

**Cherokee County Zoning Board of Appeals
Public Hearing
Minutes
Thursday, October 7th, 2004
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on October 7th, 2004, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Zoning Board of Appeals were Chairman Karen Mahurin, Evert Hekman, Roy Taylor, Cindy Castello, and Bart Brannon. In attendance for Cherokee County Staff were Mark Mahler, County Attorney, Glenda Casteel, Director, Building Department, Vicki Taylor, Zoning Administrator and Jesse Perry, Senior Clerk for the Planning and Zoning Department. The meeting was called to order at 6:30 pm.

Old Cases

Case #04-09-043V John Lineberger requesting variance to Section 4.05, A.2 of the Cherokee County Development Regulations and to Article 7, Table 7.1A of the Cherokee County Zoning Ordinance. The applicant is requesting a variance to allow 133' for sight distance along a dead end road instead of the required 200 feet. This property is located at 127 Big Oak Drive in Land Lot 267 of the 14th District and further described as Cherokee County Tax Map 14N23C, Parcel 028C.

Vicki Taylor presented the case to the Zoning Board of Appeals.

Evert Hekman made motion to approve with the stipulation that dual signage be put on southern side of property as recommended by the Engineering Department. Seconded by Karen Mahurin. Motion passed 3-0. Bart Brannon abstained from voting.

New Cases

Case #04-10-047V Shane and Traci Lingefelt requesting a variance to Article 7; Section 7.7-054. The applicant is requesting a variance to allow parking of a tractor trailer vehicle on private property. This property is located at 520 Fairview Road in Land Lot 262 of the 4th District and further described as Cherokee County Tax Map 04N03, Parcel 009X.

Vicki Taylor presented the case to the Zoning Board of Appeals.

Traci Lingefelt represented the case.

Cindy Castello wanted to see where the tractor would sit on property. Pictures were shown by Traci to the Board.

Robert Smith spoke in favor of the case.

Mr. Brannon made a motion to approve the variance. Ms. Castello seconded the motion. Motion passed 5-0.

Case #04-10-048V Ball Ground Associates, LLC. requesting a variance to Article 25, Tree Preservation Ordinance. The applicant is requesting to reduce the minimum tree density for this property. It is located on Ball Ground Hwy. in Land Lot(s) 296, 317 of the 14th District and further described as Cherokee County Tax Map 14N27, Parcel 072.

Vicki Taylor presented the case to the Zoning Board of Appeals.

Gee Harvey represented this case. He spoke of the cost of the trees they would have to plant if they were held to the current Tree Preservation Ordinance. He also said that they would only be cutting down 9 trees, while their plan was to plant over 500 trees.

Evert asked what types of trees were to be planted on the property.

Roy brought up memos by the County Engineer and the County Arborist.

Discussion ensued about the need to make the developer plant so many trees that weren't there to begin with and if this was the actual intent of the Tree Preservation Ordinance or if it was implemented in order to preserve trees that were already there.

Karen Mahurin made a motion to table the case until next month. Seconded by Roy Taylor. Motion passes 4-1 with Bart Brannon in opposition.

Case #04-10-049V McBride and Son Homes requesting a variance to Article 10; Section 10.6-5; Buffer Ordinance. The applicant is requesting to grade in the 35-foot perimeter buffer. The is property is located on Hwy 92 and falls within the Hwy 92 Overlay in Land Lot(s) 1258, 1263, 1264 of the 15th District and further described as Cherokee County Tax Map 15N30, Parcel(s) 138A, 137, 132.

Vicki Taylor presented he case to the Zoning Board of Appeals.

Bob Quaroli represented the case.

Evert asked if the same plan was submitted when rezoned. Mr. Quaroli said that the property has not needed to be rezoned so far.

Jeff Love spoke in opposition. He said that he wasn't actually in opposition, he just had concerns.

Ms. Castello made a motion to approve the case with the provision that the exact linear footage of encroachment would be determined by the Zoning Administrator at a meeting scheduled for October 12th. Seconded by Mr. Brannon. Motion passed 5-0.

Case #04-10-050V D.R. Horton, Inc. requesting a variance to Article 7, Table 7.1A; Minimum District Development Standards. The applicant is requesting a variance to reduce a front building line on lots 120, 126, 128, 325, and 34 of Falls at Mill Creek Phase 3 Subdivision and lots 171, 172, and 194 of Falls at Mill Creek Phase 4 Subdivision to a 15' front building setback on one side for each of these lots. These properties are located in Land Lot(s) 1161, 1162, 1215 of the 3rd District and further described as Cherokee County Tax Map 03N12, Parcel(s) 003A and 003C.

Vicki Taylor presented the case to the Zoning Board of Appeals.

Tom Degrace represented the case. He said they needed variances for four corner lots on their front yard setbacks.

Discussion ensued about the setbacks and why the lots couldn't just be reconfigured so that they could meet the required setbacks.

Evert asked how far construction had gone. Mr. Degrace said that pipe was in the ground for Phase 3 and that grading had begun for Phase 4.

Ms. Castello made a motion to approve the variance for Phase 3. Seconded by Ms. Mahurin. Motion passed 4-1 with Roy Taylor in opposition.

Evert made a motion to deny the variance for Phase 4. Seconded by Mr. Taylor. The motion was passed 4-1 with Bart Brannon in opposition.

04-10-051V Metro Group Development requesting a variance to Article 10, Section 10.6-7; Stream bank buffers. The applicant is requesting a variance to encroach into this stream bank buffer for installation of sewer lines. This property is located on East Cherokee Drive and Hickory Flat Hwy. in Land Lot(s) 253, 324, 325 of the 15th District and further described as Cherokee County Tax Map 15N26, Parcel(s) 154, 149B and 149C.

Vicki Taylor presented the case to the Zoning Board of Appeals.

Brett Basquin represented the case.

No one spoke in opposition or in favor of the case.

Chairman closed public hearing.

Roy Taylor made a motion to approve. Seconded by Cindy Costello. Motion passed 5-0.

Case #04-10-052V Development Authority of Cherokee County requesting a variance to Article 10; Section 10.6-7, Stream bank buffers. The applicant is requesting a variance to encroach into the 50 foot County stream bank buffer in two locations. This property is located on Airport Industrial Drive in Land Lot(s) 294, 295, 318, 319 of the 14th District and further described as Cherokee County Tax Map 14N27, Parcel 111.

Vicki Taylor presented the case to the Zoning Board of Appeals.

Misti Martin and Stuart Stokes represented the case.

No one spoke in favor or opposition of the case.

Chairman closed the public hearing.

Mr. Brannon made a motion to approve. Seconded by Ms. Castello. Evert Hekman made a friendly amendment that the encroachment would not exceed 300 non-contiguous feet. Motion passed 5-0.

Motion to adjourn by Evert. Seconded by Karen. Motion passed 5-0.

Meeting adjourned.