

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

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, August 6, 2015 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Cindy Castello, Bill Dewrell, Melissa Range and Marla Doss. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator, and Tamala Davis, Planning Technician, Paul Frickey, County Attorney.

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

Case #15-06-017V Faith Community Church requesting a variance to Article 11, Section 11.1. The applicant is requesting a variance to extend the maximum height of a freestanding sign from 8 feet to 16 feet. The property is located at 287 Rope Mill Road in Land Lot 926 of the 15th District and further described as Cherokee County Tax Map 15N11, Parcel 038A.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. Ms. Lee stated she has received no letter in support of or in opposition to this application.

Shane Culler, Pastor of Faith Community Church represented this case. Rev. Culler stated they recently purchased this property and will begin construction hopefully within the next year. He stated they would like to go ahead and put a sign up to inform the public. He stated one of the reasons they purchased this property is the location. He stated they are requesting this variance for an increase in height to have visibility from the interstate.

Ms. Semler asked if there was anyone to speak in support or in opposition to this application.

Jeanette Clos, resident of MontClair at Ridgewalk spoke in opposition. Ms. Clos stated there are currently five (5) churches on Rope Mill Road and supports this church in many ways however objects the height of this proposed signage. She stated she feels they should remain within County regulations. She stated they have signs in front of ministry and in front of Woodstock school now. Ms. Clos presented a petition signed by several residents in the area to the Board opposing this request.

Ms. Castello asked Ms. Clos would she be able to see this sign from her subdivision. Ms. Clos stated it depends on where the placement of the sign will be.

Ms. Lee showed Ms. Clos the proposed location of the sign on Woodstock Parkway.

Ms. Clos stated she does not feel this sign will be attractive to this area. Ms. Clos asked how long will the sign remain and will it be removed once construction starts.

Ms. Semler asked if there was anyone else to speak in opposition to this application. There was no further opposition.

Rev. Culler spoke in rebuttal. Rev. Culler stated this request is for a permanent sign however when they do move in they will probably remove this sign and replace with a sign eight (8) foot sign that matches the architecture of the building.

Ms. Semler asked what the timeframe will be. Rev. Culler stated they are hoping to break ground next year or early 2017. He stated they would not look to replace the sign until construction is complete. Ms. Range asked Staff if they approve this variance request tonight, will this grant them permission to build the permanent sign at 16 feet in height. Ms. Lee stated that is up to the Board and a time limit could be placed on the approval of the 16 foot sign.

Ms. Semler closed public comment.

Mr. Frickey stated he has concerns regarding placing a time limit on a variance approval. He stated you can limit the approval of the variance to the design of the signage or structure as presented.

Mr. Dewrell stated he would feel more comfortable limiting the timeframe.

Ms. Semler asked Ms. Clos does this make her feel better knowing it will be a temporary sign. Ms. Clos asked will this set a precedent. Ms. Semler stated no, each case is looked at individually.

Ms. Range made a motion to approve with structure as presented. Seconded by Ms. Castello. Unanimous approval.

Case #15-08-024V Piedmont Residential requesting a variance to Article 7, Table 7.1A. The applicant is requesting a variance to reduce the front building setback on Lots 21-24, 42-46 and 65-68 in Phase 2 of Holly Commons to 10 feet instead of 20 feet. The property is located on Royal Crest Court and Royal Crescent Terrace in Land Lots 115 and 174 of the 15th District and further described as Cherokee County Tax Map 15N25D, Parcels 116-119, 122-126 and 145-148.

The applicant has requested this case be postponed.

Ms. Semler made a motion to approve the request for postponement. Seconded by Ms. Range. Unanimous approval.

Case #15-08-025V Hope Merrill requesting a variance to Article 9, Sections 9.3-2 and 9.3-3. The applicant is requesting a variance to allow a business in her guest house. The property is located at 5904 Vaughn Road and 5930 Vaughn Road in Land Lots 541 and 542 of the 15th District and further described as Cherokee County Tax Map 15N27, Parcel 090.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. Ms. Lee stated she has received no letter in support of or in opposition to this application.

Hope Merrill represented this case. Ms. Merrill stated she would like to use the guesthouse for counseling.

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

Judy Fabiniak spoke in opposition. Ms. Fabiniak stated she lives at 103 Millstone Way and is directly behind this property. She stated if this was located just in the guesthouse she would not have an issue, however this business has been operating for a long time out of the main home, the guesthouse and on the property outside of both of these homes. She stated they have a website that indicates the main home's address as well as numerous activities that are being conducted on site. She stated this affects this residential community and stated the only reason they have stopped is due to the numerous complaints from neighbors and the Marshal's office coming out to the site. She stated they need to choose which home they are going to conduct this business and keep it inside this home as stated in the regulations. She also stated her concerns with parking. She stated it is not uncommon on Saturdays for there to be 20 to 30 cars parked next to the buffer area adjoining her property and they have people on

Vaughn Road directing traffic. She stated she does not feel these activities are what you would expect with a home occupation in a residential neighborhood. She stated she understands this request but there needs to be some guidelines as to where it can be conducted and where it cannot be conducted.

Ted Fabiniak spoke in opposition. Mr. Fabiniak stated his concerns with having fires outside with no permits and them having customers park at the Kroger and shuttle them in. He stated they bought their home for privacy and it is no longer private.

Loretta Sharpless spoke in opposition. Ms. Sharpless stated they purchased their home in Millstone Creek Subdivision and are one of the neighbors. She stated this is a very small two (2) lane road and is not equipped to handle a business. She stated there are several cars, no turning lanes and they are turning around at the entrance to the subdivision. She stated her concerns with the increase in noise and they can hear this from their residence.

Vicki Lee stated it was brought to our attention there were more activities going on at this residence and the Marshal was sent out. Ms. Lee stated her counseling service is separate from the other activities that were taking place. She stated Ms. Merrill was informed of the guidelines for a home occupation and her request is to have her counseling service inside the guesthouse instead of the primary residence.

Ms. Semler asked Staff if she knew the number of complaints. Ms. Lee stated, no.

Ms. Merrill spoke in rebuttal. Ms. Merrill stated the outside activities were from her church group and when she was informed she could not do that she stopped allowing them to use her property. She stated this is not what she is asking to be allowed and she did not realize there was a problem.

Ms. Doss stated she noticed on the website that there are weekly sessions, she asked Ms. Merrill how many customers come to the home. Ms. Merrill stated four (4) clients per session.

Ms. Doss asked about the sweat lodge and it being on her website. Ms. Merrill stated this was for the church and she put it on her website because they were holding it on her land and is not a part of her business.

Ms. Doss asked Ms. Merrill why she can't have in her home. Ms. Merrill stated there is not enough room and for privacy.

Ms. Range asked what address is on the business license. Ms. Merrill stated 5930 which is her home address. She stated it is all on the same parcel and the business license included the whole property. Ms. Range asked Ms. Merrill how long has she been operating. Ms. Merrill stated two (2) years.

Ms. Semler closed public comment.

Ms. Semler asked Ms. Merrill how many sessions per week does she have. Ms. Merrill stated two (2) and possibly one or two on weekends. She stated also every Wednesday night they have a group meet.

Ms. Semler asked Ms. Merrill how many additional cars a week are there. Ms. Merrill stated very few.

Ms. Range asked Ms. Merrill can you provide parking for these cars. Ms. Merrill stated yes, there is plenty of parking at the guest house and they cannot be seen from the street.

Mr. Dewrell asked Ms. Merrill does she think all the issues that the neighbors have is past history. She said yes, she has informed the church this was not allowed.

Ms. Semler asked Judy Fabiniak the amount of traffic coming in. Ms. Fabiniak presented a photo to the Board of a counseling session that was held on a Friday night at 7 p.m. She stated there is a small parking area next to the home but feels there should be some stipulations on the amount of cars.

Ms. Semler asked Staff to explain what they should expect with a home based business. Ms. Lee stated if you take away all the things that had to do with the church, she could operate her business now with the same number of people you are discussing in the home with adequate parking and this is the only stipulation from the Ordinance. Ms. Lee stated the only reason she is requesting approval from the Board is to allow this business to be conducted out of the guesthouse instead of the primary structure.

Ms. Fabiniak asked Staff to define where this parking is. Ms. Lee stated as long as it is off Vaughn Road.

Ms. Lee stated this variance has nothing to do with the parking as long as she is off the road and stated this variance is only where she will be meeting her clients.

Ms. Semler asked Staff does it not have anything to do with the flow of traffic and the other items they discussed at the last meeting with a home based business out of an accessory structure.

Ms. Lee stated that case was not regarding the parking it was regarding the amount of traffic coming and going.

Ms. Semler stated would this not be the same with the increase in traffic and a home occupation business is to be silent and unseen.

Ms. Lee stated it is but if you have people come to your home, I can't tell you that you can't have them park up in your yard.

Ms. Lee stated with a home occupation you can have a chiropractor, hair dresser, dog groomer, however they have to come by appointment only. She stated we also have piano lessons, golf lessons and swimming lessons that can happen outdoors. She stated it is to be invisible to the public and the volume could be a problem.

Ms. Semler asked Staff about the no more than two (2) vehicles that is stated in the Ordinance. Ms. Lee stated this is relating to the business.

Mr. Frickey stated any operations from this structure would have to comply with the regulations of the Home Occupation Ordinance.

Ms. Semler stated it seems like there is still a lot of traffic and feels that moving it to the guesthouse will create more sessions, more clients and more traffic. She stated if it is in your home you wouldn't want as many people there.

Ms. Doss made a motion to deny this application. Seconded by Ms. Range. Unanimous approval.

Ms. Semler made a motion to approve July 2, 2015 Minutes with revisions. Seconded by Mr. Dewrell. Unanimous approval.

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