

**Cherokee County Zoning Board of Appeals**  
**Public Hearing Minutes**  
**Thursday, October 2, 2014**  
**6:30 p.m.**

**Approved 11-6-2014**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on Thursday, October 2, 2014 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Bill Dewrell, Cindy Castello and Melissa Range. Roy Taylor was not in attendance. In attendance for Cherokee County Staff were Margaret Stallings, Principal Planner, Tamala Davis, Planning Technician and Paul Frickey, County Attorney.

The meeting was called to order at 6:30 p.m.

Ms. Semler stated they only have four (4) members present tonight and asked the applicant if they wish to move forward with their case. The applicant stated yes, they would like to move forward.

**Case 14-10-022V David Cox for Heather Horner** requesting a variance to Article 7, Section 7.7-24b. The applicant is requesting a variance to allow an existing riding arena to be covered at 23 feet from the property line. The property is located at 600 Gantt Road in Land Lots 227 and 278 of the 2<sup>nd</sup> District and further described as Cherokee County Tax Map 02N07, Parcel 059A.

Margaret Stallings presented this case. Ms. Stallings discussed staff comments, location of property, gave adjacent zoning and noted staff's recommendation.

David Cox represented this case. Mr. Cox stated they are requesting to cover an existing arena that is located down in a hole. He stated it would cost too much money to move the arena to meet the setbacks. He stated the arena already had irrigation, landscaping and drains that were installed by the previous owner. He stated the new property owners have horses and need the arena to be covered which would be beneficial to leave it at its current location.

Ms. Semler asked if there was anyone in support or opposition of this case.

Rocky Mount spoke in opposition. Mr. Mount stated he lives at 25 Stone Creek Trail and is not necessarily opposed to this variance request but has some concerns. Mr. Mount stated this arena sets in a hole and it drains onto their property. He stated they have been dealing with this for 14 years. He stated his concern with adding a roof and would like them to add a retention pond to hold the water. Mr. Mount also stated his concerns with lighting if they propose the arena to be lighted.

J.P. Jordan spoke in opposition. Mr. Jordan stated he lives at 595 Gantt Road and his concern is if this will be a commercial use or a personal use.

Wanda Becotte spoke in opposition. Ms. Becotte stated they live across the street from this property and has concerns with traffic if this is going to be a commercial use. She stated she is also concerned with the architectural design and the number of horses being located on this property. Ms. Becotte stated the applicant has installed a dumpster on their property that is very close to their property and is concerned with the run off going into the creek that is

nearby. Ms. Becotte asked could this be a commercial stable.

Ms. Semler stated this property is zoned agricultural and can be used commercially for agricultural use.

Mr. Dewrell made a motion to extend the time limit by 4 minutes. Seconded by Ms. Range. Unanimous approval.

Michael Becotte spoke in opposition. Mr. Becotte stated they live at 585 Gantt Road and his only concern is the smell from the dumpster that holds the waste product being located close to his home. He stated he does not oppose the structure itself.

David Cox and Phyllis Hines spoke in rebuttal. Ms. Hines stated there will never be more than 4 horses in this barn. Mr. Cox stated Building Department informed him that he would need to get an Engineer to deal with the storm water run-off due to the size of the roof. Ms. Hines stated she is willing to work with her neighbor regarding this. She stated this is going to be private and will not increase the traffic at all. Ms. Hines stated they do not plan to install lighting since they ride their horses during the day and usually have them up by 6 p.m. Ms. Hines stated they will be adding an organic spray system to keep the flies away. Mr. Cox stated they did get approval from the Planning and Building Department for the location of the dumpster.

Ms. Semler asked if this property is limited to one animal per acre. Ms. Stallings stated in Agricultural there is no limit to the number of livestock.

Ms. Semler closed public comment.

Ms. Semler stated that she feels a majority of the concerns will be addressed with the Engineering Department during preliminary review.

Ms. Semler made a motion to approve with a condition the applicant provide additional screening as advised by the County Arborist on the south side of the property. Seconded by Mr. Dewrell. Unanimous approval.

**Case 14-10-023V Toby Latimer for Michael and Jennifer Vereen, II** requesting a variance to Article 7, Section 7.7-24b. The applicant is requesting a variance to allow a barn housing livestock to encroach a maximum of 10 feet into the 75 foot required setback. The property is located at 627 Curtis Road in Land Lots 992 and 1025 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 03N17, Parcel 007.

Ms. Semler recused herself from this case since her husband has done work for this property owner in the past.

Paul Frickey called for an election of a temporary chairman. Ms. Castello nominated Ms. Range. Seconded by Mr. Dewrell. Unanimous approval.

Margaret Stallings presented this case. Ms. Stallings discussed staff comments, location of property, gave adjacent zoning and noted staff's recommendation. Ms. Stallings presented pictures to the Board that were taken today by the County Arborist.

Toby Latimer represented this case. Mr. Latimer stated he is the General Contractor for this site. Mr. Latimer stated he thought the 75 feet was to be for the footprint of the barn and did

not include the overhang. He stated once he found that this was not the case he came and spoke with the Planning Department and was informed he could apply for an administrative variance. Mr. Latimer stated he wanted to get the exact measurements from the property line to the barn so he had a survey prepared. He stated he brought this back to the Planning Department and was informed an administrative variance was not available. He stated this will be a really nice barn. Mr. Latimer stated this barn is farther away than the location of the previous chicken houses.

Ms. Range asked if all chicken houses have been removed. Mr. Latimer stated yes. Mr. Latimer stated this is a very nice piece of property that has a custom built home and it will look very nice.

Ms. Castello asked what will be kept in the barn. Mr. Latimer stated a few horses for personal use and he is not sure what else it will be used for.

Ms. Castello asked if this property is agricultural land. Mr. Latimer stated yes, this property is zoned Agricultural.

Mr. Latimer stated since there was no screening left in the 50 foot undisturbed buffer that surrounds the subdivision, the owner went ahead and planted over 200 screened trees that are staggered and over the years will create a full visual screen.

Ms. Range asked if there was anyone to speak in favor or in opposition to this application.

Cindy Goeman spoke in opposition. Ms. Goeman stated she lives at 118 Hedgewood Lane and adjoins this property. Ms. Goeman stated her home is in a swim/tennis neighborhood and has been there 11 years. She stated there were no chicken houses when she moved in and has no doubt this will be a pretty barn but she lives in a residential neighborhood not a farm. She stated she was shocked that they chose this location for the barn when they have so much acreage. She stated this is in her back yard and should be able to meet the building setbacks. She stated she had to clear the brush from her property because they were animals back there and was dangerous for her children. She stated she took out the weeds and brush and did get approval from the Homeowner's Association. Ms. Goeman stated this property has been cleared completely all the way to the fence. She stated there is no type of screening that will block seeing this barn from her home. She stated her concerns with the smell, noise and decrease property values.

Ms. Castello asked Ms. Goeman did you know this property was zoned Agricultural when you built. Ms. Goeman stated she knew it was an abandoned horse parcel of land. Ms. Castello stated you would still be able to see the barn even if it was pushed back 10 feet. Ms. Goeman stated yes, she totally would that this barn is huge and bigger than her home.

Ms. Range stated his property is agricultural and he is not in a residential neighborhood.

Ms. Goeman stated she understands that but if there is a setback to meet then they need to meet these requirements and not come back afterwards and ask for 10 additional feet because it works better for them.

Ms. Castello asked Ms. Goeman if she was aware there is to be a 50 foot buffer at the back of their neighborhood. Ms. Goeman stated yes, but it was brush.

Ms. Range stated he has planted Leyland Cypress and it will provide screening in a few years.

Ms. Goeman asked why they can't clear weeds but the applicant can build a 4,000 square foot barn and ask to be 10 feet closer than what the regulations require.

Mr. Dewrell stated this is why he is here tonight and seems he is looking to improve the property.

Ms. Goeman stated she lives in a residential neighborhood and stated she does not want to live on a farm, she does not want to go in her back yard and smell cows or horses or see a barn.

Mr. Dewrell stated he can build a barn and you will still see the barn.

Ms. Stallings stated the ten minutes is up.

Ms. Range made a motion to extend the time 3 minutes. Seconded by Mr. Dewrell. Unanimous approval.

Ms. Goeman stated she knows there is not much that can be done since the barn is almost complete. She stated she is worried of how this whole process has worked.

Ms. Range asked if this was a privacy issue or a visual issue. Ms. Goeman stated all she sees when she walks onto her deck is this barn and is so different than what it used to be.

Mr. Latimer spoke in rebuttal. Mr. Latimer stated they are definitely not trying to cause any problems with the neighbors. He stated it's unfortunate that these houses back up to 15 acres of agricultural property. He stated it is not true that he built this and then came to ask forgiveness. He stated he came to the County offices once it was determined that the barn was not meeting the 75 feet setback requirement. He stated regardless if he moved it over 10 feet or 20 feet, this is a big barn and it can still be seen.

Ms. Range closed public comment.

Ms. Castello made a motion to approve. Seconded by Mr. Dewrell. Unanimous approval.

Ms. Semler returns to her seat.

The last item on the agenda was approval of September 4, 2014 Minutes. Ms. Semler made a motion to approve. Seconded by Ms. Range. Unanimous approval.

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

The meeting adjourned at 7:40 p.m.