



## BOARD OF ADJUSTMENTS MINUTES

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

December 2, 2021  
6:00 P.M.

### Board Members Present

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

### Board Members Absent

James Scott  
Mark Palmer

### Staff

Jamie Dove, Public Development Manager  
Kathy Holloway, Zoning Coordinator

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

Steve Wittry made a motion to approve the November 4, 2021 Board of Adjustment Minutes and was seconded by Shirley Turner. The motion was approved unanimously.

Jamie Dove gave the staff comments. She noted there will be a January 6, 2022 BOA Meeting. Starting in January 2022, all BOA Meetings will be held at the Jackson County Courthouse at 6:00 p.m. in the Jury Assembly Room. Joe Holt noted there are 5 BOA members but only 3 members present tonight, thus there needs to be 3 affirmative votes to approve the variance case. He asked if the applicant/owners would like to postpone their case until the next meeting, but they decided to go forward with their case. The applicant/owners were in agreement to waive the reading of the public hearing procedures. Then, Joe Holt asked all participants of the meeting to raise their right hand and repeat after him the blanket swearing.

### New Business:

1. VA-21-0076 – Ola Ruth Mitchell, 577 Jackson Way, Jefferson, GA; 1.56 acres; reduce the left side setback from 40 ft. to 5 ft. for an accessory structure. (Map 094A/Parcel 016)

Jamie Dove gave the staff report. The concept plan that was submitted with the building permit was handed out to each board member present tonight. Ms. Dove noted that staff reviewed the building permit application along with the concept plan that showed 45 ft. from the left side setback for the accessory structure and staff approved the building permit. Then, the building inspector went out to inspect the setbacks and footings. The inspector found out that the footings that were staked out were only 5 ft. from the property line. So, staff put a hold on the portal permit and footings were poured anyway, thus the reason they are before the BOA this evening. There are several affidavits in the board's packets that have no objections to their neighbors building the accessory structure 5 ft. from the property line. Staff recommends denial of this variance case.

Jonathan Feltner, Premier Building Systems Estimator out of Braselton, GA was present to represent this variance case. Mr. Feltner sold the accessory building/garage to Kristi Roberts and her brother, Vince Mitchell to place on their mother's (Ola Ruth Mitchell) property at 577 Jackson Way, Jefferson, GA. Mr. Feltner used google earth measuring tool on the computer and came up with 45 ft. from the property line on where to place the accessory building/garage rather than going to the site to measure setbacks and stake out the building. Mr. Feltner discovered the day after the footers were poured that the setback inspection had failed and a hold was placed on the permit. There would be an area in the back yard to place the accessory structure/garage, but Ms. Ola Ruth Mitchell wanted the structure to be close to the house so that she could get to the garage easier, as she is in a wheelchair. Then, Vince Mitchell, noted to the board that there are plans to extend the house to the proposed accessory building/garage site, which Premier Building Systems were unaware of. Kristi Roberts noted to the board that she is the one that staked out the accessory building/garage based on them wanting to expand the house. Ms. Robert's noted that she was not aware of the 45 ft. setback on the concept plan that was submitted with the building application. Also, Ms. Roberts noted that their back yard is rough terrain, and they wanted the accessory building/garage to be closer to the house for her Mom to access better in a wheelchair. Sonny Styles, Premier Building Systems Project Manager, noted that when he reached the site the stakes were already placed thus, he assumed that was where he needed to pour the concrete. Also, Mr. Styles noted that if they moved the accessory structure/garage over 35 ft. to meet the 40 ft. building setback, it would block part of the house. There was some discussion between the applicant and the board in regards to this variance. The board noted that the ordinance is applied to everyone. Also, the board noted that whoever is responsible for staking out the accessory building/garage, whether the homeowner or the contractor, should know the building setbacks from the property lines before starting the process.

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.

Steve Wittry made a motion to **deny** the reduction of the left side setback from 40 ft. to 5 ft. for an accessory structure. The motion was seconded by Shirley Turner. The variance was **denied** unanimously.

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

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Joe Holt, Chairman

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Date