

**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 Michael and Theresa Heath submitted on August 19, 2024.

**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 Smith Planning Group on August 19, 2024, regarding a ±1.076-acre tract of land located 1381 Hickory Hill Dr, Oconee County, Georgia, (tax parcel no. C-03B-002E), 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 rear accessory building setback from 40 feet to 29.5 feet for an accessory structure (Guest House).

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.

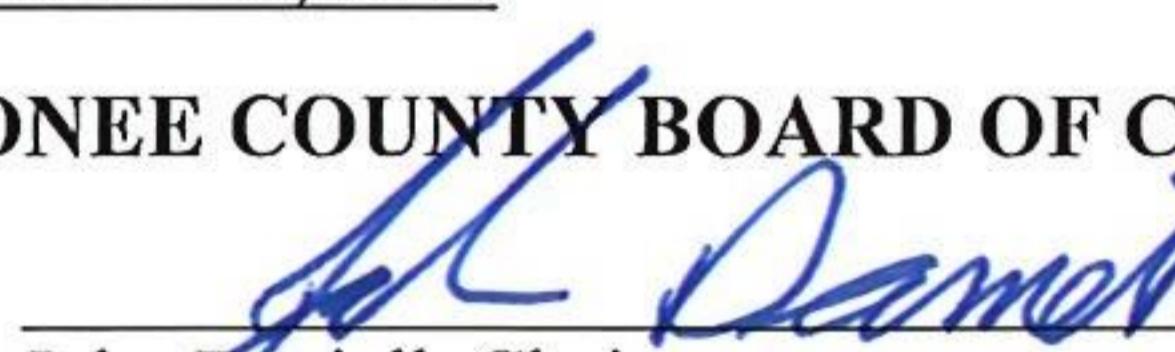
SECTION 3. Effective Date. This Resolution shall take effect this date.

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 December 3, 2024.

ADOPTED AND APPROVED, this 3<sup>rd</sup> day of December, 2024.

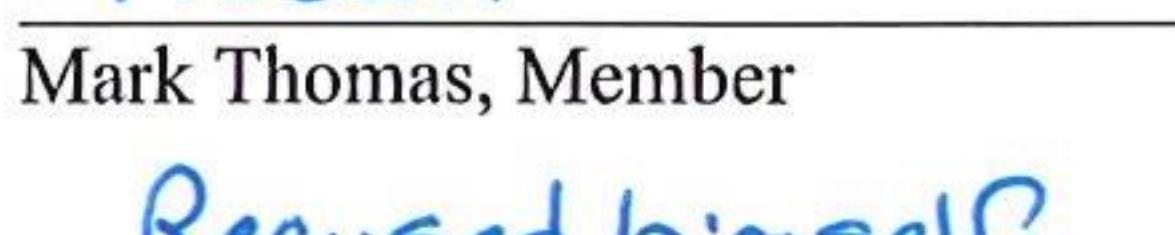
**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY:

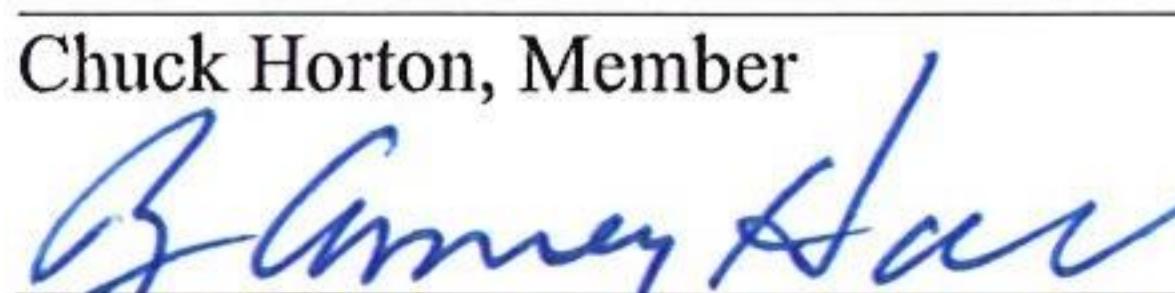
  
John Daniell, Chairman

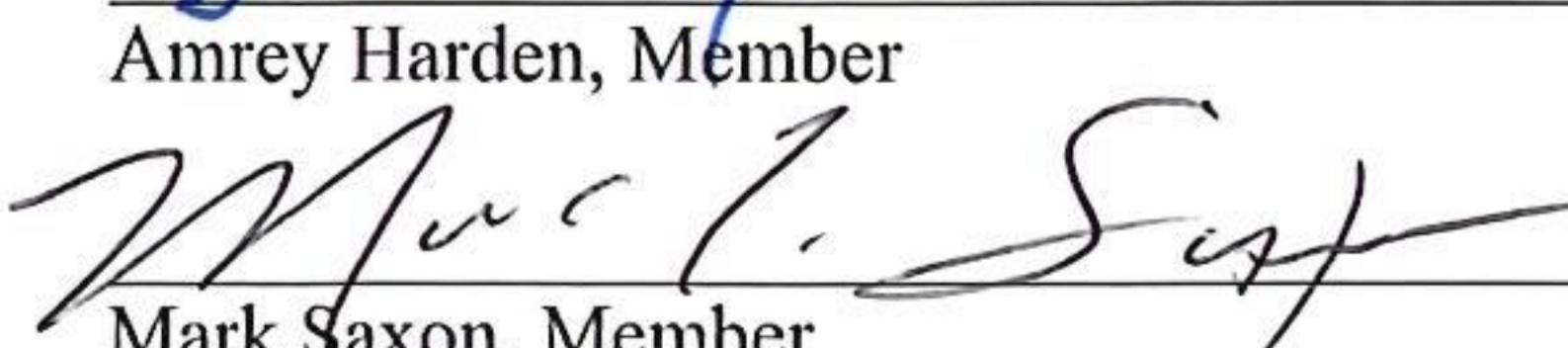
  
Absent

Mark Thomas, Member

  
Recused himself

Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

  
Holly Stephenson

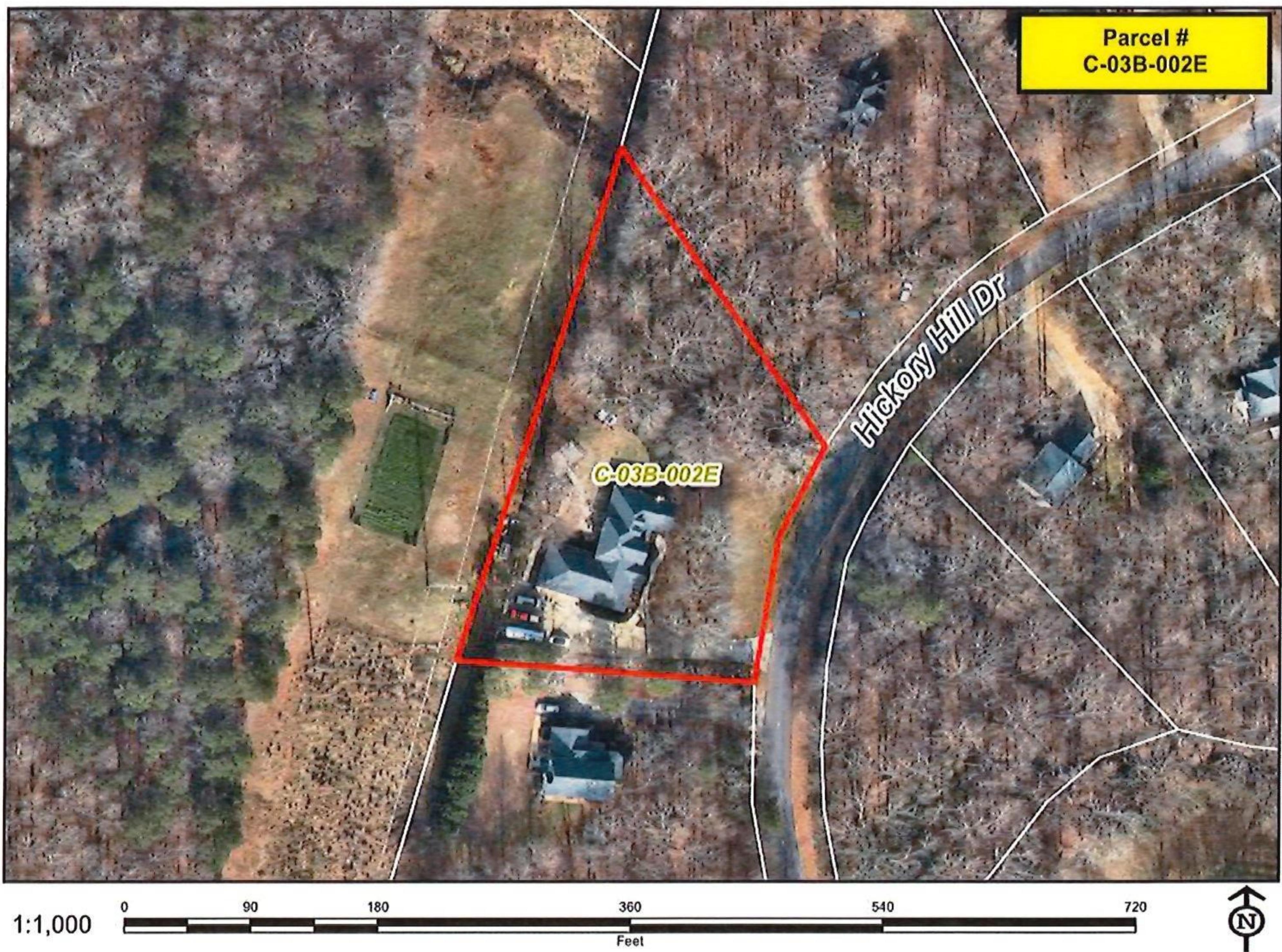
Clerk, Board of Commissioners

**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 variance 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 # P24-0164 & P24-0213 - Michael Heath



**TYPED LEGAL DESCRIPTION**

**Legal Description**

All that certain tract or parcel of land lying and being in the GMD 221 of Oconee County, Georgia; said tract containing 1.175 acres and being more particularly described as follows:

Commencing at the intersection of centerlines of Hickory Hill Drive and Holly Point Way; Thence S26°02'58"E 398.52' to an IPF on the westerly right-of-way Hickory Hill Drive; Said point being the TRUE POINT OF BEGINNING

Thence leaving said right-of-way N 84°31'48" W a distance of 177.08' to a point in a Cypress Tree;

Thence N 15°07'52" E a distance of 369.34' to a point in the centerline of a branch;

Thence continuing along said center line of branch S 52°35'25" E a distance of 9.60' to a point;

Thence N 66°26'34" E a distance of 21.39' to a point;

Thence S 29°16'13" E a distance of 9.76' to a point;

Thence S 14°25'45" E a distance of 24.40' to a point;

Thence S 70°05'51" E a distance of 14.57' to a point;

Thence S 25°45'04" E a distance of 22.35' to a point;

Thence S 60°38'02" E a distance of 18.58' to a point;

Thence S 14°22'33" E a distance of 13.09' to a point;

Thence S 14°28'52" W a distance of 16.56' to a point;

Thence S 79°23'01" E a distance of 10.69' to a point;

Thence S 52°57'40" E a distance of 14.91' to a point;

Thence S 01°38'15" E a distance of 17.50' to a point;

Thence S 08°49'16" W a distance of 14.28' to a point;

Thence S 08°23'04" E a distance of 9.88' to a point;

Thence S 39°37'39" E a distance of 14.88' to a point;

Thence S 02°51'58" E a distance of 11.80' to a point;

Thence S 06°52'15" E a distance of 14.88' to a point;

Thence S 48°51'15" E a distance of 20.20' to a point;

Thence S 45°13'07" E a distance of 10.40' to a point on the western right-of-way of Hickory Hill Drive;

Thence leaving said branch and following the right-of-way of Hickory Hill Drive, with a curve turning to the left with an arc length of 179.78', with a radius of 412.22', with a chord bearing of S 17°28'07" W, with a chord length of 178.36' to the TRUE POINT OF BEGINNING.

## NARRATIVE



**SPG Planners + Engineers**  
1725 Electric Avenue  
Suite 320  
Watkinsville, GA 30677

T: 706 769 9515  
E: hello@onespg.com  
onespg.com

**Heath Residence**  
**1381 Hickory Hill Drive**  
Oconee County, GA  
**Narrative Statement**  
August 13, 2024

### Introduction

The Heath Residence, parcel C 03B 002E, is a single-family residential property located at 1381 Hickory Hill Drive, Watkinsville, GA 30677. The existing zoning is AR.

### Special Exception Variance Requested

The Heath family requests a special exception variance in reference to the following code sections:

#### Unified Development Code Article 4 Section 409.01

*"(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.)"*

#### Table 4.1 Dimensional Requirements by Zoning District

*Minimal Principal Building Rear Setback for AR Zoning: 40 ft*

#### Sec. 351.02- Guest House restrictions

*"c. For lots less than five acres in size, the guest house must be placed to the rear of the main house or may be placed in the side or front yard if approved by special exception variance as outlined in the Appeals article of this Development Code."*

The requested variance is to construct an 805 SF detached guest house within the side yard that will encroach on the rear setback by roughly 10.5 ft. This structure would be used as a family guest house and workshop. There will not be a garage, however, parking is accommodated by the existing driveway footprint as indicated on the concept plan.

The reason for this variance request is to build a guest house with minimal disturbance to the existing topography. Due to the placement of the existing house, building this structure behind the home is not feasible without encroaching even further into the rear setback. The steepness of the site and existing wooded area limit the location of the accessory structure with minimal impact. This variance will improve the buildability of the structure by reducing necessary grading and clearing while aesthetically blending in with the existing terrain. The architectural character of the new guest house will compliment the home.

## NARRATIVE

### Adjacent Properties

#### Rear:

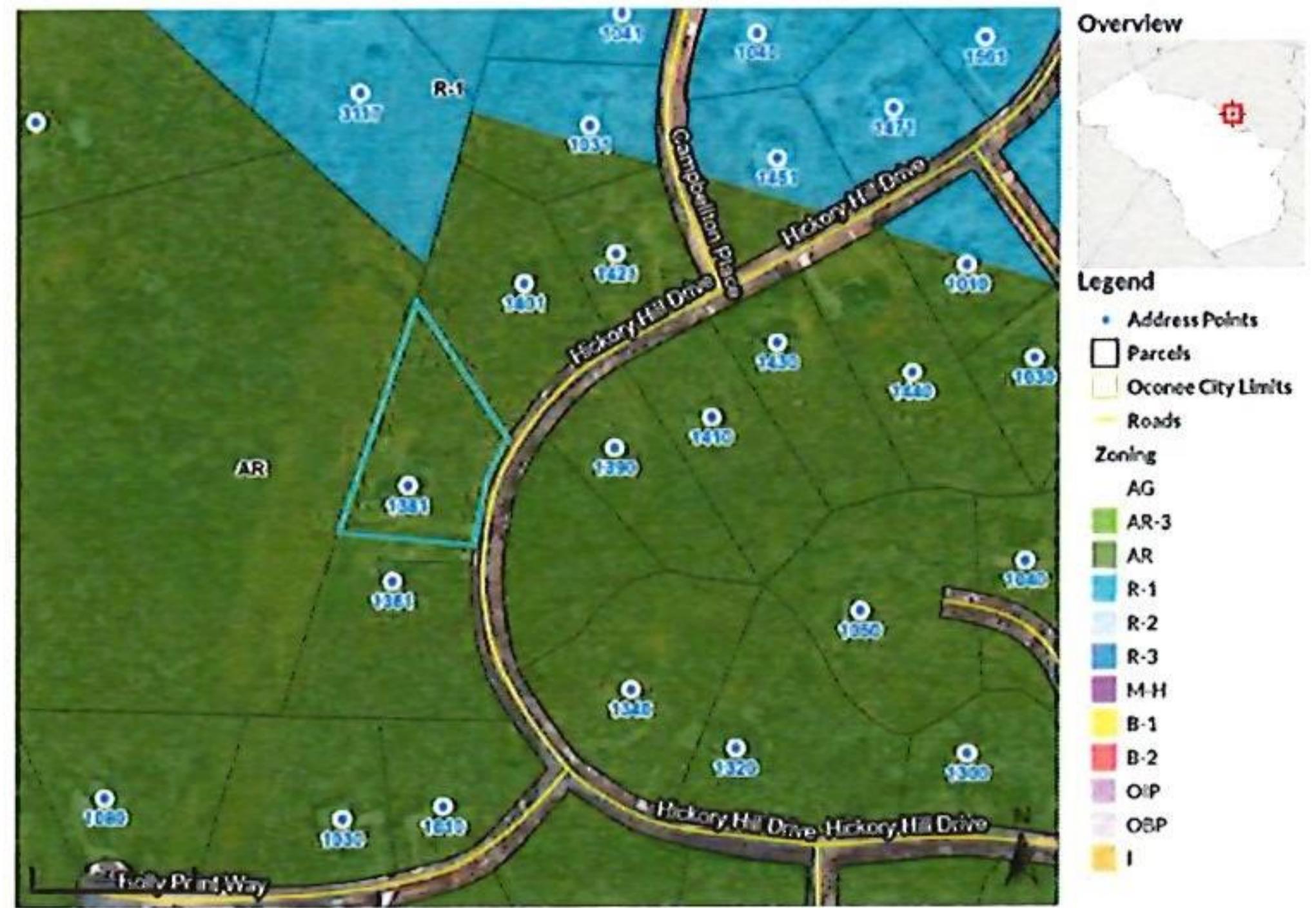
AR zoning with Georgia Powerline Easement.  
Currently wooded land under conservation use.

#### North and South:

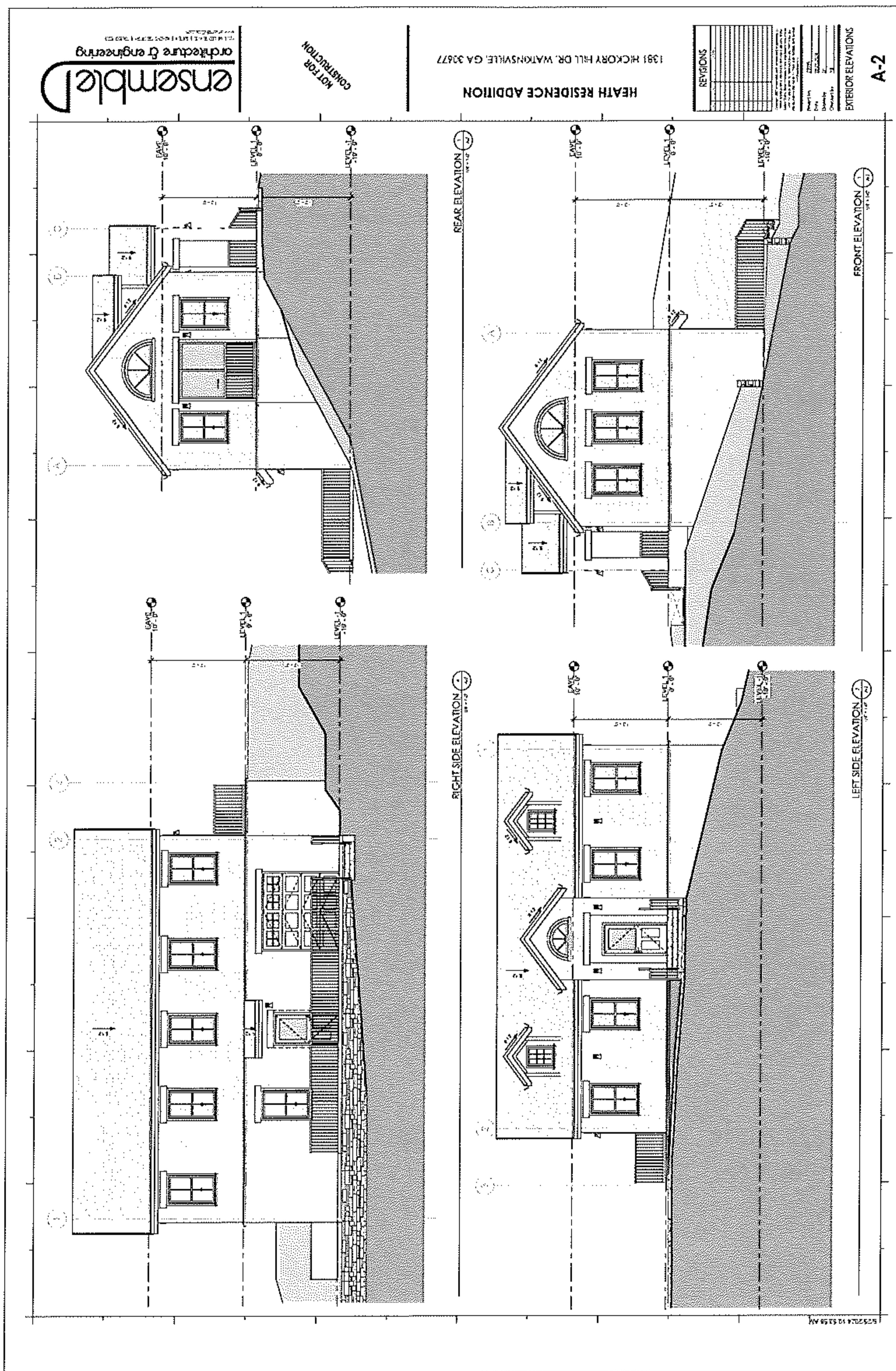
AR zoning.  
Currently single-family residential use.

### Conclusion

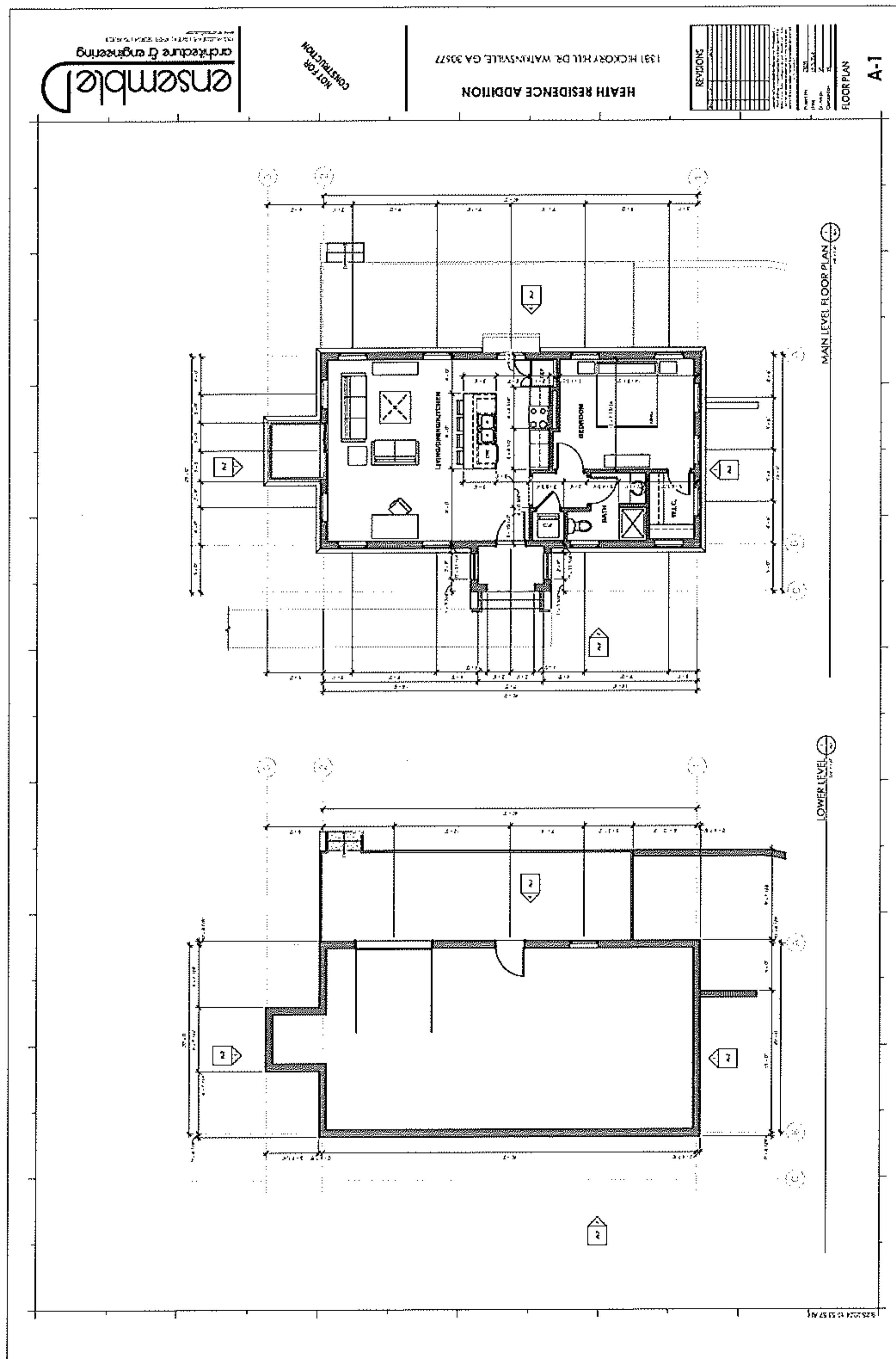
Due to the steep 2.5:1 topographical slope, the proposed location of the accessory structure is more suitable with the nature of the terrain. With the Georgia Powerline Easement to the rear, this structure would not impose on the adjacent property. Furthermore, this location allows for the structure to be appropriately placed behind the primary house. The structure would also be set naturally into the grade amongst large hardwood trees rather than requiring extensive grading, additional tree removal, and large obtrusive retaining walls.



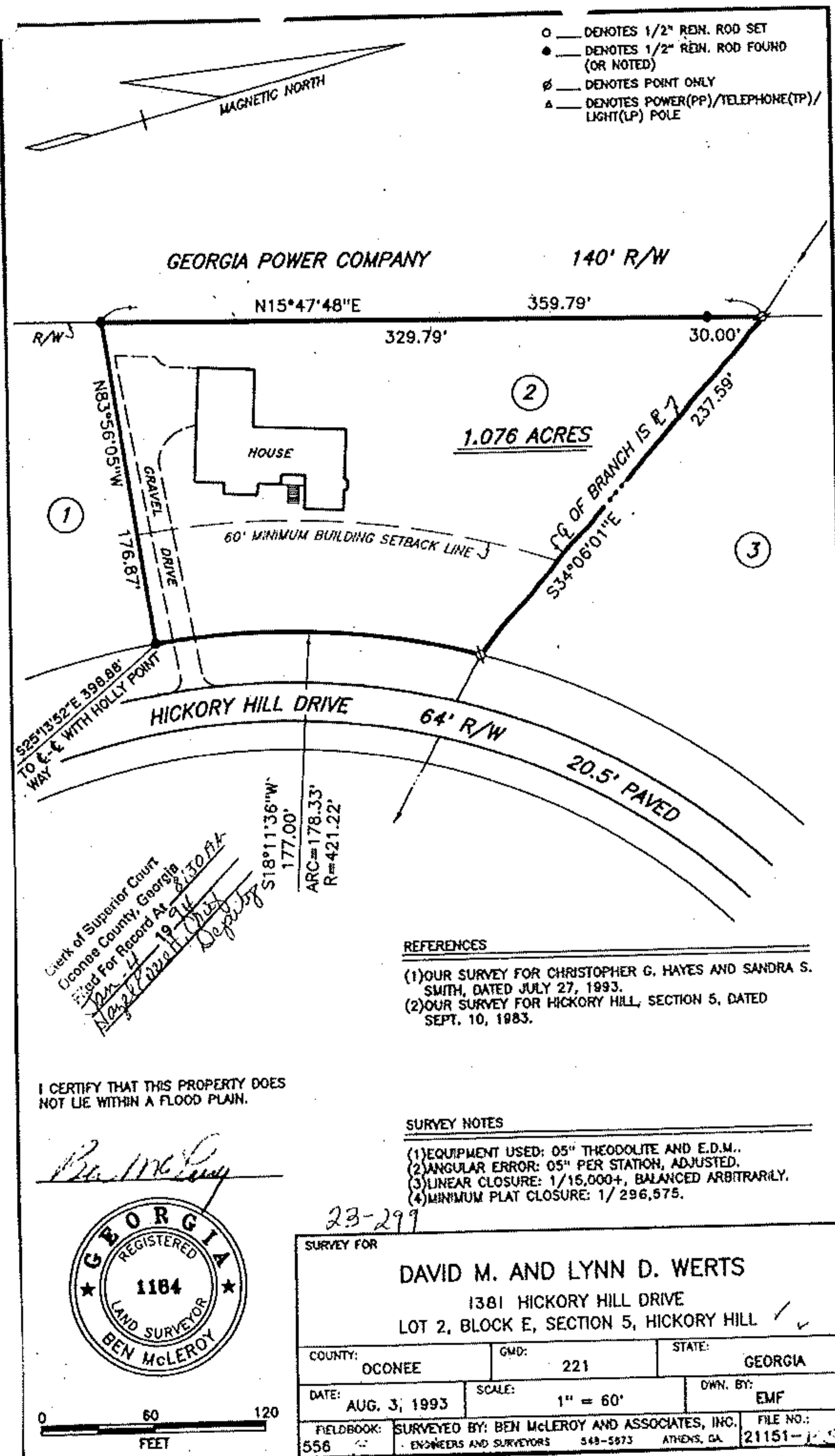
ARCHITECTURAL RENDERINGS



## ARCHITECTURAL RENDERINGS



## PLAT



26





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

**VARIANCE CASE #:** P24-00164

**DATE:** November 21, 2024

**STAFF REPORT BY:** David Webb, AICP (Senior Planner)

**APPLICANT NAMES:** Kaylin Kittle (SPG Planners + Engineers)

**PROPERTY OWNER(S):** Michael and Theresa Heath

**LOCATION:** 1381 Hickory Hill Dr.  
Parcel C 003B 002E

**PARCEL SIZE(s):**  $\pm 1.076$  acres

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

**EXISTING LAND USES:** Single Family Residence

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

**REQUEST SUMMARY:** A special exception variance from Oconee County Unified Development Code Section 410.01 and Table 4.1 to reduce the rear accessory building setback from 40 feet to 29.5 feet for an accessory structure (Guest House).

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** December 3, 2024

**CONCURRENT APPLICATION:** A special exception variance from Oconee County Unified Development Code Section 351.02 for a Guest House to be placed in the side yard.

**ATTACHMENTS:**

- Application
- Warranty Deed
- Plat of Survey
- Concept Plan
- Narrative
- Legal Description
- Architectural E elevations



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

### **HISTORY**

- The property contains a 3,271 square foot residence that was built in 1992 according to Property Assessor records.
- The parcel was created as part of the Final Plat for Hickory Hill, Section V recorded January 6, 1984 (Plat Book 9, Page 85)
- The current plat, with no change in size or lot lines, was recorded January 4, 1994 (Plat Book 23, Page 299)

### **VARIANCE DESCRIPTION**

- A special exception variance from Oconee County Unified Development Code Section 410.01 and Table 4.1 to reduce the rear accessory building setback from 40 feet to 29.5 feet for an accessory structure (Guest House).
- The UDC sections that is being requested to vary are: *Sec. 410.01.c (1) and Table 4.1*  
*(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).*

- Table 4.1: AR Setbacks

Front- From major thoroughfare:	40 feet
Front- From minor street:	30 feet
Side:	15 feet
Rear:	40 feet

### **PUBLIC FACILITIES**

#### **Water:**

- The existing house uses Oconee County water.

#### **Sewer:**

- The existing house has an on-site septic system.

#### **Roads:**

- The property has legal access to Hickory Hill Drive

#### **Environmental**

- The site plan indicates there are state waters on the site. There are no known wetlands or floodplain areas on the property.

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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:**

The requested variance would allow the placement of a guest house within the rear setback of the 1.076-acre property. Staff analysis indicates this would not cause a substantial detriment to the public good as this proposed placement would avoid state waters buffers on the property. There is a power line easement on the adjacent property. The narrative and concept plan indicates this is needed due to the steep slopes on the property with the goal to avoid extensive tree removal.

**b. Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:**  
The surrounding properties are zoned AR (Agricultural-Residential). Staff finds that approval of the request to allow the placement of a guest house within the rear setback should not be injurious to the environment or the use and enjoyment of other properties in the immediate vicinity.

**c. Diminish and impair property values within the surrounding neighborhood:**  
Based on the configuration of the applicant's property and surrounding properties, staff finds that approval of the requested guest house variance should not diminish or impair the property values within the surrounding neighborhood.

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

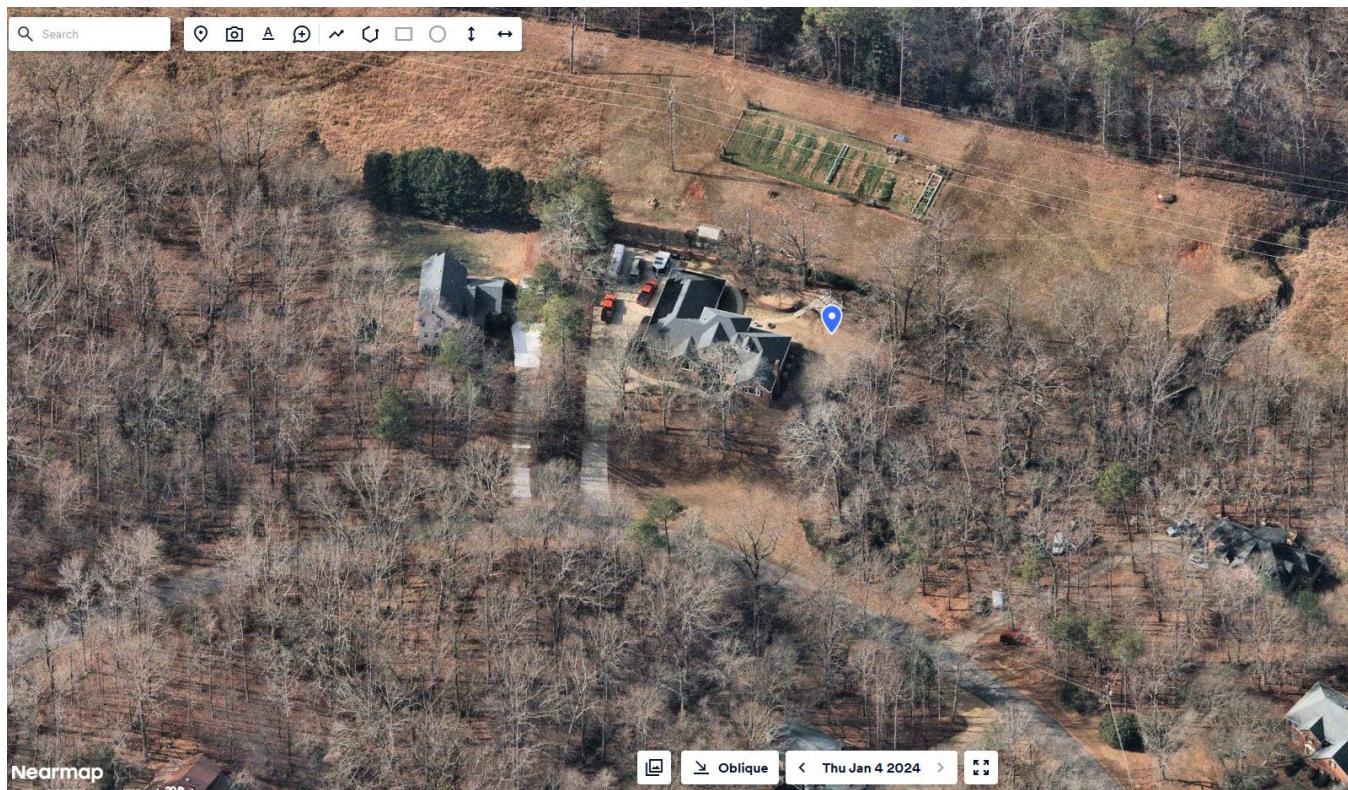
The request to allow the placement of a guest house in the rear setback will not impair the purpose of this code (Sec. 410.01.c (1) and Table 4.1) due to the required protection of adjacent state waters and the need to avoid the existing septic system. The proposed placement of the guest house is needed due to the steep slopes and the existing septic system to the rear of the primary residence.

## **STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS**

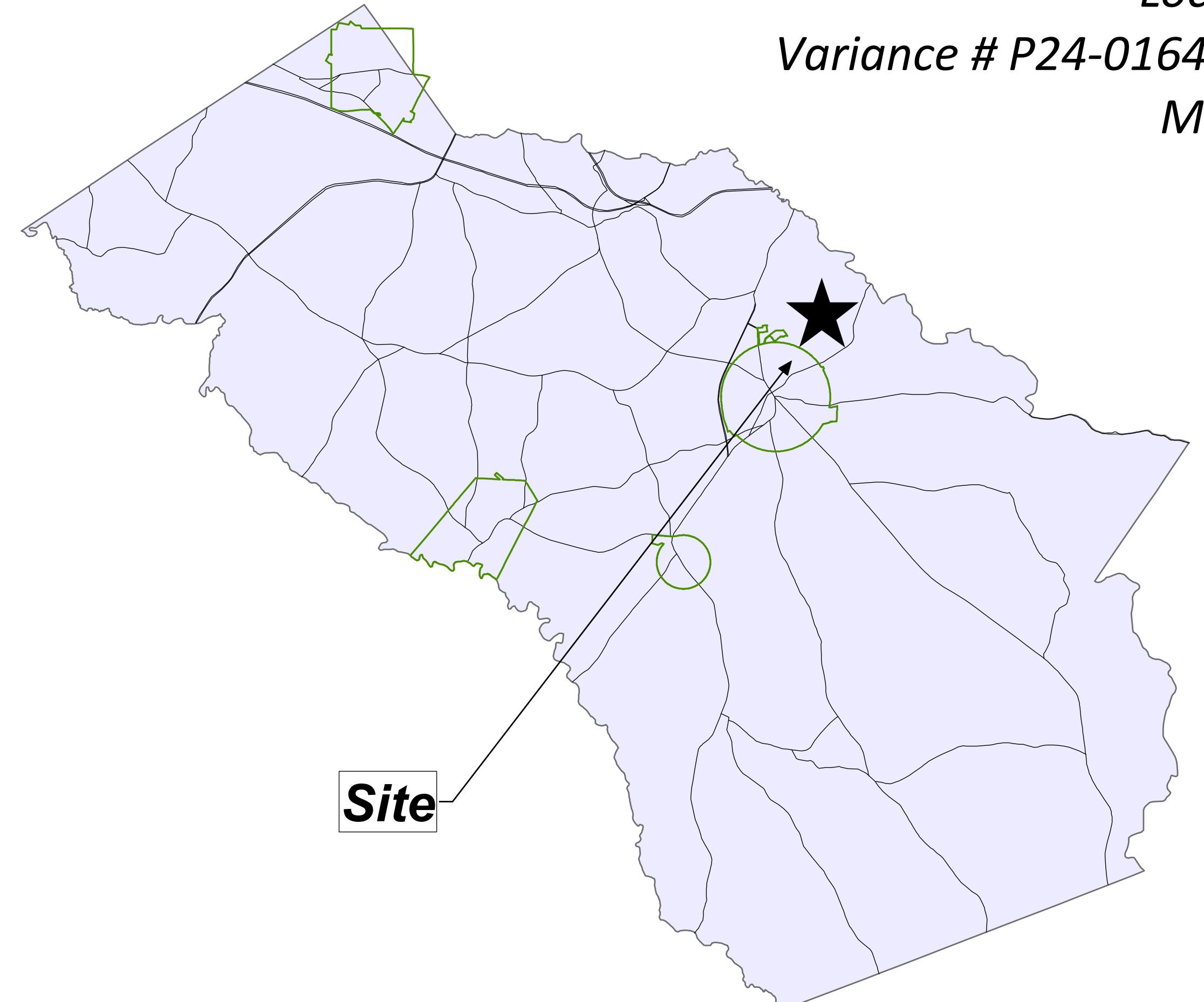
Based upon the standards and limitations for special exception variance approval, this request **does meet all necessary conditions** to grant a special exception variance to the setback standards. Should the present request be approved, staff recommends the following conditions to be fulfilled at the 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 variance application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.

Site Picture

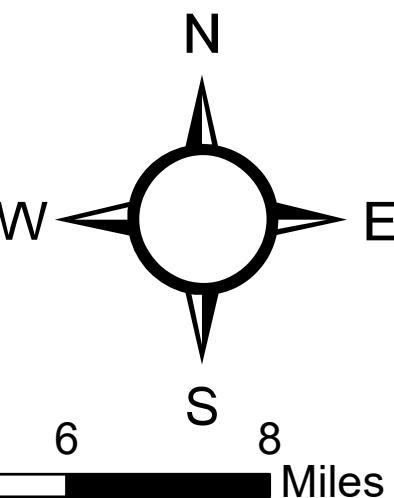


*Location Map -*  
*Variance # P24-0164 & P24-0213*  
*Michael Heath*



1:120,000

0 1 2 4 6 8 Miles



# Variance # P24-0164 & P24-0213 - Michael Heath

Parcel #  
C-03B-002E

C-03B-002E

Hickory Hill Dr

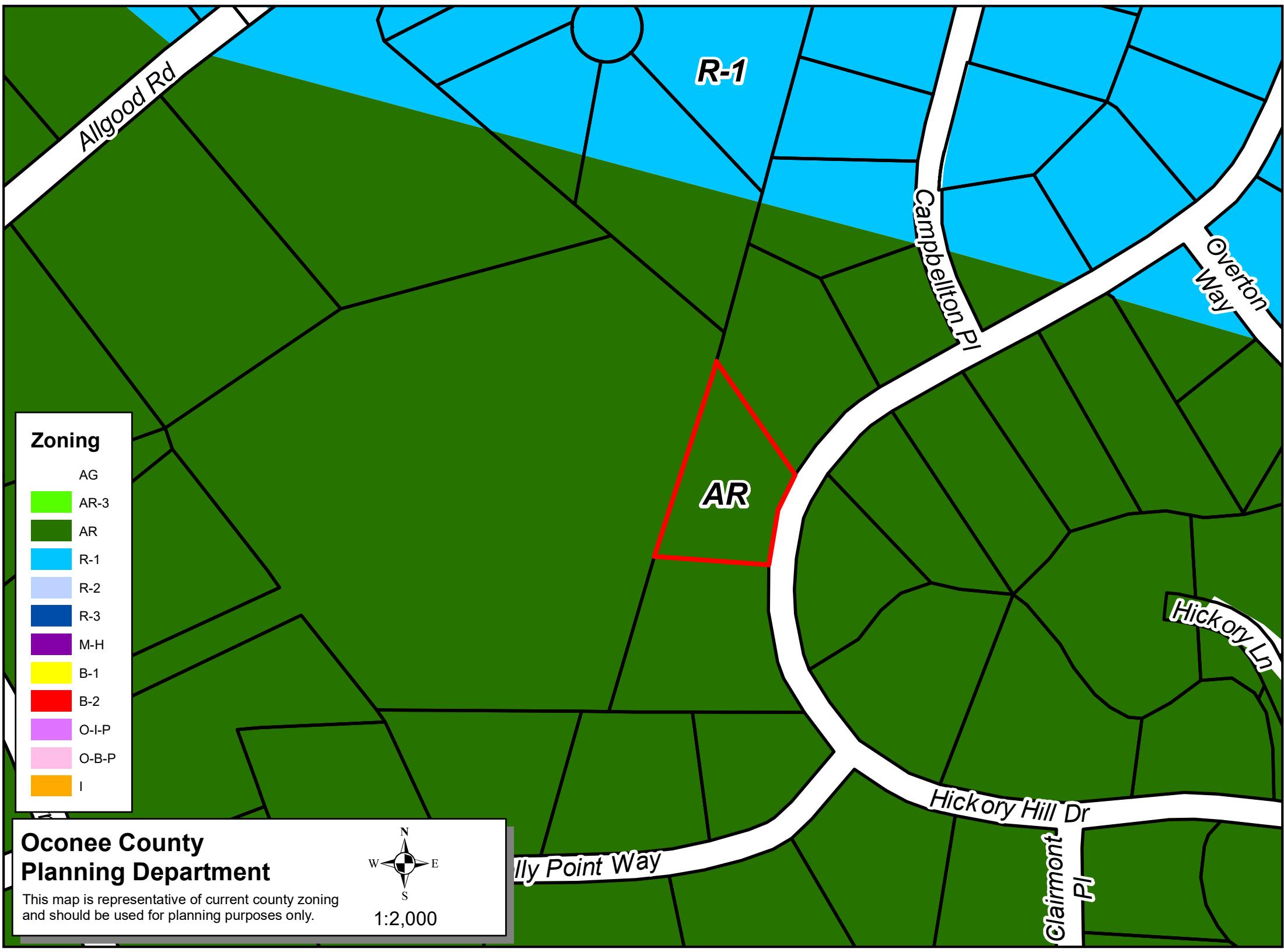


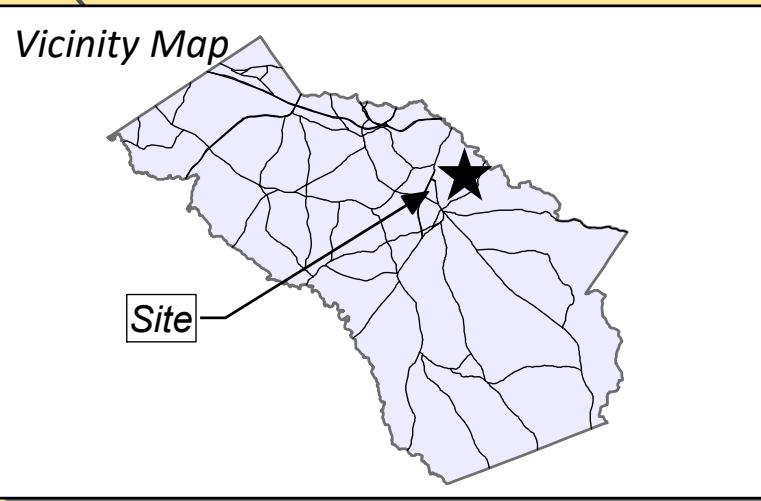
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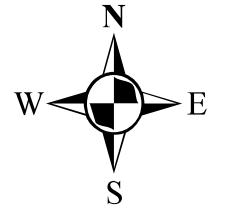
Feet







## Oconee County Planning Department



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

0 60 120 240 360 480 Feet

***Country Estates***

***Country Estates***

***Hickory Hill Drive***