

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, November 3, 2016
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, November 3, 2016 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Melissa Range, Elizabeth Semler, Cindy Castello, Marla Doss and Bill Dewrell. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator, Tamala Davis, Planning Technician, and Paul Frickey, County Attorney.

The meeting was called to order at 6:32 p.m.

Case #16-11-040V Core5 Industrial Partners, LLC requesting a variance to Article 10, Section 10.6-5. Table 10.1 of the Zoning Ordinance to grade and replant slopes within the 50-foot buffer on the western side of the property; Article 16, Section 16.1.5, C, 8 to provide 1 parking space per 1,000 square feet of gross building floor area; Article 16, Section 16.1.5, B to allow building height of 46 feet for appropriate roof drainage and design detail; Article 16, Section 16.1.5, C, 1 (b) to eliminate the fence requirement so that the building will be consistent with adjacent industrial buildings. The property is located in Land Lots 1104 & 1105 of the 21st District and further described as Cherokee County Tax Map 21N06, Parcels 244 & 245.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has received no letters in support of or in opposition to the petition.

Jeff Rusbridge represented this case. He presented a rendering to the Board and discussed further the variance requests. Mr. Rusbridge stated they are constructing a 31,000 square foot facility with docks located behind the building. He stated since this building will front Highway 92, Core5 is planning to enhance the architectural elements of the building to provide outstanding curb appeal.

There was no one to speak in support of or in opposition to this application.

Ms. Range closed public comment.

Ms. Semler made a motion to approve the application as presented, however in the first variance request with the 50 foot buffer to approve as an encroachment into the area. Seconded by Mr. Dewrell. Unanimous approval.

Case #16-11-041V Thomas Homes & Communities requesting a variance to the Cherokee County Development Regulations, Appendix B, Cherokee County Stream Buffer Protection Ordinance, Section 5, Paragraph 5.1 (2) to build on approximately 100 square feet of impervious buffer on Lot 37 and approximately 38 square feet of impervious buffer on Lot 36. The property is located in Land Lot 1195 of the 15th District and further described as Cherokee County Tax Map 15N30L, Parcels 112 & 113.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has received no letters in support of or in opposition to this application.

Roger Thomas represented this case. Mr. Thomas stated he does have house layout plans that show a much less impact on these lots as originally submitted and provided these to the Board. He stated it shows an impact of 41 square feet of impervious buffer on Lot 37 and 23 square feet of impervious buffer on Lot 36.

There was no one to speak in support.

William Lott spoke in opposition. Mr. Lott stated he lives at Herron Pond and is concerned with run off, silt from the pond and stated this would only increase this existing problem. Mr. Lott presented photos to the Board.

Dennis McKeen spoke in opposition. Mr. McKeen stated his concerns with the pond and streams.

Robert Rittle spoke in opposition. Mr. Rittle stated he was given his survey with setbacks when he built his home stating the boundary of where the home could be built and feels the applicant should have known the limits for building on these lots also.

Ray Villemez came forward and stated he is here to stand opposed to this variance.

Jayne Jerga spoke in opposition. She stated she has had numerous residents come to her regarding their concerns of encroachments into these buffers to have larger homes. She stated she would like to see these buffers stay in place.

Trudy Messmer spoke in opposition. Ms. Messmer stated this would increase the silt level in their pond.

Sharon O'Neal spoke in opposition. Ms. O'Neal stated there is fish and wildlife attracted to their pond and is definitely opposed to this application.

Valinda Voight spoke in opposition. Ms. Voight stated she lives on the pond and when construction started with Long Leaf subdivision, she started seeing red mud flow into this pond from this development. She stated she would like the Board to deny this request.

Mr. Thomas spoke in rebuttal. He stated he is not the builder, he is the developer and they have best management practices in place. He stated he has not had any violations on his site and stated just because the water is brown doesn't necessarily mean there is silt getting through.

Mr. Dewrell stated he is struggling to find a hardship with this application. Mr. Thomas stated there was an engineering oversight and even if they go with their smaller home layout it still be encroaching.

Ms. Range closed public comment.

Discussion ensued among the Board members. Mr. Dewrell asked the applicant which of the two lots he needed the variance more? Mr. Thomas stated Lot 36 if he had to choose one.

Mr. Dewrell made a motion to approve the variance request for Lot 36 to build on 23 square feet of the impervious buffer with the recommendations from Engineering Department be adhered to and a motion to deny the variance request for Lot 37. Seconded by Ms. Range. Motion passed 4-1, Ms. Castello opposed.

Ms. Range made a motion to approve the October 6, 2016 Minutes. Seconded by Ms. Semler. Unanimous approval.

Ms. Range made a motion to adjourn. Seconded by Mr. Dewrell. Unanimous approval. The meeting adjourned at 7:29 p.m.