

**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 Rhino Mini Storage, LLC submitted on June 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 Pittman Engineering, PC on July 23, 2021 regarding a ±1.54-acre tract of land located at 7575 Macon Highway in the 221st G.M.D., Oconee County, Georgia, (tax parcel no. B-06-030BA), 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 waive the required 50-foot incompatible land use buffer.

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 September 7, 2021.

ADOPTED AND APPROVED, this 7th day of September, 2021.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniel
John Daniel, Chairman

Mark Thomas
Mark Thomas, Member

Chuck Horton
Chuck Horton, Member

Amrey Harden
Amrey Harden, Member

Mark Saxon
Mark Saxon, Member

ATTEST:

Holly Stephenson
Holly Stephenson
Clerk, Board of Commissioners

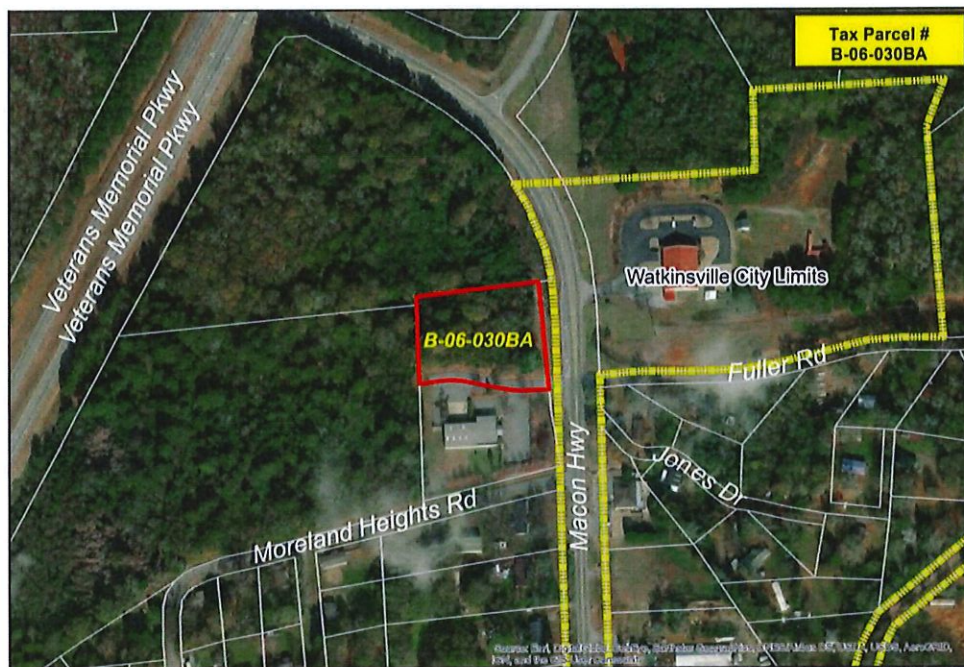
EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P21-0153

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.
2. The previously platted 10-foot landscape buffer along the northern property line shall be planted with evergreen vegetation. Plants within said buffer shall be spaced ten feet apart on center and shall be six feet tall at the time of planting. Said buffer shall be shown on the preliminary site plan and site development plans for the project.

TAX MAP



LEGAL

All that tract or parcel of land, together with all improvements thereon, containing 1.5410 acres, more or less, lying and being in the 221th District, G.M., Oconee County, Georgia, and being more particularly described as follows:

Beginning at the intersection of the westerly margin of right-of-way of US Highway 441 business and the northerly margin of right-of-way of Moreland Heights Road, thence along the right-of-way of Moreland Heights Road South 75 degrees 53 minutes 51 seconds West, 334.81 feet to an iron pin; thence leaving said right-of-way North 01 degrees 48 minutes 50 seconds West, 276.63 feet to a point, being the TRUE POINT OF BEGINNING; thence North 83 degrees 18 minutes 50 seconds East, 18.83 feet to a point; thence North 83 degrees 18 minutes 50 seconds East, 36.64 feet to a point; thence 58.32 feet along an arc of a curve to the right, said curve having a radius of 188.00 feet, a chord bearing of South 87 degrees 47 minutes 55 seconds East, and a chord distance of 58.09 feet to a point; thence South 78 degrees 54 minutes 40 seconds East, 91.29 feet to a point; thence 45.69 feet along an arc of a curve to the left, said curve having a radius of 200.00 feet, a chord bearing of South 85 degrees 27 minutes 20 seconds East, and a chord distance of 45.59 feet to a point; thence North 88 degrees 00 minutes 00 seconds East, 57.74 feet to a point along the westerly margin of right-of-way of US Highway 441 Business; thence continuing along the right-of-way of US Highway 441 Business North 05 degrees 27 minutes 00 seconds West, 253.69 feet to an iron pin; thence leaving said right-of-way South 83 degrees 18 minutes 51 seconds West, 290.22 feet to an iron pin; thence South 01 degrees 48 minutes 50 seconds East, 203.93 feet to the TRUE POINT OF BEGINNING.

Said tract being the same as Lot 2 on a final plat by Ben McLeroy & Associates, dated 01.02.2003, for JD's Kitchen and Bath.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P21-0153

Page 2 of 4 NARRATIVE

RHINO DAYCARE

SPECIAL EXCEPTION VARIANCE SUBMITTED 07/26/2021 REVISED 08/18/2021

GENERAL DATA

Property Address: 7575 Macon Highway
Parcel: B-06-0308A
Owner: Rhino Mini-Storage LLC
Existing Zoning: B1
Existing Use: undeveloped
Proposed Use: Daycare
Property Area: 1.5410 acres

VARIANCE REQUEST NARRATIVE

A Special Exception Variance is being requested from *UDC Section 806 – Buffers; where required*. The request is for a reduction in the UDC required 50 foot buffer (as shown on table 8.1) along the northern property line to 0 feet.

The property was platted in 2003 prior to the adoption of UDC showing a 10' planted buffer along the northern property line adjacent to the AR zoning. Based on the UDC, the property is required to have a 50' buffer where a proposed commercial use is adjacent to a residential zoning or use. This required buffer would potentially take up 25% of the overall lot width, which would make a commercial development not viable on the lot.

The Oconee County Board of Commissioners purchased the adjoining northern tract in 2019 with the intent to construct the county's new administration building. As of this submittal, the BOC has not modified the AR zoning to a zoning that would allow for the construction of the proposed administration building nor have they commenced construction of the office use. It is assumed that an appropriate zoning would consist of B-2, B-1, OIP or OBP, since the UDC does not have a government classification. With the modification of zoning to allow for the proposed administration building or with the commencement of construction of the administration building, a buffer would no longer be required on the subject property.

There is a currently platted 10' planted buffer on this property along this property line and this buffer would be planted as platted when the property is developed.

ADJACENT PROPERTIES

North – Vacant Property zoned AR (Oconee County owned, proposed county administration building site)
West – OBP zoned mini-self storage facility (currently in construction)
South – B1 zoned commercial lot with business
East – US Hwy. 441 Business

CONCLUSION

In light of the BOC's intent for the adjoining northern parcel and the fact that, even if the BOC were to change plans and go in a different direction, that parcel is at a major intersection and has little potential to develop as AR, we feel the request for a Special Exceptions Variance should be granted to reduce the

required 50' buffer to 0'. The previously platted 10' planted buffer is more than code would require when the adjacent property is developed and should be sufficient for this property.

[illegible]



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

VARIANCE CASE #: P21-0153

DATE: August 27, 2021

STAFF REPORT BY: Grace Tuschak, Senior Planner

APPLICANT NAME: Pittman Engineering, PC

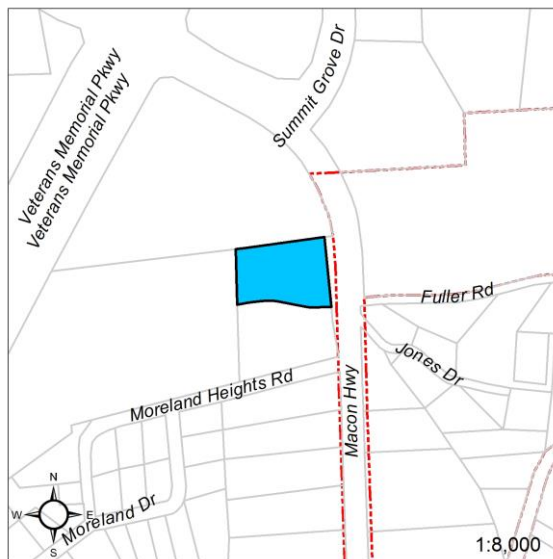
PROPERTY OWNERS: Rhino Mini Storage, LLC

LOCATION: 7575 Macon Highway

PARCEL SIZE: ±1.54 acres

EXISTING ZONING: B-1 (General Business District)

EXISTING LAND USE: Civic Center



TYPE OF VARIANCE REQUESTED: Special Exception Variance

REQUEST SUMMARY: The property owner is requesting a variance from UDC Section 806 and Table 8.1 to waive the requirement for a 50-foot landscape buffer adjacent to residential zoning.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: September 7, 2021

ATTACHMENTS:

- Application
- Narrative
- Plat
- Aerial Imagery
- Zoning Map
- Future Development Map
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property was rezoned from AG to B-1 on 11/04/1975.

VARIANCE DESCRIPTION

- The owner is requesting to waive the required 50' landscape buffer adjacent to residential zoning
 - **UDC Section 806 – Buffers; where required.**
A buffer meeting or exceeding the following widths shall be required between any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land use, as follows:

Table 8.1: Situations Where Buffer Required					
	① Provide a buffer on the lot of this use				
	↓	↓	↓	↓	↓
② Along a side or rear lot line next to this less intense use or zoning ↓	1- or 2-Family Residence	Multi-Family	Office or Institutional	Commercial	Industrial
AG Agricultural land, or Active Agricultural use in any zoning district	N/A ¹	15 feet ¹	15 feet	15 feet	25 feet
1- or 2-Family Residential ²	None	25 feet	25 feet	50 feet	100 feet
Multi-Family Residential	None	None	25 feet	25 feet	50 feet
Office, Institutional, Commercial or Industrial	None	None	None	None	None
¹ See separation requirements for certain uses in Article 3.					
² Includes any land zoned AR-3, AR, R-1 or R-2, and any 1- or 2-Family Residential use zoned AG or R-3.					

PUBLIC FACILITIES

- County services, facilities, and infrastructure should not be affected by the present request.

ENVIRONMENTAL

- No 100-year floodplain, state waters, or jurisdictional wetland areas are known to exist on the site.

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:**
No significant negative impact to the tax base or to nearby public infrastructure, schools, or environmentally sensitive areas should result from approval of the present request. Staff holds that approval of the present request should not cause any 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 zoned OBP (Office Business Park), B-2 (Highway Business) and Agricultural Residential (AR). Should the request be approved, the required buffer would be waived adjacent to the AR-zoned property to the north, which is currently owned by Oconee County and intended for development of the new county administration building. Given that this adjacent property is unlikely to be used in the future for residential purposes, waiving the buffer requirements should not be injurious to the use and enjoyment of the environment or other properties in the immediate vicinity.
- c. **Diminish and impair property values within the surrounding neighborhood:**
Staff holds that it is unlikely that waiving the incompatible use buffer requirement would impair the property values of the surrounding neighborhood.
- d. **Impair the purpose and intent of this Development Code:**
The intent of UDC Section 806 is to protect lower intensity land uses from potential negative impacts of adjacent higher intensity land uses. Staff holds that the adjacent parcel to the north is unlikely to be developed for less intense land use than the subject property. If the adjacent property is not developed for governmental offices, its location at the intersection of two major thoroughfares makes it an unlikely candidate for future residential use. Staff holds that granting the present request should not impair the purpose and intent of this Development Code.

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.
2. The previously platted 10-foot landscape buffer along the northern property line shall be planted with evergreen vegetation. Plants within said buffer shall be spaced ten feet apart on center and shall be six feet tall at the time of planting. Said buffer shall be shown on the preliminary site plan and site development plans for the project.
3. An interparcel access easement meeting the standards of Unified Development Code section 608 shall provide connectivity between the proposed parking lot of the subject development and the adjacent county owned property, tax parcel B-06-029C. Said access easement shall be shown on the preliminary site plan and construction plans for the project.



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

☐ Hardship Variance ☐ Appeal of Administrative Decision ☐ Flood Damage Prevention Variance

☒ Special Exception for: A reduction in the required landscape buffer between adjacent uses - UDC Section 806

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

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: [Signature]

Date: 07/23/2021

Notarized: [Signature]



Property

Location: 7575 Macon Highway

Tax Parcel Number: B 06 030BA

Size (Acres): 1.5410 Current Zoning: B-1

Future Development Map—Character Area Designation: Civic Center

Use

Current Use: undeveloped

Proposed Use: daycare

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

UDC Section 806 - Buffers

- Request is to reduce required landscape buffer between incompatible uses from 50'-0' along North property line.

RHINO DAYCARE

SPECIAL EXCEPTION VARIANCE SUBMITTED 07/26/2021 REVISED 08/18/2021

GENERAL DATA

Property Address: 7575 Macon Highway
Parcel: B-06-030BA
Owner: Rhino Mini-Storage LLC
Existing Zoning: B1
Existing Use: undeveloped
Proposed Use: Daycare
Property Area: 1.5410 acres

VARIANCE REQUEST NARRATIVE

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required 50' buffer to 0'. The previously platted 10' planted buffer is more than code would require when the adjacent property is developed and should be sufficient for this property.

FILED
04:25 PM
02/18/2003
OCONEE COUNTY SUPERIOR COURT
ANGELA ELDER-JOHNSON
CLERK
BK 34 PG 167

THE PRIVATE ACCESS DRIVE
ON THIS PLAT SHALL BE
MAINTAINED BY THE LOT OWNERS.
INGRESS/EGRESS RIGHTS
SAME, AND NOT BY OCONEE
COUNTY. SAID PRIVATE DRIVE IS
MAINTAINED AND SHALL BE
MAINTAINED IN ACCORDANCE WITH
OCONEE COUNTY SUBDIVISION
REGULATIONS APPLICABLE TO
PRIVATE ACCESS DRIVES.
EXISTING SIGNS SHALL BE
REMOVED PRIOR TO ISSUANCE OF
LOT 2.

ITS SHOWN HAVE BEEN REVIEWED BY THE OCONEE
COUNTY HEALTH DEPARTMENT AND ARE APPROVED FOR
CONSTRUCTION AS NOTED. EACH LOT MUST BE
DESIGNED AND APPROVED FOR ON-SITE SEWAGE MANAGEMENT
PRIOR TO THE ISSUANCE OF A BUILDING
PERMIT.

LEGEND
○ - 1/2" REINFORCING ROD SET
● - 1/2" REINFORCING ROD FOUND (OR AS NOTED)
X - POINT ONLY
PP - POWER (PP), TELEPHONE (TP), LIGHT (LP) POLE

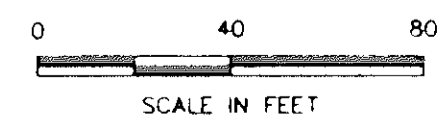
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE
NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A
DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS
MADE FROM AN ACTUAL SURVEY, THAT ALL STATE AND
COUNTY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS
LAND HAVE BEEN PAID.

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 "TYPICAL", AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL
ARE CORRECTLY SHOWN; AND THAT ALL REQUIREMENTS OF
THE LAND SUBDIVISION REGULATIONS OF OCONEE COUNTY,
GEORGIA HAVE BEEN FULLY COMPLIED WITH.

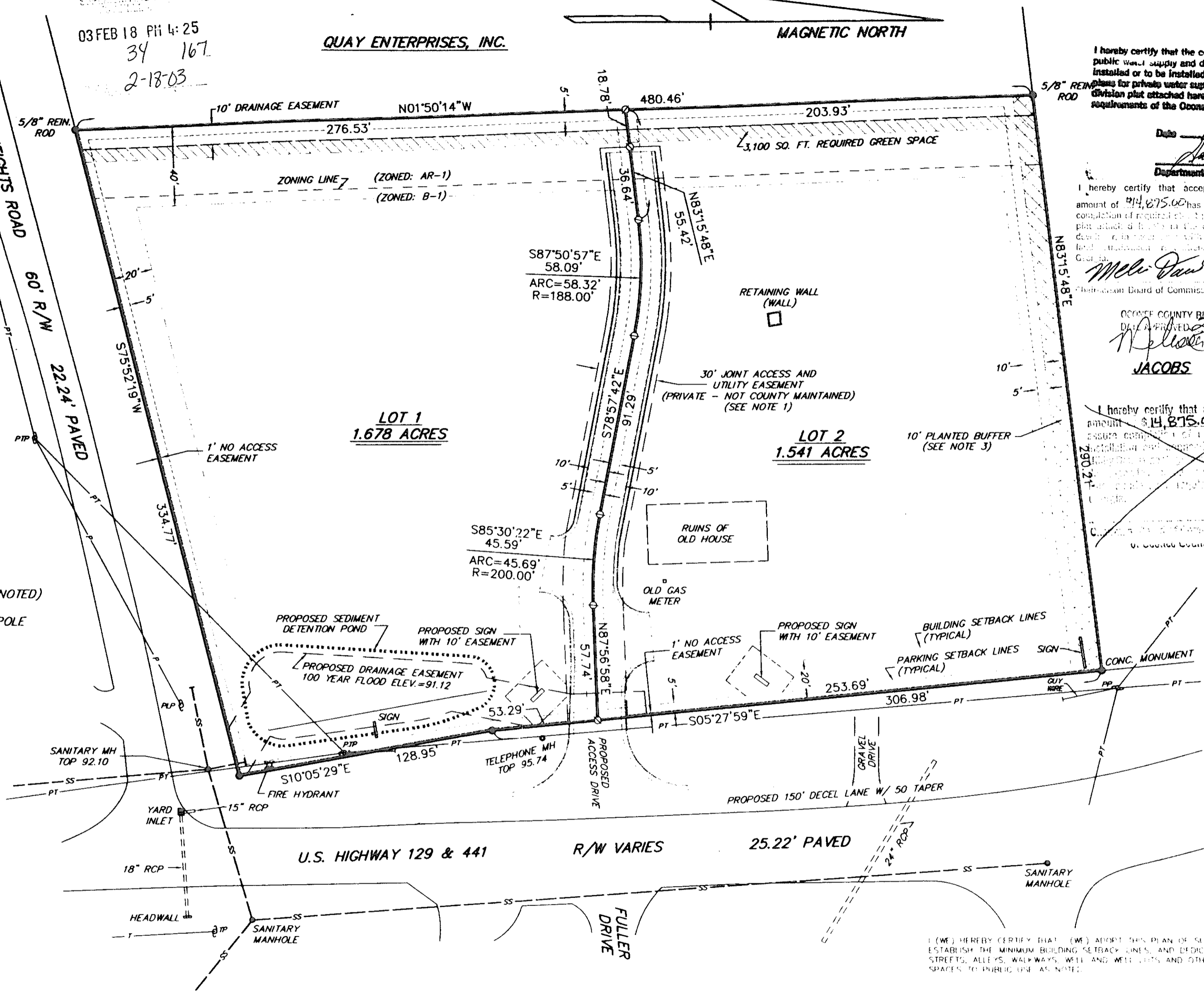
Ben Mc Leroy
GEORGIA REGISTERED LAND SURVEYOR



- REFERENCES
- (1) OUR SURVEY FOR JIMMY DALTON DATED 25 SEP. 2002.
 - (2) WILLIAMS AND ASSOCIATES' PRELIMINARY PLAT FOR JD'S KITCHEN & BATH DATED OCT. 15, 2002.



FILED IN CLERK'S OFFICE
03 FEB 18 PM 4:25
34 167
2-18-03
QUAY ENTERPRISES, INC.



I hereby certify that the community or
public water supply and distribution system
installed or to be installed, and/or the
division plat attached hereto meets the
requirements of the Oconee Co. Utility Department.

Date 2-17-03
Jan E. Wright
Department Head, OCUD

I hereby certify that acceptable security in the
amount of \$14,875.00 has been received to assure
completion of required construction in the subdivision
plat attached hereto in the event of default by the
developer in meeting the requirements of the
land subdivision regulations of Oconee County,
Georgia.

Meli Daus
Chairman Board of Commissioners
Date 2/10/03
OCONEE COUNTY BUILDING OFFICIAL
JACOBS

I hereby certify that acceptable security in the
amount of \$14,875.00 has been received to assure
completion of required construction in the subdivision
plat attached hereto in the event of default by the
developer in meeting the requirements of the
land subdivision regulations of Oconee County,
Georgia.

- SURVEY NOTES
- (1) EQUIPMENT USED: 01" THEODOLITE AND E.D.M.
 - (2) ANGULAR ERROR: 02" PER STATION, ADJUSTED
 - (3) LINEAR CLOSURE: 1/15,000+, BALANCED ARBITRARILY
 - (4) MINIMUM PLAT CLOSURE: 1/150,404
 - (5) THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO FIRM PANEL NO. 130453 0040 B, DATED JULY 17, 1989.

FINAL PLAT FOR:

JD'S KITCHEN & BATH

COUNTY	OCONEE	G.M.D.	221	STATE	GEORGIA
DATE	2 JANUARY 2003	SCALE	1"=40'	DWN. BY	STEPHEN
FIELDBOOK	889	SURVEYED BY	BEN MC LEROY & ASSOCIATES, INC. ENGINEERS & SURVEYORS BOGART, GA.	FILE NO.	27148-

Variance # P21-0153 - Rhino Mini Storage, LLC

Tax Parcel #
B-06-030BA

B-06-030BA

Watkinsville City Limits

Fuller Rd

Jones Dr

Macon Hwy

Moreland Heights Rd

Veterans Memorial Pkwy
Veterans Memorial Pkwy

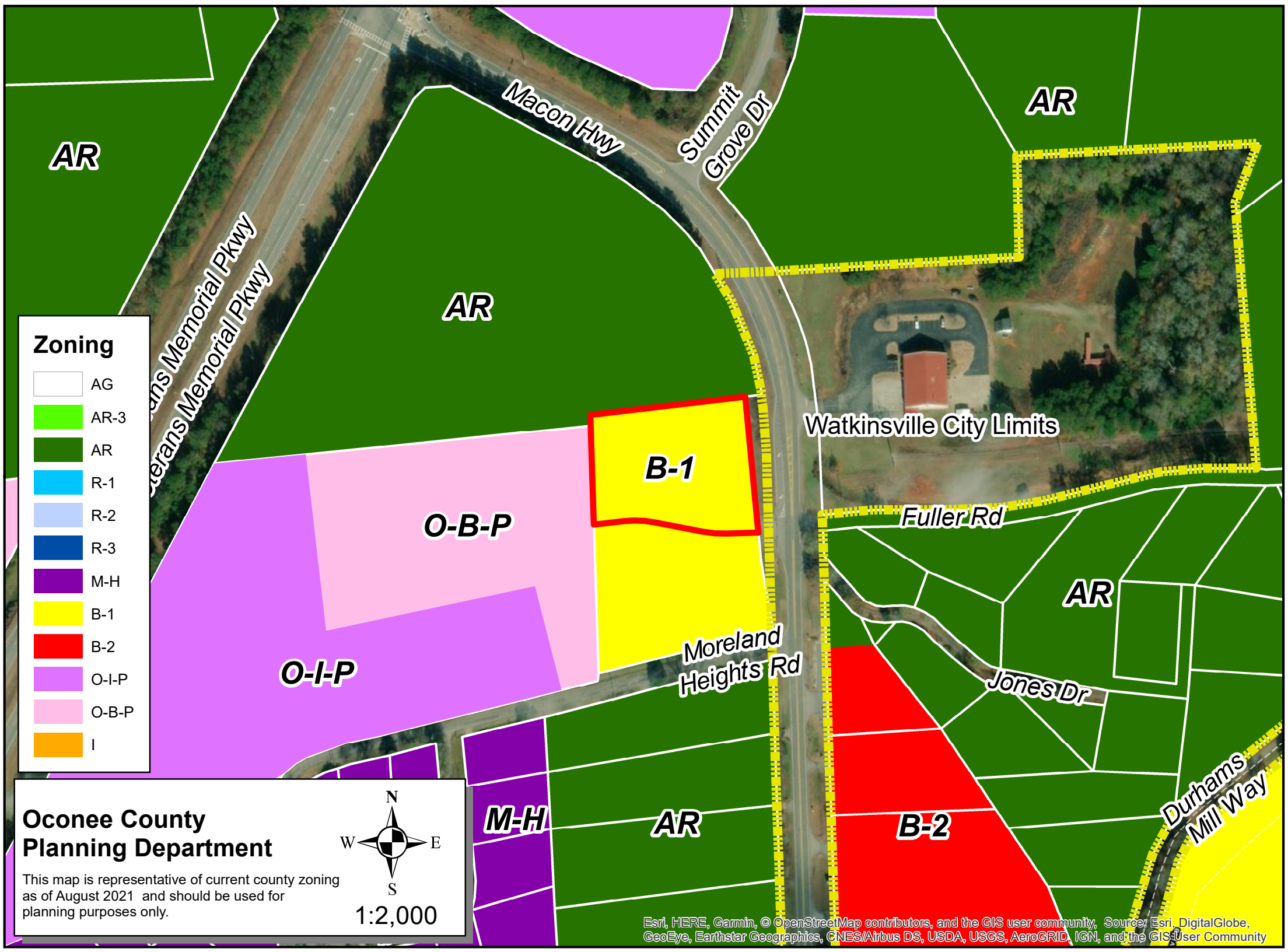
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1:2,500

0 235 470 940 1,410 1,880

Feet



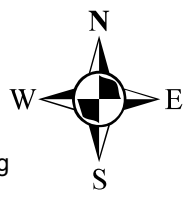


Zoning

- AG
- AR-3
- AR
- R-1
- R-2
- R-3
- M-H
- B-1
- B-2
- O-I-P
- O-B-P
- I

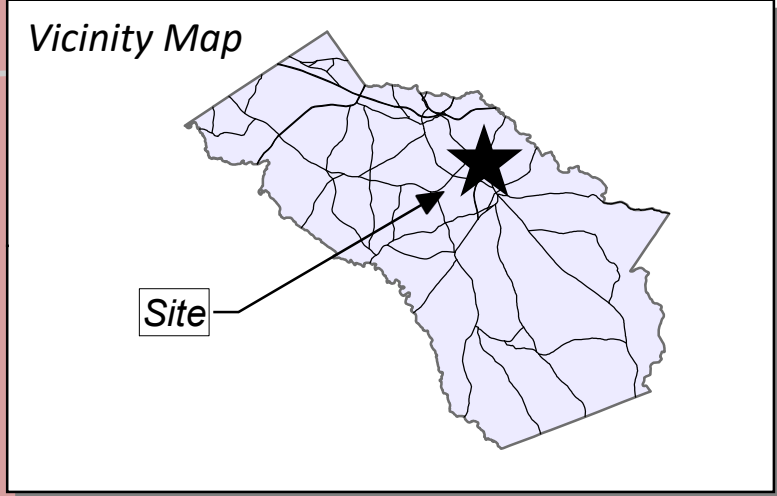
**Oconee County
Planning Department**

This map is representative of current county zoning as of August 2021 and should be used for planning purposes only.



1:2,000

Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community, 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 80 160 320 480 640 Feet

Veterans Memorial Pkwy
Veterans Memorial Pkwy

Summit Grove Dr

Watkinsville City Limits

Civic Center

Fuller Rd

Jones Dr

Community Village

Moreland Heights Rd

Macon Hwy

Durhams Mill Way

Country Estates

Moreland Dr

