

Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Tuesday, March 3, 2011 6:30 PM

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on March 3, 2011 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Roy Taylor, Elizabeth Semler, Lanette Shaw, Viviane Decker and Cynthia Castello. In attendance for Cherokee County Staff were Margaret Stallings, Principal Planner, Tripp Peake, County Attorney, and Jackie Wendt, DSC Representative.

Roy Taylor called the meeting to order at 6:32 pm. He reminded everyone to please turn off their cell phones and said anyone wishing to speak on behalf of the applicant or in favor or against this case needs to sign a Campaign Disclosure form. Ed Cipriani, the contractor for the job, signed one in order to speak on behalf of Mr. Stone.

New Business:

Case # 11-03-004V – Steve Stone requesting a variance to Article 7, Section 7-7.9 which requires a 75 foot building setback for barns housing livestock. Applicant is Steve Stone and the property is located at 100 Brannon Court in Land Lot 209 of the 2nd District, 2nd Section and further described as Cherokee County Tax Map 02N02B, Parcel 047.

Margaret Stallings presented the case. Applicant is requesting a 25 foot variance to the setback for animal quarters on the north side of the lot to allow the construction of a horse barn. The subject parcel is 4.87 acres lying on the north side of Brannon Court (private road) just west of Sugar Pike Road. The nearest home is approximately 275 feet from the proposed barn.

Ms. Stallings stated that there were no letters of support or opposition to this variance request. The applicant needs a variance due to the topography, flood plain and streambank buffers. She informed the ZBA that Vicki Taylor Lee decided after looking at the proposed site plan with topography, it appears that moving the barn forward 25 feet would not be a problem. However, when the buildings (home and barn) are placed on the subdivision plat with the buffers and easements, you can see the barn would be only 30 feet from the shared access easement. Should the encroachment be approved by the Board, there seems to be sufficient vegetation in the remaining 50 foot buffer.

Ed Cipriani represented the applicant and asked for Ms. Stallings to explain Ms. Lee's findings again. Ms. Stallings explained further. Ms. Decker asked about the relationship of Brannon Court and Brannon Estates. Mr. Stone said he had already been accepted by the association board and architectural review board. They have approved the size, style and the location. Mr. Taylor stated the county doesn't use HOA criteria when making a decision. Ms. Castello asked the size of the barn and Mr. Cipriani stated it will be 36 feet X 36 feet with two lean-to's. He also stated it will not be encroaching into the 50 foot buffer but with the topography and terrain it is not feasible to place the barn anywhere on the property unless they were to have a variance. Mr. Stone stepped up to mention the home behind him is 330' from the property line and he met with the homeowners and they were excited about having horses there because they also own horses and they love horses. He said he has not closed on the house yet and he is boarding his horses elsewhere and if he can't build the barn he doesn't want to purchase the property.

Mr. Taylor asked if anyone was there to speak in favor or opposition. No one was there to speak so he closed the public hearing portion of the meeting. He then asked if there were any questions or issues. Mr. Taylor said he was concerned there is no reason or hardship to say no and he understands why they want to move it because of the topography. He was hesitant to object because of how rural the area is and instead of reducing the 75 foot setback along the whole property line he suggested allowing an encroachment for the barn. Mr. Taylor indicated that the approval of encroachment should be based on the applicant planting evergreen understory trees along the north side of the barn structure to provide screening. He then suggested to Mr. Stone contact the County Arborist to find out about any county requirements for the type and size of trees to be planted. Mr. Taylor said if planted appropriately the trees would grow over time to hide the barn. Ms. Decker asked Mr. Stone if he is going to fence the horses and the answer was yes. Mr. Taylor motioned to approve the encroachment with the condition to plant trees as

discussed. Ms. Decker seconded the motion and all voted in favor. The motion to approve an encroachment was approved unanimously.

New Business:

Case #10-12-021V- Jess Kash requesting a variance to Article 7, Section 7.7-27 Additional Requirements. Specifically the applicant is requesting a 165' variance to allow construction of a radio tower 30' from the northwest and northeast property lines. This property is located at 253 Shiloh Church Road in Land Lots 322 of the 4th District and further described as Cherokee County Tax Map 04N10, Parcel 021. Margaret updated the postponed agenda. The applicant previously requested postponement for the April Public Hearing. Margaret told the board the applicant wants to postpone again until the May hearing due to medical reasons.

Other Issues:

Mr. Taylor then inquired about the Andrews residence at 777 Arnold Mill Road. The board had requested the structure be made to conform to the surrounding structures by adding porches and forms to soften the look. The board agreed the drawing submitted is not sufficient because it was supposed to match the house. He stated they need to come to an agreement before the issuance of the Certificate of Occupancy. Ms. Stallings said she consult with Ms. Lee about this issue.

The next order of business was the approval of the February minutes. The board members were all pleased with the level of detail in the minutes. The motion was made by Elizabeth Semler ? to approve and Ms. Castello seconded the motion. The February minutes were approved unanimously.

There are no cases scheduled for next month at this time, but there might be one submitted before the cutoff date next Monday.

Mr. Taylor motioned to close the meeting. The meeting adjourned at 6:52 pm.

Jackie Wendt, DSC Representative
for Planning & Land Use