

**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 Thie, Pam, and Tim Autrey submitted April 29, 2019.

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 Tim Autrey on April 29, 2019, regarding a ±5.00-acre tract of land located along Choyce Johnson Road in the 224th G.M.D., Oconee County, Georgia, (tax parcel no. A-02-010DC), 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 side setback line to 8.3 feet along the southern property line.

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 August 6, 2019.

ADOPTED AND APPROVED, this 6th day of August, 2019.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____

John Daniell
John Daniell, Chairman

Mark Thomas
Mark Thomas, Member

Chuck Horton
Chuck Horton, Member

William E. Wilkes
William E. Wilkes, Member

Mark Saxon
Mark Saxon, Member

ATTEST:

Kathy Hayes
Kathy Hayes
Clerk, Board of Commissioners



CONDITIONS

1. The side setback line shall be reduced to 8.3 feet along the southern property line only for the immediate area of encroachment of the two accessory buildings as shown on the associated concept plan.

TAX MAP

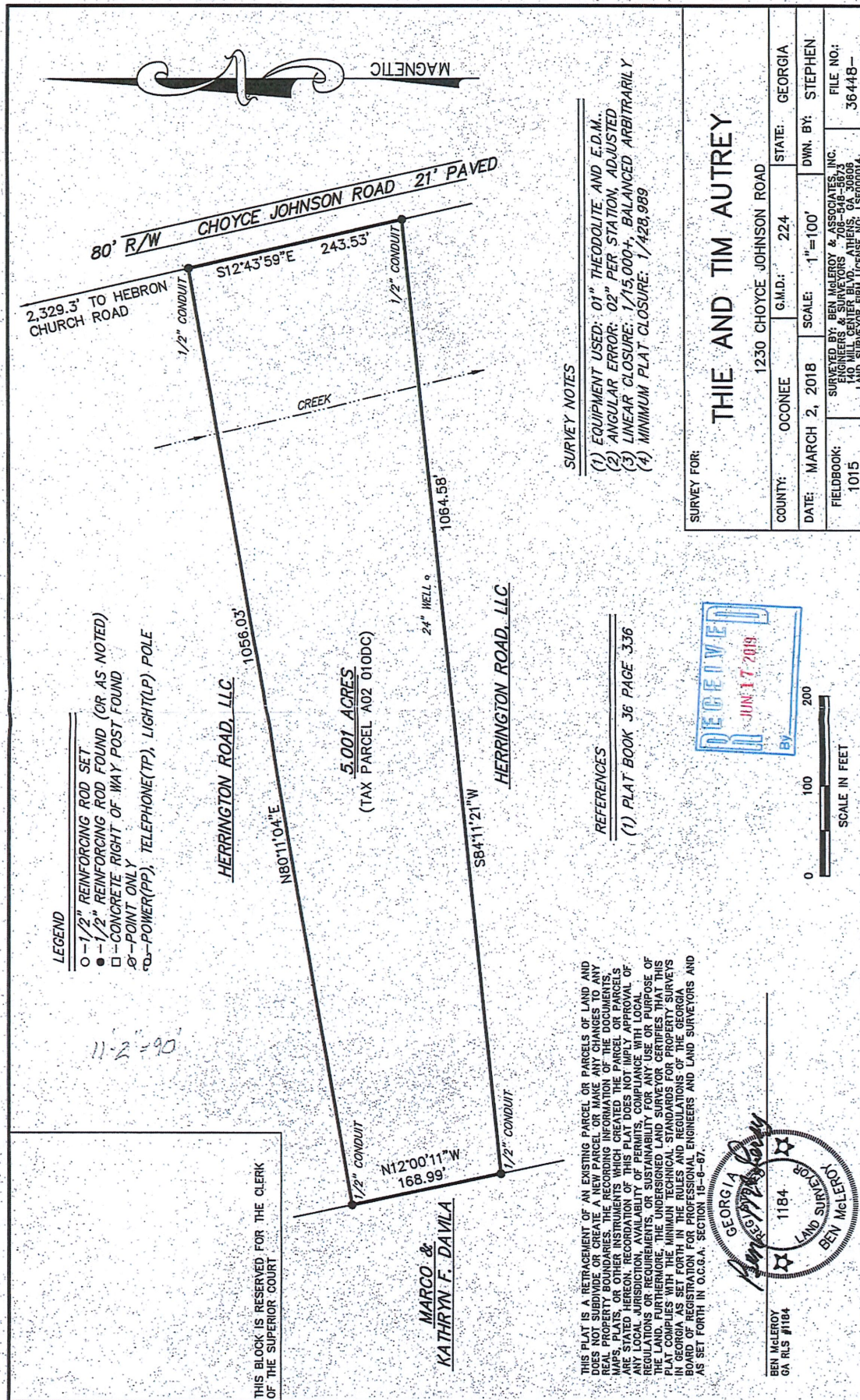


LEGAL DESCRIPTION

All that tract or parcel of land lying in and being a part of the 224th GMD of Oconee County, Georgia containing 5.001 acres and being shown on a survey for Thie & Tim Autrey dated March 2, 2018 by Ben McLeroy and Associates, Inc., and being more particularly described as follows:

Commence at a 1/2 inch conduit situated on the westerly right of way line of Choyce Johnson Road (80' R/W) at a point 2,329.3 feet in a southerly direction from the intersection with Hebron Church Road, said 1/2 inch conduit being the TRUE POINT OF BEGINNING; run thence South 12 degrees 43 minutes 59 seconds East 243.53 feet along the westerly right of way line of Choyce Johnson Road to a 1/2 inch conduit; run thence South 84 degrees 11 minutes 21 seconds West 1064.58 feet along the property line of Herrington Road, LLC to a 1/2 inch conduit; run thence North 12 degrees 00 minutes 11 seconds West 168.99 feet along the property line of Marco & Kathryn F. Davila to a 1/2 inch conduit; run thence North 80 degrees 11 minutes 04 seconds East 1056.03 feet along the property line of Herrington Road, LLC to a 1/2 conduit on the westerly right of way line of Choyce Johnson Road and being the TRUE POINT OF BEGINNING.

All directions recited herein are referenced to Magnetic North.



Page 3 of 4
CONCEPT PLAN

LandTec Southeast, Inc.
Soil & Water Consultants
1901 Cedar Road
Watkinsville, GA 30677
(706) 769-1717
(706) 769-1790 fax
landtec@bellsouth.net

VARIANCE CONCEPT PLAN
1230 CHOYCE JOHNSON ROAD
TRACT 4: 5.00 ACRES
AUTREY, TIM, THIE C. & PAMELA
OCONEE COUNTY



No.	Revision/Issue	Date
#1	Setbacks added	04/25/10
#2	Variance Plan	05/10/10

FILE NAME: EXTENDING A Story for Pres Pg 1	Page 1 of 2
Date: 6/19/19	
Scale: 1:100	

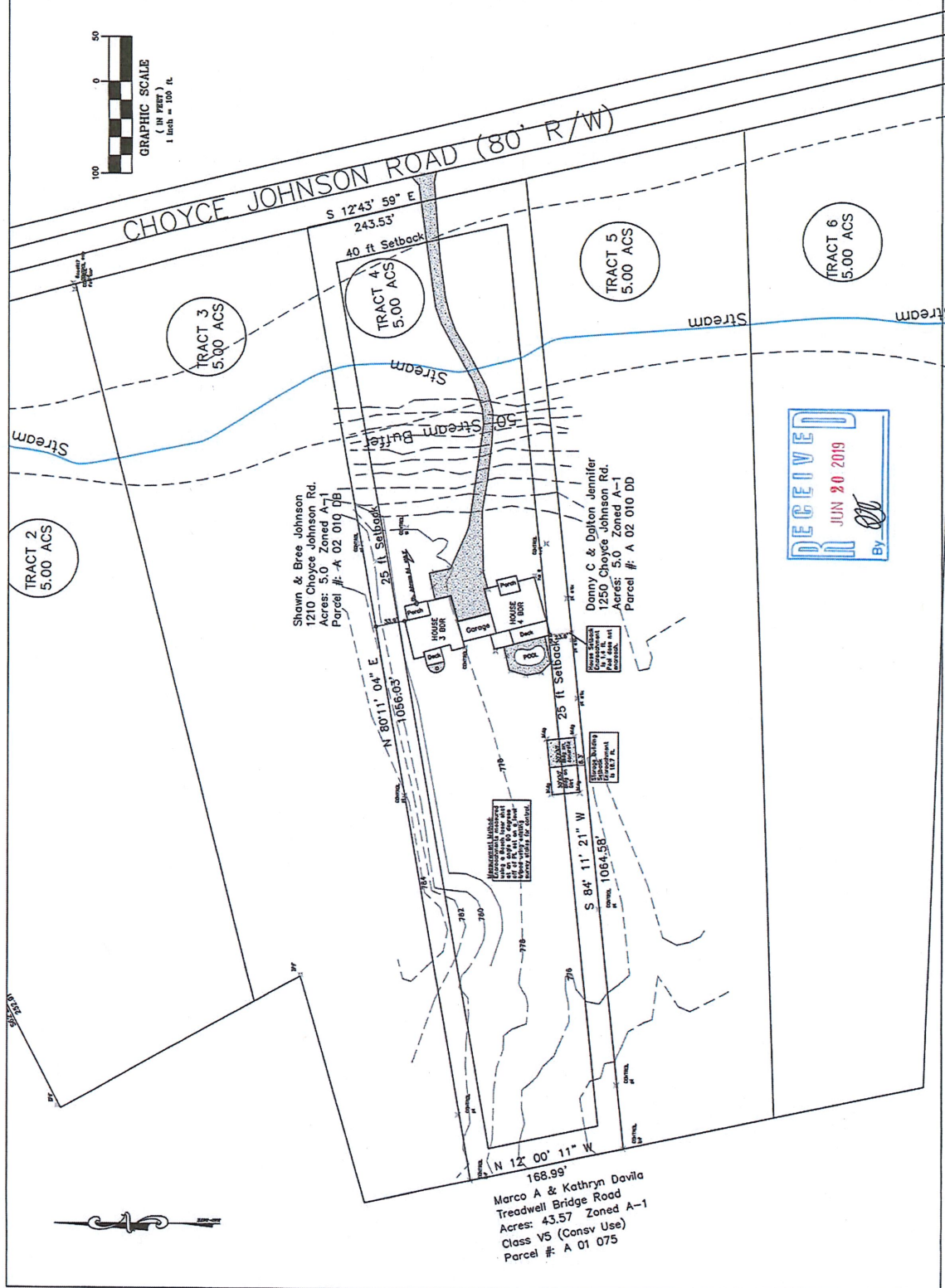


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7804

**Page 4 of 4
NARRATIVE**

I would like to apply for a side line set back variance for the storage buildings (one enclosed on a slab and one open with a gravel floor) we have built at our new home at 1230 Choyce Johnson Rd., Statham, Ga. 30666. The purpose of our building the new home was retirement and having built on a slab for economy and future ease of living left us with a storage need.

The 5 acre lot we are on is a narrow but long piece. Moving the buildings over into the property an additional 17 feet greatly reduces any view of the pasture in the back. We have spoken to the neighbor on the side which is encroaching and they have no problem with the buildings as they are. They liked the privacy offered by said buildings.



**Planning and Code Enforcement Department
Oconee County, Georgia
STAFF REPORT**

VARIANCE CASE #: 7804

DATE: July 18, 2019

STAFF REPORT BY: Grace B. Tuschak, Planner

APPLICANT NAME: Tim Autrey

PROPERTY OWNER: Thie, Pam, and Tim Autrey

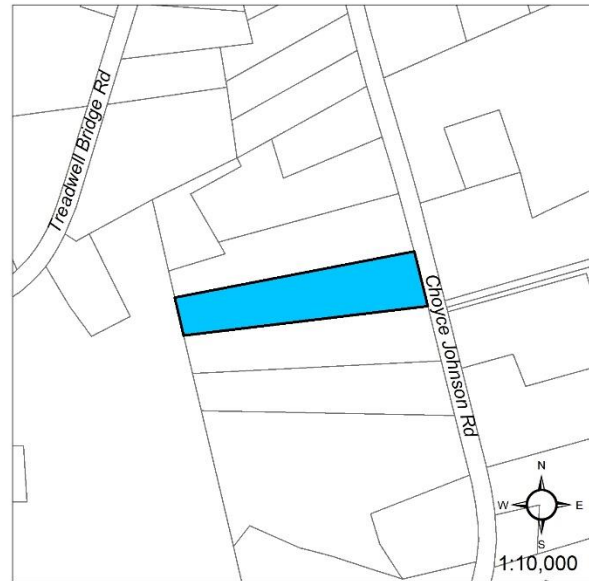
LOCATION: 1230 Choyce Johnson Rd.

PARCEL SIZE: ±5.0

EXISTING ZONING: AG (Agricultural)

EXISTING LAND USE: Single-family residential

TYPE OF VARIANCE REQUESTED: Special Exception



REQUEST SUMMARY: The property owner is requesting a reduction in the side building setback line from 25 feet to 8.3 feet in order to accommodate two accessory buildings that have been placed on the property.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: August 6, 2019

ATTACHMENTS:

- Application
- Narrative
- Plat
- Aerial Imagery
- Zoning Map
- Representative Photos
- Future Development Map
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property has been zoned AG since the original adoption of the zoning map in 1968.
- A single-family residence was constructed on the property in 2018.
- Administrative special exception variance no. 7795 was approved on May 7, 2019, granting a reduction in the side setback for the existing single-family residence from 25 feet to 23.6 feet.

VARIANCE DESCRIPTION

- The owner is requesting relief from Section 410.01.c.2 of the Unified Development Code in order to allow two accessory buildings to remain within the side setback.
- The two accessory storage buildings (one enclosed over a concrete slab and one open with a gravel floor) were placed on the property without the required permits and were discovered by staff during inspection of the primary residence.

Section 410.01 Accessory buildings.

c. All other accessory buildings not specifically regulated by Article 3 of this Development Code.

(1) Accessory buildings having a floor area of 144 square feet or less must be at least 5 feet from any side or rear property line and must not be located within any front yard (i.e., between the principal building and a street). Exceptions will be granted only to well houses which are constructed over wells located in the front yard.

(2) Accessory buildings having a floor area greater than 144 square feet must comply with the same setbacks as required for principal buildings in each zoning district; provided that no such accessory building may be located in the front yard of a lot unless the lot itself is 3 acres or more in size. In no case shall the building be within the minimum principal building front setback.

PUBLIC FACILITIES

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

ENVIRONMENTAL

- No 100-year flood plains exist on the property
- A stream runs through the front yard of the property. No conservation corridor is present and the accessory buildings have been placed in the rear yard, over 400 feet from the stream.

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 an occurrence of any of the following:

a. Cause a substantial detriment to the public good:

No significant negative impacts to the tax base or to nearby public infrastructure, schools, or environmentally sensitive areas should result from approval of the present request. Staff holds that approval of the present request should not cause any 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:**
Given the significant encroachment of the accessory buildings into the side setback, approval of the present request could be injurious to the use and enjoyment of the adjacent property.
 - c. **Diminish and impair property values within the surrounding neighborhood:**
The surrounding area is primarily agricultural and low-density residential. Staff holds that it is unlikely that a reduction of the side setback as shown on the associated concept plan would significantly impair property values in the surrounding neighborhood.
 - d. **Impair the purpose and intent of this Development Code:**
The intent of UDC Section 410 is to ensure adequate separation of buildings and structures from adjoining properties and roads to promote public safety, prevent crowding, maintain privacy, and encourage orderly and aesthetically pleasing development. Given the significant encroachment of the accessory buildings into the side setback, approval of the present request could reduce the privacy of adjacent property owners and impair orderly development of surrounding neighborhood. Staff holds that approval of the present request would impair the purpose and intent of the UDC.
-

STAFF SUMMARY & 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** and staff recommends the special exception variance be denied. However, should the present request be approved, staff recommends **the following conditions to be fulfilled at the expense of the owner/developer:**

1. The side setback line shall be reduced to 8.3 feet along the southern property line only for the immediate area of encroachment of the two accessory buildings as shown on the associated concept plan.

Kyle Stephens

Planner

Oconee County Planning & Code Enforcement

1291 Greensboro Highway

Watkinsville, GA 30677

(706) 769-3910

Dear Mr. Stephens

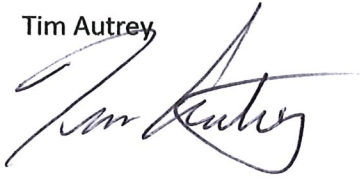
I would like to apply for a side line set back variance for the storage buildings (one enclosed on a slab and one open with a gravel floor) we have built at our new home at 1230 Choyce Johnson Rd., Statham, Ga. 30666. The purpose of our building the new home was retirement and having built on a slab for economy and future ease of living left us with a storage need.

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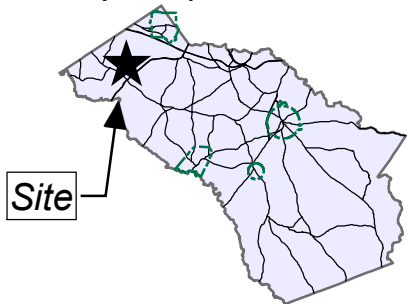
Thank you for your consideration.

Sincerely,

Tim Autrey

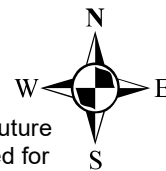


Vicinity Map



Site

Oconee County
Planning Department



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

0 137.5 275 550 825 1,100
Feet

Treadwell Bridge Rd

Choyce Johnson Rd

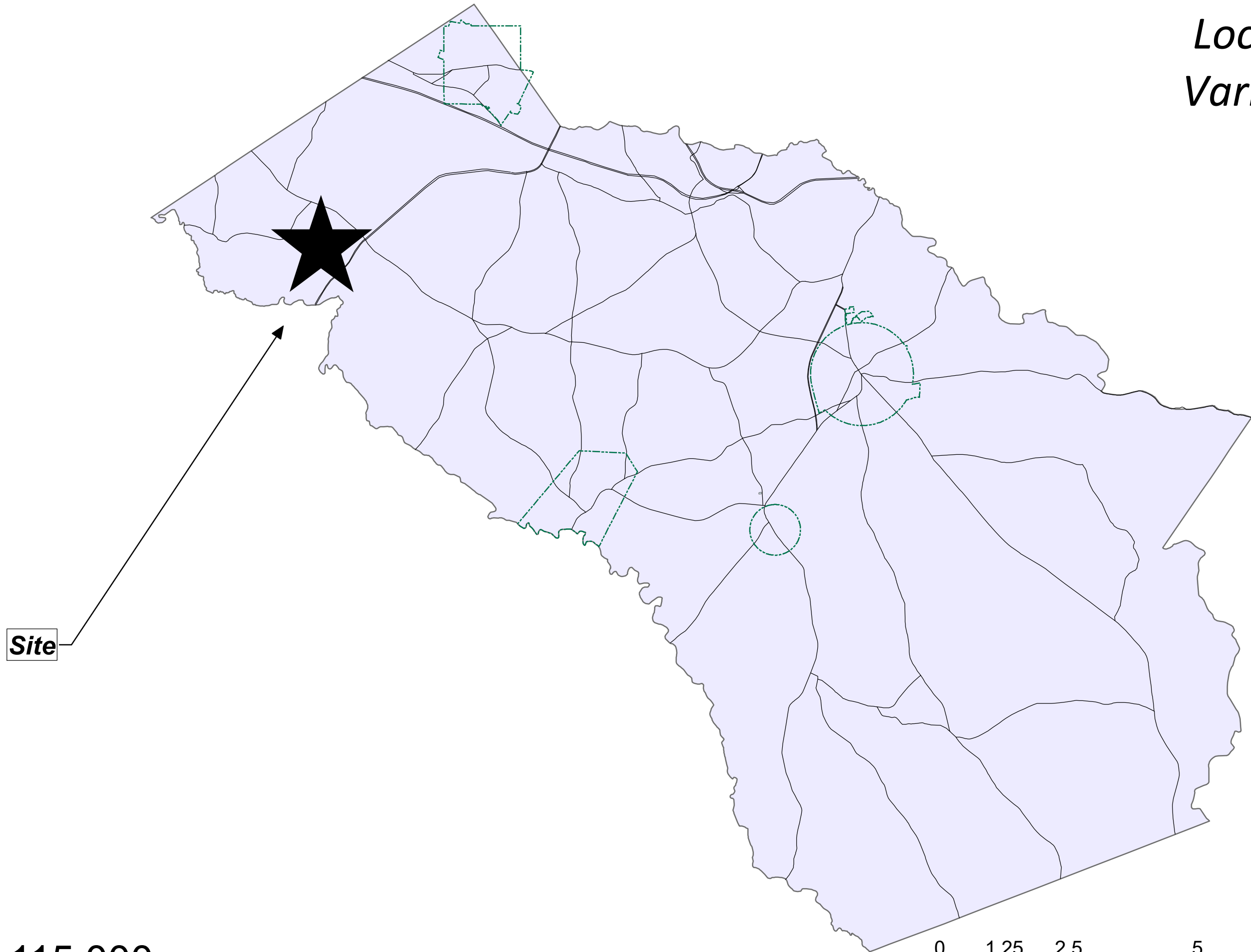
Cooper Gin Rd

Rural Places

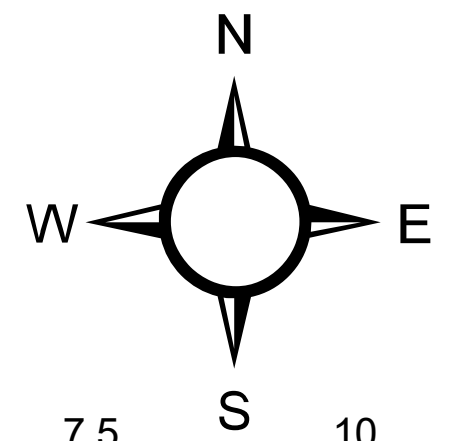
Suburban Neighborhood

Potter Rd

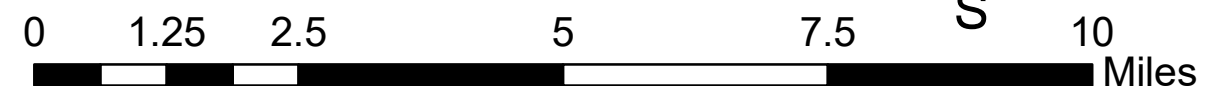
*Location Map -
Variance # 7804
Autrey, Tim*



Site



1:115,000



Zoning

	AG
	AR-3
	AR
	R-1
	R-2
	R-3
	M-H
	B-1
	B-2
	O-I-P
	O-B-P
	I

**Oconee County
Planning Department**

This map is representative of current county zoning
as of May 2019 and should be used for
planning purposes only.

0162.53256509751,300

Feet

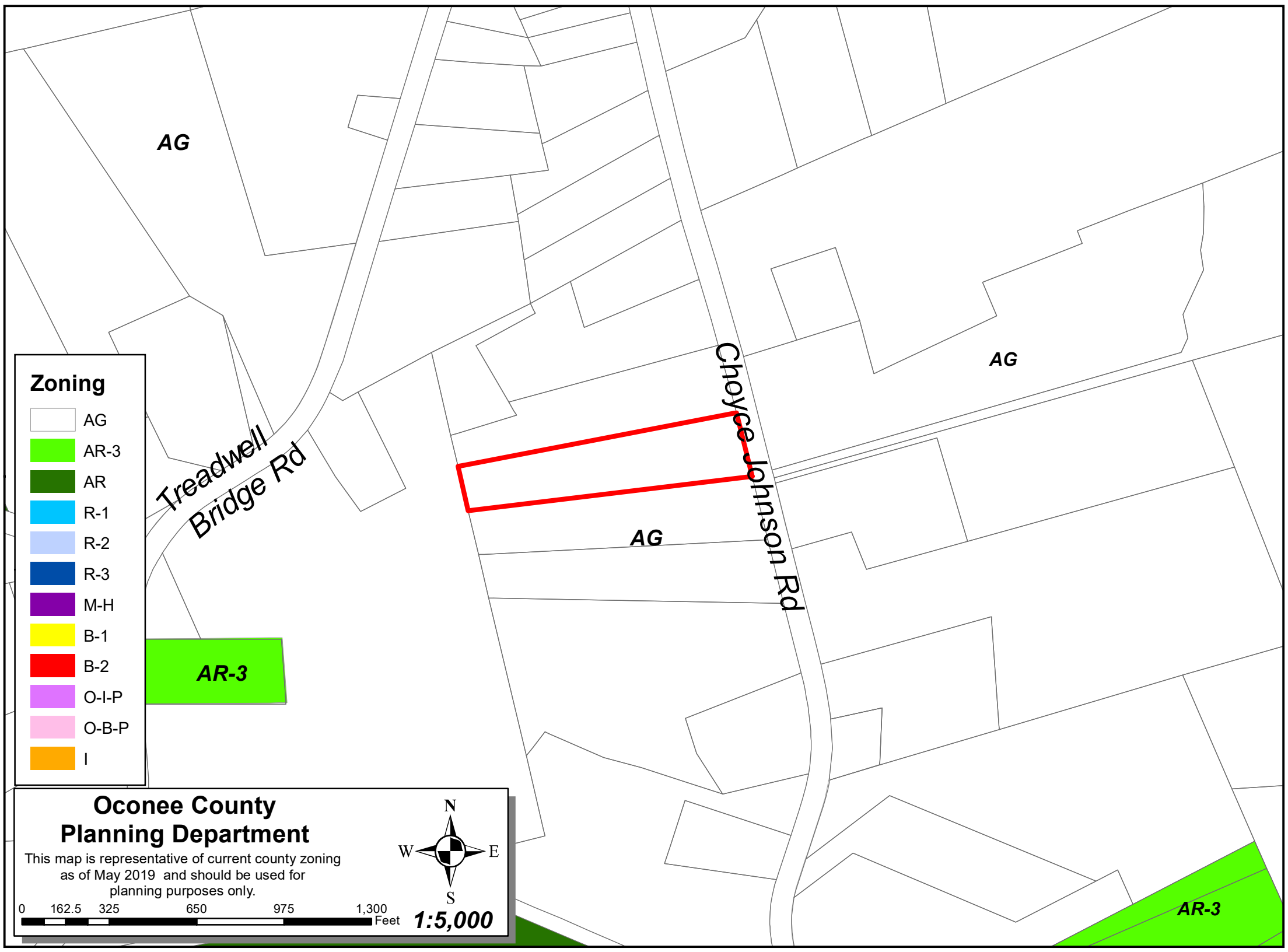
N

E

S

W

1:5,000







THIS BLOCK IS RESERVED FOR THE CLERK
OF THE SUPERIOR COURT

MARCO &
KATHRYN F. DAVILA

LEGEND

- - 1/2" REINFORCING ROD SET
- - 1/2" REINFORCING ROD FOUND (OR AS NOTED)
- - CONCRETE RIGHT OF WAY POST FOUND
- ⊗ - POINT ONLY
- POWER(PP), TELEPHONE(TP), LIGHT(LP) POLE

HERRINGTON ROAD, LLC

5.001 ACRES
(TAX PARCEL A02 010DC)

HERRINGTON ROAD, LLC

SURVEY NOTES

- (1) EQUIPMENT USED: 01" THEODOLITE AND E.D.M..
- (2) ANGULAR ERROR: 02" PER STATION, ADJUSTED
- (3) LINEAR CLOSURE: 1/15,000+, BALANCED ARBITRARILY
- (4) MINIMUM PLAT CLOSURE: 1/428,989

REFERENCES

- (1) PLAT BOOK 36 PAGE 336

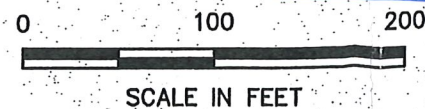
SURVEY FOR:

THIE AND TIM AUTREY

1230 CHOYCE JOHNSON ROAD

COUNTY: OCONEE	G.M.D.: 224	STATE: GEORGIA
DATE: MARCH 2, 2018	SCALE: 1"=100'	DWN. BY: STEPHEN
FIELDBOOK: 1015	SURVEYED BY: BEN McLERoy & ASSOCIATES, INC. ENGINEERS & SURVEYORS 706-548-5673 140 MILL CENTER BLVD. ATHENS, GA 30606 LAND SURVEYOR FIRM LICENSE NO: LSF000014	FILE NO.: 36448-

BEN McLERoy
GA RLS #1184





TRACT 2
5.00 ACS

Shawn & Bree Johnson
1210 Choyce Johnson Rd.
Acre: 5.0 Zoned A-1
Parcel #: A 02 010 DB

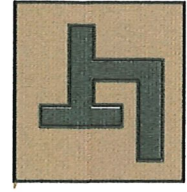
Danny C & Dalton Jennifer
1250 Choyce Johnson Rd.
Acre: 5.0 Zoned A-1
Parcel #: A 02 010 DD

TRACT 3
5.00 ACS

TRACT 4
5.00 ACS

TRACT 5
5.00 ACS

TRACT 6
5.00 ACS



LandTec Southeast, Inc.
Soil & Water Consultants
1901 Cedar Road
Watkinsville, GA 30677
(706) 769-1717
(706) 769-1790 fax
landtec@bellsouth.net

VARIANCE CONCEPT PLAN
1230 CHOYCE JOHNSON ROAD
TRACT 4: 5.00 ACRES
AUTREY, TIM, THIE C. & PAMELA
OCONEE COUNTY



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