

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, January 3, 2019
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, January 3, 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, and Cindy Castello. Elizabeth Semler was not in attendance. In attendance for Cherokee County Staff were Michael Chapman, Zoning Manager; Tamala Davis, Planning Technician; Thomas Trawick, Planner; and Paul Frickey, County Attorney.

Ms. Tressler informed the public that there are only four (4) members present and that it will be a denial of the application if there is a tie vote. She stated if the applicant would like to postpone their application until the next meeting, to please let them know when they come forward.

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.

Mr. Chapman stated the applicant has requested to withdrawal this application. Ms. Tressler made a motion to approve the request to withdrawal. Seconded by Ms. Range. Motion passed 4-0.

Case #19-01-001V Design Team Sign Company, LLC at 2006 Eagle Drive requesting a variance to Article 11, Table 11.1 District Requirements for Signs. The applicant is requesting a variance of twenty-five (25) square feet to allow a total copy area of forty-eight (48) square feet for a wall sign on the front elevation. The property is located in Land Lots 935, 936, 937 and 938 of the 15th District and further described as Cherokee County Tax Map 15N05, Parcel 144N.

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 the adjacent and nearby wall signs, the Planning and Zoning Department recommends denial of the request as submitted. If the board chooses to grant the requested variance, the department recommends limiting the building to one wall sign as mentioned in the applicant's letter of November 2, 2018.

Rhonda Lambert represented this case. Ms. Lambert stated they thought they could count the entire wall length not just the length that bumps out from the main wall. She stated the sign fits the space and looks proportionate to the space. Ms. Lambert stated they would like the customers to be able to see the sign and feels the sign would look great.

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 a maximum copy area of 48 square feet for the wall sign and to limit the number to one (1) wall sign. Seconded by Ms. Doss. Motion passed 4-0.

Case #19-01-002V DeAnne O'Bryan at 200 Knox Bridge Trail requesting a variance to Article 5, Section 5.6 A. Location on Lot. The applicant is requesting a guest house in the front yard area. The property is located in Land Lot 20 of the 14th District and further described as Cherokee County Tax Map 14N06, Parcel 010.

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 available evidence, relief, if granted, would not cause substantial detriment to the public good. As a result, the Planning and Zoning Department does not object to the requested variance.

Deanne O'Bryan represented this case. Mr. O'Bryan stated this would be a guesthouse for her mom to live in. She stated she cannot push the location of the guesthouse farther back due to the steep grade of the land. She stated it will not obstruct the view of the main cabin and the accessory will be log siding to match the main cabin on the property. She stated she did talk with her neighbors that are next door and they did not have any problems with her request.

Ms. Range asked if they would share a driveway. Ms. O'Bryan stated yes.

Ms. Castello asked what the square footage would be for the guesthouse. Ms. O'Bryan stated approximately 1,300 square feet.

Ms. Doss noted the drawing on the county maps does not match and is a different shape. Ms. O'Bryan stated they recently had the property surveyed.

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

Mark Robertson spoke in opposition. Mr. Robertson stated his concerns with the structure not meeting the 1,400 square feet minimum house size as part of the original covenants and he thought there was to be two (2) acres with each home.

Ms. Tressler asked if he had a copy of the covenants. Mr. Robertson stated no, not with him.

Mr. Frickey stated that this Board and the County do not enforce private covenants that are recorded on property.

Ms. O'Bryan spoke in rebuttal. She stated Mr. Robertson does live several houses up the road from them and is not one of her immediate neighbors. She stated she is not aware of any covenants on the property and this would be an accessory structure not the main structure.

Mr. Chapman stated the minimum lot size is 2 acres for Agricultural zoning and on the two (2) acres, you are allowed to have a guesthouse.

Ms. Tressler closed public comment.

Ms. Tressler made a motion to approve the variance as requested. Seconded by Ms. Castello. Motion passed 4-0.

Case #19-01-003V Sandra Barclay at 446 and 454 Franklin Goldmine Road requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards to allow a reduction in the south building line setback of 446 Franklin Goldmine Road to thirty-five (35) feet and to allow a reduction in the north building line setback of 454 Franklin Goldmine Road to thirty-five (35) feet. The property is located in Land Lots 615 and 682 of the 3rd District and further described as Cherokee County Tax Map 03N27, Parcel 019.

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 applicant's stated intention to renovate the existing house for her mother, relief, if granted, would likely not cause substantial detriment to the public good. As a result, the Planning and Zoning Department does not object to the requested variance.

Sandra Barclay represented this case. Ms. Barclay stated there are two (2) homes on the property and her mother lives in one of the homes. Ms. Barclay stated there is also a mobile home on the property that her son lives in. She stated they would move into the old home to be near and to help take care of her disabled son and mother. She stated the older home that they plan to move into needs work and they need to put this home in their name in order to get the funds to update the home. She stated each home would be 35 feet from the new property line.

Ms. Range asked Ms. Barclay if this variance request is for what is already standing and that she will not be building anything new. Ms. Barclay stated yes, the homes are existing and they would not be expanding.

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 as submitted. Seconded by Ms. Doss. Motion passed 4-0.

Ms. Tressler made a motion to postpone the Election of Officers until next month. Seconded by Ms. Castello. Motion passed 4-0.

Ms. Tressler made a motion to adopt the 2019 ZBA Public Hearing Calendar. Seconded by Ms. Range. Motion passed 4-0.

Ms. Tressler made a motion to approve the December 6, 2018 Minutes. Seconded by Ms. Doss. Motion passed 4-0.

Ms. Tressler made a motion to adjourn. Seconded by Ms. Doss. Motion passed 4-0. The meeting adjourned at 7:04 p.m.