

Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, June 1, 2017
6:30 p.m.

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, June 1, 2017 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Melissa Range, Cindy Castello, Marla Doss and Lisa Tressler. Elizabeth Semler was absent. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator, Tamala Davis, Planning Technician and Paul Frickey, County Attorney.

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

Case #17-06-026V MOS Estates at 601 Cherokee Parkway requesting variances to Article 11, Section 11.7-5 (a) to allow one (1) additional flag pole for a total of four (4) flag poles on the property. The property is located in Land Lot 1105 of the 21st District and further described as Cherokee County Tax Map 21N06, Parcel 285H.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated the applicant is requesting to allow a 4th flag pole for the new Adidas facility.

Otis Aleman represented this case. Mr. Aleman stated it will make an impact on the community to represent the Adidas Company. He stated they would like the world to know when Adidas shoes are made they come from Cherokee County.

There was no one present to speak in support of or in opposition to this application.

Ms. Range closed public comment.

Ms. Range made a motion to approve. Seconded by Ms. Castello. Motion passed 4-0.

Case #17-06-027V Magnolia Senior Living @ Canton, LLC at 9369 Cumming Highway requesting a variance to Article 10, Table 10.1 – applicant requests a seven (7) foot reduction in the thirty (30) foot zoning buffer along the easterly and westerly property lines. Applicant is also requesting a retaining wall be allowed to be constructed within the westerly buffer. The property is located in Land Lot 811 of the 3rd District and further described as Cherokee County Tax Map 03N16, Parcel 061.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated this construction is for a new senior living facility. She stated the applicant is requesting to reduce the buffer by 7 feet to allow a 23 foot vegetative buffer.

Bobbie Bullard represented this case. Mr. Bullard stated this will be a new assisted living facility on a piece of property with an irregular shape. He stated they narrowed the building as much as they could to have it fit. He stated they will be putting in a wall and the full buffer will be replanted heavily.

There was no one present to speak in support of or in opposition to this application.

Ms. Range closed public comment.

Ms. Castello made a motion to approve. Seconded by Ms. Doss. Motion passed 4-0.

Case #17-06-028V Greg Krome at 828 Beavers Road requesting a variance to Article 7, Section 7.7-26 to allow a barn to be placed twenty-five (25) feet from side property line due to steep topography, septic system and underground propane tank limitations. The property is located in Land Lot 998 of the 3rd District and further described as Cherokee County Tax Map 03N11, Parcel 042B.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated they are requesting to build a new barn for housing livestock.

Greg Krome represented this case. Mr. Krome stated they are limited in placement of the barn due to trees, steep topography, buffers and location of existing utilities.

There was no one present to speak in support of or in opposition to this application.

Ms. Range closed public comment.

Ms. Doss made a motion to approve. Seconded by Ms. Range. Motion passed 4-0.

Case #17-06-029V Hawks Ridge Properties, LLC at Union Hill Road and Denney Lane requesting variances to Article 7, Section 7.7-3 (f) to be allowed to have a small area of property for bulk storage of landscape related products for his garden center. In addition, the applicant seeks a variance to Article 10, Table 10.1 to omit the thirty-five (35) foot zoning buffer on the northeast corner of the ten acre site. In addition, the application seeks to reduce the thirty-five (35) foot zoning buffer to fifteen (15) feet on the southeast corner of the ten acre site. The property is located in Land Lots 1106 and 1107 of the 3rd District and further described as Cherokee County Tax Map 03N05, a part of Parcel 097B.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated the applicant is requesting to be allowed a limited amount of bulk storage; to waive the 35 foot zoning buffer on the northeast corner and to reduce the 35 foot zoning buffer to 15 feet on the southeast side of the property. She stated currently bulk storage is restricted to LI zoning however staff has no objection to this limited small amount of bulk storage in this restricted area consisting of 0.16 acres.

Tommy Jones represented this case. Mr. Jones presented a package to the Board. He stated they will be operating a lawn and garden center on this property and would like to know that this can be done before they finalize the purchase of the ten (10) acres. He stated they have ten (10) other locations around Atlanta. He stated they will plant trees around the perimeter of the property.

There was no one present to speak in support of or in opposition to this application.

Ms. Range closed public comment.

Ms. Castello asked Mr. Jones if he has spoken with the adjoining property owner, Mr. Wills. Mr. Jones stated he has made several attempts and even left a letter on his gate and even mailed a letter. He stated he did inform a gentleman on the property what he was proposing, but did not know for sure if it was Mr. Wills or not.

Ms. Tressler asked Mr. Jones what is his reason for reducing the zoning buffer next to Mr. Wills property. Mr. Jones stated they will be grading the property and his desire would be to use as much of the property to give them the ability to grade and level the property out as much as possible. He stated they would replant.

Ms. Tressler asked Mr. Jones if he would have any objection to maintaining the 35 foot zoning buffer. Mr. Jones stated he would not have an objection, he would just like to be able to get as much as he can.

Ms. Castello asked Mr. Jones if there will be big dump trucks coming onto the property. Mr. Jones stated there will be single axle dump trucks which would be the smaller type dump trucks.

Ms. Doss stated she doesn't have any issues with the buffers but she does have concerns with the bulk storage and feels this request may need to go to the Board of Commissioners since it is not a permitted use in a GC zoning district.

Ms. Lee stated a lot of lawn and garden centers already have this open storage. She stated in the past it was a permitted use in the GC zoning district. Ms. Lee stated a couple of years ago it was removed from being allowed in the GC zoning district. She stated the lawn and garden center is a permitted use in the GC zoning district, the only part that crosses that threshold is the open bulk storage and she feels as long as they restrict the area and the amount that it didn't rise to the level of needing to go through a rezoning to an LI district.

Mr. Frickey advised that the variance is only to Section 7.7-3(f) related to lawn and garden uses generally and that the variance does not constitute a variance to other zoning ordinance provisions that might restrict a use on the property based on the zoning classification which would still apply.

Ms. Tressler stated she has concerns regarding the reduction of the buffer since she does not see a hardship and because of this being 10 acres.

Ms. Range asked Mr. Jones if the reasons for the request to reduce the buffer is cost and eye appeal. Mr. Jones stated to install a wall at that end of the property, grade and enhance the buffer.

Discussion ensued among the members regarding the reduction of the buffers.

Ms. Tressler made a motion to approve a maximum of 0.16 acres of bulk storage in the GC parcel located within the interior of the parcel as shown on Mr. Jones' layout diagram; to approve a waiver of the buffer between the two (2) parcels that would be under common ownership by Mr. Jones (northeast corner) and approval to reduce the thirty five (35) foot buffer (southeast corner) adjacent to Mr. Wills to a twenty (20) foot buffer with enhanced screening to meet County guidelines.

Seconded by Ms. Range. Motion passed 4-0.

Case #17-06-030V D. R. Horton, Inc. at 45 Old Sixes Circle, 10 Old Sixes Circle, 20 Old Sixes Circle, 50 Old Sixes Circle, 53 Ridge Road and 8890 Bells Ferry Road requesting variances to Article 7.4-2 (d) of the Zoning Ordinance to decrease the distance against the lot line on one side of a lot from ten (10) feet to five (5) feet. In addition, applicant seeks a variance to Article 7.4-2 (c) to increase the distance against the lot line on one side of a lot from zero (0) feet to five (5) feet. The properties are located in Land Lots 293, 294, 355 and 356 of the 15th District and further described as Cherokee County Tax Map 15N08, Parcels 022 and 023A and Tax Map 15N02, Parcels 140, 141, 142, 144 and 154C.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning and staff comments. Ms. Lee discussed the RZL zoning district.

Ethan Underwood represented this case. Mr. Underwood stated this creates odd results when you have the big wall on one side and you have to create easements just so the property owners can go on someone else's property to maintain their home.

Ms. Range asked staff if they approve this variance how long will it be before the County amends this Ordinance. Ms. Lee stated we are working on other Ordinance changes and this is not on the front but it needs to be done soon.

There was no one present to speak in support of or in opposition to this request.

Ms. Range closed public comment.

Ms. Range made a motion to approve. Seconded by Ms. Castello. Motion passed 4-0.

Approval of Minutes

Ms. Range made a motion to approve April 6, 2017 Minutes. Seconded by Ms. Castello. Motion passed 4-0.

Ms. Range made a motion to approve May 4, 2017 Minutes. Seconded by Ms. Doss. Motion passed 3-0-1. Ms. Castello abstained since she was not present at the May 4, 2017 meeting.

Ms. Range made a motion to adjourn. Seconded by Ms. Castello. Motion passed 4-0. The meeting adjourned at 7:30 p.m.