

Approved: April 3, 2003

**MINUTES FOR CHEROKEE COUNTY
ZONING BOARD OF APPEALS
Thursday, March 6, 2003
6:30 pm**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on March 6, 2003, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Zoning Board of Appeals were Cindy Castello, Evert Hekman, Karen Mahurin and Roy Taylor. In attendance for Cherokee County Staff were Mark Mahler, County Attorney, Jim Cain and Vicki Dye, Planning & Zoning Department. The meeting was called to order at 6:30 pm.

New Cases

Case #03-03-009A – B & B Land, LLC requesting a variance to Article 26, Section 16.1; Hwy 92 Overlay Regulations. The applicant is requesting a variance to extend the depth of the 1,000 ft. boundary line to include all of parcel 178 on Tax Map 15N24 to be developed under the Hwy 92 Overlay. This property is located at 13176 Hwy 92 in Land Lot 1200 of the 15th District.

Jimmy Bobo represented this case. He explained that since his last variance hearing to include property in the Hwy 92 Overlay District, he was approached by Dr. Peacock as an adjacent property owner and asked would he be interested in developing Dr. Peacock's property as it was once part of the property that Mr. Bobo is developing now. The intent was to bring Mr. Peacock's property into the 92 Overlay and fit the intent of the Overlay by extending to the rear property line of Dr. Peacock's property.

He gave several examples of possible builders' proposals for the property. He reiterated these were not final contracts and only proposals.

No one spoke in favor or opposition.

Mr. Mahler asked Mr. Bobo if the site plan is for single-family detached. Mr. Bobo replied single-family attached, a combination of quad-type units, desirable to a low impact group such as active adults and 45 year old singles, etc. The goal is to maintain the two lakes and the big creeks as an amenity package and a bridge between the residential and the commercial.

Chairman Mahurin asked how many lots they were looking at. Mr. Bobo replied 142, the partial is zoned 16 units to the acre and until the final engineering report is completed, he would not be able to say definitely the number of units, but the site plan shows the maximum. Some of the land has been left out because he doesn't know if they can use it because of the topography.

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He stated the area he was speaking of would be residential because he doesn't believe, for instance, that Eckerd Drugs would want to be located off of Hwy 92.

Mr. Hekman stated that on the original submittal, the one they had approved previously, the preliminary plan, showed just north of the lake a cul-de-sac. Mr. Bobo stated it was shown that way because they did not know if the streets would be public or private with a closed gated community and the only way to leave this option open to the developer is by showing a cul-de-sac to meet fire codes and the requirements from an engineering stand point. Mr. Hekman stated what made this desirable in the first instance was a short hop to the edge of the property line for perhaps a future access road. Mr. Bobo stated they would very likely tie all this together, but what he doesn't have yet is a final engineering report regarding the creeks on the property to let him know what he can or cannot do. Mr. Hekman stated one of the things he would like to see happen with this, and not showing on this particular drawing, is that there be some sort of parallel access to the next piece of property [Ms. Barnes' property]. Mr. Bobo stated he would have to leave that up to Ms. Barnes. He pointed out another possibly of tying in, topography speaking, at a creek that may be a wetland area and that he does not know that for a fact now because there has not been a study done of it. Realistically the ridge line would be the only chance of tying this in. He noted they dead ended the drive because they don't know until they do their Engineering exactly how these would connect. Also, Engineering will need to determine if they can use a certain area for utility or pipe crossing for the road. He stated his preference was to have as many links in the parcels as possible. Mr. Hekman stated the way it is presented right now, that link is not obvious.

Ms. Mahurin stated their concern last time Mr. Bobo came before the Zoning Board of Appeals he had not purchased this parcel. He stated that was correct. Ms. Mahurin stated the concern was putting traffic back on Hwy 92 instead of connecting somehow to the next parcel. Mr. Bobo stated in talking with the State DOT and in talking with his Engineering Office, it was his understanding because there is a red light there, that they wanted to keep the number of access points on Hwy 92 directed and limited to where the DOT had planned them up and down the road. Ms. Mahurin stated that was what they were trying to avoid is numerous breaks and curb cuts. He stated that Ms. Barnes property comes to South Cherokee Lane which is a red light access as well.

Mr. Hekman stated hypothetically if the commercial came on down to South Cherokee Lane then the people that live back there would have to come out and go on Hwy 92 then continue some ways and turn back into the commercial. Mr. Hekman stated for safety and keeping the curb cuts down and traffic down why not have a little cut through somewhere off of that commercial to the next adjoining commercial so that people that live back there don't have to go out on Hwy 92. Mr. Bobo stated he would certainly be willing to work with those property owners on the site plan to make that work. He stated they had been in contact with Dr. Snyder to include his parcel, unfortunately, economically and topographically they couldn't afford it, but it doesn't mean there can't be a lot to it later.

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Mr. Taylor observed the drive is shown coming into the building at the bottom of the site plan and that is going to connect either up to the other cul-de-sac or to the cul-de-sac they had been discussing. Mr. Bobo stated there is three possible points of connection. Mr. Bobo pointed out these points. Discussion ensued about possible connection points. Mr. Taylor stated they possibly could put a stipulation so the planning staff knows there should be some connection point. Mr. Bobo discussed a bad experience he had with an office park he had built in Woodstock and asked the Board to leave him the freedom to have the choice whether to let them connect or not.

Mr. Hekman stated he thought the Development Regulations already require an inner connection between business areas. Mr. Bobo replied he had to meet certain development criteria in the Hwy 92 Overlay. He stated they would adhere 100% to the items in the overlay.

Mr. Taylor stated he thought the Board just needed to have it in the verbage of whatever gets passed, that connection is expected. Discussion ensued regarding connections and Overlay requirements.

Mr. Cain gave staff recommendations for favorable consideration of this request for approval.

Mr. Hekman made motion to approve the request with two stipulations 1) that there be a continuation of fencing or berming to this application with the choice of the adjacent property owner and 2) that there be interconnectivity to any adjoining parcel within the same development. Seconded by Mr. Taylor. Passed unanimously.

Minutes for February 6, 2003 were not approved due to not being on the Agenda.

Motion made by Ms. Castello to adjourn. Seconded by Ms. Mahurin. Passed unanimously.

Meeting adjourned at 7:05 p.m.