

**Cherokee County Zoning Board of Appeals  
Public Hearing Minutes  
Thursday, May 5, 2011 6:30 PM**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on May 5, 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, and Cynthia Castello. Viviane Decker was not in attendance. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator, Kathy Dunn, Administrative Assistant and Tripp Peake, County Attorney.

The meeting was called to order by Chairman Roy Taylor at 6:30 PM.

The first case presented by Vicki Taylor Lee was that of Jose Luis Sanchez – Case # 11-04-005V - requesting a variance to Article 7.7-9, which states that barns housing livestock should be 75 feet from all property lines. Applicant is requesting a 45 foot variance to the rear building setback and a 19 foot side building setback. This property is located at 173 Indian River Trail Land Lots 431 and 432 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 03N02, Parcel 010.

Attorney Benson Chambers represented the case, having presentations showing the Tax Assessors Screen, topography and location of the barn. He stated that Mr. Sanchez was replacing an existing shed that had been there since about 2001, indicating the barn was going in the same footprint as the shed. The old shed was 30 feet off the property line and Mr. Sanchez was simply trying to make it useable. When Mr. Chambers had completed his presentation Roy Taylor asked if there was anyone else to speak in favor. Being none, he asked if there was anyone to speak in opposition. There was none so the public portion was closed.

Mr. Taylor then asked Benson if his client didn't tear down the existing structure entirely and begin rebuilding a new barn. He also stated that Mr. Sanchez was a builder/contractor and should have known that he needed to get a building permit prior to beginning the barn. Benson countered that Mr. Sanchez simply wanted to remodel a shed which had been built in 2001. A short discussion ensued as to what should have taken place at which point Cynthia Castello interjected that she saw no problem with the barn being where it is. Lanette Shaw then recused herself from the case stating that she knew Mr. Sanchez. Elizabeth Semler asked about the West property line to which Vicki Taylor Lee responded. Mr. Taylor asked Benson what the previous shed had been used for and Benson said he had no idea since Mr. Sanchez had only purchased this property in January, 2011. Mr. Taylor stated he did not see this barn as a detriment to the neighborhood and made a motion to approve with the statement that anyone in the building or contracting industry should know better than to start any kind of structure prior to obtaining a building permit. Elizabeth Semler seconded the motion to approve and the vote was unanimous.

The second case was Case #11-05-006V Ariete International, Inc.–requesting a variance to Article 11, Table 11.1. Applicant is requesting a variance to allow a larger sign than the Ordinance permits. This property is located at 1097 Highway 92, Acworth in Land Lots 1277 and 1278 in the 21<sup>st</sup> District and 2<sup>nd</sup> Section and is further described as Cherokee County Tax Map 21N06, Parcel 003.

Vicki Taylor Lee presented the case.

Mr. John Shaw represented the case stating that this was for a Hardee's sign. The property is located on Highway 92 where the original sign was removed for the widening of the road. A short discussion of the dimensions of the sign ensued and Mr. Shaw had pictures which he presented to the Board members for their perusal. Mr. Taylor asked if there was any one else to speak in favor. There was none and there was no one in opposition and the public portion was closed. Elizabeth Semler made a motion to approve and Cynthia Castello seconded. The vote to approve was unanimous.

In other business, the March minutes were to be approved however some of the members did not receive them so they will be approved at the next meeting.

Discussion of Case 10-10-017V – Bryan Andrews, who has not complied with the conditions of the variance granted in October, 2010. Roy Taylor asked that we ensure that no Certificate of Occupancy be granted by the Building Department until such time as Mr. Andrews has done what he is supposed to do. A discussion regarding this case took place with Tripp Peake explaining the Ordinance and the next possible step. Vicki Taylor Lee stated she will find out when he last renewed his building permit and Roy Taylor asked that she send him another letter to see what his response will be. It will then be determined what should be done to proceed.

As of May 5<sup>th</sup> there are no June cases so it will be July before the next meeting if there are cases then.

Elizabeth Semler made a motion to adjourn with Cynthia Castello seconding. Meeting was adjourned at 7:25 PM.

Kathy L. Dunn  
Administrative Assistant  
Cherokee County Planning & Land Use