

**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 Sapphire Properties, L.P. submitted April 22, 2019.

**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 Abbey Garven on April 22, 2019, regarding a ±0.36-acre tract of land located along Sims Drive in the 1331<sup>st</sup> G.M.D., Oconee County, Georgia, (tax parcel no. C-02B-021), 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 to reduce the side setbacks to 22.75 feet along the northwestern property line and to 17.94 feet along the southwestern property line.

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 July 2, 2019.

ADOPTED AND APPROVED, this 2<sup>nd</sup> day of July, 2019.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY: \_\_\_\_\_

*John Daniell*  
John Daniell, Chairman

*Mark Thomas*  
Mark Thomas, Member

*Chuck Horton*  
Chuck Horton, Member

*William E. Wilkes*  
William E. Wilkes, Member

*Mark Saxon*  
Mark Saxon, Member

ATTEST:

*Kathy Hayes*  
Kathy Hayes  
Clerk, Board of Commissioners



CONDITIONS

1. Both principal side setback lines shall be reduced to 22.75 feet along the northwestern property line and to 17.94 feet from the southwestern property line only for the immediate area of encroachment of the proposed single-family home as shown on the associated concept plan

TAX MAP



LEGAL DESCRIPTION

All that tract or parcel of land, lying and being in Oconee County, Georgia, on a proposed 30 foot road, in the 1331st District, G.M., bounded on the northeast by said proposed road, southeast by lands of Benjamin Dowdy, southwest by Lot No. 20 belonging to Fannie Mae Clark and northwest by a small common park area that lies between this lot and another intersecting the proposed 30 foot road and having such shape, metes, courses and distances as more fully appears by reference to a plat thereof made by R. E. Hardigree, Surveyor, dated April, 1966 and recorded in Plat Book 2, page 252, Oconee County, Georgia, records, and further described and shown as Lot 19 on a composite plat of Dowdy Subdivision made by said surveyor, dated June 23, 1966 and recorded in the records of Oconee County. Said plats being incorporated herein for a more particular description of the property.

The dwelling situate upon said tracts of property is currently known as 1031 Sims Drive a/k/a 1049 Sims Drive, Athens, Georgia according to the present system of numbering properties in Oconee County, Georgia.

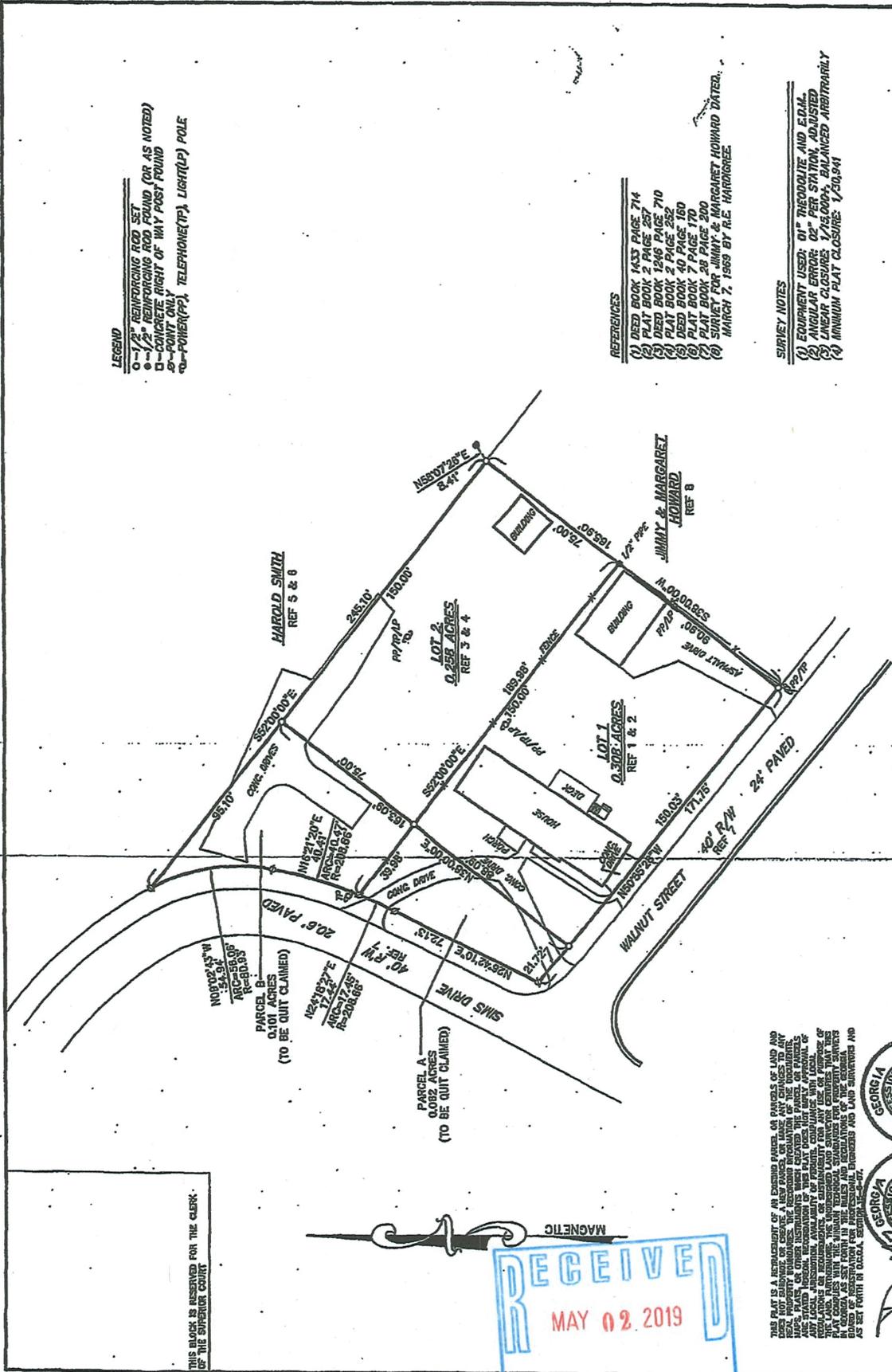
PLAT

- LEGEND**
- 1/2" REINFORCING ROD SET
  - 1/2" REINFORCING ROD FOUND (OR AS NOTED)
  - CONCRETE RIGHT OF WAY POST FOUND
  - POINT ONLY
  - POWER(P), TELEPHONE(T), LIGHT(L), POLE

- REFERENCES**
- (1) DEED BOOK 1433 PAGE 714
  - (2) PLAT BOOK 2 PAGE 257
  - (3) DEED BOOK 1248 PAGE 710
  - (4) PLAT BOOK 2 PAGE 252
  - (5) DEED BOOK 40 PAGE 160
  - (6) PLAT BOOK 7 PAGE 170
  - (7) PLAT BOOK 28 PAGE 300
  - (8) SURVEY FOR JIMMY & MARGARET HOWARD DATED MARCH 7, 1989 BY R.E. HARGREAVE.

- SURVEY NOTES**
- (1) EQUIPMENT USED: 01" THEODOLITE AND EDM.
  - (2) ANGULAR ERROR: 02" PER STATION, ADJUSTED
  - (3) LINEAR CLOSURE: 1/15,000, BALANCED ARBITRARILY
  - (4) MINIMUM PLAT CLOSURE: 1/30,941

SURVEY FOR			
COUNTY: OCONEE	Q.A.D.: 1331	STATE: GEORGIA	
DATE: AUGUST 7, 2018	SCALE: 1"=30'	DRAWN BY: STEPHEN	
FIELDBOOK: 101B		PREPARED BY: R.E. HARGREAVE & ASSOCIATES 700 MAIN STREET, SUITE 200 DUBLIN, GA 31008 404-261-0077	FILE NO.: 36716-



THIS BLOCK IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT



**RECEIVED**  
MAY 02 2019

THIS PLAT IS A REINFORCEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SHOW OR CREATE A NEW PARCEL, OR MAKE ANY CHANGES TO ANY MAPS, PLATS, OR OTHER INSTRUMENTS WHICH SHOWED THE PARCEL OR PARCELS OF LAND. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PARCEL OR PARCELS OF LAND AND HAS FOUND NO EVIDENCE OF ANY VIOLATION OF ANY LOCAL ORDINANCES, REGULATIONS OR REQUIREMENTS, OR SUBSTANTIATION FOR ANY USE OR PURPOSE OF THE PLAT EXCEPT WITH THE NECESSARY TECHNICAL SUBSTANTIATION FOR PROPERTY SURVEYS. THE SURVEYOR HAS SET POINTS IN THE FIELD AND REDUCED AND Laid SUBMITTING AND AS SET FORTH IN BLOCK A, SECTION 12-22-22.



PLAT REVERSED DEC. 4, 2018 TO ADD PARCELS A & B FOR QUIT CLAIMS. NO FIELD WORK ON THIS DATE.

CONCEPT PLAN

- LEGEND**
- - 1/2" REINFORCING ROD SET
  - - 1/2" REINFORCING ROD FOUND (OR AS NOTED)
  - - CONCRETE RIGHT OF WAY POST FOUND
  - ⊙ - POINT ONLY
  - ⊕ - POWER (PP), TELEPHONE (TP), LIGHT (LP) POLE

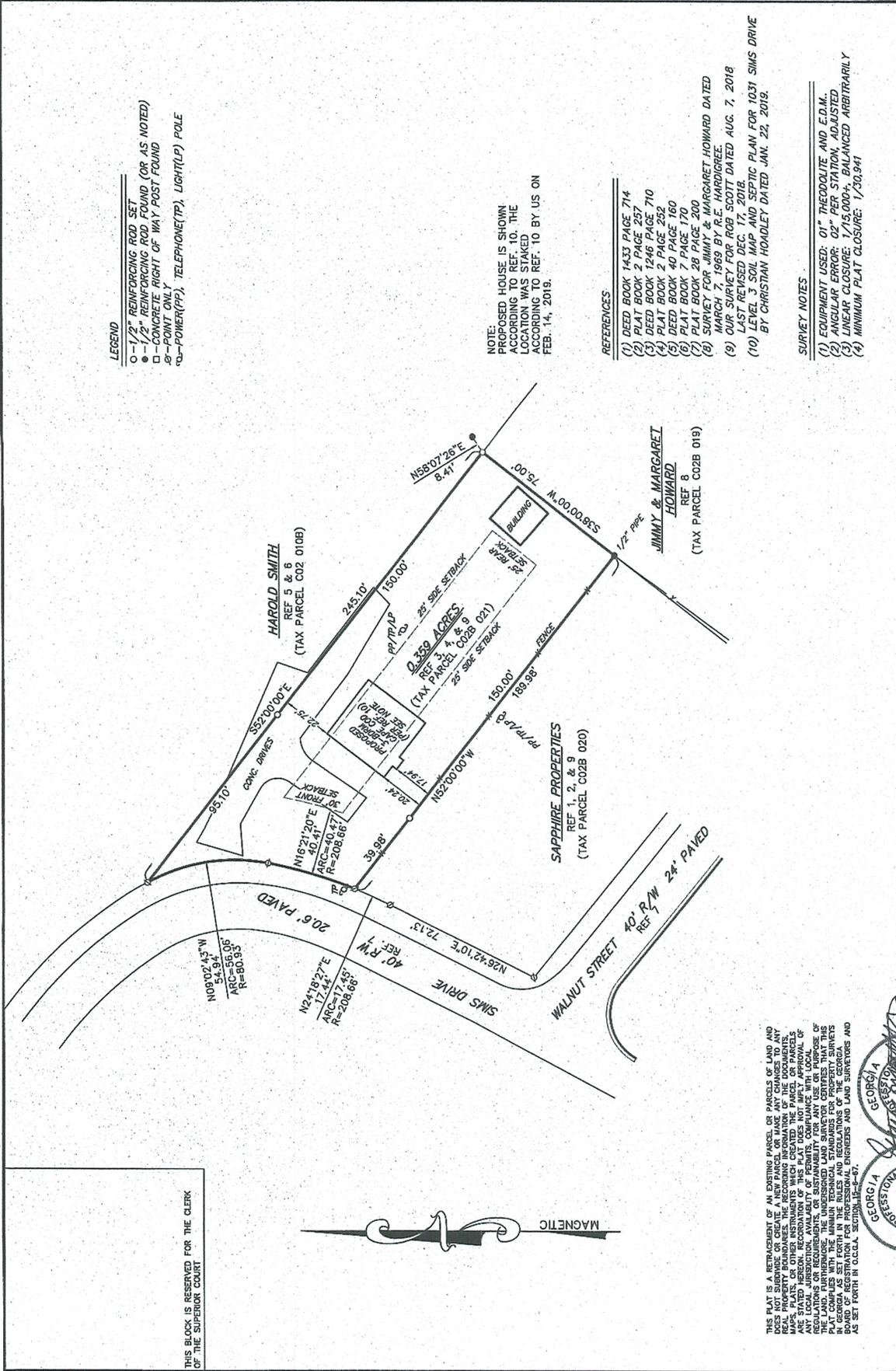
**NOTE:**  
 PROPOSED HOUSE IS SHOWN  
 ACCORDING TO REF. 10. THE  
 LOCATION IS TO BE MARKED  
 ACCORDING TO REF. 10 BY US ON  
 FEB. 14, 2019.

**REFERENCES:**

- (1) DEED BOOK 1433 PAGE 714
- (2) PLAT BOOK 2 PAGE 237
- (3) DEED BOOK 1246 PAGE 710
- (4) PLAT BOOK 2 PAGE 232
- (5) DEED BOOK 20 PAGE 170
- (6) PLAT BOOK 7 PAGE 170
- (7) PLAT BOOK 28 PAGE 200
- (8) SURVEY FOR JIMMY & MARGARET HOWARD DATED MARCH 7, 1969 BY R.E. HARDIGREE.
- (9) OUR SURVEY FOR ROB SCOTT DATED AUG. 7, 2018 LAST REVISED DEC. 17, 2018.
- (10) LEVEL 3 SOIL MAP AND SEPTIC PLAN FOR 1031 SIMS DRIVE BY CHRISTIAN HODLEY DATED JAN. 22, 2019.

**SURVEY NOTES:**

- (1) EQUIPMENT USED: 01" THEODOLITE AND E.D.M.
- (2) ANGULAR ERROR: 02" PER STATION, ADJUSTED
- (3) LINEAR CLOSURE: 15.000" UNBALANCED ARBITRARILY
- (4) MINIMUM PLAT CLOSURE: 1/320,941



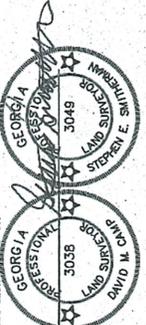
VARIANCE CONCEPT PLAN FOR:

**SAPPHIRE PROPERTIES**

COUNTY:	OCONEE	G.M.D.:	1331	STATE:	GEORGIA
DATE:	JUNE 20, 2019	SCALE:	1" = 30'	DRAWN BY:	STEPHEN
FILEBOOK:	1018	SURVEYED BY: JIMMY & MARGARET HOWARD 140 MILL CENTER BLVD., ATLANTA, GA 30309 LAND SURVEYOR, PIN LICENSE NO. LS589277		FILE NO.:	37163-



THIS PLAT IS A RETRACEMANT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF REGULATIONS OR REQUIREMENTS, OR SUSTAINABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHER, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMES WITHIN THE RULES AND REGULATIONS OF THE GEORGIA SURVEYORS AND LAND ENGINEERS AS SET FORTH IN O.C.G.A. SECTION 46-4-2.



DAVID CAMP  
 DA PL 60038  
 STEPHEN HARDIGREE  
 GA PLS #0049

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**EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7790**

**Page 4 of 4**

**NARRATIVE**

We are writing to you requesting a variance on both sides of the proposed home building site. The lot size is 75'. Our home site is 32' wide and that only leaves 17.94' on the left and 22.75' on the right, instead of the normal 25' set back. We have already been approved for the building permit therefore we began the framing of the slab and for the rough in plumbing (both of which are completed). Please also consider the amount of space that was needed for the septic. We also own the lot next door at 1051 Sims Drive. This property is currently zoned A-1, however this area is clearly SF residential. Please consider when reviewing all documents. Thank you in advance for your time and consideration.



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

**VARIANCE CASE #:** 7790

**DATE:** June 20, 2019

**STAFF REPORT BY:** Grace B. Tuschak, Planner

**APPLICANT NAME:** Abbey Garven

**PROPERTY OWNER:** Sapphire Properties, L.P.

**LOCATION:** 1031 Sims Drive

**PARCEL SIZE:** ± 0.36

**EXISTING ZONING:** AG (Agricultural)

**EXISTING LAND USE:** Vacant

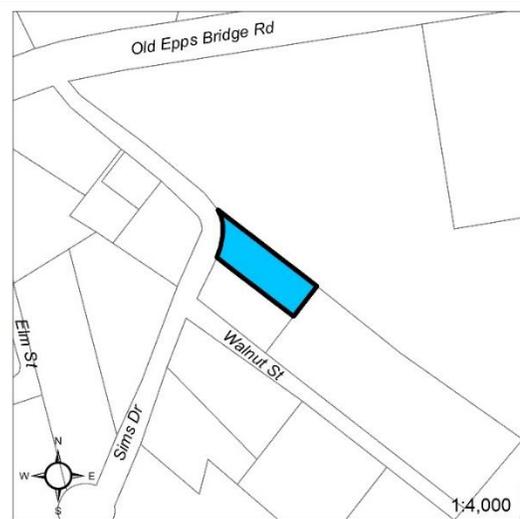
**TYPE OF VARIANCE REQUESTED:** Special Exception

**REQUEST SUMMARY:** The applicant is requesting a reduction in the required side principal building setbacks to accommodate a single-family residence that is currently under construction.

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** July 2, 2019

**ATTACHMENTS:** Application  
Narrative  
Plat  
Aerial Imagery  
Tax Map  
Future Development Map  
Concept Plan



# **BACKGROUND INFORMATION & FINDINGS OF FACT**

## **HISTORY**

- The subject property has been zoned agricultural since the original adoption of the zoning map in 1969
- On 02/11/2019, a permit was approved for a 1,756-square foot single family residence

## **SITE VISIT DESCRIPTION**

- The subject site has been staked and prepared for foundation construction

## **VARIANCE DESCRIPTION**

### **UDC Section 409.01: Setback requirements.**

*All principal buildings on a lot shall be set back from the street right-of-way lines and from the side and rear lot lines bounding the lot no less than the distances shown on Table 0.14.6*

<b>Table 0.1: Minimum Setback—Principal Buildings</b>					
<b>Zoning District</b>		<b>Setback Requirement (in feet)</b>			
		<b>Front<sup>1</sup></b>		<b>Side</b>	<b>Rear</b>
		<b>From a Major Thoroughfare<sup>2</sup></b>	<b>From a Minor Street<sup>3</sup></b>		
A-1	Agricultural District	85(c) / 40(R)	55(c) / 30(R)	25	25

- The property owner is petitioning to complete the construction of a single-family residence as depicted on the associated concept plan. The residence is proposed to be constructed 17.94 feet from the southwest property line and 22.75 from the northeast property line.

## **ENVIRONMENTAL**

- No state waters or jurisdictional wetlands are located on the property.
- No 100-year flood plains are located on the property.

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## **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 an occurrence of any of the following:**

**a. Cause a substantial detriment to the public good:**

No significant negative impacts to the tax base or to nearby public infrastructure, schools, or environmentally sensitive areas should result from approval of the present request. Approval of the present request should not cause any 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:**

A reduction in the side setback as shown on the concept plan should not significantly impact adjacent property owners. Staff notes that the adjacent property at 1051 Sims Drive is also owned by Sapphire Properties. Staff believes that approval of the present request should not be injurious to the use and enjoyment of the environment or other property in the immediate vicinity.

**c. Diminish and impair property values within the surrounding neighborhood:**

The surrounding neighborhood consists primarily of small residential lots. It is unlikely that property values in the general vicinity would be impaired by a reduction of side setbacks on the subject property.

**d. Impair the purpose and intent of this Development Code:**

The intent of UDC Section 409 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 side setback encroachment of a single-family residence should neither pose a danger to traffic on nearby roads nor adversely affect adjacent residences. Staff holds that approval of the present request should not impair the purpose and intent of the UDC.

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**STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS**

Based upon the standards and limitations for special exception variance approval, this request **meets all necessary conditions to grant a special exception variance**. Staff recommends the special exception variance be approved **subject to the following conditions to be fulfilled by the owner/developer at their expense:**

1. Both principal side setback lines shall be reduced to 22.75 feet along the northwestern property line and to 17.94 feet from the southwestern property line only for the immediate area of encroachment of the proposed single-family home as shown on the associated concept plan.



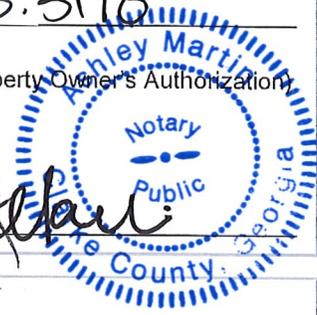
# OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

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

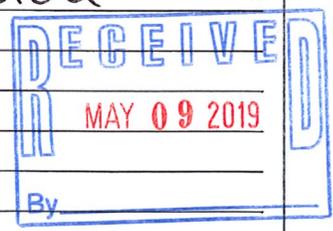
Special Exception for: variance

<b>Applicant</b> Name: <u>Aldey Garven</u> Address: <u>149 Ben Burton Circle</u> <u>Bogart GA 30622</u> <small>(No P.O. Boxes)</small> Telephone: <u>706.355.3178</u>	<b>Property Owner</b> Name: <u>Sapphire Properties</u> Address: <u>149 Ben Burton Circle</u> <u>Bogart GA 30622</u> <small>(No P.O. Boxes)</small> Telephone: <u>706.355.3178</u>
Applicant is (check one): <input type="checkbox"/> the Property Owner <input type="checkbox"/> 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: <u>[Signature]</u> Date: <u>5/7/19</u> Notarized: <u>[Signature]</u>	



<b>Property</b> Location: <u>1031 Sims Drive</u> <u>Athens GA 30606</u> Tax Parcel Number: <u>C02B021</u> Size (Acres): <u>.36</u> Current Zoning: <u>A-1</u> Future Development Map—Character Area Designation: <u>Regional Center</u>	<b>Use</b> Current Use: <u>land lot</u> Proposed Use: <u>home site</u>
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<b>Attachments</b> (check all that apply) <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Property Owner's Authorization (if applicable)</li> <li><input checked="" type="checkbox"/> Application Fee</li> <li><input checked="" type="checkbox"/> Warranty Deed(s), Legal Description, &amp; Plat of Survey</li> <li><input checked="" type="checkbox"/> Disclosures</li> <li><input type="checkbox"/> Maps or Drawings Illustrating Variance Request</li> <li><input type="checkbox"/> Narrative Statement Explaining Variance Request</li> <li><input checked="" type="checkbox"/> Concept Plan</li> </ul>	<b>Appeal or Variance Requested</b> <i>Provide the code section and briefly explain the requested variance</i> <u>Reduction in side setback</u>
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<i>For Oconee County Staff Use Only</i>	
<b>Application</b> Date Received: _____ Date Accepted: _____ DRI Transmitted to RDC <input type="checkbox"/> Date: _____ <input type="checkbox"/> N/A Review Submitted: _____ Location Map: _____ Posted: _____ Ad: _____ Ad: _____ Application Withdrawn <input type="checkbox"/> Date: _____	<b>Action</b> APPLICATION NUMBER <u>7790</u> Administrative Appeal: Date: _____ <input type="checkbox"/> Approved <input type="checkbox"/> With Conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A Board of Commissioners Date: _____ <input type="checkbox"/> Approved <input type="checkbox"/> With Conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A

## Sapphire Properties, LP

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149 Ben Burton Circle Bogart, GA 30622 | 706.355.3180

June 21, 2019

RE: Variance for 1031 Sims Drive, Athens

To whom it may concern,

We are writing to you requesting a variance on both sides of the proposed home building site. The lot size is 75'. Our home site is 32' wide and that only leaves 17.94' on the left and 22.75' on the right, instead of the normal 25' set back. We have already been approved for the building permit therefore we began the framing of the slab and for the rough in plumbing (both of which are completed). Please also consider the amount of space that was needed for the septic. We also own the lot next door at 1051 Sims Drive. This property is currently zoned A-1, however this area is clearly SF residential. Please consider when reviewing all documents. Thank you in advance for your time and consideration.

Regards,



Ashley Martin  
Administrative Assistant  
Sapphire Properties, LP  
706.355.3180

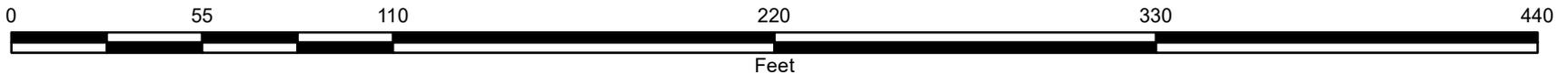


# Variance #7790 - Sapphire Properties, LP

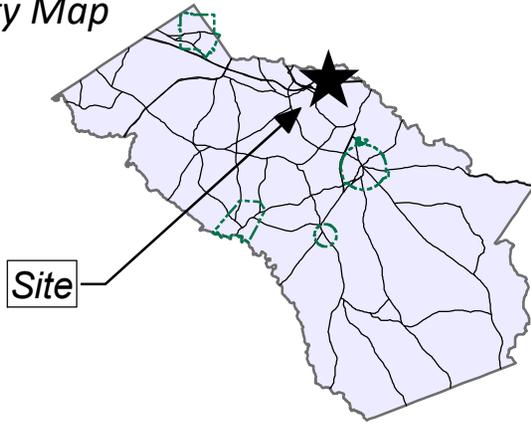
Tax Parcel #  
C 02B 021



1:600

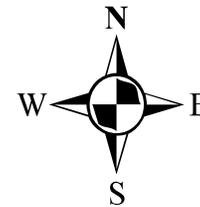


*Vicinity Map*

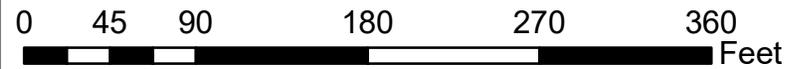


Site

# Oconee County Planning Department



This map is a representation of the future development map and should be used for planning purposes only



*Elm St*

*Regional Center*

*Sims Dr*

*Walnut St*

**MH**

**AR**

Old Epps Bridge Rd

Sims Dr

**AG**

**AG**

Elm St

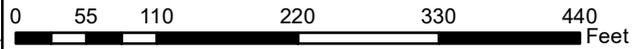
Walnut St

**Zoning**

-  AG
-  AR-3
-  AR
-  R-1
-  R-2
-  R-3
-  M-H
-  B-1
-  B-2
-  O-I-P
-  O-B-P
-  I

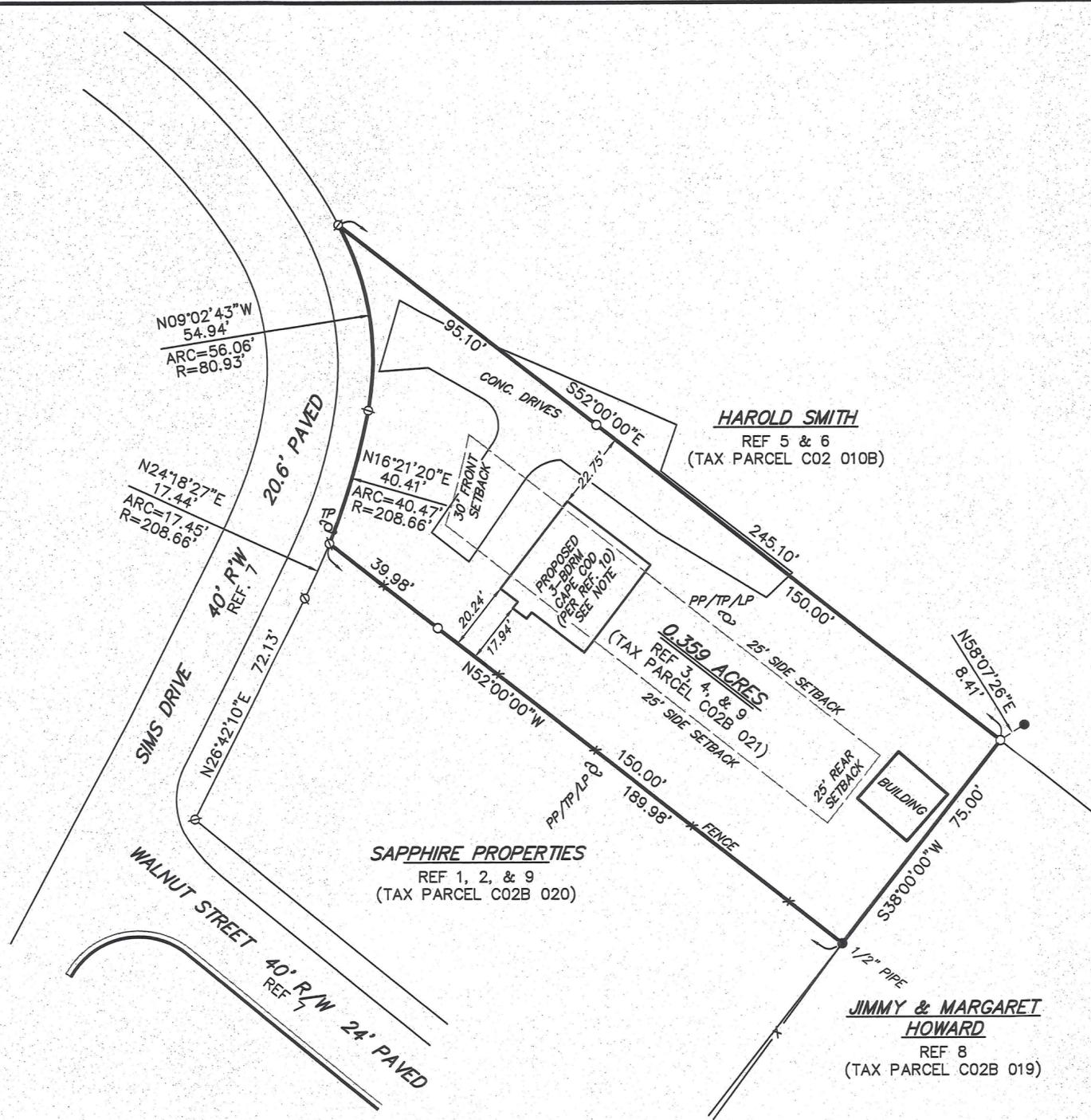
**Oconee County  
Planning Department**

This map is representative of current county zoning  
as of May 2019 and should be used for  
planning purposes only.



**1:1,800**

THIS BLOCK IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT



**LEGEND**

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

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LOCATION WAS STAKED  
ACCORDING TO REF. 10 BY US ON  
FEB. 14, 2019.

**REFERENCES**

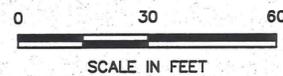
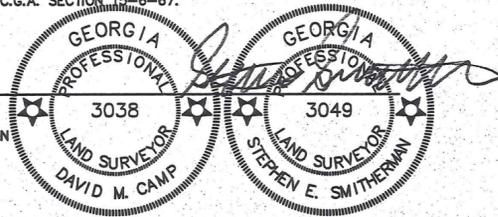
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DAVID CAMP  
GA PLS #3038  
STEPHEN SMITHERMAN  
GA PLS #3049



VARIANCE CONCEPT PLAN FOR:		
<b>SAPPHIRE PROPERTIES</b>		
1031 SIMS DRIVE		
COUNTY: OCONEE	G.M.D.: 1331	STATE: GEORGIA
DATE: JUNE 20, 2019	SCALE: 1"=30'	DWN. BY: STEPHEN
FIELDBOOK: 1018	SURVEYED BY: TRADITIONS SURVEYING LLC 706-548-5673 140 MILL CENTER BLVD. ATHENS, GA 30606 LAND SURVEYOR FIRM LICENSE NO: LSF001277	FILE NO.: 37163-