DEPARTMENT OF PUBLIC DEVELOPMENT

Planning Division

BOA-16-11 Staff Report

Public Hearing:	**December 1, 2016 (tabled)**	**6:30 p.m.**
Public Hearing:	**January 5, 2017**	**6:30 p.m.**

Applicant:	Land Traditions, LLC
Property Owner:	Land Traditions, LLC
Zoning District:	Planned Unit Development (PUD)
Future Land Use Designation:	Residential
Character Area Designation:	Urban
Property Location:	4795 Fairways Lane (Traditions of Braselton, Phase 1, Pod G)
Acreage:	0.99 acres
Zoning Map and Parcel:	Map 105D Parcel 016G
Board of Commissioners District:	District 3 (Commissioner Ralph Richardson, Jr.)
Zoning and Land Use of Surrounding Property:	North: PUD, single-family residence South: PUD and AR, single-family residence and Traditions Golf Course East: PUD, single-family residence West: PUD and AR, single-family residence
Requested Variance:	Reduction of 50-foot county stream buffer from 50 feet to 10 feet
Type of Variance:	Special Exception Variance

Overview of the Request: The applicant is requesting a reduction of the outer 50 feet of stream buffer required by county regulations. The applicant is requesting a 40-foot reduction, from 50 feet to 10 feet. The 25-foot wide state imposed buffer is not proposed to be varied.

Transportation: Fairways Lane is a local subdivision street (cul-de-sac).

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 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 A2 to PUD on October 13, 1998 (RZ-98-24).

Variance Analysis: This analysis is based upon both the "Standards for Special Exception Variances" as set forth in Section 1304(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

Greenways established by the Unified Development Code are required to remain in a natural, undisturbed state of vegetation, and land disturbing activities are not allowed (Sec. 906(c)). Property owners may thin or trim vegetation in that part of a greenway outside of stream buffers required by Sec. 1104 of the UDC. Thinning of vegetative cover may occur if some protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed (Sec. 906).

The applicant is requesting a stream buffer variance to reduce the 50-foot county stream buffer to 10 feet. This variance request does not amend the required 25-foot stream buffer required by the state. If this request is granted as requested the buffer will be reduced to a total of 35 feet.

When a final plat revision of Fairways at Traditions POD G was recorded in 2007, a 50-foot zoning buffer was established and a 25-foot stream (state imposed) buffer was also delineated along the rear property line. Subsequently, all undeveloped lots including the subject lot are required to comply with the county's UDC requirements for stream buffers, which establish a 50-foot wide stream buffer requirement in addition to the 25-foot wide, state-imposed, stream buffer, for a total of 75 feet from the stream.

Please refer to the concept plan in the packet provided to show the variance requested. Currently the 50-foot county stream buffer runs through the center of the proposed house.

The applicant turned in a new concept plan after the case was initially tabled. Planning Staff has analyzed this new plan and annotated it with certain colors. The blue line is the stream itself. The dark green line is the 25-foot state imposed stream buffer. The purple line is the combined 75-foot stream buffer (county plus state imposed). The applicant has shown two additional lines on the concept plan. The orange line notes the "proposed" buffer reduction that the applicant is asking for. Instead of a 75-foot stream buffer, the applicant shows a proposed 45-foot stream buffer, therefore reducing the County's stream buffer from 50 feet to 20 feet. However, the light green line shows a total of 50 feet from the stream, allowing 3.1 feet of room for error. A 50-foot stream buffer would account for the 25-foot state imposed stream buffer and 25 feet of county stream buffer. This would not only allow the house to fit on the lot as shown, but also 3.1 feet of room for error.

Special Exception (Sec. 1304) Criteria

(1) Whether relief, if granted, would cause substantial detriment to the public good; and

Finding: There is no evidence that a full 40-foot reduction of the buffer is essential or necessary. After watching this particular waterway closely for the past six months through MS4 stormwater inspections, it is noted that this waterway is especially sensitive and the state and county greenway buffers are crucial to its well-being.

(2) Whether relief if granted would be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and

Finding: There are multiple beneficial public purposes of stream buffers. A serious reduction of a stream buffer, when unnecessary or unjustified, is injurious to the environment, can negatively impact water quality downstream, and can therefore adversely affect downstream properties.

(3) Whether the variance would diminish and impair property values within the surrounding neighborhood; and

Finding: A stream buffer reduction could diminish or impair property values of the surrounding neighborhood if the stream were to be negatively impacted due to a buffer reduction.

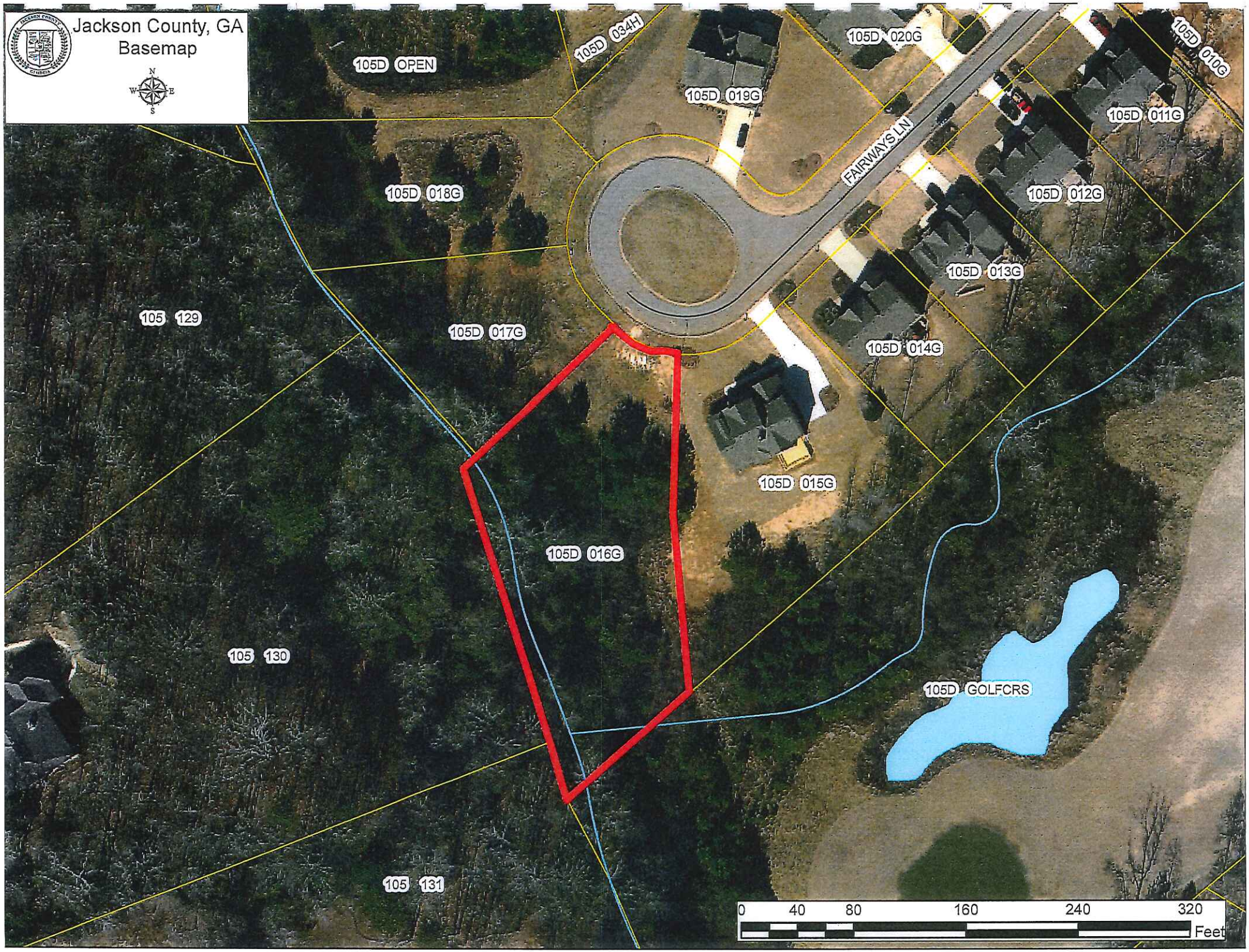
(4) Whether an expectation of public facilities in the future would be created by the variance if granted.

Finding: not applicable

Conclusion, Sec. 1304 Criteria: In staff's view, the application does not meet the criteria of Sec. 1304 for a special exception variance.

Planning Staff Recommendation: 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.

Revised Planning Staff Recommendation: 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. By looking at the applicant's concept plan, staff has noted that according to the concept plan, a 30-foot reduction would be sufficient. This would not only allow the applicant enough room for the proposed house, but also 8.1 feet of room for error. Therefore, 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 two conditions be placed on the property: (1) southern and western portions of the property's yard be sodded and (2) have the builder submit a house location plan, designed by a licensed engineer or surveyor, after pouring the foundation for review by the Public Development Department to meet the varied setback requirements before any other inspections can be performed.


Jackson County, GA
Basemap
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105 129
105D 017G
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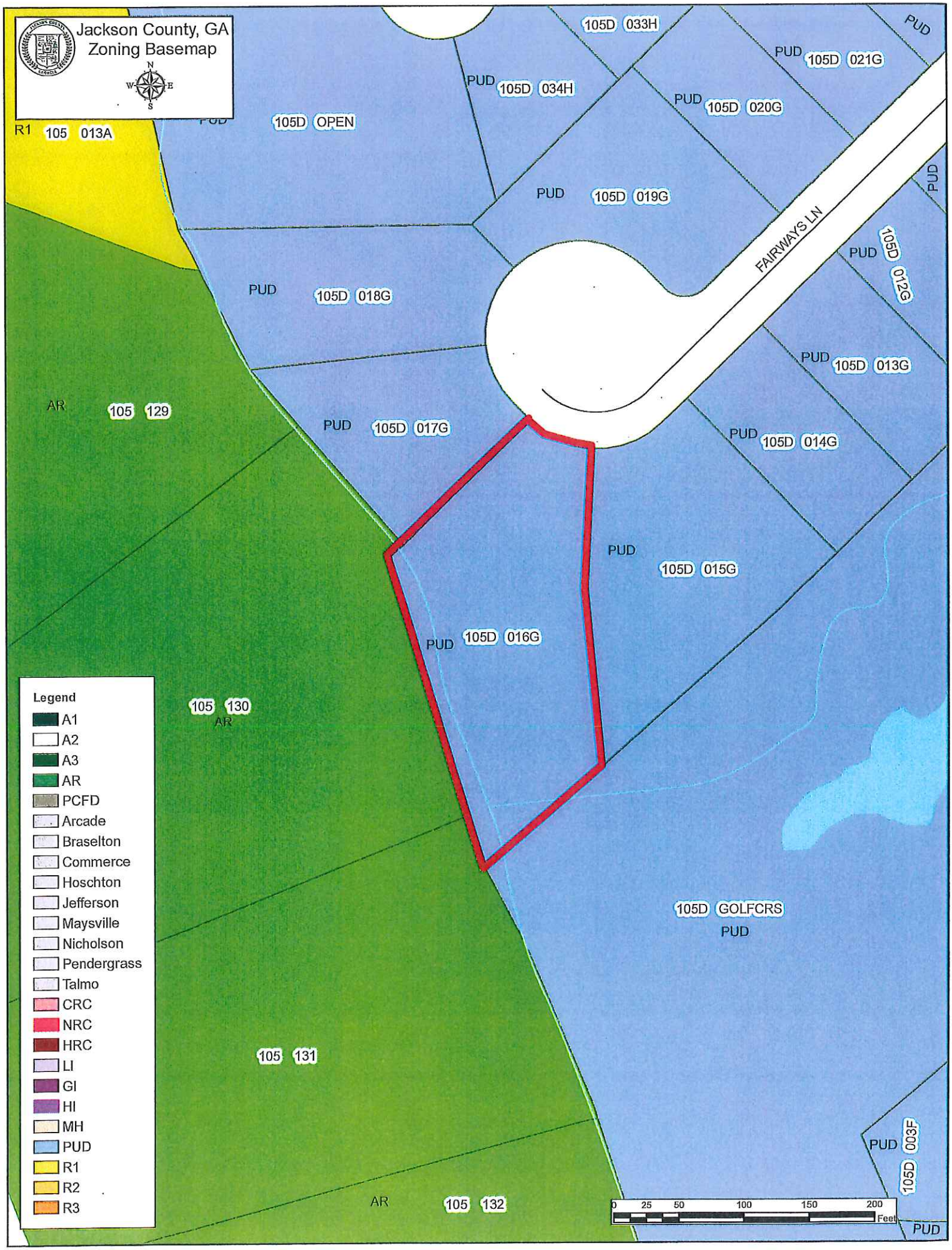
Feet


Jackson County, GA
Zoning Basemap
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PUD 105D OPEN
PUD 105D 034H
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PUD 105D 013G
PUD 105D 012G
PUD
FAIRWAYS LN
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105 130 AR
105 131
AR 105 132
105D GOLFCRS PUD
PUD 003F
105D
Legend
A1
A2
A3
AR
PCFD
Arcade
Braselton
Commerce
Hoschton
Jefferson
Maysville
Nicholson
Pendergrass
Talmo
CRC
NRC
HRC
LI
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PUD
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Feet

VARIANCE/APPEAL APPLICATION

JACKSON COUNTY PLANNING DIVISION
67 Athens Street Jefferson, Georgia 30549
706-367-5908

Date Received: 10/25/16 Fee Received: $250.00 Case No.: BOA - 16-11

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 Land Traditions, LLC

Mailing Address 500 SouthLand Dr. Suite 102 Birmingham, AL 35226

Telephone 205) 936-9799 Cell 404) 427-4014 E-Mail tristarealestateservices@gmail.com

Applicant is the: ____ Agent X Property Owner ____ Contract Purchaser

Property Owner(s) Land Traditions, LLC

Mailing Address 500 Southland Dr. Suite 102 Birmingham, AL 35226

Telephone 205) 936-9799 Cell 404) 427-4014 E-Mail tristarealestateservices@gmail.com

Contact Person Brian Simmons

Mailing Address briansimmons55@gmail.com

Telephone 404) 427-4014 Cell ____

Address/Location of Property 4795 Fairways Lane

Tax Map No. 105D Tax Parcel No(s). 016G Total Acreage: ~~0.980~~ 0.99 Zoning District(s): R-PUD

Requested Variance or Appeal reduce the county's stream buffer from 50' to 10' for the purpose of placing the house on the lot

Variance/Appeal of Section(s) Sec 906 Greenways 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: 105D (Map) - 016G (Parcel)

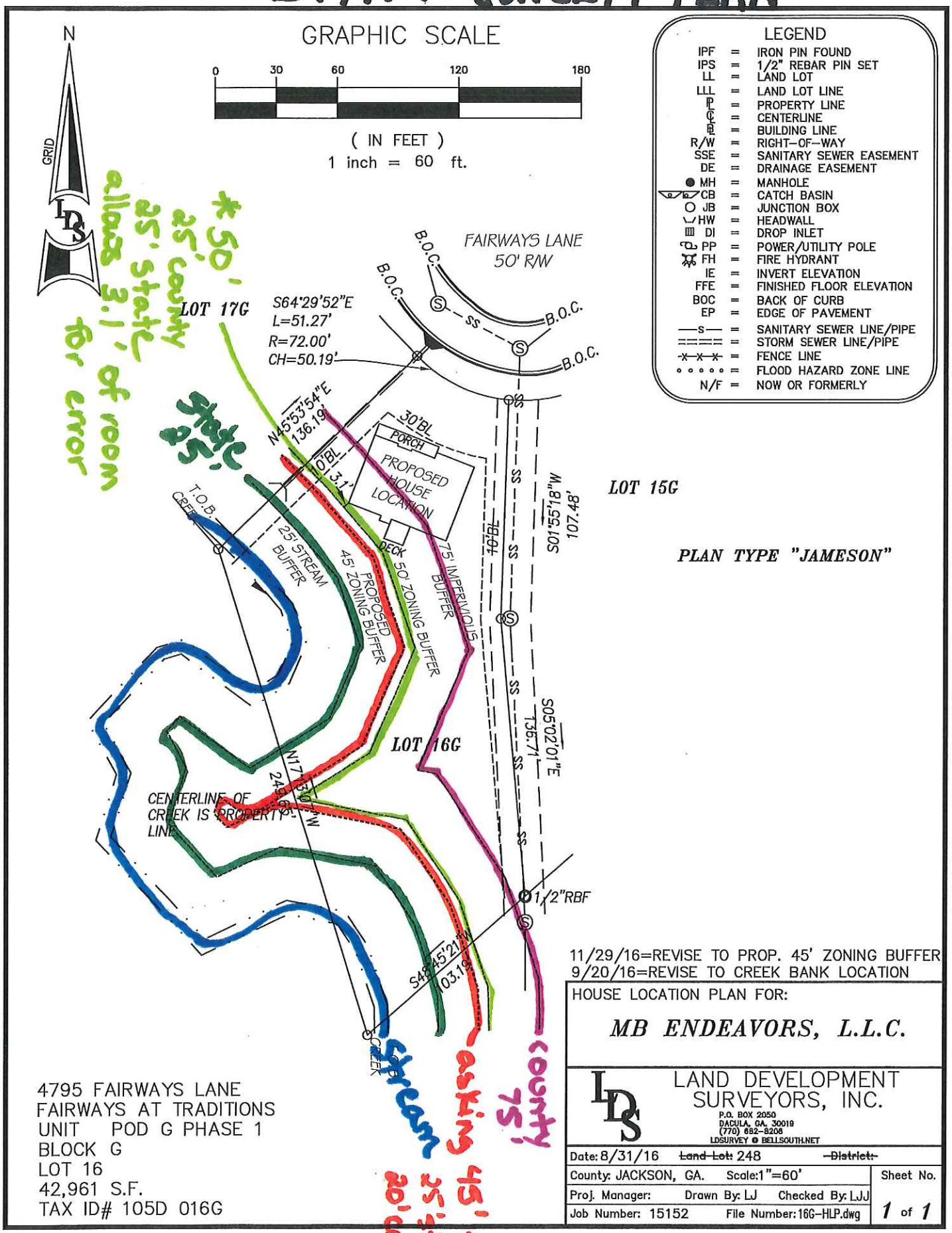
Name Donna Simmons Title Tax Clerk Date 10/25/16

LETTER OF INTENT

The purpose of this letter is to apply for a Variance for Lot 16 Pod G Fairways of Traditions Phase One. Lot 16 is a cul-de-sac lot containing 0.99ac. The Variance request is to reduce the 50ft minimum setback requirement of land disturbance to build a single family residence. The request will reduce the setback from 50ft to 10ft as shown on the attached Concept Plan. The 25ft state buffer as measured from the banks will not be disturbed. The proposed 3600sf residential size house is consistent with the surrounding subdivision. The following is recap:

1) RESIDENTIAL LOT: THE RESIDENTIAL LOT WILL BE USED TO BUILD A 3600+ SF HOUSE WITH A BASEMENT.
2) ACREAGE OF TRACT: 0.99ACRES
3) ZONING: PUD(RESIDENTIAL)
4) VARIANCE REQUEST: SECTION 906-GREENWAYS, REQUESTING TO REDUCE THE MINIMUM SETBACK REQUIREMENT FOR LAND DISTURBANCE TO BUILD A SINGLE FAMILY RESIDENTIAL HOUSE. THE RESIDENTIAL LOT WILL BE UNBUILDABLE WITHOUT A REDUCTION.
5) HOUSE SIZE: 3600SF+

STAFF CONCEPT PLAN



11/29/16=REVISE TO PROP. 45' ZONING BUFFER
9/20/16=REVISE TO CREEK BANK LOCATION

HOUSE LOCATION PLAN FOR:

MB ENDEAVORS, L.L.C.

LAND DEVELOPMENT SURVEYORS, INC.
P.O. BOX 2050
DACULA, GA. 30019
(770) 682-8208
LDSURVEY @ BELLSOUTH.NET

Date: 8/31/16 ~~Land Lot:~~ 248 ~~District:~~		
County: JACKSON, GA. Scale: 1"=60'		Sheet No.
Proj. Manager: Drawn By: LJ Checked By: LJJ		1 of 1
Job Number: 15152 File Number: 16G-HLP.dwg		

4795 FAIRWAYS LANE
FAIRWAYS AT TRADITIONS
UNIT POD G PHASE 1
BLOCK G
LOT 16
42,961 S.F.
TAX ID# 105D 016G

APPLICANT CONCEPT PLAN

N

GRID

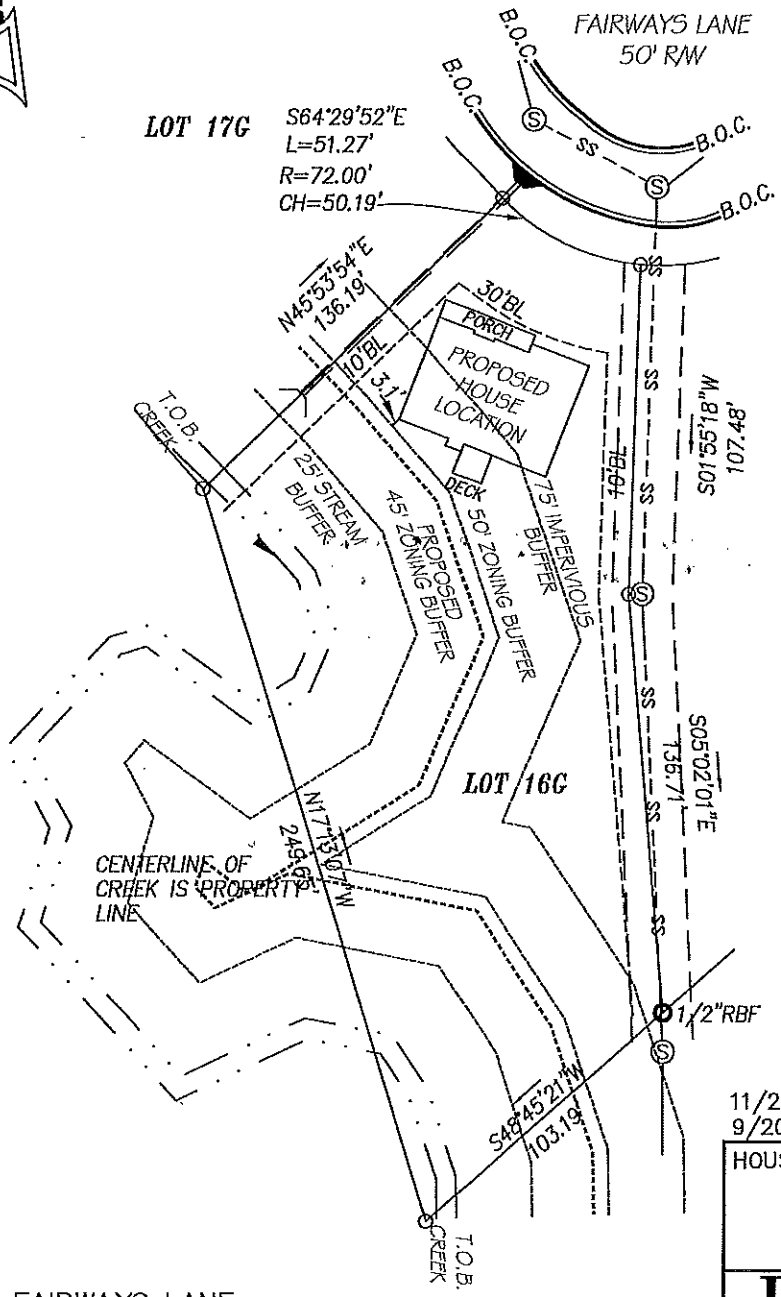
GRAPHIC SCALE

0 30 60 120 180

(IN FEET)
1 inch = 60 ft.

LEGEND

IPF	=	IRON PIN FOUND
IPS	=	1/2" REBAR PIN SET
LL	=	LAND LOT
LLL	=	LAND LOT LINE
PL	=	PROPERTY LINE
℄	=	CENTERLINE
BL	=	BUILDING LINE
R/W	=	RIGHT-OF-WAY
SSE	=	SANITARY SEWER EASEMENT
DE	=	DRAINAGE EASEMENT
MH	=	MANHOLE
CB	=	CATCH BASIN
JB	=	JUNCTION BOX
HW	=	HEADWALL
DI	=	DROP INLET
PP	=	POWER/UTILITY POLE
FH	=	FIRE HYDRANT
IE	=	INVERT ELEVATION
FFE	=	FINISHED FLOOR ELEVATION
BOC	=	BACK OF CURB
EP	=	EDGE OF PAVEMENT
—S—	=	SANITARY SEWER LINE/PIPE
═══	=	STORM SEWER LINE/PIPE
-X-X-X-	=	FENCE LINE
○○○○○	=	FLOOD HAZARD ZONE LINE
N/F	=	NOW OR FORMERLY



11/29/16=REVISE TO PROP. 45' ZONING BUFFER
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HOUSE LOCATION PLAN FOR:

MB ENDEAVORS, L.L.C.

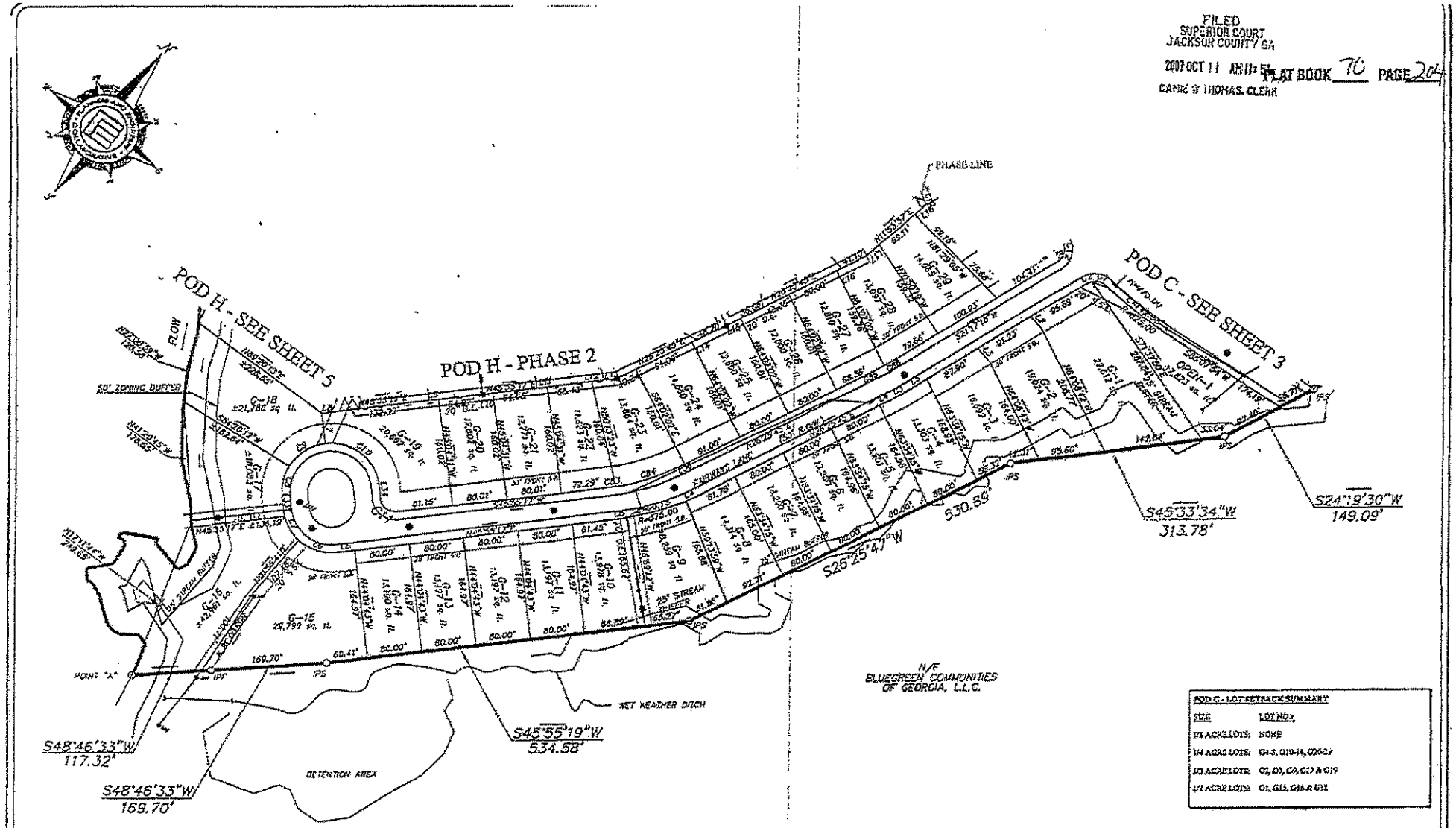
LAND DEVELOPMENT SURVEYORS, INC.
P.O. BOX 2050
DACULA, GA. 30019
(770) 682-8206
LDSURVEY @ BELLSOUTH.NET

4795 FAIRWAYS LANE
FAIRWAYS AT TRADITIONS
UNIT POD G PHASE 1
BLOCK G
LOT 16
42,961 S.F.
TAX ID# 105D 016G

Date: 8/31/16	~~Land Lot:~~ 248	~~District:~~	
County: JACKSON, GA.	Scale: 1"=60'		Sheet No.
Proj. Manager:	Drawn By: LJJ	Checked By: LJJ	
Job Number: 15152	File Number: 16G-HLP.dwg		1 of 1

FILED
SUPERIOR COURT
JACKSON COUNTY GA
2007 OCT 11 AM 11:51
CANIE W THOMAS, CLERK

PLAT BOOK 70 PAGE 204



POD G - LOT SETBACK SUMMARY

SIZE	LOT NO.
1/8 ACRE LOTS:	NONE
1/4 ACRE LOTS:	G4-8, G10-14, G26-29
1/3 ACRE LOTS:	G2, G3, G9, G17 & G19
1/2 ACRE LOTS:	G1, G15, G16 & G18

REV	DATE	DESCRIPTION	BY
2	9/04/07	REV. CERTIFICATIONS and SETBACKS ON LOTS H-1, 35,49,76,92, G4-14	TSD
1	1/26/06	REV. LINE OF LOT C-160/ 25' D.E.	PS

FAIRWAYS AT TRADITIONS - 29 TOTAL LOTS SHEET 6 of 7 - POD G, PHASE I

REVISED FINAL PLAT

PLANNERS AND ENGINEERS COLLABORATIVE
"WE PROVIDE SOLUTIONS"
site planning - landscape architecture - civil engineering - land surveying
4100 perimeter park south - atlanta, georgia - 30341 - (770) 451-2741
www.pecatl.com

FOR
LINKS AT TRADITIONS, LLC
FAIRWAYS AT TRADITIONS, LLC
WOODS AT TRADITIONS, LLC

LAND LOT(S)
DISTRICT G.M.D. 248, RANDOLPH DISTRICT

JACKSON COUNTY
GEORGIA

REVISED FINAL PLAT

DRAWN BY: APD
CHECKED BY: WHK
FILE NO.: 3150
DATE: JUNE 17, 2004
SCALE: 1" = 100'

0 50 100 200

VARIANCE
PUBLIC NOTICE
APPLICATION
HEARINGS WILL BE HELD BY:
JACKSON COUNTY PUBLIC DEVELOPMENT
706-367-5908
21 5:33PM