

**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 7th 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

Holly Stephenson
Clerk, Board of Commissioners

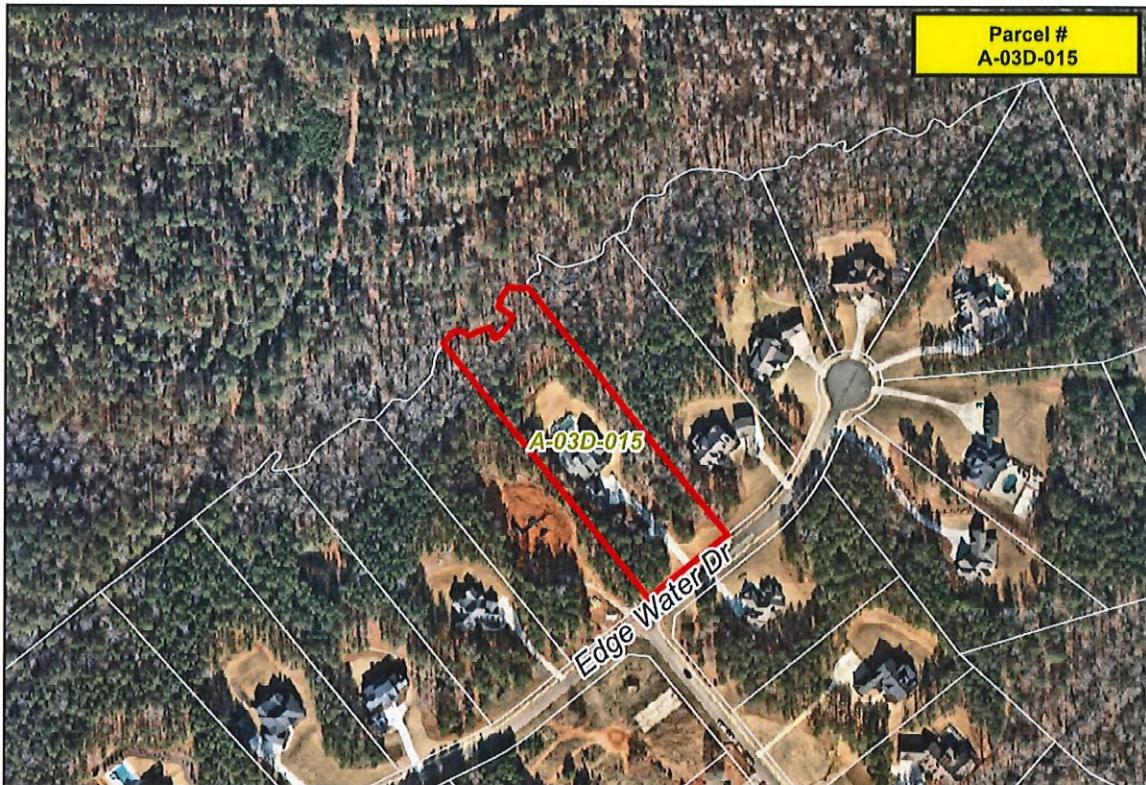
EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0016

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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



**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.

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 purposes 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.

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PLAT

RIVER'S EDGE SUBDIVISION
LOCATED IN DARK CORNER G.M.D. 224

FINAL PLAT OF

CURVE CHART

LINE CHART DATA

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FINAL PLAT
RIVER'S EDGE SUBDIVISION

LOCATED IN DARK CORNER G.M.O. 224
TAX PARCELS A-030-002 & A-030-003
OCONEE COUNTY, GEORGIA

DILLS ~ JONES & ASSOCIATES, INC.
CIVIL ENGINEERS ~ LAND SURVEYORS
P.O. BOX 1618
LOGANVILLE, GEORGIA 30052-1618
PHONE: (770) 456-9975 FAX: (770) 456-9188

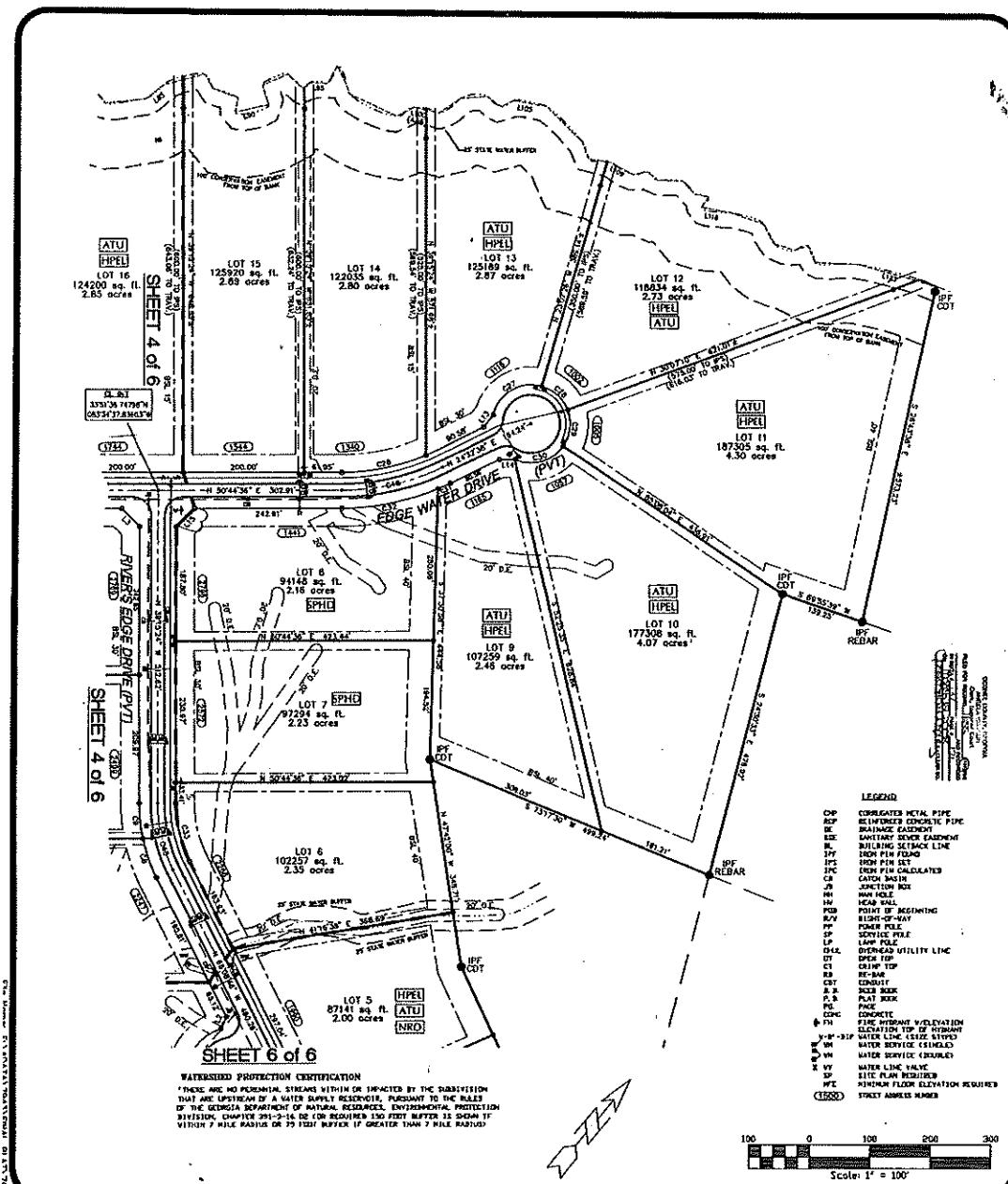
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W.C. SHEET 2 OF 5

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PLAT



FINAL PLAT

LOCATED IN DARK CORNER C.M.D. 224
TAX PARCELS A-030-002 & A-030-001
SPALDING COUNTY, GEORGIA

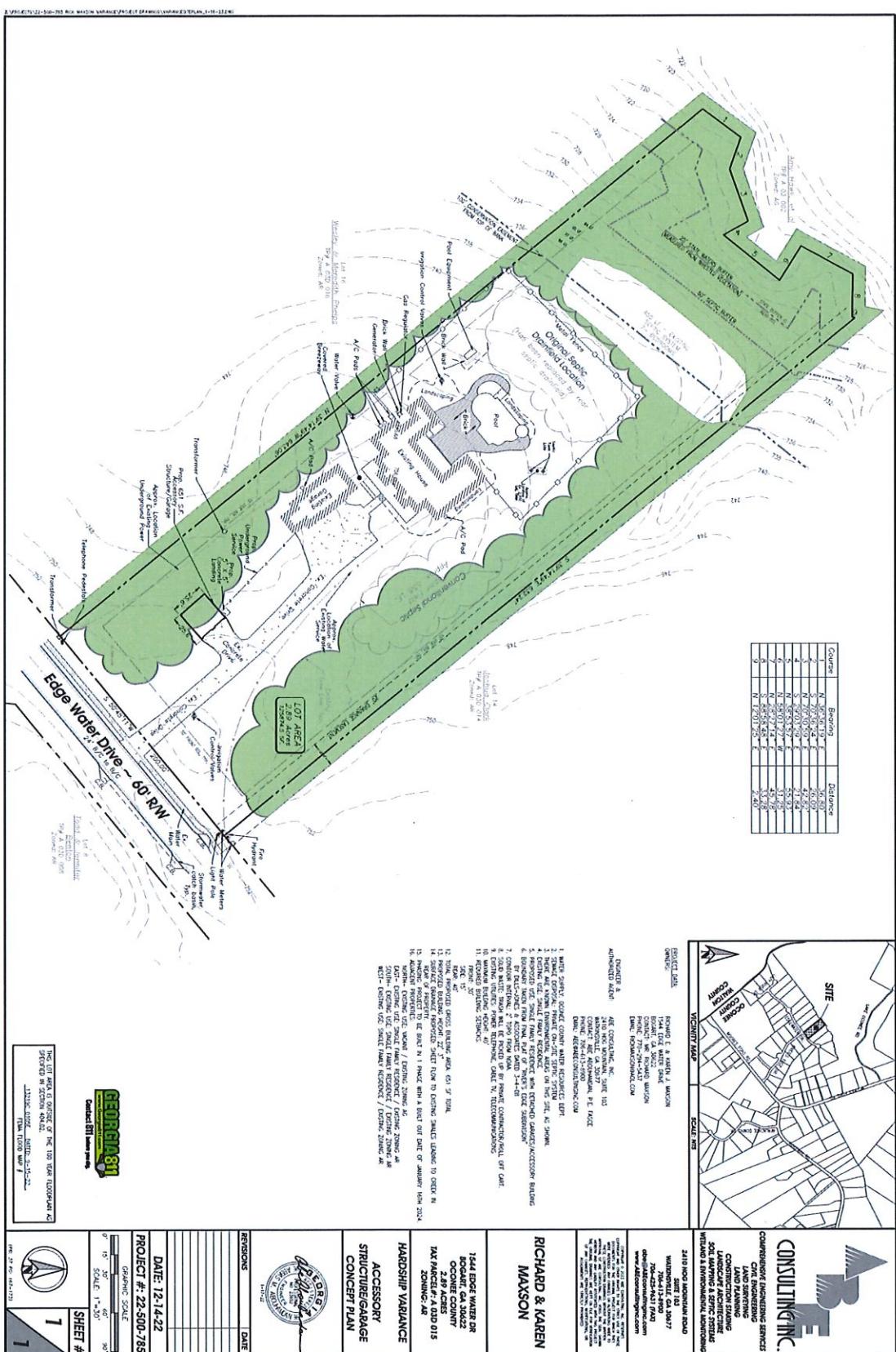
MANUFACTURED BY: JED
DISTRIBUTED BY: JED
DRAWN BY: JED
APPROVED BY: GBS
DATE: 2/20/03
SCALE: 1A

DILLS ~ JONES & ASSOCIATES, INC.

CIVIL ENGINEERS ~ LAND SURVEYORS
P.O. BOX 1618
LOGANVILLE, GEORGIA 30052-1618

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CONCEPT PLAN





**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.

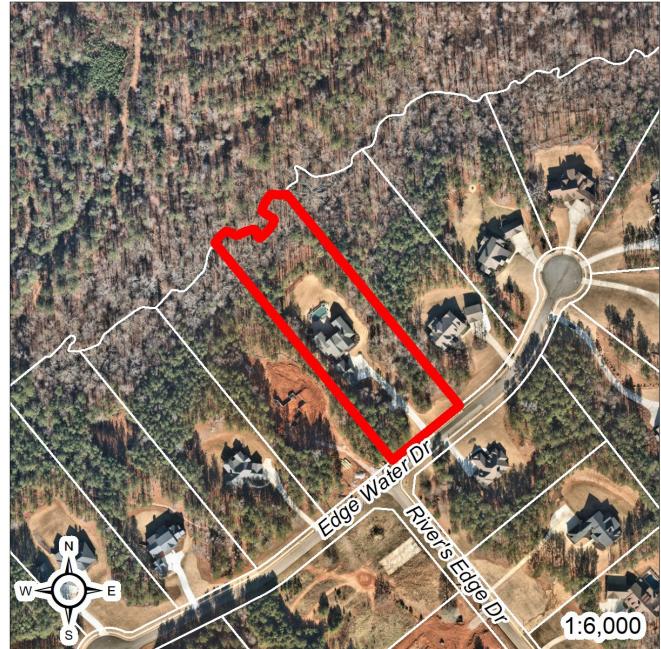
REQUEST SUMMARY: The property owner requests a variance from UDC Section 1304 (Hardship variances) & Section 347.01 (Relationship to a principal use) to construct an accessory building/garage in the front yard of the existing principal structure.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: March 7, 2023

ATTACHMENTS:

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



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.

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.