

Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, January 5, 2017
6:30 p.m.

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, January 5, 2017 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 Lisa Tressler. 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 6:32 p.m.

Paul Frickey swore in the new Zoning Board of Appeals member, Lisa Tressler.

Case #17-01-001V John Minarcine at 704 Plantation Cove is requesting a variance to the Cherokee County Zoning Ordinance, Article 5, Section 5.6, Accessory Structures to build a 20' x 20' garage. The accessory structure would be five (5) feet from the easterly property line, requiring a 5 foot variance. The property is located in Land Lot 785 of the 2nd District and further described as Cherokee County Tax Map 02N04C, Parcel 058.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning, location of accessory structure and staff comments. She stated she has received no letters in support of or in opposition to this application. She stated staff has no objection to this variance request, but would like all possible screening to be retained along that northeasterly property line for the adjacent property owners.

John Minarcine represented this case. Mr. Minaracine stated the proposed garage will be 5 feet from the property line and he could add additional vegetation if necessary.

There was no one to speak in favor of or in opposition to this request.

Ms. Range closed public comment.

Ms. Semler made a motion to approve the application as submitted. Seconded by Ms. Castello. Unanimous approval.

Case #17-01-002V James DeFrank at 224 Park Creek Drive is requesting a variance to the Cherokee County Zoning Ordinance, Old Article 8 – PUD Section 8.5-2, to allow a reduction of the rear building setback from 30 feet to 18 feet, a 12 foot variance. The property is located in Land Lot 501 of the 2nd District and further described as Cherokee County Tax Map 02N03B, Parcel 023.

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

James DeFrank represented this case. Mr. DeFrank stated there is an existing deck already at the back of the home and they would like to screen this in. He stated it is very heavily screened during the summer.

There was no one to speak in favor of or in opposition to this request.

Ms. Range closed public comment.

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

Case #17-01-003V Fauna Hess for Selene Finance, LP at 340 Clark Creek Pass requesting a variance to the Cherokee County Zoning Ordinance, Article 7, Table 7.1A, to allow a 31.90 variance to the 35 foot front building setback for an improvement constructed 1998-1999. The property is located in Land Lot 1267 of the 21st District and further described as Cherokee County Tax Map 21N12G, Parcel 045.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning, location of home and staff comments. She stated she has received no letters in support of or in opposition to this application. Ms. Lee stated the home is already constructed and it was assumed that the front property line was the edge of the road. She stated staff recommends relief be granted.

Craig Long represented this case. Mr. Long stated this home was acquired in February due to a foreclosure. He stated shortly after, they became aware that the home is not meeting the required building setback. Mr. Long stated in order for them to be able to sell this home and for it to have no violations, they would need approval of this variance request.

There was no one to speak in favor of or in opposition to this request.

Ms. Range closed public comment.

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

Case #17-01-004V Phillip Galbreath at 3805 Highway 92 is requesting a variance to the Cherokee County Zoning Ordinance, Article 16, Section 16.1.3 Boundaries, to allow 3.9 acres +/- of the 18.160 acres to be brought into the Highway 92 Village Overlay. The property is located in Land Lots 1055, 1106 and 1127 of the 21st District and further described as Cherokee County Tax Map 21N06, Parcel 302.

Vicki Lee presented the 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. She stated staff has no objection to the granting of this variance petition.

Ben Key represented this case. Mr. Key stated 80 percent of this property lies within this Overlay District and 20 percent does not. He stated they are requesting all the property be included in this Overlay to develop this property at residential in the back and commercial along the front.

There was no one to speak in support.

Kathy Orr spoke in opposition. Mrs. Orr stated she owns Orr Tire and does not understand fully the request. She stated her business falls within this area and would like to understand if this will be affecting her business.

Mr. Key stated they are proposing the residential for the northern part of the property and would keep the commercial up front. He stated there would be no homes next to the tire store.

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

Case #17-01-005V Joanna Jackson and Teresa Finnegan at 2797 Univeter Road is requesting a variance to the Cherokee County Zoning Ordinance, Article 7, Table 7.1A; Article 5, Section 5.6 A. and Article 5, Section 5.5-1.1 (d.), to allow the side setbacks to be reduced to ten (10) feet on exterior property lines and five (5) feet on interior lines for both primary and accessory structures; waive 24 month waiting period to subdivide. The property is located in Land Lot 169 of the 15th District and further described as Cherokee County Tax Map 15N19, Parcel 111.

Vicki Lee presented the 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. Ms. Lee stated they first came to the Planning Commission to request a rezone along with variances. The Planning Commission recommended this application come to the Zoning Board for these variance requests instead of rezoning the property. She stated staff has no objection to the granting of this variance request.

Shanna Coulter represented this case. Ms. Coulter stated they purchased this property as a family home site and wanted to preserve a lot of the character of the property. She stated they will be building two (2) additional homes and would like to keep most of the existing buildings.

Lesley Brodbeck spoke in support and opposition. She stated she owns ten (10) acres next door and would prefer the proposed home that will be located next to her property line be further than ten (10) feet from the property line. She stated she is in support of everything else they are requesting.

Danny Elijah stated he lives off Gay Thompson. Mr. Elijah stated he just has questions and would like to know the size of the two (2) lots where they are proposing to build two (2) homes.

Ms. Semler stated they will have to meet the R-80 zoning, which requires a minimum of 80,000 square feet. She stated they are not rezoning the property.

Ms. Lee stated they will be 1.84 acres each.

Ms. Range closed public comment.

Ms. Range asked how many structures are on the property currently. Ms. Lee stated one (1) home and three (3) accessory structures.

Ms. Lee stated the proposed site plan presented indicates the proposed homes meeting the fifty (50) feet building setbacks along the side property lines.

Ms. Coulter stated the house locations are not marked yet so it could change a little.

Ms. Semler made a motion to approve the application for a waiver of the 24 month waiting period to be allowed to subdivide this property into three (3) tracts; approval for Lot 1 to allow a 20 foot side building setback (west side) for the primary structure and to also meet with the County Arborist to evaluate year round visual screening of this side per recommendations from County Arborist; approval of a 5 foot side building setback for the existing accessory structure; approval for Lot 2 to allow a 5 foot side building setbacks for both of the existing accessory structures; and approval for Lot 3 to allow a 20 foot side building setback (east side). Seconded by Ms. Range. Unanimous approval.

Ms. Semler made a motion to approve the December 1, 2016 Minutes. Seconded by Ms. Range. Unanimous approval.

Ms. Range nominated Ms. Semler as Chairman. Seconded by Ms. Castello. Unanimous approval. Ms. Semler nominated Ms. Range as Vice-Chair. Seconded by Ms. Castello. Unanimous approval.

Ms. Semler made a motion to accept the 2017 Meeting Calendar. Seconded by Ms. Range. Unanimous approval.

Ms. Semler made a motion to adjourn. Seconded by Ms. Range. Unanimous approval. The meeting adjourned at 7:35 p.m.