

**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 Alexander and Sadie Ginn submitted on May 6, 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 Alexander and Sadie Ginn on May 6, 2025, regarding a ±4.5-acre tract of land located at 1971 Flat Rock Road, Oconee County, Georgia, (tax parcel no. C-05-043JA & C-05-043J), 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 required front yard setback from 30 feet to 22.1 feet and to reduce the required side yard setback from 15 feet to 7.6 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.

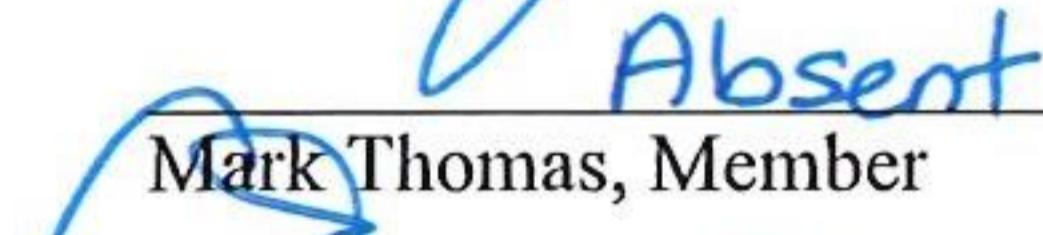
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on August 5, 2025.

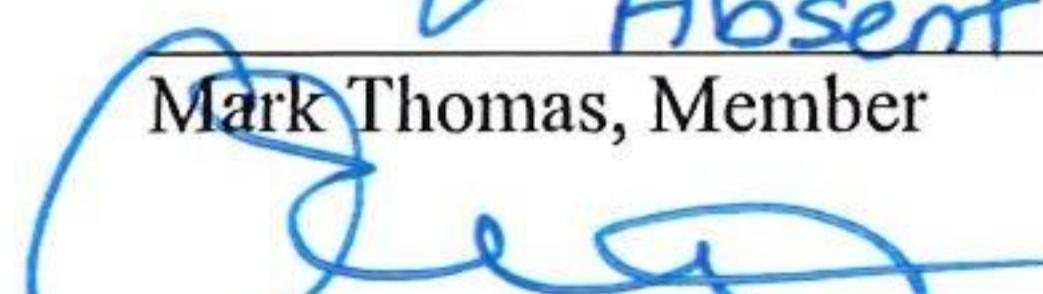
ADOPTED AND APPROVED, this 5th day of August, 2025.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:


John Daniell, Chairman


Absent
Mark Thomas, Member


Absent
Chuck Horton, Member


Absent
Amrey Harden, Member


Absent
Mark Saxon, Member

ATTEST:

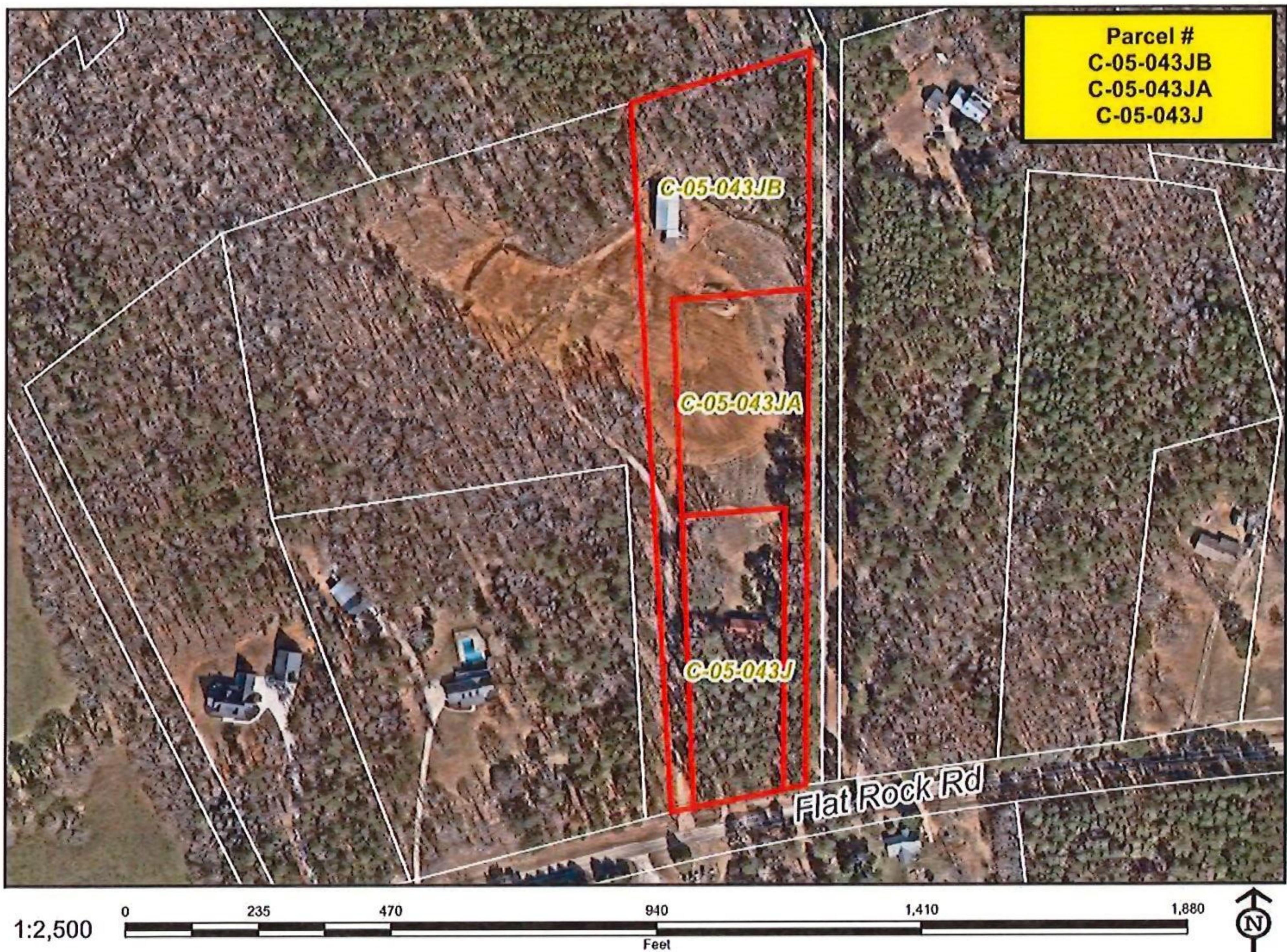

Holly Stephenson
Clerk, Board of Commissioners

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 # P25-0097 - ALEXANDER & SADIE GINN



TYPED LEGAL DESCRIPTION

*** * * * Survey Legal Description * * * ***

All that certain tract or parcel of land, lying and being in the 225th G.M.D of Oconee County, Georgia, containing 2.000 acres and being more fully described as follows:

Commencing at a PK Nail Set at the centerline intersections of McRees Gin Road and Flat Rock Road; Thence S 89°20'18" E a distance of 4275.62' to a 1/4" Rebar found on the northern Right-of-Way of Flat Rock Road; Thence along said Right-of-Way N 78°57'31" E a distance of 40.45' to an IPS; said point being the **True Point of Beginning**

Thence leaving said Right-of-Way N 03°49'20" W a distance of 424.91' to an IPS;

Thence S 89°48'52" E a distance of 229.64' to an IPS;

Thence S 00°09'47" W a distance of 384.15' to a 3/8" Rebar found on the northern Right-of-Way of Flat Rock Road;

Thence along said Right-of-Way S 78°45'59" W a distance of 46.02' to a Point;

Thence S 79°00'53" W a distance of 157.98' to an IPS;

Said Point being the **True Point of Beginning**

TYPED LEGAL DESCRIPTION

*** * * * Survey Legal Description * * * ***

All that certain tract or parcel of land, lying and being in the 225th G.M.D of Oconee County, Georgia, containing 5.521 acres and being more fully described as follows:

Commencing at a PK Nail Set at the centerline intersections of McRees Gin Road and Flat Rock Road; Thence S 89°20'18" E a distance of 4275.62' to a 1/4" Rebar found on the northern Right-of-Way of Flat Rock Road; said point being the **True Point of Beginning**

Thence leaving said Right-of-Way N 03°28'48" W a distance of 427.49' to an IPS;

Thence N 03°28'48" W a distance of 823.46' to a 1/2" Rebar found;

Thence S 72°43'37" E a distance of 334.06' to an IPS;

Thence S 00°09'47" W a distance of 718.48' to an IPS;

Thence N 89°48'52" W a distance of 229.64' to an IPS;

Thence S 03°49'20" E a distance of 424.91' to an IPS on the northern Right-of-Way of Flat Rock Road;

Thence along said Right-of-Way S 78°57'31" W a distance of 40.45' to an 1/4" Rebar found;

Said Point being the **True Point of Beginning**

TYPED LEGAL DESCRIPTION

* * * * * Survey Legal Description * * * * *

All that certain tract or parcel of land, lying and being in the 225th G.M.D of Oconee County, Georgia, containing 0.700 acres and being more fully described as follows:

Commencing at a PK Nail Set at the centerline intersections of McRees Gin Road and Flat Rock Road; Thence S 89°20'18" E a distance of 4275.62' to a 1/4" Rebar found on the northern Right-of-Way of Flat Rock Road; Thence leaving said Right-of-Way N 03°28'48" W a distance of 427.49' to an IPS; Thence N 03°28'48" W a distance of 823.46' to a 1/2" rebar found; said point being the **True Point of Beginning**

Thence N 73°58'07" E a distance of 332.47' to a 5/8" rebar found ;

Thence S 00°09'47" W a distance of 191.01' to an IPS ;

Thence N 72°43'37" W a distance of 334.06' to a 1/2" rebar found;

Said Point being the **True Point of Beginning**

NARRATIVE

Introduction:

- Special Exception Variance Request
- 1967 Flat Rock Rd. – C05 043JA
- Existing Zoning – AR
- Existing Use – Agricultural

Variance Requested

- The Code Section pertaining to variance request Article 4, Section 410.01 Table 4.1
- An accessory structure is located inside property line setback
- The proposed use of the property will remain unchanged

Adjacent Properties

- The existing zoning of adjacent properties is AG and across road is split B-1 and AG
- The existing use of adjacent properties is Agricultural and Single Family

Residential

Other Applications

- Pair with the following: Rezone P24-0235, Variance P25-0097, P25-0098

Conclusion

- This request is for approval of accessory structure built prior to 1990 in the current location

Front Setback 22.1' Requested, 30' Standard, Difference 7.9'

Side Setback 7.6' Requested, 15' Standard, Difference 7.4'

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P25-0097

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PLAT



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

VARIANCE CASE #: P25-0097

DATE: July 24, 2025

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

APPLICANT NAMES: Alexander and Sadie Ginn

PROPERTY OWNER(S): Alexander and Sadie Ginn

LOCATION: 1971 Flat Rock Road,
Tax Parcels: C-05-043JA and C-05-043J

PARCEL SIZE(s): \pm 4.5 acres

EXISTING ZONING: AR (Agricultural Residential District)

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 Article 4 Section 410.01 & Table 4.1, to reduce the required front yard setback from 30 feet to 22.1 feet and to reduce the required side yard setback from 15 feet to 7.6 feet.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: August 5, 2025

ATTACHMENTS:

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

CONCURRENT APPLICATIONS:

1. Rezoning (P24-0235) for \pm 6.221 acres from AR (Agricultural Residential District) to AG (Agricultural District) with \pm 2.0 acres to remain AR. (P24-0235)
2. Variance (P25-0098) requesting a special exception variance from Oconee County Unified Development Code Article 4 Section 410.01 & Table 4.1, to reduce the required side yard setback from 15 feet to 13.3 feet.



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject parcel has been zoned AR since August 2, 2022 (Case # P22-0091)
- An administrative subdivision was approved and created the three current lots, filed at Plat Book 2022, Page 180.
- A single-family residence was built in 1987 on the lot fronting on Flat Rock Road.
- The building that is the subject of this request is an existing 484 square foot accessory structure that was built in 1990 according to tax records.

VARIANCE DESCRIPTION

- A special exception variance from Oconee County Unified Development Code Article 4 Section 410.01 & Table 4.1, to reduce the required front yard setback from 30 feet to 22.1 feet and to reduce the required side yard setback from 15 feet to 7.6 feet.
- The applicant is seeking a variance to keep the existing location of the 484 square foot accessory structure when a proposed recombination plat shifts lot lines that will create setback violations unless a variance is approved.

PUBLIC FACILITIES

Water:

- All lots would be served by individual on-site wells

Sewer:

- All lots would be served by private on-site septic systems

Roads:

- All lots would utilize driveways off of Flat Rock Road

Environmental:

- No 100-year flood plan, 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:

The requested variance would allow an existing accessory structure to remain when a proposed recombination plat is filed. Staff analysis indicates this would not cause a substantial detriment to the public good as the structure has existed since 1990 and the placement pre-dated the current UDC.

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 an existing structure to encroach into a setback 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 proposed configuration of the applicant’s property and surrounding properties, staff finds that approval of the requested accessory structure setback variance should not diminish or impair the property values within the surrounding neighborhood.

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

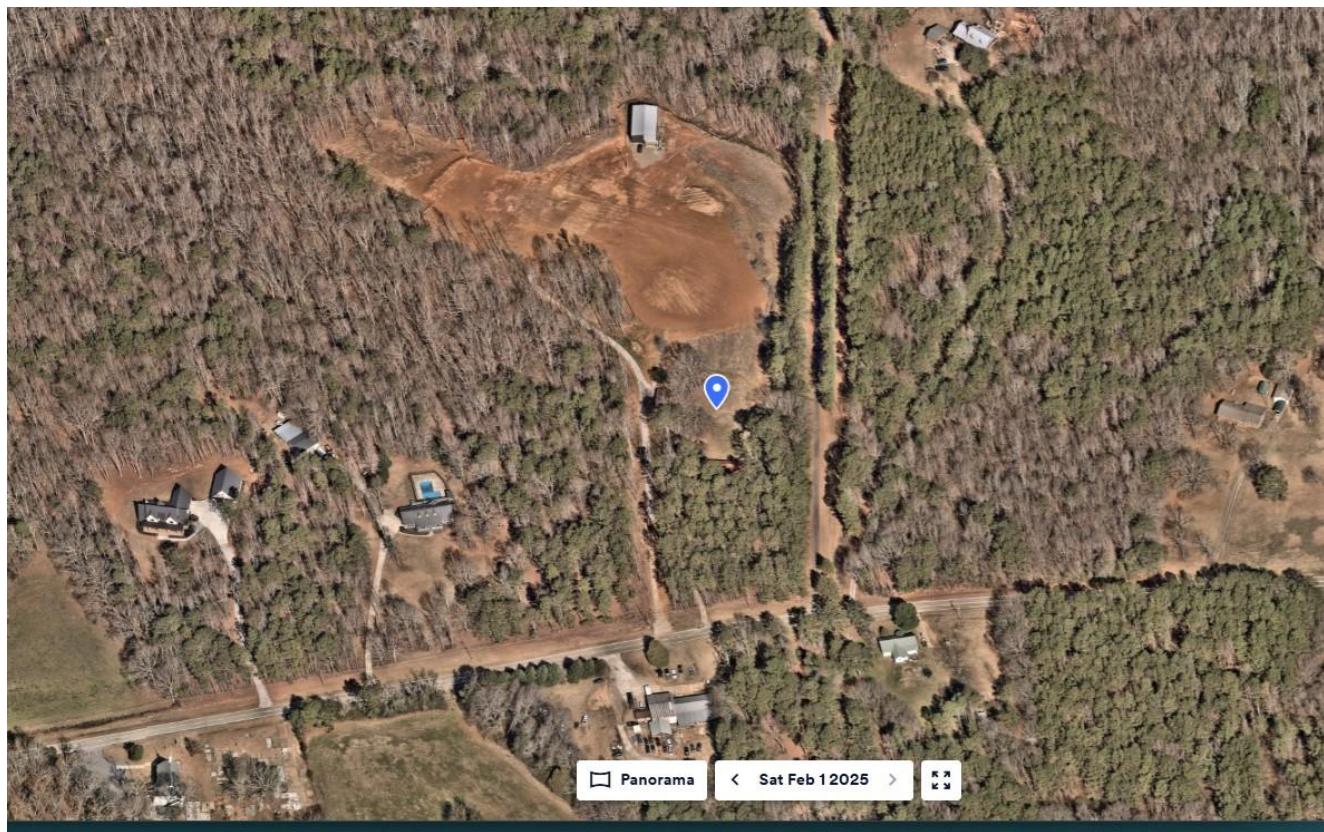
The requested variance would allow an existing accessory structure to remain when a proposed recombination plat is filed. Staff analysis indicates this would not impair the intent of the Development Code as the structure has existed since 1990 and the placement pre-dated the current UDC.

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 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.

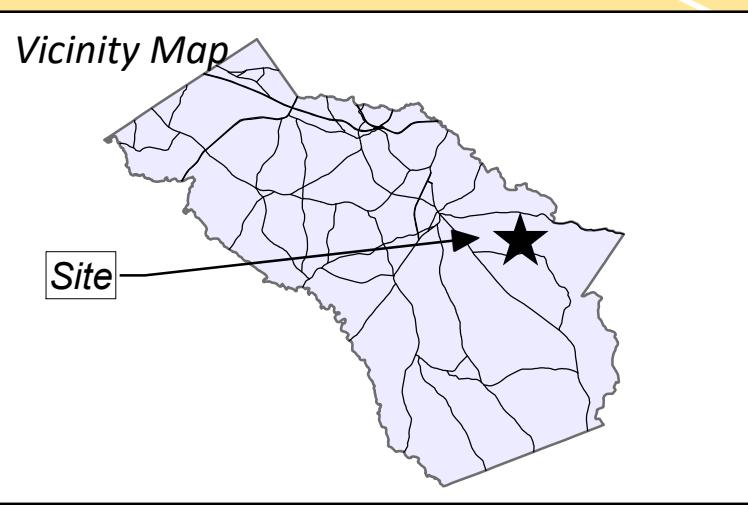
Site Picture



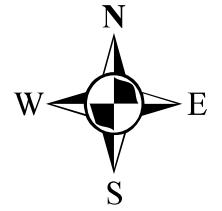
VARIANCE # P25-0097 - ALEXANDER & SADIE GINN



Parcel #
C-05-043JB
C-05-043JA
C-05-043J



Oconee County Planning Department



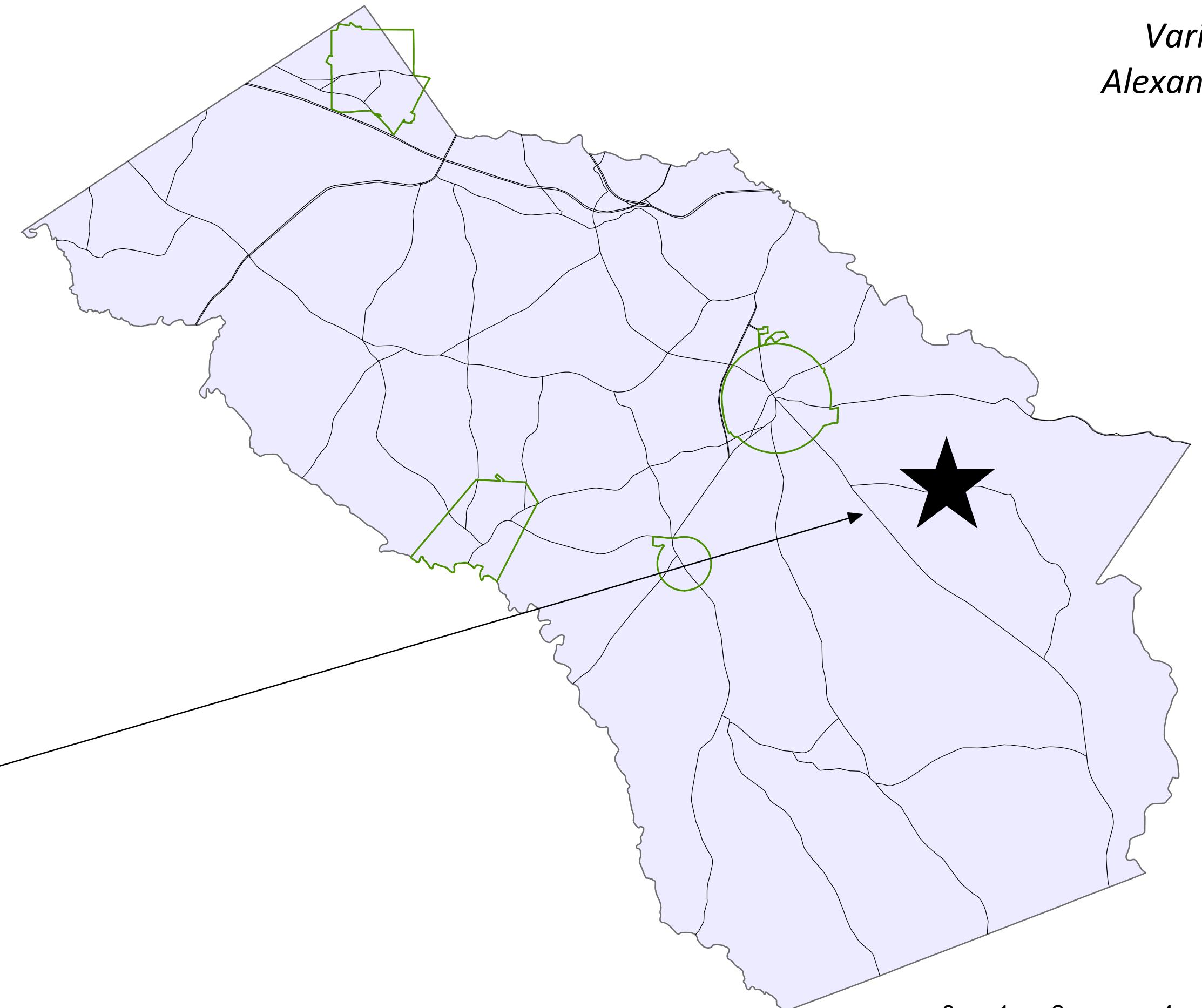
This map is a representation of the future development map
and should be used for planning purposes only

0 95 190 380 570 760
Feet

Country Estates

***Rural
Places***

*Location Map -
Variance # P25-0097
Alexander & Sadie Ginn*



1:120,000

0 1 2 4 6 8 Miles

