

Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, July 12, 2018
6:30 p.m.

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, July 12, 2018 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Lisa Tressler, Elizabeth Semler, Marla Doss, Melissa Range and Cindy Castello. In attendance for Cherokee County Staff were Michael Chapman, Zoning Manager; Tamala Davis, Planning Technician; Thomas Trawick, Planner and Paul Frickey, County Attorney.

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

Case #18-07-031V Woodstock Recycling at 111 Dixie Drive requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards to reduce the side building line setback from the required twenty-five (25) feet to fifteen (15) feet and reduce the front building line setback from the required fifty (50) feet to twenty (20) feet. The property is located in Land Lot 1222 of the 15th District and further described as Cherokee County Tax Map 15N06D, Parcel 255.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated he has not received any letters in support or in opposition to this request. He stated he did have one neighbor come in and discuss his concerns with run-off.

Allen Hinton represented this case. He stated the property is narrow and plans to put in a drain and feels there would be no problems with water run-off.

There was no one to speak in support.

Jerry Hicks spoke in opposition. Mr. Hicks stated he does not necessarily oppose the variance however has issues and concerns with storm water run-off and would like that to be contained on the applicant's property. He stated he would like the installation of the pipe be a condition of the approval.

Ms. Tressler closed public comment.

Ms. Range asked Mr. Hinton if he has drainage issues currently on this property. Mr. Hinton stated absolutely not.

Ms. Doss asked Mr. Chapman if the drainage problems will be reviewed by the County. Mr. Chapman stated there would not be enough acreage disturbed to trigger a land disturbance permit however the project will need a building permit and the inspectors will check for best management practices as it relates to storm water/sediment control.

Ms. Tressler made a motion to approve with the condition the applicant is to install two (2), 10 inch drains and a pipe along south side of the property and be reviewed by Stormwater management. Seconded by Ms. Castello. Motion passed 5-0.

Case #18-07-032V Shara Deal at 122 Lower Victoria Road requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards to reduce the rear building line setback from the required thirty

(30) feet to ten (10) feet. The property is located in Land Lot 678 of the 21st District and further described as Cherokee County Tax Map 21N10B, Parcel A081.

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

Shara Deal represented this case. Ms. Deal stated the original home was removed and the existing concrete did not have any footings. She stated she would like the new home to go back in same location.

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

Ms. Tressler closed public comment.

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

Case #18-07-033V Raymond Zingler at 202 South Cherokee Lane Extension requesting a variance to Article 5, Section 5.6 B – Number and Size to be allowed an accessory structure that exceeds footprint of principal structure. The property is located in Land Lot 1274 of the 15th District and further described as Cherokee County Tax Map 15N24, Parcel 084.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments.

Ray Zingler represented this case. Mr. Zingler stated he is wanting to build one (1) large structure instead of three (3) smaller structures. He presented photos to the Board of Leyland Cypress and renderings of different barn styles he is looking at.

Tim Mirocha spoke in support. Mr. Mirocha stated he has no objection to the variance however does object to the landscaping and screening. He stated vegetation would be a detriment to the view and likes the view of the barn style structures.

There was no one to speak in opposition to this request.

Mr. Zingler stated he would not like the condition of not being allowed to provide screening, he may want to add this at a later time.

Ms. Tressler closed public comment.

Ms. Range stated she does not see a hardship.

Ms. Semler stated she feels one (1) building would look better than three (3) buildings.

Discussion ensued among members regarding the number and materials of the building.

Ms. Semler made a motion to approve with the condition the structure must be a barn style structure Seconded by Ms. Range. Motion passed 5-0.

Case #18-07-034V Sean Zarzana at 700 Founders Court East requesting a variance to Article 23: Conservation Subdivision, Section 23.8 – Buffer Requirements of a prior Zoning Ordinance to encroach five (5) feet into the required fifty (50) foot buffer along the exterior property boundary. The property is located in Land Lot 0119 of the 2nd District and further described as Cherokee County Tax Map 02N12, Parcel 206.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. Mr. Chapman stated he has received one (1) letter in support.

Sean Zarzana represented this case. Mr. Zarzana stated they are requesting the five (5) feet to make the house fit.

There was no one to speak in support.

Mike Howard spoke in opposition. Mr. Howard stated the conditions of the lot where known when they decided to build the home and would like Cherokee County to honor the 50 foot buffer.

Anita Ryan spoke in opposition. Ms. Ryan stated when Echelon was built they had to give her an easement to her property or they would have been land locked. She stated they have other building lots and they plan to do a gated community within Echelon and do not want them to encroach into this buffer.

Ms. Range asked Ms. Ryan do they have a Homeowner's Association. Ms. Ryan stated she is a horse farm. Ms. Range asked where her property was located. Ms. Ryan provided a picture.

Mr. Zarzana spoke in rebuttal. Mr. Zarzana stated the easement will not be touched and in fact the vegetation will not be disturbed. He stated this will not affect Ms. Ryan's property.

Ms. Range asked Mr. Zarzana if he was aware of the stipulation. Mr. Zarzana stated they were not aware of the buffer.

Ms. Tressler closed public comment.

Ms. Semler asked staff if an administrative variance was given. Mr. Chapman stated no, administrative variance cannot be given for conservation developments.

Ms. Range stated she feels it's important the HOA has given them permission for this encroachment.

Discussion ensued among the members in regards to layout of the property, easements, buffers and adjoining property.

Ms. Semler made a motion to approve with the condition to encroach 5 feet into the 50 foot undisturbed buffer where home is located on site plan (Exhibit A). Seconded by Ms. Castello. Motion passed 3-2. Ms. Tressler and Ms. Doss opposed.

Case #18-07-035V YF Management Service Corporation at 6548 Highway 92 requesting a variance to Article 11, Table 11.1 – District Requirements for Signs – Bells Ferry Overlay Commercial Uses – Allowable Sign Area and Maximum Height to allow 105.75 square feet of copy area on the freestanding sign and to allow a maximum height of 17.63 feet. The Applicant requests a variance to Article 8, Section 8.12.8d – Signage Standards to allow for an internally illuminated sign. The Applicant also requests a variance to Article 11.6 1.a. - Permitted Signs by Type and Zoning District to allow a freestanding sign that does not meet the monument style guidelines. The property is located in Land Lot 1189 of the 21st District and further described as Cherokee County Tax Map 15N06B, Parcel 003.

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

Mike Brown represented this case. Mr. Brown stated there are seven (7) tenants in shopping center now and the sign is so small it cannot be seen clearly. The shopping center sits below grade and needs to be larger. He stated this is a monument style sign, not a pylon sign and requesting to be internally illuminated.

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

Ms. Tressler closed public comment.

Ms. Tressler asked staff if this proposed sign meets monument requirements. Mr. Chapman stated no, not as currently shown on the plans.

Ms. Tressler asked the applicant is this sign a monument or pylon. Mr. Brown stated the sign is a solid stucco and will meet the requirements of the Ordinance.

Ms. Range asked staff if the county took into consideration the below grade regarding the height of the sign. Mr. Chapman stated yes, we do not count until it is at grade level.

Ms. Tressler stated the drawing for the existing sign does not indicate the stucco on either side, she asked Mr. Brown if the drawing was incorrect. Mr. Brown stated it is an aluminum cabinet with a stucco finish.

Discussion ensued among the Board members.

Ms. Tressler made a motion to approve the height limit to 12 feet and to allow 48 square feet of copy area; and made a motion to deny the requests for relief from the monument style guidelines and internal illumination. Seconded by Ms. Semler. Motion passed 5-0.

Case #18-07-036V Mohit Gupta and John Tucker at the corner of Highway 92 and Woodstock Road requesting a variance to Article 16, Section 16.1.5 Minimum Development Standards and Development Regulations for the Corridor, B. Minimum Development Standards Table requesting a twenty-five (25) foot variance to the required forty (40) foot buffer and Section 16.1.5 C. Development Regulations for the Corridor 1. b. Streetscape Theme to eliminate the required three rail white fence along Highway 92. The applicant also requests a variance to Article 7, Table 7.1A Minimum District Development standards for a twenty (20) foot variance to the required seventy-five (75) foot front building setback along Woodstock Road. The property is located in Land Lot 1180 of the 21st District and further described as Cherokee County Tax Map 21N12, Parcel 036A.

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

John Tucker represented this case. Mr. Tucker presented a drawing to the Board indicating the setbacks and usable property if variance is not obtained. He stated they will need the setbacks changed in order to construct a gas station with canopy.

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

Jim Smith spoke in opposition. Mr. Smith stated he is okay with the variance request for the 3 rail fence however is opposed to the other two (2) variance requests. He stated their site plan is only indicating one way in and one way out. He discussed his concerns with the number of commercial businesses in the area. He stated his concerns with the setback and buffer reductions along with architectural standards.

Marty Beyer spoke in opposition. Mr. Beyer stated he had issues with the posting of the notice sign and feels this will be a tight fit but would like the setbacks to be adhered to.

John Tucker spoke in rebuttal. Mr. Tucker stated the driveway has to be approved by the State DOT and the plans will be reviewed by county staff for approval prior to issuance of a permit.

Ms. Range asked Mr. Tucker if they will be installing another entrance. He stated yes.

Ms. Castello addressed her concerns with lighting and making sure they will comply with the lighting ordinance.

Ms. Tressler closed public comment.

Ms. Castello made a motion to approve the requests to reduce the buffer to 15 feet and reduce the front building setback to 55 feet along Woodstock Road with the following conditions 1) the Outdoor and Lighting Ordinance must be adhered to; 2) buildings shall have no less than 80% of the non-glass area of three exterior sides faced with brick of a natural color and texture that simulates historic types of brickwork; 3) paint colors shall be muted tones such as ivory, cream, beige, white and pastel colors. Bright or vibrant colors of orange, pink, purple, bright green, or violet shall not be permitted; 4) gas pump canopy shall have a pitched or mansard roof with architectural asphalt shingles or standing seam metal and to deny the request to eliminate the three rail white fence along Highway 92. Seconded by Ms. Doss. Motion passed 5-0.

Case #18-07-037V Serenity Custom Pools at 109 Old Avery Drive requesting a variance to Article 5, Section 5.6 A. Accessory Uses and Structures, Location on Lot for a 2.5-foot variance to the required ten (10) foot side setback for a swimming pool. The property is located in Land Lot 0306 of the 14th District and further described as Cherokee County Tax Map 14N30A, Parcel 047.

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

Ronald Jones represented this case. Mr. Jones stated they are requesting this variance due to the location of the septic tank and he already has a lot of money in this project.

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

Ms Tressler closed public comment.

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

Case #18-07-038V Beazer Homes at 4015 and 4017 Creekshire Trail requesting a variance to Article 23, Table 23-2 Conservation Subdivision Setback Requirements of a prior Zoning Ordinance for a 2.5-foot variance to the required twenty-five (25) foot front building setback at each address. The properties are located in Land Lot 0879 of the 3rd District and further described as Cherokee County Tax Map 03N10C, Parcel 176 and Parcel 177.

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

Talmon Harber represented this case. Mr. Harber stated this is the last phase of Hampton Station and they continue to maintain and improve the size, quality and price point. He stated out of the 88 lots they have 15 left to complete and need a bit more room to fit the house product on a few of these lots.

There is no one to speak in support or in opposition to this case.

Ms. Tressler closed public comment.

Ms. Range asked the applicant what is the difference in these lots and the rest of the lots as to why a variance is needed. Mr. Harber stated due to the curve of the road and the drainage easement on these lots. He stated they did lot fits on the other lots and these are the only lots needing a variance. He stated they will not be back before the Board for this development.

Ms. Tressler asked about the footprint shown encroaching into the drainage easement. Mr. Harber stated this footprint will not work for this lot and that they are aware they cannot be on the drainage easement.

Ms. Range asked staff to provide the reason why they could not request an administrative variance. Mr. Chapman stated they did apply for an administrative variance however we were not able to process due to the Ordinance stating staff can only grant variances to Table 7.1A, Minimum District Development Standards and this was developed as a conservation subdivision as well as the Ordinance restricts the number of variances requested administratively.

Ms. Semler stated she does not have any concerns with granting the variance due to the drainage easement, however she would hope this would not happen again.

Ms. Tressler stated she has concerns due to the hardship is being created by the developers themselves.

Ms. Tressler stated the plans indicate on some of the lots that the drainage easement will be abandoned. Mr. Harber stated he is not sure why it shows this and that the easements will not be abandoned.

Ms. Semler made a motion to approve as submitted. Seconded by Ms. Doss. Motion passed 4-1. Ms. Tressler opposed.

Case #18-07-039V Beazer Homes at 4023 and 4025 Creekshire Trail requesting a variance to Article 23, Table 23-2 Conservation Subdivision Setback Requirements of a prior Zoning Ordinance for a 2.5-foot variance to the required twenty-five (25) foot front building setback at each address. The properties are located in Land Lot 0879 of the 3rd District and further described as Cherokee County Tax Map 03N10C, Parcel 180 and Parcel 181.

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

Talmon Harber represented this case. Mr. Harber stated they are asking for the same as with the previous application.

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

Ms. Tressler closed public comment.

Ms. Range made a motion to approve as submitted. Seconded by Ms. Castello. Motion passed 4-1. Ms. Tressler opposed.

Ms. Semler made a motion to approve the revised May 3, 2018 Minutes. Seconded by Ms. Tressler. Motion passed 4-0. Ms. Range abstained.

Ms. Semler made a motion to approve the revised June 7, 2018 Minutes. Seconded by Ms. Tressler. Motion passed 5-0. Motion passed 5-0.

Ms. Semler made a motion to adjourn. Seconded by Ms. Castello. Motion passed 5-0. The meeting adjourned at 9:02 p.m.