

**Cherokee County Zoning Board of Appeals  
Public Hearing  
Minutes  
Thursday, December 1<sup>st</sup>, 2005  
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on December 1<sup>st</sup>, 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, Amy Mumaugh, and Sean Jerguson. Greg Elder did not attend. In attendance for Cherokee County Staff were Mark Mahler, County Attorney, Vicki Taylor, Zoning Administrator, and Jesse Perry, Senior Clerk. The meeting was called to order at 6:30 pm.

**Old Cases**

Case #04-12-060V **Edward Panice** requesting a variance to Article 9, Section 9.3-11. The applicant was approved on Dec. 2<sup>nd</sup> 2004 to park a commercial tow truck on his property with conditions. One of the conditions was that this land case would be revisited in 12 months. This property is located at 525 Penny Lane in Quail Woods Subdivision in Land Lot 7899 of the 2<sup>nd</sup> District and is further described as Cherokee County Tax Map 02N04B, Parcel 066

Vicki Taylor presented the case before the Board.

\_\_\_\_\_ made a motion to continue to allow Mr. Panice to park his tow truck on the property without any further reviews needed.

Seconded by \_\_\_\_\_.

**Motion to approve –**

Case #05-11-065V **BG Land, LLC** requesting a variance to Article 16; Section 16.1, Hwy 92 Overlay Regulations. The applicant is requesting a variance to extend the boundary of the Hwy. 92 Overlay District to include parcels 273, 273A, 273B, 273C, 273D, 273E, 273F, and 274. The property is located on Hwy. 92 in Land Lot(s) 1105, 1106 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 21N05 with the above parcel numbers.

Vicki Taylor presented the case before the Board.

Jimmy Bobo represented the case.

Robert Calligari spoke in opposition.

Michal Payne spoke in opposition.

Tim Moran spoke in opposition. He read from the Zoning Ordinance two sections about how he felt the mulch plant should not be allowed on the property at all.

Steve Petitt spoke in opposition.

Rose Carter spoke in opposition.

Laura Barnwell spoke in opposition.

Mr. Bobo spoke in rebuttal.

Mr. Taylor said this plan was far better than the one that was presented previously, but his concerns were still the same. He felt this was a rezoning, and not a variance, and that the Zoning Board of Appeals shouldn't be looking at this case.

Mr. Jerguson asked staff what the Hwy. 92 Ordinance said about bisected parcels. Vicki Taylor said that there was nothing about bisected parcels or assemblages in the Overlay Ordinance.

Mr. Jerguson also said that the fair and best use of the property is this plan more so than the current use. He also said that Planning and Zoning should review the ability of the Board to bring in bisecting parcels.

Chairman Hekman said he didn't want to approve cases that allowed parcels to keep being drawn into the Overlay, because there was really no end to how much property could be brought in if they continued to do that.

Mr. Jerguson made a motion to go into executive session to ask questions of the County Attorney.

Motion failed to receive a second.

Mr. Taylor made a motion to table the case.

Seconded by Chairman Hekman.

2-1, (Ms. Mumaugh recused herself from the vote) Motion fails to achieve a quorum approval.

Mr. Jerguson made a motion to go into executive session. Seconded by Chairman Hekman.

Motion passes 3-1

After the executive session was completed, Chairman Hekman made a motion to table the case.

Seconded by Mr. Jerguson.

**Motion passes 3-0 (Ms. Mumaugh recused herself from the vote)**

Case #05-12-066V **Haygood Contracting** requesting a variance to Article 7, Section 7.7-38C. The applicant is requesting a variance to encroach into the 20' undisturbed buffer by 7' along the north side and 12' along the south side. This property is located in Land Lot(s) 424, 425, 440, 441 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N08, Parcel 063.

Vicki Taylor presented the case before the Board.

Jerry and Lisa Marie Haygood represented.

Mr. Taylor said he saw the plan last month and that the reason the case was postponed was to come up with a new plan. He said he felt that hasn't been done, so he would be voting to deny the request.

Chairman Hekman said he looked at the property, and said he could see that they didn't need the parking now, but he could understand them wanting to do the work now for the future.

Mr. Jerguson said he understood that they tried to make his idea work, and it didn't, so he thanked them for that.

Discussion ensued between Mr. Taylor and the applicant about what type of system should be used for the extra spaces.

Mr. Jerguson made a motion to approve the request as submitted.

Seconded by Ms. Mumaugh.

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

### New Cases

Case #05-12-067V **Gloria Hernandez** requesting a variance to Article 5; Section 5.6(c), Accessory Structures. The applicant is requesting a variance to allow an accessory structure to be 6' taller than the primary structure, which is only 16 feet tall. This property is located in Land lot 969 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 21N11, Parcel(s) 117 & 118.

Vicki Taylor presented the case to the ZBA.

Gloria Hernandez represented the case.

Chuck Eller spoke in opposition.

Mr. Taylor made a motion to postpone the case until they could get more info from the Building Department and Marshal's Office.

Seconded by Ms. Mumaugh.

**Motion passes 4-0**

Case #05-12-068V **All American Storage IV, LLC** requesting a variance to Article 10; Table 10.1, and Article 5; Section 5.1. The applicant is requesting a variance to waive the zoning buffer and allow a detention pond in a 50' stream bank buffer. This property is located in Land Lot 289, 325, 336 of the 2<sup>nd</sup> and 15<sup>th</sup> Districts and further described as Cherokee County Tax Map 02N02, Parcel 060.

Vicki Taylor presented the case to the Zoning Board of Appeals members.

Brian Curry represented the case.

Robert Calligere spoke in opposition.

Mr. Jerguson asked the applicant if he had said that he wasn't aware there was a buffer between R-40 and GC.

Mr. Curry said that was correct.

Mr. Taylor made a motion to deny the request.

Seconded by Chairman Hekman.

**Motion passes 4-0**

Case #05-12-069V **Merrell Engineering Co.** requesting a variance to eliminate the zoning buffers on the west and south sides of the subject property. This property is located in Land Lot 281 of the 14<sup>th</sup> District and further described as Cherokee County Tax Map 14N27, Parcel(s) 46, 38, and 38A.

Vicki Taylor presented the case before the ZBA.

Scott Merrell represented the case.

Mr. Taylor asked the applicant to show him where the trees were that would be saved by the granting of the variance.

Mr. Taylor made a motion to approve with the condition that the buffer be maintained along the North side of the property.

Seconded by Mr. Jerguson.

**Motion to approve passes 4-0**

Case #05-12-070V **Southern Homes** requesting a variance to Article 7; Table 7.1A; Minimum District Development Standards. The applicant is requesting a variance to allow a 30' front building line. This property is located in Land Lot 40 of the 21<sup>st</sup> District and further described as Cherokee Count Tax Map 21N07A, Parcel 088.

Vicki Taylor presented the case before the ZBA.

Mike Martin represented the case.

Mr. Jerguson asked if the topography fell towards Lot 57. Mr. Martin said that it did.

Brian Mello spoke in opposition.

Mr. Jerguson made motion to approve the case with the condition that two 2 and a half caliber hardwood trees be planted on the streetside of the house.

Seconded by Ms. Mumaugh.

**Motion to approve passes 4-0.**

Case #05-12-071V **Billy Manous** requesting a variance to Article 7; Table 7.1A, Minimum District Development Standards. The applicant is requesting a variance of 13' on a 25' front building setback. The property is located in Land Lot 1074 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N12D, Parcel 114.

Vicki Taylor presented the case to the ZBA.

Benson Chambers represented the case.

Mr. Taylor made a motion to approve.

Seconded by Mr. Jerguson.

**Motion passes 4-0**

Case #05-12-072V **Joseph Craig** requesting a variance to Article 7; Section 7.1A, Minimum District Development Standards. The applicant is requesting a variance of 9' on a 25' front building setback. The property is located in Land Lot 1074 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N12D, Parcel 115.

Vicki Taylor presented the case to the ZBA.

Benson Chambers represented the case.

Motion to approve by Mr. Taylor.

Seconded by Mr. Jerguson.

**Motion to approve passes 4-0**

Case #05-12-073V **Billy Manous Construction, Inc.** requesting a variance to Article 7; Section 7.1A, Minimum District Development Standards. The applicant is requesting a variance of 2' on a 25' front building setback. The property is located in Land Lot 1074 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N12D, Parcel 116.

Vicki Taylor presented the case to the ZBA.

Benson Chambers represented the case.

Motion to approve by Mr. Taylor.

Seconded by Mr. Jerguson.

**Motion to approve passes 4-0**

Case #05-12-074V **Billy Manous Construction, Inc.** requesting a variance to Article 7; Section 7.1A, Minimum District Development Standards. The applicant is requesting a variance of 13' on a 25' front building setback. The property is located in Land Lot 1074 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N12D, Parcel 117.

Vicki Taylor presented the case to the ZBA.

Benson Chambers represented the case.

Motion to approve by Mr. Taylor.

Seconded by Mr. Jerguson.

**Motion to approve passes 4-0**

Case #05-12-075V **Growth Development Corporation** requesting a variance to Article 7; Section 7.1A, Minimum District Development Standards. The applicant is requesting a variance of 15' on a 25' front building setback. The property is located in Land Lot 1074 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N12D, Parcel(s) 118 & 119.

Vicki Taylor presented the case to the ZBA.

Benson Chambers represented the case.

Motion to approve by Chairman Hekman.

Seconded by Mr. Jerguson.

**Motion to approve passes 4-0**

Case #05-12-076V **Growth Development Corporation** requesting a variance to Article 7; Section 7.1A, Minimum District Development Standards. The applicant is requesting a variance of 9' on a 25' front building setback. The property is located in Land Lot 1074 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N12D, Parcel 112.

Vicki Taylor presented the case to the ZBA.

Benson Chambers represented the case.

Motion to approve by Chairman Hekman.

Seconded by Mr. Jerguson.

**Motion to approve passes 4-0**

Case #05-12-077V **Growth Development Corporation** requesting a variance to Article 7; Section 7.1A, Minimum District Development Standards. The applicant is requesting a variance of 15' on a 25' front building setback. The property is located in Land Lot 1074 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N12D, Parcel(s) 110 & 111.

Vicki Taylor presented the case to the ZBA.

Benson Chambers represented the case.

Motion to approve by Chairman Hekman.

Seconded by Mr. Jerguson.

**Motion to approve passes 4-0**

**Other Items**

Approval of November 2005 Minutes. Motion to approve passes 4 - 0.

Meeting adjourned at 9:15 p.m.