

**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 Dorothy Handley submitted on April 27, 2017.

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 Dorothy Handley on April 27, 2017 regarding a ±5.044 acre tract of land located on the southeasterly side of Porter Creek Drive and on the northwesterly side of the centerline of Porter Creek in the 225th G.M.D., Oconee County, Georgia, (TP# C-04G-011B), 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 349.02.C, to eliminate the requirement for a guest house to be placed to the rear of the main house.

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 June 6, 2017.

ADOPTED AND APPROVED, this 6th day of June, 2017.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____
John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

W. E. "Bubber" Wilkes, Member

Mark Saxon, Member

ATTEST:

Kathy Hayes
Clerk, Board of Commissioners

NARRATIVE

Dorothy Handley
1071 Porter Creek Dr
Watkinsville, Ga 30677

Re: Guesthouse Cottage
1071 Porter Creek Drive
Watkinsville, Ga. 30677

To Whom it may Concern,

I am asking for a variance at my property to construct a guesthouse/ in-law cottage. I am unable to use the rear of my property as it is on a creek and has a 100 year floodplain. My property is 5 acres and is totally private as it is several hundred feet from the road and can not be seen winter or summer. I would like to locate the guesthouse to the left of my house, viewed facing my home. I have consulted the homeowners association and they have no problem as long as it is constructed similar to my home I am building.

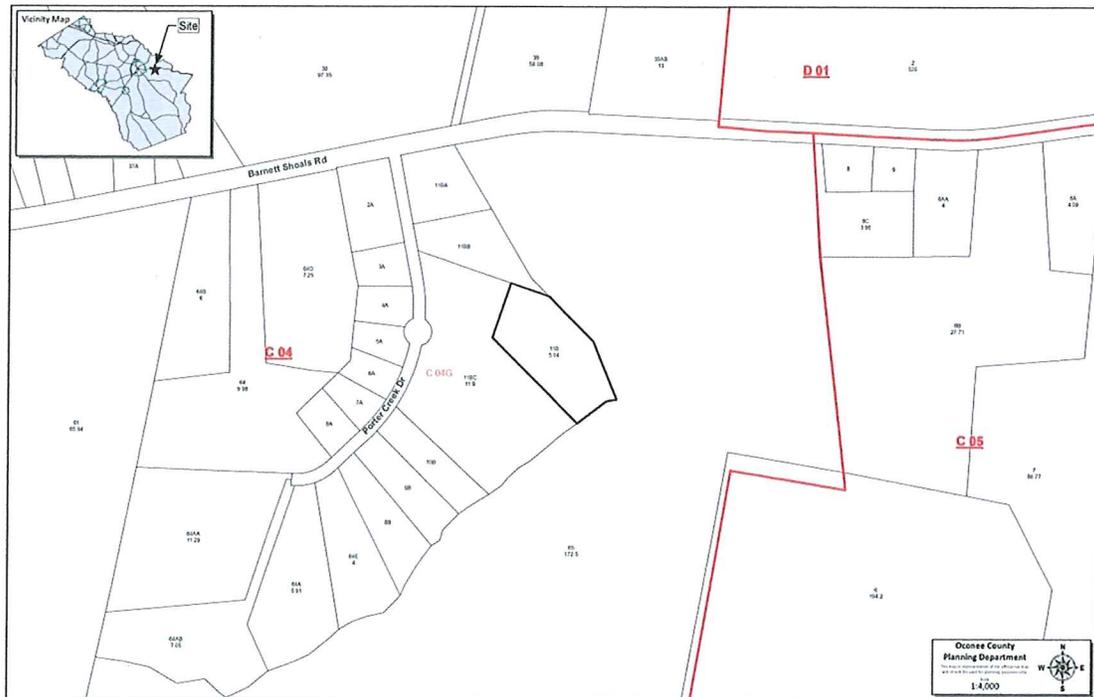
Dorothy Handley

LEGAL DESCRIPTION

Legal Description for 1071 Porter Creek Drive

All that tract or parcel of land, containing 5.044 acres, more or less, together with all improvements located thereon, situate, lying and being southeasterly of Porter Creek Drive and on the northwesterly side of the centerline of Porter Creek, in the 225th District, G.M. of Oconee County, Georgia, and being particularly shown and described as LOT 11-A (REV), 5.044 ACRES according to that certain plat of survey entitled "Administrative Subdivision Plat For: Robert H. Smith," dated March 6, 2006, prepared by Brett Chandler & Associates, certified by Brett Chandler, Georgia Registered Surveyor No. 2816, and being recorded at Plat Book 36, page 237, in the Office of the Clerk of Superior Court of Oconee County, Georgia, which said plat and the record thereof are by reference incorporated herein for a more complete description of the property herein conveyed.

TAX MAP





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

VARIANCE CASE #: 7174

DATE: May 22, 2017

STAFF REPORT BY: Mackenzie Battista, Planner, & Sandy Weinel, Asst. Director

APPLICANT NAME: Dorothy Handley

PROPERTY OWNER: Dorothy Handley

LOCATION: East side of Porter Creek Drive

PARCEL SIZE: ±5.044 Acres

EXISTING ZONING: AR-1 & Floodplain Overlay

EXISTING LAND USE: Single Family Residential

TYPE OF VARIANCE REQUESTED: Hardship

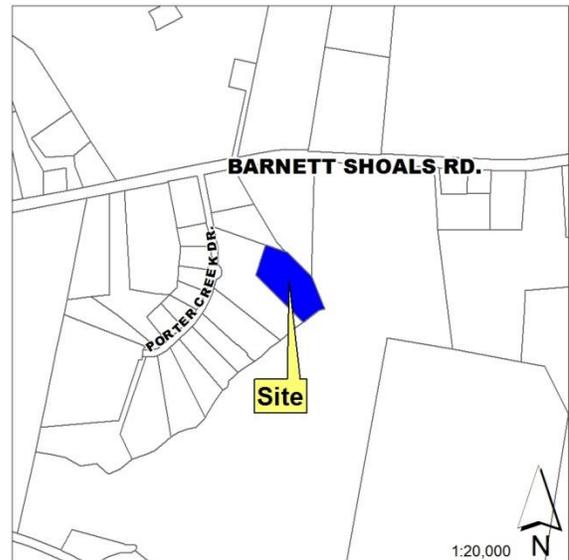
REQUEST SUMMARY: The owner is requesting approval of a Hardship Variance to construct a guest house in front of the main house.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: June 6, 2017

ATTACHMENTS:

- Application
- Narrative
- Site Review
- Aerial Photos
- Tax Map
- Property Survey
- Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- 2014 House burned and was demolished; foundation walls and footings remained
- 2016 Current owner bought property and was issued permit for new single family dwelling

SITE VISIT DESCRIPTION

- Primarily wooded lot with a single-family dwelling located near the back of the property

VARIANCE DESCRIPTION

- The owner is requesting approval of a Hardship Variance for relief from Section 349.02.c of the Unified Development Code
 - Section 349.02.c – Guest house and garage apartments; Guest house restrictions
 “The guest house must be placed to the rear of the main house.”
- Due to the flood plain and steep terrain behind the main house, the owner is requesting a Hardship Variance to allow construction of a guest house in front of the primary residential structure.

PUBLIC FACILITIES

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

ENVIRONMENTAL

- A portion of the property behind the residential structure along Porter Creek is within the 100 Year Flood Plain.
- No Jurisdictional Wetland areas are located on the site.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

- No Comments

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR HARDSHIP APPROVAL” AS SET FORTH IN SECTION 1304.03 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

Hardship variances may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Commissioners that all of the following conditions exist:

- a. **Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography?** Yes. There is steep terrain and 100 year flood plain located behind the existing single-family residential structure.
- b. **Does the application of requirements in the Unified Development Code create the unnecessary hardship to this particular piece of property?** Yes. The subject property contains insufficient land area behind the residential structure to construct a guest house.
- c. **Are conditions creating the need for the hardship variance peculiar to the particular piece of property involved?** Yes. The slope of the property and location of flood plain create the need for this Hardship Variance.
- d. **Will relief, if granted, not cause substantial detriment to the public good or impair the purposes and intent of the Unified Development Code?** There should be no negative impact because the guest house can be located well beyond the front yard setback. Additionally, there is a parcel between the subject tract and the road frontage; existing trees and vegetation on the front parcel would provide some buffering of the structure.

FURTHER ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE "LIMITATIONS ON HARDSHIP APPROVAL" AS SET FORTH IN SECTION 1304.04 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

In no case shall hardship variances be granted if any of the following conditions exist:

- a. **Is the need for the hardship variance the result of a condition created by the applicant or the result of an unwise investment decision or real estate transaction?** No. The current owner bought the land with an existing dwelling foundation (original home burned). A Hardship Variance must be approved in order to construct a guest house in front of the primary residence.
- b. **Is the hardship variance a request to change conditions of approval imposed through a zoning change granted by the Board of Commissioners?** No. This request does not propose to change conditions of rezoning approval for the underlying AR-1 zoning on the subject property.
- c. **Does the hardship variance cause a reduction of the minimum lot size required by the zoning district applicable to the property?** No.
- d. **Does the hardship variance propose a use of land or buildings or structures that would otherwise not be allowed by the zoning district applicable to the property?** No. A guest house is allowed within the AR-1 zoning district.
- e. **Will the hardship variance provide an increase in the number of dwelling units or nonresidential building floor area which is otherwise not allowed by the zoning district applicable to the property?** No.

STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for hardship variance approval, this **request meets the necessary criteria to grant a hardship variance**. If approved, staff recommends the hardship variance **be subject to the following conditions to be fulfilled by the owner/developer at his/her expense:**

1. Development structures shall meet or exceed the architectural standards as indicated on the concept plan, narrative, representative photos submitted with the zoning application and attached hereto.

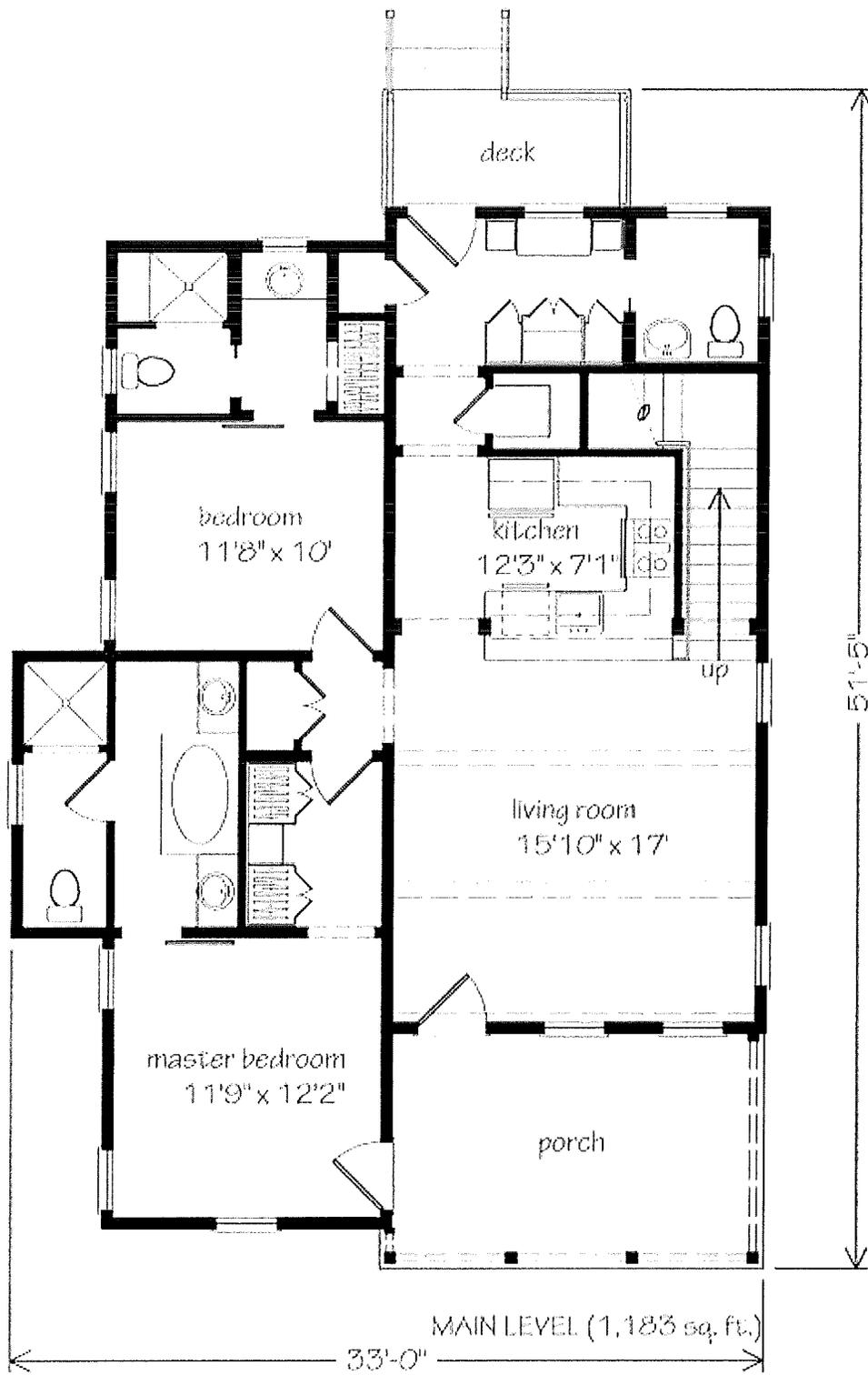
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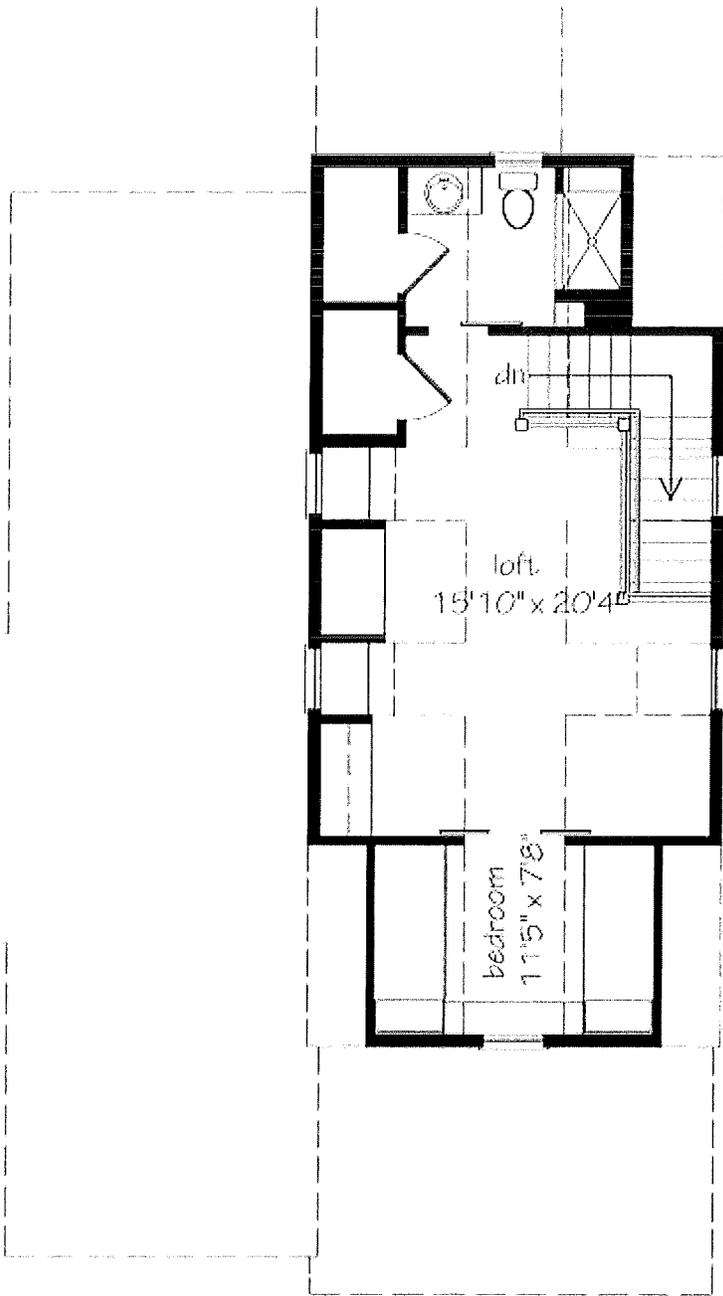
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Dorothy Handley



#1646 Carolina Cottage: Main Level Floor Plan



SECOND LEVEL (539 sq. ft.)

#1646 Carolina Cottage: Second Level Floor Plan

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, THAT ALL STATE AND COUNTY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID.

The lot shown here have been reviewed by the Oconee County Health Department and are approved for residential development as noted. Each lot must be reviewed for on site sewage management system plans prior to the issuance of a construction permit.

OWNER OR AGENT
 DATE 21 April 06

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AND ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION, THAT ALL MONUMENTS SHOWN HERE ON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE AND MATERIALS ARE CORRECTLY SHOWN, AND THAT ALL ENGINEERING REQUIREMENTS OF THE LAND SUBDIVISION REGULATIONS OF OCONEE COUNTY, GEORGIA HAVE BEEN FULLY COMPLIED WITH.

BALE
 REGISTERED GEORGIA LAND SURVEYOR

2814
 NUMBER

AT LEAST 3 ACRES OF EACH LOT CREATED AS A RESULT OF THIS PLAT IS ABOVE THE 100 YEAR FLOOD PLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP #130453 0045 B

BALE
 REGISTERED GEORGIA LAND SURVEYOR

2816
 NUMBER

THIS PROPERTY DOES LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO THE FLOOD INSURANCE RATE MAP #130453 0045 B

BALE
 REGISTERED GEORGIA LAND SURVEYOR

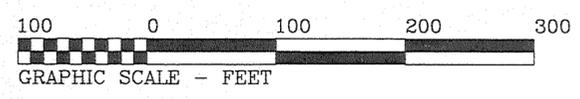
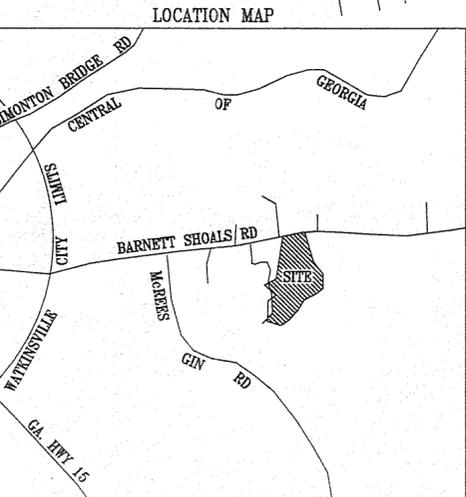
2814
 NUMBER

Subdivided under the provisions of Zoning Section 1200.17. May not be resubdivided without prior written approval of the Oconee County Planning Commission.

NO SOIL SCIENTIST REPORT, PERK TEST OR OTHER INVESTIGATIONS HAVE BEEN CONDUCTED TO DETERMINE SUITABILITY OF THE LOTS, TRACTS OR PARCELS CREATED BY RECORDING OF THIS PLAT FOR EITHER ON-SITE WATER SUPPLY (WELL) NOR FOR ON-SITE SEWAGE MANAGEMENT SYSTEM (SEPTIC). THE OWNER, PURCHASER, LENDER, HEIRS, ASSIGNS OR OTHER PARTIES TAKING TITLE TO OR OTHERWISE PROCURING AN INTEREST IN SAID PROPERTY ARE RESPONSIBLE FOR OBTAINING SUCH INFORMATION AT THEIR EXPENSE PRIOR TO ENTERING INTO ANY CONTRACTS OR OTHERWISE OBTAINING ANY VESTED INTEREST IN THE SUBJECT PROPERTY.

Exempt under the provisions of section 104.2 of the Land Subdivision Regulations of Oconee County, Georgia.
 Date APR 21 2006

- LEGEND**
- IPS 1/2" REBAR
 - IPF 1/2" REBAR (UNLESS NOTED)
 - COMPUTED POINT ONLY
 - ⊠ CONCRETE PAV MONUMENT
 - POWER POLE
 - OE OVERHEAD ELECTRIC LINE
 - X FENCE
 - ROD SQUARE ROD
 - OTP OPEN TOP PIPE



COURSE	BEARING	DISTANCE
L1	N 87°22'53"E	31.89'
L2	S 78°48'47"E	75.00'
L3	S 48°19'04"E	70.05'
L4	S 34°07'32"E	49.56'
L5	S 47°44'42"E	13.73'
L6	S 55°26'48"E	38.36'
L7	S 75°00'32"E	24.19'
L8	S 78°38'22"E	62.61'
L9	S 77°58'49"E	55.76'
L10	S 72°07'17"E	12.98'

NOTES:
 FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A 5 SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER.
 THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 79,283 FEET AND AN ANGULAR ERROR OF 01 SECONDS PER ANGLE POINT AND WAS ADJUSTED BY LEAST SQUARES.
 THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 208,445 FEET.



ADMINISTRATIVE SUBDIVISION PLAT FOR:
ROBERT H. SMITH

SURVEYED: 6-22-04	DRAWN: 3-06-06	SCALE: 1"=100'	BY: KJA
DISTRICT: 225th C.M.D.		COUNTY: OCONEE	
STATE OF GEORGIA		1081 PORTER CREEK DRIVE	

SURVEY BY:
BRETT CHANDLER & ASSOCIATES
 205 CHAPMAN PLACE ATHENS, GA 30606
 PHONE & FAX 706-549-7395

FIELD BOOK: 21
 06005

