

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 Kevin & Katie Anderson submitted on March 1, 2022.

**ENACTMENT CLAUSE**

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application requesting Special Exception Variance approval submitted by Kevin & Katie Anderson on March 01, 2022, regarding a ±0.48 acre tract of land located at 1091 Old Farm Road in the 221<sup>st</sup> G.M.D., Oconee County, Georgia, (tax parcel no. B-04B-021G), the Board of Commissioners of Oconee County does hereby grant the following:

SECTION 1. A Resolution granting Special Exception Variance approval for the property described above and also described in the attached Exhibit "A" is hereby granted to reduce the side yard setback for an accessory building greater than 144 square feet.

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.

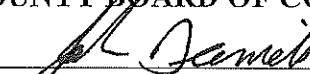
SECTION 3. Effective Date. This Resolution shall take effect this date.

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 May 3, 2022.

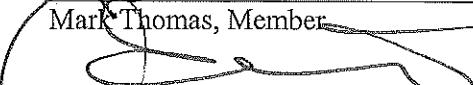
ADOPTED AND APPROVED, this 3<sup>rd</sup> day of May, 2022.

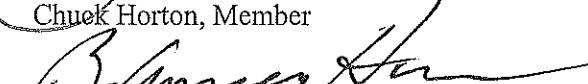
**OCONEE COUNTY BOARD OF COMMISSIONERS**

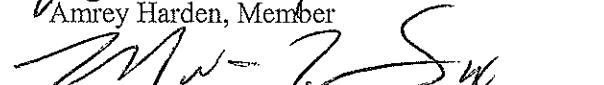
BY:

  
John Daniell, Chairman

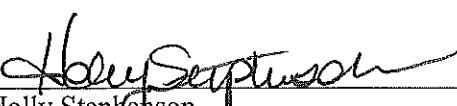
  
Mark Thomas, Member

  
Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

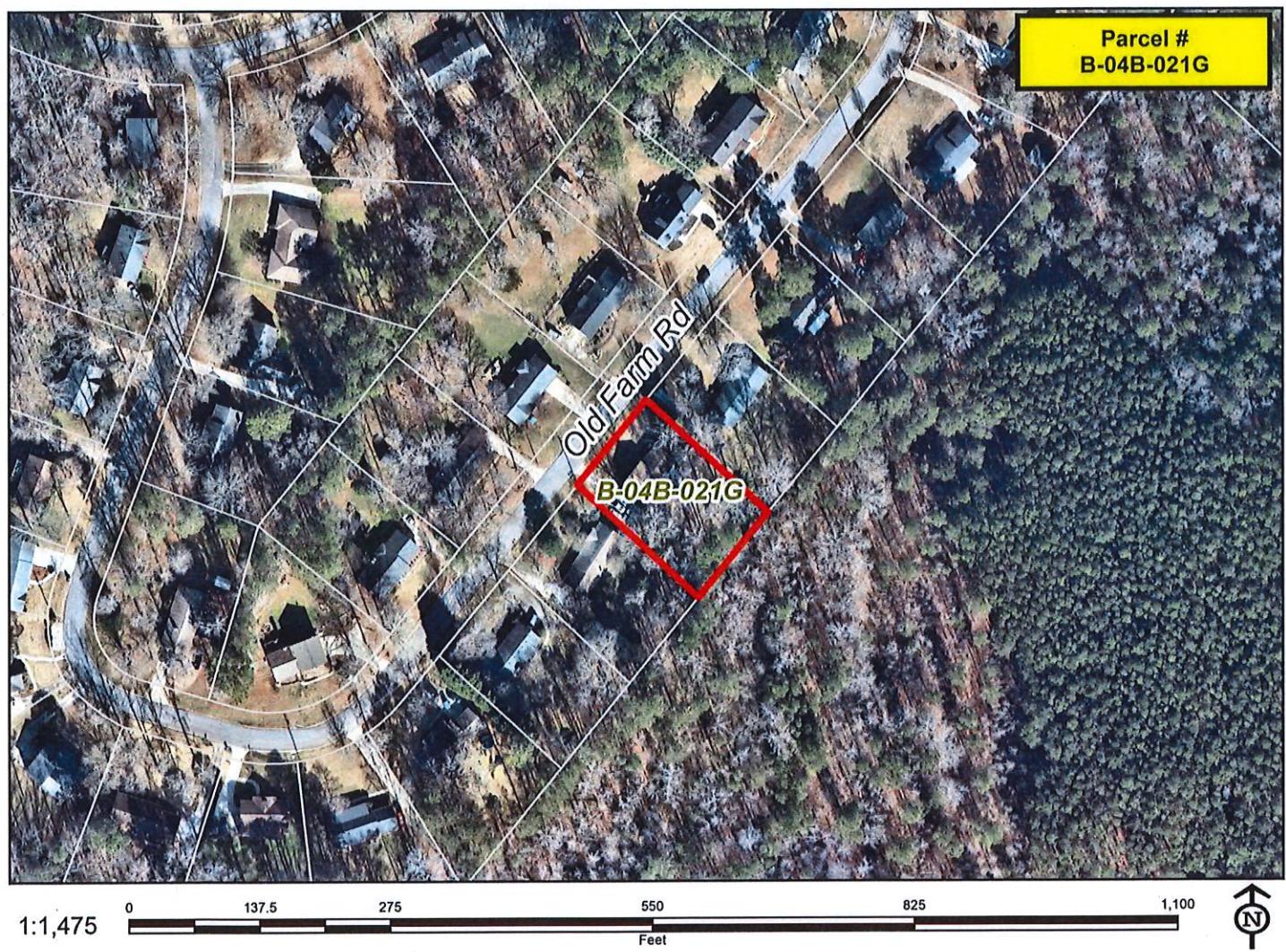
  
Holly Stephenson  
Clerk, Board of Commissioners

**EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0042**  
Page 1 of 5

**CONDITIONS**

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. The side yard setback shall be reduced to 5 feet only in the area of the encroachment of the proposed garage.

**TAX MAP**



NARRATIVE

February 28, 2022

Home Owners: Kevin & Katie Anderson

Address: 1091 Old Farm Rd.  
Watkinsville, Ga

**Request: Special Exception**  
Existing Zoning: AR  
Existing Use: Residential

Hello Planning Department/ To Whom It May Concern:

This Special Exemption Variance request is based from the current setback standards of the Oconee County Unified Development Code, Article 4 Lot and Building Standards section 410- minimum setbacks.

The purpose of this Variance request is to ask if our sideline setback could be reduced to 5 feet, off of the southwest line of our property (right side- viewing from the roadway). **Our current zoning is AR, so we fall under those setback rules.**

We would like to build a detached garage, 24x36 feet in size. The proposed building site would be located just passed the rear of the house, just beyond the current driveway. **Our lot is 0.48 acres total, so every foot counts.** The garage would be for vehicle storage, hobby area and family recreational space. It would have electrical hookup, but no plumbing. The construction of the garage will match our home- wood frame, siding and shingled roof.

The granting of this variance would help by limiting the amount of trees we would need to remove. We would like to preserve as many trees as possible for the health of the environment and animal wildlife.

Also, we want to preserve as much space if, in time, we would ever need to replace the fill lines of the current septic system. The proposed location is the most suitable build location for both tree conservation and septic management. Our paved driveway would also meet up with the proposed building site, thus limiting the need to pave excessively further into our backyard. We as a family greatly enjoy our backyard and would love to preserve as much as we can, for recreation.

**The adjacent land uses are residential and the adjacent zoning is AR.** The purposed garage would increase the value of our home by increasing curb appeal and organization. We are in great standings with our surrounding neighbors.

We have a letter of support from our neighbors; we will include that with the supplemental documents.

Thank you for this consideration.

Best regards,

Kevin and Katie Anderson

**EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0042**  
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**ARCHITECTURAL IMAGES**



EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0042  
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PLAT

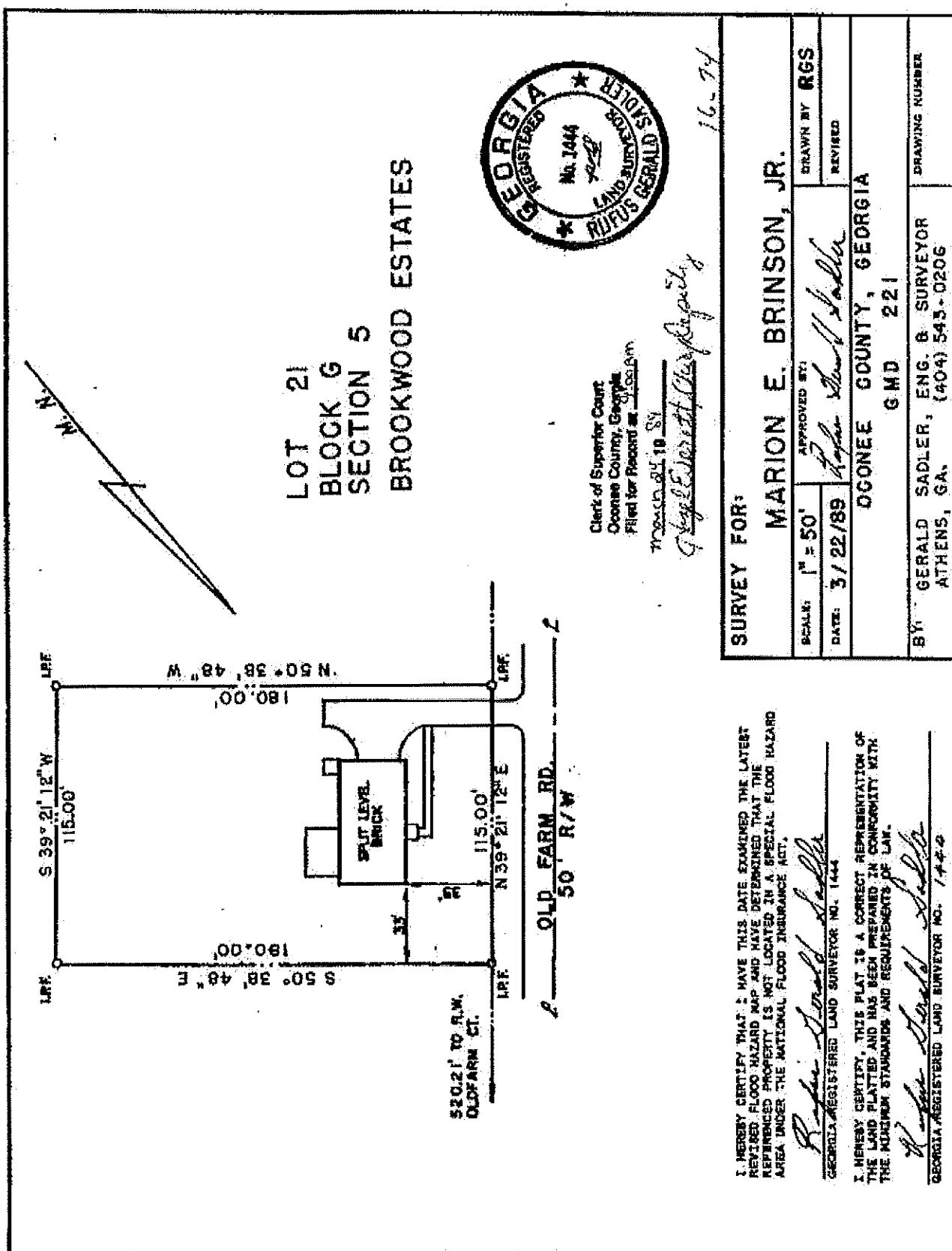


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0042  
Page 5 of 5

## CONCEPT PLAN

Home Owners: Kevin & Katie Anderson  
Address: 1091 Old Farm Rd Watkinsville, GA  
Request: Special Exception  
Existing Zoning: AR  
Existing Use: Residential

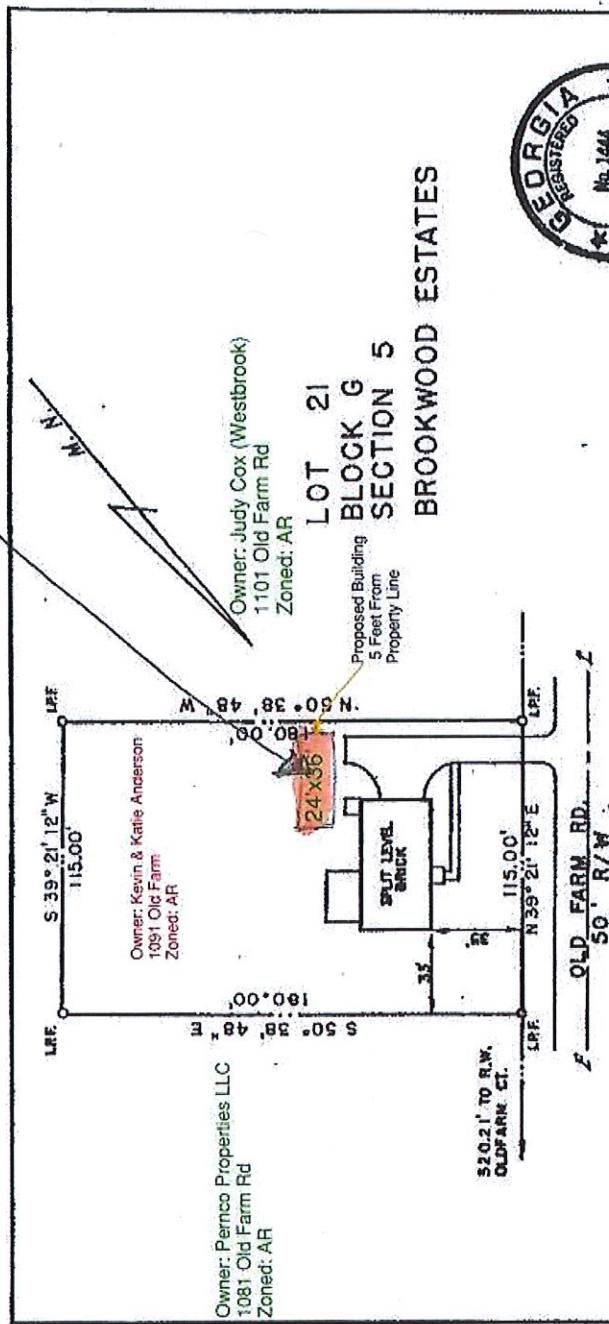
Home Owners: Kevin & Katie Anderson  
Address: 1091 Old Farm Rd Watkinsville, GA

Request: Special Exception  
Existing Zoning: AR  
Existing Use: Residential

Owner: Parkside Property DEV LLC  
10773 Doolley Blvd  
Zooper, B-2

Proposed Garage Location  
24'x36'

74



Clerk of Superior Court  
Oconee County, Georgia  
Filed for Record at 10:00 A.M.  
March 24 19 64

10

118

MARIAN E. BRINSFORD, JR.

SCALE: 1" = 50'	DATE: 3/22/89	APPROVED BY: <i>Taylor</i>	DRAWN BY: <i>RGS</i>
		REVIEWED BY: <i>Shane S. Nashelle</i>	
		OCONEE COUNTY, GEORGIA	
		GMD	221
		DRAWING NUMBER	
		BY: GERALD SADLER, ENG. & SURVEYOR ATHENS, GA. (404) 545-0206	

I HEREBY CERTIFY THAT I HAVE THIS DATE EXAMINED THE LATEST REVISED FLOOD HAZARD MAP AND HAVE DETERMINED THAT THE REFERENCED PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA UNDER THE NATIONAL FLOOD INSURANCE ACT.

Book - General Land Office  
GEORGIA REGISTERED LAND SURVEYOR NO. 1444

THIS MURKIN PLAT, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MURKIN STANDARDS AND REQUIREMENTS OF LAN.



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

**VARIANCE CASE #:** P22-0042

**DATE:** April 22, 2022

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

**APPLICANT NAME:** Kevin & Katie Anderson

**PROPERTY OWNER:** Kevin & Katie Anderson

**LOCATION:** 1091 Old Farm Road

**PARCEL SIZE:**  $\pm 0.48$  acres

**EXISTING ZONING:** AR (Agricultural Residential District)

**EXISTING LAND USE:** Single-Family Residential

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

**REQUEST SUMMARY:** The property owner is requesting a variance from UDC Sec. 410.01.c(2) and UDC Table 4.1 to reduce the side setback from 15 feet to 5 feet for a proposed detached garage.

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** May 3, 2022

**ATTACHMENTS:**

- Application
- Narrative
- Architectural Images
- Letter of Support
- Aerial Imagery
- Zoning Map
- Future Development Map
- Plat
- Concept Plan



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

### **HISTORY**

- The property was rezoned from AG (Agricultural Residential District) to AR on 07/10/1979 for a single-family residential subdivision.
- A house was built in 1983.

### **VARIANCE DESCRIPTION**

- The owner is requesting to reduce the side setback line from 15 feet to 5 feet in order to accommodate a proposed 864-square-foot detached garage.
  - ***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.*

<b>Table 4.1: Dimensional Requirements by Zoning District</b>					
<b>MINIMUM PRINCIPAL BUILDING SETBACK (FT)</b>		<b>AG</b>	<b>AR-3</b>	<b>AR</b>	<b>R-1</b>
Front (measured from ROW)	From major thoroughfare	40	40	40	40
	From minor street	30	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 flood plain, jurisdictional wetlands, or state waters 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:**

**a. 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.

**b. Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:**

The properties to the north and south are single-family residential and the property to the rear is undeveloped. The location of the proposed garage should not reduce the privacy of the adjacent properties because it will be screened on all sides of the property by existing landscaping. In addition, the surrounding property owners signed a letter of support for the variance which is attached to this report. Staff holds that the location should not be injurious to the use and enjoyment of nearby properties.

- c. **Diminish and impair property values within the surrounding neighborhood:**  
Staff holds that it is unlikely that the location of the proposed accessory structure 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 proposed garage should not diminish the privacy or use of the adjacent residential properties nor conflict with the surrounding residential development pattern and should not impair the purpose and intent of the UDC.

## **STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS**

Based upon the standards and limitations for special exception variance approval, this request **does meet all necessary conditions** to grant a special exception variance. Should the present request be approved, staff recommends the following conditions to be fulfilled at the owner/developer's expense.

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. The side yard setback shall be reduced to 5 feet only in the area of the encroachment of the proposed garage.



# OCONEE COUNTY APPEAL APPLICATION

**Type of Appeal Submitted:**

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

**Applicant**

Name: Kevin & Katie Anderson

Address: 1091 Old Farm Rd.  
(No P.O. Boxes)  
Watkinsville, GA 30677

Telephone: 706-202-8198

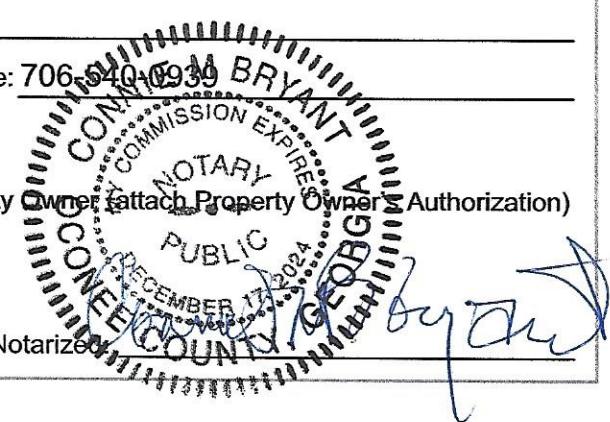
Email: katie16411@yahoo.com

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

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

Signature: Kevin Anderson

Date: 3/1/2022

**Property**

Location: 1091 Old Farm Rd  
Watkinsville, GA 30677

Tax Parcel Number: B04B021G

Size (Acres): 0.48 acre Current Zoning: AR

Future Development Map—Character Area Designation: Single-Family Residential Neighborhood

**Use**

Current Use: Single family personal residence.

Proposed Use: Single family personal residence with detached garage.

**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 Within request; Supplemental Doc.

**Appeal or Variance Requested**

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

UDC Art 4 Sec 410 - Setbacks:  
We are requesting our line Setback be reduced to 5 feet on the Southwest side of our property.  
The proposed purpose is to build a detached garage 24' x 36' in size. Thank You!

February 28, 2022

Home Owners: Kevin & Katie Anderson

Address: 1091 Old Farm Rd.  
Watkinsville, Ga

**Request: Special Exception**

Existing Zoning: AR

Existing Use: Residential

Hello Planning Department/ To Whom It May Concern:

This Special Exemption Variance request is based from the current setback standards of the Oconee County Unified Development Code, Article 4 Lot and Building Standards section 410- minimum setbacks.

The purpose of this Variance request is to ask if our sideline setback could be reduced to 5 feet, off of the southwest line of our property (right side- viewing from the roadway). **Our current zoning is AR, so we fall under those setback rules.**

We would like to build a detached garage, 24x36 feet in size. The proposed building site would be located just passed the rear of the house, just beyond the current driveway. **Our lot is 0.48 acres total, so every foot counts.** The garage would be for vehicle storage, hobby area and family recreational space. It would have electrical hookup, but no plumbing. The construction of the garage will match our home- wood frame, siding and shingled roof.

The granting of this variance would help by limiting the amount of trees we would need to remove. We would like to preserve as many trees as possible for the health of the environment and animal wildlife.

Also, we want to preserve as much space if, in time, we would ever need to replace the fill lines of the current septic system. The proposed location is the most suitable build location for both tree conservation and septic management. Our paved driveway would also meet up with the proposed building site, thus limiting the need to pave excessively further into our backyard. We as a family greatly enjoy our backyard and would love to preserve as much as we can, for recreation.

**The adjacent land uses are residential and the adjacent zoning is AR.** The purposed garage would increase the value of our home by increasing curb appeal and organization. We are in great standings with our surrounding neighbors.

We have a letter of support from our neighbors; we will include that with the supplemental documents.

Thank you for this consideration.

Best regards,

Kevin and Katie Anderson





In Reference to: Special Exception Variance Request

February 26, 2022

Home Owners: Kevin & Katie Anderson

Address: 1091 Old Farm Rd. Watkinsville, Ga

**Request: Special Exception**

Existing Zoning: AR

Existing Use: Single Family Resident

Hello Planning Department/ To Whom It May Concern:

**Letter of Support**

I am a current neighbor of Kevin and Katie Anderson. I support their proposed plan to build a detached garage.

I support their request of the side setback reduction, from current restriction, to the requested 5 feet off of the property line.

The proposed plan:

Construction of a Building, 24'x36' detached garage, to the rear right side of their home, just beyond their driveway. Right side is defined as -looking at their property from the public roadway.

The garage will be well insulated and constructed to match their home wood frame, hardi-board siding, and shingled roof.

Thank you,

X Judy Westbrook, Michael Westbrook

Judy (Cox) Westbrook, Michael Westbrook

Judy (Cox) Westbrook is the owner/resident of 1101 Old Farm Rd. (See map below.)

X Donald III & Julia Reed

Trey & Julia Reed are the owner/residents of 1100 Old Farm Rd. (See map below.)

X Jon & Elise North

Jon and Elise North are the owner/residents of 1090 Old Farm Rd. (See map below.)

X Connie Bryant & Cliff Sell

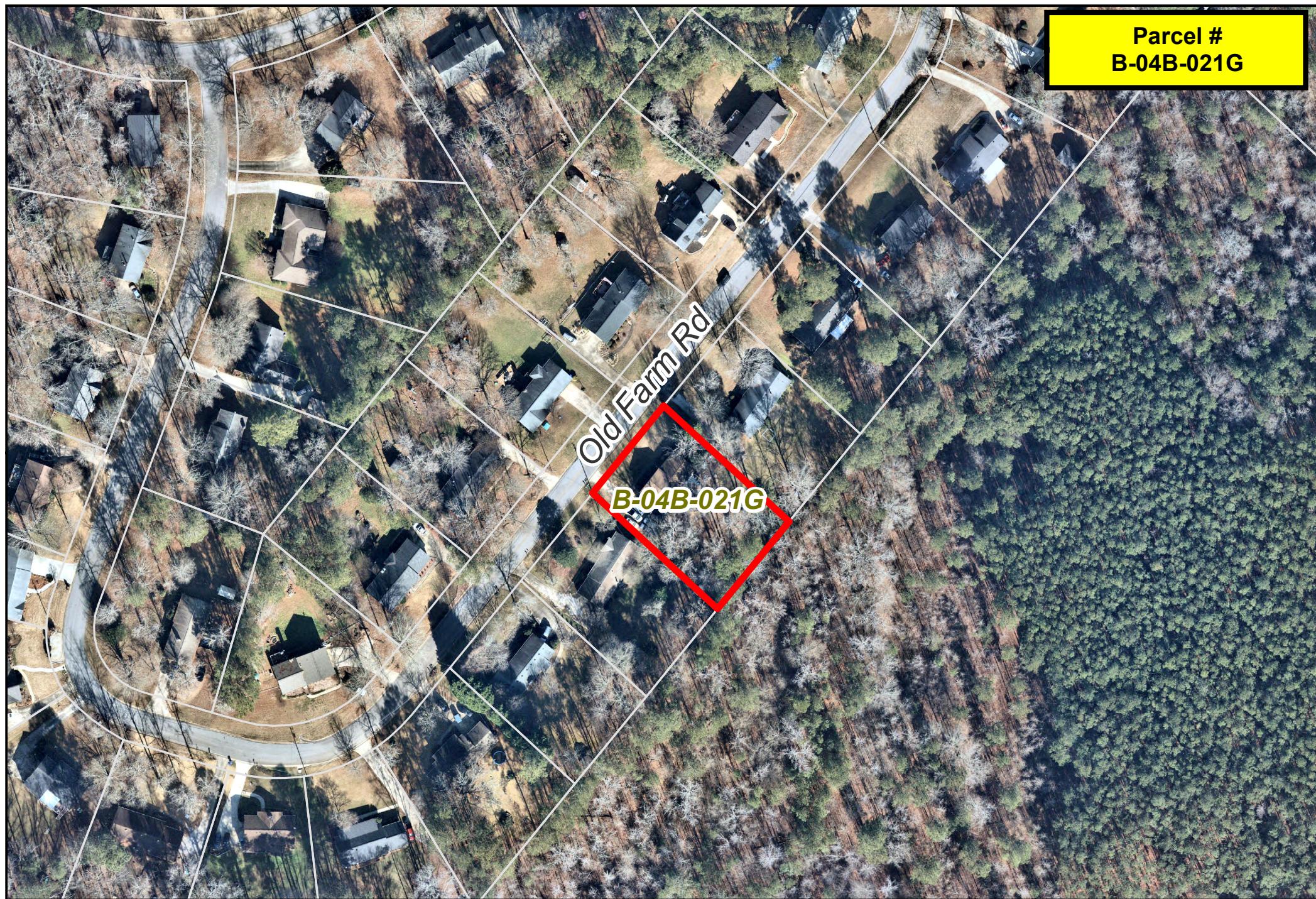
Connie Bryant is the owner/resident of 1080 Old Farm Rd. (See map below.)

X Keith & Kendall Wall

Keith & Kendall Wall current residents of 1081 Old Farm Rd. (See map below.)

# Variance # P22-0042 - Kevin & Katie Anderson

Parcel #  
B-04B-021G



1:1,475

0

137.5

275

550

825

1,100

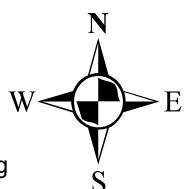
Feet



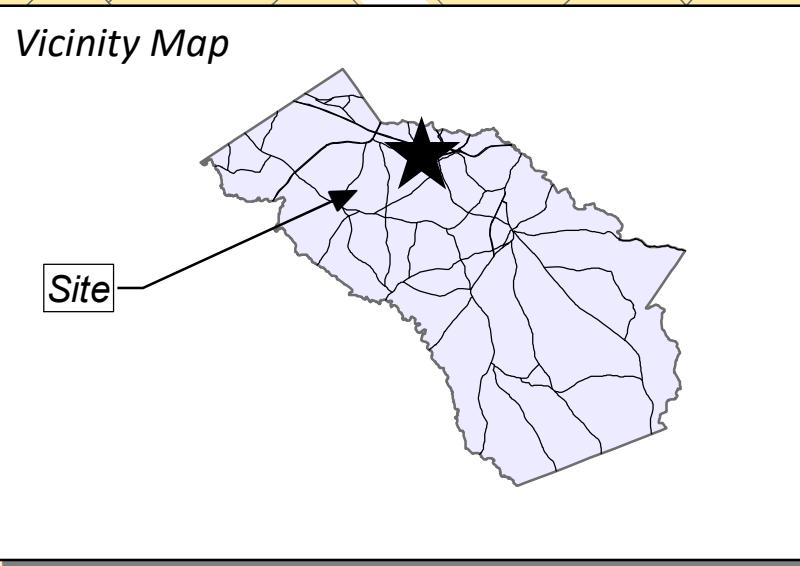


## Oconee County Planning Department

This map is representative of current county zoning as of April 2022 and should be used for planning purposes only.



1:2,000



## Oconee County Planning Department

This map is a representation of the future development map  
and should be used for planning purposes only

0 95 190 380 570 760  
Feet



Brookwood Dr

Old Farm Ct

Old Farm Rd

**Suburban Neighborhood**





Home Owners: Kevin & Katie Anderson  
 Address: 1091 Old Farm Rd Watkinsville, GA  
 Request: Special Exception  
 Existing Zoning: AR  
 Existing Use: Residential

Owner: Parkside Property DEV LLC  
 10773 Dooley Blvd  
 Zoned: R-2

Proposed Garage Location  
 24x36'

