

**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 Thomas McElhannon submitted on January 13, 2025.

**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 Thomas McElhannon on January 13, 2025, regarding a ±6.42-acre tract of land located at 2450 Colham Ferry Road, Oconee County, Georgia, (tax parcel no. B-08-014GB), 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 private freestanding garage setback from 200 feet to 65.96 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 April 1, 2025.

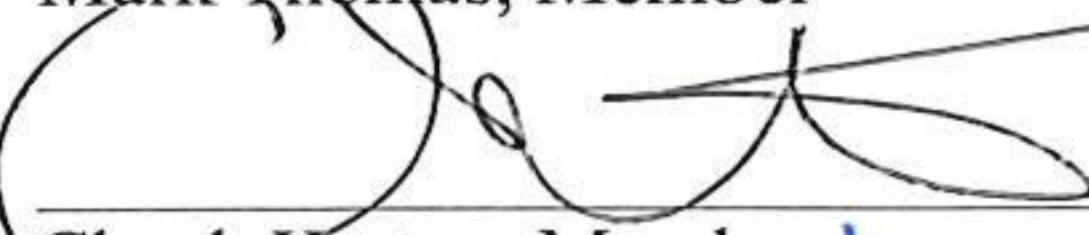
ADOPTED AND APPROVED, this 1<sup>st</sup> day of April, 2025.

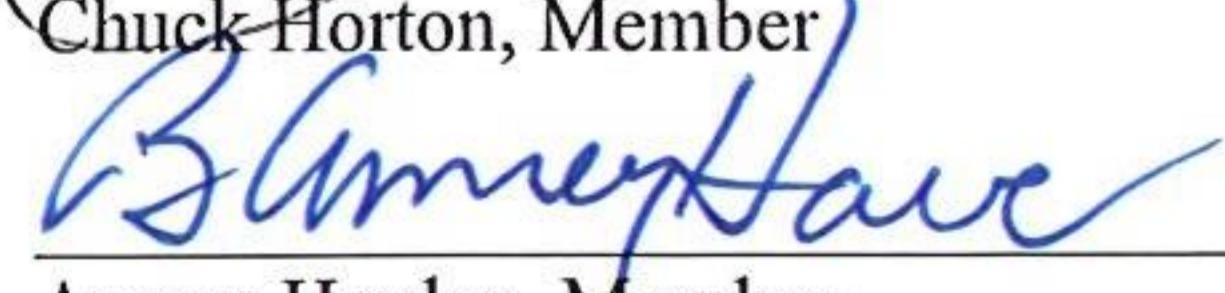
**OCONEE COUNTY BOARD OF COMMISSIONERS**

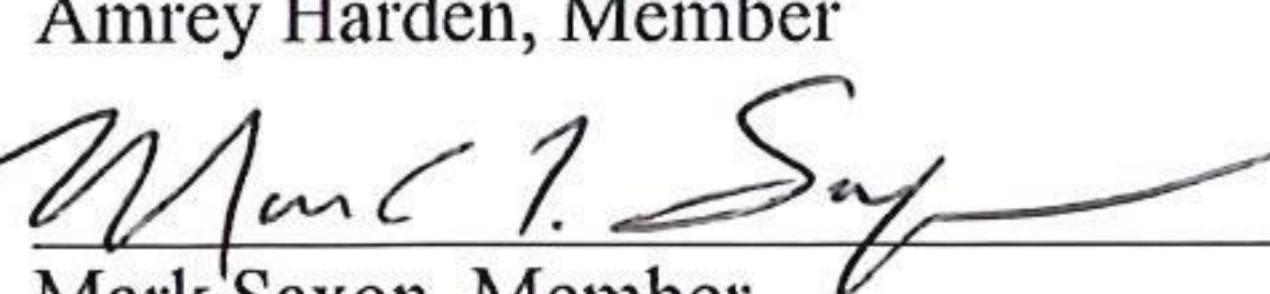
BY:

  
John Daniell, Chairman

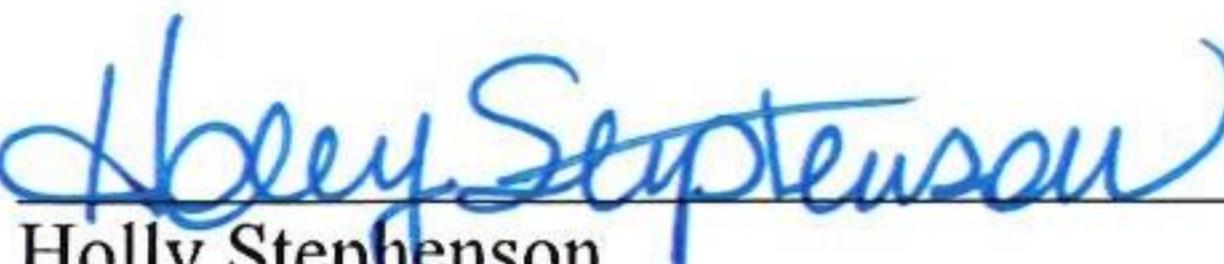
  
Mark Thomas, Member

  
Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

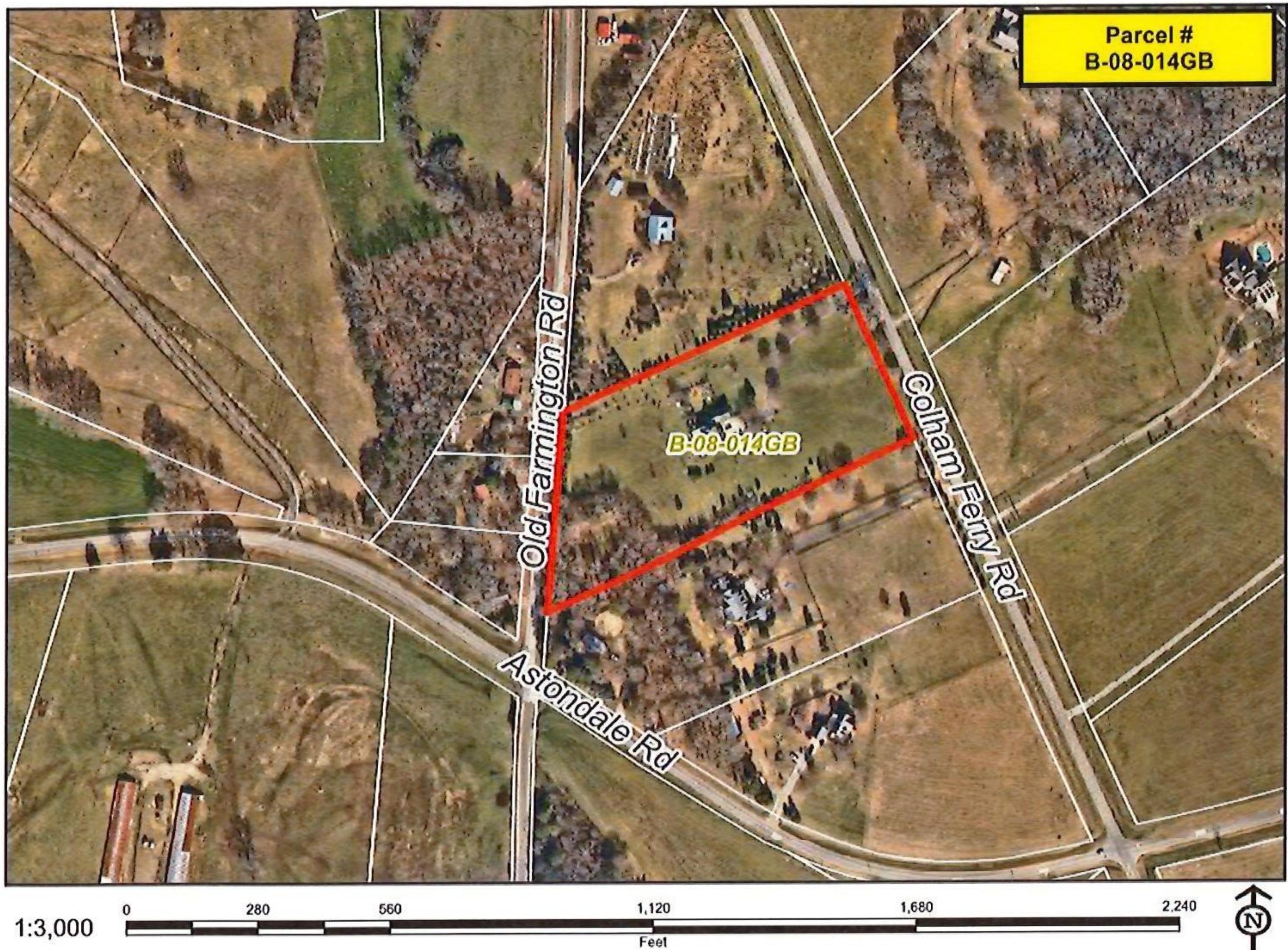
  
Holly Stephenson  
Clerk, Board of Commissioners

**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.

TAX MAP

Variance # P25-0012 - Thomas McElhannon



TYPED LEGAL DESCRIPTION

All that tract of land, together with improvements thereon, situate, lying, and being in the 222<sup>nd</sup> Georgia Militia District, Oconee County, Georgia, and being more particularly described as follows:

Commencing at the right-of-way intersection of Colham Ferry Road and Astondale Road;

Thence following along the western right of way of Colham Ferry Road N 24° 11' 30" W 921.56' to an iron pin, said iron pin being the POINT OF BEGINNING.

Thence leaving said right of way S 64°45'53" W a distance of 376.36' to an iron pin;

thence S 63°04'54" W a distance of 222.98' to an iron pin;

thence S 65°49'07" W a distance of 266.92' to an iron pin on the eastern right of way of Old Farmington Road;

thence following along said right of way N 04°16'33" E a distance of 425.44' to an iron pin;

thence leaving said right of way N 65°47'52" E a distance of 663.04' to an iron pin on the western right of way of Colham Ferry Road;

thence following along said right of way S 24°13'23" E a distance of 208.17' to an iron pin;

thence continuing along said right of way S 24°11'30" E a distance of 148.54' to an iron;

said point being the TRUE point of beginning,

having an area of 6.417 acres more or less and being particularly described on a plat of survey by

Woods & Chastain Surveyors, INC. dated April 6, 2006. Said plat is recorded in plat book 36

page 238, in the Clerk of Courts of Oconee County, Georgia.

## NARRATIVE

# APPLICATION FOR SPECIAL EXCEPTION VARIANCE

I am requesting a special exception variance for 2450 Colham Ferry Road in Watkinsville.

The current zoning of this property is Agriculture/ AG

The existing use is my primary residence

### VARIANCE REQUESTED

- I am requesting variance from UDC Article 3 Section 348.a *to reduce required setback from 200 feet to 65.96 feet*
- I am requesting the variance in order to build a detached garage on my property.
- I am requesting to construct a Morton Building/ garage which would be approximately 90 feet from the rear of my property at the point closest to the road that runs behind my house. Because my property has road frontage on both Colham Ferry Rd and Old Farmington Rd I have been advised that under current code that any outbuildings have to be 200 feet from the nearest road unless I have a variance.
- Moving my proposed building further from the road would place it on top of my Well , underground power line, or destroy the current use of my back yard.
- Proposed use of the building would be as a detached garage where I can park tractor, boat, etc..
- My proposed project would be in an area that is surrounded by trees and would not be readily visible from the road

### ADJACENT PROPERTIES

Existing zoning of adjacent properties is the same as mine. Agricultural/AG

Existing use of adjacent properties is similar- residential. The neighbor closest to where I propose to build has horses and a barn that is larger than what I propose to build that is actually closer to the road than what I am planning. The neighbor on the other side has a nursery and does have a pole barn constructed that is also closer to the road than what I have planned. The property across the street from my proposed building is an abandoned house that is and only about 40 feet from the road.

### CONCLUSION

I am asking for a variance to allow me to construct detached garage building to improve the use of my property and protect my vehicles. It would be consistent with the structures on the adjacent properties while being further from the road than my neighbors barn and would be in a very wooded area that would not be easily visible from the road. I can provide a letter of support from neighbors.

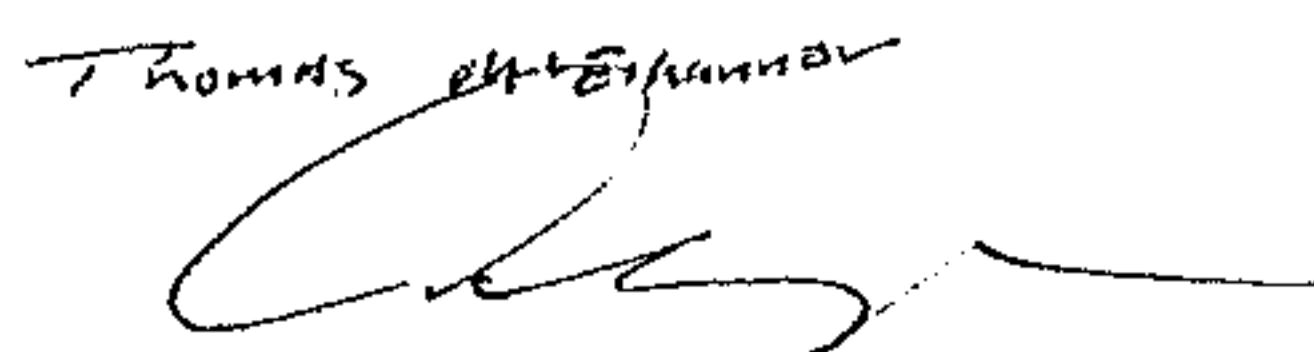


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P25-0012  
Page 5 of 6

PLAT

2006-33

**HEALTH DEPARTMENT CERTIFICATION**  
The lots shown have been reviewed by the Oconee County Health Department and are approved for subdivision development as listed. Each lot must be reviewed and approved for on-site sewage management system placement prior to the issuance of a construction permit.

Dated this Day of 20  
By THCR

**RECORDING OFFICE**  
06 APR 26 PM 3:16  
File # 228  
Date 4/26/06  
11147 STATE ST, ALLEN

**PROPERTY MAP**  
NOT TO SCALE

**BENJAMIN T. SANDERS**  
Tax Map B 00 0450  
Zoned A-1

**TRACT 1**  
6.477 Acres  
A Portion of  
Tax Map B 00 0450  
Zoned A-1

**TRACT 2**  
0.144 Acres  
A Portion of  
Tax Map B 00 0450  
Zoned A-1

**JAMES T. ALTIZER**  
Tax Map B 00 0450  
Zoned A-1

**NO SOIL SCIENTIST REPORT, PERK TEST OR OTHER INVESTIGATIONS HAVE BEEN CONDUCTED TO DETERMINE SUITABILITY OF THE LOT, TRACTS OR PARCELS CREATED BY RECORDING THIS PLAT FOR EITHER ON-SITE WATER SUPPLY (WELL) NOR FOR ON-SITE WASTE MANAGEMENT SYSTEM (SEPTIC). THE OWNER, PURCHASER, LENDER, HEIRS, ASSIGNS OR OTHER PARTIES TAKING TITLE TO OR OTHERWISE PROCURING AN INTEREST IN SAID PROPERTY ARE RESPONSIBLE FOR OBTAINING SUCH INFORMATION AT THEIR EXPENSE PRIOR TO ENTERING INTO ANY CONTRACTS OR OTHERWISE OBTAINING ANY VESTED INTEREST IN THE SUBJECT PROPERTY.**

**OCONEE COUNTY**  
Planning Department  
"AUTHORIZED FOR RECORDING"  
*Bill M. White, Jr.*  
Bill M. White, Jr.  
Planning Director

**THE PLAT SEPARATES EXISTING TAX PARCELS AND DOES NOT CREATE A NEW LOT OR TAX PARCEL.**

Exempt under the provisions of section 114.2 of the Land Subdivision Regulations of Oconee County, Georgia.  
Date APR 26 2006

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

Date 4/26/06 Owner Clint E. Atly  
Date 4/26/06 Date 4/26/06

According to F.I.R.M. Community Panel No. 10000000000, Effective April 1, 2002. This plat does not impact any 100 year floodplain.  
*John Woods* 2006  
ALS

**SURVEYOR'S CERTIFICATION**  
I certify, under oath, that this plat is the result of a survey of the land by the surveyor to the best of my knowledge and belief. All boundaries shown are accurately located and all areas and dimensions shown are correct. This plat is in accordance with the laws of the State of Georgia.

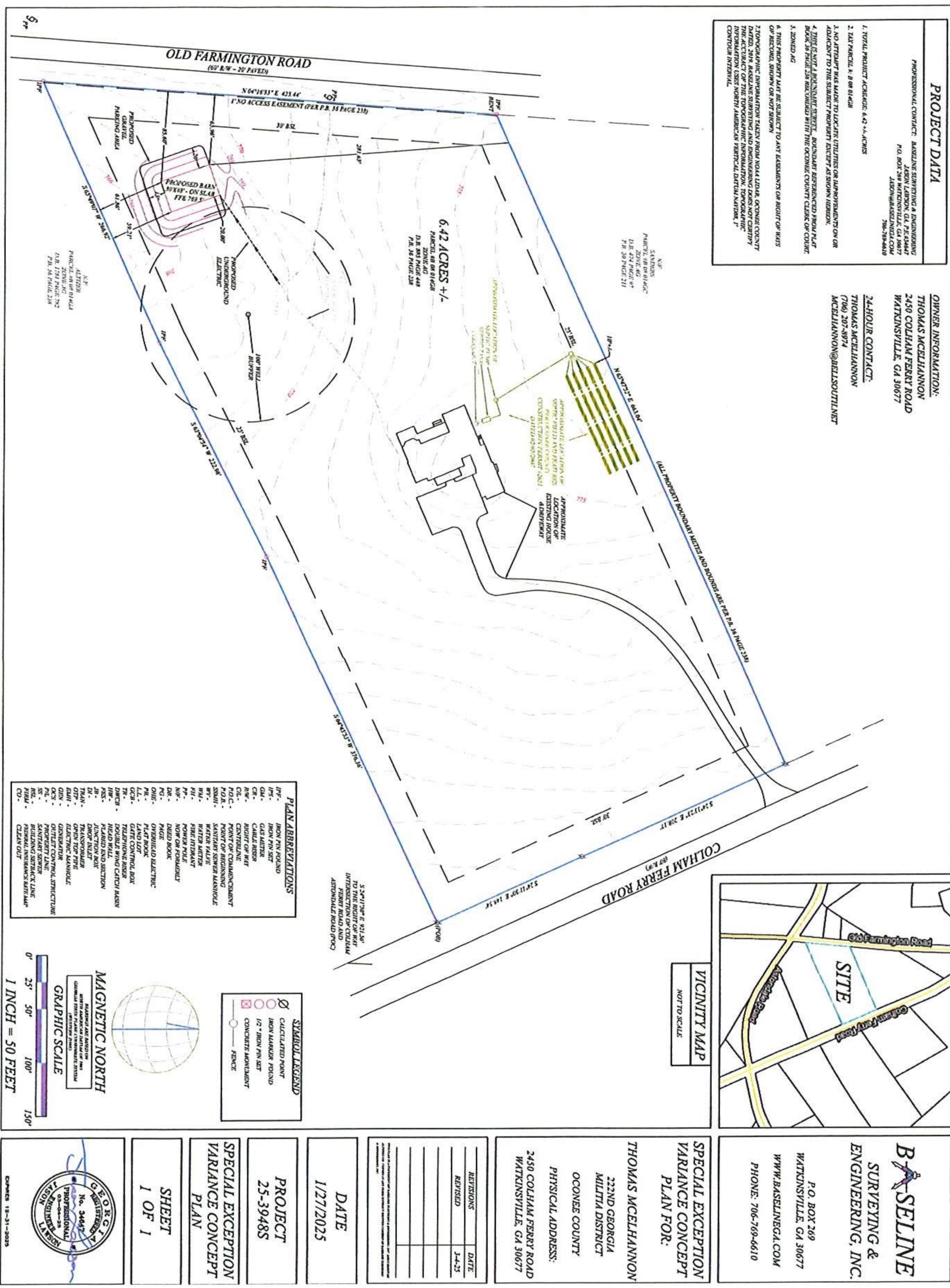
*John Woods* 2006  
ALS

**PLAT INFORMATION**  
0.144 - 6.477  
0 - 300  
1" = 100'

**THOMAS J. CROCKER**  
THOMAS J. CROCKER  
WOODS & CHASTAIN SURVEYORS, INC.  
PROFESSIONAL LAND SURVEYORS  
102 SHERMAN ROAD  
MONTGOMERY, GEORGIA 30149  
PHONE: 423-2222

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P25-0012  
Page 6 of 6

CONCEPT PLAN





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

**VARIANCE CASE #:** P25-0012

**DATE:** March 24, 2025

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

**APPLICANT NAMES:** Thomas McElhannon

**PROPERTY OWNER(S):** Thomas McElhannon

**LOCATION:** 2450 Colham Ferry Rd.  
Parcel: B 08 014GB

**PARCEL SIZE(s):** ± 6.42 acres

**EXISTING ZONING:** AG (Agricultural)

**EXISTING LAND USES:** Single Family Residence

**TYPE OF VARIANCE REQUESTED:** Special Exception Variance

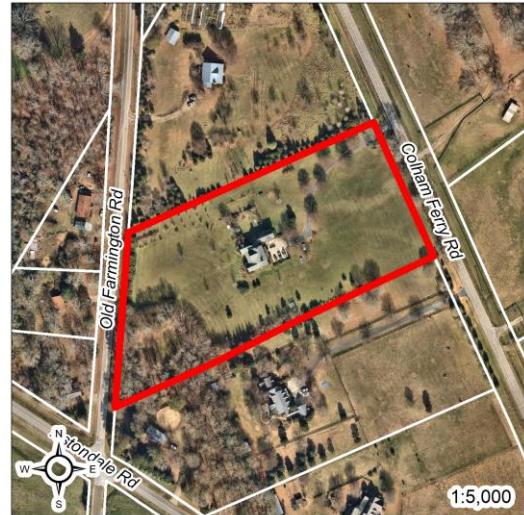
**REQUEST SUMMARY:** A special exception variance from Oconee County Unified Development Code Section 348.a, to reduce the required private freestanding garage setback from 200 feet to 65.96 feet

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** April 1, 2025

**ATTACHMENTS:**

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



## **BACKGROUND INFORMATION & FINDINGS OF FACT**

### **HISTORY**

- The lot is a double frontage lot that borders both Colham Ferry Road and Old Farmington Road. The parcel was first created by a recombination plat recorded May 17, 1999, in Plat Book 30, Page 211.
- A second recombination plat of the property was recorded April 26, 2006, in Plat Book 36, Page 238. This plat indicated a 1' no access easement on Old Farmington Road as a condition of plat approval.
- According to Tax Assessor records, a 3,947 single family dwelling with a garage was constructed in 2007.

### **VARIANCE DESCRIPTION**

- A special exception variance from Oconee County Unified Development Code Section 348.a, to reduce the required private freestanding garage setback from 200 feet to 65.96 feet Section 351.02 (c).
- Section 348.a “Private garage or carport” states: *A private freestanding (detached) garage or carport is allowed, and must be at least 200 feet from the nearest street right-of-way or it must be in the rear or side yard. An exemption from this requirement may be approved by special exception variance as outlined in the Appeals article of this development code.*

### **PUBLIC FACILITIES**

#### **Water:**

- The existing house uses a private well.

#### **Sewer:**

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

#### **Roads:**

- The property has legal access to Colham Ferry Road. There is a 1-foot non-access easement on Old Farmington Road.

#### **Environmental**

- The site plan indicates there are no known state waters, wetlands or floodplain areas on the property.

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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 variance would allow the placement of a garage within the right of way setback. This lot connects with two streets but is restricted from accessing Old Farmington Road. Staff analysis indicates this would not cause a substantial detriment to the public good as this proposed placement would not access Old Farmington Road and use the existing approved access on Colham Ferry Road.

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

The surrounding properties are zoned AG (Agricultural). Staff finds that approval of the request to allow the placement of a garage would not be injurious to the environment or the use and enjoyment of other properties in the immediate vicinity.

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

Based on the configuration of the applicant's property and surrounding properties, staff finds that approval of the requested garage setback variance should not diminish or impair the property values within the surrounding neighborhood.

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

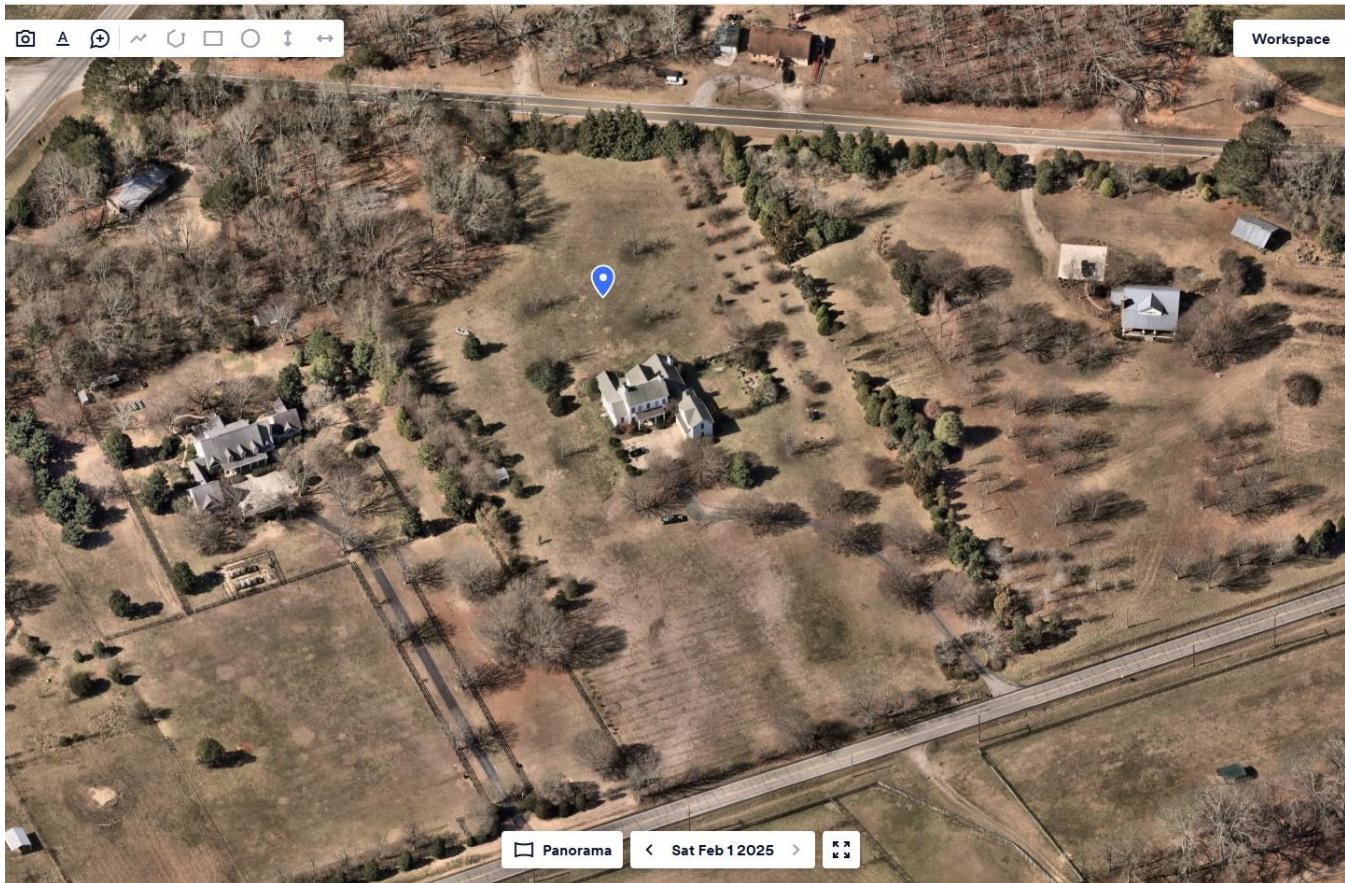
The request to allow the placement of a garage within the 200 foot right of way setback will not impair the purpose of this code (Sec. 348.a) as the proposed placement would not access Old Farmington Road and use the existing approved access on Colham Ferry Road. This is a legal lot that was approved prior to the adoption of the Unified 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 to the garage setback standards. Should the present request be approved, staff recommends the following condition to be fulfilled at the owner/developer's expense.

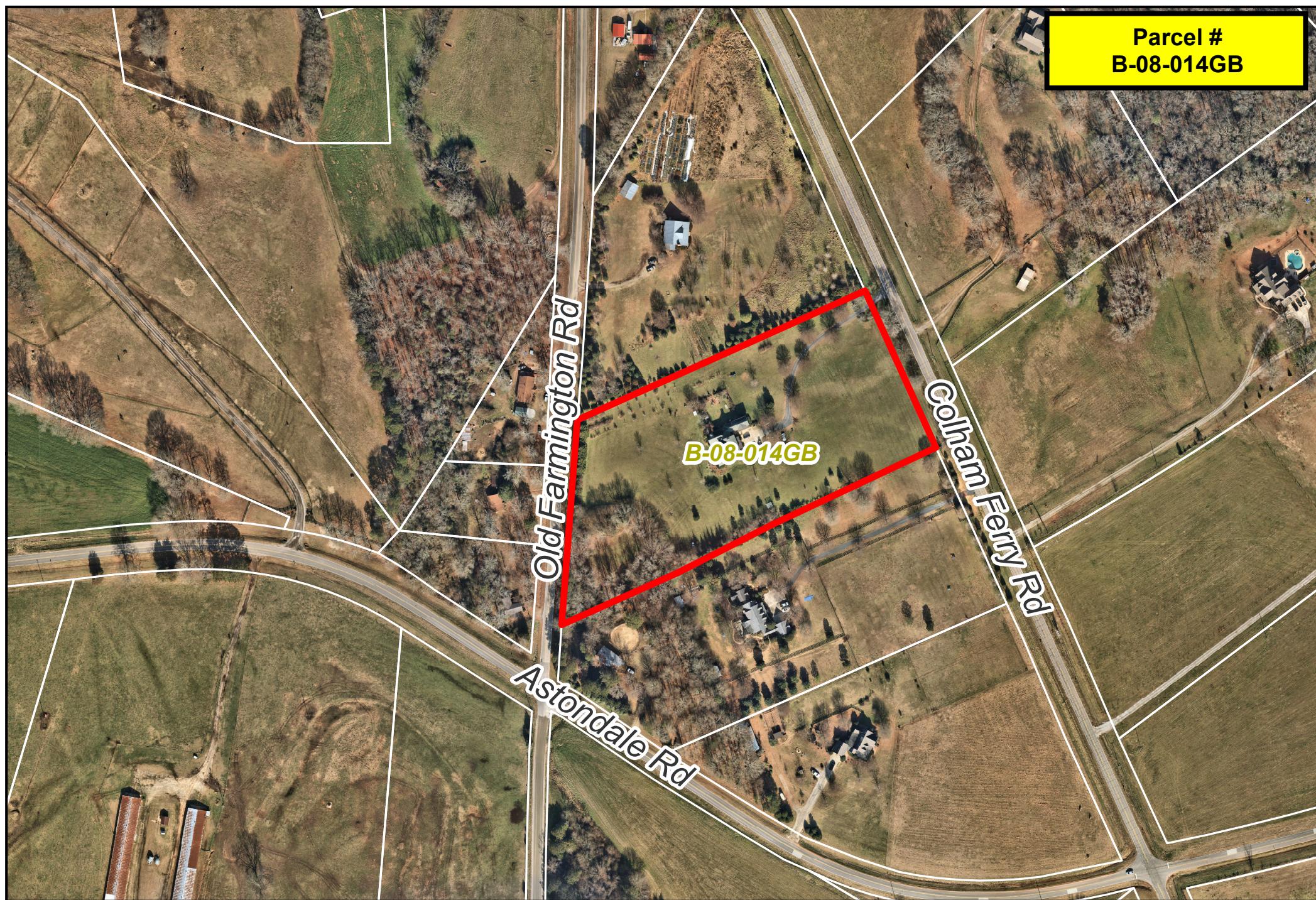
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the variance application and attached hereto. This condition shall not construe approval of any standard that is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

Site Picture



# Variance # P25-0012 - Thomas McElhannon

Parcel #  
B-08-014GB

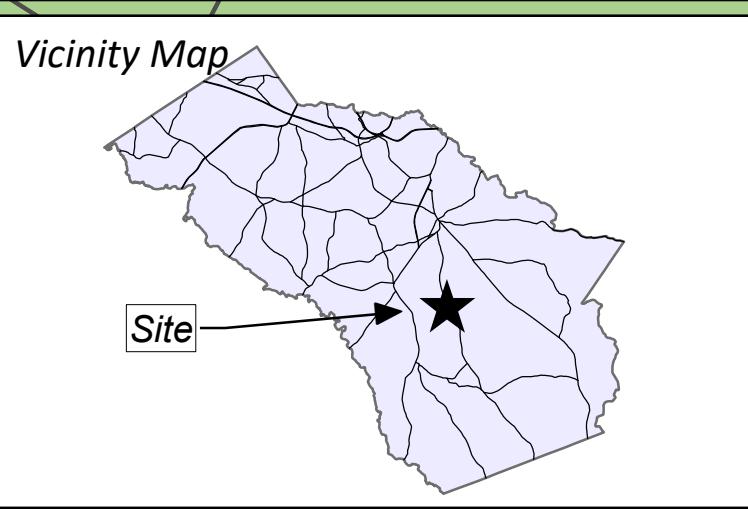


1:3,000

0 280 560 1,120 1,680 2,240

Feet

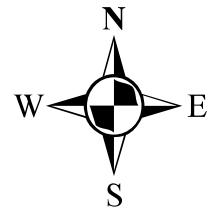




## Oconee County Planning Department

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

0 100 200 400 600 800 Feet



***Rural  
Places***

***Rural  
Places***

***Rural  
Places***

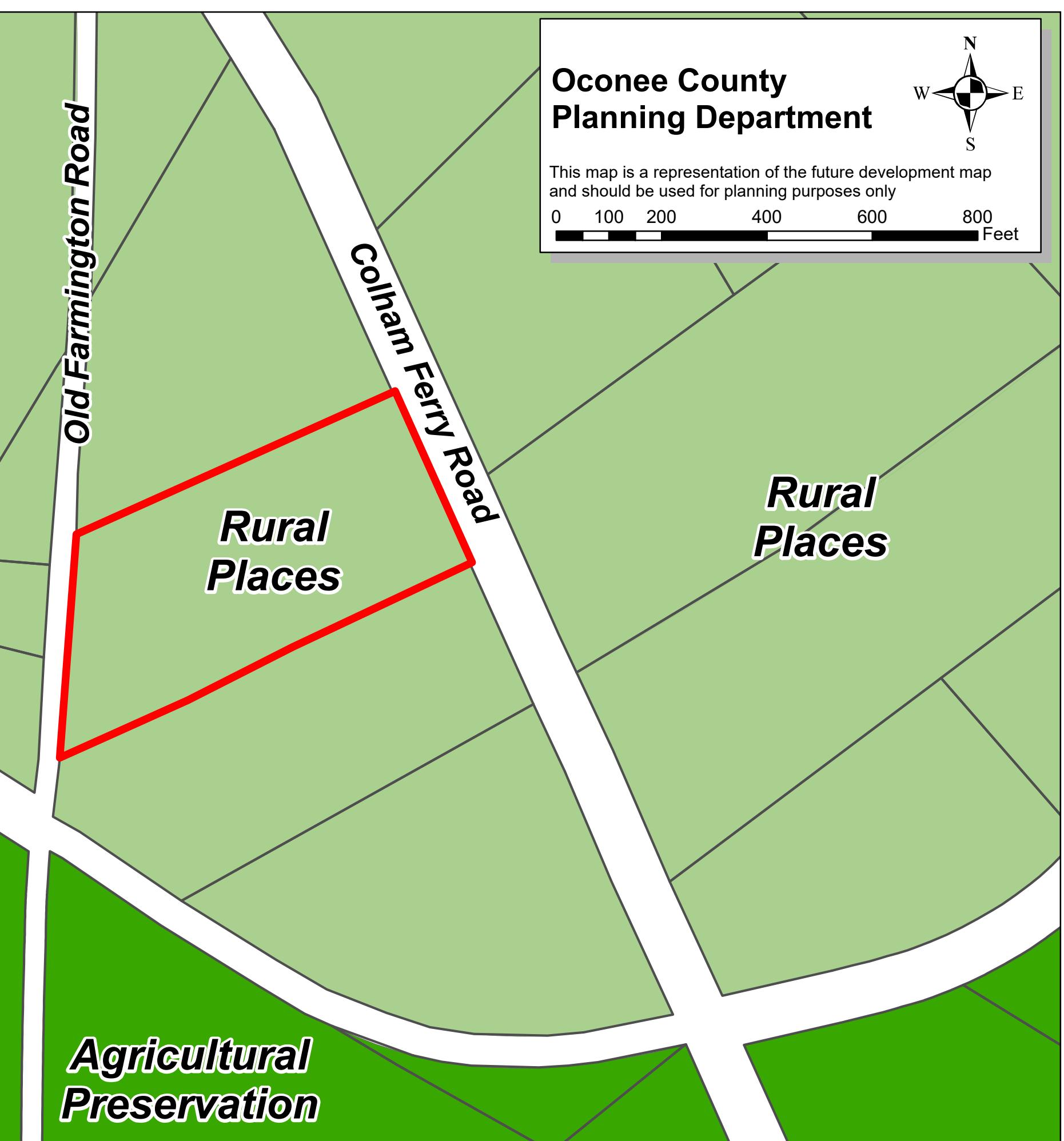
***Astondale Road***

***Agricultural  
Preservation***

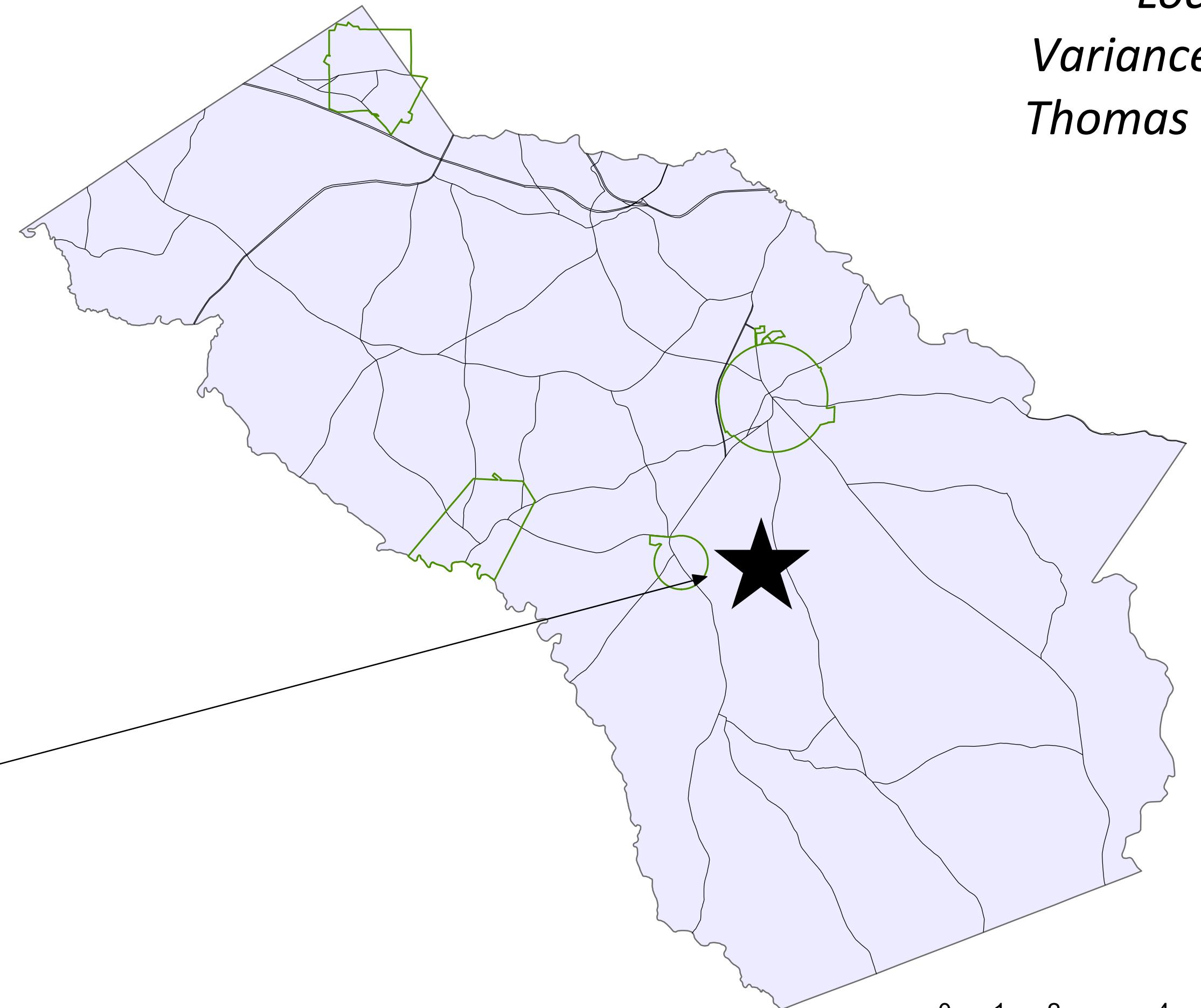
***Old Farmington Road***

***Colham Ferry Road***

***Agricultural  
Preservation***

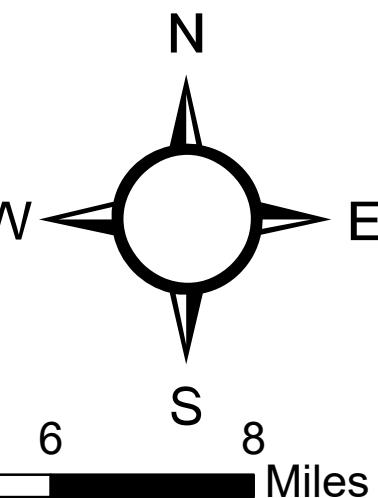


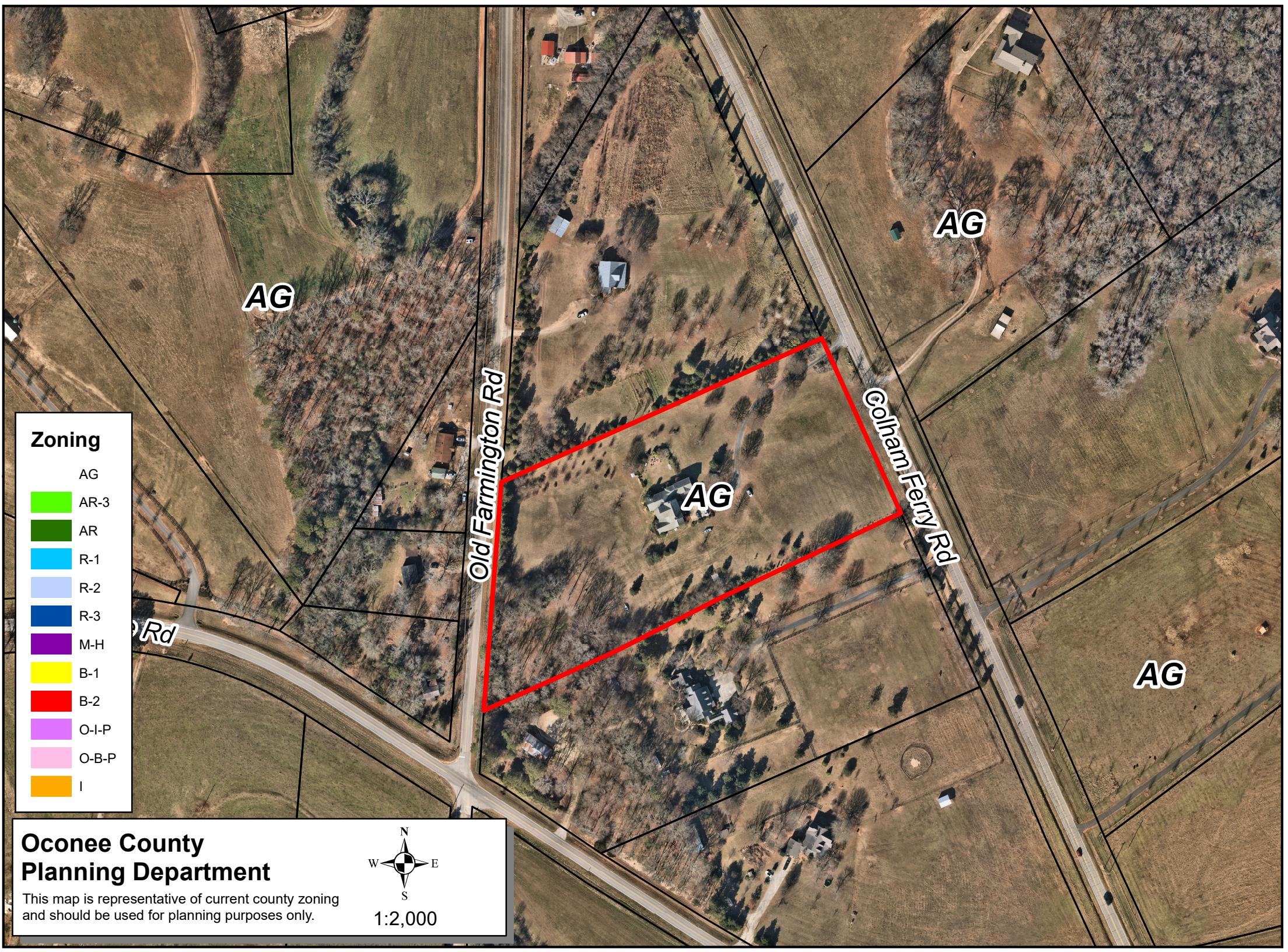
*Location Map -  
Variance # P25-0012  
Thomas McElhannon*



1:120,000

0 1 2 4 6 8 Miles





## Zoning

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