

**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 Debra B. Hargrave submitted on August 15, 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 Hunter Hargrave on August 15, 2024, regarding a ±0.6-acre tract of land located 1230 Oconee Forest Dr, Oconee County, Georgia, (tax parcel no. B-07A-012A), 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 side building setback from 10 feet to 9.45 feet and to reduce the rear building setback from 40 feet to 27.15 feet.

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.

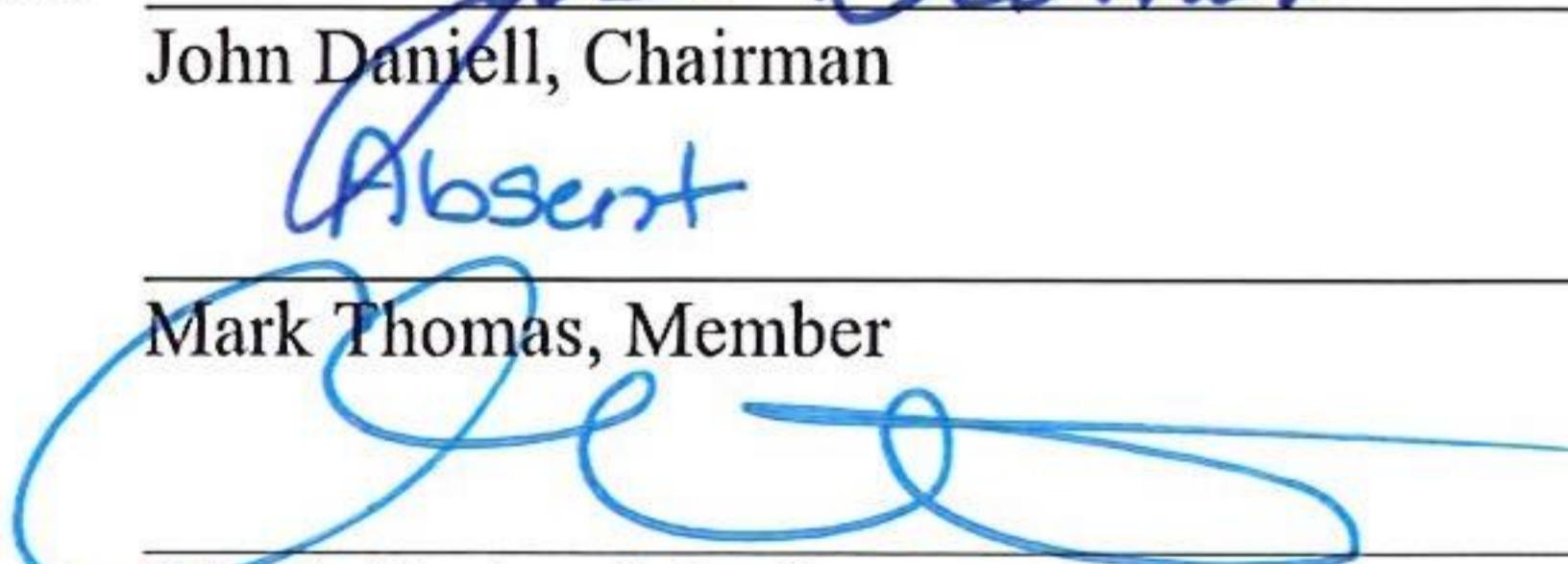
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on December 3, 2024.

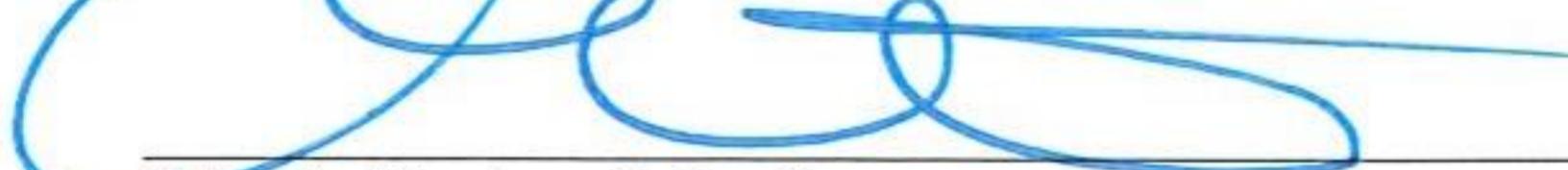
ADOPTED AND APPROVED, this 3rd day of December, 2024.

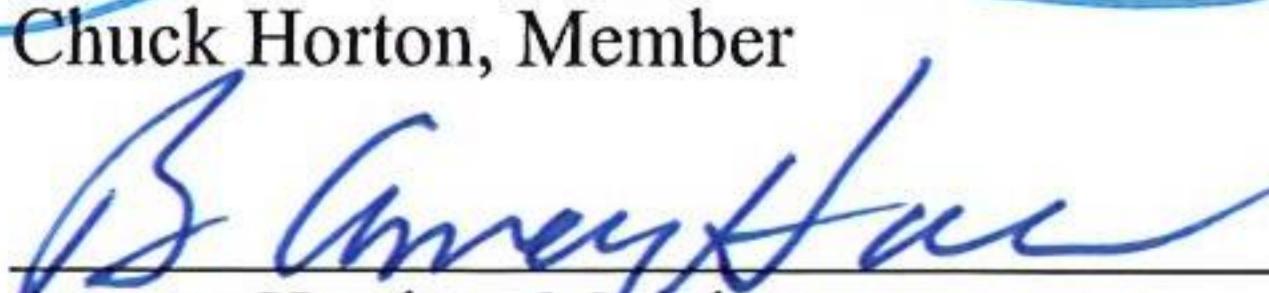
OCONEE COUNTY BOARD OF COMMISSIONERS

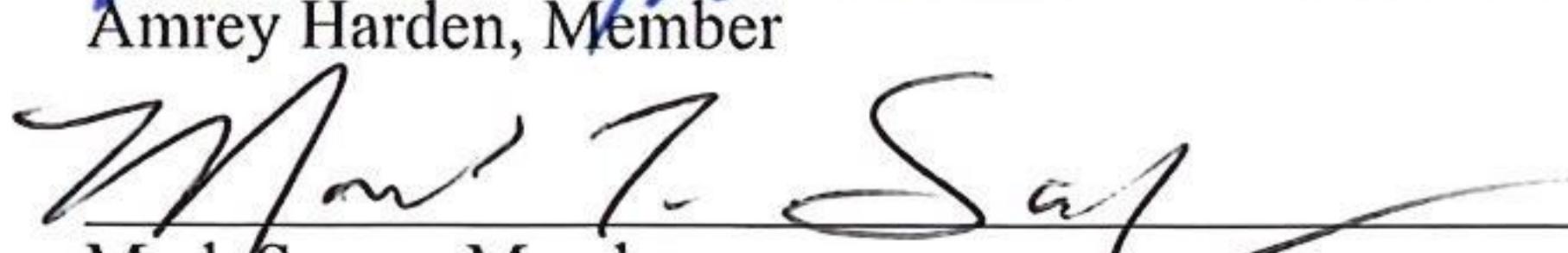
BY:


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:

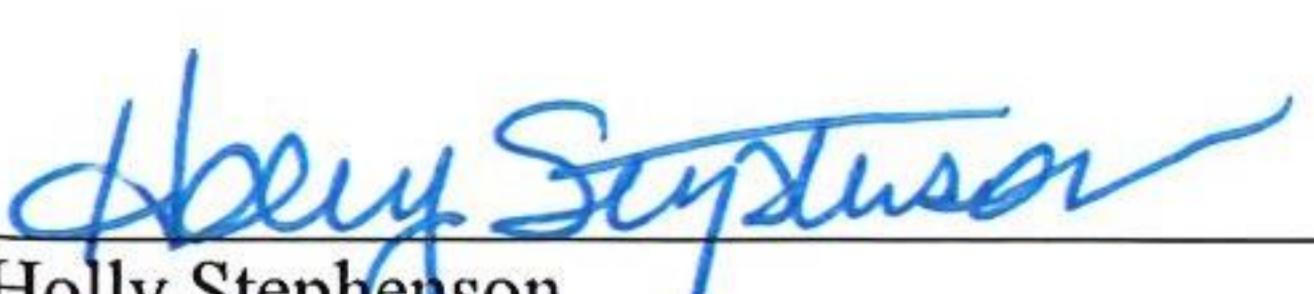

Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P24-0161

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CONDITIONS

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 # P24-0161 - Debra B. Hargrave



TYPED LEGAL DESCRIPTION

All that tract of land, together with improvements thereon, situate, lying, and being in the 221st Georgia Militia District, Oconee County, Georgia, and being more particularly described as follows:

Commencing at the centerline intersection of Oconee Forest Drive and Oconee Forest Lane;

Thence S 82° 05' 33" E 59.41' to an iron pin on the southern right of way of Oconee Forest Drive, said point being the POINT OF BEGINNING.

Thence following along said right of way N 73°08'56" E a distance of 129.96' to an iron pin;

Thence leaving said right of way S 16°46'24" E a distance of 229.88' to an iron pin;

thence S 78°49'02" W a distance of 130.27' to an iron pin;

thence N 16°51'19" W a distance of 217.02' to an iron pin on the southern right of way of Oconee Forest Drive;

said pin being the POINT OF BEGINNING,

having an area of 0.67 acres more or less, and being particularly described on a plat of survey by

Baseline Surveying and Engineering, INC. dated July 7, 2024.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P24-0161
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NARRATIVE

Hunter Hargrave

1230 Oconee Forest Drive

Watkinsville, Georgia 30677

mhhfarms14@gmail.com

706-540-2820

August 7, 2024

Oconee County Board of Commissioners

7635 Macon Highway Box 100

Watkinsville, Georgia 30677

Dear Members of the Oconee County Board of Commissioners,

Subject: Special Request for Variances

I hope this letter finds you well. I am writing to formally request 2 variances for a storage building that was built at 1230 Oconee Forest Drive Watkinsville, Georgia 30677. The property listed is currently zoned R-1. The use of the property is for a primary residence.

1. I am requesting 2 special exception variances from Unified Development Code Article 4, Table 4.1

A. Reduce Side Setback-

Code Required Side Setback (R-1) = 10 feet.

Storage building setback is 9.45 feet.

B. Reduce Rear Setback –

Code Required Rear Setback (R-1) = 40 feet.

Storage building setback is 27.15 feet.

This building was built to provide storage for personal items, personal lawn equipment and a scrap booking room. A 10x10 area on the right side will be utilized as a doghouse.

The adjacent properties are currently zoned R-1 and AR. The adjacent properties are used for primary residencies.

NARRATIVE

In conclusion I have attached supporting letters from adjacent property owners impacted the most by this building. The reason for placement of this building was for relief of the existing septic lines and to allow room for the existing repair area to still be utilized in the future. Before this building a lot of these items were stored in a storage unit. Due to the rising cost and current living situation, this was the best option for allowing our family to hold onto personal items, get organized, and free up living space within our home. I was unaware that a building permit was required for an accessory building over 100 square feet, with this building being already built and finished, I am seeking an exception to these variances. I can assure you that all other regulations and guidelines will be strictly followed, and I am willing to work closely with planning and zoning, and code enforcement to ensure compliance with any additional requirements that may be necessary.

Thank you for considering my request. I am available to discuss this matter further and provide any additional information you might need. Please feel free to contact me at 706-540-2840 or mhhfarms14@gmail.com.

Sincerely,

Hunter Hargrave

706-540-2840

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ARCHITECTURAL RENDERINGS

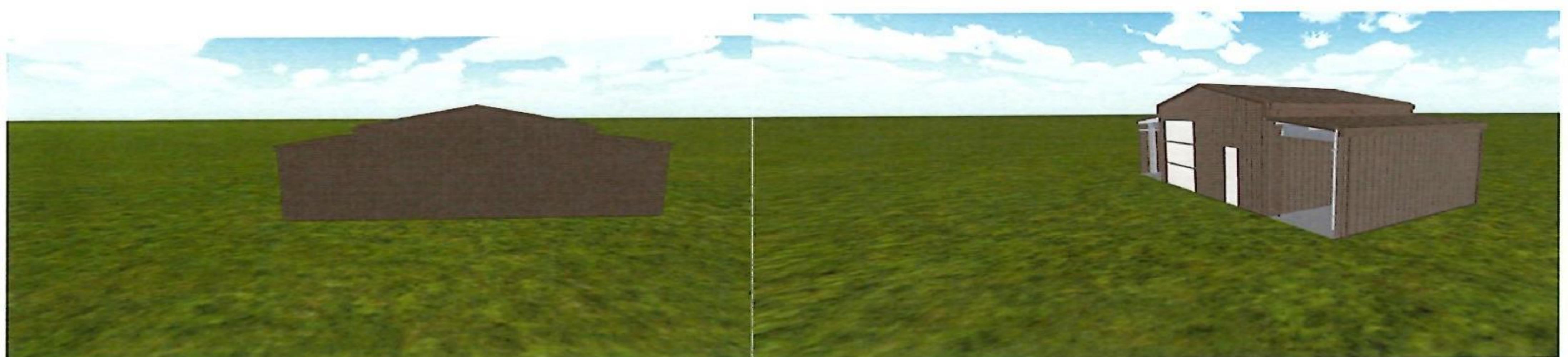
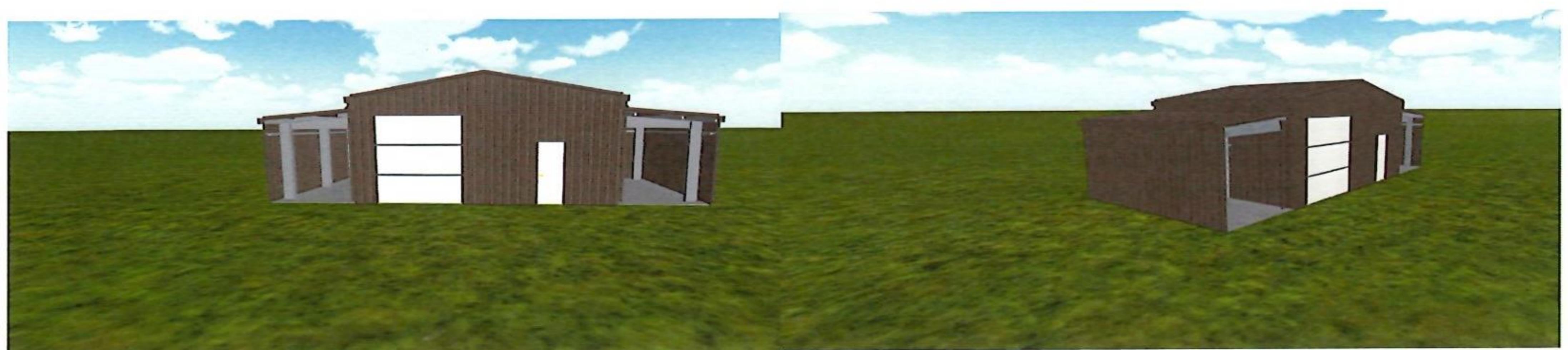


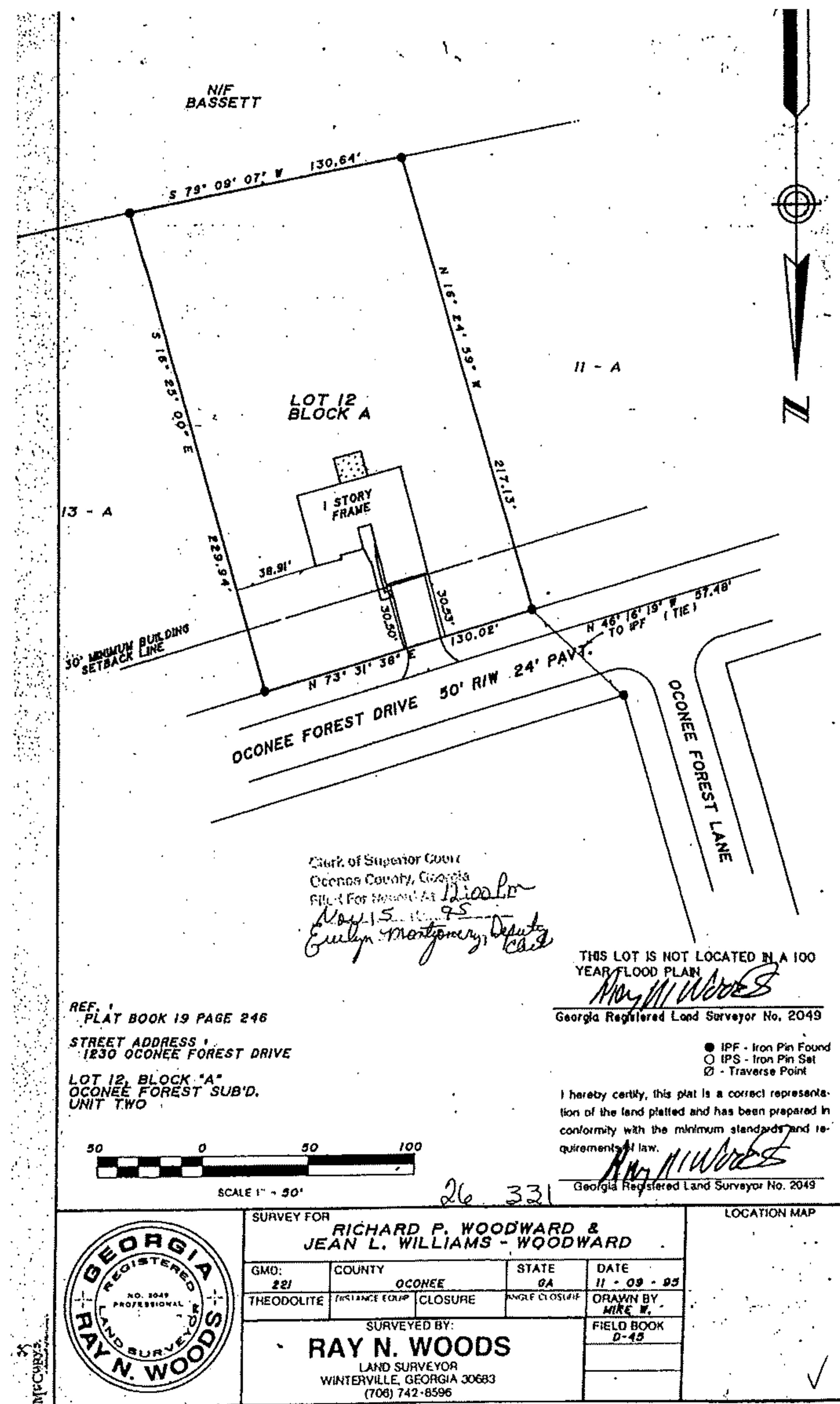
EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P24-0161

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PLAT

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P24-0161
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PLAT



CONCEPT PLAN



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

VARIANCE CASE #: P24-0160

DATE: October 17, 2024

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

APPLICANT NAMES: Hunter Hargrave

PROPERTY OWNER(S): Debra B. Hargrave

LOCATION: 1230 Oconee Forest Drive
Parcel B 07A 012A

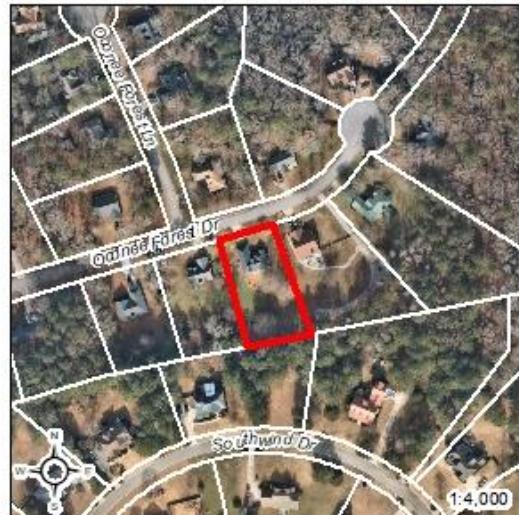
PARCEL SIZE(s): ± 0.67 acres (29,185 square feet)

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

EXISTING LAND USES: Single Family Residence

TYPE OF VARIANCE REQUESTED: Special Exception Variance

REQUEST SUMMARY: Variance for a metal building constructed without permits from Oconee County Unified Development Code Section 410.01.c (1) and Table 4.1 to allow an accessory structure to encroach 12.85 feet into the rear 40-foot setback and 0.55 feet into the 10-foot side setback.



DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: November 5, 2024

CONCURRENT APPLICATION: A special exception variance to allow an accessory metal building constructed without permits that is 1,218 square feet to remain that is in violation of the accessory structure allowance of 1,000 square feet of gross floor area if a lot is less than 3 acres in size.

ATTACHMENTS:

- Application
- Warranty Deed
- Plat of Survey
- Concept Plan
- Narrative
- Legal Description
- Architectural Elevations
- Notice of Violation

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The 0.67-acre property was created as part of the Final Plat for Oconee Forest, Unit Two recorded July 19, 1993, in Plat Book 19, Page 246.
- According to Tax Assessor records a 1,548 square foot single family dwelling was built in 1995.
- A complaint was filed June 5, 2024, that an accessory building was constructed without a permit.
- Aerial photography shows the accessory structure was under construction on January 4, 2024.
- After the investigation, a notice of violation was issued June 21, 2024, by Planning and Code Enforcement for building an accessory structure without first obtaining a permit, a violation of UDC section 1225.01(a).
- The submitted survey shows the accessory structure is \pm 1,218 square feet. This exceeds the 1,000 square foot allowance by 218 square feet.
- The survey also shows the structure encroaches 12.85 feet into the rear 40-foot setback and 0.55 feet into the 10-foot side setback. A separate variance application was filed for the setback encroachments.

VARIANCE DESCRIPTION

- A special exception variance from Oconee County Unified Development Code Section 410.01.c (1) and Table 4.1 to allow an accessory structure to encroach 12.85 feet into the rear 40-foot setback and 0.55 feet into the 10-foot side setback.
- The UDC sections that is being requested to vary are: *Sec. 410.01.c (1) and Table 4.1*
(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: R-1 Setbacks
 - Front- From major thoroughfare: 40 feet
 - Front- From minor street: 30 feet
 - Side: 10 feet
 - Rear: 40 feet

PUBLIC FACILITIES

Water:

- The existing house is serviced by Oconee County Water Resources

Sewer:

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

Roads:

- The property has an existing access to Oconee Forest Drive.

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. However, staff analysis indicates that the need for a variance is a result of a hardship created by the property owner in the placement of an unpermitted structure. Additionally, granting the requested variances could potentially diminish the enjoyment of adjacent properties with a structure too close to the property line than the required setbacks. If the placement of the unpermitted accessory structure was correctly planned, there would be no need for the variance.

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-1 (Single Family Residential District). Staff analysis indicates that granting the requested variance could potentially diminish the enjoyment of adjacent properties as the size and location of the metal accessory structure is out of scale with surrounding residential uses. Additionally, granting the requested variances could potentially diminish the enjoyment of adjacent properties with a structure too close to the property line than the required setbacks.

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

Staff analysis indicates that granting the requested variance could have a negative effect on the value of adjacent properties as the size and location of the metal accessory structure is out of scale with surrounding residential uses. The hardship was created by the property owner in the placement of the unpermitted structure. If the location of the unpermitted structure was correctly planned, there would be no need for the variances. Additionally, granting the requested variances could potentially diminish the enjoyment of adjacent properties with a structure too close to the property line than the required setbacks.

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

The intent of UDC Section 410.01.c (1) and Table 4.1 is to provide a minimum setback distance for accessory buildings and control the placement and size of buildings and structures on a lot, and the intensity of development on a lot. If the location of the unpermitted structure was correctly planned, there would be no need for the variance. The applicant already has reasonable use of the property as there is an existing residence on the property. Staff analysis indicates that the purpose of the code would be impaired by granting this request.

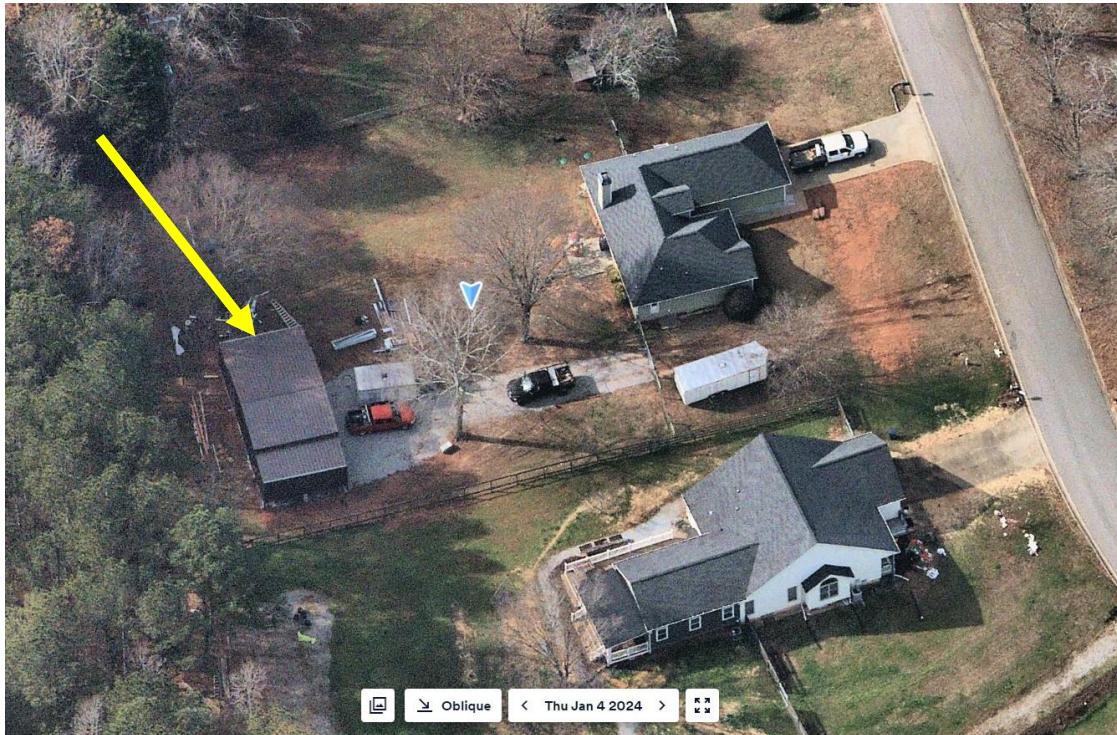
STAFF RECOMMENDATION

Based upon the standards and limitations for special exception variance approval, this request **does NOT meet all necessary conditions** to grant a special exception variance as the hardship was created by the property owner with the construction of an unpermitted structure. Staff recommends **denial** of the request as the applicant did not indicate why the setback requirements could not be met.

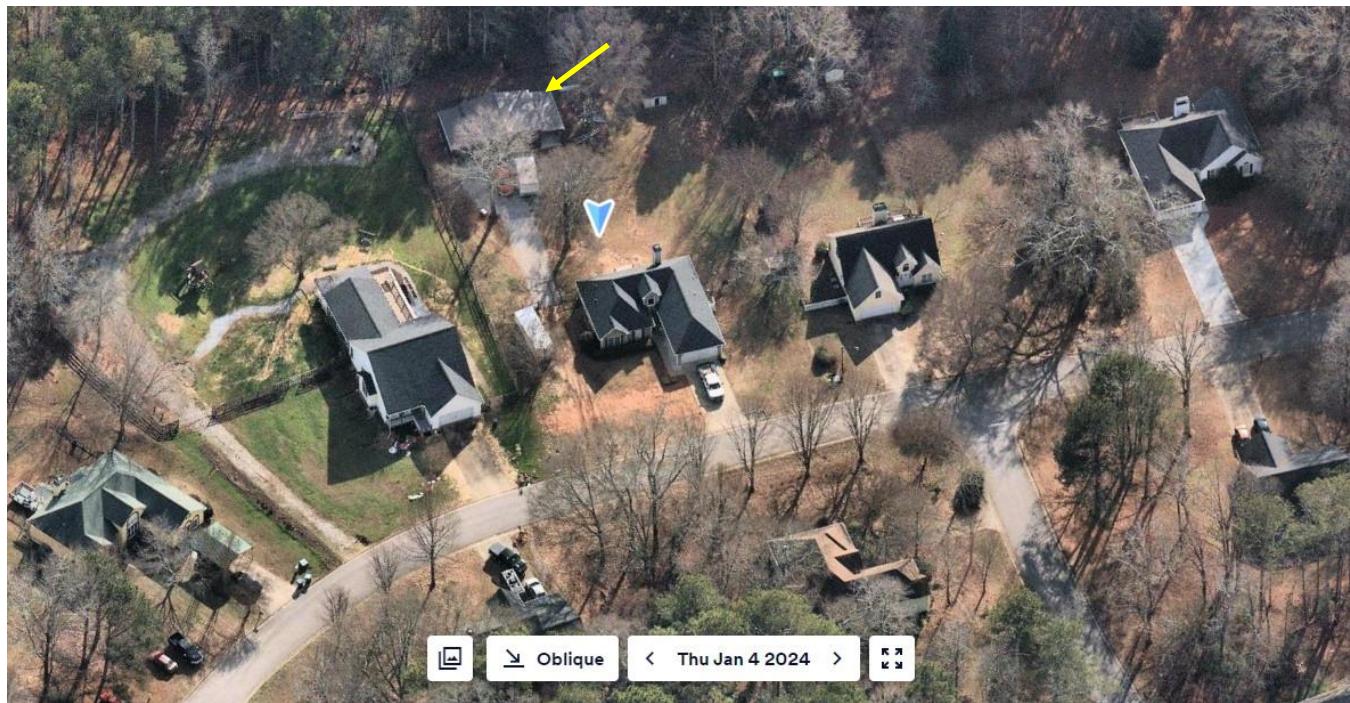
Site Pictures



Site in 2023 prior to construction of an unpermitted accessory building



Site as of January 4, 2024, showing unpermitted structure under construction



Site as of January 4, 2024, showing unpermitted structure under construction

Variance # P24-0161 - Debra B. Hargrave



Parcel #
B-07A-012A

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0

90

180

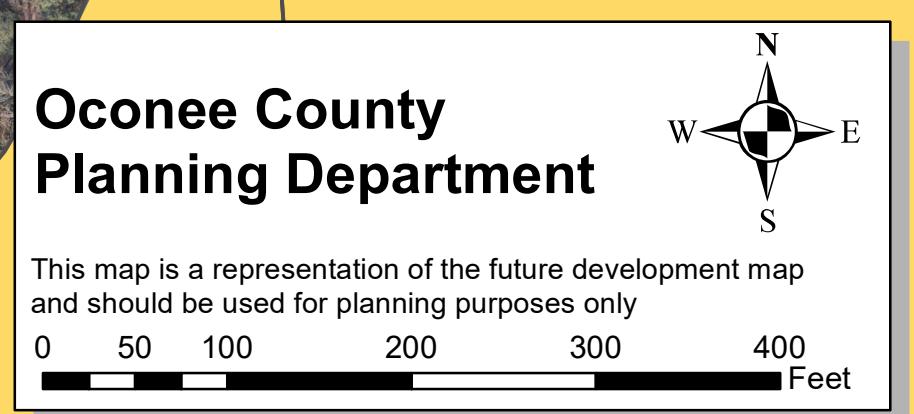
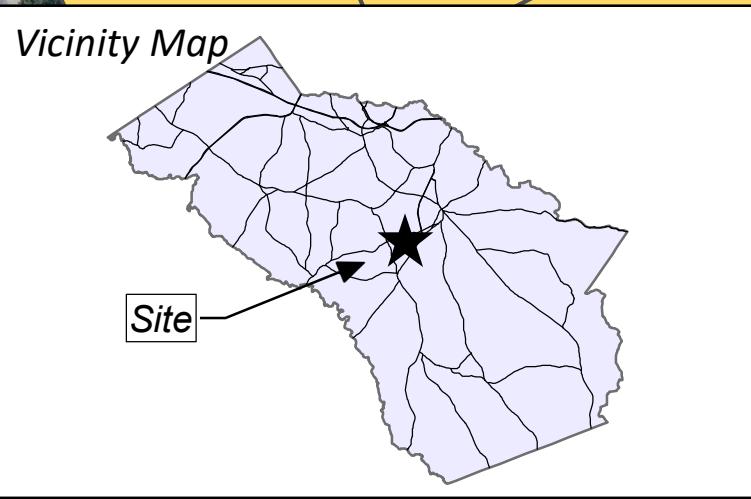
360

540

720

Feet





Wire Bridge Road

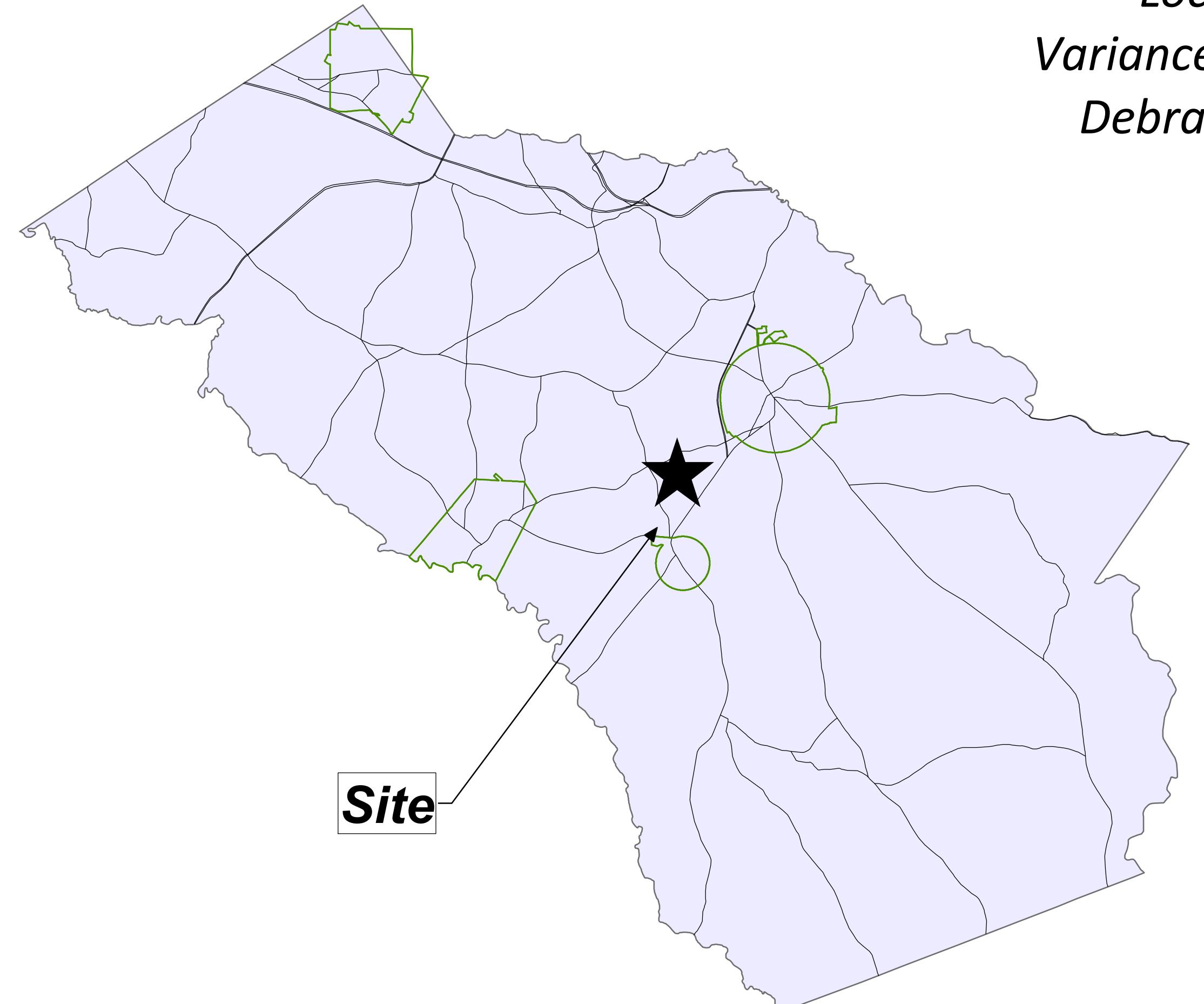
Oconee Forest Lane

Suburban Neighborhood

Country Estates

Country Estates

Location Map -
Variance # P24-0161
Debra B. Hargrave



1:120,000

0 1 2 4 6 8 Miles

