



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

VARIANCE CASE #: P23-0080

DATE: June 20, 2023

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

APPLICANT NAME: Smith Planning Group

PROPERTY OWNER: Joe Irving

LOCATION: 1117 Knob Creek Drive, Athens, GA 30606 (C-03C-004G)

PARCEL SIZE: ±9.61 acres

EXISTING ZONING: AR (Agricultural Residential District)

EXISTING LAND USE: Single Family Residential

TYPE OF VARIANCE REQUESTED: Hardship Variance to install 2 solar panel arrays in the front yard of the subject property.

REQUEST SUMMARY: The property owner requests a variance from Oconee County Unified Development Code Section 343.07.a to place a ground-mounted solar energy system in the front lot of the subject property.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: July 11, 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 1998. The parcel consists of the existing principal residence and an existing accessory building.
- The proposed solar panel arrays will be 1,575.45 SF in total.
- Location of the solar panel arrays in the front yard of the lot as proposed requires a variance.
- Previous Conditions
 - There are no previous zoning conditions that are applicable to this property.

VARIANCE DESCRIPTION

- The owner is requesting a hardship variance to construct two solar panel arrays in the front yard of the property. Due to the shape of the parcel, the proposed solar array site is located in what is technically the front yard, but the panels would be located to the rear of the existing principal residence according to the site plan.
 - *Ocnee County Unified Development Code: Section 343.07 – Solar energy systems, ground mounted*
 - a. Placement.*
 - (1) A ground-mounted solar energy system shall not be located within the required front yard of a lot but shall be located in the side or rear yards only. Side and rear setbacks shall meet the setbacks for principal buildings for the district in which they are located.*

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 Tybee Trace.

ENVIRONMENTAL

- There is a wetland and drainage ditch that is located along the northern edge of the subject parcel.

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR HARDSHIP VARIANCE APPROVAL” AS SET FORTH IN SECTION 1304.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

Standards for hardship variance approval:

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

The subject property is uniquely shaped such that it has double frontage on Mason Mill Road as well as Knob Creek Drive. The proposed location of the solar array is technically in the front yard relative to Mason Mill Road, although the proposed location is actually to the rear of the existing residence. Staff holds that approval of the request to construct two solar panel arrays in the front yard location shown on the site plan 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 buffers that are adjacent to the adjacent residences.

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

If the applicant were required to place the solar system in the side or rear yard, there is limited space for placing the solar system due to the lot configuration and wetland area in the rear yard. The applicant has stated that the hardship variance is needed as they have made attempts to conform to the code while noting limitations of the lot size and configuration.

c. Such conditions are peculiar to the particular piece of property involved:

The conditions of the hardship are peculiar to the particular subject property due to the size and shape of the double road frontage parcel, the existence of streams and their associated setbacks, topography of side and rear yard adjacent to the existing house, and septic/drain field locations. Staff holds that these conditions justify approval of the hardship variance.

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance:

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 intent of the Oconee County Unified Development Code: Section 343.07 (Solar energy systems, ground mounted) is to prevent solar energy systems from being constructed in the front yard of a lot in order to reduce impacts on the subject and adjacent properties. Section 1304 (Hardship variances) provides a variance request process to be used when a hardship variance is requested by an applicant. Per 1304.03.a, a hardship variance can be granted if there are extraordinary and exceptional circumstances pertaining to the particular piece of property because of its size, shape or topography. The subject property is uniquely shaped such that it has double frontage on Mason Mill Road as well as Knob Creek Drive, and the proposed location of the solar array is technically in the front yard relative to Mason Mill Road, although the proposed location is actually to the rear of the existing residence. As solar energy systems differ in scale from solar energy farms (Sec. 343.03), the code does not have the same zoning restrictions on solar energy arrays as for solar energy farms.

The applicant has requested a hardship exception variance to construct a 1,157.45 SF ground-mounted solar energy system in the front yard of the property relative to Mason Mill Road. Per Sec. 347.07.a, a ground-mounted solar system shall not be located within the required front yard of a lot but shall be located in the side or rear yards. The site information provided by the applicant indicates that there is a light existing vegetative buffer between the proposed solar arrays and the properties directly to the northeast and southwest.

Staff believes that approval of this hardship variance request could be allowable based on the size and configuration of the lot and low potential impacts to adjacent properties. While the proposed solar array is located in the front yard relative to Mason Mill Road, the proposed location far distanced from the road and screened by vegetation appears to be a reasonable placement for the size of the proposed solar arrays. It is also an important consideration that the proposed solar arrays are technically located in a front yard of the double road frontage lot but are actually to the rear of the existing residence based on the layout of the residence and its access driveway from Knob Creek Drive.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for hardship variance approval, this request meets 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.
2. A 20 foot vegetative screening buffer shall be maintained between the proposed solar panel arrays and the adjacent property lines of parcel C 03C 005C, C 03C 007C and the right of way of Mason Mill Road in order to provide year round vegetative screening between the solar panels and the adjacent properties.



OCONEE COUNTY APPEAL APPLICATION

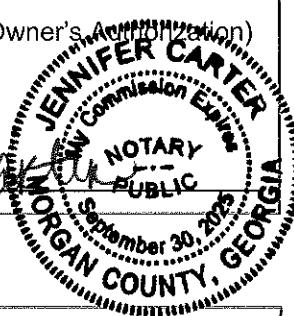
Type of Appeal Submitted: Hardship Variance Appeal of Administrative Decision Flood Damage Prevention Variance Special Exception for: _____**Applicant**

Name: Smith Planning Group

Address: Watkinsville GA 30677
(No P.O. Boxes)

Telephone: (706)-769-9515

Email: tyler@smithplanninggroup.com

Applicant is (check one): the Property Owner Not the Property Owner (attach Property Owner's Authorization)**Applicant's Certification:** I hereby certify that the information contained in and attached to this application is true and correct.Signature:  Date: 03/20/23 Notarized:**Property Owner**

Name: Joe Irving

Address: 1030 Mason Mill Rd
(No P.O. Boxes)

Athens, GA 30606

Telephone: (706)-248-8600

Property

Location: 1117 Knob Creek Drive

Athens, GA 30606

Tax Parcel Number: C 03C 004G

Size (Acres): 9.61 Current Zoning: AR

Future Development Map—Character Area Designation: _____

Use

Current Use: R3-Residential

Proposed Use: R3-Residential

Attachments (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee
- Warranty Deed(s), Legal Description, & Plat of Survey
- Disclosures
- Maps or Drawings Illustrating Variance Request
- Narrative Statement Explaining Variance Request
- Concept Plan

Appeal or Variance Requested*Provide the code section and briefly explain the requested variance*

- Placement of Solar Panels

SCOTT AND QUARTERMAN
Attorneys and Counselors at Law
347 West Hancock Avenue
Athens, Georgia 30603
(706)543-8596

OCONEE COUNTY, GEORGIA
Real Estate Transfer Tax

Paid 244.00

OCONEE COUNTY, GA.
SANDRA C. GLASS
Clerk, Superior Court

Date March 2 1994

FILED FOR RECORD 8:30

Wesley Johnson
Deputy Clerk

March 2, 1994 AND RECORDED
(AM) 10 AM

IN BOOK 280 PAGE 287-90

ON March 3 1994

Wesley Johnson Deputy Clerk

WARRANTY DEED

STATE OF GEORGIA

ATHENS-CLARKE COUNTY

This Indenture made this 1st day of March, in the year One Thousand Nine Hundred Ninety-Four, between Catherine Hagood Ballard f/k/a Catherine Hagood, of Oconee County, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Joe Donald Irving, as party or parties of the second part, hereinafter called Grantee, the words "Grantor" and "Grantee" to include their respective heirs,

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100 (\$10.00)** Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt 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 Grantee,

All that tract or parcel of land, together with all improvements thereon, containing 6.548 acres, more or less, situate, lying and being on the southerly side of Spartan Lane and on the westerly side of Mason Mill Road, in the 221st G.M.D., Oconee County, Georgia, being more particularly described on a plat thereof entitled "Survey for Paul T. and Dianne D. Martin", by Ben McLeroy & Associates, Surveyors, dated June 23, 1986, recorded in Plat Book 9, Page 303, in the Office of the Clerk of the Superior Court of Oconee County, Georgia, which plat is hereby incorporated into this description by reference and made a part hereof; being more particularly described, according to said plat, as follows:

BEGINNING at an iron pin at the southwesterly intersection of Spartan Lane and Mason Mill Road; running thence along Mason Mill Road south 47 degrees 47 minutes 27 seconds west 276.76 feet to a point; thence south 47 degrees 47 minutes 27 seconds west 276.76 feet to an iron pin; running thence along the boundary of lands now or formerly of Martin north 65 degrees 00 minutes 00 seconds west 456.90 feet to an iron pin; running thence along the boundary of lands now or formerly of Ivy north 11 degrees 52 minutes 24 seconds east 129.96 feet to an iron pin; running thence along the boundary of lands now or formerly of Ivy north 33 degrees 57 minutes 39 seconds east 449.82 feet to an iron pin on the southerly side of Spartan Lane; running thence along Spartan Lane a chord measurement of south 51 degrees 54 minutes 47 seconds east 173.88 feet to a point; thence continuing along Spartan Lane south 63 degrees 18 minutes 30 seconds east 112.36 feet to an iron pin; thence continuing along Spartan Lane a chord measurement of south 56 degrees 48 minutes 10 seconds east 308.70 feet to the beginning iron pin.

This being the same property conveyed to Paul T. Martin and Dianne D. Martin by Joyce M. Oglesby by warranty deed dated June 26, 1986 and recorded in Deed Book 78, Page 490, in said Clerk's Office, and conveyed by Paul T. Martin and Dianne D. Martin to William M. Hagood by warranty deed dated June 12, 1989 and recorded in Deed Book 109, Page 215, in said Clerk's Office.

present, the Grantor, a husband and wife, having sold, granted, bargained and conveyed to the Grantee, by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land, together with all improvements thereon, containing 6.548 acres, more or less, situate, lying and being on the southerly side of Spartan Lane and on the westerly side of Mason Mill Road, in the 221st G.M.D., Oconee County, Georgia, being more particularly described on a plat thereof entitled "Survey for Paul T. and Dianne D. Martin", by Ben McLeroy & Associates, Surveyors, dated June 23, 1986, recorded in Plat Book 9, Page 303, in the Office of the Clerk of the Superior Court of Oconee County, Georgia, which plat is hereby incorporated into this description by reference and made a part hereof; being more particularly described, according to said plat, as follows:

BEGINNING at an iron pin at the southwesterly intersection of Spartan Lane and Mason Mill Road; running thence along Mason Mill Road south 47 degrees 22 minutes 27 seconds west 272.73 feet to a point; thence 22 degrees 22 minutes 27 seconds west 272.73 feet to an iron pin; running thence along the boundary of lands now or formerly of Martin north 65 degrees 00 minutes 00 seconds west 456.90 feet to an iron pin; running thence along the boundary of lands now or formerly of Ivy north 11 degrees 52 minutes 24 seconds east 129.96 feet to an iron pin; running thence along the boundary of lands now or formerly of Ivy north 33 degrees 57 minutes 39 seconds east 449.82 feet to an iron pin on the southerly side of Spartan Lane; running thence along Spartan Lane a chord measurement of south 51 degrees 54 minutes 47 seconds east 173.88 feet to a point; thence continuing along Spartan Lane south 63 degrees 18 minutes 30 seconds east 112.36 feet to an iron pin; thence continuing along Spartan Lane a chord measurement of south 56 degrees 48 minutes 10 seconds east 308.70 feet to the beginning iron pin.

This being the same property conveyed to Paul T. Martin and Dianne D. Martin by Joyce M. Oglesby by warranty deed dated June 26, 1986 and recorded in Deed Book 78, Page 490, in said Clerk's Office, and conveyed by Paul T. Martin and Dianne D. Martin to William M. Hagood by warranty deed dated April 11, 1989 and recorded in Deed Book 109, Page 215, in said Clerk's Office, the improvements on said property being known as 1330 Spartan Lane according to the present system of numbering houses in ~~Lawrence, 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 behoof of the said Grantee forever in **FEE SIMPLE**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said 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:

Witness:

Date Executed by Notary:

3/1/94

Catherine Hagood Ballard (Seal)
Catherine Hagood Ballard f/k/a Catherine Hagood

(Seal)

Notary Public, Orange County, California
My Commission Expires August 16, 1995

REFERENCES:
 - P.B. 30, PAGE 88
 - D.B. 451, PAGE 24

EXISTING ZONING: AR-1

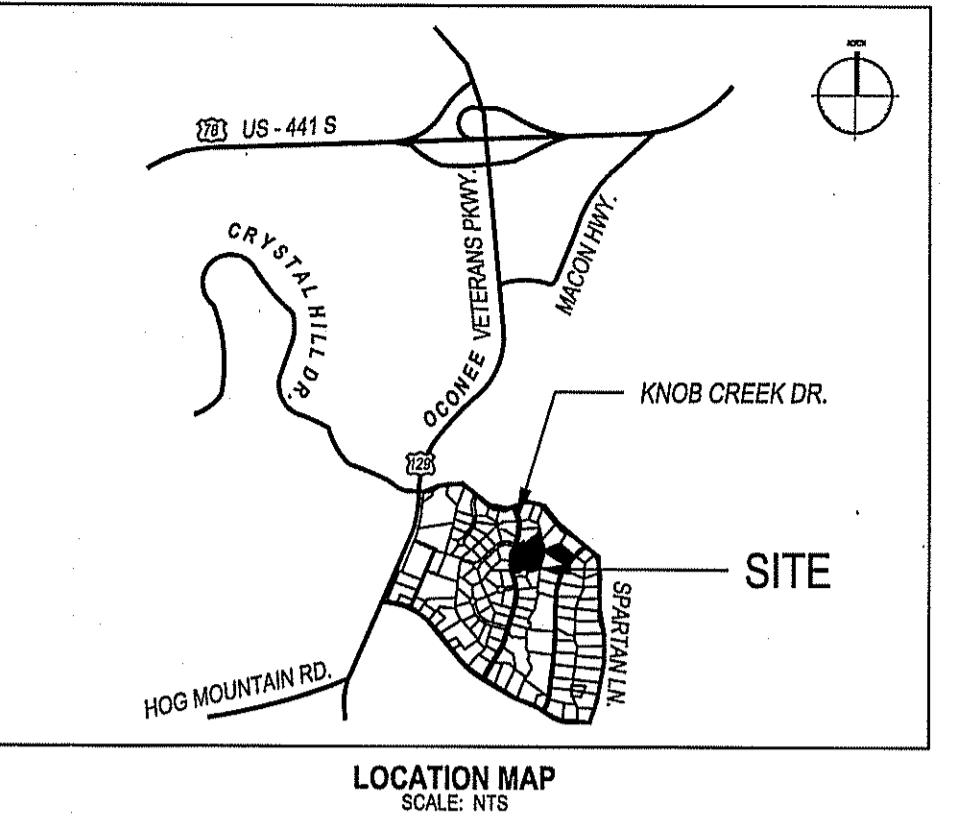
MINIMUM PRINCIPAL BUILDING SETBACKS (FT):
 FRONT: MEASURED FROM ROW: 30'
 SIDE: 15'
 REAR: 40'

THIS BLOCK RESERVED FOR THE
 CLERK OF THE SUPERIOR COURT.

SURVEY DATA:
 E.O.C. PLAT NO. 0002
 E.O.C. PLAT ID: 1022-14
 ANGULAR ERROR: 1 per angle
 ADJUSTED BY: Least Sq.
 EQUIPMENT USED:
 GEOMAX ZOOM 80 ROBOTIC TOTAL STATION

NOTES:
 - BOUNDARY SURVEY ONLY.
 - ALL IMPROVEMENTS WERE NOT
 LOCATED.
 - STRUCTURES SHOWN WERE
 TRACED FROM AN AERIAL IMAGE.
 - IMPROVEMENTS ARE NOT SHOWN
 ON TRACTS A, B & C.

EACH LOT, THE ACCESS TO WHICH IS
 DEPENDENT UPON THE PRIVATE ACCESS
 DRIVE SHOWN ON THIS PLAT, SHALL BE
 RESPONSIBLE FOR MAINTENANCE OF SAID
 ACCESS DRIVE UNDER THE PROVISIONS OF
 SECTION 110.07.D OF THE UNITED
 DEVELOPMENT CODE OF OCONEE COUNTY,
 GEORGIA.



SMITH PLANNING GROUP
 LAND PLANNING
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 LAND SURVEYING

1022 TWELVE OAKS PLACE, STE 201
 WATKINSVILLE, GA 30677
 706.769.9515
 706.769.9595 FAX
 www.smithplanninggroup.com

G.M.D.: 221

STATE: GEORGIA
 COUNTY: OCONEE
 CITY: MASON MILL

SITE CONCEPT PLAT FOR JOE D. IRVING

SEALS:

AARON P. BLOMBERG, RLS
 GA. PLS #3100

SHEET DATA:
 PROJECT NO.: 23-128
 DRAWN BY: TJ
 SURVEYED BY: BL & FZ
 SURVEY DATE: 08/20/20
 CHECKED BY: APB
 SCALE: 1" = 60'
 DATE: 03/15/23

SHEET TITLE:

SITE CONCEPT PLAT FOR: JOE D. IRVING

REVISIONS:
 NO. DATE DESCRIPTION

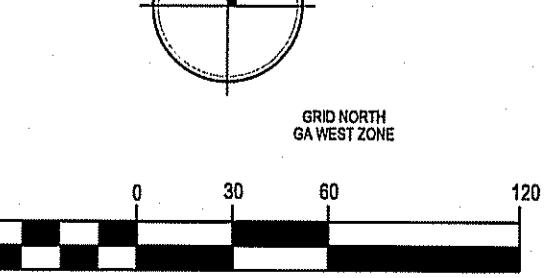
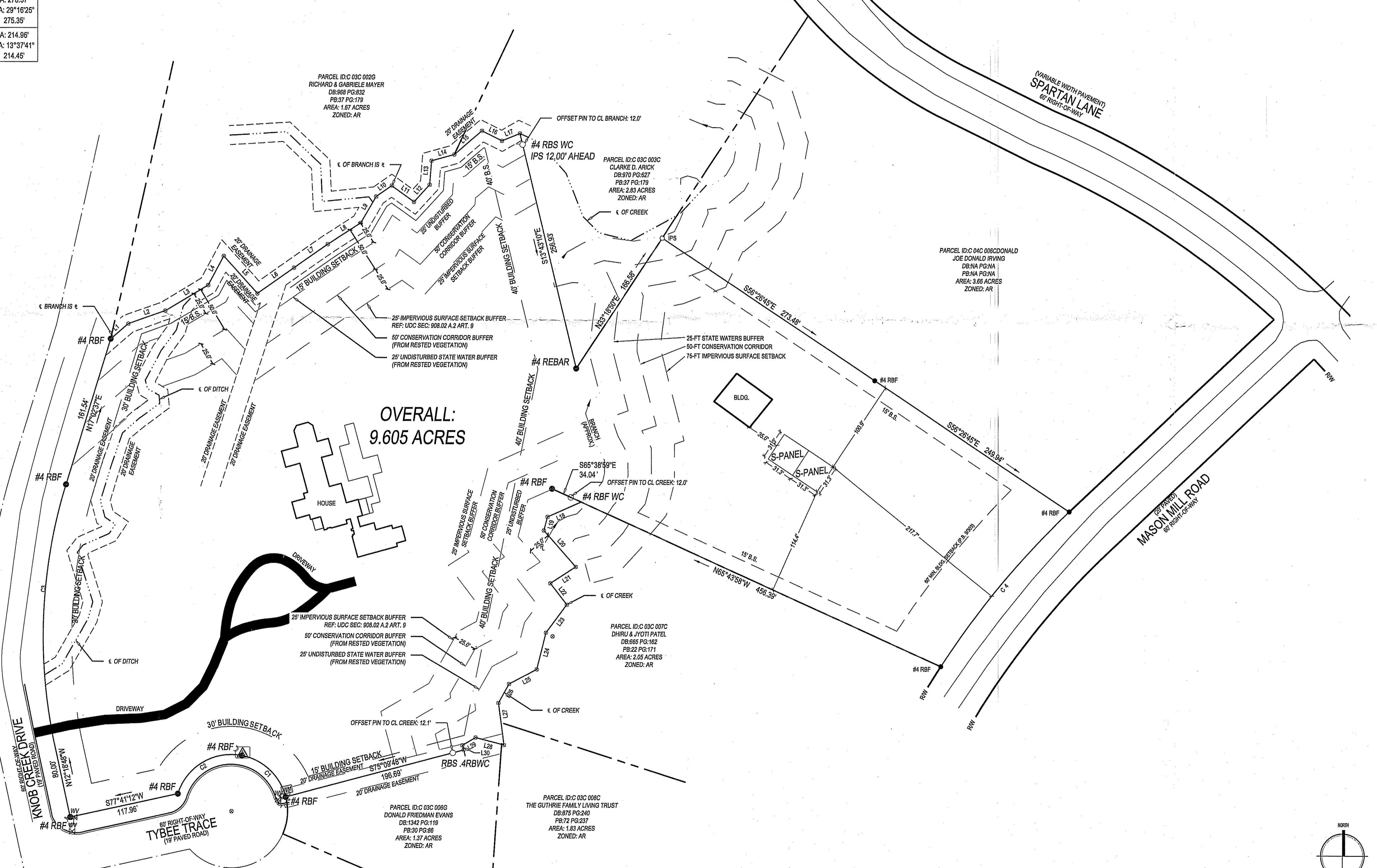
SHEET NO.
 SHEET 1
 OF 1

Line Table		
Line #	Length	Direction
L1	24.77'	N49° 13' 18.70"E
L2	42.13'	N70° 22' 20.77"E
L3	53.42'	N58° 58' 29.11"E
L4	34.97'	N28° 20' 06.75"E
L5	53.37'	S42° 25' 21.85"E
L6	47.68'	N54° 58' 35.05"E
L7	44.00'	N55° 03' 53.55"E
L8	41.95'	N57° 02' 13.77"E
L9	32.59'	N30° 10' 42.40"E
L10	20.21'	N55° 14' 45.80"E
L11	29.31'	S54° 18' 30.27"E
L12	24.85'	N42° 29' 22.86"E
L13	25.44'	N4° 25' 30.14"E
L14	25.20'	N74° 30' 56.84"E
L15	38.74'	N49° 42' 15.24"E
L16	23.85'	S63° 38' 12.91"E
L17	20.73'	N67° 54' 11.46"E
L18	39.14'	S66° 04' 02.37"W
L19	14.92'	S14° 55' 46.42"W
L20	51.41'	S41° 33' 34.21"E
L21	32.16'	S57° 04' 28.09"W
L22	28.68'	S37° 49' 16.23"E
L23	37.21'	S36° 28' 52.89"W
L24	40.12'	S14° 08' 54.63"W
L25	33.40'	S92° 01' 06.21"W
L26	23.30'	S23° 08' 08.18"W
L27	45.11'	S7° 50' 10.13"E
L28	31.34'	N75° 44' 09.30"W
L29	16.38'	S59° 40' 24.88"W
L30	5.12'	S15° 06' 08.59"E

Curve Table		
Course	Bearing	Distance
C1	Rad: 60.00' Chd: N 47°06'05" W	A: 67.50' CA: 64°27'20" 63.99'
C2	Rad: 60.00' Chd: S 59°15'00" W	A: 86.92' CA: 83°00'15" 79.52'
C3	Rad: 544.83' Chd: N 02°22'25" E	A: 278.37' CA: 23°16'25" 275.35'
C4	Rad: 903.73' Chd: S 39°41'55" W	A: 214.96' CA: 13°37'41" 214.45'

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LEGEND:
 • = IRP
 ○ = IPS WI CAP
 ◊ = POINT ONLY
 ○ = UTILITY POLE
 IPI = IRON PIN FOUND
 IPS = IRON PIN SET WI CAP
 OTF = OPEN TOP PIPE FOUND
 RBF = REBAR FOUND
 RW = RIGHT-OF-WAY
 B.S. = PRIMARY BUILDING SETBACK
 B.I. = STORM INLET
 ☐ = TELEPHONE PEDESTAL
 ☐ = WATER METER
 ☐ = WATER VALVE
 ☐ = SANITARY SEWER MANHOLE
 ☐ = AC UNIT
 ☐ = ELECTRIC METER
 ☐ = LIGHT POLE
 ☐ = GAS METER
 + = SPOT ELEVATION
 C&G = CURB & GUTTER
 ☐ = TELE-COMMUNICATIONS PEDESTAL
 ☐ = TELE-COMMUNICATIONS HANHOLE
 ☐ = TELE-COMMUNICATIONS BOOTH
 ☐ = TRANSFORMER BOX
 ☐ = DECIDUOUS TREE WITH SIZE
 ☐ = EVERGREEN TREE WITH SIZE
 ☐ = CENTER LINE CREEK
 ☐ = BUFFER / EASEMENT
 ☐ = PROPERTY LINE



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): N/A

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: N/A

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):

N/A

Signature of owner: Joe Swink

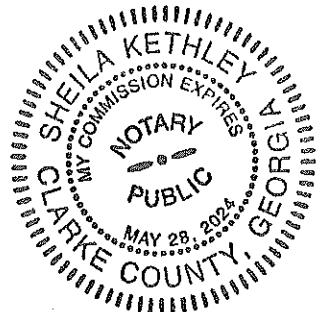
Date: 2/9/23

Signature of applicant:

Date:

Signature of Notary Public:

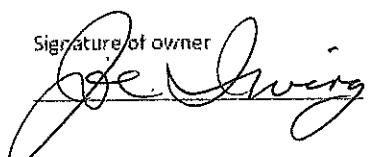
Date:



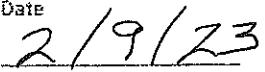
DISCLOSURE OF INTEREST
APPLICATION FOR REZONING
OCONEE COUNTY, GEORGIA

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



Date



Signature of Applicant



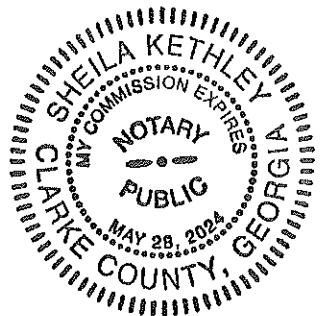
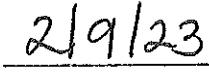
Date



Signature of Notary Public



Date



OCONEE COUNTY PROPERTY OWNED AUTHORIZATION

Legal Description

All that tract or parcel of land, together with all improvements thereon, containing 9.605 acres, more or less, situate, lying and being on the southerly side of Spartan Lane and on the westerly side of Mason Mill Road, in the 221st G.M.D., Oconee County, Georgia, being more particularly described on a plat thereof entitled "Administrative Recombination Plat", by Smith Planning Group, dated October 20th, 2022, recorded in Plat Book 2022, Page 179, In the Office of the Clerk of the Superior Court of Oconee County, Georgia, which plat is hereby incorporated into this description by reference and made a part hereof; being more particularly described, according to said plat, as follows:

Beginning at a point, Thence North 49 degrees 13 minutes 19 seconds East a distance of 24.77 feet to a point;

Thence North 70 degrees 22 minutes 21 seconds East a distance of 42.13 feet to a point;

Thence North 58 degrees 58 minutes 29 seconds East a distance of 53.42 feet to a point;

Thence North 28 degrees 20 minutes 07 seconds East a distance of 34.97 feet to a point;

Thence South 42 degrees 25 minutes 22 seconds East a distance of 53.37 feet to a point;

Thence North 54 degrees 58 minutes 35 seconds East a distance of 47.68 feet to a point;

Thence North 55 degrees 03 minutes 54 seconds East a distance of 44.00 feet to a point;

Thence North 57 degrees 02 minutes 14 seconds East a distance of 41.95 feet to a point;

Thence North 30 degrees 10 minutes 42 seconds East a distance of 32.59 feet to a point;

Thence North 55 degrees 14 minutes 46 seconds East a distance of 20.21 feet to a point;

Thence South 54 degrees 18 minutes 30 seconds East a distance of 29.31 feet to a point;

Thence North 42 degrees 29 minutes 23 seconds East a distance of 24.85 feet to a point;

Thence North 04 degrees 25 minutes 30 seconds East a distance of 25.44 feet to a point;

Thence North 74 degrees 30 minutes 57 seconds East a distance of 25.20 feet to a point;

Thence North 49 degrees 42 minutes 15 seconds East a distance of 38.74 feet to a point;

Thence South 63 degrees 38 minutes 13 seconds East a distance of 23.85 feet to a point;

Thence North 67 degrees 54 minutes 11 seconds East a distance of 20.73 feet to a point;

Thence South 13 degrees 43 minutes 10 seconds East a distance 256.93 feet to a point;

Thence North 33 degrees 18 minutes 50 seconds East a distance of 166.58 feet to a point;

Thence South 56 degrees 26 minutes 45 seconds East a distance of 523.42 feet to a point;

Thence Curve: Length of 214.96 feet, Radius of 903.73 Feet,
With a Chord Bearing South 39 degrees 41 minutes 55 seconds West a distance of 214.45 feet to a point;
Thence North 65 degrees 43 minutes 58 seconds West a distance of 456.39 feet to a point;
Thence South 66 degrees 04 minutes 02 seconds West a distance of 39.14 feet to a point;
Thence South 14 degrees 55 minutes 46 seconds West a distance of 14.92 feet to a point;
Thence South 41 degrees 33 minutes 34 seconds East a distance of 51.41 feet to a point;
Thence South 57 degrees 04 minutes 29 seconds West a distance of 32.16 feet to a point;
Thence South 37 degrees 49 minutes 16 seconds East a distance of 28.68 feet to a point;
Thence South 36 degrees 28 minutes 53 seconds West a distance of 37.21 feet to a point;
Thence South 14 degrees 08 minutes 55 seconds West a distance of 40.12 feet to a point;
Thence South 62 degrees 01 minute 06 seconds West a distance of 33.40 feet to a point;
Thence South 29 degrees 08 minutes 08 seconds West a distance of 23.30 feet to a point;
Thence South 07 degrees 50 minutes 10 seconds East a distance of 45.11 feet to a point;
Thence North 75 degrees 44 minutes 09 seconds West a distance of 31.34 feet to a point;
Thence South 59 degrees 40 minutes 25 seconds West a distance of 16.38 feet to a point;
Thence South 15 degrees 06 minutes 09 seconds East a distance of 5.12 feet to a point;
Thence South 75 degrees 09 minutes 48 seconds West a distance of 196.69 feet to a point;
Thence Curve: Length of 67.50 feet, Radius of 60.00 Feet,
With a Chord Bearing North 47 degrees 06 minutes 05 seconds West a distance of 63.99 feet to a point;
Thence Curve: Length of 86.92 feet, Radius of 60.00 Feet,
With a Chord Bearing South 59 degrees 15 minutes 00 seconds West a distance of 79.52 feet to a point;
Thence South 77 degrees 41 minutes 12 seconds West a distance of 117.96 feet to a point;
Thence North 12 degrees 18 minutes 48 seconds West a distance of 80.00 feet to a point;
Thence Curve: Length of 278.37 feet, Radius of 544.83 Feet,
With a Chord Bearing North 02 degrees 22 minutes 25 seconds East a distance of 275.35 feet to a point;
Thence North 17 degrees 02 minutes 37 seconds East a distance of 161.54 feet to a point, said point
being the Point of Beginning.

Said tract or parcel of land contains 9.605 Acres and is depicted as the "Subject property" on Plat
entitled "Administrative Recombination Plat" dated October 20th, 2022, by Smith Planning Group, said

plat being recorded in Plat Book 2022, Page 179, in the Office of the Clerk of the Superior Court of Oconee County Georgia.

The above-described property is conveyed subject to all easements, right-of-way, reservations, restrictions, zoning ordinances and other matters of record.

Variance Narrative Statement:
For Hardship Variance Application

Introduction:

We are requesting a Hardship Variance for the following:

The placement (requirement (1)).

The subject property address is: 1117 Knob Creek Drive, Athens GA 30606 Parcel #: C03C 0063.

The existing zoning district of the subject property is: AR AGRICULTURAL

The existing use of the subject property is: R3 - RESIDENTIAL

Variance Requested:

(Oconee County Unified Development Code: Sec. 343.07. a)

(Section a.) Placement

- (1) A ground-mounted solar energy system shall not be located within the required front yard of a lot but shall be located in the side or rear yards only. Side and rear setbacks shall meet the setbacks for principal buildings for the district in which they are located.

The property owner wishes to install 2 solar panel arrays (measuring a total of 1,575.45 sq. ft.) on a portion of his parcel of land.

The property is currently listed as being zoned AR (R3-Residential).

The proposed use(s) of the property would be Residential with the addition of the solar panels.

Adjacent Properties:

The existing zoning of the effected adjacent properties:

<u>Parcel #</u>	<u>Property Owner</u>	<u>Zoning Class</u>
C 03C 003C	Clarke D. Arick	AR-Agricultural Residential Dist.
C 03C 005C	Jordan & Amy White	AR-Agricultural Residential Dist.
C 03C 007C	Dhiru & Patel	AR-Agricultural Residential Dist.
C 03C 008C	The Guthrie Family Living Trust	AR-Agricultural Residential Dist.
C 03C 006G	Wylen Wade, Trustee & Won Crabtree, Naomi Elisabeth	AR-Agricultural Residential Dist.

The existing uses of the effected adjacent properties:

Parcel #	Property Owner	Existing Use Class
C 03C 003C	Clarke D. Arick	R3-Residential
C 03C 005C	Jordan & Amy White	R3-Residential
C 03C 007C	Dhiru & Patel	R3-Residential
C 03C 008C	The Guthrie Family Living Trust	R3-Residential
C 03C 006G	Wylen Wade, Trustee & Won Crabtree, Naomi Elisabeth	R3-Residential

Other Applications: N/A

Conclusion:

The property owner has made every attempt to conform to the guidelines set by the county.

The addition of Solar power will increase not just the properties home value but is clean & renewable energy source.

The Biden Administration aims to make the power sector carbon-free by 2035, the installation of solar panels will help in this endeavor.



OCONEE COUNTY PROPERTY OWNER AUTHORIZATION
FOR APPLICATIONS

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

1030 Mason Mill Rd

Athens, GA 30606

Tax Parcel #: C 03 C 0063

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

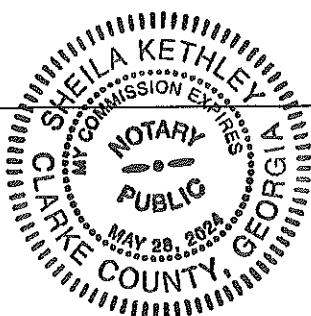
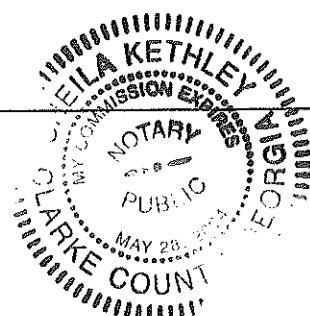
I authorize the person identified below to act as applicant or agent in the pursuit of the requested action or consideration of this property.

Name of applicant or agent: Joe Irving
Address (No P.O. boxes): 1117 Knob Creek Dr
City, State, & Zip Code: Athens, GA 30606
Telephone Number: 706 248 8600

SIGNATURE OF OWNER OR MANAGING MEMBER: Joe Irving
NAME OF OWNER OR MANAGING MEMBER (PLEASE PRINT): Joe Irving
OFFICER POSITION OR MEMBER TITLE, IF APPLICABLE: _____
DATE: 2/9/23

NOTARIZATION:
SWEORN TO AND SUBSCRIBED BEFORE THIS 9 DAY OF February, 20 2023
NOTARY SIGNATURE: Sheila Kethley
DATE: 2-9-2023

SEAL:



2022 Property Tax Statement

JENNIFER T. RIDDLE

Oconee County TAX COMMISSIONER

PO BOX 106

WATKINSVILLE, GA 30677

Phone (706)769-3917 - Fax 1 (706) 769-3964

taxoffice@oconee.ga.us



IRVING JOE D.
P.O. BOX 6065
ATHENS, GA 30604-6065

BILL NO.	PRINTED	LAST PAYMENT MADE ON	PAYMENT GOOD THROUGH	DUUE DATE	TOTAL DUE
2022-8312	06/15/2023	11/03/2022	06/15/2023	11/15/2022	0.00
PID	LOCATION				
C 03C 004 G	1117 KNOB CREEK DR				

MAKE CHECK OR MONEY ORDER PAYABLE TO:

OCONEE COUNTY TAX COMMISSIONER

Taxes outstanding as of applicable due date will be subject to interest and penalties set forth by Georgia law. If property taxes remain unpaid, the Office of the Tax Commissioner has the right and responsibility to levy on the property (additional fees apply). This is considered a last resort for tax collection and other collection methods are always preferred. Partial payments are accepted. Contact our office with questions. LOBBY HOURS 8:00 am - 4:30 pm. Please visit our website www.oconeecountypay.com for additional information and to make online payments. Questions about values-Tax Appraiser's Office 706-769-3921.

RETURN THIS PORTION WITH PAYMENT (Interest will be added per month if not paid by due date)

2022

Property Tax Statement

JENNIFER T. RIDDLE

Oconee County Tax Commissioner

PO BOX 106

WATKINSVILLE, GA 30677

Phone (706)769-3917 - Fax 1 (706) 769-3964

Email: taxoffice@oconee.ga.us



PROPERTY OWNER(S)	IRVING JOE D.
PID	C 03C 004 G REAL
DESCRIPTION	451/24 30/86,542/81
LOCATION	1117 KNOB CREEK DR
BILL NUMBER	2022-8312
DISTRICT	001 OCONEE COUNTY
PRINTED ON	06/15/2023

FIRST NOTICE

BUILDING VALUE	LAND VALUE	ACRES/LOTS	TOTAL FAIR MARKET VALUE	DUE DATE	BILLING DATE	PAYMENT GOOD THROUGH	EXEMPTIONS	
1,085,600.00	242,280.00	6.7300	1,327,880.00	11/15/2022		06/15/2023		
ENTITY	ADJUSTED FAIR MARKET VALUE	NET ASSESSMENT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	GROSS TAX	CREDIT TAX AMT	NET TAX AMT
STATE TAX	1,327,880.00	531,152.00		531,152.00	0.0000			
COUNTY M&O	1,327,880.00	531,152.00		531,152.00	9.6940	5,148.99		3,162.4
SALES TAX ROLLBACK				531,152.00	-2.8900		-1,535.03	
INSURANCE PREMIUM ROLLBACK				531,152.00	-0.8500		-451.48	
SCHOOL M&O	1,327,880.00	531,152.00		531,152.00	15.5000	8,232.86		8,232.8
TOTALS					21.4540	13,381.85	-1,986.51	11,395.3

Owner occupied residences may qualify for certain homestead exemptions. PERSONS OVER AGE 65 MAY BE ELIGIBLE FOR ADDITIONAL EXEMPTIONS (age 62 eligibility-net income less than \$10,000). The full law relating to each exemption must be referred to in order to determine eligibility (details available at oconeecountypay.com or 706-769-3917). Applications for homestead exemptions must be received by April 1 each year. It is not necessary to refile for exemptions each year, unless there is a change in the property deed.



CURRENT DUE	11395.34
+ PENALTY	0.00
+ INTEREST	0.00
+ OTHER FEES	0.00
PREVIOUS PAYMENTS	11395.34
+ BACK TAXES	0.00
= Total Due	0.00





Marett Building Systems, LLC

Patel Residence
1060 Mason Mill
Athens, Georgia 30606

Dear Mr. Patel,

Mr. and Mrs. Irving are asking for your support in their variance request to set the solar panels on their lot next door.

As we discussed, you are in agreement with us performing this work and we also agree that we are accepting all responsibility for any future damage to the panels that are caused by trees falling, whether they are on Mr. Irving's property or from your property.

We appreciate your help with this and ask for your signature below as a sign of supporting our efforts.

Please let me know if you have any questions.

Best,
Rob Marett



Mr. Joe Irving



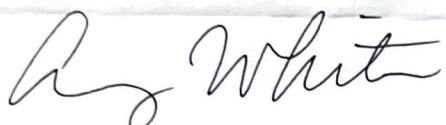
Mr. Dhirup Patel

April 25, 2023

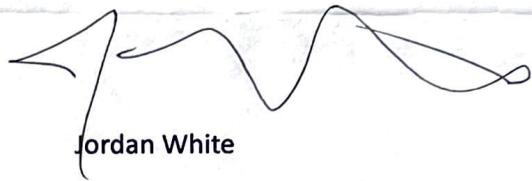
To Whom It May Concern,

With regard to the petition for a variance, we have no objection to Joe Irving placing solar panels on his property along Mason Mill that adjoins ours at 1330 Spartan Lane.

Sincerely,



Amy White



Jordan White