



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

VARIANCE CASE #: P23-0070

DATE: May 24, 2023

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

APPLICANT NAME: Frank Pittman

PROPERTY OWNER: Timothy Jody and Connie Lynnette Watson

LOCATION: 285 Gear Road, Bogart, GA 30622 (B-01-063)

PARCEL SIZE: ± 7.90 acres

EXISTING ZONING: R1 (Single Family Residential)

EXISTING LAND USE: Single Family Residential



TYPE OF VARIANCE REQUESTED: Special Exception Variance to construct an accessory building larger than 1,000 square feet and larger than 50% of the principal dwelling.

REQUEST SUMMARY: The property owner requests a variance from City of Bogart Zoning Ordinance Chapter 5.05 Section 5.05.004 to construct an accessory building/garage larger than 1,000 SF and larger than 50% of the principal dwelling.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: June 6, 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 R1 and has been owned by the current owner since 2013. The parcel consists of the existing principal residence and an existing shed building.
- The proposed accessory structure/garage will be 4,000 SF in total.
- As the proposed accessory structure/garage is greater than 1,000 SF and greater than 50% of the principal dwelling, a special exception variance will be required.

VARIANCE DESCRIPTION

- The owner is requesting a special exception variance to construct an accessory building/garage in excess of 1,000 SF and larger than 50% of the principal house in the rear yard of the principal structure. The applicant states that the proposed accessory structure will be utilized as a hay barn / storage building to store hay for horses as well as farming equipment.
 - ***Bogart Zoning Ordinance Article V: Application of Regulations Chapter 5.05 Section 5.05.004 – Accessory Buildings***

In residential DISTRICTS, unless otherwise allowed by this Ordinance, no ACCESSORY BUILDING shall exceed 1,000 square feet and the total FLOOR AREA of accessory structures shall not exceed 50 percent of the footprint of the principal dwelling.

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 Gear Road.

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 11.05.001 OF THE CITY OF BOGART ZONING ORDINANCE

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 R1 on all sides. 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 excess of 1,000 SF in the rear yard should not be injurious to the use and enjoyment of nearby properties due to the size and configuration of the property as well as the existing vegetative buffer.

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 excess of 1,000 SF in the rear 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 Bogart Zoning Ordinance Article V: Application of Regulations Chapter 5.05 Section 5.05.004 (Accessory Buildings) is to prevent accessory buildings from being constructed that are in excess of 1,000 square feet and not exceeding 50% of the footprint of the principal dwelling in order to reduce impacts on the subject and adjacent properties. Article XI Chapter 11.05 Section 11.05.001 provides a variance request process to be used when a variance is requested by an applicant for a case such as this. The applicant has noted their intent to construct a large accessory building in the rear yard of the 7.90-acre lot in order to use the proposed structure as a barn for agricultural uses on the property. The applicant has requested a special exception variance to construct a 4,000 SF accessory structure in the rear yard behind an existing shed building in the rear corner of the property. Per Sec. 5.05.004, an accessory structure must be less than 1,000 SF and no more than 50% of the floor area of the principal dwelling. The applicant indicates that there is a light existing vegetative buffer between the proposed accessory structure and the properties directly to the south. Staff believes that approval of this special exception variance request could be allowable based on the size of the lot and low potential impacts to adjacent properties. While the proposed accessory structure exceeds the maximum size restrictions, the proposed location far distanced from the road and screened by vegetation appears to be a reasonable alternative for the size of the structure that will be used for agricultural purposes.

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 City of Bogart Zoning Ordinance and associated ordinances.
2. The vegetative buffer shall be maintained between the proposed accessory structure and the property line to the south in order to provide vegetative screening between the structure and the adjacent properties.

DOC# 001024
FILED IN OFFICE
2/23/2017 12:05 PM
BK:1373 PG:387-387
ANGELA ELDER-JOHNSON
CLERK OF SUPERIOR
COURT
OCONEE COUNTY

Angela Elder-Johnson

REAL ESTATE TRANSFER TAX
PAID: \$0.00

Return Recorded Document to:
Timmons Warnes, LLP
244 E. Washington Street
Athens, GA 30601

PT-61 108-2017-000241

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF ATHENS-CLARKE

File #: 15-06835

This Indenture made this 17th day of February, 2017 between Connie Lynnette Watson, of the County of Oconee, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Timothy Jody Watson and Connie Lynnette Watson, as joint tenants with rights of survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

All that tract or parcel of land containing 8.370 acres, more or less, situate, lying and being on Gear Road, in the Town of Bogart, 240th District, G.M., Oconee County, Georgia, shown and designated as "Tract 4" on a certain plat of survey entitled "Survey for R.H. Gear," prepared by Ben McLeroy & Associates, Inc., Ben McLeroy, R.L.S., dated June 6, 1986, recorded in Plat Book 13, page 30, in the office of the Clerk of Superior Court of Oconee County, Georgia, having such shape, metes, courses and distances as will more fully appear on such plat of survey, which plat of survey and the record thereof are hereby incorporated into the description and made a part hereof by reference thereto, and generally bounded (according to such plat of survey) as follows: northeast by Gear Road, southeast by Tract 3 of survey; and southwest and northwest by land now or formerly of Norman Grayson. This being a part of the property conveyed by Johnny Arthur Gear to Timothy Jody Watson and Connie Lynnette Watson by Warranty Deed dated October 8, 2013, as recorded in Deed Book 1219, page 689, in the office of the Clerk of Superior Court of Oconee County, Georgia.

This Deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEESIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of such survivor.

THIS CONVEYANCE is made pursuant to O.C.G.A. § 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

AND THE Grantor will warrant and forever defend the right and title to the above described property unto the Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Terry M. Williams
Witness

Connie Lynnette Watson
(Seal)
Connie Lynnette Watson

Virginia H. Dawson
Notary Public







| PROJECT DATA | |
|-----------------------|---|
| PROPERTY OWNER: | JODY AND LYNNETTE WATSON 285 GEAR ROAD BOGART, GA 30622 |
| AUTHORIZED AGENT: | PITTMAN & GREER ENGINEERING P.C. 1050 BARBER CREEK DRIVE, BLDG. 400 WATKINSVILLE, GEORGIA 30677 706.419.9244 |
| PHYSICAL ADDRESS: | 285 GEAR ROAD |
| TAX PARCEL: | B 01 063 |
| TOTAL PARCEL ACREAGE: | 7.9 ACRES |
| CONTOUR INTERVAL: | 2' TOPO BY OCONEE COUNTY GIS |
| BOUNDARY SURVEY: | THIS DRAWING WAS PREPARED USING A BOUNDARY FROM OCONEE COUNTY GIS. |
| EXISTING ZONING: | R1 |
| EXISTING USE: | SINGLE FAMILY HOME |
| PROPOSED USE: | SAME WITH ADDITION OF 50X80' ACCESSORY STRUCTURE |

R1 ZONING REGULATIONS

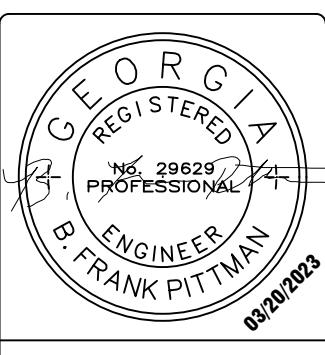
MINIMUM LOT AREA (WITHOUT SEWER): 51,000 SF
MINIMUM LOT WIDTH (WITHOUT SEWER): 100 FT.
MINIMUM FRONT YARD: 30' - MINOR STREET
MINIMUM SIDE YARD: 10'
MINIMUM REAR YARD: 30'
MAXIMUM BUILDING HEIGHT: 35'

VARIANCE REQUEST

VARIANCE REQUEST IS PER CITY OF BOGART ZONING ORDINANCE CHAPTER 5.05 SECTION 5.05.004. IN RESIDENTIAL DISTRICTS NO ACCESSORY BUILDING SHALL EXCEED 1000 SQUARE FEET AND THE TOTAL FLOOR AREA OF ACCESSORY STRUCTURE SHALL NOT EXCEED 50 PERCENT OF THE FOOTPRINT OF THE PRINCIPAL DWELLING. REQUEST IS TO ALLOW AN ACCESSORY STRUCTURE THAT IS 50X80'.

P&G

**PITTMAN & GREER
ENGINEERING P.C.**
1050 BARBER CREEK DRIVE - BLDG. 400
WATKINSVILLE, GA 30677
P. 706.419.9244 - WWW.PITTMANGREER.COM

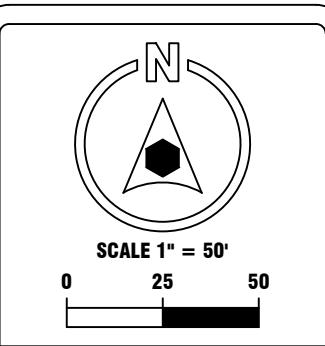


ISSUE PURPOSE
FOR REVIEW ONLY

285 GEAR ROAD

7.9 AC. - PARCEL B 01 063

CITY OF BOGART, OCONEE COUNTY, GEORGIA



DATE
03/20/2023

VARIANCE
CONCEPT PLAN

CP01

PROPERTY OWNER'S
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
APPLICATION FOR REZONING

Pursuant to section 36-67A-1 et seq. of the Georgia Code Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, the following disclosure is mandatory. When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official, it shall be the duty of the applicant and the agent representing the applicant to file a disclosure report with the governing authority of the respective local government.

Any applicant for rezoning action knowingly failing to make any disclosure as required by Code Section 36-67 A-1 et seq. shall be guilty of a misdemeanor.

- A. Name of local government official to whom the campaign contribution or gift was made (or N/A if not applicable):

NA

- B. The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution (or N/A if not applicable):

Amount: *NA*

Date of contribution: _____

- C. Enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of this application for rezoning (or N/A if not applicable).

NA

Signature of owner: *Lynette Woods*

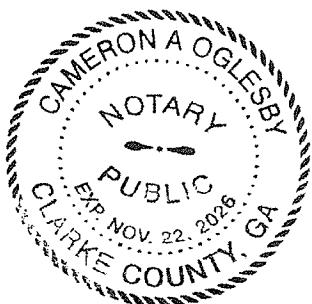
Date: *3-17-2023*

Signature of applicant: *T. M.*

Date: *3/17/2023*

Signature of Notary Public: *Cameron A. Oglesby*

Date: *3-17-2023*



DISCLOSURE OF INTEREST
APPLICATION FOR REZONING
OCONEE COUNTY, GEORGIA

To the best of my knowledge, no local government official, including members of the Planning Commission and members of the Board of the Commissions, has a property interest in any real property affected by a rezoning action or has a financial interest in any business entity which has a property interest, or has a member of his/her family having such an interest.

Signature of owner

Leanne West

Date

3/17/2023

Signature of Applicant

Leanne West

Date

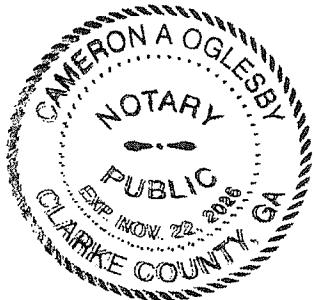
3/17/2023

Signature of Notary Public

Cameron A. Oglesby

Date

3-17-2023



All that tract or parcel of land containing 8.370 acres, more or less, situate, lying and being on Gear Road, in the Town of Bogart, 240th District, G.M., Oconee County, Georgia, shown and designated as "Tract 4" on a certain plat of survey entitled "Survey for R.H. Gear," prepared by Ben McLeroy & Associates, Inc., Ben McLeroy, R.L.S., dated June6, 1986, recorded in Plat Book 13, page 30, in the office of the Clerk of Superior Court of Oconee County, Georgia, having such shape, metes, courses and distances as will more fully appear on such plat of survey, which plat of survey and the record thereof are hereby incorporated into the description and made a part hereof by reference thereto, and generally bounded (according to such plat of survey) as follows: northeast by Gear Road, southeast by Tract 3 of survey; and southwest and northwest by land now or formerly of Norman Grayson. This being a part of the property conveyed by Johnny Arthur Gear to Timothy Jody Watson and Connie Lynnette Watson by Warranty Deed dated October 8, 2013, as recorded in Deed Book 1219, page 689, in the office of the Clerk of Superior Court of Oconee County, Georgia.

285 GEAR ROAD
VARIANCE SUBMITTED 03/20/2023

GENERAL DATA

Property Address: 285 Gear Road
Parcel: B 01 063
Owner: Timothy Jody & Connie Lynnette Watson
Existing Zoning: R1
Existing Use: single family home
Proposed Use: single family home with hay barn/storage building
Property Area: 7.9 acres

ADJACENT LAND USES AND ZONING

North – residential subdivision (R1)
West – residential subdivision (R1)
South – residential subdivision (R1)
East – undeveloped tract (same owner)(R1)

OWNERSHIP TYPE

The parcel is fee simple ownership with 1 existing single family home and small accessory building. The proposed storage building will be an additional accessory building.

SITE NARRATIVE

The property is 7.9 acres and is zoned R1. The property owner is Jody and Lynnette Watson. The property consists of a single family home along with driveway and a small accessory structure.

PROPOSED VARIANCE

Per Bogart Zoning Ordinance Chapter 5.05 Section 5.05.004, in residential districts, unless otherwise allowed by this ordinance, no accessory building shall exceed 1000 square feet and the total floor area of accessory structure shall not exceed 50 percent of the footprint of the principal dwelling.

The property owner would like to build a 50'x80' hay barn/storage building on the property near the rear of the property. The existing principal dwelling has a footprint of 2749 sf. The requested variance is to allow a 50'x80' hay barn/storage building which would both exceed 1000 sf and exceed the 50 percent of principal dwelling footprint.

The property owner has 15.8 acres total including the parcel next to the subject tract. Construction of this hay barn/storage building would allow the property owner to store hay for horses as well as equipment needed to maintain the “mini-farm”. There is no agriculture zoning in Bogart so property is either residential or commercial/industrial. The scenario where a property owner has almost 16 acres and needs to maintain the property does not fall into any scenario in the Bogart Zoning Ordinance.

PROJECT SCHEDULE

Once variance is approved in approximately July 2023 then a building permit will be obtained and begin construction in late 2023 or early 2024.

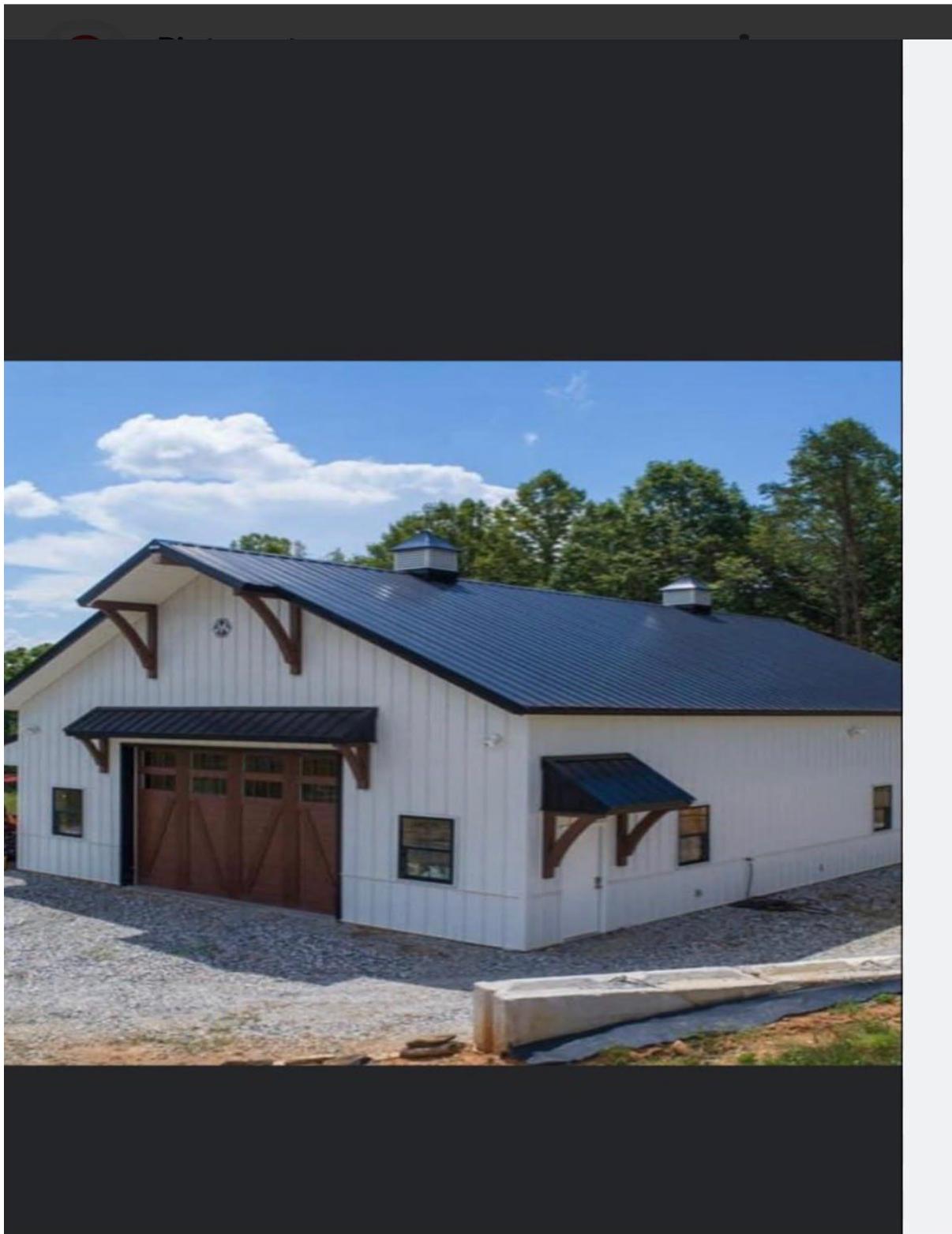
CONCLUSION

We feel that a variance should be granted as the property owner owns a large tract of land and must be able to maintain the land. There is not a zoning category in the Bogart Zoning Ordinance that corresponds to a mini-farm type setting Sect.

REPRESENTATIVE PHOTO

2:49

5G



Q wooden front barns shops



OCONEE COUNTY PROPERTY OWNER AUTHORIZATION FOR APPLICATIONS

I swear that I am the owner of the property located at (Address or Physical Description):

285 Gear Road _____

Tax Parcel #: B 01 063 _____

Which is the subject matter of the attached application, as shown in the records of Oconee County, Georgia.

I authorize the person identified below to act as applicant or agent in the pursuit of the requested action or consideration of this property.

Name of applicant or agent: Frank Pittman, Pittman & Greer Engineering _____

Address (No P.O. boxes): 1050 Barber Creek Drive, Suite 400 _____

City, State, & Zip Code: Watkinsville GA 30677 _____ Telephone _____

Number: 706-340-5599 _____

SIGNATURE OF OWNER OR MANAGING MEMBER: Lynnette Watson

NAME OF OWNER OR MANAGING MEMBER (PLEASE PRINT): Lynnette Watson ~~Mark Streeter~~

OFFICER POSITION OR MEMBER TITLE, IF APPLICABLE: _____

DATE: _____

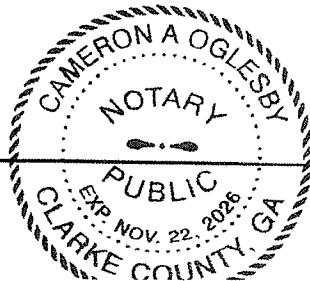
NOTARIZATION:

SWORN TO AND SUBSCRIBED BEFORE THIS 17 DAY OF March, 2023

NOTARY SIGNATURE: Cameron A. Oglesby

DATE: March 17, 2023 Expiration: November 22, 2026

SEAL:





Official Tax Receipt
Oconee County, GA
23 North Main St
Watkinsville, 30677
--Online Receipt--

Phone: 706-769-3917

| Trans No | Map Code | Property ID & District Description | Original Due | Interest & Penalty | Amount Due | Amount Paid | Transaction Balance |
|------------|----------|--|----------------|---------------------------|---------------|-------------------|---------------------|
| 2022-18108 | B 01 063 | 1373/387 1289/438 1219/689 80/877 13/30 ; | \$6,933.15 | \$0.00 Fees: \$0.00 | \$0.00 | \$6,933.15 | \$0.00 |
| | | | Totals: | \$6,933.15 | \$0.00 | \$6,933.15 | \$0.00 |

Paid Date: 11/09/2022

Charge Amount: \$6,933.15

WATSON TIMOTHY JODY &
CONNIE LYNNETTE P.O. BOX 593
BOGART, GA 30622



Scan this code with your
mobile phone to view this
bill