

**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 Marsha D. Rogers & Melissa L. Finerty submitted on August 21, 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 Frank Pittman on August 21, 2023, regarding a ±2.0603-acre tract of land located Hog Mountain Road, Oconee County, Georgia, (tax parcel no. A-02-025B), 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 exceed the maximum allowed parking.

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.

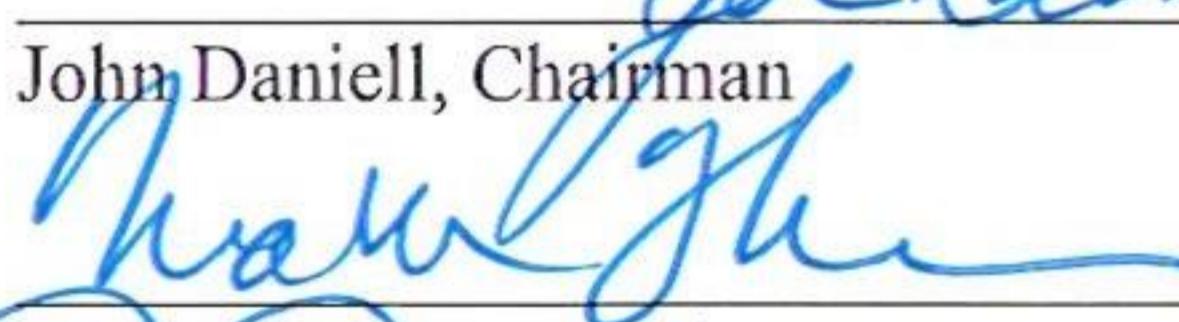
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on November 7, 2023.

ADOPTED AND APPROVED, this 7th day of November, 2023.

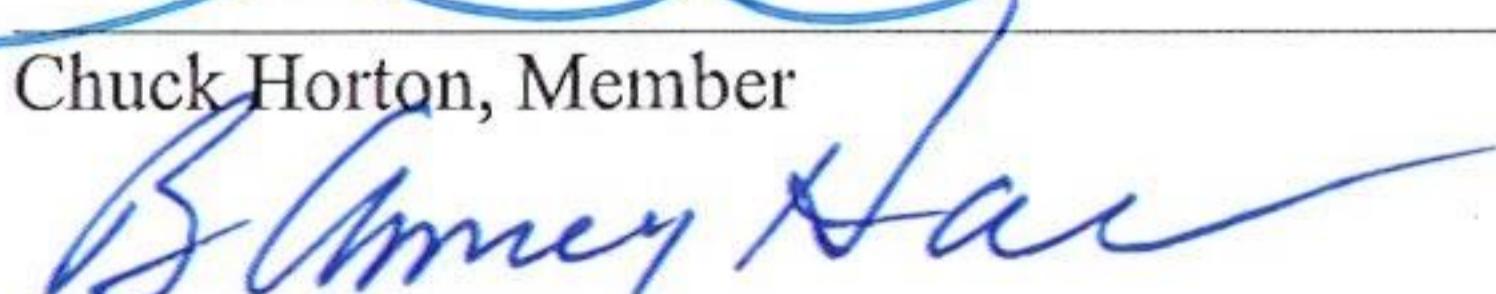
OCONEE COUNTY BOARD OF COMMISSIONERS

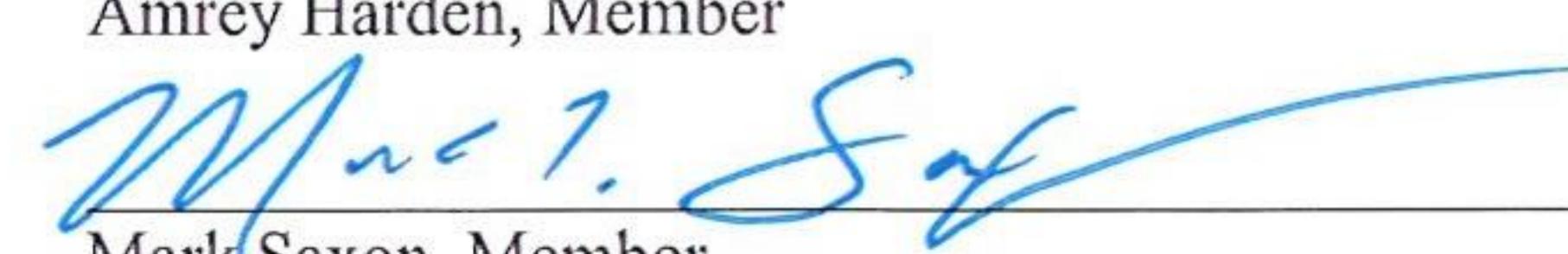
BY:


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:

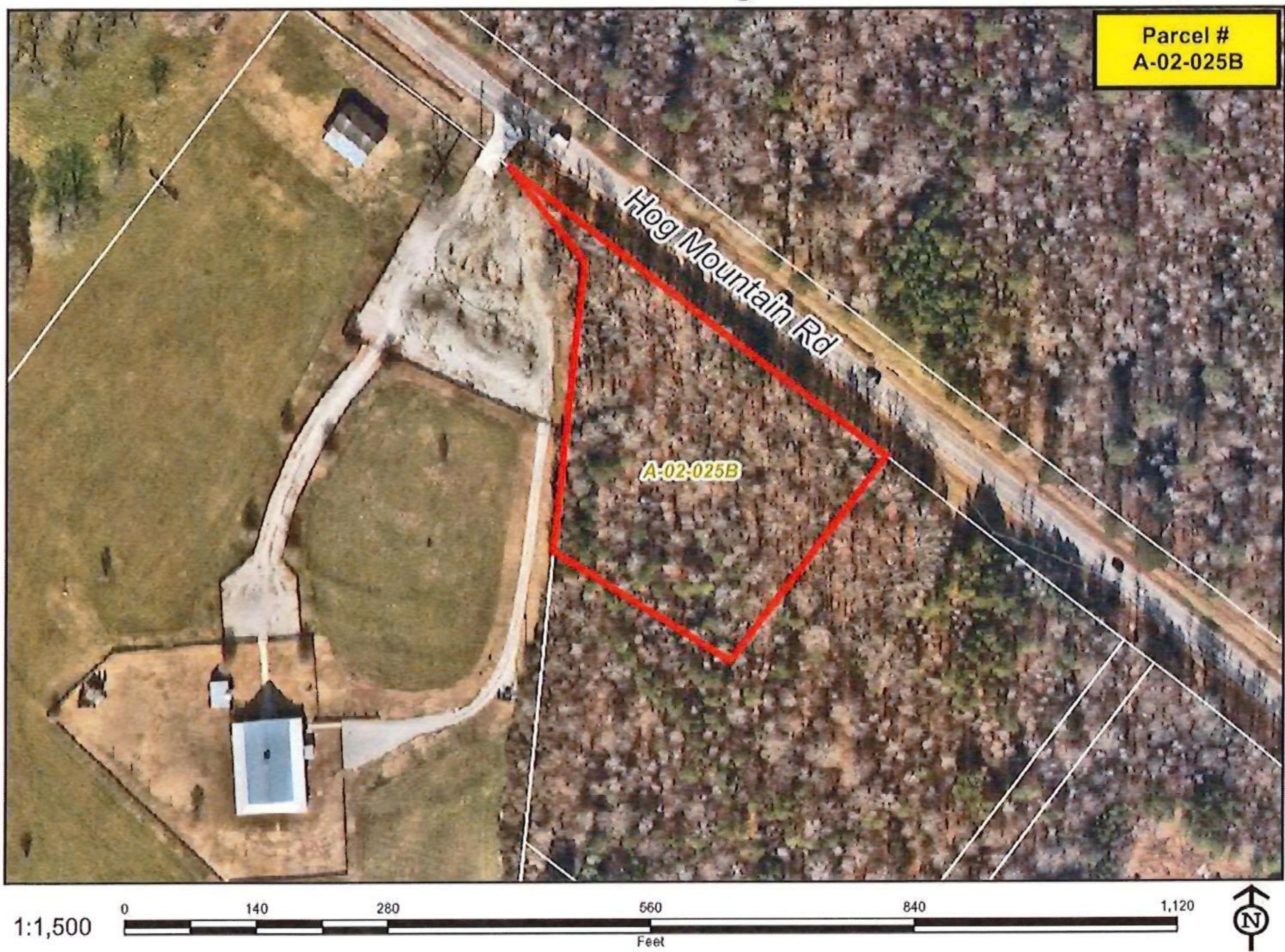

Holly Stephenson
Clerk, Board of Commissioners

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. All parking in excess of the required minimum number of spaces shall be constructed of pervious pavement.

TAX MAP

Variance # P23-0187 - Marsha D. Rogers and Melissa L. Finerty



TYPED LEGAL DESCRIPTION

LEGAL DESCRIPTION

All that tract or parcel of land, together with all improvements thereon, containing 2.060 acres, more or less, lying and being in the 224th District, G.M., Oconee County, Georgia, and being more particularly described as follows:

Beginning at the centerline intersection of Hog Mountain Road and Lane Creek Road, thence North 40 degrees 34 minutes 35 seconds West, 1206.18 feet to an iron pin along the southerly right-of-way of Hog Mountain Road; thence along the right-of-way of Hog Mountain Road North 37 degrees 02 minutes 13 seconds West, 108.30 feet to a point; thence continuing along the right-of-way of Hog Mountain Road 707.99 feet along an arc of a curve to the left, said curve having a radius of 3996.78 feet, a chord bearing of North 41 degrees 25 minutes 19 seconds West, and a chord distance of 707.06 feet to an iron pin; thence continuing along the right-of-way of Hog Mountain Road 318.89 feet along an arc of a curve to the left, said curve having a radius of 3996.78 feet, a chord bearing of North 48 degrees 46 minutes 57 seconds West, and a chord distance of 318.81 feet to a point; thence continuing along the right-of-way of Hog Mountain Road North 51 degrees 51 minutes 34 seconds West, 389.72 feet to an iron pin being the POINT OF BEGINNING; thence leaving said right-of-way South 37 degrees 45 minutes 58 seconds West, 271.74 feet to an iron pin; thence North 57 degrees 18 minutes 32 seconds West, 221.39 feet to an iron pin; thence North 06 degrees 35 minutes 24 seconds East, 308.85 feet to an iron pin; thence North 37 degrees 45 minutes 51 seconds West, 121.38 feet to an iron pin along the southerly right-of-way of Hog Mountain Road; thence along the right-of-way of Hog Mountain Road South 51 degrees 51 minutes 34 seconds East, 497.95 feet to the POINT OF BEGINNING.

Said tract being the same as Tract 1 on an Administrative Subdivision Plat for Red Oak Development by Woods & Chastain Surveyors, Inc. dated 09.04.2002.

NARRATIVE

HOG MOUNTAIN MEDICAL

SPECIAL EXCEPTION VARIANCE 08/21/2023

GENERAL DATA

Property Address: 0 Hog Mountain Road

Parcel: A02 025B

Owner: Marsha D. Rogers & Melissa L. Finerty

Existing Zoning: OIP

Proposed Zoning: OIP Modified

Existing Use: Vacant Property

Proposed Use: Medical Office

Property Area: 2.0603 acres

ADJACENT LAND USES AND ZONING

North – Hog Mountain Road (AG zoning)

West – Event Venue and agricultural property (B1 & AG zoning)

South – Vacant agriculturally zoned property (AG zoning)

East – Vacant agriculturally zoned property (AG zoning)

OWNERSHIP TYPE

The development will be privately owned.

SITE NARRATIVE

The property is 2.0603 acres and is currently zoned OIP and undeveloped. The property was zoned in 2002 for office and business condominiums. The property owners are Marsha D. Rogers & Melissa L. Finerty. The owners are seeking to rezone the property from OIP & OIP modified to construct a medical office.

SITE DESCRIPTION

The property is located on the south side of Hog Mountain Road northwest of the intersection of Lane Creek Rd. & Hog Mountain Rd. The Character Area for the property and its surrounding properties is identified as 'Suburban Neighborhood' according to the 2023 Character Areas Map.

The property is wooded and primarily slopes from the north to the south.

PROPOSED USE

The proposed use of the property is a medical office. The proposed development consists of up to 9,200 sf. of medical office space. The concept plan shows this as a single building. The number of units within the building may vary without exceeding the maximum square footage. The development will be constructed with curb & gutter parking and sidewalks. All utilities will be underground. Buildings will be wood or steel construction, with exterior facades and accents including, but not limited to: architectural brick, stone, simulated or cultured stone, cast stone, cement fiber board plank siding, board and batten siding, shingle siding, stucco and cedar plank or shingle siding. The roof is to be a gabled structure. Roofing material to include asphalt shingles and/or metal. See attached representative architecture.

NARRATIVE**ACCESS**

Access will be via a single driveway from Hog Mountain Road. Improvements will meet GDOT standards and will require GDOT approval at the time of site development plan permitting.

TRAFFIC IMPACT

Projected traffic is based on the trip generation rate published by the Institute of Transportation Engineers, Trip Generation, 11th Edition.

Trip Generation									
Land Use (ITE Code)	Intensity	Unit	ADT	A.M. Peak Hour			P.M. Peak Hour		
				2-Way	Enter	Exit	Total	Enter	Exit
Medical-Dental Office Building (720)	9.2	1000 Sq. Ft. GFA	331	20	14	34	18	26	44
Total	9.2		331	20	14	34	18	26	44

WATER SUPPLY

Water supply will be via Oconee County Water Resources. A 12" water main currently exists in the right-of-way of Hog Mountain Road. Meters will be installed to meet the domestic water demand and for irrigation purposes.

Probable Water Demand

Referencing table JT-1, GDHR Manual for On-site Sewage Management Systems

Medical offices = 200 GPD/exam room

200 GPD/exam room x 11 exam rooms = 2,200 GPD

OC Water use calculation: assume 115% of the sewer use

2,200 GPD * 1.15 = 2,530 GPD Total

Total: 2,530 GPD AVG.

SEWAGE DISPOSAL

Sewage disposal for each use shall consist of onsite conventional septic tanks and drain-fields. A soil survey map is being prepared by an approved soil scientist to ensure that the system will be constructed in an area with appropriate soils per county and state regulations.

GARBAGE COLLECTION

Garbage collection will be handled by private contractor. Dumpsters will be shielded from view per the Oconee County UDC requirements.

NARRATIVE

UTILITIES

Electricity and Data will be supplied through power/data providers in the area.

STORMWATER MANAGEMENT AND DRAINAGE

There will be a Stormwater Management Pond constructed onsite to manage the stormwater runoff from the development to meet Oconee County stormwater ordinance. To convey stormwater to the pond, curb and gutter along with RCP, CMP, or HDPE stormpipe will be utilized.

IMPACT TO SCHOOL SYSTEM

There will be a positive impact to the school system from this development as it will generate an increased tax base without adding to the number of children in the school system.

PROJECT SCHEDULE

Once zoning is approved in approximately November 2023, then site development plans will be created and permitted to begin construction in May 2024. It is anticipated that the project will be built in a single phase.

BUFFERS AND LANDSCAPING

A 25' buffer is shown along the adjacent property lines as required by OC-UDC Section 806. The buffer will be designed with details provided during the site development plans approval stage of the project. Street trees, parking lot landscaping, and parking lot tree plantings will be installed in accordance with the OC-UDC. All other buffers and screening, per OC-UDC requirements, will be met during site development.

MAINTENANCE OF COMMON AREAS

There are no common areas currently proposed for this development.

SIGNAGE

The project will have signage that will meet the Oconee County UDC and be permitted through the sign permit process.

ESTIMATED VALUE OF PROJECT

The complete buildout of the project is estimated to be \$2.5 Million.

COMPANION REZONE MODIFICATION

There is a companion rezone modification submitted to change the zoning class from OIP to OIP Modified.

VARIANCE REQUEST NARRATIVE

A Special Exception Variance request is being made regarding the automobile parking requirements, specifically OC-UDC Sec. 604.01.c - maximum number of parking spaces allowed. The request is to permit the maximum number of parking spaces allowed on a nonresidential property for employees, customers, and visitors to exceed 110 percent of the minimum number of parking spaces as determined for the type of land use by table 6.1.

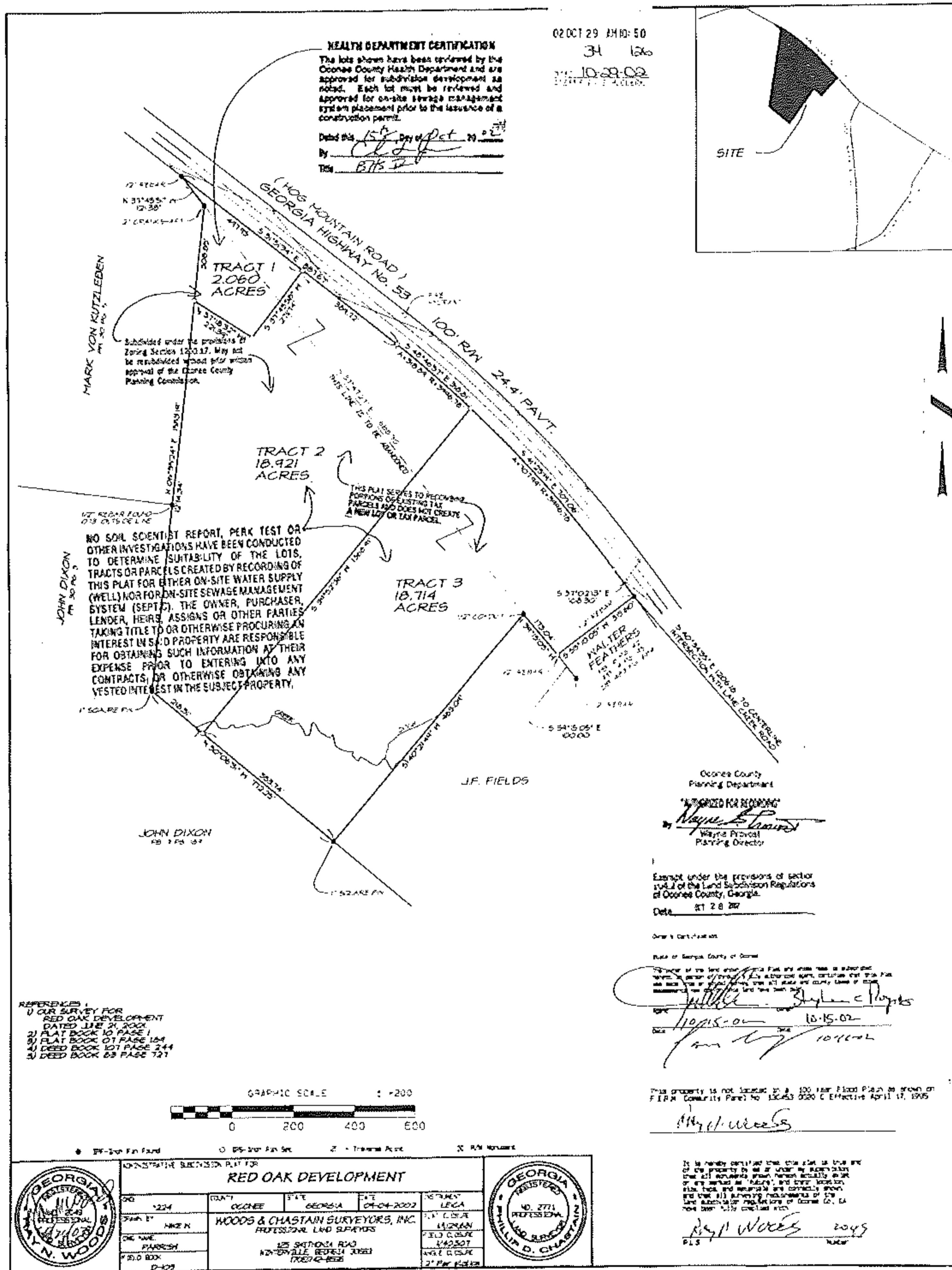
We feel that additional parking is necessary as typical medical uses require a 5/1000 parking ratio. The UDC does not allow for that amount of parking onsite, even with a 10% increase. The allowance in the additional parking is not detrimental to the public good or safety. We are proposing that parking provided over the maximum allowed to be constructed as pervious paving.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0187

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PLAT

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Tracye Bailey

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Order Confirmation

Order #113-7996291-2871436

PO# 24-112825

Hello Tracye Bailey,

Thank you for shopping with us. We'll send a confirmation once your items have shipped. Your order details are indicated below. The payment details of your transaction can be found on the [order invoice](#). If you would like to view the status of your order or make any changes to it, please visit [Your Orders](#) on Amazon.com.

This order is placed on behalf of Oconee County BOC.

Your estimated delivery date is:

**November 14-
Wednesday, November 15**

Your shipping speed:

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Your order will be sent to:

**Tracye Bailey
WATKINSVILLE, GA
United States**

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Order Details

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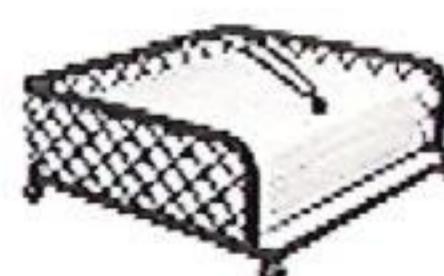
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**Planning Department
Oconee County, Georgia
STAFF REPORT**

VARIANCE CASE #: P23-0187

DATE: October 24, 2023

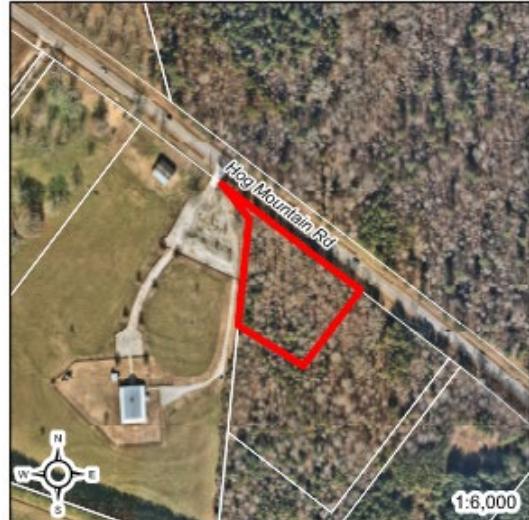
STAFF REPORT BY: Guy Herring (Director of Planning and Code Enforcement)

APPLICANT NAME: Pittman & Greer Engineering, PC

PROPERTY OWNER: Marsha D. Rogers & Melissa L. Finerty

LOCATION: Hog Mountain Road, east of Goat Farm Road;
Parcel A 02 025B

PARCEL SIZE: ±2.0603 acres



EXISTING ZONING: OIP (Office Institutional Professional District)

EXISTING LAND USE: Undeveloped.

TYPE OF VARIANCE REQUESTED: Special Exception Variance to allow parking greater than 110% of the minimum number of required spaces.

REQUEST SUMMARY: The property owner requests a variance from UDC Sec. 604.01.c. to allow parking in excess of 110% of the minimum number of parking spaces. The minimum required number of parking spaces for the proposed use is 31 spaces; the applicant proposes to provide 41 spaces, a difference of 10 spaces or 132% of the minimum parking requirement.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: November 7, 2023

ATTACHMENTS:

- Application
- Narrative
- Legal Description
- Owner Authorization Form
- Plat of Survey
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The applicants have owned the property since 2006.
- The 2.0603-acre property was zoned for office and business condominiums with an OIP zoning under case number 2841 in 2003. That zoning amendment provided for office/business condominium development including two structures of 7,125 sq ft each and was subject to the following conditions:
 1. Regardless of any notes on the concept plan stating otherwise, all signs that are built shall be permitted under the sign regulations that are in effect at the time of the sign permit application.
 2. The following uses are specifically excluded and shall not be permitted on the subject property:
 - Hospital
 - Nursing Home
 - Personal Care Homes
 - Schools, Public or Private
 - Static Electricity Transformer Station
 - Veterinary Office
 3. Regardless of any notes on the concept plan and/or narrative stating otherwise, unless approved otherwise by the local fire marshal, a private fire line with approved back flow preventer & hydrants shall be installed by the applicant so as to provide a hydrant and/or hydrants within +/- 300' of the proposed buildings for adequate fire suppression activities.
 4. All dumpster and waste container areas shall be in an enclosed structure away from the public view.
- Under a related application the applicant is seeking to rezone the property to modify the conditions associated with the prior zoning to allow medical office use on the property and construction of a single structure approximately 9,200 sq ft in size with associated parking.

VARIANCE DESCRIPTION

- The property owner requests a variance from UDC Sec. 604.01.c. to allow parking greater than 110% of the minimum number of parking spaces.

Unified Development Code Section 604.01 – Parking for residents, employees, customers, and visitors.

c. Maximum number of parking spaces allowed.

The maximum number of parking spaces allowed on a nonresidential property for employees, customers and visitors shall not exceed 110 percent of the minimum number of parking spaces as determined for the type of land use by Table 6.1. Additional parking spaces may be approved as an administrative variance as outlined in the Appeals article of this Development Code.

- Table 6.1 item 33. Medical/Dental offices and clinics requires 1 parking space per 300 square feet of gross floor area. The applicant is proposing a building of up to 9,200 square feet which would require 31 parking spaces.
- The applicant believes that typical medical uses require more parking than the required minimum number of spaces. They propose to provide 41 spaces, a difference of 10 spaces or 132% of the minimum required number of parking spaces. The applicant proposes to use pervious concrete paving for all parking in excess of the minimum number of spaces.

PUBLIC FACILITIES

Water:

- The project is proposed to utilize County water services.
- The projected water demand is 2,530 gallons per day.

Sewer:

- The project is proposed to utilize on-site septic tanks and drain fields.

Roads:

- Proposed access would include a driveway connecting to Hog Mountain Road with a deceleration lane.

ENVIRONMENTAL

- There are no identified environmentally sensitive areas on the property.

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. Additional parking would cause additional runoff from the site, but the applicant has proposed to utilize pervious pavement for the additional parking, and all runoff will be addressed per UDC standards. Staff holds that approval of the present request may not cause 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 AG on three sides, and B-1/AG to the west. Primary land uses in the area are undeveloped or an event venue. Staff holds that approval of the request to construct additional parking should not be injurious to the use and enjoyment of nearby properties.

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

Staff holds that the additional parking spaces should not diminish or impair the value of adjacent properties.

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

The intent of UDC Section 604.01 is to identify the parking requirements for residents, customers, and visitors. The applicant has requested a special exception variance to provide more parking than allowed. Staff believes that approval of this special exception variance request 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 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 Unified Development Code.
2. All parking in excess of the required minimum number of spaces shall be constructed of pervious pavement.