

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, May 5, 2016
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, May 5, 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 and Bill Dewrell. Cindy Castello was not present. 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 #16-04-010V Oak Hall Companies, LLC requesting a variance to Article 7, Table 7.1 to reduce the side building setback from ten (10) feet to five (5) feet while maintaining twenty (20) feet between structures. The property is located at Trickum Road and Arnold Mill Road in Land Lots 768, 816, 817 and 840 of the 15th District and further described as Cherokee County Tax Map 15N22, Parcel 135.

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

Parks Huff represented this case. Mr. Huff discussed topography, streams, location and the style of the proposed homes. He provided renderings to the Board for review.

There was no one present to speak in favor or in opposition to this application. Ms. Range closed public comment.

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

Case #16-04-011V Majestic Realty Co. c/o William Woodson Galloway requesting a variance to the requirements of the Hwy 92 Overlay District, Section 16.1.5(c)3-Architecture and 4-Building Materials, specifically to waive these sections in order to allow the development of tilt-up concrete industrial buildings on the property. The property is located at Highway 92 and Northpoint Pkwy in Land Lots 1206 and 1243 of the 21st District and further described as Cherokee County Tax Map 21N06, Part of Parcels 005 and 009.

Vicki Lee advised that the applicant had withdrawn this variance application.

Case #16-05-014V Daryl Cook requesting a variance to the Stream Buffer Protection Ordinance, Section 5, Paragraph 5.1 – Buffer and Setback Requirements, (1) and (2) to allow disturbance including building footprints, retaining walls and 2:1 slopes within portions of the 50 foot County undisturbed stream buffer and 25 foot impervious setback. The property is located on Priest Road in Land Lot 1177 of the 21st District and further described as Cherokee County Tax Map 21N06, Parcel 271C.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments.

Daryl Cook represented this case. Mr. Cook discussed original zoning plan from 2003, stream bank buffers and concept drawings for proposed development.

Mitchell Plumb spoke in opposition. Mr. Plumb discussed his concerns regarding allowance to encroach into the stream bank buffers.

Ms. Range closed public comment.

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

Case #16-05-015V Waffle House, Inc. requesting a variance to Article 10, Table 10.1 of the Zoning Ordinance to allow a reduction in the required buffer yard from 30 feet to 6 feet. In addition, the applicant is requesting a reduction in the front building setback (Article 7, Table 7.1) on Holly Springs Parkway from 75 feet to 10 feet. The property is located on East Rope Mill Road and Holly Springs Parkway in Land Lot 634 of the 15th District and further described as Cherokee County Tax Map 15N15A, Parcel 008 and 009.

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

Joe Hoffman represented this case. Mr. Hoffman discussed the issues with topography, right-of-way and the location of the proposed building wanting to move it as close to the road as possible.

There was no one to speak in support of or in opposition to this application.

Ms. Range closed public comment.

Mr. Dewrell made a motion to grant a 25 foot variance to reduce the front building setback along Holly Springs Parkway to 50 feet and to reduce the buffer to six (6) feet. Seconded by Ms. Semler. Unanimous approval.

Case #16-05-017V RaceTrac Petroleum, Inc. requesting a variance to Article 16, Section 16.1-5c(4)(d) and Section 16.1-5(c)(6)(b)(i) to allow yellow awnings and to all the RaceTrac and Swirl World signs to be interior illuminated. A variance to Article 11, Table 11.1 to allow 5 signs which is the addition of the Swirl World wall sign and a variance to Article 7, Table 7.1A to reduce the rear setback to 8 feet for the existing structure and a proposed cooler addition.

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

Parks Huff represented this case. Mr. Huff discussed the remodel of the RaceTrac as it relates to architecture, the existing signage and proposed signage as well as the proposed cooler addition.

There was no one present to speak in favor of or in opposition to this application. Ms. Range closed public comment.

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

Case #16-05-018V Mildred and Michael Holland requesting a variance to Article 7, Section 7.7-24a of the Zoning Ordinance to allow eleven (11) livestock on 1.5 +/- acres zoned R-80 and a variance to Article 7.7-24b to allow animal quarters (chicken coop) approximately 12 feet from the front property line. The property is located at 1814 Brick Mill Road in Land Lots 24 and 25 of the 15th District and further described as Cherokee County Tax Map 15N19, Parcel 104.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. Ms. Lee stated she has received one (1) letter in opposition to this application.

Mildred Holland represented this case. Ms. Holland discussed the livestock they currently have, the location of the chicken coop and the lighting. Ms. Holland presented pictures to the Board.

Randolph Quigley spoke in opposition. Mr. Quigley discussed his opposition to the allowance of a rooster due to noise and the location of the chicken coop with lighting being in the front yard.

Ms. Range asked Ms. Holland to come forward to discuss the animals she currently has on property, the reason for the lighting and the acreage for the horse. Ms. Holland stated they currently have four (4) hens and one (1) rooster. She also stated the hens need 18 hours of light for laying purposes and they have this light on a timer. Ms. Holland stated the horse has approximately $\frac{3}{4}$ acres.

JoAnne Eggleston spoke in opposition. Ms. Eggleston discussed her opposition to allow the chicken coop in front yard.

Ms. Range closed public comment.

Ms. Semler made a motion to allow (8) hens and one (1) horse on this property and to deny the variance request to allow the chicken coop 12 feet from property line in the front yard area. Seconded by Ms. Range. Three (3) in favor, one (1) opposed. Ms. Doss opposed this motion.

Other Items

Ms. Semler made a motion to approve the April 7, 2016 Minutes. Seconded by Ms. Dewrell. Unanimous approval.

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

The meeting adjourned at 8:12 p.m.