

**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 Robert Charles and Jeana Louise Lynall submitted on March 22, 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 Robert Charles and Jeana Louise Lynall on March 22, 2022, regarding a ±1.02 acre tract of land located at 3531 Maddison Avenue in the 221<sup>st</sup> G.M.D., Oconee County, Georgia, (tax parcel no. C-05C-021), 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 and side yard setbacks 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.

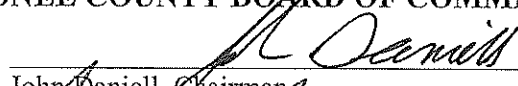
SECTION 3. Effective Date. This Resolution shall take effect this date.


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 May 3, 2022.


ADOPTED AND APPROVED, this 3<sup>rd</sup> day of May, 2022.

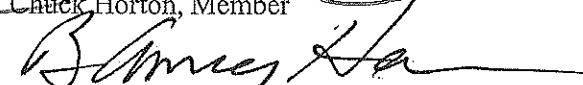
**OCONEE COUNTY BOARD OF COMMISSIONERS**

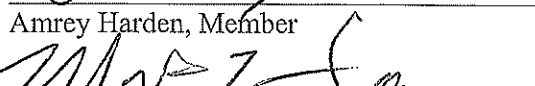
BY:

  
John Daniell, Chairman

  
Mark Thomas, Member

  
Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:


  
Holly Stephenson  
Clerk, Board of Commissioners

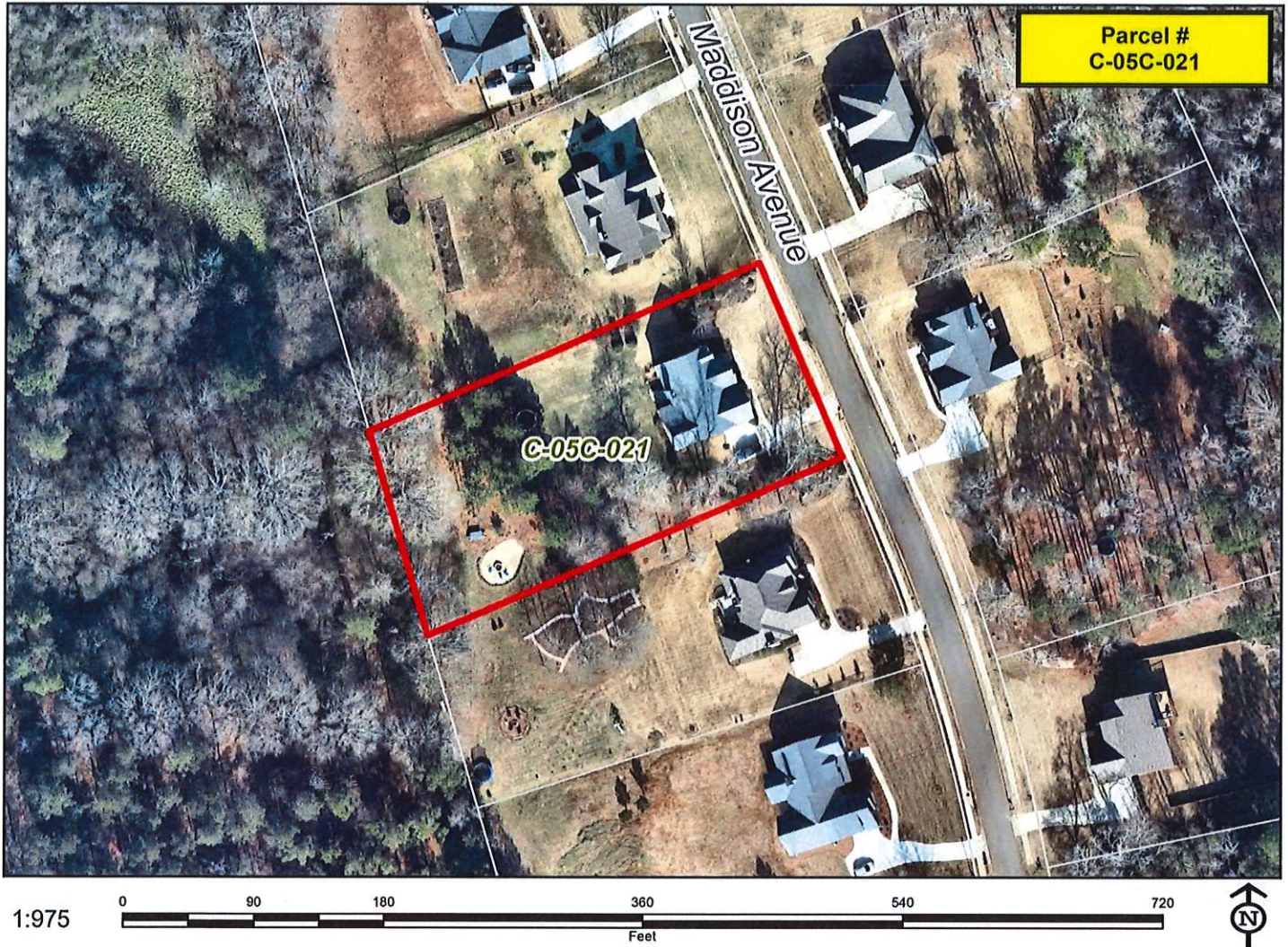
EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0065

Page 1 of 5

CONDITION

1. The rear and side yard setbacks shall be reduced to 5 feet only in the area of the encroachment of the existing shed.

TAX MAP



NARRATIVE

**Variance Request – Narrative Statement**

Submitted by Robert C. Lynall and Jeana L. Lynall  
3531 Maddison Ave., Watkinsville, GA 30677  
(309) 339-2261 | rlynall@uga.edu

**Introduction:**

We are respectfully requesting a special exemption variance to place our stand-alone above-ground (no foundation) utility shed five feet from the back and side property lines. The shed is 12' x 20', 240 sq ft. Our address is 3531 Maddison Ave., Watkinsville, GA 30677. The zoning district is AR. The property is residential, used as a home. The property is 1.02 acres.

**Variance Requested:**

We are requesting a variance from section 410.01, table 4.1, which requires structures larger than 144 sq ft to be setback 15 ft. from the side and 40 ft. from the rear. We propose a shed placement of 5 ft from the back and side of the property. The reason for this variance is that we would like the shed to be on the back corner of the property to minimize the impact on our property and align with the fire pit. Any other location on the property will require that we cut down numerous trees. We propose to use the utility shed as storage.

**Adjacent Properties:**

To the side of the proposed shed location is our neighbors, Desi and Leigh Britton. It is a residential property, zoned AR. They support the proposed shed location (please see attached letter of support). To the rear is a property zoned AG that is overgrown forest, belonging to Judy Mauldin Hayes and Gail Moore. To the best of our knowledge, there are no dwellings or other structures on the property. There is a fence that separates the back property from our property. We have never met the landowner and have never seen anyone on the property to the rear. We do not anticipate our proposed shed placement will have any impact on the property to the rear.

**Other Applications:**

None

**Conclusion:**

We are requesting a special exemption variance to place our 240 sq ft shed five feet from the back and side property lines. Our neighbors to the side support our proposed shed placement (please see attached letter of support). The land to the back of the proposed shed placement is overgrown forest that, to the best of our knowledge, contains no dwellings or other structures.

All information contained in this narrative and the attached documents is presented to the best of our knowledge.

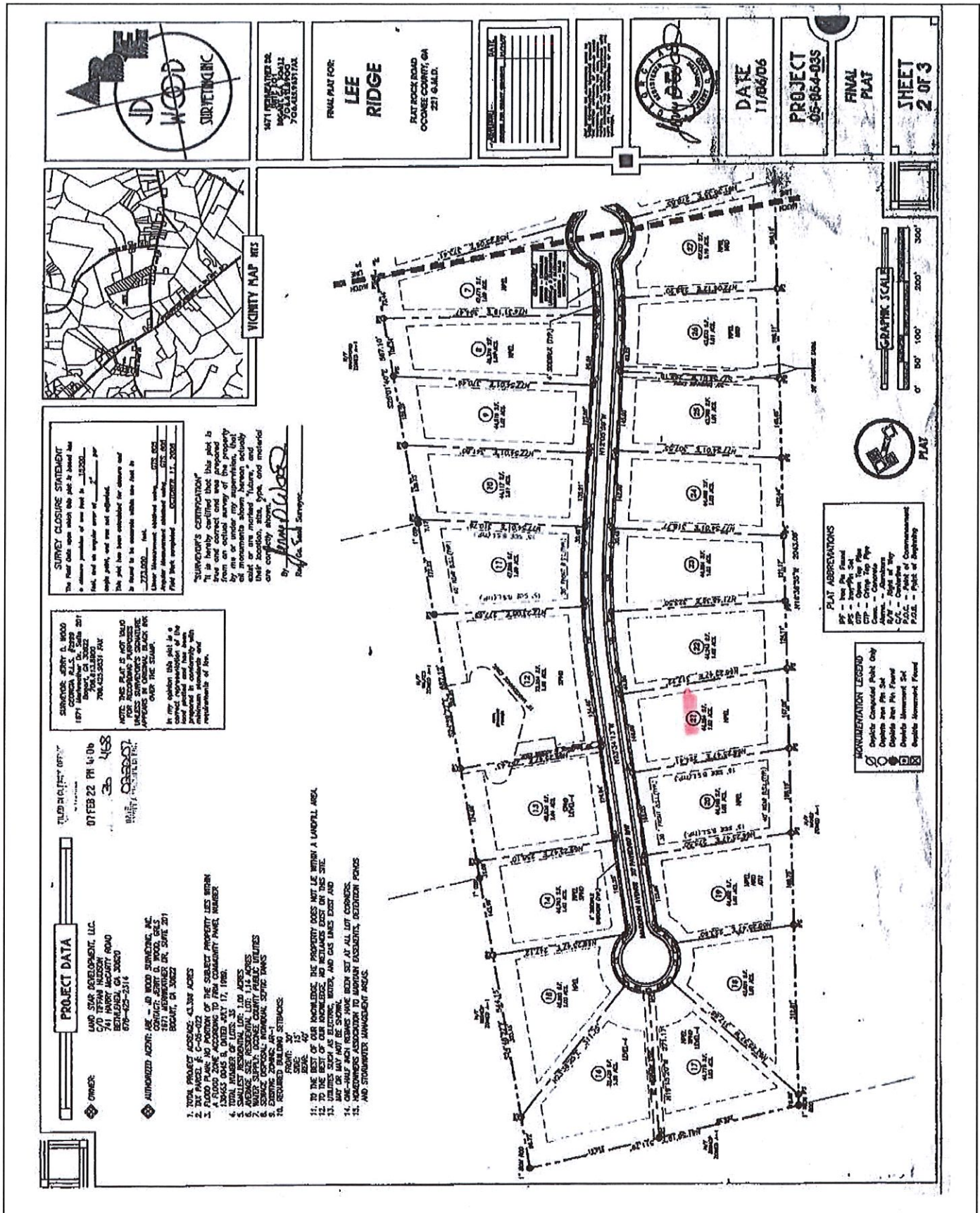


ARCHITECTURAL IMAGES

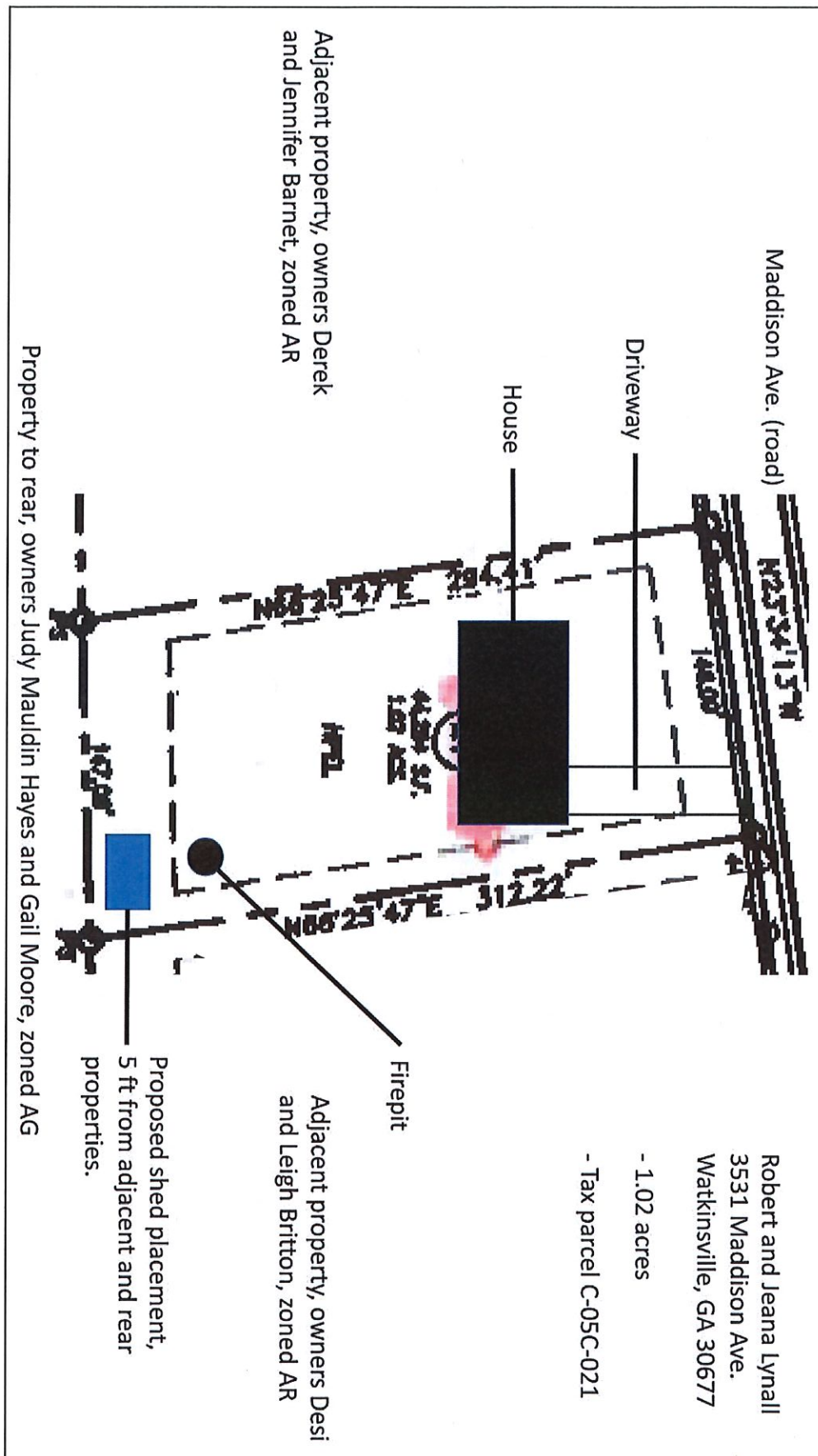




## PLAT



CONCEPT PLAN





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

**VARIANCE CASE #:** P22-0065

**DATE:** April 22, 2022

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

**APPLICANT NAME:** Robert Charles and Jeana Louise  
Lynall

**PROPERTY OWNER:** Robert Charles and Jeana Louise  
Lynall

**LOCATION:** 3531 Maddison Avenue

**PARCEL SIZE:** ±1.02 acres

**EXISTING ZONING:** AR (Agricultural Residential District)

**EXISTING LAND USE:** Single-Family 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 5 feet and to reduce the side yard setback from 15 feet to 5 feet for an existing shed.

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** May 3, 2022

**ATTACHMENTS:** Application  
Narrative  
Photographs of existing shed  
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 240-square-foot shed was placed on the property in 2021 but was not permitted.

### **VARIANCE DESCRIPTION**

- The owner is requesting to reduce the rear setback line from 40 feet to 5 feet and the side yard setback line from 15 feet to 5 feet in order to accommodate an existing 240-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.

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## **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 north and south 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 it is screened by a privacy fence on the south of the property. The shed is also screened by landscaping on the



north side and the rear of the property and 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 the enjoyment of 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 and side yard setbacks shall be reduced to 5 feet only in the area of the encroachment of the existing shed.



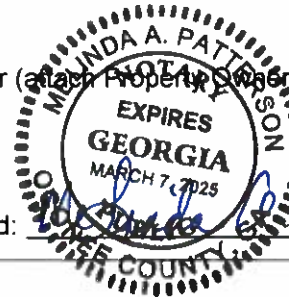
# OCONEE COUNTY APPEAL APPLICATION

**Type of Appeal Submitted:**

- ☐ Hardship Variance    ☐ Appeal of Administrative Decision    ☐ Flood Damage Prevention Variance  
☒ Special Exception for: Variance to place shed 5 ft from side and back property lines

**Applicant**Name: Robert Charles and Jeana Louise LynallAddress: 3531 Maddison Ave

(No P.O. Boxes)

Watkinsville, GA 30677Telephone: (309) 339-2261Email: rlynall@uga.edu**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: 3/31/22Notarized: [Signature]**Property**Location: 3531 Maddison Ave.Watkinsville, GA 30677Tax Parcel Number: C-05C-021Size (Acres): 1.02    Current Zoning: ARFuture Development Map—Character Area Designation: Country estates**Use**Current Use: ResidentialProposed Use: Residential**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., table 4.1. Special Exception Variance to place 240 sq ft shed 5 ft from side and rear property lines.

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### **Other Applications:**

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All information contained in this narrative and the attached documents is presented to the best of our knowledge.











# Variance # P22-0065 - Robert Lynall

Parcel #  
C-05C-021

Madison Avenue

C-05C-021



1:975





**Zoning**

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

**Oconee County  
Planning Department**

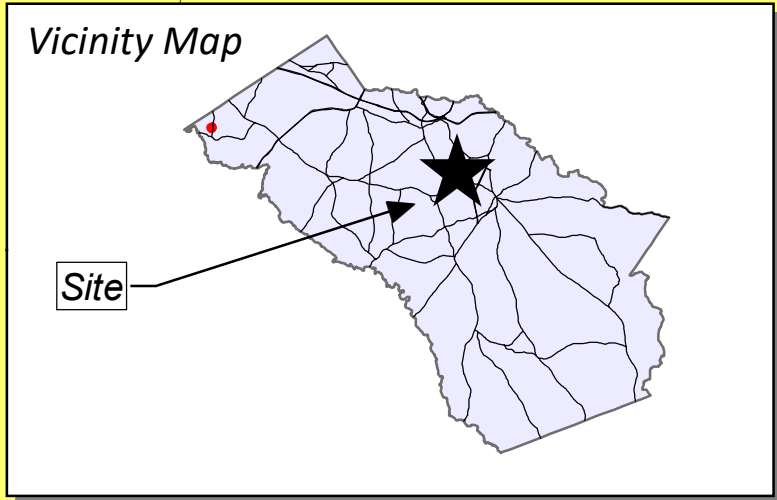
This map is representative of current county zoning as of April 2022 and should be used for planning purposes only.

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

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Feet

N

W

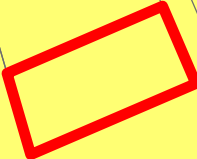
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## Legend

<div></div>	Agricultural Preservation
<div></div>	Rural Places
<div></div>	Country Estates
<div></div>	Suburban Neighborhood
<div></div>	Neighborhood Village
<div></div>	Community Village
<div></div>	Corridor Commercial
<div></div>	Civic Center
<div></div>	Technology Gateway
<div></div>	Regional Center

Country Estates



Maddison Avenue

McRees Gin Rd

# PROJECT DATA

OWNER:  
LAND STAR DEVELOPMENT, LLC  
741 HARRIS HAVENWAY ROAD  
BETHLEHEM, GA 30620  
878-425-2314

AUTHORIZED AGENT: JERRY D. WOOD  
1871 MEREWETHER DR. SUITE 201  
BARTOW, FL 34609  
813-980-7000

1. TOTAL PROJECT ACREAGE: 43.396 ACRES
2. TAX PARCEL # C-05-022
3. FLOOD PLAIN: NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN FLOOD ZONE ACCORDING TO THE COMMUNITY PANEL NUMBER 13000 ZONE 17, 1988.
4. TOTAL NUMBER OF LOTS: 35
5. SMALLEST RESIDENTIAL LOT: 1.00 ACRES
6. AVERAGE SIZE RESIDENTIAL LOT: 1.14 ACRES
7. WATER SUPPLY: OCOKEE COUNTY PUBLIC UTILITIES
8. SEWAGE DISPOSAL: INDIVIDUAL SEPTIC TANKS
9. CLOSING: 10/1/2008
10. REQUIRED BUILDING SETBACKS:  
FRONT: 30'  
SIDE: 15'  
REAR: 40'

11. TO THE BEST OF OUR KNOWLEDGE, THE PROPERTY DOES NOT LIE WITHIN A LANDFILL AREA.
12. TO THE BEST OF OUR KNOWLEDGE, NO WETLANDS EXIST ON THIS SITE.
13. UTILITIES SUCH AS ELECTRIC, WATER, AND GAS LINES EXIST AND MAY OR MAY NOT BE SHOWN HAVE BEEN SET AT ALL LOT CORNERS.
14. HOA/NEIGHBORHOOD ASSOCIATION TO MAINTAIN ESSENTIALS, DETENTION PONDS AND STORMWATER MANAGEMENT AREAS.

FILED IN COUNTY OF BAY  
07 FEB 22 PM 4:06  
JERRY D. WOOD  
1871 MEREWETHER DR. SUITE 201  
BARTOW, FL 34609  
813-980-7000

SURVEYOR: JERRY D. WOOD  
1871 Merewether Dr., Suite 201  
Bartow, FL 34609  
813-980-7000  
706-423-8651 FAX

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

In my opinion this plat is a true and correct representation of the land platted 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 problem of one foot in 11,200 feet, and an angular error of 2" per angle point, and one not adjusted.  
This plat has been calculated for closure and is found to be accurate within one foot in 223,000 feet.  
Linear measurement obtained using: GTS 825  
Angular measurement obtained using: GTS 800  
Field Work completed: OCTOBER 11, 2008

**"SURVEYOR'S CERTIFICATION"**  
It is hereby certified that this plat is true and correct and was prepared by me or under my supervision and 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



1871 MEREWETHER DR.  
SUITE 201  
BARTOW, FL 34609  
813-980-7000  
706-423-8651 FAX

FINAL PLAT FOR:  
**LEE  
RIDGE**

RAY ROCK ROAD  
OCOKEE COUNTY, GA  
221 G.M.D.

DATE	REVISION

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED  
DATE 11/16/06 BY 60322 JAW/STW

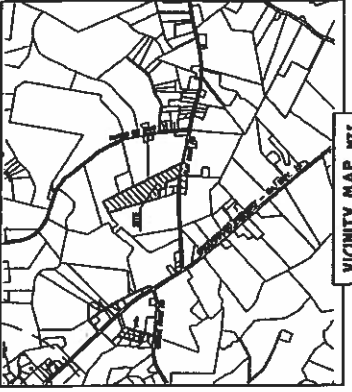


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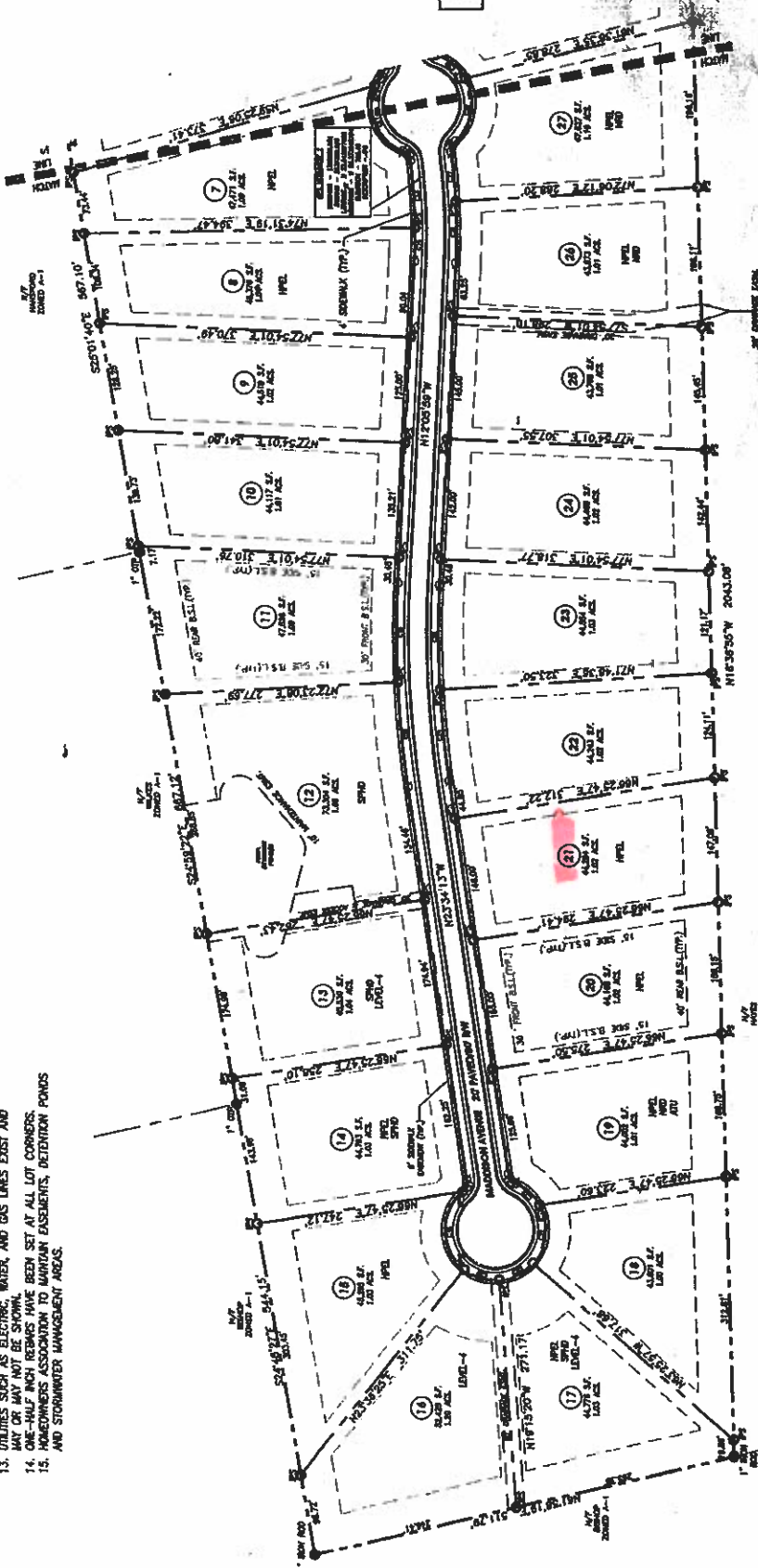
PROJECT  
05-054-035

FINAL  
PLAT

SHEET  
2 OF 3



VICINITY MAP NTS



**PLAT ABBREVIATIONS**  
 PF - Iron Pin Found  
 PS - Iron Pin Set  
 CTP - Open Top Pipe  
 CTP - Chime Top Pipe  
 Cms - Concrete  
 Bm - Benchmark  
 G/A - Gage  
 P.O.C. - Point of Commencement  
 P.O.B. - Point of Beginning

**MONUMENTATION LEGEND**  
 Depicts Computed Point Only  
 Depicts Iron Pin Set  
 Depicts Iron Pin Found  
 Depicts Monument Set  
 Depicts Monument Found



Maddison Ave. (road)

Robert and Jeana Lynall  
3531 Maddison Ave.  
Watkinsville, GA 30677

- 1.02 acres

- Tax parcel C-05C-021

Driveway

House

Adjacent property, owners Derek  
and Jennifer Barnet, zoned AR

Firepit

Adjacent property, owners Desi  
and Leigh Britton, zoned AR

Proposed shed placement,  
5 ft from adjacent and rear  
properties.

Property to rear, owners Judy Mauldin Hayes and Gail Moore, zoned AG

