

**Cherokee County Zoning Board of Appeals  
Public Hearing Minutes  
Thursday, July 12, 2012  
6:30 PM**

**Approved 9-6-2012**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on July 12, 2012 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Roy Taylor, Viviane Decker, Lanette Shaw, Elizabeth Semler and Cynthia Castello. 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.

The first case was **Foresite Group, Inc., Case #12-07-016V** requesting a variance to Article 10, Table 10.1. Applicant is requesting to reduce the 35 foot undisturbed zoning buffer along the northern property line where it adjoins residential zoned property to a 5 foot landscape strip. This property is located on Holly Springs Parkway in Land Lot 634 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N15A, Parcel 040A.

Ms. Vicki Taylor Lee presented this case. Ms. Lee discussed staff comments and noted she had received no letters of support or opposition at the time she wrote her report however, since then she has received two (2) letters of support. Ms. Lee stated that staff recommends approval with a 6 foot landscape strip along the north property line, consistent with all commercial development.

Mr. Parks Huff represented this case. Mr. Huff stated they had requested a 5 foot landscape strip however they have no problem with meeting a 6 foot landscape strip per staff recommendations. Mr. Huff discussed the exact location for this property and surrounding uses. He stated this entire area is commercial development. He stated the property just to the north is a church and they have submitted a letter of support. Mr. Huff stated all the properties on that side are being marketed for assemblage of commercial. He stated why this property has not been developed in the past is because sewer has to be brought to this property and this is one of the things being reviewed by staff. He stated they are asking the Board to approve this variance request for a 6 foot landscape strip.

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

Mr. Taylor asked if there was anyone here to speak in opposition.

Karen Voyles came forward and stated she is not here to speak in favor or opposition. She stated she is the adjoining neighbor zoned R-40 and her only concern is that she is on well water and septic and does not want any grading to interfere with her septic tank or well water. She stated she supports the 6 foot landscape buffer she just does not want this to interfere with her septic and well water. She stated there have been issues in the past with rain water coming running through her back yard.

Mr. Taylor stated that she could discuss this with the developer to work this out.

Ms. Voyles stated she does agree that this area is going commercial and that is why she is not against this request.

Ms. Shaw made a motion to accept this application with staff recommendations of a 6 foot landscape strip instead of 5 foot and the applicant is to work with the County Arborist in developing this buffer area. Seconded by Ms. Semler. Unanimous approval.

Mr. Taylor stated he strongly encourages the developer to work with his new neighbor in seeing that there property does not get run off from this development and encourages them to speak with her today.

The next case, **J. Ralph McClelland, Case #12-07-017V** requesting a variance to Article 10 of the Cherokee County Zoning Ordinance and Section 5, Paragraph 5.1(2) of the Cherokee County Stream Buffer Protection Ordinance. Applicant is requesting to reduce the stream bank buffer to 25 feet. This property is located at 6759 Bells Ferry Road in Land Lots 542 and 543 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 21N09, Parcel 573.

Ms. Vicki Taylor Lee presented this case. Ms. Lee discussed staff comments, storm water comments and noted she received no letters of support or opposition.

Mr. McClelland came forward to represent his case. He stated he had no additional comments.

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

Mr. Win Chang spoke in support. He stated he has no opposition to this request since it will not affect his property.

Mr. Taylor asked if there was anyone in opposition to this case. There being none, Mr. Taylor closed the public hearing.

Mr. Taylor stated he is not seeing a hardship for this parcel.

Mr. McClelland stated the stream bank buffer is creating the hardship and required zoning buffers. He stated he has been in discussions with staff and other departments.

Ms. Castello asked what staff recommendations are for this request.

Ms. Lee stated she had Engineering/Stormwater take a look at the proposal and they had no problems with this request. She stated Mr. McClelland has been working with all departments for some time. She stated for a commercial property this lot is a little constrained with the stream bank buffers, building setbacks and zoning buffers.

Mr. Taylor stated he thinks it is good that Mr. McClelland has been in negotiations with Engineering Department and if they do not see any problems then it must not be much of a stream there.

Mr. Taylor asked Staff is there any screening requirements needed by allowing this pond closer. Ms. Lee stated there are vegetation requirements surrounding the property for storage. She stated he has only had a preliminary meeting.

Mr. Taylor asked Mr. McClelland if he understands the screening and fencing requirements. Mr. McClelland stated, yes.

Ms. Shaw made a motion to approve as submitted. Seconded by Ms. Castello. Unanimous approval.

The last item on the agenda was the approval of June 3, 2012 Minutes. Mr. Taylor made a motion to approve as amended. Seconded by Ms. Castello. Three (3) in favor of approval, two (2) abstentions due to not being at this meeting.

Ms. Taylor noted we have no cases for next month.

Ms. Lee gave updates on Case #10-07-011V Holdheide Academy and Case #10-10-017V Bryan Keith Andrews.

Ms. Semler made motion to adjourn. Seconded by Mr. Taylor. Unanimous approval. Meeting adjourned at 7:05 p.m.