

**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 Alan and Elizabeth Stewart submitted January 21, 2020.

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 Franklin Frost on January 21, 2020, regarding a ±2.5-acre tract of land located north of Campbellton Place in the 221st G.M.D., Oconee County, Georgia, (tax parcel nos. C-03B-011E and C-03B-010E) 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 allow for an additional access point for property with less than 200 feet of road frontage along a County road.

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 March 3, 2020.

ADOPTED AND APPROVED, this 3rd day of March, 2020.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniel
John Daniel, 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. Prior to issuance of a second driveway permit on the subject property, tax parcels C-03B-010E and C-03B-011E must be administratively recombined.

TAX MAP



NARRATIVE

The proposed concept plan is for a second point of vehicular access that will be used for access to a new proposed 1000 sq. ft accessory building, which would be a garage for two cars and a small wood shop. The existing parcel total acreage is 2.513, zoned R-1. The proposed location of the new drive would have 105 feet of separation from the existing drive used for the residence. The property's current vehicular access is within a cul-de-sac and does not allow space for the required 200 feet separation. Additionally, providing access to the proposed accessory building by extending the existing driveway is not possible due to the property's drain field location, site walls, and steep topography. This proposed new access point would not be the daily access point for the property. The prescriptive code that is referenced is 1012.02.D.02-03.

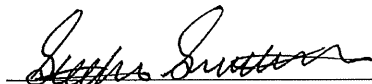
The proposed location for the accessory building is to try to limit the number of trees that would be removed as well as dealing with a significant amount of grade change. If the accessory building was located to the east of the existing house in order to use the existing driveway for access, a large retaining wall and a substantial amount of fill dirt would be required as well as the removal of a number of large hardwood trees.

LEGAL DESCRIPTION

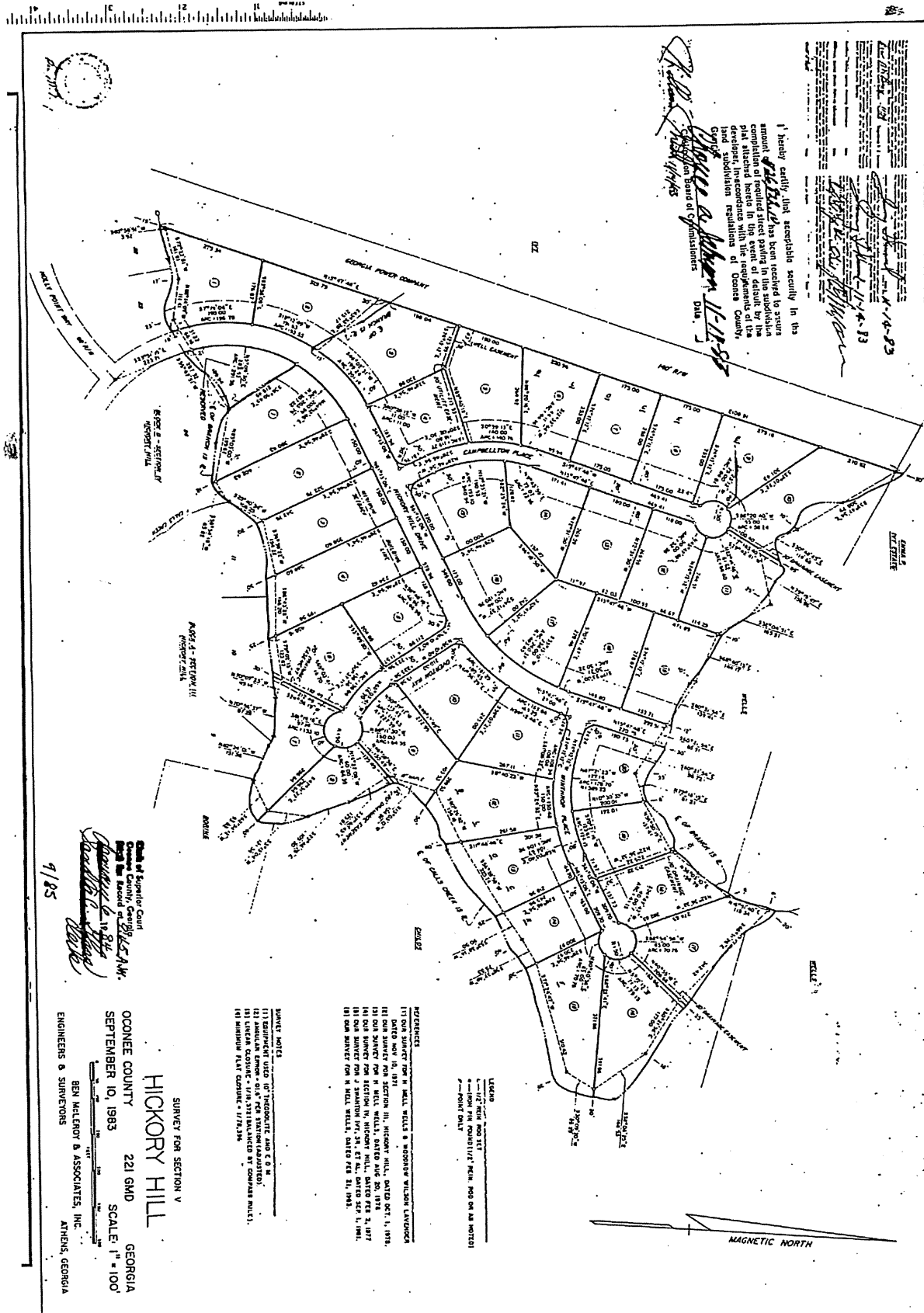
All that tract or parcel of land lying in and being part of the 221st G.M.D., Oconee County, Georgia, containing 2.513 acres, being a Combination of Lot 10 and Lot 11, Block E, Section V, Hickory Hill Subdivision, and being more particularly described as follows:

BEGINNING at the point of intersection formed by the northerly right of way (R/W) line of Hickory Hills Drive and the westerly R/W line of Campbellton Place, run thence along said R/W of Campbellton Place a total distance of 940.15 feet to an iron pin, being the TRUE POINT OF BEGINNING; leaving said R/W line, run thence along property of Lot 9 North 37 degrees 01 minute 22 seconds West 301.43 feet to an iron pin situated on the easterly R/W line of a 140 foot wide Georgia Power Company R/W; run thence along said R/W line North 15 degrees 47 minutes 48 seconds East 210.62 feet to an iron pin situated 20 feet south of the centerline of a branch; run thence along a traverse with the centerline of the branch being the property line the following courses and distances: (i) South 33 degrees 47 minutes 34 seconds East 305.79 feet to a point situated 10 feet northeast of the branch centerline, (ii) South 30 degrees 48 minutes 43 seconds East 114.68 feet to an iron pin situated 65 feet south of the branch centerline, (iii) North 75 degrees 19 minutes 47 seconds East 156.96 feet to a point situated 25 feet northeast of the branch centerline, and (iv) South 32 degrees 04 minutes 51 seconds East 165.91 feet to an iron pin situated 10 feet south of the branch centerline; leaving said traverse, run thence along property of Lot 19 South 15 degrees 47 minutes 48 seconds West 114.29 feet to an iron pin; thence along property of Lot 12 North 74 degrees 12 minutes 12 seconds West 244.51 feet to an iron pin situated on the R/W line of Campbellton Place; run thence along said R/W line the following courses and distances: (i) an arc measurement of 66.40 feet around a curve having counterclockwise rotation and a radius of 50.00 feet, the chord measurement thereof being North 22 degrees 14 minutes 46 seconds West 61.62 feet to an iron pin, and (ii) an arc measurement of 58.24 feet around a curve having counterclockwise rotation and a radius of 50.00 feet, the chord measurement thereof being South 86 degrees 20 minutes 40 seconds West 55.00 feet to the TRUE POINT OF BEGINNING.

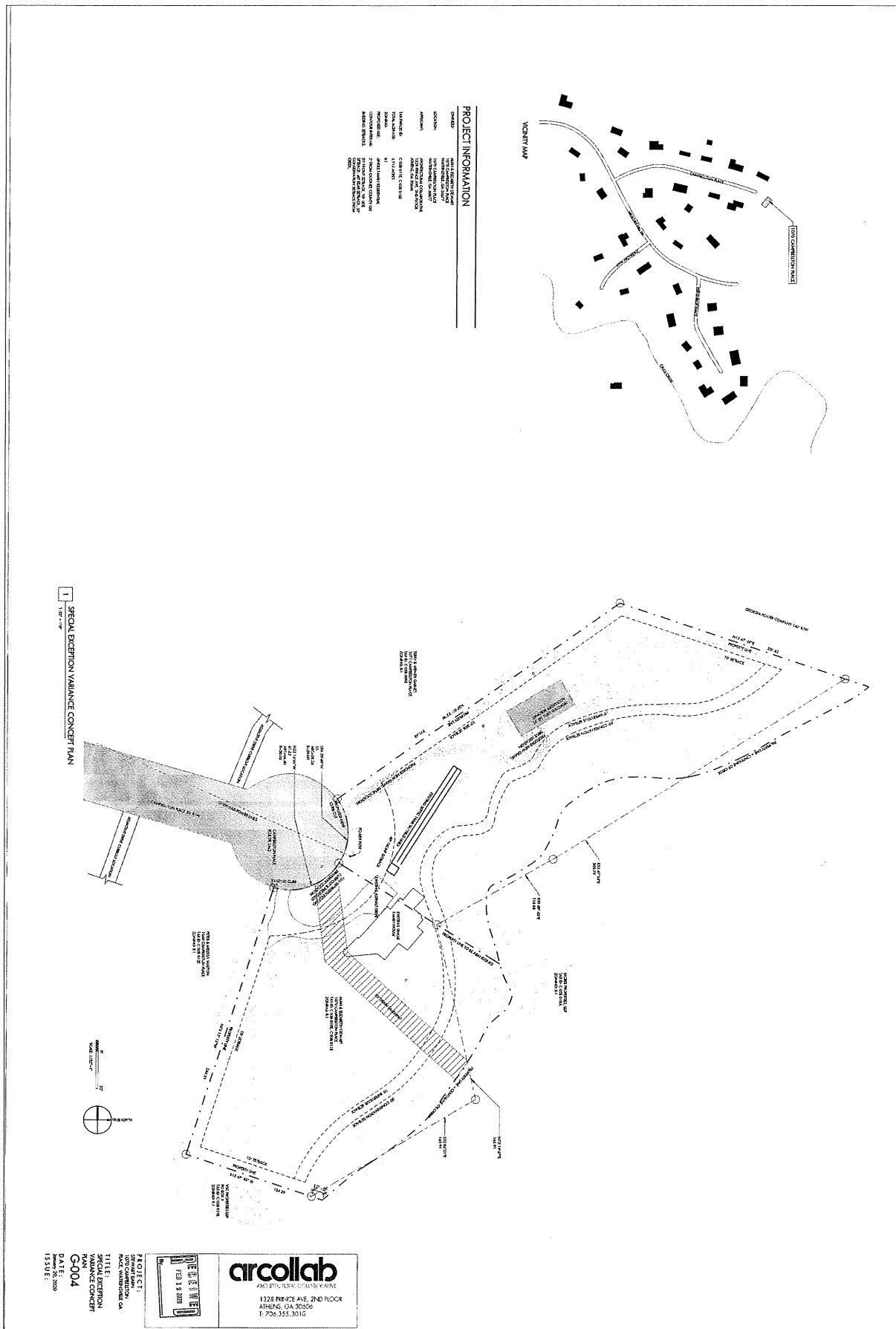
All directions recited herein are referenced to Magnetic North.



Stephen Smitherman, PLS No. 3049



CONCEPT PLAN





**Planning and Code Enforcement Department
Oconee County, Georgia
STAFF REPORT**

VARIANCE CASE #: P20-0014

DATE: February 14, 2020

STAFF REPORT BY: Grace B. Tuschak, Senior Planner

APPLICANT NAME: Franklin Frost

PROPERTY OWNER: Alan & Elizabeth Stewart

LOCATION: North of Campbellton Place

PARCEL SIZE: ±2.5 acres

EXISTING ZONING: R-1 (Single Family Residential District)

EXISTING LAND USE: Single-family residential

TYPE OF VARIANCE REQUESTED: Special Exception

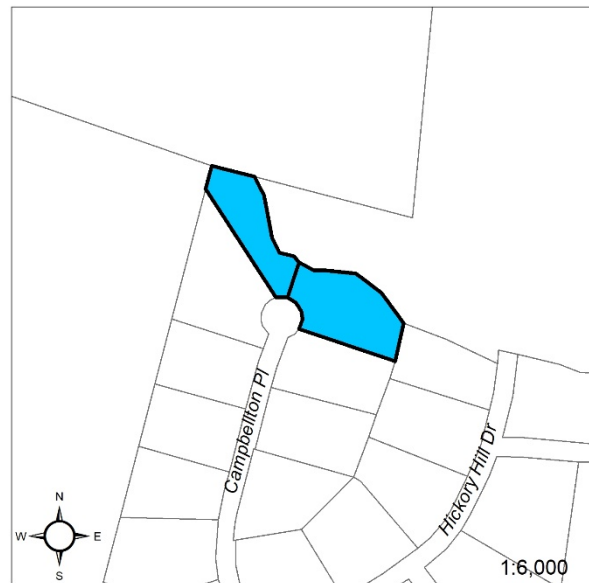
REQUEST SUMMARY: The applicant is requesting a variance from UDC Section 1012.02.d.2 in order to allow a second vehicular access to the property

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: March 3, 2020

ATTACHMENTS:

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



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property has been zoned R-1 (Single Family Residential District) since the original adoption of the zoning map in 1969
- A single family residence was constructed on the property in 1996

VARIANCE DESCRIPTION

- Unified Development Code Sec. 1012.2.d prohibits more than one access to a public street on properties containing less than 200 feet of road frontage, as follows:

Sec. 1012.2.d: The number of driveways that access a property from any one street, road or highway shall be limited as follows:

- (1) Along all County arterial roads, no more than 1 point of vehicular access from a property shall be permitted for each 300 feet of lot frontage. For such lots having less than 300 feet of frontage, one point of access shall be allowed. The number and location of access points along a State or U.S. numbered highway may be further restricted by the Georgia Department of Transportation.*
 - (2) Along all other County streets or roads, except for circular driveways for single family detached houses on local streets and minor collectors (provided sight distances can be met), the following shall apply: no more than 1 point of vehicular access from a property to each abutting public road shall be permitted for each 200 feet of lot frontage; provided however, that lots with less than 200 feet of frontage shall have no more than one point of access to any one public street. The Public Works Director shall determine whether the points of access may be unrestricted or must be designed for right-in, right-out traffic flow.*
 - (3) Reduction of the driveway separation requirements of paragraphs (1) or (2) of this Sec. 1012.02.d may be considered as a special exception variance. See the Appeals Article of this Development Code for procedures.*
- The property owner is requesting an additional curbcut to be located 105 feet from the existing driveway in order to provide access to an accessory building (not yet constructed)

PUBLIC FACILITIES

- County services should not be significantly affected by the present request

ENVIRONMENTAL

- No 100-year flood plains exist on the property
- State waters and an associated conservation corridor are known to exist on the subject property; no development is proposed within these areas and the present request should not affect these existing environmentally sensitive areas

COMMENTS FROM OTHER DEPARTMENTS

Public Works Department

- No Comment

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 impact to the tax base or to nearby public infrastructure, schools, or environmentally sensitive areas should result from approval of the present request. Staff holds that 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:

The surrounding area is primarily low-density residential and wooded/undeveloped. One additional driveway along the cul de sac of Campellton Place 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:

Staff holds that it is unlikely that an additional driveway in the proposed location would significantly impair property values in the surrounding area.

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

The intent of UDC Section 1012.02.d.2 is to limit the number of curbcuts along public roads in order to maintain traffic safety and promote orderly development. Given the minimal impact of one additional driveway along a residential cul-de-sac, staff holds that the present request should not impair the purpose and intent of the UDC.

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** and staff recommends the special exception variance be approved subject to the following conditions **to be fulfilled at the expense of the owner/developer:**

1. Prior to issuance of a second driveway permit on the subject property, tax parcels C-03B-010E and C-03B-011E must be administratively recombined.



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- ☐ Hardship Variance ☐ Appeal of Administrative Decision ☐ Flood Damage Prevention Variance
☒ Special Exception for: SECOND DRIVEWAY ACCESS 1012.02.D.3

Applicant

Name: Franklin Frost

Address: 1328 PRINCE AVE. ATHENS, GA 30606
(No P.O. Boxes)

Telephone: 706.355.3010

Email: Franklin@ARCADIS.NET

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: T. Frost Date: JAN 21, 2020 Notarized: [Signature]

Property Owner

Name: ALAN & ELIZABETH STEWART

Address: 1070 CAMPBELLTON PLACE
(No P.O. Boxes)

Telephone: 706.247.3620

Property

Location: 1070 CAMPBELLTON PLACE

1081 CAMPBELLTON PLACE TFF

Tax Parcel Number: C03B011E, C03B010E, TFF

Size (Acres): 2.5 Current Zoning: R-1

Future Development Map—Character Area Designation: COUNTRY ESTATES TFF

Use

Current Use: SINGLE FAMILY RESIDENCE

Proposed Use: N/A SINGLE FAMILY RESIDENCE TFF

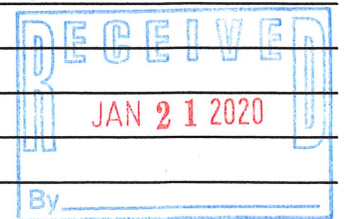
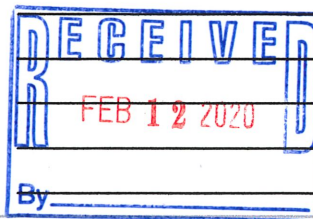
Attachments (check all that apply)

- ☐ 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

SECTION 1012.02.D.3
REQUESTING SECOND DRIVE ACCESS



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: _____
☐ Approved ☐ With Conditions ☐ Denied ☐ N/A

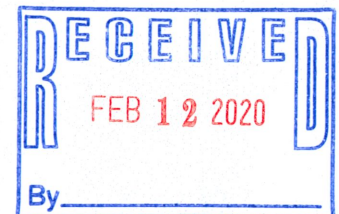
APPLICATION NUMBER P20-0014

Printed: 11/19/2019 09:17:54
Register: 4 Clerk: PC

Official Tax Receipt
JENNIFER T. RIDDLE
OCONEE COUNTY Tax Commissioner
PO BOX 106
WATKINSVILLE, GA 30677

Phone: (706) 769-3917
Fax: (706) 769-3964

Trans No	Property ID/District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Balance
23972 Year-Bill No 2019 - 15673	C 03B 010 E / 001 649/535 8/85 HICKORY HILL FMV: \$19,635.00	182.11	0.00 Fees 0.00	0.00	182.11	182.11 Paid Date 11/19/2019 09:17:51	0.00 Current Due 0.00
23973 Year-Bill No 2019 - 15674	C 03B 011 E / 001 649/535 9/85 HICKORY HILL FMV: \$258,981.00	2,355.51	0.00 Fees 0.00	0.00	2,355.51	2,355.51 Paid Date 11/19/2019 09:17:51	0.00 Current Due 0.00
Transactions:	23972 - 23973 Totals	2,537.62	0.00	0.00	2,537.62	2,537.62	0.00



STEWART ALAN E. &
ELIZABETH A.
1070 CAMPBELLTON PLACE
WATKINSVILLE, GA 30677

Paid By :
STEWART ALAN E. &
7062473620

Check No 1083
Charge Acct

Cash Amt: 0.00
Check Amt: 2,537.62
Charge Amt: 0.00
Change Amt: 0.00
Refund Amt: 0.00
Overpay Amt: 0.00

1070 Campbellton Place Variance

The proposed concept plan is for a second point of vehicular access that will be used for access to a new proposed 1000 sq. ft accessory building, which would be a garage for two cars and a small wood shop. The existing parcel total acreage is 2.513, zoned R-1. The proposed location of the new drive would have 105 feet of separation from the existing drive used for the residence. The property's current vehicular access is within a cul-de-sac and does not allow space for the required 200 feet separation. Additionally, providing access to the proposed accessory building by extending the existing driveway is not possible due to the property's drain field location, site walls, and steep topography. This proposed new access point would not be the daily access point for the property. The prescriptive code that is referenced is 1012.02.D.02-03.



0002125

0000535

FILED IN CLERK'S OFFICE
SUPERIOR/MAGISTRATE/

03 MAR -5 PM 1:06

649 535

DATE 3-5-03
FILED IN CLERK'S OFFICE

RUSSELL T. QUARTERMAN, P.C.
1671 Merlweather Drive, Suite 103
Bogart, GA 30622

OCONEE COUNTY, GEORGIA
Real Estate Transfer Tax

Paid \$ 225.00

Date 03-05-03

CSC

WARRANTY DEED

STATE OF Georgia Property located
COUNTY OF Daconee (Athens/Clarke County) - signed

This Indenture made this 28TH day of FEBRUARY in the year Two Thousand Three, between BRUCE K. BRITTON and KERRY OVERMIER BRITTON, of the County of Clarke, State of Georgia, as party or parties of the first part, hereinunder called Grantor, and Alan E. Stewart and Elizabeth A. Stewart, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING THE 221ST DISTRICT, OCONEE COUNTY, GEORGIA, BEING LOT 10 AND 11, BLOCK E, ACCORDING TO A PLAT ENTITLED SURVEY FOR SECTION V/HICKORY HILL, DATED SEPTEMBER 10, 1983, BEARING THE SEAL OF BEN MCLEROY, GA R.L.S. NO. 1184, AS PER PLAT RECORDED IN PLAT BOOK 9, PAGE 85, OCONEE COUNTY, GEORGIA RECORDS, TO WHICH PLAT REFERENCE IS MADE FOR A MORE DETAILED DESCRIPTION.

This Deed is given subject to all zoning ordinances, easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEE SIMPLE**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

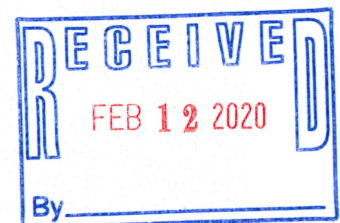
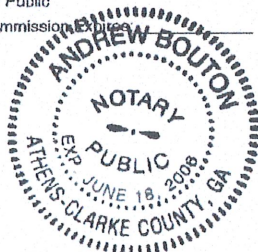
Signed, sealed and delivered in the presence of:

Witness
Peggy R. McChesney
Witness

Bruce K. Britton (Seal)
BRUCE K. BRITTON

Andrew Bouton
Notary Public
My Commission Expires

Kerry Overmier Britton (Seal)
KERRY OVERMIER BRITTON



WARRANTY DEED (Long Form)

000229

Return to : K.R. Packer
P.O. Box 401
Athens, GA 30603

GEORGIA, County of OCONEE

DEED, Made this 24TH day of April in the
Year One Thousand Nine Hundred and Ninety-six (1996) between
MELLS

Georgia and County of Oconee of the first part, and
BRITTON and KERRY OVERMIER BRITTON

Georgia and County of Clarke of the second part.

TH: That the said party of the first part, for and in consideration of the
(\$10.00) and other valuable considerations Dollars,

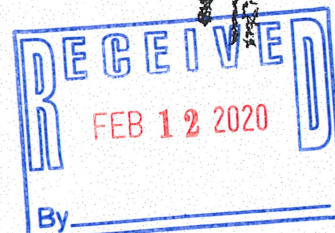
and before the sealing and delivery of these presents, the receipt of which is
granted, has granted, bargained, sold and conveyed, and by these presents

bargain, sell and convey unto the said parties of the second part, their
heirs, assigns and assigns forever.

TRACTS OR PARCELS OF LAND situate and being in the 221st District,
County, Georgia and being more particularly shown and depicted as
Lot 11, Block E, according to a plat entitled "Survey for Section V/
dated September 10, 1983 and bearing the seal of Ben McLeroy, Ga.
plat is recorded and filed in the real property records maintained in the
Clerk of Superior Court of Oconee County, Georgia, in Plat Book 9,
and records and which plat is further incorporated in this description, by
made a part hereof for all lawful purposes.

OCONEE COUNTY, GEORGIA
Tax

Paid 24.60
Date 2-12-20
Gulfport, Mississippi, MS

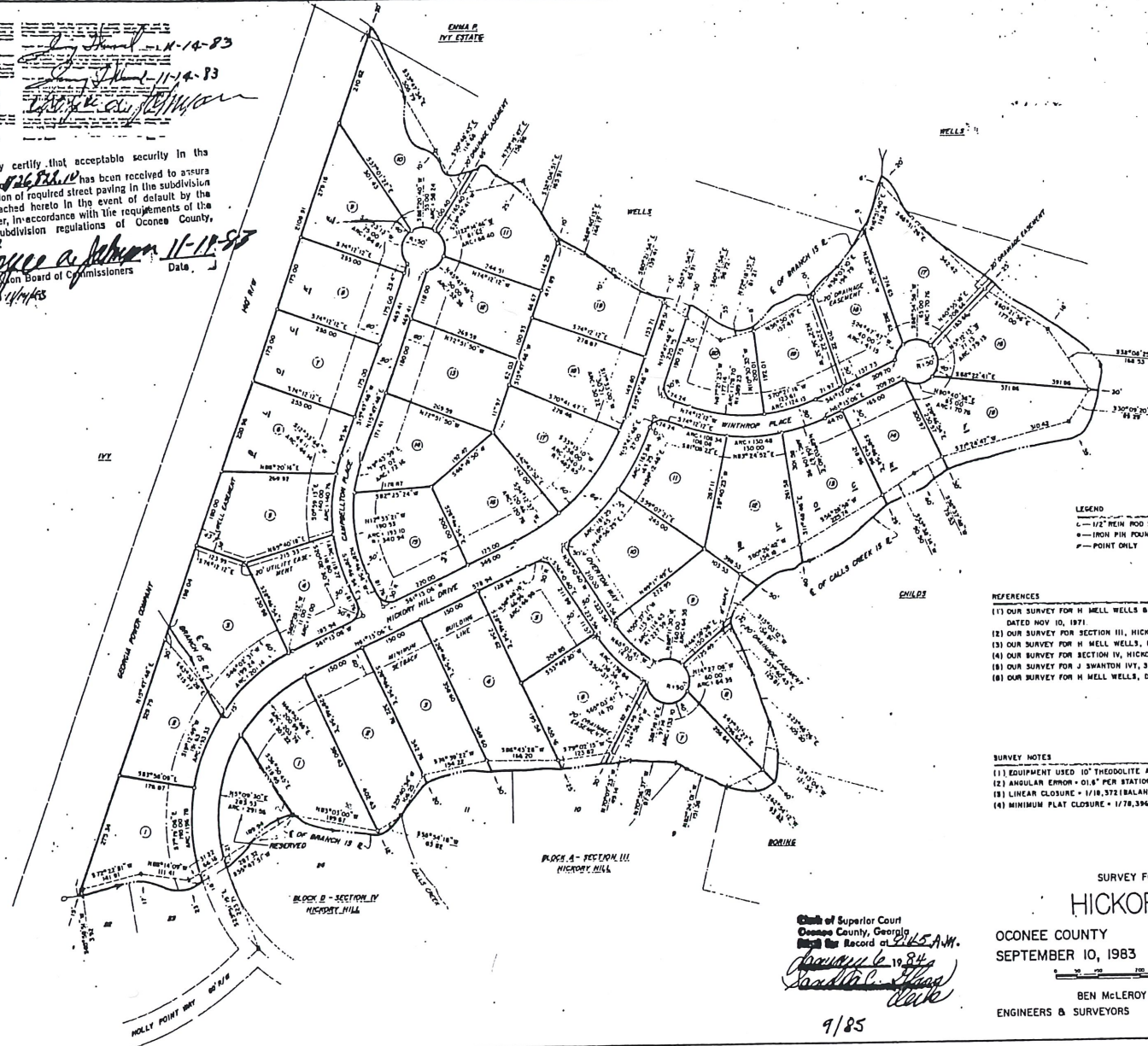


J. H. Hunt - 11-14-83
 J. H. Hunt - 11-14-83
 J. H. Hunt - 11-14-83

I hereby certify that acceptable security in the amount of \$16,000.00 has been received to assure completion of required street paving in the subdivision plat attached hereto in the event of default by the developer, in accordance with the requirements of the land subdivision regulations of Oconee County, Georgia.

Chavez a Johnson 11-11-87

Chairman Board
11/14/53



LEGEND

— 1/2" REIN ROD SET

• IRON PIN FOUND (1/2" REIN. ROD OR AS NOTED)

REFERENCES

(1) OUR SURVEY FOR H MELL WELLS & WOODROW WILSON LAVENDE
DATED NOV 10, 1971.

(2) OUR SURVEY FOR SECTION III, HICKORY HILL, DATED OCT. 1, 1971

(3) OUR SURVEY FOR H MELL WELLS, DATED AUG 20, 1976

(4) OUR SURVEY FOR SECTION IV, HICKORY HILL, DATED SEP. 2, 1971

(5) OUR SURVEY FOR J SWANTON IV, JR, ET AL, DATED SEP. 1, 1961

(6) OUR SURVEY FOR H MELL WELLS, DATED FEB 21, 1963.

SURVEY NOTES


(1) EQUIPMENT USED 10" THEODOLITE AND C D M
(2) ANGULAR ERROR = 01.8" PER STATION (ADJUSTED).
(3) LINEAR CLOSURE = 1/18,372 (BALANCED BY COMPASS RULE)
(4) MINIMUM PLAT CLOSURE = 1/178,396

SURVEY FOR SECTION V

HICKORY HILL

OCONEE COUNTY 221 GMD GEORGIA

SEPTEMBER 10, 1983 SCALE 1" = 100'



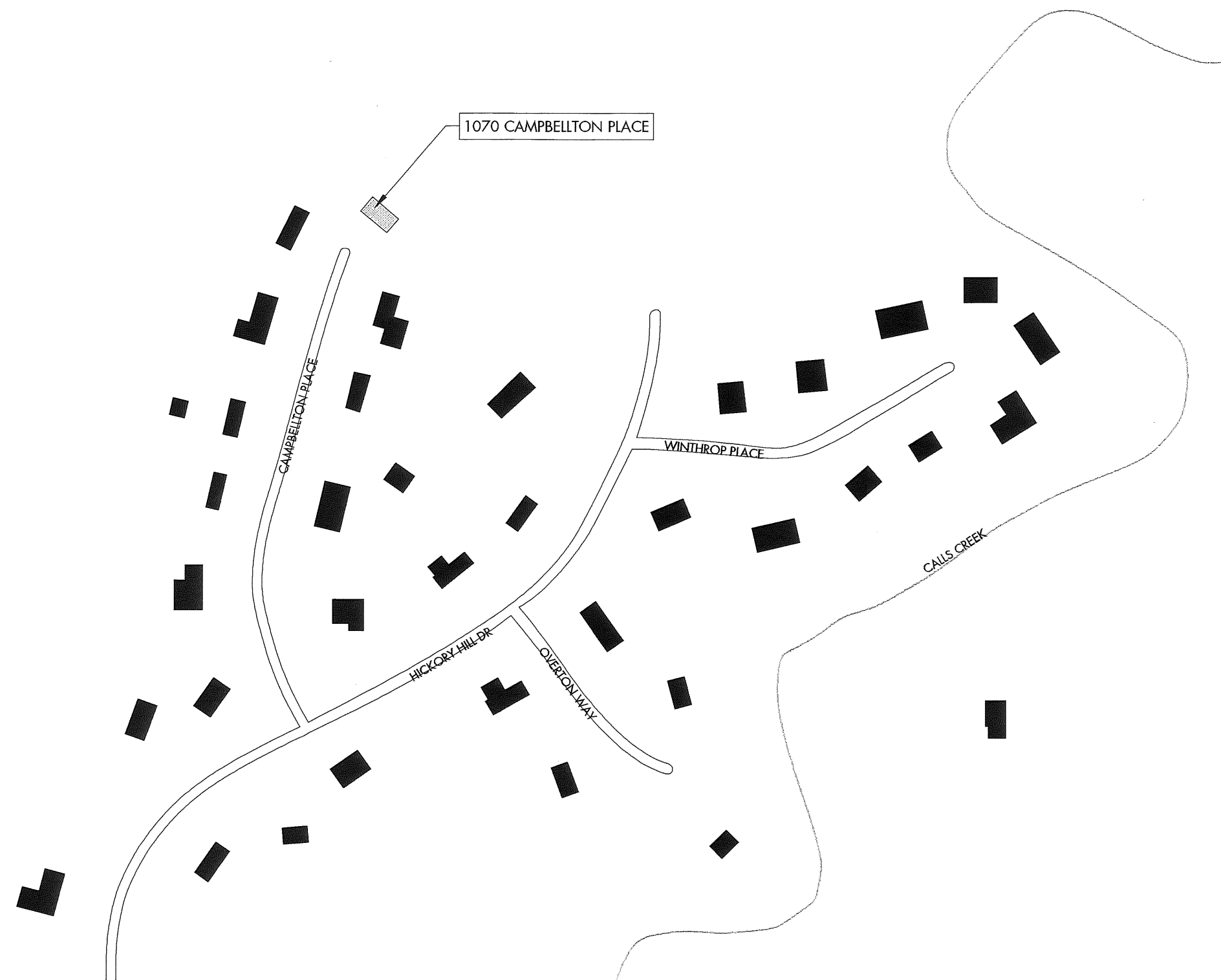
BEN McLEROY & ASSOCIATES, INC.

ENGINEERS & SURVEYORS ATHENS, GEORGIA

Clerk of Superior Court
Oconee County, Georgia
Filed for Record at 2:45 A.M.
January 6, 1984
Sandra L. Jones
Vickie

9/85





VICINITY MAP

PROJECT INFORMATION

OWNERS: ALAN & ELIZABETH STEWART
1070 CAMPBELLTON PLACE
WATKINSVILLE, GA 30677

LOCATION: 1070 CAMPBELLTON PLACE
WATKINSVILLE, GA 30677

APPLICANT: ARCHITECTURAL COLLABORATIVE
1328 PRINCE AVE, 2ND FLOOR
ATHENS, GA 30606

TAX PARCEL ID: C 038 011E, C 038 010E

TOTAL ACERAGE: 2.513 ACRES

ZONING: R-1

PROPOSED USE: SINGLE FAMILY RESIDENTIAL

CONTOUR INTERVAL: 2' FROM OCONEE COUNTY GIS

BUILDING SETBACKS: 30' FRONT SETBACK, 10' SIDE SETBACK, 40' REAR SETBACK, 50' CONSERVATION SETBACK FROM CREEK.

