

**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 Susan Chamberlin submitted on April 21, 2025.

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 Eric Dove on April 21, 2025, regarding a ±1.079-acre tract of land located at 1011 Barnett Dr, Oconee County, Georgia, (tax parcel no. D-02C-001A), 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 front yard setback along South Barnett Shoals Road from 40 feet to 34.4 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 June 3, 2025.

ADOPTED AND APPROVED, this 3rd day of June, 2025.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell
John Daniell, Chairman

Mark Thomas
Mark Thomas, Member

Chuck Horton
Chuck Horton, Member

Amrey Harden
Amrey Harden, Member

Mark Saxon
Mark Saxon, Member

ATTEST:

Holly Stephenson
Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P25-0078

Page 1 of 7

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.
2. The property owner shall restore the roadside swale along Barnett Dr. that was re-graded after January 2024 during the tree removal. The swale restoration shall be completed to the satisfaction of Public Works, prior to the issuance of a building permit.
3. Evergreen screening between the proposed structure and the right of way to shield the structure from view.

TAX MAP

Variance # P25-0078 - Susan Chamberlin



1:878



TYPED LEGAL DESCRIPTION

Legal Description:

1011 Barnett Dr.

All that tract or parcel of land lying and being in the 225th GMD of Oconee County, Georgia and being shown and described on that certain survey by Straight Line Surveying, Inc. certified by R. Shane Carson, R.L.S. no. 3141, dated 12/9/2024, and being more particularly described as follows:
beginning at an ½" rebar found on the Southeasterly right-of-way intersection of Barnett Shoals Rd. (80' R/W) and Barnett Dr. (50' R/W) this also being the TRUE POINT OF BEGINNING; thence following along the southerly 80' right-of-way of Barnett Shoals Rd. S 87°21'16" E a distance of 237.80' to a ½" rebar found; thence leaving said right-of-way of Barnett Shoals Rd. S 14°18'48" E a distance of 201.36' to a ½" rebar found; thence N 89°28'01" W a distance of 216.72' to a ½" rebar found; thence continuing N 89°28'01" W a distance of 24.99' to a ½" rebar found on the 50' right-of-way of Barnett Dr.; thence following along the eastern right-of-way line of Barnett Dr. N 07°49'54" W a distance of 50.03' to a point; thence continuing along said right-of-way of Barnett Dr. N 14°07'17" W a distance of 159.09' to a ½" rebar found at the right-of-way intersection of Barnett Shoals Rd. and Barnett Dr. which is the TRUE POINT OF BEGINNING.
Also having an area of 4,7048.24 square feet or 1.080 acres.

NARRATIVE

Oconee County Planning and Zoning

March 4, 2025

Re: Special Exception Variance for Property at 1011 Barnett Drive, Athens, GA (Oconee County)

Introduction: Special Variance Requested

1011 Barnett Drive

Athens, Georgia 30605

Existing Zoning District- Oconee County (001)

Existing use of property – Cleared Corner of Lot

Variance Requested :

Code Section: Special Variance for UDC, Article #3 348.A

Reason:

I am requesting a Special Expectance Variance to build a detached garage to park my vehicles. The property is located in the Barnett's Bluff subdivision. I am the first house and my lot sits at the corner of Barnett Drive and Barnett Shoals Road. Having a corner property both Barnett Drive and Barnett Shoals Road are both considered as my front portion of the property which makes it impossible for me to stay within the normal 200 feet on either side. Due to the septic tank and lines it is not possible to build it behind the house. During the Fall of 2024 Hurricane Helene took out the tops of many of my pine trees on the said corner of the lot. I have had them removed and now the corner has no trees.

*I am Requesting a front yard Setback Reduction to 38.1 ft,
and a side yard Setback Reduction to 34.4 ft.*

Proposed Description of Property: Detached Garage for Vehicles

Adjacent Properties: AR

Existing Zoning : AR

Existing Uses: Single Family Home

My name is Susan Chamberlin and I have lived at the 1011 Barnett Drive residence for 36 years. I have had a surveyor draw up a plan for a detached garage that will fit on that corner where those pine trees once set. I am hopeful with the information given (surveyors drawings, plat survey, concept plan) that



NARRATIVE

the Oconee Planning and Zoning Commission will approve my request to move forward with building a detached garage.

Thank you,

Susan Chamberlin

CONCEPT PLAN

OWNER: CHAMBERLIN
1011 BARNETT DR.
ATHENS, GA 30605
PARCEL: D 02C 001A
ZONING: AR

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1011 BARNETT DR.
ATHENS, GA 30605
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ZONING: AR

PARCEL INFO:

- TOTAL TRACT AREA 1.080 AC.
- CURRENT TAX PARCEL: D 02C 001A
- CURRENT ZONING OF PROPERTY IS AR
- CORNER: 1011 BARNETT DR.
- ADDRESS: 1011 BARNETT DR.
- SITE ADDRESS: 1011 BARNETT DR.
- ATHENS, GA 30605
- BUILDING SET BACKS: FRONT - 50' PER REF. 1, SIDE - 15', REAR - 40'
- TOTAL CURRENT LOT IMPERVIOUS SURFACE AREA IS 4,902.34 SQ.FT. OR 10.45
- TOTAL PROPOSED LOT IMPERVIOUS SURFACE AREA IS 6,102.34 SQ.FT. OR 13.05
- CURRENT RESIDENTIAL ZONING OF NORTH GEORGIA WATER & A PRIVATE SANITARY SEWER IS NOT AVAILABLE.
- OCCUPANT COUNTY SANITARY SEWER IS NOT AVAILABLE.
- COORDINATE SYSTEM USED WAS NAD83 CA WEST.

GRID

It is hereby certified that this plot is a true and correct and was prepared by the undersigned in accordance with the laws of Georgia under my supervision, that all monuments shown hereon are actually exist or are marked on "future", and their location, size, type, and materials are correctly shown, and that all engineering requirements of the Unified Development Code of Oconee County, Georgia have been fully complied with.

James S. Chamberlin
Registered Georgia Land Surveyor
Number 446 3141
Registered P.L. Number _____

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PARCEL: D 02C 001A
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PARCEL: D 02



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

VARIANCE CASE #: P25-0078

DATE: May 23, 2025

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

APPLICANT NAMES: Eric Dove

PROPERTY OWNER(S): Susan Chamberlin

LOCATION: 1011 Barnett Dr.
Parcel: D 02C 001A

PARCEL SIZE(s): ± 1.079 acres

EXISTING ZONING: AR (Agricultural-Residential)

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 Article 4 Section 410.01 and Table 4.1 to reduce the front yard setback along South Barnett Shoals Road from 40 feet to 34.4 feet.

STAFF RECOMMENDATION: Conditional Approval

DATE OF SCHEDULED HEARING

BOARD OF COMMISSIONERS: June 3, 2025

CONCURRENT APPLICATION: A special exception variance from Oconee County Unified Development Code Section 348.a, to reduce the required private freestanding garage setback from 200 feet to 34.4 feet along Barnett Shoals Dr. and 38.1 feet along Barnett Dr. (P24-0255)

ATTACHMENTS:

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



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The lot is a double frontage lot that borders both Barnett Shoals Rd. and Barnett Dr.
- The parcel was zoned to A-2 on July 8, 1986. The A-2 zone was converted to AR-2 and later AR as part of UDC amendments.
- The parcel was created as part of the Barnetts Bluff subdivision recorded August 3, 1987. (Plat book 13, Page 140)
- According to Tax Assessor records, a 2,248 single family dwelling with a garage was constructed in 1990.
- The applicant cleared trees and re-graded the property between January 21, 2024, and February 1, 2025.

VARIANCE DESCRIPTION

- A special exception variance from Oconee County Unified Development Code Article 4 Section 410.01 and Table 4.1 to reduce the front yard setback along South Barnett Shoals Road from 40 feet to 34.4 feet.
- Section 410.01.c.2 states: “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 Indicates the following setbacks for the AR Zone:
 - 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 a community well system operated by North Georgia Water.

Sewer:

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

Roads:

- The property has legal access to Barnett Dr. and Barnett Shoals Rd.

Environmental

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

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 garage within the right of way setback. This lot connects with two streets. Staff analysis indicates this would not cause a substantial detriment to the public good as this proposed placement would use the existing approved access on Barnett Dr.

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 garage would 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 garage setback variance should not diminish or impair the property values within the surrounding neighborhood.

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

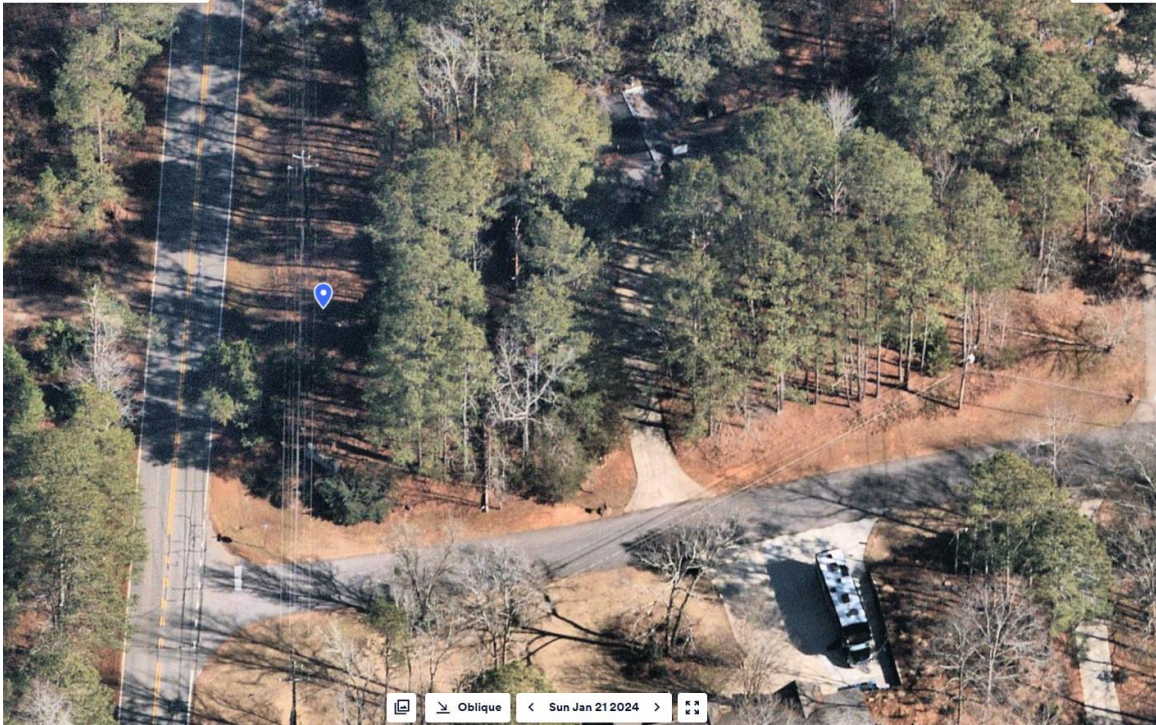
The request to allow the placement of a garage within the 40-foot right of way setback for a major thoroughfare will not impair the purpose of this code (Sec. 410.01) as the proposed placement would not access Barnett Shoals Rd. and use the existing approved access on Barnett Dr. This is a legal lot that was approved prior to the adoption of the Unified Development Code. The applicant indicated in the narrative the reason a detached garage cannot be placed in the rear of the existing dwelling is because that is the location of the existing septic system.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

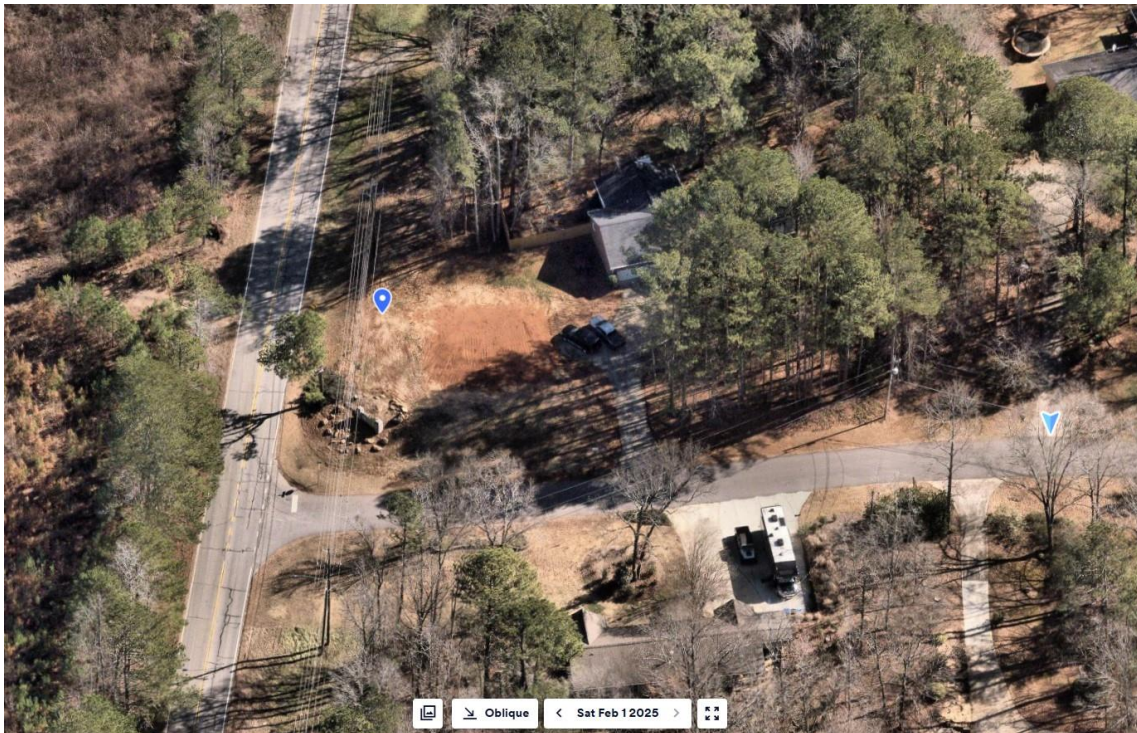
Based upon the standards and limitations for special exception variance approval, this request **does meet all necessary conditions** to grant a special exception variance to the garage setback standards. Should the present request be approved, staff recommends the following conditions to be fulfilled 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.
2. The property owner shall restore the roadside swale along Barnett Dr. that was re-graded after January 2024 during the tree removal. The swale restoration shall be completed to the satisfaction of Public Works, prior to the issuance of a building permit.

Site Picture



January 21, 2024



February 1, 2025



Street View February 2022



Street View March 2025

Variance # P25-0078 - Susan Chamberlin

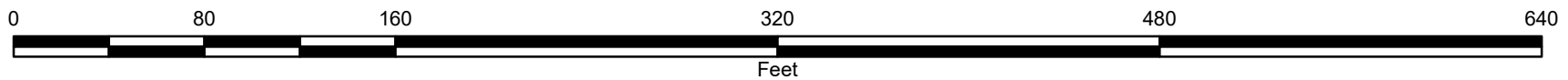
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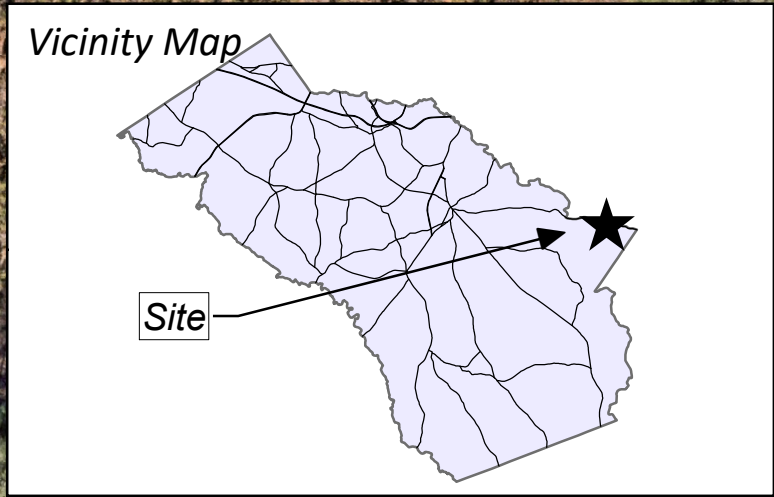
S Barnett Shoals Rd

D-02C-001A

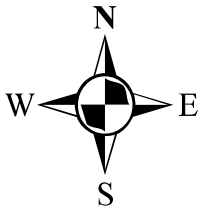
Barnett Dr

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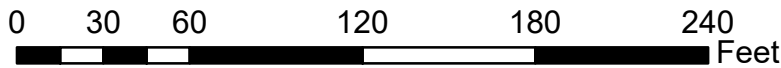




Oconee County
Planning Department



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

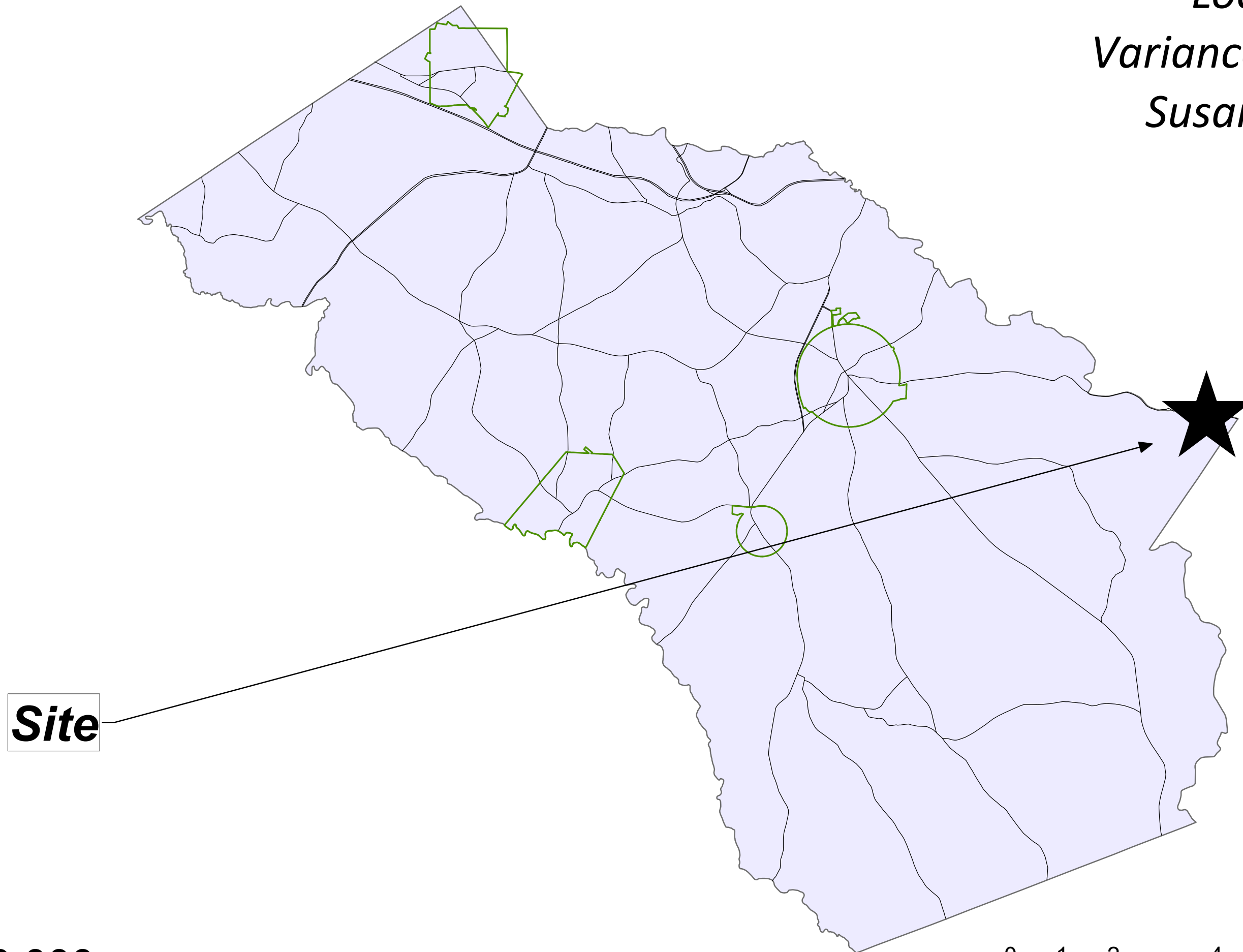


South Barnett Shoals Road

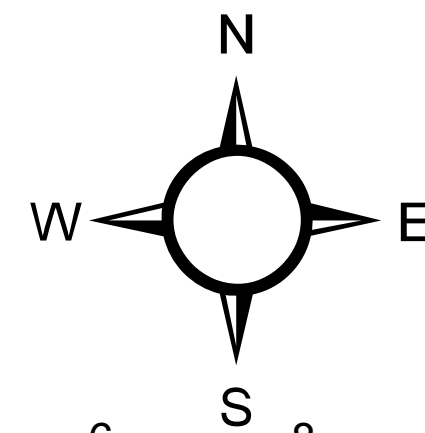
***Country
Estates***

Barnett Drive

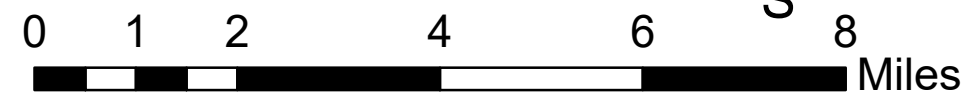
*Location Map -
Variance # P25-0078
Susan Chamberlin*



Site



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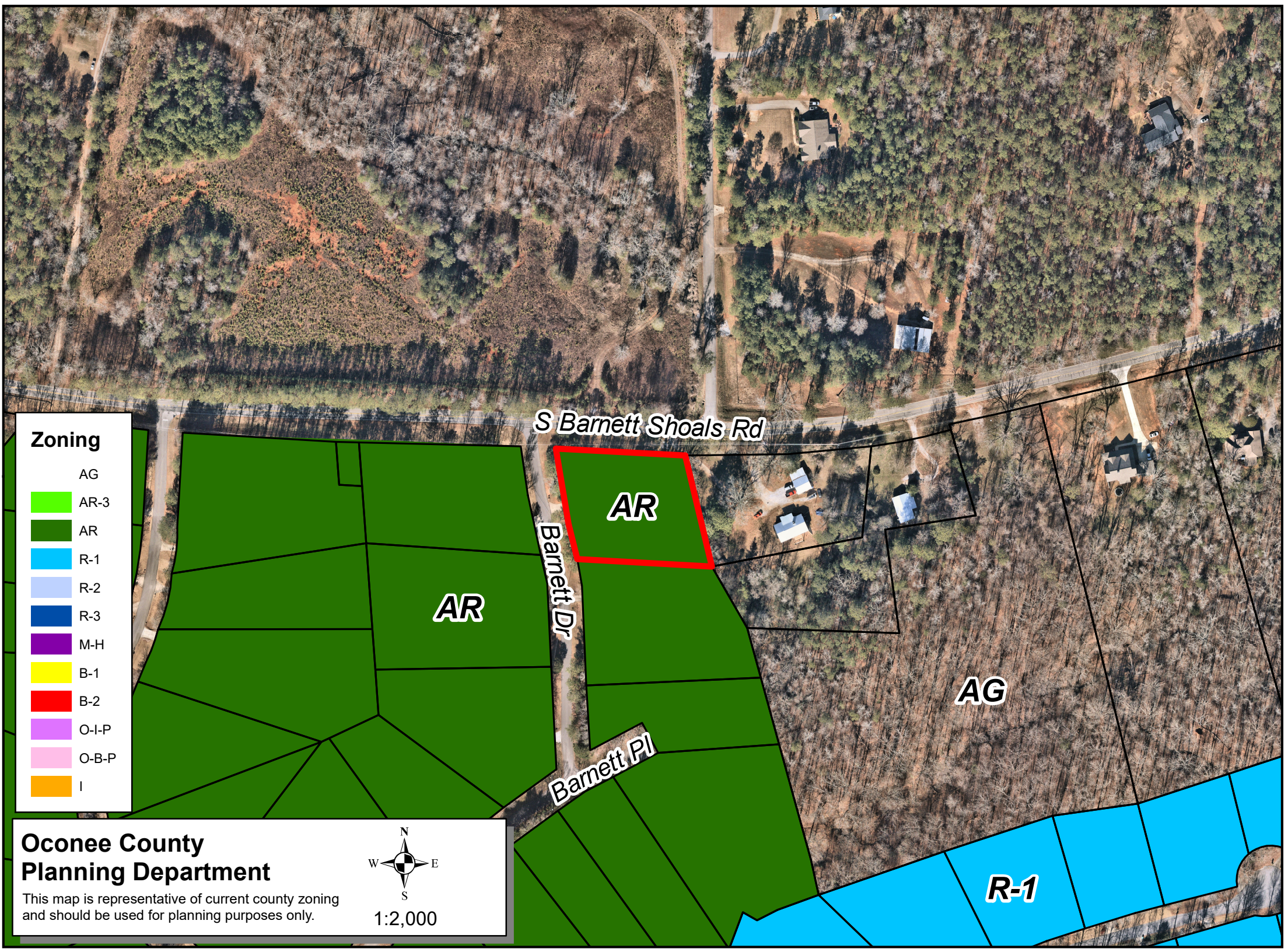


S Barnett Shoals Rd

Barnett Dr



1:2,000



Zoning

- AG
- AR-3
- AR
- R-1
- R-2
- R-3
- M-H
- B-1
- B-2
- O-I-P
- O-B-P
- I

**Oconee County
Planning Department**

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

1:2,000