



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

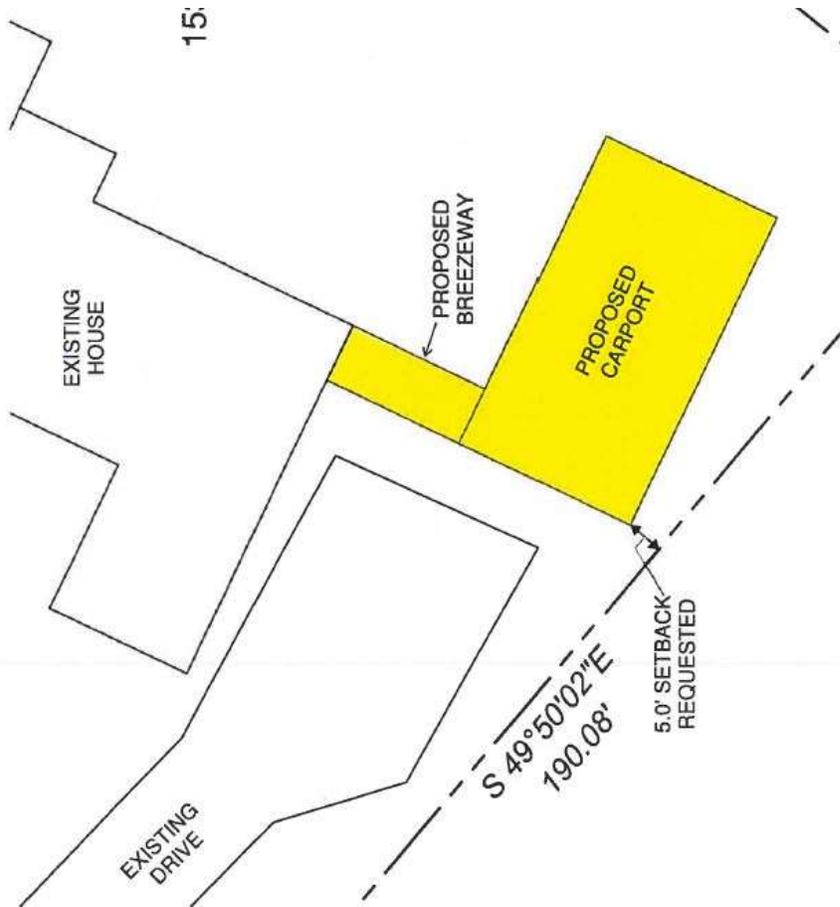
PETITION FOR: VARIANCE

Property location:	1531 Chilton Woods Road
Property tax parcel:	012-039A
Acreage:	1.02 (2.00 total)
Applicant:	Robert Wayne Aiken
Applicant's Agent:	N/A
Property Owner:	Robert Wayne Aiken
Variance Requested:	Reduction of side setback

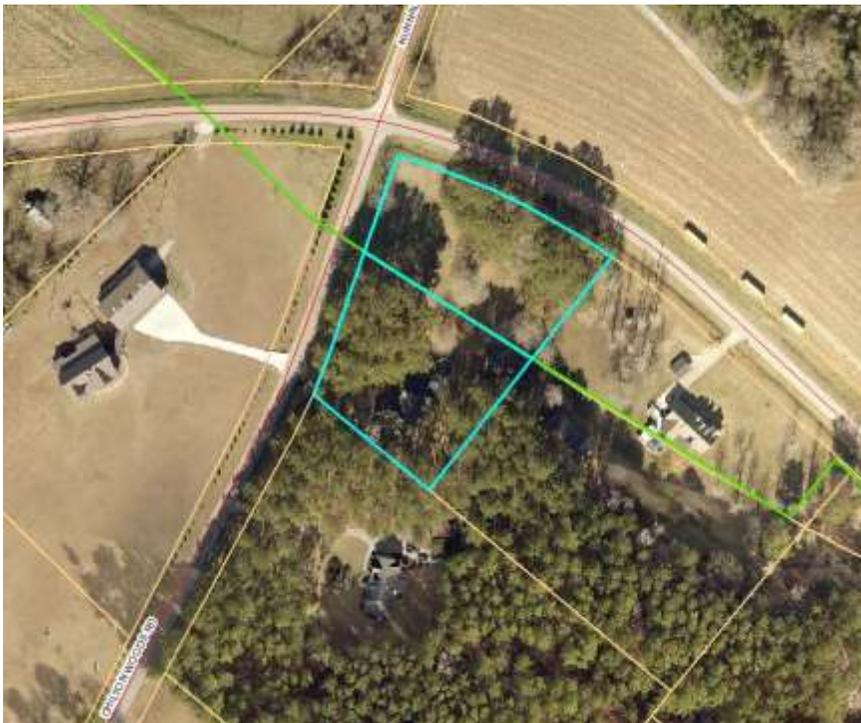
Summary



Robert Wayne Aiken is requesting a variance to the side setback for property located at 1531 Chilton Woods Road. The photo to the left shows the property, which is bisected by Rutledge city limits. The applicant lists the acreage of the property at 1.02, but that is the county-only property. The entire property, including the acreage within the city limits of Rutledge, is 2 acres. The applicant's house is difficult to see through the trees but is near the south property line. The existing garage is side loading, so the driveway and parking pad are at the property line.



This image is also included in the packet as a separate page, along with the information from the Health Department. The proposed new structure and connecting breezeway are shown in yellow with the requested setback of 5 feet from the property line. The septic tank information from the Health Department indicates that the septic tank is located approximately where the words "Proposed Breezeway" are shown on this drawing, with the drain field in the back yard. The applicant states in his application letter that the requested location is negate an impact to the septic system.



A wider aerial view shows that the property to the south contains a house. That house is 130 feet from the applicant's property line.

A site visit shows that the applicant has graded for the carport already and has cleared many of the trees shown in the aerial photo. When the sign was placed on the property, a fence was being installed.



The property consists of two parcels, one in the city of Rutledge and one in the unincorporated county. The zoning for both is Agricultural Residential (AR). AR for the county is shown in light green. AR for Rutledge is shown as the darker green.

Both zoning districts also have the same setbacks:

- 75' front
- 15' side
- 40' rear

As the property within Rutledge has double road frontage, it would also have a double front setback, or 75' from both roads.

Criteria for Consideration

(Please note that the criteria below are bulleted in the Morgan County Zoning Ordinance, Section 19.3.1. They are numbered here for ease of use.

1. Compatibility with Adjacent Uses and Districts: Existing uses and use districts of surrounding and nearby properties, whether the proposed use district is suitable in light of such existing uses and use districts of surrounding and nearby properties, and whether the proposal will adversely affect the existing use or usability of adjacent or nearby properties.
2. Property Value: The existing value of the property contained in the petition under the existing use district classification, the extent to which the property value of the subject property is diminished by the existing use district classification, and whether the subject property has a reasonable economic use under the current use district.
3. Suitability: The suitability of the subject property under the existing use district classification, and the suitability of the subject property under the proposed use district classification.
4. Vacancy and Marketing: The length of time the property has been vacant or unused as currently used under the current use district classification; and any efforts taken by the property owner(s) to use the property or sell the property under the existing use district classification.
5. Evidence of Need: The amount of undeveloped land in the general area affected which has the same use district classification as the map change requested. It shall be the duty of the applicant

to carry the burden of proof that the proposed application promotes public health, safety, morality or general welfare.

6. Public Facilities Impacts: Whether the proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks or other public facilities and services.
7. Consistency with Comprehensive Plan: Whether the proposal is in conformity with the policy and intent of the locally adopted comprehensive plan.
8. Other Conditions: Whether there are any other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposal.

Staff Comments

According to the Tax Assessor's records, the house was constructed in 2000 and the applicant purchased the property in 2014. Therefore, the house, driveway and septic system were in place when purchased. Staff understands that the requested location of the carport is more convenient for the applicant, especially considering that the concrete driveway is existing. The question is whether the lack of that convenience equals a hardship, as the applicant has another acre or more that could be used to place a carport.

June 10, 2019

Morgan County Planning Commission
150 East Washington Street, Suite 200
Madison, GA 30650

RE: Application for Zoning Action – Variance

Dear Planning Commission Members,

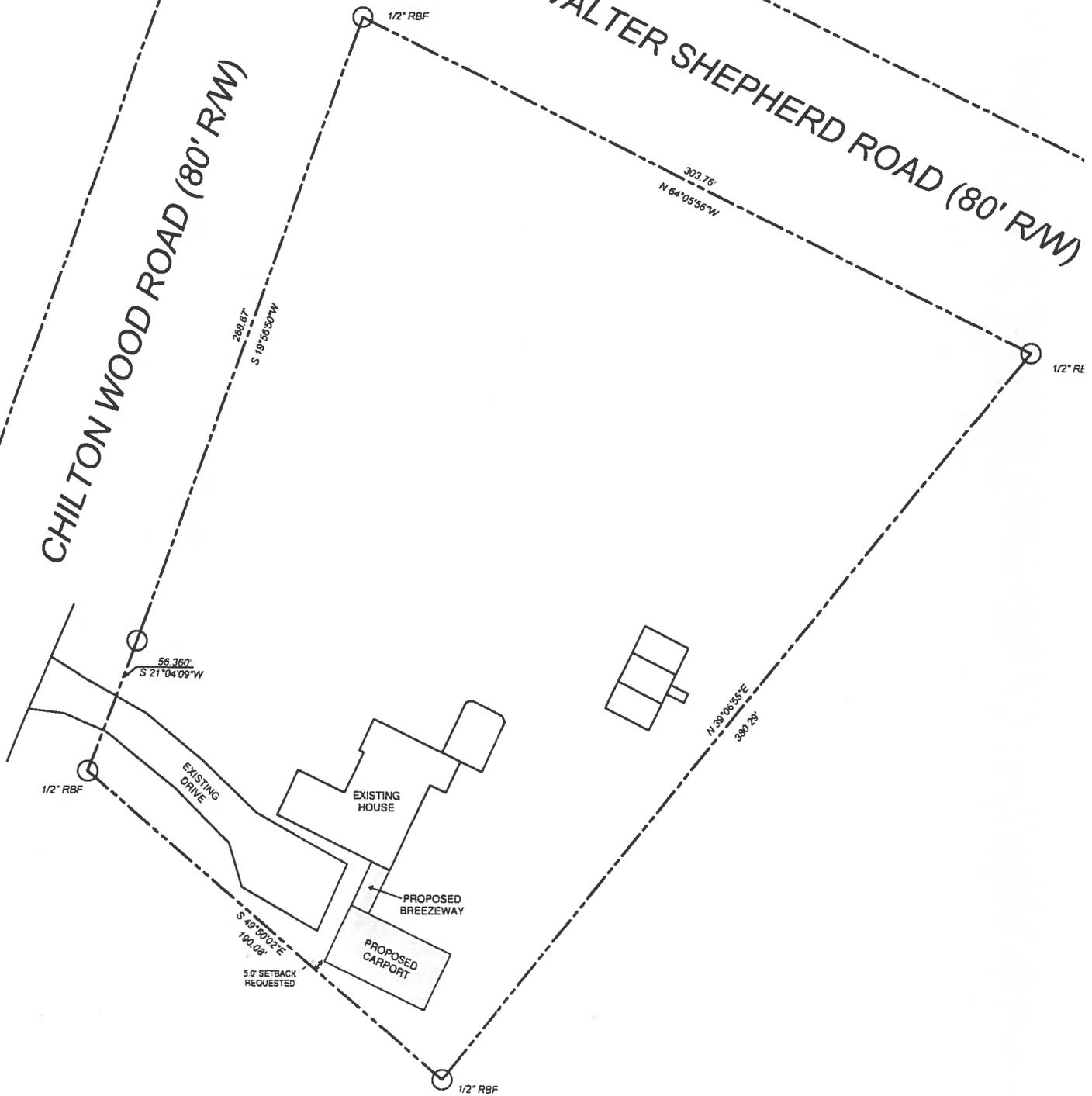
I am requesting a variance from the minimum side yard setback for dwellings of fifteen feet as described in Section 4.1.2 Dimensional Requirements, Table 4.2 - Dimensional Requirements by Zoning District (Agricultural, Residential, Lakeshore Residential, Recreation Conservation) to five feet for my property (zoned AR) in order to build a carport with breezeway attached to my existing home. This variance is requested due to the location of the existing septic field on the property that prevents locating this structure any closer to the existing house.

Thank you very much for your consideration.

Wayne Aiken
1531 Chilton Woods Rd.
Rutledge, GA 30663

CHILTON WOOD ROAD (80' R/W)

WALTER SHEPHERD ROAD (80' R/W)



WAYNE AIKEN
1531 CHILTON WOODS ROAD
RUTLEDGE, GA 30663

