



BOARD OF ADJUSTMENTS MINUTES

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

November 1, 2018
6:00 P.M.

Board Members Present

Joe Holt, Chairman
Shirley Turner
Mark Palmer

Board Members Absent

James Scott
Marty Clark, Vice-Chairman

Staff

Gina Roy, Director
Justin Crighton, Planner
Kathy Holloway, Zoning Administrator

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

Shirley Turner made a motion to approve the July 12, 2018 BOA minutes and was seconded by Mark Palmer. The motion was approved unanimously.

Gina Roy gave the staff comments. There will be a Board of Adjustment Meeting on December 6th, 2018. Mrs. Roy noted there are 3 out of 5 board members present tonight, thus there needs to be at least 3 affirmative votes to either approve or deny the variance case. Mrs. Roy noted that the applicant has the choice to postpone the meeting until next month in hopes for more members to be present, or the applicant can go forth with the variance case tonight. The applicant, Evelyn Illescas, decided to go forward with the variance case tonight. Mrs. Roy read the hearing procedures and noted they are located on the table by the door. Mr. Holt asked all participants of the meeting to raise their right hand and repeat after him the blanket swearing.

New Business:

1. BOA-18-11 – Evelyn Illescas, 4885 Tallassee Rd., Athens, GA; 3.398 acres; reduce left side setback from 40 ft. to 11 ft. for an accessory building. (Map 044/Parcel 010K1)

Justin Crighton gave staff comments. The applicant is requesting a special exception variance to reduce the left side setback from 40 ft. to 11 ft. for an accessory structure that has already been relocated. The applicant was issued a citation for not obtaining the proper permit and for locating a structure within the required setback. This property is zoned AR (Agricultural Residential Zoning District). Thus, the applicant needs to obtain a permit to move the structure behind the existing barn and 40 ft. from the side or rear property lines. Staff has reviewed this application in conjunction with the special exception variance standards for approval set forth by the Jackson County Unified Development Code. The staff recommends that the Board of Adjustment consider denial of the request.

Evelyn Illescas, 4885 Tallassee Rd., Athens, GA was present to represent this case. Ms. Illescas wasn't aware that she needed a permit to move the structure in question from her old house to this property, because it did not have any sides nor needed electricity or plumbing. She did get permits for the other structures on her property. Since she is building a new house on the other parcel, the old house has to be torn down. So, instead of tearing down the shed that she used to park her vehicle, she decided to move it next to the barn to use as a running shed and for the storage of shavings for the horses. The structure in question has been a point of contention between neighbors since it was moved in April of 2017.

Lisa Tangren, 4883 Tallassee Rd., Athens, GA was present in opposition to this variance. One of the main reasons for her investing in property in Jackson County for 17 years was the setbacks from property lines for security and privacy. Mrs. Tangren had concerns that this structure in question could possibly lead to other uses that would create bad odors or loud noises that would disturb them, since their property is adjacent to this structure in question. She request that the board deny this variance.

Bill Thornton, 5109 Tallassee Rd., Athens, GA was present in opposition to this variance. Mr. Thornton has lived in Jackson County for 35 years and is familiar with Ms. Illescas property. Mr. Thornton states that the structure in question is not anything that he remembers from the older dwellings on Ms. Illescas property. Also, he has concerns of this structure in question turning into other uses that would create bad odors or loud noises that would disturb the Tangren's. He noted that Ms. Illescas should have checked into Jackson County zoning requirements before moving the structure. Mr. Thornton hopes that the board will abide by the zoning ordinance for Jackson County.

Evelyn Illescas gave a rebuttal to the opposition. She noted that since she moved to that property, there has been a point of contention with her neighbors. Ms. Illescas noted that she has built a very nice house and barn on her property. Also, she has no plan of building a hog pen or chicken coup on her property. Then, there was discussion between the board and Ms. Illescas. As far as the structure in question, it took about an afternoon to move the structure. Ms. Illescas noted that she did receive the staff report showing staff's recommendation of denial.

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

Mark Palmer made a motion to **deny** the reduction of the left side setback from 40 ft. to 11 ft. for the accessory structure that has already been relocated and was seconded by Shirley Turner. The variance was denied by Mark Palmer, Shirley Turner, and Joe Holt.

Mark Palmer made a motion to adjourn the meeting and was seconded by Shirley Turner. The meeting adjourned at 6:18 p.m.

Joe Holt, Chairman

Date

DRAFT