

**Cherokee County Zoning Board of Appeals  
Public Hearing Minutes  
Thursday, July 2, 2015  
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, July 2, 2015 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Cindy Castello, Bill Dewrell, Melissa Range and Marla Doss. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator, and Tamala Davis, Planning Technician.

The meeting was called to order at 6:35 p.m.

**Case #15-06-017V Faith Community Church** requesting a variance to Article 11, Section 11.1. The applicant is requesting a variance to extend the maximum height of a freestanding sign from 8 feet to 16 feet. The property is located at 287 Rope Mill Road in Land Lot 926 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N11, Parcel 038A.

Ms. Semler made a motion to postpone this case until August. Seconded by Castello. Unanimous approval.

**Case #15-07-018V Kenneth Senquiz** requesting a variance to Article 7, Table 7.1. The applicant is requesting a variance of 15 feet to allow a 15 foot rear building setback for construction of a screened pool enclosure that will be attached to home. The property is located at 117 Copper Trail in Land Lot 424 of the 15<sup>th</sup> District and further described as Cherokee County Tax Map 15N08D, Parcel 012.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated the 15 foot zoning buffer will remain.

Tom Ingram represented this case. Mr. Ingram stated they are building a screened enclosure over the swimming pool. He stated there are requirements of a safety fence and he understands that this enclosure does not meet those requirements for Cherokee County.

Ms. Semler asked if there was anyone to speak in favor or in opposition. There being none, she closed public comment.

Mr. Dewrell made a motion to approve. Seconded by Ms. Castello. Unanimous approval.

**Case #15-07-019V Sandra Aldrich** requesting a variance to Article 7, Table 7.1. The applicant is requesting a variance of 4 feet to allow a 26 foot rear building setback for construction of a screened room attached to home. The property is located at 556 Oakside Place in Land Lot 1108 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 21N12J, Parcel 202.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has received no letters of support or in opposition to this request.

Kurt Martin represented this case. He stated they are requesting this variance to add a 7 foot addition to the rear of the home. He stated this screened room would allow them to enjoy their back yard.

Ms. Semler asked if there was anyone to speak in favor or in opposition to this request, there being none, she closed public comment.

Ms. Range made a motion to approve. Seconded by Ms. Semler. Unanimous approval.

**Case #15-07-020V Jeannie and Ed Cochran** requesting a variance to Article 11, Signs. The applicant is requesting a variance for relief from the requirement of a monument sign in a commercial district. The property is located at 12746 Cumming Highway in Land Lot 979 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 03N23, Parcel 213.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she had received no letters in support of or in opposition to this request at the time these reports were done.

Ed Cochran represented this case. Mr. Cochran stated they are requesting this variance to fit the character area and submitted a sign sketch of what they are proposing.

Ms. Semler asked if there was anyone to speak in support or in opposition to this request. There being none, she closed public comment.

Ms. Lee stated she did receive a letter in opposition at the end of the day from an adjoining business.

Ms. Doss made a motion to approve. Seconded by Ms. Semler. Unanimous approval.

**Case #15-07-021V R. Scott and Jennifer Stanley** requesting a variance to Article 9, Sections 9.3-2 and 9.3-3. The applicant is requesting a variance to allow a home based business in an accessory structure. The property is located at 862 Flatbottom Road in Land Lot 295 of the 14<sup>th</sup> District and further described as Cherokee County Tax Map 03N02, Parcel 040B.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has received two letters in support and one letter in opposition to this request. Ms. Lee discussed the intent of the home occupation requirements. She stated the detached garage was permitted with 1500 square feet however it appears to be 2000 square feet. She added two sections of the Home Occupation Ordinance to the variance since it seems these are affected also.

Jennifer Stanley represented this case. Ms. Stanley stated they built the shop/garage and intended to finish the basement. She stated they used to share a shop in Acworth and when they came to this location they did not think they were doing anything wrong. She stated they have never had a complaint until recently. She stated they do have a dumpster and do have deliveries. She stated they would never do anything that would be harmful to their family much less anyone else. She stated they do not live in a traditional neighborhood, they have an easement. Ms. Stanley stated they have industrial zoning around them with Newsome Trucking, North Metro Waste, concrete plant, etc. so there is a lot of noise.

Ms. Semler asked if there was anyone to speak in favor of this application.

Jason Barao spoke in support. Mr. Barao stated he has been neighbors for 4 years and shares the dumpster with Mr. and Mrs. Stanley. He stated this is not a commercial dumpster and would stay regardless of this business. He stated the only noise he hears is from the industrial park behind them. He stated he has never smelled any fumes and has not seen any saw dust. He discussed the road and the upkeep of the road. He stated their shop has never caused any issues and looks like a residential building. He stated they moved out here to enjoy the peace and quiet of country living. He stated the Suttons who oppose this application have nothing to do with the shop and they have lived there for two (2) years with no complaints.

Digger Virts spoke in support. Mr. Virts stated he is home 24/7 and has heard no noise, had no noticeable odors and no excess traffic. He stated he can hear them playing basketball and talking but no kind of industrial noise and see no issues with his business being in this garage.

Vince Sutton spoke in opposition. Mr. Sutton stated he is the closest neighbor and is less than 500 feet from the Stanley shop. He stated Mr. Stanley does cut wood and he hears the noise. He stated on the weekends this can be annoying. He discussed his concerns with traffic, the commercial dumpster and his concerns with the smell of fumes. He stated this property is zoned Agricultural and this business needs to be in an industrial park. He stated this business could increase the risk of fire in the neighborhood from the supplies and feels this business would be a detriment to this area. He stated the commercial dumpster can be seen from the road and they work more than 50% of the time.

Scott Stanley spoke in rebuttal. Mr. Stanley stated no one has come to him regarding their concerns.

Ms. Range asked the applicant if this is a full time business.

Mr. Stanley stated yes.

Ms. Range asked the applicant does he ship and receive from this home location. Mr. Stanley stated no, it is shipped to the job site.

Ms. Semler closed public comment.

Ms. Semler asked staff if the dumpster is allowed on agricultural property.

Ms. Lee stated she does not remember any provisions saying you can't in the Zoning Ordinance.

Ms. Semler asked Ms. Stanley about the picture of the flatbed presented to the Board by Ms. Sutton. Ms. Stanley stated this was for the delivery of their sod.

Ms. Semler asked the applicant the size of the delivery trucks. Ms. Stanley stated it is a flatbed, but not 18 wheelers.

Ms. Doss asked the applicant if they have any employees. Ms. Stanley stated they do have 1 person that works part time.

Mr. Dewrell asked the applicant if they plan on an expansion.

Ms. Stanley stated they have no plans for expansion and plan to stay a small business.

Ms. Range asked Staff how the determination was made that this business has outgrown a home occupation.

Ms. Lee stated the idea of a home occupation is for the business to be invisible and from what we are hearing they are not and it rises to the level of an annoyance.

Ms. Semler stated she knows this location and this is a loud area.

Mr. Dewrell stated his only concern would be if they were to expand. Ms. Stanley stated they have no room on the property to expand.

Ms. Semler made a motion to approve. Seconded by Ms. Range. Four (4) in favor, one (1) opposed. Ms. Doss opposed.

**Case #15-07-022V Jeff Van Pelt** requesting a variance to Article 10, Section 10.6-1. The applicant is requesting a variance of 15 feet to allow a 15 foot undisturbed zoning buffer between residential zoning and office institutional zoning for construction of residential townhouses. The property is located on Batesville Road in Land Lot 362 of the 2<sup>nd</sup> District and further described as Cherokee County Tax Map 02N02C, Parcels 001-031.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has received no letters in support of or in opposition to this request.

Jeff Pelt represented this case. Mr. Pelt stated the buffer currently is 30 feet and they need the depth of the lots to build the townhouses. He stated they will need to do an entrance however no additional roadwork will be required.

Ms. Semler asked if there was anyone to speak in favor or in opposition to this request, there being none, she closed public comment.

Mr. Dewrell made a motion to approve. Seconded by Ms. Range. Unanimous approval.

**Case #15-07-023V Wilburn and Associates** requesting a variance to Article 5, Section 5.6. The applicant is requesting a variance to allow a detached garage forward of the face of the home. The property is located at 131 Sugar Lake Drive in Land Lot 226 of the 2<sup>nd</sup> District and further described as Cherokee County Tax Map 02N07, Parcel 187.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has received no letters in support of or in opposition to this request. She stated a garage or guesthouses are to be located to the side or the rear of the home.

Greg Turner represented this case. Mr. Turner stated the property is irregular shaped that makes it difficult to place the garage on the property and meet requirements. He stated the neighbor to the left had informed the applicant that they have no opposition to this request.

Ms. Semler asked if there was anyone to speak in favor or in opposition to this request, there being none, she closed public comment.

Ms. Castello made a motion to approve. Seconded by Ms. Range. Unanimous approval.

Ms. Semler made a motion to approve June 4, 2015 Minutes. Seconded by Mr. Dewrell. Unanimous approval.

Ms. Semler made a motion to adjourn. Seconded by Mr. Dewrell. Unanimous approval. The meeting adjourned at 7:35 p.m.