

**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 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 BankSouth & PG Real Estate, LLC submitted on December 4, 2013.

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 Alvin L. Bridges, III on December 4, 2013, regarding property owned by BankSouth & PG Real Estate, LLC on a ±1.32 acre tract of land located on the east side of Hog Mountain Road in the 221st G.M.D., Oconee County, Georgia, (TP# B-6K-12A &12AB) the Board of Commissioners of Oconee County does hereby grant the following:

SECTION 1. An 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 409.01, to reduce the minimum setback for a principal building.

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 Resolution be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Resolution.

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 7, 2014.

ADOPTED AND APPROVED, this 7th day of January, 2014.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: *G. Melvin Davis*
G. Melvin Davis, Chairman

Jim Luke
Jim Luke, Member

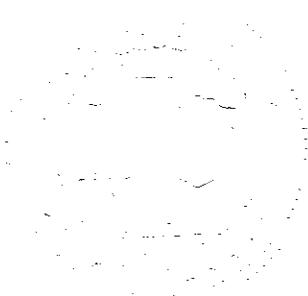
John Daniell
John Daniell, Member

Margaret S, Hale, Member

Mark Saxon
Mark Saxon, Member

ATTEST:

Jane Greathouse
Jane Greathouse
Clerk, Board of Commissioners



SPECIAL EXCEPTION VARIANCE NARRATIVE

BankSouth is the owner of real property located at 1741 Hog Mountain Road, Watkinsville, Georgia 30677 being tax parcel B 06K 012A. PG Real Estate, LLC is the owner of adjacent property being tax parcel B 06K 012B. BankSouth acquired the property through foreclosure. Parcel B 06K 012A is currently vacant and listed for sale with Carriage House Realty. Parcel B 06K 012B is currently used as a physical therapy office. BankSouth desires to sell Parcel B 06K 012A, however, it has been able to do so because the subject property is not in compliance with applicable Oconee County zoning requirements. There are currently several interested purchasers, but they are waiting on resolution of the zoning issues before making offers on the property.

The need for the requested variances arises due to the fact that the original developer of the subject properties filed a forged plat which established property boundary lines which were not approved by the Oconee planning department and are not in compliance with the Oconee County Unified Development Code. The forged plat was not discovered until after the properties had been conveyed. Because of the forged plat, the subject properties do not meet required minimum setbacks for the principal building as is required by Oconee County Unified Development Code Section 409.01. Specifically, the building located on Parcel B 06K 012A is 19.15 feet from the front property line (20 feet required) and approximately 5 feet from the side property line (10 feet required). The building located on Parcel B 06K 012B is 2.51 feet from the side property line (10 feet required). Additionally, the subject properties do not meet the off street parking setback required by Oconee County Unified Development Code Section 607.04(b) because the off street parking is on the property line when a 5 foot setback is required.

The granting of the requested variances would not cause substantial detriment to the public good because the proposed variances are for buildings that are already constructed and primarily concern the boundary line between the two properties. The granting of the

variances will actually cause a substantial increase to the public good by allowing the portion of the subject property owned by BankSouth to be sold to an end user and occupied instead of sitting vacant. Additionally bringing the portion of the subject property owned by PG Real Estate, LLC into compliance with zoning will ensure that it can continue to be used productively. Additionally, the granting of the variance will relieve the hardship imposed on both property owners which is a direct result of the forged plat created by the prior developer of the subject properties.

The granting of these variances would not be injurious to the environment because it will not alter existing conditions on the subject property, nor will the granting of these variances be injurious to other property in the immediate area because these variances primarily concern the boundary line between the two subject properties and concern buildings that are already constructed.

The granting of these variances will also likely increase the property values of nearby property owners because the portion of the subject property owned by BankSouth will likely become occupied, thus increasing property values along this corridor and the portion of the subject property owned by PG Real Estate, LLC will continue to be able to be productively used.

The granting of these variances does not impair the purpose and intent of the Oconee County Unified Development Code because (a) the need for the variances arises due to a legal issue, not a change in the proposed use of the properties, (b) the failure to comply with the Oconee County Unified Development Code was caused by actions of the prior developer, not the current property owners, and (c) the variances primarily concern the boundary line between the subject properties.

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the 221st G.M.D., Oconee County, being described as follows: Beginning at an iron pin located north 76 degrees 43 minutes 52 seconds East 65.10 feet from the centerline intersection of Hog Mountain Road and Arrowhead Road, thence along the right of way of Hog Mountain Road North 35 degrees 43 minutes 29 seconds east 159.49 feet to an iron pin found, thence south 50 degrees 57 minutes 57 seconds east a distance of 119.81 feet to a point, thence North 36 degrees 40 minutes 49 seconds east 39.95 feet to an iron pin found, thence South 53 degrees 22 minutes 13 seconds east 190.14 feet to an iron pin found, thence south 36 degrees 24 minutes 37 seconds west 6.72 feet to an iron pin found, thence south 36 degrees 39 minutes 59 seconds west 153.24 feet, thence south 36 degrees 34 minutes 55 seconds west 49.99 feet to an iron pin found, thence north 50 degrees 28 minutes 29 seconds west 307.73 feet to the point of beginning.

TAX MAP



DEVELOPMENT PLAN

