

**Cherokee County Zoning Board of Appeals
Public Hearing
Minutes
Thursday, September 1st, 2005
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on September 1st, 2005, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Zoning Board of Appeals were Chairman Evert Hekman, Vice-Chairman Roy Taylor, Greg Elder, and Amy Mumaugh. Sean Jurgeson did not attend. In attendance for Cherokee County Staff were Jeff Watkins, Planning Director and Jesse Perry, Senior Clerk. The meeting was called to order at 6:30 pm.

Old Cases

Case #05-08-035V **Randy C. Matheny** requesting a variance to Article 7, Table 7.1A; Minimum District Development Standards. The applicant is requesting a variance of 6' to allow a 19' front building setback. The property is located at 5133 Jett Road in Land Lot 1279 of the 15th District and further described as Cherokee County Tax Map(s) 15N18 Parcel 063.

Jeff Watkins presented the case before the ZBA.

Glenda Casteel spoke for the Building Department.

Chairman Hekman said he didn't think the lot should have been built on to begin with.

Jim Walters represented the case. He showed the board some photos and drawings of the lot and of their plan for the lot.

Mr. Taylor spoke about his concerns from last time, and said he didn't think that they could get answers to them. He also said he thought that there should be plantings to provide screening to the neighbors properties.

Ms. Mumaugh said she felt it would be dangerous to approve the variance.

Discussion ensued about the best course of action.

Mr. Taylor made a motion to approve with substantial vegetation screening to be provided to be agreed upon by County Arborist and ZBA.

Motion failed to get a second.

Ms. Mumaugh made motion to deny. Seconded by Mr. Elder.

Motion to deny passes 3-1 (Mr. Taylor in opposition)

New Cases

Case #05-09-039V **Robert Williamson Homes, LLC** requesting a variance to Article 8, Section 8.5-2; Planned Unit Development. The applicant is requesting a variance of 5' to allow a 20' front building setback . The property is located at 151 Cedarwoods Trail in BridgeMill Subdivision in Land Lot 138 of the 15th District and further described as Cherokee County Tax Map(s) 15N07G Parcel 234.

Jeff Watkins presented the case to the ZBA.

Robert Williamson represented the case. He said issues were topography and to give a larger backyard.

Paul Cerny spoke in opposition. He spoke about storm water drainage and run off issues.

Mr. Williamson spoke in rebuttal saying that Mr. Cerny's concerns were irrelevant to what they were asking for, but that they would work to not cause his concerns to happen.

Chairman Hekman made a motion to approve.

Seconded by Mr. Elder

Motion to approve passes 4-0

Case #05-09-040V **Robert R. Kasbow** requesting a variance to eliminate the 50' undisturbed buffer shown on the recorded subdivision plat for The Overlook at Lake Sovereign. The property is located at 107 Bree Lane in Land Lot 422 of the 15th District and further described as Cherokee County Tax Map 15N08C Parcel 142.

Jeff Watkins, Planning Director, presented the case to the Zoning Board of Appeals members.

Robert Kasbow represented the case. He said that they had support of the HOA and surrounding neighbors.

Cathy Zervou spoke in favor.

Mr. Taylor made a motion to approve the elimination of 40' of the 50' undisturbed buffer.

Chairman Hekman seconded the motion.

Motion to approve passed 4-0

Case #05-09-042V **Freddie L. Causey** requesting a variance to Article 7, Table 7.1A; Minimum District Development Standards. The applicant is requesting a variance of 5' at the NW house corner to allow a 20' front building setback instead of the required 25' front building

setback . The property is located at 100 Fawn Court in Fawn Ridge Subdivision in Land Lot 1006 of the 15th District and further described as Cherokee County Tax Map 15N05 Parcel 309.

Jeff Watkins presented the case before the ZBA.

Glenda Casteel spoke for the Building Department.

Freddie Causey represented the case.

Mr. Taylor made a motion to approve the existing building encroachment.

Seconded by Chairman Hekman.

Motion to approve the existing building encroachment approved 4-0

Case #05-09-043V **Robert, Sandra and Jennifer Meade** requesting a variance to Article 7, Table 7.1A; Minimum District Development Standards. The applicant is requesting a variance of 12.8' at the SW corner of the house and 11.2' at the NW corner of the house. The required side building setback is 50'. The property is located at 1123 Rampley Trail in Highland Ridge Subdivision in Land Lot 26 of the 14th District and further described as Cherokee County Tax Map 14N04 Parcel 012.

Jeff Watkins presented the case before the ZBA.

Sandra Meade represented the case.

Chairman Hekman made motion to approve.

Seconded by Ms. Mumaugh.

Motion to approve passes 4-0.

Case #05-09-044V **RaceTrac** requesting a variance to Article 16; Highway 92 Overlay Regulations. The applicant is requesting a variance of 30' to allow a 10 ft. landscape buffer along the east property line instead of the required 40'. The property is located at 155 Hames Road in Land Lot(s) 1206, 1207 of the 15th District and further described as Cherokee County Tax Map 15N18 Parcel(s) 075 and 107A.

Jeff Watkins presented the case to the ZBA.

Kevin Baker represented the case. He said he had support of the neighbors to the east and that due to irregular shape of the lot that the required buffers would seriously reduce their buildable area.

Steve Ascher spoke in favor.

Paul Black spoke in opposition. He spoke about traffic issues and road widening.

Thavis Escondo spoke in opposition. Spoke in defense of the Highway 92 Overlay District Regulations.

Kevin Baker spoke in rebuttal. He spoke about the road improvements they would be doing for the lot. He also said that they would comply with the Hwy. 92 architectural guide lines but they were only asking for buffer relief.

Ms. Mumaugh said she had the same problem with this one that she did with the last gas station variance case that they heard last month. She said the developers should be encouraged to buy up more property so that they can meet the required buffers.

Mr. Elder made a motion to deny.

Seconded by Ms. Mumaugh.

Motion to deny passes 4-0.

Case #05-09-045V **Kip Givens Builder, Inc.** requesting a variance to Article 7; Table 7.1: Minimum District Development Standards. The applicant is requesting a variance of 10' to allow a 25' front building setback for lots 306, 328, 330 and 329 of the Kingston Square Subdivision. These properties are located at 2104, 2116, 2118 and 2120 Yorkshire Court in Land Lot(s) 1289, 1290 of the 15th District and further described as Cherokee County Tax Map 15N12A Parcel(s) 197, 219, 220 and 221.

Jeff Watkins presented the case to the ZBA.

Kip Givens represented the case.

Ron Richman spoke in favor.

Mr. Taylor made a motion to approve.

Mr. Elder seconded the motion.

Motion to approve passes 4-0.

Case #05-09-046V **Michael M. & Tanya L. Hale** requesting a variance to Article 9; Section 9.3-2; Home Occupations. The applicant is requesting a variance to allow a home occupations in an accessory structure. The Zoning Ordinance states that all home occupations must take place in the primary structure. This property is located in Land Lot 1079 of the 15th District and further described as Cherokee County Tax Map 15N05 Parcel 148.

Jeff Watkins presented the case to the ZBA.

Tanya Hale represented the case.

Willie Watson spoke in opposition. His wife also spoke in opposition.

Chairman Hekman said he didn't think that the business should be allowed. He felt it was too tight, and that the noise could be a potential nuisance.

Mr. Taylor spoke about his concerns about water usage.

Chairman Hekman made a motion to deny.

Seconded by Mr. Elder.

Motion to deny passes 4-0

Case #05-09-047V **Established Professional** requesting a variance to Article 7; Table 7.1A; Minimum District Development Standards. The applicant is requesting a 10' variance to allow a 25' front building setback. This property is located in Land Lot 1239 of the 15th District and further described as Cherokee County Tax Map 15N18C Parcel 042.

Jeff Watkins presented the case before the ZBA.

Harry Klosowski represented the case.

Mr. Elder made a motion to approve the request.

Seconded by Chairman Hekman.

Motion to approve passes 4-0.

Case #05-09-049V **The Landon Group, Inc.** requesting a variance to Article 16; Highway 92 Overlay Regulations. The applicant is requesting to remove conditions from October 2, 2003 Zoning Board of Appeals decision (Case #03-09-047A). These conditions were that the applicant must make improvements to Woodstock Road and approval per site plan submitted with variance application. This property is located in Land Lot(s) 1196, 1197 of the 21st District and further described as Cherokee County Tax Map 21N12 Parcel(s) 62 and 62A.

Jeff Watkins presented the case before the ZBA.

Scott Leonard represented the case. He spoke extensively about the plan they had for the entry ways, connectivity, and water lines.

Don Hausfield spoke in favor. He worked for The Landon Group.

Cecil Gibson wanted to know about road improvements.

Joseph Green spoke and wanted to know about a pond near the subdivision he lived in.

Chairman Hekman said he felt this new plan was a win/win for everyone involved and a definite improvement from the original.

Ms. Mumaugh made motion to approve the removal of the site plan specific condition but the condition to improve Woodstock Road was to remain.

Mr. Elder seconded the motion.

Motion to approve with condition passes 3-0 (Mr. Taylor recused himself)

Case #05-09-050V **Patty Farr** requesting a variance to Article 10; Table 10.1; Buffer Requirements. The applicant is requesting a variance to eliminate the 35' undisturbed buffer requirement. This property is located in Land Lot 972 of the 21st District and further described as Cherokee County Tax Map 15N05 Parcel(s) 102, 103 and 104.

Jeff Watkins presented the case before the ZBA.

Patty Farr represented the case.

Motion to approve by Mr. Elder.

Seconded by Chairman Hekman.

Motion to approve passes 4-0.

Other Items

Approval of August 4th, 2005 Minutes. Motion to approve passes 4 - 0.

Meeting adjourned at 7:30 p.m.