



BOARD OF ADJUSTMENTS MINUTES

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

October 6, 2016
6:30 P.M.

Board Members Present

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

Staff

Jamie Dove – Planner
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 September 1, 2016 BOA minutes and was seconded by James Scott. The motion passed unanimously.

Jamie Dove gave the staff comments. Ms. Dove noted there will be one variance case to be heard at the November 3, 2016 BOA Meeting. Mr. Holt asked if there were any objections to waive the reading of the hearing procedures. There were no objections. Then, Mr. Holt asked all participants of the meeting to raise their right hand and repeat after him the blanket swearing.

New Business:

1. **BOA-16-07** - Steve and Karen Tallent, 134 Iron Horse Circle, Pendergrass, GA 30567; 0.87 acre; reduction of left side setback from 20 ft. to 7 ft. (Map 110A/Parcel 064)

The applicant/owner, Steve Tallent, was present to represent the case. Mr. and Mrs. Tallent live at 134 Iron Horse Circle, Pendergrass, GA which is located in Fairview Station Subdivision. Mr. Tallent is requesting to build a detached garage 7 ft. from the property line so that they can access their current driveway. Mr. Tallent noted that his neighbor had built a detached garage that was approximately 7 ft. from the property line and no one has objected to it in the subdivision that he knows of. Then, there was discussion between the board and Mr. Tallent.

Then, Jamie Dove gave staff comments. The applicant is requesting a reduction of the left side setback from 20 ft. to 7 ft. to build a detached garage at the end of their current driveway. The detached garage will be 23 ft. x 24 ft. The applicant states within their letter of intent that there are several properties in the subdivision that have detached garages or buildings that are approximately 8ft. to 10 ft. away from property lines. Staff has reviewed this application in conjunction with the special exception variance standards for approval set forth by the Jackson County Unified Development Code. Staff recommends approval. Then, Mr. Holt asked Mr. Tallent if the detached garage would violate any homeowner's association covenants, or if there was objections from the homeowner's association. Mr. Tallent stated that it does not violate any subdivision covenants nor was there any objections from the homeowner's association to building the detached garage.

There was no opposition.

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 approve the variance to reduce the left side setback from 20 ft. to 7 ft. in order to build a detached garage and was seconded by James Scott. The motion was approved unanimously.

2. **BOA-16-08** - Thurman A. Pearson, 121 Rapids Drive, Bogart, GA; 0.86 acre; reduce the left side setback from 20 ft. to 5 ft. and the rear setback from 40 ft. to 5 ft. in order to build a detached garage/storage building. (Map 045B/Parcel 018B)

The applicant/owner, Thurman A. Pearson, was present to represent the case. Mr. and Mrs. Pearson live at 121 Rapids Drive, Bogart, GA which is located in Riverbend at Bear Creek Subdivision. Mr. Pearson stated that he would like to build a detached garage on the left side of the rear yard to avoid building over septic tank drain lines. All outside materials for the garage will match the existing home. The detached garage plans for a 28 ft. x 28 ft. building without the covered open area were approved by the homeowner's association for Riverbend at Bear Creek Subdivision. The Environmental Health Dept. approved for a 28 ft. x 24 ft. detached building to be placed in the back left area of the lot.

Jamie Dove gave staff comments. The applicant is requesting a reduction of the left side setback from 20 ft. to 5 ft. and a reduction of the rear setback from 40 ft. to 5 ft. The applicant has consulted with the Jackson County Environmental Health Dept., who not only approved the location of the proposed building, but also the size, 28 ft. x 24 ft. detached garage, based on the location and the location of the septic drain lines. Staff has reviewed this application in conjunction with the special exception variance standards for approval set forth by the Jackson County Unified Development Code. Staff recommends approval with 1 condition: 1) Have the property owner submit a foundation location plan once the foundation is poured to verify setbacks before any other inspections are completed.

There was no opposition.

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

James Scott made a motion to approve the variance to reduce the left side setback from 20 ft. to 5 ft. and the rear setback from 40 ft. to 5 ft. with the following condition: 1) Have the property owner submit a foundation location plan once the foundation is poured to verify setbacks before any other inspections are completed. The motion was seconded by Marty Clark. The motion was approved unanimously.

3. **BOA-16-09** – Seefried Industrial Properties, Inc., property NW of intersection of Stockton Farm Rd. and Wayne Poultry Rd.; 184.38 acres; reduce county greenway buffer in three areas that include approximately 7,826 sq. ft. on the south edge of the pond, 17,786 sq. ft. on the south bank of the creek; and 7,087 sq. ft. near the beginning of the stream. (Map 090/Parcel 007E and Map 091/ Parcel 007C)

Jamie Dove gave the staff comments. The applicant is requesting a reduction of county 50-foot greenway buffer in three areas that include approximately 7,826 sq. ft. on the south edge of the pond, 17,786 sq. ft. on the south bank of the creek, and 7,087 sq. ft. near the beginning of the stream. The 25-foot wide state imposed greenway buffer is not proposed to be varied. Approval of the request would allow the property owner to construct a new road and realign the intersection. Mr. Holt noted to staff that he could not find a survey or drawing showing the realignment of the road in his packet. Ms. Dove noted that the only drawing or concept plan that staff received from the applicant is in their packets.

Wesley Reed, an engineer of Eberly & Associates, 1852 Century Place, Ste. 202, Atlanta, GA, was present to represent the case. Mr. Reed noted that Seefried Industrial Properties purchased this property back in 2014. Plan is to develop an industrial site. They are working through with different tenant requests in order to develop this site. One of the things they would like to do is to put this road in to enhance the marketing of the property in order to construct an industrial warehouse facility at a later time. Mr. Reed brought a larger version of the concept plan that is in the board's packets, so the board could have a better view of the plan. Then, there was discussion between Mr. Reed, the board, and Jacqueline & Robert Derrick (who are in opposition to the encroachment of the stream buffers). Then, Mr. Holt asked Mr. Reed with 185 acres, why do they need to encroach on the pond and streams? Mr. Reed's answer is as follows: a) First impact would be to align this property's geometry. b) Second impact would be to provide sediment storage during construction to prevent sediment from getting into the stream or pond. c) Third impact would be to tie into the ditches and making the drainage work adjacent to the road into the existing drainage swell where the buffer ends. Also, Mr. Reed noted that the realignment of this property would be encroaching from 35 ft. to 50 ft. into the county 50-foot greenway buffer, but not encroaching on the state 25-foot greenway buffer. Then, there was discussion between the board, staff, and Mr. Reed.

Robert and Jacqueline Derrick, 371 Stockton Farm Rd., Pendergrass, GA were present with concerns regarding this variance request to reduce the protected county greenway buffer to the spring and creeks on this 185-acre tract of land. Mr. and Mrs. Derrick live next to the 185-acre tract on Stockton Farm Rd. A corner of their property has a stream that flows down to this 185-acre tract. Several years ago the pond on this 185-acre tract was drained. Now, the stream flows through a pipe to a pond across the road. Mr. and Mrs. Derrick are concerned about the water issues that could arise from the reduction of the county greenway buffer and disturbance required to construct a road for access to the 185-acre tract. Also, they believe that this road can be constructed using the available 185 acres, and not encroach on the county greenway buffer. They request that the variance case be tabled to further study the issues specific to the affects the proposed changes will have on the water table and other issues which could adversely affect the surrounding properties. Furthermore, they request that the areas in question be physically marked so that they can have a clearer understanding of the specific areas that would be affected.

Mr. Reed's rebuttal was that they had the streams delineated several years ago, and they are outside of the 25-foot state greenway buffer. Then, there was further discussion between the board, Mr. Reed, and Mr. and Mrs. Derrick.

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

Mark Palmer made a motion to deny the variance request to reduce the county 50-foot greenway buffer in three areas which include approximately 7,826 sq. ft. on the south edge of the pond, 17,786 sq. ft. on the south bank of the creek, and 7,087 sq. ft. near the beginning of the stream. The motion was seconded by James Scott. The motion to deny the variance was unanimous.

The meeting was adjourned at 7:05 p.m.

Joe Holt, Chairman

Date