

**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 Laurie H. Rice Trust submitted on June 23, 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 Smith Planning Group, LLC, on June 23, 2017 regarding a ±4.70 acre tract of land located on the south side of High Shoals Road in the 222nd G.M.D., Oconee County, Georgia, (TP# A-07-001AA), 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 603; to allow an unpaved parking area.

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 September 5, 2017.

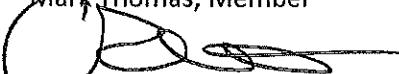
ADOPTED AND APPROVED, this 5th day of September, 2017.

OCONEE COUNTY BOARD OF COMMISSIONERS

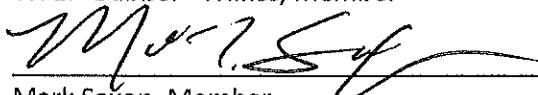
BY:


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


W. E. "Rubber" Wilkes, Member


Mark Saxon, Member

ATTEST:


Kathy Hayes
Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7223

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NARRATIVE

Overview

The Farm at High Shoals is located on a 305.81+ acre tract, west of the town of Bishop along GA Hwy. 186. Originally planned and developed as a private, equestrian estate complete with a manor house, stables and other structures associated with equine activities, the property is a picturesque setting composed European style structures, shady drives, and captivating vistas situated around a large lake.

Although a few horses remain on the property, the stables are no longer being used for equine purposes. In the past, the stables have been used for weddings, receptions, and other gatherings, and this type of use is increasing in demand. This rezone request is necessary in order to formalize the adaptive re-use of the stables into a reception hall, and bring the use into compliance with the current Oconee County Zoning Ordinance.

The Staples/Reception Hall

The exterior of the subject building is constructed of metal cladding with a metal roof. The interior of the building retains the look of the previous stable-use by preserving the horse stall doors along the periphery of the reception space. The structure also contains a kitchen, restrooms, and a changing area for wedding events.

Events are generally held seasonally in the Spring and Fall of the year, with approximately 3 to 4 events per month during those seasons.

Zoning

The current zoning of the parcel is A-1, Agricultural. Existing zoning and land uses surrounding the site are A-1 zoning district and agricultural use.

The purpose of this rezone request is to rezone 4.70 acres to B-1, General Business, surrounding the reception hall and parking areas in order to allow for the continued use as a reception hall.

Automobile parking exists adjacent to the structure. A special exception variance request has been submitted which will allow the site to maintain its rural character by not requiring the parking area to be paved, striped or lighted. The reception hall will not require parking on a daily basis.

Access

Vehicular access to the site is provided from two existing drives located on GA Highway 186. The drives connect with each other at the reception hall, creating a loop within the property. Due to the width of the drives, guests will be instructed to enter the property using one drive, and exit the property using the other. Signs will also be installed to direct traffic. This will ensure a one-way traffic flow and prevent conflicting traffic moments when exiting the property.

Traffic Generation

The event venue will primarily operate on weekends. There is no significant additional traffic volume due to the limited use of the facility.

Utilities and Services

Water – Private well

Sewer – On site septic tank and drain field.

Trash Disposal & Recycling

Trash is collected on-site and serviced by a licensed contract service provider.

Maintenance Program

There are no common areas for public use on the site.

Schools

There will be no impact on the county school system.

Site Lighting

There are exterior lights on the building at the corners of the eaves, the entrances, and at the covered porches. Low level lighting is used to illuminate pathways.

Variances

A Special Exception Variance is requested from Oconee County UDC Sec. 603 (Off-Street Parking) to allow the use of an unpaved parking area. Sufficient parking is provided adjacent to the structure. The variance request will make the UDC Sec. 603 lighting, striping and landscaping requirements of the parking areas non-applicable.

A Special Exception Variance is requested from Oconee County UDC Sec. 806 (Buffers; where required) to waive the 15 foot landscape buffer on the 4.70 acre tract. The requirement to install landscaped buffers between incompatible land uses would not be practical or necessary due to the character and location of the site (i.e. surrounded by property owned by the petitioner).



EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7223

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LEGAL DESCRIPTION

LEGAL DESCRIPTION

Property of Laurie H. Rice Trust
5414 High Shoals Road
Bishop, Georgia

All the tracts or parcels of land containing 4.70 acres, more or less, lying in Oconee County, Georgia, GMD 239, and located on the south side of High Shoals Road (GA Hwy. 186), being more particularly described as follows:

Beginning at an iron pin located along the southerly right of way of Georgia Highway 186 and the centerline of Big Robinson Creek, thence South 75 degrees 16 minutes 11 seconds East 2234.00 feet to an iron pin along the southerly right of way of Georgia Highway 186, thence South 11 degrees 03 minutes 37 seconds west 1876.34 feet to an iron pin, thence South 17 degrees 28 minutes 58 seconds East 273.51 feet to an iron pin, thence South 59 degrees 30 minutes 59.14 seconds East 63.13 feet to a calculated point which is the Point of Beginning:

Thence South 51 degrees 55 minutes 03.24 seconds East 347.43 feet to a point,

Thence South 37 degrees 16 minutes 29.36 seconds West 207.26 feet to a point,

Thence South 51 degrees 27 minutes 44.99 seconds West 310.07 feet to a point,

Thence South 38 degrees 56 minutes 55.87 seconds West 135.40 feet to a point,

Thence North 51 degrees 03 minutes 04.13 seconds West 244.78 feet to a point,

Thence North 38 degrees 56 minutes 55.87 seconds East 102.58 feet to a point,

Thence North 49 degrees 21 minutes 34.68 seconds West 50.44 feet to a point,

Thence North 40 degrees 38 minutes 25 seconds East 127.82 feet to a point,

Thence North 39 degrees 41 minutes 10.63 seconds East 408.22 feet to a point which is the Point of Beginning.

TAX MAP

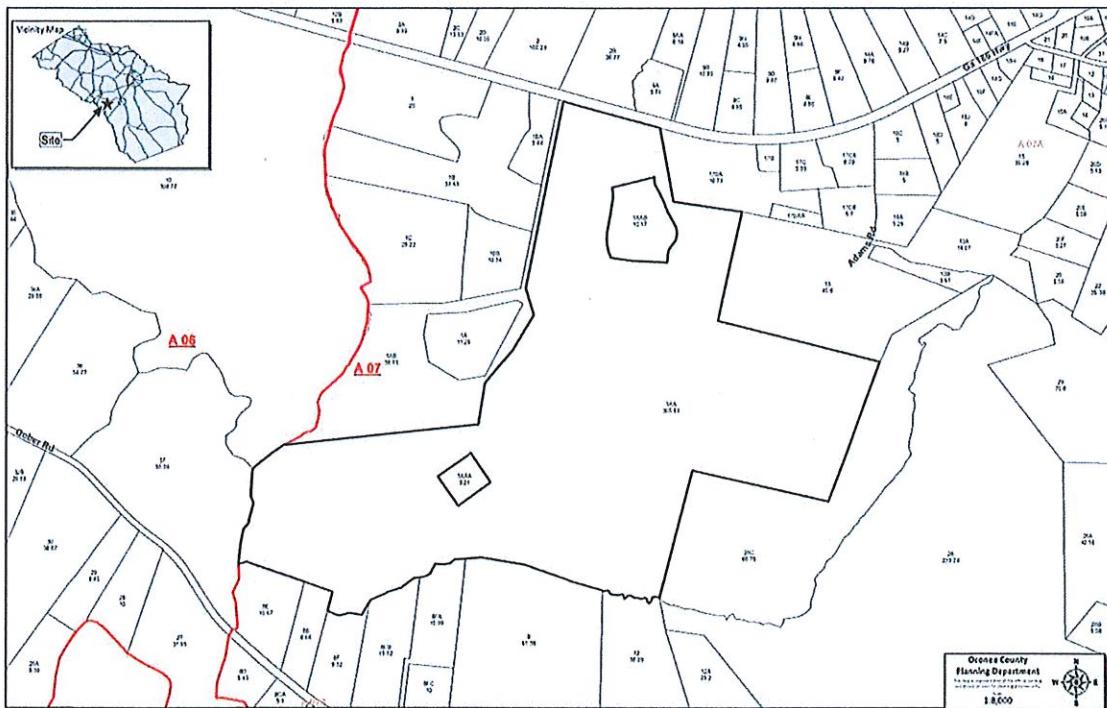
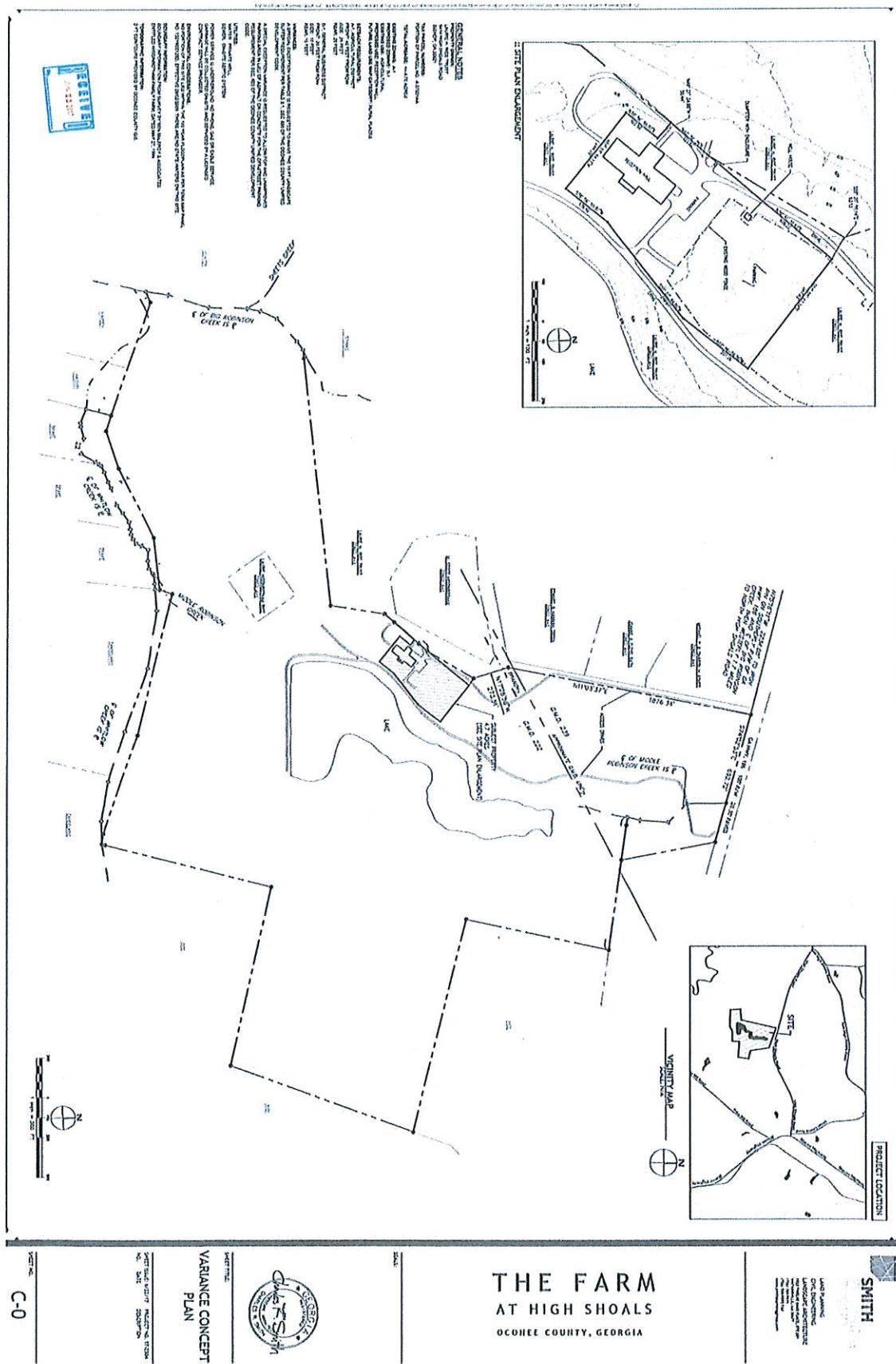


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7223

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DEVELOPMENT PLAN



THE FARM
AT HIGH SHOALS
OCONEE COUNTY, GEORGIA



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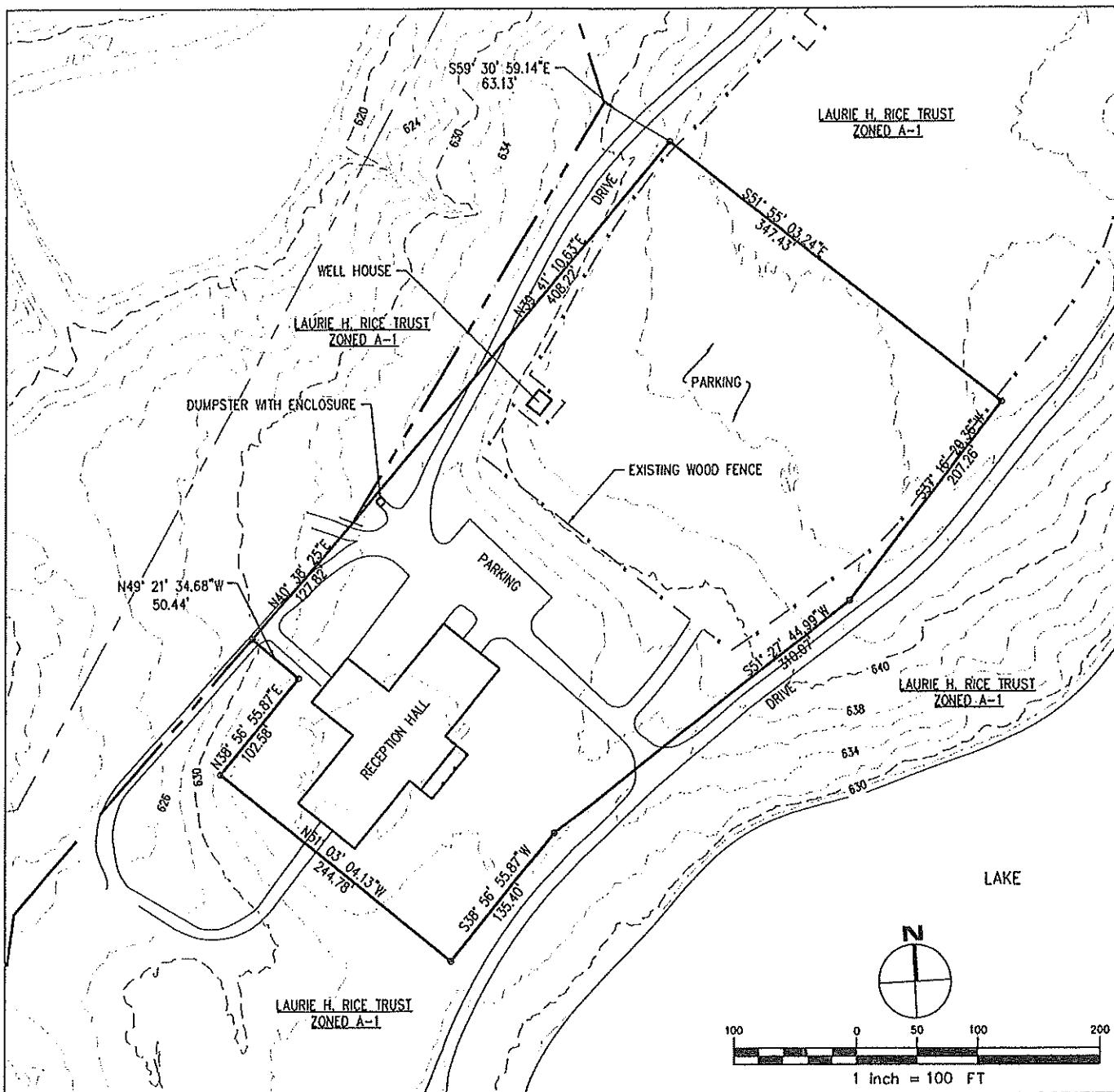
VARIANCE CONCEPT
PLAN

SMITH

SMITH

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7223

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:: SITE PLAN ENLARGEMENT



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

VARIANCE CASES #: 7222 & 7223

DATE: August 24, 2017

STAFF REPORT BY: Mackenzie Battista, Planner & Sandy Weinel, Assistant Director

APPLICANT NAME: Smith Planning Group, LLC.

PROPERTY OWNER: Laurie H. Rice Trust

LOCATION: South side of High Shoals Road

PARCEL SIZE: ±4.70 Acres

EXISTING ZONING: A-1 (Agricultural)

EXISTING LAND USE: Agricultural

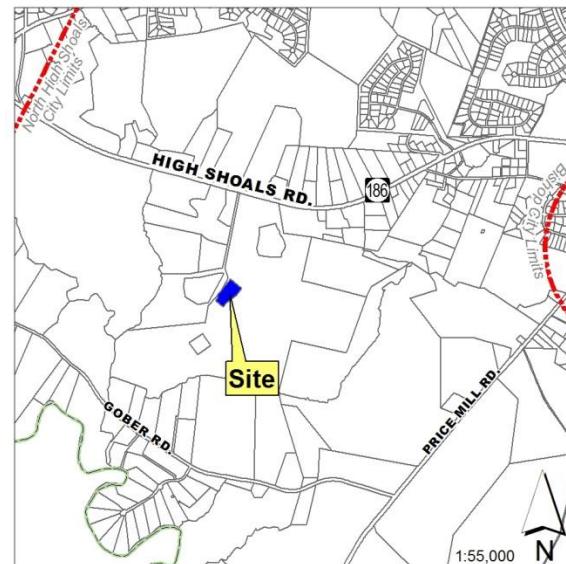
TYPE OF VARIANCES REQUESTED: Special Exception (2)

REQUEST SUMMARY: The property owner is requesting approval of two Special Exception variances to eliminate the requirement to construct off-street parking and to eliminate the requirement for landscaped buffers between incompatible land uses.

DATE OF SCHEDULED HEARING: **BOARD OF COMMISSIONERS:** September 5, 2017

ATTACHMENTS:

- Applications (2)
- Variance Narratives (2)
- Tax Map
- Concept Plan



NOTE: Requests were submitted in conjunction with Rezone #7221.

BACKGROUND INFORMATION & FINDINGS OF FACT

PROJECT DESCRIPTION

Please refer to the background information and project description included in the staff report for Rezone #7221

Both requests are based on the owner's intent to maintain the rural and pastoral setting already established on the property.

VARIANCE STANDARDS

UDC Section 1303.03 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.*
- b. *Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity.*
- c. *Diminish and impair property values within the surrounding neighborhood.*
- d. *Impair the purpose and intent of this Development Code.*

SPECIAL EXCEPTION VARIANCE #7222

- The property owner is requesting approval of a Special Exception variance to provide relief from Section 806 of the Unified Development Code.

Section 806 – Buffers; where required.

- a. *"A buffer meeting or exceeding the following widths shall be required between any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land use, as follows*
A buffer must be provided between any multi-family use (townhouses, apartments or mobile home park) and any agricultural zoning district or single-family or two-family use or zoning district;
- b. *A buffer must be provided between any office, institutional or commercial use and any agricultural zoning district or any single-family, two-family or multi-family use or zoning district; and*
- c. *A buffer must be provided between any industrial use and any agricultural zoning district or any single-family, two-family or multi-family use or zoning district."*

Table 8.1: Situations Where Buffer Required

	①Provide a buffer on the lot of this use				
	↓	↓	↓	↓	↓
② Along a side or rear lot line next to this less intense use or zoning ↓	1- or 2-Family Residence	Multi-Family	Office or Institutional	Commercial	Industrial
A-1 Agricultural land, or Active Agricultural use in any zoning district	N/A ¹	15 feet ¹	15 feet	15 feet	15 feet
1- or 2-Family Residential ²	None	25 feet	25 feet	50 feet	100 feet

¹ See separation requirements for certain uses in Article 3.
² Includes any land zoned AR-5, AR-4, AR-3, AR-2, AR-1, R-1 or R-2, and any 1- or 2-Family Residential use zoned A-1 or R-3.

STAFF ANALYSIS

- Petitioner owns all surrounding land outside of subject area; site is located $\frac{1}{2}$ mile into the property and has some established landscaping or natural areas
- Eliminating the buffer for this site should not impair the purpose and intent of the UDC.

STAFF SUMMARY & RECOMMENDATION

Based upon the standards for special exception variance approval, **this request does meet the necessary conditions to grant a special exception variance.** If granted, staff recommends approval of the special exception variance without conditions.

SPECIAL EXCEPTION VARIANCE #7223

VARIANCE REQUEST DESCRIPTION

- The property owner is requesting relief from the parking requirements of Unified Development Code Section 603 – Off street parking; when required:
"Permanent off-street parking spaces shall be provided in accordance with the requirements of this Article whenever any of the following occurs:
 - *At the time of the establishment of any use, or erection of any building.*
 - *At the time of occupancy of a building by a new use.*
 - *At the time any principal building is enlarged or increased in capacity by adding dwelling, guest rooms, seat or floor area."*
- Parking for the reception hall primarily occurs on a portion of the existing pasture

STAFF ANALYSIS

- Proposed use will generate occasional and temporary parking
- Approval of request does not relieve the owner from compliance with ADA parking requirements
- Eliminating the need to require off-street parking for this site should not impair the purpose and intent of the UDC.

STAFF SUMMARY & RECOMMENDATION

Based upon the standards for special exception variance approval, **this request does meet the necessary conditions to grant a special exception variance**. If granted, staff recommends approval of the special exception variance without conditions.



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

Hardship Variance Appeal of Administrative Decision Flood Damage Prevention Variance
 Special Exception for: _____

Applicant

Name: Smith Planning Group, LLC
 Address: 1022 Twelve Oaks Place
(No P.O. Boxes)
Suite 201
Watkinsville, GA 30677
 Telephone: 706-769-9515

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: Charles R. Smith

Date: 7/15/17

Notarized: Cindy Dimarco
7/5/17



Property

Location: 5414 High Shoals Rd.
Bishop, GA 30621
 Tax Parcel Number: Portion of A 07 001AA
 Size (Acres): 4.70 Current Zoning: A-1
 Future Development Map—Character Area Designation: Rural Places

Use

Current Use: Agricultural
 Proposed Use: Reception Hall

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

Section 603; Variance to allow un-paved parking area



Application

Date Received: _____ Date Accepted: _____
 DRI Transmitted to RDC Date: _____ N/A
 Review Submitted: _____ Location Map: _____
 Posted: _____ Ad: _____ Ad: _____
 Application Withdrawn Date: _____

APPLICATION NUMBER

Action **Administrative Appeal:** Date: _____
 Approved With Conditions Denied N/A
Board of Commissioners Date: _____
 Approved With Conditions Denied N/A

THE FARM AT HIGH SHOALS
5414 HIGH SHOALS ROAD

VARIANCE REQUEST

June 26, 2017



The Farm at High Shoals site has a proposed zoning classification of B-1, General Business district and is adjacent to a property with a classification of A-1, agricultural zoning district.

A Special Exception Variance is sought to waive the UDC Section 603 permanent off-street parking requirements of striped permanent pavement and lighting and to allow un-paved parking in lieu of asphalt or concrete for the parking areas. By allowing the proposed waiver of permanent parking, the parking area is in keeping with the rural character of the property and protects the quality of the adjoining property.

The building or use as a reception hall is subject to incidental, occasional or temporary parking needs where parking is not required on a regular or daily basis.

Standards for special exception variance approval:

A. With regards to the public good:

The property is for private use and the allowance of a waiver from off-street parking requirements will not cause a substantial detriment to the public good.

B. With regards to the use and enjoyment of the environment or of other property in the immediate vicinity:

With the limited use of the property there will be no injurious effect to the use and enjoyment of the environment or use of adjacent properties resulting from the granting of this variance.

C. With regard to the surrounding property values:

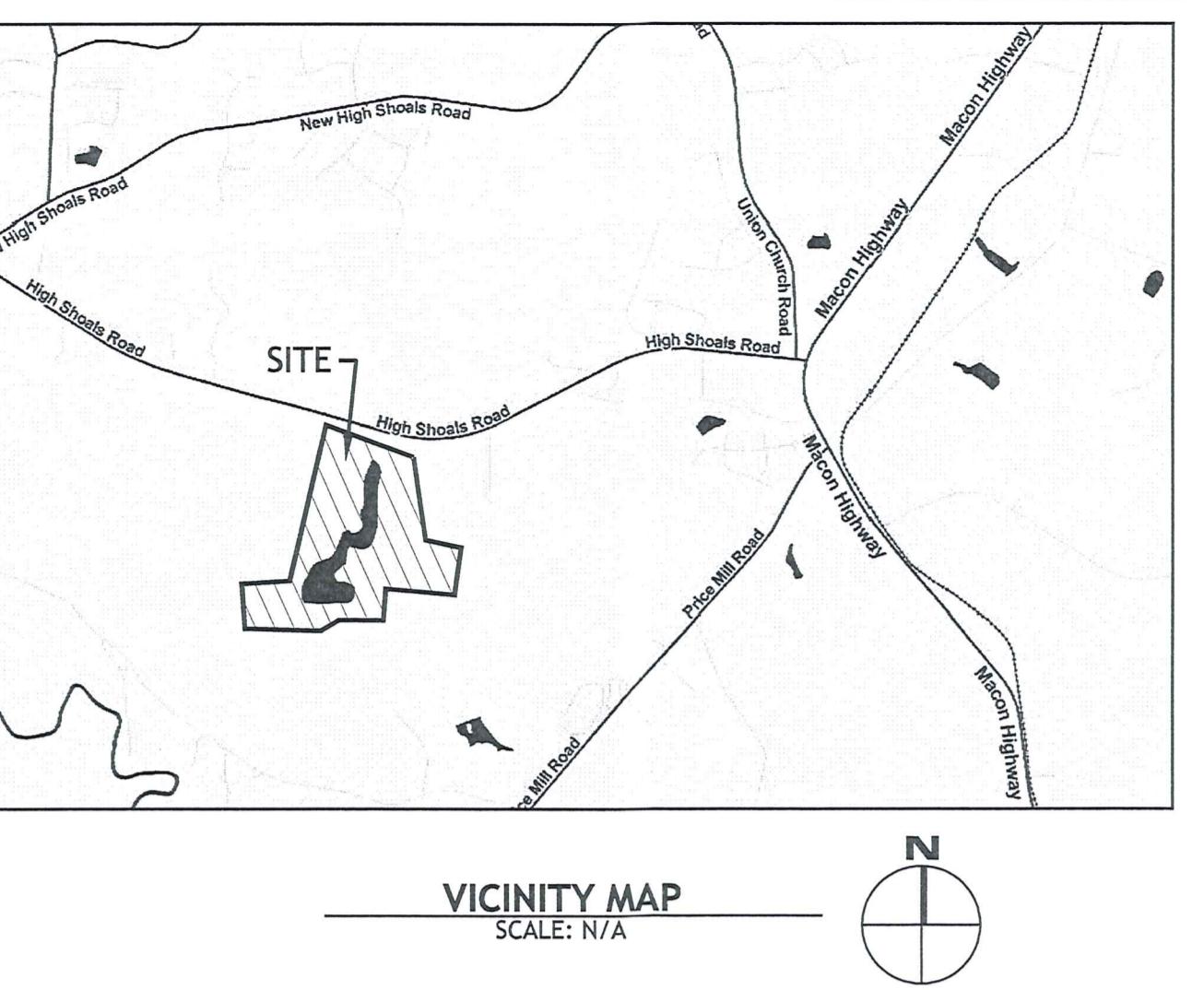
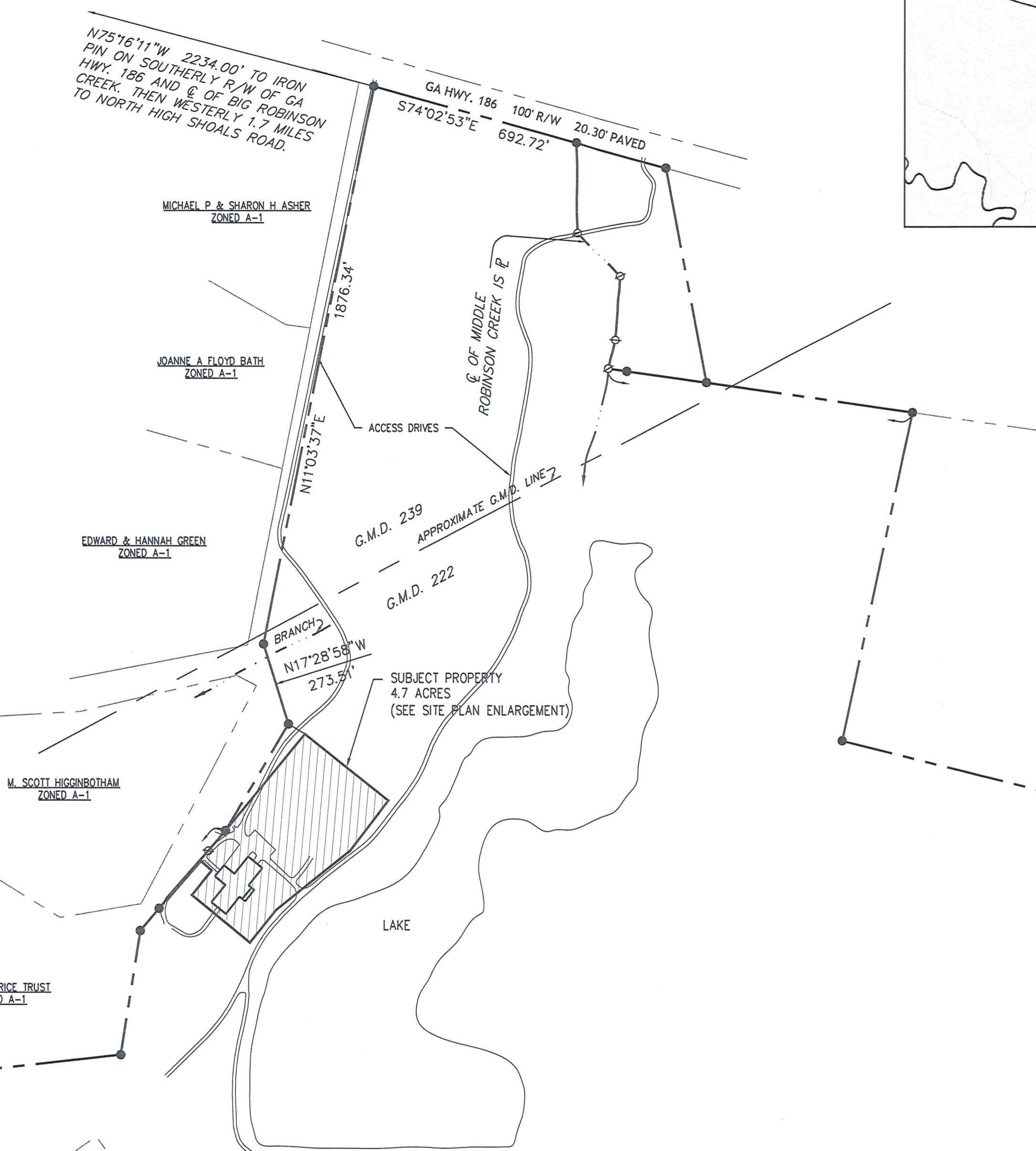
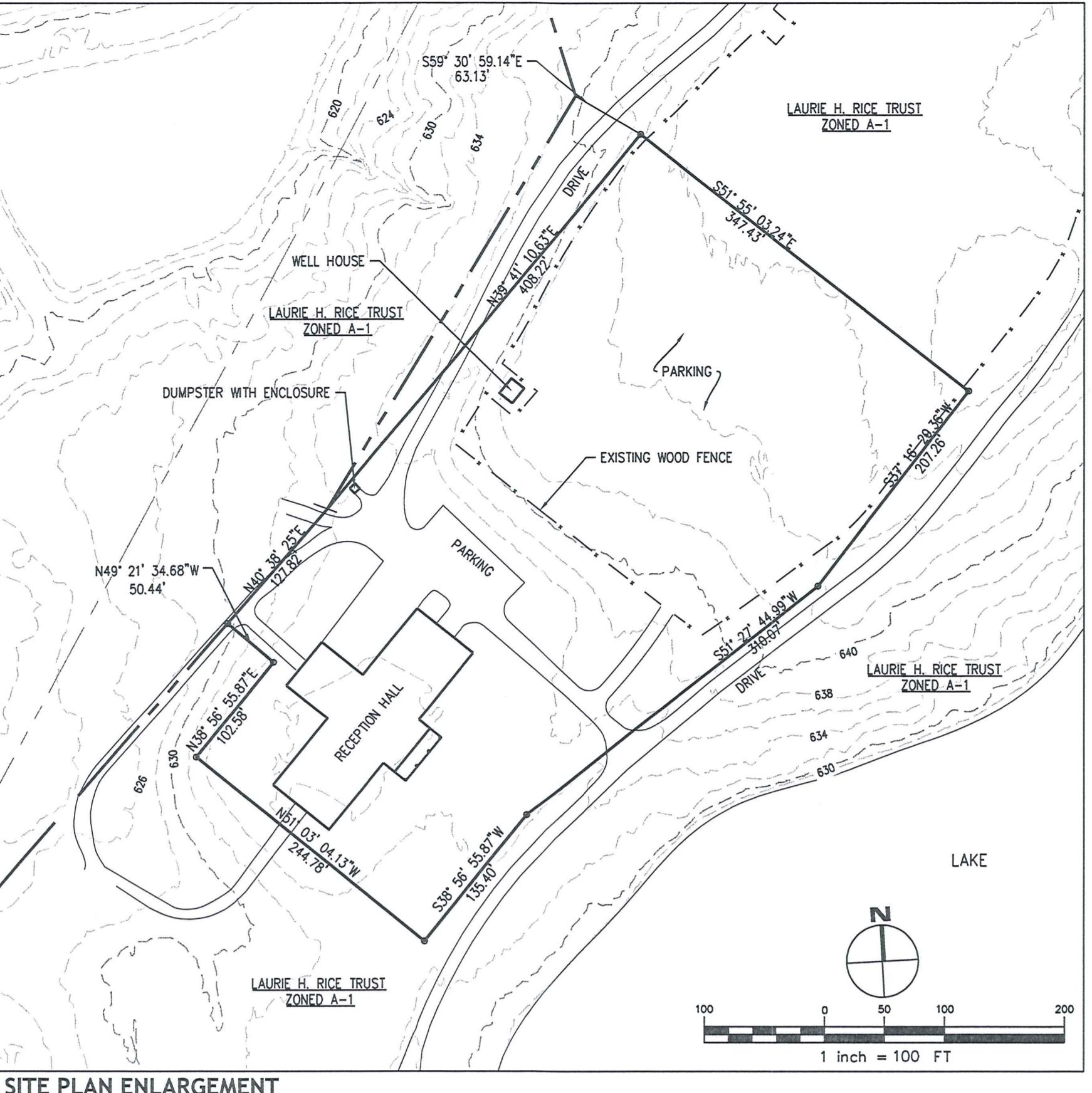
A waiver of the permanent off-street parking requirement will protect surrounding property values and will be in keeping with the rural agricultural setting unlike a commercial development with paved, stripped, lit parking.

D. With regards to the intent and purpose of the Development Code:

The granting of this variance request furthers the intent toward a rural agricultural use development and does not impair the purpose and intent of Unified Development Code, and supports the Future Land Use Map Category designation of Rural Places.

THE FARM AT HIGH SHOALS

OCONEE COUNTY, GEORGIA

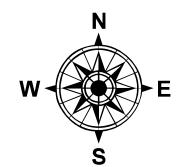
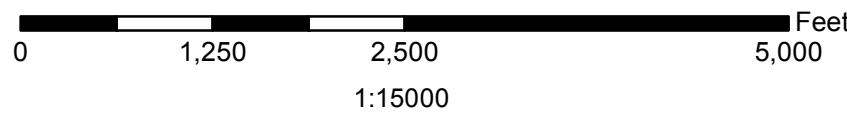


VARIANCE CONCEPT PLAN

SHEET ISSUE: 6/22/17 PROJECT NO. 17-2304
 NO. DATE DESCRIPTION

C-0

2016 Aerial Photograph



Laurie H. Rice Trust Site Review

