

**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 Ryan & Jennifer Hammock submitted on June 19, 2023.

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 Ryan Hammock on June 19, 2023, regarding a ±6.06-acre tract of land located 1400 Dove Creek Road, Oconee County, Georgia, (tax parcel no. A-01-013D), 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 add a second driveway to service a proposed 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.

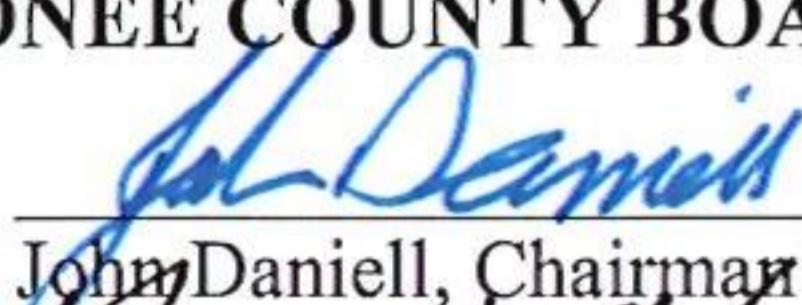
SECTION 3. Effective Date. This Resolution shall take effect this date.

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 August 1, 2023.

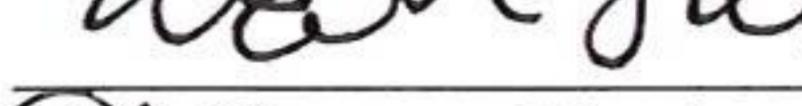
ADOPTED AND APPROVED, this 1st day of August, 2023.

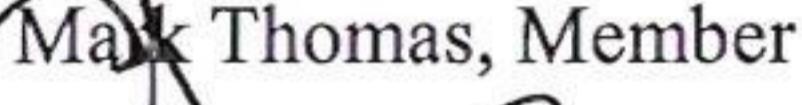
OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

Amrey Harden, Member

Mark Saxon, Member

ATTEST:

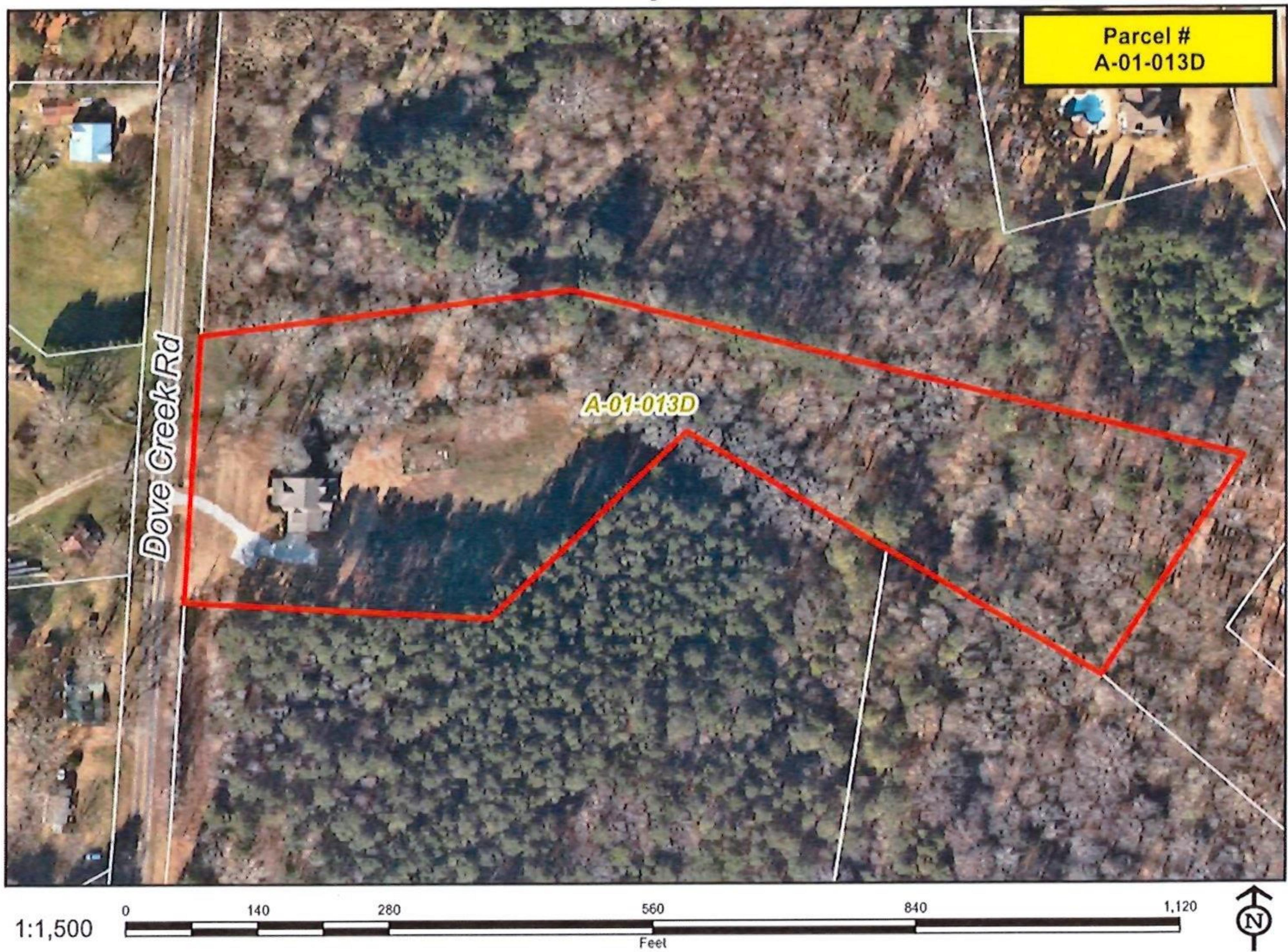

Holly Stephenson
Clerk, Board of Commissioners

CONDITION

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, nor approval of the proposed accessory structure indicated on the applicant's concept plan, which must itself meet all applicable County requirements.

TAX MAP

Variance # P23-0136 - Ryan & Jennifer Hammock



TYPED LEGAL DESCRIPTION

Tract I

All that tract or parcel of land, together with all improvements thereon, situate, lying and being in the 224th District, G.M., Oconee County, Georgia, and being known as Tract 1, containing 3.751 acres, more or less, as more particularly shown on a survey entitled, "Survey for Annie B. Burpee", dated June 14, 1984, by Ben McLeroy and Associates, Inc., certified by Ben McLeroy, Registered Land Surveyor No. 1184, and recorded in Plat Book 9, page 131, in the Office of the Clerk of Superior Court of Oconee County, Georgia, reference to which is hereby made for a more particular description of the property herein conveyed.

Tract II

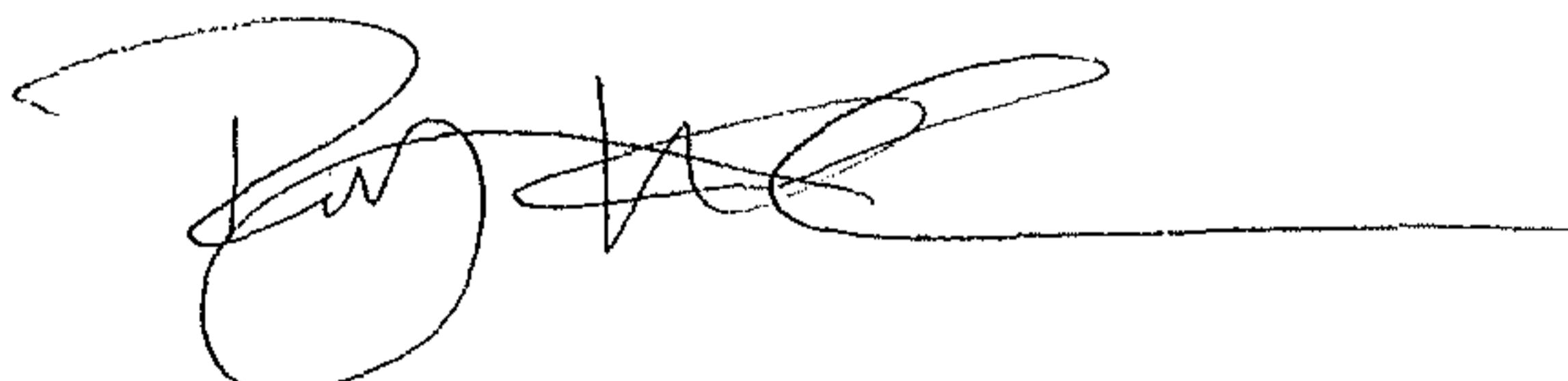
All that tract or parcel of land, containing 2.00 acres, more or less, situate, lying and being on the easterly side of Dove Creek Road, in the 224th G.M.D., Oconee County, Georgia, being more fully described by a plat thereof entitled "Recombination Plat for Burness Sims" by W.T.

Dunahoo & Associates, Surveyors, dated January 17, 2001, recorded in Plat Book 32, page 139, in the Office of the Clerk of the Superior Court of Oconee County Georgia, which plat is hereby incorporated into this description by reference and made apart hereof; being more particularly described, according to said plat, as follows:

Beginning at an iron pin on the easterly side of Dove Creek Road 7,271.45 feet southerly of the intersection of Georgia Highway 53, as measured along and around the easterly side of Dove Creek Road; running thence along the boundary of lands now or formerly of Burness Sims north 76 degrees 49 minutes 52 seconds east 428.23 feet to a point and south 61 degrees 11 minutes 24 seconds east 110.49 feet to a point; running thence along the boundary of lands now or formerly of Juanita O. Perkins south 45 degrees 02 minutes 20 seconds west 287.60 feet to an iron pin and north 88 degrees 21 minutes 59 seconds west 314.68 feet to an iron pin on the easterly side of Dove Creek Road; running thence along Dove Creek Road north 01 degree 38 minutes 01 second east 150.00 feet to the beginning iron pin.

This being part of a larger tract of land conveyed to Juanita O. Perkins and Wanda P. Power by Mrs. Mary S. Perkins by Warranty Deed dated May 20, 1980, recorded in Deed Book 40, page 114, in said Clerk's Office. Reference is made to a Quit Claim Deed from Mary S. Perkins to Juanita O. Perkins dated December 16, 1986, recorded in Deed Book 84, page 349, in said Clerk's Office, whereby a previously reserved life estate in and to said property was conveyed. Reference is also made to a Quit Claim Deed from Wanda P. Harris a/k/a Wanda P. Power to Juanita O. Perkins dated April 16, 1999, recorded in Deed Book 472, page 549, in said Clerk's Office, wherein her undivided interest was conveyed.

Tax Map/Parcel ID #: A01013D



NARRATIVE

Narrative
1400 Dove Creek Road
Application for Driveway Permit Special Exception Variance

Introduction

- Requested type of variance: Special Exception
- Address: 1400 Dove Creek Road, Winder GA 30680
- Parcel Number: A 01 013D
- Existing Zoning: AG
- Existing Use: single family residential Variance

Requested

We are seeking a special exception variance to the minimum separation required between driveways serving a single property. Article 10 of Code Section 1012.02.D states that "no more than 1 point of vehicular access from a property to each abutting public road shall be permitted for each 200 feet of lot frontage." Our 6.06-acre lot has 280 feet of road frontage along Dove Creek Road. We currently have a driveway to our primary residence, and we would like to add a second driveway to a proposed accessory building.

Adjacent Properties

Our property is bordered to the north and east by 45 acres of conservation land surrounding the neighborhood, The Village at Dove Creek. This land is zoned AR and is owned by The Village at Dove Creek Homeowners Association. Our property is bordered to the south by a 10-acre parcel of timberland owned by Juanita Perkins and zoned AG. Our western border is Dove Creek Road, and to the west of that is a 16.75-acre parcel owned by Chris and Tracey Weaver and zoned AG.

Conclusion

In conclusion we believe an additional driveway for a future non-residential accessory structure is keeping in the spirit of the current property zoning and within the County Estates designation noted in the Future Development Map.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0136

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PLAT

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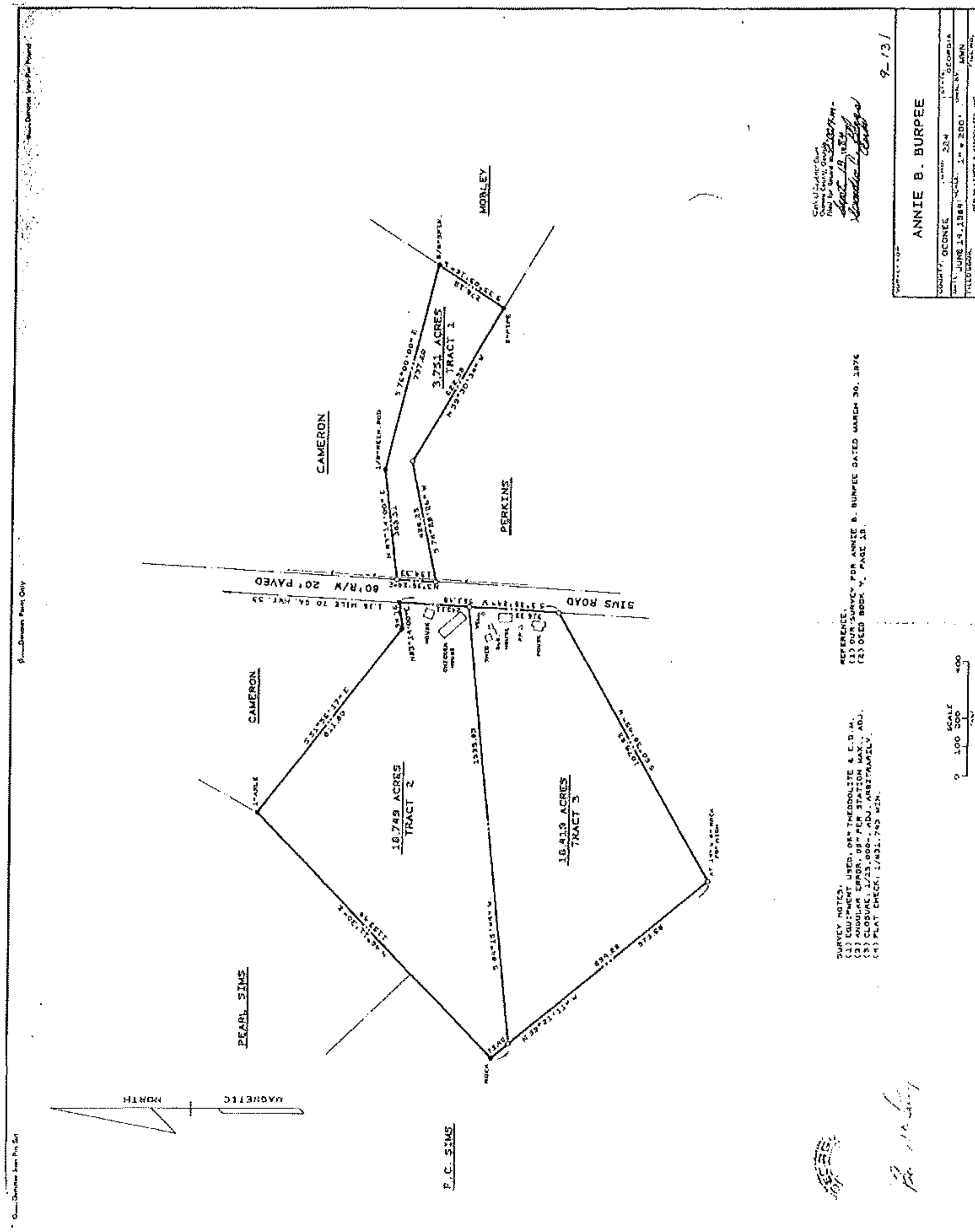
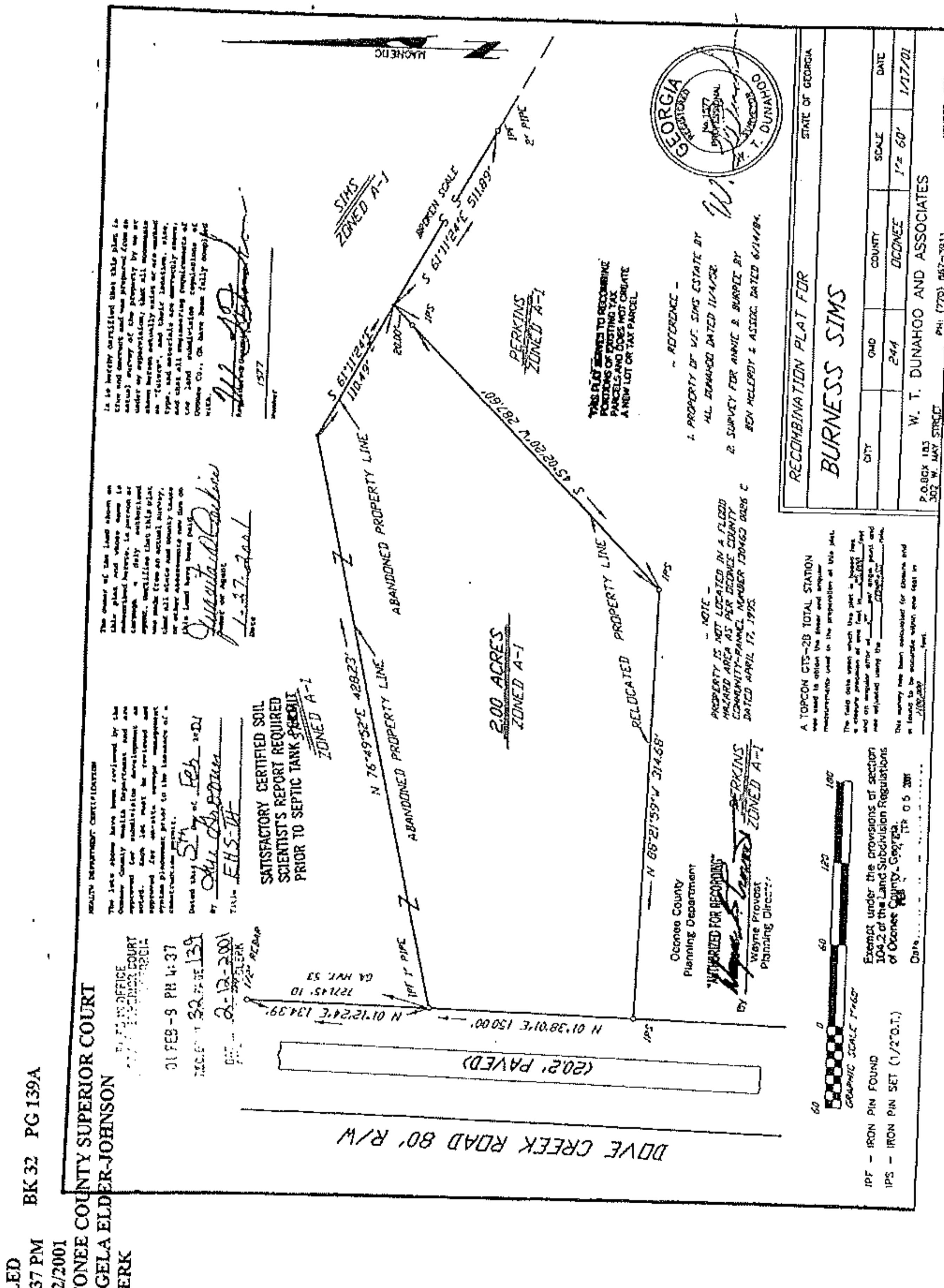


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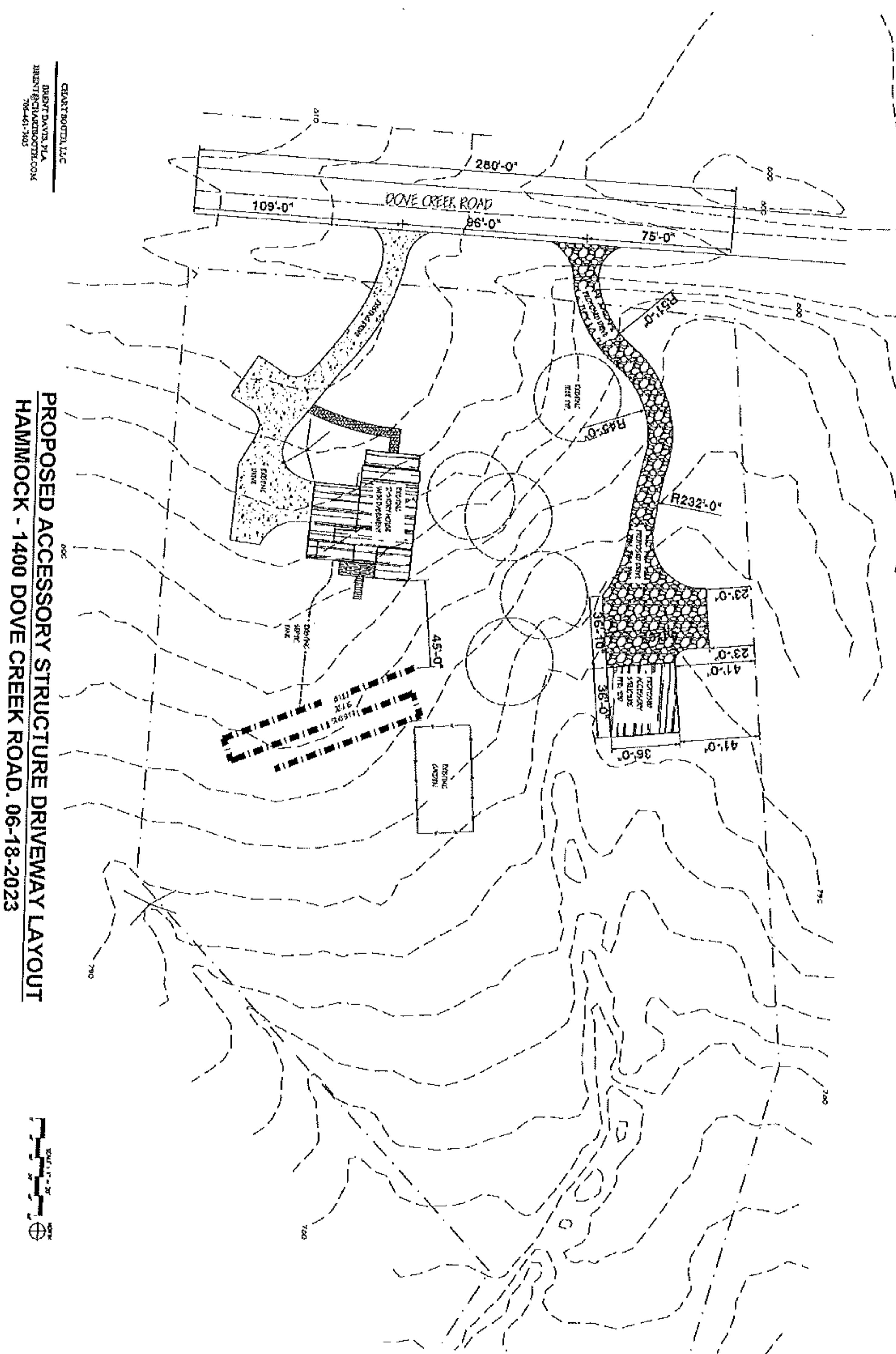
PLAT

171

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CONCEPT PLAN





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

VARIANCE CASE #: P23-0136

DATE: June 25, 2023

STAFF REPORT BY: Guy Herring (Director of Planning and Code Enforcement)

APPLICANT NAME: Ryan Hammock

PROPERTY OWNER: Ryan Hammock

LOCATION: 1400 Dove Creek Road, Winder, GA 30680 (A-01-013D)

PARCEL SIZE: \pm 6.06 acres



EXISTING ZONING: AG (Agricultural District)

EXISTING LAND USE: Single Family Residential

TYPE OF VARIANCE REQUESTED: Special Exception Variance to allow construction of a second driveway to the property from Dove Creek Road with inadequate road frontage.

REQUEST SUMMARY: The property owner requests a variance from UDC Article 10, Sec. 1012.02.d(2) which requires 200 feet of road frontage per driveway from a County street or road.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: August 1, 2023

ATTACHMENTS:

- Application
- Narrative
- Legal Description
- Owner Authorization Form
- Plat of Survey
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property is zoned AG and has been owned by the current owner since 2014. The parcel consists of the existing principal residence with a driveway from Dove Creek Road.
- The proposed additional driveway would be located approximately 100 feet to the north of the existing driveway (driveway center to driveway center).
- As the subject lot has less than 400 feet of road frontage as would be required to permit a second driveway, a special exception variance is required.

VARIANCE DESCRIPTION

- The owner is requesting a special exception variance to construct a second driveway with less than the required lot frontage. In order to construct a second driveway to serve a lot with frontage on a County street, the lot must have a minimum of 400 feet of frontage (200 feet of frontage per driveway). The applicant states that the proposed second driveway will provide access to a proposed accessory structure.
 - ***Unified Development Code Section 1012.02.d – Driveway design standards.***
 - d. The number of driveways that access a property from any one street, road or highway shall be limited as follows:*
 - (1) Along all County arterial roads, no more than 1 point of vehicular access from a property shall be permitted for each 300 feet of lot frontage. For such lots having less than 300 feet of frontage, one point of access shall be allowed. The number and location of access points along a State or U.S. numbered highway may be further restricted by GDOT.*
 - (2) Along all other County streets or roads, except for circular driveways for single-family detached houses on local streets and minor collectors (provided sight distances can be met), the following shall apply; no more than 1 point of vehicular access from a property to each abutting public road shall be permitted for each 200 feet of lot frontage; provided however, that lots with less than 200 feet of frontage shall have no more than one point of access to any one public street. The Public Works Director shall determine whether the points of access may be unrestricted or must be designed for right-in, right-out traffic flow.*
 - (3) Relief. Reduction of the driveway separation requirements of paragraphs (1) or (2) of this Sec. 1012.02.d may be considered as a special exception variance. See the Appeals Article of this Development Code for procedures.*

PUBLIC FACILITIES

Water:

- The project will not utilize water services.

Sewer:

- The project will not utilize sewer services.

Roads:

- The proposed second driveway will be from Dove Creek Road.

ENVIRONMENTAL

- A stream with potential wetlands and 100-year flood plain is known to exist at the eastern end of the subject property. The proposed location for the proposed driveway is not near to these environmental features.

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 on the tax base or 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 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 surrounding properties are zoned AG to the south and west; the adjacent property to the north and east is zoned AR. Primary land uses in the vicinity are a mixture of agricultural, conservation and residential. Adjacent properties to the north and south are large undeveloped parcels: 10 acres to the south and 45 acres to the north (a conservation property held by the Village at Dove Creek Homeowners Association). Staff holds that approval of the request to construct second driveway that would be approximately 100 feet from the existing driveway and approximately 60 feet from the property line of the adjacent conservation property 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 the proposed additional driveway in the proposed location should not impair the property value of the nearest adjacent property which is held in permanent conservation. Nearby properties on the west side of Dove Creek Road have existing driveways that are similarly spaced to the proposed driveway spacing on the subject property. As the proposed driveway would be generally consistent with driveway separation of nearby properties, it would not be expected to diminish their values.

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

The intent of UDC Section 1012.02.d(2) is understood to be maintenance of reasonable separation between driveways on County roads by limiting to one driveway per 200 feet of road frontage. The applicant has requested a special exception variance to allow a second driveway within the lot's 280 feet of road frontage. Staff believes that approval of this special exception variance request in this circumstance would not impair the UDC's purpose and intent given the extensive road frontage of the adjacent parcel to the north which is land in permanent conservation.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for special exception variance approval, this request meets 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, nor approval of the proposed accessory structure indicated on the applicant's concept plan, which must itself meet all applicable County requirements.