

**Cherokee County Zoning Board of Appeals  
Public Hearing Minutes  
Thursday, April 6, 2017  
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, April 6, 2017 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Melissa Range, Cindy Castello, Marla Doss and Lisa Tressler. 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 6:35 p.m.

**Case #17-04-016V Raisin's Ranch, LLC** at 17955 Birmingham Highway requesting a variance to the Cherokee County Zoning Ordinance, Article 5, Section 5.6-10 to allow a ten (10) foot privacy fence. The property is located in Land Lot 98 of the 2nd District and further described as Cherokee County Tax Map 02N12, Parcel 008.

Vicki Lee presented the 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. Ms. Lee stated she has received two (2) emails in opposition to this application. She stated there have been some issues with the neighbor however, that has nothing to do with this request tonight.

Evan Watson represented this case. Mr. Watson stated they are requesting to go from eight (8) feet to ten (10) feet and considers this as a modest request. He stated this would be minimal impact to neighbors.

Ray Biondi spoke in opposition. Mr. Biondi stated his concerns with the number of buildings, the location of these buildings and the wall. He stated it has gone from a pasture, to birthday parties to now a petting zoo. He stated it is so congested that it is an eyesore to the area.

Anita Ryan spoke in opposition. Ms. Ryan stated she lives next door and she had an easement put in to subdivide her property. She stated this is the third fence that the applicant has installed and is blocking her from this easement. She stated she is disappointed in Cherokee County for not helping her. She presented photos of the other fences that have been installed on the property.

Robert Jacobson spoke in opposition. Mr. Jacobson stated he lives north of this property and discussed his concerns with the number of structures, the flea market appearance and that they have already started installing this ten (10) foot fence. He stated he is in opposition to this application.

Mr. Watson spoke in rebuttal. Mr. Watson presented photos to the Board of the property and the 8 foot fence that has been started however is allowed currently by code. He stated they have been working with the County for three (3) years now and this property is not an eyesore. He stated there is a current litigation on some other issues however, that litigation does not pertain to the fence.

Ms. Semler closed public comment.

Ms. Range asked if there is a business located on this property. Vicki Lee stated, yes they have a license for a petting zoo. Ms. Lee stated they are legal and have every permit and license required.

Ms. Castello made a motion to approve this application. Seconded by Ms. Tressler. Motion passed 5-0.

**Case #17-04-017V GDCI GA5, L.P.** at 114 Seattle Slew Way, 120, Seattle Slew Way and 201 Man O War Court requesting a variance to the Cherokee County Zoning Ordinance, Article 23, Section 23.10-1 to reduce the fifty (50) foot buffer to twenty (20) feet. The property is located in Land Lot 0364 of the 2nd District and further described as Cherokee County Tax Map 02N02, Parcel 148D.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning, location of accessory structure and staff comments. She stated they are requesting to reduce the buffer to twenty (20) feet along the west line of Lots 141, 143 and the north line of Lot 144 due to the uncertainty of an agreement believe to be previously negotiated. She stated she has received no letters in support of or in opposition to this application.

Richard Cooper represented this case. Mr. Cooper stated the property was originally closed on for development showing a sliver of land, a 50' buffer being sold to Mr. Mason with an understanding that he wanted control of the buffer. He stated Mr. Mason was concerned that the HOA would interrupt that buffer so as a concurrent closing they sold the sliver back to Mr. Mason with the understanding for him to have a plat of his property. As of today, that has not been happened. He stated instead of having the entire buffer onto his property they are willing to have twenty (20) foot reflected on their property.

Milford Mason spoke in opposition. Mr. Mason stated his property was not bought to provide a buffer. He stated it was bought for his use and the buffer was to be on the adjoining property. He discussed his concerns with lighting and is against reducing the buffer. Mr. Mason provided pictures showing the buffer has been disturbed in two (2) places next to his property.

Mr. Cooper spoke in rebuttal. He stated they did not grade into the buffer and that the county approved their limits for disturbance which was out of the buffer area.

Ms. Semler closed public comment.

Ms. Castello made a motion to approve a 15 foot variance to allow a 35 foot buffer with the condition to provide full visual screening year round compliant with Article 10 and have the County Arborist go out to decide what type of screening. Seconded by Ms. Doss. Motion passed 5-0.

**Case #17-04-018V Toby Latimer** at 1002 Beavers Road requesting a variance to the Cherokee County Zoning Ordinance, Article 7, Table 7.1A. The applicant is requesting a twelve (12) foot variance to the fifty (50) foot building setbacks along the north and east property lines. The property is located in Land Lots 997, 998 and 999 of the 3rd District and further described as Cherokee County Tax Map 03N11, Parcel 042K.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning and staff comments. She stated she has received no letters in support of and two (2) letters in opposition. She stated this lot was cut out in 2014 and meets all the requirements for AG (Agricultural) zoning. Ms. Lee stated a better solution is to shift the home to the south and east where no adjacent property owner will be impacted.

Toby Latimer represented this case. Mr. Latimer stated the front portion is the garage that is encroaching into the building setback and the on the back portion is the right corner of the home. He stated Ms. Lee had mentioned shifting the location of the home closer to the lake and they do not have a problem with that.

John Rashada spoke in opposition. He stated he is one of the adjoining property owners and noted there was an easement that was allowed to this property or they would not be here tonight. He stated his home has lots of windows for the view of the lake and was designed to have lake front property.

Julie Jernigan spoke in opposition. Ms. Jernigan presented photos to the Board. She stated her concerns with the stream buffers, property values, blocking their lake views and contamination from septic. She stated they are speaking with an attorney regarding the need for the easement since this lot has road frontage. She stated she request that all buffers stay in place.

Chris Jernigan spoke in opposition. Mr. Jernigan stated they are opposing the variance because they would like them to keep the home as small as possible to keep everyone's view of the lake. He stated this will affect their property values.

Scott Bursmith, the subject property owner, spoke in rebuttal. Mr. Bursmith stated his wife inherited this property from her family. He stated his wife and her brother sold the property to all the neighbors. He stated they lived on this spot of land when they first got married and there is septic already on the property. He stated his wife has always wanted to move back to this property and they have an approved lot, with an approved plan to build on. He stated the only reason they are requesting this variance is to turn the location of the home five (5) degrees. He stated two (2) of the adjoining neighbors do not own lake property and that they have always maintained the property around the lake.

Ms. Semler closed the public comment.

Ms. Semler made a motion to approve a 20 foot variance on the east side of the property only. Seconded by Ms. Range. Motion passed 5-0.

**Case #17-04-019V Big Door Vineyards, LLC** at 123 Clearwater Trail requesting a variance to the Cherokee County Zoning Ordinance, Article 5, Sections 5.6 (A) and 5.6 (B) to allow the existing primary structure to become the accessory in conjunction with the construction of a new primary structure, the winery with tasting room. The property is located in Land Lot 10 of the 22nd District and further described as Cherokee County Tax Map 22N06, Parcel 010.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning, uses, location of structure and staff comments. She stated she has received no letters in support or in opposition to this application. Ms. Lee stated a winery is a permitted use in the AG zoning district and this winery meets the definition of a farm winery by the State of Georgia. She stated it is not uncommon for a primary use to shift to an accessory use in AG. She stated this is usually handled administratively as long as it doesn't create a non-conformity.

Derek Poarch represented this case. Mr. Poarch stated the winery itself will still be 139 feet from the road and it will not be violating any of the setbacks. He stated the plans have all been approved and noted the pavilion will be moved behind the winery so they do not have to go through this process again. He stated Mr. Aldridge has already spent over a million dollars since the plans have been approved and would like this variance be granted.

Andrew Klug spoke in support. Mr. Klug stated he lives nearby and feels the vineyard is a great use for the land.

Dean Phillips spoke in opposition. Mr. Phillips provided petitions of 29 citizens to the Board and announced names of citizens who are present that live nearby and are opposed to this request. He stated they are not opposed to the special events, vineyard and a small winery, he noted they are opposed to the grand scale of the commercial endeavors. He would like the winery footprint to be smaller than the footprint of the main home. He discussed their concerns with the use of the property, size of the structure, traffic, noise and retail sales. He stated there is no hardship that meets Article 15 and requests this application be denied.

Derek Poarch spoke in rebuttal. Mr. Poarch stated he did try to talk with Mr. Phillips to try to come to some kind of resolution and he was told there is no resolution. He stated this situation could easily be remedied by removing the existing home, building the winery, the pavilion and build his home back. He

stated this would cost a lot of money and his applicant does not want to do that. Mr. Poarch stated due to the topography this is the only location to build the winery. He asked for everyone present that was in favor of the application to please stand.

Ms. Semler closed public comment.

Discussion ensued among staff and members regarding the permitted uses allowed.

Ms. Semler made a motion to approve as submitted. Seconded by Ms. Tressler. Motion passed 5-0.

**Case #17-04-020V Partain Engineering, LLC** at 4590 Highway 92 and 4600 Highway 92 requesting a variance to the Cherokee County Zoning Ordinance, Articles 11, Sections 11.7, 5(a), 11.7, 5(b), 11.7, 7, and Article 16, Sections 16.1.5, C, 1a, 16.1.5, C, 1b, 16.1.5, C, 4a, 16.1, 5, C, 4d for an RV Dealership. The property is located in Land Lots 1180 and 1181 of the 21st District and further described as Cherokee County Tax Map 21N12, Parcels 063 and 063A.

Vicki Lee presented the case. Ms. Lee discussed location of property, surrounding zoning, uses, location of structure and staff comments. She stated they are requesting a waiver of the three (3) rail fence, allowance of two (2) flag poles at 40 feet in height, one (1) flag pole at 60 feet in height, one (1) flag at 430 square feet, one (1) flag at 225 square feet, one (1) flag at 290 square feet, two (2) directional signs with 55 square feet of copy area, reduction in percentage of brick to 65%, allow use of bright orange on building monument, banding and directional signage and lastly construction of a retaining wall in 40 foot streetscape. She stated she has received no letters in support and four (4) letters in opposition to this application. She stated this RV dealership is a permitted use, however, she has issues with the number of variances they are requesting.

Marlin Zonnenberry represented this case. Mr. Zonnenberry stated they purchased this property and on 15 acres of it would like to build an RV dealership. He stated they are planning to build a really nice facility and none of the items they are asking for is really critical and can be very flexible.

Pete Bilson, the landscape architect, stated the fencing will be a black, ornamental, metal fencing with brick columns for security purposes and provided a picture to the Board. He stated the variances for the size of the flags are not really big and there are others that are larger than what they are requesting. Mr. Bilson stated the flag poles will be grouped together and near the entrance. He stated the directional signs will have a brick base and match the columns and building. He stated the main building will be totally brick and the service building will have brick at bottom. He noted the color orange is the brand and will work with staff to choose which type of orange.

Chris Partain, the civil engineer, discussed the specifications of the retaining wall and stated it provides a visual screen.

William Brunson spoke in opposition. Mr. Brunson discussed his concerns with property values, sizes of the flags, reduction in the brick, an industrial look, traffic along Woodstock Road and would like for the County codes be met. He stated he would like an additional 30 days to work with the applicant.

Bret Schroeder spoke in opposition. He stated he is representing 700+ households that are concerned with traffic, the use of the property and request all the variances be denied. He stated if the applicant is needing this many variances then maybe this is not the right location for this business. He discussed some recommendations to the Board if they approved this application.

Marlin Zonnenberry spoke in rebuttal. He stated they can work on the signage and would like for their customers to know where the entrance is located. He stated they can work on the sizes of the flags. He stated they could pull the wall back and are very flexible with all the variances.

Ms. Semler closed public comment.

Ms. Semler made a motion to approve the waiver of the three (3) rail white fence; to approve allowance of an orange tone in the signage; and deny the remaining variance requests. Seconded by Ms. Tressler. Motion passed 5-0.

**Case #17-04-021V MOS Estates** 601 Cherokee Parkway requesting variances to Article 16, Section 16.1.5 C 1b and Table 11.1 to eliminate the three-rail fence along Highway 92 as well as increasing the number of wall signs to five (5) and the allowed copy area for each sign. The property is located in Land Lot 1105 of the 21st District and further described as Cherokee County Tax Map 21N06, Parcel 285H.

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

Otis Aleman represented this case. Mr. Aleman stated this is a great project and will create 150 jobs. He stated the shoes will be made for Adidas and that is why their request is for additional signage to have signage for the manufacturing company and signage for Adidas. He stated the three-rail fence along Highway 92 will not secure the building and requesting to eliminate this requirement.

Heath Tippens, Senior Project Manager with Cherokee County Office of Economic Development, spoke in support. Mr. Tippens stated they developed Cherokee 75 Corporate Park and feels the Oeshler Motion Adidas speed factory is a win for that part of the community, a win for Cherokee County as a whole and the State of Georgia. He said this is the only speed factory within the United States.

There was no one present to speak in opposition.

Ms. Semler closed public comment.

Ms. Semler made a motion to approve as presented. Seconded by Ms. Castello. Motion passed 5-0.

**Case #17-04-022V Anthony Bordwell** at 810 Dock Lathem Trail requesting a variance to Article 7, Section 7.7-24 b to allow a ten (10) foot variance to build an eight (8) stall barn sixty-five feet from the property line. The property is located in Land Lot 778 of the 3rd District and further described as Cherokee County Tax Map 03N10, Parcel 160 B.

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

Anthony Bordwell stated when he purchased the property it had a 12 stall barn and they planned on using it for horses. He said they used it for a little while but it had termites and had to be removed. Mr. Bordwell showed the Board the location of the old barn and where they are proposing to construct the new barn. He stated the property slopes in two (2) directions and this is the only spot he has to fit the barn.

Jacob Boomhouer spoke in support. He stated he stated Mr. Bordwell has totally renovated the property and helped the neighborhood out. He stated he and his wife are in support of this application.

Ms. Semler closed public comment.

Ms. Range made a motion to approve as requested. Seconded by Ms. Semler. Motion passed 5-0.

Ms. Semler made a motion to postpone the approval of the March 2, 2017 Minutes. Seconded by Ms. Doss. Motion passed 5-0.

Ms. Semler made a motion to adjourn. Seconded by Ms. Doss. Meeting adjourned at 8:55 p.m.