



**Approved 9-4-2018**  
**CHEROKEE COUNTY PLANNING COMMISSION**

**PUBLIC HEARING MINUTES**

**August 7, 2018**  
**Cherokee Hall 7:00 PM**

The Cherokee County Planning Commission held its regularly scheduled public hearing on Tuesday, August 7, 2018 in Cherokee Hall at the Cherokee County Administration Building. Planning Commission members present were Tom Ware, Richard Weatherby, Nicole Carbetta, Rick Whiteside, Thais Escondo, Ken Smith, and Scott Barnes. Bob Whitaker and Marla Doss were not in attendance. In attendance for Cherokee County Planning Staff were Michael Chapman, Zoning Manager; Tamala Davis, Planning Technician; Thomas Trawick, Planner; and Jeff Watkins, Planning and Zoning Director.

The meeting was called to order at 7:50 p.m.

**Zoning Cases**

**Case #18-08-020 Christine Gibson (BOC Dist. 1)**

Applicant is requesting to rezone 2.0 acres from R-80 to AG at 281 Louie Lane for residential and agricultural purposes including family pets and occasional pet rescues.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, land use compliance, economic use as currently zoned and department comments.

Christine Gibson represented this case. Ms. Gibson stated she has lived at this property since 2009 and is a huge part of a rescue and has numerous dogs, pigs, chickens, etc. that have been rescued. She stated they are not adding any new buildings to the property. She stated she is not aware of any complaints with her neighbors and some of them are not aware she even has dogs.

Dr. Whiteside asked how many animals come to this property. Ms. Gibson stated it just depends but she does not take on too many since it is just her and her husband caring for them.

Dr. Whiteside asked what kind of animals are being brought in. Ms. Gibson stated dogs, cats, birds, goats, pigs, rabbits, turtles, lizards, tarantulas, snakes, etc. She said a lot of small animals that are not kept outside.

Ms. Escondo asked if she is doing any commercial boarding. Ms. Gibson stated occasionally during the holidays she may be asked. Ms. Escondo asked does she have kennels. Ms. Gibson stated no, they are harder to clean.

Mr. Barnes asked what is the maximum number of dogs they have had at one time. Ms. Gibson stated around twenty (20) and she keeps them inside.

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

Dr. Whiteside closed public comment.

Ms. Escondo asked staff what is the neighboring property that is under development. Mr. Chapman stated he is not aware of any development.

Ms. Escondo asked staff with the AG zoning, is there a maximum number of animals allowed. Mr. Chapman stated not for livestock in AG zoning.

Ms. Escondo stated she feels like this would bring her into compliance with what she is already doing on the property.

Mr. Ware made a motion to approve the application with the condition if the property ceases to be a rescue facility or if and when the property is sold that it revert back to the R-80 zoning.

Ms. Escondo stated she does not think you can do this legally.

Dr. Whiteside stated if this comes to be a kennel issue, the applicant would have to apply for a special use permit.

Discussion ensued among the members.

Mr. Ware withdrew his motion.

Ms. Escondo made a motion to approve the application. Seconded by Mr. Weatherby. Motion fails 3-4.

Mr. Barnes made a motion to approve the application with the conditions 1) no commercial kennels, 2) no commercial boarding and 3) no large livestock. Seconded by Mr. Weatherby. Motion passed 7-1. Mr. Ware opposed.

### **Case #18-08-001S Marilyn and Scott Irvin (BOC Dist. 3)**

Applicant requests a Special Use Permit at 504 S. Holly Springs Road in order to modify their existing 3,500 square foot horse barn into a pet boarding facility to house approximately forth (40) dogs and eight (8) cats.

Michael Chapman presented the case. Mr. Chapman discussed current zoning, surrounding uses, land use compliance, economic use as currently zoned and department comments. He stated the barn was permitted in 2003 and went through a number of inspections.

Marilyn Irvin represented this case. Ms. Irvin stated she would like to renovate the existing barn and provided pictures to the Board members. She stated it is a wood structure with concrete floor. She stated the barn is fully enclosed with central heating and air with multiple rooms She stated they will operate on an appointment only basis.

Dr. Bill Walker, DVM spoke in support of this application. Dr. Walker stated he owns an animal hospital in Acworth with a boarding facility in the basement. He stated they can board up to 90 animals, they are walked 3 times a day with outdoor playtime. He stated they have a fenced in yard and have no barking outside. He stated they have had no complaints. He stated they have a dumpster for all animal waste.

Ms. Irvin stated she knows when they had the community input meeting that Arbor View neighbors were concerned about noise and property values. She stated she cannot promise they will not hear a dog bark, however she can promise they will not hear a dog bark for an extended period of time. She provided five (5) letters in support from adjoining property owners. She stated she feels this is the highest and best use for their property.

There was no one to speak in favor of this application.

Johnny Flanders spoke in opposition. Mr. Flanders discussed his concerns with the number of dogs, property values and noise.

Richard Rosenau spoke in opposition. Mr. Rosenau discussed his concerns with noise and number of dogs.

Laura Lozier spoke in opposition. Ms. Lozier stated she is a piano teacher and is concerned with noise.

Laura Emory spoke in opposition. Ms. Emory stated her concerns with noise, number of dogs, property values and feels this would destroy the quality of life in this area.

John Meyer spoke in opposition. Mr. Meyer stated his concerns with the impact on surrounding property owners, noise, property values and waste being put in dumpsters.

Charles Scheerbaum spoke in opposition. Mr. Scheerbaum stated his concerns with this setting a precedent for this area, property values, smell and infringe rights of others.

Ms. Irvin spoke in rebuttal. Ms. Irvin stated the closest home is 350 feet from the barn and they will provide buffering. She stated the dumpster will be by the road not near the barn and will be bagged and placed inside the dumpster.

Dr. Whiteside closed public comment.

Ms. Escondo asked staff if this permit is tied to this property and the current land owners, however if they ever sale the property the permit is revoked. Mr. Chapman stated that is correct.

Dr. Whiteside asked Ms. Gibson how she knows the soundproofing will be adequate. He asked if there was some type of industry standard. Dr. Walker stated he is not aware of any industry standard.

Dr. Whiteside stated the special use cannot create a nuisance, he asked staff what happens exactly when Marshal goes out. Mr. Chapman stated if you attached any conditions to the property then that would be grounds to revoke a special use permit. He stated the Marshal's office has some time parameters for if a dog is barking that already exists and if this is violated then they would be subject to a citation from the County.

Dr. Whiteside stated he is concerned with this special use and the location of the barn. He stated the applicant will be spending a lot of money and feels if this creates a nuisance there is a possibility of this permit being revoked. He stated this is a commercial business in an AG zoning.

Mr. Weatherby stated he is concerned with the noise especially if there is no standard.

Ms. Escondo stated there is a special event facility across street and feels this special use will be less intrusive than the existing special event facility.

Mr. Barnes stated he uses a facility in Ball Ground and everything is indoors. He stated he does not hear any noise from the outside.

Mr. Ware stated most of the noise would come when the dogs are outside. He stated they might look at some type of completely enclosed wooden fence.

Mr. Barnes asked how many dogs would be outside at a time. Ms. Irvin stated it would be six (6) at a time.

Ms. Escondo made a motion to approve. Seconded by Mr. Ware. Motion passed 5-2. Mr. Weatherby and Dr. Whiteside opposed.

Mr. Weatherby made a motion to approve July 10, 2018 Public Hearing Minutes. Seconded by Mr. Barnes. Motion passed 7-0.

Mr. Ware made a motion to approve the July 23, 2018 Work Session Minutes. Seconded by Dr. Whiteside. Motion passed 7-0.

Mr. Whitaker made a motion to adjourn. Seconded by Mr. Barnes. Motion passed 7-0. The meeting adjourned at 9:55 p.m.