

**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 Adam & Christie Rickabaugh submitted on October 13, 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 Patrick Perry on October 13, 2025, regarding a ±1.35-acre tract of land located at 4674 Whitlow Creek Dr, Oconee County, Georgia, (tax parcel no. A-07E-004A), 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 required side yard setback from 15 feet to 8.8 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 January 6, 2026.

ADOPTED AND APPROVED, this 6th day of January, 2026.

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. P25-0229

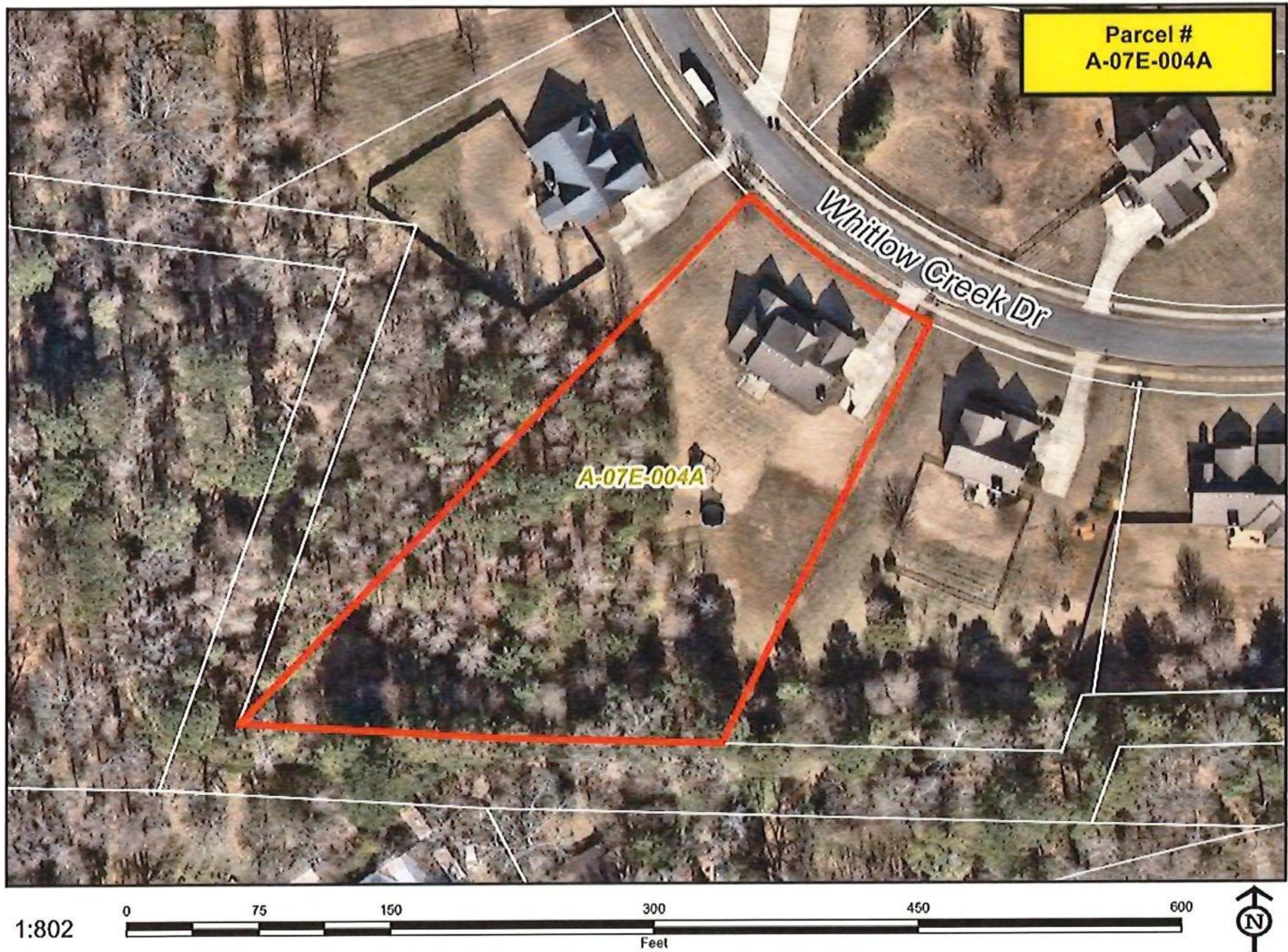
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CONDITIONS

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 # P25-0229 - ADAM & CHRISTIE RICKABAUGH



TYPED LEGAL DESCRIPTION

Legal Description for 4674 Whitlow Creek Drive

All that tract or parcel of land situate, lying and being in the 221st district, G.M., Oconee County, Georgia, being known and designated as Lot 4, Block A, Whitlow Creek Estates, and being more particularly shown on a survey entitled "Final Plat for Whitlow Creek Estates", dated August 2, 2006, by Clark Design Group, H. Lanier Dunn, Registered Land Surveyor, and recorded in Plat Book 36, Pages 318-333, in the Office of the Clerk of the Superior Court of Oconee County, Georgia, and being more particularly described as follows, to wit:

Beginning at an iron pin found at the Point of Beginning on the southernly side of Whitlow Creek Drive right-of-way, said iron pin being the northern corner pin for Lot 3 and Lot 4, Block A of Whitlow Creek Estates running thence along the common line South 26 degrees 15 minutes 17 seconds West 264.32 feet to an iron pin; thence running North 88 degrees 29 minutes, 46 seconds West 129.35 feet to an iron pin; thence running North 86 degrees 46 minutes 00 seconds West 145.80 feet to an iron pin, thence running North 44 degrees 14 minutes 00 seconds East 415.30 feet to an iron pin at the Whitlow Creek Drive right-of-way; running thence along the right-of-way curve with said curve having a radius of 400-feet, an arc length of 125.51 feet, a chord bearing South 54 degrees 45 minutes 21 seconds East and a chord length of 125.00 feet to the beginning iron pin.

NARRATIVE

4674 Whitlow Creek Drive

SPECIAL EXCEPTION VARIANCE SUBMITTED 10/13/2025

REVISED 12/4/2025

INTRODUCTION

Variance requested: A Special Exception Variance from UDC Code Section 410.01c.(2) – *Accessory Building Setbacks* is requested to allow construction of an accessory structure greater than 144 square feet to encroach 8.8-feet within the side setback of the subject property.

Property Address: 4674 Whitlow Creek Drive Bishop, GA 30621

Parcel Info: Parcel A 07E 004A / 1.35 Acres

Existing / Proposed Zoning: AR

Existing / Proposed Use: Residential site improvements to include detached garage and house addition

VARIANCE REQUEST NARRATIVE

The subject AR-zoned property contains 1.35 acres and is the principal residence of the property owners, Adam & Christie Rickabaugh. The Rickabaugh's would like to add a small, detached garage on their property as allowed in the Unified Development Code (UDC) of Oconee County. This proposed improvement and location has been previously reviewed and approved by both the immediate neighbor, and the neighborhood Architectural Review Committee. However, the proposed location encroaches 8.8-feet within the side setback requires a Special Exception Variance approval by the Oconee County Board of Commissioners.

The detached garage is proposed within the side yard at the terminus of the existing driveway. Due to the location of the driveway, existing house and adjacent property line, this results in the garage encroaching up to 8.8-feet within the required 15-ft side setback. Based on the location of the existing septic tank, moving the garage outside of the setback would result in both an awkward driveway jog, and relocation of the existing septic tank and septic drain lines. The Oconee County Environmental Health Department has already reviewed and approved the proposed garage location. Since the existing septic system is functioning as designed, changes to the sewage disposal system are not preferred and a variance for the garage location is requested.

STANDARDS FOR SPECIAL EXCEPTION VARIANCE APPROVAL

Pursuant to Oconee County UDC Section 1303.3 a special exception variance may be granted upon finding that the relief, if granted:

- a. Would not cause substantial detriment to the public good; and

NARRATIVE

The proposed detached garage would not cause substantial detriment to the public good, as it is located adjacent to the existing driveway, maintains compatibility with the single-family residential character, and does not obstruct neighboring properties.

- b. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and

The proposed garage would not be injurious to the use and enjoyment of the environment or other properties in the immediate vicinity. Providing space for an additional owner vehicle to park will free the driveway for visitor parking and eliminate potential for street parking.

- c. Would not diminish and impair property values within the surrounding neighborhood; and

Granting a variance for a detached garage will not diminish nor impair property values within the surrounding neighborhood. The new garage will increase the overall property value and associated property tax revenue for Oconee County.

- d. Would not impair the purpose and intent of this Development Code.

The UDC has a process to allow for appeals for addressing unusual and/or unique problems that arise from strict interpretation of the Development Code. Granting a variance for the proposed garage will not impair this intent outlined in the Development Code,

ADJACENT PROPERTIES

NORTH: AR Zone- Existing single-family home

WEST: AR Zone- Existing single-family home

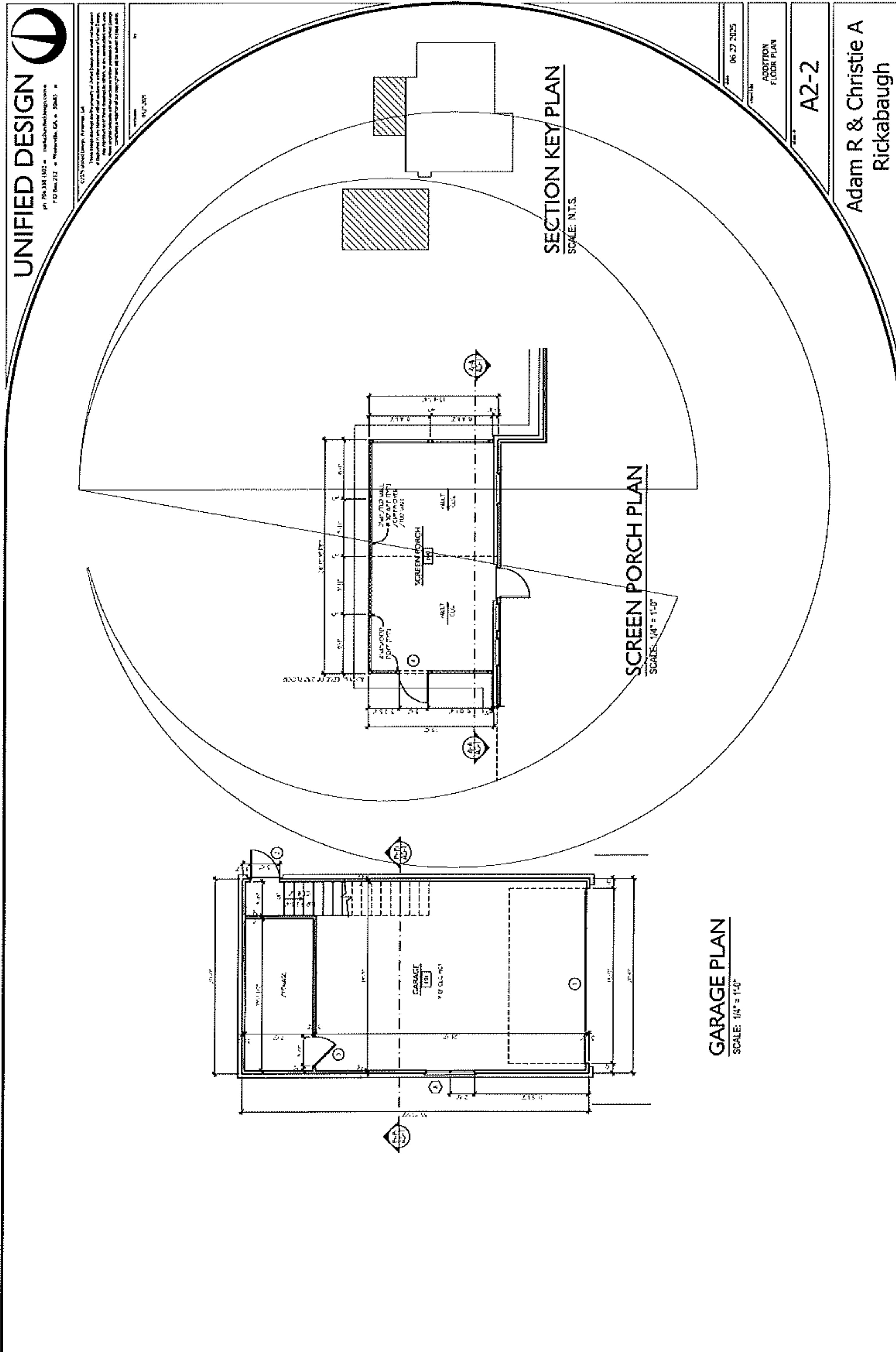
SOUTH: AR Zone- Undeveloped HOA open space

EAST: AR Zone- Existing single-family home

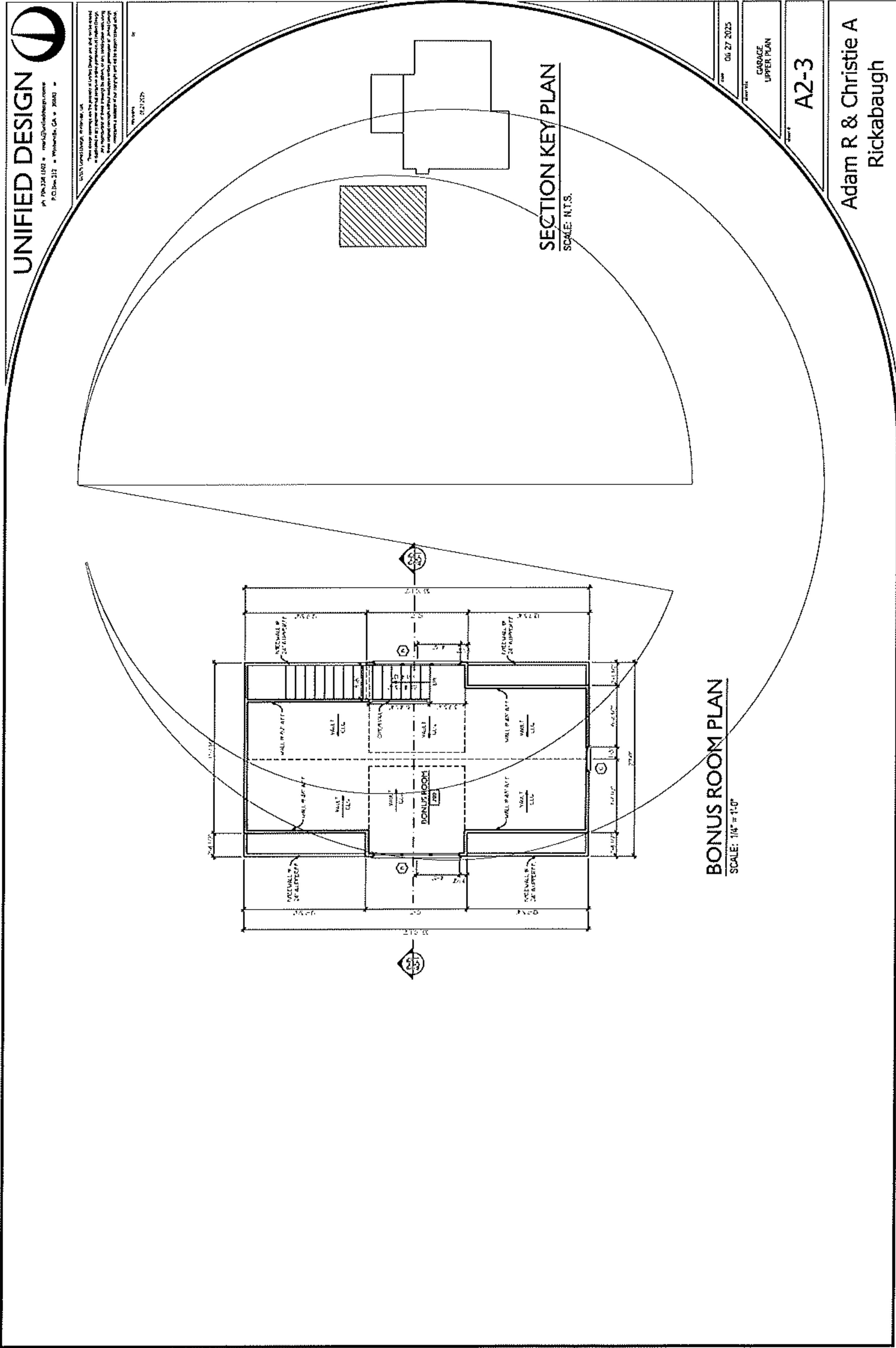
CONCLUSION

In conclusion, the proposed location for the detached garage represents best location on the property for the building. While the location results in a minor encroachment into the required setback, approving the variance for the garage will not cause any detriment to the public good, and will not be injurious to the environment or neighboring properties. As all requirements for approval of a variance are met, granting this special exception variance is in accordance with the purpose and intent of the Oconee County UDC.

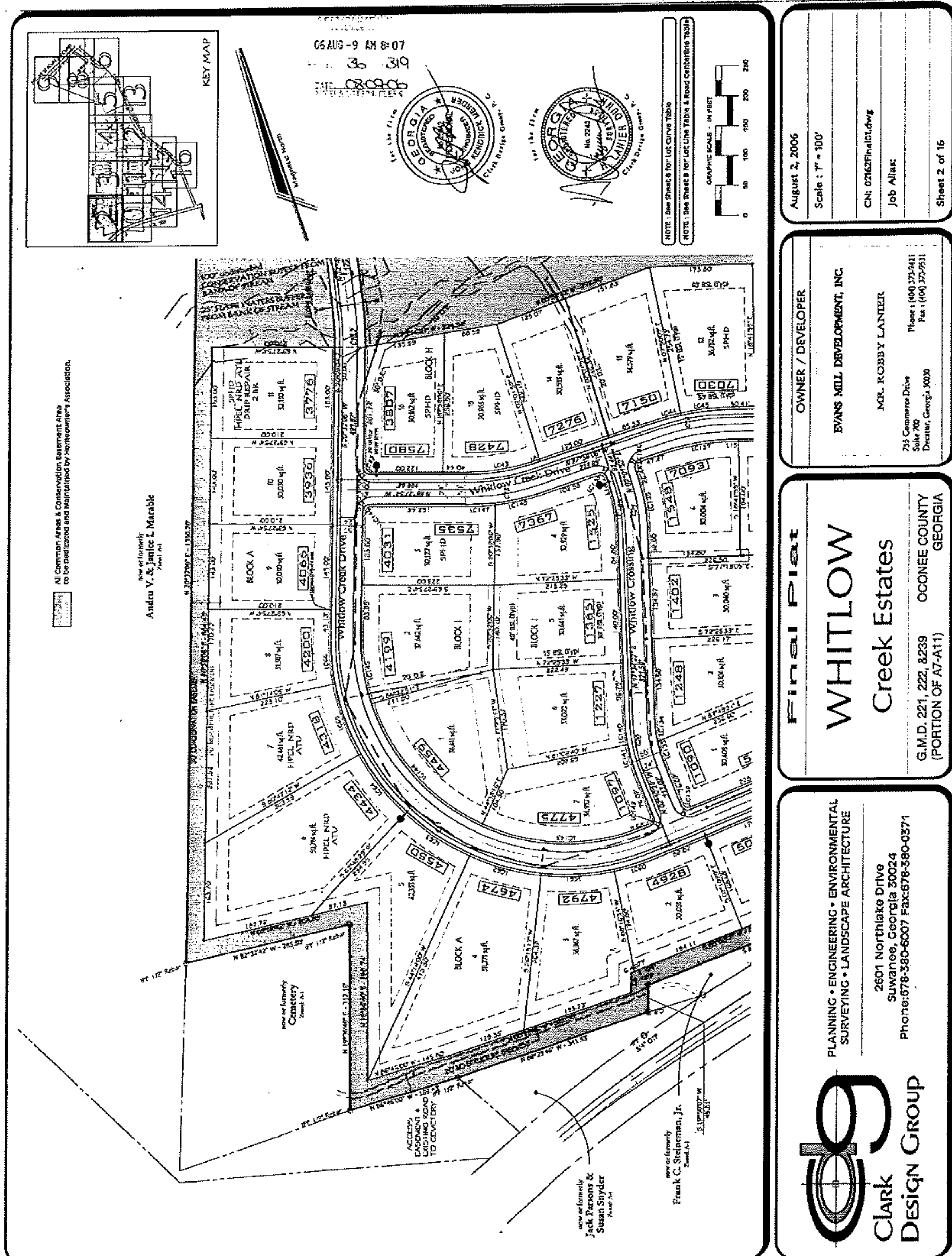
ARCHITECTURAL SKETCHES



ARCHITECTURAL SKETCHES



PLAT



CURVE DATA: C1
Rad: 400.00' A: 125.52'
Tan: 63.28' CA: 17°58'45"
Chd: S 54°31'42" E 125.00'

GIAMETTA JOSEPH M
Tax Map A 07E 0071
Zoned AR

VICINITY MAP
SCALE: N.T.S.

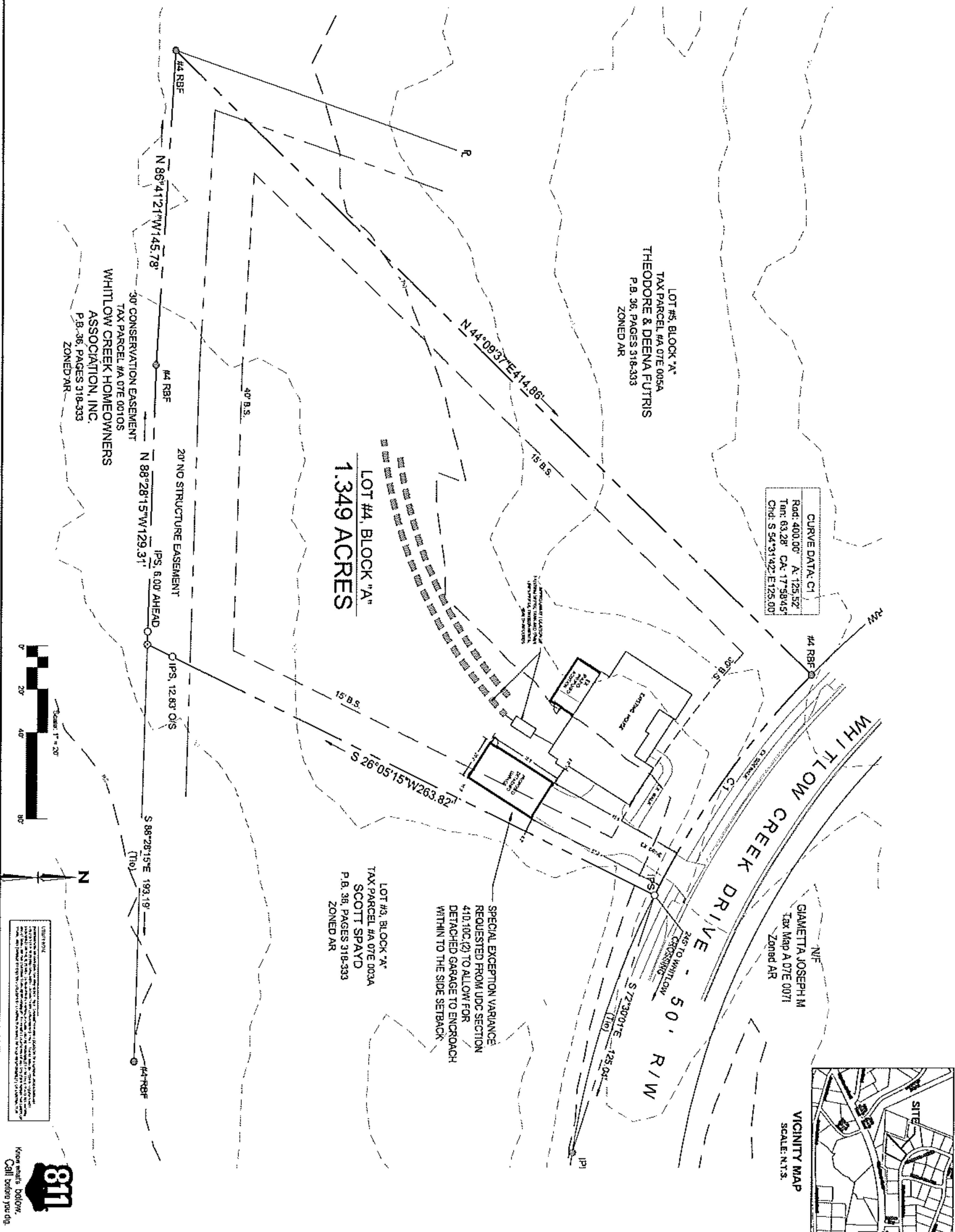
**PERRY
PLANNING**
PERRYPLAN.COM 708.850.7971
EVANSTON • CHICAGO • GAITHERSBURG • GLENVIEW • JARVIS • KENOSHA • NILES

WHITLOW CREEK ESTATES
LOT 4A
4674 WHITLOW CREEK DRIVE
BISHOP, GA 30621

**SPECIAL
EXCEPTION
VARIANCE
CONCEPT PLAN**

C-100

Know what's below.
Call before you dig.





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

VARIANCE CASE #: P25-0229

DATE: December 23, 2025

STAFF REPORT BY: David Webb, AICP, Planning Manager

APPLICANT NAMES: Patrick Perry

PROPERTY OWNER(S): Adam and Christie Rickabaugh

LOCATION: 4674 Whitlow Creek Dr.
Parcel A-07E-004A

PARCEL SIZE(s): ± 1.35 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.c.(2) and Table 4.1 to reduce the required side yard setback from 15 feet to 8.8 feet.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: January 6, 2026

ATTACHMENTS:

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



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property was rezoned to AR (Agricultural Residential) on 5-31-2004.
- The lot was created as part of the Whitlow Creek Estates subdivision, recorded August 9, 2006.
- The property contains a 2824 square foot residence that was built in 2012 according to Property Assessor records.

VARIANCE DESCRIPTION

- A special exception variance from Oconee County Unified Development Code Article 4 Section 410.01.c.(2) and Table 4.1 to reduce the required side yard setback from 15 feet to 8.8 feet.
- Table 4.1 requires a 15-foot setback in the AR district.

PUBLIC FACILITIES

Water:

- The property currently uses Oconee County water.

Sewer:

- The existing residence uses an on-site septic system.

Roads:

- The lot has existing access to Whitlow Creek Dr.

Environmental

- There are no known state waters 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 detached garage to encroach 8.8 feet into the side 15-foot setback. Staff analysis indicates this would not cause a 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 residential uses. Staff finds that approval of the request to allow the placement of a garage 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, location of the septic system 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:

Staff finds the purpose of the Development Code will not be impaired as the proposed garage aligns with the existing driveway and does not conflict with 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 setback standards. Should the present request be approved, staff recommends the following conditions 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.

VARIANCE # P25-0229 - ADAM & CHRISTIE RICKABAUGH

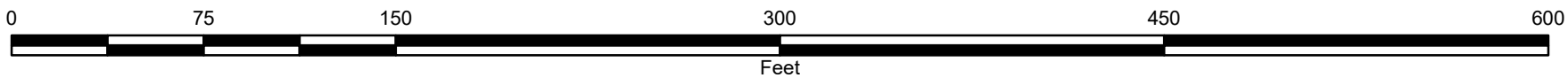
Parcel #
A-07E-004A

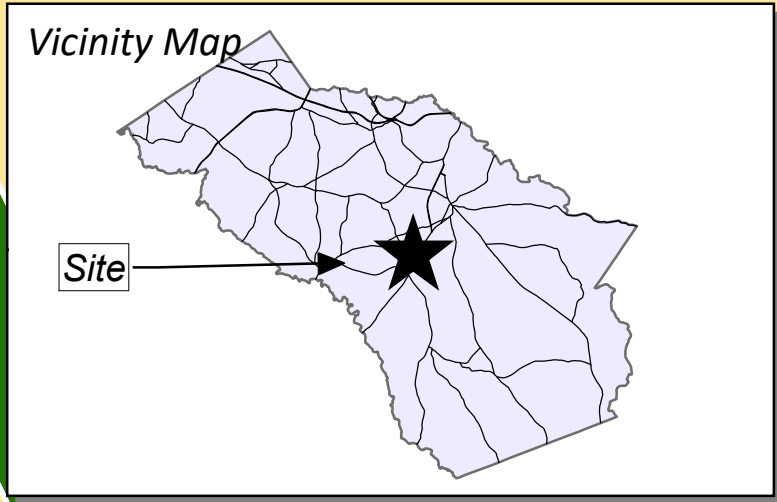
Whitlow Creek Dr

A-07E-004A



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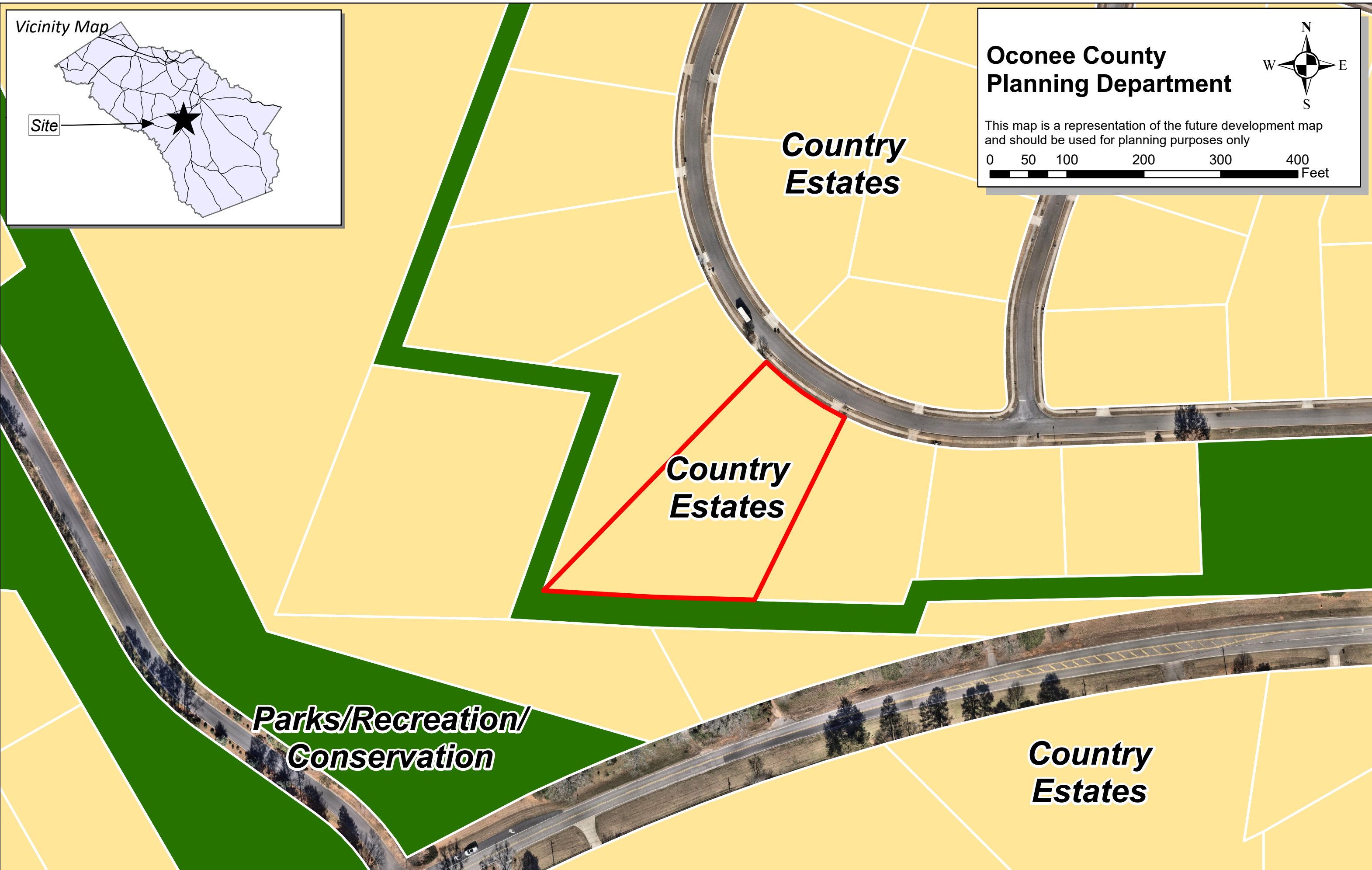


**Ocone County
Planning Department**

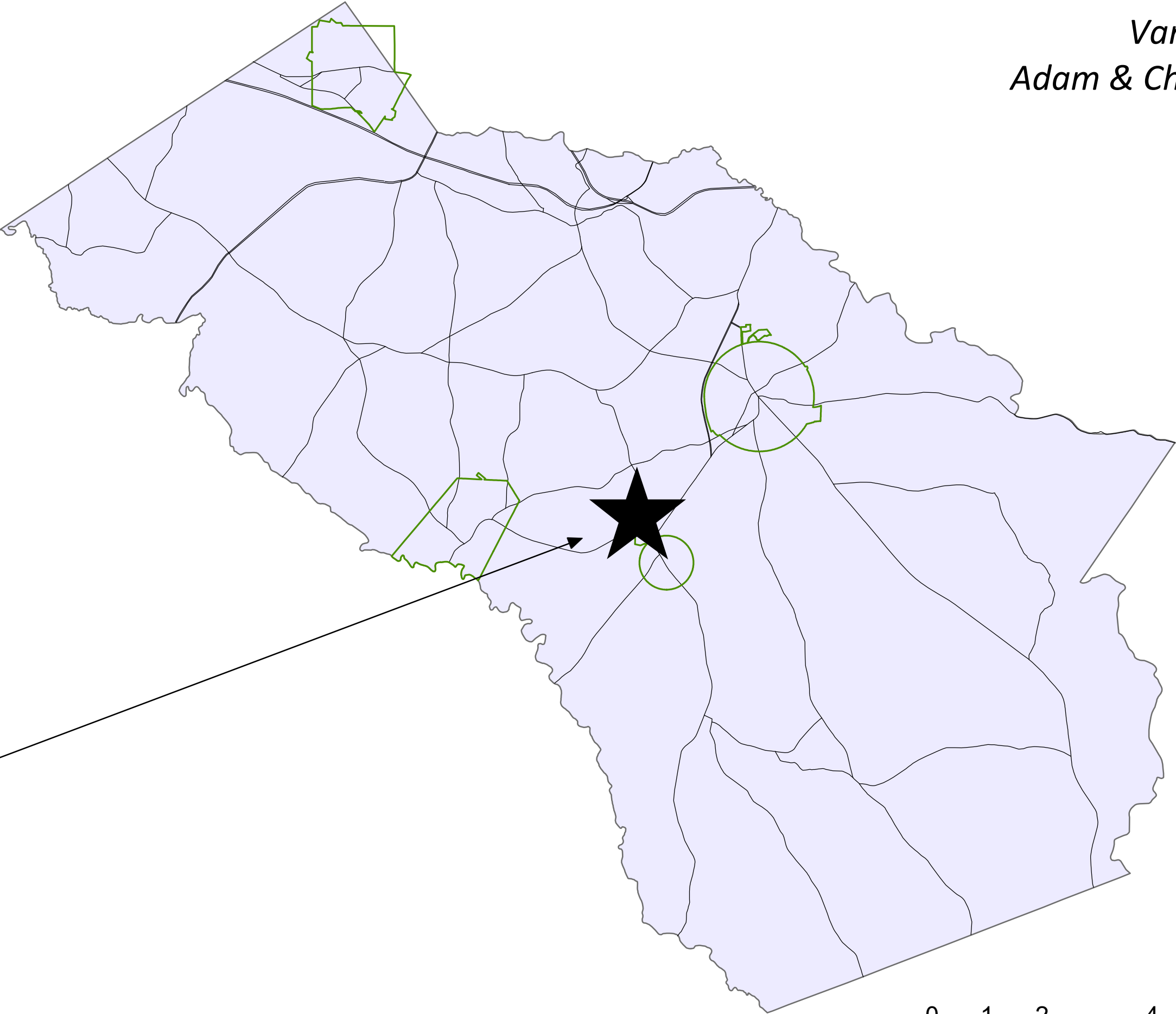
This map is a representation of the future development map and should be used for planning purposes only

0 50 100 200 300 400 Feet

This block contains the title 'Ocone County Planning Department', a disclaimer, a scale bar from 0 to 400 feet, and a north arrow pointing towards the top right.

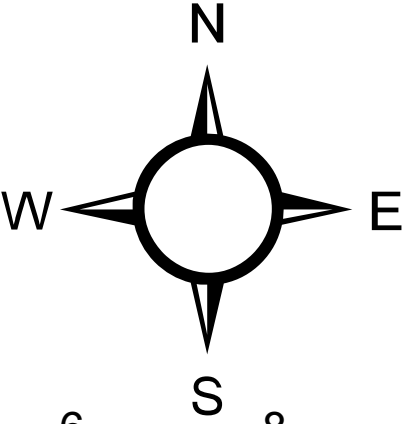
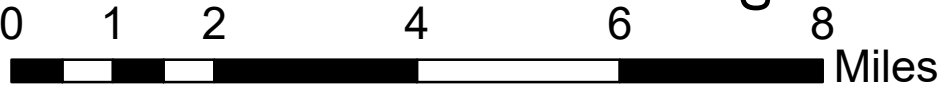


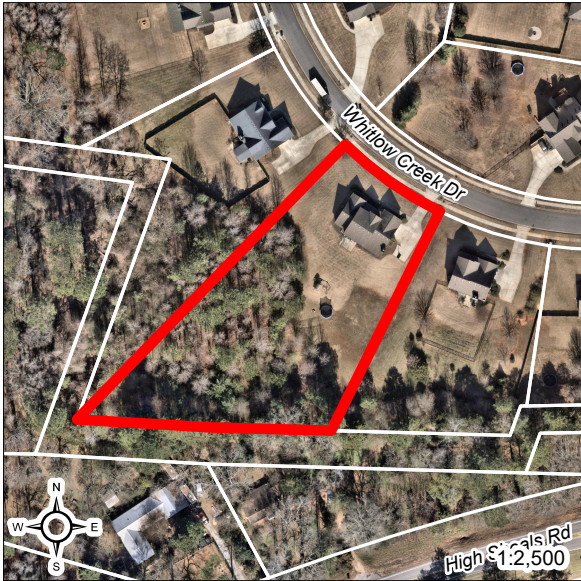
*Location Map -
Variance # P25-0229
Adam & Christie Rickabaugh*



Site

1:120,000





Whitlow Creek Dr

High Signals Rd
1:2,500





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

AG

AR

Whitlow Creek Dr

High Shoals Rd