

**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 DeLoache Investments, LLC submitted on July 2, 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 DeLoache Investments, LLC on July 2, 2020 regarding a ±0.87-acre tract of land located at the intersection of North Macon Hwy and Athens Ridge Boulevard in the 221st G.M.D., Oconee County, Georgia, (tax parcel no. C-03-014AA), 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 allow for the reduction of the side 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 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
John Daniell, Chairman

Mark Thomas
Mark Thomas, Member

Chuck Horton
Chuck Horton, Member

Vacant
Vacant, Member

Mark Saxon
Mark Saxon, Member

ATTEST:

Kathy Hayes
Kathy Hayes
Clerk, Board of Commissioners



TAX MAP

Variance # P20-0126 - DeLoache Investments



Tax Parcel #
C-03-014AA

C-03-014AA

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1:1,500 0 140 280 560 840 1,120
Feet



NARRATIVE

DeLoache investments /Behavioral Safety is are Oconee county business's. Behavioral Safety was started in Watkinsville Ga approximately 10 years ago

It is owned by David and Lee DeLoache both Oconee county residents.

Approximately 1.5 years ago David and Lee decided to build a new office building to house the business of Behavioral Safety

We purchased .87 acres from Nations Church which was the north end of their unused parking lot that was not being taxed.

We developed a plan for a small office building (2 pictures enclosed). We now have a very nice office building to house Behavioral Safety.

The building backs up to a piece of property owned by Nations Church for their septic drain field.

We are requesting a variance to push into the building setback line to 2'-3-7/8" at the wooden deck and 5'-2" at the exit stairs (2 pictures enclosed)

The encroachment does not appear to impact Nations Church property or any other. We have an excellent working relationship with Nations church. (see letter)

Respectfully

Lee and David Deloache

LEGAL DESCRIPTION

EXHIBIT "A"
Legal Description

Street Address: portion of 8780 Macon Highway, Athens, Oconee County, Georgia 30606.

Tax Map-Parcel No: portion of C-03-014A

All that tract or parcel of land lying and situate in the 221st G.M.D of Oconee County, Georgia, designated as Tract A, containing 0.87 acres, according to a final plat of survey for Behavioral Safety Products, dated March 28, 2018, prepared by Matthew D. Ulmer, Ga. R.L.S. No. 3069, Baseline Surveying & Engineering, Inc., and recorded in Plat Book 2018, at Page 61, P2018000061, in the Office of the Clerk of Superior Court of Oconee County, Georgia, which plat is incorporated herein by this reference for a more complete description, being a portion located in the northeast corner of the Nations Church property, and being more particularly described as follows:

Beginning at a nail found at the intersection of the easterly right of way line of Old Macon Highway, a.k.a. Old U.S. 441, with the southerly right of way of Athens Ridge Boulevard, thence South 68° 03' 50" East along the southerly right of way line of Athens Ridge Boulevard a distance of 196.02 feet to an iron pin; thence South 20° 15' 15" West a distance of 191.63 feet to an iron pin; thence North 67° 30' 52" West a distance of 200.86 feet to an iron pin set on the easterly right of way line of Old Macon Highway, a.k.a. Old U.S. 441, thence North 21° 21' 08" East along the easterly right of way line of Old Macon Highway a distance of 137.53 feet to a monument marking the Bell South easement; thence continuing North 21° 39' 55" East along the easterly right of way line of Old Macon Highway a distance of 19.96 feet to a monument marking the Bell South easement; thence continuing North 23° 10' 26" East along the easterly right of way line of Old Macon Highway a distance of 32.15 feet to the point of beginning.

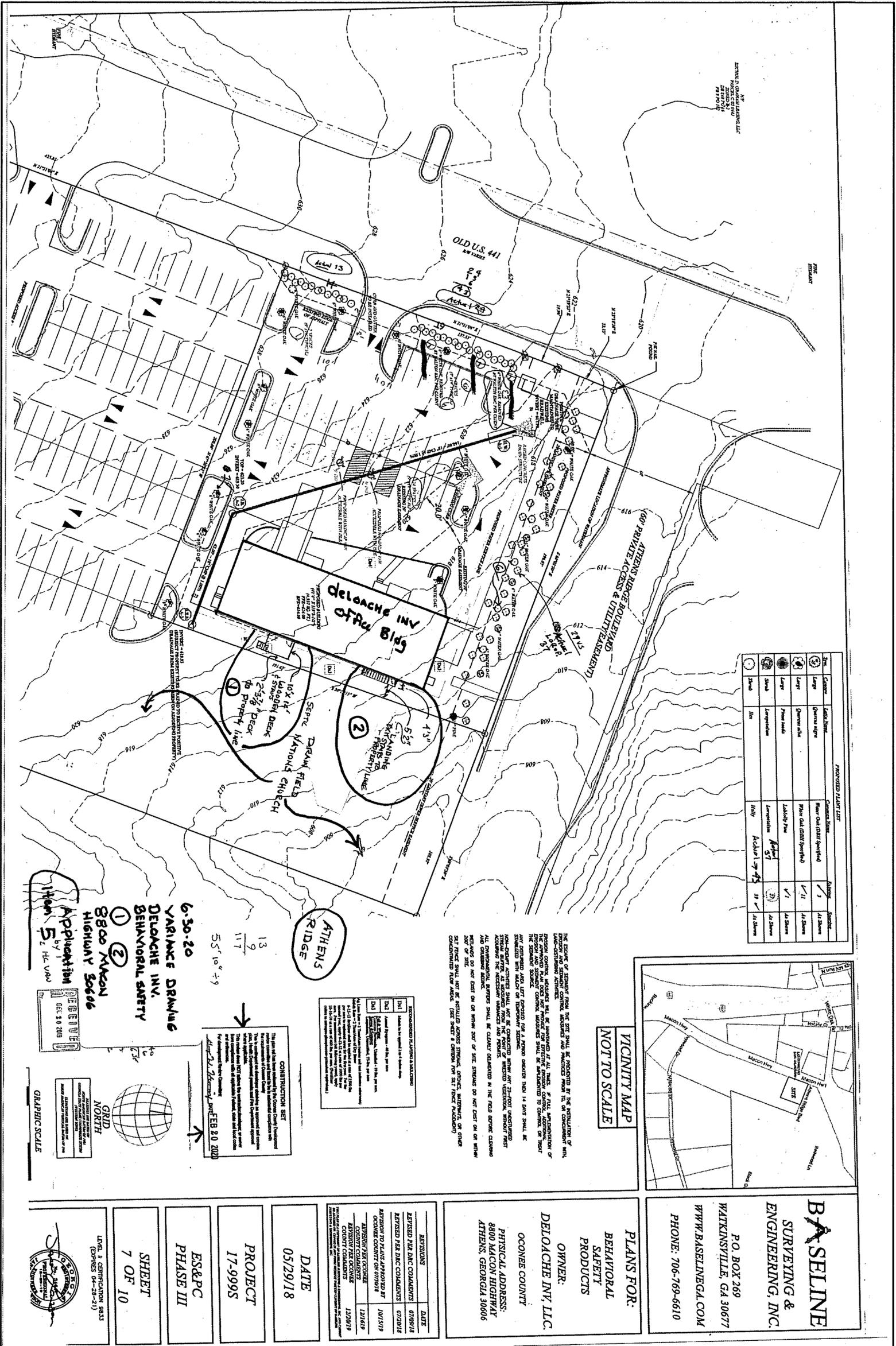
The property is conveyed subject to and benefitting from a 20' sanitary sewer easement as shown on the aforementioned plat of survey.

The property is conveyed subject to a 20' landscape easement as shown on the aforementioned plat of survey.

The property is conveyed subject to an easement in favor of Bell South as shown on the aforementioned plat of survey.

The property is conveyed subject to a 20' drainage easement as shown on the aforementioned plat of survey, which drainage is to be relocated per Grantee's construction plans.

CONCEPT PLAN





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

VARIANCE CASE #: P20-0126

DATE: July 21, 2020

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

APPLICANT NAME: DeLoache Investments, LLC

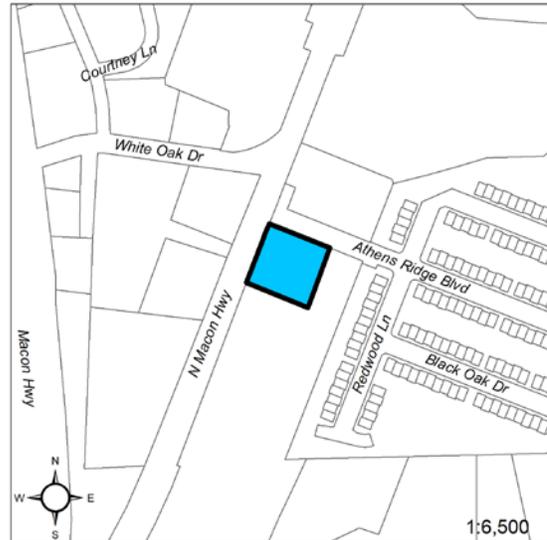
PROPERTY OWNER: DeLoache Investments, LLC

LOCATION: 8800 Macon Hwy

PARCEL SIZE: ±0.87 acres

EXISTING ZONING: OIP (Office Institutional Professional)

EXISTING LAND USE: Office/Warehouse



TYPE OF VARIANCE REQUESTED: Special Exception Variance

REQUEST SUMMARY: The property owner is requesting a reduction in the side principal building setback to accommodate existing exit stairs and deck.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: August 4, 2020

ATTACHMENTS:

- Application
- Narrative
- Plat
- Letter from Nations Church
- Images of Property
- Aerial Imagery
- Zoning Map
- Future Development Map
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- A conditional use permit and rezone to OIP was approved on 07/05/2005 to allow for construction of a community scale church
- A rezone to OIP with modifications to rezone #4523 was approved on 11/07/2017 to allow for the construction of two office buildings over a portion of the existing parking area belonging to the Church of the Nations
- Site Development Plans for the office building were approved on 07/30/2018 and construction is complete (see attached images of property)

VARIANCE DESCRIPTION

- The owner is requesting to reduce the side setback to allow for two sets of existing exit stairs and a deck along the rear of the office building. If granted, the side setback would be reduced from 10' to 2'3.78" at the wooden deck and from 10' to 5'2" at the exit stairs as shown on the associated variance drawing.
 - *Section 409.01 – Setback requirements*
All principal buildings on a lot shall be set back from the street right-of-way lines and from the side and rear lot lines bounding the lot no less than the distances shown on Table 4.1.
 - *Table 4.1: Dimensional Requirements by Zoning District*

| MINIMUM PRINCIPAL BUILDING SETBACK (FT) ¹⁰ | | AG | AR-3 | AR | R-1 | R-2 ¹¹ | R-3 ¹² | M-H | OIP | B-1 | B-2 |
|---|-------------------------|----|------|----|-----|-------------------|-------------------|-----|-----|-----|-----|
| Front (measured from ROW) | From major thoroughfare | 40 | 40 | 40 | 40 | 35 | 30 | 40 | 20 | 20 | 20 |
| | From minor street | 30 | 30 | 30 | 30 | 25 | 25 | 30 | 15 | 20 | 15 |
| Side | | 25 | 15 | 15 | 10 | 10 | - | 10 | 10 | 10 | 10 |
| Rear | | 25 | 40 | 40 | 40 | 40 | 15 | 40 | 10 | 10 | 10 |

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 impacts 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 a mixture of institutional, residential, commercial and light industrial. The requested reduction in the side setback should not be injurious to the use and enjoyment of the environment or 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 setback reduction 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 is to ensure adequate separation of buildings from adjoining properties in order to promote public safety, maintain privacy, and encourage orderly and aesthetically pleasing development. Staff holds that the proposed setback reduction should still provide adequate building separation and that the present request 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**.

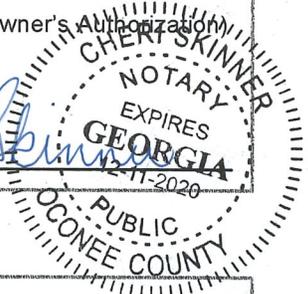


OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- Hardship Variance
- Appeal of Administrative Decision
- Flood Damage Prevention Variance
- Special Exception for: ENCROACHMENT over building line but not over property line

| | |
|---|---|
| Applicant Name: <u>DeLoache Investments</u> Address: <u>8800 Macon Highway</u> <small>(No P.O. Boxes)</small> Telephone: <u>478 731 1493</u> Email: <u>lee@besakpro.com</u> | Property Owner <u>DeLoache Inv. LLC</u> Name: <u>David and Lee DeLoache</u> Address: <u>SAME</u> <small>(No P.O. Boxes)</small> Telephone: <u>Same</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>[Signature]</u> Date: <u>6/24/20</u> Notarized: <u>Cheri Skinner</u> | |



| | |
|--|--|
| Property Location: <u>8800 Macon Highway</u> Tax Parcel Number: <u>C-03-014 AA 1st</u> Size (Acres): <u>.87</u> Current Zoning: <u>OIPR</u> Future Development Map—Character Area Designation: <u>Community Village</u> | Use Current Use: <u>Office/Warehouse</u> OIPR Proposed Use: <u>Same</u> <u>Community Village</u> |
|--|--|

| | |
|---|---|
| Attachments (check all that apply) <ul style="list-style-type: none"> <input type="checkbox"/> Property Owner's Authorization (if applicable) <input checked="" type="checkbox"/> Application Fee <input type="checkbox"/> Warranty Deed(s), Legal Description, & Plat of Survey <input type="checkbox"/> Disclosures <input checked="" 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 <i>Provide the code section and briefly explain the requested variance</i> <u>To allow for a 10' X 14' deck + steps which encroach on the building line but not the property line</u> <u>Reduce building line from 10' to 0'00' (0'00') at wood deck</u> <u>2'3 7/8" and 5'2" @ EXIT STAIRS</u> |
|---|---|

P20-0126

Narrative : DeLoache Inv 8800 Macon highway 30606

DeLoache investments /Behavioral Safety is are Oconee county business's. Behavioral Safety was started in Watkinsville Ga approximately 10 years ago
It is owned by David and Lee DeLoache both Oconee county residents.

Approximately 1.5 years ago David and Lee decided to build a new office building to house the business of Behavioral Safety

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The encroachment does not appear to impact Nations Church property or any other. We have an excellent working relationship with Nations church. (see letter)

Respectfully
Lee and David DeLoache



July 1, 2020

To Whom It May Concern,

This letter is to state that we have a good relationship with Behavioral Safety Products/Deloach Investments. I realize there are guidelines in place to protect neighboring properties, but we have an excellent relationship with Mr. Deloach and have no issues with the current state of their facilities which are located next to our church campus.

Specifically, we do not have an issue with the deck on the back of their property. It is currently 2 feet 3.78 inches from our actual property line and we have no issue with this distance. Also, the landing from the stairs is 5 feet 2 inches from our property line and we don't have an issue with this either. We also do not foresee these distances being an issue in the future as far as we are concerned.

Thank you for your consideration,

Mike Holt
Lead Pastor









Variance # P20-0126 - DeLoache Investments

**Tax Parcel #
C-03-014AA**

C-03-014AA

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1:1,500

0 140 280 560 840 1,120

Feet



Zoning

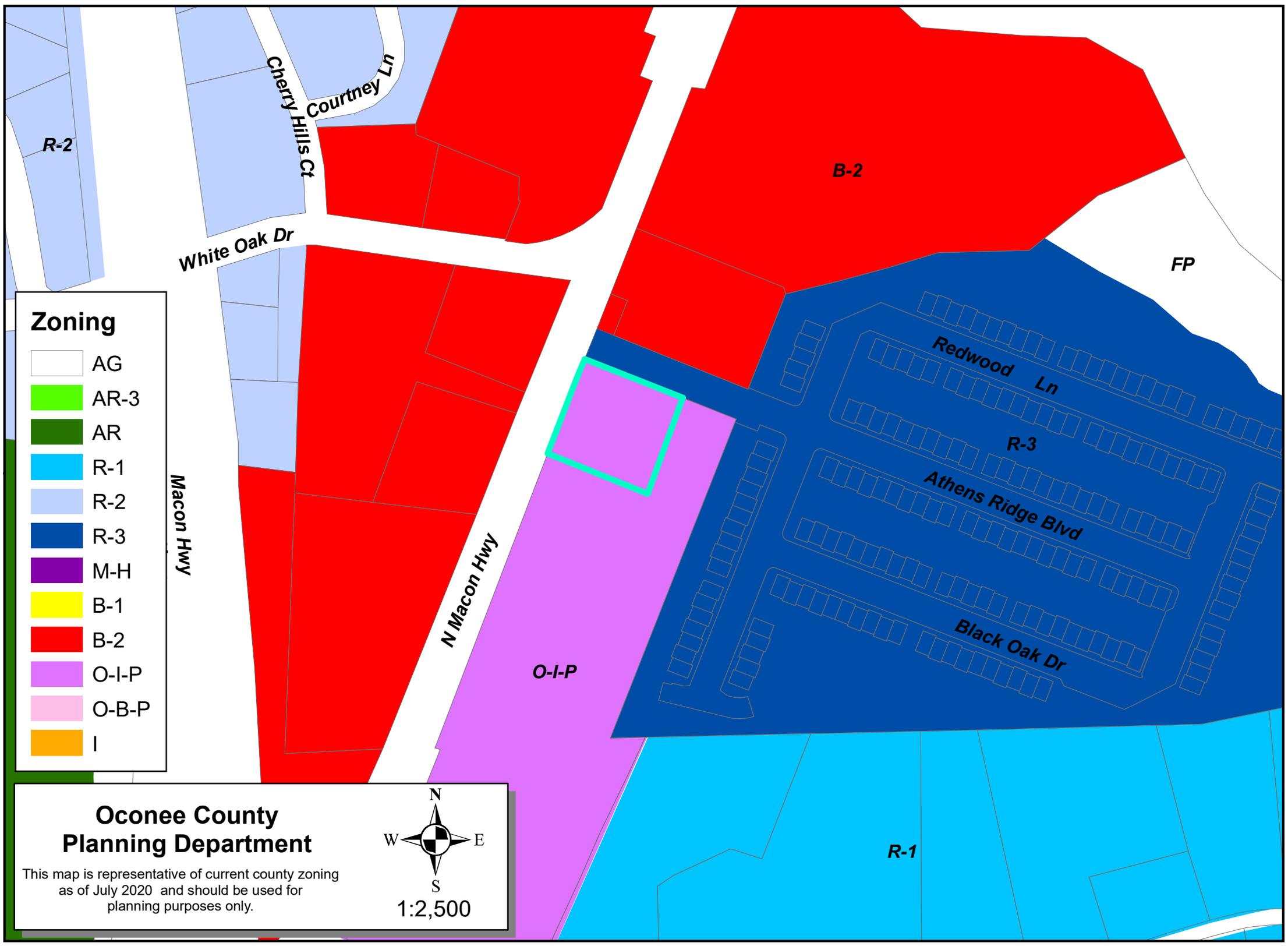
- AG
- AR-3
- AR
- R-1
- R-2
- R-3
- M-H
- B-1
- B-2
- O-I-P
- O-B-P
- I

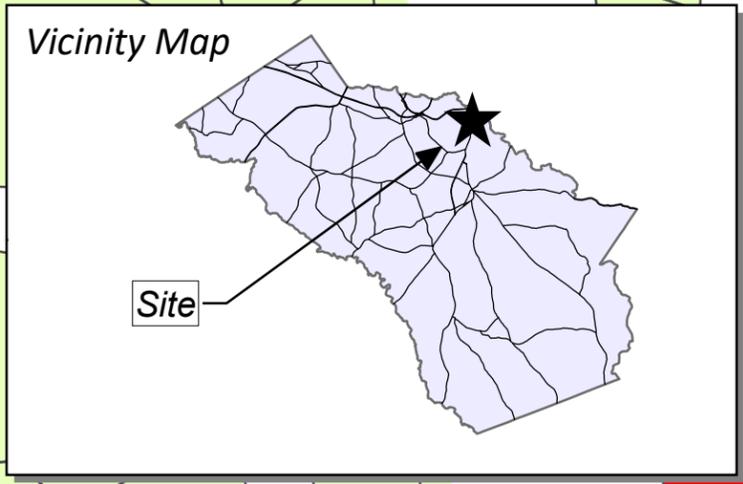
**Oconee County
Planning Department**

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



1:2,500



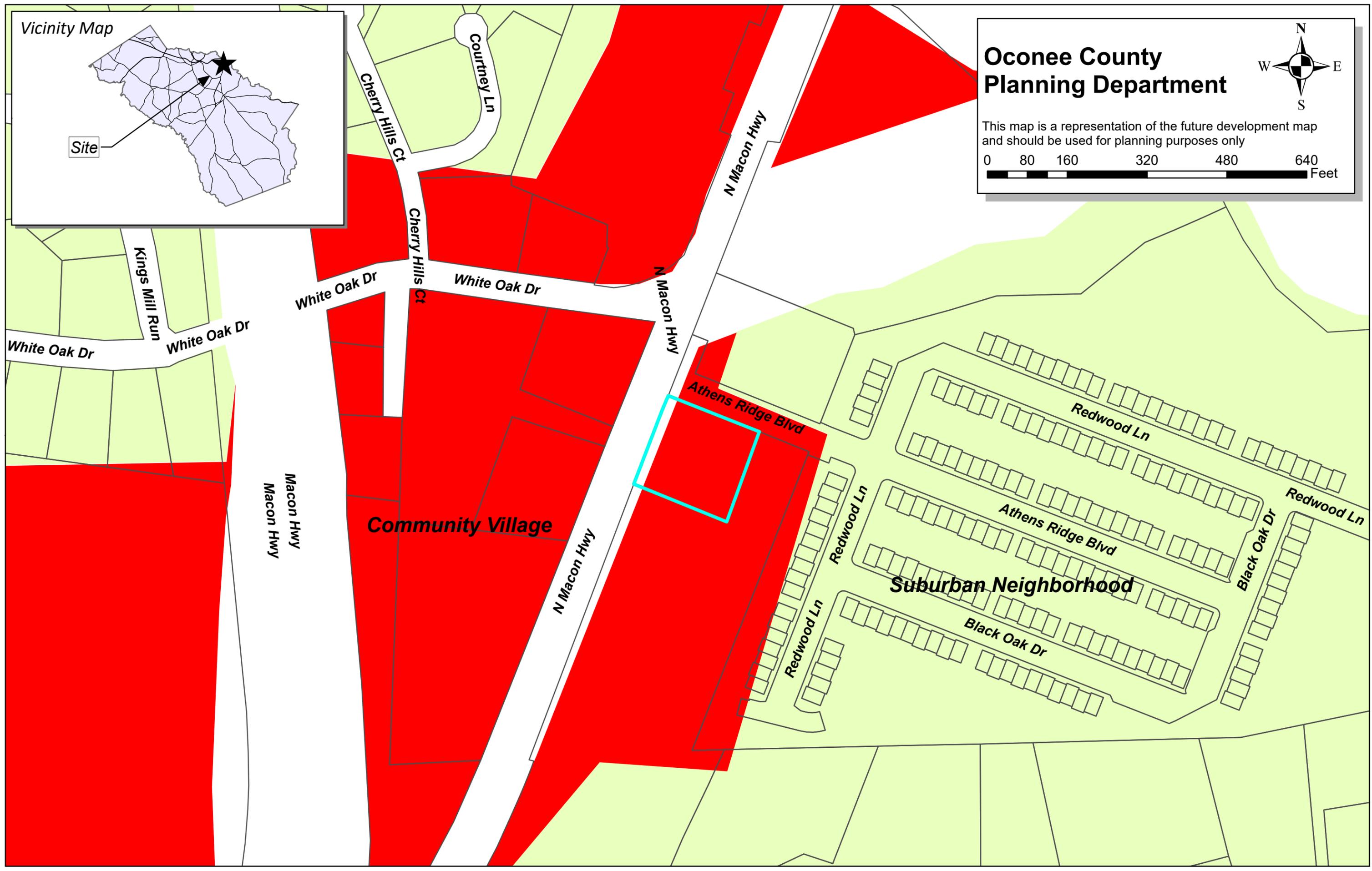
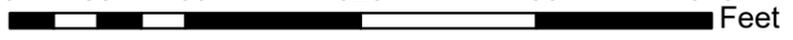


Oconee County Planning Department

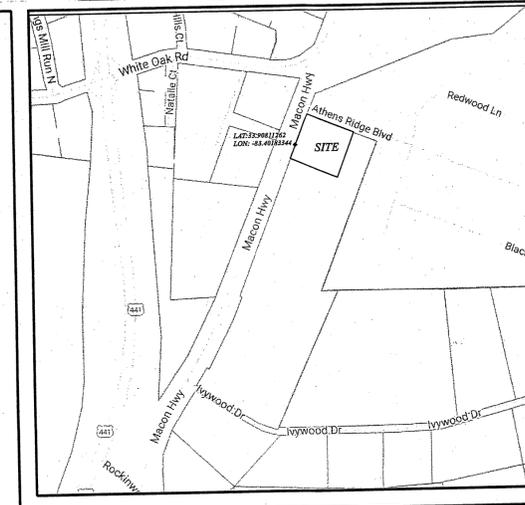


This map is a representation of the future development map and should be used for planning purposes only

0 80 160 320 480 640 Feet



| PROPOSED PLANT LIST | | | | | |
|---------------------|--------|---------------|------------------------------|----------|----------|
| Sym. | Canopy | Latin Name | Common Name | Existing | Spacing |
| | Large | Quercus nigra | Water Oak (DBH Specified) | ✓ 5 | As Shown |
| | Large | Quercus alba | White Oak (DBH Specified) | ✓ 11 | As Shown |
| | Large | Pinus taeda | Loblolly Pine | ✓ 1 | As Shown |
| | Shrub | Loropetalum | Loropetalum <i>Actual</i> 37 | (27) | As Shown |
| | Shrub | Ilex | Holly <i>Actual</i> 43 | 39 | As Shown |



VICINITY MAP
NOT TO SCALE

BASELINE
SURVEYING &
ENGINEERING, INC.

P.O. BOX 269
WATKINSVILLE, GA 30677

WWW.BASELINEGA.COM

PHONE: 706-769-6610

PLANS FOR:
BEHAVIORAL
SAFETY
PRODUCTS

OWNER:
DELOACHE INV, LLC.

OCONEE COUNTY

PHYSICAL ADDRESS:
8800 MACON HIGHWAY
ATHENS, GEORGIA 30606

THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO, OR CONCURRENT WITH, LAND-DISTURBING ACTIVITIES.

EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.

ANY DISTURBED AREA LEFT EXPOSED FOR A PERIOD GREATER THAN 14 DAYS SHALL BE STABILIZED WITH MULCH OR TEMPORARY SEEDING.

NON-EXEMPT ACTIVITIES SHALL NOT BE CONDUCTED WITHIN ANY 25-FOOT UNDISTURBED STREAM BUFFER, AS MEASURED FROM THE POINT OF WRESTED VEGETATION, WITHOUT FIRST ACQUIRING THE NECESSARY VARIANCES AND PERMITS.

ALL ENVIRONMENTAL BUFFERS SHALL BE CLEARLY DELINEATED IN THE FIELD BEFORE CLEARING AND GRUBBING BEGINS.

WETLANDS DO NOT EXIST ON OR WITHIN 200' OF SITE. STREAMS DO NOT EXIST ON OR WITHIN 200' OF SITE.

SILT FENCE SHALL NOT BE INSTALLED ACROSS STREAMS, DITCHES, WATERWAYS, OR OTHER CONCENTRATED FLOW AREAS. (SEE SHEET 8 CRITERIA FOR SILT FENCE PLACEMENT)

| RECOMMENDED PLANTING & MULCHING | |
|---------------------------------|---|
| Ds1 | Mulch to be applied 2 to 4 inches deep. |
| Ds2 | Annual Ryegrass - 40 lbs. per acre |
| Ds3 | Fall & Winter Common Bermuda, Unseeded - 10 lbs. per acre. St. Augustine Lepidoloma, Unseeded, 75-lbs. per acre. |

Ag Lime Rate = 2 Tons/Acre (unless soil test indicates otherwise)
Mulch Rate = 2 Tons/Acre of Dry Straw
6-12-12 fertilizer shall be applied at a rate of 1500 lbs per acre to replanted areas for the first year. For the second year, apply 6-12-12 at a rate of 1000 lbs per acre. For maintenance (all following years), apply 10-10-10 at a rate of 400 lbs. per acre. (Fertilizer refers to nitrogen-phosphorus-potassium equivalent).

CONSTRUCTION SET
This plan set has been reviewed by the Oconee County Development review committee and found to be in substantial compliance with the requirements of Oconee County.
This is contingent on developer obtaining an approved soil erosion plan, Health Department permits and Fire Department approval where applicable.
This review does NOT relieve the contractor, developer, or owner from compliance with all applicable Federal, state and local codes and ordinances.
For development Review Committee:
Blay D. Henry DATE FEB 20 2020

6-30-20
VARIANCE DRAWING
DELOACHE INV.
BEHAVIORAL SAFETY
① ②
8800 MACON
HIGHWAY 30606

Application
Item 5 by
H.C. VAN

RECEIVED
DEC 20 2019



GRID
NORTH
READINGS ARE BASED ON
NORTH AMERICAN DATUM OF 1983
GEORGIA STATE PLANS COORDINATE SYSTEM
(WESTERN ZONE)
ELEVATIONS ARE BASED ON
NORTH AMERICAN VERTICAL DATUM OF 1988

GRAPHIC SCALE

| REVISIONS | DATE |
|--|----------|
| REVISED PER DRC COMMENTS | 07/09/18 |
| REVISED PER DRC COMMENTS | 07/20/18 |
| REVISION TO PLANS APPROVED BY OCONEE COUNTY ON 07/30/18 | 10/15/19 |
| REVISION PER OCONEE COUNTY COMMENTS | 12/16/19 |
| REVISION PER OCONEE COUNTY COMMENTS | 12/20/19 |

THIS PLAN IS A COPYRIGHT OF BASELINE SURVEYING & ENGINEERING, INC. AND CANNOT BE ALTERED OR COPIED IN ANY FORM WITHOUT WRITTEN CONSENT OF BASELINE SURVEYING & ENGINEERING, INC.

DATE
05/29/18

PROJECT
17-999S

ES&PC
PHASE III

SHEET
7 OF 10

LEVEL II CERTIFICATION 9833
(EXPIRES 04-26-21)

