

**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 Bobby S. Ward and Lisa Ward submitted on May 19, 2020.

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 Bobby S. Ward and Lisa Ward on May 19, 2020, regarding a ±0.75-acre tract of land located north of Mars Hill Road and south of Fieldstone Road in the 1331st G.M.D., Oconee County, Georgia, (tax parcel no. C-01E-035), 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 to reduce the rear setback for an accessory structure and to allow an accessory building exceeding 1,000 square feet of gross floor area.

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 the same at its regular meeting on August 4, 2020.

ADOPTED AND APPROVED, this 4th day of August, 2020.



OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

Vacant, Member

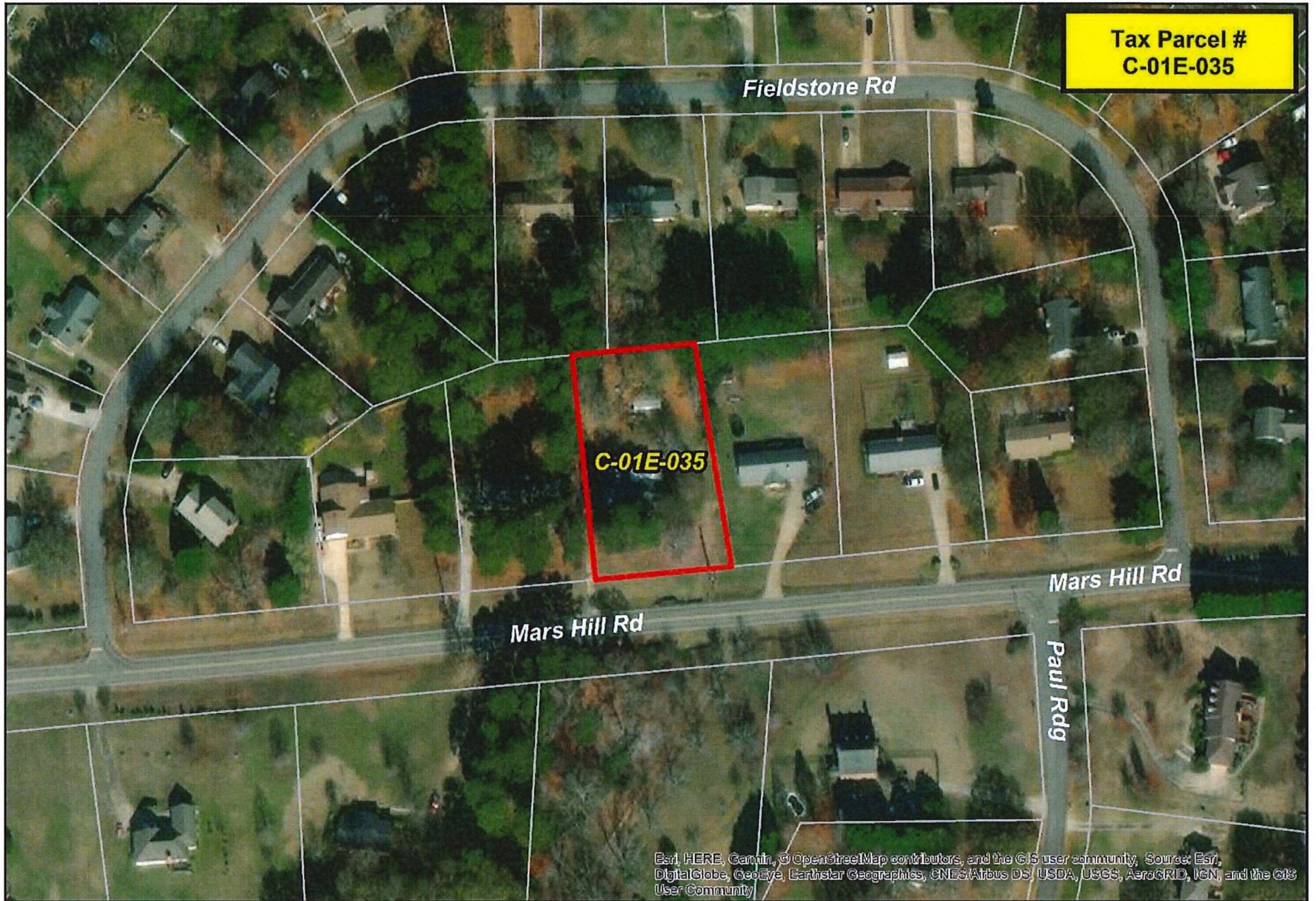
Mark Saxon, Member

ATTEST:

Kathy Hayes
Kathy Hayes
Clerk, Board of Commissioners

TAX MAP

Variance # P20-0105 - Ward



Tax Parcel #
C-01E-035

C-01E-035

Fieldstone Rd

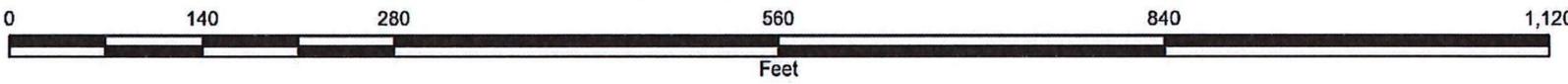
Mars Hill Rd

Mars Hill Rd

Paul Rdy

Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1:1,500



NARRATIVE

Oconee County Special Condition Variance Request

We are petitioning the Oconee County Board of commissioners to grant a variance due to the special conditions of the property in which we intend to build a shop / storage building.

The site we have chosen is the only site on the property that is not subject to flooding during heavy rain.

The proposed position of the structure site has been chosen with care. A pair of Red-tailed hawks have taken up permanent residence in an oak tree on the property and claimed it as their nesting site.

With the variance the proposed site location the nesting tree would not be in the construction area and would not be disturbed during the construction of this project.

As stated this area is preserved for the Hawk family and many other birds and wildlife in this area.

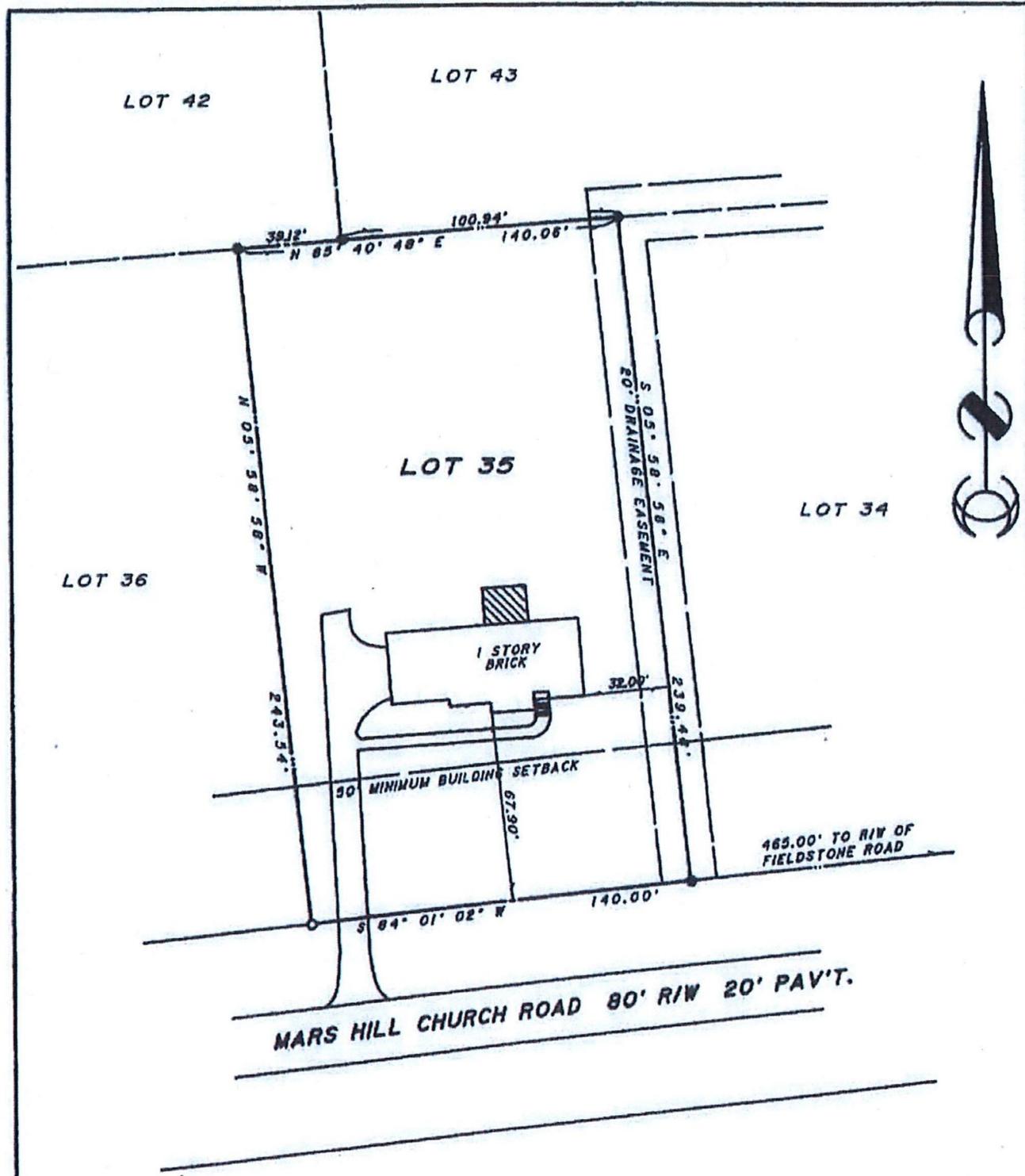
We are asking for the variance to include a 10 foot setback on the rear line instead of the 40 foot as this will allow the building to be positioned in-between the property line and oak tree that the Red Tailed Hawk are nesting in.

The site chosen will be 10 foot from the sideline and 10 foot from the back line of the property.

We are also requesting a variance on the square footage of building that is being proposed. Requesting a 30' x 40' building to be placed in the North West corner of this ¾ acre lot.

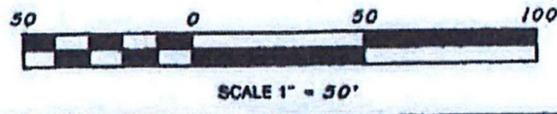


PLAT



REF. 1
 PLAT BOOK 09 PAGE 170
 STREET ADDRESS 1
 2920 MARS HILL CHURCH ROAD

LOT 35,
 FIELDSTONE SUB'D.



Clerk of Superior Court
 Oconee County, Georgia
 Filed For Record At 3:45 P.M.
 November 2, 1990
 Sandra C. Glass
 Clerk

THIS LOT IS NOT LOCATED IN A 100
 YEAR FLOOD PLAIN
Ray N. Woods
 Georgia Registered Land Surveyor No. 2049

- IPF - Iron Pin Found
- IPS - Iron Pin Set
- ⊙ - Traverse Point

I hereby certify, this plat is a correct representa-
 tion of the land platted and has been prepared in
 conformity with the minimum standards and re-
 quirements of law.

Ray N. Woods
 Georgia Registered Land Surveyor No. 2049

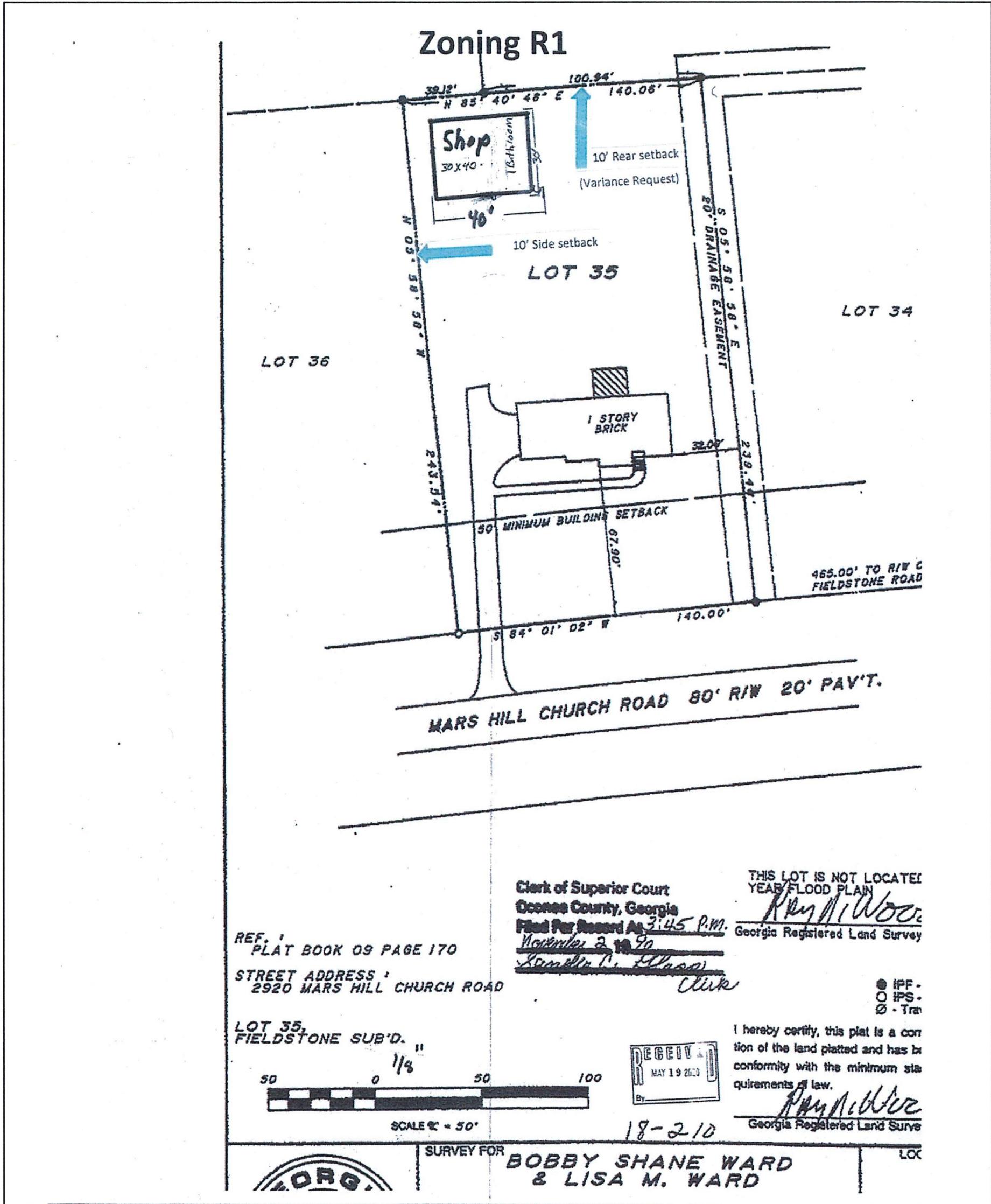


SURVEY FOR BOBBY SHANE WARD & LISA M. WARD				
GMO: 1331	COUNTY OCONEE	STATE GA	DATE 10 - 25 - 90	
THEODOLITE	DISTANCE EQUIP	CLOSURE	ANGLE CLOSURE	DRAWN BY MIKE V.
SURVEYED BY: RAY N. WOODS LAND SURVEYOR WINTERVILLE, GEORGIA 30683 (404) 742-8586				FIELD-BOOK # 188

LOCATION MAP

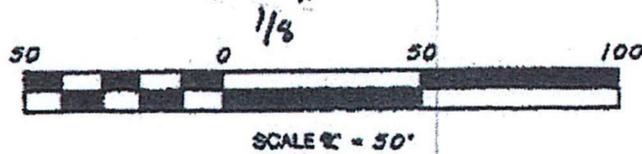
18-210

CONCEPT PLAN



REF. :
 PLAT BOOK 09 PAGE 170
 STREET ADDRESS :
 2920 MARS HILL CHURCH ROAD

LOT 35,
 FIELDSTONE SUB'D. "

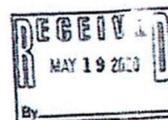


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 Sandra C. Glasson
 Clerk

THIS LOT IS NOT LOCATED
 YEAR FLOOD PLAN
 Ray N. Wood
 Georgia Registered Land Survey

- IFF -
- IPS -
- ⊗ Tran

I hereby certify, this plat is a portion of the land platted and has been in conformity with the minimum state requirements of law.



Ray N. Wood
 Georgia Registered Land Survey

18-210



SURVEY FOR
**BOBBY SHANE WARD
 & LISA M. WARD**

LOC



**Planning Department
Oconee County, Georgia
STAFF REPORT**

VARIANCE CASE #: P20-0105

DATE: July 21, 2020

STAFF REPORT BY: Grace Tuschak, Senior Planner
Monica Sagastizado, Planner

APPLICANT NAME: Bobby S. Ward and Lisa Ward

PROPERTY OWNER: Bobby S. Ward and Lisa Ward

LOCATION: 2920 Mars Hill Road

PARCEL SIZE: ±0.75 acres

EXISTING ZONING: R-1 (Single-Family Residential)

EXISTING LAND USE: Single-family residential

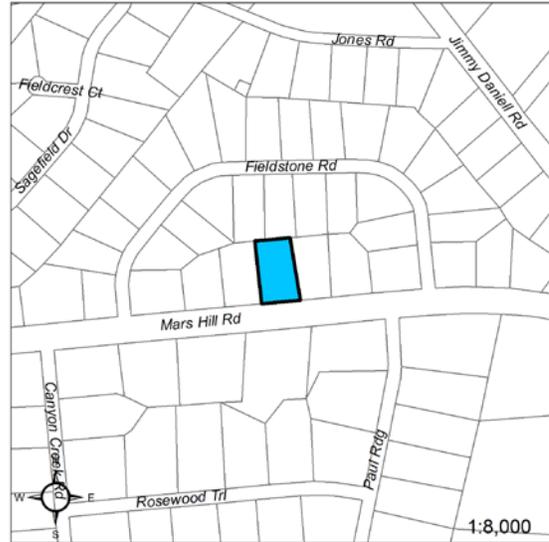
TYPE OF VARIANCE REQUESTED: Special Exception Variance

REQUEST SUMMARY: The property owner is requesting a special exception variance from UDC Section 410.01.c.2 and Section 347.02.a to reduce the rear setback from 40 feet to 10 feet for placement of a 1200-square foot shop/storage building as shown on associated concept plan and representative images.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: August 4, 2020

ATTACHMENTS: Application
Narrative
Plat
Representative Images
Aerial Imagery
Zoning Map
Future Development Map
Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property was rezoned from AG (Agricultural District) to R-1 (Single Family Residential District) on 12/04/1984 for the construction of the Fieldstone subdivision
- A single family home was built on the property in 1986

VARIANCE DESCRIPTION

- The owner is requesting relief from Section 410.01.c.2 and Section 347.02.a of the Unified Development Code:
 - ***Section 410.01.c.2 – Minimum Setbacks; accessory buildings and structures***
Accessory buildings having a floor area greater than 144 square feet must comply with the same setbacks as required for principal buildings in each zoning district; provided that no such accessory building may be located in the front yard of a lot unless the lot itself is 3 acres or more in size.
 - ***Section 347.02.a – Size Limitations; Provisions relating to all accessory uses***
Any accessory building to a residence in a residential zoning district that exceeds 1,000 square feet of gross floor area must have special exception variance approval by the Board of Commissioners as to the location, architectural design, and size prior to commencing construction.
- The owner is proposing to reduce the rear setback from 40 feet to 10 feet for placement of a 1200-square foot shop/storage building as shown on associated concept plan and representative images.

PUBLIC FACILITIES

- County services, facilities, and infrastructure should not be affected by the present request

ENVIRONMENTAL

- No 100-year floodplain, state waters or jurisdictional wetland areas are known to exist on the site

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR SPECIAL EXCEPTION VARIANCE APPROVAL” AS SET FORTH IN SECTION 1303.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

Special exception variances may be granted upon findings that if granted, the relief will not cause an occurrence of any of the following:

a. Cause a substantial detriment to the public good:

No significant negative impact to the tax base or to nearby public infrastructure, schools, or environmentally sensitive areas should result from approval of the present request. Staff holds that approval of the present request should not cause any substantial detriment to the public good.

b. Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:

The surrounding area is primarily single-family residential and staff holds that the proposed accessory building size and location should not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity.

c. Diminish and impair property values within the surrounding neighborhood:

Staff holds that it is unlikely that the requested building size and location would significantly impair property values in the surrounding area.

d. Impair the purpose and intent of this Development Code:

The intent of UDC Section 410.01.c.2 and 347.02.a is to ensure adequate separation of buildings from adjoining properties and appropriate scale of buildings in residential areas in order to promote public safety, maintain privacy, and encourage orderly and aesthetically pleasing development. Staff holds that the proposed building size and location should not impair the purpose and intent of the UDC.

STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for special exception variance approval, this request **meets all necessary conditions to grant a special exception variance** and staff recommends the special exception variance be approved **as submitted.**



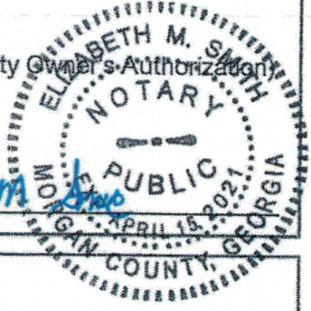
OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- Hardship Variance
- Appeal of Administrative Decision
- Flood Damage Prevention Variance

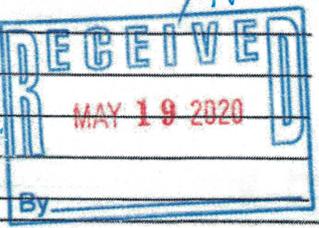
Special Exception for: building size and setback reduction BSW

Applicant Name: <u>Bobby S. Ward / Lisa Ward</u> BSW Address: <u>2920 Mars Hill Rd</u> <small>(No P.O. Boxes)</small> <u>Watkinsville GA 30677</u> Telephone: <u>706 540 2688</u> Email: <u>wardsiane@att.net</u>	Property Owner Name: <u>Bobby S. Ward / Lisa Ward</u> BSW Address: <u>2920 Mars Hill Rd</u> <small>(No P.O. Boxes)</small> <u>Watkinsville GA 30677</u> Telephone: <u>706 540 - 2688</u>
Applicant is (check one): <input checked="" type="checkbox"/> the Property Owner <input type="checkbox"/> Not the Property Owner (attach Property Owner's Authorization)	
Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.	
Signature: <u>Bly S. Ward</u> Date: <u>3-4-20</u> Notarized: <u>[Signature]</u>	



Property Location: <u>2920 Mars Hill Rd</u> Tax Parcel Number: <u>C 01E 035</u> Size (Acres): <u>3/4A</u> Current Zoning: <u>R1</u> Future Development Map—Character Area Designation: <u>suburban neighborhood</u> BSW	Use Current Use: <u>Residential</u> Proposed Use: <u>Residential</u>
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Attachments (check all that apply) <ul style="list-style-type: none"> <input type="checkbox"/> Property Owner's Authorization (if applicable) <input type="checkbox"/> Application Fee <input type="checkbox"/> Warranty Deed(s), Legal Description, & Plat of Survey <input type="checkbox"/> Disclosures <input type="checkbox"/> Maps or Drawings Illustrating Variance Request <input type="checkbox"/> Narrative Statement Explaining Variance Request <input type="checkbox"/> Concept Plan 	Appeal or Variance Requested <small>Provide the code section and briefly explain the requested variance</small> <u>To reduce the rear setback</u> <u>(UDC Section 410.01.c.2) and to place</u> <u>an accessory building</u> <u>over 1000 sq. ft in a</u> <u>residential zoning</u> <u>district.</u> <u>(UDC Sec. 347.02.a)</u>
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<small>For Oconee County Staff Use Only</small>	
Application Date Received: _____ Date Accepted: _____ DRI Transmitted to RDC <input type="checkbox"/> Date: _____ <input type="checkbox"/> N/A Review Submitted: _____ Location Map: _____ Posted: _____ Ad: _____ Ad: _____ Application Withdrawn <input type="checkbox"/> Date: _____	Action APPLICATION NUMBER <input style="width: 100px;" type="text"/> Administrative Appeal: Date: _____ <input type="checkbox"/> Approved <input type="checkbox"/> With Conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A Board of Commissioners Date: _____ <input type="checkbox"/> Approved <input type="checkbox"/> With Conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A

Oconee County Special Condition Variance Request

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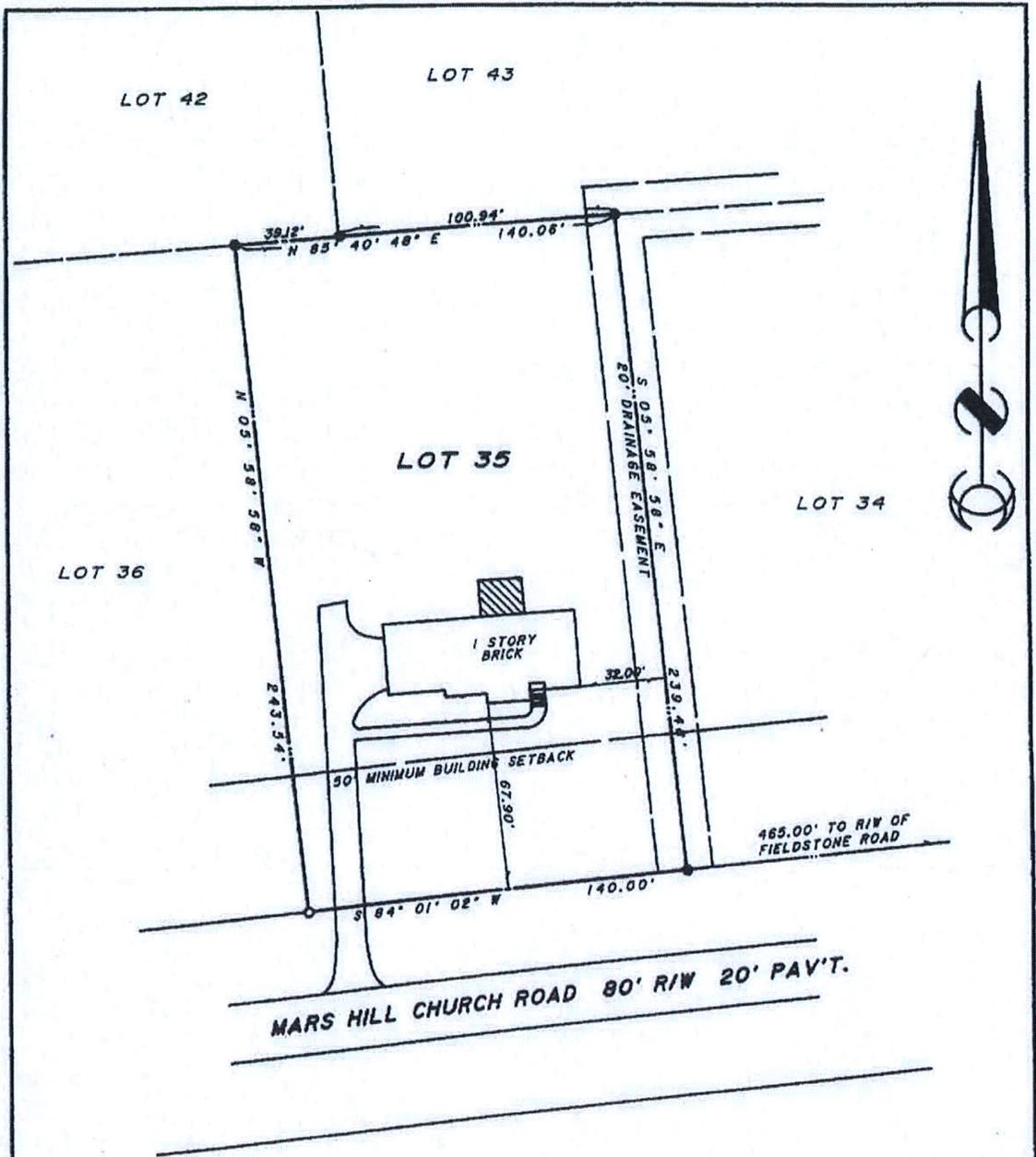
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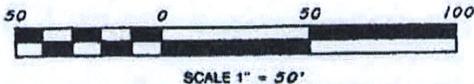
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LOT 35,
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 Oconee County, Georgia
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 November 2, 1990
 Sandra C. Glass
 Clerk

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Ray N. Woods
 Georgia Registered Land Surveyor No. 2049

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Ray N. Woods
 Georgia Registered Land Surveyor No. 2049

	SURVEY FOR BOBBY SHANE WARD & LISA M. WARD				LOCATION MAP
	GMD: 1331	COUNTY OCONEE	STATE GA	DATE 10 - 25 - 90	
	THEODOLITE	DISTANCE EQUIP	CLOSURE	ANGLE CLOSURE	DRAWN BY MIKE W.
	SURVEYED BY: RAY N. WOODS LAND SURVEYOR WINTERVILLE, GEORGIA 30683 (404) 742-8586				FIELD-BOOK # 188

18-210



Variance # P20-0105 - Ward

**Tax Parcel #
C-01E-035**

C-01E-035

Fieldstone Rd

Mars Hill Rd

Mars Hill Rd

Paul Rdg

Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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0 140 280 560 840 1,120

Feet



Zoning

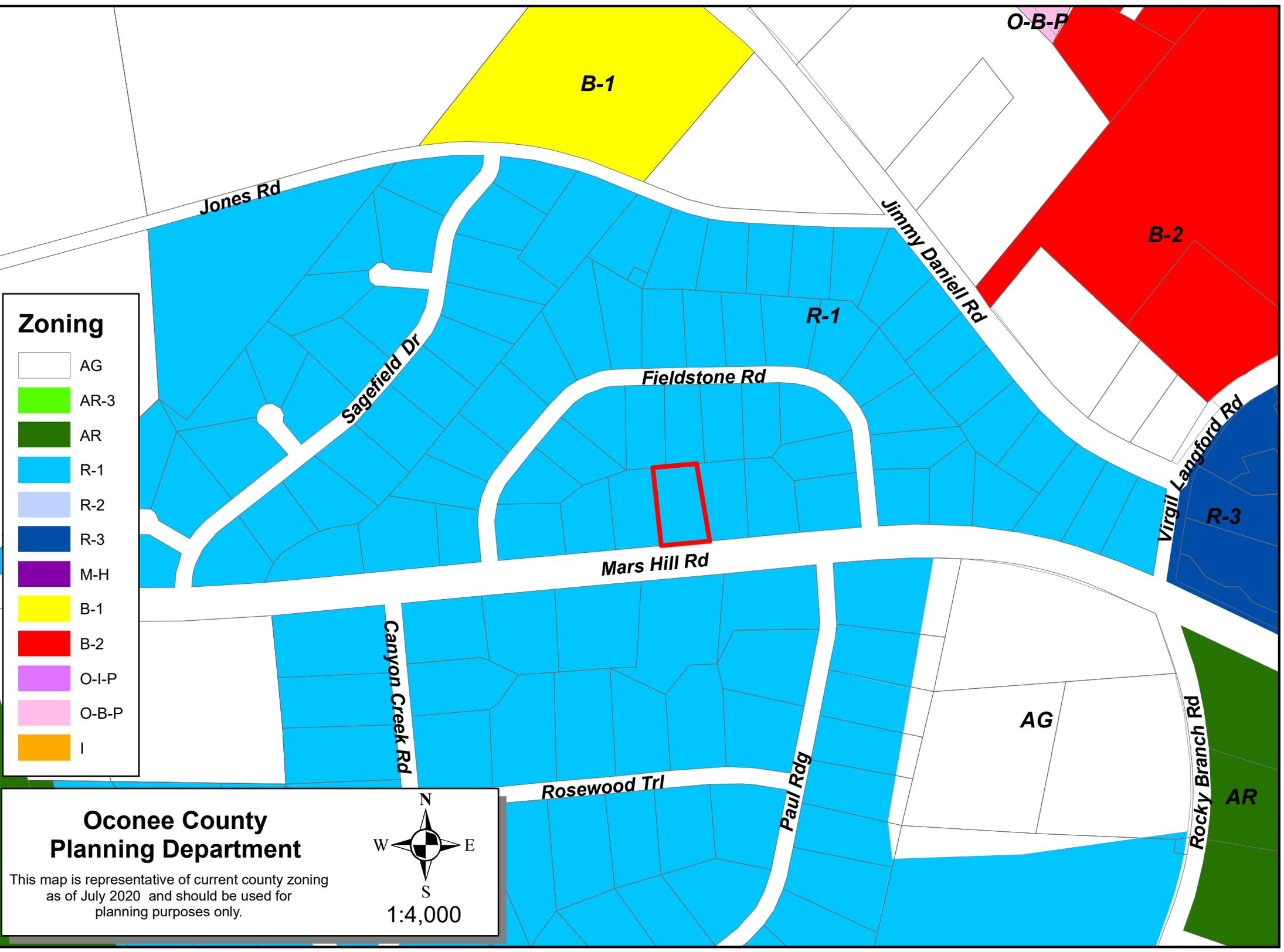
	AG
	AR-3
	AR
	R-1
	R-2
	R-3
	M-H
	B-1
	B-2
	O-I-P
	O-B-P
	I

**Oconee County
Planning Department**

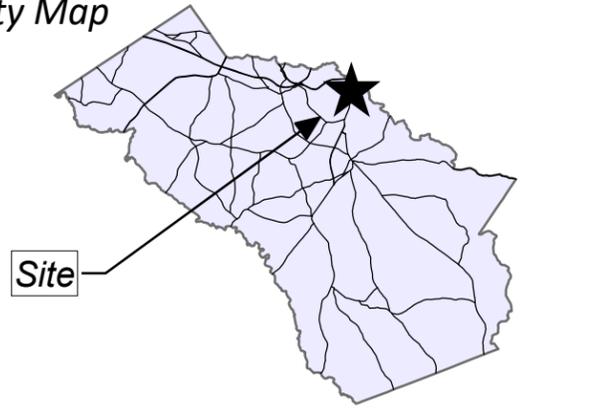
This map is representative of current county zoning as of July 2020 and should be used for planning purposes only.



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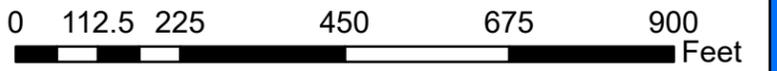
Vicinity Map



Oconee County Planning Department

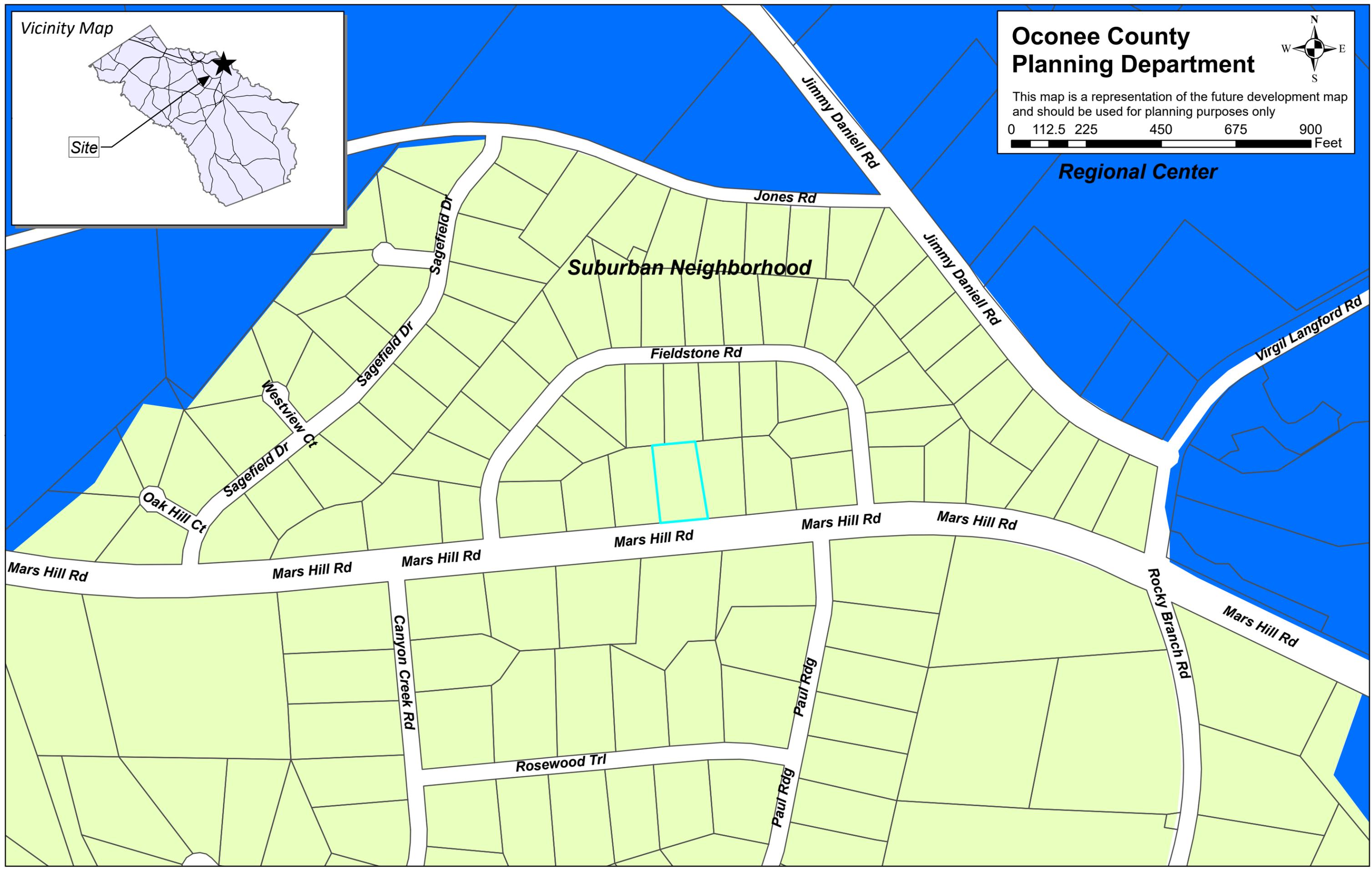


This map is a representation of the future development map and should be used for planning purposes only



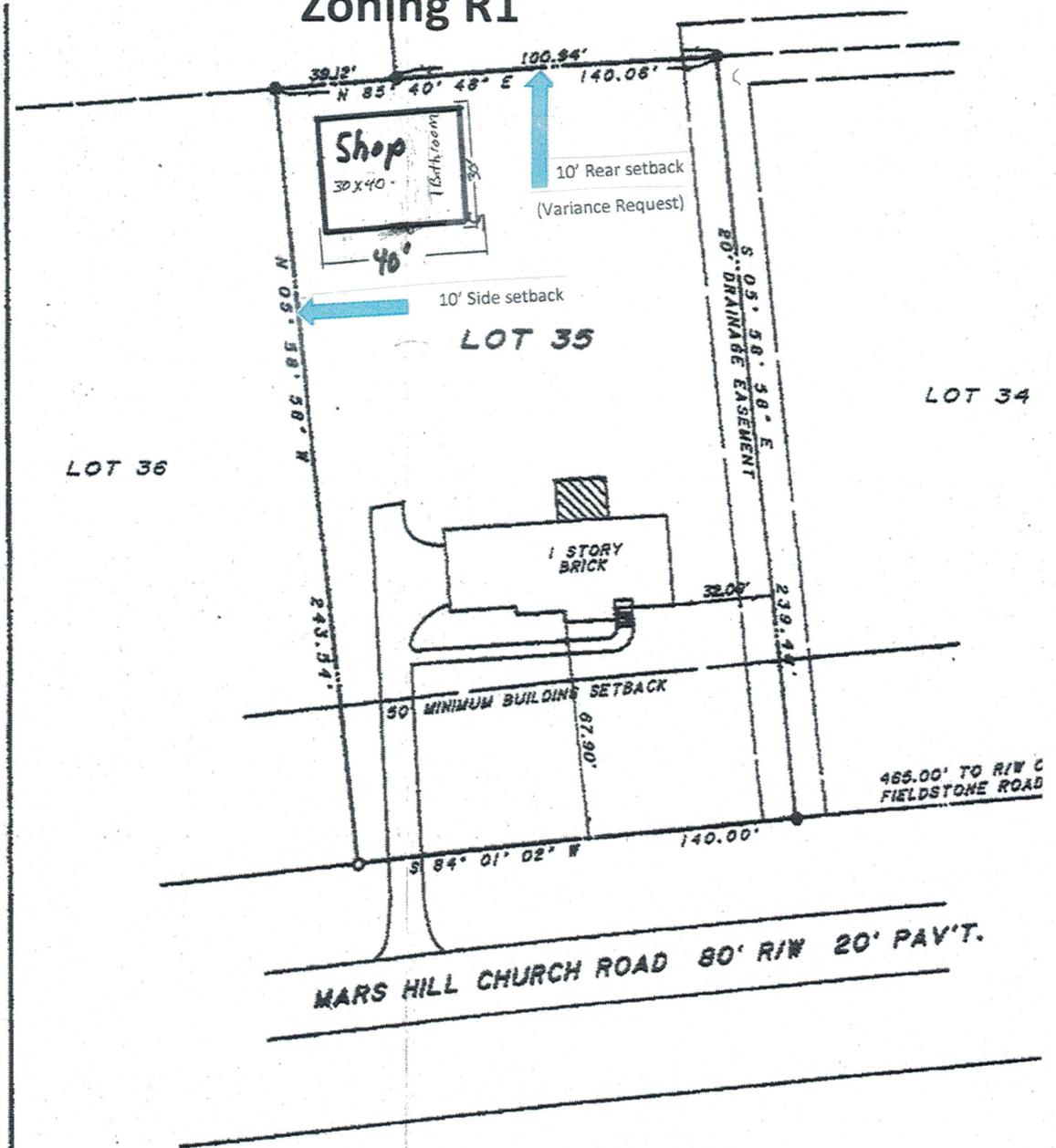
Regional Center

Suburban Neighborhood



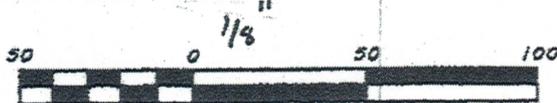
Special Exception Variance Concept Plan

Zoning R1



REF. 1
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I hereby certify, this plat is a con-
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18-210

SURVEY FOR

**BOBBY SHANE WARD
& LISA M. WARD**

LOK