

**APPROVAL OF A HARDSHIP VARIANCE  
FROM THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA**

**TITLE**

A Resolution granting approval of a Hardship 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 Hardship Variance pursuant to an application requesting approval of a Hardship Variance on property owned by James H. Frazier submitted on August 25, 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 Hardship Variance approval submitted by James H. Frazier on August 25, 2017 regarding a ±7.64 acre tract of land located on the west side of Elder Road near the intersection with Maxey Road in the 229<sup>th</sup> G.M.D., Oconee County, Georgia, (A-05-038AA), the Board of Commissioners of Oconee County does hereby grant the following:

**SECTION 1.** A Resolution granting Hardship 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 349.02.C, to eliminate the requirement for a guest house to be placed to the rear of the main house.

Said Hardship 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 Hardship 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 November 7, 2017.

ADOPTED AND APPROVED, this 7<sup>th</sup> day of November, 2017.

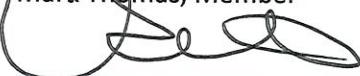
**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY:

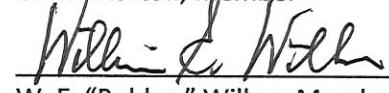
John Daniell, Chairman



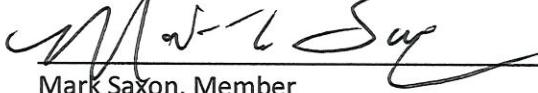
Mark Thomas, Member



Chuck Horton, Member



W. E. "Bubber" Wilkes, Member



Mark Saxon, Member

ATTEST:



Kathy Hayes  
Clerk, Board of Commissioners

# EXHIBIT "A" TO HARDSHIP VARIANCE #7285

Page 1 of 2

## NARRATIVE

### Variance Request Statement

1424 Elder Rd

James Frazier

I am requesting this variance to allow me to build my guest house in front of my main house due to the topography and limited suitable soils for the septic system of my lot. After obtaining Level IV soil tests and meeting with Matt Tamisin with Oconee County Environmental Health, it was determined that the entire area of suitable soils behind the main house should be reserved for septic drain field; thus not leaving space for the guest house. This lot is fully wooded and the proposed structures will be more than 500 feet off the road. Neither structure will be visible from the road and if this variance is granted, surrounding property owners will not be negatively impacted in any way.

Thank you,  
James Frazier

## LEGAL DESCRIPTION

### 7.64 ACRE TRACT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GEORGIA MILITIA DISTRICT 239, OCONEE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE C/L OF INTERSECTION OF ELDER ROAD AND MAXEY ROAD AND PROCEED SOUTH 03 DEGREES 48 MINUTES 22 SECONDS WEST A DISTANCE OF 1,182.70 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING. PROCEED THENCE ALONG THE EASTERN RIGHT-OF-WAY OF SAID ELDER ROAD SOUTH 01 DEGREES 50 MINUTES 44 SECONDS WEST 343.80 FEET TO A POINT, THENCE NORTH 86 DEGREES 02 MINUTES 59 SECONDS WEST 1,058.90 FEET TO A POINT, THENCE NORTH 14 DEGREES 26 MINUTES 24 SECONDS EAST 257.09 FEET TO A POINT, THENCE NORTH 33 DEGREES 22 MINUTES 24 SECONDS EAST 12.39 FEET TO A POINT, THENCE NORTH 01 DEGREES 49 MINUTES 23 SECONDS EAST 21.75 FEET TO A POINT, THENCE NORTH 18 DEGREES 33 MINUTES 28 SECONDS EAST 22.85 FEET TO A POINT, THENCE SOUTH 88 DEGREES 08 MINUTES 36 SECONDS EAST 989.09 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING. SAID TRACT OR PARCEL OF LAND CONTAINING 7.64 ACRES AND IS FURTHER DESCRIBED AS LOT 2, 7.64 ACRES ON A PLAT OF SURVEY ENTITLED "PLAT FOR: THE ESTATE OF DOYLE A. ASHLEY" PREPARED BY BASELINE SURVEY & ENGINEERING INC. DATED JANUARY 30, 2015, AND BEING RECORDED IN PLAT BOOK 38, PAGE 135, IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF OCONEE COUNTY GEORGIA.

## TAX MAP



**EXHIBIT "A" TO HARSHIP VARIANCE #7285**

Page 2 of 2

PLAT



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

---

**VARIANCE CASE #:** 7285

**DATE:** October 9, 2017

**STAFF REPORT BY:** Mackenzie Battista, Planner &  
Gabriel Quintas, Planner

**APPLICANT NAME:** James H. Frazier

**PROPERTY OWNER:** James H. Frazier

**LOCATION:** 1424 Elder Road, southwest of Maxey Road &  
Elder Road

**PARCEL SIZE:** ±7.64 acres

**EXISTING ZONING:** A-1

**EXISTING LAND USE:** Undeveloped

**TYPE OF VARIANCE REQUESTED:** Hardship Variance

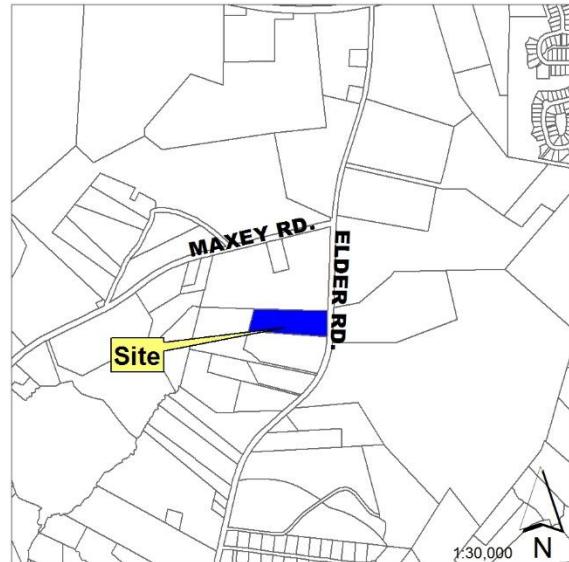
**REQUEST SUMMARY:** The owner is requesting approval of a hardship variance to construct a guest house in front of the main house.

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** November 7, 2017

**ATTACHMENTS:**

- Application
- Variance Narrative
- Aerial
- Tax Map
- Concept Plan



## BACKGROUND INFORMATION & FINDINGS OF FACT

### **HISTORY**

- The subject parcel was platted in 2015 as part of the subdivision of a larger 29.45-acre parent tract.

### **SITE VISIT DESCRIPTION**

- The subject site is primarily wooded and undeveloped; part of a pond is located towards the west end of the property.

### **VARIANCE DESCRIPTION**

- The owner is requesting approval of a hardship variance for relief from Section 349.02 (c) of the Unified Development Code:
  - Section 349.02 (c) –Guest house restrictions  
*The guest house must be placed to the rear of the main house.*
- The owner cites the specific topography and limited suitable soils for a septic area on the subject property as justification for the present hardship variance request.

### **PUBLIC FACILITIES**

- County services, facilities, and infrastructure should not be affected by the present request.

### **ENVIRONMENTAL**

- No 100-Year Flood Plain or Jurisdictional Wetland areas are located on the site.

## COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

- No Comments

### **STAFF ANALYSIS**

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR HARDSHIP APPROVAL” AS SET FORTH IN SECTION 1304.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

*Hardship variances may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Commissioners that all of the following conditions exist:*

- a. Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography?** The eastern half of the property is mildly sloping, and the slope becomes steeper towards the west end of the property as one nears the pond. The owner wishes to construct the principal house towards the rear of the property, roughly 800 feet from the right-of-way. Steeper terrain and unsuitable soils present in this area, according to the owner, limit the area behind the proposed primary residential structure suitable for a guest house.
- b. Does the application of requirements in the Unified Development Code create the unnecessary hardship to this particular piece of property?** No. The subject property contains sufficient land area to accommodate a guest house to the rear of the proposed principal house if the placement of the principal house is closer to the roadway.
- c. Are conditions creating the need for the hardship variance peculiar to the particular piece of property involved?** The need for the present hardship variance is caused by the proposed placement of the principal house; this placement severely restricts the suitable area for a guest house behind the principal house.

- d. Will relief, if granted, not cause substantial detriment to the public good or impair the purposes and intent of the Unified Development Code? If relief is granted, there should be no negative impact to the public good because the guest house can be located well beyond the front yard setback. Existing trees and vegetation, if left in place after development of the property, could provide some buffering of the guest house from the road and neighboring properties. However, Section 1304 of the UDC clearly states that the intent of a hardship variance is to grant relief when existing conditions *not created by the applicant* would make the literal enforcement of the law impractical.

FURTHER ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE "LIMITATIONS ON HARDSHIP APPROVAL" AS SET FORTH IN SECTION 1304.04 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

*In no case shall hardship variances be granted if any of the following conditions exist:*

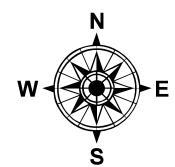
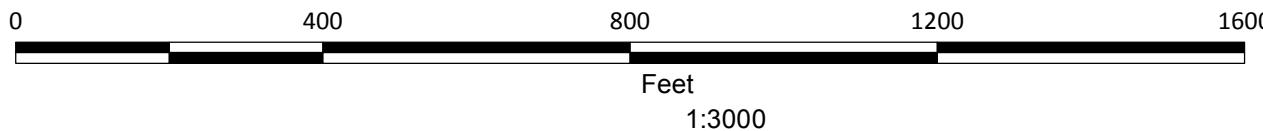
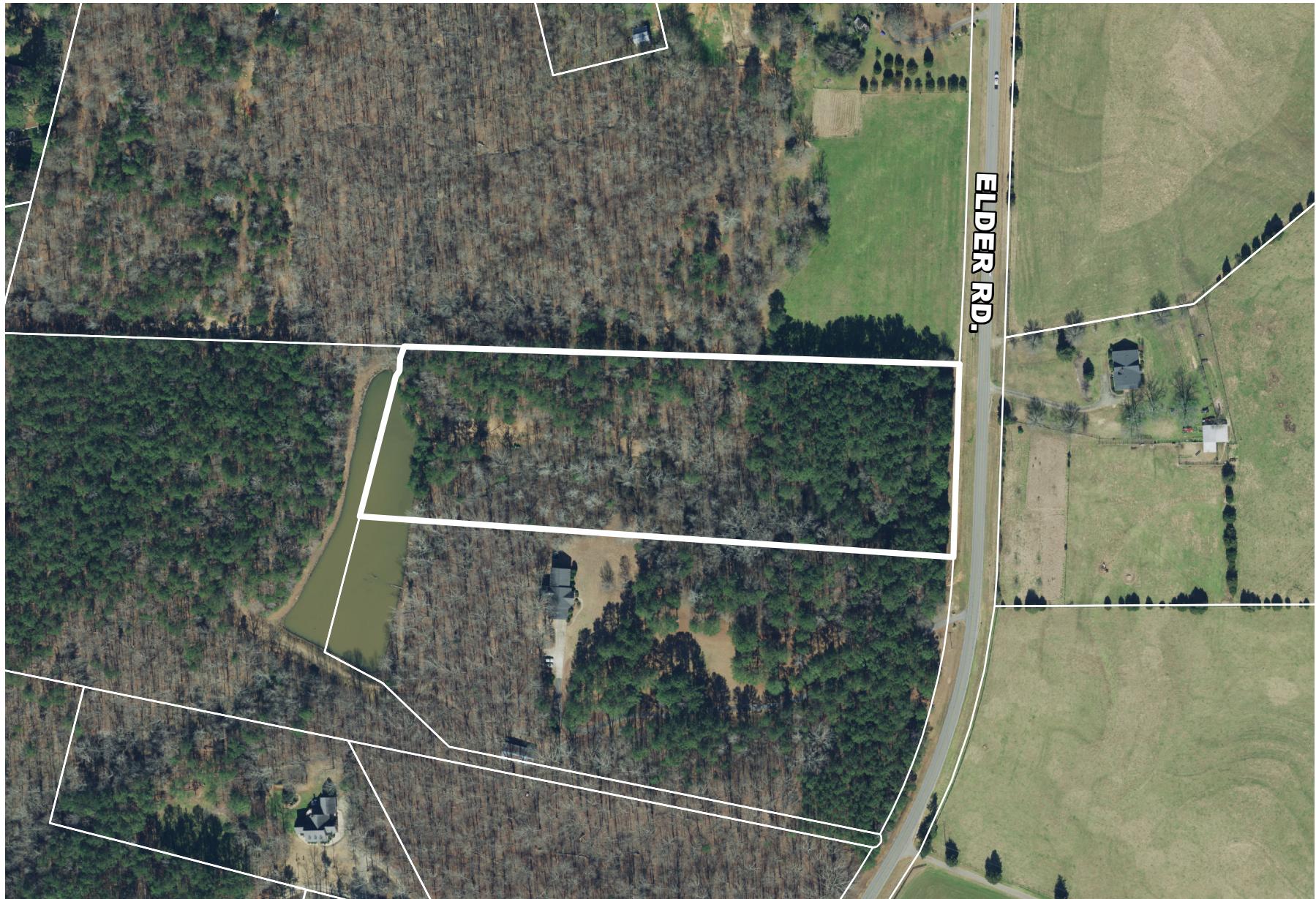
- a. Is the need for the hardship variance the result of a condition created by the applicant or the result of an unwise investment decision or real estate transaction? Yes. The land is currently undeveloped; the proposed location of the main house would create conditions that would necessitate the present hardship variance. If the placement of the primary residential structure were closer to the roadway (where the slope of the subject tract is more gradual), the owner should be able to accommodate a guest house in compliance with the location restrictions set forth in Section 349.02 (c) of the UDC.
- b. Is the hardship variance a request to change conditions of approval imposed through a zoning change granted by the Board of Commissioners? No. The subject property has been zoned A-1 since the original adoption of the zoning map in 1968.
- c. Does the hardship variance cause a reduction of the minimum lot size required by the zoning district applicable to the property? No.
- d. Does the hardship variance propose a use of land or buildings or structures that would otherwise not be allowed by the zoning district applicable to the property? No. A guest house is an accessory use allowed within the A-1 zoning district.
- e. Will the hardship variance provide an increase in the number of dwelling units or nonresidential building floor area which is otherwise not allowed by the zoning district applicable to the property? No.

---

#### **STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS**

Based upon the standards and limitations for hardship variance approval, this **request does not meet the necessary criteria to grant a hardship variance**. If the present request is approved, staff recommends the request be approved as submitted without conditions.

# James Frazier





# OCONEE COUNTY APPEAL APPLICATION

## Type of Appeal Submitted:

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

## Applicant

Name: James Frazier  
 Address: 2070 Iris Ct  
(No P.O. Boxes)  
Jefferson GA 30549  
 Telephone: 404 502-6089

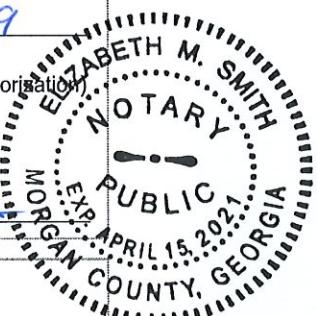
## Property Owner

Name: James Frazier  
 Address: 2070 Iris Ct  
(No P.O. Boxes)  
Jefferson GA 30549  
 Telephone: 404 502-6089

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: JM Date: 8-17 Notarized: Clifford M. Andrus



## Property

Location: 1424 Elder Rd  
Bishop GA  
 Tax Parcel Number: A 05 038AA  
 Size (Acres): 7.64 Current Zoning: A-1

Future Development Map—Character Area Designation: \_\_\_\_\_

## Use

Current Use: Raw Land  
 Proposed Use: Residential Home

## 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

Sec. 349.02 (c) states that a guest house must be placed to the rear of the main house. I am asking that it be allowed to the front of the main house on this tract.

## Application

### For Oconee County Staff Use Only

Date Received: 08/25/17 Date Accepted: 09/05/2017  
 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

Version 03/25/08



**Variance Request Statement**

**1424 Elder Rd**

**James Frazier**

I am requesting this variance to allow me to build my guest house in front of my main house due to the topography and limited suitable soils for the septic system of my lot. After obtaining Level IV soil tests and meeting with Matt Tamisin with Oconee County Environmental Health, it was determined that the entire area of suitable soils behind the main house should be reserved for septic drain field; thus not leaving space for the guest house. This lot is fully wooded and the proposed structures will be more than 500 feet off the road. Neither structure will be visible from the road and if this variance is granted, surrounding property owners will not be negatively impacted in any way.

Thank you,  
James Frazier



THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO FLOOD INSURANCE RATE MAP # 13219C0130D, DATED SEPTEMBER 2, 2009.

OCONEE COUNTY  
Planning Department

\*AUTHORIZED FOR RECORDING\*

*Matthew D. Ulmer*  
MATTHEW D. ULMER,  
REGISTERED LAND SURVEYOR #3069

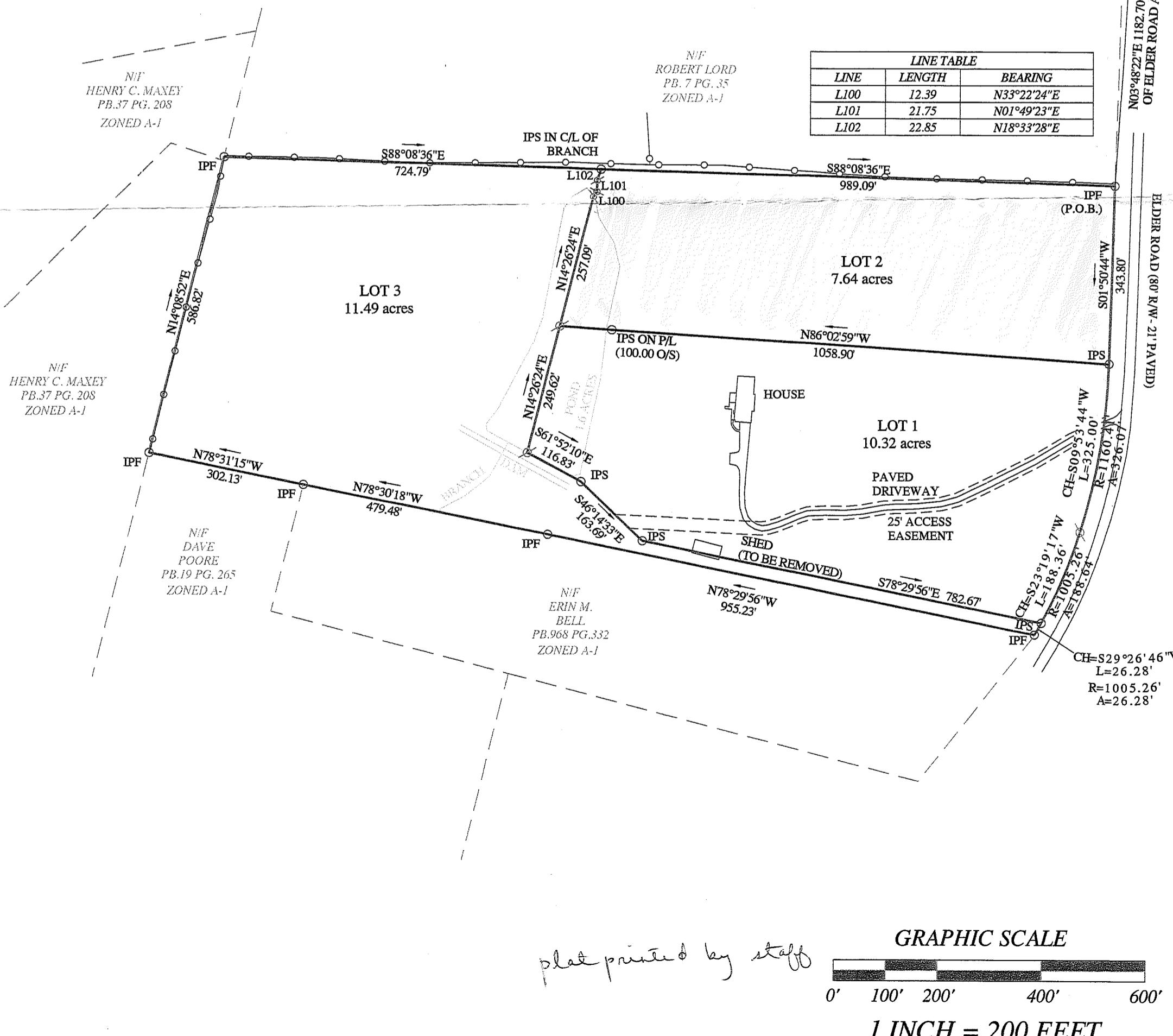
THE OWNER OF THE LAND ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, THAT ALL STATE AND COUNTY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID.

*Greg A. Ashley*  
OWNER OR AGENT

1-30-15  
DATE

Exempt under the provisions of section 1215.b of the Unified Development Code of Oconee County, Georgia.

Date: JAN 30 2015



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 HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE", AND THEIR LOCATION, SIZE, TYPE, AND MATERIALS ARE CORRECTLY SHOWN; AND THAT ALL ENGINEERING REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA HAVE BEEN FULLY COMPLIED WITH.

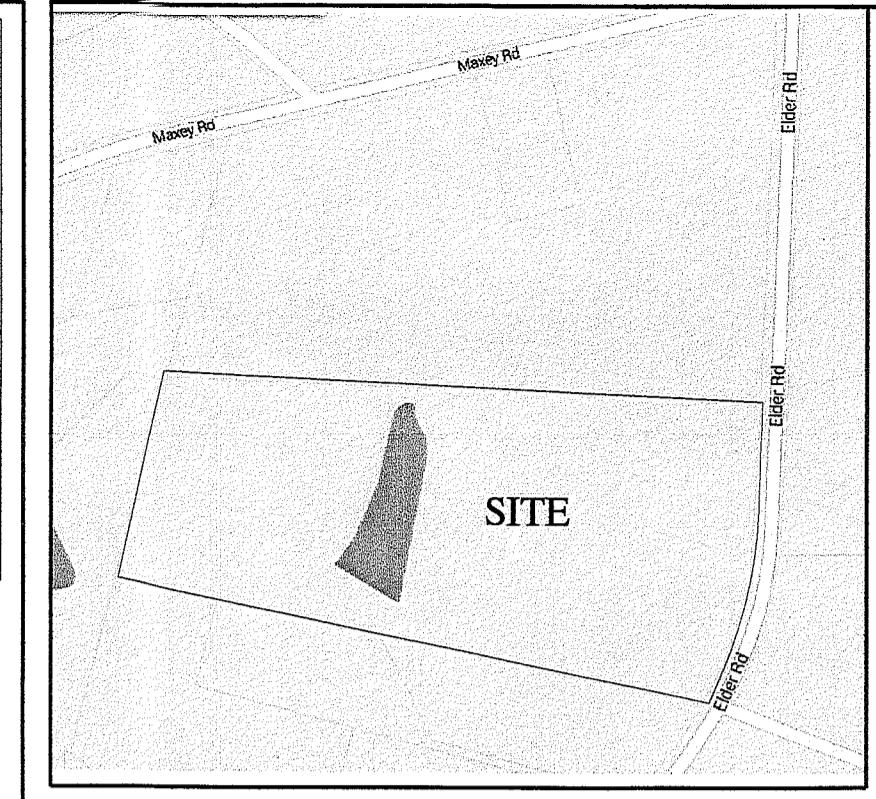
*Matthew D. Ulmer*  
MATTHEW D. ULMER,  
REGISTERED LAND SURVEYOR #3069

1-30-15  
DATE

FIELD SURVEY CLOSURE STATEMENT  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 19,600 FEET, AND AN ANGULAR ERROR OF 6" PER ANGLE POINT, AND WAS NOT ADJUSTED.  
ALL LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TOPCON TOTAL STATION, MODEL GPT 3002.  
THE FIELD WORK WAS COMPLETED ON JANUARY 20, 2015.

PLAT CLOSURE STATEMENT

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 541,000 FEET.



VICINITY MAP  
NOT TO SCALE

PROJECT DATA

CLIENT: GREG ASHLEY

PROFESSIONAL CONTACT: BASELINE SURVEYING & ENGINEERING  
MATTHEW D. ULMER, GA. RLS#3069  
P.O. BOX 269 WATKINSVILLE, GA 30677  
MATT@BASELINEGA.COM  
706-614-1952

1. PROJECT ACREAGE: 29.45 ACRES
2. TAX PARCEL #: A 05 038A
3. NO ATTEMPT WAS MADE TO LOCATE UTILITIES OR IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PROPERTY EXCEPT AS SHOWN HEREON.
4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A COMPLETE TITLE SEARCH.
5. THIS PLAT HAS BEEN PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND IN THE GEORGIA PLAT ACT O.C.G.A. SECTIONS 15-6-67, AUTHORITY O.C.G.A. SECTIONS 15-6-67, 43-15-4, 43-15-6, 43-19, 43-15-22.
6. ZONED A-1
7. REFERENCE FOR SUBJECT PARCEL: DB. 968 PG. 332

239TH GEORGIA MILITIA DISTRICT  
OCONEE COUNTY, GEORGIA

PHYSICAL ADDRESS:  
1460 ELDER ROAD  
WATKINSVILLE, GEORGIA

REVISIONS	DATE

THIS PLAN IS A COPYRIGHT OF BASELINE SURVEYING & ENGINEERING, INC. AND CANNOT BE ALTERED OR COPIED IN ANY FORM WITHOUT WRITTEN CONSENT OF BASELINE SURVEYING & ENGINEERING, INC.

DATE  
01/30/15

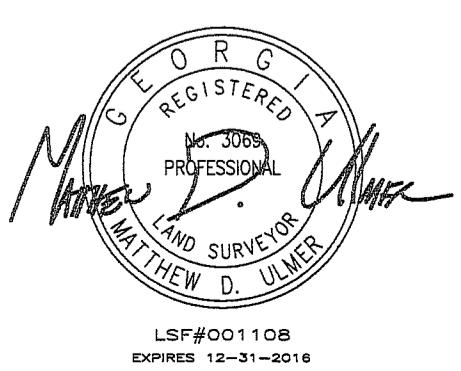
PROJECT  
15-334S

ADMINISTRATIVE  
SUBDIVISION PLAT

SHEET  
1 OF 1

PLAT ABBREVIATIONS	
IPF	IRON PIN FOUND
IPS	IRON PIN SET
GV	GAS VALVE
CR	CABLE RISER
R/W	RIGHT OF WAY
C/L	CENTERLINE
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
SSMH	SANITARY SEWER MANHOLE
WV	WATER VALVE
WM	WATER METER
FH	FIRE HYDRANT
PP	POWER POLE
N/F	NOW OR FORMERLY
DB	DEED BOOK
PG	PAGE
OHE	OVERHEAD ELECTRIC
PB	PLAT BOOK
LL	LAND LOT
GCB	GATE CONTROL BOX
TR	TELEPHONE RISER
DWCB	DOUBLE WING CATCH BASIN
HW	HEAD WALL
FES	FLARED END SECTION
JB	JUNCTION BOX
DI	DROP INLET
TRAN	TRANSFORMER
EM	ELECTRIC METER
EMH	ELECTRIC MANHOLE
GEN	GENERATOR
OCS	OUTLET CONTROL STRUCTURE
P/L	PROPERTY LINE
SS	SANITARY SEWER
BSL	BUILDING SETBACK LINE
FIRM	FEDERAL INSURANCE RATE MAP
SO	SIGNIFICANT OBSERVATION

SYMBOL LEGEND	
○	CALCULATED POINT
○	IRON MARKER FOUND
○	1/2" IRON PIN SET
☒	CONCRETE MONUMENT
—○—	FENCE



LSF#001108  
EXPIRES 12-31-2016

**BASELINE**  
SURVEYING &  
ENGINEERING, INC.

P.O. BOX 269  
WATKINSVILLE, GA 30677  
WWW.BASELINEGA.COM  
PHONE: 706-614-1952  
MATT@BASELINEGA.COM

# James Frazier Site Review

