

**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 Trustees of the Desiderio A. Britton & Leigh Britton Living Trust 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 Desiderio A. Britton II & Leigh Britton on January 13, 2022, regarding a ±1.02 acre tract of land located at 3381 Maddison Avenue in the 221st G.M.D., Oconee County, Georgia, (tax parcel no. C-05C-022), 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 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

Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0009

Page 1 of 6

CONDITIONS

1. The rear setback shall be reduced to 6.5 feet only in the area of the encroachment of the existing shed.
2. The side yard setback shall be reduced to 14 feet only in the area of the encroachment of the existing shed.

TAX MAP

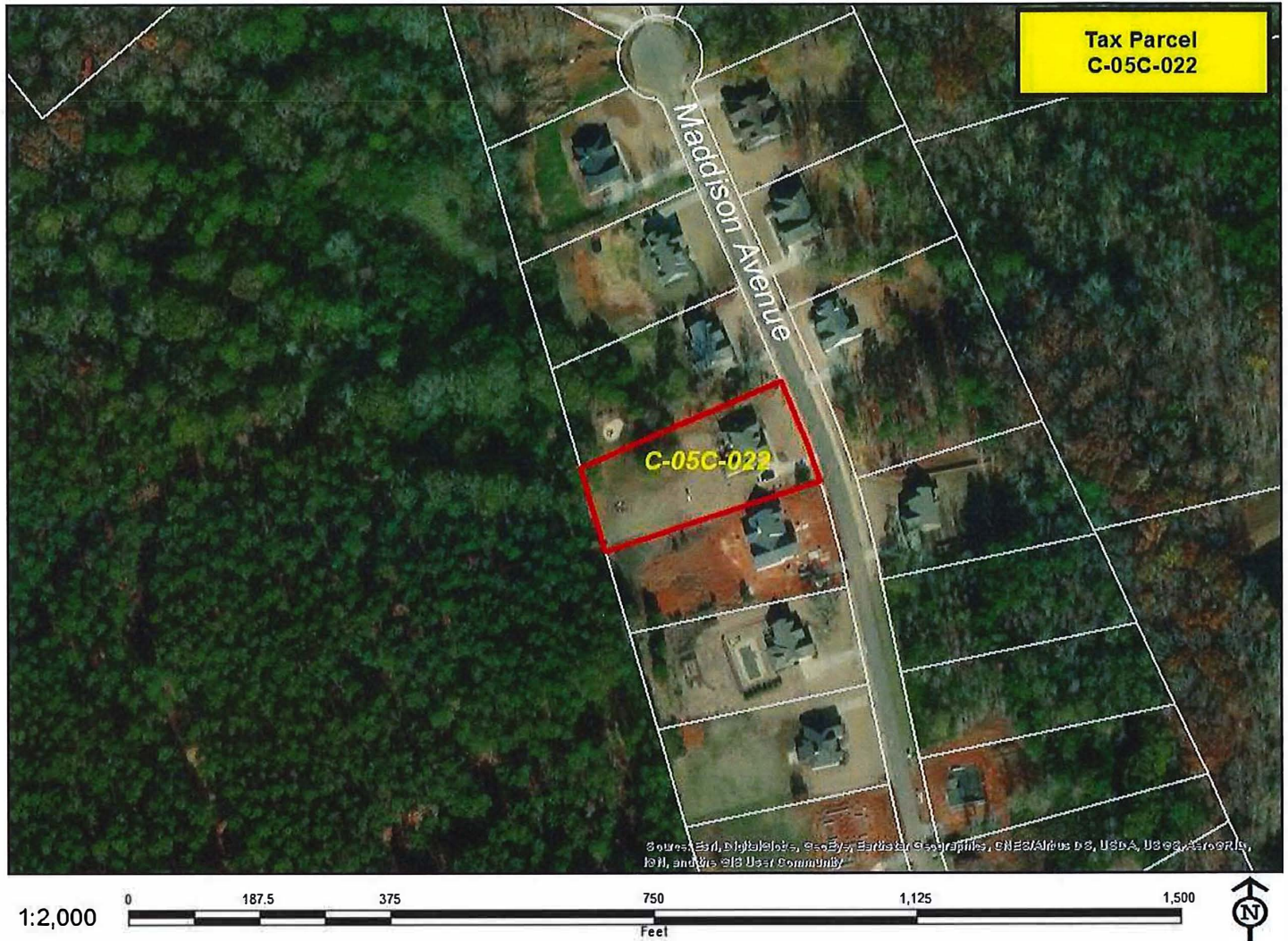


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0009

**Page 2 of 5
NARRATIVE**

Desiderio A. Britton II
Leigh P. Britton
3381 Maddison Avenue
Watkinsville, GA 30677
Phone: 407-920-0642
E-mail: desiderio.britton@gmail.com

14 March 2022

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

To Whom it May Concern:

We reside at 338 Maddison Avenue in the Lee Ridge Subdivision in Watkinsville, GA. This is Zone AR, Tax Parcel # C05-C0-22, our lot measures 1.02 Acres.

We request exception to Section 410.01.2 Table 4.1; Shed on property is larger than 144 SF requiring permit. Shed is 10 ft x 20 ft and also requires a variance to be closer to the rear property line than the 40 ft stand-off requirement. Additionally, requesting variance to be closer to the side property line than the 15 ft stand-off requirement. The purpose to the shed is for storage of lawn equipment.

To the rear is property zones as Agricultural (AG) and to both sides Agricultural Residential (AR).

Kindly request approval of variance to allow full use of the yard for family recreation. The Shed is used for home use and storage of lawncare equipment. Shed is currently enclosed in fence and placed on blocks. It is not a permanent structure.

Thank you for your time.

Respectfully,

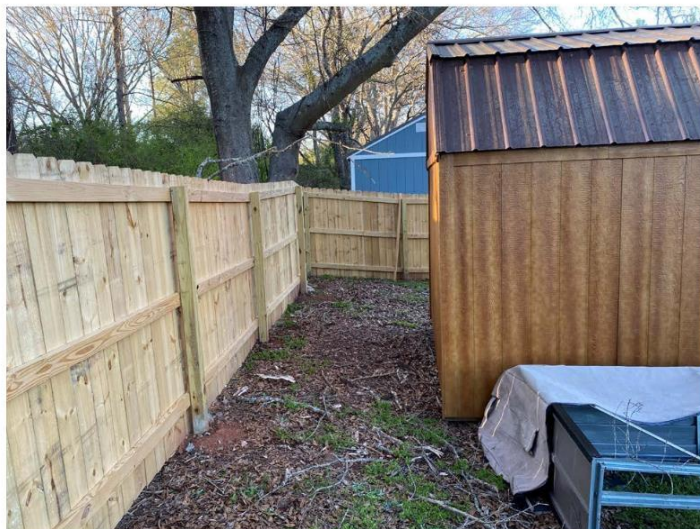


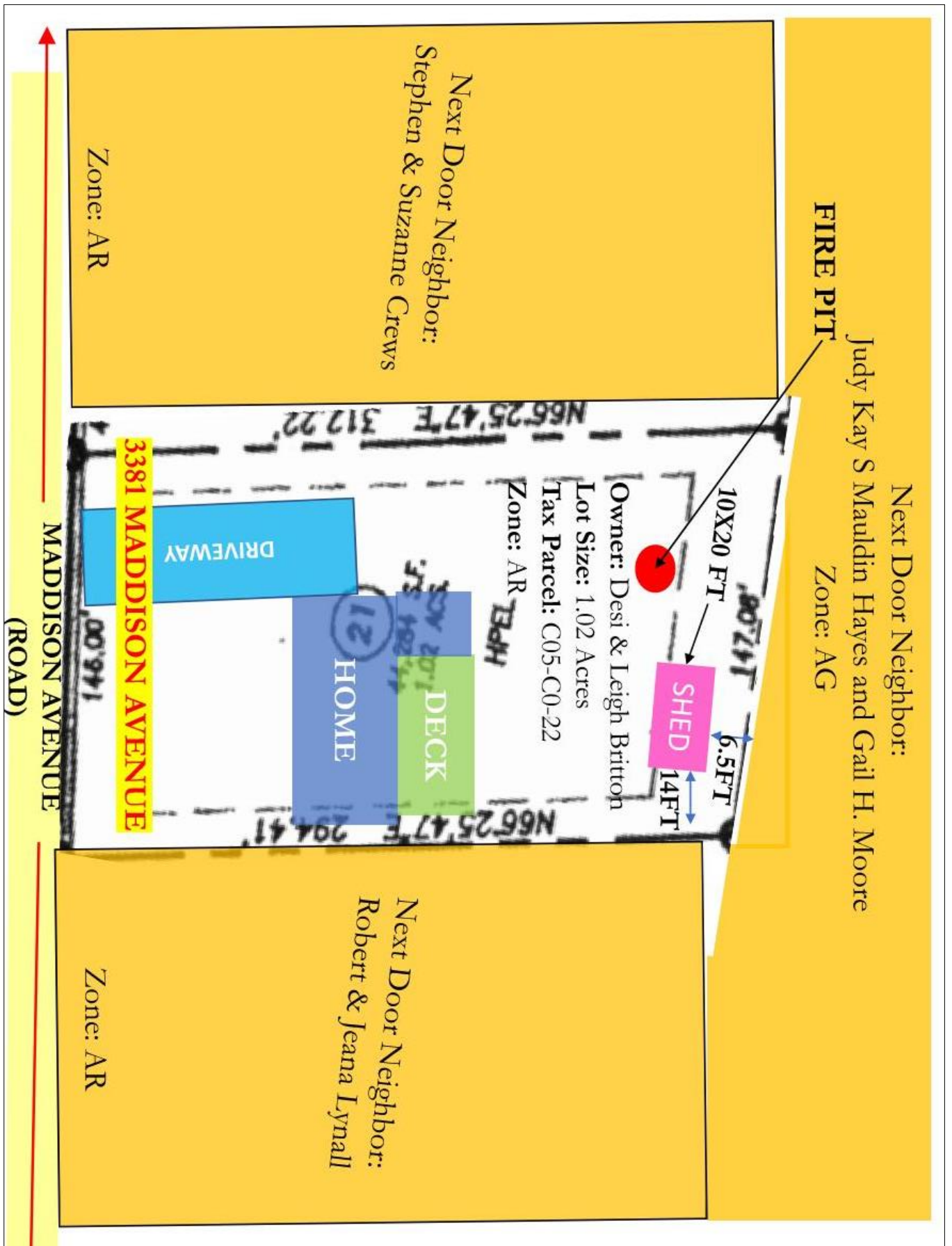
Desiderio A. Britton II



Leigh P. Britton

ARCHITECTURAL IMAGES







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

VARIANCE CASE #: P22-0009

DATE: March 25, 2022

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

APPLICANT NAME: Desiderio A. Britton II & Leigh Britton

PROPERTY OWNER: Trustees of the Desiderio A. Britton & Leigh Britton Living Trust

LOCATION: 3381 Maddison Avenue

PARCEL SIZE: ±1.02 acres

EXISTING ZONING: AR (Agricultural 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 6.5 feet and the side yard setback from 15 feet to 14 feet for an existing shed.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: April 5, 2022

ATTACHMENTS: Application
Narrative
Architectural Images
Aerial Imagery
Zoning Map
Future Development Map
Plat
Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property was rezoned from AG (Agricultural Residential District) to AR on 02/01/2005 for a single-family residential subdivision.
- A house was built in 2016.
- An existing 200 square foot shed was placed on the property in 2019, but was not permitted.

VARIANCE DESCRIPTION

- The owner is requesting to reduce the rear setback line from 40 feet to 6.5 feet and the side yard setback line from 15 feet to 14 feet in order to accommodate an existing 200 square-foot shed.
 - ***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 properties to the left and the right are single-family residential and the property to the rear is undeveloped. Staff holds that the location of the existing shed should not reduce the privacy of the adjacent properties because the existing accessory structure is screened by a fence and, therefore, should not be injurious to the use and enjoyment of nearby properties.

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

Staff holds that it is unlikely that the location of the existing accessory structure 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 holds that the location of the existing shed should not diminish the privacy or use of the adjacent residential properties nor conflict with the surrounding residential development pattern 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 6.5 feet only in the area of the encroachment of the existing shed.
2. The side yard setback shall be reduced to 14 feet only in the area of the encroachment of the existing shed.



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- ☐ Hardship Variance ☐ Appeal of Administrative Decision ☐ Flood Damage Prevention Variance
- ☒ Special Exception for: Section 410.01.2 Table 4.1

Applicant

Name: Desiderio A. Britton II & Leigh P. Britton

Address: 3381 Maddison Avenue
(No P.O. Boxes)

Watkinsville, GA 30677

Telephone: 407-920-0642

Email: desiderio.britton@gmail.com

Property Owner

Name: Desiderio & Leigh Britton Living Trust

Address: 3381 Maddison Avenue
(No P.O. Boxes)

Watkinsville, GA 30677

Telephone: 407-920-0642

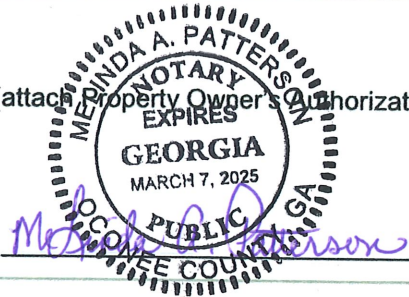
Applicant is (check one): ☒ the Property Owner ☐ Not the Property Owner (attach Property Owner's Authorization)

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

Signature: *Desiderio Britton II*

Date: 13 JAN 22

Notarized: *Meinda A. Patterson*



Property

Location: 3381 Maddison Avenue

Watkinsville, GA 30677

Tax Parcel Number: C-05C-022

Size (Acres): 1.02 Current Zoning: AR

Use

Current Use: Residential

Proposed Use: Residential

Future Development Map—Character Area Designation: Country Estates

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

Section 410.01.2 Table 4.1

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Leigh P. Britton
3381 Maddison Avenue
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Phone: 407-920-0642
E-mail: desiderio.britton@gmail.com

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Thank you for your time.

Respectfully,

A handwritten signature in black ink, appearing to read "Desiderio A. Britton II". The signature is fluid and cursive, with a long horizontal stroke at the end.

Desiderio A. Britton II

A handwritten signature in black ink, appearing to read "Leigh P. Britton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Leigh P. Britton



Variance # P22-0009 - Desiderio Britton

**Tax Parcel
C-05C-022**

C-05C-022

Madison Avenue

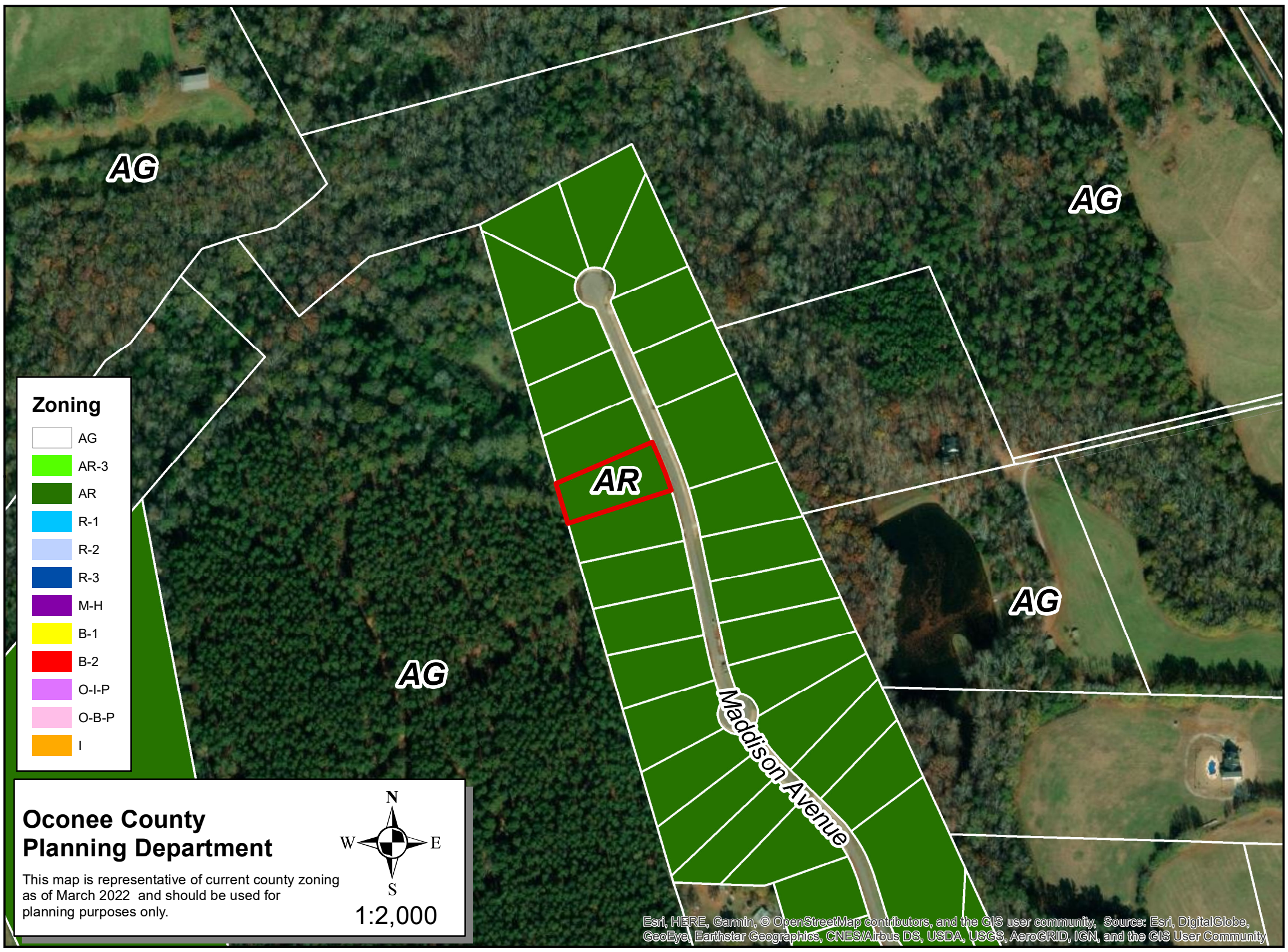
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1:2,000

0 187.5 375 750 1,125 1,500

Feet



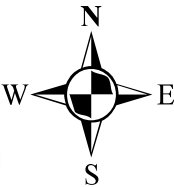


Zoning

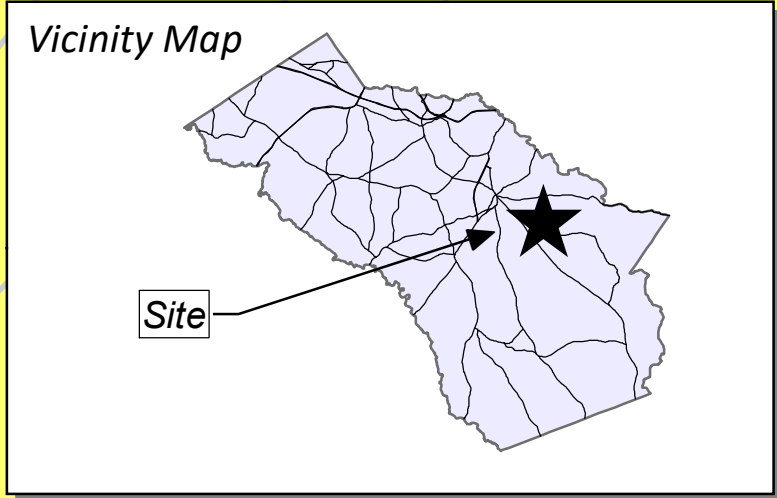
- AG
- AR-3
- AR
- R-1
- R-2
- R-3
- M-H
- B-1
- B-2
- O-I-P
- O-B-P
- I

**Oconee County
Planning Department**

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



1:2,000



Oconee County Planning Department

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

0 205 410 820 1,230 1,640 Feet

Legend

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

Country Estates



Maddison Avenue

McRees Gin Rd

Ashford Rd

Flat Rock Rd

PROJECT DATA

FILED IN CLERK'S OFFICE

07 FEB 22 PM 4:06

36 468

022007

ASSETA MAPS/PLANS

SURVEYOR: JERRY D. WOOD
 GEORGIA R.L.S. #2999
 1671 Meriwether Dr., Suite 201
 Bogart, GA 30622
 706.613.8900
 706.425.9631 FAX

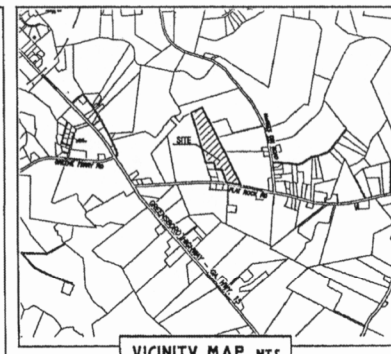
NOTE: THIS PLAT IS NOT VALID
 FOR RECORDING PURPOSES
 UNLESS SURVEYOR'S SIGNATURE
 APPEARS IN ORIGINAL BLACK INK
 OVER THE STAMP.

In my opinion this plat is a
 correct representation of the
 land plotted and has been
 prepared in conformity with
 minimum standards and
 requirements of law.

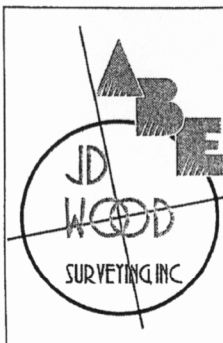
SURVEY CLOSURE STATEMENT
 The Field Data upon which this plat is based has
 a closure precision of one foot in 15200
 feet, and an angular error of 2" per
 angle point, and was not adjusted.
 This plat has been calculated for closure and
 is found to be accurate within one foot in
773,000 feet.
 Linear Measurement obtained using GTS 605
 Angular Measurement obtained using GTS 605
 Field Work completed OCTOBER 11, 2008

"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 "future," and
 their location, size, type, and material
 are correctly shown."

By Jerry D. Wood
 Registered Professional Surveyor



VICINITY MAP NTS



1671 MERIWETHER DR.
 SUITE 201
 BOGART, GA 30622
 706.613.8900
 706.425.9631 FAX

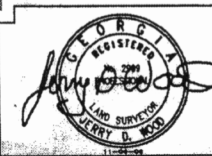
FINAL PLAT FOR:

**LEE
 RIDGE**

FLAT ROCK ROAD
 OCONEE COUNTY, GA
 221 G.M.D.

REVISION	DATE
REVISED PER COUNTY COMMENTS	5/15/07

ANY CHANGES OR ALTERATIONS MADE TO
 THIS PLAT MUST BE APPROVED BY THE
 SURVEYOR AND THE OCONEE COUNTY CLERK.
 ANY UNLAWFUL ALTERATIONS WILL
 BE PENALIZED. THE SURVEYOR AND
 THE OCONEE COUNTY CLERK SHALL
 BE RESPONSIBLE FOR THE VERIFICATION OF ANY
 CHANGES.

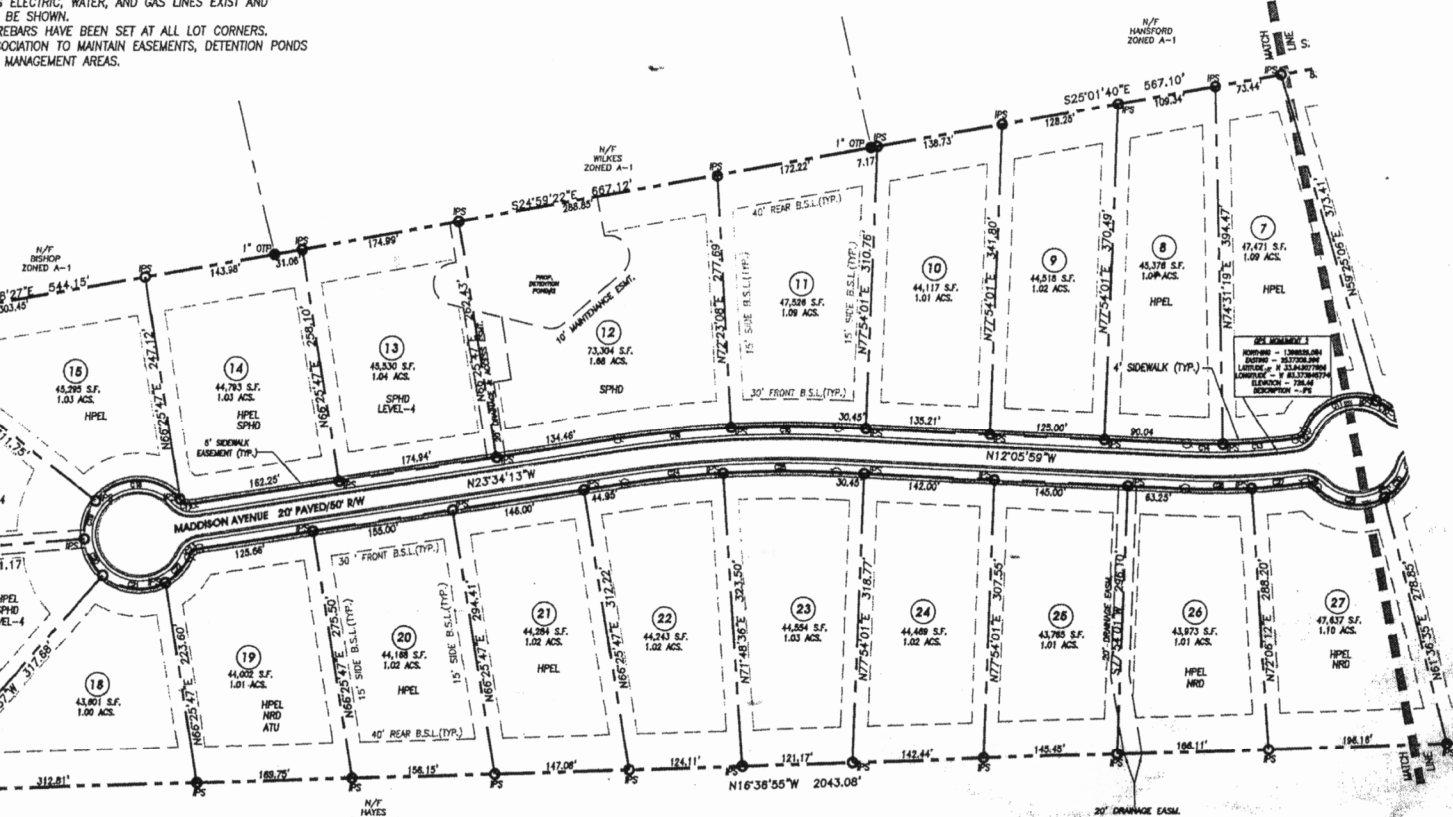


DATE
 11/06/06

PROJECT
 05-054-035

FINAL
 PLAT

SHEET
 2 OF 3



MONUMENTATION LEGEND

	Deplots Computed Point Only
	Deplots Iron Pin Set
	Deplots Iron Pin Found
	Deplots Monument Set
	Deplots Monument Found

PLAT ABBREVIATIONS

IPF	- Iron Pin Found
IPS	- Iron Pin Set
OTF	- Open Top Pipe
CTP	- Crimp Top Pipe
Conc.	- Concrete
Alum.	- Aluminum
R/W	- Right of Way
C/L	- Centerline
P.O.C.	- Point of Commencement
P.O.B.	- Point of Beginning



PLAT

