



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: ZONING MAP AMENDMENT

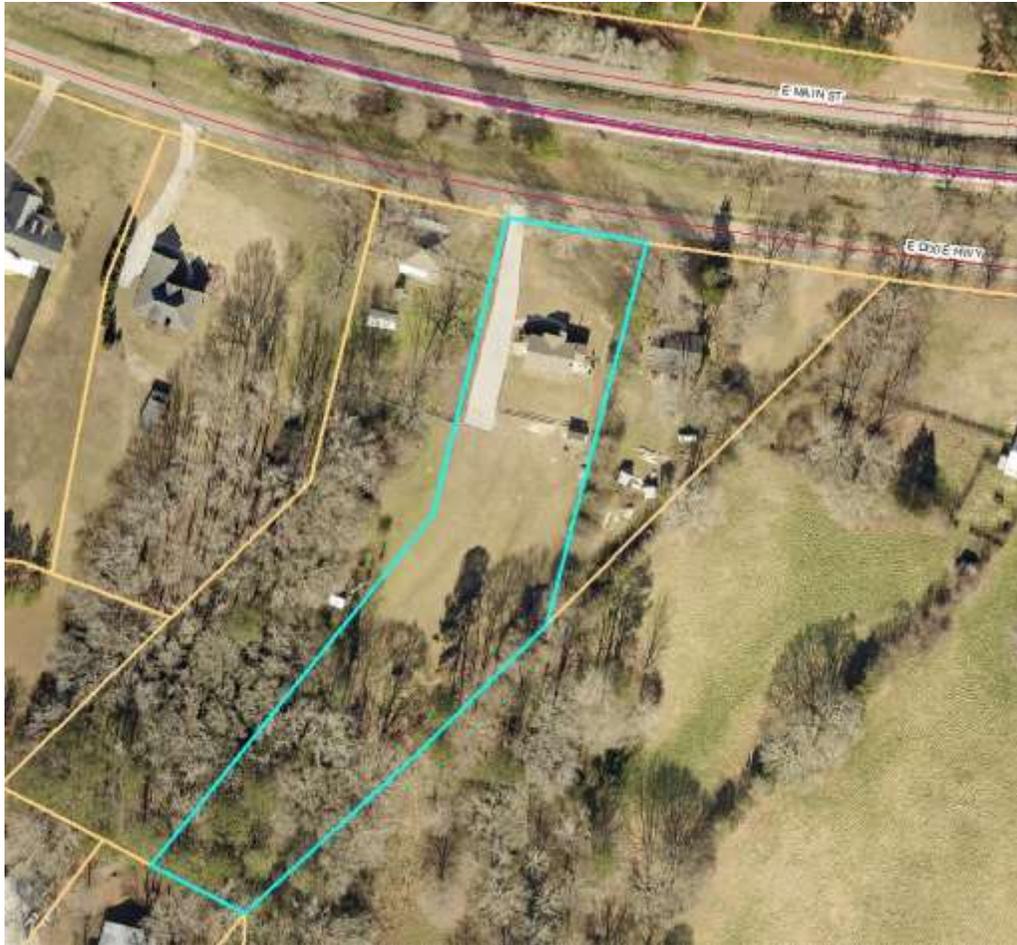
Property location:	301 E. Dixie Highway, Rutledge
Property tax parcel:	020-008D
Acreage:	2.18 acres
Applicant:	Shannon McCollum
Applicant's Agent:	N/A
Property Owner:	Shannon McCollum, 301 E. Dixie Highway, Rutledge
Existing Zoning:	Low Density Residential (R1)
Proposed Zoning:	Agricultural Residential (AR)

Summary



Shannon McCollum is requesting a Zoning Map Amendment for 2.18 acres located at 301 East Dixie Highway inside the city limits of Rutledge, from R1 to AR. The zoning map shows the parcel outlined in blue. The light yellow color is R1 and the green is AR. The parcel is adjacent to the desired zoning district. However, if approved, the request would isolate one R1 zoned parcel (triangle, marked with star). The

applicant's husband talked to the owner of that triangle parcel to see if they would be interested in rezoning as well to keep the zoning district contiguous, even though the triangle parcel does not meet the minimum acreage for AR. The neighbor declined the opportunity to apply for rezoning.



The impetus for the request is the applicant's wish to construct a shop building. The Rutledge Zoning Ordinance limits the size of outbuildings in all zoning districts except AR.

Section 12.1.1 Accessory Structures – General

Accessory structures shall include all detached (meaning freestanding and independent) structures, regardless of use. Structures attached to the principal building in a substantial manner by an adjoining roof, wall or foundation are considered additions and must meet the requirements applicable to the principal building. Accessory structures shall be permitted provided that:

- (a) No accessory building shall be constructed on a lot prior to the time of construction of the principal building to which it is an accessory.
- (b) Accessory buildings shall be in the side or rear yards only.
- (c) Accessory buildings shall not exceed twenty-five (25) feet in height and shall not exceed fifty percent (50%) of the ground floor area of the principal structure.
- (d) Accessory structures shall have a setback of at least ten (10) feet from any lot line and shall maintain a minimum distance of at least twenty (20) feet from the principal building.
- (e) Agricultural and industrial-related structures shall not have to meet the size requirements and limitations of this section, but are covered by the setback requirements.
- (f) Any number of accessory structures may be placed on a parcel, except that the aggregate square footage of accessory structures shall not exceed that allowed in subsection (c) above.

In this instance, the applicant's house is 1275 square feet, which would limit her to a 637 square foot shop. The applicant wants the shop for her husband's antique cars (he works with old cars and specializes in antique BMWs). The applicant feels a larger shop is necessary to safely house her husband's cars and allow a space to work on vehicles in an unobtrusive way. The language in Chapter 12.1.1, above, exempts agricultural buildings, which is generally construed to be an outbuilding in AR zoning (enforcement of actual use is difficult). Rezoning to AR would then allow the applicant to build a larger shop. The applicant has submitted drawings for a 1500 square foot building (see attached).

Criteria for Consideration

Rutledge Zoning Ordinance, Chapter 20.4, Zoning Amendment Criteria

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

The desired zoning is located adjacent to the applicant, so the application does not create a spot zoning situation for the applicant's parcel. The question is whether the rezoning would create a spot zoning situation with the neighboring triangle shaped parcel, which would remain R1 and be separated from any contiguous zoning. If the separation is concerning, is it concerning enough to deny the application? There are a few examples in the City of Rutledge where parcels are separated from like zoning by one parcel, so the creation of a separated parcel would not set a precedent. If the separation is still an issue, another consideration would be to deny the rezoning request and grant a variance for the increased size of the outbuilding. Staff felt a variance would create a more prominent precedent than a zoning-isolated parcel and recommended that the applicant apply for a zoning map amendment.

Sunday, January 12, 2020 8:21 PM

**Morgan County Planning Commission
150 E. Washington Sreet,Suite 200
Madison, Ga. 30650**

RE: Written description of our request to build a barn/garage/hobby shop.

At 301 E. Dixie Hwy, we would like to have our property rezoned to Rutledge AR, so that we could put a garage/ hobby shop out in the back of our property. The dimensions are 30x50x10. Enclosed are some 3D Drawings. We appreciate the consideration.

Shannon McCollum

404-951-2595

shannon.l.mccollum@gmail.com (That is a lower case L, not a #1 in the email address).

The Barn Yard MS, LLC
30'x50'x10' Garage
Fri, Oct 24, 2018 at 4:16:42 PM
Gwen@vshoo.com

Good Attention Left

