



BOARD OF ADJUSTMENTS MINUTES

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

March 4, 2021
6:00 P.M.

Board Members Present

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

Board Member Absent

James Scott

Staff

Jamie Dove, Public Development Manager
Kathy Holloway, Zoning Administrator

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

Steve Wittry made a motion to approve the February 4, 2021 BOA Minutes and was seconded by Shirley Turner. The motion was approved unanimously.

Jamie Dove gave the staff comments. There will be a Board of Adjustment Meeting on April 1, 2021. Then, Jamie Dove read the public 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. VA-21-0046 – Michael Lozanski, 175 Nowhere Lane, Athens, GA; 2.26 acres; reduce the left side setback from 40 ft. to 5 ft. (Map 008/Parcel 020A)

Jamie Dove gave staff comments. The applicant would like to reduce the side setback from 40 ft. to 5 ft. to allow for a 400 sq. ft. detached garage/accessory structure. When an accessory structure is more than 200 square feet in size, it must meet the building setbacks for a principal dwelling in that zoning district. Required building setbacks for principal dwellings in the A-2 zoning district are 50 feet front, 40 feet sides and rear. The shape of the lot is somewhat unique and overall the lot is much shallower from front to back than it is from side to side. The principal structure is located on the deepest part of the lot and the principal dwelling is +/- 40 feet from the rear property line making it impossible to place the new accessory building in the rear yard, as the accessory building would need to be 40 feet from the rear property line. Where the applicant wants to place the accessory structure is to the left of the principal dwelling. Furthermore, options for siting the proposed accessory building are limited due to the following items; by ordinance the accessory structure has to be placed in a side or rear yard and the rear of the principal dwelling is already at the +/- 40 foot rear setback line, thus leaving the side yard option; the location of the septic system limits using the rear yard and the area to the right side of the principal structure; and the majority of the lot is heavily wooded. Staff recommends approval with the following condition: 1) It is recommended that in the area of the accessory structure a 6 foot high wooden privacy fence be installed along the left side property line which will help to ensure the bulk of the accessory structure not be as visible looking from the east into the property. The wooden fence should be no less than 50 feet long.

Michael Lozanski, 175 Nowhere Lane, Athens, GA, was present to represent this variance case. Mr. Lozanski is proposing to reduce the left side setback from 40 ft. to 5 ft. in order to put a 400 sq. ft. climate-controlled metal garage/accessory building on his property. Mr. Lozanski noted that the reasons for requesting a variance is so that he can keep site lines from the road unobscured, place the building in a non-wooded area on the lot; away from the septic system; and right off the main driveway. Also, he noted that you can't see the nearest neighbor through the trees, thus he doesn't feel that a privacy fence is necessary. Then, there was discussion between the board and staff in regards to the privacy fence. Staff noted the reason for adding the privacy fence condition is in case the neighbor splits the property for another principal dwelling or builds a guest house.

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 variance to reduce the left side setback from 40 ft. to 5 ft. for a detached garage/accessory building without any conditions. The motion was seconded by Mark Palmer. The variance was approved unanimously.

2. VA-21-0048 – Suna Om, 52 Plainview Rd., Maysville, GA; 1.186 acres; reduce the left side setback from 40 ft. to 16.1 ft. (Map 064/Parcel 005A2)

Jamie Dove gave the staff report. The applicant would like to replace a current dilapidated barn located in the northern corner of her property with a new barn of the same size. The new barn is to be located in the exact location of the barn that is to be demolished and removed. The existing structure is 16.1 ft. from the left side property line. The required side setback in A-2 zoning is 40 ft. Thus, the applicant would like to reduce the left side setback from 40 ft. to 16.1 ft. for the new barn. Staff recommends approval.

Ricky Veal, 219 Water Plant Road, Commerce, GA, was present to represent the owner, Suna Om. Mr. Veal noted that Ms. Om request a variance from 40 ft. to 16.1 ft. in order to replace the old barn. Also, Mr. Veal noted that the neighbor's residence to the left of the barn is approximately 200 ft. or more from the barn, and the neighbor had no problem with rebuilding the barn close to the property line. It was going to cost more money to fix the old barn, than to rebuild the barn. Ms. Dove noted that when they tore down the old barn, they lost the grandfather of the building. There was discussion between the board, staff, and applicant.

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 approve the variance to reduce the left side setback from 40 ft. to 16.1 ft. in order to replace the old dilapidated barn with a new barn of the same size and location. The motion was seconded by Shirley Turner. Mark Palmer, Shirley Turner, Steve Wittry approved the variance. Joe Holt opposed the variance.

Steve Wittry made a motion to adjourn and was seconded by Mark Palmer. The motion was unanimous. The meeting adjourned at 6:25 p.m.

Joe Holt, Chairman

Date

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