

Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, October 4, 2018
6:30 p.m.

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, October 4, 2018 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Lisa Tressler, Marla Doss, Melissa Range, Cindy Castello and Elizabeth Semler. 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 6:32 p.m.

Case #18-09-050V Peter Howell at 207 Ash Trail requesting a variance to Article 5, Section 5.6 A. Accessory Uses and Structures - Location on Lot to allow the accessory building in front yard area. Also, a variance to Article 7, Section 7.7-24 b. Animal Production to allow the animal quarters less than seventy-five (75) feet from the property line. The property is located in Land Lot 30 of the 14th District and further described as Cherokee County Tax Map 14N03, Parcel 050.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. Mr. Chapman stated he has not received any letters in support of or in opposition to the variance request. He stated if the variance is granted, it would not cause substantial detriment to the public good or impair the purposes and intent of the zoning ordinance. As a result, the Planning and Zoning Department does not object to the requested variance with the following suggested condition: 1) As part of the building permit application, the applicant shall complete and submit a letter of intent for use of a structure as required by the Cherokee County Fire Marshal's Office – Community Risk Reduction Division.

Peter Howell represented this case. Mr. Howell stated he is requesting this variance due to the location of the septic system, topography and creek.

There was no one present to speak in support.

Debbie Geist spoke in opposition. Ms. Geist stated she lives directly across the street and her main concern is the barn not meeting the setback requirement.

Mr. Howell had no comments for rebuttal.

Ms. Tressler closed public comment.

Ms. Tressler made a motion to approve to allow the barn in the front yard area, to allow the barn to be 25 feet from the property line along Ash Trail with the condition that the barn be a 24' x 24' horse barn as shown in the application and that as part of the building permit application, the applicant shall complete and submit a letter of intent for use of a structure as required by the Cherokee County Fire Marshal's Office – Community Risk Reduction Division. Seconded by Ms. Range. Motion passed 5-0.

Case #18-09-051V Auto Image Collision and Glass, Inc. at 6699 Bells Ferry Road requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards to encroach sixteen (16) feet into the minimum twenty-five (25) foot side building setback line for a building addition. The property is located in Land Lot 755 of the 21st District and further described as Cherokee County Tax Map 15N04, Parcel 038.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. Mr. Chapman stated he has not received any letters in support or in opposition to the variance request. He stated if the variance is granted, it would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. As a result, the Planning and Zoning Department does not object to the requested variance.

David Elder represented this case. Mr. Elder discussed his variance request further and stated this addition would be to house their downdraft spray booth.

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

Ms. Tressler closed public comment.

Ms. Semler made a motion to approve as submitted. Seconded by Ms. Castello. Motion passed 5-0.

Case #18-10-056V Mt. Zion Baptist Church at 4096 East Cherokee Drive requesting a variance to Article 11, Section 11.5-5 - I. Electronic Signs to allow a freestanding monument sign with a 4'x8' electronic sign. The applicant is also requesting a variance to Article 11, Section 11.6 (2) Permitted Signs by Type and Zoning District to allow a ten (10) foot high freestanding sign. The applicant is also requesting a variance to Article 11, Section 11.6 (2) Permitted Signs by Type and Zoning District to allow forty-eight (48) square feet of copy area on the freestanding sign. The property is located in Land Lots 109, 110, 179 and 180 of the 15th District and further described as Cherokee County Tax Map 15N25, Parcel 196.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. Mr. Chapman stated he has not received any letters in support or in opposition to the variance request. He stated if the variance is granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning ordinance. As a result, the Planning and Zoning Department recommends the following conditions: 1) Electronic sign shall contain static messages only, and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message. Transitions between messages shall not use frame effects or other methods which result in movement of a displayed image during such transition. 2) Sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change and 3) If, at any time more than 50 percent of the digital display lights malfunction or are no longer working, the owner of said electronic sign shall turn off the electronic display until repairs are made.

Shawn Syx represented this case. Mr. Syx stated they are requesting to refurbish existing sign and upgrade the aesthetics. He stated they hold several events and multiple events are at the same time. He stated this variance if approved, would help reduce the number of roadside banners and feels it would be more practical to use an electronic message sign.

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

Ms. Tressler made a motion to approve the application with the following conditions: (1) maximum copy area of 48 square feet, (2) maximum height of 10 feet, (3) within the 48 square feet of copy area, a maximum of 32 square feet can be used for an electronic message sign, (4) electronic message sign must shut off by 10 p.m. and may turn on as early as 6 a.m., (5) electronic sign shall contain static messages only, and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message. Transitions between messages shall not use frame effects or other methods which result in movement of a displayed image during such transition, (6) sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change, (7) if at any time more than 50 percent of the digital display lights

malfunction or are no longer working, the owner of said electronic sign shall turn off the electronic display until repairs are made. Seconded by Ms. Castello. Motion passed 5-0.

Case #18-10-057V DC Enclosures at 235 Sable Ridge Way requesting a variance to Article 23: Conservation Design Community Minimum Exterior Boundary Buffer to allow a four (4) foot encroachment into the rear fifty (50) foot buffer to accommodate a building addition. The property is located in Land Lots 1108 and 1109 of the 21st District and further described as Cherokee County Tax Map 21N12N, Parcel 018.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. Mr. Chapman stated he has not received any letters in support or in opposition to the variance request. If granted, he stated it would not cause substantial detriment to the public good or impair the purposes and intent of the zoning ordinance. As a result, the Planning and Zoning Department does not object to the requested variance. If the Board chooses to approve the request, the Planning and Zoning Department recommends attaching the following condition: 1) Building materials and color of building addition shall be similar to the existing house.

Kurt Martin represented this case. Mr. Martin stated his clients would like to add a fireplace to their existing patio structure.

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

Ms. Tressler closed public comment.

Ms. Doss stated by looking at the aerial photo, the undisturbed buffer has been cleared and feels this needs to be addressed.

Discussion ensued regarding the existing patio encroaching into buffer. Mr. Chapman stated he could not find a permit on the patio addition.

Ms. Semler made a motion to deny the four (4) foot encroachment and approve a two (2) foot encroachment for the existing enclosed patio with a condition that the building materials and color of building addition be similar to the existing house. Seconded by Ms. Tressler. Motion passed 5-0.

Case #18-10-058V Wendi and Lee Griffin at 1535 Henry Scott Road requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards to allow a thirty (30) foot encroachment into the required fifty (50) foot side building setback to accommodate an existing attached garage. The property is located in Land Lots 631 and 632 of the 3rd District and further described as Cherokee County Tax Map 03N15, Parcel 003.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. Mr. Chapman stated he has not received any letters in support or in opposition to the variance request. He stated relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. As a result, the Planning and Zoning Department does not object to the requested variance.

Lee Griffin represented this case. Mr. Griffin stated they built a garage in 2009 and obtained a permit from Cherokee County. He stated the builder handled the entire process and he was not aware that adding a cover from the garage to the house would be an issue. He stated they are requesting this variance to be allowed to leave the cover and feels it would be a great hardship for them financially and physically if they have to remove it.

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

Ms. Tressler closed public comment.

Ms. Range made a motion to approve as submitted. Seconded by Ms. Tressler. Motion passed 5-0.

Case #18-10-060V Jacob Depuydt at 107 Hunting Valley Trail requesting a variance to Article 5, Section 5.6 Accessory Uses and Structures to allow a 50-foot x 30-foot detached accessory structure in the front yard area. The property is located in Land Lot 1189 of the 3rd District and further described as Cherokee County Tax Map 03N30, Parcel 148F.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. Mr. Chapman stated he has not received any letters in support or in opposition to the variance request. He stated relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning ordinance. Furthermore, the conditions described above are peculiar to the particular piece of property involved. As a result, the Planning and Zoning Department does not object to the requested variance. If the board chooses to approve the request, the Planning and Zoning Department recommends attaching the following condition: 1) The detached accessory structure shall be similar in size and appearance to the renderings submitted with the application on September 4, 2018.

Jacob Depuydt represented this case. Mr. Depuydt stated this detached garage would be located at least 400 feet off the road. He stated the current frontage line defined by the zoning ordinance makes almost $\frac{3}{4}$ of his property unable to be built on.

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

Ms. Castello made a motion to approve with the condition the detached accessory structure shall be similar in size and appearance to the rendering submitted with the application on September 4, 2018. Seconded by Ms. Doss. Motion passed 5-0.

Ms. Semler made a motion to postpone the September 6, 2018 Minutes. Seconded by Ms. Range. Motion passed 5-0.

Ms. Tressler made a motion to adjourn. Seconded by Ms. Semler. Motion passed 5-0. The meeting adjourned at 7:50 p.m.