



# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

**PETITION FOR: CONDITIONAL USE – CARPENTRY SHOP  
VARIANCE – PROPERTY LINE SETBACKS**

Property location:	159 Newborn Road
Property tax parcel:	R04-052
Acreage:	.304
Applicant:	Ted Medford
Applicant's Agent:	
Property Owner:	Ted Medford
Existing Use:	Vacant after the demolition of restaurant
Proposed Use:	Carpentry shop related to ProFoam business
Variance Requested:	Side and rear setbacks

### Summary

Ted Medford has requested a conditional use for a carpentry shop and a setback variance for .304 acres on Newborn Road within the city limits of Rutledge. This Staff Report will address both requests. The variance request is contingent on the approval of the conditional use request.



Mr. Medford owns ProFoam, a business that is in the large building shown in the photo to the left. Part of the ProFoam business includes the construction of trailers (to pull behind a vehicle) that contain foam installation equipment. The subject property is shown outlined in blue. The building shown on the property was the Georgia Grill restaurant, which was demolished earlier this year. Mr. Medford approached the Planning office about a variance for the side and rear setbacks, but Staff discovered that the use he had requested, a warehouse to be used in conjunction with the ProFoam business, was not allowed in the C1 zoning district. After a review of uses allowed in the C1 zoning district, Mr. Medford determined the only possibility in the use chart was a carpentry

shop, as wood is used in the construction of the ProFoam trailers. Staff did not know enough about the assembly of the trailers to decide whether the use was carpentry and instructed Mr. Medford to contact the Mayor of Rutledge for a determination regarding whether carpentry would be an appropriate application. The Mayor said he was fine with application under the carpentry designation. It should be noted that the existing ProFoam business is grandfathered. As a grandfathered use, the building cannot be enlarged. (Grandfathered businesses may continue to operate as a non-conforming use but cannot expand or enlarge.)



The subject property is located on Newborn Road between Atlanta Highway and Dixie Highway.

Several commercially zoned properties are on Newborn Road or nearby.

A – Rutledge City Hall, which was formerly Madison Bank

B – Rutledge Post Office

C – No zoning assigned – public utility parcel

D – Commercially zoned residential structure

E – Gas Station

F – Dollar General

G – Closed Gas Station

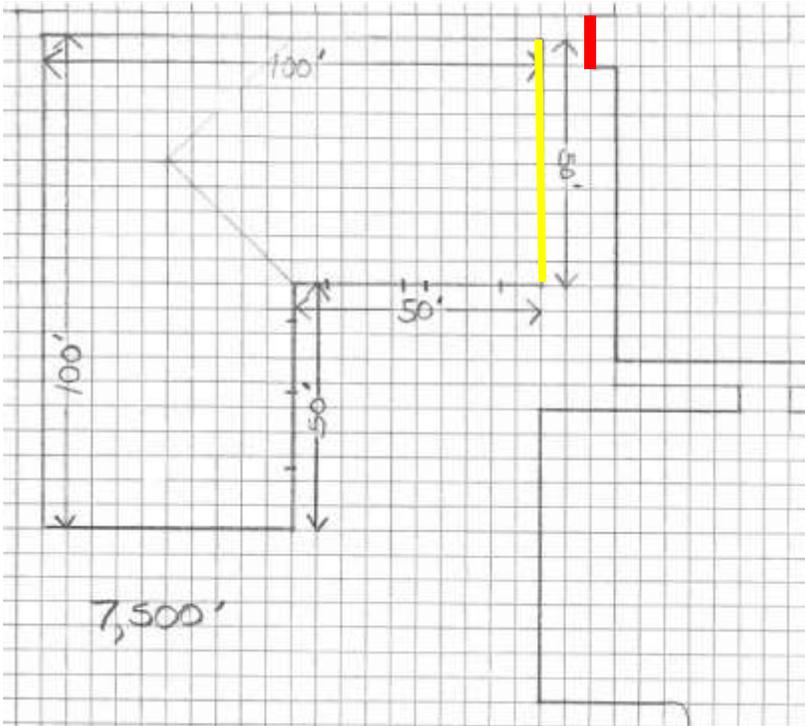
H – Liquor Store

See zoning map in this packet.

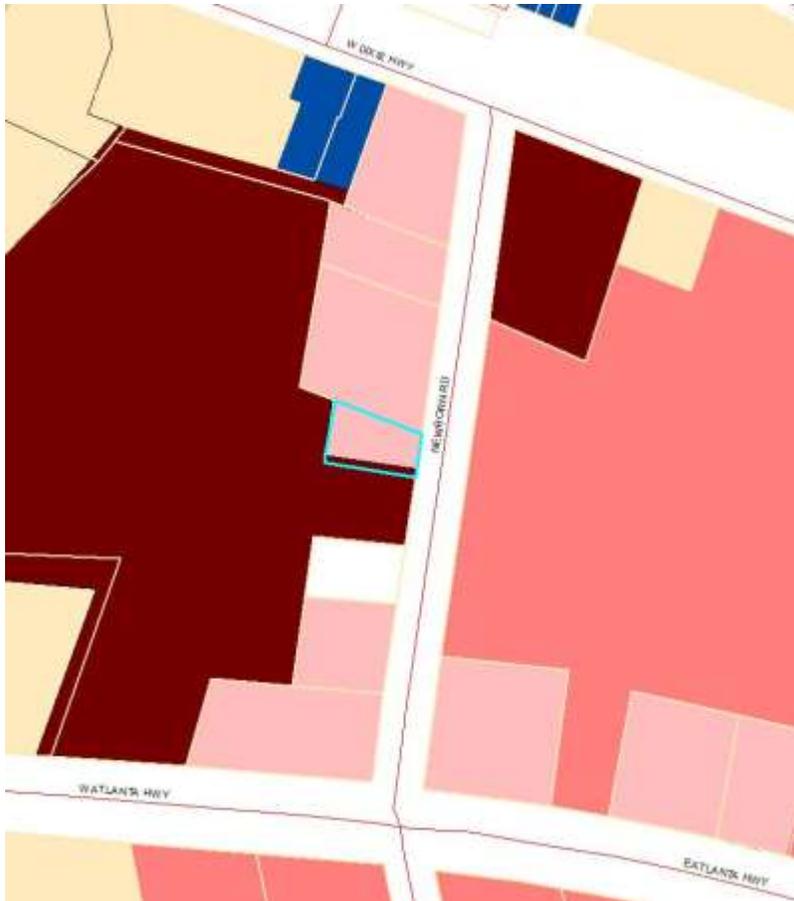
The applicant stated in his letter that he felt his request for a Variance was consistent with the setbacks on other C1 zoned properties. He is correct that the Post Office, ProFoam building, and the corner gas station are within the currently required setbacks. However, these structures were constructed under the previous ordinance, which did not require side or rear setbacks in the Commercial Zoning District. The Dollar General has been constructed since the new ordinance was passed and has the necessary setbacks. The other gas station (G) is also within the setback, but that property was divided for the liquor store in 2015 and the Rutledge City Council approved the setback variance.



The drawing at the bottom of the page is also included as a separate sheet. The drawing shows the left side of the existing ProFoam building and the proposed location of the building to go on the subject parcel. Refer to the red lines on both the photo and the drawing for reference. If the proposed building (yellow line), goes straight and in line with the existing building then the proposed building extends onto the adjacent parcel containing the existing building. The applicant was asked about combining the parcels during the application process, but he rejected the suggestion.



Please see the included recorded plat for reference. The applicant stated that he was requesting a reduction in setbacks to 5' or less. From the information presented above, the north setback would be zero, as the proposed building would be on the adjacent parcel. The plat shows the total length of the rear property line is 104.32'. If the proposed building was centered on the property, that would leave 2.16' on either side of the building for setbacks. If pushed to the north corner, where the building is going onto the adjacent property anyway, the south setback would be 4.32'.



The subject property is outlined in blue. The C1 zoning district is shown as light pink. Darker pink is C2, dark red is mixed use, blue is historic commercial, and tan is residential. If you look at the plat of the property in this packet, you'll see where 10' was added to the south side of the property. This is reflected in the zoning map to the left, as 10' of the property is actually zoned mixed use. Note the strip of dark red within the blue outline. The applicant did not rezone the 10' when he added the additional land. Currently, the property is split zoned, as it contains both C1 and mixed use. Carpentry is not allowed in the mixed-use zoning district.

#### Criteria for Consideration

#### Chapter 22.4 Required Findings from Conditional Use Approval from the City of Rutledge Zoning Ordinance:

1. Adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed use to an acceptable level;
2. Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;
3. Off-street parking and loading, and the entrance to and exit from such parking and loading, will be adequate in terms of location, amount and design to service the use;
4. Public facilities and utilities are capable of adequately serving the proposed use;
5. Granting the request would not be an illogical extension of a use which would introduce damaging volumes of (1) agricultural, (2) commercial, (3) industrial, or (4) high density apartment use into a stable neighborhood of well-maintained single family homes, and likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, and additional requests of a similar nature which would expand the problem;
6. Granting the request would not lead to congestion, noise and traffic hazards or overload public facilities, current or planned;

7. Granting the request would conform to the general expectation for the area population growth and distribution according to the Comprehensive Land Use Plan;
8. Granting the request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability;
9. Granting the request would not have a “domino effect,” in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Land Use Plan.

From the City of Rutledge Zoning Ordinance. Chapter 21.6, Required Findings for Variance Approval:

1. There are extraordinary and exceptional conditions pertaining to the property because of size, shape and topography;
2. The literal application of this Ordinance would create an unnecessary hardship;
3. A variance would not cause substantial detriment to public good and impair the purposes and intent of this Ordinance;
4. A variance would not confer upon the property of the applicant any special privilege denied to other properties in the district;
5. The special circumstances surrounding the request for the variance are not the result of acts of the applicant;
6. The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use in the district;
7. The variance proposal is consistent with all standards and criteria adopted by the City of Rutledge;
8. The variance is the minimum variance that will make possible an economically viable use of the land, building or structure.

#### Staff Comments

A concern related to the use as a carpentry shop being used in conjunction with the ProFoam business is the classification of the business for Occupation Tax (business license). If the proposed building was to be approved as a conditional use for carpentry but given an Occupational Tax Certificate as a foam business, then the North American Industry Classification System number (NAICS) that must be assigned to the business will be incorrect. These numbers must be submitted to the state every year by the municipality.

The request for a setback variance does not address that the building is going onto the adjacent property. If the requests are approved, a condition must be attached that the parcels shall be combined. If approved, the building is not allowed on the portion of the property zoned as mixed use. The applicant can either apply to rezone the 10' strip to match the C1 zoning on the rest of the parcel or the building size can be adjusted to stay off the mixed-use portion of the property.

Another consideration is that the impervious surface maximum for the C1 zoning district is 40%. The specified building size would cover approximately 56%, not counting any paved parking areas. The existing ProFoam parcel has approximately 86% impervious surface coverage, but the previous ordinance did not include an impervious surface maximum.



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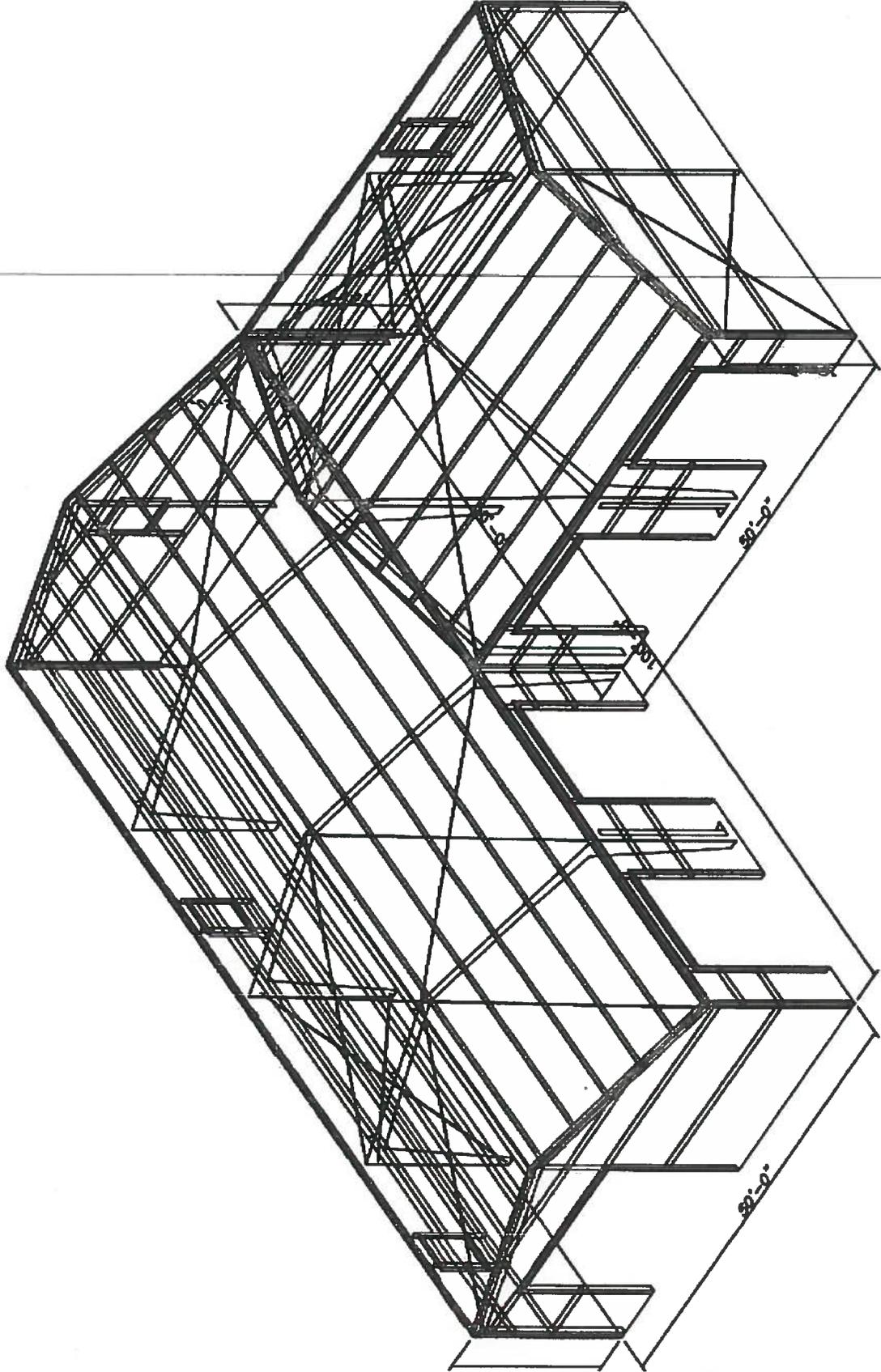
Date: 5/9/2019  
 Account Manager: Ben Childers

BUILDING SKETCH FOR:  
**Pro Foam**  
 Rutledge, GA

SHEET	OF:
S-1	1

GENERAL NOTES

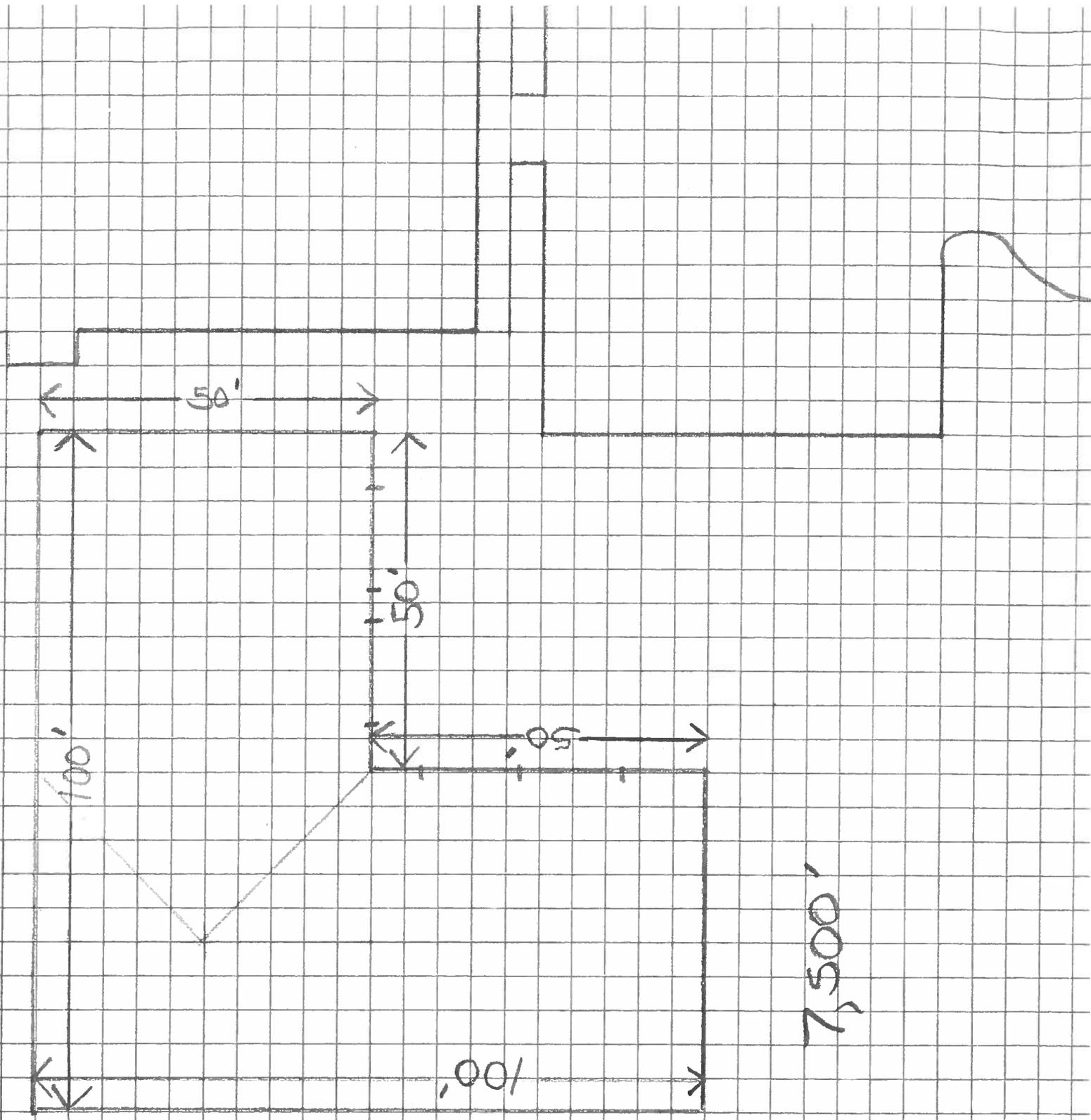
1. SKETCH IS NOT TO SCALE
2. SIGN BELOW TO APPROVE THE SKETCH



Customer Approval Signature: \_\_\_\_\_







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