

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, September 3, 2015
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, September 3, 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, Tamala Davis, Planning Technician and Paul Frickey, County Attorney.

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

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, 145-148 and 162-164.

Ms. Lee stated the applicant has requested to postpone this case until the October meeting.

Ms. Semler made a motion to postpone this case until next month. Seconded by Ms. Range. Unanimous approval.

Case #15-09-026V Fran Heffern requesting a variance to Article 7, Section 7.7a (1). The applicant is requesting a variance for a waiver of the 75 feet setback requirement for kennels exercise area. The property is located at 310 Debord Lane in Land Lot 276 of the 23rd District and further described as Cherokee County Tax Map 23N08, Parcel 056.

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. She stated the variance request is for the purpose of continuing the existing dog rescue facility that has operated at this location for seven years. She stated Ms. Heffern works with the County Animal Shelter and routinely cares for small dogs to ready them for adoption as well as some cats. Ms. Lee stated the rescue has received a Notice of Violation from the Marshal's Office because there is no fenced area for exercise that is set back from the property line the required 75 feet. She stated the fenced area is approximately 17 feet from the property line.

Fran Heffern represented this case. Ms. Heffern stated in 2003 she moved to Cherokee County to continue her non-profit organization and in 2005 started fostering. She stated in 2006 she received her license from the Department of Agriculture and in 2007 received puppies from the Cherokee County Animal Shelter that were rescued from a puppy mill. She stated moving the fence would cut off all access from the house to the back yard. She stated currently she has 11 dogs up for adoption. Ms. Heffern presented letters in support of this request.

Ellen Star spoke in support. Ms. Star stated Ms. Heffern is very dedicated and very helpful. She stated she has adopted three (3) dogs from Ms. Heffern. She stated Ms. Heffern takes very good care of her animals.

John Zimmerman spoke in support. Mr. Zimmerman stated Ms. Heffern has been very helpful to them. He said she is always there to help anyone out.

Kenneth Nicely spoke in support. Mr. Nicely stated he lives across the street and does not hear any barking or loud noises. He stated she takes very good care of the dogs and is very helpful to them with bringing food and shots to their animals.

Patricia Nicely spoke in support. Ms. Nicely stated Ms. Heffern is very supportive and helps with food and vaccinations for their dogs. She stated she is a very good neighbor.

Bo Pollend spoke in support. Mr. Pollend stated he has known Ms. Heffern for about 10 years and wanted everyone to know how much she has helped animals and citizens of Cherokee County.

Teresa Little spoke in opposition. Ms. Little presented a letter to the Board. She stated she has lived here for over 20 years and has not had any issues until she built a storage building about 8 months ago. She stated her home is over 350 feet from the road and her storage building is another 200 feet back. She stated Ms. Heffern installed a fence for the rescue dogs just a few feet from the property line and has over 30 dogs. Ms. Little discussed the various complaints from Ms. Heffern with the Marshal's office regarding storage of equipment, having a business, noise, permits, etc. She stated after all of the complaints she did contact the Marshal's office regarding the fence for her kennel not being 75 feet from the property line. Ms. Little stated she loves dogs and she has adopted many over the years. She stated she believes Ms. Heffern's intentions are in the right place to help rescue dogs and she has not tried to cause any problems for her. Ms. Little stated she opposes this variance request and would like the regulations to be enforced.

Fran Heffern spoke in rebuttal. Ms. Heffern stated she does not live beside a storage building that she lives beside a business and presented pictures to the Board. Ms. Heffern stated they did have several different types of dogs that this is a revolving business. She stated she did contact the non-emergency police on Ms. Little five (5) times due to noise issues. Ms. Heffern stated she gave seven (7) of her dogs to the animal shelter due to the noise issues she was having with the neighbors.

Ms. Semler closed public comment.

Ms. Semler asked Ms. Heffern is the current fence 17 feet from the property line. Ms. Heffern stated yes.

Ms. Semler asked Staff if this was livestock instead of dogs, how many would be allowed on this property. Ms. Lee stated there is unlimited on number of livestock and the fence could go up to the property line.

Ms. Castello asked Staff where the home is located on the property. Ms. Lee showed Ms. Castello the location of the home using a map.

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

Case #15-09-027V Scott and Christa Rechsteiner requesting a variance to Article 16, Section 16.1,5,C-Development Regulations for the Corridor, 3. Architecture, a,b, and c; 4. Building Materials, a and b; 5. Roof Lines, 6. Signage, b wall signs, i and iv; Article 11, Table 11.1. The applicant is requesting a variance to allow alternate building materials and architecture, to allow an LED message board monument sign and to increase the wall sign from 15 square feet to 120 square feet. The property is located at 1129 Highway 92 in Land Lot1278 of the 21st District and further described as Cherokee County Tax Map 21N06, Parcel 006.

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. She stated the Shoney's was to be renovated originally but due to several issues it became necessary to tear the building down and build a new one that triggers all new regulations. She stated Shoney's has a

pylon sign that was permitted and is available. Ms. Lee stated the Hwy 92 Overlay does not allow the electronic message board and there are none of these in that area.

Scott Rechsteiner represented this case along with Bob Tabchino, the building contractor, and the sign contractor, Rick Allen.

Scott Rechsteiner stated they are requesting a variance to the architecture and is aware that Dunkin Donuts and Cabela's had to apply for the same variance. He stated they are requesting to keep the brand standards of Shoney's. Mr. Rechsteiner stated they will be using the same wall signage that was on the previous building. He stated the LED sign would be to advertise specials and so it can be seen from both sides.

Bob Tabchino stated they are developing a new brand and are requesting the EFIS finish on the sides due to keeping with the same look as the Shoneys.

Mr. Allen stated the Hardee's sign has a reader board that cannot be seen. He stated in an effort to be competitive in the business they would like to be able to show daily and weekly specials. He stated there is no way to alter the existing sign to add an LED board and any other type of board.

Ms. Range asked if they plan to have three (3) signs total, two (2) at the roads and one (1) on the wall. They presented a picture of the request.

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

Mr. Dewrell asked if they would need the sign to be 120 square feet even if they don't have the LED. Mr. Dewrell stated he does not have an issue with the variance to the Overlay however he does not feel comfortable approving an LED sign when the Commission is updating the Sign Ordinance.

Mr. Rechsteiner stated the Ace Hardware has the LED signage a few miles down the road. Mr. Dewrell stated that was a hardship due to DOT taking their property.

Mr. Allen stated the wall signage square footage is 45 square feet and not 120 square feet.

Mr. Dewrell made a motion to approve the application to allow alternate building materials and architecture with final approval from Planning Staff along with increasing the wall signage to 60 square feet of copy area. Seconded by Ms. Semler. Unanimous approval.

Case #15-09-028V Kevin Norton requesting a variance to Article 23, Section 23-5, B, 1 and a variance to the Development Regulations, Stream Buffer Protection Ordinance, Section 5, Paragraph 5.1(1). The applicant is requesting a variance for allowance to construct an amenity area within 100 foot setback from Bates Drive and a variance for allowance to grade within the 75 feet impervious setback for a subdivision amenity area. The property is located at 7560 Bates Drive in Land Lots 36, 37, 106, 107, 108, 109 and 110 of the 2nd District and further described as Cherokee County Tax Map 02N13, Parcels 204, 204A, 124 and 126.

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.

Kevin Norton represented this case. Mr. Norton stated the amenity will be located at the front of the development and discussed the topography. Mr. Norton stated there will be no disturbance within the 50 foot stream bank buffer, however there will be some grading within the 25 foot impervious stream bank buffer.

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

Several citizens in attendance stated they have not seen a proposed site plan, so they are not sure if they are opposed to this request or not.

Ms. Semler made a motion to take a 5 minute recess. Seconded by Ms. Castello. Unanimous approval.

Ms. Semler reopened the meeting.

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

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

Ms. Doss made a motion to approve the August 6, 2015 Minutes with one correction. Seconded by Ms. Castello. Unanimous approval.

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

The meeting adjourned at 7:46 p.m.