



Board of Zoning Appeals

415 S. Pine St. • Walhalla, South Carolina 29691
Phone (864) 638-4218 • Fax (864) 638-4168

NOTICE OF APPEAL

Date 25 Sep 2015

I, Greg Googer (Agent of owner) (owner) (agent of owner)

hereby request an appeal to the following action (be specific):

Per the Oconee County zoning ordinance the permitted retail use square footage in the TRD (Traditional Rural District) zoning is up to 5,000 sf

178-00-02-011

Reason for appeal: Allow a single retail use of 9,100 sf on a portion (+/- 1.9 ac) of tax map 178-00-02-011

Applicant's Name Greg Googer

Address PO Box 100, Woodruff SC 29388

Mailing Address (if different) _____

Phone Number 864-529-8297

Fax Number

864-655-4225

Signature: *Greg Googer*

Frances Blakely

ggooger@ggooger.co
re: rapid path development

1003

Please be advised that an Appeals Application Fee of \$100 must be paid in full at the time the application is received by the Planning Department. Applicants shall be notified at the specified mailing address once a public hearing date is set.

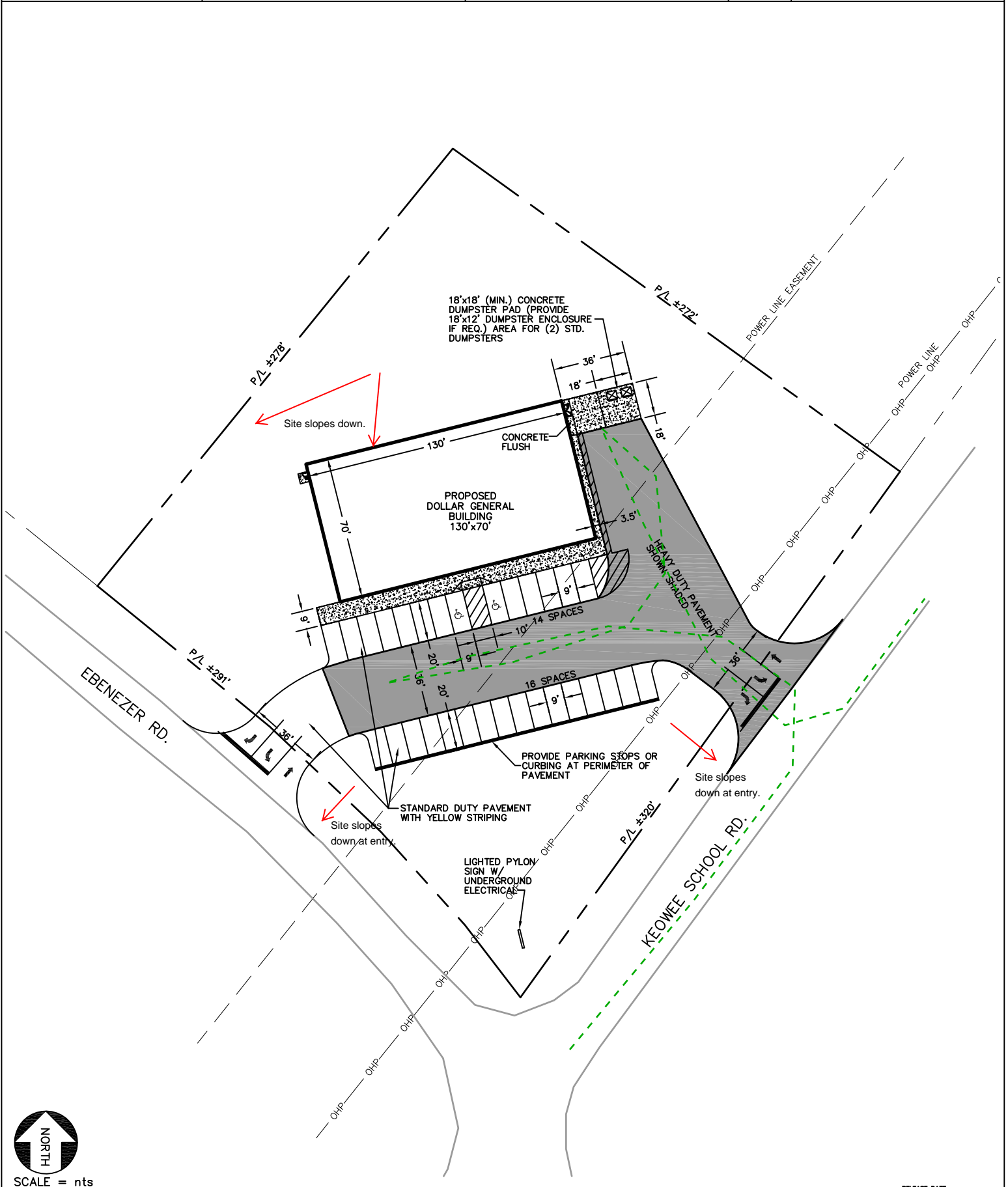
PRELIMINARY SITE PLAN

CITY, STATE - STREET:
KEOWEE SCHOOL RD. - SENECA, SC

PROTOTYPE:	D	DEVELOPER	DESIGNER
BLDG/SALES SF:	9,100 / 7,302	COMPANY: PATTON DEVELOPMENT	COMPANY: KB SELLARS ENGINEERING
ACREAGE:	±1.9 AC	NAME: TAB PATTON	NAME: KELLY SELLARS
PARKING SPACES:	30	PHONE #: 864-444-3607	PHONE #: 864-699-9512

DATE:
 08/24/15

REVIEWED
 By Sarah James Myatt at 8:22 am, Sep 08, 2015



SCALE = nts

RELEASE DATE

Oct 17 2015

To the Deane County Board of zoning:

I will be unable to attend the zoning meeting on October 29 so that I can voice my approval for the retail establishment at property + MS # 178-00-02-011. But I do own 40 acres on the left and right of the site. This has been owned by my family for 90 years and I certainly feel that such an establishment would be an asset to the entire area. So I do hope that you will be positive in your decision on this.

Thank you -

Francois McMahon Blakely

Matthew Anspach

From: Carolyn J. MILLER <trmcjm@bellsouth.net>
Sent: Monday, October 26, 2015 3:24 PM
To: Matthew Anspach
Subject: Ebenezer & Keowee School Road

No! Not in my neighborhood! What has been a residential neighborhood is going to change into a commercial.

Now everyone will try to sell their homes.

Carolyn Miller
lot 51

Matthew Anspach

From: John Raymond Hess <Jhess@bellsouth.net>
Sent: Monday, October 26, 2015 3:09 PM
To: Matthew Anspach
Subject: Proposed Dollar General Store at Corner of Ebenezer and Keowee School Road

As a home owner in the Pinnacle Pointe subdivision, I would like to go on record as being **against** the re zoning to allow this type of development.

Reasons:

1. Re zoning to allow this type of development will this intersection to potentially become a commercial intersection..... gas station, small strip store retail etc.
2. Intersection thus becomes a high traffic volume issue.
3. High traffic volume becomes “noise” pollution. Before re zoning, a noise study must be made and its impact on the nearby residential communities.
4. Loss of all control of what is allowed to be built on the re zoned land.

In regards, to the fact that this request for re zoning is to build a Dollar General Store:

1. I question the marketing study that supports demographics that show the need for such a store at this location.
 2. The marketing study that supports that this store is economically sustainable at this location.
- I request that this business market study be made public.

John R (Jack) Hess
149 Pinnacle Pointe Drive
Seneca SC 29672
Jhess@bellsouth.net

October 21 2015
Oconee County Board of Zoning Appeals
415 South Pine St
Walhalla, SC 29691

Dear Oconee County Board of Zoning Appeals Chairman and Members ,

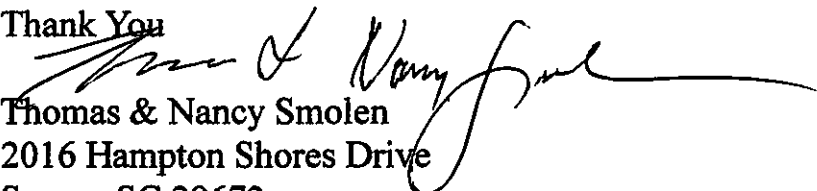
Regarding your recent Notice of Public Hearing correspondence (which was not dated by the way) we are strongly opposed to a DOLLAR GENERAL being erected at the corner or Ebenezer and Keowee School Road.

We also object to any notice of a public hearing announcement mailed only 12 days prior to a hearing. A 30 notice should be the standard lead time. Please explain to us why this short response period occurred.

Lastly, we object to, and seek an explanation for the misinformation contained in the public hearing letter referencing a "communications tower to be constructed on property TMS #178-00-02-011". The tower appeared to be noted as the primary purpose of the hearing, with only an off handed secondary reference made to the "proposed retail establishment".

We await your response.

Thank You


Thomas & Nancy Smolen
2016 Hampton Shores Drive
Seneca SC 29672

Henry Mills Gallivan
A member of the South Carolina Bar
Council Member
1100 West Street
Greenville, SC 29601
MGallivan@GWBlawfirm.com



Gallivan, White & Boyd, P.A.
ATTORNEYS AT LAW

55 Beattie Place, Suite 1200
Post Office Box 10550 (29603)
Greenville, South Carolina 29603
Telephone 864-271-5550
Facsimile 864-271-1503
www.GWBlawfirm.com

October 22, 2015

Oconee County Board of Zoning Appeals
Oconee County Community Development
Planning & Zoning Division
415 S Pine St.
Walhalla, SC 29691

Re: Proposed Dollar General on Ebenezer Road

Dear Board of Zoning Appeals:

My wife and I own a house at 238 Long Bay Road in Oconee County. I am writing to advise you that we are opposed to any change in the zoning on Ebenezer Road which would allow a Dollar General store. Such a store would be totally out of character with this neighborhood which is primarily developed single family homes. I specifically request that you refuse any request to change zoning which would allow this type of commercial establishment.

With kindest regards, I am,

Sincerely,

GALLIVAN, WHITE & BOYD, P.A.

H. Mills Gallivan

Direct Dial: (864) 271-5541

Email: mgallivan@GWBlawfirm.com

HMG:ph

To: Board of Zoning Appeals Committee

11/2/15

My name is Mike Smith from the Crestview subdivision. More than 25 upscale subdivisions lie within a mile of the intersection in question, and residents must use it daily as a “gateway” to their homes. A generic Dollar General store is inappropriate in this setting and should not be granted a Special Exception.

Aesthetics that incorporate “rustic elegance” should be the main topic for this Special Exception. Section 38-7.2 (3) addresses some of your guidance by stating “.... Designed, constructed, operated and maintained so as to be in harmony appropriate in appearance to the existing or intended character of the general vicinity.” The store Yuppies’ should not be used as a reference or benchmark for establishing the intended character of the general vicinity. Rather, the benchmark should be the numerous well-established and maintained neighborhoods that surround the intended construction site. Several aesthetically pleasing Dollar General exteriors can be found on the Internet by typing in “dollar general store fronts”. Some considerations that might make the store’s appearance more in keeping with the area include:

- Use the “rustic elegance” theme in the front façade
- Reduce the size of the “Dollar General” logo. There is no need for a large billboard in this location to pick the store from its surroundings.
- Cover cinderblock sides with brick, stone, or stucco veneer.

- Landscape using suitable trees and shrubs to help the store meld into its surroundings.
- Use downcast lighting to minimize glare and intrusion to the area.
- Hide trash containers and similar eyesores behind walls, berms, or fences.

Attached are several pictures that emphasize aesthetics and some that illustrate when this concept is not utilized. First, Yuppies' convenience store across the street should **not** be used to establish a benchmark for further development. The next three photos illustrate an intersection on Wells Highway where aesthetics were not considered effectively. The next shows the 'standard' Dollar General store and exterior storage in view from the street. The next shows a Dollar General store with a pleasing exterior that was found on the internet. There are several other Internet examples available. Lastly, there are two photos showing locally aesthetically pleasing business exteriors, signage and well maintained landscaping.

A typical Dollar General store may be acceptable in a commercial retail district, but is inappropriate for this particular surrounding residential area. It should not qualify for a Special Exception. Requiring significant aesthetic enhancements is consistent with Oconee County's "Rustic Elegance" theme, is entirely within the BZA's authority, and the only way an exception should be granted.

Thank you for your careful consideration of this matter.

Section 38-7.2 Special Exceptions

“(3) Suitable for the property in question and designed, constructed, operated, and maintained so as to be in harmony appropriate in appearance to the existing or intended character of the general vicinity”

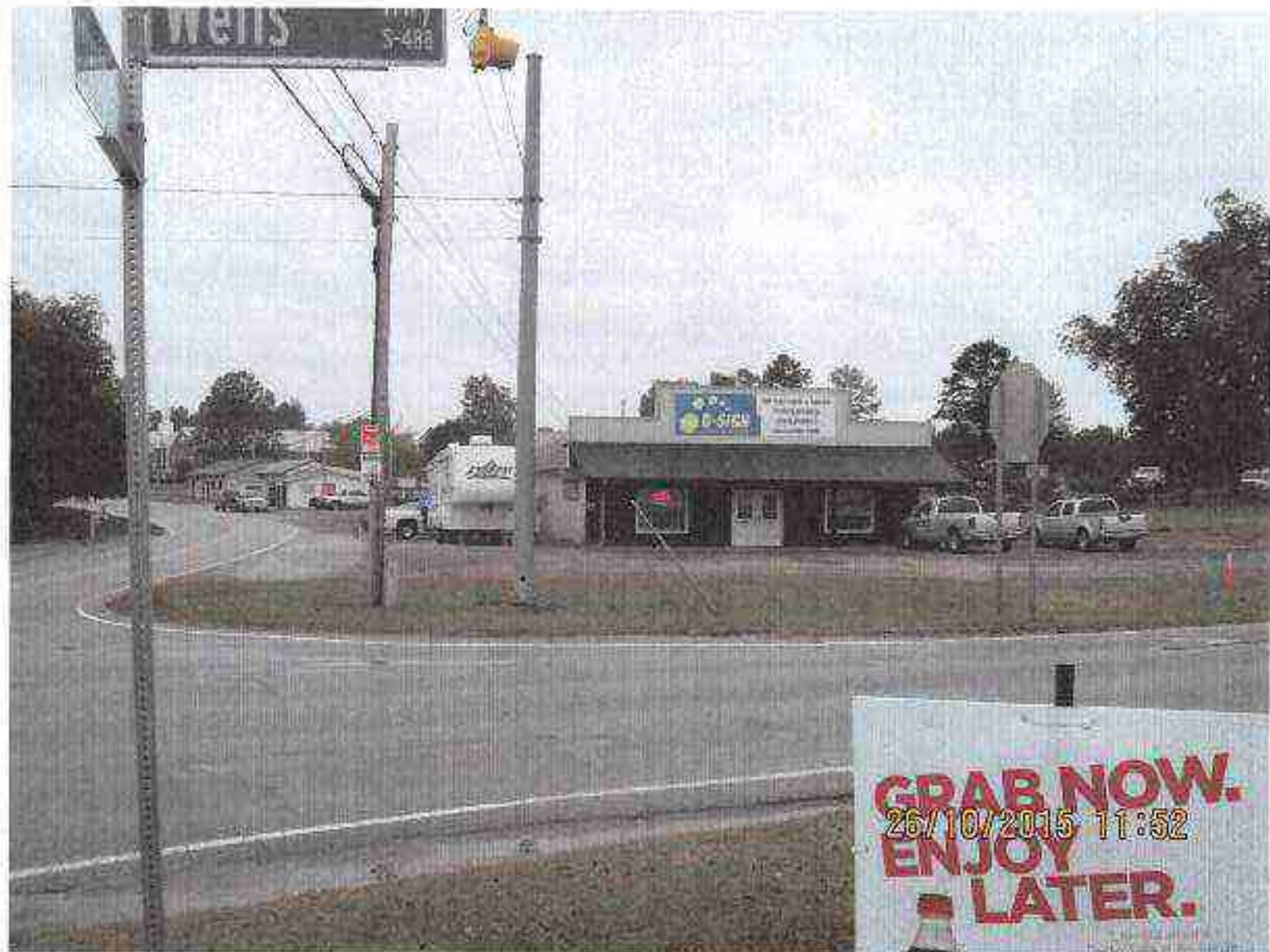
Adjacent to Building Site



Corner on Wells Hwy



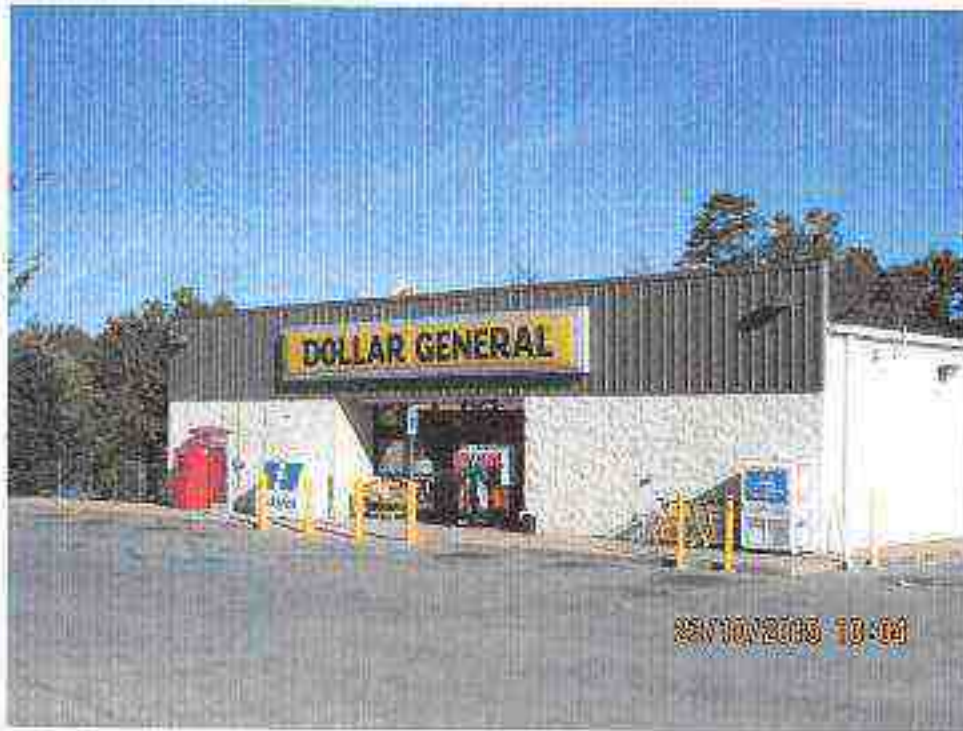
Corner on Wells Hwy



Corner on Wells Hwy



Typical Dollar General



Another Dollar General Store



Harmonious Commercial Areas



Good Landscaping and Signage



01 MERCUARY BABLE 1.6
67k miles - \$8,200
Pete's Auto
402 Oak St. - Seneca
882-1467



04 VOLVO V40 E80
28k miles - \$8,500
Pete's Auto
402 Oak St. - Seneca
882-1467



03 CADILLAC STS-
28k miles - \$8,500
Pete's Auto
402 Oak St. - Seneca
882-1467



06 FORD TAURUS SEL
71k miles - \$5,300
Pete's Auto
402 Oak St. - Seneca
882-1467



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67k miles - \$18,900
Pete's Auto
402 Oak St. - Seneca
882-1467

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882-1467

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1996, 1997, or 1998 or later, with improvements therein, showing, being and being in the Long Creek District, Orange County, South Carolina, containing four (4) acres, more or less, being known and delineated according to a plat of survey prepared by William F. Boulder, RLSE, dated August 22, 1988 and recorded in Plat Book F-01, at Page 100, records of Orange County, South Carolina, to which said plat reference is craved for a more particular description thereof. This property is subject to covenants and restrictions dated July 28, 1995, in Deed Book 8-X, at Page 378, records of Orange County, South Carolina. The above described property is subject to any and all statements and/or rights of way as shown on the referenced plat, appearing of record or existing on the ground.

TWS Notice: 154-00-02-021
PROPERTY ADDRESS:
2746 Danabon Church Road,
Long Creek, SC 29558

TWS being the estate, entirely conveyed to Christopher Todd Lanier and Kay L. Glover by deed of Lanny W. McBride and Kathleen B. McBride, dated May 6, 2012, and recorded in the Office of the Register of Deeds for Orange County on May 15, 2012, in Deed Book 1218 at Page 344, TERMS OF SALE: FOR CASH. The Sale of Deed will require a deposit of 5% of the bid amount in cash or certified funds, which is to be applied on the purchase price upon compliance with the bid, interest on the balance of the bid or 3.00% shall be paid to the day of compliance. In case of non-compliance within 30 days after the sale, the deposit of 5% is to be forfeited and applied to Plaintiff's judgment debt and the property re-advertised for sale upon the same terms at the risk of the former highest bidder. Purchaser to pay for deed recording fees and deed stamps. Bidder's judgment not being demanded, the bidding will not remain open after the date of sale, but compliance with the bid may be made immediately. Except Plaintiff, Plaintiff's attorney, or Plaintiff's agent, no appeal on the day of sale, the property shall not be sold, but shall be re-advertised and sold at some convenient sales day thereafter when Plaintiff, Plaintiff's attorney, or Plaintiff's agent, is present. The sale shall be subject to liens and assessments, existing easements and encumbrances and restrictions of record. Plaintiff does not warrant its title search to purchasers at foreclosure sale or other third parties, who should have their own title search performed on the subject property. Beverly F. Whitfield
Waltham, South Carolina
District Court for Orange County,
2015

FINKEI LAW FIRM, LLC
Post Office Box 71727
North Charleston,
South Carolina 29415
(843) 577-5460
Attorneys for Plaintiff

The Orange County Board of Zoning Appeals will conduct a public hearing on Thursday, November 10th, 2015 at 6:00 p.m. in the Board Chamber of the County Administration Center, 415 S. Pine Street, Waltham, SC 29381. This date and time will replace the previously posted date for the hearing which was Thursday, October 29. The applicant, Greg Goode, is requesting a Special Exception regarding a proposed retail establishment to be located at the northwest corner of the intersection of Eberhard and Kooze School Roads, West Union, SC.

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THE JOURNAL online
UpstateToday.com

Classified Advertising Invoice

OCONEE COUNTY COMMUNITY DEVELOPM
415 S PINE ST
JOSH STEPHENS
WALHALLA, SC 29691

Acct#:63480
Ad#:15307
Phone#:864-364-5109
Date:10/28/2015

Salesperson: DMARTIN

Classification: Legals

Ad Size: 1.0 x 2.20

Advertisement Information:

Description	Start	Stop	Ins.	Cost/Day	Total
The Journal	10/29/2015	10/29/2015	1	28.27	28.27
Affidavit Fee	-	-	-	-	5.00

Payment Information:

Date:	Order#	Type
10/28/2015	15307	BILLED ACCOUNT

Total Amount: 33.27

Amount Due: 33.27

Comments: Public Hearing on November 12, 2015

Attention: Please return the top portion of this invoice with your payment including account and ad number.

Ad Copy

The Oconee County Board of Zoning Appeals will conduct a public hearing on Thursday, November 12th, 2015 at 6:00 p.m. in the Council Chambers of the County Administrative Complex, 415 S. Pine Street, Walhalla, SC 29691. This date and time will replace the previously posted date for the hearing which was Thursday, October 29. The applicant, Greg Googer is requesting a Special Exception regarding a proposed retail establishment to be located at the northwest quadrant of the intersection at Ebenezer and Keowee School Roads, West Union, SC, 29696 (TMS# 178-00-02-011). If you would like additional information concerning this request please contact the Community Development Office at 864-638-4218.

PUBLISHER'S AFFIDAVIT

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

OCONEE COUNTY COMMUNITY DEVELOPM

IN RE: Public Hearing on November 12, 2015

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said papers on 10/29/2015 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Hal Welch
General Manager

Subscribed and sworn to before me this
10/29/2015



Jennifer A. White
Notary Public
State of South Carolina
My Commission Expires July 1, 2024

JENNIFER A WHITE
NOTARY PUBLIC
State of South Carolina
My Commission Expires July 1, 2024

Matthew Anspach

From: thomcraft.tc@gmail.com
Sent: Tuesday, November 03, 2015 12:40 PM
To: Matthew Anspach; Josh Stephens
Subject: Re:

I wanted to follow up on my email ... Please if you speak for my email please reference this also .. Several people have complained about the dollar store and I've explained how it would be nice to have it built nice and not the metal .. I'm totally against it if it's built cheap and not with Rock or all brick because from the feed back I've been getting the neighbors have been calling me and complaining ... If this passes and if it's not built to good high quaintly structure it will a eye sore to the community .. In everyone opinion and especially in that area ...

Thanks Thom craft

Sent from my iPhone

> On Oct 28, 2015, at 9:13 PM, thomcraft.tc@gmail.com wrote:

>

> To whom it may concern ...

> I am a developer of the oaks on hwy 188 .. It's a very high end development on Keowee ... I compare the quality of the oaks to the cliffs.. Over all it's probably a 15 million dollar over all investment after all the houses get built ..I can't be at the meeting however I would like to express my concern .. The dollar general that y'all are trying to get passed I would like to see it designed in a nicely built fashion .. Rather than the metal siding building I would like to see a brick building or rock face structure not just the plain metal cheap structure ..I don't feel like this is to much to ask because it's such a nice area ..People have invested in million dollar homes on the beautiful lake Keowee and we need to keep it looking good if any retail space is allowed ..I'm for the dollar general but in my opinion I think it needs to be built in a beautiful fashion instead of plain metal siding .. They built one out of all brick in rock hill sc and if they did it there then they can do it here .. It means a lot to the people in the area that it's built in a fashion that looks appealing to the community .. Let's keep the community looking good and don't put up a plain Jane metal building .. Thank you for your time in this matter .. Thom craft

>

> Sent from my iPhone

Matthew Anspach

From: Josh Stephens
Sent: Tuesday, November 03, 2015 9:24 PM
To: Matthew Anspach
Subject: Fwd: DOLLAR GENERAL.....EBENEZER AT HWY 188

Sent from my iPad

Begin forwarded message:

From: "SLewis@h2l.com" <SLewis@h2l.com>
Date: November 3, 2015 at 8:51:38 PM EST
To: Josh Stephens <jstephens@oconeesc.com>
Subject: DOLLAR GENERAL.....EBENEZER AT HWY 188

Josh,

I got your phone message, and appreciate you calling. Unfortunately, I have not been able to get back to you.

But did want to get a message to you that I hope will be passed on to the Board of Zoning Appeals before their meeting this Thursday.

As I know you and the Board appreciate, the development on and around Lake Keowee is predominantly keyed to the natural beauty and attraction of the lake. Most new development tends to be residential in nature and driven by the magnetism of the lake. It is important that other development, especially commercial development, which comes to this area of Oconee County be implemented in a manner which protects and preserves the natural beauty which has and continues to attract people to this particular region of the county.

I realize the zoning classification for the property of interest to Dollar General permits limited commercial development, and I do not object to that. I understand that Dollar General is seeking approval to construct a store of greater area than permitted by the zone classification. I do not object to that...**IF PROVISIONS ARE TAKEN TO PRESERVE AND COMPLIMENT THE NATURAL BEAUTY OF THIS LAKE KEOWEE DEVELOPMENT AREA.**

From what I have been told, the architectural standards that Dollar General will, or should be, required to adopt is that of Rustic Elegance. I am in favor of requiring that as a condition of development by Dollar General.

My request to the Board is that County imposed conditions related to approval of Dollar General's request include at least the following four elements:

- 1) Store design implementing the Rustic Elegance architectural theme on all wall elevations visible from any road and shoulder locations,...with approval by the County**
- 2) Landscaping that will compliment the building architecture and will provide buffers along adjacent property lines....with approval by the County, and**
- 3) Restrictions (to be determined, if not already in place) on height, size and appearance of signage....with approval to be provided by the County.**

4) Restrictions (to be determined, if not already in place) on style, height and illumination levels of outside lighting to avoid light pollution beyond prescribed limits of the property lines...with approval by the County.

Thank you for considering this request.

I would be pleased to assist in the development of standards for any or all of the above if asked to do so.

FYI, my interest is as a full time resident in the Woods at Keowee, one of many lakefront residential communities on the Lake.

Regards,

Skip Lewis
H2L Consulting Engineers
116 South Pleasantburg Dr.
Greenville, SC 29607
(864) 233-8844

Matthew Anspach

From: Carolyn J. MILLER <trmcjm@bellsouth.net>
Sent: Friday, November 06, 2015 9:29 AM
To: Matthew Anspach
Subject: Ebenezer @188

Dear Zoning Board,

The residents of Seneca and surrounding areas have lost domains due to NO ZONING LAWS! Pig farms next to anywhere. Factories in our local developments.

We are permitted to send our opinions and objections to these projects as a exercise in futility. Those of us who have opposing opinions might as well save the print. This has been a done deal. One supposed nearby resident suggested interest in the aesthetic appearance of Dollar General in that it should fit into the countryside, have nice landscaping, limited size and be "lite-up". He was also a "consulting engineer". ? These business ventures will and are done for the Dollar General owners and the investors! It is about the money!

The development of Bounty Land continues. The storage shed, Christian Day School, church, a REAL ESTATE HOUSE THAT IS AN OFFICE, the Sandwich Deli, a communications tower and so on. TRAFFIC! Soon we'll have to widen 188 to a four-lane near Ebenezer. Then, I'll bet that a Gas Station will be constructed. Growth? The preservation of the natural surroundings of Lake Keowee? No. Residents will cease buying in a commercial area as this area will become.

I have been here 20 years. I believe in growth and the ability to earn money through investments. But, this project has decreased the value of my home. As a widow, I had planned to will my lake home to my only child and subsequently to his only child.

Now, its setting is traffic, noise, stop lights that make it difficult to exit onto 188, and the devaluing of my investment. With the severe recession we all suffered in 2008, I have seen a dramatic loss in my home value. But Dollar General and its investors will make their money off residential homeowner's backs.

AH! Oconee Zoning!

Sincerely,

Carolyn Miller
Pinnacle Pte. Drive

Matthew Anspach

From: Josh Stephens
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To: Matthew Anspach
Subject: Fwd: DOLLAR GENERAL.....EBENEZER AT HWY 188

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4) Restrictions (to be determined, if not already in place) on style, height and illumination levels of outside lighting to avoid light pollution beyond prescribed limits of the property lines...with approval by the County.

Thank you for considering this request.

I would be pleased to assist in the development of standards for any or all of the above if asked to do so.

FYI, my interest is as a full time resident in the Woods at Keowee, one of many lakefront residential communities on the Lake.

Regards,

Skip Lewis
H2L Consulting Engineers
116 South Pleasantburg Dr.
Greenville, SC 29607
(864) 233-8844

Matthew Anspach

From: dkubacz . <uhuruascent@gmail.com>
Sent: Friday, November 06, 2015 7:24 AM
To: Matthew Anspach
Cc: Josh Stephens
Subject: Zoning Appeal Protest (TMS) 178-00-02-011

I'm writing this note in protest of the proposed development of retail within a Traditional Rural District.

DAROL KUBACZ