

Cherokee County Zoning Board of Appeals
Public Hearing
Minutes
Thursday, December 4, 2003
6:30 p.m.

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on December 4, 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 #03-11-053A 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 11.07units per acre and to include the entire property in the Hwy. 92 Overlay District. This property is located at 8011 Highway 92 in Land Lot(s) 1157, 1220 of the 15th District and further described as Cherokee County Tax Map15N06, Parcel 300.

postponed until January

Case #03-11-054A Joseph Shields requesting a variance to Article 5, Section 5.6A. The applicant is requesting a variance to allow for 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.

postponed until January

New Cases

Case #03-12-057A Lewis Broyles requesting a variance to Article 5, Section 5.6B. The applicant is requesting a variance to allow an additional accessory structure on his property for storage purposes. The property is located at 416 Sycamore Drive in Land Lot 85 of the 2nd District and described as Cherokee County Tax Map 02N06A, Parcel 033.

Vicki Taylor gave Staff findings that there are extraordinary and exceptional conditions peculiar to the site due to larger than average parcels in the area for R-40 zoning. She stated that the applicant's standard detached garage is not large enough to house a motor home.

Lewis Broyles represented this case.

Bart Brannon asked about the trees on the property. Mr. Broyles stated there is heavy vegetation.

No one spoke in favor or opposition.

Mr. Brannon made a motion to approve. Seconded by Roy Taylor with stipulation that proper permits be obtained. Motion passed 5-0.

Case #03-12-058A Jean B. Shapiro requesting a variance to Article 7, Section 7.7-45A. The applicant is requesting a variance to allow a reduction in the amount of acreage need for a private school from 5 acres to 2 acres. This property is located at 8335 Hickory Flat Road in Land Lot 573 of the 2nd District and further described as Cherokee County Tax Map 02N03, Parcel 158.

case withdrawn

Case #03-12-059A Colin and Tiffany Rafferty requesting a variance to Article 7, Section 7.1. The applicant is requesting a variance to allow a 20-foot reduction in the rear yard setback from 50 feet to 30 feet. This property is located at 631 Johnson Brady Road in Land Lot(s) 1072 & 1073 of the 3rd District and further described as Cherokee County Tax Map 03N05, Parcel 219A.

Vicki Taylor gave Staff findings that there are topographic issues on one-side, septic tank and field lines on another. She stated the proposed addition is 30 feet from the property line, where a 25-foot power line easement is located. She stated the applicants live near family and wish to remain in their existing home and the other of the only two available sides of their home available for an addition would either necessitate access through the master bedroom or an expensive interior change to the floor plan.

Colin Rafferty represented this case.

No one spoke in favor or opposition.

Bart Brannon made a motion to approve. Seconded by Evert Hekman. Motion passed 5-0.

Case #03-12-060A Mark Fernandez requesting a variance to Article 7, Table 7.1A; Minimum District Standards. The applicant is requesting a variance to reduce the 30-foot front yard setback to 20 feet. This property is located at 831 East Shore Drive, Lot 123 of Lake Sovereign Subdivision in Land Lot 421 of the 15th District and further described as Cherokee County Tax Map 15N08C, Parcel 119.

Vicki Taylor gave Staff findings that there are shape and topography hardships to house placement on this lot, as well as an attempt by the applicant to preserve the wooded and rustic nature of the lot. She stated there would be more grading of the lot required as well as additional tree removal if the variance is not granted.

Mark Fernandez represented this case.

No one spoke in favor or opposition.

Evert Hekman made a motion to approve the encroachment of 10 feet into the front building setback. Seconded by Bart Brannon. Motion passed 5-0.

Case #03-12-061A Richard Sosebee requesting a variance to Article 23; Section 23.8. The applicant is requesting a variance to allow an encroachment of 20 feet into a 50 foot undisturbed buffer for grading. This property is located off Hickory Flat Highway in Lots 77-80 of the proposed Northbrooke Subdivision and in Land Lot 508 of the 2nd District and further described as Cherokee County Tax Map 02N03, (part of) Parcel 159.

Vicki Taylor gave Staff findings that there are extraordinary and exceptional conditions peculiar to the site due to significant grade change at the rear of these lots. She stated retaining walls would be necessary to construct homes within the building setbacks and in compliance with this buffer if the variance is not approved.

Paul Corley represented this case.

No one spoke in favor or opposition.

Discussion ensued as to the encroachment into the buffer and that the applicant would agree to replant in this area as it is not wooded now and is sparse.

Cindy Castello made a motion to approve for the specific four lots requested (77, 78, 79, 80) with condition that the County Arborist be contacted

regarding a planting plan for the area affected that is visually pleasing. Seconded by Bart Brannon. Motion passed 5-0.

Case #03-12-062A Rochester & Associates, Inc. requesting a variance to Article 10, Table 10.1. The applicant is requesting a variance to remove the 50 foot undisturbed buffer from Lots 22, 23, 24, 25, and 26 in Woodmont Subdivision. These properties are located at 931, 933, 935, 937, and 939 Ravenwood Way in Land Lot(s) 1137, 1138, 1167, and 1168 of the 3rd District and further described as Cherokee County Tax Map 03N12B, Parcel(s) 22, 23, 24, 25, and 26.

Vicki Taylor gave Staff findings that there are extraordinary and exceptional conditions peculiar to the site in that the adjacent property is just an extension of the subdivision, having similar homes in type and value. She stated because all lots at this time are vacant, no existing property owners would be affected. She stated normally there would no buffers within the interior of a subdivision.

Charlie Bostwick represented this case.

No one spoke in favor or opposition.

Bart Brannon made a motion to approve. Seconded by Roy Taylor. Motion passed 5-0.

Other Items

County Attorney Mark Mahler updated the Board regarding the Joseph Shields appeals Case Number 03-11-054A. He stated that through research Mr. Shields does encroach on Mr. Miller's property and that he would talk with Mr. Shields regarding the situation. After further discussion, Roy Taylor asked Mr. Mahler to draft a letter to Engineering to add verbiage to the County's Development Regulations that there is no building on any easements.

Approval of November 6th, 2003 Minutes.

Bart Brannon made a motion to approve the minutes. Seconded by Chairman Mahurin. Motion passed 5-0.

Roy Taylor made a motion to adjourn. Seconded by Evert Hekman. Motion passed 5-0.

APPROVED
January 9, 2004

Meeting adjourned at 7:30 p.m.