

**Cherokee County Zoning Board of Appeals  
Public Hearing Agenda Minutes  
Thursday, January 5, 2012  
6:30 PM**

**REVISED  
Approved 3-1-2012**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on January 5, 2012 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Roy Taylor, Elizabeth Semler, Cynthia Castello and Lanette Shaw. Viviane Decker was not in attendance. 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 by Chairman Roy Taylor at 6:32 p.m.

Mr. Taylor informed the public that **Case #12-01-002V RaceTrac** will not be heard tonight due to the applicant requesting postponement until February 2, 2012.

Ms. Vicki Taylor Lee presented the case of **Mark Greer Case #12-01-001V** requesting a variance to Article 23; Conservation Subdivision. Applicant is requesting a variance for an encroachment of 40 feet into the required 50 foot undisturbed conservation buffer to build an accessory structure. This property is located at 213 Sable Ridge Way in Land Lot 1109 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 21N12N, Parcel 008.

Ms. Taylor Lee discussed staff comments and noted that she did receive a letter of objection.

Mr. Greer represented this case. He stated that they live on .63 acres which is not a lot of room for children to play. He stated that he would like to build a structure to move things out of the house and a place where the children can play in the back yard. Mr. Greer stated that they were able to install an 18 inch drain in the easement and ties into the storm water drain per code. He stated that when they applied for the variance they went and received written permission from the adjoining property owners.

Mr. Taylor asked the applicant did he have anything to indicate as to why they should be allowed to put this structure in this buffer. Mr. Greer stated that he didn't have a reason other than they need the space and he doesn't feel that it would look bad in this community that it was basically their desire to have it in the back corner.

Ms. Castello stated that when she went out to the site today she noticed in the back yard that it was about 2½ foot higher than the adjacent grade and she asked the applicant if he did this? Mr. Greer stated that they moved the dirt in the back approximately 6 months ago instead of paying to have it moved off the property.

Mr. Taylor asked did he go through the County to have this done because the 50 foot undisturbed buffer got disturbed then. Mr. Greer stated he had gotten with Engineering Department.

Mr. Taylor asked if there was anyone to speak in favor or opposition. There was none.

Mr. Taylor closed the public hearing.

Mr. Taylor stated that there are problems here that they did not realize. Mr. Taylor informed the applicant that nothing is to be placed in this 50 foot undisturbed buffer area. He stated that this is a 50 foot path that runs around the entire subdivision.

Ms. Shaw asked the applicant to continue explaining the area for construction. Mr. Greer explained further. Ms. Shaw stated that it sounds like the buffer area was already disturbed from them traveling back and forth. Ms. Shaw asked the applicant did he cut down any trees. Mr. Greer stated no, they did remove some undergrowth, briars and ivy.

Mr. Taylor made a motion to deny this application. He stated that it seems like there are other places to put this structure.

Ms. Semler stated that she has a hard time supporting this application because of this undisturbed buffer. Ms. Semler seconded this motion. All in favor for denial of this application.

**Case #12-01-003V Roger Jarrard** requesting a variance to old Article 8; Planned Unit Development. Applicant is requesting a 30 foot variance to reduce the 50 foot PUD buffer to 20 feet along the south property line. This property is located on Arbor Hill Road in Land Lot 960 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 03N17, Parcel 103A.

Ms. Taylor Lee presented this case. She discussed staff comments and noted that she has not received any letters in support or opposition.

Mr. Taylor asked if the information from Environmental Health put the house location approximately where they are proposing to construct the home. Ms. Lee discussed the information provided from Environmental Health.

Mr. Jarrard represented this case. He stated that he would like to encroach into the 50 foot buffer on the south side of the property. He stated that it adjoins AG zoned property and currently has an old abandoned house. He stated that due to the shape of the lot he has worked with Environmental Health to determine location of septic lines. He stated that there are two (2) existing roads on this property and presents a plat to the Chairman indicating these locations. Mr. Jarrard stated that he was trying to locate the home as far back from the entrance to Orange Shoals as he could.

Mr. Taylor asked if there was anyone to speak in favor or against.

William Egeland, President of Orange Shoals Homeowner's Association spoke in opposition. Mr. Egeland presented some pictures to the Board and stated that they just heard about this variance request Christmas Day and wanted to find out more information regarding this request. He stated that he came to speak tonight to represent 314 homeowners in Orange Shoals that are opposing this application. He stated that this property is directly next to the entrance to the subdivision and Orange Shoals was one of the first green belt communities in

the County. He stated that one of the issues they have is that if you drive down their main thoroughfare there are no houses because of the buffer of about 75 feet of wooded area. He stated that this house would be located right in the front corner of this subdivision and would not be consistent with what we have in the community. He also discussed the BellSouth easement and utility boxes.

Mr. Taylor asked Mr. Egeland to add this location of the easement and junction boxes to his plat. Mr. Taylor asked staff if there was a plat that indicated this easement so he can get a better understanding. Ms. Taylor Lee provided Mr. Taylor with same.

Mr. Taylor asked Mr. Egeland if his objection was that any house be built on this property. Mr. Egeland stated that if it is approved they are concerned that they could tear the wall down and everyone in the neighborhood is opposed to this. Mr. Taylor stated that this is a separate issue. Mr. Taylor stated that we are not here to talk about if a home can be built on this lot nor if this parcel can be sold. He stated that he is surprised that they are not here supporting this application since the applicant is trying to construct this house as far away from the entrance of the subdivision as possible. Mr. Egeland stated that he just wanted to bring up these issues. Mr. Taylor stated these are all good issues and some of which may need to be resolved outside of this room, but what the applicant is asking for is to encroach into the 50' setback to get it further away from the subdivision entrance, which is what he would want. Mr. Egeland agreed and stated they would work with them as much as they can. Mr. Taylor stated that he didn't know if it would be helpful to anyone although it looks like it might be to offer an easement across your setback to put a driveway in front of your entrance drive that would leave the block wall and the Bellsouth equipment right where it is and would allow you to put in a additional landscaping all the way across to where the Bellsouth equipment exists and let him get his access to this spot if we allow him put it where it is shown on the drawing and bring his driveway in from your entry road with some agreements about landscaping and this might be a better situation for everyone. Mr. Egeland stated that it has been thought about but has not been considered yet since they only found out about this a week ago.

Richard Massey spoke in opposition. Mr. Massey stated that he lives across the street and his concerns are a little different. He stated his concerns regarding the adjoining property that has the condemned home that he would possibly like to purchase. Mr. Taylor discussed the building setbacks and other information regarding this property with Mr. Massey. Mr. Taylor stated that he could apply to rezone this property.

Mr. Taylor closed the public hearing.

Ms. Taylor Lee wanted to make note for the record that the legal ad ran in the paper on December 16<sup>th</sup>, notice signs were posted on Friday, December 20<sup>th</sup> and courteous notifications were mailed out on December 14<sup>th</sup>.

Mr. Taylor called Mr. Jarrard up forward for questions. Mr. Taylor asked about the rock wall. Mr. Jarrard stated that the rock wall is on this property however, he has no intentions of tearing this wall down. Mr. Taylor asked if the driveway Mr. Jarrard plans to use is at the location of the parked car on the submitted picture. Mr. Jarrard responded, yes.

Ms. Shaw asked the applicant if he has already purchased the lot. Mr. Jarrard stated it is pending the approval of this application however he has paid for the soils report and survey.

Mr. Taylor stated that from Environmental Health's drawing the applicant clearly needs the front area for septic and this fits a hardship.

Ms. Semler asked what the setbacks would be on the back side of the property. Ms. Lee discussed the building setbacks and PUD requirements.

Ms. Shaw made a motion to accept as submitted. Seconded by Ms. Semler. Unanimous approval.

The last case, **Case #12-01-004V Lee Graham** requesting a variance to Article 5; Section 5.6 Accessory Structures. Applicant is requesting a 10 foot encroachment into the side building setback on west side for an accessory structure. This property is located at 5173 Legendary Lane in Land Lot 1294 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N06C, Parcel 278.

No one was present to represent this case.

Mr. Taylor made a motion to table this case until next public hearing. Seconded by Ms. Shaw. Unanimous approval.

Ms. Shaw made a motion for approval of December 1, 2011 Minutes. Seconded by Ms. Castello. Unanimous approval.

Other items were the Election of Officers for 2012. Ms. Semler made a motion to keep Mr. Taylor as Chair of the Zoning Board of Appeals. Seconded by Ms. Castello. Unanimous approval.

Ms. Castello made a motion to keep Ms. Semler as Vice Chairman for the Zoning Board of Appeals. Seconded by Ms. Shaw. Unanimous approval.

Discussion of Case #10-10-017V Brian Keith Andrews – Ms. Lee stated that no further work has been done and it is unfinished.

Discussion of Case #10-07-011V Holdheide Education, Inc. – Ms. Lee stated that the approval of this case would expire in July of this year. She stated that she does have current pictures of the property. Mr. Taylor stated that staff needs to send her a letter and remind her of the conditions.

Mr. Taylor made a motion to adjourn the meeting. Seconded by Ms. Castello. Unanimous approval. The meeting adjourned at 7:55 p.m.