

**Cherokee County Zoning Board of Appeals  
Minutes  
Thursday, April 3, 2008**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on April 3, 2008 at 6:30 P. M. in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Zoning Board of Appeals were Chairman Evert Hekman, Elizabeth Semler, Amy Dupree, Roy Taylor and Greg Elder. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator, Vikki Chadwick, Senior Clerk and Tripp Peake representing the County Attorney.

**OLD CASES:**

**CASE #08-03-006V – Chris Vincent** is requesting a variance to Article 7, section 7.4-1.1B of the Cherokee County Zoning Ordinance. The request is to eliminate the setbacks on 63 basement lots due to the topography. The site is located at 1754 Kellogg Creek Road, Acworth, Georgia in Land Lots 833, 834, 895, and 896 of the 21st District, 2<sup>nd</sup> Section and further described as Cherokee County Map Number 21N10, Parcels 13, 15, 15A, 21, 41A, 42, 42A, 43, 44, 46, & and is a total of 65 acres.

Requested to be postponed until the May hearing.

**CASE #08-03-007V – John F. Ingold** is requesting a variance to Article 5 of the Cherokee County Zoning Ordinance. The request is for an in-ground pool on a corner lot in Sable Trace Ridge. The site is located at 200 Sable Ridge Way, Acworth, GA in Land Lot 1109 of the 21<sup>st</sup> district, 2<sup>nd</sup> section and further described as Cherokee County Map Number 21N12N, Parcel 031 and is a total of 0.25 acres.

Vicki Taylor Lee re-presented the case.

John Ingold represented.

No one spoke in favor.

No one spoke in opposition.

Mr. Hekman closed public comment.

Mr. Elder made motion to approve with conditions

1. The existing fence encroaching into the right away be moved onto the applicant's property.

Mr. Taylor seconded the motion.

Motion passed 5-0.

**CASE #08-03-008V – Shaun P. Krost** is requesting a variance to Article 11 of the Cherokee County Zoning Ordinance. The request is to allow a wall sign to be square footage related to linear footage. The site is located at 5901 Bells Ferry Road, Acworth, GA in Land Lot 1116 of the 21<sup>st</sup> district, 2<sup>nd</sup> section and further described as Cherokee County Map Number 15N06F, Parcel 047 and is a total of 0.42 acres.

Vicki Taylor Lee re-presented the case.

Shaun Krost represented the case.

Mr. Taylor made motion to approve.

Ms. Dupree seconded the motion.

Motion passed 5-0.

### **NEW CASES:**

**Case # 08-04-009V – James Lee** is requesting a variance to Article 8, Old PUD Regulations, to reduce the required 10 foot side building setback to 0.6 feet. This property is located at 2013 Aldbury Lane in Land Lot 684 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 15N03D, Parcel 083.

Vicki Taylor Lee presented the case.

James Lee represented the case.

No one spoke in favor.

No one spoke in opposition.

Joseph Worthington spoke on behalf of the Cherokee County Building Department.

Mr. Hekman closed public comment.

Mr. Hekman made motion to approve.

Mr. Elder seconded the motion.

Motion passed 5-0.

**Case #08-04-010V – Jeffrey Lamb** is requesting a variance to Article 13 (Non-conforming uses) to reduce the required 50 foot front building setback to 31 feet. This property is located at 108 Misty Hollow Way in Land Lot 664 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N16A, Parcel 061.

Vicki Taylor Lee presented the case.

Jeffrey Lamb represented the case.

No one spoke in favor.

No one spoke in opposition.

Mr. Hekman closed public comment.

Mr. Taylor made motion to approve.

Mr. Hekman seconded the motion.

Motion passed 5-0.

**Case #08-04-011V – Ray L. Beaty** is requesting a variance to Article 8, Old PUD Regulations, to reduce the required 25 foot rear building setback to 17 feet. This property is located at 3981 Fox Glenn Drive in Land Lot 685 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 15N04B, Parcel 220.

Vicki Taylor Lee presented the case.

Applicant did not attend.

No one spoke in favor.

No one spoke in opposition.

Mr. Hekman closed public comment.

Mr. Hekman made motion to approve.

Mr. Elder seconded the motion.

Motion passed 5-0.

**Case # 08-04-012V – Value Space Storage** is requesting a variance to Article 7, Table 7.1A to reduce the required 65 foot front building setback to 30 feet and up to a 55 foot encroachment along the side building setback. This property is located at 141 Butterworth Road in Land Lots 15, 16, 57 and 58 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N13A, Parcels 033, 034 and 035.

Vicki Taylor Lee presented the case.

Raj Sheth represented the case.

No one spoke in favor.

Debbie Weaver spoke in opposition.

Mr. Hekman closed public comment.

Mr. Taylor made motion to approve with conditions:

1. Allow an encroachment into the 65 foot building line of 23 feet for a 42 foot building setback along the northerly property line.
2. Visual Screening along the required 10 foot landscape strip along the northerly property line.
3. Encroachment along the easterly property at the American Truck and Tire Center to be maintained and no further encroachment other than that which currently exist.
4. Parking at American Truck and Tire Center along the front face of the building only with any additional parking meeting all current setbacks.

Mrs. Dupree seconded the motion.

Motion passed 5-0.

**Case #08-04-013V – Hickory Crossing, LLC** is requesting a variance to Ordinance 2005-Z-003, Section 5.1 of the Development Regulations of Cherokee County to waive the undisturbed streambank buffer and impervious setback. This property is located at East Cherokee Drive and Hickory Road in Land Lots 325 and 326 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N26, Parcels 146, 147, 147A, 148, 149, 149B and 149C.

Vicki Taylor Lee presented the case.

Andy Durham represented the case.

No one spoke in favor.

No one spoke in opposition.

Mr. Hekman closed public comment.

Mr. Hekman made motion to approve with conditions.

1. Stream routed through both detention areas before it release into the creek.
2. Parallel parking to be removed.
3. Reduction of the required number of parking spaces by 25%.

Mr. Elder seconded the motion.

Motion passed 3-2.

Ms. Dupree and Mrs. Semler opposed.

**Case #08-04-014V – DLM Engineering** is requesting a variance to Article 16.1, Section 16.1.5, C 8 to increase the maximum number of spaces from 4 per 1000 square feet of net floor space to a total of 98 spaces. This property is located at 4745 Highway 92 in Land Lot 1182 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 21N12, Parcel 096E.

Vicki Taylor Lee presented the case.

Mary Lanning represented the case.

Judge Gober spoke in favor.

No one spoke in opposition.

Mr. Hekman closed public comment.

Mr. Heckman made motion to approve.

Mr. Taylor seconded the motion.

Motion passed 5-0.

**OTHER ITEMS:**

Approval of March minutes.

Discussion of drafting a letter to the BOC regarding third party engineers, stringing of property and input from Forsyth County requirements on the issue.

Adjourned 8:35 P.M.