



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: CONDITIONAL USE – MANUFACTURED HOME

Property location:	1040 Saffold Road
Property tax parcel:	052A-038
Acreage:	.71 acres
Applicant:	Laura Lucinda Evans and Lila Jo Evans
Applicant's Agent:	
Property Owner:	Lila Jo Evans
Existing Use:	Residential with Single Wide Home
Proposed Use:	Residential with Single Wide Home

Summary

Laura Lucinda Evans and Lila Jo Evans are requesting conditional use approval for a manufactured home on .71 acres located at 1040 Saffold Road in Buckhead. Specifically, the applicants are asking for a single wide home to replace the single wide that is currently on the property, although the Buckhead Zoning Ordinance requires a double wide manufactured home as a conditional use in the Residential zoning district.



The current home is a 1969 single wide with a rear addition. The 12 x 60 house was listed in the Tax Assessors database as being in average condition and is valued at \$8993. The total square footage is unknown as the Tax Assessors do not identify the square footage of the addition.



The applicants state that a single wide manufactured home will fit better on the property because it is only .71 acres, but the aerial shows there is enough room for a double wide home. The property does have an embankment at the road that cannot be seen on the aerial. The applicants' intention is to leave the current home on the property while the newer home is being placed and set-up. The older home would have to be removed within 30 days of the Certificate of Occupancy for the newer home.

Staff's main concern with the application is that the Buckhead Zoning Ordinance requires a double wide manufactured home. A single wide manufactured home was approved in 2011 for Buckhead's Residential zoning district on Baldwin Dairy Road when it was discovered that a building permit was issued for the home in error and was realized at the Certificate of Occupancy inspection. That single wide home was also to replace a dilapidated existing single wide home. The Planning Commission unanimously recommended approval to the Buckhead Council on February 24, 2011.

Table 7.2.2 Permitted and Conditional Uses by Residential Zoning District

Use Description	R
Accessory buildings when located on the same lot or parcel of land as the main structure and customarily incidental thereto, provided that all the requirements of Article 8, Section 8.1 are met	P
Accessory dwellings, provided all requirements under Article 8, Section 8.2 are met	C
Community Club Houses, provided all the requirements under Article 8, Section 8.5 are met	C
Daycare Center	C
Dwelling, single family detached	P
Dwelling, manufactured home, multi-section, provided all requirements under Article 8, Section 8.8 are met	C
Dwelling, modular home meeting the definition of a single-family detached home	P
Dwellings, multi-family, provided all requirements under Article 8, Section 8.15 are met	C

Section 8.8 is attached for reference. Nothing in Section 8.8 specifies that the home must be a particular size.

Criteria for Consideration

Section 14.4.5 Criteria for Granting a Conditional Use from the Buckhead 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.

Staff Comments

The applicant's existing home, without question, needs improvement or replacement. However, the Buckhead Zoning Ordinance specifies that a double wide manufactured home requires conditional use approval and does not list single wide manufactured homes at all, meaning that they are prohibited. Staff recommends that the Planning Commission uphold the integrity of the Zoning Ordinance and recommend denial of the application for a single wide manufactured home, with additional recommendation that the Buckhead Council consider the matter further.

To the Morgan County Planning and Development :

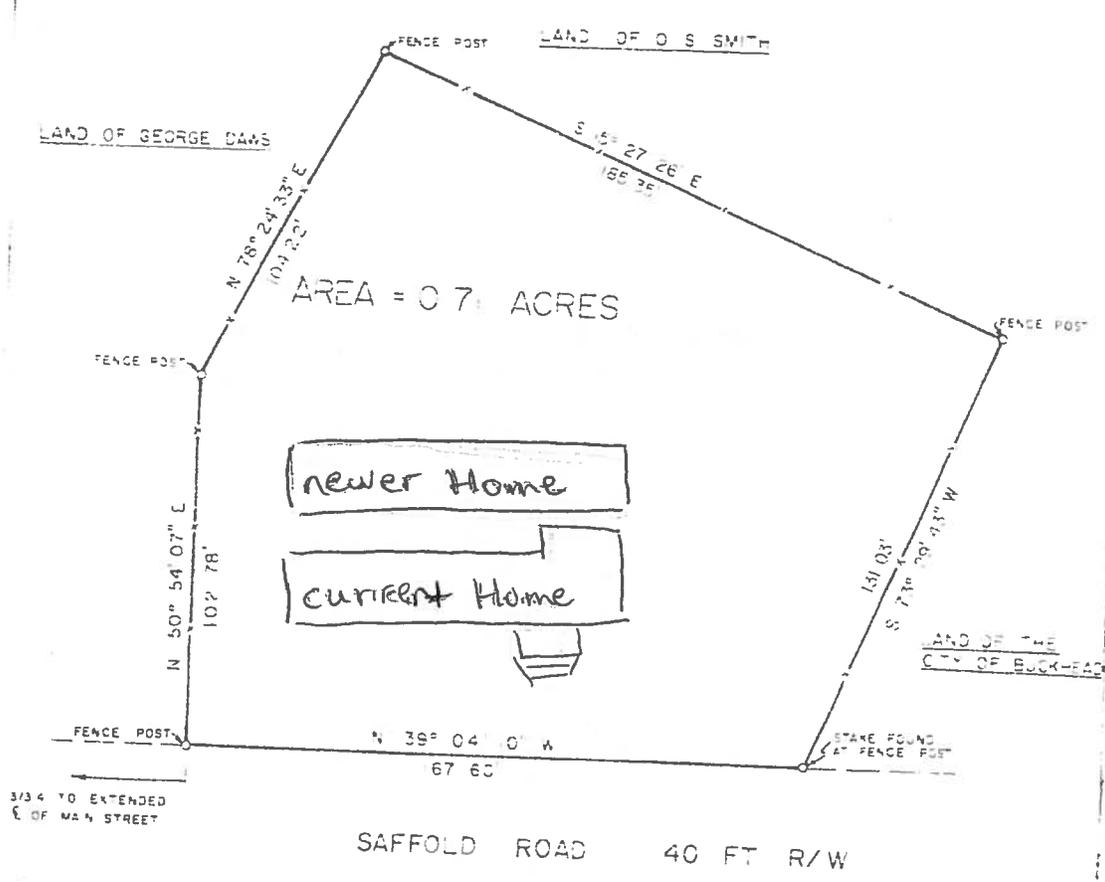
To whom it may concern , The Evans Family would like to request permission to replace their home at 1040 Saffold rd in Buckhead Ga, 30625 Currently they live in a 1969 single wide mobile home , that needs a lot of repair , front and back porch both need replacing as well as work on bathroom, heat and air, and needs updated. We would like permission to put in a newer single wide home at this location. A single wide would fit better, as the land is only 0.71 acres , they would be able to stay in their current home while a newer one is placed in. We understand that they would also have to replace their septic tank as well .

Ms. Evans has lived in this home for around 48 years, raising her family here , planting flowers and bushes keeping yards clean , being an active member of her community for over 40 years . Her daughter and granddaughter live with her in this home , taking care of her . Ms. Evans would be able to get around better in a newer home as she has to use a walker to help her get about.

Thank you so much for taking your time to grant us permission

The Evans Family

MAGNETIC NORTH



3/4 TO EXTENDED
E OF MAIN STREET

REVISIONS



PAUL J. EMILIUS & ASSOCIATES
 Professional Survey, Consulting, Engineering and Land Planning
 Executive Office: One Ridge Road, Oak Grove, N.C. 27435
 REGIONAL OFFICE: MAIN STREET, MARIETTA, GA 30060

SURVEY PLAT FOR
WILLIAM R. BRANYAN
 CITY OF BUCKHEAD, GA (S.M.D. 279)
 MORGAN COUNTY, GEORGIA

Paul J. Emilius
 PAUL J. EMILIUS SURVEYOR NO. 1660

DRAWN BY:
 J M

CHECKED BY:
 G A B.

SCALE:
 1" = 30'

DATE:
 3-23-73

PROJ. NO.:
 40-73-149
 FB 65

Section 8.8 Individual Mobile and Manufactured Homes

Individual mobile or manufactured homes not meeting the definition of Dwelling, Single-Family, detached, and not located within a Manufactured Home Park, shall comply with the following and other applicable sections of this ordinance.

Section 8.8.1 Limitations.

Excepting any newly constructed mobile or manufactured home, a mobile or manufactured home that was not registered with the Morgan County Tax Commissioner within the last ten (10) years may not be moved to or used as a residential dwelling in the Town of Buckhead.

The attachment of a mobile or manufactured home to an existing mobile or manufactured home is permitted only if both units were engineered and manufactured for such attachment.

Subject to the above paragraph, no manufactured or mobile home shall be allowed to be occupied in the Town of Buckhead, unless it bears an insignia issued by the United States Department of Housing and Urban Development, and the Director of Planning and Development finds that the manufactured home is in compliance with all Morgan County, Georgia building codes, housing codes, mechanical codes, plumbing codes, gas codes, electrical codes, fire prevention codes and all ordinances of Morgan County, Georgia.

- (a) An exception to this standard is any manufactured or mobile home which has been continuously and legally located in Morgan County, Georgia shall be allowed to remain if all the following conditions are met:
 - a. All ad valorem taxes on the manufactured or mobile home have been timely paid in full
 - b. The Director of Planning and Development of Morgan County, Georgia finds that the manufactured or mobile home is in compliance with all Morgan County, Georgia building codes, housing codes, mechanical codes, gas codes, and fire prevention codes
 - c. The Director of Planning and Development finds that the manufactured or mobile home is in compliance with all ordinances

Section 8.8.2 Building Permit Required.

Building and Occupancy Permits issued by the Morgan County Director of Planning and Development or his/her authorized agent are required for any mobile or manufactured home moved to or within the Town of Buckhead.

A building permit is required for any addition or structural alteration to a mobile or manufactured home within the Town of Buckhead.

A building permit shall not be issued for a mobile or manufactured home containing aluminum wiring.

Prior to issuing a building permit, it is unlawful to move, locate, relocate, erect or make utility connections of any kind to a mobile or manufactured home in the Town of Buckhead.

Section 8.8.3 Occupancy Permit Required.

Prior to the issuance of an occupancy permit by the Director of Planning and Development all mobile and manufactured homes must:

- (a) Be registered with the Morgan County Tax Commissioner

- (b) Receive approval of the septic system by the Morgan County Health Department before an occupancy permit can be issued.

Prior to issuing an occupancy permit it is unlawful to occupy or otherwise use as a residence a mobile or manufactured home in the Town of Buckhead.

Section 8.8.4 Application Requirements for Building and Occupancy Permits.

An application for permits for location and occupancy of a mobile or manufactured home is required to be filed by the owner or the owner's agent in the office of the Morgan County Director of Planning and Development before a Building or Occupancy Permit is issued.

The permit application include the following information:

- (a) The size and dimensions of the mobile or manufactured home
- (b) The year of the mobile or manufactured home the model
- (c) The zoning district where the mobile or manufactured home will be located
- (d) The tax map and parcel number of the planned location of the mobile or manufactured home
- (e) The name and address of the intended occupants of the mobile or manufactured home
- (f) The source of water and type of waste disposal system
- (g) The intended use of the mobile or manufactured home
 - a. If the intended use of the mobile or manufactured home is as an accessory use or farm caretaker use, then details of such proposed use shall be provided by the applicant
- (h) Other information as deemed necessary by the Director of Planning and Development.

Section 8.8.5 Pre Permitting Inspection Required.

If the application is for the relocation of a mobile or manufactured home which was not constructed in accordance with the Federal Manufactured Home Construction Safety Standards required by the U.S. Department of Housing and Urban Development (HUD), a pre-permitting inspection must be accomplished before a Building Permit is issued. The pre-permitting inspection shall consist of the following:

- (a) Structural integrity inspection by the Morgan County Director of Planning and Development
- (b) The electrical, heating and gas systems must be inspected to insure that the mobile or manufactured home is safe for residential occupancy. All such inspections must be certified and documented by persons holding a current license applicable to such testing and in accordance with Title 43 of the Official Code of Georgia.

Section 8.8.6 Requirements for all Mobile and Manufactured Homes.

All mobile and manufactured homes shall:

- (a) Comply with all requirements of O.C.G.A §45-5-492, §45-5-493, or §45-5-494, and all decals required there under shall be located at or near a window or the meter base of the home

- (b) Meet the requirements of the United States Department of Housing and Urban Development, the Georgia State Fire Marshall and the manufacturer's specifications prescribed for the set up of such dwelling units. These include but are not limited to:
 - a. Footing
 - b. Piers
 - c. Tie downs
 - d. Anchors
- (c) Meet the requirements of the National Electrical Code (NEC) and the electric utility company providing electrical service
- (d) Be connected to water and sewerage in compliance with all applicable ordinances of Morgan County.
- (e) Meet the adopted building, gas, plumbing, electric, and other codes and ordinances of Morgan County, Georgia
- (f) Be located on a permanent foundation
 - a. Single-wide mobile homes may be affixed to the ground through the skirting kit specially so manufactured by the dealer for such purposes.
 - b. All single-section manufactured homes must be underpinned with skirting material, masonry construction or other materials specifically manufactured for such purpose.
 - c. Multi-section manufactured homes located in the AG and R zoning districts must be attached to a permanent foundation with underpinning of brick or masonry construction, paint or stucco.
- (g) Have minimum poured footings of no less than 24" long by 24" wide by 8" deep
- (h) Have original wood or original wood-type siding. Metallic siding is not permitted
- (i) Be provided with prefabricated or permanent stairs and landing, constructed of pressure treated lumber, masonry or metal sufficient to provide safe ingress and egress from all exits of the unit. Individual landings shall be a minimum sixteen (16) sq. ft. and contain side rails if over thirty (30) inches from the ground
- (j) Have an original shingle roof or an original roof made out of roofing material composed of other appropriate substances
- (k) Meet all other applicable state and county statutes, regulations and ordinances

Section 8.8.7 Orientation of Mobile or Manufactured Homes.

All manufactured or mobile homes are subject to the following conditions:

- (a) No manufactured or mobile home shall be located within thirty (30) feet of any other building excepting its own garage or carport
- (b) The manufactured or mobile home unit shall be oriented with its long axis generally parallel to the street on which the lot fronts. Any tongue must be removed prior to the final inspection by the Director of Planning and Development.

Section 8.8.8 Manufactured Home and Mobile Home Installation.

All manufactured or mobile homes, located to or moved within Morgan County, Georgia, at or after the adoption of this ordinance shall be installed by a licensed installer as required by O.C.G.A. §8-2-164, and in accordance with the applicable manufacturer's installation instructions, specifically including, without limitation, correctly installed tie-downs and anchors. In the absence of such instructions, installations shall be performed in accordance with the applicable rules and regulations adopted by the Georgia Fire Safety Commissioner. See O.C.G.A. §8-2-160 et seq.

Section 8.8.9 Penalties for Improper Installation.

Failure by the owner of a manufactured or mobile home to obtain and utilize tie downs and anchors for his manufactured home or modular home placed in the Town of Bukhead after the effective date of this ordinance shall constitute a misdemeanor, punishable in the Morgan County Magistrate Court by fine of not more than \$500.

Section 8.8.10 Non-Conformance.

Any manufactured or mobile home which does not meet the requirements in the above paragraphs shall be removed after receipt of notice of its non-conformance from the Director of Planning and Development.

Section 8.8.11 Temporary Usage.

A manufactured home may be used as a temporary residence during construction of a permanent residence, or as a temporary residence during the reconstruction of a permanent residence, which has been destroyed by fire, natural disaster or condemnation. All of the above uses must be requested in writing, be for a period not exceeding 12 months, and have written approval of the Director of Planning and Development. Manufactured homes must be removed from the property within 30 days of the issuance of a Certificate of Occupancy for the permanent residence.