

**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 1304, to grant approval of a Hardship Variance pursuant to an application requesting approval of a Hardship Variance on property owned by Rosemary F. Franklin submitted on August 23, 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 Hardship Variance approval submitted by Pittman Engineering, PC on August 23, 2021, regarding a ±15.00 acre tract of land located at 2601 Snows Mill Road in the 239th G.M.D., Oconee County, Georgia, (tax parcel no. A-04-002B), 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 reduce the required width of the private access easement from 40 feet to 29 feet.

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 November 2, 2021.

ADOPTED AND APPROVED, this 2nd day of November, 2021.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell
John Daniell, Chairman

Mark Thomas
Mark Thomas, Member

Absent

Chuck Horton, Member

Amrey Harden
Amrey Harden, Member

Mark Saxon
Mark Saxon, Member

ATTEST:

Holly Stephenson
Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT "A" TO HARDSHIP VARIANCE NO. P21-0168

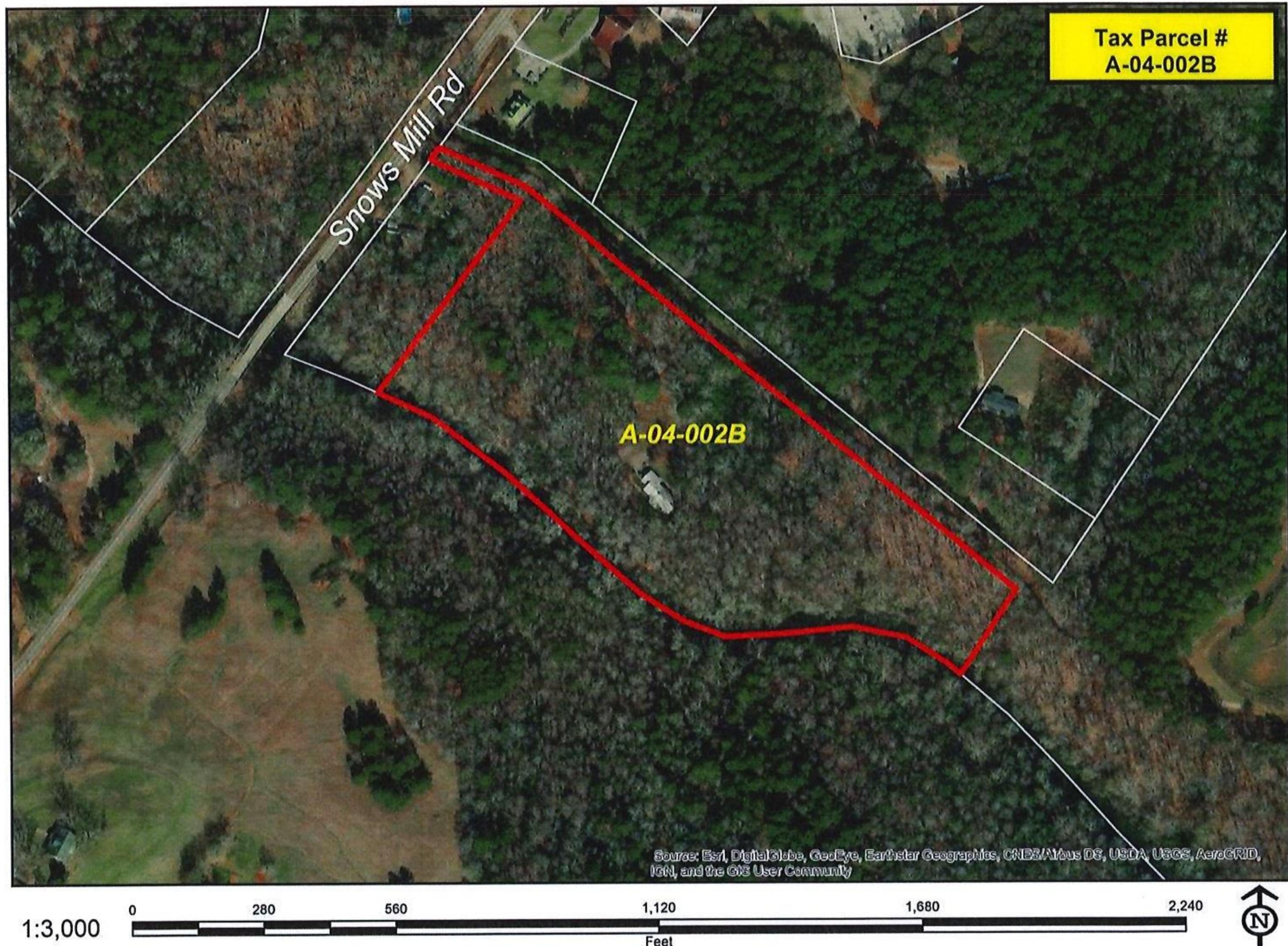
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CONDITIONS

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

Variance # P21-0168 - Rosemary F. Franklin



LEGAL DESCRIPTION

All that tract or parcel of land, together with all improvements thereon, containing 15.00 acres, more or less, situate, lying and being on the southeasterly side of Snow's Mill Road and on the waters of the Appalachee River in the 239th District, G.M., Oconee County, Georgia, and being more particularly described as follows:

Beginning at the eastern intersection of the Oconee County Line and the R/W of Snow's Mill Road, thence North 35 degrees, 41 minutes, 00 seconds East, 388 feet to an iron pin being the TRUE POINT OF BEGINNING; thence North 35 degrees, 41 minutes, 00 seconds East, 30.54 feet to an iron pin; thence South 66 degrees, 48 minutes, 00 seconds East, 210.00 feet to an iron pin; thence South 51 degrees, 53 minutes, 00 seconds East, 1347.18 feet to an iron pin; thence South 31 degrees, 56 minutes, 00 seconds West, 135.49 feet to an iron pin; thence South 31 degrees, 56 minutes, 00 seconds West, 40.00 feet to an iron pin; thence North 49 degrees, 06 minutes, 00 seconds West, 142.69 feet to an iron pin; thence North 88 degrees, 01 minutes, 00 seconds West, 163.29 feet to an iron pin; thence South 77 degrees, 02 minutes, 00 seconds West, 222.34 feet to an iron pin; thence North 83 degrees, 22 minutes, 00 seconds West, 102.63 feet to an iron pin; thence North 56 degrees, 14 minutes, 00 seconds West, 122.66 feet to an iron pin; thence North 50 degrees, 14 minutes, 00 seconds West, 155.68 feet to an iron pin; thence North 48 degrees, 46 minutes, 00 seconds West, 288.25 feet to an iron pin; thence North 61 degrees, 52 minutes, 00 seconds West, 279.54 feet to an iron pin; thence North 35 degrees, 30 minutes, 00 seconds East, 497.88 feet to an iron pin; thence North 66 degrees, 48 minutes, 00 seconds West, 209.39 feet to TRUE POINT OF BEGINNING.

Said traverse contains 13.09 acres. Total tract contains this described traverse as well as an additional 1.91 acres between this described traverse and the centerline of the Appalachee River, approximately 50' of width as shown on a plat entitled "Survey for Robert E. Everett, Jr." by W. W. Lester, Surveyor dated November 19, 1981, recorded in Plat Book 10, Page 55, in the Office of the Clerk of Superior Court, Oconee County, Georgia, reference being hereby made to said plat for a more complete description of the property.

EXHIBIT "A" TO HARDSHIP VARIANCE NO. P21-0168

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NARRATIVE

GENERAL DATA

Property Address: 2601 Snows Mill Road

Parcel: A04 002B

Owner: Rosemary F. Franklin

Existing Zoning: AG

Proposed Zoning: AR

Existing Use: Single-Family Residential

Proposed Use: Single-Family Residential

Property Area: 15.0002 acres

ADJACENT LAND USES AND ZONING

North - AR & AG zoned residential lots & property

West - Snows Mill Road and AG zoned residential property

South - Apalachee River/County Line

East - AG zoned property

OWNERSHIP TYPE

The development will be fee simple ownership.

SITE NARRATIVE

The property is 15.0002 acres and is currently zoned AG with a single-family residence onsite. The property owner is Rosemary F. Franklin. The owner is seeking to rezone of the property from AG to AR to create single-family residential lots. The property could be split into three lots under the current zoning, but lot sizes would need to be a minimum of 5 acres each. However, due to the existing residence onsite and the presence of onsite floodplain and challenging topography, a lot configuration with (2)-2 acre lots and (1)-10 acre lot makes for more desirable and buildable homesites. The proposed rezone would not increase density but simply allow the owner to subdivide the property using the more user-friendly portion of the property.

SITE DESCRIPTION

The property is located on the east side of Snows Mill Road, just north of the Apalachee River and the county line. The Character Area for the property and its surrounding properties is identified as 'Rural Places' according to the Oconee Future Development Map.

The property is primarily wooded. Slopes onsite range from 2 to 25%. The site drains primarily to the south west to the Apalachee River.

PROPOSED USE

The proposed use of the property is for three single-family residential homes. Homes will range in size from approximately 2,000 sf. to 2,400 sf. The proposed architectural design theme is a traditional style and will feature pitched shingled roofs, shed dormers, wide overhanging eaves, wood or masonry columns, and divided light windows/doors. Predominant exterior materials will be cementitious plank

siding, with the combination of stone or brick water tables, some shingle siding accents, and low-maintenance composite trim and ornate moldings. See attached representative architecture photographs of the proposed structures.

ACCESS (INCLUDING HARDSHIP VARIANCE NEED)

Access will be via a private access drive from Snows Mill Road. The hardship variance request is thus since the private access drive does not meet the minimum 40' width, which is an existing lot feature. Also accompanying this request is a rezone from AG to AR and a special exception variance from the public street frontage requirement, specifically UDC Sec. 1003.09.a(3) allowing residential lots to gain access from an existing street outside of the development.

TRAFFIC IMPACT

Per the Institute of Transportation Engineers, Trip Generation, 10th Edition (ITE Manual), the proposed development does not generate the 1,000 trips per day that is required to trigger a Traffic Impact Analysis. Trip Generation Data is as follows:

Land Use	Intensity	Daily	AM Peak	PM Peak
Single Family Detached Housing (210)	3	47	4	5

WATER SUPPLY

Water will be provided by individual private wells to be located onsite.

SEWAGE DISPOSAL

Conventional septic tanks and drain-fields are proposed for the individual lots. A soil survey map is being prepared by an approved soil scientist to ensure that the system will be constructed in an area with appropriate soils per county health department and state regulations.

GARBAGE COLLECTION

Garbage collection will be handled by private contractor service.

UTILITIES

Electricity and data will be provided by power/data providers in the area.

STORMWATER MANAGEMENT AND DRAINAGE

Due to the subdivision falling under a major subdivision classification, the subdivision will be governed by the Oconee County Stormwater Ordinance. With the property being very rural and outside the County's Urban development zone, it is anticipated that no further measures will be required for this development.

IMPACT TO SCHOOL SYSTEM

It is anticipated that there will be minimum impact to the school system from this development due to the limited number of lots proposed.

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PLAT

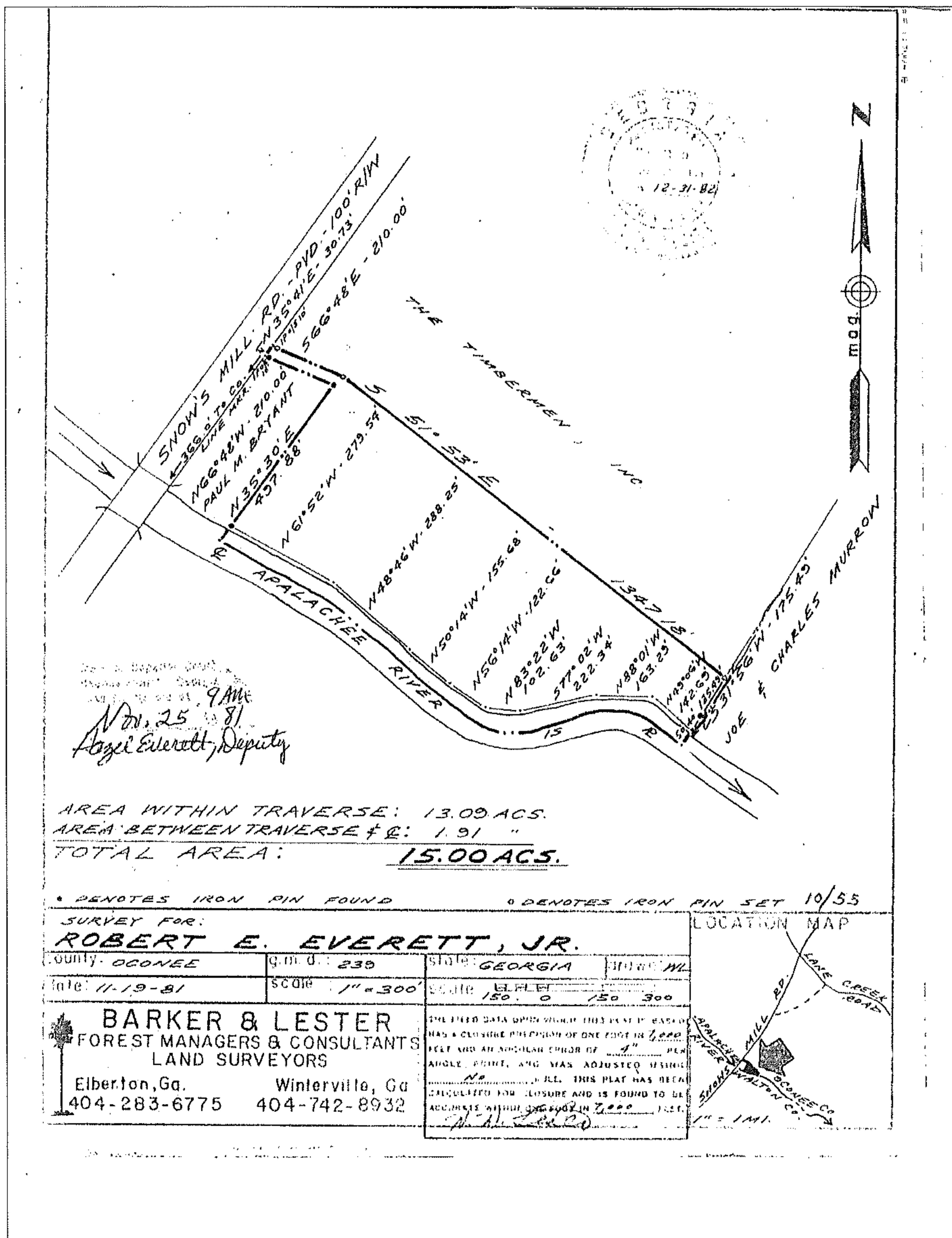
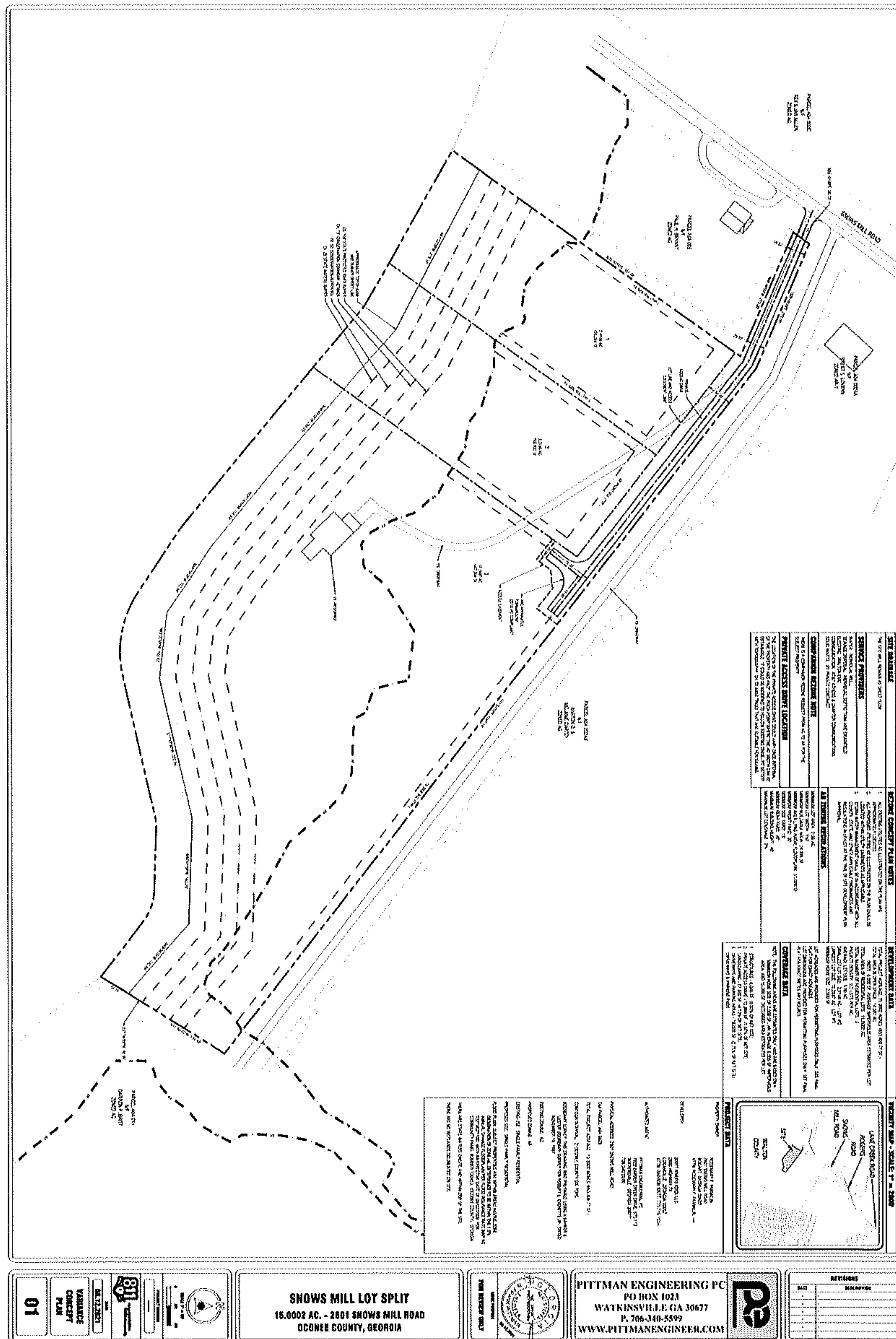


EXHIBIT "A" TO HARDSHIP VARIANCE NO. P21-0168

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CONCEPT PLAN





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

VARIANCE CASE #: P21-0168

DATE: November 2, 2021

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

APPLICANT NAME: Pittman Engineering, PC

PROPERTY OWNER: Rosemary Franklin

LOCATION: 2601 Snows Mill Road

PARCEL SIZE: ± 15.0 acres

EXISTING ZONING: AG (Agricultural District)

EXISTING LAND USE: Residential

TYPE OF VARIANCE REQUESTED: Hardship Variance

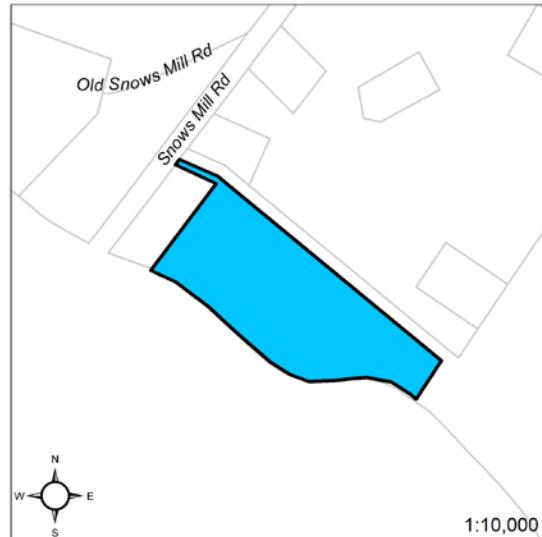
REQUEST SUMMARY: The property owner is requesting a hardship variance to reduce the required width of the private access easement from 40 feet to 29 feet. This variance is accompanied by special exception variance P21-0169, to allow lots within the proposed subdivision to have vehicular access from an existing street outside the subdivision, and rezone #P21-0167, to rezone the property from AG (Agricultural District) to AR (Agricultural Residential District) in order to subdivide it into three single-family residential lots.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: November 2, 2021

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 built in 1990.

VARIANCE DESCRIPTION

- The applicant is proposing to subdivide the property to create two additional lots for single-family residences. The applicant also proposes to add an access easement to the existing driveway to allow for vehicular access to the proposed lots. However, the property is shaped as a flag lot, and the existing driveway, which is located on the “pole” side of the property, is 29 feet wide. Per UDC Sec.1012.07.a.(1) the minimum overall easement width shall be 40 feet if more than two residences are using the easement. Therefore, the applicant is requesting a hardship variance to reduce the private access easement width from 40 feet to 29 feet.
- ***Unified Development Code Section 1012.07.a.(1) – Private access drives***
The minimum overall easement width shall be 40 feet.

PUBLIC FACILITIES

- An additional 47 average daily trips including 4 AM peak hour trips and 5 PM peak hour trips are projected (10th Edition ITE Trip Generation Manual).

ENVIRONMENTAL

- 100-year floodplain, conservation corridor, and state waters exist on site as shown on the concept plan. All environmental areas and associated buffers would be required to be maintained.

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR HARSHIP 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?**
The property's unique shape and the proximity of the adjacent properties prevent the applicant from increasing the width of the property, which in effect prevents the applicant from meeting the UDC width requirement of 40 feet for an access easement. Therefore, staff holds that the shape of the lot creates an extraordinary and exceptional condition.
- Does the application of requirements in the Unified Development Code create an unnecessary hardship?**
The application of the UDC 1012.07.a.(1) would create an unnecessary hardship because it would prevent the applicant from splitting the lot into three single-family lots.
- Are conditions creating the need for the hardship variance peculiar to the particular piece of property involved?**
The shape of the lot and the proximity of the adjacent properties are peculiar to this property and create conditions such as the width of the existing driveway, which in effect prevent the applicant from placing a 40-foot wide easement.

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 purpose of UDC Section 1012.07.a(1) is to accommodate all the necessary utilities, required shoulder width, and driveway pavement width. However, the driveway is existing and no additional utilities are proposed in this area. Staff holds that relief should not be detrimental to the public good nor impair the purpose and intent of the UDC.

FURTHER ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “LIMITATIONS ON HARDSHIP APPROVAL” AS SET FORTH IN SECTION 1304.04 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE:

In no case shall hardship variances be granted if any of the following conditions exist:

- a. **Is the need for the hardship variance the result of a condition created by the applicant or the result of an unwise investment decision or real estate transaction?** No, the request for a hardship variance is a result of the existing condition of the private driveway. Development of the property in this particular configuration is necessitated by the shape of the lot, the proximity of the adjacent properties, and the environmental protection areas in the southern part of the property.
- b. **Is the hardship variance a request to change conditions of approval imposed through a zoning change granted by the Board of Commissioners?** No.
- c. **Does the hardship variance cause a reduction of the minimum lot size required by the zoning district applicable to the property?** No.
- d. **Does the hardship variance propose a use of land or buildings or structures that would otherwise not be allowed by the zoning district applicable to the property?** No.
- e. **Will the hardship variance provide an increase in the number of dwelling units or nonresidential building floor area which is otherwise not allowed by the zoning district applicable to the property?** No.
- f. **Does the present request concern any item or matter regulated under Article 7 of the Unified Development Code?** No.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for hardship variance approval, this request does meet all necessary conditions to grant a special exception variance. Should the present request be approved, staff recommends the following condition to be fulfilled at the owner/developer's expense.

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.



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted: Hardship Variance Appeal of Administrative Decision Flood Damage Prevention Variance Special Exception for: _____**Applicant**

Name: Frank Pittman, Pittman Engineering, PC
Address: 1020 Barber Creek Drive
Suite 113
(No P.O. Boxes)
Watkinsville, GA 30677
Telephone: (706) 340-5599

Email: fpittman@pittmanengineer.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:

Date: 08/24/2021

Notarized:

**Property**

Location: 2601 Snows Mill Road

Tax Parcel Number: A04 002B

Size (Acres): 15.0002 Current Zoning: AG

Future Development Map—Character Area Designation: Rural Places

Use

Current Use: Single-Family Residential

Proposed Use: Single-Family 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

Variance from UDC Sec. 1012.07.a.(1) to allow a private access drive to have an overall easement width of less than 40'.

SNOWS MILL ROAD LOT SPLIT

HARDSHIP VARIANCE SUBMITTED 08/23/2021

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Parcel: A04 002B

Owner: Rosemary F. Franklin

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Proposed Zoning: AR

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Property Area: 15.0002 acres

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North – AR & AG zoned residential lots & property

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OWNERSHIP TYPE

The development will be fee simple ownership.

SITE NARRATIVE

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SEWAGE DISPOSAL

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GARBAGE COLLECTION

Garbage collection will be handled by private contractor service.

UTILITIES

Electricity and data will be provided by power/data providers in the area.

STORMWATER MANAGEMENT AND DRAINAGE

Due to the subdivision falling under a major subdivision classification, the subdivision will be governed by the Oconee County Stormwater Ordinance. With the property being very rural and outside the County's Urban development zone, it is anticipated that no further measures will be required for this development.

IMPACT TO SCHOOL SYSTEM

It is anticipated that there will be minimum impact to the school system from this development due to the limited number of lots proposed.

PROJECT SCHEDULE

Once zoning is approved in approximately November 2021 then site development plans will be created as needed and permitted to begin construction in early 2022. The project will be built in a single phase.

BUFFERS

No buffers are required by the OC-UDC.

SIGNAGE

There is no signage proposed for this subdivision of property.

ESTIMATED VALUE OF PROJECT

The complete buildout of the project is estimated to be \$2 Million.

Variance # P21-0168 - Rosemary F. Franklin

Tax Parcel #
A-04-002B

Shows Mill Rd

A-04-002B

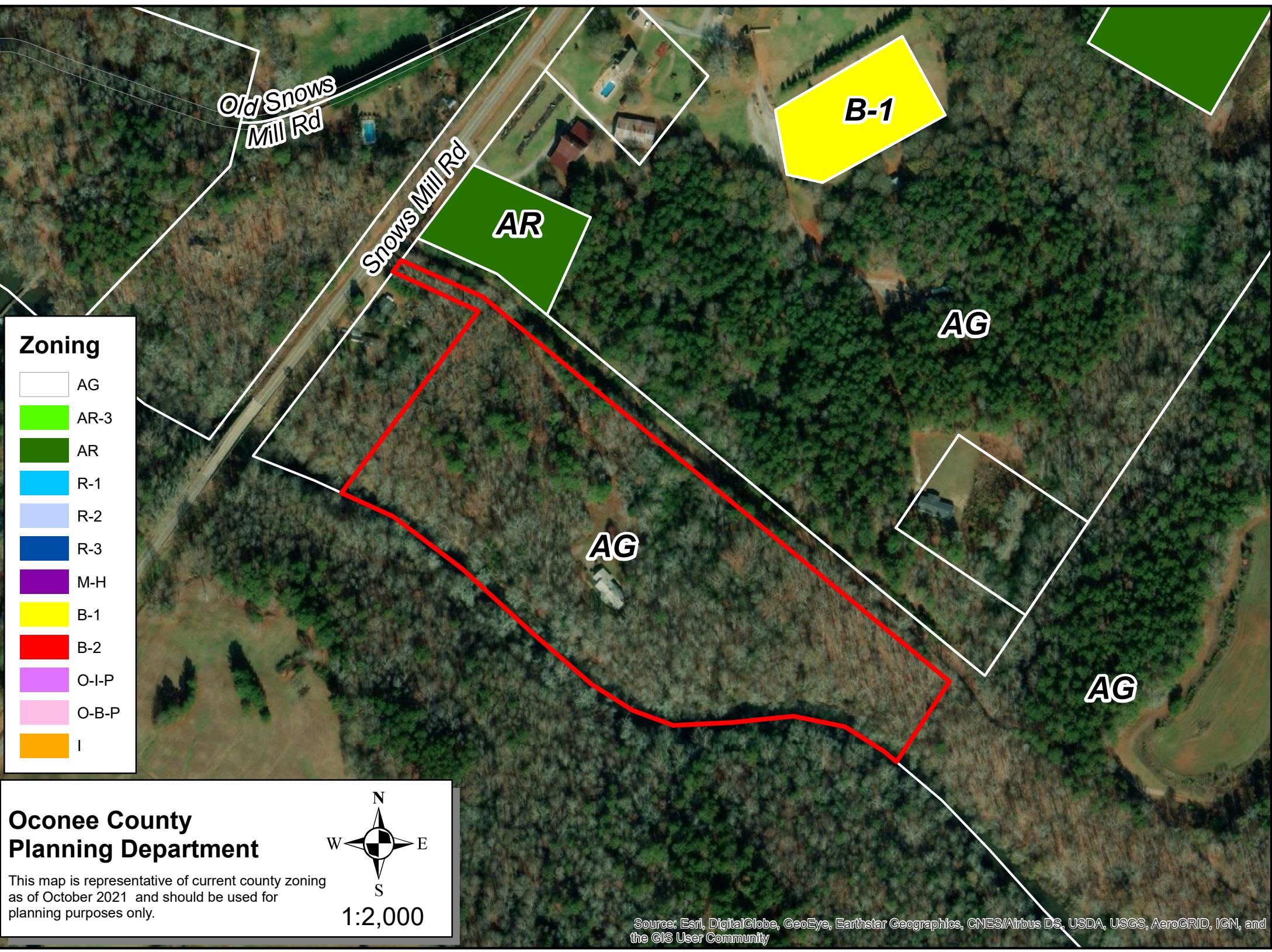


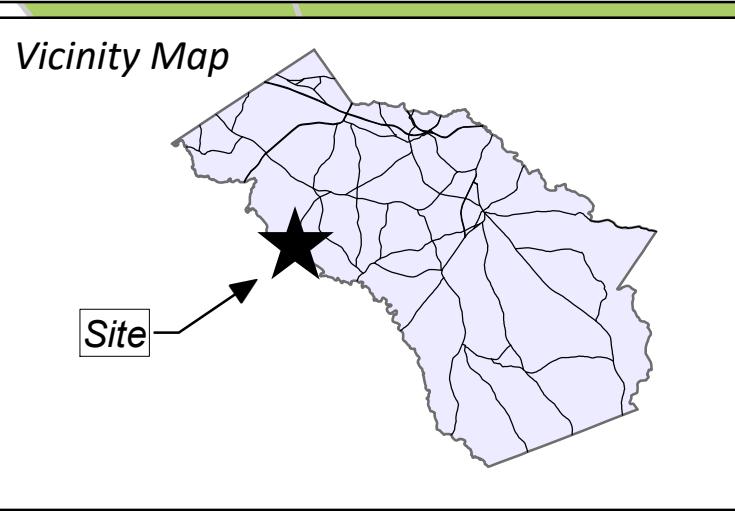
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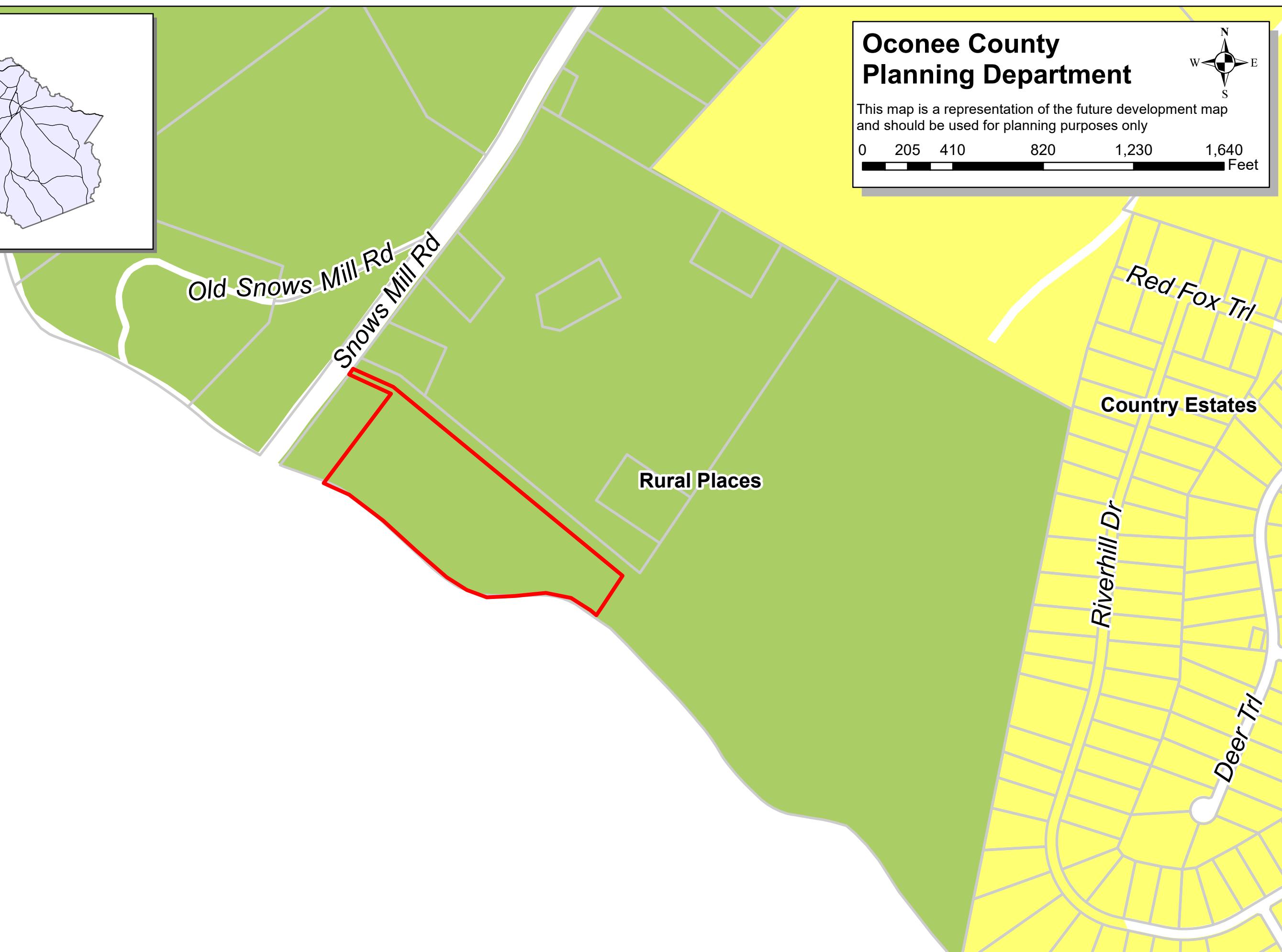


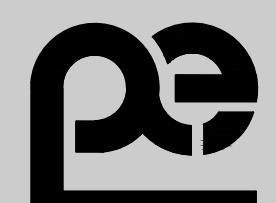
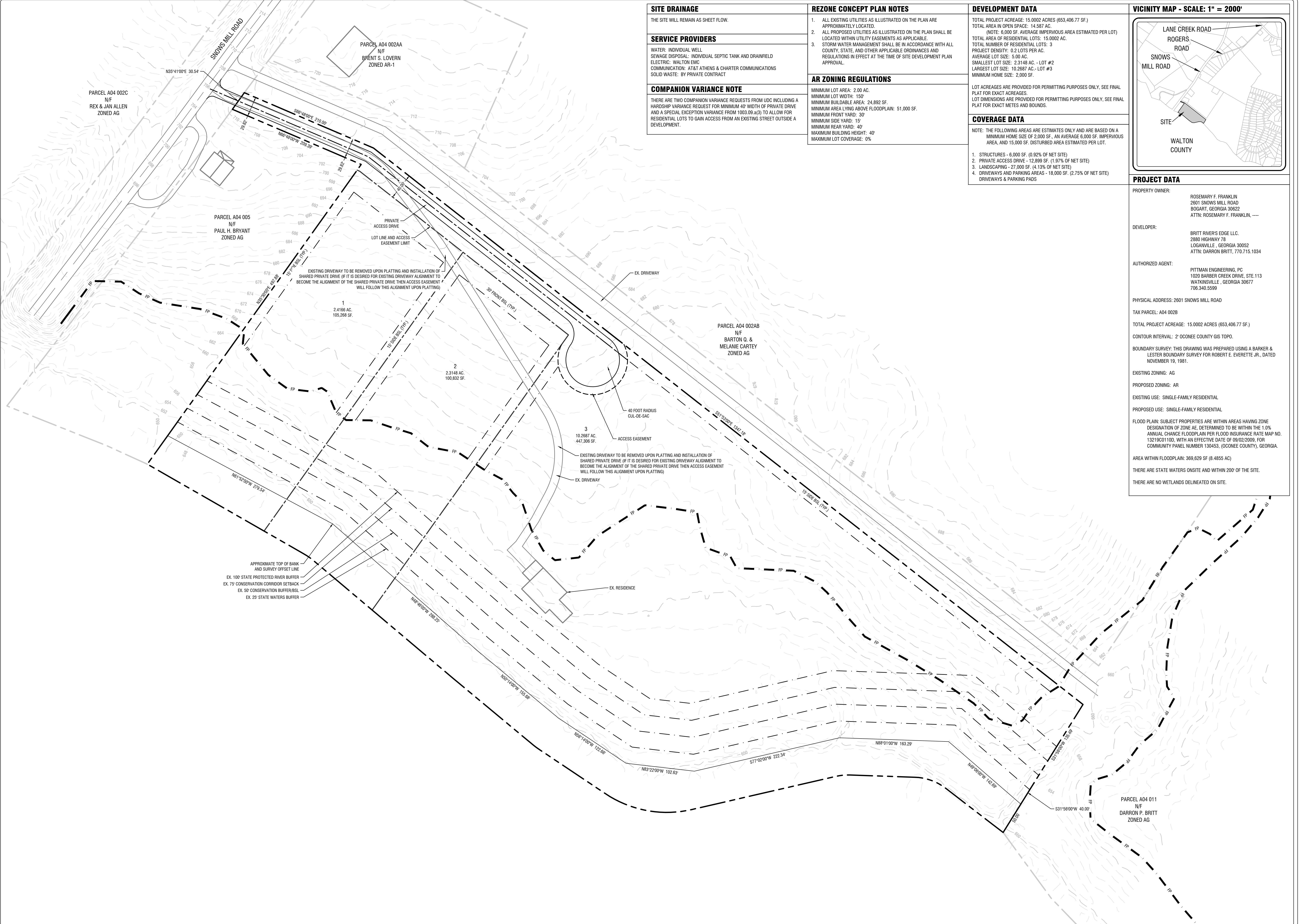
Oconee County Planning Department



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

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Feet

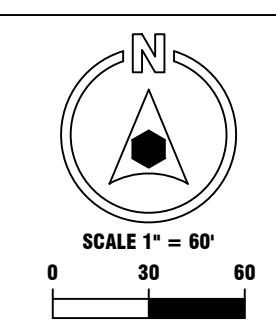




PITTMAN ENGINEERING PC
PO BOX 1023
WATKINSVILLE GA 30677
P. 706-340-5599



**SNOWS MILL LOT SPLIT
115.0002 AC. - 2601 SNOWS MILL ROAD
OCONEE COUNTY, GEORGIA**



08.12.2021

REZONE/VARIANCE CONCEPT PLAN

01