

Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, August 3, 2017
6:30 p.m.

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, August 3, 2017 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Melissa Range, Cindy Castello, Marla Doss, Lisa Tressler and Elizabeth Semler. 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 6:34 p.m.

Case #17-08-035V Sarah and Chris Dunn at 778 Bishop Drive is requesting a variance to Article 7, Section 7.7-24 b. of the Zoning Ordinance to reduce the seventy-five (75) foot setback for a barn housing livestock to thirty (30) feet along the north-easterly property line. The property is located in Land Lot 313 of the 14th District and further described as Cherokee County Tax Map 14N28, Parcel 049A.

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 staff recommends the request be approved.

Sarah and Chris Dunn represented this case. Mr. Dunn stated due to topography this is the only area they have to construct the barn.

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

Ms. Semler closed public comment.

Ms. Castello made a motion to approve the applicants request. Seconded by Ms. Semler. Motion passed 5-0.

Case #17-08-036V Hickory Flat Fellowship Church at 5301 Hickory Flat Highway is requesting variances to Article 11, Section 11.5-5 I. 1. i. and Article 11, Section 11.6 2. of the Zoning Ordinance to allow an electronic sign in a residential zone and a variance for sign height and size. The property is located in Land Lot 249 of the 15th District and further described as Cherokee County Tax Map 15N26, Parcel 043.

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 staff has no objection to the granting of this petition, along with the removal of the portable sign.

Maxwell Woodall, Trustee of Hickory Flat Fellowship Church represented this case. Mr. Woodall stated they plan to upgrade the existing sign.

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

Ms. Semler stated currently it looks like there is just a pole, she asked the applicant if they will be enclosing this. Mr. Woodall stated yes, it would be 2 feet wide and be more aesthetic.

Ms. Castello made a motion to accept the application as submitted. Seconded by Ms. Doss. Motion passed 4-1. Ms. Tressler opposed.

Case #17-08-037V Mercer Construction Services, Inc. at 136 South McCollum Drive is requesting variances to Article 7, Table 7.1A, Article 5, Section 5.9-2 and Article 27, Section 27-15.2 of the Zoning Ordinance to waive the seventy-five (75) foot undisturbed tree buffer along I-575 and a fifteen (15) foot variance along Univeter Road to allow a fifty (50) foot front building setback. The property is located in Land Lot 89 of the 15th District and further described as Cherokee County Tax Map 15N13, Parcel 110.

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 the variance is for construction of a new building along with parking and storage. Ms. Lee stated staff is reluctant to recommend a full waiver, suggesting perhaps a reduction from 75 feet to 35 feet. Staff supports the reduction in the building setback along Univeter Road to 50 feet.

Lonnie Mercer represented this case. Mr. Mercer stated he does not mind replanting the buffer on the I-575 side if the DOT ever does clear it out. He stated also he will have a landscaped buffer around the perimeter of the property.

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

Ursula Cox spoke in opposition. Ms. Cox stated this is a very difficult piece of property to develop. She stated it has just recently been used as industrial. She stated there is a state contract that all trees 50 feet from the pavement of I-575 will be cleared. Ms. Cox discussed her concerns with reduction of the I-575 tree buffer and discussed some discrepancies with the site plan that was provided with the application.

Ms. Lee stated the plan submitted with the application is not really a site plan, it is an exhibit map. She stated the review of a site plan would come at a later date.

Anita Akridge spoke in opposition. Ms. Akridge discussed her concerns with reduction in buffers, dump trucks, safety and would like maintained a 35 feet to 40 feet tree buffer.

Mr. Mercer spoke in rebuttal. Mr. Mercer stated he wants his place to look nice and is aware there has to be improvements. He stated he will have a site plan prepared but he doesn't want to do this until he gets approval for the variance requests.

Ms. Castello asked Mr. Mercer how many dump trucks will be parked on the property. Mr. Mercer stated six (6).

Ms. Semler closed public comment.

Ms. Tressler asked staff if the buffer is reduced to 35 feet with it still meet the 90% year round screening required. Ms. Lee stated yes it can.

Ms. Semler asked Mr. Mercer what is his hardship. Mr. Mercer stated being able to turn around the trucks and the topography of the land.

Ms. Range asked Mr. Mercer what is the bare minimum variance he can have and still be operable. Mr. Mercer stated at least 35 feet. Ms. Range asked how much of this acreage is unusable. Mr. Mercer stated more than 50 percent.

Ms. Semler asked for clarification of the removal of the 50 feet by the State. Ms. Lee stated it is 50 feet from the edge of pavement.

Ms. Semler made a motion to approve a reduction of the tree buffer to forty (40) feet and approval to allow a fifty (50) foot front building setback along Univeter Road. Seconded by Ms. Range. Motion passed 5-0.

Approval of Minutes

Ms. Semler made a motion to approve the July 6, 2017 Minutes. Seconded by Ms. Range. Motion passed 5-0.

Ms. Semler made a motion to postpone approval of July 20, 2017 Minutes. Seconded by Ms. Castello. Motion passed 5-0.

Adjourn

Ms. Semler made a motion to adjourn. Seconded by Ms. Doss. The meeting adjourned at 7:14 p.m.