

**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 Kerry H. Barwick & Ken D. Hill submitted on February 5, 2024.

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 Barak Zukerman on February 5, 2024, regarding a portion of a ±23.51-acre tract of land located 7760 Macon Hwy, Oconee County, Georgia, (tax parcel no. B-06-029A), 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 from Oconee County Unified Development Code Section 806, Table 8.1 on a portion of to reduce the required landscape buffer from 25 feet to 10 feet, for ±412 linear feet as indicated on the concept plan, along a portion of the property line with parcel B-06-028.

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 July 9, 2024.

ADOPTED AND APPROVED, this 9th day of July, 2024.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell
John Daniell, Chairman

Mark Thomas
Mark Thomas, Member

Chuck Horton
Chuck Horton, Member

Amrey Harden
Amrey Harden, Member

Mark Saxon
Mark Saxon, Member

ATTEST:

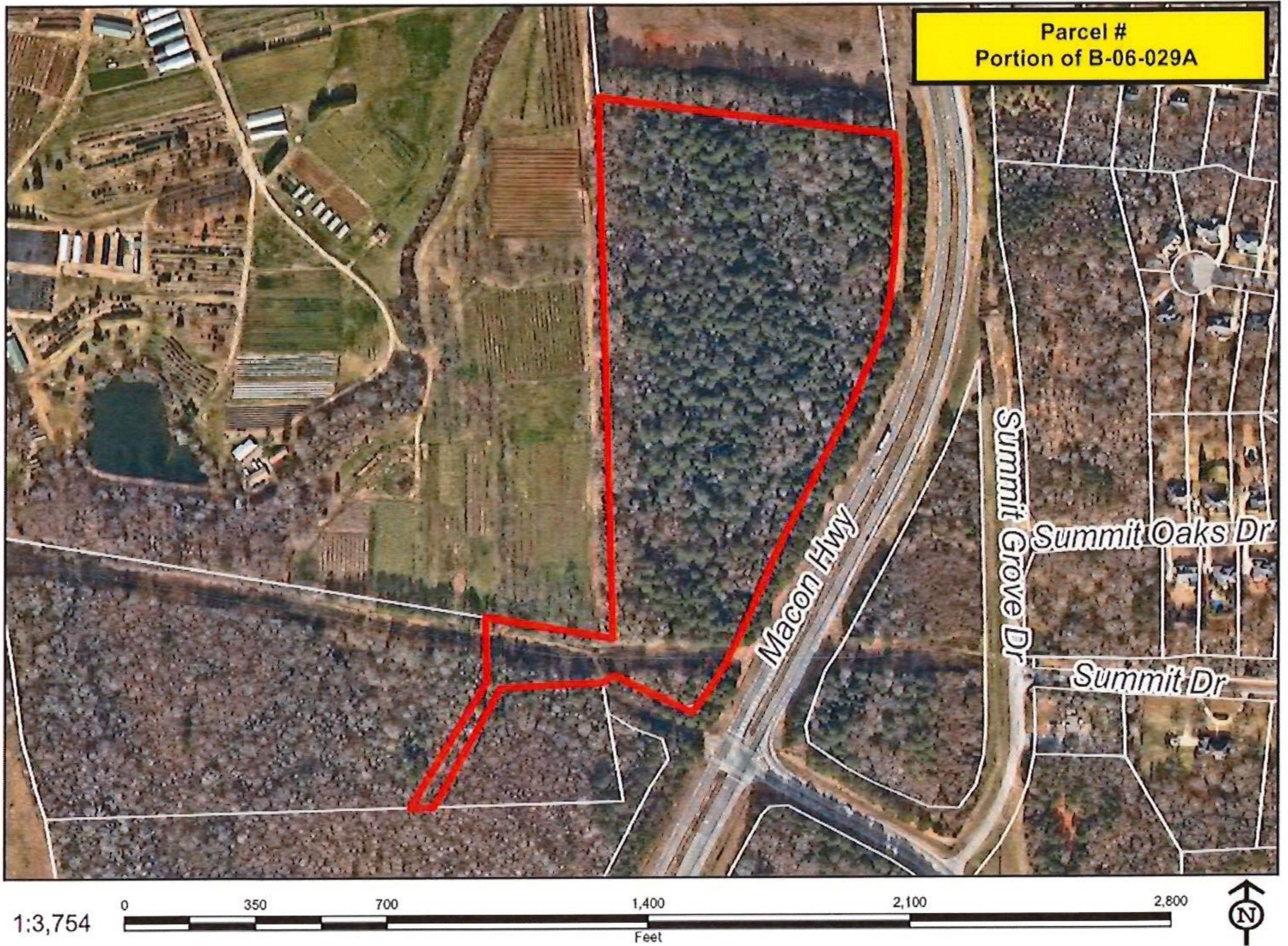
Holly Stephenson
Holly Stephenson
Clerk, Board of Commissioners

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 variance 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 # P24-0027 - Barak Zukerman



TYPED LEGAL DESCRIPTION

Legal Description of Rezone Area

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

Beginning at a point on the western right-of-way line of Watkinsville Bypass (R/W Varies) adjacent to the intersection with Watkinsville Bypass (R/W Varies) and U.S. Hwy. 441/ 129 (R/W Varies), that point being the TRUE POINT OF BEGINNING (T.P.O.B.), Thence, N 62 degrees 01 minutes 41 seconds W for a distance of 235.2 feet to a point, Thence, S 63 degrees 24 minutes 45 seconds W for a distance of 27.2 feet to a point, Thence, S 78 degrees 47 minutes 22 seconds W for a distance of 215.0 feet to a point, Thence S 27 degrees 35 minutes 07 seconds W for a distance of 330.9 feet to a point, Thence S 83 degrees 15 minutes 00 seconds W for a distance of 60.6 feet to a point, Thence N 27 degrees 35 minutes 07 seconds E for a distance of 365.0 feet to a point, Thence N 01 degrees 09 minutes 10 seconds W for a distance of 159.0 feet to a point, Thence S 80 degrees 34 minutes 31 seconds E for a distance of 250.0 to a point, Thence, N 00 degrees 58 minutes 48 seconds W for a distance of 1459.7 feet to a point, Thence, S 83 degrees 53 minutes 39 seconds E for a distance of 800.3 feet to a point on the eastern right-of-way line of Watkinsville Bypass, (R/W Width Varies) Thence continuing along said right-of-way, S 05 degrees 05 minutes 40 seconds E for a distance of 0.8 feet to a concrete monument, Thence, S 05 degrees 51 minutes 10 seconds E for a distance of 217.5 feet to a concrete monument, Thence, S 05 degrees 21 minutes 43 seconds W for a distance of 270.4 feet to a concrete monument, Thence, S 21 degrees 09 minutes 14 seconds W for a distance of 370.9 feet to a concrete monument, Thence S 28 degrees 52 minutes 54 seconds W a distance of 429.0 feet to concrete monument, Thence, S 26 degrees 40 minutes 31 seconds W for a distance of 407.2 feet to a point , that point being the TRUE POINT OF BEGINNING (T.P.O.B.)

NARRATIVE

NARRATIVE

NORTHWEST SIDE INTERSECTION OF VETERANS PARKWAY (HWY 441) AND SR15

Application For Variance

Introduction:

Property Address: 7760 Macon Highway, Watkinsville, Parcel B 06 029A,

Landowner: Kerry H Barwick and Ken D Hill

Existing Zoning: AR

Requested Variance: To reduce the Landscape Buffer from 25' to 10' for up to 300' per side to allow for easier access and road design. (Section 806 Table 8.1)

Area: 0.21 Acres

VARIANCE NARRATIVE

Cideco Development application requests a Variance of the Landscape Buffer on the property from 25' buffer to 10' buffer between B2 and AR for the construction of Watkinsville Exchange.

The site plan shows the general footprint of the area on Lot #10 which would serve as a QSR and the adjacent Common Area Access area to the south at the access and power easement. This reduces our ability to access the rear property efficiently. The request is to reduce the landscape buffer from 25' to 10' for up to 300' from the inside corner north and west to allow for easier access. This is a total of 0.21 acres affected by this variance. The property is currently an undeveloped, unused agricultural tract and a power line easement.

Adjacent properties: Regarding adjacent property uses, the uses are as follows:

South: Lumpkin Branch Park (office / industrial park) with healthcare and gymnastics with businesses in the park and Quiktrip (coming soon) which was recently rezoned from AG to B2

North: Undeveloped B-2 piece BankSouth Bank and RaceTrac gas station

East: newly opened Oconee County government annex and a single story, office complex

West: Agricultural use (Government- UGA horticulture research farm). This is the only property directly affected.

Other Applications

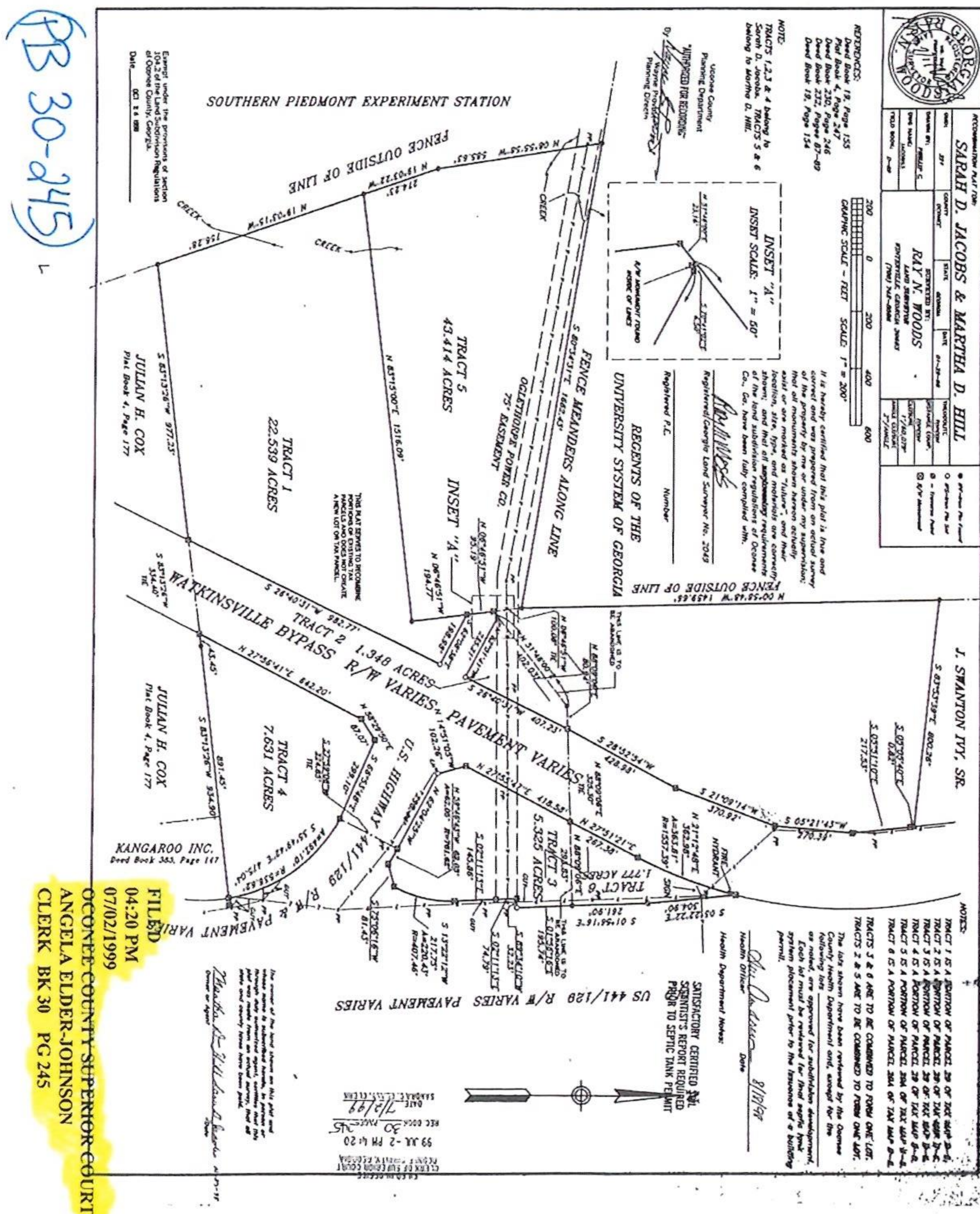
This Variance application is in conjunction with the Zoning request P24-0014 to rezone the property from AR to B2; request P24-0028 for a parking variance on a separate lot; request P24-0102 for a change in the maximum allowed lots in a private access drive. This is the only landscape request for the entire 23.67 acres.

NARRATIVE

Conclusion:

In summary, Cideco Dev proposes a slight change to the landscape buffer which would only affect less than 10% of the overall perimeter of the property and less than 1% of the re-zone area for the benefit of needed access and efficient roads.

PLAT





Parcel #	USE	Building	Size	Spaces	Per	ADA		ADA	ADA
						Required	Shared		
Parcel 1	Pool	6000	10	11000	60	90%	54	3	3
Parcel 2	Auto Parts	9000	1	300	32	90%	29	2	2
Parcel 3*	Oil Change	1800	1	250	12	90%	10.8	1	1
Parcel 4	Cafe	6000	10	1000	60	90%	54	3	3
Parcel 5	General Merchandise	6000	1	300	20	90%	18	64	3
Parcel 6	Family Restaurant	8000	9.5	1000	76	100%	76	77	4
Parcel 7	Bank	4000	4	1000	16	90%	14.4	29	2
Parcel 8	Office	3000	10	1000	30	100%	30	2	2
Parcel 9	General Merchandise	3000	1	300	10	100%	10	36	2
Parcel 10	College/PSV	4000	10	1000	6	100%	6	1	1
Parcel 11**	Medical/Pharmacy	7000	1.5	400	10	90%	16.2	1	1
Parcel 12	Medical/Dental Offices	6000	1	300	20	90%	18	3	3
Parcel 13	Sports Club	24000	4.5	1000	100	100%	100	63	4
Parcel 14	Medical/Dental Offices	4000	1	300	14	90%	12.6	5	6
Parcel 15***	Large Sports	40250	4.5	1000	107	90%	102	13	2
Parcel 16	Furniture Store	40250	1	1300	41	90%	36.9	6	2

DEVELOPMENT CONTACTS	
DEVELOPMENT GROUP	
OWNER	<p>8335 PULASKI AVE., BAYVILLE 10033 FOUCHER RD. UNIT 9 MIDLAND, GA 31320</p>
DEVELOPER	<p>CHICO DEVELOPMENT CO., INC. CONTACT: TAMM ZUFERMAN 850 JOHNSON TERRY ROAD SUITE 100 ATLANTA, GA 30342</p>
FINANCER	<p>USURY 1034N WATERS 22 MARSHY CIRCLE RD. WATSONVILLE, CA 95777</p>

Parcel Area Table	
Parcel #	Area (ac)
1	1.03
2	1.16
3	0.73
4	1.34
5	1.43
6	1.34
7	1.06
8	0.88
9	1.18
10	0.63
11	1.28
12	1.43
13	2.03
14	0.61
15	3.06
16	1.37

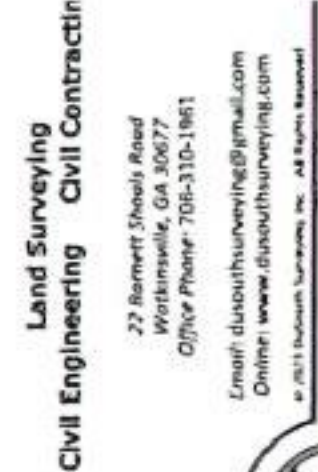
CHANGES		DATE
1.	COUNTY COMMENTS	3/6/2024
2.	COUNTY COMMENTS	4/9/2024
3.	COUNTY COMMENTS	5/6/2024
4.	COUNTY COMMENTS	5/23/2024

Date
1/16/2024

Project Number
23-189

Sheet Title

Sheet Number
C10



UTILITY CAUTION NOTE: UTILITIES SHOWN ARE SUBJECT TO THE CONTRACTOR'S CONVENIENCE. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE DESIGNER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF UTILITIES PRIOR TO THE START OF THE WORK. DAMAGE TO EXISTING UTILITIES BY THE CONTRACTOR, BELOW HIS/HER OPERATIONS, SHALL BE THE CONTRACTOR'S RESPONSIBILITY. SEE SPECIFICATIONS FOR FURTHER INFORMATION.





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

VARIANCE CASE #: P24-0027

DATE: June 26, 2024

STAFF REPORT BY: David Webb, AICP, Senior Planner

APPLICANT NAME: Barak Zukerman

PROPERTY OWNER: Kerry H. Barwick & Ken D. Hill

LOCATION: 7760 Macon Hwy.
A portion of parcel number B 06 029A

PARCEL SIZE: Rezoning/ Variance Area = ± 23.51 acres

EXISTING ZONING: AR (Agricultural Residential)

EXISTING LAND USE: Vacant



TYPE OF VARIANCE REQUESTED: Special Exception Variance to allow a buffer reduction

REQUEST SUMMARY: The applicant requests a variance from UDC Section 806 and Table 8.1 to reduce the required landscape buffer from 25 feet to 10 feet, for ± 412 linear feet as indicated on the concept plan, along a portion of the property line with parcel B-06-028.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: July 9, 2024

CONCURRENT APPLICATIONS:

P24-0014- Rezoning from AR to B-2

P24-0028-Variance for Parking Reduction

P24-0102-Variance to allow 16 lots on a private access drive

ATTACHMENTS: Application
Narrative
Concept Plan
Legal Description
Plat of Survey

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- A portion of the parcel, ±2.36 acres, was rezoned to B-2 on 7-11-2023 for a planned convenience store/ gas station (Quik Trip).
- A site development permit is under review for the Quik Trip on a portion of the property.
- The parcel has been owned by the current owner since 2003. The tract is currently vacant.
- The property was zoned AR in the original county adoption in 1968.

VARIANCE DESCRIPTION

- The applicant requests a variance from UDC Section 806 and Table 8.1 to reduce the required landscape buffer from 25 feet to 10 feet, for ±412 linear feet as indicated on the concept plan, along a portion of the property line with parcel B-06-028.
- Section 806 and Table 8.1 requires a 25-foot buffer between AR zoned property and commercial uses.
- The applicant is requesting to reduce the bugger that borders the University of Georgia property (parcel B-06-028) along a power line easement and to the rear of the proposed lot 10 as shown on the concept plan.
- The total linear feet of the with the UGA property is 1,709 feet. The requested reduction on 412 linear feet represents 24% of the property line.

PUBLIC FACILITIES

Water:

- The project is proposing to utilize County water services.
- The Water Resources Department has indicated in a letter that potable water is available at this location.

Sewer:

- The project is proposing to utilize County sewer services.
- The Water Resources Department has indicated in a letter that sanitary sewer is available at this location.

Roads:

- The applicant is proposing access to US 441 from an undeveloped fourth leg at the intersection of Macon Highway and Veterans Memorial Parkway.
- Access to US 441 and off-site transportation improvements are under the jurisdiction of the Georgia Department of Transportation.

ENVIRONMENTAL

- The Concept Plan indicates there are State Waters present on the site.
- The U.S. Fish and Wildlife Service Maps indicate the present of wetlands on the site.
- There are no Special Flood Hazard Areas (100-year floodplain) on the site.
- The site will have to meet the requirements of Article 9: Environmental Protection.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- Reviewed with no comments on 6-3-2024

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- Reviewed with no comments on 5-31-2024

OCONEE COUNTY FIRE CHIEF

- Reviewed with no comments on 5-23-2024

GEORGIA DEPARTMENT OF TRANSPORTATION

- No comments received as of 6-25-24

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:

The requested buffer reduction is adjacent to the existing UGA agricultural experiment station. Staff finds the reduced buffer will not be a detriment to the public good as it will not affect the use or operations of the agricultural experiment station.

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

The parcels in the area are predominantly zoned AR, OBP and OIP. Primary land uses in the area are a mixture of agricultural, residential, institutional, office, bank, and convenience stores. The adjacent parcels are in use as agricultural (University of Georgia Research Station) and a planned Quik Trip convenience store. Staff finds that approval of the request to reduce the buffer for a limited portion of the project should not be injurious to the use and enjoyment of nearby properties.

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

Staff analysis indicates granting the variance will have a minimal effect on the adjoining commercial and public land for their usability and value.

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

The intent of UDC Section 806 is to provide a vegetative buffer between incompatible uses. Staff finds that reducing the buffer from 25 feet to 10 feet for 412 linear feet will not impair the purpose of the Development Code.

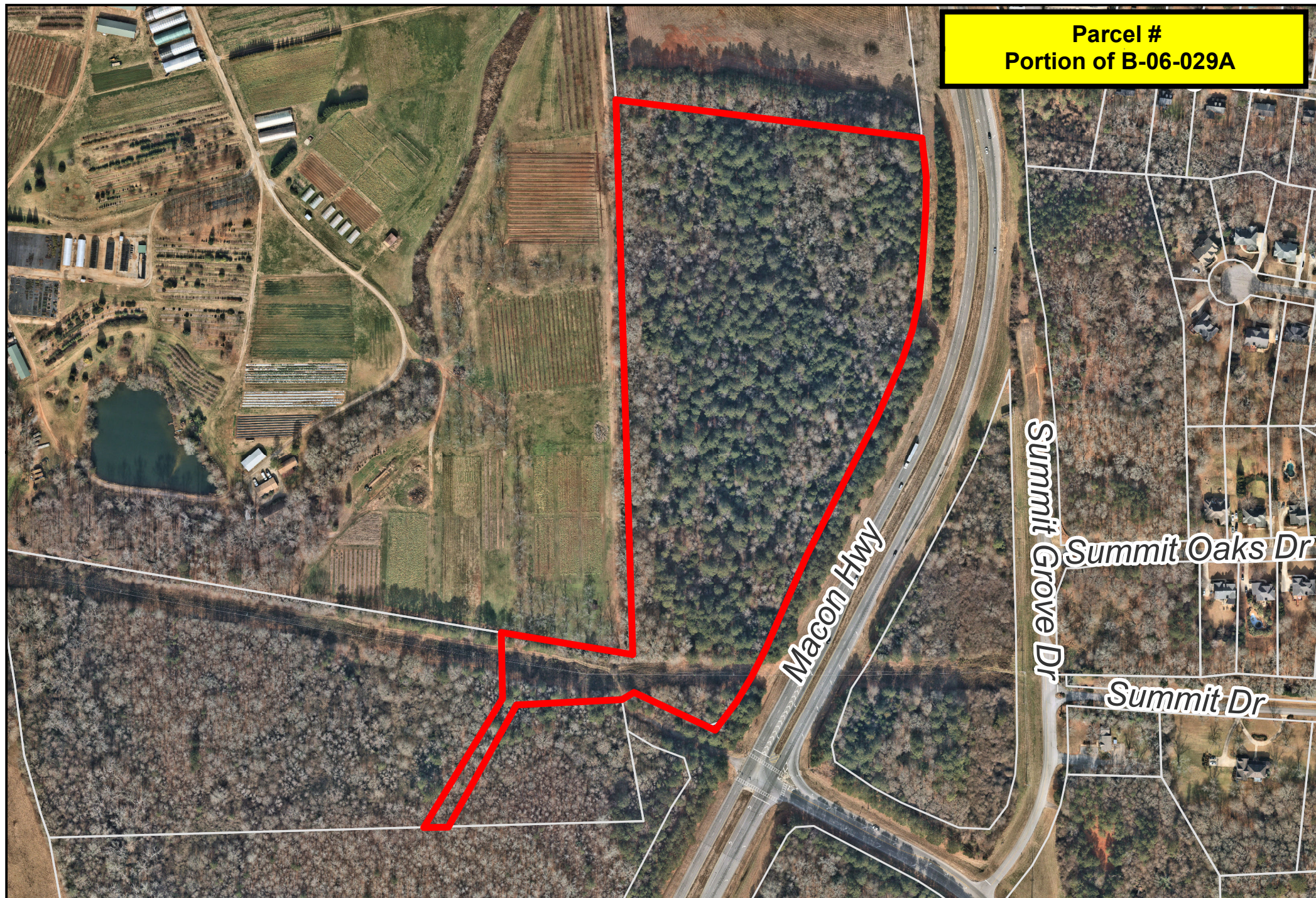
STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

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.

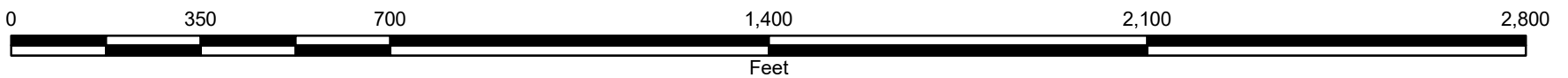
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the variance application and attached hereto. This condition shall not construe approval of any standard that is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

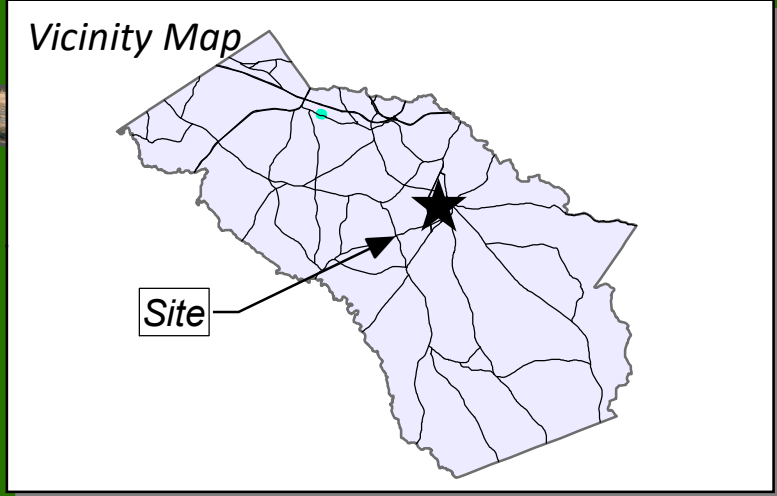
Variance # P24-0027 - Barak Zukerman

Parcel #
Portion of B-06-029A

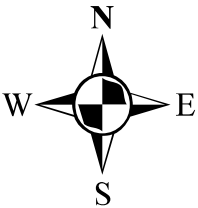


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Oconee County Planning Department



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

0 165 330 660 990 1,320 Feet

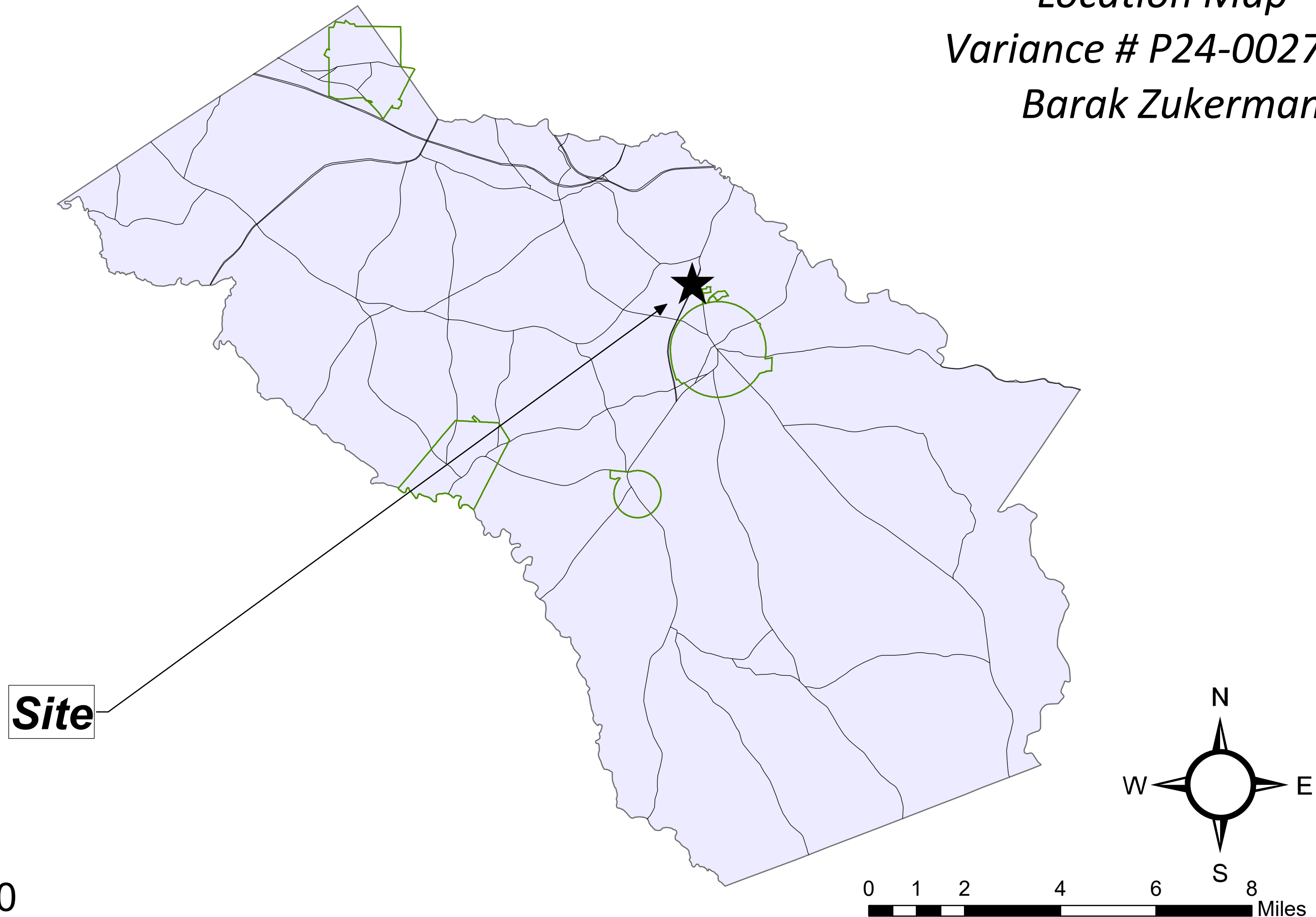
Civic Center

***Parks/Rec/
Conservation***

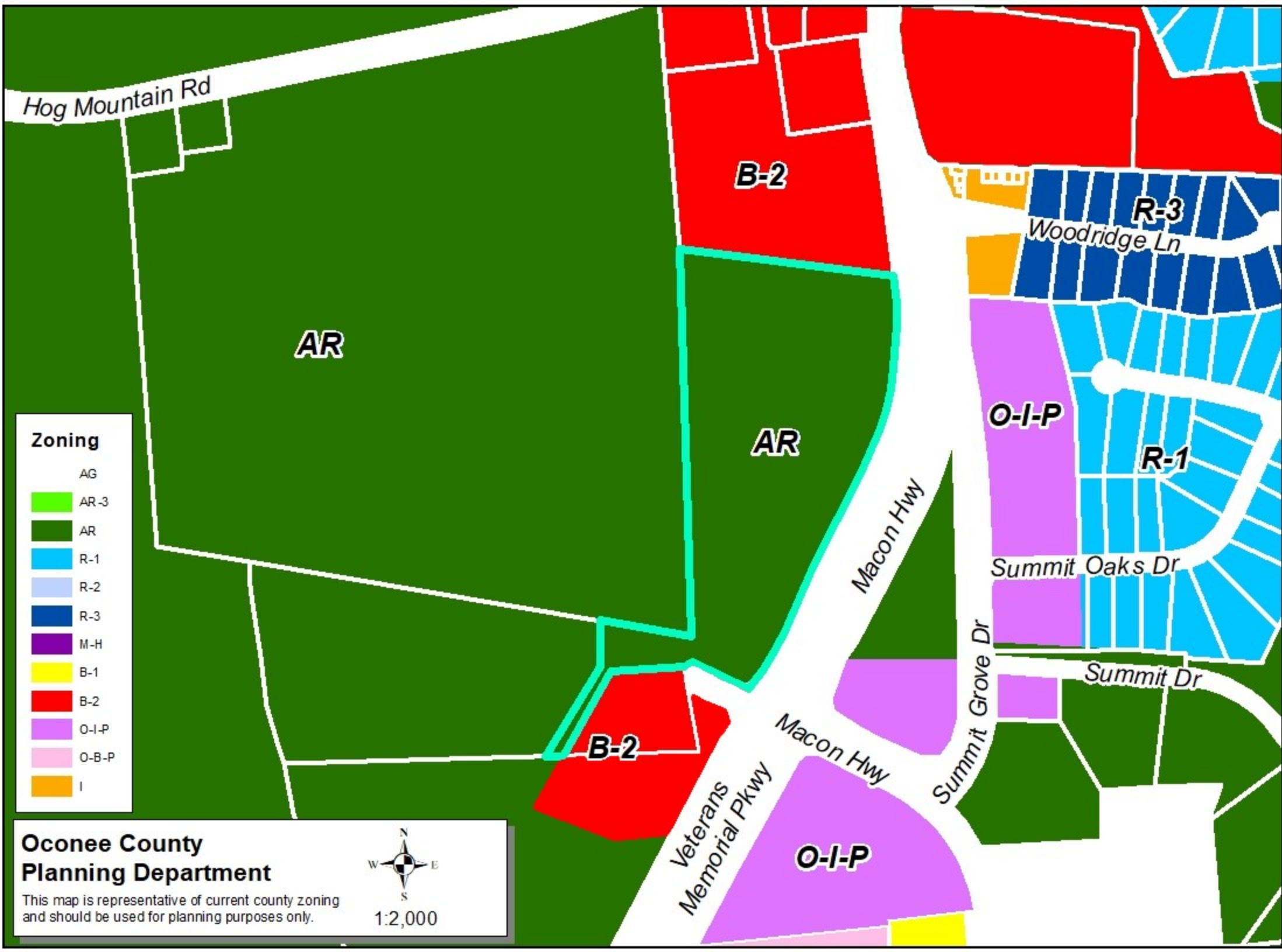
Country Estates

Public Institutional

*Location Map -
Variance # P24-0027
Barak Zukerman*







**Oconee County
Planning Department**

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



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