

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, June 7, 2018
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, June 7, 2018 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Lisa Tressler, Elizabeth Semler, Marla Doss, Melissa Range and Cindy Castello. In attendance for Cherokee County Staff were Michael Chapman, Zoning Manager; Tamala Davis, Planning Technician; and Paul Frickey, County Attorney.

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

Case #18-06-025V Thomas L. Garrett at 804 Holly Street is requesting a variance to Article 7 – Table 7.1A – Minimum District Development Standards for a twenty-six (26) foot encroachment into the required sixty-five (65) foot front building line setback along Holly Street, a two-lane collector road. The property is located in Land Lot 280 of the 15th District and further described as Cherokee County Tax Map 15N08, Parcel 165.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments.

Thomas Garrett represented this case. Mr. Garrett stated the lot is limited in space due to the location of septic, gas tank and topography. He stated they are wanting to expand the home to meet the needs of the family.

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

Ms. Tressler closed public comment.

Ms. Tressler made a motion to approve as submitted. Seconded by Ms. Castello. Motion passed 5-0.

Case #18-06-026V Randy Johnson at 3121 Waterford Court requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards for a twelve (12) foot encroachment into the required thirty-five (35) foot front building line setback. The property is located in Land Lot 963 of the 15th District and further described as Cherokee County Tax Map 15N23C, Parcel 323.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments.

Thelma Johnson represented this case. Ms. Johnson stated they did not realize the problems this lot had when they purchased it, however they already have a lot of money in this project. She stated due to the right of way, topography and this being a cul-de-sac lot it limits their back yard area.

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

Ms. Tressler closed public comment.

Ms. Castello made a motion to approve as submitted. Seconded by Ms. Range. Motion passed 5-0.

Case #18-06-027V EDT, Inc. & Singleton Real Estate, LLC at 10268 Main Street and 10270 Main street requesting a variance to Article 10, Table 10.2 - Minimum Buffer Width Between Abutting Districts to reduce the thirty-five (35) foot zoning buffer to ten (10) feet for the entrance to a development. Applicant is requesting a variance to Section 5.1 Buffer and Setback Requirements of the Stream Buffer Protection Ordinance to encroach fifteen (15) feet into the twenty-five (25) foot impervious cover setback for construction of a retaining wall. Applicant is requesting a variance to Development Ordinance - Section 4.08 Cul-de-sacs (A.) to allow a hammerhead turn-around. The property is located in Land Lot 1284 of the 15th District and further described as Cherokee County Tax Map 15N18A, Parcels 001 and 002.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments.

Larry Singleton presented this case. Mr. Singleton stated his client purchased this property in 2006 and was rezoned in 2007 to townhomes. He stated they have no problems with the stipulations by staff and stated the only reduction in buffer is adjoining commercial property. He provided a power point presentation to discuss variance requests. He stated these will be townhomes priced at \$210,000 or less.

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

Ms. Tressler closed public comment.

Ms. Semler made a motion to approve with staff conditions as well as the applicant is to combine the two (2) parcels into one. Seconded by Ms. Tressler. Motion approved 5-0. Staff conditions are as follows:

Stormwater Management – 1) The applicant shall provide additional Structural Stormwater Controls for both quantity and quality to offset the encroachments. These controls shall meet the requirements of section 6.05, Post-Development Stormwater Management Criteria of the Cherokee County Development Ordinance, and the 2016 edition of the Georgia Stormwater Management Manual. The controls shall be in addition to those already required for development;

2) The applicant shall provide additional greenspace on the project site equaling or exceeding the encroachment areas. The applicant shall provide this information at the time of applying for a land disturbance permit for the project.

Fire Marshal's Office – 1) The design shall meet the standards of the 2012 International Fire Code:

a. Appendix D, Section D103, Figure D103.1 (see page 5):

i. The minimum Specifications of the 120-foot hammerhead.

b. Section D103.6 Signs, D103.6 Signs (see page 5):

i. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6.

ii. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background.

iii. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

c. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus.

- d. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- e. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

Case #18-06-028V Edward Cipriani at 124 White Oak Trail requesting a variance to Article 23 - Conservation Design Community, Table 23-2 Conservation Design Community Setback Requirements to allow a ten (10) foot encroachment into the required thirty-five (35) foot front building setback. The property is located in Land Lot 833 of the 3rd District and further described as Cherokee County Tax Map 03N22D, Parcel 012.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments.

Ed Cipriani represented this case. Mr. Cipriani stated he is the builder and due to the septic location and topography, the home was moved closer to front. He stated the porch is the only part encroaching.

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

Ms. Tressler closed public comment.

Ms. Castello made a motion to approve as submitted. Seconded by Ms. Doss. Motion passed 5-0.

Case #18-06-029V Axis Infrastructure at 6126 Hickory Flat Highway requesting a variance to Article 11.6 (1.) Permitted Signs by Type and Zoning District requesting four (4) wall signs in lieu of the two (2) allowable, also Table 11.1 District Requirements for Permanent Signs requesting a variance of eight (8) feet to allow a total copy area of 47 square feet on the front elevation. The property is located in Land Lot 324 of the 15th District and further described as Cherokee County Tax Map 15N26, Parcel 154R.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments.

Luke Wemette represented this case. He stated they are doing a major remodel to McDonald's locations and replacing exterior wall signage. He stated the location for the four (4) wall signs.

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

Ms. Tressler closed public comment.

Discussion ensued among Board members as it relates to number of signs and location of property.

Ms. Semler made a motion to approve one (1) additional wall sign to allow a total of three (3) wall signs and to oppose the additional copy area. Seconded by Ms. Castello. Motion passed 4-1. Ms. Range opposed.

Case #18-06-030V Axis Infrastructure at 8008 Cumming Highway requesting a variance to Article 11.6 (1.) Permitted Signs by Type and Zoning District requesting seven (7) wall signs in lieu of the two (2) allowable, also Table 11.1 District Requirements for Permanent Signs requesting a variance of nine (9) feet to allow a total copy area of 35.5 square feet on the front elevation. The property is located in Land Lot 851 of the 3rd District and further described as Cherokee County Tax Map 03N10, Parcel 114D.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments.

Luke Wemette represented this case. He stated this is a similar project with a major remodel to McDonald's locations and replacing exterior wall signage. He stated the location for the seven (7) wall signs.

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

Ms. Tressler closed public comment.

Discussion ensued among Board members as it relates to number of signs and location of property.

Ms. Semler made a motion to approve one (1) additional wall sign to allow a total of three (3) wall signs and to oppose the additional copy area. Motion passed 5-0.

Ms. Semler made a motion to postpone the May 3, 2018 Minutes to allow for corrections. Seconded by Ms. Tressler. Motion passed 5-0.

Ms. Semler made a motion to adjourn. Seconded by Ms. Tressler. Motion passed 5-0. The meeting adjourned at 7:30 p.m.