

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, March 5, 2015
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, March 5, 2015 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Cindy Castello, Melissa Range, Bill Dewrell and Marla Doss. 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 #15-02-004V Church of the Messiah requesting a variance to Article 11.5-5L2a and Table 11.1 of the Cherokee County Zoning Ordinance. The applicant is requesting a variance of 30 square feet to allow 62 square feet of copy area and a variance to allow an LED sign on this property. The property is located at 415 Charles Cox Drive in Land Lots 289 and 290 of the 2nd District and further described as Cherokee County Tax Map 02N02, Parcel 064B.

Vicki Lee presented the case. Ms. Lee discussed staff comments, location of property, gave adjacent zoning and noted staff's recommendation. She stated she received one (1) letter in opposition to this application from an adjoining property owner. She stated this property currently has three (3) freestanding signs, two (2) of these signs were permitted and one (1) was not. Ms. Lee stated if this variance is approved the applicant would need to remove two (2) of the existing signs from the property.

Rev. Fred Goodwin represented this case. Mr. Goodwin stated they currently own 26 acres and when Batesville Road was closed by the County it impacted their property. He stated it is a church but also has 2 schools and soccer fields. He stated they have been raising funds to purchase a new sign to help citizens locate their property. He stated he feels the LED sign would aid as a safety factor with the lighting and from the proposed sign facing the street. He stated two (2) freestanding signs have already been removed from the property.

Ms. Range asked the applicant why he needed the extra square footage. Mr. Goodwin stated the LED sign would be noticeable during the day and at night. He stated the sign site sits 6 feet below grade.

Ms. Castello stated this church is very difficult to find and sees that there is a hardship.

Ms. Semler asked if there was anyone to speak in favor or in opposition to this case.

Mr. Goodwin stated there are several people in the audience from the church in favor of this request. No one wanted to come forward to speak.

Ms. Semler closed public comment.

Ms. Semler stated she sees the need for this, however, is concerned with safety of the lighting with this LED sign and the wording. Her concerns involve possible distractions to drivers.

Mr. Dewrell made a motion to approve. Seconded by Ms. Castello. Four (4) in favor, one (1) against. Ms. Semler was in opposition.

Case #15-03-005V Kristine Diaz requesting a variance to Article 5, Section 5.6 of the Cherokee County Zoning Ordinance. The applicant is requesting a variance to allow an accessory structure to encroach into the front building setback. The property is located at 116 Bramble Oak Drive in Land Lot 1259 of the 15th District and further described as Cherokee County Tax Map 15N30C, Parcel 084.

Vicki Lee presented the case. Ms. Lee discussed staff comments, location of property, gave adjacent zoning and noted staff's recommendation. She stated she has received no letters in support or in opposition to this applicant.

Rafael Diaz represented this case. Mr. Diaz stated he is proposing to build this garage next to the pool to park his vehicles.

Ms. Semler asked if there was anyone in support or in opposition to this application. There being none, she closed public comment.

Ms. Castello asked the applicant if the garage would be used for a business. Mr. Diaz stated no, it will be used for his own personal use.

Ms. Range asked if the existing building will remain. Mr. Diaz stated he will be removing the existing accessory structure.

Ms. Range asked if the applicant understood the vegetation requirements. Mr. Diaz stated no. Ms. Lee discussed the proposed screening with the applicant.

Ms. Semler asked if a 10 foot encroachment would be enough. Ms. Lee discussed with applicant and Mr. Diaz stated yes.

Ms. Semler asked if they are on septic. Mr. Diaz stated yes and it is located at the front of the property.

Ms. Semler asked if only 10 feet is granted then will screening still be needed. Ms. Lee stated no, not necessarily.

Ms. Semler made a motion to approve with staff's recommendation of only a 10 foot encroachment. Seconded by Mr. Dewrell. Unanimous approval.

Case #15-03-006V Steve Romeyn requesting a variance to Article 16, Section 16.1.3A of the Cherokee County Zoning Ordinance. The applicant is requesting a variance to extend the planned subdivision located in the Highway 92 Overlay District by an average distance of 185 feet to the North property line beyond the 1,000 foot boundary. The property is located at 14825 Highway 92 in Land Lot 1256 of the 15th District and further described as Cherokee County Tax Map 15N30, Parcel 065.

Vicki Lee presented the case. Ms. Lee discussed staff comments, location of property, gave adjacent zoning and noted staff's recommendation. She stated she has received no letters in

support or in opposition to this application.

Steve Romeyn represented this case. Mr. Romeyn stated they are planning to develop this property into a subdivision. Mr. Romeyn showed the Board the site plan indicating the lots they are requesting to be included into this Overlay district. He stated it would be a total of 32 homes.

Ms. Semler asked if there was anyone to speak in favor or in opposition to this case. There being none, she closed public comment.

Ms. Semler made a motion to approve. Seconded by Ms. Range. Unanimous approval.

Case #15-03-007V Hilton Displays c/o John Roegge requesting a variance to Article 16, Section 16.1 of the Cherokee County Zoning Ordinance. The applicant is requesting a variance to allow an additional 18 square feet of copy area to the existing monument signage. The property is located at 130 Northpoint Parkway in Land Lot 1243 of the 21st District and further described as Cherokee County Tax Map 21N06, Parcel 005J.

Vicki Lee presented the case. Ms. Lee discussed staff comments, location of property, gave adjacent zoning and noted staff's recommendation. She stated she has received no letters in support or in opposition to this application.

John Roegge with Hilton Displays represented this case. Mr. Roegge stated the current sign cabinet is 50 square feet of copy area. He stated the graphics on this existing sign is under 40 square feet of copy area and he looks at the gas prices as informational, not signage. He stated they are requesting to add an additional 18 square feet of copy area to the existing monument sign for the Dunkin Donuts. He stated there will be no structural changes.

Ms. Semler asked if there was anyone in support or in opposition to this application. There being none, she closed public comment.

Ms. Semler stated she sees the hardship with the copy area already being at the maximum.

Ms. Semler made a motion to approve. Seconded by Ms. Range. Unanimous approval.

Case #15-03-008V Cherokee Reserve Holdings, LLC requesting a variance to Article 23.4-3.1, Table 23-2 of the Cherokee County Zoning Ordinance and Section 5.1(2) of the Cherokee County Stream Buffer Protection Ordinance. The applicant is requesting a variance to reduce the front building setbacks to 15 feet on all lots in Phase III and a variance to allow the grading of 2:1 slopes within the 75 foot impervious stream bank buffer to reduce land disturbance and grading for new single family homes. The property is located at Cherokee Reserve Circle in Land Lots 187 and 246 of the 15th District and further described as Cherokee County Tax Map 15N26, Parcel 015 and Cherokee County Tax Map 15N25, Parcel 001.

Vicki Lee presented the case. Ms. Lee discussed staff comments, location of property, gave adjacent zoning and noted staff's recommendation. She stated she has received no letters in support or in opposition to this application. Ms. Lee stated there are 2 areas for the variance request. She stated they are requesting a variance to reduce the front building setbacks to 15 feet and a variance of a 2 and 1 slope due to the topography of the property. Ms. Lee stated there are 58 remaining lots.

Ms. Semler asked about the variance that was already granted in August, 2014. Ms. Lee stated she was not sure what this request was for.

Jason Yowell with Cherokee Reserve Holdings represented this case. Mr. Yowell stated the purpose of the conservation design community and read from the County Ordinance. Mr. Yowell stated he feels the whole concept of this Ordinance is a great idea however feels the front setback requirement of 35 feet was an oversight. He stated the closer you can pull the homes to the street the greener the development. He stated this would reduce the amount of grading by 30,000 yards. He stated the roads have a 50 foot right of way and they are proposing the front building line to be 28 feet from back of curb. He stated the other 2 phases were built with the R-15 zoning designation and they are requesting to be 10 feet closer than these homes. Mr. Yowell stated they are requesting a reduction in the front setback but an increase in the rear setback. He stated they are not requesting a bigger pad just wanting to move the homes forward. He stated there is an 80 foot buffer that is not part of the lots and greenspace around the entire subdivision.

Ms. Range asked if these would be the same square footage and price range. Mr. Yowell stated this will be the same product as the other phases. He stated it is more economical to build a conservation design community.

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

Ms. Semler asked if they could make the 15 foot variance work instead of the 20 foot request. Mr. Yowell stated it would work but pushes the homes closer to the creek.

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

Last item on the agenda was the approval of February 5, 2015 Minutes. Ms. Semler made a motion to approve. Seconded by Ms. Range. Unanimous approval.

Ms. Semler made a motion to adjourn. Seconded by Ms. Castello. Unanimous approval. The meeting adjourned at 7:15 p.m.