

**Cherokee County Zoning Board of Appeals
Public Hearing
Minutes
Thursday, November 3rd, 2005
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on November 3rd, 2005, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Zoning Board of Appeals were Chairman Evert Hekman, Vice-Chairman Roy Taylor, Amy Mumaugh, and Sean Jerguson. Greg Elder did not attend. In attendance for Cherokee County Staff were Mark Mahler, County Attorney, Vicki Taylor, Zoning Administrator, and Jesse Perry, Senior Clerk. The meeting was called to order at 6:30 pm.

Old Cases

Case #05-09-041V **Benjie Webb** requesting a variance to Article 7, Table 7.1A; Minimum District Development Standards. The applicant is requesting a variance of 15' 3" to allow a 9' 9" front building setback. This property is located in Hearthstone Phase II in Land Lot 1074 of the 15th District and further described as Cherokee County tax Map 15N12D, Parcel(s) 81 and 82.

Vicki Taylor presented the case before the ZBA.

No one was present to represent the case.

Mr. Hekman made motion to deny the case based on the applicant having no representation.

Seconded by Mr. Jerguson.

Motion to deny passes 3-0 (Mr. Taylor abstained)

New Cases

Case #05-11-059V **Debbie Bays-Finch** requesting a variance to Article 5; Section 5.6(c), Accessory Structures. The applicant is requesting a variance to allow a 1500 sq. ft. accessory structure. The property is located at 6479 Victory Drive in Land Lot 969 of the 21st District and further described at Cherokee County Tax Map 21N11, Parcel(s) 117 & 118.

Vicki Taylor presented the case to the ZBA.

Debbie Bays-Finch represented the case. She passed out photos of the garage as built. Mr. Jerguson asked why they started construction before obtaining a permit.

Mrs. Finch said several builders told her that they didn't need on since it wasn't living quarters or a business.

Ms. Mumaugh asked if the structure was all storage, no office. Mrs. Finch said yes, it was all storage.

Motion to approve by Chairman Hekman.

Seconded by Ms. Mumaugh.

Motion to approve passes 4-0

Case #05-11-060V **KB Homes Atlanta, LLC** requesting a variance to Article 23; Section 6, Conservation Subdivision. The applicant is requesting a variance to reduce the front building setback to a 15' building setback on 16 lots in The Magnolias, Unit 2. The Cherokee County Zoning Ordinance requires a 25' front building setback. The property is located at East Cherokee Drive and Water Tank Road in Land Lot(s) 922, 923 of the 3rd District and further described as Cherokee County Tax Map 03N11C, Parcel(s) 41, 42, 43, 44, 45, 46, 47, 53, 54, 55, 56,65, 66, 67, 68, and 69.

Vicki Taylor presented the case to the Zoning Board of Appeals members.

Joe Padilla represented the case. Discussion ensued about the distance from the garage door to the back of the curb if the variances were approved. Ms. Mumaugh felt that it would not allow enough room to park a car.

Marty Allagood spoke in opposition.

Wilbur Vandelinden spoke in opposition. He asked about the tree line between his lot and the subdivision.

Mr. Padilla said they had no intention of getting into any buffers.

Ann Earley spoke in opposition.

Fern Peterson spoke in opposition.

Mr. Taylor said he'd like to encourage the plantings and berms along Watertank Road.

Ms. Mumaugh said she felt 10' was too much of a variance. She said she agreed with Staff and that the 5' would be better.

Mr. Jerguson stated his reasons for approving the variance, which were basically that it helped everyone. The developer could build their lots better, and it'd keep the homes further away from adjoining property owners, since they would be moved closer to the road.

Mr. Jerguson made a motion to approve as submitted.

Seconded by Chairman Hekman.

Motion to approve passes 3-1 (Ms. Mumaugh in opposition)

Case #05-11-061V **Kenny Taylor** requesting a variance to Article 5; Section 5.6(a) and 5.6(c) Accessory Structures. The applicant is requesting a variance to allow a 965 sq. ft. accessory structure in the front yard area. The property is located at 304 Second Street in Land Lot 1205 of the 15th District and further described as Cherokee County Tax Map 15N18E, Parcel 039A.

Vicki Taylor presented the case before the ZBA.

Jinny Towns represented the case.

Mr. Taylor made a motion to approve.

Seconded by Chairman Hekman.

Motion to approve passes 4-0

Case #05-11-062V **Morton Buildings, Inc.** requesting a variance to Article 5; Section 5.6(a) and 5.6(c), Accessory Structures. The applicant is requesting a variance to allow a 2,340 sq. ft. accessory structure in the front yard area. The property is located at 375 Jep Wheeler Lane in Land Lot 685 of the 15th District and further described as Cherokee County Tax Map 15N28, Parcel 348.

Vicki Taylor presented the case before the ZBA.

Mark Stein represented the case.

Mr. Jerguson made motion to approve.

Seconded by Mr. Taylor.

Motion to approve passes 4-0.

Case #05-11-063V **Larry Ray** requesting a variance to Article 5; Section 5.6(a) and 5.6(c); Accessory Structures. The applicant is requesting a variance to allow a 2,500 sq. ft. accessory structure in the front yard area. The property is located at 1255 Howell Bridge Road in Land Lot 147 of the 3rd District and further described as Cherokee County Tax Map 03N01, Parcel 024.

Vicki Taylor presented the case to the ZBA.

The ZBA determined that since Hendrix Road was an easement, Mr. Ray would not need a variance to having an accessory structure in the front yard. The size was the only issue.

Mr. Jerguson made a motion to approve.

Seconded by Chairman Hekman.

Motion passes 4-0

Case #05-11-066V **Haygood Contracting** requesting a variance to Article 7; Section 7.7-38C. The applicant is requesting a variance to encroach into the 20' undisturbed buffer by 7' along the north side and 12' along the south side. This property is located in Land Lot(s) 424, 425, 440, 441 of the 15th District and further described as Cherokee County Tax Map 15N08, Parcel 063.

Vicki Taylor presented the case to the ZBA.

Jesse Haygood represented the case.

April Scoggins spoke in opposition. She was curious about the impact on the visual screening to her property.

Discussion ensued about this issue.

Mr. Taylor spoke about his concerns about the paving and how porous it would be.

Mr. Jerguson described a way for the applicant to design their parking lot in a way that wouldn't need a variance.

Discussion ensued about whether the applicant would want to table the case to explore this alternative.

The applicant decided that they would like a vote on the variance as requested.

Motion to approve by Chairman Hekman.

Seconded by Ms. Mumaugh.

Motion to approve fails in a 2-2 tie (Mr. Jerguson and Mr. Taylor in opposition)

Motion to table the case until the applicant could explore his alternative. If they either couldn't get it to work, or didn't want to do it, then they could vote on the variance as requested when the full board was present.

Seconded by Mr. Taylor.

Motion to table case until next month passes 4-0

Other Items

Approval of October 6th, 2005 Minutes. Motion to approve with changes passes 4 - 0.

Meeting adjourned at 8:00 p.m.