

**Cherokee County Zoning Board of Appeals**  
**Public Hearing Minutes**  
**Thursday, September 5, 2013**  
**6:30 p.m.**

*Approved 10-3-2013*

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on Thursday, September 5, 2013 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Roy Taylor, Cynthia Castello, Bill Dewrell and Melissa Range. 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 at 6:33 p.m.

**Case #13-09-016V PLR Holdings, LLC** requesting a variance to Article 7, Table 7.1A. The applicant is requesting a variance for a 10 foot encroachment into the required 25 foot rear building setback. The property is located at 475 Wilbanks Drive in Land Lot 361 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 14N26, Parcel 060.

Ms. Lee presented this case. Ms. Lee discussed staff comments, location of property, gave adjacent zoning and noted she has received no letters of support or opposition.

Mr. David Blount, employee at PLR Holdings, LLC represented this case. Mr. Blount stated Ms. Lee has really covered all information for their request. He did add that the area they would like to encroach upon is a small triangle that will not exceed 150 square feet.

Ms. Semler asked if there was anyone in support or opposition of this request. There being none, she closed the public hearing.

Mr. Taylor made a motion to accept the application as submitted. Seconded by Mr. Dewrell. Unanimous approval.

The next case, **Case #13-09-017V Scott Barber** requesting a variance to Article 23. The applicant is requesting an 8 foot variance to allow a 22 foot front building setback. The property is located at 306 Maddox Place in Land Lot 719 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 03N04A, Parcel 022.

Ms. Lee presented this case. Ms. Lee discussed staff comments, location of property, gave adjacent zoning and noted she has received no letters of support or opposition. She stated due to the existing topography, the builder elected to pull the new home forward on the lot and unfortunately measured from the back of curb instead of the property line resulting in an 8 foot shortfall of the intended 30 feet from the front property line. Ms. Lee stated the home is 70% complete and does not appear to protrude unduly from the existing homes on the street.

Mr. Scott Barber represented this case. Mr. Barber stated it was an honest mistake and they take full responsibility. He stated the house is 75% complete and feels it would be more of a detriment to have to change the house and asks that the Board approve this request.

Ms. Semler asked if there was anyone to speak in favor or opposition of this request.

Mr. Chris Reeves spoke in opposition. Mr. Reeves stated he is building a house next door at 304 Maddox Place. He stated his property has a hole at the back also and had to spend a significant amount of money to bring in dirt and build his house meeting the requirements. He stated he doesn't feel that it is right that he had to do all this, meet the setback requirements and the applicant does not. He stated it does stick out and is noticeable from the other homes.

Mr. Barber spoke in rebuttal. Mr. Barber stated there topography is a little bit different from the adjoining lot however they did have to bring in several loads of dirt as well to accommodate the location.

Ms. Semler closed the public hearing.

Mr. Dewrell stated there is a lot to be said for a man owning up to his own mistakes and asked when this error was discovered.

Mr. Barber stated the inspector caught this when they were passed the rough inspection stage and the sheet rock was already up.

Ms. Range asked the applicant how long he has been building. Mr. Barber stated 25 years.

Ms. Semler stated she doesn't believe this was intentional and feels it would be very detrimental if the builder has to redo this house.

Mr. Taylor asked if there was anything they could do for Mr. Reeves to make the appearance better for them.

Mr. Reeves stated it would help if they could add Leyland Cypress in between the 2 driveways to screen the adjoining property.

Mr. Taylor made a motion to approve this application as submitted with the condition that the applicant add a planting strip between the subject property (306 Maddox Place) and the neighbor located at 304 Maddox Place as a visual screen. The strip shall run from the transformers and utility/street light pole to the front corner of the home at 304 Maddox Place. The applicant must contact the County Arborist for a recommendation regarding the types of plants and spacing to create this visual screen. Seconded by Mr. Dewrell. Unanimous approval.

Upon advice from counsel, the discussion of Case #06-09-043V Mark Demis was removed from the agenda.

The last item on the agenda was the approval of July 11, 2013 Minutes. Ms. Castello made a motion to approve. Seconded by Mr. Dewrell. Unanimous approval.

Mr. Dewrell made a motion to adjourn. Seconded by Mr. Taylor. Unanimous approval. The meeting adjourned at 6:58 p.m.