

**Cherokee County Zoning Board of Appeals**  
**Public Hearing**  
**Minutes**  
**Thursday, April 12, 2007**  
**6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its postponed meeting on April 12, 2007 in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Zoning Board of Appeals were Chairman Evert Hekman, Amy Dupree, Roy Taylor, Elizabeth Semler and Greg Elder. In attendance for Cherokee County Staff were Jeff Watkins, Planning Director, Allie Stori, Planner and Vikki Chadwick, Senior Clerk.

**Old Cases**

**Case #07-03-010V Ray L. Hemphill** requesting a variance to Article 10, Section 10.6-7; Stream Bank Buffer Regulations. The applicant is requesting a variance for removal of the 50 foot undisturbed natural buffer along 730 linear feet of intermittent stream. The property is located on Lower Burris Road in Land Lot(s) 178, 179 of the 14<sup>th</sup> District as Cherokee County Tax Map 14N13, Parcel(s) 66, 67, 68.

Mr. Taylor made motion to table until the May meeting.

Mr. Elder seconded the motion.

Motion passed 5-0.

**New Cases**

**Case #07-04-011V Amini Homes** requesting a variance to Article 23. The applicant is requesting a variance to reduce the required 25-foot front building setback to 21.5 feet. This property is located at 307 Moss Court in Land Lot(s) 1114 & 1119 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 15N30H, Parcel 042.

Allie Stori presented the case.

Mohammad Amini represented the case.

No one spoke in favor.

No one spoke in opposition.

Mr. Hekman closed public comment.

Mr. Taylor made motion to approve.

Ms. Dupree seconded the motion.

Motion passed 5-0.

**Case #07-04-012V Kenneth Croft** requesting a variance to Article 5, Section 5.6. The applicant is requesting a variance to allow an accessory structure in the front yard. This property is located at 122 Boone Drive in Land Lot(s) 1149 & 1084 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N06E, Parcel 069.

Allie Stori presented the case.

Kenneth Croft represented the case.

Frank Saggese spoke in opposition.

Mr. Croft spoke in rebuttal.

Mr. Hekman closed public comment.

Mr. Taylor made motion to approve with conditions.

1. Shed to be moved out of the right of way to a location south of the power pole.
2. The current door is to be moved from the north wall to the west wall.
3. Applicant must work with the county to establish the lines of the right of way.

Mr. Elder seconded the motion.

Motion passed 5-0.

**Case #07-04-013V Ronald Pearce** requesting a variance to Article 7, Table 7.1A. The applicant is requesting two variances of 20 feet to reduce the required 50-foot setback to a 30 foot front and a 30-foot rear for a new lot and a 12 foot variance to reduce the side building setback to 38 feet and a 30 foot variance to reduce the rear building setback to 20 feet for the existing home. This property is located in Land Lot 1149 & 1084 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N06E, Parcel 069.

Allie Stori presented the case.

Ronald Pearce represented the case.

Lauren McKenzie spoke in opposition.

Mr. Pearce spoke in rebuttal.

Mr. Hekman closed public comment.

Mr. Taylor made motion to approve with conditions.

1. Accept in part the application requiring the end result of the proposed structure be 50 feet away from the existing rear property line. Allow a property line to be drawn between the existing residence and the new residence, such that each maintain a minimum 15 foot setback from that property line, upon the appropriate time that these two lots be made whole again.

Mr. Hekman seconded the motion.

Motion passed 5-0.

**Case #07-04-014V Penney & Lance Davis** requesting a variance to Article 11. The applicant is requesting a variance to allow a 5' x 8' overall sign with 24 square feet of copy area in a residential zoning district. This property is located at 4095 North Arnold Mill Road in Land Lot 833 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N28, Parcel 009C.

Allie Stori presented the case.

Clifford Switzer represented the case.

No one spoke in favor or in opposition.

Mr. Hekman closed public comment.

Mr. Elder made motion to approve.

Mrs. Semler seconded the motion.

Motion passed 5-0.

**Case #07-04-016V Dennis Kirkland** requesting a variance to Article 5; Section 5.6. The applicant is requesting a variance to allow a 1 foot side building setback for a detached structure. This property is located at 140 Creekview Drive in Land Lot(s) 1134 & 1135 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N18D, Parcel 271.

Allie Stori presented the case.

Dennis Kirkland represented the case.

No one spoke in favor.

John Ballas spoke in opposition.

Mr. Kirkland spoke in rebuttal.

Mr. Hekman closed public comment.

Mr. Hekman made motion to deny.

Mrs. Semler seconded the motion.

Motion to deny passed 4-1.

Mr. Elder opposed.

**Case #07-04-017V Betty M. Smith** requesting a variance to Article 5; Section 5.6. The applicant is requesting a variance to allow two additional accessory structures. This property is located at 330 Wagon Trail in Land Lot 1246 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N24, Parcel 024.

Allie Stori presented the case.

Betty Smith represented the case.

Ann Myers spoke in opposition.

Linda Florey spoke in opposition.

Mrs. Smith spoke in rebuttal.

Mr. Hekman closed public comment.

Mr. Elder made motion to approve with conditions:

1. Allow the larger of the two accessory buildings 12x16 to remain on the property. The 12x12 building is to be removed.
2. The building that remains be moved in such a way to minimize the mitigation planting required.
3. Planted screening of Nelly Stevens's hollies and cryptomeria trees to be planted to fully screen both remaining small buildings and the 900 square foot building. Trees should be 10 feet in height and planted on 6 foot centers. Applicant must work with the county arborist and the neighbor to come up with an acceptable plan.
4. The 16x12 building cannot be replaced by anything larger.
5. Plantings must be maintained to preserve the full screening.

Mrs. Semler seconded the motion.

Motion passed 5-0.

**Case #07-04-018V Lillian F. Milne** requesting a variance to Article 23, Table 23-2 (Old Regulation Conservation Subdivision). The applicant is requesting a variance to reduce the required 30 foot front and the 10 foot side setback to allow construction of a handicapped accessible portico from the home. This property is located in Land Lot 648 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 03N04B, Parcel 040.

Allie Stori presented the case.

Lillian Milne represented the case.

Larry Woolard spoke in opposition.

Mr. Hekman closed public comment.

Roy made motion to table and requested applicant to bring site plan, house location plan and an elevation plan with portico drawn to scale with measurements and architectural renderings.

Mr. Hekman seconded the motion.

Motion passed 5-0.

**Case #07-04-019V Jonathan Hicks** requesting a variance to Article 23; Table 23-2 (Old Regulations for Conservation Subdivision). The applicant is requesting a variance to reduce the required 25 foot rear setback to 12.5 feet. This property is located in Land Lot 690 & 679 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N28D, Parcel 032.

Allie Stori presented the case.

Mike Pearson represented the case.

No one spoke in favor or in opposition.

Mr. Hekman closed public comment.

Mr. Hekman made motion to approve as presented.

Mr. Taylor seconded the motion.

Motion passed 5-0.

**Other Items**

Approval of March 1, 2007 Minutes.

Meeting adjourned 9:10 P.M.