

**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 Will Brewer submitted on June 28, 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 Will Brewer on June 28, 2023, regarding a ±1.01-acre tract of land located 2312 Maddison Ave, Oconee County, Georgia, (tax parcel no. C-05C-005), 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 reduce the minimum building setback from 15 feet to 5 feet for an existing accessory 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 September 12, 2023.

ADOPTED AND APPROVED, this 12th day of September, 2023.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell
John Daniell, Chairman

Mark Thomas
Mark Thomas, Member

Absent
Chuck Horton, Member

Amrey Harden
Amrey Harden, Member

Absent
Mark Saxon, Member

ATTEST:

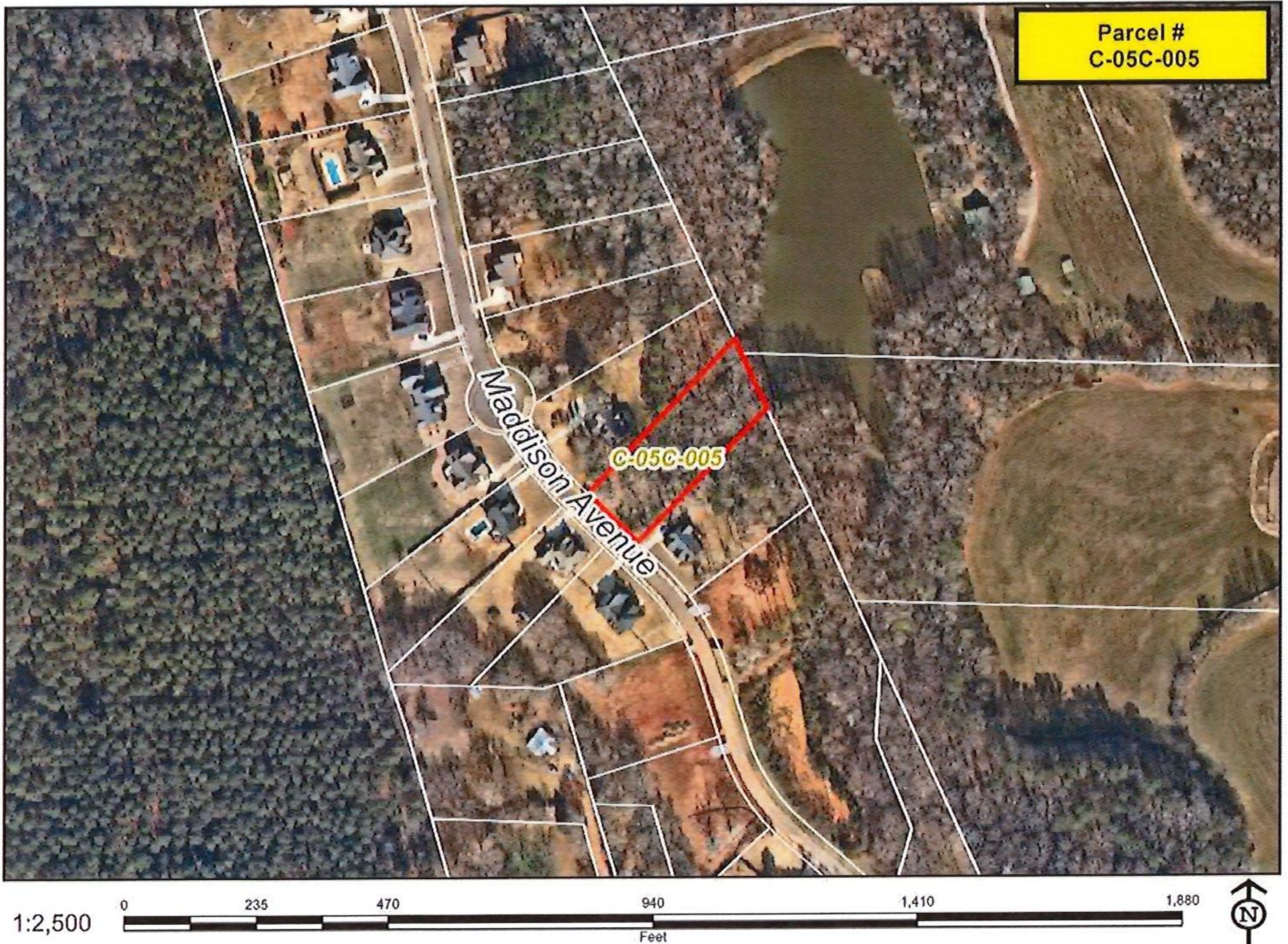
Holly Stephenson
Holly Stephenson
Clerk, Board of Commissioners

CONDITION

- 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, nor approval of the proposed accessory structure indicated on the applicant’s concept plan, which must itself meet all applicable County requirements.

TAX MAP

Variance # P23-0147 - Will Brewer



TYPED LEGAL DESCRIPTION

All that lot, tract or parcel of land, situate, lying and being in the 221st District. G.M. of Oconee County, Georgia, located on Maddison Avenue, and being known and described as Lot 5, of Lee Ridge Subdivision as shown according to plat of survey entitled "Final Plat For: Lee Ridge," dated November 6, 2006, last revised January 26, 2007, prepared by ABE-JD Wood Surveying, Inc., certified by Jerry D. Wood, Georgia Registered Surveyor No. 2999, recorded in Plat Book 36, Pages 467-469, in the Office of the Clerk of Superior Court of Oconee County, Georgia, which plat and the record thereof are by reference incorporated herein and made a part hereof.

The above lot is subject to those Protective Covenants dated April 15, 2008, and recorded in Deed Book 974, Page 773; and amendment recorded in Deed Book 1071, Page 587, Oconee County records.

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

W. Brewer

NARRATIVE

Introduction: This request is for a special exception variance; the variance request is at the property of 2312 Maddison Ave. Watkinsville, Ga 30677, parcel #C 05C 005. The existing zoning district for this property is AR. The existing use of the subject property is residential for living purposes. The total acreage of the property is 1.01 acres.

Variance Requested: The code section we are requesting a variance for is Section 410.01 subsection C.(2). The request is in reference to a 10x16 Tuff Shed installed on the property. A permit from the Oconee County permit office was obtained to place the shed on the right side of my property. However, after the permit was approved and the installation date was set with Tuff Shed I learned a permit was also required from the Oconee County Environmental Health office. In conversations with the Environmental Health office, it became apparent the shed could not be placed in the original location approved by the permit office due to the placement of the drain field and septic tank. Environmental Health provided two alternative locations where the shed could be placed. One location was in the front left corner of the backyard and the other location was near the back of the property.

The backyard of our residence is sloped, and approximately 30 feet from the back porch the slope of the yard continues to decrease in elevation. Just past the fenced in, cleared area of the yard, the property continues to slope downward and is filled with large trees until it reaches a pond. The drain field in the backyard takes up half of the cleared area leaving approximately 20 feet of yard closest to the house remaining. Due to the placement of the drain field and terrain of the two options provided by Environmental Health, I chose to have the shed installed in the front left corner of the yard. The front left corner is the most level part of the yard and the only accessible area out of the two. Even still, one side of the shed had to be raised on 18 inches of cinder blocks to be level. The second location is not accessible without cutting down numerous trees, leveling the land, and creating a path to get to the area.

The Tuff Shed is 10 x 16 feet, approximately 160 square feet. It was purchased directly from Tuff Shed, built on site and matches the color of our home. The shed is not on any kind of foundation or slab and currently about 5 feet away from the property line. The shed was placed here in the attempt to be as tucked away as possible and due to the placement of a double gate entry of the fence. Per county guidelines, the shed is 16 square feet larger than it needs to be to stay in its current location without a variance.

We met with the HOA and the neighbor whose property is closest to the shed at the end of April, and all parties agreed to leave the shed in its current location and apply for a variance with the county to allow it to stay in its current location. We agreed to plant trees in front of the shed to help block it from the view of the road and trees along the side of it.

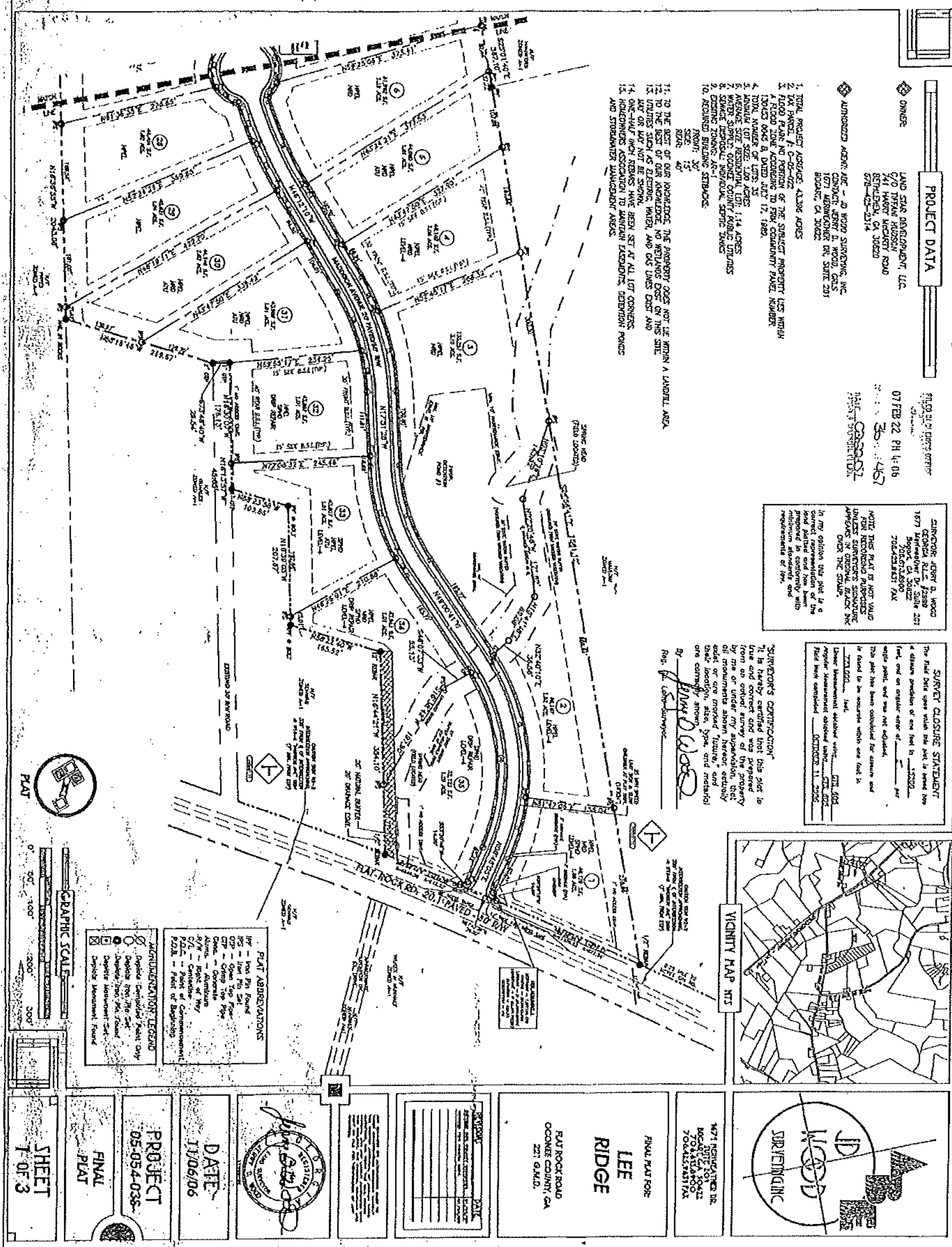
Adjacent properties: The zoning for the adjacent property is AR. The adjacent property is a residential property in the neighborhood owned by Adam and Melanie Hewell used as a home.

Conclusion: We are requesting a variance to allow the shed to stay in its existing location. If the shed is moved forward 10 feet further from the property line, it will be in plain sight and block a portion of the only 6 foot gate used to access the backyard. As mentioned previously, the other approved location is approximately 140 feet back in a wooded area approximately 40 feet from the rear of the property. Multiple trees will have to be removed and cleared to make this location accessible. There are no other storage options on the property besides under a back porch which isn't closed in, protected, or secured.

NARRATIVE

The shed will store yard tools and outdoor equipment. Thank you very much for your consideration in this matter.

PLAT





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

VARIANCE CASE #: P23-0147

DATE: August 30, 2023

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

APPLICANT NAME: William Brewer

PROPERTY OWNER: Anna and William Brewer

LOCATION: 2312 Maddison Avenue,
Watkinsville, GA 30677 (C-05C-005)

PARCEL SIZE: ±1.01 acres

EXISTING ZONING: AR (Agricultural
Residential District)

EXISTING LAND USE: Single Family Residential

TYPE OF VARIANCE REQUESTED: Special Exception Variance

REQUEST SUMMARY: The property owner requests a variance from Oconee County Unified Development Code Section 410.01.C(2) to permit a 160 SF shed a minimum of 5' from the property line but within the required 15' side yard setback.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: September 12, 2023

ATTACHMENTS: Application
Narrative
Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property is zoned AR. The parcel use consists of the existing principal residence.
- The property slopes to the rear and has limited level area adjacent to the residence.
- There is a conservation easement at the back of the property relating to an existing pond.
- The existing septic tank and drain field limits placement of the shed in alternate locations that would not impair access to the rear yard or utilization of the property.
- Previous Conditions
 - There are no previous zoning conditions that are applicable to this property.

VARIANCE DESCRIPTION

- The owner is requesting a special exception variance to permit a 10'x16' (160 SF) shed a minimum of 5' from the property line but within the required 15' side yard setback.
 - ***Oconee County Unified Development Code: Section 410.01 Accessory buildings***
C.(2) Accessory buildings having a floor area greater than 144 square feet must comply with the same setbacks as required for principal buildings in each zoning district; provided that no such accessory building may be located in the front yard of a lot unless the lot itself is 3 acres or more in size. In no case shall the building be within the minimum principal building front setback).

PUBLIC FACILITIES

Water:

- The project will not increase utilization of water services.

Sewer:

- The property does not utilize sewer services.

Roads:

- The site will be accessed from the existing driveway for the residence from Maddison Avenue.

ENVIRONMENTAL

- The shed will be located outside of the septic drainfield area and the conservation easement.

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 north, AR to the west, AR to the south, and AG to the east. Primary land uses in the area are residential. Staff holds that approval of the request to locate a shed within the side yard setback described in Section 410.01.C(2) should not be injurious to the use and enjoyment of nearby properties due to the size and configuration of the property.

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

Staff holds that it is unlikely that the proposed placement of the proposed shed would significantly impair property values in the surrounding area.

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

The intent of UDC Section 410.01 is to provide for the minimum setbacks for accessory buildings. The applicant has requested a special exception variance to locate a shed of specified size closer to the property line than allowed per Sec. 410.01 in order to accommodate the topography of the property, location of the residence, and location of the septic system components. Staff believes that approval of this special exception variance request could be allowable based on the size of the lot, low potential impacts to adjacent properties, and expectation that approval would not impair the UDC's purpose and intent.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for special exception variance approval, this request **meets necessary conditions** to grant a variance. Should the present request be approved, staff recommends the following conditions to be fulfilled at the owner/developer's expense.

1. Development design 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.