

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

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, November 1, 2018 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Vice Chairman Elizabeth Semler, Marla Doss, Melissa Range, and Cindy Castello. Chairman Lisa Tressler was not in attendance. In attendance for Cherokee County Staff were Michael Chapman, Zoning Manager; Tamala Davis, Planning Technician; Thomas Trawick, Planner; Jeff Watkins, Planning and Zoning Director; and Paul Frickey, County Attorney.

The meeting was called to order at 6:32 p.m.

Ms. Semler stated due to only four (4) members being present tonight if the vote is a tie, then it will be a denial of the application. She stated for the applicant to please let them know if they would like to postpone until next month's meeting when all members are present.

New Cases

Case #18-10-055V Toshio Seo at 697 Henry Scott Road requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards requesting a sixteen (16) foot encroachment in the required fifty (50) foot front building line setback. The property is located in Land Lot 706 of the 3rd District and further described as Cherokee County Tax Map 03N10, Parcel 186.

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 and Zoning Department does not object to the requested variance with the condition that the attached garage indicated on the site plan dated September 10, 2018 shall be similar in color and roof pitch to the existing residence.

Toshio Seo represented this case. Mr. Seo stated he is requesting this variance to avoid removing trees to the side of the home and stated the garage will be the same color as style as the home.

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

Ms. Semler closed public comment.

Ms. Semler made a motion to approve as submitted with staff's condition that the attached garage indicated on the site plan dated September 10, 2018 be similar in color and roof pitch to the existing residence. Seconded by Ms. Castello. Motion passed 4-0.

Case #18-10-059V Georgia Decks and Remodeling, LLC at 510 Industrial Drive requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards to allow a ten (10) foot encroachment into the required minimum twenty-five (25) foot side building line setback and a twenty-three (23) foot encroachment into the required minimum twenty-five (25) foot rear building line setback for a new building. The property is located in Land Lot 1220 of the 15th District and further described as Cherokee County Tax Map 15N06E, Parcel 247.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received one (1) letter in support of this application and no letters in opposition. Mr. Chapman stated Planning and Zoning Department does not object to the requested variance.

Josh Oberley represented this case. Mr. Oberley stated they are overloaded with storage and this building will be used for this storage.

Cindy Carroll spoke in support. Ms. Carroll stated she is the owner and they are needing extra storage space and this is the reason for the construction of this building.

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

Ms. Semler closed public comment.

Ms. Semler asked staff if the letter of support came from Ms. Carroll or someone else. Mr. Chapman stated it came from an adjoining neighbor.

Ms. Doss asked staff if this building is already under construction. Mr. Chapman stated no, it is currently under review.

Ms. Semler stated is still looks like there will be some screening at the back of the property from the existing trees and foliage.

Ms. Doss stated she does not see a hardship for this application.

Ms. Semler asked Mr. Oberley why they are needing a 40' x 40' building. Mr. Oberley stated due to the amount of storage they have. He also stated the neighbor in the back has sold them a strip of property to help with the building setback. He stated this neighbor is fully in support of their request. He stated the materials need to be inside and not stored outside. Mr. Oberley showed the Board the property purchased behind this parcel.

Ms. Range asked Mr. Oberley have they looked into making the building wider. Mr. Oberley stated the building kit has already been purchased.

Ms. Semler asked Mr. Oberley if the property that has been purchased has been included in a plat. Mr. Oberley stated yes. Mr. Oberley stated the property has been combined by a survey and was approved by Cherokee County. Ms. Semler asked what setbacks are needed now since the property is combined. Mr. Oberley stated 11 feet on the rear and 15 feet on the side.

Mr. Frickey stated it is probably two (2) separate tax parcels still and legal advertisement was for only one (1) parcel. He stated the Board can only make a decision on what is advertised. He stated to add the additional parcel a new legal advertisement would need to be ran and the application would need to be postponed until next public hearing.

Mr. Frickey stated the Board could grant the variance as requested and advertised knowing an additional parcel has been purchased.

Ms. Semler made a motion to approve as submitted with the understanding that additional property has been purchased, platted and recorded that will create less of an impact on the rear setback. Seconded by Ms. Range. Motion passed 4-0.

Case #18-11-061V Brown Haven Homes at 2173 East Cherokee Drive requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards requesting a ten (10) foot encroachment into the required fifty (50) foot side building line setback. The property is located in Land Lot 672 of the 15th District and further described as Cherokee County Tax Map 15N22, Parcel 121.

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

Randy Matheny represented this case. Mr. Matheny stated the property is peculiar and narrow. He stated they have tried to switch the house around to make it work but it would still be encroaching. He stated the encroachment was discovered after the foundation was complete.

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

Ms. Semler closed public comment.

Ms. Semler made a motion to approve as submitted. Seconded by Ms. Doss. Motion passed 4-0.

Mr. Chapman stated Case #18-11-062V Rising Hill Church, Inc. will not be heard tonight due to insufficient posting of the public notice sign. Mr. Chapman stated this case has been postponed until next month.

Case #18-11-063V The Pretorius Company at 6928 Union Hill Road requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards to allow a 9-foot encroachment into the previously approved 15-foot east side building line setback and a 12-foot encroachment into the previously approved 35-foot west side building line setback per Case# 05-07-032V to correct an apparent error of the house placement when it was built in 2005. The property is located in Land Lot 6 of the 2nd District and further described as Cherokee County Tax Map 02N01, Parcel 142A.

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 if the Board chooses to approve the request, the Planning and Zoning Department recommends attaching the following conditions: 1) the encroachments into the setback shall only be at those points shown on the variance plat dated October 1, 2018 and submitted with the application in order to accommodate the house; and 2) the building addition shall be constructed of similar building material as the existing house.

Daniel Pretorius represented this application. Mr. Pretorius stated there was an error in placement of the original home in 2005. He stated none of the additions would encroach any closer than the existing variance.

Patricia Marks spoke in support. Ms. Marks stated she is the property owner and that the mistake was done prior to her being the owner.

There was no one present to speak in opposition.

Ms. Semler closed public comment.

Ms. Semler made a motion to approve as submitted with staff conditions. These conditions are 1) the encroachments into the setback shall only be at those points shown on the variance plat dated October 1, 2018 and submitted with the application in order to accommodate the house; and 2) the building addition shall be constructed of similar building material as the existing house. Seconded by Ms. Range. Motion passed 4-0.

Case #18-11-064V Cody Pless Designs, LLC at 1331 Bridgemill Avenue requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards to allow a four (4) foot encroachment into the required 10' side building line setback. The property is located in Land Lot 151 of the 15th District and further described as Cherokee County Tax Map 15N07F, Parcel 025.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. Mr. Chapman stated we have received no letters in support of or in opposition to this application. He stated if the Board chooses to approve the request, the Planning and zoning Department recommends attaching the following conditions: 1) the building addition shall be constructed of similar building material as the existing house and 2) the applicant shall install a roofing gutter and downspout to direct water runoff away from the adjacent property to the northeast.

Cody Pless represented this case. Mr. Pless stated they are adding a garage and building a wood shop in the back of the property. He stated they have no problems with the conditions from staff.

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

Bill Reoch spoke in opposition. Mr. Reoch stated he adjoins this property. Mr. Reoch discussed his concerns with the 3 story addition and the large work shop. He discussed the shape of the lot and if the applicant has received approval from the Bridgemill HOA.

Cody Pless spoke in rebuttal. He stated they are in the process of getting the renderings together to present to the Bridgemill review board. Mr. Pless stated the property gets narrower at the rear of the property and the encroachment gets less as it goes towards the street.

Ms. Semler closed public comment.

Ms. Semler asked Mr. Reoch if he has seen a case like this go before the Bridgemill review board. He stated he contacted them however they had no knowledge of this request and asked if they have had similar applications from other homeowner's and they informed him not of this scope.

Ms. Range asked Mr. Reoch what his main concern is with this application. Mr. Reoch stated he is concerned with his property value.

Ms. Semler asked Mr. Frickey if there are any concerns with this application coming to them before approval from HOA. Mr. Frickey stated it is not a legal requirement. He stated the ZBA's approval does not eliminate approval that may be required in any private covenants.

Ms. Semler asked Mr. Pless if it is only encroaching in that one area, why couldn't he move it back or make it smaller. He stated it doesn't encroach in one area that it is showing the closest encroachment on site plan.

Ms. Semler stated she does not see a hardship and has concerns voting on this application without approval from the HOA.

Ms. Semler made a motion to postpone this application until the applicant meets with the HOA and provides written submission of approval or denial from the HOA. She stated an additional public hearing would be held at the next available meeting after we are in receipt of the decision from the HOA. Seconded by Ms. Range. Motion passed 4-0.

Ms. Range made a motion to approve September 6, 2018 Minutes. Seconded by Ms. Semler. Motion passed 4-0.

Ms. Range made a motion to approve October 4, 2018 Minutes. Seconded by Ms. Semler. Motion passed 4-0.

Ms. Semler made a motion to adjourn. Seconded by Ms. Doss. Motion passed 4-0. The meeting adjourned at 7:40 p.m.