

**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 James E. and Kathryn A. Davis submitted on August 28, 2018.

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 Kathryn Davis on August 28, 2018, regarding a ±2.31 acre tract of land located along Moore's Ford Road in the 224th G.M.D., Oconee County, Georgia, (tax parcel no. A-03-010AA), 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 410.01 to reduce the required setback from 25' to 6' for an accessory building greater than 144 square feet along eastern property line abutting tax parcel no. A-03-010A.

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 November 6, 2018.

ADOPTED AND APPROVED, this 6th day of November, 2018.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____

[Signature]
John Daniell, Chairman

[Signature]
Mark Thomas, Member

[Signature]
Chuck Horton, Member

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

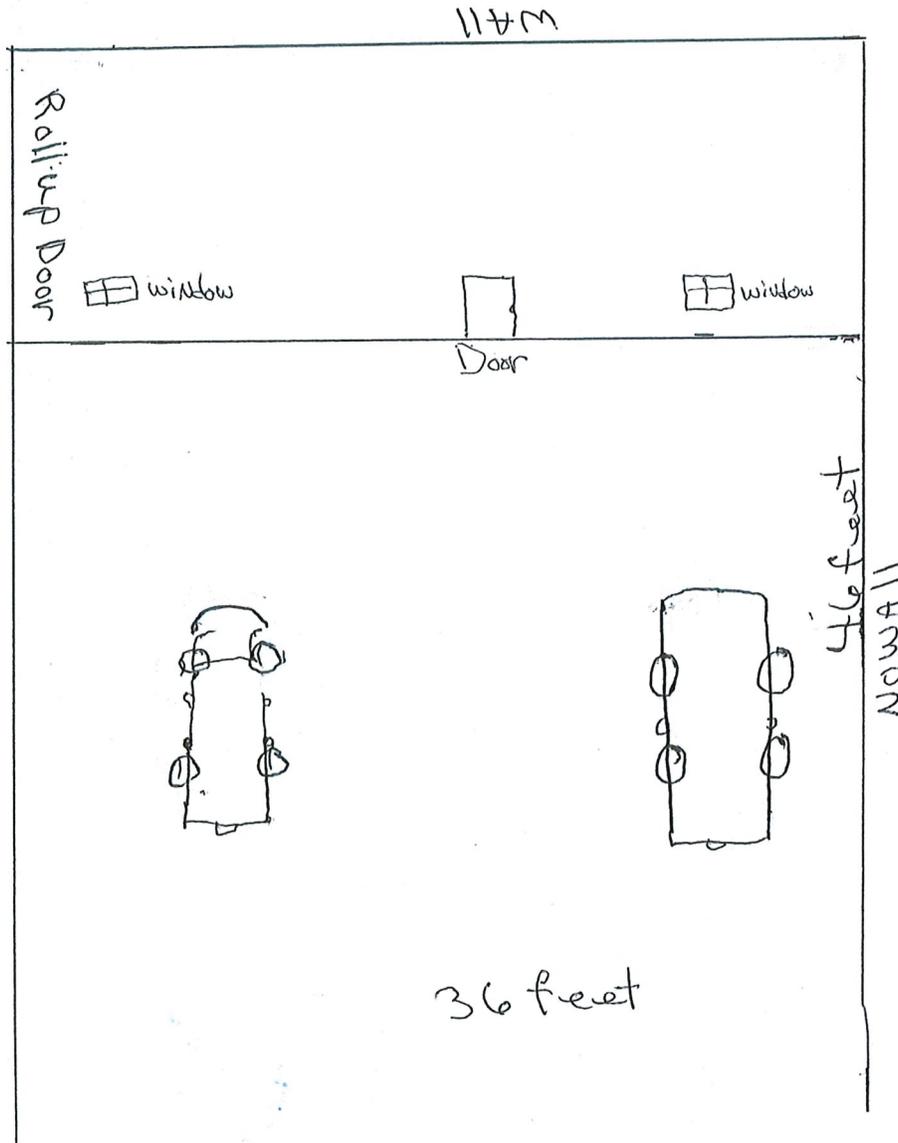
[Signature]
Mark Saxon, Member

ATTEST:

[Signature]
Kathy Hayes
Clerk, Board of Commissioners

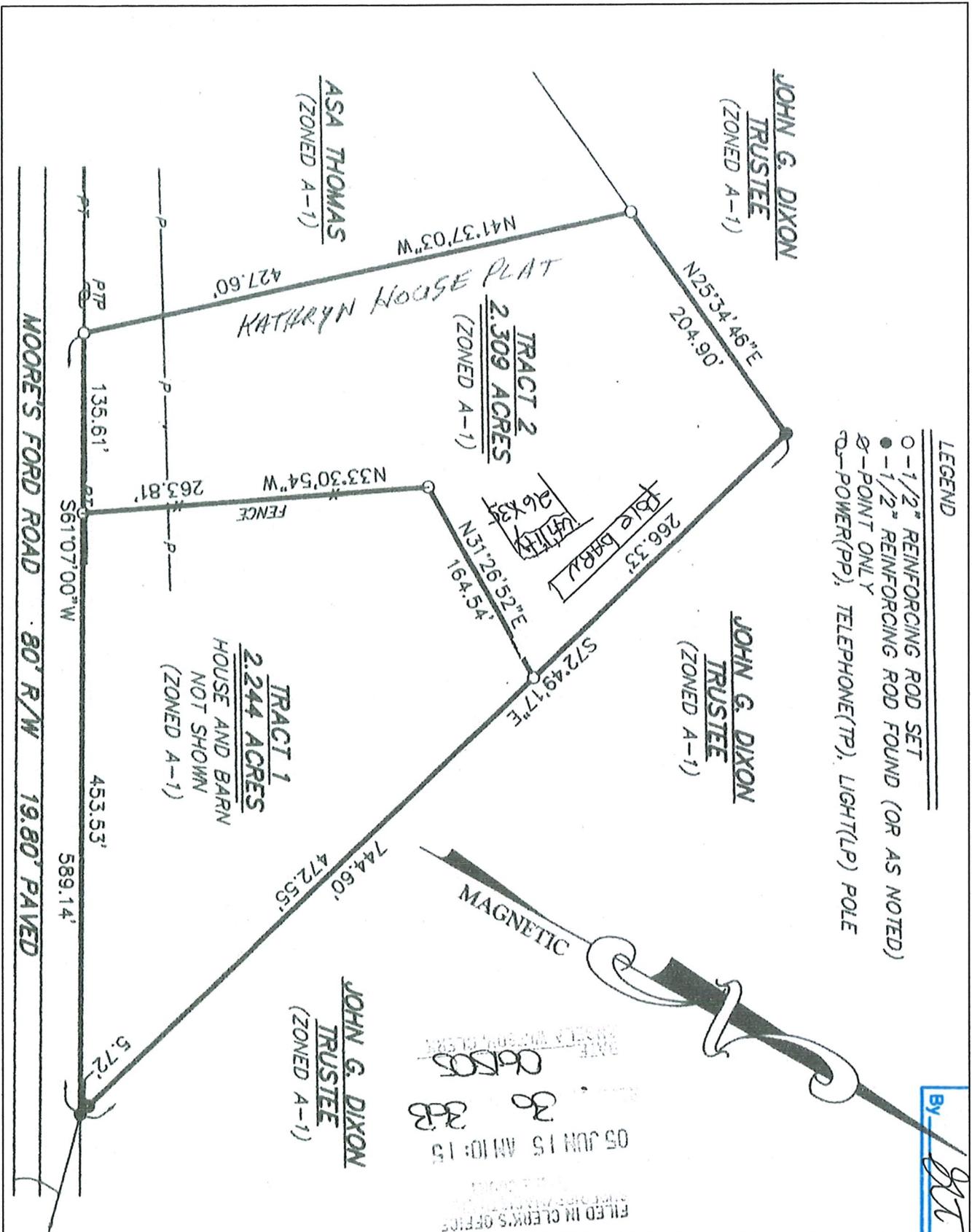


REPRESENTATIVE PHOTO



RECEIVED
SEP 21 2011
By 

CONCEPT PLAN



#7578



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- Hardship Variance
- Appeal of Administrative Decision
- Flood Damage Prevention Variance

Special Exception for: minimum setback for accessory building

<p>Applicant</p> <p>Name: <u>KATHRYN DAVIS</u></p> <p>Address: <u>1340 Mooresford Road</u> <small>(No P.O. Boxes)</small> <u>Bogart, Ga. 30622</u></p> <p>Telephone: <u>706-340-6226</u></p>	<p>Property Owner</p> <p>Name: <u>James E. + Kathryn A. Davis</u></p> <p>Address: <u>1340 Mooresford Rd.</u> <small>(No P.O. Boxes)</small> <u>Bogart, Ga. 30622</u></p> <p>Telephone: <u>706-340-6226</u></p>
<p>Applicant is (check one): <input checked="" type="checkbox"/> the Property Owner <input type="checkbox"/> Not the Property Owner (attach Property Owner Authorization)</p> <p>Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.</p> <p>Signature: <u>Kathryn Davis</u> Date: <u>9-21-18</u> Notarized: <u>Melinda A. Patterson</u></p>	



<p>Property</p> <p>Location: <u>1340 Mooresford Road</u> <u>Bogart, Ga. 30622</u></p> <p>Tax Parcel Number: <u>A0 3010 AA</u></p> <p>Size (Acres): <u>2.31</u> Current Zoning: <u>A-1</u></p> <p>Future Development Map—Character Area Designation: <u>Country Estates</u></p>	<p>Use</p> <p>Current Use: <u>Residential</u></p> <p>Proposed Use: <u>Residential</u></p>
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<p>Attachments (check all that apply)</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Property Owner's Authorization (if applicable) <input checked="" type="checkbox"/> Application Fee <input checked="" type="checkbox"/> Warranty Deed(s), Legal Description, & Plat of Survey <input checked="" type="checkbox"/> Disclosures <input checked="" type="checkbox"/> Maps or Drawings Illustrating Variance Request <input checked="" type="checkbox"/> Narrative Statement Explaining Variance Request <input checked="" type="checkbox"/> Concept Plan 	<p>Appeal or Variance Requested <small>Provide the code section and briefly explain the requested variance</small></p> <p><u>410.01</u> <u>need to place accessory building less than minimum setback requirement from property line.</u></p>
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<p>Application</p> <p>Date Received: _____ Date Accepted: _____</p> <p>DRI Transmitted to RDC <input type="checkbox"/> Date: _____ <input type="checkbox"/> N/A</p> <p>Review Submitted: _____ Location Map: _____</p> <p>Posted: _____ Ad: _____ Ad: _____</p> <p>Application Withdrawn <input type="checkbox"/> Date: _____</p>	<p style="text-align: center;">APPLICATION NUMBER 7578</p> <p>Action</p> <p>Administrative Appeal: Date: _____</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> With Conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A</p> <p>Board of Commissioners Date: <u>11/06/18</u></p> <p><input type="checkbox"/> Approved <input type="checkbox"/> With Conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A</p>
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**Planning Department
Oconee County, Georgia
STAFF REPORT**

VARIANCE CASE #: 7578

DATE: October 2, 2018

STAFF REPORT BY: Grace B. Tuschak, Planner

APPLICANT NAME: Kathryn A. Davis

PROPERTY OWNER: James E. & Kathryn A. Davis

LOCATION: 1340 Moores Ford Road, near the intersection of Moores Ford Rd. and Lane Creek Rd.

PARCEL SIZE: ± 2.31 Acres

EXISTING ZONING: A-1

EXISTING LAND USE: Residential

TYPE OF VARIANCE REQUESTED: Special Exception

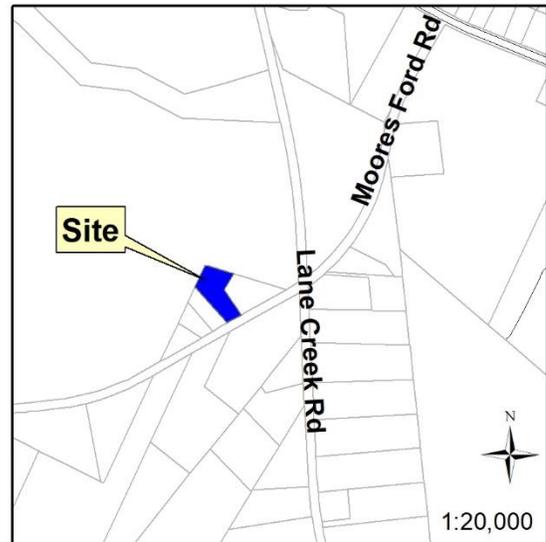
REQUEST SUMMARY: The owner is requesting approval of a special exception variance to provide relief from the 25-foot side setback requirement for accessory buildings over 144 square feet.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: November 6, 2018

ATTACHMENTS:

- Application
- Narrative
- Site Review
- Aerial Photo
- Tax Map
- Plat
- Concept Plan
- Staff Site Photographs



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property was zoned A-1 by original adoption of the zoning map in 1968.

SITE VISIT DESCRIPTION

- The subject 2.31-acre site is primarily open space with a small vineyard on the northern side of the property and dog kennel along the northern property line
- The site slopes moderately from the northeast to the northwest
- A 1564-square foot single-family dwelling was constructed in 2005 and a 1620-square foot barn was constructed in 2006.

VARIANCE DESCRIPTION

- Owner requests approval of a special exception variance to provide relief from the requirements of Section 410.01.c.2 of the Unified Development Code.
 - UDC - Section 410.01.c.2:

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.

Table 0.1: Minimum Setback—Principal Buildings					
Zoning District		Setback Requirement (in feet)			
		Front¹		Side	Rear
		From a Major Thoroughfare²	From a Minor Street³		
A-1	Agricultural District	85(c) / 40(R)	55(c) / 30(R)	25	25

¹ Front yard setbacks do not apply to parking lots. For setback requirements for off-street parking, see Sec. 607.04.
² An Arterial or Major Collector— distance in feet from roadway centerline (c) and right-of-way (R).
³ A Minor Collector or Local Road—distance in feet from roadway centerline (c) and right-of-way (R).
⁴ Zero side yard setbacks can be permitted on individual lots with no more than two connected units.
⁵ None required between attached units; 10 foot side yard or 20 feet of separation between buildings.
⁶ See **Error! Reference source not found.**

- The property owner wishes to erect a 1656-square-foot accessory structure 6 feet from the eastern property line abutting tax parcel no. A-03-010A. The structure would serve as a storage building and carport.

ENVIRONMENTAL

- No 100 Year Flood Plain or Jurisdictional Wetland areas are located on the site.
- No adverse environmental impacts are expected from approval of the present request.

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:** Approval of the present request should not cause substantial detriment to the public good. No significant impacts to nearby public infrastructure, traffic patterns, schools, or environmentally sensitive areas should result from the approval of the present request. No significant impacts to the tax base should result from the approval of the present request.
- 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 proposed structure does not encroach on adjoining property lines and should not present a nuisance to adjoining property owners.
- c. Diminish and impair property values within the surrounding neighborhood:** Approval of the present request should not diminish or impair property values within the surrounding neighborhood. Accessory buildings similar to the one presently proposed are common in agricultural residential zones throughout the County.
- d. Impair the purpose and intent of this Development Code:** The intent of UDC Section 410.01.c.2 is to ensure adequate separation of buildings and structures from adjoining properties and roads to promote public safety, prevent crowding, maintain privacy, and encourage orderly and aesthetically pleasing development; the proposed building appears to be sufficiently removed from adjoining property lines and rights-of-way to accomplish these goals. Furthermore, the proposed structure would be placed 6 feet from the property line and would not encroach on adjacent property. Staff notes that the principal dwelling of adjacent property is over 100 feet from said property line, and the closest accessory structure on adjacent property is roughly 50 feet from the property line. Based on the foregoing, staff believes that approval of the present request should not impair the purpose and intent of this 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. Staff recommends the variance be subject to the following conditions to be fulfilled by the owners at their expense:

1. The principal side building setback shall be reduced to six feet only for the immediate area of encroachment of the proposed accessory building depicted on associated variance concept plan submitted on 08/28/2018.
2. In no case shall the carport portion of the proposed accessory building be enclosed.



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- Hardship Variance
- Appeal of Administrative Decision
- Flood Damage Prevention Variance

Special Exception for: minimum setback for accessory building

Applicant

Name: KATHRYN DAVIS

Address: 1340 moaresford Road
(No P.O. Boxes)
Bogart, Ga. 30622

Telephone: 706-340-6226

Property Owner

Name: James E. + Kathryn A. Davis

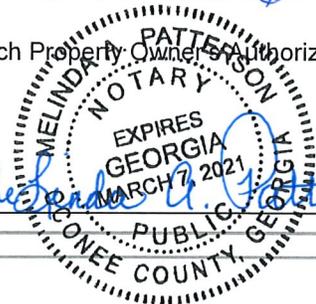
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Applicant is (check one): the Property Owner Not the Property Owner (attach Property Owner's Authorization)

Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.

Signature: Kathryn Davis Date: 9-21-18 Notarized: Melinda A. Patterson



Property

Location: 1340 moaresford Road
Bogart, Ga. 30622

Tax Parcel Number: A0 3010 AA

Size (Acres): 2.31 Current Zoning: A-1

Future Development Map—Character Area Designation: Country Estates

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

410.01
need to place accessory building less than minimum setback requirement from property line.

Application Date Received: _____ Date Accepted: _____

DRI Transmitted to RDC Date: _____ N/A

Review Submitted: _____ Location Map: _____

Posted: _____ Ad: _____ Ad: _____

Application Withdrawn Date: _____

Action **Administrative Appeal:** Date: _____

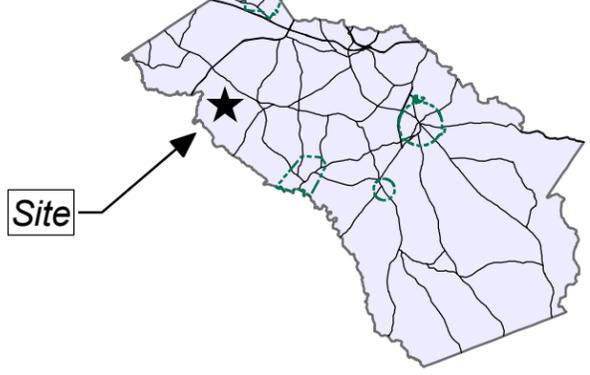
Approved With Conditions Denied N/A

Board of Commissioners Date: 11/06/18

Approved With Conditions Denied N/A

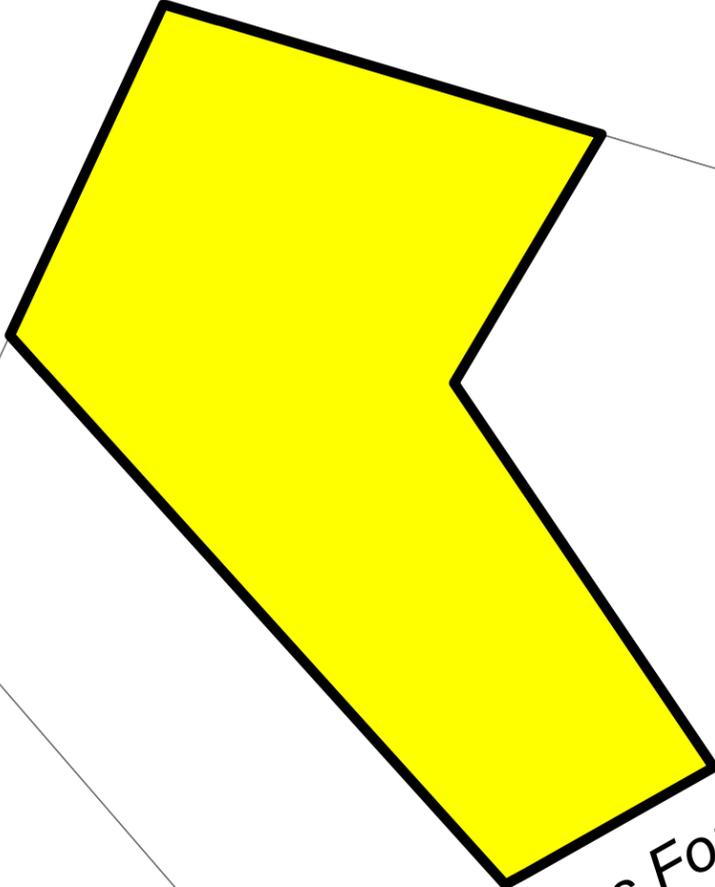
APPLICATION NUMBER 7578

Vicinity Map



Site

Tax Parcel # A-03-010AA



Moores Ford Rd

Lane Creek Rd

1:1,250



**Oconee County
Planning Department**

This map is a representation of the official tax map
and should be used for planning purposes only

A compass rose with four points labeled N (North), S (South), E (East), and W (West). The center of the rose is a circle with a crosshair.

1340 Moores Ford Road Aerial View



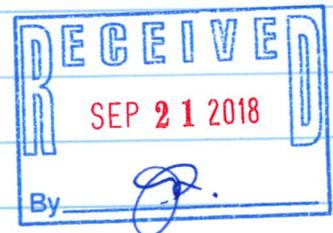
0 75 150 300 450 600 Feet

1:1,250



We would like to put the building in
this spot because it will be most useful
and the ground is more level than the rest of
the property.

Kathryn Davis
9-21-2018



CONCEPT PLAN

RECEIVED
 AUG 28 2018
 By *JT*

LEGEND

- - 1/2" REINFORCING ROD SET
- - 1/2" REINFORCING ROD FOUND (OR AS NOTED)
- ⊙ - POINT ONLY
- ⊞ - POWER (PP), TELEPHONE (TP), LIGHT (LP) POLE

JOHN G. DIXON
TRUSTEE
 (ZONED A-1)

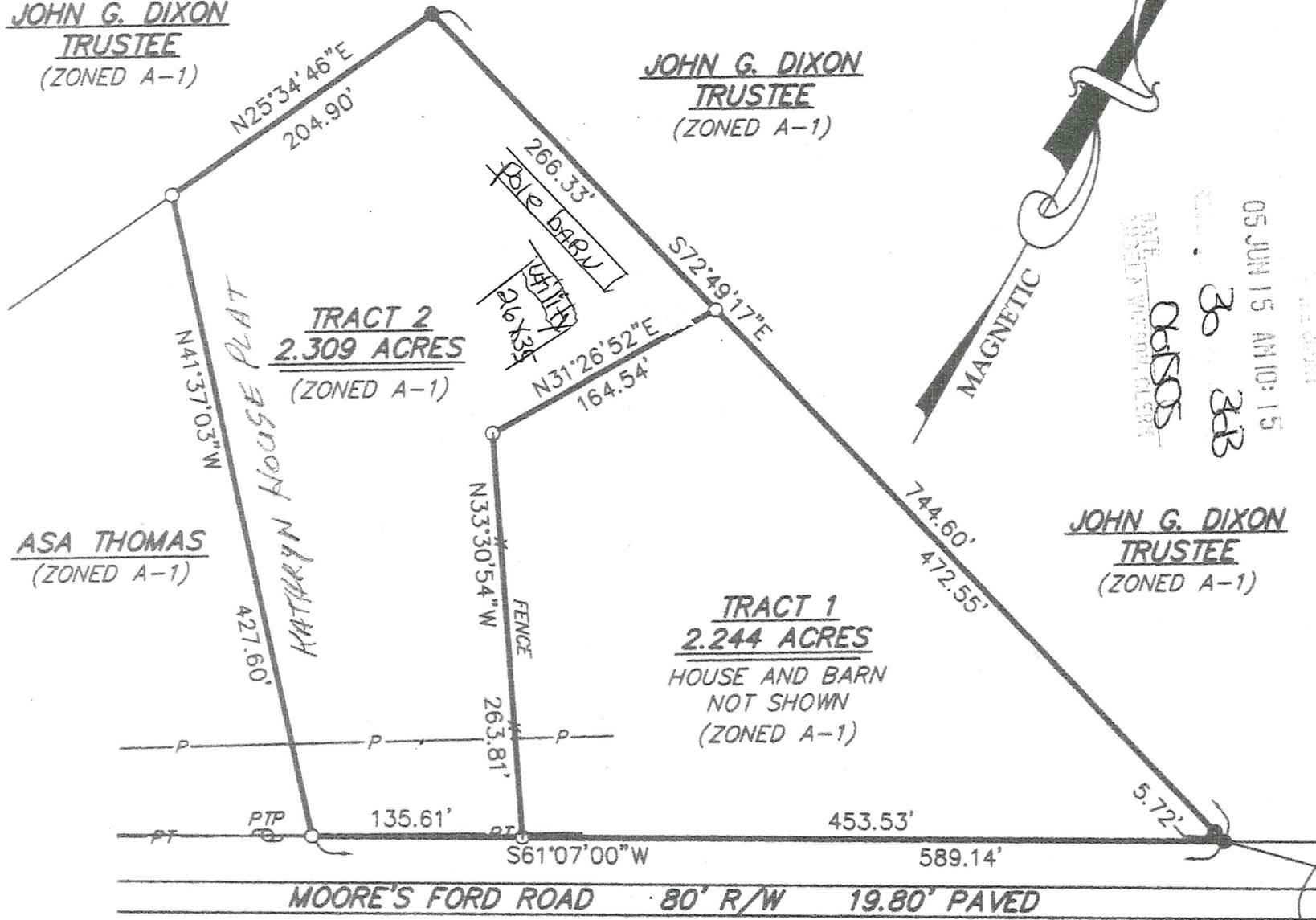
JOHN G. DIXON
TRUSTEE
 (ZONED A-1)

TRACT 2
2.309 ACRES
 (ZONED A-1)

ASA THOMAS
 (ZONED A-1)

JOHN G. DIXON
TRUSTEE
 (ZONED A-1)

TRACT 1
2.244 ACRES
 HOUSE AND BARN
 NOT SHOWN
 (ZONED A-1)



FILED IN CLERK'S OFFICE
 05 JUN 15 AM 10:15
 30 30
 DATE
 06/15/2018
 30 30

LEGEND

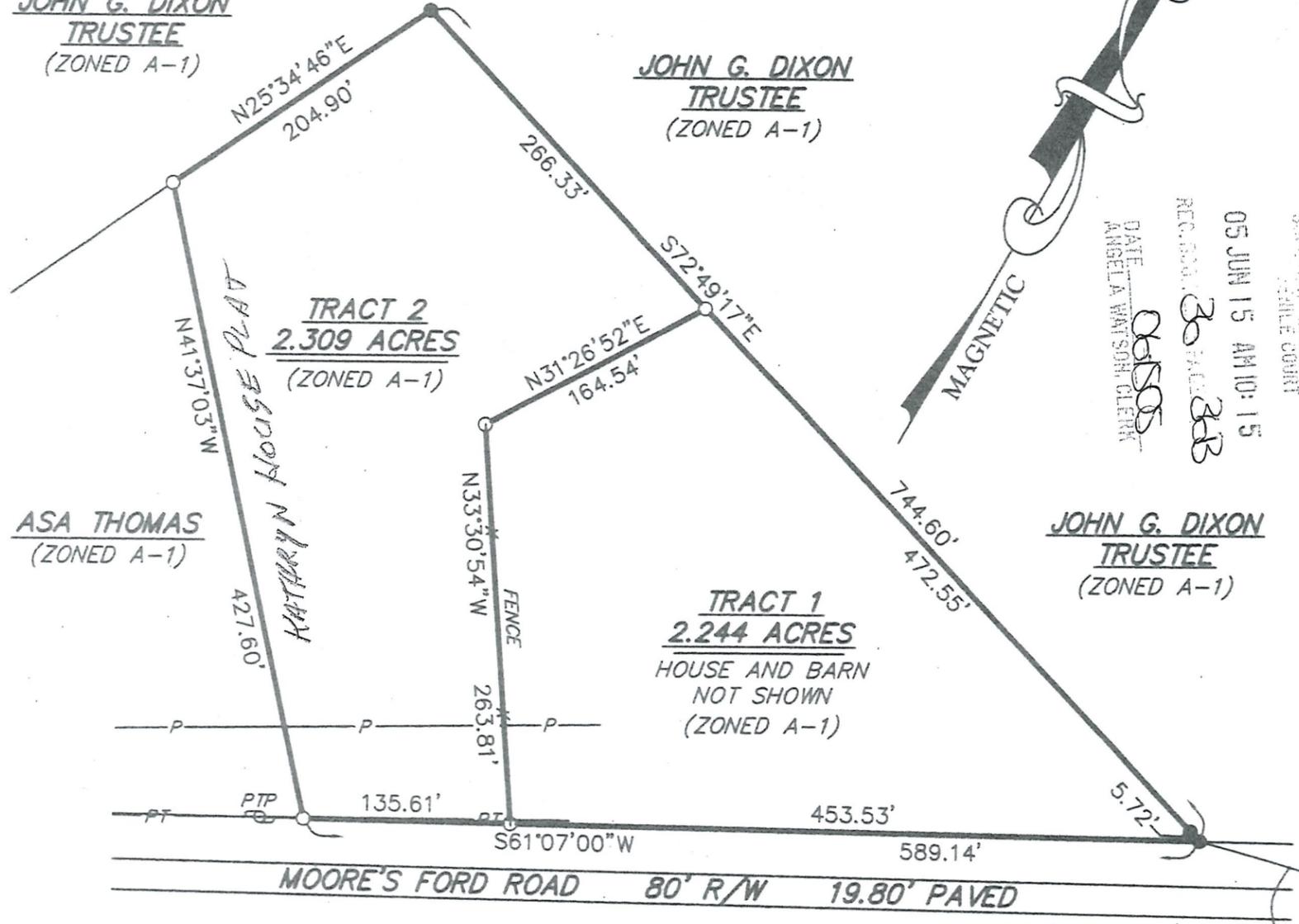
- - 1/2" REINFORCING ROD SET
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- ⊗ - POINT ONLY
- ⊖ - POWER (PP), TELEPHONE (TP), LIGHT (LP) POLE

JOHN G. DIXON
TRUSTEE
(ZONED A-1)

JOHN G. DIXON
TRUSTEE
(ZONED A-1)

ASA THOMAS
(ZONED A-1)

JOHN G. DIXON
TRUSTEE
(ZONED A-1)



FILED IN CLERK'S OFFICE
SUPERVISOR/ASSISTANT
FILE COUNT

05 JUN 15 AM 10:15

RECORDED PAGE 383

DATE 06/15/05

ANGELA WATSON, CLERK

THE LOTS SHOWN HAVE BEEN REVIEWED BY THE OCONEE COUNTY HEALTH DEPARTMENT AND ARE APPROVED FOR SUBDIVISION DEVELOPMENT AS NOTED. EACH LOT MUST BE REVIEWED AND APPROVED FOR ON-SITE SEWAGE MANAGEMENT SYSTEM PLACEMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

(ZONED A-1)

N75°55'51"E 146.57' TO
80d NAIL AT C-C WITH
LANE CREEK ROAD

DATED THIS _____ DAY OF _____ 20____

BY _____

TITLE _____



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.

REFERENCES

- (1) OUR SURVEY FOR MRS. CLYDE THOMAS ET AL DATED JULY 19, 1976.
- (2) OUR SURVEY FOR ASA THOMAS DATED 10 FEB. 1999.

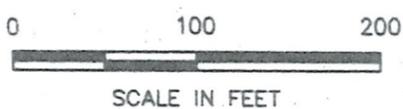
Asa L. Thomas
OWNER OR AGENT

SURVEY NOTES

- (1) EQUIPMENT USED: 01" THEODOLITE AND E.D.M.
- (2) ANGULAR ERROR: 02" PER STATION, ADJUSTED
- (3) LINEAR CLOSURE: 1/15,000+, BALANCED ARBITRARILY
- (4) MINIMUM PLAT CLOSURE: 1/289,285
- (5) THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO FIRM PANEL NO. 130453 0020 C, DATED APRIL 17, 1995.

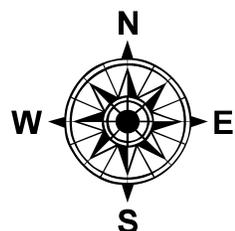
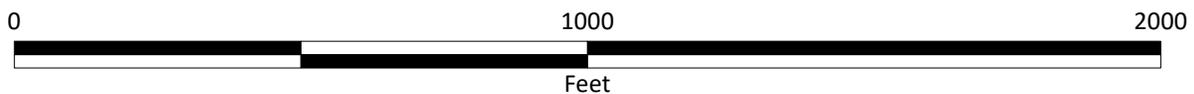
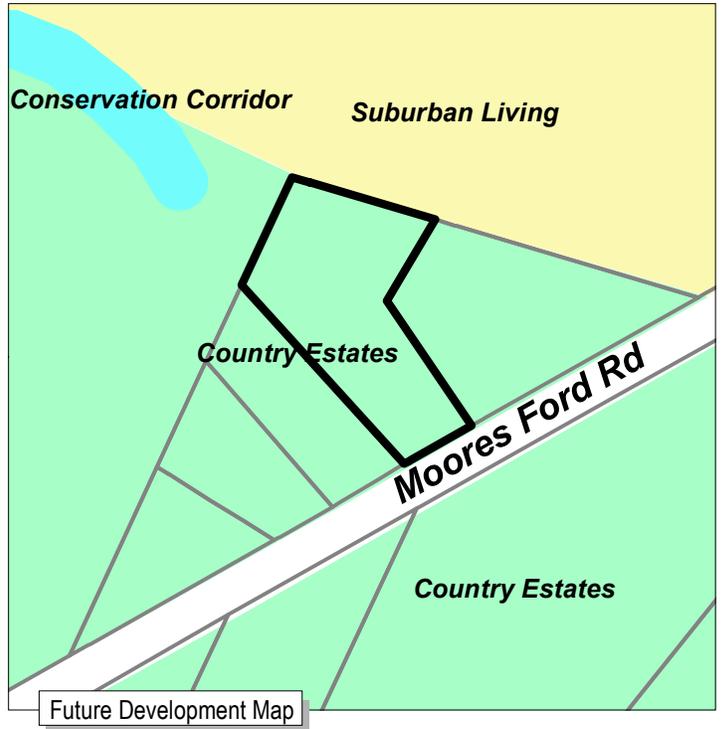
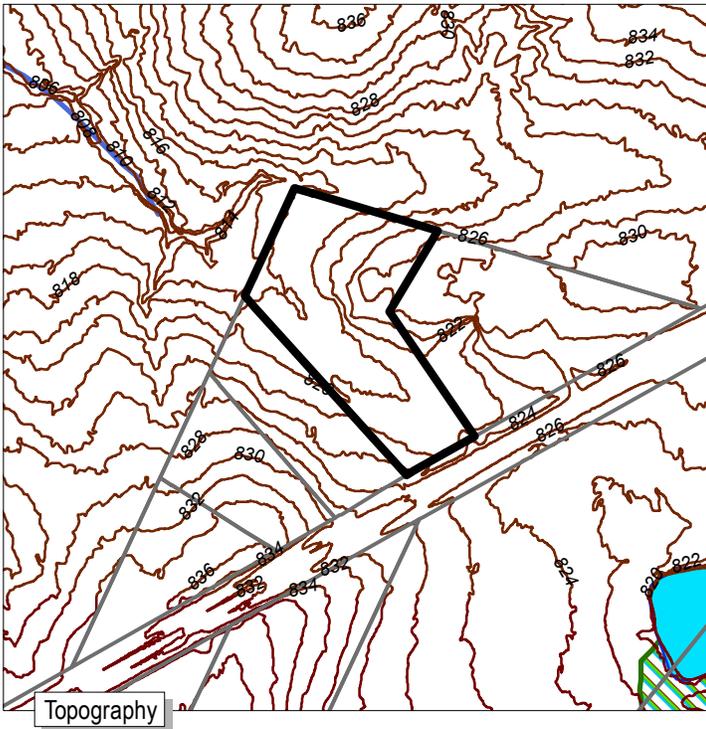
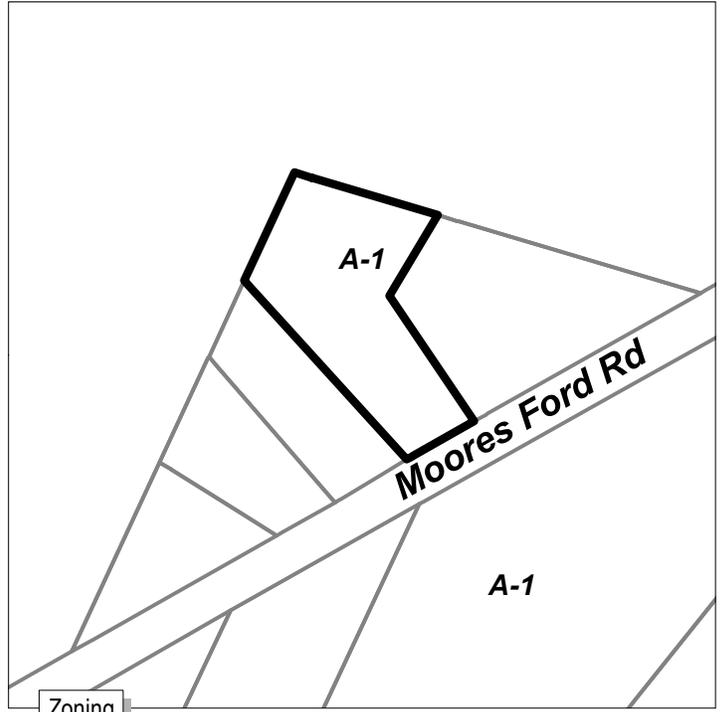
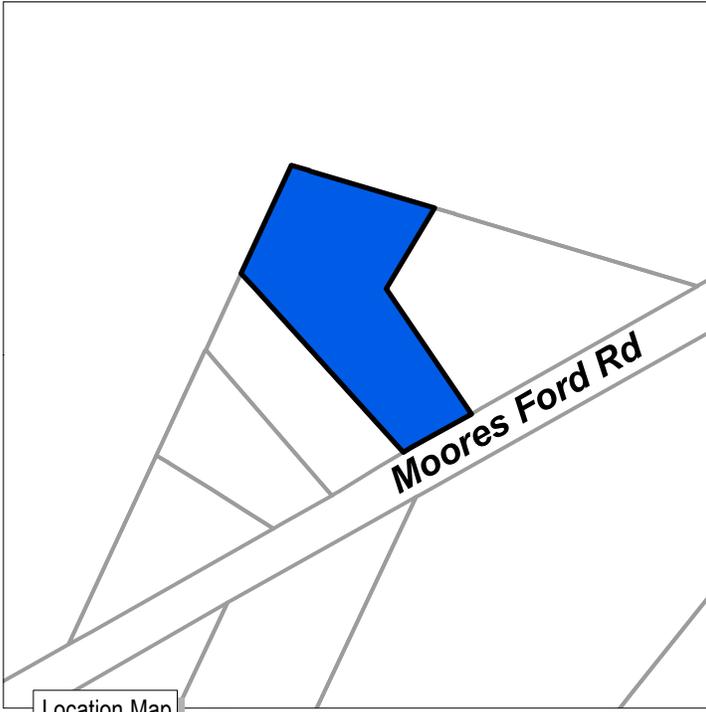
06-14-05
DATE

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



SURVEY FOR:			
ASA THOMAS			
COUNTY:	OCONEE	G.M.D.:	224
STATE:	GEORGIA		
DATE:	6 JUNE 2005	SCALE:	1"=100'
DWN. BY:	STEPHEN		
FIELDBOOK:	928	SURVEYED BY:	BEN McLEROY & ASSOCIATES, INC. ENGINEERS & SURVEYORS 3993 ATLANTA HWY. BOGART, GA. 548-5673
FILE NO.:	28974-		

1340 Moores Ford Road Site Review



1:4000