

Approved 12-5-2019

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, November 7, 2019
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, November 7, 2019 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Tim Ragsdale, Lisa Tressler, Melissa Range, and Marla Doss. In attendance for Cherokee County staff were Michael Chapman, Zoning Manager, Tamala Davis, Planning Technician, and Paul Frickey, County Attorney. The meeting was called to order at 6:30 p.m.

Case #19-11-059V Crown Castle South, LLC at 7740 Turner Road requesting a variance to Cherokee County Zoning Ordinance, Article 7, Section 7.7-12 Communications and Information Uses to allow a non-alternative tower structure in the AG zoning district. The property is located in Land Lot 897 of the 15th District and further described as Cherokee County Tax Map 15N29, Parcel 056A.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated the Planning and Zoning Department has not received any letters in support of or in opposition to this variance request on file. Mr. Chapman stated because the proposed replacement facility will be visually and aesthetically similar to the existing facility, relief, if granted, likely will not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. Given that a number of telecommunications carriers rely upon the existing facility for connectivity, coverage, and capacity for users, a variance from the terms of the Zoning Ordinance likely will not be contrary to the public interest. Therefore, the department does not object to the variance request as submitted and recommends approval.

Ellen Smith represented this case. Ms. Smith stated the tower was approved in 2001 and supports all major carriers. She stated the existing tower met all requirements when it was constructed but does not meet current FAA standards today. She stated the new tower will meet all setbacks and the only request is to allow the tower to be a monopole.

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

Ms. Semler closed public comment.

Ms. Semler stated they may have a condition that the old tower be removed once new tower is constructed. Ms. Smith stated she has no problem with this condition and they are usually required to move the old structure within 120 days of the new carriers being added to the new tower.

Ms. Range asked Ms. Smith was this an existing lease. Ms. Smith stated, yes.

Ms. Semler made a motion to approve with the condition the old tower will be removed as soon as the new tower is constructed and functioning within the 120 days. Seconded by Ms. Tressler. Motion passed 5-0.

Case #19-11-060V Lennar Homes, Inc. at 429 Aristides Way requesting a variance to Cherokee County Zoning Ordinance, Article 23 - Conservation Design Community to encroach a maximum fourteen (14) feet into the required twenty-five (25) foot rear building line setback to accommodate a deck and stairs. The

property is located in Land Lot 358 of the 2nd District and further described as Cherokee County Tax Map 02N02D, Parcel 098.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated the Planning and Zoning Department has not received any letters in support of or in opposition to this variance request on file. Mr. Chapman stated because the principal structure is within the minimum building setbacks, the spirit of these regulations is still being observed. Given that a variance from the terms of the Zoning Ordinance likely will not be contrary to the public interest, the department does not object to the variance request as submitted and recommends approval

Donald Beard represented this case. Mr. Beard stated they have a contract on the proposed house and the homeowner to the rear has no objection to the variance request since it will not be located directly behind his home.

Mr. Ragsdale asked Mr. Beard if there is a deck on the second story of the house. Mr. Beard stated, no it is on the main floor. He stated it is a single story home with a basement.

Ms. Tressler stated she does not see a hardship with this application.

Ms. Semler stated she was thinking not to give a variance for the entire setback, only where the steps are encroaching.

Ms. Doss asked Mr. Beard would they need variances on the other lots. Mr. Beard stated, no, they have eliminated this type of house plan.

Ms. Semler asked Mr. Beard is this an open deck or covered deck. Mr. Beard stated, open deck with a concrete patio under the deck.

Ms. Semler made a motion to approve with the encroachment only to encroach in the location of the deck and steps. Seconded by Ms. Doss. Motion passed 4-1. Ms. Tressler opposed.

Ms. Semler made a motion to approve October 3, 2019 Meeting Minutes. Seconded by Ms. Range. Motion passed 5-0.

Ms. Semler made a motion to adjourn. Seconded by Ms. Tressler. Motion passed 5-0. The meeting adjourned at 6:48 p.m.