

**MINUTES FOR CHEROKEE COUNTY  
ZONING BOARD OF APPEALS  
Thursday, July 11, 2002**

The Cherokee County Zoning Board of Appeals held its meeting on Thursday, July 11, 2002 in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Zoning Board of Appeals were Bob Reilly, Karen Mahurin and Evert Hekman. In attendance for Cherokee County Staff were Mark Mahler, Louis Zunguze, Jim Cain and Vicki Dye. The meeting was called to order at 6:32 P.M. by Vice Chairman Karen Mahurin.

Ms. Mahurin announced that anyone who wanted to defer their case for thirty days could do so, as there were only three Board members present. As three members are required for a quorum, all votes would have to be unanimous for a binding decision.

Case #02-07-019A, Carole G. Chastain requested that her case be deferred for thirty days.

Case #02-07-020A, Craig and Cheryl Hunter requested a variance to Article 7, Table 7.1; Minimum District Development Standards. The applicant requested a variance of 4 feet, 1 inch to encroach into the side yard setback. The Zoning Ordinance requires a 50 foot side yard setback. The property is located at 707 Roper Road in Land Lot 421 of the 2<sup>nd</sup> District and is further described as Cherokee County Tax Map 02N07, Parcel 066.

Jim Cain gave the staff recommendation, which was for approval.

Craig Hunter presented the case to the Board. There was no opposition. Bob Reilly made a motion to approve the variance. Evert Hekman seconded the motion and the vote was 3-0 for approval.

Case #02-07-021A, Chris McCullough requested a variance to Article 5, Section 5.6-10F; Accessory Uses and Structures, Size. The applicant requested a variance of 700 square feet to allow for a total of 1,600 square feet instead of the required 900 square feet for an accessory structure. The property is located at 419 Scott Road in Land Lot 270 of the 14<sup>th</sup> District and is further described as Cherokee County Tax Map 14N24, Parcel 275.

Jim Cain gave the staff recommendation. Because of the inappropriate ratio of the accessory building in size to the principal structure, Staff recommended denial of the application.

Chris McCullough spoke in favor. There was no opposition.

Bob Reilly made a motion to approve the variance, provided that the accessory structure would not house any equipment related to the applicant's home occupation. The motion was seconded by Evert Hekman. The vote was 3-0 for approval.

Case #02-07-022A, Cimmaron Field Services, Inc. elected to defer this case until the next scheduled meeting in August.

Case #02-07-023A, John Mumford requested a variance to Article 7, Table 7.1; Minimum District Development Standards. The applicant requested a variance to encroach 45 feet into the left side yard setback. The Zoning Ordinance requires a 50 foot side yard setback. The property is located at 121 Hightower Lake Trail in Land Lot 678 of the 3<sup>rd</sup> District and is further described as Cherokee County Tax Map 03N21, Parcel 137.

Jim Cain gave the staff recommendation, which was for approval, with the condition that the applicant specifies the type and location of the buffer area. Staff also recommended that the applicant construct an eight foot wooden privacy fence six inches off the north side yard property line in order to buffer the neighboring property from the proposed house.

John Mumford presented his case to the Board. There was no opposition. Bob Reilly then made a motion to approve the variance, with the stipulation that Mr. Mumford should contact the Homeowners Association and have them submit a letter stating no objection to this variance. In the event that the Homeowners Association does object to the variance, then it will become null and void. The motion was seconded by Evert Hekman. The vote was 3-0 for approval.

Case #02-07-024A, W. E. Baird requested a variance to Article 7, Table 7.1; Minimum District Development Standards. The applicant requested a variance to encroach 12.5 feet into the rear yard setback. The Zoning Ordinance requires a 25 foot rear yard setback. The property is located at 511 Industrial Drive in Woodstock, GA in Land Lots 1157 and 1220 of the 15<sup>th</sup> District and is further described as Cherokee County Tax Map 15N06E, Parcel 231.

Jim Cain gave the staff recommendation, which was for approval.

W. E. Baird presented his case to the Board. There was no opposition to the case. Evert Hekman made a motion to approve the variance as stated in the application, with the stipulation that the drainage issue would be addressed and that the dirt area will be paved as the applicant stated in his application. Karen Mahurin seconded the motion and the vote was 3-0 for approval.

Case #02-07-025A, Freehome Village LLC requested four variances, which are as follows:

1. Article 11, Table 11.1; District Requirements for Permanent Signs. The applicant requested a variance of 14 feet, 10 inches in height and a copy area of 60.65 square feet two-sided on two pylon signs. The Zoning Ordinance requires a 10 foot height and 32 square feet copy area for monument signs.
2. Article 7, Table 7.1; Minimum District Development Standards. The applicant requested a variance to encroach 15 feet into the front yard setback. The Zoning Ordinance requires a 75 foot front yard setback.
3. Article 16.2-1.I; Freehome/Lathemtown Overlay District. The applicant requested a variance to install a retaining wall along the rear drive instead of the required berm.

4. Article 16.2-1.H; Freehome/Lathemtown Overlay District. The applicant requested a variance to allow a height of 35 feet for light poles instead of the required 15 foot height.

The property is located at the southwest quadrant of Highway 20 and Highway 372 in Land Lot 980 of the 3<sup>rd</sup> District and is further described as Cherokee County Tax Map 03N23, Parcels 179, 180, 182, 183 and part of 186.

Jim Cain gave the staff recommendation. Based upon the information received, the strong support of the Freehome/Lathemtown EDC and the development of the tree save area, Staff recommended approval of the four variances.

Frank Bishop presented this case to the Board. Chris Chandler of the Freehome/Lathemtown EDC also spoke in favor and recommended approval of the variances.

Lee Ann Hunt spoke in opposition. She was concerned about the increased traffic this project would create and she also voiced concern about the sign placement. Karen Mahurin pointed out to Ms. Hunt that the project had already been approved by the Board of Commissioners and that the Zoning Board of Appeals could only rule on the variances. Ms. Hunt then went on record as opposing placement of the sign on SR 372.

Mr. Kelly Hunt asked questions about the proposed retaining wall and Jamie Hoage had questions regarding the lighting.

Evert Hekman made a motion to approve the four variances. This motion was seconded by Bob Reilly. The vote was 3-0 for approval.

Case #02-07-026A, Charles and Tamar Martell requested a variance to Article 7, Table 7.1; District Uses and Regulations and a variance to Section 7.7-9; Raising and Keeping of Livestock (Personal Pleasure). The applicant requested a variance of 61.5 feet to encroach into the side yard setback and a variance to allow two (2) horses on a 1.58 acre tract of land. The property is located at 1960 Wilkie Road in Land Lot 180 of the 14<sup>th</sup> District and is further described as Cherokee County Tax Map 14N13, Parcel 088.

Jim Cain gave the staff recommendation, which was for approval.

Charles Martell presented his case to the Board. Nathan Martell, Mr. Martell's son said that they would be willing to paint the structure. James Smith, an adjoining property owner, spoke in favor of the variance.

Gary Mobley spoke in opposition.

Evert Hekman made a motion to approve the variance, with the condition that the structure is to be painted and that the applicant will work with the County Arborist in order to install appropriate screening. Bob Reilly seconded the motion and the vote was 3-0 for approval.

Bob Reilly made a motion to adjourn the meeting. The motion was seconded by Evert Hekman and the meeting was adjourned at 8:50 P.M.