

ACTION DENYING SPECIAL EXCEPTION VARIANCE REQUEST

APPLICATION SUBMITTED BY: Baseline Surveying & Engineering, Inc.

APPLICATION SUBMISSION DATE: August 28, 2017

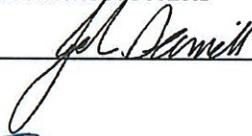
RE: Request for a Special Exception Variance on a ±101.91 acre tract of land located on south side of Hale Road in the 261st G.M.D., Oconee County, Georgia, (B-012-001), for relief from Unified Development Code Section 503.01.c to allow the subdivision into 4 parcels containing a minimum of 10 acres each along an unpaved road.

After consideration and a motion and second, the Oconee County Board of Commissioners does hereby deny the above-referenced request for a Special Exception Variance.

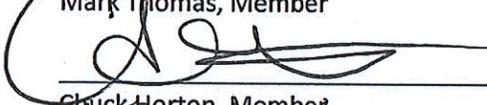
This 7th day of November, 2017.

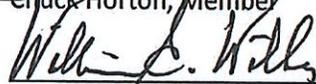
OCONEE COUNTY BOARD OF COMMISSIONERS

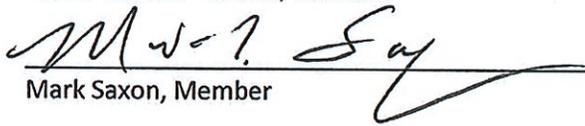
BY: _____


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


W. E. "Bubber" Wilkes, Member


Mark Saxon, Member

ATTEST: _____


Kathy Hayes
Clerk, Board of Commissioners



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

VARIANCE CASE #: 7287

DATE: October 25, 2017

STAFF REPORT BY: Gabriel Quintas, Planner
& Sandy Weinel, Assistant Director

APPLICANT NAME: Baseline Surveying & Engineering

PROPERTY OWNER: Mercury Farms, LLC

LOCATION: South side of Hale Road, between Salem Road
and Carson Graves Road

PARCEL SIZE: ± 101.91 Acres

EXISTING ZONING: A-1 (Agricultural)

EXISTING LAND USE: Agricultural

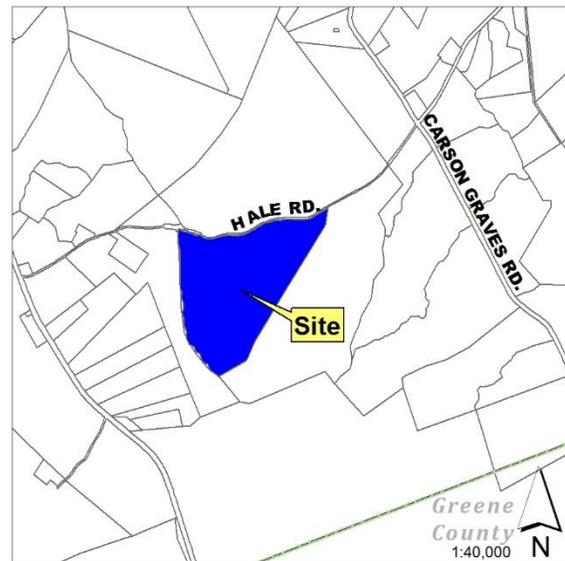
TYPE OF VARIANCE REQUESTED: Hardship Variance

REQUEST SUMMARY: The property owner is requesting a hardship variance that would allow the subdivision of an existing parcel into 4 parcels containing a minimum of 10 acres each along an unpaved road.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: November 7, 2017

ATTACHMENTS: Application
Variance Narrative
Aerial
Tax Map
Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT**HISTORY**

- August 2017 - The parent tract of 228.95 acres, Tax Parcel B-12-001, was administratively subdivided into two parcels of 101.91 acres & 127.04 acres under the provisions of Section 503.01 (b) of the UDC

SITE VISIT DESCRIPTION

- The subject site is wooded and undeveloped.

VARIANCE REQUEST DESCRIPTION

- The owner is requesting approval of a hardship variance for relief from Section 503.01 (c) of the Unified Development Code, which restricts subdivisions on unpaved roads to two tracts:
 - Section 503.01 (c) – Unpaved Road Lot Splits.

The division of land into two lots, or parcels with each resultant lot, tract or parcel:

 1. *Containing at least one acre, or more as may be required by this Development Code;*
 2. *Fronting on an unpaved County road for a minimum of width of 25 feet; and*
 3. *Conforming to this Development Code.*
- The owner proposes to further subdivide the 101.91-acre tract into four separate tracts with a minimum of ten acres each.

PUBLIC FACILITIES

- The county maintains a 30' prescriptive easement along Hale Road.

ENVIRONMENTAL

- Greenbriar Creek (a regulated stream according to Sec. 903.02 of the UDC) runs along the western property line of the subject tract, and part of a pond is located at the southwest corner.
- Jurisdictional wetlands and a 100-year flood plain are present along Greenbriar Creek.

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:

- Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography?** There are no known such conditions. However, the parcel is a large tract and has over 2,000 feet of frontage along Hale Road.
- Does the application of requirements in the Unified Development Code create the unnecessary hardship to this particular piece of property?** The application of requirements in the UDC create a hardship in so far as the subject property is not eligible for further subdivision. If Hale Road were paved, the parent tract would be eligible for an administrative subdivision for the desired number of lots with a minimum of 5 acres each.

- c. **Are conditions creating the need for the hardship variance peculiar to the particular piece of property involved?** Because the property is located on an unpaved road, splits are limited to two lots.
- d. **Will relief, if granted, not cause substantial detriment to the public good or impair the purposes and intent of the Unified Development Code?** The UDC was amended in June 2012 to provide for the limited subdivision of land located along unpaved roads where the availability of utilities and services are limited and where the county maintains the road by prescriptive easement or reduced right of way. The proposed subdivision meets the intent of the UDC with respect to lot size, proposed uses, and character area.

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:

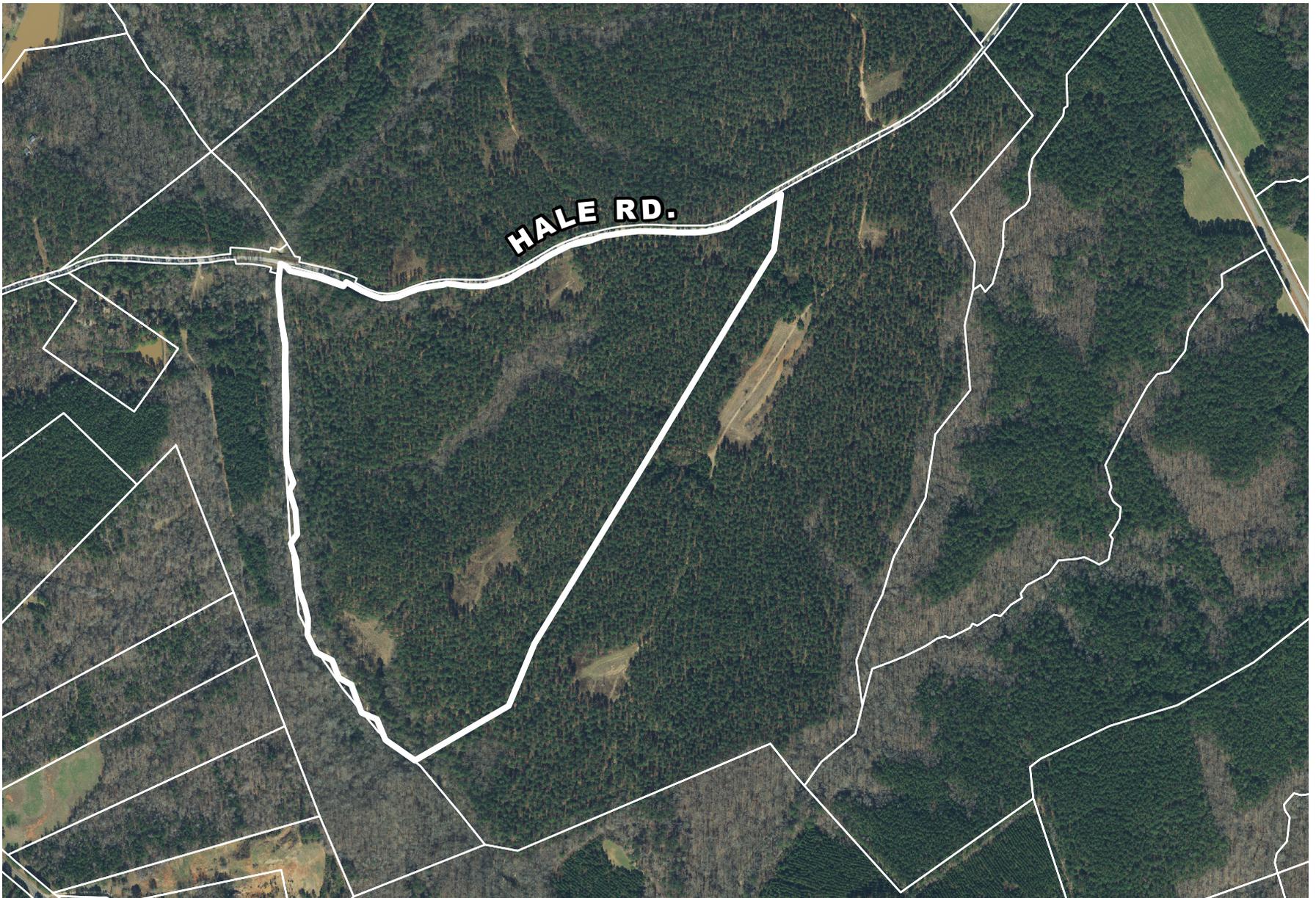
- a. **Is the need for the hardship variance the result of a condition created by the applicant or the result of an unwise investment decision or real estate transaction?** No.
- a. **Is the hardship variance a request to change conditions of approval imposed through a zoning change granted by the Board of Commissioners?** No. The subject property has been zoned A-1 since the original adoption of the zoning map in 1968.
- b. **Does the hardship variance cause a reduction of the minimum lot size required by the zoning district applicable to the property?** No.
- c. **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.
- d. **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

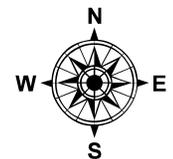
Based upon the standards and limitations for hardship variance approval, this request **does meet the necessary criteria to grant a hardship variance**. If approved, staff recommends the hardship variance **be subject to the following conditions to be fulfilled by the owner/developer at his/her expense:**

1. The subject property subdivision shall not exceed four lots.
2. The minimum lot size shall not be less than 10 acres.
3. The subject property shall be subdivided in accordance with the procedures for minor subdivision plat approval as set forth in Section 1203.04 of the Oconee County Unified Development Code.

Mercury Farms, LLC.



Feet
1:9000





OCONEE COUNTY APPEAL APPLICATION



Type of Appeal Submitted:

- Hardship Variance
- Appeal of Administrative Decision
- Flood Damage Prevention Variance
- Special Exception for: _____

Applicant

Name: Baseline Surveying & Engineering, Inc.
 Address: 1800 Hog Mountain Road
(No P.O. Boxes)
Building 900, Suite 103
Watkinsville, GA 30677
 Telephone: 706-769-6610

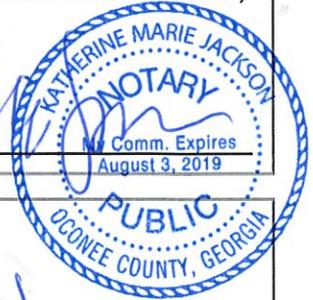
Property Owner

Name: Mercury Farms, LLC
 Address: 1251 Overlook Ridge Road
(No P.O. Boxes)
Bishop, GA 30621
 Telephone: 706-621-3849

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: [Signature] Date: 08-28-17 Notarized: [Signature]



Property

Location: Hale Road
Watkinsville, GA 30677
 Tax Parcel Number: B12001
 Size (Acres): 101.91 Current Zoning: A-1
 Future Development Map—Character Area Designation: _____

Use

Current Use: Agricultural
 Proposed Use: Agricultural
Residential
 Future Development Map—Character Area Designation: Agricultural Preservation & conservation corridor

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

The purpose of this variance is to allow the subdivision of an existing 101.91 acre tract into 4 parcels containing a minimum of 10 acres each along an unpaved road.
Section 503.01(C) Unpaved Road Splits

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: _____

Action **APPLICATION NUMBER** _____
Administrative Appeal: Date: _____
 Approved With Conditions Denied N/A
Board of Commissioners Date: _____
 Approved With Conditions Denied N/A

THIS IS NOT A BOUNDARY SURVEY
NOT FOR RECORDING

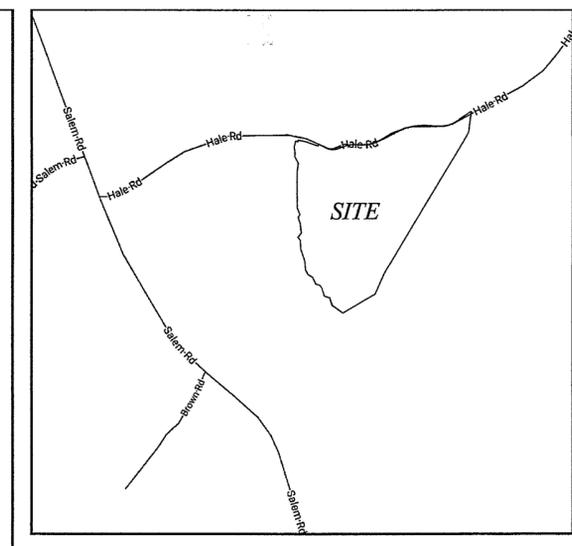
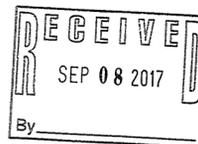


GRID NORTH

BEARINGS ARE BASED ON
NORTH AMERICAN DATUM OF 1983
GEORGIA STATE PLANE COORDINATE SYSTEM
(WESTERN ZONE)



1 INCH = 300 FEET



VICINITY MAP
NOT TO SCALE

BASELINE
SURVEYING &
ENGINEERING, INC.

P.O. BOX 269
WATKINSVILLE, GA 30677
WWW.BASELINEGA.COM
PHONE: 706-614-1952
MATT@BASELINEGA.COM

PLAN FOR:
MERCURY FARMS, LLC

261st GEORGIA
MILITIA DISTRICT
OCONEE COUNTY
PHYSICAL ADDRESS:
HALE ROAD
WATKINSVILLE, GEORGIA
30677

PROJECT DATA

CLIENT: MERCURY FARMS, LLC
PROFESSIONAL CONTACT: BASELINE SURVEYING & ENGINEERING
MATTHEW D. ULMER, GA. RLS#3069
P.O. BOX 269 WATKINSVILLE, GA 30677
MATT@BASELINEGA.COM
706-614-1952

- TOTAL PROJECT ACREAGE: 101.61 ACRES
- TAX PARCEL #: B 12 001
- NO ATTEMPT WAS MADE TO LOCATE UTILITIES OR IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PROPERTY EXCEPT AS SHOWN HEREON.
- THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A COMPLETE TITLE SEARCH.
- ZONED A-1
- THIS IS NOT A BOUNDARY SURVEY
- FUTURE DEVELOPMENT CHARACTER AREA: AGRICULTURAL PRESERVATION

REVISIONS	DATE

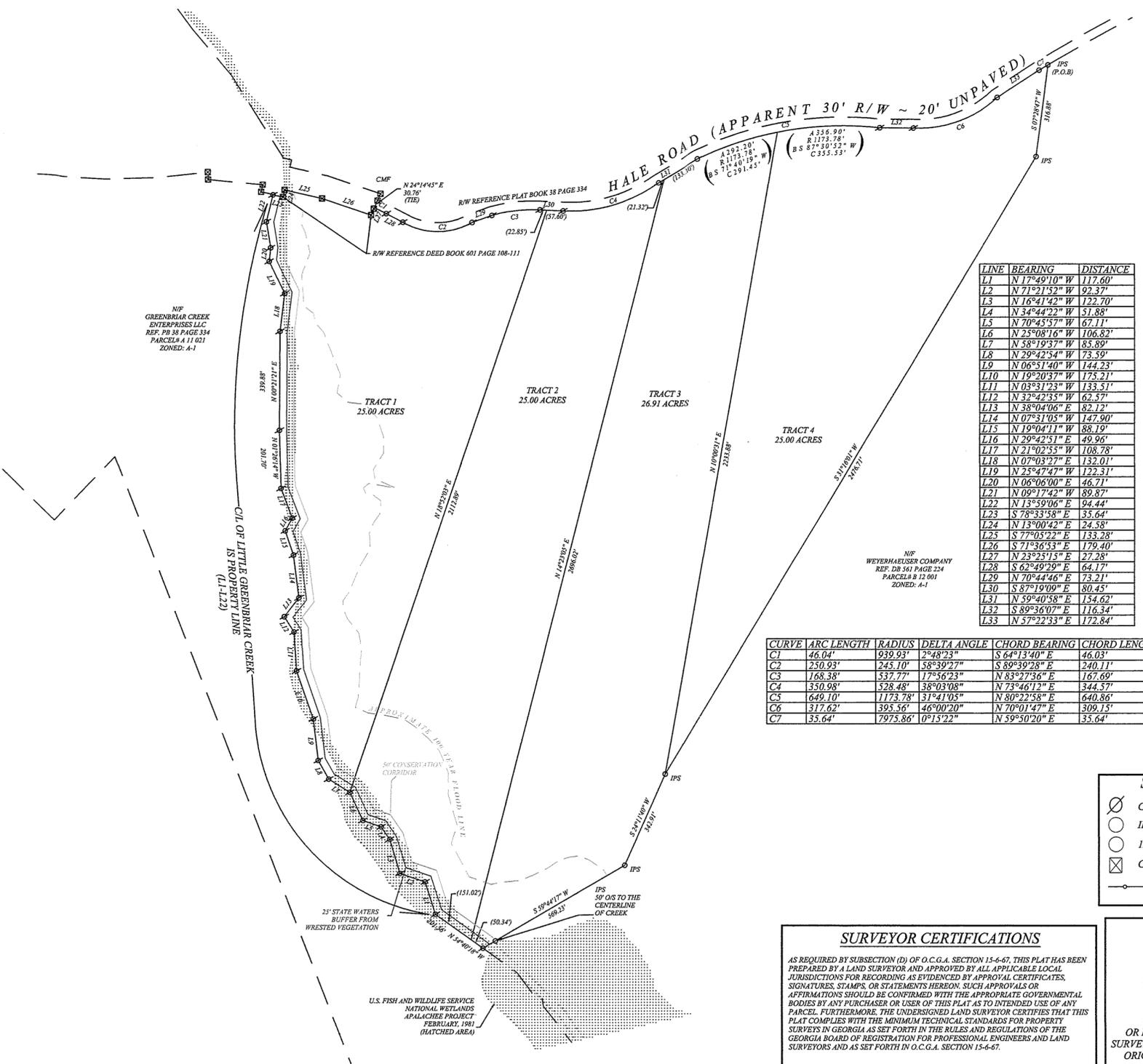
THIS PLAN IS A COPYRIGHT OF BASELINE SURVEYING & ENGINEERING, INC. AND CANNOT BE ALTERED OR COPIED IN ANY FORM WITHOUT WRITTEN CONSENT OF BASELINE SURVEYING & ENGINEERING, INC.

DATE
09/07/17

PROJECT
17-978S

VARIANCE
CONCEPT PLAN

SHEET
1 OF 1



LINE	BEARING	DISTANCE
L1	N 17°49'10" W	117.60'
L2	N 71°21'53" W	92.37'
L3	N 16°41'43" W	122.70'
L4	N 34°44'23" W	51.88'
L5	N 70°45'57" W	67.11'
L6	N 25°08'16" W	106.82'
L7	N 58°19'37" W	85.89'
L8	N 29°42'54" W	75.59'
L9	N 06°51'40" W	144.23'
L10	N 19°20'37" W	175.21'
L11	N 03°31'23" W	133.51'
L12	N 32°42'33" W	62.57'
L13	N 38°04'06" E	82.12'
L14	N 07°31'05" W	147.90'
L15	N 19°04'11" W	88.19'
L16	N 29°42'51" E	49.96'
L17	N 21°02'55" W	108.78'
L18	N 07°03'27" E	132.01'
L19	N 25°47'47" W	122.31'
L20	N 06°06'00" E	46.71'
L21	N 09°17'42" W	89.87'
L22	N 13°59'06" E	94.44'
L23	S 78°33'58" E	35.64'
L24	N 13°00'42" E	24.58'
L25	S 77°05'22" E	133.28'
L26	S 71°36'53" E	179.40'
L27	N 23°23'15" E	27.28'
L28	S 62°49'29" E	64.17'
L29	N 70°44'46" E	73.21'
L30	S 87°19'09" E	80.45'
L31	N 59°40'58" E	154.62'
L32	S 89°36'07" E	116.34'
L33	N 57°22'33" E	172.84'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	46.04'	939.93'	2°48'23"	S 64°13'40" E	46.03'
C2	250.93'	245.10'	58°39'27"	S 89°39'28" E	240.11'
C3	168.38'	537.77'	17°56'23"	N 83°27'36" E	167.69'
C4	350.98'	528.48'	38°03'08"	N 73°46'12" E	344.57'
C5	649.10'	1173.78'	31°41'05"	N 89°25'58" E	640.86'
C6	317.62'	395.56'	46°00'20"	N 70°01'47" E	309.15'
C7	35.64'	7975.86'	0°15'22"	N 59°50'20" E	35.64'

SYMBOL LEGEND

- ⊗ CALCULATED POINT
- IRON MARKER FOUND
- 1/2" IRON PIN SET
- ⊗ CONCRETE MONUMENT
- FENCE

PLAT ABBREVIATIONS

- IPF - IRON PIN FOUND
- IPS - IRON PIN SET
- GM - GAS METER
- CR - CABLE RISER
- R/W - RIGHT OF WAY
- C/L - CENTERLINE
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- SSMH - SANITARY SEWER MANHOLE
- WV - WATER VALVE
- WM - WATER METER
- FH - FIRE HYDRANT
- PP - POWER POLE
- N/F - NOW OR FORMERLY
- DB - DEED BOOK
- PG - PAGE
- OHE - OVERHEAD ELECTRIC
- PB - PLAT BOOK
- LL - LAND LOT
- GCB - GATE CONTROL BOX
- TR - TELEPHONE RISER
- DWCB - DOUBLE WING CATCH BASIN
- HW - HEAD WALL
- FES - FLARED END SECTION
- JB - JUNCTION BOX
- DI - DROP INLET
- TRAN - TRANSFORMER
- OTP - OPEN TOP PIPE
- EMH - ELECTRIC MANHOLE
- GEN - GENERATOR
- OCS - OUTLET CONTROL STRUCTURE
- PL - PROPERTY LINE
- SS - SANITARY SEWER
- BSL - BUILDING SETBACK LINE
- FIRM - FEDERAL INSURANCE RATE MAP
- CO - CLEAN OUT

SURVEYOR CERTIFICATIONS

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

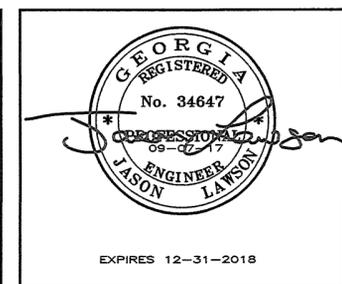
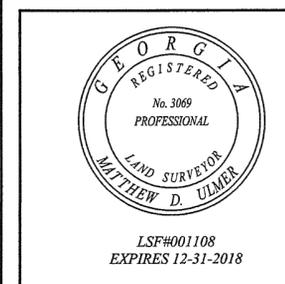
MATTHEW D. ULMER, GA. RLS#3069

MATTHEW D. ULMER
GEORGIA REGISTERED
LAND SURVEYOR #3069

P.O. BOX 269
WATKINSVILLE, GA 30677
706-614-1952

THIS PLAT IS NOT VALID OR RECORDABLE UNLESS SAID SURVEYOR'S SIGNATURE APPEARS IN ORIGINAL BLUE INK OVER THE STAMP.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH MINIMUM STANDARDS AND REQUIREMENTS OF GEORGIA LAW.





We request a variance per Section 503.01 (c) "Unpaved Road Splits. We would like to subdivide the existing parcel into four tracts. The minimum acreage per tract would be limited to 10 acres allowing it to qualify for conservation. The property conforms to all surrounding parcels and meets all the other criteria for the splits.

A. Would not cause substantial detriment to the public good

There would be no detriment to the public good caused by this variance.

B. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity

A variance would not cause any impedance of the use and enjoyment of adjoining properties.

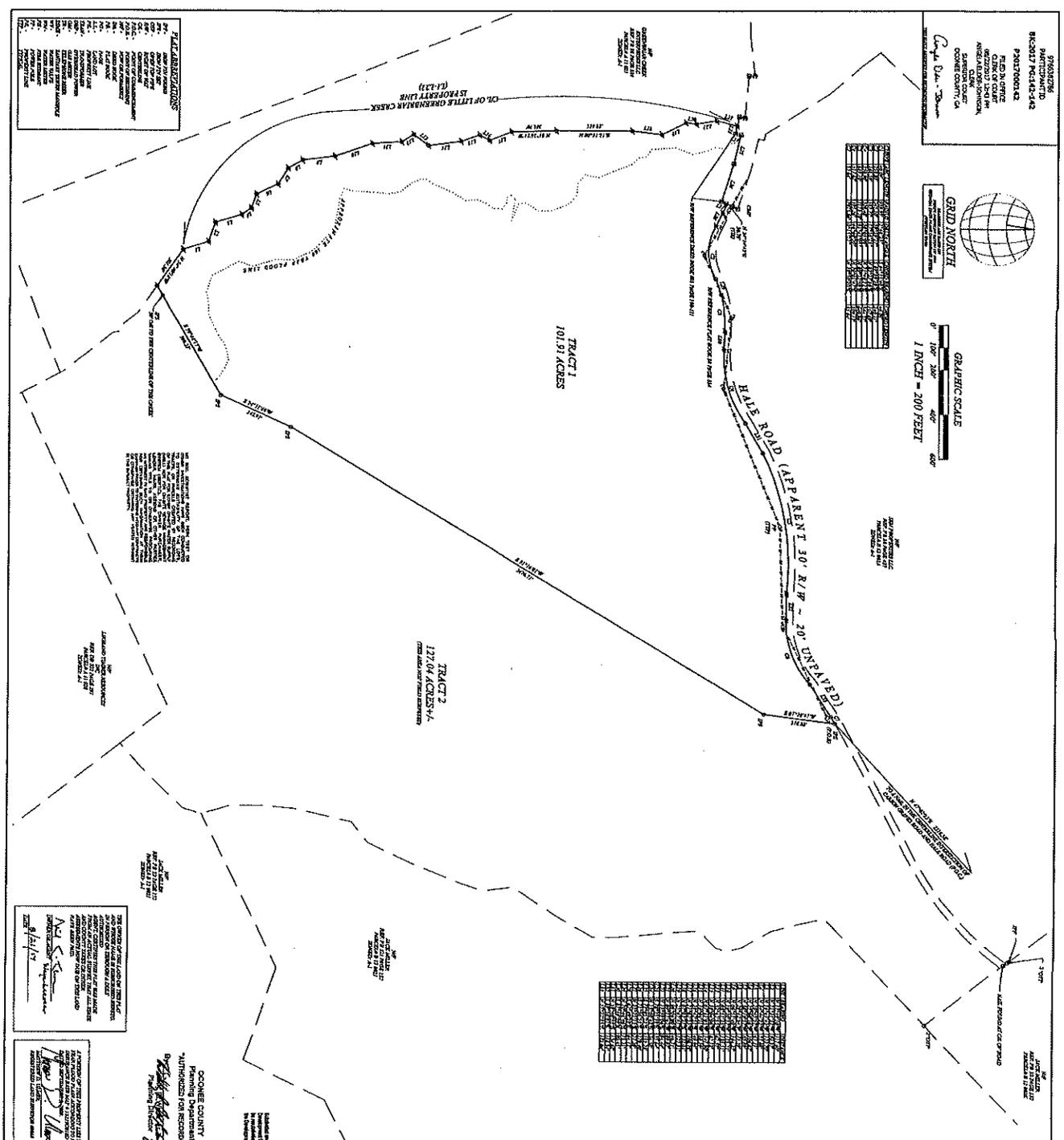
C. Would not diminish and impair property values within the surrounding neighborhood.

The property values will not be diminished by the granting of this variance. It will be the same use as the surrounding properties.

D. Would impair the purpose and intent of this Development Code.

The granting of a variance would not impair the aesthetic qualities of the county and would not diminish the appearance, character and value of the neighbors.

Printed by staff



TITLE BLOCK

PROJECT: MERCURY FARMS, LLC
 DATE: 08/18/17
 SHEET: 1 OF 1

GRID NORTH

GRAPHIC SCALE
 1 INCH = 200 FEET

TRACT 1
 101.91 ACRES

TRACT 2
 127.04 ACRES

HALE ROAD (APPARENT 30' R/W - 20' INVADED)

CR. OF LITTLE GREENWICH CREEK (E.A. 123)

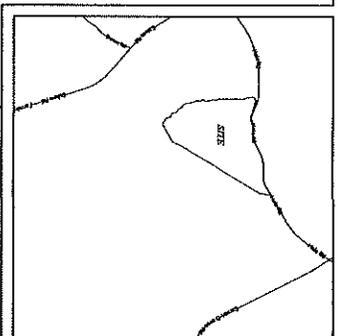
ADJACENT PROPERTIES

PROPERTY INFORMATION

CONVEYANCE

RECORDING

NOTICE



VICINITY MAP
 NOT TO SCALE

PROJECT DATA

CLIENT: MERCURY FARMS, LLC
PROJECT: MERCURY FARMS, LLC
DATE: 08/18/17

EXEMPTION CERTIFICATIONS

THIS PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE GEORGIA SURVEYING AND MAPPING ACT (G.S.M.A.) AND THE GEORGIA PROFESSIONAL SURVEYING AND MAPPING ACT (G.P.S.M.A.) BECAUSE IT IS A SUBDIVISION OF LAND THAT IS BEING DEVELOPED FOR A SINGLE PURPOSE AND IS NOT BEING OFFERED FOR SALE OR LEASE TO THE PUBLIC.

FIELD ENTRY/CLIENT RESPONSE

DATE: AUG 13 2017

FIELD CHECKS

DATE: AUG 13 2017

BASELINE SURVEYING & ENGINEERING, INC.
 P.O. BOX 269
 WATKINSVILLE, GA 30677
 WWW.BASELINEGA.COM
 PHONE: 706-769-6610

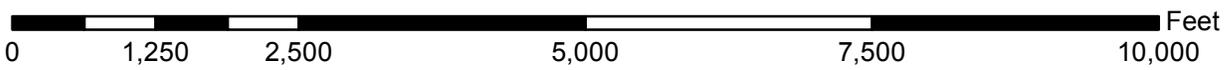
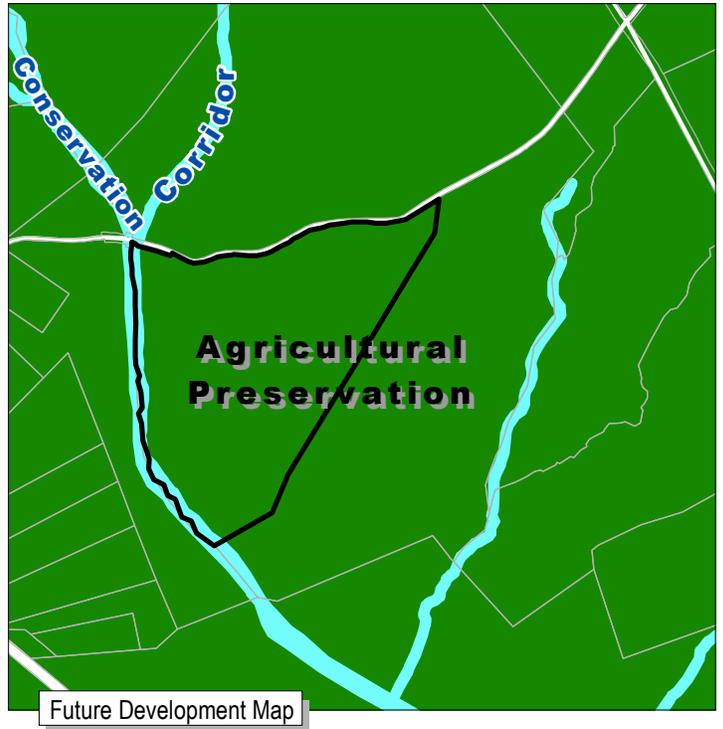
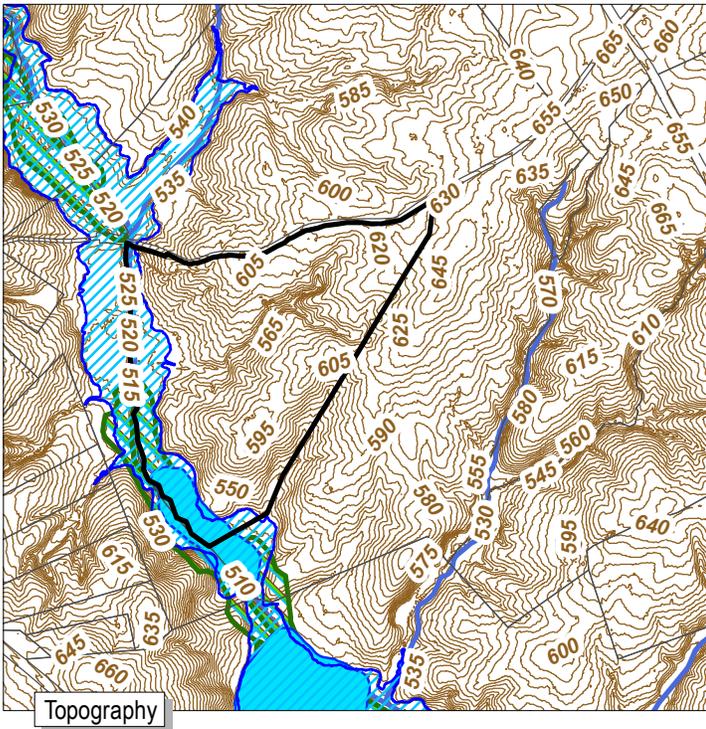
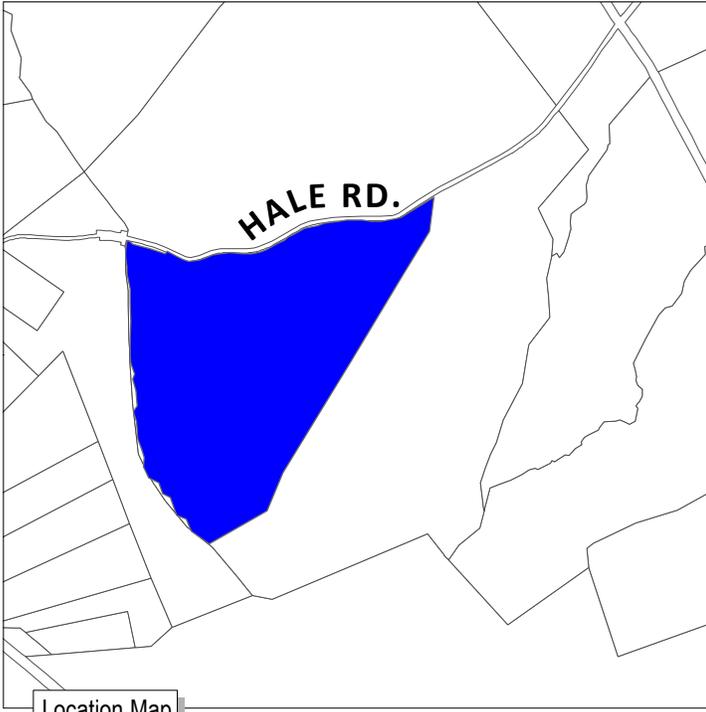
CERTIFY TO:
 MERCURY FARMS, LLC
 2614 GEORGIA MILITA DISTRICT
 OCONEE COUNTY
 PHYSICAL ADDRESS:
 HAILE ROAD
 WATKINSVILLE, GEORGIA 30677

DATE: 08/18/17
PROJECT: 17-978S
ADMINISTRATIVE SUBDIVISION PLAT

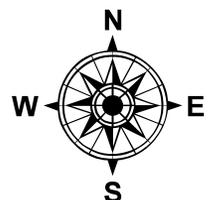
SHEET 1 OF 1

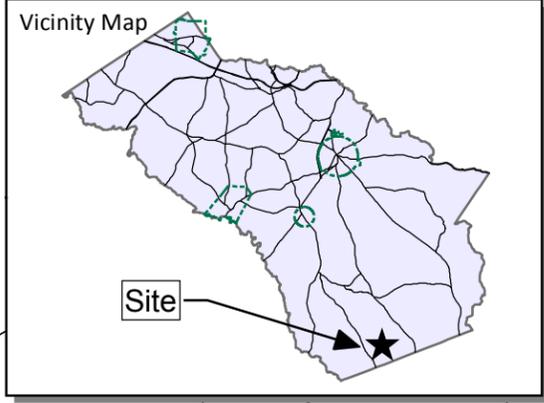


Mercury Farms, LLC. Site Review



1:20000

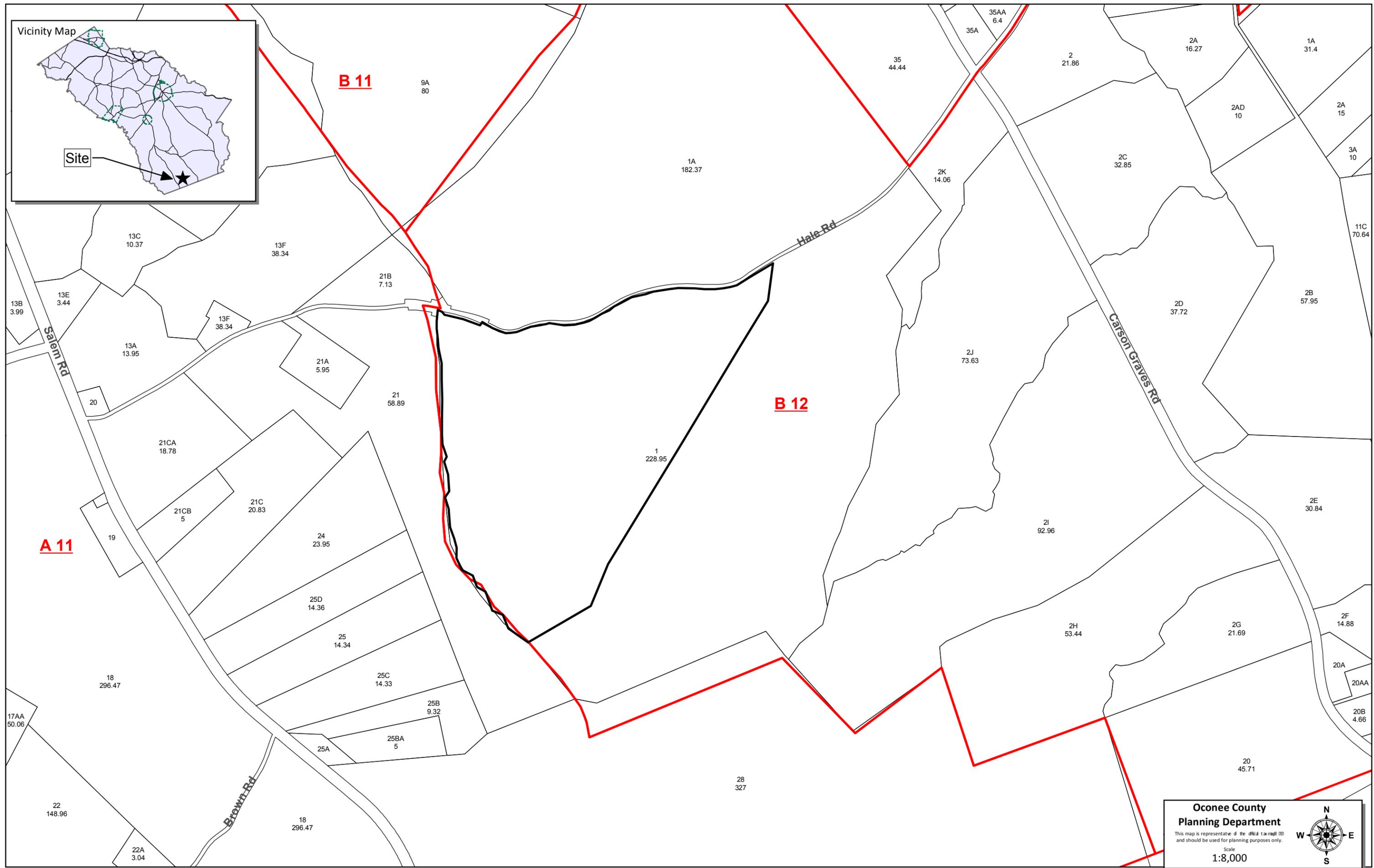




B 11

B 12

A 11



**Oconee County
Planning Department**

This map is representative of the digital tax map and should be used for planning purposes only.

Scale
1:8,000