

Approved
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Cherokee County Zoning Board of Appeals
Public Hearing
Agenda
Thursday, October 2, 2003
6:30 p.m.

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on October 2, 2003, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Zoning Board of Appeals were Chairman Karen Mahurin, Evert Hekman, Bart Brannon, Roy Taylor and Cindy Castello. In attendance for Cherokee County Staff were Vicki Taylor, Zoning Administrator, Vicki Mulkey, Zoning Technician for the Planning & Zoning Department and Mark Mahler, County Attorney. The meeting was called to order at 6:30 pm.

Old Cases

Case #03-09-044A Sharon & Mike Staines requesting a variance to Article 7, Section 7.7-9; Setbacks for barn. The applicant is requesting a variance to reduce the front and side building setback to 50' instead of the required 75' for a barn. The property is located at 121 Hickory Hill Court in Hickory Hill Estates Subdivision in Land Lot(s) 32 of the 2nd District and described as Cherokee County Tax Map 02N12, Parcel 080D.

Vicki Taylor gave findings of facts. She stated the applicant had said to position the barn elsewhere on the property would unnecessarily impact the adjacent subdivision or other homes within their own subdivision. She stated the request would not cause a detriment due to the agricultural nature of the areas to the north, east and west.

Sharon Staines represented this case.

No one spoke in favor or opposition.

Roy Taylor asked why the barn could not be placed on the other side of the property beside the driveway. Mrs. Staines said because the barn would be in her neighbor's back yard because of the way their house is positioned and horses would be kept in the barn and there would be flies. She said she was trying to be considerate of her neighbor.

Bart Brannon made a motion to approve. Seconded by Evert Hekman. Motion passed unanimously.

Case #03-10-045A David D. Basone requesting a variance to Article 5, Accessory Structures, Section 5.6(A) and 5.6 (B). The applicant is requesting a 6' variance to allow a 4' side building setback instead of the required 10' setback and a variance to allow one additional accessory structure on this property. The property is located at 125

Farmington Drive in Farmington Subdivision in Land Lot 839 of the 15th District and described as Cherokee County Tax Map 15N22C, Parcel 166.

Vicki Taylor gave findings of facts that the Zoning Ordinance only allowed for one accessory structure in a residentially zoned area and this property would have two. She stated that the lots were fairly narrow. She stated the carport needs to be on the same side of the house as the driveway. She stated the carport might be able to be placed in the rear, but then access to the home would be compromised. She stated that consideration should be given to the adjacent neighbor.

David Basone represented this case. He said the adjacent neighbor did not have a problem with the variance.

No one spoke in favor or opposition.

Cindy Castello made a motion to approve. Seconded by Bart Brannon. Roy Taylor made a friendly amendment that the structure be attached to the carport. Motion passed unanimously.

Case #03-10-046A **Larry Wingate** requesting a variance to Article 5; Accessory Structures, Section 5.6(A). The applicant is requesting a variance to allow an accessory structure in the front yard area instead of the side or rear yards. The property is located at 1595 Rabke Road in Land Lot 586 of the 15th District and described as Cherokee County Tax Map 15N09, Parcel 007.

Vicki Taylor gave Staff findings that the access to the side and rear yards are restricted due to a ravine with a creek along the right side of the home and a retaining wall on the left side of the house. She stated applicant has indicated that the front yard is the only place a 30' x 30' accessory structure could be placed on the property where it could be accessed by a vehicle due to topographic conditions.

Glenda Wingate represented this case. She stated the storage is for tools made of metal and wood.

No one spoke in favor or opposition.

Roy Taylor made a motion to approve. Seconded by Evert Hekman. Motion passed unanimously.

Case #03-10-047A **Streetside Developers, LLC** requesting a variance to Article 16, Section 16.1; Hwy 92 Overlay District. The applicant is requesting a variance to include all of parcels 36, 63, 62 and 62A inside of the Hwy 92 Overlay District. The property is located at Hwy 92 and Woodstock Road in Land Lot(s) 1180, 1181, 1182, 1196, 1197, 1195

of the 21st District and described as Cherokee County Tax Map 21N12, Parcel(s) 36, 63, 62 and 62A.

Vicki Taylor gave Staff findings that parcels 36 and 63 are primarily within the Overlay District except for a small area. She stated parcel 62 and 62A are outside the District. She stated this is a mixed-use development requiring the assembled parcels be located within the District.

Larry Singleton represented this case.

No one spoke in favor.

Cecil Gibson spoke in opposition. He spoke of concerns of Woodstock Road being a narrow road and traffic concerns.

Marty Beyer spoke in opposition due to the density and school overcrowding.

Glenn Taylor, 711 Priest Road spoke in opposition due to wildlife concerns in the area.

Robin Brown spoke in opposition to concerns of having a development built behind her because it is wooded. She spoke of traffic concerns and school overcrowding.

Jerri Beach spoke in opposition due to school overcrowding.

Chairwoman Mahurin explained the 92 Village Ordinance.

Larry Singleton spoke in rebuttal and stated that Woodstock Road would be improved by the developer and he stated the density is not as high as it could be developed now. He stated the developer would be bringing sewer to the development.

Bart Brannon discussed the quality of the development, reduced curb cuts onto Hwy 92, proposed buffers and the developer maintaining the pond on the property.

Roy Taylor discussed an additional 11 lots that could be built with this development as opposed to the present zoning and his concerns for the adjacent homeowners.

Vicki Taylor stated the applicant would be losing 40 feet for streetscape along Hwy 92 and Woodstock Road.

Bart Brannon made a motion to approve with two conditions: 1) Development to be site plan specific 2) Improvements be made to Woodstock Road. Seconded by Karen Mahurin. Motion passed 4 to 1 with Cindy Castello opposing.

Case #03-10-048A The Myrick Co. requesting a variance to Article 7, Section 7.7-39f(3) Parking Requirements for Community or Neighborhood Centers. The applicant is requesting a variance to allow parking in the front yard area for amenity area. The

property is located at 301 Glen Mill Court inside Glen Brooke Subdivision in Land Lot(s) 832 of the 15th District and described as Cherokee County Tax Map 15N28, Part of Parcel 237.

Vicki Taylor gave Staff findings that the septic system field line location limits the ability to relocate the parking, pool and tennis courts. She stated without the variance the applicant would not be able to provide the required number of parking spaces.

Paul Moyer represented this case and explained that the parking must go where it is planned due to having to put the field lines and sewer along west portion of property. He stated no one lives in the subdivision now.

No one spoke in favor or opposition.

Mark Mahler stated it is part of the Zoning Ordinance there is no parking in the front yard setbacks, but felt it is silly as long as the purchasers know they are purchasing a home next to a parking lot.

Cindy Castello asked about changing the Zoning Ordinance to allow parking in the front yard setbacks. Mark Mahler said he would make a recommendation to the Planning & Zoning Department and the Commissioners to look at changing that.

Roy Taylor made a motion to approve. Bart Brannon seconded. Motion passed unanimously.

Roy Taylor stated he would like to look at the wording for the parking and craft it well. Bart Brannon asked Mark Mahler if he would craft that for them and bring it to the next meeting.

Mark Mahler addressed the ZBA concerning a house under construction in the Woodmont John Wieland Homes Subdivision. He stated there is a house in the cul-de-sac there that they started to construct and the footing where put in and the lines were pulled and the lines were fine. He stated they started construction, but when they started construction, the builder decided there is a garage that sticks out from it and they flipped the house to make it fit better on the lot. He stated now the garage that is bricked and finished on the outside is 5 feet into the front yard setback.

Vicki Taylor stated that due to the way the property line is structured, the setback line just clips the front corner of the garage.

Chairwoman Mahurin asked if the person that originally built the house is not the same person that is putting forth this request. Mr. Mahler answered, no. That John Wieland homes is making this request.

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Mr. Mahler explained they have a buyer to close out. He stated in the past with minor encroaching and a closing that is imminent, that the County has declared they are aware of this encroachment and the County is not going to take any action on it. He stated then that the fine is double the building permit fee for doing that. He stated under the circumstances and that John Wieland Homes had inherited this situation and there is a closing pending, he would like to issue that letter instead of putting a stop work order on the property.

Chairman Mahurin stated she wanted the Board to be aware of this request. Roy Taylor asked if a survey had been done. Vicki Taylor said a survey has been done. Mr. Mahler said he would copy the ZBA on that letter.

Other Items

Approval of September 4, 2003 Minutes.

Bart Brannon made a motion to approve. Seconded by Cindy. Passed unanimously.

**Roy Taylor made a motion to adjourn. Seconded by Cindy. Motion passed.
Meeting adjourned at 7:40 pm.**

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