

**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
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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

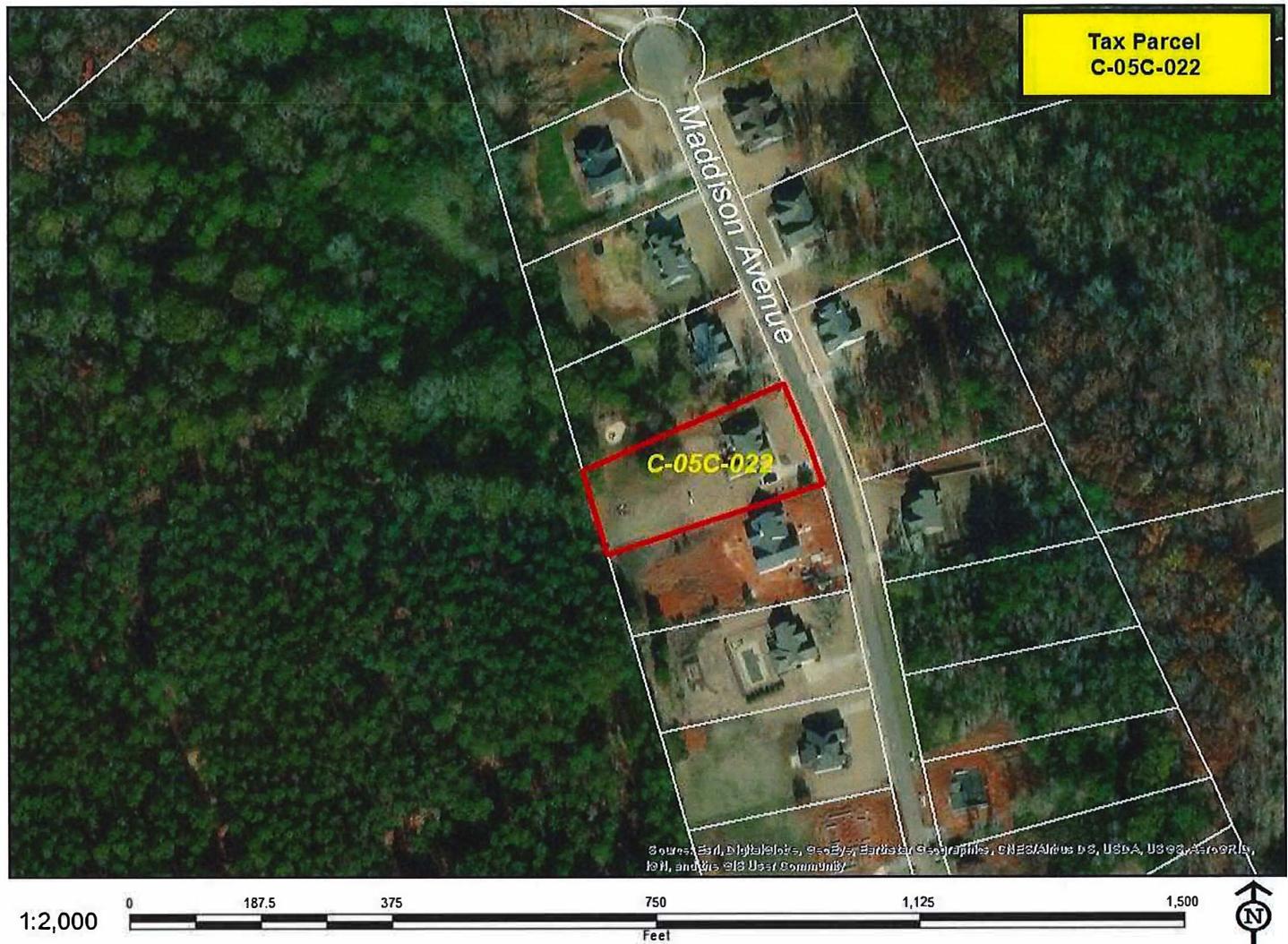


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0009

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

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0009
Page 3 of 5

ARCHITECTURAL IMAGES



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

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PLAT

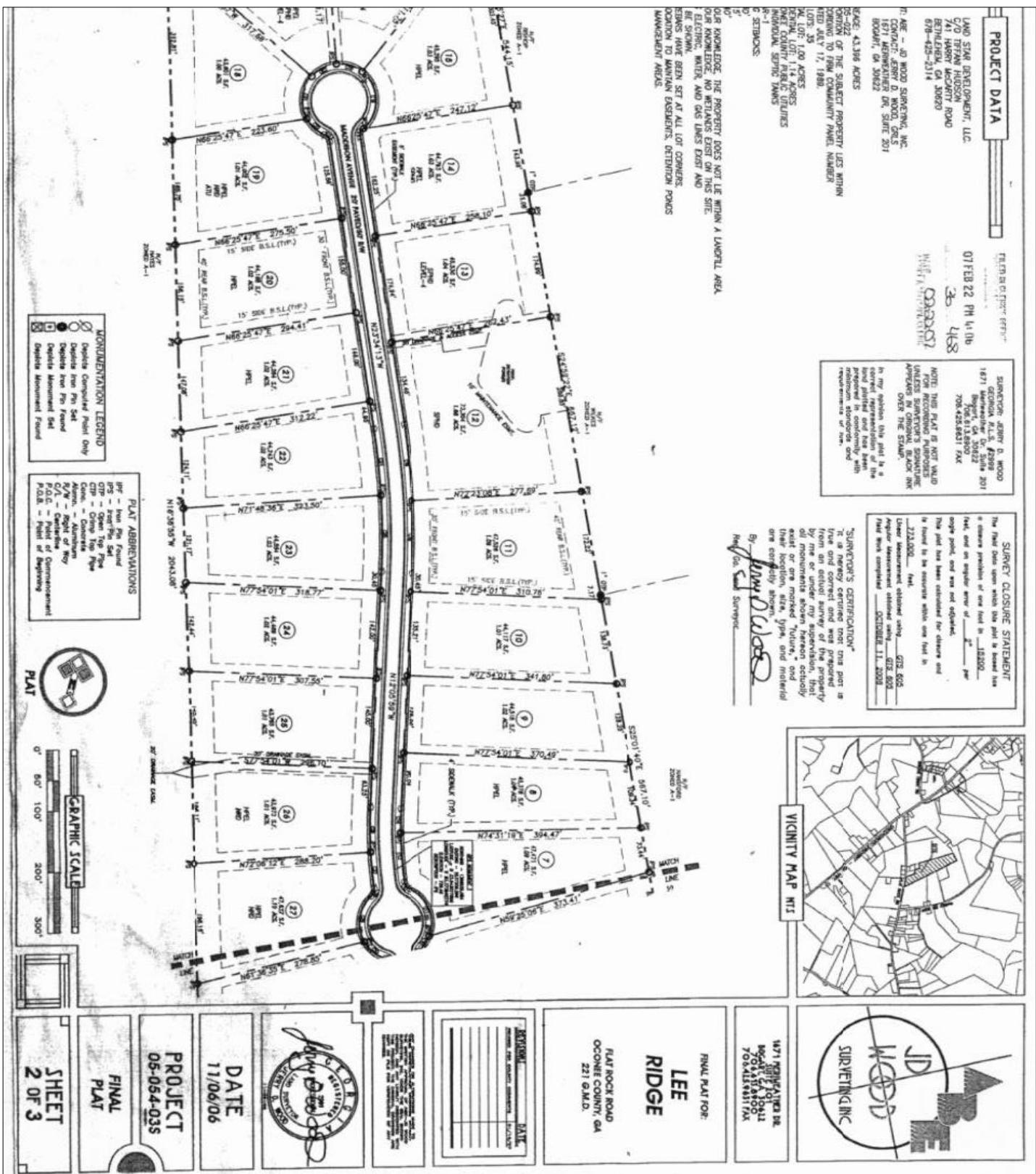


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0009

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CONCEPT PLAN

Judy Kay S Mauldin Hayes and Gail H. Moore
Zone: AG

Next Door Neighbor:

Stephen & Suzanne Crews

10X20 FT 6.5FT

SHED 14FT

Owner: Desi & Leigh Britton
Lot Size: 1.02 Acres
Tax Parcel: C05-C0-22

Zone: AR *BoH*

Next Door Neighbor:
Robert & Jeana Lynall

HOME

DECK

DRIVEWAY

3381 MADDISON AVENUE

Zone: AR

MADDISON AVENUE
(ROAD)



Zone: AR



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

VARIANCE CASE #: P22-0009

DATE: March 25, 2022

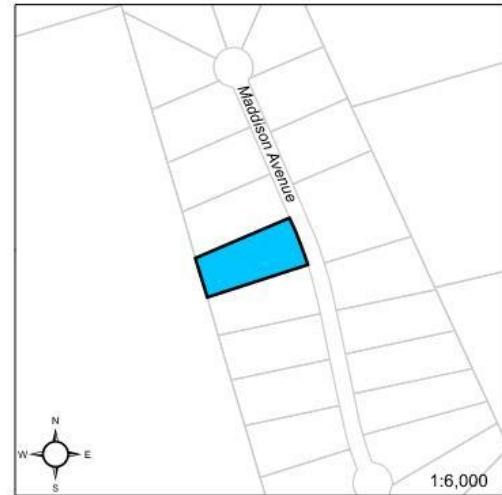
STAFF REPORT BY: Monica Davis, Planner
Grace Tuschak, Senior Planner

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.

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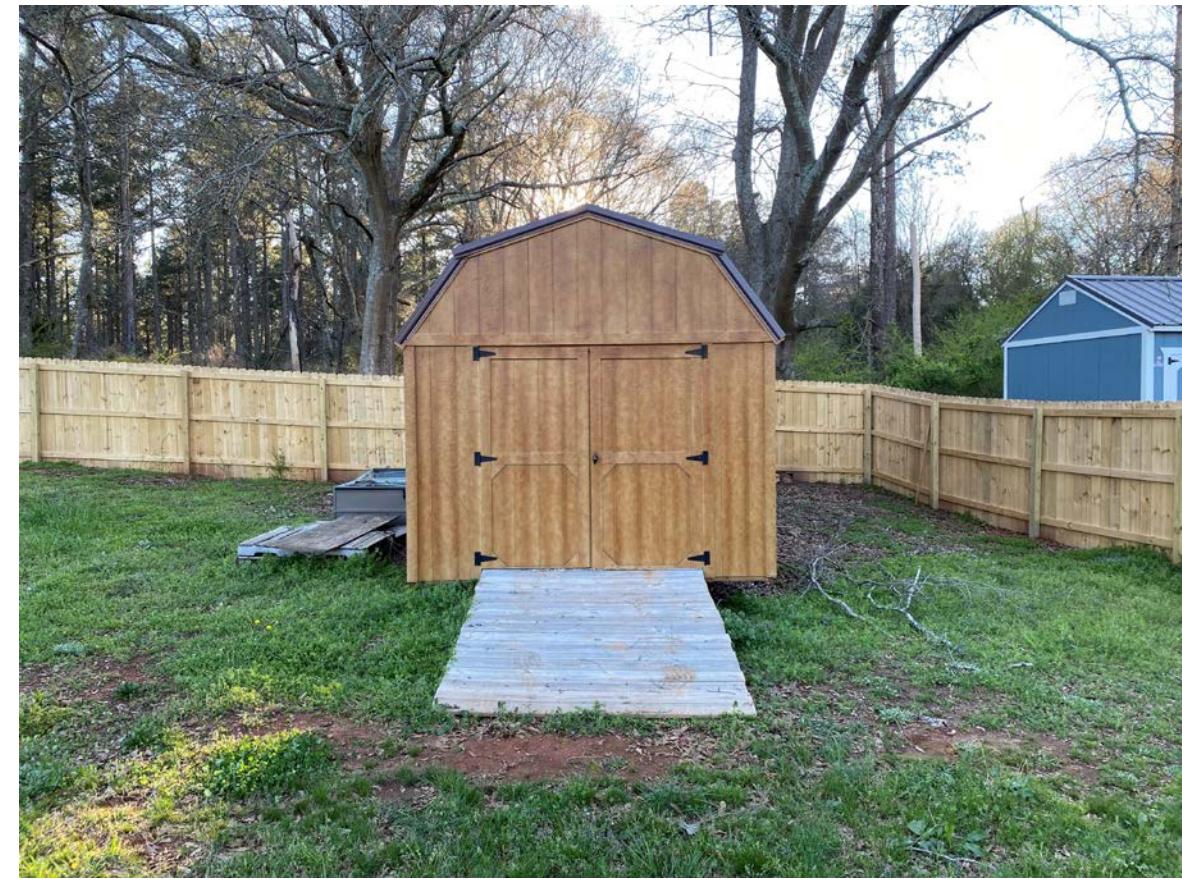
Respectfully,



Desiderio A. Britton II



Leigh P. Britton



Variance # P22-0009 - Desiderio Britton

Tax Parcel
C-05C-022

Maddison Avenue

C-05C-022

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

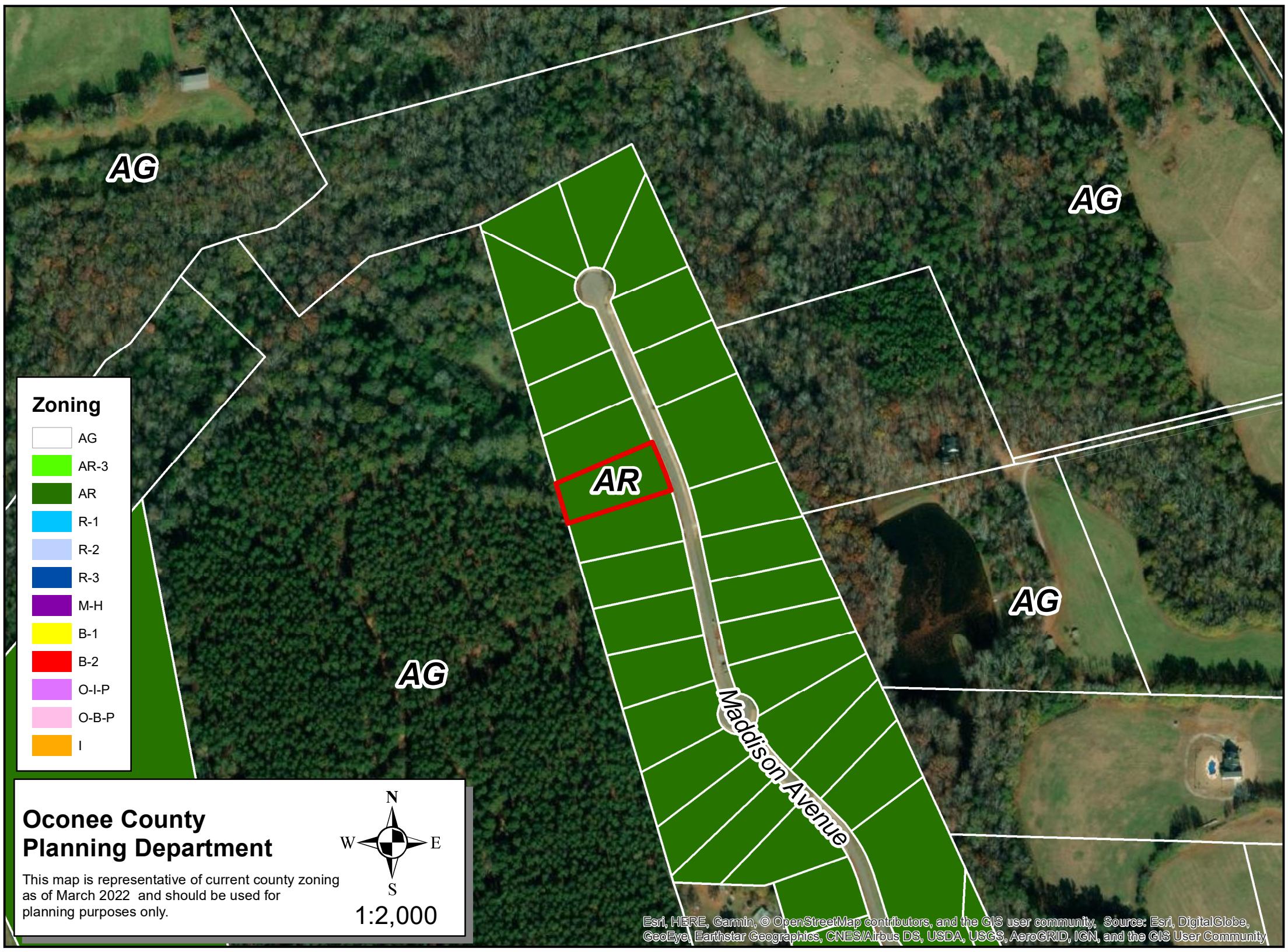
750

1,125

1,500

Feet





AG

AG

AG

AG

AR

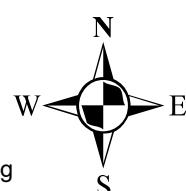
Maddison Avenue

Zoning

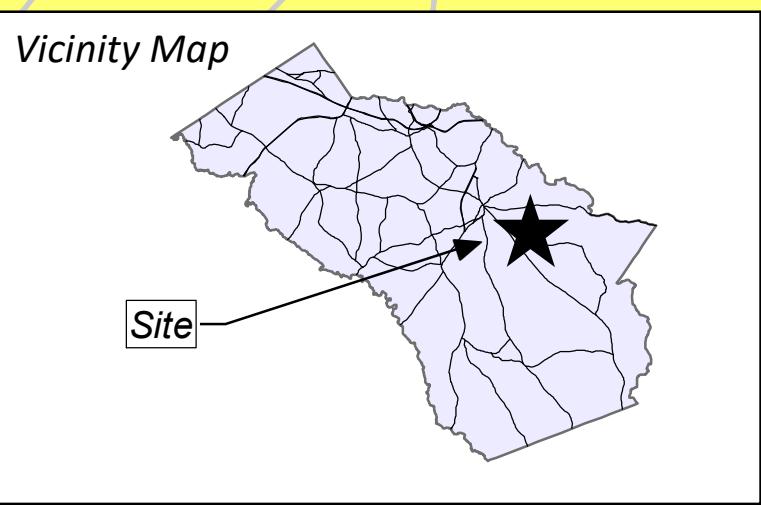
- AG
- AR-3
- AR
- R-1
- R-2
- R-3
- M-H
- B-1
- B-2
- O-I-P
- O-B-P
- I

Oconee County Planning Department

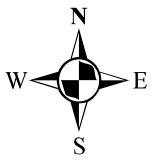
This map is representative of current county zoning as of March 2022 and should be used for planning purposes only.



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

Country Estates



Flat Rock Rd

Maddison Avenue

McRees Gin Rd

Ashford Rd

