

**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 Pennie R. Eberhart submitted on January 13, 2022.

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 Pennie R. Eberhart on January 13, 2022, regarding a ±0.98 acre tract of land located at 1040 Creek Bridge Drive in the 221st G.M.D., Oconee County, Georgia, (tax parcel no. B-04D-003E), 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 reduce the rear setback for an accessory building greater than 144 square feet.

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.

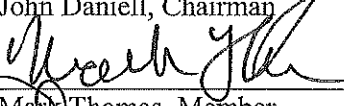
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on March 1, 2022 at which time it was tabled by the Board of Commissioners. A second Public Hearing was duly held by the same at its regular meeting on April 5, 2022.

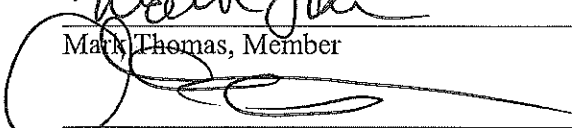
ADOPTED AND APPROVED, this 5th day of April, 2022.

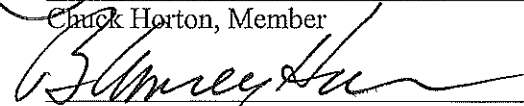
OCONEE COUNTY BOARD OF COMMISSIONERS

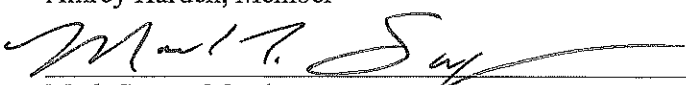
BY:


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:

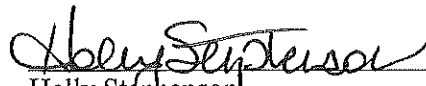

Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0008

Page 1 of 5

CONDITIONS

1. The rear setback shall be reduced to 10 feet only in the area of the encroachment of the proposed detached garage.

TAX MAP

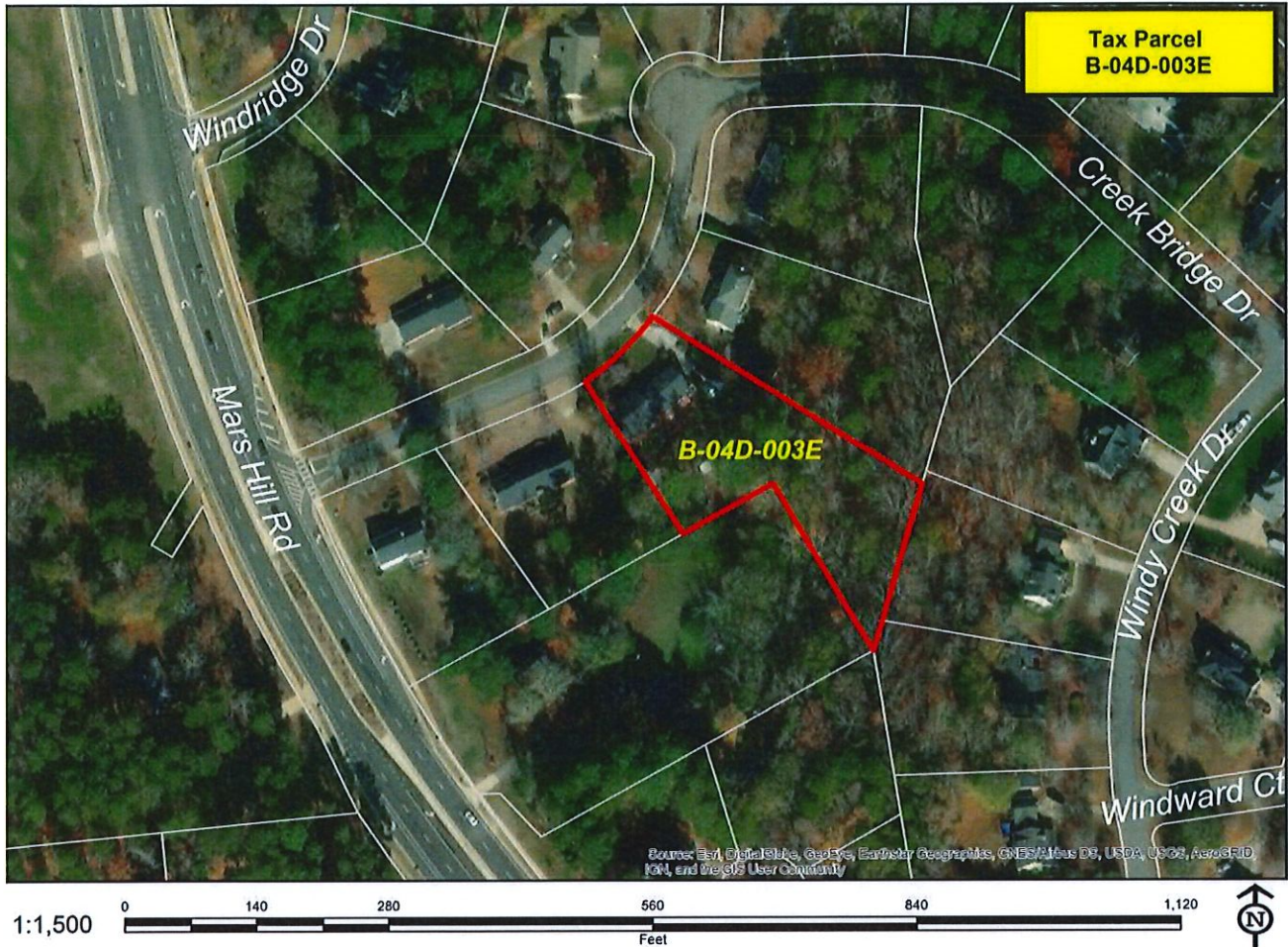


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0008

**Page 2 of 5
NARRATIVE**

Pennie Eberhart
1040 Creek Bridge Dr
Watkinsville, GA 30677
(706) 255 7793
pennieeb@gmail.com

February 3, 2022

Oconee County Board of Commissioners
25 North Main Street
Watkinsville, GA 30677

To whom it may concern;

I live at 1040 Creek Bridge Drive in the Windy Creek Subdivision in Watkinsville, GA. This is zoned R-1, Tax Parcel B 04D 003E, our lot measures .983 acres.

I am requesting a Special Exemption Variance to the Back Yard setbacks of our property. We would like to request that the Back Yard Setback on a portion of the Southwestern Property Line be reduced from the current 40 foot to 10 foot. It is our desire to place a 30'W x 40'L detached garage at the rear of our property. The proposed use of this garage is for vehicle storage and recreation. Due to severe topographic elevation changes along the southern/southeastern property line the only buildable portion of our property is located within the setback.

I am requesting this Special Exemption Variance as part of the Unified Development Code, Article 4, Lot and Building Standards, section 410 minimum setbacks.

Best regards,

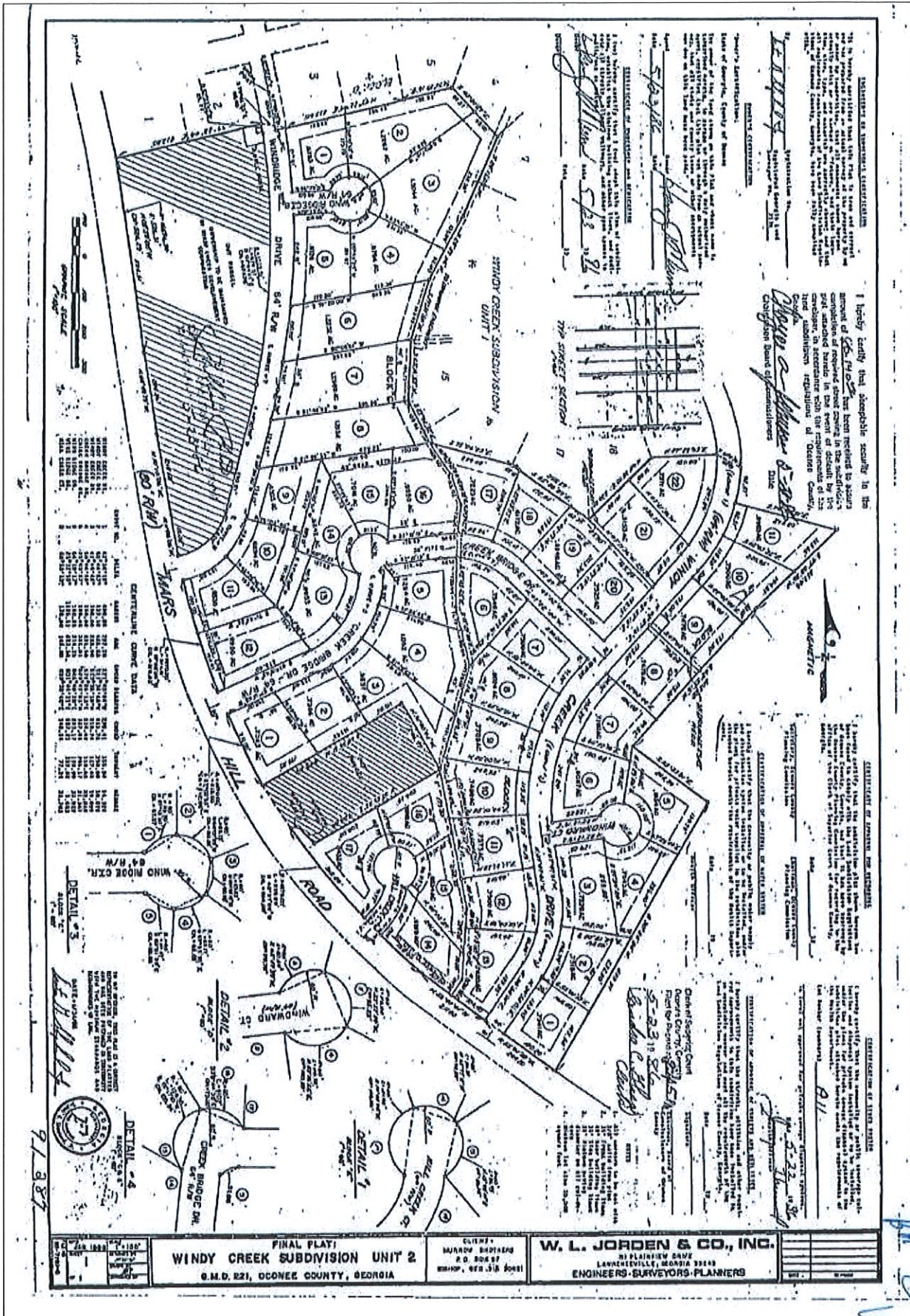


Pennie R. Eberhart

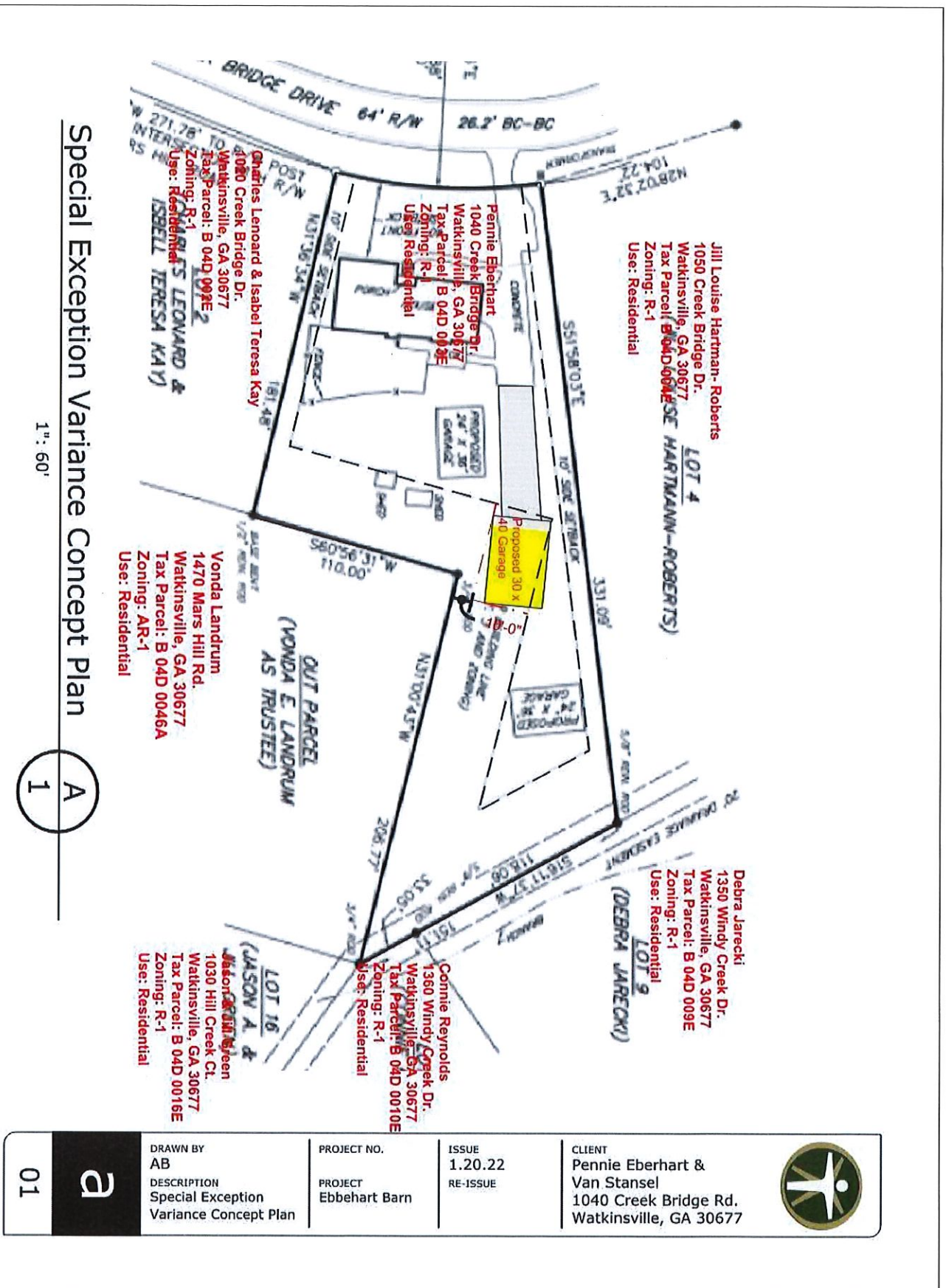
ARCHITECTURAL IMAGES



PLAT



CONCEPT PLAN





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

VARIANCE CASE #: P22-0008

DATE: February 25, 2022

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

APPLICANT NAME: Pennie R. Eberhart

PROPERTY OWNER: Pennie R. Eberhart

LOCATION: 1040 Creek Bridge Drive

PARCEL SIZE: ±0.98 acres

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

EXISTING LAND USE: Residential

TYPE OF VARIANCE REQUESTED: Special Exception Variance

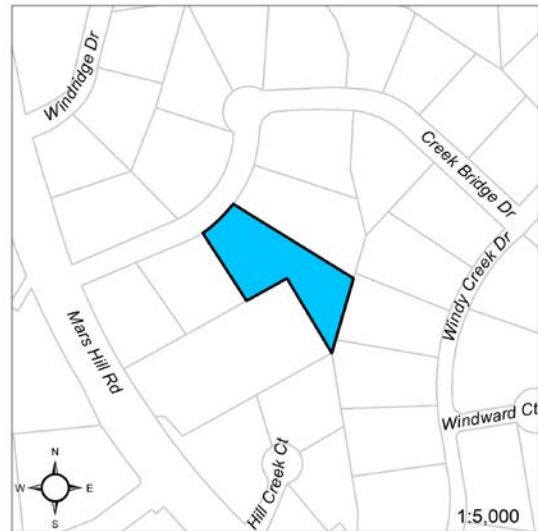
REQUEST SUMMARY: The property owner is requesting a variance from UDC Sec. 410.01.c(2) and UDC Table 4.1 to reduce the rear setback from 40 feet to 10 feet for a proposed detached garage.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: April 5, 2022

ATTACHMENTS:

- Application
- Narrative
- Aerial Imagery
- Zoning Map
- Future Development Map
- Architectural Images
- Plat
- Concept Plan
- Email from Applicant



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- A rezone from AG (Agricultural Residential District) to R-1 (Single-Family Residential District) on 05/01/1984 for a single-family residential subdivision.
- A house was built in 1986.

VARIANCE DESCRIPTION

- The owner is requesting to reduce the rear setback line from 40 feet to 10 feet to accommodate a proposed 1,000 square-foot detached garage (shown in yellow on the attached concept plan). As described in the attached email from the applicant, the proposed garage dimensions shown on the concept plan will be reduced to 25' x 40' to ensure that the building does not exceed the 1,000 square foot size limit in the R-1 zoning district (see attached).
 - ***Unified Development Code Section 410.01.c(2) – Minimum setbacks; accessory buildings and structures***
Accessory buildings having a floor area greater than 144 square feet must comply with the same setbacks as required for principal buildings in each zoning district.

Table 4.1: Dimensional Requirements by Zoning District					
MINIMUM PRINCIPAL BUILDING SETBACK (FT)		AG	AR-3	AR	R-1
Front (measured from ROW)	From major thoroughfare	40	40	40	40
	From minor street	30	30	30	30
Side		25	15	15	10
Rear		25	40	40	40

PUBLIC FACILITIES

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

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 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 area is single-family residential. Staff holds that the location of the proposed garage should not

reduce the privacy of the adjacent properties because it would be screened by existing vegetation and, therefore, would not be injurious to the use and enjoyment of nearby property.

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

Staff holds that it is unlikely that the location of the proposed garage would significantly impair property values in the surrounding area.

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

The intent of UDC Section 410.01.c.2 is to ensure adequate separation of buildings from adjoining properties and appropriate scale of buildings in residential areas in order to promote public safety, maintain privacy, and encourage orderly and aesthetically pleasing development. Staff notes that, as described in the attached email, the proposed detached garage will be less than 1,000 square feet despite what is shown in other application materials. Staff holds that the location and the architectural design of the proposed garage should not diminish the privacy or use of the adjacent residential properties and should not impair the purpose and intent of the UDC.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for special exception variance approval, this request **does meet all necessary conditions** to grant a special exception variance. Should the present request be approved, staff recommends the following conditions to be fulfilled at the owner/developer's expense.

1. The rear setback shall be reduced to 10 feet only in the area of the encroachment of the proposed detached garage.



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

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

☒ Special Exception for: Building Variance

Applicant

Name: Pennie R. Eberhart

Address: _____

1040 Creek Bridge Dr.
Watkinsville, GA

Telephone: 706.255.7793

Email: pennieeb@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: Pennie R. Eberhart Date: 11-2-2022 Notarized: Vanessa Dixon



Notary Public, Oconee County, Georgia
My Commission Expires September 30, 2023

Property

Location: 1040 Creek Bridge Dr.
Watkinsville, GA 30677

Tax Parcel Number: B04D 003E

Size (Acres): .983 Current Zoning: R1

Future Development Map—Character Area Designation: Suburban Neighborhood

Use

Current Use: Residential

Proposed Use: Detached garage-work shop

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

Seeking the reduction
in rear setback of property
to allow for building of
detached garage.
Reduce Setback on Side
from 40 to 10 ft.

Pennie Eberhart
1040 Creek Bridge Dr
Watkinsville, GA 30677
(706) 255 7793
pennieeb@gmail.com

February 3, 2022

Oconee County Board of Commissioners
25 North Main Street
Watkinsville, GA 30677

To whom it may concern;

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I am requesting this Special Exemption Variance as part of the Unified Development Code, Article 4, Lot and Building Standards, section 410 minimum setbacks.

Best regards,

A handwritten signature in black ink, reading "Pennie R Eberhart". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Pennie R. Eberhart

Variance # P22-0008 - Pennie R. Eberhart

**Tax Parcel
B-04D-003E**

B-04D-003E

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













1:1,500

0 140 280 560 840 1,120

Feet

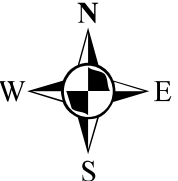


Zoning

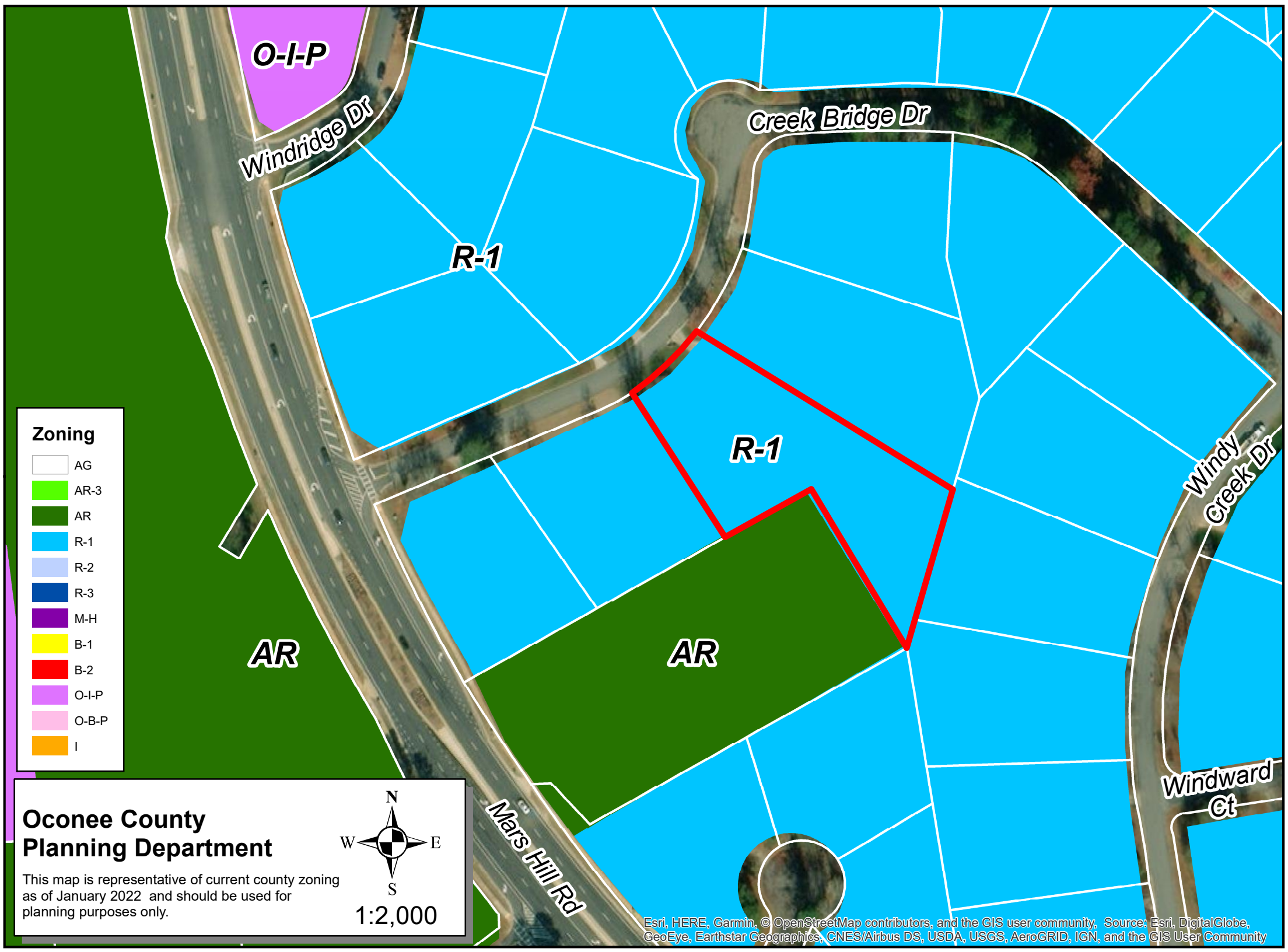
	AG
	AR-3
	AR
	R-1
	R-2
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	O-B-P
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**Oconee County
Planning Department**

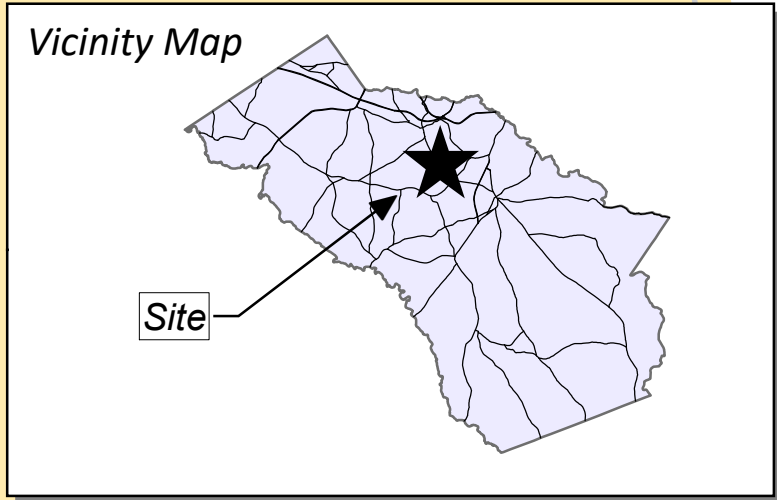
This map is representative of current county zoning as of January 2022 and should be used for planning purposes only.



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

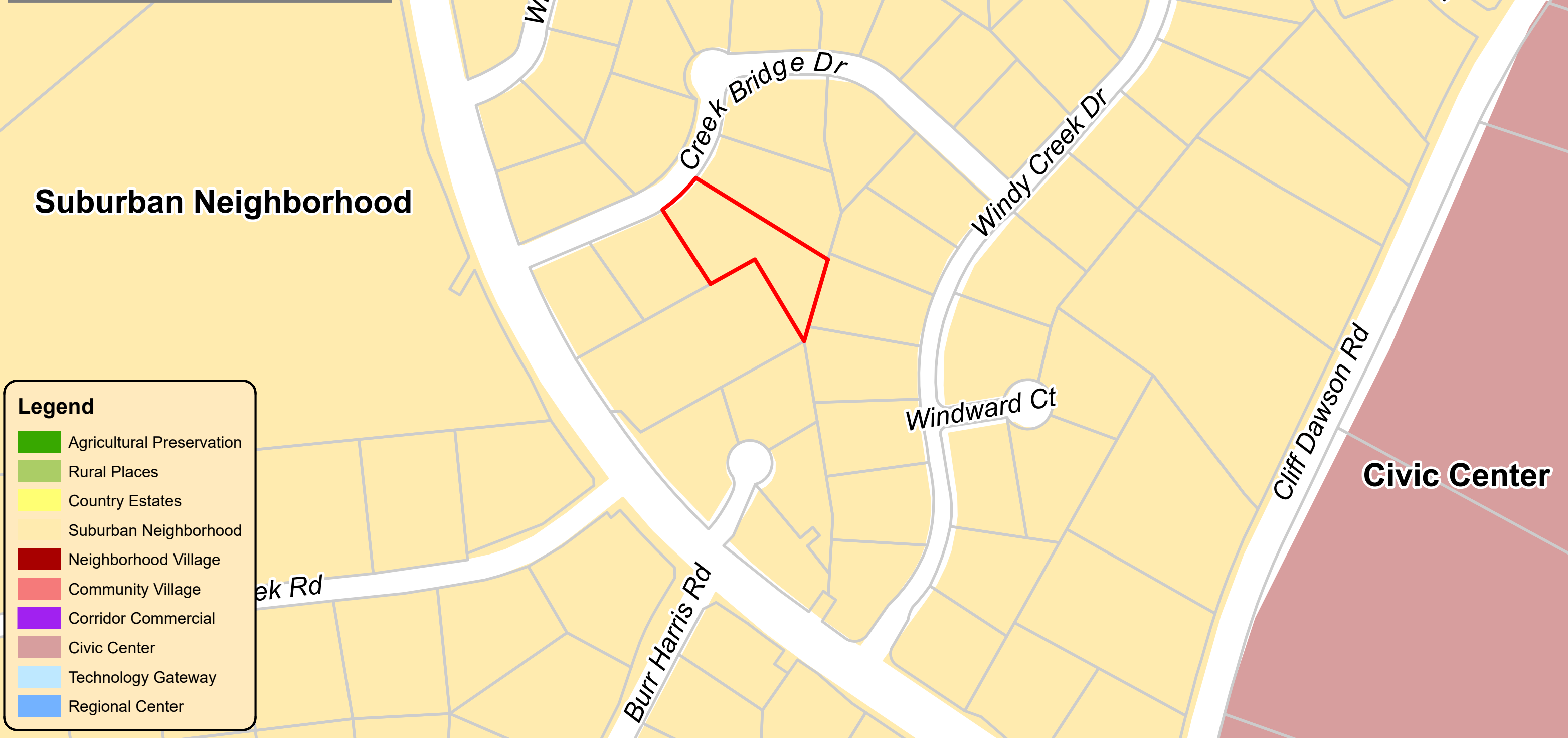


Oconee County Planning Department

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

0 100 200 400 600 800 Feet

A north arrow pointing up and a scale bar showing distances from 0 to 800 feet.

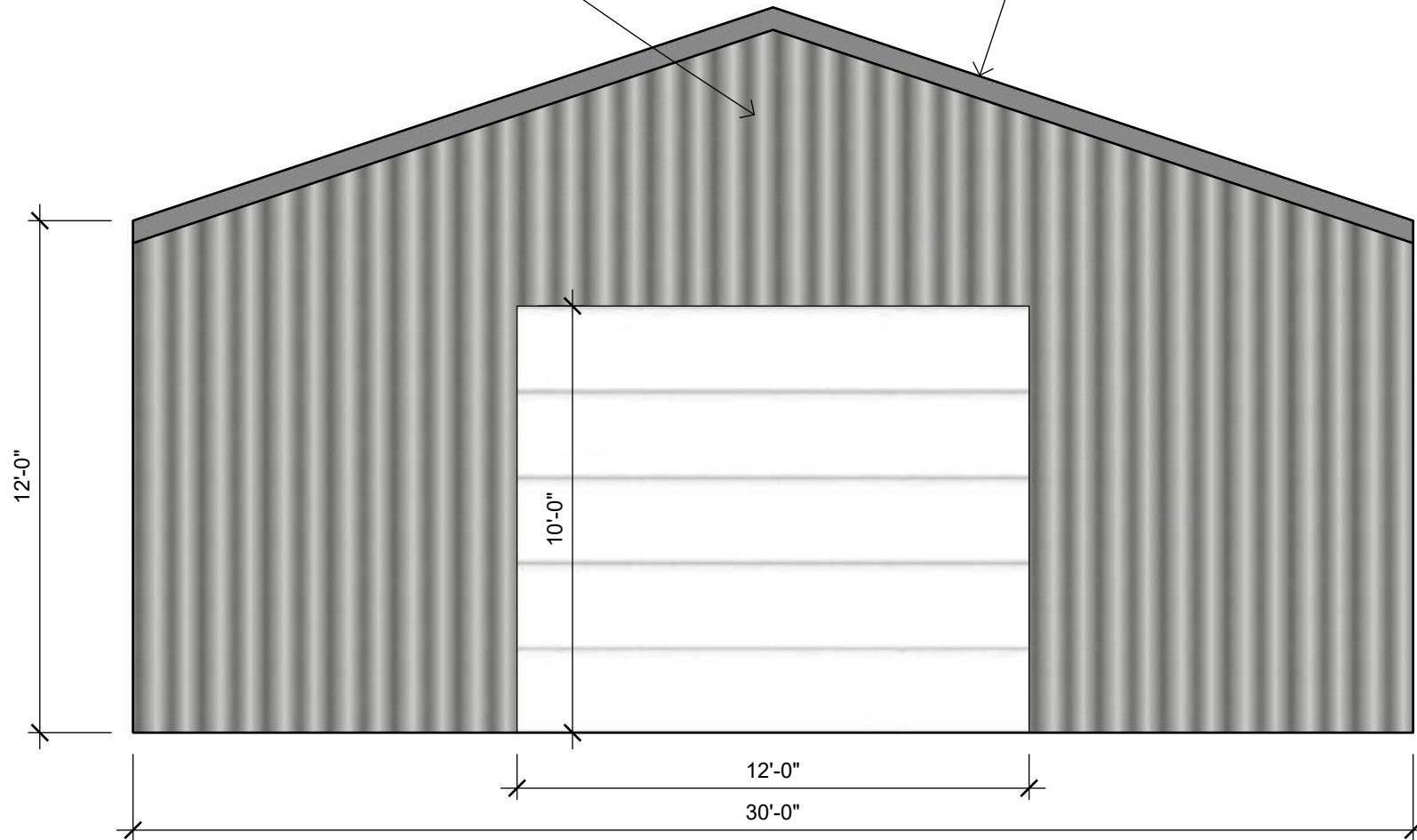


Legend

- Agricultural Preservation
- Rural Places
- Country Estates
- Suburban Neighborhood
- Neighborhood Village
- Community Village
- Corridor Commercial
- Civic Center
- Technology Gateway
- Regional Center

29GA. Painted Metal Wall Panels and trim

29GA Galv. Metal Roof



CLIENT
Pennie Eberhart &
Van Stansel
1040 Creek Bridge Rd.
Watkinsville, GA 30677

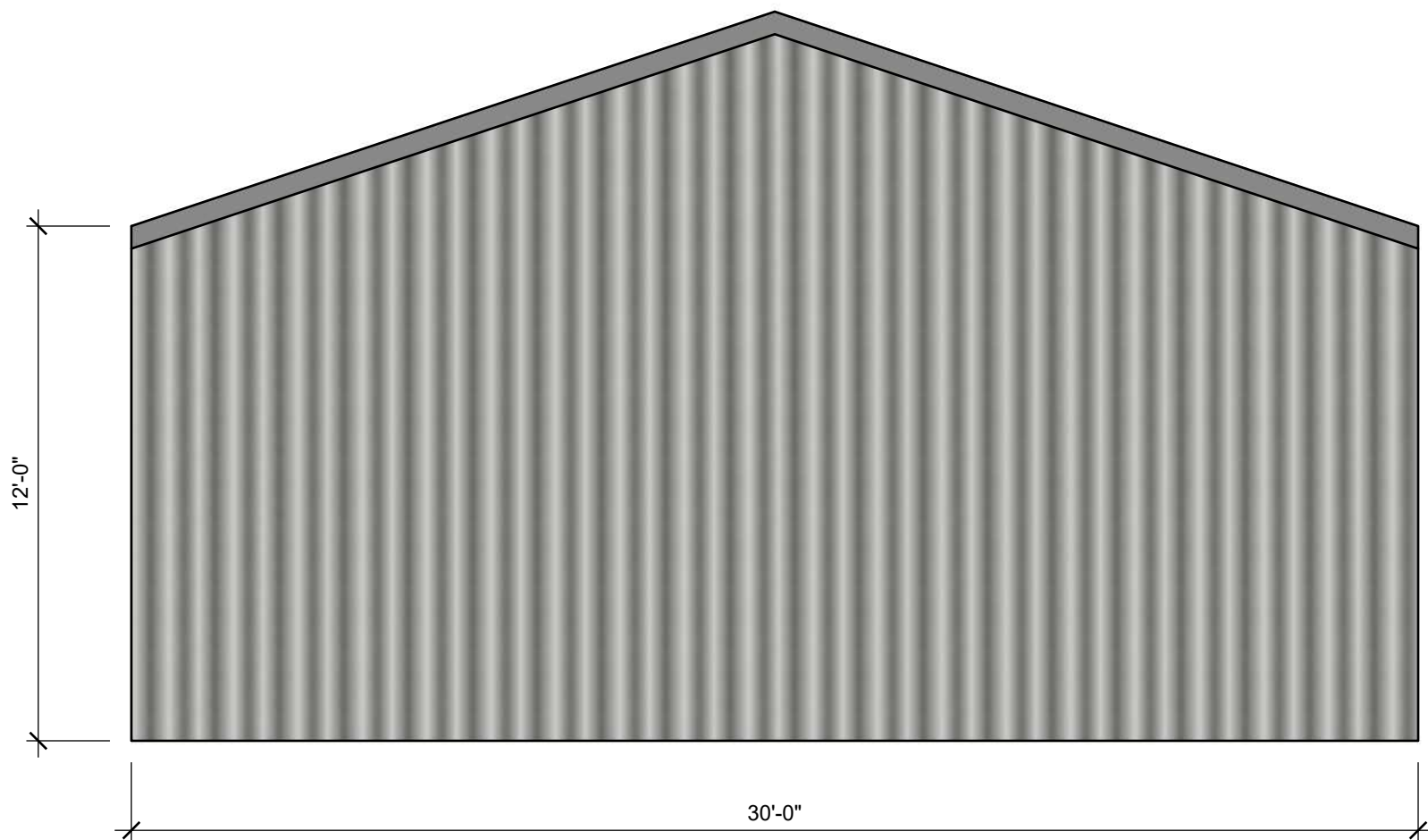
ISSUE
1.20.22
RE-ISSUE

PROJECT NO.
PROJECT
Eberhart Barn

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AB

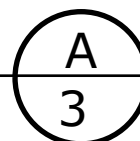
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02



Rear (East) Elevation

1/4" : 1'



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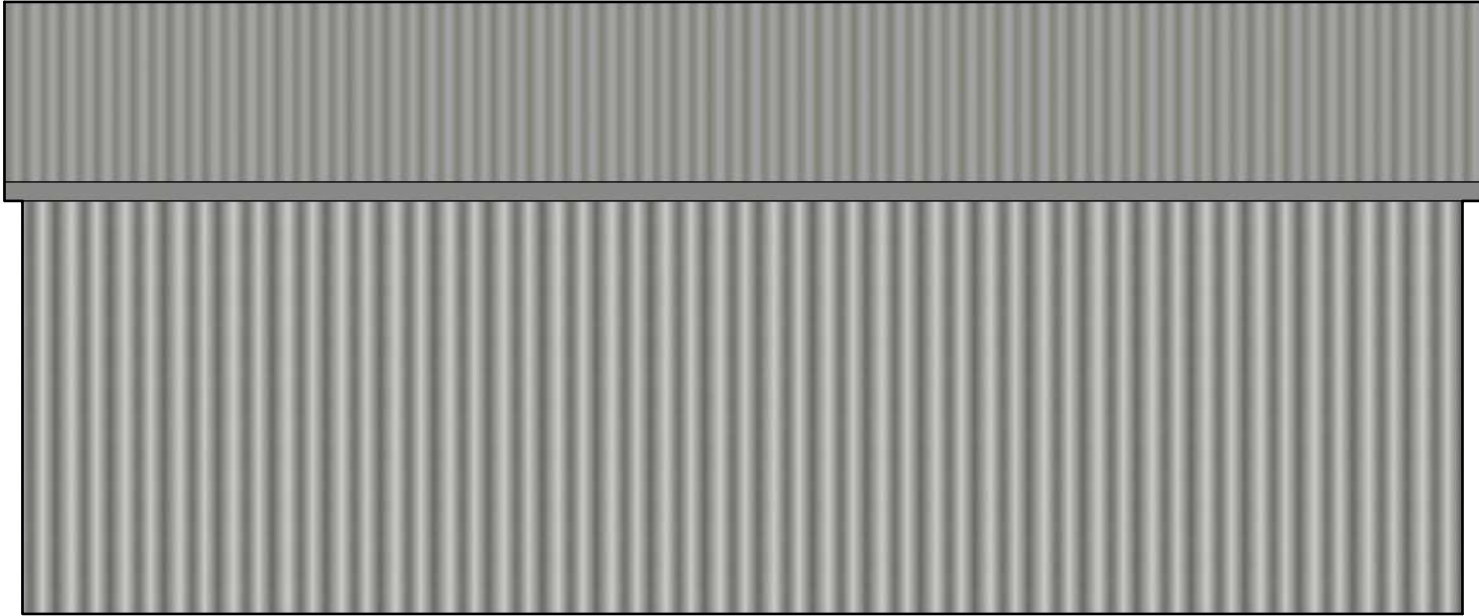
PROJECT NO.
PROJECT
Eberhart Barn

ISSUE
1.20.22
RE-ISSUE

CLIENT
Pennie Eberhart &
Van Stansel
1040 Creek Bridge Rd.
Watkinsville, GA 30677

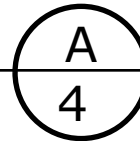
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03



Left (North) Elevation

3/16" : 1'



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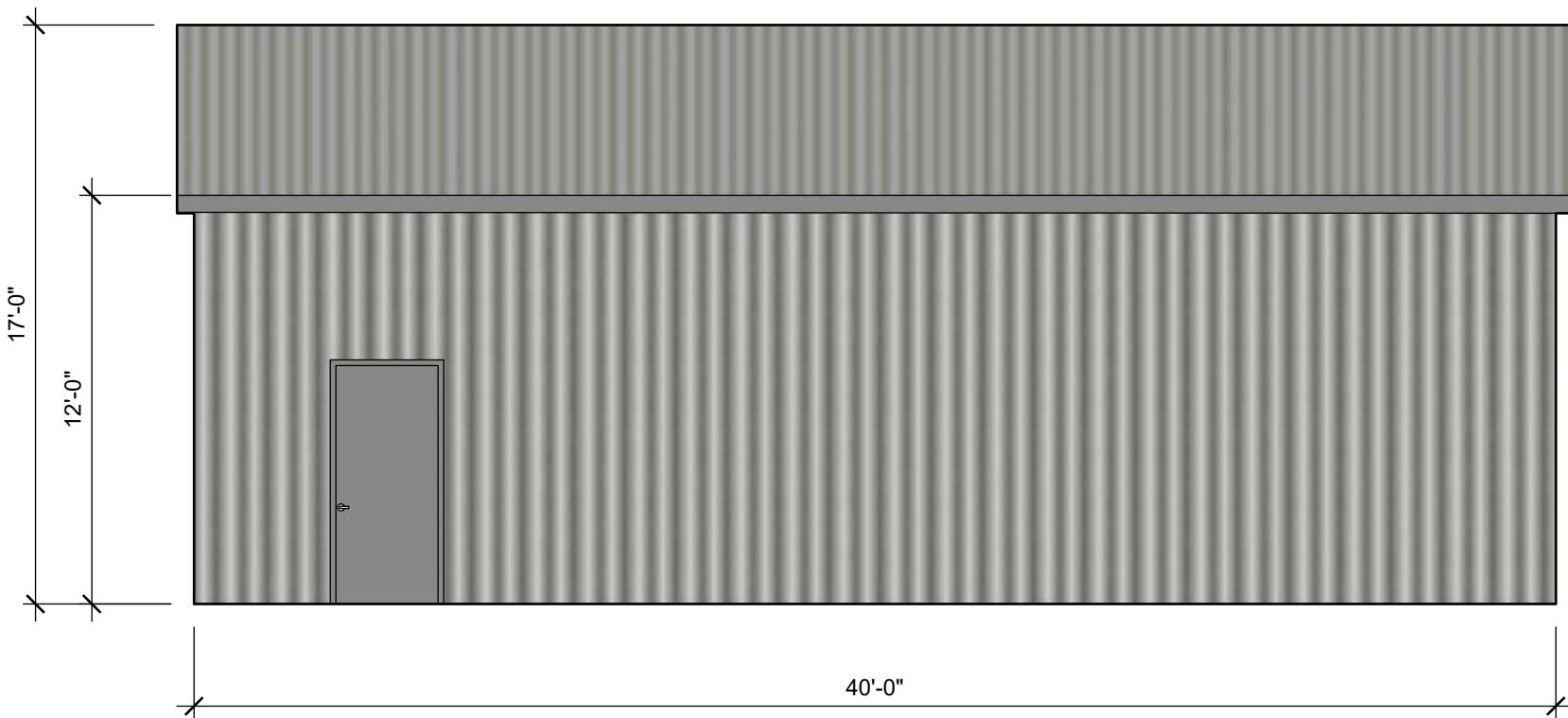
PROJECT NO.
PROJECT
Eberhart Barn

ISSUE
1.20.22
RE-ISSUE

CLIENT
Pennie Eberhart &
Van Stansel
1040 Creek Bridge Rd.
Watkinsville, GA 30677

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04



Right (South) Elevation

3/16" : 1'

A
5

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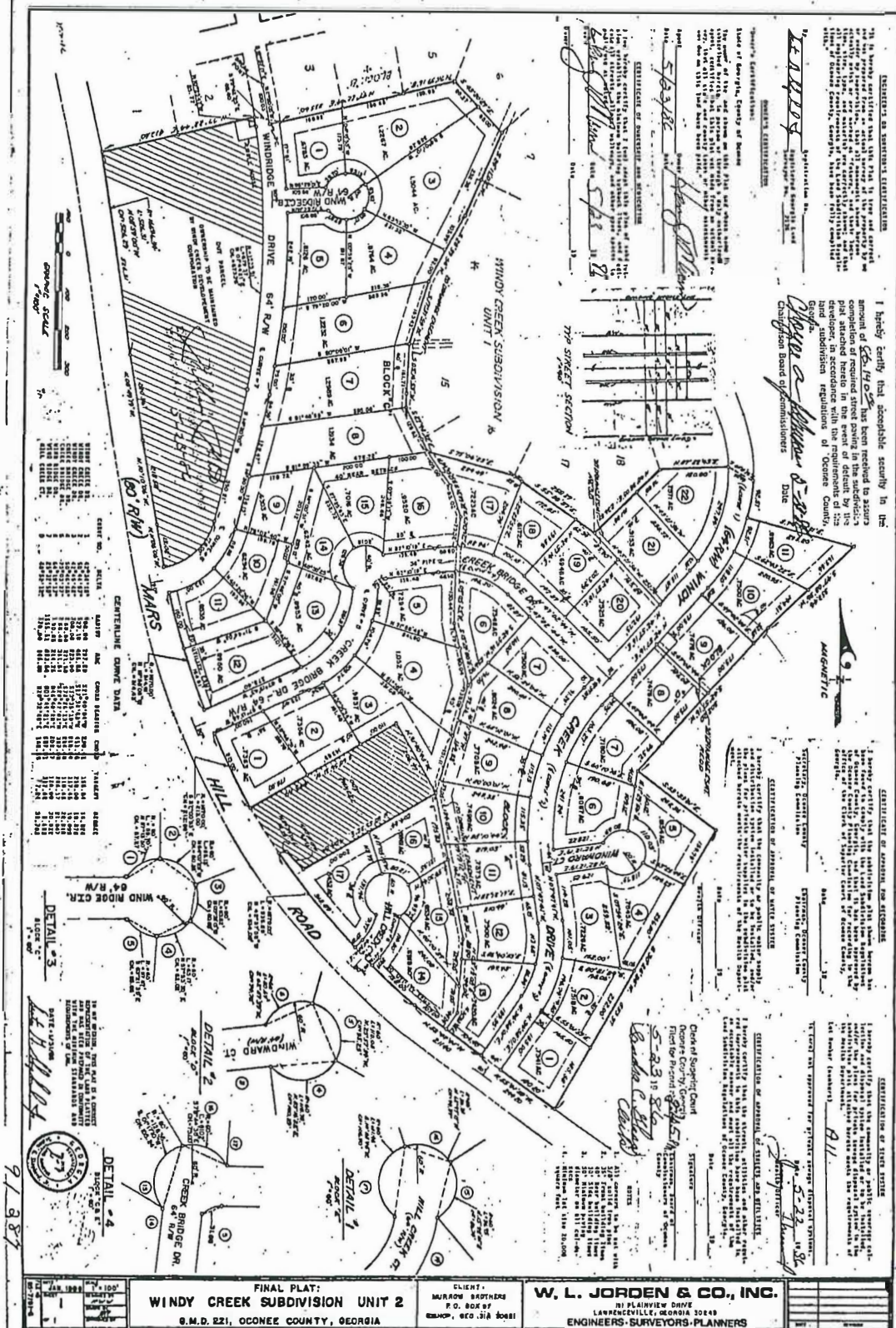
PROJECT NO.
PROJECT
Ebbehart Barn

ISSUE
1.20.22
RE-ISSUE

CLIENT
Pennie Eberhart &
Van Stansel
1040 Creek Bridge Rd.
Watkinsville, GA 30677

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05





CLIENT
Pennie Eberhart &
Van Stansel
1040 Creek Bridge Rd.
Watkinsville, GA 30677

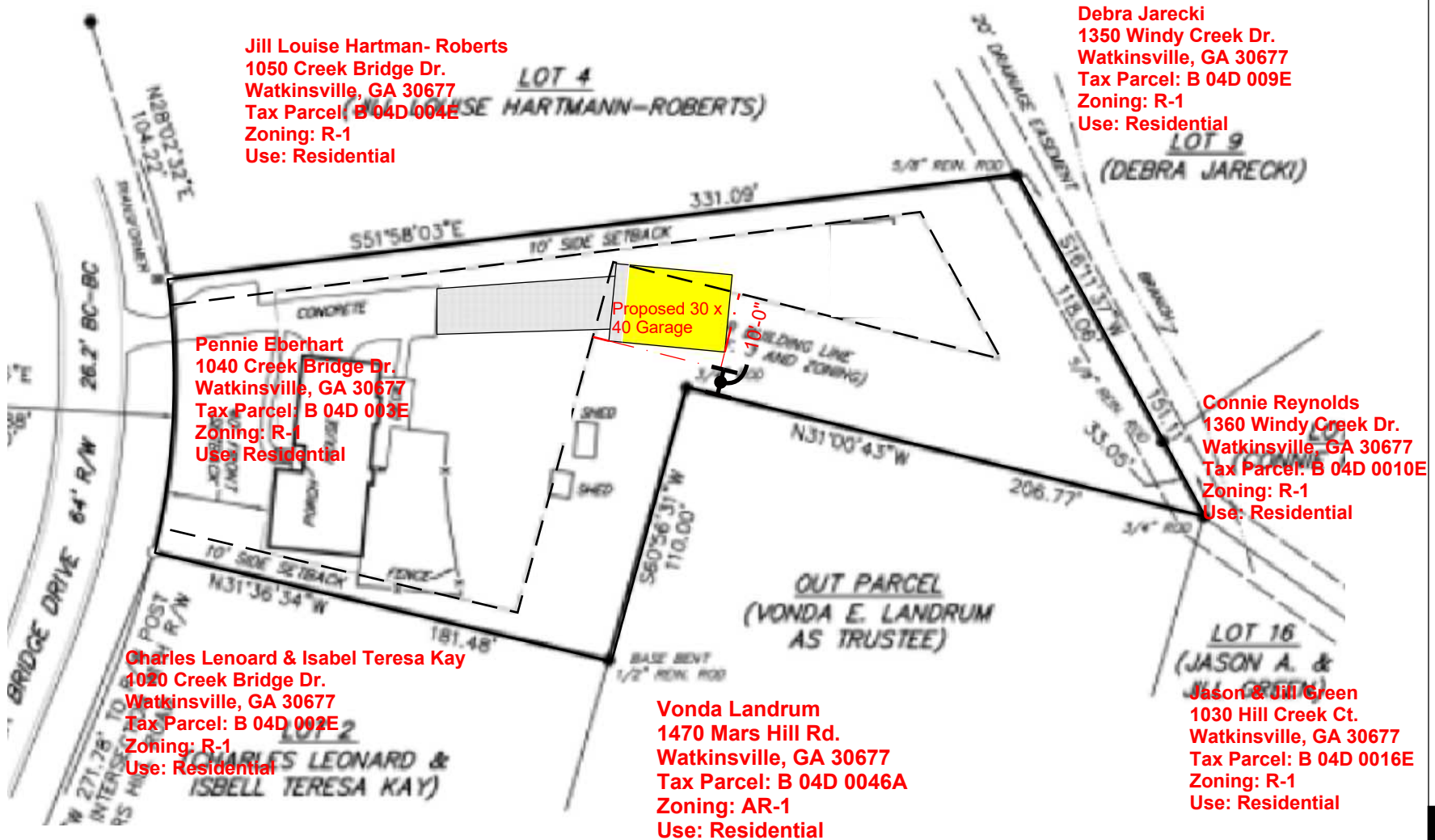
ISSUE
1.20.22
RE-ISSUE

PROJECT NO.
PROJECT
Ebbhart Barn

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AB
DESCRIPTION
Special Exception
Variance Concept Plan

a

01



Special Exception Variance Concept Plan

A

1

From: [Pennie Eberhart](#)
To: [Monica Davis](#)
Subject: [EXTERNAL EMAIL] 1040 Creek Bridge Drive
Date: Monday, February 21, 2022 9:58:40 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Monica,

Good morning! I was contacted regarding my current application for the variance at above residence. It was explained to me that in my location, neighborhood, that I could not build larger than 1000 feet without submitting another variance request. Please take this email as my formal request to change my application to build a 25x40 garage. This will keep us at the 1000 sq foot max and allow to continue with current variance application.

Please let me know if you have any questions or need additional information.

Pennie Eberhart