

Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, March 3, 2016
6:30 p.m.

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, March 3, 2016 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Melissa Range, Elizabeth Semler, Marla Doss, Bill Dewrell and Cindy Castello. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator, Rhonda Hilliard, Executive Assistant and Paul Frickey, County Attorney.

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

Case #16-03-005V Chris Spinnler requesting a 15 foot variance to the front building setback. The property is located at 944 Pine Circle in Land Lot 691 of the 21st District and further described as Cherokee County Tax Map 21N10A, Parcel A085.

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, however, she did receive several phone calls. Ms. Lee indicated that a building permit was issued for 942 Pine Circle, Lot 183 in January 2015. That parcel received front and rear set back variances in April 2013. Construction began shortly after at 944 Pine Circle, Lot 184. Mr. Spinnler owns both parcels, however the two lots have never been combined. All construction took place on a different lot than the one named on the building permit. A Certificate of Occupancy was granted on September 3, 2015. A subsequent survey revealed that the new home lies over the 20 foot building setback that they used, as close as 11 feet. Since there was never variance granted for this parcel, the house actually lies over the 30 foot building line as much as 21 feet. There is no variance for Lot 184. The property for which the building permit was acquired, Lot 183 is proportionately shallow which is why the reduction was supported in 2013. The home in question does not actually sit on that lot. Primarily we need to get these lots combined so that they are one lot especially since the septic field lines are over onto Lot 183.

The applicant, Mr. Spinnler stated that he thought property line went to the street. He did not catch that it was over the property line until the as-built survey came in and the bank rejected it until he got a variance to close on the loan.

Ms. Range asked if there was anyone to speak in favor of or in opposition to this application. There being none, Ms. Range asked the applicant how he felt about the County's recommendation of these properties being combined before they granted the variance. Mr. Spinnler responded that he was fine with that since the additional lot is used for the septic system which takes the entire other lot.

Ms. Range closed public comment.

Ms. Range made a motion to approve the variance request with the contingency that the properties are combined as one. Seconded by Mr. Dewrell. Unanimous approval.

Vicki Lee indicated that Mr. Patel has asked to be moved to the end so we are going to skip to case #16-03-007 Haley Buice.

Case #16-03-007V Haley Buice requesting a variance to the maximum length of the panhandle portion of a flag lot under Section 5.5-7.1(c) of Cherokee Zoning Ordinance. The property is located on Pleasant Union Road in Land Lot 225 of the 13th District and further described as Cherokee County Tax Map 13N05, Parcel 036.

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.

The applicant, Haley Buice did not have anything to add to what Ms. Lee presented.

Justin Buice, husband of the applicant, spoke in favor of the applicant. His wife owns the property, he indicated that they want to leave an 80' strip, they want to have a farm eventually with a pasture for their cows and they want to have access to that. He indicated that it would be hard to sell the lots up front without road frontage and this is the only way to access their property.

David C. Worley spoke in opposition of the applicant. His concern is about the easement width requested and a possible subdivision down the road. Ms. Lee and Mr. Frickey addressed his concerns about a potential subdivision and informed him that they could potentially put as many as ninety (90) lots in there like it is today without rezoning. Ms. Range closed public comment.

Mr. Dewrell made a motion to approve this request. Seconded by Ms. Range. Unanimous approval.

Case #16-03-006V Alpesh Patel requesting three (3) variances for building height, building materials and windows to the Highway 92 Village Ordinance found in section 16.1 of Cherokee Zoning Ordinance. The property is located on Highway 92 in Land Lot 1244 of the 21st District and further described as Cherokee County Tax Map 21N06, Parcels 039 and 040.

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.

The applicant, Mr. Patel did not have anything further to add. He did however indicate that the site was narrow and long and from the front to the back there is a drastic drop of 40 feet. Cherokee County just brought in sewer infrastructure which is at a higher elevation so they are trying to stay at the front grade. To meet landscape requirements is another reason they are trying to go a little higher in parking.

Mr. Tabrizi spoke in opposition of the variance. He was concerned about the variance affecting his property which is next door to the site. Ms. Range indicated that the variance would not be for them to come any closer to his property. Ms. Lee showed him the parcel and assured Mr. Tabrizi that all building codes would be met and that they are asking for architectural variances and gave examples. Therefore, Mr. Tabrizi indicated that he did not mind.

Ms. Range closed the public hearing.

Ms. Semler made a motion to approve the application as presented with the condition that stack stone was used. Seconded by Ms. Castello. There was discussion among the board about the specifics of the request after which Mr. Frickey confirmed that the variance was to allow the height to go up to 58 feet, to allow a reduction from 80% to 20% in stack stone instead of brick and the window variance. The condition is that stack stone must be used. Unanimous approval.

The next item was the approval of February 4, 2016 Minutes. Ms. Range made a motion to approve. Seconded by Ms. Castello. Unanimous approval.

Ms. Range made a motion to adjourn. Seconded by Ms. Castello. Unanimous approval. The meeting adjourned at 6:58 p.m.