

Approved 8/04/2011

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, July 7th, 2011
6:30 PM**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on July 7, 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 Vicki Taylor Lee, Zoning Administrator, Tamala Davis, Planning Technician and Paul Frickey, County Attorney.

The meeting was called to order by Chairman Roy Taylor at 6:33 p.m.

The first case presented by Vicki Taylor Lee was that of **Tony Martin – Case #11-07-007V** requesting a variance to Article 16.1, Section 16.1.5C,6b-i, ii, iii. Applicant is requesting a variance to allow a 32 square foot illuminated roof sign. This property is located at 105 Elliott Industrial Drive, Woodstock in Land Lot 1221 of the 15th District, 2nd Section and is further described as Cherokee County Tax Map 15N06, Parcel 274B.

Mrs. Lee stated that our office did not receive any letters in support or opposition. She discussed staff comments and recommendations along with presenting a sketch showing approximately how tall the sign would look from the center of the road from Elliott Industrial Drive. She stated that the topography in this area is severe and that the applicant definitely has limited options.

Mr. Taylor asked is the issue that the sign is roof mounted? Mrs. Lee stated roof mounted and this being an internally illuminated box sign. Mr. Taylor asked if it was not internally illuminated but used a spot light mounted at the eave that could shine on the sign would staff still have issues? She stated she would have less issues would this and as long as the top of the sign is not taller than the peak of the roof.

Tony Martin with Fast Signs represented this case. Mr. Martin stated that they are having difficulties with options of mounting a sign due to the severe grade.

Mr. Taylor stated that they did not receive a site plan or plat indicating if there was an available area for a ground sign. Mr. Martin stated when it was discussed before they didn't feel that there was enough room. He stated that the roof mounting was the most logical and more cost effective for the customer. Mr. Taylor stated that this being a roof mounted sign is the issue, as is the internal illumination. Mr. Martin stated he felt like his customer would be willing to do the external illumination.

Mr. Taylor asked if there was anyone to speak in favor or against this application.

There being none, Mr. Taylor closed the public hearing.

Mrs. Shaw asked how far up on the roof will it go? Mr. Taylor discussed the drawing that was presented by Mrs. Lee.

Mr. Taylor made a motion to allow a 32 square foot sign no higher than 10 feet from the road plane of Highway 92 and that it be externally illuminated. Mr. Taylor stated that this will still be a roof mounted sign.

Mrs. Decker asked Mr. Taylor before we make a decision on this motion for a roof mounted sign, could we be certain that the applicant could not locate this sign on the ground. Mr. Taylor stated that from the drawings that it doesn't look like there is room to put a ground sign. Mrs. Lee stated that this is a private drive and the property lines go to the center of the road. Mr. Taylor stated that Engineering would consider this as prescriptive right of way. Mrs. Lee stated only if it is county maintained. Mr. Taylor stated that he doesn't believe there is anything in the regulations stating that you cannot have a roof sign. Mrs. Lee stated it does not directly, however the Highway 92 Overlay only allows a wall mount or freestanding.

Mr. Taylor stated that the stipulations in the motion would essentially meet the criteria of the Highway 92 Overlay.

Mr. Taylor's motion was seconded by Mrs. Castello.

Mrs. Semler asked if external illumination would meet the Highway 92 Overlay. Mrs. Taylor stated, yes.

Mr. Taylor asked for all those in favor. Motion passed 4-1. Shaw against.

The next case is **Keith Andrews, Case #10-10-017V** – Discussion of conditions on variance approved on October 7, 2010.

Mrs. Lee stated that the actual approval letter from October left out condition number 2 regarding the porch and columns, however it was contained in the minutes from this meeting. She stated that in December, staff sent out a letter reminding the applicant on the architecture of this structure that was to be submitted to our office thirty (30) days after the public hearing. She stated that we received this information and this was forwarded onto the Board. She stated a letter was received on March 13th from the applicant that he was disappointed that his sketches were not approved by the Board and several emails. She stated she was to invite the applicant back to discuss among the Board tonight. She stated at this time the building permit has expired, there have been no inspections at this site and the inside is not complete.

Mr. Andrews represented this case. He started by stating this whole process has been quite frustrating and as he had stated back in October as to why he didn't pull permits initially, however the letter he received stated he could move forward with the outside of the building. He stated that nothing has been finished on the inside. On two (2) occasions, he stated he has received an email and letter being accused of occupying the building, which he said was not

true. He stated that he talked with Tony, building inspector and was informed he did not have to get all of the permits done until the trades came in and that he would inspect at this time.

Mr. Taylor asked Mr. Andrews why he was not complying with this specific condition regarding the porch like façade similar to the porch that you have on the main house to help break down the box look that has been created and so that it has a better appearance from the road. Mr. Andrews stated that he submitted a sketch showing what his intentions were or what he would like to do. Mr. Taylor stated that the proposed sketch was showing only a porch over the front door and not across the whole width of the building which was not sufficient.

Mr. Taylor stated that he thought it was understood what the intent was from the prior meeting and this is what they would like to see. Mr. Andrews stated that he feels like he is being told how he is to build his home. Mr. Taylor stated, yes since incorrect things have been done in the past.

Mr. Andrews asked about the permit and expiration. Mrs. Lee informed him to get with Building Department.

Mr. Andrews stated that he has spent a lot of time and money into this project and he knows how he wants it to look and he feels like he is building something that is not a carriage house and this is what it was to be.

Mrs. Decker stated that most all carriage houses are smaller than the primary structure and this house is larger than the primary.

Semler stated that we just need to move forward and we need something else submitted, we have not received what we asked for from the beginning.

Mr. Andrews stated he doesn't know what else to submit, either he is to build it the way they want or remove the structure. Discussion ensued.

Mr. Taylor stated that this case will need to be carried over. Mr. Andrews stated that he was in no hurry that he was out of money and it would be 90 days before he could do anything. Mr. Taylor stated they will try to come to a place in between the two plans to have the boxy appearance diminished.

Other items, the approval of March minutes. Mr. Taylor made a motion to approve. Seconded by Mrs. Semler. Approved 4-1.

Last, approval of May minutes. Mr. Taylor made a motion to approve. Seconded by Mrs. Semler. Approved 3-0.

As there was no further business, Mr. Taylor made a motion to adjourn and Mrs. Semler seconded. The motion passed unanimously and the meeting adjourned at 7:25 p.m.

