

**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 1304, to grant approval of a Special Exception Variance pursuant to an application requesting approval of a Special Exception Variance on property owned by CZ Holdings, LLC submitted on February 27, 2017.

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 Chad Keller on February 27, 201 regarding a ±1.19 acre tract of land located on the north side of Commerce Court in the 240th G.M.D., Oconee County, Georgia, (TP# B-02J-016), 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 for the purpose of relief from Unified Development Code Section 409.01; Table 4.6, to reduce the side yard setback for a principal building from 25 feet to 20 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 same at its regular meeting on May 2, 2017.

ADOPTED AND APPROVED, this 2nd day of May, 2017.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

W. E. "Bubber" Wilkes, Member

Mark Saxon, Member

ATTEST:


Kathy Hayes
Clerk, Board of Commissioners



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

VARIANCE CASE #: 7116

DATE: April 24, 2017

STAFF REPORT BY: Andrew Stern, Planner
& Sandy Weinel, Asst. Director

APPLICANT NAME: Chad Keller

PROPERTY OWNER: CZ Holdings, LLC

LOCATION: North side of Commerce Court

PARCEL SIZE: ±1.19 Acres

EXISTING ZONING: O-B-P (Office-Business Park)

EXISTING LAND USE: Landscape Contractor's office with equipment storage facility (under construction)

TYPE OF VARIANCE REQUESTED: Special Exception

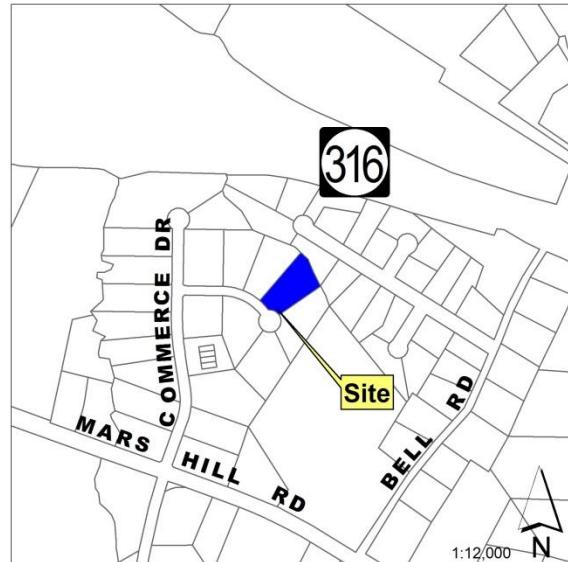
REQUEST SUMMARY: The owners are requesting approval of a Special Exception variance to reduce the minimum side yard setback for principal buildings in order to allow placement of an office and equipment storage building.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: May 2, 2017

ATTACHMENTS:

- Application
- Narrative
- Site Review
- Aerial Photos
- Tax Map
- Property Survey
- Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property is located within the Mars Hill Business Park
- The property was rezoned from A-1 (Agricultural) to O-B-P (Office-Business Park) on January 2, 2001.
- Final subdivision plat for Mars Hill Business Park was recorded on February 7, 2003.
- A permit was issued to construct a 6,000 Sf building on May 31, 2016
- A revised final plat for the subject lot was submitted 11/29/16 to relocate a drainage easement and to relocate a 10' planted buffer. Upon review of the as-built, staff noted the 25' side yard BSL had been encroached.

VARIANCE DESCRIPTION

- The owners are requesting approval of a Special Exception variance to provide relief from Section 409.01 of the Unified Development Code

- Section 409.01 – Minimum setbacks; principal buildings, setback requirements.

"All principal buildings on a lot shall be set back from the street right-of-way lines and from the side and rear lot lines bounding the lot no less than the distances shown on Table 4.6. See definition of "principal building setback line" for application of the setback requirements."

Table 4.6: Minimum Setback—Principal Buildings					
Zoning District		Setback Requirement (in feet)			
		Front		Side	Rear
		From a Major Thoroughfare	From a Minor Street		
OBP	Office-Business Park	75(c) / 35(R)	50(c) / 20(R)	25	40

- The side principal building setback in the OBP zoning district is 25 feet (UDC – Table 4.6 & Final Plat 34/164)
- The building contractor constructed the building within the 25 foot side setback
- The owner is requesting a reduction of the side setback from 25 feet to 20 feet to allow the recently constructed building to be finished

PUBLIC FACILITIES

- County services, facilities, and infrastructure should not be affected by this request

ENVIRONMENTAL

- The site does not contain any 100 year floodplain or Jurisdictional Wetland areas

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

- No Comments

STAFF ANALYSIS

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 occurrences of any of the following:

- a. **Cause a substantial detriment to the public good:** If approved, this request to reduce the side yard setback to 20' will not be a substantial detriment to the public good.
- b. **Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:** The reduction of the side yard from 25' to 20' will not cause this to occur.

- c. **Diminish and impair property values within the surrounding neighborhood:** The subdivision is commercial and contains lots having side yards of 25' (OBP) and 10' (B-2). Property values should not be affected by approval of this request.
- d. **Impair the purpose and intent of this Development Code:** The remaining 20' side yard provided should not impair the purpose and intent of the Unified Development Code.

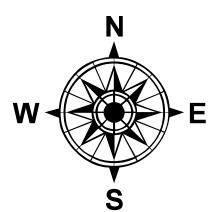
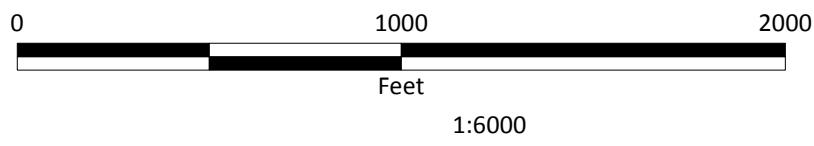
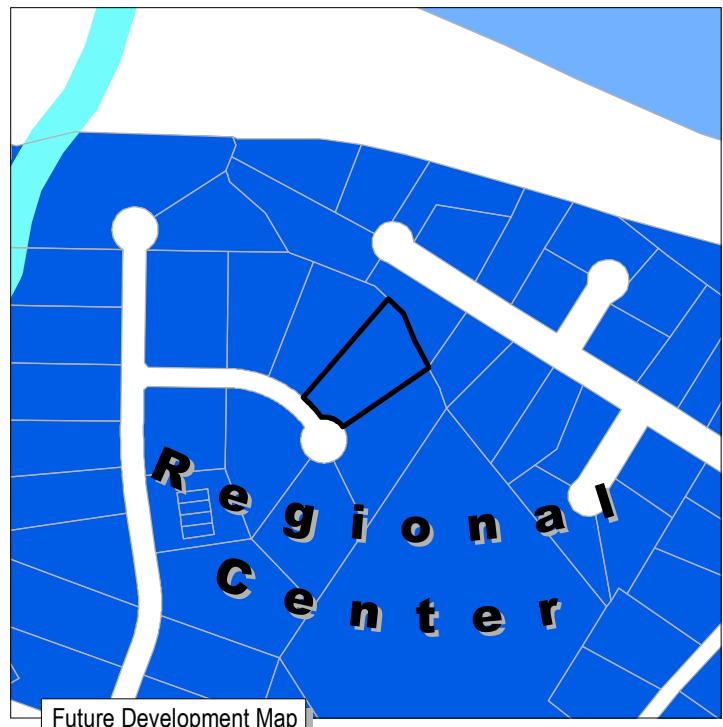
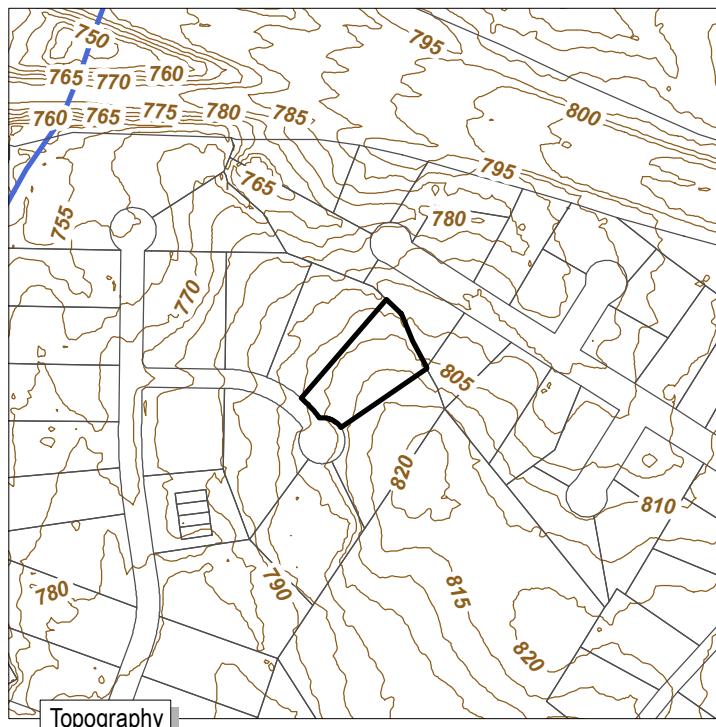
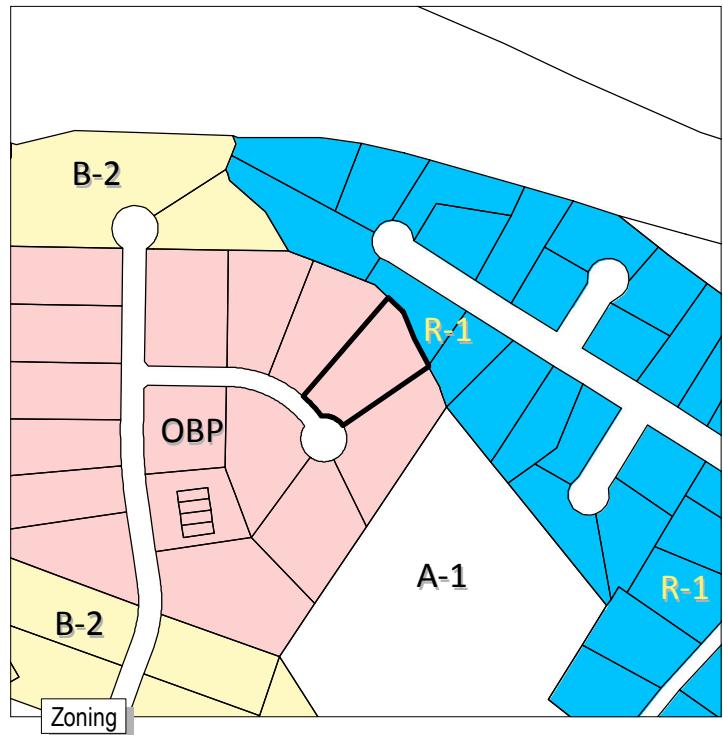
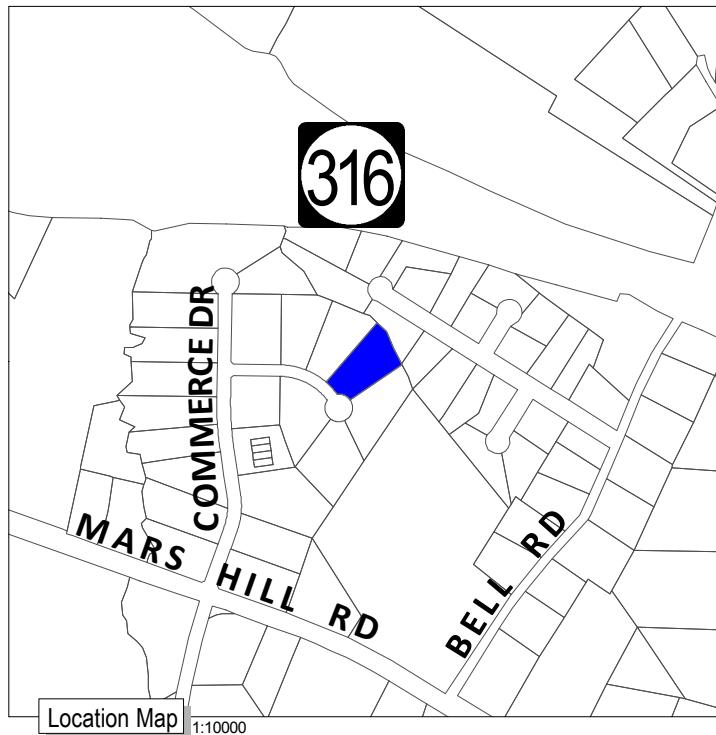
STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS

Based upon the standards for special exception variance approval, **this request does meet the necessary conditions to grant a special exception variance**. Staff recommends the following condition:

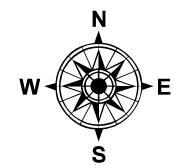
1. The side yard setback shall be reduced from 25' to 20' along the northwestern side lot line for the existing building footprint only as shown on the concept plan.

CZ Holdings, LLC

Site Review



2016 Aerial Photograph





OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

Hardship Variance Appeal of Administrative Decision Flood Damage Prevention Variance

Special Exception for: _____

Applicant

Name: Chad Keller

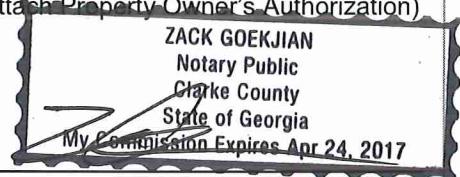
Address: 1041 Barber Creek Dr
(No P.O. Boxes)
Watkinsville Ga 30677

Telephone: 706-215-0252

Applicant is (check one): the Property Owner Not the Property Owner (attach Property Owner's Authorization)

Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.

Signature: WJ Date: 3-6-17 Notarized: _____

**Property**

Location: 1041 Commerce Court
Watkinsville Ga 30677

Tax Parcel Number: B-2516

Size (Acres): 1.19 Current Zoning: OBP

Future Development Map—Character Area Designation: Regional Center

Property Owner

Name: CC Holdings, LLC

Address: 925 Danielsville Rd
(No P.O. Boxes)
Athens Ga 30601

Telephone: 706-215-0252

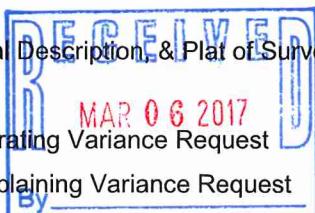
Use

Current Use: C-3 Commercial

Proposed Use: _____

Attachments (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee
- Warranty Deed(s), Legal Description, & Plat of Survey
- Disclosures
- Maps or Drawings Illustrating Variance Request
- Narrative Statement Explaining Variance Request
- Concept Plan

**Appeal or Variance Requested**

Provide the code section and briefly explain the requested variance

Building was laid out
incorrectly.
See 409

Application

Date Received: _____ Date Accepted: _____

DRI Transmitted to RDC Date: _____ N/A

Review Submitted: _____ Location Map: _____

Posted: _____ Ad: _____ Ad: _____

Application Withdrawn Date: _____

For Oconee County Staff Use Only

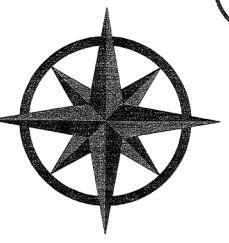
APPLICATION NUMBER

Action **Administrative Appeal:** Date: _____

Approved With Conditions Denied N/A

Board of Commissioners Date: _____

Approved With Conditions Denied N/A



DUSOUTH
SURVEYING AND
ENGINEERING, INC.

22 BARNETT SHOALS RD.
WATKINSVILLE, GA 30677
706.310.1961 OFFICE
706.310.1964 FAX

SITE DEVELOPMENT PLANS
FOR:

**MARS HILL
BUSINESS PARK
LOT 16**

1041 COMMERCE COURT
WATKINSVILLE, GEORGIA

CHANGES	DATE

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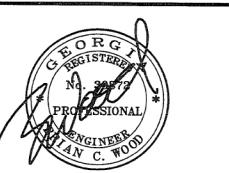
RECEIVED
FEB 27 2017
By _____

**DATE
02/24/17**

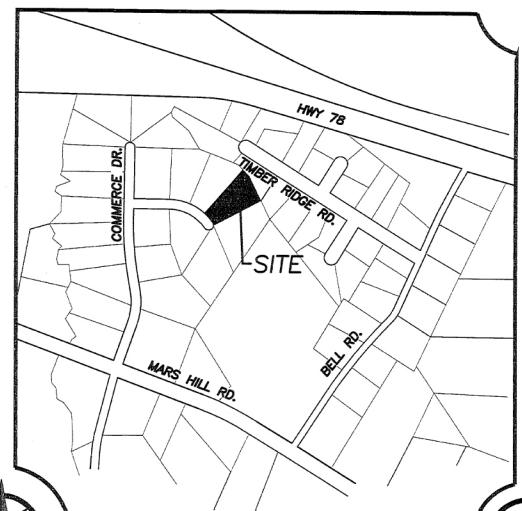
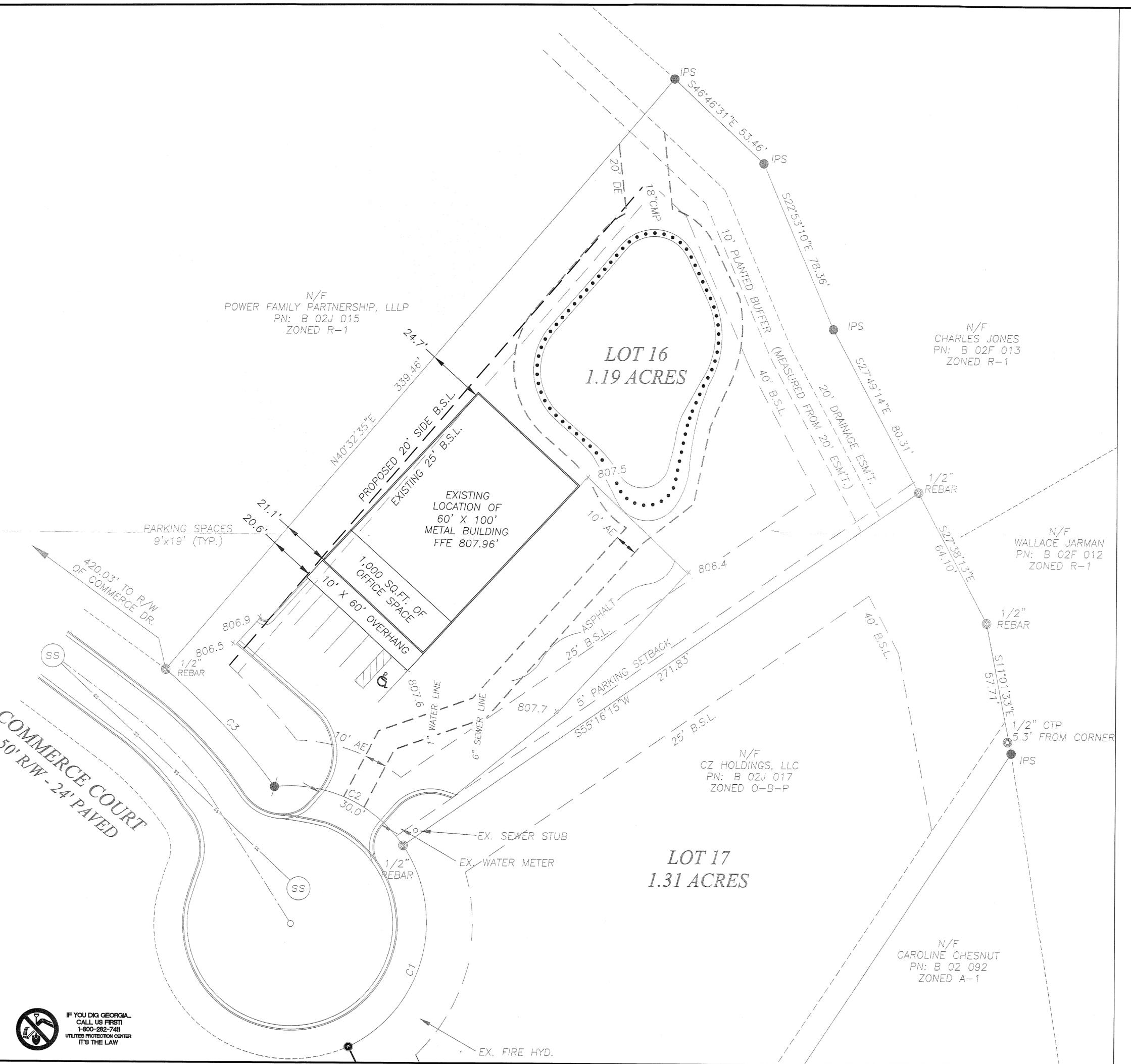
**PROJECT
15-110-01S**

**VARIANCE
CONCEPT PLAN**

**SHEET
1 OF 1**



LEVEL II CERTIFICATION #13718



Oconee County Planning
February 27, 2017

Variance Request

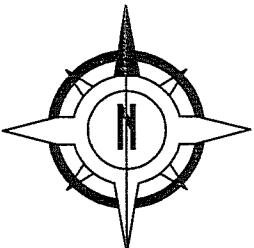
This letter is to request a variance for the existing setback along the property line. When final platting the property we realized that we were about 3' on one corner and 7" on the other of being behind the proper set back. Our contractor was under the impression that the set back was 20' instead of 25'. To fix this issue we would like to request you allow us to go to a 20' set back rather then a 25' set back.

Thanks



Chad Keller
1041 Commerce Court
Watkinsville GA 30677



**GRID NORTH**

BEARINGS ARE BASED ON
NORTH AMERICAN DATUM OF 1983
GEORGIA STATE PLANE COORDINATE SYSTEM
(WESTERN ZONE)
ELEVATIONS ARE BASED ON
NORTH AMERICAN VERTICAL DATUM OF 1988

N/F
POWER FAMILY PARTNERSHIP,
LLP
PN: B 02J 015
ZONED R-1

N/F
CHARLES JONES
PN: B 02F 013
ZONED R-1

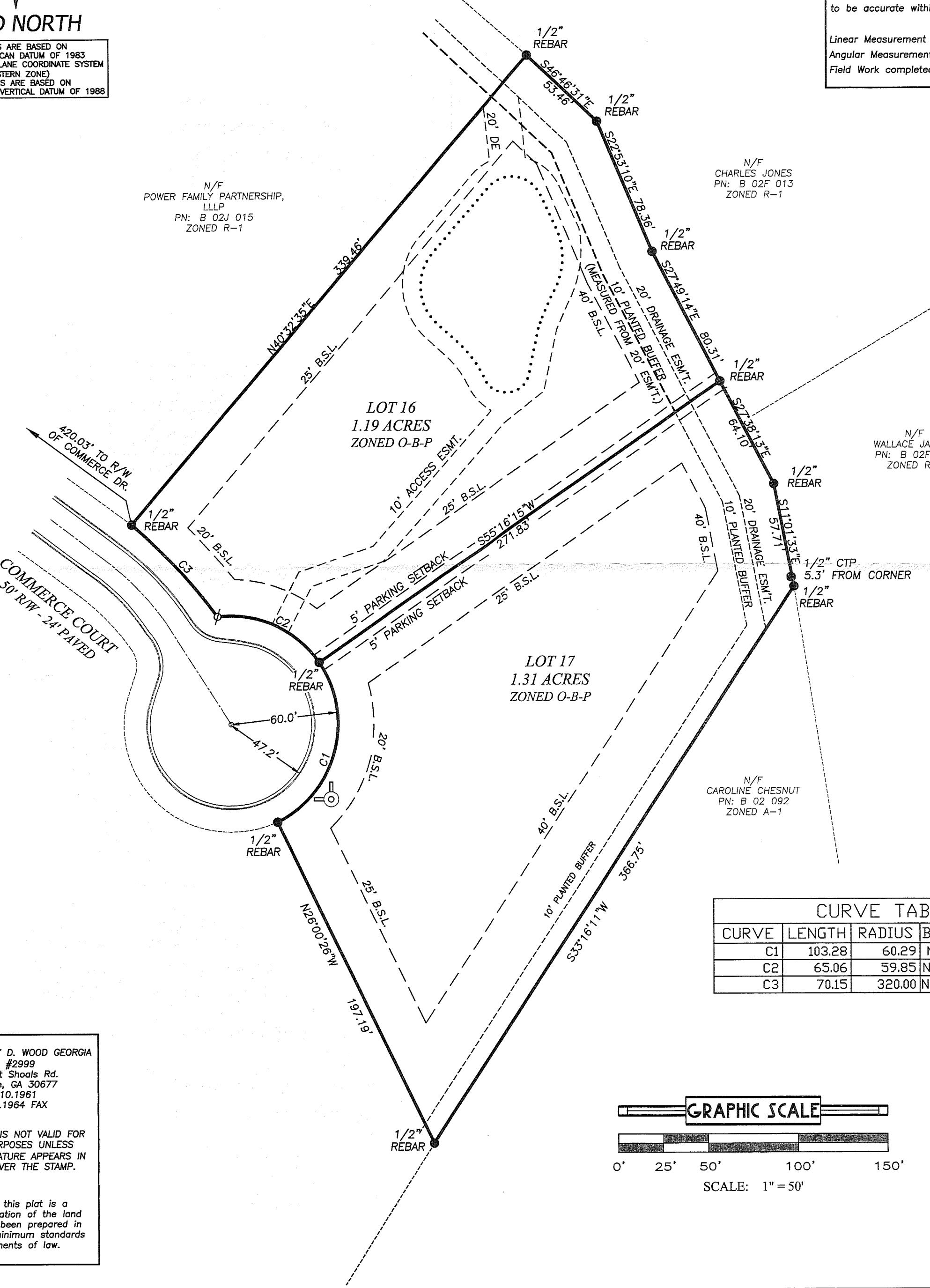
SURVEY CLOSURE STATEMENT
The Field Data upon which this plat is based has a
closure precision of one foot in 40,000 feet,
and an angular error of 2" per angle point,
and was not adjusted.
This plat has been calculated for closure and is found
to be accurate within one foot in 100,000+ feet.

Linear Measurement obtained using TOPCON 3000
Angular Measurement obtained using TOPCON 3000
Field Work completed 10/6/15



DU SOUTH
SURVEYING &
ENGINEERING, INC.

22 BARNETT SHOALS RD.
WATKINSVILLE, GA 30677
706.310.1961 OFFICE
706.310.1964 FAX



VICINITY MAP
(NOT TO SCALE)

PROJECT DATA

★ CLIENT: PRECISION LANDSCAPE MANAGEMENT
C/O CHAD KELLER
925 DANIELSVILLE RD.
ATHENS, GA 30601

★ AUTHORIZED AGENT: DUSOUTH SURVEYING & ENGINEERING, INC.
CONTACT: JERRY D. WOOD, GRLS
22 BARNETT SHOALS ROAD
WATKINSVILLE, GA 30677

1. PROJECT ACREAGE: LOT 16 = 1.19 ACRES
LOT 17 = 1.31 ACRES
2. TAX PARCEL #: B 02J 016 & B 02J 017
3. UNDERGROUND UTILITY SERVICES SUCH AS ELECTRIC, WATER, GAS, SANITARY SEWER LINES OR WELLS MAY OR MAY NOT EXIST AND MAY OR MAY NOT BE SHOWN HEREON.
4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A COMPLETE TITLE SEARCH.
5. REFERENCE: FINAL PLAT FOR MARS HILL BUSINESS PARK BY LANDMARK ENGINEERING CORPORATION, DATED 02/06/03 AND RECORDED IN PLAT BOOK 34 PAGE 266.
6. THE CURRENT ZONING IS O-B-P

Stormwater Maintenance Agreement associated with this subdivision is recorded in deed book _____ page _____.

**PRECISION
LANDSCAPE
MANAGEMENT**

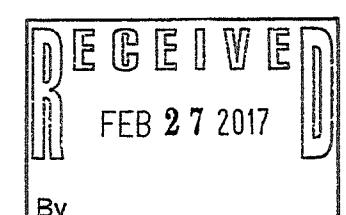
1041 & 1051 COMMERCE COURT
WATKINSVILLE, GA
240th G.M.D.
OCONEE COUNTY, GEORGIA

CHANGES	DATE
RELOCATED 20' DRAINAGE	
ESMT. & 10' PLANTED BUFFER	4/21/16

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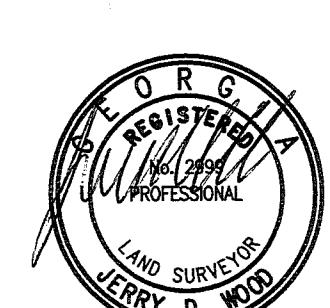
DATE
05/17/16

PROJECT
15-110-01S



REVISED FINAL PLAT
MARS HILL BUSINESS
PARK LOTS 16 & 17

SHEET
1 OF 2



SURVEYOR'S CERTIFICATE

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon actually exist or are marked as "future," and their location, size, type and material are correctly shown.

The field data upon which this plat is based has a closure precision of one foot in 22,200 feet, and an angular error of 2" per angle point, and was adjusted using Compass rule. The following type of equipment was used to obtain the linear and angular measurements used in the preparation of this plat: GTS-605.

This plat has been calculated for closure and is found to be accurate within one foot in 836.900 feet.

By (name): Jerry D. Wood Registered Georgia Land Surveyor No. 2999

Address: 22 Barnett Shoals Road, Watkinsville, GA 30677 Telephone Number: 706-310-1961

Surveyor's Signature: Jerry D. Wood Date: 4-20-16

SURVEYOR: JERRY D. WOOD
GEORGIA R.L.S. #2999
22 Barnett Shoals Road
Watkinsville, GA 30677
706.310.1961
706.310.1964 FAX

NOTE: THIS PLAT IS NOT VALID
FOR RECORDING PURPOSES
UNLESS SURVEYOR'S SIGNATURE
APPEARS IN ORIGINAL INK OVER
THE STAMP.

In my opinion this plat is a
correct representation of the
land platted and has been
prepared in conformity with
minimum standards and
requirements of law.



22 BARNETT SHOALS RD.
WATKINSVILLE, GA 30677
706.310.1961 OFFICE
706.310.1964 FAX

PLAT FOR:

**PRECISION
LANDSCAPE
MANAGEMENT**

1041 & 1051 COMMERCE COURT
WATKINSVILLE, GA
240th G.M.D.
OCONEE COUNTY, GEORGIA

OWNER'S CERTIFICATE

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, and that all state and county taxes or other assessments now due on this land have been paid. The undersigned, in person or through a duly authorized agent, certifies that he or she is the fee simple owner of the land shown on this plat; that the plat and the public improvements contained therein or associated therewith meet all applicable requirements and standards of the Oconee County Unified Development Code; and by separate deed or agreements dedicates to the use of the public forever all streets, parks, easements and public grounds shown thereon for the purposes thereof expressed.

Owner's name: CHAD KELFER Owner's address: 925 Danielsville, Rd, Athens, GA 30601

Owner's Signature: CHAD KELFER Date: 4-24-2017

RESPONSIBILITY FOR NOTICE OF AGRICULTURAL ACTIVITIES IN AREA

The seller or lessee of any lot shown on this Final Subdivision Plat shall be responsible to notify any potential buyer or lessee of agricultural activities in the area in accordance with Georgia law, as may be applicable.

DESIGN AND CONSTRUCTION CERTIFICATE

I hereby certify that all improvements have been designed and constructed in strict accordance with the approved Development Construction Plans, prepared by me or under my supervision, in full compliance with the Unified Development Code of Oconee County, Georgia, latest edition, and any amendments thereto and/or usual and customary professional practice.

By (name): Brian Wood Professional Registration No. 34647

Designer's Signature: ✓ P.E. ✓ R.L.S. ✓ L.A. ✓ (Check)

Note: The Design and Construction Certification must be completed by the Design Professional of Record.

CODE ENFORCEMENT

FIRE DEPARTMENT

FIRE MARSHAL

UTILITY DEPARTMENT

PUBLIC WORKS

PLANNING DEPARTMENT



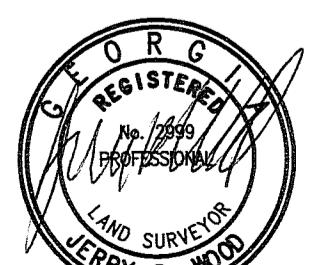
CHANGES	DATE
RELOCATED 20' DRAINAGE	
ESMT. & 10' PLANTED BUFFER	4/21/16

DATE
05/17/16

PROJECT
15-110-01S

REVISED FINAL PLAT
MARS HILL BUSINESS
PARK LOTS 16 & 17

SHEET
2 OF 2



CERTIFICATE OF FINAL PLAT APPROVAL

FOR RECORDATION

All requirements of the Oconee County Unified Development Code having been represented as being fulfilled by this plat [and the related as-built data approved on / / (date)], this plat is approved subject to all dedications of land to the public shown thereon being accepted by the Oconee County Board of Commissioners. All of the conditions of approval having been completed, this plat is approved for recordation by the Clerk of the Superior Court of Oconee County, Georgia, subject to maintenance and guarantee under the requirements of the Development Code.

[This approval recognizes the receipt of performance surety by Oconee County in the amount of \$ to assure the completion of all remaining improvements appurtenant to this subdivision.]

Planning Director

