

**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 UAL Holdings, LLC submitted on July 14, 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 UAL Holdings, LLC on July 14, 2023, regarding a ±1.70-acre tract of land located 1911 Hog Mountain Rd, Oconee County, Georgia, (tax parcel no. B-06-008A and a portion of B-06-008), 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 required buffer from 50 feet to 25 feet.

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.

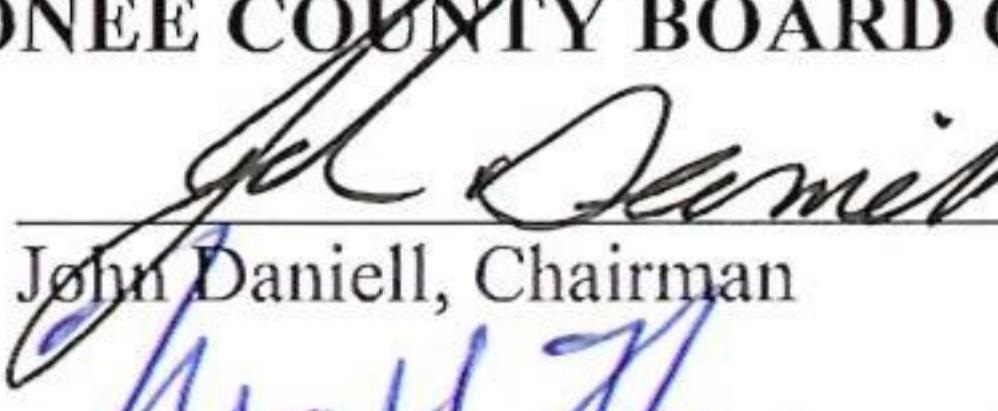
**SECTION 3.** Effective Date. This Resolution shall take effect this date.

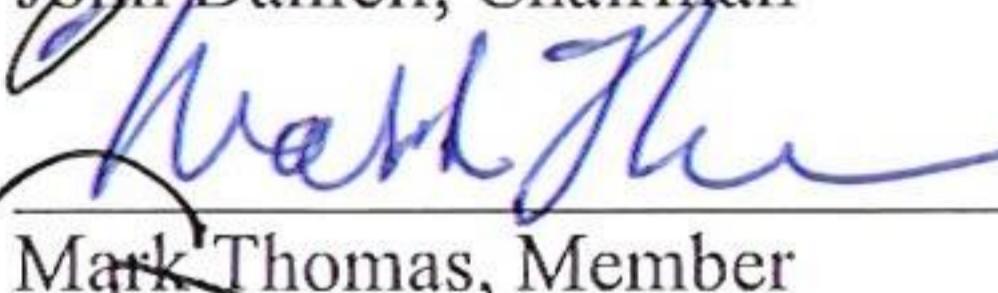
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on October 3, 2023.

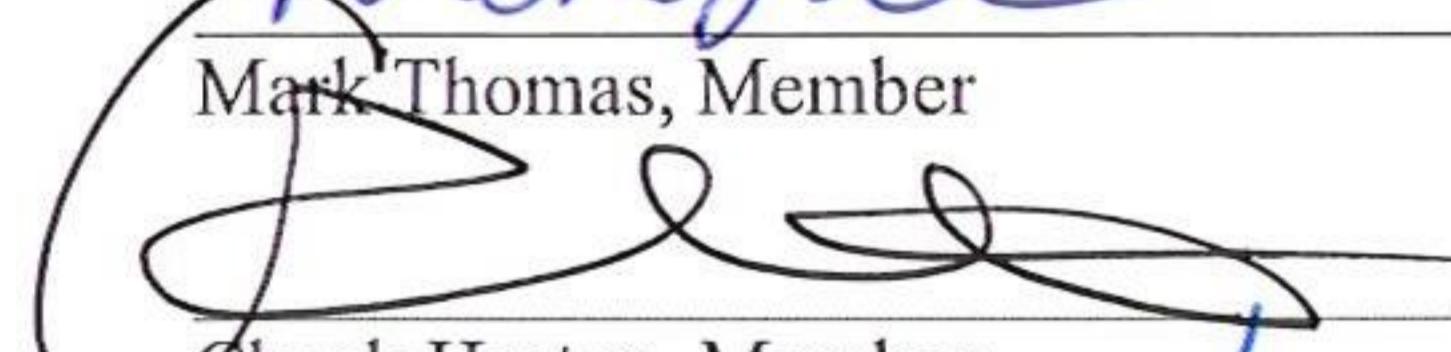
ADOPTED AND APPROVED, this 3<sup>rd</sup> day of October, 2023.

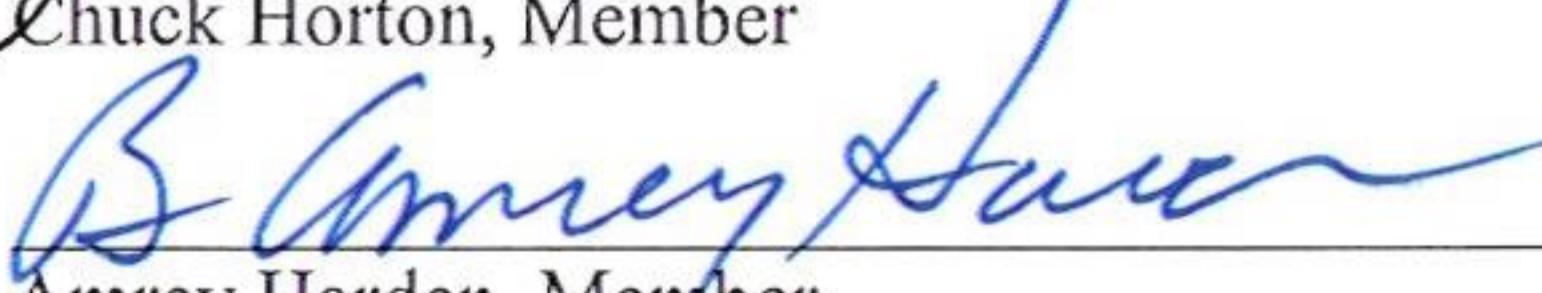
**OCONEE COUNTY BOARD OF COMMISSIONERS**

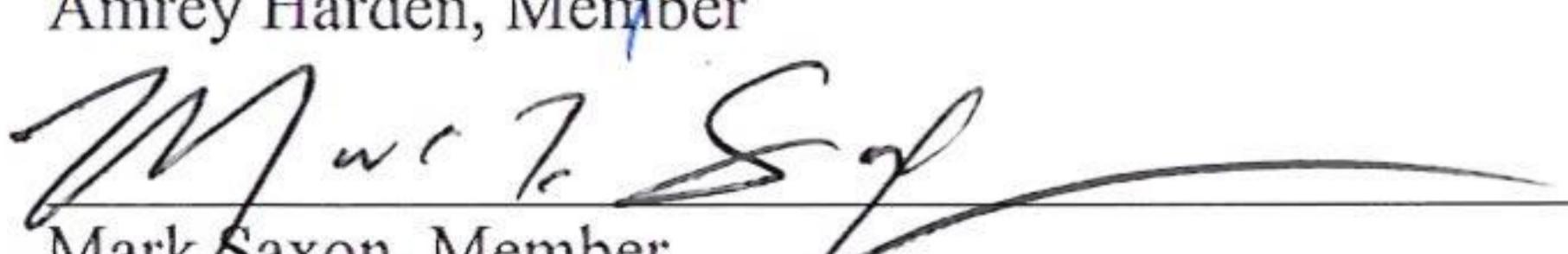
BY:

  
John Daniell, Chairman

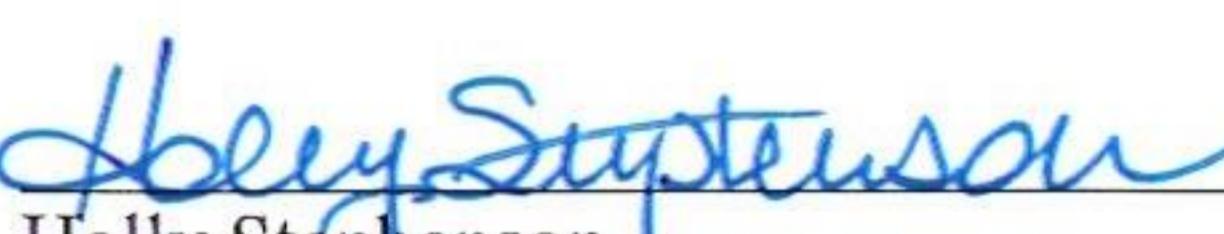
  
Mark Thomas, Member

  
Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

  
Holly Stephenson  
Clerk, Board of Commissioners

# **EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0159**

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## **CONDITION**

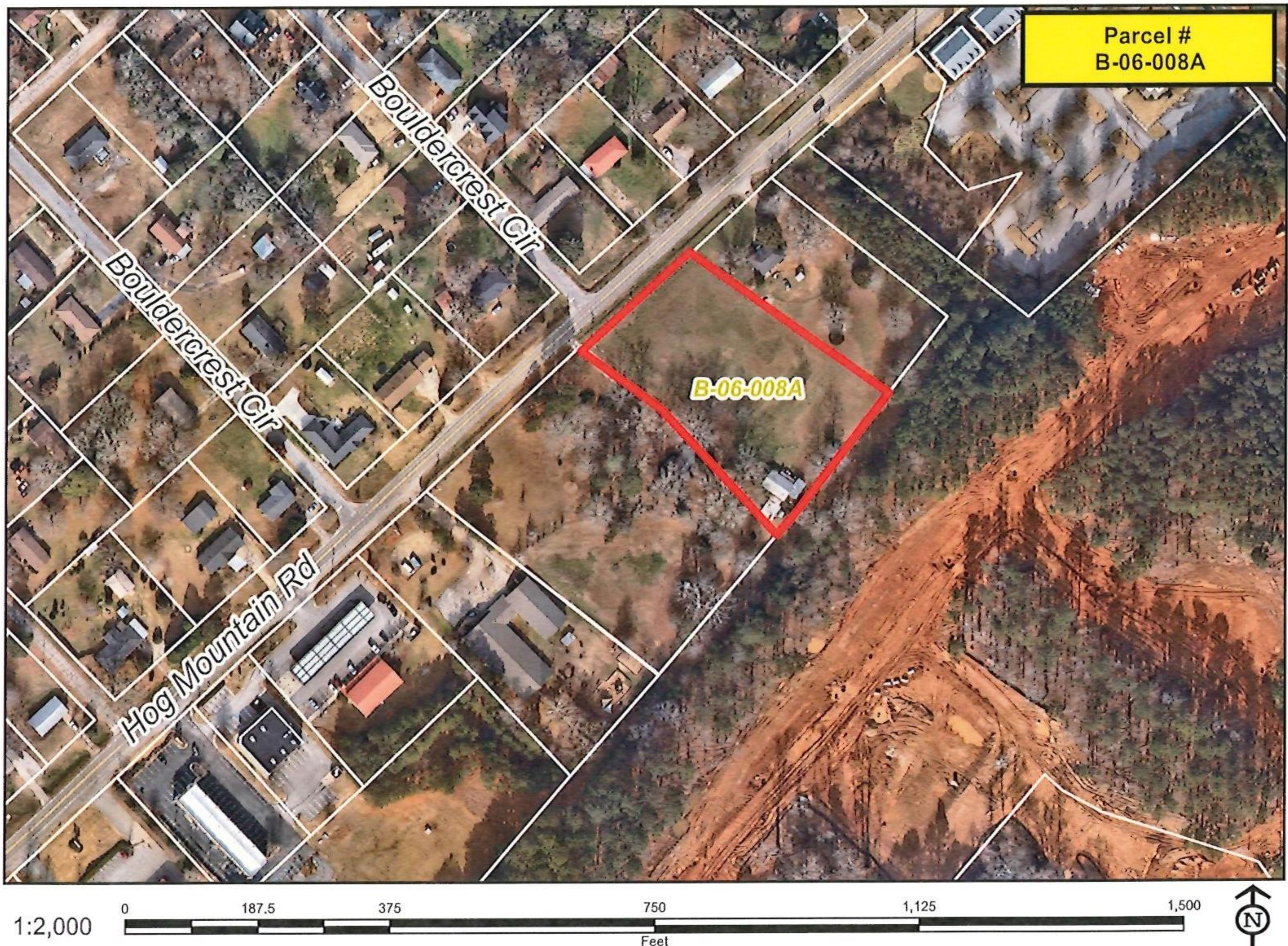
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. A vegetative evergreen screening buffer, six feet tall at the time of planting, shall be installed between the proposed development and the adjacent property line where the required 50-foot buffer is reduced to 25 feet in order to provide screening from the adjacent property.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0159

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TAX MAP

Variance # P23-0159 - UAL Holdings, LLC



**TYPED LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**

All that tract or parcel of land described as "Lot 2- 1.6957 acres, on a composite plat for 1911 HOG MOUNTAIN ROAD, prepared by Pittman & Greer Engineering, lying and being in the 221th District, G.M., Oconee County, Georgia, and being more particularly described as follows:

Beginning at an iron pin at the intersection of the southeasterly right-of-way of Georgia Highway 207 and the southwesterly right-of-way of Stonebridge Parkway (POC), said pin continuing along the right of way of Georgia Highway 207 South 48 degrees 02 minutes 19 seconds West, 733.43 feet to an iron pin found being the TRUE POINT OF BEGINNING; thence leaving said right-of-way South 52 degrees 03 minutes 05 seconds East, 339.65 feet to a pin; thence South 37 degrees 36 minutes 39 seconds West, 196.85 feet to a pin; thence South 40 degrees 21 minutes 42 seconds West, 29.40 feet to a point; thence North 44 degrees 57 minutes 35 seconds West, 238.77 feet to a point; thence North 52 degrees 01 minutes 17 seconds West, 137.06 feet to an IPS; thence North 47 degrees 59 minutes 03 seconds East, 199.70 to the TRUE POINT OF BEGINNING.

**NARRATIVE****1911 HOG MOUNTAIN ROAD STORAGE****SPECIAL EXCEPTION VARIANCE SUBMITTED 07/17/2023****GENERAL DATA**

Property Address: 1911 Hog Mountain Road

Parcel: portion of B-06-008

Owner: UAL Holdings, LLC.

Existing Zoning: AG

Proposed Zoning: B2

Existing Use: Single Family Residential

Proposed Use: Self Storage Facility

Property Area: 1.70 acres

**ADJACENT LAND USES AND ZONING**

North – Single Family Residential (Zoned R-1)

Southwest – Kiddie Land Day Care (Zoned B2)

South- Wooded Lot (Zoned R-1)

Northeast – Remainder of Subject Property (Zoned AG, rezone request for B-2 in progress)

**OWNERSHIP TYPE**

The development will be privately owned.

**SITE NARRATIVE**

The property is 1.70 acres and is currently zoned AG and is occupied by a single-family residence. The property owner is UAL Holdings, LLC. The owner is seeking to rezone the property to B2 to allow for a small self storage facility. This desired use requires this Special Use Request for a self storage facility.

**SITE DESCRIPTION**

The property is located South of the intersection of Hog Mountain Road and Bouldercrest Circle adjacent to the Kiddie Land Day Care. The Character Area for the property and its surrounding properties is identified as 'Civic Center' according to the Oconee Future Development Map.

The property is partially wooded with a single-family residence and slopes from the north to the south.

**VARIANCE REQUEST NARRATIVE**

A Special Exception Variance that is being requested to vary from *UDC Section 806 – Buffers; where required*. The request is to vary from the UDC required 50 foot buffer along the rear of the property to 25 feet (as shown on table 8.1).

The adjacent property requiring the buffer is a yet to be built subdivision. Most all parcels along Hog Mountain Road adjacent the subject property also back up to this future subdivision. None of these site have a 50' buffer along the rear of their properties. A parcel just south of the subject property was granted the same variance request recently for the same use as well. Holding this parcel to a buffer requirement that the neighboring properties do not have to follow would make this property less valuable and more encumbered than other similar zoned properties.

**NARRATIVE**

Also, the subject property is very small, being only 1.70 acres. We feel that a reduction in the buffer from the required 50' to 25' would be a satisfactory buffer to shield the adjacent properties and at the same time allow for development of this property.

The proposed use of the subject property at this time is for a single story self storage facility. The property is proposed to be zoned BP so this use would be a very quiet, low traffic, mundane use as it relates to available B2 zoning uses. This compromised 25' buffer would be beefed up with evergreen plant material where needed to provide an adequate screen from the adjacent property.

**ADJACENT PROPERTIES**

As mentioned above, the adjacent properties affected by the request are yet to be built single family lots.

**COMPANION SPECIAL USE & COMPANION ZONING PLAN MODIFICATION**

There is a companion special use request associated with this project to allow for Self-Storage Use in B2 zoning district and a companion rezone to change the zoning class from AG to B2.

**CONCLUSION**

We feel like the request for a Special Exceptions Variance should be granted as the buffer requirement causes a difficult to develop tract even harder to develop due to size. The adjacent property would not be affected by the reduced buffer because there is no buffer from any of the other adjacent tracts along Hog Mountain Road. This would allow for the property owner to develop his property. The owner is willing to plant additional screening plant material adjacent to the R1 property.

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PLAT





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

**VARIANCE CASE #:** P23-0159

**DATE:** September 20, 2023

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

**APPLICANT NAME:** Frank Pittman, Pittman & Greer Engineering

**PROPERTY OWNER:** UAL Holdings, LLC

**LOCATION:** 1911 Hog Mountain Road, Watkinsville, GA 30677 (B-06-008 and B-06-008A)

**PARCEL SIZE:** ±1.70 acres

**EXISTING ZONING:** AG (Agricultural District)

**EXISTING LAND USE:** Single Family Residential

**TYPE OF VARIANCE REQUESTED:** Special Exception Variance to reduce the required 50 foot buffer along the rear of the property to 25 feet.

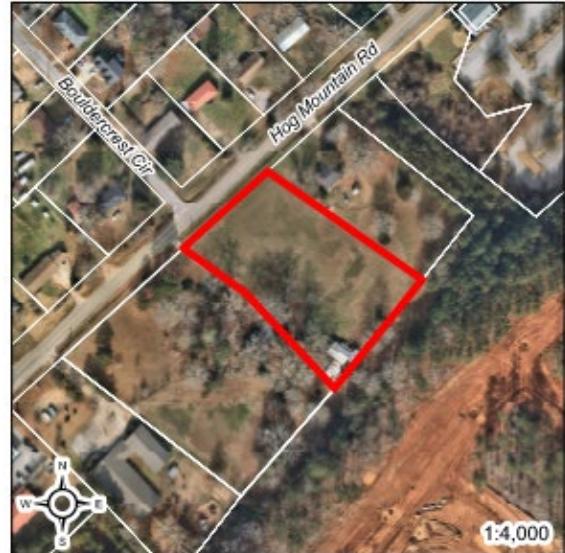
**REQUEST SUMMARY:** The property owner requests a variance from UDC Sec. 806 which requires a 50-foot buffer where commercial uses abut 1- or 2-family residential uses.

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** October 3, 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 AG and includes an existing residence.
- Two related zoning actions were heard by the planning commission on 9/18/2023 with recommendations for approval subject to conditions. They are:
  - P23-0157 requesting to rezone the property from AG to B-2.
  - P23-0154 requesting a special exception to allow construction of a self storage facility in the proposed B-2 district.

### **VARIANCE DESCRIPTION**

- The applicant is requesting a special exception variance to reduce the required 50-foot buffer along the rear of the property to 25 feet.
  - ***Unified Development Code 806 – Buffers; where required.***  
*A buffer meeting or exceeding the following widths shall be required between any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land use, as follows:*  
*(Table 8.1 calls for commercial uses to provide a buffer of 50 feet where the property abuts 1- or 2-Family Residential uses.)*

### **PUBLIC FACILITIES**

#### **Water:**

- The project will utilize water from the Oconee County Water Resources Department.

#### **Sewer:**

- The project will utilize sewer from the Oconee County Water Resources Department.

#### **Roads:**

- The site will be accessed from a driveway on Hog Mountain Road and provide for inter-parcel access to the property to the southwest.

### **ENVIRONMENTAL**

- No 100-year flood plain, jurisdictional wetlands, or state waters are known to exist on the site.

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## **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.

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

The property to the northeast is occupied by the Piedmont Animal Clinic. The property to the southwest is owned by the same owner who is currently proposing to rezone the property for office use. The property to the southeast is zoned R-1 and is currently under development. Staff holds that approval of the request to reduce the buffer from 50 feet to 25 feet will not be injurious to the use and enjoyment of the environment or of other property.

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

Staff holds that the buffer reduction will not diminish or impair the property values in the surrounding area.

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

The purpose of UDC Article 8 is to improve the aesthetic qualities of the County and to protect and preserve the appearance, character and value of its neighborhoods and business areas. Staff believes that approval of this special exception variance request would not impair the UDC's purpose and intent given planned use of the property and the existing uses of other adjacent properties.

## **STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS**

Based upon the standards and limitations for special exception variance approval, this request **does meet the 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 evergreen screening buffer, six feet tall at the time of planting, shall be installed between the proposed development and the adjacent property line where the required 50-foot buffer is reduced to 25 feet in order to provide screening from the adjacent property.