

**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 Magnolia Valley Properties, LLC submitted February 5<sup>th</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 Smith Planning Group, LLC on February 5, 2019, regarding a ±0.94 acre tract of land located along Mars Hill Road in the 221<sup>st</sup> G.M.D., Oconee County, Georgia, (portion of tax parcel no. C-02-045A), 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 required incompatible-use buffer from 50 feet to 10 feet adjoining a single-family residential use and to reduce the required incompatible-use buffer from 25 feet to 10 feet adjoining a multi-family residential use.

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



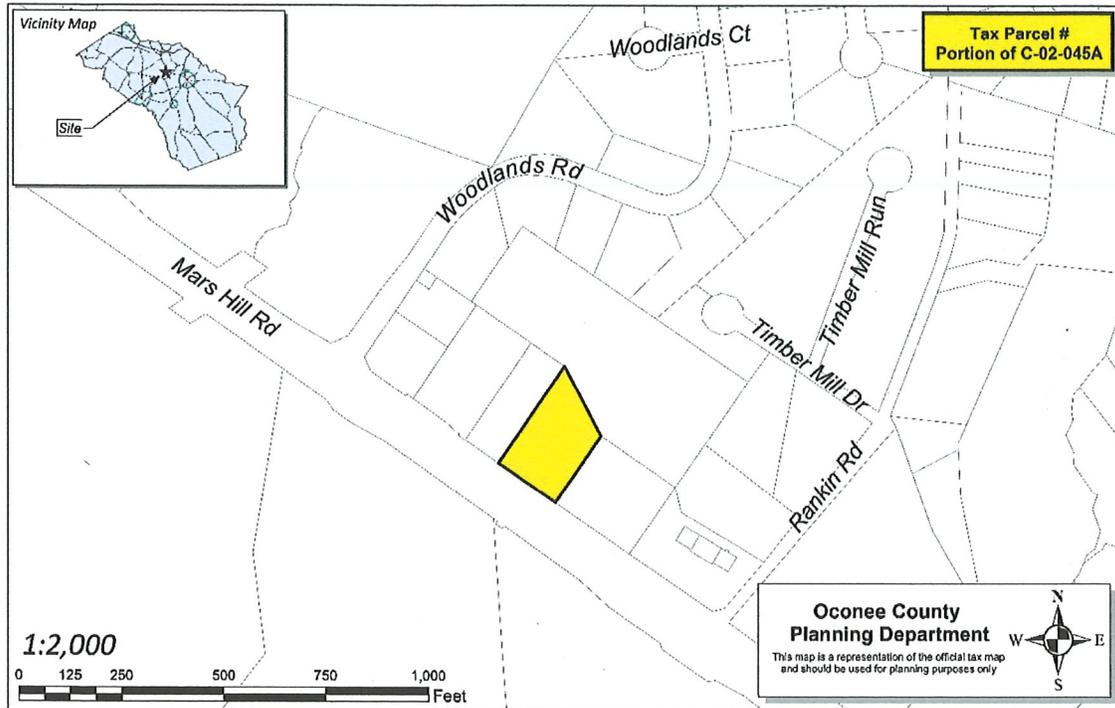
# EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7725

Page 1 of 4

## CONDITIONS

1. Interparcel access shall be provided to the adjacent B-1-zoned property, tax parcel no. C-02-045B.

## TAX MAP



## LEGAL DESCRIPTION

All those certain tracts or parcels of land, together with all improvements thereon, situate, containing 0.95 acres, more or less, lying and being in GMD 221, Oconee County, Georgia, located on the north side of Mars Hill Road, being more particularly described as follows:

Commence at a Mag. Nail set at centerline of Mars Hill Road and Woodland Road thence S62°47'18"E 461.94' to a point, which is the Point of Beginning:

Thence N34°37'53"E 287.18' to a point,

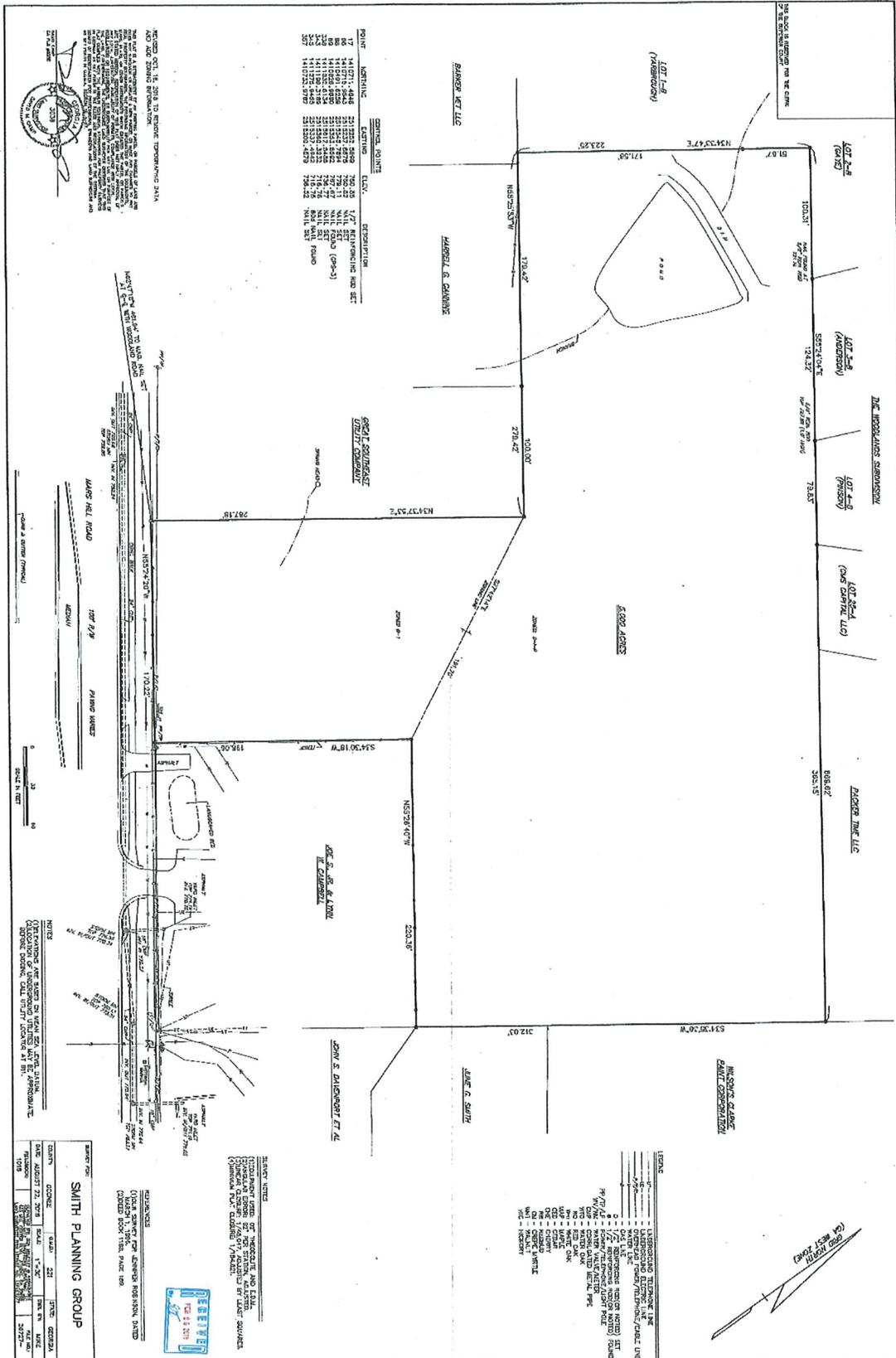
Thence S27°42'14"E 191.70' to a point,

Thence S34°30'18"W 198.06' to a point,

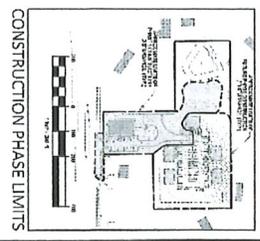
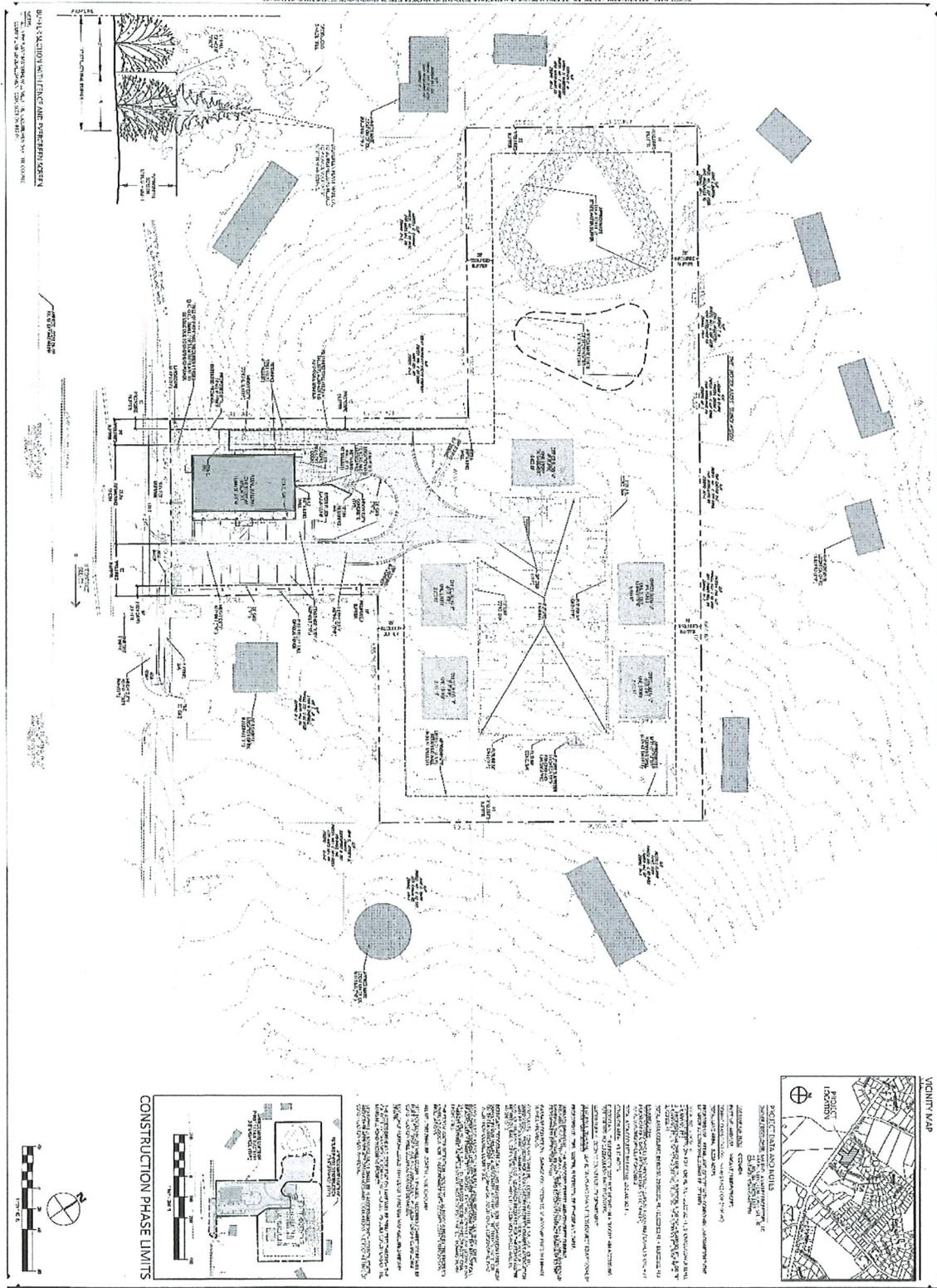
Thence N55°24'20"W 170.22' to a point, which is the Point of Beginning.

# EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7725

## PLAT



CONCEPT PLAN



**PROJECT DATA AND NOTES**

1. THE PROJECT IS A DEVELOPMENT OF 1.6 ACRES OF LAND LOCATED AT THE INTERSECTION OF 1170 MARS HILL ROAD AND 1170 MARS HILL ROAD, OCOFEE COUNTY, GEORGIA.

2. THE PROJECT IS A DEVELOPMENT OF 1.6 ACRES OF LAND LOCATED AT THE INTERSECTION OF 1170 MARS HILL ROAD AND 1170 MARS HILL ROAD, OCOFEE COUNTY, GEORGIA.

3. THE PROJECT IS A DEVELOPMENT OF 1.6 ACRES OF LAND LOCATED AT THE INTERSECTION OF 1170 MARS HILL ROAD AND 1170 MARS HILL ROAD, OCOFEE COUNTY, GEORGIA.

4. THE PROJECT IS A DEVELOPMENT OF 1.6 ACRES OF LAND LOCATED AT THE INTERSECTION OF 1170 MARS HILL ROAD AND 1170 MARS HILL ROAD, OCOFEE COUNTY, GEORGIA.

5. THE PROJECT IS A DEVELOPMENT OF 1.6 ACRES OF LAND LOCATED AT THE INTERSECTION OF 1170 MARS HILL ROAD AND 1170 MARS HILL ROAD, OCOFEE COUNTY, GEORGIA.

6. THE PROJECT IS A DEVELOPMENT OF 1.6 ACRES OF LAND LOCATED AT THE INTERSECTION OF 1170 MARS HILL ROAD AND 1170 MARS HILL ROAD, OCOFEE COUNTY, GEORGIA.

7. THE PROJECT IS A DEVELOPMENT OF 1.6 ACRES OF LAND LOCATED AT THE INTERSECTION OF 1170 MARS HILL ROAD AND 1170 MARS HILL ROAD, OCOFEE COUNTY, GEORGIA.

8. THE PROJECT IS A DEVELOPMENT OF 1.6 ACRES OF LAND LOCATED AT THE INTERSECTION OF 1170 MARS HILL ROAD AND 1170 MARS HILL ROAD, OCOFEE COUNTY, GEORGIA.

9. THE PROJECT IS A DEVELOPMENT OF 1.6 ACRES OF LAND LOCATED AT THE INTERSECTION OF 1170 MARS HILL ROAD AND 1170 MARS HILL ROAD, OCOFEE COUNTY, GEORGIA.

10. THE PROJECT IS A DEVELOPMENT OF 1.6 ACRES OF LAND LOCATED AT THE INTERSECTION OF 1170 MARS HILL ROAD AND 1170 MARS HILL ROAD, OCOFEE COUNTY, GEORGIA.

DATE: 08/13/2013  
 SHEET NO. V-0

VARIANCE ILLUSTRATION & CONCEPT PLAN



1170 MARS HILL ROAD  
 OCOFEE COUNTY, GEORGIA

**SMITH PLANNING GROUP**  
 LAND PLANNING  
 CONSULTING  
 LANDSCAPE ARCHITECTURE  
 ENVIRONMENTAL PLANNING  
 1170 MARS HILL ROAD  
 OCOFEE COUNTY, GEORGIA 31507  
 PHONE: 706.886.1170  
 FAX: 706.886.1171  
 WWW.SMITHPLANNINGGROUP.COM

# EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7725

## NARRATIVE

1170 Mars Hill Road  
Oconee County, Georgia



Variance Narrative Statement  
Revised 3/13/19

### INTRODUCTION

The subject site is located on Mars Hill Road, approximately 0.3 miles northwest of Butler's Crossing.

According to the Oconee County Future Development Map, the subject site and adjacent parcels lie within the Civic Center Character Area. The site also lies within the Mars Hill Overlay District.



### BACKGROUND, EXISTING CONDITIONS AND PROPOSED USES

The 5.003 AC undeveloped property (Parcel C 02 045A) is a "T" shaped parcel that joins the right-of-way of Mars Hill Road. The vegetation on the site consists primarily of kudzu along Mars Hill Road with Loblolly Pines along the rear or northern boundary. The property slopes to the northwest and drains into an existing pond at the northwestern boundary. The OIP portion is 4.06 AC and the B-1 portion of the site is 0.94 AC.

On August 1, 2000, the parcel was rezoned from AR-1 to OIP (Rezone No. 1813) and B-1 (Rezone No. 1814). On January 3, 2019, applications were made to modify the conditions of the rezones. The modifications include relocating the entrance into the development from Mars Hill Road and modifying the location and size of the proposed buildings. These modifications were necessary due to steep slopes created along the project frontage during the widening of Mars Hill Road.

Zoning and uses adjacent to the site include:

North

Zoning: OIP (currently vacant and part of the subject tract)

East

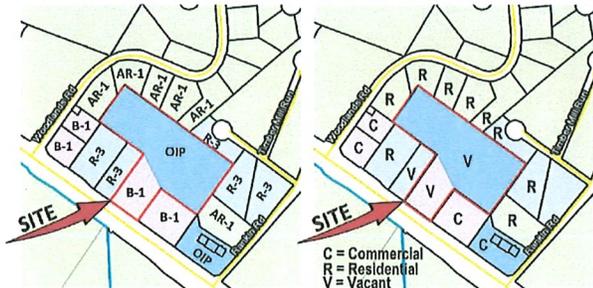
Zoning: B-1 with a single-family house/use

South

Zoning: Mars Hill Road (divided median), A-1 with Board of Education property beyond

West

Zoning: R-3, Vacant



### PROPOSED VARIANCE

Per the Oconee County Unified Development Code, Section 806, a buffer must be provided between any nonresidential development along a side or rear lot line that abuts a less intense land use. The request is to reduce the width of the buffer from 50 feet to 10 feet along the eastern side property line (adjacent to property zoned B-1 but with a single-family use), and from 25 feet to 10 feet along the western side property line (adjacent to property zoned R-3 that is vacant). The reduction in the buffer widths is consistent with the binding site plan

approved on August 1, 2000 (Rezone 1814) and is the minimum variance necessary to development the property due to limited frontage along Mars Hill Road. Only the B-1 zoned portion of the subject parcel is included in this variance request. A reduction in the buffer width in the OIP zoned portion of the tract is not being applied for. A 10 foot structural buffer per Section 806.04, containing a 6 foot tall opaque privacy wall and enhanced plantings, is proposed to be constructed along the length of the reduced buffer.

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 buffer reduction would not be detrimental to the public good.

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

The allowance of a buffer reduction would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity because methods such as a 6' tall opaque fence and evergreen screening plants would be installed to provide year-round opaque screening.

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

The allowance of this buffer reduction would not diminish or impair property values within the surrounding neighborhood, instead, the buffer reduction would provide the space necessary to develop this vacant property as quality commercial office space in harmony with the Oconee County Future Development Map and consistent in establishing this stretch of Mars Hill Road as a commercial district.

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

The allowance of this buffer reduction would not impair the purpose and intent of this Development Code. The buffer reduction would allow the space needed to develop this vacant property as commercial space while enhancing the year-round visual screening of the adjacent residential property.



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

---

**VARIANCE CASE #:** 7725

**DATE:** March 13, 2019

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

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

**PROPERTY OWNER:** Magnolia Valley Properties, LLC

**LOCATION:** Along Mars Hill Road

**PARCEL SIZE:** ± 0.94

**EXISTING ZONING:** B-1 (General Business District)  
and Mars Hill Overlay

**EXISTING LAND USE:** Undeveloped

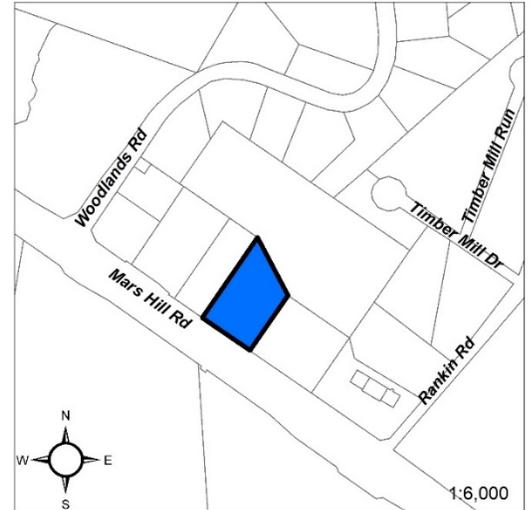
**TYPE OF VARIANCE REQUESTED:** Special Exception

**REQUEST SUMMARY:** The applicant is requesting a reduction in required incompatible-use buffers adjoining single-family and multi-family residential uses.

**DATE OF SCHEDULED HEARINGS**

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

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



# **BACKGROUND INFORMATION & FINDINGS OF FACT**

## **HISTORY**

- The subject site consists of ± 0.94 acres located towards the front of the 5-acre parcel no. B-02-045A along Mars Hill Road. The BOC approved rezone no. 1814 on August 1, 2000, rezoning the subject portion of the property from AR-1 (Agricultural Residential One Acre District) to B-1 (General Business District) in order to allow for the development of a retail/professional office building.
- Concurrent with the present request, rezone no. 7657 has been requested to allow for the development of a retail and commercial office building.

## **SITE VISIT DESCRIPTION**

- As of the site visit on 02/01/2019, the subject site is undeveloped and heavily wooded.
- The subject site appears substantially below the grade of Mars Hill Road and slopes moderately to the northwest.

## **VARIANCE DESCRIPTION**

- The owner is requesting approval of a special exception variance to reduce the required incompatible use buffer from 50 feet to 10 feet along the southeastern property line adjoining a single-family residential use, and from 25 feet to 10 feet along the northwestern property line adjoining multi-family residential zoning.

### ***UDC – Section 806 Buffers; where required.***

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:

<b>Table 8.1: Situations Where Buffer Required</b>					
	<b>① Provide a buffer on the lot of this use</b> ↓ ↓ ↓ ↓ ↓				
<b>②</b> <b>Along a side or rear lot line next to this less intense use or zoning</b> ↓	<b>1- or 2-Family Residence</b>	<b>Multi-Family</b>	<b>Office or Institutional</b>	<b>Commercial</b>	<b>Industrial</b>
1- or 2-Family Residential <sup>2</sup>	None	25 feet	25 feet	<b>50 feet</b>	100 feet
Multi-Family Residential	None	None	25 feet	<b>25 feet</b>	50 feet

<sup>1</sup> See separation requirements for certain uses in Article 3.  
<sup>2</sup> 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.

## **ENVIRONMENTAL**

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

## **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. Staff notes that the UDC requires vehicle use area screening along Mars Hill Road in addition to the landscape strip depicted on the concept plan.

**b. Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:** The 10-foot structural buffer shown on the concept plan consisting of a 6’ tall opaque fence and landscaping installed in accordance with the design standards of UDC Article 8 should be adequate to protect adjacent residential uses from potential negative impacts of the proposed development. Staff believes that approval of the present request should not be injurious to the use and enjoyment of the environment or 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 806 is to protect lower intensity land uses from potential negative impacts of adjacent incompatible land uses by providing visual screening and mitigation of excessive noise and/or light. Staff holds that the proposed structural buffer should provide adjacent properties with sufficient visual screening and noise mitigation from the proposed development and that approval of the present request would not impair the purpose and intent of the UDC.

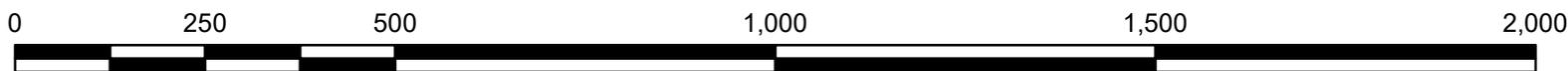
---

## **STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS**

Based upon the standards and limitations for special exception variance approval, this request **meets all necessary conditions to grant a special exception variance**. Staff recommends the special exception variance approved **subject to the following conditions to be fulfilled by the owner/developer at their expense:**

1. Interparcel access shall be provided to the adjacent B-1-zoned property, tax parcel no. C-02-045B.

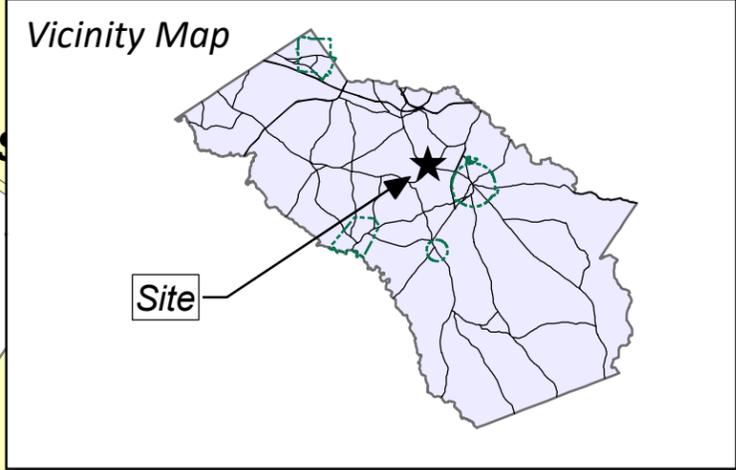
# Magnolia Valley Properties - Variance 7725 Aerial View



Feet

1:3,000





**Oconee County  
Planning Department**



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

0 95 190 380 570 760 Feet



The scale bar is a horizontal line with alternating black and white segments, marked with the numbers 0, 95, 190, 380, 570, and 760, followed by the word 'Feet'.

**Suburban Neighborhood**

**Rural Places**

**Civic Center**

**Woodlands Ct**

**Woodlands Rd**

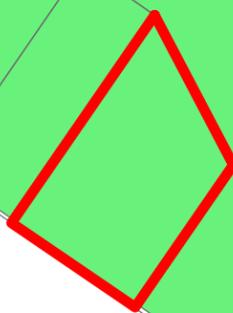
**Mars Hill Rd**

**Civic Center**

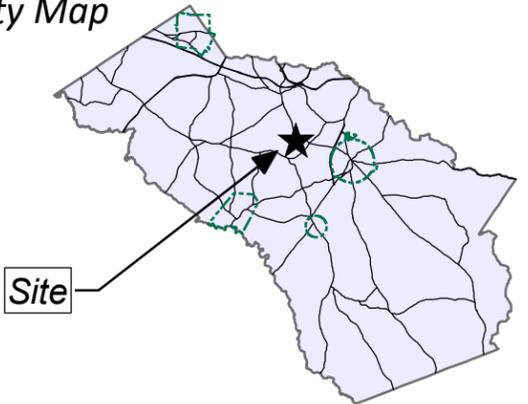
**Rankin Rd**

**Timber Mill Run**

**Civic Center**



Vicinity Map



Site

**Tax Parcel #  
Portion of C-02-045A**

Woodlands Ct

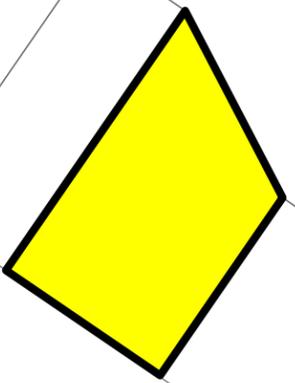
Woodlands Rd

Mars Hill Rd

Timber Mill Dr

Timber Mill Run

Rankin Rd



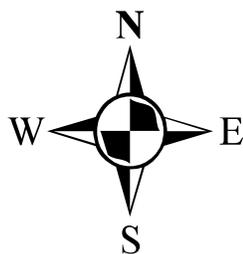
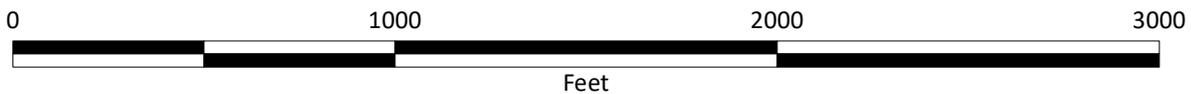
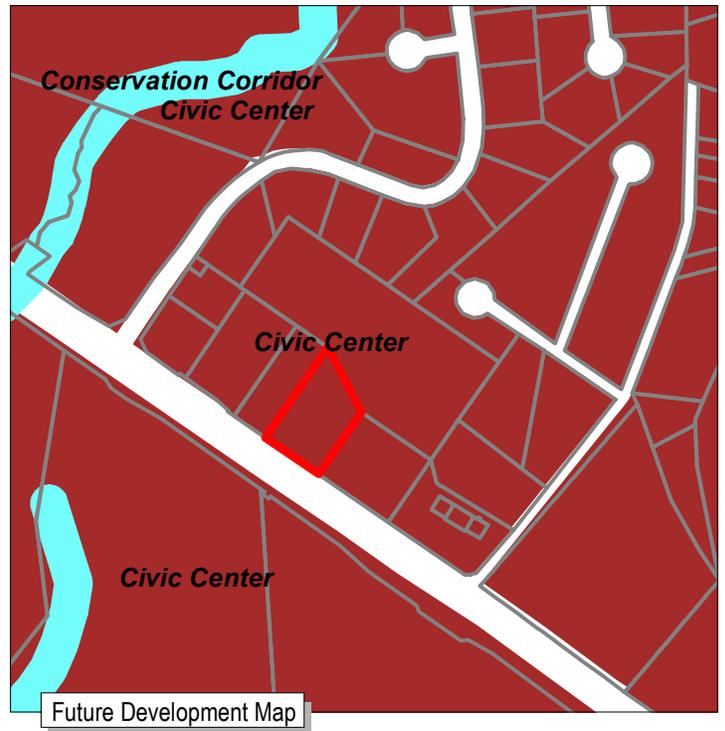
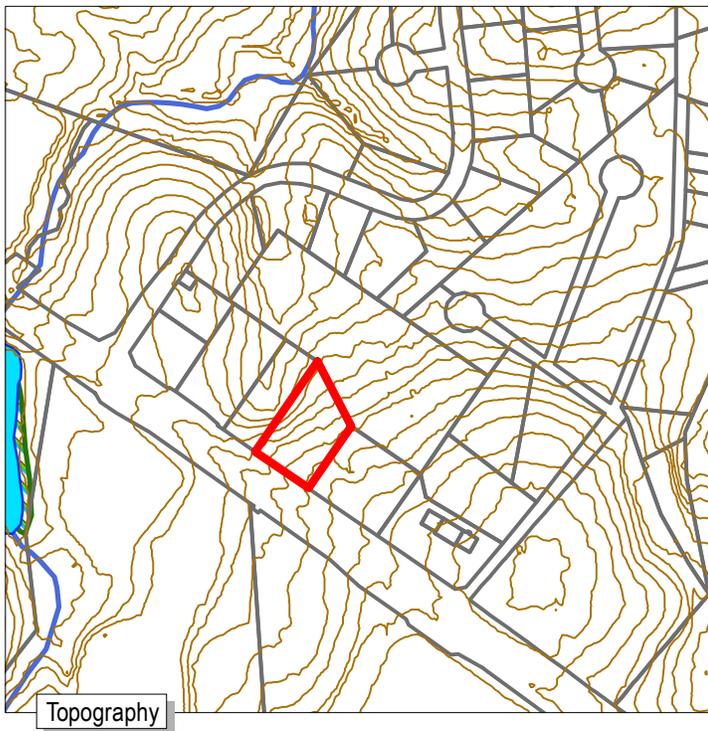
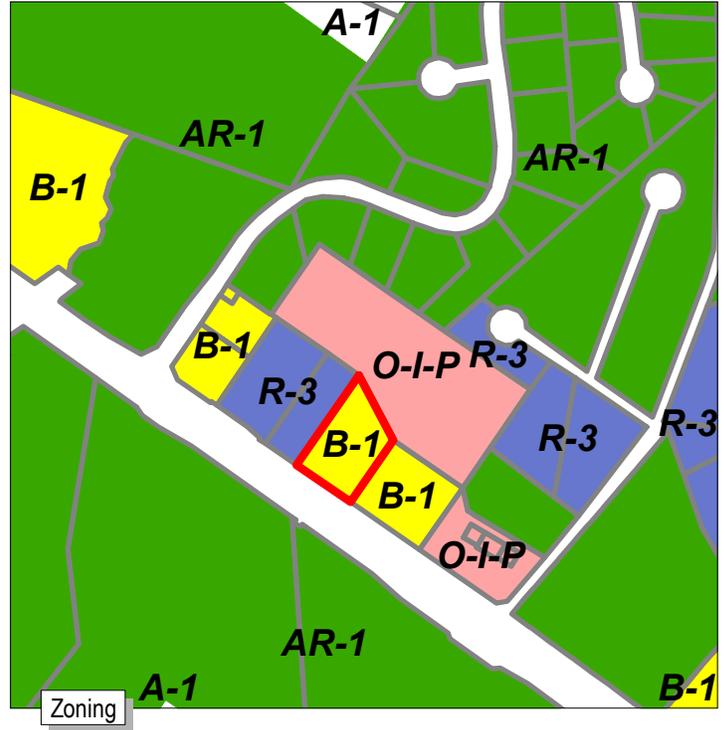
1:2,000



**Oconee County  
Planning Department**

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

# Magnolia Valley Properties - Variance # 7725 Site Review



1:6000

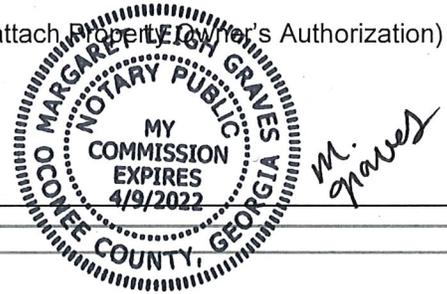


# OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

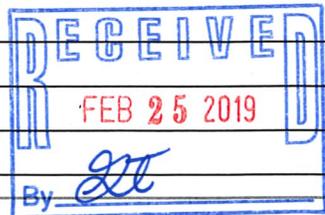
- Hardship Variance     Appeal of Administrative Decision     Flood Damage Prevention Variance
- Special Exception for: Buffer reduction

<b>Applicant</b>	<b>Property Owner</b>
Name: <u>SMITH PLANNING GROUP, LLC</u>	Name: <u>Magnolia Valley Properties, LLC</u>
Address: <u>1022 TWELVE OAKS PL, SUITE 201</u> <small>(No P.O. Boxes)</small> <u>WATKINSVILLE, GA 30677</u>	Address: <u>465 Huntington Road, Ste 140</u> <small>(No P.O. Boxes)</small> <u>Athens, GA 30606-1857</u>
Telephone: <u>(706) 769-9515</u>	Telephone: <u>706-353-6086</u>
Applicant is (check one): <input type="checkbox"/> the Property Owner <input checked="" type="checkbox"/> 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: <u><i>David Smith</i></u>	Date: <u>2/26/19</u> Notarized: <u><i>M. Graves</i></u>



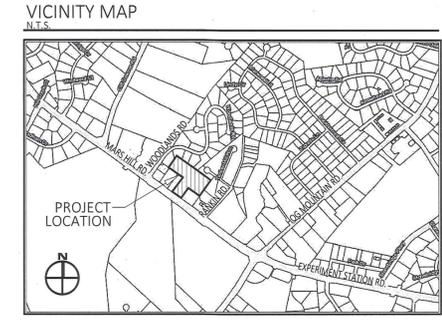
<b>Property</b>	<b>Use</b>
Location: <u>1170 Mars Hill Road</u> <u>Watkinsville, GA 30677</u>	Current Use: <u>Undeveloped</u>
Tax Parcel Number: <u>Portion of C 02 045A</u>	Proposed Use: <u>Retail</u>
Size (Acres): <u>0.94 AC</u> Current Zoning: <u>B-1</u>	
Future Development Map—Character Area Designation: <u>Civic Center</u>	

<b>Attachments</b> (check all that apply)	<b>Appeal or Variance Requested</b>
<input type="checkbox"/> Property Owner's Authorization (on file from Rezone Case # 7657) <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	Provide the code section and briefly explain the requested variance <u>UDC Code 806 requires a 50' wide buffer where commercial use adjoins a residential use. The variance request is for the buffer width to be reduced to 10'</u>



*For Oconee County Staff Use Only*

<b>Application</b>	Date Received: <u>2/5/19</u> Date Accepted: _____	<b>APPLICATION NUMBER</b> <input type="text"/>
	DRI Transmitted to RDC <input type="checkbox"/> Date: _____ <input checked="" type="checkbox"/> N/A	<b>Administrative Appeal:</b> 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: _____	<b>Board of Commissioners</b> Date: _____
Application Withdrawn <input type="checkbox"/> Date: _____	<input type="checkbox"/> Approved <input type="checkbox"/> With Conditions <input type="checkbox"/> Denied <input type="checkbox"/> N/A	



**PROJECT DATA AND NOTES**

**OWNER / DEVELOPER:** MAGNOLIA VALLEY PROPERTIES, LLC  
465 HUNTINGDON ROAD, STE 140  
ATHENS, GA 30606-1857  
CONTACT: STAN CHASTEEN

**TAX MAP REF. NOS.:** C 02 045A

**EXISTING LAND USE:** VACANT / UNDEVELOPED

**ZONING CLASSIFICATION:** B-1 (0.94 AC) / OIP (4.06 AC)

**TOTAL LAND AREA:** 5.003 ACRES

**PROPOSED USE:** RETAIL AND OFFICES WITH CONDOMINIUM OWNERSHIP (THE EXTERIOR BUILDING WALLS SHALL BE LOT LINE)

**TOTAL NO. BLDGS:** 6  
1- RETAIL BUILDING (B-1 PORTION); RETAIL = 5,500 SQ. FT., STORAGE/LOWER LEVEL = 5,500 SQ. FT.  
5- PROFESSIONAL OFFICE USE (O.I.P. PORTION); BLDG "A" = 5,400 SQ. FT., BLDG "B" = 5,400 SQ. FT., BLDG "C" = 2,700 SQ. FT., BLDG "D" = 2,700 SQ. FT., BLDG "E" = 2,700 SQ. FT.

**TOTAL AREA OCCUPIED BY BLDGS:** 29,900 SQ. FT. (11,000 SQ. FT. + 18,900 SQ. FT.)

**PARKING DATA:**  
TOTAL PARKING SPACES (PS) PROVIDED: 25 PS AT FLOORING / CARPET STORE + 77 PS FOR OFFICE BLDGS = 102 PS (INCLUDES 5 HC SPACES).  
TOTAL LOADING SPACES PROVIDED: 2

**TOTAL AREA OCCUPIED BY PAVING:** ±52,300 SQ. FT.

**COMMON AREA:** ±3.12 ACRES

**FLOODPLAIN:** THIS PROPERTY DOES NOT LIE WITHIN A FLOODPLAIN ACCORDING TO FIRM MAP NO. 13219C00650, DATED 9/2/2009.

**WATER SUPPLY:** OCONEE COUNTY UTILITY DEPARTMENT

**SEWERAGE DISPOSAL:** SEPTIC TANKS AND DRAIN FIELDS (SUBJECT TO APPROVAL BY COUNTY SANITARIUM).

**PROPOSED UTILITIES:** WATER, ELECTRICITY, TELEPHONE AND CABLE.

**SURFACE DRAINAGE:** THE PROPOSED STREETS AND CONCRETE CURBING, BITUMINOUS COATED CMP AND ALLIUMITE CMP, AND NATURAL AND IMPROVED DRAINAGE SWALES WILL BE EMPLOYED TO CONVEY SURFACE DRAINAGE TO THE STORMWATER DETENTION POND.

**GARAGE COLLECTION:** GARAGE COLLECTION TO BE ACCOMPLISHED BY PRIVATE SERVICE PROVIDERS.

**COVENANTS:** COVENANTS WILL BE RECORDED WITH THE FINAL PLAT OF THE SUBDIVISION. PROVISIONS FOR A MANDATORY PROPERTY OWNER'S ASSOCIATION WILL BE ESTABLISHED. MANDATORY ASSESSMENTS SUFFICIENT TO COVER THE COST OF THE MAINTENANCE AND INSURANCE REQUIRED FOR THE STORM WATER RETENTION BASIN, OPEN SPACES AND ANY OTHER COMMON SPACES WILL BE ADDRESSER.

**BOUNDARY, TOPOGRAPHIC AND EXISTING CONDITION INFORMATION** TAKEN FROM SURVEY BY BEN MCLEODY & ASSOCIATES, ATHENS, GA, ENTITLED "SURVEY FOR SMITH PLANNING GROUP," DATED 08-22-18. ADDITIONAL TOPOGRAPHIC INFO TAKEN FROM OCONEE COUNTY GIS.

**CONSTRUCTION PLANS AND FINAL PLAT** SHALL INCLUDE CERTIFICATION BY DEVELOPER'S GEORGIA LICENSED DESIGN PROFESSIONAL THAT THE RUNOFF CAN BE ADEQUATELY TRANSMITTED THROUGH EXISTING DOWNSTREAM STORM DRAIN STRUCTURES WILL NOT RESULT IN INCREASED FLOOD HEIGHTS OR ADDITIONAL THREATS TO PUBLIC SAFETY, AND WILL NOT ADVERSELY AFFECT DOWNSTREAM PROPERTIES.

**THE STORM WATER RETENTION FACILITY** WILL BE MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION IN ACCORDANCE WITH OCONEE COUNTY SUBDIVISION REGULATIONS.

**ALL UTILITIES** SHALL BE LOCATED UNDERGROUND.

**SITE DEVELOPMENT** WILL OCCUR IN PHASES. FLOORING / CARPET STORE WILL BE BUILT IN THE FIRST PHASE AND SUBSEQUENT PHASES FOR OFFICE BUILDING CONSTRUCTION WILL OCCUR AS MARKET DEMANDS.

**DEVELOPER ACKNOWLEDGES** THAT DENSITY AND USE MAY REQUIRE SANITARY SEWER.

**THE ACCESS DRIVE AND DECELERATION LANE** WILL BE PERMITTED THROUGH THE GA. DEPT. OF TRANSPORTATION AND WILL REFLECT AS BUILT CONDITIONS OF THE MARS HILL ROAD WIDENING PROJECT.

**STORMWATER MANAGEMENT** SHALL BE IN ACCORDANCE WITH COUNTY, STATE, AND OTHER APPROPRIATE ORDINANCES AND REGULATIONS IN EFFECT AT TIME OF CONSTRUCTION PLAN APPROVAL.

SEALS:



SHEET TITLE:

**VARIANCE ILLUSTRATION & CONCEPT PLAN**

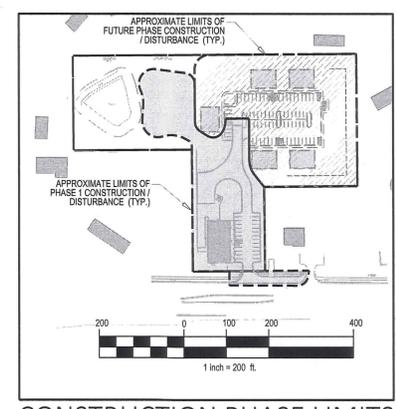
SHEET ISSUE: 02/25/19 PROJECT NO. 18-2408

NO.	DATE	DESCRIPTION
1	3/13/19	ADDRESS COMMENTS

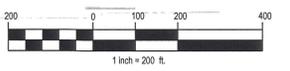


SHEET NO.

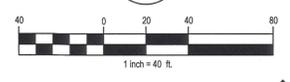
**V-0**



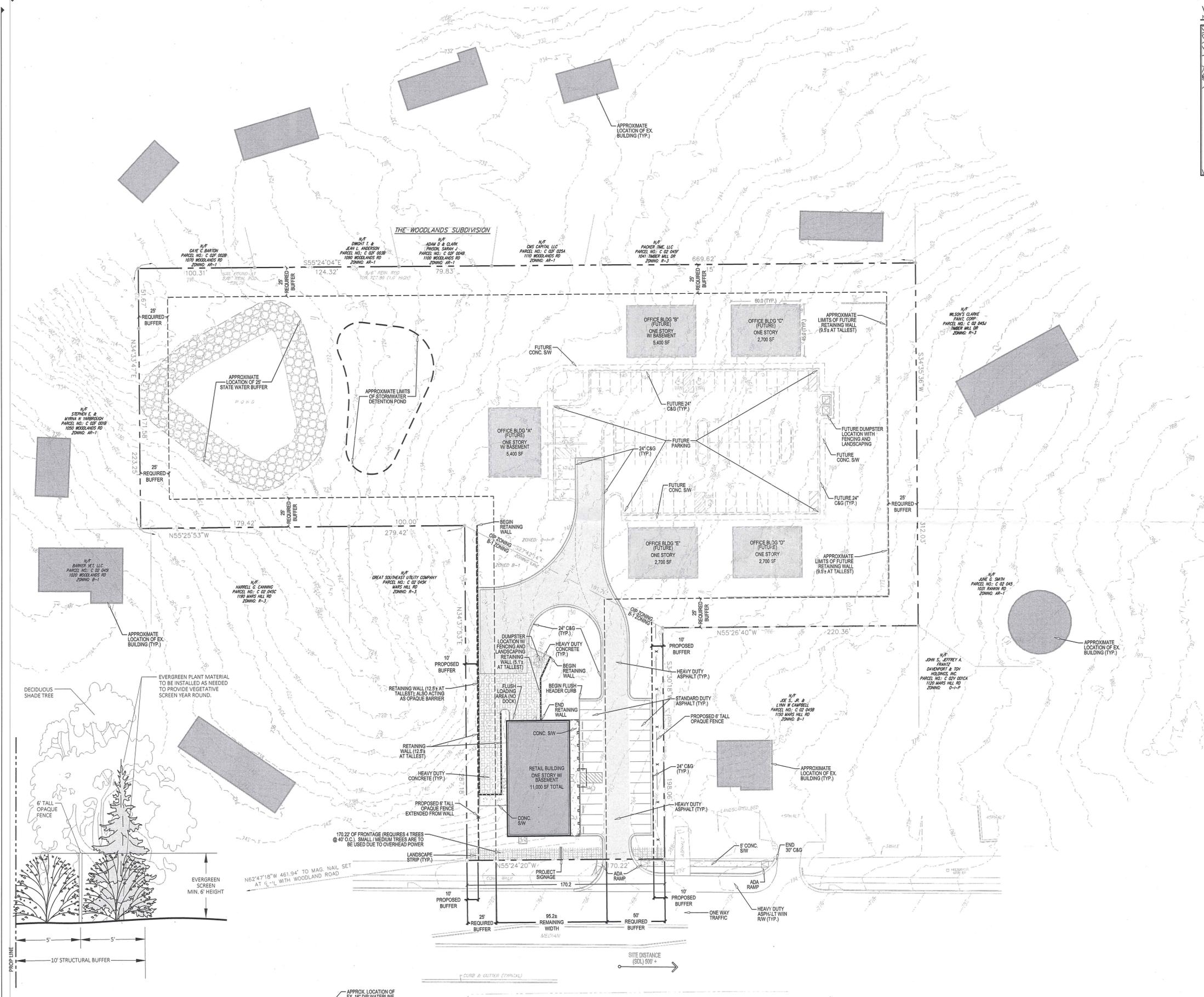
**CONSTRUCTION PHASE LIMITS**



1 inch = 200 ft.



1 inch = 40 ft.



**BUFFER SECTION WITH FENCE AND EVERGREEN SCREEN**

**NOTES:**  
1. ALL NEW PLANT MATERIAL WILL MEET THE REQUIREMENTS OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE SECTION 812.01.

COPYRIGHT SMITH PLANNING GROUP, LLC. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED IN ANY FORM OR BY ANY MEANS WITHOUT PRIOR AGREEMENT AND WRITTEN PERMISSION OF SMITH PLANNING GROUP, LLC.

LEGAL DESCRIPTION FOR B-1 PORTION

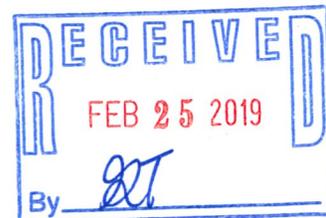
**MAGNOLIA VALLEY PROPERTIES, LLC**

465 Huntington Road, Ste 140  
Athens, GA 30606-1857

All those certain tracts or parcels of land, together with all improvements thereon, situate, containing 0.95 acres, more or less, lying and being in GMD 221, Oconee County, Georgia, located on the north side of Mars Hill Road, being more particularly described as follows:

Commence at a Mag. Nail set at centerline of Mars Hill Road and Woodland Road thence S62°47'18"E 461.94' to a point, which is the Point of Beginning:

- √ Thence N34°37'53"E 287.18' to a point,
- √ Thence S27°42'14"E 191.70' to a point,
- √ Thence S34°30'18"W 198.06' to a point,
- √ Thence N55°24'20"W 170.22' to a point, which is the Point of Beginning.



# 1170 Mars Hill Road

Oconee County, Georgia



## Variance Narrative Statement

Revised 3/13/19

### INTRODUCTION

The subject site is located on Mars Hill Road, approximately 0.3 miles northwest of Butler's Crossing.

According to the Oconee County Future Development Map, the subject site and adjacent parcels lie within the Civic Center Character Area. The site also lies within the Mars Hill Overlay District.



### BACKGROUND, EXISTING CONDITIONS AND PROPOSED USES

The 5.003 AC undeveloped property (Parcel C 02 045A) is a "T" shaped parcel that joins the right-of-way of Mars Hill Road. The vegetation on the site consists primarily of kudzu along Mars Hill Road with Loblolly Pines along the rear or northern boundary. The property slopes to the northwest and drains into an existing pond at the northwestern boundary. The OIP portion is 4.06 AC and the B-1 portion of the site is 0.94 AC.

On August 1, 2000, the parcel was rezoned from AR-1 to OIP (Rezone No. 1813) and B-1 (Rezone No. 1814). On January 3, 2019, applications were made to modify the conditions of the rezones. The modifications include relocating the entrance into the development from Mars Hill Road and modifying the location and size of the proposed buildings. These modifications were necessary due to steep slopes created along the project frontage during the widening of Mars Hill Road.

Zoning and uses adjacent to the site include:

North

Zoning: OIP (currently vacant and part of the subject tract)

East

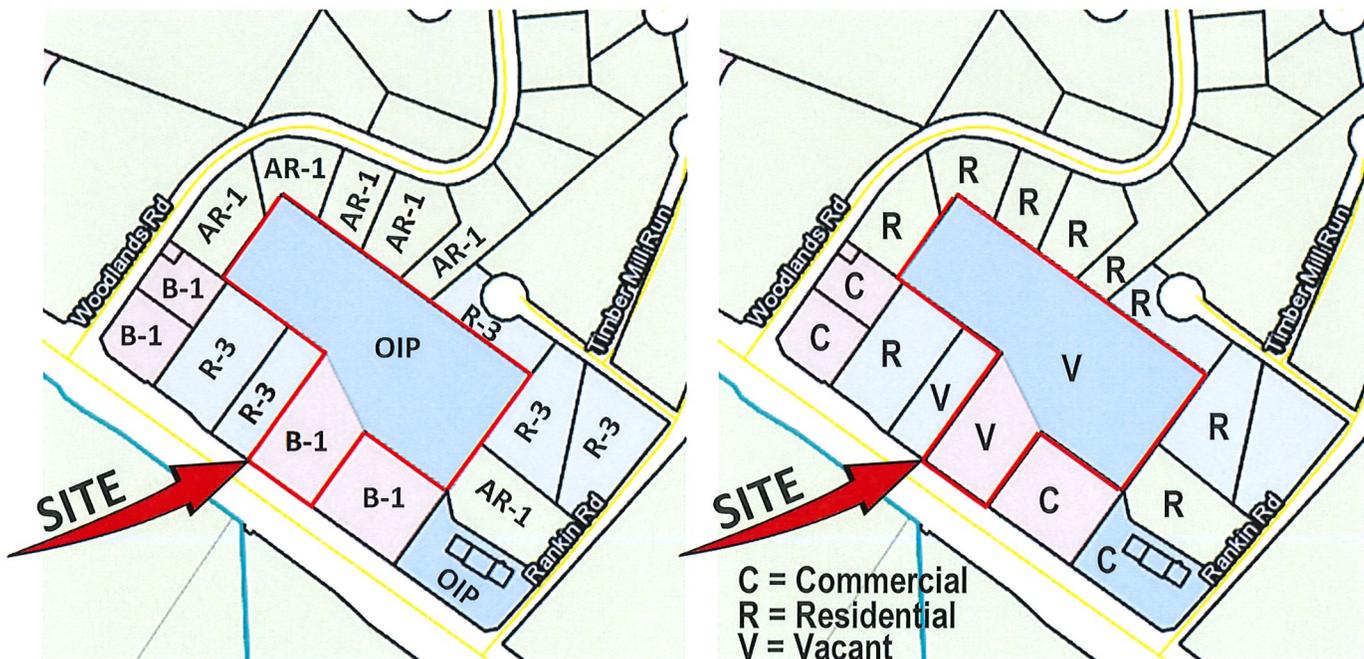
Zoning: B-1 with a single-family house/use

South

Zoning: Mars Hill Road (divided median), A-1 with Board of Education property beyond

West

Zoning: R-3, Vacant



### PROPOSED VARIANCE

Per the Oconee County Unified Development Code, Section 806, a buffer must be provided between any nonresidential development along a side or rear lot line that abuts a less intense land use. The request is to reduce the width of the buffer from **50 feet to 10 feet** along the eastern side property line (adjacent to property zoned B-1 but with a single-family use), and from **25 feet to 10 feet** along the western side property line (adjacent to property zoned R-3 that is vacant). The reduction in the buffer widths is consistent with the binding site plan

approved on August 1, 2000 (Rezone 1814) and is the minimum variance necessary to development the property due to limited frontage along Mars Hill Road. **Only the B-1 zoned portion of the subject parcel is included in this variance request.** A reduction in the buffer width in the OIP zoned portion of the tract is not being applied for. A 10 foot structural buffer per Section 806.04, containing a 6 foot tall opaque privacy wall and enhanced plantings, is proposed to be constructed along the length of the reduced buffer.

---

*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 buffer reduction would not be detrimental to the public good.**

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

**The allowance of a buffer reduction would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity because methods such as a 6' tall opaque fence and evergreen screening plants would be installed to provide year-round opaque screening.**

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

**The allowance of this buffer reduction would not diminish or impair property values within the surrounding neighborhood, instead, the buffer reduction would provide the space necessary to develop this vacant property as quality commercial office space in harmony with the Oconee County Future Development Map and consistent in establishing this stretch of Mars Hill Road as a commercial district.**

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

**The allowance of this buffer reduction would not impair the purpose and intent of this Development Code. The buffer reduction would allow the space needed to develop this vacant property as commercial space while enhancing the year-round visual screening of the adjacent residential property.**

THE WOODLANDS SUBDIVISION

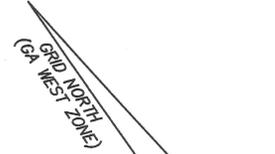
LOT 2-B (GAYE)

LOT 3-B (ANDERSON)

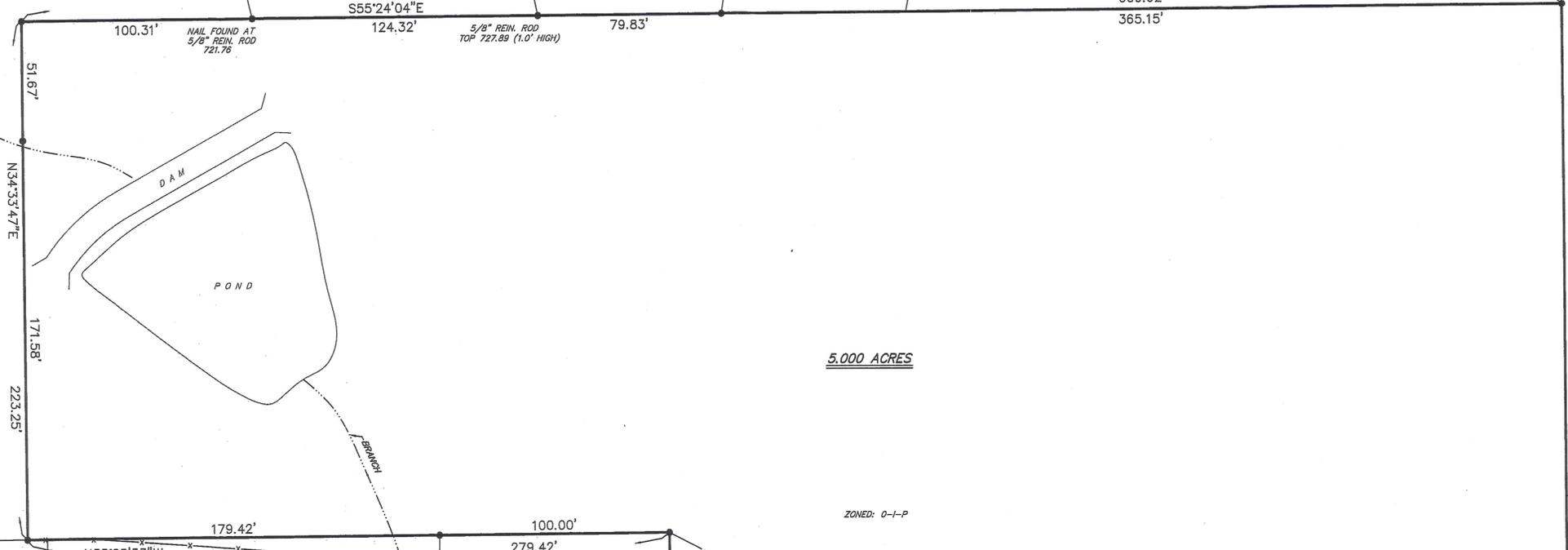
LOT 4-B (PINSON)

LOT 25-A (CMS CAPITAL LLC)

PACKER TIME LLC



THIS BLOCK IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT



5.000 ACRES

ZONED: 0-I-P

ZONED B-1

LEGEND

---UT---	UNDERGROUND TELEPHONE LINE
---UE---	UNDERGROUND ELECTRIC LINE
---P/T/C---	OVERHEAD POWER/TELEPHONE/CABLE LINE
---	WATER LINE
---	GAS LINE
○	1/2" REINFORCING ROD (OR NOTED) SET
●	1/2" REINFORCING ROD (OR NOTED) FOUND
PP/TP/LP	POWER/TELEPHONE/LIGHT POLE
WV/WM	WATER VALVE/METER
CMP	CORRUGATED METAL PIPE
WTO	WATER OAK
RO	RED OAK
WHI	WHITE OAK
MAP	MAPLE
CED	CEDAR
CHE	CHERRY
RB	REDBUD
CM	CREPE MYRTLE
WNT	WALNUT
HIC	HICKORY

CONTROL POINTS

POINT	NORTHING	EASTING	ELEV.	DESCRIPTION
17	1410711.4648	2515252.5899	760.85	1/2" REINFORCING ROD SET
66	1410715.9543	2515237.8676	760.52	NAIL SET
68	1410491.6259	2515546.7694	779.11	NAIL SET
69	1410626.9660	2515353.8692	767.67	NAIL FOUND (GPS-3)
338	1411032.6134	2515612.5486	736.77	NAIL SET
343	1411199.3189	2515360.3232	718.78	NAIL SET
345	1411275.9465	2515337.4942	715.75	80d NAIL FOUND
357	1410733.9762	2515200.4579	758.52	NAIL SET

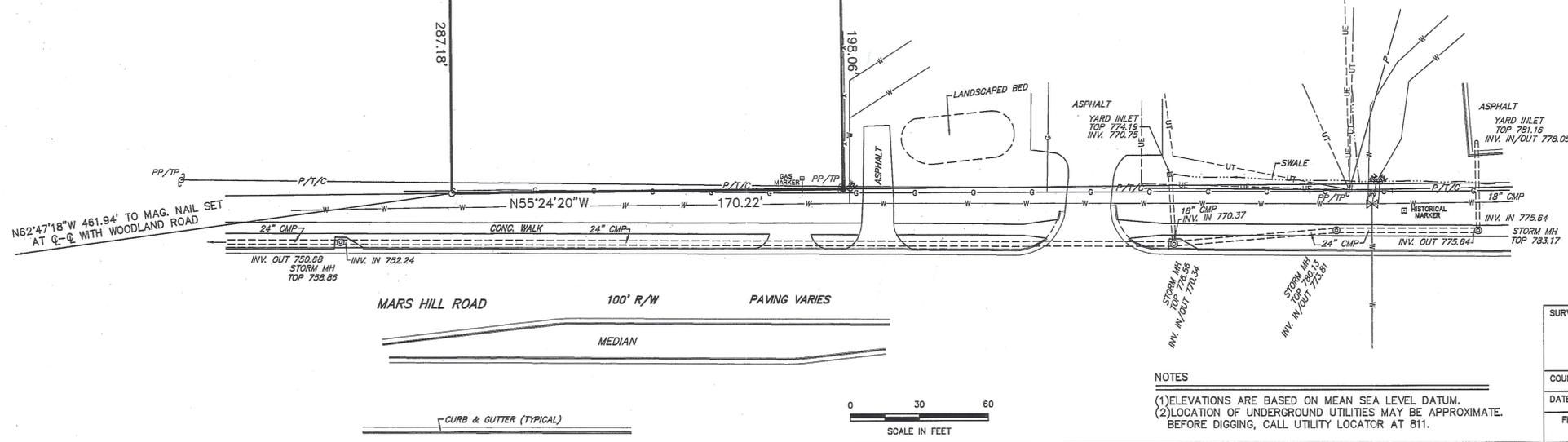
GREAT SOUTHEAST UTILITY COMPANY

JOE S., JR. & LYNN W. CAMPBELL

JOHN S. DAVENPORT ET AL

REVISED OCT. 18, 2018 TO REMOVE TOPOGRAPHIC DATA AND ADD ZONING INFORMATION.

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUSTAINABILITY FOR ANY USE OR PURPOSE OF THE LAND. 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 43-2-1.



- SURVEY NOTES
- (1) EQUIPMENT USED: 02" THEODOLITE AND E.D.M..
  - (2) ANGULAR ERROR: 02" PER STATION, ADJUSTED.
  - (3) LINEAR CLOSURE: 1/145,047, ADJUSTED BY LEAST SQUARES.
  - (4) MINIMUM PLAT CLOSURE: 1/184,621.



- REFERENCES
- (1) OUR SURVEY FOR JENNIFER ROBINSON, DATED MARCH 1, 1996.
  - (2) DEED BOOK 1188, PAGE 159.

SURVEY FOR:

**SMITH PLANNING GROUP**

COUNTY:	OCONEE	G.M.D.:	221	STATE:	GEORGIA
DATE:	AUGUST 22, 2018	SCALE:	1"=30'	DWN. BY:	MIKE
FIELDBOOK:	1018	SURVEYED BY:	BEN McLEROY & ASSOCIATES 703-548-8573 140 MILL CENTER BLVD., ATHENS, GA 30606 LAND SURVEYOR FIRM LICENSE NO. LSP001277	FILE NO.:	36727-

- NOTES
- (1) ELEVATIONS ARE BASED ON MEAN SEA LEVEL DATUM.
  - (2) LOCATION OF UNDERGROUND UTILITIES MAY BE APPROXIMATE. BEFORE DIGGING, CALL UTILITY LOCATOR AT 811.

