

**Cherokee County Zoning Board of Appeals
Public Hearing Minutes
Thursday, April 4, 2019
6:30 p.m.**

The Cherokee County Zoning Board of Appeals held its regular public hearing on Thursday, April 4, 2019 in Cherokee Hall of the Cherokee County Administration Building. In attendance for the Zoning Board of Appeals were Chairman Elizabeth Semler, Vice chairman Melissa Range, Lisa Tressler, and Marla Doss. Tim Ragsdale 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 6:35 p.m.

Ms. Semler stated we did have two (2) cases request postponement until next month. She stated she is going to revise the agenda to move Case #19-04-021V to the beginning of the agenda.

Case #19-04-016V Don Harvill at 117 Sardis Creek Drive requesting a variance to Article 7, Section 7.7-24 b. Animal Production to allow a barn to be built twenty-five (25) feet from the property line instead of the required seventy-five (75) feet. The property is located in Land Lot 104 of the 14th District and further described as Cherokee County Tax Map 14N08, Parcel 105A.

Ms. Semler made a motion to postpone this case until next month. Seconded by Ms. Range. Motion passed 4-0.

Case #19-04-017V Dayspring Outreach Center, Inc. at 6835 Victory Drive requesting a variance to Article 8, Section 8.12.8 Signage Standards, Article 11, Section 11.5-5 Additional Requirements – Electronic Signs, Article 11, Section 11.6 - Permitted Signs by Type and Zoning District, Article 11, Table 11.1 - District Requirements for Signs, and Article 16 - Overlay Zoning District Regulations Bells Ferry Community Design Guidelines to allow a digital sign. The property is located in Land Lots 898 and 899 of the 21st District and further described as Cherokee County Tax Map 15N05, Parcel 014.

Ms. Semler made a motion to postpone this case until next month. Seconded by Ms. Tressler. Motion passed 4-0.

Ms. Semler made a motion to revise the agenda to move Case #19-04-021V to the first case to be heard. Seconded by Ms. Range. Motion passed 4-0.

Case #19-04-021V Curtis W. Carroll at 2016 Avery Road requesting a variance to Article 5, Section 5.4 Access to Public Street to allow a twenty (20) foot wide access easement to serve a minor subdivision of three (3) lots instead of the required sixty (60) foot wide access easement to a public street. The property is located in Land Lots 306 and 307 of the 14th District and further described as Cherokee County Tax Map 14N30, Parcel 087B.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support or in opposition to this application. Mr. Chapman stated that the applicant has indicated that the purpose of the minor subdivision is for “family build sites.” He stated the zoning ordinance states that, “The presence of family members living nearby adds to the community by providing affordable housing, child and elder care, and transportation to those family members who cannot drive themselves, all of which fosters stable family environments.” He stated as a result, the Planning and Zoning Department does not object to the requested variance with the following condition:

No additional subdivision of land shall be permitted beyond the current subdivision plat for Curtis Carroll, unless an exclusive permanent easement of access to a public street is provided to any new lots in accordance with the Cherokee County Zoning Ordinance.

Curtis Carroll represented this case. Mr. Carroll stated the road already exists, that it would not be widened nor would it extend any further. He stated they did reach out to their neighbor and requested an easement however the neighbor was unwilling to provide this. Mr. Carroll stated they are requesting this to allow two (2) additional home sites.

There was no one to speak in support of or in opposition to this application.

Ms. Semler closed public comment.

Ms. Semler made a motion to approve the application as requested with the staff recommended condition that no additional subdivision of land shall be permitted beyond the current subdivision plat for Curtis Carroll, unless an exclusive permanent easement of access to a public street is provided to any new lots in accordance with the Cherokee County Zoning Ordinance. Seconded by Ms. Tressler. Motion passed 4-0.

Case #19-04-014V Engineering Design Technologies, Inc. at 10268 and 10270 Main Street requesting a variance to Table 7.1A: Minimum District Development Standards to reduce the front building line setback to seven (7) feet from the required twenty (20) feet. Applicant also requests a variance to Table 10.1 Minimum Buffer Width Between Abutting Districts to encroach twenty (20) feet into required thirty (30) foot buffer on the south and west side and twenty-five (25) into the required thirty-five (35) foot buffer on the south side. The property is located in Land Lot 1284 of the 15th District and further described as Cherokee County Tax Map 15N18A, Parcel 001 and Parcel 002.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of or in opposition to this application. Mr. Chapman stated the size, shape and topography of the particular piece of property in question presents extraordinary and exceptional conditions. As a result, the Planning and Zoning Department does not object to the requested variance.

Larry Singleton represented this case. Mr. Singleton stated this is an affordable housing project and the property slopes 100 feet from the North to South. He stated they would be installing a retaining wall and would be installing a lift station to bring sewer to this area. Mr. Singleton stated they are requesting the reduction in the front setbacks to give the right of way of the road to the County. Mr. Singleton stated they are also requesting relief of the hammerhead turnaround.

There was no one present to speak in support of or in opposition to this application.

Ms. Semler closed public comment.

Ms. Semler asked staff about the request for relief on the hammerhead turnaround. Mr. Chapman stated a variance to allow the hammerhead turnaround was granted during the applicant's last variance request.

Ms. Tressler asked staff if anything has changed with the 50 feet right of way for the hammerhead or the street itself such that the variance request for the 7 foot front setbacks would not have been requested last time.

Mr. Chapman stated he thought the entrance and parking spaces was a little different.

Mr. Singleton stated no, nothing has changed other than grading issues. He stated the purpose of the variance is three (3) items; 1) to build the retaining wall, (2) the front setback from the road so they can give a 50 foot right of way and 3) to obtain relief from the 50 foot right of way on the hammerhead.

Ms. Tressler asked Mr. Singleton if the right of way has not changed, then why were these variances not requested the first time. Mr. Singleton stated it is a grading issue and was not known until the grading plan was done.

Mr. Frickey stated the legal ad does not reference a variance request to the hammerhead. Mr. Chapman stated it was not addressed in the legal ad only the setback. Mr. Frickey stated the Board cannot address changing the hammerhead since it was not advertised.

Ms. Semler asked Mr. Singleton if he was requesting relief on the entire south side. Mr. Singleton said it is so they can grade and the entire buffer will be re-landscaped.

Ms. Tressler asked Mr. Singleton if he would have an objection to them changing the relief on the south setback for only the buildings that encroach. Mr. Singleton stated he wouldn't have an objection since it appears he will need to come back again and ask for the variance on the hammerhead.

Ms. Tressler asked Mr. Singleton what is it about the hammerhead that is not addressed in the variance. He stated it is his understanding that the hammerhead has to be a 50 foot right of way and if this is the case they will lose two (2) lots.

Mr. Frickey asked staff if the applicant made application for the hammerhead variance request, when would the application be heard. Mr. Chapman stated the legal would need to be submitted tomorrow to be heard in May. Mr. Frickey asked if there is any difference in amending this application instead of making a new application. Mr. Chapman stated he would need to follow up with the applicant to get a better understanding of the variance request. Mr. Chapman stated for record keeping purposes, it would be easier to keep it under the same case number and to have the applicant to amend the application.

Ms. Semler made a motion to postpone this application until the next meeting possible once all advertisements have been met. Seconded by Ms. Tressler. Motion passed 4-0.

Case #19-04-015V Tate and Ashley Satterfield at 1138 Addington Lane requesting a variance to Article 5, Section 5.6 Accessory Uses and Structures - Location on Lot - to allow an accessory use (pool) in the front yard area. The property is located in Land Lot 273 of the 23rd District and further described as Cherokee County Tax Map 23N08, Parcel 043.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of or in opposition to this application. Mr. Chapman stated the topography, the double street frontage, and the existing septic system of the particular piece of property in question present extraordinary and exceptional conditions. As a result, the Planning and Zoning Department does not object to the requested variance.

Tate Satterfield represented this case. Mr. Satterfield stated the location shown is the most logical place to locate the pool.

Teresa Womack spoke in favor. Ms. Womack stated she is with Lusk Pools and noted the proposed location of the pool sets lower than the roads which makes it hard to see from Debord Lane. She stated also it would sit another 20 feet back from the 50 foot buffer.

There was no one to speak in opposition.

Ms. Semler closed public comment.

Ms. Semler made a motion to approve the application as requested with the condition the applicant is to provide visual screening along Debord Lane. Seconded by Ms. Doss. Motion passed 4-0.

Case #19-04-018V Bryan Gilde at 373 McRae Drive requesting a variance to the Cherokee County Stream Buffer Protection Ordinance No. 2005-Z-003 Section 5; 5.1 (2) to allow a 22-foot encroachment into the 25-foot impervious stream bank buffer for a home. In addition, the applicant is requesting a variance to Article 5, Section 5.6A to allow an accessory structure in the front yard area and a variance to allow this accessory structure 8 feet from property line instead of the required 10 feet. The property is located in Land Lot 233 of the 14th District and further described as Cherokee County Tax Map 14N24, Parcel 090A.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of or in opposition to this application. Mr. Chapman stated the stream buffer and setback encumbers a significant portion of the lot and significantly reduces the buildable area. As a result, the department does not object to the variance to allow the accessory structure in the front yard area and a variance to allow this accessory structure 8 feet from property line instead of the required 10 feet. He stated if the board chooses to grant the variance, the department recommends attaching a condition that the applicant provide engineered grading and erosion control plans as part of the building permit. This plan shall clearly identify the location of the previous structure and associated encroachments into the setback, including the required grading. The proposed structure should not encroach anymore into the stream setback than the previous structure.

Bryan Gilde represented this case. Mr. Gilde stated their desire is to improve the lot. He stated it is a difficult lot and has been studying it for a while.

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

WW McMichael spoke in opposition. Mr. McMichael stated his concerns with traffic due to this being a one lane road.

Bryan Gilde spoke in rebuttal. Mr. Gilde stated this is a one lane street but he did receive approval from the County to subdivide the property into three (3) lots.

Ms. Semler closed public comment.

Ms. Tressler asked the applicant was he aware that the foundation was encroaching into the buffer. Mr. Gilde stated he did his best to stay within the buffers and he measured it himself. He stated when they asked for the foundation survey he was surprised it was off by 10 feet. He stated there was a mobile home on the property before that was encroaching at least 30 feet into the buffer.

Ms. Semler asked what type of accessory structure would be in the front yard area. Mr. Gilde stated a 2-car garage with a mother-in-law suite.

Ms. Tressler made a motion to approve as requested with staff conditons that the applicant provide engineered grading and erosion control plans as part of the building permit and this plan shall clearly identify the location of the previous structure and associated encroachments into the setback, including the required grading. The proposed structure should not encroach anymore into the stream setback than the previous structure. Seconded by Ms. Range. Motion passed 4-0.

Case #19-04-019V Arrowhead Homes, Inc. at 173 Red Cloud Drive requesting a variance to Community Development (CD) District; Article 5, Section E. to allow an 8-foot encroachment into the 25-foot rear

building setback to construct a home. The property is located in Land Lot 203 of the 22nd District and further described as Cherokee County Tax Map 22N17, Parcel 353.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of or in opposition to this application. Mr. Chapman stated the innovation and ingenuity in design are encouraged. The rear of the lot adjoins the golf course with a small lake and not another residential lot. Therefore, relief, if granted, would likely not cause substantial detriment to the public good. He stated as a result, the Planning and Zoning Department does not object to the requested variance.

David Logel with Arrowhead Homes represented this case. He stated this is the 54th home they have built in Lake Arrowhead and the first time they have run into a situation like this. He stated they used the existing corner pads, which were set in 1973 and the pin was placed improperly. He stated they are encroaching a little under 8 feet at the rear yard. He stated they did receive approval from the HOA and the neighbors have no objection.

There was no one present to speak in support of or in opposition to this application.

Ms. Semler closed public comment.

Ms. Semler made a motion to approve as requested. Seconded by Ms. Doss. Motion passed 4-0.

Case #19-04-020V Stephen's Communities Corporation at 2006 Vicksburg Trail requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards to allow a maximum three (3) foot encroachment into the required ten (10) foot side building line setback. The property is located in Land Lot 1223 of the 15th District and further described as Cherokee County Tax Map 15N06D, Parcel 127.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of or in opposition to this application. Mr. Chapman stated to date, a substantial portion of the structure has already been constructed. He stated relief, if granted, would likely not cause substantial detriment to the public good or impair the purposes and intent of the Cherokee County Zoning Ordinance therefore, the Planning and Zoning Department does not object to the requested variance.

Chad Golden represented this case. Mr. Golden stated these lots had set vacant for 40 years and he had the surveyor stake the lots. He stated there was a mistake made and now they are encroaching three (3) feet.

There was no one present to speak in support of or in opposition to this application.

Ms. Semler closed public comment.

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

Case #19-04-022V Tony McDowell at 960 Liberty Hill Road requesting a variance to Article 7, Table 7.1A: Minimum District Development Standards to allow a barn to encroach twenty-five (25) feet into the required fifty (50) foot side building line setback. The property is located in Land Lots 21 and 51 of the 2nd District and further described as Cherokee County Tax Map 02N10, Parcel 105E.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of or in opposition to this application. Mr. Chapman stated the topography and septic system are peculiar to the particular piece of property involved and as a result, the Planning and Zoning Department does not object to the requested variance.

Tony McDowell represented this case. Mr. McDowell provided a slideshow with photos of the property and renderings of the proposed barn. He stated the terrain makes this property tough to build on and that the back of the property drops off to the creek. He stated the property is heavily vegetated and due to the location of the barn, the view should be minimally impacted. He stated they had to put in several retaining walls just to put the pool in and support the back yard. He stated they will not have livestock in this barn.

Ms. Range asked if there is an HOA involved. Mr. McDowell stated, no.

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

Lisa McMahan spoke in opposition. Ms. McMahan stated her concerns with the 25 foot setback and the potential of livestock being on the property in the future once variance is granted. She stated he has over six (6) acres and feels there are other alternatives to constructing the barn 25 feet from property line. She stated she also has concerns with the lighting from the barn.

Lori Samolive spoke in opposition. Ms. Samolive provided photos of the lot from her home. She stated this will be a very large barn and has concerns with what this barn will be used for and the 25 foot setback.

Carlyn Kostyk spoke in opposition. Ms. Kostyk stated her concerns with the location, size and that this will be a storage building, not a barn. She feels the barn is too large for the little space. She feels this structure is not going to meet the definition of a barn.

Jerry McMahan spoke in opposition. Mr. McMahan stated his concerns with privacy, property values and feels there is a good location for this structure at the back of his home.

Steve Orton spoke in opposition. Mr. Orton stated his concerns with the location and feels this is a nice barn but the wrong location. He stated he feels this also may devalue the properties in the surrounding area with the barn being so close to the property line.

Mr. McDowell spoke in rebuttal. He stated the intent of the barn is to store some equipment they have such as chippers, tractors, etc. He stated an accessory structure can be ten (10) feet from the property line and he is asking for twenty five (25) feet.

Ms. Semler closed public comment.

Ms. Semler stated she wanted to clarify with staff that the issue is not the size of the structure or that the structure is in the front yard, the variance is only for the side setback. Mr. Chapman stated yes, that is correct.

Ms. Doss stated if this was a garage, it could be 10 feet from the property line and asked staff why this structure is being called a barn. Mr. Chapman stated the application stated a barn.

Ms. Semler asked Mr. McDowell why he did not request as an accessory structure instead of a barn. Mr. McDowell stated 1) because a barn is allowed in the front yard and 2) it will have farming accessories.

Ms. Range asked Mr. McDowell why he was not exercising his other choices with the property. Mr. McDowell stated he cannot get access to the back property due to the location of the existing septic and the reserve septic. He stated he also has to stay out of the stream bank buffers.

Ms. Tressler asked if the intent is to have equipment to work the land, what part of the land are you intending to work if you do not have access to the back. Mr. McDowell stated the land to the East in the back. He stated you could pasture the land and have small structures in that area, but not a large barn.

Ms. Tressler asked Mr. McDowell what type of equipment he has to require so much space. He stated it is the amount of equipment. He stated he has chippers, lawnmowers and all types of other equipment.

Ms. Doss asked Mr. McDowell if he is in the landscaping business. Mr. McDowell stated, no.

Ms. Range asked staff what if they openly state it is not going to be used as a barn but looks like a barn. Mr. Chapman stated that would not constitute a barn, it would have to meet the definition of a barn.

Ms. Semler stated she feels this is a little out of character for the area to go that far into the setback and feels there are other portions of the property this building could be located.

Ms. Semler made a motion to deny. Seconded by Ms. Range. Motion passed 4-0.

Case #19-04-023V Joseph R. Vidal at 607 Rocky Creek Point requesting a variance to the Cherokee County Stream Buffer Protection Ordinance No. 2005-Z-003 Section 5; 5.1 (2) to allow a 19-foot encroachment into the 25-foot impervious stream bank buffer for a pool and patio structure. The property is located in Land Lot 1187 of the 15th District and further described as Cherokee County Tax Map 15N30K, Parcel 096.

Michael Chapman presented this case. Mr. Chapman discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support of or in opposition to this application. Mr. Chapman stated a conservation subdivision allows smaller individual-owned residential lots in neighborhoods that include or are adjacent to aesthetically and ecologically important areas. He stated the final plat for this property was recorded on March 22, 2013 and the plat indicated the presence of the stream buffer and setbacks on the lot. Mr. Chapman stated based on the information provided in the application, the department is unable to conclude that conditions exist for granting a variance to the stream buffer ordinance and recommends denial as submitted. He stated if the board chooses to grant a variance, the department recommends attaching a condition that the applicant shall provide additional Structural Stormwater Controls for both quantity and quality to offset the encroachments (see attached Engineering Department memo). These controls shall meet the requirements of section 6.05, Post-Development Stormwater Management Criteria of the Cherokee County Development Ordinance, and the 2016 edition of the Georgia Stormwater Management Manual. The applicant shall submit this design as a lot grading plan to the Cherokee County Engineering Department prior to obtaining a permit for the proposed work.

Joseph Vidal represented this case. Mr. Vidal provided letters from ten (10) neighbors and that he has received approval from the HOA. He stated the pool would be used for physical therapy for his wife and for his grandkids. He stated he has offered to install some type of underground French drain system to allow the extra water and would be agreeable to this requirement. He stated they have also offered the additional greenspace in the side and forward area of the yard totaling 875 square feet. He stated when they first bought this property, they installed a retaining wall and flattened out the area because when it rained it flooded the property. There was no one present to speak in support of or in opposition to this application.

Ms. Semler closed public comment.

Ms. Semler asked Mr. Vidal how much of the encroachment into the buffer area is for the patio. Mr. Vidal stated it is roughly 300 square feet and 6 ½ feet towards the stream.

Ms. Semler stated she likes that they have offered the additional 875 square feet of space that would never be built on and would like to make that a condition along with the County's recommendation.

Ms. Tressler asked if the existing patio is being extended and if there was any way to move the pool closer to the house.

Mr. Vidal stated the pool builder was concerned if they got too close to tearing up the existing patio and what that might do for access and regular drainage. He stated he is also open to using pervious pavers for all the decking.

Ms. Tressler made a motion to approve a variance to allow encroachment into the 25 foot stream bank buffer for a pool and a patio structure that will be composed of pervious pavers. In addition, the applicant shall provide additional Structural Stormwater Controls for both quantity and quality to offset the encroachments. These controls shall meet the requirements of section 6.05, Post-Development Stormwater Management Criteria of the Cherokee County Development Ordinance, and the 2016 edition of the Georgia Stormwater Management Manual. The applicant shall submit this design as a lot grading plan to the Cherokee County Engineering Department prior to obtaining a permit for the proposed work. Ms. Tressler also moved that the non-impervious swap shown on the drawing dated February 22, 2019 also be designated as a condition of zoning. Seconded by Ms. Semler. Motion passed 4-0.

Case #19-04-024V Mirramont Homeowners Association and Mirramont Office Park Homeowners Association at Mirramont Lake Drive and Bells Ferry Road requesting a variance to Article 8, Section 8.11.8, Article 13, Section 13.10, Article 11, Table 11.1 and Article 16, Section 16.2.6 (G) of the Zoning Ordinance to be allowed a non-conforming LED sign. In addition, the applicant is requesting a variance to Article 8, Section 8.8 and Article 16, Bells Ferry Overlay District to allow an additional monument sign with a total square footage of 32 square feet, 6 feet in height in Civic Space of the Bells Ferry Overlay District. The property is located in Land Lots 899, 900 and 901 of the 21st District and further described as Cherokee County Tax Map 15N05H, Parcel 031A and Tax Map 15N05G, Parcel 080A.

Thomas Trawick presented this case. Mr. Trawick discussed location of property, surrounding zoning and staff comments. He stated we have received a letter of support from the Mirramont Neighborhood Association and no letters in opposition to this application. Mr. Trawick stated the installation of an additional monument sign matching the design and size of those nearby, would not be detrimental to the public good. Therefore, the Planning and Zoning Department does not object to the requested variance to allow an additional monument sign with a total square footage of 32 square feet, 6 feet in height in Civic Space of the Bells Ferry Overlay District if the following conditions are included: 1) The sign and sign base shall match the design and size of the existing monument sign located on Mirramont Lake Office Park Association property on the north side of Mirramont Lake Drive at the intersection with Bells Ferry Road and 2) The sign must be reviewed and approved by the Cherokee County Engineering Department to ensure adequate corner visibility clearance for vehicular traffic.

Dan Ducateh, Vice President of the HOA and Chelsea Marquez, representative of the Mirramont Community HOA represented this case. Ms. Marquez stated they are the neighborhood and Mr. Ducateh is the professional office complex. Ms. Marquez stated when Mr. Ducateh originally applied for the previous variance request, the neighborhood opposed the request. She stated now they have come to an agreement and Mr. Ducateh has agreed to conditions regarding the safety and time of the electronic message sign as well as build a new

monument sign on the other side for the neighborhood. Mr. Ducateh stated he would dim the sign so it would not be intrusive to the neighborhood and he has agreed to construct the other sign across the street for the neighborhood.

Diane Bennett spoke in support of the application. Ms. Bennett stated she is the past President of Mirramont HOA. She stated they share the road going into the subdivision and office park. She stated you can't really tell now there is a subdivision with them not having a sign on this side. She stated she is in support of the application.

There was no one present to speak in opposition.

Ms. Semler closed public comment.

Ms. Semler stated she does not see where anything has changed much other than the HOA supports the request.

Ms. Semler made a motion to deny the request for the electronic message sign and approve the request for a second monument sign with the following conditions: 1) Monument sign is limited to 32 square feet of copy area, maximum six (6) feet in height, 2) The sign and sign base shall match the design and size of the existing monument sign located on Mirramont Lake Office Park Association property on the north side of Mirramont Lake Drive at the intersection with Bells Ferry Road, 3) The sign must be reviewed and approved by the Cherokee County Engineering Department to ensure adequate corner visibility clearance for vehicular traffic. Seconded by Ms. Tressler. Motion passed 4-0.

Case #19-04-025V Woodmont Golf and Country Club at the intersection of East Cherokee Drive and Gaddis Road requesting a variance to Article 11, Section 11.6 to allow two (2) additional freestanding signs at entrance of subdivision and to allow the signs to not be constructed in a monument style. Both signs will be 4 feet by 8 feet each. The property is located in Land Lot 1022 of the 3rd District and further described as Cherokee County Tax Map 03N11, Parcel 182E.

Thomas Trawick presented this case. Mr. Trawick discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support or in opposition to this application. Mr. Trawick stated since the signage is required to be constructed out of the public right-of-way and is proposed to be located away from East Cherokee Drive behind the main entrance sign, and away from existing residential properties within the neighborhood, staff finds that the requested variances would not be a detriment to the public good or impair the intent of the zoning ordinance. As a result, the Planning and Zoning Department does not object to the requested variances.

Suzanne Edwards represented this case. Ms. Edwards stated she has been working with a couple of builders and feels the signage is appropriate to get the homes sold. She stated she is requesting a two (2) year timeframe.

Jeanine Blumer spoke in support. Ms. Blumer stated she is a real estate agent in the neighborhood and will be representing Stonecrest Homes and Woodmont Golf & Country Club. She stated she feels that signage in the front is important to have and would like to finish up Woodmont the way it was intended.

There was no one present to speak in opposition of this case.

Ms. Semler closed public comment.

Ms. Semler asked staff if there is anything for signage like this in the Ordinance. Mr. Trawick stated we do allow a temporary sign for 30 days.

Ms. Edwards stated they have about 60 Pulte lots to go and about 50 Stonecrest lots. She stated they are very motivated to try to help the builders be successful. She stated they have a lot of respect for the Sign Ordinance and they have put a lot of money into this round-about. She stated they do not want any signs in the round-about.

Ms. Semler asked where the location would be for these signs. Ms. Edwards discussed the locations with the Board.

Ms. Semler asked Ms. Edwards has she thought about using the County Kiosk signs for advertisement that are up at the intersections. Ms. Edwards stated she feels those signs are a little understated from pulling the buyer in and that it's not going to give them the options like shown on the proposed signs with price ranges.

Ms. Range asked how many signs are up on the property now. She stated one (1) non-compliant sign and four (4) brick monument signs. Ms. Range asked was two (2) additional signs necessary. Ms. Edwards stated it is to accommodate two (2) builders. Ms. Edwards stated they are flexible and open to any recommendations.

Ms. Semler asked staff if there would be size limitations to these signs if we approve this. Mr. Trawick stated the maximum allowed would be the 32 square feet of copy area.

Ms. Semler asked Ms. Edwards what the size of the signs are proposed. She stated they are 8' x 4' each with a center beam.

Ms. Range made a motion to approve the application as requested with a condition that the signs are limited to three (3) years maximum. Seconded by Ms. Semler. Motion passed 4-0

Case #19-04-026V Lynwood Development, LLC at 6310 Bells Ferry Road requesting a variance to the Cherokee County Stream Buffer Protection Ordinance No. 2005-Z-003, Section 5; 5.1 (1 and 2) to allow a 25 foot encroachment into the undisturbed natural vegetative buffer and a 25 foot encroachment into the additional impervious cover setback for a total encroachment of 50 feet. The property is located in Land Lots 1045 and 1046 of the 21st District and further described as Cherokee County Tax Map 15N05, Parcel 001 and 001A.

Thomas Trawick presented this case. Mr. Trawick discussed location of property, surrounding zoning and staff comments. He stated we have received no letters in support or in opposition to this application. Mr. Trawick stated the property lies within the Bells Ferry Overlay which encourages inter-parcel connectivity to enhance vehicular circulation between properties and connectivity between established land uses. He stated staff also finds that application of the Stream Buffer Protection Ordinance creates a hardship for the property to establish a secondary fire access point to meet the requirements of the Cherokee County Fire Marshal. Therefore, the Planning and Zoning Department does not object to the requested variance with the following conditions: The applicant shall provide additional Structural Stormwater Controls for both quantity and quality to offset the encroachments. These controls shall meet the requirements of section 6.05, Post-Development Stormwater Management Criteria of the Cherokee County Development Ordinance, and the 2016 edition of the Georgia Stormwater Management Manual. The controls shall be in addition to those already required for development. The applicant shall provide additional Greenspace on the project site equaling or exceeding the encroachment areas. The applicant can provide this information at the time of applying for a land disturbance permit for the project.

Woody Snell represented this case. Mr. Snell provided a presentation indicating the location of the property, surrounding property, locations of streambank buffers and that they are requesting a variance to grade into the impervious setback. He stated you are allowed to do grading in the impervious setback however, it states the slopes cannot be greater than 3:1. Mr. Snell stated if they adhere to the 3:1, they would be encroaching into the stream bank buffers. He stated the property is irregular shaped and have limited space to locate the second access on Bells Ferry Road.

There was no one present to speak in support of or in opposition to this application.

Ms. Semler closed public comment.

Ms. Semler asked staff if the second entrance is required. Mr. Trawick stated it is due to the size of the development that requires a second fire access.

Ms. Tressler made a motion to approve the application to allow grading at a 2:1 ratio and to approve encroachment into the 25 foot setback to place retaining walls into this impervious setback only per the site plan dated March 28, 2019 and with the conditions recommended by staff. Seconded by Ms. Doss. Motion passed 4-0.

Ms. Semler made a motion to approve the February 7, 2019 Minutes. Seconded by Ms. Range. Motion passed 4-0.

Ms. Semler made a motion to approve the March 7, 2019 Minutes. Seconded by Ms. Tressler. Motion passed 4-0.

Ms. Semler made a motion to adjourn. Seconded by Ms. Tressler. Motion passed 4-0. The meeting adjourned at 9:00 p.m.