

**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 221st 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.

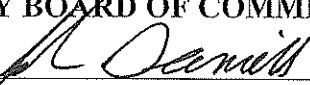
SECTION 3. Effective Date. This Resolution shall take effect this date.

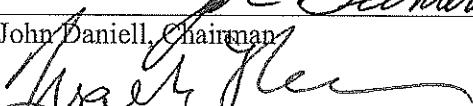
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on May 3, 2022.

ADOPTED AND APPROVED, this 3rd day of May, 2022.

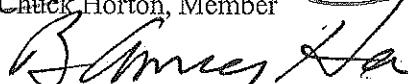
OCONEE COUNTY BOARD OF COMMISSIONERS

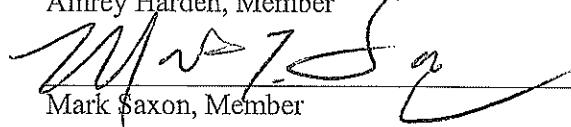
BY:


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

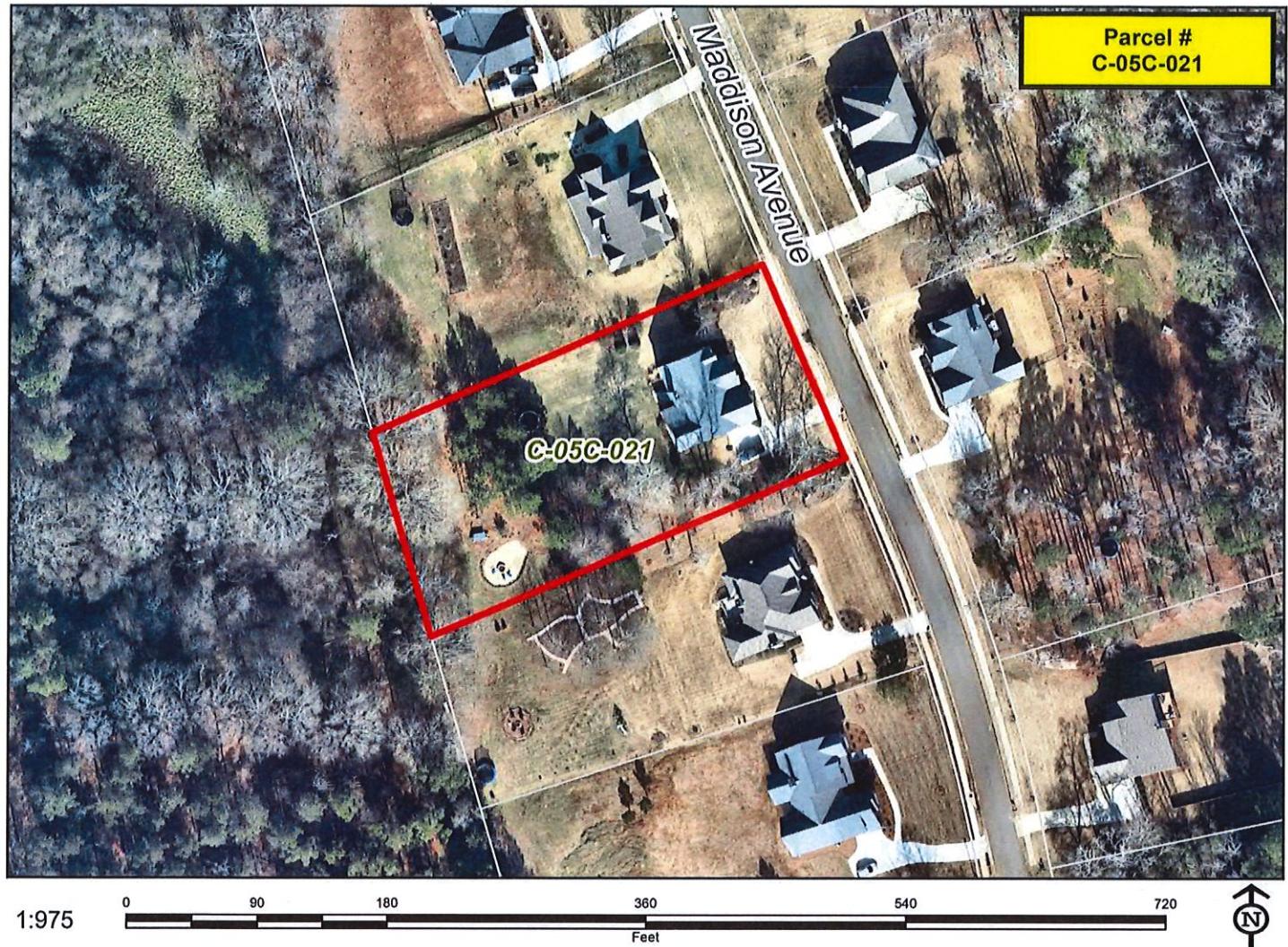


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0065
Page 2 of 5

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.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0065
Page 3 of 5

ARCHITECTURAL IMAGES



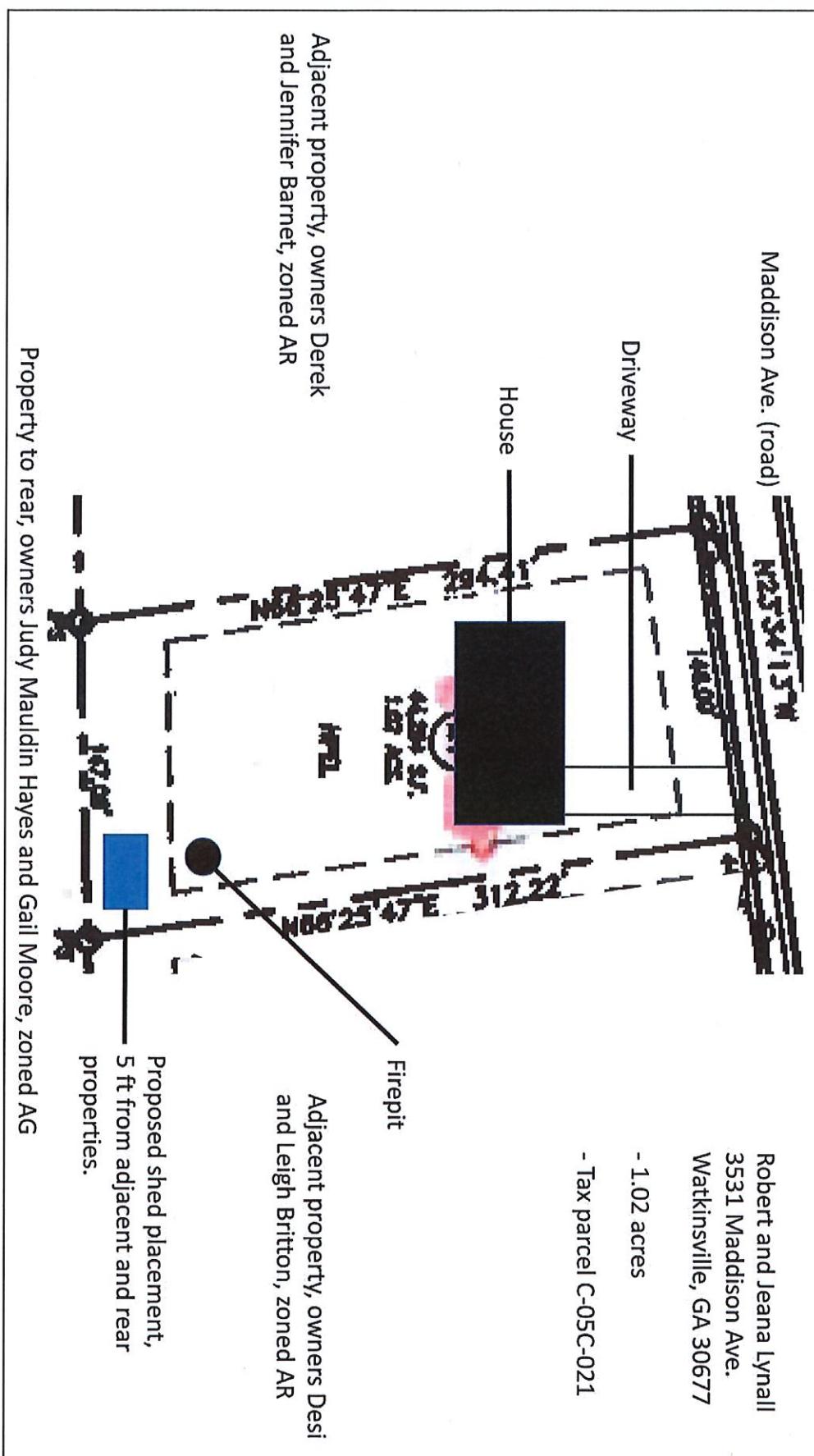
EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0065

Page 4 of 5

PLAT

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0065
Page 5 of 5

CONCEPT PLAN





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

VARIANCE CASE #: P22-0065

DATE: April 22, 2022

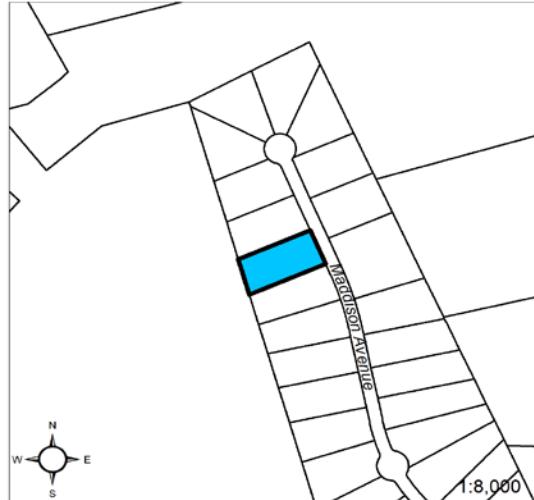
STAFF REPORT BY: Monica Davis, Planner
Grace Tuschak, Senior Planner

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.

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 Lynall

Address: 3531 Maddison Ave
(No P.O. Boxes)
Watkinsville, GA 30677

Telephone: (309) 339-2261

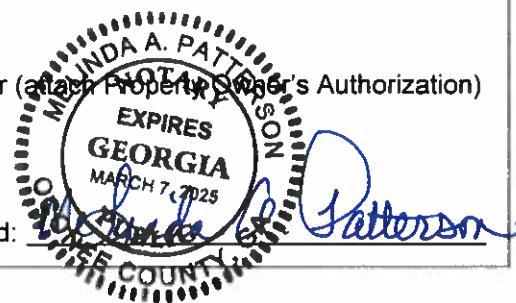
Email: rlynall@uga.edu

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: R. C. Lynall

Date: 3/31/22 Notarized:

**Property**

Location: 3531 Maddison Ave.

Watkinsville, GA 30677

Tax Parcel Number: C-05C-021

Size (Acres): 1.02 Current Zoning: AR

Future Development Map—Character Area Designation: Country estates

Use

Current Use: Residential

Proposed 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.
Section 410.01., table 4.1. Special Exception Variance to place 240 sq ft shed 5 ft from side and rear property lines.
Section 410.01., table 4.1. Special Exception Variance to place 240 sq ft shed 5 ft from side and rear property lines.
Section 410.01., table 4.1. Special Exception Variance to place 240 sq ft shed 5 ft from side and rear property lines.
Section 410.01., table 4.1. Special Exception Variance to place 240 sq ft shed 5 ft from side and rear property lines.
Section 410.01., table 4.1. Special Exception Variance to place 240 sq ft shed 5 ft from side and rear property lines.

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.





Variance # P22-0065 - Robert Lynall

Parcel #
C-05C-021



1:975 0 90 180 360 540 720

Feet





Zoning

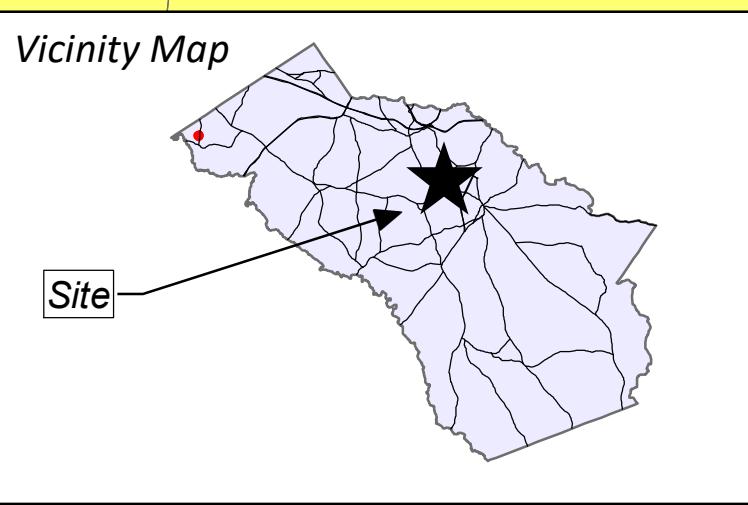
	AG
	AR-3
	AR
	R-1
	R-2
	R-3
	M-H
	B-1
	B-2
	O-I-P
	O-B-P
	I

Oconee County Planning Department

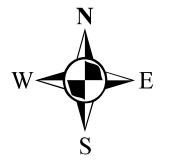
This map is representative of current county zoning as of April 2022 and should be used for planning purposes only.

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



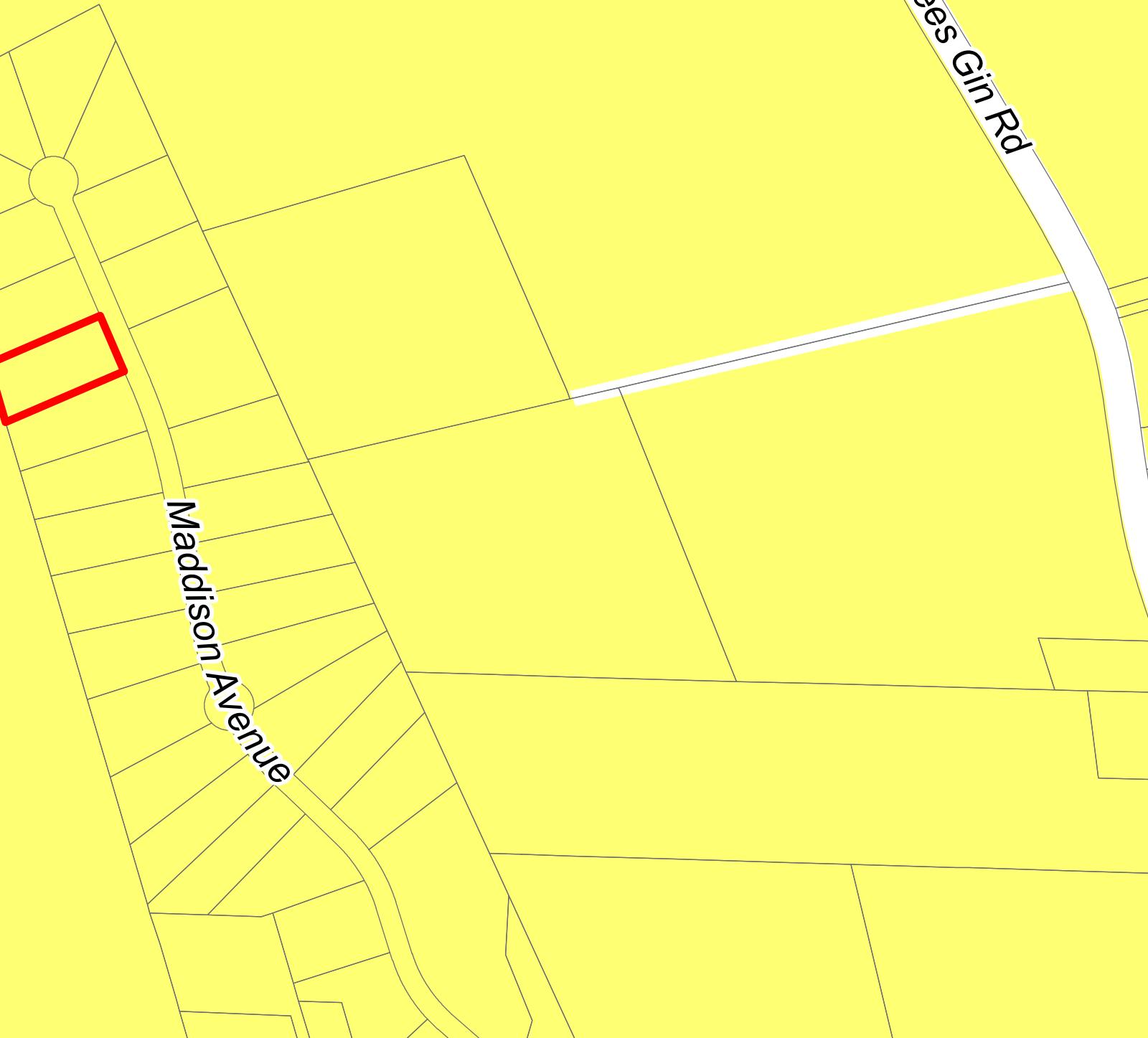
Oconee County Planning Department

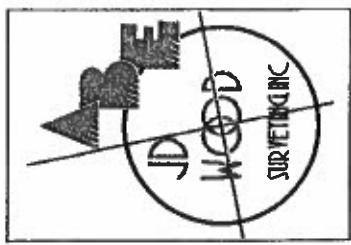


This map is a representation of the future development map
and should be used for planning purposes only

0 165 330 660 990 1,320
Feet

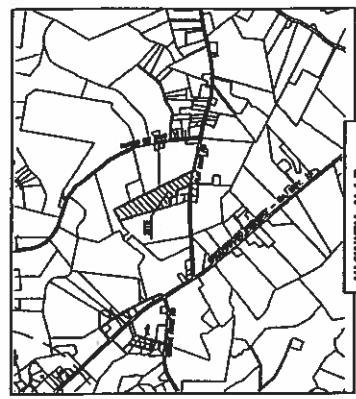
Country Estates





14588
C-05-037
DATE: 11/06/06
FILED: 11/06/06
BY: Jerry D. Wood
R.G. Surveyor

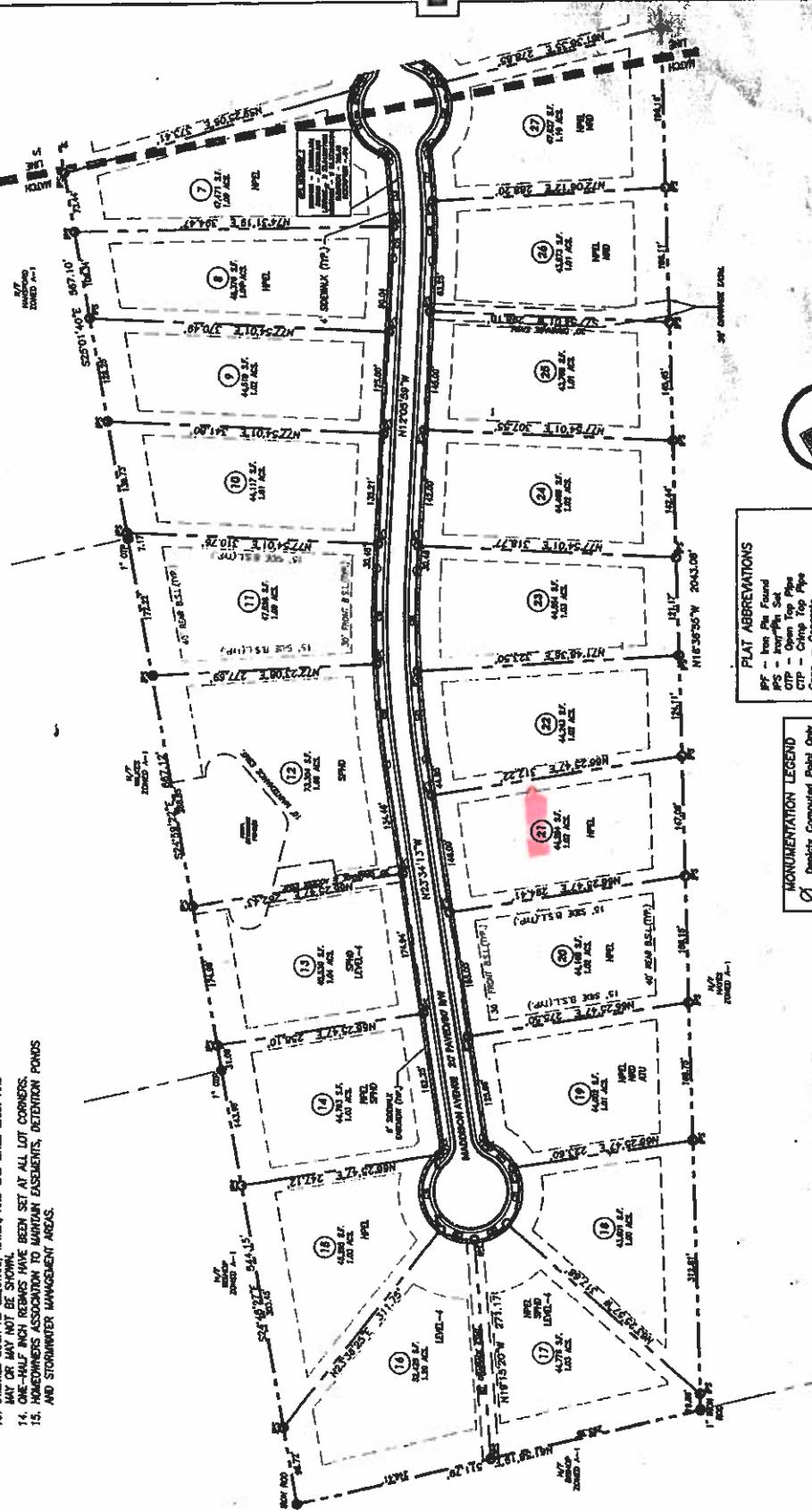
PROJECT DATA
OWNER: LAND STAR DEVELOPMENT, LLC.
C/O TIFFAN HUDDON
741 HARRY McCARTY ROAD
BETHLEHEM, GA 30620
678-425-2314
AUTHORIZED AGENT: J.D. WOOD SURVEYING, INC.
CONTACT: JERRY D. WOOD, GRS
(877) 487-4484, FAX
704-425-5831
TOTAL PROJECT ACRES: 4.396 ACRES
1. TAK PARCEL F, C-05-022
2. FLOOD ZONE: NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN
A FLOOD ZONE, ACCORDING TO FIA COMMUNITY PANEL NUMBER
1343354483, DATED JULY 17, 1985.
3. TOTAL NUMBER OF LOTS: 35
4. SMALLS: RESIDENTIAL LOT, 1/20 ACRES
5. AREA: SUBDIVISION, RESIDENTIAL
6. SERVICES: SEWER, WATER, GAS LINES
7. SEWAGE: SEPTIC
8. SEWAGE: MUNICIPAL SEPTIC PANS
9. EXISTING ZONING: A-1
10. REQUIRED FLOOD 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 UTILITIES EXIST ON THIS SITE.
13. UTILITIES SUCH AS ELECTRIC, WATER, AND GAS LINES EXIST AND
MAY OR MAY NOT BE SHOWN.
14. ONE-HALF INCH REGD. HAVE BEEN SET AT ALL LOT CORNERS.
15. REQUIREMENTS ASSOCIATED TO MAINTAIN EASEMENTS, DETENTION PONDS
AND STORMWATER MANAGEMENT AREAS.



VICINITY MAP MTS

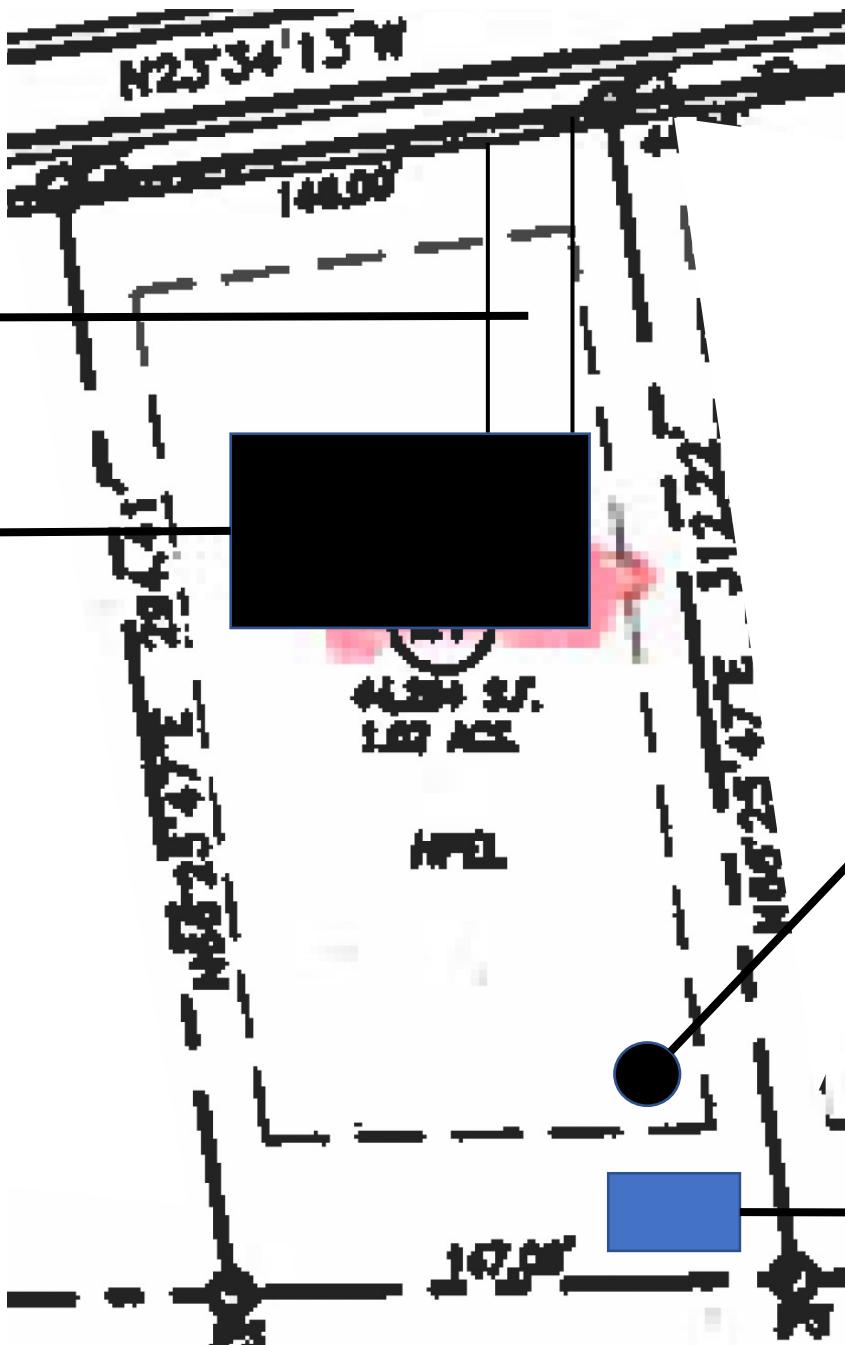
SURVEYOR'S CERTIFICATION
It is hereby certified that this plot is
true and correct and was prepared
from an actual survey of the property
by me or under my supervision, that
all monuments shown herein actually
exist or marked, future, past, and material
are correctly shown.
By: Jerry D. Wood
R.G. Surveyor

SURVEY CLOSURE STATEMENT
The date upon which the plot is bound has
a closure precision of one foot in 15,200
feet, and an angular error of $2''$ per
angle point, and was not adjusted.
This plot has been calculated for closure and
is found to be accurate within one foot in
223.000 feet.
Linear Measurement obtained using GTS 405
Another measurement obtained using GTS 404
Field Work completed OCTOBER 11, 2006



SHEET
2 OF 3

Maddison Ave. (road)



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

- 1.02 acres
- Tax parcel C-05C-021

Adjacent property, owners Derek
and Jennifer Barnet, zoned AR

Adjacent property, owners Desi
and Leigh Britton, zoned AR