

**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 Epps Bridge Parkway, LLC submitted on June 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 Hardship Variance approval submitted by the Williams & Associates, Land Planners P.C. on June 26, 2015 regarding property owned by Epps Bridge Parkway, LLC on a ±1.806 acre tract of land located on the west side of Epps Bridge Parkway, LLC in the 1331st G.M.D., Oconee County, Georgia, (TP# C-1Z-2), 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 October 13, 2015.

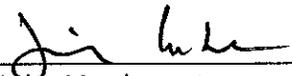
APPROVED, this 13th day of October, 2015.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:



G. Melvin Davis, Chairman



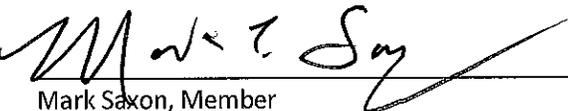
Jim Luke, Member



John Daniell, Member



W. E. "Bubber" Wilkes, Member



Mark Saxon, Member

ATTEST:



Jane Greathouse
Clerk, Board of Commissioners

EXHIBIT "A" TO HARDSHIP VARIANCE #6732

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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. At the time of site development plan submittal, developer shall provide a "Fire Truck Turning Radius Overlay" Plan to be included with the application for a development permit. The Fire Truck Turning Radius Overlay plan shall comply with the specifications outlined by the Oconee County Fire Department.

TAX MAP

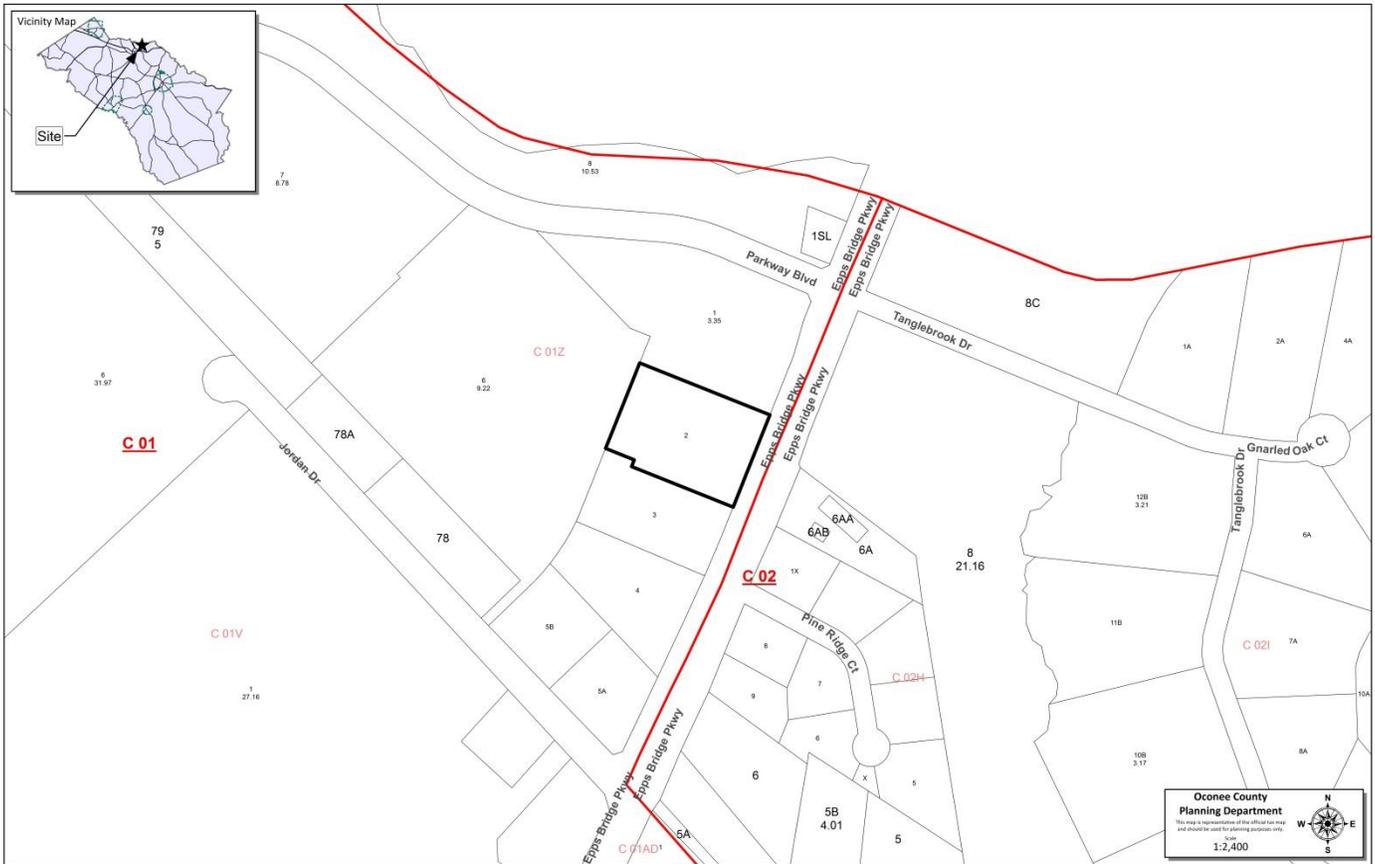


EXHIBIT "A" TO HARDSHIP VARIANCE #6732

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NARRATIVE

Epps Bridge Parkway Lot 2

A Commercial Lot Subdivision
1035 Parkway Place
Athens, Georgia

1.8062 Acres – Tax Parcel # C01Z-002
Hardship Variance Submittal – June 29, 2015

Narrative

Epps Bridge Parkway Lot 2 is an existing commercial lot in the Parkway Shops at Epps Bridge development located at 1035 Parkway Place in Athens, Georgia. The parent parcel exists as 1.8062 acres. Epps Bridge Parkway, LLC. is the current property owner. Mr. Carl Nichols will act as the primary contact. Williams & Associates has been engaged by the owner to act as their agent in the preparation of the necessary hardship variance documentation associated with this request.

The Site

The subject tract fronts on Epps Bridge Parkway for approximately 238 LF. and Parkway Place for approximately 221 LF. The site exists as a pad graded and grassed commercial lot. There are no existing structures on the tract. The topography drops gently from the south to the north with a dividing grade break near the north of the tract. Existing zoning and land uses surrounding the site are as follows: to the north – a commercial shopping center zoned B-2; to the east – Epps Bridge Parkway, a public road; to the south – a restaurant zoned B-2; to the west – Parkway Place, a private street. The Future Development Map 2030 identifies the site with a Future Character Area designation of Regional Center.

The Development

Epps Bridge Parkway, LLC. proposes to divide the tract into two lots. Lot 1 – 0.8085 acres is to be developed as a car wash and Lot 2 – 0.9977 acres shown conceptually as a family restaurant (actual use to be determined at a later date, a restaurant, retail or commercial uses are all currently allowed based on the existing B-2 zoning). Lot 1 is to be developed with a separate access driveway along the adjacent private street and Lot 2 is proposed to use the existing shared driveway.

Water Supply

Existing water services that were installed as part of the Parkway Shops at Epps Bridge project will be utilized for the proposed developments.

Sewage Disposal

Existing sanitary sewer services that were installed as part of the Parkway Shops at Epps Bridge project will be utilized for the proposed developments.

Surface Water Drainage

Concrete curb & gutter, corrugated pipe, grassed and natural waterways will be employed to collect and divert storm water to an existing storm water management facility. Post development run-off will be maintained at predevelopment rates for 2, 5, 10, 25, and 50 year events. The existing storm water management facility will be modified, if necessary, to achieve the required capacity and volume based on hydrological analysis to be performed and submitted with site development plans. Stormwater management will be in compliance with the Oconee County UDC.

Access

Access for Lot 2 will be via a single existing shared driveway from the existing paved private drive. Due to grading constraints, Lot 1 will require a separate driveway for access from the existing paved private drive. This hardship variance request is a result of more than 5 lots having access to the private drive. Currently there are 5 commercial lots that are using the existing private drive for their primary access.

Schools

Impact to schools will be positive by generating an increased positive net tax base without generating more students. There will be favorable initial and ongoing ripple economic impact on the county as a result of this development.

Schedule

The petitioners plan to complete the variance efforts on the subject property by September 2015. The Preliminary Plat and Final Plat for the lot split will be submitted for approval by October 2015. The lot will be made available in the real-estate market immediately upon approval of those plats. The Preliminary Site Plan and Site Development Plans for the development to be located on Lot 1 will be submitted for approval by December 2015. Construction improvements will commence immediately upon approval of these plans. The development and construction of Lot 1 will require a minimum of 4-6 months to complete. Lot 2 is proposed to be developed in a future phase.

Maintenance of Common Areas

There are no additional common areas currently proposed for these developments. Common areas currently exist for the overall Parkway Shops at Epps Bridge. Lots that are developed within the Parkway Shops at Epps Bridge are responsible for sharing in all maintenance of common areas such as private streets, the storm water management facility and other associated common areas.

Landscaping and Buffers

No specific landscaping or buffers are required as part of the variance or lot split. Street trees, parking lot buffers, and parking lot tree plantings will be installed in accordance with the Oconee County UDC and illustrated on the site development plans to be reviewed during the DRC process. Any additional required buffers will be illustrated on site development plans or as directed by Oconee County.

Utilities

All new utilities are proposed to be underground. Portions of the existing utilities located onsite are to be relocated during project construction per the direction of the utility provider. Exact location to be determined during the site development plans approval stage of the project. 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

Concrete sidewalks currently exist adjacent to the site along Epps Bridge Parkway. Additional concrete sidewalks are proposed within the property boundary for the development and are constructed to serve the project and provide access and circulation.

Public & Semi-public Areas

No additional easements are anticipated as part of this request. Easements for power, telephone, cable TV, and gas, if necessary, will be dedicated as required for specific utility construction.

Outdoor Lighting

Box type light fixtures on metal poles will be installed to illuminate the development for safety and security. Lighting will be oriented inward and downward within the proposed development. A lighting plan will be submitted to the Oconee Planning Department illustrating lighting templates and proposed fixtures. This plan will be reviewed during the site development plans approval stage of the project.

Development Valuation

Proposed total value of the project at completion: \$3,000,000.00 (based on the proposed concept plan)

Variance

A Hardship Variance is requested from UDC Sec. 1012.07.A allowing more than 5 lots to be accessed from a private access drive.

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:

- a. 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 existing topography. Currently there exists no other alternative for access to Epps Bridge Parkway other than either more than 5 lots off of a private drive or unnecessary construction methods that will impact the lot's available useable acreage and proposed use.
- b. 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.
- c. 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 with topography challenges and stepped grading. Access to this portion of the property by conventional means would create unnecessary construction demands as opposed to allowing a connection to the existing private access drive that is located directly adjacent to the proposed lot.
- d. 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 more than the maximum allowed 5 lots are located on the private access drive. The private access drive exists to limit access to the more heavily use Epps Bridge Parkway. The variance will provide the flexibility of subdividing the lot without creating the unnecessary hardship of providing an additional access to Epps Bridge Parkway.

LEGAL DESCRIPTION

All that tract, or parcel of land, lying and being in Oconee County, Georgia, G.M.D. 1331, containing 1.806 acres of land, and being more particularly described as:

Beginning at a nail at the intersection of the centerline of Place Parkway (private) and the northerly margin of the right-of-way of Jordan Drive; thence North 33 degrees 14 minutes 45 seconds East, 511.42 feet to a nail in the centerline of Place Parkway; thence North 21 degrees 48 minutes 43 seconds East, 220.61 feet to a nail in the centerline of Place Parkway; thence leaving said centerline, South 68 degrees 14 minutes 50 seconds East, 336.00 feet to an iron pin on the easterly margin of right-of-way of Epps Bridge Parkway; thence along said right-of-way South 21 degrees 46 minutes 30 seconds West, 237.93 feet to an iron pin; thence leaving said right-of-way North 68 degrees 14 minutes 44 seconds West, 262.11 feet to an iron pin; thence North 21 degrees 41 minutes 38 seconds East, 17.41 feet to an iron pin; thence North 68 degrees 19 minutes 22 seconds West, 74.01 feet to the TRUE POINT OF BEGINNING.

PLAT

