

**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 Katherine Nicole Burgdorf submitted January 22<sup>nd</sup>, 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 Bob Smith on January 22, 2019, regarding a ±1.0 acre tract of land located along Union Church Road in the 222<sup>nd</sup> G.M.D., Oconee County, Georgia, (tax parcel no. A-07-035A), 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 from 25 feet to 15 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 April 2<sup>nd</sup>, 2019.

ADOPTED AND APPROVED, this 2<sup>nd</sup> day of April, 2019.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY: *John Daniell*  
John Daniell, Chairman

*Mark Thomas*  
Mark Thomas, Member

*Chuck Horton*  
Chuck Horton, Member

*W. E. "Bubber" Wilkes*  
W. E. "Bubber" Wilkes, Member

*Mark Saxon*  
Mark Saxon, Member

ATTEST:

*Kathy Hayes*  
Kathy Hayes  
Clerk, Board of Commissioners



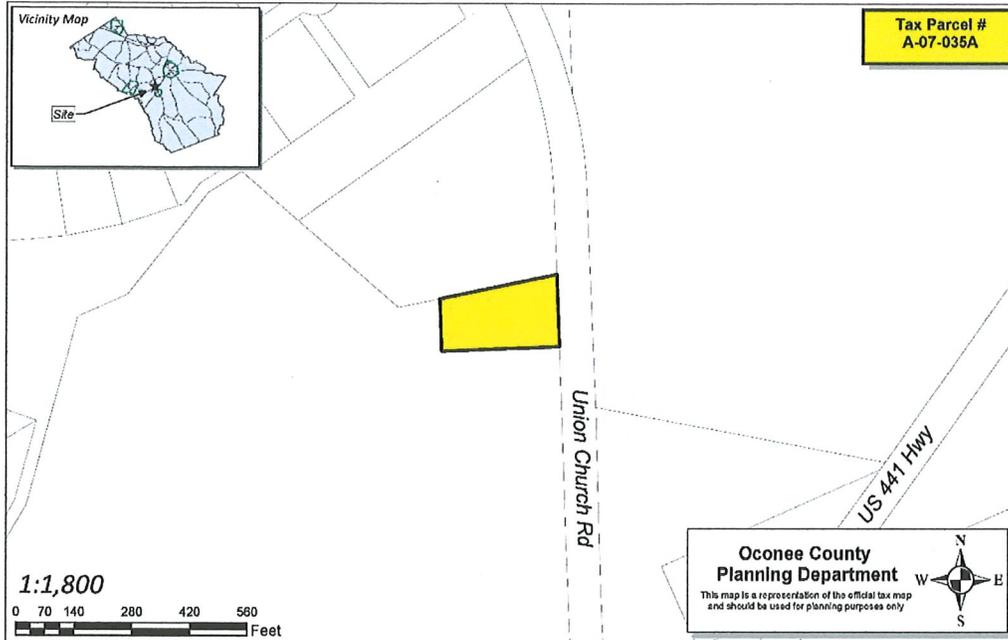
# EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7703

Page 1 of 4

## CONDITIONS

1. The side setback along the southern property line shall be reduced to 15 feet only for the immediate area of encroachment of the proposed garage attached to the existing single-family residence as shown on the associated concept plan dated 01/29/2019.

## TAX MAP



## LEGAL DESCRIPTION

All that tract or parcel of land containing 1.00 acres, more or less, situated, lying in the 222nd G.M. District, Oconee County, Georgia, and being more particularly described as follows:

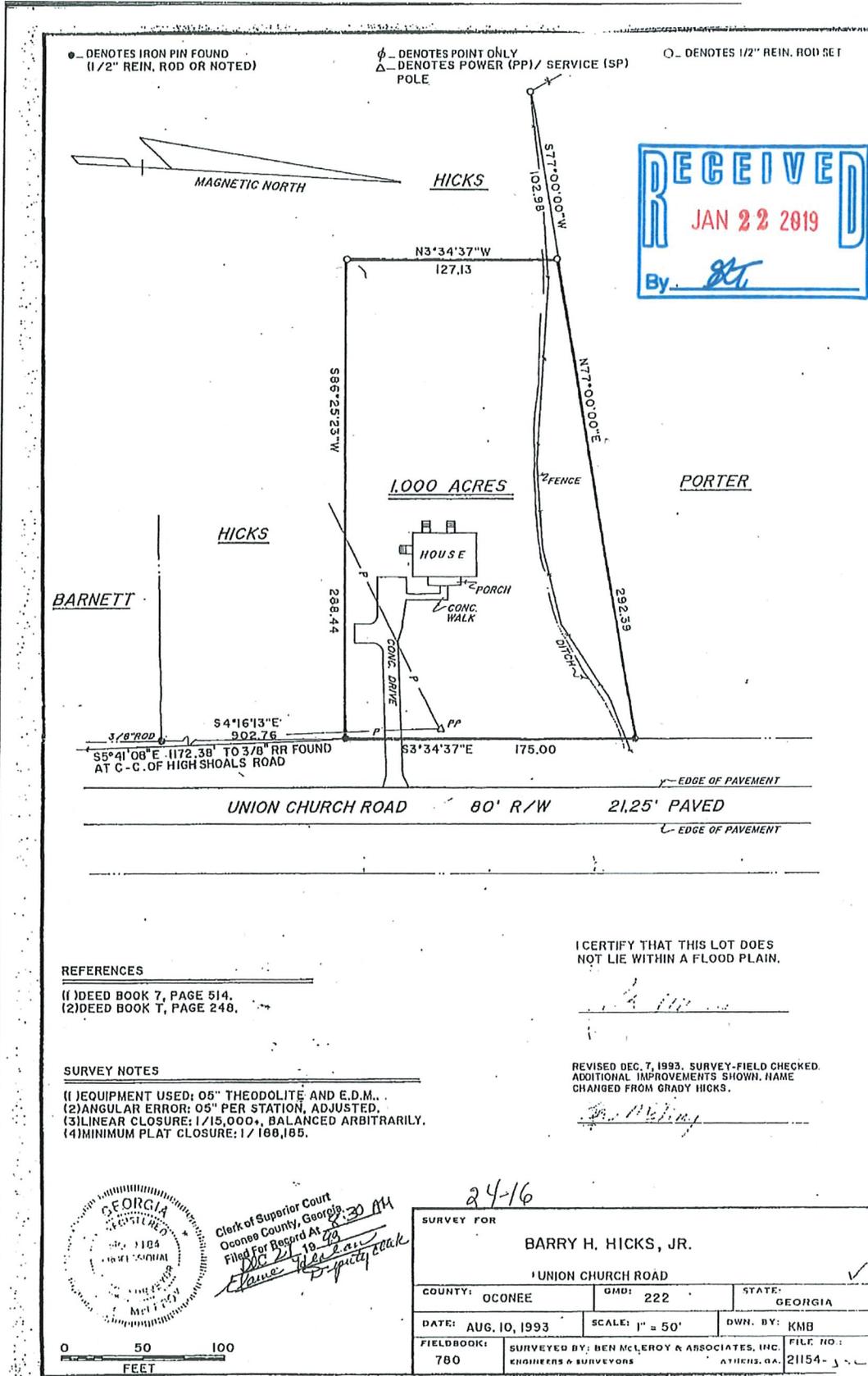
BEGINNING at an iron pin on the westerly side of Union Church Road located north 05 degrees 41 minutes 08 seconds west 1,127.38 feet from a point at the centerline intersection of Union Church Road and the Bishop-High Shoals Road; running thence along the boundary line of lands now or formerly of Hicks the following courses and distances, which is the point of beginning,

Thence South 86 degrees 25 minutes 23 seconds West 288.44 feet to an iron pin,  
Thence : North 03 degrees 34 minutes 37 seconds West 127.13 feet to an iron pin,  
Thence along the boundary of lands now or formerly of Porter North 77 degrees 00 minutes 00 seconds East 292.39 feet to an iron pin on the Westerly side of Union Church Road,  
Thence along Union Church Road South 03 degrees 34 minutes 37 seconds East 175.00 feet to the beginning pin.

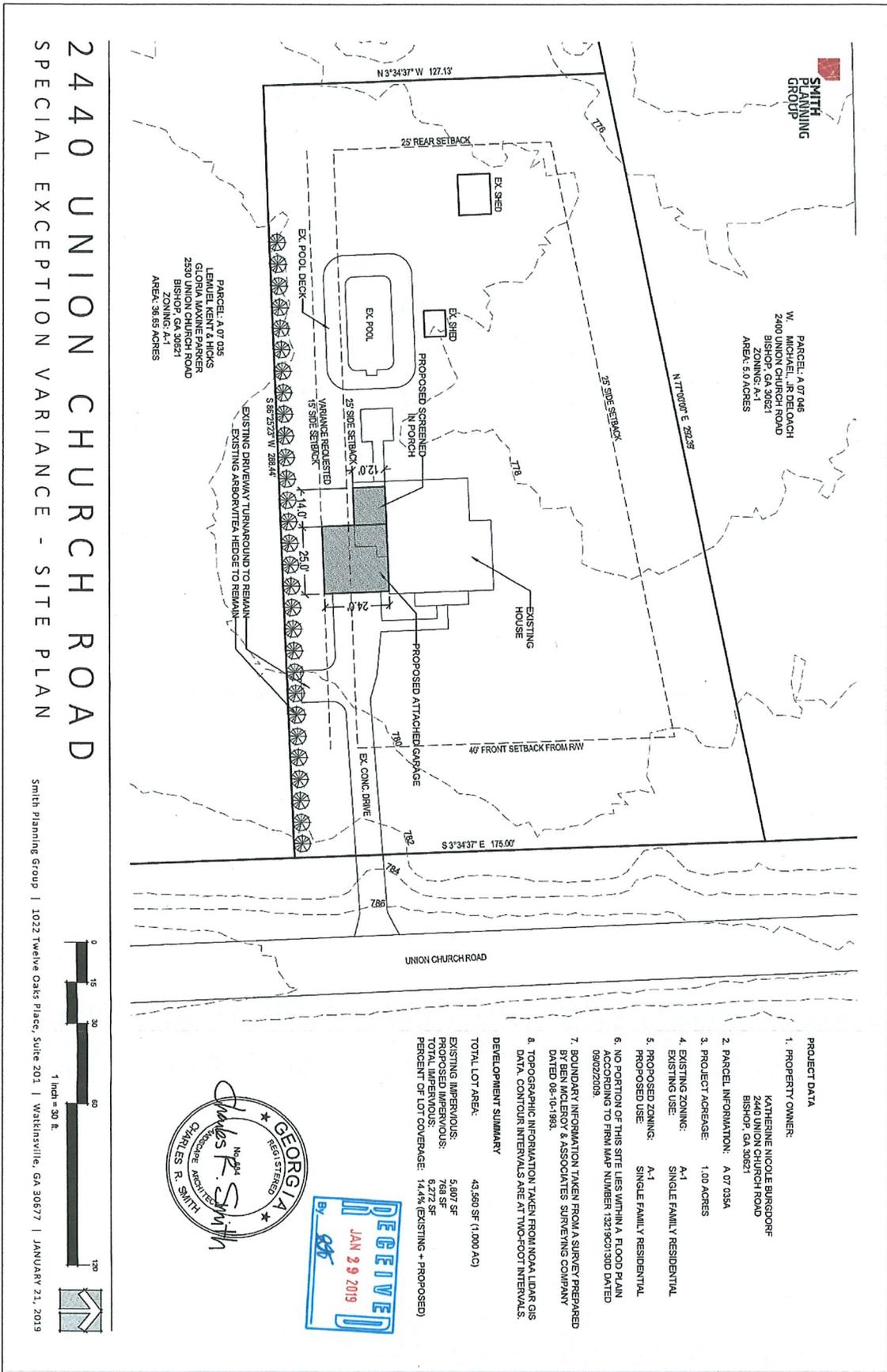
EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7703

Page 2 of 4

PLAT



CONCEPT PLAN



# EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7703

Page 4 of 4

## NARRATIVE

### 2440 UNION CHURCH ROAD

Oconee County, Georgia

### Variance Narrative Statement

January 21, 2019



#### INTRODUCTION

The property owner of 2440 Union Church Road, Ms. Katherine Burgdorf, is proposing to build an attached garage to the existing house at the end of the existing driveway. The site is located along Union Church Road between High Shoals Road and New High Shoals Road. According to the Oconee County Future Development Map, the subject site and adjacent parcels have been identified as a Country Estates Character Area.

The property owner, who purchased this property in 2018, is requesting this special exception variance and has engaged Smith Planning Group to act as the agent in preparing the required documentation. A special exception variance is requested from UDC code section 409.01 Setback Requirements of Table 4.6 allowing a reduction from the required 25' side yard setback in the agriculture zoning district to a 15' side setback in order to construct an attached garage to the existing house. The house was originally constructed in 1993 without the contemplation of an attached garage and prior to the adoption of the UDC. The logical placement for the proposed garage is to the south at the end of the existing driveway. Other locations for a garage would not relate to the existing house floorplan.

See aerials and photos of the site below:



View of subject site from Union Church Road



Sec. 1303.03. Standards for special exception variance approval. A special exception variance may be granted upon a finding that the relief, if granted:

a. Would not cause substantial detriment to the public good; and

The allowance of a side yard setback reduction would not be detrimental to the public good. Instead this variance request would enhance the aesthetic along Union Church Road allowing for the construction of a garage to hide vehicles from the public view.

b. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and

The variance request will not be injurious to the use and enjoyment of the environment because the request is not concerned with seeking more developable area than allowed by Code, but is rather concerned with the location of a proposed addition to an existing structure. The variance request will not be injurious to the use and enjoyment of the adjacent property because the nearest structure of the adjacent property to the south is over 700 feet from the proposed attached garage. A 10-foot reduction in side yard setback will not be noticeable from the adjacent properties driveways or structures. Secondly, existing arborvitae screening trees have been planted along the property line eliminating views from the adjacent parcel to the south to the subject property.

c. Would not diminish and impair property values within the surrounding neighborhood; and

The allowance of this side yard setback reduction would not diminish or impair property values within the surrounding neighborhood. Instead, the variance would allow for construction that would increase the property value of the subject site as well enhance the aesthetic from Union Church Road with a place to hide vehicles from the public view.

d. Would not impair the purpose and intent of this Development Code.

The purpose and intent of the setback standard is to control the placement of structures and maintaining a consistent character within a particular zoning district. The zoning of this property and the adjacent properties is the agriculture zoning district known for its rural character. Since the adjacent property to the south is over 36 acres with existing structures are over 700-feet from the subject site, the side yard setback would not impair the rural character the agriculture zoning district intends to maintain.



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

**VARIANCE CASE #:** 7703

**DATE:** March 13, 2019

**STAFF REPORT BY:** Grace B. Tuschak, Planner

**APPLICANT NAME:** Bob Smith, Smith Planning Group, LLC

**PROPERTY OWNER:** Katherine Nicole Burgdorf

**LOCATION:** West side of Union Church Road

**PARCEL SIZE:** ± 1.0

**EXISTING ZONING:** A-1 (Agricultural District)

**EXISTING LAND USE:** Single family residential

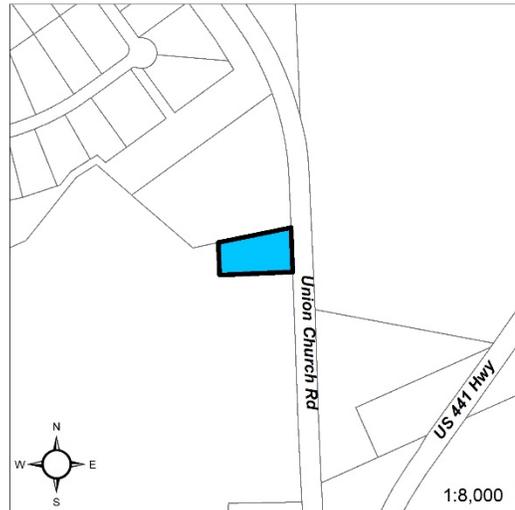
**TYPE OF VARIANCE REQUESTED:** Special Exception

**REQUEST SUMMARY:** The owner is requesting a reduction of the side setback along the southern property line from 25 feet to 15 feet in order to allow for the construction of a garage to be attached to the existing residence.

**DATE OF SCHEDULED HEARINGS**

**BOARD OF COMMISSIONERS:** April 2, 2019

**ATTACHMENTS:** Application  
Narrative  
Site Review  
Aerial Photo  
Tax Map  
Plat  
Concept Plan



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## **BACKGROUND INFORMATION & FINDINGS OF FACT**

### **HISTORY**

- A single-family residence was constructed on the property in 1993.

### **VARIANCE DESCRIPTION**

- The owner is requesting approval of a special exception variance to reduce the side setback along the southern property line from 25 feet to 15 feet in order to allow for the construction of a garage to be attached to the existing residence.

*UDC – Section 409 Minimum setbacks; principal buildings.*

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 distance shown on Table 4.6.

	<b>Setback Requirement (in feet)</b>			
	<b>Front<sup>1</sup></b>		<b>Side</b>	<b>Rear</b>
	<b>From a Major Thoroughfare<sup>2</sup></b>	<b>From a Minor Street<sup>3</sup></b>		
Agricultural District	85(c) / 40(R)	55 (c) / 30(R)	25	25

### **ENVIRONMENTAL**

- No state waters or jurisdictional wetlands are located on the property.
- No 100-year flood plains are located on the property.

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## **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:** The approval of the present request should not cause any substantial detriment to the public good. No significant impacts to the tax base or to nearby public infrastructure, traffic patterns, schools, or environmentally sensitive areas should result from the approval of the present request.

**b. Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:** The adjacent property to the south, tax parcel no. A-07-035, is currently in single-family residential and agricultural use. Staff notes that the adjacent property is ±36.65 acres in size, is predominantly open pasture and woods, and that the adjacent residence is over 600 feet from the property line. Given these factors, a reduction in the side setback should not 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:** Approval of the present request should not diminish or impair property values within the surrounding neighborhood.

**d. Impair the purpose and intent of this Development Code:** The intent of UDC Section 409.01 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. The proposed construction of a garage on the subject parcel should neither pose a danger to traffic on nearby roads nor adversely affect adjacent residences. Staff holds that approval of the present request would not impair the purpose and intent of the UDC.

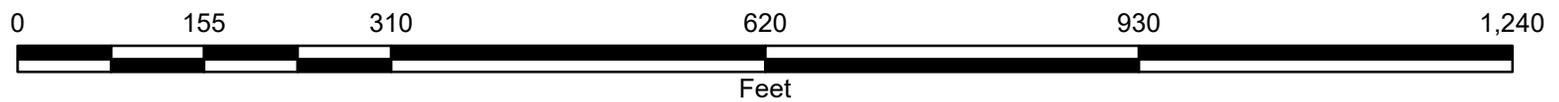
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### **STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS**

Based upon the standards and limitations for special exception variance approval, this request **meets all necessary conditions to grant a special exception variance**. Staff recommends the special exception variance **be subject to the following conditions:**

1. The side setback along the southern property line shall be reduced to 15 feet only for the immediate area of encroachment of the proposed garage attached to the existing single-family residence as shown on the associated concept plan dated 01/29/2019.

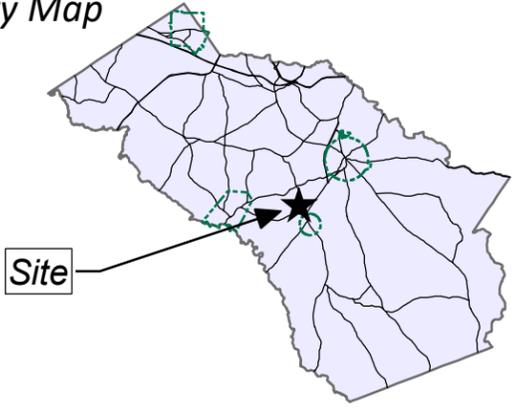
# Variance #7703 Aerial View



1:1,900

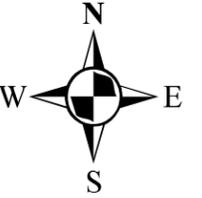


*Vicinity Map*

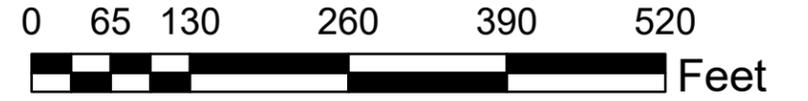


Site

**Oconee County  
Planning Department**



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

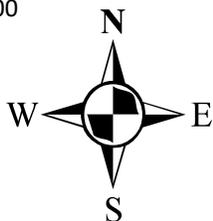
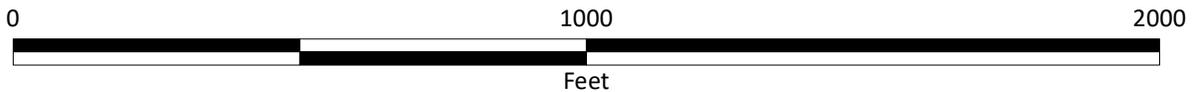
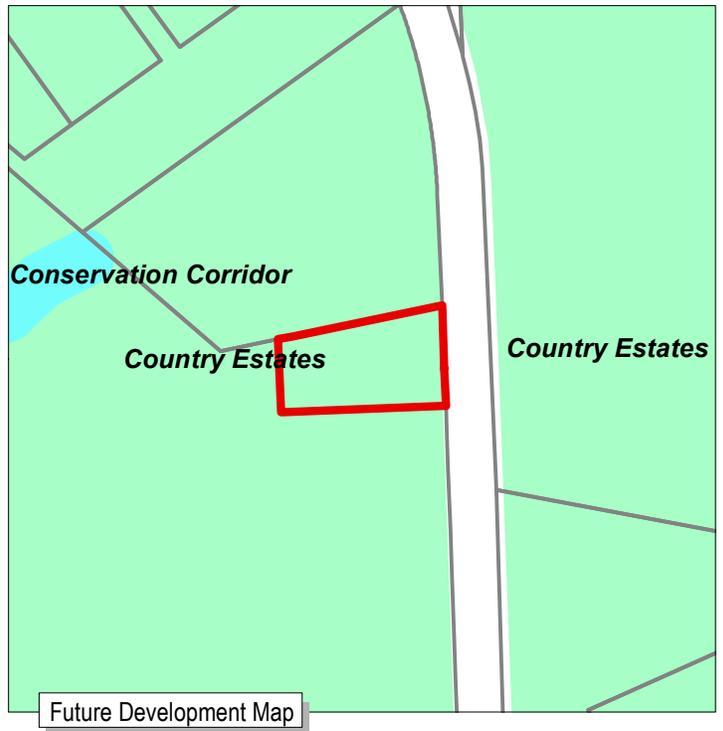
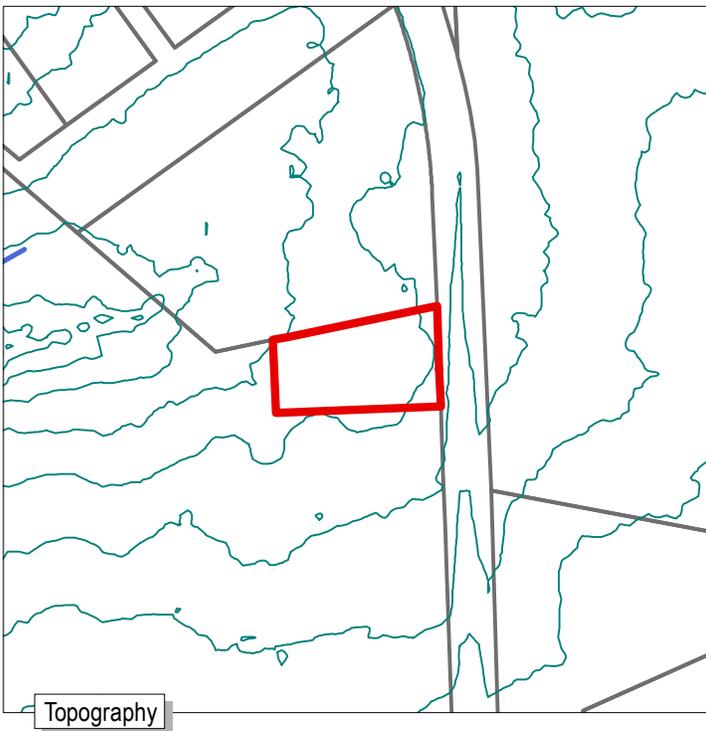
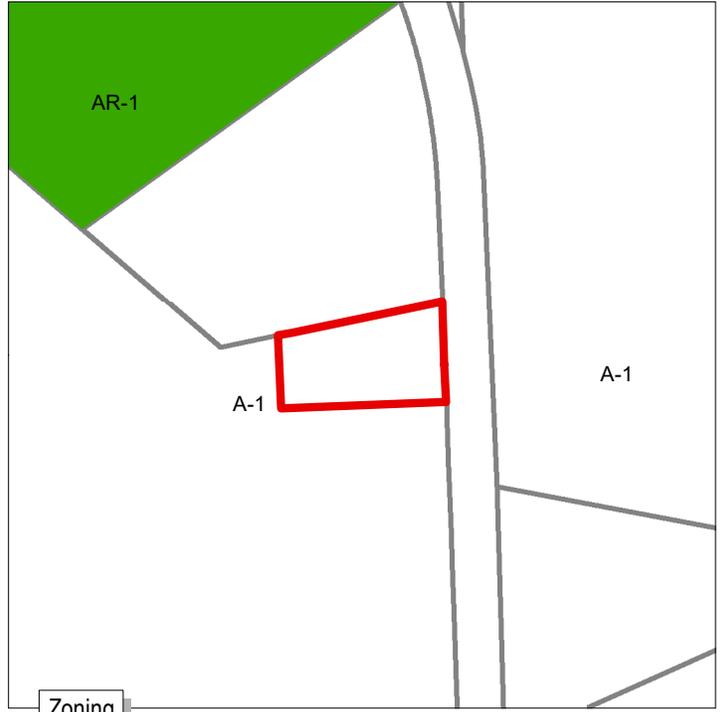
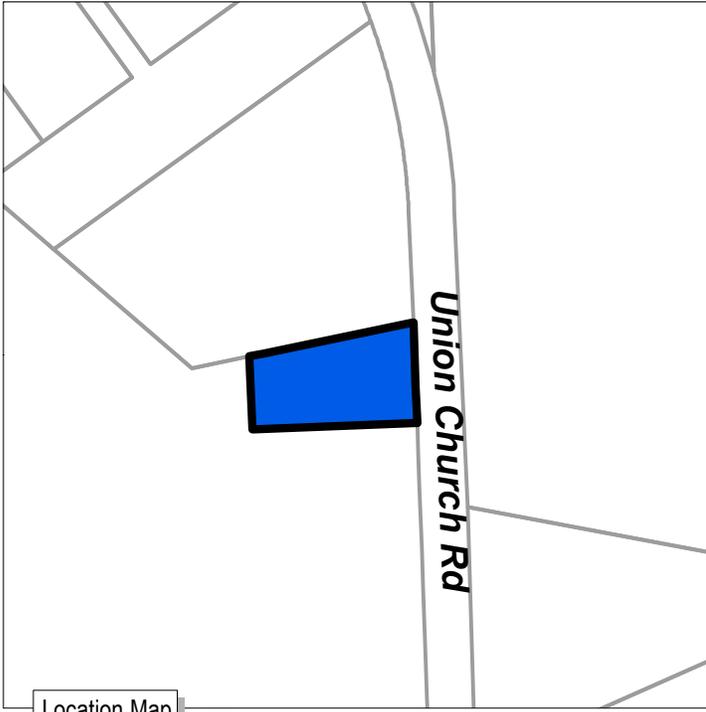


***Country Estates***

***Country Estates***

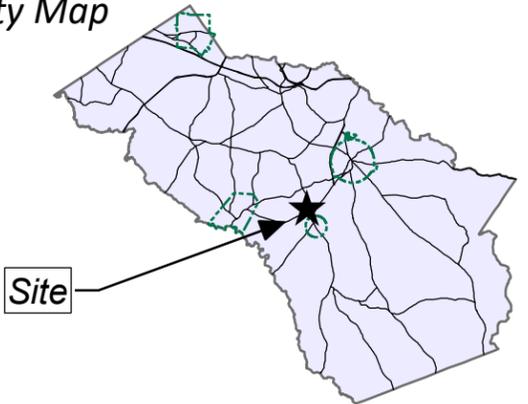
***Country Estates***

# Variance #7703 - Katherine Burgdorf Site Review



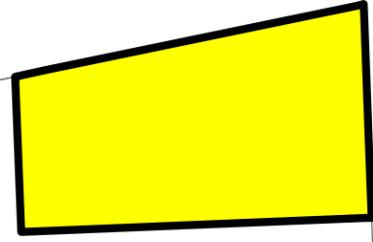
1:4000

Vicinity Map



Site

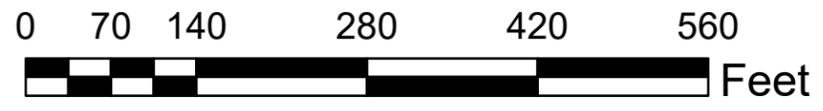
**Tax Parcel #  
A-07-035A**



Union Church Rd

US 441 Hwy

**1:1,800**



**Oconee County  
Planning Department**

This map is a representation of the official tax map  
and should be used for planning purposes only



# OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- Hardship Variance   
  Appeal of Administrative Decision   
  Flood Damage Prevention Variance  
 Special Exception for: Reduction of side yard setback from 25' to 15'

<b>Applicant</b>	<b>Property Owner</b>
Name: <u>Bob Smith - Smith Planning Group</u>	Name: <u>KATHERINE NICOLE BURG DORF</u>
Address: <u>1022 Twelve Oaks Place, Ste 201</u> <small>(No P.O. Boxes)</small>	Address: <u>2440 UNION CHURCH ROAD</u> <small>(No P.O. Boxes)</small>
<u>Watkinsville, GA 30677</u>	<u>BISHOP, GA 30621</u>
Telephone: <u>(706) 769-9515</u>	Telephone: <u>(706) 202-4240</u>

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

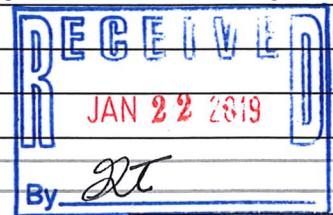
**Applicant's Certification:** I hereby certify that the information contained in and attached to this application is true and correct.

Signature: *Bob Smith*    Date: 1/21/19    Notarized: \_\_\_\_\_



<b>Property</b>	<b>Use</b>
Location: <u>2440 UNION CHURCH ROAD</u>	Current Use: <u>RESIDENTIAL</u>
Tax Parcel Number: <u>A 07 035A</u>	Proposed Use: <u>RESIDENTIAL</u>
Size (Acres): <u>1.00</u> Current Zoning: <u>A-1</u>	
Future Development Map—Character Area Designation: <u>COUNTRY ESTATES</u>	

<b>Attachments</b> (check all that apply)	<b>Appeal or Variance Requested</b>
<input checked="" type="checkbox"/> Property Owner's Authorization (if applicable) <input checked="" type="checkbox"/> Application Fee <input checked="" type="checkbox"/> Warranty Deed(s), Legal Description, & Plat of Survey <input checked="" type="checkbox"/> Disclosures <input checked="" type="checkbox"/> Maps or Drawings Illustrating Variance Request <input checked="" type="checkbox"/> Narrative Statement Explaining Variance Request <input checked="" type="checkbox"/> Concept Plan	<i>Provide the code section and briefly explain the requested variance</i> <u>Sec 409.01 Setback Requirements &amp;</u> <u>Table 4.6 Minimum Setback - Principal Buildings</u> <u>Variance request is to reduce the side yard setback from 25' to 15' in order to construct a garage attached to the existing house.</u>

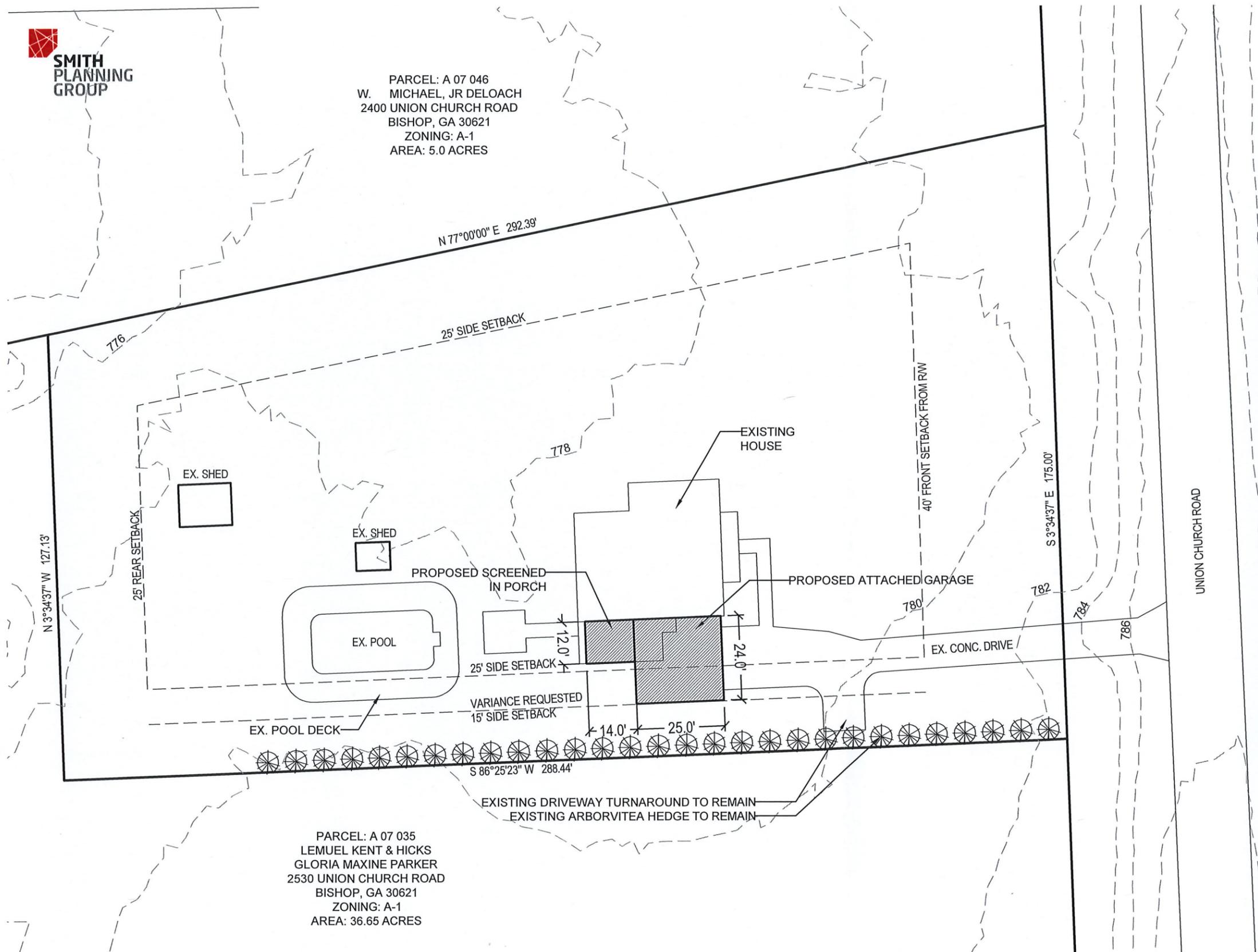


<i>For Oconee County Staff Use Only</i>	
<b>Application</b>	<b>Action</b>
Date Received: <u>1/22/19</u> Date Accepted: <u>1/28/19</u>	APPLICATION NUMBER <u>7703</u>
DRI Transmitted to RDC <input type="checkbox"/> Date: _____ <input type="checkbox"/> N/A	Administrative Appeal: Date: _____
Review Submitted: _____    Location Map: _____	<input type="checkbox"/> Approved <input type="checkbox"/> With Conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A
Posted: _____    Ad: _____    Ad: _____	Board of Commissioners Date: <u>4/2/19</u>
Application Withdrawn <input type="checkbox"/> Date: _____	<input type="checkbox"/> Approved <input type="checkbox"/> With Conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A



PARCEL: A 07 046  
 W. MICHAEL, JR DELOACH  
 2400 UNION CHURCH ROAD  
 BISHOP, GA 30621  
 ZONING: A-1  
 AREA: 5.0 ACRES

PARCEL: A 07 035  
 LEMUEL KENT & HICKS  
 GLORIA MAXINE PARKER  
 2530 UNION CHURCH ROAD  
 BISHOP, GA 30621  
 ZONING: A-1  
 AREA: 36.65 ACRES

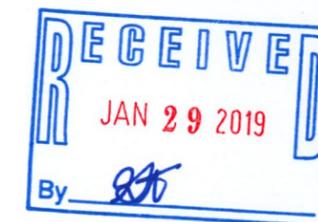


**PROJECT DATA**

- PROPERTY OWNER:  
KATHERINE NICOLE BURGENDORF  
2440 UNION CHURCH ROAD  
BISHOP, GA 30621
- PARCEL INFORMATION: A 07 035A
- PROJECT ACREAGE: 1.00 ACRES
- EXISTING ZONING: A-1  
EXISTING USE: SINGLE FAMILY RESIDENTIAL
- PROPOSED ZONING: A-1  
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
- NO PORTION OF THIS SITE LIES WITHIN A FLOOD PLAIN ACCORDING TO FIRM MAP NUMBER 13219C0130D DATED 09/02/2009.
- BOUNDARY INFORMATION TAKEN FROM A SURVEY PREPARED BY BEN MCLEROY & ASSOCIATES SURVEYING COMPANY DATED 08-10-1993.
- TOPOGRAPHIC INFORMATION TAKEN FROM NOAA LIDAR GIS DATA. CONTOUR INTERVALS ARE AT TWO-FOOT INTERVALS.

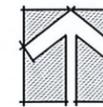
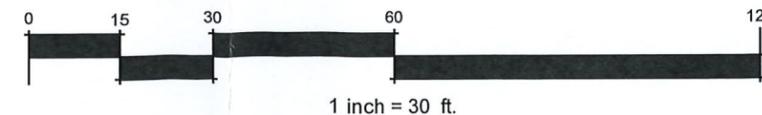
**DEVELOPMENT SUMMARY**

TOTAL LOT AREA: 43,560 SF (1.000 AC)  
 EXISTING IMPERVIOUS: 5,807 SF  
 PROPOSED IMPERVIOUS: 768 SF  
 TOTAL IMPERVIOUS: 6,272 SF  
 PERCENT OF LOT COVERAGE: 14.4% (EXISTING + PROPOSED)



# 2440 UNION CHURCH ROAD

## SPECIAL EXCEPTION VARIANCE - SITE PLAN



**PROPERTY OF KATERINE BURGDORF**

Legal Description to Accompany the Variance Request to Oconee County

All that tract or parcel of land containing 1.00 acres, more or less, situated, lying in the 222nd G.M. District, Oconee County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the westerly side of Union Church Road located north 05 degrees 41 minutes 08 seconds west 1,127.38 feet from a point at the centerline intersection of Union Church Road and the Bishop-High Shoals Road; running thence along the boundary line of lands now or formerly of Hicks the following courses and distances, which is the point of beginning,

Thence South 86 degrees 25 minutes 23 seconds West 288.44 feet to an iron pin,  
Thence : North 03 degrees 34 minutes 37 seconds West 127.13 feet to an iron pin,  
Thence along the boundary of lands now or formerly of Porter North 77 degrees 00 minutes 00 seconds East 292.39 feet to an iron pin on the Westerly side of Union Church Road,  
Thence along Union Church Road South 03 degrees 34 minutes 37 seconds East 175.00 feet to the beginning pin.



# 2440 UNION CHURCH ROAD

Oconee County, Georgia

## Variance Narrative Statement

January 21, 2019

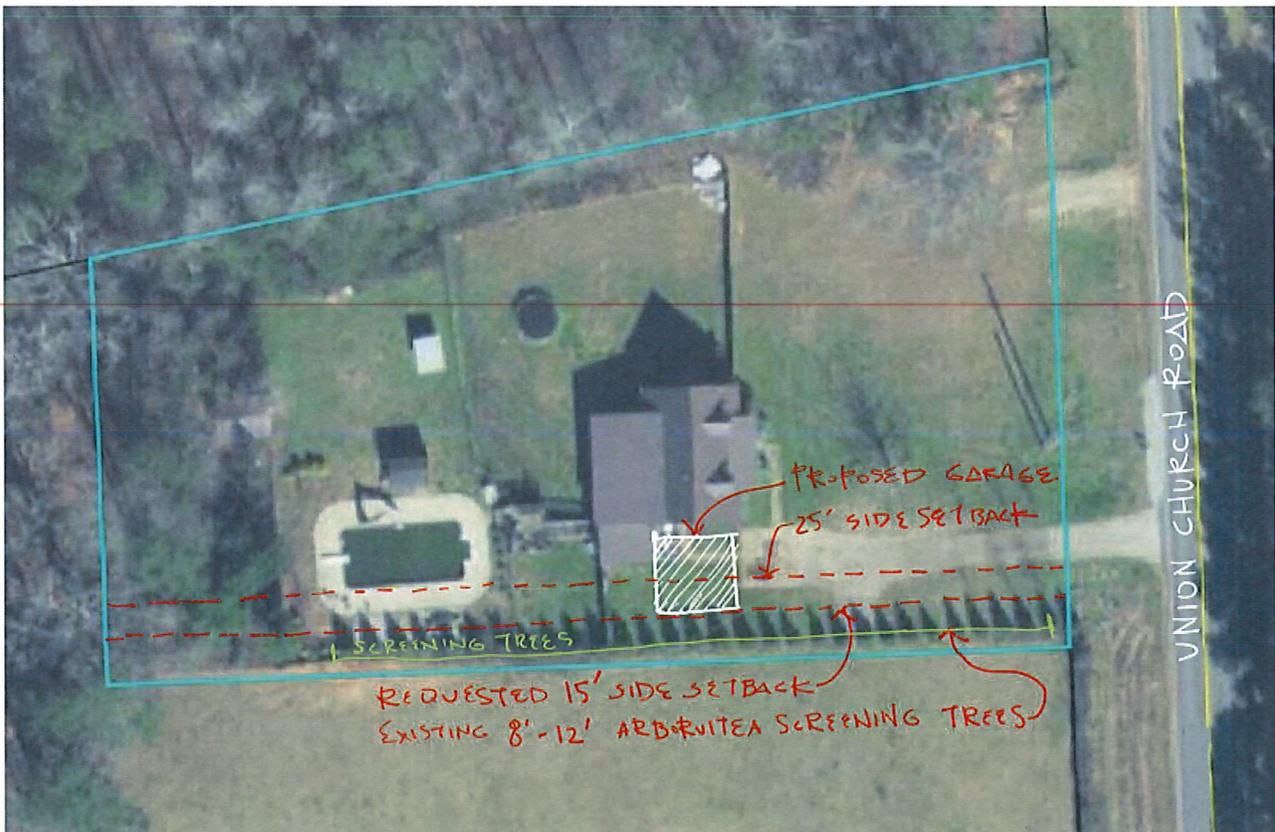


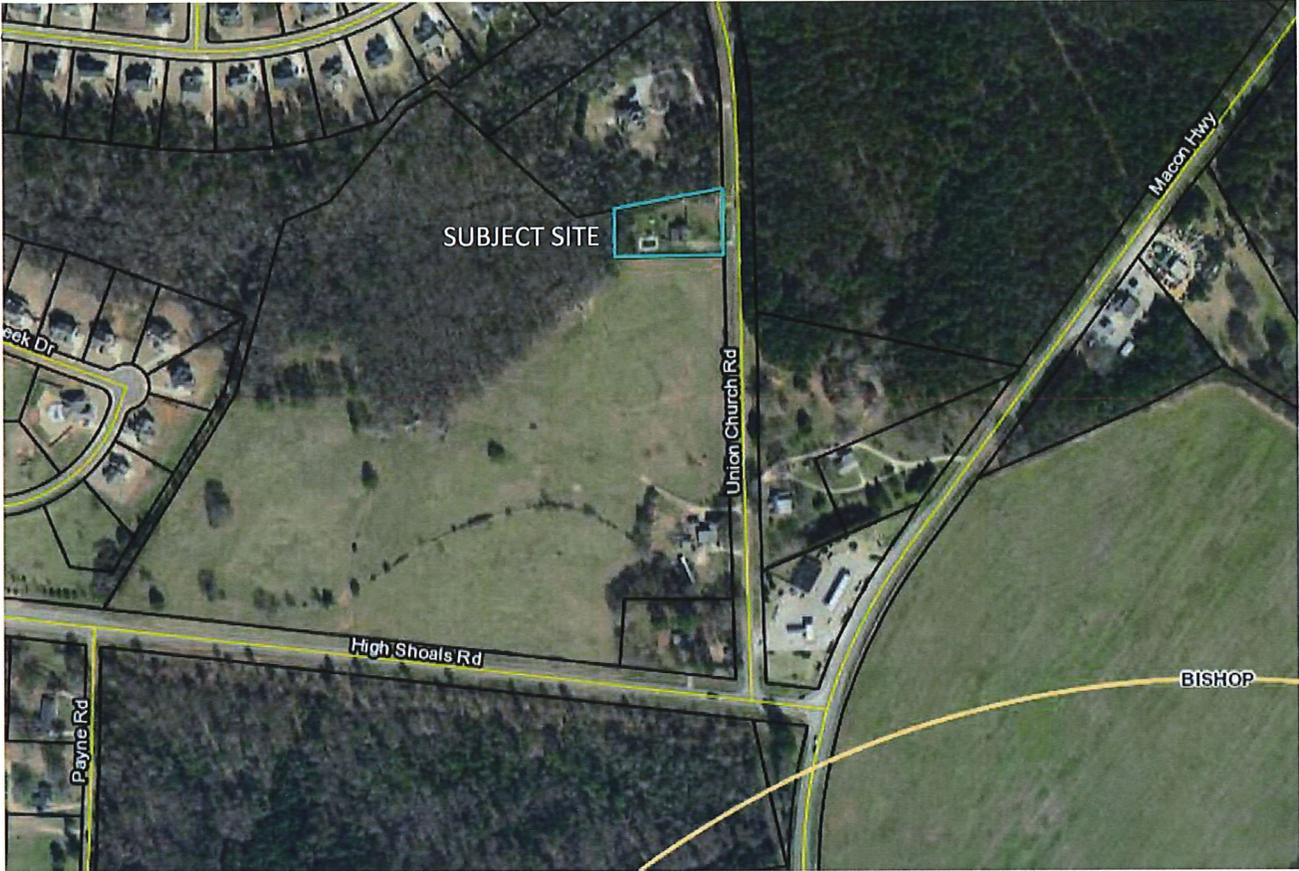
### INTRODUCTION

The property owner of 2440 Union Church Road, Ms. Katherine Burgdorf, is proposing to build an attached garage to the existing house at the end of the existing driveway. The site is located along Union Church Road between High Shoals Road and New High Shoals Road. According to the Oconee County Future Development Map, the subject site and adjacent parcels have been identified as a Country Estates Character Area.

The property owner, who purchased this property in 2018, is requesting this special exception variance and has engaged Smith Planning Group to act as the agent in preparing the required documentation. A special exception variance is requested from UDC code section 409.01 Setback Requirements of Table 4.6 allowing a reduction from the required 25' side yard setback in the agriculture zoning district to a 15' side yard setback in order to construct an attached garage to the existing house. The house was originally constructed in 1993 without the contemplation of an attached garage and prior to the adoption of the UDC. The logical placement for the proposed garage is to the south at the end of the existing driveway. Other locations for a garage would not relate to the existing house floorplan.

See aerials and photos of the site below:





View of subject site from Union Church Road

RECEIVED  
JAN 22 2019  
By \_\_\_\_\_

Sec. 1303.03. Standards for special exception variance approval. A special exception variance may be granted upon a finding that the relief, if granted:

- a. *Would not cause substantial detriment to the public good; and*

The allowance of a side yard setback reduction would not be detrimental to the public good. Instead this variance request would enhance the aesthetic along Union Church Road allowing for the construction of a garage to hide vehicles from the public view.

- b. *Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and*

The variance request will not be injurious to the use and enjoyment of the environment because the request is not concerned with seeking more developable area than allowed by Code, but is rather concerned with the location of a proposed additional to an existing structure. The variance request will not be injurious to the use and enjoyment of the adjacent property because the nearest structure of the adjacent property to the south is over 700 feet from the proposed attached garage. A 10-foot reduction in side yard setback will not be noticeable from the adjacent properties driveways or structures. Secondly, existing arborvitae screening trees have been planted along the property line eliminating views from the adjacent parcel to the south to the subject property.

- c. *Would not diminish and impair property values within the surrounding neighborhood; and*

The allowance of this side yard setback reduction would not diminish or impair property values within the surrounding neighborhood, instead, the variance would allow for construction that would increase the property value of the subject site as well enhance the aesthetic from Union Church Road with a place to hide vehicles from the public view.

- d. *Would not impair the purpose and intent of this Development Code.*

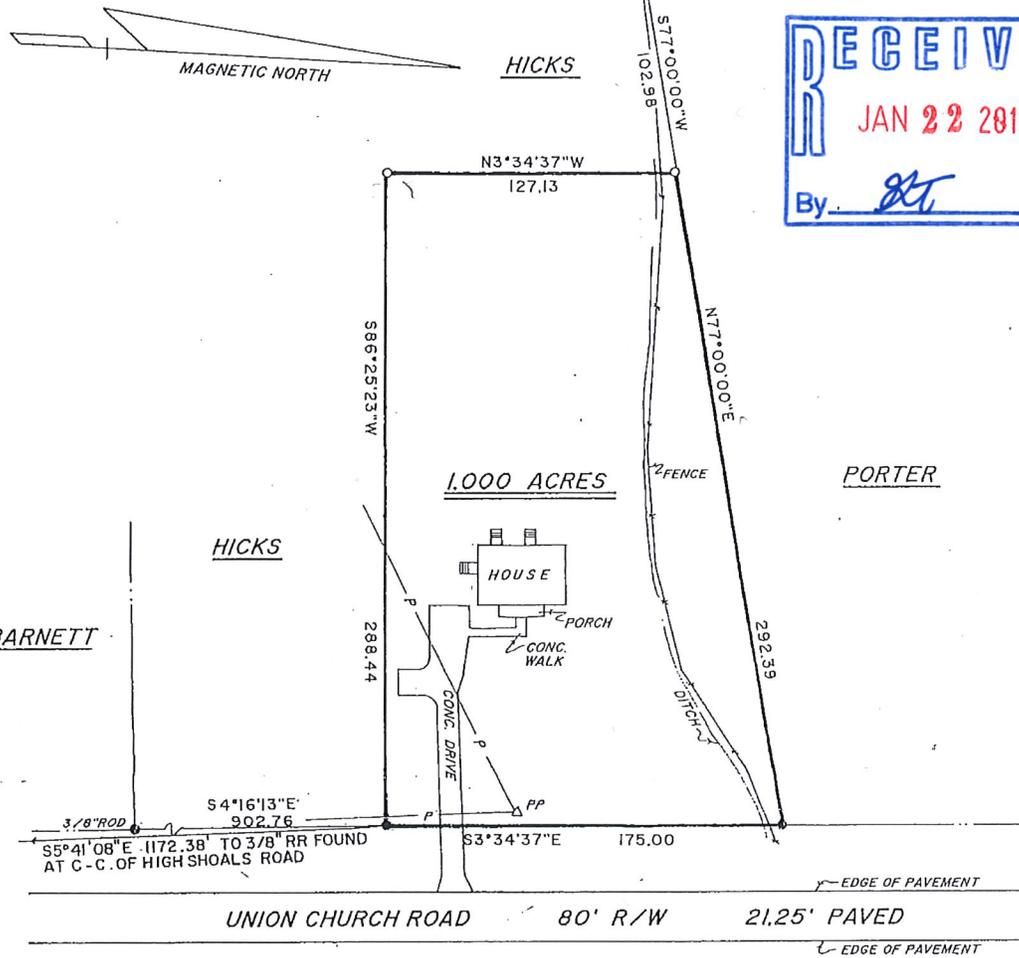
The purpose and intent of the setback standard is to control the placement of structures and maintaining a consistent character within a particular zoning district. The zoning of this property and the adjacent properties is the agriculture zoning district known for its rural character. Since the adjacent property to the south is over 36 acres with existing structures are over 700-feet from the subject site, the side yard setback would not impair the rural character the agriculture zoning district intends to maintain.



● DENOTES IRON PIN FOUND  
(1/2" REIN. ROD OR NOTED)

φ DENOTES POINT ONLY  
△ DENOTES POWER (PP) / SERVICE (SP)  
POLE

○ DENOTES 1/2" REIN. ROD SET



**RECEIVED**  
JAN 22 2019  
By: *[Signature]*

BARNETT

HICKS

1.00 ACRES

PORTER

3/8" ROD 54°16'13"E 902.76  
S5°41'08"E 1172.38 TO 3/8" RR FOUND AT C-C OF HIGH SHOALS ROAD  
S3°34'37"E 175.00  
EDGE OF PAVEMENT  
UNION CHURCH ROAD 80' R/W 21.25' PAVED  
EDGE OF PAVEMENT

REFERENCES

- (1) DEED BOOK 7, PAGE 514.
- (2) DEED BOOK T, PAGE 248.

SURVEY NOTES

- (1) EQUIPMENT USED: 05" THEODOLITE AND E.D.M.
- (2) ANGULAR ERROR: 05" PER STATION, ADJUSTED.
- (3) LINEAR CLOSURE: 1/15,000+, BALANCED ARBITRARILY.
- (4) MINIMUM PLAT CLOSURE: 1/188,185.

I CERTIFY THAT THIS LOT DOES NOT LIE WITHIN A FLOOD PLAIN.

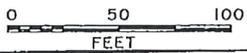
*[Signature]*

REVISED DEC. 7, 1993. SURVEY-FIELD CHECKED. ADDITIONAL IMPROVEMENTS SHOWN. NAME CHANGED FROM GRADY HICKS.

*[Signature]*



Clerk of Superior Court  
Oconee County, Georgia  
Filed For Record At  
DEC 21 19 99  
E. Hume  
Disputy Clerk



24-16

SURVEY FOR		
BARRY H. HICKS, JR.		
UNION CHURCH ROAD		
COUNTY: OCONEE	GMD: 222	STATE: GEORGIA ✓
DATE: AUG. 10, 1993	SCALE: 1" = 50'	DWN. BY: KMB
FIELDBOOK: 780	SURVEYED BY: BEN McLEROY & ASSOCIATES, INC. ENGINEERS & SURVEYORS	FILE NO.: 21154-3 ✓