

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, March 7, 2019
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, March 7, 2019 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Vice chairman Melissa Range, Lisa Tressler, Marla Doss, and Tim Ragsdale. In attendance for Cherokee County Staff were Michael Chapman, Zoning Manager, Tamala Davis, Planning Technician; Thomas Trawick, Planner; and Paul Frickey, County Attorney. The meeting was called to order at 6:30 p.m.

Case #19-03-010V Victory Sign Industries, Ltd. at 6110 Hickory Flat Highway is requesting a variance to Article 11, Table 11.1; District Requirements for Signs. The applicant is requesting a variance of seven (7) square feet to allow a twenty-three (23) square foot wall sign and a variance of ten (10) square feet to allow a second twenty-three (23) square foot wall sign. The property is located in Land Lots 253, 254, 323 and 324 of the 15th District and further described as Cherokee County Tax Map 15N26, Parcel 132.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of this application. Mr. Chapman stated that staff received one e-mail in opposition to the request and a copy of that e-mail was distributed to the board. Mr. Chapman stated based on the evidence presented in the application the proposed signs do not seem out of place when considering the existing commercial signage in the area. He stated based on these factors, relief, if granted, would likely not cause substantial detriment to the public good. As a result, the Planning and Zoning Department does not object to the requested variance.

Tiffany Bailey and John Carpenter represented the case. Ms. Bailey stated they are requesting the entire wall length be allowed in determining square footage of wall signs. Mr. Carpenter stated the wall only has a bump out of 12 to 15 inches and is hardly noticeable. Mr. Carpenter stated the sign company could not be at the meeting tonight to represent the case due to a car accident. He stated they feel this is a good representation of their brand imaging.

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

Ms. Semler closed public comment.

Ms. Semler made a motion to approve as submitted. Seconded by Ms. Range. Motion passed 5-0.

Case #19-03-012V Lennar Corporation at 457 Aristides Way requesting a variance to Article 23 - Conservation Design Community to allow a three (3) foot encroachment into the required thirty-five-foot front building line setback to accommodate a house. The property is located in Land Lot 359 of the 2nd District and further described as Cherokee County Tax Map 02N02D, Parcel 053.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning, and staff comments. He stated we have received no letters in support of or in opposition to this application. Mr. Chapman stated based on the evidence presented in the application the lot fronts on two streets causing a front setback to be applied on both sides. He stated one of the frontages is a cul-de-sac where the front building setback

line parallels the radius of the cul-de-sac causing the line to penetrate further into the lot than a more rectilinear setback line. He stated based on these factors, there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size and shape. As a result, the Planning and Zoning Department does not object to the requested variance.

Adam Rosen with Sams, Larkin, and Huff represented this case. Mr. Rosen provided a hand out to the Board that included aerial photos and a survey of the property. He discussed the frontages, cul-de-sac setbacks, and easements.

There was no one present to speak in support of the application.

William Berman spoke in opposition. Mr. Berman stated his concerns with the density in the area and feels the rules need to be followed.

Eric Pierce spoke in opposition. Mr. Pierce stated his concerns with fencing and buffer encroachments.

Mr. Rosen spoke in rebuttal. He stated it sounds like these concerns are more related to the project not towards this variance request. He stated he would be happy to talk with them tonight on some of the concerns they have. He stated he feels the variance process is in place for a reason and feels exceptions are needed in certain circumstances.

Ms. Semler closed public comment.

Mr. Frickey wanted to clarify with Staff that the variance request is for a building setback and not a buffer. Mr. Chapman stated, yes that is correct.

Ms. Tressler made a motion to approve. Seconded by Ms. Doss. Motion passed 5-0.

Case #19-03-013V Julie Williams at 221 Old Mill Lane requesting a variance to Article 7, Section 7.7-24 b. to allow an accessory structure housing livestock thirty-four (34) feet from the side property line and thirty-two (32) feet from the front property line instead of the required seventy-five (75) feet from all property lines. The applicant is also requesting a variance to Article 7, Table 7.1A - Minimum District Development Standards to allow the primary structure thirty-eight (38) feet from the front property line instead of the required fifty (50) feet. The property is located in Land Lot 235 of the 22nd District and further described as Cherokee County Tax Map 14N02, Parcel 018.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of or in opposition to this application. He stated the topography of the particular piece of property in question presents an extraordinary and exceptional condition. As a result, the Planning and Zoning Department does not object to the requested variance.

Julie Williams represented this case. Ms. Williams stated this is the only location to put the structures that was level.

Joann Krul spoke in support. She stated she lives on the property and the property is very steep in the back. She stated they could not move the structures back any farther.

There was no one to speak in opposition of the application.

Ms. Semler closed public comment.

Ms. Semler asked Ms. Williams if the structures are already in place. Ms. Williams stated, yes. Ms. Semler asked when the structures were put in place. Ms. Williams stated the manufactured home was delivered in the middle of September. Ms. Semler asked if she did not realize they were too close at the time of permitting. Ms. Williams stated no, she trusted the contractor and they went by an older map of the property. She stated if the barn was moved back it would be closer to the neighbor, blocking their view of the pasture.

Ms. Range asked Ms. Williams how long ago did she purchase the property. Ms. Williams stated about a year ago.

Ms. Semler asked Ms. Williams if she has spoken with her neighbors. Ms. Williams stated yes.

Ms. Tressler asked Ms. Williams if there is a reason she could not locate the accessory structure on the other side. Ms. Williams stated that is the location of the septic and power poles.

Ms. Doss asked staff if the barn is allowed in the front yard. Mr. Chapman stated it should be 75 feet from all property lines since it is housing animals.

Ms. Semler asked staff if they took the photos shown in the PowerPoint presentation and if the barn is located in front of the home. Mr. Chapman stated yes, County staff did take the photos shown in the presentation and the survey does indicate it slightly in the front.

Mr. Ragsdale stated in looking at the topo maps the property does fall off about 30 feet and is a bad location to try and put something that should be level.

Ms. Semler asked Ms. Williams if she only has one (1) horse. Ms. Williams stated, yes. Ms. Tressler asked if she intends to have anymore. Ms. Williams stated, no.

Mr. Chapman stated in the residential districts they are limited to one (1) animal per acre but not in the AG (General Agriculture) district.

Mr. Ragsdale made a motion to approve. Seconded by Ms. Doss. Motion passed 5-0.

Ms. Semler made a motion to postpone approval of February 7, 2019 Meeting Minutes until next month so corrections can be made. Seconded by Ms. Range. Motion passed 5-0.

Mr. Ragsdale stated that he may not be present for the April 2019 public hearing.

Ms. Semler made a motion to adjourn. Seconded by Ms. Range. Motion passed 5-0. The meeting adjourned at 7:12 p.m.