



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: VARIANCE

Property location: 1051 Parks Mill Road, Buckhead
Property tax parcel: 052A-033B, 052A-034, 052A-035, 052A-039
Acreage: 2.82 acres
Applicant: Buckhead Baptist Church
Applicant's Agent: N/A
Property Owner: Buckhead Baptist Church, 1051 Parks Mill Road, Buckhead
Existing Use: Church

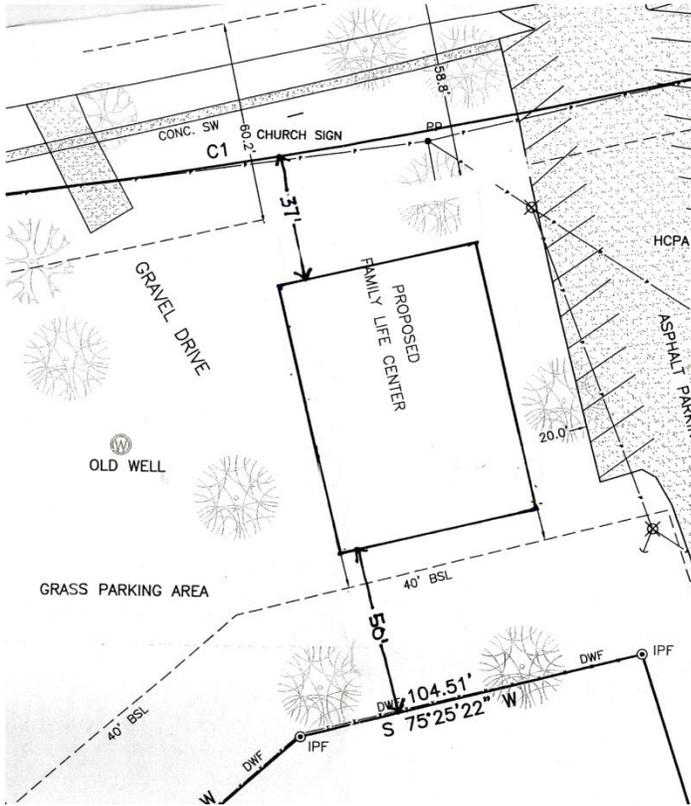
Summary

Buckhead Baptist Church is requesting a 13 foot variance for the required setback for a religious institution. The Town of Buckhead Zoning Ordinance requires a 50 foot setback from all property lines. The church proposes to construct a 60' x 80' family life center.



The church's original proposal, which was shown on the plat submitted for the conditional use application for the proposed family life center, shows the building in line with the existing sanctuary and fellowship hall. The dimensions shown on the plat are from the centerline of Parks Mill Road, but the building is only 17' from the front property line. It leaves 70' behind the building to the rear property line.

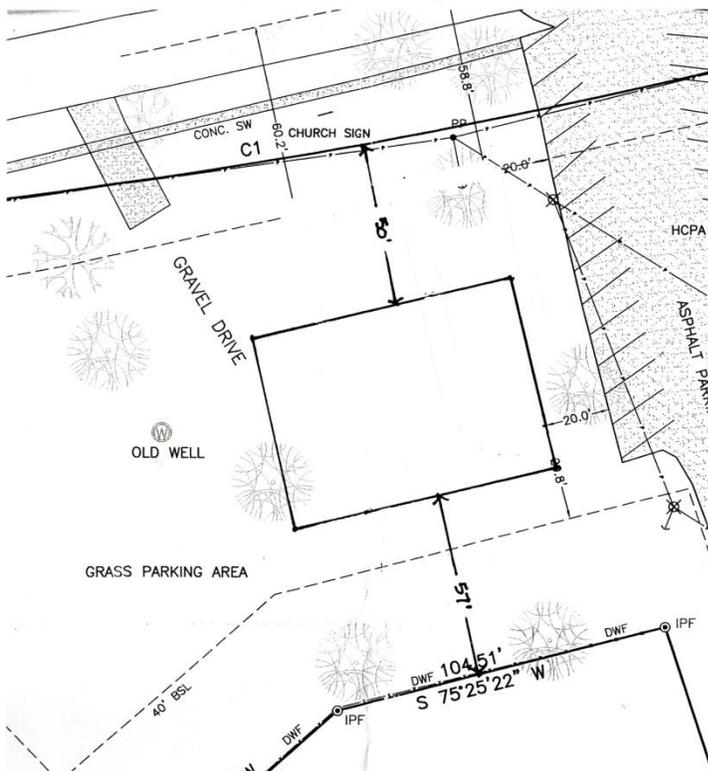
The church prefers this location as it creates a uniform distance to the road for all of the buildings and maintains the same orientation as the existing buildings.



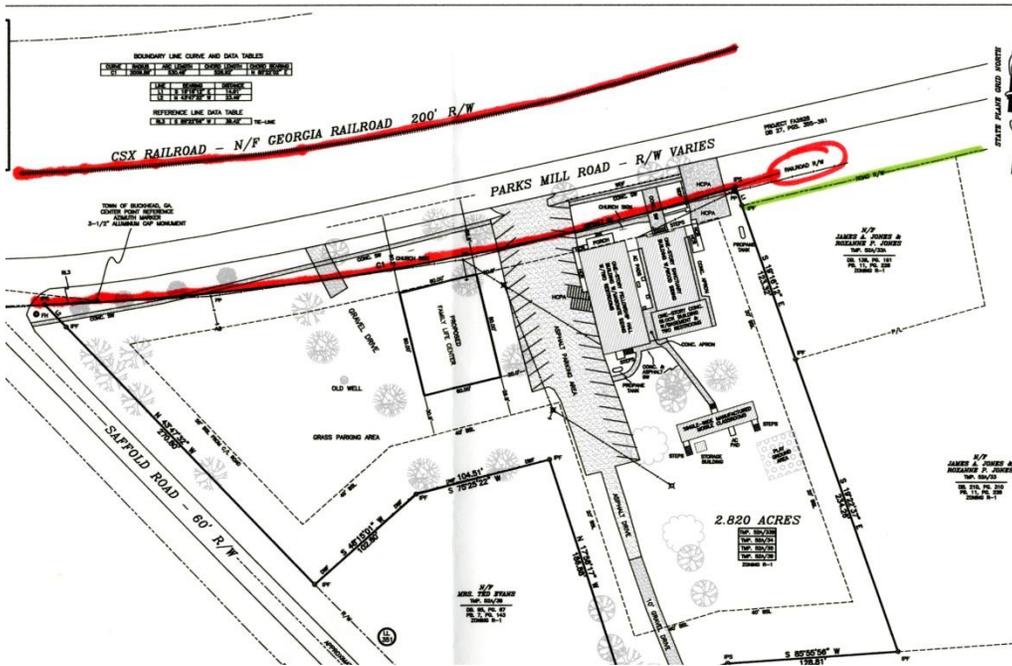
When Staff explained that religious institutions had different setbacks, the church asked for options. Staff suggested 1. Try for a variance. 2. Reduce the size of the building. 3. Turn the building so the side faces the road. The church has decided to ask for a variance that will allow them to push the building as close to the road with the minimum variance.

When maintaining the 50' setback from the rear property line, they are left with 37' from the front property line in the front, resulting in the request for a 13' variance.

Staff spoke to a couple of church members when placing zoning signs on the property and they were pleased with the variance placement, as it would allow them to save the majority of the pecan trees on the property.



The third option suggested by staff was to turn the building so that the side faced the road. This placement does not require a variance. However, the church prefers to avoid this option for several reasons. It changes the orientation of the building compared to the existing buildings and would remove at least one pecan tree. The old well would be 25' away from the building and may, or may not, cause an issue during construction with equipment movement around the structure.



One point of interest is that the front property line is the edge of the CSX Railroad right-of-way, which is a 200' foot right-of-way. This explains why the front property line is a curve and does not follow the road. Parks Mill Road (at least in this area) is entirely in the railroad right-of-way. As indicated on the plat, the right-of-way for Parks Mill Road varies. Once upon a time, the right-of-way for the road/property line was probably at or near the sidewalk. Apparently, when right-of-way was obtained for Parks Mill Road for the property adjacent to the church, the right-of-way was established at 100', as indicated by the green line that is further back than the church property line.



The red lines indicate (approximately) the 50' setbacks from the front and rear property lines.

Criteria for Consideration

From the Town of Buckhead Zoning Ordinance. Section 14.3.7, Criteria for Granting a Variance:

- (a) There are extraordinary and exceptional conditions pertaining to the property because of size, shape, and topography
- (b) The literal application of this ordinance would create an unnecessary hardship
- (c) A variance would not cause substantial detriment to public good and impair the purposes and intent of this ordinance
- (d) A variance would not confer upon the property of the applicant any special privilege denied to other properties in the district
- (e) The special circumstances surrounding the request for the variance are not the result of acts of the applicant
- (f) 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
- (g) The zoning proposal is consistent with all standards and criteria adopted by the Town of Buckhead
- (h) The variance is the minimum variance that will make possible an economically viable use of the land, building, or structure

Staff Comments

Staff has no comments.