

**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 225<sup>st</sup> 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 3<sup>rd</sup> day of August, 2021.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY: [Signature]  
John Daniell, Chairman  
[Signature]  
Mark Thomas, Member  
[Signature]  
Chuck Horton, Member  
[Signature]  
Amrey Harden, Member  
[Signature]  
Mark Saxon, Member

ATTEST:

[Signature]  
Holly Stephenson, Board of Commissioners

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

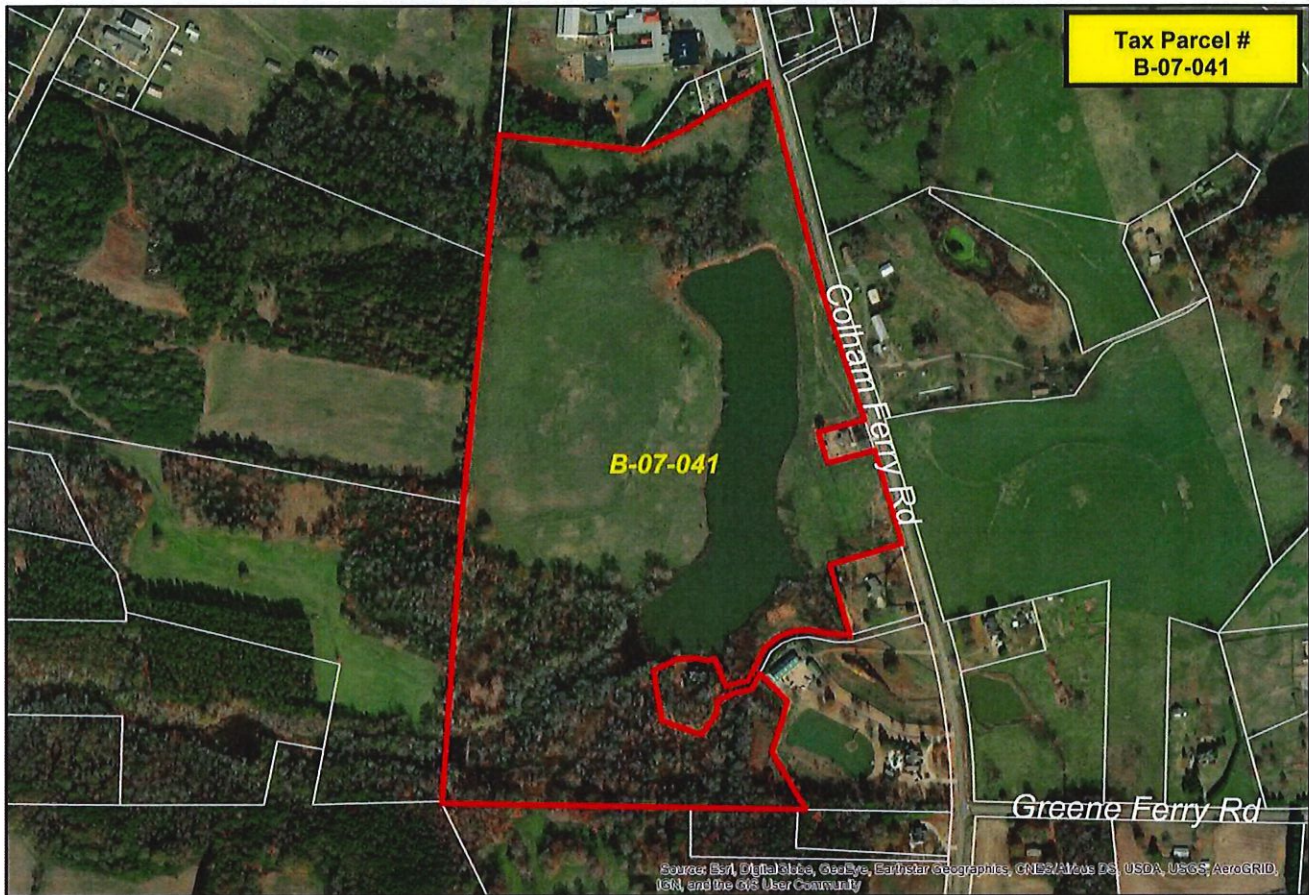
Page 1 of 4

CONDITIONS

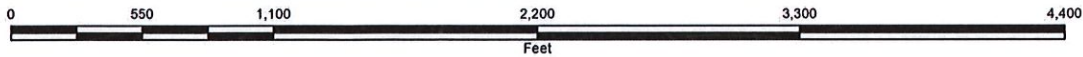
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the variance application and attached hereto. This condition shall not construe approval of any standard that is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

TAX MAP

Variance # P21-0113 - Jeffrey B. Bell



1:6,000



Feet



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 and 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.

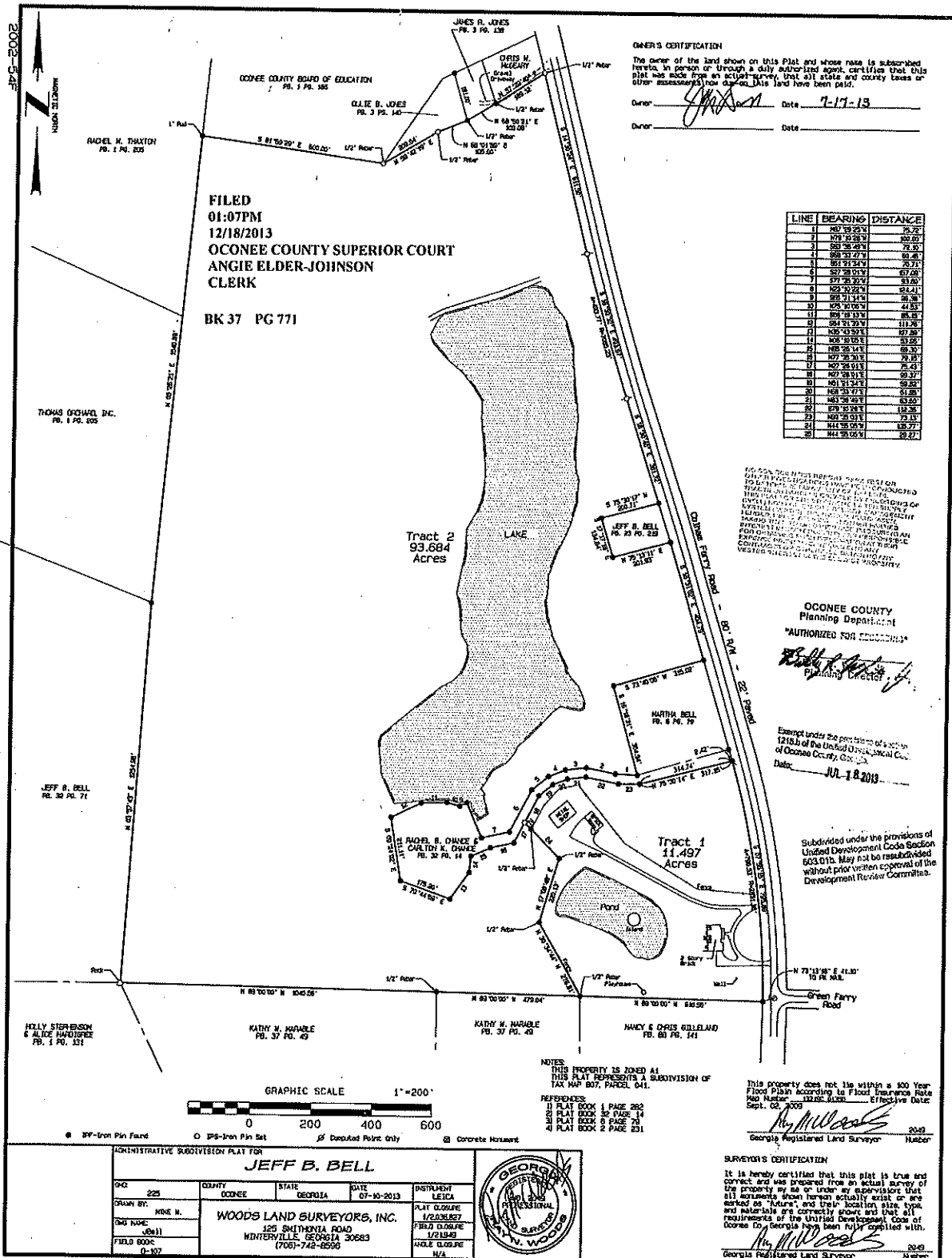
- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance:

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.



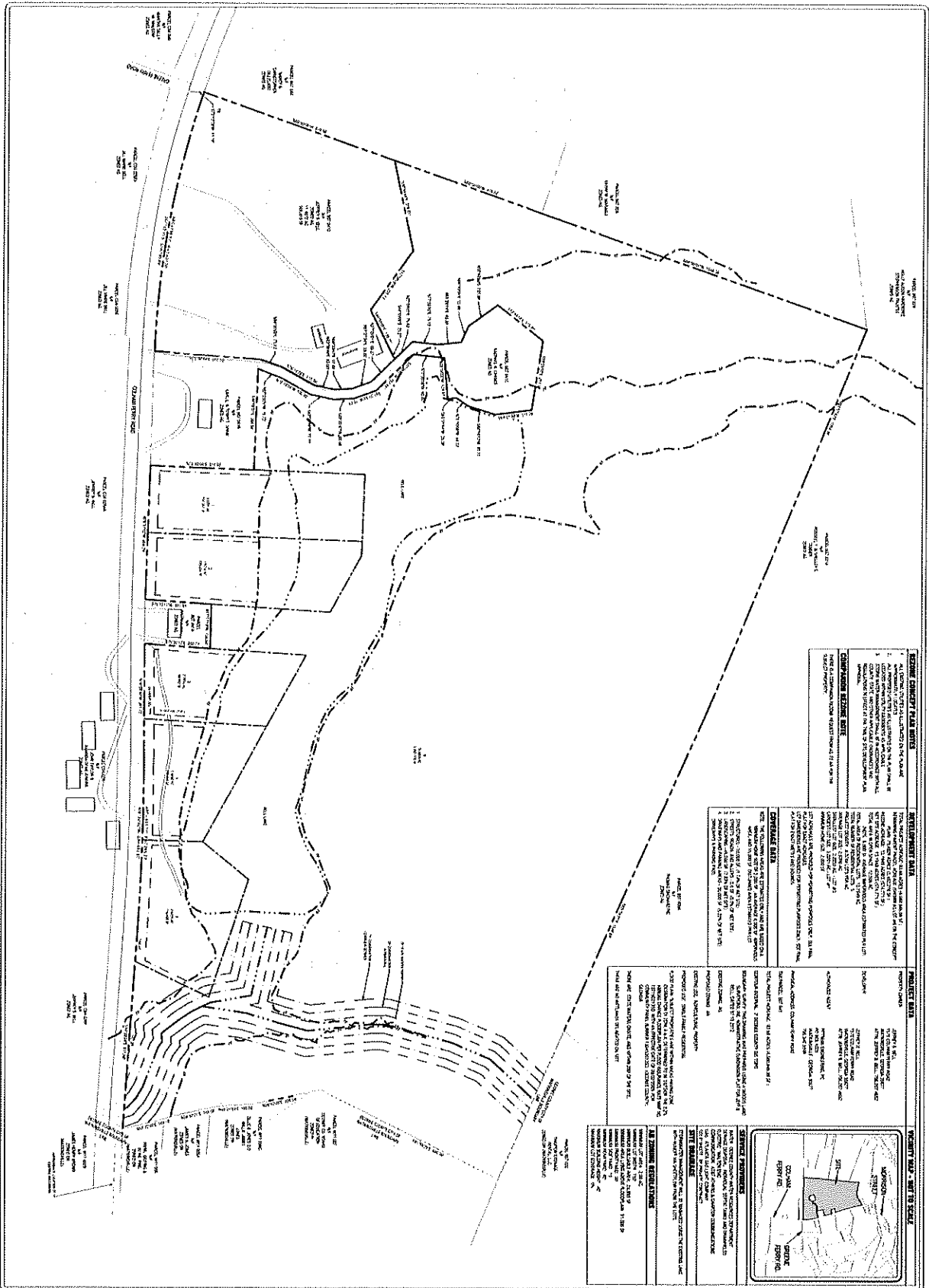
EXHIBIT "A" TO HARDSHIP VARIANCE NO. P21-0113

PLAT





CONCEPT PLAN



**GENERAL NOTES:**  
 1. THE PROPERTY IS SUBJECT TO A DEED OF TRUST TO THE BANK OF AMERICA, N.A. AS SECURITY FOR A \$1,000,000.00 MORTGAGE LOAN.  
 2. THE PROPERTY IS SUBJECT TO A DEED OF TRUST TO THE BANK OF AMERICA, N.A. AS SECURITY FOR A \$1,000,000.00 MORTGAGE LOAN.  
 3. THE PROPERTY IS SUBJECT TO A DEED OF TRUST TO THE BANK OF AMERICA, N.A. AS SECURITY FOR A \$1,000,000.00 MORTGAGE LOAN.  
 4. THE PROPERTY IS SUBJECT TO A DEED OF TRUST TO THE BANK OF AMERICA, N.A. AS SECURITY FOR A \$1,000,000.00 MORTGAGE LOAN.  
 5. THE PROPERTY IS SUBJECT TO A DEED OF TRUST TO THE BANK OF AMERICA, N.A. AS SECURITY FOR A \$1,000,000.00 MORTGAGE LOAN.

**COMMENTS:**  
 1. THE PROPERTY IS SUBJECT TO A DEED OF TRUST TO THE BANK OF AMERICA, N.A. AS SECURITY FOR A \$1,000,000.00 MORTGAGE LOAN.  
 2. THE PROPERTY IS SUBJECT TO A DEED OF TRUST TO THE BANK OF AMERICA, N.A. AS SECURITY FOR A \$1,000,000.00 MORTGAGE LOAN.  
 3. THE PROPERTY IS SUBJECT TO A DEED OF TRUST TO THE BANK OF AMERICA, N.A. AS SECURITY FOR A \$1,000,000.00 MORTGAGE LOAN.  
 4. THE PROPERTY IS SUBJECT TO A DEED OF TRUST TO THE BANK OF AMERICA, N.A. AS SECURITY FOR A \$1,000,000.00 MORTGAGE LOAN.  
 5. THE PROPERTY IS SUBJECT TO A DEED OF TRUST TO THE BANK OF AMERICA, N.A. AS SECURITY FOR A \$1,000,000.00 MORTGAGE LOAN.

**PROJECT DATA:**  
 PROJECT NO. 21-0113  
 PROJECT NAME: BELL LAKE SUBDIVISION  
 PROJECT LOCATION: COLHAM FERRY ROAD, OCOEE COUNTY, GA  
 PROJECT OWNER: PITTMAN ENGINEERING PC  
 PROJECT DATE: 11/15/21

**PREPARED BY:**  
 PITTMAN ENGINEERING PC  
 1023 BOX 1023  
 WATKINSVILLE, GA 30677  
 P. 706-340-5599  
 WWW.PITTMANENGINEER.COM

<p>02</p> <p>VARIANCE CONCEPT PLAN</p>		<p><b>BELL LAKE SUBDIVISION</b>          93.69 AC. - COLHAM FERRY ROAD          OCOEE COUNTY, GEORGIA</p>	<p><b>PITTMAN ENGINEERING PC</b>          PO BOX 1023          WATKINSVILLE, GA 30677          P. 706-340-5599          WWW.PITTMANENGINEER.COM</p>	
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**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

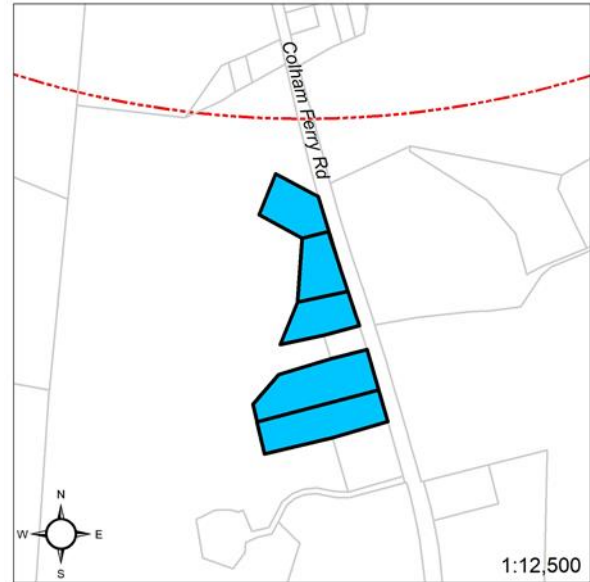
**TYPE OF VARIANCE REQUESTED:** Hardship Variance

**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 (10<sup>th</sup> 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.

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## **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 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?** 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 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:

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

(No P.O. Boxes)

Suite 113

Watkinsville, GA 30677

Telephone: (706) 340-5599

Email: fpittman@pittmanengineer.com

### Property Owner

Name: Jeffrey B. Bell

Address: 1570 Colham Ferry Road

(No P.O. Boxes)

Watkinsville GA, 30677

Telephone: (706) 207-4652

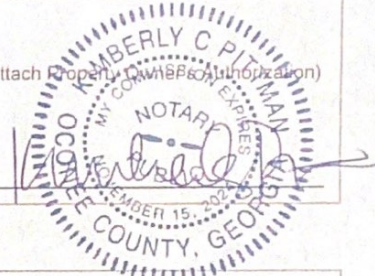
Applicant is (check one):  the Property Owner     Not the Property Owner (attach Property Owner's Authorization)

Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.

Signature: [Handwritten Signature]

Date: 05/23/21

Notarized: [Handwritten Signature]



### Property

Location: The west side of Colham Ferry Road, north of the

Colham Ferry Rd. and Greene Ferry Rd. intersection

Tax Parcel Number: B-07-041

Size (Acres): 14.2004    Current Zoning: AG

Future Development Map—Character Area Designation: Country Estates

### Use

Current Use: Agricultural Property

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. ~~1003.09.a(1)~~ <sup>71003.09.a(3)</sup> to allow residential lots to gain access from an existing street outside of the development.

## VARIANCE

A Hardship Variance is requested from UDC Sec. 1003.09.a(3) 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 and 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.



# Hardship Variance # P21-0113 - Jeffrey B. Bell

Tax Parcel #  
B-07-041

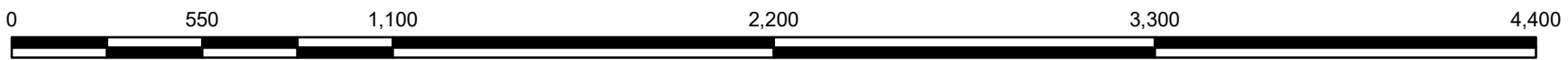
**B-07-041**

*Cotham Ferry Rd*

*Greene Ferry Rd*

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

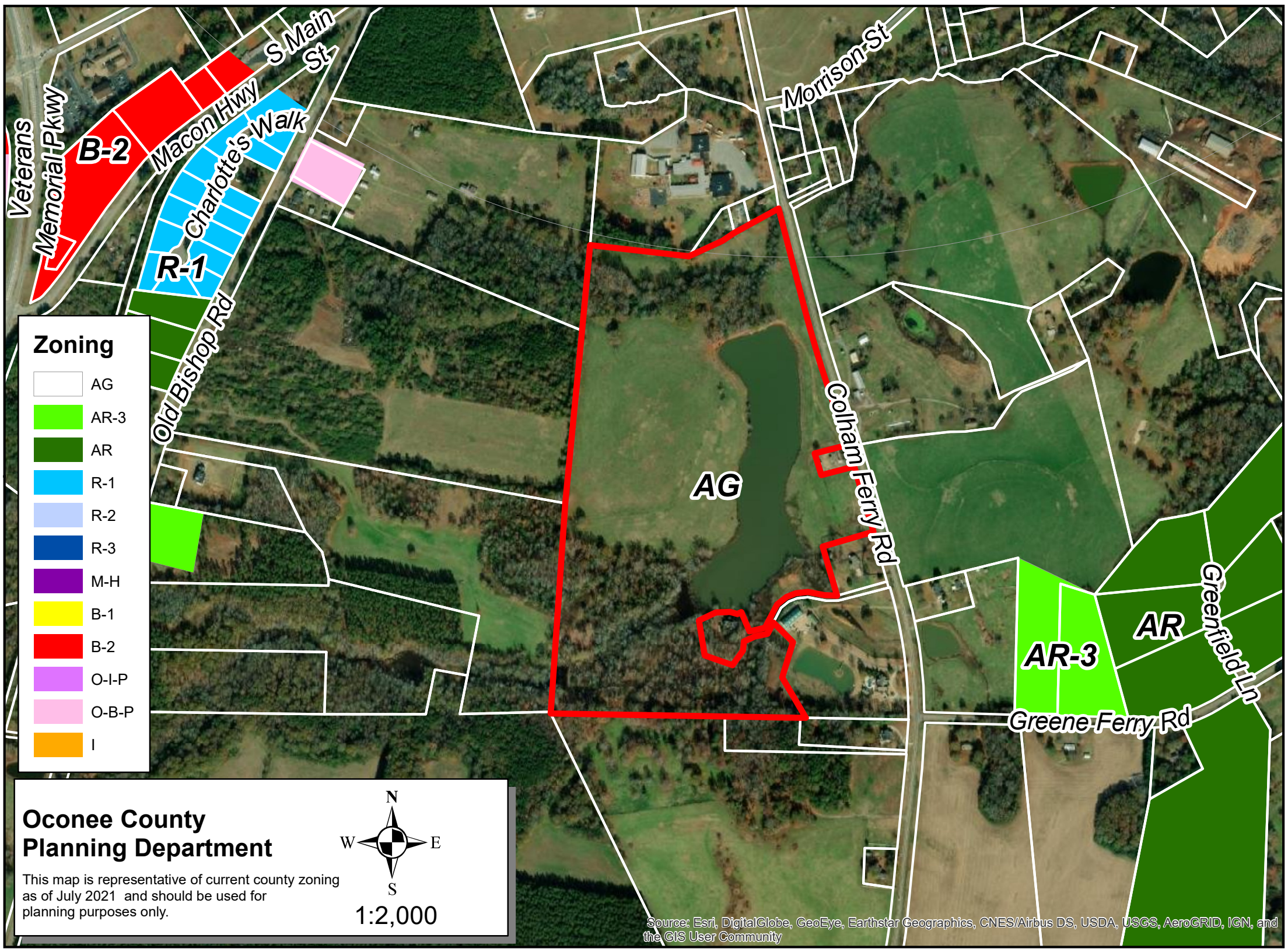
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Feet





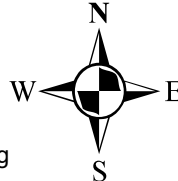


**Zoning**

	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 July 2021 and should be used for planning purposes only.



1:2,000

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



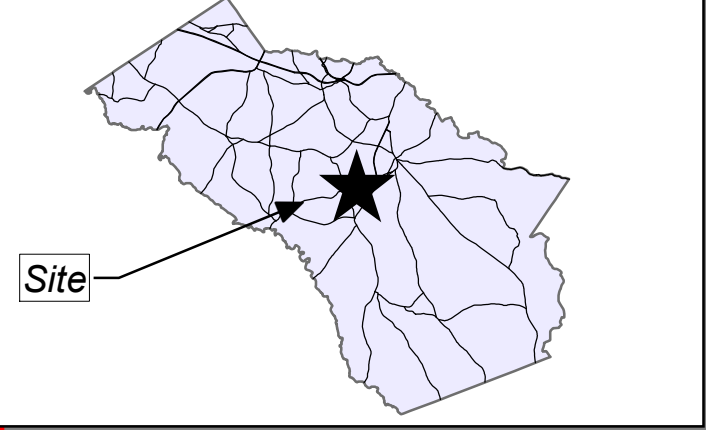
# Oconee County Planning Department



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

0 245 490 980 1,470 1,960 Feet

Vicinity Map



*Suburban Neighborhood*

*Colham Ferry Rd*

*Country Estates*

*Old Bishop Rd*

*Greene Ferry Rd*



2002-541F



RACHEL M. THAXTON  
PB. 1 PG. 205

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

**BK 37 PG 771**

THOMAS ORCHARD, INC.  
PB. 1 PG. 205

JEFF B. BELL  
PB. 32 PG. 71

HOLLY STEPHENSON  
& ALICE HARDIGREE  
PB. 1 PG. 131

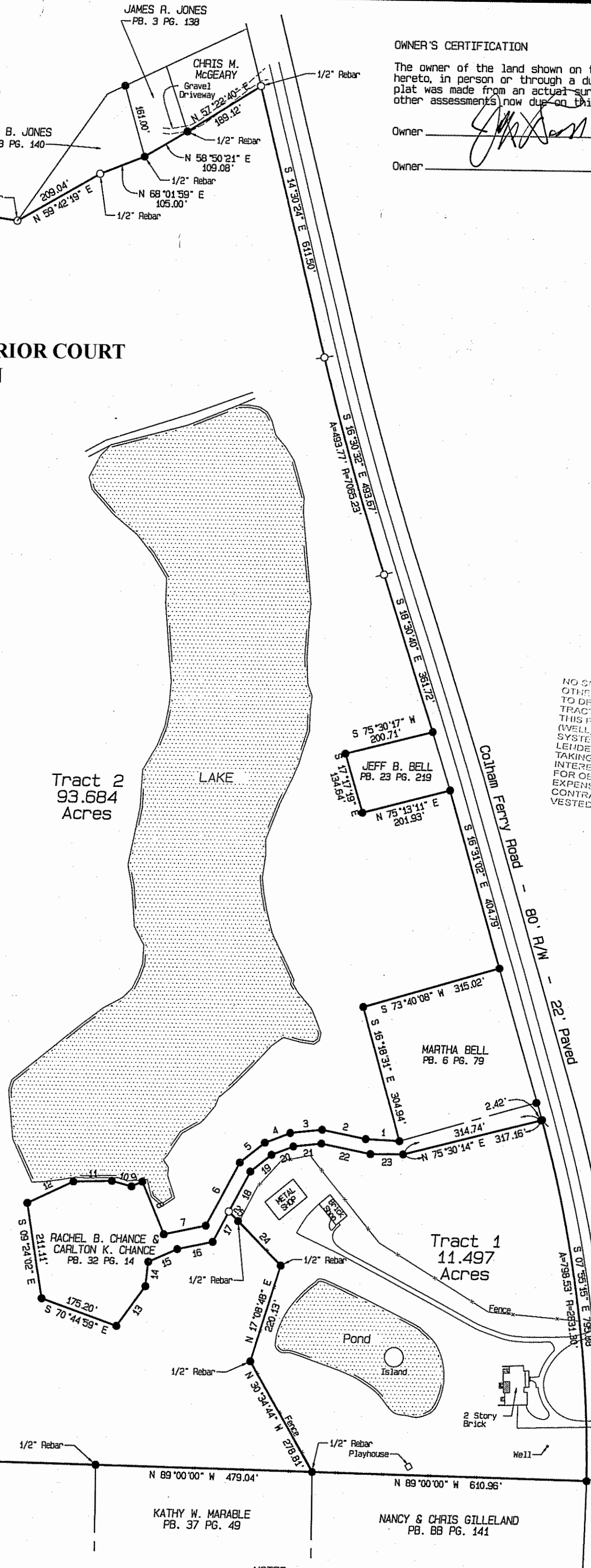
KATHY W. MARABLE  
PB. 37 PG. 49

KATHY W. MARABLE  
PB. 37 PG. 49

NANCY & CHRIS GILLELAND  
PB. 88 PG. 141

Tract 2  
93.684  
Acres

Tract 1  
11.497  
Acres



**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: 7-17-13

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

LINE	BEARING	DISTANCE
1	N87°29'25"W	75.72'
2	N79°10'28"W	100.00'
3	S83°38'49"W	72.10'
4	S68°33'47"W	60.46'
5	S51°21'34"W	70.71'
6	S27°28'01"W	157.09'
7	S77°35'30"W	93.80'
8	N23°10'22"W	124.41'
9	S65°31'14"W	26.38'
10	N75°10'06"W	44.53'
11	S88°19'13"W	85.15'
12	S64°21'39"W	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	79.15'
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"W	135.77'
25	N44°55'05"W	29.27'

NO SOIL SCIENTIST REPORT, PERK TEST OR OTHER INVESTIGATIONS HAVE BEEN CONDUCTED TO DETERMINE SUITABILITY OF THE LOTS. THIS PLAT FOR EITHER THE SEWER OR WATER SUPPLY SYSTEM (SEWER) THE OWNER PURCHASER, LEASER, LENDER, AND/OR OTHER PARTIES TAKING TITLE TO OR OTHERWISE ACQUIRING AN INTEREST IN SAID PROPERTY, ARE RESPONSIBLE FOR OBTAINING SUCH INFORMATION AT THEIR EXPENSE PRIOR TO ENTERING INTO ANY CONTRACT 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 resubdivided without prior written approval of the Development Review Committee.

NOTES:  
THIS PROPERTY IS ZONED A1  
THIS PLAT REPRESENTS A SUBDIVISION OF  
TAX MAP 807, PARCEL 041.

- REFERENCES:
- 1) PLAT BOOK 1 PAGE 282
  - 2) PLAT BOOK 32 PAGE 14
  - 3) PLAT BOOK 5 PAGE 79
  - 4) PLAT BOOK 2 PAGE 231

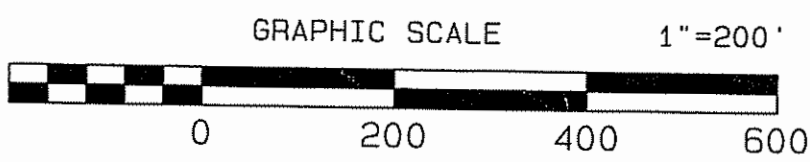
This property does not lie within a 100 Year Flood Plain according to Flood Insurance Rate Map Number 13219C 0135D Effective Date: Sept. 02, 2009

[Signature] 2049  
Georgia Registered Land Surveyor Number

**SURVEYOR'S CERTIFICATION**

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon 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] 2049  
Georgia Registered Land Surveyor Number



- IPF-Iron Pin Found
- IPS-Iron Pin Set
- ∅ Computed Point Only
- ☒ Concrete Monument

ADMINISTRATIVE SUBDIVISION PLAT FOR

**JEFF B. BELL**

GMD: 225	COUNTY: OCONEE	STATE: GEORGIA	DATE: 07-10-2013	INSTRUMENT: LEICA
DRAWN BY: MIKE W.	<b>WOODS LAND SURVEYORS, INC.</b> 125 SMITHONIA ROAD WINTERVILLE, GEORGIA 30683 (706)-742-8596			PLAT CLOSURE: 1/2,036,827
DWG NAME: JBe11				FIELD CLOSURE: 1/21,949
FIELD BOOK: D-107				ANGLE CLOSURE: N/A

