

**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 Neil E. Mueller, Jr., and Katherine E. Parks submitted on September 22, 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 Neil E. Mueller, Jr. on September 22, 2017 regarding a ±2.4 acre tract of land located on the east side of Elder Heights Drive in the 239th G.M.D., Oconee County, Georgia, (B-05C-010A & B-05C-010B), 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 349.02.C to allow guest house to be placed in front of main house.

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 December 5, 2017.

ADOPTED AND APPROVED, this 5th day of December, 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
Kathy Hayes
Clerk, Board of Commissioners

(absent)

(absent)

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7310

Page 1 of 3

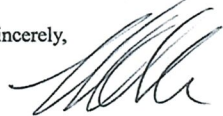
NARRATIVE

To Whom it May Concern:

We are applying for a variance at our property to construct a guesthouse/in-law cottage. The rear of the property is unsuitable for this purpose due to the property's unusual "triangle" shape and distance from the existing driveway. The cottage will be placed along the existing driveway, facing our home and set well away from the main road. We are planning to combine our two lots as can be seen on the submitted plat (which also shows the proposed site). In addition to being located on a quiet cul-de-sac, our property is heavily wooded and we plan to use muted colors suitable to the surroundings.

Attached you will find a printout of the cabin design we plan to use showing the exterior design.

Sincerely,



Neil E Mueller, Jr.



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate, lying and being in the 239th G.M.D., Oconee County, Georgia, being more particularly described as follows:

Commencing at the Point of Beginning; being an iron pin found at the culdesac and right of way of Elder Way; thence along said right of way North 18°28'03" East, a distance of 197.34 feet to an iron pin; thence leaving right of way South 82°46'15" East, a distance of 159.70 feet to an iron pin found; thence South 82°50'42" East, a distance of 165.02 feet to an iron pin found; thence South 35°12'09" West, a distance of 198.92 feet to an iron pin found; thence South 35°28'43" West, a distance of 353.52 feet to an iron pin found; thence North 82°39'10" West, a distance of 63.36 feet to an iron pin found; thence North 04°09'22" West, a distance of 199.12 feet to an iron pin found at the culdesac right of way of Elder Heights Drive; and at the beginning of a curve concave to the southeast having a radius of 50.00 feet and being subtended by a chord which bears North 39°49'15" East 71.90 feet; thence northeasterly, along said curve, a distance of 80.23 feet to an iron pin found on a compound curvature; thence northwesterly, a distance of 56.76 feet along the arc of said curve concave to the northeast having a radius of 50.00 feet and subtended by a chord which bears North 38°40'08" West 53.76 feet to the iron pin found at Point of Beginning. Containing 2.366 Acres, more or less.

TAX MAP



REPRESENTATIVE PHOTOS



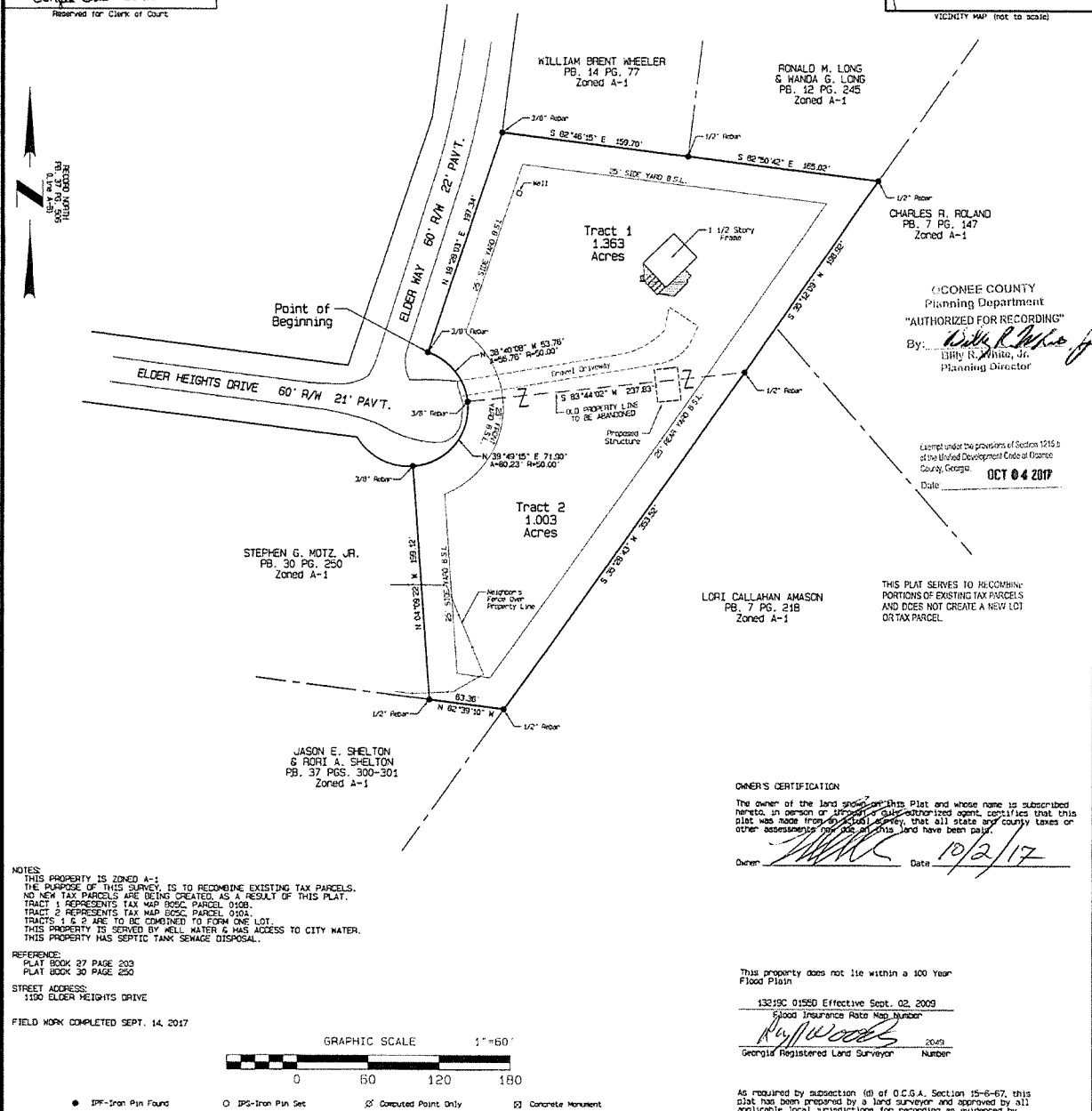
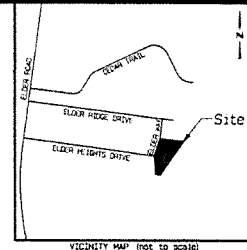
EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7310

Page 3 of 3

PLAT

2017-91

9766382786
PARTICIPANT ID
BK:2017 PG:168-168
P2017000168
FILED IN OFFICE
CLERK OF COURT
10/05/2017 09:12 AM
ANGELA ELDER-JOHNSON,
CLERK
SUPERIOR COURT
OCONEE COUNTY, GA
Angela Elder-Johnson
Reserved for Clerk of Court

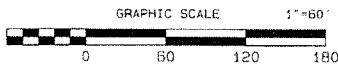


NOTES:
THIS PROPERTY IS ZONED A-1.
THE PURPOSE OF THIS SURVEY IS TO RECOMBINE EXISTING TAX PARCELS.
NO NEW TAX PARCELS ARE BEING CREATED AS A RESULT OF THIS PLAT.
TRACT 1 REPRESENTS TAX MAP BOOK PARCEL 010B.
TRACT 2 REPRESENTS TAX MAP BOOK PARCEL 010A.
TRACTS 1 & 2 ARE TO BE COMBINED TO FORM ONE LOT.
THIS PROPERTY IS SERVED BY WELL WATER & HAS ACCESS TO CITY WATER.
THIS PROPERTY HAS SEPTIC TANK SEWAGE DISPOSAL.

REFERENCE:
PLAT BOOK 27 PAGE 203
PLAT BOOK 30 PAGE 250

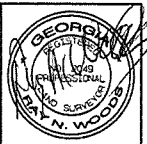
STREET ADDRESS:
1100 ELDER HEIGHTS DRIVE

FIELD WORK COMPLETED SEPT. 14, 2017



● IPF-Iron Pin Found ○ IPS-Iron Pin Set □ Computed Point Only ▣ Concrete Monument

ADMINISTRATIVE RECOMBINATION PLAT FOR				
NEIL EDWARD MUELLER, JR.				
DATE	239	COUNTY	OCONEE	STATE
			GEORGIA	DATE
				09-15-2017
DRAWN BY	MOE W.	WOODS LAND SURVEYORS, INC.		
OWN NAME	MUELLER	125 SMITHSONIA ROAD		
FIELD BOOK	D-142	WINTERVILLE GEORGIA 30693		
		(706)-742-8596		
		COAP 540		
		PLAT CLOSURE	1/470.644	
		FIELD CLOSURE	1/28.000	
		ANGLE CLOSURE	2" per Angle	



OWNER'S CERTIFICATION
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, that all state and county taxes or other assessments due on this land have been paid.

Owner: *[Signature]* Date: 10/2/17

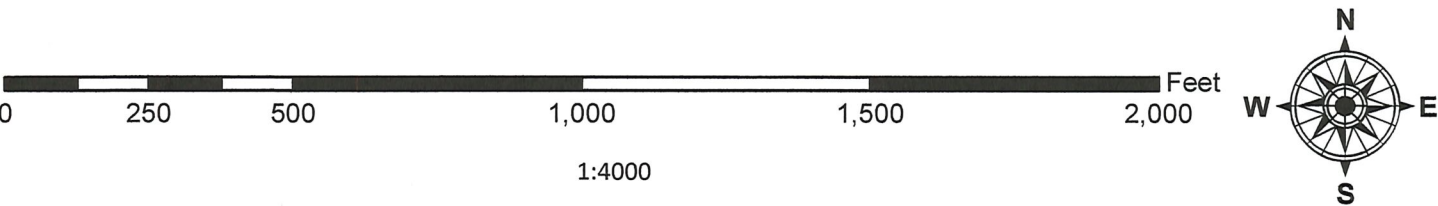
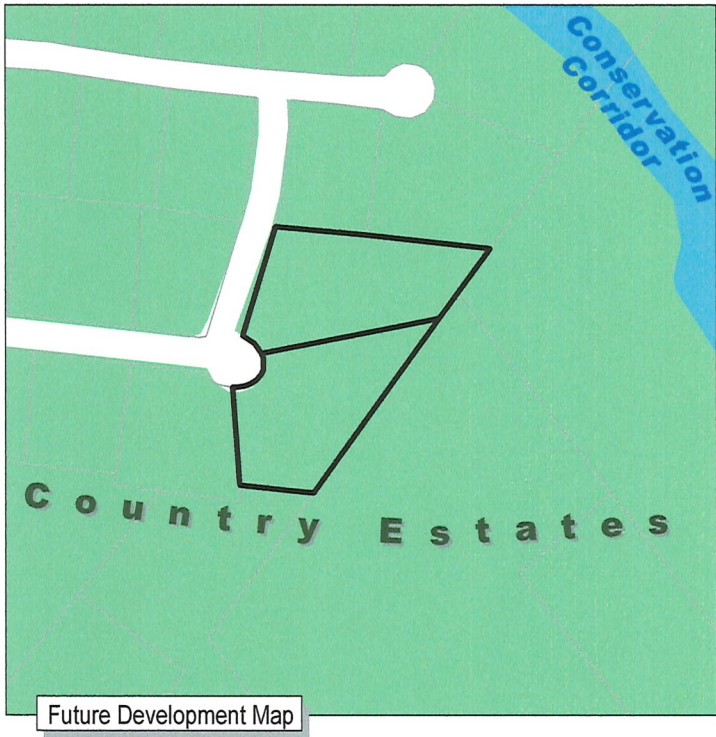
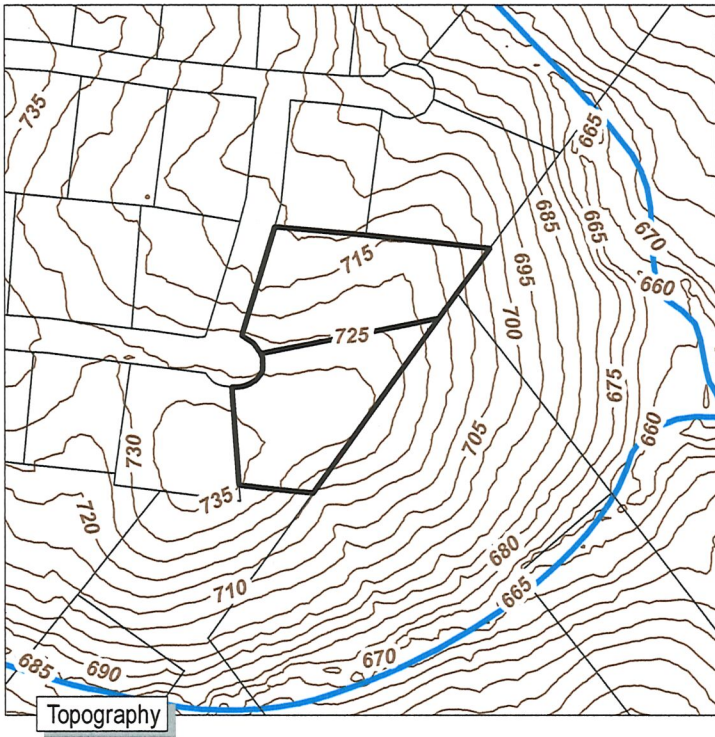
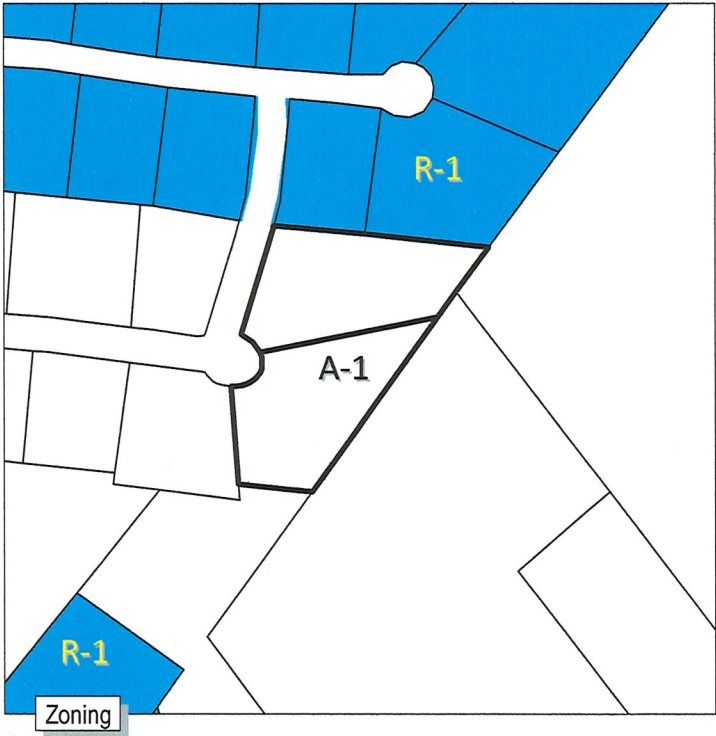
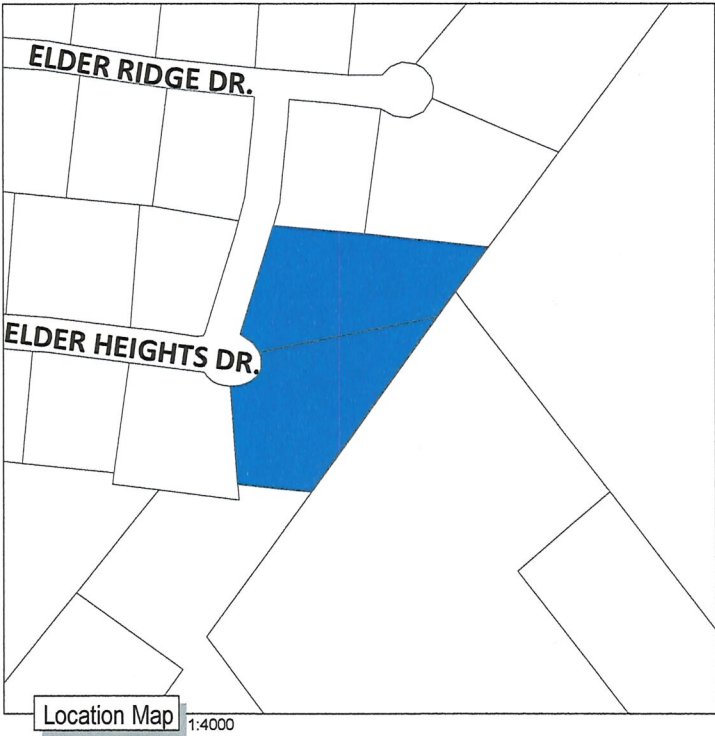
This property does not lie within a 100 Year Flood Plain

13219C 01950 Effective Sept. 02, 2009
Flood Insurance Rate Map Number
[Signature]
Georgia Registered Land Surveyor Number 2049

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

[Signature] 10/14/17
GEORGIA REGISTERED LAND SURVEYOR NUMBER 2049 DATE

Neil E. Mueller, Jr. Site Review





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

VARIANCE CASE #: 7310

DATE: November 20, 2017

STAFF REPORT BY: Gabriel Quintas, Planner

APPLICANT NAME: Neil E. Mueller, Jr.

PROPERTY OWNER: Neil E. Mueller, Jr. & Katherine E. Parks

LOCATION: 1190 Elder Heights Drive, southeast of Elder Heights Drive (T.P. # B 05C 010B & B 05C 010A)

PARCEL SIZE: ± 2.37 acres

EXISTING ZONING: A-1

EXISTING LAND USE: Single-family residence

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: December 5, 2017

ATTACHMENTS: Application
 Variance Narrative
 Aerial
 Tax Map
 Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject parcels were recombined in 2017 to form a single 2.37-acre parcel.

SITE VISIT DESCRIPTION

- The subject site is primarily wooded and contains a single-family residence and associated gravel driveway.
- The property moderately slopes downward from the southwestern corner to the northeast corner 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 irregular triangular shape of 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:

- Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography?** The area behind the principal residence is triangular; this irregular shape and the limited area behind the principal residence make the placement of a guest house behind the principal residence impractical.
- Does the application of requirements in the Unified Development Code create the unnecessary hardship to this particular piece of property?** Yes. Strict application of the requirements of the UDC would significantly restrict the land area on which the guest house could be placed.
- 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 location of the principal residence towards the northeast corner of the property; this location restricts the land area on which a guest house can be placed 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 is proposed to be located well beyond the front yard setback. Existing trees and vegetation, if left in place, could provide some buffering of the guest house from the road and neighboring properties.

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*.

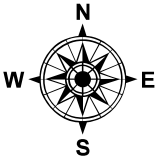
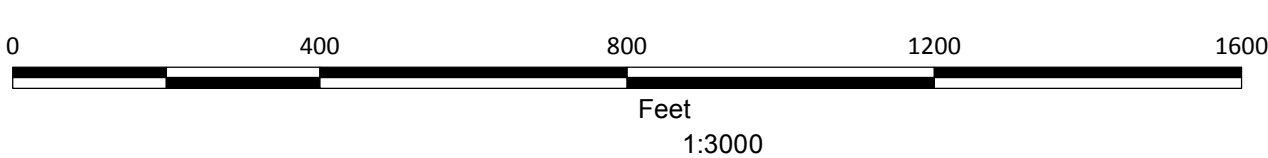
In no case shall hardship variances be granted if any of the following conditions exist:

- 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?** No. The shape of the property and the current location of the principal residence make the enforcement of UDC Section 349.02 (c) impractical.
- 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 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 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.

Neil E. Mueller, Jr.





OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

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

Applicant

Name: Neil E. Mueller, Jr
Address: 1190 Elder Heights Dr.
Bishop, GA 30621
(No P.O. Boxes)

Telephone: 734-417-5878

Property Owner

Name: Neil E. Mueller, Jr
Address: 1190 Elder Heights Dr.
Bishop, GA 30621
(No P.O. Boxes)

Telephone: 734-417-5878

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: _____

Date: 9/22/2017

Notarized: _____

Notary Public, Oglethorpe County, Georgia
My Commission Expires July 9, 2018

Property

Location: 1190 Elder Heights Dr
Bishop, GA 30621

Tax Parcel Number: B 05C 010 A
B 05C 010 B

Size (Acres): ~2.4 Current Zoning: A1

Future Development Map—Character Area Designation: _____

Use

Current Use: Residential

Proposed Use: In-law/guest house

Country Estates

Attachments (check all that apply)

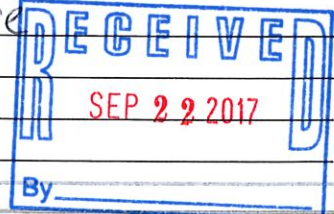
- ☐ Property Owner's Authorization (if applicable)
☒ Application Fee
☒ Warranty Deed(s), Legal Description, & Plat of Survey
☐ Disclosures
☒ Maps or Drawings Illustrating Variance Request
☒ Narrative Statement Explaining Variance Request
☐ Concept Plan

Appeal or Variance Requested

Provide the code section and briefly explain the requested variance

Section 349.02.C

Allow guest house to
be placed in front of
main house



For Oconee County Staff Use Only

Date Received: 9/22/17 Date Accepted: 11/17/17
DRI Transmitted to RDC ☐ Date: _____ ☐ N/A
Review Submitted: _____ Location Map: _____
Posted: _____ Ad: _____ Ad: _____
Application Withdrawn ☐ Date: _____

APPLICATION NUMBER 7310

Administrative Appeal: Date: _____

☐ Approved ☐ With Conditions ☐ Denied ☐ N/A

Board of Commissioners Date: 12/05/17

☐ Approved ☐ With Conditions ☐ Denied ☐ N/A

Neil E. Mueller, Jr / Katherine Parks
1190 Elder Heights Drive
Bishop, GA 30621

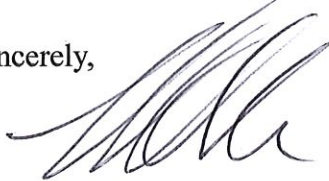
Re: Guest house
1190 Elder Heights Dr
Bishop, GA 30621

To Whom it May Concern:

We are applying for a variance at our property to construct a guesthouse/in-law cottage. The rear of the property is unsuitable for this purpose due to the property's unusual "triangle" shape and distance from the existing driveway. The cottage will be placed along the existing driveway, facing our home and set well away from the main road. We are planning to combine our two lots as can be seen on the submitted plat (which also shows the proposed site). In addition to being located on a quiet cul-de-sac, our property is heavily wooded and we plan to use muted colors suitable to the surroundings.

Attached you will find a printout of the cabin design we plan to use showing the exterior design.

Sincerely,



Neil E Mueller, Jr.



Katherine E. Parks



2017-91

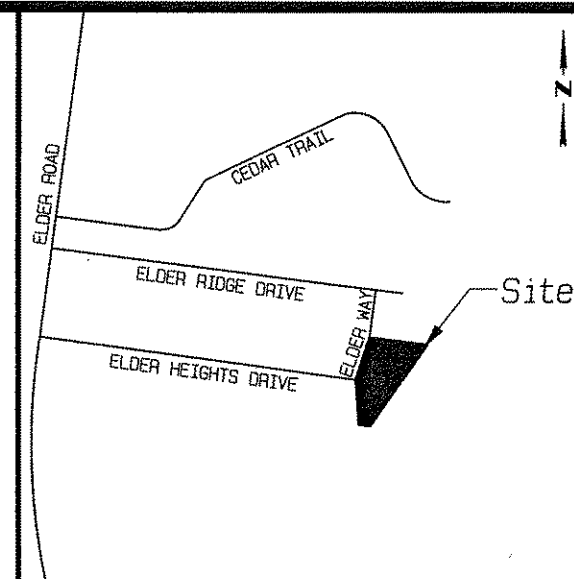
9766382786
PARTICIPANT ID

BK:2017 PG:168-168

P2017000168

FILED IN OFFICE
CLERK OF COURT
10/05/2017 09:12 AM
ANGELA ELDER-JOHNSON,
CLERK
SUPERIOR COURT
OCONEE COUNTY, GA

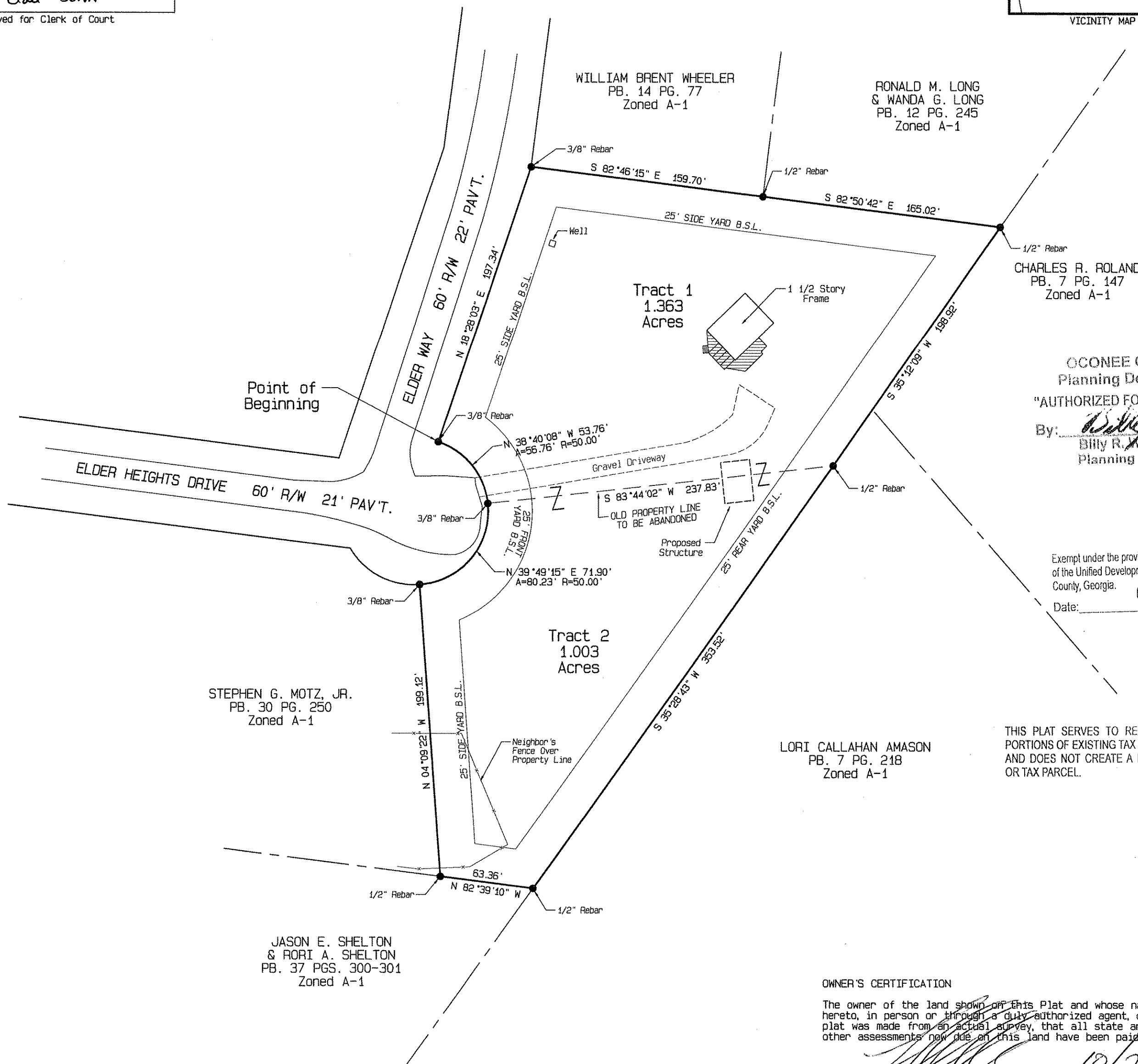
Angela Elder-Johnson
Reserved for Clerk of Court



VICINITY MAP (not to scale)



RECORD NORTH
PB. 37 PG. 506
(Line A-B)



OCONEE COUNTY
Planning Department
"AUTHORIZED FOR RECORDING"
By: *Billy R. White, Jr.*
Billy R. White, Jr.
Planning Director

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

Date: **OCT 04 2017**

THIS PLAT SERVES TO RECOMBINE
PORTIONS OF EXISTING TAX PARCELS
AND DOES NOT CREATE A NEW LOT
OR TAX PARCEL.

LORI CALLAHAN AMASON
PB. 7 PG. 248
Zoned A-1

STEPHEN G. MOTZ, JR.
PB. 30 PG. 250
Zoned A-1

JASON E. SHELTON
& RORI A. SHELTON
PB. 37 PGS. 300-301
Zoned A-1

OWNER'S CERTIFICATION

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, that all state and county taxes or
other assessments now due on this land have been paid.

Owner: *[Signature]* Date: *10/2/17*

NOTES:
THIS PROPERTY IS ZONED A-1
THE PURPOSE OF THIS SURVEY, IS TO RECOMBINE EXISTING TAX PARCELS.
NO NEW TAX PARCELS ARE BEING CREATED, AS A RESULT OF THIS PLAT.
TRACT 1 REPRESENTS TAX MAP 805C, PARCEL 010B.
TRACT 2 REPRESENTS TAX MAP 805C, PARCEL 010A.
TRACTS 1 & 2 ARE TO BE COMBINED TO FORM ONE LOT.
THIS PROPERTY IS SERVED BY WELL WATER & HAS ACCESS TO CITY WATER.
THIS PROPERTY HAS SEPTIC TANK SEWAGE DISPOSAL.

REFERENCE:
PLAT BOOK 27 PAGE 203
PLAT BOOK 30 PAGE 250

STREET ADDRESS:
1490 ELDER HEIGHTS DRIVE

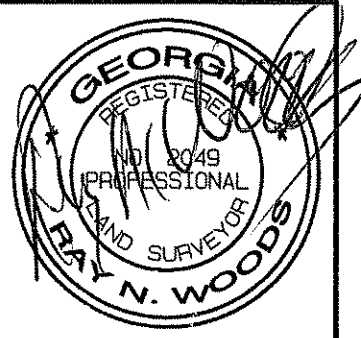
FIELD WORK COMPLETED SEPT. 14, 2017

GRAPHIC SCALE 1"=60'



● IPF-Iron Pin Found ○ IPS-Iron Pin Set ∅ Computed Point Only ☒ Concrete Monument

ADMINISTRATIVE RECOMBINATION PLAT FOR				
NEIL EDWARD MUELLER, JR.				
GMD:	COUNTY	STATE	DATE	INSTRUMENT
239	OCONEE	GEORGIA	09-15-2017	LEICA
DRAWN BY:	WOODS LAND SURVEYORS, INC.			
MIKE W.	125 SMITHONIA ROAD			
DWG NAME:	WINTERVILLE, GEORGIA 30683			
Mueller	(706)-742-8596			
FIELD BOOK:	COA# 540			
0-142	PLAT CLOSURE 1/470,644			
	FIELD CLOSURE 1/38,200			
	ANGLE CLOSURE 2" per Angle			



This property does not lie within a 100 Year
Flood Plain

13219C 0155D Effective Sept. 02, 2009

Flood Insurance Rate Map Number

[Signature] 2049
Georgia Registered Land Surveyor Number

As required by subsection (d) of O.C.G.A. Section 15-6-67, this
plat has been prepared by a land surveyor and approved by all
applicable local jurisdictions for recording as evidenced by
approval certificates, signatures, stamps, or statements hereon.
Such approvals or affirmations should be confirmed with the
appropriate governmental bodies by any purchaser or user of
this plat as to intended use of any parcel. Furthermore, the
undersigned land surveyor certifies that this plat complies with
the minimum technical standards for property surveys in Georgia
as set forth in the rules and regulations of the Georgia Board
of Registration for Professional Engineers and Land Surveyors
and as set forth in O.C.G.A. Section 15-6-67.

[Signature] 10/2/17
GEORGIA REGISTERED LAND SURVEYOR NUMBER 2049 DATE

[REPORT A GLITCH](#)
[QUESTIONS 1 866 519 4634](#)
[SNAPSHOT](#)
[EMAIL THIS DESIGN](#)
[PRINT](#)
[ADD TO PORTFOLIO](#)

Choices

View Options

Options

Windows - Vinyl

40 items listed

No Drawing Available WV-W5A

No Drawing Available WV-W5AA

WV-W5B

No Drawing Available WV-W5C

WV-W6

WV-W8

WV-W9

WVDST

WVDST1

WVDST2

learn about options

Move

Zoom

Approximate Height: 18' 10"

Change Wall View

20

28

front

Align Evenly

drag to remove

28ft. x 20ft. Cheyenne

View Detailed Quote

[REPORT A GLITCH](#)
[QUESTIONS 1 866 519 4634](#)
[SNAPSHOT](#)
[EMAIL THIS DESIGN](#)
[PRINT](#)
[ADD TO PORTFOLIO](#)

Choices

Style

Cheyenne

Size (Depth x Width)

20ft. x 28ft. \$37,395.00

Wall Height

Std." (97.125") N/C

Overhang

6" Angle Overhang (standard) N/C

Siding - Type & Color

Canexel - Acadia

Horizontal

Vertical

Roofing

Metal Green

Trim Colors

Maint. Free White

Background Scene

Natural Setting

View Options

View Detailed Quote

Move

Zoom

Approximate Height: 18' 10"

Change Wall View

20

28

left

Align Evenly

drag to remove

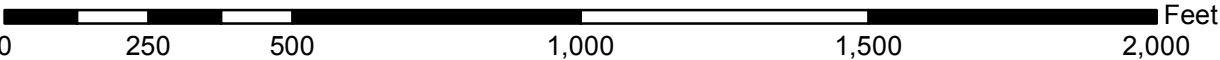
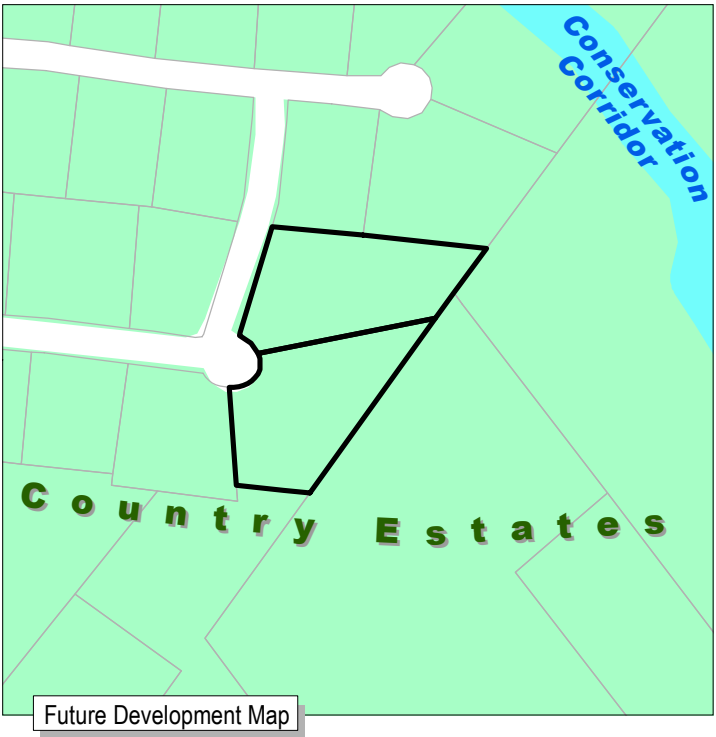
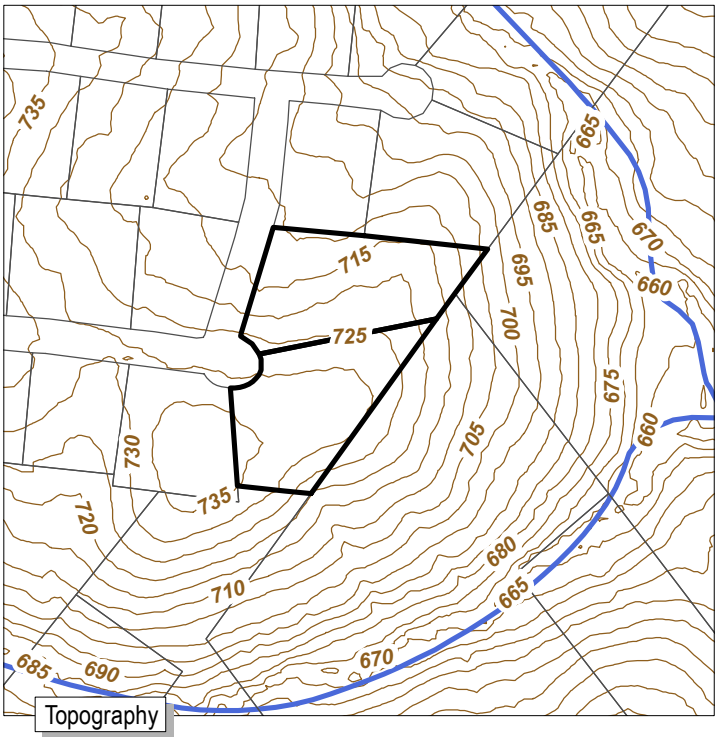
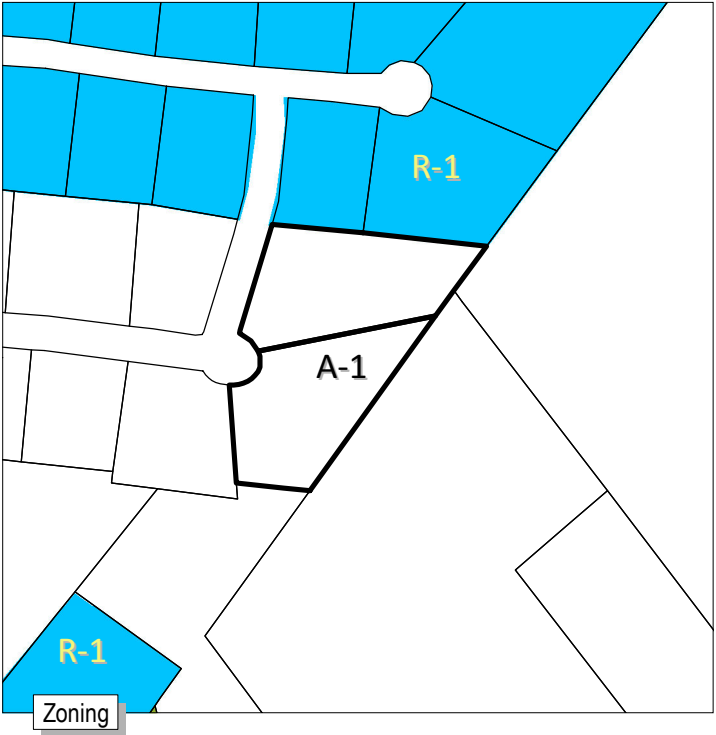
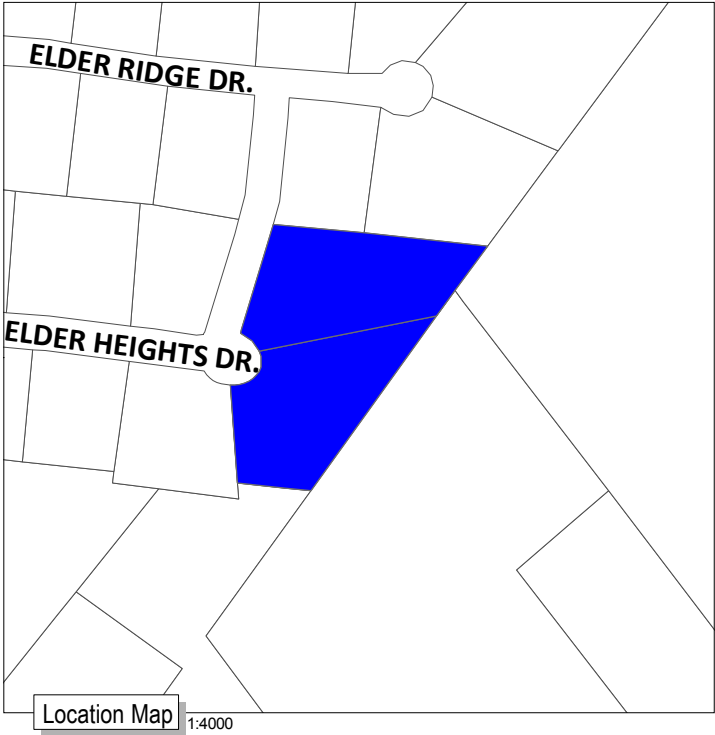
28ft. x 20ft. Cheyenne

RECEIVED

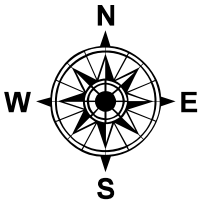
SEP 22 2017

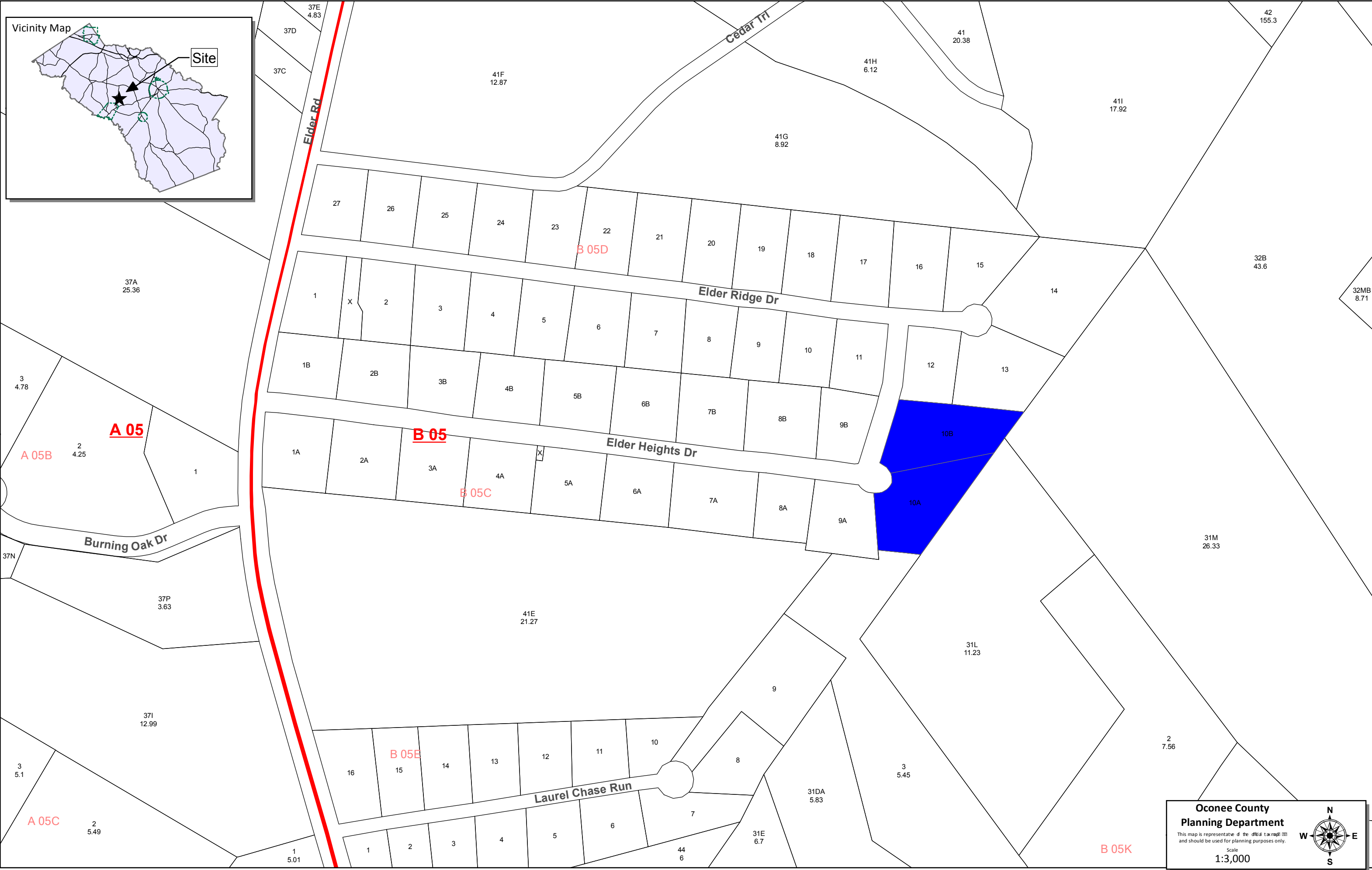
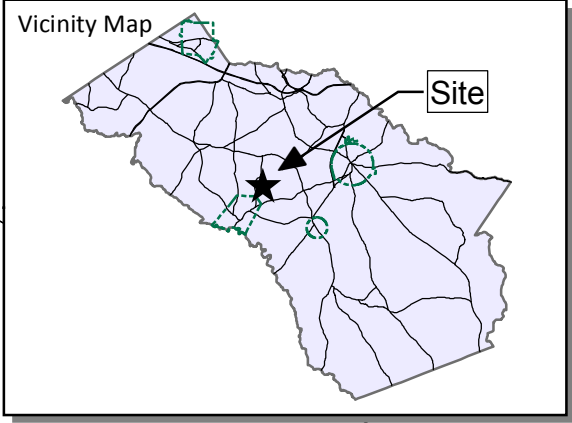
By

Neil E. Mueller, Jr. Site Review



1:4000





**Oconee County
Planning Department**

This map is representative of the official tax map and should be used for planning purposes only.

Scale
1:3,000