

OCONEE COUNTY BOARD OF ZONING APPEALS

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

Minutes

6:00 PM – November 30, 2021

Members in Attendance

Gwen Fowler
Marty McKee
Bill Gilster
Bill Decker

Tim Mays
Jim Codner
John Eagar

Staff

James Coley
Vivian Kompier

Media

Lauren Pierce, The Journal

ITEM 1 – Call to Order – Mr. Codner called the meeting to order at 6:00 PM.

ITEM 2 – Approval of minutes of May 24, 2021 meeting – Mr. Eagar made a motion to approve; seconded by Mr. McKee. Vote 4/0 to approve, with Mr. Mays, Mr. Gilster and Mr. Decker recusing themselves.

ITEM 3 – Brief statement about rules and procedures – Mr. Codner outlined the proceedings of the meeting going forward:

- Applicant will provide an 8-minute presentation to state their request. Mr. Codner asked presenters not to be overly verbose.
- For the opposition to the request, the Board asked that one or two people summarize the opposition—concerns, problems, etc.
- Citizen comments – Mr. Codner asked that speakers avoid identical comments in the interest of brevity. He added that the Board has received close to 100 emails that they have reviewed and they understand the issues. It is important that everyone have their say, but asked everyone to be brief if at all possible.
- Applicant rebuttal
- Board member questions, with input from Planning Staff when requested.
- Voting

ITEM 4 – Variance request application #VA21-010: Seamon Whiteside and Associates, Inc. – Paul Talbert is requesting a variance allowing the side setback

for lot lines dividing attached single family units to be reduced to 0', thus allowing construction of individually platted, attached single family units. TMS #271-00-01-940/943/942/941/939/938 unaddressed parcel with the closest address of 201 W. Cherry Rd., Seneca, SC 29678.

Applicant's opening statement and provision of evidence:

Paul Talbert stated he was representing the engineer of record for the subject development, Phase II of The Pier North. Mr. Talbert read the responses to questions on the variance application.

1. **Describe the extraordinary and exceptional condition that pertains to the subject property that does not generally apply to other land structures in the vicinity:** *The owner wishes to develop the subject property as attached single family units that are individually platted for sale. The code currently does not accommodate individually platted attached single family units due to the 5' side setback requirement for single family residential lots in the control free district. (Sec. 38-10.2) The owner requests a variance allowing the side setback for lot lines dividing attached single family units to be reduced to 0', thus allowing the construction of individually platted, attached single family units. All other setbacks, including side setbacks on end units, will meet Oconee County code. This will allow the owner to offer attached single family units for sale, providing an increased variety of housing products at various price points in the district. The availability for sewer on site due to access to private water treatment offers an opportunity for a higher density not present in other areas of the district.*
2. **Are the circumstances affecting the subject property the result of actions by the applicant/owner? Explain:** *No, the circumstances are due to an incompatibility between the existing single family zoning ordinance and the desire to provide attached single family dwellings on individually platted lots.*
3. **Describe the ways in which application of the requirement(s) of the ordinance effectively prohibit or unreasonably restrict the utilization of the subject property:** *The requirement for a 5' side setback on all single family residences prevents the development of attached single family units for sale rather than rental.*
4. **Will the proposed variance result in an activity that will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance? Explain:** *Yes, the proposed variance will not harm, but enhance the character of the district. The subject property is adjacent to multifamily apartments. Allowing attached single family units will provide a more seamless transition in density and use from the adjacent multifamily units to the proposed single family detached units and other surrounding single family development. The use of attached single family units will also allow units to be clustered, thus providing greater opportunity for common open space, as seen in the site plan. The*

increased opportunity for home ownership rather than rental, will increase the investment of those living in the subdivision in the surrounding community.

Discussion with the Board followed.

Public Comment:

- Mr. Codner read/summarized emails submitted by the public into the record.
- Mr. Patrick Tierney, Citizen, stated that he could not discern where the proposed development was located from the back-up material provided.
- Mr. Chris Leonard, Citizen, asked if townhomes will be priced at a price for first-time home buyers. If so, stated that would be a good idea.
- Mr. Matomas, Citizen, expressed his opposition to the proposed variance. He lives in Point Harbor and is concerned about devaluation of the established homes in the area and increased boat traffic.

Applicant rebuttal:

- Mr. Talbert was given the opportunity to address the public comments. He clarified the exact location of the proposed variance using the projected map.
- Mr. Chip Orson, Four Star Group, who manages land acquisition for the developer addressed the question regarding price points for the townhomes. Mr. Orson added that within his years of experience he has not seen similar developments negatively affect the valuation of neighboring properties.
- Mr. Talbert stated that the opposition to boat traffic was not applicable to the variance request as the property is not on the water.
- Mr. Talbert addressed the issue of density that was raised in emails read into the record. He stated that if the variance would be denied, the density would not change. With regards to the traffic concerns, he advised they have commissioned and completed a traffic study. The project has received SCDOT approval and any improvements to traffic flow, to any of the surrounding streets will be addressed in the development as required by the traffic study and SCDOT.
- Ms. Tricia Chason, Entitlement Manager, Four Star Group, advised that turn lanes (right-hand and left-hand) will be constructed off of Cherry Road into the development, so it will be widened significantly. There will be two entrances into the development, one off Cherry Road and one off J P Stevens Road. There are no improvements required for the J P Stevens entrance. There is another access point that will be for emergency vehicles only; it will be gated to prevent additional traffic. Ms. Chason added that the traffic study also analyzed the surrounding intersections and found no improvements were needed. She advised that SCDOT has a funded project that is in development now to improve the intersection at J P Stevens Road and Cherry Road.

Staff comments:

- Ms. Kompier stated that the property in question is zoned Control Free, with no density limitations. She confirmed that density is not an issue tonight; it is strictly lot lines.

1. There **are** extraordinary and exceptional conditions pertaining to the particular piece of property:

- a. Motion – Mr. Eagar made a motion, seconded by Mr. Mays. No discussion.
- b. Vote

In-favor	Opposed
7	0

Mr. Codner noted that the criterion passed.

2. These conditions **do not** generally apply to other property in the vicinity:

- a. Motion – Mr. Eagar made a motion, seconded by Mr. McKee. No discussion.
- b. Vote

In-favor	Opposed
7	0

Mr. Codner noted that the criterion passed.

3. Because of these conditions, the application of this chapter to the particular piece of property **would** effectively prohibit or unreasonably restrict the utilization of the property; and

- a. Motion – Mr. Gilster made a motion, seconded by Mr. Decker. Discussion followed.
- b. Vote

In-favor	Opposed
7	0

Mr. Codner noted that the criterion passed.

4. The authorization of a variance **will not** be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.

- a. Motion – Mr. Eagar made a motion; seconded by Mr. Gilster. Discussion followed.
- b. Vote

In-favor	Opposed
7	0

Mr. Codner noted that the criterion passed.

5. Mr. Codner asked – Based on the evidence presented to the Board, do I hear a motion that the proposed variance be **Approved**.
 - a. Motion – Mr. Eagar made a motion; seconded by Mr. Decker. No discussion.
 - b. Vote

In-favor	Opposed
7	0

Mr. Codner noted that variance request was approved.

Item 5 – Variance request application #VA21-011: Ridgewater Engineering and Surveying – Joe Meaders is requesting an 18.1’ variance from the 50’ right-of-way for the entrance of the subdivision due to the end of the existing road not making full access into the property and only having a prescriptive ditch-to-ditch right-of-way. TMS #150-00-01-459 an unaddressed parcel with the closest address of 599 Ellenburg Rd, Seneca, SC 29672.

Applicant’s opening statement and provision of evidence:

Reah Smith, Development Team, Lake Keowee Real Estate, spoke on behalf of the applicant for the variance. She presented evidence that the property has geographic and physical constraints that require the variance and that each of the four criterion can be met to approve the variance. Ms. Smith added that the Road Ordinance that is referenced was adopted after the property was purchased. Ms. Smith described the positive impact the variance will have on John’s Marine and the nearby County roads. Board members asked questions to clarify certain points.

Staff comments: Mr. Coley explained that the request is a road variance, not necessarily a zoning ordinance, and Planning staff have met with staff from the Roads & Bridges Department to discuss. Notable findings from the meetings include agreement that the current road right-of-way is prescriptive and ends at the pavement on either side of the road, the variance is for a section that is 100 ft. in length and 31.9 ft. at its narrowest point, and the applicant is shifting the proposed entrance south from the center of the road so that it is all on their property. Mr. Coley also noted that granting this variance would not allow construction to begin immediately. The applicant would still need Roads & Bridges’ approval for their plan to fit road shoulders, appropriate drainage, and all utilities in a narrow right-of-way. In addition, a traffic study would need to be completed as well as approvals for access and turn radiuses from Emergency Management.

Public comment time:

- Rick McDuff, Attorney, Spokesman for John’s Marine (Ratliff family), stated the opposition to the ordinance. Points of opposition included:

- The portion of the road in question is not owned by Oconee County. Ownership is split between the developer and Ratliff's, with the majority by the Ratliff's.
- The belief that the BZA has no authority to make this decision; must be decided between the two private parties.
- No evidence a prescriptive easement has been obtained by the County
- Applicant is attempting to change a contour of an easement that they are not a party to
- Negative impact on John's Marine and the Ratliff property and absence of legal remedies to address the impact

Discussion with the Board followed.

- Edward John "Jay" Ratliff, Jr., outlined the Ratliff family's opposition to the variance, the history of the business and the negative impact of the approval of the variance.

Discussion with the Board followed.

- Mike Johnson, citizen, expressed his support for the variance approval, citing the changes to the County ordinance that regulates roads and right-of-ways over the years, specifically regarding private roads.
- Maggie Johnson, citizen, spoke in support of the variance approval and property owner's right to use their property as allowed.
- Chad Knot, citizen, expressed his opposition to the variance approval noting issues with the legality of Board deciding this application, infringement of the Duke 804 line, traffic, and the impact on John's Marine.
- Chris Holder, citizen Greenville, SC, stated his opposition to the variance approval. Mr. Holder referred to the negative impact on John's Marine specific to the space needed to navigate boat trailers and traffic.
- Jon Martin, citizen, stated his opposition to the variance with concern that John's Marine will lose their business and/or Oconee County taxpayers will have to defend decision in appellate court.
- Bruce Hadley, citizen, expressed his concern that the Board has no jurisdiction over this application as the road is private land and there is no plan to allow for a similar business if John's Marine is forced out of business
- Barry Steele, citizen, expressed his opposition to the variance approval based on his concerns with erosion and limited room for tractor trailers used for deliveries.
- Doug Cooper, Harbor Oaks HOA President, expressed his opposition to the variance approval citing safety concerns with regards to increased traffic.
- Mr. Codner made a motion to take a 5-minute break, seconded by Mr. Eagar. Mr. Codner called for a vote. The motion passed unanimously 7/0
- Mr. Codner made a motion that the Board reconvene, seconded by Mr. McKee. Mr. Codner called for a vote. The motion passed unanimously 7/0
- Mr. Codner read a sample of emails submitted by the public into the record.

Applicant rebuttal: Mr. Larry Brandt, attorney for the applicant, presented a summary rebuttal to the argument against the requested variance. A question-answer session with the Board followed. Andy Lee, Developer, addressed the opposition presented during public comment specifically the size of the cul-de-sac, piece of land between the two properties, encroachment into the 804, flood plain easement with regards to the 810, existence and “ownership” of the prescriptive easement, stabilization of the shoreline, and traffic. Discussion with Board followed. Ms. Smith made closing remarks.

Board discussion: Discussion by the Board included, but was not limited to, the Board’s jurisdiction in this case considering the conflicting legal opinions of the applicant and the opposition, John’s Marine, and traffic and pedestrian safety—specifically **section 26-8 (a) Variance from road standards** of the Oconee County Ordinances. Mr. Codner made a motion to table the variance request, with the supposition directing Planning Staff answer the question of who owns the property (road), and the two parties meet and try to resolve this issue—specifically the piece of land between the two properties—coming back to the Planning Department to schedule a new hearing; seconded by Mr. McKee. Mr. Codner called for a vote. The vote was approved unanimously 7/0.

Item 6 – Adjourn

Mr. Codner asked for a motion to adjourn

Motion – Mr. Mays made a motion; seconded by Mr. Eagar

Vote – Mr. Codner called for a vote. Motion was unanimously approved 7/0.

Meeting was adjourned at 6:58 PM.

OCONEE COUNTY BOARD OF ZONING APPEALS

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TEL (864) 638-4218 FAX (864) 638-4168

Variance VA21-011 "Arrowhead Road Variance"

Public Comment - First Name, Last Name - please print legibly

~~Rick McDuff~~ ~~Hilly~~

~~John Ratliff~~
~~Jimmy~~

1. Mike Johnson - Private Citizen
2. Maggie Johnson
3. EDWARD RATLIFF
4. Rick McDuff - ATTORNEY FOR JOHN'S MARINE
5. ~~Lucretia Morgan - Private Citizen~~
6. Sherri Crisp
7. GARY COLDRAN
8. CHAD KNOTT
9. CHRIS HOWER
10. John Reeves
11. RODGER CHAPMAN
12. Jon Martin
13. Frank Powell

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Variance VA21-011 "Arrowhead Road Variance"

Public Comment - First Name, Last Name - please print legibly

1. Bruce Hadley
2. ~~Bruce~~ Darryl S. Teala
Darryl
3. Doug Cooper
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____

Applicant's opening statement and provision of evidence:

Public comment-time:

Mr. Codner then opened up the public comment portion of the meeting and asked people to be concise with their comments as there are many people signed up to speak.

#1 {

Name	For	Against	Why?
Patrick Tierney			
Chris Lenard			
Rick McDuff Atty		✓	Every thing
Edward Ratliff		✓	
Mike Johnson	✓		
Maggie Johnson	✓		
Chad Knott		✓	Every thing
Chris Holder		✓	Traffic
John Martin		✓	
Bruce Hadley		✓	
Barry Steel		✓	
Doug Cooper		✓	
Larry Brandt	✓		

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Page 1: Exhibit 1 Exhibit Survey of Ellenburg Road Zoning Request

Page 2: Exhibit 2--Aerial of the Parcel and surrounding immediate area

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Page 5: Graphic 2--Proposed Centerline and Right-of-Way

Page 6: Graphic 3--Proposed Road Dimensioning

Page 7: Graphic 4--Proposed Pavement/Repavement

Supplements:

Page 8: Letter from Parcel Owner

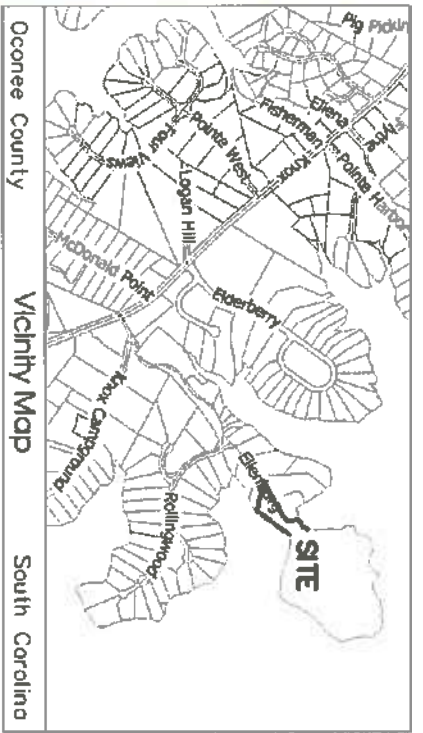
Page 9: Plat of Parcel from 2008

Page 10: Letter from Assistant Director of Public Works (stapled)

Page 11: Variance Criteria Overview (stapled)

Page 12: Developer Bios

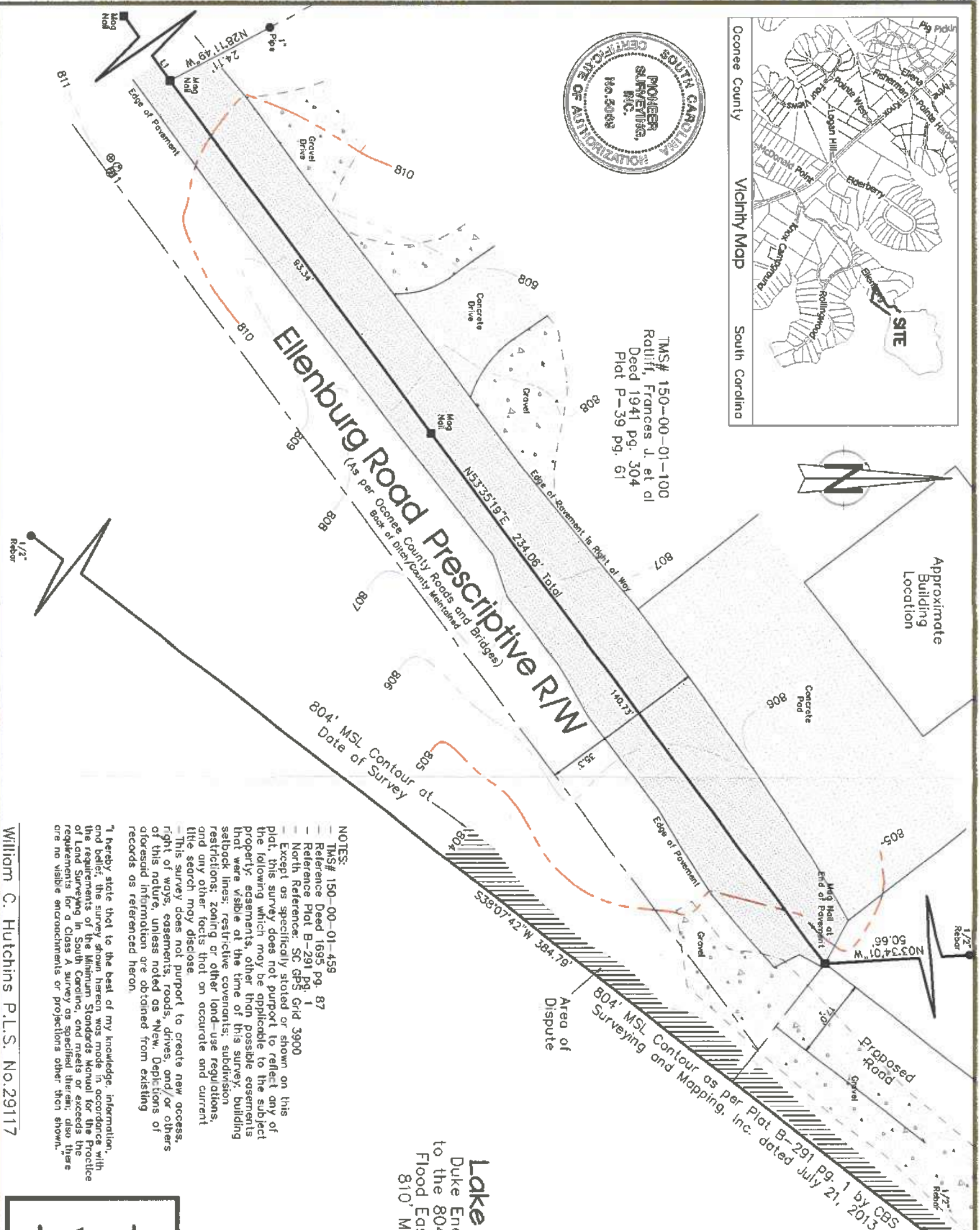
(Outside Packet) Deed for Parcel with Deed Restrictions



TMS# 150-00-01-100
 Rotiff, Frances J. et al
 Deed 1941 pg. 304
 Plat P-39 pg. 61



Approximate
 Building
 Location



LINE	BEARING	DISTANCE
L1	N54°54'41"E	56.82'

- Legend
- (New) (Found)
 - 1/2" Rod/Rebor
 - Mag Nail
 - △ Computed Point
 - ⊕ Telephone Pedestal
 - ⊙ Utility Pole

Lake Keowee
 Duke Energy Boundary
 to the 804' MSL Contour.
 Flood Easement to the
 810' MSL Contour.

NOTES:
 - TMS# 150-00-01-459
 - Reference Deed 1695 pg. 87
 - Reference Plat B-291 pg. 1
 - North Reference: SC GPS Grid 3900
 - Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject property: easements, other than possible easements that were visible at the time of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, and any other facts that on accurate and current title search may disclose.
 - This survey does not purport to create new access, right of ways, easements, roads, drives, and/or others of this nature, unless noted as "New." Depictions of aforesaid information are obtained from existing records as referenced herein.
 "I, hereby state that to the best of my knowledge, information, and belief, the survey shown herein, was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown."

William C. Hutchins P.L.S. No. 29117

PIONEER SURVEYING
 PioneerLandSurvey@gmail.com
 PioneerLandServices.com
 906 Freeman Road
 Liberty S.C. 29657
 (864) 231-8820

Drawn By	Field Crew	Map #
SG	SG, NS	20354As_Built



Exhibit 1




Exhibit Survey
 and Certification of
Ellenburg Road
Variance Request
 Date: August 26, 2021

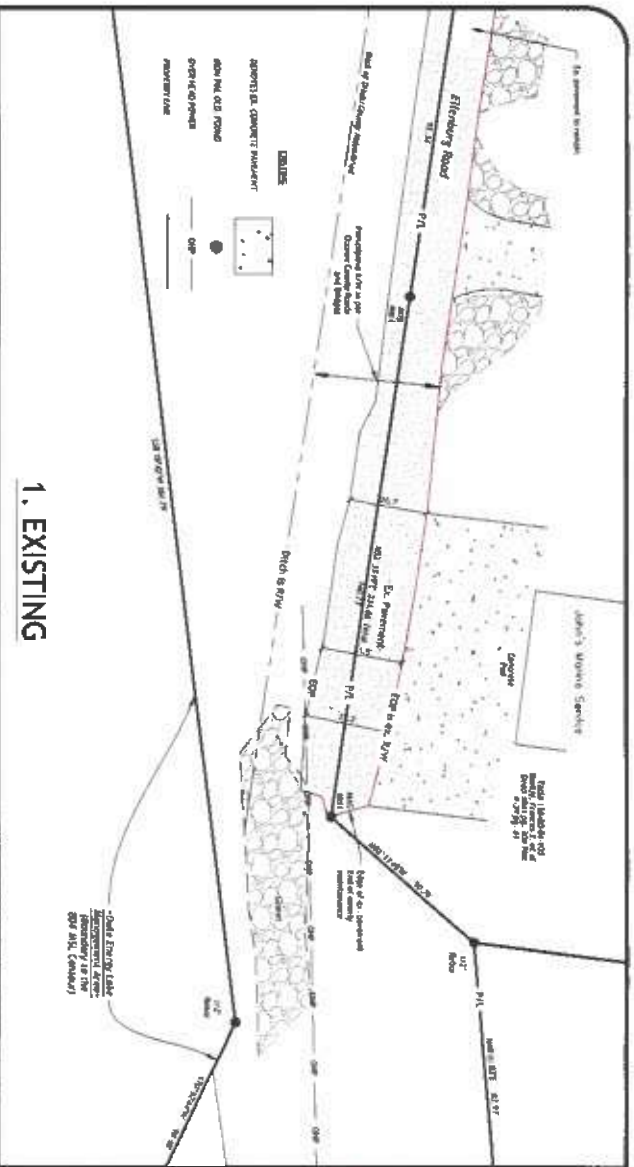
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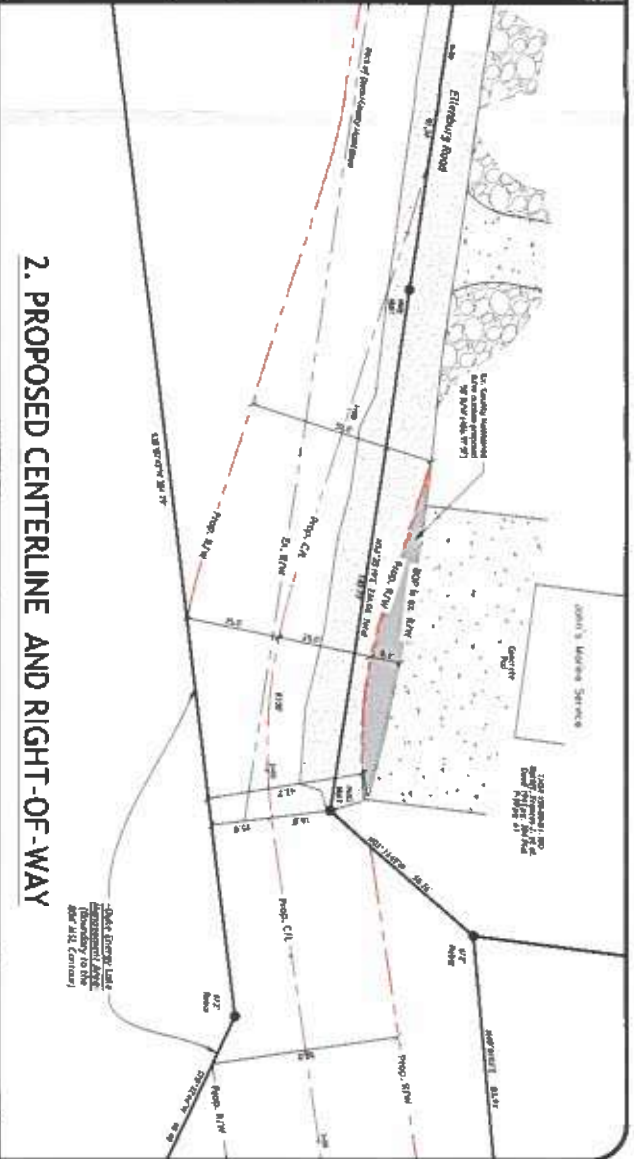


Exhibit 2

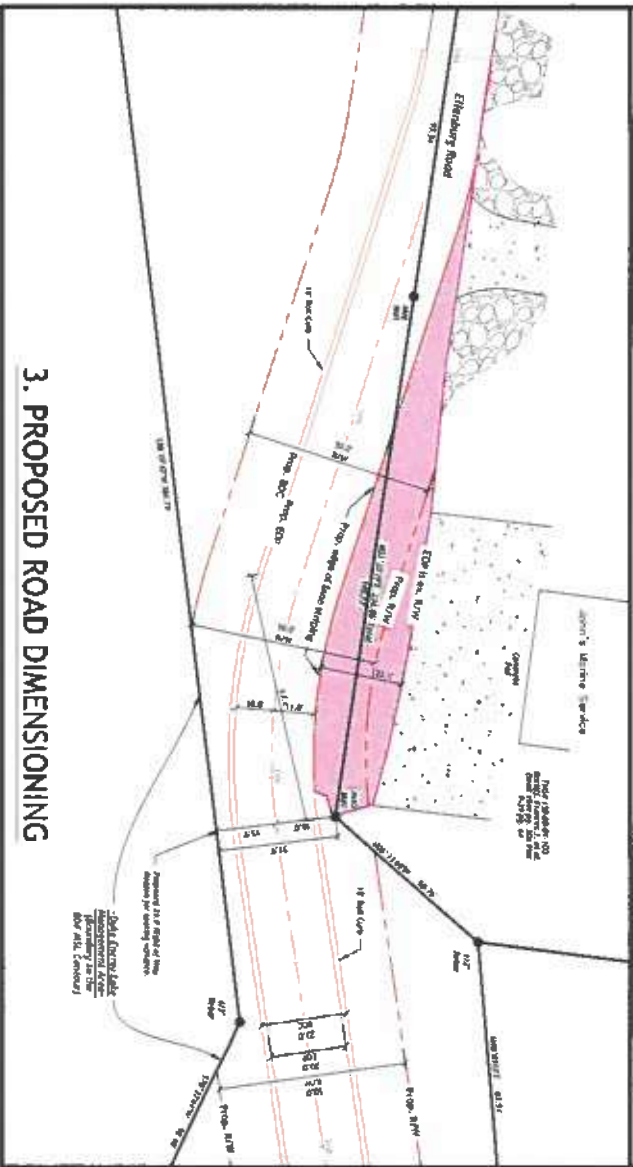
 <p>RIDGEWATER ENGINEERING & SURVEYING</p> <p>200 N. 10th St. Mankato, MN 56001 507.435.2000 www.ridgewater.com</p>	 <p>Scale: 1" = 100'</p>		<p>Arrowhead Point</p> <p>Quinn Casper, Surveyor</p>	<table border="1"> <tr> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td>1/1/2024</td> <td>Final Survey</td> </tr> <tr> <td>1/1/2024</td> <td>Field Notes</td> </tr> <tr> <td>1/1/2024</td> <td>Office Work</td> </tr> <tr> <td>1/1/2024</td> <td>Check</td> </tr> <tr> <td>1/1/2024</td> <td>Final</td> </tr> </table>	DATE	DESCRIPTION	1/1/2024	Final Survey	1/1/2024	Field Notes	1/1/2024	Office Work	1/1/2024	Check	1/1/2024	Final	<p>Exhibit 2</p>
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1/1/2024	Check																
1/1/2024	Final																



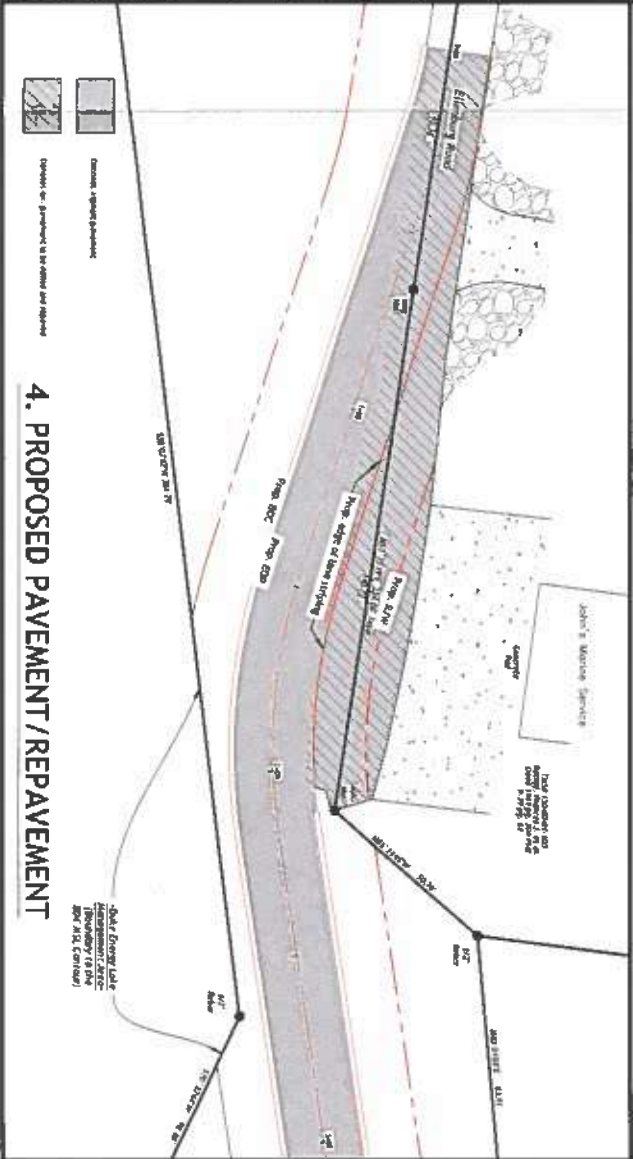
1. EXISTING



2. PROPOSED CENTERLINE AND RIGHT-OF-WAY



3. PROPOSED ROAD DIMENSIONING



4. PROPOSED PAVEMENT / REPAVEMENT

Graphics 1-4

SITE LEGEND

C/L	Centerline of Road
EDP	Edge of pavement
BCR	Back of curb
R/W	Right-of-way
R	Facility
Prop.	Proposed
Ex.	Existing

CAUTION



RIDGEWATER
ENGINEERING & SURVEYING

PO BOX 806
ANDERSON, SC 29622
(843) 226-0989
RIDGEWATER@GMAIL.COM

Scale: 1" = 10'-0"

North Arrow



Arrowhead Point

Oconee County,
South Carolina

DRAWN BY: KDC
CHECKED: JMW
JOB NUMBER: 21286

DATE: 11/20/21
SCALE: AS SHOWN

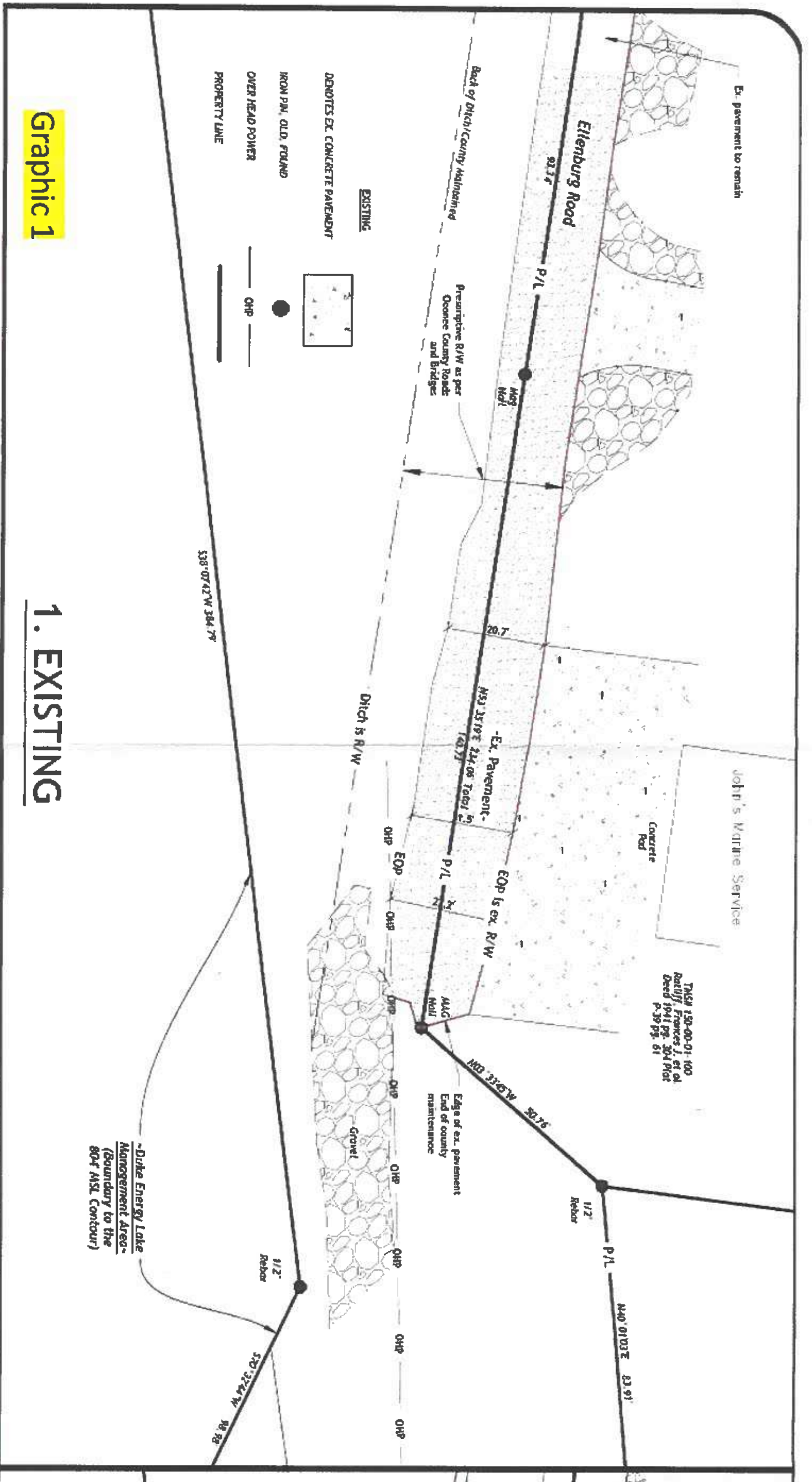
PLANNING COMMISSION #16
11/20/21

SHEET

Variance Request

C - 2

13



Ex. pavement to remain

Ellenburg Road

23.3'

P/L

Mag Mill

Back of Ditch/County Maintenance

Prescriptive R/W as per Orange County Road and Bridges

Ditch is R/W

John's Marine Service

TMS# 120-00-01-100
Railroad Frances J. et al
Deed 1941 pg. 304 Plot
P. 39 pg. 81

1/2" Rebar

P/L

N40° 01'03"E 23.91'

-Ex. Pavement-
MSJ 3519E 24.06 Total to
(40.7)

EOP is ex. R/W

Mag Mill

N40° 11'41"E 50.76'

Edge of ex. pavement
End of county
maintenance

EOP

P/L

OHP

OHP

OHP

OHP

OHP

OHP

OHP

OHP

OHP

OHP

OHP

OHP

PROPERTY LINE

OVER HEAD POWER

IRON PIN, OLD, POLAND

DENOTES EX. CONCRETE PAVEMENT

EXISTING



OHP

S38° 07'42"W 304.79'

-Duke Energy Lake
Management Area-
(Boundary to the
804' MSL Contour)

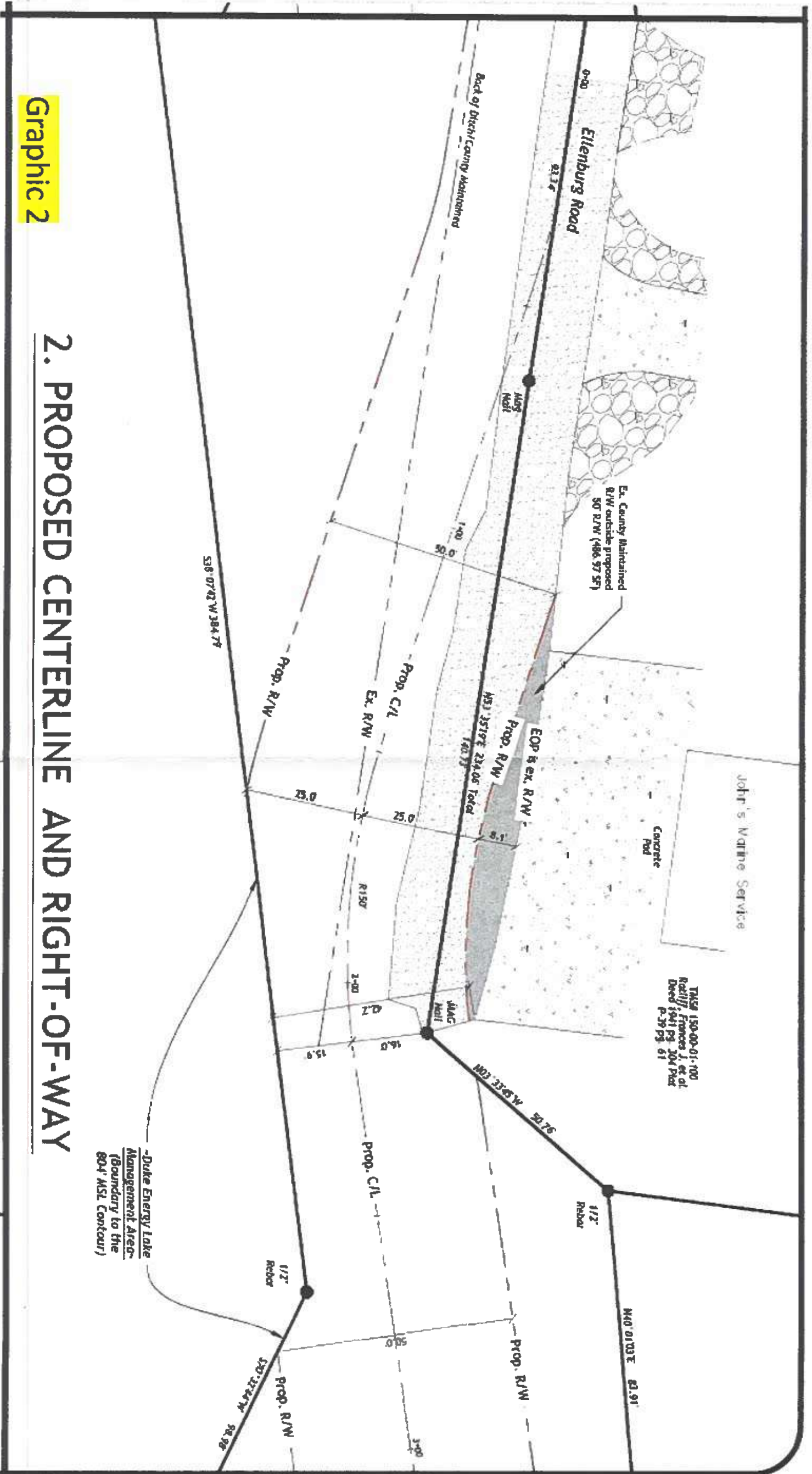
1/2" Rebar

S50° 37'44"W 78.82'

Graphic 1

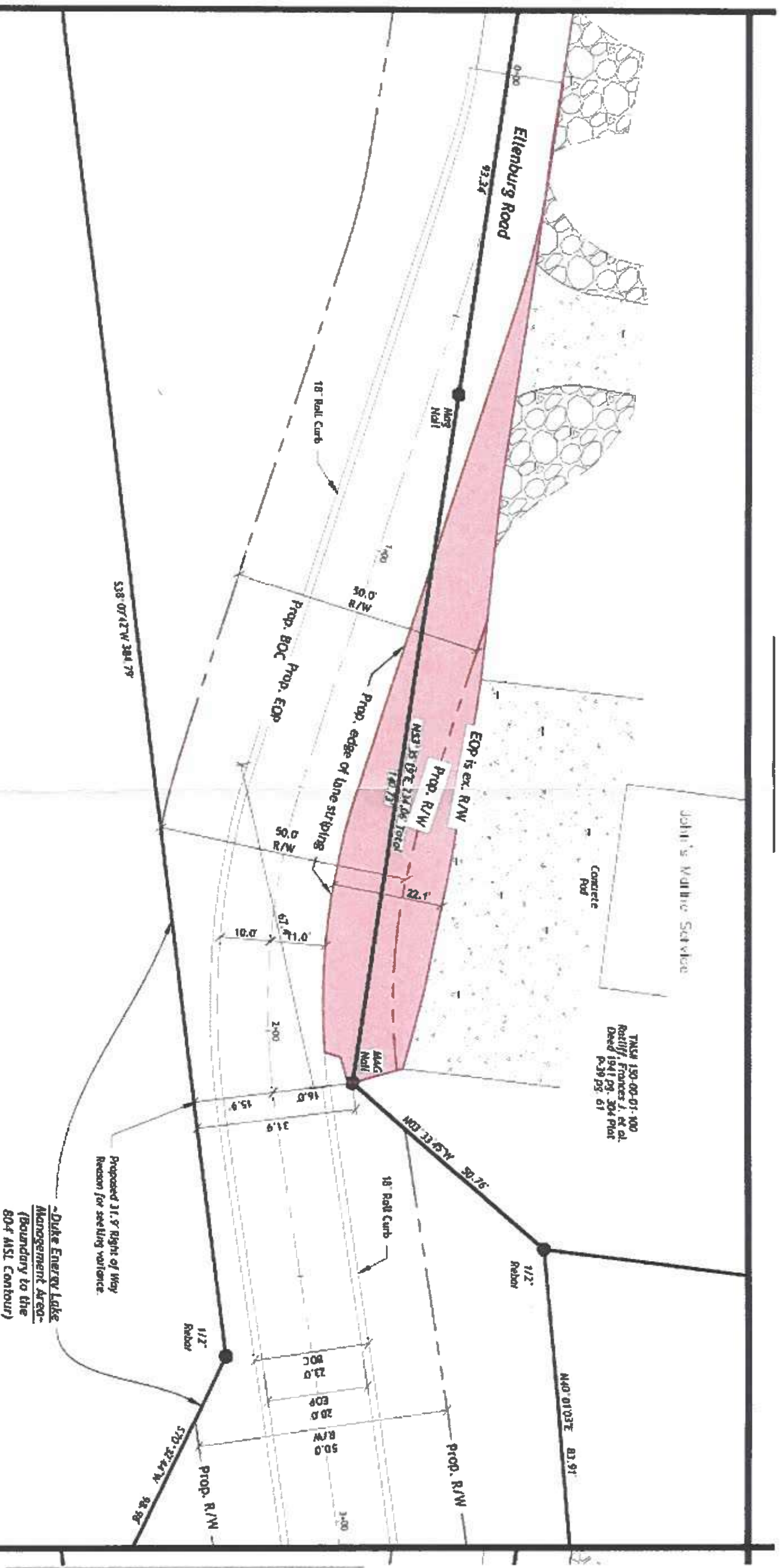
1. EXISTING

4



Graphic 2

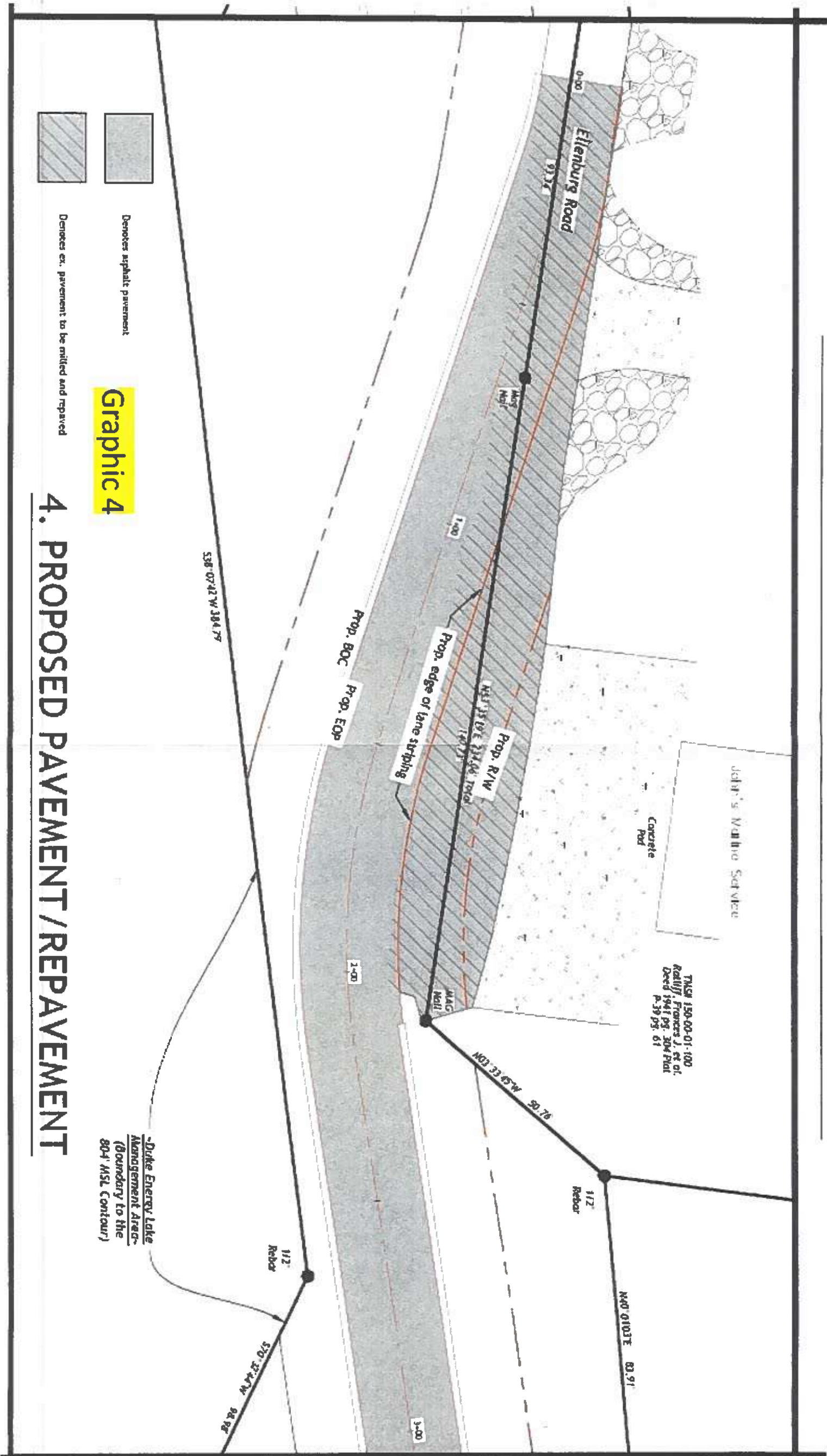
2. PROPOSED CENTERLINE AND RIGHT-OF-WAY





Graphic 3

3. PROPOSED ROAD DIMENSIONING

6



-  Denotes ex. pavement to be milled and repaired
-  Denotes asphalt pavement

Graphic 4

4. PROPOSED PAVEMENT/REPAVEMENT

7



896 N. Walnut Street, Seneca, SC 29678

• 864.886.0098 • Fax 864.886.0075

To Whom It May Concern,

I, John Hamrick, am the owner of this property located at the end of Ellenburg Road, Tax Map # 150-00-01-459. I am aware Andy Lee is working to get a variance for this property. I am in full support and appreciate any consideration given.

Thank you,

A handwritten signature in black ink that reads "John Hamrick".

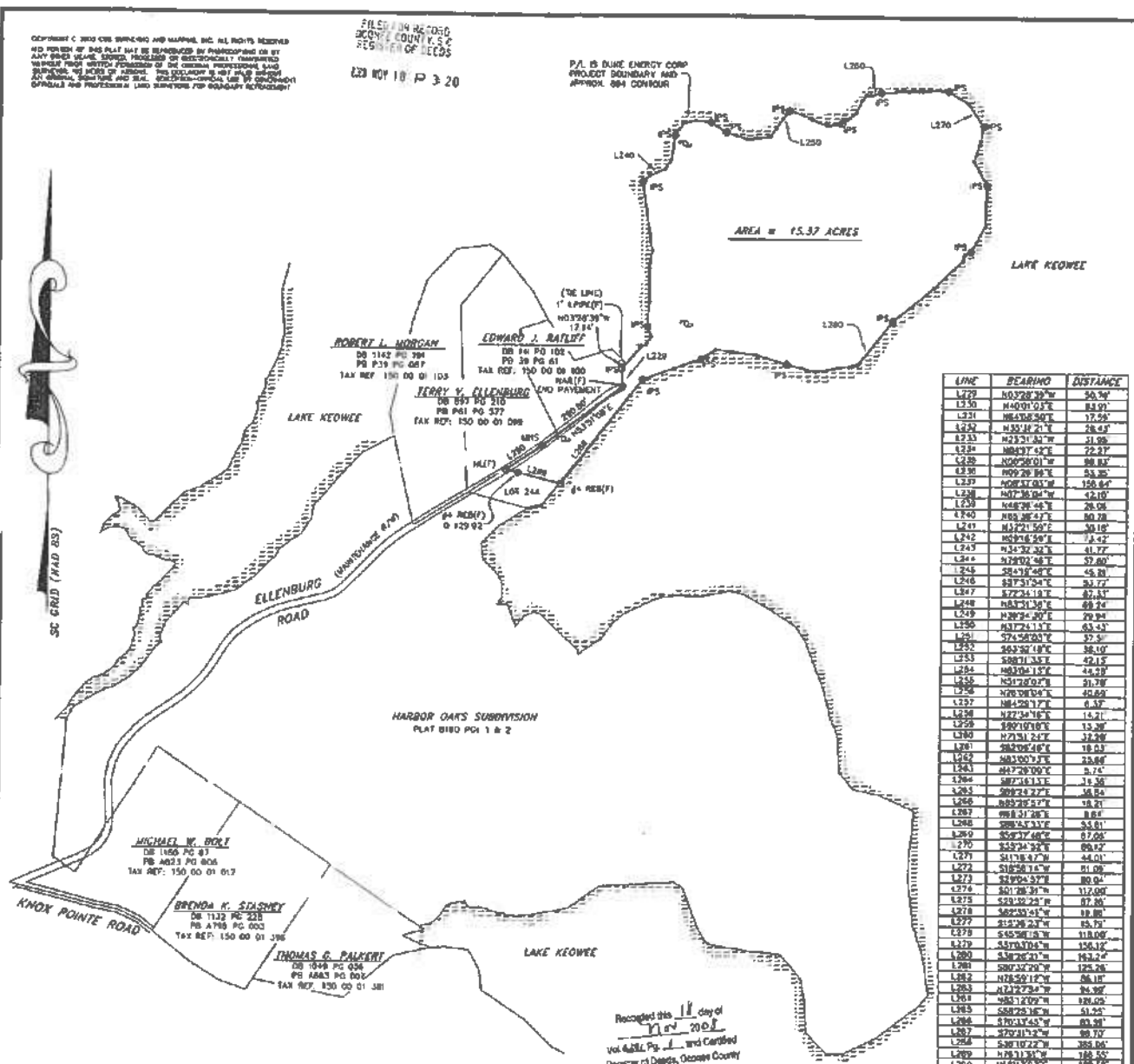
John Hamrick

A handwritten number "8" inside a blue circle, located in the bottom right corner of the page.

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NO PORTION OF THIS PLAT MAY BE REPRODUCED BY PHOTOGRAPHY OR BY ANY OTHER MEANS WITHOUT PERMISSION OF THE SURVEYOR. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL AND TECHNICAL SERVICES PROVIDED BY THE SURVEYOR. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL AND TECHNICAL SERVICES PROVIDED BY THE SURVEYOR.

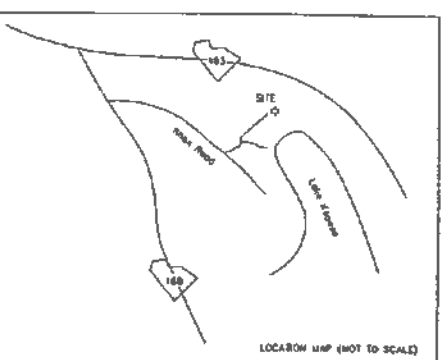
FILED IN RECORD BOOK
SOUTH CAROLINA
REGISTERED PLAT
23 NOV 18 P 3 20

P.A. IS DUKE ENERGY CORP
PROJECT BOUNDARY AND
APPROX. 804 CONTOUR



LINE	BEARING	DISTANCE
L229	N032°26'30"W	50.30'
L230	N40°01'05"E	83.01'
L231	N64°08'50"E	17.55'
L232	N30°34'21"E	28.43'
L233	N23°21'30"W	31.99'
L234	N08°27'52"E	72.27'
L235	N00°26'01"W	98.83'
L236	N09°26'04"E	53.80'
L237	N08°14'03"W	158.84'
L238	N07°36'04"W	42.10'
L239	N48°26'45"E	26.58'
L240	N55°36'47"E	80.28'
L241	N32°14'50"E	30.18'
L242	N59°16'50"E	74.47'
L243	N34°39'40"E	41.77'
L244	N29°02'48"E	37.80'
L245	S84°18'48"E	45.81'
L246	S87°31'04"E	33.77'
L247	S77°24'18"E	87.34'
L248	N53°21'30"E	68.24'
L249	N26°34'20"E	79.89'
L250	N31°24'14"E	63.53'
L251	S74°58'00"E	37.50'
L252	S63°39'18"E	38.10'
L253	S58°21'34"E	42.13'
L254	N63°06'15"E	44.37'
L255	N51°28'07"E	51.78'
L256	N76°08'04"E	49.89'
L257	N84°28'17"E	6.57'
L258	N22°14'37"E	15.21'
L259	S90°10'01"E	13.30'
L260	N73°31'24"E	33.28'
L261	S88°08'46"E	18.03'
L262	N63°00'37"E	23.86'
L263	S83°24'37"E	9.74'
L264	S87°16'11"E	14.36'
L265	S89°24'27"E	16.84'
L266	S85°25'27"E	18.21'
L267	S88°51'28"E	8.81'
L268	S90°14'37"E	54.81'
L269	S58°17'48"E	67.00'
L270	S55°24'32"E	69.62'
L271	S41°18'47"E	44.01'
L272	S16°53'47"E	51.09'
L273	S19°24'57"E	80.04'
L274	S01°28'39"E	112.00'
L275	S28°32'28"E	67.86'
L276	S62°53'41"E	19.88'
L277	S24°28'27"E	15.73'
L278	S45°56'13"E	114.00'
L279	S59°18'45"E	156.12'
L280	S38°26'21"E	163.27'
L281	S88°42'29"E	124.26'
L282	N12°50'12"E	58.18'
L283	N12°27'34"E	94.30'
L284	N83°12'09"E	186.02'
L285	S68°25'16"E	51.22'
L286	S70°47'43"E	85.38'
L287	S72°11'27"E	89.73'
L288	S38°10'22"E	354.04'
L289	N78°11'31"E	168.55'
L290	N58°17'07"E	128.52'

Recorded this 11 day of
Nov 2003
Vol 4812, Pg 1 and Certified
Register of Deeds, Oconee County



NOTES:
 1. NO IMPROVEMENTS SUBJECT TO THIS PLAT.
 2. PROPERTY SUBJECT TO THIS PLAT IS SHOWN AS BEING UNDEVELOPED.
 3. PROPERTY SUBJECT TO THIS PLAT IS SHOWN AS BEING UNDEVELOPED.
 4. PROPERTY SUBJECT TO THIS PLAT IS SHOWN AS BEING UNDEVELOPED.
 5. PROPERTY SUBJECT TO THIS PLAT IS SHOWN AS BEING UNDEVELOPED.
 6. PROPERTY SUBJECT TO THIS PLAT IS SHOWN AS BEING UNDEVELOPED.
 7. PROPERTY SUBJECT TO THIS PLAT IS SHOWN AS BEING UNDEVELOPED.
 8. PROPERTY SUBJECT TO THIS PLAT IS SHOWN AS BEING UNDEVELOPED.
 9. PROPERTY SUBJECT TO THIS PLAT IS SHOWN AS BEING UNDEVELOPED.
 10. PROPERTY SUBJECT TO THIS PLAT IS SHOWN AS BEING UNDEVELOPED.



PLAT PREPARED FOR:
CRESCENT RESOURCES LLC
1610 DALLAS/FT. WORTH PARKWAY
SUITE 200
CHARLOTTE, N.C. 28277

WORTH CAROLINA
I HEREBY CERTIFY THAT I AM THE SURVEYOR OF THIS PLAT AND THAT I AM A LICENSED SURVEYOR AND MAPPING ENGINEER IN THE STATE OF SOUTH CAROLINA. I HAVE PERSONALLY CONDUCTED THE SURVEY AND I AM NOT PROVIDING THIS PLAT AS A SERVICE TO ANY OTHER PARTY. I AM NOT PROVIDING THIS PLAT AS A SERVICE TO ANY OTHER PARTY. I AM NOT PROVIDING THIS PLAT AS A SERVICE TO ANY OTHER PARTY.

BOUNDARY SURVEY FOR:
CRESCENT COMMUNITIES S.C., LLC

SURPLUS TRACT NO. 7174-82 INDCR. AS SHOWN
 BOUNDARY: KEOWEE WAREWATER TAX ID: 130 00 01 416
 COUNTY: OCONEE STATE: SOUTH CAROLINA
 DATE: JULY 21, 2003 JOB NO: 1166100

DATE	REVISIONS	DESCRIPTION
11/4/2008		SHOW REMAINING PROPERTY

CBS
CBS Surveying & Mapping Inc.
 122 EAST ROBINSON STREET
 DARTHEE, SC 29540 (864) 408-3080
 Ret: 1000 008:10

16 (31) 9

FW: Ellenburg Road - BZA hearing

2 messages

James Coley <jcoley@oconeesc.com>

Mon, Nov 29, 2021 at 12:13 PM

To: Wesley White <wesley@ridgewatereng.com>, Andy Lee <andyonkeowee@gmail.com>

For your records.

Thanks,

From: Kyle Reid**Sent:** Monday, November 29, 2021 9:58 AM**To:** James Coley <jcoley@oconeesc.com>**Cc:** David Root <droot@oconeesc.com>; Vivian Kompier <vkompier@oconeesc.com>**Subject:** RE: Ellenburg Road - BZA hearing

James,

Here are the bullets from my conversation with the developer and his engineers concerning the development at the end of Ellenburg Rd. (these are not commentary on the variance requested for the BZA and the below was based on hypotheticals as no plan was presented):

- The developer asked about where Ellenburg Rd stops being county maintained. I told them it was the end of the asphalt and that we did not have deeded right-of-way as the road is maintained by prescriptive easement. I also showed him what we have been maintaining as the extent of our right-of-way.
- They asked about upgrading the road and told me getting right-of-way from the adjacent property owner would likely be difficult. They asked about being able to place the road entirely on their property with a reduced right-of-way than the 50' standard required by the ordinance. I told them that any variance from the road standards would have to be heard by the BZA.
- They asked if there was anything additional that they would need to consider. I told them without a sketch plan it would be hard to hit all the points, but with a subdivision more than 10 lots there would have to be a traffic impact study for Ellenburg Rd that would need to be done at the preliminary plat phase along with an encroachment permit to tie onto the end of the county maintained portion of Ellenburg Rd.
- They asked me about the new road in the development becoming a county maintained road. I told them that the road would need to meet all county standards and have an approved turn around.
- They asked me about the being able to put a gate on the road. I told them it could not be a county maintained road if there was a gate.

As for the proposed variance from the road standards, I would not see an appreciable impact for us to maintain the road because of the fact that our road would terminate at the area with a narrowed right-of-way. They would have to grant us right-of-way in the area they are proposing to relocate the road which would enhance our ability to maintain it. The only other question I would have is for them to show the ability to get the road, shoulders, drainage, and utilities in the proposed narrowed right-of-way.



Thank you,

W. Kyle Reid

Assistant Director of Public Works

Oconee County Roads & Bridges

15022 Wells Hwy – Seneca, SC 29678

Phone: (864) 886-1072

Fax: (864) 886-1071

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From: James Coley

Sent: Tuesday, November 23, 2021 1:37 PM

To: David Root <droot@oconeesc.com>; Vivian Kompier <vkompier@oconeesc.com>; Kyle Reid <kreid@oconeesc.com>

Subject: RE: Ellenburg Road - BZA hearing

Kyle,

Can you please write up notes for your meeting with the developer, and how their proposal impacts roads and bridges, and your site meeting with them? I will incorporate your materials into a report to the board with the staff recommendations.

Have a great thanksgiving.

Thanks,

James Coley

From: David Root

Sent: Monday, November 22, 2021 12:53 PM

To: James Coley <jcoley@oconeesc.com>; Vivian Kompier <vkompier@oconeesc.com>; Kyle Reid

Making sure you all had this section in mind also:

Sec. 26-8. - Variance from road standards.

(a) Any variance from these road standards shall be consistent with the intent of this article, and shall be approved in writing by the board of zoning appeals. Any person or entity requesting a variance from road standards shall submit a written request for a variance to the planning director of the county. A variance can only be granted for actions to take place in the future. No variance may be granted for past actions.

(b) Prior to scheduling a variance hearing before the board of zoning appeals, the person or entity requesting said variance shall work with the county planning department and the county road department in an effort to eliminate or minimize the need for a variance. After reasonable efforts and no other solution can be reached, a hearing shall be scheduled before the board of zoning appeals. The county staff shall submit written reports to the board of zoning appeals setting forth the county regulation in question, the efforts made to remedy the situation, and a recommendation setting forth the county's position regarding the variance. These written reports shall be submitted to the person or entity requesting the variance at least five days before the variance hearing.

(c) Notice of the variance hearing shall be provided by first-class mail to the person or entity requesting the variance at least 15 days prior to the hearing. Notice of the hearing shall also be published in a newspaper of general circulation in the county at least 15 days before the hearing.

(d) Any party may be represented by counsel. Any person or entity that would be directly impacted by the granting or denial of the variance may participate as a party in the hearing, provided notice of intent is submitted in writing to planning department at least seven days prior to the hearing. The planning department shall immediately notify all other parties of the new party's participation. The county may support or oppose the variance request or be neutral.

(e) The board shall make the initial determination concerning the variance request and may consider any and all evidence it deems relevant concerning the variance issue. The paramount issue for all variance requests shall be the reasonable safety of the road under the proposed circumstances. If the board concludes that a safe road can be constructed without strict application of the regulations set forth in this article or other county ordinances and policies, the board may then consider issues such as the cost of right-of-way acquisition, placement of utilities, and unusual circumstances in determining whether to grant a variance. The board should use reasonable discretion in its decision making.

(f) A person or entity whose request for a variance has been denied by the board may appeal the board's decision to the transportation committee of the county council.

James and Vivian – do you all need anything from me or Kyle prior to the hearing?

– David

David A. Root

Oconee County Attorney

415 South Pine Street



Attorney client / work product protections reserved

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Andy Lee <andyonkeowee@gmail.com>
Reply-To: andyonkeowee@gmail.com
To: Adam Chapman <adamcorychapman@gmail.com>

Mon, Nov 29, 2021 at 12:43 PM

[Quoted text hidden]

2 attachments



image001.jpg
6K



image001.jpg
6K

Variance Criteria Overview

General criteria for granting a variance. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- a) *There are extraordinary and exceptional conditions pertaining to a particular piece of property.*

The parcel itself is a peninsula, it's bounded by water on all sides with exception of the center of the county road as a boundary. The peninsula is narrow in a small portion of the parcel and is unique in that the property line is the center of the road and does not have it's own right of way. There is only access easement to the parcel. These conditions are extraordinary and exceptional because of the limitations created by geography and topography within this parcel. The way a parcel of land lays, the geography, the topography are all acceptable reasons for granting a variance.

- b) *These conditions do not generally apply to other property in the vicinity.*

In the geographic vicinity of this piece of property most roads have a 50 foot right of way because they are not geographically constrained. This property is bounded by a body of water. Most parcels in the vicinity are not bound by the water on both sides. Because of the unique geography of this parcel, meeting the current road ordinance goes beyond creating an unnecessary hardship and instead creates only impossibility of use. This impossibility creates a scenario which meets the criteria for granting a variance.

- c) *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

Without granting this variance to the roads ordinance the application of the ordinance will unreasonably restrict the use of the property. The property was purchased prior to this ordinance being adopted and if you will reference the Deed Restrictions for the parcel you will see that these restrictions are designed in mind with an end use for single-family residential development which was and still remains the intent behind this purchase. The developments in the vicinity of this property have larger homesites and larger homes. The application of this ordinance effectively prohibits building like kind or similar developments for which this property was purchased for, as per the deed.

- d) *The authorization of a variance will not be substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.*

- 1) **The proposed improvement will relocate the existing edge of county pavement, as shown on exhibit 2, to provide John's Marine an additional 22 feet of area to maneuver, outside of the County maintained roadway.**
- 2) **We will extend his current driveway to meet the new roadway so that it is then contiguous to his drive and ramp, causing no disturbance in his business use.**
- 3) **Probably most helpful to improve current conditions for his operation is the installation of a cul-de-sac at the termination of the county road. This would be located 100% within the boundaries of our parcel, as you can see on Graphic 2 and does not encroach onto his property. John's Marine, his customer base, and**

the delivery truck drivers will be able to utilize this space to turn around trucks and trailered boats. John's Marine is currently using the county road as a parking lot and to turn around delivery trucks according to himself and what has been submitted by the public. Granting this variance would alleviate that current hardship by expanding the paved area and providing a paved cul-de-sac that is built to accommodate a circling school bus or fire truck. This should effectively eliminate the need for FedEx/UPS truck to turn around in adjacent owners driveways, road shoulders, or have a need to block the road. This will certainly benefit him and his customers to be able to turn around there.

- 4) We are improving the affected area an ageing county road to current county specifications, an improvement to the current conditions of the roadway. This improvement is at no cost to John's Marine, the neighbors, or to the taxpayers.**
- 5) 19 more homesites also provides the opportunity for 19 more boats to service at the most convenient of distances. John's Marine, who already has an excellent customer base and strong reputation in our community as a top mechanic, will have a slightly expanded customer base in the community if he chooses to take on new clientele. Also, the impact of construction vehicles travelling the road way into the development is for a limited window of time while homes are being built.**

William Anderson "Andy" Lee

As an Oconee County native Andy is a 5th generation builder and developer. After graduating from Walhalla High School and a tour of service in the United States Navy he returned to Oconee and has worked in construction and development. He is also a local small businessman having purchased the brokerage in 2011 after serving as construction manager for the firm 5+ years prior. Andy has developed over 40 Lake Keowee communities and successfully marketed and sold these homesites through Lake Keowee Real Estate.

Reah Land Smith

Also an Oconee County native, Reah has been with the Lake Keowee Real Estate since 2013 and in the real estate industry since 2010. Reah played an integral role in the development, marketing, and sales of the last 8 developments in the brokerage. She currently resides on Lake Keowee.

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

Staff Opinion

BZA #VA21-011 Ridgewater Engineering and Surveying – Joe Meaders is requesting an 18.1' variance from the 50' Right of Way for the entrance of the subdivision due to the end of the existing road not making full access into the property and only having a prescriptive “ditch to ditch” right-of-way. TMS # 150-00-01-459 is an unaddressed parcel with the closest address of 599 Ellenburg Rd, Seneca, SC 29672

Applicant has requested a variance from the road standards under Sec 26-8 of the Oconee County Code of Ordinances. They have requested the variance from Sec 26-3(e)(1) Public Road Minimum right-of-way, pavement, and shoulder width shall be as follows: minor local 50' right-of way.

The applicant is connecting to the existing Ellenburg Rd, a county road, with a new road to develop land past the end of the existing road. Their design as presented would shift the road to the south, establishing a new road layout with curb and gutter on the south side of the road and curb and gutter on both sides past the end of the current road.

- Currently the road right-of-way is prescriptive and ends at the edge of pavement.
- The right-of way request is for a section of the road approximately 100 foot in length with a varying width, which at its narrowest is 31.9 foot
- Sketch is shifting the road to the applicant's side of the property line.

The applicant has meet with the Roads and Bridges Department (notes attached at the end), and based on the initial conversation the Department does not believe that the relocation of the road would have an adverse effect of road maintenance. If the variance is approved they would still need to show the ability to place the road, shoulders, drainage, and utilities in the proposed, narrowed, right-of-way, would need to have a traffic study completed, and would need approvals on access and turning radius with emergency management.

James,

Here are the bullets from my conversation with the developer and his engineers concerning the development at the end of Ellenburg Rd. (these are not commentary on the variance requested for the BZA and the below was based on hypotheticals as no plan was presented):

- The developer asked about where Ellenburg Rd stops being county maintained. I told them it was the end of the asphalt and that we did not have deeded right-of-way as the road is maintained by prescriptive easement. I also showed him what we have been maintaining as the extent of our right-of-way.
- They asked about upgrading the road and told me getting right-of-way from the adjacent property owner would likely be difficult. They asked about being able to place the road entirely on their property with a reduced right-of-way than the 50' standard required by the ordinance. I told them that any variance from the road standards would have to be heard by the BZA.
- They asked if there was anything additional that they would need to consider. I told them without a sketch plan it would be hard to hit all the points, but with a subdivision more than 10 lots there would have to be a traffic impact study for Ellenburg Rd that would need to be done at the preliminary plat phase along with an encroachment permit to tie onto the end of the county maintained portion of Ellenburg Rd.
- They asked me about the new road in the development becoming a county maintained road. I told them that the road would need to meet all county standards and have an approved turn around.
- They asked me about the being able to put a gate on the road. I told them it could not be a county maintained road if there was a gate.

James L. Ratliff, Owner/Operator
John's Marine Service
599 Ellenburg Road
Seneca, SC 29672
November, 22 2021

Jim Codner, Chairman
Oconee County Board of Zoning Appeals
415 South Pine Street
Walhalla, SC 29691

LETTER of OPPOSITION to Variance request application #VA 21-011 – TMS #150-00-01-459 an unaddressed parcel with the closest address of 599 Ellenburg Rd, Seneca, SC 29672

Dear Mr. Codner,

My family and I are in opposition to the development of the proposed 19-home subdivision as presented on the sketch prepared by Ridgewater Engineering & Surveying. My father (John Ratliff) started John's Marine Service to serve boaters on Lake Keowee in 1972. In 1982, he opened his shop at 599 Ellenburg Road which borders TMS #150-00-01-459, the unaddressed parcel in the variance request application. I now own and operate the repair shop and my son is also learning the trade. The unaddressed parcel was purchased in 2008 by GLOBE, LLC & FARMES, LLC (agent John Hamrick). At that time, I was starting to operate the business because my father was diagnosed with Alzheimer's. John Hamrick approached my father multiple times attempting to negotiate with him to sell his property. Fortunately for my family, my father did not sell. Prior to my father passing away, I became the owner of the business to support my parents and my family. This business is our livelihood and the means of support for my family for approximately four decades at the present location.

The proposed development, which is titled "Arrowhead Point" on the sketch plan attached to the variance request application, will have a detrimental and crippling impact to my business and property. The area directly adjoining the 31.9-foot bottleneck is my repair shop. In addition to the bottleneck, yesterday a sketch was added to the meeting backup material. At first glance, it appeared that this will not hinder my business, however upon further examination, he is proposing to take part of my property for his much-needed county right-of-way. The sketch contains a proposed re-pavement and an added county right-of-way which will hinder access for me to utilize my property per Oconee County Code of Ordinance 26-7.f.1. This ordinance prohibits parking within 3-feet of the pavement. Traffic in this area will directly impact my ability to operate the marine service business. Customers typically deliver their boats by trailer and they routinely need assistance with backing and parking their boats. I routinely back boats from the front of my property multiple times daily. When pulling boats out on the ramp or maneuvering them on land, a wide turning radius is needed. We must use all of our property to make

the turn and back down the road into the shop or onto the ramp for lake-testing. Since we are on a dead-end road, there have been no issues with operation since the shop was built almost 40 years ago in 1982. Creating a bottleneck directly in this path with the size of the planned development will create a dangerous situation for my business and the public. Traffic from the residential and proposed rental homes will also remain a hazard, not only for my business and customers but also the surrounding public and neighbors walking and bicycling on Ellenburg Road. When the owner purchased this parcel in 2008, he was aware of the shop's existence and the impact to the public. This proposed variance will have a crippling impact on my customer's ability to deliver their boats for repair and service.

We also have a boat ramp to accommodate customers who don't own a trailer or have access to a trailer. We haul boats out of the lake using our ramp and our trailers for service and repairs. Disabled boats are often towed to our docks by water to have emergency repairs performed.

Beyond the boat service business that my father created and I have sustained, we perform various deeds for the good of the general public. Over the years, we rescued families who were lost or stranded on the lake. We assisted boaters who've had engine fires and those with sinking boats. Due to our shop's central location on Lake Keowee, it gives us quick access to assist distressed boaters. Our long-standing reputation in the community enables people to have us on "speed-dial" to handle emergency situations. Once while lake testing a boat, I was flagged to the county park for emergency response to a distressed family. I went closer and learned a person went under and did not resurface. I dove in the water and began an underwater search. After several free dives, I found the victim on the bottom of the lake and I pulled him to shore. Unfortunately, the outcome was not positive, and the individual did not survive. For my service, Oconee County honored me with recognition at a county council meeting for my emergency response (Proclamation P2012-06). I only wish it would have been for saving a life. The public good has been served by our business for almost 40 years and many boaters stand ready to give statements of support to its continued operation.

After obtaining the variance application #VA 21-011 via a Freedom of Information Act request and reviewing the applicant's response to the fourth question, it was disingenuous of the applicant to assert that "no detriment will be created to the adjacent uses or the public good" given that my boat service business is directly adjacent, has been in operation since 1982 and it is obvious that it will be impacted. As a former Crescent developer, the buyer of TMS #150-00-01-459 the unaddressed parcel, knew what he was purchasing and the detrimental impact it would have on my adjacent business, my livelihood, my family and the public. The unaddressed parcel was purchased with inadequate entry for the size of the planned development and the owner is now asking for a variance that will have a substantial detriment to me, the adjacent user, and a substantial detriment to the public good.

As the Zoning and Appeals Board evaluates the variance application #VA 21-011, below are our responses.

Application Responses to Section 38-7.1:

Question 2:

Are the circumstances affecting the subject property the result of actions by the applicant/owner?

Response:

The applicant/owner purchased this property knowing that the direct access to their parcel was much less than 31.9-foot width at its narrowest point. County maintenance on Ellenburg Road

has been established at 585 Ellenburg (adjacent property up the road from 599 Ellenburg Road) for decades. John's Marine has owned and maintained the property between 585 Ellenburg and the unaddressed parcel described as Arrowhead Point since the shop was built in 1982 as a private road. On July 31, 2021, we noticed construction activities were performed without our knowledge or consent to backfill portions of the property between 599 Ellenburg Road and the Lake Keowee full pond FERC boundary and possibly below the FERC boundary. We approached the vehicles to inquire as to who authorized this activity. Their response was that they didn't know and they produced no documentation. These activities appear to create the condition for seeking a variance for less footage than would otherwise be needed for the 50-foot county ordinance. Video evidence of the backfill activities is available upon request.

Question 4:

Will the proposed variance result in an activity that will not be of substantial detriment to the adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance?

Response:

Granting this variance will have a substantial detriment to the adjacent uses by John's Marine Service, the marine service customers, the general public, and the Ratliff family. These uses have been in place for over 40 years and are for the good of the public. The granting of this variance will in essence put John's Marine Service out of business. As aforementioned, for John's Marine to properly and safely service boats, a wide swath of land is necessary for boats to be maneuvered safely, stored on the property while being repaired and have access to the ramp for lake testing. Storage of disabled boats has been paramount to my business to enable John's Marine to diagnose and repair the issues. The central location of John's Marine on Lake Keowee has allowed me to be of service in emergent situations, where at a moment's notice, I can respond to people in distress in their boats on the lake. My son and I hope to continue to provide service for the next half of a century on Lake Keowee.

Granting this variance will also have a substantial detriment to the public good for safety reasons. Ellenburg Road is a quiet road without much car traffic and the surrounding community love and respect John's Marine. The unexpected increase in car traffic on Ellenburg Road from the size of the development that is being proposed will create safety issues for the surrounding property owners who are accustomed to walking their dogs, riding their bikes and have been for 40 years.

Of additional, significant concern is the potential fire safety hazards from a roadway not suitable to meet the size of the residential development that is being proposed. The small direct access will impact the ability of emergency vehicles for emergency response.

Obviously, if the variance is granted, the construction to expand the roadway will be very impactful to my business as it will be difficult to maneuver boats efficiently and safely and it will create a substantial business interruption.

My family and I request the board deny Variance Request Application #VA 21-011 due to the impacts on my business, the good of the public, and my family. We desire to continue serving the public by owning and operating John's Marine as we have for the past 49 years, of which 40 years have been at its present location.

Sincerely,



James L. Ratliff
Owner/Operator John's Marine Service

Distribution:

Impacted property owners of 599 Ellenburg Road:

Frances J Ratliff

Sherri D Akers

Amy L Cawthon

Edward John Ratliff Jr.

James L Ratliff

Board of Zoning Representatives:

Gwen Fowler

Bill Gilster

Marty McKee

Tim Mays

John Eager

William Decker

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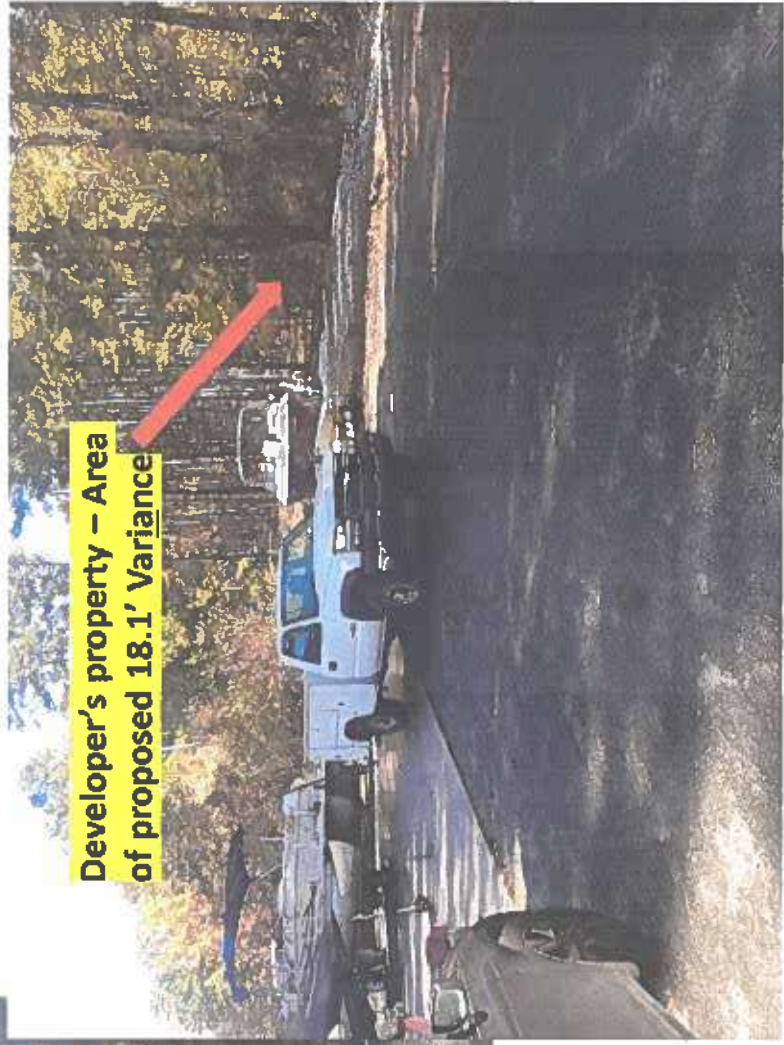
Ellenburg Road - 2021





2







4/2014
1985 2018

John's Marine Svc
2014 Aerial

Legend
599 Ellenburg Rd

599 Ellenburg Rd

End of yellow lines



Developer's property -
why isn't right-of-way on
this side?

100 ft

Google Earth



599 Ellenburg Rd

Legend

599 Ellenburg Rd

John's Mine Svc
2004 Aerial

End of yellow lines

Developer's property -
why isn't right-of-way on
this side?

Google Earth

© 2004 Google, Inc.

100 ft



Legend

📍 599 Ellenburg Rd

John's Marine Svc

2018 Aerial

Developer's property -
why isn't right-of-way on
this side?

End of yellow lines



200 ft



Google Earth



Developer's property -
why isn't right-of-way on
this side?

599 Ellenburg Rd

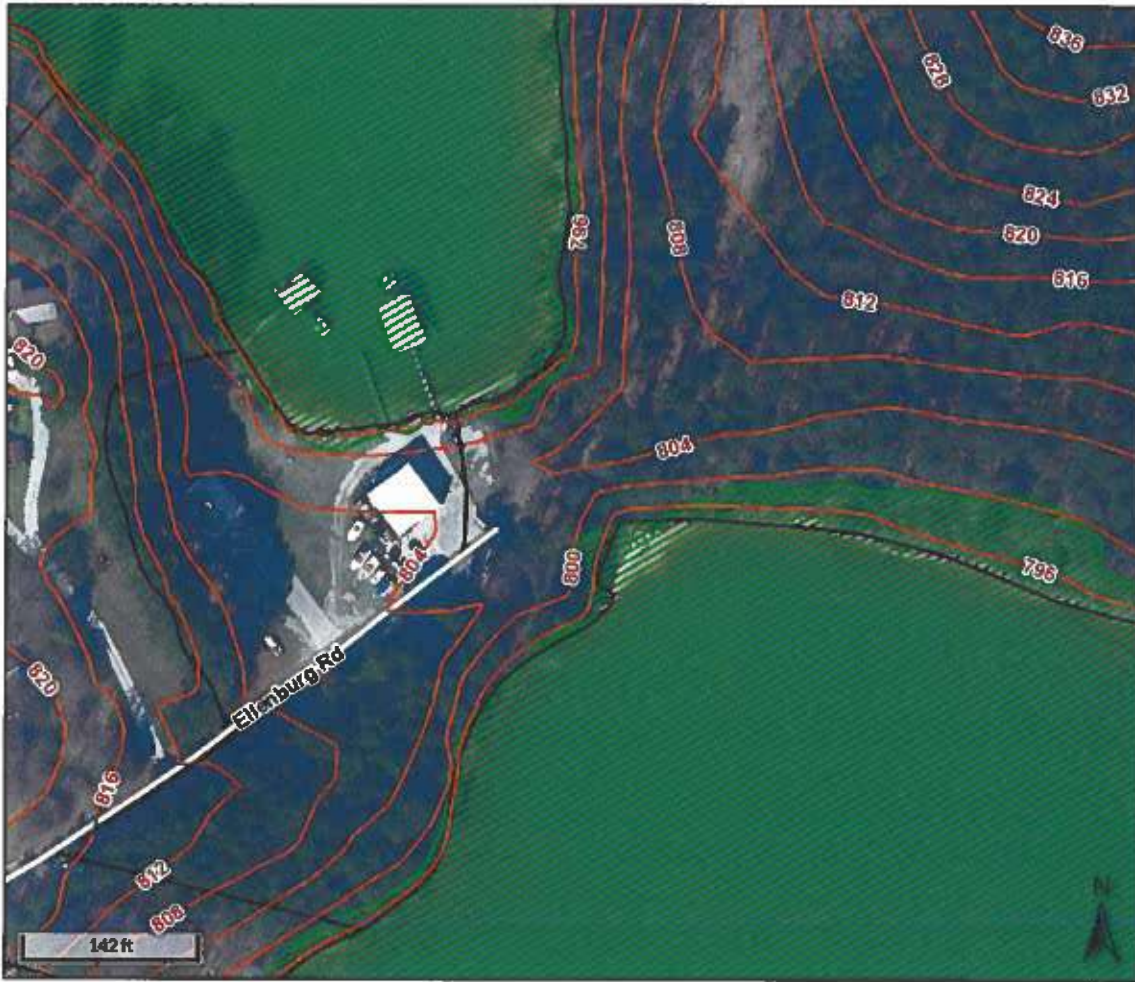
End of yellow lines
from first paving

End of yellow lines
from 2nd paving

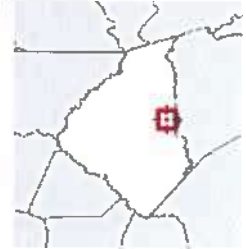
Google Earth

Imagery Date: 4/20/2018 34°47'18.06" N 82°55'49.29" W Elevation: 821 ft eye alt: 11453 ft





Overview



Legend

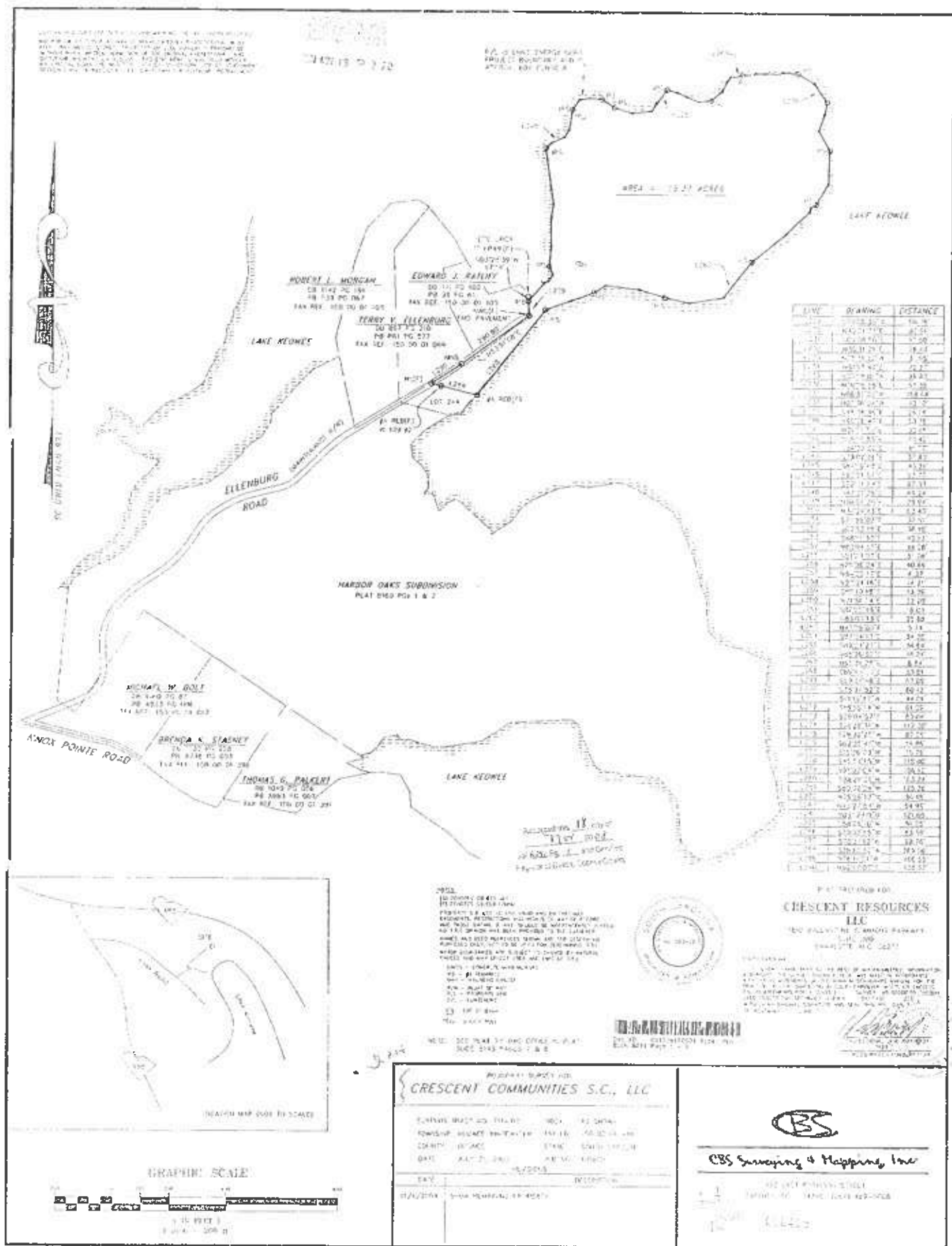
- Parcels
- Landhook
- Roads
- Topography
- FEMA Flood Zones**
- A: 1% Annual chance of Flood Hazard
- AE: 1% Annual chance of Flood Hazard with BFE
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

Parcel ID	150-09-01-041	Alternate ID	15176	Owner Address	KNOTT CHADWICKS & NICOLE L	Last 2 Sales			
Sec/Twp/Rng	n/a	Class	n/a	Address	233 MOSSY CREEK PT	Date	Price	Reason	Qual
Property Address	555 ELLENBURG RD	Acreage	0.72		CLEVELAND, GA 30528	7/5/2011	\$183500	n/a	Q
District	11					n/a	0	n/a	n/a
Brief Tax Description	LOT 39 HARBOR OAKS (.720 AC)								

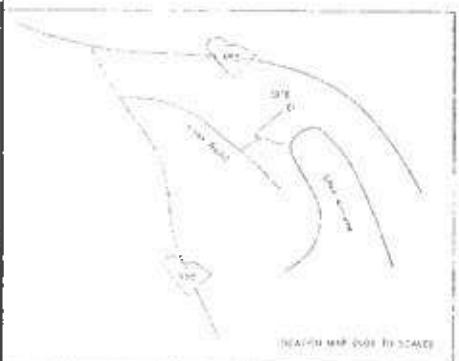
(Note: Not to be used on legal documents)

Date created: 11/30/2021
 Last Data Uploaded: 11/29/2021 9:27:50 PM

Developed by **Schneider**
 GEOSPATIAL



LINE	BEARING	DISTANCE
1	N 89° 15' 00" E	10.00
2	S 89° 15' 00" E	10.00
3	S 00° 00' 00" E	10.00
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100	N 00° 00' 00" W	10.00



CRESCENT RESOURCES LLC
 1000 FALLVIEW DR. SUITE 1000
 FAYETTEVILLE, AR 72701
 (501) 326-1111
 www.crescentresources.com

DATE: 08/24/2011
 TIME: 10:00 AM
 BY: J. R. BROWN
 TITLE: SURVEYOR

PROPERTY SURVEY FOR
CRESCENT COMMUNITIES S.C., LLC

SUBJECT: 2007 PLAN 37 AND OFFICE PLAN 3002 2143 PAGES 1 & 2

DATE: 08/24/2011

BY: J. R. BROWN

TITLE: SURVEYOR

CBS
 Surveying & Mapping, Inc.
 402 WEST WASHINGTON STREET
 TAYLOR, MO 64686-1000
 (417) 833-1111
 www.cbsurveying.com

19 10
370

FILED FOR RECORD
OCONEE COUNTY, S.C.
REGISTER OF DEEDS

Doc ID: 001584250016 Type: DEE
OK 1695 Pg 87-102

007066

Prepared by: 2008 DEC - 8 A 8:49
Parker, Poe Adams & Bernstein LLP
Three Wachovia Center
401 South Tryon St.
Suite 3000
Charlotte, NC 28202

Tract No. S-7114.02

Return to: Crescent Resources, LLC
Attn: S. Higginson
7810 Ballantyne Commons Parkway
Suite 200
Charlotte, NC 28277

EXCISE TAX - \$6,824.65

OCONEE COUNTY
STATE TAX 4795.70
COUNTY TAX 2028.95
EXEMPT _____

STATE OF SOUTH CAROLINA)
:)
COUNTY OF OCONEE)

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that

CRESCENT COMMUNITIES S.C., LLC, a Delaware limited liability company, ("Grantor"), whose address is 400 South Tryon Street, Suite 1300, Charlotte, NC 28285-0107, in consideration of the sum of One Million Eight Hundred Forty-Four Thousand Four Hundred and No/100 Dollars (\$1,844,400.00), to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release, subject to the easements, restrictions, reservations, covenants, conditions and other exceptions set forth below, unto FARMES, A South Carolina Limited Partnership, an undivided 27% interest as tenant in common, and GLOBE, A South Carolina Limited Partnership, an undivided 73% interest as tenant in common ("Grantee"), whose address is 104 Greystone Court, Seneca, SC 29672, and its successors and assigns, all that certain tract of land described in Exhibit A attached hereto ("Property").

The Property is conveyed subject to the following easements, restrictions, reservations, covenants, conditions and other exceptions (collectively, "Exceptions"):

Recorded this 9 day of Dec.
Book 2008 Page 2415
Fee
Amanda R. Nix
Auditors Oconee County, S.C.

- (1) flood easements in favor of Duke Energy Carolinas, LLC (formerly known as Duke Power Company and Duke Energy Corporation) and riparian rights of others, including, but not limited to, the flood easement to flood to the 810 foot contour line and all other reservations, restrictions and conditions contained in that deed recorded in Deed Book 635, Page 298 and Deed Book 652, Page 58;
- (2) transmission line and retail electric line rights-of-way, if any, reserved by or granted to Duke Energy Carolinas, LLC;
- (3) ad valorem taxes for the year 2008 and subsequent years

PPAB 1504113v2

THIS PROPERTY DESIGNATED AS
MAP 150 SUB 00 BLK 01 PARC 444 16
ON OCONEE COUNTY TAX MAPS
Leslie Smith
OCONEE COUNTY ASSESSOR

FILED FOR RECORD
OCONEE COUNTY, S.C.
REGISTER OF DEEDS

- (4) "rollback" or other deferred ad valorem property taxes;
- (5) matters affecting title to the Property as shown on the Plat or which would be shown on a current and accurate survey of the Property (including any encroachments);
- (6) easements, covenants, restrictions and conditions of record, and rights-of-way of public and private streets and roads, including, but not limited to, the right-of-way shown on the Plat as "Ellenburg Road";
- (7) easements, restrictions and rights-of-way as may be apparent from an inspection of the Property;
- (8) zoning, subdivision, land use and other laws, regulations or ordinances applicable to the Property; and
- (9) the General Deed Restrictions attached hereto as Exhibit B and incorporated herein by reference.

TOGETHER WITH, subject to the Exceptions, all and singular the rights, members, hereditaments and appurtenances to the Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, subject to the Exceptions, all and singular the Property, unto Grantee and Grantee's heirs, successors and assigns forever.

Subject to the Exceptions, the Grantor covenants to warrant specially the title to the Property against the lawful claims of any person claiming from, through or under it.

{SIGNATURE PAGE FOLLOWS}

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed this 3rd day of December, 2008.

Signed, Sealed and Delivered in the Presence of:

CRESCENT COMMUNITIES, S.C., LLC, a Delaware limited liability company

Sandra S. Lewis
Print Name: Sandra S. Lewis
Witness #1

By: J. Scott Munday
J. Scott Munday
Vice President

Kay H. Arnette
Print Name: Kay H. Arnette
Witness #2

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

Personally appeared before me the undersigned witness who being duly sworn deposes and says that he/she saw the within named J. Scott Munday, Vice President of CRESCENT COMMUNITIES S.C., LLC, a Delaware limited liability company, sign, and as its act and deed deliver the foregoing instrument for the uses and purposes therein mentioned, and that he/she, together with Kay H. Arnette (witness #2), the other witness subscribed above, witnessed the execution thereof.

Sandra S. Lewis
(Witness #1 sign here)

Sworn to and subscribed before me this the 3rd day of December, 2008.

Kay H. Arnette
Notary Public

Notary Public for North Carolina

My Commission Expires: June 28, 2009

[NOTARIAL STAMP-SEAL]



EXHIBIT A

All references to recording information shall refer to documents that were recorded in the Office of the Register of Deeds for the county in which the Property is located.

All that certain tract of land located in Keowee Whitewater Township, Oconee County, South Carolina, designated as "AREA = 15.37 ACRES" on plat recorded in Plat Book B291, Page 1 ("Plat"); AND BEING all or a portion of the land conveyed to S. C. Land & Timber Corp. (presently known as Crescent Resources, LLC) by deed from T. B. Ellenburg (K-54) recorded in Deed Book 9H, Page 214; by deed to Crescent Land & Timber Corp. (presently known as Crescent Resources, LLC) from Fay Ellenburg and Jerry Ellenburg (K-872) recorded in Deed Book 10N, Page 62; by deed to S. C. Land & Timber Corp. from Bertha D. Sloan and James E. Sloan (K-313) recorded in Deed Book 9Q, Page 154; by deed to S. C. Land & Timber Corp. from Doris C. R. Thacker, et al (K-10) recorded in Deed Book 9E, Page 7; and by deed to Crescent Communities S.C., LLC from Crescent Resources, LLC recorded in Deed Book 1511, Page 228.

Tax Parcel No.: 150-00-01-444

FILED FOR RECORD
DOUGHER COUNTY, S.C.
REGISTER OF DEEDS

EXHIBIT B

GENERAL DEED RESTRICTIONS - 8 A 8:49

THE PROPERTY SHALL BE CONVEYED SUBJECT TO THE FOLLOWING RESTRICTIONS, WHICH SHALL ENCUMBER THE PROPERTY AND SHALL RUN WITH TITLE TO THE PROPERTY.

1. **Definition of "Property" and "Lot".** As used herein, (i) "Property" means all of the property conveyed by Grantor to Grantee pursuant to this deed; and (ii) "Lot" means any portion of the Property that constitutes a legally established separate lot or parcel of land (whether created by the recordation of a subdivision plat or otherwise), as such lots or parcels of land may exist from time to time (collectively, "Lots"). If the Property consists of only one lot or parcel of land, then the term "Property" is synonymous with the term "Lot." If the Property consists of two or more lots or parcels of land, whether such lots or parcels exist on the date the Property is conveyed to Grantee or are later created by subdivision of the Property or other legal means, then each of those lots or parcels is a "Lot" for the purposes of these Restrictions.

2. **Single Family Use.** The Property shall be used only for detached, single-family residence purposes, together with the accessory buildings and structures permitted pursuant to Section 6 below. No more than one detached single-family residential dwelling may be constructed on any Lot. No condominium, townhouse, duplex, apartment or other multi-family residential uses are permitted on the Property. Further, no camper, trailer, motor home, boat (including, without limitation, any boat docked adjacent to the Property), recreational vehicle or similar habitable or transportable unit or structure shall be allowed to remain on or adjacent to the Property as a place of residence. The single-family residence restrictions set forth above shall not prohibit the construction of pools, tennis courts or other recreational facilities or amenities such as are commonly constructed and maintained for the benefit of lot owners within planned unit developments; provided that such recreational facilities or amenities shall be solely for the common use of the owners of one or more Lots and, provided further, that no such recreational facilities may be located within any Buffer Area (defined below).

3. **Restricted Activities.** The following activities are prohibited on the Property:

- (a) Raising, breeding, or keeping of animals, livestock or poultry of any kind, except that dogs, cats or other usual and common household pets (which are registered, licensed and inoculated as required by law) may be permitted on the Property;
- (b) Any activity which violates local, state, or federal laws or regulations;
- (c) Institutional uses, including, but not limited to, group homes, day care centers, churches, temples or shrines, rest homes, schools, medical care facilities, lodges, inns and beds and breakfasts; and

- (d) Any business or trade, except that an owner or occupant residing on a Lot may conduct business activities within a dwelling on that Lot so long as: (i) the existence or operation of the business activity is not apparent or detectable by sight, sound or smell from outside the dwelling unit; (ii) the business activity conforms to all zoning requirements for the Lot; (iii) the business activity does not involve regular visitation of the Lot by clients, customers, suppliers or other business invitees; (iv) the business activity does not involve any service or delivery business in which more than one vehicle used in such business would be parked overnight on a Lot, or for which any parts, equipment supplies, raw materials, components or tools are stored on a Lot; and (v) the business activity is consistent with the residential character of the Property and does not constitute an unreasonable disturbance to adjoining land owners or others, a nuisance or a hazardous or offensive use. The foregoing shall not preclude occasional garage sales, moving sales, rummage sales or similar activities provided that such activities are not held on the same Lot more than once in any six-month period. The terms "business" and "trade," as used in this provision, shall be construed to have their ordinary, generally accepted meanings and shall include, without limitation, any occupation, work or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation or other form of consideration, regardless of whether: (i) such activity is engaged in full or part-time, (ii) such activity is intended to or does generate a profit, or (iii) a license is required. The leasing of a Lot for single-family residential use shall not be considered a business or trade within the meaning of this subsection.

4. Prohibited Conditions. None of the following structures or improvements may be located upon the Property:

- (a) Structures, equipment or other items which are visible from any road or adjacent property which have become rusty, dilapidated or otherwise fallen into disrepair;
- (b) Towers, antennas or other apparatus for the transmission or reception of television, radio, satellite or other signals of any kind which are located outside of the dwelling on a Lot other than (i) a customary antenna, which shall not extend more than ten feet above the top roof ridge of the dwelling; and (ii) a satellite disc or dish no larger than 18 inches in diameter;
- (c) Any freestanding transmission or receiving towers or any non-standard television antennae; and
- (d) Chain-link fences.

5. Quality Craftsmanship/Dwelling Size. All buildings and outbuildings erected upon the Property shall be built on site of new materials of good grade, quality and appearance and shall be constructed in a good and workmanlike manner, conforming to all applicable building codes. Further, all dwellings must meet the following construction requirements:

- (a) If the dwelling is located on a Waterfront Lot (a "Waterfront Lot" is a lot, any portion of which is located within 100 feet (measured horizontally regardless of the actual ground measurement which may vary based upon the topography) of the Common Boundary Line (defined in Section 8 below)), then: (i) one story dwellings shall not contain less than 2,000 square feet of Heated Living Area (defined below); (ii) one and a half story dwellings shall not contain less than 2,200 square feet of Heated Living Area; and (iii) two (or more) story dwellings shall not contain less than 2,400 square feet of Heated Living Area;
- (b) If the dwelling is not located on a Waterfront Lot, then: (i) one story dwellings shall not contain less than 1,600 square feet of Heated Living Area; (ii) one and a half story dwellings shall not contain less than 1,800 square feet of Heated Living Area; and (iii) two (or more) story dwellings shall not contain less than 2,000 square feet of Heated Living Area;
- (c) All dwellings and accessory structures shall be completely supported with solid brick, brick or stone covered block, or stucco covered foundation;
- (d) Roofs shall have not less than a 6 in 12 inch pitch, and not less than a 12 inch overhang, and shall be covered with asphalt or fiberglass shingles, terra cotta tile, real or man-made slate, copper sheathing or wood shingles or pre-painted metal roofing;
- (e) The exterior surfaces of all dwellings and accessory structures shall be covered only with brick, stone, hard stucco (synthetic stucco is not permitted), wood, or siding consisting of wood, composite or vinyl material; provided, that any horizontal siding must be completely supported to maintain a straight and even outer surface and must be fully and properly finished; and
- (f) Exteriors of all dwellings and accessory structures must be completed within one year after the commencement of construction, and a certificate of occupancy issued within two years after commencement of construction.

As used herein, "Heated Living Area" excludes basement areas (defined as any level in which at least one perimeter wall is below, or partially below, grade), unless such basement areas have two or more perimeter walls above surrounding grade, and such basement areas are fully heated and air-conditioned and constructed to a quality equal to the above grade levels of the dwelling. In addition, Heated Living Area excludes vaulted ceilings areas, attics, unheated porches, attached or detached garages, porte-cocheres and unheated storage areas, decks and patios. The term "story" shall mean a finished horizontal division of Heated Living Area extending from the floor of such division to the ceiling above it. The term "half story" shall mean a story which

contains 50 percent or less Heated Living Area than the story in the house containing the most Heated Living Area.

6. **Permitted Accessory Structures.** Except as otherwise expressly set forth herein, no buildings, structures or improvements of any kind may be located on a Lot other than one detached, single-family residential home, and the following permitted accessory structures:

- (a) Storage and shop outbuildings, including detached garages, workshops, storage and utility buildings, greenhouses and similar buildings, not exceeding the height of the roof of the residence on the Lot. The total square footage contained within all such outbuildings combined shall not exceed 2,000 square feet. All outbuildings shall be permanently affixed to the Lot and shall be covered with the approved exterior materials described in Section 5(e) above. Further, no outbuildings shall be located wholly or partially within any Buffer Area (as defined below).
- (b) Recreational structures, including decking, gazebos, covered patios, playhouses, barbecue pits and similar structures. The total square footage contained within such structures when combined shall not exceed 1,000 square feet in area. Further, no such structure shall be located wholly or partially within any Buffer Area (as defined below).
- (c) To the extent permitted at the time of construction and installation by Duke Energy Carolinas, LLC (or its successor, with respect to ownership and/or management authority over the Lake, if applicable) ("Duke Energy") and all applicable governmental authorities, waterfront structures, including fixed piers, boat slips or floats, covered docks, boat ramps, decking and sitting areas attached to piers, walkways and other similar structures. Grantee acknowledges by acceptance of this deed that policies, laws and regulations regarding its ability to construct or install such structures may change from time to time before or after Grantee's acquisition of the Property and Grantor makes no representation or warranty as to Grantee's ability to construct or install such structures either now or in the future. Such structures may be located wholly or partially within the Buffer Area provided no more than a total of 200 square feet of such structures shall be located within the Buffer Area on any Lot.

7. **Site Development Requirements.** Each Lot shall be subject to the following specific development requirements.

- (a) No portion (or portions) of a Lot greater than 2,000 square feet shall be: (i) denuded of ground cover or topsoil, (ii) graded, (iii) excavated or (iv) covered with earth or other natural or man-made fill material, unless all required building, grading and erosion control permits have been issued by the applicable municipal authorities.
- (b) All denuded, graded, excavated or filled areas shall be stabilized and replanted on or before: (i) the 30th day following the initial denuding, grading, excavation, or

filling (unless footings and foundations are being installed upon the disturbed area and construction is being diligently and continuously pursued upon such area); or (ii) such time as construction is completed or interrupted for a period of 30 continuous days. In addition to, or in the absence of local or state government regulations on such land disturbance, none of the activities described in (i) through (iv) in Section 7(a) above shall be allowed to commence without compliance with the following requirements:

- (i) The surveying and flagging of the Buffer Area (defined below) and any portion of the Buffer Area that may be disturbed as a result of any activities permitted hereunder;
- (ii) The flagging of all trees in the Buffer Area that equal or exceed six inches in diameter, as measured four and one-half feet from the base of each tree. The trees, Buffer Area (defined below) and disturbed areas referenced in Sections 7(a) and (b) shall be clearly and distinctly flagged, staked or otherwise designated in order to prevent the unintentional violation of these restrictions by parties performing work upon the Property; and
- (iii) The proper installation (in accordance with manufacturer's instructions) of construction silt fencing on the lower perimeters of all areas within the Lot to be disturbed, and any other areas which may be impacted by silt runoff from any disturbed areas located on the Lot.

8. Buffer Area Restrictions. As used herein, the term "Buffer Area" shall mean any portion of the Property that is located within 50 feet (measured horizontally regardless of the actual ground measurement which may vary based upon the topography) of the 300 foot contour elevation ("Contour Line") of Lake Keowee ("Lake"); provided, however, that the inner boundary of the Buffer Area (i.e. the boundary that is inland from the Lake) shall not be less than fifty feet (measured horizontally regardless of the actual ground measurement which may vary based upon the topography) from the common boundary ("Common Boundary Line") of the Property and the Lake. No portion of the Buffer Area may be disturbed in any way, including any disturbance or removal of topsoil, trees and other natural growth. Neither the Common Boundary Line nor the Contour Line of the Lake shall change as a result of erosion or stabilization measures occurring following the conveyance of the Property to Grantee. Notwithstanding the second sentence in this Section 8, the following activities are permitted within the Buffer Area:

- (a) Trees which are less than six inches in diameter, as measured four and one-half feet from the base of each tree may be removed. Any tree removal shall be performed using hand held gas or electric chain saws and/or manual handsaws. No other mechanical equipment or vehicles may be used in removing any trees. Additionally, trees having a greater diameter than that set forth above that have become diseased or damaged through natural processes may be removed in the same manner.

- (b) Within each Lot, an access corridor may be created within the Buffer Area for the purpose of providing lake access to install shoreline stabilization or to install and use water access structures (such as docks or boat ramps) that have been approved in advance by Duke Energy and otherwise comply with Section 6(e) above. The access corridor may not exceed 15 feet in width. Trees with diameters equaling or exceeding six inches, as measured four and one-half feet from base, may be removed within the access corridor and grading or ground disturbance (which otherwise complies with the restrictions set forth herein) may be performed if reasonably necessary to provide access to the Lake for the purposes described above in this Section 8(b).
- (c) Underbrush (defined as nuisance shrubs, vines and similar plant growth beneath the tree canopy, and generally growing less than six feet in height) may be removed.
- (d) Pruning and trimming of trees is permitted, provided that pruning is limited to tree branches beginning with the lowest to the ground and extending up the tree trunk no more than one-half of the total height of the tree. Trimming may also be performed on any limbs or branches that are diseased or naturally damaged.
- (e) The use of rip-rap, bulkheading or other shoreline stabilization methods or materials may be initiated with the prior written approval by Duke Energy and any shoreline stabilization shall be performed in compliance with Duke Energy's Shoreline Management Guidelines which are in effect at the time such stabilization occurs. Generally, Duke Energy allows structural stabilization to extend only to a height one foot above the Contour Line of the Lake. If Duke Energy authorizes Grantee to perform certain shoreline stabilization, then at all points where shoreline stabilization occurs, the inner boundary line of the Buffer Area (i.e. the boundary line opposite the Contour Line of the Lake) shall be adjusted inward (i.e. away from the Contour Line of the Lake) by the same distance that the stabilization structures or improvements extend from the Contour Line of the Lake into the Lot, provided, however, that in no event shall the width of the undisturbed Buffer Area be reduced to less than 50 feet between any portion of the interior edge of the stabilization structures or improvements and any residence or other structure or improvement located on the Lot (other than docks, boat ramps, or other water access structures which have been approved in writing by Duke Energy).
- (f) An access road ("Roadway") for pedestrian and vehicular ingress, egress and regress may be installed, constructed, maintained and repaired within the Buffer Area at those locations where the width of the Property is less than 130 feet; provided, however, that the Roadway (and the construction activities associated therewith) are not allowed within any portion of the Buffer Area that is located more than 150 feet east of the Edward J. Rattiff property, as shown on the plat recorded in Plat Book B143, Pages 7 and 8 in Oconee County Register of Deeds.

In addition to the rights of enforcement set forth in Section 11 below, if the terms of this Section 8 are violated, then the owner of the Lot on which such violation occurs ("Violating Owner") shall, within 30 days after the Violating Owner discovers, receives notice of or otherwise has knowledge of the occurrence of the violation, retain a qualified environmental consultant to develop a plan to restore the Buffer Area to the condition of the Buffer Area that existed prior to the violation ("Buffer Restoration Plan") and submit the Buffer Restoration Plan to Grantor for review. All costs related to the development of the Buffer Restoration Plan shall be paid by the Violating Owner. Grantor shall either approve the Buffer Restoration Plan in writing or object to the Buffer Restoration Plan and deliver to the Violating Owner written notice specifying the objections. If Grantor approves the Buffer Restoration Plan, then the Violating Owner shall, at its expense, promptly perform the work required under the Buffer Restoration Plan in strict accordance with the Buffer Restoration Plan and diligently and continuously pursue the work required under the Buffer Restoration Plan to completion. If Grantor objects to the Buffer Restoration Plan, then the Violating Owner shall revise the Buffer Restoration Plan to address the objections made by Grantor and shall submit the revised Buffer Restoration Plan to Grantor for review. The foregoing process shall continue until Grantor approves the Buffer Restoration Plan. If the Violating Owner fails to comply with the terms of this paragraph, then Grantor shall have the right to perform all of the obligations of the Violating Owner under this paragraph and to charge the Violating Owner for all the costs thereof (including attorney fees and court costs incurred in collecting such costs). Any claim against a Violating Owner for such costs, together with interest accrued thereon and collection costs shall constitute a personal obligation of the Violating Owner and shall be secured by an equitable lien on the Violating Owner's Lot. The lien shall attach and be effective from the date of recording of a lien notice in the appropriate office of the County in which the Property is located. A copy of the lien notice shall be mailed to the Violating Owner within 30 days after the recording of the lien notice. The lien may be enforced by judicial foreclosure upon the Lot to which the lien attached in the same manner as a mortgage is judicially foreclosed under the laws of the State in which the Property is located. In any foreclosure, the Violating Owner shall be required to pay the reasonable costs and attorneys' fees in connection with the preparation and filing of the lien notice and the foreclosure. Notwithstanding anything contained in these General Deed Restrictions (including the terms of Section 11) to the contrary, the right to require, review and approve the Buffer Restoration Plan shall be limited to Grantor and its successors or assigns by merger or consolidation or by written assignment (including any property owners' association created with respect to all or any portion of the Property).

9. **No Claims.** No owner of a Lot or of any Benefited Property (defined below) shall have any claim or cause of action against Grantor or its affiliates arising out of the exercise, or non-exercise, or enforcement, or failure to enforce, or the amendment, release or grant of variance with respect to any covenant, condition, restriction, easement or other right reserved hereunder or referred to herein.

10. **No Delay.** No delay or failure on the part of Grantor to invoke an available remedy with respect to a violation of any restriction contained herein shall be held to be a waiver by Grantor of any right available to it upon the recurrence or continuance of said violation or the occurrence of a different violation.

11. Rights of Enforcement. The covenants, conditions and restrictions set forth herein shall run with the title to the Property and shall benefit Grantor and all property ("Benefited Property") owned on the date hereof by Grantor or its subsidiaries located within one thousand feet of any portion of the Property (other than any property located within the FERC boundaries of the Lake). If any Lot owner, its heirs, successors, tenants, or assigns shall violate or attempt to violate any of the covenants, conditions or restrictions contained herein, Grantor and any subsequent owner of any portion of the Benefited Property may enforce the covenants, conditions and restrictions set forth herein by any remedy available at law or in equity, either to prevent or remediate such violation, or recover damages for such violation, or both. Grantor (but not any other Benefited Property owner) shall have an easement over the Property for the purpose of entering a Lot in order to monitor or enforce compliance with these covenants, conditions and restrictions without court order. The party bringing such action shall be entitled to recover its reasonable attorney's fees and expenses incurred in such proceedings from the person or entity violating or attempting to violate the same. Nothing herein shall be held to impose any restriction on any other land owned by Grantor, its subsidiaries or affiliates.

12. Modification, Amendment, Variances. Grantor hereby reserves the right for itself and its successors or assigns, to amend or modify, release or grant variances with respect to the covenants, conditions, easements and restrictions set forth herein. As used in this Section 12, the term "successors or assigns" shall be limited to Grantor's successors or assigns by merger or consolidation or by written assignment.

13. Reserved Easement. Grantor hereby reserves unto itself and any successors in title, (i) a ten foot wide easement extending into the Property from and along each boundary line of the Property for the installation and maintenance of utility lines, drainage ditches or facilities or any other related improvements that may be required by Grantor or its successors or assigns; and (ii) a 15 foot wide easement extending into the Property from and along any public or private road rights-of-way for the installation and maintenance of utility lines, drainage ditches or facilities or any other related improvements that may be required by Grantor or its successors or assigns.

14. Subdivision. The Property may not be subdivided in a manner that will result in any Lot being created which is less than 29,000 square feet.

15. No Modular or Mobile Homes. No more than one mobile, manufactured or modular home or structure having the characteristics or appearance of a mobile, modular or manufactured home, including, without limitation, any mobile, modular or manufactured home as defined by the building codes or other applicable laws of the state in which the Property is located, shall be located upon the Property.

STATE OF NORTH CAROLINA)
)
 COUNTY OF MECKLENBURG) **AFFIDAVIT FOR TAXABLE
) OR EXEMPT TRANSFERS**

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says;

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located in Keowee Whitewater Township, bearing Oconee County Tax Map Number 150-00-01-444, was transferred by Crescent Communities S.C., LLC to FARMES, A South Carolina Limited Partnership, and GLOBE, A South Carolina Limited Partnership on December 4, 2008.
3. Check one of the following: The deed is
 - (a) X subject to the deed recording fee as a transfer consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) _____ exempt from the deed recording fee because (See Information section of affidavit): _____
 (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit.):
 - (a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ 1,844,400.00
 - (b) _____ The fee is computed on the fair market value of the realty which is _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.

5. Check Yes _____ or No X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

- (a) Place the amount listed in item 4 above here: \$ 1,844,400.00
- (b) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
- (c) Subtract Line 6(b) from Line 6(a) and place result \$ 1,844,400.00
here:

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ 6,824.65.

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Authorized Agent for Crescent Communities S.C., LLC.

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

J. Scott Munday

Responsible Person Connected with the Transaction
J. Scott Munday
Vice President

SWORN to before me this 3rd day of
December, 2008.

Kay H. Arnette
Notary Public for North Carolina
My Commission Expires: June 28, 2009



FILED FOR RECORD
MECKLENBURG COUNTY, S.C.
REGISTER OF DEEDS
2008 DEC -8 A 8:49

INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

- (1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) that are otherwise exempted under the laws and Constitution of this State or of the United States;
- (4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
- (6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 53 of Title 39;
- (7) that constitute a contract for the sale of timber to be cut;
- (8) transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or a trust;
- (9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any the above. A "charitable entity" means an entity which may receive

deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);

(10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;

(11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership;

(12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested to the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed;

(13) transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagor or deed pursuant to foreclosure proceedings;

(14) transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty; and

(15) transferring title to facilities for transmitting electricity that transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.

Vivian Kompier

From: Rudy Carbone <rckc91@bellsouth.net>
Sent: Monday, November 22, 2021 11:24 AM
To: James Coley
Subject: Re: Property Zoning Variance

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Thank you for your attention regarding my request.

Rudolph Carbone
313 Shorewinds Ct
Seneca. SC. 29672

Sent from my iPad

On Nov 22, 2021, at 11:09 AM, James Coley wrote:

Thank you for your email concerning the variance. In order for your comment to be added to the review materials for the board, it must be signed. You may resubmit your comment to this email chain with your name, and it will be added to the documentation at the hearing.

Best regards,

James Coley

Director

Oconee County Planning and Zoning

415 S. Pine Street

Walhalla, SC 29691

Phone: (864) 638.4218

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From: rckc91 [mailto:rckc91@bellsouth.net]

Sent: Sunday, November 21, 2021 4:06 PM

To: Planning Info

Subject: Property Zoning Variance

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To: County Board of Zoning Appeals

I ask you to deny the zoning variance at the end of Ellenberg Road, Seneca. This variance would basically put John's Marine Service (serving Lake Keowee residents for 35 years) out of business. The reason being that this road variance would make it impossible for John's Marine to operate their business as is now done. There are many Lake Keowee property owners that do not have boat trailers because of the cost and the problem of where to park the unsightly trailers. At John's Marine, Keowee boat owners can bring their boats over to this business and have their boats pulled out of the water and receive full maintenance.

There is only one other Lake marine service on Lake Keowee located at the far south end of the lake. This facility is a long way to obtain boat repair and maintenance for the heavily populated middle and north end residents of the lake. There are several marine maintenance companies that will come and do boat repairs at your boat but they are prohibited to change oil, etc at the dock because of lake pollution.

This closure would not only effect a long standing family business but many boat owners who depend on this conveniently located establishment for their boat service. I ask that you deny or at least come up with some compromise arrangement that would accommodate all parties concerned. Perhaps a cud-da-sac could satisfy the community entry point and allow the marina to maneuver their boats in and out of their shop so maintenance could continue to be performed.

**Thank you for your attention to this matter
A Lake Keowee Boat Owner**

Vivian Kompier

From: Pamela Chambers <pgc1621@gmail.com>
Sent: Saturday, November 20, 2021 8:21 PM
To: Planning Info
Subject: Oppose variance

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I am opposed to the the variance that would allow deviation from the 50' road width.

Vivian Kompier

From: Elaine Chapa <elainemchapa@gmail.com>
Sent: Sunday, November 21, 2021 5:08 PM
To: Planning Info
Subject: Variance for Ellenburg Rd

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

I oppose the 50' road width variance request for this road. I do not want any adverse impact to the existing Marine business that exists now, as it is one of a very few boat up marine services on the lake.

Please don't allow the variance requested by this developer.

Elaine Chapa.
Oconee county resident.

Get [Outlook for iOS](#)

Vivian Kompier

From: Pamela Colden <coldrenpj@gmail.com>
Sent: Tuesday, November 23, 2021 12:17 PM
To: James Coley
Cc: a Coldren Gary; Doug Cooper
Subject: Fwd: Variance request for Ellenburg Rd #VA 21-011
Attachments: 2021092095151957.jpg; IMG_8216 (1).jpg; IMG_8214 (1).jpg

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

As residents of Oconee County and Harbor Oaks, we emphatically agree with Doug Cooper's letter to you dated November 23, 2021, We live on Ellenburg Road and are very aware of the traffic and existing dangers. Several developments nearby are "walkers" and pass by daily. Many trucks, including many semi trucks, travel on Ellenburg Road daily to deliver to John's Marine, a business and good neighbor which is vital to Lake Keowee residents. Large trucks and cars pulling boats already have problems turning around at the end of the street. The requested variance will positively make matters worse! As it is now, we do not let our grandchildren ride their bikes or play near the entrance of our driveway. There are no sidewalks on Ellenburg Road. In fact, there are not even curbs! We have had incidents of trucks trying to turn around and driving over expensive landscaping.

We also question why a developer can get variances but residents do not.

This is not a case of "people on the lake do not want other people on the lake". This is about the safety of the current residents and many cars, trucks and people who travel on Ellenburg Road.

We are against the current proposed variance!

Sincerely,
Gary and Pam Coldren

----- Forwarded message -----

From: Doug Cooper <cooperd5908@gmail.com>
Date: Tue, Nov 23, 2021 at 10:13 AM
Subject: Variance request for Ellenburg Rd #VA 21-011
To: <jcoley@oconeesc.com>
Cc: Pam Coldren <coldrenpj@gmail.com>, Don and Barbara Herriott <dherriot@aol.com>, Cindy Smoak <cindy.smoak@gmail.com>

I am currently the President of Harbor Oaks Home Owners Association and am writing this on behalf of our 37 lot community.

We are strongly opposed to granting of this variance at the present time given the current state of the road and the already many safety issues we have.

Harbor Oaks spent several thousand dollars last year altering the entrance at Rollingwood drive to enhance the safety of both Ellenburg Rd and Rollingwood Dr drivers and pedestrians. There is a lot more traffic on this road than most would imagine. Much of it John's Marine and delivery traffic. We have has several issues in the past and it is very much an issue given the developers current construction on upper Ellenburg Rd. When I discussed

our concerns with the developer regarding road safety, he responded "those roads are built for cars, if people don't want to get hurt they need to stay off them". This was very alarming and indicative of the developers concern for current or future residents. Many days we have had entire lanes of Ellenburg Rd blocked for most of the day with subcontractors parking. Photos attached.

John's Marine receives typically 1-2 semi trailers per week. With the current configuration of the road, these trucks must pull into Rollingwood Dr. and then back up all the way down to John's Marine to unload. This blocks pretty much the whole road during this process. This is not too much of a hindrance at this time because the road is a dead end. If 19-20 more homes are put beyond John's Marine major improvements would need to be made to facilitate semi traffic to John's Marine, the new homes for construction deliveries over the next several years, as well as moving vans. The proposed Plat only shows a single road into the development with a small cul-de-sac so all this additional semi traffic will have all back down from Rollingwood. The semis would also block most in and out traffic during all these activities creating frustration and safety issues for future residents beyond John's Marine (they need to be considered also).

We have always known that the peninsula at some point would be developed but given the actual access to the property as the lot is platted no one ever dreamed it would be for 19 homes, many of which will most likely be rentals which adds significantly to daily traffic.

Additionally, John's Marine has operated for 40yrs from that location and is a great neighbor and partner with our community. I know they have many issues with this variance and are even challenging if the county has authorization to rule on land within the Duke/FERC license.

We appreciate your desire to add more tax revenue to Oconee County, but we would ask that the safety of both current and future residents be considered and deny this variance request and have the land developed in a manner compliant with the lands actual accessibility.

Respectfully,

Doug Cooper
566 Ellenburg Rd
Seneca, SC 29672
843-819-3320

--

Pam Coldren

Vivian Kompier

From: Doug Cooper <cooperd5908@gmail.com>
Sent: Tuesday, November 23, 2021 10:13 AM
To: James Coley
Cc: Pam Coldren; Don and Barbara Herriott; Cindy Smoak
Subject: Variance request for Ellenburg Rd #VA 21-011
Attachments: 2021092095151957.jpg; IMG_8216 (1).jpg; IMG_8214 (1).jpg

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

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We appreciate your desire to add more tax revenue to Oconee County, but we would ask that the safety of both current and future residents be considered and deny this variance request and have the land developed in a manner compliant with the lands actual accessibility.

Respectfully,

Doug Cooper
566 Ellenburg Rd
Seneca, SC 29672
843-819-3320

Vivian Kompier

From: Gary Crumbley <garycrumbley@yahoo.com>
Sent: Sunday, November 21, 2021 8:55 AM
To: Planning Info
Subject: Disapprove Variance adjacent request to John's Marine

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I would hate to see along time Family owned business suffer due to a developer trying to be greedy.

My family and friends have relied on John's for years to service our boats and would hate for that to change.

Thanks you for your consideration

Gary Crumbley

Vivian Kompier

From: David Schmidt <dhs3092@gmail.com>
Sent: Saturday, November 20, 2021 10:59 PM
To: Planning Info
Subject: Variance Request on Ellenburg Dr for proposed new subdivision

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I would like to formally ask that you do not acknowledge or accept a proposed variance to allow a new subdivision at the expense and detriment of an established Oconee County business (Johns Marine Service). We have always utilized this establishment for our repair needs since moving to Oconee ourselves some thirty four years ago.

Unfortunately the developer made an investment in property that was not developable without a variance and should not be allowed this exception after the fact.

Additionally my concerns arise out of the fact in allowing such variance would indeed create a precedence that would open the floodgates for others to request similar variances throughout our beautiful county.

Please keep these items in mind as you consider the variance request and opt in favor of an existing county businesses request to deny such variance.

Sincerely,

David Schmidt
864-304-4452

Vivian Kompier

From: Steve Guthman <stguthman@banksouth.com>
Sent: Sunday, November 21, 2021 2:19 PM
To: Planning Info
Cc: johnsmarinesc@gmail.com
Subject: Zoning variance - affecting John's Marine Service

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Board Members,

I've lived on the lake 15 years and use John's marine on a regular basis to service my boat. Without Jimmy I'd be forced to find expensive alternatives. I do not own a boat trailer, and very few people I know own trailers. We absolutely rely on Jimmy's water access.

I understand development, and I understand growth. I do not understand the need to destroy a 3rd generation family-owned business.

I'm hoping you deny the variance request for the greater good.

Respectfully,

Steve Guthman, Production Partner

o: 864.990.4356 **c:** 770.634.0533

e: stguthman@banksouth.com **f:** 864.412.0648

w: www.sueannguthman.com

a: 105-A Ram Cat Alley, Seneca, SC 29678

NMLS # 690971 | **MLO NMLS #** 1966538



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Vivian Kompier

From: joan schmidt <joan3184@gmail.com>
Sent: Saturday, November 20, 2021 10:53 PM
To: Planning Info
Subject: Variance request on new subdivision

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To Whom It May Concern:

We are totally against the proposed variance being requested that will interfere with the operation of John's Marine Service on Ellenburg Road. We also live off Knox Road and have used John's Marine Service for 30 years. We have found them to be outstanding community members and business owners and we do not want to see an established Oconee business suffer due to the requested variance for an new subdivision.

Thanks for your consideration and hopefully protecting an established Oconee County Business.

Joan Schmidt
23053 McDonald Point Rd
Seneca, SC. 29672.
Sent from my iPad

Vivian Kompier

From: Donald Keller <kellerdonald@icloud.com>
Sent: Sunday, November 21, 2021 10:44 AM
To: Planning Info
Subject: Variance request Ellenburge rd Seneca

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To voters on board of zoning Oconee County. Nov 30 th. Please be advised
I am in opposition to the approval of this variance request. The reasons are both obvious and numerous.

Kind regards ,
Donald Keller

Vivian Kompier

From: Daniel McNew <dwmcnew318@gmail.com>
Sent: Tuesday, November 23, 2021 3:51 PM
To: James Coley
Subject: Variance Request. Location TMS# 150-00-01-459 Ellenburg Road, Seneca

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As Harbor Oaks residence, we are opposed to the above variance request.

The reason we are opposed is the congestion and additional traffic that will occur as well as safety concerns on Ellenburg Road. In addition, John's Marina which has served this Lake Keowee area for 40 years would be adversely affected if 19 home sites were approved.

We understand that the property in question has every right to be developed; however, we suggest a density much less than 19 home sites be considered. This would eliminate the need for the variance request and reduce the traffic and safety concerns on Ellenburg Road.

Regards:

Dan and Carol McNew
151 Rollingwood Drive
Seneca, SC 29672

561-346-9692
dwmcnew318@gmail.com

Vivian Kompier

From: jaysavan@netzero.net
Sent: Tuesday, November 23, 2021 8:34 AM
To: Planning Info
Cc: ksavan@hotmail.com
Subject: Variance request application #VA 21-011

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Hello,

We are writing in strong opposition to the referenced variance request. The 50' right-of-way in County ordinance exists for a reason and an 18.9' variance would amount to a completely unacceptable 37.8% exception. Setting aside the various negative implications for local neighborhoods and business - namely, John's Marine Service - this deviation from County ordinance is unacceptable on its face.

We will be in attendance at the County Board of Zoning Appeals meeting on November 30, but want to register our strong opposition to this variance request.

Thank you,

Karen M Savan

William Jay Savan

103 Rollingwood Drive, Seneca SC 29672

314 603 0595 mobile

jaysavan@netzero.net

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Vivian Kompier

From: Mark Taylor <mataylorusa@hotmail.com>
Sent: Tuesday, November 23, 2021 9:02 AM
To: Planning Info
Subject: Variance Request Opposition - Ellenburg Rd.

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To whom it may concern,

This purpose of this email is to express my strong objection to the variance request near John's Marine Service at 599 Ellenburg Rd., Seneca, SC 29672. I will not be able to attend the appeals meeting on 11/30, so please accept this email as a strong voice against this variance.

The property in question for the proposed 19 home development will already have access without significantly increasing the traffic congestion and "bottlenecking" that will occur with the 19 extra homes. This additional, unnecessary traffic on Ellenburg Rd. will also have a severe, negative effect on John's Marine Service, which I have used for years.

What makes Jimmy Ratliff and his business unique is that I can pull up to his shop by water. Jimmy is then able to trailer my boat for me and pull it into his shop; all of which he can do safely b/c he is at the DEAD END of Ellenburg Rd. It is my understanding that the vast majority of his customers do the exact same thing that I do - arrive by water and utilize Jimmy's trailering service.

If this variance is approved, it will have an extreme negative impact on Jimmy Ratliff's business, one of which has been part of the Seneca community for three generations. Additionally, it will create a very dangerous traffic situation with so much thru traffic trying to access these 19 homes from an access point that is not a "must-have" but just a "nice-to-have" (Ellenburg Rd.).

I urge you to please to deny this variance request for the overall good of the community that surrounds that area, and most importantly, to preserve the current operation of John's Marine Service, which the entire lake has benefitted from for over 30 years.

I am not against allowing the developer to make use of recently acquired property; there is just no reason for that developer to severely damage and/or possibly shut down a family business and its livelihood in the process....all for an ADDITIONAL , unnecessary entrance to his subdivision.

Thank you for your careful consideration in this matter.

Sincerely,

Mark Taylor
209 New Timber Trail
Seneca, SC 29672

Vivian Kompier

From: Van Laeke <van24@att.net>
Sent: Monday, November 22, 2021 1:43 PM
To: James Coley
Subject: RE: REQUEST FOR ZONING VARIANCE AT END OF ELLENBERG ROAD, SENECA

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My name is Kenneth Van Laeke, 141 Northshores Drive, Seneca 29672-0445. Phone 864 886-1217. Have been a resident of Oconee County for thirty years. My comments reflect the opinions of several Waterside Crossing residents. Thank you for your consideration.

Ken Van Laeke

From: James Coley [mailto:jcoley@oconeesc.com]
Sent: Monday, November 22, 2021 11:13 AM
To: 'Van Laeke'; Planning Info
Cc: johnsmarine@gmail.com
Subject: RE: REQUEST FOR ZONING VARIANCE AT END OF ELLENBERG ROAD, SENECA

Thank you for your email concerning the variance. In order for your comment to be added to the review materials for the board, it must be signed. You may resubmit your comment to this email chain with your name, and it will be added to the documentation at the hearing.

Best regards,

James Coley

Director
Oconee County Planning and Zoning
415 S. Pine Street
Walhalla, SC 29691
Phone: (864) 638.4218



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From: Van Laeke [mailto:van24@att.net]
Sent: Sunday, November 21, 2021 9:46 AM
To: Planning Info
Cc: johnsmarine@gmail.com
Subject: REQUEST FOR ZONING VARIANCE AT END OF ELLENBERG ROAD, SENECA

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To: County Board of Zoning Appeals

We ask you to deny the zoning variance at the end of Ellenberg Road, Seneca. This variance would basically put John's Marine Service (serving Lake Keowee residents for 35 years) out of business. The reason being that this road variance would make it impossible for John's Marine to operate their business as is now done. There are many Lake Keowee property owners that do not have boat trailers because of the cost and the problem of where to park the unsightly trailers. At John's Marine, Keowee boat owners can bring their boats over to this business and have their boats pulled out of the water and receive full maintenance.

There is only one other Lake marine service on Lake Keowee located at the far south end of the lake. This facility is a long way to obtain boat repair and maintenance for the heavily populated middle and north end residents of the lake. There are several marine maintenance companies that will come and do boat repairs at your boat but they are prohibited to change oil, etc at the dock because of lake pollution.

A separate issue, we believe, is building 19 homes in this constricted area at the end of Ellenberg Road will be a nightmare for emergency vehicles.

Sincerely,

Concerned Waterside Crossing Residents

Vivian Kompier

From: Gail White <scflgirl61@gmail.com>
Sent: Saturday, November 20, 2021 7:53 PM
To: Planning Info
Subject: Variance request for property on Ellenburg Rd

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

We are writing in regards to the variance request at Ellenburg Rd. We are against this request as it will be harmful to the business located at 599 Ellenburg and this area does not need another subdivision on this road. The road is too narrow and adding another 19 home will be irresponsible on behalf of our county council.

Please donor allow this to happen. Thank you for your understanding in this matter.

Stanley and Gail White
23057 McDonald Point Rd
Seneca, SC

Vivian Kompier

From: Vince Wilson <daddyo2373@gmail.com>
Sent: Saturday, November 20, 2021 8:14 PM
To: Planning Info
Subject: Zoning variance

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Dear

I strongly oppose the variance request for more than 50 foot road width for property located beside John's Marine.

This is a family owned business that is vital to their family and is vital for Oconee County.

The proposed subdivision needs to adhere to the given law as it is and leave this family business alone.

Sincerely,

Vince Wilson

Vivian Kompier

From: Sherri Akers <sherridakers@yahoo.com>
Sent: Friday, November 26, 2021 2:42 PM
To: Planning Info
Subject: Vote No to Variance

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I wanted to voice my opposition to the variance at 599 Ellenburg Rd. First of all, if this pointe is developed, boaters will lose access to sandy beaches. Also, Ellenburg Road cannot handle an increase in traffic. John's Marine Service is a commercial business that has served this community 50 years next year. Over the last 30 years traffic has steadily increased with new subdivisions and deliveries. Many customers come by water and this is invaluable. There is no where else that is lakefront that John's Marine could relocate to without having a detrimental effect on their business. I think the lake can survive without 19 more homes at the expense of a small, family run business. Don't you? So please vote NO!

Sincerely,
Sherri Crisp

[Sent from Yahoo Mail for iPhone](#)

Vivian Kompier

From: James Coley
Sent: Monday, November 29, 2021 9:43 AM
To: 'cawthonamy@yahoo.com'
Subject: -RE: Variance Request #VA 21-011

Ms. Cawthon,

Thank you for your email. Your statement will be added to the backup material which will be given to the board.

Best regards,

James Coley

Director
Oconee County Planning and Zoning
415 S. Pine Street
Walhalla, SC 29691
Phone: (864) 638.4218



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From: cawthonamy@yahoo.com [mailto:cawthonamy@yahoo.com]
Sent: Sunday, November 28, 2021 7:46 PM
To: Planning Info
Subject: Variance Request #VA 21-011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To whom it may concern:

I am voicing my opposition to the variance at the end of 599 Ellenburg Rd, Seneca, SC. I grew up on this road and was here when there weren't any subdivisions and only 4 homes at the end of this road. Over the last 15 years traffic has steadily increased as more development has occurred. Ellenburg Rd is hardly wide enough to handle the traffic now, much less adding 19 more homes. Where the entrance to the development will be is right in front of John's Marine Service, where my Dad built his business and my brother now owns. He specifically chose this location because it was rural and would have little impact for residents. For 40 years my Dad, then my brother, have grown this business at this location. By putting an entrance to a subdivision right at their front door, it will not only hinder the accessibility for customers, but cause a traffic jam that will also be a safety issue. Fire and emergency vehicles will not readily be able to access the entrance to the development with less than a 50 foot road. There will be no way to go around or have traffic move over. I'm sure the owner & or developer knew this when he approached my Dad before he ever bought this property, trying to buy him out. It seems to me he always knew he needed our property to access and develop this point. Since he couldn't buy it, now greed is the motivating factor behind this variance. Their attitude of "there is a way around everything" is evident in this matter. I want my family business to be a 4th and 5th generation owned business that my son or grandson/granddaughter can choose to make their livelihood and not worry about being run over when backing up a boat or walking to their car.

John's Marine Service is a commercial business that would significantly suffer with this variance. Although the owner & or developer stated there were NOT any commercial businesses that would be negatively affected in their application is simply a lie. I'm sure the owner & or developer is fully aware of this as the developer has been a long standing customer of John's Marine. This is why I'm opposed to this variance and why I hope you'll vote NO!

Sincerely,
Amy Cawthon

[Sent from Yahoo Mail on Android](#)

Vivian Kompier

From: islandspenders@aol.com
Sent: Wednesday, November 24, 2021 12:55 PM
To: Planning Info
Subject: John's Marine

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Please do not approve the variance that will extremely hinder the fantastic service at John's marine. To change things that will hinder or even put John's Marine out of business is not acceptable in my opinion.

They have been here for over 35 years and "progress: should not put them out of business. Their service is top notch and very much needed on the lake.

Thank you for your time,

Michael Babyak

Vivian Kompier

From: Bailey Gary <baileygrouse@gmail.com>
Sent: Friday, November 26, 2021 6:21 AM
To: Planning Info
Subject: Zoning variance request

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We are in opposition to Variance Requests #VA21-010 and #VA21-011. This change would have a severe adverse effect on an important local business, John's Marine, putting its future existence in peril as well as safety concerns. Thank you for your consideration. Gary and
Irma Bailey, 124 Pointe Harbor Dr., Seneca, S.C.

Sent from my iPad

Vivian Kompier

From: Dale Blazek <axman49@gmail.com>
Sent: Thursday, November 25, 2021 9:35 AM
To: Planning Info
Subject: Variace Request

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

I understand that a variance request was been filed concerning a widening of a road. ((#VA 21-011). As I understand it the owner/developer after eight years is requesting to widen the road which will have a late impact on the business for Jon's Marina. This establishment has been in business for over 35 years and services more than 50% of boat owners, (Mostly east side of lake Keowee). The owner knew this when he purchased the property. Unless Duke energy is willing to give a variance to John's Marina for more lake access I do not support the variance request #VA 21-011that Rigeewater Engineering has submitted.

Dale Blazek
axman49@gmail.com
519 Tall Ship Dr. Unit#215
(704) 458-8752

November 29, 2021

To: Board of Zoning Appeals

I am writing to voice concern of the request for variance to extend Ellenburg Road with the addition of 19 homes to the area. I feel this will negatively impact the business of John's Marine which has been a staple to the lake community for decades. The amount of additional traffic in the area would appear to be challenging for the existing business and their clients. While I am a proponent of progress – I do feel the number of additional homes to be built under this request as well as the added traffic would be detrimental to the business as well as the surrounding community.

I appreciate your consideration of the concerns raised.

Regards,



Chris Kanipe

Vivian Kompier

From: Paul Crisp <1blimp@embarqmail.com>
Sent: Saturday, November 27, 2021 10:49 AM
To: Planning Info
Subject: No to Variance

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To whom it may concern:

I am opposed to the variance adjacent to 599 Ellenbug Rd, Seneca, SC. Allowing a developer to put a 19 home subdivision entrance right in front of a business, with less than 50 feet is a major safety issue. Fire trucks and emergency vehicles would not be able to safely navigate a curvy, narrow road that will have that much more traffic. Customers of John's Marine use the area in front of and beside the shop to turn and park boats, deliveries are made by multiple vendors daily and residents and customers would constantly find themselves in traffic jams. This would have a negative impact! John's Marine has been in business for 49 years and at its current location for almost 40. They have been an asset to the Lake Keowee area that can never be replaced. Having boats come by water to be fixed, serviced or towed when they break down on the lake is a big convenience and a big part of John's Marine. Businesses like these are what has built this area into what it is today. We are going to lose exactly what attracts people to this area and why they've been moving here for years. These are just a few reasons why this variance should not be approved. We can't lose the foundation that built us.

Sincerely,
Paul Crisp

Sent from my iPhone

Vivian Kompier

From: kenneth culver <culvrken@bellsouth.net>
Sent: Friday, November 26, 2021 5:14 PM
To: James Coley
Subject: Variance and short term rental

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Hello all-

We just wanted to state our view that we are against the road variance and short term rental community being proposed by the new development next to Johns Boat shop and repair. The cove is already full with boat traffic from high falls park and other communities that allow short term rentals and Ellenburg road can not handle anymore traffic. We also do t think it is fair to John's Boat repair as this will jeopardize his business. He has been an outstanding member of our community and provides a valuable service to all. Please vote to preserve our area and help our small local vendors! Thank you for your time and consideration!

Sincerely,
Ken and Anna Culver
Lot 20 The Peninsula
Seneca, SC

Sent from my iPhone

Vivian Kompier

From: Mandy Ellison <mandyfellison@gmail.com>
Sent: Friday, November 26, 2021 1:25 PM
To: James Coley
Subject: Ellenburg Road Variance

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

I am writing to voice my opposition to this variance. Ellenburg Road can not support the additional traffic that 19 home sites will bring. As a Realtor, I also know for a fact that this development is being heavily marketed to investors who will be building short term rentals, which will be disastrous for not only the survival of John's Boat Repair, but the other residences on Ellenburg Rd.

Please do not grant this variance.

Mandy Ellison

Sent from my iPhone

Vivian Kompier

From: lenamfox@aol.com
Sent: Sunday, November 28, 2021 4:47 PM
To: Planning Info
Subject: Variance application #VA21-011

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To whom it may concern.

I would like to express my objection to the variance for the purpose of extending Ellenburg Road, making way for a new subdivision. I have lived in the area for 10 years, and have come to appreciate the effort made to protect our lake and the natural habitats of native wildlife as well as vegetation. Property owners are expected to respect the county restrictions for disturbing vegetation in the 50' buffer. I do not believe that this restriction should be lifted to increase developer profits. Please say "NO" to this variance.

Lena Fox

Vivian Kompier

From: Michael Grant <mgrant0491@gmail.com>
Sent: Sunday, November 28, 2021 4:09 PM
To: Planning Info
Subject: Fwd: Variance on Ellenburg Rd

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>

>

> To: BZA Board

>

> I am a resident on Ellenburg Road and I strongly oppose Variance Request VA 21-011. This road is already winding and narrow. There are many people in Harbor Oaks and surrounding neighborhoods walking their dogs and walking for exercise. With no shoulder to get off the road, it is very dangerous. Adding 19 more homes will only increase the danger.

>

> Approving this variance will have a detrimental impact on John's Marine Service, which has been here for nearly 40 years. This shop was here when the developer purchased the property and he was aware of the narrow entrance into this parcel. Now he wants to come in and develop this small parcel without the appropriate entrance required by Oconee County Roads and Bridges. They are not asking for just a few feet. The 18' variance is a substantial portion of the required 50'. Approving such a large variance sets the precedent moving forward. Why even have the requirement, if such a large portion can be deviated? This was put in place for safety reasons and emergency access. Safety should be the top priority for the county. I urge the council members to vote NO to this variance!

>

> Thank you, Michael Grant

Vivian Kompier

From: Bruce Hadley <bruce@hvacprecision.com>
Sent: Monday, November 29, 2021 7:55 AM
To: Planning Info
Subject: Variance #VA21-011

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I am not for allowing a variance for the above listed property. please call me if you have further questions 301-252-1452

Bruce Hadley
167 Northshores drive
Seneca sc 29672

--

This email has been checked for viruses by AVG.

<https://www.avg.com>

Vivian Kompier

From: James Coley
Sent: Monday, November 29, 2021 9:27 AM
To: 'Catherine Halvorsen'
Subject: RE: John's Marine

Ms. Halvorsen,

Thank you for your email. Your statement will be added to the backup material which will be given to the board.

Best regards,

James Coley

Director
Oconee County Planning and Zoning
415 S. Pine Street
Walhalla, SC 29691
Phone: (864) 638.4218



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From: Catherine Halvorsen [mailto:halmom@aol.com]
Sent: Saturday, November 27, 2021 10:18 AM
To: Planning Info
Cc: carlhalvorsen@gmail.com
Subject: John's Marine

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

My husband and I received a letter from Jimmy at John's Marine about the variance request to be voted on at your November 30th meeting. John's Marine has been our go to boat service company for the many years we have lived in Keowee Key. Jimmy provides a valuable service to our community and the surrounding subdivisions. If passage of this variance impacts his business negatively I would expect your board to vote NO. It would be wrong to give this developer the relief he is looking for when it becomes detrimental to a business that has operated in our county for three generations.

Catherine Halvorsen

5 Crest Drive

Salem, SC

Vivian Kompier

From: Don Herriott <herriottdon@gmail.com>
Sent: Friday, November 26, 2021 10:51 AM
To: James Coley
Cc: Doug Cooper
Subject: Ellenburg road variance

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

The President of our Harbor Oaks HomeOwners association wrote to you about the safety concerns for the new development at the end of Ellenburg road. These issues certainly need to be addressed prior to granting any variance. In particular the ``Let them eat cake ``type of quote from the developer "those roads are built for cars, if people don't want to get hurt they need to stay off them". In the worst case if any limited variance is granted rather than discouraging a healthy activity such as walking the developer should provide a seperate walking path along Ellenburg.

--

Best Regards,

Don and Barbara Herriott
143 Rollingwood Drive

Vivian Kompier

From: Banks Hudson <wbhudson136@gmail.com>
Sent: Sunday, November 28, 2021 9:57 AM
To: Planning Info
Subject: Variance Request Ellenburg Road

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Oconee County Board of Zoning Appeals
415 South Pine Street
Walhalla, SC

Members of the Board:

We write to express our concern regarding the variance request you will hear this coming Tuesday, November 30. We wish to express our objection to granting the variance. It would appear, as we read the request, that the subdivision developer wishes to enhance the access to the property being developed to the detriment of an adjacent property and business, John's Marine Service, which stands to lose the majority of its business if the variance is allowed because it would eliminate water access to the business. As long time customers of the business, we very much understand the problem.

As we understand it, the developer has owned the undeveloped property for more than ten years, and purchased it with full knowledge of the width of the right of way and how that would impact any future development. Rather than try to destroy an adjacent business, perhaps the developer should have considered the issue before purchasing.

We ask the Board to deny the request.

Sincerely,

Sidney and Banks Hudson
17 Marina Village Way
Salem, SC

Sent from my iPad

Vivian Kompier

From: Michael Huskey <mrville@yahoo.com>
Sent: Saturday, November 27, 2021 8:25 AM
To: James Coley
Cc: cooperd5908@gmail.com; Lucretia Morgan Morgan; Pamela Colden; cindy.smoak@gmail.com; dherriot@aol.com; Jimmy Ratliff; Rita Huskey
Subject: Variance Request for Ellenburg Rd #VA 21-011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Dear Sir

My name is Mike Huskey and I am a resident of Harbor Oaks community off of Ellenburg Road. I am writing you this letter to strongly oppose the proposed variance.

I am currently the VP of Operations and Supply Chain for Fiberon, a subsidiary of Fortune Brand Holdings. Our company is in the building and construction products business with a complete devotion to safety. This means that we take the safety of our products and our associates who make them very seriously. I am responsible for the Environmental - Health & Safety for the Fiberon division (EH&S) which includes 700 + people.

When I look at the proposed variance through my EH&S lens I see what we term a "SIF". This indicates a situation where there is Strong possibility for Serious Incident or Fatality. The current condition of Ellenburg (curves), limited sight distance, the speed at which contractors and others navigate the road is already dangerous. Our residents use the road for walking and exercising our Pets.

The proposed 19 home project will exacerbate an already congested condition. I work with Fire Marshalls and Rescue personnel on all of our (Fiberon) projects and I cannot believe that any one of them would approve this request.

I respectfully request that the county look at this from the safety of the current residents, the safety of John's Marine business that will certainly be impacted, and the certain creation of a Serious Incident or Fatality condition.

Regards,

Mike Huskey

Vivian Kompier

From: Jan Ratliffe <janratliffe@gmail.com>
Sent: Friday, November 26, 2021 6:20 PM
To: Planning Info
Subject: 599 Ellenburg Rd variance

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To whom it may concern:

I live at 599 Ellenburg Rd, Seneca, SC. This has been my home since 1981 and our business, John's Marine Service, since 1982. The developer bought the adjoining property many years after John's Marine had been established, making numerous attempts to purchase our property. He knew when he initially purchased the property that there was not sufficient footage to build a development entrance. Even after my husband, John Ratliff, was diagnosed with Alzheimer's, the developer still approached him with minimal offers that could not begin to rebuild John's Marine Service.

Safety is the biggest concern with the lack of a 50 foot entrance to a 19 home subdivision. With the narrow width of the existing road and the bottleneck that will occur in front of our shop, traffic will not safely flow. Fire trucks cannot access the development with less than 50 feet, along with other emergency vehicles that will have to maneuver around UPS, FedEx, tractor trailers and vehicles towing boats. This can mean a difference between life and death.

John's Marine is a 3rd generation family business that solely supports me, my son and grandson. If this variance passes we will never be able to relocate on the water, have a ramp or docks by Duke Power's current stipulations. This is why I'm opposing this variance and ask that you do the same.

Sincerely,
Jan Ratliff

Vivian Kompier

From: James Coley
Sent: Monday, November 29, 2021 9:14 AM
To: 'Jerre Wippermann'
Subject: RE: Variance request application

Mr. Wippermann,

Thank you for your email. Your statement will be added to the backup material which will be given to the board.

Best regards,

James Coley
Director
Oconee County Planning and Zoning
415 S. Pine Street
Walhalla, SC 29691
Phone: (864) 638.4218

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-----Original Message-----

From: Jerre Wippermann [mailto:hapifeet53@aol.com]
Sent: Friday, November 26, 2021 12:28 PM
To: Planning Info <planninginfo@oconeesc.com>
Subject: Variance request application

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Please let it be known I am against #VA21-011.

Thank you
Jerre Wippermann

Sent from my iPad

Vivian Kompier

From: Kenyon Luce <kenyonluce@gmail.com>
Sent: Saturday, November 27, 2021 10:37 AM
To: Planning Info
Cc: Kenyon J. Luce
Subject: Variance Request Application #VA 21-011

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We are in opposition to Variance Request Application #VA 21-011 as it will severely impact the business of John's Marina located at 599 Ellenburg Road. This is a third generation business that has been at this address for over 35 years, and is of immense benefit to Lake Keowee boat owners like us.

We ask that you deny this variance request.

Regards,

Kenyon J. Luce Donna W. Luce

416 Long Reach Drive
Salem, SC 29676

Vivian Kompier

From: george nassor <geonassor@gmail.com>
Sent: Sunday, November 28, 2021 8:33 PM
To: Planning Info
Subject: Variance requests: VA21-010 and VA21-011

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To whom it may concern,

This letter is to request that you do not grant the above variances which are on your docket on November 30 in Walhalla.

Being an adjoining property owner the increased construction and traffic will be a problem for the local property owners. More importantly the proposed building would irreparably damage the business of Johns Marine Service, a respected local business that has been here for 35 years and 2 generations.

There just isn't enough room for the proposed construction and current rules would prohibit it. I don't see how changing the rules is good for anyone but the property owner trying to make money on the construction. Johns Marine is a valued neighbor and it would be terrible to ruin this families business so someone else can cram more houses into the neighborhood than is practical.

Thank you,
George Nassor
114 Pointe Harbor Dr
Seneca, SC

Sent from [Mail](#) for Windows

Vivian Kompier

From: Alicia Palmere <apalmere@comcast.net>
Sent: Friday, November 26, 2021 12:53 PM
To: James Coley
Subject: Support for John's

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Hello,

As a fellow neighbor, we support your efforts to not allow the development near your land. Best of luck!

Sincerely,
Alicia Palmere

Sent from [Mail](#) for Windows

Vivian Kompier

From: MARK-LAURA SANSBURY <sanslark@aol.com>
Sent: Sunday, November 28, 2021 5:15 PM
To: Planning Info
Subject: Variance request. 11/30 meeting

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In reference to the request for variance VA 21-010, we would respectfully request that this variance NOT be approved /granted at the Ellenburg Rd location.

We are in the neighboring development (Pointe Harbor) and are well aware of the restrictions this area entails. This road is very narrow and a dead-end road. There are safety issues to consider: pedestrian walkers, added heavy construction equipment, and bottleneck issues near the marina, and simply tremendous volume added to a narrow business road.

Also this variation and resulting subdivision would negatively affect a long standing and valuable business to the lake community, John's Marine Service.

Lastly, allowing this deviation variance would be setting a dangerous precedent to upcoming similar proposals.

We would respectfully request that you oppose this variance!

Respectfully submitted,

Mark and Laura Sansbury
Pointe Harbor East

Sent from my iPad

Vivian Kompier

From: Sarah Cawthon <scawthon50@gmail.com>
Sent: Thursday, November 25, 2021 6:17 PM
To: Planning Info
Subject: Variance Request #VA 21-011

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My name is Sarah Cawthon and I am opposed to the variance because it will pose a safety hazard to all of the people who walk and ride bikes in the area. With the traffic of 19 homes through a bottle neck area and being only feet john's marine service it will create a hazard to pedestrians and their customers.

Also having 19 septic tanks on a small parcel of land, which is almost an island, poses a significant environmental risk.

Vivian Kompier

From: James Coley
Sent: Monday, November 29, 2021 9:44 AM
To: 'Joe Sears'
Subject: *RE: Variance request #VA 21-011

Mr. Sears,

Thank you for your email. Your statement will be added to the backup material which will be given to the board.

Best regards,

James Coley

Director
Oconee County Planning and Zoning
415 S. Pine Street
Walhalla, SC 29691
Phone: (864) 638.4218



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From: Joe Sears [mailto:jmsears41@gmail.com]
Sent: Sunday, November 28, 2021 8:30 PM
To: johnsmarinesc@gmail.com; Planning Info
Subject: Variance request #VA 21-011

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I am expressing my opposition to the variance request above as I believe it will create a negative situation for the marine business which has operated there for 35 years as well as the proposed 19 home development. The location is already congested as is. It appears that the developer has already backfilled an area covered in large crushed stone at the requested area.

I am familiar with the location and I think the requested variance will create an undesirable atmosphere for the marine business and homeowners.

Joe Sears

Vivian Kompier

From: James Coley
Sent: Monday, November 29, 2021 9:18 AM
To: 'Greg Skene'
Subject: _RE: Variance Request #VA 21-011

Mr.Skene,

Thank you for your email. Your statement will be added to the backup material which will be given to the board.

Best regards,

James Coley

Director
Oconee County Planning and Zoning
415 S. Pine Street
Walhalla, SC 29691
Phone: (864) 638.4218



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From: Greg Skene [mailto:gskene9946@aol.com]
Sent: Friday, November 26, 2021 4:11 PM
To: Planning Info
Subject: Variance Request #VA 21-011

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For 15 years Johns Marine Service has serviced my boat that I get to via water. I do not have a trailer thus having it serviced directly off the lake at Johns Marine is critical to me.

We are against granting the Variance per request VA 21-011

Regards

Greg Skene
205 Windlake Drive
Seneca, SC 29672

Cell 770 316 6000

Vivian Kompier

From: Tom Wippermann <twipp730@aol.com>
Sent: Friday, November 26, 2021 12:23 PM
To: Planning Info
Subject: Variance request application

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I wish to go on record as being against #VA21-011.

Tom Wippermann

Vivian Kompier

From: Roswitha Yenawine <roswithaf@live.com>
Sent: Sunday, November 28, 2021 6:06 PM
To: Planning Info
Subject: Variance Request #VA21-011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Zoning Board Members,
please allow me to voice my objection to the variance request. Many of the current residents , in Keowee Key and other neighborhoods, need the access to repair services by water.
Not any less objectionable is the fact that an established business and family is to be up-rooted against their will.
As all people, that buy lake property, are expected to check with Duke if the lot is dockable. Maybe Joe Meaders should have contacted Duke if he could gain access by building a dyke to the property.
Sincerely,
Roswitha Yenawine

Vivian Kompier

From: Ross Dalton <rosswdalton@hotmail.com>
Sent: Monday, November 29, 2021 12:44 PM
To: Planning Info
Subject: Objection comment to Variance Request app #VA 21-011

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I am in opposition of the above referenced variance application. I believe it would have an immediate and detrimental impact to a local family-owned business we have patronized for over 16 years. This unique business is set up for its unique clientele and should be allowed to continue to operate as they have for many decades. This variance could create a situation where they would go out of business. There are no options to relocate the business in its current state to give its customers the current level of service and access. Please consider denying this variance application.

Thank you.

Ross Dalton
25 Skipper Lane
Salem, SC 29676

Vivian Kompier

From: dan fasolino <dan_fasolino@yahoo.com>
Sent: Monday, November 29, 2021 1:47 PM
To: Planning Info
Subject: VA 21-011 Ridgewater Engineering

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Hello,

With regards to Mr. Meader's request, I wonder why there is a request for variance from the 50' right of way and not a request for any leniency to perform the necessary steps to meet the 50' right of way? Particularly when the needed improvements could be added and performed during the construction of the new road. This appears merely an attempt to avoid cost and not the efforts of a good neighbor.

I share Mr. Ratliff's concerns about the impact on John's Marine in the absence of suitable passage.

It would also be concerning to favor one business venture over another where one gains a single financial windfall at the continued peril of another.

Thank you for your time,
Dan Fasolino
201 Pinecroft Ct.
(864) 888-7157

Vivian Kompier

From: Alan Fayard <alanfayard@gmail.com>
Sent: Monday, November 29, 2021 3:06 PM
To: Planning Info
Subject: #VA 21-010

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Board of Zoning Appeals,

I request you work with the developer requesting this variance so as not to have any negative impact on John's Marine Service. As a boat owner I take my boat via water for service at John's Marine Service. I do not own a trailer so I do not have the ability to take my boat out of the water and take it someplace for service.

While I can understand that a housing development could be good for our county I also believe limiting on water boat services can negatively impact our county and peoples desire to buy houses on Lake Keowee. Additionally I have been told the developer purchased this land knowing there was an issue in getting road access, which should have been addressed prior to purchase. I request that you deny this variance request.

Sincerely,
Alan E Fayard
513 High Hammock Drive
Seneca, SC 29672
7703299874

Vivian Kompier

From: clement germanier <germanic@bellsouth.net>
Sent: Monday, November 29, 2021 3:57 PM
To: Planning Info
Subject: Variance John's Marine service

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Board of Zoning Appeals,

"What part of English does this developer not understand. John's Marine Service has been there for three generations. It is located so that customers have lake access with no safety concerns. If the developer wants use of the property he has access to, let him build a hotel / eating place up the road. The customers could use the lake for enjoyment away from the established business, Johns Marine. We against this variance.

Sincerely,

Clement and Patricia Germanier
Long time residents of Oconee County

Vivian Kompier

From: jdrichardson@mindspring.com
Sent: Monday, November 29, 2021 3:20 PM
To: James Coley; James Coley
Cc: coldrenpj@gmail.com; cooperd5908@gmail.com
Subject: Variance request for Ellenburg Rd #VA 21-011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

We are homeowners in Harbor Oaks Subdivision and members of the Harbor Oaks Home Owners Association. We strongly oppose the granting of the variance at this time, unless the county can provide detailed plans on how they are going to assure the safety of home owners traveling on Ellenburg Rd. Adding an additional 19 lots and homes on a road that was never designed for that level of traffic will only increase the unsafe conditions on Ellenburg Rd especially during development of the land and the new community. We have experienced several unsafe conditions on Ellenburg Rd during recent property development along the road. Granting the variance to develop the land will only increase the number of unsafe conditions particularly with heavy construction vehicles. Also, adding 19 lots will increase the traffic on Ellenburg Rd significantly after full development especially if any of the properties are rentals.

We appreciate your desire to add more tax revenue to Oconee County, but we would ask that the safety of both current and future residents be considered and deny this variance request.

Sincerely,

John & Suzanne Richardson
311 Greentree Ct.
Seneca, SC 29672
jdrichardson@mindspring.com

Vivian Kompier

From: Aubrey Miller <aubs78@gmail.com>
Sent: Monday, November 29, 2021 4:13 PM
To: Planning Info
Subject: Subject VA 21-011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Please accept this written statement as for the public hearing sections regarding the variance request for VA-21-011.

In Oconee County, one of our most significant resources is our Lakes and waterways. The county slogan reflects this philosophy by declaring us the land beside the water. Unfortunately, we have, on many occasions, not been the best stewards of this slogan. My family has been a member of this community for decades. I have watched the lake be overrun with development, much of which only benefits a select few. The water edge is being filled in with silt, and aquatic grasses are taking over. One day we will look back and wish we would have placed better land controls over our most prized resource.

When administering any land development regulations, the most challenging part of a board's responsibility is picking a winner and a loser because there is rarely a clear-cut solution where both sides can win. In this case, we have a parcel of land on a point, a valuable point if subdivided. We also have an ordinance that requires a 50-foot right-of-way to be dedicated to access this property. The applicant is asking that you allow them to dedicate less right-of-way so they can subdivide more property. Under the current ordinance, if they only subdivided three lots, they could access the areas with just a driveway. Instead, they would like to have 19 lots, including six lots that are flag lots, and any other zoning in the county would be illegal. The current map in the agenda shows a much larger right-of-way than the 31.9 feet show and creates many questions about what is happening. So much so that our planning staff has even asked for updated plans questioning the right-of-way width because they had the same questions about the plans that I did. The developer or the engineer has yet to provide these. Instead, they are going to ask that you grant them a variance without a clear idea of what is taking place if it is not essential to them to produce correct plans, how important it should be for the community to accept a variance request.

The zoning ordinance has some clear regulations that are required to be met to grant a variance. I have reviewed these questions and provided some of my comments on them below. I will point out that the applicant must prove they need an exception from these and the Board must find in favor of all four to grant the exception. Failure of one question should mean the variance is denied.

1: There are extraordinary and exceptional conditions pertaining to the particular piece of property.

The agenda provided does not show any proof from the developer or staff as to what extraordinary and exceptional condition applies to this property. Did the developer negotiate with the neighboring property owner for 18.1 more feet and was denied. Did the 19 lots exist before the adoption of the ordinance, making it non-conforming? The requirements are placed on the property owner to show why this should be answered in the affirmative. Just reviewing the plans, one can conclude that the property owners want to have more lots than three allowed, and this variance is expected.

2. The conditions do not generally apply to other properties in the area.

It would seem that every other subdivision of greater than three parcels in the area has complied with this requirement. Unless we are going to amend the provisions of 50 feet, making it smaller, I believe the Board must vote against approving this question.

3. Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

The Owner could still subdivide the property into three parcels or sell the whole existing parcel. By denying this, we are not creating unreasonable property restrictions or taking the property. In other words, the property can still be used reasonably. An owner does not have any assurances that they can be allowed a more advantageous use when the property does not meet the ordinances. The Board of Zoning appeals should not find in the affirmative on this question since the property still has value and use without a public right-of-way.

4. The authorization of a variance will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.

a. The Board of zoning appeals may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted. The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.

Question 4(A) speaks for itself. The granting of a variance would allow for a 19 unit subdivision that would otherwise not be allowed. The last sentence address one of the prime arguments of most developers. Just because 19 lots may be more profitable does not mean it is better for the community. The Board should find against this question.

In addition to all these statements, the agenda package of the zoning appeals leaves much to be desired. The lack of information leaves much up to assumption. The county staff should provide more details, a staff report of their findings, the specific ordinances the applicant is seeking a variance from, and the applicant's application. How can a citizen, much less a board member, be expected to make an informed decision if the information of the decision cannot be obtained easily.

Regards,

Aubrey Miller

197 Knox Landing Drive

Seneca, SC 29672

Vivian Kompier

From: Lucretia Morgan <lbm1969@gmail.com>
Sent: Monday, November 29, 2021 12:04 PM
To: Planning Info
Subject: VA21-011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Dear Board of Zoning members,

I am an adjacent property owner on Ellenburg Road and I OPPOSE the variance requested by the developer for his subdivision.

Aside from my reason for the negative impact of MORE traffic on Ellenburg Road and the safety concerns which I'm sure you're aware of, this variance will pose a hardship on John's Marine Service.

Allowing this variance will grant over 36% of the required 50' for new roads. We're not talking about 5 or 6 feet, but over 18'. The developer that purchased the property back in 2008 must have done his due diligence and known what he was buying. After all, he developed numerous subdivisions on this lake, including Harbor Oaks just up the road.

If this variance is granted, it will be the first step in squeezing John's Marine out of the area. I live on an unrestricted lot near this business and knew it would be loud and have a lot of boating traffic coming in and out of the cove. An upscale subdivision will not be so "forgiving" when having to wait on him to back boats into his shop or when a customer brings a trailered boat in and has trouble parking. They also won't like looking at a shop with boats parked near the entrance to their nice subdivision.

The price paid for the property in 2008 is reflected for what is nearly an island and how many homes this limited access will allow. Also, in order to build the proposed 19 homes, the covenants were changed in 2016 to decrease the overall square footage for multi-stories, otherwise 19 homes would not "fit" with all of the setbacks including the 804 boundary.

Finally, in looking at the plat done by the developer's surveyor, the 804' DUKE/FERC boundary is within all of the area not meeting the 50' minimum width. Can the county rule on property that is within this boundary?

I urge the council to vote NO on this variance. All of the surrounding property is not only residential as stated in the applicant's variance application. It WILL certainly have a detrimental impact on John's Marine, the most direct adjacent property.

Thank you,
Lucretia Morgan
Ellenburg Road
Seneca, SC 29672

Vivian Kompier

From: Yahoo! <mwmurray@bellsouth.net>
Sent: Monday, November 29, 2021 11:06 AM
To: Planning Info
Subject: Subdivision variance

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Please do not grant the request to have a deviation in the width of the road where John's Marine is located. John's Marine has been in that location for over 35 years, to grant that variance would put them out of business. We have been residents here for 24 years and have always used John's to service our boat. We do not have a trailer and being able to use water access means a great deal to us and many others. Practice what you preach. Support our local business and do not take away their livelihood Walter and Marilyn Murray. 4 Anchorage lane. Salem

Vivian Kompier

From: Michael Phillips <michaelphillips@charter.net>
Sent: Monday, November 29, 2021 4:01 PM
To: James Coley
Subject: Opposition to request

Importance: High

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I'm emailing in support of John's Boat Repair and in opposition to the neighborhood proposed at the end of Ellenburg Road. When is enough, enough? That road cannot support the traffic of a new subdivision, plus with the existing boat traffic problems in that area and infrastructure issues, why do we need another subdivision anyway? And, I understand its mainly big money looking to sell lots to investors of short term rentals. When will this stop? Please do not approve of the variance requested by these developers which put's John's Boat Repair business in jeopardy and furthers the developers greed to exploit this beautiful lake and what's left of the peacefulness in and around High Falls Park.

Michael and Suzanne Phillips – LOT 11 The Peninsula on Lake Keowee

Vivian Kompier

From: Harry Shucker-Retired <Harry.Shucker@furman.edu>
Sent: Monday, November 29, 2021 11:58 AM
To: Planning Info
Subject: Variance Request application #21011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To whom it may concern,

I want to voice my concerns as to the requested variance to the deviation from the 50ft width per road to a 31.9 ft. road width which will interfere with the customer base of John's Marine. John's Marine has had the same location for over 35 years and we have often taken our boat over there for service.

To put an additional 15 to 19 homes using the road in front of John's Marine will make the ability to trailer our boat and many others to use very little space for parking as well as for turning the boat into the shop or into the water. Traffic on the road will be disrupted and cause disruption of flow or serious accidents.

We live in Oconee County and are familiar with that area both from the land as well as from the lake. The point is probably suitable for 3 or 4 homes but 15 to 19 homes are simply destroying nature to make more money by the developer. Since the Lake is already overdeveloped, I think it is way past time to consider lake and land preservation so that a beautiful area does not continue to be desecrated for profit without regard for businesses that have been there for 35 years.

I think it is time to take a stand about what is an appropriate use of land along the lakeshore and how others are being affected by overdevelopment. We have lived on the lake for 23 years and have watched development after development destroy the natural beauty of the area for the sake of profits.

Thank you for your consideration of denying this requested variance.

Sincerely,

Dr. Harry B. Shucker

This individual is retired from Furman University. The content of this email does not necessarily represent the views of the University.

Vivian Kompier

From: Stoker <stokerjn@sbcglobal.net>
Sent: Monday, November 29, 2021 4:31 PM
To: Planning Info
Subject: OC Board of Zoning Appeals meeting 11/30/21, Variance request application #21-011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To the Zoning Appeals Board,

I am writing to express my opposition to variance application #21-011.

John's Marine Service is a valuable asset to everyone who boats on Lake Keowee. It is one of the few businesses on the Lake to which a customer can take his or her boat for service by water. Its existence at its present location is a great convenience to boaters in a way that land-locked repair facilities cannot duplicate. It is also important to have a place where boat rescue services, or Good Samaritans can tow a disabled boat for quick repairs, which is not possible otherwise.

The proposed development would include 19 houses to be used as homes and rental vacation houses. The increased traffic for the period of construction of the road and buildings due to construction equipment, and the ongoing traffic of 19 vacation houses would certainly have a negative impact on John's Marine Service. This could be minimized with a proper road moved further to the south, but the variance being requested would allow the developer to get away with creating and leaving a hazardous and difficult situation.

John's Marine Service has been at its present location for over 35 years. It has been owned and operated by the same family all of that time. It predates any plans to develop the virtual island beyond it. It is located at the dead-end of Ellenburg Road, beyond which is a low isthmus. The elevation of the isthmus is below the 804 line

I have been a happy customer of John's Marine Service for over eleven years. I am opposed to this application for a variance which I believe would be detrimental its continued existence.

Thank you all for your service to Oconee County,

Sincerely,

Joseph N. Stoker

401 S. Lynhurst Ct.
Seneca, SC 29672

Vivian Kompier

From: Stoudenmire, B. Joel <JStoudenmire@nexsenpruet.com>
Sent: Monday, November 29, 2021 1:00 PM
To: Planning Info
Subject: Opposition to #VA 21-011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

I am an Oconee County resident and I am strongly opposed to #VA 21-011 variance requested seeking a variance to the 50 foot right of way. How can you adversely impact and destroy the business that has been operating there for over 35 years? The property owner seeking the variance bought his property knowing exactly what the rules and conditions were. The traffic volume on this small amount of property will be overwhelming. There is too much development on the lake now and what was once a beautiful, peaceful lake will be ruined. Please do the right thing and vote no.

B. Joel Stoudenmire

Nexsen Pruet, LLC
104 South Main Street, Suite 900
Post Office Drawer 10648 (29603)
Greenville, SC 29601
T: 864.282.1127, F: 864.477.2621
JStoudenmire@nexsenpruet.com
www.nexsenpruet.com

www.nexsenpruet.com

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Vivian Kompier

From: THOMAS WAY <tcway@sbcglobal.net>
Sent: Monday, November 29, 2021 12:42 PM
To: Planning Info
Subject: Planning meeting on 11/30,2021 re: VA21-011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Members of the Board of Zoning Appeals,

I'm writing as a long time and present resident of Oconee County and requesting that you deny the deviation request VA21-011 requesting a deviation of road width from 50' to 31.9' and prescriptive right-of-way. If granted this variance will prohibit me from using the marine services of John's Marine Service located at 599 Ellenburg Rd in Seneca. I have used this service for years for all of my boat servicing needs and it is my view that the variance would severely limit my ability to access John's Marine as I can only do so by water and Jimmy needs to use his ramp to pull my boat out of the water for it's servicing needs. I see no reason that the current road width will restrict access to the developers property, but rather the developer might be more interested in putting John's marine out of business such that it does not affect the appeal of prospective home buyers for homes in his parcel. John's Marine Service has been at this location for more than 35 years and the developer was aware of this when he bought the property. Also, the proposed development will certainly add much more traffic on this road and as such it seems that narrowing the road width will limit John's Marine access to conduct business and only exacerbate a probable traffic issue.

Please deny this Variance Request.

Respectfully,

Thomas Way
357 Stardust Ln
Seneca, SC 29672

tcway@sbcglobal.net
864-359-7002

Vivian Kompier

From: Alison Saavedra <alison.m.saavedra@gmail.com>
Sent: Tuesday, November 30, 2021 4:26 PM
To: Planning Info
Subject: John's Marine Service

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Dear Oconee County,

John's Marine Service has been my go to for boat work for years. One of the best things about this company is that they are excellent at what they do technically and with their customer service. The reason they can do this is because of their location - right on the water. They can serve customers who normally leave their boats in the water year round.

As Mr. Ratliff has said in his letter to you and at the hearing this evening, the matter of relocation is not feasible and will get rid of a third generation family owned business that grew up right in Oconee County. I respectfully ask that you take this info into consideration when reviewing the parcel of land for development.

Thank you,
Alison Saavedra

Vivian Kompier

From: beth schonert <bschonert@hotmail.com>
Sent: Tuesday, November 30, 2021 9:43 AM
To: Planning Info
Subject: Variance Request #VA 21-011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To Whom It May Concern:

I am writing to state my vehement opposition to this requested variance. It will severely impede John's Marine Service, a long-standing local business, and their ability to continue serving the community in the best way they can. Jimmy Ratliff's availability to service the boats we have on the lake, both in the water in an emergency manner, and by trailering to his business, are vital to the lake community we call home. I personally have relied on, and always been impressed with, the service he provides in such a timely manner. Without boating on the lake, there isn't nearly as much of a draw, and without the most important boat repair services Jimmy provides, we wouldn't be able to enjoy the lake in nearly the same way. We all know, boats break, a lot! We see, so often, that these decisions side with the new requests regardless of the effect on the existing community, but **I strongly urge you to do what is right, and side with the existing local community, and long-standing local business, John's Marine**, in this instance! It is to the greatest advantage of the area that his dependable service remains unimpeded and available to all of those who live on the lake.

Again, please vote against Variance #VA 21-011, and do what's best for the current residents of Lake Keowee!!

Beth Schonert
Jake Schonert
Camery Schonert
Hayden Schonert
Residents of Beacon Shores, Seneca, SC

Vivian Kompier

From: Terri <mitmfood2014@gmail.com>
Sent: Monday, November 29, 2021 5:03 PM
To: johnsmarinesc@gmail.com
Cc: Planning Info
Subject: variance

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Dear Mr. Ratliff,

We have read your letter regarding the upcoming variance request that would negatively impact your business. My husband I have been to your property and understand how this would affect your business and the traffic.

We are for responsible progress in the county. This proposed variance is not responsible and it is rather selfish that your business should either suffer or have to close down. It seems like people put their opportunity for profits above caring about somebody else's livelihood. We will be there to support you at the meeting as well.

Carl and Theresa Meyerring
175 Tabor Ramp Rd.
Westminster, SC 29693

God Bless America

Terri Meyerring
Meat'n in the Middle
864-723-1185

Contact us for your catering needs



Vivian Kompier

From: Cathy Nance <cmnance4@gmail.com>
Sent: Tuesday, November 30, 2021 12:55 PM
To: Planning Info
Subject: Variance request application #VA21-011

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Board of Zoning appeals,

As a customer of John's Marine Service and a resident of Oconee County, we oppose the subject variance request. We are very concerned that John's Marine ability to service our boat and those of hundreds of other customers will be adversely impacted by the proposed variance. We strongly urge that you vote against this variance and prevent the negative impact on a long established family business.

Sincerely,
Catherine M Nance
39 Quartermaster Dr.
Salem, SC 29676
864-918-4463

Vivian Kompier

From: Chad Knott <chad@yonahhomecompany.com>
Sent: Monday, November 29, 2021 6:58 PM
To: James Coley
Subject: Ellenburg Variance Request VA 21-011

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To Whom It May Concern:

My wife and I own a home at 555 Ellenburg Road, Seneca, SC 29672. We are members of and are part of the Harbor Oaks Subdivision. We are opposed to the variance for the following reasons, and believe that Oconee County is required to take the following matters into consideration:

First, pursuant to Chapter 38-212 of the Oconee County Code of Ordinance, "A Variance is a waiver of the dimensional terms of the zoning chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship; and does not involve a change in the use of the property." Please note that the purchaser and current owner of the property, Farmes, a limited partnership, and Globe, a limited partnership, consists of John Hamrick and Frances Hamrick, as general partners. As you may or may not be aware, Mr. John Hamrick has regularly been involved in the real estate industry over the last 30 years, and has been active in the development and marketing of property for Crescent resources, including my subdivision, Harbor Oaks. Mr. Hamrick is well aware of the subdivision regulations which have been in effect prior to his acquisition of this property. These subdivision regulations require a 50' right of way. The subdivision regulations were established and approved to provide for the safety of the public and to provide a means of maintaining that safety if site line of distance and other factors necessitated more control, and to provide a mechanism for traffic to leave the road bed, where necessary, to deviate from collision due to mistake or error by oncoming traffic by having sufficient right of way for doing so. The variance request is a 36.2% percent reduction in the right of way, and remarkably, the variance of 18.1 feet represents nearly 56.7% of the final right of way. Oconee county's considering and granting such a right of way is absurd and is against the public interest for the following reasons:

1) Denying the variance does not impede the property owner's right to use the property. The owner of the property can acquire a building permit to build a home on the property without the need to obtain a variance. For that matter, they can construct up to three homes without a variance. The variance is needed for development and subdivision of the property only. As a result, the financial considerations of the benefit of the variance cannot be a consideration in whether the board should approve or deny the variance. Please see the case of S.C. Rush vs. City of Greenville, 143 S.E.2d 527 (The Supreme Court of South Carolina), which held that "going further and assuming that they will suffer substantially in a financial way, and this is obviously the only hardship that could possibly be expected to result to them, that alone is not sufficient. Although it is an element in the situation which is entitled to fair and careful consideration, mere disadvantage in property value or income, or both, to a single owner of property, resulting from application of zoning restrictions ordinarily does not warrant relaxation in his favor on the ground of practical difficulty or unnecessary hardship." Therefore, the variance should not be granted because the property owner can in fact utilize the property, they can build on it without the variance.....they simply need the variance for development and financial gain. Further, Section 38-7.1 of the Oconee County Code of Ordinances provides that granting a variance should be considered when (subsection (3)) "the application of this chapter to the particular piece of property would

effectively prohibit or unreasonably restrict the utilization of the property". The failure of Oconee county to grant the variance does not prohibit the utilization of the property nor does it restrict the utilization of the property. In addition, Section 38-7.1 (4) b. provides that "The board of zoning appeals may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted. The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance." For the above reasons, Oconee county should not grant the variance.

2) The zoning regulations requiring a 50' right of way for a new subdivision were in place prior to their acquisition of the property. The property owner knew, or should have known of the regulations. Mr. John Hamrick was in the real estate business and was very familiar with subdivision regulations for Oconee County. When I purchased my property on Ellenburg road, my realtor told me that John Hamrick was going to build his retirement home on the tract. Many of us, familiar with the subdivision regulations, knew that the property did not have sufficient right of way for subdivision. The current owner purchased the property in 2008 pursuant to the plat recorded in plat book B291, page 1. This plat, last revised November 4, 2008, clearly shows that the property does not have sufficient right of way width for a subdivision pursuant to subdivision regulations which were in place at the time of the purchase. Also in S.C. Rush vs. City of Greenville, 143 S.E.2d 527 (The Supreme Court of South Carolina), the court held that "Where one purchases realty with intention to apply for variance, he cannot contend that restrictions caused him such peculiar hardship that entitles him to special privileges which he seeks". Therefore, the Supreme Court of South Carolina has reached the conclusion and has held that Farnes and Globe cannot purchase the property in 2008 with zoning regulations in effect which require a 50' right of way for subdivision development, and then now seek a variance from said regulations such that subdivision development will occur.

3) The property in which the variance is sought is below the 810' flood elevation line. Please see the drawings included with the variance application. Please also make a site visit. The current property owner purchased the property subject to "flood easements in favor of Duke Energy Carolinas, LLC and riparian rights of others, including, but not limited to, the flood easement to flood to the 810 foot contour line....." . Please see page one of their deed recorded in deed book 1695, pages 87-102. While we cannot predict the future, it is possible that Duke may allow the flooding of Lake Keowee such that the road would be under water. This is clearly a public hazard, and Oconee county faces significant liability for accident and injury associated with the approval of a public road which, by its design, could be underwater. I know of no place in Oconee County where access to a subdivision is approved in an area where the access road is below the 810' flood easement area. The thought of granting such a variance is ludicrous. Again, please make a site visit to see the area first hand.

4) The nature of the location of the variance, and the curvature of the road bed within and adjacent to the variance area will cause accidents between vehicles of oncoming traffic, particularly all of those potential property owners traversing in and out of the variance area with boat trailers. Again, I would encourage you to make a site visit. John's marine is a business which has been in place on Ellenburg road since lake keowee has been built. It is often that trucks, boats, and boat trailers, are regularly parked on the concrete pad and the property adjacent thereto in anticipation of repairs. While these boats and trailers are parked outside the right of way, they are parked within inches of the right of way and create significant line of sight problems for the variance area. As you can see from the diagrams provided by the engineering company, the subdivision access road has to make a deviation to the south and then quickly back north to prevent traffic from driving into Lake Keowee. I am confident that drivers will end up driving off of the road bed and into lake keowee in order to prevent being hit by oncoming traffic. This variance request is not simply reducing a right of way down to ~32 feet and the road is straight, and there is plenty of land adjacent thereto to absorb the mistakes and errors of drivers. This particular location is a combination of multiple traffic concerns and public safety concerns which include line of sight distance issues, curvature of the primary access road.....which is in the variance area, and immediate drop offs into Lake Keowee on both the north and south sides of the variance area.

5) The nature of Oconee county's prescriptive interest in Ellenburg Road will cause confusion, and additional road maintenance and liability for Oconee County. Oconee county's obligations to maintain Ellenburg Road are limited to maintaining Ellenburg road upon which asphalt has been laid, but nothing more. However, Oconee does in fact have an obligation to maintain this area of Ellenburg road regardless of what the developer constructs. The developer intends to construct a new road which is adjacent to, and splinters off from the existing paved surface of Ellenburg Road which Oconee County will continue to have to maintain. Therefore, as a driver is traveling East on Ellenburg Road, especially at night, the driver will be confused as to whether to travel straight...which will be the natural manner in which the driver will be inclined to travel versus deviating south to travel on the new road. As you can see, this will cause and create confusion and traffic accidents. I am not aware of any other location in Oconee county where such a road and traffic anomaly exists. This reason alone is sufficient to deny the variance as it is clearly against the public interest.

6) Granting such a variance will clearly impact and impede the activities at John's marine, an existing business which has been active and provides a required service to the local lake keowee boat owners. This would be contrary to Oconee County code of ordinance 38-7.1 (4) which states that "The authorization of a variance will not be of substantial detriment to adjacent uses". John's marine is regularly pulling into and out of Ellenburg Road backing boats down the boat ramp, pulling boats out of the boat ramp, pulling boats into and out of his shop. Traffic into and out of the proposed subdivision, whether from construction traffic, or property owners, will ultimately, and negatively impact John's marine.

For all the above reasons the variance should be denied, and I stand ready to take this issue to the Supreme court of South Carolina.

I would like the opportunity to speak at the hearing if Oconee County allows the public to speak as such a hearing. I would kindly ask that you let me know if there are any special circumstances required of me in order to speak.

Best Regards,

Chad Knott

Vivian Kompier

From: Jodie Paul <jkp1675@gmail.com>
Sent: Tuesday, November 30, 2021 1:55 PM
To: Planning Info
Cc: Danny Paul
Subject: Ellenburg Rd. Variance Opposition

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

We are writing to officially voice our opposition to the variance request for a new road on the end Ellenburg. We live close by and drive down there often so we have first hand knowledge of the set up and the work that has already been done to set up this road even though approval for the variance has not been granted. The proposed narrower road will be a big safety issue. How will fire trucks and construction equipment be able to safely pass through there? Where will the run off water go? Toward the adjoining business? Off the road into the 804? If the runoff causes a washout on the steep side of the road how will emergency vehicles access the neighborhood? The developer only has access to half of the current road. How are they going to safely run utilities under there without undermining the steep 804 side of the road or the side owned by John's Marine? There is a reason the County specified that 50 feet is a minimum for these roads - for safety. The developer knew this going into the project. John's Marine has been there the whole time - the fact that a business is blocking their big plans and there is a county ordinance prohibiting what they want to do are not surprises. The fact that the county will get tax revenue from this project should not be a reason for the safety of the neighborhood to be impacted. For these reasons we oppose the variance.

Dan and Jodie Paul
333 Elderberry Way
Seneca SC 29672

Vivian Kompier

From: DAVID & EVELYN KACZKOWSKI <kaz41@bellsouth.net>
Sent: Tuesday, November 30, 2021 4:44 PM
To: Planning Info
Subject: Ratcliff

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Zoning committee: As a former customer of this fine business, I appreciate the years of service provided to this community and wish to endorse John's Marina in this dispute. Sincerely submitted by: David and Evelyn Kaczowski 103 Silo Aly Seneca, SC 29672 864-973-8434

Vivian Kompier

From: davidhumphrey@charter.net
Sent: Monday, November 29, 2021 5:52 PM
To: Planning Info
Subject: Opposition to Variance Request

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To all concerned,

In reference to Variance Request Application #VA 21-011, please know that I oppose approval for that variance. A variance requested should not have such a dramatic impact on the surrounding properties, especially that of a 3rd generation business that has no good alternative. You may very well put someone out of business that is well liked and respected in this community, and has been around for a very long time.

Thank you,
David Humphrey
60 Commodore Drive
Salem SC 29676

James Coley

From: Doug Cooper <cooperd5908@gmail.com>
Sent: Tuesday, November 30, 2021 3:26 PM
To: James Coley
Cc: Chad Knott; Lucretia Morgan
Subject: Variance meeting tonight
Attachments: IMG_2966.jpg; ATT00001.txt

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I want to submit this marked up drawing the developer submitted for tonight. He and others have claimed there are not markings on the drawings to know where the 804 is. As you can see just by zooming in using any PDF reader you clearly see the topology lines.
Blue is the 810' Flood line
Yellow is the 804'
Red is the 802'

Where everything is currently staked is more in line with the 802' line than the 804'. While the entire project is below the 810' line.

Doug

Vivian Kompier

From: Ed Zanowicz <zano737@gmail.com>
Sent: Tuesday, November 30, 2021 1:53 PM
To: Planning Info
Cc: johnsmarinesc@gmail.com
Subject: No to Variance on Ellenburg Road @ John's Marine Service

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Dear Oconee Council,

I strongly object to the proposed variance request on Ellenburg Road adjacent to John's Marine Service. I'm against this for the following reasons. First, and most important, this narrow road will compromise safety between the marina workers and cars entering and leaving the proposed subdivision. Second, the developer knew about the marine business at the time he purchased the property and nothing has changed since he made since closing the deal. Three, not only would it be financially prohibitive from moving the business elsewhere on the lake, it is highly doubtful Duke Energy would even grant a permit to build such a large facility. Many boaters (and me included) on this side of the lake regularly use John's Marine service for our boating needs and would have to drive a great distance to get the same quality service.

Thank you for your consideration on this matter, and hope you do the right thing and refuse this variance request.

Respectfully,
Ed & Terry Zanowicz
Seneca

Vivian Kompier

From: Kim Masiello <kim.masiello1@gmail.com>
Sent: Monday, November 29, 2021 9:34 PM
To: Planning Info
Subject: Requested Variance near John's Marine Service

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To Whom it May Concern

We are long time customer's of John's Marine both via the road and the water. Jimmy's shop is one of the most recommended on the lake. His business would be negatively affected by this proposed variance. He provides a necessary service to many of the residents in the area. Please do not allow this variance to pass.

Sincerely

Gary and Kim Fortier

Vivian Kompier

From: Hjkenney <hjkenney@aol.com>
Sent: Tuesday, November 30, 2021 1:04 PM
To: Planning Info
Subject: Say no to Variance Request #VA 21-011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Good day Oconee County Board of Zoning,

I had planned on attending tonight's meeting, however am a bit under the weather and have elected to stay home.

I would like to voice my opposition to zoning variance request #VA 21-011.

The board should not be approving a variance from a home builder/developer that is going to negatively impact a business that has been in operation for 35 years. A business that is utilized by countless residents of Oconee County who live on Lake Keowee and access it by water.

Please come up with a better solution.

Thank you.

Howard J. Kenney
704 Cypress Bay Lane

Vivian Kompier

From: Joseph Fleskoski <jhfleskoski@icloud.com>
Sent: Monday, November 29, 2021 6:23 PM
To: Planning Info
Subject: #5 on agenda 11-30-21

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Dear Board Members

After reviewing the proposal on Variance Request to change a 50' Right of Way for a subdivision entrance for Joe Meaders, I believe this is wrong and an injustice to John's Marine and the boaters needing help and repairs. John's Marine is a unique repair shop and provides quality service for boaters on the lake and those trailering their boats to John's Marine. I am sure the Oconee County Board of Zoning Appeals would not want to hurt a longtime business and tax payer for the county who may need to close their doors because of the variance request. The expense to move a business is going to be outrageous, especially when John's Marine Service is operating just fine. Why turn other people's life apart to support the financials of a builder or even the county.

I am sure you will do what is right. Thank you for hearing me out.

Joe Fleskoski
229 Oak Stone Dr
West Union, SC. 29696
714-402-4066

Sent from my iPhone

James Coley

From: Joel Phillips <joelphillips@rocketmail.com>
Sent: Monday, November 29, 2021 11:58 PM
To: James Coley
Cc: joelphillips@rocketmail.com; Alan.Stuart@duke-energy.com; Krystal Brock
Subject: Variance request for Ellenburg Rd #VA 21-011 (In violation of Shoreline Management Guidelines)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

I am a homeowner within the Harbor Oaks subdivision for 11 years and respectfully request the denial of the above variance.

Regarding the above proposed variance, why would Oconee County/Duke power desire to approve construction of a new road that runs through the 804 boundary line and ultimately would be so proximal to lake water that automotive discharge would flow into the lake. At the very least, wouldn't Duke require an environmental study to determine impacts on water quality and marine life in order to not violate the licensing requirements delineated by FERC. For that matter, why would Duke consider a developer's request(if it does violate shoreline management guidelines), when said developer knew the rules when purchasing the land and the the alternative is preservation of a natural landmass for wildlife habitat, a goal more consistent with FERC licensing directives.

Additionally, John's Marine physical building is close enough to Ellenburg Rd that backing boats into the shop, launching boats, and deliveries all occupy/obstruct the road(not an issue at present as the area represents the current end of the road).

With development of up to 19 lots, some short term rentals, increased traffic flow will result in safety issues.

The communities along Knox and Ellenburg roads are very active with numerous walkers, joggers and cyclists on any given day. Ellenburg is a winding, blind curve road. While the developer has voiced his complete disregard for resident safety, adding 19 homes with higher volumes due to short term renters will create a very dangerous situation along the road.

Sincerely,

Joel C. Phillips, M.D.
124 Rollingwood Dr
Seneca, SC 29672
864-525-7132

Sent from my iPad

Vivian Kompier

From: John Graves <johncgraves@yahoo.com>
Sent: Monday, November 29, 2021 6:19 PM
To: James Coley
Subject: Zoning hearing

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To whom it may concern, I am totally against this development request it is over development in the worst case... Instead of a nice development this will be known as Helter Skelter. This is totally crazy filled with lunacy. I could not believe anyone in their right mind would approve this no matter what the County gets out of taxes. It will forever be known as a place not to go. And what of the county park do you want that to go to a new subdivision too? The people who will vote on this have an obligation to the citizens of the county and not to Rich developers. The developers will take the money and run... And the county will be left dealing with these problems forever.

November 30, 2021

Board of Zoning Appeals

Seneca, SC

planninginfo@oconeesc.com

cc: johnsmarinesc@gmail.com

RE: Variance Request Application #VA 21-011

Board Members:

It is our understanding that there is a variance request to be voted on tonight regarding access to a proposed subdivision across from John's Marine Service on Lake Keowee. We believe that the proposed road variance (from 50 feet to 31.9 feet) in front of John's Marine will create several issues of concern to the business, its hundreds of customers and future residents of the new subdivision.

As a 25 plus year customer of John's Marine, we are concerned that the construction vehicles and the ultimate increase in traffic on Ellenburg Road as a result of this new subdivision will create safety issues and difficulty trailering boats in/out. Ellenburg Road, in front of John's Marine, is narrow currently and requires one vehicle to drive on the shoulder if someone is passing while pulling a boat.

There are only a few qualified boat technicians on Lake Keowee and we do not want to lose one of them due to increased traffic and tight maneuvering space. Small business is the heart of our lake communities; John's Marine Service has been in business for over 50 years in the same location.

We hope your committee will carefully reconsider this plan and allow for John's Marine Service to continue serving its customers and our communities safely.

Respectfully submitted,

Joyce & Vince Malanga

210 Port View Ct.

Seneca, SC 29672

malangav@bellsouth.net

joycemalanga@bellsouth.net

Vivian Kompier

From: Laura Boggs <teamboggsrealtors@gmail.com>
Sent: Tuesday, November 30, 2021 9:05 AM
To: Planning Info
Subject: Zoning concerning John's Marine

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I have great faith that the right thing is going to be done with this case. I feel that it would be an absolute tragedy for the board to allow this developer to impact and possibly put this man out of business to create more rental properties on the lake. I also feel that it was gone about in a less than honorable way to get to this point. I believe that Mr Ratcliff spoke his concerns very early in the process and that the powers that be had already sided with Mr Hamrick.. I hope to be wrong about that last thought.

John's Marine has been helping people on the lake for my whole life! He has come to the aid of boaters when they were stuck on the lake and make quick repairs to let them get back out to having a fun time! Why would we push such a Vidal business off the lake? One that benefits all the people and not just 19 of them with this new development? I understand that money is money and unfortunately that sometimes wins off that fact alone but please I beg of you to think of the community as a whole and vote against this zone!

Thanks for your consideration
Laura Boggs

Sent from my iPhone

Vivian Kompier

From: L. Geltz <lgeltz08@gmail.com>
Sent: Monday, November 29, 2021 7:32 PM
To: Planning Info
Subject: John's Marine Service

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To whom it may concern,

As a resident of Oconee County, I oppose the variance pending. Please consider the effects of ANY changes to our county that would impede or negatively affect existing businesses and residence. Thank you for your time and consideration.

I VOTE.

LINCOLN GELTZ
201 S. CRAGGMORE DRIVE
SALEM, S.C. 29676

-
Office - 313-886-0807
Cell - 313-415-0885

Vivian Kompier

From: Mike Cauble <emltomc@gmail.com>
Sent: Tuesday, November 30, 2021 3:36 PM
To: Planning Info
Subject: variance request application #VA 21-011: Ridgewater Engineering

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November 25, 2021

Oconee County (SC) Board of Zoning Appeals

RE: Variance request #VA 21-011: Ridgewater Engineering

This writing is submitted to **oppose the approval of subject variance by registered Oconee voters Michael and Martha Cauble.**

We respectfully request the consideration of our opinion by this email in lieu of our attendance at the public meeting due to Covid health risks.

This variance request is not a matter of a small discrepancy, but 18 of 50 feet deficiency in right-of-way, amounting to over 1/3 deviation from the requirements. In fact, the present and existing status of this entry site is unchanged since the current owner purchased the property. Denial of the variance does not add any additional impairment beyond owner's initial acceptance of the site.

Approval of the variance does negatively impact and likely forces the termination of the long-term existing use of the adjacent property owned by the Ratliff family and operated as John's Marine. As a Keowee waterfront property owner since 2004, we attest that our boating recreation access to Lake Keowee has been enabled and enhanced by the boat maintenance and repair services offered by John's Marine. We represent a multitude of similar Lake Keowee recreational users with boats not under factory warranty, who will derive far greater benefit from the continued operation of John's Marine, than from this variance which will only enable and accommodate the maximum number of domiciles to be sold by the developer.

We concede that enabling the maximum number and density of homes on Lake Keowee does enhance Oconee County tax revenue, but oppose this as a primary determinate of variance decisions. We believe that government should play a primary protective role in preserving the quality of life and investment of pre-existing property owners by not undermining the effects of their prior investment decisions which were based upon prior zoning conditions.

John's Marine has been a long-term asset contributing to the growth of Lake Keowee by its reputable and trusted service to recreational boating users of the lake- a stated purpose of Duke Energy's permit. John's Marine is dependent upon its existing site and investment in their site-dependent facilities to actively perform work and operate this business. Approval of this variance constitutes a compromise of existing zoning requirements in favor of maximizing return on passive investment by developers. Oconee County should instead enforce its existing zoning conditions to support prior property owner investments by not approving subject variance.

Respectfully submitted,

Michael C. Cauble

Martha C. Cauble

--

Mike Cauble

cell phone [828-423-5742](tel:828-423-5742)

Vivian Kompier

From: DAVID & EVELYN KACZKOWSKI <kaz41@bellsouth.net>
Sent: Tuesday, November 30, 2021 4:44 PM
To: Planning Info
Subject: Ratcliff

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Zoning committee: As a former customer of this fine business, I appreciate the years of service provided to this community and wish to endorse John's Marina in this dispute. Sincerely submitted by: David and Evelyn Kaczowski 103 Silo Aly Seneca, SC 29672 864-973-8434

Vivian Kompier

From: Rebecca Payne <rebeccapayne2232@gmail.com>
Sent: Tuesday, November 30, 2021 2:33 PM
To: Planning Info
Subject: John's Marine Service

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To whom it may concern:

I am one of the many customers of John's Marine that lives on the lake. His marine shop being on the water has been a huge asset to me and my family for several years now. As with many of his clients that have their boats on the lake, many of us don't even own trailers and would not be able to get service without the use of John's Marine's dock.

Needless to say, I admittedly oppose this variance.

Respectfully,

Rebecca Payne
805 Treehaven Ct.
Seneca, SC 29672
757-412-8518

Vivian Kompier

From: Dick Stanford-Retired <dick.stanford@furman.edu>
Sent: Tuesday, November 30, 2021 3:16 PM
To: Planning Info
Cc: johnsmarinesc@gmail.com
Subject: Variance request application #VA 21-011

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I oppose variance request application #VA 21-011.

Respectfully, Richard Stanford
153C Deckhouse Lane
Salem, SC 29676

rstanford@furman.edu
8644212877

This individual is retired from Furman University. The content of this email does not necessarily represent the views of the University.

Vivian Kompier

From: Rosalynd Resendiz <rresendiz@tricorbraun.com>
Sent: Monday, November 29, 2021 8:25 PM
To: Planning Info
Subject: FW: VA 21-011 Ridgewater Engineering and Surveying

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To whom it may concern,

I'm in opposition to the variance that is proposed by Joe Meaders. John's Marine has been operating in the same location now for three generations. The developer knew about John's Marine when the land for the subdivision was purchased.

Oconee County should choose to allow progress while protecting our family businesses. Many patrons in Oconee County use this road and water way to access John's Marine. Without proper access, it would hurt their business and hurt many of us who live on Lake Keowee, pay taxes, and appreciate ease of access to get boat repair. John's Marine is a staple to Lake Keowee much like other Seneca Marina or the Lighthouse. These are known spots that make Lake Keowee special and allow for special services and activities.

We ask you to oppose this variance and protect the interest of our small, family owned businesses. I would personally come tomorrow night but my family has Covid. Please use this as my voice.

Thanks,

Rosalynd Resendiz | Vice President of Supply Chain | **TricorBraun**

Direct 314 983 2054 | Cell 864 247 2888 | rresendiz@tricorbraun.com
6 CityPlace Drive | Suite 1000 | Saint Louis, MO 63141



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YOUR MONTHLY GO-TO SOURCE FOR SUPPLY CHAIN UPDATES AND INFORMATION.**

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Vivian Kompier

From: Ryan Baker <b2r2b202@gmail.com>
Sent: Monday, November 29, 2021 9:15 PM
To: Planning Info
Subject: Oppose....

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To whom it's may concerns,

I oppose the variance VA# 21-011. John's Marine Service has been tremendous service to those who need the boating services anywhere in Oconee County. Find another solution or leave Jimmy's business alone.

Best Regards,
Ryan Baker

Vivian Kompier

From: Toni Blackwell <tbwell90@gmail.com>
Sent: Tuesday, November 30, 2021 3:58 PM
To: Planning Info
Subject: Variance

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I oppose the variance VA# 21- 011

Vivian Kompier

From: tyhix68@gmail.com
Sent: Tuesday, November 30, 2021 12:05 PM
To: Planning Info
Subject: Opposition to Variance Application #VA 21-011

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

To Whom It May Concern,

I am writing to you today to voice my sincere opposition to this variance. I have owned a home and boat on Lake Keowee for approximately 15 years. Jimmy Ratliff and John's Marine Service have serviced my boat the entire time. I bring my boat to John's Marine Service on a boat trailer via this road and it's already a pretty tight fit as it is today. Narrowing the road for this variance would eliminate the ability to get my boat to John's Marine Service, which would be a travesty. I don't know where else I would go, as Jimmy has the best reputation on the Lake.

John's Marine Service is a pillar of the Lake Keowee boating community. Jimmy Ratliff is a hard working, honest, and honorable businessman, and hundreds of boat owners such as myself rely on him and his high quality service for our boats. Why would anyone allow the road to be narrowed, thus not only ruining the business for John's Marine Service, but also making it impossible for us boat owners to bring our boats to Jimmy for service.

I urge you to vote "No" on this variance and allow us to continue bringing our boats to John's Marine Service via this road in it's current condition/width.

Thank you for your consideration,
Ty Hix

John's Marine Service
599 Ellenburg Road
Seneca, SC 29672

January 19, 2022

Board of Zoning Appeals
Mr. Codner, Chairperson
415 South Pine Street
Walhalla, SC 29691

Re: Meeting Minutes - November 30, 2021 Board of Zoning Appeals related to application VA21-011 (Ridgewater Engineering and Surveying TMS#150-00-01-459 an unaddressed parcel with the closest address of 599 Ellenburg Rd, Seneca, SC 29672) -

Correction to the meeting minutes as drafted to include:

- this letter, dated January 10, 2022, which addresses the inaccurate and incomplete content in the draft minutes, and
- my letter to you, dated November 22, 2021, expressing my opposition to Variance VA21-011, which I handed to you, the Board members and various members of the public during the November 30, 2021 meeting, and
- the 75-80 emails that you indicated that the Board of Zoning Appeals received from the public regarding VA21-011.

Dear Mr. Codner,

The Ratliff family has reviewed the draft minutes and back up material from the November 30, 2021 Board of Zoning Appeals meeting and is requesting that the Board reject and/or revise the minutes due to the incomplete and inaccurate content. The minutes do not accurately document the concerns voiced during the meeting regarding John's Marine Service from both the public, as well as, the Ratliff family. These minutes are selective in what was included, and substantive information is missing.

Below are some of the examples of the incompleteness and inaccuracies in the minutes. This list is not exhaustive and only represents a portion of the concerns.

Applicant's [hereinafter referred to as Developer] opening statement and provision of evidence:

1) *Statement in Minutes:* "She [Reah Smith, Development Team, Lake Keowee Real Estate] providing evidence that the property has geographic and physical constraints that require the variance and that each of the four criterion can be met to approve the variance. "

Reasons for Rejection:

- The minutes are silent on Ms. Smith's evidence for the 4-criterion required for the Board to authorize a variance. Of particular note, the alleged evidence developer offered to support the statement that the variance will not be of substantial detriment to adjacent uses is completely missing from the minutes.

- 2) Statement in Minutes:** *“Ms. Smith added that the Road Ordinance that is referenced was adopted after the property was purchased.”*

Inaccurate/Deficient Representation to the Board:

It appears that the developer may have provided a deficient statement and clarification by the Board was not sought. Ms. Smith indicated that the Road Ordinance was adopted after the purchase of the property [12/2008]. However, her statement did not indicate that the 50' road requirement had been in place for subdivisions prior to that purchase date by the developer. See The Oconee County Council Meeting Minutes dated April 4, 2006 referencing the adopted and approved Ordinance 2006-12 “AN ORDINANCE AMENDING SECTION 6: SUBDIVISION & LAND USE DEVELOPMENT OF ORDINANCE 99-14, OCONEE COUNTY UNIFIED PERFORMANCE STANDARDS AND LAND USE DEVELOPMENT REGULATIONS AS ADOPTED BY ORDINANCES 2001-04, 2002-05 & 2004-14” wherein the ordinance states the 50' right-of-way road requirement.

Ms. Smith states: *“Before getting into the criteria [the four criterion] required to obtain a variance], I would like to clarify that the purchase of this parcel predates the existing Road Ordinance. At the time of the purchase no variance would have been needed to go straight into construction, however, given that we entered one of the most severe economic recessions in US history it would have been unwise to do so.”*

The Board did not ask her to clarify the date of purchase of the parcel and whether there was an existing Road Ordinance at the time of purchase which required a 50' right-of-way for a road. The Ordinance 2006-12 clearly states the 50' right-of-way for road development.

- 3) Statement in Minutes:** *“Ms. Smith described the positive impact the variance will have on John’s Marine and the nearby County roads.”*

Reason for Rejection:

While the minutes state the developer indicated that there would be an alleged positive impact on John’s Marine, the minutes are silent on the specific alleged positive impacts.

Staff comments:

- 4) Statement in Minutes:** *“Mr. Coley explained that the request is a road variance, not necessarily a zoning ordinance, and Planning staff have met with staff from the Roads & Bridges Department to discuss. Notable findings from the meetings include agreement that the current road right-of-way is prescriptive and ends at the pavement on either side of the road, the variance is for a section that is 100 ft in length and 31.9ft at its narrowest point, and the applicant is shifting the proposed entrance south from the center of the road so that it is all on their property.”*

Incomplete or incorrect statements by staff:

Staff also commented in the meeting: *“The 31’9 feet minimum does not restrict their [Road and Bridges Department’s] ability to maintain the road. They [Road and Bridges Department] have made no statement as to same. For road maintenance, for right now, they are maintaining with zero right-of-way on the side of road.”*

This statement was in response to a question by the Board as to why the County requires a 50' right-of-way and whether road can still be maintained with only the 31'9 feet minimum. The response by Staff is incorrect as Road and Bridges is NOT maintaining the portion of the road in front of 599 Ellenburg and has not in the past maintained same either.

On another note, there was no indication at the meeting whether the staff addressed with the Roads & Bridges Department whether the shifting of the road to the South would bring the road below the 804' MSL contour, which is the Duke Energy property and Lake Keowee FERC boundary. Nor did the Board seek clarification as to that issue.

Public Comment Time:

5) Statement in Minutes: Rick McDuff, Attorney, Spokesman for John's Marine (Ratliff family), stated the opposition to the ordinance. Points of opposition included:

- The portion of the road in question is not owned by Oconee County. Ownership is split between the developer and Ratliff's, with the majority by the Ratliff's.
- The belief that the BZA has no authority to make this decision; must be decided between the two private parties.
- No evidence a prescriptive easement has been obtained by the County
- Applicant is attempting to change a contour of an easement that they are not a party to
- Negative impact on John's Marine and Ratliff property and absence of legal remedies to address the impact

Reasons for Rejection:

The minutes are incomplete. The minutes are silent on the following:

- Mr. McDuff pointed out inaccurate information on the aerial map provided by the developer. Specifically, Mr. McDuff correctly identified that John's Marine is located at 599 Ellenburg and not the entirety of the area encompassed in yellow on the developer's aerial map and referenced by Ms. Smith, during her initial presentation on behalf of the developer, as being part of John's Marine.
- Mr. McDuff stated that if the proposed road were to be approved, then John's Marine would be cut-off from road access and effectively shutdown, with no way for customers to bring boats on trailers to the service shop. Nor, would there be a way for deliveries to be made to the service shop or for boats to be retrieved from the lake on a trailer and brought to the service shop.
- The minutes are also silent on the fact the developer offered, for the first time during the meeting, to connect the concrete slab to the proposed new road, however, no legal details regarding ownership of the connecting portion as well as rights for customer's use were mentioned. Without the legal interests of John's Marine documented in a recorded document, then the business would effectively be shutdown.
- Mr. McDuff stated that there was no demonstration by the developer on how this proposed variance is *not* going to have a negative impact on the business. The business has been at its present location for 39 years and pre-dates the purchase by the developer by a "long shot".

- Mr. McDuff indicated that under Duke's Shoreline Management Plan, John's Marine is identified as commercial use, everything else in the area is residential. There is no other location on the lake to move John's Marine if it were to shutdown due to this proposal. There is no permitting for a commercial marina with multiple docks on Lake Keowee.
- The minutes are silent on the deficiencies in the documents provided by the developer specifically regarding the 804 contour line. There appear to be discrepancies between the Exhibit 1 with the contour lines and the Pioneer Surveying with regard to the 804.
- Mr. McDuff stated that the pitch of the proposed new road that will create what is referred to as a "birdbath" where the water will pool, then drain toward the Ratliff property. The developer has already done fill work and has created a deviation in the contour of the roadway and the "bird bath" effect is evident. The water is pooling in front the shop and has the potential to create flooding in the shop.
- Mr. McDuff indicated that there might be a way to put a private driveway for the developer to obtain access to their property. The density of the development would need to be reduced.
- Mr. McDuff indicated that there would be significant safety issues due to the potential higher use of the narrow roadway, vehicles having to dodge the large tractor trailers which deliver motors/large items, delivery vehicles, etc. These safety issues would be especially significant if multiple, emergency vehicles need to get into the property.

6) Statement in Minutes: Edward John "Jay" Ratliff Jr. outlined the Ratliff family's opposition to the variance, the history of the business and the negative impact of the approval of the variance.

Reasons for Rejection:

The minutes are selective and incomplete. The minutes are silent on the following:

- Mr. Edward John "Jay" Ratliff explained that a letter was being given by Mr. James "Jimmy" Ratliff (his brother) to each member of the Board in attendance as well as Mr. Coley, Ms. Kompier and to those in the public audience who expressed an interest in receiving a copy.
- Mr. Edward John "Jay" Ratliff stated that John's Marine Service has been in business since 1972 in Seneca and servicing boats at its present location since 1982. John's Marine is a 3-generation family business, which was started by his father. It is currently being run by his brother, Jimmy. Jimmy is mentoring his son, Cameron, in the business.
- Jay described the crippling, substantial detrimental impact of the variance on John's Marine business. The service business requires maneuvering boats and large trailers. Jimmy uses the entire road to pull boats out of the water, to put boats into the water, to maneuver boats into the shop for repair, to park boats and to maneuver trailers. A large number of boats are frequently maneuvered in that area. Boats that arrive by water need to be put onto a trailer, pulled from the water and maneuvered into the shop for repair. The variance would permit the developer to change the current road from a private driveway to a private road or public road, allowing much more vehicle traffic, and allow the developer to change the current location of the road. Such would substantially impact, to the detriment of John's Marine, the ability to maneuver, park and service boats/trailers, in addition to

severely limiting maneuvering by delivery trucks who bring in large motors, and equipment for boat repair.

- The John's Marine business is using the full area on Ellenburg Road for the service business, from 565 Ellenburg Road (which has been the end of County maintenance) to the area past the shop toward Arrowhead Point. The Ratliff family has maintained this portion of the road for almost 40 years. The road being a dead-end, the only vehicles using that portion are vehicles/boats/trailers/trucks associated with John's Marine, or the Ratliff private home.

7) Statement in Minutes: *"Mike Johnson, citizen, expressed his support for the variance approval, citing the changes to the County ordinance that regulates roads and right-of-ways over the years, specifically regarding private roads."*

Reasons for Rejection:

The minutes are selective and incomplete. The minutes are silent on the following:

- Mr. Johnson also indicated that he is a member of the Oconee County Planning Commission.
- It appears that Mr. Johnson provided an inaccurate statement and clarification by the Board was not sought. Mr. Johnson represented that private road ordinance changed in 2013, bringing private roads up to match the public road 50' right-of-way standard. He pointed out that any inference that the "developer should have known" "at time of purchase" "just probably would not be true," given that Mr. Johnson alleges the private road 50' right-of-way ordinance did not come into effect until 2013. The Board did not ask Staff to verify this, nor did the Board challenge that statement. Contrary to his statement, the 50' right-of-way road requirement had been in place for subdivisions as far back as at least 2006, which is prior to the 2008 purchase by the developer. As stated previously, the Oconee County Council Meeting Minutes dated April 4, 2006 reference the adopted and approved Ordinance 2006-12, wherein the 50' right-of-way road requirement is stated for private roads.
- Mr. Johnson failed to mention his employment relationship with the developer.

8) Missing Statement from Minutes:

Mr. Roger Chapman arose and spoke after Mr. Chris Holder and before Mr. John Martin. Mr. Roger Chapman, citizen, expressed that his concerns were addressed by previous speakers and that he recommended that the Board oppose the variance.

Reasons for Rejection:

The minutes are selective and incomplete. Mr. Chapman's recommendation that the Board oppose the variance was not included in the Minutes.

9) Statement in Minutes: *"Mr. Codner read a sample of emails submitted by the public into the record."*

Reasons for Rejection:

The minutes are incomplete and selective.

- Mr. Codner stated that the Board received approximately 75-80 emails and that the bulk of the emails support John's Marine. Mr. Codner's statement about the quantity of emails received, as well as, their support for John's Marine is missing from the Minutes and should be included.
- In comparison to the Board of Zoning Appeals documentation attached as "Backup Material" for other variance requests, the "Backup Material" documentation of

VA21-011 appears to be selective. For example, variance #VA20-4 contains approximately 125 emails which citizens sent to the Board. All 125 emails were included in Board of Zoning Appeals "Backup Material" documentation. For VA21-011, Mr. Codner summarized a very small portion during the meeting and none of the 75-80 emails that the Board received were included in Board of Zoning Appeals "Backup Material" documentation. Each email received should be included in the minutes.

Applicant rebuttal:

10) Statement in Minutes: *"Mr. Brandt, attorney for the applicant, presented a summary rebuttal to the argument against the requested variance.*

Reason for Rejection:

The minutes are silent on Mr. Brandt's rebuttal arguments.

11) Statement in Minutes: *"Any Lee, Developer, addressed the opposition presented during public comment specifically the size of the cul-de-sac, piece of land between the two properties, encroachment into the 804, flood plain easement with regards to the 810, existence and "ownership" of the prescriptive easement, stabilization of the shoreline, and traffic."*

Reasons for Rejection:

- The minutes are silent on the developer's rebuttal arguments.
- Andy Lee stated that tractor-trailers from John's Marine can use the first cul-de-sac as a turn-around. This statement appears to be inaccurate as a 53' tractor-trailer requires a minimum 55' turning radius; the standard 40' cul-de-sac for a subdivision will not accommodate this requirement. Additionally, tractor-trailers providing construction materials, moving freight liners and heavy equipment trucks will add to the congestion as they will also back down ~ 1/2 mile from the Harbor Oaks entrance.
- No evidence was provided during the meeting that the developer obtained approval with regard to the 804 backfill activities.
- No evidence was provided during the meeting that a shoreline stabilization plan for the road has been approved by the County or Duke Energy.

Many of the discrepancies noted above can be validated by watching the video from the Board of Zoning Appeals meeting on November 30, 2021 and comparing to publicly-available records.

The Ratliff family have submitted FOIA requests for the following:

- The minutes of the meetings between the Planning staff and the Road & Bridges Department that document the notable findings which were mentioned by Mr. Coley during the Staff Comments portion of the Board of Zoning Appeals meeting on November 30, 2021.
- The Ellenburg Road Maintenance Records
- The written reports of the Road and Bridges Code of Ordinance Section 26.8(b) that were submitted prior to the Board of Zoning Appeals meeting on November 30, 2021.
- Any emails or communications pertaining to the variance request and Ellenburg Road.

We appreciate your consideration in this matter and look forward to your response prior to the upcoming January 24th meeting that the minutes will be revised to include the aforementioned

information. As noted above, the contents of this letter are not exhaustive, but only provide some detail as to some of the important information that is missing from the minutes.

On a personal note, I'm shocked that I was not invited to participate in any of the meetings that the County held to discuss the changes being sought to the section of Ellenburg Road that my family has been maintaining for more than 40 years and which has a direct impact on my business and involves my property.

Thank you,

Jimmy Ratliff

Jimmy Ratliff
John's Marine Service

cc: John E. Ratliff
Sherri D. Crisp
Amy L. Cawthon
Frances J. Ratliff
County Council members:
John Elliot, Chair
Matthew Durham
Paul A. Cain, Esq.
Julian Davis III
James Glenn Hart