

**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 1303, to grant approval of a Hardship Variance pursuant to an application requesting approval of a Hardship Variance on property owned by John and Angie Howell submitted on April 15, 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 Hardship Variance approval submitted by John and Angie Howell on April 15, 2019, regarding a ±0.922-acre tract of land located at the intersection of Julian Crossing and Julian Drive in the 240th G.M.D., Oconee County, Georgia, (tax parcel no. B-02-001D), 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 to allow for an accessory structure 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 the same at its regular meeting on July 7, 2020.

ADOPTED AND APPROVED, this 7th day of March, 2020.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____

John Daniell
John Daniell, Chairman

Mark Thomas
Mark Thomas, Member

Chuck Horton (By: Kathy Hayes)
Chuck Horton, Member

Vacant, Member

Mark Saxon
Mark Saxon, Member

ATTEST:

Kathy Hayes
Kathy Hayes
Clerk, Board of Commissioners



Kathy Hayes

From: Chuck Horton
Sent: Monday, July 6, 2020 11:54 AM
To: Kathy Hayes
Subject: Sighting of documents

To whom it might concern. Because of my recent surgery and the inability of going to the courthouse I give permission for the county clerk, Kathy Hayes to sign county documents for me.

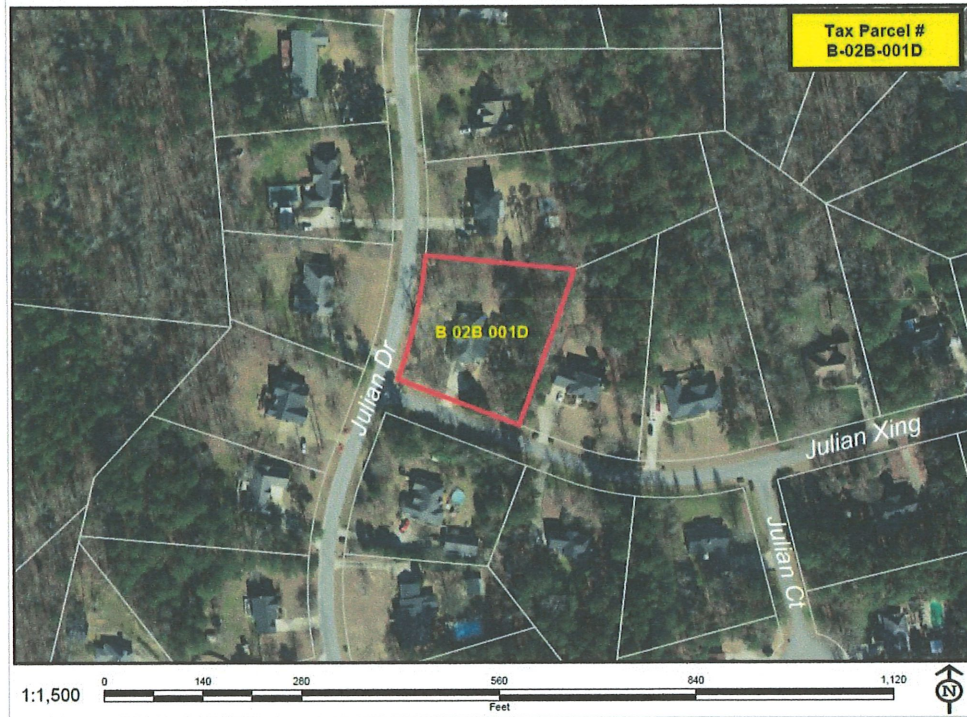
Respectfully
Chuck Horton

Sent from my iPad

EXHIBIT "A" TO HARDSHIP VARIANCE NO. P20-0053

Page 1 of 4

TAX MAP



NARRATIVE

LOCATION OF POTTING SHED:

- To place the shed in the backyard closer to the house would have the shed encroach into the septic tank drain field
- To move the potting further into the wooded area would require the taking down of several large trees. This would be very expensive and cost prohibitive.

• *ZONING R-1*

• *HARDSHIP VARIANCE FROM UDC SEC 347 TO PLACE AN ACCESSORY IN THE FRONT YARD*

SHED STYLE AND USAGE:

- Style of the potting shed was selected to add value to the property and not to detract from the neighborhood.
- The shed will be used to store gardening tools, potting supplies, mulch and soil amendments.

LEGAL DESCRIPTION

TRACT 1

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 3.50 ACRES, BEING LOCATED IN THE 1331 G.M.D. OF OCONEE COUNTY, GEORGIA AND BEING BOUNDED BY TAX PARCEL C 02L 005 ON THE WEST, TAX PARCEL C 02L 004 ON THE NORTH, McNUTTS CREEK ON THE NORTH, AND TAX PARCEL C 02 028B ON THE EAST.

BEGINNING AT AN IRON PIN AT THE END OF TWO OAKS DRIVE, THE COMMON CORNER BETWEEN TAX PARCEL C 02L 004A AND TAX PARCEL C 02L 004, THE TRUE POINT OF BEGINNING

THENCE N 71 28 15 E 319.08 FEET TO AN IRON PIN
THENCE N 00 27 05 W 335.50 FEET TO A POINT IN McNUTTS CREEK
THENCE ALONG THE CENTER OF McNUTTS CREEK
N 86 18 45 E 87.45 FEET
N 85 55 45 E 240.049 FEET TO A POINT
THENCE S 29 49 15 W 844.33 FEET TO A POINT
THENCE N 39 17 05 W 266.21 FEET TO AN IRON PIN
THENCE S 86 51 20 W 33.67 FEET TO AN IRON PIN ON THE RIGHT OF WAY OF TWO OAKS DRIVE
THENCE N 14 24 00 E 34.08 FEET (34.56' ARC & 60' RADIUS) TO AN IRON PIN
THENCE N 20 39 20 W 38.19 FEET (38.86' ARC & 60' RADIUS) TO AN IRON PIN, THE TRUE POINT OF BEGINNING.

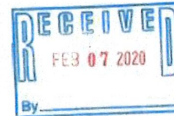
TRACT 2

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 0.23 ACRE, BEING LOCATED IN THE 1331 G.M.D. OF OCONEE COUNTY, GEORGIA AND BEING BOUNDED BY TAX PARCEL C 02L 004 ON THE WEST, McNUTTS CREEK ON THE NORTH AND TAX PARCEL C 02L 004A ON THE EAST AND SOUTH.

BEGINNING AT AN IRON PIN AT THE END OF TWO OAKS DRIVE, THE COMMON CORNER BETWEEN TAX PARCEL C 02L 004 AND TAX PARCEL C 02L 004A, THE POINT OF COMMENCEMENT.

THENCE N 71 28 15 E 287.52 FEET ALONG THE COMMON PROPERTY LINE OF TAX PARCELS C 02L 004 AND C 02L 004A TO AN IRON PIN, THE TRUE POINT OF BEGINNING.

THENCE N 00 27 05 W 343.60 FEET TO A POINT IN THE CENTERLINE OF McNUTTS CREEK



THENCE N 86 18 45 E 30.05 FEET ALONG THE CENTERLINE OF McNUTTS CREEK TO A POINT
THENCE S 00 27 05 E 335.50 FEET TO AN IRON PIN
THENCE S 71 28 15 W 31.56 FEET TO AN IRON PIN, THE TRUE POINT OF BEGINNING.

TRACT 3

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 2.92 ACRES OF LAND BEING LOCATED IN THE 1331 G.M.D. OF OCONEE COUNTY, GEORGIA AND BEING BOUNDED BY TAX PARCEL C 02L 003 ON THE WEST, McNUTTS CREEK ON THE NORTH, TRACT 2 OF THE DESCRIPTION ON THE EAST, AND TAX PARCEL C 02L 004A ON THE SOUTH.

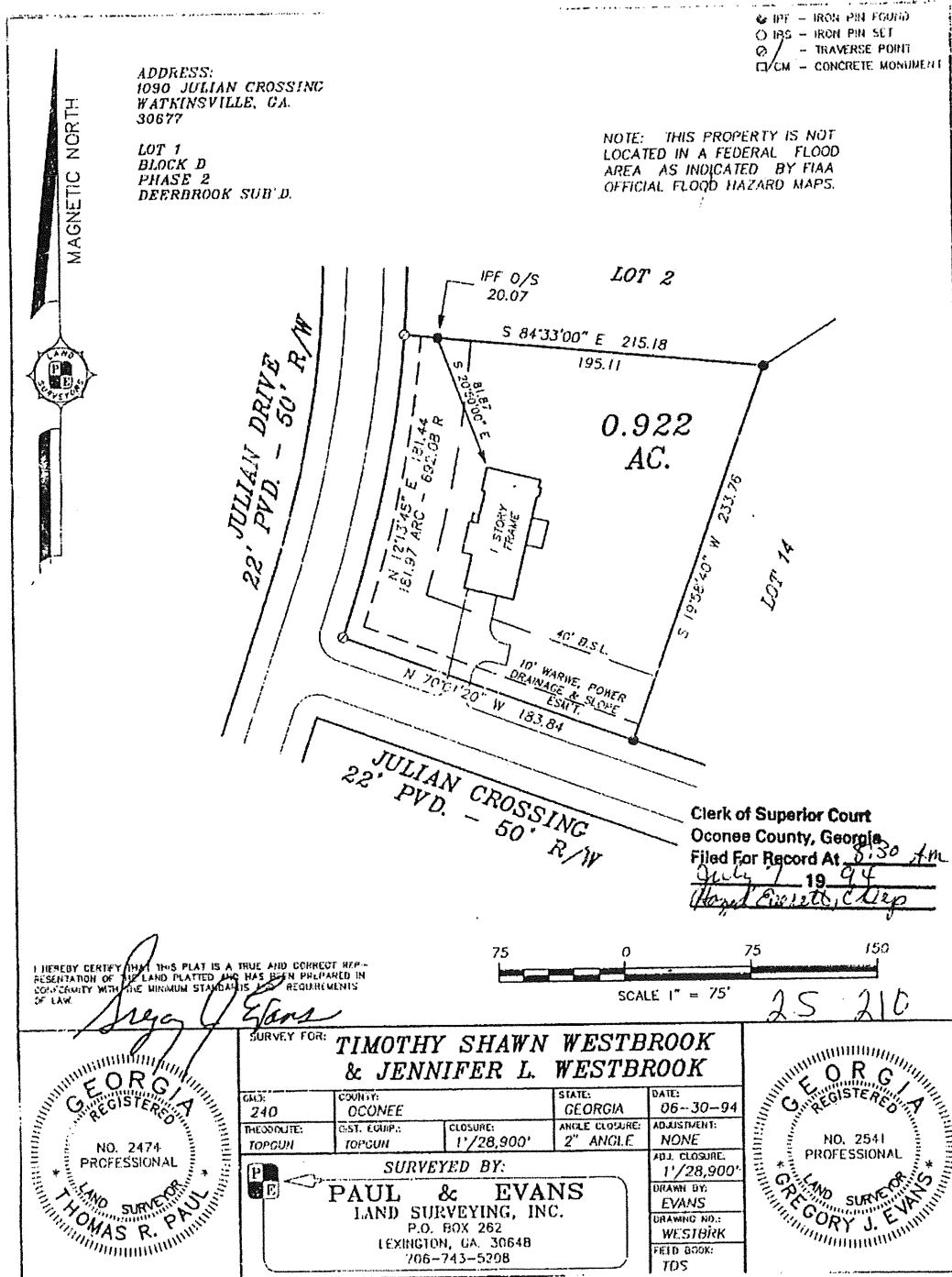
BEGINNING AT AN IRON PIN AT THE END OF TWO OAKS DRIVE, THE COMMON CORNER OF TAX PARCEL C 02L 004 AND C 02L 004A, THE TRUE POINT OF BEGINNING.

THENCE N 58 09 15 W 38.96 FEET (39.67' ARC & 60' RADIUS) TO AN IRON PIN
THENCE N 39 07 10 W 279.94 FEET TO A POINT IN McNUTTS CREEK
THENCE ALONG THE CENTER OF McNUTTS CREEK
S 89 30 30 E 49.87 FEET
N 66 40 45 E 163.80 FEET
N 47 09 15 E 97.86 FEET
N 63 40 55 E 137.13 FEET
N 86 18 45 E 84.85 FEET TO A POINT
THENCE S 00 27 05 E 343.60 FEET TO AN IRON PIN
THENCE S 71 28 15 W 287.52 FEET TO AN IRON PIN, THE TRUE POINT OF BEGINNING.

EXHIBIT "A" TO HARDSHIP VARIANCE NO. P20-0053

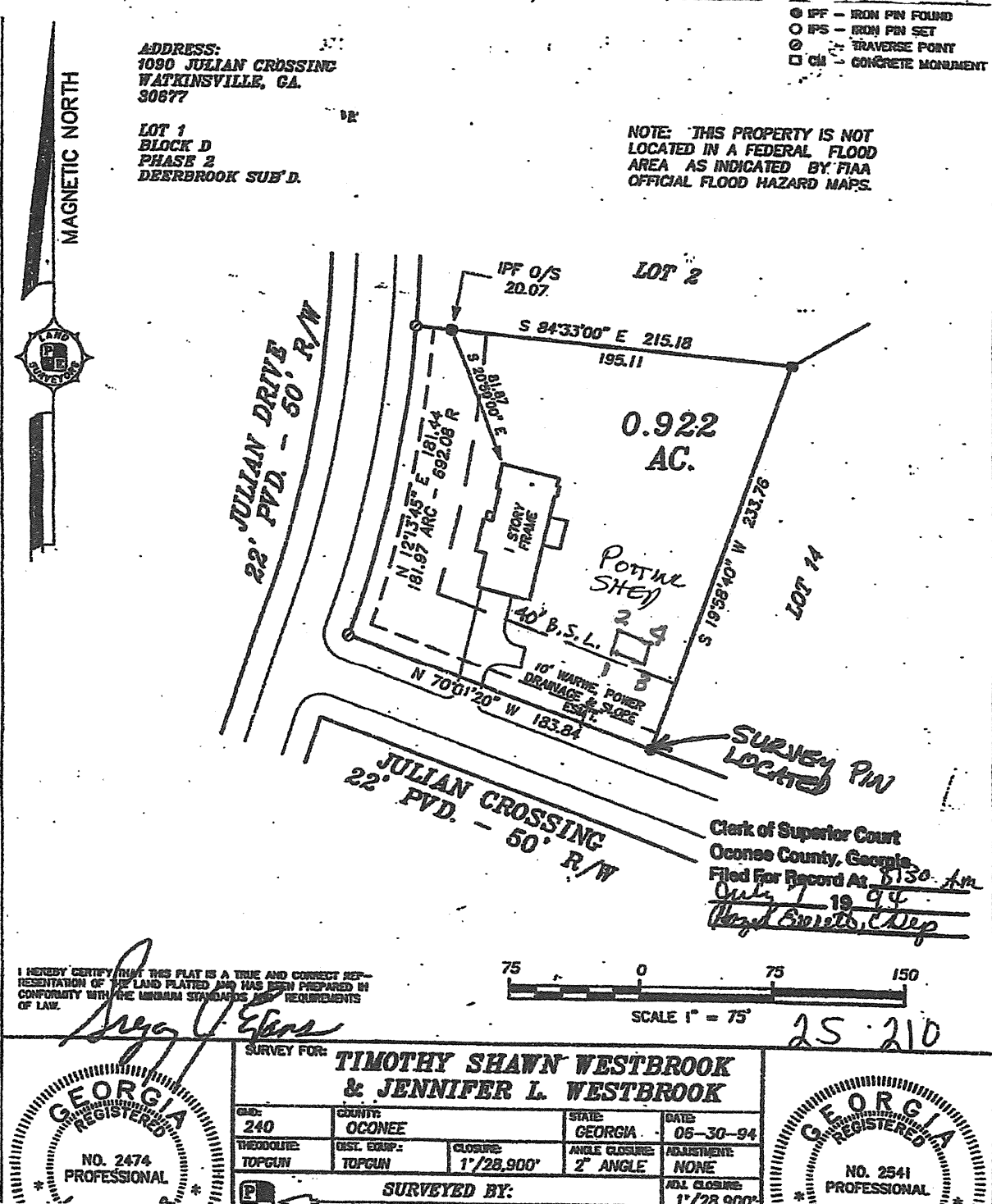
Page 3 of 4

PLAT



CONCEPT PLAN

PROPOSED STORAGE SHED
HARDSHIP VARIANCE CONCEPT PLAN
JOHN & ANGIE HOWELL - ZONING R-1
TAX PARCEL #: B 02B 001 D





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

VARIANCE CASE #: P19-0053

DATE: April 22, 2020

STAFF REPORT BY: Grace Tuschak, Senior Planner

APPLICANT NAME: John and Angie Howell

PROPERTY OWNER: John and Angie Howell

LOCATION: 1090 Julian Crossing

PARCEL SIZE: ±0.922 acres

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

EXISTING LAND USE: Single-family residential

TYPE OF VARIANCE REQUESTED: Hardship Variance

REQUEST SUMMARY: The property owner is requesting a hardship variance to allow an accessory building in the front yard of a residential property

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: July 7, 2020

ATTACHMENTS:

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



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property was rezoned to R-1 on 07/07/1970 to allow for the construction of the Deerbrook subdivision
- A single family home was built on the property in 1994

VARIANCE DESCRIPTION

- The owner is requesting approval of a hardship variance for relief from Section 410 and Section 347 of the Unified Development Code:
 - ***Section 410 – Minimum Setbacks ; accessory buildings and structures***
Accessory uses or structures shall be permitted only in rear yards and side yards except as otherwise provided in this Code.
 - ***Section 347.01 – Relationship to Principal Use; Provisions relating to all accessory uses***
Accessory uses or structures shall be permitted only in rear yards and side yards, and between the minimum front setback for a principal building and the principal building itself, except as otherwise provided in this Development Code.
- The owner is requesting the build a garden shed in the front yard of the subject property. The lot does not have a rear yard and the side yards contain existing septic drainfield and mature wooded areas.

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?**
Due to the unique parcel shape with road frontage on two sides, the property does not have a rear yard. The strict application of Section 410 and Section 347.01 would require the accessory structure to be located in a side yard, where suitable locations are further limited by the existing house, septic tank, drain lines and wooded areas.
- Does the application of requirements in the Unified Development Code create an unnecessary hardship to this particular piece of property?**
The strict application of UDC requirements would create an unnecessary financial hardship to the property owners as it would require either relocating septic drain lines or removing several large trees in order to place the accessory building in the side yard.
- Are conditions creating the need for the hardship variance peculiar to the particular piece of property involved?**
The conditions are peculiar to the subject property because it has no rear yard and limited suitable sites in the side yard due to the placement of the existing home and 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 410 and Section 347.01 are to promote orderly and aesthetically pleasing development of single-family residential areas. Placement of a garden shed in the proposed location should not be injurious to the character or aesthetic integrity of the surrounding neighborhood and staff holds that relief should neither 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: JOHN HOWEN
Address: 1090 JULIAN CROSSING
(No P.O. Boxes)
WATKINSVILLE, GA 30677

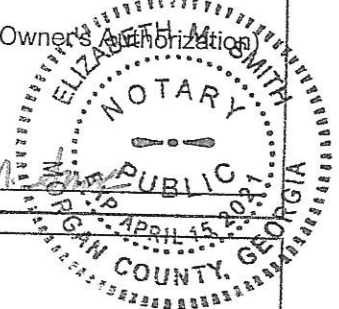
Telephone: 706-424-7117

Email: JOHHOWEN2017@GMAIL.COM

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: John Howen Date: 3-4-20 Notarized: Elizabeth M. Smith



Property

Location: 1090 JULIAN CROSSING
WATKINSVILLE, GA 30677

Tax Parcel Number: B02B001D

Size (Acres): .922 Current Zoning: R1

Future Development Map—Character Area Designation: REGIONAL CENTER

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

UDC SEC. 347
PROPOSED ACCESSORY
STRUCTURE IS IN FRONT
YARD. TO PLACE IN SIDE
YARD COST TOO MUCH TO
REMOVE SEVERAL LARGE
TREES - COULD EXPOSED ON DRAINFIELD

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: _____

APPLICATION NUMBER _____

Action
Administrative Appeal: Date: _____
☐ Approved ☐ With Conditions ☐ Denied ☐ N/A
Board of Commissioners Date: _____
☐ Approved ☐ With Conditions ☐ Denied ☐ N/A

NARRATIVE

LOCATION OF POTTING SHED:

- To place the shed in the backyard closer to the house would have the shed encroach into the septic tank drain field
- To move the potting further into the wooded area would require the taking down of several large trees. This would be very expensive and cost prohibitive.

• ZONING R-1

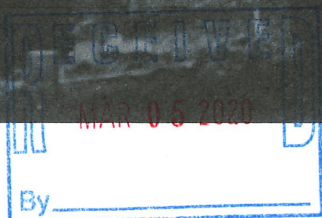
• HARSHIP VARIANCE FROM UDC SEC 347
TO PLACE AN ACCESSORY IN THE FRONT YARD

SHED STYLE AND USAGE:

- Style of the potting shed was selected to add value to the property and not to detract from the neighborhood.
- The shed will be used to store gardening tools, potting supplies, mulch and soil amendments.



homeiswheretheboat.is.net





OCONEE COUNTY PROPERTY OWNER AUTHORIZATION
FOR APPLICATIONS

I swear that I am the owner of the property located at (Address or Physical Description):

John Howell Angie Howell JR
1090 JULIAN CROSSING WATKINSVILLE GA 30677

Tax Parcel #: B02B001D

Which is the subject matter of the attached application, as shown in the records of Oconee County, Georgia.

I authorize the person identified below to act as applicant or agent in the pursuit of the requested action or consideration of this property.

Name of applicant or agent: JOHN HOWELL Angie Howell JR

Address (No P.O. boxes): 1090 JULIAN CROSSING

City, State, & Zip Code: WATKINSVILLE, GA 30677

Telephone Number: 706-424-7117

SIGNATURE OF OWNER OR MANAGING MEMBER: _____

NAME OF OWNER OR MANAGING MEMBER (PLEASE PRINT): _____

OFFICER POSITION OR MEMBER TITLE, IF APPLICABLE: _____

DATE: _____

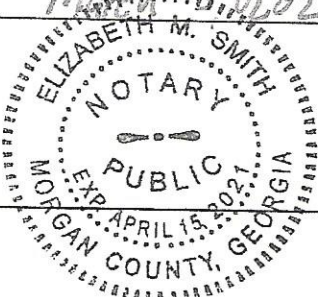
NOTARIZATION:

SWORN TO AND SUBSCRIBED BEFORE THIS 4 DAY OF March, 20 20

NOTARY SIGNATURE: Elizabeth M. Smith

DATE: March 3, 2020

SEAL:



DISCLOSURE OF INTEREST
APPLICATION FOR REZONING
OCONEE COUNTY, GEORGIA

To the best of my knowledge, no local government official, including members of the Planning Commission and members of the Board of the Commissions, has a property interest in any real property affected by a rezoning action or has a financial interest in any business entity which has a property interest, or has a member of his/her family having such an interest.

Signature of owner

John Howell
Angie Howell AH

Date

3/4/2020
4/9/2020

Signature of Applicant

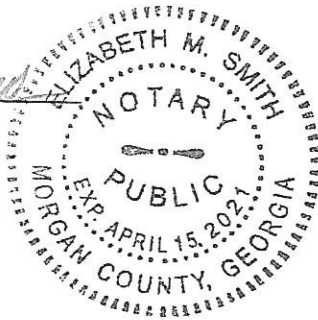
John Howell
Angie Howell AH

Date

3/4/2020
4/9/2020

Signature of Notary Public

Elizabeth M. Smith



Date

3-4-20

PROPERTY OWNER'S
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
APPLICATION FOR REZONING

Pursuant to section 36-67A-1 et seq. of the Georgia Code Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, the following disclosure is mandatory. When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official, it shall be the duty of the applicant and the agent representing the applicant to file a disclosure report with the governing authority of the respective local government.

Any applicant for rezoning action knowingly failing to make any disclosure as required by Code Section 36-67 A-1 et seq. shall be guilty of a misdemeanor.

- A. Name of local government official to whom the campaign contribution or gift was made (or N/A if not applicable):

N/A

- B. The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution (or N/A if not applicable):

Amount: N/A

Date of contribution: N/A

- C. Enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of this application for rezoning (or N/A if not applicable).

N/A

Signature of owner: John Howell

Date: 3/4/2020

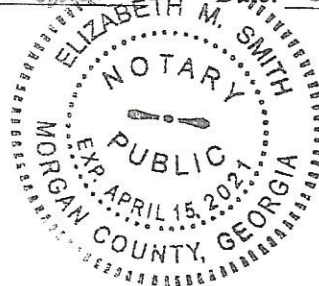
Signature of applicant: John Howell

Date: 3/4/2020

Signature of Notary Public: Elizabeth M. Smith

Date: 3-4-20

John Howell



4/9/20

Printed: 11/18/2019 10:39:17

Register: 10 Clerk: AM

Official Tax Receipt
JENNIFER T. RIDDLE
OCONEE COUNTY Tax Commissioner

Phone: (706) 769-3917

Fax: (706) 769-3964

PO BOX 106
 WATKINSVILLE, GA 30677

Trans No	Property ID/District Description	Original Due	Interest & Penalty	Prev Paid	Amount Due	Amount Paid	Transaction Balance
7517 Year-Bill No 2019 - 7846	B 02B 001 D / 001 479/573 25/210 ; DEERBROOK FMV: \$237,745.00	2,181.92	0.00 Fees 0.00	0.00	2,181.92	2,181.92 Paid Date 11/18/2019 10:39:17	0.00 Current Due 0.00
Transactions:	7517 - 7517 Totals	2,181.92	0.00	0.00	2,181.92	2,181.92	0.00

Paid By :

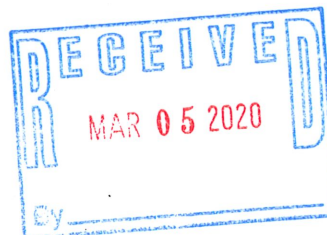
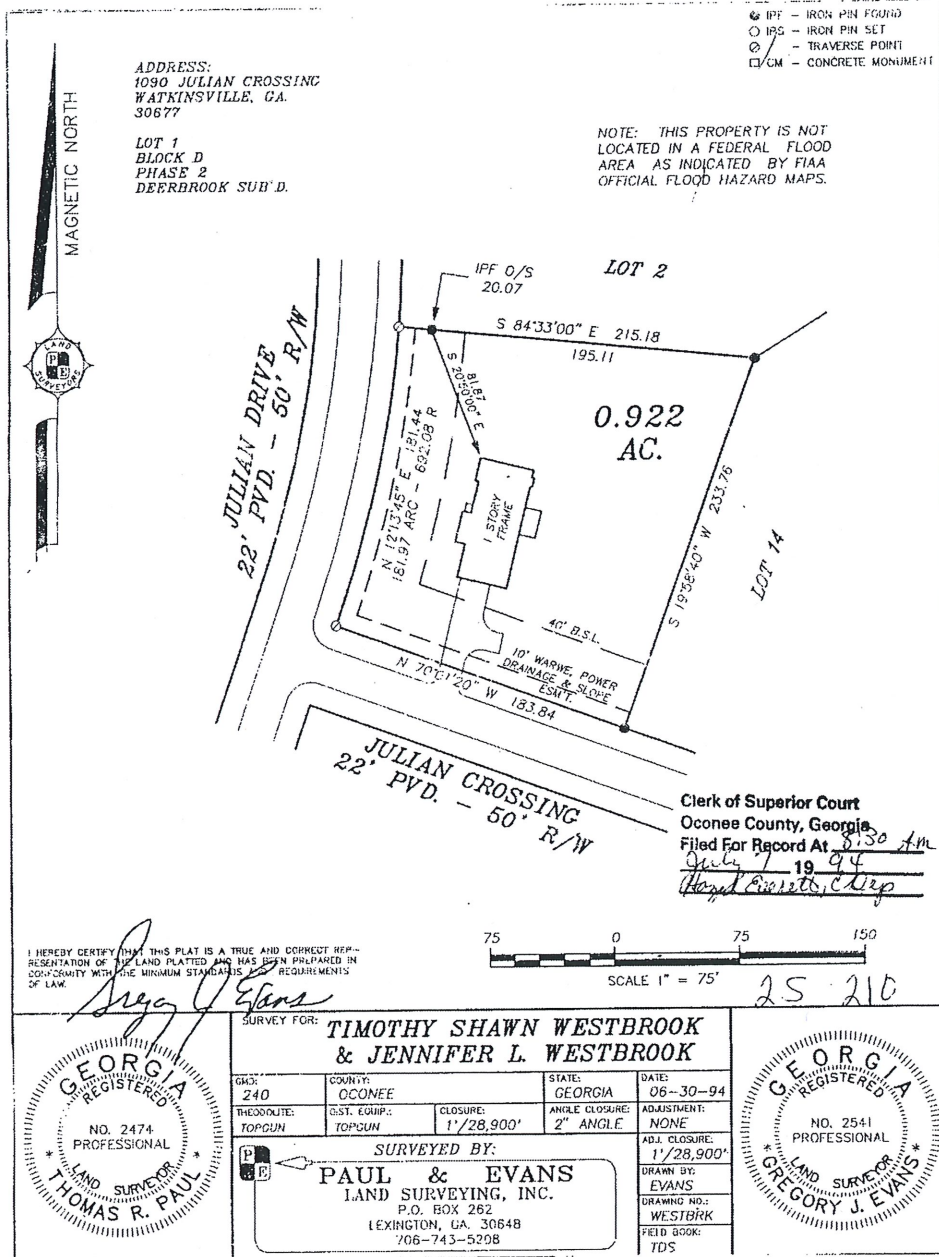
HOWELL JOHN W. & ANGIE W.

HOWELL JOHN W. & ANGIE W.
 1090 JULIAN CROSSING
 WATKINSVILLE, GA 306774576

Cash Amt: 0.00
 Check Amt: 2,181.92
 Charge Amt: 0.00
 Change Amt: 0.00
 Refund Amt: 0.00
 Overpay Amt: 0.00

Check No 0002157822
 Charge Acct





000573

FILED IN OFFICE
CLERK OF SUPERIOR COURT
OCONEE COUNTY, GEORGIA

99 JUL -6 PM 12: 05

REC. BOOK 479 PAGE 573-574

DATE 7-6-99
SANDRA C. GLASS, CLERK

STATE OF GEORGIA)

COUNTY OF CLARKE)

This instrument was prepared by
And should be returned to:
J. David Felt, Jr.
Brown & Felt, P.C.
P. O. Box 529
Athens, GA 30603

OCONEE COUNTY, GEORGIA
Paid \$ 199.00
Date 7/6/99
G. Montgomery, App.

WARRANTY DEED

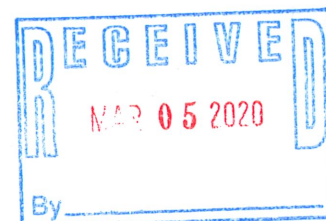
THIS INDENTURE is made and entered into this 29th day of June 1999, by and between Timothy S. Westbrook and Jennifer L. Westbrook as Party of the First Part, and John W. Howell and Angie W. Howell as Party of the Second Part.

W I T N E S S E T H

That the said Party of the First Part, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, 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 Party of the Second Part the following described property:

All that lot or parcel of land, together with all improvements thereon, situate, lying and being in the 240th District, G.M., Oconee County, Georgia, and being known and designated as Lot 1, Block D, Phase Two of Deerbrook Subdivision and being more particularly shown and described according to a plat of survey entitled "Survey for Timothy Shawn Westbrook and Jennifer L. Westbrook," prepared by Paul & Evans, Gregory J. Evans, R.L.S., dated June 30, 1994, and recorded in Plat Book 25, page 210, Oconee County, Georgia records and incorporated herein.

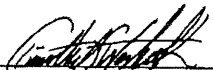
The residence situated upon said tract of land is known as 1090 Julian Crossing according to the present system of numbering houses in Oconee County, Georgia.



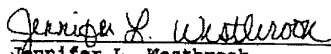
TO HAVE AND TO HOLD the said described property, with all and singular the rights, members and appurtenances thereunto appertaining, to the only proper use, benefit and behoof of the said Party of the Second Part, their heirs, successors and assigns, in Fee Simple.

And the said Party of the First Part warrants and will forever defend the right and title to the said property conveyed hereby unto the said Party of the Second Part, their heirs, successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Party of the First Part has hereunto set their hand and seal and delivered these presents on the day and year first written above.

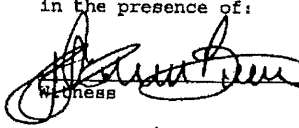


Timothy S. Westbrook (SEAL)

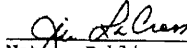


Jennifer L. Westbrook (SEAL)

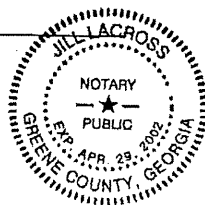
Signed, sealed and delivered
in the presence of:



Witness



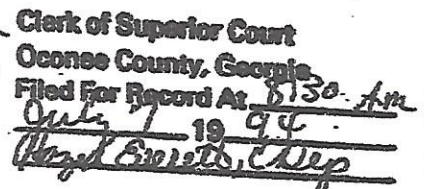
Notary Public



TAX PARCELS #: B 02B 001 D

**LOT 1
BLOCK D
PHASE 2
DEERBROOK SUB'D.**

**NOTE: THIS PROPERTY IS NOT
LOCATED IN A FEDERAL FLOOD
AREA AS INDICATED BY FIAA
OFFICIAL FLOOD HAZARD MAPS.**



25.210

**TIMOTHY SHAWN WESTBROOK
& JENNIFER L. WESTBROOK**

CAD: 240	COUNTY: OCONEE	STATE: GEORGIA	DATE: 06-30-94
WEDDOUTE: TOPGUN	DIST. EQUIP.: TOPGUN	CLOSURE: 1"/28,900'	ANGLE CLOSURE: 2" ANGLE
ADJ. CLOSURE: NONE			ADJ. CLOSURE: AS SHOWN

