

**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 240<sup>th</sup> 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 1<sup>st</sup> day of June, 2021.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

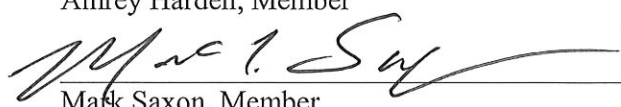
BY:

  
John Daniell, Chairman

  
Mark Thomas, Member

  
Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

  
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



1:1,250

0 115 230 460 690 920  
Feet



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,

A handwritten signature in blue ink, appearing to read "Thomas Adams", with a stylized flourish underneath.

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



## ILLUSTRATIVE DRAWING

Special Exception Variance Concept Plan  
April 5, 2021

Owner/Applicant:

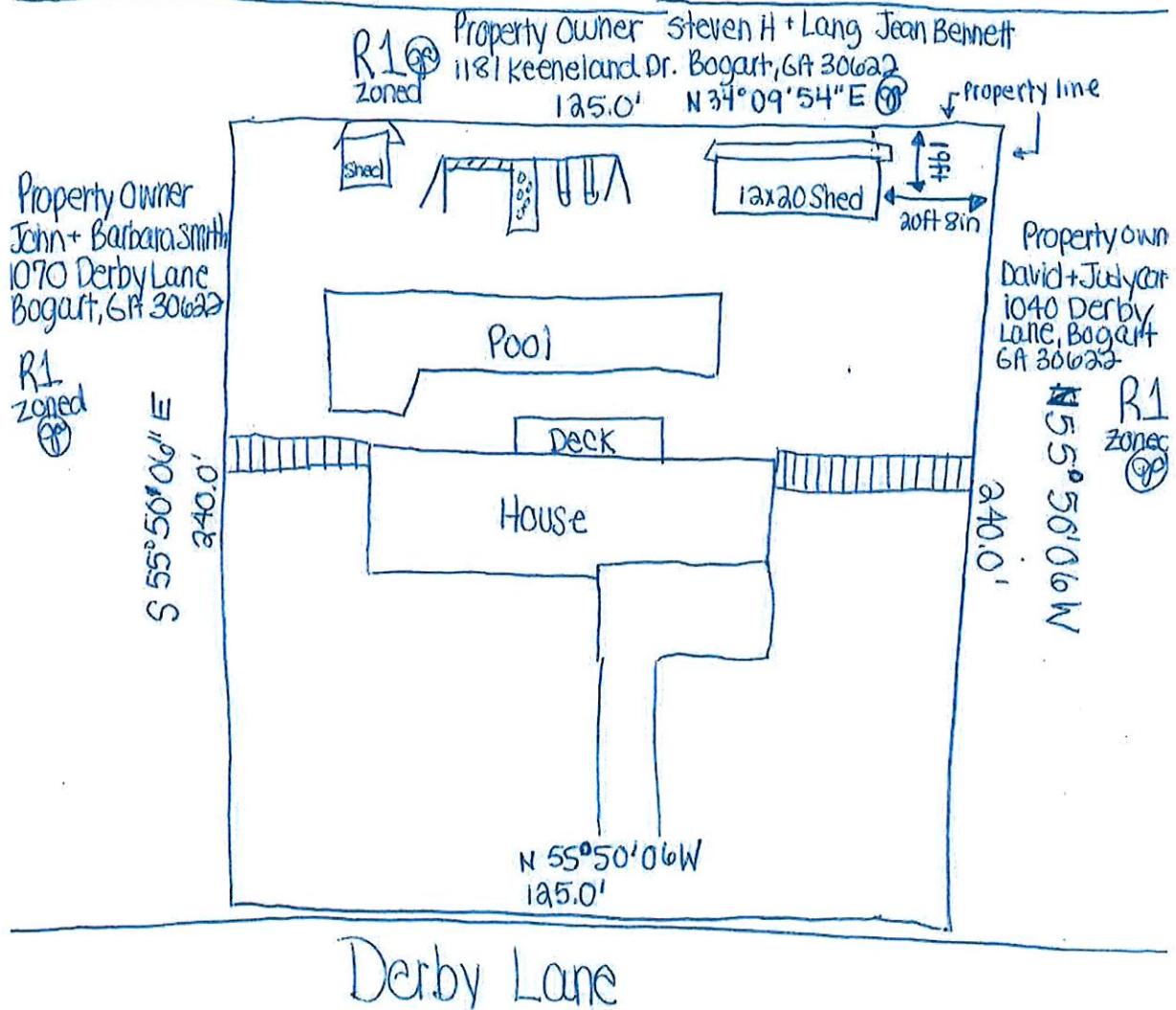
Thomas and Jessica Adam

Tax Parcel #: B02E005B

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

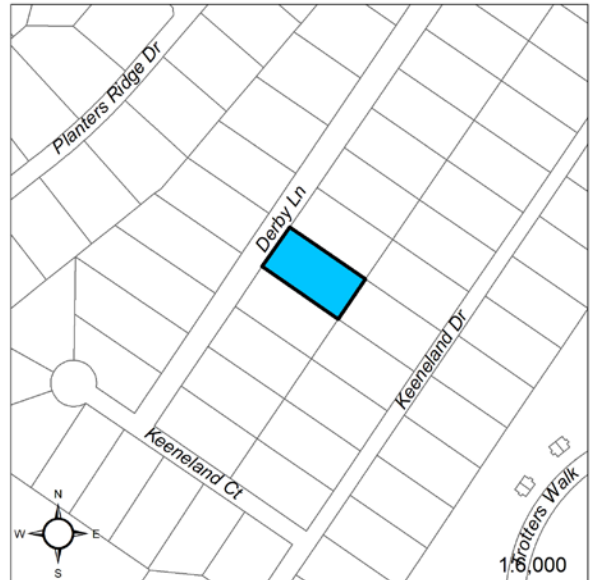
**REQUEST SUMMARY:** The property owner is requesting a variance from UDC Sec. 410.01.c(2) and UDC Table 4.1 to reduce the rear setback from 40 feet to 19 feet for a proposed shed.

**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 5<sup>th</sup>, 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	R-1
Front (measured from ROW)	From major thoroughfare	40	40	40	40
	From minor street	30	30	30	30
Side		25	15	15	10
Rear		25	40	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  
Bogart, GA 30622 (No P.O. Boxes)

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: [Signature] Date: 7/8/21 Notarized: [Signature]

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: B02E005B

Size (Acres): .63 Current Zoning: R-1

Future Development Map—Character Area Designation: Suburban neighborhood (09)

## 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

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

Code Section 410.01(c.2)

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.

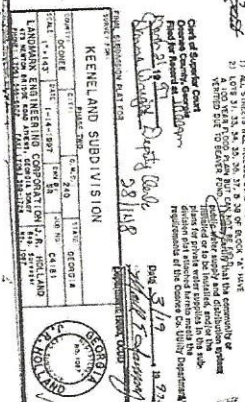
Please see the attached photos for rendering the proposed accessory building shed to be placed at the rear of our property. We are in a residential neighborhood, Keeneland Subdivision.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas Adams', with a stylized flourish underneath.

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



20% <sup>paid</sup> MAINTENANCE RIGHT OF WAY  
I hereby certify that acceptable security in the amount  
of \_\_\_\_\_ has been received to assure  
a utility maintenance for a period of 2 years with  
the right-of-way of 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.

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

Tax Parcel #  
B-02E-005B

B-02E-005B

Derby Ln

Keeneland Dr

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

1:1,250

0 115 230 460 690 920

Feet



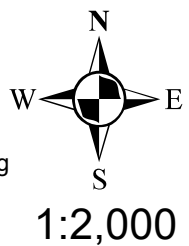


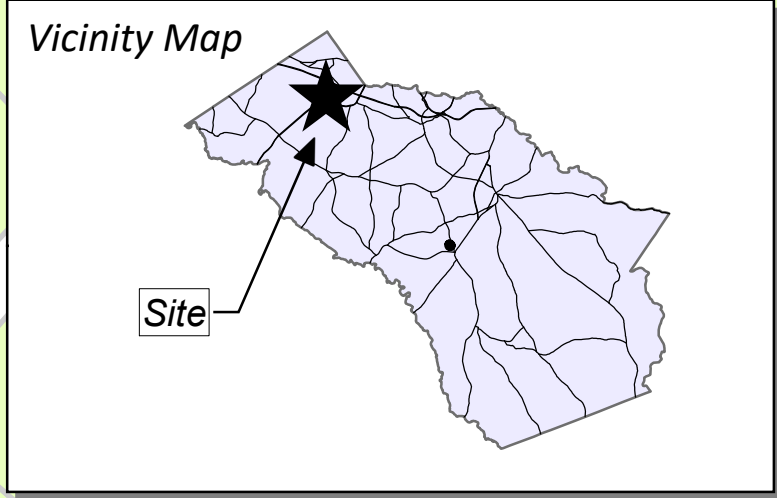
### Zoning

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

## Oconee County Planning Department

This map is representative of current county zoning as of March 2021 and should be used for planning purposes only.





**Oconee County  
Planning Department**

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

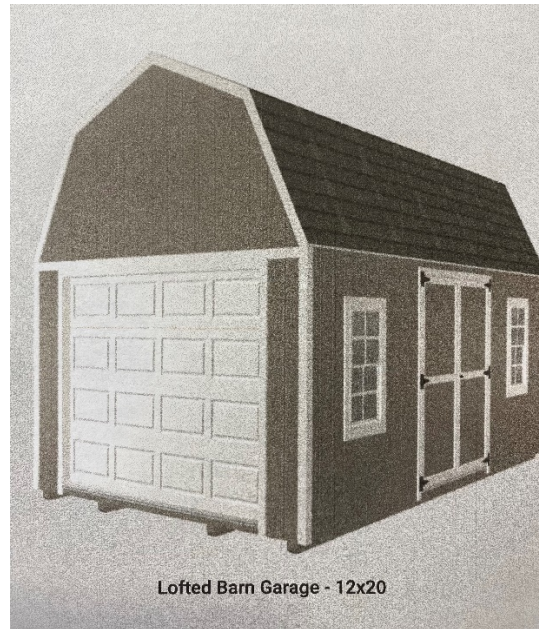
0 80 160 320 480 640 Feet

0 80 160 320 480 640 Feet



# 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, 2021

Owner/Applicant:

Thomas and Jessica Adam

Tax Parcel #: B02E005B

Existing Zoning: R-1 residential

Existing Use: R-1 residential

Proposed Use: R-1 residential

R1  
Zoned

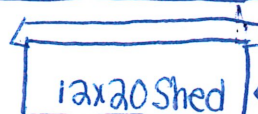
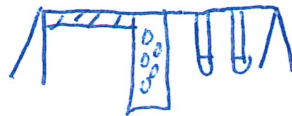
Property Owner Steven H + Lang Jean Bennett

1181 Keeneland Dr. Bogart, GA 30622

125.0'

N 34° 09' 54" E

Property line

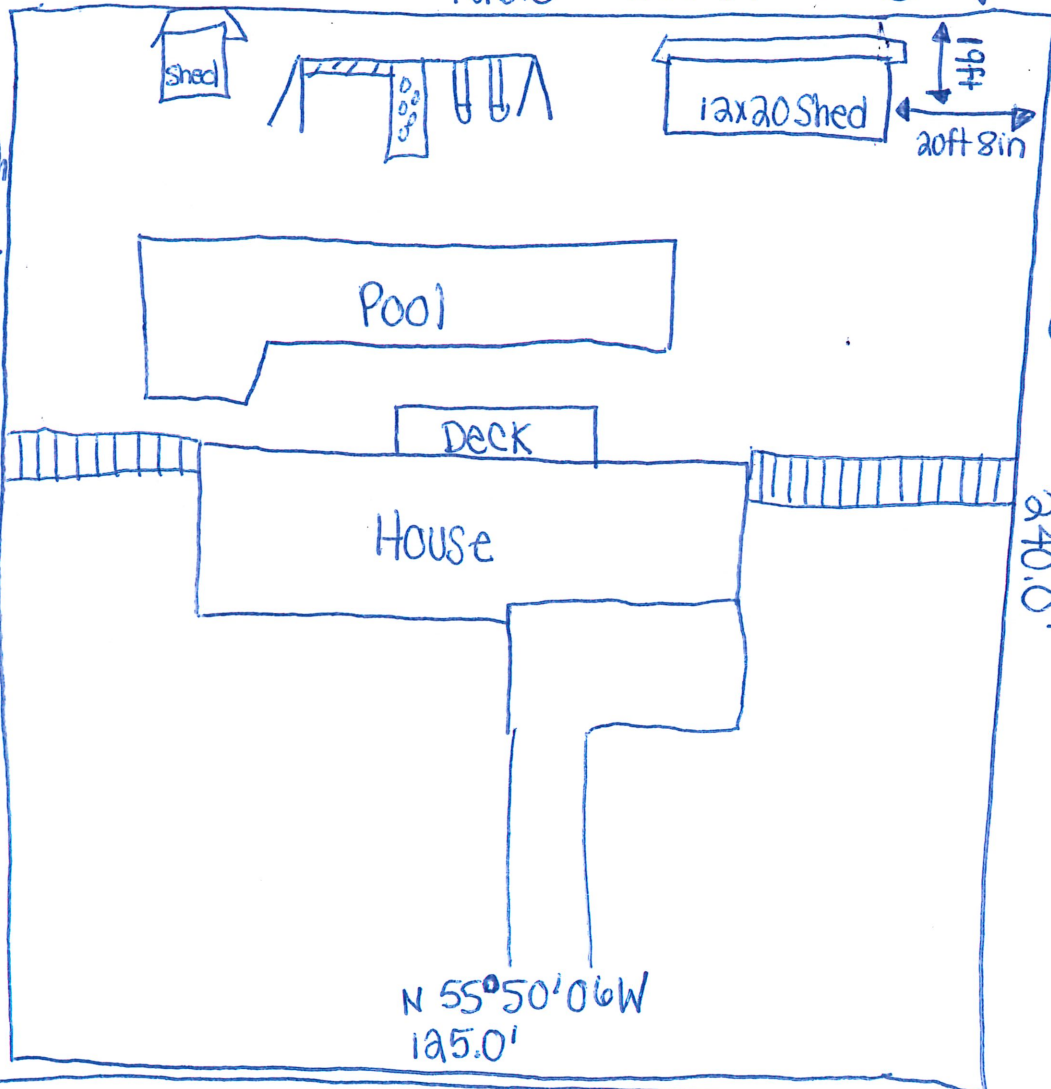


19ft  
20ft 8in

Property Owner  
John + Barbara Smith  
1070 Derby Lane  
Bogart, GA 30622

R1  
Zoned

S 55° 50' 06" E  
240.0'



Property Owner  
David + Judy Carr  
1040 Derby Lane, Bogart  
GA 30622

R1  
Zoned

S 55° 50' 06" W  
240.0'

N 55° 50' 06" W  
125.0'

Derby Lane