



STAFF REPORT TO THE PLANNING & ZONING COMMISSION

Bryce Jaeck, GIS Planner
10/20/2021

APPLICATION INFORMATION

Parcel Identification Number:	M23 032 & M23 033
Physical Address:	Bell Circle (Address not assigned)
Applicant / Owner:	Todd Peaster/Ben Crowe
Zoning Action Requested:	Variance
Campaign Contributions:	None filed
Conflict of Interest:	None filed

INTRODUCTION

The applicant is seeking identical variance requests for tax parcels M23 032 & M23 033 (henceforth referred to as properties). The properties are zoned Small Lot Residential (R4). These properties are adjacent to one another, and the request for the properties is for a build to line of 20 feet. Currently, staff estimates the build to line would be at least 50 feet as required by Section 700.1 Table 11 (Note 3). This is derived from the average distance of existing houses along a block. If there were no existing homes, the setback for R4 lots on a non-arterial street is 20 feet.

The property is not in the current flood zone nor is it in the revised maps under review. The properties are currently undeveloped. There is a pond to the west of the properties that has a small extension in the center and rear of both lots.

This staff report is being used for both properties as the reason for the request and the distance requested are the same. Two separate votes will be required.

No public comment has been filed as of the date of this report.

ZONING HISTORY

The property has been zoned R4 since 2007. The subdivision predates zoning in both Morgan County and Madison and was initially developed in unincorporated Morgan County. The property was annexed in 1990 by Madison and has not had any development since its subdivision.

STANDARDS FOR VARIANCE APPLICATION DECISIONS (SECTION 1130.6)

Standards	Staff Comments
<i>(1) there are extraordinary and exceptional conditions pertaining to the property because of size, shape, or topography;</i>	The center and rear parts of the properties are part of the nearby pond and qualify as State Waters. Madison requires twenty-five feet of setback from the edge of state waters. This mirrors current state required minimums. Per the attached site plan, the two footprints for the 30 feet x 40-foot homes would be located not much beyond that distance. A house with a 50-foot build line would intrude into the State Waters.
<i>(2) the literal application of this Ordinance would create an unnecessary hardship;</i>	State law and city ordinances prohibit building in State Waters without extraordinary measures. Additionally, it is the intent of these rules to have development occur outside of State Waters and their immediate environs to protect water quality and reduce erosion. Granting this variance would support the intent of those laws while applying the standard of an undeveloped block of R4 lots.
<i>(3) variance would not cause substantial detriment to public good or impair the purposes or intent of this Ordinance;</i>	Granting the variance would ensure the detached dwelling would be compliant with state and local codes. Additionally, the request would still be within the setbacks established by the R4 zoning district for lots in an undeveloped block.

<p>(4) a variance will not confer upon the property of the applicant any special privilege denied to other properties in the district;</p>	<p>The applicant is seeking this variance to avoid State Waters located on the property.</p>
<p>(5) the special circumstances surrounding the request for the variance are not the result of acts by the applicant;</p>	<p>The special circumstance is due to the presence of State Waters. Even if the pond had not been built circa 1950, there would still be stream – which would be State Waters.</p>
<p>(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 zoning district;</p>	<p>The applicant is seeking a use for the property that is permitted by right in the R4 Zoning District.</p>
<p>(7) the zoning proposal is consistent with the construction and design standards and design criteria adopted by the City of Madison; and,</p>	<p>The property is outside of the Historic Preservation Overlay District (HPO) and Corridor Design Overlay District (CDO). All other design criteria within the zoning ordinance will be followed according to the proposal, other than the 20-foot building line as required by section 700.1 Table 11 Note (3).</p>
<p>(8) the variance is the minimum variance that will make possible an economically viable use of the land, building, or structure.</p>	<p>The proposed variance is the minimum variance needed to develop the lot.</p>

SUMMARY

NOTE – While both properties are requesting an identical variance for the same reason, two actions and public hearings will be required.

TAX PARCEL M23 032

Staff advises that any motion to recommend:

APPROVAL of the request for a front building line of 20 feet instead of 50 feet as required by Section 700.1 Table 11 (Note 3) for tax parcel M23 032 based on the application, public hearing, and discussion, and considering applicable standards, due to the following reasoning(s), findings(s), and/or conclusion(s):

1. _____
- _____
- _____
- _____

DENIAL of the request for a front building line of 20 feet instead of 50 feet as required by Section 700.1 Table 11 (Note 3) for tax parcel M23 032 based on the application, public hearing, and discussion, and considering applicable standards, due to the following reasoning(s), findings(s), and/or conclusion(s):

1. _____
- _____
- _____
- _____

TAX PARCEL M23 033

Staff advises that any motion to recommend:

APPROVAL of the request for a front building line of 20 feet instead of 50 feet as required by Section 700.1 Table 11 (Note 3) for tax parcel M23 032 based on the application, public hearing, and discussion, and considering applicable standards, due to the following reasoning(s), findings(s), and/or conclusion(s):

DENIAL of the request for a front building line of 20 feet instead of 50 feet as required by Section 700.1 Table 11 (Note 3) for tax parcel M23 032 based on the application, public hearing, and discussion, and considering applicable standards, due to the following reasoning(s), findings(s), and/or conclusion(s):

1. _____
- _____
- _____
- _____

1. _____
- _____
- _____
- _____

OTHER ACTION(S): _____

OTHER ACTION(S): _____

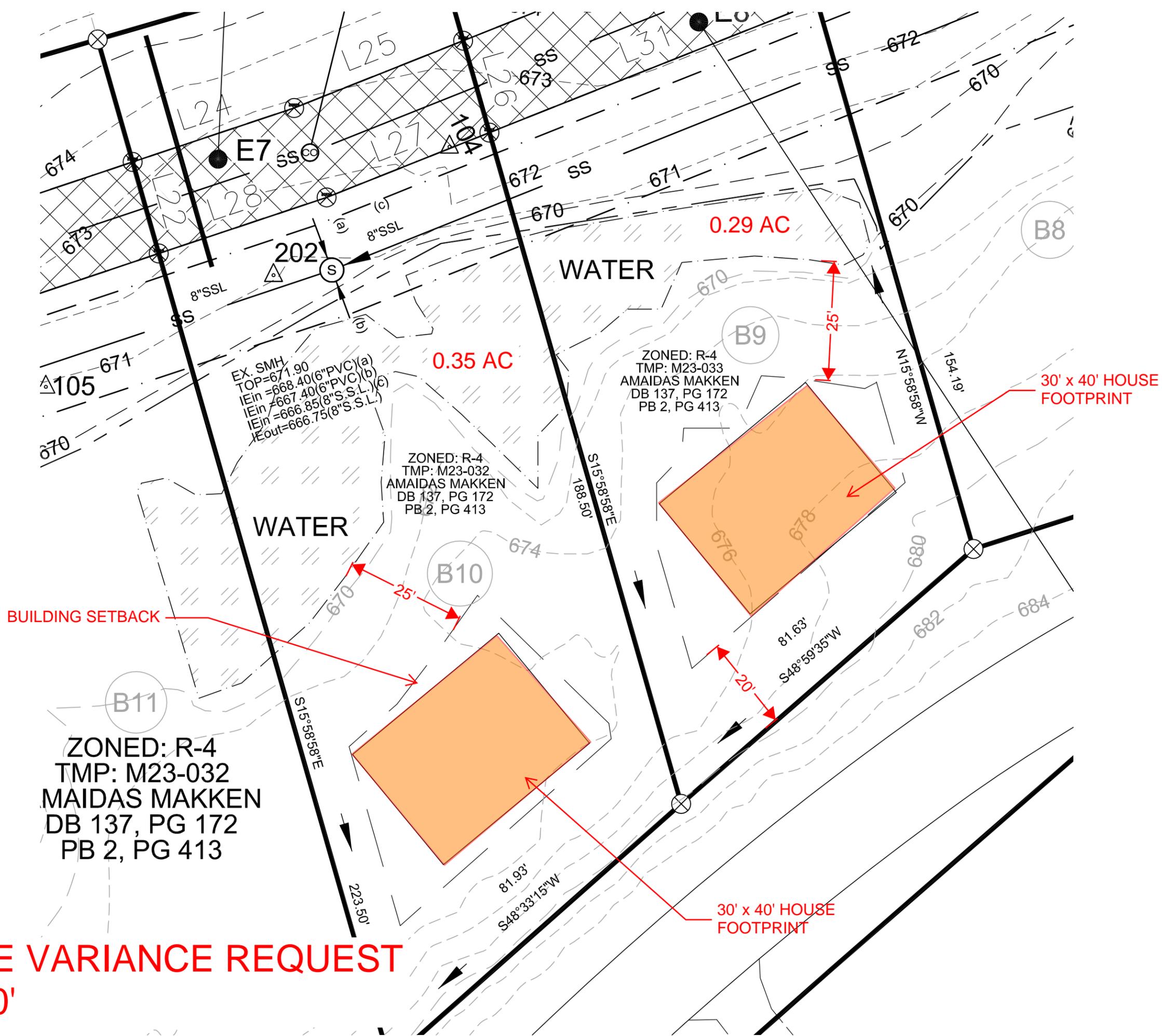
City of Madison
Main Street & Planning Department
Bryce Jaeck
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All materials submitted by the applicant are available at City Hall or online at <http://www.MadisonGA.com/Zoning>. Staff will have copies of these materials at all public hearings.

** An addendum reflecting the public hearing held before the City of Madison Planning and Zoning Commission (PZC) and any comments made by the PZC will be available after the scheduled meeting.*

BELL CIRCLE VARIANCE REQUEST

Scale: 1" = 30'





September 20, 2021

City of Madison
285 N. Main Street
Madison, Georgia 30650

Re: PINs: M23 032 and M23 033 - Bell Circle Variance Application

To Whom It May Concern:

Please find attached an Application for Variance from Georgia Civil, Inc. as a representative of the Owner, Ben Crowe. The applications are for PINs: M23 032 and M23 033, located on Bell Circle in the City of Madison. We are requesting a variance to the front setback to 20' from the setback provided by the City of Madison of 50'-55'.

The Owner feels this request is justified due to the following factors:

- 1) The lot configuration and proximity to water bodies do not allow for a home to be built with setbacks at 50'.
- 2) The requested setback of 20' matches the underlying setback of the current property zoning as required by the City of Madison.
- 3) The 20' setback is consistent with other homes in the neighborhood including homes built on Commerce, Hodges, Highland, Churchill, and Commerce Streets that are at our very near 20' from the right-of-way. Thus, granting the variance would not be setting a new precedent for the area.
- 4) The homes proposed would be in-keeping with the style of the existing homes in the neighborhood and would not detract from the look and feel of the existing neighborhood.

Please do not hesitate to call me with any questions you may have about this application.

Thank you for your consideration of this request.

Sincerely,

Todd M. Peaster, Vice President
Georgia Civil, Inc.