

**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 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 Special Exception Variance approval submitted by Rosemary F. Franklin 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 Special Exception Variance approval for the property described above and also described in the attached Exhibit "A" is hereby granted to allow lots in a major subdivision to gain access from an existing street outside the development.

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 2, 2021.

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

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell
John Daniell, Chairman

Mark G.
Mark Thomas, Member

Absent

Chuck Horton, Member

Amrey Harden
Amrey Harden, Member

Mark J. S.
Mark Saxon, Member

ATTEST:

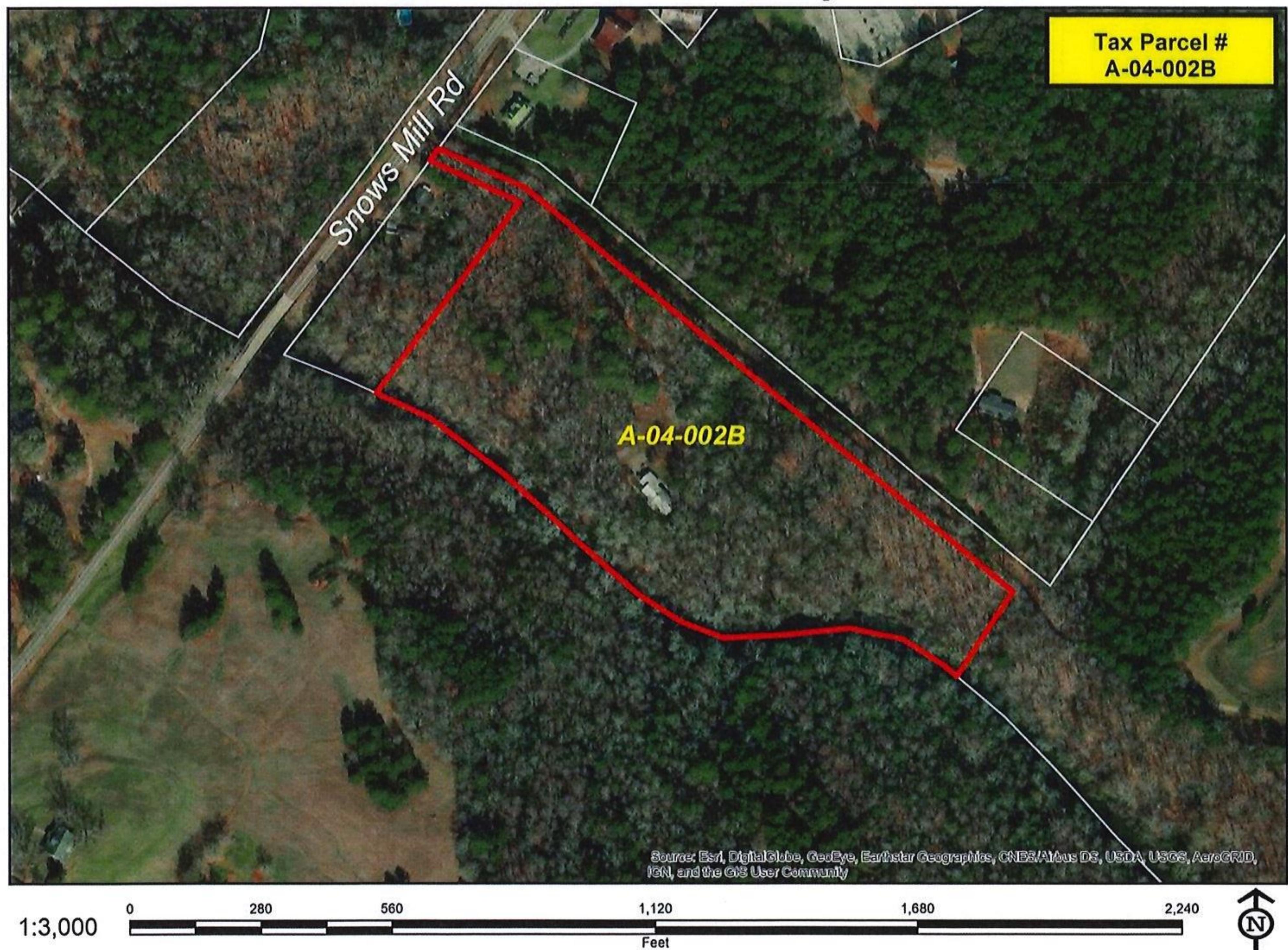
Holly Stephenson
Holly Stephenson
Clerk, Board of Commissioners

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 # P21-0169 - 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 SPECIAL EXCEPTION VARIANCE NO. P21-0169

Page 3 of 5

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 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 SPECIAL EXCEPTION VARIANCE REQUESTED)

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 is being requested. If the property is rezoned then it would be considered a major subdivision which requires all lots to access an interior road. Since the rezone is just to be able to use better building areas for lots and not increase the density that would be allowed as a minor subdivision we feel that this variance request is warranted. The development is only 3 lots which, if they were 5 acres would be allowed to access a shared private drive. We are requesting the variance to allow for 3 lots off a private drive instead of a development street.

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.

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.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P21-0169
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PLAT

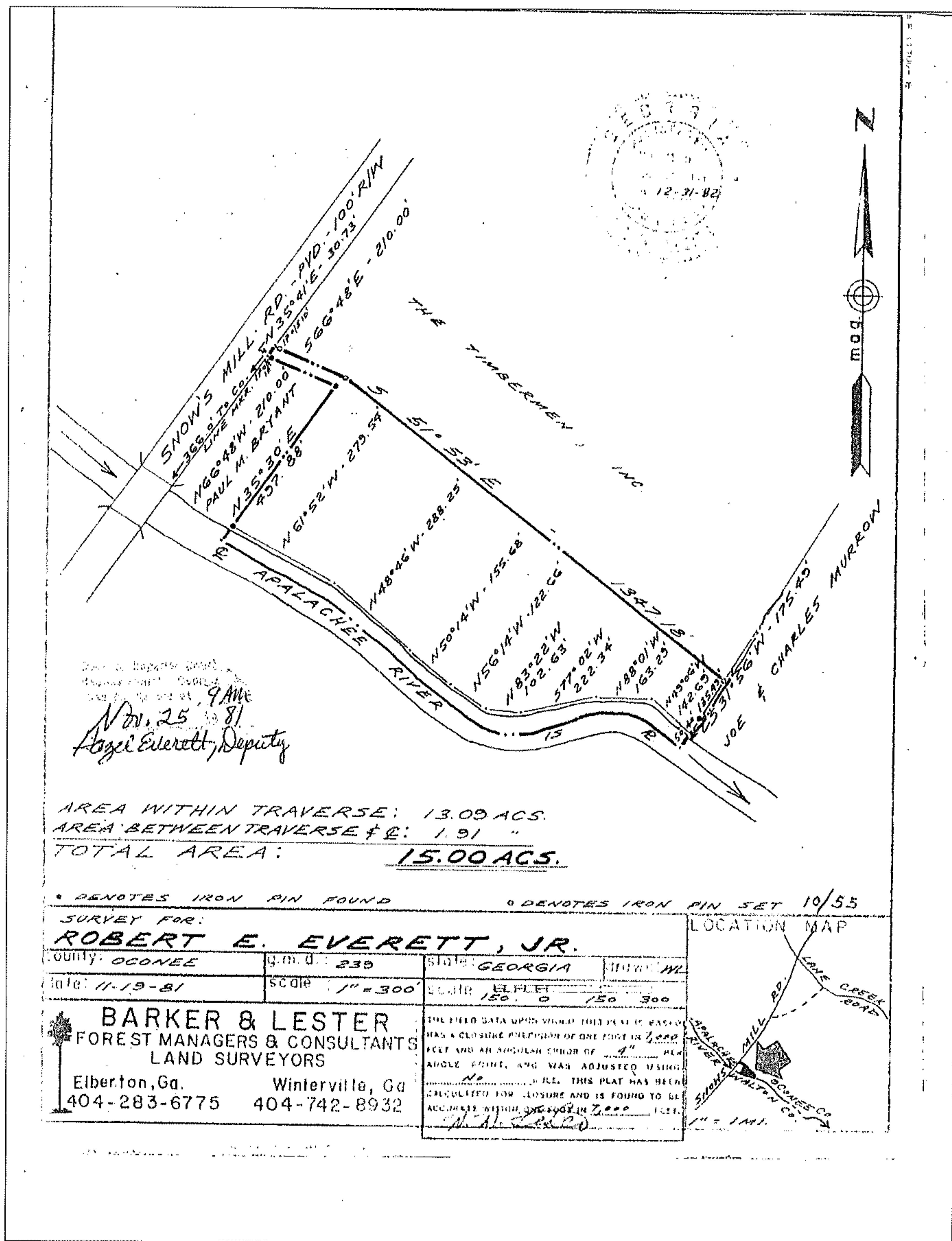
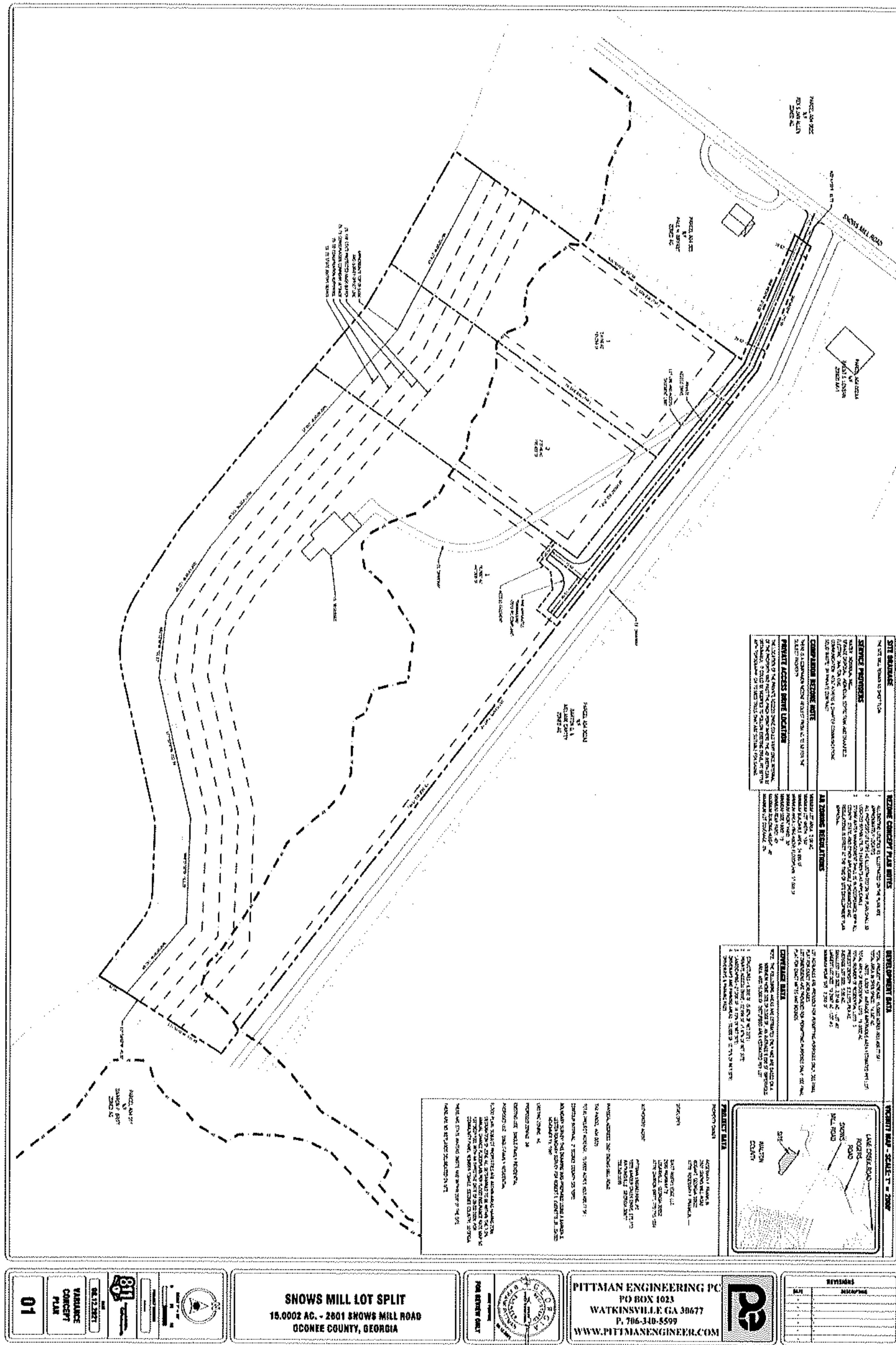


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P21-0169
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CONCEPT PLAN





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

VARIANCE CASE #: P21-0169

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: Special Exception Variance

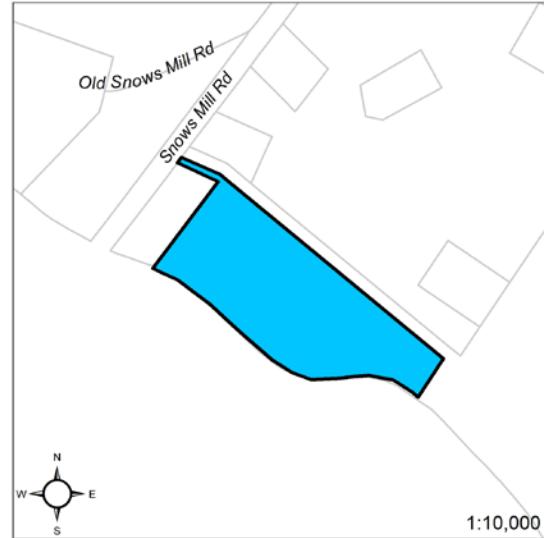
REQUEST SUMMARY: The property owner is requesting a special exception variance from UDC Section 1003.09.a.(3) to allow lots within the proposed subdivision to have vehicular access from an existing street outside the subdivision. This variance is accompanied by hardship variance P21-0168, to reduce the required width of the private access easement, 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 owner is proposing to develop a subdivision containing 3 lots with vehicular access from an existing street outside the development (Snows Mill Road).
- ***Unified Development Code Section 1003.09.a.(3) – Lots***

All lots within a major subdivision shall only have vehicular access to a street within the development, or from a private access drive located within the development as provided in Sec. 1012.07 of this development code. In no case, shall lots within a major subdivision have vehicular access to an existing street located outside the development.

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 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:

The applicant is proposing to develop a subdivision containing 3 lots and place an easement on the existing driveway to allow for vehicular access to Snow Mills Road. Therefore, there should not be any increase in curb cuts or reduced traffic safety. Staff holds that approval of the present request should not cause 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 surrounding properties are used for single-family residences. Allowing the proposed subdivision vehicular access to Snow Mills Road should not affect the use and enjoyment of the environment or other properties in the immediate vicinity.

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

Allowing vehicular access to the proposed subdivision should not impair the property values of the adjacent properties.

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

The intent of UDC Section 1003.09.a.(3) is to prevent additional curb cuts on existing roads in order to reduce potential conflict points and increase traffic safety. However, the applicant is proposing to use the existing private drive for vehicular access to the proposed subdivision. Therefore, there should not be an increase in curb cuts or reduced safety. Staff holds that relief should not 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 special exception 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.

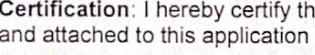
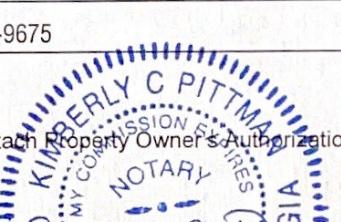
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the variance application and attached hereto. This condition shall not construe approval of any standard that is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

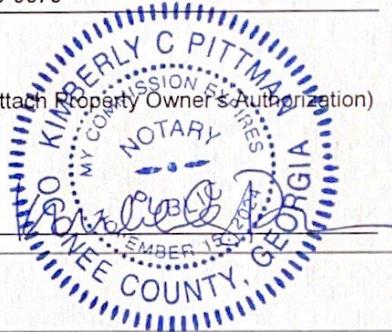


OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

Hardship Variance Appeal of Administrative Decision Flood Damage Prevention Variance
 Special Exception for: 1003.09.a.(3)-Public Street Frontage Requirement

<p>Applicant</p> <p>Name: <u>Frank Pittman, Pittman Engineering, PC</u></p> <p>Address: <u>1020 Barber Creek Drive</u> <small>(No P.O. Boxes)</small></p> <p><u>Suite 113</u></p> <p><u>Watkinsville, GA 30677</u></p> <p>Telephone: <u>(706) 340-5599</u></p> <p>Email: <u>fpittman@pittmanengineer.com</u></p> <p>Applicant is (check one): <input type="checkbox"/> the Property Owner <input checked="" type="checkbox"/> Not the Property Owner (attach Property Owner's Authorization)</p> <p>Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.</p> <p>Signature: <u></u></p> <p>Date: <u>08/22/2021</u> Notarized: <u></u></p>	<p>Property Owner</p> <p>Name: <u>Rosemary F. Franklin</u></p> <p>Address: <u>2601 Snows Mill Road</u> <small>(No P.O. Boxes)</small></p> <p><u>Bogart GA, 30622</u></p> <p>attn: <u>Darron Britt</u></p> <p>Telephone: <u>(770) 318-9675</u></p>
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Property	Use
Location: <u>2601 Snows Mill Road</u>	Current Use: <u>Single-Family Residential</u>
Tax Parcel Number: <u>A04 002B</u>	Proposed Use: <u>Single-Family Residential</u>
Size (Acres): <u>15.0002</u>	Current Zoning: <u>AG</u>
Future Development Map—Character Area Designation:	<u>Rural Places</u>

<p>Attachments (check all that apply)</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Property Owner's Authorization (if applicable) <input checked="" type="checkbox"/> Application Fee <input checked="" type="checkbox"/> Warranty Deed(s), Legal Description, & Plat of Survey <input checked="" type="checkbox"/> Disclosures <input checked="" type="checkbox"/> Maps or Drawings Illustrating Variance Request <input checked="" type="checkbox"/> Narrative Statement Explaining Variance Request <input checked="" type="checkbox"/> Concept Plan 	<p>Appeal or Variance Requested <i>Provide the code section and briefly explain the requested variance</i></p> <p>Variance from UDC Sec. 1003.09.a(1) to allow residential lots to gain access from an existing street outside of the development.</p> <hr/> <hr/> <hr/> <hr/>
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SNOWS MILL ROAD LOT SPLIT
SPECIAL EXCEPTION VARIANCE SUBMITTED 08/23/2021

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.

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

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SEWAGE DISPOSAL

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GARBAGE COLLECTION

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UTILITIES

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BUFFERS

No buffers are required by the OC-UDC.

SIGNAGE

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ESTIMATED VALUE OF PROJECT

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

Variance # P21-0169 - Rosemary F. Franklin

Tax Parcel #
A-04-002B

Shows Mill Rd

A-04-002B



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

1:3,000

0 280 560 1,120 1,680 2,240

Feet



