

**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 Lori Kemp submitted on August 20, 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 Lori Kemp on August 20, 2023, regarding a ±1.23-acre tract of land located 1312 Union Church Road, Oconee County, Georgia, (tax parcel no. B-06-017A) 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 required rear and side setbacks from 25 feet to 6 feet in an AG zoning district (UDC Sec. 410.01.c(2), 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.

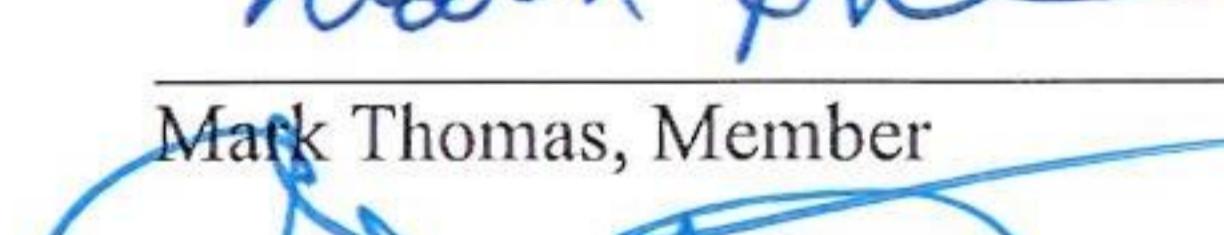
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on March 5, 2024.

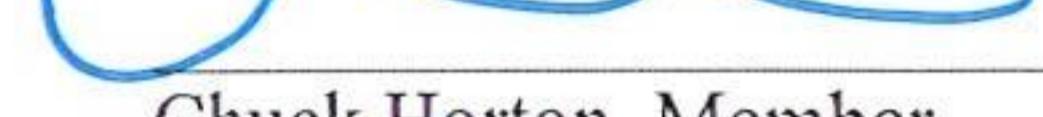
ADOPTED AND APPROVED, this 5th day of March, 2024.

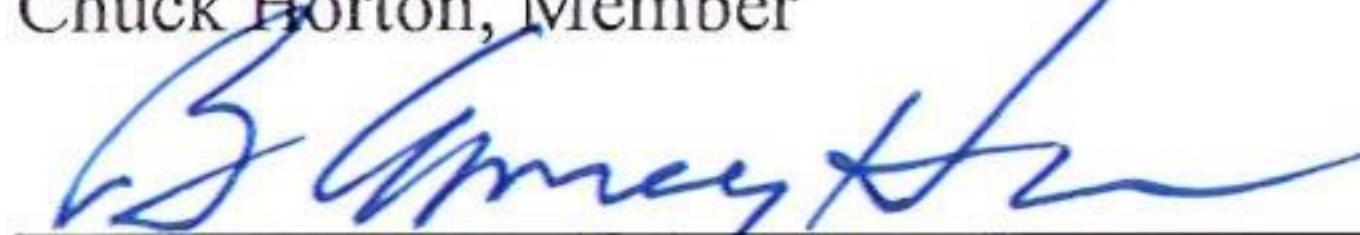
OCONEE COUNTY BOARD OF COMMISSIONERS

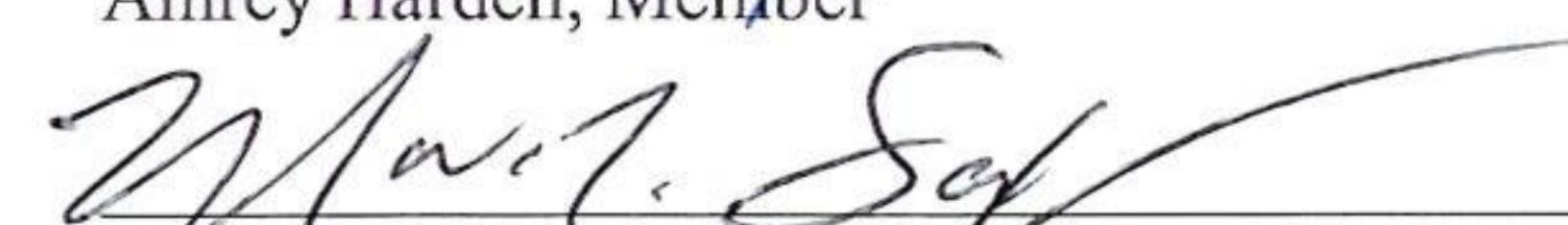
BY:


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:

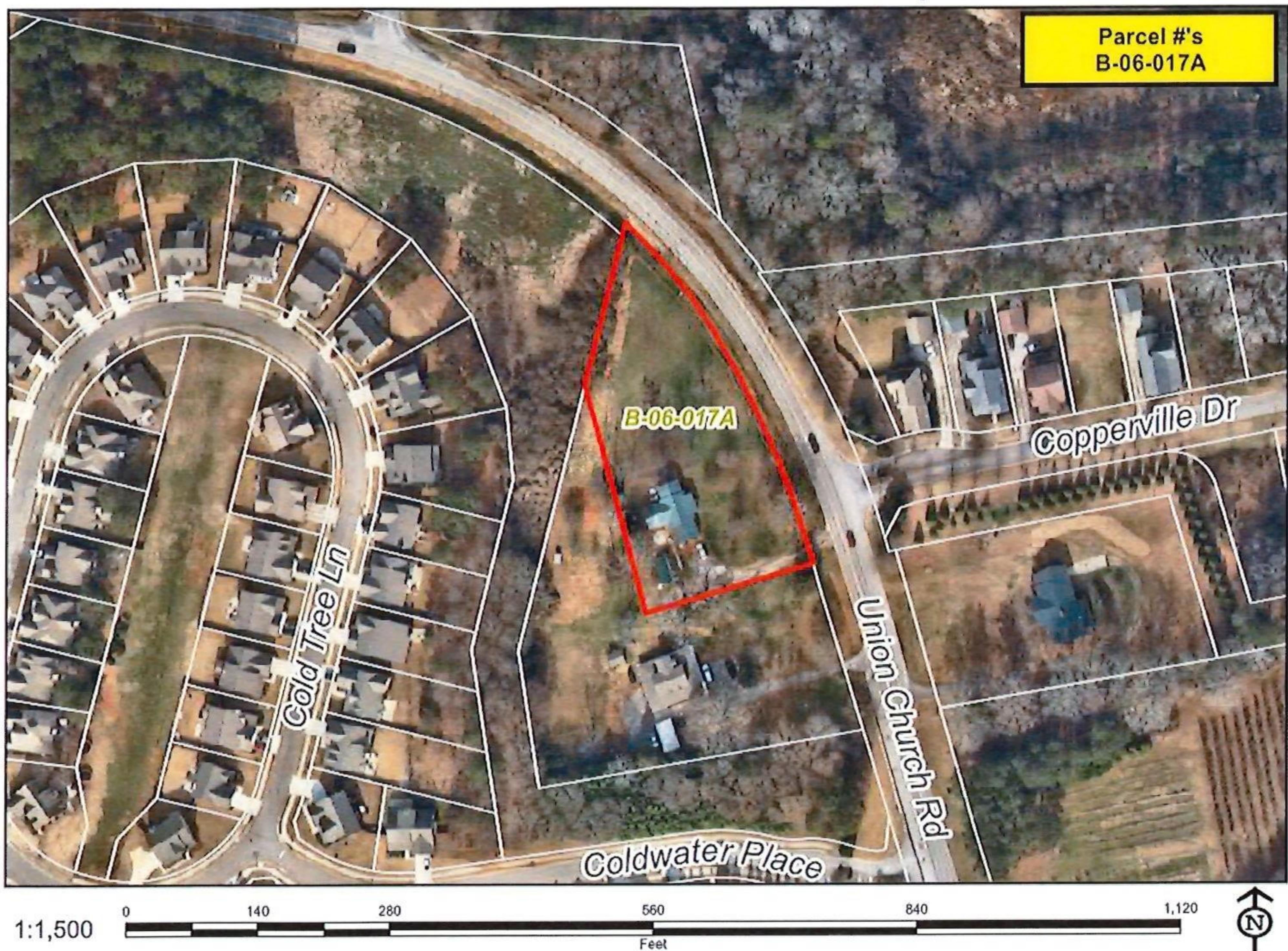

Holly Stephenson
Clerk, Board of Commissioners

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. The rear and side setback lines shall be reduced to 6 feet only for the immediate area of encroachment of the proposed accessory structure as shown on the associated concept plan, dated February 19, 2024.
3. At the applicant's expense, a 5-foot evergreen buffer shall be installed along the southern and western property lines adjacent to the placement of the accessory structure. The buffer should include large evergreen shrubs in accordance with the planting standards in UDC Article 8 for buffers. The buffer plan shall be reviewed, approved and inspected by Planning and Code Enforcement.

TAX MAP

Variance # P23-0184 - Lori Kemp



TYPED LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the 221st GMD, Oconee County, Georgia, being more particularly shown as Lot 2, containing 1.23 acres on the plat of survey entitled "Administrative Subdivision Plat For: Carolyn Nichols," dated March 13, 2008, by ABE Consulting, Inc., Craig Richt, Registered Land Surveyor, and recorded in Plat Book 37, Page 277, Oconee County, Georgia Records, which recorded (plat is incorporated herein by reference and made a part of this description.

NARRATIVE

Narrative Statement

Lori Kemp

1312 Union Church Rd
Watkinsville, GA 30677

I am requesting a Special Exception Variance. The subject property is located at 1312 Union Church Rd Watkinsville, GA 30677. The existing zoning for the property is Agricultural District (AG). The property's use is for a single family dwelling.

The code section that applies to this variance is 410.01 , c.(2). This code section requires a rear/side setback of 25 ft for buildings over 144 sq ft. My proposal is to reduce the setback minimums to 6 ft so a 240 sq ft building may fit in a reasonable spot. The reasons for my request are as follows: eliminating the need to cut down desirable mature trees, eliminating the need for heavy transportation/construction vehicles to drive over septic tank and lines, eliminating the need to tear down a portion of my perimeter fence which does not have a drive gate big enough for the 12 ft wide building, eliminating the need to create a new drive to the building- through a fence, as well as keeping the building reasonably accessible to exterior doors of the residence. The property has no true "backyard" by definition, and the most feasible place for said building doesn't comply with the minimum setback standards considering the building must follow principal building setbacks due to its size. All spots that are in compliance with the setbacks would require many unwanted accommodations, place the building far onto unused property, and would stand out to those driving past on Union Church Rd. The proposed use of the property will remain the same- a single family dwelling.

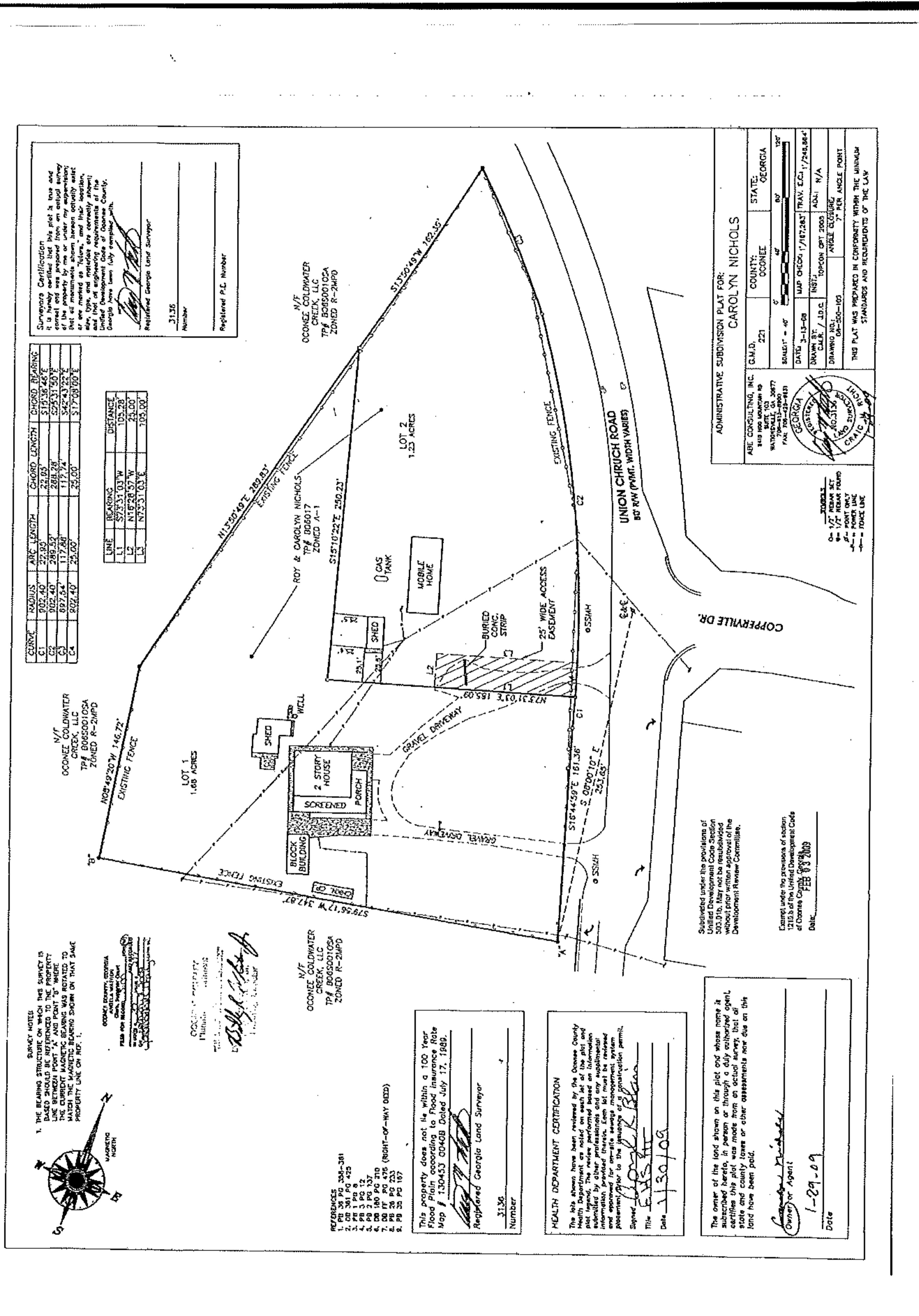
The existing zoning for adjacent lots is the Agricultural District (AG). The existing use for the property to our left (which also extends behind most of the subject property) is a residential single family dwelling. The property to our right is an empty lot with heavy brush. A residential neighborhood sits across from the subject property- divided by Union Church Rd.

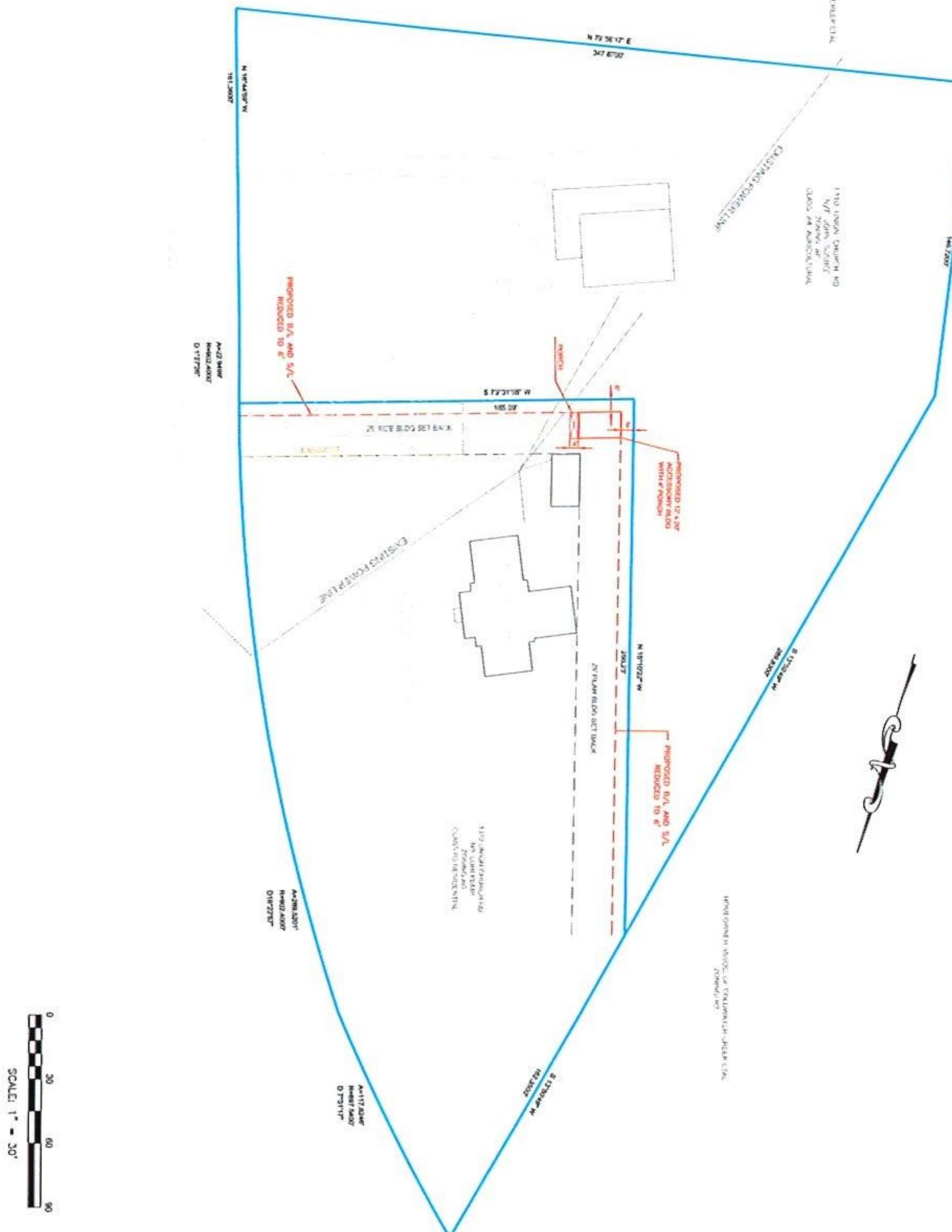
There are no other applications to accompany this one. The need for this building arises from our move being a large downsize in living/storage area. My last residence had a full basement and sizable attic. The existing shed on property is not airtight nor feasible for long term storage. Said shed houses tools, lawn equipment, outdoor equipment, ect. There is a major need for reliable and climate controlled storage for our sensitive items that have been displaced due to a lack of storage area inside the residence. Such items would include things like photos, artwork, seasonal clothing, paint/other sensitive building materials, holiday decorations, ect.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0184

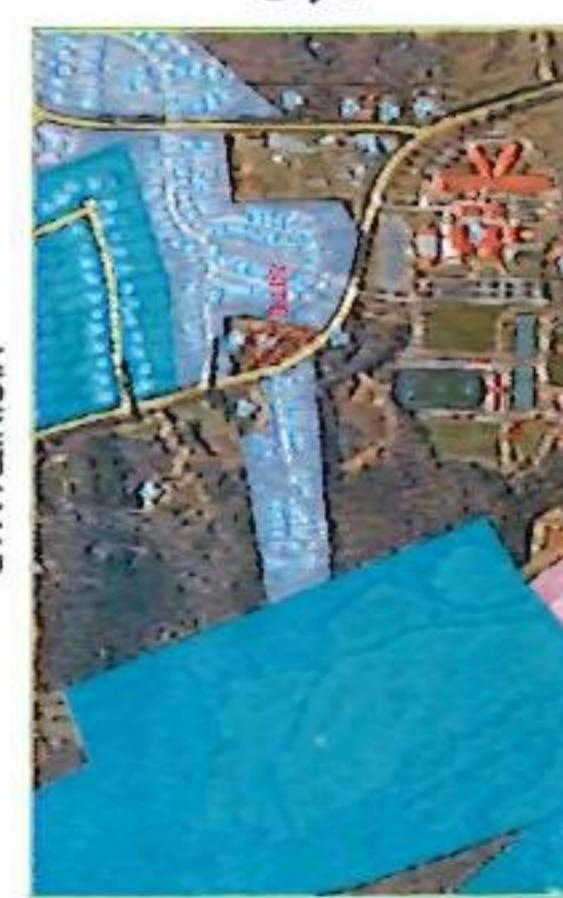
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PLAT





SCALE 1"=2000'



SPECIAL EXCEPTION VARIANCE CONCEPT PLAN

LORI KEMP

SHEET 1 OF 1



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

VARIANCE CASE #: P23-0184

DATE: February 22, 2024

STAFF REPORT BY: David Webb, AICP (Senior Planner)

APPLICANT NAME: Lori Kemp

PROPERTY OWNER: Lori Kemp

LOCATION: 1312 Union Church Road
(B 06 017A)

PARCEL SIZE: \pm 1.23 acres

EXISTING ZONING: Agricultural (AG)

EXISTING LAND USE: Single Family Dwelling

TYPE OF VARIANCE REQUESTED: Special Exception Variance

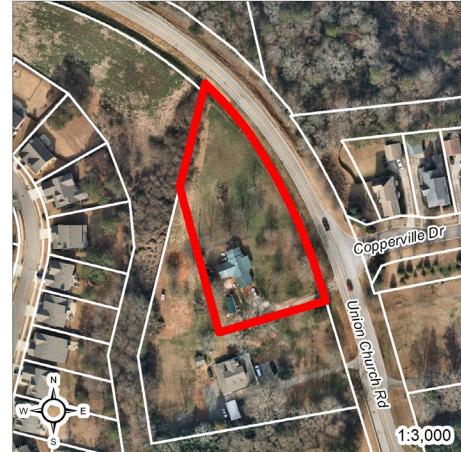
REQUEST SUMMARY: Setback variance from 25 feet to 6 feet

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: March 5, 2024

ATTACHMENTS:

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



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property is zoned Agricultural (AG) as part of the original zoning adoption in 1968.
- The parcel was part of a 2-lot subdivision recorded February 3, 2009.
- There is an existing house and accessory structure built on the property according to tax records.

VARIANCE DESCRIPTION

- The property owner requests a variance from Oconee County Unified Development Code Sections 410.01.c(2) and Table 4.1 to reduce the minimum required rear and side setbacks from 25 feet to 6 feet to construct a proposed 240 square foot (12' x 20') accessory structure.

Section 410.01.c.2 Accessory Buildings:

(2) Accessory buildings having a floor area greater than 144 square feet must comply with the same setbacks as required for principal buildings in each zoning district; provided that no such accessory building may be located in the front yard of a lot unless the lot itself is 3 acres or more in size. In no case shall the building be within the minimum principal building front setback).

Table 4.1 setbacks in the AG zone

Front: 30 feet Side: 25 feet

Rear: 25 feet

PUBLIC FACILITIES

Water:

- The project utilizes Oconee County water services.

Sewer:

- The existing house has an on-site septic system.

Roads:

- The property has access to Union Church Road.

ENVIRONMENTAL

- There are no known state waters or floodplain areas on the property.

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:

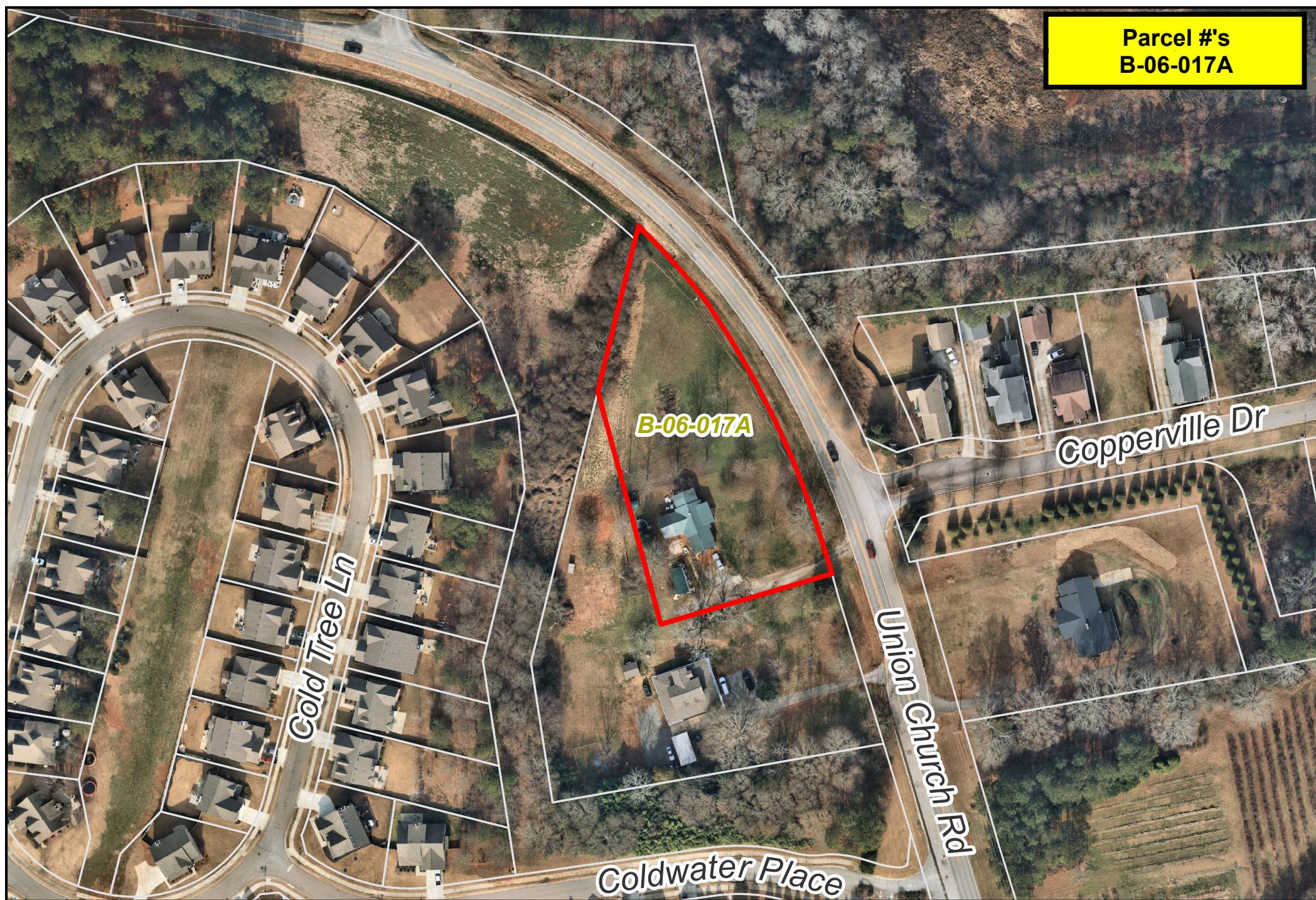
No significant negative impact on the tax base or nearby public infrastructure, schools, or environmentally sensitive areas should result from approval of the variance request. Staff analysis indicates that approval of the variance would not cause substantial detriment to the public good.

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

The surrounding properties are zoned R-2 and AG. All of the surrounding lots are developed as residential uses or serve as open space (Coldwater Creek HOA). There are no existing structures on other properties within 40 feet of the 1312 Union Church Road property line. Staff analysis indicates that granting the requested variance would not be injurious to the use and enjoyment of nearby properties.

Variance # P23-0184 - Lori Kemp

Parcel #'s
B-06-017A



1:1,500

0

140

280

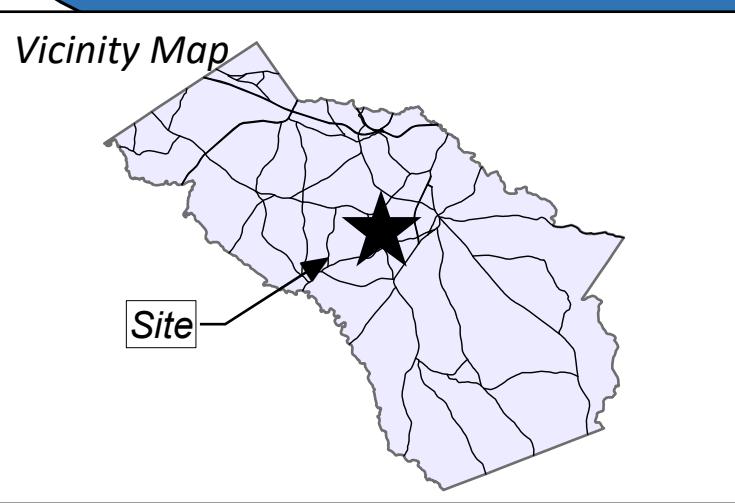
560

840

1,120

Feet





Public Institutional

Oconee County Planning Department



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

0 60 120 240 360 480
Feet

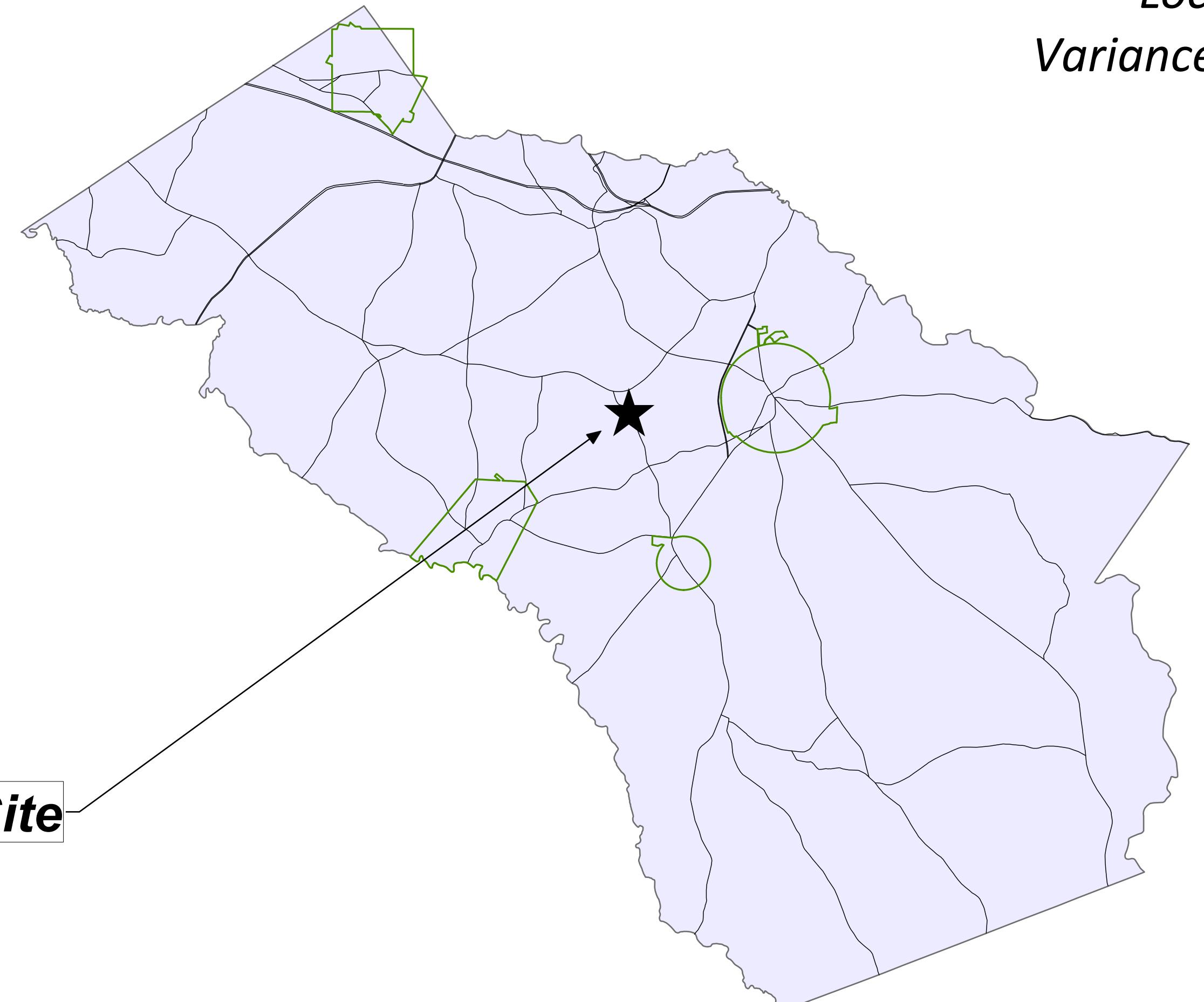
Character Areas Map -
2023 Joint Comprehensive Plan

Civic Center

Suburban Neighborhood

Suburban Neighborhood

*Location Map -
Variance # P23-0184
Lori Kemp*



1:120,000

0 1 2 4 6 8 Miles

