

**APPROVAL OF A HARDSHIP VARIANCE
FROM THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA**

TITLE

A Resolution granting approval of a Hardship Variance based upon the allowances under the Unified Development Code of Oconee County, Georgia, pursuant to Article 13, Section 1304, to grant approval of a Hardship Variance pursuant to an application requesting approval of a Hardship Variance on property owned by Brandon and Lauren Bodiford submitted on December 20, 2019.

ENACTMENT CLAUSE

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application requesting Hardship Variance approval submitted by Brandon and Lauren Bodiford on December 20, 2019 regarding a ±2.34-acre tract of land located along Brittain Estates Drive in the 221st G.M.D., Oconee County, Georgia, (tax parcel number C-04-019A), the Board of Commissioners of Oconee County does hereby grant the following:

SECTION 1. A Resolution granting Hardship Variance approval for the property described above and also described in the attached Exhibit "A" is hereby granted for the purpose of relief from Unified Development Code Section 348.a, to allow a detached garage in the front yard of a residential property.

Said Hardship 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 Hardship Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by same at its regular meeting on February 4, 2020.

ADOPTED AND APPROVED, this 4th day of February, 2020.



OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

William E. Wilkes, Member

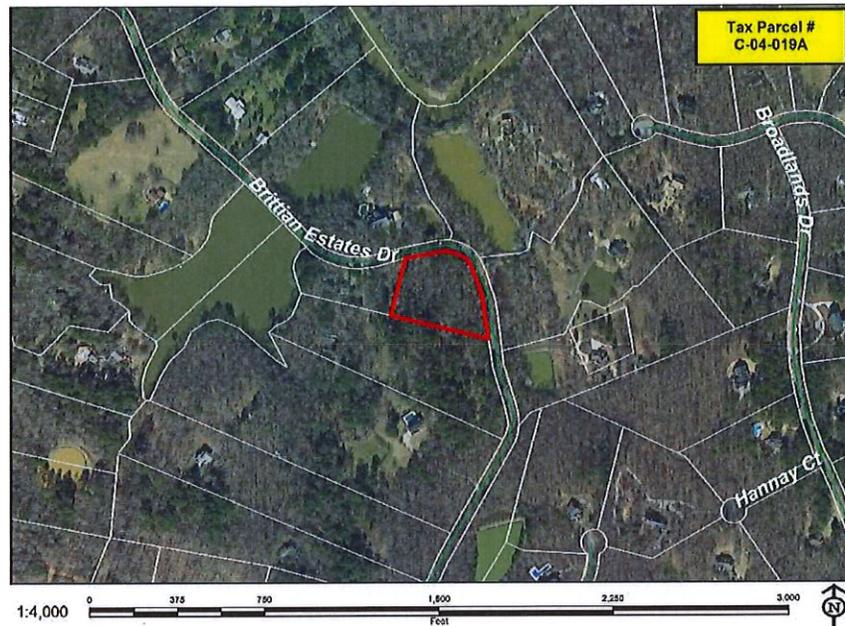
Mark Saxon, Member

ATTEST:

Kathy Hayes
Clerk, Board of Commissioners

EXHIBIT "A" TO HARDSHIP VARIANCE NO. P19-0098

Page 1 of 2 TAX MAP



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, together with improvements thereon, situate, lying and being in the 221st District, G.M., of Oconee County, Georgia, being known and designated as Tract "B" - 2.338 acres (being a portion of Lot 8 of Brittain Estates), as particularly shown on a plat entitled "Administrative Subdivision Plat for: Sterline E. Wilholt," dated September 27, 2000, by Landmark Engineering Corporation, Georgia Registered Land Surveyor, recorded in Plat Book 32, page 102, in the Office of the Clerk of Superior Court of Oconee County, Georgia, and being more particularly described as follows:

Beginning at an iron pin on the southerly margin of the 50 foot right-of-way of Brittain Estates Drive, being 2263.98 feet southeast of the centerline intersection of Simonton Bridge Road and Brittain Estates Drive, and being the TRUE POINT OF BEGINNING; thence along the right-of-way of Brittain Estates Drive North 79 degrees 39 minutes 15 seconds East, 152.68 feet to a point; thence North 85 degrees 29 minutes 49 seconds East, 82.24 feet to a point; thence South 41 degrees 38 minutes 00 seconds East, 112.10 feet to a point; thence South 16 degrees 24 minutes 00 seconds East, 172.90 feet to a point; thence South 06 degrees 29 minutes 00 seconds East, 106.60 feet to an iron pin; thence leaving said right-of-way North 76 degrees 00 minutes 00 seconds East, 434.46 feet to an iron pin; thence North 14 degrees 00 minutes 38 seconds East, 223.23 feet to the TRUE POINT OF BEGINNING.

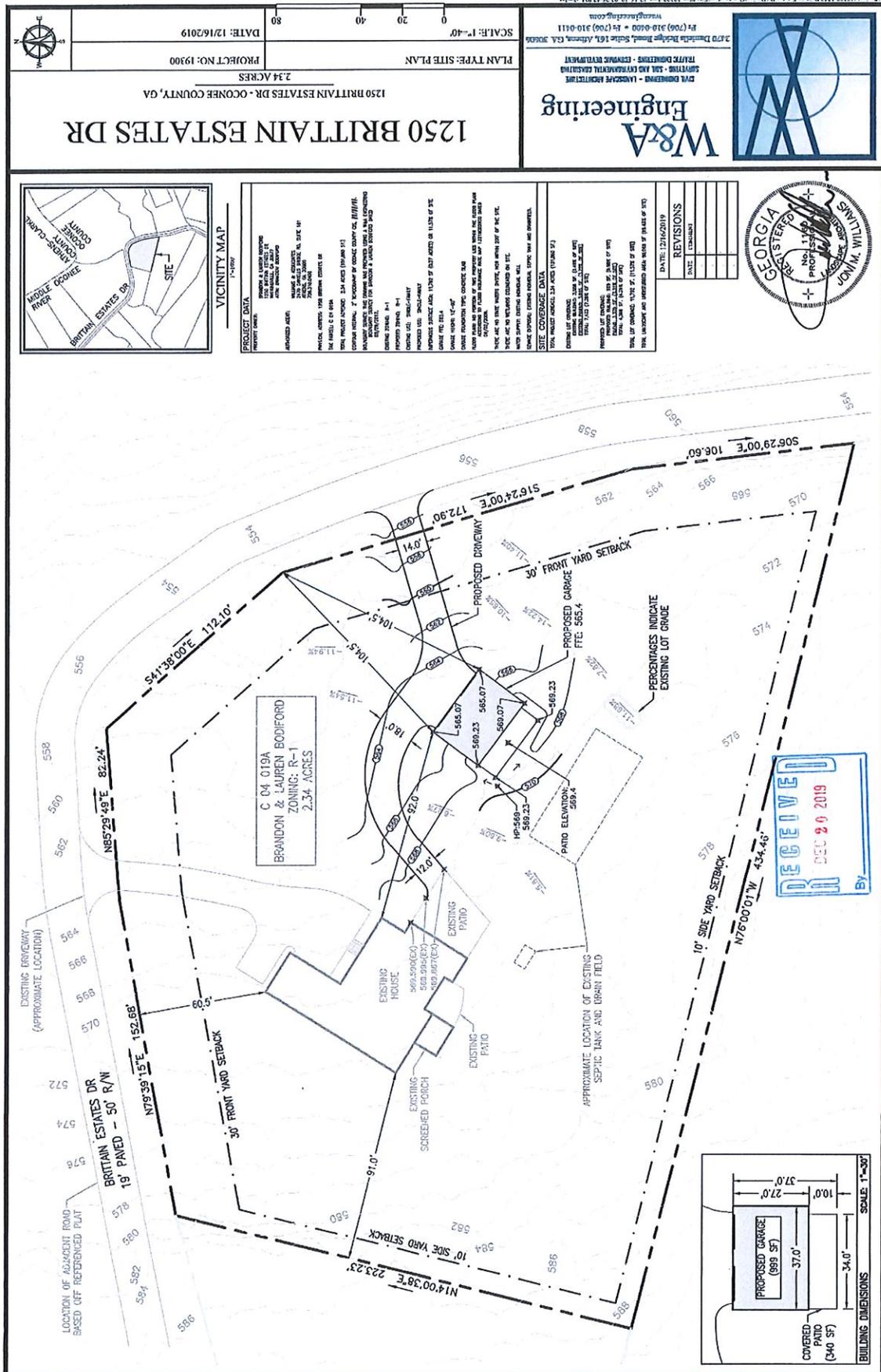
Subject to all easements, covenant, and restrictions of record. Said property being currently assigned Map/Parcel # C04-19A by the Oconee County Georgia Tax Assessor.

NARRATIVE

My name is Brandon Bodiford and I am the property owner along with my wife Lauren Bodiford of 1250 Brittain Estates Drive in Watkinsville, GA 30677. We are applying for a variance to the building code 348.a which states a detached garage must reside either to the side yard or back yard of the primary residence. Our proposed drawing shows the garage to the side of our home.

We are not able to build the garage in the back yard due to have our septic tank and drain lines in the way. We also had a permitted second drive way put in to our basement with the hopes of building the garage close to it for convenience.

CONCEPT PLAN





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

VARIANCE CASE #: P19-0098

DATE: January 16, 2020

STAFF REPORT BY: Grace Tuschak, Senior Planner

APPLICANT NAME: Brandon and Lauren Bodiford

PROPERTY OWNER: Brandon and Lauren Bodiford

LOCATION: 1250 Brittain Estates Drive

PARCEL SIZE: ±2.34 acres

EXISTING ZONING: R-1 (Single-Family Residential)

EXISTING LAND USE: Single-family residential

TYPE OF VARIANCE REQUESTED: Hardship Variance

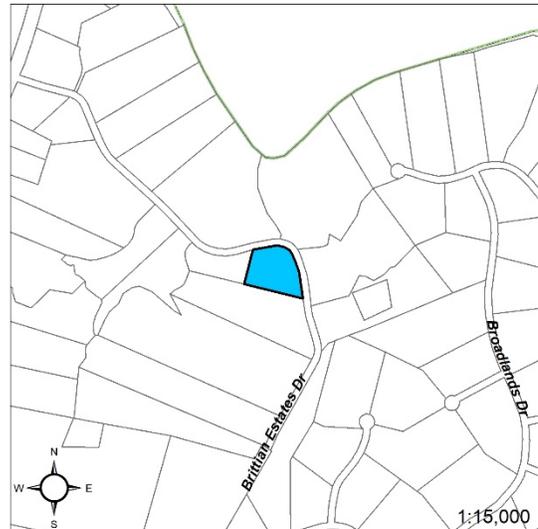
REQUEST SUMMARY: The property owner is requesting a hardship variance to allow a detached garage in the front yard of a residential property

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: February 4, 2020

ATTACHMENTS:

- Application
- Narrative
- Aerial Imagery
- Zoning Map
- Future Development Map
- Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property was rezoned to R-1 on 06/06/1972 to allow for the construction of Brittain Estates subdivision
- A single family home was built on the property in 2017

VARIANCE DESCRIPTION

- The owner is requesting approval of a hardship variance for relief from Section 348.a of the Unified Development Code:
 - ***Section 348.a - Private garage or carport***
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.
- The owner is requesting the build a detached garage in the front yard of the subject property due to limited space in the side yard and the location of existing septic tank and drain lines

PUBLIC FACILITIES

- County services, facilities, and infrastructure should not be affected by the present request

ENVIRONMENTAL

- No 100-Year Flood Plain or Jurisdictional Wetland areas are located on the site

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR HARDSHIP APPROVAL” AS SET FORTH IN SECTION 1304.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE:

Hardship variances may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Commissioners that all of the following conditions exist:

- a. Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography?**
Due to the unique parcel shape with road frontage on two sides, the property does not have a rear yard. Additionally, there are no locations in the front yard that would allow the garage to be placed 200 feet from the right of way. The strict application of Sec 348.a would therefore require the garage to be located in the side yard, where suitable locations are further limited by the existing house, septic tank, and drain lines.
- b. Does the application of requirements in the Unified Development Code create an unnecessary hardship to this particular piece of property?**
The strict application of the requirements of the UDC would create an unnecessary financial hardship to the property owners as it would require the construction of a third driveway or extension of an existing driveway in order to provide access to the detached garage.
- c. Are conditions creating the need for the hardship variance peculiar to the particular piece of property involved?**
The conditions are peculiar to the subject property because it has no rear yard and limited suitable sites in the side yard due to the placement of the existing home and septic infrastructure.
- d. Will relief, if granted, not cause substantial detriment to the public good or impair the purposes and intent of the Unified Development Code?**
The purposes of UDC Section 348.a are to promote orderly and aesthetically pleasing development of single-family residential areas. Placement of a detached garage in the proposed location should not be injurious to the character or aesthetic integrity of the surrounding neighborhood and staff holds that relief should not be detrimental to the public good nor impair the purposes and intent of the UDC.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for hardship variance approval, this request does meet the necessary criteria to grant a hardship variance as submitted.



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- Hardship Variance Appeal of Administrative Decision Flood Damage Prevention Variance
- Special Exception for: _____

Applicant

Name: Brandon & Lauren Bodiford

Address: 1250 Brittain Estates Drive
(No P.O. Boxes)
Watkinsville, GA 30677

Telephone: 706-296-0539 & 706-614-7009

Email: brandonbodiford@att.net & lbodiford0412@gmail.com

Applicant is (check one): the Property Owner Not the Property Owner (attach Property Owner's Authorization)

Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.

Signature: *Lauren Bodiford* Date: 1/7/20

Property Owner

Name: Brandon & Lauren Bodiford

Address: 1250 Brittain Estates Drive
(No P.O. Boxes)
Watkinsville, GA 30677

Telephone: 706-296-0539 & 706-614-7009



Notarized: *Rachel Vaughan*

Property

Location: 1250 Brittain Estates Drive
Watkinsville, GA 30677

Tax Parcel Number: C 04 019A

Size (Acres): 2.34 Current Zoning: R1

Future Development Map—Character Area Designation: Country Estates

Use

Current Use: Single Family Residence

Proposed Use: Single Family Residence

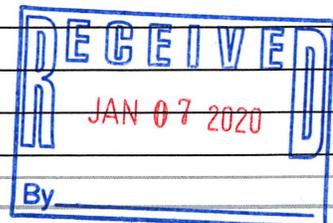
Attachments (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee
- Warranty Deed(s), Legal Description, & Plat of Survey
- Disclosures
- Maps or Drawings Illustrating Variance Request
- Narrative Statement Explaining Variance Request
- Concept Plan

Appeal or Variance Requested

Provide the code section and briefly explain the requested variance

348.a
Build detached garage. Not enough room in back yard
and can only go so far on side yard due to septic tank
and lines.



For Oconee County Staff Use Only

Application

Date Received: _____ Date Accepted: _____

DRI Transmitted to RDC Date: _____ N/A

Review Submitted: _____ Location Map: _____

Posted: _____ Ad: _____ Ad: _____

Application Withdrawn Date: _____

Action

APPLICATION NUMBER _____

Administrative Appeal: Date: _____

Approved With Conditions Denied N/A

Board of Commissioners Date: _____

Approved With Conditions Denied N/A

To Whom It May Concern:

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Thank you for your consideration.

Brandon Bodiford



Lauren Bodiford



Official Tax Receipt
JENNIFER T. RIDDLE
OCONEE COUNTY Tax Commissioner

PO BOX 106
 WATKINSVILLE, GA 30677

Trans No	Property ID/District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
18321 Year-Bill No 2019 - 1667	C 04 019 A / 001 1183/127 32/102 FMV: \$481,867.00	4,422.67	0.00 Fees 0.00	0.00	4,422.67	4,422.67	0.00
						Paid Date 11/15/2019 08:02:55	Current Due 0.00
Transactions:	15453 - 19663 Totals	4,422.67	0.00	0.00	4,422.67	4,422.67	0.00

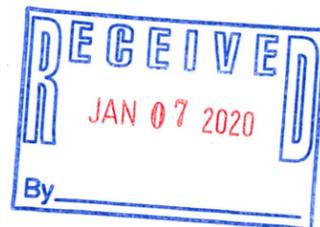
Paid By :

CORELOGIC

BODIFORD BRANDON &
 LAUREN LADD BODIFORD
 1250 BRITTAIN ESTATES DRIVE
 WATKINSVILLE, GA 30677

Check No
 Charge Acct

Cash Amt: 0.00
 Check Amt: 0.00
 Charge Amt: 0.00
 Change Amt: 0.00
 Refund Amt: 0.00
 Overpay Amt: 0.00



ALL THAT TRACT OR PARCEL OF LAND, together with improvements thereon, situate, lying and being in the 221st District, G.M., of Oconee County, Georgia, being known and designated as Tract "B" - 2.338 acres (being a portion of Lot 8 of Brittain Estates), as particularly shown on a plat entitled "Administrative Subdivision Plat for: Sterline E. Wilhoit," dated September 27, 2000, by Landmark Engineering Corporation, Georgia Registered Land Surveyor, recorded in Plat Book 32, page 102, in the Office of the Clerk of Superior Court of Oconee County, Georgia, and being more particularly described as follows:

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Subject to all easements, covenant, and restrictions of record. Said property being currently assigned Map/Parcel # C04-19A by the Oconee County Georgia Tax Assessor.



DISCLOSURE OF INTEREST
APPLICATION FOR REZONING
OCONEE COUNTY, GEORGIA

To the best of my knowledge, no local government official, including members of the Planning Commission and members of the Board of the Commissions, has a property interest in any real property affected by a rezoning action or has a financial interest in any business entity which has a property interest, or has a member of his/her family having such an interest.

Signature of owner

Lauren Beif

Date

1/7/20

Signature of Applicant

Lauren Beif

Date

1/7/20

Signature of Notary Public

Rain Vany

Date

1/7/2020



PROPERTY OWNER'S
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
APPLICATION FOR REZONING

Pursuant to section 36-67A-1 et seq. of the Georgia Code Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, the following disclosure is mandatory. When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official, it shall be the duty of the applicant and the agent representing the applicant to file a disclosure report with the governing authority of the respective local government.

Any applicant for rezoning action knowingly failing to make any disclosure as required by Code Section 36-67 A-1 et seq. shall be guilty of a misdemeanor.

A. Name of local government official to whom the campaign contribution or gift was made (or N/A if not applicable):

_____ N/A _____

B. The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution (or N/A if not applicable):

Amount: _____ N/A _____

Date of contribution: _____

C. Enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of this application for rezoning (or N/A if not applicable).

_____ N/A _____

Signature of owner: Lawrence Beards

Date: 1/7/20

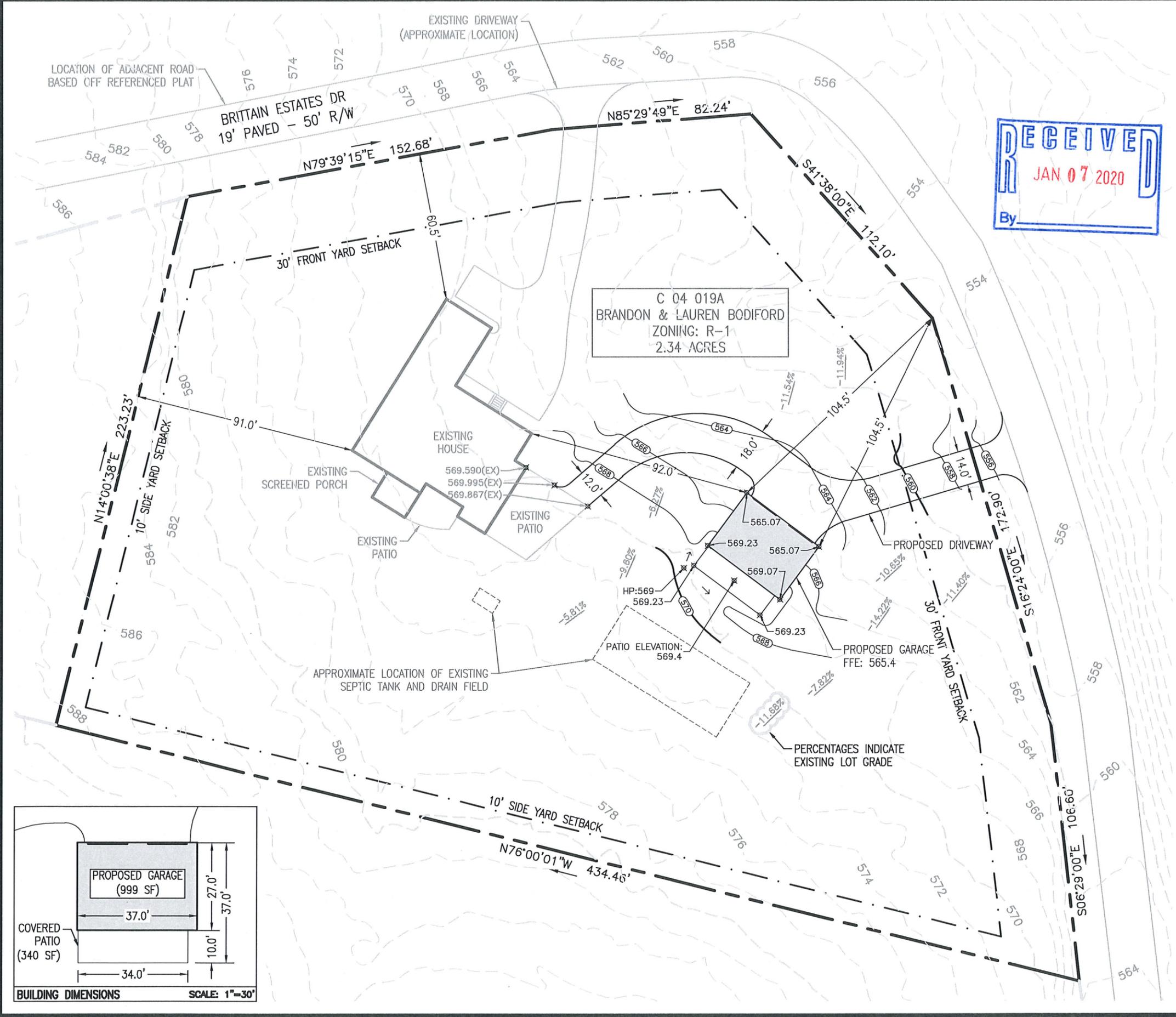
Signature of applicant: Lawrence Beards

Date: 1/7/20

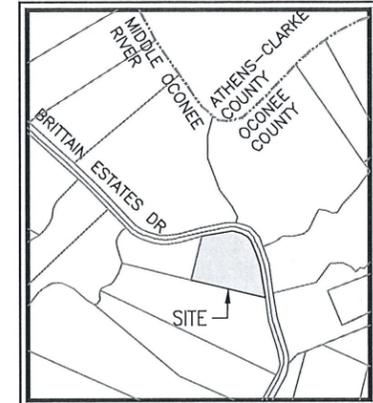
Signature of Notary Public: Rain Vaughn

Date: 1/7/2020





RECEIVED
JAN 07 2020
By



PROJECT DATA

PROPERTY OWNER: BRANDON & LAUREN BODIFORD
1250 BRITAIN ESTATES DR
WATKINSVILLE, GA 30677
ATTN: BRANDON BODIFORD

AUTHORIZED AGENT: WILLIAMS & ASSOCIATES
2470 DANIELLS BRIDGE RD, SUITE 161
ATHENS, GA 30606
706.310.0400

PHYSICAL ADDRESS: 1250 BRITAIN ESTATES DR
TAX PARCEL: C 04 019A
TOTAL PROJECT ACREAGE: 2.34 ACRES (101,860 SF)
CONTOUR INTERVAL: 2' TOPOGRAPHY BY OCOONEE COUNTY GIS, 12/13/2019.
BOUNDARY SURVEY: THIS DRAWING WAS PREPARED USING A W&A ENGINEERING BOUNDARY SURVEY FOR BRANDON & LAUREN BODIFORD DATED 09/29/2017.

EXISTING ZONING: R-1
PROPOSED ZONING: R-1
EXISTING USE: SINGLE-FAMILY
PROPOSED USE: SINGLE-FAMILY
IMPERVIOUS SURFACE AREA: 11,792 SF (0.27 ACRES) OR 11.57% OF SITE
GARAGE FFE: 565.4
GARAGE HEIGHT: 12'-00"
GARAGE FOUNDATION TYPE: CONCRETE SLAB
FLOOD PLAIN: NO PORTION OF THIS PROPERTY LIES WITHIN THE FLOOD PLAIN ACCORDING TO FLOOD INSURANCE RATE MAP 13219C00000 DATED 09/02/2009.
THERE ARE NO STATE WATERS ONSITE, NOR WITHIN 200' OF THE SITE.
THERE ARE NO WETLANDS DELINEATED ON SITE.
WATER SUPPLY: EXISTING INDIVIDUAL WELL
SEWAGE DISPOSAL: EXISTING INDIVIDUAL SEPTIC TANK AND DRAINFIELD.

SITE COVERAGE DATA

TOTAL PROJECT ACREAGE: 2.34 ACRES (101,860 SF)

EXISTING LOT COVERAGE:
EXISTING BUILDING: 3,556 SF (3.49% OF SITE)
EXISTING PAVING: 3,866 SF (3.79% OF SITE)
TOTAL: 7,423 (7.28% OF SITE)

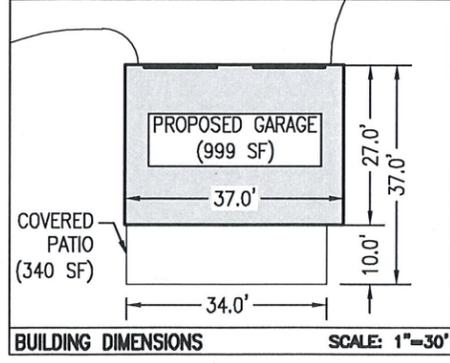
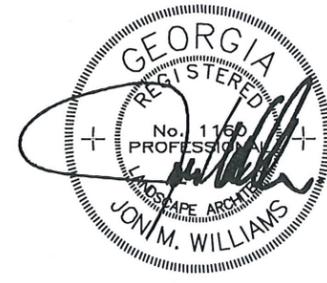
PROPOSED LOT COVERAGE:
PROPOSED BUILDING: 999 SF (0.98% OF SITE)
PAVING: 3,370 SF (3.31% OF SITE)
TOTAL: 4,369 SF (4.29% OF SITE)

TOTAL LOT COVERAGE: 11,792 SF (11.57% OF SITE)
TOTAL LANDSCAPE AND UNDISTURBED AREA: 90,068 SF (88.43% OF SITE)

DATE: 12/16/2019

REVISIONS

DATE	COMMENT
01.06.20	REVISED TITLE PER OCOONEE COUNTY PLANNING COMMENTS.



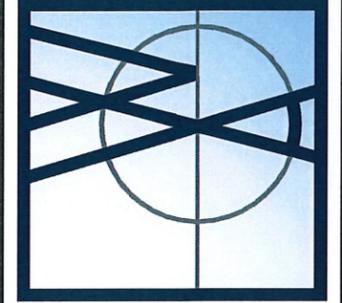
HARDSHIP VARIANCE CONCEPT PLAN FOR

1250 BRITAIN ESTATES DR - OCOONEE COUNTY, GA
2.34 ACRES

W&A Engineering

CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE
SURVEYING - SOIL AND ENVIRONMENTAL CONSULTING
TRAFFIC ENGINEERING - ECONOMIC DEVELOPMENT

2470 Daniels Bridge Road, Suite 161, Athens, GA 30606
P: (706) 310-0400 • F: (706) 310-0411
waeengineering.com



PROJECT NO: 19300
DATE: 1/6/2020
PLAN TYPE: SITE PLAN
SCALE: 1"=40'