

Approved 10/3/2019  
Revised

**Cherokee County Zoning Board of Appeals  
Public Hearing Minutes  
Thursday, September 5, 2019  
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, September 5, 2019 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Tim Ragsdale, Lisa Tressler, Melissa Range and Marla Doss. In attendance for Cherokee County Staff were Michael Chapman, Zoning Manager, Thomas Trawick, Planner, Tamala Davis, Planning Technician, and Paul Frickey, County Attorney. The meeting was called to order at 6:30 p.m.

**Case #19-08-043V MRP Design Group** at 1275 Hwy 92 requesting a variance to Cherokee County Zoning Ordinance, Article 11.1 District Requirements for Signs to allow 1 additional wall sign for a total of 4 signs on the property as well as increase the amount of copy area allowed on one of the wall signs. The applicant also requests variances to Article 16.1.5 Minimum Development Standards and Development Regulations for the Corridor - 1 - Streetscape Theme to increase the spacing of major trees from being planted every 40ft to 80ft on center; 4 - Building Materials a. to allow stone in place of brick and allow less than 50% masonry, and d. allow the use of a bright blue color as an accent color on the exterior of the building. The property is located in Land Lot 1243 of the 21st District and further described as Cherokee County Tax Map 21N06, part of Parcel 005.

Thomas Trawick presented this case. Mr. Trawick 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 although the proposed spacing is not consistent with the ordinance, the additional spacing would not be detrimental to the public good since this requirement has not been enforced for pre-existing development nearby. He stated the applicant is also still proposing to install trees in an area where few currently exist along the Highway 92 corridor. As a result, the Department recommends approval to allow a 50-foot separation for major trees within the Highway 92 Streetscape along the portion of property that directly fronts onto Highway 92.

Tom Morgan represented this case. Mr. Morgan stated he is willing to make adjustments to the signage and stated what he is proposing is well under the allowable square footage. He stated he does not want to put trees in the easement and noted the nearby properties do not have trees currently. Mr. Morgan stated they would like to use stone instead of brick.

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

Ms. Semler closed public comment.

Ms. Tressler discussed the different percentages of masonry on the plans.

Mr. Ragsdale stated the reason for the Highway 92 Village Overlay is so we will have in years to come a finished product that they envisioned for this area with the trees and fences. He stated he feels they need to provide the trees that are required. He stated they could add one (1) more tree and put the spacing at 40 feet apart.

Mr. Ragsdale made a motion to approve the variance requests to reduce the 80% masonry requirement to less than 50% on the attached building elevations, to allow stone instead of brick material, to allow the use of the bright blue signature business color for the building exterior and approval to increase the copy area for the Highway 92 facing wall sign; his motion included denial for the variance request to allow four (4) signs on the property and to deny the request to allow a 50 foot separation for major trees within the Highway 92 Streetscape along the portion of property that directly fronts onto Highway 92. Seconded by Ms. Semler. Motion passed 5-0.

**Case #19-08-045V Dahlco Goal Line Partners EC** at 8023 Cumming Highway requesting a variance to Cherokee County Zoning Ordinance, Article 11 - Signs and Outdoor Advertising to allow three (3) signs on the canopy and signage on all gas pumps. The property is located in Land Lot 806 of the 3rd District and further described as Cherokee County Tax Map 03N10, Parcel 113.

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 staff finds that there are exceptional conditions that are peculiar to the particular piece of property in question because it is a corner site with two road frontages on a major collector road (East Cherokee Drive) and arterial road (Cumming Highway/SR 20). He stated as a result, the Planning and Zoning Department does not object to the variance as requested.

Ronnie Boyles represented this case. Mr. Boyles stated he is requesting three (3) signs on the canopy and signage on the gas pumps.

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

Ms. Semler closed public comment.

Ms. Doss stated she does not have a problem with the variance requests and made a motion to approve. Seconded by Ms. Semler. Motion passed 5-0.

**Case #19-09-046V Erik Ross** at 100 Millers Pointe Lane requesting a variance to Cherokee County Zoning Ordinance, Article 5, Section 5.6-10 to allow an eight (8) foot fence instead of the maximum allowable six (6) foot fence adjacent to a public road right-of-way and within the required setback in a residential district. Applicant also seeks a variance to Article 5, Section 5.7 - Vision Clearance at Intersections to allow the fence within twenty-five (25) feet of the intersection of the right-of-way lines or streets, roads, or highways. The property is located in Land Lot 892 of the 15th District and further described as Cherokee County Tax Map 15N23, Parcel 113.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated the Planning and Zoning Department has received two (2) letters in support and no letters in opposition to this variance request on file. He stated according to the lot sketch provided by the applicant, the fence has been placed within a fifteen (15) foot wide permanent easement and perpetual right-of-way granted to the Cherokee County Water and Sewerage Authority on the subject property along North Arnold Mill Road (July 19, 1995, Deed Book/Page: 2131 / 229). He stated according to the text of the easement agreement, the easement "is for the purpose of a sanitary sewer line, together with the right to go upon said land to install said sewer line, to inspect, maintain, repair, or replace the same, as may from time to time be

necessary.” Placing the fence within a sewer easement as well as erecting a fence adjacent to a public road right-of-way and within the required setback in contravention of the Cherokee County Zoning Ordinance are both contrary to the public interest. Mr. Chapman stated staff is unable to conclude that the application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship. He stated as a result, the Planning and Zoning Department recommends denial of the variance as requested.

Ms. Semler asked Mr. Chapman if the letter sent to the applicant was from someone who had concerns and did the County follow up on this. He stated Engineering Department went out to do a site visit for development at this location and did observe the fence during this inspection.

Erik Ross represented this case. Mr. Ross stated they were the first buyers to build within this minor subdivision and had the First Fence of Georgia Company come out to quote the fence and was informed an eight (8) foot fence would be approved in Cherokee County. He stated they moved forward with constructing the privacy fence for safety, security and privacy. He stated he had two (2) of his neighbors submit emails stating they were okay with the height of the fence. He stated he did speak with Dwayne Fowler with the Cherokee County Water and Sewer Authority to put together an indemnification letter regarding the fifteen (15) feet easement. He stated he takes full responsibility if the fence needed to come down and will pay to put it back. Mr. Ross stated he would like to be able to keep the eight (8) foot fence and continue to make the community look nice.

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

Ms. Semler closed public comment.

Mr. Ragsdale stated he has a problem with one (1) of the emails he received that is in support because he states he would like to do the same thing. Mr. Ragsdale stated the fence needs to be six (6) feet tall.

Ms. Range asked Mr. Ross does he currently have an HOA. Mr. Ross stated, yes.

Mr. Ross stated Mr. Fields who lives on the other side would like to construct the same fence to keep the integrity and home values of the development high.

Ms. Range stated the fence is abutting up to a main road and is not located within the subdivision. Mr. Ross stated when they bought in the subdivision, a fence was already there and they removed it to construct this one in its place.

Ms. Semler asked if the fence is within the 25 feet of the intersection. Mr. Ross stated they did shift the fence back so it is 40 feet from the intersection.

Ms. Range asked if there was no builder to consult with on this. Mr. Ross stated no, the only thing the builder did was he had the existing farmhouse fence there.

Ms. Tressler stated she has issues with the fence being this height.

Ms. Semler stated, she agrees.

Ms. Doss asked if the fence continues along the back of the property. Mr. Ross stated, yes but it is six (6) feet in that location.

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

**Case #19-09-047V The Anvil Academy** at 7681 Campground Road requesting a variance to Cherokee County Zoning Ordinance, Article 7, Section 7.7-15(c)(1) to allow the homeschool group to be on 2.56 +/- acres instead of the required five (5) acre minimum lot size for all residential districts. In addition, Article 7, Section 7.7-15(c)(2) to allow the main entrance to be on Campground Road which is a local road instead of the required arterial, major or minor collector road. The property is located in Land Lot 37 of the 2nd District and further described as Cherokee County Tax Map 02N13, Parcel 205.

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 criteria for requesting a variance outlined in Article 15 of the Zoning Ordinance, staff is unable to find that a practical difficulty or unnecessary hardship exists and therefore recommends denial of the request as submitted. If the board chooses to grant a variance, staff recommends attaching a condition that the applicant shall adhere to all recommendations of the Cherokee County Building Inspections Department and Fire Marshal's Office regarding building and site improvements. Mr. Chapman stated Building Inspections comments were as follows: In order for the existing barn to be utilized as an Educational Occupancy, the following will be required:

- a.) A residential-to-commercial conversion will require a registered engineer to verify or prescribe modifications to provide compliance with the current International Building Code (IBC) and applicable state amendments. A stamped and signed report, floor plan and other indicated drawings indicating existing conditions and proposed modifications to the structure per IBC 3408 will be required to be submitted electronically along with an application for a permit.
- b.) Electrical, Plumbing, and Mechanical systems will be required to be verified or prescribing modifications to these systems will be required in order to provide compliance with the current codes and state amendments specific to these systems which will be submitted electronically along with the above permit application.
- c.) Restrooms will be required to be installed, if not existing, per the specific occupancy type and meeting the fixture count requirements of the International Plumbing Code (IPC) Table 403.1 and other applicable IPC sections.
- d.) If structural or floor plan modifications are proposed for this structure that affect or could affect the usability of this facility (such as installing the required restrooms), ADA accessibility will be required to be implemented per 2010 ADA Standards 36.402 and other applicable ADA sections.
- e.) If ADA parking is required, this shall be indicated on the site development plan.

Mr. Chapman stated Fire Marshal's comments were as follows: The building and the property must comply with:

- a.) All Cherokee County Development Regulations, except those which are granted a variance.
- b.) All current Georgia State adopted codes.
- c.) All current adopted codes by the Cherokee County Fire Marshal's Office.
- d.) There will also need to be fire department access to the property to include driveway improvements.

Andrew Cole represented this case. Mr. Cole stated this is a home school group that is operated on their property. He provided a presentation stating this property consists of four (4) acres where 2.57 acres is in Cherokee County and the additional greenspace falls within Forsyth County. He stated the outbuilding and open space on site left an opportunity for great learning experiences and activities. He provided an aerial photo showing the locations of all the structures. He stated it is an honor that Cherokee County considers them a private school considering what they do. He stated they have teachers and middle school boys who are designated as homeschoolers that come each day. Mr. Cole stated all pick up and drop off is at Macedonia United Methodist Church. He stated they have 32 students who come two (2) days a week. He stated when they applied for septic to put in an additional bathroom for the students is when all this came forward. He stated he is aware work needs to be done to meet commercial standards.

Dustin Mullenix spoke in support. Mr. Mullenix stated he has two (2) kids that attend Anvil Academy and supports this request.

Trey James spoke in support. Mr. James stated he has one (1) son who attends Anvil Academy and his son was very disappointed that the Academy had to stop and requests this be approved.

There was no one present to speak in opposition.

Ms. Semler closed public comment.

Ms. Semler asked Mr. Cole if there was 32 students that that is split up among the four (4) days. Mr. Cole stated there is a total of 64 students.

Ms. Semler asked Mr. Cole would he be inviting more students in or is this the maximum. Mr. Cole stated they are at capacity and they are not looking to grow or expand any buildings.

Ms. Semler stated she does like that the pick up and drop off is off site.

Ms. Semler asked Mr. Cole if he has read over the conditions from Building and Fire Marshal Department. Mr. Cole stated he has not seen these. Ms. Semler stated it is basically to bring the building up to commercial code. Mr. Cole stated he walked the property with Mr. Arp and he informed him what would need to be brought up to code to meet Fire requirements. He stated he has not had an architect come yet to give them an assessment of the building code.

Ms. Doss asked if Mr. Cole would need a business license from Forsyth County. Mr. Cole stated they have not pursued that with Forsyth County since this is all green space and no buildings are located on that property.

Mr. Ragsdale asked Mr. Cole if he was financially able as a school to make a lot of improvements if this is necessary. Mr. Cole stated they have discussed this as a Board and they recognize this is one of the conditions they would need to meet and they would have to look into it.

Ms. Range asked if this does grow would he be back to the Board requesting more kids or would they relocate. Mr. Cole stated they would relocate.

Ms. Tressler asked if there is a tuition or fee that is paid. Mr. Cole stated yes.

Mr. Ragsdale stated he is concerned about approving this variance and then there is an issue with Fire Marshal or Building Inspections and feels it may be better to put the decision off until all this has been done to meet requirements.

Ms. Semler stated if they approve the variance they can add this as a condition that all requirements are met and would not be able to move forward until all conditions are met.

Ms. Semler made a motion to approve with the conditions from Building Department, Fire Department, that the drop off and pick up remains off-site and the maximum number of students allowed will be 64. Seconded by Ms. Doss. Motion passed 4-1 (Tressler opposed).

**Case #19-09-048V EDT, Inc.** 10270 Main Street requesting a variance to Cherokee County Zoning Ordinance, Article 27, Appendix A to allow one hundred two (2) inch caliper trees instead of the requisite number of four

(4) inch caliper trees for Specimen recompense. Of these, seventy-five (75) would be planted on site and twenty-five (25) would be paid into the Cherokee County Tree Replacement Fund. The properties are located in Land Lot 1284 of the 15th District and further described as Cherokee County Tax Map 15N18A, Parcels 001 and 002.

Thomas Trawick presented this case. Mr. Trawick 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 Planning and Zoning Department finds that the property, in question, presents extraordinary and exceptional conditions and does not object to the requested variance to reduce the number of required recompense trees to one hundred (100). However, staff does not identify a hardship to allow these recompense trees to be less than the required 4-inch caliper. He stated as a result, the department recommends denial of the request to use 2-inch caliper trees for tree specimen recompense.

Larry Singleton represented this case. Mr. Singleton stated this is an affordable housing project that he has been working on for a long time. He stated this is very clearly a cost issue and requesting the 100 trees to be two (2) inch caliper trees instead of four (4) inch caliper trees. He stated this would be a great project with prices being around \$240,000.

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

Ms. Semler closed public comment.

Ms. Tressler asked Mr. Singleton when was the tree survey done and when was he aware of how many trees he would need to replant. He stated he was aware about forty-five (45) days ago that they were going to have issues with the trees and that is when a tree survey was done.

Ms. Semler asked Staff how they came up with the 100. Mr. Trawick stated the 100 was the applicant's request for the variance. Mr. Trawick stated when he spoke to the County Arborist the 100 looked sufficient and would still be able to meet the site density requirement.

Mr. Ragsdale stated he just doesn't feel like that is enough.

Ms. Semler stated she agrees due to the number of all the other variances the Board has already given the applicant.

Mr. Ragsdale made a motion to approve the planting of 145, 4" caliper trees. Seconded by Ms. Semler. Motion passed 5-0.

**Case #19-09-049V Thomas North** at 2604 Gladstone Terrace requesting a variance to Cherokee County Zoning Ordinance, Article 5, Section 5.5-5 (i) Effect of Recorded Plat to encroach fourteen (14) feet into the twenty-five (25) foot rear building setback line as delineated and documented on a recorded plat for a building addition. The property is located in Land Lot 797 of the 15th District and further described as Cherokee County Tax Map 15N04E, Parcel 357.

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 while staff is unable to find that a practical difficulty or unnecessary hardship exists at the subject property, relief, if granted, likely would not cause substantial

detriment to the public good. As a result, the Planning and Zoning Department does not object to the variance as requested.

Thomas Norton represented this case. Mr. Norton stated he got caught in a catch 22 between his HOA and the County. He stated the HOA made him attach the pavilion to his home and when he did this it violated the 25-foot rear building setback. He stated he would like to install trees to the rear of the property as a buffer.

Kathie O'Brien stated she is in support of this application. She stated he is doing a great job and has no problem with the encroachment.

Jack Alwood spoke in opposition. Mr. Alwood stated his concerns with noise and has had to contact the Sheriff's Department on more than one occasion. He stated he went to the HOA to notify them of the loud music and they sent him a letter. He stated the first attempt of approval for the patio was denied by the HOA and did not request a permit. He stated a fence and landscaping does not provide enough of a barrier from his property.

Joe Clark spoke in opposition. Mr. Clark stated he wishes they had brought in pictures to show the structures that have been added to the property. He stated he lives next to this property and the trees will not provide a buffer once the leaves fall.

Mr. Norton spoke in rebuttal. Mr. Norton stated this is a setback issue not a noise issue and he is not the one causing all the noise. He stated he has his 87-year-old mom living with him and would not be playing loud music. He stated he feels he has raised the property values with the improvements he has made to the property.

Ms. Semler closed public comment.

Ms. Semler stated he would be in compliance if it was detached and would only need to be 10 feet from the property line. Ms. Semler confirmed with Mr. Norton that he applied for the variance after receiving a letter from the HOA that it needed to be attached to the primary structure. Mr. Norton stated, yes and only a portion of the pavilion is encroaching.

Ms. Range asked if the patio had been built yet. Mr. Norton stated when he purchased the home he had to repair the deck and he expanded it to cover the entire back of the home. She asked if the covered patio had been built yet, Mr. Norton stated, yes.

Ms. Semler made a motion to approve a fourteen (14) foot encroachment only where it is actually encroaching with a condition to provide a year round visual screening along the rear property line. Seconded by Ms. Doss. Motion passed 5-0.

**Case #19-09-050V Advanced Metro Construction, Inc.** at 230 Hidden Branches Trail requesting a variance to Cherokee County Zoning Ordinance, Article 5, Section 5.6 Accessory Uses and Structures B. *Number and Size* to allow the accessory structure to exceed the footprint of the principal structure and C. *Height* to allow the accessory structure to be thirty-two (32) feet in height instead of the maximum twenty-five (25) feet in height or the height of the primary structure, whichever is lower. The property is located in Land Lot 236 of the 14th District and further described as Cherokee County Tax Map 14N24, Parcel 177.

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

likely not cause substantial detriment to the public good. As a result, the Planning and Zoning Department does not object to the variance as requested.

Rich Birch represented this case. Mr. Birch stated the garage does sit 24 feet lower than the home, however it will still match the home. He provided photos showing the difference in elevation, landscaping and irrigation. He stated it will be used to store an antique car collection.

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

Ms. Semler closed public comment.

Ms. Range asked Mr. Birch why have they not considered making it smaller. Mr. Birch stated this is what the homeowner would like to have instead of constructing two (2) structures.

Ms. Range asked staff if they could construct two (2) structures that total same square footage. Mr. Chapman stated, yes.

Ms. Tressler asked Mr. Birch would he accept only one (1) additional building being allowed if this variance is granted. Mr. Birch stated, yes.

Ms. Tressler made a motion to approve with the conditions that the accessory structure is constructed to match the existing structure, must provide year round screening on the side to the neighbor and that only one (1) additional structure will be allowed on this property. Seconded by Ms. Semler. Motion passed 5-0.

**Case #19-09-052V America's Home Place** at 2134 Fincher Road requesting a variance to Cherokee County Zoning Ordinance, Article 5, Section 5.6 Accessory Uses and Structures C. Height - to allow the accessory building to exceed the height of the primary structure. The property is located in Land Lots 58 and 87 of the 22nd District and further described as part of Cherokee County Tax Map 22N11, Parcel 059.

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 observations from Fincher Road, an existing stand of trees may help to screen the accessory structure from public view. He also noted that the site plan indicates that the new structure will sit slightly behind the existing house and not encroach into the front yard area. Based on the available evidence, relief, if granted, likely would not cause substantial detriment to the public good. As a result, the Planning and Zoning Department does not object to the variance as requested.

Dan Birch represented this case. Mr. Birch stated they started this project in May and ran into a height issue. He stated Ms. Williams has owned the property for 22 years and would like to have this structure for her son to live in so each of them can help each other as needed.

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 the application as submitted. Seconded by Mr. Ragsdale. Motion passed 5-0.



**Case #19-09-053V Dahlco Sixes** at 176 Vince Merolla Drive requesting a variance to Cherokee County Zoning Ordinance, Article 8 - Traditional Neighborhood Development Section 8.17.1 to the Final Neighborhood Plan as it relates to signage. Applicant is requesting to be allowed a total of three (3) wall signs with 20 square feet of copy area each. The property is located in Land Lot 354 of the 15th District and further described as Cherokee County Tax Map 15N08, Parcel 017L.

Thomas Trawick presented this case. Mr. Trawick 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 for allowing an increase in the size of the wall signs to twenty (20) square feet. While the linear feet of the wall for the proposed restaurant limits the allowable copy area for wall signage, the length of the entire wall area for each side of the building would support a larger wall sign that is not out of scale with the building. Based on the evidence that no more than three (3) wall signs have been found to be approved within this area, and with staff unable to identify a hardship for granting approval for a third wall sign, the Planning and Zoning Department recommends denial of the applicant's request for three (3) total wall signs, and recommends approval for one (1) additional wall sign for the property.

Ronnie Voyles represented this case. Mr. Voyles stated he is okay with a total of two (2) wall signs if granted.

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 the application with staff's recommendation to allow two (2) wall signs instead of three (3). Seconded by Mr. Ragsdale. Motion passed 5-0.

**Case #19-09-054V KM Homes, LLC** at 14530 Highway 92 requesting a variance to Cherokee County Zoning Ordinance, Article 7, Table 7.1A – Minimum District Development Standards to allow the front setback along SR 92 to be reduced to thirty (30) feet from the required fifty (50) foot building line setback. Applicant seeks a variance to Article 16, Section 16.1.5 C. (1) (a) Streetscape Theme to allow the landscape strip along Highway 92 to be reduced to thirty (30) feet from the required forty (40) feet. Applicant seeks a variance to Article 7, Table 7.1A – Minimum District Development Standards to allow the internal front building line setback to be reduced to two (2) feet from the required twenty (20) foot front building line setback and eliminate the required thirty (30) foot rear building setback on lots that front roads on both sides. Applicant seeks a variance to Cherokee County Stream Buffer Protection Ordinance No. 2005-Z-003 to allow an earthen gabion wall in the impervious cover setback. The applicant seeks a variance to Cherokee County Development Ordinance, Section 4.08 - Cul-de-sacs to allow a dead-end in place of the required cul-de-sac. The applicant seeks a variance to Cherokee County Development Ordinance Section 4.07 (D) Intersections to allow the right-of-way to be run thirteen (13) feet off the back of curb in lieu of the requisite access/utility easement miter. The property is located in Land Lot 1255 of the 15th District and further described as part of Cherokee County Tax Map 15N30, Parcel 026.

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 and one (1) letter in opposition to this variance request on file. Mr. Chapman pointed out that single-family attached dwelling units with a maximum of six (6) dwelling units per acre is permitted under the Highway 92 Village Overlay. Mr. Chapman stated the department does not object to the request and if the Board chooses to grant a variance, staff recommends attaching the conditions of the Engineering Department regarding additional Structural Stormwater Controls for both quantity and quality. In addition, staff recommends attaching a

condition from the Cherokee County Fire Marshal's Office that there shall be NO PARKING signage posted by the developer in the approved fire department turnaround.

Ms. Semler asked staff is there anything happening for 90 days with this area regarding land disturbance permits and development. Mr. Chapman stated there is a moratorium in place to make proposed changes to the Highway 92 Overlay. Ms. Semler asked regarding this case tonight if it meets code to put six (6) units per acre attached. Mr. Chapman stated, yes it is allowed by right and they submitted plans to the County prior to the moratorium.

Parks Huff of Sams, Larkin, Huff, and Balli, LLP represented this case. Mr. Huff stated this is an odd shape property and are challenges to this site due to topography. He stated the site plan indicates 39 homes and since the property was purchased the interpretation of how these setbacks are regulated has changed. He discussed the location of the alleys and design features along with the gabion wall and setback variances.

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

Brian Fox spoke in opposition. Mr. Fox stated he is representing the Cherecobb residents. He stated his concerns with property values, flooding, protected species and traffic. He had several residents stand that are in opposition to this request.

Patrick Thompson spoke in opposition. Mr. Thompson stated he is representing the Knox Landing residents and stated their concerns with development, safety and traffic.

Kate Knox spoke in opposition. She stated her concerns with lot sizes, townhomes, density and property values.

Ms. Range stated this is not the zoning board and this development will be built and has already been approved by the County. She stated this is not a decision that they make. Ms. Knox stated she understood the variance request is for the number. Ms. Range stated it is to make a few alterations. Ms. Knox stated this is the first they are hearing of this and asked when was it zoned for townhomes.

Ms. Range stated because it is being developed within the Highway 92 Overlay guidelines, there would not have been a posting. Ms. Range stated six (6) units per acre is a right within this Ordinance that was adopted by the Board of Commissioners.

Daniel Wade spoke in opposition. Mr. Wade stated these restrictions are put on these properties for a reason and would like those to be adhered to. He also stated his concerns with flooding of his property.

Colin Shea spoke in opposition. Mr. Shea stated his concerns with flooding in the area.

Bob Hirsch spoke in opposition. Mr. Hirsch stated his concerns with traffic, density and safety.

Carolyn Wade spoke in opposition. Ms. Wade stated she does not want the variances approved so hopefully it will force the developers to rethink this plan.

Park Huff spoke in rebuttal. Mr. Huff stated they are proposing 39 homes and will be glad to condition this to only 39 homes. He provided the architectural drawings of the buildings and discussed briefly the setback variances. He stated the size, shape and topography of this property is the reason for the variance requests. He showed the location of where the trees will remain. He stated this development will not diminish property values.

Ms. Semler closed public comment.

Ms. Semler stated when you have to request large number of variances then the development may not fit within what they would like to do.

Ms. Tressler stated she is concerned with reducing the front setback along Highway 92 as well as the landscaping strip along Highway 92.

Discussion ensued among members regarding each of the variance requests.

Ms. Tressler made a motion to approve the variance request to allow the internal front building line setback to be reduced to two (2) feet from the required twenty (20) foot front building line setback and to eliminate the required thirty (30) foot rear building setback on lots that front roads on both sides and to allow the right-of-way to be run thirteen (13) feet off the back of curb in lieu of the requisite access/utility easement miter. She included in her motion that all other variances be denied. Seconded by Ms. Semler. Motion passed 5-0.

Ms. Semler made a motion to approve August 1, 2019 Meeting Minutes. Seconded by Ms. Tressler. Motion passed 5-0.

Ms. Semler made a motion to adjourn. Seconded by Ms. Range. Motion passed 5-0.  
The meeting adjourned at 9:21 p.m.