

**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 July 24, 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 July 24, 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 222nd & 239th 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.

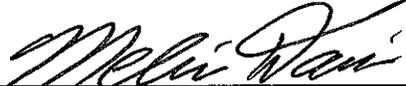
SECTION 2. Severability. It is intended that the provisions of this Ordinance be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Ordinance.

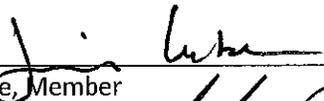
SECTION 3. Effective Date. This Resolution shall take effect this date.

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 October 13, 2015.

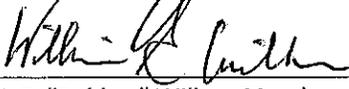
APPROVED, this 13th day of October, 2015.

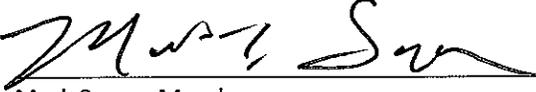
OCONEE COUNTY BOARD OF COMMISSIONERS

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 #6738

Page 2 of 4

NARRATIVE

Bath Property

A Residential Lot Subdivision
5332 High Shoals Road
Bishop, Georgia

43.74 Acres – Tax Parcel # A07-001B
Hardship Variance Submittal – July 27, 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 3 single family residences that are using the existing private drive 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.

An additional 50' access easement will be provided and platted across the existing Bath parcel for access to the private drive.

Traffic

Projected traffic is based on the trip generation rate published by the Institute of Transportation Engineers, *Trip Generation, 8th 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 in October 2015. The Preliminary Plat and Final Plat for the lot split will be submitted for approval by November 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:

- 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 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.
- 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 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 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 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 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.

