

Approved 3-5-2020

Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, February 6, 2020
6:30 p.m.

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, February 6, 2020 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 6:32 p.m.

Case #20-02-008V Jeff and Sharon Albert at 376 Tellico Road is requesting a variance to Cherokee County Zoning Ordinance, Article 5, Section 5.6 - Accessory Uses and Structures to allow an accessory structure (barn) to be located in the front yard area. The property is located in Land Lots 1247 and 1248 of the 3rd District and further described as Cherokee County Tax Map 03N18 Parcel 135.

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. Mr. Chapman stated because the residence was placed so far back on the lot, the area between the house and the street is considered the front yard area. However, Cherokee County contour data indicates that the topography behind the house descends down toward a creek at the rear of the property. Such topographic conditions are peculiar to the particular piece of property involved. Based upon the available evidence, the department does not object to the applicant's request as submitted and recommends approval.

No one was present to represent this case. Ms. Semler made a motion to move this case until the end of the agenda. Seconded by Ms. Range. Motion passed 5-0.

Case #20-02-009V Mark Lones at 114 Grand Oaks Drive requesting a variance to Cherokee County Zoning Ordinance, Article 5, Section 5.5-5 (i.) Effect of Recorded Plat to encroach three (3) feet into the required ten (10) foot building line setback per the Recorded Plat for Grand Oaks Subdivision, Phase 2. The property is located in Land Lot 1137 of the 3rd District and further described as Cherokee County Tax Map 03N12A Parcel 268.

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 of this case and no letters in opposition to this variance request on file. Mr. Chapman stated the double frontage setback caused the house to be moved farther back on the lot. Such conditions are peculiar to the particular piece of property involved. The applicant provided a letter dated December 16, 2019 from the neighbor residing at 403 Acorn Run (lot 33) which is the lot closest to the proposed enclosure. The neighbor at 403 Acorn Run stated in the letter that they are not opposed to the construction of the enclosure. Based on these findings, the department does not object to the request as submitted and recommends approval.

Maureen Lones represented this case. Ms. Lones stated she brought her contractor with her tonight, Mike Rivers. Ms. Lones stated they initially were going to build on the existing slab but due to financial constraints they revised the site location. She stated due to some miscommunication they are needing a variance. Mr. Rivers stated there would be twenty-two (22) feet between the finished structure and adjoining house.

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

Ms. Semler closed public comment.

Ms. Range asked if there is an HOA involved with this subdivision. Ms. Lones stated yes, and their letter stated whatever the county allows, they will abide by.

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

Case #20-02-010V Robert W. Smith at 733 Dock Lathem Trail requesting a variance to Cherokee County Zoning Ordinance, Article 7, Table 7.1A: Minimum District Development Standards to allow a twenty (20) foot encroachment into required fifty (50) foot building line setback to accommodate a home. The property is located in Land Lot 778 of the 3rd District and further described as Cherokee County Tax Map 03N10 Parcel 158.

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. Mr. Chapman stated the topography, lake, stream, and septic system location are conditions which are peculiar to the particular piece of property involved, therefore the department recommends approval.

Robert Smith represented this case. Mr. Smith stated due to the contours of the property, pond and impervious setbacks this is the only flat area he can construct his home.

There was no one present to speak in support.

James and Donna Nicholson spoke in opposition. Ms. Nicholson asked the Board what is a minor subdivision. Ms. Semler stated it was one (1) property to begin with and they subdivided it into two (2) lots. Mr. Chapman stated a minor subdivision is five (5) lots or less. Mr. Nicholson stated he opposes the request for the twenty (20) foot variance and that most of the property is wetland and feels there is a good possibility that the land will not even perk. He stated he feels there could be contamination with the ponds and streams.

Ms. Semler asked Mr. Nicholson where is their property located. Mr. Nicholson stated they are behind the Smiths' property.

Katrena Roper spoke in opposition. Ms. Roper stated she is representing her father, Thurman Dean who owns the property to the North. She stated this is the first time they have heard anything about a subdivision and would like the setback to remain at fifty (50) feet.

Thurman Dean spoke in opposition. Mr. Dean stated he would like for the setback to stay the way it is.

Chang Khademi spoke in opposition. Mr. Khademi stated he lives behind this property and it is a good distance from him, however he did not know anything about this being a subdivision. He stated he has lived on this street for over twenty (20) years and feels they should adhere to the setbacks.

Betty Ardron spoke in opposition. Ms. Ardron stated her property adjoins the Smiths and would like the fifty (50) foot setback to remain. She also stated she was unaware of the property being divided into a subdivision.

Ms. Semler asked Mr. Chapman to address the public regarding a minor subdivision, since this was a lot of the concerns and feels there is some miscommunication.

Mr. Chapman stated if you have one (1) piece of land and you subdivide it, you have created a subdivision. He stated there are subdivisions that are large lots and you have other types of subdivisions with smaller lots, signage, and amenities. He stated this is not this type of subdivision. He stated this property was one (1) lot and they have subdivided the property into two (2) lots.

Robert Smith spoke in rebuttal. Mr. Smith stated this is for a single home and does not look in the back of anyone's home. He stated the garage is what is setting over the property line and the home faces the pond. He stated it is not twenty (20) feet off the property line, he is requesting thirty (30) feet off the property line.

Ms. Range asked how far will this home be from the closest house. Mr. Smith stated he doesn't know exactly, but it has to be several hundred feet.

Ms. Semler closed public comment.

Ms. Tressler asked Mr. Smith if he has had a perk test and if he knows where the septic system will be on this property. Mr. Smith stated, yes and explained the location for the septic.

Ms. Tressler asked could they not move the home to the East and South to adhere to the setback lines. Mr. Smith stated the property goes downhill and gets too close to the impervious setback.

Ms. Semler asked could they not angle the home a different way. Mr. Smith stated the property does start to fall down to the East.

Ms. Semler asked Mr. Smith does he still own both properties. Mr. Smith stated, yes. Ms. Semler asked if there is a structure on the other lot. Mr. Smith stated yes, there is a mobile home on the property that they are going to remodel for their daughter.

Ms. Semler stated the variance would only be on the side that is abutting his own property. Mr. Ragsdale stated only on the west side, Mr. Dean owns the property to the North.

Ms. Semler stated she does see the restraints of the property with the pond, stream buffers and the septic lines but they have heard from neighbors in the area that are in opposition.

Ms. Semler stated she could see possibly granting a ten (10) foot encroachment that would allow the building setback at forty (40) feet and only to allow encroachment in that area, not along the entire property line to the front and side.

Mr. Ragsdale stated he thinks the neighbors are not understanding that this is a request to allow a thirty (30) foot setback, not a twenty (20) foot setback and looking at the pictures it is a long way to any houses. He stated he does not have a problem with the variance request.

Ms. Range made a motion to approve the application as requested. Seconded by Mr. Ragsdale. Motion fails 2-3. Ms. Tressler, Ms. Doss and Ms. Semler opposed.

Ms. Doss stated she could support the variance along the property line that Mr. Smith owns but not to the other neighbor's property line. Ms. Doss stated since Mr. Smith owns the adjoining property, maybe he can adjust the property lines to meet the building setbacks.

Ms. Tressler made a motion to approve a ten (10) foot variance to the front and side setback, only at the location where the building is to encroach. Seconded by Ms. Semler. Motion passed 3-2. Mr. Ragsdale and Ms. Range opposed.

Case #20-02-011V Robin Moss at 3274 Galts Road requesting a variance to Cherokee County Zoning Ordinance, Article 5, Section 5.5-5 (i.) Effect of Recorded Plat and Article 7, Table 7.1A: Minimum District Development Standards to encroach twenty (20) feet into the required thirty-five (35) foot building line setback. The property is located in Land Lot 771 of the 21st District and further described as Cherokee County Tax Map 21N04A Parcel A056.

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. Mr. Chapman stated the available evidence indicates that there are exceptional conditions pertaining to the size of the lot, the fronting on two streets, and the septic system. Such conditions are peculiar to the particular piece of property involved, therefore the department does not object to the variance request as submitted and recommends approval.

Robin Moss represented this case. Ms. Moss stated he is limited on where he can build the attached garage due to the septic, leach field, size of the lot and due to this being a corner lot. He stated he is requesting a fifteen (15) foot setback on the Rocky Lane side.

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

Ms. Semler closed public comment.

Ms. Tressler asked where the septic system is located on the property. Mr. Moss stated it is located off the back corner of the house and the leach field is to the North of the chain-link fence.

Ms. Semler stated there are hardships with this lot and does not see any issues with this variance request.

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

Case #20-02-012V Integrity Engineering at 5900 Bells Ferry Road requesting a variance to Cherokee County Zoning Ordinance, Article 7, Table 7.1A: Minimum District Development Standards to encroach three (3) feet into the required ten (10) foot building line setback and a variance to Article 10, Table 10.1: Minimum Buffer Width Between Abutting Districts to encroach twenty-eight (28) feet into the required thirty-five (35) foot buffer for an addition to an existing building. The property is located in Land Lot 1116 of the 21st District and further described as Cherokee County Tax Map 15N06 Parcel 153.

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. Mr. Chapman stated that the Bells Ferry area serves as a gateway into Cherokee County from neighboring Cobb County and connects the southwest part of Cherokee County with the Woodstock area. Mr. Chapman stated that the proposed renovation of the existing commercial building and site could contribute to improving the area as envisioned in the Bells Ferry Community Design Guidelines and the Comprehensive Plan. Mr. Chapman went on to say that, although the commercial site does border a residential district, the existing commercial building predates the residential development and the area of the proposed encroachment is not immediately adjacent to a residential building. Mr. Chapman stated that such conditions are peculiar to the particular piece of property involved, and that the department does not object to the request as submitted and recommends approval.

No one was present to represent this case. Ms. Semler made a motion to postpone this case until the end of the agenda. Seconded by Ms. Range. Motion passed 5-0.

Case #20-02-013V Jeffrey and Shari Lyle at 126 White City Court requesting a variance to Cherokee County Zoning Ordinance, Article 5, Section 5.5-5 (i.) Effect of Recorded Plat to encroach a maximum of fifty-five (55) feet into the required sixty (60) foot building line setback per the Recorded Plat for Autumn Woods Estates for a detached garage. In addition, applicant seeks a variance to Article 5, Section 5.6 - Location on Lot to allow an accessory building (garage) in the front yard area. The property is located in Land Lot 804 of the 3rd District and further described as Cherokee County Tax Map 03N10 Parcel 072.

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. Mr. Chapman stated the available evidence indicates that there are exceptional conditions pertaining to the topography, frontage on a cul-de-sac, and requirements for the septic system. As a result, some relief from the requirements of the ordinance may be in order. However, reducing the front building setback by over 90% is not appropriate for the surrounding area. Therefore, the department recommends denial of the request to encroach 55 feet into the 60-foot front building setback. If the board chooses to grant some relief, staff recommends no more than a 30-foot encroachment into the 60-foot front building setback.

Jeff and Shari Lyle represented this case. Jeff Lyle stated he is requesting a variance to put a garage up front due to the slope of the property. He stated the property has a twenty (20) foot drop and a sixty (60) foot building setback.

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

Eric Ballagher, Attorney for Autumn Woods Homeowners Association, spoke in opposition. Mr. Ballagher stated this is the last lot in this subdivision. He stated the other lots within the subdivision have adhered to the building setback requirements and felt the Lyles' knew what the lot looked like when they purchased the property. He stated what they have proposed is an eyesore and will affect the value of adjacent property owners as well as other property owners in the subdivision. He stated they have not provided any evidence of a hardship other than this would be an inconvenience to them.

Perry Polsinelli spoke in opposition. Mr. Polsinelli stated this is an established neighborhood and has concerns with the look of the proposed structure and feels it has a wrong appeal for the subdivision. He stated any detached garages should be at the rear of the property and feels this would create a safety issue with this being so close at the front. He stated this is not appropriate for this lot.

Tiffany Farmer spoke in opposition. Ms. Farmer stated she is a homeowner and the President of the Homeowner's Association. She stated this will be an eyesore to the community and asked for people in the audience to stand who are in opposition to this request. She stated all garages in this community are either in the side or to the rear of the property.

Nathan Giles spoke in opposition. Mr. Giles stated they have lived here for five (5) years and is opposed to the garage being in the front yard.

Shari Lyle spoke in rebuttal. Ms. Lyle stated she disagrees with the opposition stating this will be an eyesore to the community. She stated they are requesting something that will be very appealing but functional. She stated they have spoken with Environmental Health in regards to the septic and an additional leach field was required which makes the house placement very tricky to adhere to all the setbacks. She stated she learned through her attorney the covenants and restrictions for this subdivision have expired and were not recorded properly in 2008 and provided that information to the Board. She stated they are proposing to construct a beautiful structure for their daughter and stay within her budget.

Ms. Semler closed public comment.

Ms. Range asked if at closing, was an HOA agreement signed or do they pay an HOA every year. Ms. Lyle stated it was added at the closing table. Ms. Range asked were they aware of the HOA by-laws. Ms. Lyle stated she did ask back in September 2018 when they were looking to purchase the property and have made several attempts to meet with Ms. Farmer and the Board in which all attempts were rejected.

Ms. Doss asked what would the size of the home be. Ms. Lyle stated 1,800 square feet. Ms. Doss asked was this size approved by the HOA. Ms. Lyle stated no, the covenants stated minimum house size is 1,400 square feet.

Ms. Range asked what do the covenants state about building in the front yard. Ms. Lyle stated the covenants state accessory structures are not allowed in the front, which is why they were asking for assistance.

Eric Ballagher provided the Board with a copy of the letter he submitted to Lyles' attorney (Mr. Rusbridge) regarding the expiration of covenants and documents provided at closing.

Paul Frickey stated to the Board that they cannot change the covenants whether they apply or do not apply. He stated they are only looking at the requirements of the Zoning Ordinance and varying from the Ordinance.

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

Case #20-02-014V Kelley & David Enterprises, LLC at 6411 Holly Springs Parkway requesting a variance to Cherokee County Zoning Ordinance, Article 10, Table 10.1 Minimum Buffer Width Between Abutting Districts to reduce the buffer from the required thirty-five (35) feet to ten (10) feet. The property is located in Land Lot 775 of the 15th District and further described as Cherokee County Tax Map 15N16 Parcel 101.

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. Mr. Trawick stated based on the available information, such conditions are peculiar to the particular property. Furthermore, the site has been undeveloped for years, and the proposed development of the site could improve existing conditions by providing stormwater management facilities for the site, and installing vegetation on property where it does not currently exist. Based on the available information, the department does not object to the requested variance and recommends approval.

Doug Patten represented this case. Mr. Patten stated this plan is in compliance with the 75-foot front building setback, he stated the line is incorrect on the site plan. He stated the floodplain line along the eastern boundary has changed and this has been confirmed with the Cherokee County Stormwater Department. He stated the water quality pond in the back would not be encroaching into the floodplain. Mr. Patten stated the buffer to the South would be re-vegetated with evergreens to create a shielding. He stated to the South is an older manufactured home park and this property sits higher than the mobile home park. He discussed the position of the building and the location of the bay doors.

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

Ms. Semler closed public comment.

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

Case #20-02-015V Engineering Design Technologies, Inc. at 10268 and 10270 Main Street requesting a variance to Cherokee County Zoning Ordinance, Article 10 - Buffer Requirements to reduce the buffer between abutting districts to zero (0) feet. 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.

Thomas Trawick presented this case. Mr. Trawick discussed location of property, surrounding zoning, history of the property 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. Mr. Trawick stated the department finds that the site presents an extraordinary and exceptional condition to grant relief from the zoning ordinance for some buffer encroachment at the entrance of the proposed development due to the limited road frontage and other site constraints. He stated as a result, the department does not support the request to reduce the entire 10-foot zoning

buffer to 0 along the west and south property lines, as proposed on the Variance Site Plan dated January 9, 2020. The department recommends approval to reduce the 10-foot buffer to 0 for the portion of property located along the south property line from the proposed intersection with Tax ID Number 15N18A 003 (GC-zoned property) and following the site property line west to townhome unit 34, as labeled on the Variance Site Plan dated January 9, 2020.

Larry Singleton represented this case. He stated he did bring the Engineer if they have any questions. He stated the request is to disturb the buffer for grading.

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

Ms. Semler closed public comment.

Ms. Range asked Mr. Singleton what he thought of the County's recommendation. He stated he was not aware of the recommendation but he understands the allowance for encroachment if they do not want to reduce the buffer and they may be able to compromise. He stated if the buffer could be disturbed it will allow a better grading plan and allow the recompense of the trees.

Ms. Semler made a motion to go along with Staff's recommendation to deny the request to reduce the entire 10-foot zoning buffer to 0 along the west and south property lines and to approve to reduce the 10-foot buffer to 0 for the portion of property located along the south property line from the proposed intersection with Tax ID Number 15N18A 003 (GC-zoned property) and following the site property line west to townhome unit 34, as labeled on the Variance Site Plan dated January 9, 2020. Seconded by Ms. Tressler. Motion passed 5-0.

Case #20-02-016V Chart Inc. at 1300 Airport Drive requesting a variance to Cherokee County Zoning Ordinance, Article 27, Section 27.15-3 Interchange Zones to encroach into the seventy-five (75) foot minimum undisturbed tree buffer to accommodate a building with associated loading/storage and parking. The property is located in Land Lots 318 and 319 of the 14th District and further described as Cherokee County Tax Map 14N26 Parcels 040, 041, and 042.

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. Mr. Trawick stated based on the available information, the department finds that there are extraordinary and exceptional conditions pertaining to the property in question, due to the site's proximity to the I-575 and Airport Drive interchange, and because of the existing topography constraints on the site. Due to the adjacent properties being considered screened from the area to be disturbed on the subject property, and because the adjacent properties contain industrial uses, the department finds that the proposed encroachment to the I-575 Technology Ridge Buffer would not cause a substantial detriment to the public good. Therefore, the department does not object to the variance request as submitted and recommends approval.

Shane Sumners represented this case. He stated they are looking to expand their operations and hopefully bring more jobs to the area. Mr. Sumners stated his Civil Engineer is here to give a little more detail.

Sotir Christopher stated they are trying to maximize the property to expand as much as possible and to create more jobs. He stated the twenty (20) foot encroachment would be replanted to meet county standards

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

Ms. Semler closed public comment.

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

Case #20-02-017V TRG Acworth, LLC at 1348 and 1412 Highway 92 requesting a variance to Cherokee County Stream Buffer Protection Ordinance No. 2005-Z-003, Section 5. Land Development Requirements, 5.1. Buffer and Setback Requirements to allow for grading and installation of retaining walls within the 25-foot impervious cover setback. The properties are located in Land Lots 1205 and 1244 of the 21st District and further described as Cherokee County Tax Map 21N06 Parcels 038, 042, and 043.

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. Mr. Trawick stated the available information indicates that there are extraordinary and exceptional conditions pertaining to the particular piece of property in question. Therefore, the department does not object to the variance request as submitted and recommends approval with the following condition by the Stormwater Management Department: Additional Structural Stormwater Controls for both quantity and quality to offset the encroachments in the Impervious Setback shall be provided. 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 the development. The applicant can provide this information as a revision to the current land disturbance permit (PL20190000043).

Joel Larkin represented this case. Mr. Larkin stated this is state waters as defined by the State even though many times throughout the year you will not see water. He stated this is more of a drainage feature that his clients were not even aware of initially. He stated they are proposing some grading within the impervious stream buffer setback due to the severe topography on the property. He stated they would re-establish the buffer.

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

Ms. Semler closed public comment.

Mr. Ragsdale made a motion to approve with the stipulations from Stormwater Management. Seconded by Ms. Doss. Motion passed 5-0.

Case #20-02-018V The Providence Group of Georgia, LLC at 150 Idylwilde Way requesting a variance to Cherokee County Zoning Ordinance Article 7, Table 7.1A: Minimum District Development Standards to reduce the rear building line setback from the required twenty-five (25) feet to thirteen (13) feet to allow the encroachment of an optional golf cart/storage addition for Lots 101 – 152 in Phase 2 of Idylwilde. The property is located in Land Lot 0256 of the 15th District and further described as Cherokee County Tax Map 15N26 Parcel 039D.

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. Mr. Chapman stated the rear portion of the lots where the proposed storage room/golf cart garage will be added is served by a private alley. As a result, the principal façade of the house should not be affected. Also consider that the proposed storage room/golf cart garage will be attached; therefore, the addition must adhere to the principal building setbacks. If the accessory buildings were detached, they could be as close as ten feet from the rear property line. Based on these factors, 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 requested variance and recommends approval.

Joel Larkin of Sams, Larkin, and Huff, LLP represented this case. Mr. Larkin stated they were before the Board in January of last year to allow these golf cart garages in the first phase of the subdivision. He stated these are a little different with being rear entry garages and they are requesting to modify the rear building setback. He stated if the garages were detached, they could be constructed within 10 feet from property line. He stated they are more aesthetically pleasing if they can attach them and stated this would keep in line with the first phase.

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 with the condition that there shall be no additional accessory structures allowed in the rear yard. Seconded by Mr. Ragsdale. Motion passed 5-0.

Case #20-02-019V Grant Schmeelk at 489 Operations Drive requesting a variance to Cherokee County Zoning Ordinance Article 10: Buffer Requirements, Table 10.1 - Minimum Buffer Width Between Abutting Districts to reduce the required one hundred (100) foot buffer to the west to fifty (50) feet. Applicant also seeks a variance to Cherokee County Zoning Ordinance Article 10: Buffer Requirements, Table 10.1 - Minimum Buffer Width Between Abutting Districts and Article 10, Section 10.6-2 - Screening Requirements to reduce the required fifty (50) foot buffer between abutting districts to the south to zero (0) feet. The property is located in Land Lot 281 of the 14th District and further described as Cherokee County Tax Map 14N27 Parcel 030B.

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. Mr. Chapman stated the subject property is bounded by I-575 to the north which places the parcel within the I-575 Technology Ridge Tree Buffer Zone. The I-575 buffer requires a 75-foot minimum undisturbed tree buffer requiring 90% visual screening during all seasons. To the east and west are parcels in the Estate Residential district which require a 100-foot zoning buffer. To the south is the LI district which requires a 50-foot zoning buffer. However, the location where the 50 foot HI-to-LI zoning buffer would normally be established is a Georgia Power easement. The ordinance requires the screening requirements to be met outside of the existing easement. Cherokee County GIS data indicates the presence of a stream on the east side of the property and across the south corner of the property. Both streams will require a 50-foot undisturbed natural vegetative buffer and a 25-foot impervious cover setback on both banks. The available evidence indicates that there are exceptional conditions related to the size and shape of the lot, as well as streams, buffers, and utility easements. Such conditions are peculiar to this particular piece of property, therefore the department does not object to the request and recommends approval.

Grant Schmeelk represented this case. Mr. Schmeelk stated these two (2) variances allow them to have some parking on the left for employee parking and overflow.

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

Ms. Semler closed public comment.

Ms. Tressler stated she has no problem with the application as submitted.

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

Mr. Chapman asked Mr. Trawick to check the lobby of the Administration Building to see if anyone was waiting for a variance case to be called. Mr. Trawick did not find anyone waiting in the lobby.

Ms. Semler made a motion to postpone Case #20-02-008V until the next meeting since no one was present to represent the case. Ms. Semler asked staff to notify the applicant of the postponement and that their case could potentially be denied if no one is present at the next meeting. Seconded by Ms. Range. Motion passed 5-0.

Ms. Semler made a motion to postpone Case #20-02-012V until the next meeting since no one was present to represent the case. Ms. Semler asked staff to notify the applicant of the postponement and that their case could potentially be denied if no one is present at the next meeting. Seconded by Ms. Tressler. Motion passed 5-0.

Ms. Semler made a motion to approve the January 2, 2020 Meeting Minutes. Seconded by Ms. Range. Motion passed 5-0.

Ms. Semler made a motion to adjourn. Seconded by Ms. Range. Motion passed 5-0. The meeting adjourned at 8:30 p.m.