



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

VARIANCE CASE #: P23-0098

DATE: June 20, 2023

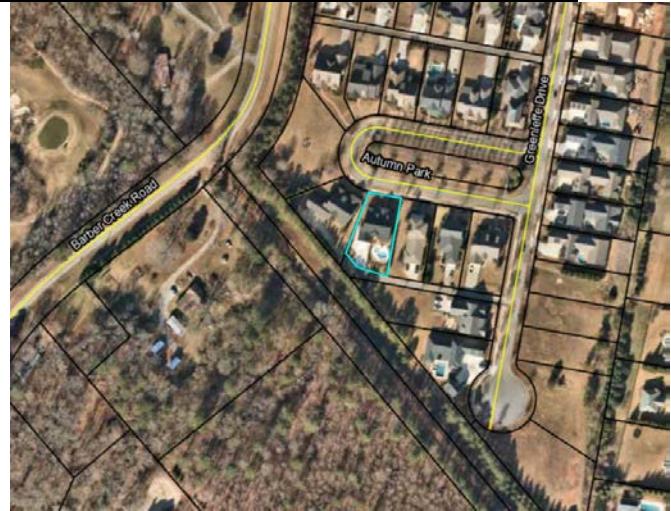
STAFF REPORT BY: Guy Herring (Director of Planning and Code Enforcement)

APPLICANT NAME: Thomas & Theresa Haddock

PROPERTY OWNER: Thomas & Theresa Haddock

LOCATION: 1520 Autumn Park, Statham, GA 30666 (B-01N-026)

PARCEL SIZE: ±0.29 acres



EXISTING ZONING: R-1 (Single Family Residential District)

EXISTING LAND USE: Single Family Residential

TYPE OF VARIANCE REQUESTED: Special Exception Variance to reduce the side building setback from 7.5 feet to 2.2 feet for a golf cart enclosure.

REQUEST SUMMARY: The property owner requests a variance from UDC Sec. 410.02.f which requires all accessory structures not specifically regulated by Article 3 to be at least 10 feet away from any street right-of-way and at least 5 feet away from any other property line. Of note, the golf cart enclosure is already constructed and needs a special exception variance to be in compliance with the code. This variance request is to be interpreted as an addition to an existing building as the golf cart enclosure shares a wall and roof addition with the existing residence. As such, the required setback per the code is 7.5 feet for the side yard.

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 R-1 and has been owned by the current owner since 2018. The parcel consists of the existing principal residence and an existing pool.
- The proposed addition to the existing residence / golf cart enclosure has already been constructed on the site as is 112 SF in total.
- The golf cart enclosure is connected to the existing residence as it shares a wall and roof with the existing residence.
- As the proposed addition to the existing residence is less than 7.5 feet from the side property line, a special exception variance will be required.
- Of note, the golf cart enclosure has already been built but is not in compliance with the code. The applicant includes photos showing the constructed golf cart enclosure building addition in their application.

VARIANCE DESCRIPTION

- The owner is requesting a special exception variance to construct an addition to an existing building less than 7.5 feet from the side property line of the lot. The applicant states that the proposed building addition will be utilized as a golf cart shed.
 - **Unified Development Code Section 409.01 – Setback requirements.**
All principal buildings on a lot shall be set back from the street right-of-way lines and from the side and rear lot lines bounding the lot no less than the distances shown on Table 4.1 See definition of “principal building setback line” for application of the setback requirements.
 - **Unified Development Code Section 410.02 – Accessory structures.**
f. All other accessory structures.
Accessory structures not listed above and not specifically regulated by Article 3 of this Development Code must be at least 10 feet from any street right-of-way and at least 5 feet from any other property line (except driveways that connect to a street or adjoining property).
 - **Unified Development Code Section 1503 – Definitions**
Addition to an Existing Building: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load bearing walls, is new construction.

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 Alleyway C.

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 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. However, the directly adjacent property to the northwest of the subject parcel will be impacted by this variance request. The proposed addition to the existing residence has been constructed within 2.2 feet of the side property line, which causes minimal separation between the structure and the adjacent property. Staff holds that approval of the present request may not cause substantial detriment to the public good, but it will likely impact the directly adjacent property.

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

The surrounding properties are zoned R-1 on all sides. Primary land uses in the area are a mixture of residential uses in the near vicinity and some agricultural uses in the nearby area. Staff holds that approval of the request to allow an addition to the existing residence less than 7.5 feet from the side property line may be injurious to the use and enjoyment of nearby properties, in particular the directly adjacent property, due to the small lot sizes and configuration of the property as well as a lack of existing vegetative buffer between the subject parcel and the directly adjacent lot. The proposed addition to the existing residence is approximately 20 feet from the adjacent residence at the closest point.

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

Staff holds that it is possible that the placement of the addition to the existing residence closer than 7.5 feet from the side property line may impair the property value of the adjacent residence.

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

The intent of UDC Section 409 is to provide a minimum setback distance for buildings. The applicant has requested a special exception variance to reduce the required minimum setback distance from 7.5 feet to 2.2 feet in order to get approval for the previously constructed golf shed connecting to the existing residence. Staff believes that approval of this special exception variance request would impair the UDC's purpose and intent given the small lot sizes of the subject and adjacent lots, the very minimal resulting separation from structure to property line, and potential impacts to the adjacent property.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for special exception variance approval, this request **does not 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 Unified Development Code.
2. A vegetative buffer shall be installed between the addition to the existing residence and the property line to the northwest in order to provide vegetative screening between the structure and the adjacent property. Design and planting of such a buffer must be coordinated with and approved by the adjacent property owner given the very limited space available for planting within a reduced side yard setback.



OCONEE COUNTY APPEAL APPLICATION

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

1520 Autumn Park, Statham, GA

Reduce the side building setback from 7.5'

to 2.2'

Applicant

Name: Thomas + Theresa Haddock

Address: 1520 Autumn Park
(No P.O. Boxes)
Statham, GA

Telephone: 706-260-5081

Email: t.haddock@comcast.net

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: Theresa Haddock Date: 4/24/23 Notarized: *Melinda A. Patterson*

Property Owner

Name: Same as

Address: "Applicant"
(No P.O. Boxes)

Telephone: _____

**Property**

Location: 1520 Autumn Park
Statham, GA

Tax Parcel Number: B-01N-026

Size (Acres): .29 Current Zoning: R-1

Future Development Map—Character Area Designation: Suburban neighborhood

Use

Current Use: Single-family
residence

Proposed Use: Add a golf cart
enclosure

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

1303.02 (A) 1410.02 (f)

Reduce the side building
setback from 7.5 feet to 2.2 feet
to put in a golf
cart enclosure.

AFTER RECORDING RETURN TO:
FORTSON, BENTLEY & GRIFFIN, P.A.
ATTN: MICHAEL J. McCLEARY
2500 DANIELL'S BRIDGE ROAD
BUILDING 200, SUITE 3A
ATHENS, GA 30606

File No. 49191

DOC# 005864
FILED IN OFFICE
10/22/2018 03:46 PM
BK:1453 PG:300-301
ANGELA ELDER-JOHNSON
CLERK OF SUPERIOR
COURT
OCONEE COUNTY

Angela Elder-Johnson

REAL ESTATE TRANSFER TAX
PAID: \$125.00
UPT-61108-2018-1624

STATE OF GEORGIA
COUNTY OF OCONEE

LIMITED WARRANTY DEED

THIS INDENTURE made and entered into this 19th day of October, in the year of our Lord Two
Thousand Eighteen (2018) between

Redesign Management Group, LLC, a Georgia limited liability company
of the County of Athens-Clarke, State of Georgia, as Grantor, and

**THOMAS A. HADDOCK AND THERESA T. HADDOCK, AS JOINT TENANTS WITH RIGHTS
OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON**

of the County of Barrow, State of Georgia, as Grantee.

In this deed, wherever the context so requires, the masculine gender includes feminine and/or neuter and the singular number includes the plural. Wherever herein a verb, pronoun or other part of speech is used in the singular, and there be more than one Grantor or Grantee, said singular part of speech shall be deemed to read as the plural, and each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein. Wherever herein Grantor or Grantee is used, the same shall be considered to mean as well, the heirs, executors, administrators, successors, representatives and assigns of the same.

WITNESSETH, that the said Grantor, for and in consideration of the sum of **TEN DOLLARS (\$10.00)** 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, the following described property, to wit:

All that tract or parcel of land lying and being in GMD 240, Headright District, Oconee County, Georgia, being Lot 26 of Oconee Springs at The Georgia Club Subdivision, as per plat recorded in Plat Book 36, Pages 419-423, Oconee County, Georgia records, which said plat is incorporated herein and made a part hereof by reference.

The above described property is conveyed subject to any easements, rights of way, restrictions, reservations and all other matters of record.

TO HAVE AND TO HOLD the said described property, with all and singular, the rights, members and appurtenances thereunto appertaining, to the only proper use, benefit and behoof of the said Grantee, his heirs, executors, administrators, successors and assigns, forever, in **FEES SIMPLE**.

AND THE SAID GRANTOR will warrant and will forever defend the right and title to the above described property unto the said Grantee, his heirs, executors, administrators, successors and assigns, against all persons lawfully claiming through or under the undersigned.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand, affixed his seal, and delivered these presents the day and year first above written.

Signed, sealed and delivered,
in the presence of:

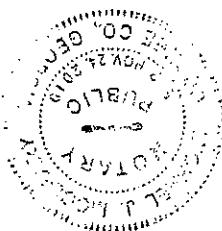
Redesign Management Group, LLC, a Georgia limited liability company

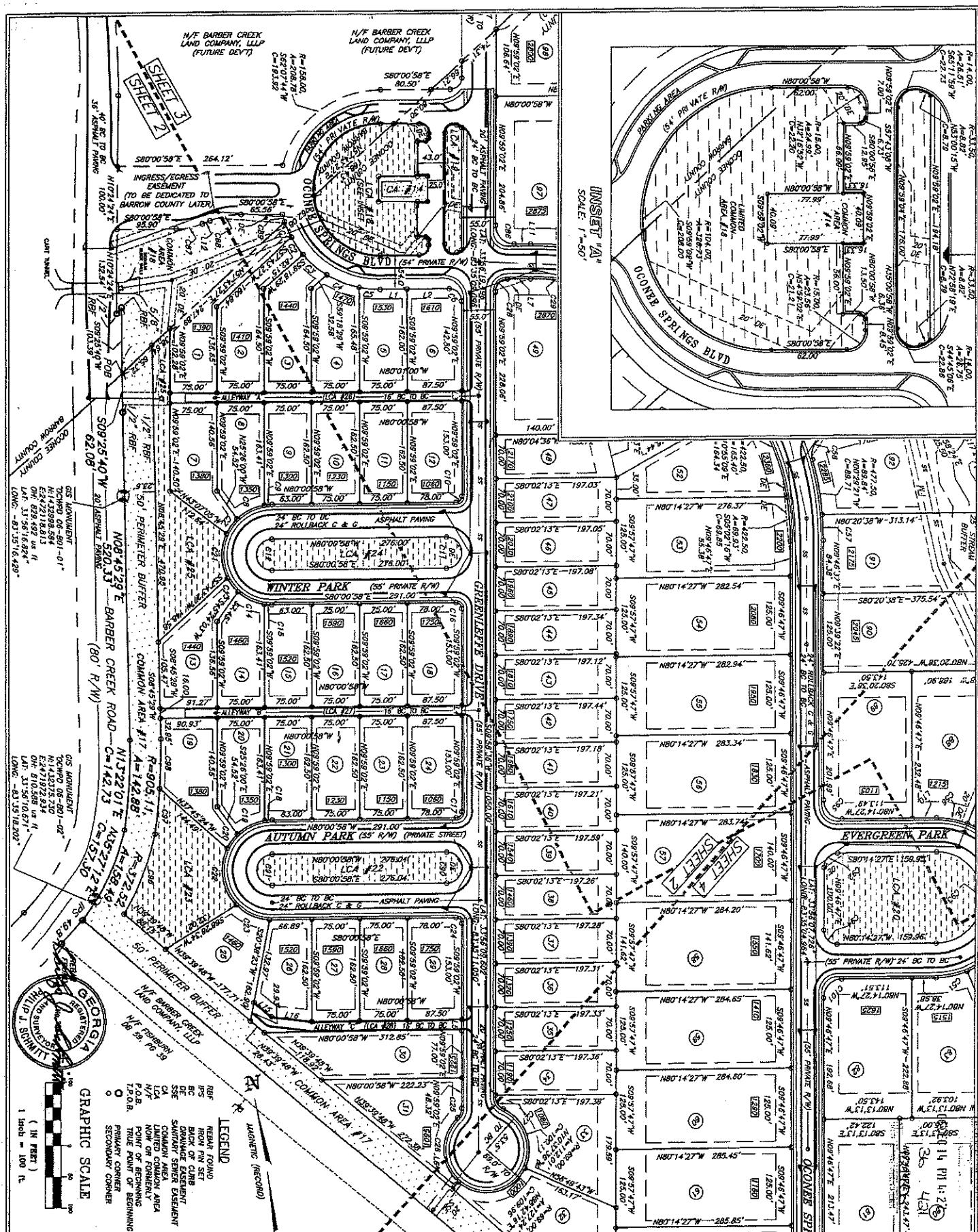
Unofficial Witness

By: James B. Vanden Berg (SEAL)
Ms. Authorized Member

NOTARY PUBLIC

[Notary Seal]





FINAL PLAT

SCHMITT ENGINEERING
AND LAND SURVEYING, INC.
10 WEST WILLIAMS STREET, SUITE A
WINDER, GEORGIA 30680
770-867-6744

**OCONEE SPRINGS
AT THE GEORGIA CLUB**

BARBER CREEK LAND COMPANY, L.L.C.

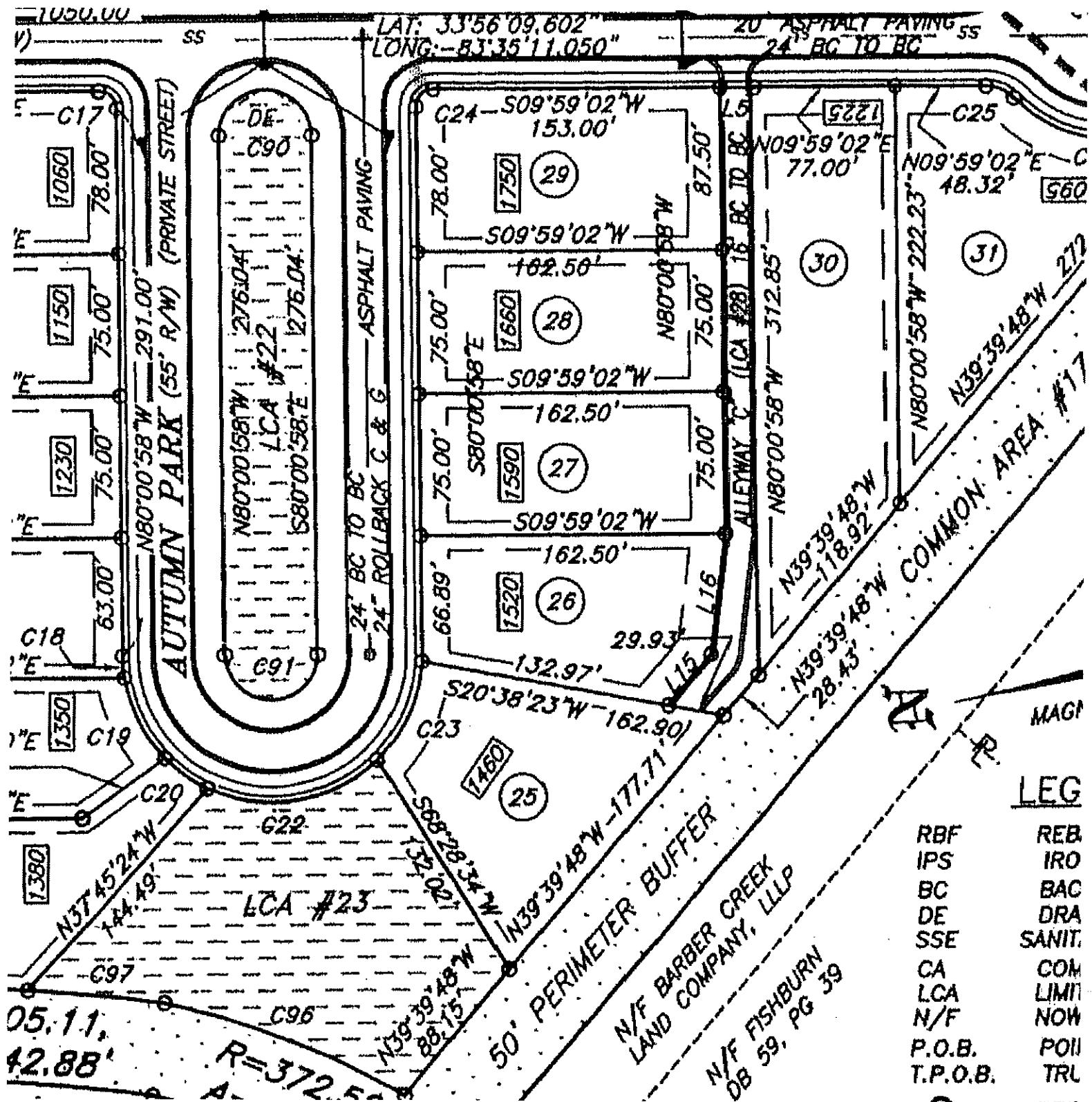
REVISIONS:-

ANSWER

ANSWER

— 10 —

FINAL PLAT



25
IN 39° 39' 48" W - 177.
50' PERIMETER BUFFER
N/F BARBER
LAND COMP

ER. BU.
N/F BARBER CREEK
LAND COMPANY, LLP
N/F FISHBL
59, 2

N/F FISHBURN
DB 59, PG 39

RBF	REB
IPS	IRO
BC	BAC
DE	DRA
SSE	SANIT.
CA	COM
LCA	LIMI
N/F	NOW
P.O.B.	POII
T.P.O.B.	TRL



This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THE PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthmore, the undersigned land surveyor certifies that this survey complies with The Technical Standards for Property Surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Professional Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Philip J. Lutze
4/7/23

SURVEYORS NOTES

1. THE RELATIVE POSITIONAL ACCURACY OF THE PROPERTY CORNERS SHOWN HEREON IS BETTER THAN 0.10 FEET
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO HAVE AN ACCURACY EXCEEDING ONE FOOT IN 100,000 FEET.
3. MEASUREMENTS FOR PREPARING THIS PLAT WERE OBTAINED WITH TOPCON HIPER & LEGACY E, DUAL FREQUENCY, RTK GPS INSTRUMENTS. ALL DISTANCES ARE HORIZONTAL BASED ON U.S. SURVEY FOOT.
4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE EXAMINATION OR REPORT. ALL MATTERS OF TITLE ARE EXCEPTED.
5. THIS SURVEY WAS AUTHORIZED BY THE CURRENT TITLE HOLDER.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR, EFFICIENCY, OF THIS INFORMATION.

LEGEND

IPF	IRON PIN FOUND
IPS	3/4" PIPE W/ CAP
CNF	CONCRETE NAIL FOUND
DE	DRAINAGE EASEMENT
P	PROPERTY LINE
C	CENTER LINE
FSL	FRONT ETBACK LINE
SSL	SIDE SETBACK LINE
====	DRAINAGE PATH
○	PROPERTY CORNER
✖	EXISTING FIRE HYDRANT
M	WATER METER
wv	WATER VALVE
❖	WATER LINE
—w—	SEWER LINE
—ss—	SEWER MANHOLE
(S)	LIMITED COMMON AREA
LCA	GRATE INLET
GI	CATCH BASIN
CB	STORM JUNCTION
JB	IRRIGATION CONTROL VALVE
ICV	

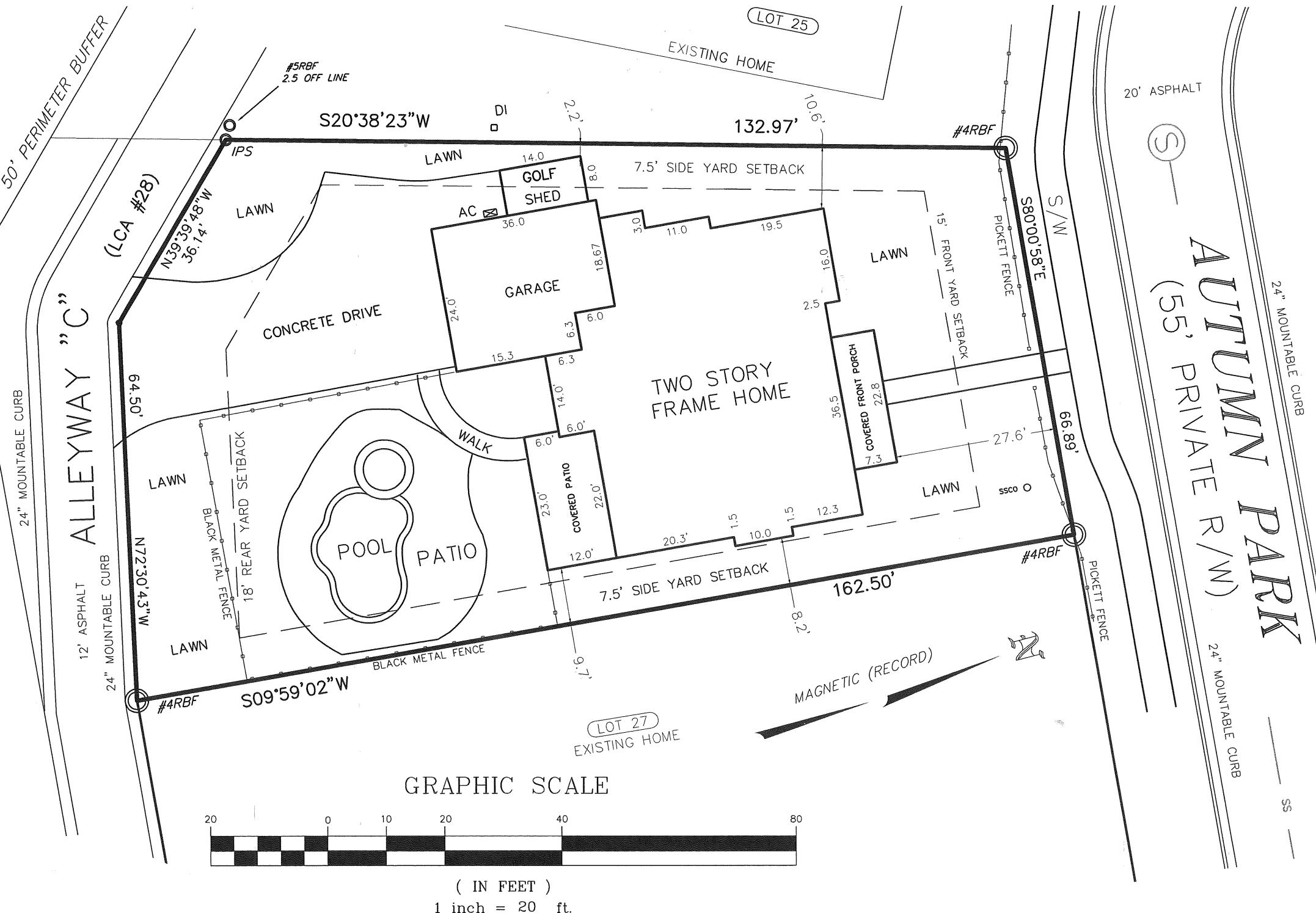
**OT AREA = 12,436 SF
(0.285 ACRE)**

CURRENT TITLE HOLDER:

THOMAS & THESESA HADDOCK
1520 AUTUMN PARK
STATHAM, GA 30666

DEED BOOK 1453, PAGE 300

LOT # 26 OF OCONEE SPRINGS AT THE GA CLUB
PLAT BOOK 36 PAGE 419, OCONEE COUNTY



1		1	
BOUNDRy SURVEY			
SCHMITT LAND		P. WINDEF 77	
STATE: GEORGIA	COUNTY: OCONEE	TAX ID: B 01N 026	FIELD: 06 APR 2023
GMDN: 240	SCALE: 1" = 20'	PROJ: 23014	ISSUED: 07 APR 2023

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):

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).

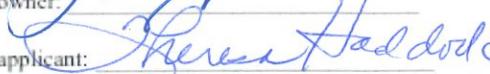
N/A

Signature of owner:



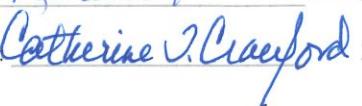
Date: 4-24-2023

Signature of applicant:



Date: 4-24-2023

Signature of Notary Public:



Date: 4-24-2023



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

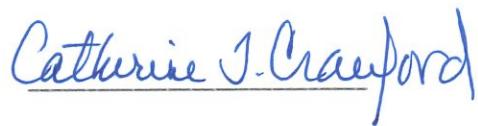
Date
4-24-2023


Signature of Applicant

Date

4-24-2023

Signature of Notary Public


Catherine J. Crawford

Date

4-24-2023



No conflict of interest.

All that tract or parcel of land lying and being in GMD 240, Headright District, Oconee County, Georgia, being Lot 26 of Oconee Springs at The Georgia Club Subdivision, as per plat recorded in Plat Book 36, Pages 419-423, Oconee County, Georgia records, which said plat is incorporated herein and made a part hereof by reference.

The above described property is conveyed subject to any easements, rights of way, restrictions, reservations and all other matters of record.

Theresa Haddock

The requested variance is a Special Exception Variance. The address of the property is 1520 Autumn Park, Statham, GA 30666, and the tax parcel number is B-01N-026. The existing zoning of the property is R-1, and the property is being used for a house. The total acreage is 0.29 acres.

The code section in question is 410.02(f) – All other accessory structures. The reason for the variance request is that the building that is being built on the property does not meet the building setback standard of 7.5 feet (it is 2.2 feet). The building that is being built on the property will be used as a golf cart enclosure. This variance is to request to decrease the minimum building setback from 7.5 feet to 2.2 feet.

All of the adjacent properties are zoned R-1. The tax parcel numbers of the adjacent properties are B-01N-027 and B-01N-025. The adjacent properties are being used for housing.

A handwritten signature in black ink, appearing to read "Theresa J. Haddock". The signature is fluid and cursive, with "Theresa" and "J. Haddock" being the most distinct parts.



OCONEE COUNTY PROPERTY OWNER AUTHORIZATION
FOR APPLICATIONS

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

1520 Autumn Park
Statham, GA

Tax Parcel #: B - 01 N - 026

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: Theresa Haddock

Address (No P.O. boxes): 1520 Autumn Park

City, State, & Zip Code: Statham, GA

Telephone Number: 706 - 260 - 5081

SIGNATURE OF OWNER OR MANAGING MEMBER: 
Theresa Haddock

NAME OF OWNER OR MANAGING MEMBER (PLEASE PRINT): Theresa Haddock

OFFICER POSITION OR MEMBER TITLE, IF APPLICABLE: _____

DATE: 4-24-2023

NOTARIZATION:

SWORN TO AND SUBSCRIBED BEFORE THIS 24th DAY OF April, 2023

NOTARY SIGNATURE: Catherine J. Crawford

DATE: 4-24-2023

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
2022-6808	B 01N 026	1453/300 1089/800 1000/726 909/289 36/419-42	\$5,451.22	\$0.00 Fees: \$0.00	\$0.00	\$5,451.22	\$0.00
		Totals:	\$5,451.22	\$0.00	\$0.00	\$5,451.22	\$0.00

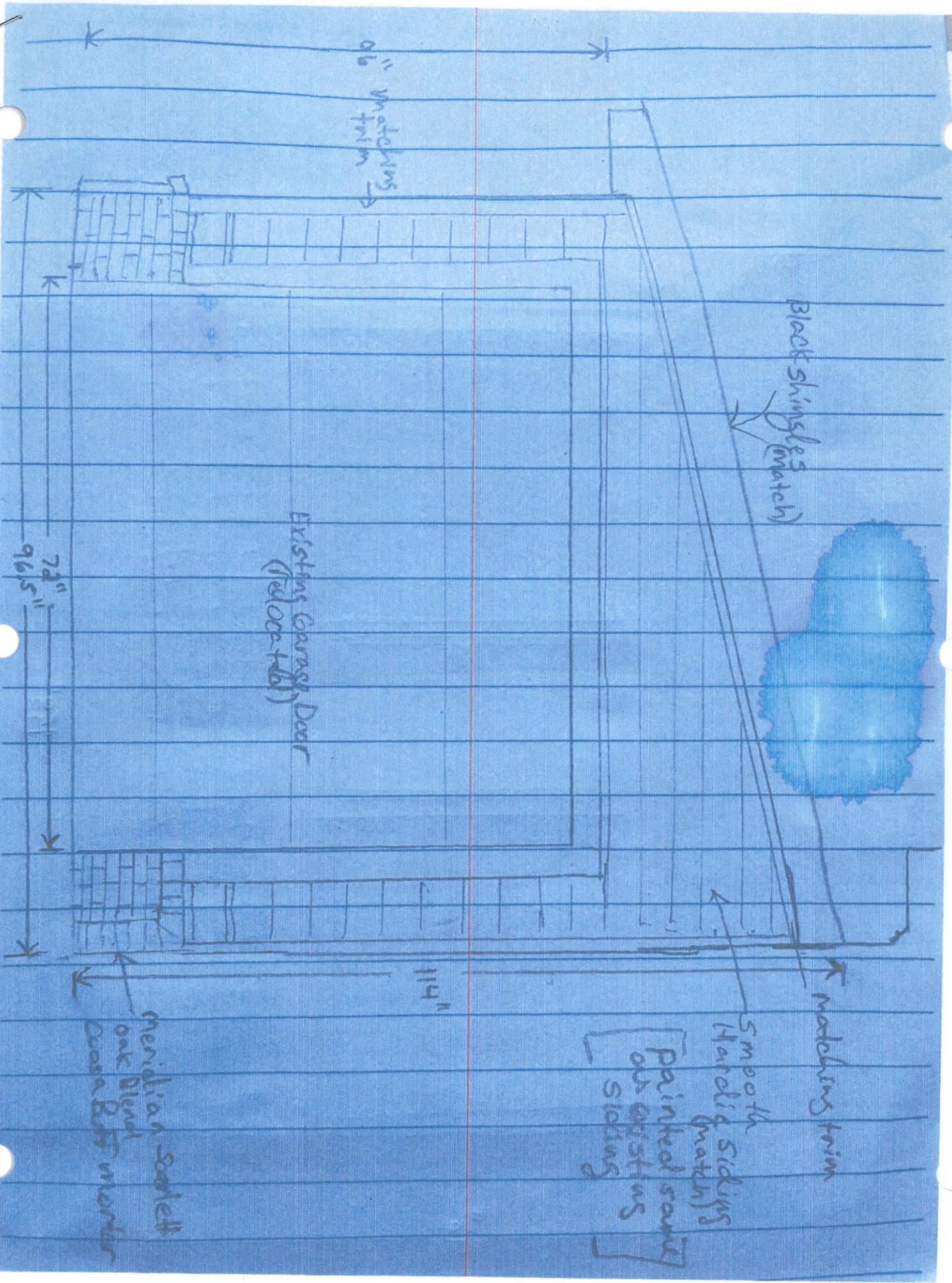
Paid Date: 11/08/2022

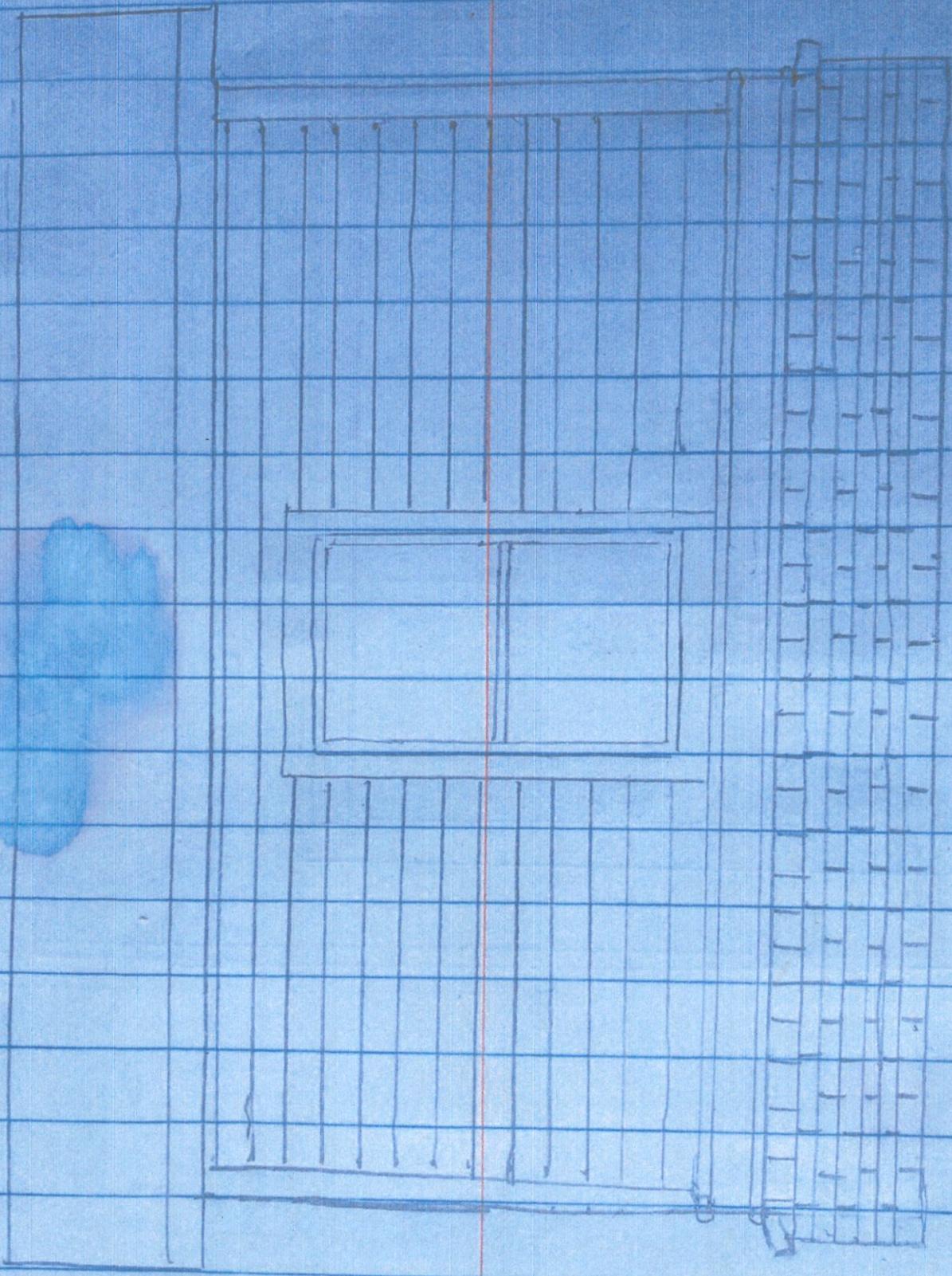
Charge Amount: \$5,451.22

HADDOCK THOMAS A & THESESA T
1520 AUTUMN PARK
STATHAM, GA 30666



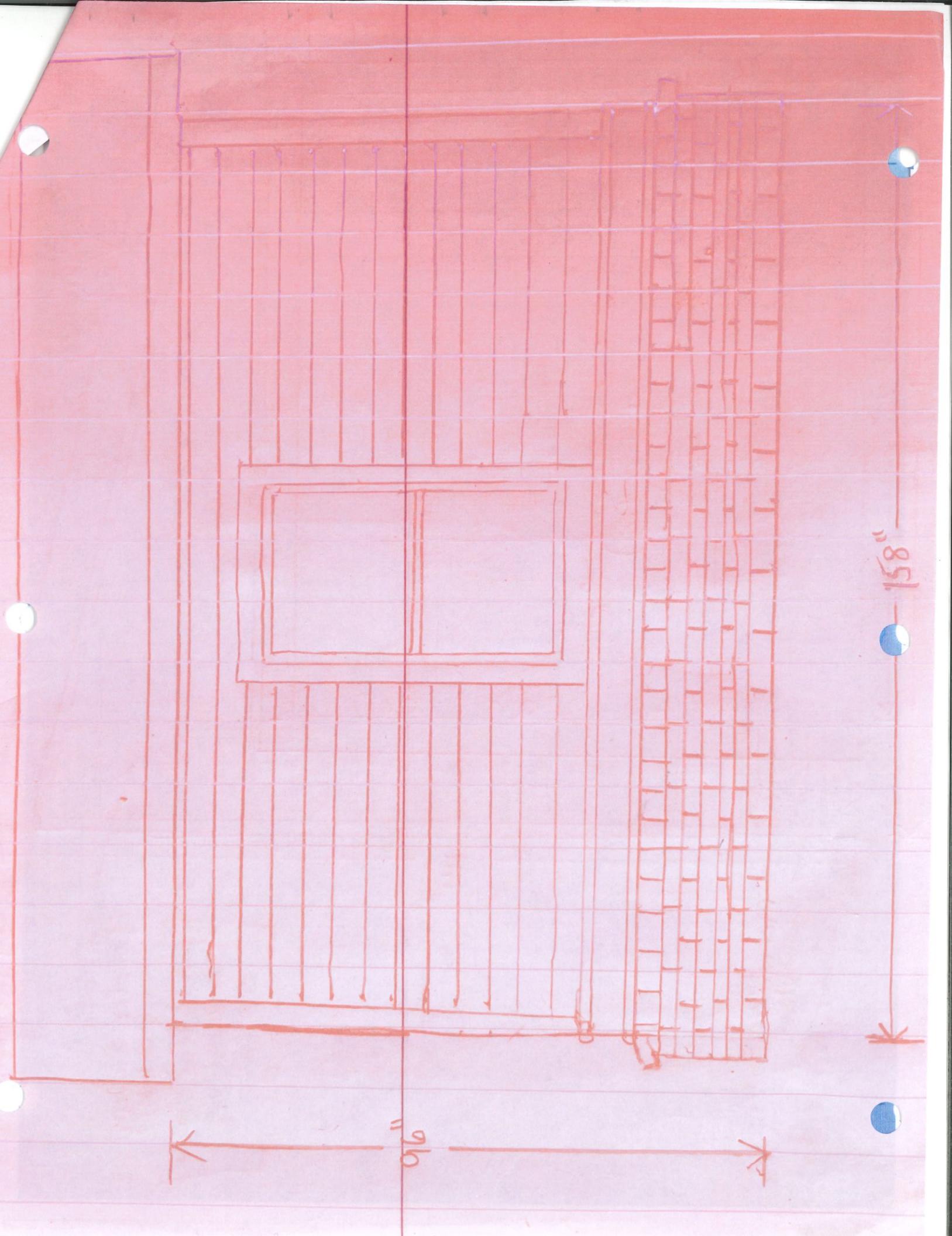
Scan this code with your
mobile phone to view this
bill





0.76"

158"















From: Tom Thomas <ttthomas703@gmail.com>
Sent: Thursday, June 29, 2023 9:21 PM
To: Ethan Perry
Subject: [EXTERNAL EMAIL] Variance at the Autumn Park Property

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We do not find the addition to be offensive but we do not live next door. It is pleasing from the street.
Nancy and Tom Thomas
1810 Greenleffe Dr
Statham Ga

Tom Thomas
Cell: 706-816-2072
Nancy Thomas
Cell: 678-979-0344