

THE HONORABLE BOARD OF COUNTY COMMISSIONERS, MADISON, GEORGIA,
MET THIS DAY IN REGULAR SESSION.

MEETING WAS HELD ON THE SECOND FLOOR OF THE ADMINISTRATION BUILDING.

PRESENT: Chairman Ben Riden, Jr., Vice-Chair Bill Kurtz, Commissioners Philipp von Hanstein, Donald Harris and Andy A. Ainslie, Jr.

STAFF: County Manager Adam Mestres, Assistant County Manager Mark Williams, County Attorney Christian Henry, and County Clerk Leslie Brandt.

The meeting was called to order at 5:00 p.m., followed by the Pledge of Allegiance and Invocation.

AGENDA APPROVAL

Motion by Commissioner Harris, Seconded by Commissioner Ainslie to approve the agenda as presented. Motion Passed Unanimously.

MINUTES

April 05, 2022 BOC Meeting

MOTION by Commissioner Ainslie, Seconded by Commissioner Harris to approve the minutes as presented. Motion Passed Unanimously.

WAYNE DUTTON IS REQUESTING CONDITIONAL USE APPROVAL FOR AN AGRICULTURAL EVENT FACILITY ON 50.64 ACRES LOCATED AT 1610 DOSTER ROAD (TAX PARCEL 027-021C)

Wayne Dutton is requesting conditional use approval for an agricultural event facility on 50.64 acres located at 1610 Doster Road. The application came forward several months ago. After the Planning Commission heard the application, they decided the language for event facilities required some adjustments since agricultural event facilities are more specific in scope. Planning staff drafted a new ordinance. With the new ordinance approved, Mr. Dutton is now ready to move forward with his application.

The Planning Commissions unanimously recommended approval of the application with the following conditions:

- The arena must be modified to meet the required setbacks.
- Parking must meet regulations. No parking allowed on the 5-acre parcel not included in the event facility application.

Dutton agreed to adjust the arena to meet the setbacks and to relocate parking.

Commissioner Riden allowed proponents to speak

The following spoke in favor of the application:

Mike Ivy, Bostwick Resident

Debbie Crowe, Shepherd Road

Jennifer Jordan, Bethany Road

Residents stated the rodeo is a sport like any other sport and helps develop and prepare children for the future. The events held give children a productive outlet and brings joy to everyone in attendance.

Commissioners discussed that Mr. Dutton would need to check with the Tax Assessors office regarding his conservation program to ensure he is not violating any laws by charging for events. Commissioners also commented that the sound from the events held can be heard in a nearby subdivision.

Wayne Dutton addressed the Board and informed them he is working with the Tax Assessors office regarding his conservation program. He also stated he would turn the speakers in a different direction to help mitigate sound traveling to the nearby subdivision.

Commissioner Riden allowed opponents to speak

No one spoke in opposition.

MOTION by Commissioner Kurtz, Seconded by Commissioner Harris to approve the conditional use for an agricultural event facility on 50.64 acres located at 1610 Doster Road (Tax Parcel 027-021C) subject to the conditions set by the Planning Commission. Motion Passed Unanimously.

ANNE SYMMES IS REQUESTING CONDITIONAL USE APPROVAL TO ALLOW A FARMSTAY ON 43.61 ACRES LOCATED AT 3790 SANDY CREEK ROAD (TAX PARCEL 017-025)

Anne Symmes is requesting a conditional use approval for a Farmstay on 43.61 acres located at 3790 Sandy Creek Road. The property is better known as Cedar Lane Farm. The main residence is a c. 1830 farmhouse which is listed on the National Register of Historic Places. The Planning Commission voted unanimously to recommend approval of the application.

Anne Symmes spoke before the Board. Symmes stated her parents purchased the property in 1966 and worked hard to create a business that they admired and loved in agriculture. She wants to continue the tradition by promoting agriculture and sharing the history of the property.

Commissioner Riden allowed proponents to speak

Debbie Crowe, of Shepherd Road spoke in favor of the application stating she is thrilled the family is doing this and believes it is a great way to preserve the property.

Commissioner Riden allowed opponents to speak

No one spoke in opposition.

MOTION by Commissioner Ainslie, Seconded by Commissioner Kurtz to approve the conditional use to allow a Farmstay on 43.61 acres located at 3790 Sandy Creek Road (Tax Parcel 017-025). Motion Passed Unanimously.

GINNY VANOOSTROM, ON BEHALF OF SOWHATCHET PLANTATION LLC, IS REQUESTING A VARIANCE FOR AN ACCESSORY DWELLING ON 9.21 ACRES LOCATED AT 5361 SANDY CREEK ROAD (TAX PARCEL 009-023)

Ginny VanOostrom is requesting a variance to the maximum size for an accessory dwelling for 9.21 acres located at the intersection of Sandy Creek Road and Fairplay Road (5361 Sandy Creek Road). The property is used as a residence and as a grandfathered non-profit event facility. The structure was a historic store and was remodeled into a residence in 2016. The front porch of the c. 1800 store-turned residence is within the county right-of-way. After the remodel, event guests occasionally used the residence, but became a permanent residence for the applicant in 2020. The applicant has been corresponding with the Planning Office concerning safety of living in the home due to its close proximity to the roadway. The applicant would like to build a new home on the property further away from the roadway. However, under the current ordinance, with the existing residence on site, she would need to subdivide her property and does not meet the acreage requirements. Nor does the structure qualify as an accessory dwelling because of its size. The current ordinance limits the maximum size for an accessory dwelling to 1,200' feet and the structure is 1,900' feet. The Planning Commission discussed options with the applicant at their meeting, one being that she could remove the kitchen and bathroom area from the existing residence to convert it into an accessory building. The applicant declined this option. The Planning Commission voted unanimously to recommend denial of the application because they felt other options were available, especially if safety was the main concern.

Commissioner Riden allowed proponents to speak

Ginny VanOostrom and Alan Willett, both residents at 5361 Sandy Creek Road spoke in favor of the application.

VanOostrom stated she made a large investment in renovating the old store and did not want to remove the kitchen and bathroom as it would diminish the value she has put into the residence. She is asking for a variance to make the existing residence an accessory dwelling to build a permanent home further back on the property away from the roadway. She still holds non-profit weddings on her property and if her application is approved, she would again allow brides to utilize the current residence as a dressing facility. She expressed safety concerns living so closely to the road such as people stopping on her doorstep asking for directions, money, and gas.

Alan Willett stated the parcel was originally 2 tracts. However, when they previously applied for an event facility permit, in good faith, they went ahead and combined the tracts. Ultimately, they were denied the event facility permit, and are now no longer able to subdivide the tracts due to the current ordinance. The area they would like to build on is an 8-acre field that has 750' of road frontage off Fairplay Road. He and VanOostrom are respectfully asking the Board to allow them to turn the existing residence into an accessory dwelling and build a new home in the 8-acre field.

Commissioner Kurtz asked Chuck Jarrell if the accessory dwelling is approved, would it have to share a driveway with the new home?

Jarrell stated under the new ordinance, if it is considered an accessory dwelling and a house is allowed to be built, the two structures must use the same driveway and the same meter.

Commissioner Riden allowed opponents to speak

No one spoke in opposition.

MOTION by Commissioner Kurtz, Seconded by Commissioner Harris to approve the variance request for an accessory dwelling, allowing the construction of a new residence at 5361 Sandy Creek Road (Tax Parcel 009-023). Both structures must share a common driveway and common meter and the accessory dwelling cannot be rented at any time. Motion Passed Unanimously.

HELEN COX APPEAL

Helen Cox would like to subdivide her property at 1491 Mission Road to build a new home. However, current regulations prohibit the split due to lack of road frontage. She is appealing to the Board of Commissioners to allow the split.

Cox stated that she is a lifelong member of Morgan County and has lived on Mission Road for 36 years. Her property consists of 10 acres, and she currently resides in a mobile home on the property. She is nearing retirement and it has always been her goal to build a retirement home on the property. She does not want to remove the mobile home on her property as she plans to give it to her children.

Commissioners asked Chuck Jarrell if the mobile home could be an accessory dwelling.

Jarrell stated, mobile homes are not included in the accessory dwelling definition, so it would not qualify.

Commissioners expressed that the current ordinance is hurting residents that have lived in Morgan County for a long period of time and that they need to go back and review the road frontage minimum.

MOTION by Commissioner Ainslie, Seconded by Commissioner von Hanstein to table appeal by Helen Cox to allow time to revisit possible ordinance changes. Motion Passed Unanimously.

COMMISSIONER LIAISON REPORTS

Commissioners gave updates on Liaison assignments.

PUBLIC COMMENTS ON AGENDA ITEMS

No public comments were made.

MOTION by Commissioner Ainslie, seconded by Commissioner Kurtz to exit regular session and adjourn at 6:16 p.m. Motion Passed Unanimously.

Ben Riden, Jr., Chairman

ATTEST:

Leslie Brandt, County Clerk