



DEPARTMENT OF PUBLIC DEVELOPMENT

Planning Division

BOA-16-12

Staff Report

Public Hearing: **December 1, 2016** **6:30 p.m.**

Applicant: Benjamin B. Redmond

Property Owner: Benjamin B. and Connie Redmond

Zoning District: R1

Future Land Use Designation: Residential

Character Area Designation: Suburban

Property Location: 80 Emily Lane (Bear Creek Plantation)

Acreage: 1.18 acres

Zoning Map and Parcel: Map 045A Parcel 030

Board of Commissioners District: District 4 (Commissioner Dwain Smith)

Zoning and Land Use of Surrounding Property: North: A2, utility structure (power)
South: R1, single-family residence
East: R1, single-family residence
West: R1 and A2, single-family residence and vacant agricultural

Requested Variance: To allow storage building to be place in front yard

Type of Variance: Hardship Variance

Overview of the Request: The applicant is requesting a hardship variance to become compliant with the Jackson County Unified Development Code. After receiving verbal approval from Bear Creek Plantation's homeowners association, the applicant had a shed built in the backyard, not knowing a building permit was necessary from the County. After speaking with Jackson County Code Enforcement, the applicant came in to obtain a permit, and was then notified that the subject property has two front yards (due to the property touching both Emily Lane and Savage Road). The applicant is asking for this variance to be able to keep the shed where it currently is, which is technically in a front yard.

Transportation: The property gains access off of Emily Lane with 50 feet of right-of-way.

Wetlands/Watershed Areas: The applicant's letter of intent indicates the subject property is located within the Middle Oconee River and Upper Oconee River watersheds.

MS4 Urbanized Area: The property is not located within Jackson County's MS4 Urbanized Area.

DRI Analysis: Not applicable.

Campaign Contributions & Gifts: The owner's and applicant's affidavit states there were no contributions.

Proffered Conditions: None.

Sphere of Influence: This property is not within any city sphere of influence.

Property Development History: This property was rezoned from AR to R1 on May 21, 2001 (RZ-01-14). The subdivision currently has a non-compliant status. However, according to Section 1214(a)(4)(c): "Notwithstanding any provision to the contrary in this subsection (a)(4) and in Section 1202(c)(5) of the Development Code regarding compliance with this Development Code, building permits may be issued in either of the following circumstances: 1) for work related to repair of damage to existing structures, for which a building permit has [been] issued, when such damage results from inclement weather, fire, earthquake, wind, flood, or other similar natural disaster; 2) permitting of accessory structures for existing structures for which a certificate of occupancy has been issued and that have been occupied by at least one resident; or 3) permitting of additions to primary structures (e.g. porches, decks, room additions)."

Hardship Variance Analysis: This analysis is based upon both the "Standards for Hardship Variances" as set forth in Section 1305(b) of the Jackson County Unified Development Code, as well as general characteristics of the subject property and the extent to which it is impacted by county regulations.

General Findings

The property owner is requesting the hardship variance in order to be able to keep the already-built shed in its current location. The location will not impede on neighboring residents or impair the intent of the development code due to the area of placement. The location that has been chosen for the structure is behind the residential structure. The UDC does not regulate architectural standards; only size, placement, setbacks, and use of structure. The proposed structure will be buffered from Savage Road by the current trees/landscape that borders the property.

Please refer to the concept plan in the packet provided to show the variance requested.

Planning Staff Recommendation: Staff has reviewed this application in conjunction with the hardship variance standards for approval set forth by the Jackson County Unified Development Code. The staff recommends that the Board of Adjustment consider recommending **approval with 2 conditions: (1) 25 feet of the vegetated no-access buffer, bordering Savage Road, is not disturbed, (2) permit fees are doubled because the structure was originally built with no permits.**



Jackson County, GA
Basemap



059B 001

SAVAGE RD

MARKO DR

045A 001

045A 002

045A 032

045A 031

045A 030

045A 019

045A 018

045A 029

045A 020

045A 017

059B 001

045A 028

045A 021

045A 016

EMILY LN

045A 027

045A 022

045A 015





Jackson County, GA
Zoning Basemap



A2

059B 001

SAVAGE RD

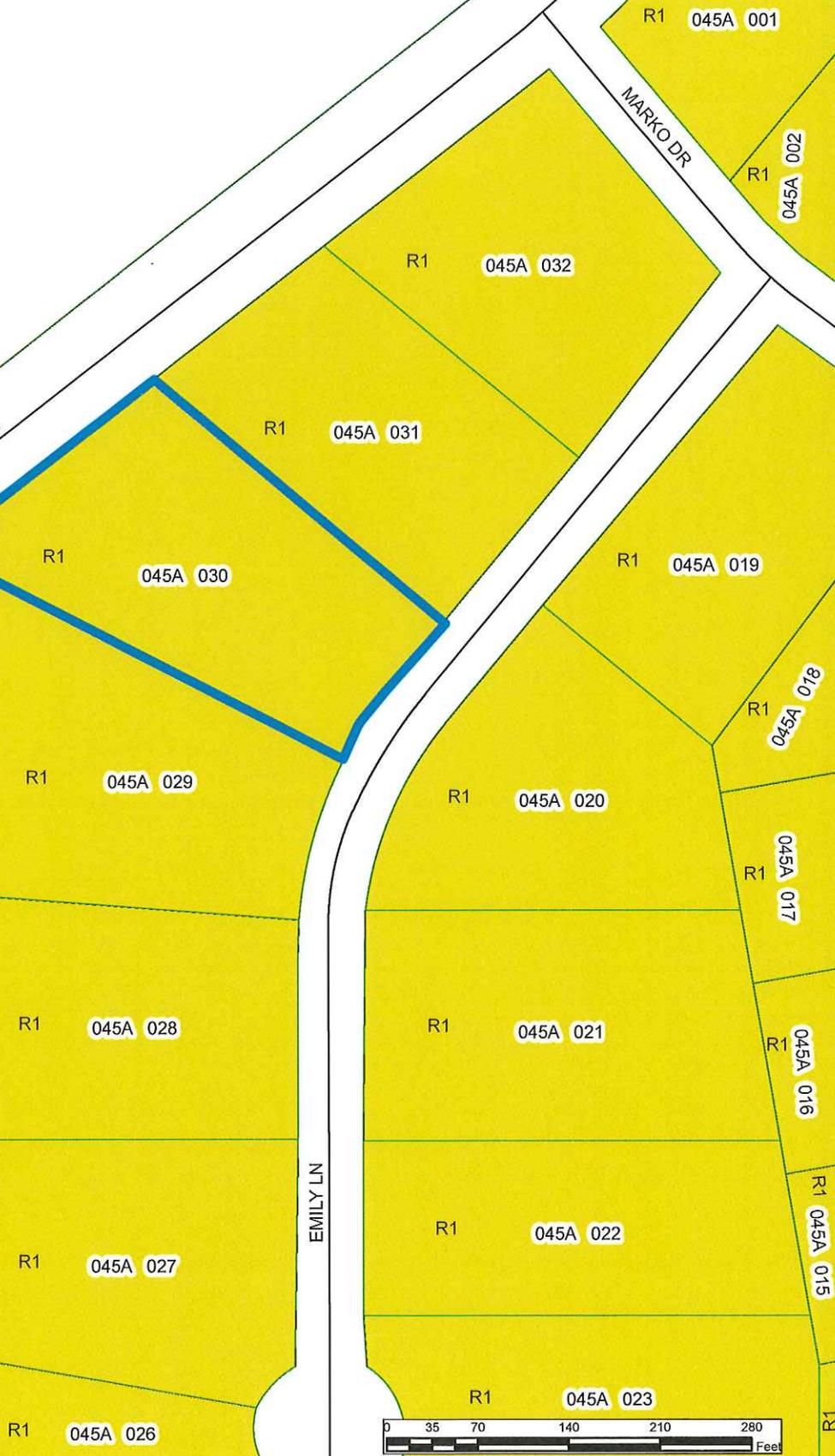
MARKO DR

EMILY LN

Legend

- A1
- A2
- A3
- AR
- PCFD
- Arcade
- Braselton
- Commerce
- Hoschton
- Jefferson
- Maysville
- Nicholson
- Pendergrass
- Talmo
- CRC
- NRC
- HRC
- LI
- GI
- HI
- MH
- PUD
- R1
- R2
- R3

001





VARIANCE/APPEAL APPLICATION
JACKSON COUNTY PLANNING DIVISION
 67 Athens Street Jefferson, Georgia 30549
 706-367-5908

Date Received: 11-8-16 Fee Received: \$250.00 Case No.: BOA-16-12

Variance Type: Administrative Special Exception Hardship Flood Protection Appeals

Note to Applicant: All applications must be typed or *CLEARLY LEGIBLE* and all entries must be completed on all the required application forms. If you are uncertain to the applicability of an item, contact Public Development.

Name of Applicant Benjamin B. Redmond

Mailing Address 80 Emily Lane Bogart, GA 30622

Telephone _____ Cell 706-255-4702 E-Mail connieredmond@ATT.net

Applicant is the: _____ Agent Property Owner _____ Contract Purchaser

Property Owner(s) Benjamin B. + Connie Redmond

Mailing Address 80 Emily Lane ~~Walden~~ Bogart, GA 30622

Telephone _____ Cell 706-207-1314 E-Mail connie.redmond@att.net

Contact Person Benjamin Redmond

Mailing Address 80 Emily Lane Bogart, GA 30622

Telephone _____ Cell 706-255-4702

Address/Location of Property 80 Emily Lane Bogart, GA 30622

Tax Map No. 045A Tax Parcel No(s). 030 Total Acreage: 1.18 Zoning District(s): R-1

Requested Variance or Appeal To allow storage building to be placed in front yard.

Variance/Appeal of Section(s) _____ of the Jackson County Unified Development Code.

TAX COMMISSIONER'S OFFICE USE ONLY

VERIFICATION OF CURRENT PAID PROPERTY TAXES

The undersigned certifies that all Jackson County taxes billed to date for the parcel listed below have been verified as paid current to the Tax Commissioner of Jackson County, Georgia and confirmed by the signature below. In no case shall an application or re-application for a variance/appeal action be processed without such property verification.

PARCEL I.D. NUMBER: 045A - 030
 Map Parcel

Name Lindi Ingers Title Sr. Property Tax Clerk Date 11-9-16

November 8, 2016

To the Jackson County Board of Adjustments:

We (Connie & Benjamin Redmond) purchased a single level home in March, 2016 at 80 Emily Lane, Bogart, GA. To gain more storage area we contracted Southeastern Bldgs. in Eatonton, GA. to build us a new shed on a site in our backyard. We submitted drawings and measurements to the Bear Creek Plantation Home Owner Association's Architectural committee. After several weeks we were given an oral approval with the stipulation that it would match house and shingle color. There was no mention of permitting. (No one's fault but mine for not doing due diligence.

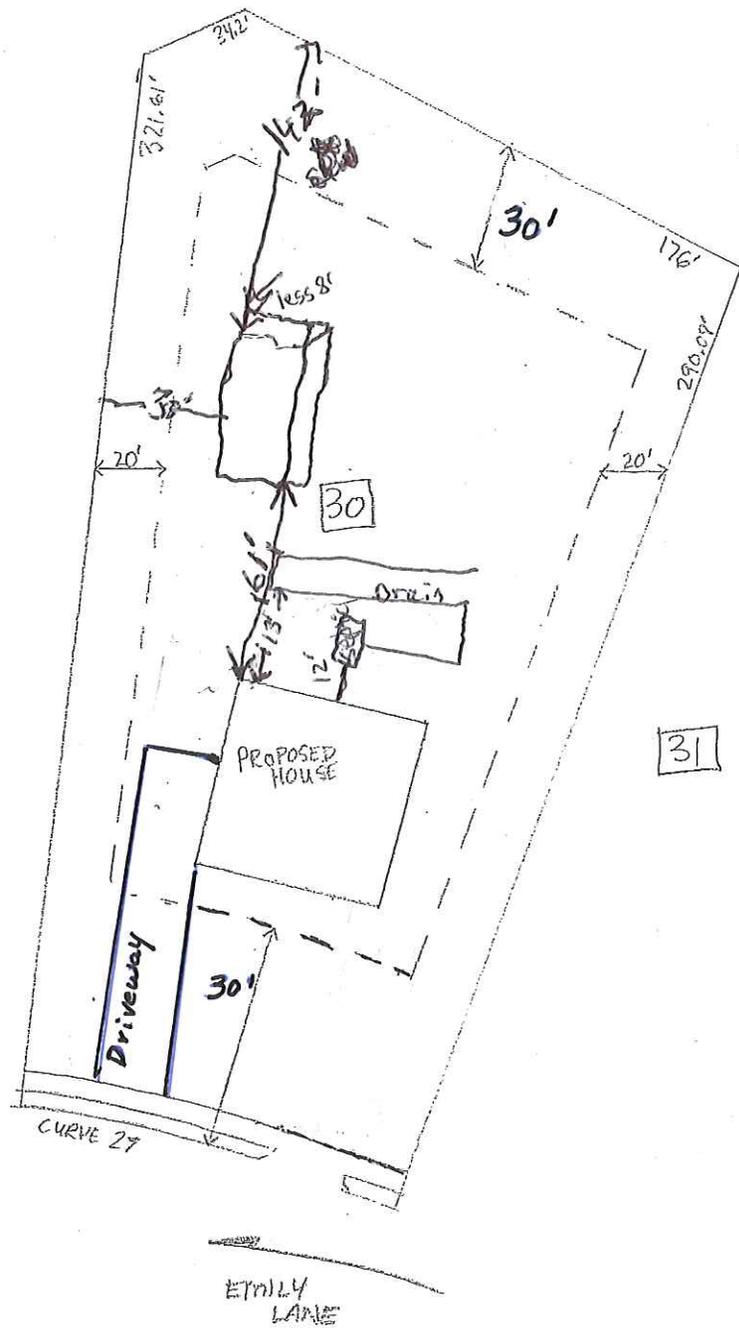
On 11-1-16, Brad Richards notified me that I would need to get a bldg. permit for the completed storage bldg. I came to the permitting office on 11-4-16 and turned in my paperwork to make application. Upon further review, our property has 2 front yards - 1 on Emily Lane and one on Savage Road, behind us. So, I have applied for this

hardship variance to become compliant with Jackson County Bldg. Codes and put this matter to rest.

The storage bldg. is currently located between the back corner of our house and the back lot line. As you may see on the concept drawing, the bldg. is away from septic, drain field, house, driveway and lot lines. We added an 8' shingled shed roof over the back and door access sides to cover grills and mowers.

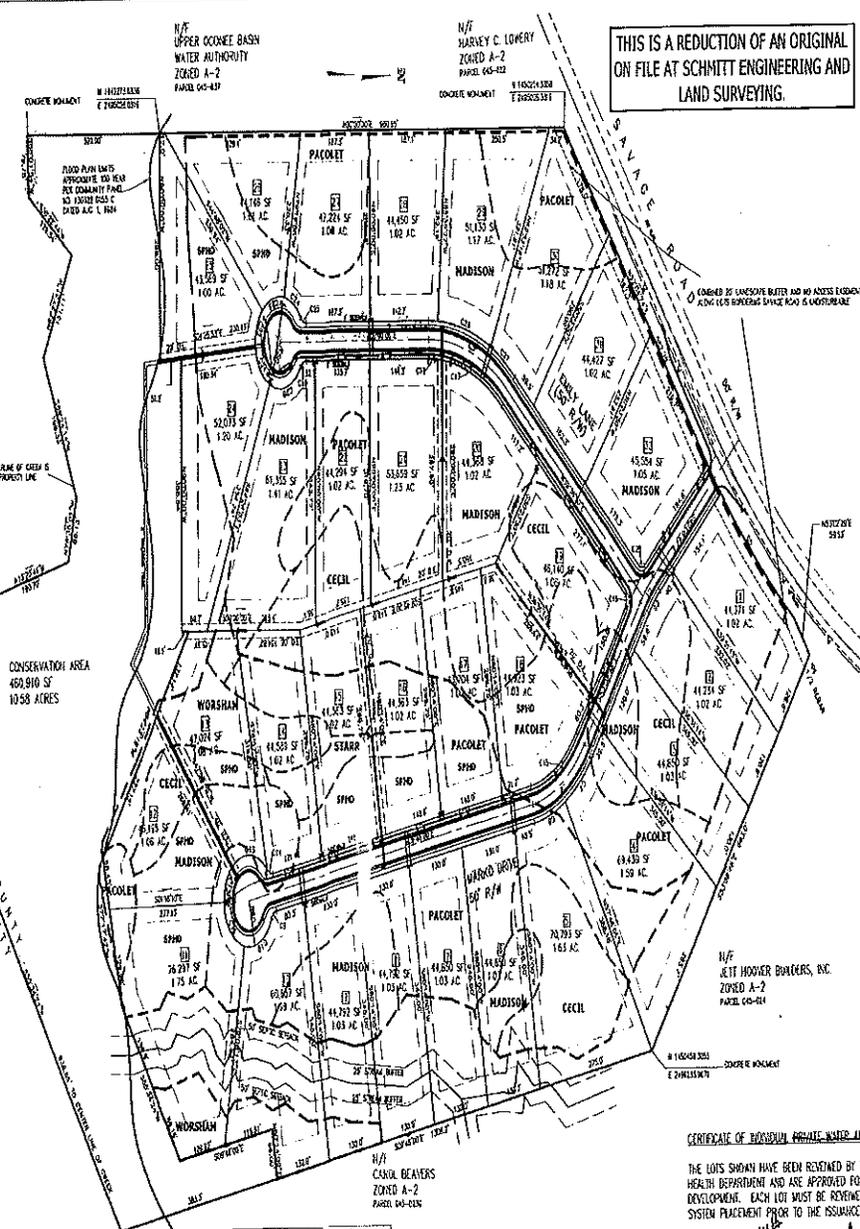
Thank you so much for your time and indulgence in this matter. Also, your Staff has been exceptional in guiding me through this compliance process (including Brad).

Gratefully
Benjamin B. Rodeno



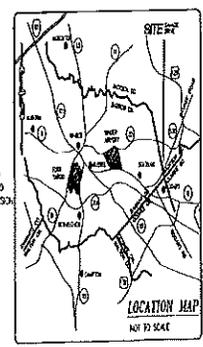
Concept Plan

| Station | Area (Ac.) |
|---------|------------|
| 1 | 32.718 |
| 2 | 35.811 |
| 3 | 36.272 |
| 4 | 42.711 |
| 5 | 53.880 |
| 6 | 56.694 |
| 7 | 55.514 |
| 8 | 55.556 |
| 9 | 52.947 |
| 10 | 55.517 |
| 11 | 57.217 |
| 12 | 59.423 |
| 13 | 59.721 |
| 14 | 59.377 |
| 15 | 58.826 |
| 16 | 59.532 |
| 17 | 61.102 |
| 18 | 64.923 |
| 19 | 64.112 |
| 20 | 59.659 |
| 21 | 64.278 |
| 22 | 63.413 |
| 23 | 63.413 |
| 24 | 63.521 |
| 25 | 73.536 |
| 26 | 63.942 |
| 27 | 63.425 |
| 28 | 63.961 |
| 29 | 59.373 |
| 30 | 58.528 |
| 31 | 61.322 |
| 32 | 64.415 |



THIS IS A REDUCTION OF AN ORIGINAL ON FILE AT SCHMITT ENGINEERING AND LAND SURVEYING.

NOTES:
 APPLICANT INFORMATION: OWNER/DEVELOPER: GEORGE WANDERLIND COPP, 1110 STEE BENDIS BLVD, WADSWORTH, GEORGIA 30093, TEL: (770) 340-3300
 CONTACT: JOHN SELLER, TELE: (770) 341-3100
 SAMPLED LOT: 1.0 ACRES (FOR ZONING REGULATION)
 PROPOSED USE OF PROPERTY: SINGLE FAMILY SUBDIVISION
 TOTAL ACRES: 502.82 ACRES
 248 ACRES DESIGNATED BY JOHNSON COUNTY - SINGLE ROAD
 25.8 ACRES CONSERVATION AREA DESIGNATED BY JOHNSON COUNTY
 30.22 ACRES SITE AREA
 504.6 ACRES TOTAL
 PRESENT ZONING: R-1
 MINIMUM LOT AREA: 1 ACRE
 MINIMUM ROAD FRONTAGE: 133 FEET
 TOTAL LOTS: 32
 DENSITY ALLOWED: 1.51 UNITS/ACRE
 WHOSE PLAN PREPARED: FROM: BY FROM JACKSON COUNTY WATER AUTHORITY
 DATE: 03/15/04
 SIZE: SEE PLAN
 ROAD: SEE PLAN
 WATER SERVICE AVAILABLE FROM JOHNSON COUNTY WATER AUTHORITY
 FLOOD PLAIN FRACTION STATEMENT: PORTION OF THIS PROPERTY LIES WITHIN THE 100 YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP (FIRM) COUNTY PANEL NO. 13032-D-1-01 DATED A.S.C. 1/1/84



PLAT BOOK 62 PAGE 239

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF JACKSON COUNTY, GEORGIA, AND THAT IT IS HEREBY APPROVED FOR RECORDING IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF JACKSON COUNTY, GEORGIA.
 [Signature] DATE: 03/15/04
 DIRECTOR, PLANNING AND DEVELOPMENT
 FOR JACKSON COUNTY, GEORGIA
 [Signature] DATE: 3/15/04
 CHAIRMAN, PLANNING COMMISSION OF JACKSON COUNTY, GEORGIA

CERTIFICATE OF WINDMILL PRIVATE WATER SUPPLY SYSTEM

THE LOTS SHOWN HAVE BEEN REVIEWED BY THE JACKSON COUNTY HEALTH DEPARTMENT AND ARE APPROVED FOR SUBDIVISION DEVELOPMENT. EACH LOT MUST BE REVIEWED FOR FUTURE SEWING TANK SYSTEM PLACEMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 DATED THIS 14th DAY OF April, 2004
 BY: [Signature] TITLE: [Signature]

CERTIFICATE OF COMPANY OR PUBLIC WATER SYSTEM

I HEREBY CERTIFY THAT THE COMPANY OR PUBLIC WATER SUPPLY AND DISTRIBUTION SYSTEMS INSTALLED OR TO BE INSTALLED, SHOWN IN THE SUBDIVISION PLAT ATTACHED HERETO, MEET THE REQUIREMENT OF THE GEORGIA DEPARTMENT OF NATURAL RESOURCES, WATER SUPPLY SECTION.
 DATE: 4/10/04
 BY: [Signature] TITLE: [Signature]

ENGINEER/SURVEYOR'S CERTIFICATION

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION, THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND ARE MARKED "TRUE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN, AND THAT ALL ENGINEERING REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF JACKSON COUNTY, GEORGIA, HAVE BEEN FULLY COMPLIED WITH.
 BY: [Signature] REGISTERED: 03/10/95
 REGISTERED GEORGIA LAND SURVEYOR, 190-1-2367

CENTRADE CURVE DATA

| CURVE | LENGTH | RADIUS | DELTA | TANGENT |
|-------|--------|--------|----------|---------|
| C1 | 45.30 | 220.00 | 172.8547 | 22.73 |
| C2 | 134.02 | 230.00 | 157.7145 | 79.55 |
| C3 | 207.35 | 300.00 | 137.5112 | 108.01 |

CURVE DATA

| CURVE | LENGTH | RADIUS | DELTA | TANGENT |
|-------|--------|---------|----------|---------|
| C4 | 291.10 | 1483.91 | 11.02527 | 195.3 |
| C5 | 39.71 | 175.00 | 172.9257 | 19.91 |
| C6 | 28.68 | 225.00 | 172.7147 | 15.83 |
| C7 | 80.57 | 225.00 | 139.2104 | 43.85 |
| C8 | 15.12 | 150.00 | 171.8500 | 8.78 |
| C9 | 24.11 | 140.00 | 138.2100 | 18.56 |
| C10 | 84.81 | 50.00 | 171.8500 | 48.83 |
| C11 | 51.59 | 54.11 | 147.8251 | 27.31 |
| C12 | 39.79 | 99.99 | 170.9254 | 60.04 |
| C13 | 15.11 | 150.00 | 171.8500 | 8.78 |
| C14 | 15.11 | 150.00 | 171.8500 | 8.78 |
| C15 | 131.10 | 175.00 | 112.9257 | 69.80 |
| C16 | 15.21 | 150.00 | 171.8500 | 9.53 |
| C17 | 158.01 | 275.00 | 134.5131 | 81.25 |
| C18 | 31.62 | 275.00 | 142.9257 | 16.66 |
| C19 | 15.11 | 150.00 | 171.8500 | 8.78 |
| C20 | 87.35 | 59.85 | 171.8500 | 53.41 |
| C21 | 62.83 | 60.00 | 170.9257 | 34.44 |
| C22 | 51.57 | 60.00 | 171.8500 | 27.50 |
| C23 | 58.52 | 60.00 | 132.9257 | 31.42 |
| C24 | 49.31 | 61.21 | 142.9257 | 26.09 |
| C25 | 15.41 | 150.00 | 171.8500 | 8.80 |
| C26 | 139.82 | 154.51 | 120.9117 | 69.33 |
| C27 | 79.26 | 125.00 | 122.8117 | 35.52 |
| C28 | 14.21 | 140.00 | 141.1137 | 8.59 |

CERTIFICATE OF RECORDING

(WE) HEREBY CERTIFY THAT I (WE) ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE WINDMILL BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, EASEMENTS, AND OTHER SPACES TO PUBLIC USE AS NOTED.

OWNER'S CERTIFICATION

STATE OF GEORGIA, COUNTY OF JACKSON
 THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, THAT ALL STATE, COUNTY AND CITY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID.
 [Signature] DATE: 03/15/04

NOTICE TO CONTRACTORS
 1. NO PORTION OF SUBDIVISION LIES IN A COAGULATED RESOURCE AREA, PURSUANT TO RULES OF THE GEORGIA DEPARTMENT OF NATURAL RESOURCES, ENVIRONMENTAL PROTECTION DIVISION, CHAPTER 391-3-16.02.
 2. THERE ARE NO PERMANENT STREAMS WITHIN OR IMPACTED BY THE SUBDIVISION THAT ARE UPSTREAM OF A WATER SUPPLY RESERVOIR, PURSUANT TO THE RULES OF THE GEORGIA DEPARTMENT OF NATURAL RESOURCES, ENVIRONMENTAL PROTECTION DIVISION, CHAPTER 391-3-16.01 (C)(2).
 3. THE PLAT IS SUBJECT TO THE FOLLOWING:
 (a) THE PLAT IS SUBJECT TO THE 100 YEAR FLOOD PLAIN PER FLOOD INSURANCE RATE MAP (FIRM) COUNTY PANEL NO. 13032-D-1-01 DATED A.S.C. 1/1/84.
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15 5:22PM



16 5:22PM



VARIANCE
PUBLIC WASTE

APPLICATION

Parcel # 050
Box # 112

To allow structure built to be placed in front yard.

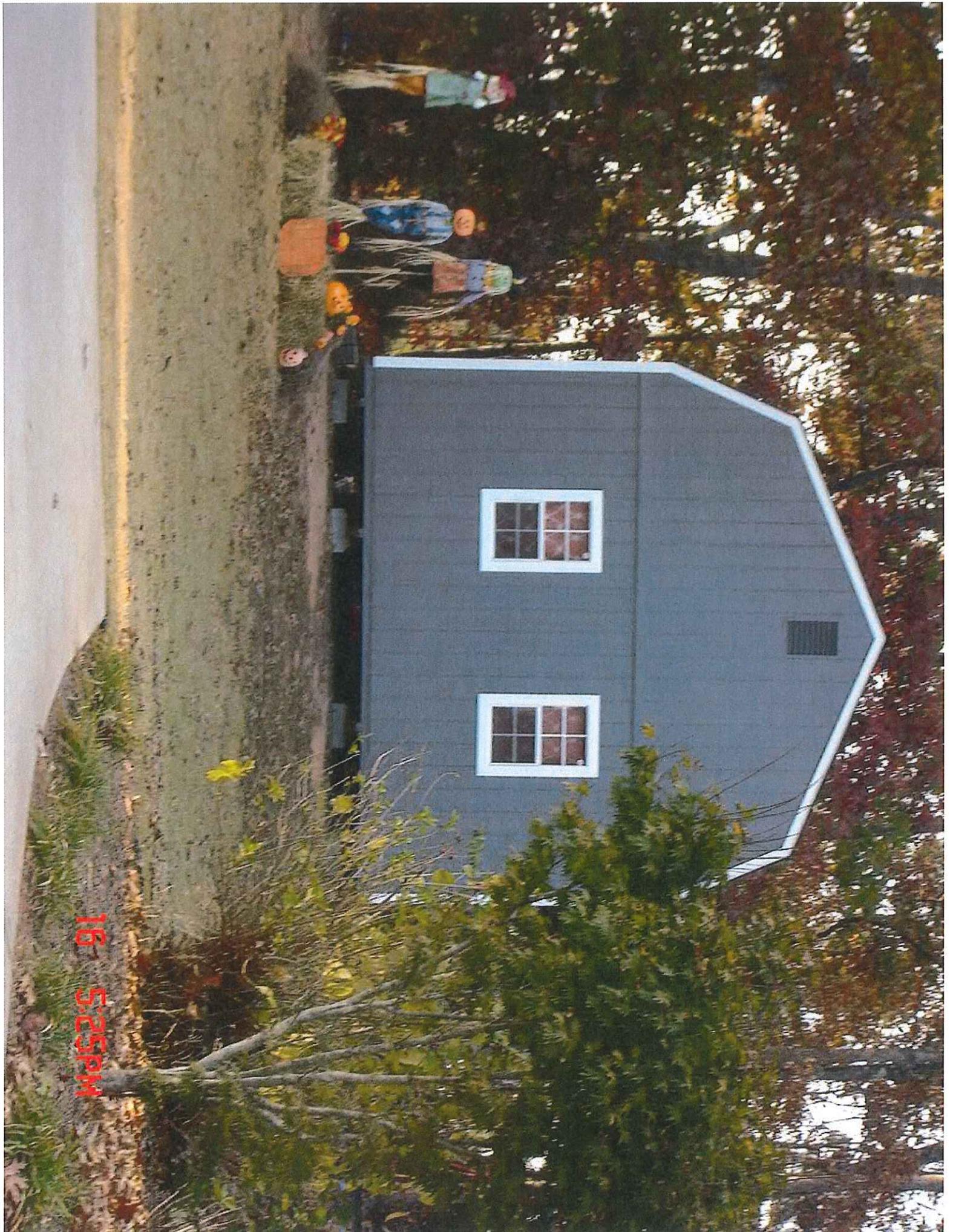
HEARINGS WILL BE HELD BY:

BOARD OF ASSISTENT ENGINEERS

DATE: December 1, 2008 ADMIN. AUDITORIUM
67 ATHENS STREET
JEFFERSON, GA 30049

JACKSON COUNTY PUBLIC DEVELOPMENT
706-367-5908

16 5:21PM



16 5:25PM