

**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 Markus Crepaz submitted on September 28, 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 Markus Crepaz on September 28, 2022, regarding a ±0.70 acre tract of land located 1171 Founders Lake Drive, Oconee County, Georgia, (tax parcel no. B-04H-048A), 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 add an additional concrete driveway on the property.

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.

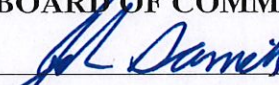
SECTION 3. Effective Date. This Resolution shall take effect this date.

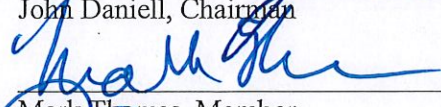
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on December 6, 2022.

ADOPTED AND APPROVED, this 6<sup>th</sup> day of December, 2022.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

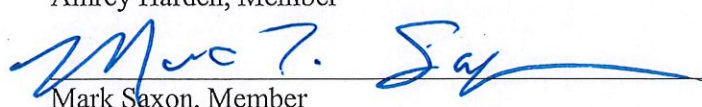
BY:

  
\_\_\_\_\_  
John Daniell, Chairman

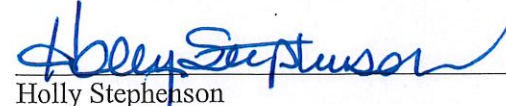
  
\_\_\_\_\_  
Mark Thomas, Member

  
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Chuck Horton, Member

  
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Amrey Harden, Member

  
\_\_\_\_\_  
Mark Saxon, Member

ATTEST:

  
\_\_\_\_\_  
Holly Stephenson  
Clerk, Board of Commissioners

# EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P22-0239

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## 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 # P22-0239 - Markus Crepaz





**LEGAL DESCRIPTION**

**All that tract or parcel of land, together with all improvements thereon, situate, lying and being in the 1331st District, G.M., Oconee County, Georgia, and being known and designated as Lot 48, Block A, Phase Two, Founder's Grove Subdivision, and being more particularly shown on a survey entitled "Survey for Founder's Grove Phase Two", dated September 19, 2000, by Paul & Evans Land Surveying, Inc., Gregory J. Evans, Registered Land Surveyor, and recorded in Plat Book 32, Page 99, in the Office of the Clerk of the Superior Court of Oconee County, Georgia, reference to which is hereby made for a more particular description of the property herein conveyed.**

**Narrative**

**Narrative:**

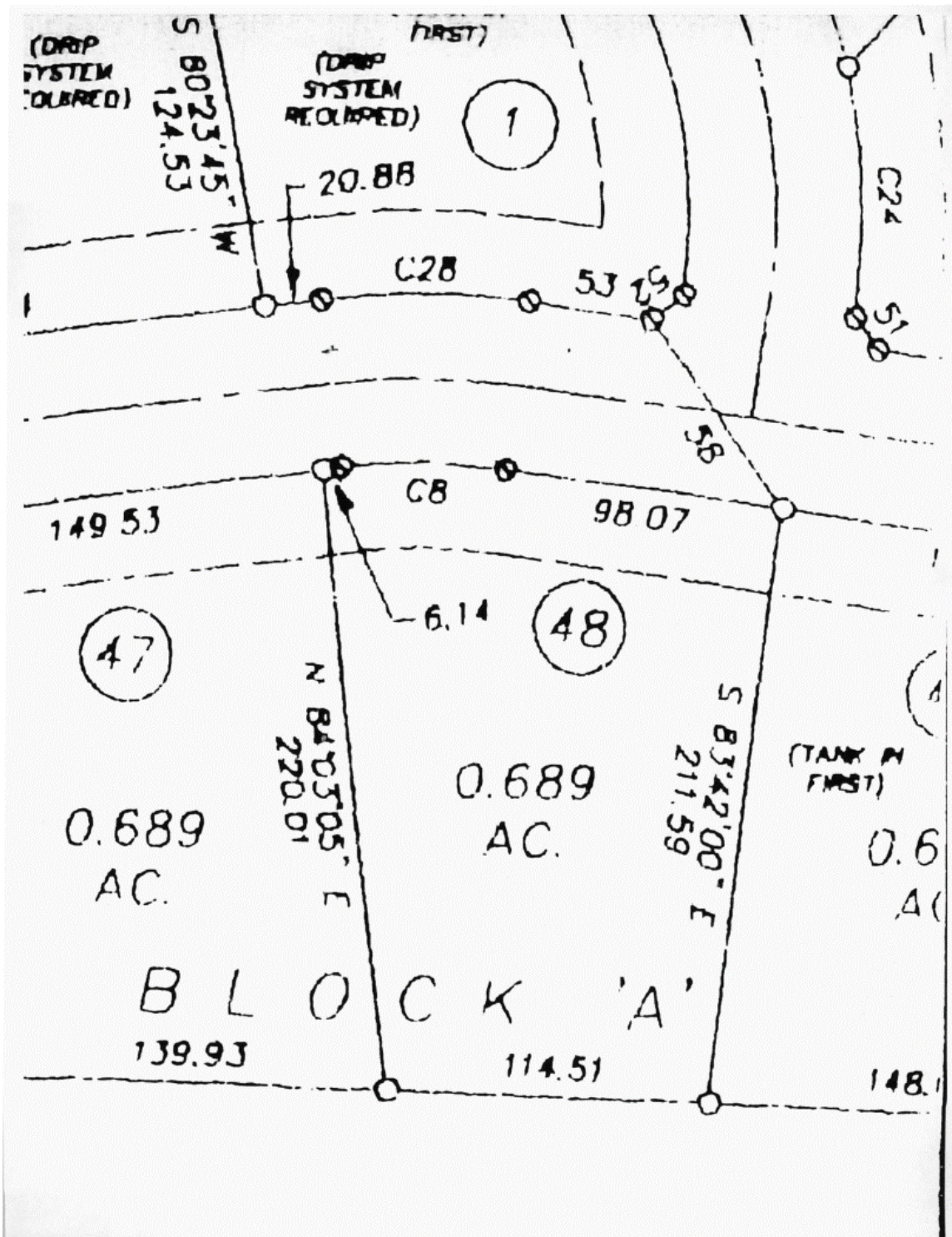
I am requesting a variance for a driveway on the basis of a special exception for 1171 Founders Lake Drive which is in the residential subdivision of Founders Grove on the basis that the public street frontage is less than 200 ft. This private driveway will not generate any additional traffic. It will only be used by the owner. The driveway connects a basement garage to 1171 Founders Lake Drive as the only outlet. The garage will primarily house a 6x10 ft trailer that will mostly be used only on the weekends, thus generating no more traffic than it would if the regular garage were to be used.

This driveway will not cause any substantial detriment to the public good; would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity and would not diminish or impair property values within the surrounding neighborhood.

In addition, other properties have similar driveways in the neighborhood (even though they have less than 200 feet of frontage road, are not located in a corner lot, and have no circular driveways) such as 1231 Founders Lake Drive, 1351 Founders Lake Drive, and 1081 Hearthstone Way.

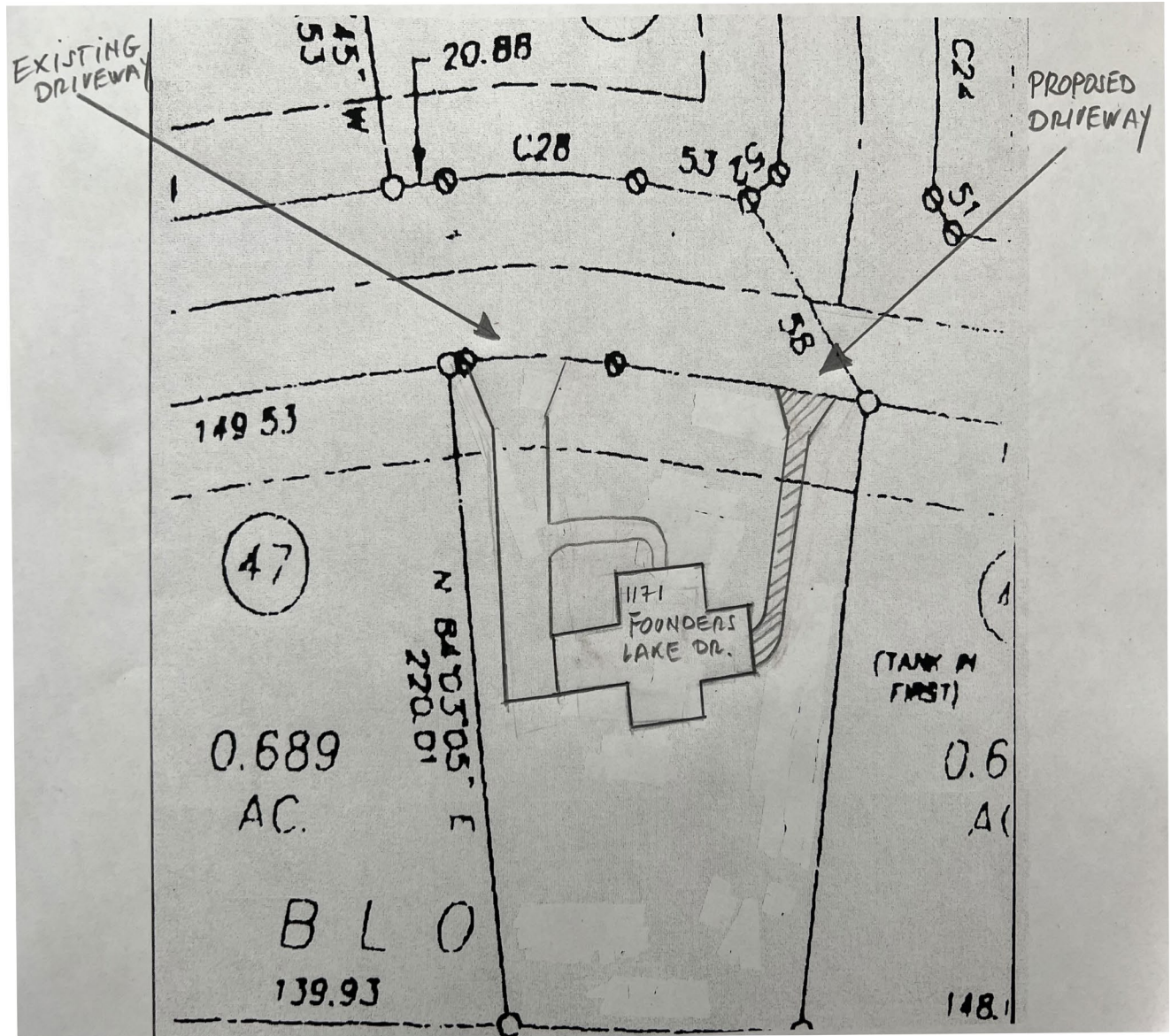
The driveway is level from the basement garage to the road and will require only very minimal grading. The local HOA has already approved the project.

PLAT





CONCEPT PLAN





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

**VARIANCE CASE #:** P22-0239

**DATE:** November 21, 2022

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

**APPLICANT NAME:** Markus Crepaz

**PROPERTY OWNER:** Markus Crepaz

**LOCATION:** 1171 Founders Lake Drive, Athens, GA  
30606, B-04H-048A

**PARCEL SIZE:** ±0.70 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 Sections 1012.02.d (2) & (3) to add a second concrete driveway on the property to connect the basement garage to Founders Lake Drive.

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** December 6, 2022

**ATTACHMENTS:** Application  
Narrative  
Legal Description  
Owner Authorization Form  
Plat of Survey  
Photos  
Concept Plan



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**BACKGROUND INFORMATION & FINDINGS OF FACT**

## HISTORY

- The property is currently a residential use. The existing residence was constructed in 2002.
- The current owner, Markus Crepaz, purchased the home in 2003.

## VARIANCE DESCRIPTION

- The owner is requesting a special exception variance to construct a second driveway on the site in order to connect a basement garage on the north side of the residence to Founders Lake Drive.
  - ***Unified Development Code Section 1012 – Driveways and development entrances***  
*Sec. 1012.02. Driveway design standards.*  
*d. The number of driveways that access a property from any one street, road or highway shall be limited as follows:*
    - (2) Along all other County streets or roads, except for circular driveways for single-family detached houses on local streets and minor collectors (provided sight distances can be met), the following shall apply no more than 1 point of vehicular access from a property to each abutting public road shall be permitted for each 200 feet of lot frontage; provided however, that lots with less than 200 feet of frontage shall have no more than one point of access to any one public street. The Public Works Director shall determine whether the points of access may be unrestricted or must be designed for right-in, right-out traffic flow.*
    - (3) Relief.*  
*Reduction of the driveway separation requirements of paragraphs (1) or (2) of this Sec. 1012.02.d may be considered as a special exception variance. See the Appeals Article of this Development Code for procedures.*

## PUBLIC FACILITIES

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

### Roads:

- The proposed driveway on Founders Lake Drive will provide a second access location to the site.

## 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 on the tax base or 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. The traffic impacts to the roadway are expected to be minimal as the applicant intends to use the second driveway on the weekends.

**b. Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:**

The surrounding properties are all zoned R-1 and located within the same neighborhood. Primary land uses in the area are a mixture of residential and commercial uses. Staff holds that the proposed development 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.



**c. Diminish and impair property values within the surrounding neighborhood:**

Staff holds that it is unlikely that the proposed second driveway would significantly impair property values in the surrounding area.

**d. Impair the purpose and intent of this Development Code:**

The intent of UDC Section 1012 is to ensure that driveway design standards are met and that driveway design does not impact adjacent lots. The applicant has requested a special exception variance to have a second driveway on the property with less than 200 feet of lot frontage (Sec. 1012.02.d(2)). This second point of access on the subject property would be 140 feet from the existing driveway, and the total lot frontage is approximately 163 feet. The applicant also noted that the HOA has approved this project.

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, as the existing structure has two garages. This variance would allow the applicant to better use both garages without negatively impacting the adjacent parcels. The second proposed driveway will be adjacent to the driveway at 1151 Founders Lake Drive, but other parcels in the neighborhood have similar configurations. Staff additionally observes that there is adequate space shown on the concept plan to provide the second driveway, which has a proposed width of 11 feet.

### **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.