

**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 221st 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.

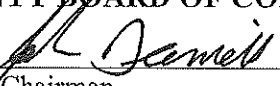
SECTION 3. Effective Date. This Resolution shall take effect this date.


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.

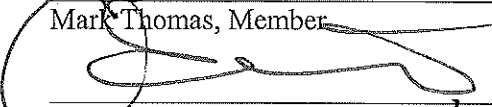
ADOPTED AND APPROVED, this 3rd day of May, 2022.

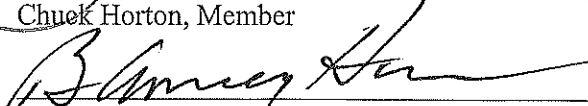
OCONEE COUNTY BOARD OF COMMISSIONERS

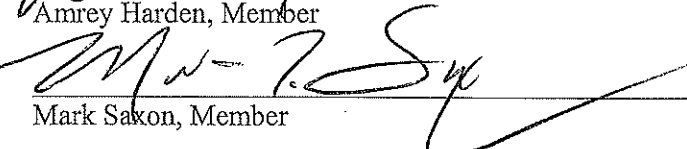
BY:


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:


Holly Stephenson
Clerk, Board of Commissioners

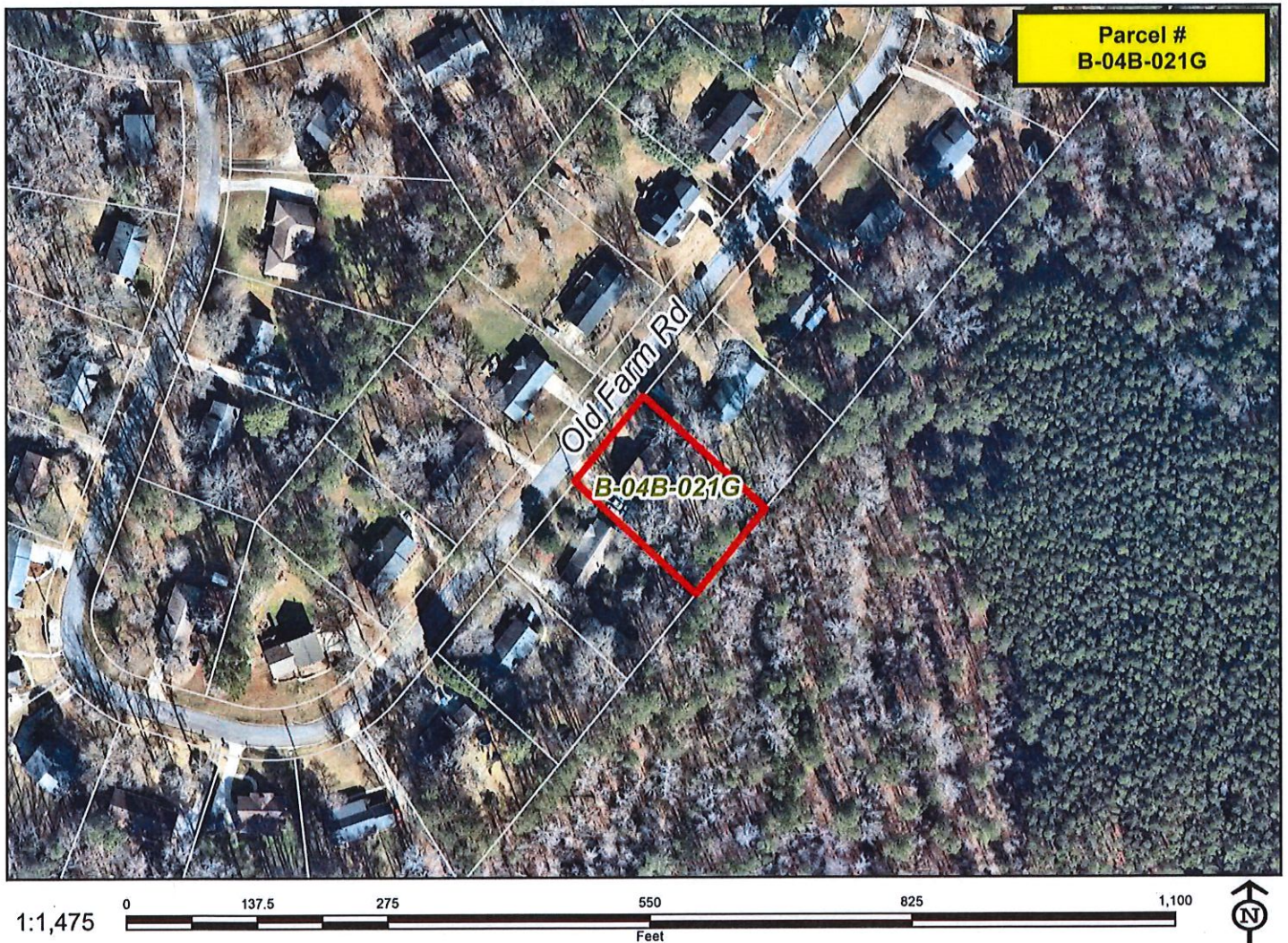
EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0042

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.

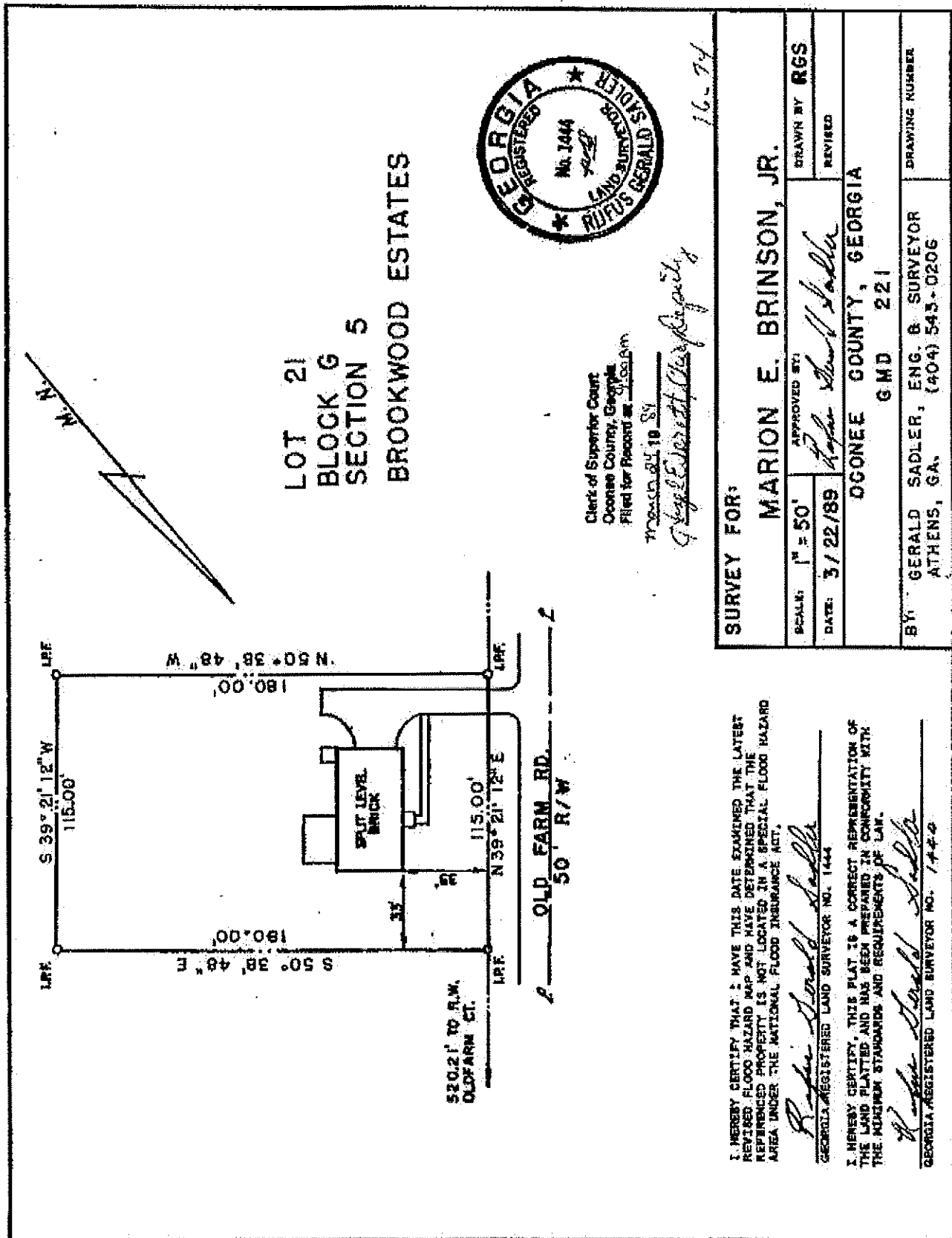
Best regards,

Kevin and Katie Anderson

ARCHITECTURAL IMAGES



PLAT





**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: ±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.

Table 4.1: Dimensional Requirements by Zoning District					
MINIMUM PRINCIPAL BUILDING SETBACK (FT)		AG	AR-3	AR	R-1
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.

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:

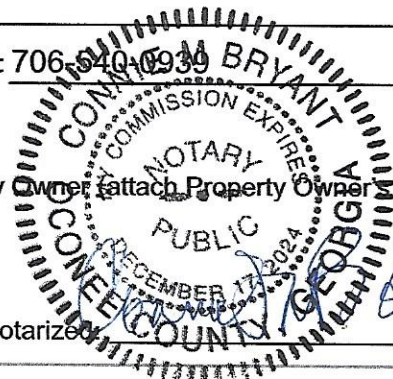
- ☐ Hardship Variance ☐ Appeal of Administrative Decision ☐ Flood Damage Prevention Variance
☒ Special Exception for: Building Variance

ApplicantName: Kevin & Katie AndersonAddress: 1091 Old Farm Rd.

(No P.O. Boxes)

Watkinsville, GA 30677Telephone: 706-202-8198Email: 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 Owner**Name: Kevin & Katie AndersonAddress: 1091 Old Farm Rd.

(No P.O. Boxes)

Watkinsville, GA 30677Telephone: 706-202-8198**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: 3/1/2022Notarized: [Signature]**Property**Location: 1091 Old Farm RdWatkinsville, GA 30677Tax Parcel Number: B04B021GSize (Acres): 0.48 acre Current Zoning: ARFuture 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,

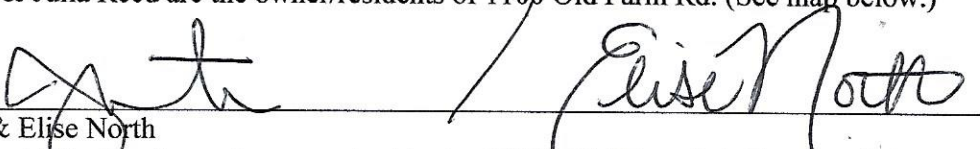
X


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

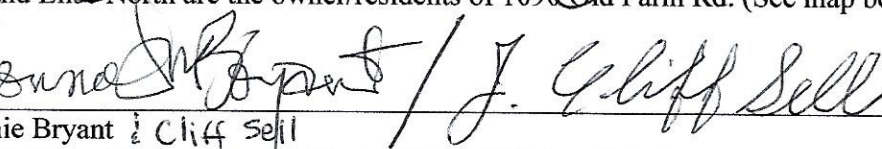
X


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

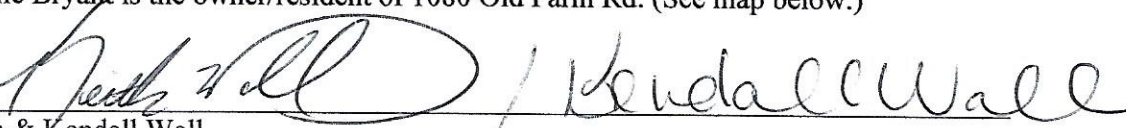
X


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

Old Farm Rd

B-04B-021G

1:1,475

0 137.5 275 550 825 1,100

Feet



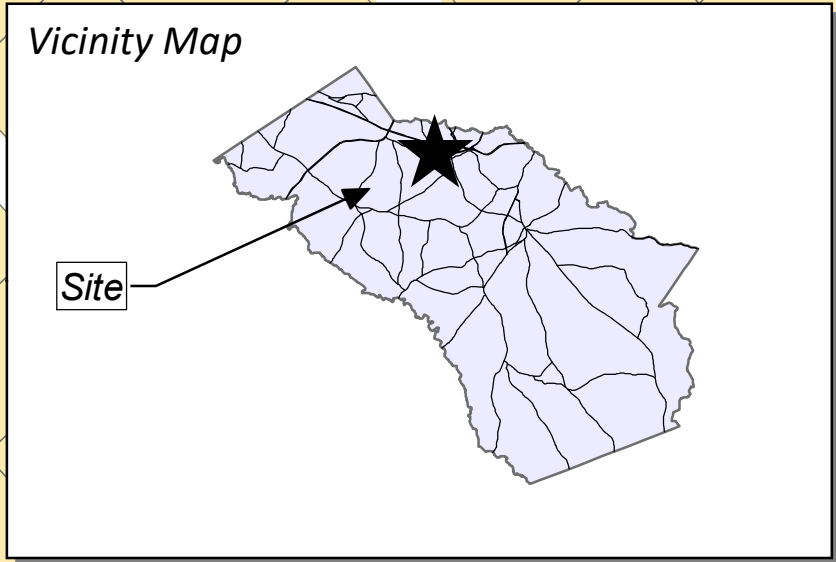


Oconee County Planning Department

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

1:2,000

Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



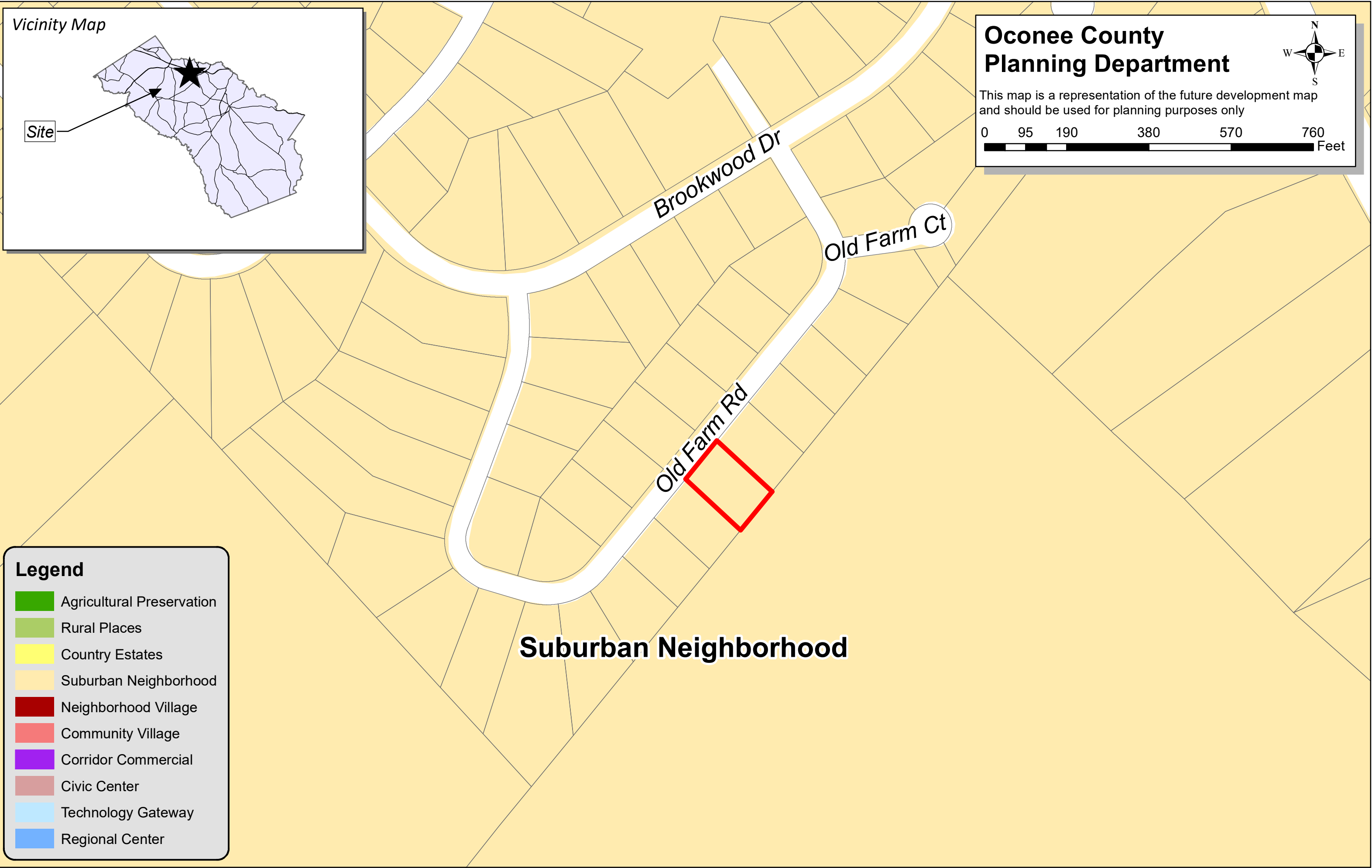
**Oconee County
Planning Department**

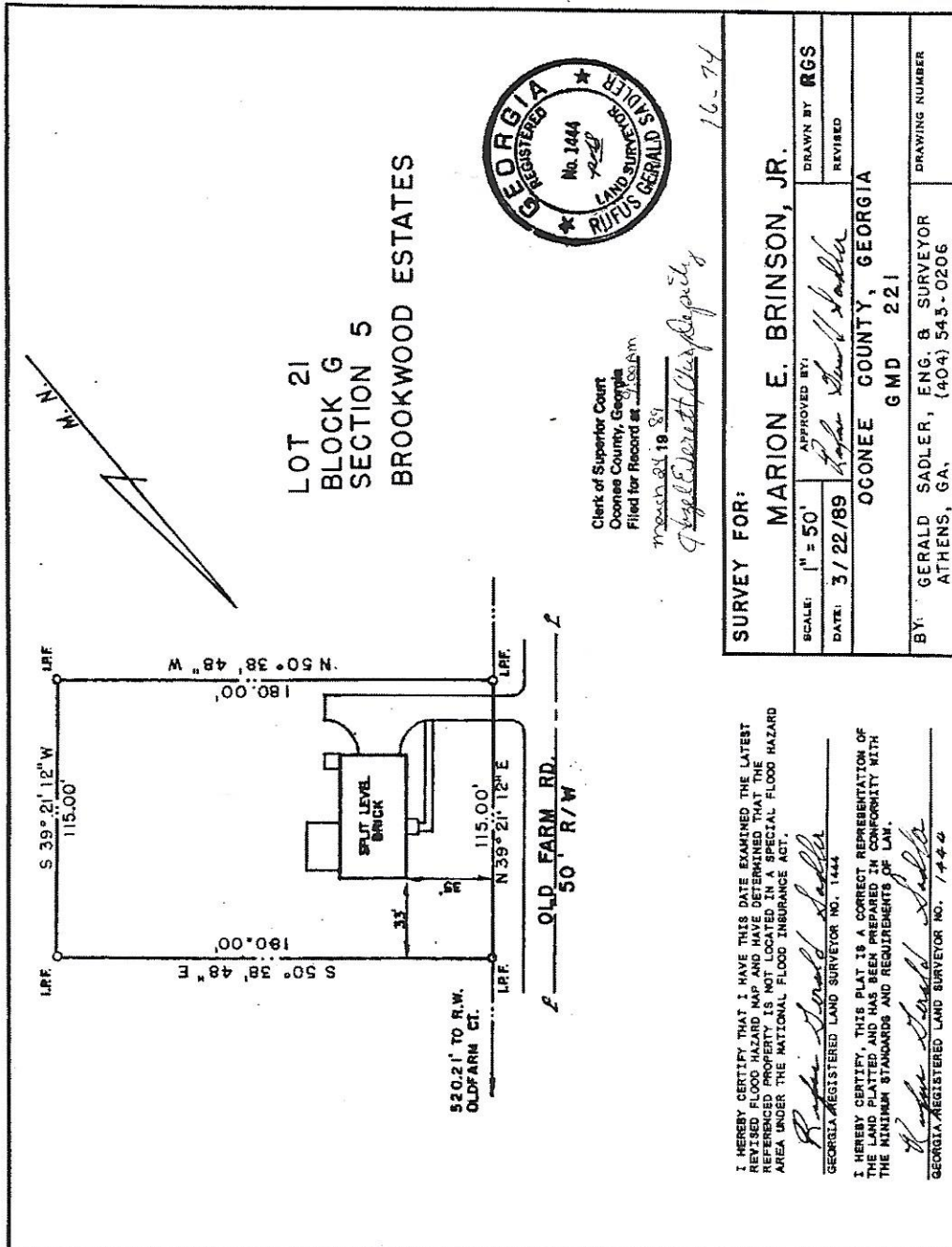
This map is a representation of the future development map and should be used for planning purposes only

0 95 190 380 570 760 Feet

Legend

- Agricultural Preservation
- Rural Places
- Country Estates
- Suburban Neighborhood
- Neighborhood Village
- Community Village
- Corridor Commercial
- Civic Center
- Technology Gateway
- Regional Center





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
24'x36'

74

