

**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 Ben Brandenburg submitted on September 6, 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 Ben Brandenburg on September 6, 2023, regarding a ±0.85-acre tract of land located 1100 Loch Lomond Circle, Oconee County, Georgia, (tax parcel no. B-06C-005A), 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 setback line from 25 feet to 10 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.

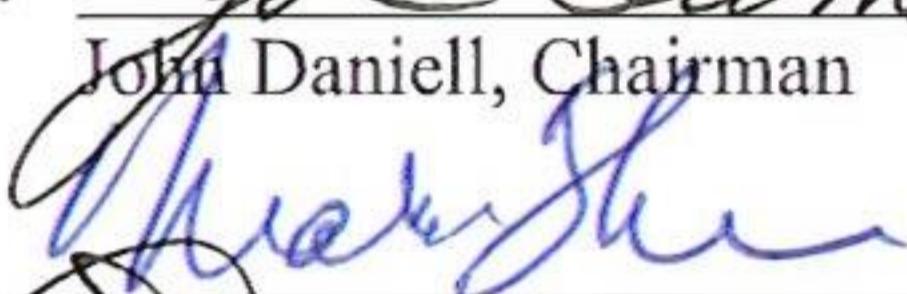
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on October 3, 2023.

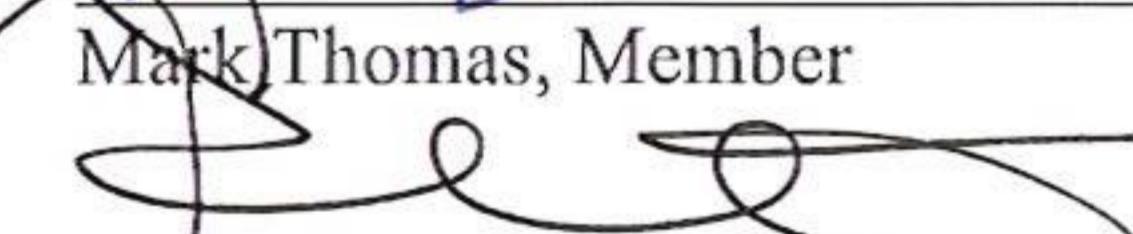
ADOPTED AND APPROVED, this 3<sup>rd</sup> day of October, 2023.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

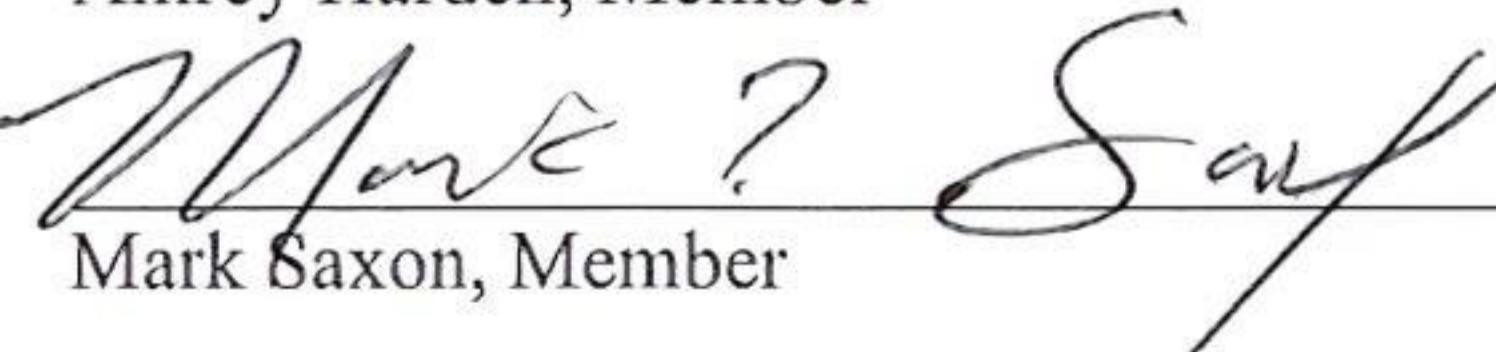
BY:

  
John Daniell, Chairman

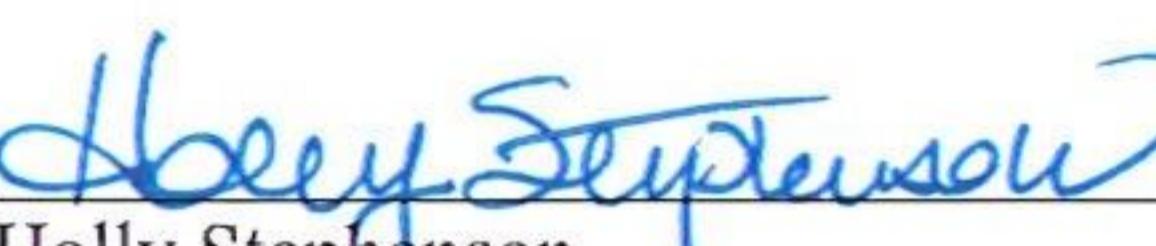
  
Mark Thomas, Member

  
Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

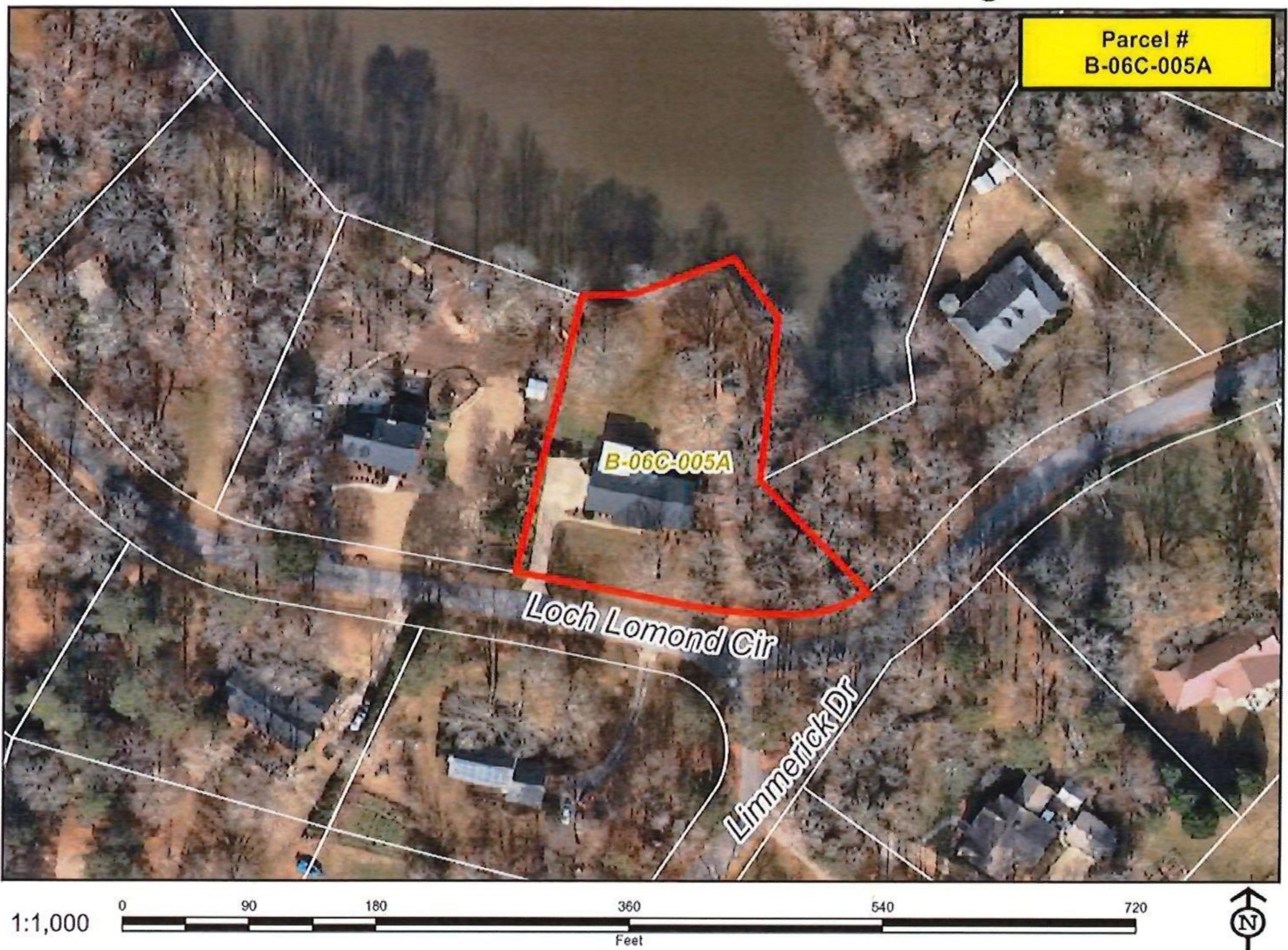
  
Holly Stephenson  
Clerk, Board of Commissioners

**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.

TAX MAP

Variance # P23-0196 - Ben Brandenburg



**TYPED LEGAL DESCRIPTION**

All that tract or parcel of land, with all improvements thereon, situate, lying and being in the 221<sup>st</sup> District, G.M., Oconee County, Georgia, and being on Loch Lomond Circle, county street, and being known and designated as **Lot 5, Block A, Killarney West**

**Subdivision**, as more particularly shown on a plat entitled "Survey for Killarney West", dated November 11, 1972, by James M. Paul, GRLS #1530, said plat being recorded in Plat Book 4, Page 313, in the Office of the Clerk of the Superior Court of Oconee County, Georgia, said plat being incorporated herein by reference thereto.

There is situate on said tract a dwelling known as **1100 Loch Lomond Circle, Watkinsville, GA 30677**, according to the present system of numbering in Oconee County, Georgia.

## NARRATIVE

### Variance Request

1100 Loch Lomond Circle  
Watkinsville, GA 30677

#### **Introduction:**

This request is a Special Exception request.

1100 Loch Lomond Circle    Watkinsville, GA 30677    Lot 5A

Existing Zoning is AG

Existing use of the property is the single family residence belonging to Ben and Mobley Brandenburg.

#### **Variance Requested:**

Zoning code AG (Ag) calls for a 25' setback on property lines.

We are requesting to breach the setback on the eastern side of the property from 25' to 10'.

The reason for our request and proposed use are as follows:

Ben Brandenburg has been diagnosed with ALS. Ben's family is faced with a very troubling future that is going to require more space for professional help, medical equipment, and the conversion of their existing home to meet ADA standards. Ben is currently unable to care for himself and has lost the ability to walk. His wheelchair does not fit in their current home including bathroom, master bedroom, master closet, etc., and they do not have enough space to get him in and out of the lavatory without placing him from chair to lav, etc. We are attempting to convert their existing home to ADA standards which includes the addition of 760 Ft2 addition. Through the design process the most likely location for this addition is the extension of the existing roof line to the eastern property line. This is also the most cost effective route as Ben and his wife and kids are faced with extremely expensive medical care moving forward and we are trying to minimize as much of the cost as possible.

#### **Adjacent Properties:**

The adjacent properties are all single family residences that all share AG zoning.

#### **Conclusion:**

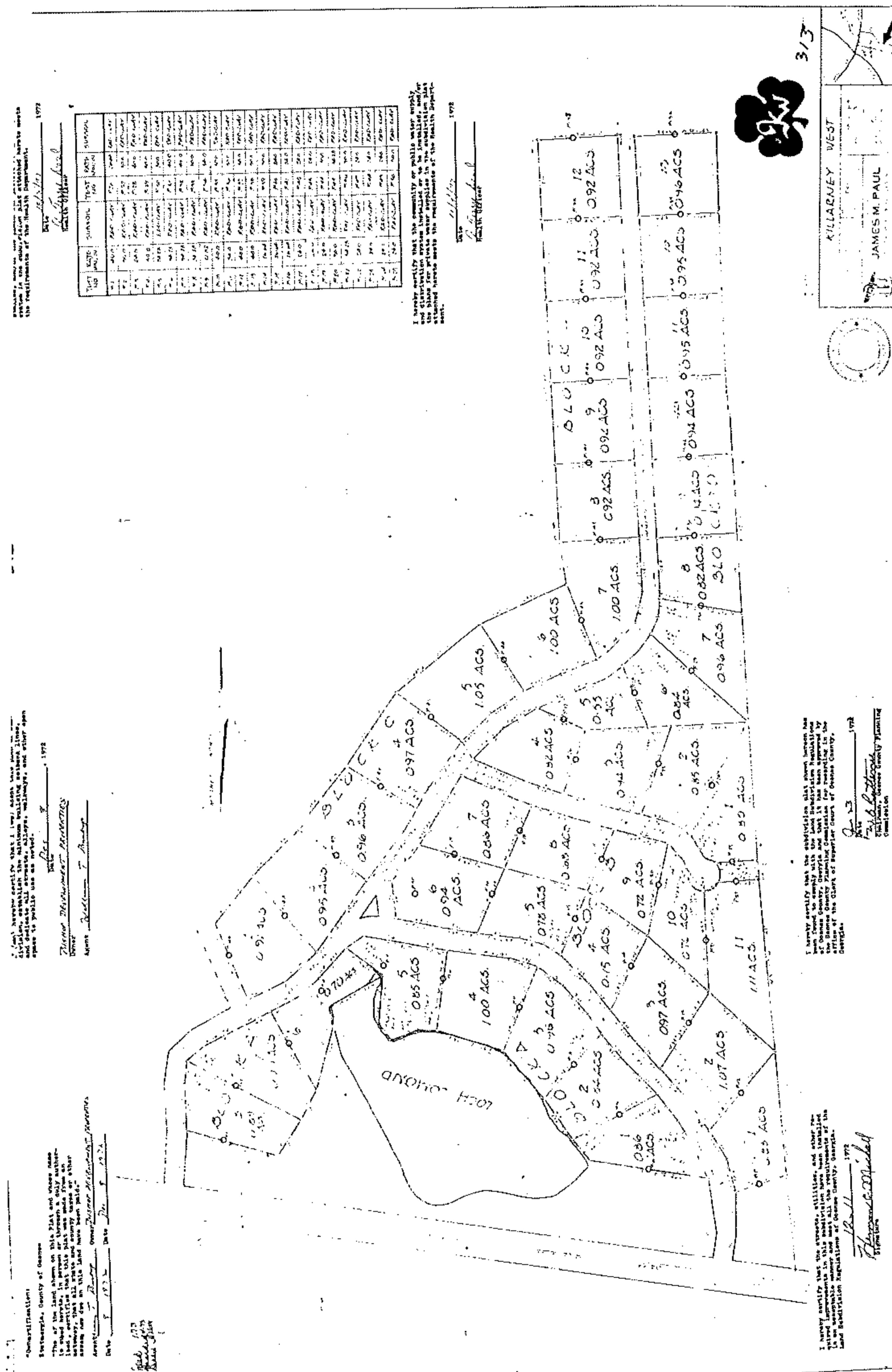
Although there are no letters included, the Brandenburg's have the full support of their neighborhood and community behind them. The reach of this project has almost hit the national stage as Ben has played a major role in UGA athletics over his 15+ years working for the UGA Athletic Association. There are many donors who have stepped

**NARRATIVE**

up, neighbors included, who continue to offer their full support. We are simply trying to do the right thing for a beautiful family that has been faced with a life altering hardship that no one should ever be faced with.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0196  
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PLAT







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

**VARIANCE CASE #:** P23-0196

**DATE:** September 20, 2023

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

**APPLICANT NAME:** Ben Brandenburg

**PROPERTY OWNER:** Ben Brandenburg

**LOCATION:** 1100 Loch Lomond Circle, Watkinsville GA 30677 (B-06C-005A)

**PARCEL SIZE:** ±0.85 acres

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

**EXISTING LAND USE:** Single Family Residential



**TYPE OF VARIANCE REQUESTED:** Special Exception Variance to reduce the side building setback from 25 feet to 10 feet for an addition to the residence.

**REQUEST SUMMARY:** The property owner requests a variance from UDC Sec. 409.01 which requires all principal buildings to be at least 25 from the side property line.

**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 has been owned by the current owner since 2016. The parcel consists of the existing principal residence.
- The proposed addition will be 760 square feet and designed to allow for full ADA accessibility to allow for healthcare for the property owner.
- As the proposed addition is less than 25 feet from the side property line, a special exception variance will be required.

### **VARIANCE DESCRIPTION**

- The owner is requesting a special exception variance to construct an addition to the residence less than 25 feet from the side property line of the lot.
  - ***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.*

### **PUBLIC FACILITIES**

#### **Water:**

- The project will not increase the utilization of water services.

#### **Sewer:**

- The project will not increase the utilization of sewer services.

#### **Roads:**

- The site will be accessed from the existing driveway for the residence from Loch Lomond Circle.

### **ENVIRONMENTAL**

- The project will not impact a 100-year flood plain, jurisdictional wetlands, or state waters 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 surrounding properties are zoned AG on all sides. Primary land uses in the area are residential. Staff holds that approval of the request to construct an accessory structure less than 25 feet from the side property line will 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 proposed placement of the addition closer than 25 feet from the side property line of the existing residence should not impair the property value of the adjacent residence.

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

The intent of UDC Section 409.01 is to provide a minimum setback distance for principal buildings. The applicant has requested a special exception variance to reduce the required minimum setback distance from 25 feet to 10 feet in order to construct an addition to the residence. Staff believes that approval of this special exception variance request would not impair the UDC's purpose and intent of this section.

## **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.