

Morgan County Planning Commission

Minutes
Regular Meeting
July 25, 2019
7:00 p.m.

PRESENT: Brian Lehman, Connie Booth, Denny Myers, Doug Mundrick, Faye Craft, John McMahon, Scott Campbell
NOT PRESENT: Tara Dillard, Maryann Dartnell, Clint Milford
ALSO PRESENT: Chuck Jarrell, Tara Cooner, Members of the Public

PUBLIC HEARING

ADMINISTRATIVE BUSINESS:

- I. Acceptance of Minutes from June 21, 2019 work session.

Motion: Mr. McMahon made a motion to approve the June 21, 2019 Minutes as presented.

Second: Mr. Mundrick

Vote: 4:0 The vote to approve the June 21, 2019 Minutes as presented was unanimous. Ms. Booth and Mr. Campbell abstained from the vote.

- II. Acceptance of Minutes from June 27, 2019 regular meeting.

Motion: Ms. Booth made a motion to approve the June 27, 2019 Minutes as presented.

Second: Mr. Mundrick

Vote: 5:0 The vote to approve the June 27, 2019 Minutes as presented was unanimous. Mr. Campbell abstained from the vote.

- III. Staff report on past zoning actions.

Mr. Jarrell reported that Ted Medford had not yet been before the Rutledge City Council.

UNFINISHED BUSINESS:

There is no unfinished business.

NEW BUSINESS:

- I. Plainview Baptist Church is requesting Conditional Use approval to construct a Pavilion on 2.86 acres located at 1221 Plainview Road (Tax Parcel 045-010).

Mr. Jarrell presented the Staff Report and explained the proposed location of the pavilion, as well as the suitability of setbacks and proximity to neighbors. He showed a drawing of the proposed building, which noted the size and materials. The Planning Commission asked if the pavilion would require additional parking. Mr. Jarrell responded that

Morgan County Planning Commission

additional parking would not be required but the structure would have to be inspected for code compliance.

John Williams, 4321 Eatonton Highway, spoke on behalf of the church and explained the pavilion is necessary for shelter at picnics. The Planning Commission asked if the church would use a contractor. Mr. Williams stated that Franklin Construction would be building the structure.

No one spoke in support of, or in opposition to, the application.

Motion: Mr. McMahon made a motion to recommend approval of the conditional use application for a pavilion at 1221 Plainview Road.

Second: Mr. Myers

Vote: 6:0 The vote to recommend approval of the conditional use application for 1221 Plainview Road was unanimously approved.

II. Robert Wayne Aiken is requesting a variance to the side setback for 1.02 acres Located at 1531 Chilton Woods Road (Tax Parcel 012-039A).

Mr. Jarrell presented the Staff Report and explained the setbacks for the property, both the portion in the county and the portion in the City of Rutledge. He showed the proposed location of the carport and breezeway, as well as the location of the existing septic tank and drain field. The Planning Commission asked if any neighbors had contact Staff with comments. A person from the audience indicated they were a neighbor and the Chairman asked him to wait until his time to speak.

Wayne Aiken, 1531 Chilton Woods Road, Applicant, explained that the septic tank would be partially located under the proposed breezeway and that the location of the drain field limited where he could place the carport. He noted that the requested 5' setback was only at the front corner and the proposed carport would be constructed in line with the house. He also stated that he had cleared the trees on his property due to a beetle infestation. The Planning Commission asked about his current garage and whether the garage could be enlarged. Mr. Aiken described his existing side-loading garage and explained why adding to the garage would be difficult. The Planning Commission asked several questions about the applicant's intent to cover the septic tank, even partially, with concrete.

EM Clay, 1521 Chilton Woods Road, spoke in favor of the application and identified himself as the neighbor to the south. He stated that he had an adequate buffer and that the applicant's proposal would not impact him.

No one spoke in opposition to the application.

The Planning Commission discussed options available to the applicant, including modifying the garage or moving the septic tank. Some of the members did not feel a hardship had been proven, while others questioned the cost of moving the septic tank.

Morgan County Planning Commission

The Chairman explained that hardships must be proven for a variance to be granted. When asked if he had considered moving the septic tank, Mr. Aiken admitted that he had not because the breezeway would not completely cover the septic tank. The Planning Commission debated whether the neighbor's agreeableness should affect the decision.

Motion: Mr. McMahon made a motion to recommend denial of the application for a variance to the side setback for 1531 Chilton Woods Road.

Second: Ms. Booth

Vote: 5:1 The vote to recommend denial of the variance application for 1531 Chilton Woods Road was approved. Mr. Mundrick dissented.

III. Bryan C.W. Tate is requesting Conditional Use approval to construct an accessory Dwelling on 31.55 acres located at 1061 Lake Rutledge Road (Tax Parcel 011-027B).

Mr. Jarrell presented the Staff Report and explained that the applicant already had 2 houses on the property that met the definitions of a primary dwelling and an accessory dwelling. He presented Chapter 7.2 of the Morgan County Zoning Ordinance, which provides the language for accessory dwellings. He also showed an aerial photograph of the applicant's adjacent property, which also contains two homes. The Planning Commission questioned the road frontage for both of the applicant's properties.

Bryan Tate, 1061 Lake Rutledge Road, Applicant, stated that he and his wife currently live in the log cabin on the property but need a space more suitable for full time living. He explained that he wanted to use the existing log cabin for guests and the smaller cabin as a caretaker's dwelling. Mr. Tate was joined by his wife, Johanna Tate, who stated that the proposed house would be handicapped accessible. Mr. and Mrs. Tate explained how they discovered that they needed a conditional use, the proposed location of the new home, the driveway location, and their status in the Conservation Use tax program. The Planning Commission asked about the use of the proposed home. Mr. & Mrs. Tate assured the Planning Commission that they did not intend to rent or provide event space and noted that they did very little entertaining. When asked if guests or care takers could stay in the proposed house, Mr. Tate stated that it was not his intention to have them stay in the house.

Andrea and Terry Byer, 1051 Lake Rutledge Road, spoke in support of the application, stating that the applicants are quiet neighbors who maintain their property. They stated that the property cannot be seen from the road.

No one spoke in opposition to the application.

The Planning Commission discussed the language in the ordinance, as well as the possibilities of moving one of the existing houses from the property. Staff offered an option to split the property, which led to a discussion about how a third parcel could be created from the applicant's existing two parcels. The Planning Commission reviewed options for the applicant, including splitting the land and removing one of the existing

Morgan County Planning Commission

houses, that would preserve the integrity of the ordinance and allow the applicants to construct the proposed home.

Motion: Mr. McMahon made a motion to recommend denial of the conditional use application for an accessory dwelling at 1061 Lake Rutledge Road.

Second: Mr. Mundrick

Vote: 6:0 The vote to recommend denial of the conditional use application for an accessory dwelling at 1061 Lake Rutledge Road was unanimously approved.

IV. Morgan County Planning & Development, on behalf of the Joint Development Authority, is requesting a text amendment to Articles 4, 6 and 9 related to the MXD1 zoning district.

Mr. Jarrell presented the Staff Report and explained that the purpose of the proposed language was to provide a common ordinance for the counties participating in the Stanton Springs Business Park. The Planning Commission asked if the language included any uses outside the parkway. Mr. Jarrell confirmed that it did. The Planning Commission discussed the progress of the Stanton Springs project.

Motion: Ms. Booth made a motion to recommend approval of the text amendment for Articles 4, 6 and 9 related to the MXD1 zoning district as presented.

Second: Mr. Campbell


Vote: 6:0 The vote to recommend approval of the text amendment related to the MXD1 zoning district was unanimously approved.

ADJOURNMENT

Motion: Mr. Mundrick made a motion to adjourn the meeting.

Second: Ms. Craft

Vote: 6:0 The vote to adjourn the meeting was unanimously approved.


Brian Lehman, Chairman

Date 8/29/2019


Tara Cooner, Secretary

Date 8.29.19