

**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 Scott M. & Tracy Underwood submitted on March 6, 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 Special Exception Variance approval submitted by Scott M. Underwood on March 6, 2017 regarding a ±4.38 acre tract of land located on the west side of Old Farmington Road in the 222<sup>nd</sup> G.M.D., Oconee County, Georgia, (TP# A-09-005AG), 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 for the purpose of relief from Unified Development Code Section 409.01; Table 4.6, to reduce the side yard setback for a principal building from 15 feet to 4 feet.

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 same at its regular meeting on May 2, 2017.

ADOPTED AND APPROVED, this 2<sup>nd</sup> day of May, 2017.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY: John Daniell  
John Daniell, Chairman

Mark Thomas  
Mark Thomas, Member

Chuck Horton  
Chuck Horton, Member

W. E. "Bubber" Wilkes  
W. E. "Bubber" Wilkes, Member

Mark Saxon  
Mark Saxon, Member

ATTEST:

Kathy Hayes  
Kathy Hayes  
Clerk, Board of Commissioners

# EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7115

## Page 1 of 3 CONDITIONS

1. The principal side yard setback shall be reduced from 15' to 3.5' for only the detached garage as described in the applicant's narrative and application materials.
2. The detached garage shall not be expanded in square footage nor be approved for any use other than a garage.
3. The adjacent property to the northeast shall not be used for access without a recorded easement.

### NARRATIVE

February 27, 2017

To Oconee County Commissioners,

I, Scott Underwood am humbly and respectfully requesting this variance to complete construction of my pole barn / garage project.

In late 2009 early 2010, I erected a pole barn to accommodate two vehicles at the end of my driveway, which has been in place since 1999 when we received a certificate of occupancy for our residence located at 2930 Old Farmington Road. I failed to obtain a building permit for this, as I was unaware one was required; I understand that Ignorance is not a viable excuse. This pole barn has been here now for approximately seven years and to my knowledge has not bothered or affected anyone.

In late 2016, I began to enclose three sides of the pole barn to transform it into a garage. After putting up two of the three walls but before completing the project, I was contacted by code enforcement and instructed to contact them before going forward with any further construction, at which point I did.

Upon meeting with code enforcement, I was informed that the structure was too close to the property line and therefore a permit could not be issued until approved by planning. I was then directed to the planning department where I was advised of possible remedies to the situation that I now found myself in. I was advised that I could (1) attempt to purchase a portion of the neighboring property or (2) apply for a variance.

That same day, I approached the owner of the neighboring property, with full disclosure, to inquire as to if she may be interested in selling a portion of her property. She advised that she would have to think about it until after the Holidays but gave me good reason to think that she would at least sell me enough land to meet County regulations.

After a period of time the owner of the neighboring property asked me to have the property line surveyed to show where it currently is and where the proposed half acre would be; so, using the surveying company that she requested, I did just that.

\$500 and several weeks later, I was contacted by the owner of the property and advised that she had decided not to sell any of her property. I asked her at that point if she would pose any objection when I applied for the variance; she told me that she would not. I'm not sure if this is noteworthy but the neighboring property is raw land and has no improvements whatsoever.

I am told that structures are required to be fifteen feet off the property line and that the planning department has discretion to allow a 10% leeway without a variance; equating to 13.5 feet off the property line. The structure, as it sets is approximately 4 feet off the property line.

I am very sorry; especially in hindsight that my Ignorance has caused such an aggravation but the building is pleasing to the eye and as of right now I've invested approximately \$6000 as well as many hours of my time in the building. I again, humbly and respectfully ask for this variance.

Thank you all in advance for your time and consideration in this matter.

Sincerely,

Scott M. Underwood

### LEGAL DESCRIPTION

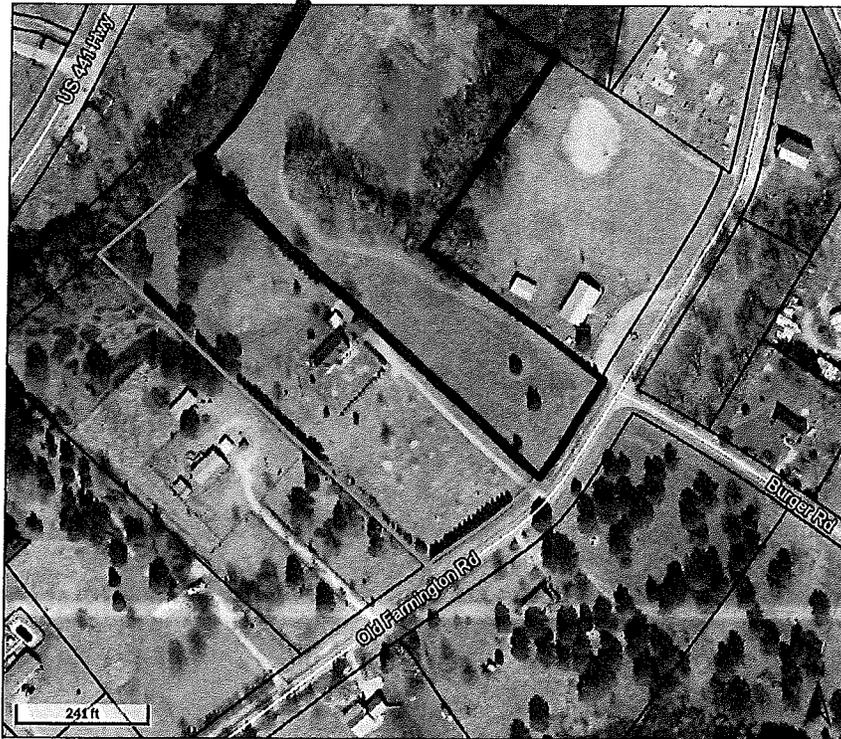
**All that tract or parcel of land, together with all improvements thereon, situate, lying and being in the 222<sup>nd</sup> District, G.M., Oconee County, Georgia, known and designated as Lot 2 of the Joyce Brown Property according to a plat entitled, "Survey for Eric Pope, Lot 2 Joyce Brown Property", by Landmark Engineering Corporation, J.R. Holland, Registered Surveyor, dated July 23, 1996, recorded in Plat Book 27, page 171, in the Office of the Clerk of the Superior Court of Oconee County, Georgia.**

**This being the same property described as Tract 1 in Warranty Deed from Kenneth L. Brown and Michelle Brown to Eric S. Pope dated August 1, 1996, recorded in Deed Book 376, page 417, in said Clerk's wherein the recording information for a referenced plat was incorrectly given as Plat Book 27, page 168, in said Clerk's Office.**

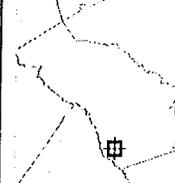
**This property is conveyed subject to a 20 foot wide communications easement to American Telephone and Telegraph Company recorded in Deed Book 87, page 8, in said Clerk's Office.**



DEVELOPMENT PLAN



Overview



Legend

- Parcels
- Roads

Parcel ID	A09005AG	Owner	SCOTT M. & TRACY E. UNDERWOOD	Last 2 Sales			
Class Code	Residential		2930 OLD FARMINGTON RD	Date	Price	Reason	Qual
Taxing District	UNINCORPORATED		WATKINSVILLE GA 30677	7/9/2004	\$0	SD	U
	UNINCORPORATED	Physical Address	2930 OLD FARMINGTON RD	4/2/2002	\$0	QC	U
Acres	4.38	Assessed Value	Value \$187658				

(Note: Not to be used on legal documents)

Date created: 2/26/2017  
 Last Data Uploaded: 2/24/2017 11:16:28 AM

 Developed by  
 The Schneider Corporation



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

**VARIANCE CASE #:** 7115

**DATE:** March 31, 2017

**STAFF REPORT BY:** Andrew C. Stern, Planner

**APPLICANT NAME:** Scott Underwood

**PROPERTY OWNER:** Scott M. & Tracy Underwood

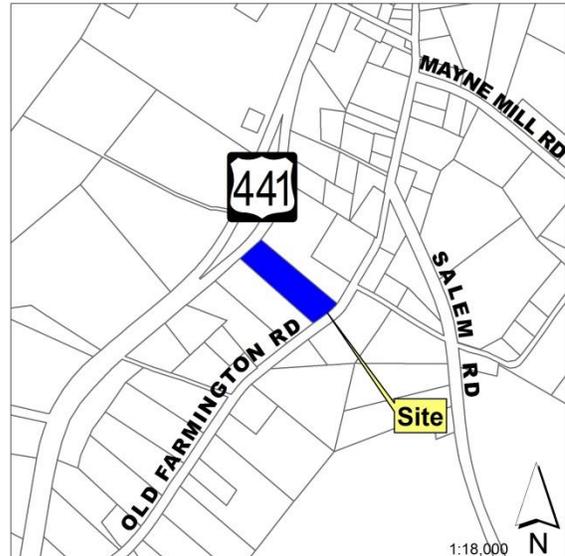
**LOCATION:** West side of Old Farmington Road

**PARCEL SIZE:** ±4.38 Acres

**EXISTING ZONING:** AR-1 (Agricultural-Residential One Acre)

**EXISTING LAND USE:** Single-family residence

**TYPE OF VARIANCE REQUESTED:** Special Exception



**REQUEST SUMMARY:** The owners are requesting approval of a Special Exception variance to reduce the minimum side yard setback for principal buildings in order to allow placement of a garage.

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** May 2, 2017

- ATTACHMENTS:**
- Application
  - Narrative
  - Representative Photo
  - Site Review
  - Aerial Photos
  - Tax Map
  - Property Survey
  - Concept Plan

**BACKGROUND INFORMATION & FINDINGS OF FACT**

**HISTORY**

- A single-family residence has been located the property since 2007
- The property owner erected a pole barn in late-2009 without obtaining a building permit and began enclosing the structure in late-2016.
- Code Enforcement made contact with the property owner in late-2016 and advised that the structure was too close to the property line and would need a variance before a permit could be issued

**VARIANCE DESCRIPTION**

- The owners are requesting approval of a Special Exception variance to provide relief from Section 410.01.c(2) 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 2 acres or more in size, or the lot is zoned A-1. In no case shall the building be within the minimum principal building front setback).”*

<b>Table 4.6: Minimum Setback—Principal Buildings</b>					
<b>Zoning District</b>		<b>Setback Requirement (in feet)</b>			
		<b>Front</b>		<b>Side</b>	<b>Rear</b>
		<b>From a Major Thoroughfare</b>	<b>From a Minor Street</b>		
AR-1	Agricultural Residential 1-acre	85(c) / 40(R)	55(c) / 30(R)	15	40

- The side principal building setback in the AR-1 zoning district is 15 feet (UDC – Table 4.6)
- The owner is requesting a reduction of the side setback from 15 feet to 3.5 feet to allow the extant pole barn/garage to be permitted and finished
- The garage will be constructed using wood and hardy plank siding consistent with materials found on the principal building

**PUBLIC FACILITIES**

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

**ENVIRONMENTAL**

- The site does not contain any 100 year floodplain or Jurisdictional Wetland areas

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**COMMENTS FROM OTHER DEPARTMENTS & AGENCIES**

- No Comments
-

## **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 occurrences of any of the following:**

- a. **Cause a substantial detriment to the public good:** If approved, this request to reduce the minimum side setback should not be a 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 AR-1 (Agricultural-Residential One Acre) district requires a side setback of 15 feet for accessory buildings larger than 144 square feet. The garage will be located approximately 4 feet from the lot line at the side of the property to relieve the owner of having to remove the extant structure and rebuild outside of the side yard setback.
- c. **Diminish and impair property values within the surrounding neighborhood:** Reducing the side setback to allow for a garage should not affect neighboring properties values.
- d. **Impair the purpose and intent of this Development Code:** The purpose and intent of requiring setbacks for accessory structures is primarily to maintain uniform lot development, as well as maintaining similar architectural appearance on each lot. If granted, reducing the side setback to allow placement of the garage should not impair the purpose and intent of the Unified Development Code.

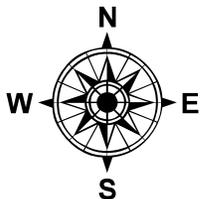
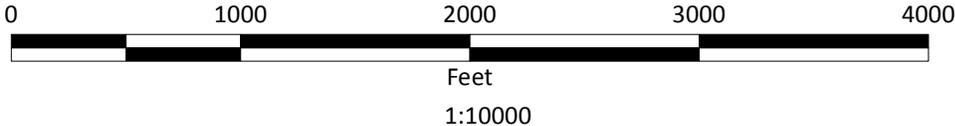
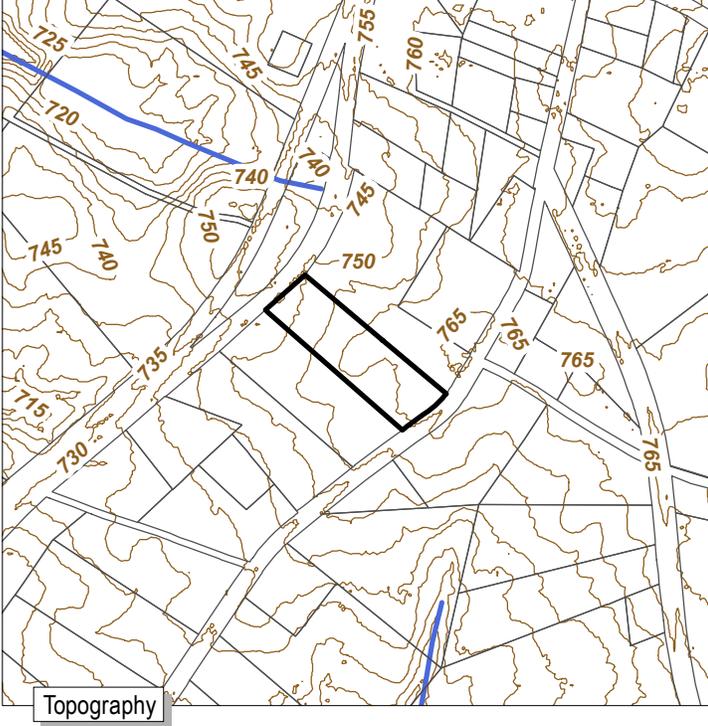
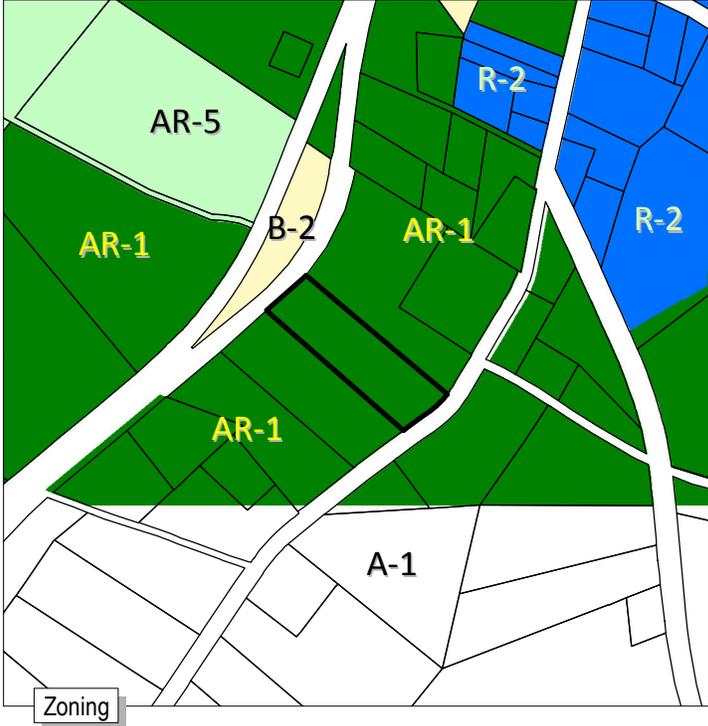
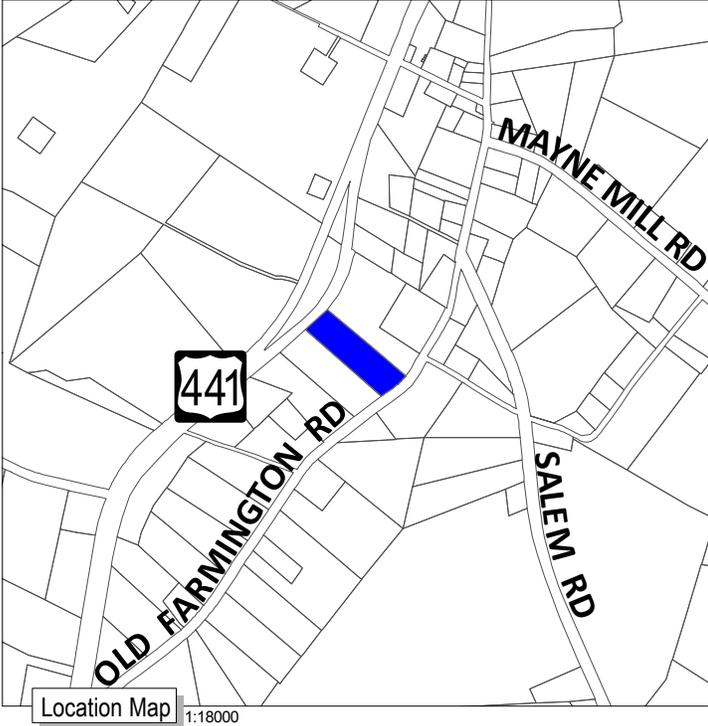
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## **STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS**

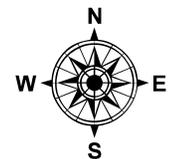
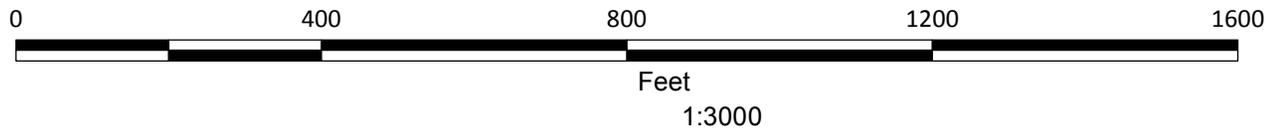
Based upon the standards for special exception variance approval, **this request does meet the necessary conditions to grant a special exception variance.** Staff recommends the following conditions:

1. The principal side yard setback shall be reduced from 15' to 3.5' for only the detached garage as described in the applicant's narrative and application materials.
2. The detached garage shall not be expanded in square footage nor be approved for any use other than a garage.

# Scott M. & Tracy Underwood Site Review



# 2016 Aerial Photograph





# OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- Hardship Variance   
  Appeal of Administrative Decision   
  Flood Damage Prevention Variance

Special Exception for: Completion of Pole barn to Garage

### Applicant

Name: Scott & Tracy Underwood  
 Address: 2930 Old Farmington Road  
(No P.O. Boxes)  
Watkinsville, Ga. 30677

Telephone: (706)510-9099 (706)255-5500

### Property Owner

Name: Scott & Tracy Underwood  
 Address: 2930 Old Farmington Rd.  
(No P.O. Boxes)  
Watkinsville, Ga. 30677

Telephone: (706)510-9099 (706)255-5500

Applicant is (check one):  the Property Owner     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: [Handwritten Signature]

Date: 03-01-17 Notarized: [Handwritten Signature]



### Property

Location: 2930 Old Farmington Road  
Watkinsville, Ga. 30677

Tax Parcel Number: A 09 005AG

Size (Acres): 4.38 Current Zoning: R-4AR-1

Future Development Map—Character Area Designation: Agricultural Preservation

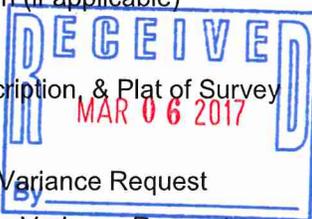
### Use

Current Use: Residential

Proposed Use: Residential

### Attachments (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee
- Warranty Deed(s), Legal Description, & Plat of Survey
- Disclosures
- Maps or Drawings Illustrating Variance Request
- Narrative Statement Explaining Variance Request
- Concept Plan



### Appeal or Variance Requested

*Provide the code section and briefly explain the requested variance*

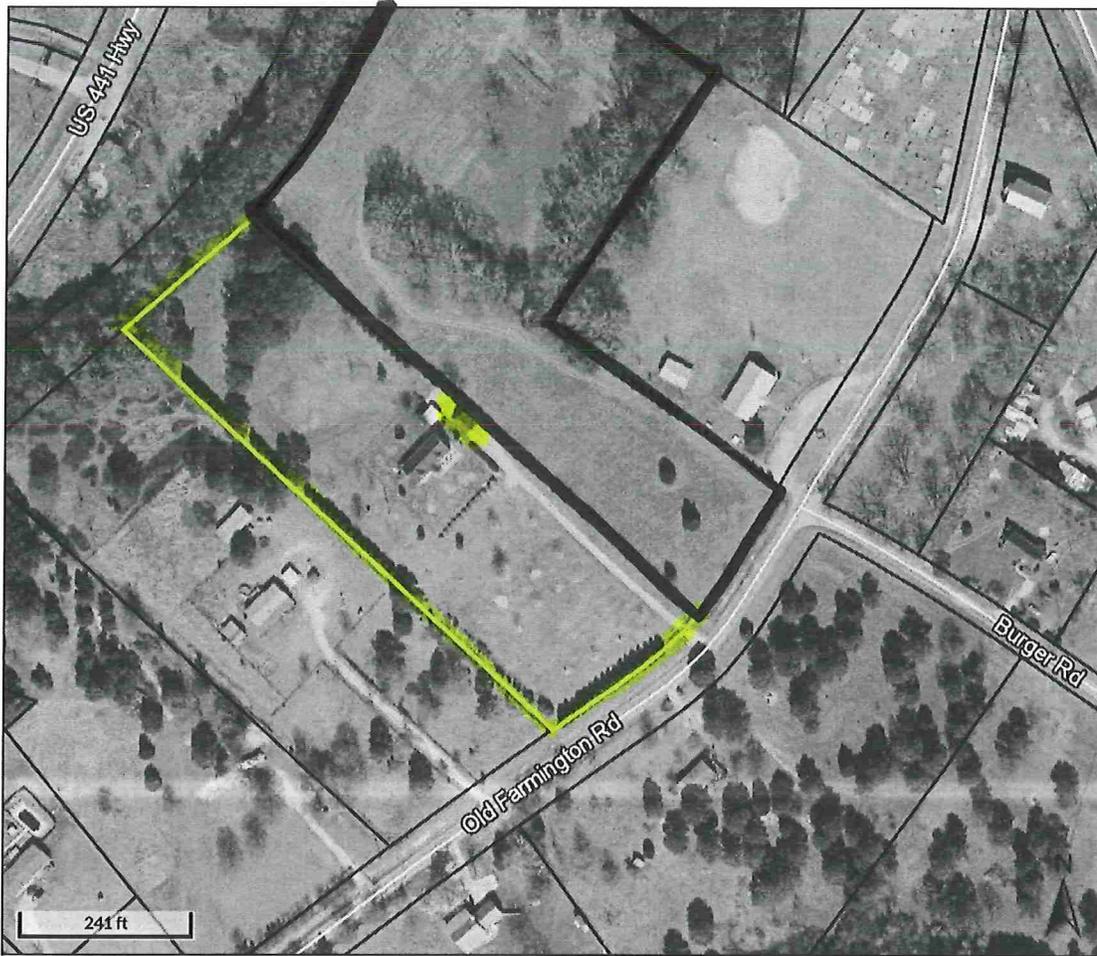
I 2009 I erected a pole barn on my property but failed to obtain a permit. In late 2016 I began to enclose the structure at which point I was contacted by code enforcement. Building is closer to property line than allowed.

*For Oconee County Staff Use Only*

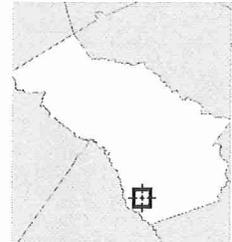
**Application**  
 Date Received: \_\_\_\_\_ Date Accepted: \_\_\_\_\_  
 DRI Transmitted to RDC  Date: \_\_\_\_\_  N/A  
 Review Submitted: \_\_\_\_\_ Location Map: \_\_\_\_\_  
 Posted: \_\_\_\_\_ Ad: \_\_\_\_\_ Ad: \_\_\_\_\_  
 Application Withdrawn  Date: \_\_\_\_\_

**APPLICATION NUMBER**

**Action**  
**Administrative Appeal:** Date: \_\_\_\_\_  
 Approved  With Conditions  Denied  N/A  
**Board of Commissioners** Date: \_\_\_\_\_  
 Approved  With Conditions  Denied  N/A



Overview



Legend

-  Parcels
-  Roads

Parcel ID	A 09 005AG	Owner	SCOTT M. & TRACY E. UNDERWOOD	Last 2 Sales			
Class Code	Residential		2930 OLD FARMINGTON RD	Date	Price	Reason	Qual
Taxing District	UNINCORPORATED		WATKINSVILLE GA 30677	7/9/2004	\$0	SD	U
	UNINCORPORATED	Physical Address	2930 OLD FARMINGTON RD	4/2/2002	\$0	QC	U
Acres	4.38	Assessed Value	Value \$187658				

(Note: Not to be used on legal documents)

Date created: 2/26/2017  
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## Narrative Statement

February 27, 2017

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I am very sorry; especially in hindsight that my ignorance has caused such an aggravation but the building is pleasing to the eye and as of right now I've invested approximately \$6000 as well as many hours of my time in the building. I again, humbly and respectfully ask for this variance.

Thank you all in advance for your time and consideration in this matter.

Sincerely,

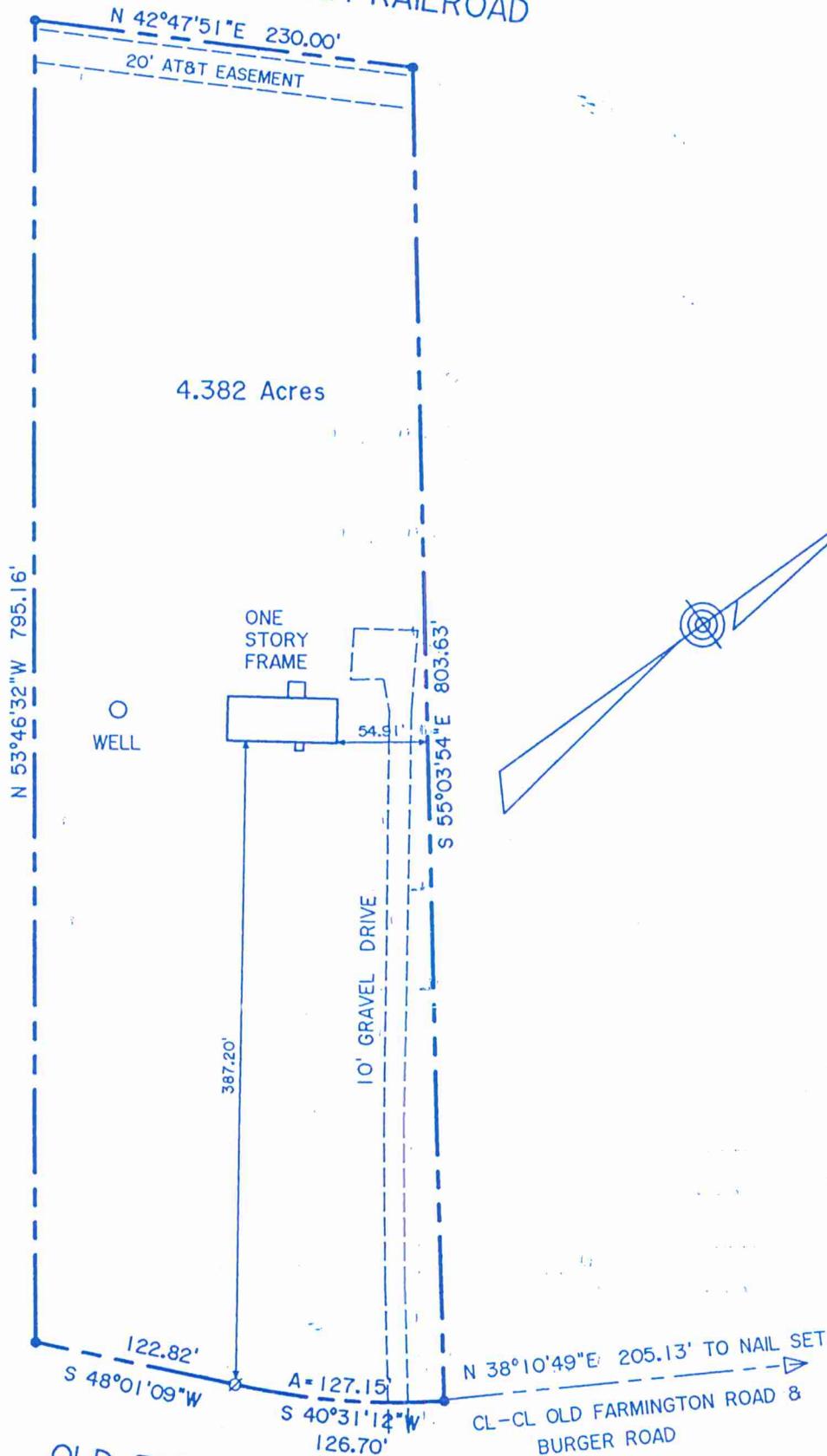
Scott M. Underwood

O Denotes Iron Pin Set  
(1/2" Rebar)

● Denotes Iron Pin Found  
(1/2" Rebar)

∅ Denotes Point Only  
(60d Nail)

100' R/W  
CENTRAL OF GEORGIA RAILROAD



Equipment used 05" Theodolite E.D.M.

This map or plat has been calculated for closure and is found to be accurate within one foot in 111,592 feet.

I hereby certify this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

*J.R. Holland*  
Georgia Registered Land Surveyor No. 1087

I hereby certify that I have this date examined the latest revised Flood Hazard Map and have determined that the referenced property is not located in a special flood hazard area under the National Flood Insurance Act.

*J.R. Holland*  
Georgia Registered Land Surveyor No. 1087

SURVEY FOR:

ERIC GOODWIN

LOT 2 JOYCE BROWN PROPERTY

COUNTY: OCONEE	CITY:	G. M. D. : 222	STATE: GEORGIA
SCALE: 1" = 100'	DATE: 11/13/2002	DWN BY: SR	JOB NO: L8215

LANDMARK ENGINEERING CORPORATION  
475 NEWTON BRIDGE ROAD ATHENS, GEORGIA 30607  
PHONE: (706) 546-6622 FAX: (706) 369-1724

J. R. HOLLAND  
Reg. Surveyor  
No. 1087

SEAL:



RECEIVED  
MAR 06 2017  
BY \_\_\_\_\_

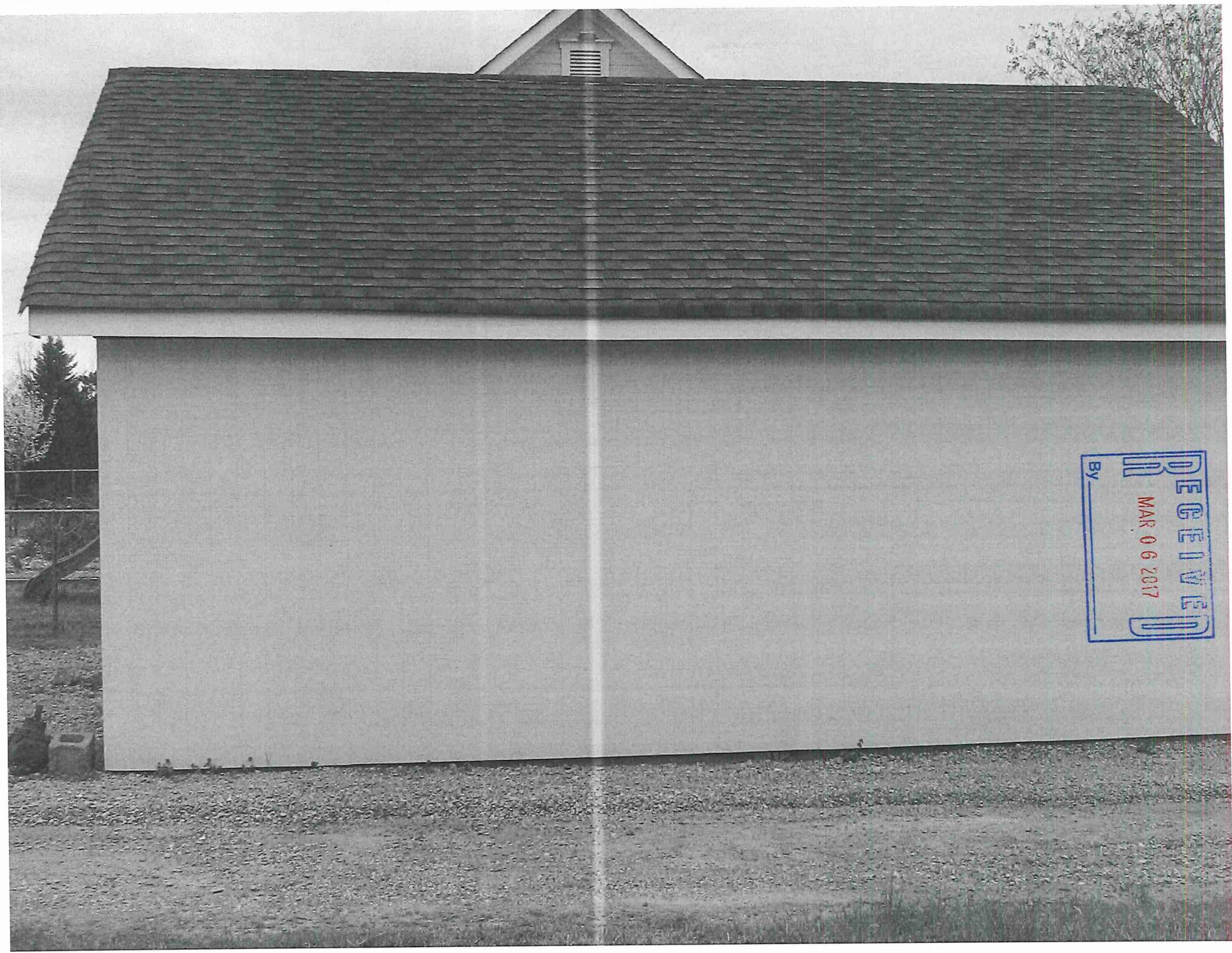


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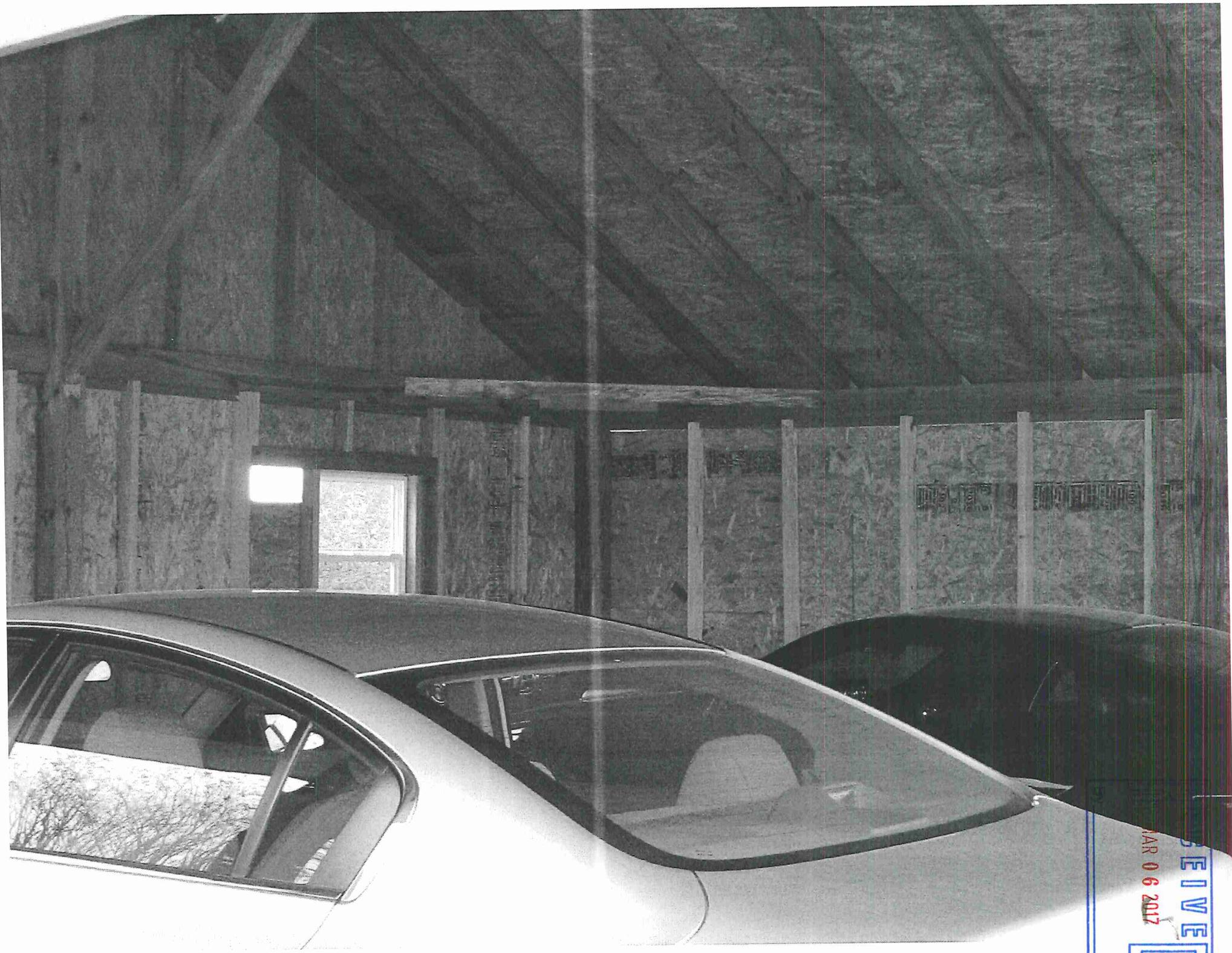


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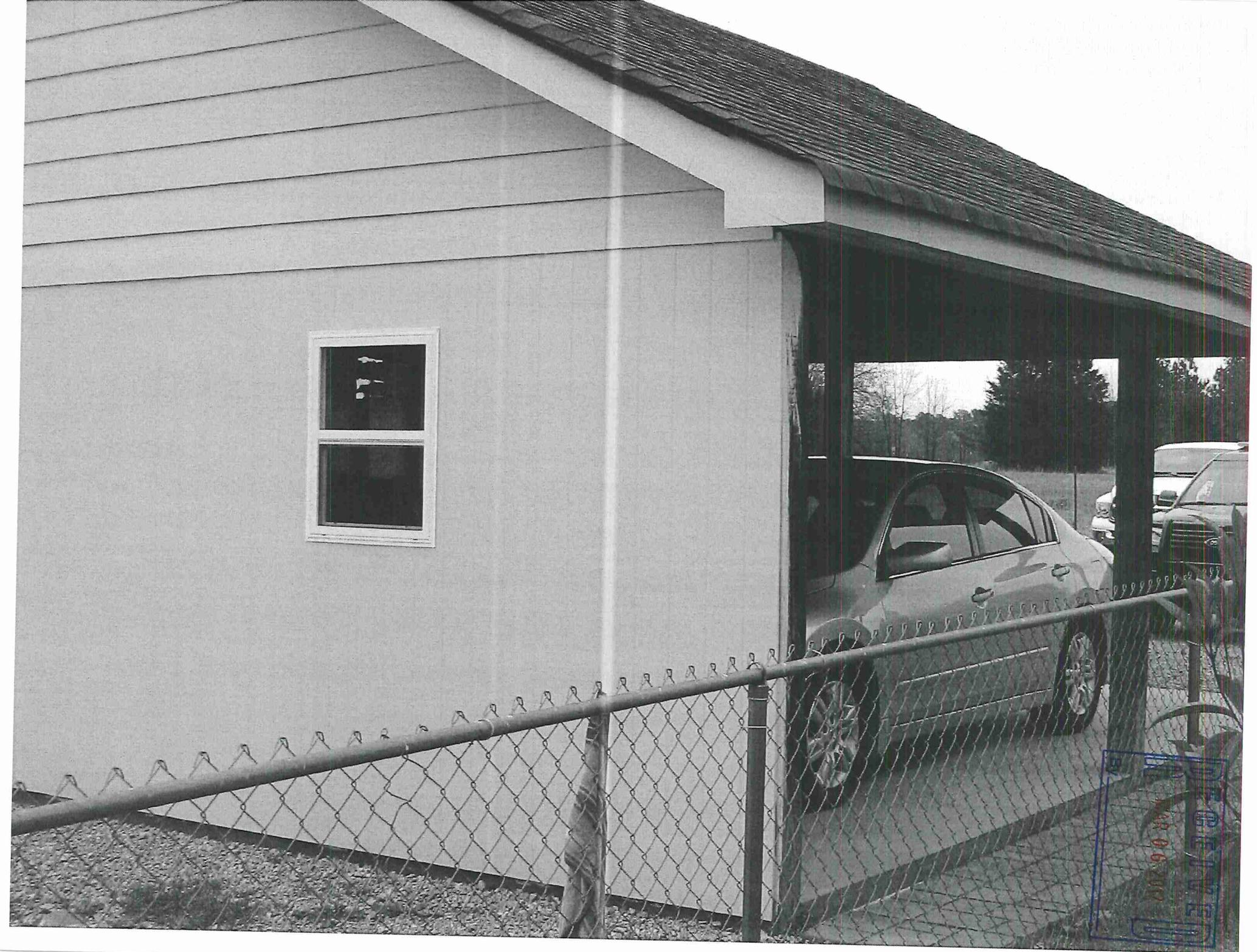
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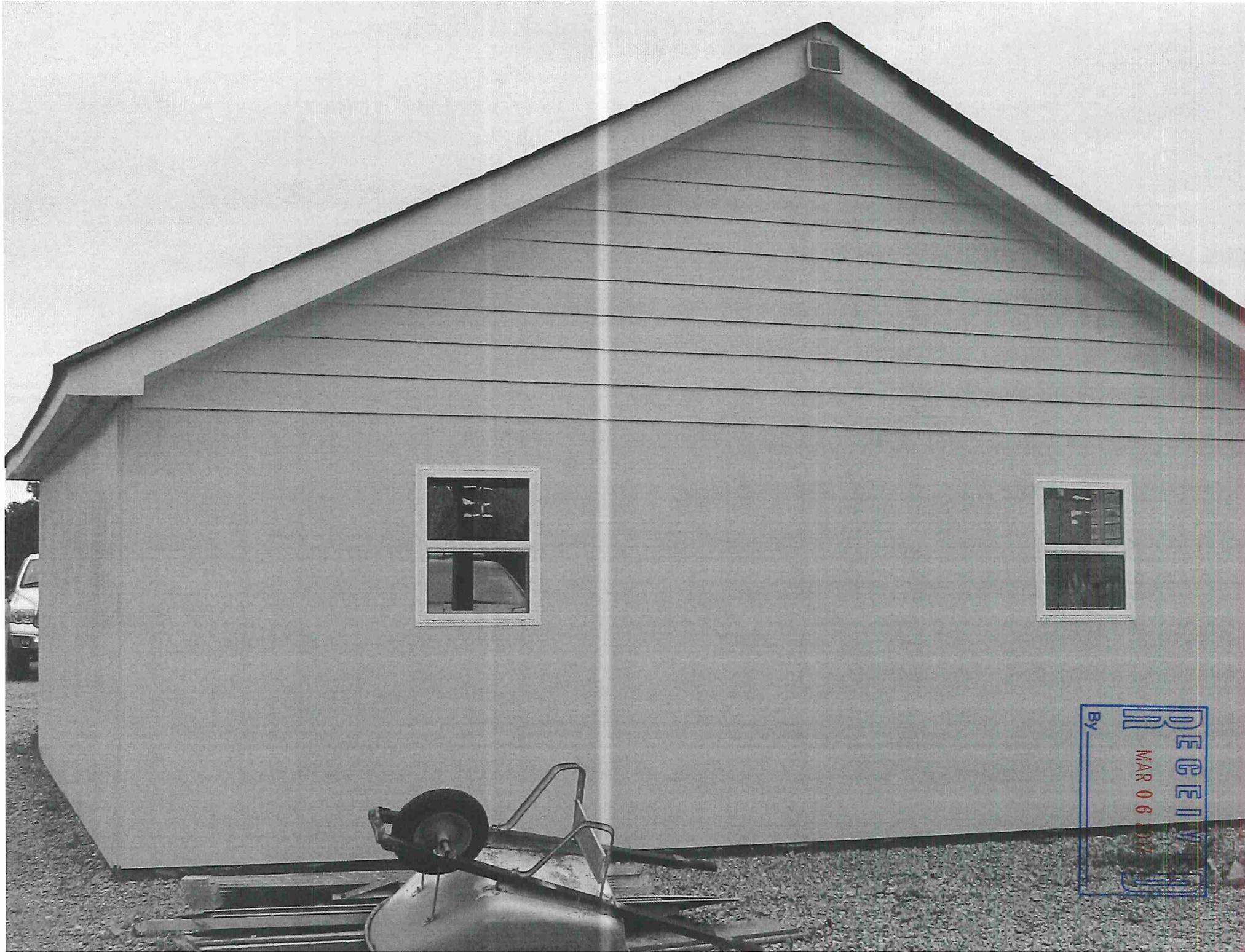
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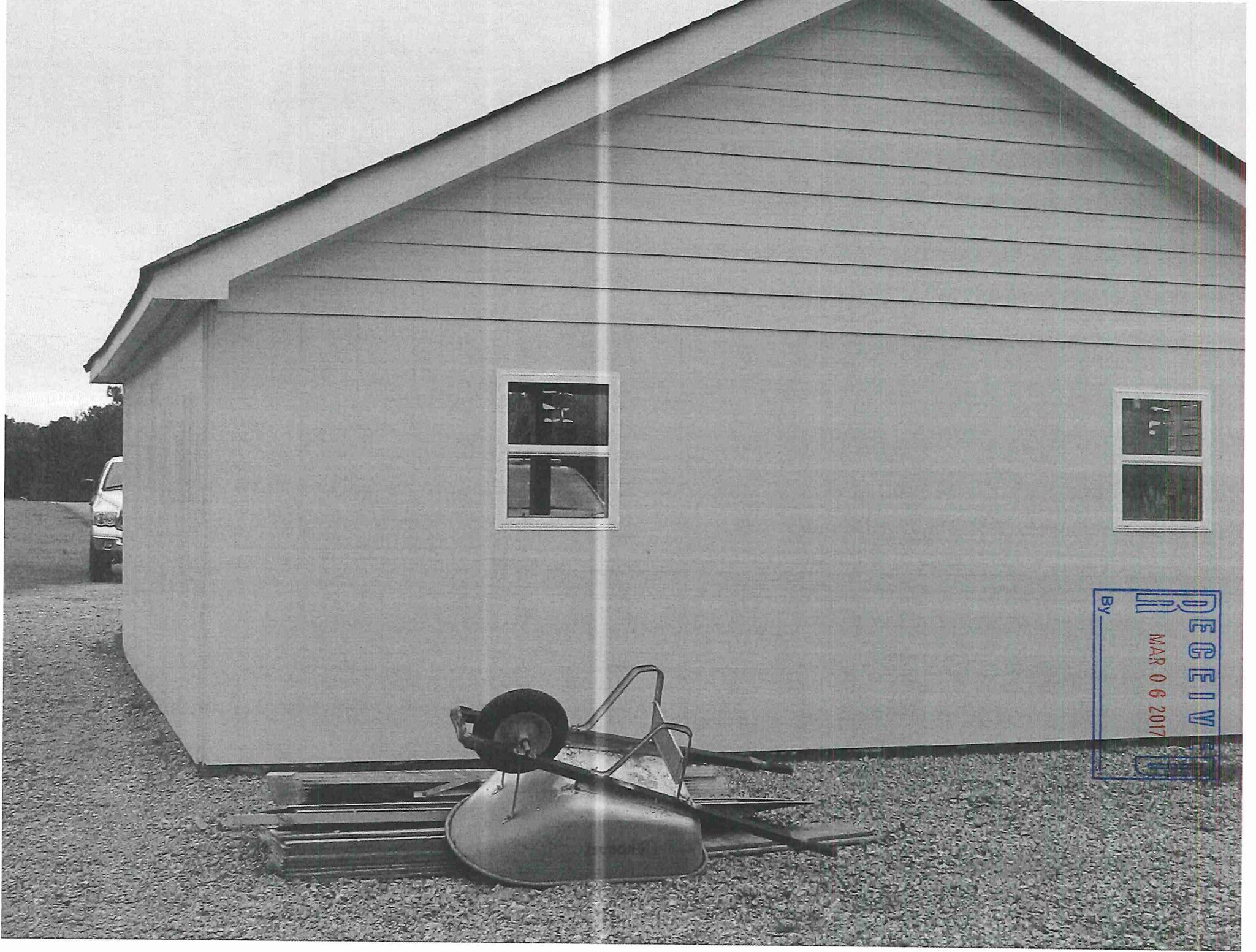
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MORRISVILLE



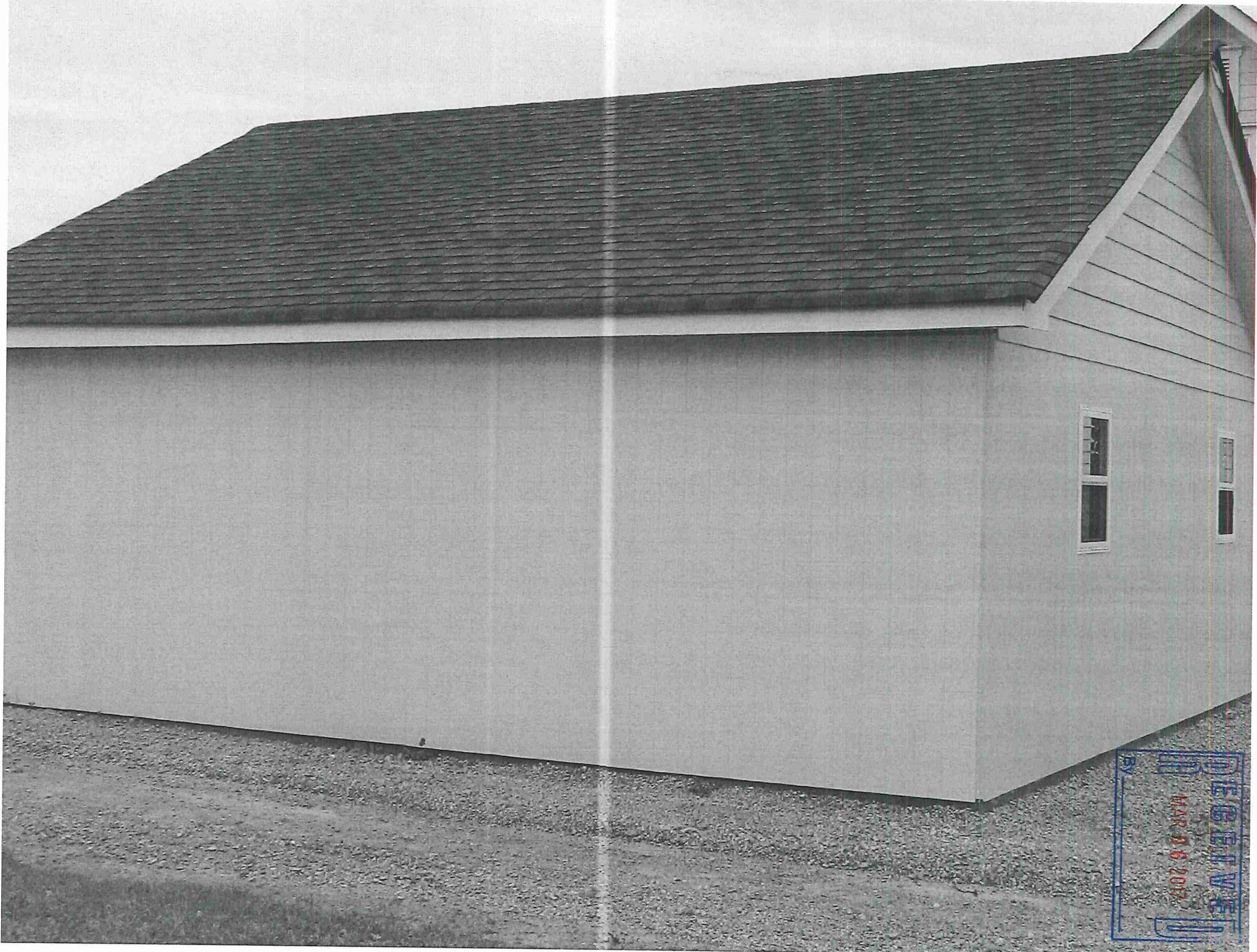
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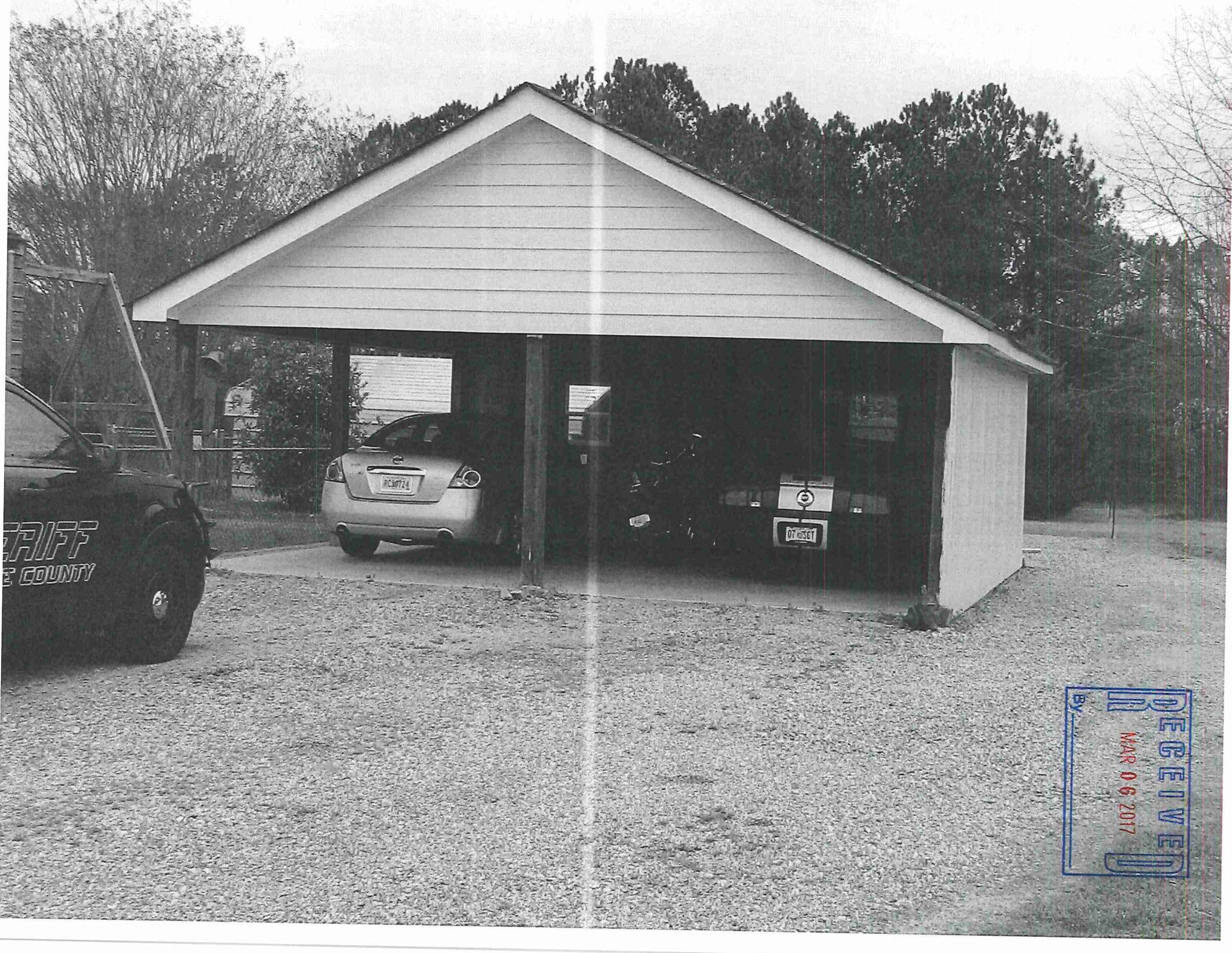


BY **DEE BIVENS**  
MAR 26 2012

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BY



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MAR 06 2017  
By \_\_\_\_\_



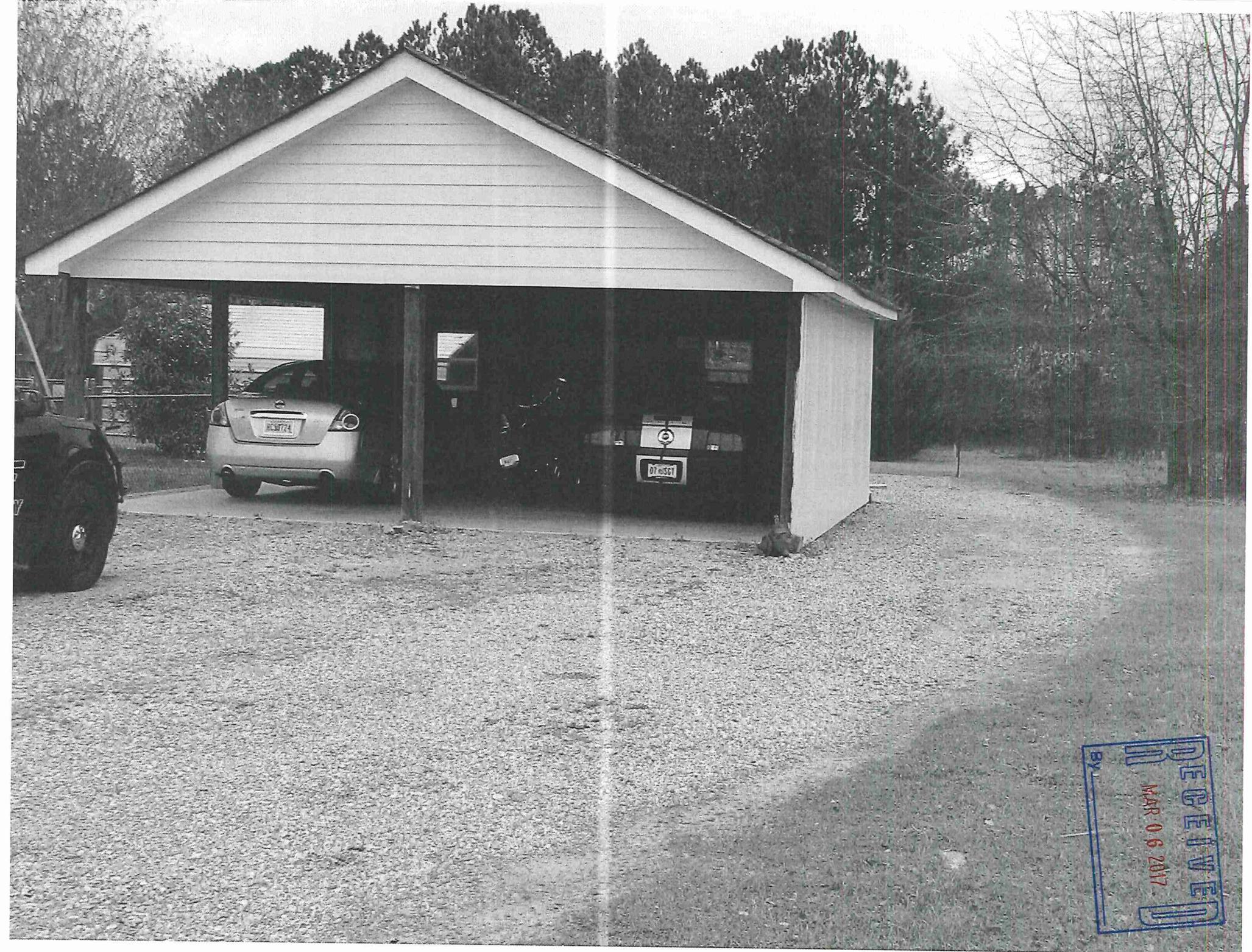
TRIFF  
COUNTY



NOTICE



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OCONEE COUNTY

EMERGENCY  
911

SHERIFF  
OCONEE COUNTY

1286

RC8072A

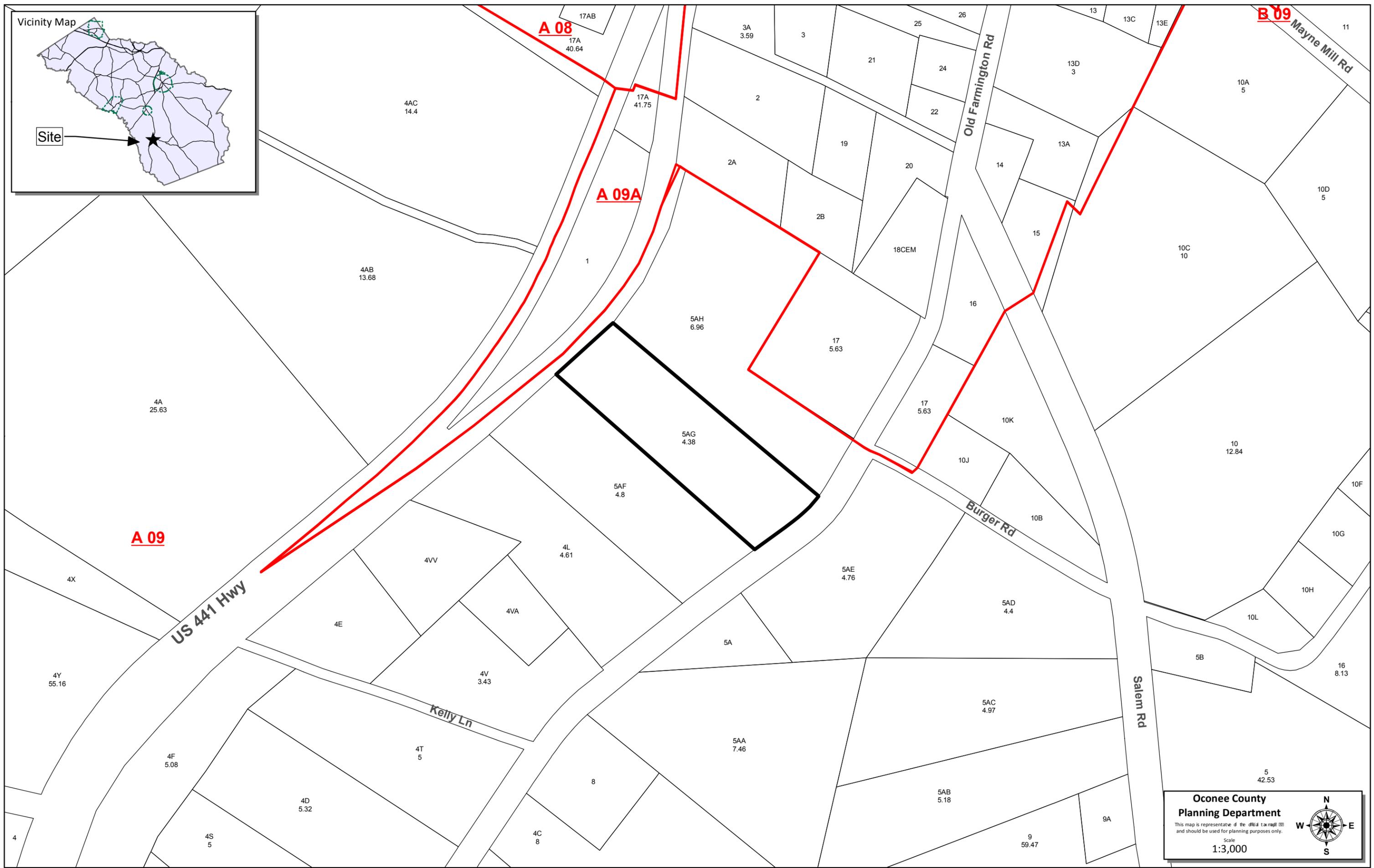
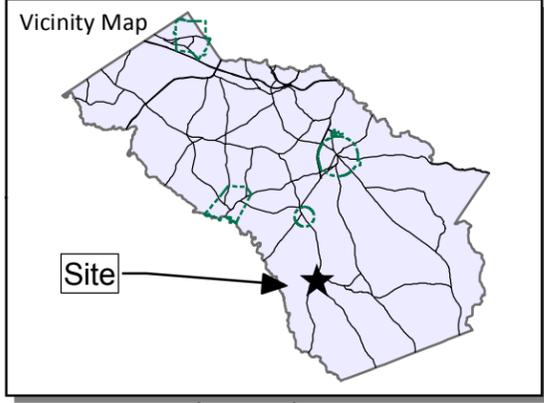
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MAR 06 2017

# Google Maps



Imagery ©2017 Google, Map data ©2017 Google 50 ft 





**A 09**

**A 08**

**A 09A**

**B 09**

US 441 Hwy

Kelly Ln

Burger Rd

Old Farmington Rd

Salem Rd

Mayne Mill Rd

**Oconee County  
Planning Department**  
This map is representative of the digital tax map and should be used for planning purposes only.  
Scale  
**1:3,000**