

**Cherokee County Planning Commission
Public Hearing
Tuesday, October 5, 2010
7:00 PM**

The Cherokee County Municipal Planning Commission held its regularly scheduled public hearing on Tuesday, October 5, 2010 in Cherokee Hall at the Cherokee County Administrative Building. In attendance for the Planning Commission were, Chairman Bob Whitaker, Betty Callahan, Garland Stewart, Scott Barnes, Elizabeth Semler, Charles Kirby, Tom Hill and Thais Escondo. Vice-Chairman Michael Oxley did not attend. In attendance for Cherokee County Staff was Vicki Taylor Lee, Zoning Administrator. The meeting was called to order at 7:45 pm.

Case # 10-08-019 -Lisa Armstrong requesting that the official zoning map of Cherokee County be amended to rezone property from R-40 to AG. If rezoned, the property would be utilized for rural residential for the purpose of keeping three (3) horses. The property, owned by Lisa Armstrong is located at 456 Payne Drive in Land Lot 704 of the 15th District 2nd Section of Cherokee County, Georgia and indicated as Parcel 075 on Tax Map 15N16 and is a total of 2.00 acres.

Chairman Bob Whitaker called the meeting to order. The case was presented by Vicki Taylor Lee and represented by the applicant, Lisa Armstrong.

No one spoke in support or opposition and Mr. Whitaker closed public comments.

Thais Escondo asked Ms. Armstrong how long she had owned the property and she indicated she had bought it in January. Betty Callahan asked how much pasture she had and she stated about 1 $\frac{3}{4}$ acres. She also stated she has a barn with three stalls and that she is able to ride her horses on the adjoining property owner's land as well as Georgia Power and Corps of Engineers property. At this point a discussion ensued regarding the rights she has from the property owners to ride. Thais Escondo asked Vicki Taylor Lee how many horses can be kept on AG zoned property and Vicki responded that there was no limit.

Chairman Whitaker suggested that this seemed like more of a variance than a rezone case and suggested that it be sent to the Board of Commissioners as such, contingent on the applicant providing a letter from the adjacent property owners stating that she has permission to ride and to graze her horses on their property. At this point Elizabeth Semler addresses the fact that the applicant has not requested a variance and it is not the Planning Commission's function to recommend a variance. Further discussion ensues with a final motion from Chairman Whitaker to recommend denial of the rezone, but also recommend that the Board of Commissioners consider granting a variance to the applicant to keep her three horses on her 2-acre, R-40 zoned property contingent on her providing written documentation from surrounding neighbors stating she may use their property for riding as well as grazing. Tom Hill interjects that Zoning Ordinance 8.18-4 states that a Variance Meeting be held and asked if the current meeting will

suffice. Vicki Taylor Lee states she believes it will. Mr. Hill then seconds the motion. A vote was held with 6 in favor and 2 (Elizabeth Semler and Thais Escondo) in opposition.

At this time other business was discussed. Chairman Whitaker asked about minutes from the previous meeting. Vicki Taylor Lee stated she did not have them with her but would e-mail them to the entire Board for their approval or denial. Also in discussion was the new Permitted Uses Table sent by Margaret Stallings. They will e-mail Margaret with any questions or concerns.

Mr. Whitaker then made a motion to adjourn.

The meeting was adjourned at 8:30 pm.