

**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 Hots BBQ, Inc. submitted on October 26, 2015.

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 Williams & Associates, Land Planners P.C. on October 26, 2015 regarding property owned by said petitioners on a ±0.762 acre tract of land located on the north side of SR 15 in the 225th G.M.D., Oconee County, Georgia, (TP# C-6-21), 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 for the purpose of relief from Unified Development Code Section 409, to eliminate the minimum principal building setback requirements.

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.

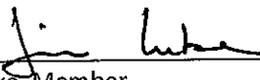
SECTION 3. Effective Date. This Resolution shall take effect this date.

Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by same at its regular meeting on January 5, 2016.

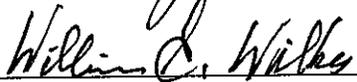
APPROVED, this 5th day of January, 2016.

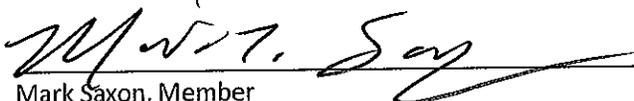
OCONEE COUNTY BOARD OF COMMISSIONERS

BY: 
G. Melvin Davis, Chairman


Jim Luke, Member


John Daniell, Member


W. E. "Bubber" Wilkes, Member


Mark Saxon, Member

ATTEST:

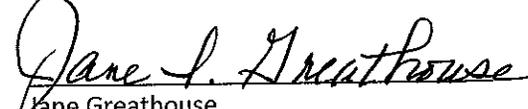

Jane Greathouse
Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #6784

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NARRATIVE

Hots BBQ

A Historic Site (Commercial) & Restaurant
3753 Greensboro Highway
Watkinsville, Georgia

Special Exception Variance #1 - 0.762 Acres – Tax Parcel # C06-021

Narrative

Hots BBQ is an existing historic commercial site and restaurant located in the southern part of Oconee County on a 0.762 acre tract. Hots BBQ, Inc. is the current property owner. Mr. Mark Thomas will act as the primary contact person for the development. Williams & Associates has been engaged by Mr. Thomas to act as his agent in the preparation of the necessary rezone documentation associated with this request.

The Site

The subject tract fronts on Georgia Highway 15 for approximately 288 LF. The site is predominantly open grass lawn areas with existing gravel and asphalt parking and drives. Existing onsite structures include a restaurant, cook house, historic home and agricultural storage buildings. The topography drops gently from north east to south west, to an existing roadside swale. Existing zoning and land uses surrounding the site are as follows: to the north and west – A-1 zoned agricultural property with residence; to the south – GA Highway 15/Greensboro Highway; to the east – A-1 zoned Thomas Cotton Gin.

The Development

The property exists as a historic commercial site and restaurant. The rezone proposed is to bring the grandfathered project into zoning compliance. Adequate parking already exists to serve the existing restaurant. Special exception variance requests have been submitted which will allow the site to maintain its historic character by not requiring the existing parking areas to be improved per current code requirements, not imposing the required buffer between incompatible uses and allow buildings to be inside building setbacks. The main structure was originally built in 1948 and served as a general store. It was added onto over the years and converted into a restaurant in 1984. Mr. Thomas wishes to keep the restaurant in its current historical operating condition.

Buildings

The buildings will be maintained with their historic aesthetic and character. No improvements or modifications are proposed as part of this rezone request.

Water Supply

The project is currently served by an onsite well.

Sewage Disposal

The project is currently served by an onsite septic system.

Surface Water Drainage

The project will remain as sheet flow.

Access

Access will continue from the existing driveway along GA Highway 15. No additional access or lane improvements are proposed at this time due to no proposed increase in traffic volumes.

Traffic

There is no proposed additional traffic volume projected at this time as a result of the proposed rezone.

Schools

There will be no impact to county schools as a result of this development.

Schedule

The petitioners plan to complete the zoning efforts on the subject property by January 2016.

Maintenance of Common Areas

There are no common areas for public use currently proposed for this development.

Buffers

A special exception variance has been submitted for a reduction from 50' to 0', along all property lines, for the required buffer between land uses (UDC 806).

Utilities

Existing utilities serving the site are in place. No new utilities are anticipated at this time.

Garbage Collection

Garbage collection will be handled by private contract service.

Sidewalks

No sidewalks are proposed as part of this development.

Public & Semi-public Areas

Easements for power, telephone, cable TV, and gas will be dedicated as required for existing specific utilities.

Outdoor Lighting

No lighting is currently proposed for this development.

Development Valuation

Total Completed Project Value \$48,340

Variance

A Special Exception Variance is requested from UDC Sec. 409 – Minimum setbacks; principal buildings. The restaurant and historic home have been in existence since 1984. When the B-1 zoning requirements are applied, the existing structures encroach the minimum required building setbacks.

Sec. 1303.03. Standards for special exception variance approval.

A special exception variance may be granted upon a finding that the relief, if granted:

- a. Would not cause substantial detriment to the public good:
The allowance of a waiver from the minimum setback requirements will not cause a substantial detriment to the public good. The structures have been in existence since 1984 in their current layout and configuration.
- b. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:
The allowance of a waiver from the minimum setback requirements will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity because the property has existed in its current state since 1984. No changes are proposed to the site other than a zoning classification.
- c. Would not diminish and impair property values within the surrounding neighborhood:
The allowance of a waiver from the minimum setback requirements will not diminish nor impair property values within the surrounding neighborhood because the facilities and use are not a new development and have existed onsite since 1984. No changes are proposed to the site other than a zoning classification.
- d. Would not impair the purpose and intent of this Development Code.
The allowance of a waiver from the minimum setback requirements makes sense in light of the fact that the facilities and use are not a new development and have existed onsite since 1984. No changes are proposed to the site other than a zoning classification. The project is merely bringing a grandfathered use into zoning compliance from a land use perspective.

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the county of Oconee, State of Georgia, GMD 225, and described as a 0.762 acre tract on a survey for Thomas Store Lot, by Paul & Evans Land Surveying, Inc., dated 09/29/2000, more particularly described as follows:

Starting at an iron pin along the right-of-way of GA Highway 15; said pin being the POINT OF BEGINNING.

Thence N53°57'20"W, a distance of 54.09' to a traverse point;

Thence N54°26'55"W, a distance of 64.59' to a traverse point;

Thence N54°40'15"W, a distance of 92.82' to a traverse point;

Thence N55°12'10"W, a distance of 76.19' to an iron pin;

Thence N38°47'50"E, a distance of 117.74' to an iron pin;

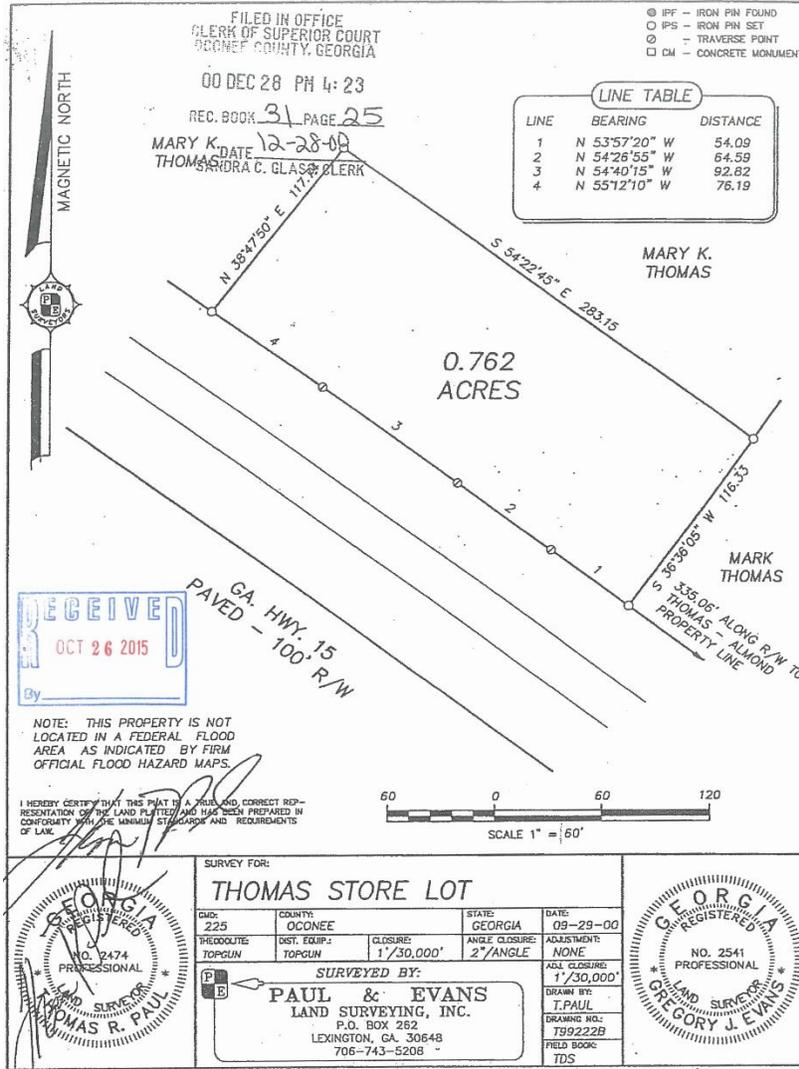
Thence S54°22'45"E, a distance of 283.15' to an iron pin;

Thence S36°36'05"W, a distance of 166.33' to an iron pin; said pin being the POINT OF BEGINNING.

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PLAT



TAX MAP



