

Approved 8/1/2019

**Cherokee County Zoning Board of Appeals  
Public Hearing Minutes  
Thursday, July 11, 2019  
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, July 11, 2019 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Vice chairman Melissa Range, Tim Ragsdale, Lisa Tressler, and Marla Doss. Chairman, Elizabeth Semler was not in attendance. 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 6:32 p.m.

**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. He stated the site plan provided by the applicant indicates the presence of steep topography at the rear of the lots. He stated 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 and as a result, the Planning and Zoning Department does not object to the variance as requested.

Bryan Taylor represented this case. Mr. Taylor stated they are offering five (5) different floor plans for this development and these lots are limited. He stated they only have one (1) floor plan or product that fits on these lots. Mr. Taylor stated the more products they are able to fit gives a better look to the community.

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

Ms. Range closed public comment.

Ms. Tressler stated the houses shown on the site plan appear to be able to move forward so they would not encroach upon the buffer. Mr. Taylor stated, yes that is correct the site plan indicates the 25-foot front setback that they are asking so the homes are not pushed further back on the lot. He stated the back yards are 8 to 10 feet and if they push the homes back the homes would be hanging over the edge due to the slope of the property.

Mr. Ragsdale asked the applicant are these four (4) lots the only four (4) lots that are in this grouping. Mr. Taylor stated, yes.

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

**Case #19-07-038V Piedmont Residential** at 626 Royal Crest Court, 628 Royal Crest Court, and 630 Royal Crest Court requesting a variance to Article 10 - Buffer Requirements, Section 10.6-7 and Cherokee County Stream Buffer Protection Ordinance (NO. 2005 - Z – 003) to remove the required fifty (50) foot undisturbed Cherokee County stream buffer. Applicant also seeks a variance to Article 7, Table 7.1A: Minimum District Development Standards to reduce the minimum front building setback line from the required twenty (20) feet to ten (10) feet. The properties are located in Land Lot 174 of the 15th District and further described as Cherokee County Tax Map 15N25D, Parcels 153, 154, and 155.

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 and as a result, the Planning and Zoning Department does not object to the variances as requested.

Ryan Bobbit represented this case. Mr. Bobbit stated they have the Engineer, Don Singer with them tonight to explain the variance request.

Don Singer stated the subdivision was platted in 2007 and the majority of the subdivision was platted with 50 foot and 25-foot stream bank buffers. He stated this section was in error labeled with just a 25-foot stream buffer and since have spoken with the County. He stated they are here today because they have shown the additional 25-foot stream bank buffer and are asking for alleviation from this buffer to make these lots buildable. Mr. Singer provided a copy of the recorded plat from 2007 to the Board.

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

Ms. Range closed public comment.

Ms. Tressler asked Mr. Singer about the discrepancy in the stream location from the original plat and the new plat. Mr. Singer stated they went and surveyed the property as well as the streams and the two (2) locations are the as built locations of the streams today. He stated either the streams have moved a little or it was incorrectly shown on the original plat.

Mr. Ragsdale asked Mr. Bobbit that once you reduce the front setback, where does this put the location of the home to the stream. Mr. Bobbit stated even if they get the front setback reduction, the home would still be encroaching into the 50-foot stream bank buffer, but not the 25-foot stream bank buffer.

Ms. Tressler asked Mr. Bobbit, how far will the encroachment be into the 50-foot buffer. Mr. Bobbit stated he does not know exactly, but he should be 5 or 10 feet away from the 25-foot stream buffer.

Mr. Ragsdale made a motion to approve the application as presented with the conditions from Stormwater Department. Stormwater Department conditions state, 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 existing for development. The applicant can provide this information prior to applying for building permits for the projects.

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

**Case #19-07-039V Altair Sign & Light** at 8021 Cumming Highway requesting a variance to Article 11, Table 11.1 District Requirements for Signs to be allowed two (2) twenty-eight (28) square foot wall signs instead of the maximum eight (8) square feet. The property is located in Land Lots 806 and 851 of the 3rd District and further described as Cherokee County Tax Map 03N10, Parcel 113A.

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, relief, if granted, would not cause substantial detriment to the public good. He stated staff also finds that there are exceptional conditions that are peculiar to the particular piece of property in question since it is a corner lot with two road frontages on a major collector and arterial street. Mr. Chapman stated as a result, the Planning and Zoning Department does not object to the variance as requested.

Felicia Johnson represented this case. Ms. Johnson stated the elevations and the prototype of the building is their brand as well as the location of the wall signs. She stated they are requesting to stay in line with the restrictions that Taco Bell has with their different restaurants.

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

Ms. Range closed public comment.

Ms. Doss stated she feels the Ordinance needs to be amended so Staff can take care of these type variances administratively.

Ms. Doss made a motion to approve as submitted. Seconded by Ms. Tressler. Motion passed 4-0.

**Case #19-07-040V Simmy Freed Ware** at 3397 Knox Bridge Highway requesting a variance to Article 5, Section 5.6 to allow the existing structure located on the property to be considered a guest house. The applicant also requests a variance to allow the location of the guest house to be in the front yard area. The property is located in Land Lot 22 of the 22nd District and further described as Cherokee County Tax Map 22N12, Parcel 080.

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 and as a result, the Planning and Zoning Department does not object to the variances as requested.

Simmy Freed Ware represented this case. Mr. Ware stated the existing home has been completely remodeled and would like to keep it on the property so family can stay when they visit.

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

Ms. Range closed public comment.

Ms. Tressler asked Mr. Ware if he has resided in the current home. Mr. Ware stated almost 15 years.

Ms. Range stated the hardship is the access easement. Mr. Chapman stated he had discussions with Mr. Ware about subdividing the property, however the easement is at its maximum with the number of lots and cannot be subdivided.

Mr. Tressler made a motion to approve as submitted. Seconded by Ms. Range. Motion passed 4-0.

**Case #19-07-041V Purvi Properties, LLC** at 1328 Highway 92 requesting a variance to Article 7 to eliminate the minimum six (6) foot wide landscape strip along all side lot or lease lines; Article 16 to allow 20% of the non-glass area of the building to be faced with stacked stone in lieu of the minimum 80% of the non-glass area of three exterior sides to be faced with brick of a natural color and texture that simulates historic types of brickwork; Article 16 to allow a building height of 58 feet above street level in lieu of the maximum building height of forty (40) feet; and Article 16 to allow standard residential size windows in lieu of multi-pane, divided light windows. The property is located in Land Lot 1244 of the 21st District and further described as Cherokee County Tax Map 21N06, Parcel 041.

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 because of its size and shape. He stated as a result, the Planning and Zoning Department does not object to the variance as requested with the following condition: In lieu of brick, stack stone shall be used.

Al Patel represented this case. Mr. Patel stated he asked for a similar variance next door for the Hampton Inn and it was granted.

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

Ms. Range closed public comment.

Ms. Range asked Mr. Patel if he was aware of the County's recommendation to use stack stone instead of brick. Mr. Patel stated they would be using stack stone.

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

Ms. Range made a motion to approve the June 6, 2019 Meeting Minutes. Seconded by Ms. Tressler. Motion passed 4-0.

Ms. Range made a motion to adjourn. Seconded by Mr. Ragsdale. Motion passed 4-0. The meeting adjourned at 7:25 p.m.