

**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 Jeffrey B. Bell submitted on May 24, 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 May 24, 2021 regarding a ±13.19 acre tract of land located at the intersection of Colham Ferry Road and Greene Ferry Road in the 225st G.M.D., Oconee County, Georgia, (portion of tax parcel no. B-07-041), 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 allow lots within a major subdivision to have access from an existing street.

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.

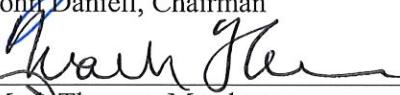
Said Hardship Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on August 3, 2021.

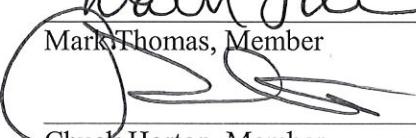
ADOPTED AND APPROVED, this 3rd day of August, 2021.

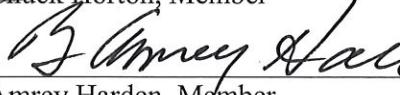
OCONEE COUNTY BOARD OF COMMISSIONERS

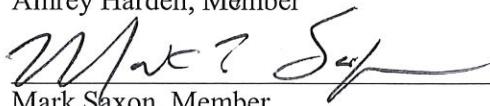
BY:


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:


Holly Stephenson, Board of Commissioners

EXHIBIT "A" TO HARDSHIP VARIANCE NO. P21-0113

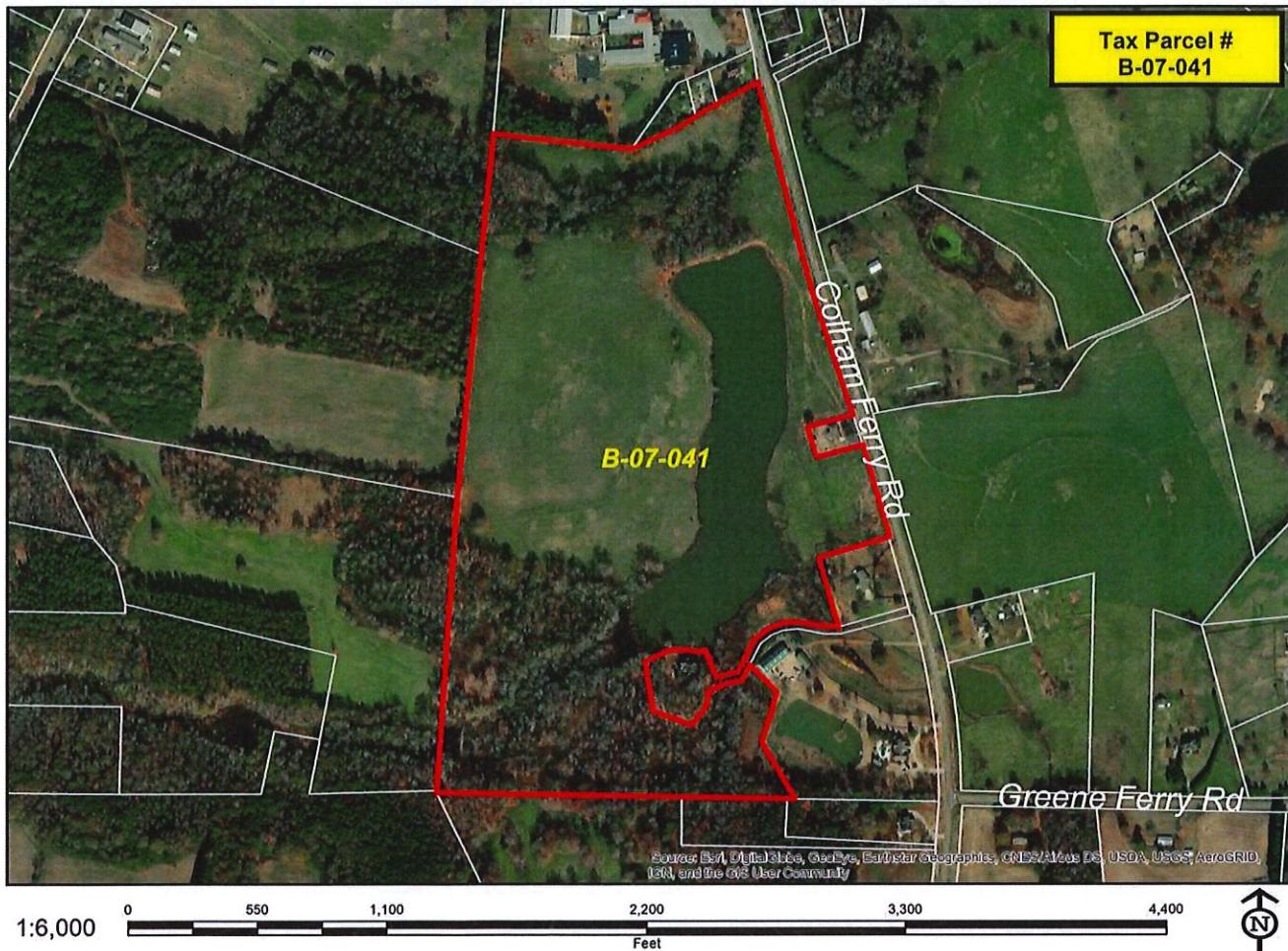
Page 1 of 4

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 # P21-0113 - Jeffrey B. Bell



NARRATIVE

VARIANCE

A Hardship Variance is requested from UDC Sec. 1003.09.a(1) allowing residential lots to gain access from an existing street outside of the development.

Sec. 1304.03. Standards for hardship variance approval.

A hardship variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Commissioners that all of the following conditions exist:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography:

Due to the property's size and shape adjacent to Colham Ferry Road and created by the existing lake, the petitioner does not have adequate area to dedicate to the county the required amount of right-of-way to construct a street, while maintaining an area of adequate size for residential lots that meet the UDC minimum standards.

b. The application of this development code to this particular piece of property would create an unnecessary hardship:

The application of this development code to this particular piece of property would create an unnecessary hardship because there is no feasible way to create lots that gain access from a street within the development for the property adjacent to Colham Ferry Road.

c. Such conditions are peculiar to the particular piece of property involved:

The conditions involved in this request are peculiar to this particular piece of property. The existing lake creates a condition that is unique to the property and unavoidable.

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance:

The allowance of lots that gain access from an existing street outside of the development will not cause substantial detriment to the public good nor impair the purposes and intent of this ordinance. The tract could be split as a minor subdivision with lots gaining access from Colham Ferry Road without the need for the variance. No advantage exists to the public good if lots only gain access from a street within the development.

EXHIBIT "A" TO HARDSHIP VARIANCE NO. P21-0113

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PLAT

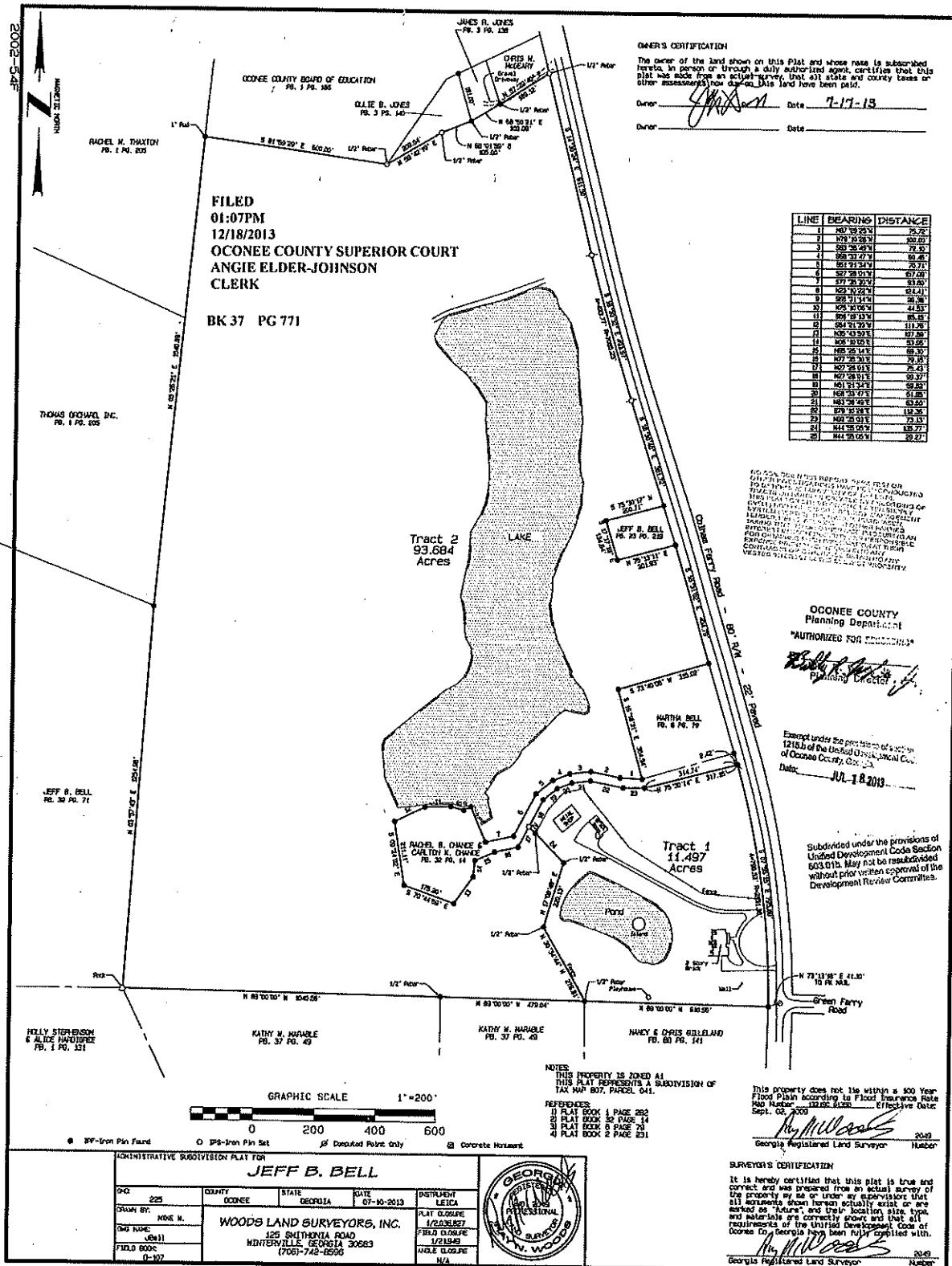
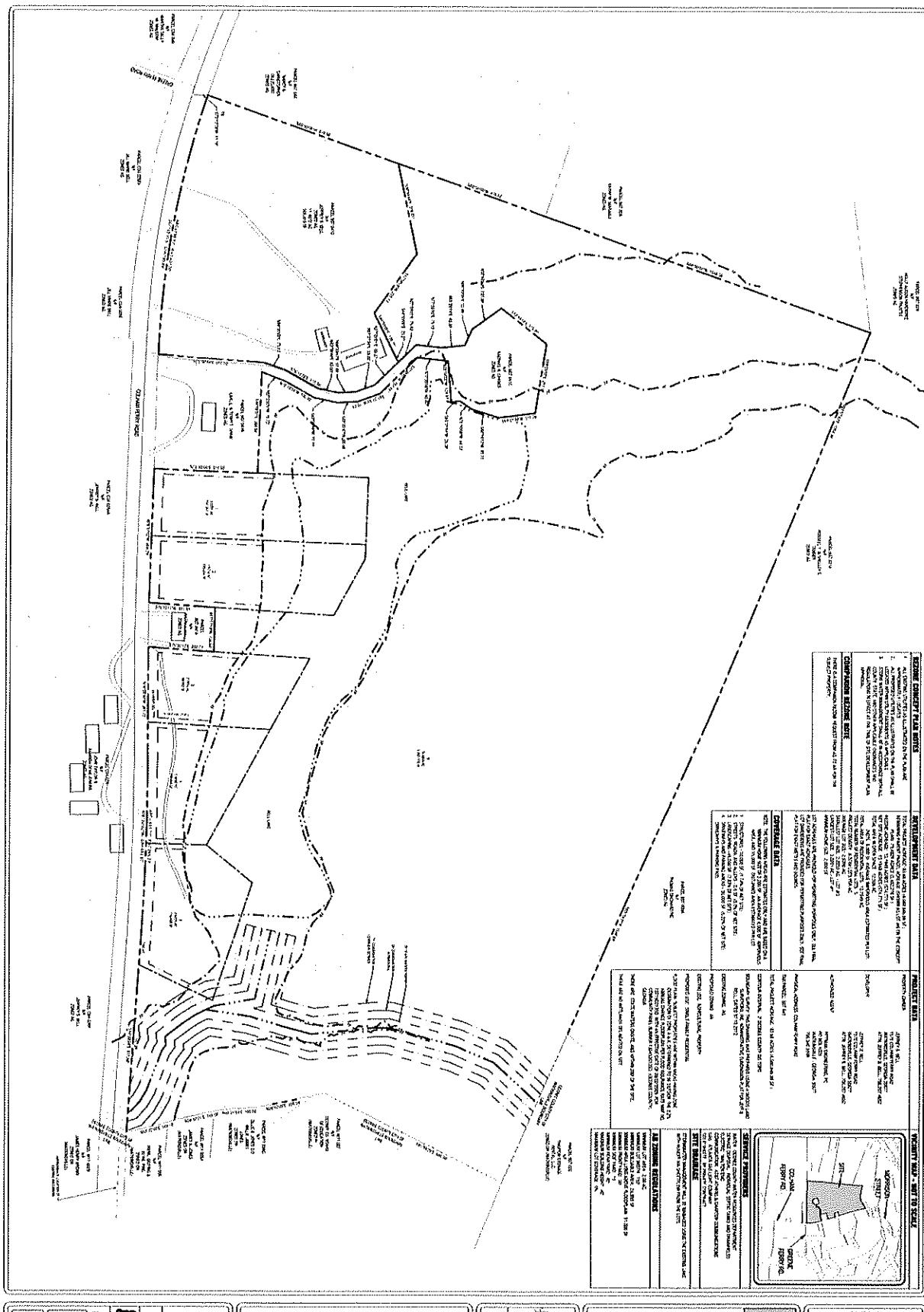


EXHIBIT "A" TO HARDSHIP VARIANCE NO. P21-0113
Page 4 of 4

CONCEPT PLAN



**BELL LAKE SUBDIVISION
93.68 AC. - COLHAM FERRY ROAD
OCONEE COUNTY, GEORGIA**



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



REVIEWED



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

VARIANCE CASE #: P21-0113

DATE: July 23, 2021

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

APPLICANT NAME: Pittman Engineering

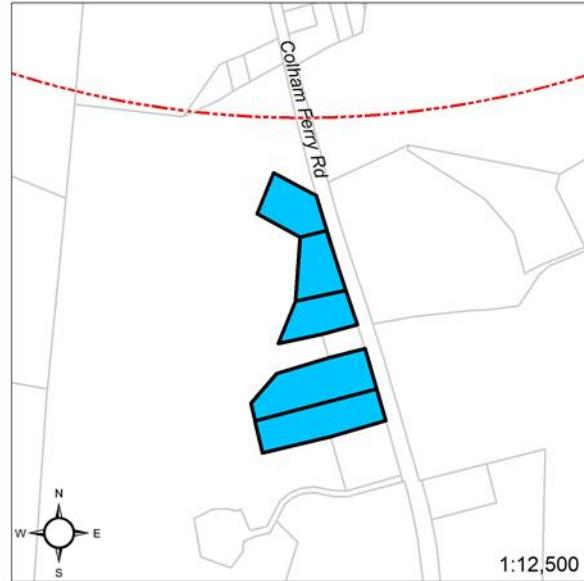
PROPERTY OWNER: Jeffrey B. Bell

LOCATION: Intersection of Colham Ferry Road and
Greene Ferry Road

PARCEL SIZE: ± 13.19 acres

EXISTING ZONING: AG (Agricultural District)

EXISTING LAND USE: Undeveloped



TYPE OF VARIANCE REQUESTED: Hardship Variance

REQUEST SUMMARY: The property owner is requesting a hardship variance from UDC Section 1003.09.a.(3) to allow lots within a major subdivision to have access from an existing street outside the development. This variance is accompanied by rezone #P21-0112 to rezone a 13-acre portion of the property from AG (Agricultural District) to AR (Agricultural Residential District) for the purposes of developing a residential subdivision.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: August 3, 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.

VARIANCE DESCRIPTION

- The owner is proposing to develop a major subdivision containing 5 lots with vehicular access from an existing street outside the development (Colham Ferry 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

- State waters, jurisdictional wetlands, and a conservation corridor exist on the parent parcel and on a small area of proposed lot 5. A 100-year floodplain runs through the northern portion of each proposed parcel.
- No development is proposed for these environmental areas and all environmental buffers would be maintained.

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR HARDSHIP 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:

- a. **Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography?**

There do not appear to be any extraordinary conditions relating to the property's size, shape, or topography that would prevent five residential lots from being accessed via a street or private access drive within the development.

- b. **Does the application of requirements in the Unified Development Code create an unnecessary hardship?**

The applicant is proposing vehicular access to Colham Ferry Road instead of developing an interior access drive because the proximity of the lake to the proposed development and the required lot area for the proposed subdivision prevents the applicant from meeting the private access drive requirements. However, the Unified Development Code does not create an unnecessary hardship because the decision to develop the property in the particular configuration shown on the concept plan is a condition created by the applicant rather than a consequence of UDC code requirements.

- c. **Are conditions creating the need for the hardship variance peculiar to the particular piece of property involved?**

Although the lake is peculiar to the property, the proposed lots could be relocated to allow an interior road or private access drive to be constructed. The conditions creating the need for the hardship variance are therefore not peculiar to the property itself.

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 1003.09.a(3) is to prevent additional curb cuts on existing roads in order to reduce potential conflict points and increase traffic safety. Allowing lots in a major subdivision access to an existing street would increase the number of curb cuts on an existing road and potentially reduce traffic safety. Staff holds that relief would be detrimental to the public good and impair the purposes and intent of the UDC.

FURTHER ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “LIMITATIONS ON HARSHSHIP 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?** Yes. Development of the property in this particular configuration is not necessitated by any UDC requirement or extraordinary feature of the property such as topographical challenges or environmental protection areas. An alternative design for a residential development could meet the UDC requirements for lot area and vehicular access without requiring a hardship variance.
- 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 not meet all necessary conditions to grant a hardship variance. Should the present request be approved, staff recommends the following condition to be fulfilled at the expense of the owner/developer:

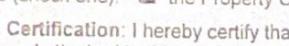
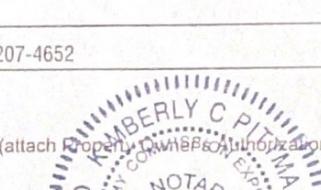
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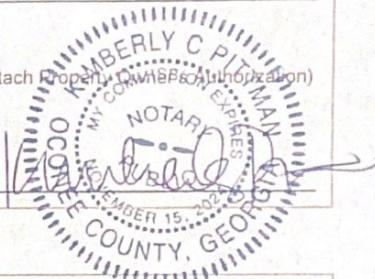


OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

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

<p>Applicant</p> <p>Name: Frank Pittman, Pittman Engineering, PC</p> <p>Address: 1020 Barber Creek Drive (No P O Boxes) Suite 113 Watkinsville, GA 30677</p> <p>Telephone: (706) 340-5599</p> <p>Email: fpittman@pittmanengineer.com</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: </p> <p>Date: 05/23/21</p> <p>Notarized: </p>	<p>Property Owner</p> <p>Name: Jeffrey B. Bell</p> <p>Address: 1570 Colham Ferry Road (No P O Boxes) Watkinsville GA, 30677</p> <p>Telephone: (706) 207-4652</p>
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Property	Use
Location: The west side of Colham Ferry Road, north of the	Current Use: Agricultural Property
Colham Ferry Rd. and Greene Ferry Rd. intersection	
Tax Parcel Number: B-07-041	Proposed Use: Single-Family Residential
Size (Acres): 14.2004	Current Zoning: AG
Future Development Map—Character Area Designation:	Country Estates

<p>Attachments (check all that apply)</p> <p><input checked="" type="checkbox"/> Property Owner's Authorization (if applicable)</p> <p><input checked="" type="checkbox"/> Application Fee</p> <p><input checked="" type="checkbox"/> Warranty Deed(s), Legal Description, & Plat of Survey</p> <p><input checked="" type="checkbox"/> Disclosures</p> <p><input checked="" type="checkbox"/> Maps or Drawings Illustrating Variance Request</p> <p><input checked="" type="checkbox"/> Narrative Statement Explaining Variance Request</p> <p><input checked="" type="checkbox"/> Concept Plan</p>	<p>Appeal or Variance Requested <u>1003.09</u></p> <p><i>Provide the code section and briefly explain the requested variance</i></p> <p><u>Variance from UDC Sec. 1003.09.a(1) to allow residential lots</u></p> <p><u>To gain access from an existing street outside of the development.</u></p> <p> </p> <p> </p> <p> </p>
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VARIANCE

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Hardship Variance # P21-0113 - Jeffrey B. Bell

Tax Parcel #
B-07-041

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



1:6,000

0

550

1,100

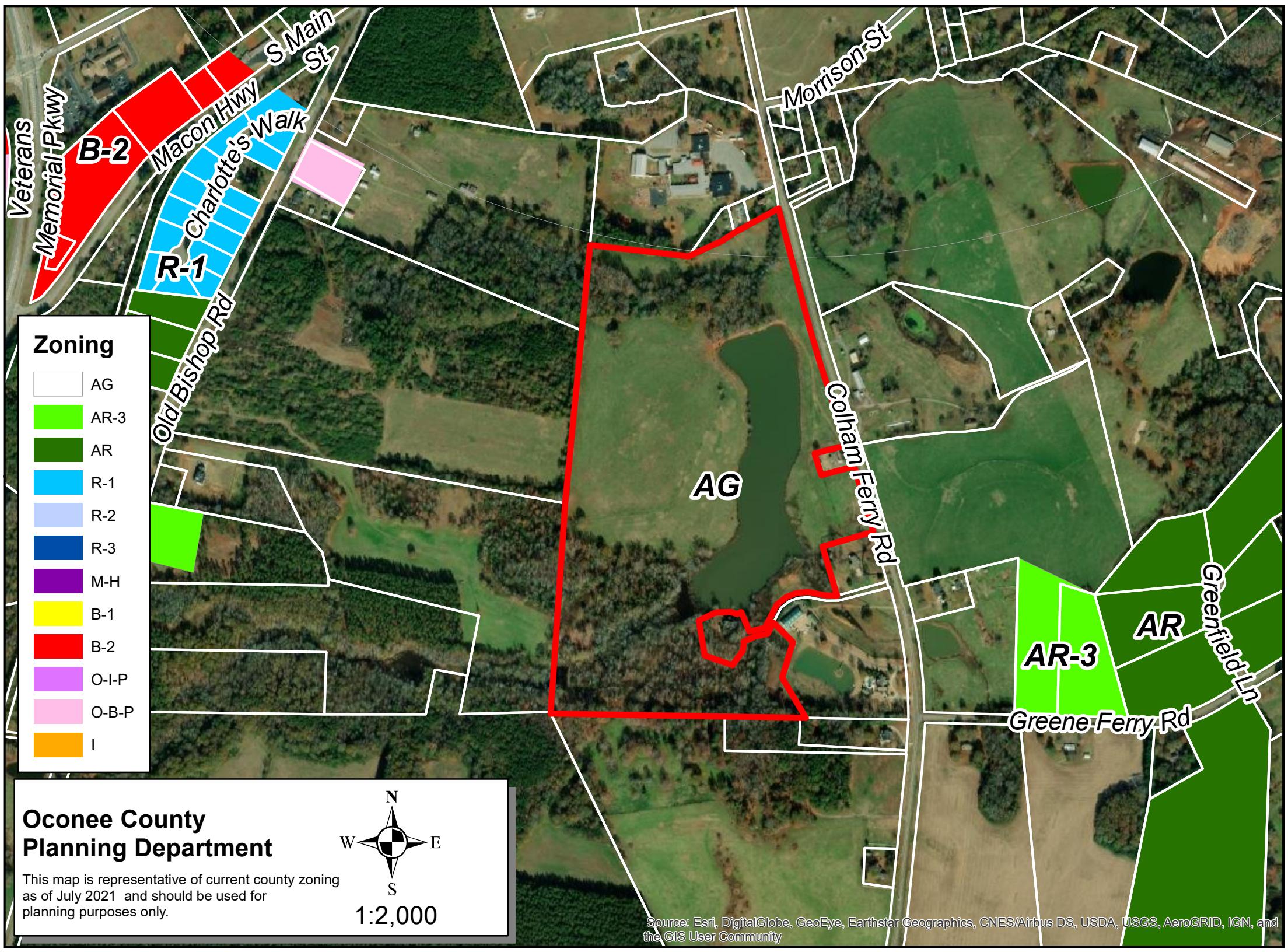
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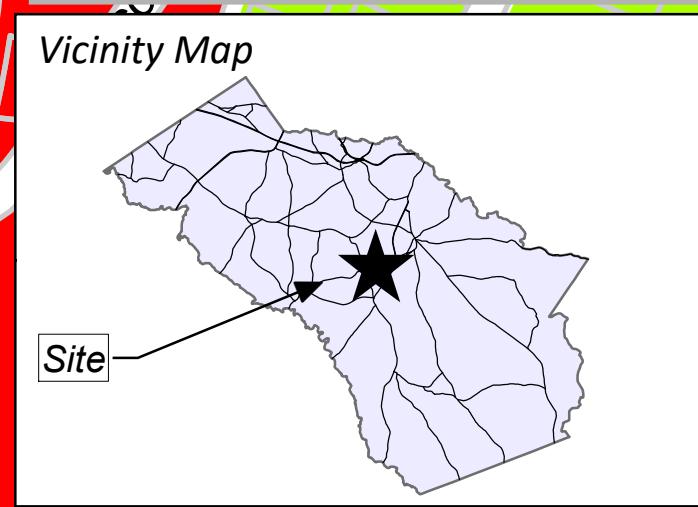
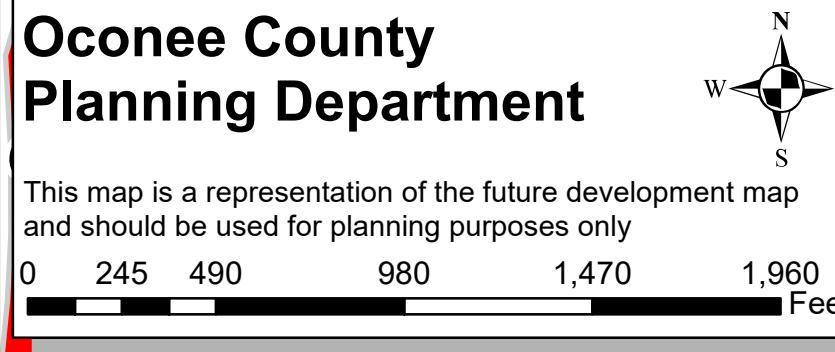
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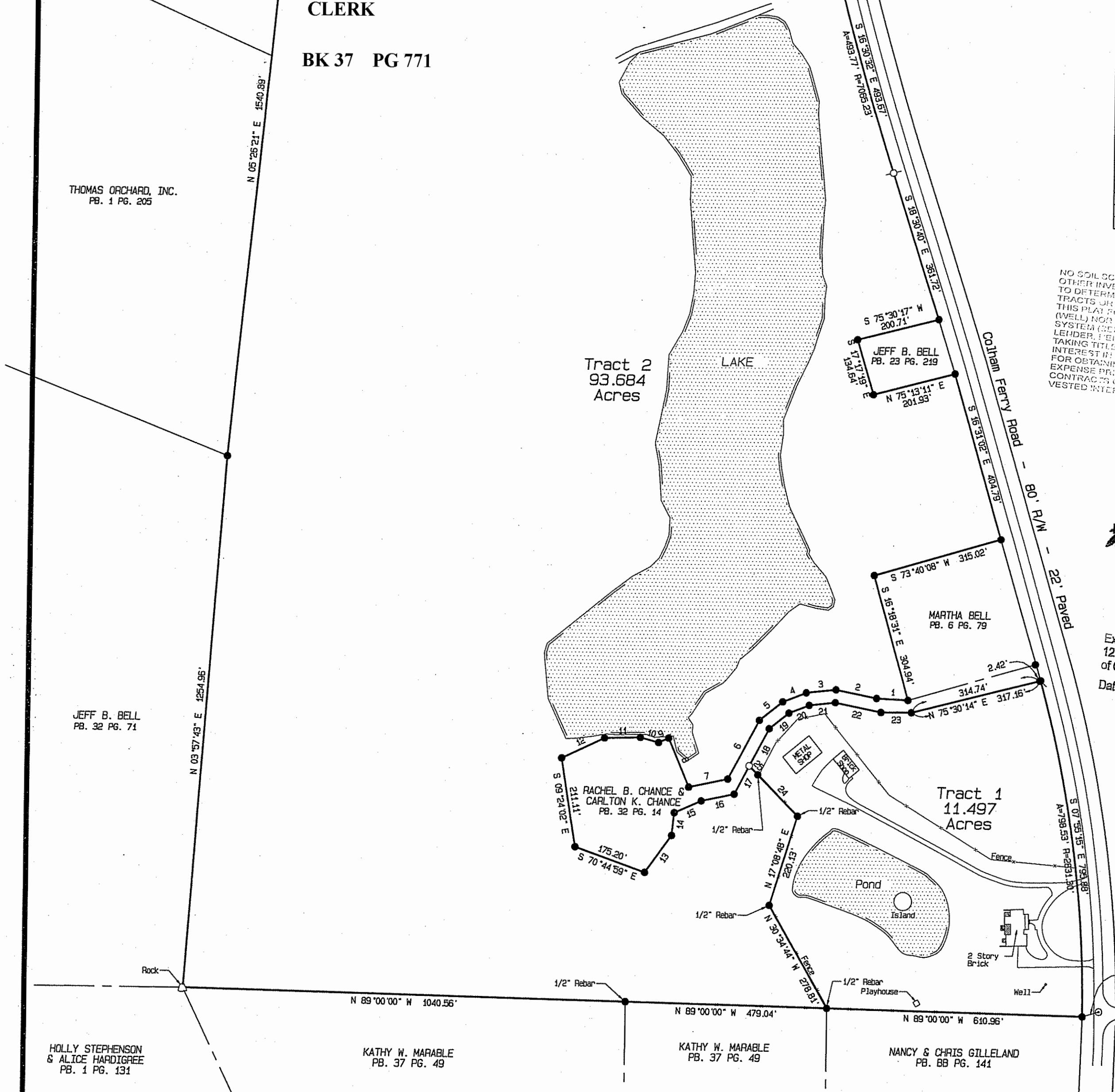




MAGNETIC NORTH

OCONEE COUNTY BOARD OF EDUCATION
PB. 1 PG. 186RACHEL M. THAXTON
PB. 1 PG. 205THOMAS ORCHARD, INC.
PB. 1 PG. 205

FILED
01:07PM
12/18/2013
OCONEE COUNTY SUPERIOR COURT
ANGIE ELDER-JOHNSON
CLERK

BK 37 PG 771

OWNER'S CERTIFICATION

The owner of the land shown on this Plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state and county taxes or other assessments now due on this land have been paid.

Owner *[Signature]* Date 7-17-13Owner *[Signature]* Date

LINE	BEARING	DISTANCE
1	N87°29'26"E	75.72'
2	N79°10'28"E	100.00'
3	S83°38'49"N	72.10'
4	S68°33'47"N	60.46'
5	S51°21'34"N	70.71'
6	S27°28'01"E	157.09'
7	S77°35'30"N	93.80'
8	N23°40'22"N	124.41'
9	S65°31'14"N	26.38'
10	N75°10'06"E	44.53'
11	S88°19'13"N	85.35'
12	S64°21'39"N	111.76'
13	N35°43'59"E	107.88'
14	N06°10'05"E	53.96'
15	N65°26'14"E	69.30'
16	N77°35'30"E	79.45'
17	N27°28'01"E	75.43'
18	N27°28'01"E	99.37'
19	N51°21'34"E	59.82'
20	N68°33'47"E	51.95'
21	N83°38'49"E	63.60'
22	S79°10'28"E	112.36'
23	N89°35'03"E	73.13'
24	N44°55'05"N	135.77'
25	N44°55'05"N	29.27'

NO SOIL SCIENTIST REPORT, PERK TEST OR OTHER INVESTIGATIONS HAVE BEEN CONDUCTED TO DETERMINE CULTIVABILITY OF THE LOTS. THIS PLAT FOR LITTER OR WASTE WATER SUPPLY (WELL) NOT FOR ON-SITE SEWAGE MANAGEMENT SYSTEM (CPT). THE OWNER PURCHASER, LEENDER, TIRPS AND ANY OTHER PARTIES, TAKING TITLE TO OR OTHERWISE PURCHASING AN INTEREST IN AND PHASING IN, ARE RESPONSIBLE FOR OBTAINING SUCH INFORMATION AS RESPONSIBLE EXPENSE PRIOR TO ENTERING INTO ANY CONTRACTS OR OTHERWISE OBTAINING ANY VESTED INTEREST IN THE SUBJECT PROPERTY.

OCONEE COUNTY
Planning Department

"AUTHORIZED FOR RECORDING"

[Signature]
Planning Director

Exempt under the provisions of section 1215.b of the Unified Development Code of Oconee County, Georgia
Date: JUL 18 2013

Subdivided under the provisions of
Unified Development Code Section
503.01b. May not be subdivided
without prior written approval of the
Development Review Committee.

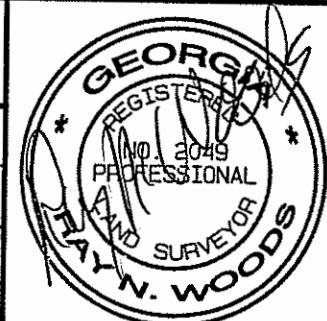
This property does not lie within a 100 Year
Flood Plain according to Flood Insurance Rate
Map Number 13219C 0135D Effective Date:
Sept. 02, 2009

[Signature]
Georgia Registered Land Surveyor
Number 2049

SURVEYOR'S CERTIFICATION

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property my me or under my supervision; that all monuments shown herein actually exist or are marked as "future", and their location, size, type, and materials are correctly shown; and that all requirements of the Unified Development Code of Oconee Co. Georgia have been fully complied with.

[Signature]
Georgia Registered Land Surveyor
Number

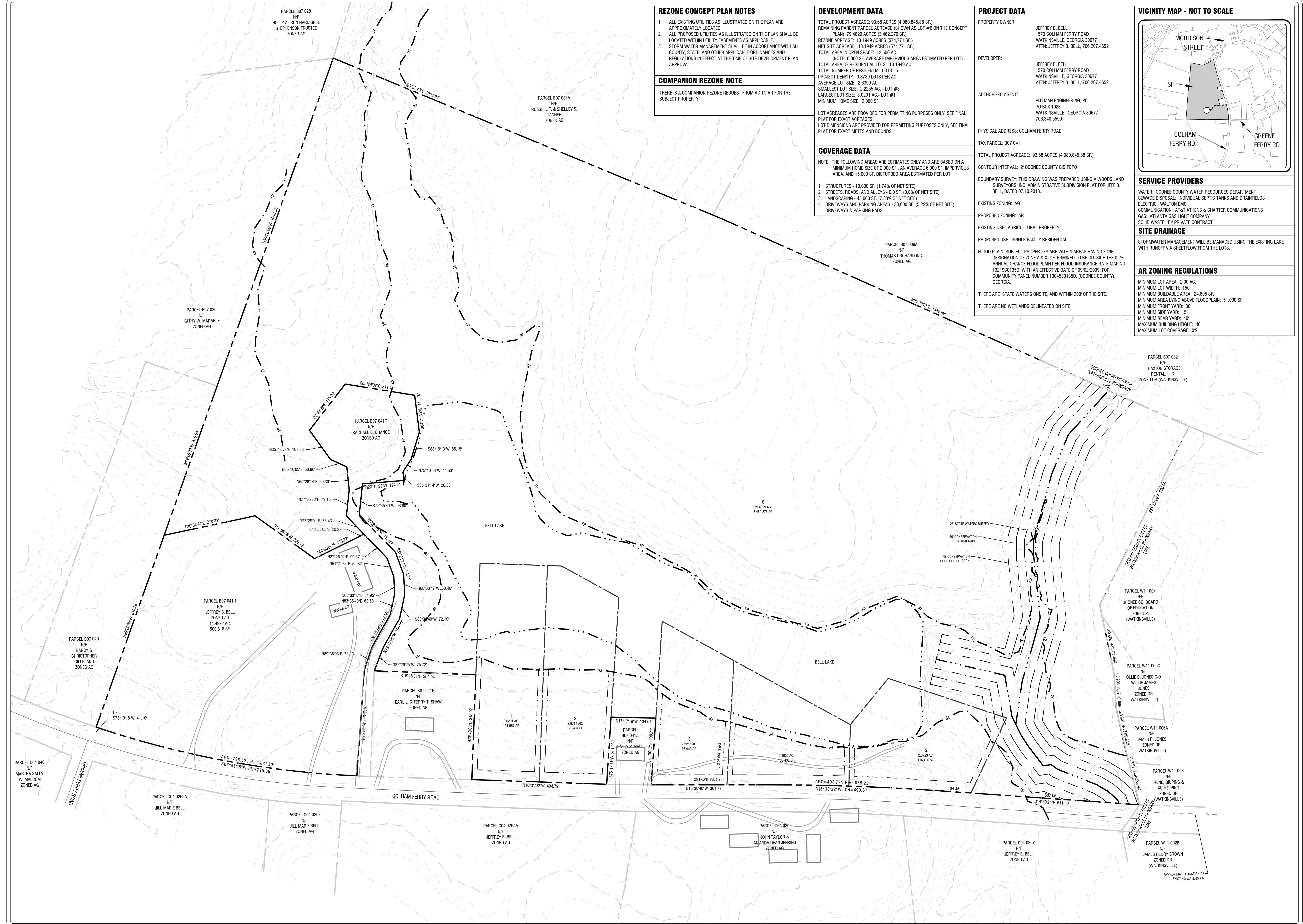


ADMINISTRATIVE SUBDIVISION PLAT FOR

JEFF B. BELL

GMD: 225	COUNTY: OCONEE	STATE: GEORGIA	DATE: 07-10-2013	INSTRUMENT: LEICA
DRAWN BY: MIKE W.				PLAT CLOSURE: 1/2,036,827
DWG NAME: JBell				FIELD CLOSURE: 1/21,949
FIELD BOOK: D-107				ANGLE CLOSURE: N/A

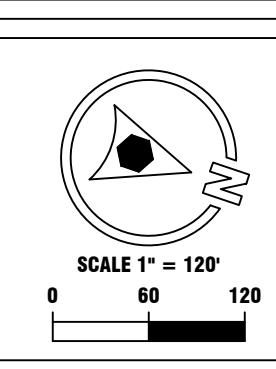
WOODS LAND SURVEYORS, INC.
125 SMITHONIA ROAD
WINTERVILLE, GEORGIA 30683
(706)-742-8596



PITTMAN ENGINEERING PC
PO BOX 1023
WATKINSVILLE GA 30677
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WWW.PITTMANENGINEER.COM



**BELL LAKE SUBDIVISION
3.68 AC. - COLHAM FERRY ROAD
OCONEE COUNTY, GEORGIA**



DATE
05.19.2021

VARIANCE CONCEPT

PLAN

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