

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, September 7, 2017
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, September 7, 2017 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Melissa Range, Marla Doss, Lisa Tressler and Elizabeth Semler. Cindy Castello was absent. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator, Tamala Davis, Planning Technician and Paul Frickey, County Attorney.

The meeting was called to order at 6:31 p.m.

Case #17-09-038V Todd & Elizabeth O'Connor at 588 Conns Creek Road is requesting variances to Article 5, Sections 5.6 – Accessory Structures; Section 5.6 A – Location and Section 5.6 C - Height of the Zoning Ordinance to allow a twelve (12) foot variance to the front building setback of 80 feet and a four (4) foot variance to the height restriction. The property is located in Land Lots 161 and 162 of the 3rd District and further described as Cherokee County Tax Map 03N13, Parcel 021.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has received no letters in support of or in opposition to this variance request. Ms. Lee stated staff recommends this variance be approved, however the new structure will have to comply with the Cherokee County Flood Damage Prevention and Floodplain Management Ordinance.

Todd and Elizabeth O'Connor represented this case. Mr. O'Connor stated they would like to tear down the old barn and build a garage with living quarters for his mother-in-law. He stated most of this property is located in a flood plain.

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

Ms. Semler closed public comment.

Ms. Semler made a motion to approve. Seconded by Ms. Tressler. Motion passed 4-0.

Case #17-09-039V Mosaic Oaks, LLC. at 7935 Midway Road is requesting variances to Article 5, Section 5.6 for a barn in the front yard area; and Article 7, Table 7.1A – Minimum District Development Standards of the Zoning Ordinance to reduce interior setbacks around barn to ten (10) feet and reduce interior setbacks between proposed Lot 2 and Lot 3 to twenty-five (25) feet. The property is located in Land Lot 35 of the 2nd District and further described as Cherokee County Tax Map 02N13, Parcel 190.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has received no letters in support of or in opposition to this variance request. Ms. Lee stated the proposed division would allow two (2) new homes without the variance to the side setbacks by pushing the homes a little further back.

Kevin Plemmons represented this case. Mr. Plemmons stated this is a difficult property to subdivide and build on due to the shape. He stated it is shaped like an hour glass and this is why he is asking for the relief of the setbacks just on the interior lots. Mr. Plemmons stated his only other option would be to apply for a rezoning.

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

Ms. Semler closed public comment.

Ms. Range asked Mr. Plemmons why request variances on such large lots. Mr. Plemmons stated for curb appeal from Holbrook Campground.

Ms. Semler stated there is room on these lots to not request a variance.

Mr. Plemmons stated it would only be on the interior lots and he would be building on one of those tracts.

Ms. Tressler asked Mr. Plemmons how far back he would need to move the home to meet the 50 foot building setbacks. Mr. Plemmons stated you would almost have to turn the home sideways to get the width he wants and it would actually push him back to the R-20 zoned properties. He stated he would like to stay as far away as possible from the R-20 development.

Ms. Doss asked Mr. Plemmons would they share the same driveway. Mr. Plemmons stated yes and he will install a fence coming from Holbrook Campground Road.

Ms. Semler asked Mr. Plemmons was the property already subdivided when he purchased it. Mr. Plemmons stated he purchased it as one tract.

Mr. Frickey asked for clarification on the subdivision of property. Mr. Plemmons stated he has not subdivided it yet. Mr. Frickey asked staff if they can be given variances for internal lines that have not been established yet. Ms. Lee stated if he was to submit a plat we could not approve it, she stated it made more sense for him to come beforehand. Mr. Frickey stated but we would be issuing variances to lot lines that don't exist. Ms. Lee stated she sees his point, however these type of variances has come before the Board before.

Mr. Plemmons stated the plan has been submitted for review however, has not been reviewed due to waiting on outcome of variance approval.

Mr. Frickey stated if the variance were approved is should be conditioned on submittal of a plat for recording that matches the exhibit with the application.

Ms. Range made a motion to approve the application as submitted with the condition requiring the submittal of a plat for approval and recording matching that of the minor subdivision exhibit map submitted with the application. Seconded by Ms. Tressler. Motion passed 4-0.

Case #17-09-040V AJC Holdings at 6460 Highway 92 is requesting variances to Article 8, Section 8.12.8; Article 11, Section 11.5-5, I. 2; Table 11.1; Article 13, Section 13.10 of the Zoning Ordinance to allow a change to a non-conforming sign to a 12 mm high resolution digital sign in the Bells Ferry LCI and to allow an increase the height of the existing sign up to 1.0 foot. The property is located in Land Lot 1189 of the 21st District and further described as Cherokee County Tax Map 15N06, Parcel 080.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has not received any letters in support of or in opposition to this application. Ms. Lee stated staff is reluctant to continue to recommend more and more LED signs on Highway 92, nevertheless, alternatives considered would not remedy the current situation. If the Board approves the variances, staff will ask for an engineer's certification to the structural stability of the existing support. Ms. Lee stated she did receive an inquiry from the property owner behind this property that has advertisement on the current sign.

Alexander Cua represented this case. Mr. Cua stated he is requesting a digital sign and owns 3 acres behind this building with no space to put any additional signage. He stated this would make it easier to change the contents.

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

Ms. Semler closed public comment.

Ms. Semler stated she has problems with approving LED signs up and down Highway 92 however she does see where this is a difficult location.

Ms. Semler asked Mr. Cua why could he not just use the panels instead of having an LED. He stated there will not be enough room for his tenants and the church would still like to use the sign on weekends.

Ms. Range asked Mr. Cua if the variance does not get approved how he will accommodate the church on the weekends. He stated he would not be able to accommodate their signage.

Mr. Frickey stated the decision cannot be based on the contents of the sign.

Ms. Semler stated she does feel there is a hardship at this location.

Ms. Semler made a motion to approve as submitted. Seconded by Ms. Range. Motion passed 3-1. Ms. Tressler was opposed.

Case #17-09-041V Marietta Carpentry, LLC. at 1085 Britley Park Lane is requesting a variance to Article 7, Table 7.1A Minimum District Development Standards of the Zoning Ordinance to allow a six (6) foot variance to the ten (10) foot side building setback. The property is located in Land Lot 902 of the 21st District and further described as Cherokee County Tax Map 15N05F, Parcel 008.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated we have two letters of support from adjacent neighbors and none in opposition to this variance request. Ms. Lee stated the current patio is on the east side of the home and the adjacent neighbor on that side has no objection to the granting of the variance. She stated she is not sure how the decreased distance between the homes will impact building codes, otherwise, staff recommends the variance be granted.

Mr. and Mrs. Davidson were present to represent this case. Nancy Davidson stated their builder was supposed to be here tonight however did not show. He stated this was a wedding gift to his wife to screen in the porch and is complete. He stated they were not aware there was no permit issued.

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

Ms. Semler closed public comment.

Ms. Semler made a motion to approve as submitted. Seconded by Ms. Range. Motion passed 4-0.

Case #17-09-042V Highland Falls, LLC. at 190 Bryon Road 5399 Highway 92 and is requesting a variance to Article 16, Section 16.1.3 Boundaries to allow the entire property to be developed under the Highway 92 Village Overlay. The property is located in Land Lot 1184 of the 21st District and further described as Cherokee County Tax Map 15N05, Parcels 145 and 153.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has not received any letters in support of or in opposition to this application. Ms. Lee stated staff has no objection to the granting of this variance.

Kenny Phelps represented this case. Mr. Phelps stated they would like to have the entire property developed under the Highway 92 Overlay. He stated they plan to build a subdivision.

There was no one present to speak in support.

Mr. James McMahan spoke in opposition. Mr. McMahan stated he has concerns with the location of the road and if a red light will be installed.

Ms. Semler stated he can build the same number of homes as currently zoned without the rest of the property being in the Overlay District.

Mr. Phelps stated he can provide a preliminary site plan of their proposal for Mr. McMahan to review.

Ms. Lee stated the road would have to be brought up to county standards.

Ms. Semler closed public comment.

Ms. Semler made a motion to approve. Seconded by Ms. Doss. Motion passed 4-0.

Approval of Minutes

Ms. Semler made a motion to approve July 20, 2017 Minutes. Seconded by Ms. Range. Motion passed 5-0.

Ms. Semler made a motion to approve August 3, 2017 Minutes. Seconded by Ms. Range. Motion passed 5-0.

Ms. Semler made a motion to adjourn. Seconded by Ms. Doss. Meeting adjourned at 7:36 p.m.