

**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 Burgess Jennings Mill Land, LLC. & J.G. Griffeth Investments, LLC. submitted on October 26, 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 Beall & Company on October 26, 2024, regarding a ±1.47-acre tract of land located 1100 Research Parkway, Oconee County, Georgia, (tax parcel no. C-01AV-007), 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 3 Section 323.02, to allow the installation of a 6' high decorative metal picket fence and 3' height hedge rather than a 6' hedge, wall, or imitation wood vinyl fence.

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.

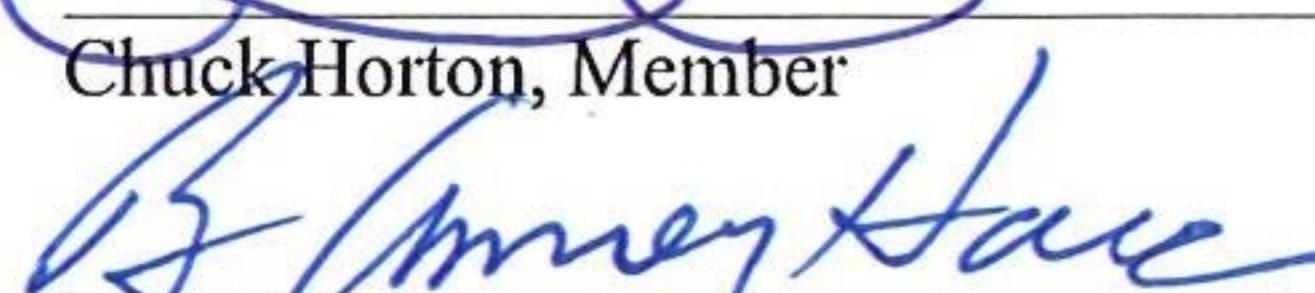
OCONEE COUNTY BOARD OF COMMISSIONERS

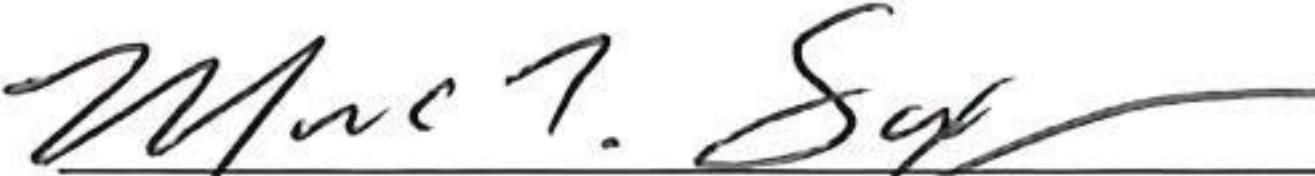
BY:


John Daniell, Chairman

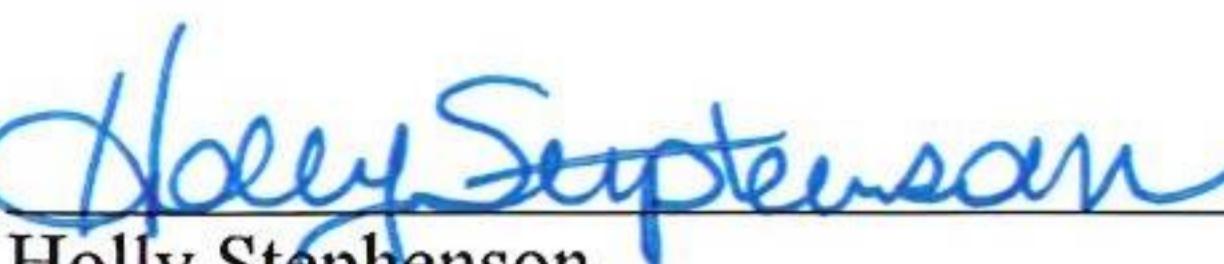

Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:


Holly Stephenson

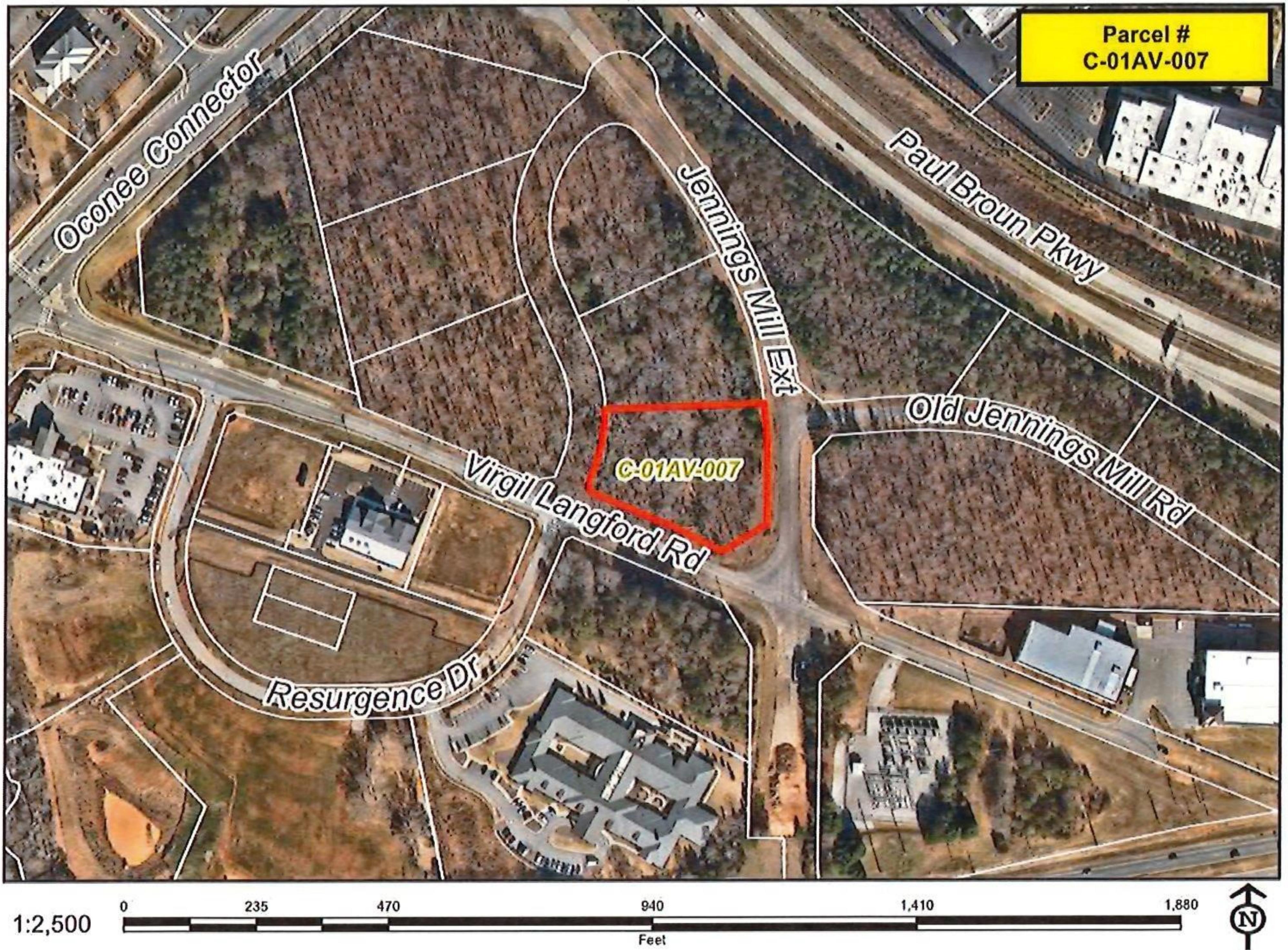
Clerk, Board of Commissioners

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 # P24-0226 - Burgess Jennings Mill Land, LLC



TYPED LEGAL DESCRIPTION

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the county of Oconee, State of Georgia, GMD 1331, and described as a 1.466 acre Lot 7 on a Final Plat For RESEARCH QUARTER, dated 10/21/2024, prepared by BASELINE SURVEYING & ENGINEERING, INC., more particularly described as follows:

Starting on a property corner, on the northern right of way of VIRGIL LANGFORD ROAD and on the east side right-of-way of RESEARCH PARKWAY, at an iron pin; said pin being the **POINT OF BEGINNING**.

Thence N22° 28' 36" W, a distance of 15.53' to an iron pin;

Thence N22° 36' 12" E, a distance of 21.56' to a point;

Thence N10° 50' 11" E, a chord distance of 114.20', an arc length of 115.01', and a radius of 280.00' to an iron pin;

Thence N87° 53' 57" E, a distance of 285.16' to an iron pin at the ROW of Goddard Way;

Thence S05° 04' 17" E, a chord distance of 75.54', an arc length of 75.55', and a radius of 1071.80' to a point at the ROW of Goddard Way;

Thence S00° 06' 47" W, a distance of 137.48' to an iron pin;

Thence S58° 29' 08" W, a distance of 34.43' to a point;

Thence S58° 29' 08" W, a distance of 59.36' to an iron pin at the ROW of Virgil Langford Road;

Thence N63° 15' 25" W, a distance of 95.02' to an iron pin at the ROW of Virgil Langford Road;

Thence N67° 33' 22" W, a distance of 162.70' to an iron pin at the ROW of Virgil Langford Road and Research Parkway; said point being the **POINT OF BEGINNING**.

NARRATIVE

Beall & Company, LLC
10/25/2024 (rev.12/5/24)

Project #22.024.5
Special Exception Variance Petition

Special Exception Variance Petition

**RESEARCH QUARTER LOT 7
GODDARD DAYCARE/PRESCHOOL**

**1.47 Acre Portion (Lot 7) of Research Quarter Commercial Subdivision
Oconee County Georgia**

(Beall & Company, LLC has been engaged by the property owners (Burgess Jennings Mill Land, LLC and J.G. Griffeth Investments, LLC) to act as agent in the preparation of the necessary documentation associated with the subject Special Exception Variance petition.)

Variance Narrative

A Special Exception Variance is requested from UDC Sec. 323.02 Day Care Center to allow the installation of a 6' hgt. decorative metal picket security fence and a 3' hgt. hedge rather than a 6' hedge, wall or imitation-wood vinyl fence.

Sec. 1303.03. Standards for special exception variance approval.

A special exception variance may be granted upon a finding that the relief if granted:

a. Would not cause substantial detriment to the public good:

The allowance of a 6' hgt. decorative metal picket security fence with a 3' hgt. hedge will not cause any detriment to the public good because there is no advantage to the public for the fence types listed in the code. The health, safety and welfare of the public will not be undermined by the decorative metal picket security fence.

b. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:

The allowance of the installation of a 6' metal picket security fence will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity.

c. Would not diminish or impair property values within the surrounding neighborhood:

The past, recent, and ongoing zoning modifications, variances, expansions, and improvements to the properties and local thoroughfares and collector roads in the vicinity have helped stimulate a mixture of compatible, office/institutional, retail, health service, and related uses in the area.

d. Would not impair the purpose and intent of the Unified Development Code:

The allowance of the 6' hgt. decorative metal picket security fence does not impair the purpose and intent of the Unified Development Code.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P24-0226
Page 5 of 10

NARRATIVE

Beall & Company, LLC
10/25/2024 (rev.12/5/24)

Project #22.024.5
Special Exception Variance Petition

PROPOSED USE: Private Daycare/Kindergarten/School (GODDARD SCHOOL to be located on Lot #7 Research Quarter B2 Commercial Subdivision)

EXISTING USE: Existing Platted B2 Zoned Lot #7 Research Quarter Subdivision
(available for purchase and development of all uses identified in Rezone Case #P24-0100 approved by the Oconee BOC on August 6, 2024)

TOTAL ACREAGE INCLUDED IN THE VARIANCE REQUEST: 1.466 Acres
(Total Acreage is the Lot #7 Project Acreage)

METES and BOUNDS: See Recorded Final Plat for updated metes and bounds

ADJACENT LAND USES and ZONING: (Note: tax parcel numbers are not yet assigned to subject lots)

- The existing land use to the west of the subject parcel is Research Parkway ROW.
- The lot beyond Research Parkway ROW is Lot #1; 1.802 ac. Zoned B2 and owned by Burgess Jennings Mill Land LLC and J.G. Griffeth Investments LLC.
- The existing land use to the north is Research Quarter Lot #6 zoned B2 and is available for purchase and development in accordance with approved uses per zoning P24-0100. Said lot is undeveloped and owned by the same as Lot #1.
- The existing land use to the east is Goddard Way ROW.
- The existing use beyond Goddard Way ROW is Lot #11 (Tract 11); 4.124 ac Zoned B2 undeveloped and owned by the same as Lot #1.
- The existing land use to the south of the subject parcel is Virgil Langford Road ROW.
- The existing land use beyond Virgil Langford Road is an undeveloped commercial B1 zoned lot in a commercial subdivision known as RESURGENCE PARK

ADJACENT DRIVEWAYS: There are no adjacent driveways to the subject property. There are public streets on the opposite side of Virgil Langford Road known as RESURGENCE DRIVE and on the opposite side of GODDARD WAY known as CAPP DRIVE.

TAX PARCEL NUMBERS:

- Updated tax parcel numbers for individual lots in the Research Quarter development are not available as of the writing of this narrative. The Final Plat was recorded on 12/03/2024.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P24-0226
Page 6 of 10

PLAT

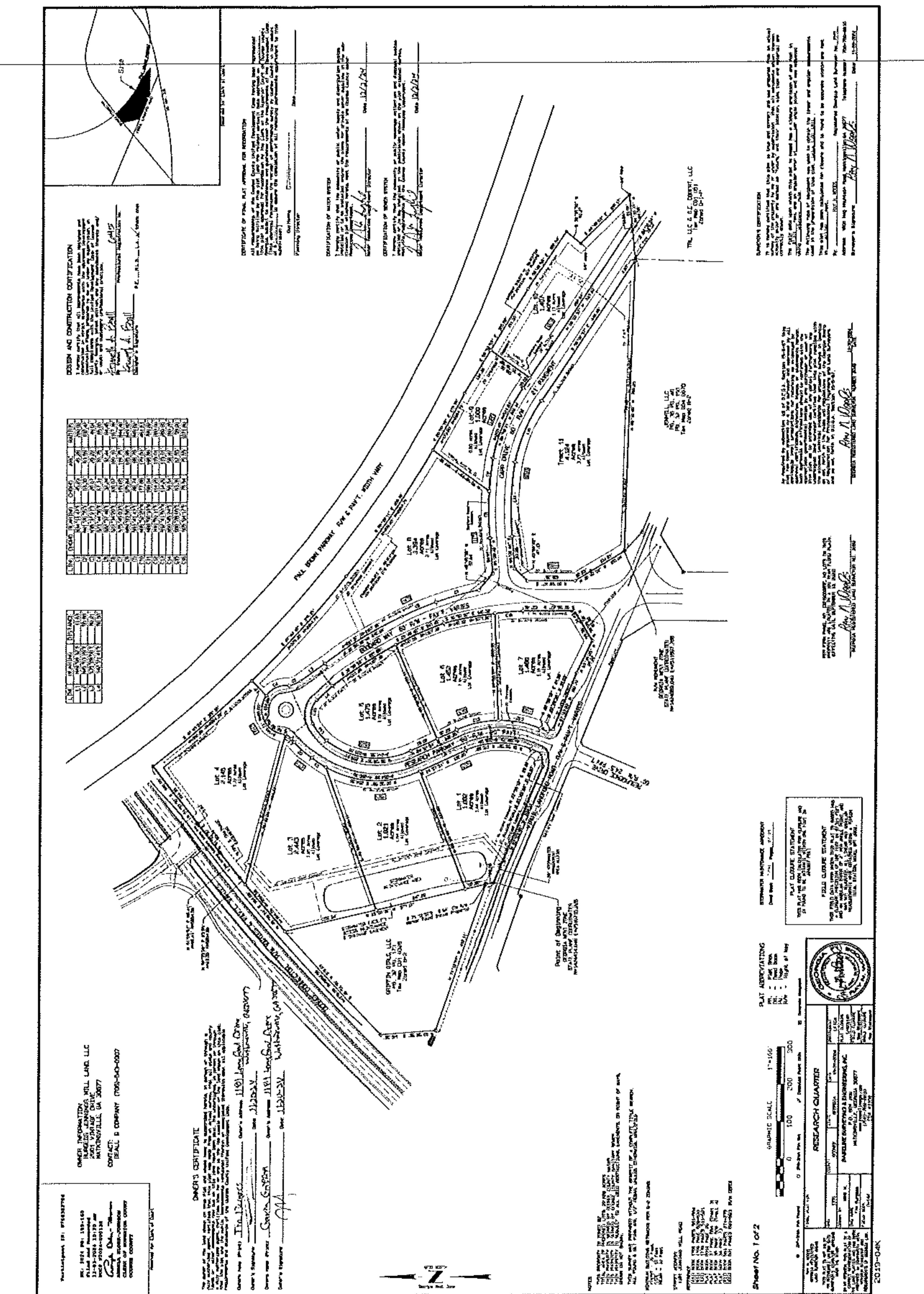
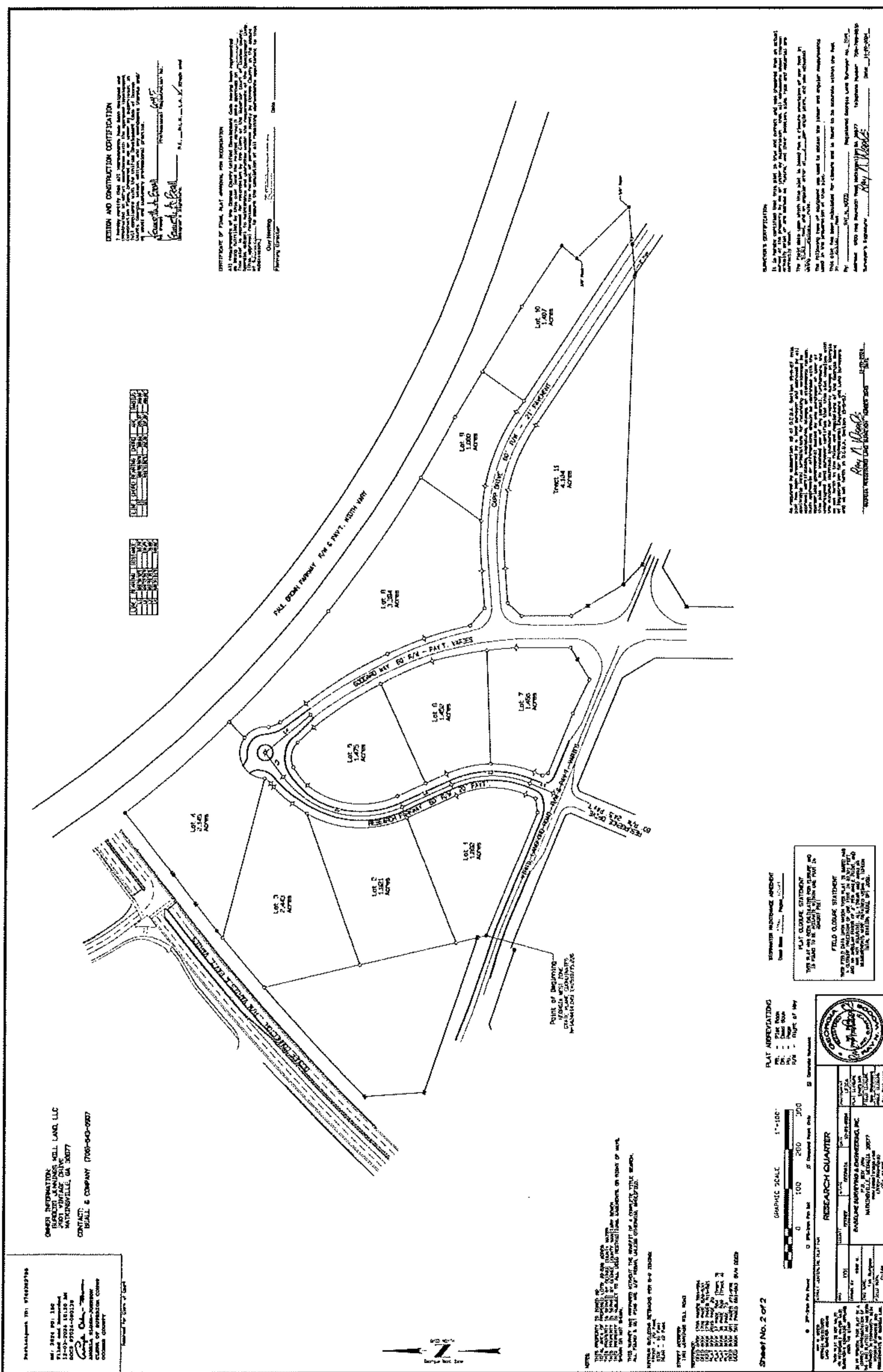
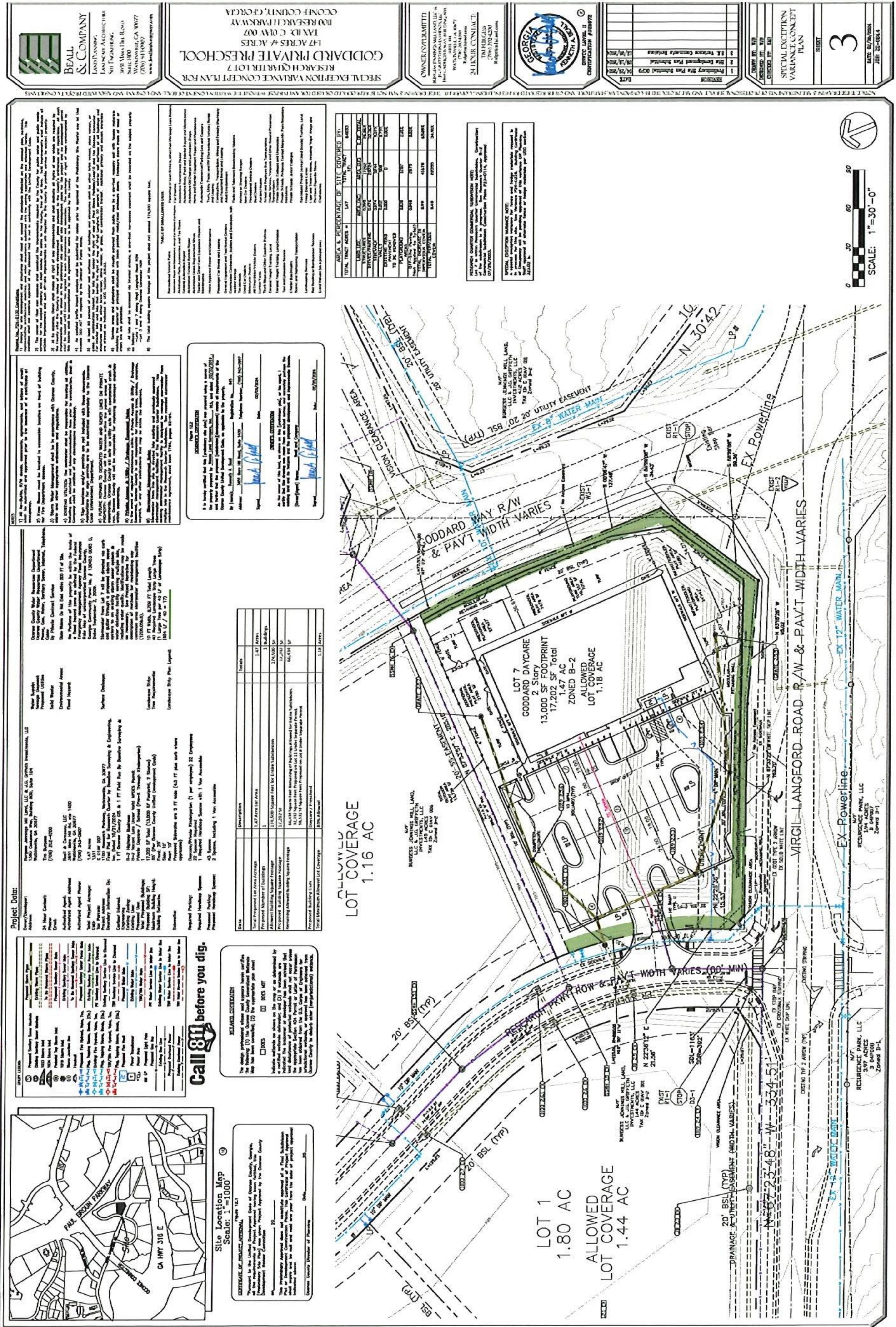
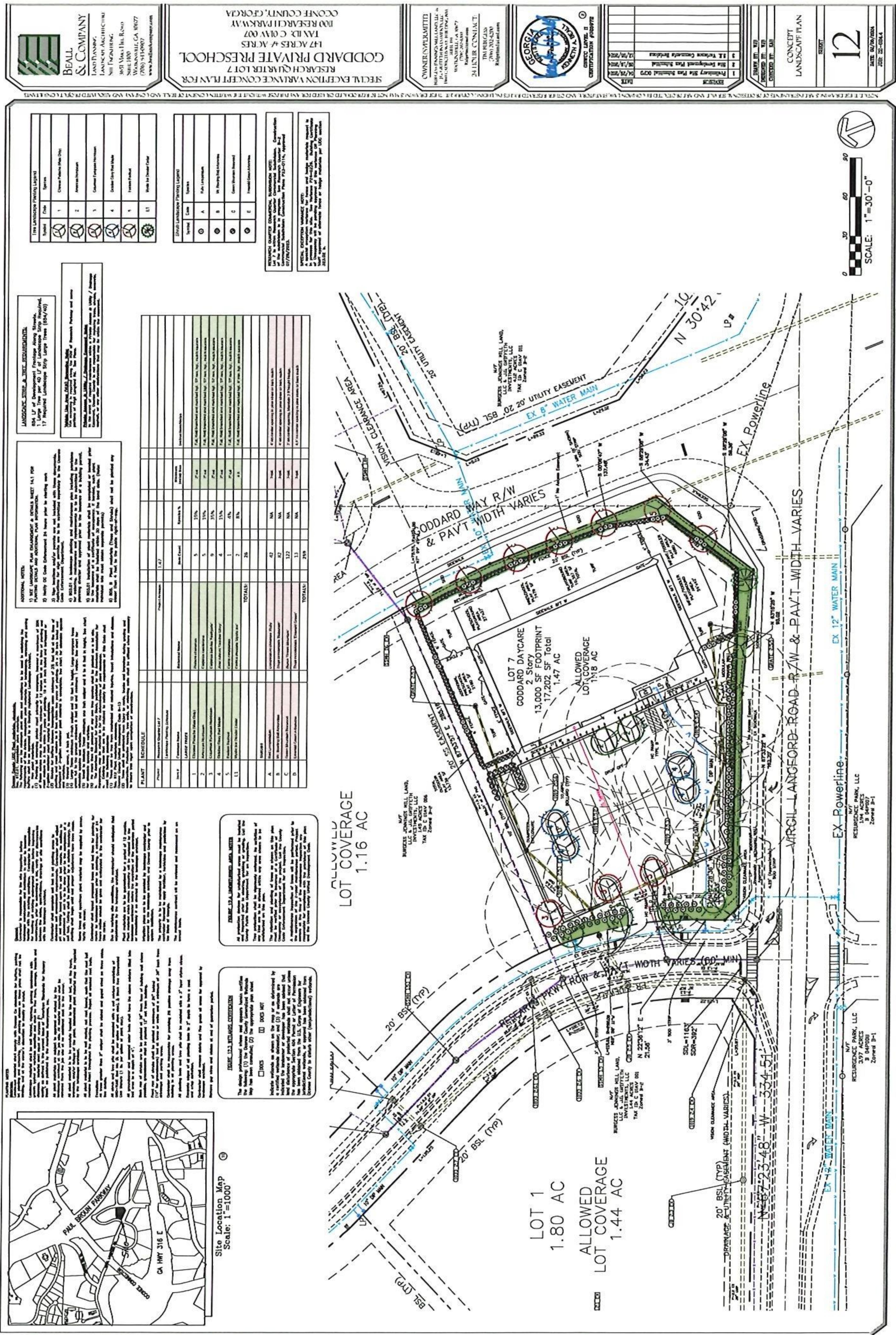


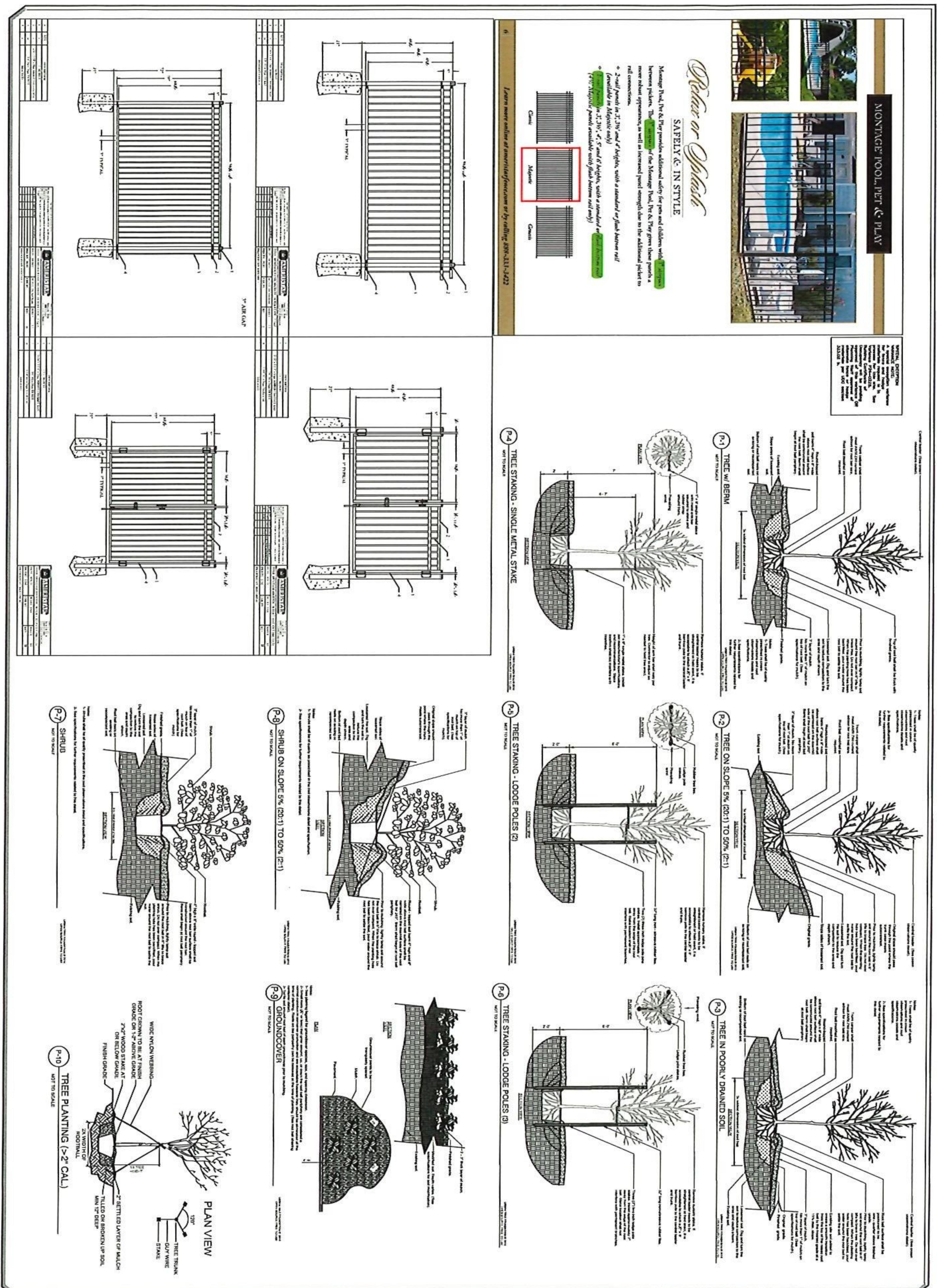
EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P24-0226

PLAT

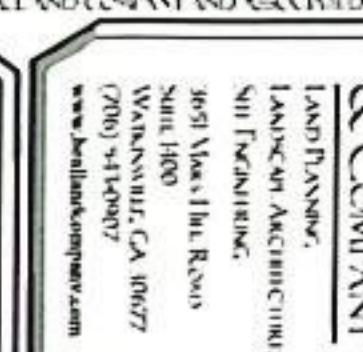
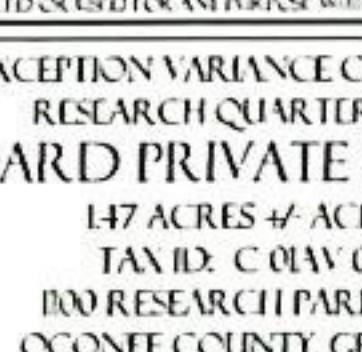
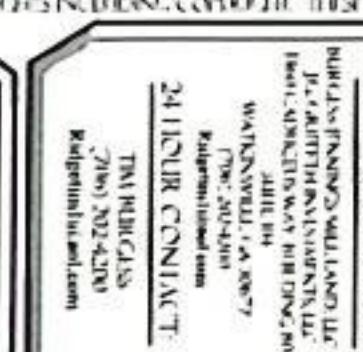








NOTICE: THIS DRAWING IS THE PROPERTY OF THE ORIGINAL SURVEYOR AND MAY NOT BE COPIED OR USED BY ANYONE ELSE. THIS DRAWING IS NOT BE RECORDED OR USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR AND ASSOCIATED PROFESSIONAL CONSULTANTS.





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

VARIANCE CASE #: P24-0226

DATE: December 23, 2024

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

APPLICANT NAME: Beall & Company, LLC (Kenneth A. Beall)

PROPERTY OWNER(S): Burgess Jennings Mill Land, LLC & J.G. Griffeth Investments, LLC

LOCATION: 1100 Research Parkway, Parcel C 01 AV007

PARCEL SIZE(s): ± 1.47 acres

EXISTING ZONING: B-2 (Highway Business District)

EXISTING LAND USES: Vacant property

TYPE OF VARIANCE REQUESTED: Special Exception Variance

REQUEST SUMMARY: A special exception variance from Oconee County Unified Development Code Article 3 Section 323.02, to allow the installation of a 6' height decorative metal picket fence and 3' height hedge rather than a 6' hedge, wall, or imitation wood vinyl fence.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: January 7, 2025

ATTACHMENTS:

- Application
- Warranty Deed
- Plat of Survey
- Concept Plan
- Narrative
- Legal Description



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property is zoned B-2 and has been owned by the current owners since 2019.
- The parcel was created with the recording of the “Research Quarter” Final Plat December 3, 2024 in Plat Book 2024, Page 159-160.
- Rezoning #7734 changed the zoning of the property from A-1 and B-2 to B-2 on July 2, 2019.
- Case # P22-0319 was approved April 4, 2023, that changed the previous conditions of rezoning #7734.
- Case # P24-0100 was approved August 6, 2024, that changed the previous conditions of rezoning #P22-0319.
- The applicant has a commercial site plan under review (process numbers P24-0193 and P24-0195).
- The parcel is currently vacant.

VARIANCE DESCRIPTION

- A special exception variance from Oconee County Unified Development Code Article 3 Section 323.02, to allow the installation of a 6' height decorative metal picket fence and 3' height hedge rather than a 6' hedge, wall, or imitation wood vinyl fence.
- Section **323.02 Day care center** states:
Day care for nineteen or more adults or children is subject to the following:
 - a. *Outdoor play areas shall be provided in the rear or side yards shall be enclosed by a solid hedge, wall or imitation-wood vinyl fence 6 feet high. All outdoor play areas shall be separated from driveways, streets and parking areas.*

Public Facilities

Water:

- The project is proposed to utilize County water services.

Sewer:

- The project is proposing to utilize public sewer.

Roads:

- The property will access the new subdivision road, Research Parkway.

Environmental:

- No 100-year flood plain, jurisdictional wetlands, or state waters are known to exist 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:

Staff finds the proposed change in fence material will not be a detriment to the public good as it will not affect the use or operations of the proposed day care center, or buffers to adjacent properties.

- b. Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:**
Staff finds the proposed change in fence material will not be injurious to the use and enjoyment of the environment or of other property as it will not affect the use or operations of the proposed day care center, or buffers to adjacent properties.
- c. Diminish and impair property values within the surrounding neighborhood:**
Staff finds the proposed change in fence material will not diminish and impair property values within the surrounding neighborhood as it will not affect the use or operations of the proposed day care center, or buffers to adjacent properties.
- d. Impair the purpose and intent of this Development Code:**
Staff finds the proposed change in fence material will not impair the purpose and intent of this Development Code as it will not affect the use or operations of the proposed day care center, or buffers to adjacent properties.

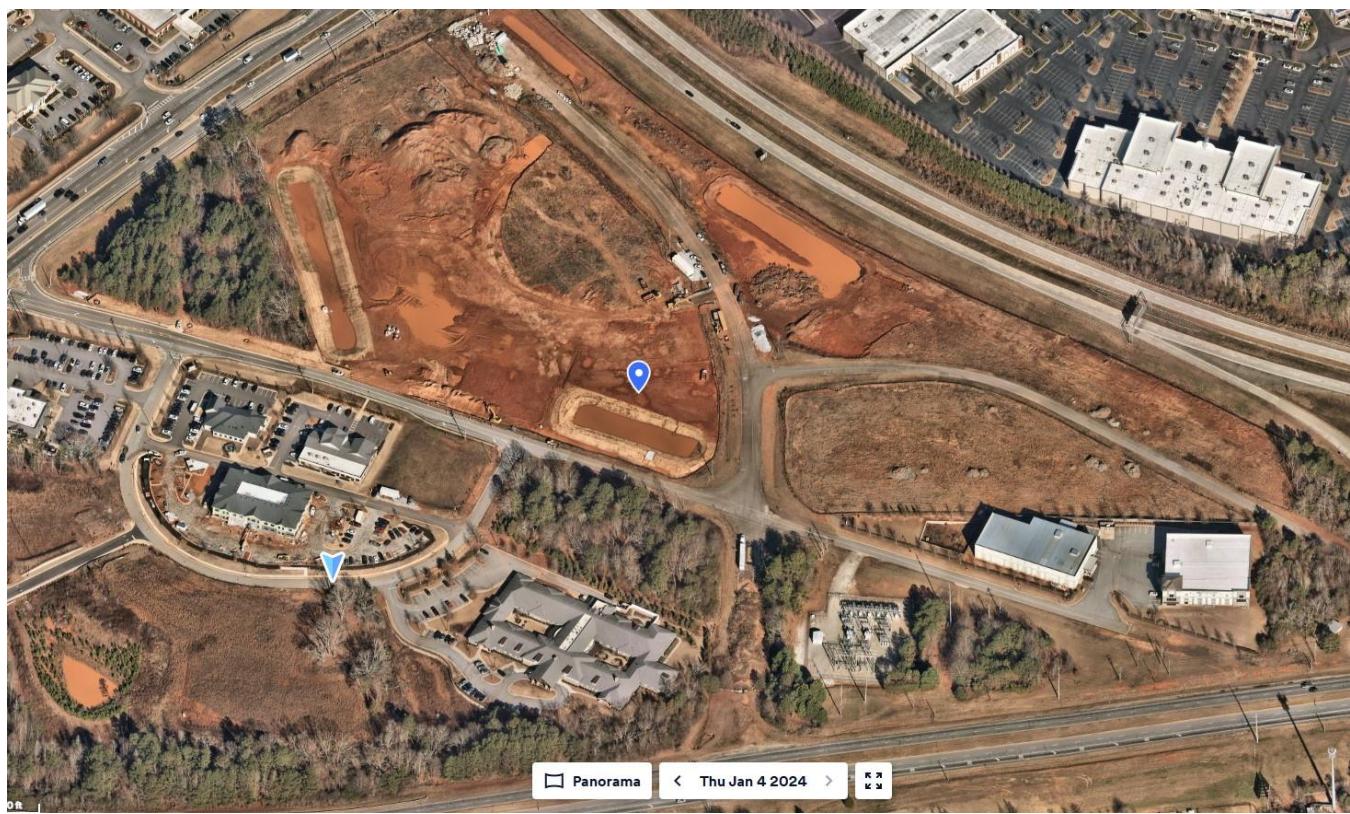
STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

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.

Should the present request be approved, staff recommends the following conditions to be fulfilled at the owner/developer's expense.

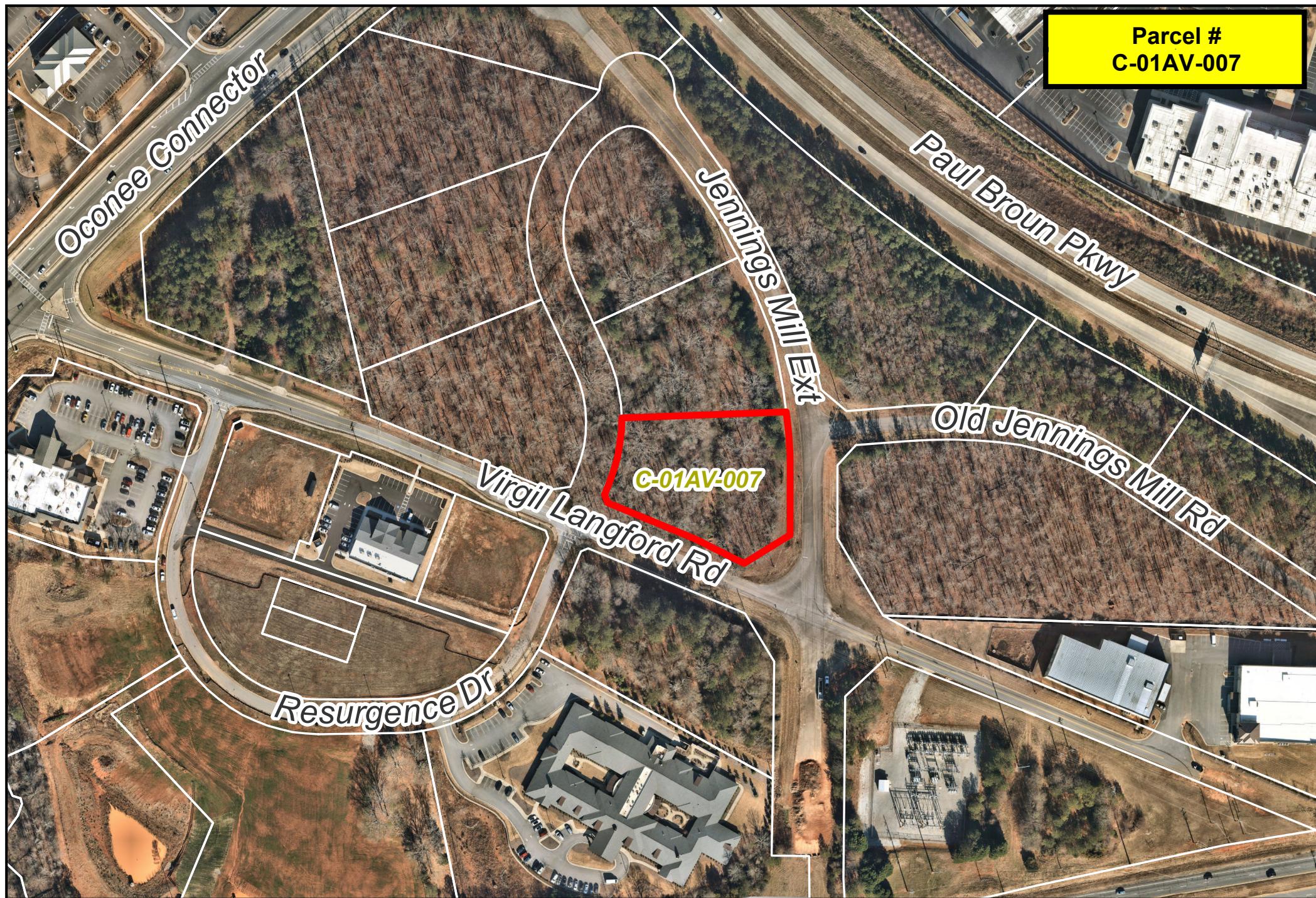
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the variance application and attached hereto. This condition shall not construe approval of any standard that is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



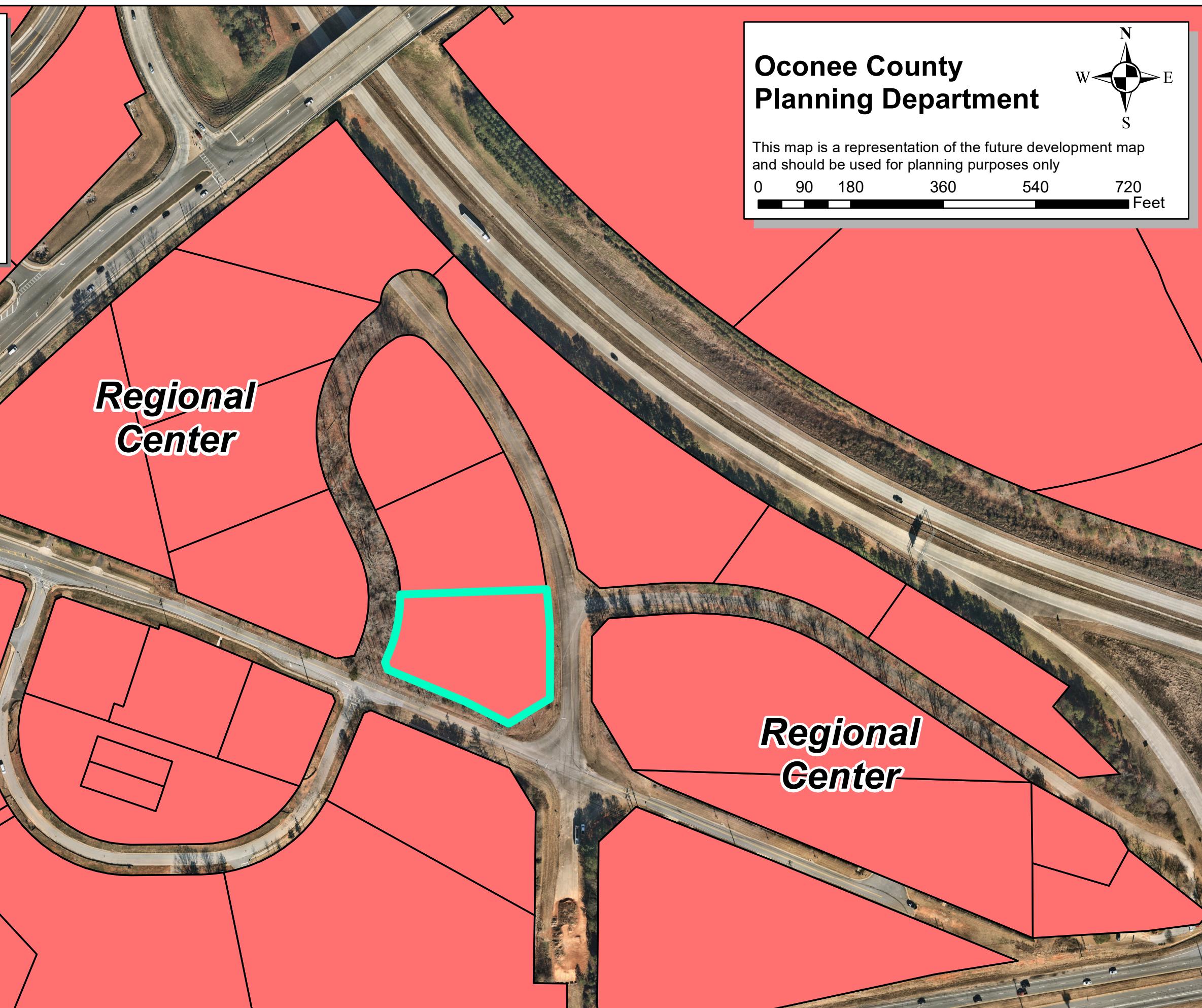
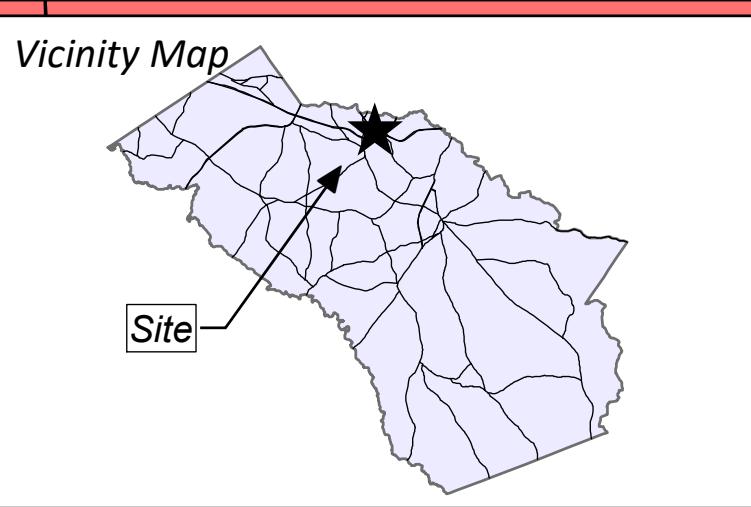
Variance # P24-0226 - Burgess Jennings Mill Land, LLC

Parcel #
C-01AV-007

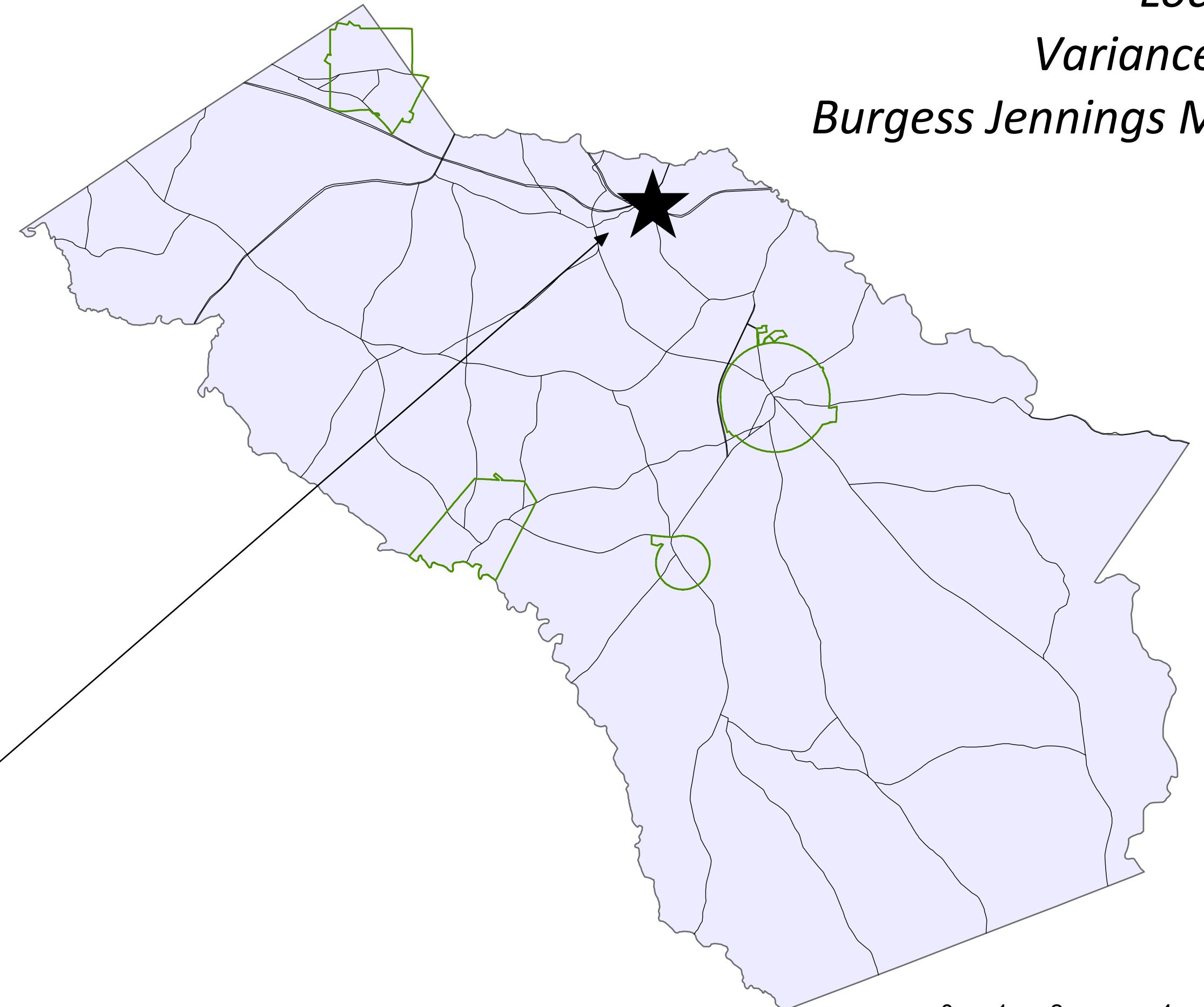


1:2,500 0 235 470 940 1,410 1,880 Feet





Location Map -
Variance # P24-0226
Burgess Jennings Mill Land, LLC



1:120,000

0 1 2 4 6 8 Miles



1:5,000

