

Approved 4/5/2018

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, March 1, 2018
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, March 1, 2018 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Lisa Tressler, Elizabeth Semler, Melissa Range, Marla Doss and Cindy Castello. In attendance for Cherokee County Staff were Michael Chapman, Planner; Tamala Davis, Planning Technician; Jeff Watkins, Community Development Agency Director and Paul Frickey, County Attorney.

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

Old Cases

Case #18-02-006V b+c Studio at 4967 Fincher Road requesting a variance to Article 11, Section 11.6-3 Development Entrances to allow a tower style sign instead of a monument style sign and to allow the sign to be twenty (20) feet in height instead of the maximum height of ten (10) feet. The property is located in Land Lots 0162 and 0163 of the 22nd District and further described as Cherokee County Tax Map 14N03, Parcel 003.

Paul Frickey reminded the Board that they held a public hearing on this case in February and at that meeting the Board voted to postpone action on this case until the March meeting.

Michael Chapman stated he emailed to each of the Board members the additional information from Steve Roe, manager at Lake Arrowhead, as it relates to the by-laws for Shoal Creek Baptist Church and the church constitution. Mr. Chapman stated he had no further information to provide to the Board.

Ms. Tressler asked Mr. Roe if he had anything further to add. Mr. Roe said the church followed their rules and by-laws on this matter.

Ms. Tressler asked Mr. Frickey if he could review and compare the church constitution as provided by Mr. Roe and the church constitution provided by Mr. Lewis. Mr. Frickey stated that of the sections he reviewed, they appear to be the same.

Ms. Semler asked Mr. Lewis if there are members here tonight that oppose this request Mr. Lewis stated, yes.

Ms. Semler stated she cannot support this request and feels that the current sign is adequate for this area and development.

Ms. Doss stated she did not believe there was a hardship in this case.

Ms. Semler made a motion to deny. Seconded by Ms. Castello. Motion passed 4-1. Ms. Range was opposed.

New Cases

Case #18-03-007V ALDI, Inc. at 2014 Eagle Drive requesting a variance to Article 10, Table 10.1 Minimum Buffer Width Between Abutting District of the Cherokee County Zoning Ordinance. The

applicant is requesting a variance to encroach 1.4 feet into the 10 foot zoning buffer. This property had already been approved for a variance reduction from 35 feet to 10 feet with conditions by the Zoning Board of Appeals in 2008. The property is located in Land Lots 935 and 938 of the 15th District and further described as Cherokee County Tax Map 15N05, Parcel 144G.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of or in opposition to this application. Mr. Chapman stated based on the size of this commercial property and the existing location of the building being so close to the side and rear lot lines, exceptional conditions appear to exist. Mr. Chapman stated if the Board chooses to grant this request, the Planning Department recommends the encroachment be confined to the east boundary and the remaining buffer be replanted to county standards working with the County Arborist.

Al Keeler and Mike Lucas represented this case. Mr. Keeler stated the building will only be encroaching at the rear corner.

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

Ms. Tressler closed public comment.

Ms. Castello made a motion to approve with the conditions recommended by staff, 1) the encroachment be confined to the east boundary and 2) applicant will work with County Arborist for remaining buffer to be replanted to meet county standards. Seconded by Ms. Doss. Motion passed 5-0.

Case #18-03-008V Menna Development Company at 5306 Woodstock Road requesting a variance to Section 4.05A.2.(d) of the Cherokee County Development Ordinance. The applicant is requesting a variance to reduce the speed limit to 15 mph to allow for 50 radius curves throughout the subdivision. The property is located in Land Lot 1251 of the 121st District and further described as Cherokee County Tax Map 21N12, Parcel 001.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of or in opposition to this application. He stated Planning Department does not object to the requested variance, provided that variance is only granted for the RD-3 compliant layout shown on the site plan titled "Oakdale Woods site plan" dated November 7, 2017.

David Menna and Richard Smith represented this case. Mr. Menna stated they are requesting to reduce the speed limit to 15 mph and had no additional information.

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

Ms. Tressler closed public comment.

Ms. Range made a motion to approve with the conditions that this development adhere to RD-3 Ordinance and 2) meet the site plan titled "Oakdale Woods site plan dated November 7, 2017". Seconded by Ms. Tressler. Motion passed 5-0.

Case #18-03-009V Apollo Sign & Light) at 1320 Highway 92 requesting a variance to Table 11.1 District Requirements for Signage of the Cherokee County Zoning Ordinance. The applicant is requesting a variance of 52.42 square feet to allow a total square footage of 108.416 square feet of copy area for wall signage on rear elevation and a variance of 103.80 square feet to allow a total square footage of 127.80 square feet of copy area for wall signage on front elevation. The property is located in Land Lot 1244 of the 21st District and further described as Cherokee County Tax Map 21N06, Parcel 039.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of or in opposition to this application. Mr. Chapman stated Planning Department does not object to this variance request for larger wall signs.

Rosa Shaw represented this case. Ms. Shaw presented a picture to the Board of what the signs would look like meeting County requirements and stated they are too small to be seen.

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

Ms. Semler made a motion to approve. Seconded by Ms. Range. Motion passed 5-0.

Case #18-03-010V Rafael Arreola at 913 Pine Crest Road requesting a variance to Article 7, Table 7.1A; Minimum District Development Standards of the Cherokee County Zoning Ordinance. The applicant is requesting a variance to encroach 0.2 feet into the 10 foot side building setback and a variance to reduce the required minimum lot width from 90 feet to 80 feet at the front building line. The property is located in Land Lot 198 of the 15th District and further described as Cherokee County Tax Map 15N13D, Parcel 084.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of or in opposition to this application.

Rafael Arreola and Jose Vargas represented this case. Mr. Arreola read a letter to the Board regarding the opposition letter submitted. Mr. Vargas stated they obtained a building permit and the inspector requested a house location plan. He stated the home encroaches .2 feet into the 10 foot side setback and front of home sits at a minimum lot width of 80 feet instead of 90 feet.

There was no one present to speak in support.

Carol Hren spoke in opposition. Ms. Hren stated she lives at 909 Pinecrest Road and provided pictures to the Board. She stated her concerns with the building being too large and too close to the property line. She stated they have been using her driveway to bring in the equipment and have created mud and drainage onto her property. Ms. Hren also stated her concerns with the noise from the equipment and the fencing they have installed. She stated the structure looks like it will be used for multi-family.

Mr. Arreola and Mr. Vargas spoke in rebuttal. Mr. Arreola stated the construction equipment will be removed once construction is complete.

Discussion ensued among members regarding the building permit being obtained and timeframe of encroachments being identified.

Ms. Semler made a motion to approve. Seconded by Ms. Range. Motion passed 3-2. Ms. Doss and Ms. Castello were opposed.

Approval of Minutes

Ms. Semler made a motion to approved February 1, 2018 Minutes. Seconded by Ms. Tressler. Motion passed 5-0.

Ms. Tressler made a motion to adjourn. Seconded by Ms. Castello. Motion passed 5-0. The meeting adjourned at 7:38 p.m.