

**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 Halloran Masonry, Inc submitted on November 21, 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 Pittman & Greer Engineering, on November 21, 2022, regarding a 7.11 acre tract of land located 1619 New High Shoals Rd, Oconee County, Georgia, (tax parcel no. B-07G-001), 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 required buffer from 50ft to 25ft adjacent to R1 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.

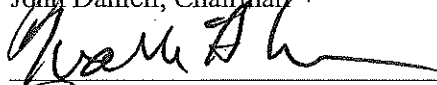
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on March 7, 2023.


ADOPTED AND APPROVED, this 7<sup>th</sup> day of March, 2023.

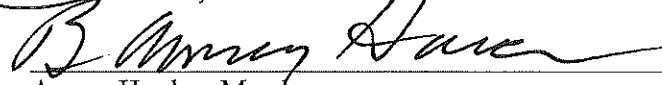
**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY:

  
John Daniell, Chairman

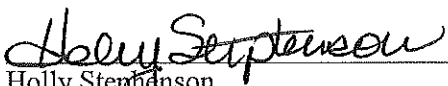
  
Mark Thomas, Member

  
Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

  
Holly Stephenson  
Clerk, Board of Commissioners

CONDITION

1. Design of site development 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.
2. Per Sec. 808.04.(3), the proposed 8' tall imitation wood vinyl privacy fence located in the proposed 25-foot buffer needs to be relocated from the center of the buffer to be placed along the interior edge of the buffer such that vegetation shall be provided between the fence and the property line.
3. Due to the reduced buffer width, a detailed buffer planting plan shall be provided at the time of Preliminary Site Plan depicting a year-round opaque visual barrier. A mix of evergreen tree and shrub species should be used and shall be six foot tall at the time of planting.

TAX MAP



LEGAL DESCRIPTION

LEGAL DESCRIPTION OBP ZONING TRACT

All that tract, or parcel of land, lying and being in Oconee County, Georgia, G.M.D. 221, containing 7.11 acres, more or less, and being more particularly described as:

Beginning at a concrete monument at the intersection of the southerly margin of the variable right-of-way of New High Shoals road and the westerly margin of the variable right-of-way of Highway 441; thence along the right-of-way of Highway 441 South 27 degrees 24 minutes 49 seconds East, 233.41 feet to a concrete monument; thence 155.94 feet along an arc of a curve to the right, said curve having a radius of 3149.04 feet, a chord bearing of South 00 degrees 24 minutes 42 seconds West, and a chord distance of 155.92 feet to a point, being the TRUE POINT OF BEGINNING; thence continuing along said right-of-way 688.74 feet along an arc of a curve to the right, said curve having a radius of 3149.04 feet, a chord bearing of South 08 degrees 05 minutes 46 seconds West, and a chord distance of 687.37 feet to an iron pin; thence leaving said right-of-way North 83 degrees 15 minutes 18 seconds West, 216.98 feet to an iron pin; thence North 23 degrees 57 minutes 21 seconds West, 267.03 feet to an iron pin; thence North 23 degrees 57 minutes 21 seconds West, 320.01 feet to an iron pin; thence North 23 degrees 57 minutes 21 seconds West, 228.46 feet to an open top pipe on the southerly margin of right-of-way of New High Shoals Road; thence along said right-of-way North 65 degrees 26 minutes 45 seconds East, 173.82 feet to a point; thence North 62 degrees 05 minutes 51 seconds East, 64.92 feet to a point; thence leaving said right-of-way 250.13 feet along an arc of a curve to the right, said curve having a radius of 700.00 feet, a chord bearing of South 13 degrees 24 minutes 07 seconds East, and a chord distance of 248.80 feet to a point; thence North 76 degrees 51 minutes 26 seconds East, 175.03 feet to a point; thence South 87 degrees 08 minutes 20 seconds East, 67.51 feet to a point; thence North 02 degrees 51 minutes 40 seconds East, 19.36 feet to a point; thence South 87 degrees 08 minutes 20 seconds East, 131.59 feet to the TRUE POINT OF BEGINNING.

Narrative

1619 NEW HIGH SHOALS ROAD

SPECIAL EXCEPTION VARIANCE SUBMITTED 11/21/2022

**INTRODUCTION**

Property Address: 1619 New High Shoals Road - Parcel B 07G 001 (portion of)

Owner: Halloran Masonry, INC.

Existing Zoning: OBP

Proposed Variance Type: Special Exception Variance

Existing Use: undeveloped

Proposed Use: Self Storage

Property Area: 7.11

**VARIANCE REQUEST NARRATIVE**

A Special Exception Variance that is being requested to vary from *UDC Section 806 – Buffers; where required*. The request is to vary from the UDC required 50 foot buffer along the western property line of the property to 25 feet (as shown on table 8.1).

The adjacent property requiring the buffer is an existing B-1 subdivision. Along the border of this subject property there is a utility easement for an existing AT&T fiber line. This easement is also not along the property line but is into the subject property so there is unusable property along the line between the line and the easement. This area, along with the easement itself, is wooded. Adding a 50' buffer on top of this existing easement would mean a true buffer of 75'-80' along this property line. Adding a 25' buffer against the easement would be a true buffer of 50'-55' along this line from the adjacent property.

We feel that a reduction in the buffer from the required 50' to 25' would be a satisfactory buffer to shield the adjacent properties and at the same time allow for development of this property taking into account how much of it is unusable.

The proposed use of the subject property at this time is for a multi-building self storage facility with buildings being up to 2-stories. The property is currently zoned OBP so this use would be a very quiet, low traffic, mundane use as it relates to available OBP zoning uses. This compromised 25' buffer would be beefed up with evergreen plant material where needed to provide an adequate screen from the adjacent property.

**ADJACENT PROPERTIES**

As mentioned above, the adjacent properties affected by the request includes the rear property lines of single family lots.

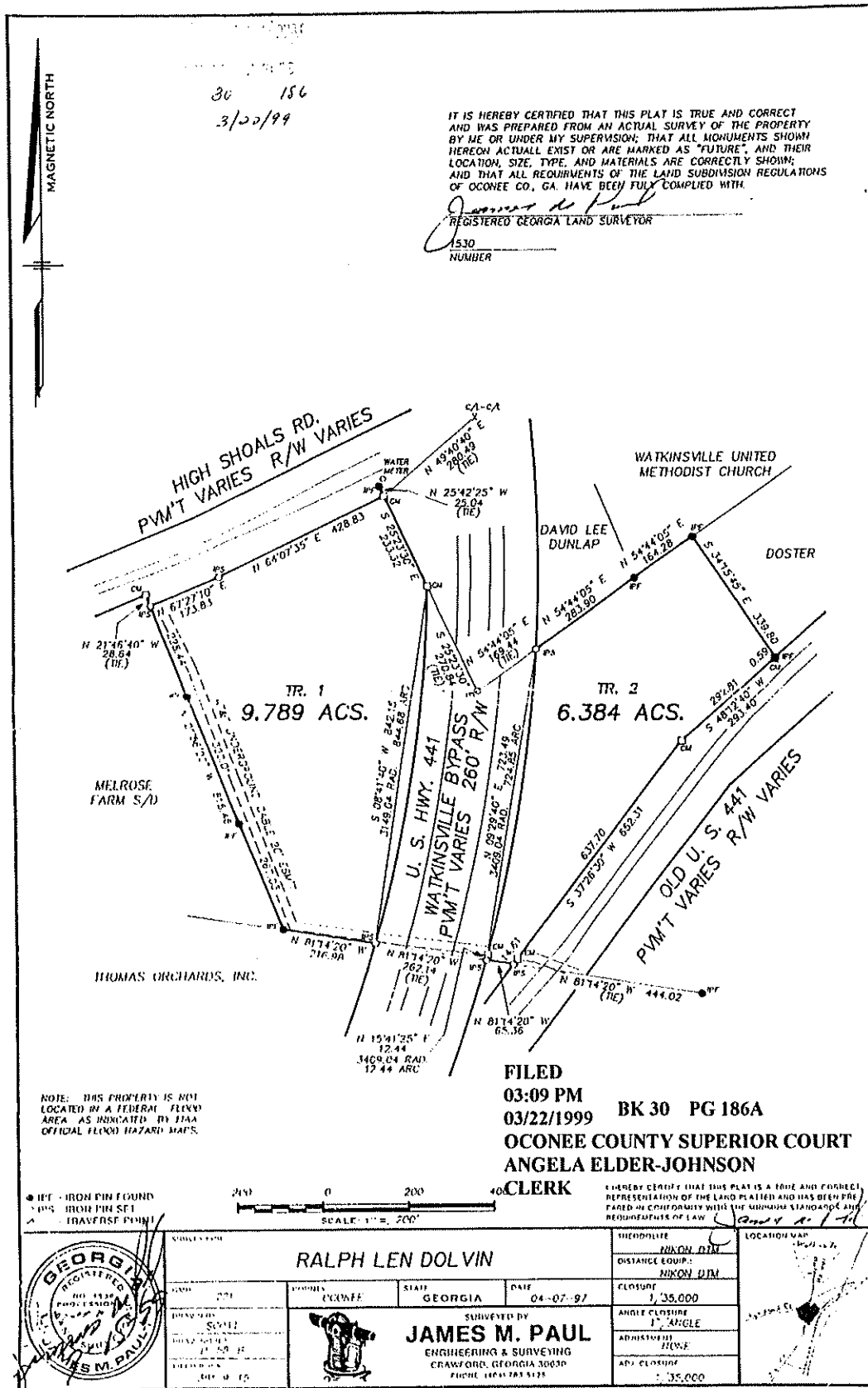
**COMPANION SPECIAL USE & COMPANION ZONING PLAN MODIFICATION**

There is a companion special use request associated with this project to allow for Self-Storage Use in OBP zoning district and a companion zoning modification to change the approved zoning plan from an office park to a self-storage complex under the same OBP zoning.

**CONCLUSION**

We feel like the request for a Special Exceptions Variance should be granted as the buffer requirement causes a difficult to develop tract even harder to develop due to the existing AT&T easement and the sliver of property on the other side of the AT&T easement. The adjacent property would not be affected by the reduced buffer. The proposed condition would be better than the existing condition. The owner is willing to plant additional screening plant material adjacent to the R1 property.

## PLAT









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

**VARIANCE CASE #:** P22-0296

**DATE:** February 8, 2023

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

**APPLICANT NAME:** Frank Pittman

**PROPERTY OWNER:** Halloran Masonry, Inc.

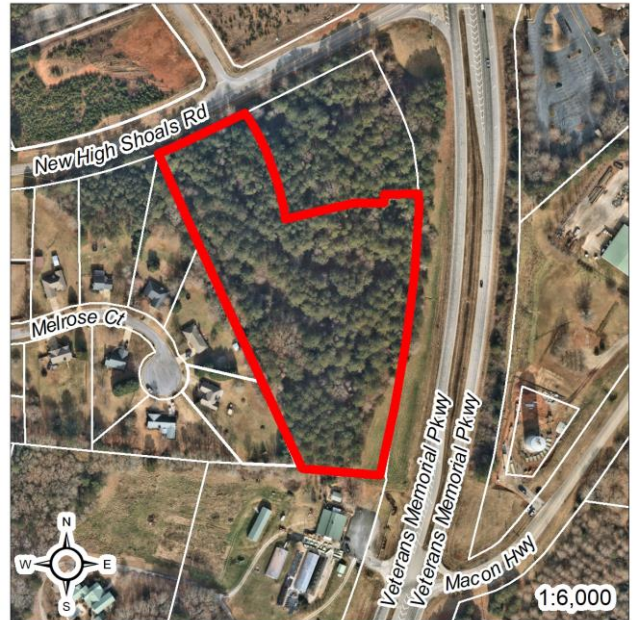
**LOCATION:** 1619 New High Shoals Road (portion of B-07G-001)

**PARCEL SIZE:** ±7.11 acres

**EXISTING ZONING:** OBP (Office-Business Park District)

**EXISTING LAND USE:** Undeveloped land

**TYPE OF VARIANCE REQUESTED:** Special Exception Variance



**REQUEST SUMMARY:** The property owner requests a variance from UDC Sec. 806 to reduce the required buffer from 50 feet to 25 feet adjacent to R-1 property.

The subject property is also included in a companion rezoning case (P22-0295) with applicant request to rezone the property from OBP to OBP with a modified site plan to allow for the proposed self-storage facility. The subject property is also included in a companion special use case (P22-0297) with applicant request to allow for a self-storage use on the OBP zoned property.

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** March 7, 2023

**ATTACHMENTS:**

- Application
- Narrative
- Legal Description
- Owner Authorization Form
- Plat of Survey
- Concept Plan

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

### **HISTORY**

- The subject property is zoned OBP and B-2 and has been owned by the current owner since 2015. The parcel is a vacant lot.
- This special exception variance for the subject site requests approval for reduction of the required buffer from 50 feet to 25 feet along the western property boundary.
- The applicant is seeking a concurrent rezoning (P22-0295) to change the zoning from OBP to OBP with a modified site plan to allow for the proposed self-storage facility. The current zoning plan is for an office park as part of a split zoned parcel.
- The applicant is seeking a concurrent special use case (P22-0297) to allow for a self-storage use on the OBP zoned property.

### **VARIANCE DESCRIPTION**

- The owner is requesting to reduce the required buffer from 50 feet to 25 feet adjacent to R-1 property.
  - ***Unified Development Code Section 806***  
*A buffer meeting or exceeding the following widths shall be required between any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land use, as follows:*

<b>Table 8.1: Situations Where Buffer Required</b>	
	Provide a buffer on the lot of this use:
<b>Along a side or rear lot line next to this less intense use or zoning</b>	<b>Commercial</b>
1- Or 2-Family Residential (Includes any land zoned R-1)	50 feet

### **PUBLIC FACILITIES**

#### **Water:**

- The project is proposed to utilize County water services in the amount of approximately 80 gpd.
- The Water Resources Department has indicated in a letter that potable water is available at this location.

#### **Sewer:**

- The project is proposed to utilize septic in the amount of approximately 80 gpd.

#### **Roads:**

- The site will be accessed from New High Shoals Road through a new access point.

### **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 substantial detriment to the broader public good. Along the western property line, there is a utility easement of approximately 20 feet in width. The proposed 25-foot buffer in combination with the existing utility easement provides an effective buffer width of 45 feet. Due to the fact that the utility buffer is wooded, staff believes that the combination of buffers totaling 5 feet less than the 50-foot buffer required per Section 806 does not pose a substantial detriment to the public good and residents on adjacent properties.

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

Nearby lots are predominantly zoned R-1, OIP, AG, B-1, and B-2. Primary land uses in the area are a mixture of residential, commercial, and institutional uses. Staff holds that the proposed development is suitable in view of the existing nearby development and zoning. Adjacent residential properties would be buffered from the proposed nearest building by existing woods, and the nearest building provides a buffer from vehicular movement within the site. 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 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 806 and Table 8.1 is to prevent less intense uses or zoning from being impacted by adjacent more intense uses or zoning. The applicant has requested a special exception variance to reduce the required buffer of 50 feet to 25 feet along the adjacent R-1 property located to the west side of the subject parcel. The applicant has stated the opinion that the reduced width landscape buffer in combination with the existing utility easement provides a satisfactory buffer while also allowing for the development of the property. Staff believes that approval of this variance request would likely not negatively affect the adjacent R-1 parcels and would not impair the UDC's purpose and intent. Staff additionally observes that the site plan could be modified to include the 50-foot buffer though with the result of smaller than proposed storage buildings.

## **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. Design of site development 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.
2. Per Sec. 808.04.(3), the proposed 8' tall imitation wood vinyl privacy fence located in the proposed 25-foot buffer needs to be relocated from the center of the buffer to be placed along the interior edge of the buffer such that vegetation shall be provided between the fence and the property line.