

**Cherokee County Zoning Board of Appeals  
Public Hearing Minutes  
Thursday, April 5, 2012  
6:30 PM**

*Approved June 7, 2012*

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on April 5, 2012 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Roy Taylor, Cynthia Castello, Lanette Shaw, Elizabeth Semler and Viviane Decker. 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 6:30 p.m.

The first case is **Johnny Flynn, Case #12-03-006V** requesting a variance to Article 7; Section 7.7-21. Applicant is requesting to be allowed to park one (1) dump truck on property. This property is located at 7855 Midway Road in Land Lot 35 of the 2nd District and further described as Cherokee County Tax Map 02N13, Parcel 193.

Mr. Taylor stated that this case was previously postponed until they received a legal opinion on the authority of the Board to rule on this variance. He stated that it has been determined that the Board has no jurisdiction since there is no section in the Ordinance from which to request said variance and they have no choice but to deny this application.

Mr. Taylor made a motion to deny this application. Seconded by Ms. Shaw. Unanimous vote for denial.

Ms. Vicki Taylor Lee presented the case of **Lee Graham, Case #12-01-004V** requesting a variance to Article 5; Section 5.6 Accessory Structures. Applicant is requesting a 10 foot encroachment into the side building setback on west side for an accessory structure. This property is located at 5173 Legendary Lane in Land Lot 1294 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N06C, Parcel 278.

Ms. Lee discussed staff comments and noted that she has received one (1) letter of support from the adjoining neighbor that this variance would affect and no letters of opposition. She stated should the Board be inclined to approve this petition, Staff suggests the accessory structure be built with such materials as to enhance the adjacent property, rather than diminish.

Mr. Graham represented this case. Mr. Graham stated this subdivision was built in the 1970's and most homes only have a one (1) car garage. He stated that he has two (2) daughters at driving age, his wife's and one other vehicle and it is difficult to have room to park. He stated for safety and other reasons he would like for his daughters to be able to park inside a garage and have an easy way to the basement door. Mr. Graham stated that it would also give him a place to put riding mowers and things like that he uses around the house. He stated that there is really no other place to put it on the property other than the front yard and he doesn't feel that would look good. He stated he was hoping to build the garage right off the driveway and

would follow the property line and would need to do that because of the septic lines that fill up the entire back yard with the exception of about 30 feet on that right side.

Mr. Taylor noted that there was no one to speak in favor or opposition.

Mr. Taylor asked Mr. Graham if he knew what he was going to be building and what it was going to be built out of. Mr. Graham stated that his house is made of cedar but would prefer to use hardiplank material.

Ms. Shaw asked since this garage would be on the property line, the types of vehicles that would be kept in this garage to make sure of no noise concerns with loud mufflers, etc. Mr. Graham stated a Toyota Corolla and Hyundai.

Ms. Shaw stated even though we have the adjoining property owner's letter of support that in the future this property could change ownership and thinks it may be appropriate to add some type of vegetation. Mr. Taylor stated he doesn't think they have the room to add vegetation. Mr. Graham stated there are a lot of trees on his side and on the neighbor's side. He stated the structure will provide a nice buffer itself.

Ms. Semler made a motion to approve with the condition that the building side toward the adjacent property owner shall be cedar appearance with hardiplank material and there shall be no window on this side. Seconded by Ms. Decker. Unanimous approval.

The last item on the agenda was the approval of March 1, 2012 Minutes. The Board noted what a good job staff did on the minutes and a good job to Mr. Frickey on the research that was provided to the Board with all the helpful information.

Mr. Taylor made a motion to approve the minutes. Seconded by Ms. Castello. Unanimous approval.

Mr. Taylor made a motion to adjourn. Seconded by Ms. Shaw. Unanimous approval. Meeting adjourned at 7:47 p.m.