

**Section 7. Administration****7.01. Enforcing Agencies**

It shall be the duty of the Engineering Manager, the Planning Director, and all other Cherokee County Officials designated in these regulations to enforce the provisions of these regulations.

**7.02. Interpretations and Variances**

- A. In the event of questionable interpretation or conflicts contained within this ordinance, the Engineering Manager shall define, clarify, and set forth the application of said questionable section.
- B. In addition, conflicts and interpretation appeals may be submitted for review to the Zoning Board of Appeals.
- C. When a subdivider can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to, and/or where because of topographical or other conditions specific to the site, and/or where, in the opinion of the Zoning Board of Appeals a departure may be made without otherwise nullifying the intent of these regulations or the Cherokee County Zoning Regulations, the Zoning Board of Appeals may authorize a variance. Any variance thus authorized shall be noted on the final plat before approval of the plat.
- D. The Engineering Manager shall administer, interpret, and allow certain administrative variances as outlined herein. The following administrative variances may be granted by the County Arborist:
  1. If a buffer required by either Cherokee County Ordinance or by conditions placed upon the development at time of zoning is found in the field to present a danger to the health, safety and welfare of adjacent or nearby residences, ie. tall pines that have been damaged by storms or lack support and could fall on a house during a ice/snow storm, than the County Arborist may allow the removal of those trees.
  2. When the resolution to a buffer concern found in the field is agreeable to both the affected adjacent neighbor(s) and the developer, than the developer shall present a signed and dated letter from the affected adjacent neighbor(s) agreeing with the developers request for a change in the buffer to the County Arborist for approval.

**7.03. Amendments**

These regulations may be amended from time to time by the Board of Commissioners. A Public hearing, publicized in the official legal organ of Cherokee County, shall be held prior to the adoption of any amendments to this Ordinance.

**7.04. Penalties and Remedies**

- A. The owner or agent of the owner of any land to be subdivided within the county who transfers or sells such land by reference to or exhibition of, or by other use of a plat to

- subdivide such land before such plat has been approved by the Planning Department and Engineering Manager or his Designee, and recorded in the office of the Clerk of the Superior Court of Cherokee County, or before such performance guarantees have been posted as required in Section 3.07 of these regulations, shall be guilty of a violation of a county ordinance and, upon conviction thereof shall be punished up to the maximum as provided by Georgia law (O.C.G.A. Section 17-10-3). The description by metes and bounds in the instrument of transfer by other document used in the process of selling or transfer shall not exempt the transaction from such penalties without County approval. The local government, through its attorney or other official designated by the Governing Body, may enjoin such transfer or sale or agreement by appropriate action.
- B. No plat or plan of subdivision within the local government shall be filed or recorded in the office of the Clerk of the Superior Court of Cherokee County until it has been approved by the Planning Department and the Engineering Manager or his designee, and such approval entered in writing on the plat by the designated Planning Department official and Engineering Manager or his designee. The Clerk of the Superior Court shall not file or record a plat of a subdivision, which does not have the approval of the designated Planning Department official and Engineering Manager or his designee. The filing or recording of a plat of a subdivision without the approval of the designated Planning Department official and the Engineering Manager or his designee, is hereby declared a misdemeanor and, upon conviction, is punishable as provided by Georgia law (O.C.G.A. Section 17-10-3).

#### **7.05. Stop Work Order**

- A. Whenever the Engineering Manager determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this chapter and that irreparable injury will occur if the violation is not terminated immediately, the Engineering Manager may order the specific part of the work that constitutes, creates, or results in a violation of this chapter to be immediately stopped.
- B. A stop work order issued under this section shall be in writing, directed to the person doing the work and shall state the specific work to be stopped, the specific reasons therefore, and the conditions under which the work may be resumed. A copy of the stop work order shall also be sent forthwith to the owner of the property where the work is taking place and the developer, if different from the owner.
- C. Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Zoning Board of Appeals.
- D. The Zoning Board of Appeals shall meet and act upon the appeal within 15 working days after receipt of the appeal notice. If the board fails to comply with this requirement, the stop work order shall be stayed automatically beginning on the day following the expiration of this 15 working day period, and the stay shall remain in effect until the Zoning Board of Appeals meets and acts on the appeal.

- E. The staff shall orally notify the appellant of the date, time, and place of the Zoning Board of Appeals meeting as soon as it has been scheduled and shall send to the appellant a written confirmation of the meeting as soon as possible.
- F. Neither the person whom a stop work order is served nor an owner or developer served with a copy under subsection (B) may thereafter cause, suffer, or permit a violation of the order while it remains in effect, except during a period in which the operation of the order is stayed under subsection (D). No construction activities shall be permitted to occur on site where a Stop Work Order has been issued unless those activities are intended to satisfy the requirements stated for remedy on the issued Stop Work Order. The Stop Work Order may not be removed by any party other than the Development Inspector.
- G. If a County Development Inspector or Soil/Erosion Inspector issues a Stop Work Order he/she shall re-inspect the project for compliance and release. If an additional re-inspection is necessary, then a charge of \$100.00 shall be levied. The fee for any re-inspections after that will be doubled each time a re-inspection takes place as a part of a stop work order release.