

SPECIAL EXCEPTION VARIANCE NO. P22-0219

**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 Sandra and Henry Thompson submitted on September 8, 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 Sandra and Henry Thompson on September 8, 2022, regarding a $\pm .89$ acre tract of land located 1171 Windsor Drive, Oconee County, Georgia, (tax parcel no. B-06D-006B), 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 required minimum rear building setback from 40 feet to 31 feet 2 inches in order to add a roof with an overhang onto and existing detached garage structure, adding a covered area totaling approximately 220 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 November 1, 2022.

ADOPTED AND APPROVED, this 1st day of November, 2022.

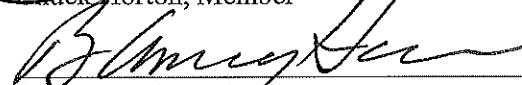
OCONEE COUNTY BOARD OF COMMISSIONERS

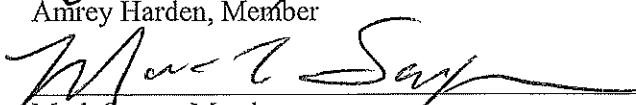
BY:


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:


Holly Stephenson
Clerk, Board of Commissioners

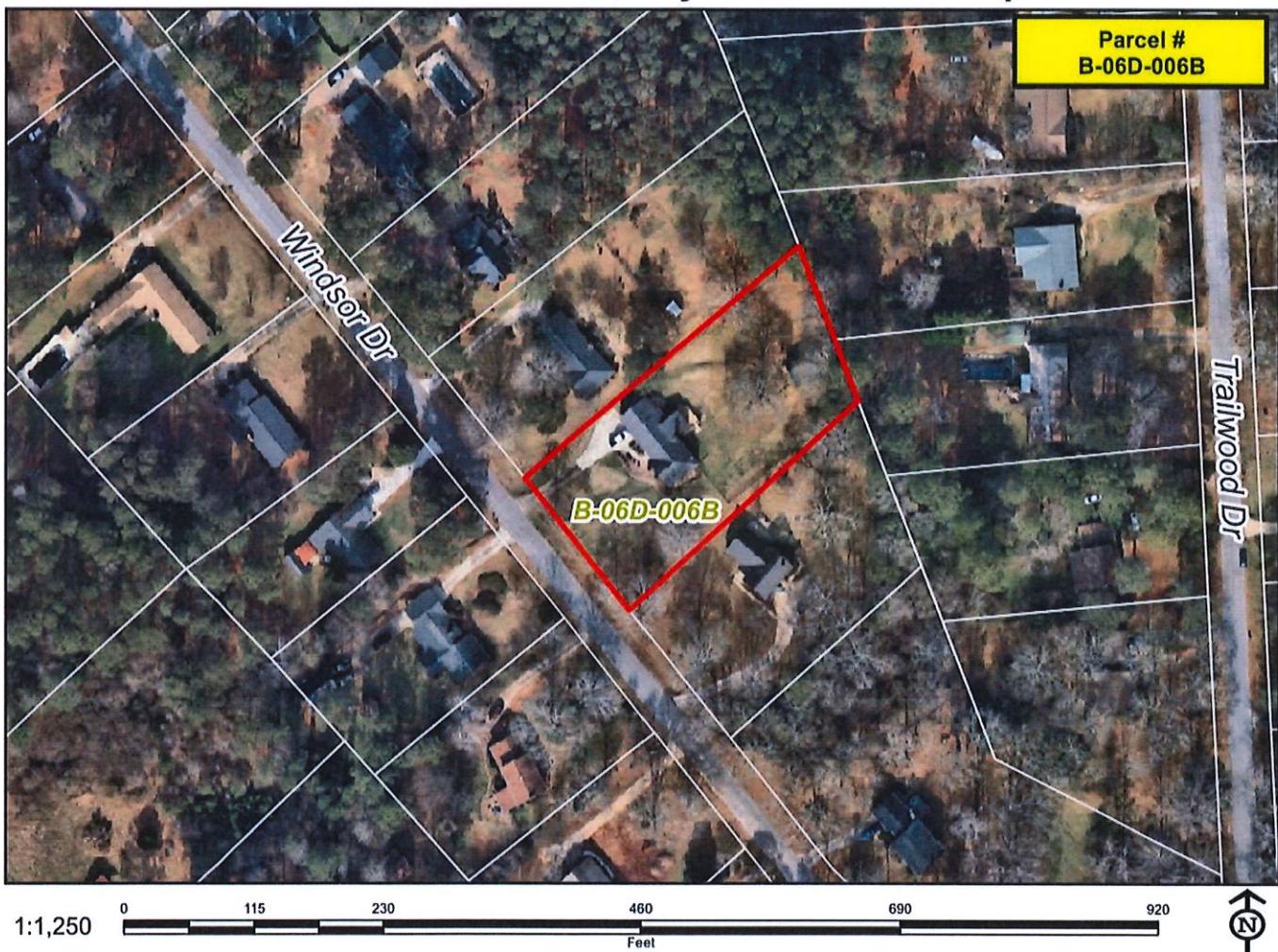
EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0219
Page 1 of 4

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

Variance # P22-0219 - Henry J & Sandra Thompson



Narative

*From UDC Section 410-OK (2)
and UDC Table 4.1 For a Lean To Roof*

Henry Thompson is seeking a variance to build a slant roof connected to the right hand side of my shop at 1171 Windsor Dr. Watkinsville Ga in Westbury subdivision. The roof will be 11 ft wide x 20 ft 8 in long I will be using it to keep my lawn mower and other lawn tools out of the rain. This roof will be professionally built and will not degrade the neighborhood in anyway and I will not encroach the set back any more than the existing structure sits. The set back 40 ft from the rear property line and the back corner of the roof will be 31 ft 2 in from my property line it would be greatly appreciated if you would let me build this roof. I have contacted all three neighbors that are adjacent to my property. Rosemarie Newman on the left side Beverly Barksdale on the right side and Aimee Lashley on the back side they all said they would have no problem with me building the roof. I have attached the signed statements from each one of them.

REAR SETBACK

REQUIRED 40 ft

CURRENT 31FT 2IN

REQUESTING 8ft 10in

Thanks for your consideration

Henry Thompson

Property address 1171 Windsor Dr
Total acres .39 acres

Proposed use Residential

EXISTING Zoning R-1
adjacent Zoning R-1

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0219
Page 3 of 4

Page 3 of 4

PLAT

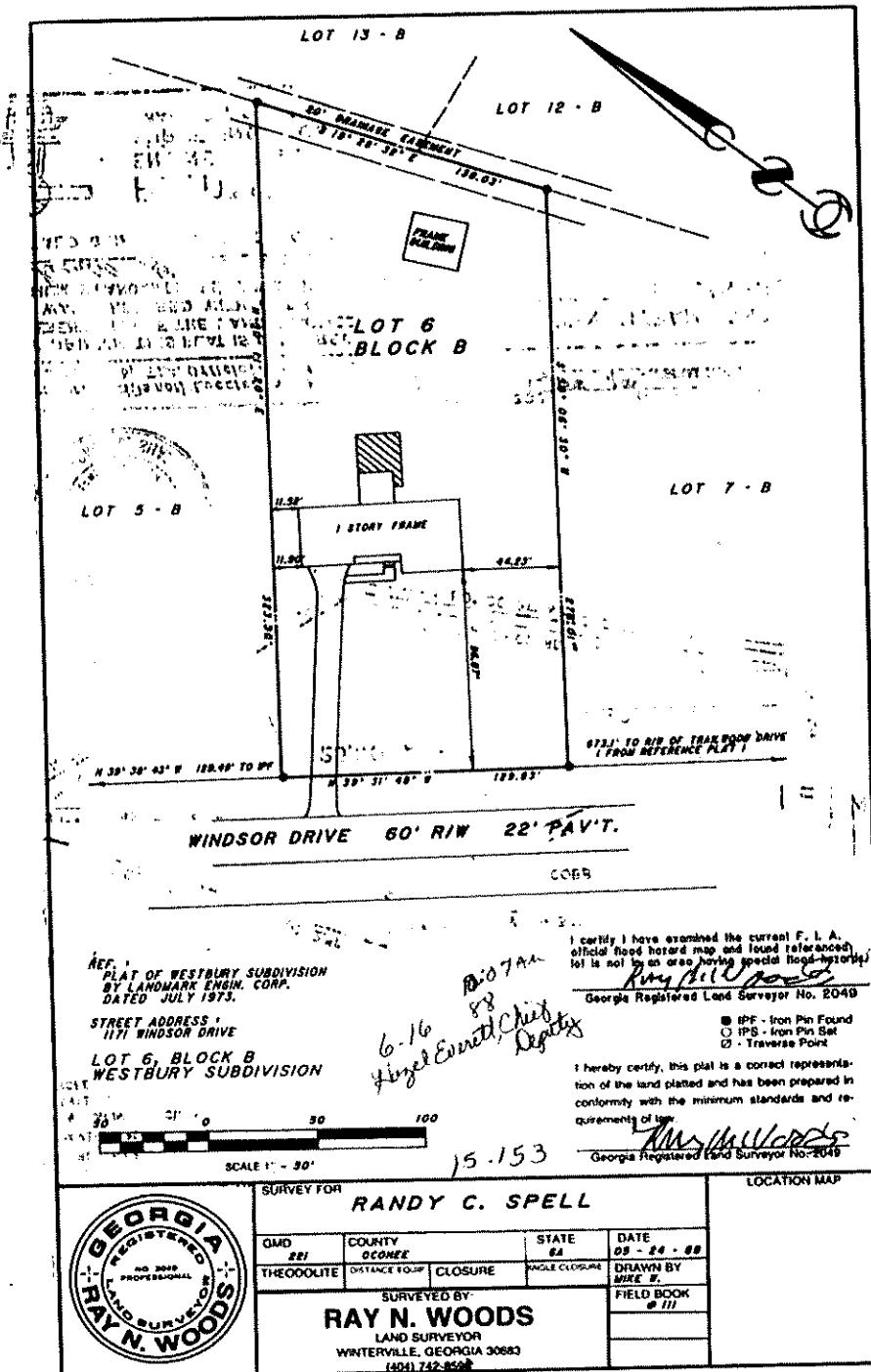
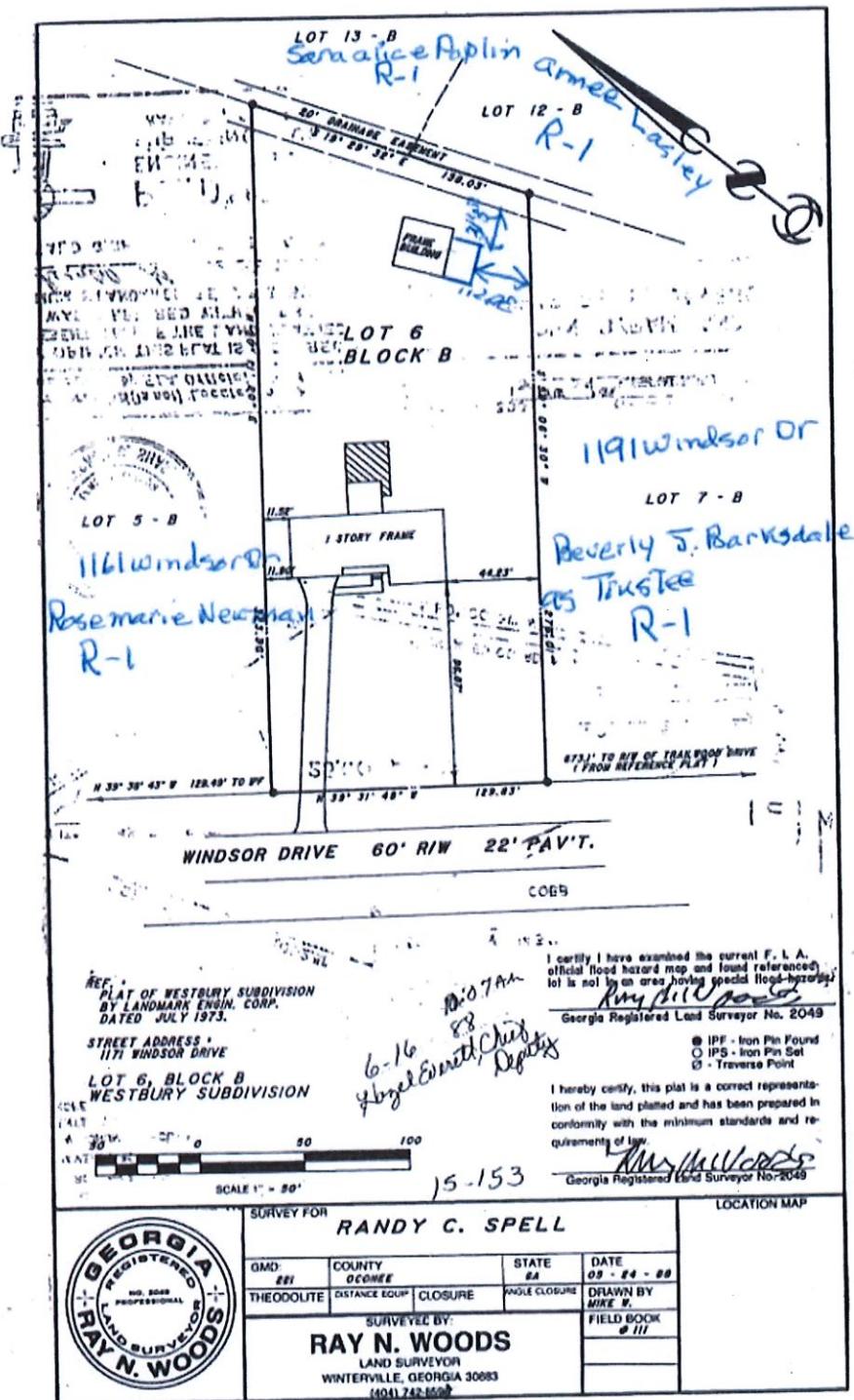


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0219

Page 4 of 4
CONCEPT PLAN

Special ~~or~~ Exception Variance Owner/applicant

Property address 1171 Windsor Dr
Total acres .89
Proposed use Residential
Tax parcel# B 06D 006 B





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

VARIANCE CASE #: P22-0219

DATE: October 20, 2022

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

APPLICANT NAME: Sandra & Henry Thompson

PROPERTY OWNER: Sandra & Henry Thompson

LOCATION: 1171 Windsor Dr, Watkinsville, GA 30677, B-06D-006B

PARCEL SIZE: ±0.89 acres

EXISTING ZONING: R-1 (Single Family Residential District)

EXISTING LAND USE: Residential



TYPE OF VARIANCE REQUESTED: Special Exception Variance

REQUEST SUMMARY: The property owner requests a variance from UDC Sec. 410.01.c(2) and UDC Table 4.1 to reduce the required minimum rear building setback from 40 feet to 31 ft 2 inches in order to add a roof with an overhang onto an existing detached garage structure, adding a covered area totaling approximately 220 square feet.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: November 1, 2022

ATTACHMENTS:

- Application
- Aerial Image
- Narrative
- Site Photo
- Concept Sketches
- Legal Description
- Owner Authorization Form
- Plat of Survey
- Concept Plan
- Letters of Support

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property is currently a residential use. The residential building was constructed in 2010.
- The current owners purchased the property in 2015.

VARIANCE DESCRIPTION

- The owner is requesting to reduce the required minimum rear building setback from 40 feet to 31 feet 2 inches in order to add a roof onto the side of an existing detached accessory structure, adding a covered area totaling approximately 220 square feet.
- *410.01.c(2) and UDC Table 4.1*
 - ***Unified Development Code Section 410.01.c(2) – Accessory buildings***
Minimum setbacks for accessory buildings shall be as follows:
c. All other accessory buildings not specifically regulated by Article 3 of this Development Code.
(2) 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; provided that no such accessory building may be located in the front yard of a lot unless the lot itself is 3 acres or more in size. In no case shall the building be within the minimum principal building front setback.

Table 4.1: Dimensional Requirements by Zoning District	
Minimum Principal Building Setback (FT)	R-1 (Single Family Residential District)
Rear	40 feet

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 zoned R-1, including all of the directly adjacent properties and the parcels across Windsor Drive. Primary land uses in the area are residential uses. Staff holds that the proposed variance is suitable in view of the existing nearby development and zoning. Staff holds that approval of the request should not be injurious to the use and enjoyment of nearby properties as a large portion of the minimum building setback is being provided and the subject accessory structure is existing.
- c. Diminish and impair property values within the surrounding neighborhood:**
Staff holds that it is unlikely that the proposed reduction in buffer requirements 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) and Table 4.1 is to prevent accessory buildings from encroaching on minimum building setback requirements. The applicant has requested a special exception variance to reduce the minimum building setback in R-1 from 40 feet to 31 ft 2 inches in order to add a roof extending 11 feet onto one side of an existing detached accessory structure in order to have additional covered storage space. Staff believes that approval of this variance request would not negatively affect the adjacent R-1 parcels and would not impair the UDC's purpose and intent. Additionally, the adjacent neighbors have provided letters of support for the project.

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.