

**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 Milton Masciadri submitted on May 20, 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 Gary Gilmer on May 20, 2025, regarding a ±2.25-acre tract of land located at 1010 Brookview Place, Oconee County, Georgia, (tax parcel no. C-02L-013B), 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 allow a private freestanding garage in the front yard and reduce the required private freestanding garage setback from 200 feet to 70.7 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 August 5, 2025.

ADOPTED AND APPROVED, this 5th day of August, 2025.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____

John Daniell, Chairman

ATTEST:

Holly Stephenson
Holly Stephenson
Clerk, Board of Commissioners

Absent
Mark Thomas, Member

Absent
Chuck Horton, Member

Absent
Amrey Harden, Member

Mark T. Saxon
Mark Saxon, Member

EXHIBIT “A” TO SPECIAL EXCEPTION VARIANCE NO. P25-0120

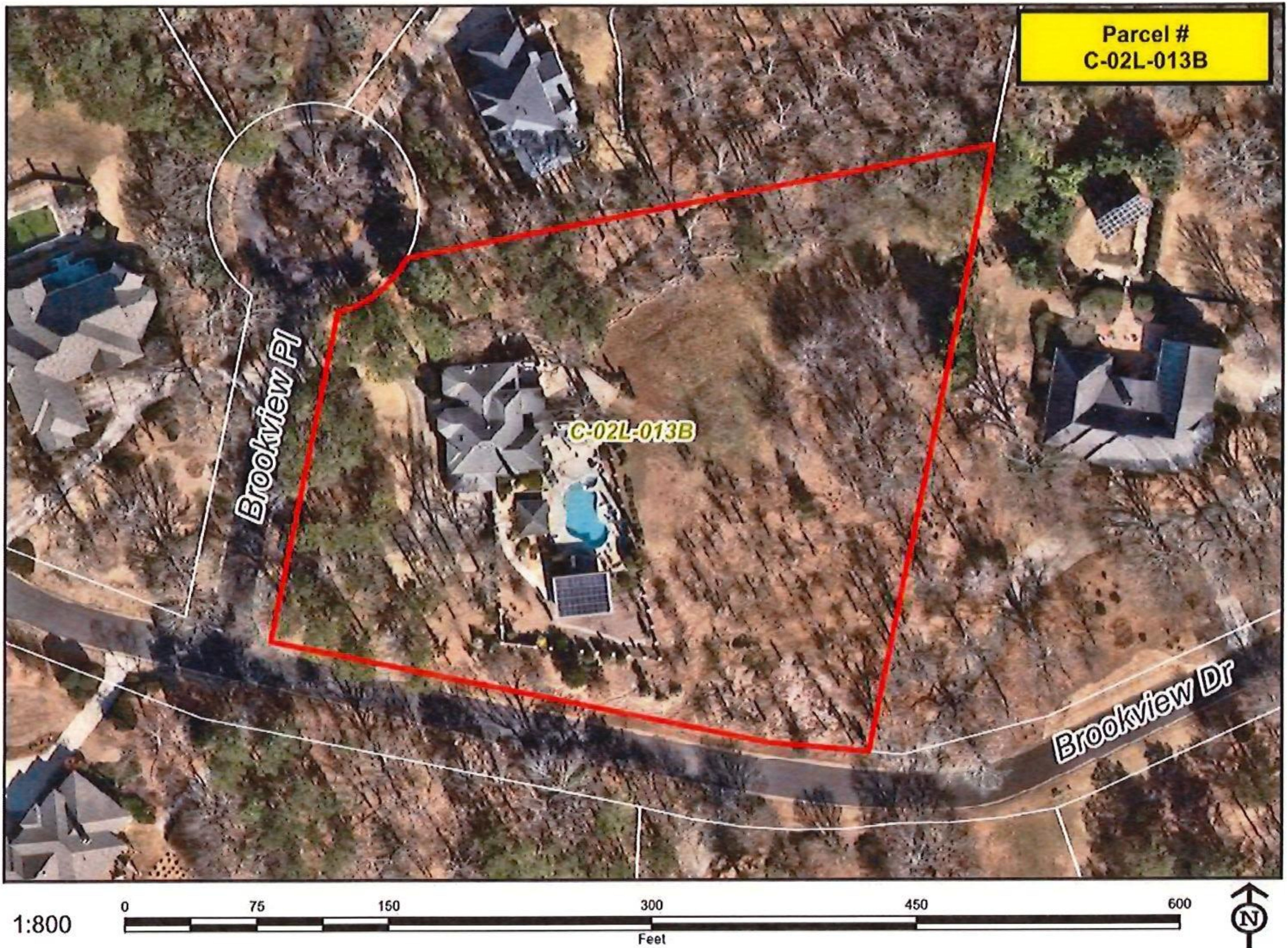
Page 1 of 7

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.

TAX MAP

VARIANCE # P25-0120 - GARY GILMER



TYPED LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the state of Georgia, Oconee County, 1331st Georgia Militia District, Tanglebrook Subdivision, Block "B", Section 3, Lot 13 and being more particularly described as follows;

Commencing at a point at the the northerly right of way of Brookview Drive and easterly right of way of Brookview Place, said point being the point of beginning.

Thence leaving the right of way of Brookview Drive and following along the eastern right of way of Brookview place N 11°27'10" E a distance of 190.00' to a point;

Thence with a curve turning to the left with an arc length of 51.46', with a radius of 60.00', with a chord bearing of N 52°15'30" E, with a chord length of 49.90', to a point;

Thence leaving said right of way N 79°11'40" E a distance of 338.97' to a point;

Thence S 11°27'10" W a distance of 349.88' to a point on the northerly right of way of Brookview Drive;

Thence following said right of way N 84°47'45" W a distance of 57.75' to a point;

Thence N 78°32'50" W a distance of 288.91' to a point at the right of way intersection of Brookview Drive and Brookview Place, said point being the point of beginning.

Said tract containing 2.251 acres more or less and being more particularly described on a plat of survey for Tanglebrook East, Dated August 15, 1990. By James M. Paul and being recorded in Plat Book 17 page 179 in the Oconee County clerk of courts office.

NARRATIVE



Ethan Perry
Planner
Planning & Code Enforcement
7635 Macon Hwy Suite 400
Watkinsville, GA 30677

May 20, 2025

We are requesting a front yard setback reduction as a result of this parcel being a corner lot. The nature of the corner lot is subject to be restricted as a result of having 2 front yard setbacks causing extreme difficulty with our application to build a free standing 2 car garage.

Address: 1010 Brookview Pl
Athens, GA 30606

Zoning District: (A R)

Existing Use: Single Family Residence

Code Requesting: Unified Development Code
Article 3 section 348.a.

Reason: To enable us to build a simple 2-car garage unattached from home as the current corner lot placement is too restrictive

Conclusion: It is my understanding that this application has become rather common among others to be almost a new standard.

Gary Gilmer
General Contractor
HERITAGE DESIGN & BUILD SE, LLC
Gary@heritagedesignbuildllc.com
404-219-9244

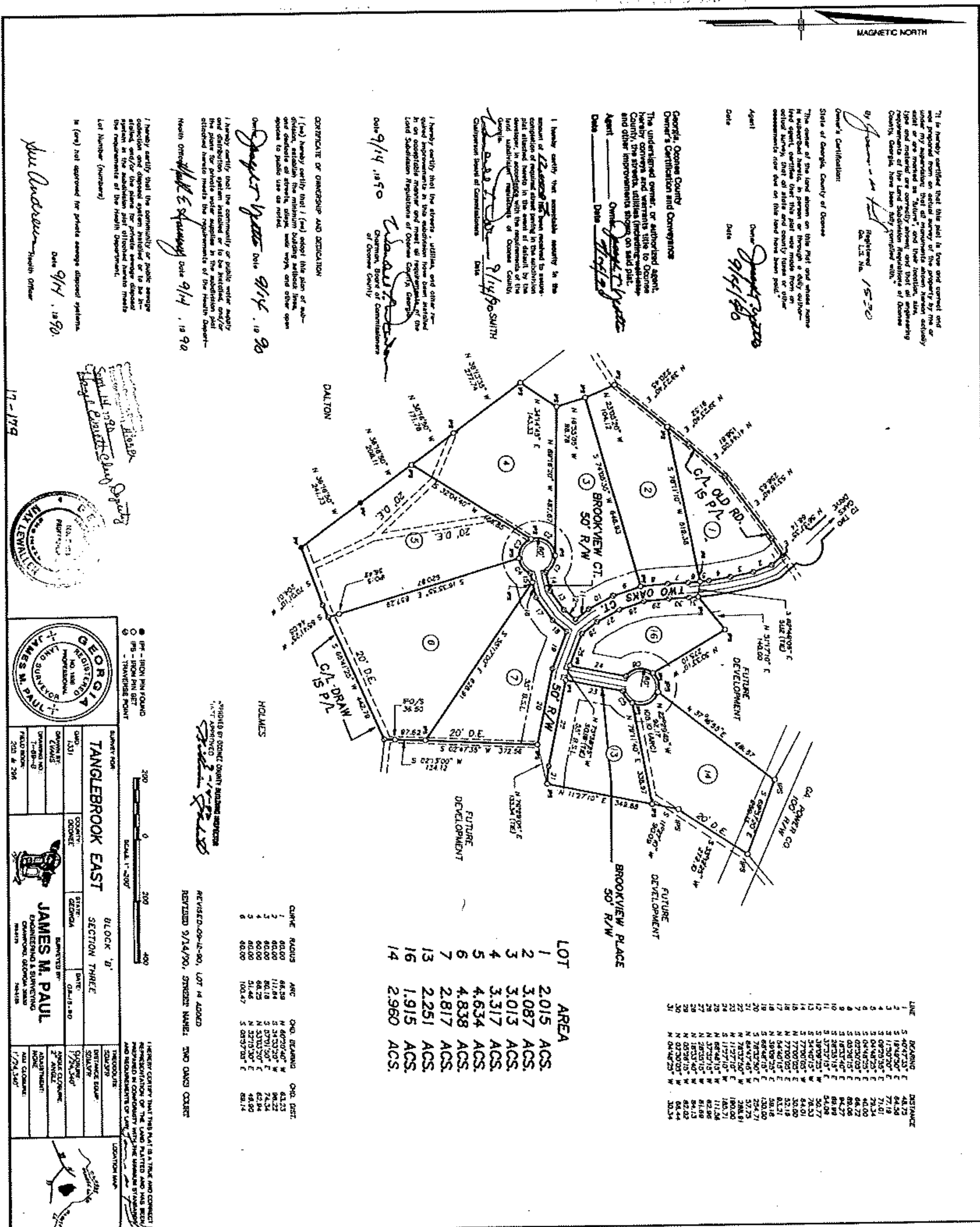
Total Acreage of Property in request is 2.25 Acres
The adjacent properties are all zone AR and are being used for residential use

Gary A. Gilmer

ARCHITECTURAL RENDERINGS

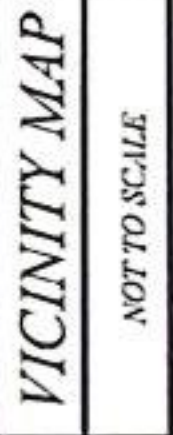


PLAT



PROFESSIONAL CONTACT: BASELINE SURVEYING & ENGINEERING
TIMOTHY C. MITCHELL, CLS, PE#54036
P.O. BOX 260 WATKINSVILLE, GA 30677
TIM@BASELINEINFO.COM 706-696-6610

1. TOTAL PROJECT ACREAGE: 2.25 ACRES +/-.
2. TAX PARCEL #: C 021 01148
3. NO ATTEMPT WAS MADE TO LOCATE UTILITIES OR IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PROPERTY EXCEPT AS SHOWN HEREON.
4. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY REFERENCED FROM PLAT BOOK T PAGE 179 RECORDED WITH THE OGDEN COUNTY CLERK OF COURT.
5. ZONED: AR
6. THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS OR RIGHT OF WAY OF RECORD, SHOWN OR NOT SHOWN.
7. TOPOGRAPHIC INFORMATION TAKEN FROM NOAA LIDAR. OGDEN COUNTY DATED 2019. BASELINE SURVEYING AND ENGINEERING DOES NOT GUARANTEE THE ACCURACY OF THE TOPOGRAPHIC INFORMATION. TO OBTAIN THE INFORMATION USES NORTH AMERICAN HORIZONTAL DATUM 1983. CONTIGUOUS INTERVAL.
8. EXISTING CONDITIONS SHOWN HEREON. IN THE AREA OF INTEREST WERE FIELD LOCATED BY THIS FIRM. WHILE EXISTING CONDITIONS SHOWN HEREON OBTAINED BY THIS FIRM. IF INTEREST WERE TAKEN FROM GOOGLE MAPS, AERIAL PHOTO
9. ZONING DISTRICTS: AR
FRONT: 30 FEET
SIDE: 15 FEET
REAR: 40 FEET



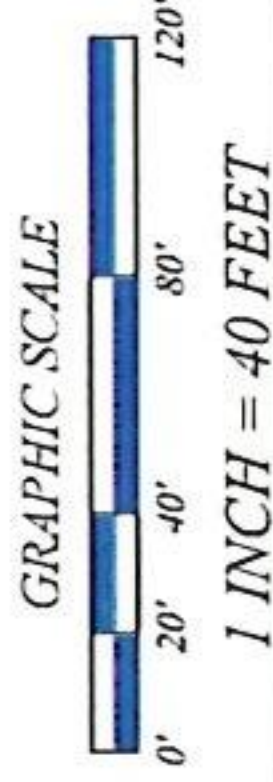
PLAN ABBREVIATIONS	
IPF -	IRON PIN FOUND
IP'S -	IRON PIN SET
GM -	GAS METER
CR -	CABLE RESSER
R/W -	RIGHT OF WAY
CL -	CENTERLINE
P.O.C -	POINT OF COMMENCEMENT
P.O.B -	POINT OF BEGINNING
SSM III -	SANITARY SEWER MANHOLE
HY -	HYDRA
HM -	WATER METER
FM -	FIRE METER
PP -	POWER POLE
NF -	NOW ON FORMERLY
DB -	DEED BOOK
PG -	PAGE
OUT -	OUTWALL ELECTRIC
PLT WOK -	PLAT WOK
LM -	LAND MORT
GC -	GATE CONTROL BOX
TR -	TELEPHONE RESSER
DWCB -	DOUBLE WING CATCH BASIN
HW -	HEAD WALL
FIS -	PLANNED END SECTION
JB -	JUNCTION BOX
DM -	DROP INLET
TRANS -	TRANSFORMER
EL -	ELECTRIC
SMH -	SEWER MANHOLE
GEN -	GENERATOR
OC'S -	OUTLET CONTROL STRUCTURE
P/L -	PROPERTY LINE
SS -	SANITARY SEWER
RESL -	REINFORCED CONCRETE
FRM -	BUILDING SETBACK LINE
CO -	FEDERAL INSURANCE NOTE MAP
ACK -	CLEAN OUT
AKA -	ALSO KNOWN AS
REL -	RELATION
NC -	BACK OF CURB

SYMBOL LEGEND

	CALCULATED POINT
	IRON MARKER FOLDED
	1/2" IRON PIN SET
	CONCRETE MONUMENT
	FENCE



RECORD NORTH A-B
PER P.B. 17 PAGE 179



BASELINE
SURVEYING &
ENGINEERING, INC.

P.O. BOX 269
WATKINSVILLE, GA 30677
WWW.BASELINEGA.COM
PHONE: 706-769-6610
TIM@BASELINEGA.COM

*SPECIAL EXCEPTION
VARIANCE CONCEPT PLAN
FOR:
MILTON W. AND ROSANNA U.
MASCIADRL*

TANGLEBROOK EAST
SUBDIVISION
BLOCK B - SECTION 3
LOT 13

1331ST GEORGIA
MILITIA DISTRICT
OCONEE COUNTY

PHYSICAL ADDRESS:
1010 BROOKVIEW PL.
ATHENS, GA 30606

REVISIONS	DATE
REVISED	7/17/25

THIS LISTS A HISTORY OF ALL REVISIONS AND DEVELOPMENTS OF THE DESIGN OF AN APPARATUS, COVERING IN AND FROM THE FIRST THROUGH THE LAST OF THE DESIGN OF THE APPARATUS.

DATE
05/15/25

PROJECT
25-4109S
DRAWN BY: MG

**SPECIAL EXCEPTION
VARIANCE CONCEPT
PLAN**

SHEET
1 OF 1



EXPIRES 12-31-2026



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

VARIANCE CASE #: P25-0120

DATE: July 25, 2025

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

APPLICANT NAMES: Gary Gilmer

PROPERTY OWNER(S): Milton Masciadri

LOCATION: 1010 Brookview Place
Parcel: C-02L-013B

PARCEL SIZE(s): ± 2.25 acres

EXISTING ZONING: AR (Agricultural Residential District)

EXISTING LAND USES: Single Family Residence

TYPE OF VARIANCE REQUESTED: Special Exception Variance

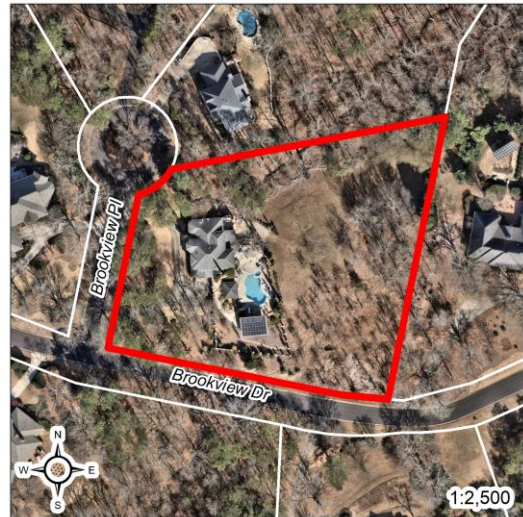
REQUEST SUMMARY: A special exception variance from Oconee County Unified Development Code Section 348.a, to allow a private freestanding garage in the front yard and reduce the required garage setback from 200 feet to 70.7 feet.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: August 5, 2025

ATTACHMENTS:

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



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The lot is a corner lot that borders both Brookview Place and Brookview Drive. The parcel is in the Tanglebrook subdivision and was created by the plat recorded September 14, 1990, in Plat Book 17, Page 179.
- According to Tax Assessor records, a 5,599 square foot single family dwelling with a garage was constructed in 1993. A pool and bath house were constructed in 2002.

VARIANCE DESCRIPTION

- A special exception variance from Oconee County Unified Development Code Section 348.a, to allow a private freestanding garage in the front yard and reduce the required garage setback from 200 feet to 70.7 feet.
- Section 348.a "Private garage or carport" states: *A private freestanding (detached) garage or carport is allowed, and must be at least 200 feet from the nearest street right-of-way or it must be in the rear or side yard. An exemption from this requirement may be approved by special exception variance as outlined in the Appeals article of this development code.*

PUBLIC FACILITIES

Water:

- The existing house is served by Oconee County Water Resources.

Sewer:

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

Roads:

- The property has access to Brookview Place and Brookview Drive. The proposal is to connect the new garage to the existing driveways that access Brookview Place.

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 a front yard on a corner lot. Staff analysis indicates this would not cause a substantial detriment to the public good as this proposed placement would be in character with the adjacent residential uses.

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:

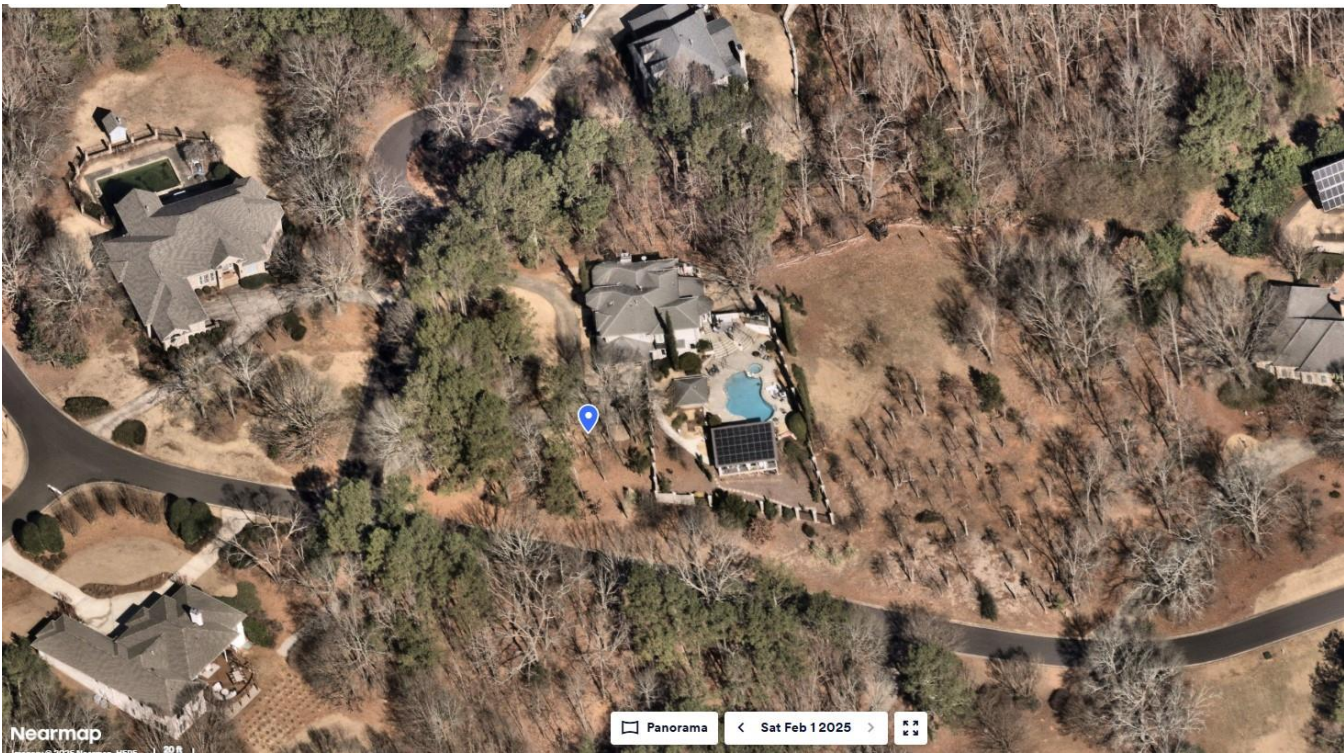
The request to allow the placement of a garage within the 200 foot right of way setback will not impair the purpose of this code (Sec. 348.a) as the proposed placement would use the existing driveway to access only Brookview Place. This is a legal lot that was approved prior to the adoption of the Unified Development Code.

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 condition 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



VARIANCE # P25-0120 - GARY GILMER

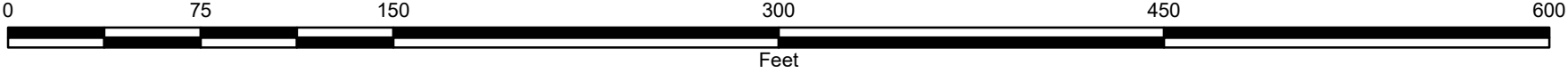
Parcel #
C-02L-013B

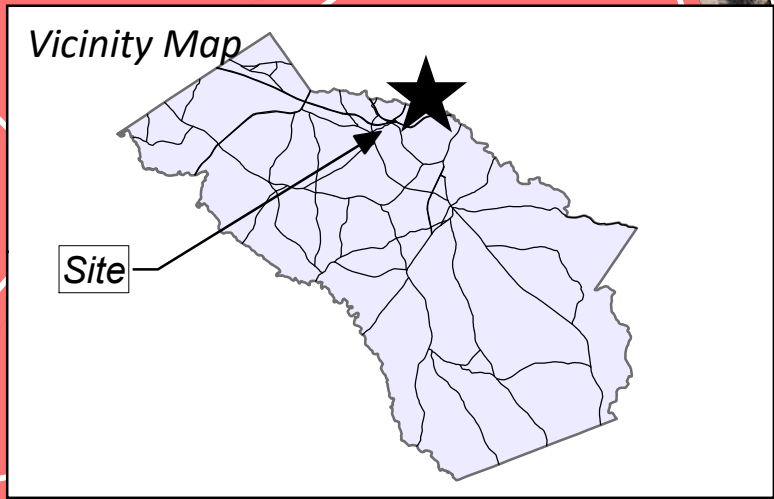
C-02L-013B

Brookview Pl

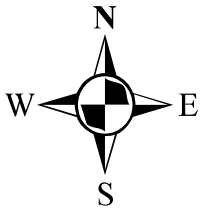
Brookview Dr

1:800

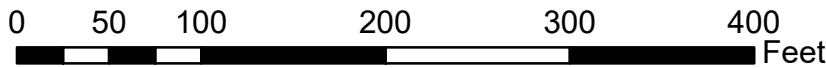




Oconee County
Planning Department

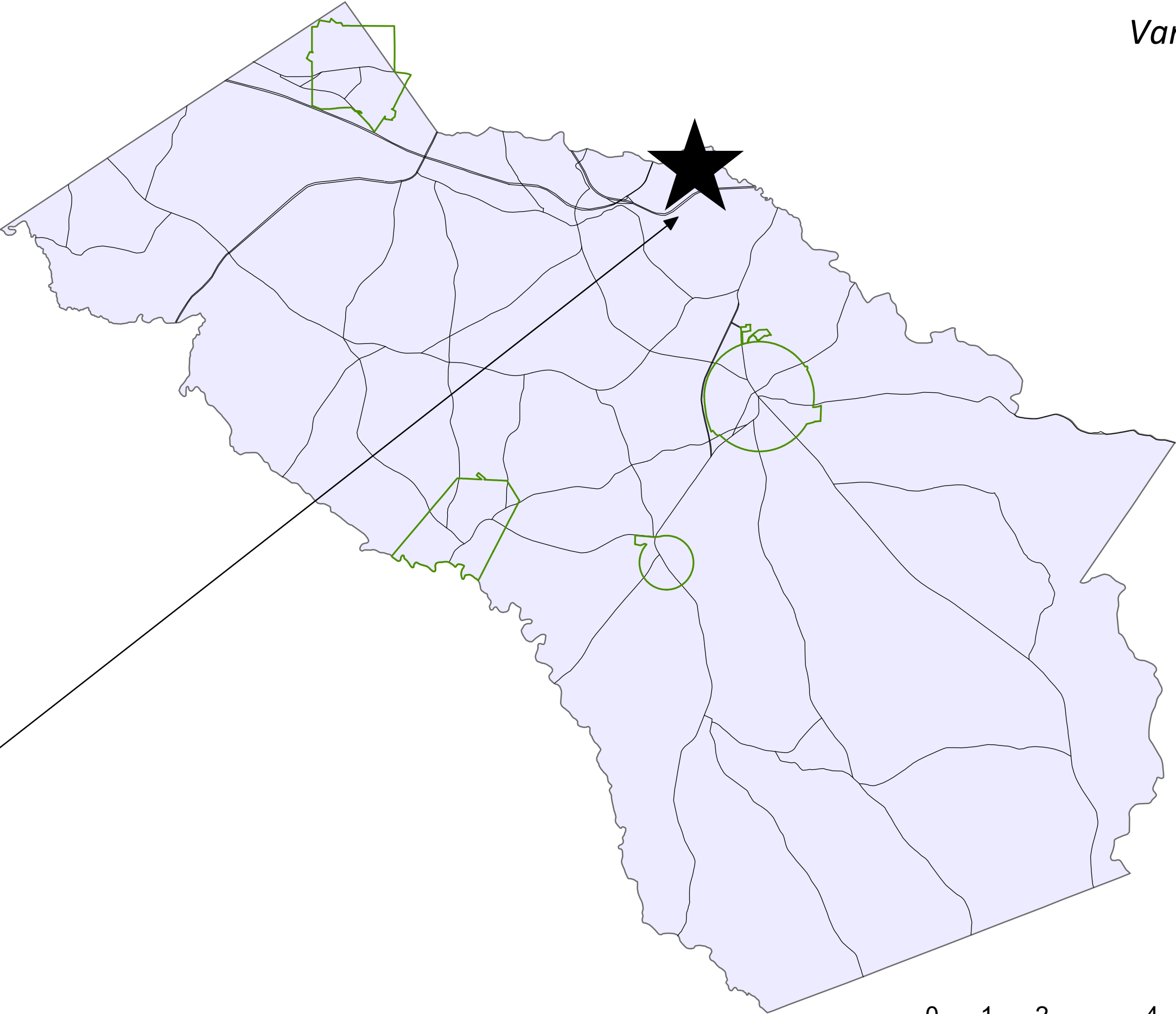


This map is a representation of the future development map
and should be used for planning purposes only



***Regional
Center***

The main map is an aerial photograph of a road network. A large area is shaded in a solid red color. Within this red area, a specific region is outlined with a thick green line and labeled 'Regional Center'. The road network includes several roundabouts and intersections. Three circular inset images provide a closer look at specific roundabouts: one at the bottom left, one at the top center, and one at the right side of the main road.



Site

1:120,000

0 1 2 4 6 8 Miles

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

