

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, October 3, 2013
6:30 p.m.**

Approved 11-7-2013

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on Thursday, October 3, 2013 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Roy Taylor, Cynthia Castello, Bill Dewrell and Melissa Range. 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 at 6:30 p.m.

Case #13-10-018V Tommy White for Faith Family Church requesting a variance to Article 7, Table 7.7-18. The applicant is requesting a 30 foot variance to allow a 20 foot undisturbed buffer adjacent to residential zoned property. The property is located at 5744 Bells Ferry Road in Land Lot 1188 of the 21st District and further described as Cherokee County Tax Map 15N06, Parcels 120 and 123.

Ms. Lee presented this case. Ms. Lee discussed staff comments, location of property, gave adjacent zoning and noted she has received no letters of support or opposition.

Mr. Tommy White, Pastor of Faith Family Church represented this case. Mr. White stated they would like to move all four (4) mobile units off the property and build a 1,500 square foot office building with a basement for storage. He stated their purpose is to update and beautify the property and they will eventually build a multi-purpose building, but not at this time. Mr. White stated there is approximately 40 feet of wooded property between this property and the Tyson Woods residential area that is sufficient and allow for additional parking in the future. He stated the building would match residential construction and would not have a lot of traffic.

Ms. Semler asked if there was anyone to speak in favor or opposition of this application. There being none, she closed the public hearing.

Ms. Range made a motion to approve with staff recommendations on the remaining buffer meeting full year around screening.

Mr. Taylor stated for this particular building it could easily be shifted according to the plan presented and meet the requirements. He stated he does not see a hardship as to why this variance should be granted.

Mr. Taylor asked staff for clarification on the reduction of this buffer. Ms. Lee stated yes, they are requesting a reduction along the full length of the property line to cover the future building as well as the proposed building.

Mr. Taylor asked what the front yard setback would be. Ms. Lee stated it would be 50 feet along Bells Ferry Road.

Mr. Taylor stated it looks like the building could be moved forward and not encroach as much. He stated it looks like the encroachment is for storm water and would not require a reduction in the buffer for the entire length.

Mr. Kelly Davis with Gaskins Surveying stated the proposed parking is the requirement for both the office space and multi-purpose building. He stated he agrees, the building can be moved up, however the gravel access would still encroach.

Mr. Taylor stated yes, but not as much.

Mr. Taylor suggested that the Board grant a variance where it's necessary and not grant a variance where it is not necessary.

Mr. Dewrell asked Staff what zoning category you can build a church on. Ms. Lee stated you can build a church in just about any zoning district however there are buffers that are required.

Mr. White stated they have been on this property for a long time and when the adjoining property was rezoned it required a buffer on the church property that they cannot use.

Ms. Lee stated no, it doesn't matter what it was zoned you would still be required to have a buffer for the use being a church.

Mr. Dewrell stated he is not seeing what this will hurt to grant what the applicant is proposing.

Mr. Taylor stated it hurts the whole intent of why we have an undisturbed buffer.

Mr. Taylor stated they can build everything they want to build but for only what has to encroach.

Ms. Semler stated there is really no hardship and asked the applicant could they work with this.

Mr. White stated they still have some variations on the building and sizes. He stated they have talked to the Homeowner's Association and they did not give a response but he did notify them on what they were proposing. He stated he also notified the property owner across the street. He stated he doesn't have a problem as long as they can fit the building in.

Mr. Dewrell stated he doesn't want the applicant to feel like he is being pressured and is not comfortable trying to redesign their plan. He stated he is prepared to second the motion on the floor but he wants to make sure everyone is happy with this.

Ms. Semler stated if they can go into this with only an encroachment instead of building on it, she feels they should do this instead of granting an unnecessary variance.

Mr. Dewrell stated that would be fine as long as they do not have to come back and pay again if they need anything else from them.

Mr. Davis stated the only concern he has is with the multi-use building. Mr. Taylor stated you would just slide it towards Bells Ferry. Mr. Davis stated the building would have to shift parallel to the sewer easement and would be into the 50 foot front building setback.

Mr. White stated they already have about \$10,000 into these drawings of these buildings.

Ms. Taylor stated this falls within the Bells Ferry Corridor and she can work with them on the front building setback.

Mr. Taylor stated he is seeking an amendment to the motion or a restatement of the motion.

Ms. Semler asked Staff if she would like the removal of the modular units to be included in the motion.

Ms. Lee stated no, she doesn't feel this is necessary.

Mr. Frickey asked for clarification on staff's condition regarding planting in the buffer. Ms. Lee stated they are encouraged to enhance the buffer area.

Ms. Semler asked Ms. Range if she wanted to stay with her original motion or if she wanted to amend it.

Ms. Range stated she would like to keep the original motion to approve with staff's condition. Seconded by Mr. Dewrell. Three (3) in favor, two (2) opposed. Mr. Taylor and Ms. Semler opposed.

Case #13-10-019V Richard Fricker for Dwight Pardue requesting a variance to Article 5, Section 5.6. The applicant is requesting a variance to allow a detached structure in the front yard area. The property is located at 1005 Bailey Road in Land Lots 437, 438 and 499 of the 2nd District and further described as Cherokee County Tax Map 02N03, Parcel 257.

Ms. Lee presented this case. Ms. Lee discussed staff comments, location of property, gave adjacent zoning and noted she has received no letters of support or opposition.

Mr. Fricker represented this case. He stated this is a beautiful piece of property with a 900 foot driveway down to a beautiful lake. He stated the building will be hidden from view and will be used to park machinery, lawnmowers, etc.

Ms. Semler asked if there was anyone in support or opposition. There being none, she closed the public hearing.

Mr. Taylor made a motion to approve with staff's condition. Seconded by Mr. Dewrell. Unanimous approval.

The last item on the agenda is the approval of September 5, 2013 Minutes. Ms. Semler made a motion to approve. Seconded by Ms. Castello. Unanimous approval.

Ms. Semler made a motion to adjourn. Seconded by Mr. Dewrell. Unanimous approval.

Meeting adjourned at 7:02 p.m.