

Revised

**Cherokee County Zoning Board of Appeals
Public Hearing
Agenda
Thursday, February 6, 2014
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on Thursday, January 9, 2014 in Conference Center of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Roy Taylor, 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. Bill Dewrell was not in attendance.

The meeting opened 6:33 p.m.

There were no variance cases for this meeting. The Board members discussed possible revisions to Article 15 of the Cherokee County Zoning Ordinance.

Vicki Lee brought Section 15.18a up for discussion on the appeals process and brought the Board members up to date on an upcoming appeal to the Board of Commissioners regarding a case from the previous month. Ms. Lee stated this section is not clear on who should be able to appeal a decision made by this Board.

Mr. Frickey stated that state law provided a test for standing that could be considered for inclusion in the code.

Discussion ensued regarding the previous case decision.

Next item discussed was the ZBA Rules of Procedure. Mr. Frickey stated the real reason this came up was it appeared that, while the hearing procedures that the ZBA has been employing were entirely appropriate and compliant with law, the Rules of Procedure appeared to need updating to make them consistent with the current practice.

Ms. Semler asked about opening the public hearing.

Mr. Frickey stated the public hearing should be evidence and he recommended opening the public hearing with staff presenting the case. In addition the applicant should be part of the timing. He stated he would have the applicant and anyone in support of the application be set a certain amount of time along with the rebuttal time being included, then allowing the opposition the same amount of time.

The Board members and Staff discussed differences in public comments and public hearing.

Ms. Range asked about when the correct time should be to ask questions.

Mr. Frickey stated he would revise paragraph 13 to reflect opening of public hearing and that staff will present each case.

Ms. Semler asked about calling a meeting 3 days before as stated in Paragraph 15. Mr. Frickey stated it just depends on what the meeting is for.

Mr. Frickey stated in addition he would look at Section 15.14B regarding the discussion of hardships and the five (5) items the Board is to look at for each case.

They discussed the acceptance of emails and letters of support of opposition. It was stated that they would like the applicant to know of the opposition that has been submitted. Also, the email or letter should indicate the address of the property in relation to the subject property.

They discussed recommendations by Staff and this being provided to applicant and any opposition.

Mr. Frickey stated he would prepare a draft with rules and send out. He stated they can discuss at next meeting.

The meeting closed at 7:42 p.m.