

Approved 7/11/2019

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, June 6, 2019
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, June 6, 2019 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Vice chairman Melissa Range, Tim Ragsdale, Lisa Tressler, and Marla Doss. In attendance for Cherokee County Staff were Michael Chapman, Zoning Manager, Tamala Davis, Planning Technician; Thomas Trawick, Planner; and Paul Frickey, County Attorney. The meeting was called to order at 6:30 p.m.

Case #19-06-032V Nick Watson at 2722 Salacoa Road requesting a variance to Article 5, Section 5.6 - Accessory Uses and Structures to allow a pool to be built within the front yard area. The property is located in Land Lot 236 of the 23rd District and further described as Cherokee County Tax Map 23N07, Parcel 076.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated the Planning and Zoning Department has not received any letters in support of or in opposition to this variance request on file. He stated based on the available information, there are extraordinary and exceptional conditions which are peculiar to the particular piece of property in question because of its shape and topography. As a result, the Planning and Zoning Department does not object to the variance as requested.

Nick Watson represented this case. Mr. Watson stated they are approximately 400 feet from the road and neither the home nor the pool will be visible from the road.

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

Ms. Semler closed public comment.

Ms. Semler asked the applicant does his home face Salacoa Road. Mr. Watson stated they have a sloped home plan and the front of the home does not face Salacoa Road.

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

Case #19-06-033V Shane Hazel at 266 Delaney Pine Drive requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards to reduce the front and side building line setback to twenty-five (25) feet from the required fifty (50) foot minimum building line setback in order to accommodate a new single-family home. The property is located in Land Lot 303 of the 22nd District and further described as Cherokee County Tax Map 22N07, Parcel 008.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated the Planning and Zoning Department has not received any letters in support of or in opposition to this variance request on file. He stated based on the surrounding conditions and the available evidence, relief, if granted, likely would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance. As a result, the Planning and Zoning Department does not object to the variance as requested.

Shane Hazel represented this case. Mr. Hazel stated the rear of the property falls off and this would help with the cost of construction as well as the placement for septic.

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

Ms. Semler closed public comment.

Ms. Tressler stated the lot appears level from side to side. She asked the applicant why the house cannot be placed in the center of the lot. Mr. Hazel stated they would like to utilize as much as they can in the level area for a garden or a future shed.

Ms. Tressler made a motion to approve the variance for a 25-foot front and side building line setback only at the house location. Seconded by Ms. Range. Motion passed 5-0.

Case #19-06-034V Michael Hrib at 250 Arnold Mill Road requesting a variance to Article 11, Section 11.6 - Permitted Signs by Type and Zoning District to allow a two post galvanized freestanding sign in place of the required monument style sign. The property is located in Land Lot 1025 of the 15th District and further described as Cherokee County Tax Map 15N17A, Parcel 188.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated the Planning and Zoning Department has not received any letters in support of or in opposition to this variance request on file. He stated based on the available evidence, staff does not identify any extraordinary or exceptional condition pertaining to the particular piece of property and does not identify a hardship which would necessitate installation of a sign which is not of monument style. Therefore, the Planning and Zoning Department recommends denial of the applicant's request as submitted

Michael Hrib represented this case. Mr. Hrib stated the monument would not match the building which was originally an old chicken hatchery. He stated the building is constructed with a lot of galvanized steel and feels the monument sign would block the view for customers in the parking lot. He stated he has invested a lot into making the building look good.

Bill Grace spoke in support. Mr. Grace stated he is a tenant in the building and feels the monument sign would block the view for customers leaving the parking lot.

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

Ms. Range closed public comment.

Mr. Ragsdale, pointing to a photo of the site, asked if the sign will go where the vehicle is located. Mr. Hrib stated it would actually go a little closer to the road.

Ms. Range stated Woodstock has done a lot to improve this area and are still working on improvements, she stated most of the signs are monument. Mr. Hrib stated no, not really. He stated the ones across the street are wooden and some of the ones inside the City of Woodstock are not monument. Ms. Range stated any of the new signs are monument signs and the wooden signs at Dobbs Road are temporary advertising signs. Mr. Hrib stated he would really like a non-monument sign. Mr. Hrib stated if he has to go through the process for a monument sign he will build it as big and tall as he can.

Ms. Tressler asked Mr. Hrib how far off the road would the sign be. Mr. Hrib stated about 10 feet off the right of way.

Ms. Semler asked Staff what the sign requirements are for the City of Woodstock. Mr. Chapman stated, he did not know.

Ms. Range stated the site plan indicates the building as one story concrete stucco. Mr. Hrib stated, that is not accurate.

Ms. Semler asked Mr. Hrib what is his hardship. Mr. Hrib stated the topography and the safety for his customers trying to park in the front.

Ms. Tressler asked Staff did the Engineering Department have any concerns with the monument style signs. Mr. Chapman stated that the Engineering Department did not offer any comments. Mr. Chapman went on to state that as part of the standard process for permitting signs, Engineering will go out and verify any sight obstructions. Mr. Chapman stated that verifying the proposed location of the sign is a standard part of any sign application.

Mr. Ragsdale stated the sign drawing indicates the sign as 15 feet tall and with the proposed location it still appears the customers can still get out on the road safely even with a monument sign.

Mr. Ragsdale made a motion to deny this application. Seconded by Ms. Doss. Motion passed 5-0.

Case #19-06-035V Century Communities of GA, LLC at 244 Gallant Fox Way, 246 Gallant Fox Way, 300 Buckpasser Court, 302 Buckpasser Court, 304 Buckpasser Court, and 306 Buckpasser Court requesting a variance to Article 23 – Conservation Design Community to reduce the front building line setback for lots 14 and 15 to thirty (30) feet from the required thirty-five (35) foot front building line setback. Applicant also seeks a variance to Article 23 – Conservation Design Community to reduce the front building line setback for lots 39, 40, 41 and 42 to twenty-five (25) feet from the required thirty-five (35) foot front building line setback. The properties are located in Land Lots 976 and 977 of the 21st District and further described as Cherokee County Tax Map 21N11, Parcels 112, 113, 114, 115 and 115B.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated the Planning and Zoning Department has not received any letters in support of or in opposition to this variance request on file. The property is part of a Conservation Design Community which is intended, in part, to preserve topographical and soil features and afford greater flexibility of design and placement of buildings and structures. Such conditions are peculiar to the particular piece of property involved. As a result, the Planning and Zoning Department does not object to the variance as requested.

There was no one present from Century Communities of GA, LLC to represent this case.

Ms. Angela Hughes stated she is with Gaskins Surveying who drew the plan and the applicant asked her to be at the meeting to represent the case. Ms. Semler asked Staff if they received any information from the applicant stating this. Mr. Chapman stated, no.

Ms. Semler made a motion to postpone this application until the July meeting so the applicant or the assigned representative can be in attendance to present the case. Seconded by Ms. Range. Motion passed 5-0.

Case #19-06-036V SDC Gwinnett, LLC at 15084 Highway 92 requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards to allow the front building line setback be reduced to 12.5 feet from the required twenty (20) foot minimum front building line setback for townhomes. In addition, the applicant is seeking a variance to Cherokee County Development Ordinance, Section 4.08 - Cul-de-sacs to allow a

hammerhead style turnaround in place of the required cul-de-sac. The property is located in Land Lots 1263 and 1264 of the 15th District and further described as Cherokee County Tax Map 15N30, Parcels 087 and 088.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated the Planning and Zoning Department has not received any letters in support of or in opposition to this variance request on file. He stated the site plan provided by the applicant indicates the presence of stream buffers which limit the buildable area of the property. He stated in addition, the Cherokee County Zoning Ordinance requires a zoning buffer between the proposed townhome community and the existing residential community to the south as well as a landscape/streetscape strip including a three rail fence and trees along SR 92 which further reduces the buildable area. He stated each of these conditions are peculiar to the particular piece of property in question. As a result, the Planning and Zoning Department does not object to the variance as requested with condition that the developer shall install NO PARKING signs in the hammerhead at a location determined by the Cherokee County Fire Marshal's Office.

Daryl Cook represented this case. Mr. Cook stated due to the topography, shape, buffers and streams they could not get a proper turnaround on this site. He stated they met with staff at a round table meeting and the proposed hammerhead meets fire code requirements. He stated these are private streets and was not aware the front setback was measured from the 50' access and utility easements. He stated this would allow them to limit the impervious areas and push the homes away from the existing residential. He stated they would also be looking to find additional guest parking spaces.

Sheila Holstein spoke in opposition. Ms. Holstein stated her concerns with the existing vacant lots in the area and feels this development serves no purpose for the future. She stated the County has never allowed a hammerhead and feels the reason people want to live in this area is because this is where the three (3) counties come together. She stated this road will need to be widened and the development will not benefit anyone within the area other than the developer and the owner. She discussed the development along Highway 92.

Ms. Range stated the property is already zoned, they are just here for adjustments.

Austin Epps spoke in support. Mr. Epps stated he is the second house on the right and is in favor of the request to reduce the front setbacks. He stated they spoke to Mr. Cook prior to the meeting and discussed a lot of the issues they had mainly with drainage. He stated they discussed an easement being added outside the buffer zone and for this access point being deeded over to their HOA.

Mr. Cook spoke in rebuttal. Mr. Cook stated this is not the first approval for a hammerhead turnaround in the County.

Ms. Semler closed public comment.

Ms. Semler stated she does not like reducing the setbacks on an entire property, but can understand the neighbors wanting the new homes to be pushed forward so they will have a bigger buffer against the residential areas.

Mr. Ragsdale and Ms. Doss stated they don't see any detriment to allowing the reduction in front building setbacks.

Ms. Tressler asked how long will the driveways will be. Mr. Cook stated 25 ½ feet.

Ms. Semler made a motion to approve with the condition listed by Fire Marshal for the developer to install NO PARKING signs in the hammerhead at a location determined by the Cherokee County Fire Marshal's Office. Seconded by Ms. Doss. Motion passed 5-0.

Case #19-06-037V Andrew Reibly at 910 Oak Drive requesting a variance to Article 5, Section 5.6 A. Accessory Uses and Structures to allow a detached garage within the front yard area. The property is located in Land Lots 748 and 749 of the 21st District and further described as Cherokee County Tax Map 21N10A, Parcel A137.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated the Planning and Zoning Department has not received any letters in support of or in opposition to this variance request on file. He stated based on the available evidence, there are exceptional conditions which are peculiar to the particular piece of property in question. As a result, the Planning and Zoning Department does not object to the variance as requested.

Andrew Reibly represented this case. He stated due to the topography there is no other location to build the garage. Mr. Reibly provided copies of approval letters from the adjoining property owners and provided photos to the Board.

Ms. Range asked if there is an active HOA in this subdivision. Mr. Reibly stated, yes and he is a member. He stated they have no problems with his request, but he does not have anything in writing from them.

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

Ms. Semler closed public comment.

Ms. Semler made a motion to approve as submitted. Seconded by Mr. Ragsdale. Motion passed 5-0.

Mr. Chapman presented amendments to Article 15 and Article 21 of the Zoning Ordinance to the Board. Mr. Chapman stated that the amendments are intended to add a provision to the ordinance whereby the Board can consider variances to lots platted under former versions of the ordinance. In addition, Mr. Chapman discussed an amendment which would expand the Administrative Variance in order to reduce the Board's monthly caseload. After reviewing and discussing the amendments, Mr. Chapman asked the Board members to review the amendments and offer any comments or suggestions.

Ms. Semler made a motion to approve the May 2, 2019 Minutes with a correction to Case #19-04-016. Seconded by Ms. Range. Motion passed 5-0.

Mr. Chapman reminded the Board that their July meeting will be on July 11, the second Thursday of the month, because the first Thursday of July is a County holiday (Independence Day).

Ms. Semler made a motion to adjourn. Seconded by Ms. Tressler. Motion passed 5-0. The meeting adjourned at 7:47 p.m.