

Judge denies John's Marine appeal

BY LAUREN PIERCE
THE JOURNAL

SENECA — A judge has denied an appeal filed two months ago by John's Marine Service to the Oconee County 10th Judicial Circuit Court after the county 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 in June in the Court of Common Pleas. Appellants included 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 were listed as the defendants.

VARIANCE REQUEST BACKGROUND

The variance request submitted by Ridgewater was made in November 2021 on behalf of limited partnerships Globe and Farnes, which entered a contract to build a 19-home subdivision at the end of Ellenburg Road.

They "jointly own an undeveloped 15-acre ... peninsula on Lake Keowee" called Arrowhead Point that was purchased in 2008, according to court documents.

The application to deviate from the required 50-foot right of way for the construction of a new public road at the end of the road was granted by the BZA 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 based 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," according to attorney David Paavola, who represented 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.

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

COURT'S RULING

An order by Judge Cordell Maddox filed Sept. 15 denied the appeal by the Ratliffs and landowners on Ellenburg Road.

"The area of property affected by the variance request is solely on Globe and Farnes' real property," Maddox's order said. "Therefore, as defined by the application, the variance requested is located at the end of Ellenburg Road and the beginning of the Globe/Farnes property line where the width of their property line pinches down to a short narrow strip of land. Accordingly, the variance requested and granted by (BZA) does not directly involve the Ratliff's property."