

**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 Lela Mae Moore Slaton submitted on August 9, 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 Dovetail Civil Designs, on August 9, 2022, regarding a ±2.51 acre tract of land located 1050 Jimmy Daniel Road, Oconee County, Georgia, (tax parcel no. C-01-026), 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 minimum parking spaces from 107 to 58.

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.

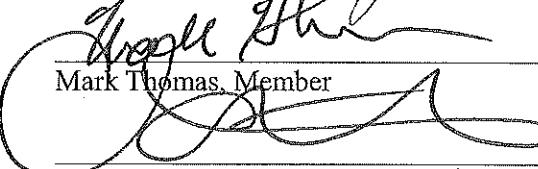
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on October 4, 2022.

ADOPTED AND APPROVED, this 4th day of October, 2022.

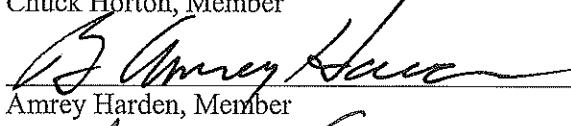
OCONEE COUNTY BOARD OF COMMISSIONERS

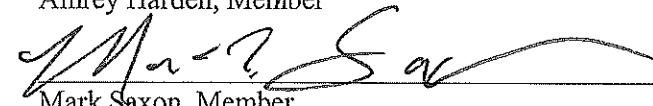
BY:


John Daniell, Chairman

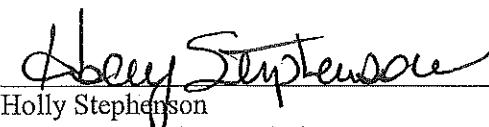

Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:


Holly Stephenson

Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0190

Page 1 of 5

CONDITION

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.

TAX MAP

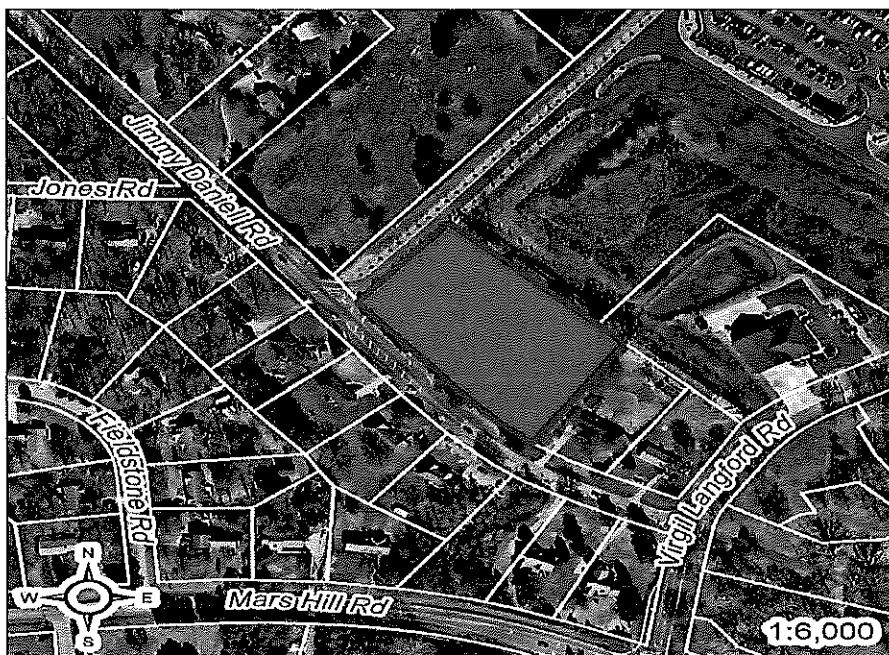


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0190
Page 2 of 5

LEGAL DESCRIPTION

All that tract of land, together with improvements thereon, situate, lying and being in the 1331st Georgia Militia District, Oconee County, Georgia and being more particularly described as follows:

Commencing at the centerline intersection of Luxury Drive and Jimmy Daniell Road;

Thence N 83°36'51" E 38.92' to an iron pin on the northeasterly right of way of Jimmy Daniell Road, said pin being the point of beginning;

thence leaving said right of way N 39°40'40" E a distance of 237.70' to an ipf; thence S 46°47'30" E a distance of 344.31' to an ipf;

thence S 47°07'32" E a distance of 61.38' to an ipf;

thence S 36°44'12" W a distance of 279.07' to an ipf on the right of way of Jimmy Daniell Road;

thence following along said right of way with a curve turning to the left with an arc length of 244.55', with a radius of 1155.19', with a chord bearing of N 43°55'35" W, with a chord length of 244.10', to an ipf;

thence continuing along said right of way N 38°02'52" W a distance of 180.81' to an ipf; said point being the TRUE point of beginning, having an area of 2.51 acres more or less and being particularly described on a plat of survey by Baseline Surveying and Engineering, INC. dated March 13, 2022.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0190

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Narrative

Introduction

The purpose of this application is to request a special exception variance for 1050 Jimmy Daniel Road, a proposed 2.51-acre commercial development. If approved, the variance will reduce the minimum number of off-street parking spaces required. The partially wooded site is currently zoned AG and consists of a 1,240 sf home. However, a rezoning application has been submitted to rezone the property to B-2 for Highway Business use. The proposed development is for a multifunctional big box building that will be used for sports training, office-warehouse and construction contractor storage. The buildout will include a 36,400 sf building footprint, stormwater management facility and outdoor storage area. A mezzanine is proposed to increase the total leasable area to 44,800 sf.

Lela Mae Moore Slaton is currently the property owner, however, SRE Consulting will be the owner and developer of this project following the closing on the property. Dovetail Civil Design, Inc. has been engaged to provide site engineering design and rezoning assistance for this project.

Variance Requested

The special exception variance will apply to Oconee County's Unified Development Code Sec. 604.04, Table 6.1: Minimum Off-Street Parking Spaces Required by Use.

Assuming full build-out of 44,800 sf, the required off-street parking spaces are: Office - (4,480 sf) (Min. 3.0/1,000 sf) = 14 spaces

Warehouse - (22,400 sf) (Min. 0.5/1,000 sf) = 12 spaces Sports Club - (17,920 sf) (Min. 4.5/1,000 sf) = 81 spaces

The conceptual site layout used as the accompanying exhibit with this application shows the 44,800 sf building along with 58 proposed parking spaces. This gives a ratio of 1 space per 772 sf of the building. The building will be used for individual instruction and small team training, not as a large workout center. The land uses listed in Table 6.1 require a total of 107 off-street parking spaces which is largely oversized and do not match the density of the proposed sports training use. Therefore, the applicant is applying for a special exception variance to reduce the minimum number of off-street parking spaces required from 107 to 58 spaces.

Adjacent Properties

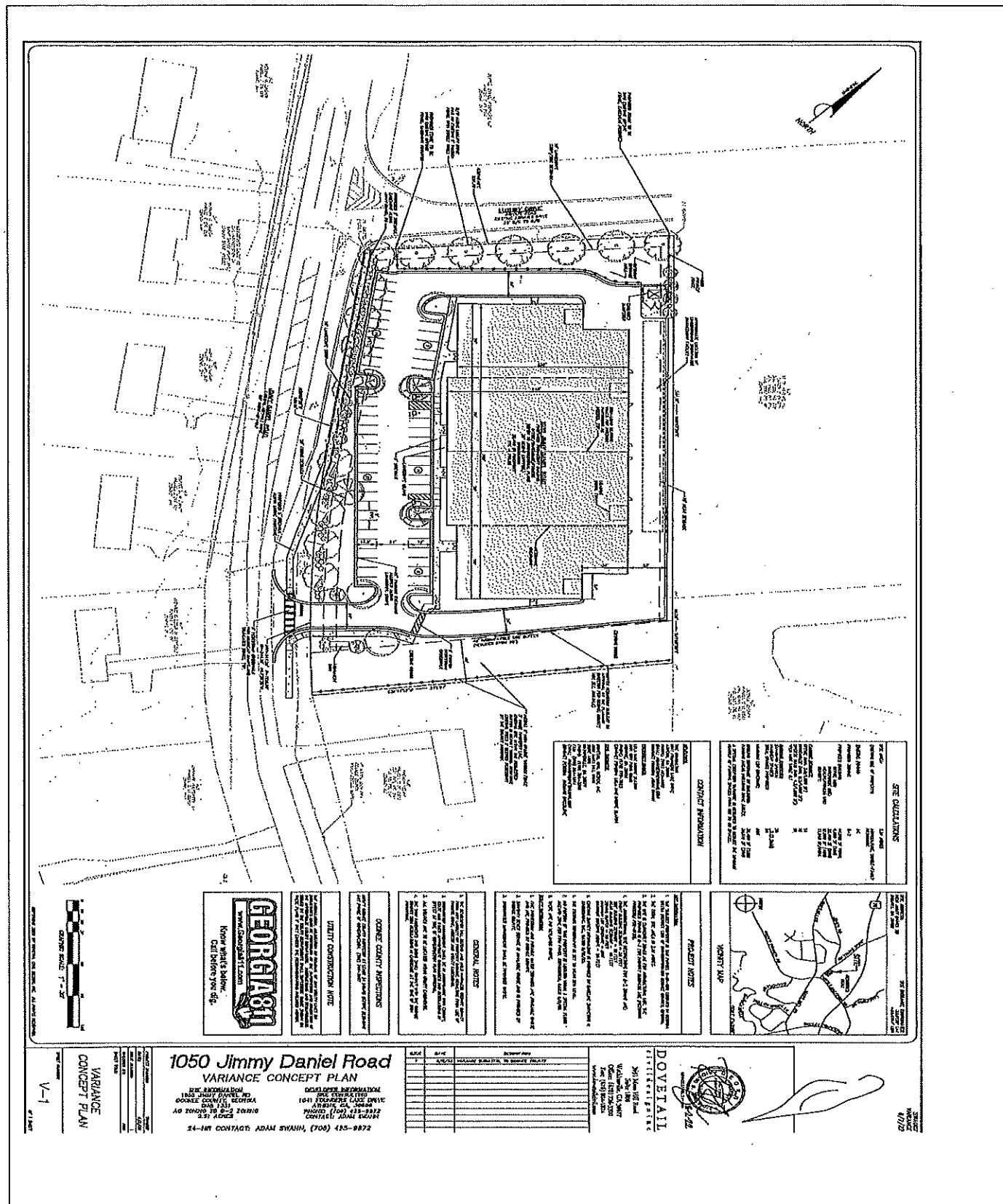
The northern property line is shared with two developments zoned B-2. One being the Oconee County fire station on Virgil Langford Road and the other being the Mercedes-Benz dealership whose private drive runs along the western side of this site. Recently, the property on the opposite side of the private drive was rezoned from AG to OBP per case number P21-0108. The remaining properties to the east and across Jimmy Daniel Road are zoned AG and R-1 and are used primarily for single-family residences.

Other Applications

A companion rezoning application (Process Number: P22-0133) is underway to rezone the subject property from AG for Agricultural use to B-2 for Highway Business use. The proposed development will be designed in accordance with the Oconee County Unified Development Code for B-2 zoning.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0190

Page 5 of 5
CONCEPT PLAN





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

VARIANCE CASE #: P22-0190

DATE: September 23, 2022

STAFF REPORT BY: Guy Herring (Director of Planning and Code Enforcement)

APPLICANT NAME: Dovetail Civil Design, Inc.

PROPERTY OWNER: Lela Mae Moore Slaton

LOCATION: 1050 Jimmy Daniel Road, Bogart, GA 30677

PARCEL SIZE: ±2.51 acres

EXISTING ZONING: AG (Agricultural District)

EXISTING LAND USE: Agricultural



TYPE OF VARIANCE REQUESTED: Special Exception Variance

REQUEST SUMMARY: The property owner requests a variance from UDC Sec. 604.04 Table 6.1 to reduce the minimum number of parking spaces from 107 to 58. The subject property is also included in a companion rezone case (P22-0133) to rezone the property to B-2 for Highway Business use to be used for a multifunctional building with sports training, office-warehouse, and construction contractor.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: October 4, 2022

ATTACHMENTS:

- Application
- Narrative
- Aerial Imagery
- Future Development Map
- Plat
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property is currently zoned AG. The plat notes that the single-family home has been the sole structure and function of the property since October 1988.

VARIANCE DESCRIPTION

- The owner is requesting to reduce the minimum number of parking spaces from 107 to 58.

- ***Unified Development Code Section 604.04 – Dedication to parking use***

Parking spaces provided to meet the requirements of this Article, along with the aisles and driveways necessary to provide access to those spaces, shall not be used for any other purpose than the temporary parking of vehicles. Parking spaces provided to meet the requirements of this Article shall not be used to meet the parking requirements of any other use, except as provided for shared parking, below. Parking spaces provided to meet the minimum requirements of this Article shall not be reduced in number nor otherwise lose their functional ability to serve the land use for which they were required.

Table 6.1: Minimum Off-Street Parking Spaces Required by Use		
Use	Number of Off-Street Parking Spaces	Required for each:
b. COMMERCIAL		
39. Offices - General	3.5	Per 1,000 gross square feet of gross floor area
44. Sports Club/Health Spa	4.5	Per 1,000 gross square feet of gross floor area
c. INDUSTRIAL – INCLUDING STORAGE, WHOLESALE AND MANUFACTURING		
19. Warehouse & enclosed storage	0.5	Per 1,000 gross square feet of gross floor area

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c. INDUSTRIAL – INCLUDING STORAGE, WHOLESALE AND MANUFACTURING		
19. Warehouse & enclosed storage	0.5	Per 1,000 gross square feet of gross floor area

PUBLIC FACILITIES

- The present request should not affect county services, facilities, and infrastructure.

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 surrounding properties are single-family residential across Jimmy Daniel Road and commercial and agricultural properties directly adjacent to the subject parcel in the Regional Center future land use area. Staff holds that approval of the request should not be injurious to the use and enjoyment of nearby properties because the reduced parking spaces would solely impact the proposed uses and building.
- c. Diminish and impair property values within the surrounding neighborhood:**
Staff holds that it is unlikely that the proposed reduction in parking requirements would significantly impair property values in the surrounding area.
- d. Impair the purpose and intent of this Development Code:**
The intent of UDC Sections 604.0, 604.04, and Table 6.1 is to prevent construction of extraneous parking spaces and reduce the amount of extraneous impervious surface coverage in nonresidential developments. The applicant has stated that the nature of this health and fitness center will differ from a typical health and fitness center in that the focus will be on individual instruction and small team training, and thus a reduction in parking spaces allocated to the health and fitness center is justified. Additionally, the “use” categories listed in Table 6.1 are limited and not all uses fit squarely within one of the available categories. The category of “sports club/health spa” is the closest category for the proposed use but staff believes that this category does not reflect the true parking impact of the proposed use. The proposed individual instruction and small team training would require a smaller number of parking spaces than a typical “sports club/health spa” or “gym” use. Staff believes that approval of this variance request would decrease the need for extraneous parking and would not impair the UDC’s purpose and intent.

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. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.

FILED IN CLERK'S OFFICE
OCONEE COUNTY, GEORGIA
Real Estate Transfer Tax
779 341-347

0010051
00341

04 DEC 29 PM 3:55
Paid \$ 0 779 341-347
Date 12-29-04 12-29-04 PLEASE RETURN TO:
County of Oconee
Law Office of Wendell T. Dawson
1551 Jennings Mill Rd # 1800 B
Bogart, Georgia 30622

STATE OF GEORGIA De-61-108-2004-000477
COUNTY OF OCONEE

QUITCLAIM DEED

THIS INDENTURE, made the 29 day of December in the year Two
Thousand and Four, between

EDNA WALTON
1894 Dry Pond Road NW
Monroe, Georgia 30656

SARAH NELL DAVIS
502 Chestnut Lane
Monroe, Georgia 30655

DESSER JEFFRIES
402 East Washington, Apt. 7
Monroe, Georgia 30655

MARY SUE STANLEY
600 Northern Avenue, Apt. B107
Clarkston, Georgia 30021

CLEVELAND SLATON, JR.
1050 Jimmy Daniel Road
Bogart, Georgia 30622

Parties of the First Part, hereinafter called Grantors, and

LELA MAE MOORE SLATON
1050 Jimmy Daniel Road
Bogart, Georgia 30622

Party of the Second Part, hereinafter called Grantee (the words "Grantor" and "Grantee"

to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantors, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said grantee, to wit:

ALL that tract or parcel of land, together with all improvements thereon, containing 2.890 acres, more or less, situate, lying and being on the northeasterly side of Jimmie Daniel Road, in the 1331st District, G. M., Oconee County, Georgia; being particularly described on a plat entitled "Survey for Leonard J. Cobb" by Ben McLeroy and Associates, Surveyors, dated October 11, 1988, recorded at Plat Book 15, page 285, in the Office of the Clerk of Superior Court, Oconee County, Georgia; and being the same property conveyed to Cleveland Slayton by Leonard J. Cobb by Warranty Deed dated December 2, 1988, recorded at Deed Book 105, Page 232, said Clerk's Office.

Subject property is known as 1050 Jimmy Daniel Road, Bogart, Georgia 30622, according to the present system of numbering tax parcels in Oconee County; and is also known as Tax Parcel C 01 026 according to the present system of numbering tax parcels in Oconee County, Georgia.

TO HAVE AND TO HOLD the said described premises to grantee, so that neither Grantors' Decedent nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and
year first above written.

Signed, sealed and delivered

In the presence of:

Nancy S. Cobb
Witness

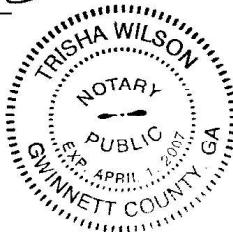
Trisha Wilson

Notary Public

MY COMMISSION EXPIRES:

Edna Walton

EDNA WALTON
1894 Dry Pond Road NW
Monroe, Georgia 30656



6405611605
0848497841
PARTICIPANT ID

BK:1341 PG:560-566

D2016004328

FILED IN OFFICE
CLERK OF COURT
07/21/2016 03:41 PM
ANGELA ELDER-JOHNSON,
CLERK
SUPERIOR COURT
OCONEE COUNTY, GA

Angela Elder - Johnson

REAL ESTATE
TRANSFER TAX
PATD: \$70.00

PT-61 108-2016-001121

After recording, return to:

Calloway Title and Escrow, LLC
4710 Ashford-Dunwoody Road
Suite 285
Atlanta, Georgia 30319
CT#2-33018

STATE OF GEORGIA

COUNTY OF BARROW

LIMITED WARRANTY DEED

THIS INDENTURE is made this July 20th, 2016, between Lela Mae Moore Slaton (hereinafter referred to as "Grantor"), and TT of Athens, Inc., a Georgia corporation (hereinafter referred to as "Grantee"), ("Grantor" and "Grantee" to include their respective successors, legal representatives and assigns where the context requires or permits).

WITNESSETH

Grantor, for and in consideration of the sum of Ten and No/100ths Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee all those tracts or parcels of land lying and being in G.M.D. 1331 of Oconee County, Georgia, being more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein (hereinafter, the "Land").

TO HAVE AND TO HOLD the Land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoove of Grantee forever in FEE SIMPLE.

AND GRANTOR WILL WARRANT and forever defend the right and title to the Land unto Grantee against the claims of any persons owning, holding or claiming by, through or under Grantor, except for claims arising under or by virtue of the Permitted Exceptions attached hereto as Exhibit "B" and hereby incorporated by reference.

IN WITNESS WHEREOF, the said Grantor has signed and sealed this deed, as of the day and year above written.

GRANTOR:

Signed, sealed and delivered
in the presence of:

Lela Mae Slaton
Unofficial Witness

Notary Public
My Commission Expires:

By: _____ (Seal)

Lela Mae Moore Slaton

Tammy A. Knox
Tammy A. Knox, as Attorney in Fact

Edna S. Walton
Edna S. Walton, as Attorney in Fact
See Exhibit "C" attached hereto for P-0-A

FTL 110792866v1

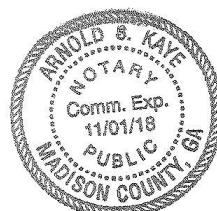


Exhibit "A"

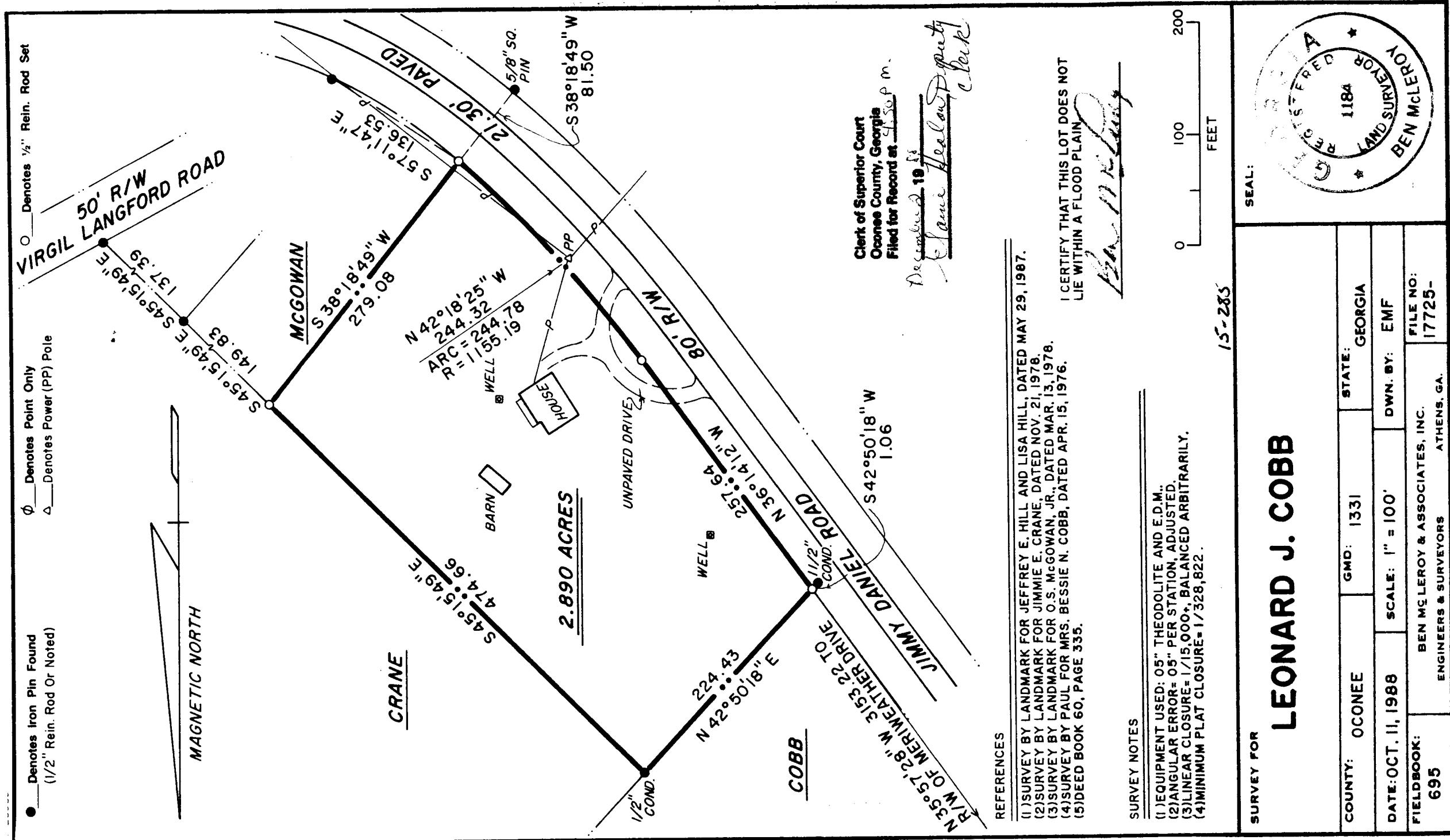
Legal Description

All that tract, or parcel of land, lying and being in Oconee County, Georgia, G.M.D. 1331, containing 0.399 acres, more or less, and being more particularly described as:

Beginning at the centerline intersection of Jimmy Daniel Road and Virgil Langford Road; thence North 46 degrees 54 minutes 22 seconds West, 741.82 feet to a point on the northerly margin of right-of-way of Jimmy Daniel Road, being the TRUE POINT OF BEGINNING; thence along said right-of-way North 38 degrees 06 minutes 06 seconds West, 76.74 feet to an open top pipe; thence leaving said right-of-way North 39 degrees 39 minutes 51 seconds East, 226.07 feet to a point; thence South 46 degrees 50 minutes 14 seconds East, 75.14 feet to a point; thence South 39 degrees 39 minutes 51 seconds West, 237.75 feet to the TRUE POINT OF BEGINNING.

Exhibit "B"

1. All taxes for the year 2016 and subsequent years.
2. All matters as disclosed by that certain survey entitled "ALTA/NSPS Land Title Survey For: TT of Athens, Inc., a Georgia corporation & First American Title Insurance Company", prepared by Williams & Associates, bearing the seal and certification of John Mark Dunlap, Georgia Registered Land Surveyor No. 3142, dated July 20, 2016, being designated as Project No. 15124.



PROPERTY OWNER'S
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
APPLICATION FOR REZONING

Pursuant to section 36-67A-1 et seq. of the Georgia Code Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, the following disclosure is mandatory. When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official, it shall be the duty of the applicant and the agent representing the applicant to file a disclosure report with the governing authority of the respective local government.

Any applicant for rezoning action knowingly failing to make any disclosure as required by Code Section 36-67 A-1 et seq. shall be guilty of a misdemeanor.

A. Name of local government official to whom the campaign contribution or gift was made (or N/A if not applicable):

N/A

B. The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution (or N/A if not applicable):

Amount: N/A

Date of contribution: N/A

C. Enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of this application for rezoning (or N/A if not applicable).

N/A

Signature of owner: Cindy Mineo

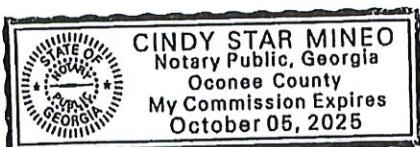
Date: 6/29/22

Signature of applicant: REB

Date: 6-29-22

Signature of Notary Public: Cindy Star Mineo

Date: 6/29/22



DISCLOSURE OF INTEREST
APPLICATION FOR REZONING
OCONEE COUNTY, GEORGIA

To the best of my knowledge, no local government official, including members of the Planning Commission and members of the Board of the Commissions, has a property interest in any real property affected by a rezoning action or has a financial interest in any business entity which has a property interest, or has a member of his/her family having such an interest.

Signature of owner

Jamie Knop

Date

6/29/22

Signature of Applicant

DRH

Date

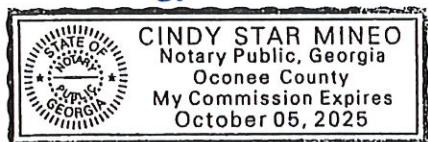
6-29-22

Signature of Notary Public

Cindy Star Mineo

Date

6/29/22



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having an area of 2.51 acres more or less and being particularly described on a plat of survey by

Baseline Surveying and Engineering, INC. dated March 13, 2022.

1050 Jimmy Daniel Road
An Office, Health/Fitness and Warehouse Development
Oconee County, Georgia
Tax Parcel C-01-026
2.51 Acres

Special Exception Variance

Introduction

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OCONEE COUNTY PROPERTY OWNER AUTHORIZATION FOR APPLICATIONS

I swear that I am the owner of the property located at (Address or Physical Description):

1050 Jimmy Daniel Road

Bogart, GA 30622

Tax Parcel #: C-01-026

Which is the subject matter of the attached application, as shown in the records of Oconee County, Georgia.

I authorize the person identified below to act as applicant or agent in the pursuit of the requested action or consideration of this property.

Name of applicant or agent: Dovetail Civil Design, Inc

Address (No P.O. boxes): 3651 Mars Hill Road, Suite 1800

City, State, & Zip Code: Watkinsville, GA 30677

Telephone Number: (678) 726-3300

SIGNATURE OF OWNER OR MANAGING MEMBER:

NAME OF OWNER OR MANAGING MEMBER (PLEASE PRINT): Tammy Knox

OFFICER POSITION OR MEMBER TITLE, IF APPLICABLE:

DATE: 6-29-22

NOTARIZATION:

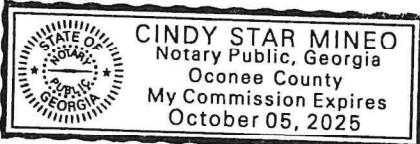
SWORN TO AND SUBSCRIBED BEFORE THIS 29th DAY OF June, 2022

NOTARY SIGNATURE:

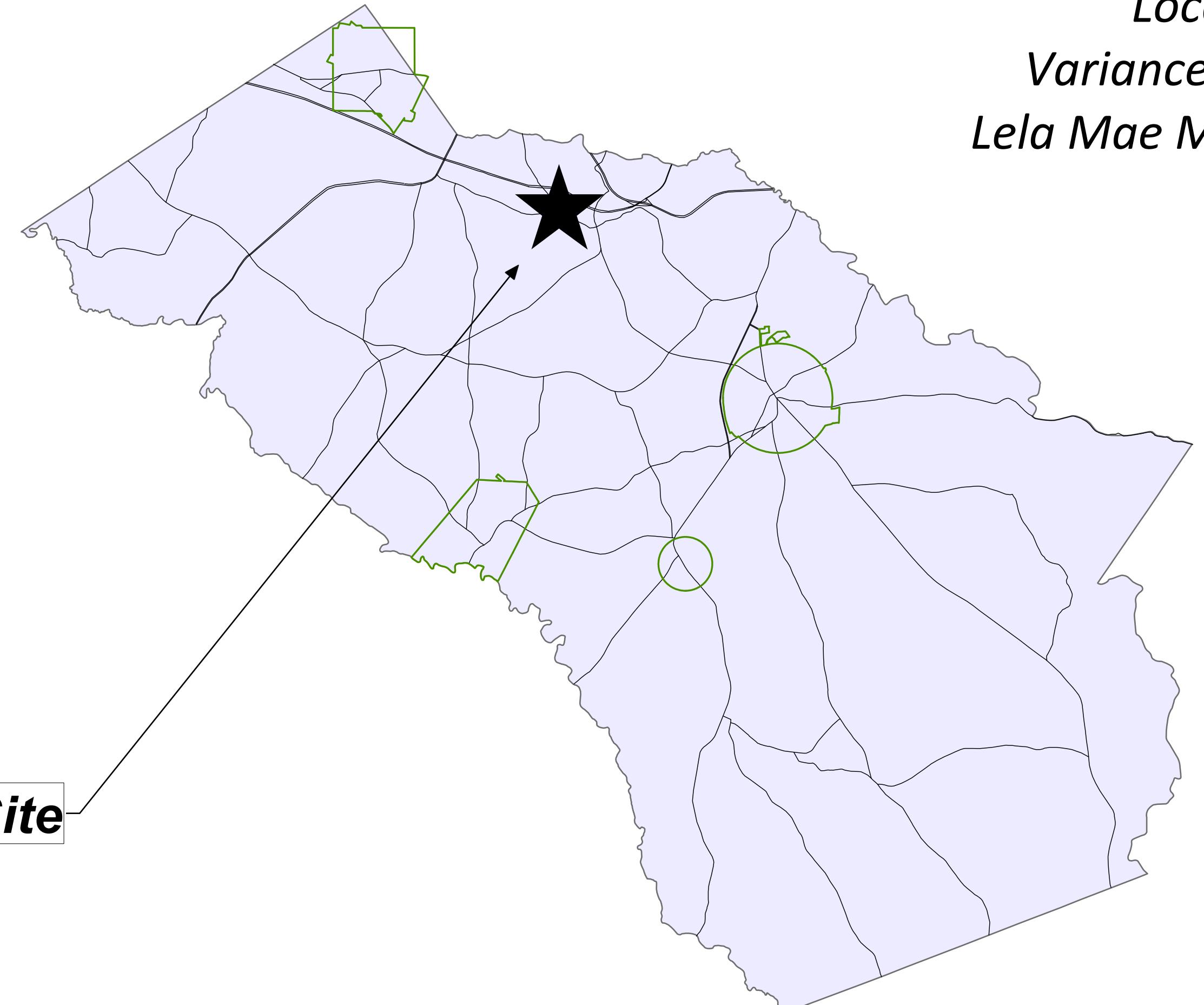
Cindy Star Mineo

DATE: 6/29/22

SEAL:

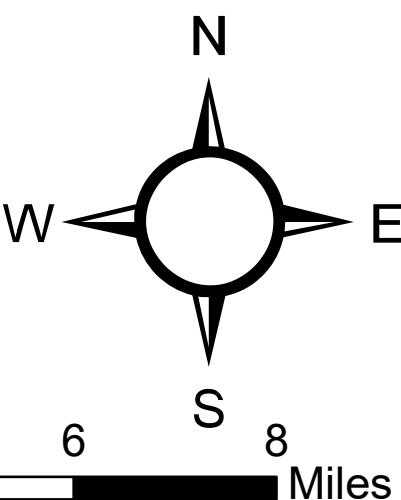


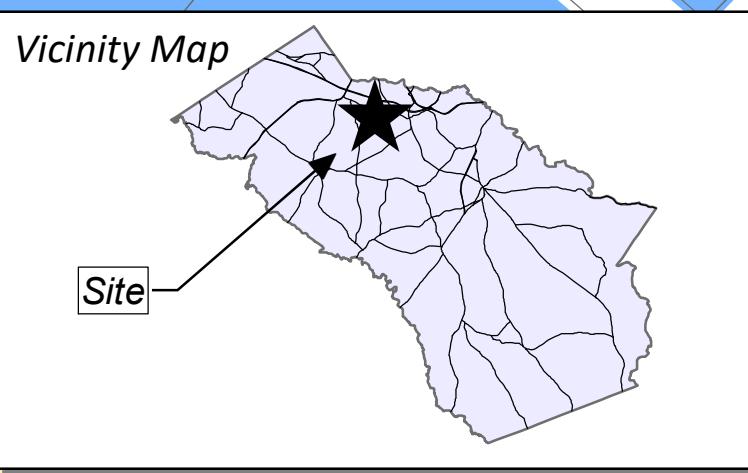
*Location Map -
Variance # P22-0190
Lela Mae Moore Slaton*



1:120,000

0 1 2 4 6 8 Miles





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

Regional Center

Suburban Neighborhood

Fieldstone Rd

Jimmy Daniel Rd

Jones Rd

Virgil Langford Rd

Paul Rdg

Legend

- OCGIS21_Vector.DBO.TaxParcel selection 3
- Agricultural Preservation
- Rural Places
- Country Estates
- Suburban Neighborhood
- Neighborhood Village
- Community Village
- Corridor Commercial
- Civic Center
- Technology Gateway
- Regional Center

