



BOARD OF ADJUSTMENTS MINUTES

Jackson County Administration Building Auditorium
67 Athens Street
Jefferson, GA 30549

September 1, 2016
6:30 P.M.

Board Members Present

Marty Clark, Vice-Chairman
James Scott
Shirley Turner
Mark Palmer

Board Members Absent

Joe Holt, Chairman

Staff

Gina Roy, Director
Kathy Holloway – Zoning Administrator

Marty Clark, Vice-Chairman, called the meeting to order at 6:30 p.m.

Mark Palmer made a motion to approve the August 4, 2016 BOA minutes and was seconded by James Scott. The motion passed unanimously.

Gina Roy gave the staff comments. There will be cases heard at the October 6th, 2016 BOA Meeting. Mrs. Roy read the hearing procedures and noted that the hearing procedures are located on the table by the door. Marty Clark asked all participants of the meeting to raise their right hand and repeat after him the blanket swearing.

New Business:

1. **BOA-16-06** - Southfork Homes LLC, 725 Cambridge Farms Drive, Hoschton, GA; 1.25 acres; reduction of county greenway buffer from 50 ft. to 25 ft. (Map113B/Parcel 036)

Charles Williams, 332 South Ridge Ct., Auburn, GA 30011 is the listed broker in Cambridge Farms, Phase II. Mr. Williams is present representing Bill Brantley, as he could not be present for the meeting. Mr. Williams/Southfork Homes, LLC purchased approximately 48 lots in Cambridge Farms Phase II. Lot 36 in Cambridge Farms Phase II is permitted for a 2 story home, which is

the smallest footprint that the builder offers. Also, the builder applied for a septic permit and submitted a site plan for Lot 36. So, they started cutting down the heavily wooded lot. The county came out the same day and put up a stop work order as the builder had no silt fence up, and he was encroaching into the county 50 ft. greenway buffer. The county 50 ft. greenway buffer didn't show on the final plat for Phase II of Cambridge Farms Subdivision. So, Mr. Brantley, Mr. Williams, and the engineer auto cad the house to make it fit outside all the buffers. But, they could not reconfigure the location of this house to stay out of the 50 ft. county greenway buffer. So, the builder had to ask for a reduction of the county greenway buffer from 50 ft. to 25 ft. Mr. Brantley is in agreement with staff's recommendation that all disturbed areas must be covered with sod and additionally the sod must be staked into the ground to prevent erosion and/or sod from impacting the lake. Also, Mr. Williams would like to save the remainder of his time for rebuttal.

There were 2 out of 3 architectural review committee members from Cambridge Farms Subdivision Home Owner's Association present at the meeting. They are as follows: Norm Phillips, 827 Bradmore Ct., Hoschton, GA and Redd Hale, 611 Cambridge Farms Drive, Hoschton, GA. Also present at the meeting was Kiley Combs, the new Home Owner's Association President of Cambridge Farms Subdivision. Ms. Combs lives at 728 Cambridge Farms Drive, Hoschton, GA, and she has been the HOA President since March of 2016. These are a few of their concerns:

- *The Public Notice Variance Sign posted on the property describes this variance as "reduction of the county greenway buffer from 50 ft. to 25 ft." But, there is not a County greenway buffer identified on the approved final plat of Cambridge Farms Phase II. The approved plat for Phase II of Cambridge Farms Subdivision shows a "25 ft. Stream Buffer" and a "50 ft. Septic Buffer" around the spring fed lake. Thus, the variance sign on the property should state a reduction in the "50 ft. Septic Buffer", not a "50 ft. county greenway buffer".
- *HOA doesn't want another "hell house" built on Lot 36 like the house that's built across the street from Redd Hale's property, which has sunken down in the ground.
- *The buffers are measured from the "100 year flood mark", not from the waters' edge of the lake.
- *Since the "50 ft. Septic Buffer" is to be reduced, then the Health Dept. would need to approve the change to the final plat.
- *The builder is listing a 4 bedroom, 2.5 bath on this lot. The listing also states there is an "unfinished, bath stubbed basement." This means the home could be up to 6 bedrooms, 3.5 baths, if the basement was later finished.
- *The HOA would like to know the builder's plans to insure that a sewerage pump failure or extended power outage would not result in sewage overflow into the lake.
- *The builder should indemnify the HOA against any occurrence of sewage discharge into the lake.
- *Due to the errors and discrepancies, the HOA respectfully request this variance request be denied. Any new variance request should have prior approval of the Health Dept. and Cambridge Farms HOA.
- *The HOA just wants to make sure that their neighborhood and common area are taken care of, as well as HOA requirements met by the builder.

Then, there was discussion between the board, staff, and Kiley Combs, President of the HOA of Cambridge Farms Subdivision.

Then, Charles Williams gave his rebuttal to the comments from the HOA of Cambridge Farms Subdivision. There were only a few homes in Cambridge Farms Phase II, when Mr. Brantley put a contract on the rest of the neighborhood. The lots went into foreclosure from the original builder/developer before the housing depression. Thus, restrictive covenants, HOA, and architectural review committee was abolished for Phase II of Cambridge Farms Subdivision. When Mr. Brantley closed on each of the lots in Phase II, the future homeowner for each lot in Phase II had to abide by the covenants of the front part of Cambridge Farms Subdivision, Phase I. Also, Mr. Williams noted there is confusion on what the buffers are on Lot 36. There is a "50 ft. county greenway buffer" that is not listed on the final plat of Cambridge Farms Phase II, as it was not required at the time of the final plat of Phase II of Cambridge Farms Subdivision. So, now there are three buffers for Lot 36 of Cambridge Farms Subdivision Phase II – 50 ft. county greenway buffer, 50 ft. septic buffer, 25 ft. state greenway buffer. The house is not inside the "50 ft. septic buffer". Instead, the house will be 25 ft. into the 50 ft. county greenway buffer, if approved by the Board of Adjustment. The builder will be glad to provide the Planning Dept. a house location plan after the basement foundation is poured. The builder will have the ROS Surveyor go out and shoot the 4 corners of the house and certify to the HOA that the house is not within the 50 ft. septic buffer. Also, the building dept. can hold the CO until everything has been verified with the HOA. The county came out to Lot 36 and put a stop work order as the loader was on the property removing the heavily wooded trees. The builder wanted to thin some of the heavily wooded trees out before putting up the silt fence, as they didn't want to knock down the silt fence with the trees coming down and have to put the silt fence up again. Now, Lot 36 has 2 rows of silt fence up that can be verified by the Planning Dept. In regards to the 3 bedroom house plan, the health inspector is going to make sure there is no bedroom over the garage. A basement house plan is what's best suited for this type lot. The buyer of this house backed out due to the 2 month variance delay of building the house. So now, this is a spec house. The builder is fine with adding a condition to the variance to ensure that it can only be a 3 bedroom house. Any future addition in the basement would need to go back before the Environmental Health Dept. for approval, before a building permit can be issued for additional rooms in the basement. Also, Mr. Williams will correct the advertisement of this property to read a 3 bedroom house plan instead of a 4 bedroom house plan. Then, there was discussion between the board, staff, and Mr. Williams.

Then, Mr. Phillips of Cambridge Farms Phase II HOA wanted to make known to the Board of Adjustment, that HOA covenants and RAC covenants to Phase II of Cambridge Farms Subdivision are still applicable to Phase II lots as recorded in the Clerk of Courts Office.

Marty Clark closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Then, Ms. Roy noted to the board that Mr. Williams stated in his rebuttal that the builder could provide a house location plan after the basement foundation was poured, if the board wanted to consider it as a condition to the variance.

Mark Palmer made a motion for approval with the following conditions: 1) All disturbed areas must be covered with sod and additionally the sod must be staked into the ground to prevent erosion and/or sod from impacting the lake. 2) Have the builder submit a house location plan after pouring basement foundation. The motion was seconded by James Scott. The motion was approved unanimously.

The meeting was adjourned at 7:00 p.m.

Joe Holt, Chairman

Date

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