



STAFF REPORT

MORGAN COUNTY PLANNING COMMISSION

PETITION FOR: VARIANCE

Property location: 4741 Brownwood Road, Rutledge
Property tax parcel: 021-088D
Acreage: 5.19 acres
Applicant: Greg Dickson
Applicant's Agent: N/A
Property Owner: Greg Dickson, 4731 Brownwood Road
Existing Use: Residential

Summary

Greg Dickson has requested a variance to the front setback to construct a garage addition to an accessory dwelling on his property occupied by his in-laws, Mr. & Mrs. Clifford Boner.



The accessory dwelling is in an old gas station building (the concrete for the gas pumps can still be seen in front of the red car). The Tax Assessors have the date of construction listed as 1949. The structure was converted in 2012. Morgan County was supportive of the remodel as an adaptive use project for a historic structure, despite its location within the front setback, provided the footprint remain the same. The square footage of the building met the criteria for an accessory dwelling. The carport shed roof was not part of the remodel permit, but was added at, or near, the same time.



The brown roofed house in the center of the property is the applicant's home, 4731 Brownwood Road. The subject structure is the white metal roofed structure to the left in the curve, 4741 Brownwood Road.

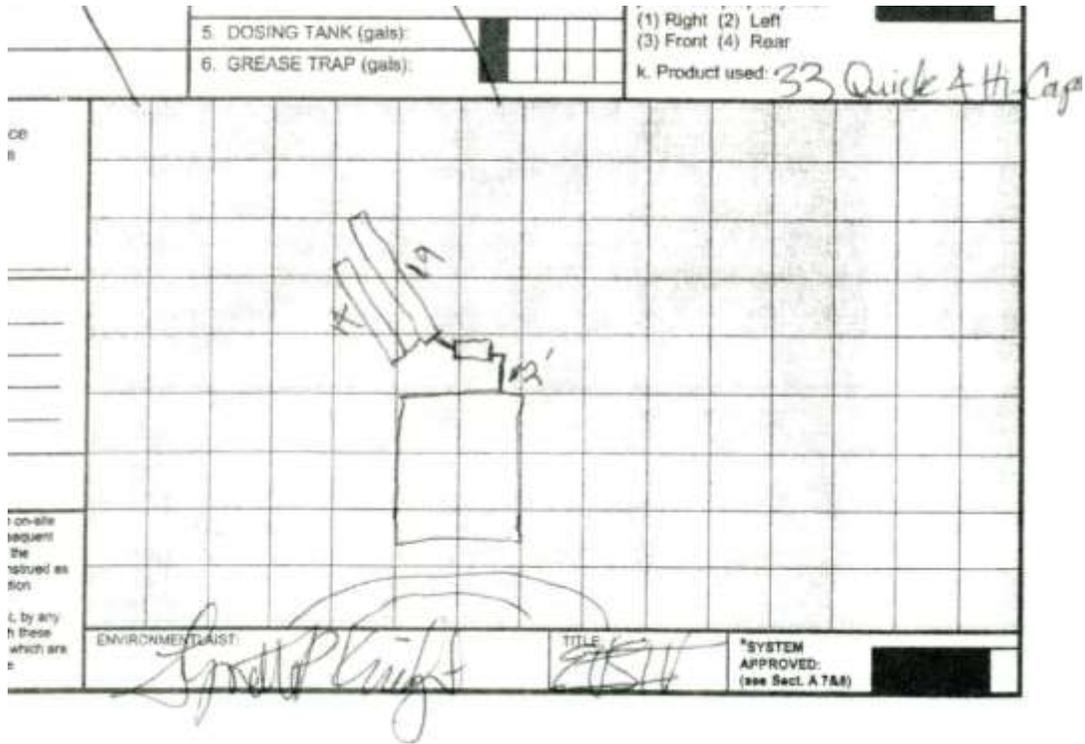
The applicant stated in the attached letter that the requested 2 car- garage was needed to allow Mr. & Mrs. Boner to unload groceries out of inclement weather. The proposed plan also includes an overhang in the rear to create a covered porch. The structure currently has an extension on the side that has evidently been used as a carport in the past, given the tracks shown on the aerial going under the structure. A vehicle was pulled up to the carport structure while Staff was on site taking photos and measurements, but stopped just short of being under the overhang. The area in front is now covered with grass and the brick pavers form the back patio have been extended under the overhang by several feet. Staff asked Mrs. Boner whether the carport was used. Mrs. Boner indicated that there was still an issue with weather and that she did not want to use it as a carport.



As stated in the applicant's letter, Staff instructed that any addition to the grandfathered structure would have to meet the current setbacks. The property is zoned Agricultural (AG), which requires a 75' front setback. The right-of-way for Brownwood Road is 80', which means the setback would be 115' from the centerline of Brownwood Road (ROW is divided by the centerline. Half of the ROW is 40'. $75 + 40 = 115$.) The front corner of the building is 60' from the centerline, which makes it a 20' setback. The rear corner of the building is 96' from the centerline, which makes it a 56' setback. The red line shows the approximate location of the 75' setback. The applicant states in their letter that placing the garage behind this line would be defeat the purpose of the request, and would create a hardship for them.

The current building is 27' wide by 34' deep, not counting the front porch or carport overhangs. The proposed addition is 28' wide by 34' deep, with the rear overhang, making the proposed roof larger than that on the existing building. A rough outline of the proposed addition is shown in yellow.

The current front of the building is 20' from the property line. If the proposed building is kept in line with the existing building, due to the curvature of the property line, the new corner (south corner) would be only 15' from the property line. This means that the variance request does not ask for the current grandfathered setback be maintained, but to be further reduced.



This sketch is from the septic tank permit issued for the dwelling on 6/14/2012. It shows the structure and the septic tank in the rear, 12' from the dwelling, and the drain field arranged diagonally from the septic tank. The permit does not indicate if this placement was the only option allowed, based on soil analysis. However, the location of the septic tank, which was installed when the structure was remodeled for a dwelling, negates any possibility of an addition directly in the back of the dwelling.



A photo showing the back of the dwelling. The occupants have an oak tree and rose bushes in the backyard, as well as other plantings. The storage building, just outside of this photo, did not require a building permit when placed on the property, although it should have been placed outside the setback.



Two more photos from the Staff site visit.

Criteria for Consideration

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;
8. The variance is the minimum variance that will make possible an economically viable use of the land, building or structure.

Staff Comments

The application does not appear to meet the criteria for consideration, with the possible exception of #2, based on the applicant's assertion that the addition is necessary due to the age of the occupants. The property is definitely large enough that a garage could be placed behind the setback.

July 10, 2017

Morgan County Planning Commission

150 E. Washington Str., Suite 200

Madison, GA 30650

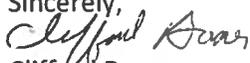
Dear Commission,

I am writing for Greg Dickson to explain his request for a variance. My name is Clifford Boner, and am Greg's father-in-law. My wife and I live in the 900 sq. ft building involved in the request.

My wife and I remodeled a vacant building that used to be an old store six years ago so we could be close to Greg, our daughter and grandkids after we retired. Now we are seventy and would like to make our lives a little easier. We would like an attached two-car garage with an eight foot overhang in the rear so that we can more easily carry our groceries in and have a place to sit outside in inclement weather.

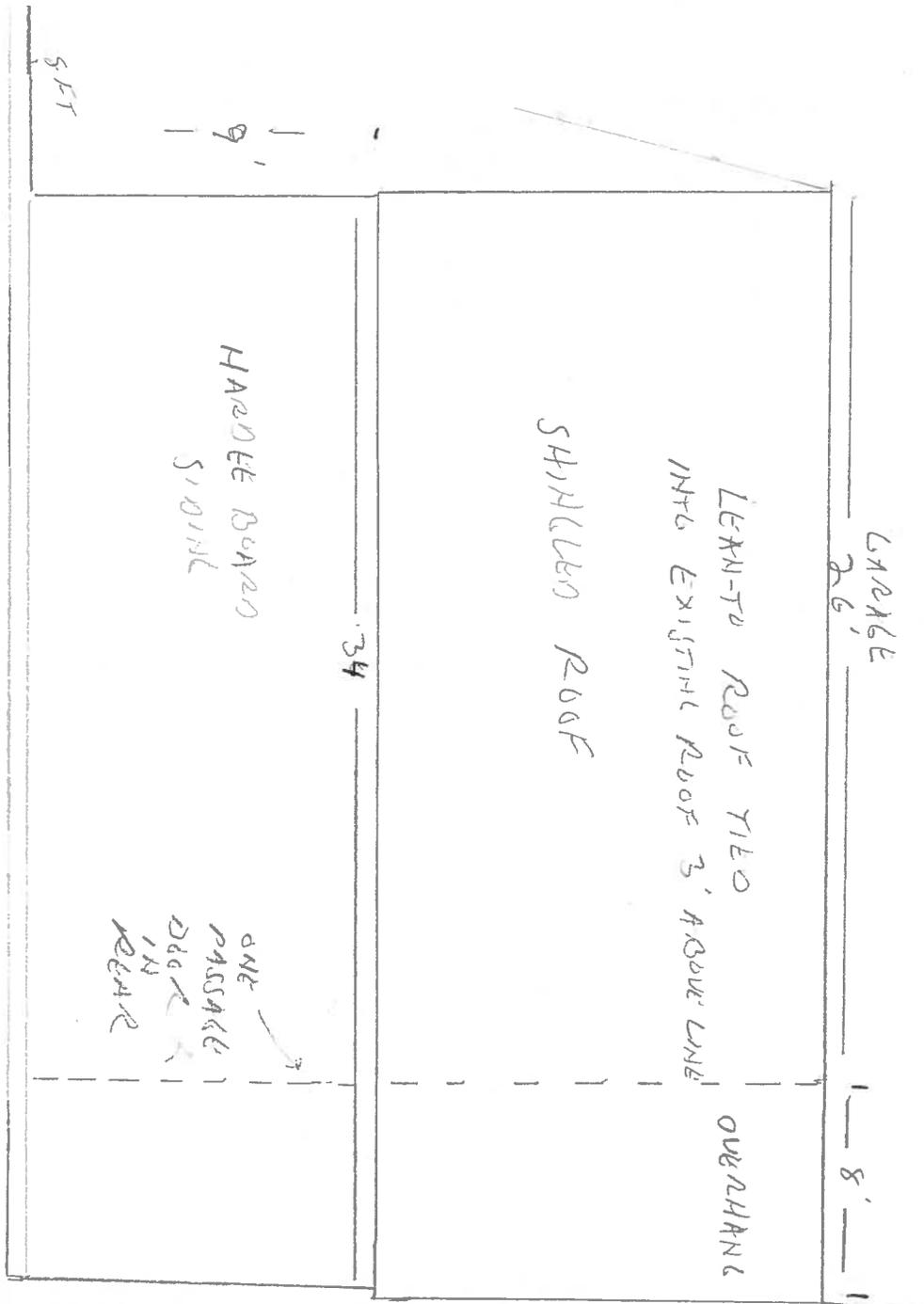
We assumed the garage could be attached to the existing building but have been told that the setback was grandfathered in when the road was built. We are told that the garage would need to be 115' from the center of the road which would place it far to the rear and side of the house defeating the the whole purpose for its construction because of the additional hardship it would present.

The variance will not cause a hardship to the public because the garage will be attached to the existing building and will be no closer to the road than the existing building. No special privilege will be given because most people are allowed to have attached garages in the district, and we are not requesting a use of land which is prohibited. The building was at its present location long before we moved there or the road was built so our actions have not caused the problem. The requested variance is the minimum variance required to economically improve the proposed use of this land. Thank you for your consideration.

Sincerely,

Clifford Boner

ATTACHED GARAGE 28' W X 26' LONG

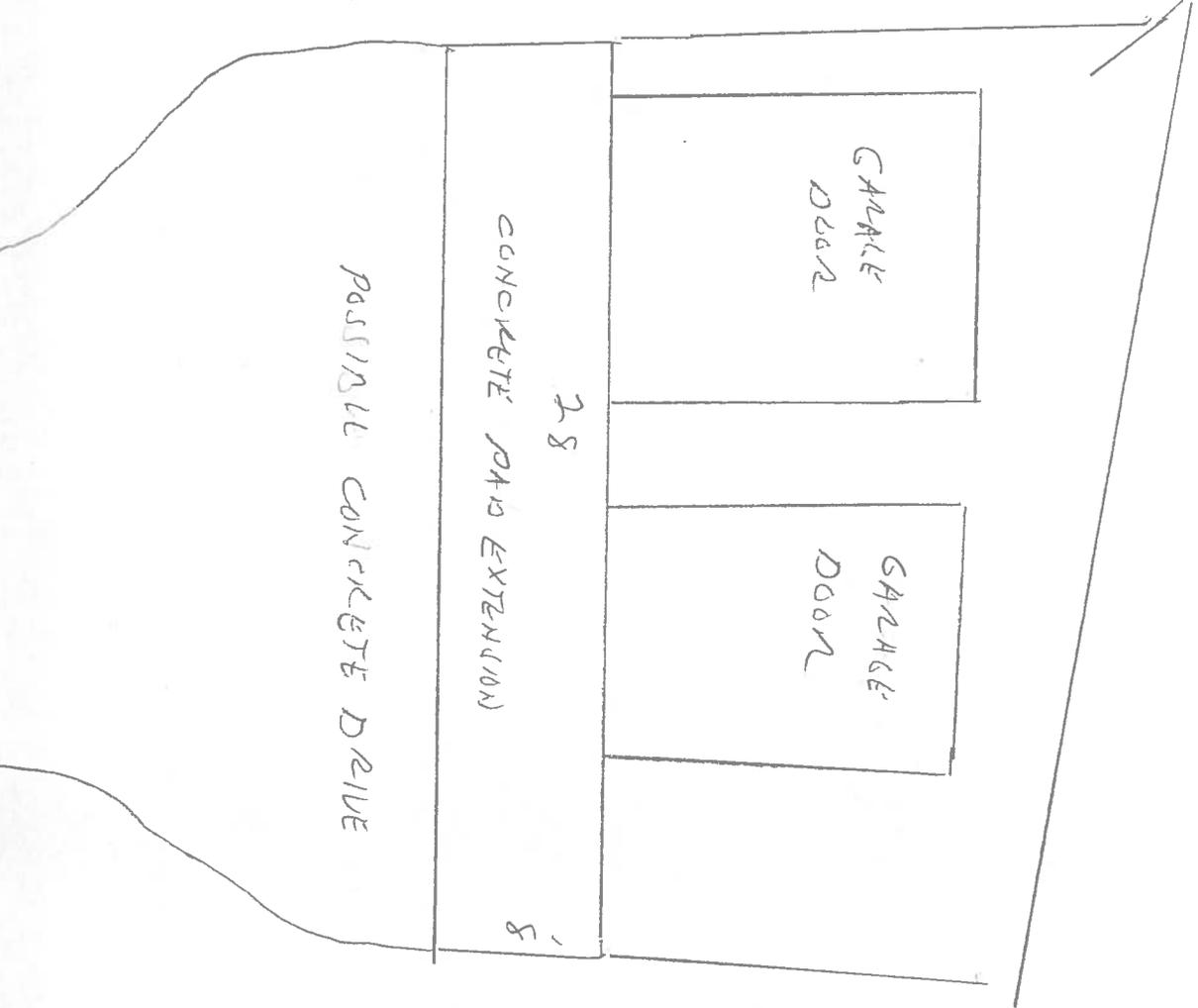
SIDE VIEW



1 OF OVERHANG A SCREENED-IN PORCH WITH CEILING FAN (8' W X 14' X 9' H)
 DO PRICE CONCRETE DRIVE TO ROAD AT EXISTING DELIVERY - SHOULD NOT NEED REINFT SINCE
 NO CEILING FANS OR WINDOWS IN GARAGE
 TWO GARAGE DOORS
 SHINGLED ROOF
 EXTENSION

FRONT VIEW

EXISTING
HOUSE



GARAGE
DOOR

GARAGE
DOOR

CONCRETE AND EXTENSION

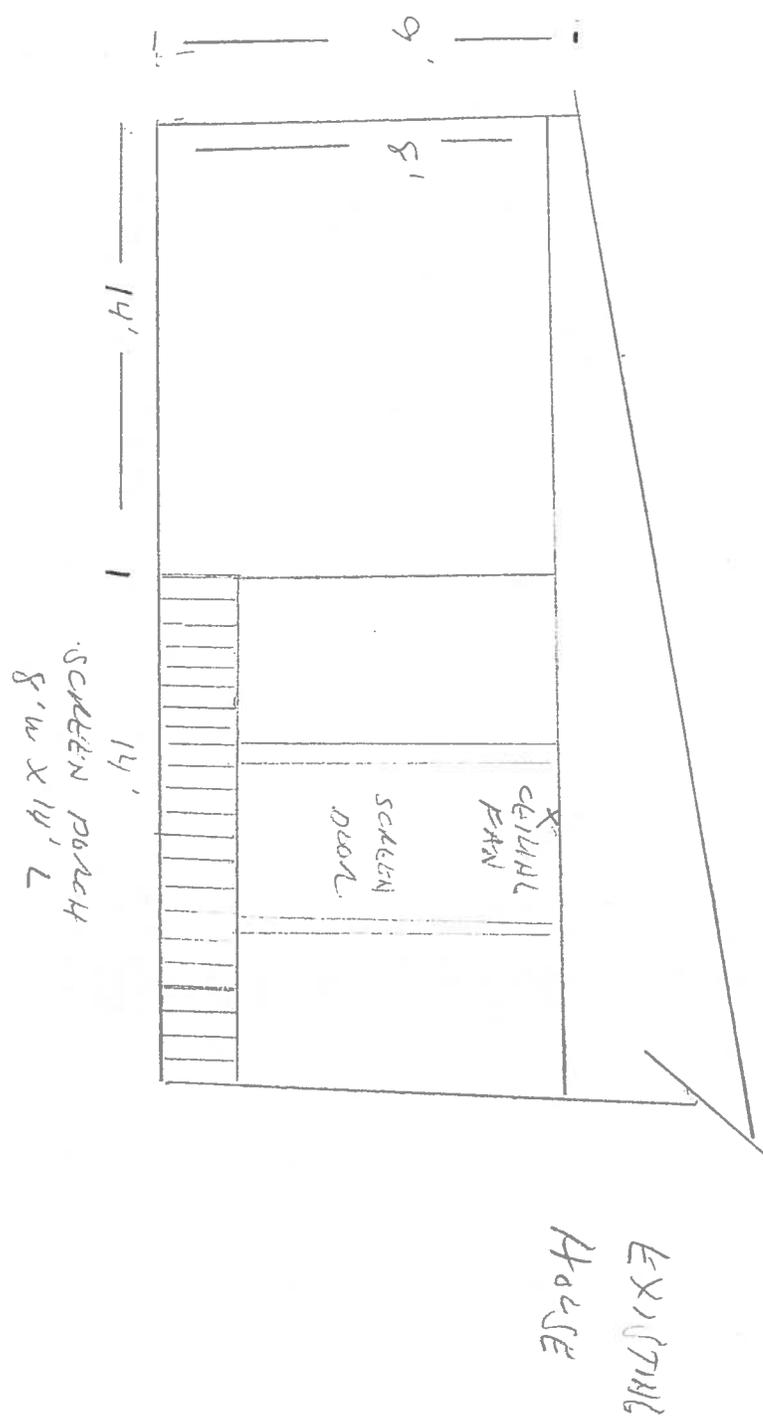
POSSIBLE CONCRETE DRIVE

28

8'

9'

REAR VIEW



NOTE
FRONT VIEW
OTHER SIDE