

**Cherokee County Zoning Board of Appeals
Public Hearing Agenda
Thursday, January 4, 2018
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, January 4, 2018 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Melissa Range, Marla Doss, Lisa Tressler and Cindy Castello. In attendance for Cherokee County Staff were Jeff Watkins, Community Development Director; Michael Chapman, Planner; Tamala Davis, Planning Technician and Paul Frickey, County Attorney.

The meeting was called to order at 6:30 p.m.

Old Cases

Case #17-12-049V Theresa China at 251 Westwind Drive requesting a variance to Article 7, Table 7.1A of the Cherokee County Zoning Ordinance. The applicant is requesting a variance of five (5) feet to allow a ten (10) foot side building setback for a room addition. The property is located in Land Lot 551 of the 3rd District and further described as Cherokee County Tax Map 03N21A, Parcel 65.

Michael Chapman presented the case. Mr. Chapman discussed location of property, surrounding zoning, location of room addition and staff comments. He stated an administrative variance was approved, however, this did not provide enough space for the addition. He stated the lot is narrow shaped and the topography descends towards the rear of the lot. He stated staff has received no letters in support of and one (1) email in opposition to this application. Mr. Chapman stated staff does not object to this variance request due to the extraordinary and exceptional conditions which exist on this lot.

Theresa China represented this case. Ms. China stated she is requesting this variance to add an addition to the side of her home. She stated the property slopes in the rear yard and this side is the only area for this addition. She stated she is requesting to allow the side setback to be 10 feet.

There was no one present to speak in support of or in opposition to this application. Ms. Semler closed public comment.

Ms. Tressler made a motion to approve. Seconded by Ms. Castello. Motion passed 5-0.

Case #17-12-052V Altair Sign & Light at 2243 Cumming Highway requesting a variance to Article 11, Table 11.1 of the Cherokee County Zoning Ordinance. The applicant is requesting a variance of 99.03 square feet to allow 179.03 square feet of copy area for a wall sign. The property is located in Land Lot 239 of the 14th District and further described as Cherokee County Tax Map 14N23A, Parcel 022.

Michael Chapman presented the case. Mr. Chapman discussed location of property, surrounding zoning, and staff comments. Mr. Chapman stated this tract is currently under development as Canton Exchange retail center and is across the street from the Canton Marketplace retail center. He stated the commercial building will be approximately 700 feet from the right-of-way of SR 20. Mr. Chapman stated staff has received no letters in support of or in opposition to this application. He stated given the location of the sign in proximity to the right-of-way, the Planning and Land Use Department has no objection to the approval of this application.

Felicia Johnson represented this case. Ms. Johnson stated her client is requesting the size of the wall sign be increased due to the limited visibility of the building.

Ms. Semler stated she would like to keep the allowance of the variance close to the same percentage as what was granted the previous month to the Dollar Tree.

There was no one present to speak in support of or in opposition to this application. Ms. Semler closed public comment.

Ms. Semler made a motion to approve a total copy area of 115 square feet. Seconded by Ms. Range. Motion passed 5-0.

Case #18-01-001V Guy Wingo Signs, Inc. at 2243 Cumming Highway requesting a variance to Article 11, Table 11.1 of the Cherokee County Zoning Ordinance. The applicant is requesting a variance to allow an additional 256.34 square feet to be added to the permitted 114 square feet of copy area for a total of 370.34 square feet for a wall sign. The property is located in Land Lot 239 of the 14th District and further described as Cherokee County Tax Map 14N23A, Parcel 022.

Michael Chapman presented the case. Mr. Chapman discussed location of property, surrounding zoning, and staff comments. Mr. Chapman stated this tract is currently under development as Canton Exchange retail center and is across the street from the Canton Marketplace retail center. He stated the commercial building will be approximately 700 feet from the right-of-way of SR 20. Mr. Chapman stated staff has received no letters in support of or in opposition to this application. He stated given the location of the sign in proximity to the right-of-way, the Planning and Land Use Department has no objection to the approval of this application.

Bill Mirkle with Planet Fitness represented this case. Mr. Mirkle stated they are requesting a larger sign due to the location of the building being so far back from the right-of-way and would be comparable to signage in place at the other shopping center.

There was no one present to speak in support of or in opposition to this application. Ms. Semler closed public comment.

Ms. Semler stated she could support some relief, however not the size requested. She stated she would still like to keep this within the same percentage and would even support a little more relief since this is a larger tenant space with more wall frontage, possibly 215 square feet of copy area.

Ms. Tressler stated she could support keeping it within the same percentage as the previous tenants.

Ms. Range agreed with Ms. Tressler to keep it within the same percentage as previously granted to other tenants in the same shopping center.

Mr. Mirkle presented a sign drawing showing the size at 300 square feet of copy area and one showing at 200 square feet of copy area. Ms. Semler stated she could support the drawing indicating 200 square feet of copy area.

Ms. Castello made a motion to approve 215 square feet of copy area. Seconded by Ms. Doss. Motion failed 2-3. Ms. Semler, Ms. Range and Ms. Tressler opposed.

Ms. Semler made a motion to approve a total copy area of 200 square feet. Seconded by Ms. Castello. Motion passed 3-2. Ms. Range and Ms. Tressler opposed.

Case #18-01-002V Will Melson at 175 Overlook Drive requesting a variance to Article 7, Table 7.1A; Minimum District Development Standards of the Cherokee County Zoning Ordinance. The applicant is requesting a variance to encroach 26 feet into the 30 foot rear yard building setback for a covered deck addition to a legal non-conforming home. The property is located in Land Lot 772 of the 21st District and further described as Cherokee County Tax Map 21N04A, Parcel A047.

Michael Chapman presented the case. Mr. Chapman discussed location of property, surrounding zoning, and staff comments. Mr. Chapman stated staff has received no letters in support of or in opposition to this application. He stated as a non-conforming, legal lot of record, a single-family detached dwelling is permitted to be enlarged or altered. He stated the topography of the lot slopes away from the street towards the lake, limiting the area in which a structure can realistically be built. Mr. Chapman stated because of the extraordinary and exceptional conditions which exist, that staff does not object to this variance request.

Will Melson represented this case. Mr. Melson stated he is wanting to add to the left side of the home as an addition and cannot add to the other side due to the topography.

There was no one present to speak in support of or in opposition to this application. Ms. Semler closed public comment.

Ms. Semler stated she has no issues with this request and actually if it was detached he could build without a variance.

Ms. Semler made a motion to approve. Seconded by Ms. Castello. Motion passed 5-0.

Case #18-01-003V Thomas and Diane Coleman at 708 Founders Court East requesting a variance to Article 23 of the Cherokee County Zoning Ordinance. The applicant is requesting a variance to allow a 20 foot encroachment into the 35 foot front building setback. The property is located in Land Lot 118 of the 2nd District and further described as Cherokee County Tax Map 02N12, Parcel 216.

Mr. Chapman stated this case needs to be postponed due to incorrect legal advertisement. Ms. Semler made a motion to postpone this application until February. Seconded by Ms. Range. Motion passed 5-0.

Ms. Semler made a motion to approve December 7, 2017 Minutes with the amendment to add Mr. Watkins as present at the meeting. Seconded by Ms. Castello. Motion passed 5-0.

Ms. Castello made a motion to nominate Ms. Semler to remain as Chairman. Seconded by Ms. Doss. Ms. Semler stated she would like someone else to be Chairman.

Ms. Range made a motion to nominate Lisa Tressler as Chairman. Seconded by Ms. Semler. Motion passed 5-0. Ms. Castello nominated Ms. Range for Vice Chairman. Seconded by Ms. Doss. Motion passed 5-0.

Ms. Tressler made a motion to adjourn. Seconded by Ms. Range. The meeting adjourned at 7:15 p.m.