

SUBJECT:

Consider Request to Appeal - ZBA Case # 23-04-028 for Melissa Casteel for Complete Site, LLC, BOC District 1.

MEETING DATE:

May 2, 2023

SUBMITTED BY:

Thomas Trawick

SUGGESTED ACTION:

Consider Request to Appeal - ZBA Case # 23-04-028 - Melissa Casteel for Complete Site, LLC - BOC District (1)

FACTS AND ISSUES:

The property is located at 3510 and 3500 Ball Ground Hwy. On April 13th, 2023, the Zoning Board of Appeals heard a request by Melissa Casteel and Jason Moody for a variance to Article 10. Buffer Requirements, Section 10.6-5 (a). Disturbances or Encroachments, to allow a utility crossing to run parallel within a zoning buffer, Section 10.6-2 (a). Screening Requirements, to allow existing gravel to remain within the 50-foot buffer area, and Table 10.1: Minimum Buffer Width Between Abutting Districts, to allow a buffer width of 10-feet within the required 50-foot buffer area along the side and rear property lines. The Zoning Board of Appeals voted to deny the request (4-1). On April 20, 2023, the applicant requested to appeal the decision for denial by the Zoning Board of Appeals. Per Article 15, Section 15.16 of the Cherokee County Zoning Ordinance, "An appeal of a decision by the Zoning Board of Appeals shall be to the Cherokee County Board of Commissioners, effected by submission of a letter of appeal to the Board of Commissioners, no later than ten (10) calendar days after the Zoning Board of Appeals' decision has been rendered and provided to the applicant. The letter of appeal shall be placed on an agenda at the Board of Commissioners' next regularly scheduled meeting, and the Board of Commissioners shall determine at such meeting whether it will consider the appeal. If the Board of Commissioners decides that it will consider the appeal, the appeal shall then be placed on a future agenda of the Board of Commissioners. A denial of a review by the Board of Commissioners shall be an affirmation of the decision of the Zoning Board of Appeals, and shall constitute the final decision of the Board of Commissioners of Cherokee County".

ATTACHMENTS:

[3510 Ballground- BZA Appeal 2023-04-21_Letter_REVISED.pdf](#)

[Denial Letter - Casteel - 23-04-028V.pdf](#)

[Staff_Report_028V.pdf](#)

[Moody Hearing 2023-04-13_M_Casteel.pdf](#)

[BOC_APPEAL_Presentation_6_20_2023.pdf](#)

[Variance Request 10.3_001.pdf](#)

[Variance Letter of Inten_001.pdf](#)