

**AMENDMENT  
TO THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA  
AND THE ZONING MAPS OF OCONEE COUNTY, GEORGIA**

**TITLE**

An Ordinance amending the Unified Development Code of Oconee County, Georgia, and the Zoning Maps of Oconee County, Georgia, pursuant to Article 12, Division I et seq., to revise the conditions for a previously approved rezone case #1433 zoning classification AR (Agricultural Residential District) pursuant to an application for rezoning of property owned by William C. Ross submitted on July 25, 2023.

**ENACTMENT CLAUSE**

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application for zoning change submitted by William C. Ross on July 25, 2023, requesting a rezone of a ±3.04-acre tract of land located at 1071 Chestnut Glen in Oconee County, Georgia, (tax parcel no. C-02Y-006 & C-02Y-001AA), the Board of Commissioners of Oconee County does hereby ordain and enact to law the following:

SECTION 1. An Ordinance known as the "Unified Development Code of Oconee County, Georgia" as enacted and amended by the Board of Commissioners of Oconee County and the Zoning Maps described therein are hereby amended as follows:

The zoning change in conditions for the property described on the attached "Exhibit A" is hereby changed for the purpose as set forth in "Exhibit A" attached hereto.

Said rezone 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. Repeal of Conflicting Resolutions or Ordinances. All Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall take effect this date.

Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on October 16, 2023, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on November 7, 2023.

ADOPTED AND APPROVED, this 7<sup>th</sup> of November, 2023.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY: \_\_\_\_\_

John Daniell, Chairman

ATTEST: \_\_\_\_\_

Mark Thomas, Member

Holly Stephenson

Clerk, Board of Commissioners

Chuck Horton, Member

Amrey Harden, Member

Mark Saxon, Member



**EXHIBIT “A” TO REZONE NO P23-0164**

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**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.

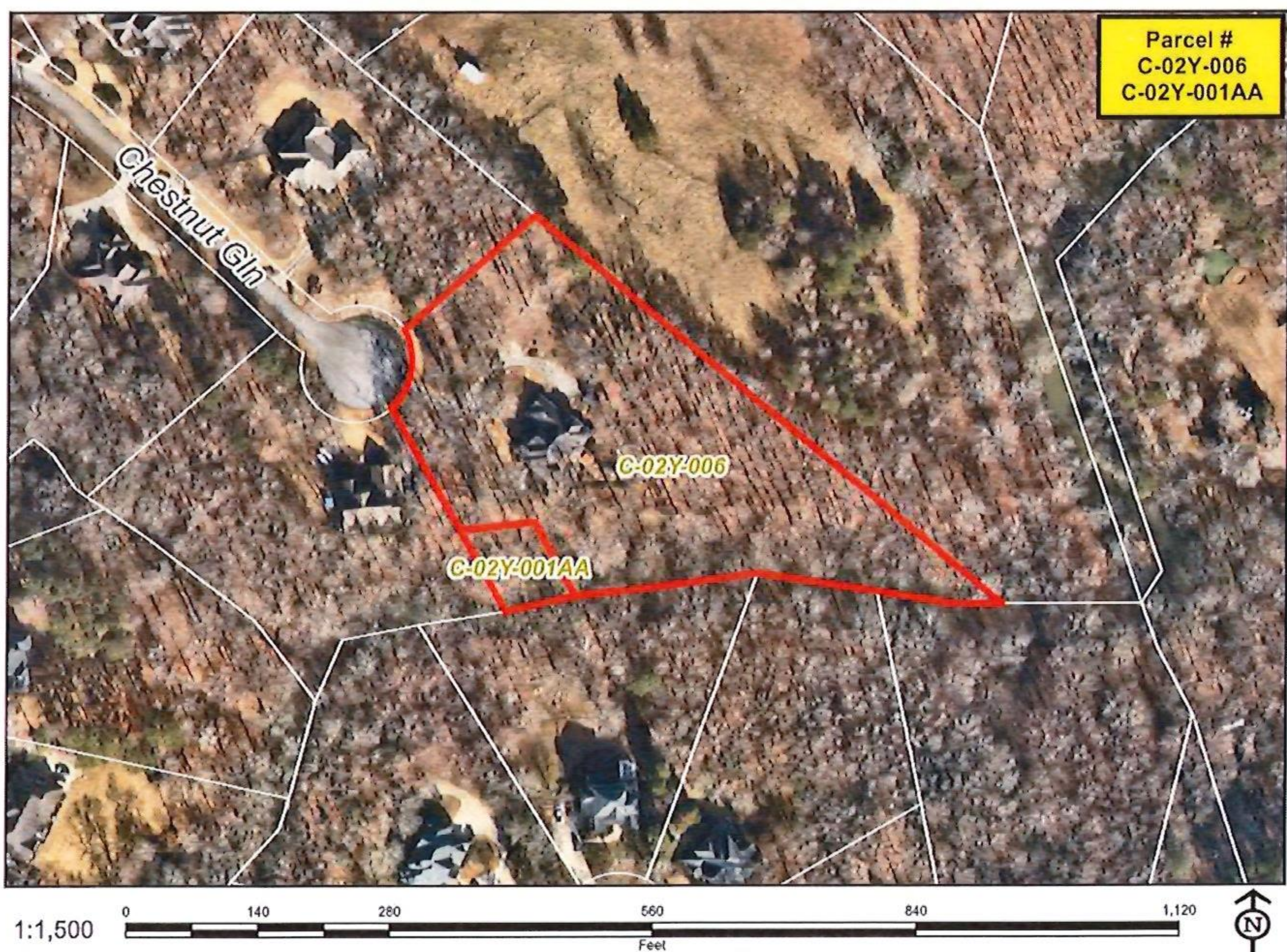


EXHIBIT "A" TO REZONE NO P23-0164

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TAX MAP

Rezone # P23-0164 - William C. Ross





LEGAL DESCRIPTION

Typed Legal Description

All that tract or parcel of land containing 16.720 acres, mor or less, situate, lying and being on Chestnut Hill road and Barbers Creek in the 1331<sup>st</sup> District, G.M., Oconee County, Georgia, and being more particularly shown and described on a plat of survey entitled "Survey for: Bill Ross", prepared by Ben McLeroy, RLS, dated December 8, 1998, recorded in Plat Book 32, page 106 Oconee County, Georgia, public records, which plat of survey and the record thereof and hereby incorporated into this description and made a part hereof by reference thereto.

# **EXHIBIT “A” TO REZONE NO P23-0164**

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## **NARRATIVE**

### Narrative

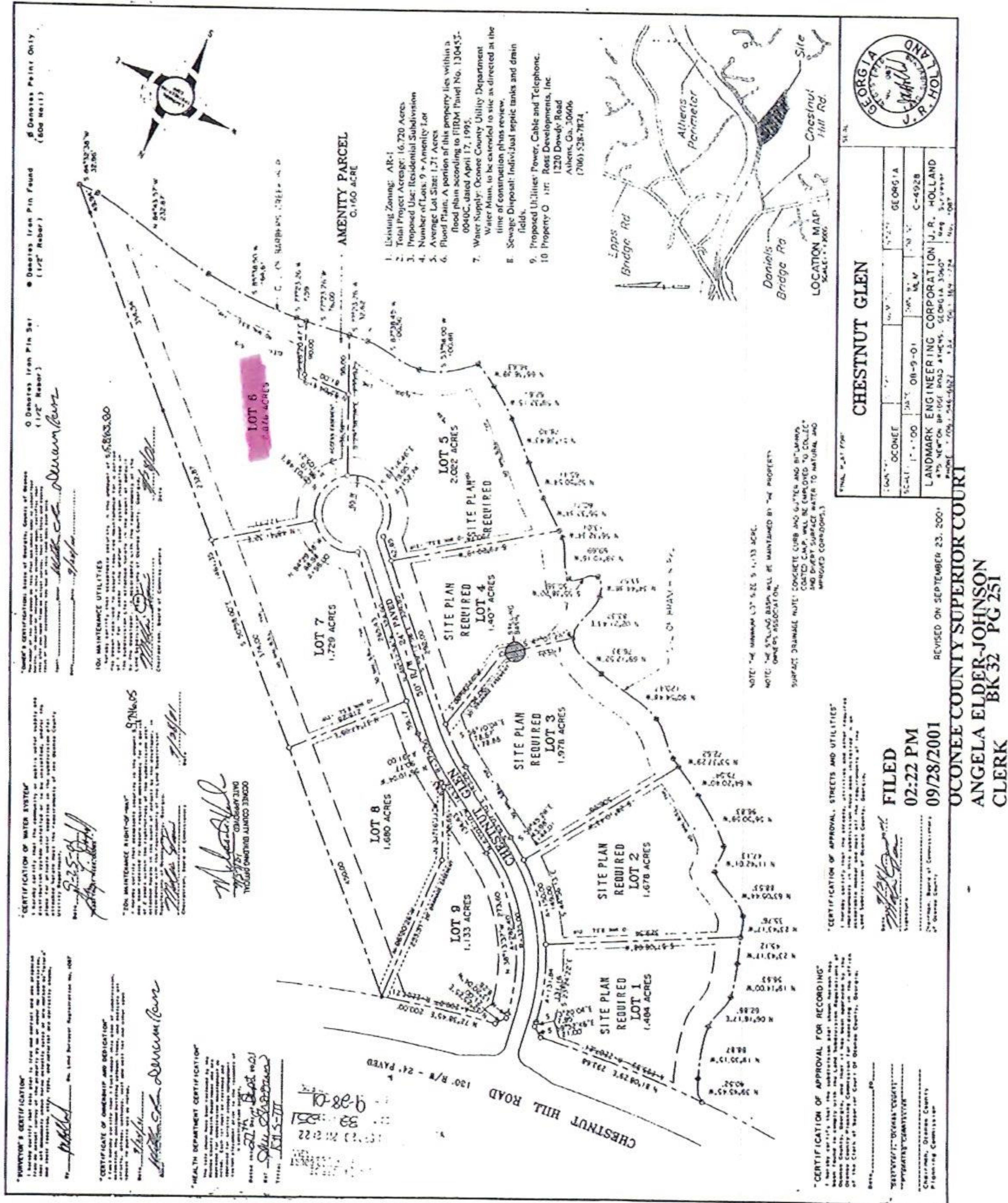
- I am the original developer of the Chestnut Glen subdivision in 2001. During the planning process, it was suggested that if I gave up a small piece (.16 acre) of my lot #6 and made it an amenity area for all HOA members to have access to the Barber Creek, that the neighborhood would be a little more appealing to potential lot buyers. After more than 20 years of the existence of the subdivision, no one has ever wanted to use the “amenity” area. At a recent HOA meeting, all of the members (9 lot owners) voted to abandon the amenity area and recombine it with my lot #6.
- The Address of my Lot #6 is 1071 Chestnut Glen, Athens, GA 30606.
- The existing zoning is AR and will remain AR.
- The Existing use of the .16-acre parcel is an “Amenity Area” of the Chestnut Glen HOA. The proposed use would simply go back to my residential lot after recombining and become part of my lot again.
- All adjacent properties are zoned AR.
- The recombined parcel will not be developed.
- Architecture N/A
- Access and Traffic N/A
- Water and Sewer N/A
- Stormwater Drainage N/A
- Schools N/A
- Landscaping N/A
- Schedule N/A
- Conclusion – All 9 members of the HOA have signed and have had notarized, legally prepared documents stating their agreement with recombining C02Y006 with C02Y001AA.

William Ross



# PLAT

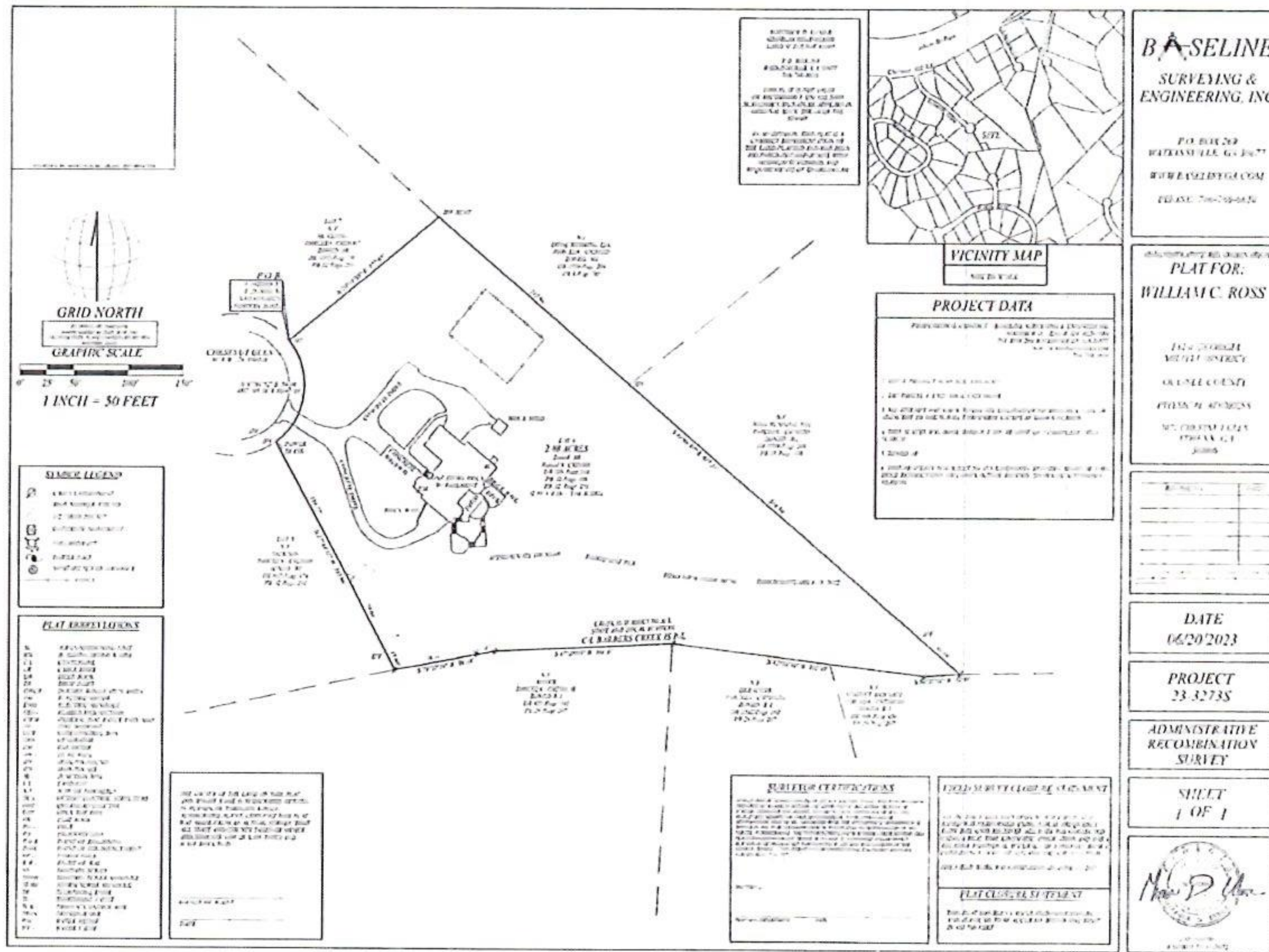
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## CONCEPT PLAN

Concept Plan  
After recombination.







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

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**REZONE CASE #:** P23-0164

**DATE:** October 5, 2023

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

**APPLICANT NAME:** William Ross

**PROPERTY OWNER:** William & Debra Ross

**LOCATION:** 1071 Chestnut Glen; south of Athens  
Perimeter / Highway 78, east of Daniels  
Bridge Road  
C 02Y 006 & C 02Y 001AA

**PARCEL SIZE:** ±0.16 and ±2.88 acres

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

**EXISTING LAND USE:** Residential and Amenity Lot

**FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION:** Suburban Neighborhood

**ACTION REQUESTED:** Combine the amenity lot with the adjacent residential lot.

**STAFF RECOMMENDATION:** Staff recommends approval of this request.

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** October 16, 2023

**BOARD OF COMMISSIONERS:** November 7, 2023

**ATTACHMENTS:** Application  
Narrative  
Zoning Impact Analysis  
Plat of Survey  
Concept Plan



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**BACKGROUND INFORMATION & FINDINGS OF FACT**

**HISTORY**

- The applicant developed the subdivision in 2001.
- The amenity lot was created at that time to provide HOA members access to Barber Creek.



- All nine property owners / HOA members recently voted to abandon the amenity area for recombination with the applicant's residential property.

## **SURROUNDING LAND USE AND ZONING**

	<b>EXISTING LAND USES</b>	<b>EXISTING ZONING</b>
<b>NORTH</b>	Single-family residential	AR (Agricultural Residential)
<b>SOUTH</b>	Single-family residential	AR (Agricultural Residential)
<b>EAST</b>	Single-family residential	AR (Agricultural Residential)
<b>WEST</b>	Single-family residential	AR (Agricultural Residential)

## **PROPOSED DEVELOPMENT**

- The proposed recombination of the amenity lot with the adjacent residential parcel will create a single 3.04 acre residential lot.

## **PROPOSED TRAFFIC PROJECTIONS**

- The use will not create additional traffic.

## **PUBLIC FACILITIES**

### **Water:**

- The recombined lot will not increase water utilization.

### **Sewer:**

- The recombined lot will utilize the existing sewer system.

### **Roads:**

- The lot currently has access from Chestnut Glen.

## **ENVIRONMENTAL**

- The lot is adjacent to Barber Creek, but no additional development will take place.

## **COMMENTS FROM OTHER DEPARTMENTS & AGENCIES**

### **OCONEE COUNTY PUBLIC WORKS DEPARTMENT**

- No comments.

### **OCONEE COUNTY WATER RESOURCES DEPARTMENT**

- No comments.

### **GEORGIA DEPARTMENT OF TRANSPORTATION**

- No comments.

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## **STAFF ANALYSIS**

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR REZONING CONSIDERATION” AS SET FORTH IN SECTION 1207.01 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

- A. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.**

The resulting lot will not change the existing single-family residential condition of the property.



- B. Whether the property to be rezoned has a reasonable economic use as currently zoned.**  
The amenity lot has not been utilized by the HOA residents.
- C. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:**
- i. Population density and effect on community facilities such as streets, schools, water, and sewer;**  
The resulting lot will not change the existing single-family residential condition of the property and therefore will have no impact on community facilities.
  - ii. Environmental impact;**  
The resulting lot will not change the existing single-family residential condition of the property and therefore will have no environmental impact.
  - iii. Effect on the existing use, usability and/or value of adjoining property.**  
The resulting lot will not change the existing single-family residential condition of the property and therefore will have no impact on the use, usability, or value of the adjacent property.
- D. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property.**  
The subject property is has been unutilized since the property was developed in 2001.
- E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.**  
The purpose of the AR zoning district is to “encourage a compatible relationship between agricultural and residential subdivisions in the district. The regulations are intended to allow medium rural residential densities and compatible agricultural activities without encouraging commercial development or multi-family development.” (Unified Development Code Sec. 205.03). Staff holds that the requested lot recombination is consistent with the stated purpose of the proposed zoning districts.
- F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**  
The proposed use will not change the nature of the residential neighborhood. Staff holds that these conditions give supporting grounds for approval of the zoning proposal.
- G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.**  
The subject property lies within the Suburban Neighborhood Character Area as shown on the Character Areas Map within the 2023 Comprehensive Plan Update. The plan describes this Character Area as “Pedestrian-friendly residential neighborhoods with primarily large, single-family lots and connective, common greenspaces. Denser residential development is logically located in areas adjacent to nonresidential uses. Attractive streetscapes and landscaped common areas are located throughout.” (2023 Comprehensive Plan Update p. 44). Staff holds that the proposed lot recombination is in conformity with the Future Development Map and the goals and objectives of the Oconee County Comprehensive Plan.
- H. The availability of adequate sites for the proposed use in districts that permit such use.**  
The use of the recombined lot will continue to be residential; other locations are not relevant to the decision.

## **STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS**

Based on Board of Commissioners policies, decision-making criteria, and standards outlined in the development codes of Oconee County, staff recommends conditional approval of this request subject to the following conditions to be fulfilled at the expense of the owner/developer:

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.