

**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 Joanne A. Floyd Bath submitted on March 2, 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 Hardship Variance approval submitted by Williams & Associates, Land Planners P.C. on March 2, 2015 regarding property owned by Joanne A. Floyd Bath on a ±43.74 acre tract of land located on the south side of SR 186 in the 222<sup>nd</sup> & 239<sup>th</sup> G.M.D., Oconee County, Georgia, (TP# A-7-1B), 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 1012.07.a, to increase the number of tracts allowed on a private access drive.

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 May 5, 2015.

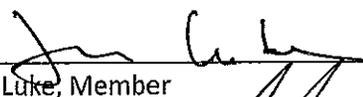
APPROVED, this 5<sup>th</sup> day of May, 2015.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY:



G. Melvin Davis, Chairman



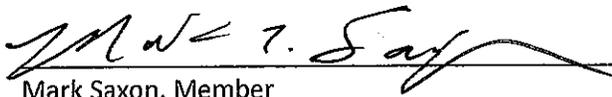
Jim Luke, Member



John Daniell, Member

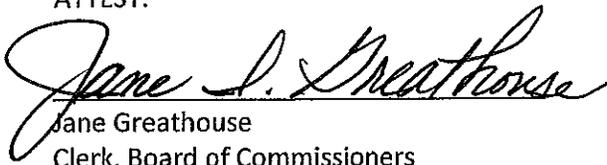


W. E. "Bubber" Wilkes, Member



Mark Saxon, Member

ATTEST:



Jane Greathouse  
Clerk, Board of Commissioners

# EXHIBIT "A" TO HARDSHIP VARIANCE #6666

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## CONDITIONS

This Hardship Variance shall be subject to the following conditions which shall be fulfilled by the developer at his/her expense:

1. The subject property shall be subdivided in accordance with the procedures for minor subdivision plat approval, as outlined in the Oconee County Unified Development Code.
2. The proposed tract shall be accessed from the existing private access drive currently serving TP#s A-7-1A, A-7-1AA, A-7-1AB & A-7-1BA, as illustrated on the variance concept plan. Said private access drive shall be limited to provide access to a maximum of 5 tracts.

## LEGAL DESCRIPTION

All that tract, or parcel of land, lying and being in Oconee County, Georgia, G.M.D. 222 and 239, containing 43.744 acres of land, more or less, and being more particularly described as:

Beginning at a nail in the centerline intersection of Big Robinson Creek and Georgia Highway 186; thence South 07 degrees 36 minutes 11 seconds West, 49.84 feet to a point on the southerly margin of the 100 foot right-of-way of Georgia Highway 186; thence along said right-of-way South 74 degrees 59 minutes 10 seconds East, 1454.17 feet to an iron pin, being the TRUE POINT OF BEGINNING; thence continuing along said right-of-way South 74 degrees 59 minutes 10 seconds East, 393.23 feet to an iron pin; thence leaving said right-of-way South 00 degrees 59 minutes 24 seconds West, 216.46 feet to a point; thence South 04 degrees 33 minutes 42 seconds East, 145.93 feet to a point; thence South 42 degrees 08 minutes 36 seconds West, 84.05 feet to a point; thence South 27 degrees 33 minutes 08 seconds West, 289.23 feet to a point; thence South 23 degrees 33 minutes 37 seconds West, 78.38 feet to a point; thence South 64 degrees 20 minutes 35 seconds East, 67.23 feet to a point; thence South 59 degrees 11 minutes 59 seconds East, 223.89 feet to a point; thence South 82 degrees 41 minutes 50 seconds East, 84.83 feet to a point; thence South 11 degrees 03 minutes 26 seconds West, 1046.43 feet to an iron pin; thence South 79 degrees 11 minutes 00 seconds West, 609.20 feet to an iron pin; thence North 03 degrees 23 minutes 49 seconds East, 141.40 feet to a point; thence North 02 degrees 27 minutes 32 seconds East, 142.58 feet to a point; thence North 03 degrees 20 minutes 42 seconds East, 114.38 feet to a point; thence North 06 degrees 09 minutes 15 seconds East, 319.90 feet to a point; thence North 02 degrees 37 minutes 01 seconds East, 224.24 feet to a point; thence North 78 degrees 54 minutes 01 seconds West, 330.40 feet to a point; thence North 78 degrees 54 minutes 01 seconds West, 1057.16 feet to an iron pin; thence North 78 degrees 54 minutes 01 seconds West, 30.00 feet to a point on the centerline of Big Robinson Creek; thence along the centerline of said creek the following courses and distances: North 11 degrees 12 minutes 25 seconds West, 94.37 feet; North 00 degrees 01 minutes 36 seconds East, 74.26 feet; North 23 degrees 22 minutes 35 seconds West, 70.77 feet; North 12 degrees 50 minutes 36 seconds East, 87.66 feet; North 13 degrees 03 minutes 02 seconds East, 188.38 feet; thence leaving said creek centerline South 74 degrees 08 minutes 12 seconds East, 30.00 feet to an iron pin; thence South 74 degrees 08 minutes 12 seconds East, 1284.09 feet to a point; thence North 15 degrees 16 minutes 15 seconds East, 99.97 feet to a point; thence North 29 degrees 39 seconds 42 seconds West, 75.16 feet to a point; thence North 44 degrees 42 minutes 07 seconds West, 210.44 feet to a point; thence North 09 degrees 50 minutes 12 seconds West, 96.39 feet to a point; thence North 33 degrees 39 minutes 39 seconds East, 39.62 feet to a point; thence North 76 degrees 28 minutes 52 seconds East, 58.69 feet to a point; thence North 79 degrees 58 minutes 15 seconds East, 106.96 feet to a point; thence South 80 degrees 06 minutes 06 seconds East, 198.40 feet to a point; thence North 20 degrees 55 minutes 51 seconds East, 383.69 feet to the TRUE POINT OF BEGINNING.



# EXHIBIT "A" TO HARDSHIP VARIANCE #6666

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## NARRATIVE

### Bath Property

A Residential Lot Subdivision  
5332 High Shoals Road  
Bishop, Georgia

43.74 Acres – Tax Parcel # A07-001B  
Hardship Variance Submittal – February 25, 2015

#### Narrative

**Bath Property** is a proposed residential lot subdivision located at 5332 High Shoals Road in Bishop, Georgia. The parent parcel exists as 43.744 acres. Mrs. Joanne A. Floyd Bath is the current property owner. Mr. Bill Bath will act as the primary contact. Williams & Associates has been engaged by the owner to act as agent in the preparation of the necessary hardship variance documentation associated with this request.

#### The Site

The subject tract fronts on High Shoals Road for approximately 393 LF. The site is predominantly wooded with a mixture of pines and hardwoods and open pasture land. There is one existing residential structure on the parent parcel. The topography drops gently from a high point in the center of the property down in all directions, with drainage reaching Robinson Creek. Existing zoning and land uses surrounding the site are as follows: to the north High Shoals Road; to the east – one (1) A-1 zoned vacant tract and (1) A-1 zoned tract with single family residence; to the south and west – A-1 zoned tracts with single family residences. The Future Development Map 2030 identifies the site with a Future Character Area designation of Rural Places.

#### The Development

Mrs. Bath proposes to divide off a 10.34 acre tract from the 43.744 parent parcel with access via an adjacent private access drive.

#### Buildings

The proposed architectural design theme is a traditional style utilized in residential dwellings and similar in character to existing homes in the area. The architectural style will feature pitched shingled roofs, shed dormers, wide overhanging eaves, tapered square wood or masonry columns, and divided light windows and doors. Predominant exterior materials will be a combination of stone and brick with some cementitious plank and shingle siding accents, with low-maintenance composite trim and ornamentations.

#### Water Supply

A private well is proposed to service the new lot.

#### Sewage Disposal

A conventional septic tank and drain-field are planned for the proposed lot. A soil survey map will be prepared by an approved soil scientist to insure that the system will be constructed in an area with appropriate soils per county and state regulations.

#### Surface Water Drainage

Surface water drainage is proposed to remain as sheet flow.

#### Access

Access will be via a single driveway from the existing paved private drive. This hardship variance request is a result of more than 3 lots having access to the private drive. Currently there are 2 single family residences that are using the existing private drive for their primary access. There is another tract that does not have a residence, but does have access to the private drive. Technically, one additional home and 1 additional tract also have access to the paved private drive via unpaved driveways, but do not use it for their primary access.

The hardship variance also includes a deviation in the requirements of a private access drive, specifically, the maximum length, cul-de-sac requirement and minimum paved width.

The adjacent parcel, upon which the private access drive is located, is currently platted with a 1' no access easement adjacent to the proposed lot. Prior to the lot split, the adjacent parcel will be required to be re-platted, removing the 1' no access easement and the owner of said parcel, as an appurtenance, thereto, provide a perpetual easement for ingress and egress over that portion of the private access drive lying adjacent to the proposed lot, connecting it to High Shoals Rd.

#### Traffic

Projected traffic is based on the trip generation rate published by the Institute of Transportation Engineers, *Trip Generation, 8<sup>th</sup> Edition*. Traffic projections are based on the ITE code (210) Single-Family Detached Housing.

The average rate is 9.57 trips per Dwelling Unit on a weekday.  
(1 Dwelling Unit) x 9.57 trips = 9.57 ADT

The average rate is 0.77 trips per Dwelling Unit for AM peak hour.  
(1 Dwelling Unit) x 0.77 trips = 0.77 ADT AM peak

The average rate is 1.02 trips per Dwelling Unit for PM peak hour.  
(1 Dwelling Unit) x 1.02 trips = 1.02 ADT PM peak

#### Schools

Impact to schools will be minimal due to the creation of a single residential lot.

#### Schedule

The petitioners plan to complete the variance efforts on the subject property by May 2015. The Preliminary Plat and Final Plat for the lot split will be submitted for approval by July 2015. The lot will be made available in the real-estate market immediately upon approval of those plats.

#### Maintenance of Common Areas

There are no common areas currently proposed for this development.

#### Landscaping and Buffers

No specific landscaping or buffers are required as part of the lot split.

#### Utilities

All utilities are proposed to be underground. No existing utilities are located onsite nor are any utility relocations anticipated at this time. Proposed utilities to serve the facility are power, gas, water, telephone, cable TV & internet access.

#### Garbage Collection

Garbage collection will be handled by private contract service.

#### Sidewalks

No sidewalks are proposed as part of the development of these lots.

#### Public & Semi-public Areas

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

#### Outdoor Lighting

No lighting is proposed as part of the development of these lots.

#### Development Valuation

Proposed total value of the project at completion: \$185,000.00

#### Variance

A Hardship Variance is requested from UDC Sec. 1012.07.A allowing more than 3 lots to be accessed from a private access drive that does not meet the standards as specified.

#### UDC Sec. 1012.07 – Private Access Drives

A hardship variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Commissioners that all of the following conditions exist:

- There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography:  
The particular piece of property for which the variance is being requested has extraordinary and exceptional conditions due to the parent parcel's minimal road frontage and odd shape. Currently there exists no other alternative for access to High Shoals Road other than either more than 3 lots off of a private drive or impacts to environmental areas located along the tract's frontage. Also, due to the parent parcel's minimal road frontage, driveway separation from an existing private access drive that could be maintained would be limited.
- The application of this development code to this particular piece of property would create an unnecessary hardship:  
The application of this development code to this particular piece of property would create an unnecessary hardship by requiring the petitioners to provide unnecessary improvements when an existing private access drive is located directly adjacent to the proposed lot.
- Such conditions are peculiar to the particular piece of property involved:  
The conditions involved in this request are peculiar to this particular piece of property. The property exists as a tract that is odd in shape with limited road frontage. Access to this portion of the property by conventional means would create unnecessary construction demands as opposed to allowing access to the existing private access drive that is located directly adjacent to the proposed lot.
- Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance:  
The allowance of the variance will not cause substantial detriment to the public good because there is no advantage to the public if the private access drive requirements are not met. The variance will provide the flexibility of subdividing the lot without creating the unnecessary hardship of providing an additional access to High Shoals Road.

