

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, September 1, 2011
6:30 PM**

**Approved
11/3/2011**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on September 1, 2011 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Roy Taylor, Elizabeth Semler, Viviane Decker, Cynthia Castello and Lanette Shaw. 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 6:30 p.m.

Mr. Paul Frickey made a suggestion to amend the agenda to go ahead and approve the August 4, 2011 Minutes.

Mr. Taylor asked for all those in favor of approving the August 4, 2011 Minutes who were in attendance. Approved 4-0.

The first case presented by Vicki Taylor Lee was that of **Richard Palmer – Case #11-09-010V** requesting a variance to Article 23, Section 23.8 of the Conservation Subdivision regulations adopted in 1998. Applicant is requesting to encroach 25 foot into the 50 foot undisturbed buffer to build an attached garage. This property is located at 218 Montana Way in Land Lot 20 of the 14th District and further described as Cherokee County Tax Map 14N06A, Parcel 073.

Mrs. Lee stated that our office did not receive any letters in support or opposition. She discussed staff comments and recommendation along with locations of existing structures that adjoin this property.

Richard Palmer represented the case. Mr. Palmer stated that this is a very small encroachment into the conservation area. He stated that Mr. Lovell's property that abuts this parcel is zoned agricultural and is very heavily wooded which creates a very natural buffer. He stated that there would still be plenty of green space behind this proposed garage even if they encroach 20 feet. Mr. Palmer stated that he has very limited space due to the 50 foot easement that goes through his property as well as the location of septic lines.

Mr. Taylor asked if there was anyone to speak in favor of this application. There was none.

Mr. Taylor asked if there was anyone to speak against this application. Mr. Earl Lovell came forward to speak in opposition.

Mr. Lovell stated that he owns the property behind the applicant and he has to use the 50 foot easement to get to his property.

Mr. Taylor asked Mr. Lovell if he has seen the application of what the applicant is requesting. Mr. Lovell stated that he does have a plat of the subdivision however he wasn't sure of the proposed location for this attached garage. He stated that the applicant already has a four (4) car garage attached to the home.

Mrs. Lee came forward to show Mr. Lovell the proposed location for this attached garage and where it will be compared to the existing easement. Mr. Lovell stated that the existing fence is already encroaching into the easement. Mr. Lovell stated that he does not oppose this request for this attached garage however his concerns are with the existing easement.

Mr. Taylor closed the public hearing.

Mrs. Shaw asked Mr. Palmer if the purpose of this garage is to store a boat and if this is why the size cannot be smaller so an encroachment would not be needed. Mr. Palmer stated that it is a 20 foot boat sitting on a trailer with a dive board on the back which makes it about 28 feet. He stated that there will also be a truck parked inside the garage but it is mainly oversized for the boat. Mr. Palmer also stated that it will match the home and this has already been approved by the Homeowner's Association.

Mr. Taylor asked Mr. Palmer if he has looked at what trees will need to be removed. Mr. Taylor stated that there is an existing fence line that is not shown on their plan, he asked Mr. Palmer to come forward to indicate this fence line. Mr. Palmer stated that this fence line was already established when he bought the home a year and half ago. He stated that if any trees have to be removed it would only be 1 or 2.

Mr. Taylor made a motion to approve this application with the condition that if during construction trees had to be removed they would be replaced with evergreen trees that will add to the visual block between the applicant and neighbor.

Mrs. Decker stated that she would like to make sure that the easement to access Mr. Lovell's property is not disturbed in any way from the construction. Mr. Palmer stated that this access should be clear.

Mrs. Semler stated that she would like to add to only allow a 20 foot encroachment instead of a 25 foot encroachment per staff recommendations.

Mr. Taylor changed his motion to approve this application with a modification to a 20 foot encroachment instead of a 25 foot encroachment of this building with a condition that the applicant is responsible for preserving and/or enhancing the required screening standard.

Seconded by Mrs. Semler. Approved 5-0.

Mr. Taylor made a motion to adjourn and all was in favor. The meeting adjourned at 6:54 p.m.

