

CONCURRENT VARIANCES

Special Use Requirement

7.7-18 a. (2) The aggregate square footage of all buildings on the property shall not be greater than ten thousand (10,000) square feet.

The proposed aggregate building square footage for the final buildout of the Church is 30,000 sf. A Special Use Permit is required for any religious facility over 10,000 aggregate building square footage.

Variance 1

7.7-18 a. (4) No parking within the front yard setback area.

1. Explain requested variance.

Variance to allow parking in the front yard setback. Request 25' parking setback from the right-of-way of Arnold Mill Road.

2. There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.

The proximity of the adjacent property owners are to the rear and sides of this site. If parking is not allowed to be within the front setback, then all parking will be closest to the neighbors.

3. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

The front setback is 75 ft for this site and the site has a long frontage along Arnold Mill Road. There are also 30 ft side and rear buffer requirements. Not allowing parking within this front setback area will severely limits the ability to meet the parking requirements.

4. Such conditions are peculiar to the particular piece of property involved.

Yes. This is peculiar to this parcel. If the property were deeper (more depth from Arnold Mill) instead of long (lots of frontage along Arnold Mill), there would be room to install the parking and transitional buffers required. Instead, the property is much longer and thus limits the ability to provide adequate parking if the variance is not granted.

5. A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.

If the variance is not approved, it will make this site unbuildable for the church.

6. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.

If this variance is granted, it would not cause any detriment to the public good or impair the purpose and intent of this ordinance. The variance is only being requested as a result of the size, shape and topography of the site and the proximity to the adjacent neighbors.

7. Special circumstances or conditions applying to the building or land or building and land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.

The size, shape and topography are unique to this parcel.

8. Granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.

The church wishes to be a good neighbor and as such feels that if the County grants the variance it will be able to provide the required transitional areas to minimize noise, sound, light, etc.

9. The condition from which relief or a variance is sought did not result from willful action by the applicant.

The church did not willfully cause this variance.

10. Authorizing the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the County.

It is the Churches opinion that Authorizing the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the County.

Variance 2

10.6-2 Screening Requirements. a. Buffers shall be natural, undisturbed and free of encroachments except as authorized by a condition of zoning or variance approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings or replanting as may be required.

Buffer: Land area used to visibly separate one use from another through screening and distance; to shield or block noise, light, glare, or visual or other conditions; to block physical passage to non-similar areas, or to reduce air pollution, dust, dirt and litter.

1. Explain requested variance.

Variance to allow grading within a buffer area in order to tie in grading and to supplement existing natural areas with proposed landscape and trees.

2. There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.

The proximity of the adjacent property owners are to the rear and sides of this site. Additional landscaping and trees were requested at the Community Information meeting. In addition, there is a 10 ft grade differential across the site requiring some slope tie ins within the buffer areas.

3. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

The front setback is 75 ft for this site and the site has a long frontage along Arnold Mill Road. There are also 30 ft side and rear buffer requirements. This limits the area of parking and pushes the building closer to the rear property line. With the grade differential, it would be more conducive to a natural environment to tie in the slopes within the buffer areas instead of placing walls. The buffers will be planted to County Standards.

4. Such conditions are peculiar to the particular piece of property involved.

Yes. This is peculiar to this parcel. If the property were deeper (more depth from Arnold Mill) instead of long (lots of frontage along Arnold Mill), there would be room to grade and the buffers would remain untouched.

5. A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.

If the variance is not approved, it will require the use of walls. The adjacent neighbors would like to have a more natural transition between their properties and the church.

6. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.

If this variance is granted, it would not cause any detriment to the public good or impair the purpose and intent of this ordinance. The buffer will be planted to Cherokee County Standards.

7. Special circumstances or conditions applying to the building or land or building and land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.

The size, shape and topography are unique to this parcel.

8. Granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.

The church wishes to be a good neighbor and as such feels that if the County grants the variance it will be able to provide the required transitional areas to minimize noise, sound, light, etc. without the use of walls.

9. The condition from which relief or a variance is sought did not result from willful action by the applicant.

The church did not willfully cause this variance.

10. Authorizing the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the County.

It is the Churches opinion that Authorizing the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the County.