

**Cherokee County Zoning Board of Appeals
Public Hearing
Agenda
Thursday, November 6, 2003
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on November 6, 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, Jesse Perry, Senior Clerk for the Planning & Zoning Department and Mark Mahler, County Attorney. The meeting was called to order at 6:30 pm.

Case #03-11-049A Russell Ziprik requesting a variance to Article 7, Section 7.1 Setbacks. The applicant is requesting a variance to reduce the side building setbacks to 35' instead of the required 50' for a primary structure. The property is located at 221 River Run Drive in Land Lot(s) 447 & 490 of the 3rd District and described as Cherokee County Tax Map 03N09, Parcel 96.

Vicki Taylor gave Staff findings that the lot narrows to the rear, decreasing in width from approximately 185 feet at the front building line to approximately 142 feet at the rear building setback line. She stated the proposed home is approximately 70 feet wide. She stated the applicant would not be able to build their chosen house at the chosen house site and that the house size would have to be altered and/or moved to the front of the lot.

Russell Ziprik represented this case.

No one spoke in favor or opposition.

Bart Brannon made the motion to approve. Seconded by Cindy Castello. Motion passed 3 to 2 with Evert Hekman and Roy Taylor opposing.

Case #03-11-050A Avelardo Mercado requesting a variance to Article 7, Section 7.1 The applicant is requesting a variance to allow a 15' front building setback on this property. The property is located at 90 Brook Rapids Drive in Land Lot 1149 of the 15th District and described as Cherokee County Tax Map 15N06E, Parcel 088.

Vicki Taylor gave Staff findings that the lot drops off dramatically towards the rear. She stated the home is setting approximately 15 feet off of the road right-of-way and the top of the slope is only about 6 or 7 feet behind the home. She stated the applicant

would not be able to place a home on this site at all without extraordinary fill and/or retaining walls.

Terri Godinez represented this case.

No one spoke in favor or opposition.

Evert Hekman made the motion to approve. Roy Taylor seconded. Motion passed unanimously 5-0.

Case #03-11-051A James Minks Jr. requesting a variance to Article 9; Section 9.6. The applicant is requesting a variance to allow a fabrication business from the basement of the home. The property is located at 150 Old Blackberry Trail in Land Lot 181 of the 14th District and described as Cherokee County Tax Map 14N13, Parcel 170G.

Vicki Taylor gave Staff findings that there are large parcels in the area and has good vegetative buffering. She stated the applicant was given a verbal authorization by the previous Zoning Administrator and preceded with the purchase of very expensive equipment, as well as licenses.

James Minks Jr. represented this case and described his business and brought an example of his work.

Cindy Castello asked about the noise issue.

Bart Brannon asked about the hours of operation and traffic.

Cindy Castello asked if it was a County maintained road.

John Cline spoke in opposition.

Cindy Castello asked to be shown where neighbor's driveway was located.

Bart Brannon asked how long they had been in operation.

Cindy Castello made the motion approve with stipulation it will come back to the Board in one year and there be one employee only. Seconded by Bart Brannon. Motion passed 5-0.

Case #03-11-052A Donald Godfrey requesting a variance to Article 5, Section 5.6 B, and 5.6 C. The applicant is requesting a variance to allow an additional accessory structure

and increase the allowable of 900 sq.ft. by 600 square feet. The property is located at 929 Univeter Road in Land Lot 127 of the 15th District and described as Cherokee County Tax Map 15N13, Parcel 101.

Vicki Taylor gave Staff findings that the area is surrounded by light industrial zoning and uses on three sides. She stated the applicant has a valuable antique car collection and without the proposed structure the vehicles would have to remain parked outside.

Donald Godfrey represented his case.

No one spoke in favor or opposition.

Roy Taylor made the motion to approve. Seconded by Karen Mahurin. Motion passed unanimously 5-0.

Case #03-11-053A Liberty Development Corporation requesting a variance to Article 16, Section 16.1-3: Boundaries, and 16.1-4A: Permitted Uses. The applicant is requesting a variance to allow 11.07 units per acre and to include the entire property in the Hwy 92 Overlay District. The property is located at 8011 Highway 92 in Land Lot(s) 1157, 1220 of the 15th District and described as Cherokee County Tax Map 15N06, Parcel 300.

Vicki Taylor gave Staff findings that the subject property is split by the Overlay boundary line and is surrounded by light industrial and general commercial zoning and uses on three sides. She stated the current conditions would necessitate this parcel be developed under two separate guidelines or owner could develop as heavy industrial.

Matt Brunn represented the case.

Cindy Castello asked if driveways had enough space.

Bart Brannon asked if every house would have a garage.

No one spoke in favor or opposition.

Evert Hekman made the motion to approve putting the entire property into Hwy 92 Village Ordinance. Seconded by Roy Taylor. Motion passed unanimously 5-0.

Evert Hekman made the motion to deny density increase. Roy Taylor seconded. Motion was withdrawn.

Bart Brannon made the motion to postpone the density issue for 30 days. Cindy Castello seconded. Motion passed unanimously 5-0.

Case #03-11-054A Joseph Shields requesting a variance to Article 5, Section 5.6A. The applicant is requesting a variance to allow a 3.8 foot setback for a swimming pool. This property is located at 2304 Westland Mill in Land Lot 1035 of the 21st District and further described as Cherokee County Tax Map 21N11A, Parcel 002.

Vicki Taylor gave Staff findings that without the variance this in-ground pool would have to be relocated.

Joseph Shields represented this case.

Karen Mahurin wanted to know when permit was issued. Mr. Shields' reply was two years ago.

Bart Brannon asked if it was in-ground or above ground. Mr. Shields' reply was in ground.

Herb Miller spoke in opposition and had many handouts for the Board. He stated that many of the accessories were on his property.

Vicki Taylor stated it wasn't according to the survey.

Roy Taylor suggested they not hear the case and stated it should be a matter for the Courts.

Mark Mahler suggested postponing the case for 30 days to look at the information provided.

Roy Taylor made the motion to postpone for 30 days. Karen Mahurin seconded. Motion passed unanimously 5-0.

Case #03-11-055A Venture Homes requesting a variance to Article 5, Section 5.6. The applicant is requesting a variance to allow the construction of a gazebo prior to the construction of the primary structure on the property. This property is located at 301 Park Creek Ridge in Land Lot 501 of the 2nd District and further described as Cherokee County Tax Map 02N03B, Parcel 086.

Vicki Taylor gave Staff findings that the only other recourse would be to amend the final plat of this subdivision to reflect this lot as common space. She stated, however, should the HOA ever disband, it would be very difficult to get this lot reestablished as a lot of record.

Mr. Ornsby represented the case.

Roy Taylor asked who would own the lot. Mr. Ornsby replied the Homeowners Association.

No one spoke in favor or opposition.

Bart Brannon made the motion to approve. Cindy Castello seconded. Motion passed unanimously 5-0.

Case #03-11-056A Annie Holloway requesting a variance to Article 7, Section 7.7-9. The applicant is requesting a variance to be allowed to keep two miniature horses on their property. This property is located at 2074 Morgan Road in Land Lot 382 of the 15th District and further described as Cherokee County Tax Map 15N20, Parcel 077.

Vicki Taylor gave Staff findings that this is a single R-20 lot completely surrounded by AG zoning. She stated without this variance, the horses would have to be kept elsewhere.

Annie Holloway represented this case.

Mark Mahler asked how it came to the attention of the County that there were two horses.

Ms. Holloway stated the County Marshal's Office had come to her home to tell her they had not paid their taxes. She stated there have been no complaints from the neighbors so far.

No one spoke in favor or opposition.

Roy Taylor made the motion to approve. Bart Brannon seconded. Motion passed unanimously 5-0.

Other Items

Approval of October 2nd, 2003 Minutes.

Bart Brannon made motion to accept the minutes. Cindy Castello seconded. Motion passed unanimously 5-0.

Approved
December 4, 2003

Roy Taylor made motion to adjourn. Evert Hekman seconded. Motion passed unanimously 5-0.

Meeting adjourned at 8:20 pm.