

Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, June 2, 2016
6:30 p.m.

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, June 2, 2016 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Melissa Range, Elizabeth Semler, Marla Doss, Cindy Castello and Bill Dewrell. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator, Tamala Davis, Planning Technician, and Paul Frickey, County Attorney.

The meeting was called to order at 6:30 p.m.

Case #16-06-019V Kelley Knox requesting a variance to Article 7, Table 7.1A of the Zoning Ordinance to allow a 5 foot side building setback instead of the required 10 feet side building setback. The property is located at 161 Little Victoria Road in Land Lot 1035 of the 21st District and further described as Cherokee County Tax Map 21N10B, Parcel A029.

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 application.

Kelley Knox represented this case. Mr. Knox stated they would like to build a 1,200 square foot home on this property and they are adjoined by the Corp of Engineers on the east side.

There was no one present to speak in support of or in opposition to this application. Ms. Range closed public comment.

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

Case #16-06-020V Ricky Crutchley requesting a variance to Article 7, Table 7.1A of the Zoning Ordinance to allow a 15 foot front building setback instead of the required 25 foot front building setback. The property is located at 418 Hearthstone Way in Land Lot 1087 of the 15th District and further described as Cherokee County Tax Map 15N12D, Parcel 014.

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 application.

Dale Boyd represented this case. Mr. Boyd stated the original house burned down and they would like to build back but extend the house out a little wider into the building line.

There was no one present to speak in favor of or in opposition to this application. Ms. Range closed public comment.

Ms. Semler made a motion to approve up to a 10 foot encroachment into the front building setback along Hearthstone Way. Seconded by Ms. Range. Unanimous approval.

Case #16-06-021V Victory Church requesting a variance to Article 16, Section 16.1 of the Zoning Ordinance to allow for a total of 251 parking spaces instead of the maximum of 73 parking spaces. The property is located at 4625 Highway 92 in Land Lot 1181 of the 21st District and further described as Cherokee County Tax Map 21N12, Parcels 096C and 096F.

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 application.

Myles Montgomery represented this case. Mr. Montgomery stated they originally were asking for 251 parking spaces however after hearing staff recommendation to allow 175 spaces they would like to meet in the middle and ask the Board to allow 213 parking spaces.

There was no one present to speak in favor of or in opposition to this application. Ms. Range closed public comment.

Ms. Range made a motion to approve a maximum of 175 parking spaces. Seconded by Ms. Semler.

Ms. Castello stated she could support 213 parking spaces. Ms. Semler and Ms. Doss both stated they could support 200 parking spaces.

Ms. Range withdrew her original motion.

Ms. Range made a motion to approve a maximum of 200 parking spaces. Seconded by Ms. Semler. Unanimous approval.

Case #16-06-022V Mark & Lori Russell requesting variances to Article 7, Section 7.7-23 of the Zoning Ordinance to allow a total of four (4) accessory structures housing birds no closer than 11 feet to the side and rear property lines. The property is located at 833 Roper Road in Land Lot 421 of the 2nd District and further described as Cherokee County Tax Map 02N07, Parcel 068.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has received one (1) letter in opposition to this application.

Mark Russell represented this case. Mr. Russell discussed the issues with the adjoining tract not being a buildable lot. He stated they moved from Roswell to Cherokee County to raise their birds and was not aware of the setbacks. He stated they could put a structure in the front yard area however they would have to take out trees and their neighbors are not in support of buildings being in front yard. He stated they could provide screening at the locations of encroachments to screen the structures from the neighbors.

Robert Lemcke spoke in support. Mr. Lemcke stated he adjoins this property and has no issues with the application as presented. He stated he would prefer the buildings be located to the side yard or rear yard and not in the front yard.

Alicia Argo, Attorney for Elizabeth Noble spoke in opposition. Ms. Argo discussed her clients' concerns with the location of the structures and the condition of the property. She stated her client has not been able to sell her property due to the condition of the Russell's property and the location of the structure housing the birds. Ms. Argo stated there is no hardship, no extraordinary or exceptional conditions to this property and if these variances are granted, this would cause detriment to the adjoining neighbors. Ms. Argo presented exhibits to the Board.

Elizabeth Noble, adjacent property owner, spoke in opposition. Ms. Noble discussed her concerns with the location of the bird houses, noise, smell, buffers and property values.

Mr. Russell spoke in rebuttal. Mr. Russell stated housing of livestock is just not for horses it could be for all types of livestock such as birds. He discussed some of the pictures presented by Ms. Argo are showing structures that are no longer on the property. He stated he has tried to work with Ms. Noble and has even offered to buy her property.

Ms. Range closed public comment.

Ms. Semler asked Mr. Russell how many birds and chickens are on the property. Mr. Russell stated 5 peacocks and approximately 20-25 chickens. Ms. Semler verified what structures are currently on the property that house livestock with Mr. Russell.

Mr. Dewrell made a motion to approve this application with the condition that the applicant provide a year round visual screen that is a minimum of 5 feet in height at the time of planting along the west property line at the location of encroachment and along the northern property line. The applicant will need to meet with the County Arborist to determine the type of planting and vegetation that will be required. Seconded by Ms. Semler. Unanimous approval.

Case #16-06-023V Edwin Graham requesting a variance to Article 5, Section 5.5-7.1(c) of the Zoning Ordinance to allow the pole portion of a flag lot to increase to 1300 feet to allow construction of a single family home. The property is located at 1384 Newt Green Road in Land Lot 755 of the 3rd District and further described as Cherokee County Tax Map 03N28, Parcel 030.

Vicki Lee presented this case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has received one (1) letter in opposition to this application.

Terry Hyde represented this case. Mr. Hyde stated Mr. Graham would like to subdivide this property and keep his property in conservation and sell the other part.

George Polumbo spoke in support. Mr. Polumbo stated he is wanting to purchase this property to build one home however would like to know that he could subdivide in the future for family members.

Ms. Lee stated he would need to wait a minimum of two (2) years and then he could have a total of 4 additional lots.

There was no one to speak in opposition of this case. Ms. Range closed public comment.

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

Ms. Range made a motion to approve May 5, 2016 Minutes. Seconded by Ms. Semler. Unanimous approval.

Ms. Range made a motion to adjourn. Seconded by Ms. Semler. Unanimous approval. The meeting adjourned at 7:55 p.m.