

**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 Sarah Hernandez submitted on August 20, 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 Sarah Hernandez on August 20, 2023, regarding a ±6.11-acre tract of land located 1149 Kirkland Rd, Oconee County, Georgia, (tax parcel no. C-06-004G), 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 minimum setback line from 25 feet to 10 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.

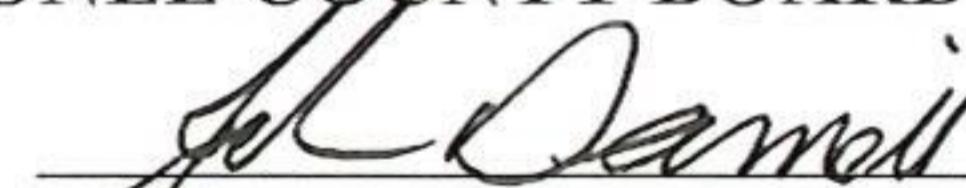
SECTION 3. Effective Date. This Resolution shall take effect this date.

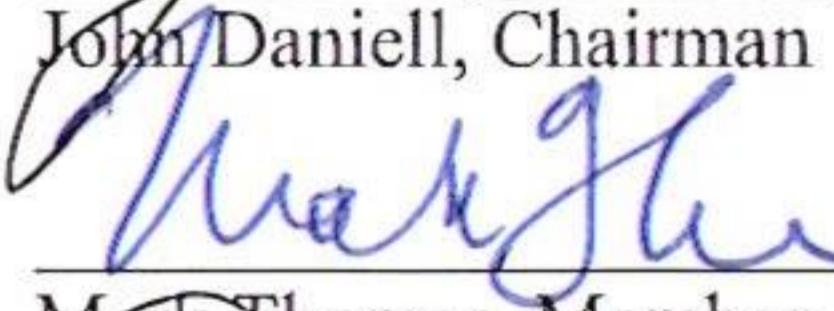
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on October 3, 2023.

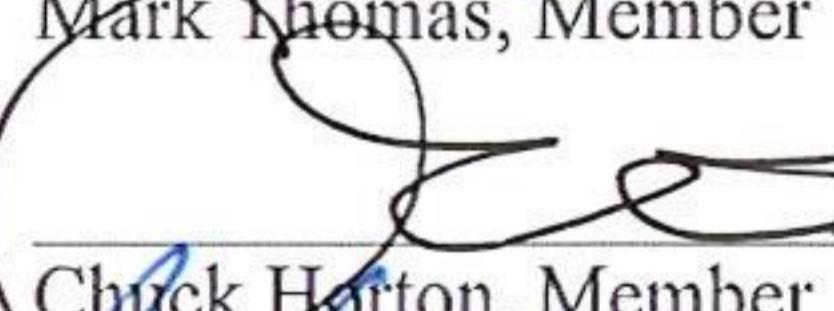
ADOPTED AND APPROVED, this 3<sup>rd</sup> day of October, 2023.

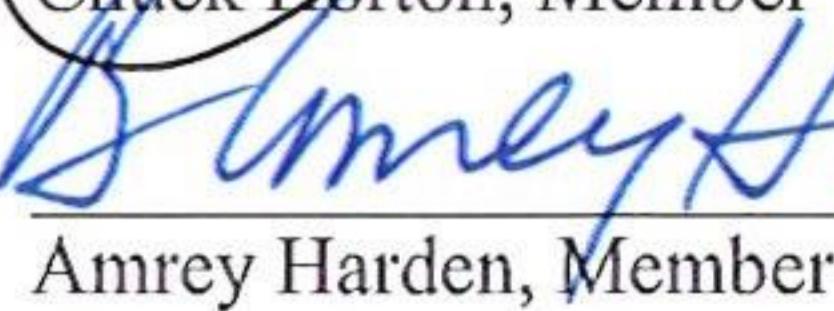
**OCONEE COUNTY BOARD OF COMMISSIONERS**

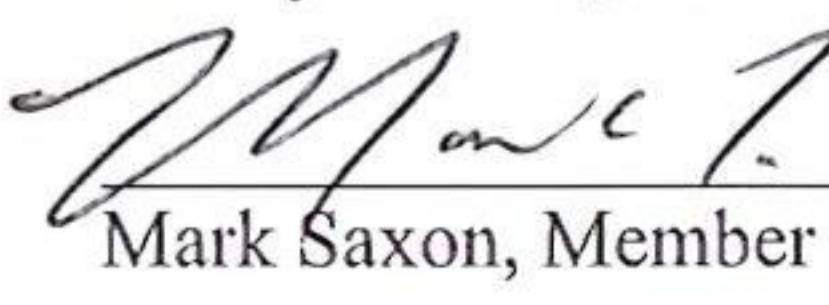
BY:

  
John Daniell, Chairman

  
Mark Thomas, Member

  
Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

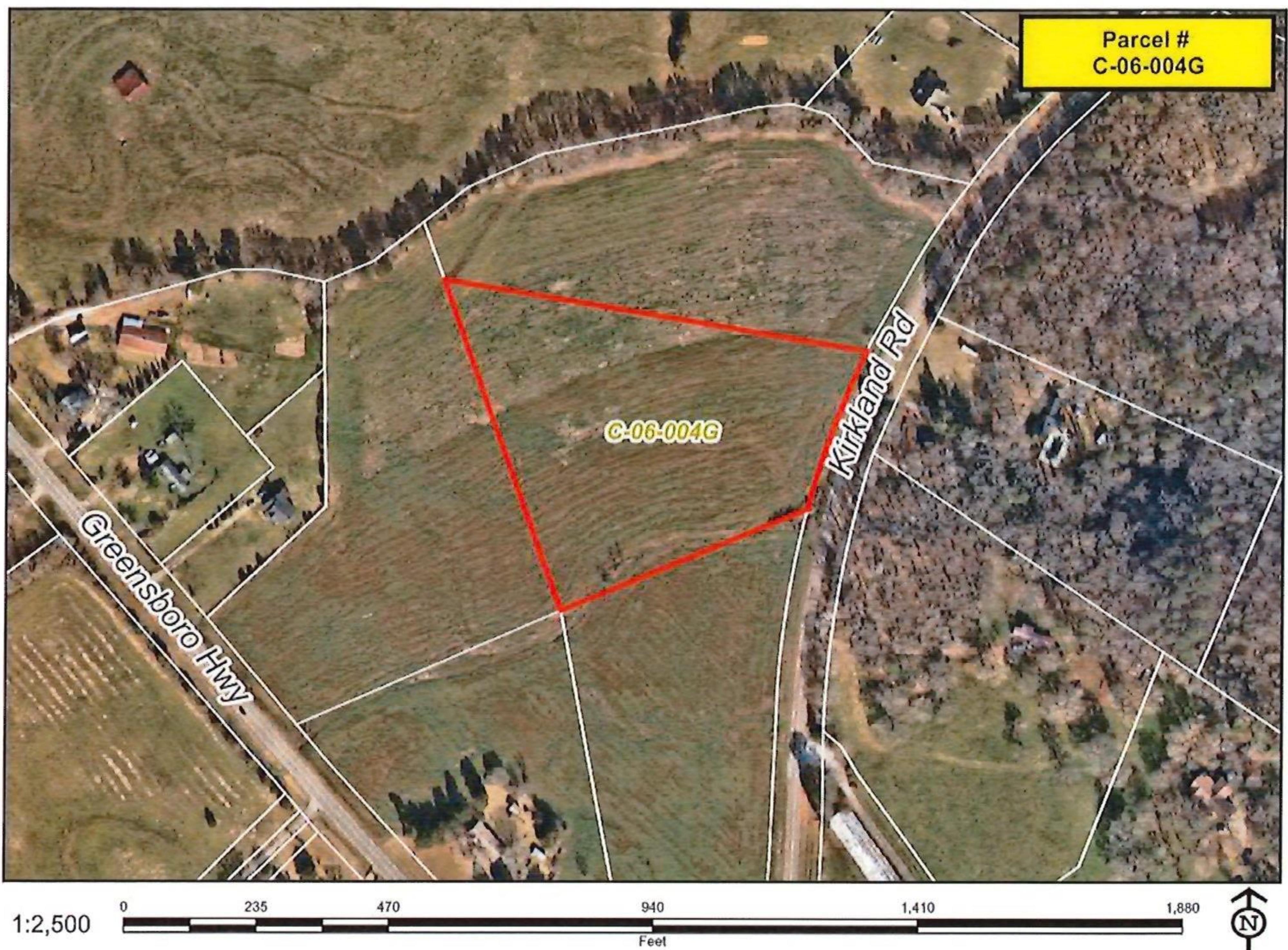
  
Holly Stephenson  
Clerk, Board of Commissioners

**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.

TAX MAP

Variance # P23-0180 - Sarah Hernandez



**TYPED LEGAL DESCRIPTION**

All that tract or parcel of land, containing 6.112 acres, more or less, together with all improvements thereon, situate, lying and being on the westerly side of Kirkland Road (80' R/W) in the 225<sup>th</sup> District, G.M., of Oconee County, Georgia, and being particularly shown and described as TRACT 4, 6.112 Acres, according to a plat of survey entitled "Administrative Subdivision Plat For Chad Couch" dated February 15, 2022, prepared by Baseline Surveying & Engineering, Inc., certified by Ray N. Woods, Georgia Registered Land Surveyor No. 2049, and being recorded in Plat Book 2022, page 19, in the Office of the Clerk of Superior Court of Oconee County, Georgia, which said plat and the record thereof are by reference incorporated herein for a more complete description of the property herein conveyed.

## NARRATIVE

August 20, 2023

I am requesting a special exception variance to extend our driveway and add a detached garage at 1149 Kirkland Rd. Watkinsville, Ga 30677. Our zoning district is AG and this is our primary residential residence.

I am requesting a special exception variance from

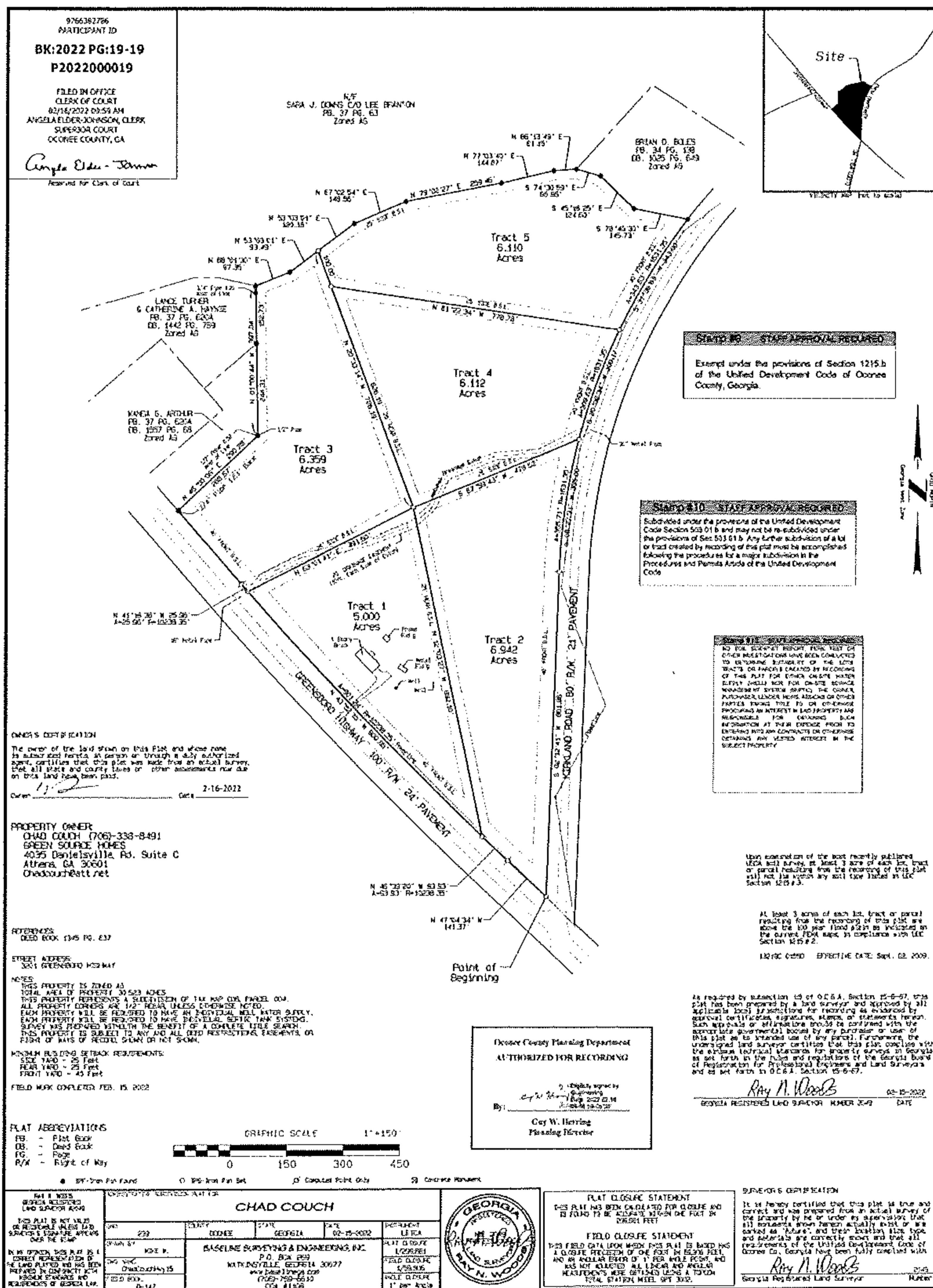
Article 4 Section 410.01.C (2)

I am requesting permission to extend our current driveway and add a detached garage that would be approximately 10 ft from the property line. We are requesting 10 ft from the property line to have space in case the grading company runs into any issues, but the current plan does have the garage 12 ft 2 inches at the closet point. This will allow us to maintain a visually appealing, organized, and clean residential property with our vehicles and lawn maintenance equipment stored in a garage.

Adjacent properties are all residential and likewise zoned AG.

The reason for this request is because of the location of our septic drain field. We have a septic tank and drain field located behind our house that we are having to work around. There is 56 feet and 11 inches in between our property line and the point of the drain field that is closest to our property line. The property line is angled, and the drain field is also angled. The garage is 42 ft wide. To place the garage in a location that is visually appealing and will add to the property value and keep the garage and driveway off of the septic drain field we are requesting to place the garage and part of the extended driveway 10 ft off of the property line. Attached is a letter from our neighbor adjacent to where our requested garage would be located stating that they have no issues with this placement of our detached garage.

PLAT

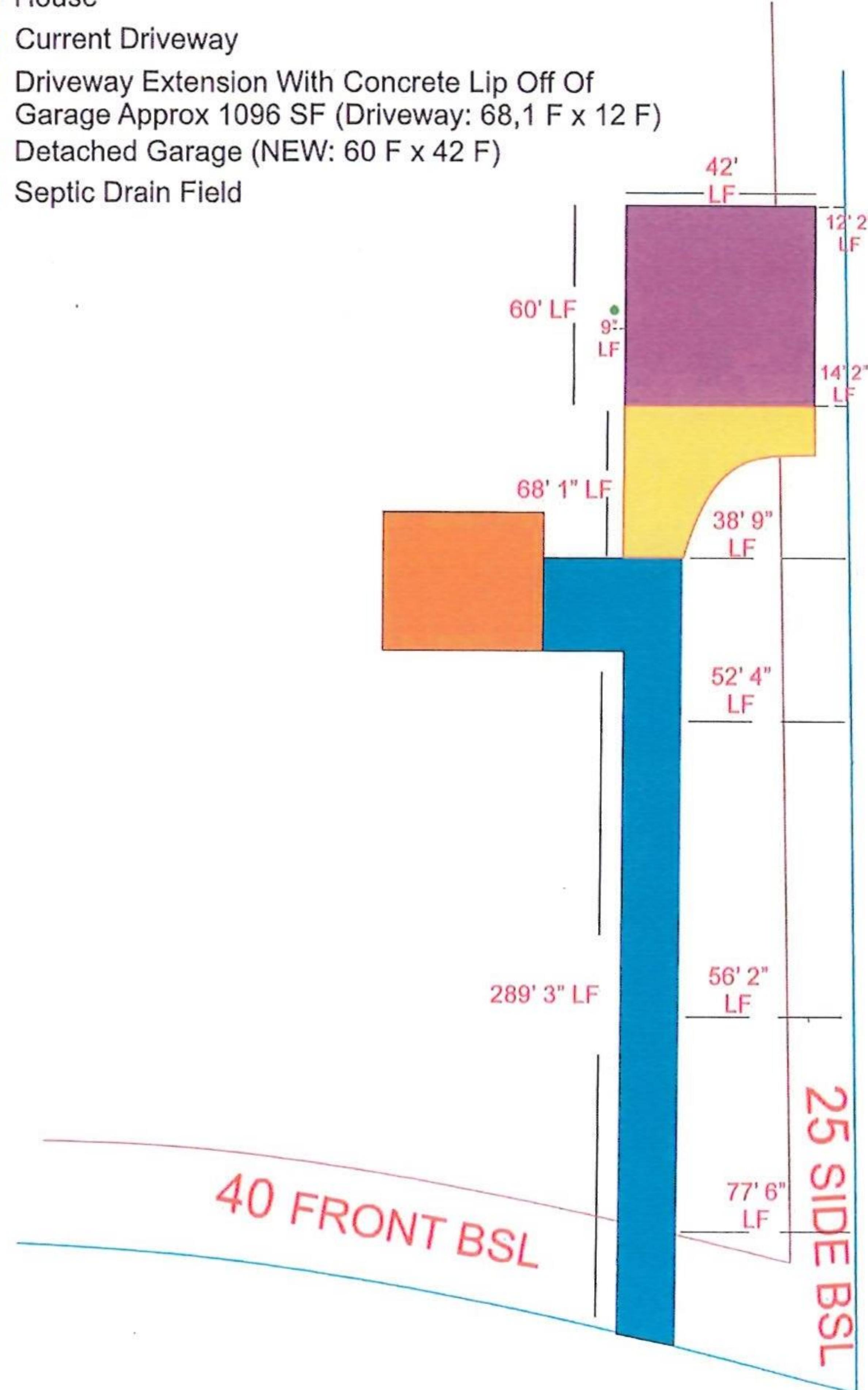


CONCEPT PLAN



CONCEPT PLAN

- House
- Current Driveway
- Driveway Extension With Concrete Lip Off Of Garage Approx 1096 SF (Driveway: 68,1 F x 12 F)
- Detached Garage (NEW: 60 F x 42 F)
- Septic Drain Field





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

**VARIANCE CASE #:** P23-0180

**DATE:** September 20, 2023

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

**APPLICANT NAME:** Sarah & Elias Hernandez

**PROPERTY OWNER:** Sarah & Elias Hernandez

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**LOCATION:** 1149 Kirkland Rd., Watkinsville, Ga (C-06-004G)

**PARCEL SIZE:** ±6.11 acres

**EXISTING ZONING:** AG (Agricultural District)

**EXISTING LAND USE:** Single Family Residential

**TYPE OF VARIANCE REQUESTED:** Special Exception Variance to reduce the side building setback from 25 feet to 10 feet for a garage.

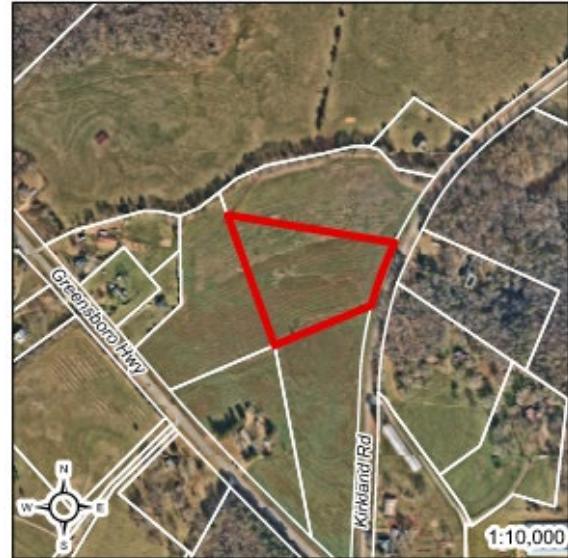
**REQUEST SUMMARY:** The property owner requests a variance from Oconee County Unified Development Code Section 410.01.C(2) to permit a 42'x 60' garage a minimum of 10' from the property line but within the required 25' side yard setback.

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** October 3, 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 2022. The parcel consists of the existing principal residence.
- The proposed accessory structure/garage will be 2,520 SF in total.
- The location of the existing septic drain field does not allow the garage to be placed further into the lot while maintaining the desired relationship to the existing house and driveway.
- The plans show the garage a minimum of 12 feet 2 inches from the property line, but the applicant requests a variance to allow a minimum of 10' setback to allow for construction variation.
- As the proposed accessory structure/garage is less than 25 feet from the side property line, a special exception variance will be required.

### **VARIANCE DESCRIPTION**

- The owner is requesting a special exception variance to construct an accessory structure less than 25 feet from the side property line of the lot. The applicant states that the proposed accessory structure will be utilized as a garage.
  - ***Unified Development Code Section 410.01 – Accessory buildings.***
  - c. *All other accessory buildings not specifically regulated by Article 3 of this Development Code.*
  - (2) *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; provided that no such accessory building may be located in the front yard of a lot unless the lot itself is 3 acres or more in size. In no case shall the building be within the minimum principal building front setback).*

### **PUBLIC FACILITIES**

#### **Water:**

- The project utilizes a private well.

#### **Sewer:**

- The project utilizes a private septic tank system.

#### **Roads:**

- The site will be accessed from the existing driveway for the residence from Kirkland Road.

### **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 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 will 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 on all sides. Primary land uses in the area are a mixture of residential and agricultural uses. Staff holds that approval of the request to construct an accessory building less than 25 feet from the side property line should not be injurious to the use and enjoyment of the environment or of nearby properties.

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

The garage will be located over 300 feet from the ROW of Kirkland Road. Staff holds that the proposed placement of the accessory structure closer than 25 feet from the side property line of the existing residence should not impair the property value of the adjacent residence or of other properties in the surrounding neighborhood.

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

The intent of UDC Section 410.01 is to provide a minimum setback distance for accessory buildings. The applicant has requested a special exception variance to reduce the required minimum setback distance from 25 feet to 10 feet in order to construct a garage adjacent to the existing residence. Staff believes that approval of this special exception variance request would not impair the UDC's purpose and intent.

## **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.