

*Approved 9-04-2014*

**Cherokee County Zoning Board of Appeals  
Public Hearing Minutes  
Thursday, July 10, 2014  
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on Thursday, July 10, 2014 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Vice Chairman Roy Taylor, Bill Dewrell, and Cindy Castello. Chairman Elizabeth Semler and Melissa Range were not in attendance. 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.

First Case, **Case #14-07-012V** 1-800-Packouts requesting a variance to Article 11, Section 11.7-6a and 6f. The applicant is requesting a variance to allow a 60 foot pole height and an increase in the permitted flag size to 216 square feet. The property is located at 110 Bruner Way in Land Lots 317 and 318 of the 14<sup>th</sup> District and further described as Cherokee County Tax Map 14N27, Parcel 098H.

Vicki 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 variance.

Kevin Loner presented this case. Mr. Loner stated they would like to increase the height and square footage of the flag for customers and clients to find their location. He stated they have been passing their building and having to turn around at Bethany Manor.

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

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

Next, **Case #14-07-013V** James Hegarty requesting a variance to Table 7.1 Minimum District Development Standards. The applicant is requesting a variance to allow the front building setback be set at 0 feet. A ten (10) foot variance was granted in 2006 to reduce the required 20 foot front building setback to 10 feet. The property is located at 305 Sassafra Crossing in Land Lot 258 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N26C, Parcel 190.

Vicki Lee presented this case. Ms. Lee discussed staff comments, location of property, gave adjacent zoning and noted she has received two (2) letters in opposition to the requested variance. She stated a variance was granted in 2006 to reduce the front setbacks in this subdivision to 10 feet and now they are requesting a variance to reduce to 0 feet. Ms. Lee discussed what has taken place over the last few months with this property.

David Gernap with David Weekly Homes represented this case. Mr. Gernap stated this is a complicated and unfortunate situation. He stated they have a community that they feel great

about and feels that the appropriate representation of the variance they are requesting is to go from a 20 foot front building setback to 6 ½ feet in order to keep the home (heated area) out of the building setback. He stated they had a house location plan which the home was permitted off of. Based on the plan, the building contractor, Mr. Hegarty, thought he had enough room to pull the home forward. He stated the home was staked and the rear bank was not represented on the house location plan. Mr. Hegarty, therefore, pulled the home forward 6 feet, not realizing he would be encroaching into the front building setback. Then the sub-contractor, without Mr. Hegarty knowing, pulled the home forward an additional 3 feet. He stated this error was discovered when the foundation was poured. Mr. Gernap stated Mr. Hegarty thought he could get an administrative variance. After approximately 30 days, it was discovered he could not move forward with an administrative variance. Mr. Gernap stated they are willing to move everything out of the right of way. He stated this home does not visually look different than any other home in the subdivision and this is a very nice community.

Mr. Taylor asked Mr. Gernap why the house was completed and why they did not stop when they found the error. Mr. Gernap stated Mr. Hegarty thought he could get the administrative variance and 30 days had passed before he was informed he could not obtain this variance.

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

Stan and Marti Lupinski spoke in support. Mr. Lupinski stated they are here to let the Board know how much they love this home and community. He stated this is their dream home and they have moved here from South Carolina. He stated they were looking for a level space due to his disability and they have laid out the driveway to meet their needs. He stated they love the way the house has turned out and cannot wait to move in. He stated they have to be out of their current living quarters by the end of August. Mrs. Lupinski stated working with David Weekly Homes has been a wonderful experience and this home is perfect for them.

Mr. Taylor asked would they be comfortable with a smaller porch. Mrs. Lupinski stated they would rather keep it the way it is.

Silvia Spradlin spoke in support. Ms. Spradlin stated she lives next door to this home. She stated the home is beautiful and she has no issues with the home being closer. She stated you do not notice the home being closer to the road.

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

There being no one to speak in opposition, Mr. Taylor closed the public comment.

Mr. Dewrell asked staff what were the concerns from the emails of opposition she received. Ms. Lee read over the emails to the Board.

Mr. Dewrell stated clearly a mistake was made. He stated he would be willing to let them have the variance and they would need to put in a retaining wall to help with the neighbor in the back.

Mr. Taylor stated this is too large of a home for this lot. He stated there is no landscaping or screening that can hide this problem.

Ms. Castello stated she does not want to see David Weekly Homes back before their Board

again if this variance is granted.

Mr. Taylor reopened the public comment portion to hear another comment from Mr. Gerlap.

Mr. Gerlap stated David Weekly Homes has changed their process to have their Engineer go out and stake the box and check the forms before the concrete is poured and then they will have a foundation survey.

Mr. Taylor asked if there was anyone to speak in opposition. There being no one to speak in opposition, Mr. Taylor closed the public comment.

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

Last case, **Case #14-07-014V** Linda Standard requesting a variance to Article 11, Section 11.8.2. The applicant is requesting a variance to allow a freestanding sign with 15.96 square feet of copy area and a maximum height of 12 feet. The property is located at 2670 Hickory Road in Land Lot 387 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N20, Parcel 514A.

Vicki 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 variance.

Linda Standard represented this case. She stated she is requesting the larger sign due to visibility issues, the slope of the property and stated the sign will not be a distraction to drivers.

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

Mike Davenport stated he lives next door and would like to know the purpose and the content of the sign. Mr. Taylor showed Mr. Davenport the drawing of what Ms. Standard is proposing. Mr. Davenport asked if this was a permitted use on this property zoned AG. Ms. Lee stated yes, this is allowed in the AG zoning district.

Mr. Taylor asked if there was anyone else to speak in support or opposition. There being none, he closed the public comment.

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

The approval of June 5, 2014 Minutes was postponed until next month.

Mr. Dewrell made a motion to adjourn. Seconded by Ms. Castello. Unanimous approval.

The meeting adjourned at 7:23p.m.