

**APPROVAL OF A HARDSHIP VARIANCE
FROM THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA**

TITLE

A Resolution granting approval of a Hardship Variance based upon the allowances under the Unified Development Code of Oconee County, Georgia, pursuant to Article 13, Section 1304, to grant approval of a Hardship Variance pursuant to an application requesting approval of a Hardship Variance on property owned by William G. and Kathryn D. Hayes submitted on May 20, 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 Hardship Variance approval submitted by Beall & Company, LLC on May 20, 2019 regarding a ±1.31-acre tract of land located along Colliers Creek Road and Hilltop Road in the 221st G.M.D., Oconee County, Georgia, (tax parcel number B-05A-031E), the Board of Commissioners of Oconee County does hereby grant the following:

SECTION 1. A Resolution granting Hardship 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 348.a, to allow for a detached garage in the front yard of a residential property.

Said Hardship 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 Hardship 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 July 2, 2019.

ADOPTED AND APPROVED, this 2nd day of July, 2019.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

William E. Wilkes, Member

Mark Saxon, Member

ATTEST:

Kathy Hayes
Kathy Hayes
Clerk, Board of Commission



EXHIBIT "A" TO HARDSHIP VARIANCE #7825

Page 1 of 4

TAX MAP



LEGAL DESCRIPTION

All that lot or parcel of land, together with improvements thereon, situate, lying and being on Colliers Creek Road and on Hilltop Road (county streets), subject lot being a corner lot in the County of Oconee, State of Georgia, GMD 221, and being known and designated as Lot 31, Block E, Section III, North West Woods Subdivision, on a PLAT of said subdivision by Glen Downs, R.S., dated April 24, 1973, recorded in Plat Book 4, Page 123, Oconee County Records, which plat is hereby incorporated into this description by reference and made a part hereof, being bounded now or formerly and generally as follows:

POINT OF BEGINNING at an iron pin located on the northerly right-of-way of Colliers Creek Road denoting the westerly right-of-way intersection of Hilltop Road running;

Thence S49°13.1'W, a distance of 56.28' to an iron pin on the right-of-way of Colliers Creek Road;

Thence S57°21.7'W, a distance of 219.83' along a chord to an iron pin at the property corner;

Thence N21°57.0'W, a distance of 250.13' along Lot 32 Block E to an offset point of the branch abutting Lot 30;

Thence S60°57.2'E, a distance of 68.91' along the branch bordering Lot 30 to an offset point;

Thence N27°52.5'E, a distance of 193.18' to an iron pin on the right-of-way of Hilltop Road, located on the far side of the branch representing the property line;

Thence S38°58.2'E, a distance of 38' along the right-of-way to an iron pin at the property corner;

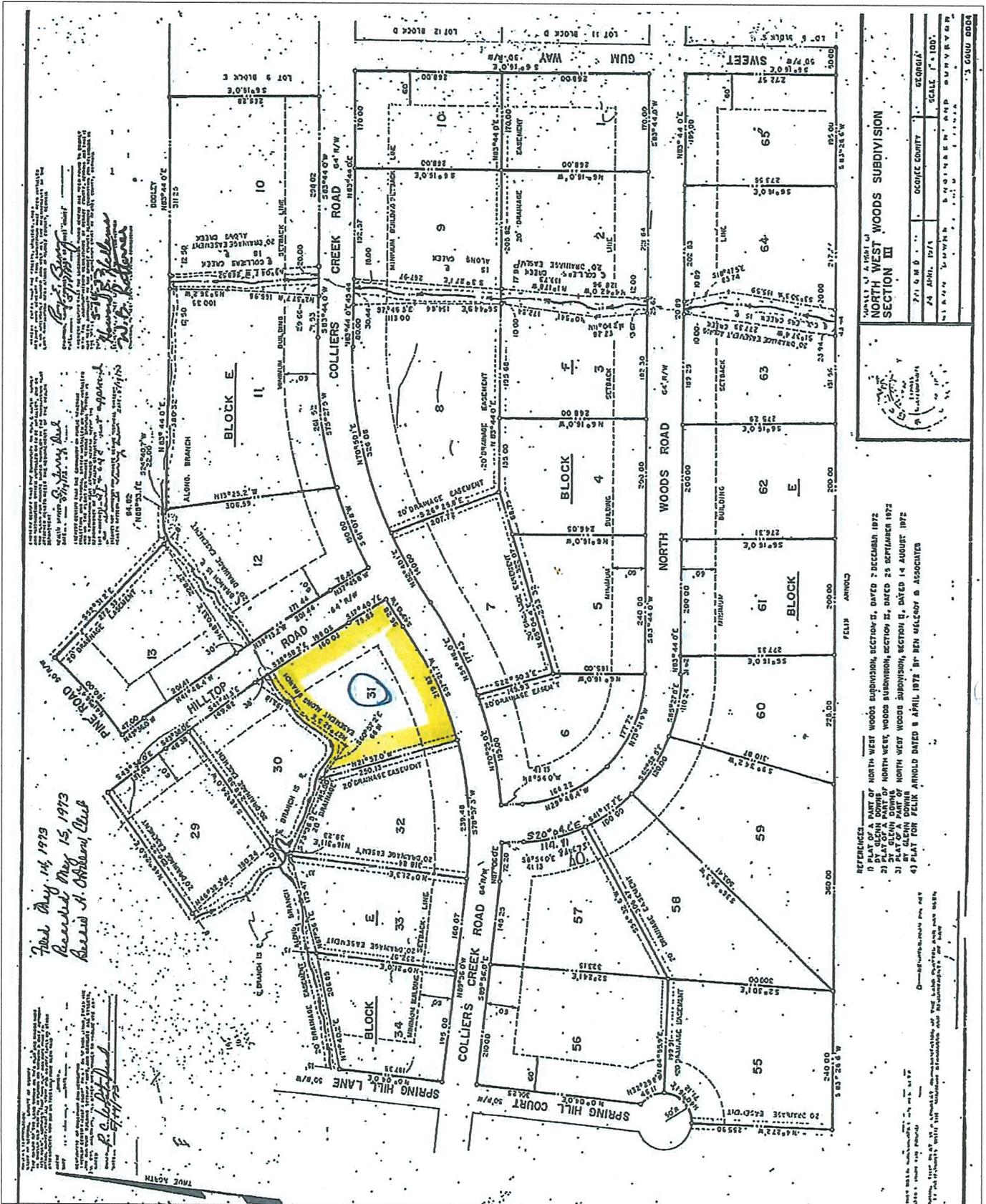
Thence S38°58.2'E; a distance of 160.03' to an iron pin on the right-of-way of Hilltop Road;

Thence S37°40.7'E, a distance of 75.83' to an iron pin at the property corner representing the **POINT OF BEGINNING**;

EXHIBIT "A" TO HARDSHIP VARIANCE #7825

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PLAT



Filed May 14, 1973
 Recorded May 15, 1973
 Berrie S. Conway, Clerk

REFERENCES:
 1) PLAT OF NORTH WEST WOODS SUBDIVISION, SECTION II, DATED 7 DECEMBER 1972
 2) PLAT OF A PART OF NORTH WEST WOODS SUBDIVISION, SECTION II, DATED 23 DECEMBER 1972
 3) PLAT OF A PART OF NORTH WEST WOODS SUBDIVISION, SECTION II, DATED 14 AUGUST 1972
 BY GLENN DOWNER
 4) PLAT FOR FELIX ARNOLD DATED 8 APRIL 1972 BY BEN WELCHER & ASSOCIATES

NORTH WEST WOODS SUBDIVISION SECTION II	
201 1/2 x 100'	SCALE 1" = 100'
GEOLOGIC COUNTY, GEORGIA	

EXHIBIT "A" TO HARDSHIP VARIANCE #7825

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NARRATIVE

Narrative

The property owners desire to obtain a hardship variance in order to place a freestanding detached garage on their property located at the above mentioned address.

Greg and Kathy Hayes purchased the existing house and corner lot around early march 2017. The ranch style brick house was constructed in 1974 with the front of the house facing Colliers Creek Road; the right side of the house faces the side street known as Hilltop Road; and the back of the house faces the back of the lot relative to the front of the house.

The house is served with two driveways: The main driveway comes in from the side street and extends all the way to the former garage which was recently converted into a bedroom to accommodate Kathy's father, and former county commissioner, Hoyt Watson. A second driveway extends from Colliers Creek Road on the front to the existing driveway to the right side of the house.

The subdivision and development regulations of Oconee County have evolved over time since zoning was originally adopted around 1969. Historically, the front yard of a corner lot was defined as the narrower width of the frontage of either street; the wider distance would become a side yard; and the opposite end of the lot from the front was the back or rear lot yard.

Currently, according to the UDC of Oconee County, corner lots now have two front yards and two side yards (there are no rear yards on corner lots). See *UDC Sec. 402. Definitions. Lot Line.*

The current UDC Sec. 346.a. stipulates that a private freestanding detached garage is allowed and must be at least 200 feet from the nearest street right-of-way or must be in the rear or side yard.

Justifications for the Hardship Variance Request

1. The property owners are not allowed to locate the proposed garage behind their home because the septic tank, distribution box and drain-field are already located there.
2. The area located behind the existing drain-field is already reserved as a back-up drain-field in case the primary drain-field ever fails.
3. The 200 feet requirement would place the proposed detached garage in the area identified in either #1 above or #2 above.
4. The location of the proposed detached garage in any other location than the one shown on the attached *Variance Plan* would require the construction of a paved driveway for access which would exceed the maximum impervious surface allowed, which would trigger storm-water detention and water quality requirements as required by the *Georgia Stormwater Management Manual, Latest Edition*, for a single subdivision lot.
5. The costs of providing storm-water management, and water quality compliance, and additional driveway construction, and related engineering fees would be onerous.



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

VARIANCE CASE #: 7825

DATE: June 17, 2019

STAFF REPORT BY: Grace Tuschak, Planner

APPLICANT NAME: Beall & Company, LLC

PROPERTY OWNER: William G. & Kathryn D. Hayes

LOCATION: 1320 Colliers Creek Road

PARCEL SIZE: ±1.31 acres

EXISTING ZONING: AG (Agricultural)

EXISTING LAND USE: Single-family residential

TYPE OF VARIANCE REQUESTED: Hardship Variance

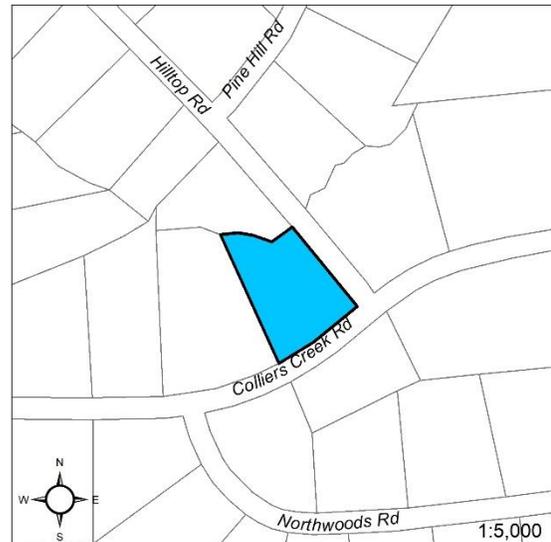
REQUEST SUMMARY: The property owner is requesting approval of a hardship variance to allow a detached garage to be placed in the front yard of a residential property

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: July 2, 2019

ATTACHMENTS:

- Application
- Narrative
- Plat
- Aerial Imagery
- Zoning Map
- Representative Photos
- Future Development Map
- Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property has been zoned AG since the original adoption of the zoning map in 1969.
- A single-family residence was constructed on the subject property in 1974.
- A 288 square foot outbuilding was placed on the property in 2010.

VARIANCE DESCRIPTION

- The owner is requesting approval of a hardship variance for relief from Section 348.a of the Unified Development Code:
 - ***Section 348.a - Private garage or carport***
A private freestanding (detached) garage or carport is allowed, and must be at least 200 feet from the nearest street right-of-way or it must be in the rear or side yard.
- The owner is requesting the build a detached garage in the front yard of the subject property, due to limited space in the side yard. No rear yard exists on the subject property because it is a corner lot.

PUBLIC FACILITIES

- County services, facilities, and infrastructure should not be affected by the present request.

ENVIRONMENTAL

- No 100-Year Flood Plain or Jurisdictional Wetland areas are located on the site.

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?**
The subject property is a corner lot and therefore has two front yards, two side yards, and no rear yard. Due to the small lot size, there are no locations in the front yard that would satisfy the requirement for a detached garage to be placed at least 200 feet from nearest street right of way. Behind the residence are wooded areas, a septic tank, and a drainfield, which further restrict the area available for additional accessory structures. Because of these conditions, locations to the rear or side of the residence that would permit construction of a detached garage are exceptionally limited.
- Does the application of requirements in the Unified Development Code create an unnecessary hardship to this particular piece of property?**
The strict application of the requirements of the UDC would create an unnecessary financial hardship to the property owners, as they would have to construct an additional driveway or extend the existing driveway in order to access the detached garage.
- Are conditions creating the need for the hardship variance peculiar to the particular piece of property involved?**
The conditions are peculiar to the particular property involved because it is a corner lot with small acreage, and because of the limited open space to the side or rear of the residence due to the placement of septic infrastructure.

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 purposes of UDC Section 348.a are to preserve the character and aesthetic integrity of single-family residential areas. The existing residence is oriented facing Colliers Creek Road. If relief were granted, the detached garage would be placed in one of the property's front yards (along Hilltop Road) but would appear to be in the *side* yard because of the orientation of the residence. Placement of a detached garage in the proposed location should not be injurious to the character or aesthetic integrity of the surrounding neighborhood and staff holds that relief would not be detrimental to the public good nor impair the purposes and intent of the UDC.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for hardship variance approval, this request does meet the necessary criteria to grant a hardship variance as submitted.



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

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

Special Exception for: _____

Applicant

Name: Beall & Company, LLC

Address: 3651 Mars Hill Road

 Suite 1400 (No P.O. Boxes)

Watkinsville GA 30677

Telephone: (706) 543-0907 Ext. 105

Property Owner

Name: William G. Hayes & Kathryn D. Hayes

Address: 1320 Colliers Creek Road Lot 31 Northwest Woods

 Watkinsville Georgia 39677 (No P.O. Boxes)

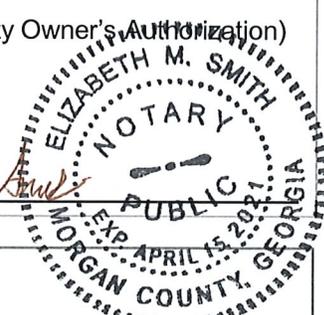
Contact Person: Kathryn D. Hayes (706) 248.1668

Telephone: (706) 318.5048 (Ken Beall cell)

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: 5-20-19 Notarized: [Signature]



Property

Location: 1320 Colliers Creek Road Lot 31

 (Physical Description)
 Oconee County Georgia

Tax Parcel Number: B 05A 031E

Size (Acres): 1.31 ac. Current Zoning: A-1

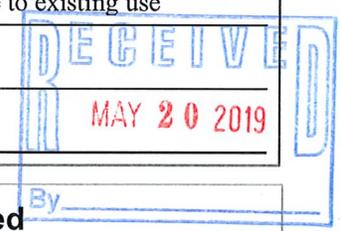
Future Development Map-Character Area Designation: Suburban Neighborhood

Use

Current Use: Single family home on single lot in established

 single-family residential subdivision

Proposed Use: Add detached garage to existing use



Attachments (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee
- Warranty Deed(s), Legal Description, & Plat of Survey
- Disclosures (Interests and Campaign Contributions)
- 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

Oconee UDC Section 346.a. stipulates that a private detached
freestanding garage or carport is allowed, and must be at
least 200 feet from the nearest street right-of-way or must
be in the rear or side yard.

There is no rear yard on a corner lot per the code and the
remaining yard contains septic system.

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 7825

Administrative Appeal: Date: _____

Approved With Conditions Denied N/A

Board of Commissioners Date: _____

Approved With Conditions Denied N/A

WRITTEN REPORT
HARDSHIP VARIANCE REQUEST
William G. & Kathryn D. Hayes
OCONEE COUNTY GEORGIA

Narrative

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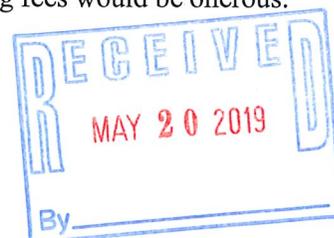
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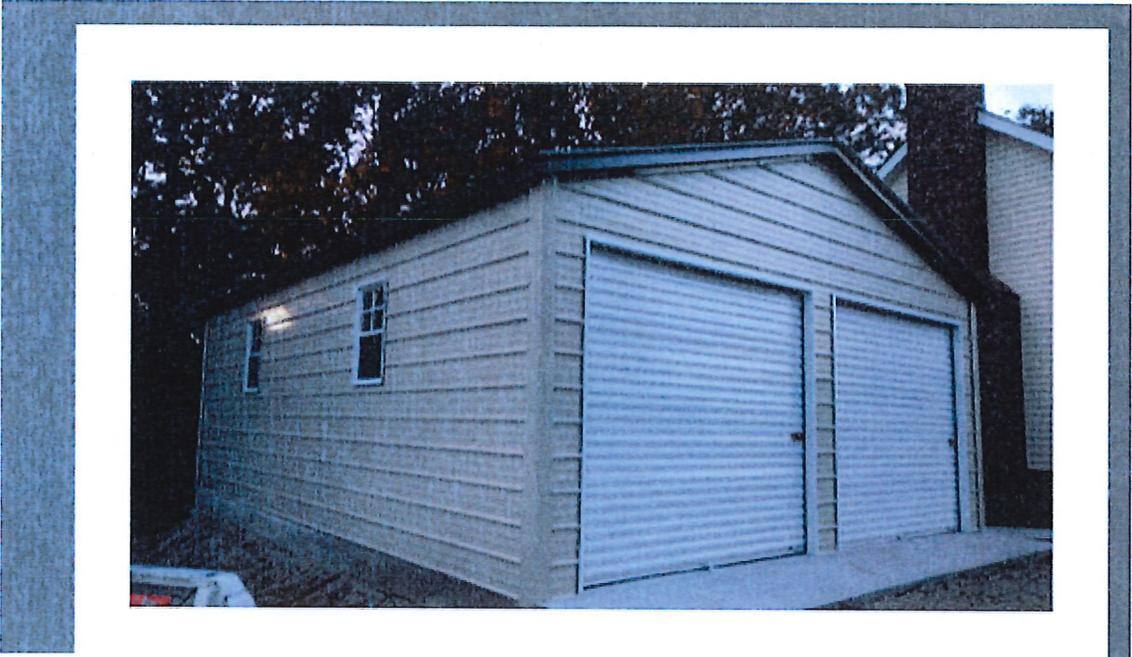
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MAY 20 2019
By _____

Variance #7825 - William G. & Kathryn D. Hayes

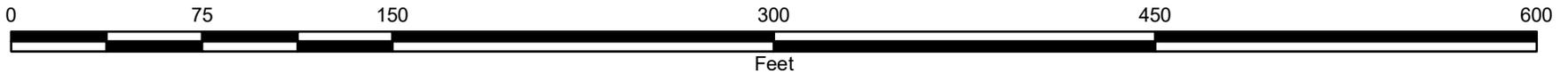
Tax Parcel #
B 05A 031E

B 05A 031E

Hilltop Rd

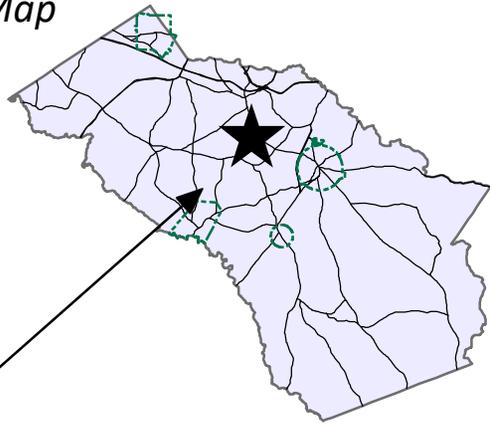
Colliers Creek Rd

1:800

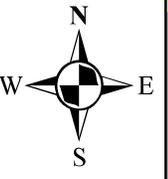


Vicinity Map

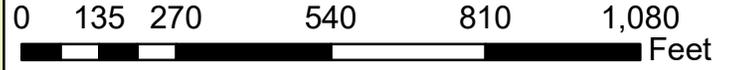
Site



**Oconee County
Planning Department**



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



Suburban Neighborhood

Spring Hill Ct

Hilltop Rd

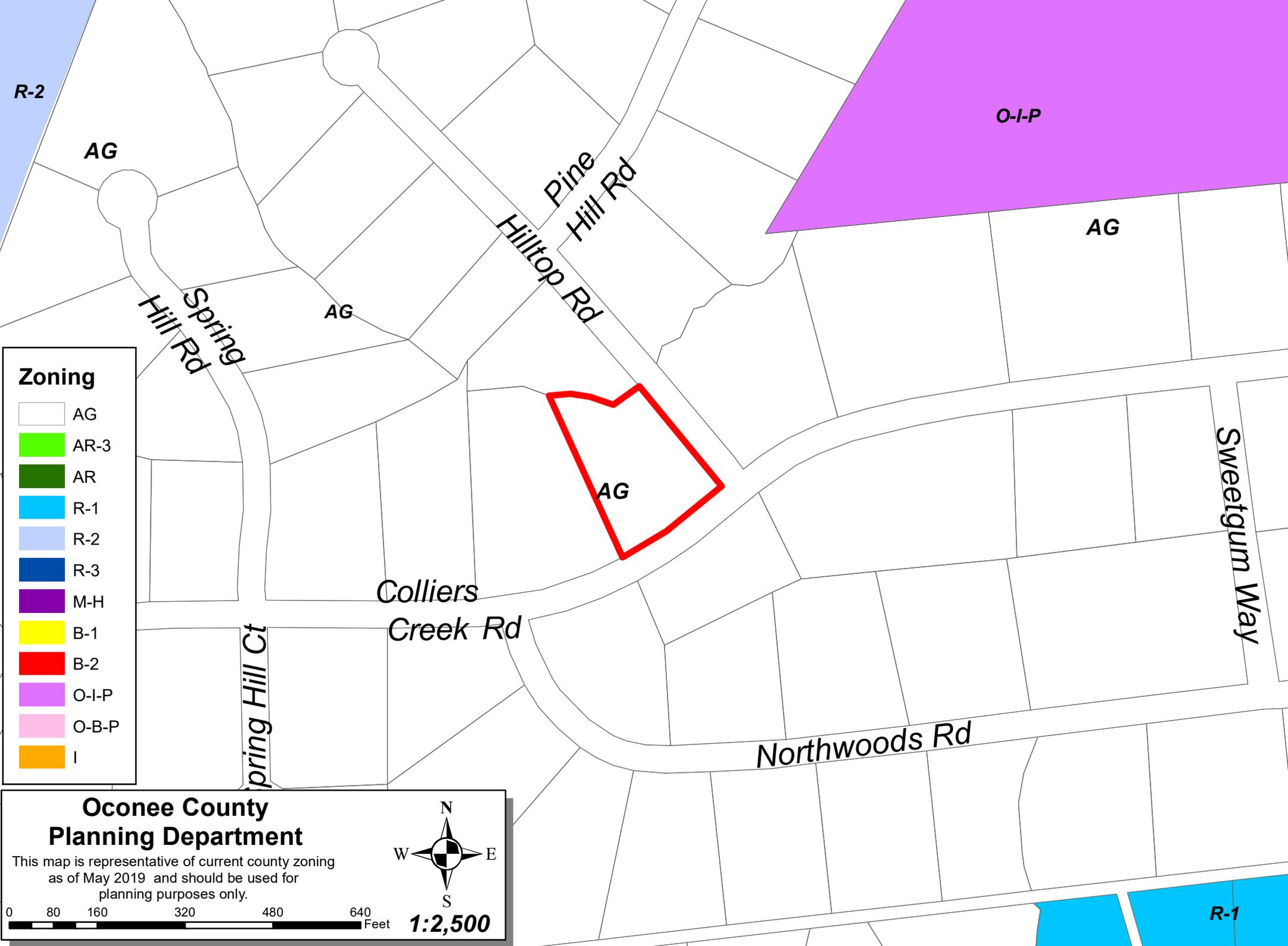
Pine Hill Rd

Colliers Creek Rd

Northwoods Rd

Robin Hood Rd





Zoning

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

0 80 160 320 480 640 Feet

1:2,500



Site Location Map
Scale: 1"=300'

Project Data:

Owners: WILLIAM & KATHY HAYES
1320 COLLIERS CREEK ROAD
Watkinsville, GA 30677
(706) 248-1668

Authorized Agent: Beall & Company, LLC.
3651 Mars Hill Road, Suite 1400
Watkinsville, GA 30677
706-543-0907

Location: 1320 COLLIERS CREEK ROAD

Tax Parcel Number: B 05A 031E

Total Project Acreage: 1.31 Acres

Existing Zoning: AG

Contour Interval: 2' Contours from Oconee County GIS Department

Building Setbacks:
Front - 30'
Side - 25'
Rear - 25'

Setback lines illustrated are for principal building structures and do not apply to accessory use structures

Max Building Height: 40' (Per Oconee Unified Development Code)

Flood Plain: No portions of this tract lie within the 100 year flood zone per firm community panel 13219C0065D Dated September 2, 2009.

Water Supply: Oconee County Water Resources

Sewage Disposal: On-Site Septic Systems

Existing Utilities: No utilities are proposed

Solid Waste: By Private Contract Service

Foundation Type: Existing House; Crawlspace Garage; Slab on Grade

Surface Drainage: Sheet flow to existing drainage corridors.

General Notes:

- Boundary information from Final Plat for North West Woods Subdivision Section III, prepared by Glen Downs Engineering & Surveyors, dated May 15, 1973.
- Topographic information provided by Oconee GIS Department Maps
- All utilities are approximately located.

Impervious Surfaces:	Percent of Lot	
Existing Residence:	1,544 SF	02.70%
Existing Drive:	2,957 SF	05.18%
Proposed Accessory Building:	462 SF	00.81%
Total Impervious Surfaces:	4,963 SF	08.69%
Total Pervious Surfaces:	1.19 Acres	91.31%

Notify Code Enforcement 24 hours prior to starting work

IF YOU DIG GEORGIA... CALL US FIRST!
Dial 811
UTILITIES PROTECTION CENTER
IT'S THE LAW
Three Working Days Before You Dig
Utilities Protection Center, Inc.
Dial 811
(It's The Law)

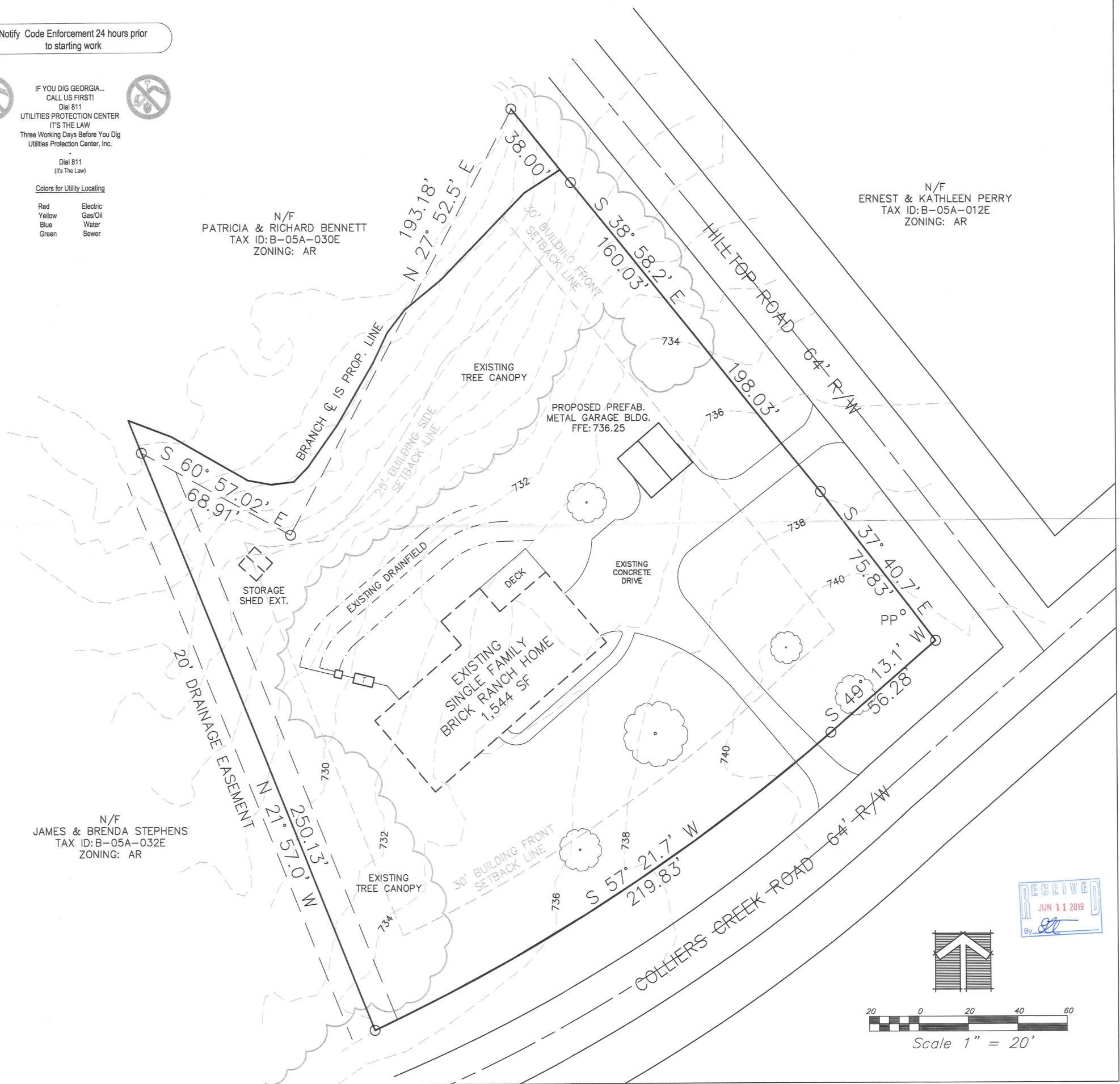
Colors for Utility Locating

Red	Electric
Yellow	Gas/Oil
Blue	Water
Green	Sewer

N/F
PATRICIA & RICHARD BENNETT
TAX ID: B-05A-030E
ZONING: AR

N/F
ERNEST & KATHLEEN PERRY
TAX ID: B-05A-012E
ZONING: AR

N/F
JAMES & BRENDA STEPHENS
TAX ID: B-05A-032E
ZONING: AR



BEALL & COMPANY

- LAND PLANNING
- LANDSCAPE ARCHITECT
- SITE ENGINEERING

3651 Mars Hill Road
Suite 1400
Watkinsville, GA 30677
(706) 543-0907
www.beallandcompany.com

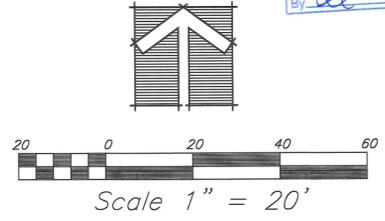
1320 Colliers Creek Road
Greg & Kathy Hayes Residence
1.31 Acres
1320 Colliers Creek Road

OWNER(S):
WILLIAM & KATHY HAYES
1320 COLLIERS CREEK ROAD
Box 104
GA 30622
(706) 338-834

GEORGIA REGISTERED PROFESSIONAL ENGINEER
KENNETH A. BEALL
GSWCC LEVEL II CERTIFICATION #025

REVISION	DATE	BY
1	5/20/19	EGB
2	6/10/19	KAB

DESIGNED BY: EGB
CHECKED BY: KAB



VARIANCE SITE PLAN
SHEET
1
DATE: 04-15-19
JOB: 18-041
NOT RELEASED FOR CONSTRUCTION

NOTICE: THESE DRAWINGS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE PROTECTED BY COMMON LAW, STATUTORY, AND OTHER RESERVED RIGHTS INCLUDING COPYRIGHT. THESE DRAWINGS MAY NOT BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF BEALL AND COMPANY AND ASSOCIATED PROJECT CONSULTANTS