



BOARD OF ADJUSTMENTS MINUTES

Jackson County Courthouse
Jury Assembly Room
5000 Jackson Parkway
Jefferson, GA 30549

April 7, 2022
6:00 P.M.

Board Members Present

Joe Holt, Chairman
Les Knoblock, Vice-Chairman
Shirley Turner
Brodriche Jackson

Staff

Jamie Dove, Public Development Manager
Kathy Holloway, Zoning Coordinator

Joe Holt called the meeting to order at 6:00 p.m.

Les Knoblock made a motion to approve the March 3, 2022 Board of Adjustment Minutes and was seconded by Shirley Turner. The motion was approved unanimously.

Jamie Dove noted that we will have a May 5, 2022 BOA Meeting. Also, each case will need 3 affirmative votes to be approved. Then, Ms. Dove read the BOA hearing procedures. Mr. Holt asked all participants of the meeting to raise their right hand and repeat after him the blanket swearing.

Old Business:

1. VA-22-0085 – Stell, Smith & Mattison, P.C. (Stanton Porter), 1681 Pettijohn Rd., Pendergrass, GA; 116.60 acres; encroachment of the required 120 ft. buffer along the northern property line. (Map 090/Parcel 006)

Jamie Dove gave the staff report. On September 20, 2021, the BOC approved for the proposed property to be rezoned to a Light Industrial use. Now, the applicant/owner wants to reduce the northern 120 ft. setback to 50 ft. Also, the applicant/owner would like the ability to grade and replant landscaping up to the northern property line. On the southeastern property line, the applicant/owner would like to request for a variance to grade and replant landscaping up to 25 ft. from the property line and would like to install a driveway 45 ft. from the property line. The building will not encroach on the setback. Staff recommends denial of this variance case.

Stanton Porter, Attorney at Law, 73 Church St., Winder, GA was present to represent the variance case. With the staff recommendation of denial, Mr. Porter has been working with the Public Development Departments concerns on this variance requests. So, the variance requests have changed. Now, the applicant/owner request to reduce the northern setback from 120 ft. to 90 ft. for the fire access lane with the ability to grade and replant to the northern property line. The property line is not the stream, thus no stream buffer will be disturbed. Also, on the southeastern property line, the applicant/owner would like to grade and replant up to 25 ft. from the property line and a driveway 60 ft. from the southeastern property line. They need the wide turn on the driveway for the big trucks to get to the parking lot. Mr. Porter stated that there is a need for small industrial buildings and this property has easy access to I-85 and Hwy. 129. Also, rock is near the surface on this tract of land and has been a challenge in the development and cost of this project. Building 100 on the concept plan has been reduced 21,000 sq. ft. Building 200 has been shifted but did not reduce the square footage of this building. Then, there was discussion between the board and Mr. Porter.

There was no opposition present.

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

Les Knoblock made a motion to **approve** to reduce the northern 120 ft. setback to 90 ft. along the northern property line with the ability to grade and replant to the property line. The motion was seconded by Joe Holt. The variance case was **approved** unanimously.

2. VA-22-0086 – Stell, Smith, Mattison, P.C. (Stanton Porter), 1681 Pettijohn Rd., Pendergrass, GA; 116.60 acres; encroachment of the required 120 ft. buffer along the southeastern property line. (Map 090/Parcel 006)

Jamie Dove gave the staff report. On September 20, 2021, the BOC approved for the proposed property to be rezoned to a Light Industrial use. Now, the applicant/owner wants to reduce the northern 120 ft. setback to 50 ft. Also, the applicant/owner would like the ability to grade and replant landscaping up to the northern property line. On the southeastern property line, the applicant/owner would like to request for a variance to grade and replant landscaping up to 25 ft. from the property line and would like to install a driveway 45 ft. from the property line. The building will not encroach on the setback. Staff recommends denial of this variance case.

Stanton Porter, Attorney at Law, 73 Church St., Winder, GA was present to represent the variance case. With the staff recommendation of denial, Mr. Porter has been working with the Public Development Departments concerns on this variance requests. So, the variance requests have changed. Now, the applicant/owner request to reduce the northern setback from 120 ft. to 90 ft. for the fire access lane with the ability to grade and replant to the northern property line. The property line is not the stream, thus no stream buffer will be disturbed. Also, on the southeastern property line, the applicant/owner would like to grade and replant up to 25 ft. from the property line and a driveway 60 ft. from the southeastern property line. They need the wide turn on the driveway for the big trucks to get to the parking lot. Mr. Porter stated that there is a need for small industrial buildings and this property has easy access to I-85 and Hwy. 129. Also, rock is near the surface on this tract of land and has been a challenge in the development and cost of this project. Building 100 on the concept plan has been reduced 21,000 sq. ft. Building 200 has been shifted but did not reduce the square footage of this building. Then, there was discussion between the board and Mr. Porter.

There was no opposition present.

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

Les Knoblock made a motion to **approve** to reduce the southeastern setback from 120 ft. to 60 ft. and grade and replant up to 25 ft. from the property line, and a driveway 60 ft. from the property line. The motion was seconded by Brodriche Jackson. The variance case was **approved** unanimously.

New Business:

1. VA-21-0064 – Nader Amir, 348 Waterford Place, Athens, GA; 2.23 acres; reduce the stream buffer from 75 ft. to 25 ft. in order to build house. (Map 008/Parcel 014 17)

Jamie Dove gave the staff report. The applicant/owner request to reduce the Jackson County imposed 50 ft. stream buffer to 0 ft. in order to build a house. This is one of the last lots to be developed in this subdivision. The applicant currently lives in California. Mr. Amir is not present tonight and has no one present to represent him. We've had these cases in our office for an extended amount of time. Mr. Amir has not been able to find someone to represent him at the meeting and to place the variance sign on the property. So, Code Enforcement went out to put up the variance sign on the property, since Mr. Amir resides in California. Our staff and our soil and erosion team went out to the lot and verified that the stream running through this property is State Waters, since it doesn't show up on our GIS map. There was a soil investigation report done on this property showing the stream buffers and how the septic system would work out on this property. The 50 foot Jackson County stream buffer was not in effect when the subdivision was final platted. Since, the stream buffer exhaust almost the entire property, staff has recommended approval of these variances in order for this lot to be buildable.

Joe Holt noted it is the standing rule with the Board of Adjustment that representation has to be present at the BOA meetings in order for the case to be heard by the Board of Adjustment. So, Mr. Holt closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Then, Les Knoblock **denied** the variance case because the applicant nor representation was present to represent this case. The motion was seconded by Brodriche Jackson. The variance case was **denied** unanimously.

2. VA-21-0077 – Nader Amir, 348 Waterford Place, Athens, GA; 2.23 acres; reduce the front setback from 50 ft. to 26 ft. in order to build house. (Map 008/Parcel 014 17)

Jamie Dove gave the staff report. The applicant/owner request to reduce the front setback from 50 ft. to 26 ft. in order to build a house. This is one of the last lots to be developed in this subdivision. The applicant currently lives in California. Mr. Amir is not present tonight and has no one present to represent him. We've had these cases in our office for an extended amount of time. Mr. Amir has not been able to find someone to represent him at the meeting and to place the variance sign on the property. Code enforcement went out to put up the variance sign on the property, since Mr. Amir resides in California. Our staff and our soil and erosion team went out to the lot and verified that the stream running through this property is State Waters, since it doesn't show up on our GIS map. There was a soil investigation report done on this property showing the stream buffers and how the septic system would work out on this property. The 50 foot Jackson County stream buffer was not in effect when the subdivision was final platted. Since, the stream buffer exhaust almost the entire property, staff has recommended approval of these variances in order for this lot to be buildable.

Joe Holt noted it is the standing rule with the Board of Adjustment that representation has to be present at the BOA meetings in order for the case to be heard by the Board of Adjustment. So, Mr. Holt closed the discussion for public comments and opened it up to the board for discussion, questions, or a motion.

Then, Les Knoblock **denied** the variance case because the applicant nor representation was present to represent this case. The motion was seconded by Brodriche Jackson. The variance case was **denied** unanimously.

3. VA-22-0089 – Eagle Home Builders, 153 Johns Way, Commerce, GA; 2.06 acres; reduce the 75 ft. stream buffer to 50 ft. in order to build a house as the septic system and bio-retention area will be placed into the buffer, house construction will not be in the buffer. (Map 048C/Parcel 013)

Jamie Dove gave the staff report. There is a stream that runs through the middle and back portion of the property located at 153 Johns Way, Commerce, GA, thus limiting the buildable locations on the property. The applicant/owner wants to reduce the Jackson County imposed 50 foot stream buffer to 25 feet in order to install a septic field and bio-retention area for a new house. The additional 50 foot imposed Jackson County stream buffer was not in effect when the lot was final platted. The house is not encroaching into the stream buffer. Also, the State of Georgia 25 foot stream buffer will remain undisturbed. Staff recommends approval of this variance request with 1 condition: 1) The distribution line coming out of the proposed 1,000 gallon septic tank crosses a 20 foot Drainage Easement that contains a storm pipe. It is imperative that a Jackson County staff member or designee be onsite during this process to assure the integrity of the storm pipe is maintained.

Hal Stinespring with Eagle Home Builders, 151 Hwy. 98, Homer, GA was present to represent this variance case. Tim Konopka, the owner of the property, bought lots 12 and 13 of Clara's Garden. Then, he combined both lots just to have enough area for a house. Thus, they requested a reduction in the 75 ft. stream buffer to 50 ft. in order to install a septic field and bio-retention area for a new house. The septic system and retention pond will need to be placed into the buffer; the house construction will not be in the buffer.

There was no opposition present.

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

Shirley Turner made a motion to **approve** the reduction of the 75 ft. stream buffer to 50 ft. in order to install a septic field and bio-retention area for a new house with 1 condition: 1) The distribution line coming out of the proposed 1,000 gallon septic tank crosses a 20 foot Drainage Easement that contains a storm pipe. It is imperative that a Jackson County staff member or designee be onsite during this process to assure the integrity of the storm pipe is maintained. The motion was seconded by Brodriche Jackson. The variance case was **approved** unanimously.

Shirley Turner made a motion to adjourn the meeting and was seconded by Les Knoblock. The motion was unanimous. The meeting adjourned at 6:40 p.m.

Joe Holt, Chairman

Date