

**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.

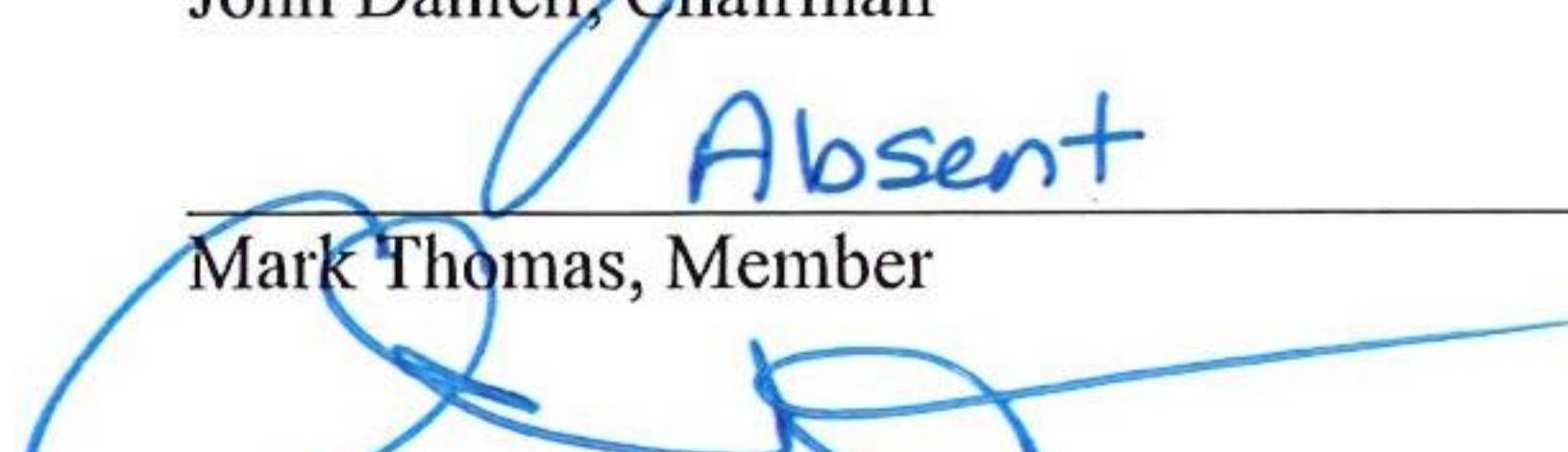
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on August 5, 2025.

ADOPTED AND APPROVED, this 5<sup>th</sup> day of August, 2025.

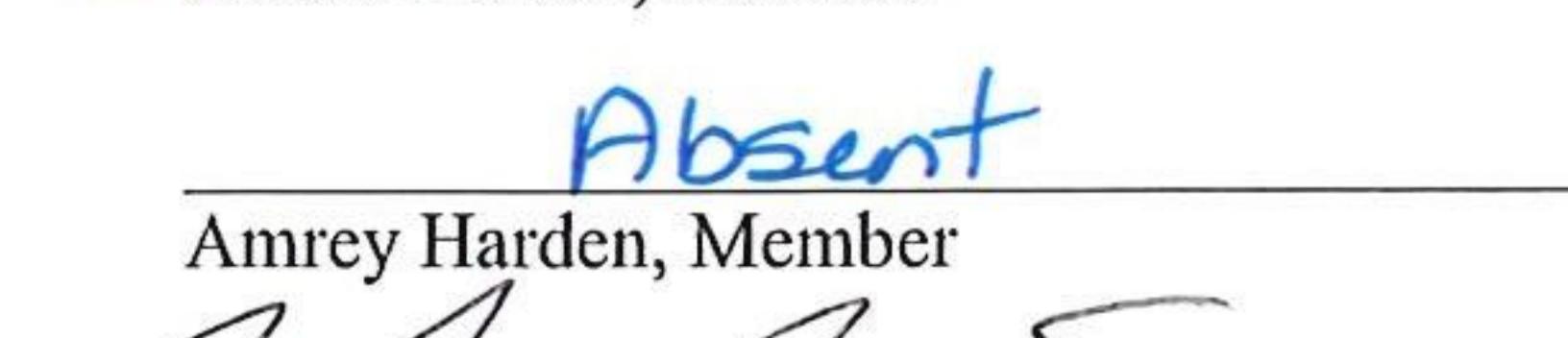
**OCONEE COUNTY BOARD OF COMMISSIONERS**

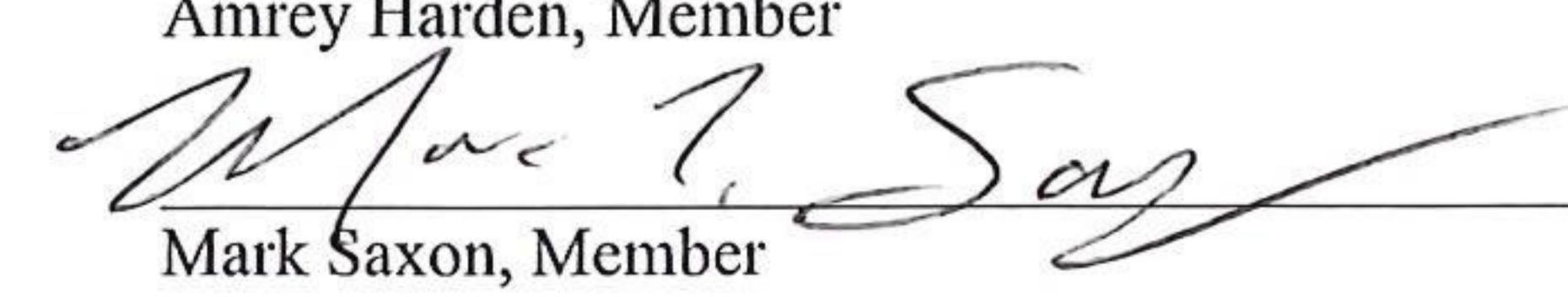
BY:

  
John Daniell, Chairman

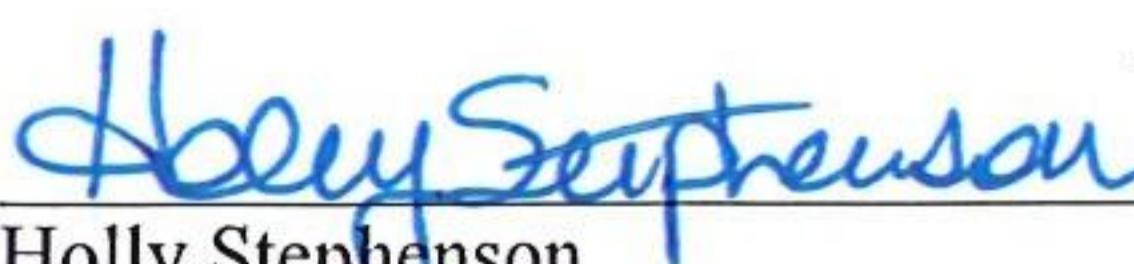
  
Absent  
Mark Thomas, Member

  
Chuck Horton, Member

  
Absent  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

  
Holly Stephenson  
Clerk, Board of Commissioners

**EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P25-0120**

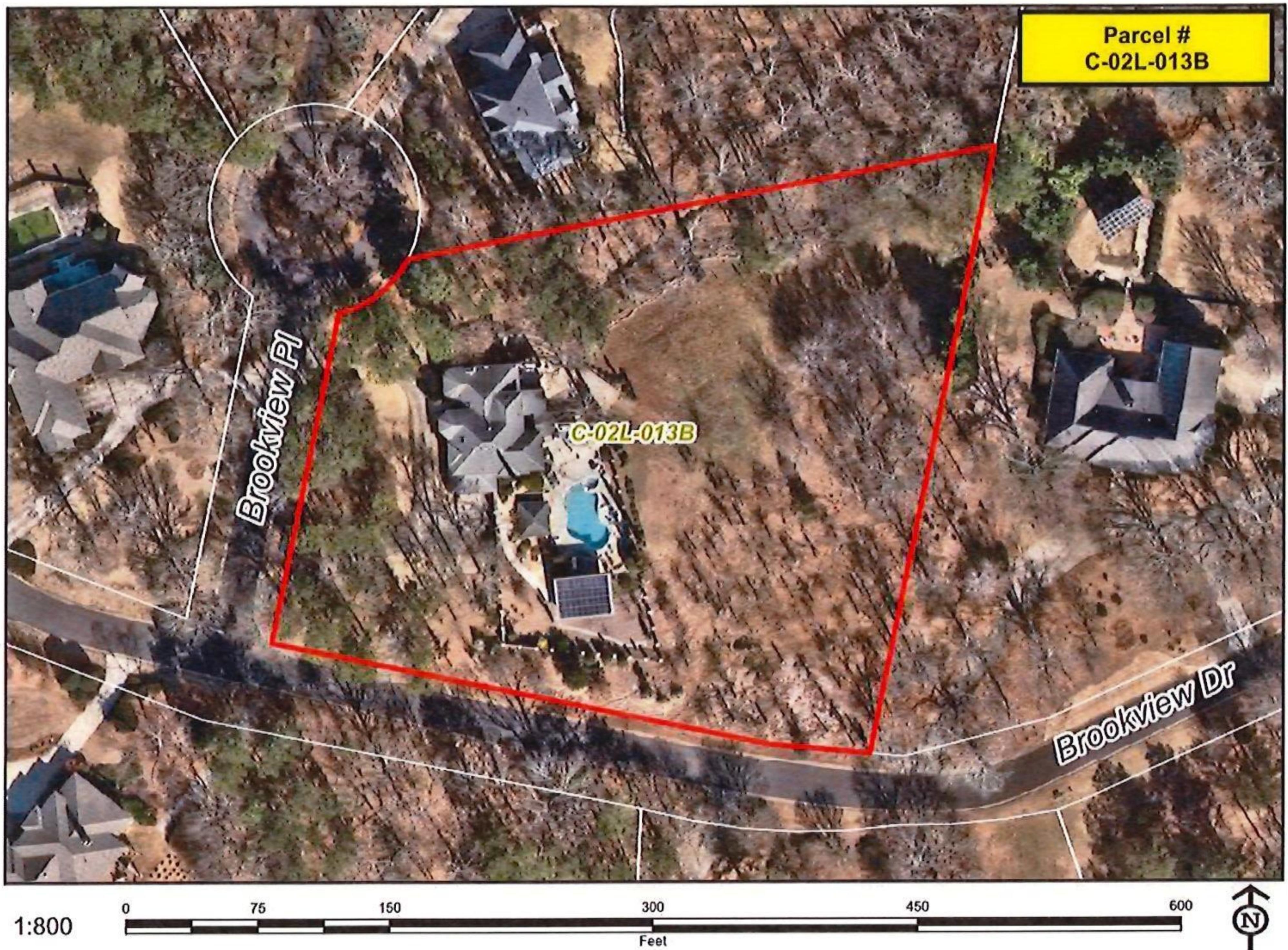
**Page 1 of 7**

**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, 1331<sup>st</sup> 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](mailto:Gary@heritagedesignbuildllc.com)  
404-219-9244

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

*Gary A. Gilmer*

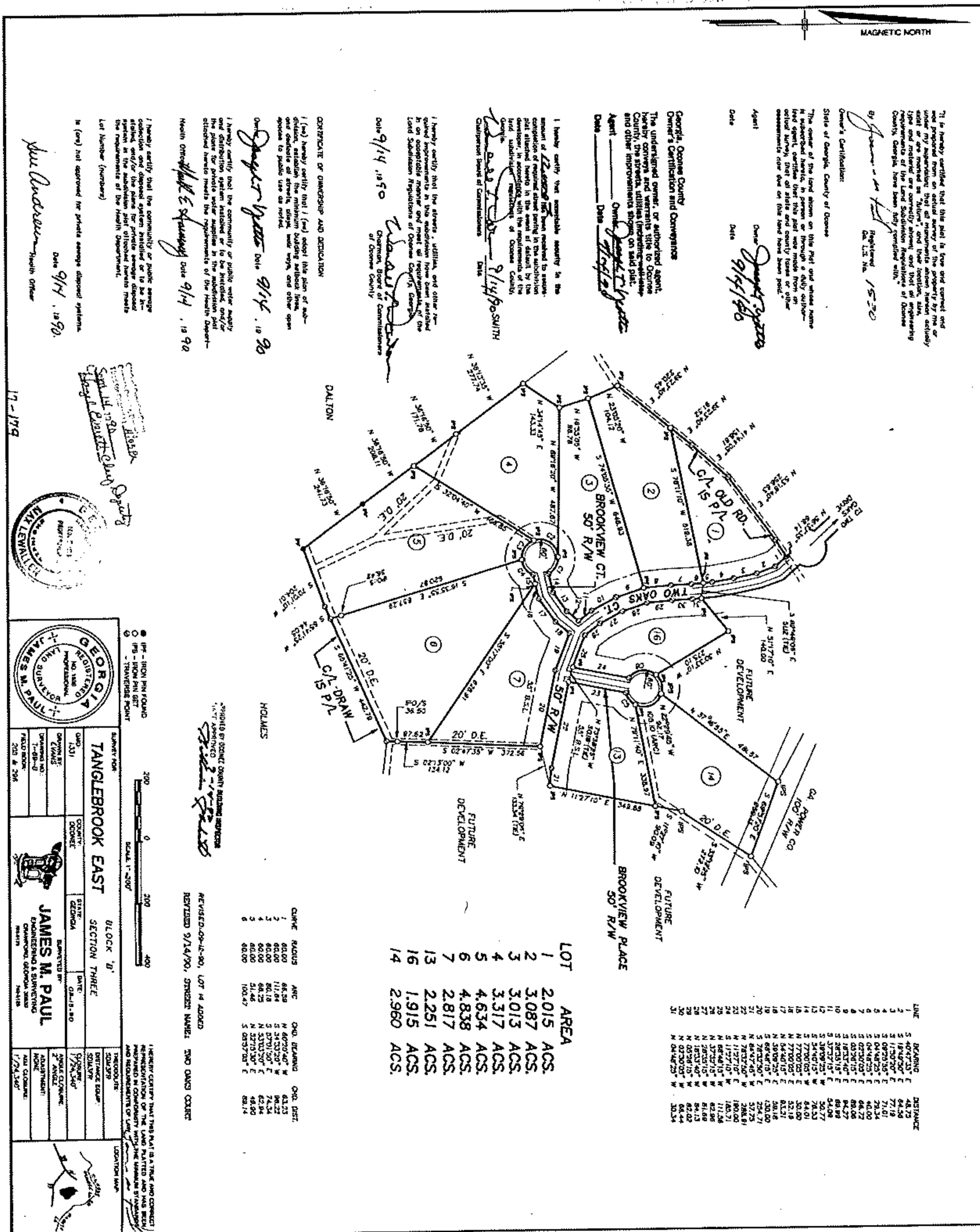
ARCHITECTURAL RENDERINGS



**EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P25-0120**

Page 6 of 7

PLAT



## PROJECT DATA

PROFESSIONAL CONTACT: BASELINE SURVEYING & ENGINEERING  
TIMOTHY C. MITCHELL, C.P.S.I.  
P.O. BOX 306 WATKINSVILLE, GA 30687  
TAM@BASELINEGA.COM  
706-769-6610

- TOTAL PROPERTY ACRES: 2.25 ACRES +/-
- PARCEL #: C 02L 014B
- NO ATTACHED PLAT MADE TO LOCATE UTILITIES OR IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PROPERTY EXCEPT AS SHOWN IN FIGURE.
- THIS IS NOT A BOUNDARY SURVEY. BOUNDARY REFERENCED FROM PLAT BOOK 1 PAGE 179 RECORDED WITH THE OCONEE COUNTY CLERK OF COURT.
- ZONED: AR
- THIS PROPERTY ALREADY SUBJECT TO ANY EASEMENTS OR RIGHT OF WAY OF RECORD, SHOWN OR NOT SHOWN.
- TOPOGRAPHIC INFORMATION TAKEN FROM OCONEE COUNTY DATED 2011. BASELINE SURVEYING AND ENGINEERING DOES NOT CERTIFY THE ACCURACY OF THE TOPOGRAPHIC INFORMATION. TOPOGRAPHIC INFORMATION ISSUES NORTH AMERICAN VERTICAL DATUM AND NAV D.
- EXISTING CONDITIONS SHOWN HEREON, IN THE AREA OF INTEREST, WERE FIELD LOCATED IN THIS AREA WHILE EXISTING CONDITIONS SUCH AS HERON OUTSIDE THE AREA OF INTEREST WERE TAKEN FROM GOOGLE MAPS AERIAL PHOTO.
- ZONING SURTRACCS: AR  
FRONT: 50 FEET  
SIDE: 15 FEET  
REAR: 40 FEET

EXISTING CONDITIONS SHOWN HEREON, IN THE AREA OF INTEREST, WERE FIELD LOCATED IN THIS AREA WHILE EXISTING CONDITIONS SUCH AS HERON OUTSIDE THE AREA OF INTEREST WERE TAKEN FROM GOOGLE MAPS AERIAL PHOTO.

APPROXIMATE LOCATION OF EXISTING HOUSE  
FRONT: 50 FEET  
SIDE: 15 FEET  
REAR: 40 FEET

APPROXIMATE LOCATION OF EXISTING PATIO

APPROXIMATE LOCATION OF EXISTING BENCH



**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

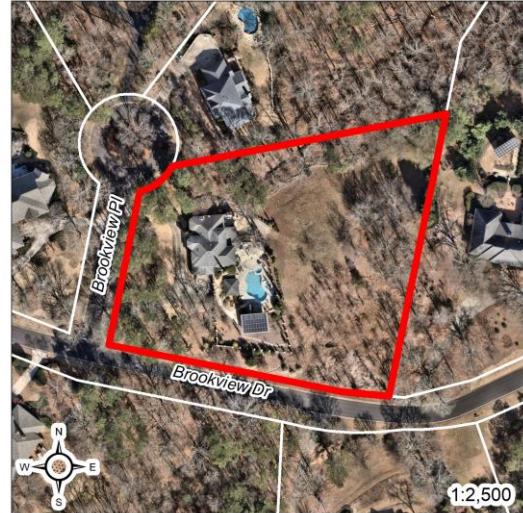
**PROPERTY OWNER(S):** Milton Masciadri

**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 feet 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:**

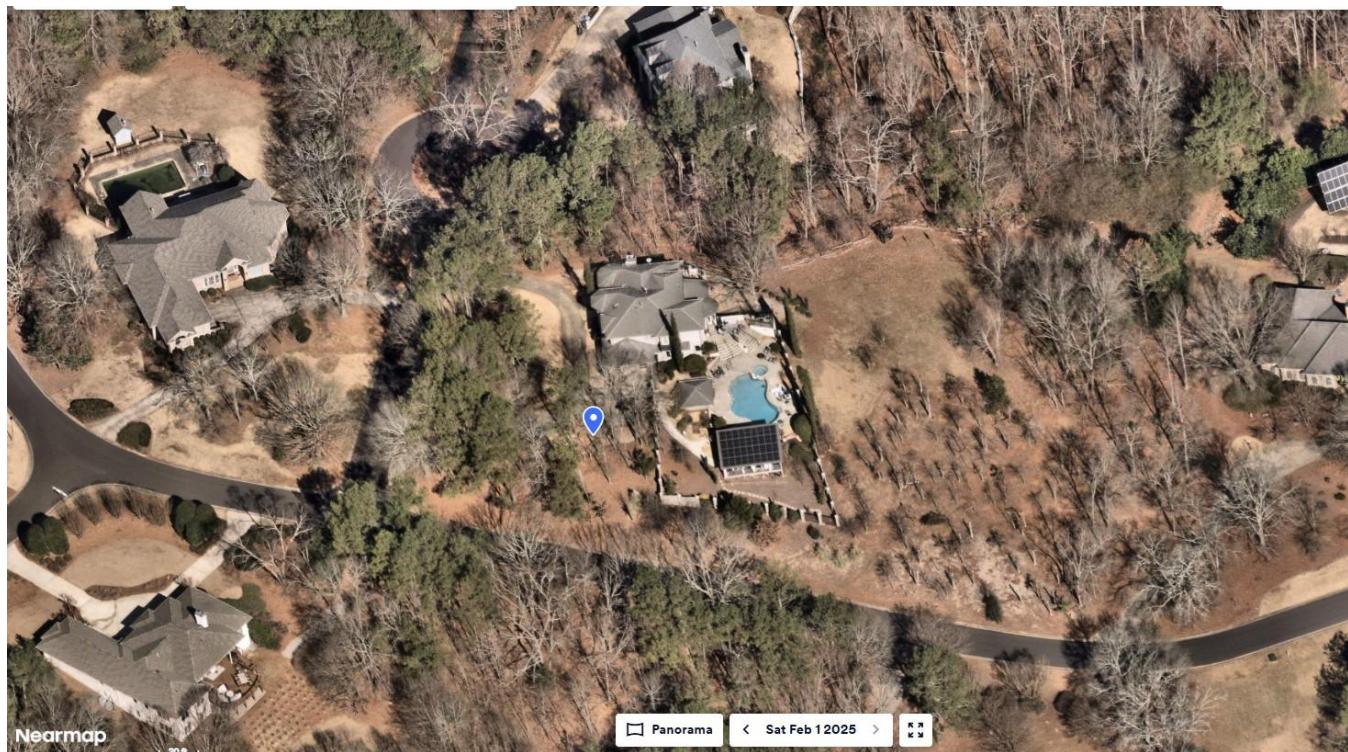
The request to allow the placement of a garage within the 200 foot right of way setback will not impair the purpose of this code (Sec. 348.a) as the proposed placement would use the existing driveway to access only Brookview Place. This is a legal lot that was approved prior to the adoption of the Unified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



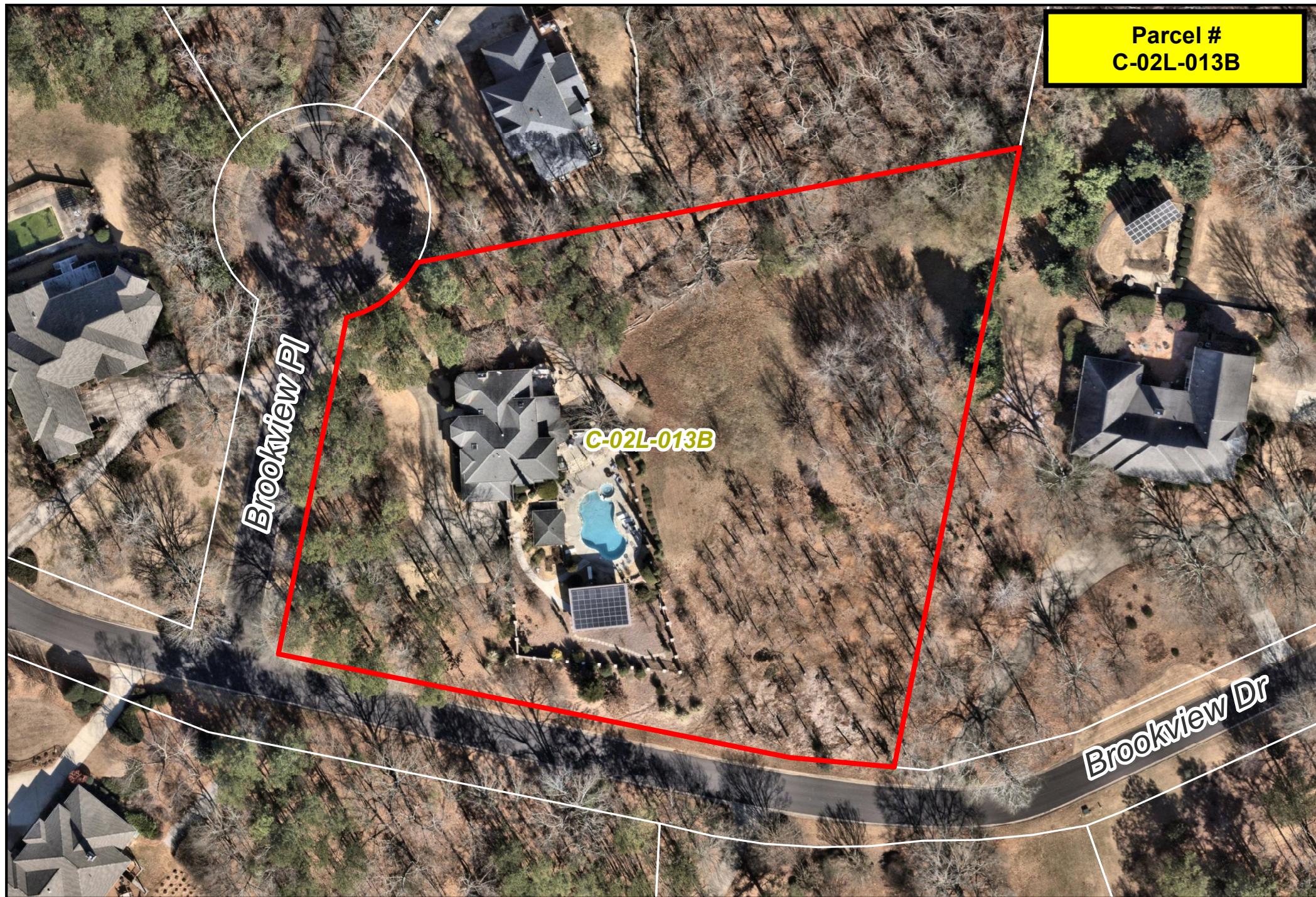
# VARIANCE # P25-0120 - GARY GILMER

Parcel #  
C-02L-013B

Brookview PI

C-02L-013B

Brookview Dr

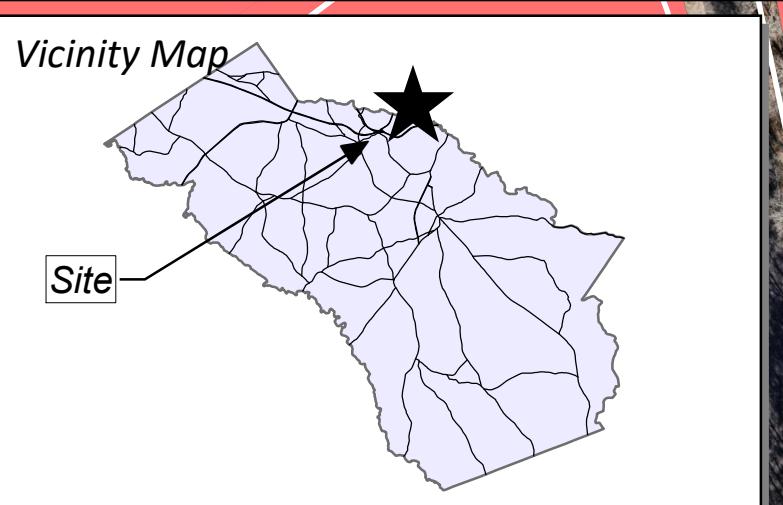


1:800

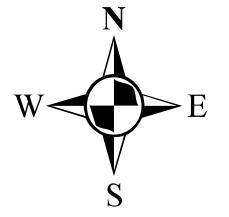
0 75 150 300 450 600

Feet





## Oconee County Planning Department



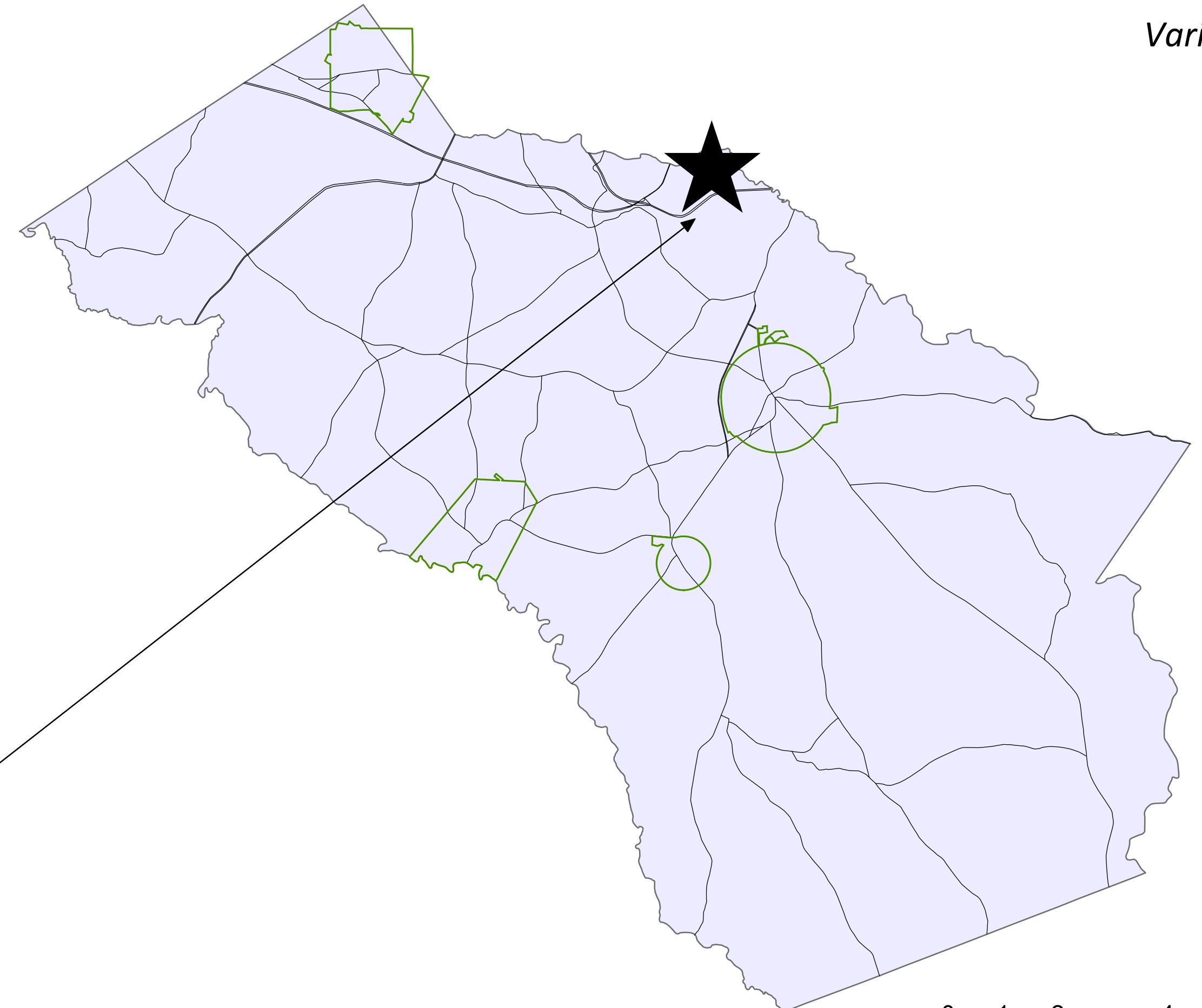
This map is a representation of the future development map  
and should be used for planning purposes only

0 50 100 200 300 400 Feet

***Regional  
Center***

The map shows a road network with a red shaded area representing future development. A cyan line highlights a specific section of the road, and a cyan box highlights the 'Regional Center' area. Three circular inset images show detailed views of the road at different points.

*Location Map -  
Variance # P25-0120  
Gary Gilmer*



1:120,000

0 1 2 4 6 8 Miles



# Oconee County Planning Department

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



1:2,000