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John's Marine files appeal after BZA ruling

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SENECA — John's Marine Service has filed an appeal to the Oconee County 10th Judicial Circuit Court weeks after the Board of Zoning Appeals ruled in favor of an 18-foot variance request for a proposed 19-home subdivision on Ellenburg Road in Seneca.

The appeal was filed earlier this month in the Court of Common Pleas. Appellants include John's Marine owner Jimmy Ratliff, his brother Jay Ratliff, Amy Cawthon, Sherri Crisp, Lucretia Morgan and Frances Ratliff. The Oconee County Board of Zoning Appeals (BZA) and Ridgewater Engineering and Surveying are listed as the defendants.

BACKGROUND

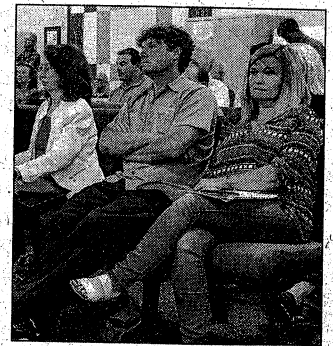
The variance request was made on behalf of developer and Lake Keowee Real Estate broker in charge Andy Lee and realtor Reah Smith in November.

The application to deviate from the required 50-foot right of way for the construction of a new public road at the end of Ellenburg Road was granted on April 25 after multiple meetings.

The new road was designed to tie into John's Marine's existing private driveway and change it from a dead end into a new public road supporting a 19-home subdivision.

The decision was premised on the county having a prescriptive easement across the private driveway and on its ability to unilaterally modify and enlarge the easement.

However, John's Marine and petitioners "dispute these conclusions," ac-



FILE

Jimmy Ratliff of John's Marine Service, center, listens to the Oconee County Board of Zoning Appeals during a Jan. 25 meeting in Walhalla.

cording to attorney David Paavola, who represents them.

"(The BZA) also determined that this variance will not cause substantial detriment to the surrounding uses, including John's Marine. However, testimony from John's Marine reflected the debilitating impact such a new public road would have on its business because of its constant use of the private driveway to maneuver boats and store boats for service and repair," Paavola said in the appeal. "Petitioners also informed (BZA) that the location of the proposed public road was not final, and drawings based on the applicant's plans indicated that it could shift as much as 9.1' onto Petitioners' property. Such a shift in road placement would increase the detrimental impact on John's Marine. (The BZA) did not take these considerations into account in voting to approve the variance."

Paavola said the Ratliff family has owned the land at 599 Ellenburg Road since 1981, before it became John's Marine in 1982.

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