

**SPECIAL USE APPROVAL
OCONEE COUNTY, GEORGIA**

TITLE

A Resolution granting Special Use Approval, as provided by the Unified Development Code of Oconee County, Georgia, pursuant to Article 12, Division I et seq.

ENACTMENT CLAUSE

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application for a change in conditions of approval for Special Use no. P21-0075, submitted by Miriam Shook, on April 19, 2021 requesting Special Use Approval on a ±0.70 acre tract of land located at 1210 Fernwood Drive in the 240th G.M.D., Oconee County, Georgia, tax parcel no. B-02C-016A, on property owned by the Kirk and Miriam Shook, the Board of Commissioners of Oconee County does hereby grant following:

SECTION 1. A Resolution granting Special Use Approval for the property described above and on the attached Exhibit A is hereby granted for a bakery home business.

Said Special Use Approval 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 Resolution be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Resolution.

SECTION 3. Repeal of Conflicting Resolutions or Ordinances. All Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. Effective Date. This Resolution shall take effect this date.

Said Special Use Approval application was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by same on June 21, 2021, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on July 6, 2021.

ADOPTED AND APPROVED, this 6th day of July, 2021.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

Amrey Harden, Member

Absent
Mark Saxon, Member

ATTEST:

Holly Stephenson
Holly Stephenson, Board of Commissioners

EXHIBIT "A" TO SPECIAL USE APPROVAL #P21-0075

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CONDITION

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 zoning 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

Special Use # P21-0075 - Kirk & Miriam Shook

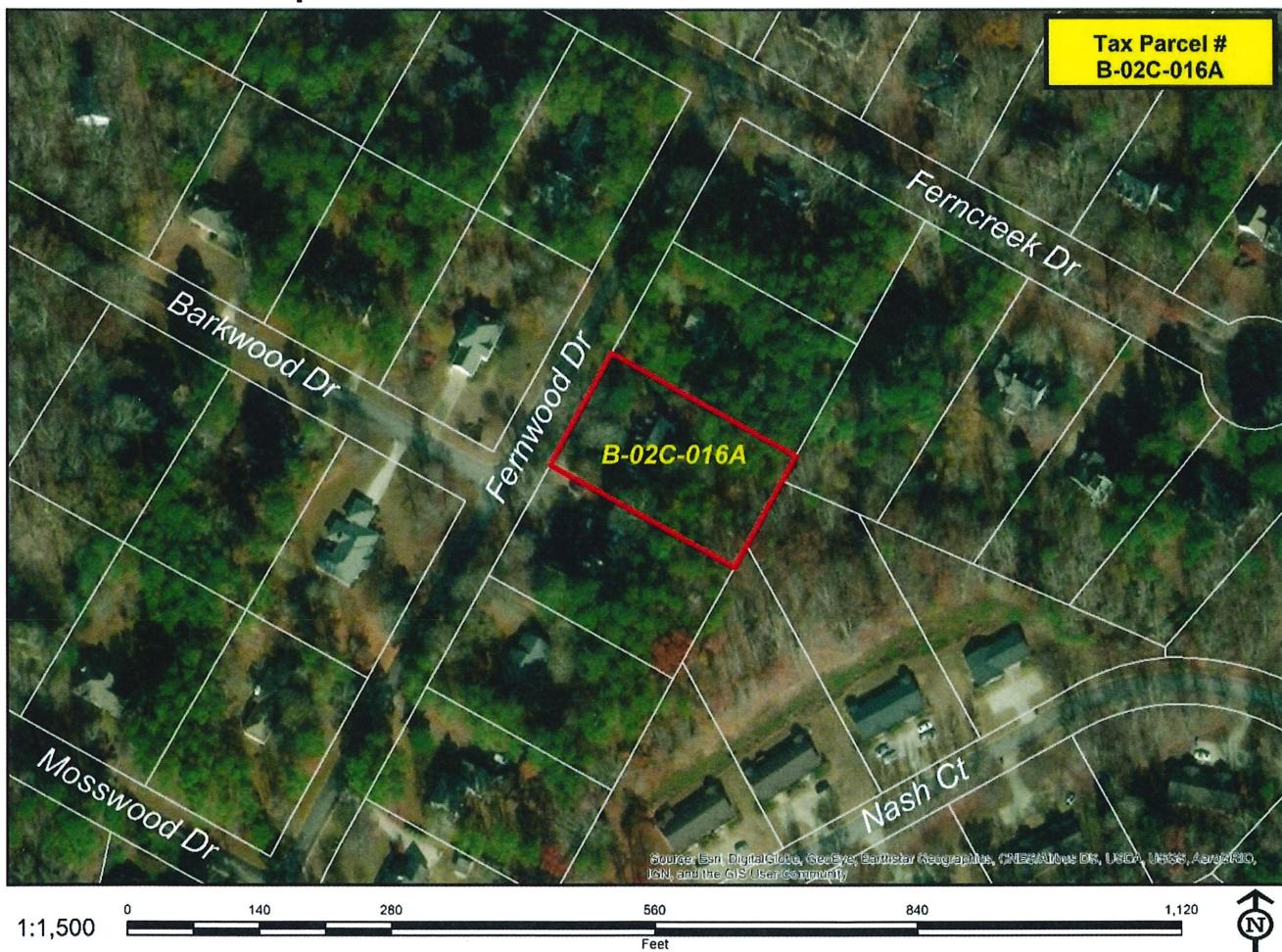


EXHIBIT "A" TO SPECIAL USE APPROVAL #P21-0075
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LEGAL DESCRIPTION

All that tract of land, together with improvements thereon, situate, lying and being in Oconee County, 240th Georgia Militia District, Fernwood Subdivision, Block "A", lot 16 and being more particularly described as follows:

COMMENCE at the intersection of the southerly right of way of Ferncreek Drive and the easterly right of way of Fernwood Drive,

Thence along the easterly right of way of Fernwood Drive in a southerly direction 285.00' to an iron pin said pin being the point of beginning;

thence leaving said right of way S 61°10'40" E a distance of 225.13' to an iron pin;

thence S 28°52'11" W a distance of 29.87' to an iron pin;

thence S 28°54'29" W a distance of 105.08' to an iron pin;

thence N 61°08'10" W a distance of 225.00' to an iron pin on the Easterly right of way of Fernwood Drive;

thence along said right of way N 28°50'45" E a distance of 134.79' to an iron pin;

which is the point of beginning.

said tract being more particularly described on a Plat of Survey by J.R. Holland for Roger J. & Mary L.

Stallings dated September 29, 1988.

NARRATIVE

Narrative Statement

Special Use Approval Zoning Application for 1210 Fernwood Drive, Bogart

Introduction

We respectfully request a special use approval at 1210 Fernwood Drive, Bogart, GA 30622 (Parcel # B 02C 016A, totaling 0.7 acres). The existing zoning is R-1 and all adjacent properties are the same, R-1 zoning. The existing use of the property is residential and is used as our primary residence.

Special Use Requested

We are requesting a Special Use approval relating to the provisions of the Oconee County Unified Development Code Section 350.03, "Home Business," and maintaining the same R-1 zoning. This special use approval is requested in order to allow us to seek a Cottage License through the Georgia Department of Agriculture. We are seeking the ability to be able to use our home kitchen for a baking business.

Impacts

The nature of this home business special use approval will simply allow the property owners to use their home kitchen while pursuing a Cottage License through the Georgia Department of Agriculture. The business will be run by one person (a co-owner of the home). There will be no business traffic to the home. There will be no other employees, so there will be no impact on the school system or water/sewer supply beyond the current residential uses. The home is on a community well operated by North Georgia Water Systems and the home is on a septic tank. There will be no additional utilities required.

No new construction will take place on the property. The owners will use existing infrastructure in the business endeavor.

Conclusion

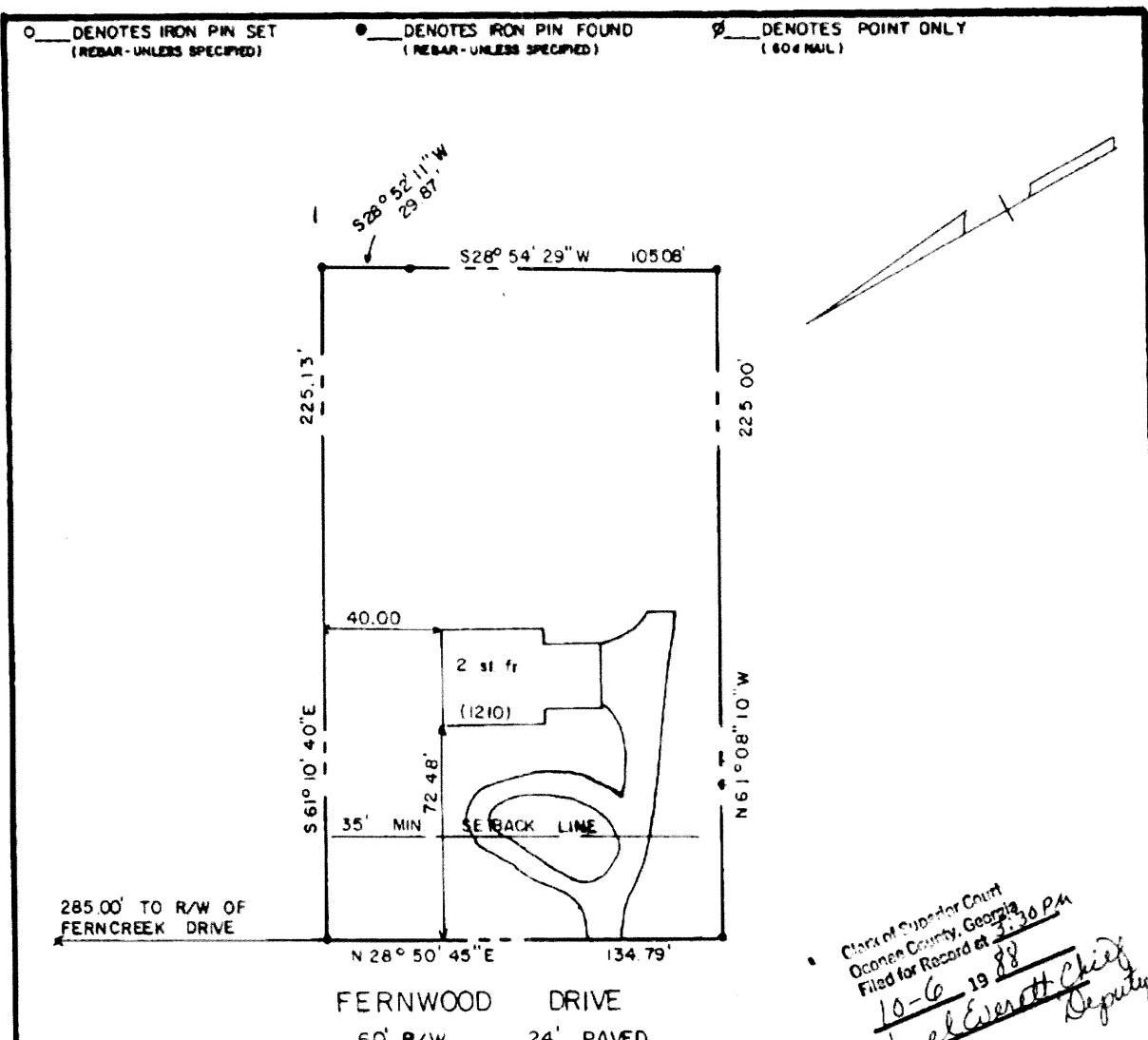
Miriam has been baking items for her friends for years and this has not disrupted our neighborhood or neighbors. This special use approval will not substantively change our current usage of our property and will not be noticeable to neighbors. We have spoken with our adjacent neighbors and they are supportive of this change and have stated that they will sign anything to that manner. One neighbor included a letter of support (attached in additional documentation tab of the application).

Thank you for your time and consideration in this matter and for supporting small businesses in Oconee County!

EXHIBIT "A" TO SPECIAL USE APPROVAL #P21-0075

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PLAT



I hereby certify this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

J. R. Holland
Georgia Registered Land Surveyor No 1087

I hereby certify that I have this date examined the latest revised Flood Hazard Map and have determined that the referenced property is not located in a special flood hazard area under the National Flood Insurance Act.

J. R. Holland
Georgia Registered Land Surveyor No 1087

15-240

SURVEY FOR:

ROGER J. & MARY L. STALLINGS
1210 FERNWOOD DRIVE

LOT 16 FERNWOOD S/D

| | | | | |
|----------------|-------|----------|----------------|-----------|
| COUNTY: OCONEE | CITY: | GMD: 240 | STATE: GEORGIA | BLOCK "A" |
|----------------|-------|----------|----------------|-----------|

| | | | |
|-----------------|----------------------|-----------------|-----------------|
| SCALE: 1" = 50' | DATE: SEPT. 29, 1988 | DRAWN BY: S. R. | JOB NO.: L-1098 |
|-----------------|----------------------|-----------------|-----------------|

LANDMARK ENGINEERING CORPORATION
ATHENS, 476 NEWTON BRIDGE ROAD, GEORGIA — PH. 846-8822

J. R. HOLLAND
REG. SURVEYOR
NO. 1087

SEAL:



EXHIBIT "A" TO SPECIAL USE APPROVAL #P21-0075

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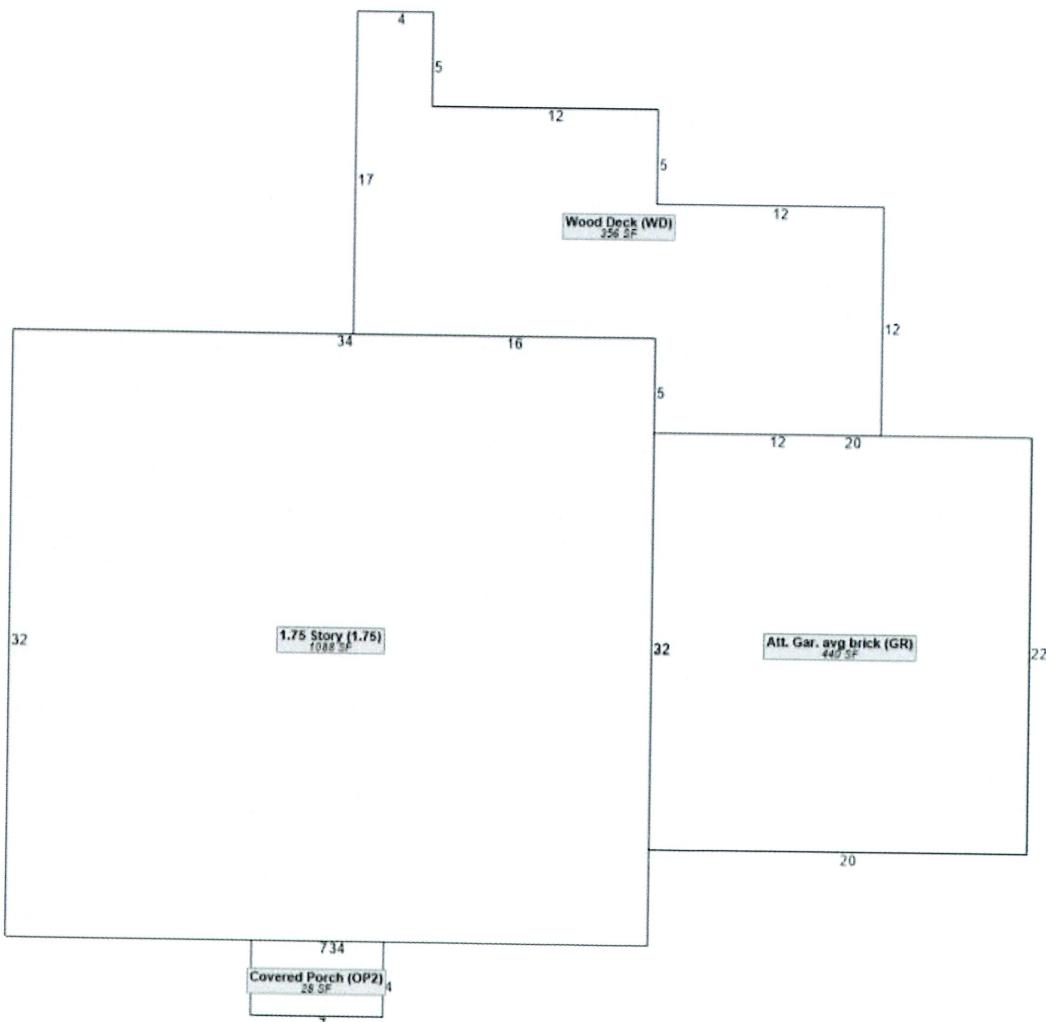
CONCEPT PLAN

Concept Plan

Special Use Zoning Application for 1210 Fernwood Drive, Bogart

No changes will be made to the property at 1210 Fernwood Drive. Approval of this special use zoning application for a Home Business pursuant to Oconee County UDC Sec. 350.03 will allow us to be able to pursue a Cottage License through the Georgia Department of Agriculture. We will use our current kitchen and make no upgrades. This kitchen will need to obtain an inspection from the Georgia Department of Agriculture.

Current Sketch of Property Available on the Oconee County Tax Commissioners website (<https://qpublic.schneidercorp.com/application.aspx?AppID=686&LayerID=11376&PageTypeID=4&PageID=4793&Q=72663259&KeyValue=B+02C+016A>):





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

SPECIAL USE CASE #: P21-0075

DATE: June 11, 2021

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

APPLICANT NAME: Miriam Shook

PROPERTY OWNER: Kirk and Miriam Shook

LOCATION: 1210 Fernwood Drive

PARCEL SIZE: ±0.70 acres

EXISTING ZONING: R-1 (Single-Family District)

EXISTING LAND USE: Residential



FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Suburban Neighborhood

ACTION REQUESTED: The applicant is requesting special use approval for a bakery home business.

STAFF RECOMMENDATION: Staff recommends conditional approval of the request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: June 21, 2021

BOARD OF COMMISSIONERS: July 6, 2021

ATTACHMENTS:

- Application
- Narrative
- Special Use Impact Analysis
- Aerial Imagery
- Zoning Map
- Future Development Map
- Letter of Support
- Plat of Survey
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property was rezoned from AG to R-1 on 02/03/1987 for the Fernwood residential subdivision.
- A single-family home was built on the property in 1988

SURROUNDING LAND USE AND ZONING

| | EXISTING LAND USES | EXISTING ZONING |
|--------------|---------------------------|--|
| NORTH | Single-Family Residential | R-1 (Single-Family Residential District) |
| SOUTH | Single-Family Residential | R-1 (Single-Family Residential District) |
| EAST | Single-Family Residential | R-2 (Two Family Residential District) |
| WEST | Single-Family Residential | R-1 (Single-Family District) |

PROPOSED SPECIAL USE

- The applicant is requesting special use approval for a bakery home business. The applicant would use the home kitchen for the baking business.
- The special use is requested for the applicant to obtain a cottage license through the Georgia Department of Agriculture. There would be no employees or customers coming to the residence and products would be sold off-site.

PROPOSED TRAFFIC PROJECTIONS

- No additional traffic is anticipated.

PUBLIC FACILITIES

Water:

- No additional water services are proposed as part of the special use.

Sewer:

- No additional sewer services are proposed as part of the special use.

Roads:

- No new access is proposed.

ENVIRONMENTAL

- No 100-year flood plain, jurisdictional wetlands, or state waters are known to exist on the site.

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR SPECIAL USE CONSIDERATION” AS SET FORTH IN SECTION 1207.02 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

A. Will the proposed special use be consistent with the stated purpose of the zoning district in which it will be located?

The purpose of the R-1 zoning district is “to protect and promote a suitable environment for family life, to discourage any use which would generate other than residential traffic on minor streets and to protect the orderly future development of land in accordance with comprehensive development plans for the county” ([UDC Sec. 205.04](#)). The proposed special use should not interfere with residential use and staff holds that it is consistent with the stated purpose of the R-1 zoning district.

B. Is the proposed special use compatible with the goals, objectives, purpose, and intent of the Comprehensive Plan?

The subject property lies within the Suburban Neighborhood Character Area as shown on the [2040 Character Areas Map](#). The 2018 Comprehensive Plan states that this residential Character Area is intended for “pedestrian-friendly residential neighborhoods with primarily large, single-family lots and connective, common greenspaces” ([2018 Comprehensive Plan p. 34](#)). Staff holds that the proposed special use is compatible with this Character Area and with the goals, objectives, purpose, and intent of the Comprehensive Plan.

C. Will the establishment of the special use impede the normal and orderly development of surrounding property for uses predominate in the area?

The establishment of the proposed home business should not generate any additional traffic nor disturb nearby properties. Staff holds that the special use should not impede normal and orderly development of the surrounding single-family neighborhood.

D. Is the location and character of the proposed special use consistent with a desirable pattern of development for the locality in general?

A desirable pattern of development for this area would predominantly residential; staff holds that the proposed special use is consistent with a desirable pattern of development for the locality.

E. Is or will the type of street providing access to the use be adequate to serve the proposed special use?

No additional traffic is anticipated and Fernwood Drive should be sufficient to serve the proposed home business.

F. Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?

No additional traffic is anticipated and the existing driveway should be sufficient to provide for traffic and pedestrian safety and emergency vehicle access.

G. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the special use?

No additional demand on public facilities are anticipated for the proposed special use.

H. Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare, and odor?

No additional refuse, service, parking/loading areas, or negative impacts are anticipated. Staff holds that other properties in the area should not be adversely impacted. Staff notes that the home business would be subject to UDC Section 350.02, Home Business, which restricts the permitted business activities and size/location of the use.

I. Will the hours and manner of operation of the special use have no adverse effects on other properties in the area?

The hours and manner of operation should not have any adverse effects on other properties in the area.

J. Will the height, size, or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

No additional structures are proposed as part of the special use.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Based on Board of Commissioners policies, decision-making criteria, and standards outlined in the development codes of Oconee County, staff recommends conditional approval of the present special use request subject to the following conditions 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 zoning 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 ZONING CHANGE APPLICATION

Requested Action:

Rezoning from: _____ to _____ Change in Conditions of Approval for Case # : _____
 Special Use Approval for: Home Business in the R-1 Zoning District

Applicant

 Name: **Miriam Shook**

 Address: **1210 Fernwood Drive**
(No P.O. Boxes)
Bogart, GA 30622

 Telephone: **706-410-4569**

 Email: **miriamshook@gmail.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.

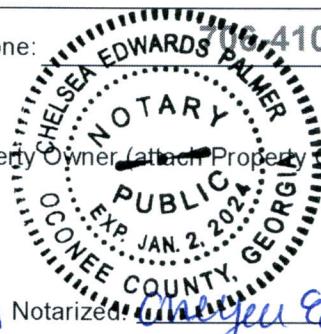
 Signature: Miriam Shook

 Date: 3/16/2021

 Notarized: Chelsea Edwards Palmer
3/16/21
Property Owner

 Name: **Kirk & Miriam Shook**

 Address: **1210 Fernwood Drive**
(No P.O. Boxes)
Bogart, GA 30622

 Telephone: **706-410-4569**

Property

 Location: **1210 Fernwood Drive**
(Physical Description)
Bogart, GA 30622

 Tax Parcel Number: **B 02C 016A**

 Size (Acres): **0.7** Current Zoning: **R-1**

Future Development Map—Character Area Designation: _____

Use

 Current Use: **residence**

 Proposed Use: **residence,**
with special use approval for Home Business
Attachments (check all that apply)

| | |
|--|--|
| <input type="checkbox"/> Property Owner's Authorization (if applicable) | <input type="checkbox"/> Narrative (Detailed Description of the Request) |
| <input type="checkbox"/> Application Fee | <input type="checkbox"/> Concept Plan |
| <input type="checkbox"/> Warranty Deed | <input type="checkbox"/> Attachments to the Concept Plan: |
| <input type="checkbox"/> Typed Legal Description | <input type="checkbox"/> Water and/or Sewer Capacity Letter from OCUD |
| <input type="checkbox"/> Plat of Survey | <input type="checkbox"/> Representative Architecture/Photographs |
| <input type="checkbox"/> Disclosures (Interest & Campaign Contributions) | <input type="checkbox"/> Proof all property taxes paid in full |
| <input type="checkbox"/> Zoning Impact Analysis | <input type="checkbox"/> Other Attachments: _____ |

For Oconee County Staff Use Only
Application

Date Received: _____ Date Accepted: _____

 DRI Transmitted to RDC Date: _____ N/A

 Date Submitted: _____ Findings Complete

Posted: _____ Ad: _____ Ad: _____

 Application Withdrawn Date: _____

APPLICATION NUMBER _____

| | | |
|---|--|---------------------------------|
| Action | Planning Commission | Date: _____ |
| <input type="checkbox"/> Approval | <input type="checkbox"/> With Conditions | <input type="checkbox"/> Denial |
| Board of Commissioners Date: _____ | | |
| <input type="checkbox"/> Approved | | |
| <input type="checkbox"/> With Conditions | | |
| <input type="checkbox"/> Denied | | |

Narrative Statement

Special Use Approval Zoning Application for 1210 Fernwood Drive, Bogart

Introduction

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Impacts

The nature of this home business special use approval will simply allow the property owners to use their home kitchen while pursuing a Cottage License through the Georgia Department of Agriculture. The business will be run by one person (a co-owner of the home). There will be no business traffic to the home. There will be no other employees, so there will be no impact on the school system or water/sewer supply beyond the current residential uses. The home is on a community well operated by North Georgia Water Systems and the home is on a septic tank. There will be no additional utilities required.

No new construction will take place on the property. The owners will use existing infrastructure in the business endeavor.

Conclusion

Miriam has been baking items for her friends for years and this has not disrupted our neighborhood or neighbors. This special use approval will not substantively change our current usage of our property and will not be noticeable to neighbors. We have spoken with our adjacent neighbors and they are supportive of this change and have stated that they will sign anything to that manner. One neighbor included a letter of support (attached in additional documentation tab of the application).

Thank you for your time and consideration in this matter and for supporting small businesses in Oconee County!

Special Use Request

1210 Fernwood Drive, Bogart

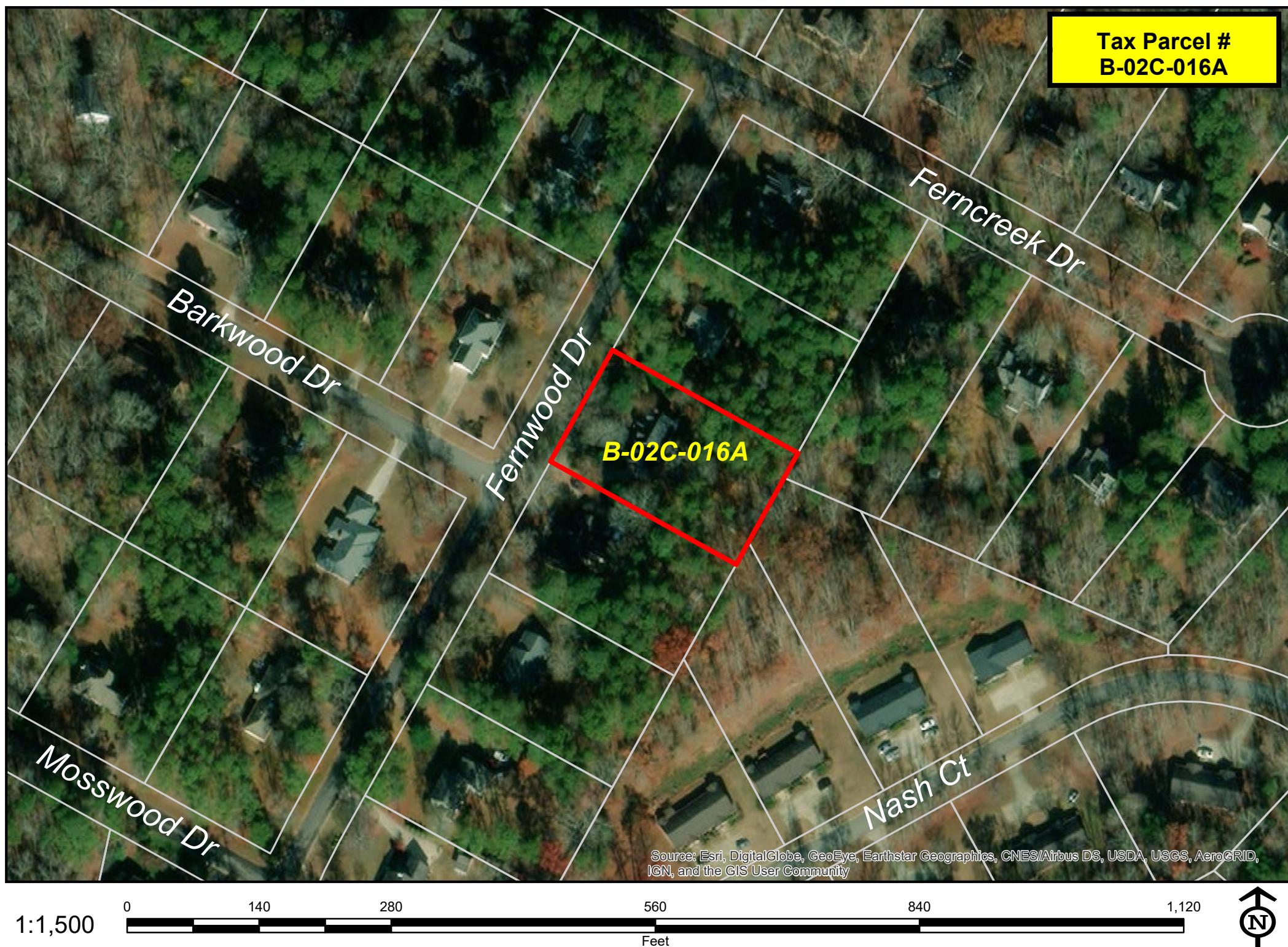
Special Use Impact Analysis: You need to answer the following questions:

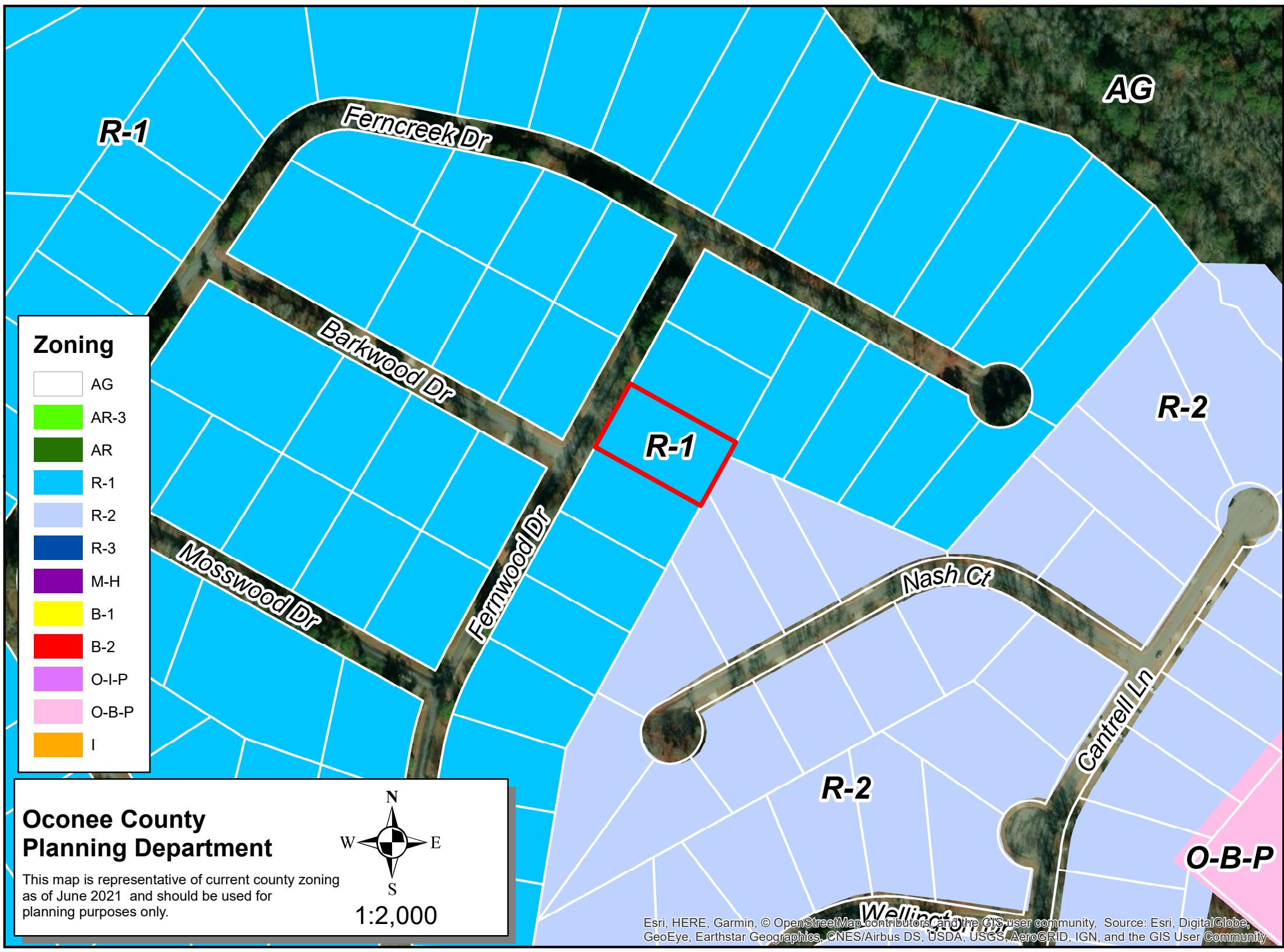
| Question | Answer |
|---|--|
| A. Will the proposed special use be consistent with the stated purpose of the zoning district in which it will be located? | Yes. Our residence is zoned as R-1 "Single Family Residential District." Under the descriptions in Oconee County UDC Sec. 205.04(a)(1), the use of our existing kitchen as a location to produce baked items under the Georgia Department of Agriculture Cottage License would be consistent. There would be no additional traffic and no noticeable difference in the use of the property from current use. |
| B. Is the proposed special use compatible with the goals, objectives, purpose and intent of the Comprehensive Plan? | Yes. Our residence is located in the Suburban Neighborhood Character Area described in the Oconee County Comprehensive Plan. Under the descriptions in the portion of the Comprehensive Plan, the use of our existing kitchen as a location to produce baked items under the Georgia Department of Agriculture Cottage License would be consistent and there would be no noticeable difference in the use of the property from current use. |
| C. Will the establishment of the special use impede the normal and orderly development of surrounding property for uses predominate in the area? | No. There would be no noticeable difference in the use of our property from the current use. |
| D. Is the location and character of the proposed special use consistent with a desirable pattern of development for the locality in general? | Yes. There would be no noticeable difference in the use of our property from the current use. |
| E. Is or will the type of street providing access to the use be adequate to serve the proposed special use? | N/A. There will be no noticeable difference with the use of our property and there will be no traffic to our home relating to the home business. |
| F. Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles? | N/A. There will be no noticeable difference with the use of our property and there will be no traffic to our home relating to the business. |

| | |
|---|--|
| G. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the special use? | <p>N/A. There will be no noticeable difference with the use of our property. Only the property owners will be involved in the production of baked goods under the Georgia Department of Agriculture Cottage License. No additional individuals will be involved in the business in any way.</p> |
| H. Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor? | <p>N/A. There will be no noticeable difference with the use of our property. Only the property owners will be involved with the home business.</p> |
| I. Will the hours and manner of operation of the special use have no adverse effects on other properties in the area? | <p>N/A. There will be no noticeable difference with the use of our property.</p> |
| J. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties? | <p>N/A. No changes will be made to the structure of our home. We will use our current kitchen, in its current design to satisfy the baking requirements of our business.</p> |

Special Use # P21-0075 - Kirk & Miriam Shook

Tax Parcel #
B-02C-016A



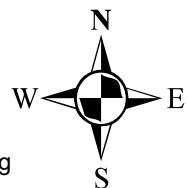


Zoning

| |
|-------|
| 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 June 2021 and should be used for planning purposes only.



1:2,000

AG

R-1

Ferncreek Dr

Barkwood Dr

Mosswood Dr

Fernwood Dr

Nash Ct

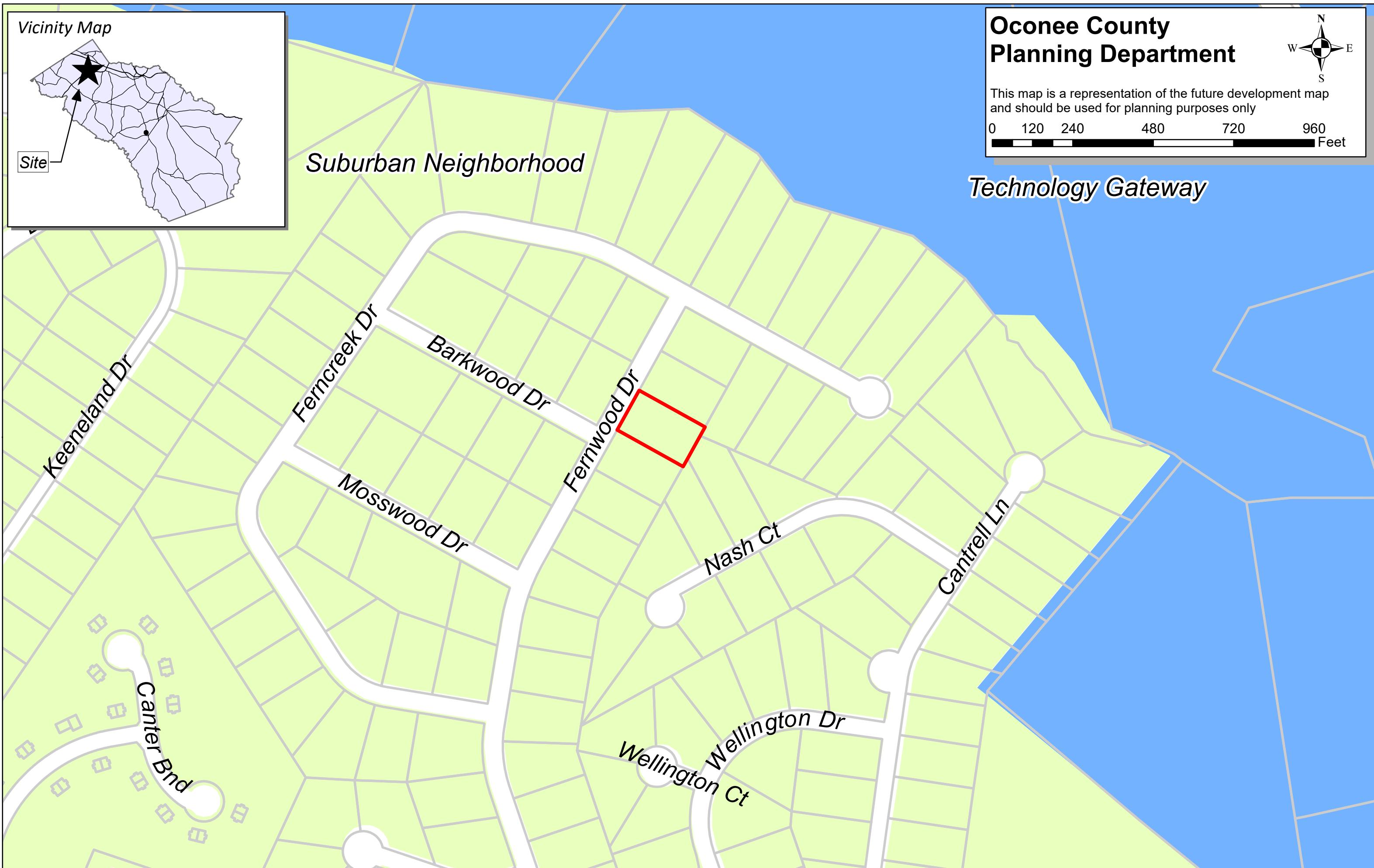
Cantrell Ln

R-2

R-2

Wellington

O-B-P



March 4, 2021

John Pritchett & Stacey Neuharth-Pritchett
1221 Fernwood Drive
Bogart, Georgia 30622

Oconee County Planning Commission
23 N Main Street
Watkinsville, Georgia 30677

Dear Member of the Planning Commission—

My husband and I are neighbors of Kirk and Miriam Shook. Miriam is interested in obtaining a cottage license through the Georgia Department of Agriculture to support a business enterprise. She is an excellent cake baker. She would like to obtain a variance to use her home for business purposes.

Part of your process suggests that you would like to hear from adjacent property owners. As her across-the-street neighbor, my husband and I support her desire to engage in this work and to use her home to do so. We understand that your award of this license would allow her to expand her enterprise to sell her products to local business. We understand that she would be using her kitchen for this purpose and that there would not be any additional changes to the use of her property.

Thank you for your consideration of this request and the entrepreneurship of our lovely neighbor.

Warm regards,

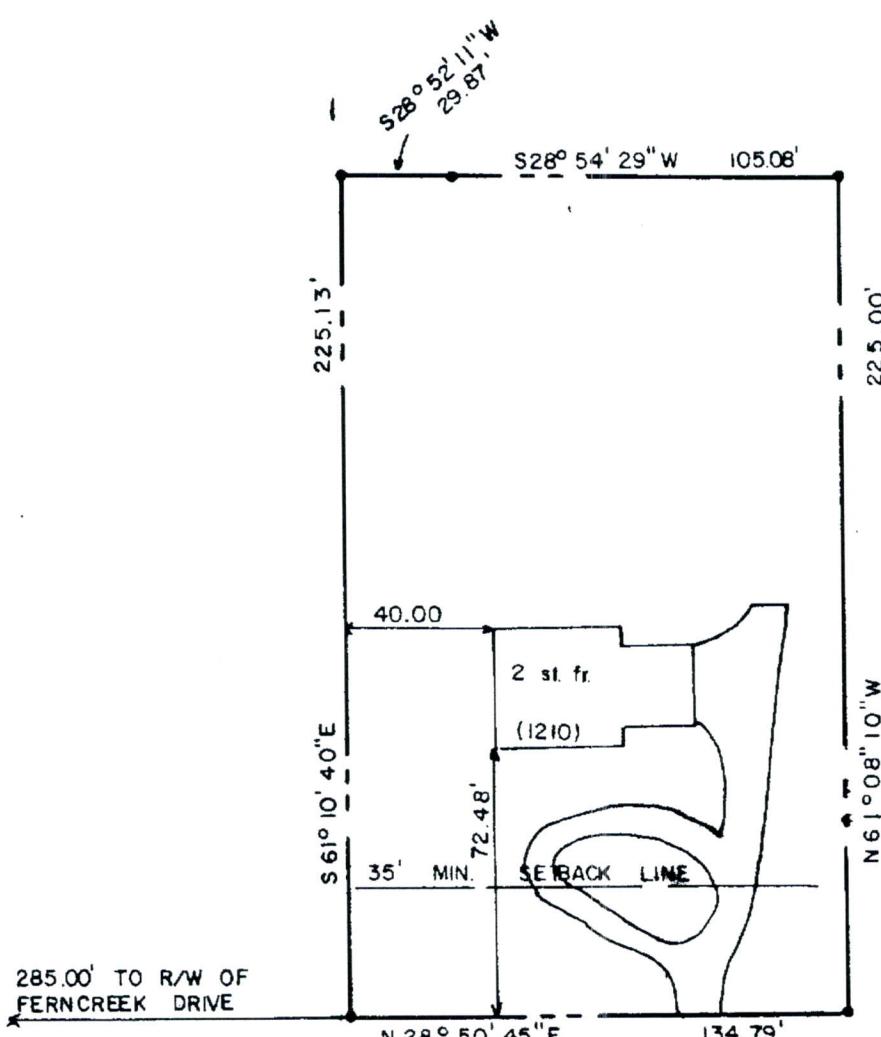


Stacey Neuharth-Pritchett, PhD

○ DENOTES IRON PIN SET
(REBAR-UNLESS SPECIFIED)

● DENOTES IRON PIN FOUND
(REBAR-UNLESS SPECIFIED)

∅ DENOTES POINT ONLY
(604 NAIL)



FERNWOOD DRIVE
60' R/W 24' PAVED

Clark of Superior Court
Oconee County, Georgia
Filed for Record at 3:30 P.M.
10-6 1988

J. R. Holland
J. R. Holland, Chief Deputy

I hereby certify this plat is a correct representation of the land plotted and has been prepared in conformity with the minimum standards and requirements of law.

J. R. Holland
Georgia Registered Land Surveyor No. 1087

I hereby certify that I have this date examined the latest revised Flood Hazard Map and have determined that the referenced property is not located in a special flood hazard area under the National Flood Insurance Act.

J. R. Holland
Georgia Registered Land Surveyor No. 1087

15-240

SURVEY FOR:

ROGER J. & MARY L. STALLINGS
1210 FERNWOOD DRIVE

LOT 16 FERNWOOD S/D

BLOCK "A"

COUNTY: OCONEE

CITY:

G.M.D.:

240

STATE:

GEORGIA

SCALE: 1" = 50' DATE: SEPT. 29, 1988 DRWN. BY: S. R. JOB NO.: L-1098

LANDMARK ENGINEERING CORPORATION
ATHENS, 475 NEWTON BRIDGE ROAD, GEORGIA — PH. 546-8622

J. R. HOLLAND
REG. SURVEYOR
NO. 1087

SEAL:



Concept Plan

Special Use Zoning Application for 1210 Fernwood Drive, Bogart

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