

**Cherokee County Zoning Board of Appeals  
Public Hearing Minutes  
Thursday, August 4, 2016  
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, August 4, 2016 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Melissa Range, Elizabeth Semler, Cindy Castello, Marla Doss and Bill Dewrell. 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.

**New Cases**

**Case #16-08-029V Brendan O'Dwyer** requesting a variance to Article 7, Table 7.1A of the Zoning Ordinance to allow a two (2) foot encroachment of the side building setback which is ten (10) feet between buildings. The property is located at 505 Providence Walk Trace in Land Lot 12 of the 15th District and further described as Cherokee County Tax Map 15N07M, Parcel 116.

Ms. Range stated the applicant has requested this case be postponed. Ms. Range made a motion to approve postponement. Seconded by Mr. Dewrell. Unanimous approval.

**Case #16-08-030V Chad Hewatt** requesting a variance to Article 7, Table 7.1A of the Zoning Ordinance to allow a seven (7) foot variance to the ten (10) foot side building setback in R-15. The property is located at 5168 Pine Cliff Tarn in Land Lot 1294 of the 15th District and further described as Cherokee County Tax Map 15N06C, Parcel 274.

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.

Leslie Hewatt represented this case. She stated they are requesting to build an attached 2 car garage to the east side of the home. She presented pictures to the Board and stated the structure would be 3 feet from the property line. Mrs. Hewatt stated the neighbors on the south side and west side have no objections to their variance request.

Bob Ward spoke in favor of this application. Mr. Ward stated he has no objection to this variance request and feels this request will improve the look from the street.

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

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

**Case #16-08-031V Ken Ingram** requesting a variance to Article 7, Table 7.1A of the Zoning Ordinance to allow a seventeen (17) foot side setback for new 1.06 acre lot on north property line, a four (4) foot variance to side building setback for existing building adjacent to south property line of new lot. A variance to Article 5, Section 5.6A for a ten (10) foot variance to marble accessory structure. The property is located at 1079 Old Canton Road in Land Lot 309 of the 4th District and further described as Cherokee County Tax Map 04N04B, Parcel 011A.

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.

Ken Ingram represented this case. Mr. Ingram stated they are downsizing their business and would like to sell one of the existing buildings with 1.06 acres.

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

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

**Case #16-08-032V Jimmy Davenport** requesting a variance to Article 5, Section 5.6 and Article 7, Table 7.1A of the Zoning Ordinance to allow accessory structure to encroach forward of the face of the house by forty-two (42) to sixty-three (63) feet, exceed the building footprint of the home by 1,204 square feet, and encroach into the front building setback by nine (9) feet. The property is located at 160 Olivia Lane in Land Lot 291 of the 14th District and further described as Cherokee County Tax Map 14N25, Parcel 032.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has received letters in opposition to this application. Ms. Lee stated this building is 39 feet from the front property line and went through development review due to the size of the building. Ms. Lee stated a site plan showing the dimensions of the location for this structure was requested twice however was never submitted. Ms. Lee stated a permit was issued and did state the building could not be in the front yard area.

John Williamson represented this case. Mr. Williamson stated there was a lot of miscommunication during this project submittal and submitted materials and photos to the Board to review. He stated there is no formal drawing with dimensions however he did submit a drawing at the time of permitting indicating where the structure will be located. He discussed the timeline with the Board. He discussed the topography of the lot, the location of the structure and surrounding structures on properties in the area. Mr. Williamson stated Mr. Davenport will not be using this building for a business and will make it a very attractive building.

Bill Parrish spoke in opposition. Mr. Parrish stated he lives at 315 Olivia Lane and submitted photos to the Board to review. He stated there were 22 letters submitted to the County in opposition of this variance request. Mr. Parrish stated this building is 4500 square feet and does not belong in a front yard. He discussed the staff report in regards to being a breakdown in procedure and communication with the building permit process. Mr. Parrish discussed the community's concerns with the size of the building, the commercial vehicles and equipment for the landscaping business being stored on this property and impact on the neighborhood if variances are granted.

John Williamson spoke in rebuttal. Mr. Williamson stated this building will be for storage of two (2) work vehicles, an RV and a boat. He stated this is a rural area and zoned Agricultural with barns, farms and other metal buildings. He stated his client was up front about the location of the building as shown on his drawings and the footers were in place when it was inspected.

Ms. Range closed public comment.

Discussion ensued among Board and Staff in regards to the location of this structure.

Ms. Range stated she did go out to this site and stated this is obviously a commercial building and is the first thing you see when you go around the curve.

Ms. Semler asked Mr. Davenport to come forward for questions. Ms. Semler asked Mr. Davenport if he was informed in his meeting that the structure could not be in front yard and if he did not see this on his permit. Mr. Davenport stated he does not recollect being informed it could not go in the front yard and he was not allowed to pick up the permit. He stated his contractor had to pick up the permit. Mr. Davenport stated he came to the County before purchasing this property and was told there would be no problem.

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

**Case #16-08-033V Oak Hall Companies, LLC** requesting a variance to Article 7, Section 7.7-14(e)(2)(i) of the Zoning Ordinance to reduce the setback for a clubhouse and pool from twenty (20) feet to ten (10) feet and reduce the ten (10) foot landscape strip to one (1) foot and replace the six (6) foot privacy fence with a decorative anodized aluminum fence. The property is located at 3051 Trickum 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.

Joel Larkin represented this case. Mr. Larkin stated they submitted a detailed plan of their proposal with the application. He stated the adjoining lot that will be affected by this variance has not been sold. He stated this is a senior targeted community and is focused on the amenity areas. He stated a privacy fence would interrupt the flow of the neighborhood. He presented a site plan and landscape plan to the Board.

There was no one present to speak in opposition to this application.

Ms. Range closed public comment.

Ms. Semler made a motion to approve with staff recommendation for the County Arborist to review and approve the landscape plan. Seconded by Mr. Dewrell. Unanimous approval.

### **Other Items**

Ms. Semler made a motion to approve July 7, 2016 Minutes. Seconded by Ms. Range. Unanimous approval.

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

The meeting adjourned at 8:05 p.m.