

**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 Porterfield submitted on September 20, 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 Butler Landscape and Design on September 20, 2017 regarding a ± 0.89 acre tract of land located on the east side of Macon Highway in the 221st G.M.D., Oconee County, Georgia, (W-02-004), 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 806 to allow a reduction of the required buffer between single-family residential and commercial uses from 50 feet to 25 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 December 19, 2017.

ADOPTED AND APPROVED, this 19th day of December, 2017.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: [Signature]
John Daniel, Chairman

[Signature]
Mark Thomas, Member

[Signature]
Chuck Horton, Member

[Signature]
W. E. "Bubber" Wilkes, Member

[Signature]
Mark Saxon, Member

ATTEST:

[Signature]
Kathy Hayes
Clerk, Board of Commissioners



CONDITIONS

1. A 25-foot natural vegetative buffer supplemented with evergreen vegetation and a 6-foot opaque fence and meeting the design standards of UDC Section 808 shall be constructed along adjoining residential uses as depicted on the applicant's concept plan.

NARRATIVE

Variance Narrative Statement

September 20, 2017

INTRODUCTION

Dan Butler of Butler Landscape and Design is proposing to develop the subject 0.89 acre parcel of land at 7520 Macon Hwy. The site is located along Macon Highway between the Oconee Veterinary Hospital and the Watkinsville Power Shop approximately one mile north of downtown Watkinsville. According to the Oconee County Future Development Map, the subject site and adjacent parcels have been identified as future Civic Center and Community Village Character Areas.

The petitioner with authorization from the property owner is requesting this special exception variance, and has engaged Smith Planning Group to act as the agent in preparing the required documentation. A special exception variance is requested from UDC code section 806 allowing a reduction from the required 50' buffer to a 25' buffer along the rear property line.

The current view from the adjacent residential parcels into the subject site is densely screened mainly due to the mix of trees, shrubs and vines located on the lot line separating the subject site and residential parcels and screened due to vegetation on the residential parcels. See photos taken from residential driveway below:



View from Jones Drive on residential driveway



View toward Jones Drive on residential driveway

The current vegetation within the 50ft buffer is a mix of grasses, scrub pines and 1in caliper hardwoods that are reestablishing themselves in the recently cleared land.



Sec. 1303.03. Standards for special exception variance approval. A special exception variance may be granted upon a finding that the relief, if granted:

- a. Would not cause substantial detriment to the public good; and

The allowance of a buffer reduction would not be detrimental to the public good.

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

The allowance of a buffer reduction would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity because the no significant screening plants would be removed, but on the contrary the additional screening methods such as 6 foot tall opaque fence and evergreen screening plants would be installed to further enhance year round opaque screening.

- c. Would not diminish and impair property values within the surrounding neighborhood; and

The allowance of this buffer reduction would not diminish or impair property values within the surrounding neighborhood, instead, the buffer reduction would provide the space necessary to develop this vacant property as quality commercial office space in harmony with the Oconee County Future Development Map and consistent in establishing this stretch of Macon Highway as a commercial district.

- d. Would not impair the purpose and intent of this Development Code.

The allowance of this buffer reduction would not impair the purpose and intent of this Development Code. The buffer reduction would allow the space needed to develop this vacant property as commercial office space while enhancing the year round visual screening of the adjacent residential property.



LEGAL DESCRIPTION

PROPERTY OF BOBBY PORTERFIELD

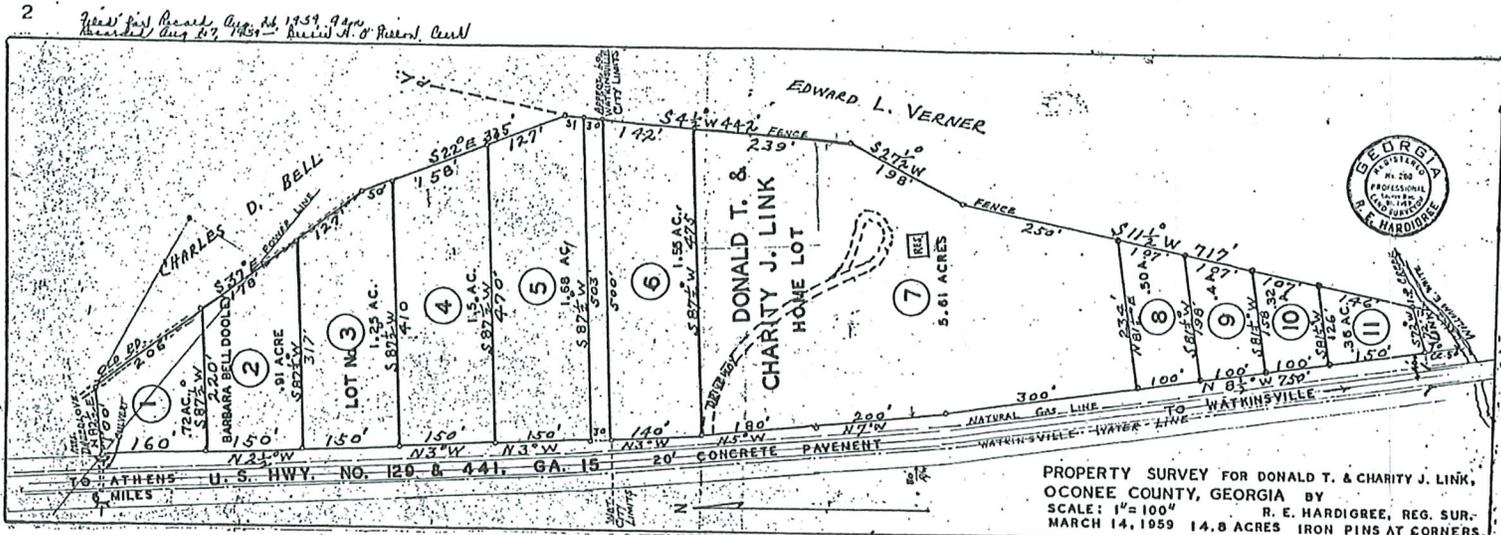
Legal Description to Accompany the Variance Request to Oconee County

All that tract or parcel of land containing 0.89 acres, more or less, situated, lying in the 221st G.M. District, Oconee County, Georgia, and being more particularly described as follows:

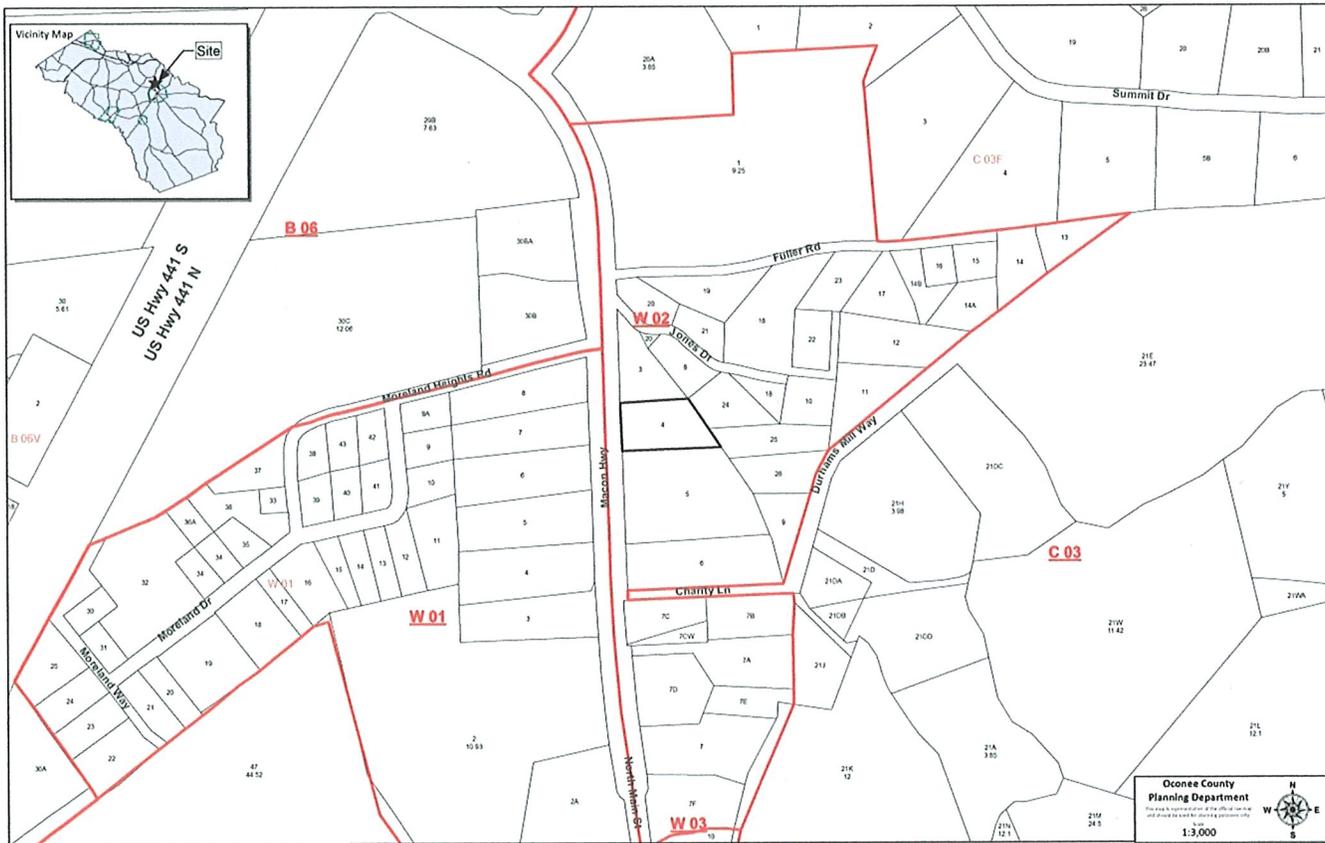
Beginning at a point along the southern Right-of-Way of Macon Highway, approximately North 665 feet of the centerline of Macon Highway and Charity Lane, which is the point of beginning,

Thence North 02 degrees 18 minutes 31 seconds West 149.99 feet to a point,
 Thence North 87 degrees 19 minutes 55 seconds East 222.11 feet to a point,
 Thence South 34 degrees 55 minutes 45 seconds East 177.99 feet to a point,
 Thence South 87 degrees 25 minutes 35 seconds West 318.05 feet to a point,
 Which is the point of beginning.

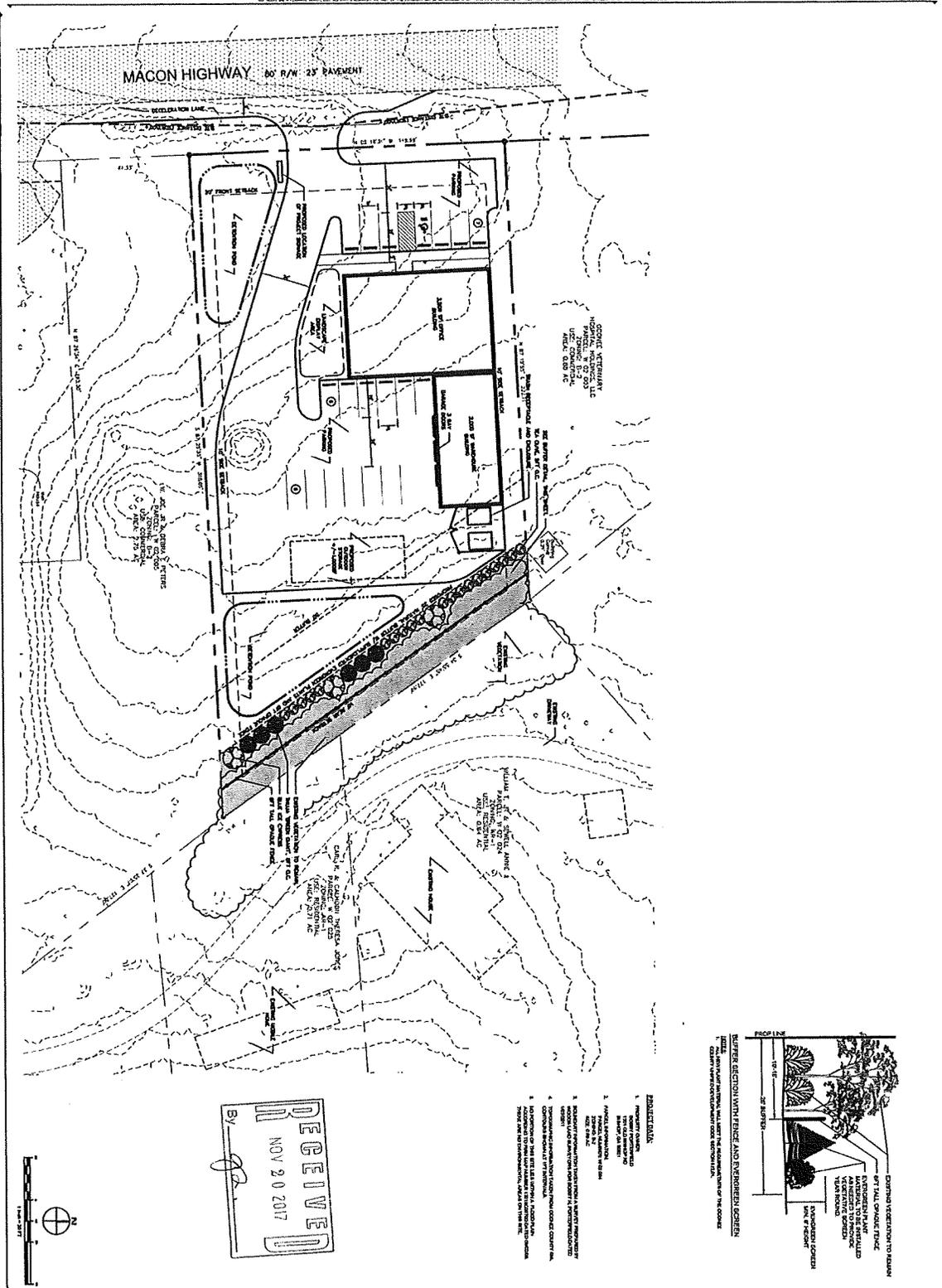
PLAT



TAX MAP



DEVELOPMENT PLAN





BUTLER LANDSCAPE AND DESIGN
OCONEE COUNTY, GEORGIA

SMITH PLANNING GROUP

LAND PLANNING
CITY ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL ENGINEERING
TRANSPORTATION ENGINEERING

REPORT TITLE: VARIANCE CONCEPT PLAN

PROJECT NO.: V-0

DATE: 11/20/17



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

VARIANCE CASE #: 7309

DATE: November 16, 2017

STAFF REPORT BY: Gabriel Quintas, Planner

APPLICANT NAME: Butler Landscape and Design

PROPERTY OWNER: Bobby H. Porterfield

LOCATION: 7520 Macon Highway, east side of Macon Highway (US Highway – Business 441)

PARCEL SIZE: ± 0.89 Acres

EXISTING ZONING: B-2 (Highway Business)

EXISTING LAND USE: Vacant

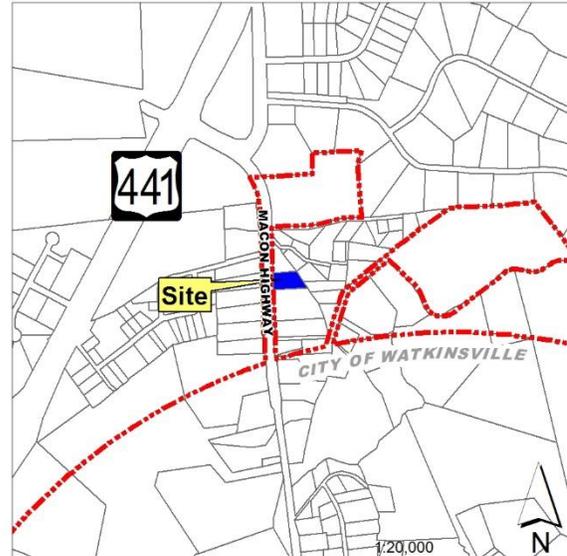
TYPE OF VARIANCE REQUESTED: Special Exception

REQUEST SUMMARY: The property owner is requesting approval of a special exception variance to reduce the width of the buffer required along a residential use from 50 feet to 25 feet.

DATE OF SCHEDULED HEARING

BOARD OF COMMISSIONERS: December 19, 2017

ATTACHMENTS: Application
Variance Narrative
Aerial
Tax Map
Concept Plan



NOTE: This request was submitted in conjunction with rezone request # 7330.

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property was rezoned from AR-1 to B-2 by the BOC in 2006 (rezone # 4903) for the purpose of converting the then-existing residence to an office with associated parking.
- The residence was demolished in 2007.

SITE VISIT DESCRIPTION

- The subject site is primarily vacant with dense shrubbery and saplings located towards the rear of property.
- A portion of the paved drive that led to the now-demolished residence remains on the property.

VARIANCE REQUEST DESCRIPTION

- The owner is requesting approval of a special exception variance for relief from Section 806 (b) of the Unified Development Code, which requires a 50-foot buffer along an incompatible residential use:
 - Section 806—Buffers; where required.
 - b. A buffer must be provided between any office, institutional or commercial use and any agricultural zoning district or any single-family, two-family or multi-family use or zoning district;*

Table 8.1: Situations Where Buffer Required					
	① Provide a buffer on the lot of this use				
	↓	↓	↓	↓	↓
② Along a side or rear lot line next to this less intense use or zoning ↓	1- or 2-Family Residence	Multi-Family	Office or Institutional	Commercial	Industrial
A-1 Agricultural land, or Active Agricultural use in any zoning district	N/A ¹	15 feet ¹	15 feet	15 feet	15 feet
1- or 2-Family Residential ²	None	25 feet	25 feet	50 feet	100 feet
Multi-Family Residential	None	None	25 feet	25 feet	50 feet
Office, Institutional, Commercial or Industrial	None	None	None	None	None

¹ See separation requirements for certain uses in Article 3.
² Includes any land zoned AR-5, AR-4, AR-3, AR-2, AR-1, R-1 or R-2, and any 1- or 2-Family Residential use zoned A-1 or R-3.

- The applicant proposes to reduce the buffer required along the rear property line (eastern property line) from 50 feet to 25 feet.

PROPOSED PROJECT DESCRIPTION

- Office building
 - One building totaling 3,500 sq. ft.
- Warehouse/garage building
 - One building with three bays totaling 2,000 sq. ft.
- Designated outdoor storage area totaling 1,000 sq. ft.

ENVIRONMENTAL

- No 100 Year Flood Plain or Jurisdictional Wetland areas are located on the site.
- Storm water will be directed to the proposed onsite stormwater management facilities.

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:

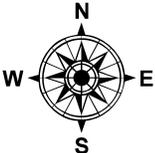
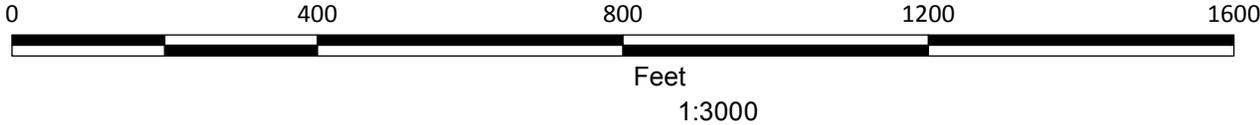
- a. **Cause a substantial detriment to the public good:** The approval of the present request should not cause any substantial detriment to the public good. The adjoining residential lots to the east are separated from the subject property by a private drive, and they are buffered by roughly 25 feet of existing vegetation (extending outward from the eastern subject property line) running along said drive.
 - b. **Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:** The approval of the present request should not be injurious to the use and enjoyment of the environment or of other property in the vicinity. The existing vegetation located along the common property line measured together with the proposed 25-foot vegetative buffer along the same property line achieves the effect of a 50-foot vegetative buffer between the residential uses to the east of the subject property and the proposed commercial use.
 - c. **Diminish and impair property values within the surrounding neighborhood:** The requested reduction of the incompatible-use buffer along the eastern property line should not diminish or impair property values within the surrounding neighborhood. The request is consistent with the existing development patterns in the vicinity.
 - d. **Impair the purpose and intent of this Development Code:** The primary intent of Section 806 of the UDC is to protect less intense land uses from the potential detrimental effects of an adjoining incompatible use. The requested variance is in conformity with this intent because a roughly 50-foot vegetative buffer will continue to shield adjoining residential uses from the proposed incompatible commercial use. Therefore, approval of the present variance request should not impair the purpose and intent of the Unified Development Code.
-

STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS

Based upon the standards for granting a special exception variance, **this request does meet the necessary conditions to grant a special exception variance.** If granted, staff recommends the hardship variance **be subject to the following conditions to be fulfilled by the owner/developer at his/her expense:**

1. A 25-foot natural vegetative buffer supplemented with evergreen vegetation and a 6-foot opaque fence and meeting the design standards of UDC Section 808 shall be constructed along adjoining residential uses as depicted on the applicant's concept plan.

Bobby Porterfield





OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

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

Applicant

Name: BUTLER LANDSCAPE AND DESIGN

Address: 1800 HOG MOUNTAIN ROAD
(No P.O. Boxes)
BDG 300 STE 101
WATKINSVILLE, GA 30677

Telephone: 706-254-6564

Property Owner

Name: BOBBY PORTERFIELD

Address: 1501 OLD BISHOP RD
(No P.O. Boxes)
BISHOP, GA 30621

Telephone: 706-769-5905

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: 11/11/17 Notarized: Cindy Dimauro
11/9/17



Property

Location: 7520 MACON HWY
WATKINSVILLE, GA 30677

Tax Parcel Number: W 02 004

Size (Acres): 0.89 AC Current Zoning: B - 2

Future Development Map—Character Area Designation: CIVIC CENTER

Use

Current Use: VACANT

Proposed Use: OFFICE SPACE
AND LANDSCAPING SERVICES

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

UDC CODE 806 REQUIRES A 50FT WIDE
BUFFER WHERE COMMERCIAL USE AD-
JOINS A RESIDENTIAL USE. THE VARI-
ANCE REQUEST IS FOR THE BUFFER
WIDTH TO BE REDUCED TO 25FT.

For Oconee County Staff Use Only

Application Date Received: 09/20/17 Date Accepted: 11/13/17

DRI Transmitted to RDC Date: _____ N/A

Review Submitted: _____ Location Map: _____

Posted: _____ Ad: _____ Ad: _____

Application Withdrawn Date: _____

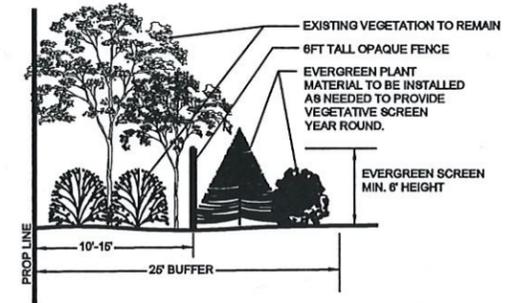
Action APPLICATION NUMBER 7309

Administrative Appeal: Date: _____

Approved With Conditions Denied N/A

Board of Commissioners Date: 12/19/17

Approved With Conditions Denied N/A

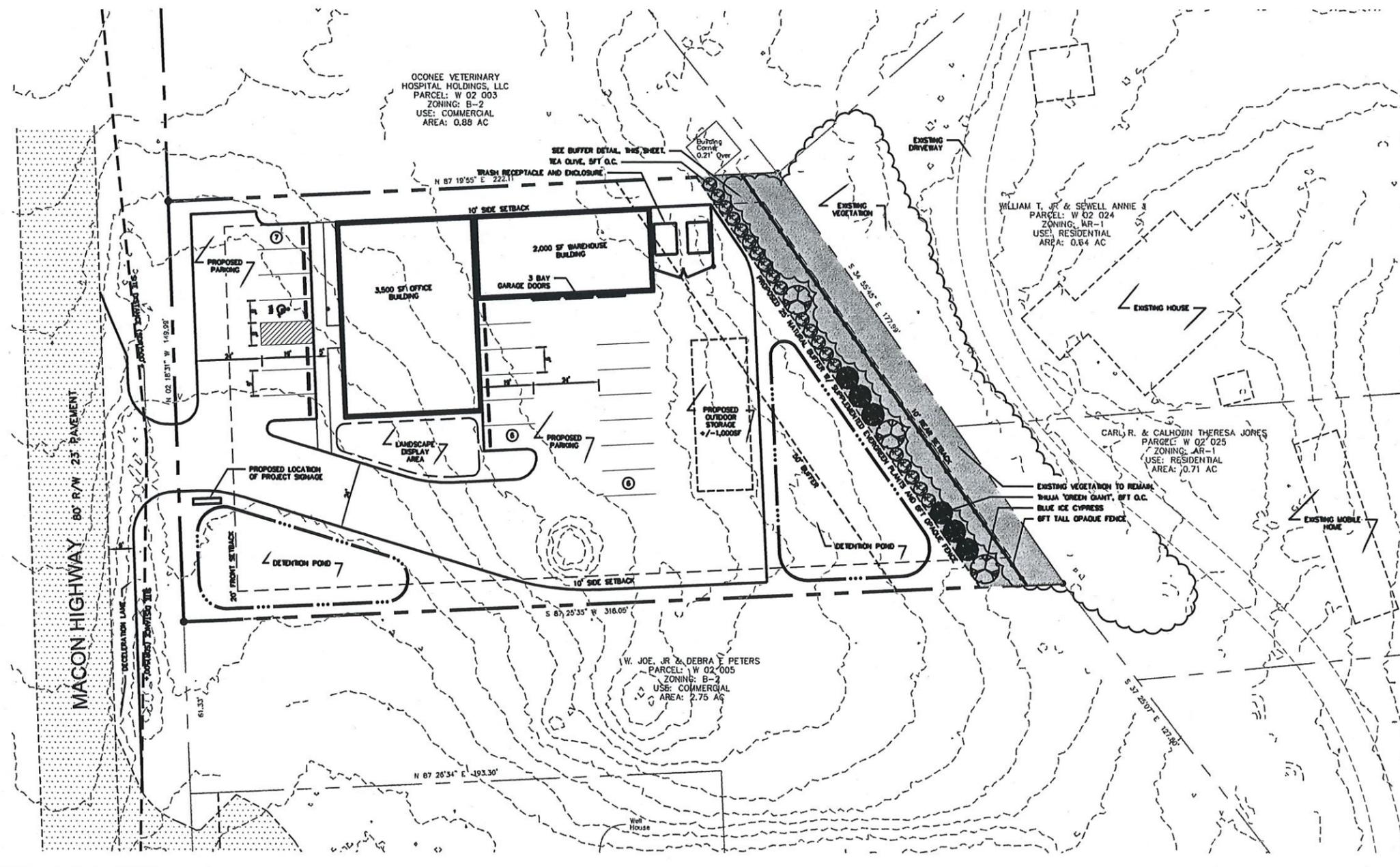


BUFFER SECTION WITH FENCE AND EVERGREEN SCREEN

NOTES:
1. ALL NEW PLANT MATERIAL WILL MEET THE REQUIREMENTS OF THE OCOONEE COUNTY UNIFIED DEVELOPMENT CODE SECTION 812.01.

PROJECT DATA:

1. PROPERTY OWNER:
BOBBY PORTERFIELD
1501 OLD BISHOP RD
BISHOP, GA 30621
2. PARCEL INFORMATION:
PARCEL NUMBER: W 02 004
ZONING: B-2
SIZE: 0.88 AC
3. BOUNDARY INFORMATION TAKEN FROM A SURVEY PREPARED BY WOODS LAND SURVEYORS FOR BOBBY H. PORTERFIELD DATED 10/7/2011
4. TOPOGRAPHIC INFORMATION TAKEN FROM OCOONEE COUNTY GIS. CONTOURS SHOWN AT 1 FT INTERVALS.
5. NO PORTION OF THIS SITE LIES WITHIN A FLOOD PLAIN ACCORDING TO FIRM MAP NUMBER 13218C02700 DATED 08/02/08. THERE ARE NO ENVIRONMENTAL AREAS ON THIS SITE.



SEALS:



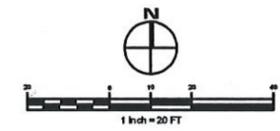
SHEET TITLE:

VARIANCE CONCEPT PLAN

SHEET ISSUE: 09/25/17 PROJECT NO. 17-2310
NO. DATE DESCRIPTION

SHEET NO.

V-0



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BUTLER LANDSCAPE and DESIGN

Oconee County, Georgia

Variance Narrative Statement

September 20, 2017

INTRODUCTION

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The current view from the adjacent residential parcels into the subject site is densely screened mainly due to the mix of trees, shrubs and vines located on the lot line separating the subject site and residential parcels and screened due to vegetation on the residential parcels. See photos taken from residential driveway below:



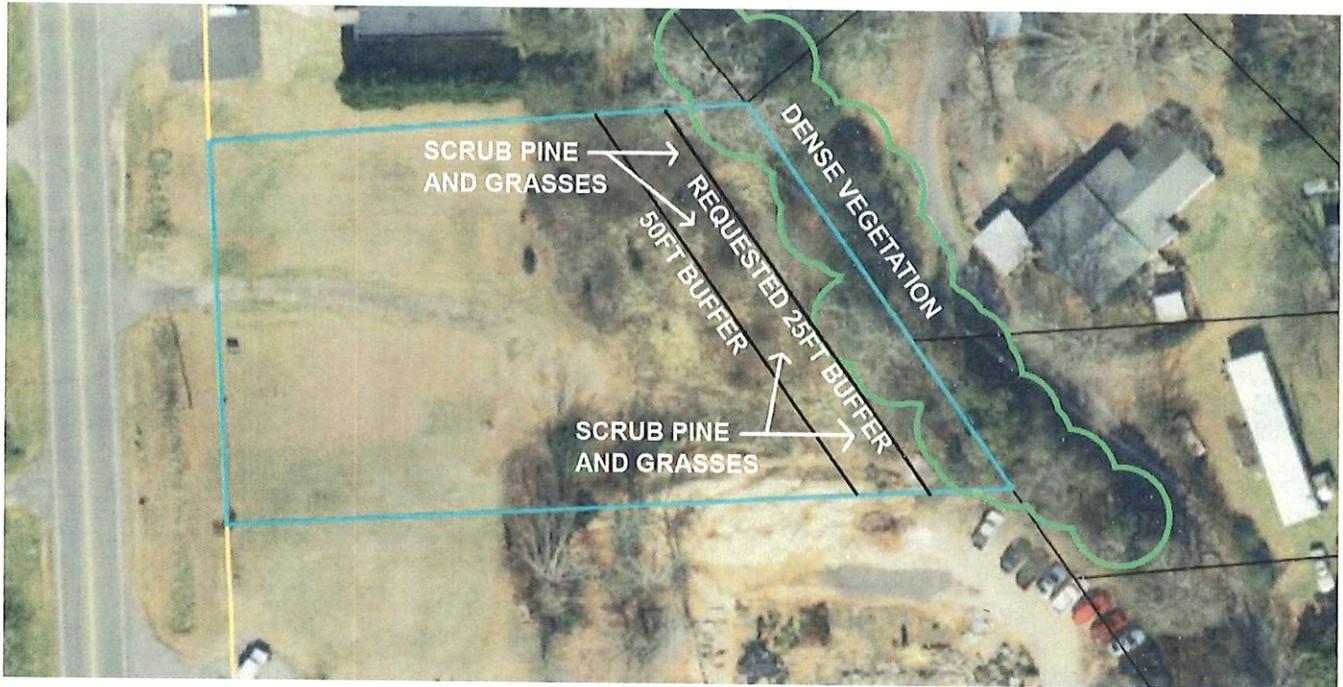
View from Jones Drive on residential driveway



View toward Jones Drive on residential driveway



The current vegetation within the 50ft buffer is a mix of grasses, scrub pines and 1in caliper hardwoods that are reestablishing themselves in the recently cleared land.



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- a. *Would not cause substantial detriment to the public good; and*

The allowance of a buffer reduction would not be detrimental to the public good.

- b. *Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and*

The allowance of a buffer reduction would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity because the no significant screening plants would be removed, but on the contrary the additional screening methods such as 6 foot tall opaque fence and evergreen screening plants would be installed to further enhance year round opaque screening.

- c. *Would not diminish and impair property values within the surrounding neighborhood; and*

The allowance of this buffer reduction would not diminish or impair property values within the surrounding neighborhood, instead, the buffer reduction would provide the space necessary to develop this vacant property as quality commercial office space in harmony with the Oconee County Future Development Map and consistent in establishing this stretch of Macon Highway as a commercial district.



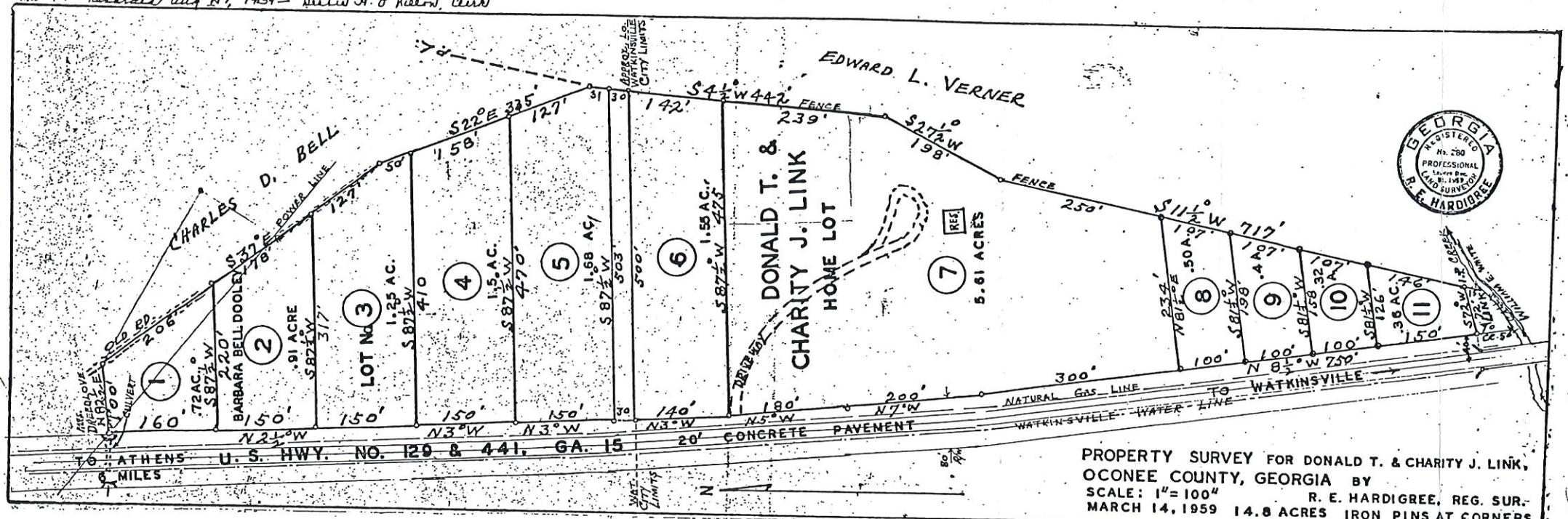
d. Would not impair the purpose and intent of this Development Code.

The allowance of this buffer reduction would not impair the purpose and intent of this Development Code. The buffer reduction would allow the space needed to develop this vacant property as commercial office space while enhancing the year round visual screening of the adjacent residential property.



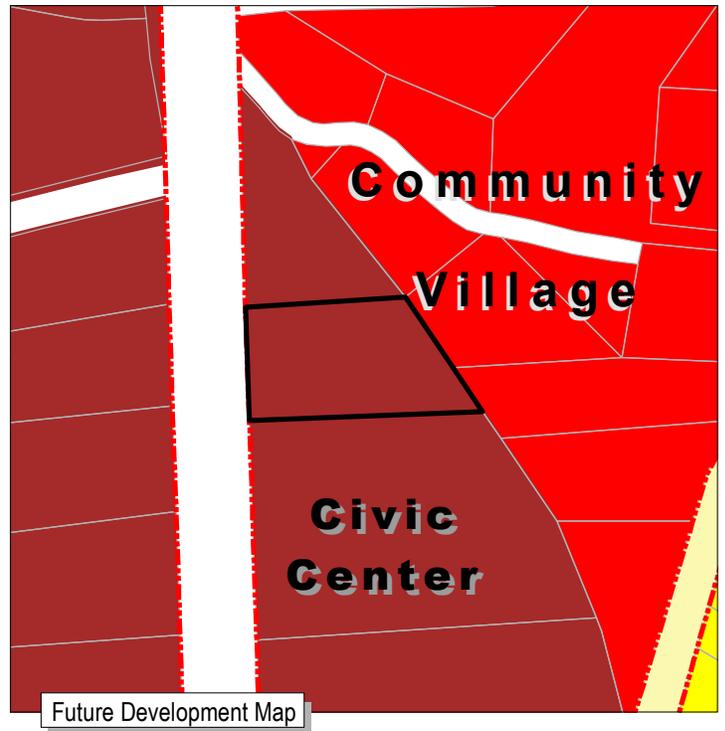
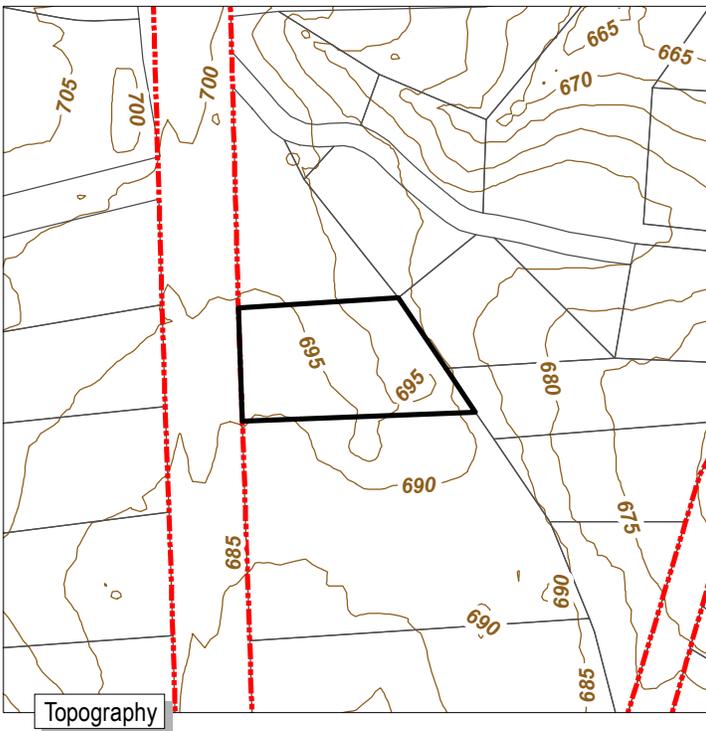
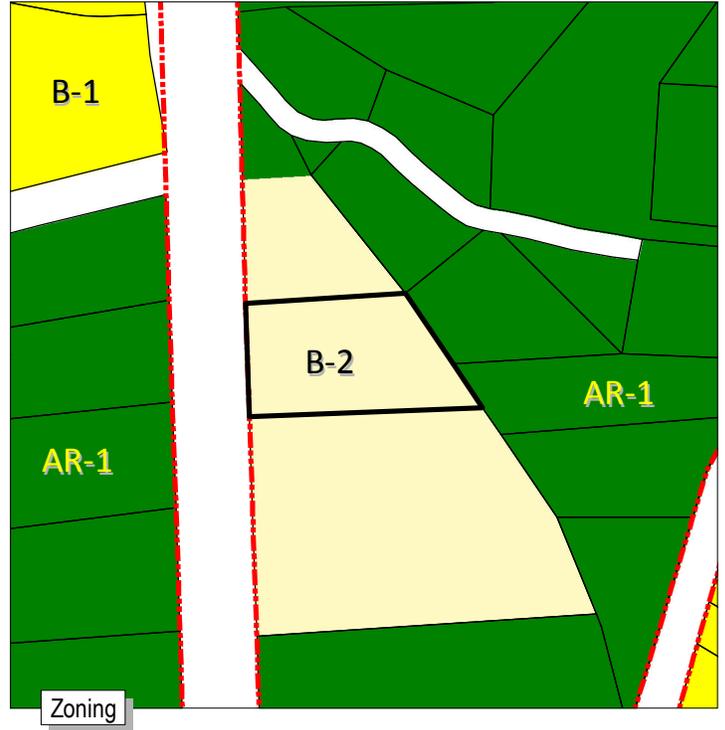
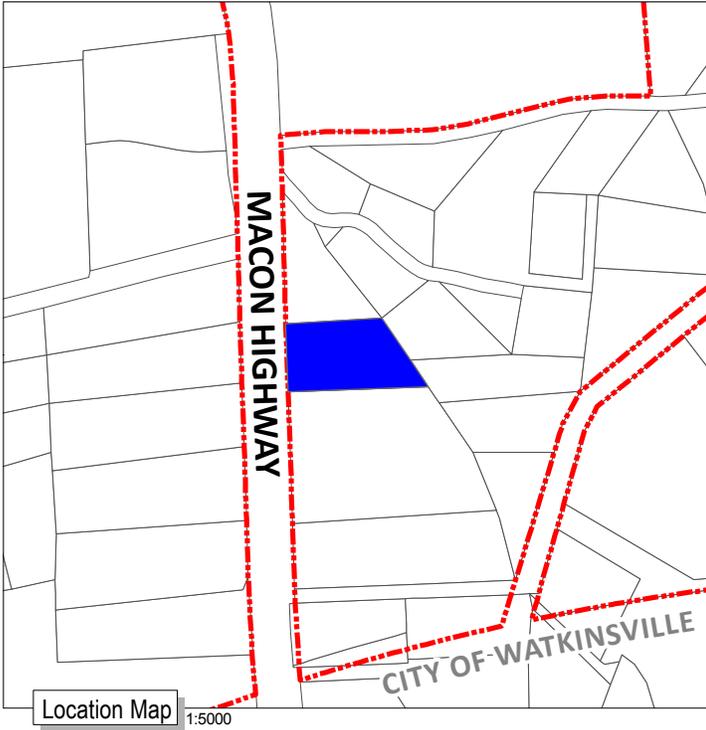
Field Plat Record, Aug. 26, 1959, 9 am
Recorded Aug 27, 1959 - Book 11, Page 100

RECEIVED
SEP 29 2017
By

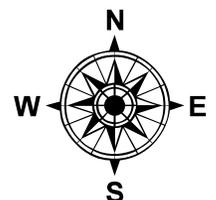


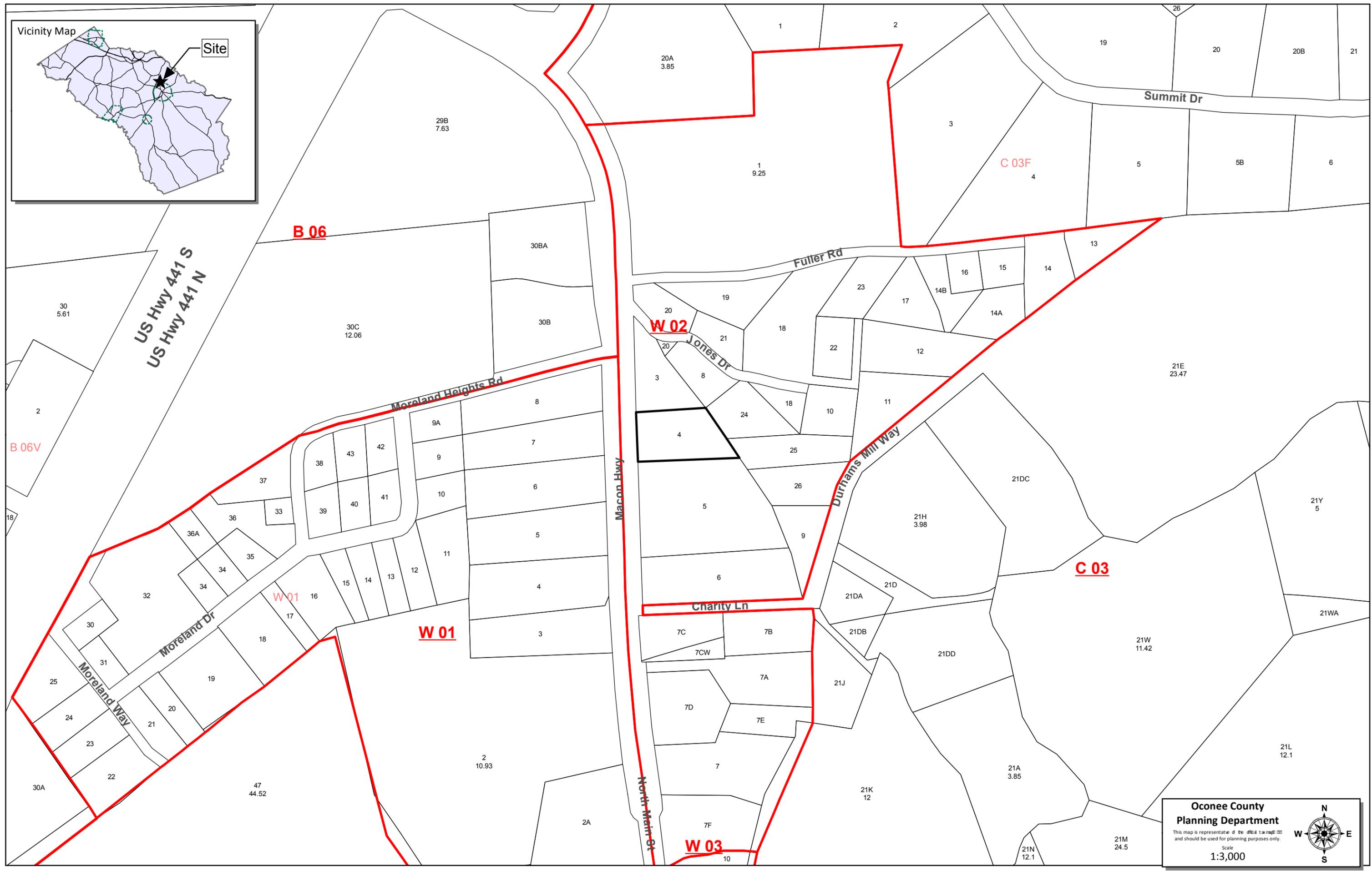
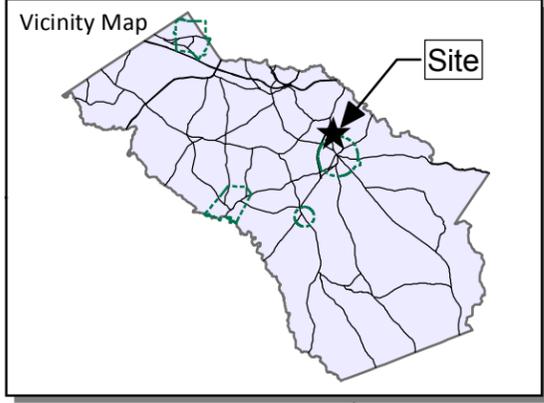
PROPERTY SURVEY FOR DONALD T. & CHARITY J. LINK,
OCONEE COUNTY, GEORGIA BY
SCALE: 1" = 100' R. E. HARDIGREE, REG. SUR.
MARCH 14, 1959 14.8 ACRES IRON PINS AT CORNERS.

Bobby Porterfield Site Review



1:3000





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