

**APPROVAL OF A HARDSHIP VARIANCE
FROM THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA**

TITLE

A Resolution granting approval of a Hardship Variance based upon the allowances under the Unified Development Code of Oconee County, Georgia, pursuant to Article 13, Section 1304, to grant approval of a Hardship Variance pursuant to an application requesting approval of a Hardship Variance on property owned by Westminster Christian Academy submitted on October 26, 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 Hardship Variance approval submitted by Smith Planning Group on October 26, 2023, regarding a ±43.42-acre tract of land located 1640 New High Shoals Road & 1185 S Bishop Farms Parkway, Oconee County, Georgia, (tax parcel no. B-06-040A & B-06W-001) the Board of Commissioners of Oconee County does hereby grant the following:

SECTION 1. A Resolution granting Hardship Variance approval for the property described above and also described in the attached Exhibit "A" is hereby granted to waive the sidewalk requirement due to steep slopes, existing utilities, and public safety (UDC Sec. 1014.02.a).

Said Hardship 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.

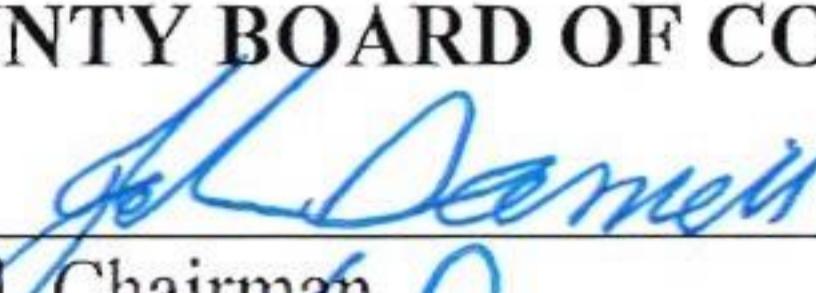
SECTION 3. Effective Date. This Resolution shall take effect this date.

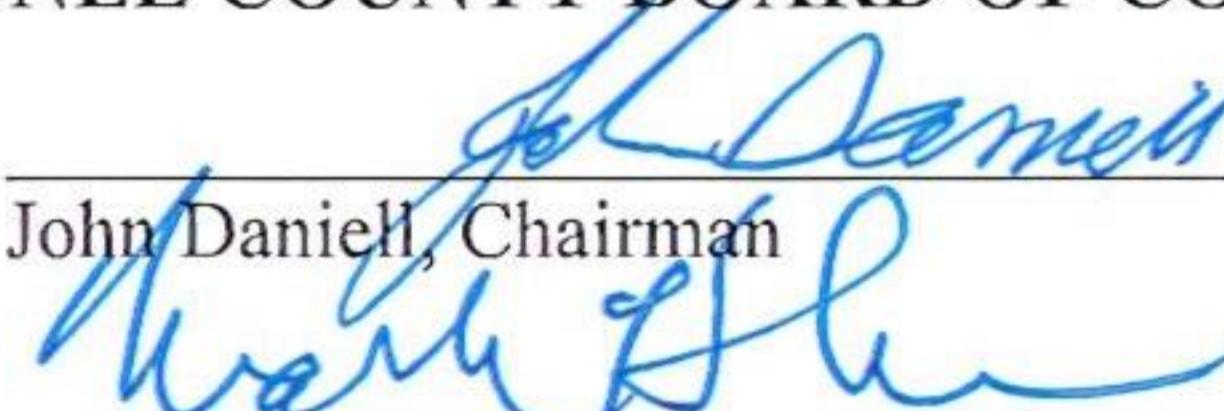
Said Hardship Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on January 2, 2024.

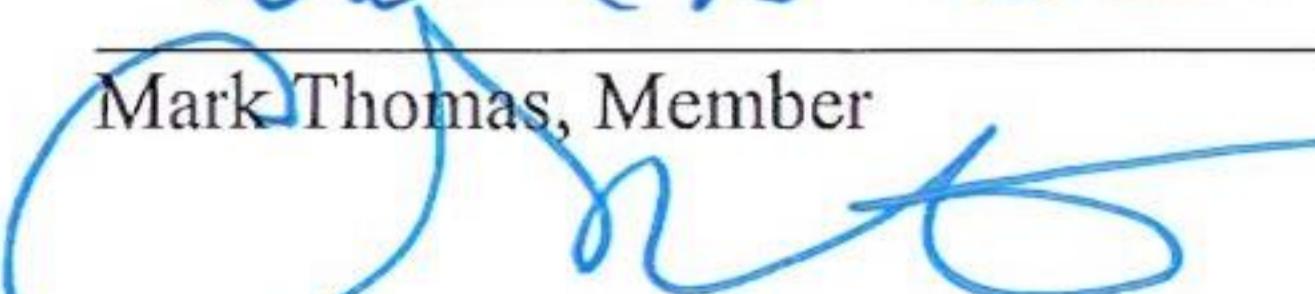
ADOPTED AND APPROVED, this 2nd day of January, 2024.

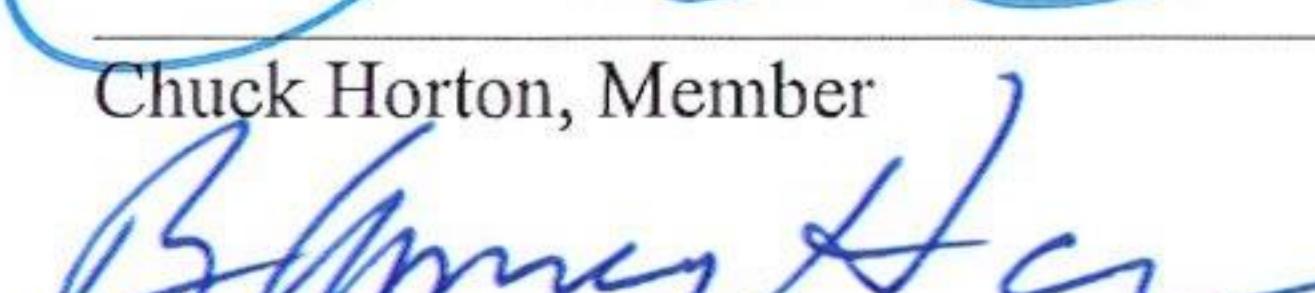
OCONEE COUNTY BOARD OF COMMISSIONERS

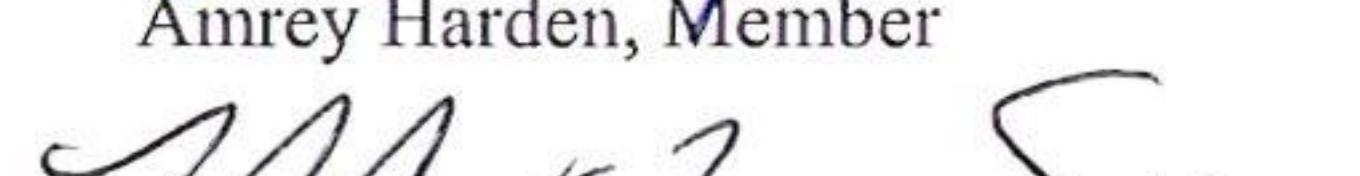
BY:


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:

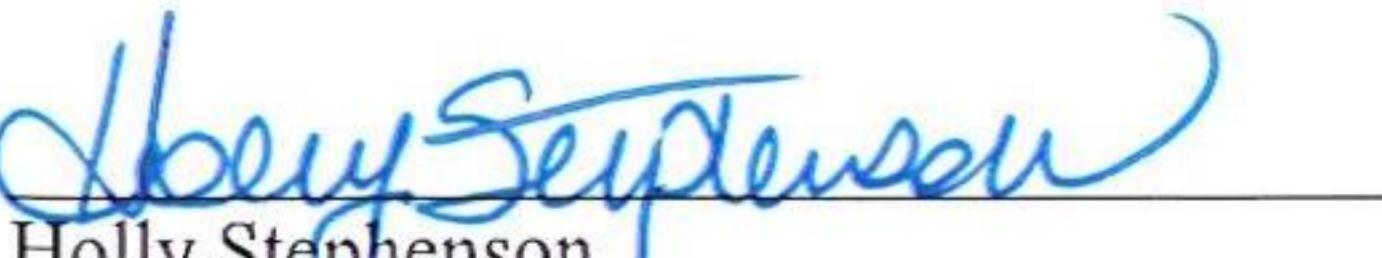

Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT "A" TO HARDSHIP VARIANCE NO. P23-0244

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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.

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TAX MAP

Variance P23-0244 - Westminster Christian Academy, Inc.

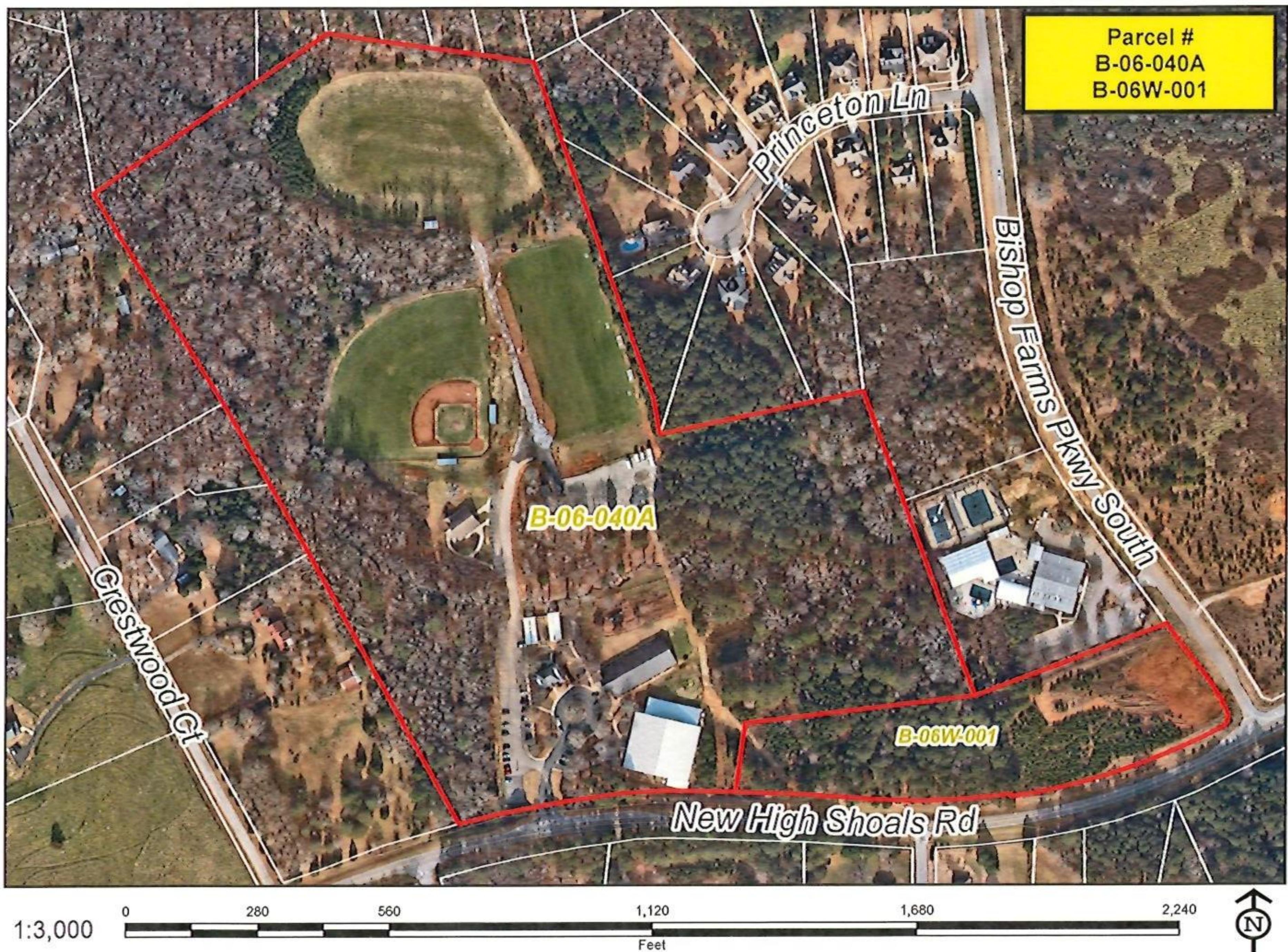


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TYPED LEGAL DESCRIPTION

Legal Description

Tract I - Parcel B 06 040A in Oconee County

All that certain tract or parcel of land, lying and being in the 221st G.M.D. of Oconee County, Georgia, containing 37.918 acres and being more fully described as follows:

Commencing at the at the mitered intersection of the Western Right-of-Way (R/W) of South Bishop Farms Parkway and the Northern R/W of New High Shoals Road, Thence South 82°10'07" West a distance of 1116.48 feet to an IPS, said point being the True Point of Beginning;

Thence along said R/W with a curve to the left with an arc distance of 546.57 feet with a radius of 1850.00 feet and a chord Bearing of South 83°28'10" West for a distance of 544.58 feet to an IPS; Thence leaving said R/W North 29°55'54" West, 633.89 feet to a point;

Thence North 29°55'54" West, 365.23 feet to an IPF;

Thence North 29°55'54" West, 524.96 feet to an IPF;

Thence North 9°57'29" West, 18.32 feet to an IPS;

Thence North 55°48'17" East, 418.22 feet to an IPF;

Thence North 55°43'59" East, 179.83 feet to an IPF;

Thence South 82°16'58" East, 119.59 feet to an IPF;

Thence South 82°16'57" East, 107.58 feet to an IPF;

Thence South 82°17'11" East, 107.57 feet to an IPF;

Thence South 82°19'29" East, 108.28 feet to an IPF;

Thence South 20°06'10" East, 755.43 feet to an IPF;

Thence South 10°28'22" East, 77.97 feet to an IPF;

Thence North 78°03'57" East, 438.62 feet to an IPF;

Thence South 20°30'03" East, 248.97 feet to an IPF;

Thence South 20°29'59" East, 439.27 feet to an IPF;

Thence South 87°01'50" West, 522.52 feet to an IPS;

Thence South 15°17'22" West, 193.55 feet to the True Point of Beginning.

Tract II - Parcel B 06W 001 in Oconee County

All that certain tract or parcel of land, lying and being in the 221st G.M.D. of Oconee County, Georgia, containing 5.500 acres and being more fully described as follows:

Beginning at the mitered intersection of the Western Right-of-Way (R/W) of South Bishop Farms Parkway and the Northern R/W of New High Shoals Road;

Thence along said R/W of New High Shoals Road South 62°32'34" West, 15.55 feet to a point;

Thence with a curve to the right with an arc distance of 464.97 feet with a radius of 1409.12 feet and a chord Bearing of South 71°59'44" West for a distance of 462.86 feet to a point;

Thence with a curve to the right with an arc distance of 253.88 feet with a radius of 1409.12 feet and a chord Bearing of South 86°40'55" West for a distance of 253.54 feet to a point;

Thence North 88°16'49" West, 353.65 feet to a point;

Thence North 87°16'03" West, 45.34 feet to an IPS;

Thence leaving said R/W North 15°17'22" East, 193.55 feet to an IPS;

Thence North 87°01'50" East, 522.52 feet to an IPF;

TYPED LEGAL DESCRIPTION

Thence North 69°30'01" East, 435.42 feet to an IPS on the Western R/W of South Bishop Farms Parkway;
Thence along said R/W South 37°04'35" East, 134.65 feet to a point;
Thence with a curve to the right with an arc distance of 100.60 feet with a radius of 460.00 feet and a chord Bearing of South 30°48'40" East for a distance of 100.40 feet to a point;
Thence South 19°28'36" West, 21.71 feet to the Point of Beginning.

The above described properties are more particularly shown as parcels B 06W 001 and B 06 040A according to a survey by Smith Planning Group (Aaron P. Blomberg, GA PLS #3100), dated January 30, 2023 entitled "Administrative Subdivision/Recombination Plat for Westminster Christian Academy.".

NARRATIVE



WESTMINSTER CHRISTIAN ACADEMY HARDSHIP VARIANCE

1640 New High Shoals Road
1185 S Bishop Farms Parkway
Oconee County, Georgia

NARRATIVE STATEMENT

October 26, 2023

INTRODUCTION

Westminster Christian Academy (WCA), a private K-12 school located at 1640 New High Shoals Road and 1185 S Bishop Farms Parkway in Watkinsville, is requesting a hardship variance to waive the public sidewalk requirement along the O-I-P segment of New High Shoals Road. The WCA campus totals 43.42 acres and is made up of two parcels: B 06 040A (zoned AG) and B 06W 001 (zoned O-I-P).

VARIANCE REQUESTED

This variance request is for *Section 1014.02. - Sidewalks; where required; Subsection a. Along all rights of way in all commercial zones* of the Oconee County Unified Development Code.

Per the Code, a public sidewalk is required along the O-I-P portion of the campus frontage on New High Shoals Road. There are numerous conflicts that create a hardship in the design and installation of this sidewalk.

1. Existing Utilities: There are multiple above- and below-ground utilities along the north side of New High Shoals Road, where the sidewalk would need to be installed. These include fiber optics, transformer boxes, power poles, water valves, hydrants, and telephone cabinets. A direct sidewalk path cannot be accomplished without the relocation of many of these utilities.
2. Stormwater Swale: There is an existing stormwater swale along the north side of New High Shoals Road. This limits the area within the right-of-way where the sidewalk can be installed without redesigning/rerouting the path of the swale or installing a pipe and drain network.
3. Slopes: Areas between New High Shoals Road and the WCA campus have slopes greater than 33%. This limits or restricts the ability to connect a public sidewalk to the proposed Lower School building, and other parts of the campus, without significant earthwork and utility relocation.

ADJACENT PROPERTIES

The adjacent properties consist mostly of low-density housing, zoned AG, B-1, and R-1. The Georgia Aquatic Center (B-1) lies northeast of the WCA campus and has an existing sidewalk along the S Bishop Farms Parkway frontage. Phase 1 of the WCA campus expansion includes a sidewalk connection from the Georgia Aquatic Center to the intersection of New High Shoals Road.

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NARRATIVE



OTHER APPLICATIONS

There is a Preliminary Site Plan (PSP) application under review and Phase 2 Site Development Plans (SDP) scheduled for submittal in late 2023. No additional variance applications have been submitted at this time.

CONCLUSION

To further support this variance request, it's worth noting that half of the WCA frontage along New High Shoals Road is zoned O-I-P and the other half is AG. AG zoning does not require a sidewalk along the public right-of-way so only half the frontage would have pedestrian access if the variance were not approved. The existing site conditions along the AG frontage are even more challenging so continuation of a sidewalk would require extensive site work and utility adjustments.

In addition, there are no existing sidewalks along properties adjacent to WCA, except the Georgia Aquatic Center. Since the majority of the land to the east of WCA along New High Shoals Road is zoned agricultural or residential, it is highly unlikely additional sidewalk will be installed along New High Shoals Road. The closest continuous sidewalk to Westminster Christian Academy is at Oconee County High School.

Thank you for your review and consideration of this hardship variance application.

Best,

A handwritten signature in black ink that reads "W.M. Kittle". The signature is cursive and fluid, with "W.M." on top and "Kittle" below it.

Mick Kittle, Senior Land Planner
SPG Planners + Engineers

NARRATIVE

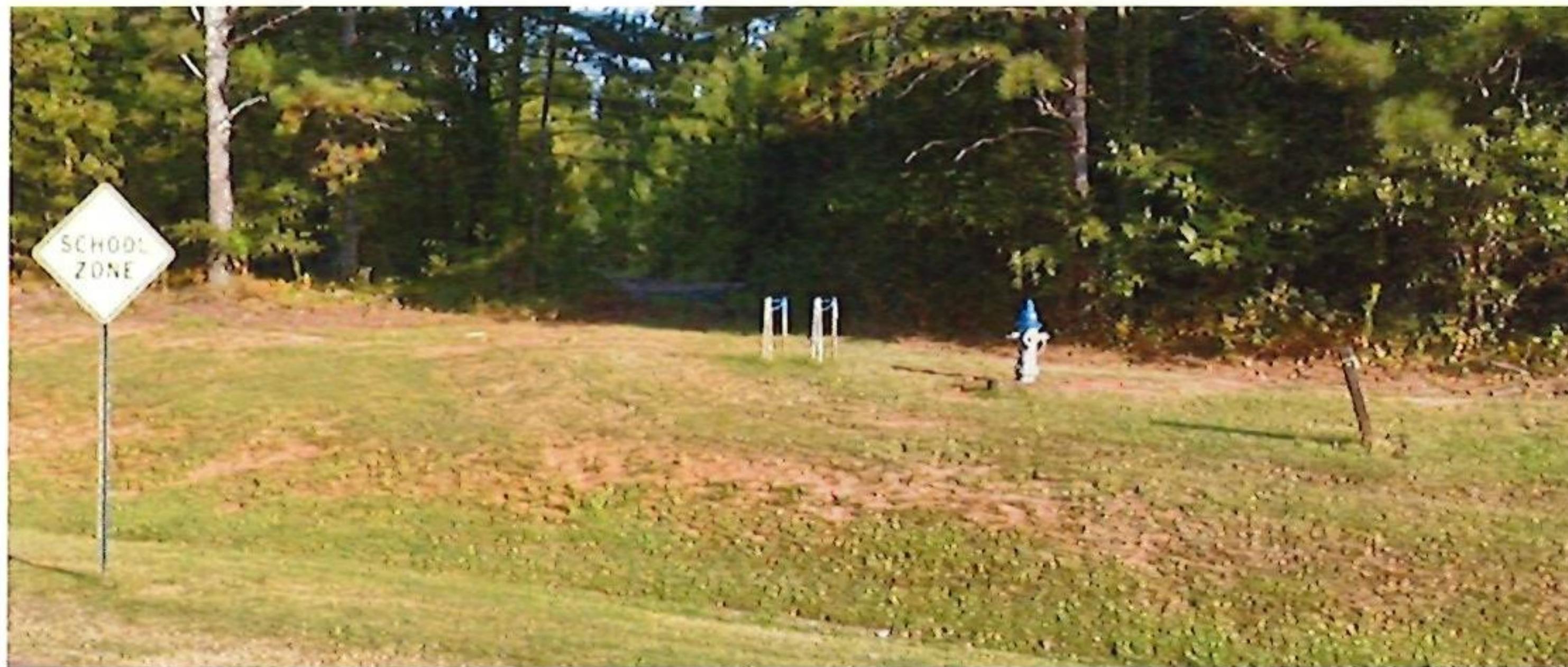


Example of existing utility cabinets power poles along New High Shoals Road.



Existing steep slope between WCA property and New High Shoals Road.

NARRATIVE



Existing drainage swale, hydrant, and utilities along New High Shoals Road.



Existing drainage swale, steep slope, utilities, and power poles along New High Shoals Road.

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REPRESENTATIVE PHOTOS

SPG

Planners+
Engineers

WITHOUT VARIANCE - SIDEWALK ALONG NEW HIGH SHOALS ROAD

Westminster Christian Academy Phase 2 | Hardship Variance Exhibit



October 26, 2023

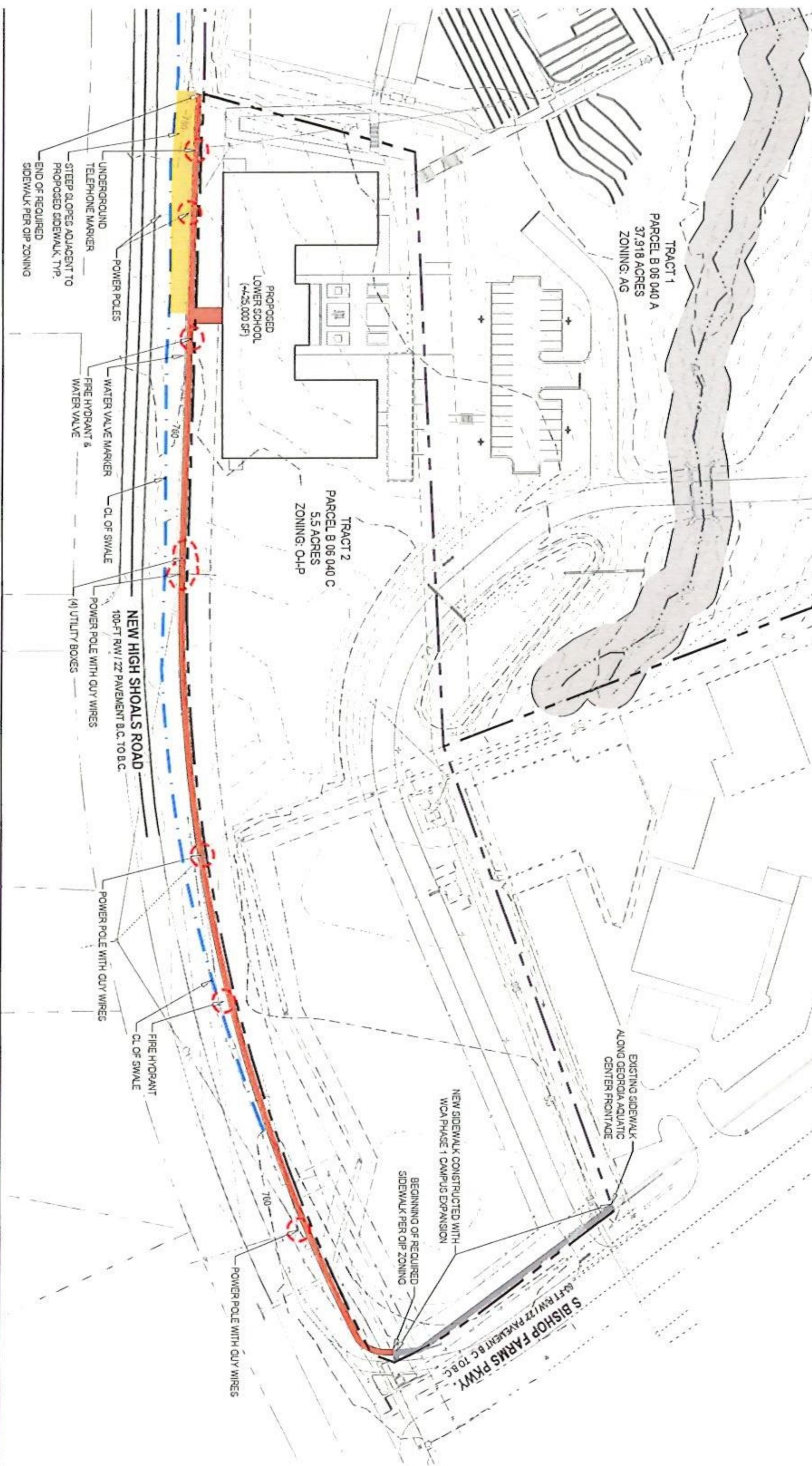


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REPRESENTATIVE PHOTOS

SPG

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WITH VARIANCE - NO SIDEWALK ALONG NEW HIGH SHOALS ROAD

October 26, 2023

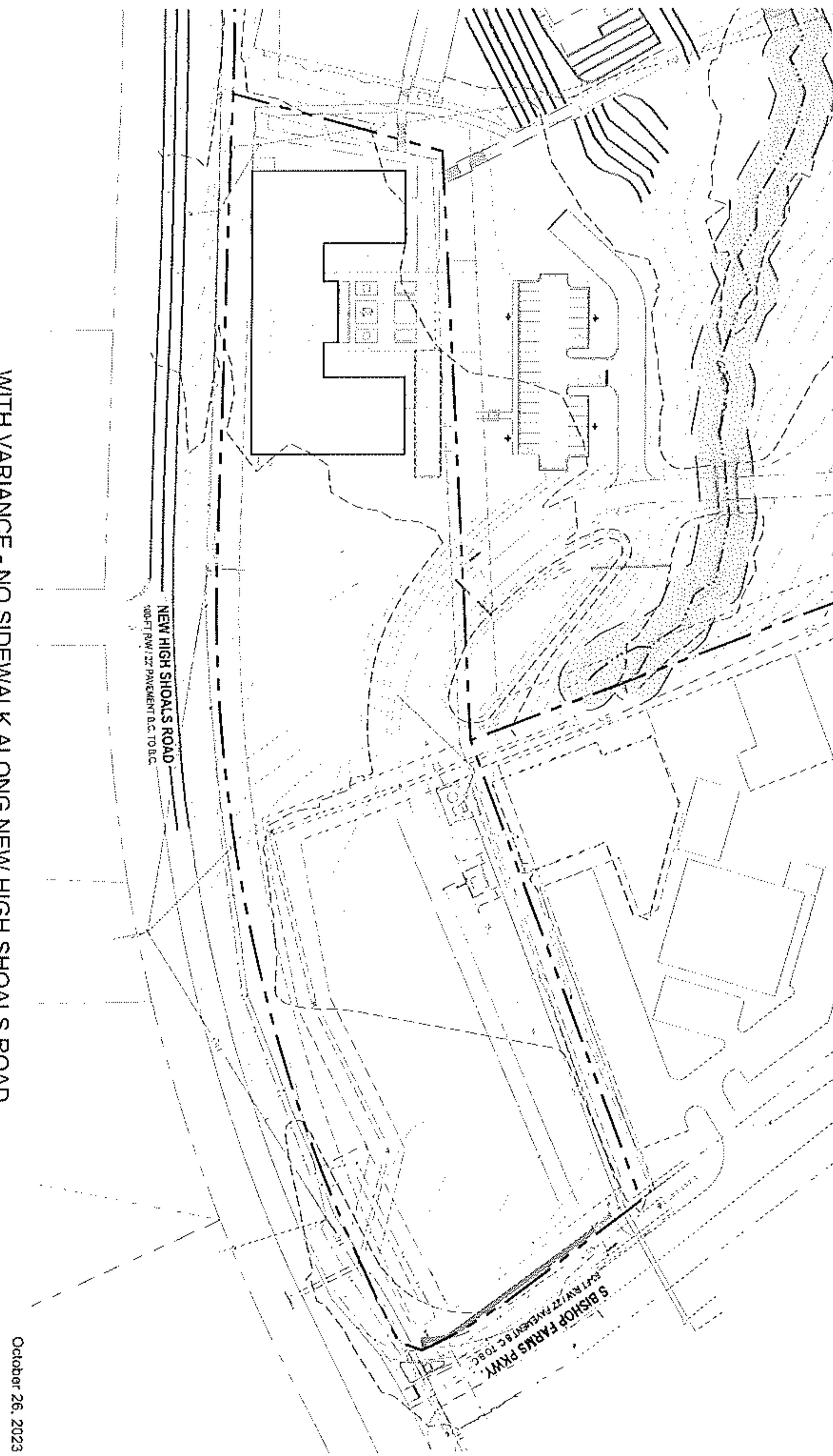
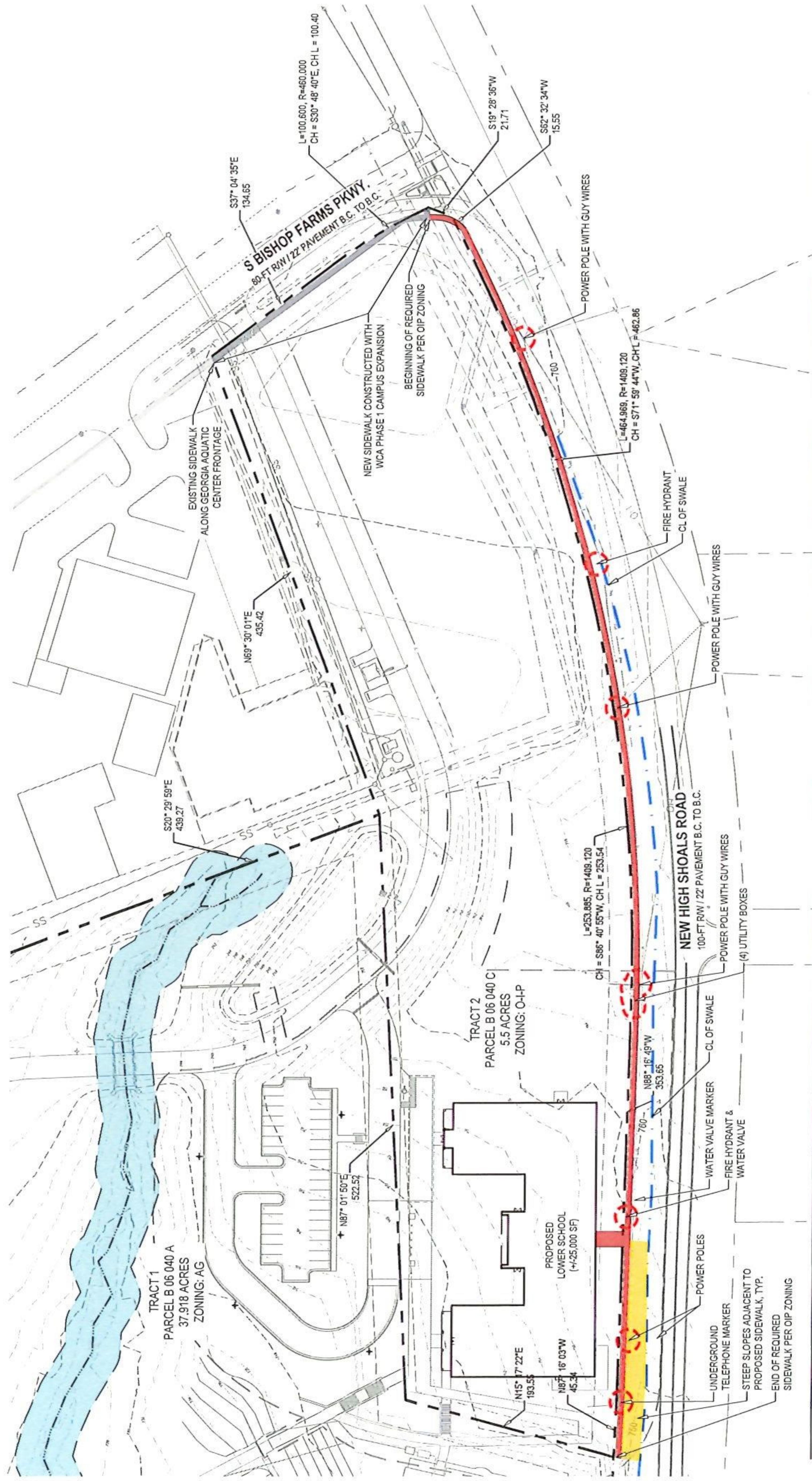


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PLAT



WITHOUT VARIANCE - SIDEWALK ALONG NEW HIGH SHOALS ROAD

November 9th, 2023

Planners + Engineers



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

VARIANCE CASE #: P23-0244

DATE: December 22, 2023

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

APPLICANT NAME: SPG Planners + Engineers

PROPERTY OWNER: Westminster Christian Academy

LOCATION: 1640 New High Shoals Road & 1185 S Bishop Farms Parkway
(B 06 040A & B 06W 001)



PARCEL SIZE: ±43.42 acres

EXISTING ZONING: AR (Agricultural Residential District), OIP (Office Institutional Professional District)

EXISTING LAND USE: Private School

TYPE OF VARIANCE REQUESTED: Hardship Variance to waive the public sidewalk requirement along New High Shoals Road.

REQUEST SUMMARY: The property owner requests a variance from Oconee County Unified Development Code Section 1014.02.a. to waive the sidewalk requirement due to steep slopes, existing utilities, and public safety.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: January 2, 2024

ATTACHMENTS:

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

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- Parcel B 06 040A is zoned AG and has been owned by the applicant since 1997. The following PZE actions apply to this parcel:
 - Special Use 7300 (12/5/2017) to allow expansion of the school.
 - Special Use 7351 (2/6/2018) to allow temporary mobile classrooms.
 - Special Use P22-0154 (11/1/2022) to allow a private school in AG zoning.
 - Zoning Process P22-0185 (11/1/2022) to change the zoning from AG and R1 to AG.
- Parcel B 06W 001 is zoned OIP and has been owned by the applicant since 2022.
 - Special Use P21-0028 (5/4/2021) to allow a temporary modular building.
 - Zoning Process P22-0184 (11/1/2022) to change the zoning from AG, R1, and B1 to OIP.
- The subject property is used as a private school and includes administrative, academic, and support facilities; athletic facilities; driveways and parking areas, and other supporting infrastructure.

VARIANCE DESCRIPTION

- The property owner requests a variance to waive the sidewalk requirement due to steep slopes, existing utilities, and public safety.
 - *Oconee County Unified Development Code: Section 1014.02. – Sidewalks; where required.*
 - a. *Along all rights of way in all commercial zones.*

PUBLIC FACILITIES

Water:

- The project utilizes Oconee County water services.

Sewer:

- The existing facilities use on-site septic systems; the proposed facilities will utilize Oconee County sewer services.

Roads:

- The site's main entrance is on New High Shoals Road. A proposed access driveway will be from South Bishop Farms Parkway.

ENVIRONMENTAL

- A portion of the site is within a 100-year floodway.
- The site includes streams that have associated State Waters buffers.

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR HARDSHIP VARIANCE APPROVAL” AS SET FORTH IN SECTION 1304.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

Standards for hardship variance approval:

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography:**

Prior plans have shown sidewalks within the ROW for New High Shoals Road and South Bishop Farms Parkway. Detailed site information shows a stormwater swale, steep slopes, and above- and below-ground utilities in the area that the sidewalk would be constructed. None of the properties in the area along New High Shoals Road have provided sidewalks to which the subject sidewalk would connect.

b. The application of this development code to this particular piece of property would create an unnecessary hardship:

If the applicant were required to construct the sidewalk as required, significant construction effort within the road right-of-way may include utility relocation, installation of storm drainage systems, and regrading.

c. Such conditions are peculiar to the particular piece of property involved:

The conditions of the hardship are peculiar to the particular subject property due to the topography of the property, the conditions within the road right-of-way, and the presence of both underground and above-ground utilities. Staff holds that these conditions justify approval of the hardship variance.

d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance:

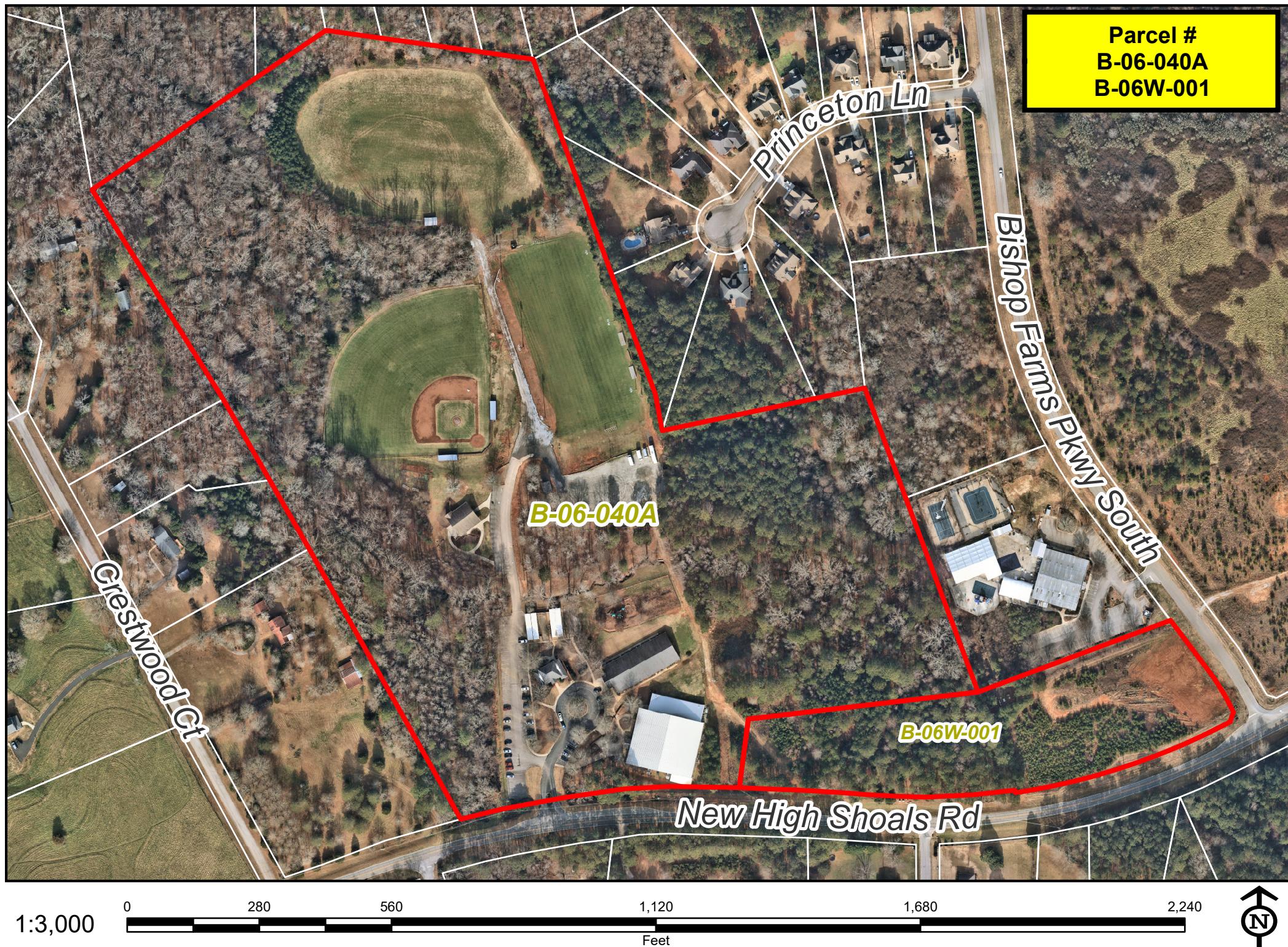
New High Shoals Road has little demand for pedestrian access due to the patterns of development in the area, and that demand is unlikely to increase. Staff is of the opinion that granting this variance would not cause substantial detriment to the public good or impair the purposes and intent of the UDC.

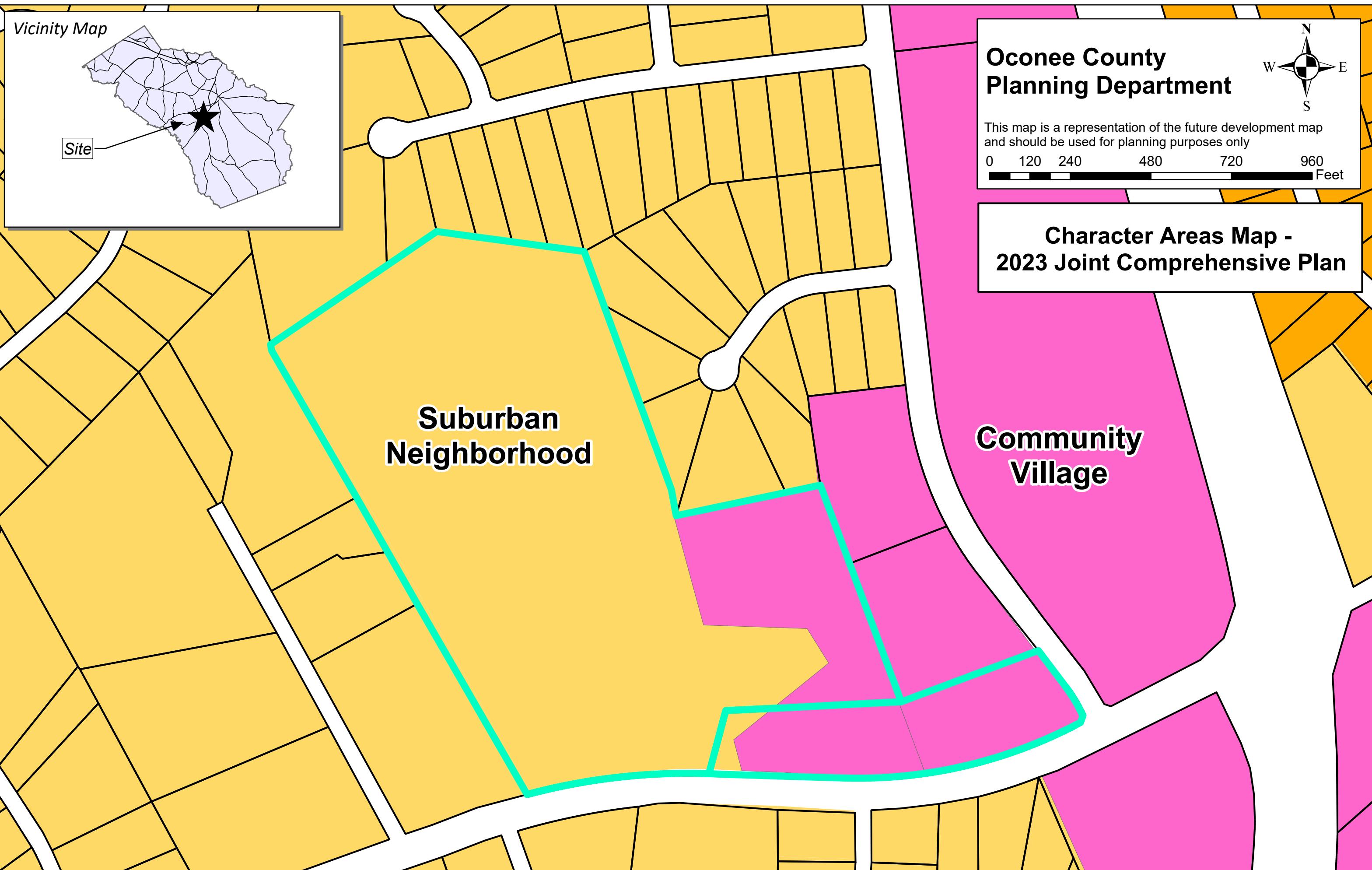
STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

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

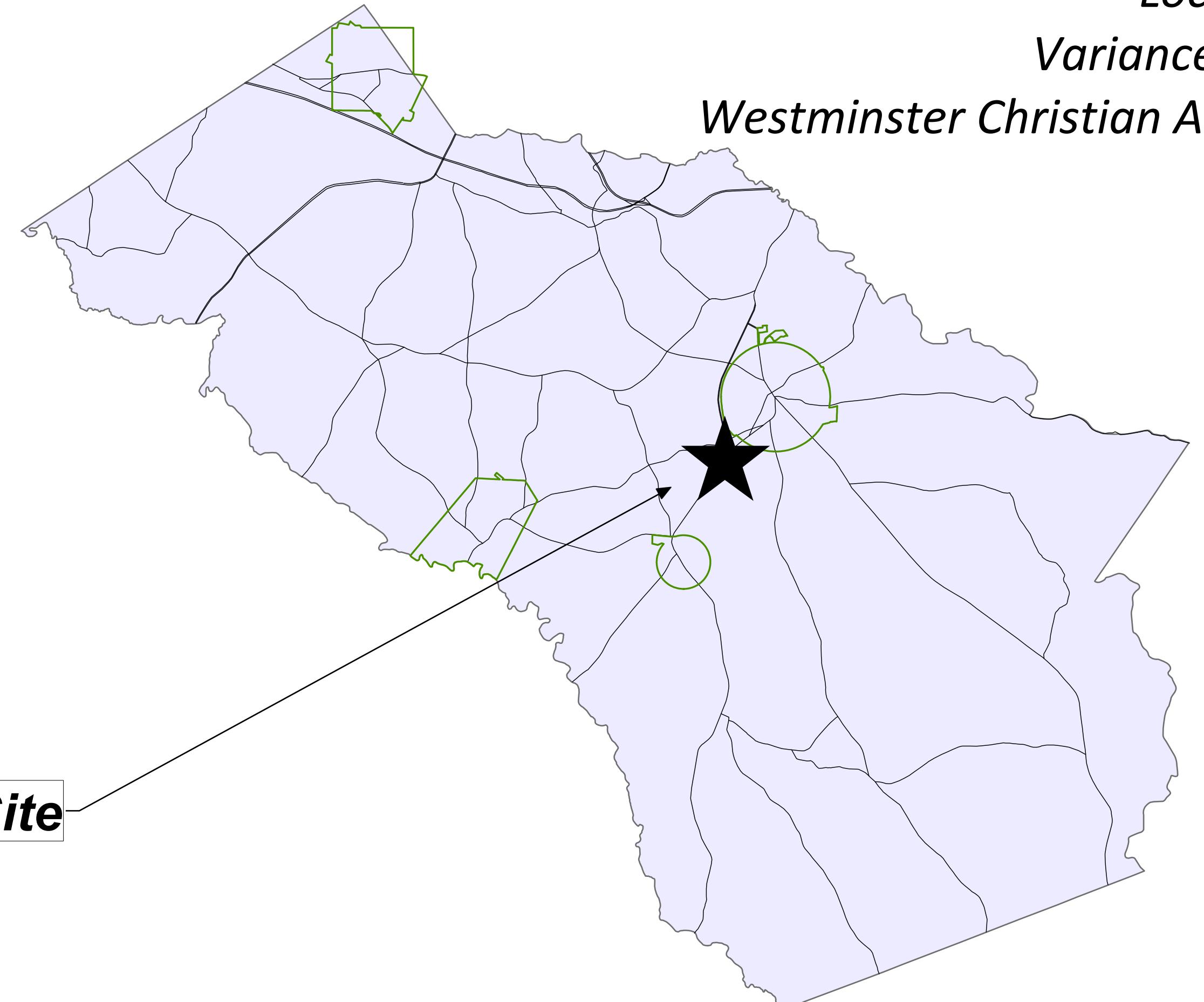
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.

Variance P23-0244 - Westminster Christian Academy, Inc.





Location Map -
Variance # P23-0244
Westminster Christian Academy, Inc.



1:120,000

0 1 2 4 6 8 Miles

