



## BOARD OF ADJUSTMENTS MINUTES

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

November 3, 2016  
6:30 P.M.

### Board Members Present

Joe Holt, Chairman  
Marty Clark, Vice-Chairman  
Shirley Turner

### Board Members Absent

James Scott  
Mark Palmer

### Staff

Gina Roy, Director  
Kathy Holloway – Zoning Administrator

Joe Holt, Chairman, called the meeting to order at 6:30 p.m.

Marty Clark made a motion to approve the October 6, 2016 BOA minutes and was seconded by Shirley Turner. The motion passed unanimously.

Gina Roy gave the staff comments. There will be a December 1, 2016 BOA Meeting with one or possibly two cases to be heard. Also Mrs. Roy noted that if all three members of the board present tonight didn't approve the variance that it would be denied. Also, Mr. Holt noted that the applicant has the choice to postpone the meeting until next month and maybe all members would be present. But, the applicant decided to go ahead with the meeting. Also, Mrs. Roy read the hearing procedures and noted that the hearing procedures are located on the table by the door. Joe Holt asked all participants of the meeting to raise their right hand and repeat after him the blanket swearing.

## New Business:

1. **BOA-16-10** - Randy Matheny, 99 Wicklow Ct., Hoschton, GA; 0.935 acre; reduction of left side setback from 20 ft. to 10 ft. (Map 113C/Parcel 004)

Mr. Randy Matheny, 128 Forrester Rd., Maysville, GA 30558 was present to represent this application. Mr. Matheny stated that this tract of land is a very narrow lot in Wicklow Subdivision and the owner would like to reduce the left side setback from 20 ft. to 10 ft. to build a detached garage. The covenants of Wicklow Subdivision require that if you have a boat or a motor home it needs to be stored inside a garage. Without the reduced setback, the garage would have to be built behind the house thus not as convenient to get to and more expensive to add more asphalt. Mr. Matheny noted that the owners would build a privacy fence or plant shrubs to make it nonintrusive to the neighbors. There was discussion between the board and applicant.

Then, Gina Roy gave the staff report. Ms. Roy noted that Wicklow Subdivision has covenants. In 2006, this property was rezoned from A-2 to R-1 with 6 conditions: 1) The concept plan must be revised to incorporate the required buffer separation between agricultural and residential uses. 2) There must be a 150 ft. setback from all agricultural structures to any new residences, and must have an 8 ft. privacy fence constructed on all lots that are within the limits of the agricultural structures. 3) Applicant must obtain a development permit within 6 months of being rezoned. 4) Minimum home size of 2,600 heated sq. ft. 5) Any lot, on which the privacy fence is required by the agricultural separation is placed, shall have on the deed also a statement of notice, requiring perpetual care and maintenance of said fence. 6) Agricultural use statement shall be deed recorded on all lots within the development. Also, Mrs. Roy noted that as far as Jackson County zoning, we do not enforce covenants, but we do enforce the rezone conditions listed above that were approved by the Board of Commissioners in 2006. There was a Tertiary Plan submitted by a professional engineer on this tract of land, as required if you are building a house in a residential subdivision. Also, there were pictures handed out to the board to show the house and property to the left of this tract as well as houses and property to the right of this tract. Staff recommends approval with one condition: 1) the requested variance would only apply to the proposed detached garage.

Mr. Holt asked if the septic tank is impeded if the detached garage is moved back behind the house. Mrs. Roy noted to the board to turn to the site plan in their packets which shows the location of the septic tank in the right side front yard.

Judy Brooks, 75 Wicklow Ct., Hoschton, GA 30548 was present in opposition to this variance. Mr. and Mrs. Brooks submitted a letter to the board, brought pictures of their lot, and a copy of the Wicklow Subdivision covenants. Mrs. Brooks believes if the board approves this variance, then in affect the board will be changing the zoning to a much higher density to allow a structure to be so close to their lot. Also, the Brooks' spent thousands of dollars to landscape their back yard. Any close grading or building at the edge of their property will impact them financially by having to re-landscape their back yard. The Brooks' hope that Mr. and Mrs. King can build the house of their dreams and setup of the dwellings like they want it, but not cause the Brooks' financial hardship. All the owners living in Wicklow Subdivision have shouldered the responsibility of maintaining the absentee landowners properties over the years. Everyone who has built a home in the subdivision has abided by the covenants and setbacks, and hope the board will take that into consideration.

Mr. Matheny's rebuttal was that he understood the Brook's financial concerns. But, Mr. Matheny noted that a Tertiary Plan was submitted to the state and county engineers, and it was approved by both. The Tertiary Plan assures that water doesn't run off onto other lots.

Then, Chuck Lee, 25 Wicklow Court, Hoschton, GA was present in opposition to this variance. Mr. Lee stated that he was the first owner to build in this subdivision. At the time he bought his lot, he knew what the setbacks were. Also, Mr. Lee noted that he and his neighbors bought in this subdivision because of the larger lot sizes so that the houses would not be so close to each other. He hopes the King's understand their concerns.

Mr. Matheny's rebuttal was that the King's didn't have a house plan picked out when they bought the property.

Then, Lynn King (property owner) of 4919 Hog Mountain Rd., Flowery Branch, GA was present to represent this case. It has been her goal to buy a lot in Jackson County, so they could continue sending their children to the Jackson County school system. In talking to the surveyor and builder, the perk test came back stating they would need a longer field line system. Also, Mrs. King noted that they would like to put a swimming pool in their back yard with the idea of putting the detached garage in the side yard. It would be too crowded to put the detached garage, swimming pool, and septic field lines in the back yard.

Then, Joe Holt closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Marty Clark made a motion to deny the reduction of the left side setback from 20 ft. to 10 ft. and was seconded by Shirley Turner. The variance was denied by Marty Clark, Shirley Turner, and Joe Holt. (3-0)

The meeting was adjourned at 6:55 p.m.

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*Joe Holt, Chairman*

*Date*