," he said. "It's a dead-end road. I'm simply extending a dead-end road and I'm allowing 19 people to use it, is what I'm asking. Any dead-end road is, by nature, less busy than one that isn't, because there's no one coming from that end."



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Approximately 120 people were in the audience at an Oconee County Board of Zoning Appeals meeting on Tuesday to hear a variance request for a proposed 19-home subdivision on Ellenburg Road in Seneca.