



## BOARD OF ADJUSTMENTS MINUTES

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

January 7, 2021  
6:00 P.M.

### Board Members Present

Joe Holt, Chairman  
Shirley Turner, Vice-Chairman  
Steve Wittry

### Board Member Absent

James Scott  
Mark Palmer

### Staff

Gina Roy, Assistant County Manager  
Kathy Holloway, Zoning Administrator

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

Shirley Turner nominated Joe Holt as Chairman of the Board of Adjustment for 2021 and was seconded by Steve Wittry. The motion was approved unanimously. Joe Holt nominated Steve Wittry as Vice-Chairman of the Board of Adjustment for 2021 and was seconded by Shirley Turner. The motion was approved unanimously.

Shirley Turner made a motion to approve the December 3, 2020 BOA Minutes and was seconded by Steve Wittry. The motion was approved unanimously.

Gina Roy gave the staff comments. There will be a Board of Adjustment Meeting on February 4, 2021. Joe Holt noted to the applicant present that only 3 out of 5 members are present tonight, thus there needs to be 3 affirmative votes to approve each variance case. The applicants had no problem with just 3 members present and wanted to continue with their cases. Mr. Holt asked if anyone had any problems in waiving the reading of the hearing procedures and no one objected. Then, Mr. Holt asked all participants of the meeting to raise their right hand and repeat after him the blanket swearing.

## New Business:

1. VA-20-0041 – Kenny Whitiworth, 739 Brassie Falls Lane, Jefferson, GA; .35 acre; reduce the County stream buffer from 50 feet to 0 feet. (Map 105D/Parcel 035I)

Gina Roy gave staff comments. This property is Lot 35I in the Traditions of Braselton Subdivision. The Traditions of Braselton Subdivision was final platted prior to the required 50 ft. county stream buffer. The applicant is requesting to reduce the county stream buffer from 50 feet to 0 feet on this proposed lot, thereby leaving the minimum 25 ft. state buffer. The shape of the lot is rectangular in nature but the property lines goes well into the adjacent lake/pond. Part of the lot (approximately 1,275 square feet, or approximately 8% of the lot) is under water. If relief is not granted, more than ½ of the subject lot is rendered unbuildable, and it would not be possible to build a house on the lot. Also, there was discussion between staff and the board regarding previous stream buffer variances. Mrs. Roy noted that since 2014, there has been 17 variance cases to reduce the stream buffers in the Traditions of Braselton Subdivision. Staff recommends approval.

Kenny Whitworth, 3505 River Birch Loop, Jefferson, GA was present to represent this variance case. This property is in the Traditions of Braselton Subdivision that was final platted prior to the required 50 ft. county stream buffer. The proposed lot will not be buildable without this variance. Mr. Whitworth noted that he is very familiar with the E & S law regarding silt fences and protective barriers to state waters. Also, he noted that if this variance is approved, the individual who is interested in buying this lot will sign the papers tomorrow. Then, they will meet with the Traditions of Braselton Architectural Review Board next week regarding the house plan.

There was no opposition present at the meeting.

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

Steve Wittry made a motion to approve the reduction of the county stream buffer from 50 ft. to 0 ft. in order to build a house on the proposed lot with 1 condition: 1) Triple wire-back silt fences be put up during construction of the house. The motion was seconded by Shirley Turner. The variance was approved unanimously.

2. VA-20-0043 – Intown Home Builders, 4378 Hwy. 124, Hoschton, GA; 1.5 acres; reduce the right side setback from 40 ft. to 20 ft. (Map 105/Parcel 023)

Gina Roy gave staff comments. In 1990, the owner split 1.5 acres from the original acreage leaving 0.810 tract. Back in 1990 when you split off acreage from the parent parcel, the zoning ordinance didn't require you to show what acreage remained. Thus, the lot is very irregularly shaped, making it difficult for required setbacks to be met. The property gains access off of Hwy. 124. The applicant is requesting a variance to the minimum right side building setback from 40 ft. to 20 ft. Also, an Administrative Variance was given by staff for the minimum left side building setback from 40 ft. to 30 ft. The existing home was recently demolished on site and the applicant is hopeful to build a new home. The home that was previously on site did not meet setbacks and was grandfathered in, so the applicant is not wishing to build the exact footprint. Staff recommends approval.

Randy Wallis of Intown Home Builders, 506 Carriage Drive, Bethlehem, GA was present to represent this variance case. Mr. Wallis has been hired by the owner, Jose Amador, to tear down the neglected and dilapidated old house and build a new house in its place. The lot is very irregularly shaped and difficult to meet building setbacks. So, they are requesting a variance to reduce the right side setback from 40 ft. to 20 ft. Also, staff has approved administratively to reduce the left side setback from 40 ft. to 30 ft.

The lot is on county water and will utilize a septic tank, which the soil test proved favorable. There was discussion between the board and Mr. Wallis regarding the variance and buying a lot that doesn't meet county requirements.

There was no opposition present at the meeting.

Steve Wittry made a motion to reduce the right side setback from 40 ft. to 20 ft. in order to build a house on the property. The motion was seconded by Shirley Turner. The variance was approved unanimously.

Joe Holt made a motion to adjourn and was seconded by Shirley Turner. The motion was unanimous. The meeting adjourned at 6:20 p.m.

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Joe Holt, Chairman

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*Date*

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