

**Cherokee County Zoning Board of Appeals**  
**Public Hearing Minutes**  
**Thursday, January 10, 2013**  
**6:30 p.m.**

**Approved 2-7-2013**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on Thursday, January 10, 2013 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Roy Taylor, Lanette Shaw, Viviane Decker, Cynthia Castello and Elizabeth Semler. In attendance for Cherokee County Staff were Jeff Watkins, Development Director, Tamala Davis, Planning Technician, and Paul Frickey, County Attorney.

The meeting was called to order at 6:46 p.m.

The first case was **Case #13-01-001V Carleton L. Fox** requesting a variance to Article 7, Section 7.7-24B of the Cherokee County Zoning Ordinance. Applicant is requesting a variance to allow a barn housing livestock 38 feet from the property line. This property is located at 174 McGarity Road in Land Lot 232 of the 2nd District and further described as Cherokee County Tax Map 02N07, Parcel 132B.

Mr. Jeff Watkins presented this case. Mr. Watkins discussed staff comments, location of the property and the proposed request.

Mr. Carleton Fox represented this case. Mr. Fox stated he has resided at this particular address for 35 years. He stated he has sold the property with a lease agreement contract and the purchasers resides currently at this property. He stated they came to him and asked could they build a barn on this property and he did not see any problem with this. Mr. Fox stated when they built the barn they were going by the location of the fence as the property line and the fence is located on the old property line. Mr. Fox also stated that the barn was not completed on time and the adjoining neighbor was upset when it was not completed. He stated the barn does not create an environmental problem and is not a hazard.

Mr. Taylor asked if anyone was in support of this application. There being none, he asked if there was anyone to speak in opposition.

Maria McCune spoke in opposition. Ms. McCune stated she lives next door and this issue has been going on for 3 years now. Ms. McCune stated it took the Marshal's office going out to the property a couple of months ago in order to get the side of the barn facing her house completed. She stated the tenants did not get a permit to build the barn and this is what she sees when she looks out her kitchen window. She stated in the beginning all she wanted was for them to complete the barn and then in the meantime it started looking like a junk yard. She stated Mr. Fox went out to get them to clean up the property. Ms. McCune stated they did finish the barn but they are starting to pile stuff back up. Ms. McCune presented pictures to the Board. Ms. McCune stated they have had their house on the market for 4 years and have 2 contracts currently however both have noticed this problem and have asked to try to get it resolved. She stated all she wants is for it to be kept nice and neat and she has no problem with the horses.

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

Ms. Semler stated she didn't think there was anything they could do about the mess itself, however they can enforce that they have screening such as evergreens so you could not see it.

Ms. McCune stated that she thought that would help.

Mr. Fox spoke in rebuttal. He stated he did not know to what Ms. McCune is referring when she says they have junk. Mr. Fox stated they are going to be putting a fence around the barn and there are 10 fence posts, there is siding that they are going to put on the doors and there is a pallet with 5 bags of dirt that they will be using for a flower garden. He stated he does not consider these items junk. Mr. Fox stated he did have to go out and have them clean up the property once before but they have no junk on their property currently. He stated he can control this issue since he still owns the property but he would hate for them to have to tear the barn down.

Mr. Taylor closed the public hearing.

Mr. Taylor asked Mr. Fox how far from the barn they were planning on putting the fence. Mr. Fox stated he wasn't exactly sure.

Mr. Taylor made a motion to accept this application with the condition that the applicant is to provide a minimum of a 6 foot high year round visual screen comprised of fencing and plantings at a distance of no more than 10 feet from the back corner of the barn that faces 150 McGarity Road with the screening to be a minimum of 40 feet in length. The applicant is to work with the County Arborist to find appropriate plantings for this year round visual screen.

Seconded by Ms. Decker. Unanimous approval.

Next case is **Case #13-01-002V JCHEMS Properties, LLC** requesting a variance to Article 27, Section 27.15 of the Cherokee County Zoning Ordinance. Applicant is requesting a variance for a waiver of the Technology Ridge Tree Buffer requirement. This property is located at 125 Heather Court in Land Lots 319 and 320 of the 14th District and further described as Cherokee County Tax Map 14N26, Parcel 066.

Mr. Watkins presented this case. Mr. Watkins discussed staff comments, location of the property and the proposed request.

Mr. Ken Trevor represented this case. Mr. Trevor stated this property is located in Wilbanks Industrial Park and was initially platted in the 1980's. He stated this Ordinance came into effect after this property was platted. He stated if they had to adhere to this buffer it would make this property undevelopable. Mr. Trevor stated they did discover a letter after the

application was filed dated December 16, 1998 and was given to them by Kip Wilbanks who is the next door neighbor about being exempt from the buffer due in part to the property having been platted prior to the adoption of this Ordinance. Mr. Trevor stated they would not be taking any trees out and would otherwise adhere to the Tree Ordinance. Mr. Trevor stated that the property owner's business is growing and he needs this addition to bring in more equipment to bring more jobs in for people so he can grow the business. He stated it is situated in between the Lusk building and the Wilbanks building. Mr. Trevor stated this parcel already has one (1) building on it and has space for another building. He stated the site plan should be in their packets and they will be meeting all building setbacks.

Mr. Taylor asked if anyone was present to speak in support of this application.

Mr. Stuart Dalton, owner of the property spoke in support. He stated they moved into Cherokee County in the existing building with the idea of growing. He stated this is a manufacturing facility where they make parts for medical companies and a lot of different industries. He stated they recycle all the aluminum and they cannot add onto the building because of the location of the grease trap that collects all the waste. Mr. Dalton stated they really need the space and would appreciate this request be granted.

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

Mr. Taylor asked Mr. Trevor what the distance is from the property line to the retaining wall. Mr. Trevor stated approximately 11 or 12 feet from the property line and is only a couple of feet high.

Mr. Taylor made a motion to accept the application but instead of removing the Technology Ridge Tree Buffer requirement, will permit an encroachment into the buffer only to the extent necessary to build the building, construct the enhanced swale and retaining wall as shown on the drawing included in the application prepared by Trevor Consulting dated October 30, 2012.

Seconded by Ms. Decker. Unanimous approval.

Ms. Semler made a motion to approve the November 1, 2012 Minutes. Seconded by Mr. Taylor. Unanimous approval.

Mr. Watkins stated they will hold off on the election of 2013 Officers until next month.

Mr. Taylor made a motion to accept the 2013 Schedule. Seconded by Ms. Castello. Unanimous approval.

Ms. Semler made a motion to adjourn. Seconded by Ms. Shaw. The meeting adjourned at 7:30 p.m.