

**Cherokee County Zoning Board of Appeals
Public Hearing
Minutes
Thursday, March 4, 2004
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on March 4, 2004, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Zoning Board of Appeals were Chairman Karen Mahurin, Evert Hekman, Bart Brannon, Roy Taylor and Cindy Castello. In attendance for Cherokee County Staff were Vicki Taylor, Zoning Administrator, Vicki Mulkey, Zoning Technician for the Planning & Zoning Department. The meeting was called to order at 6:30 pm.

Old Cases

Case #03-11-054A Joseph Shields requesting a variance to Article 5, Section 5.6A. The applicant is requesting a variance to allow for a 3.8 foot setback for a swimming pool. This property is located at 2304 Westland Mill in Land Lot 1035 of the 21st District and further described as Cherokee County Tax Map 21N11A, Parcel 002.

Case has been postponed

New Cases

Case #04-03-010V Bobby Murphy requesting a variance to Article 7, Table 7.1A (Minimum District Development Standards). The applicant is requesting a variance of 30 feet to reduce the side building setback to 20 feet. This property is located at 4234 East Cherokee Drive in Land Lot(s) 109 & 110 of the 15th District and further described as Cherokee County Tax Map 15N25, Parcel 245B.

Vicki Taylor gave Staff findings that:

Article 7, Table 7.1A calls for 50-foot setbacks on all sides in this district. Applicant is requesting a variance to encroach 30 feet into the west side setback to construct a new single family dwelling with area for a septic system and field lines. No letters of opposition have been received as of this date. There are three letters from adjacent property owners in support of this petition.

FINDINGS OF FACTS

EXTRAORDINARY AND EXCEPTIONAL CONDITIONS PECULIAR TO THE SITE: Applicant states that the shape of the property and soils types

restricts the house location. Soils test indicate prominent rock outcroppings on the property.

APPLICATION OF REGULATIONS WOULD CREATE A PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP: Applicant states property is unbuildable without this variance.

RELIEF, IF GRANTED, WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD OR IMPAIR THE PURPOSES AND INTENT OF THESE REGULATIONS: No.

A LITERAL INTERPRETATION OF THE ZONING ORDINANCE WOULD DEPRIVE THE APPLICANT OF RIGHTS OTHERS IN THE SAME DISTRICT HAVE BEEN ALLOWED: Yes.

Mr. Jones represented this case.

Bart Brannon made a motion to approve. Evert Hekman seconded. Motion passed unanimously 5-0.

Case #04-03-011V Wesco Signs requesting a variance to Article 11, Table 11.1. The applicant is requesting a variance to allow one additional wall sign for a business. The Cherokee County Zoning Ordinance allows one freestanding sign and two wall signs. This property is located at 3781 Sixes Road in Land Lot 283 of the 15th District and further described as Cherokee County Tax Map 15N08, Parcel 112E.

Applicant has requested this case be postponed

Case #04-03-012V Lone Star Custom Homes, Inc. requesting a variance to Article 7, Table 7.1A. The applicant is requesting a variance to allow an encroachment of 2 feet into the front yard building setback. This property is located inside the Meadow Brook Subdivision at 1034 Meadow Brook Drive in Land Lot 472 & 537 of the 15th District and further described as Cherokee County Tax Map 15N27E, Parcel 030.

Vicki Taylor gave Staff findings that:

Article 7, Table 7.1A calls for 35-foot front setbacks in R-40 zoning districts. However, subdivisions developed under the conservation subdivision ordinance are allowed a 25-foot front setback. Regardless, applicant is requesting a 2-foot encroachment into this front building setback for approximately 11 feet in order to cover the front stoop. No letters of opposition have been received as of this date.

FINDINGS OF FACTS

EXTRAORDINARY AND EXCEPTIONAL CONDITIONS PECULIAR TO THE SITE: None

APPLICATION OF REGULATIONS WOULD CREATE A PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP: The house was set as far forward as possible in order to save a stand of trees. The steps and stoop were not accounted for in the siting of this home. Stoop would have to be uncovered without this variance resulting

RELIEF, IF GRANTED, WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD OR IMPAIR THE PURPOSES AND INTENT OF THESE REGULATIONS: No.

A LITERAL INTERPRETATION OF THE ZONING ORDINANCE WOULD DEPRIVE THE APPLICANT OF RIGHTS OTHERS IN THE SAME DISTRICT HAVE BEEN ALLOWED: Yes.

Phil White represented this case.

Roy Taylor made a motion to accept as is and that it would follow the intent of the Zoning Ordinance. Seconded by Bart Brannon. Motion passed unanimously 5-0.

Other Items

Approval of February 5, 2004 Minutes.

Roy Taylor made a motion to approve subject to a revision as noted by Evert Hekman. Seconded by Karen Mahurin. Motion passed unanimously 5-0.

Bart Brannon made a motion to adjourn. Seconded by Cindy Castello. Motion passed unanimously 5-0.

Meeting adjourned at 7:00 pm