

**Cherokee County Zoning Board of Appeals
Public Hearing
Minutes
Thursday, January 9, 2014
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on Thursday, January 9, 2014 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Roy Taylor, Bill Dewrell, Cynthia Castello 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 6:30 p.m.

The first case, **Case #14-01-001V Dr. Peter Congiundi** requesting a variance Article 5, Section 5.6 and Article 7, Table 7.1A. The applicant is requesting a variance of 35 feet to allow the primary structure 15 feet from the side property line and a variance to allow 2 accessory structures forward of the face of the primary structure. The property is located at 1170 Glen Wilkie Trail in Land Lots 608 and 617 of the 3rd District and further described as Cherokee County Tax Map 03N21, Parcel 123G.

Ms. Lee presented this case. Ms. Lee discussed staff comments, location of property, gave adjacent zoning and noted she has received no letters in support of or in opposition to the requested variances. She stated she did receive one phone call from a citizen who could not be here tonight from the property owner to the south and his only concern was storm water.

Dr. Congiundi represented this case. Dr. Congiundi stated the depth of the property is 800 feet and the width of the property is 240 feet which when you meet the 50 feet building setbacks it makes the property very narrow. He stated they are trying to keep the buildings as high as possible out of the floodplain so they can be insurable. Dr. Congiundi stated he would like to remove only the trees in this one area, so the trees behind them and most of the trees in front of them with the exception of the driveway path would be maintained. He stated the home would be invisible from the street during the summer. Dr. Congiundi stated the detached shop cannot be located in the rear of the home since this is a floodplain and the garage will be attached by a covered breezeway.

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

David Vice spoke in opposition. Mr. Vice stated he is the adjacent property owner to the north and has some reservations regarding the price of the home and why the applicant would want to put outbuildings in front of the home. He stated he does not want this to devalue the other properties and is planning to construct his home later in the year. He stated he knows how this land lies exactly and would like to see the flood plain information. Dr. Congiundi showed Mr. Vice his drawings and the location of the flood plain as well as the location of the home.

Mr. Vice asked if they would be running a business. Dr. Congiundi stated, no they will be used for storage and will match the home. Mr. Vice stated there are a lot of land and plenty of high ground to fit these buildings without asking for variances. He stated his main concerns are the location of the buildings and the offset.

Ms. Semler asked if there was anyone else to speak in opposition. There being none, Dr. Congiundi spoke in rebuttal.

Dr. Congiundi stated his home will be valued near one million dollars and they were not informed about the floodplain on this property or they would not have purchased it. He stated they would like to keep everything in line to keep it as high as possible to keep the run off away from any of the buildings. He stated he will be retiring and there will be no business, he works on his high performance cars as a hobby.

Ms. Semler closed the public hearing.

Ms. Semler asked the applicant during the summer the home will be invisible. Dr. Congiundi stated yes, the home will be approximately 180 to 200 feet back.

Mr. Taylor stated he has concerns and understands the placement but feels they could change the degree of the angles by 15 to 20% would change the impact this currently has.

Mr. Taylor made a motion to approve the application to encroach into the side yard area but to limit the encroachment to 30 feet instead of 35 feet.

Ms. Semler asked Dr. Congiundi would this motion be acceptable. Dr. Congiundi stated absolutely not.

Dr. Conginudi stated if you rotate that corner it still would be 15 feet from the property line.

Mr. Taylor stated this would be the most northerly corner that faces the street. Dr. Congiundi stated he needs a minimum of 57 feet to do a turn around. Mr. Taylor stated this would not touch the turn around. Dr. Congiundi stated this would increase the cost of the pad. Mr. Taylor stated he is not concerned with the cost.

Mr. Dewrell stated he does not like changing the applicant's plan. Mr. Dewrell asked Mr. Vice was his concern more of the aesthetics. Mr. Vice stated he has a little problem with the 15 feet as well.

Ms. Range stated we do not want to dictate what he wants to do because this is his vision.

Dr. Conginudi stated only the one corner of the house would be 15 feet from the property line.

Ms. Range asked the applicant the dimensions of the outside of the home. Dr. Conginudi stated 75 feet long by 50 feet from back to front. He stated the garage is roughly 30 feet by 40 feet.

Ms. Range asked Mr. Vice how many acres he has. Mr. Vice stated 24.5 acres.

Mr. Taylor made a motion to accept this application to encroach upon the 50 feet setback and amend the encroachment to 25 feet instead of a 35 feet encroachment.

Mr. Frickey stated in the original application it requests a variance for two (2) structures to be allowed in the front yard.

Ms. Lee stated he will need the variance for only one structure in the front yard, the other structure will be attached.

Motion fails for lack of second.

Ms. Semler made a motion to accept the application as presented with the adjustment of a 30 foot variance for encroachment of the primary structure along the northerly property line. Seconded by Ms. Range. Unanimous approval.

Case #14-01-002V Jerry Severa requesting a variance to Article 23. The applicant is requesting a variance of 11.9 feet to allow a 13.1 rear building setback. The property is located at 321 Arbor Green Lane in Land Lot 1264 of the 3rd District and further described as Cherokee County Tax Map 02N13A, Parcel 124.

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 the builder made an error when laying out the house location and Mr. Severa came into the office as soon as the error was discovered.

Jerry Severa represented this case. Mr. Severa stated he was the one that made the error and in the process he obtained a letter from the HOA stating they do not have any concerns. He stated he has spoken with Environmental Health and has worked out the septic issues. He stated he took pictures of the foundation and presented these to the Board.

Ms. Semler read aloud a letter from the Arbor Green Homeowner's Association signed by Michael Smith, President.

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

Mr. Taylor made a motion to approve. Seconded by Mr. Dewrell. Unanimous approval.

Case #14-01-003V Max Irwin III requesting a variance to Article 5, Section 5.6. The applicant is requesting a variance to allow an accessory structure forward of the face of the house. The property is located at 2366 East Cherokee Drive in Land Lots 545 and 546 of the 15th District and further described as Cherokee County Tax Map 15N27, Parcel 013.

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.

Max Irwin represented this case. Mr. Irwin stated due to the topographical concerns it would be very expensive to build this structure in the back. He stated there is plenty of room and plenty of buffer where they are proposing to build this structure.

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

Ms. Semler made a motion to approve. Seconded by Mr. Dewrell. Unanimous approval.

Case #14-01-004V Branam Sign and Lighting requesting a variance to allow one additional wall sign on second tower face. The property is located at 6440 Bells Ferry Road in Land Lots 901 and 972 of the 21st District and further described as Cherokee County Tax Map 15N05, Parcel 107A.

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.

Joe Branam represented this case. Mr. Branam presented the layout of the proposed signage to the Board. He stated if you were coming south on Bells Ferry Road you would not be able to see the one sign that is allowed. He stated they are requesting a second sign be installed on the other side of the tower so customers can be able to find this business.

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

Ms. Castello made a motion to approve. Seconded by Ms. Range. Unanimous approval.

Other Items

The next item on the agenda is the approval of November 7, 2013 Minutes. Ms. Semler made a motion to approve. Seconded by Mr. Dewrell. Approved 4-1 with Ms. Castello abstaining as she was not present at the November meeting.

The last item was the election of officers. Mr. Taylor made motion to elect Ms. Semler as Chairman. Seconded by Mr. Dewrell. Unanimous approval.

Mr. Dewrell made a motion to elect Mr. Taylor as Vice Chair. Seconded by Ms. Semler. Unanimous approval.

There are no cases submitted for February. Planning and Zoning staff is to advertise a public hearing for the Board to discuss policies and procedures at the February meeting.

Ms. Semler made a motion to adjourn. Seconded by Mr. Dewrell. Unanimous approval. The meeting adjourned at 7:26 p.m.