

**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 Thomas E. & Jessica Adams submitted on April 8, 2021.

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 Thomas E. & Jessica Adams on April 8, 2021 regarding a ±0.63 acre tract of land located at 1060 Derby Lane in the 240th G.M.D., Oconee County, Georgia, (tax parcel no. B-02E-005B), 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 rear setback for an accessory building greater than 144 square feet.

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 June 1, 2021.

ADOPTED AND APPROVED, this 1st day of June, 2021.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

Amrey Harden, Member

Mark Saxon, Member

ATTEST:

Henry Stinson
Clerk, Board of Commissioners

CONDITIONS

1. Development design and structures shall meet or exceed the standards indicated on the 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. The rear setback shall be reduced to 19 feet only for the area of encroachment of the proposed shed.

TAX MAP

Variance # P21-0071 - Thomas & Jessica L. Adams



EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P21-0071

Page 2 of 4
NARRATIVE

April 5, 2021

Oconee County Board of Commissioners
23 North Main Street
Watkinsville, GA 30677

To Whom It May Concern,

We live at 1060 Derby Lane in the Keeneland Subdivision in Bogart, GA. This is Zone R-1, Tax Map Parcel # B-02E-005B, Lot 5B with adjacent land use also zoned R-1 and all residential. Our lot measures .63 acres.

We are requesting a Special Exemption Variance. We are requesting a 21' variance from the 40' rear yard setback on our personal property for the purpose of putting an Accessory building shed to put our lawn mower and lawn equipment in.

We are requesting this Special Exemption Variance as part of Unified Development Code, Article 4, Lot and Building Standards, Section 410, Minimum setbacks, accessory buildings and structures.

Please see the attached photos for rendering the proposed accessory building shed to be placed at the rear of our property. We are in a residential neighborhood, Keeneland Subdivision.

If any additional information is needed for this Special Exemption Variance, our contact information is below.

Sincerely,



Thomas Adams
Jessica Adams
1060 Derby Lane
Bogart, GA 30622
Email: mrsadams777@aol.com
Cell: 630-885-2151 (Jessica)
Cell: 919-369-8251 (Thomas)

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P21-0071

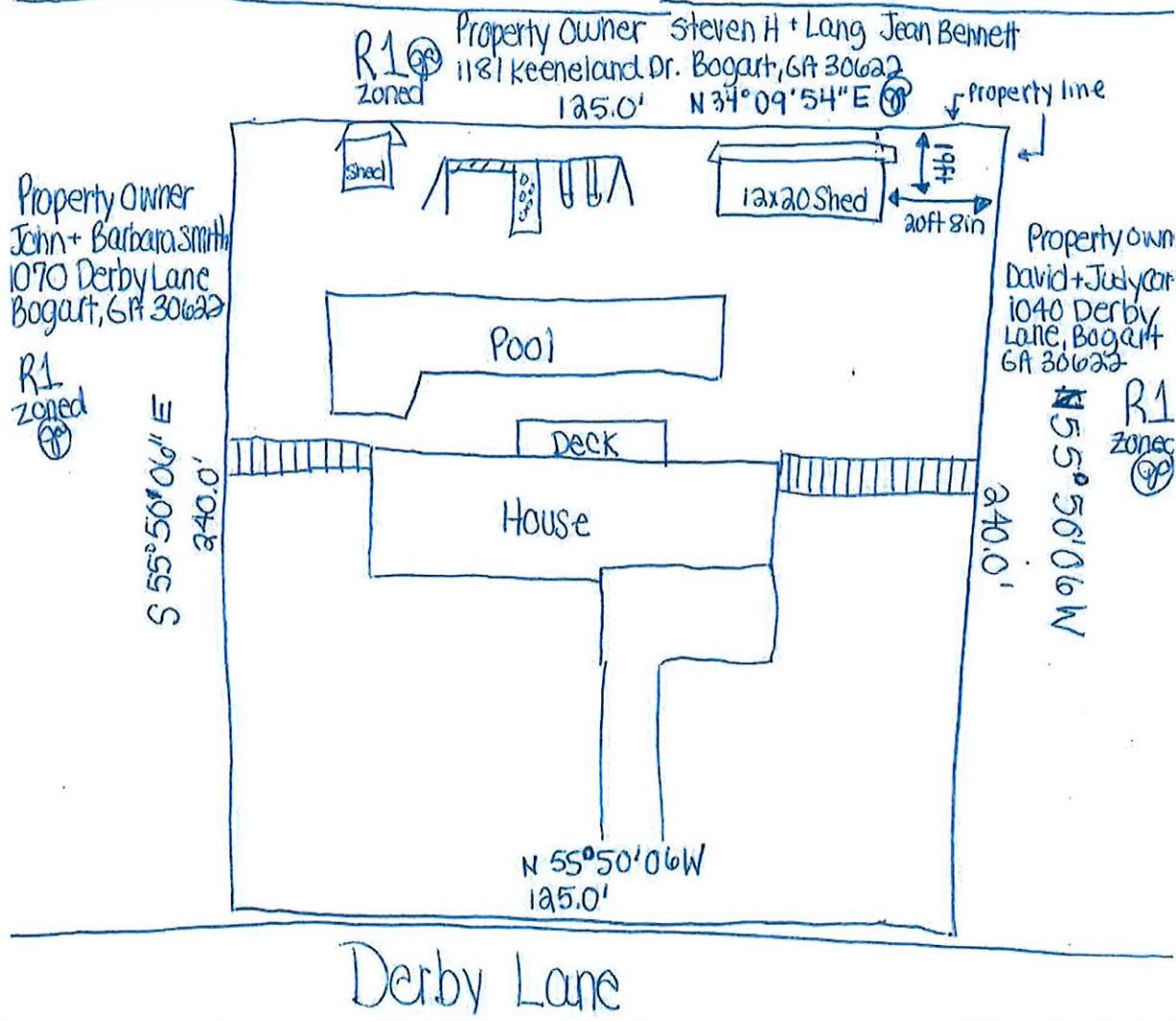
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PLAT

ILLUSTRATIVE DRAWING

Special Exception Variance Concept Plan
April 5, 2021Owner/Applicant:

Thomas and Jessica Adam
Tax Parcel #: B0AE005B
Existing Zoning: R-1 residential
Existing Use: R-1 residential
Proposed Use: R-1 residential





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

VARIANCE CASE #: P21-0071

DATE: May 21, 2021

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

APPLICANT NAME: Thomas E. & Jessica Adams

PROPERTY OWNERS: Thomas E. & Jessica Adams

LOCATION: 1060 Derby Lane

PARCEL SIZE: ± 0.63 acres

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

EXISTING LAND USE: Suburban Neighborhood

TYPE OF VARIANCE REQUESTED: Special Exception Variance

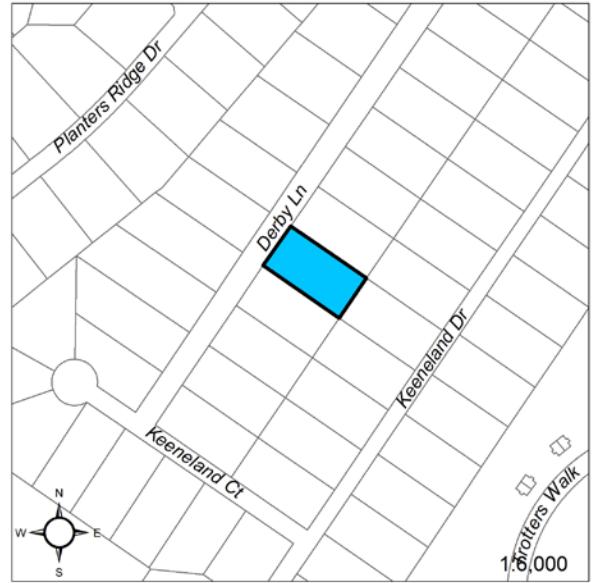
REQUEST SUMMARY: The property owner is requesting a variance from UDC Sec. 410.01.c(2) and UDC Table 4.1 to reduce the rear setback from 40 feet to 19 feet for a proposed shed.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: June 1, 2021

ATTACHMENTS:

- Application
- Narrative
- Plat
- Aerial Imagery
- Zoning Map
- Future Development Map
- Architectural Representative Images
- Illustrative Drawing



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property was rezoned from AG to R-1 on July 5th, 1994, for construction of a single-family residential subdivision.
- A single-family residence was built in 1999.
- A vinyl pool was built in 2003.

VARIANCE DESCRIPTION

- The owner is requesting to reduce the rear setback line from 40 feet to 19 feet to accommodate a proposed 240-square foot shed.
 - ***Unified Development Code Section 410.01.c(2) – Minimum setbacks; accessory buildings and structures***

Accessory buildings having a floor area greater than 144 square feet must comply with the same setbacks as required for principal buildings in each zoning district.

Table 4.1: Dimensional Requirements by Zoning District				
MINIMUM PRINCIPAL BUILDING SETBACK (FT)		AG	AR-3	AR
Front (measured from ROW)	From major thoroughfare	40	40	40
	From minor street	30	30	30
Side		25	15	15
Rear		25	40	40

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:

- 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.
- Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:**
The surrounding area is single-family residential. Staff holds that the location of the accessory building should not reduce the privacy of the adjacent properties because the accessory building would be screened by existing vegetation/fencing and thus should not be injurious to the use and enjoyment of said property.

- c. **Diminish and impair property values within the surrounding neighborhood:**
Staff holds that it is unlikely that the location of the accessory building would significantly impair property values in the surrounding area.
- d. **Impair the purpose and intent of this Development Code:**
The intent of UDC Section 410.01.c.2 is to ensure adequate separation of buildings from adjoining properties and appropriate scale of buildings in residential areas in order to promote public safety, maintain privacy, and encourage orderly and aesthetically pleasing development. Staff holds that the location and the proposed architectural design of the accessory building should not diminish the privacy or use of the adjacent residential properties and 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 **does meet all necessary conditions** to grant a special exception variance and staff recommends the following condition:

1. Development design and structures shall meet or exceed the standards indicated on the 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. The rear setback shall be reduced to 19 feet only for the area of encroachment of the proposed shed.



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

Hardship Variance Appeal of Administrative Decision Flood Damage Prevention Variance
 Special Exception for: Accessory building (outdoor shed)

Applicant

Name: Thomas E. Adams & Jessica Adams
Address: 1060 Derby Lane
(No P.O. Boxes)
Bogart, GA 30622

Telephone: 630-885-2152

Email: mrsadams777@aol.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: Thomas Adams

Date: 7/8/21

Property Owner

Name: Thomas & Jessica Adams
Address: 1060 Derby Lane
(No P.O. Boxes)
Bogart, GA 30622

Telephone: 630-885-2152

KEVIN T. MILLER
Notary Public - State of Georgia
Clarke County
My Commission Expires Dec 8, 2024

Property

Location: Lot 5 Block B 1060 Derby Lane
Bogart, GA 30622

Tax Parcel Number: B02E 005B

Size (Acres): .063 Current Zoning: R-1

Future Development Map—Character Area Designation:

Use

Current Use: Residential

Proposed Use: Residential

Suburban neighborhood

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

We are requesting a 21 ft variance from the 40 ft rear line variance.

Code Section 410.01c.2

April 5, 2021

Oconee County Board of Commissioners
23 North Main Street
Watkinsville, GA 30677

To Whom It May Concern,

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If any additional information is needed for this Special Exemption Variance, our contact information is below.

Sincerely,



Thomas Adams
Jessica Adams
1060 Derby Lane
Bogart, GA 30622
Email: mrsadams777@aol.com
Cell: 630-885-2151 (Jessica)
Cell: 919-369-8251 (Thomas)

1. OWNER'S NAME		2. ADDRESS		3. PHONE NO.	
Mike Powell		1020 1/2 Hwy 208		404-361-1111	
4. GENERAL NOTES					
1. Owner Mike Powell 2. Block 31, Lot 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 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Variance # P21-0071 - Thomas & Jessica L. Adams

Tax Parcel #
B-02E-005B

Derby Ln

B-02E-005B

Keeneland Dr

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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115

230

460

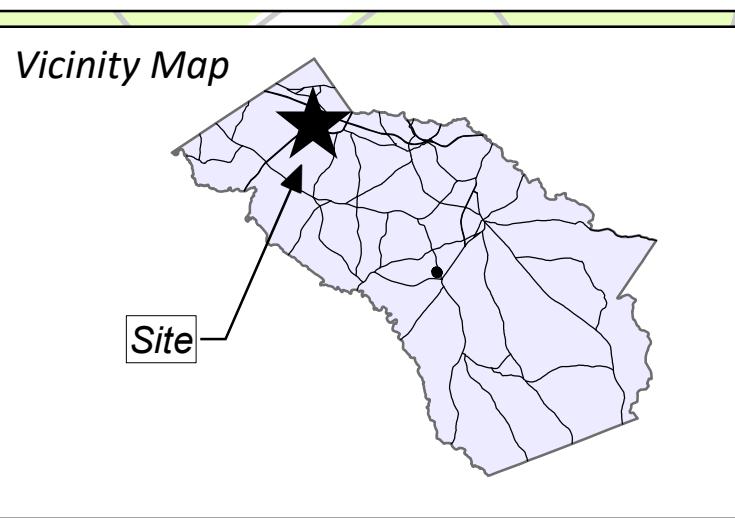
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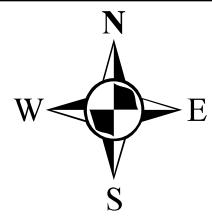
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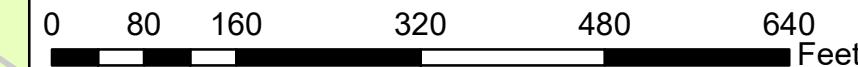




Oconee County Planning Department

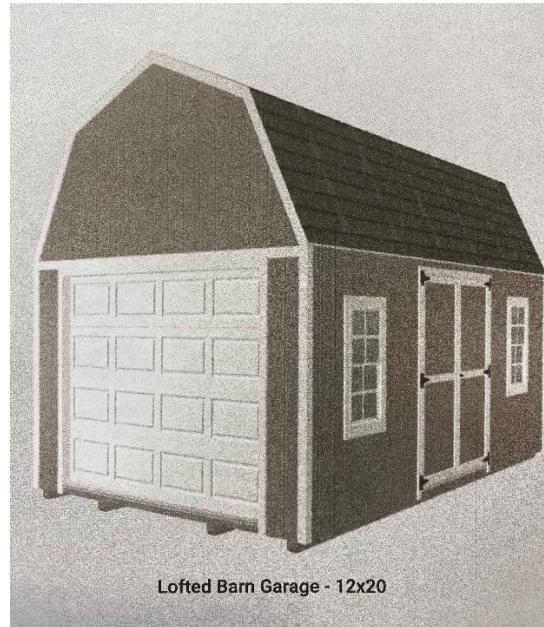


This map is a representation of the future development map
and should be used for planning purposes only



Proposed Accessory Shed for 1060 Derby Lane, Bogart, GA 30622

Accessory building
shed to look like this
example in our
Keeneland
neighborhood that
measures 12ft x 20ft.



Placement of 12ft x 20ft Accessory Building Shed near the rear of our lot.



Flags mark placement of Accessory Building Shed.

Special Exception Variance Concept Plan

April 5, 2001

Owner/Applicant:

Thomas and Jessica Adam
Tax Parcel #: BOAE005B
Existing Zoning: R-1 residential
Existing Use: R-1 residential
Proposed Use: R-1 residential

