

**Cherokee County Zoning Board of Appeals**  
**Public Hearing Minutes**  
**Thursday, August 2, 2018**  
**6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, August 2, 2018 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Lisa Tressler, Marla Doss, Melissa Range and Cindy Castello. Elizabeth Semler was not in attendance. In attendance for Cherokee County Staff were Michael Chapman, Zoning Manager; Tamala Davis, Planning Technician; Thomas Trawick, Planner, and Paul Frickey, County Attorney.

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

**Case #18-08-040V Loyd Development Services, LLC** at Little Ridge Road requesting a variance to Article 23, Table 23-2 Conservation Subdivision Setback Requirements of the Cherokee County Zoning Ordinance to reduce the lot width from 75 feet to 60 feet and reduce the front building setback from 35 feet to 30 feet. The property is located in Land Lot 1036 of the 21<sup>st</sup> District and further described as Cherokee County Tax Map 21N11, Parcel 029.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments.

Adam Rosen and Jon Loyd represented this case. Mr. Rosen presented a power point presentation to the Board. Mr. Rosen stated the project is for 49 lots on 31 acres currently zoned R-20. The site plan submitted is much different than the layout from 2006. Mr. Rosen stated they are well above the minimum lot size. Mr. Rosen stated they are requesting to reduce the lot widths and reduce front setbacks. He stated the conservation design is to provide flexibility, preserve the greenspace, and maintain the overall density.

Jon Loyd presented the 2006 original plan and compared it to the proposed plan today. He stated they are requesting 60 foot frontages instead of 75 feet.

There was no one present to speak in support of the application.

Jeff Orr spoke in opposition. Mr. Orr stated his concerns with the number of developments in this area, density, traffic, and school impact.

Ms. Doss asked Mr. Loyd if all homes back up to greenspace in the new plan. Mr. Loyd stated, yes.

Ms. Tressler asked Mr. Loyd how many of these lots will be less than 75 feet. He stated estimating about 15 lots are close to 75 feet and the rest are closer to 60 feet.

Ms. Tressler stated she is concerned with granting a variance to the overall development.

Ms. Doss stated she likes the way the new plan is presented.

Discussion ensued among members.

Ms. Tressler asked Mr. Loyd if he would have a problem with being restricted to the design of this plan. Mr. Loyd stated they feel the plan is great, however the plan has not been reviewed by County staff. Ms. Tressler stated, "so they would not be able to expand into the open space." Mr. Chapman stated, "correct."

Ms. Tressler asked Mr. Chapman how much of the open space on this plan is required and how much is in excess. Mr. Chapman stated the plan indicates 40 percent and this is the amount required.

Ms. Range made a motion to approve lot width from 75 feet to 60 feet and to reduce the front building setback from 35 feet to 30 feet. Seconded by Ms. Doss.

Discussion ensued among members.

Ms. Tressler asked the County Attorney, Paul Frickey, if the board can postpone this case until they get more numbers or a distribution of lot widths if the applicant agrees. Mr. Frickey stated to the Board that they can postpone a case with a comment of what they are looking for or propose a condition tonight setting the desired distribution of lot widths.

Adam Rosen came forward and stated to the Board that they can discuss percentages. Ms. Range asked Mr. Rosen what he thought was a justifiable percentage for lots over 70 feet. Mr. Rosen stated he doesn't really know. Mr. Loyd stated the plan was based on 60 foot frontages.

The Board reviewed the site plan closer to see that a majority of the lots are closer to 60 feet. Ms. Tressler stated that the conservation regulations allow 10% of the lots to be below 10,000 square feet lot area.

Ms. Range asked if these lots will be different price ranges since these lots are a lot smaller than some of the other lots within the subdivision. Mr. Loyd stated, "No, same price ranges and same product."

Ms. Tressler stated there are some lots she feels do not have a hardship and does not like doing a blanket variance for an entire conservation development. She stated she does feel like some of them do have a hardship and would like to give them some type of relief, just not for all the lots.

While the Board was discussing the case, Mr. Rosen came back up and stated they can commit to a percentage.

Ms. Range asked Mr. Loyd, "What percentage over 70% can we present to you to make this development work?" Mr. Loyd stated 20 percent. Ms. Range stated, "including the 10% allowed that would be a total of 30%." Mr. Loyd stated, "the 10% is for lot area not lot frontage."

Ms. Tressler stated he is wanting 80% of the development to be down to 60 foot of frontage, however 10% do not need a variance because the way she is reading the Ordinance they are allowed for these lots to be below 10,000 square feet plus allowed to have 60 foot of frontage.

Ms. Tressler asked Mr. Chapman, "Is this correct?" Mr. Chapman stated, "Yes."

Mr. Loyd stated maybe it would be better if they made it a total number of lots allowed.

Mr. Tressler asked Mr. Loyd if they are requesting a variance for two (2) things, for 60-foot minimum width on 35 lots and the remainder to meet the minimum lot width required. Mr. Loyd stated, "Yes, a variance for 35 lots and the rest will meet the requirements."

Ms. Tressler asked Mr. Loyd if he preferred the Board vote on this now with the understanding if there is a tie vote, it will be an automatic denial. Mr. Loyd stated, yes he would rather it be voted on tonight and not postponed.

Ms. Tressler stated she would like to request an amendment to the original motion to allow a minimum width of 60 feet on 35 lots. Seconded by Ms. Range. Motion passed 4-0.

Ms. Tressler made a motion to vote on the motion as amended which will be to reduce the front building setback from 35 feet to 30 feet and to allow a minimum width of 60 feet on 35 lots. Seconded by Ms. Range. Motion passed 4-0.

**Case #18-08-041V Barber Homes** at 427 Telfair Way requesting a variance to Article 23, Table 23-2 Conservation Subdivision Setback Requirements of a previous Ordinance to reduce the front building setback from 30 feet to 28.5 feet. The property is located in Land Lot 717 of the 3<sup>rd</sup> District and further described as Cherokee County Tax Map 03N04A, Parcel 138.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning, and staff comments. He stated he has not received any letters in support or in opposition to this request.

Scott Barber represented this case. Mr. Barber stated they were trying to keep the home over towards this section of the lot to give the owners a little bit of a back yard. He stated there is a steep hill with a lot of rock and the back side of the yard drops off a good bit. He stated it was their mistake in that his guys pulled the measurement and missed the center section of the radius of the road.

Daniel McElroy spoke in support of this application. Mr. McElroy stated he is under contract with Scott Barber Homes and it is unfortunate this has happened. He stated no work has been done for the last two (2) months and they are currently renting a home outside of the school district. He stated Mr. Barber has publicly admitted and accepted fault. He stated he does believe the variance will not impact the beauty of this lot or impact the neighborhood.

There was no one present to speak in opposition.

Ms. Tressler closed public comment.

Ms. Castello made a motion to approve as submitted. Seconded by Ms. Tressler. Motion passed 4-0.

Ms. Tressler stated she has a correction to the July 12<sup>th</sup> minutes. She stated the last paragraph for the Woodstock Recycling case to correct condition to read as a single pipe not two (2) pipes.

Ms. Doss stated she has a correction to Case number 18-07-034V to state buffer as undisturbed buffer not a regular buffer.

Ms. Tressler made a motion to approve July 12, 2018 Minutes subject to the modifications. Seconded by Ms. Doss. Motion passed 4-0.

Ms. Tressler made a motion to adjourn. Seconded by Ms. Range. Motion passed 4-0. The meeting adjourned at 7:37 p.m.