

**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 Sean Hogan submitted on September 18, 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 Sean Hogan on September 18, 2023, regarding a ±0.98-acre tract of land located 3022 Spartan Estates Drive, Oconee County, Georgia, (tax parcel no. C-03V-010) 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 front building setback from 30 feet to 28 feet in an R-1 zoning district (UDC Sec. 409.01, Table 4.1).

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.

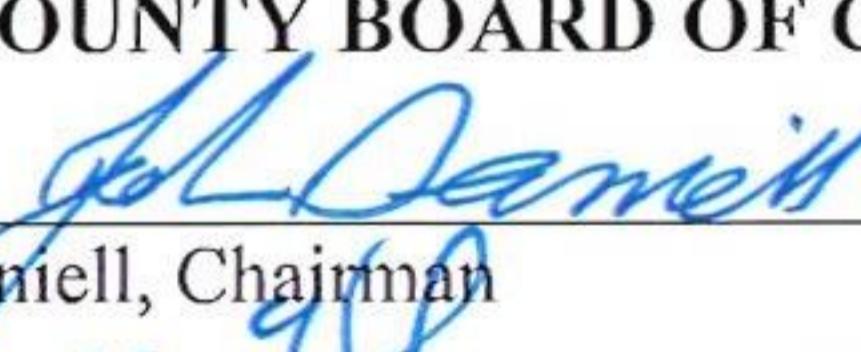
SECTION 3. Effective Date. This Resolution shall take effect this date.

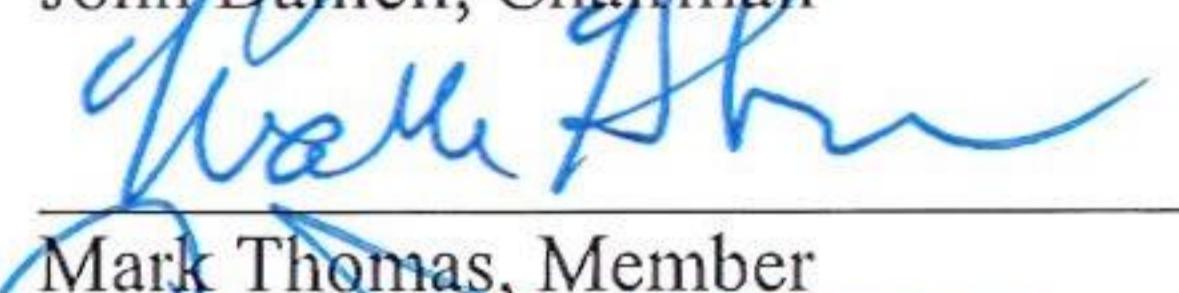
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on January 2, 2024.

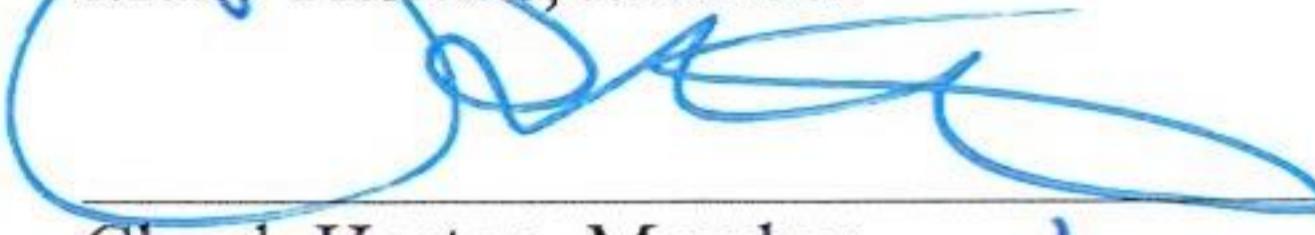
ADOPTED AND APPROVED, this 2nd day of January, 2024.

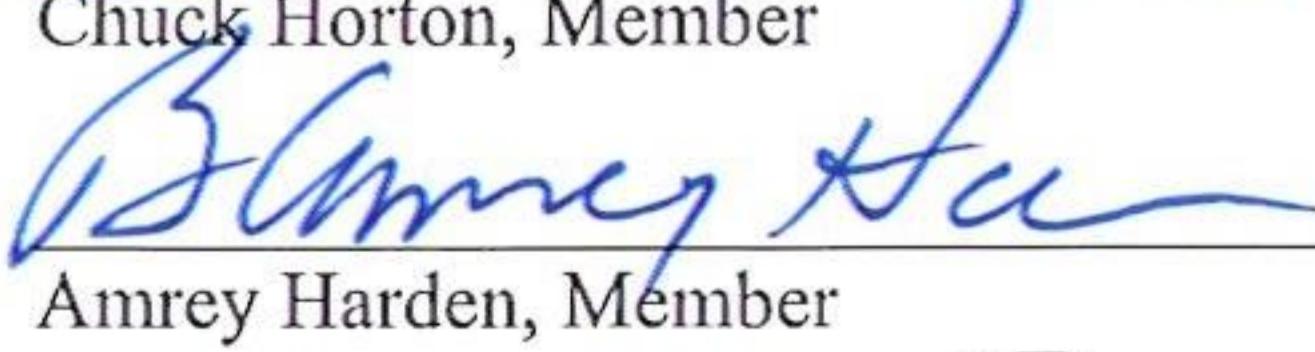
OCONEE COUNTY BOARD OF COMMISSIONERS

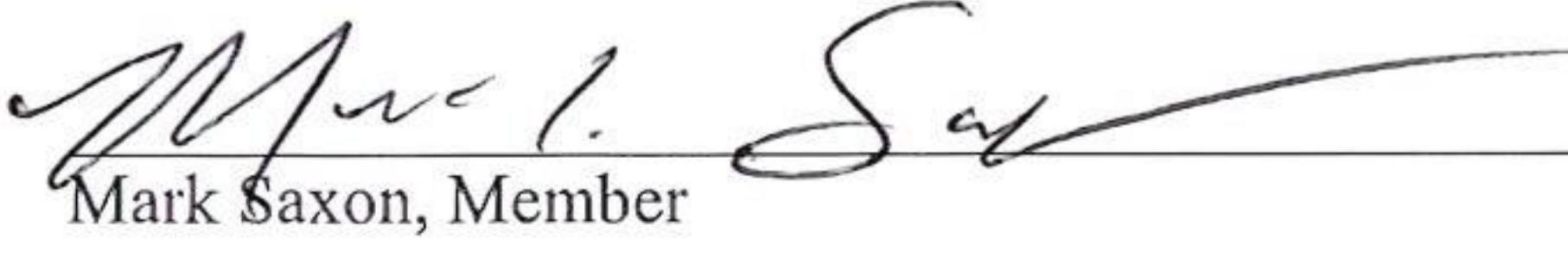
BY:


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:

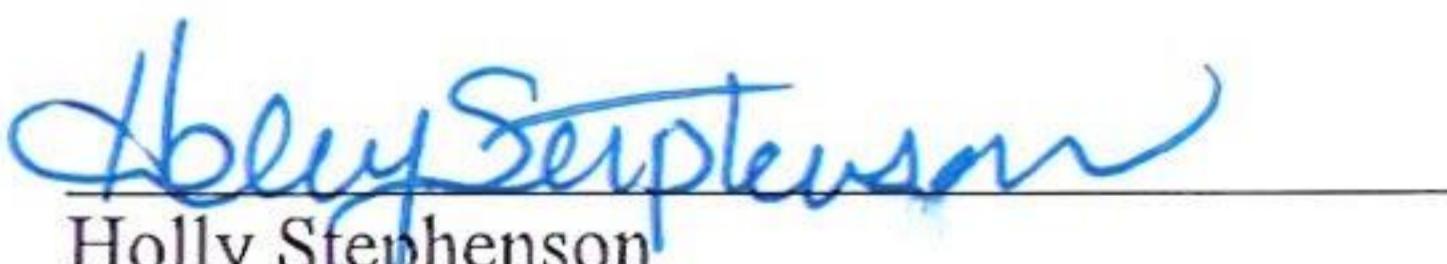

Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0205

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CONDITION

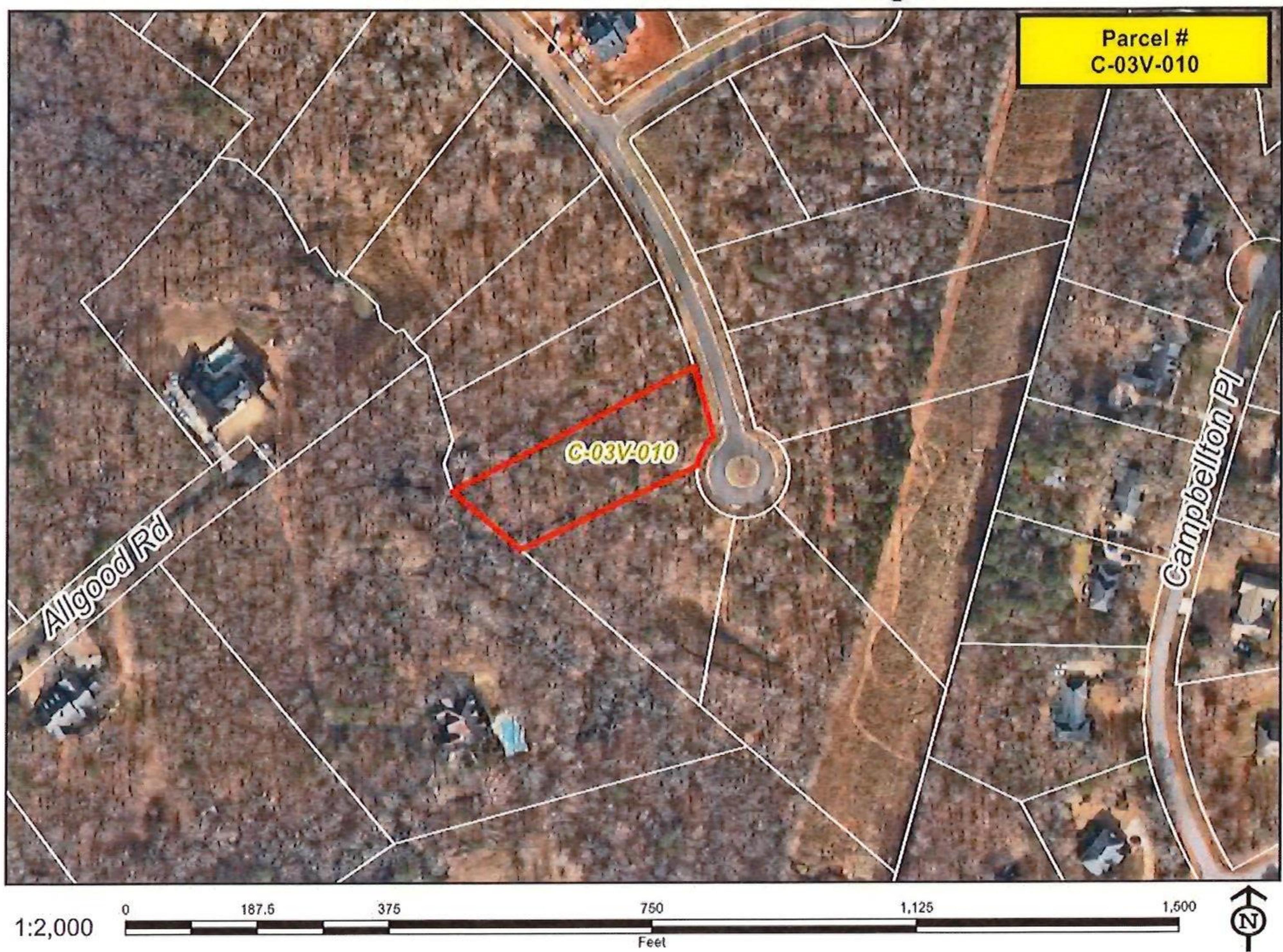
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not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

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0205

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TAX MAP

Variance # P23-0205 - Sean Hogan



TYPED LEGAL DESCRIPTION

Legal Description

All that tract or parcel of land, together with and including all improvements thereon, lying and being in the 221st G.M.D. of Oconee County, Georgia, and being more particularly described as follows:

Commencing at the centerline-centerline intersection of Spartan Estates Drive (60' Access & Utility Easement) and Ryan Pass (60' Access & Utility Easement), that being the Point of Beginning (P.O.B.), thence South 21 degrees 24 minutes 04 seconds East a distance of 356.47 feet to a 1/2" rebar on the western Access & Utility Easement line of Spartan Estates Drive (60' Access & Utility Easement), that point being the True Point of Beginning (T.P.O.B.), Thence continuing along said easement line along a curve to the right and having an arc length of 104.21 feet, a radius of 1,024.51 feet and a chord bearing of South 16 degrees 14 minutes 15 seconds East a distance of 104.16 feet to a point, thence along a curve to the left and having an arc length of 46.77 feet, a radius of 65.00 feet and a chord bearing of South 29 degrees 48 minutes 28 seconds West a distance of 45.77 feet to a 1/2" rebar, thence leaving said easement South 64 degrees 55 minutes 48 seconds West a distance of 280.82 feet to a 1/2" rebar, thence North 49 degrees 20 minutes 10 seconds West a distance of 102.20 feet to a calculated point, thence North 49 degrees 42 minutes 54 seconds West a distance of 25.00 feet to a calculated point, thence North 62 degrees 57 minutes 02 seconds East a distance of 386.91 feet to a 1/2" rebar on the western Access & Utility Easement line of Spartan Estates Drive (60' Access & Utility Easement), that point being the True Point of Beginning (T.P.O.B.).

This parcel containing 0.98 acres as shown on a survey for James Daniel by DuSouth Surveying & Engineering, Inc., dated 8/8/23 and certified by Jerry D. Wood, Georgia RLS #2999.

NARRATIVE

NARRATIVE TEMPLATE FOR SPECIAL EXEMPTION FOR 3022 SPARTAN ESTATES DR.

We are requesting a Special Exception of Code Section 409: Minimal Setbacks; Principal Buildings for the property located at 3022 Spartan Estates Dr. The current zoning is R-1 and its current use is single family residential.

We are applying for the Special Exception because the home we are in the process of building has a building corner that encroaches on the front yard minimum setback a total of 1'8". The error occurred through a series of decisions made to move the house forward on the lot to allow for the septic tank and drain fields. Initially our architects placed the home much farther back on the lot. Once the soils were tested on the property it was discovered that the home needed to be moved forward. When our surveyor moved the building footprint forward, he failed to take into account the necessary distances and dimensions for a courtyard on the easternmost front corner of the building. The construction drawings were never updated and that part of the building was constructed in a phase after the front corners were staked. We caught the error after the home was 95% complete, and are currently marketing the property for \$1.7 million dollars. The cost to remove the encroachment would be significant as would the impact on the overall architectural design. We made great efforts to build a unique home in a prominent subdivision and would like to leave the design as it is.

We contend that the request meets the standards for a Special Exemption because granting the exception:

- a. Would not cause substantial detriment to the public good.
 - 1) The encroachment does not pose any threat to public safety.
- b. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity.
 - 1) The encroachment is not near where any building could be constructed on the adjacent lot and would not impact any of the nearby properties.
- c. Would not diminish and impair property values within the surrounding neighborhood.
 - 1) There is nothing about the encroachment that would impact the surrounding neighborhood. We believe that the alternative to a Special Exception would cause a design change that might negatively impact the surrounding properties.
- d. Would not impair the purpose and intent of this Development Code.
 - 1) We believe there is nothing about allowing the Special Exception that would impair the purpose and intent of the Development Code.

NARRATIVE

The subject property is located in the Spartan Estates subdivision. The subdivision is nearly built out presently and the subject property is of a very similar character to the properties around it. They are all zoned R-1 and are single family residential use.

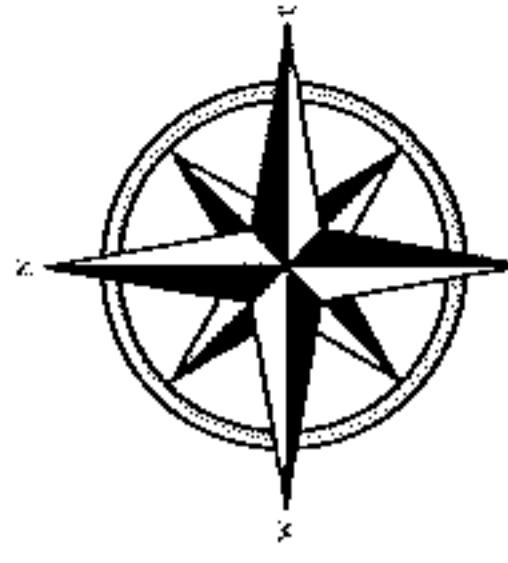
We would like the Board to consider the special circumstances of this property when considering the Special Exemption. The planning process begins with the HOA Design Committee and takes time and has significant costs. We designed the home to fit on a much wider section of the lot, and did our best to accommodate Environmental Health, HOA Architectural Requirements, and Oconee County Development Code when moving the design forward.

Thank you for your careful consideration of our request.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0205

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PLAT

**DUSOUTH****Land Surveying
Civil Engineering
Civil Contracting**22 S. Bennett Shoals Rd. Winder, Georgia 30077
706.310.1061 • Email: info@dusouth.net
Online: www.dusouthsurveying.com**SPARTAN ESTATES DRIVE (PRIVATE STREET)
60' ACCESS & UTILITY EASEMENT**

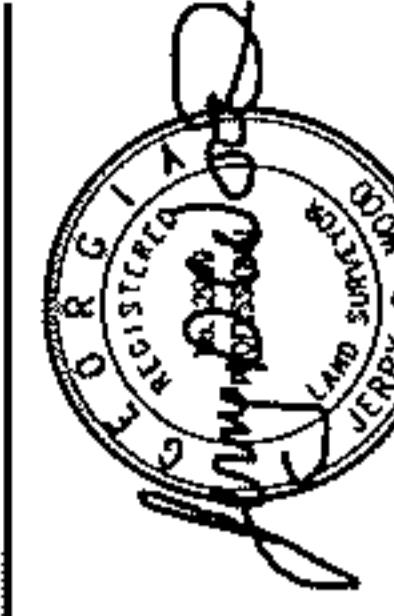
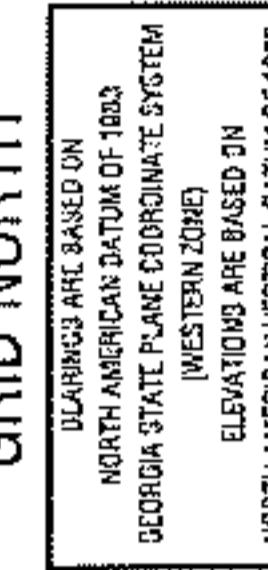
| MONUMENTATION LEGEND | |
|----------------------|-------------------------------|
| ○ | Projects Composted Point Only |
| ○ | Depicts Iron Pin Spot |
| ○ | Depicts Pin Found |
| ○ | Depicts Pin Found |
| ○ | Depicts Monument Set |
| ○ | Depicts Monument Found |
| ○ | Fire Hydrant |
| ○ | Sanitary Sewer |
| ○ | Power Pole |
| ○ | Transformer |
| ○ | Drop Inlet |
| ○ | Light Pole |

| PLAT ABBREVIATIONS | |
|--------------------|-----------------------------|
| IPF | IRON PIN FOUND (1/2" REBAR) |
| IPS | IRON PIN SET (1/2" REBAR) |
| OTP | OPEN TOP PIPE |
| CTP | CRIMP TOP PIPE |
| CMF | CONCRETE, MINIMUMENT FOUND |
| LLL | LAND LOT LINE |
| RW | RIGHT OF WAY |
| TPB | TRUE POINT OF BEGARING |
| P00 | POINT OF BEGINNING |
| POR | POINT OF REFERENCE |
| CL | CENTERLINE |
| PL | PROPERTY LINE |
| SF | SQUARE FOOT |
| CONC | CONCRETE |
| PSHM | SANITARY SEWER MANHOLE |
| JB | JUNCTION BOX |
| DI | DROP INLET |
| SWCB | SINGL WIND CATCH BASIN |
| DWCS | DOUBLE WIND CATCH BASIN |
| HW | HEADWALL |
| PP | POWER POLE |
| LP | LIGHT POLE |
| UP | UTILITY POLE |
| WW | WATER METER |
| WV | WATER VALVE |
| FH | FIRE HYDRANT |

| Curve Table | | | |
|-------------|--------|---------|--------------------|
| Curve # | Arc | Radius | Bearing |
| C1 | 104.21 | 1024.51 | S16°14'15"E 104.15 |
| C2 | 46.77 | 65.00 | S29°48'28"W 45.77 |

N/F
SCOTT & KERI EDWARDS
PN: C 03V 008
ZONED: R-1
PLAT BOOK 2020 PAGE 69

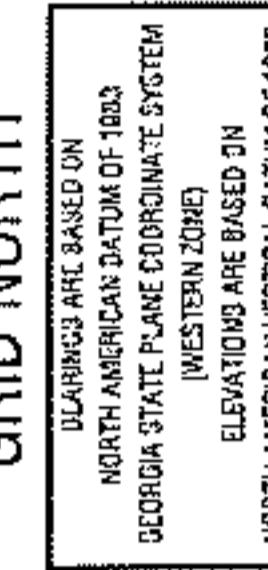
| | |
|--|------------------------|
| 3022 SPARTAN ESTATES DRIVE 221st G.M.D. | OCONEE COUNTY, GEORGIA |
| THIS IS A LAND SURVEY. ALL INFORMATION, WHETHER ORAL, WRITTEN, OR GRAPHICAL, IS PROVIDED "AS IS" AND IS FOR INFORMATIONAL PURPOSES ONLY. THE SURVEYOR, CONTRACTOR, AND SURVEYING COMPANY, AND THEIR EMPLOYEES, AGENTS, AND CONTRACTORS, MAKE NO WARRANTIES, EXPRESSED OR IMPLIED, AS TO THE ACCURACY OF THE INFORMATION PROVIDED. THE SURVEYOR, CONTRACTOR, AND SURVEYING COMPANY, AND THEIR EMPLOYEES, AGENTS, AND CONTRACTORS, ARE NOT RESPONSIBLE FOR ANY DAMAGES, WHETHER DIRECT OR INDIRECT, ARISING OUT OF THE INFORMATION PROVIDED. | |

DATE
11-2-23
PROJECT
21-207**SITE PLAN****GRAPHIC SCALE**0' 15' 30' 60' 90'
SCALE: 1" = 30'

| EXISTING LOT COVERAGE CHART | |
|-----------------------------|------------|
| HOUSE: | 3,099.6 SF |
| DRIVEWAY: | 2,334.2 SF |
| DECK: | 570.0 SF |
| CONCRETE PAVERS: | 187.6 SF |
| PORTICO: | 202.9 SF |
| GARAGE: | 320.0 SF |
| TOTAL: | 6,714.3 SF |
| PERCENT COVERAGE: | 15.85% |

PROJECT DATA

1. TOTAL PROJECT ACREAGE: 0.08 ACRES
2. TAX PARCEL #: C 03V 010
3. FLOOD PLAIN: NO PORTION OF THE PROPERTY LIES WITHIN A FLOOD ZONE ACCORDING TO FIRM COMMUNITY PANEL NUMBER 13219600070E. DATED SEPTEMBER 15, 2022.
4. CURRENT ZONING: R-1
5. REQUIRED BUILDING SETBACKS:
FRONT: 30'
SIDE: 10'
REAR: 40'
6. UNDERGROUND UTILITY SERVICES SUCH AS ELECTRIC, WATER, GAS, SANITARY SEWER LINES OR WELLS MAY OR MAY NOT EXIST AND MAY OR MAY NOT BE SHOWN HEREON.
7. THIS IS NOT A BOUNDARY SURVEY.
8. PLAT AND DEED REFERENCES:
P.B. 2020, PG. 71

N/F
STEPHANIE & CHRISTOPHER DUEERA
PN: C 03V 017AA
ZONED: AR
PLAT BOOK 35 PAGE 116**DUSOUTH****Land Surveying
Civil Engineering
Civil Contracting**22 S. Bennett Shoals Rd. Winder, Georgia 30077
706.310.1061 • Email: info@dusouth.net
Online: www.dusouthsurveying.comN/F
JAMES DANIEL
PN: C 03V 011
ZONED: R-1
PLAT BOOK 2020 PAGE 69**SITE PLAN****GRAPHIC SCALE**0' 15' 30' 60' 90'
SCALE: 1" = 30'



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

VARIANCE CASE #: P23-0205

DATE: December 22, 2023

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

APPLICANT NAME: Structure Building Company

PROPERTY OWNER: James E. Daniel

LOCATION: 3022 Spartan Estates Drive
(C 03V 010)

PARCEL SIZE: ± 0.98 acres

EXISTING ZONING: R-1 (Single Family Residential District)

EXISTING LAND USE: Single Family Residential (under construction)

TYPE OF VARIANCE REQUESTED: Special Exception Variance to reduce the front building setback from 30 feet to 28 feet.

REQUEST SUMMARY: The property owner requests a variance from UDC Sec. 409.01 which requires that all principal buildings on a lot in an R-1 district shall be set back from minor street right-of-way lines no less than 30 feet. Due to a survey mistake the residence was constructed roughly 28 feet from the street right-of-way.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: January 2, 2024

ATTACHMENTS:

- Application
- Narrative
- Legal Description
- Plat of Survey
- House Plans



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property is zoned R-1 and has been owned by the current owner since 2021. The existing principal residence is under construction.
- During the site development process, the house was shifted forward on the lot to allow space for the septic system.
- Due to a survey mistake the front corner of the structure encroaches roughly 2 feet into the minimum front yard setback.

VARIANCE DESCRIPTION

- The owner is requesting a special exception variance to construct a principal building a minimum of 28 feet from the street right-of-way.
 - ***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. (Note that Table 4.1 requires that principal buildings be set back at least 30 feet from minor streets.)

PUBLIC FACILITIES

Water:

- The project will utilize Oconee County water services.

Sewer:

- The project will utilize an on-site septic system.

Roads:

- The site will be accessed from the existing driveway for the residence from Spartan Estates Drive.

ENVIRONMENTAL

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

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:

Reducing the front setback from 30 feet to 28 feet presents only a minor difference in the visual character of the neighborhood. Staff holds that there should be no significant negative impact on the tax base or nearby public infrastructure, schools, or environmentally sensitive areas 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 residence exceeds the minimum front yard setback for most of the lot width, but a corner slightly encroaches on the setback from the cul-de-sac bulb. Staff holds that approval of the request to allow a 28 foot front yard setback in this location should not be injurious to the use and enjoyment of the environment or of other properties in the immediate vicinity.

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

Based on the configuration of the applicant's property and surrounding properties, staff holds that approval of the requested variance should not diminish or impair the property values within the surrounding neighborhood.

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 30 feet to 28 feet due to an error in survey. 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.

Variance # P23-0205 - Sean Hogan

Parcel #
C-03V-010

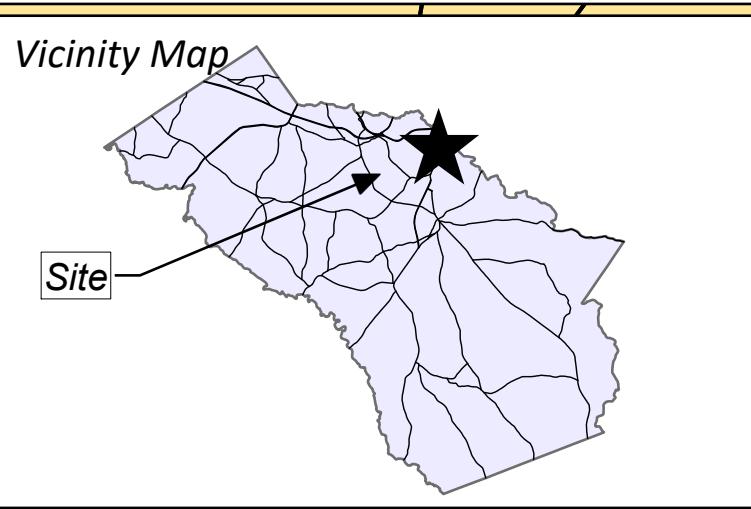


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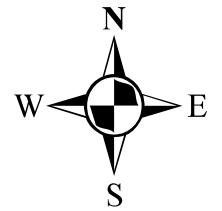
0 187.5 375 750 1,125 1,500

Feet





Oconee County Planning Department

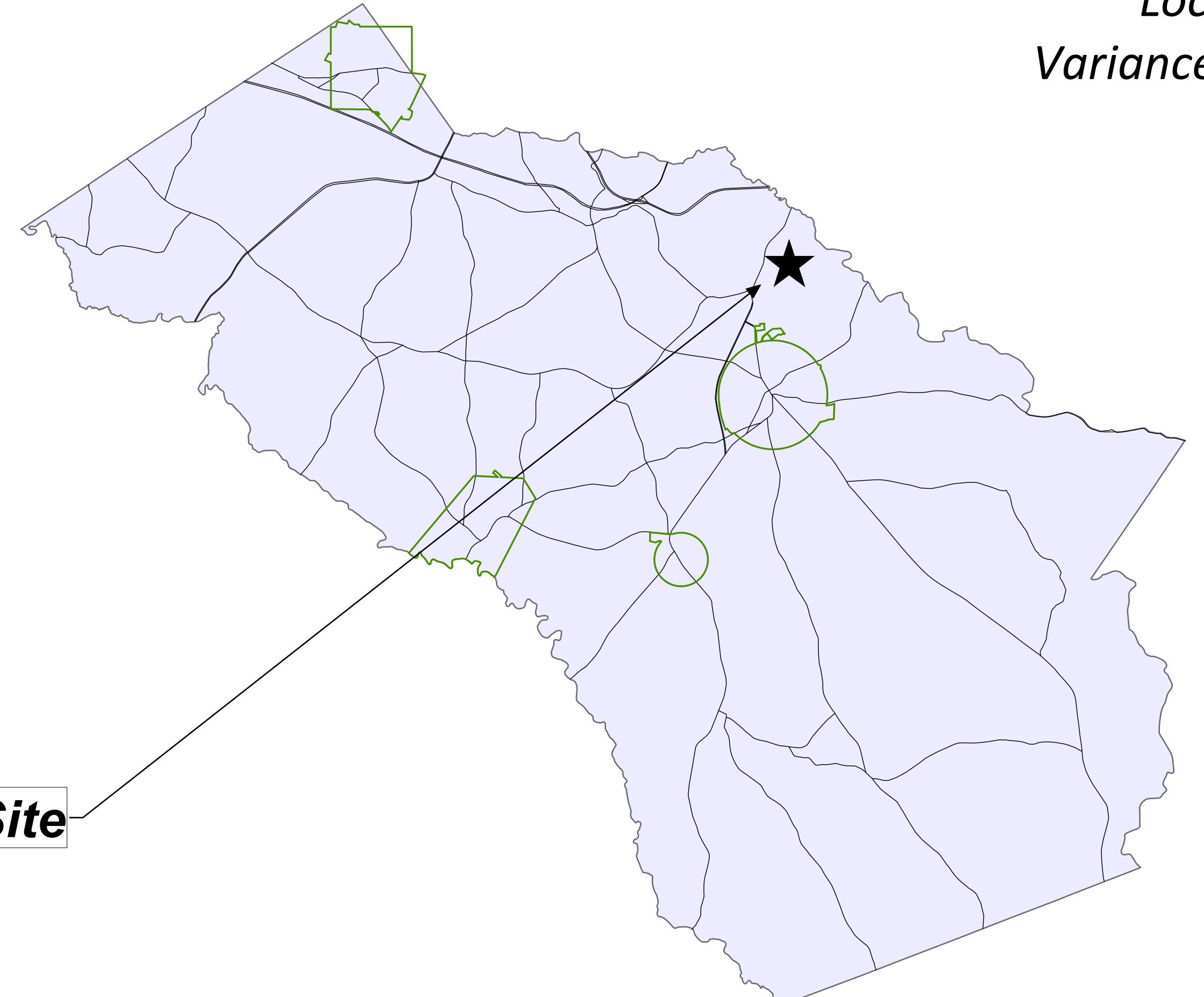


This map is a representation of the future development map
and should be used for planning purposes only

0 80 160 320 480 640
Feet

Country Estates

Location Map -
Variance # P23-0205
Sean Hogan



1:120,000

0 1 2 4 6 8 Miles

