

Approved December 2, 2004

**Cherokee County Zoning Board of Appeals
Public Hearing
Minutes
Thursday, November 4, 2004
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on November 4, 2004, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Zoning Board of Appeals were Chairman Karen Mahurin, Evert Hekman, Roy Taylor, and Cindy Castello. In attendance for Cherokee County Staff were Mark Mahler, County Attorney, Vicki Taylor, Zoning Administrator and Vicki Mulkey, Zoning Technician for the Planning and Zoning Department. The meeting was called to order at 6:30 pm.

Old Cases

Case #03-11-051A James Minks Jr. filed a variance to be allowed to continue a fabrication business from the basement of his home in November 2003. He was approved to continue this with a condition that this case be reviewed by the Zoning Board of Appeals one year later. The property is located at 150 Old Blackberry Trail in Land Lot 181 of the 14th District and further described as Cherokee County Tax Map 14N13, Parcel 170G.

Vicki Taylor gave Staff findings.

No one spoke in favor or opposition.

Roy Taylor made a motion to allow Mr. Minks to continue his fabrication business in the basement of his home. Seconded by Evert Hekman. Motion passed unanimously 4-0.

Case #04-10-048V Ball Ground Associates, LLC requesting a variance to Article 25, Tree Preservation Ordinance. The applicant is requesting to reduce the minimum tree density for this property. It is located on Ball Ground Hwy in Land Lot(s) 296, 317 of the 14th District and further described as Cherokee County Tax Map 14N27, Parcel 072.

Vicki Taylor gave County Arborist's recommendation.

No public hearing was conducted as it was heard last month.

Discussion ensued.

Chairman Mahurin made a motion to deny. Seconded by Evert Hekman. Motion passed unanimously 4-0.

Gee Harvey, Dillard & Galloway, stated he felt that he should be able to address the County Arborist's recommendation. Mark Mahler stated Staff recommendation carries no weight as far as law. Mr. Mahler stated Mr. Harvey could submit something in writing for the file. Chairman Mahurin stated her motion was not based on Staff's recommendation. Mr. Harvey stated his client found Staff's recommendation acceptable because it takes in account the number of trees on the property.

New Cases

Case #04-11-054V Terry Morrison requesting a variance to Article 5, Section 5.6A. The applicant is requesting a variance to allow an accessory structure in a front yard area. This property is located at 328 Northwoods Drive in Land Lot(s) 777 of the 3rd District and further described as Cherokee County Tax Map 03N10, Parcel 246.

Vicki Taylor gave Staff findings.

No one spoke in favor or opposition.

Roy Taylor made a motion to approve. Seconded by Cindy Castello. Motion passed unanimously 4-0.

Case #04-11-055V James L. Roberts requesting a variance to Article 5, Section 5.6A. The applicant is requesting a variance to allow an accessory structure in a front yard area. This property is located at 1185 Lower Creighton Road in Land Lot 611 of the 3rd District and further described as Cherokee County Tax Map 03N27, Parcel 074.

Vicki Taylor gave Staff findings.

James Roberts represented this case and he said he had no opposition by any adjacent property owners.

No one spoke in favor or opposition.

Cindy Castello made a motion to approve. Seconded by Chairman Mahurin. Motion passed unanimously 4-0.

Case #04-11-056V Jim Blankenship requesting a variance to Article 10, Buffers and Article 7: Section 7.39f, Parking Spaces for amenities. The applicant is requesting a variance to eliminate the 50 foot undisturbed buffer where this property abuts LI zoning, a variance to eliminate the 35 foot undisturbed buffer where this property abuts GC zoning and a variance to reduce the number of parking spaces for amenities to 12 parking space instead of 20. This property is located at 8011 Highway 92 in Land Lot(s) 1157 and 1220 of the 15th District and further described as Cherokee County Tax Map 15N06, Parcel 300.

Vicki Taylor gave Staff findings.

Chad Epel represented this case.

Roy Taylor made a motion to approve with the following conditions that 1) Reduction to a 20 foot landscape buffer and erect a fence, 2) The entry strip of land lying between entrance and east property line remain a landscaped entry strip, and 3) Number of parking spaces for the amenity area reduced to 12 spaces. Seconded by Cindy Castello. Motion passed unanimously 4-0.

Case #04-11-057V Cobb Emergency Veterinary Clinic, P.C. requesting a variance to Article 7, Section 7.7-2; Animal Care Facilities. The applicant is requesting a variance to waiver the required 200' from any property zoned residential. This property is located on Hwy 92 in Land Lot(s) 1220, 1221, 1228, 1229 of the 15th District and further described as Cherokee County Tax Map 15N06, Parcel(s) 298, 273.

Vicki Taylor gave Staff findings.

Randy Blansett, Administrator, Cobb Emergency Veterinary Clinic, represented this case.

No one spoke in favor or opposition.

Cindy Castello made a motion to approve the waiver of the 200 foot requirement, leaving the standard 35 foot zoning buffer. Seconded by Chairman Mahurin. Motion passed unanimously 4-0.

Case #04-11-058V Donald G. Benson requesting a variance to Article 7, Table 7.1A; Minimum District Development Standards. The applicant is requesting a variance to allow a 21' side building setback instead of the required 50'. This property is located at 2210 Heath Drive in Hickory Ridge Subdivision in Land Lot 595 of the 3rd District and further described as Cherokee County Tax Map 03N15, Parcel 045.

Vicki Taylor gave Staff findings.

Donald Bensen represented this case.

Discussion ensued as to placement of the addition to home and the topography.

Monica Blackwell spoke in opposition and commented her fear that this would become a chain reaction in the neighborhood.

David Parekd asked if this would impact the creek. Applicant stated no.

Benson Chambers spoke in rebuttal.

Cindy Castello made a motion to approve. Seconded by Evert Hekman. Motion passed unanimously 4-0.

Case #04-11-059V Mark Ulatowski with Cover My Toys requesting a variance to Article 5.6A & 5.6C. The applicant is requesting variances to allow an accessory structure in the front yard area and to allow an additional 100 sq. ft. to be allowed a total of 1,800 sq. ft. for this accessory structure. This property is located at 351 Heard Road in Land Lot 259 of the 14th District and further described as Cherokee County Tax Map 14N21, Parcel 114A.

Vicki Taylor gave Staff findings.

Earl Darby spoke in opposition and asked that the case be postponed until the next public hearing date in order to have time to get with Mr. Ulatowski and see where this structure plans to be built.

Evert Hekman made a motion to postpone until the next regularly scheduled Zoning Board of Appeals. Seconded by Cindy Castello. Motion passed unanimously 4-0.

Other Items

- Election of new Chairman for Zoning Board of Appeals.

Mark Mahler suggested to the Board that it would be more appropriate to wait until the January 2005 meeting to elect a Chairman, after an appointment has been made.

- Approval of September 2, 2004 Minutes and October 7, 2004 Minutes.

Cindy Castello made a motion to approve the September 2, 2004 minutes. Seconded by Evert Hekman. Motion passed unanimously 4-0.

Roy Taylor made a motion to approve the October 7, 2004 minutes. Seconded by Evert Hekman. Motion passed unanimously 4-0.

Evert Hekman made a motion to adjourn. Seconded by Cindy Castello. Motion passed unanimously 4-0.

Meeting adjourned at 7:45 pm