

Officials postpone variance request for possible subdivision

BY LAUREN PIERCE
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WALHALLA — After briefly reflecting on their Nov. 30 meeting and comments from attorneys representing both sides of the issue, the Oconee County Board of Zoning Appeals voted unanimously Monday night to postpone a variance request for a proposed 19-home subdivision on Ellenburg Road in Seneca.

The motion included

postponing until both parties "are ready to come back" within a six-month timeframe and opening up public comment for the next hearing.

Oconee County attorney David Root said he spoke with attorney Rick McDuff, who represents Jimmy Ratliff of local family-owned business John's Marine Service, and Larry Brandt, the attorney for the developers.

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Jimmy Ratliff of John's Marine Service, center, listens to the Oconee County Board of Zoning Appeals during Monday night's meeting in Walhalla.

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"They would like to postpone the hearing," Root said. "It's different than tabling. Obviously with tabling, you have to take it off the table during the next meeting. Postponed, you can do it for the next meeting or you can just attach a condition to it until the applicant asked for a near hearing. Perhaps this makes sense because, as I understand, they're working out a potential compromise."

"Mr. McDuff and I, along with our clients, had a long meeting a couple of weeks ago," Brandt said. "We made progress. We are proceeding toward something that we can approve. We are working in good faith."

McDuff echoed Brandt's statement.

"The reason why I think it's in the best interest of everybody to postpone rather than table it is that some of this is going to depend upon other outside parties providing information to us, including engineers. ... We don't know what the timeframe on that is going to be. ... I know the developers are pushing to get the information as quickly as possible, acting in good faith."

BACKGROUND ON VARIANCE REQUEST

In November, a 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, Ratliff said in a letter

the same month that approval of the request would hinder his business of more than 30 years on Ellenburg Road.

At the time, BZA chairman Jim Codner moved to table the variance at the end of the Nov. 30 meeting with the caveat of asking the county planning department to "help us resolve the ownership issue," which was met with a unanimous vote.

QUESTION OF OWNERSHIP

Root told the board on Monday the ownership issue of the road "is not as clear as you might think."

"I don't think there's any question about who owns the rights underneath the road," he said. "The question is the traveling surface at the road up. Up until the latter part of last week, all my best information from the Road and Bridges Department was that the county had maintained this road all the way to the end of the paved section for 20 years, which is required for a prescriptive easement."

"Based on the information from the Roads and Bridges Department, I received an affidavit that called that into question as to where the end of county maintenance is," Root added. "So, at this point, I can't say definitively, and I'm not the final arbitrator anyway, but I couldn't say definitively where that and the county maintenance is. Is it in front of Mr. Ratliff's or all the way to the end of the paved section?"