

**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 Richard & Karen Maxson submitted on January 17, 2023.

**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 AbeAbouhamdan, on January 17, 2023, regarding a ± 2.89 acre tract of land located 1544 Edge Water Drive, 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 construct an accessory building/garage in the front yard of the existing principal structure.

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.

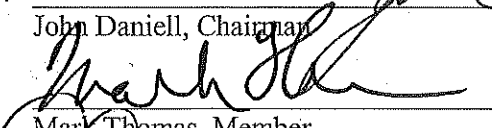
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on March 7, 2023.

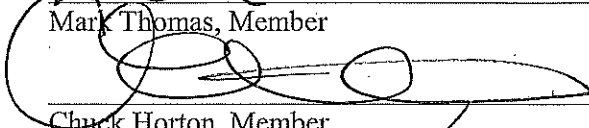
ADOPTED AND APPROVED, this 7<sup>th</sup> day of March, 2023.

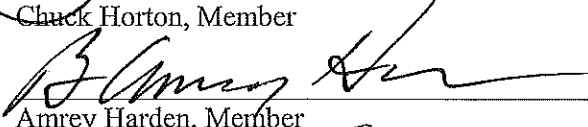
**OCONEE COUNTY BOARD OF COMMISSIONERS**

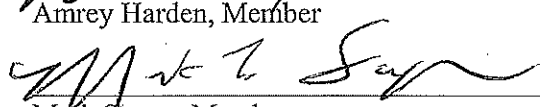
BY:

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

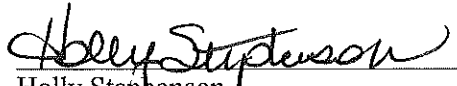
  
\_\_\_\_\_  
Mark Thomas, Member

  
\_\_\_\_\_  
Chuck Horton, Member

  
\_\_\_\_\_  
Amrey Harden, Member

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

ATTEST:

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

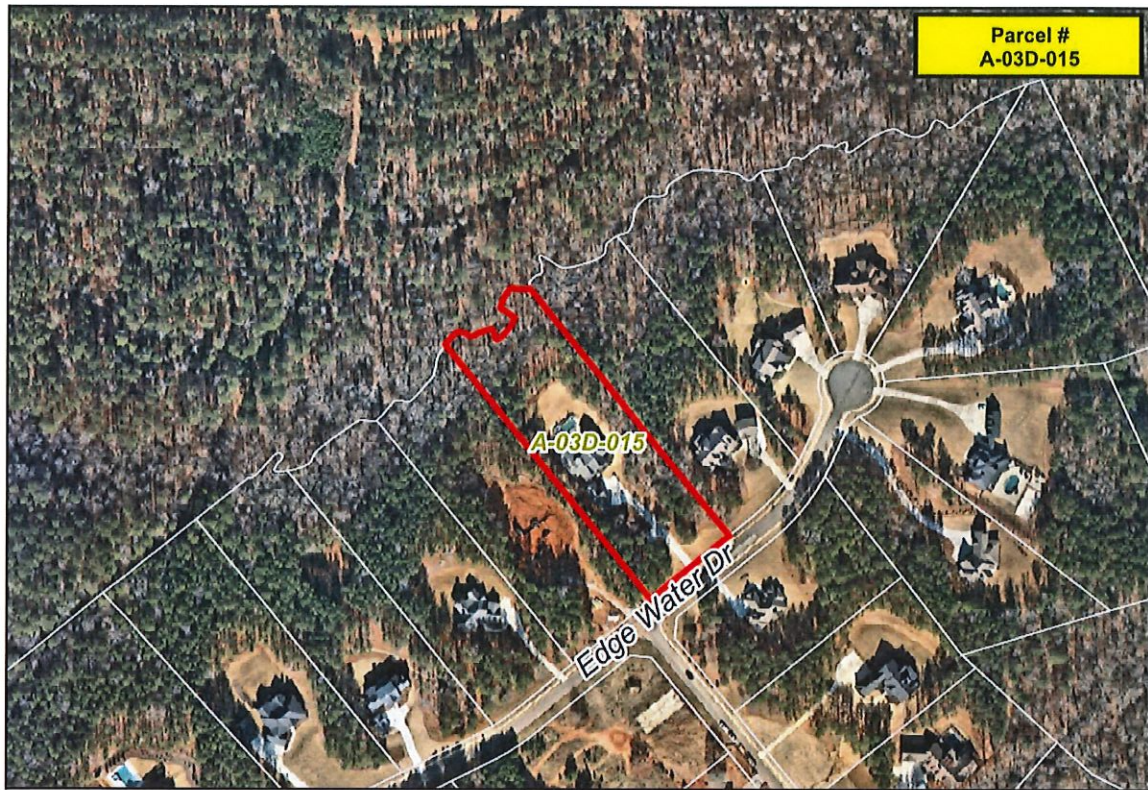
# EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0016

Page 1 of 8

## 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.

## TAX MAP



LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the 224th G.M. District, Oconee County, Georgia being Lot 15 of the River's Edge Subdivision as found in Plat Book 37 pages 167-171 and being more particularly described as follows;

Beginning at a point on the Northwestern right of way of Edge Water Drive(60' R/W) at the common corner between Lots 14 and 15;

Thence South 50 Degrees 45 Minutes 11 Seconds West a distance of 200.00 feet along the Northwestern right of way of Edge Water Drive to the common corner between Lots 15 and 16;

Thence North 39 Degrees 14 Minutes 49 Seconds West a distance of 643.06 feet (through an iron pin set at 600.00 feet) to the centerline of a branch;

Thence with the centerline of said branch the following courses and distances;

North 36 Degrees 36 Minutes 19 Seconds East a distance of 36.80 feet to a point;

South 70 Degrees 36 Minutes 24 Seconds East a distance of 26.09 feet to a point;

North 70 Degrees 30 Minutes 59 Seconds East a distance of 42.82 feet to a point;

South 29 Degrees 03 Minutes 29 Seconds East a distance of 21.84 feet to a point;

North 38 Degrees 53 Minutes 57 Seconds East a distance of 55.93 feet to a point;

North 58 Degrees 01 Minutes 27 Seconds West a distance of 31.25 feet to a point;

North 28 Degrees 27 Minutes 14 Seconds East a distance of 45.78 feet to a point;

South 88 Degrees 58 Minutes 48 Seconds East a distance of 33.28 feet to a point;

North 12 Degrees 01 Minutes 25 Seconds East a distance of 2.40 feet to a point;

Thence leaving said branch South 39 Degrees 14 Minutes 49 Seconds East a distance of 632.24 feet (through an iron pin set at 32.24 feet) to the Point of Beginning.

Said parcel having an area of 2.890 Acres, more or less.



Narrative



LAND PLANNING  
LAND SURVEYING  
CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE  
COMPREHENSIVE ENGINEERING  
SOIL MAPPING & SEPTIC SYSTEMS  
WETLAND & ENVIRONMENTAL MONITORING

**HARDSHIP VARIANCE NARRATIVE  
FOR  
RICHARD E. & KAREN J MAXSON**

January 17, 2023

**Introduction:**

ABE Consulting, Inc. is the Authorized Agent for the Owners of the subject property. ABE is submitting a request for a hardship variance for placing the proposed Accessory Building/ Garage in the front yard instead of the rear of the existing principal house. Section 347.01 of the UDC Code requires the accessory structure / garage to be placed to the rear of the main dwelling for lots that are less than 10 acres in size.

The requested type of variance: **Hardship Variance per UDC Section 1304 & Section 347.01**  
Address and/or parcel number of the subject property: **1544 Edge Water Dr, Bogart, GA 30622**  
TP#: **A-03D-015, Approx. 2.89 Acres**

The existing zoning district of the subject property: **AR (Ag Residential)**  
The existing use of the subject property: **Single Family Residence**

**Variance Requested:**

**Hardship Variance is Requested per UDC Section 1304.03 as it relates to Section 347.01 (Accessory Structure / Garage Relationship to Principal Building).**

Such variance may be granted in such individual case of unnecessary hardship upon a finding that all the following conditions exist.

**A. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape or topography.**

The subject property is narrow & long in shape. Topography consists of generally sloped areas at the front of the property leading to a very steep grades mid to rear of the lot. Both of these conditions make it difficult to place a proposed 2- car garage/ accessory building within the sides or rear of the house.

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PH: 706-613-8900 Fax : 706-425-9631 E-mail: [abe@ABEconsultinginc.com](mailto:abe@ABEconsultinginc.com)

Narrative

**B. The application of this development code to this particular piece of property would create an unnecessary hardship.**

The principal house is located a great distance from the R/W which creates difficulty to place the proposed accessory in the rear yard. In addition, there is an existing pool &

septic drain fields that occupy most of the available area in the rear yard. Placing the accessory structure in the rear yard would create an unnecessary hardship. Since the area is congested with the existing pool, deck and septic system. Furthermore, the rear yard would be difficult to access by vehicles due to steep grades.

**C. Such conditions are peculiar to the particular piece of property involved.**

The subject property is narrow & long. In addition, the rear yard is mainly occupied with an existing pool, deck & septic system. The principal house is located a good distance from the R/W. All of forth mentioned conditions create a major difficulty in placing an accessory in the rear yard. Furthermore, the rear yard contains a creek and a naturally wooded area which the owners would like to maintain natural. State water buffer and the 100' conservation easement are required to be maintained in the rear yard. These conditions also contribute to the hardship variance request.

**D. Relief, if granted, would not cause substantial detriment to the public good or impair the proposes and intent of this ordinance.**

Approval or relief, if granted, would not cause substantial detriment to the public good or impair the purposes & intent of this ordinance. The hardship variance process was put in place for unforeseen or difficult conditions to comply with the literal application of this code. The proposed structure is being added to an existing drive turn around & almost directly in front of the existing garage. The proposed structure is fairly small in size, and conforms to the house & existing garage architecture. It is located at a good distance away from the R/W, over 80'.

**Adjacent Properties:**

- The existing zoning of the adjacent properties: **AR (Ag Residential)**
- The existing uses of the adjacent properties: **Single Family Residences**



Narrative

**Conclusion:**

Although the lot is of a large size (approximately 2.89 acres), meeting the current ordinance for placement of the accessory structure / garage will be very difficult on this lot. This is due to the existing steep slopes, placement of the principal house, existing pool and deck in the backyard, existing septic areas, existing creek with mandated buffers & conservation corridor and the need for vehicular access to the proposed accessory structure / garage. The lot has a very limited area in the rear which is hindered by steep slopes, existing septic and creek buffers, pool & deck and mature natural trees and vegetations.

The principal house is placed a great distance away from the road which leaves less available room behind it to place additional structures. Having a narrow and fairly deep lot creates very limited areas within the side yards for the proposed structure. The left side is occupied by an existing garage while the right side is being reserved for the future septic repair drain field. The proposed structure is being nestled in within existing trees and at the end of an existing concrete drive turnaround. This helps mitigate any minor impacts by placing it in the front yard.

The proposed accessory structure / garage architecture compliments and is fully coordinated with the principal house and existing garage. It is designed as an attractive structure / garage to fit and feel as a part of the original construction of the principal home and existing garage. Please refer to the attached accessory structure / Garage Architectural Plans for additional details and information (Floor Plan and Elevations). The total square footage of the proposed structure / garage will be 651 SF which is the smallest possible needed space. A similar variance approval has been granted for another lot within the same subdivision as the subject lot. Hardship Variance approval for similar situation has been granted to the residence located at 2796 River's Edge Dr, Bogart, GA.

Based on the above stated hardship conditions for this particular lot, we are requesting a hardship variance to allow placement of the proposed accessory structure / garage in the front yard instead of the rear. This hardship variance is being requested due to current code requirements which cannot easily and physically be met on this lot due forementioned conditions and limitations.

We sincerely appreciate your consideration and positive response for this hardship variance.

# PLAT

FINAL PLAT OF:  
**RIVER'S EDGE SUBDIVISION**  
LOCATED IN DARK CORNER G.M.D. 224

COINTEL SURVEILLANCE  
AMERICAN PATRIOT  
Carm. Supreme Court  
FIELD FOR MATHEW. 11/85  
IN MATHEW. 11/85  
COINTEL SURVEILLANCE  
COINTEL SURVEILLANCE

### LINE CHART DATA

1	1	5.50	12.17	5.24
2	2	5.50	12.17	5.24
3	3	5.50	12.17	5.24
4	4	5.50	12.17	5.24
5	5	5.50	12.17	5.24
6	6	5.50	12.17	5.24
7	7	5.50	12.17	5.24
8	8	5.50	12.17	5.24
9	9	5.50	12.17	5.24
10	10	5.50	12.17	5.24
11	11	5.50	12.17	5.24
12	12	5.50	12.17	5.24
13	13	5.50	12.17	5.24
14	14	5.50	12.17	5.24
15	15	5.50	12.17	5.24
16	16	5.50	12.17	5.24
17	17	5.50	12.17	5.24
18	18	5.50	12.17	5.24

# RIVER TRAVERSE

### CURVE CHART

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000
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## BRANCH TRAVERSE

1.21	1.22	1.23	1.24	1.25	1.26	1.27	1.28	1.29	1.30	1.31	1.32	1.33	1.34	1.35	1.36	1.37	1.38	1.39	1.40	1.41	1.42	1.43	1.44	1.45	1.46	1.47	1.48	1.49	1.50	1.51	1.52	1.53	1.54	1.55	1.56	1.57	1.58	1.59	1.60	1.61	1.62	1.63	1.64	1.65	1.66	1.67	1.68	1.69	1.70	1.71	1.72	1.73	1.74	1.75	1.76	1.77	1.78	1.79	1.80	1.81	1.82	1.83	1.84	1.85	1.86	1.87	1.88	1.89	1.90	1.91	1.92	1.93	1.94	1.95	1.96	1.97	1.98	1.99	2.00	2.01	2.02	2.03	2.04	2.05	2.06	2.07	2.08	2.09	2.10	2.11	2.12	2.13	2.14	2.15	2.16	2.17	2.18	2.19	2.20	2.21	2.22	2.23	2.24	2.25	2.26	2.27	2.28	2.29	2.30	2.31	2.32	2.33	2.34	2.35	2.36	2.37	2.38	2.39	2.40	2.41	2.42	2.43	2.44	2.45	2.46	2.47	2.48	2.49	2.50	2.51	2.52	2.53	2.54	2.55	2.56	2.57	2.58	2.59	2.60	2.61	2.62	2.63	2.64	2.65	2.66	2.67	2.68	2.69	2.70	2.71	2.72	2.73	2.74	2.75	2.76	2.77	2.78	2.79	2.80	2.81	2.82	2.83	2.84	2.85	2.86	2.87	2.88	2.89	2.90	2.91	2.92	2.93	2.94	2.95	2.96	2.97	2.98	2.99	3.00	3.01	3.02	3.03	3.04	3.05	3.06	3.07	3.08	3.09	3.10	3.11	3.12	3.13	3.14	3.15	3.16	3.17	3.18	3.19	3.20	3.21	3.22	3.23	3.24	3.25	3.26	3.27	3.28	3.29	3.30	3.31	3.32	3.33	3.34	3.35	3.36	3.37	3.38	3.39	3.40	3.41	3.42	3.43	3.44	3.45	3.46	3.47	3.48	3.49	3.50	3.51	3.52	3.53	3.54	3.55	3.56	3.57	3.58	3.59	3.60	3.61	3.62	3.63	3.64	3.65	3.66	3.67	3.68	3.69	3.70	3.71	3.72	3.73	3.74	3.75	3.76	3.77	3.78	3.79	3.80	3.81	3.82	3.83	3.84	3.85	3.86	3.87	3.88	3.89	3.90	3.91	3.92	3.93	3.94	3.95	3.96	3.97	3.98	3.99	4.00	4.01	4.02	4.03	4.04	4.05	4.06	4.07	4.08	4.09	4.10	4.11	4.12	4.13	4.14	4.15	4.16	4.17	4.18	4.19	4.20	4.21	4.22	4.23	4.24	4.25	4.26	4.27	4.28	4.29	4.30	4.31	4.32	4.33	4.34	4.35	4.36	4.37	4.38	4.39	4.40	4.41	4.42	4.43	4.44	4.45	4.46	4.47	4.48	4.49	4.50	4.51	4.52	4.53	4.54	4.55	4.56	4.57	4.58	4.59	4.60	4.61	4.62	4.63	4.64	4.65	4.66	4.67	4.68	4.69	4.70	4.71	4.72	4.73	4.74	4.75	4.76	4.77	4.78	4.79	4.80	4.81	4.82	4.83	4.84	4.85	4.86	4.87	4.88	4.89	4.90	4.91	4.92	4.93	4.94	4.95	4.96	4.97	4.98	4.99	5.00	5.01	5.02	5.03	5.04	5.05	5.06	5.07	5.08	5.09	5.10	5.11	5.12	5.13	5.14	5.15	5.16	5.17	5.18	5.19	5.20	5.21	5.22	5.23	5.24	5.25	5.26	5.27	5.28	5.29	5.30	5.31	5.32	5.33	5.34	5.35	5.36	5.37	5.38	5.39	5.40	5.41	5.42	5.43	5.44	5.45	5.46	5.47	5.48	5.49	5.50	5.51	5.52	5.53	5.54	5.55	5.56	5.57	5.58	5.59	5.60	5.61	5.62	5.63	5.64	5.65	5.66	5.67	5.68	5.69	5.70	5.71	5.72	5.73	5.74	5.75	5.76	5.77	5.78	5.79	5.80	5.81	5.82	5.83	5.84	5.85	5.86	5.87	5.88	5.89	5.90	5.91	5.92	5.93	5.94	5.95	5.96	5.97	5.98	5.99	6.00	6.01	6.02	6.03	6.04	6.05	6.06	6.07	6.08	6.09	6.10	6.11	6.12	6.13	6.14	6.15	6.16	6.17	6.18	6.19	6.20	6.21	6.22	6.23	6.24	6.25	6.26	6.27	6.28	6.29	6.30	6.31	6.32	6.33	6.34	6.35	6.36	6.37	6.38	6.39	6.40	6.41	6.42	6.43	6.44	6.45	6.46	6.47	6.48	6.49	6.50	6.51	6.52	6.53	6.54	6.55	6.56	6.57	6.58	6.59	6.60	6.61	6.62	6.63	6.64	6.65	6.66	6.67	6.68	6.69	6.70	6.71	6.72	6.73	6.74	6.75	6.76	6.77	6.78	6.79	6.80	6.81	6.82	6.83	6.84	6.85	6.86	6.87	6.88	6.89	6.90	6.91	6.92	6.93	6.94	6.95	6.96	6.97	6.98	6.99	7.00	7.01	7.02	7.03	7.04	7.05	7.06	7.07	7.08	7.09	7.10	7.11	7.12	7.13	7.14	7.15	7.16	7.17	7.18	7.19	7.20	7.21	7.22	7.23	7.24	7.25	7.26	7.27	7.28	7.29	7.30	7.31	7.32	7.33	7.34	7.35	7.36	7.37	7.38	7.39	7.40	7.41	7.42	7.43	7.44	7.45	7.46	7.47	7.48	7.49	7.50	7.51	7.52	7.53	7.54	7.55	7.56	7.57	7.58	7.59	7.60	7.61	7.62	7.63	7.64	7.65	7.66	7.67	7.68	7.69	7.70	7.71	7.72	7.73	7.74	7.75	7.76	7.77	7.78	7.79	7.80	7.81	7.82	7.83	7.84	7.85	7.86	7.87	7.88	7.89	7.90	7.91	7.92	7.93	7.94	7.95	7.96	7.97	7.98	7.99	8.00	8.01	8.02	8.03	8.04	8.05	8.06	8.07	8.08	8.09	8.10	8.11	8.12	8.13	8.14	8.15	8.16	8.17	8.18	8.19	8.20	8.21	8.22	8.23	8.24	8.25	8.26	8.27	8.28	8.29	8.30	8.31	8.32	8.33	8.34	8.35	8.36	8.37	8.38	8.39	8.40	8.41	8.42	8.43	8.44	8.45	8.46	8.47	8.48	8.49	8.50	8.51	8.52	8.53	8.54	8.55	8.56	8.57	8.58	8.59	8.60	8.61	8.62	8.63	8.64	8.65	8.66	8.67	8.68	8.69	8.70	8.71	8.72	8.73	8.74	8.75	8.76	8.77	8.78	8.79	8.80	8.81	8.82	8.83	8.84	8.85	8.86	8.87	8.88	8.89	8.90	8.91	8.92	8.93	8.94	8.95	8.96	8.97	8.98	8.99	9.00	9.01	9.02	9.03	9.04	9.05	9.06	9.07	9.08	9.09	9.10	9.11	9.12	9.13	9.14	9.15	9.16	9.17	9.18	9.19	9.20	9.21	9.22	9.23	9.24	9.25	9.26	9.27	9.28	9.29	9.30	9.31	9.32	9.33	9.34	9.35	9.36	9.37	9.38	9.39	9.40	9.41	9.42	9.43	9.44	9.45	9.46	9.47	9.48	9.49	9.50	9.51	9.52	9.53	9.54	9.55	9.56	9.57	9.58	9.59	9.60	9.61	9.62	9.63	9.64	9.65	9.66	9.67	9.68	9.69	9.70	9.71	9.72	9.73	9.74	9.75	9.76	9.77	9.78	9.79	9.80	9.81	9.82	9.83	9.84	9.85	9.86	9.87	9.88	9.89	9.90	9.91	9.92	9.93	9.94	9.95	9.96	9.97	9.98	9.99	10.00
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[illegible][illegible]

**RIVER'S  
LOCATE**

1.  $\mathcal{L}^2(\mathbb{R}^n)$  is a Hilbert space.

Year	Population	Area	Population	Area
1990	1,000,000	100,000	1,000,000	100,000
2000	1,200,000	120,000	1,200,000	120,000
2010	1,400,000	140,000	1,400,000	140,000
2020	1,600,000	160,000	1,600,000	160,000
2030	1,800,000	180,000	1,800,000	180,000
2040	2,000,000	200,000	2,000,000	200,000
2050	2,200,000	220,000	2,200,000	220,000
2060	2,400,000	240,000	2,400,000	240,000
2070	2,600,000	260,000	2,600,000	260,000
2080	2,800,000	280,000	2,800,000	280,000
2090	3,000,000	300,000	3,000,000	300,000
2100	3,200,000	320,000	3,200,000	320,000

QUEST 2 OF 6



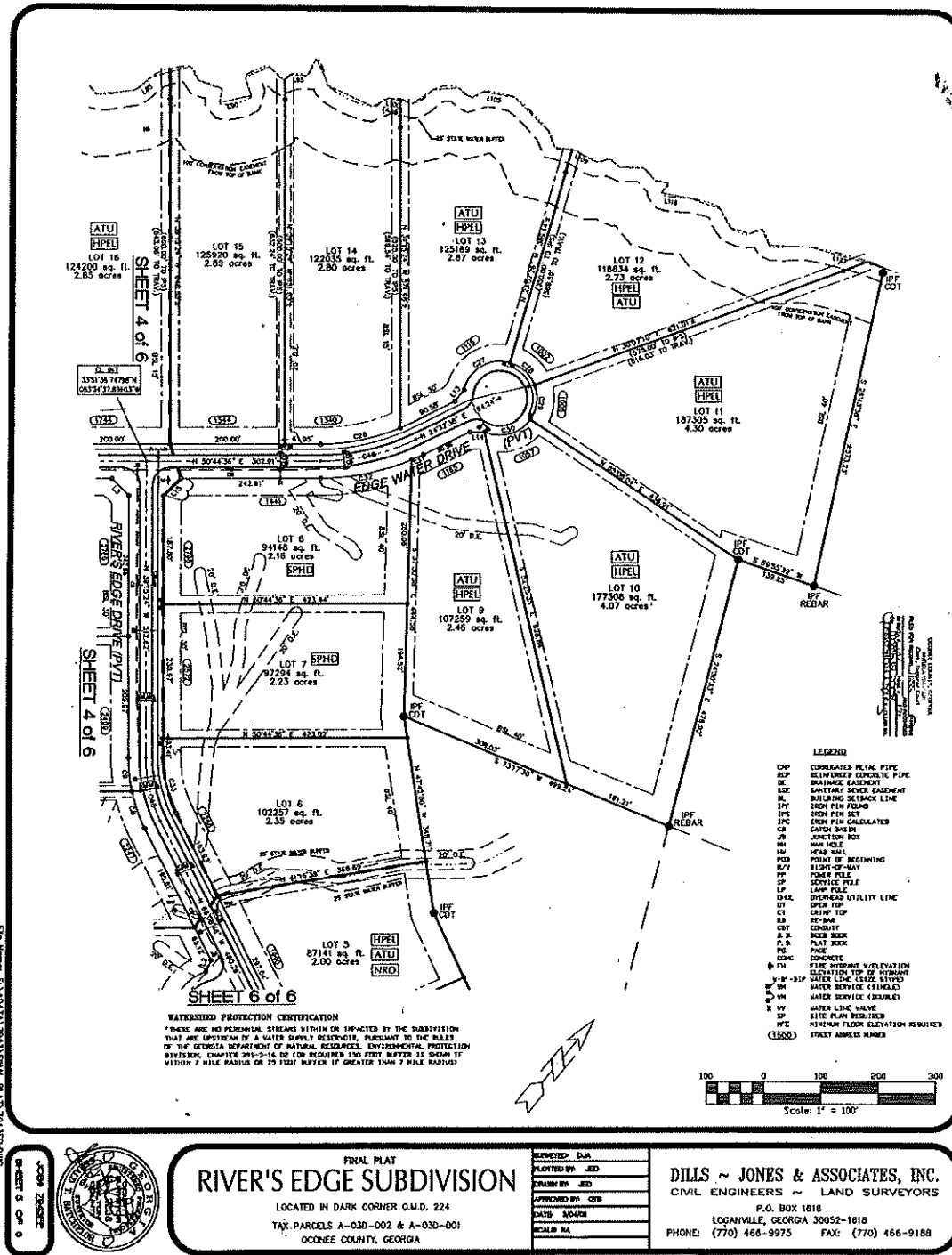
FINAL PLAT  
RIVER'S EDGE SUBDIVISION

LOCATED IN DARK CORNER G.M.O. 224  
TAX PARCELS A-030-002 & A-030-001  
DOONEE COUNTY, GEORGIA

SUPPLIED BY	DJA
PLOTTED BY	JED
DIVISION BY	JED
APPROVED BY	GTR
DATE	2/04/06
SCALE	NA

**DILLS ~ JONES & ASSOCIATES, INC.**  
CIVIL ENGINEERS ~ LAND SURVEYORS  
P.O. BOX 1618  
LOGANVILLE, GEORGIA 30052-1618  
PHONE: (770) 466-9975 FAX: (770) 466-9188

## PLAT









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

**VARIANCE CASE #:** P23-0016

**DATE:** February 8, 2023

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

**APPLICANT NAME:** Abe Abouhamdan

**PROPERTY OWNER:** Richard & Karen Maxson

**LOCATION:** 1544 Edge Water Drive, Bogart, GA 30622  
(A-03D-015)

**PARCEL SIZE:** ±2.89 acres

**EXISTING ZONING:** AR (Agricultural Residential  
District)

**EXISTING LAND USE:** Single Family Residential

**TYPE OF VARIANCE REQUESTED:** Hardship  
Variance to place an accessory building/garage in the front yard instead of the rear yard of the existing principal structure.

**REQUEST SUMMARY:** The property owner requests a variance from UDC Section 1304 (Hardship variances) & Section 347.01 (Relationship to a principal use) to construct an accessory building/garage in the front yard of the existing principal structure.

**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 AR and has been owned by the current owner since 2019. The parcel consists of the existing principal residence, existing garage, and a pool and septic tank located in the rear of the residence.
- The proposed accessory structure/garage will be 651 SF in total.
- As the proposed accessory structure/garage is less than 1,000 SF, a special exception variance will not be required.

### **VARIANCE DESCRIPTION**

- The owner is requesting a hardship variance to construct an accessory building/garage in the front yard of the principal structure due to conflicts with steep slopes, septic areas, the pool, and buffers on the site.
  - ***Unified Development Code Section 347.01 – Relationship to a principal use.***  
*Accessory uses or structures shall be permitted only in rear yards and side yards, and between the minimum front setback for a principal building and the principal building itself, except as otherwise provided in this Development Code. Exceptions will be granted to well houses which are constructed over wells located in the minimum front yard, satellite TV antenna less than 1 meter in diameter, and other uses and structures as specified in this Section.*
    - a. *Where an accessory building is attached to a principal building by a common wall, the accessory building shall be considered an integral part of the principal building and must comply with setbacks and other requirements as applicable to the principal building.*
    - b. *When an accessory building is attached to a principal building by breezeway, passageway, or similar means, it shall comply independently with the setback, separation and other requirements applicable to the principal building to which it is accessory.*
    - c. *No accessory use or structure shall be allowed on any lot except in relation to an existing principal use on the lot. If the lot is vacant, no accessory building, structure, or use shall be built upon a lot until construction of the principal building has commenced.*

### **PUBLIC FACILITIES**

#### **Water:**

- The project will not utilize water services.

#### **Sewer:**

- The project will not utilize sewer services.

#### **Roads:**

- The site will be accessed from the existing driveway for the residence from Edge Water Drive.

### **ENVIRONMENTAL**

- There are state waters located at the rear of the property, and the associated state waters buffer is shown on the site plan.

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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.

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

The surrounding properties are zoned AR to the east, south, and west, and the property to the north is zoned AG. Primary land uses in the area are a mixture of residential and agricultural uses. Staff holds that approval of the request to construct an accessory structure/garage in the front yard should not be injurious to the use and enjoyment of nearby properties due to the configuration of the property. Additionally, there are a few other structures in the neighborhood that are a similar distance from the roadway and other existing structures.

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

Staff holds that it is unlikely that the proposed placement of the accessory structure in the front yard of the existing residence would significantly impair property values in the surrounding area.

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

The intent of UDC Section 1304 (Hardship variances) and Section 347.01 (Relationship to a principal use) is to prevent accessory structures from being located in the front yard of property in order to reduce impacts on adjacent properties. Section 1304 provides a variance if, due to special conditions, the code cannot be met due to hardship provided the variance is not contrary to the public interest. The applicant has noted the constraints of the particular property which makes construction of an accessory structure/garage in the rear or side yard very difficult to implement. The applicant has requested a hardship variance to construct a 651 SF accessory structure/garage in the front yard along the existing concrete drive. Per Sec. 347.01, an accessory structure must be placed in the rear or side yard. The applicant shows an existing vegetative buffer between the proposed accessory structure/garage and the property directly to the west. Per Sec. 348.a, a freestanding garage must be located at least 200 feet from the nearest street right-of-way. Based on the concept plan, the proposed accessory structure/garage does not appear to meet this requirement. Staff believes that approval of this hardship variance request could be allowable based on the constraints of the site including the location of the existing residence, pool, septic field, and buffers and steep slopes at the rear of the lot. While the proposed accessory structure does not meet the minimum 200-foot distance from the nearest street right-of-way, the proposed location appears to be a reasonable alternative for the site.

## **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 hardship 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.