

**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 Jennifer Clark submitted on May 18, 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 Jennifer Clark on May 18, 2022, regarding a ±4.00 acre tract of land located at 1490 Lane Creek Road in the 224<sup>th</sup> G.M.D., Oconee County, Georgia, (tax parcel no. A-03-003P), 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 side yard 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.

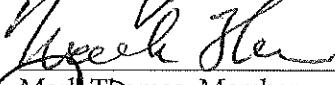
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on July 12, 2022.

ADOPTED AND APPROVED, this 12<sup>th</sup> day of July, 2022.

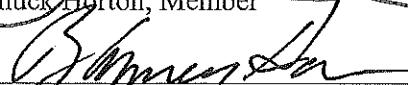
**OCONEE COUNTY BOARD OF COMMISSIONERS**

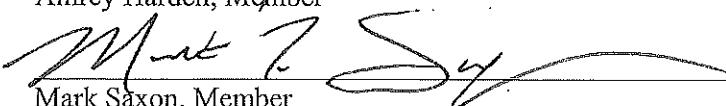
BY:

  
John Daniel, Chairman

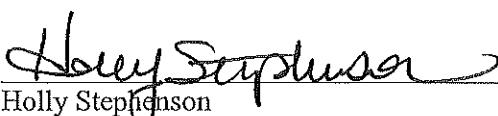
  
Mark Thomas, Member

  
Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

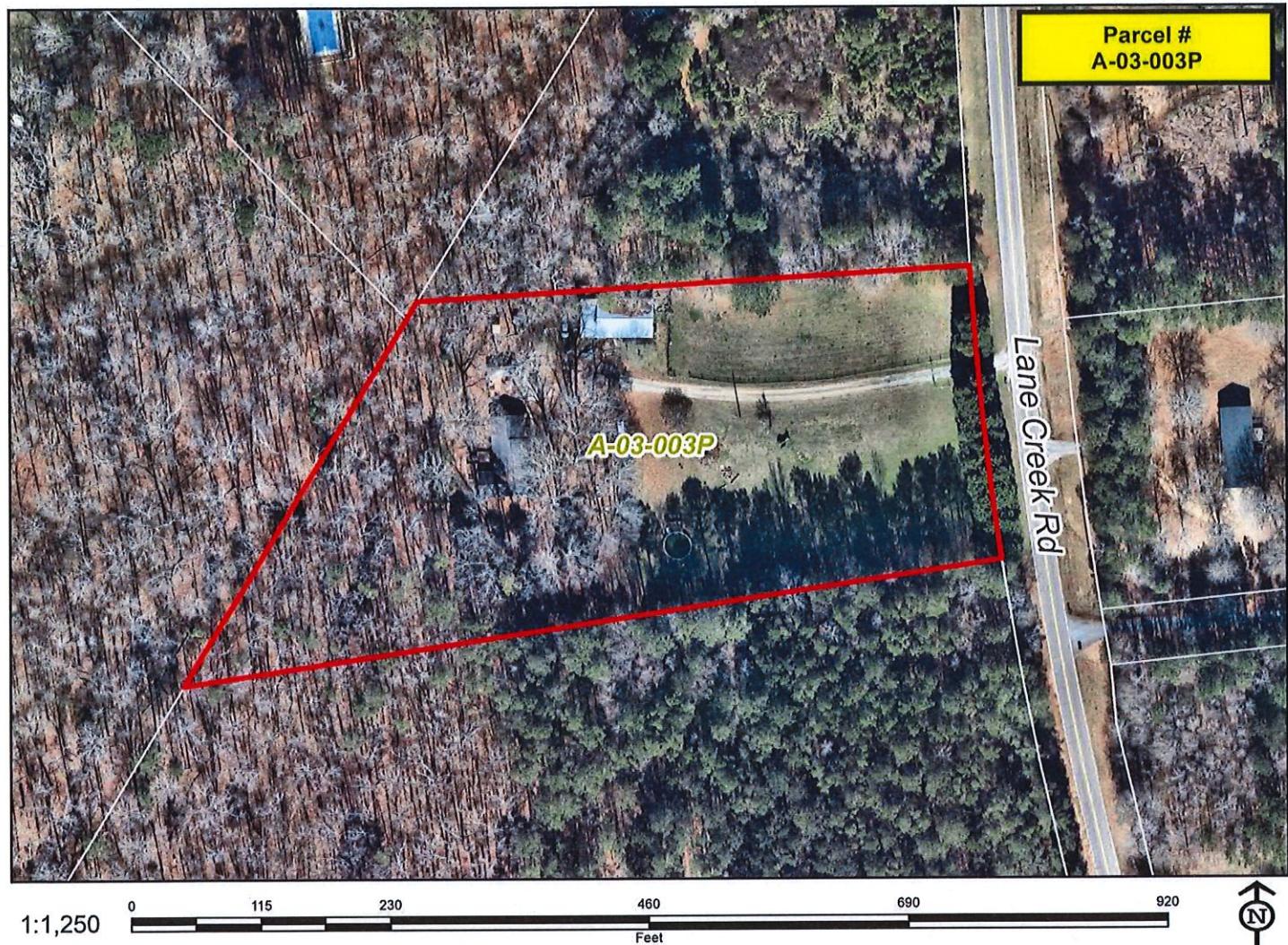
  
Holly Stephenson  
Clerk, Board of Commissioners

**EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0124**  
Page 1 of 5

**CONDITION**

1. The side yard setback shall be reduced to 10 feet only in the area of the encroachment of the existing accessory building as shown on the concept plan.

**TAX MAP**



**EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0124**  
Page 2 of 5

**NARRATIVE**

05/17/2022

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

To whom it may concern:

We live at 1490 Lane Creek Rd in Bogart, Ga. In the country estates subdivision. This is zone AG, tax parcel A 03 003P our lot measures 4 acres.

We are requesting a special exemption variance concept plan. We are requesting a variance to reduce side yard setback from 25 feet to 10 feet. Our existing barn is 32 x 48 located 10 feet from the property line. We plan to convert 24 x 32 of this barn into a guest house for visiting family and friends.

We are requesting a special exception variance from UDC 410.01.(3) to reduce side yard setbacks from 25 feet to 10 feet and an administrative variance from UDC 351.02 to allow the structure in front of the main house.

Please see attached drawing of the existing barn and the location on our property. Our land is used as residential.

If any additional information is needed for this special exception variance our contact information is below.

Sincerely,

Jennifer Clark 678-294-0444

**EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0124**  
Page 3 of 5

**ARCHITECTURAL IMAGES**

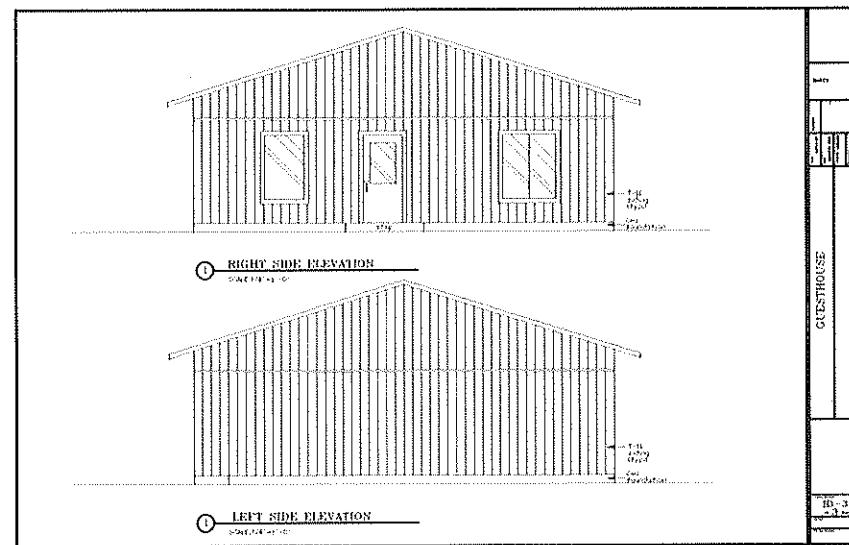
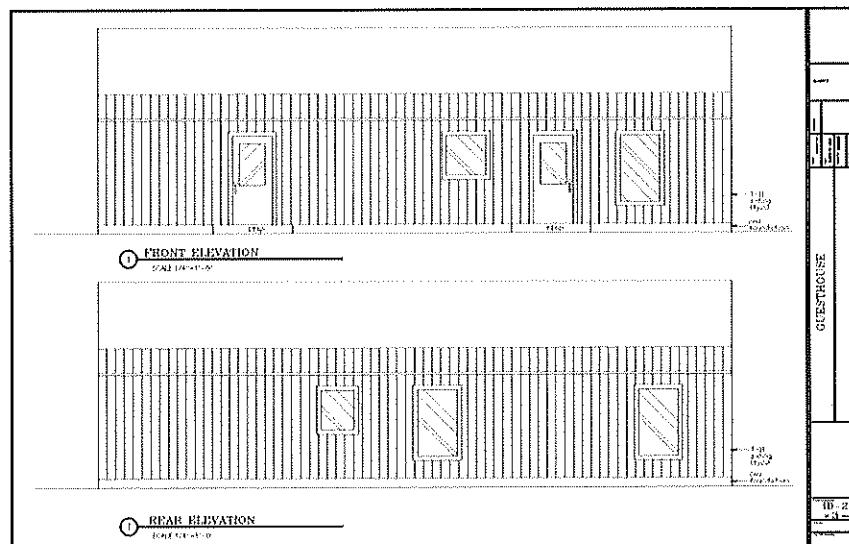
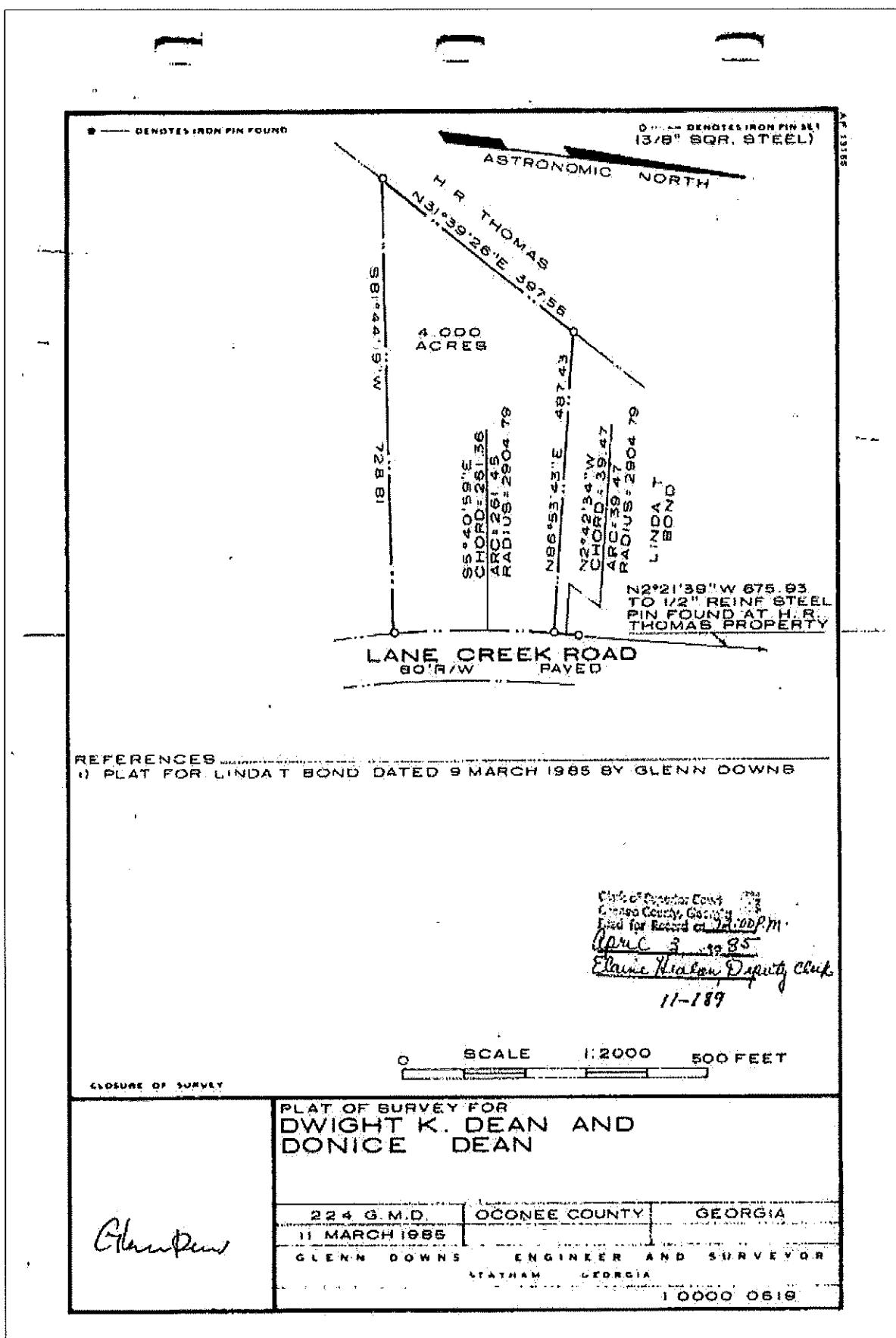


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0124  
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PLAT



## CONCEPT PLAN

P.6/1150

Concept Plan for One  
Special Exemption Valence

Terri Lee Clark  
11885/1190 Lane Creek Rd  
Bogart GA  
Tax ID# A 03 003P  
Zoning AC

Hand-drawn map showing property boundaries and survey data. The map includes the following information:

- Property 1470 (Main):** 1470 Lane Creek Rd, 4 acres, Tax ID 003 003P, Zoning AG, Residential use.
- Property 1471 (Left):** 1471 Lane Creek Rd, 1.5 acres, Tax ID 003 003R, Zoning AG, Residential use.
- Property 1472 (Top):** 1472 Lane Creek Rd, 1.5 acres, Tax ID 003 003T, Zoning AG, Residential use.
- Property 1473 (Top Left):** 1473 Lane Creek Rd, 0.10D acres, Tax ID 003 003S, Zoning AG, Residential use.
- Property 1474 (Top Right):** 1474 Lane Creek Rd, 0.10D acres, Tax ID 003 003U, Zoning AG, Residential use.
- Property 1475 (Bottom Left):** 1475 Lane Creek Rd, 0.10D acres, Tax ID 003 003V, Zoning AG, Residential use.
- Property 1476 (Bottom Right):** 1476 Lane Creek Rd, 0.10D acres, Tax ID 003 003W, Zoning AG, Residential use.

Survey data:

- CHORD 261.36
- Radius 2904.79
- Azimuth 144 19 07 728.81
- True North

Other notes:

- Existing power to property
- Existing water connected to street
- Existing driveway



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

**VARIANCE CASE #:** P22-0124

**DATE:** July 1, 2022

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

**APPLICANT NAME:** Jennifer Clark

**PROPERTY OWNER:** Jennifer Clark

**LOCATION:** 1490 Lane Creek Road, tax parcel A-03-003P

**PARCEL SIZE:**  $\pm 4.00$  acres

**EXISTING ZONING:** AG (Agricultural 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 side yard setback from 25 feet to 10 feet for an existing 1,536-square-foot barn that is proposed to be converted to a guesthouse. An administrative variance has also been submitted to allow a guesthouse to be placed in the front yard.

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** July 12, 2022

**ATTACHMENTS:**

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



## **BACKGROUND INFORMATION & FINDINGS OF FACT**

### **HISTORY**

- The property has been zoned AG since the original adoption of the zoning map in 1968
- A house was built in 1985 and a barn was built in 1990

### **VARIANCE DESCRIPTION**

- The owner is requesting to reduce the side setback line from 25 feet to 10 feet to accommodate an existing 1,536 square-foot barn that is proposed to be converted to a guesthouse.
  - ***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.*

<b>Table 4.1: Dimensional Requirements by Zoning District</b>					
<b>MINIMUM PRINCIPAL BUILDING SETBACK (FT)</b>		<b>AG</b>	<b>AR-3</b>	<b>AR</b>	<b>R-1</b>
Front (measured from ROW)	From major thoroughfare	40	40	40	40
	From minor street	30	30	30	30
Side		<b>25</b>	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 surrounding properties are single-family residential or agricultural. Staff holds that the location of the existing accessory structure does not reduce the privacy of the adjacent properties because it is screened by landscaping and is not near any adjacent residences. Staff holds that approval of the request 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 that is proposed to be converted to a guesthouse 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 order to promote public safety, maintain privacy, and encourage orderly and aesthetically pleasing development. Allowing the existing accessory structure to remain in its current location while it is converted to a guesthouse should not diminish the privacy or use of the adjacent residential properties nor conflict with the surrounding residential development pattern. Staff holds that approval of the present request 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 side yard setback shall be reduced to 10 feet only in the area of the encroachment of the existing accessory building as shown on the concept plan.



# OCONEE COUNTY APPEAL APPLICATION

P12-0124

## Type of Appeal Submitted:

Hardship Variance  Appeal of Administrative Decision  Flood Damage Prevention Variance (12) 06-02-22

Special Exception for: removal of existing structure UDC xc 410.01.c1  
to reduce side yard setback from 25 to 10 feet

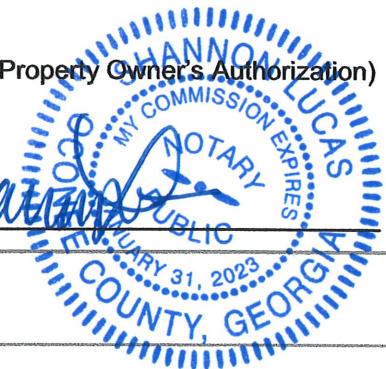
## Applicant

Name: Jennifer Clark  
 Address: 1488 Lane Creek Rd  
(No P.O. Boxes)  
Bogart, GA. 30622  
 Telephone: 678-294-0444  
 Email: jennclarkie@yahoo.com (07/21)

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: Jennifer Clark Date: 5.17.22 Notarized: Shannon Lucas (06-02-22)



## Property

Location: 1488 Lane Creek Rd  
Bogart, GA. 30622  
 Tax Parcel Number: A 03 003P  
 Size (Acres): 4 Current Zoning: A-1 AG (06-02-22)  
 Future Development Map—Character Area Designation: Country Estates (06-02-22)

## Use

Current Use: Barnd/Garage  
Residential (06-02-22)  
 Proposed Use: Guest House/garage

## 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

UDC Article 4 Section 410  
Variance is requested to remove  
existing structure within setbacks (06-02-22)  
The structure is existing and no  
negative effect will be caused by its  
location. Adjacent owner takes no  
exception to the variance.

Reduce side yard setbacks from 25 to 10 feet.

05/17/2022

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

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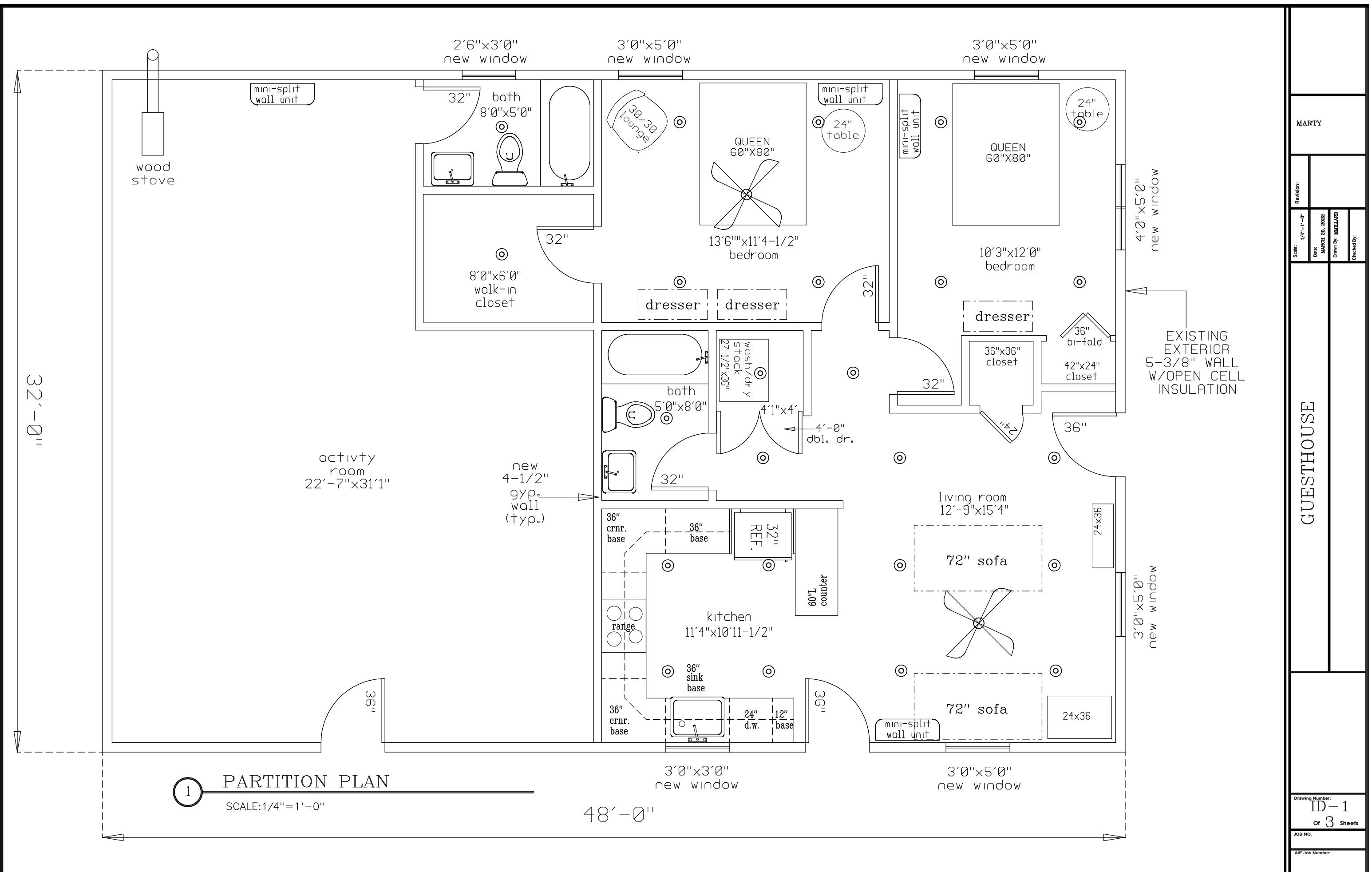
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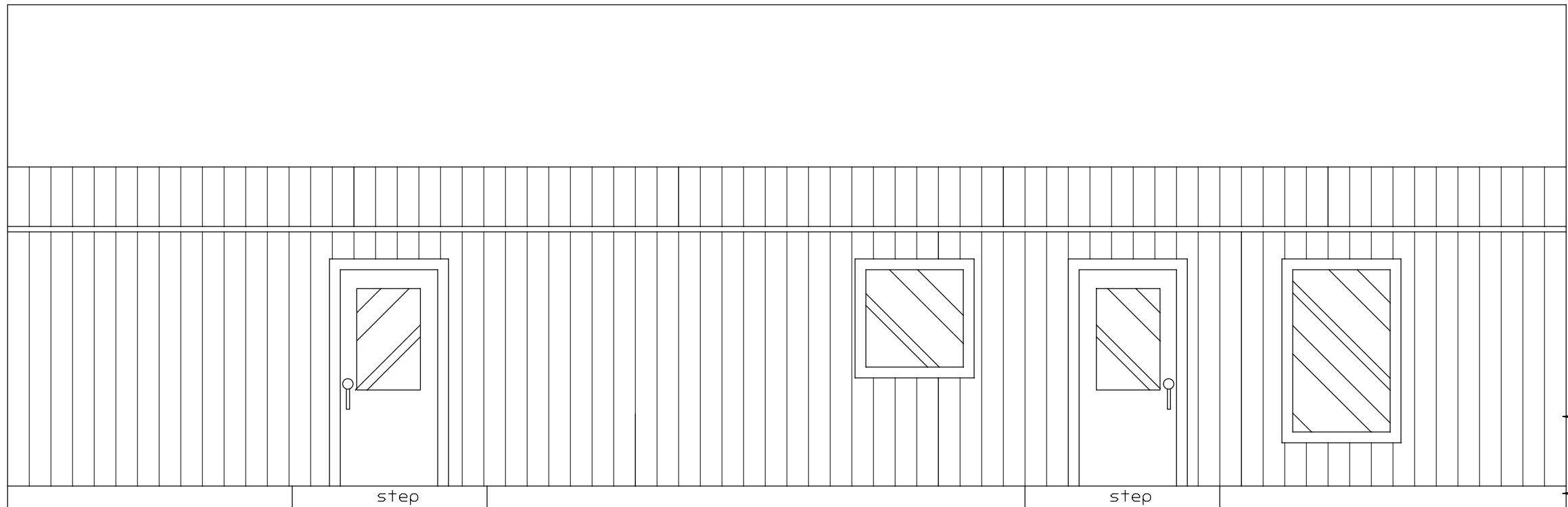
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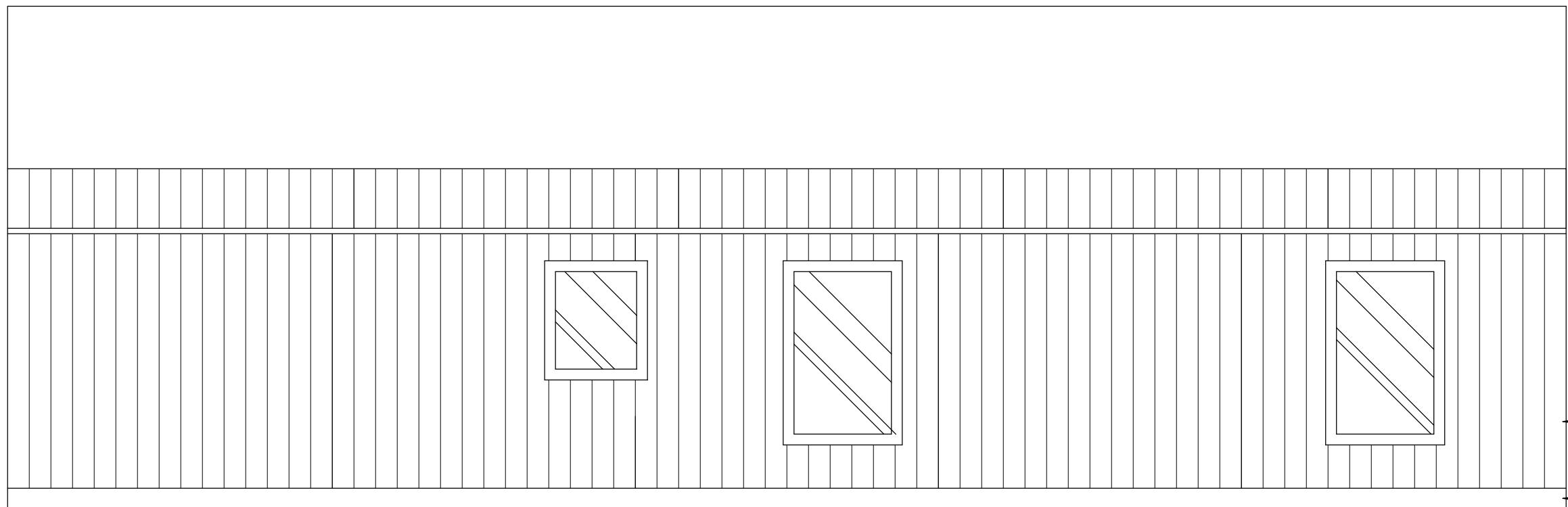
Jennifer Clark 678-294-0444





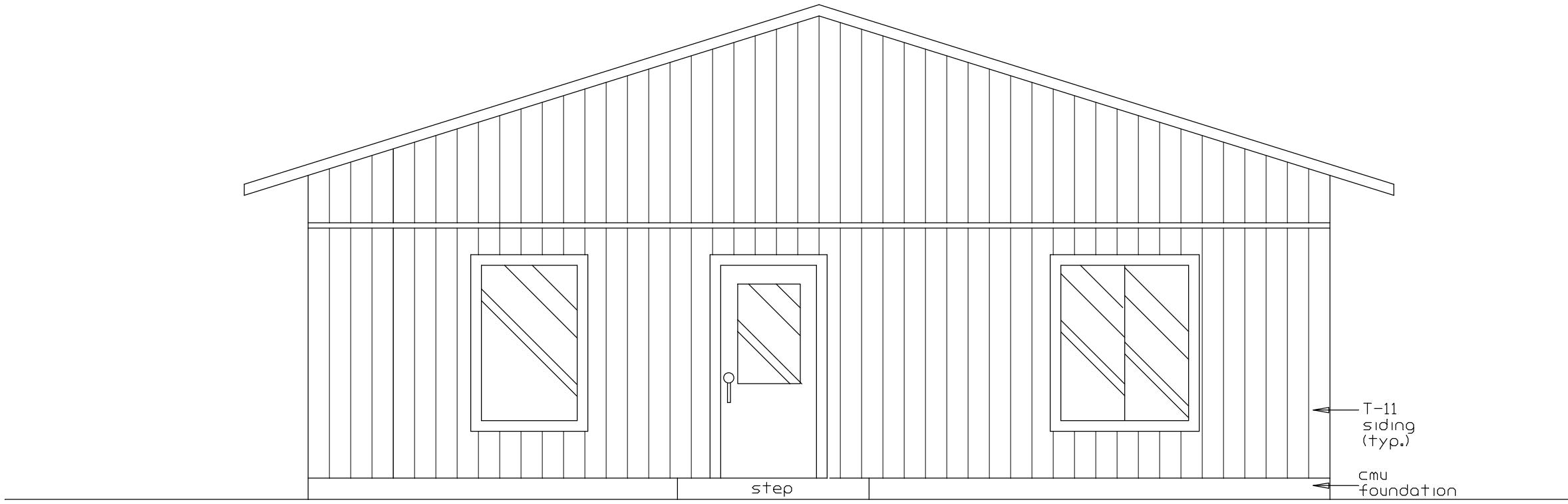
MARTY

Scale: 1/4"=1'-0"  
Revision:  
Date: MARCH 20 2022  
Drawn By: MULARD  
Checked By:



GUESTHOUSE

Drawing Number: ID-2  
Of 3 Sheets  
JOB NO.  
A/E Job Number:



MARTY

1/4"=1'-0"

Revision:

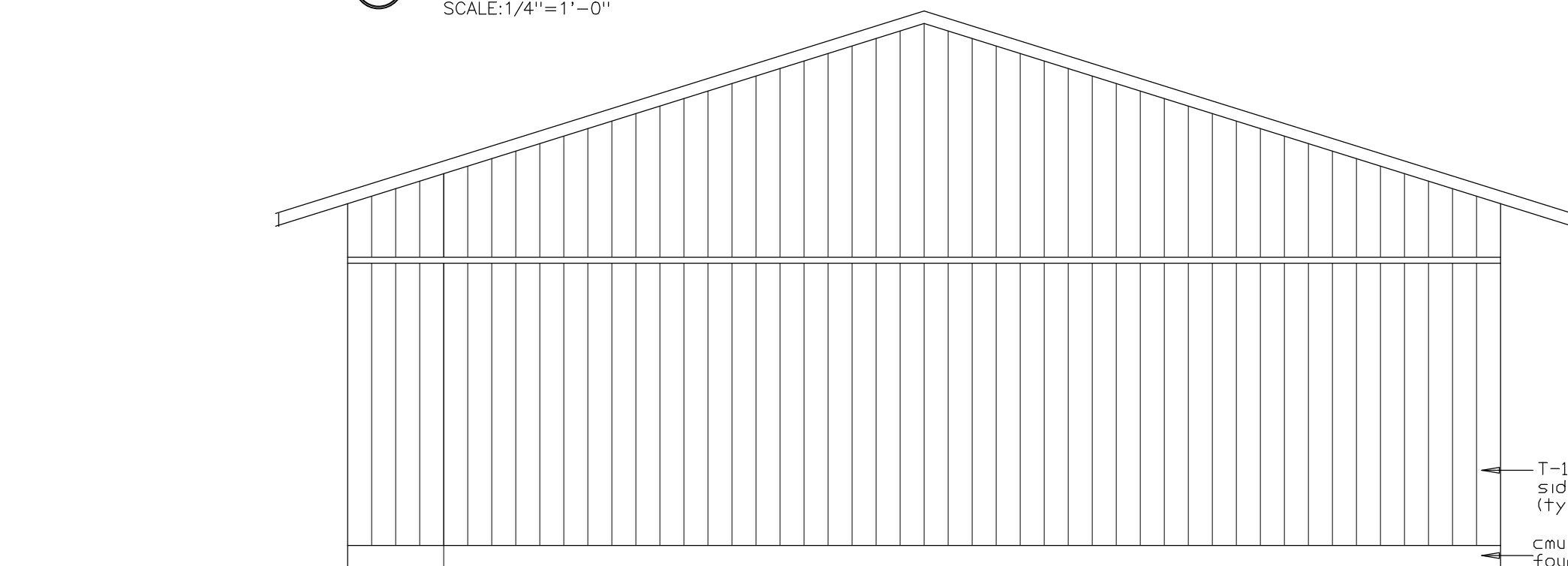
Date: MARCH 20, 2022

Drawn By: MILLARD

Checked By:

1  
RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"



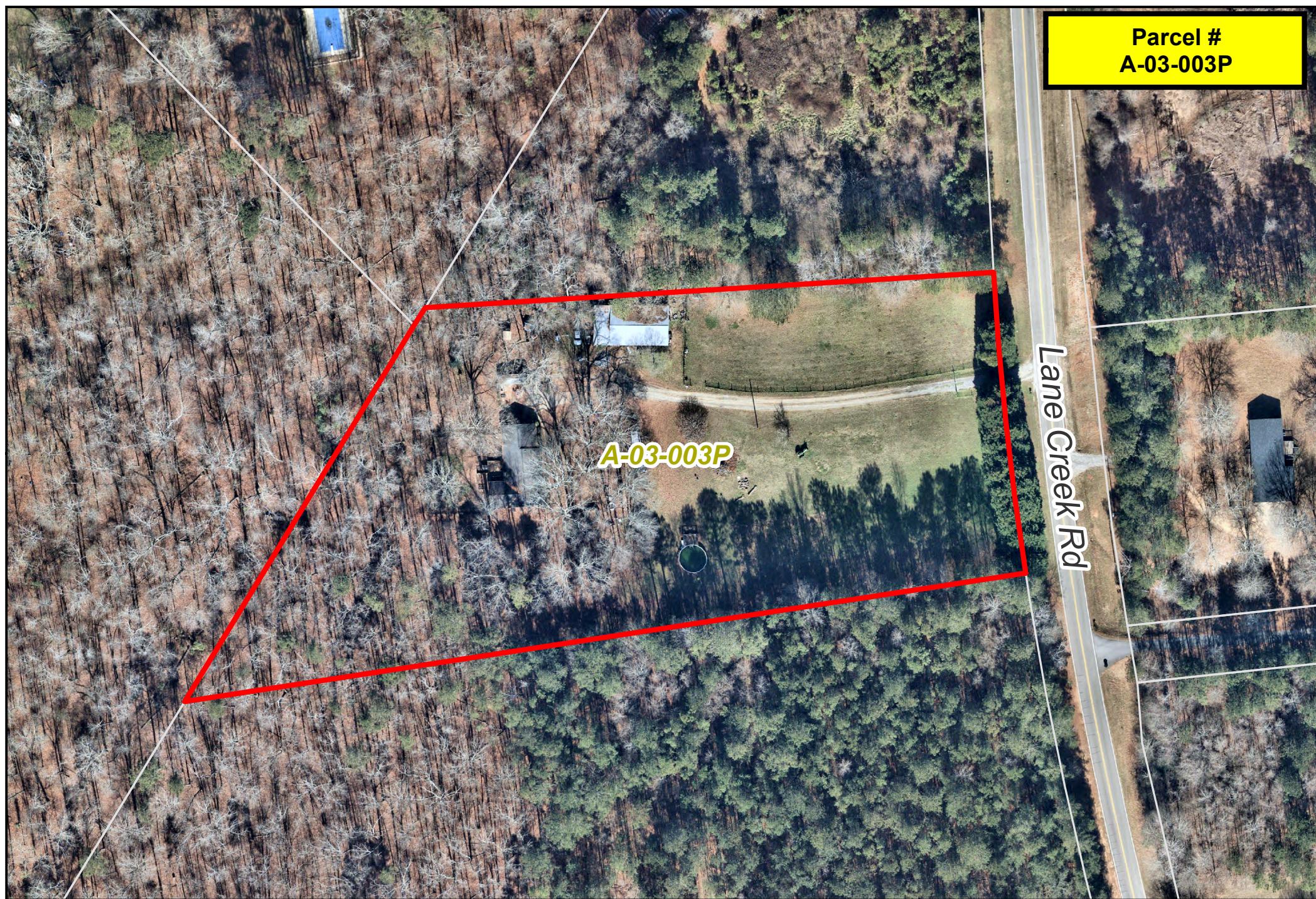
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ID-3  
of 3 Sheets  
JOB NO.  
A/E Job Number:

1  
LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"

# Variance # P22-0124 - Jennifer Clark

Parcel #  
A-03-003P



1:1,250

0

115

230

460

690

920

Feet



## Zoning

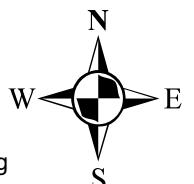
AG
AR-3
AR
R-1
R-2
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B-1
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AG

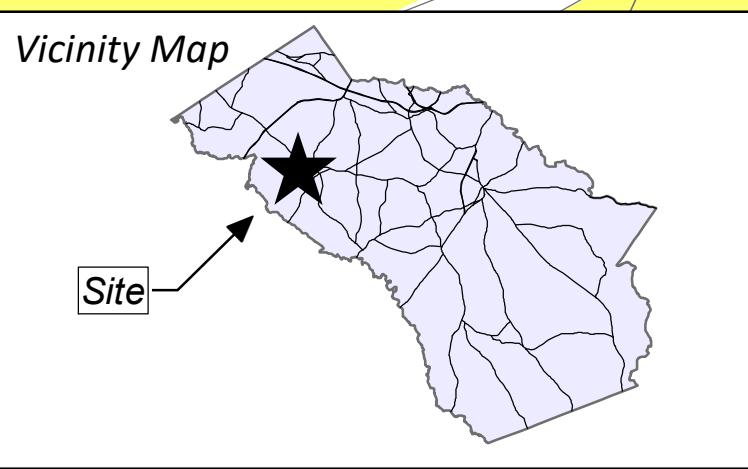
Lane Creek Rd

## Oconee County Planning Department

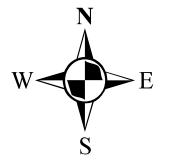
This map is representative of current county zoning as of June 2022 and should be used for planning purposes only.



1:2,000



## Oconee County Planning Department

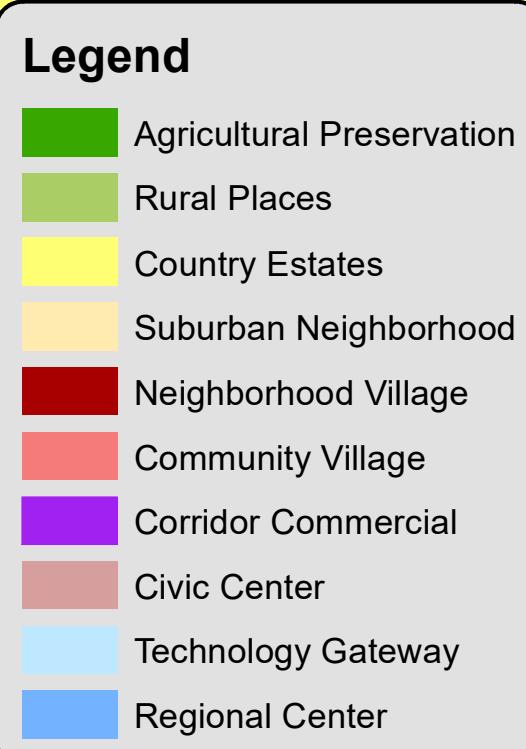


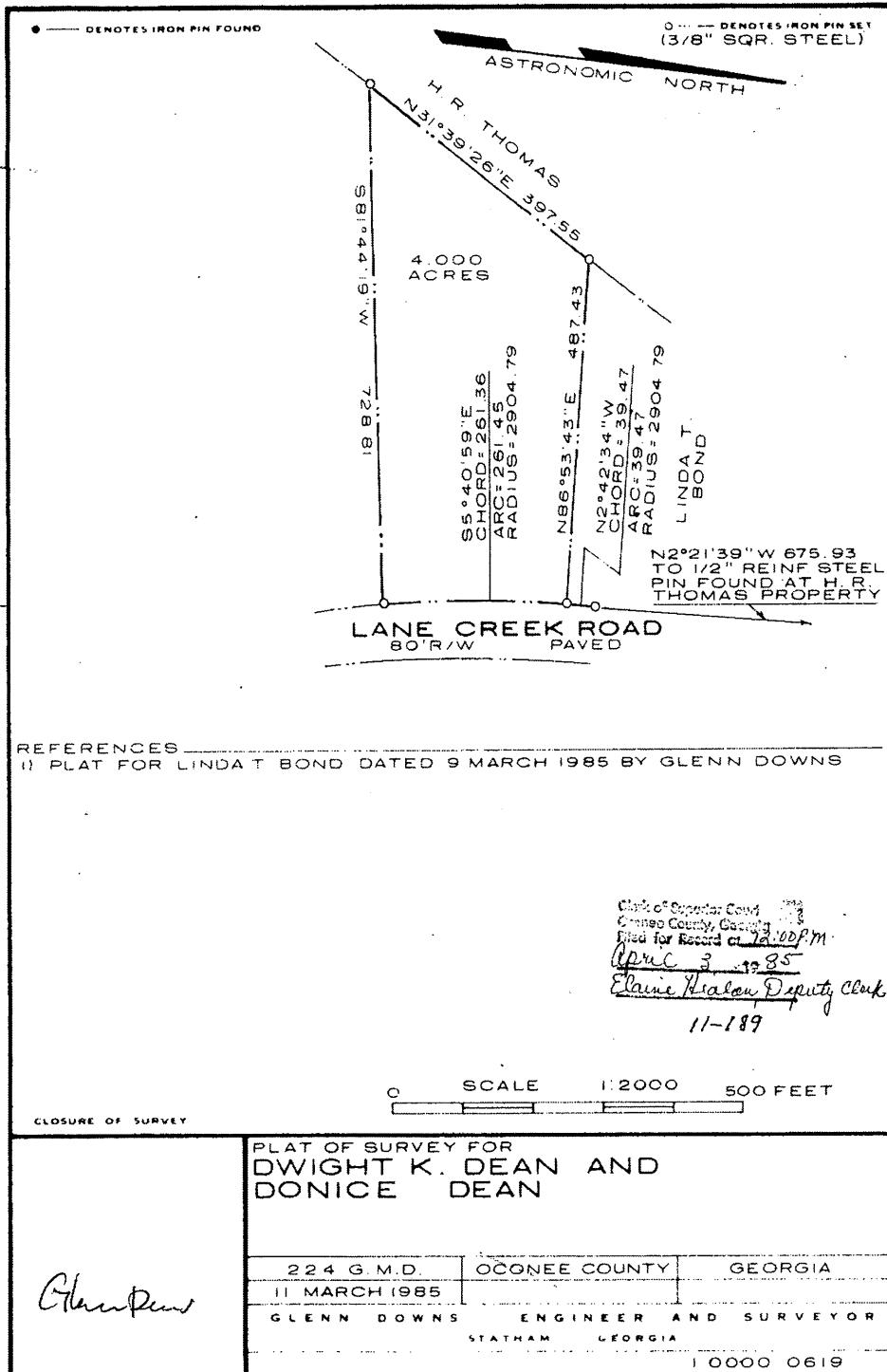
This map is a representation of the future development map  
and should be used for planning purposes only

0 100 200 400 600 800 Feet

Lane Creek Rd

**Country Estates**





189

0.00/1150

Concept Plan (see One  
Speed) Execution Guidance

Owner/ Resident Testified Clark

Leonard Clark  
1889/1940 Lone Creek Rd

Robert G.

Tak ID# A 03 003P

## Zoning ACU

Rejoining Project  
1450 Lane Creek Rd  
Success Zone 10094  
Tin Ditch Channel  
Tender Tree  
Bard

Rising Property into Landless  
Acres  
Parcel ID #03 0030  
Owner: Jesse Bond  
Zoning AG  
Rural/Res

N 86° 53' 43" E 487.43'

1486

Adjoining Property  
Lone Creek Rd  
Adjoining Property  
A 03 010D  
17 AC  
347.55' Tenn.

Adjoining Property  
Lore Creek Rd  
Adjoining Perfect 010D  
Parcel A 03  
2647 AC  
202294  
26E 347.55

Haces  
Zoning AG  
Tax Parcel ID 03 003 P

1888/1900 Lane Creek Roll

98° N 19° W 728.81

85 40 59°  
CHORD 261.36  
Radius 2904.79

### Lower Greek Pol

W. H. Norton