

**APPROVAL OF A SPECIAL EXCEPTION VARIANCE  
FROM THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA**

**TITLE**

A Resolution granting approval of a Special Exception Variance based upon the allowances under the Unified Development Code of Oconee County, Georgia, pursuant to Article 13, Section 1303, to grant approval of a Special Exception Variance pursuant to an application requesting approval of a Special Exception Variance on property owned by Andrew and Carmen Barrs submitted on August 21, 2020.

**ENACTMENT CLAUSE**

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application requesting a Special Exception Variance approval submitted by Lone Star Builders on August 21, 2020 regarding a ±3.02-acre tract of land located at 1607 Lea Haven Way in the 221<sup>st</sup> G.M.D., Oconee County, Georgia, (tax parcel no. C-02AI-006), the Board of Commissioners of Oconee County does hereby grant the following:

SECTION 1. A Resolution granting a Special Exception Variance approval for the property described above and also described in the attached Exhibit "A" is hereby granted to reduce the rear setback for an accessory building.

Said Special Exception Variance is subject to the following conditions: as set forth in "Exhibit A" attached hereto.

SECTION 2. Severability. It is intended that the provisions of this Ordinance be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Ordinance.

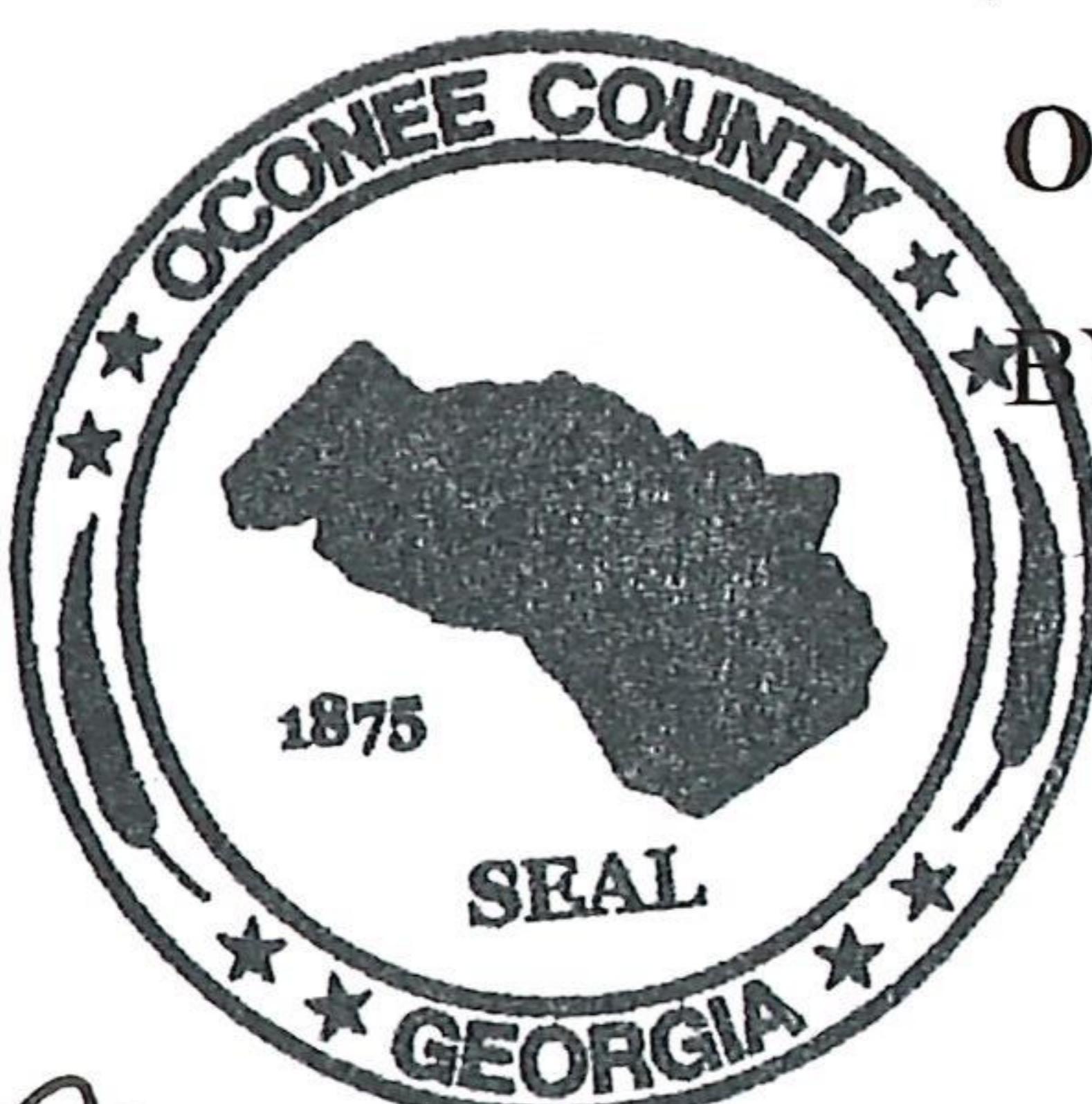
SECTION 3. Effective Date. This Resolution shall take effect this date.

Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on October 6, 2020.

ADOPTED AND APPROVED, this 6<sup>th</sup> day of October, 2020.

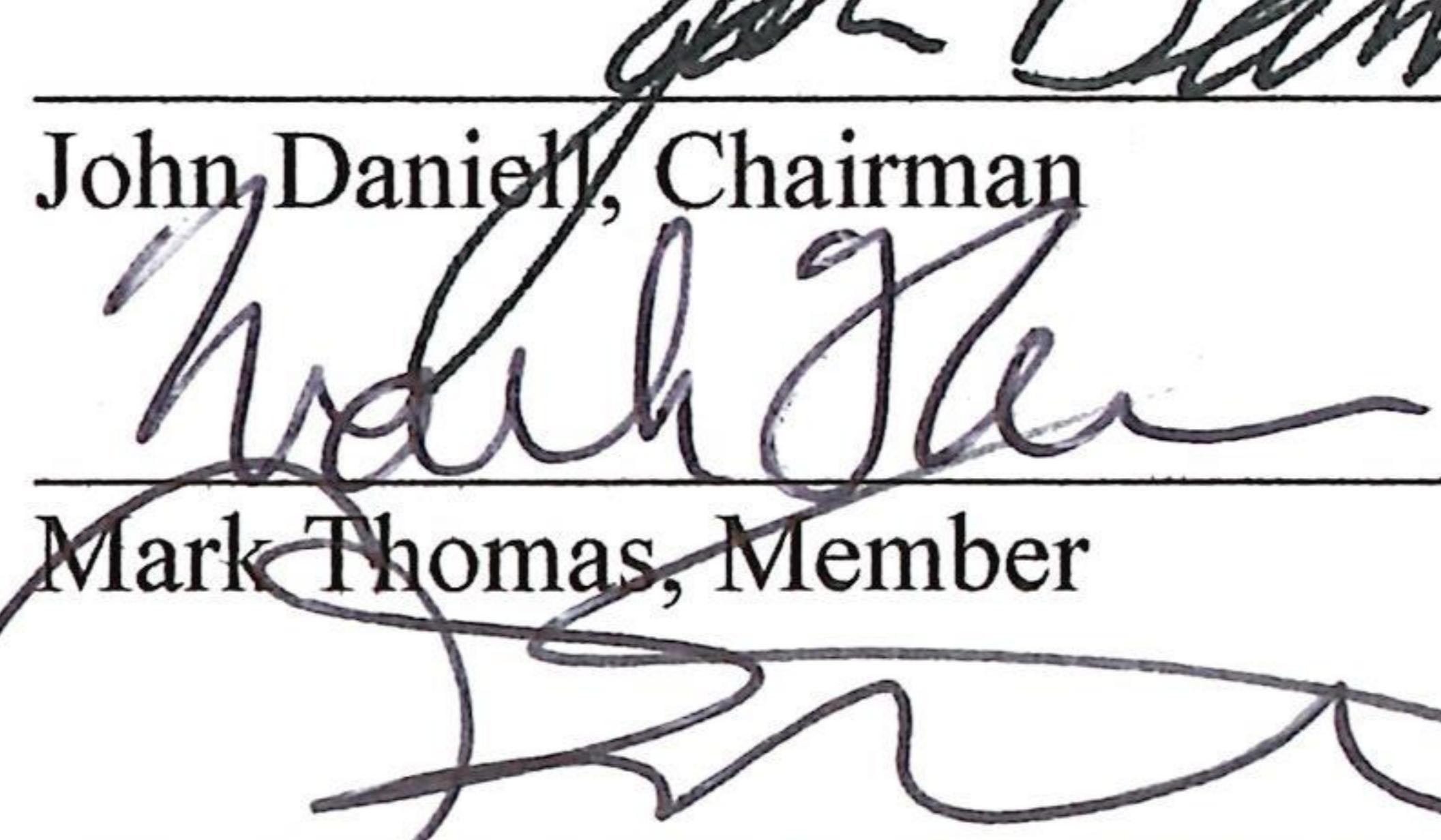
ATTEST:

  
Kathy Hayes  
Clerk, Board of Commissioners

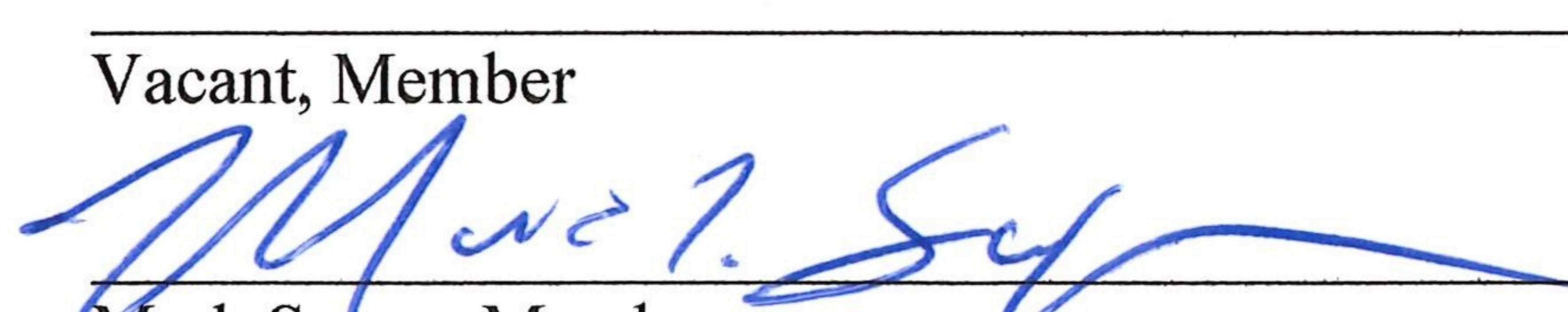


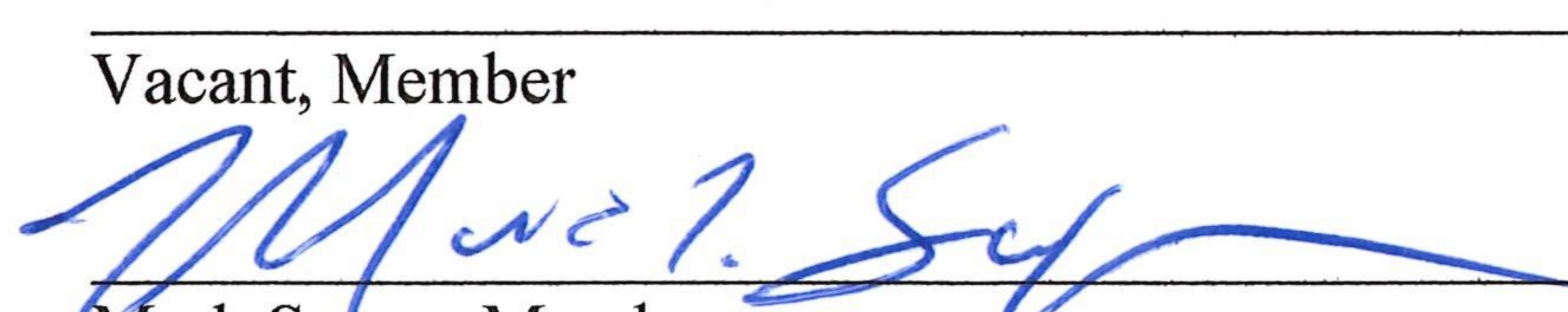
OCONEE COUNTY BOARD OF COMMISSIONERS

BY:   
John Daniell, Chairman

  
Mark Thomas, Member

  
Chuck Horton, Member

  
Vacant, Member

  
Mark Saxon, Member


**EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P20-0171**  
**Page 1 of 5**

**CONDITIONS**

1. The rear setback shall be reduced to 10 feet only for the area of encroachment of the existing accessory building.

**TAX MAP**

**Variance # P20-0171 - Andrew Barrs**



**LEGAL DESCRIPTION**

All that tract or parcel of land, together with all improvements thereon, situate, lying and being in the 221<sup>st</sup> District, G.M., Oconee County, Georgia, containing 3.02 acres, more or less, of Lea Haven Subdivision, as shown on plat entitled, "Survey For: Andy Barrs", dated July 17, 2017, prepared by Du South Surveying & Engineering, Inc., Jerry D. Wood, Georgia Registered Surveyor No. 2999, being recorded in Plat Book 2017, page 137, in the Office of the Clerk of the Superior Court of Oconee County, Georgia, and more particularly described as:

Commencing at the southerly most corner of Lot 5,  
Thence North 44° 41' 01" West, a distance of 338.24 feet;  
Thence North 38° 57' 08" East, a distance of 280.1 feet;  
Thence North 38° 54' 24" East, a distance of 105.29 feet;  
Thence North 39° 03' 09" East, a distance of 22.33 feet;  
Thence South 66° 50' 57" East, a distance of 91.51 feet;  
Thence North 68° 13' 14" East, a distance of 47.14 feet;  
Thence South 04° 58' 53" East, a distance of 211.79 feet;  
Thence on a curve South 41° 19' 54" West, with an arc of 56.57, radius 60.32, and chord length 54.53;  
Thence on a curve South 25° 22' 32" East, with an arc of 83.97, radius 60.32, and chord length 77.41;  
Thence on a curve South 17° 23' 43" East, with an arc of 8.36, radius 5, and chord length 7.48;  
Thence on a curve South 31° 43' 33" West, with an arc of 54, radius 975, and chord length 54;  
Thence on a curve South 36° 38' 31" West, with an arc of 113.3, radius 975, and chord length 113.24;  
Thence on a curve South 42° 54' 48" West, with an arc of 100.13, radius 975, and chord length 100.09 to the Point of Beginning;

Containing 3.02 acres more or less.

## NARRATIVE

Andy D. Barrs

1971 Hog Mountain Rd., Ste. 200  
Watkinsville, Georgia 30677  
(478) 955-8231  
adbarrs@barrisindustries.com

September 9<sup>th</sup>, 2020

Guy Herring, Director of Planning & Code Enforcement  
Oconee County Planning Department  
1291 Greensboro Hwy, a108  
Watkinsville, Georgia 30677

**RE: 1607 Lea Haven Shed Variance Request**

Dear Mr. Herring,

On September 18<sup>th</sup>, 2016, we lost our entire home and its contents due to fire. After several months of review by the insurance company, they ruled the damage as a total loss. We then began the slow process of demolishing the remaining structure, planning, and eventually rebuilding on the same lot in Lea Haven. Along with building a new home, we also constructed a new shed for general storage purposes in the rear of the property.

The subject property on which this new shed was built, 1607 Lea Haven Way (Tax Parcel C 02AI006), is an approximately 3.02-acre lot, currently zoned R-1, and the location of our primary residence. The property adjacent to the west (Tax Parcel C 02AI004) is zoned R-1 with a single family residence, while the property adjacent to the east (Tax Parcel C 02AI009) is currently a vacant lot, also zoned R-1. The land that abuts the rear of our property (Tax Parcel C 02 097C) is part of the Southern Piedmont Experiment Station (owned by The University of Georgia), is zoned AR-1, and is currently being used for row crop production and other agricultural uses.

Just a few weeks before the fire in September of 2016, we had completed the drilling of a new well after our previous well on the other side of the property had run dry earlier that summer. The location of this existing well dictated in part where we were able to locate the new shed. We also incorrectly assumed that this shed would be considered an accessory structure and would only require a minimum setback of five feet off the rear property line. In what we believed to be a more conservative decision, the shed was placed over ten feet off the setback, more than double the distance we believed to be required, while also being located in accordance with the existing "new" well house. The shed and its surroundings are maintained to a level consistent with our primary residence and are in keeping with the covenants of the neighborhood.

I have personally notified our neighbor of this variance request as well as apologized for any inconvenience it may have caused them. Likewise, I apologize for the time and inconvenience this variance request may cost the county in its review. Please let me know if there is anything else that I may offer to provide greater detail regarding this request.

Sincerely,



Andy Barrs

**EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P20-0171**

- 29 -


## PLAT

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PARTICIPANTIO	
BK:2017 PG:137-137	
P2017000137	
FILED IN OFFICE	
CLERK OF COURT	
ANGELA ELDER-JOHNSON,	
CLERK	
SUPERIOR COURT	
OCONEE COUNTY, GA	
Clerk of Superior Court Filing Information	
Cynthia Elder - Johnson	
08/18/2017 09:02 AM	
JERRY D. WOOD # 2009	
As required by subsection (c) of O.C.G.A. Section 15-6-57, this map or plot has been prepared and issued for submittal and approval by the local jurisdiction as is evidenced by the approval of sufficient signatures, stamps, or statements herein. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of the survey or map as to intended use of any parcel. Further, the undersigned long surveyor property surveyor in Georgia as set forth in Chapter 160-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Rule Act O.C.G.A. 15-6-57.	
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EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P20-0171  
Page 5 of 5

CONCEPT PLAN





**Planning Department  
Oconee County, Georgia  
STAFF REPORT**

**VARIANCE CASE #:** P20-0171

**DATE:** September 16, 2020

**STAFF REPORT BY:** Grace Tuschak, Senior Planner  
Monica Davis, Planner

**APPLICANT NAME:** Lone Star Builders

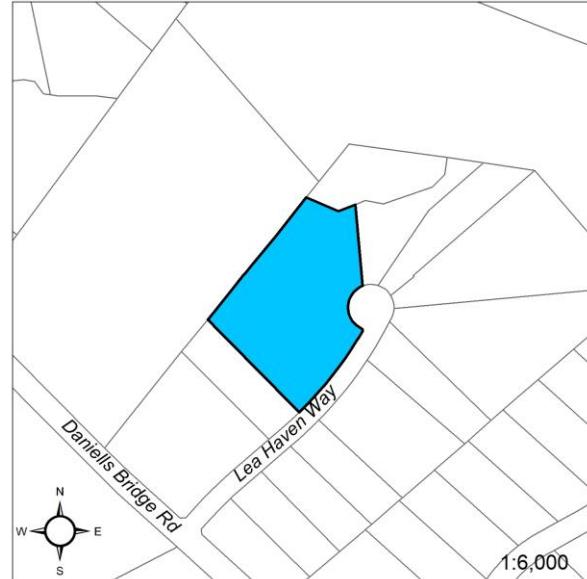
**PROPERTY OWNERS:** Andrew and Carmen Barrs

**LOCATION:** 1607 Lea Haven Way

**PARCEL SIZE:**  $\pm 3.02$  acres

**EXISTING ZONING:** R-1 (Single Family Residential)

**EXISTING LAND USE:** Residential



**TYPE OF VARIANCE REQUESTED:** Special Exception Variance

**REQUEST SUMMARY:** The property owner is requesting a variance from UDC Sec. 410.01.c(2) to reduce the rear setback from 40 feet to 10.6 feet for an existing accessory building.

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** October 6, 2020

**ATTACHMENTS:**

- Application
- Narrative
- Plat
- Aerial Imagery
- Zoning Map
- Future Development Map
- Concept Plan

## **BACKGROUND INFORMATION & FINDINGS OF FACT**

### **HISTORY**

- The property was rezoned from AG to R-1 on 12/06/2005 for the development of a 19 lot residential subdivision.
- An administrative recombination plat was approved in 2017 to recombine parcels C-02AI-005, C-02AI-007, and C-02AI-008.
- A single family home was built on the property in 2018.
- A storage building was built within the rear setback in 2018.

### **VARIANCE DESCRIPTION**

- The owner is requesting to reduce the principal building rear setback to accommodate an existing 351-square foot storage shed.
  - ***Unified Development Code Section 410.01.c(2) – Minimum setbacks; accessory buildings and structures***

*Accessory buildings having a floor area greater than 144 square feet must comply with the same setbacks as required for principal buildings in each zoning district.*

MINIMUM PRINCIPAL BUILDING SETBACK (FT)	AG	AR-3	AR	R-1
Front (measured from ROW)	From major thoroughfare	40	40	40
	From minor street	30	30	30
Side	25	15	15	10
Rear	25	40	40	40

### **PUBLIC FACILITIES**

- County services, facilities, and infrastructure should not be affected by the present request

### **ENVIRONMENTAL**

- No 100-year floodplain, state waters, or jurisdictional wetland areas are known to exist on the site

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## **STAFF ANALYSIS**

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR SPECIAL EXCEPTION VARIANCE APPROVAL” AS SET FORTH IN SECTION 1303.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

**Special exception variances may be granted upon findings that if granted, the relief will not cause an occurrence of any of the following:**

- Cause a substantial detriment to the public good:**  
No significant negative impact to the tax base or to nearby public infrastructure, schools, or environmentally sensitive areas should result from approval of the present request. Staff holds that approval of the present request should not cause any substantial detriment to the public good.
- Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:**  
The surrounding area is a mixture of agricultural, agricultural residential, and single-family residential. Staff holds that the accessory building location may reduce the privacy of adjacent properties and thus be injurious to the use and enjoyment of said property.

c. **Diminish and impair property values within the surrounding neighborhood:**

Staff holds that it is unlikely that the building location would significantly impair property values in the surrounding area.

d. **Impair the purpose and intent of this Development Code:**

The intent of UDC Section 410.01.c.2 is to ensure adequate separation of buildings from adjoining properties and appropriate scale of buildings in residential areas in order to promote public safety, maintain privacy, and encourage orderly and aesthetically pleasing development. Staff holds that the location of the accessory structure may diminish the privacy of the adjacent properties and thus impair the purpose and intent of the UDC. Staff also notes that construction of the accessory structure was started prior to permit issuance. After the permit was issued on 04/26/2019, the structure was not built in the location shown on the site plan, resulting in the violation of UDC Sec. 106.02.a (below) and further impairing the purpose and intent of the UDC.

“No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with this Development Code.”

### **STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS**

Based upon the standards and limitations for special exception variance approval, this request **does not meet all necessary conditions to grant a special exception variance** and staff recommends the special exception variance be **denied**. Should the variance be approved, staff recommends the following condition:

1. The rear setback shall be reduced to 10 feet only for the area of encroachment of the existing accessory building.



# OCONEE COUNTY APPEAL APPLICATION

**Type of Appeal Submitted:**

Hardship Variance     Appeal of Administrative Decision     Flood Damage Prevention Variance  
 Special Exception for: Rear Building Setback Reduction

**Applicant**

Name: Lone Star Builders

Address: 630 Hawthorne Avenue

(No P.O. Boxes)

Athens, GA 30606

Telephone: (706) 353-1711

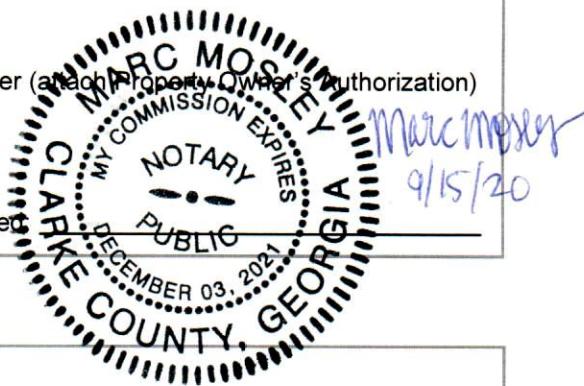
Email: chadbrown.athens@gmail.com

**Applicant is** (check one):  the Property Owner     Not the Property Owner (attach Property Owner's Authorization)

**Applicant's Certification:** I hereby certify that the information contained in and attached to this application is true and correct.

Signature: Chad Brown

Date: 09/15/20 Notarized

**Property**

Location: 1607 Lea Haven Way

Athens, GA 30606

Tax Parcel Number: C 02 A1006

Size (Acres): 3.02 Current Zoning: R-1

Future Development Map—Character Area Designation: Suburban Neighborhood

**Use**

Current Use: Residential

Proposed Use: Residential

**Attachments** (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee
- Warranty Deed(s), Legal Description, & Plat of Survey
- Disclosures
- Maps or Drawings Illustrating Variance Request
- Narrative Statement Explaining Variance Request
- Concept Plan

**Appeal or Variance Requested**

*Provide the code section and briefly explain the requested variance*

UDC Code Section 410.01.c.2

Due to the size of the shed, it is not classified as an accessory structure as initially assumed. The shed was constructed within the appropriate setbacks for an accessory structure, but not in compliance with the setbacks required for a principal building. Therefore, a variance is being requested for a reduction in the rear setback.

**Andy D. Barrs**  
1971 Hog Mountain Rd., Ste. 200  
Watkinsville, Georgia 30677  
(478) 955-8231  
adbarrs@barrsindustries.com

September 9<sup>th</sup>, 2020

Guy Herring, Director of Planning & Code Enforcement  
Oconee County Planning Department  
1291 Greensboro Hwy, a108  
Watkinsville, Georgia 30677

**RE: 1607 Lea Haven Shed Variance Request**

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Sincerely,



Andy Barrs



# Variance # P20-0171 - Andrew Barrs

Tax Parcel #  
C-02AI-006



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375

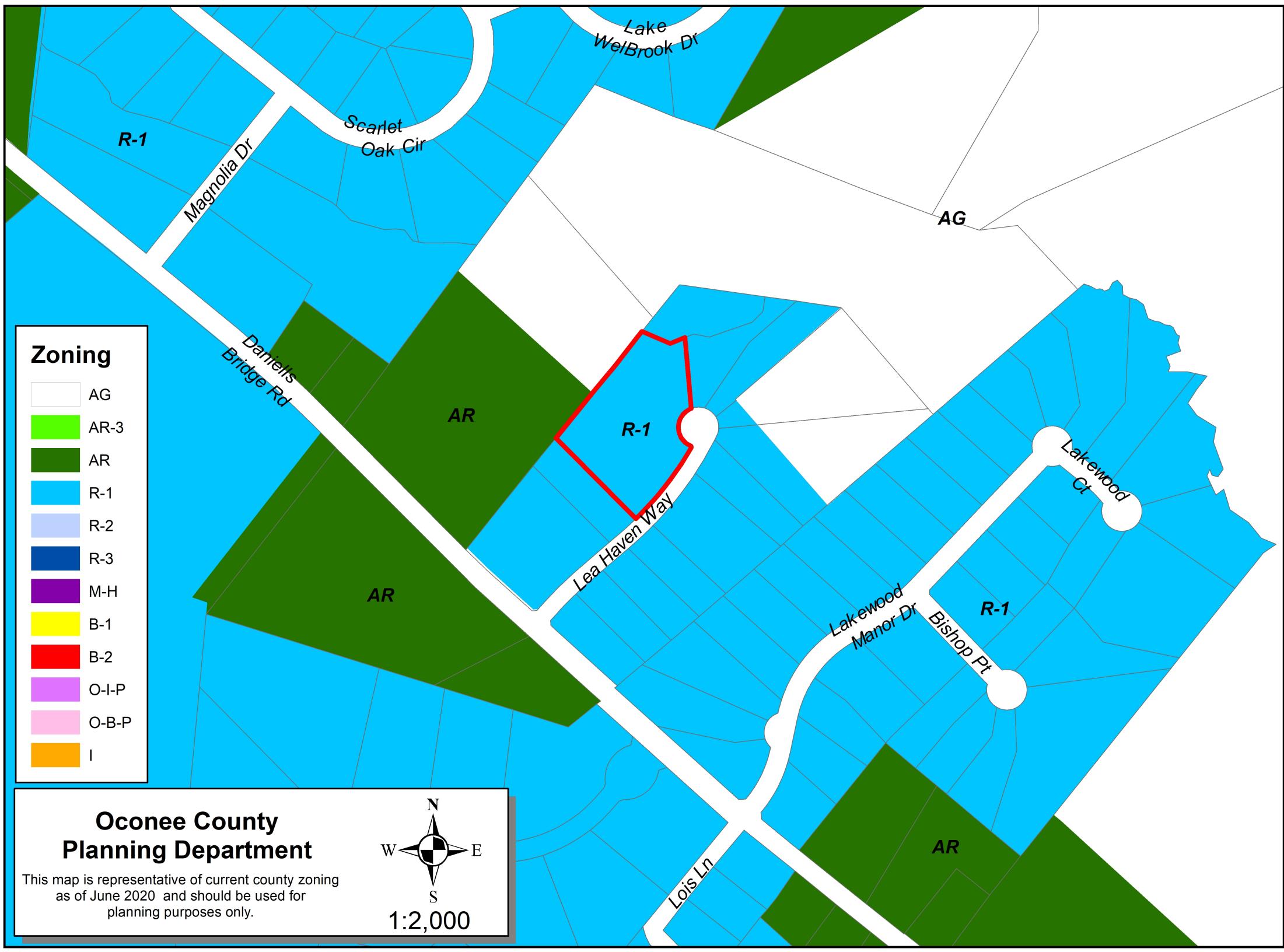
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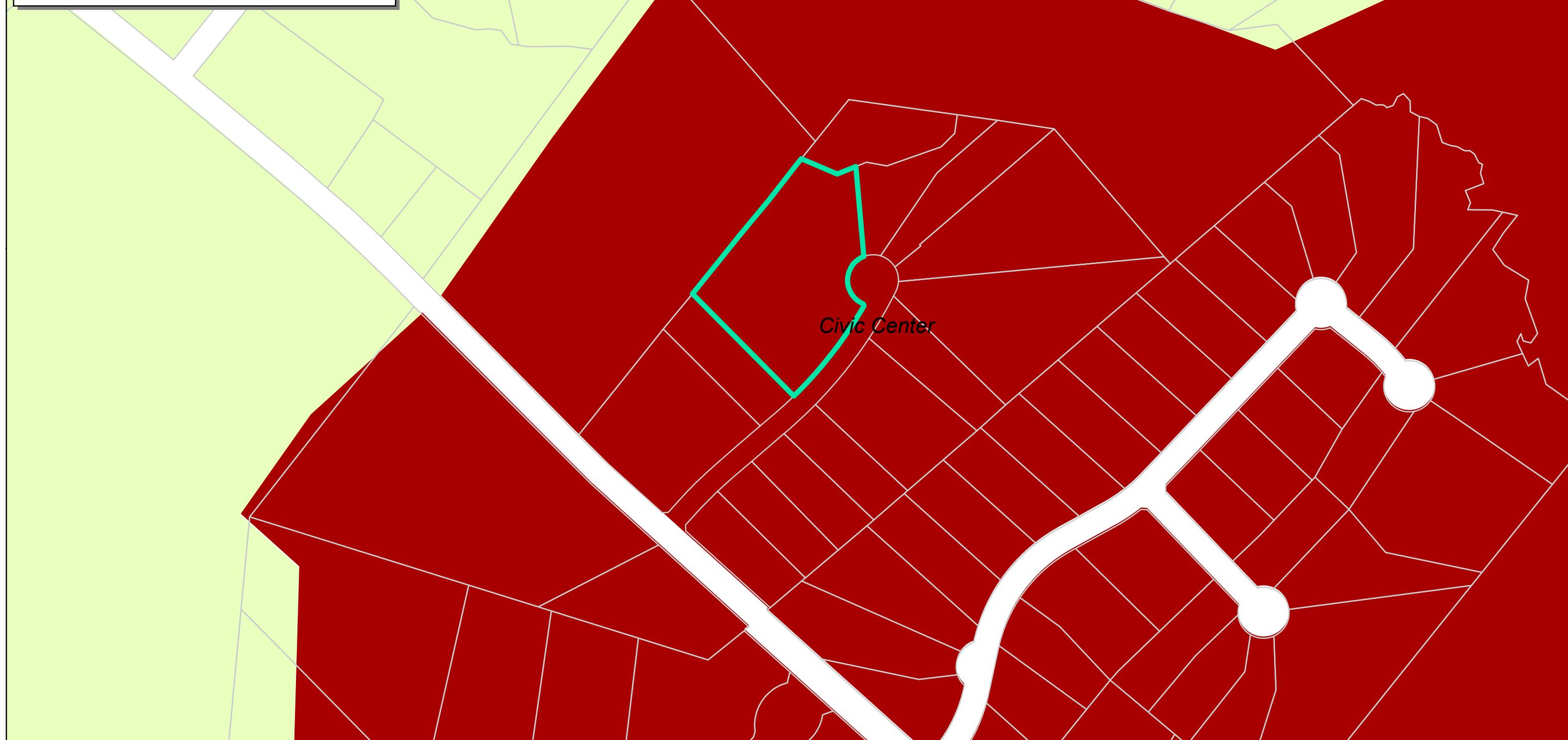
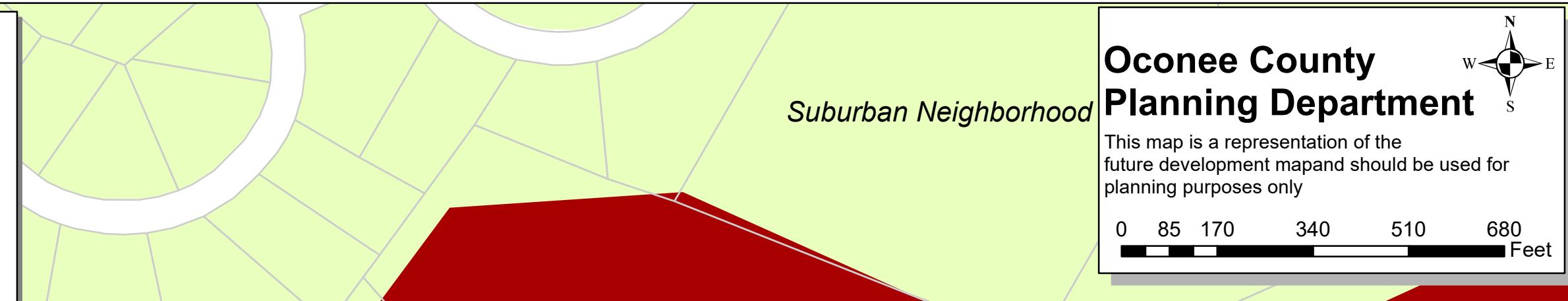
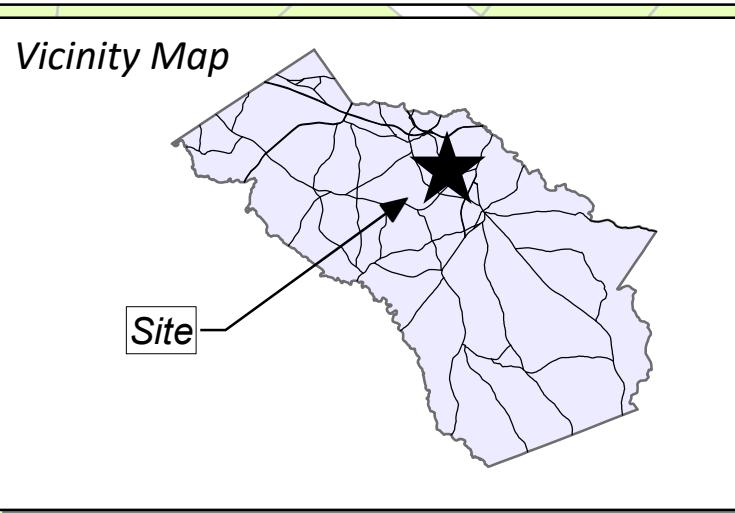
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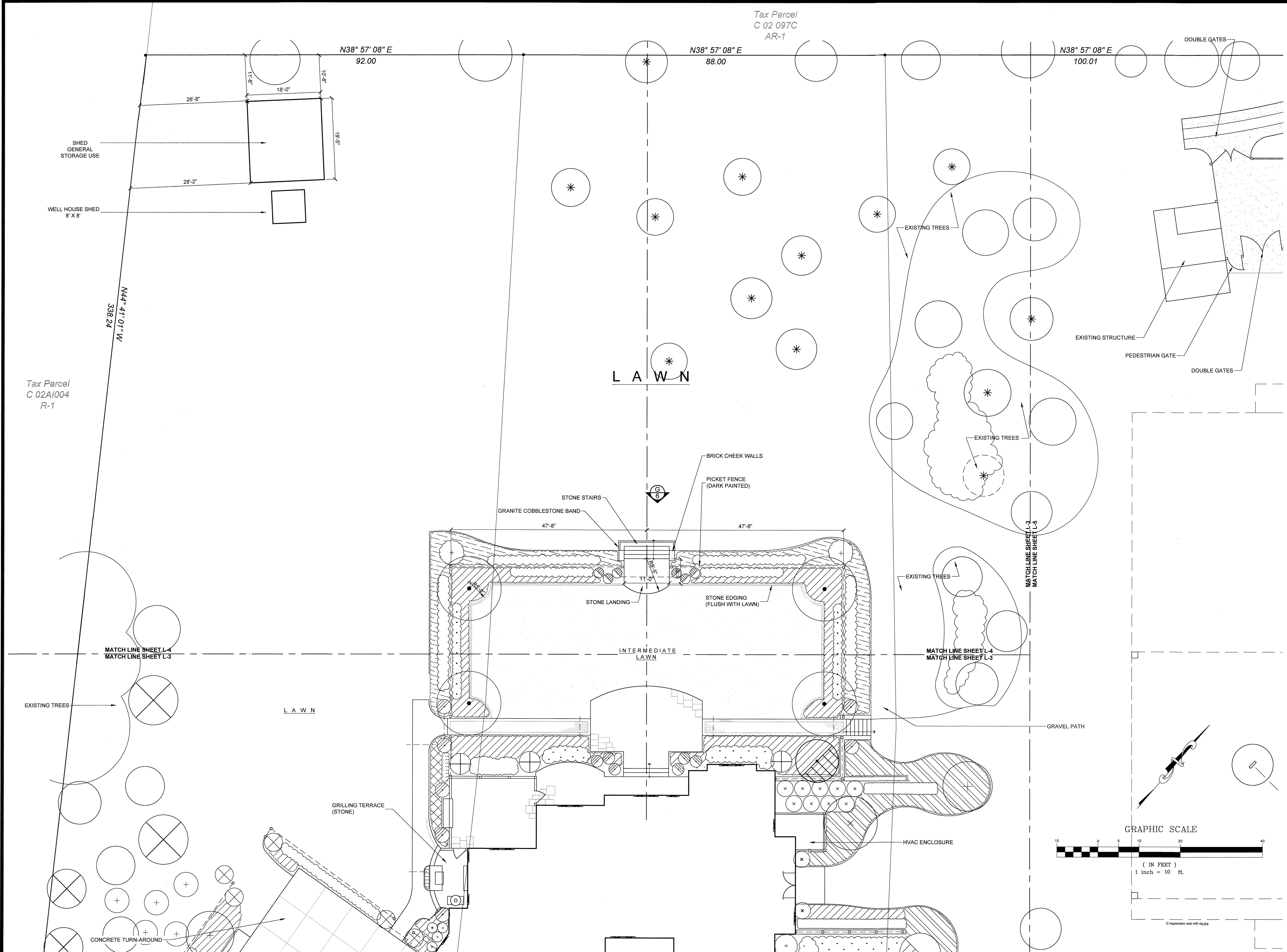
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Feet









DRAWN BY:  
PCH

APPROVED BY:  
DPH

HEET NAME:

# BARRS RESIDENCE

**607 Lea Haven Way  
Watkinsville, GA 30677**

APPLICANT:  
**One Star Builders**  
PROPERTY OWNER:

**Andrew Barrs &  
Carmen Barrs**  
**A X PARCEL:  
C 02AI006**  
**ONING DISTRICT:  
2-1**

## REPRODUCTION RESTRICTION

SCALE	DATE
1" = 10'-00"	9 JAN 2019

HEET NO.