

**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, LP submitted on September 10, 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 a Special Exception Variance approval submitted by Michael B. Thurmond, P.E. on September 10, 2020 regarding a ±1.82-acre tract of land located at 2891 Monroe Highway in the 240th G.M.D., Oconee County, Georgia, (tax parcel no. B-02-039), the Board of Commissioners of Oconee County does hereby grant the following:

SECTION 1. A Resolution granting a Special Exception Variance approval for the property described above and also described in the attached Exhibit "A" is hereby granted to waive the requirement for an incompatible use buffer.

Said Special Exception Variance is subject to the following conditions: as set forth in "Exhibit A" attached hereto.

SECTION 2. Severability. It is intended that the provisions of this Ordinance be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Ordinance.

SECTION 3. Effective Date. This Resolution shall take effect this date.

Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on November 3, 2020.

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

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

Vacant, Member

Mark Saxon, Member

ATTEST:


Kathy Hayes
Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P20-0188

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CONDITIONS

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the variance application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.

TAX MAP




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LEGAL DESCRIPTION

All that tract or parcel of land lying and being in 240th G.M.D. in Oconee County, Georgia as shown on a plat prepared by Stacy C. Carroll, Georgia Registered Land Surveyor #2729 of ABE Consulting, Inc. for Sapphire Properties, LP dated November 12, 2014 and recorded in deed book 1209, page 293 of Oconee County records and being more particularly described as follows:

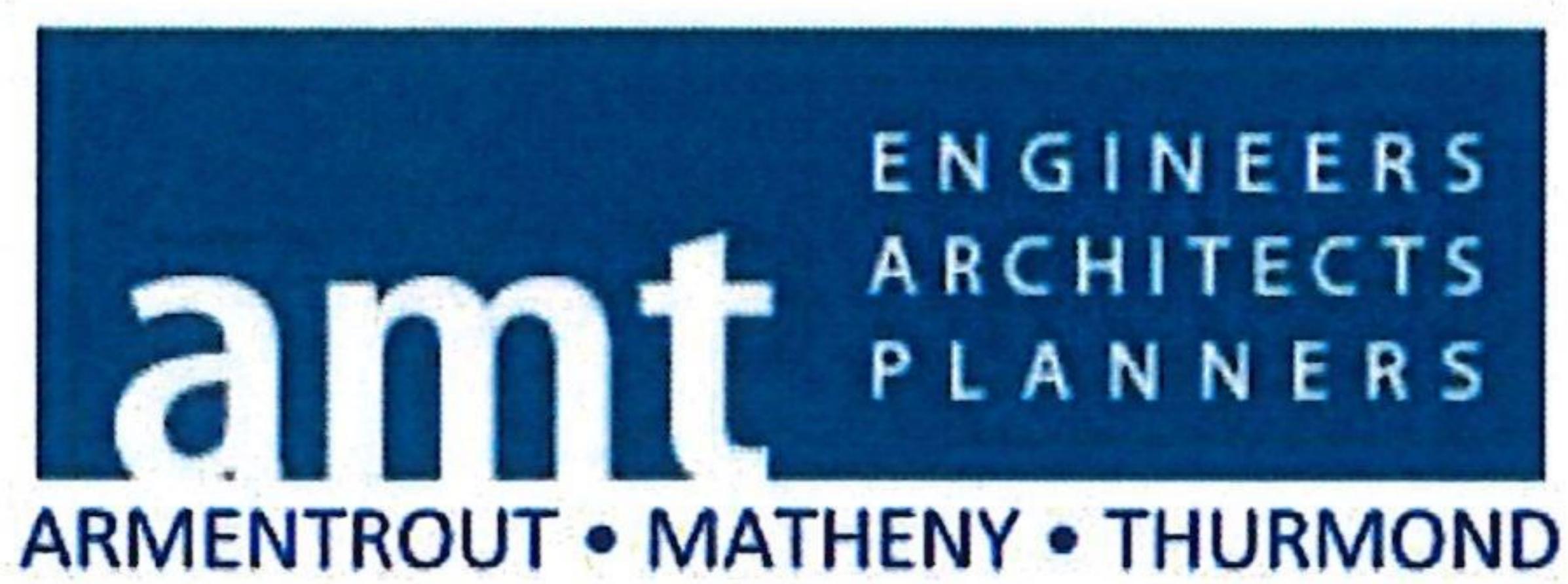
Begin at a TRUE POINT OF BEGINNING at an iron pin on the southerly side of the right of way of US Highway 78 being 248.88 feet west of the right of way of Hampton Parkway, running thence South 05 degrees 22 minutes 46 seconds West a distance of 154.60 feet to an iron pin; running thence South 05 degrees 21 minutes 10 seconds West a distance of 224.93 feet to an iron pin; running thence North 80 degrees 40 minutes 29 seconds West a distance of 207.72 feet to an iron pin; running thence North 04 degrees 54 minutes 53 seconds East a distance of 120.42 feet to an iron pin; running thence North 04 degrees 51 minutes 29 seconds East a distance of 258.90 feet to an iron pin set; running thence South 80 degrees 47 minutes 45 seconds East a distance of 210.93 feet to an iron pin and said iron pin being POINT OF BEGINNING.

Said property contains 1.818 acres more or less.

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NARRATIVE



Subject: Revised Special Exception Variance Narrative for Buffer Requirements
2891 Monroe Highway, Watkinsville, GA 30677
AG to B-2 – 1.818 acres; Tax Parcel B02 039
Armentrout Matheny Thurmond, P.C., Project No. 20145

A variance is requested of the Unified Development Code of Oconee County, Article 8, Division III, Section 806, Buffers to waive the required 25 foot landscape buffer between incompatible land uses. The proposed zoning of the subject parcel is B-2 and the property adjacent on the west side is zoned MPD-R2. There is an existing vegetative 50 foot buffer on the MPD-R2 property. This application to waive the 25 foot incompatible use buffer is submitted concurrently with a rezone application and a special use application. The rezone is intended to allow the owner's use of the property for his contracting office and storage. The plan has interior and exterior storage so, therefore, a special use exception variance application is required for exterior storage. The main reason for this request is that the parcels to the west zoned MPD-R2 have already installed a 50 foot permanent buffer.

The front section of the MPD-R2 property is commercial use. The rear section of MPD-R2 property is multi-family residential use. In the code, no buffer is required between commercial use and a 25 foot buffer is required between commercial and residential use. The existing 50 foot buffer is owned by the MPD-R2 Homeowners Association. The parcels beyond the existing 50 foot buffer are owned by residents or developers.

Since the buffer is held in perpetuity by an entity other than the existing landholders, it will remain a vegetative buffer. While the proposed zoning adjacent to the MPD-R2 residence is B-2, the area will be occupied by a vegetated stormwater facility in the buffer area and adjacent to that the residence converted to office space. The 25 foot incompatible buffer provides no additional benefit to adjacent landowners because the B-2 property cannot be seen through the existing 50 foot vegetative buffer. The existing buffer on the MPD-R2 property is adequate to protect the health, safety or general welfare of the public. Since the residential owners cannot see through the existing 50 foot buffer to this parcel, there should be no reasonable objection to waiving the required 25 foot incompatible use buffer on this property. Finally, future development adjacent to this parcel can only be more intense than the existing commercial and high density residential that currently exists. As such, the owner believes this waiver should be granted.

MBT/ls/20145/Docs/Rezone Report09.11.2020

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PLAT



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

VARIANCE CASE #: P20-0188

DATE: October 13, 2020

STAFF REPORT BY: Grace Tuschak, Senior Planner
Monica Davis, Planner

APPLICANT NAME: Michael B. Thurmond, P.E.

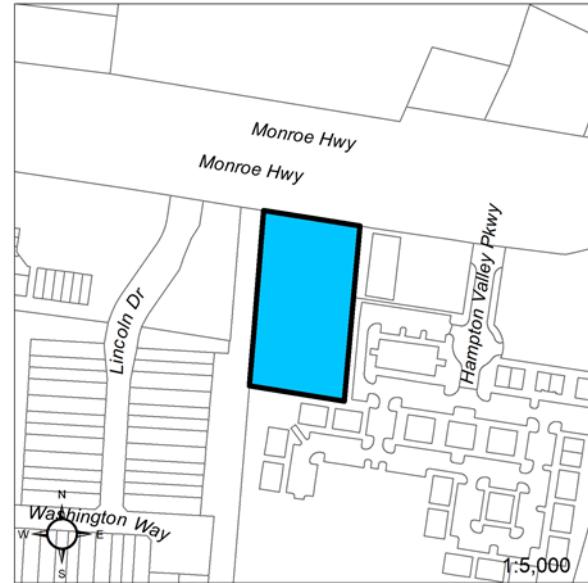
PROPERTY OWNER: Sapphire Properties, LP

LOCATION: 2891 Monroe Highway

PARCEL SIZE: ±1.82 acres

EXISTING ZONING: AG (Agricultural District)

EXISTING LAND USE: Residential



TYPE OF VARIANCE REQUESTED: Special Exception Variance

REQUEST SUMMARY: The property owner is requesting a special exception variance from UDC Section 806 to waive the requirement for an incompatible use buffer adjacent to residential use. This request is accompanied by rezone #P20-0173 to rezone the property from AG (Agricultural District) to B-2 (Highway Business District) to allow for general offices and a contractor's office with outdoor storage and special use permit #P20-0189 for outdoor storage.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: November 3, 2020

ATTACHMENTS:

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

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property has been zoned AG since the original adoption of the zoning map in 1968.
- A single-family residence was constructed on the property in 1967.
- A guesthouse was constructed on the property in 2015.

VARIANCE DESCRIPTION

- The owner is requesting to waive the requirement for a 25-foot incompatible use buffer between the proposed office use and the adjacent residential use

- ***Unified Development Code Section 806 – Buffers; where required***

A buffer meeting or exceeding the following widths shall be required between any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land use, as follows:

Table 8.1: Situations Where Buffer Required					
	① Provide a buffer on the lot of this use				
② Along a side or rear lot line next to this less intense use or zoning	1- or 2-Family Residence	Multi-Family	Office or Institutional	Commercial	Industrial
AG Agricultural land, or Active Agricultural use in any zoning district	N/A ¹	15 feet ¹	15 feet	15 feet	25 feet
1- or 2-Family Residential ²	None	25 feet	25 feet	50 feet	100 feet
Multi-Family Residential	None	None	25 feet	25 feet	50 feet
Office, Institutional, Commercial or Industrial	None	None	None	None	None

¹ See separation requirements for certain uses in Article 3.

² Includes any land zoned AR-3, AR, R-1 or R-2, and any 1- or 2-Family Residential use zoned AG or R-3.

PUBLIC FACILITIES

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

ENVIRONMENTAL

- No 100-year floodplain, state waters, or jurisdictional wetland areas are known to exist on the site

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 request is to waive a required 25-foot buffer adjacent to the residential portion of the Franklin Grove subdivision, zoned R-2 MPD. A 50-foot buffer currently exists on the Franklin Grove property. As conditioned below, staff holds that adequate screening to protect adjacent residences will be accomplished and the present request should not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity.

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

Staff holds that it is unlikely that waiving the incompatible use buffer would diminish property values in the surrounding area.

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

The intent of UDC Section 806 is to ensure adequate separation between residential and commercial zoning districts in order to promote public safety, maintain privacy, and encourage orderly and aesthetically pleasing development. Given that an established vegetative buffer exists on the Franklin Grove subdivision property, staff holds that the proposed request should not impair the purpose and intent of the UDC.

STAFF RECOMMENDATION & 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 following conditions to be fulfilled at the expense of the owner/developer:

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the variance application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. A ten foot wide vegetated incompatible use buffer meeting the standards of UDC Sec. 808.04.b shall be installed along the western property line adjacent to the residential portion of Franklin Grove subdivision.



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

Hardship Variance Appeal of Administrative Decision Flood Damage Prevention Variance
 Special Exception for: Buffer Requirements

Applicant

Name: Michael B. Thurmond, P.E.

Address: Armentrout Matheny Thurmond, P.C.
(No P.O. Boxes)
330 Research Drive, Suite A-240
Athens, GA 30605

Telephone: 706-548-8211

Email: bthurmond@amtathens.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: Michael B. Thurmond

Date: 9/10/20 Notarized: Shayne M. Simmons

**Property**

Location: 2891 Monroe Hwy

Watkinsville, GA 30677

Tax Parcel Number: B02 039

Size (Acres): 1.818 Current Zoning: AG

Future Development Map—Character Area Designation: Community Village Center

Property Owner

Name: Sapphire Properties, LP

Address: 149 Ben Burton Circle
(No P.O. Boxes)
Bogart, GA 30622

Telephone: 706-355-3178

Use

Current Use: Residential

Proposed Use: Business with Conditions

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

Oconee County Unified Development Code Section 806
A special exception for a required 25 foot buffer between
incompatible uses is requested to waive the requirement
of the buffer



Subject: Revised Special Exception Variance Narrative for Buffer Requirements
2891 Monroe Highway, Watkinsville, GA 30677
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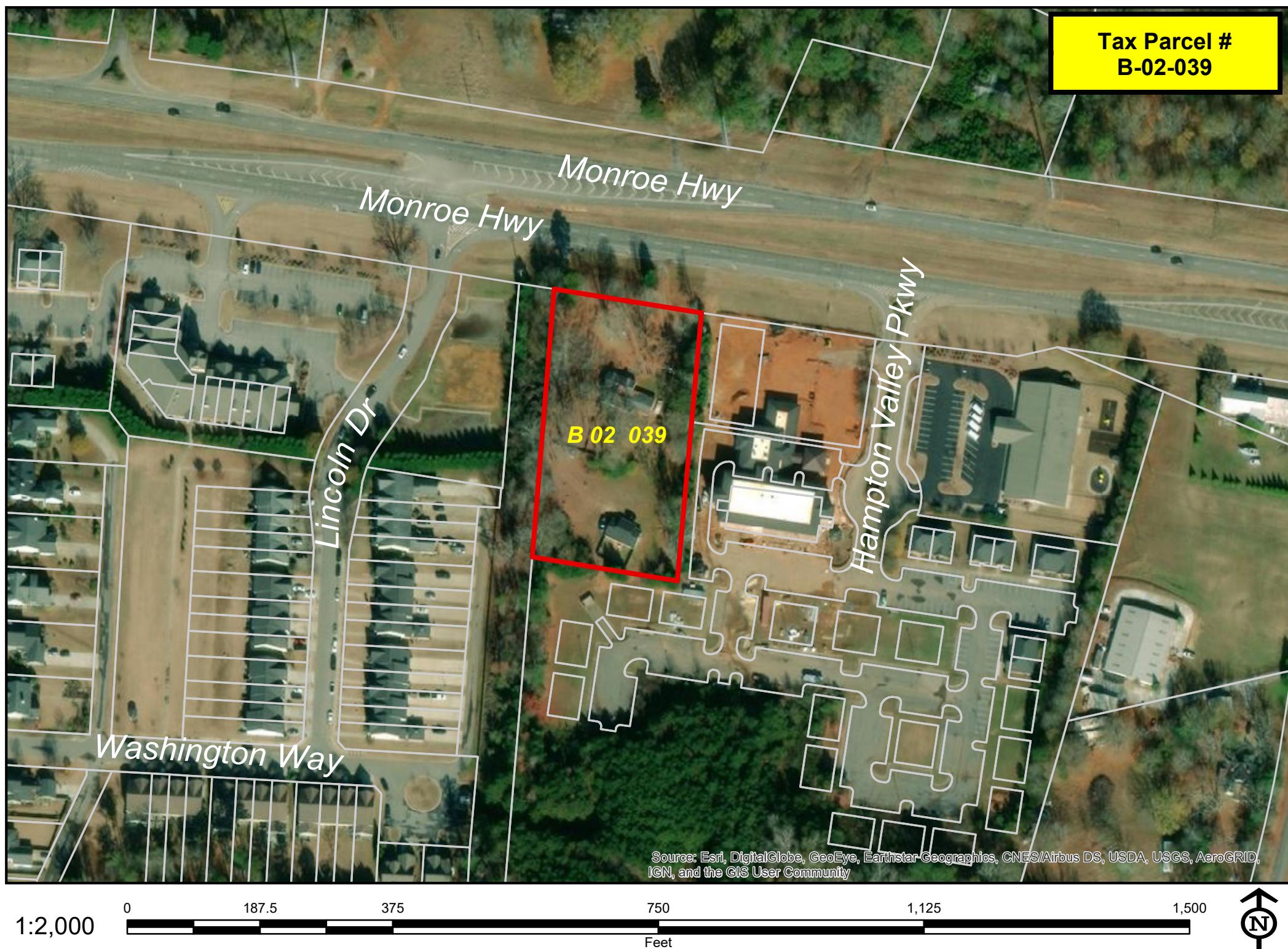
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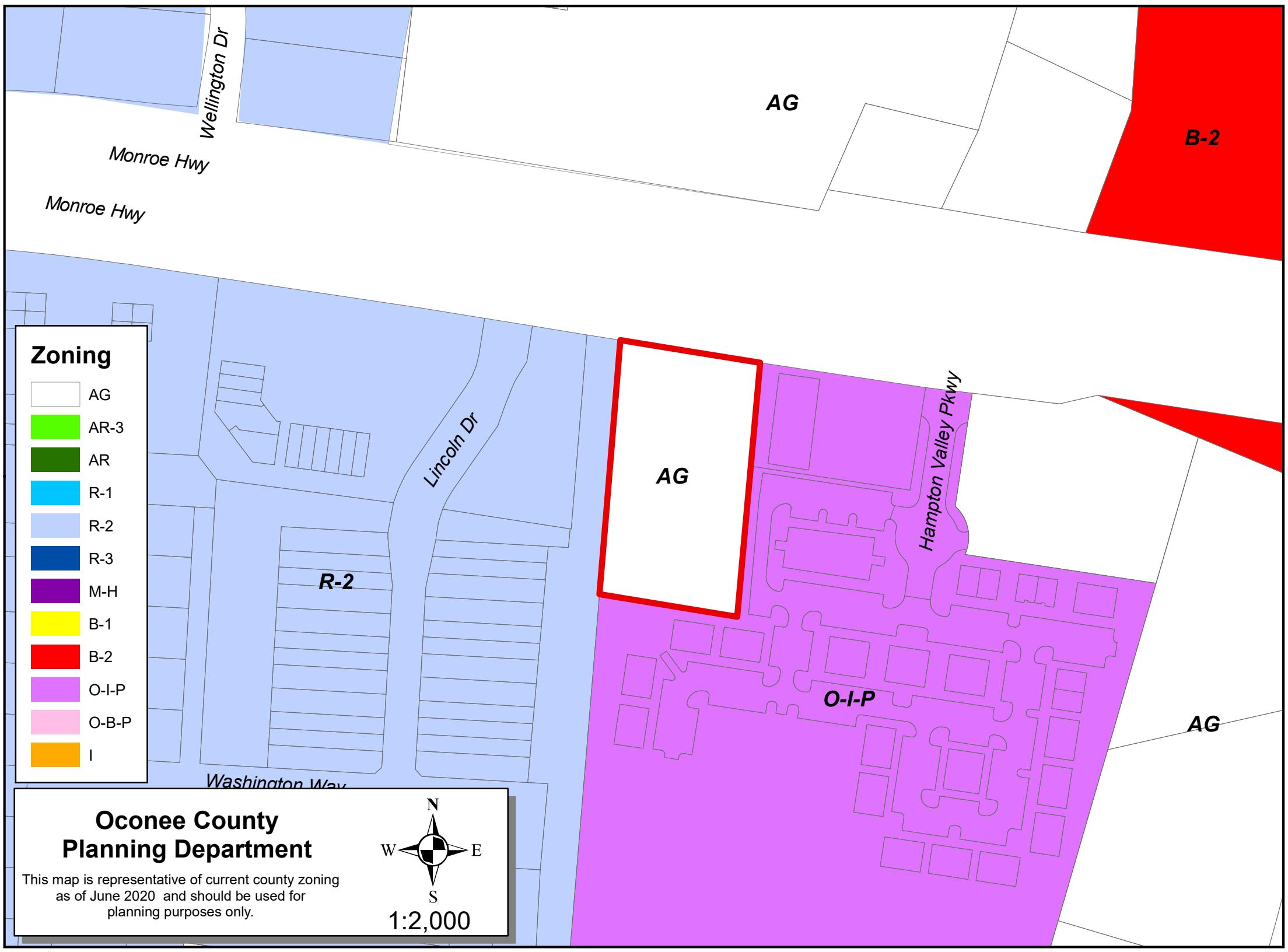
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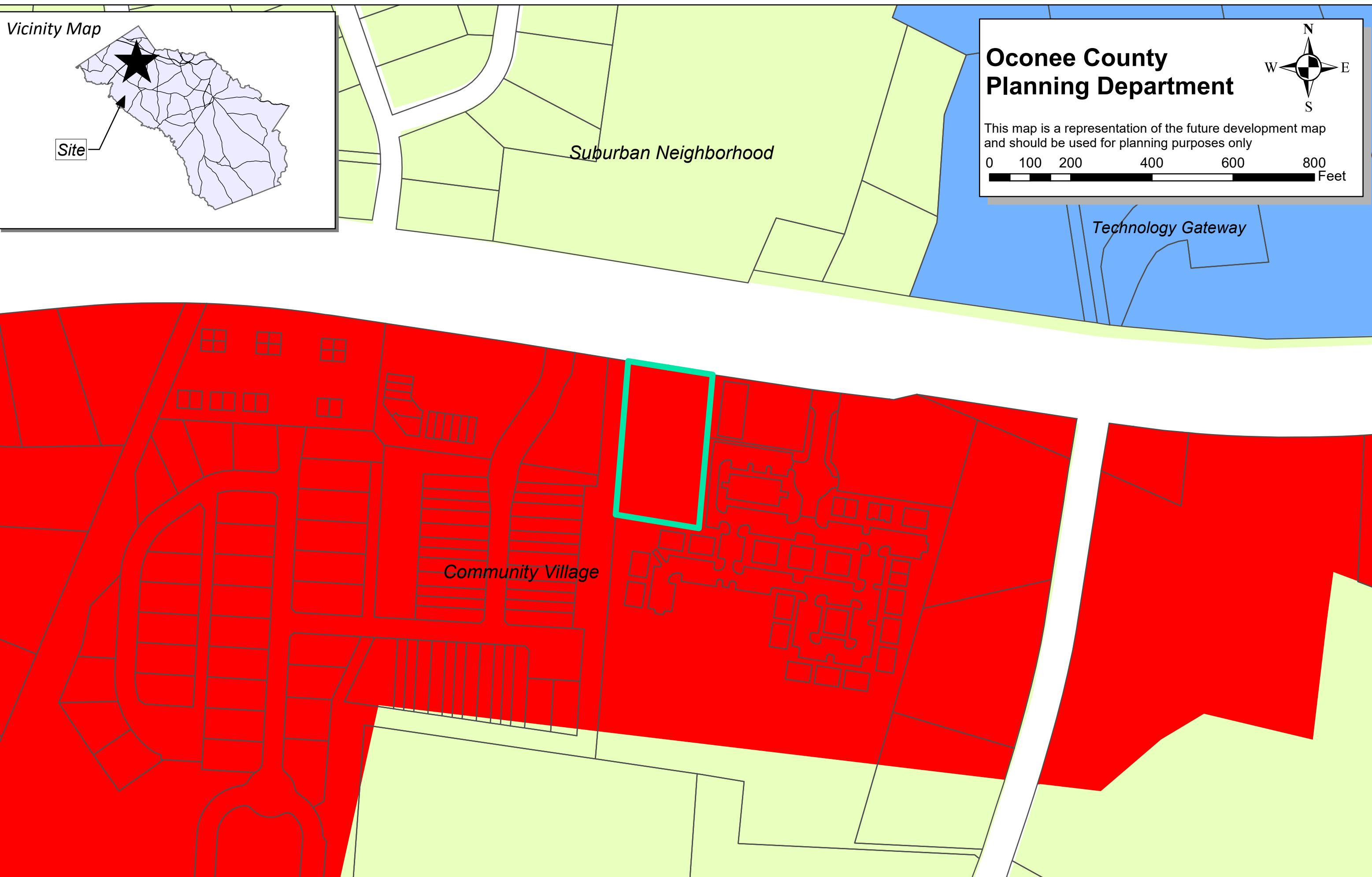
MBT/ls/20145/Docs/Rezone Report09.11.2020

Variance # P20-0188 - Sapphire Properties, LP

Tax Parcel #
B-02-039







SITE INFORMATION:

- TAX PARCEL B 02 039
ACREAGE = 1.818
- EXISTING ZONING OF PROPERTY IS AG.
- PROPOSED ZONING OF PROPERTY IS B-2.
- EXISTING USE IS RESIDENTIAL. PROPOSED USE IS CONTRACTOR WITH OUTDOOR STORAGE.
- OWNER: SAPPHIRE PROPERTIES, LP 149 BEN BURTON CIRCLE BOGART, GA 30622
- DEVELOPER: SAPPHIRE PROPERTIES, LP 149 BEN BURTON CIRCLE BOGART, GA 30622
- PROFESSIONAL REPRESENTATIVE: ARMENTROUT MATHENY THURMOND, PC 330 RESEARCH DRIVE, SUITE A-240 ATHENS, GA 30605 (706) 548-8211
- STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH COUNTY, STATE, AND OTHER APPROPRIATE ORDINANCES AND REGULATIONS IN EFFECT AT THE TIME OF CONSTRUCTION PLAN APPROVAL. STORM DRAINAGE WILL BE OVERLAND OR BY PIPE NETWORK TO PROPOSED DETENTION FACILITY.
- NO PORTION OF THIS PROPERTY LIES WITHIN A FLOOD PLAIN AS IDENTIFIED ON THE FIRM PANEL, NO. 13219C0045D FOR OCONEE COUNTY DATED SEPTEMBER 2, 2009.
- TOPOGRAPHIC CONTOUR INTERVAL IS 2-FEET. DATA PROVIDED BY OCONEE COUNTY GIS.
- BOUNDARY SURVEY DATA PROVIDED BY ABE CONSULTING, INC. FROM SURVEY FOR SAPPHIRE PROPERTIES, LP DATED NOVEMBER 12, 2014.
- WATER SERVICE IS TO BE SUPPLIED BY OCONEE COUNTY WATER RESOURCES.
- SEWER SERVICE IS TO BE SUPPLIED BY OCONEE COUNTY WATER

VICINITY MAP



PROPERTY OWNER INFORMATION

TAX PARCEL	OWNER	DB/pg	PB/pg	ZONING
A B02N 036C	CINDY S WARE	1290/633	36/3	R-2-MPD
B B02N 037C	BRADEN B MAXEY	1506/463	36/3	R-2-MPD
C B02N 038C	RICHARD A BRADY	1536/200	36/3	R-2-MPD
D B02N 039C	KRISTIN D TYSON	1076/101	36/3	R-2-MPD

REFERENCE DRAWING:

"SURVEY FOR: SAPPHIRE PROPERTIES, LP"
SCALE 1"=40', DATED NOVEMBER 12, 2019
BY: ABE CONSULTING, INC.
2410 HOG MOUNTAIN ROAD
SUITE 103
WATKINSVILLE, GA 30677
(706) 613-8900

SIGHT DISTANCE:

ENTRANCE / EXIT (RIGHT IN/RIGHT OUT)
ONTO MONROE HWY

EAST = 1,400 FT
WEST = 2,100 FT

DIMENSIONAL REQUIREMENTS:

SETBACK MINIMUMS:

FRONT YARD.....50 FT FROM CENTERLINE OF
ROAD OR 20 FT FROM RIGHT-OF-WAY

REAR YARD.....10 FT

SIDE YARD.....10 FT

OFF-STREET PARKING SUMMARY

DESCRIPTION	TOTAL AREA	
TYPE OF USE	COMMERCIAL	
AREA	CONTRACTOR W/ OUTDOOR STORAGE 2410 HOG MOUNTAIN ROAD SUITE 103 WATKINSVILLE, GA 30677 (706) 613-8900	7,600 SF 1ST FLOOR 4,000 SF 2ND FLOOR
PARKING SPACES REQUIRED	3/MSF	
AREA	1,300 + 2(1,200)	35
PARKING SPACES REQUIRED	3.5/MSF	
AREA	OUTSIDE STORAGE	13
PARKING SPACES REQUIRED	0.4/MSF	
AREA	6,000 SF	3
TOTAL PARKING SPACES REQUIRED	51	
ADA PARKING SPACES REQUIRED	3 (2+1 VAN)	
PARKING SPACES PROPOSED	51	
ADA PARKING SPACES PROVIDED	3 (2+1 VAN)	

GROUNDS COVERAGE PER PROPOSED BUILDING:

10,000 SF NEW + 1,300 SF EXIST. = 11,300 TOTAL

ENTRANCE / EXIT (RIGHT IN/RIGHT OUT)
ONTO MONROE HWY

EAST = 1,400 FT
WEST = 2,100 FT

PROPOSED BUILDING IS

100'x100'x30'H

EXISTING BUILDING IS

42.5'x27.5'x20'H

MAXIMUM LOT COVERAGE = 80%

PROPOSED LOT COVERAGE = 60.6%

BUILDINGS = 14.3%

PARKING AND DRIVEWAYS = 46.3%

BUFFERS:

B-2 TO O-I-P: NONE

B-2 TO R-2: 25 FT. A SPECIAL

EXCEPTION VARIANCE TO WAIVE

THE INCOMPATIBLE USE BUFFER HAS

BEEN SUBMITTED WITH THE CURRENT

SPECIAL USE APPLICATION FOR THIS

DEVELOPMENT.

NO TREES ARE PROPOSED TO BE

RETAINED UNLESS WITHIN AN

EXISTING SIDE OR REAR YARD

SETBACK.

NO TREES ARE PROPOSED TO BE

RETAINED UNLESS WITHIN AN

EXISTING SIDE OR REAR YARD

SETBACK.

A COMMON GROUND SIGN FOR UP

TO THREE BUSINESSES IN THE

BUILDING IS PROPOSED. THE SIGN

WILL BE CONSTRUCTED TO CURRENT

OCONEE COUNTY STANDARDS AT

TIME OF CONSTRUCTION AS PART

OF CONSTRUCTION PLAN REVIEW.

GENERAL LANDSCAPING

INCLUDING TREES AND GROUND

COVER IS PROPOSED TO BE

DEVELOPED PER CURRENT OCONEE

COUNTY STANDARDS AT TIME OF

CONSTRUCTION AS PART OF

CONSTRUCTION PLAN REVIEW.

EX. FENCE

TO BE DEMOLISHED

EX. HOUSE TO BE

CONVERTED

OFFICE

PROPOSED SANITARY SEWER

EX. TRANSFORMER

EX. LIGHT POLE

EX. POWER POLE

MANHOLE DEPTH: 11'4"

SSMH

SS

SS