

**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 Randall S. Rigby submitted on June 16, 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 Ramon Funes on June 16, 2025, regarding a ±0.94-acre tract of land located at 2131 Hog Mountain Rd, Oconee County, Georgia, (tax parcel no. B-06-005A), 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 minimum required off-street parking spaces from 73 to 34 (53% reduction) to add an outdoor seating area that would require an additional 5 parking spaces.

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.

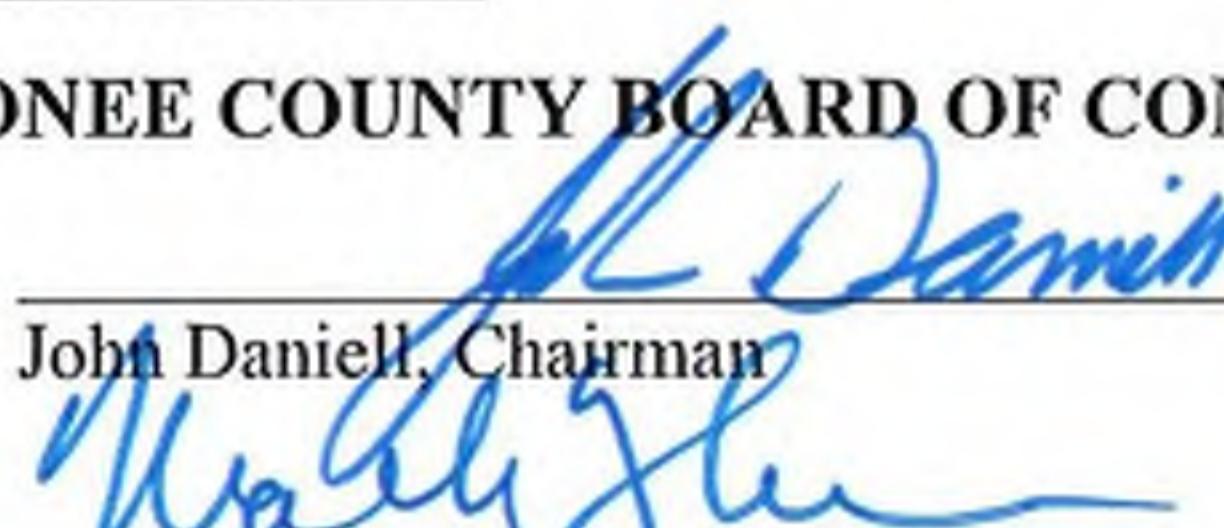
SECTION 3. Effective Date. This Resolution shall take effect this date.

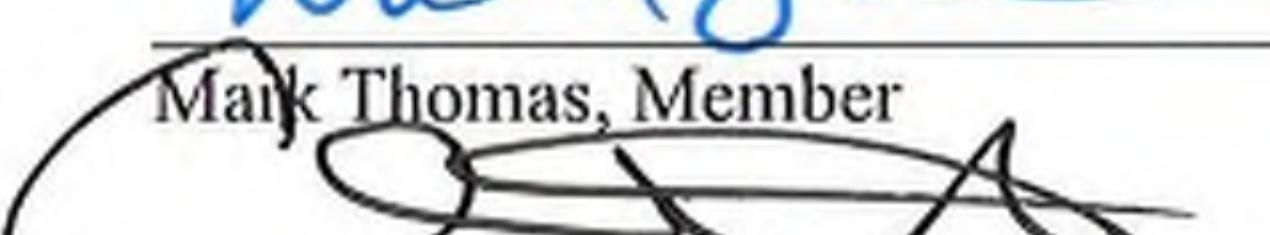
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on November 4, 2025.

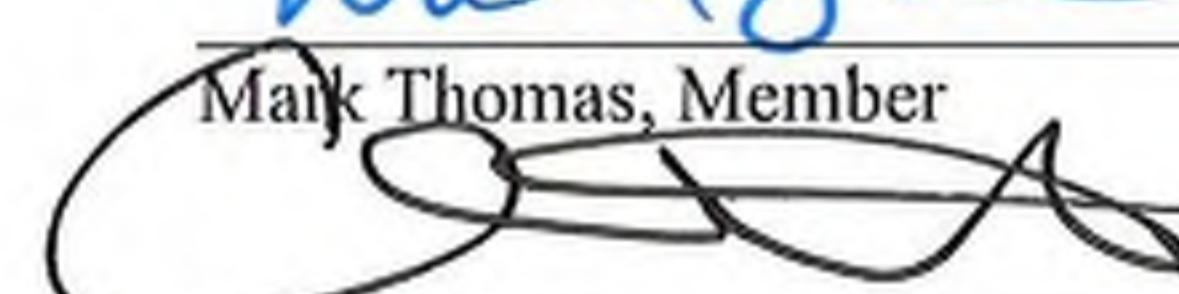
ADOPTED AND APPROVED, this 4th day of November, 2025.

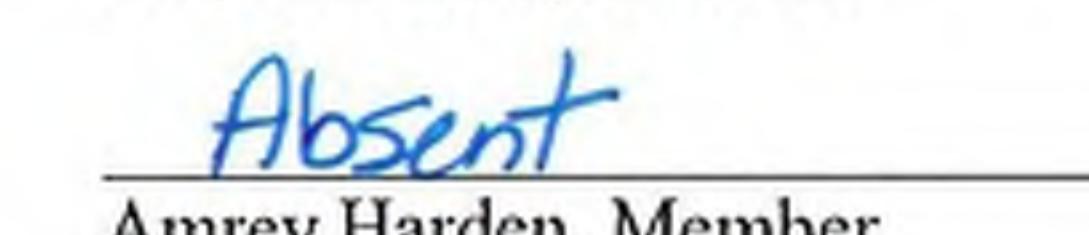
OCONEE COUNTY BOARD OF COMMISSIONERS

BY:


John Daniell, Chairman

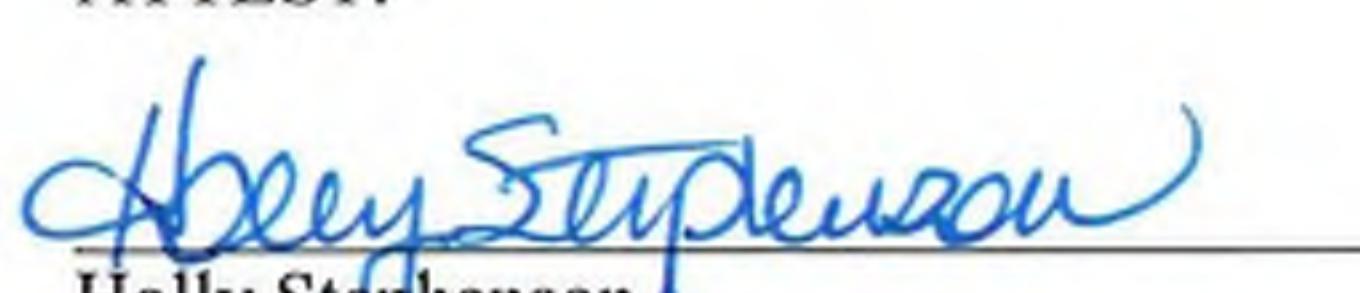

Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:


Holly Stephenson

Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P25-0133

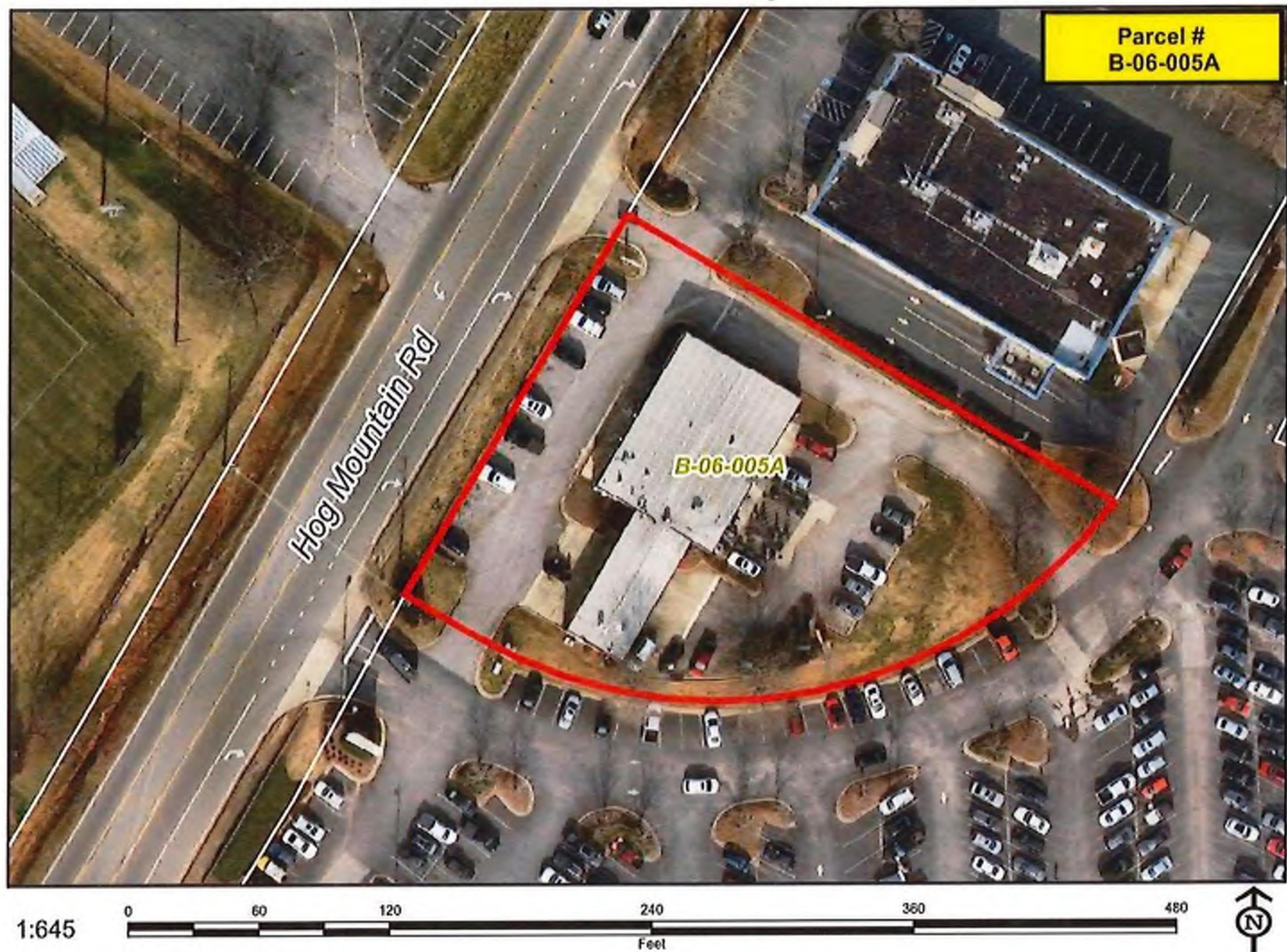
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CONDITIONS

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.
2. The proposed outdoor seating area shall be limited to 18' x 28' (504 SF).
3. No existing parking space may be used for outdoor seating or a loading area.
4. There shall be no amplified sound generated in the outdoor seating area.
5. No other outside events shall be allowed, and the applicant shall not erect any temporary structures or tents outside of the approved outdoor seating area.
6. There shall be no outside cooking facilities allowed that are not in compliance with the UDC standards.
7. The applicant shall submit plans within 30 days and complete the construction of an enclosed cooking area within six months of approval to remain in operation. The temporary certificate of occupancy may remain in effect until the additional construction is completed.

TAX MAP

Variance # P25-0133 - Bandit Properties - Tamez BBQ



TYPED LEGAL DESCRIPTION

TRACT 2

METES AND BOUNDS DESCRIPTION

0.883 ACRES

OCONEE COUNTY, GEORGIA

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 221ST
GEORGIA MILITIA DISTRICT OF OCONEE COUNTY, GEORGIA, CONTAINING
0.883 ACRES, MORE OR LESS, AS SHOWN ON THAT CERTAIN PLAT OF SURVEY
RECORDED IN PLAT BOOK 28, PAGE 82, OCONEE COUNTY, GEORGIA
RECORDS, WHICH SAID PLAT AND THE RECORD THEREOF ARE
INCORPORATED HEREIN BY REFERENCE FOR A MORE COMPLETE
DESCRIPTION OF SAID PROPERTY; SAID PROPERTY HAVING FRONTAGE ON
STATE ROUTE 53.**

NARRATIVE

SPECIAL EXCEPTION VARIANCE NARRATIVE - SHARED PARKING

1. Introduction

Applicant: Tamez Barbecue

Physical Address: 2131 Hog Mountain Road

Parcel ID: B 06 005A

Zoning District: B-1 (General Business District)

Type of Request: Special Exception under the Oconee County Unified Development Code (UDC)

Relevant Code Sections:

- Table 6.1, Article 6, Sec. 604.01b: Minimum Off-Street Parking Spaces Required by Use

Existing Use:

The property is currently developed and operating as a restaurant. The applicant proposes the consideration of allowing us our variance for further growth and development.

2. Project Description & Reason for Special Exception

2.1 Project Overview

Tamez Barbecue seeks a **Special Exception** under **UDC Article 6, Sec. 604 (Off-Street Parking Requirements)** for its existing restaurant at **2131 Hog Mountain Road (Parcel B 06 005A, zoned B-1 — General Business)**. No change of use or building expansion is proposed; only the parking count requires relief.

NARRATIVE

2.3 Special Exception –Table 6.1, Article 6, Sec. 604.01b (Minimum Off-Street Parking Spaces Required by Use)

Code Summary:

Article 6, Sec. 604.01b regulates the minimum number of parking spaces required.

"The minimum number of outdoor off-street parking spaces to be provided for residents, employees, customers and visitors for each type of land use shall be determined according to Table 6.1, rounded up to the nearest whole parking space. Additional spaces may be provided for residential and lodging uses within fully enclosed garages."

Proposed Deviation:

Section 604 calls for 50 off-street parking spaces in order for us to employ outdoor seating, but the site can only accommodate 38. The restaurant is bordered on two sides by other larger commercial lots with expansive parking; customers and employees already use these neighboring spaces informally because they connect directly to our drive aisles. With this surplus parking immediately next door, the applicant requests that the existing 38 on-site spaces be considered sufficient; meeting the code's requirement.

Justification:

- **No on-street impact.** Curbside parking on Hog Mountain Road remains open even during peak meal times, confirming the 38 on-site spaces plus adjacent surplus support demand.
- **Seamless access.** Those lots tie directly into our drive aisles via a single road that connects all of our lots together.

3. Adjacent Properties

1. Zoning of Surrounding Parcels

- **North:** B-1 (B 06 005B)
- **South:** B-1 (B 06 005)
- **East:** B-1 (B 06 005C)
- **West:** AR (B 05 040)

2. Existing Uses

NARRATIVE

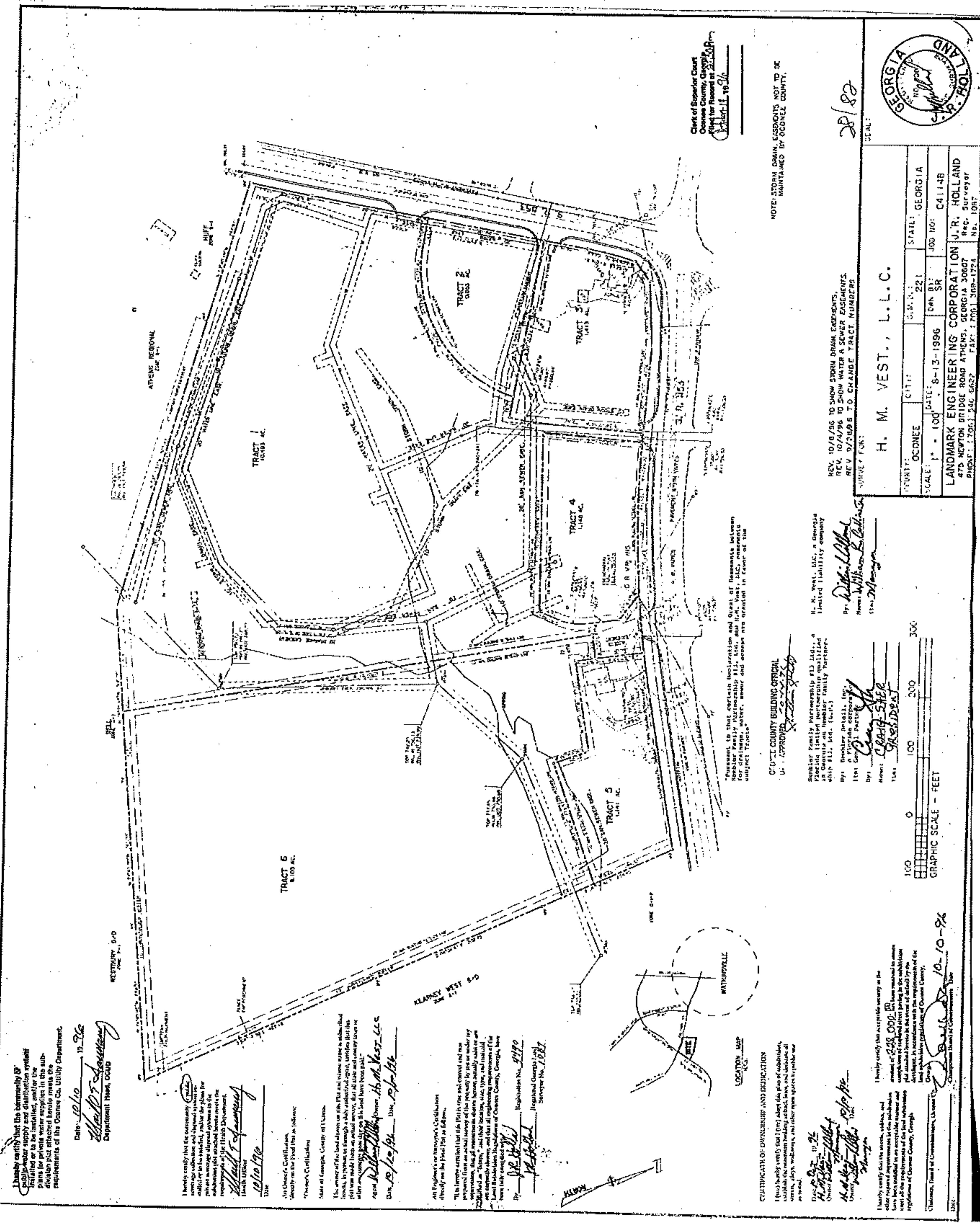
- **North:** Walgreens (Civic Center)
- **South:** Community Shopping Center (Civic Center)
- **East:** McDonalds (Civic Center)
- **West:** Oconee County Middle School (Public Institutional)

4. Other Applications

There is currently another application for the construction of a smoke shack at this same location currently in review.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P25-0133
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PLAT





Planning Department
Oconee County, Georgia
STAFF REPORT

VARIANCE CASE #: P25-0133

DATE: October 24, 2025

STAFF REPORT BY: David Webb, AICP, Planning Manager

APPLICANT NAME: Ramon Funes (Tamez BBQ)

PROPERTY OWNER(S): Randall Rigby

LOCATION: 2131 Hog Mountain Rd
Parcel number: B-06-005A

PARCEL SIZE(s): ±0.94

EXISTING ZONING: B-1 (General Business District) within the Mars Hill Overlay District



EXISTING LAND USES: Two Restaurants (Tamez BBQ and Costa Alegre), Vacant Office Space (H&R Block)

TYPE OF VARIANCE REQUESTED: Special Exception Variance

REQUEST SUMMARY: A special exception variance from Oconee County Unified Development Code Article 6 Section 604.01.b. and Table 6.1 to reduce the minimum required off-street parking spaces from 73 to 34 (53% reduction) to add an outdoor seating area that would require an additional 5 parking spaces.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: November 4, 2025

ATTACHMENTS:

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

CONCURRENT APPLICATION: The applicant started an application (P25-0082) to vary the architectural standards for the Mars Hill Overlay District, sections 206.04 and 306; however, the P25-0082 application is not currently complete and thus is not ready to proceed to a public hearing. The applicant proposes to construct a screened building instead of a masonry sided building to house an outdoor cooking/smoking unit. The applicant has chosen not to move forward with the variance for architectural standards at this time.

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- On April 4, 1995, the Board of Commissioners approved a rezoning from A-1 to B-1 for what became the Butler's Crossing shopping center.
- The subject parcel, B 06 005A, was created as an outparcel for the shopping center. The plat was recorded October 14, 1996 in Plat Book 28, Page 82. At that time the parcel size was 1.413 acres.
- The parcel size was reduced to 0.94 acres when GDOT acquired property to expand the Right-Of-Way for Hog Mountain Road (Deed Book 1343, Page 612 recorded 7-12-2016).
- On December 9, 1997, a site development plan was approved for a quick oil change (Bandit Lube) and retail spaces. At that time, 33 parking spaces were required and 37 spaces were proposed.
- The Environmental Health Department records indicate the total size of the Tamez Barbeque space is 3,078 SF. This space includes 1,820 square feet on the ground floor and a 1,258 square foot basement. The basement contains a walk-in cooler and food storage areas that were originally used for auto parts storage.
- The space where Tamez Barbeque is operating was the location of the Bandit Lube business.
- Tamez Barbeque was allowed to renovate the suite as it was previously permitted to be a restaurant.
- The required parking spaces for the site as currently configured with two restaurants and an office space is 68 spaces.
- Tamez Barbeque has a temporary certificate of occupancy as they are using cooking units outside of an enclosed building that do not meet the requirements of UDC.
- In discussions with the applicant, administrative approval would be possible if there is a shared parking agreement in place with the main parcel for the Butler's Crossing shopping center. In a meeting in June 2025, the applicant indicated that the shopping center rejected a shared parking agreement.
- Staff notes the parking space calculation on the concept plan is not correct according to Health Department and Business License records. However, staff chose to move the case forward without further updates to the parking calculations as the applicant originally submitted the case in June 2025.
- Staff notes a second variance application for parking reduction to allow outdoor seating for the adjacent Costa Alegre restaurant is also in process but is not ready to proceed to a public hearing.

VARIANCE DESCRIPTION

- A special exception variance from Oconee County Unified Development Code Article 6 Section 604.01.b. and Table 6.1 to reduce the minimum required off-street parking spaces 73 to 34 (53% reduction) to add an outdoor seating area that would require an additional 5 parking spaces.
- Table 6.1 requires the following for parking:
 - Offices- General: 3 spaces per 1,000 SF of gross floor area
 - Family Restaurant: 9.5 spaces per 1,000 SF of gross floor area
- The parking calculations for the existing and proposed uses are:
 - Office (formally H&R Block): 1,220 SF/ 1000= 1.22;
 - 1.22 * 3 = 3.66- round up to 4 spaces
 - Restaurants #1 and 2 (Costa Alegre): 6678 SF/ 1000 = 6.678
 - 6.678 * 9.5 = 63.441- round up to 64 spaces
 - Total required current uses = 68 spaces
 - Addition of 504 SF of outdoor seating
 - 504 SF/1000 = 0.504;
 - 0.504 * 9.5 = 4.788- round up to 5 spaces
- Total required parking current plus additional outdoor seating area = 73

PUBLIC FACILITIES

Water:

- The existing buildings are served by Oconee County Water Resources with public water.

Sewer:

- The existing buildings are served by Oconee County Water Resources with public sewer.

Roads:

- The property has existing access to GA Highway 53 (Hog Mountain Road)

Environmental

- The Concept Plan indicates there is no 100-year flood plain, state waters or wetlands 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 increase in intensity of a use that is currently legally non-conforming for parking. The current uses require 68 spaces, but the site only has 34. The request for an additional outdoor seating area would create more congestion as the area proposed for the outdoor seating is also designated as a loading area. Staff analysis indicates the need for a variance is a result of a hardship created by the applicant for the proposed expansion of the current non-conforming restaurant use. Staff analysis indicates this would cause a substantial detriment to the public good as this proposed parking space reduction would not be in harmony with the adjacent commercial uses.

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

The adjacent properties are zoned B-1 as part of the Butler Crossing shopping center. Staff analysis indicates that granting the requested variance could potentially diminish the enjoyment of adjacent properties by making the current parking problem worse as the site does not have enough parking to support the current uses if all of the suites are occupied.

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 by making the current parking problem worse as the site does not have enough parking to support the current uses if all of the suites are occupied.

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

The intent of UDC Section 604.01.b. and Table 6.1 is to provide the minimum required parking needed to serve the site. As this property does not have a current legal shared parking agreement with the adjacent shopping center, the parking has to be supported on-site. The applicant already has reasonable use of the property with the operation of a restaurant in a legally non-conforming suite. Staff analysis indicates that the purpose of the code would be impaired by granting this request.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

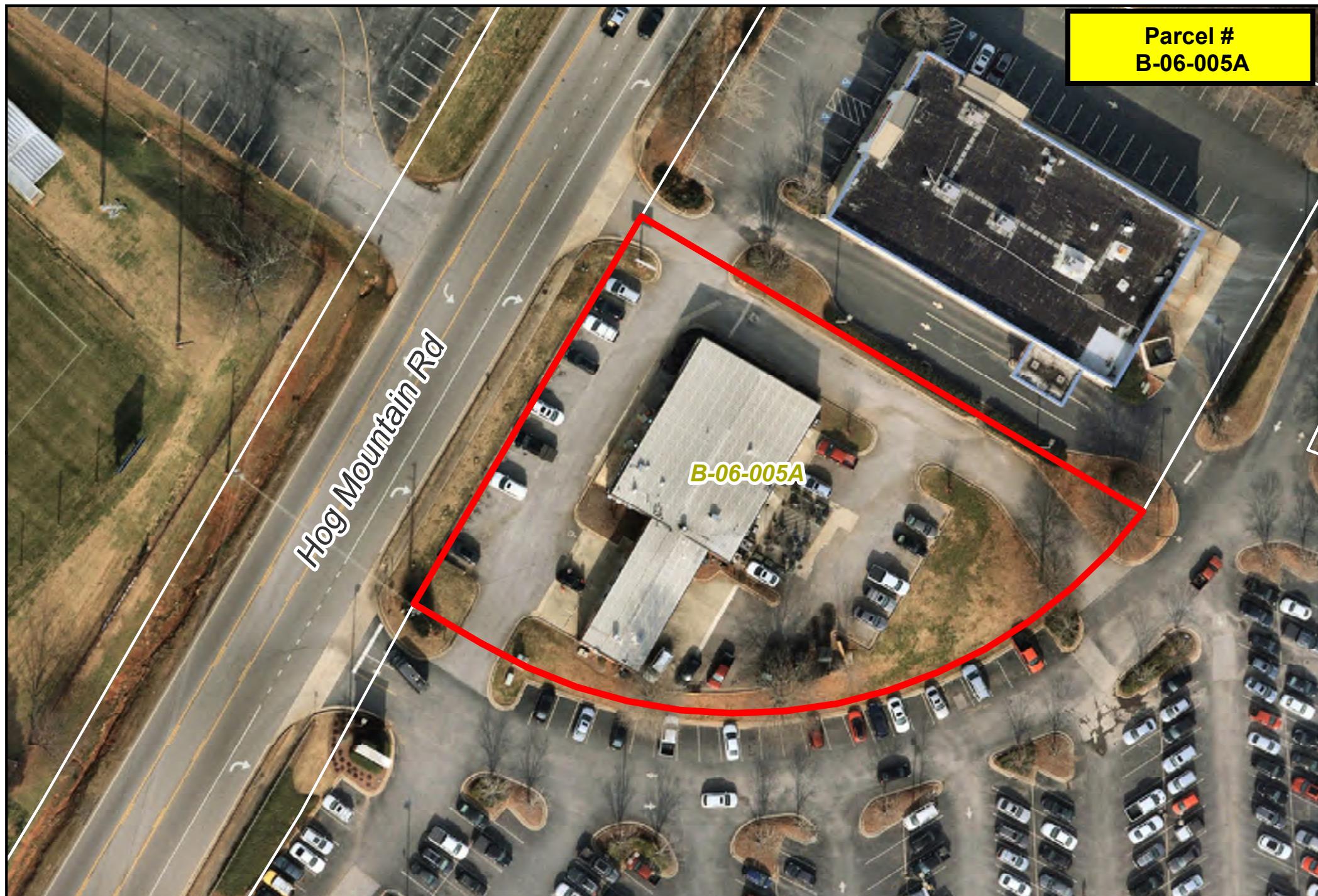
Based upon the standards and limitations for special exception variance approval, this request **does NOT meet all necessary conditions** to grant a special exception variance as the hardship would be created by the applicant by the expansion of an existing non-conforming site. Staff recommends **denial** of the request.

If the Board chooses to grant the variance to reduce the required parking from 73 to 34 spaces, staff recommends the following **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 proposed outdoor seating area shall be limited to 18' x 28' (504 SF).
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Variance # P25-0133 - Bandit Properties - Tamez BBQ

Parcel #
B-06-005A

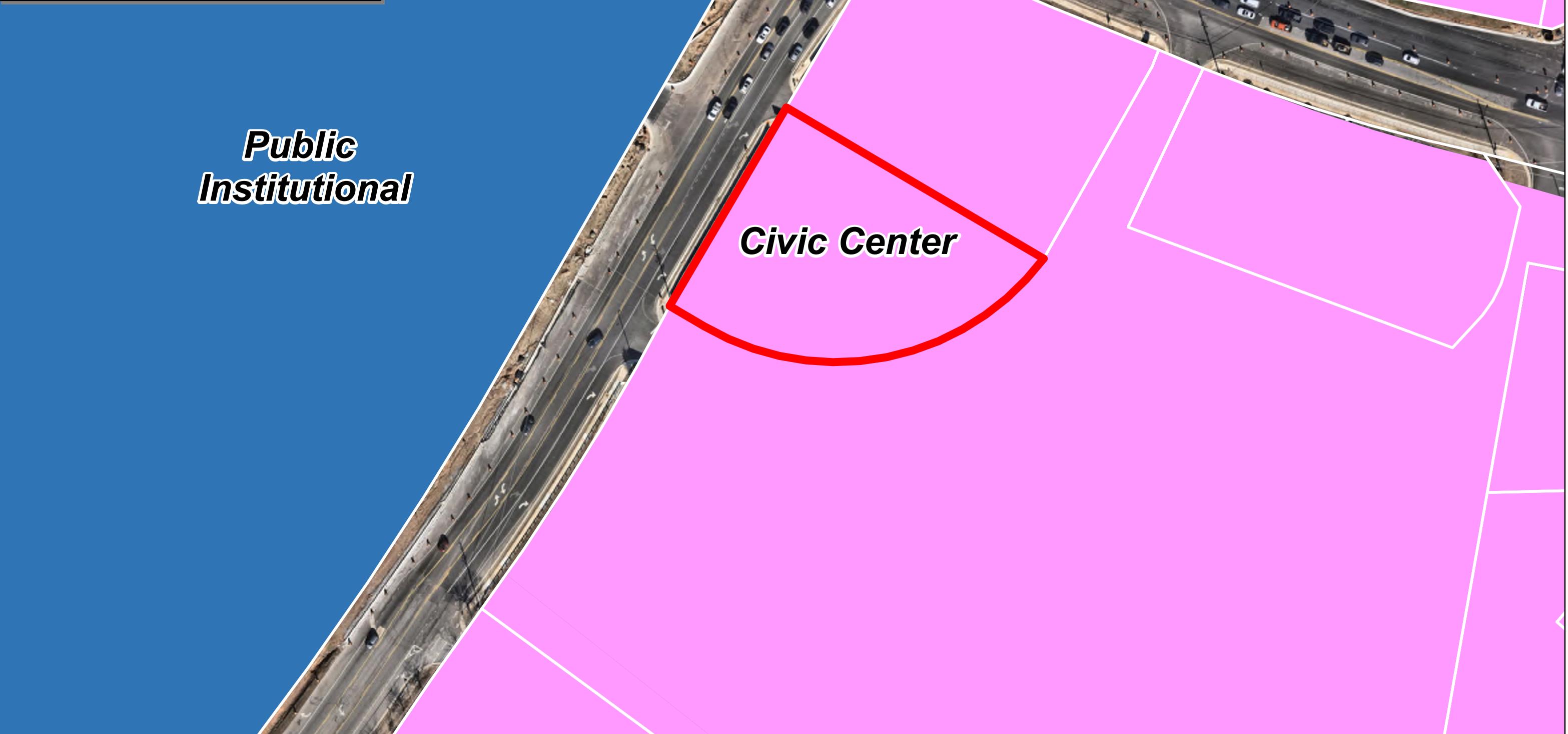
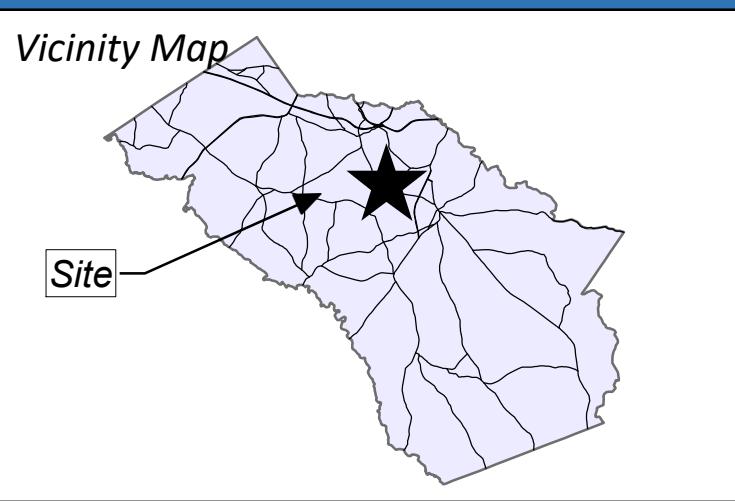


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Feet

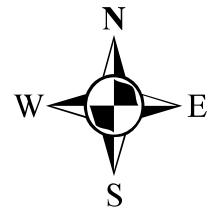




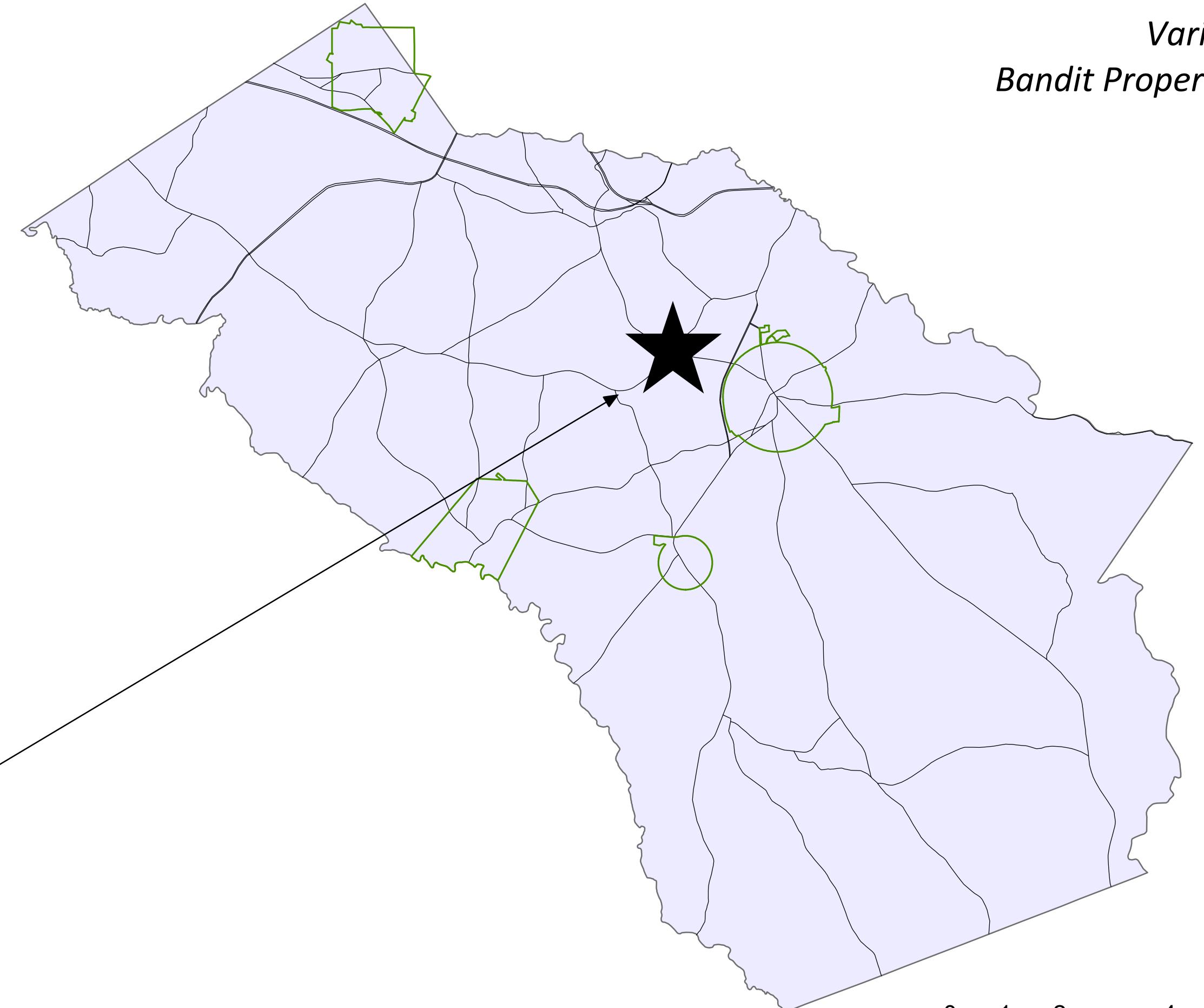
Oconee County Planning Department

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

0 40 80 160 240 320
Feet



Location Map
Variance # P25-0133
Bandit Properties - Tamez BBQ



1:120,000

0 1 2 4 6 8 Miles

