# DEPARTMENT OF PUBLIC DEVELOPMENT

*Planning Division*

## BOA-17-01 Staff Report

**Public Hearing:** **January 5, 2017** **6:30 p.m.**

| | |
|---|---|
| **Applicant:** | Ricky Lee Tarleton |
| **Property Owner:** | Ricky Lee Tarleton and Joanne Cono |
| **Zoning District:** | R1 |
| **Future Land Use Designation:** | Residential |
| **Character Area Designation:** | Suburban |
| **Property Location:** | 437 Bear Cub Way (Bear Creek Estates) |
| **Acreage:** | 2.86 acres |
| **Zoning Map and Parcel:** | Map 059A Parcel 021A |
| **Board of Commissioners District:** | District 4 (Commissioner Dwain Smith) |
| **Zoning and Land Use of Surrounding Property:** | North: A2, residential<br>South: R1, single-family residence<br>East: R1, single-family residence<br>West: A2, Bear Creek Reservoir |
| **Requested Variance:** | To allow an 8-foot fence in the front yard |
| **Type of Variance:** | Hardship Variance |

**Overview of the Request:** The applicant is requesting a hardship variance in order to construct an 8-foot wood privacy fence extending along the side property line to the front yard.

**Transportation:** The property gains access off of Bear Cub Way (cul-de-sac) with 50 feet of right-of-way.

**Wetlands/Watershed Areas:** The property is located within the A.C.C. Local Intake - Middle Oconee River Watershed, the Upper Oconee Watershed, the Jackson Small Watershed, and the UOWABC shed. The property is not located within a groundwater recharge area. There is a flood plain on the back portion of the property since the property backs up to Bear Creek Reservoir.

**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 A2 to R1 on August 5, 2002 (RZ-02-40) with 10 conditions: (1) site-built homes only on a maximum of 76 lots with no further subdividing, (2) minimum of 1,500 heated square feet for a single-story dwelling and 1,700 heated square feet for a two-story dwelling, (3) Jackson County Road Superintendent must approve the entrance and exit for the development, (4) a re-engineering of the subdivision must be developed to not allow streets with cul-de-sacs over 1,500 feet in length, (5) all lots must be landscaped with sod before a final certificate of occupancy is issued to the builder, (6) all utilities must be underground at the expense of the developer, (7) streetlights must be provided at no cost to Jackson County, (8) before the final plat can be approved, waterlines must be installed within the subdivision by the developer, (9) served by Jackson County Water, and (10) the developer will provide sidewalks.

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**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 construct an 8-foot wood privacy fence extending along the side property line to the front yard. Section 411(2)(b)(1) of the Jackson County Unified Development Code allows for a maximum 3-foot fence in the front yard of any property zoned R1. According to the applicant's letter of intent, they are hoping to construct an 8-foot wood privacy fence extending from the 150-foot undisturbed reservoir buffer in the side yard to a point ~90 feet short of the street curb of Bear Creek Way. The applicant already has a security gate in place in the front of the property and notes that the front yard is partially sodded and well landscaped; the remainder of the lot is naturally wooded. The applicant notes that the house is positioned far back on the lot (not visible from the street) and the house is facing the side property line. The applicant has noted that extensive landscaping will be installed to provide further privacy along this property line. Due to the setback from the street and existing and proposed new landscaping, the new fence will not be visible from the street.

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

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**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.**

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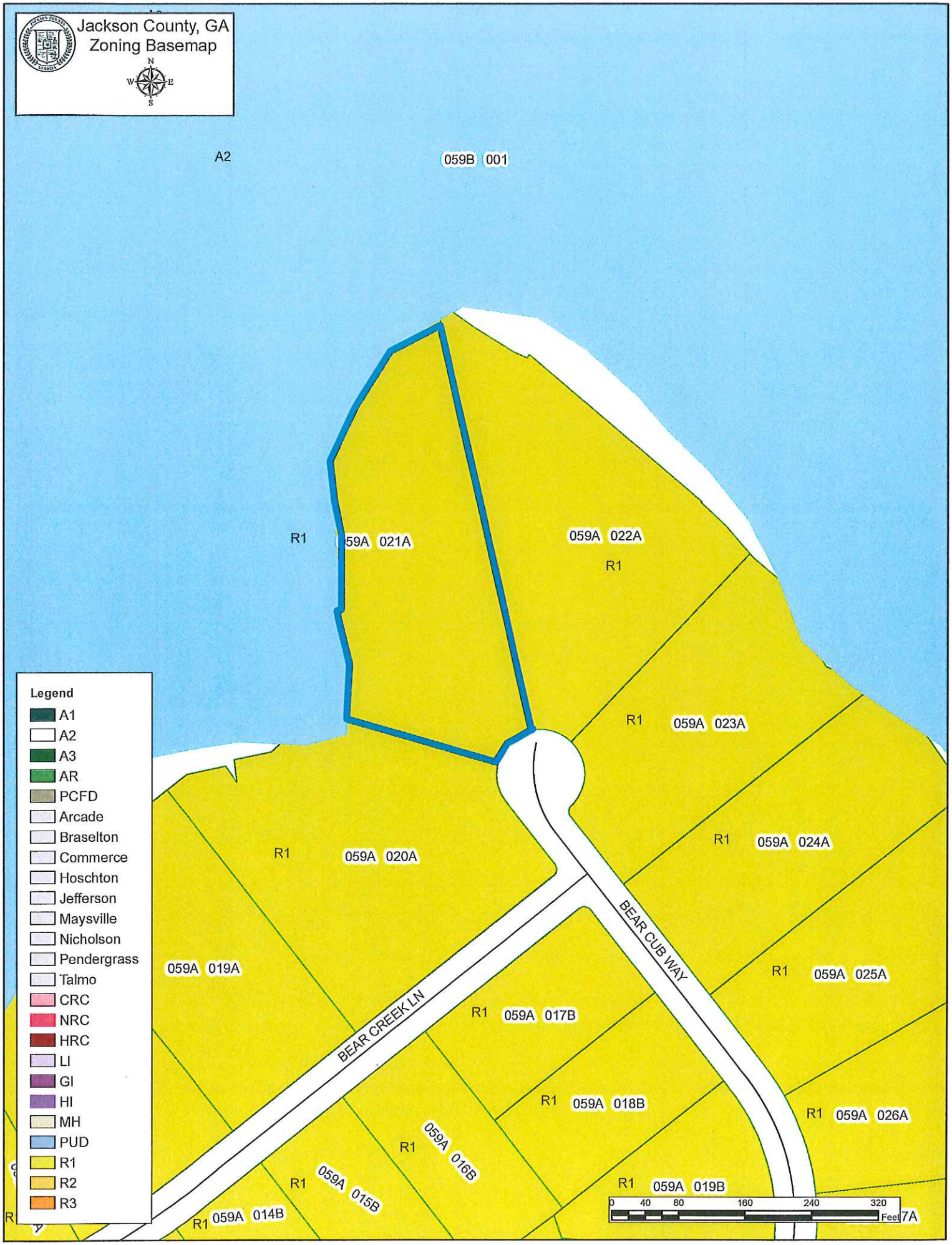
Jackson County, GA
Basemap
N
W
E
S
059B 001
059A 021A
059A 022A
059A 023A
059A 020A
059A 019A
BEAR CU
0
40
80
160
240
320
Feet


Jackson County, GA
Zoning Basemap
N
W
E
S
A2
059B 001
R1
59A 021A
059A 022A
R1
R1
059A 023A
R1
059A 024A
R1
059A 020A
BEAR CUB WAY
059A 019A
R1
059A 025A
BEAR CREEK LN
R1
059A 017B
R1
059A 018B
R1
059A 026A
R1
059A 016B
R1
059A 015B
R1
059A 019B
R1
059A 014B
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
0 40 80 160 240 320
Feet

# VARIANCE/APPEAL APPLICATION

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

Date Received: 12-5-16 Fee Received: $250.00 Case No.: BOA-17-01

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 Ricky Lee Tarleton.

Mailing Address 437 Bear Cub Way, Bogart, GA 30622

Telephone 678-753-1611 Cell 706-254-6253 E-Mail RLTarleton@gmail.com

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

Property Owner(s) Ricky Lee Tarleton + Joanne Cono

Mailing Address 437 Bear Cub Way Bogart, GA 30622

Telephone 678-753-1611 Cell 706-254-6253 E-Mail RLTarleton@gmail.com

Contact Person Ricky Lee Tarleton.

Mailing Address 437 Bear Cub Way Bogart, GA 30622

Telephone 678-753-1611 Cell 706-254-6253

Address/Location of Property 437 Bear Cub Way, Bogart, GA 30622

Tax Map No. 059A Tax Parcel No(s). 021A Total Acreage: 2.86 Zoning District(s): R-1

Requested Variance or Appeal 411(2)(b)(1)

Variance/Appeal of Section(s) 411(2)(b)(1) 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: 059A (Map) - 021A (Parcel)

Name Anna Simmons Title Property Tax Clerk Date 12/5/16

December 4, 2016

Jackson County Planning Division
67 Athens Street
Jefferson, GA 30549

Re: Letter of Intent; 437 Bear Cub Way, Bogart, GA

We propose to build a fence along our property line at 437 Bear Creek Way (Lot 21, block "A" of Bear Creek Estates Subdivision; plat book 62, page 243, Jackson Co. GA). This property of 2.86 acres on Bear Creek Reservoir currently contains our residence as the only building.

This site is classified "R-1" and section 411 (2)(b)(1) of the Jackson Co Unified Development Code, allows for a maximum 3 ft fence in the "front yard". We are requesting a variance of this code in order to construct an 8 ft wood privacy fence extending from the 150 ft undisturbed reservoir buffer in our side yard to a point ~90 feet short of the street curb of Bear Creek Way.

Our home is positioned far back on our lot, abutting the 150 ft Bear Creek Reservoir buffer (our entire "backyard" Is in the buffer). We consider our front yard to be the area extending from cul-de-sac on Bear Cub Way to our security gate, a distance of approximately 90 ft. This front yard is partly sodded and well landscaped as a conventional front yard for this subdivision. The area extending from the security gate to the 150ft buffer (~250ft in length) is naturally wooded with very few landscaping plants. It is along this part of the lot along that we plan to construct a fence. This area is in front of our house and is thus considered part of our front yard by the standards of section 411 (2)(b)(1). However, we consider this our side yard. As importantly, our proposed fence will be in the side yard and back yard of the residence planned for construction on the adjoining lot (Lot 22; see plat of proposed residence and the 90 ft mark where our fence will start).

In addition to the proposed fence, we will be installing extensive landscaping to provide further privacy along this property line (please see site plan). Due to the setback from the street and existing and proposed new landscaping, the new fence will not be visible from the street.

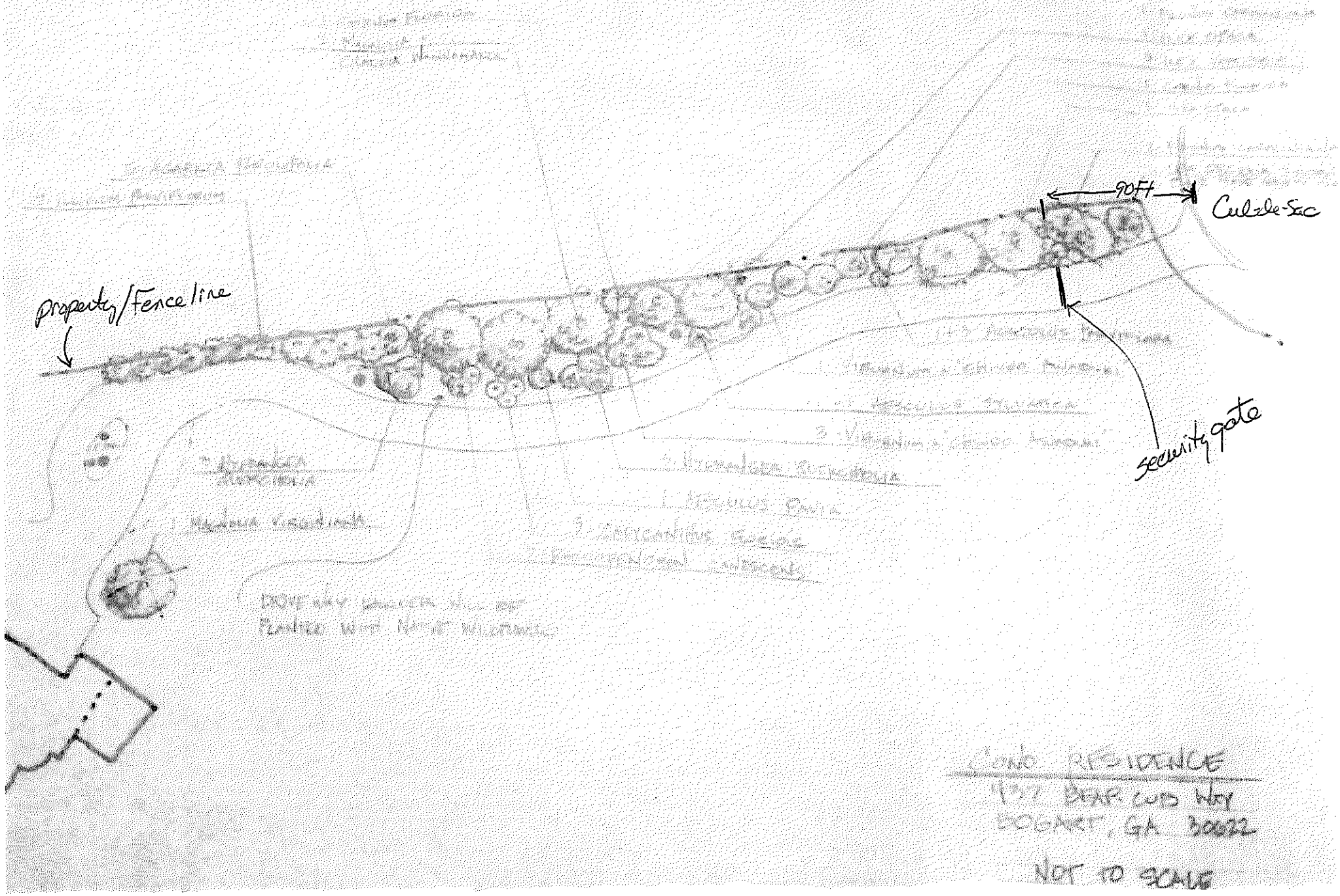
Please do not hesitate to contact us at 707-286-8560 if there are questions or concerns related to this application.

Rick L. Tarleton

Joanne Cono

Concept Plan-Page 1

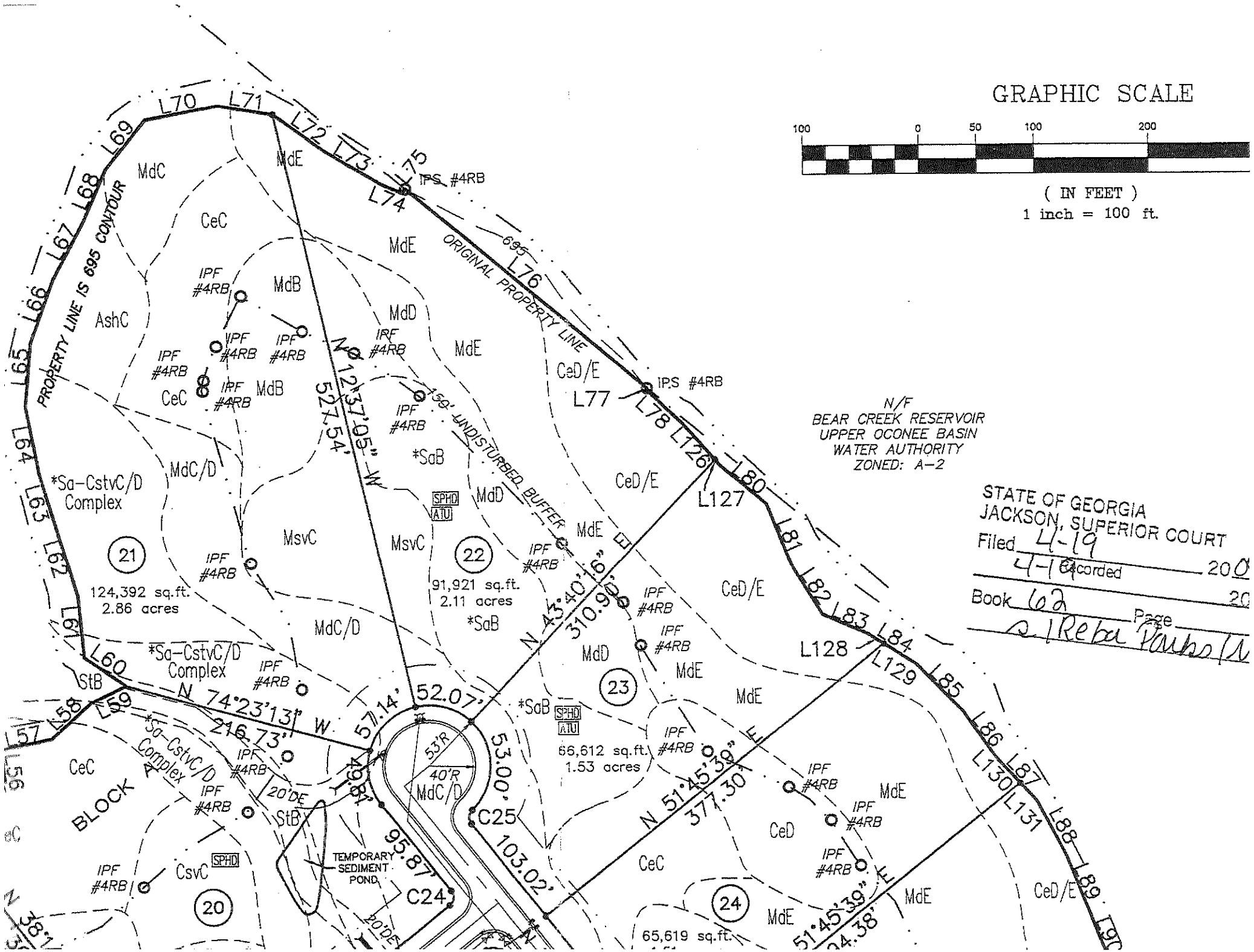
# LANDSCAPING SITE PLAN



Planned Construction on adjacent Lot 22




Concept Plan Page 2


GRAPHIC SCALE
100 0 50 100 200
( IN FEET )
1 inch = 100 ft.
N/F
BEAR CREEK RESERVOIR
UPPER OCONEE BASIN
WATER AUTHORITY
ZONED: A-2
STATE OF GEORGIA
JACKSON, SUPERIOR COURT
Filed 4-19 200
4-19 Recorded 20
Book 62 Page
s/Reba Parks
PROPERTY LINE IS 695 CONTOUR
ORIGINAL PROPERTY LINE
695
150' UNDISTURBED BUFFER
N 12°37'05" W
527.54'
N 74°23'13" W
216.73'
N 43°40'16" E
310.90'
N 51°45'39" E
377.30'
N 51°45'39" E
94.38'
57.14'
52.07'
53.00'
103.02'
95.87'
49.81'
53'R
40'R
20'DE
BLOCK A
TEMPORARY SEDIMENT POND
21
124,392 sq.ft.
2.86 acres
22
91,921 sq.ft.
2.11 acres
23
66,612 sq.ft.
1.53 acres
24
65,619 sq.ft.
20
C24
C25
IPS #4RB
IPF #4RB
MdC
MdE
CeC
MdB
MdD
AshC
CeD/E
MdC/D
MsvC
*SaB
*Sa-CstvC/D Complex
StB
CsvC
CeD
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