

**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 Dixon Family Trust of 2012 submitted on October 17, 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 SPG Planners + Engineers on October 17, 2024, regarding a ±356.05-acre tract of land located 6100 Hog Mountain Road & 1170 Lane Creek Road, Oconee County, Georgia, (tax parcel no. A-02-032 & a portion of A-03-003), 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 Article 6 Section 609.01 for the following: to allow gravel parking spaces in lieu of concrete, asphalt, porous, or pervious paving; to remove the requirement for curb and gutter meeting County specifications.

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 7, 2025.

ADOPTED AND APPROVED, this 7th day of January, 2025.


OCONEE COUNTY BOARD OF COMMISSIONERS

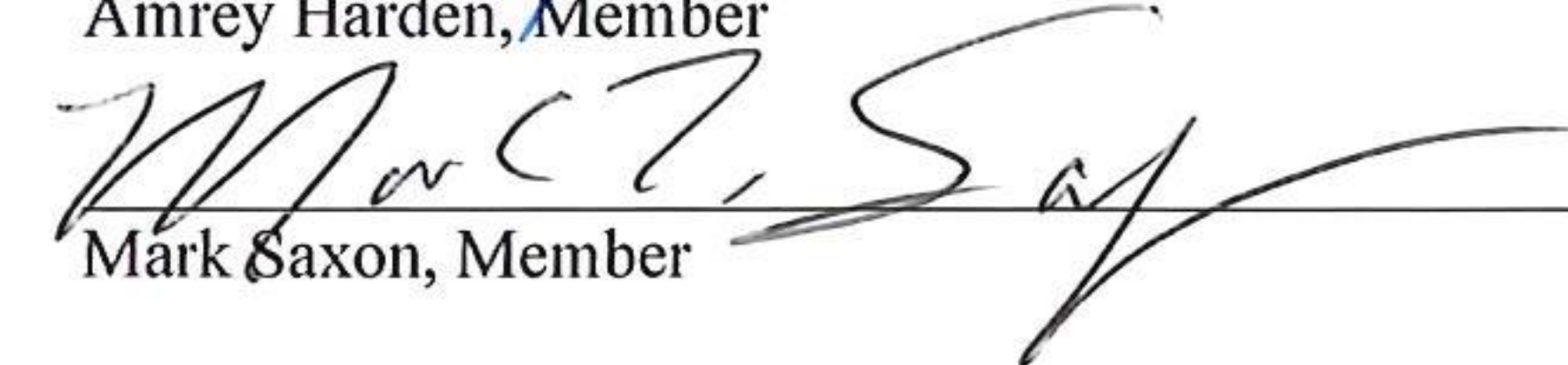
BY:


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. P24-0211

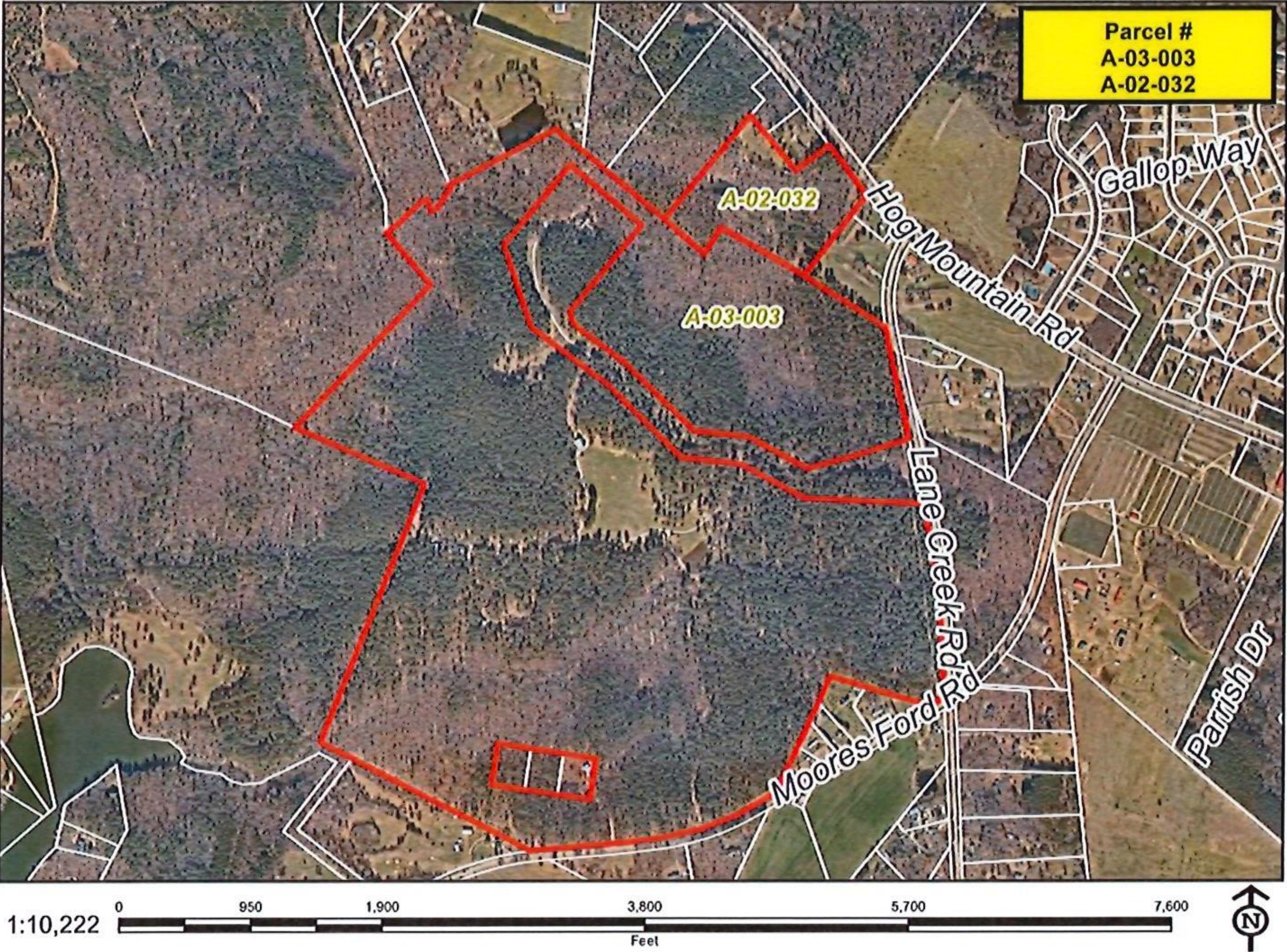
Page 1 of 11

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.
2. The owner at their own expense shall construct the improvements required by the County for public water and public waste services for the subject property and shall convey the same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements as are required by the County to provide service to subject property.
3. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County's review of Owner's development plans pursuant to the County's ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication.

TAX MAP

Variance # P24-0211 - Dixon Family Trust



TYPED LEGAL DESCRIPTION

LEGAL DESCRIPTION

All that certain tract or parcel of land, lying and being in the 224th G.M.D. of Oconee County, Georgia, containing 19.610 acres and being more fully described as follows:

Commencing at the intersection of Lane Creek Road and Georgia Highway 53 thence S47°41'14"E a distance of 419.64' to an IPF and the **TRUE POINT OF BEGINNING**;

Thence from the **TRUE POINT OF BEGINNING** S38°22'04"W a distance of 175.62' to an IPF; thence S38°22'04"W a distance of 553.42' to an IPF; thence N59°37'16"W a distance of 692.79' to an IPF; thence S33°08'11"W a distance of 224.45' to an IPF; thence N48°36'07"W a distance of 382.58' to an IPF; thence N40°21'02"E a distance of 963.08' to an IPF; thence S39°16'15"E a distance of 273.00' to an IPF; thence S39°16'15"E a distance of 240.99' to an IPF; thence N53°09'32"E a distance of 299.88' to an IPF; thence along the southeastern right-of-way of Georgia Highway 53 S36°59'44"E a distance of 450.30' to an IPF and the **TRUE POINT OF BEGINNING**.

Being further described in a survey by Ben McLeroy & Associates dated August 5, 2008 and being on public record at Oconee County plat book 37, page 245.

NARRATIVE



SPG Planners + Engineers
1725 Electric Avenue
Suite 320
Watkinsville, GA 30677

T: 706 769 9515
E: hello@onespg.com
onespg.com

October 18, 2024

Revised November 15, 2024, December 18, 2024

Special Exception Variance Narrative

Dixon Family Trust of 2012

6011 Hog Mountain Road + 1170 Lane Creek Road

Bogart, GA 30622

Parcels A02 032 + A03 003

INTRODUCTION

The Dixon Family Trust of 2012 and SPG Planners + Engineers are requesting three variances:

1. A Special Exception Variance from UDC Code Section 609.01 - *Surfacing and Curbing; Permanent Lots* to allow gravel parking spaces in lieu of concrete, asphalt, porous, or pervious paving.
2. A Special Exception Variance from UDC Code Section 609.01 - *Surfacing and Curbing; Permanent Lots* to remove the requirement for curb and gutter meeting County specifications.
3. A Special Exception Variance from UDC Code Section 609.01 - *Surfacing and Curbing; Permanent Lots* to allow a portion of the existing gravel drive on Parcel A02 032 to remain gravel and be used only as a service drive (no public or Fire/Life Safety Access).

Property Address: 6011 Hog Mountain Rd + 1170 Lane Creek Rd, Bogart, GA 30622

Parcel Info: Parcel A02 032 (19.61 AC), A03 003 (336.44 AC)

Existing Zoning: AG (with Conservation Easement to expire in 2028)

Existing Use: Agricultural, Residential

Proposed Use: 10 Rental Cabins as Recreational (Overnight) Camps

VARIANCES REQUESTED

The proposed use for Parcel A02 032 is to retain the existing 3BR/3BA house and construct ten (10) additional small cabins to be used as short-term rentals. A portion of an existing driveway on Parcel A03 003 will be improved to serve as the main entrance to the cabin area. This route will provide guests and Fire/Life Safety entry access off Lane Creek Road. The North American Industry Classification System

NARRATIVE

(NAICS) and Oconee County defines these rental units as "Recreational (Overnight) Camps", an intermittent commercial use. To preserve the rural character of the property and offer guests an experience that seamlessly blends with their surroundings, the landowner and applicant request the following Special Exception Variances:

1. **A Special Exception Variance from UDC Code Section 609.01 - *Surfacing and Curbing; Permanent Lots* to allow gravel parking spaces in lieu of concrete, asphalt, porous, or pervious paving.**

Section 607.06 states "*A special exception variance may be granted from certain requirements of this Article for buildings or uses which are only subject to incidental, occasional or temporary parking needs, such as cemeteries, recreation facilities, or other buildings and uses where parking is not required on a regular or daily basis*". (1) *Allow substitution of gravel or similar hard surface material in lieu of asphalt or concrete.*

The existing house and proposed cabins will be used intermittently as short-term rentals, so regular or daily parking is not necessary. This Special Exception Variance request is to allow gravel parking spaces in lieu of a paved surface. The parking spaces will feature a high-quality gravel material to ensure durability while preserving the rural charm of the cabin community. Parking spaces will be arranged in clusters of two or four, strategically placed near each cabin to provide convenient, designated parking. There will be two ADA parking spaces with standard paving for the accessible cabin, as required. The road to access the cabin parking will be a 20 FT wide, chip and seal (or similar) drive, for fire and life safety needs.

2. **A Special Exception Variance from UDC Code Section 609.01 - *Surfacing and Curbing; Permanent Lots* to remove the requirement for curb and gutter meeting County specifications.**

The existing house and proposed cabins will be used intermittently as short-term rentals, so regular or daily parking is not necessary. If Special Exception Variance #1 above is approved, the rental cabin parking spaces would not be paved. Consequently, the requirement under UDC Sec. 609.01.d (Surfacing and Curbing; Permanent Lots) would not apply. It states:

"For any multi-family or nonresidential use, and for any parking lot operated as a principal use, curb and gutter meeting County specifications for public streets shall be installed around the periphery of every paved parking lot containing more than 5 spaces. The curb and gutter shall also extend along both sides of every access drive between the paved parking lot or loading area and the street or another parking lot or loading area, as applicable."

The landowner and applicant are seeking to waive the requirement to install curb and gutter around the parking lot and access drive. Rather than curb and gutter, stormwater will be managed using a combination of swales and overland flow, as the total proposed impervious surface area accounts for less than 1% of both parcels.

NARRATIVE

3. A Special Exception Variance from UDC Code Section 609.01.b. - *Surfacing and Curbing; Permanent Lots* to remove the requirement for a paved drive.

The existing house and proposed cabins will be accessed by guests and Fire/Life Safety from Lane Creek Road. There is an existing paved drive that will be improved and extended to the cabin area to meet Oconee UDC and Fire standards. There is an existing gravel drive that leads to the cabin area from Hog Mountain Road (Highway 53), which the landowner would like to a portion to remain gravel and be used only for service and/or private access. Guests and Fire/Life Safety will not be allowed to use this section of the drive. Signage will be installed to identify the gravel drive section as such.

STANDARDS FOR SPECIAL EXCEPTION VARIANCE APPROVAL

Pursuant to UDC Section 1303.3, a special exception variance may be granted upon finding that the relief, if granted:

- a. Would not cause substantial detriment to the public good.
The cabins, along with the associated drive and parking spaces, are located more than 500 feet from Hog Mountain Road and 800 feet from Lane Creek Road, ensuring that these structures will not be visible from the public right-of-way. Additionally, the area is screened by existing mature trees and a proposed 75-foot natural buffer, which will further block views between the cabins and neighboring residences. Stormwater runoff will be managed through a combination of swales and overland flow, safeguarding environmental health and preventing runoff onto adjacent properties.
- b. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity.
The area is screened by existing mature trees and a proposed 75-foot natural buffer, which will further block views between the cabins and neighboring residences. Stormwater runoff will be managed through a combination of swales and overland flow, safeguarding environmental health and preventing runoff onto adjacent properties. Additionally, the landowner owns the parcels to the east and south, meaning any potential impact would only affect their land.
- c. Would not diminish and impair property values within the surrounding neighborhood.
The gravel parking spaces and a 20-foot asphalt private drive, located centrally within the two properties, will have no negative impact on property values in the surrounding neighborhood. The scale and placement of these features, along with the property's large size, ensure minimal visibility and disruption to neighboring areas.
- d. Would not impair the purpose and intent of this Development Code.
The Oconee County UDC explicitly permits Special Exception Requests for intermittent uses like rental cabins, classified as recreational (overnight) camps. Approving these variances would not compromise the intent or purpose of the UDC.

NARRATIVE

Adjacent Properties

South: A 03 003U, zoned AG, agriculture use

East: A 03 004B, zoned AG, existing cabin and potting shed
A 03 004C, zoned AD, vacant

North: A 02 025E, zoned AG, existing residence
A 02 0311A, zoned AR, existing residence

West: A 02 031A, zoned AG, existing residence

Other Applications

This Special Exception Request is submitted concurrent with a Special Use application to entitle the development of ten (10) rental cabins that fall under Recreational (Overnight) Camps per the North American Industry Classification System (NAICS).

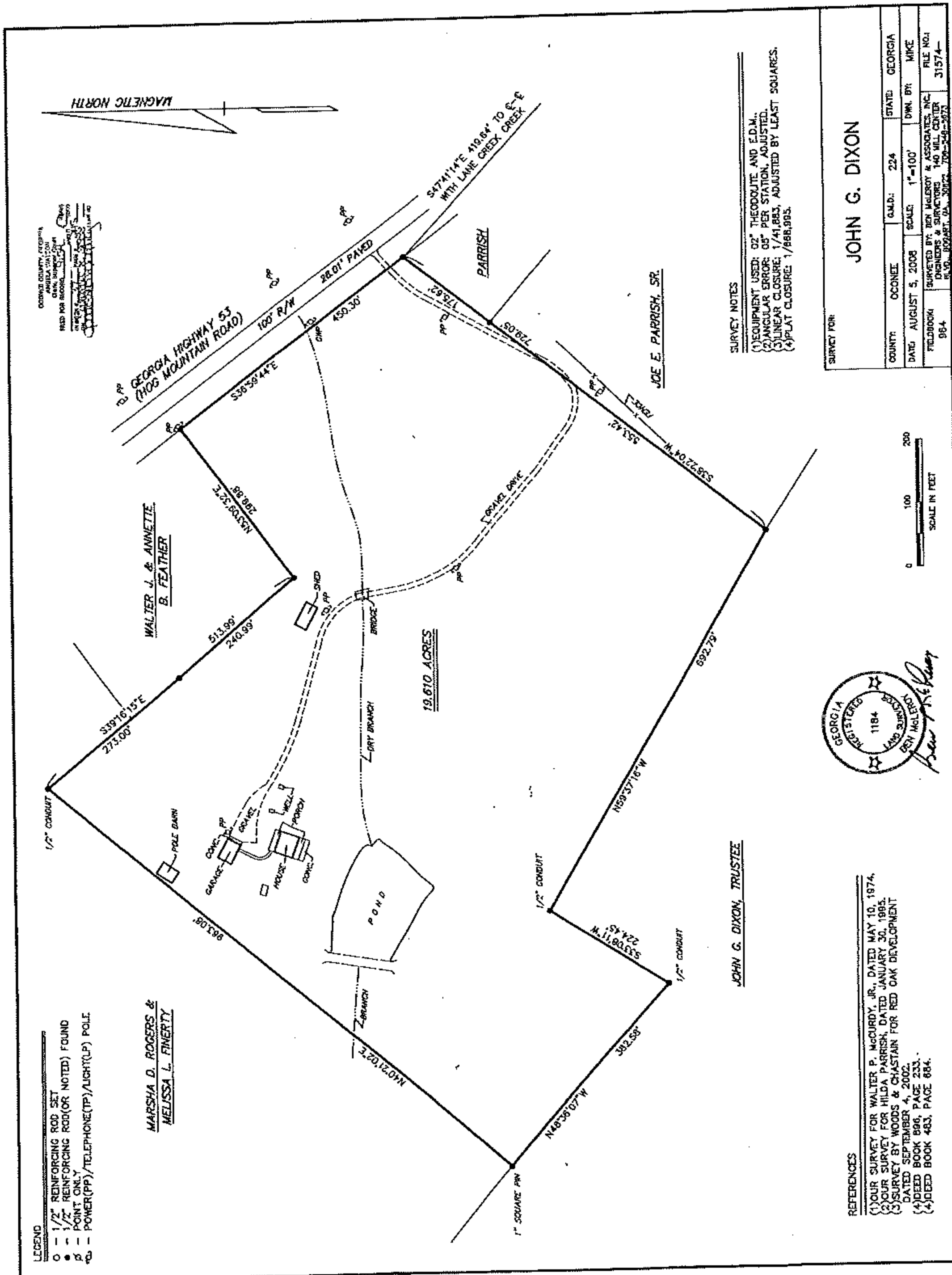
Conclusion

The applicant and design team thank you for the opportunity to submit these three Special Exception Variance requests. We are excited about this project and feel it preserves the agricultural heritage of Oconee County while celebrating the land in a low-impact approach.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P24-0211

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PLAT



Dixon-Hedges Special Exception Variance

Bogart, Georgia
Oconee County

Special Exception Variance Concept Plan

10/18/24

| Sheet Index | |
|--------------|--|
| Sheet Number | Sheet Title |
| VAR-1 | Cover Sheet |
| VAR-2 | Overall Site |
| VAR-3 | Special Exception Variance Concept Plan |

Project Team

| | |
|---|--|
| Owner Dixon Family Trust of 2022 170 Lane Creek Road Bogart, Georgia 30007 Contact: Trace Hedges, Agent tracedesign@gmail.com 706.784.4779 | Planner / Engineer / Landscape Architect SPG Planners + Engineers, LLC 1725 Electric Avenue, STE 320 Wadsworth, GA 30067 ad@spgplanners.com 706.784.4779 |
| Developer Dixon Family Trust of 2022 170 Lane Creek Road Bogart, Georgia 30007 Contact: Trace Hedges, Agent tracedesign@gmail.com 706.784.4779 | Lead Surveyor Tom McHenry And Associates, Inc. 1000 Old County Road Bogart, Georgia 30007 Contact: Tom McHenry DixonsandTraditionsurveying.com 706.608.0673 |



Vicinity Map
1" = 2000'

Project Data

The nature of project is a request for three special exception variances:
1. A Special Exception Variance from UDC Code Section 609.01 - Surfacing and Grading.
- Permitted Use: To allow gravel parking spaces in lieu of concrete, asphalt, pavers, or pervious paving.
2. A Special Exception Variance from UDC Code Section 609.01 - Surfacing and Grading.
- Permitted Use: To remove the requirement for curb and gutter meeting County standards.
3. A Special Exception Variance from UDC Code Section 609.01 - Surfacing and Grading.
- Permitted Use: To allow a portion of the existing gravel drive on Parcel AD7.032 to remain gravel and be used only as a service drive for public or Fire/Use Safety Access.

| | |
|--|--|
| Project Address / Parcel Parcel(s) A 02.032, A 03.003 6071 Hog Mountain Road, 170 Lane Creek Road Bogart, Georgia | 24 Hour Erosion Control Contact: TBD |
| Project Zoning AG - Agricultural | Project Land Use Recreational (Campground) Camps |
| Total Project Area (Parcel) 366.05 | Total Disturbed Area 347 AC |
| Total Proposed Add'l Impervious Area 0.02 AC | |



FEMA Firm Map
1" = 2000'



Scale:

Project Info:

**Dixon-Hedges Special Exception
Variance Concept Plan**
6071 Hog Mountain Road, 170 Lane Creek Road
Bogart, Georgia
Oconee County

Sheet Index: 10/18/24 Project No. 24-0210

| No. | Date | Description |
|-----|----------|-----------------|
| 1 | 10/18/24 | Client Comments |
| 2 | 10/18/24 | Client Comments |

Firm Info:

**Planners+
Engineers**

SPG Planners + Engineers

1725 Electric Avenue, STE 320

Wadsworth, GA 30067

706.784.4779

www.spgplanners.com

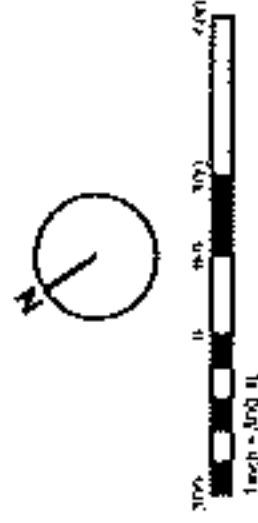
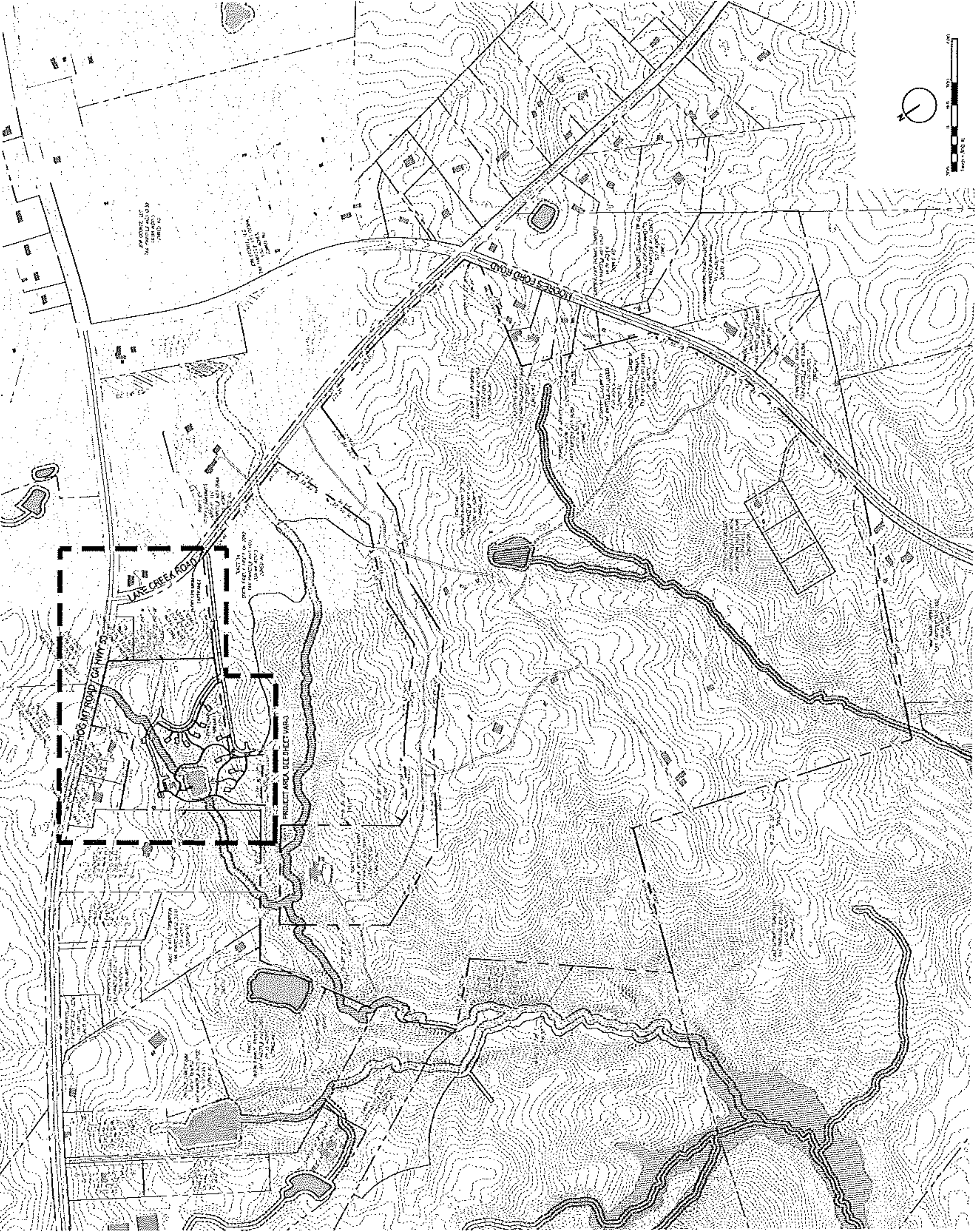
Concept Plan

Cover Sheet

VAR-1

OWNER
David Family Trust d/t 2012
1170 Lake Creek Road
Dunwoody, Georgia 30022
770.218.4773
dunwoody@spg.com

DATE: 11/15/24
BY: [Signature]
PROJECT: 1170 Lake Creek Road



Project Name: 1170 Lake Creek Road
Project No.: 1170-24
Date: 11/15/24
By: [Signature]
Project: 1170 Lake Creek Road

Project Name: 1170 Lake Creek Road
Project No.: 1170-24
Date: 11/15/24
By: [Signature]
Project: 1170 Lake Creek Road

Project Name: 1170 Lake Creek Road
Project No.: 1170-24
Date: 11/15/24
By: [Signature]
Project: 1170 Lake Creek Road

Project Name: 1170 Lake Creek Road
Project No.: 1170-24
Date: 11/15/24
By: [Signature]
Project: 1170 Lake Creek Road

Project Name: 1170 Lake Creek Road
Project No.: 1170-24
Date: 11/15/24
By: [Signature]
Project: 1170 Lake Creek Road

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PAVING LEGEND

| | | | | |
|---------------------|----------------|------------------------|-------------|--------------------------|
| NO. 6 TRAPDOOR CURB | ROADSIDE DRAIN | NO. 6 TRAP WITH PAVING | MANHOLE FIT | DRAINAGE OR SEWER TIE IN |
| | | | | |

[illegible]

OWNER
Doyle Family Trust of 2012
11570 Lane Creek Road
Rogers, Georgia 30822
CONTACT Thomas Harpelle, Agent
tsharpe@doyletrust.com
706.818.4274

CONTACT: Tracey Matthews, Agent
Tracey@tracemaths.com
706.519.1274

STORMWAYER
AULTIFY LEGEND

[illegible]

| OPEN SPACE | | AREA |
|-------------|-------------|-------------|
| ADJ. TO RD. | ADJ. TO RD. | ADJ. TO RD. |
| ADJ. TO RD. | ADJ. TO RD. | ADJ. TO RD. |
| ADJ. TO RD. | ADJ. TO RD. | ADJ. TO RD. |
| TOTAL | | ADJ. TO RD. |

[illegible][illegible][illegible]

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| UTILITY DATA | |
|------------------|--------------------|
| WATER METER | EXCESS CONSUMPTION |
| SEWERAGE SERVICE | SEWAGE METER |
| TELEPHONE | TELEPHONE |
| TELEVISION | TELEVISION |
| INTERNET | INTERNET |
| HEATING | HEATING |
| Cooling | Cooling |
| Electricity | Electricity |
| Gas | Gas |
| Oil | Oil |
| Propane | Propane |
| Other | Other |

[illegible]

| | |
|---------------------------------------|---------------------------------------|
| IMPERVIOUS COVERAGE PARCEL A02 032 | IMPERVIOUS COVERAGE PARCEL A03 003 |
|---------------------------------------|---------------------------------------|

| | | |
|----------------|-----------------|-----------------|
| PARCEL A02 032 | ORIGIN DATE | START DATE |
| | SYSTEMS/PROCESS | END DATE |
| | TRANSFER IN/OUT | TRANSFER IN/OUT |
| | TOTAL IN/OUT | AS OF DATE |

IMPERVIOUS COVERAGE
PARCEL A03 003

| | | | | | |
|-------------------------|--|--|--|--|--|
| IMPERVIOUS COVERAGE | | | | | |
| PARCEL A03 603 | | | | | |
| APPLICANT NAME: | | | | | |
| SIGNATURE OF APPLICANT: | | | | | |
| DATE OF SIGNATURE: | | | | | |
| NAME: | | | | | |
| DATE OF SIGNATURE: | | | | | |
| TOTAL IMPERVIOUS % | | | | | |

[illegible]

NOTES:

1. THE UNITED STATES CONSTITUTION GUARANTEES TO EVERY PERSON THE RIGHT TO BE HEARD BY AN IMPARTIAL JUDGE. THE CONSTITUTION ALSO GUARANTEES TO EVERY PERSON THE RIGHT TO A FAIR TRIAL.
2. THE UNITED STATES CONSTITUTION GUARANTEES TO EVERY PERSON THE RIGHT TO BE HEARD BY AN IMPARTIAL JUDGE. THE CONSTITUTION ALSO GUARANTEES TO EVERY PERSON THE RIGHT TO A FAIR TRIAL.
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9. THE UNITED STATES CONSTITUTION GUARANTEES TO EVERY PERSON THE RIGHT TO BE HEARD BY AN IMPARTIAL JUDGE. THE CONSTITUTION ALSO GUARANTEES TO EVERY PERSON THE RIGHT TO A FAIR TRIAL.
10. THE UNITED STATES CONSTITUTION GUARANTEES TO EVERY PERSON THE RIGHT TO BE HEARD BY AN IMPARTIAL JUDGE. THE CONSTITUTION ALSO GUARANTEES TO EVERY PERSON THE RIGHT TO A FAIR TRIAL.

- that, because the competing and closest to power, that this leaves with the possibility that it would be a more effective tool for the future.

EXISTING VEGETATION TO REMAIN

FORGOTTEN PLANT MATERIAL TO BE UNPLANTED AND USED TO PROVIDE VEGETATION IN THE NEXT YEAR ROUND.

NEW NORTH GREEN SPACE TRUST

THE NEW NORTH GREEN SPACE TRUST

ERECTING VEGETATION TO REMAIN

FOREGROWN PLANT MATERIAL TO BE APPLIED TO AN IRONED TO PROVIDE VEGETATION ESTABLISHMENT

TRAIL BOARD

PERFORATED GREEN MIN. 8 INCHES

WATER LEVEL

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DIFFER SECTION FOR NATURAL AREAS

THIS SECTION REPRESENTS A BUFFER WITH A COMBINATION OF EXISTING TREES AND SHRUBS SUPPLEMENTED BY EVERGREEN PLANT MATERIAL. THIS OPTION WILL BE DESIGNATED MAPPHOTOPHASE AREAS SO AS TO ALLOW FOR THE PRESERVATION OF EXISTING PLANT MATERIAL.

ALL NEW PLANT MATERIALS WILL MEET THE REQUIREMENTS OF THE COCONTE COUNTY UNIFIED DEVELOPMENT CODE SECTION 16.21.

THIS SECTION REPRESENTS A RUBBER WITH A COMBINATION OF EXISTING TREES AND CANOES SUPPLEMENTED BY EVERGREEN PLANT MATERIAL. THIS OPTION WILL BE DESIGNATED MAPPHORTLAND AREA 80 AS TO ALLOW FOR THE PRESERVATION OF EXISTING PLANT MATERIAL. ALL NEW PLANT MATERIALS WILL MEET THE REQUIREMENTS OF THE OCEANIC COUNTY UNIFIED DEVELOPMENT CODE SECTION 8.2.1.

1. **THESE** ARE THE **QUESTIONS** THAT YOU WILL BE ASKED TO ANSWER IN THE EXAMINATION. YOU WILL BE GIVEN 10 MINUTES TO PREPARE YOUR ANSWERS. YOU WILL BE GIVEN 10 MINUTES TO PREPARE YOUR ANSWERS. YOU WILL BE GIVEN 10 MINUTES TO PREPARE YOUR ANSWERS.

[illegible]

NOTES:

1. THE UNITED STATES CONSTITUTION GUARANTEES TO EVERY PERSON THE RIGHT TO BE FREE FROM UNREASONABLE SEARCHES AND SEIZURES. THIS RIGHT IS PROTECTED BY THE FOURTH AMENDMENT.
2. THE FOURTH AMENDMENT STATES: "THE RIGHT OF THE PEOPLE BEING SECURED AGAINST UNREASONABLE SEARCHES AND SEIZURES, NO WARRANTS SHALL ISSUE WITHOUT PROBABILE CAUSE, AND NO WARRANTS SHALL BE ISSUED BUT IN SPECIFIC MANNER, DESCRIBING THE PLACE TO BE SEARCHED, AND THE PERSONS OR THINGS TO BE SEIZED."
3. THE SUPREME COURT HAS INTERPRETED THIS AMENDMENT TO MEAN THAT A WARRANT IS REQUIRED FOR MOST SEARCHES AND SEIZURES, UNLESS THERE IS AN EXEMPTION.
4. THERE ARE SEVERAL EXEMPTIONS TO THE REQUIREMENT OF A WARRANT, INCLUDING: (A) SEARCHES OF PUBLIC PLACES; (B) SEARCHES OF VEHICLES; (C) SEARCHES OF BODIES; (D) SEARCHES OF EVIDENCE; (E) SEARCHES OF A PERSON'S HOME; (F) SEARCHES OF A PERSON'S OFFICE; (G) SEARCHES OF A PERSON'S BAGGAGE; (H) SEARCHES OF A PERSON'S PERSONAL EFFECTS; (I) SEARCHES OF A PERSON'S PERSONAL INFORMATION; (J) SEARCHES OF A PERSON'S PERSONAL PROPERTY; (K) SEARCHES OF A PERSON'S PERSONAL RECORDS; (L) SEARCHES OF A PERSON'S PERSONAL COMMUNICATIONS; (M) SEARCHES OF A PERSON'S PERSONAL FINANCIAL RECORDS; (N) SEARCHES OF A PERSON'S PERSONAL MEDICAL RECORDS; (O) SEARCHES OF A PERSON'S PERSONAL EDUCATIONAL RECORDS; (P) SEARCHES OF A PERSON'S PERSONAL EMPLOYMENT RECORDS; (Q) SEARCHES OF A PERSON'S PERSONAL SOCIAL MEDIA RECORDS; (R) SEARCHES OF A PERSON'S PERSONAL INTERNET RECORDS; (S) SEARCHES OF A PERSON'S PERSONAL MOBILE PHONE RECORDS; (T) SEARCHES OF A PERSON'S PERSONAL EMAIL RECORDS; (U) SEARCHES OF A PERSON'S PERSONAL TEXT MESSAGE RECORDS; (V) SEARCHES OF A PERSON'S PERSONAL VOICE RECORDINGS; (W) SEARCHES OF A PERSON'S PERSONAL VIDEO RECORDINGS; (X) SEARCHES OF A PERSON'S PERSONAL PHOTOGRAPH RECORDS; (Y) SEARCHES OF A PERSON'S PERSONAL DOCUMENT RECORDS; (Z) SEARCHES OF A PERSON'S PERSONAL OTHER RECORDS.

- that, because the competing and closest to power, that this leaves with the possibility that it would be a more effective tool for the future.

EXISTING VEGETATION TO REMAIN

FORGOTTEN PLANT MATERIAL TO BE UNPAVED AND USED TO PROVIDE VEGETATION IN THE NEXT YEAR ROUND.

NEW NORTH GREEN SPACE TRUST

PHOTO BY J. H. HARRIS

ERECTING VEGETATION TO REMAIN

FOREGROWN PLANT MATERIAL TO BE APPLIED TO AN IRONED TO PROVIDE VEGETATION ESTABLISHMENT

TRAIL BOARD

PERFORATED GREEN MIN. 8 INCHES

WATER LEVEL

[illegible][illegible]

DIFFER SECTION FOR NATURAL AREAS

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ALL NEW PLANT MATERIALS WILL MEET THE REQUIREMENTS OF THE COCONTE COUNTY UNIFIED DEVELOPMENT CODE SECTION 16.21.

THIS SECTION REPRESENTS A RUBBER WITH A COMBINATION OF EXISTING TREES AND CANOES SUPPLEMENTED BY EVERGREEN PLANT MATERIAL. THIS OPTION WILL BE DESIGNATED MAPPHORTLAND AREA 80 AS TO ALLOW FOR THE PRESERVATION OF EXISTING PLANT MATERIAL. ALL NEW PLANT MATERIALS WILL MEET THE REQUIREMENTS OF THE OCEANIC COUNTY UNIFIED DEVELOPMENT CODE SECTION 8.2.1.

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[illegible]



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

VARIANCE CASE #: P24-0211

DATE: December 23, 2024

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

APPLICANT NAME: SPG Planners + Engineers
(Mick Kittle, PLA)

PROPERTY OWNER(S): Dixon Family Trust of 2012 (Tracie Hedges)

LOCATION: 6011 Hog Mountain Road (Parcel A 02 032) and
1170 Lane Creek Road (Parcel A 03 003)

PARCEL SIZE(s): ± 356.05 acres

EXISTING ZONING: AG (Agricultural District)

EXISTING LAND USES: Residential and Agricultural

TYPE OF VARIANCE REQUESTED: Special Exception Variance

REQUEST SUMMARY: A Special Exception Variance from Section 609.1 to 1) to allow a portion of an existing residential gravel drive to remain as a service drive and remove the requirement for a paved commercial drive; and 2) remove the requirement for curb and gutter to allow the commercial access road to have vegetated ditches. 3) allow gravel parking in lieu of paved parking for the spaces next to the rental units.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: January 7, 2025

ATTACHMENTS: Application
Warranty Deed
Plat of Survey
Concept Plan
Narrative
Legal Description



CONCURRENT APPLICATION: Special Use Approval for Recreational (Overnight) Camps: The applicant is requesting Special Use Approval for the construction of 10 recreational cabins for overnight rentals along with converting an existing dwelling to use for overnight rentals.

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The two existing properties are in current use as single family residential and agricultural uses.
- The 6011 Hog Mountain Road property has an existing 1,530 SF residential structure that was constructed in 1981 according to Property Appraisal records.
- The 1170 Lane Creek Road property has two existing residential structures, a 3,477 SF dwelling built in 1998, and a 420 SF dwelling built in 2004. There are several barns and storage sheds on the property as well. A proposed paved commercial access road is the only proposed use of the 1170 Lane Creek Road property.

VARIANCE DESCRIPTION

- A Special Exception Variance from Section 609.1 to:
 - 1) to allow a portion of an existing residential gravel drive to remain as a service drive and remove the requirement for a paved commercial drive; and
 - 2) remove the requirement for curb and gutter to allow the commercial access road to have vegetated ditches; and
 - 3) allow gravel parking in lieu of paved parking for the spaces next to the rental units.
- Section 609.01 states for non-residential uses:
 - c. *All off-street parking areas and all access drives for uses other than single-family and two-family dwellings shall be improved with a permanent load-bearing surface consisting of one or more of the following:*
 - (1) *Pavement consisting of a minimum of a 4-inch graded aggregate base overlaid with a 2-inch Type E or F asphalt surface.*
 - (2) *Pavement consisting of a minimum 5-inch course of 3,500 psi concrete applied on a stabilized subgrade consisting of at least 150 pounds of stone per square yard mixed in 4 inches deep and compacted.*
 - (3) *Porous asphalt or concrete pavement installed to the manufacturer's specifications on a 95% compacted subbase.*
 - (4) *Pervious paving materials installed to the manufacturer's specifications on a 95% compacted subbase.*
 - d. *For any multi-family or nonresidential use, and for any parking lot operated as a principal use, curb and gutter meeting County specifications for public streets shall be installed around the periphery of every paved parking lot containing more than 5 spaces. The curb and gutter shall also extend along both sides of every access drive between the paved parking lot or loading area and the street or another parking lot or loading area, as applicable.*

Public Facilities

Water:

- The project is proposing to utilize Oconee County water.
- Water Resources provided a letter of water availability but stated public sewer is not available.

Sewer:

- The existing house has an on-site septic system.
- Sewage disposal will be provided via on-site septic for the new rental cottages.

Roads:

- The property has legal access to Hog Mountain Road. No other legal access exists for the property.
- The Georgia Department of Transportation has indicated the Hog Mountain Road entrance will be required to obtain a commercial driveway access permit.

Environmental:

- The concept plan indicates there are State Waters on the site.
- The concept plan indicates there are no Wetlands or Flood Hazard Areas on the site.

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 applicant is requesting to not improve the only legal access to the property from Hog Mountain Road even though a change of use is proposed from residential to commercial. Staff analysis indicates there would be no way to regulate the proposed “service vehicle only” access from Hog Mountain Road and believes this would be an entry point for the public, ride shares, garbage and emergency services. The current address of the property is 6011 Hog Mountain Road, which would be the responding address for emergency services or law enforcement. The current 8- to 10-foot-wide gravel driveway does not appear to meet codes for emergency services access. The current gravel driveway also appears to cross the property line to the east, which would not allow the installation of ditches to control stormwater as required. Staff analysis indicates that not improving the gravel entry road would cause a detrimental impact due to the public good. The Georgia Department of Transportation has indicated the Hog Mountain Road entrance will be required to obtain a commercial driveway access permit.

The request to allow ditches along the entry roads instead of curb and gutter appears reasonable if stormwater codes can be met.

The request to allow parking areas to be a gravel surface appears reasonable if stormwater codes can be met as the proposed use is not as intense as a full hotel operation.

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

Nearby lots are zoned AG. Primary land uses in the area are a mixture of agricultural and residential. The proposed Recreational (Overnight) Camps should not impede the normal and orderly development of surrounding properties. The request to allow parking areas to be a gravel surface and ditches along the entry roads appears reasonable if stormwater codes can be met as the proposed use is not as intense as a full hotel operation. However, not improving the only legal entrance to commercial driveway standards **would degrade the use of other properties** in the area due to the potential for traffic backups trying to turn onto a gravel road. Staff analysis indicates there would be no way to regulate the proposed “service vehicle only” access from Hog Mountain Road and believes this would be an entry point for the public, ride shares, garbage and emergency services.

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

The request to allow parking areas to be a gravel surface and ditches along the entry roads appears reasonable if stormwater codes can be met as the proposed use is not as intense as a full hotel operation. However, not improving the only legal entrance to commercial driveway standards **would impair the value of surrounding properties** in the area due to the potential for traffic backups trying to turn onto a gravel road. Staff analysis indicates there would be no way to regulate the proposed “service vehicle only” access from Hog Mountain Road and believes this would be an entry point for the public, ride shares, garbage and emergency services.

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

The request to allow parking areas to be a gravel surface and ditches along the entry roads appears reasonable if stormwater codes can be met as the proposed use is not as intense as a full hotel operation. However, not improving the only legal entrance to commercial driveway standards **would impair the intent of this code** due to the potential for traffic backups trying to turn onto a gravel road. Staff analysis indicates there would be no way to regulate the proposed “service vehicle only” access from Hog Mountain Road and believes this would be an entry point for the public, ride shares, garbage and emergency services.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for special exception variance approval, part of this request **does meet all necessary conditions** to grant a special exception variance to Section 609.1 to

- remove the requirement for curb and gutter to allow the commercial access road to have vegetated ditches.
- allow gravel parking in lieu of paved parking for the spaces next to the rental units.

Staff recommends **denial** of part of the variance to Section 609.1 to

- allow a portion of a gravel drive to remain as a service drive and remove the requirement for paved commercial drive as this drive is the current legal access to the property.

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.
2. The owner at their own expense shall construct the improvements required by the County for public water and public waste services for the subject property and shall convey the same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements as are required by the County to provide service to subject property.
3. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County's review of Owner's development plans pursuant to the County's ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication.

Site Pictures



Site Pictures



Variance # P24-0211 - Dixon Family Trust

Parcel #
A-03-003
A-02-032

A-02-032

A-03-003

Hog Mountain Rd

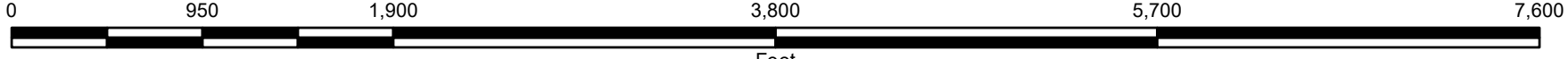
Gallop Way

Lane Creek Rd

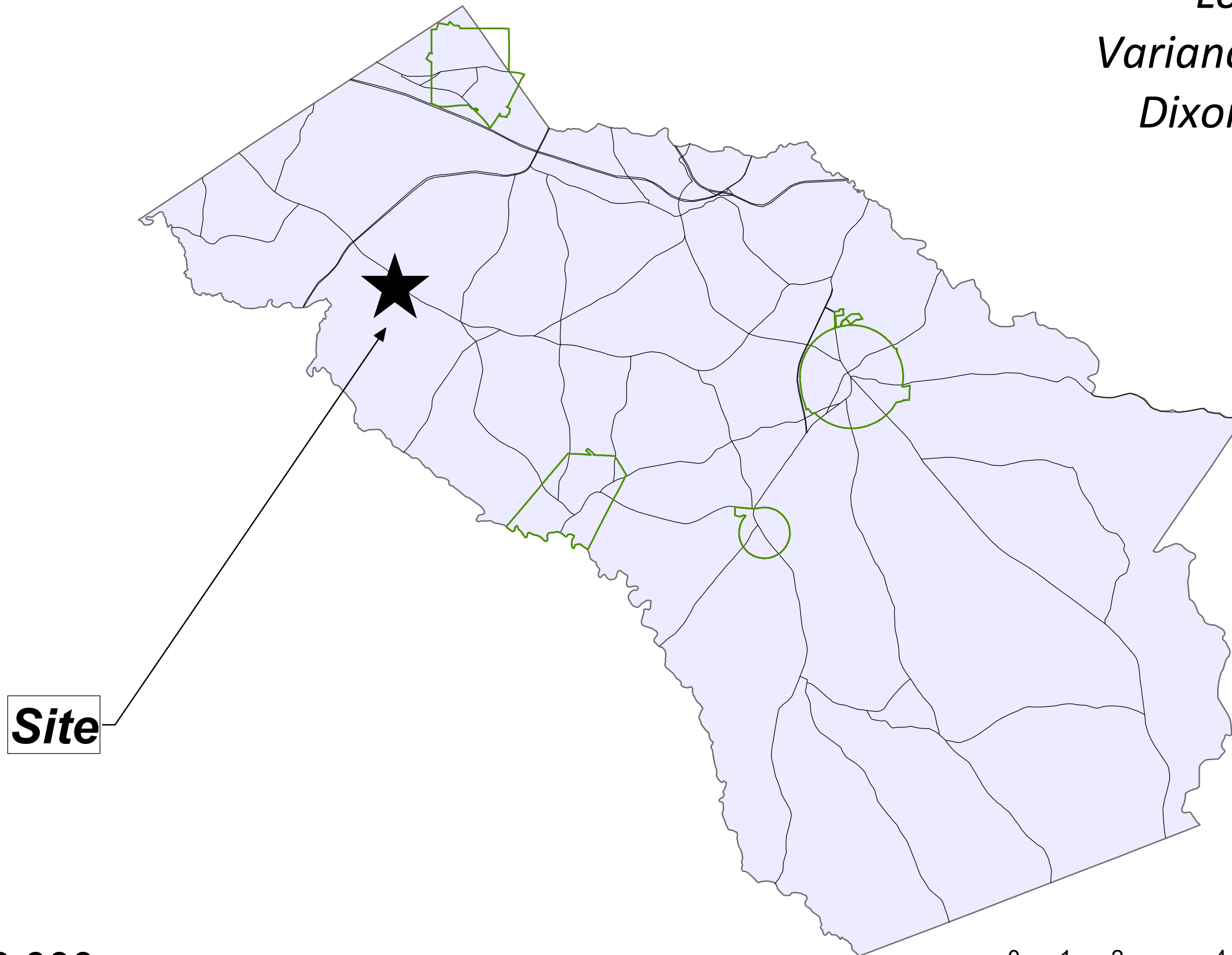
Moore's Ford Rd

Parrish Dr

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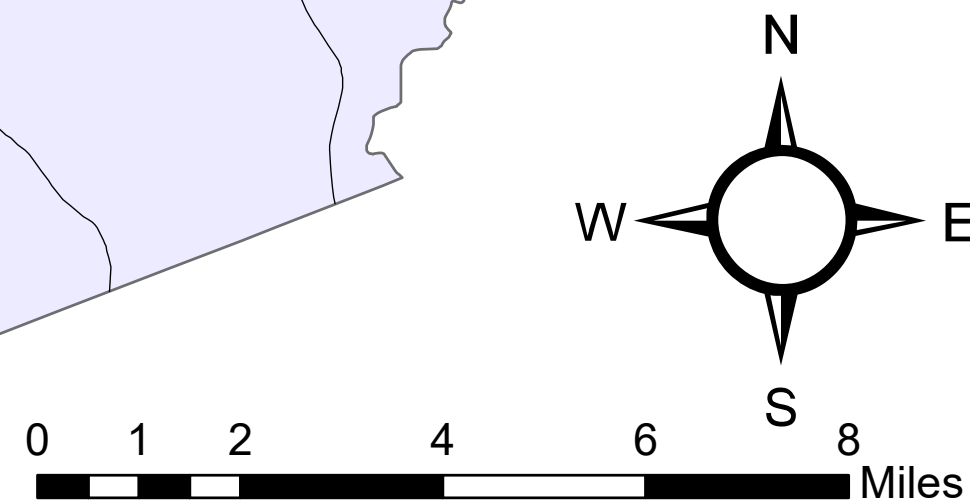


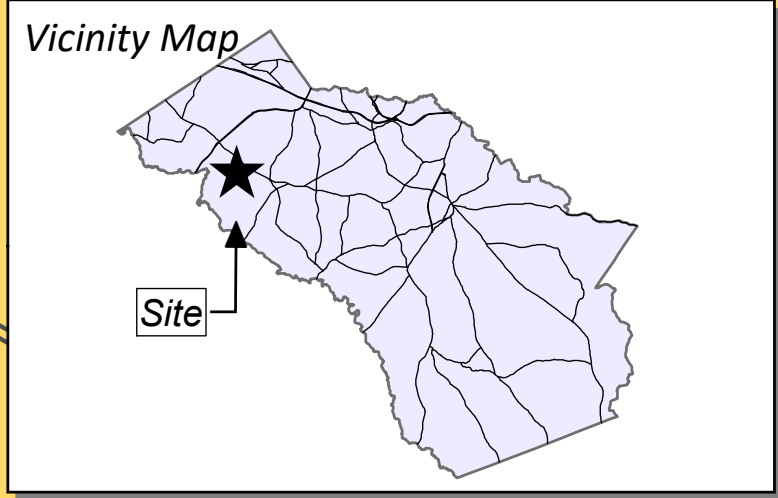
*Location Map -
Variance # P24-0211
Dixon Family Trust*



Site

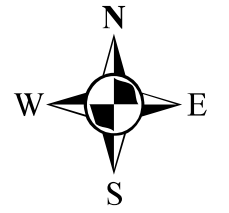
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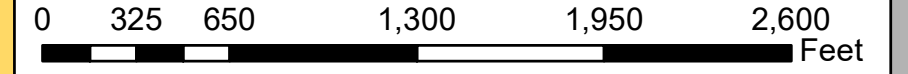


**Suburban
Neighborhood**

**Oconee County
Planning Department**

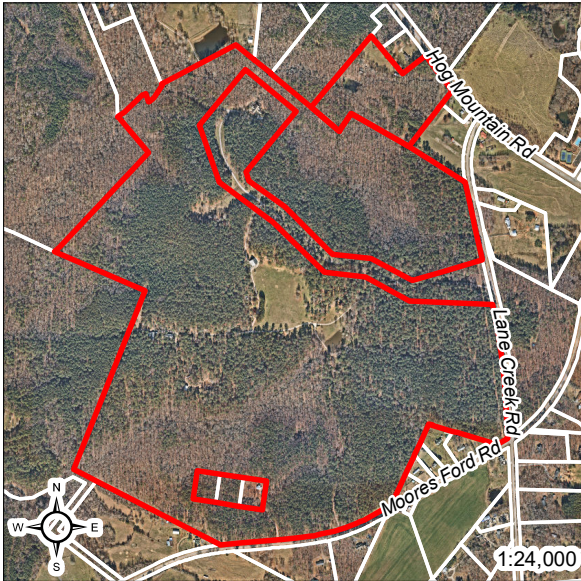


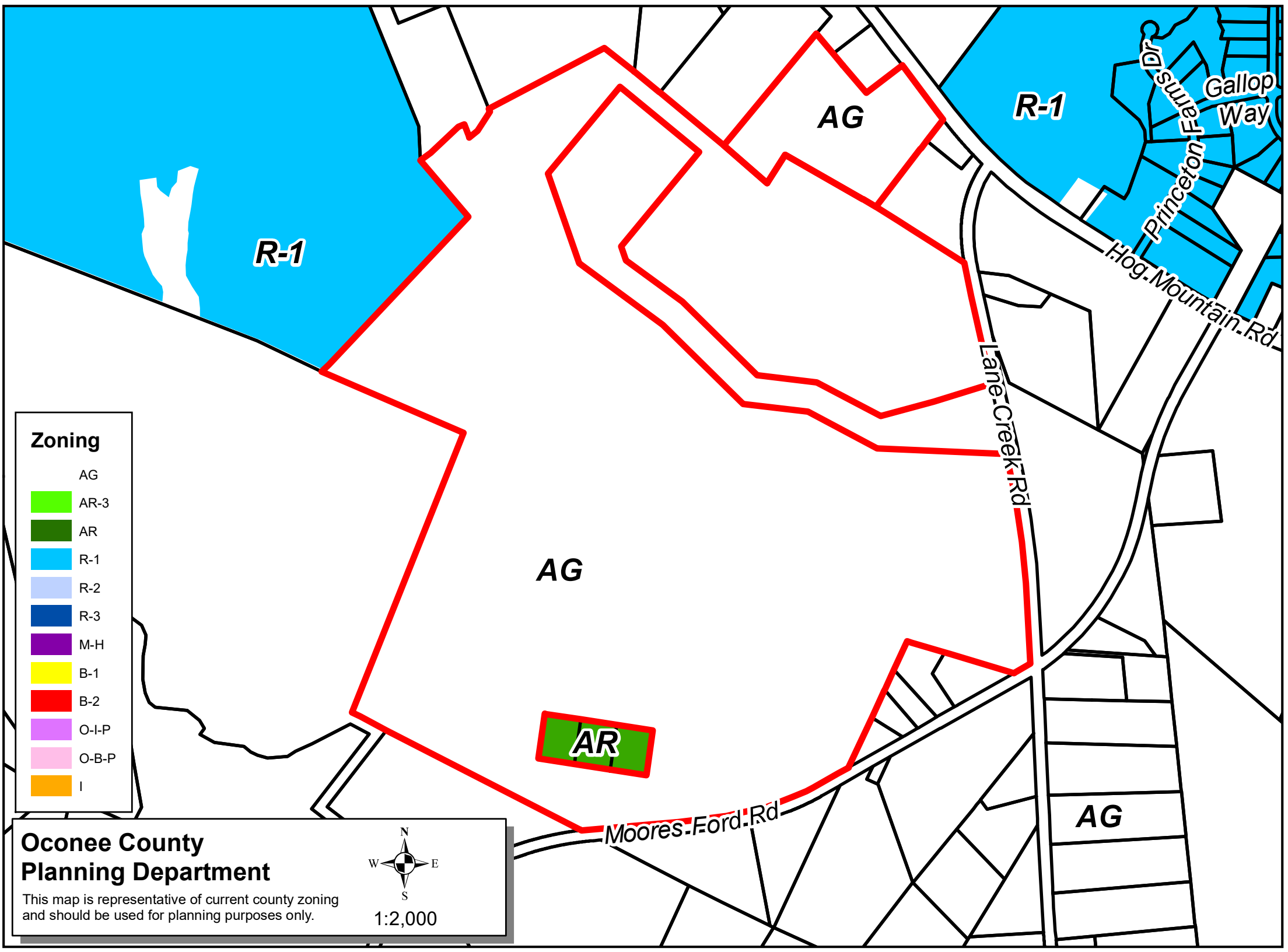
This map is a representation of the future development map
and should be used for planning purposes only



Rural Places

Country Estates





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