



STAFF REPORT

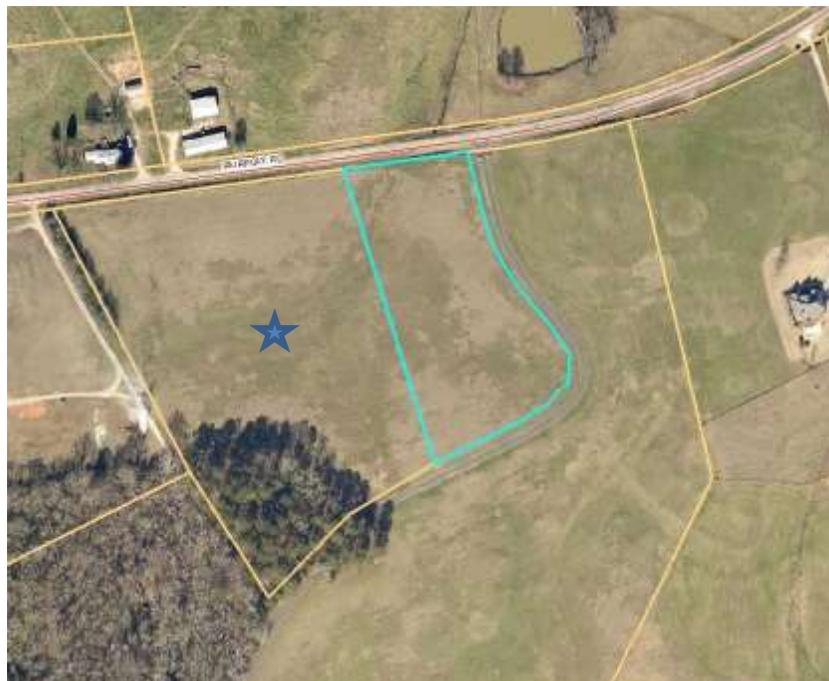
MORGAN COUNTY PLANNING COMMISSION

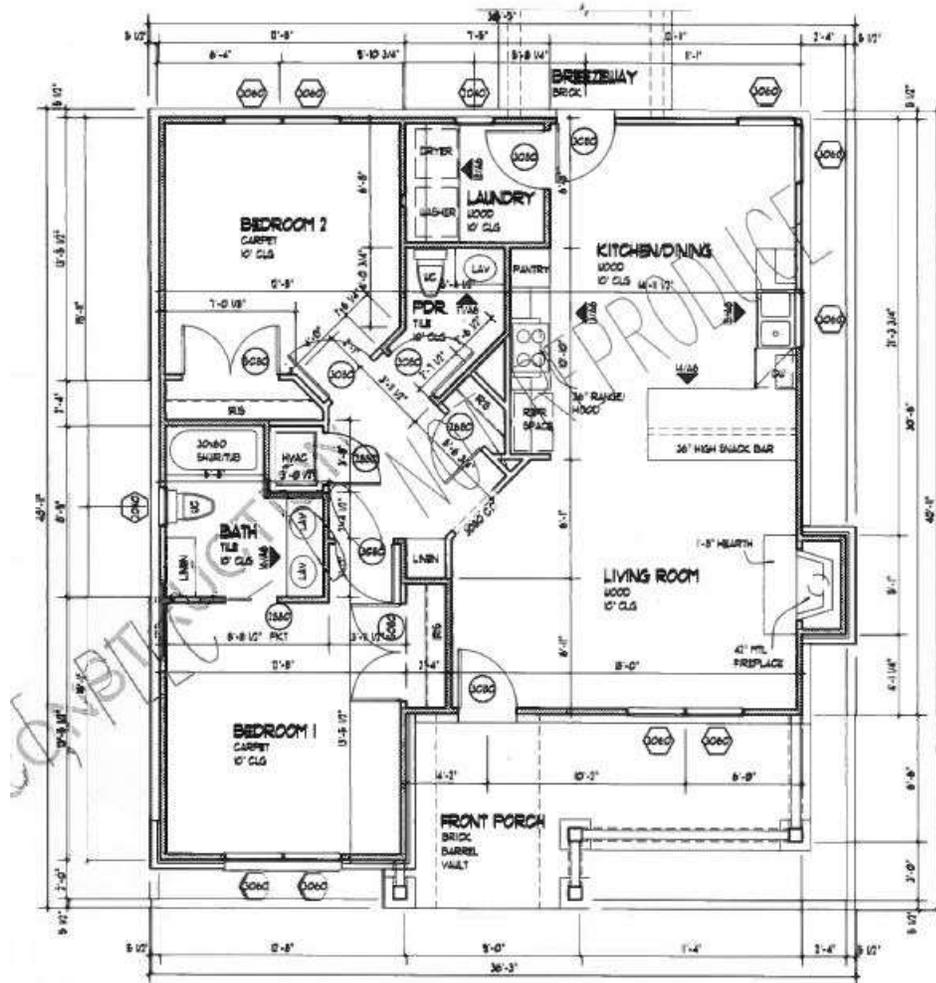
**PETITION FOR: CONDITIONAL USE – ACCESSORY DWELLING
VARIANCE – MINIMUM SQUARE FOOTAGE**

Property location:	Fairplay Road
Property tax parcel:	009-019E
Acreage:	5.049 acres
Applicant:	Dustin Sweat
Applicant's Agent:	
Property Owner:	Dustin Sweat, 2811 Greensboro Road, Madison
Existing Use:	Vacant
Proposed Use:	Residence with accessory dwelling
Variance Requested:	Increase the minimum square footage of an accessory dwelling

Summary

Dustin and Katie Sweat are requesting conditional use approval for an accessory dwelling on 5 acres on Fairplay Road. They are also requesting a variance to the minimum square footage for an accessory dwelling for the same location. The applicants are relatives to Allen Dial, who last year was approved for an accessory dwelling with similar variance on the property adjacent to the applicant's property. The Dial's property is marked with a star in the image below, while the applicant's property is outlined in blue.





The floor plan provided by the applicant shows a two bedroom, one and a half bath home with 1,102 heated square feet with a 147 square foot porch, for a total of 1,249 square feet. The Morgan County Zoning Ordinance allows a maximum of 800 heated square feet and a total maximum of 1,000 square feet.

IN-LAW SUITE FLOOR PLAN
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

The applicant states in his letter that the plans for the house were being drawn before the ordinance changed in April 2019. The review set of the plans that was submitted has a July 2018 date. The applicant also states that the second bedroom is needed for a potential future caretaker and the additional footage for ADA compliance. The second bedroom does not have an associated bathroom and access to the only tub/shower is through the main bedroom. The proposed dwelling is connected to the primary dwelling by a breezeway, which connects to the principal dwelling's garage.



The property, as well as adjacent properties, is zoned AG. The zoning changes to AR as Fairplay Road gets closer to the City of Rutledge.

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Excerpt from Planning Commission Minutes September 26-2019

- II. Allen Dial is requesting conditional use approval for an accessory dwelling on 11.57 acres located at 3371 Fairplay Road (Tax Parcel 009-019D).

- III. Allen Dial is requesting is requesting a variance to the maximum size for an accessory dwelling on 11.57 acres at 3371 Fairplay Road (Tax Parcel 009-019D).

Mr. Jarrell presented the Staff Reports for the two applications for Mr. Dial together. He explained that the applicant had already started construction on the main house and the detached garage. He described the plan for the proposed accessory dwelling, including access from the

combined garage, and noted the difference in square footage allowed by the ordinance and what was requested. He stated that the applicant had requested the ability to construct the accessory dwelling at the same time as the main home.

Allen Dial, Applicant, described how he had inquired about the requirements to build his home, but that the ordinance had changed by the time he submitted the building permit application. He explained his living situation, as well as that of his in-laws, and that the accessory dwelling was necessary due to the health of his in-laws. He also noted that the design of the accessory dwelling complimented the style of the main house. When asked why he couldn't work within the 800 square foot maximum, Mr. Dial stated that they were planning for the possibility of ADA issues and the need for a caretaker. He also stated that it would be costly to change his plans. When asked why the accessory dwelling needed two bedrooms, Mr. Dial stated that it was planning for future possibilities. The Planning Commission asked about the square footage of bedrooms and discussed scale of buildings.

Chris Wilson, 3291 Fairplay Road, spoke in favor of the application and stated that the applicant had a great design.

No one spoke in opposition.

Mr. McMahan closed public comment. The Planning Commission discussed the previous ordinance language and how this application could affect precedent. The members noted that the in-laws were part of the building process and expressed confidence that the request had enough specifics that the precedent would be negligible.

Motion: Mr. Campbell made a motion to recommend approval of the conditional use application for an accessory dwelling at 3371 Fairplay Road, with the condition that the accessory dwelling could be constructed concurrently with the main home.

Second: Mr. Mundrick

Vote: 6:0 The vote to recommend approval of the conditional use application for an accessory dwelling at 3371 Fairplay Road with condition was unanimously approved.

Motion: Mr. Mundrick made a motion to recommend approval of the variance for the maximum square footage for an accessory dwelling for 3371 Fairplay Road.

Second: Mr. Campbell

Vote: 5:1 The vote to recommend approval of the variance application for the maximum square footage for an accessory dwelling at 3371 Fairplay Road was approved. Ms. Craft dissented.

.....
For the sake of comparison, the Dial's in-law suite was a two bedroom, one and half bath with a breezeway connecting the in-law suite to the garage of the principal dwelling. The home was 1,044 heated square feet with a 175 square foot screened porch, for a total of 1,219 square feet. The Dials stated that the reason they needed the additional space was because of potential future caretaker and ADA compliance. They also noted that their plan was drawn prior to the ordinance change. The date on their plans was January 2019.

Criteria for Consideration

Section 21.3.1 Required Findings from Conditional Use Approval from the Morgan County 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 Morgan County Zoning Ordinance. Section 20.3.1, 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 zoning proposal is consistent with all standards and criteria adopted by Morgan County; The variance is the minimum variance that will make possible an economically viable use of the land, building or structure

Staff Comments

Consideration must be given to whether the Dial's application and subsequent approval set a precedent for this application. The requests are very similar. The applicant is using the exact same reasons to justify these requests.

While the Dial's plan date seems to indicate that their claim regarding when plans were finished vs. the ordinance change is more valid, the dates may not tell the whole story. A quick internet search reveals the applicant's plan is a stock plan sold by several house design companies. The July 2018 date is when the stock plan was created. It doesn't invalidate the applicant's claim that they were actively working on plans prior to the ordinance change date.

However, the Planning Commission must not only consider past approvals as precedent but consider how these applications may affect precedent in the future.

To whom it may concern,

I, Dustin Sweat and my wife Katie Sweat are requesting for a variance to be permitted on our in-law suite. We bought this property in January 2019 from Wayne LaLiberte with hopes of building our dream home to give our growing family room to thrive. My wife, Katie, is an only child whose father passed away over 20 years ago and left her mother alone. We are planning to build an in-law suite for her mother so that she can be near her only child, and now grandchild also. Listed below are the reasons we are requesting this variance:

1. Katie is her mother's only child and will also be her mother's only source of assistance as she ages.
2. We are preparing these homes to be our forever homes, and in that, the in-law suite should be big enough for a caregiver to stay in the case that my mother-in-law needs one.
3. We have prepared our plans for ADA compliance to prepare for future health needs.
4. The plans for these homes were started in January 2019, prior to any ordinance prohibiting the size of the structure.

We are a close knit family, our neighbors will be my sister and brother-in-law as well as my parents, and we look forward to spending the rest of our lives on Fairplay Rd. and enjoying all of the amenities that Madison has to offer. Thank you for considering our request and helping us my families lifelong dreams.

Sincerely,

Dustin and Katie Sweat

SURVEY STATEMENT

SURVEY PREPARED BY WILLIAM E. WHITLEY RLS NO. 2686 STATES THAT THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67

FLOOD HAZARD NOTE

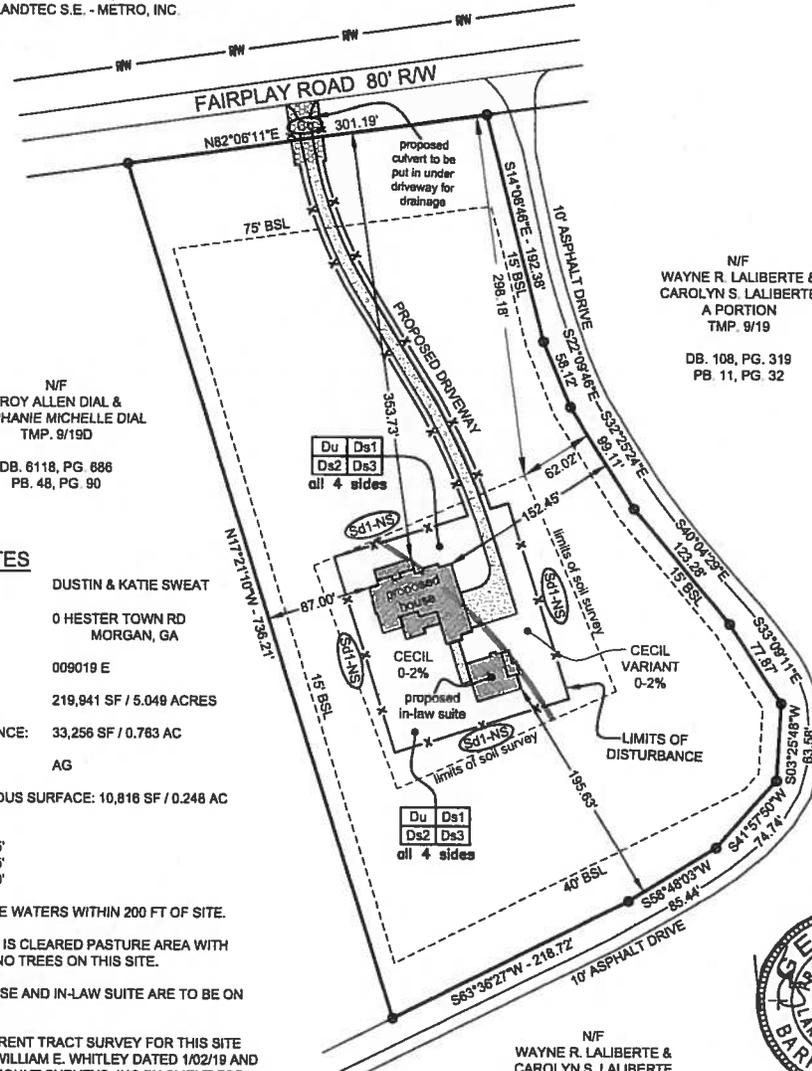
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD AREA PER THE FEMA FLOOD INSURANCE RATE MAP OF MORGAN COUNTY, GEORGIA AND INCORPORATED AREAS, MAP NUMBER 13211C0085A, DATED FEBRUARY 15, 2002.

REFERENCE DOCUMENTS

1. SURVEY FOR WAYNE LALIBERTE, TITLED DIVISIONS OF A PARENT TRACT SURVEY, PREPARED BY WILLIAM E. WHITLEY, DATED 01-02-2019, RECORDED IN PLAT BOOK: 48 PAGE: 169.
2. PLAT PROVIDED BY CLIENT FOR A LEVEL - III SOILS SURVEY TITLED "LVL - III SOILS SURVEY FOR SEPTIC PLANNING 5.049 AC OUTPARCEL FAIRPLAY RD, MORGAN, COUNTY." DATED 12/5/19 PREPARED BY LANDTEC S.E. - METRO, INC

BUILDER & 24 HR CONTACT

IRON HORSE DEVELOPMENTS, LLC
PO BOX 54
JERSEY, GA 30018
CONTACT: BRIAN CAPPS
PHONE: (770) 318-6901



N/F
TROY ALLEN DIAL &
STEPHANIE MICHELLE DIAL
TMP. 9/19D

DB. 6118, PG 686
PB. 48, PG 90

N/F
WAYNE R. LALIBERTE &
CAROLYN S. LALIBERTE
A PORTION
TMP. 9/19

DB. 108, PG. 319
PB. 11, PG. 32

GENERAL NOTES

- OWNER: DUSTIN & KATIE SWEAT
- ADDRESS: 0 HESTER TOWN RD
MORGAN, GA
- PARCEL INFO: 009019 E
- TOTAL LOT AREA: 219,941 SF / 5.048 ACRES
- LIMITS OF DISTURBANCE: 33,256 SF / 0.763 AC
- CURRENT ZONING: AG
- PROPOSED IMPERVIOUS SURFACE: 10,816 SF / 0.248 AC
- SETBACKS:
FRONT = 75'
SIDE = 15'
REAR = 40'

THERE ARE NO STATE WATERS WITHIN 200 FT OF SITE.

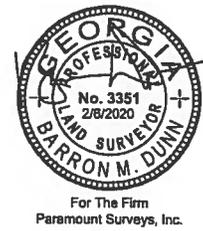
EXISTING PROPERTY IS CLEARED PASTURE AREA WITH GRASS. THERE ARE NO TREES ON THIS SITE.

THE PROPOSED HOUSE AND IN-LAW SUITE ARE TO BE ON SEPTIC UNIT.

A DIVISIONS OF A PARENT TRACT SURVEY FOR THIS SITE WAS PREPARED BY WILLIAM E. WHITLEY DATED 1/02/19 AND PROVIDED TO PARAMOUNT SURVEYS, INC BY CLIENT FOR THE PURPOSE OF PREPARING THIS SITE PLAN. SURVEY WAS PROVIDED BY CLIENT WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PARAMOUNT SURVEYS, INC WILL NOT BE HELD LIABLE FOR ERRORS OR INCONSISTENCIES REGARDING SAID SURVEY.

N/F
WAYNE R. LALIBERTE &
CAROLYN S. LALIBERTE
A PORTION
TMP. 9/19

DB. 108, PG. 319
PB. 11, PG. 32



PARAMOUNT SURVEYS
LAND SURVEYORS

Richard Barnett
404.354.3122
rb@paramount-surveys.com

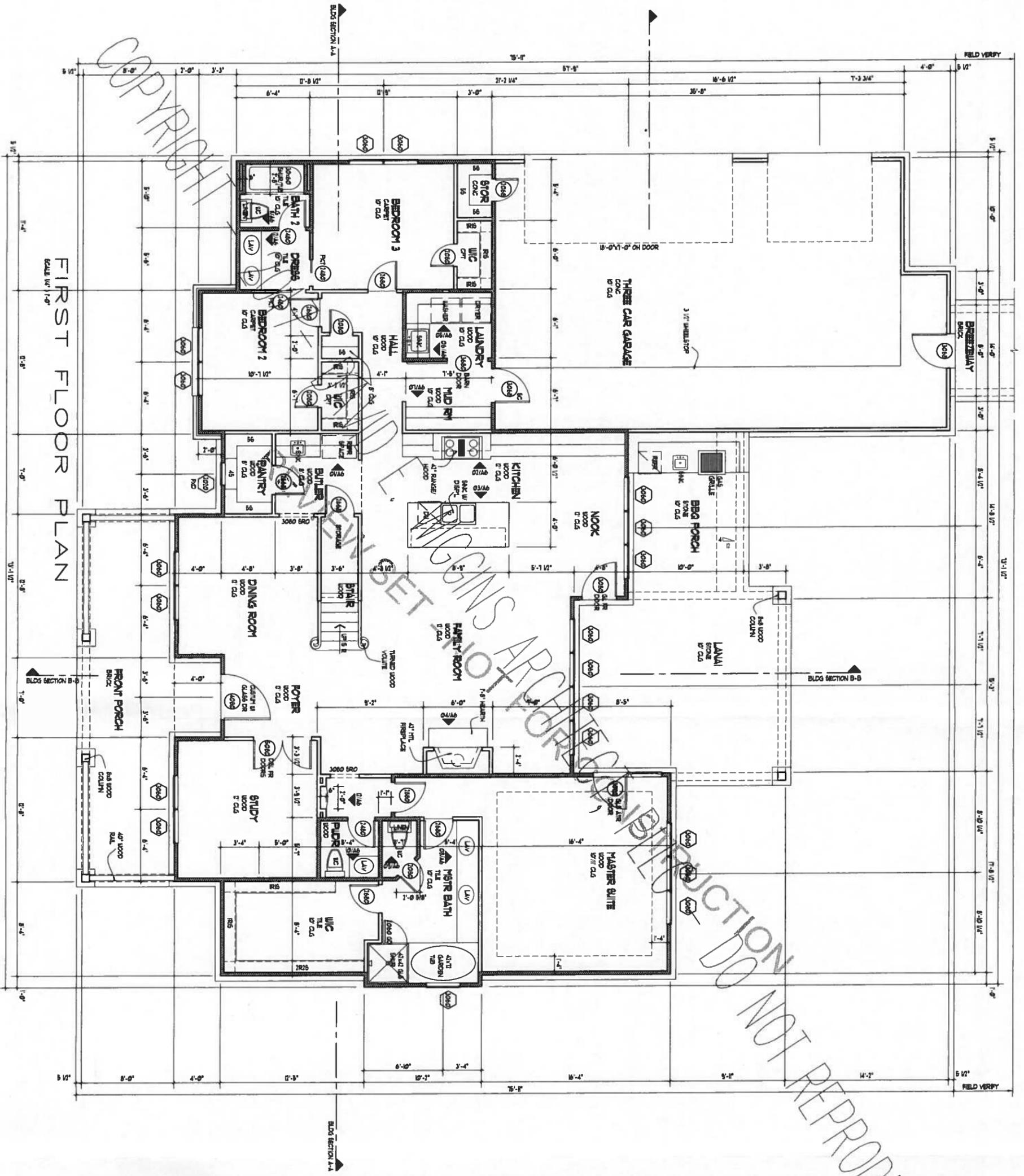
Barron Dunn
404.328.5604
bd@paramount-surveys.com

755 S Crosslans Road, Monroe Ga 30658
LSF #1295

SITE PLAN FOR:

DUSTIN & KATIE SWEAT

DATE: 2/8/2020	COUNTY: MORGAN	Sheet No.
DISTRICT: 20TH	LAND LOT: 223	GMD: 280 (FAIRPLAY)
DRAWN BY: RB	CHECKED BY: BD	1 OF 1
SCALE: 1" = 100'	DATE OF FIELD WORK: N/A	



FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"

AREAS:	
FIRST FLOOR:	1345 SF
SECOND FLOOR:	200 SF
HEATED AREA:	716 SF
GARAGE:	
FRONT PORCH:	301 SF
REAR PORCH:	207 SF
TOTAL COVERED AREA:	410 SF
TOTAL COVERED AREA:	
FRONT PORCH:	207 SF
REAR PORCH:	171 SF

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DATE: _____

JULY 4, 2018

PROJECT:

INDEPENDENCE AVENUE

PLAN 2270

DAVID E. WIGGINS

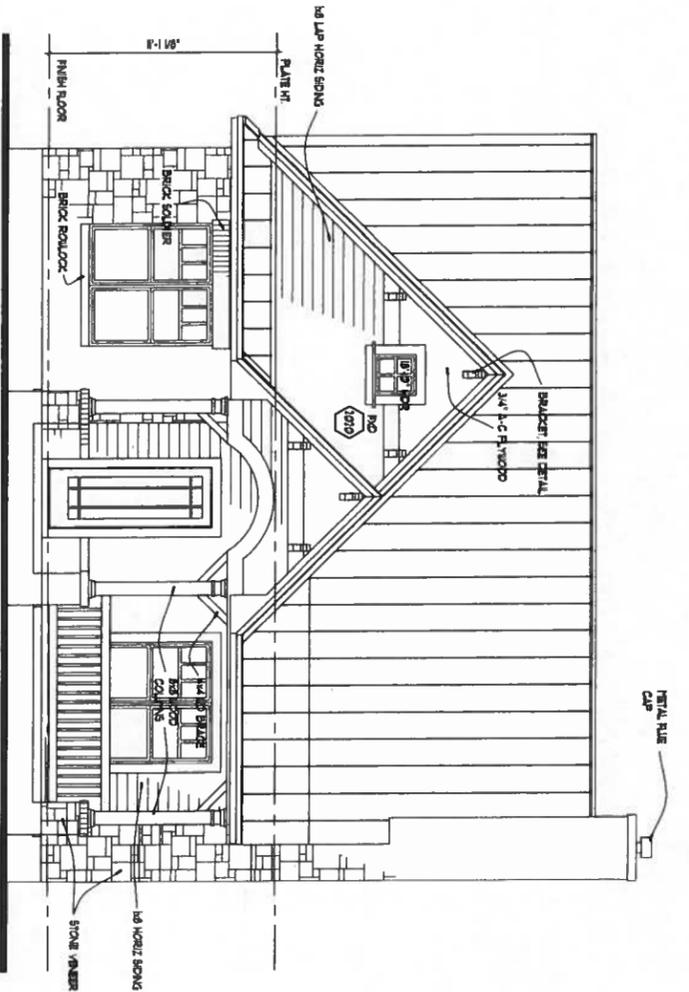
ARCHITECT

A PROFESSIONAL LIMITED LIABILITY CORPORATION

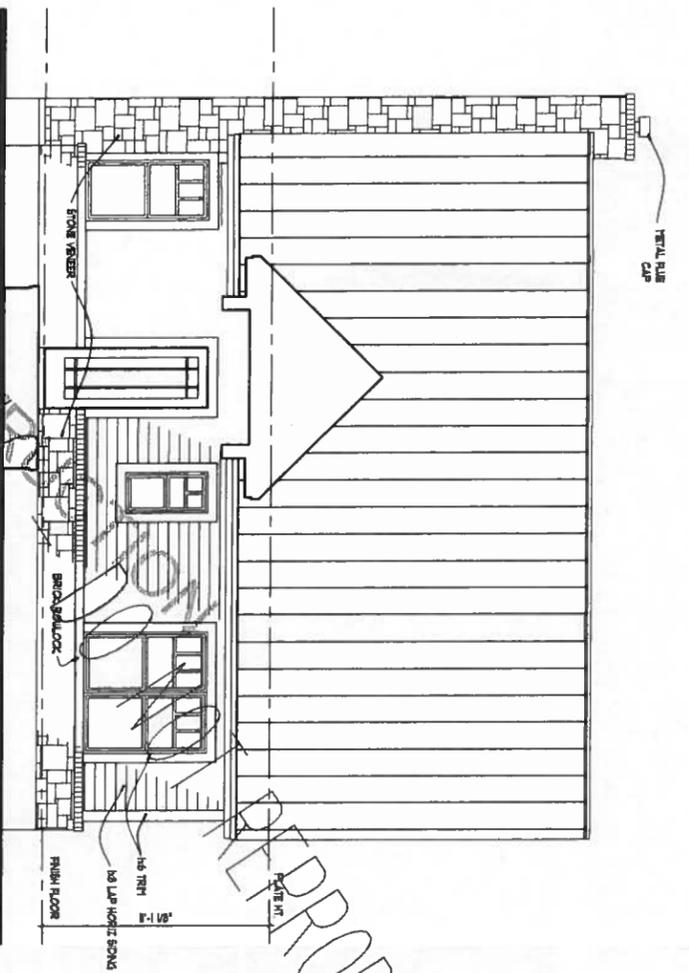
PO Box 256 - Magnolia, Texas - 77353
(832) 521-5820

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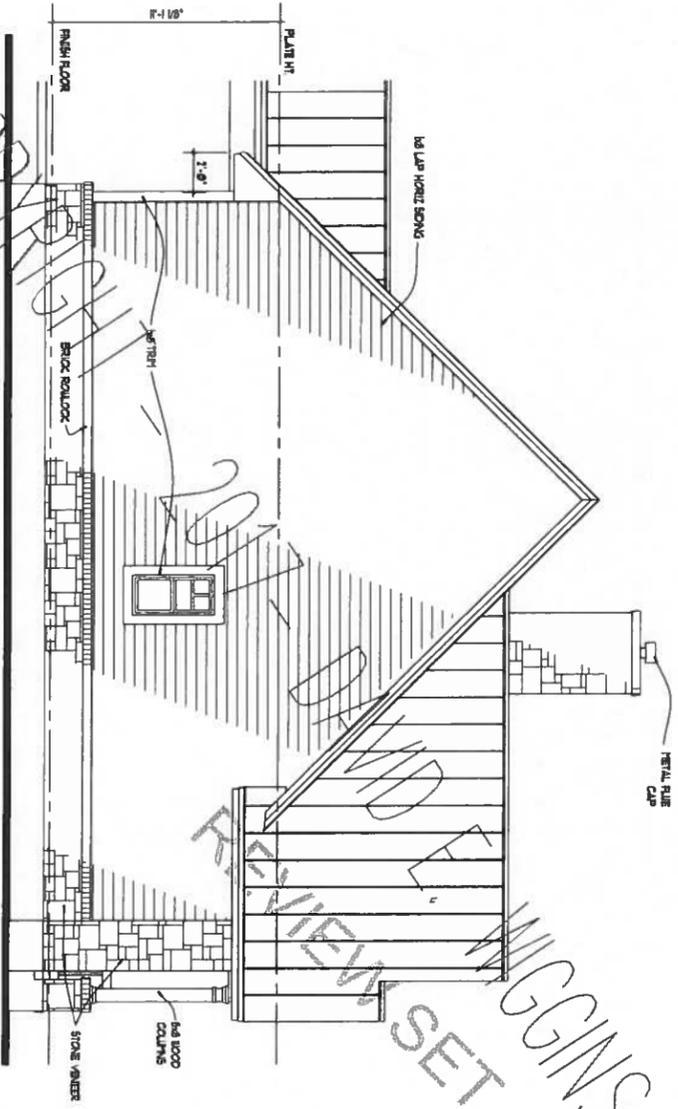




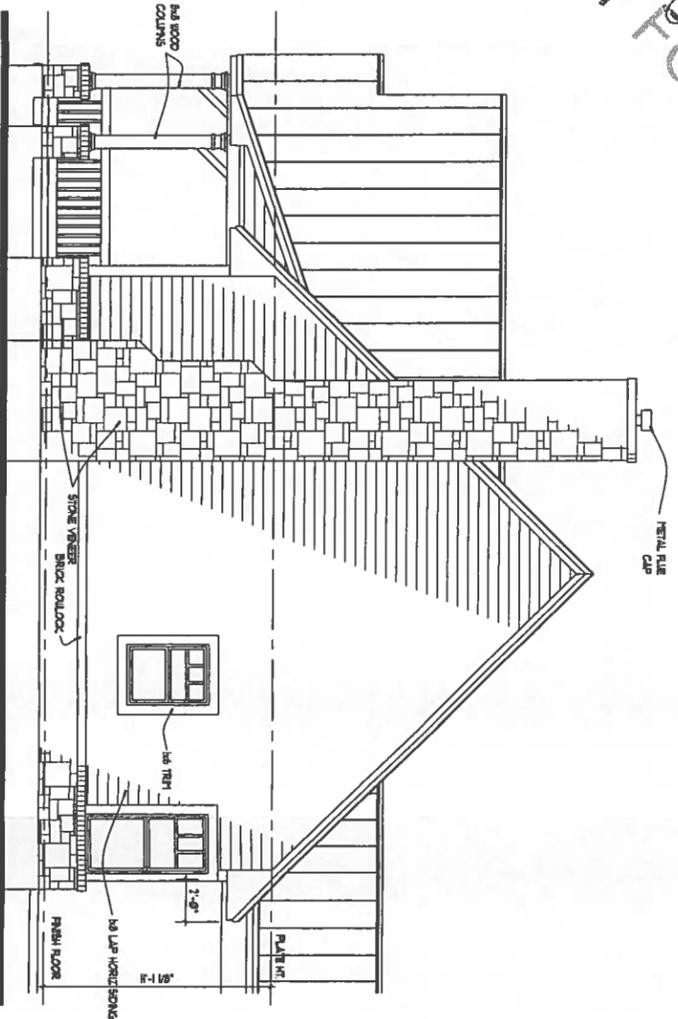
FRONT ELEVATION
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"



LEFT ELEVATION
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

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Drawings prepared by: **uo unlimited options, inc**
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 Houston, TX 77002
 (713) 861-1111
 www.uoarchitect.com

PRODUCT

DAVID E. WIGGINS ARCHITECT
 REVIEW SET - NOT FOR CONSTRUCTION