

**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.

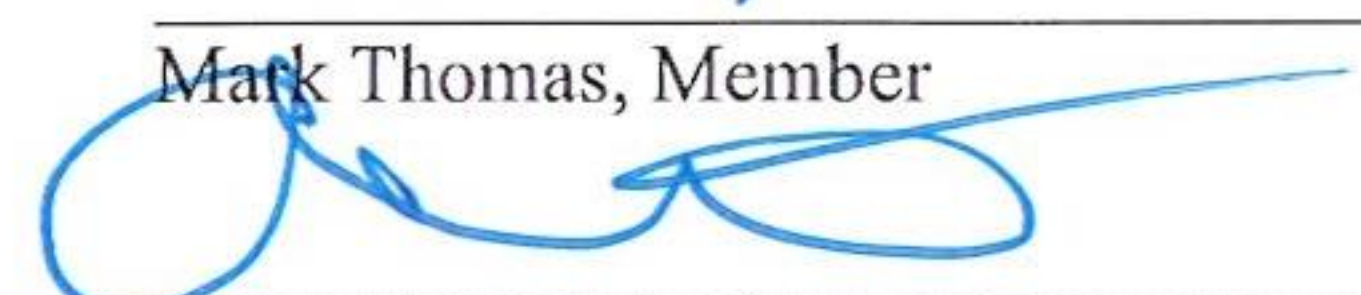
ADOPTED AND APPROVED, this 5th day of March, 2024.

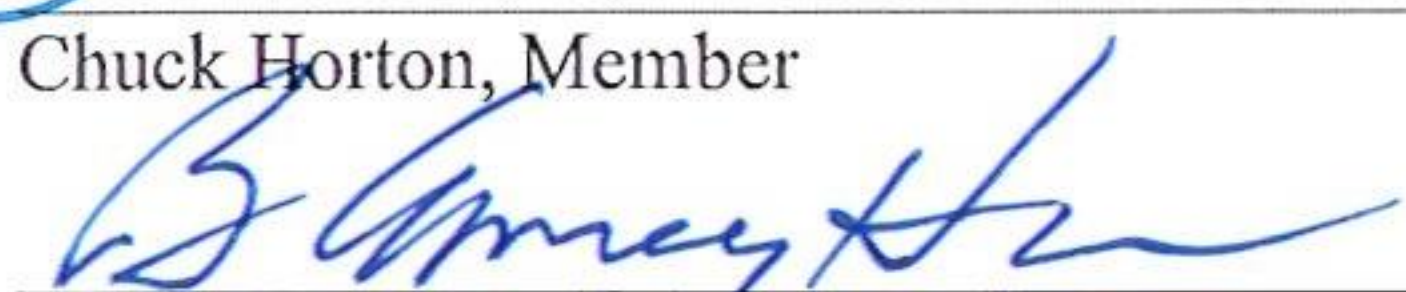
OCONEE COUNTY BOARD OF COMMISSIONERS

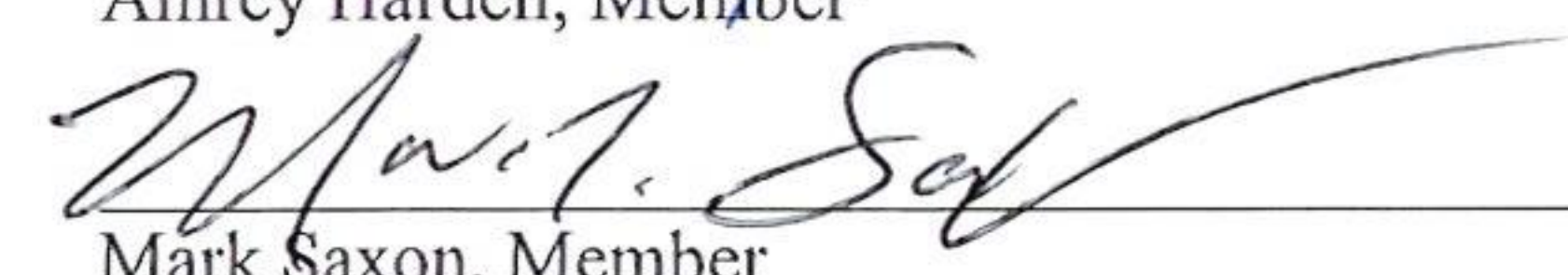
BY:


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:

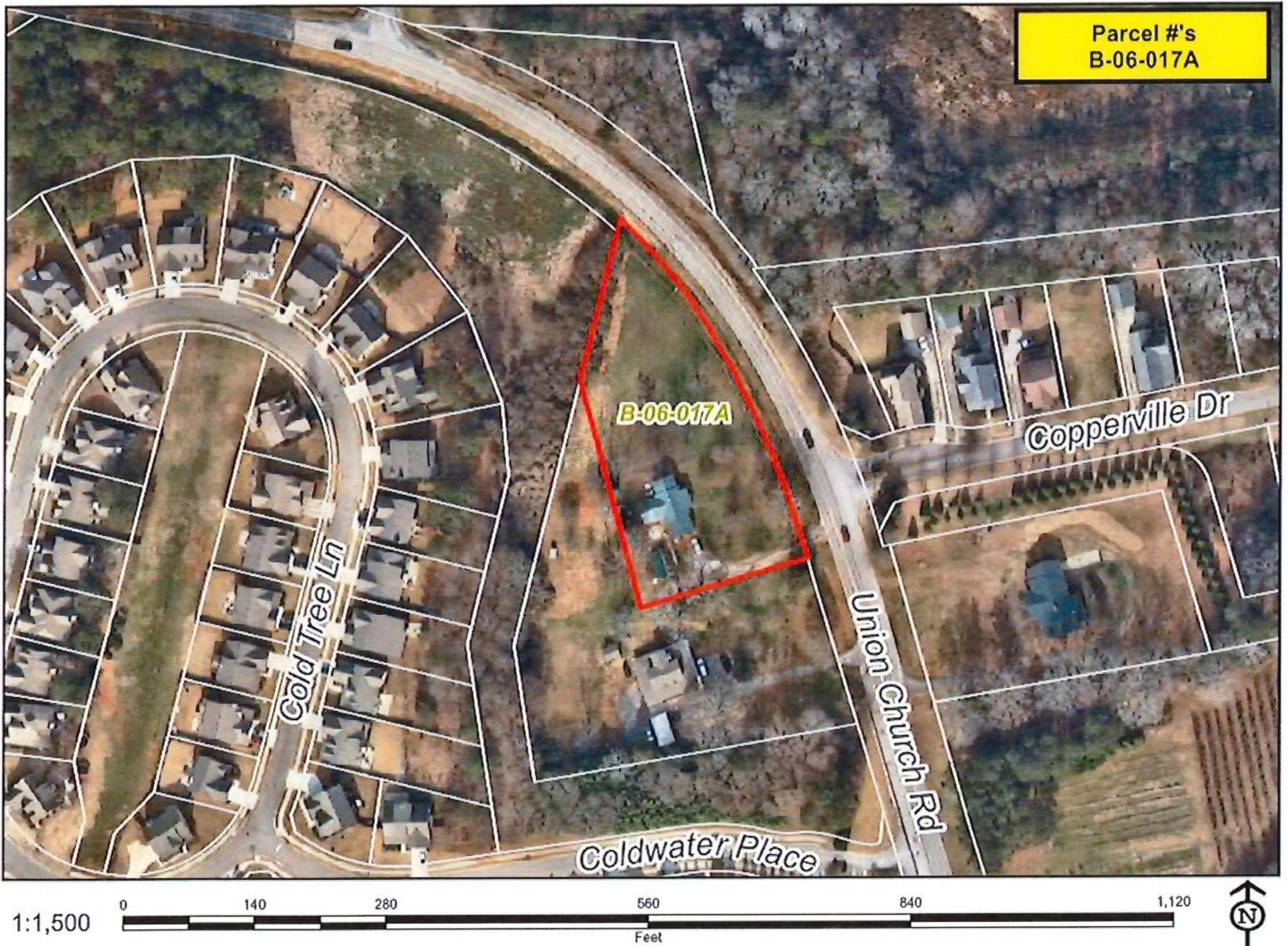

Holly Stephenson
Clerk, Board of Commissioners

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.

SURVEY NOTES

1. THE BEARING STRUCTURE ON WHICH THIS SURVEY IS BASED SHOULD BE REFERENCED TO THE PROPERTY LINE BETWEEN POINT "A" AND POINT "B" WHERE THE BEARING MAGNETIC BEARING WAS ROTATED TO MATCH THE BEARING SHOWN ON THAT SAME PROPERTY LINE ON NO. 1.

SURVEYOR'S CERTIFICATION

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision, that all measurements shown herein are true and correct as taken, and that I am a duly Licensed Surveyor of the State of Georgia.

[Signature]
 Registered Georgia Land Surveyor

3136
 Number

Registered P.L. Number

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	902.40'	32.93'	22.03'	S15°36'48"E
C2	1002.40'	280.82'	280.82'	S25°31'30"E
C3	897.54'	117.88'	117.74'	S42°43'22"E
C4	802.40'	25.00'	25.00'	S17°08'00"E

LINE	BEARING	DISTANCE
L1	S75°31'03"W	104.28'
L2	N18°28'52"W	23.00'
L3	N75°31'03"E	705.00'

LOT 1
 1.68 ACRES

N08°49'20"W 146.72'
 EXISTING FENCE

N11°50'49"E 289.03'
 EXISTING FENCE

N15°10'22"E 250.23'
 EXISTING FENCE

S15°50'49"W 102.36'
 EXISTING FENCE

LOT 2
 1.23 ACRES

S15°10'22"E 250.23'
 EXISTING FENCE

S15°50'49"W 102.36'
 EXISTING FENCE

UNION CHURCH ROAD
 80' RW (PMT. WIDTH VARIES)

COPPERVILLE DR.

2 STORY HOUSE
 SCREENED PORCH
 BLOCK BUILDING
 SHED
 WELL
 GAS TANK
 MOBILE HOME
 BURIED CONC. STRIP
 25' WIDE ACCESS EASEMENT
 GRAVEL DRIVEWAY
 GRAVEL DRIVEWAY

ADJACENT PROPERTIES:
 N11°50'49"E 289.03' EXISTING FENCE
 N15°10'22"E 250.23' EXISTING FENCE
 S15°50'49"W 102.36' EXISTING FENCE
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 S15°10'22"E 250.23' EXISTING FENCE

ADMINISTRATIVE SUBDIVISION PLAT FOR:
CAROLYN NICHOLS

ADJ. CONSULTING, INC.
 3415 HOOVER BLVD.
 SUITE 100
 WATKINSVILLE, GA 30677
 TEL: 706-331-1000
 FAX: 706-331-1001

STATE: GEORGIA
COUNTY: OCONEE
COMM.: 221

SCALE: 1" = 40'
DATE: 3-13-08
DRAWN BY: J.D.C.
CHECKED BY: J.D.C.
DRAWING NO.: 08-505-103
7" PER ANGLE POINT

THIS PLAT WAS PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW

HEALTH DEPARTMENT CERTIFICATION

The lots shown have been reviewed by the Oconee County Health Department on or about the date of the plat and found to be in compliance with the health department regulations. The review was performed based on information submitted by other professionals and any supplemental information provided therein. Each lot must be reviewed and approved for on-site sewage management system placement prior to the issuance of a construction permit.

[Signature]
 Registered Georgia Land Surveyor

3136
 Number

Registered Georgia Land Surveyor

OWNER'S CERTIFICATION

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state and county taxes or other assessments now due on this land have been paid.

[Signature]
 Owner or Agent

1-29-09
 Date

[illegible]

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: ± 1.23 acres

EXISTING ZONING: Agricultural (AG)

EXISTING LAND USE: Single Family Dwelling

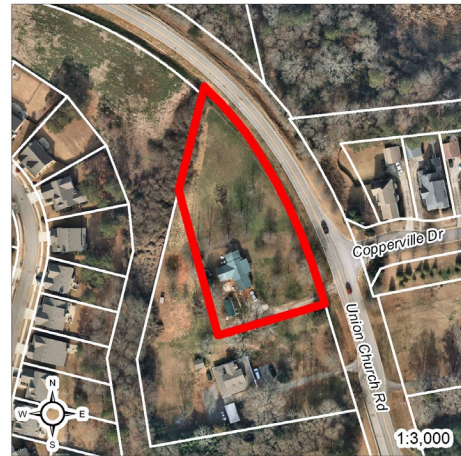
TYPE OF VARIANCE REQUESTED: Special Exception Variance

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.

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

There is no proposed change in the current residential use of the property at 1312 Union Church Road. Staff analysis indicates there is no evidence that the addition of a residential accessory structure will diminish or impair the value of the adjacent properties or surrounding neighborhoods.

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

The intent of UDC Sections 410.01.c(2) and Table 4.1 is to provide a minimum setback distance for accessory buildings. The applicant has requested a special exception variance to reduce the required minimum setback distance from 25 feet to 6 feet in order to construct a second accessory structure on the property. Staff analysis indicates 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.
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.

Variance # P23-0184 - Lori Kemp

Parcel #'s
B-06-017A

B-06-017A

Cold Tree Ln

Copperville Dr

Union Church Rd

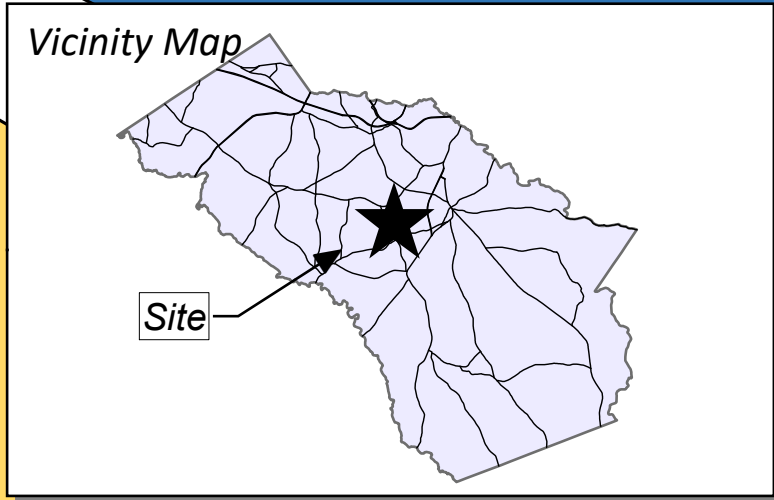
Coldwater Place

1:1,500

0 140 280 560 840 1,120

Feet



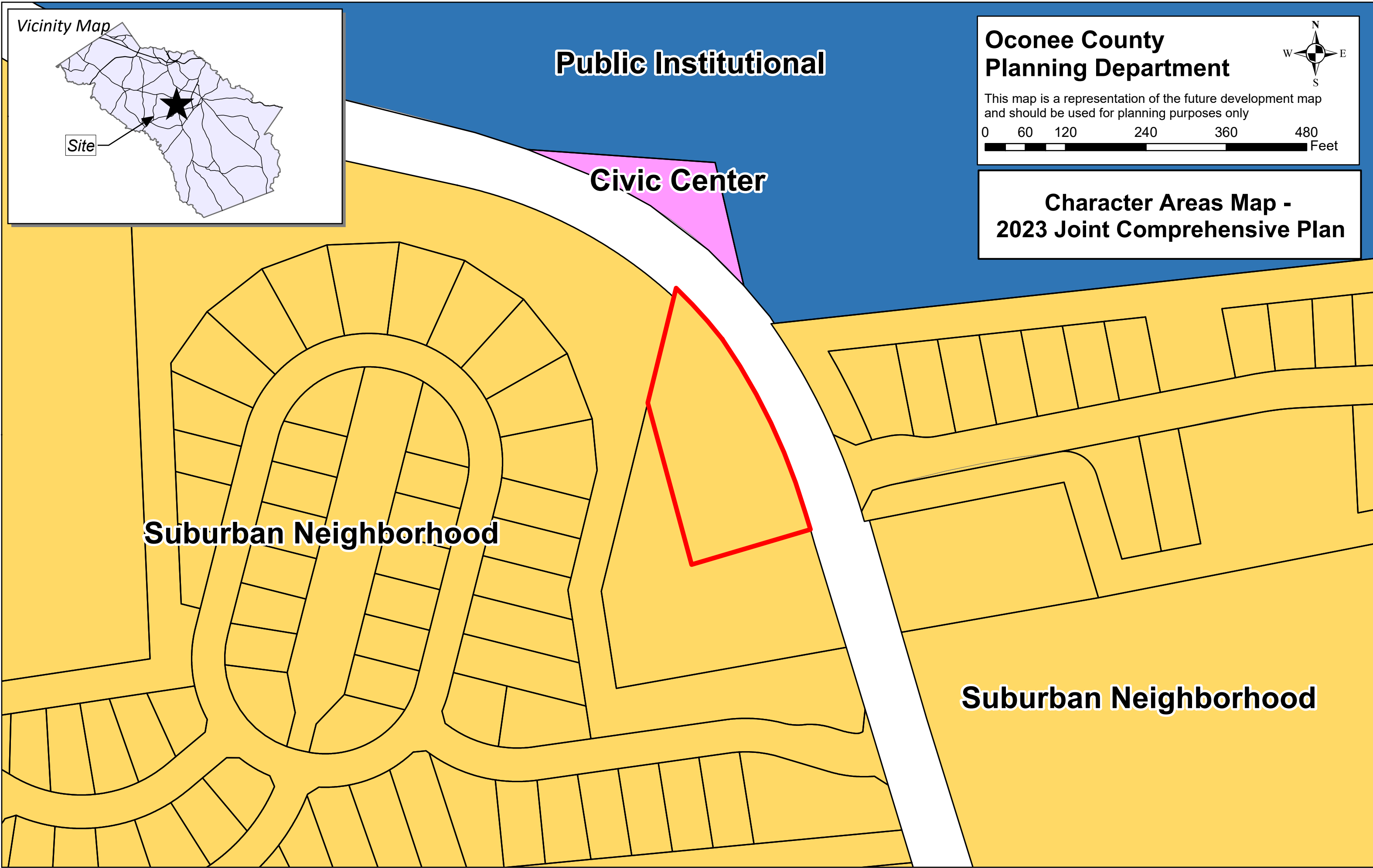


**Oconee County
Planning Department**

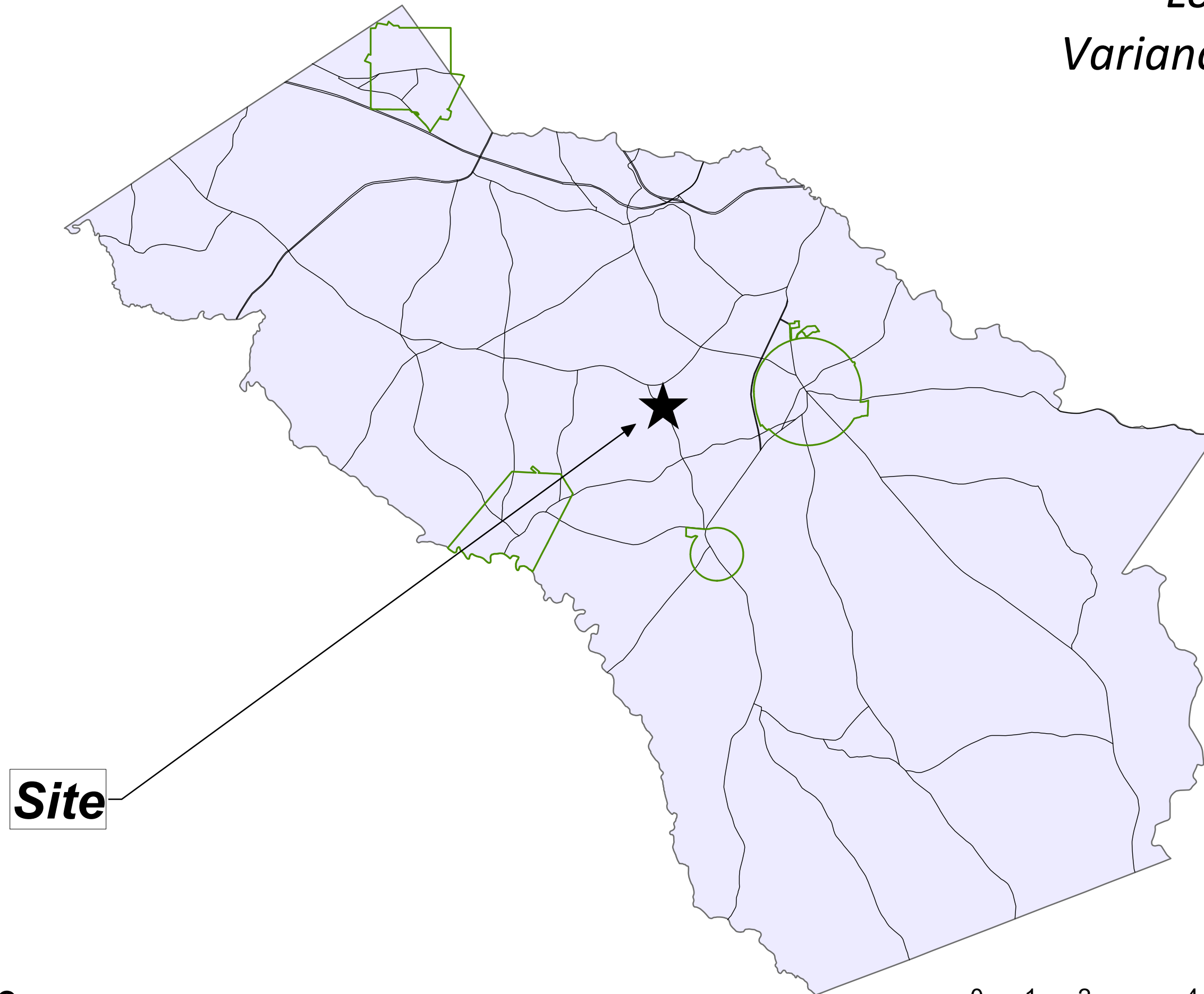
This map is a representation of the future development map and should be used for planning purposes only

0 60 120 240 360 480 Feet

**Character Areas Map -
2023 Joint Comprehensive Plan**



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



1:120,000

0 1 2 4 6 8 Miles

Union Church Rd

AG

R-2

AG

R-2

Copperville Dr

er Place

Zoning

AG

AR-3

AR

R-1

R-2

R-3

M-H

B-1

B-2

O-I-P

O-B-P

I

**Oconee County
Planning Department**

This map is representative of current county zoning
and should be used for planning purposes only.



1:2,000