BOARD OF ADJUSTMENTS MINUTES

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

December 1, 2016
6:30 P.M.

DRAFT

Board Members Present
James Scott
Shirley Turner
Mark Palmer

Board Members Absent
Joe Holt, Chairman
Marty Clark, Vice-Chairman

Staff
Gina Roy, Director
Jamie Dove – Planner
Kathy Holloway – Zoning Administrator

James Scott called the meeting to order at 6:30 p.m.

Mark Palmer made a motion to approve the November 3, 2016 BOA minutes and was seconded by Shirley Turner. The motion passed unanimously.

Gina Roy gave the staff comments. Mrs. Roy noted that if all three members of the board present tonight didn't approve the variance that it would be denied. Also, she noted that the applicant has the choice to postpone the meeting until next month and maybe all members would be present. But, the applicants 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. James Scott asked all participants of the meeting to raise their right hand and repeat after him the blanket swearing.

New Business:

1. **BOA-16-11** - Land Traditions, LLC, 4795 Fairways Lane, Jefferson, GA; Map 105D/Parcel 016G; .99 acre; reduction of county stream buffer from 50 ft. to 10 ft.

   Frank Battle, 309 Ron Dr., Bethlehem, GA was present to represent the case. Also, Guy Battle, 5173 Moore Rd., Suwanee, GA was present to represent the case. The Battles are requesting a reduction of the 50-foot county stream buffer from 50 ft. to 10 ft. in order to place the 3600 sq. ft. home on the property, which meets house square footage requirements for Traditions of Braselton Subdivision. They noted that they have tried to move this house plan around so that it will meet county requirements in regards to setbacks and buffers, but can't meet county requirements without the variance. Also, they noted that if the board doesn't approve this variance, this lot will become unbuildable, as this is the smallest house dimension plan that can be placed on this lot. Furthermore, they plan to sod the front, sides, and rear yard.

   Staff has reviewed this application in conjunction with the standards for approval set forth by the Jackson County Unified Development Code. The staff recommends that the Board of Adjustment deny this request to reduce the county stream buffer by 40 feet. Planning staff does not feel as if 40 feet of the county stream buffer needs to be eliminated. However, staff would be in favor to grant some relief. If a reduction is granted by the board, staff recommends that the buffer be reduced to no less than 20 feet outside the state-required 25-foot buffer (i.e., reduction from 75 feet to no less than 45 feet). Staff also recommends a condition be placed on the property: 1) southern and western portions of the property's yard be sodded.

   After discussion between the board and applicants, it was discovered that the concept plan that was turned in with the application was not the same concept plan that the Battles brought with them. Then, there was further discussion regarding the variance.

   There was no opposition.

   Mark Palmer made a motion to table the variance until January 5th, 2017 so the applicant can get a new site concept plan showing the house and how much reduction of county stream buffer is needed. The motion was seconded by Shirley Turner. Mark Palmer, Shirley Turner, and James Scott approved to table the variance. (3-0).

2. **BOA-16-12** - Benjamin B. Redmond, 80 Emily Lane, Bogart, GA; Map 045A/Parcel 030; 1.18 acres; to allow storage building to be placed in front yard.

   Benjamin B. and Connie Redmond, 80 Emily Lane, Bogart, GA were present to represent this case. Mr. and Mrs. Redmond are requesting a hardship variance to become compliant with the Jackson County Unified Development Code. After receiving verbal approval from Bear Creek Plantation's Homeowner's Association, the Redmond's had a storage building built in their backyard, not knowing a building permit was necessary from the county. After speaking with Jackson County Code Enforcement Officer, Mr. Redmond came in to obtain a building permit and was then notified that the Redmond's property has 2 front yards (due to the property touching both Emily Lane and Savage Rd.). The Redmond's are asking for this variance to be able to keep the storage building where it currently is, which is technically in a front yard but behind the residential structure. The proposed structure will be buffered from Savage Rd. by the current trees/landscape that borders the property. There was discussion between the board and applicants. The Redmond's were given a copy of a letter in opposition to the variance from Ken Hix, who lives in Bear Creek Plantation.

Also, Mrs. Roy noted that the county doesn't enforce subdivision covenants. Thus, the Redmond's will need to contact the Bear Creek Plantation Home Owners Association regarding the complaints by Ken Hix.

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.

There was no opposition present.

Mark Palmer made a motion to approve the variance to allow the storage building to be placed in the front yard bordering Savage Road 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. The motion was seconded by Shirley Turner. The variance was approved by Mark Palmer, Shirley Turner, and James Scott. (3-0)

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

Joe Holt, Chairman *Date*

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